



Community Planning, Regulation and Mobility Committee Meeting Agenda

Date: September 13, 2022
Time: 9:30 a.m., reconvening at 6:30 p.m.
Location: Hybrid meeting- virtual and Council Chambers, City Hall
Contact: Committee Clerk, Jo-Anne.Rudy@burlington.ca, 905-335-7600, x7413

Pages

1. Declarations of Interest:

2. Statutory Public Meetings:

Statutory public meetings are held to present planning applications in a public forum as required by the Planning Act.

- | | |
|--|---------|
| 2.1. Official Plan and Zoning By-law amendments for 4103 Palladium Way (PL-50-22) | 1 - 14 |
| Direct staff to continue to proceed with the processing of the submitted Official Plan amendment and Zoning By-law amendment application for 4103 Palladium Way, including evaluating and incorporating any/all comments received by committee and the public at the statutory public meeting, as well as the comments received through the ongoing technical review of this application by agency partners and internal departments. | |
| 2.2. Official Plan and Zoning By-law amendments for 3110 South Service Road (PL-62-22) | 15 - 27 |
| Direct staff to continue to proceed with the processing of the submitted Official Plan amendment and Zoning By-law amendment application for 3110 South Service Road, including evaluating and incorporating any/all comments received by committee and the public at the statutory public meeting, as well as the comments received through the ongoing technical review of this application by agency partners and internal departments. | |
| 2.3. Official Plan and Zoning By-law amendment applications for 1396 Guelph Line (PL-65-22) | 28 - 66 |

Note: this item will be discussed at 6:30 p.m.

Receive and file community planning department report PL-65-22 regarding Official Plan and Zoning By-law amendment applications for 1396 Guelph Line.

- 2.4. Official Plan and Zoning By-law amendment applications for 1989 Appleby Line (PL-66-22)

67 - 83

Note: this item will be discussed at 6:30 p.m.

Direct staff to continue to process the submitted applications for Official Plan and Zoning By-law amendments for 1989 Appleby Line, including evaluating and incorporating comments received by committee and the public at the statutory public meeting, as well as the comments received through the ongoing technical review of this application by agency partners and internal departments.

3. Delegation(s):

Standing committee and City Council meetings are held using a hybrid model, allowing members of Council, city staff and the public the option of participating remotely or in-person at city hall, 426 Brant St. Requests to delegate to this hybrid meeting can be made by completing the online delegation registration form at www.burlington.ca/delegate, by submitting a written request by email to the Office of the City Clerk at clerks@burlington.ca or by phoning 905-335-7600, ext. 7481 by noon the business day before the meeting is to be held.

It is recommended that virtual delegates include their intended remarks, which will be circulated to all members in advance, as a backup to any disruptions in technology issues that may occur. If you do not wish to delegate, but would like to submit correspondence, please email your comments to clerks@burlington.ca. Any delegation notes and comments will be circulated to members in advance of the meeting and will be attached to the minutes, forming part of the public record.

4. Consent Items:

Reports of a routine nature, which are not expected to require discussion and/or debate. Staff may not be in attendance to respond to queries on items contained in the Consent Agenda.

- 4.1. PRESTO Contactless Payment (TR-02-22)

84 - 89

Authorize the Mayor and City Clerk to sign the Amending Agreement for the 905 Agencies and Metrolinx related to Open Payment, referred to as the PRESTO Contactless Payment, with content satisfactory to the

Director of Transit and in a form satisfactory to the Executive Director of Legal Services and Corporation Counsel; and
 Approve the recommended changes to the rates and fees for the Transit Department include PRESTO Contactless payment as a payment option for transit at the current cash rate of \$3.50; and
 Enact the By-law to amend By-law 61-2021, to implement PRESTO Contactless payment options, attached as Appendix “A” to transit department report TR-02-22, which has been prepared in a form satisfactory to the Executive Director of Legal Services and Corporation Counsel.

4.2. CUTRIC/CUTZEB™ Joint Procurement Initiative (TR-04-22) 90 - 93

Receive transit department report TR-04-22 which outlines the key deliverables and planning activities to be developed by the Canadian Urban Transit Research & Innovation Consortiums (CUTRIC) Zero-Emissions Bus CUTZEB™ Joint Procurement Initiative to support the development of the Zero-Emission Bus Fleet Implementation and Rollout Plan, capital funding application(s) and joint procurement services for the supply of Zero Emission Buses (ZEBs), chargers, power supply services and infrastructure development services for Burlington Transit for the years 2023 to 2026; and

Direct the Director of Transit to confirm Burlington’s participation in the CUTZEB™ joint procurement initiative at an estimated cost of \$92,500 plus HST, using existing funds received from the Provincial Gas Tax and authorize the Mayor and City Clerk to execute on behalf of the Corporation of the City of Burlington the necessary contracts with CUTZEB™, to the satisfaction of the Executive Director of Legal Services and the Director of Transit.

4.3. Future of City of Burlington Outdoor Patio Program - update for Q3 2022 (PL-67-22) 94 - 97

Receive and file community planning department report PL-67-22 regarding the future of the City of Burlington Outdoor Patio Program update for Q3 2022.

4.4. Request to amend Heritage Designation Bylaw for 38 Frontier Trail (formerly 398 Mountain Brow Road East) (PL-61-22) 98 - 170

State an intention to amend By-law 44-2009 pursuant to Part IV of the Ontario Heritage Act, section 30.1 (1), as shown in the draft amending by-law and revised statement of significance attached as Appendix C to community planning department report PL-61-22; and

Direct the Director of Community Planning to provide notice of Council’s

intention to amend By-law 44-2009, in accordance with section 29 (3) and 29 (4) of the Ontario Heritage Act; and

Direct the City Clerk to present the draft amending by-law to Council for approval within 120 days after the date of publication of the notice of intention to amend By-law 44-2009, provided there is no objection or withdrawal; and

Direct the City Clerk to take the necessary actions in the event of any objection to the statement of intention to amend By-law 44-2009 pursuant to Part IV of the Ontario Heritage Act, sections 29 (5) and 29 (6); and

Direct the City Solicitor to take necessary steps to implement the following amendments to the existing Heritage Conservation Easement Agreement, registered on title for the heritage property at 398 Mountain Brow Road, Instrument No. HR1518674 (the "HEA"), dated April 29th, 2009:

- a. Replace the Statement of Significance attached to the HEA under Schedule "C" with the revised statement of significance attached as Appendix C to community planning department report PL-61-22
- b. Make any required amendments to the HEA to remove references to the demolished house and accurately reflect the existing condition of the property to the satisfaction of the Director of Community Planning
- c. Introduce any necessary bylaw in Council to amend the HEA.

5. Regular Items:

5.1. New Zoning By-law Review Project - Terms of Reference (PL-60-22) 171 - 215

Endorse the proposed Terms of Reference for the City's New Zoning By-law Project attached as Appendix A to community planning department report PL-60-22; and

Authorize the Director of Community Planning to engage consultants through a Request for Proposal process to carry out the work, in accordance with the above noted proposed Terms of Reference; and Direct the Director of Community Planning to finalize the Engagement Plan based on the draft Engagement Plan attached as Appendix C to community planning department report PL-60-22.

5.2. Draft Plan of Subdivision at 4375 Millcroft Park Drive (PL-64-22) 216 - 273

Approve the application submitted by Salotto Building Group Inc. to draft approve a residential plan of subdivision consisting of 30 lots and a

public road at 4375 Millcroft Park Drive, Block 133 of Plan 20M-811, as shown in Appendix A of community planning department report PL-64-22, subject to the conditions contained in Appendix B of that report.

5.3. Zoning By-law amendment for 2154 Walker's Line (PL-63-22) 274 - 325

Approve the Zoning By-law amendment application for the property located at 2154 Walker's Line to permit nine (9) townhouse units of two (2) storeys in height to be developed on a private road; and
Approve Zoning By-law 2020.445, attached as Appendix D of community planning report PL-63-22, which rezones the lands at 2154 Walker's Line from 'R3.2' zone to 'RM2-517'; and
Deem that the amending zoning by-law will conform to the Official Plan of the City of Burlington and that there are no applications to alter the Official Plan with respect to the subject lands.

5.4. Proposed inclusion of downtown properties on the City of Burlington Heritage Register (PL-59-22) 326 - 419

Direct the Director of Community Planning to add the following list of properties to the Municipal Heritage Register and provide notice to the owner of the property within 30 days, pursuant to section 27(5) of the Ontario Heritage Act, R.S.O. 1990, c. O.18:

353-355 Brant Street
357 Brant Street
359 Brant Street
372-374 Brant Street
380 Brant Street
422 Burlington Avenue
426 Burlington Avenue
437 Burlington Avenue
437 Elizabeth Street
441 Elizabeth Street
468 Elizabeth Street
404-408 John Street
1415 Lakeshore Road
2003 Lakeshore Road
458 Locust Street
488 Locust Street
492 Locust Street
513 Locust Street
524 Locust Street
2010 Maria Street
1445 Ontario Street

431 Pearl Street
435 Pearl Street
436 Pearl Street; and

Authorize the City Clerk to take necessary action if there are any objections in accordance with Section 27(7) of the Ontario Heritage Act, R.S.O. 1990, Chapter 0.18 and report back no later than 120 days after notices are sent out presenting all of the objections received; and Following study completion, direct the Director of Community Planning to re-assess the eligibility of the above listed properties for continued inclusion on the Heritage Register and report back to City Council with a recommendation.

6. Confidential Items:

Confidential reports may require a closed meeting in accordance with the Municipal Act, 2001. Meeting attendees may be required to leave during the discussion.

7. Procedural Motions:

8. Information Items:

9. Staff Remarks:

10. Committee Remarks:

11. Adjournment:



SUBJECT: Statutory public meeting for Official Plan and Zoning By-law amendments for 4103 Palladium Way

TO: Community Planning, Regulation & Mobility Cttee.

FROM: Community Planning Department

Report Number: PL-50-22

Wards Affected: 6

File Numbers: 505-02/22 & 520-03/22

Date to Committee: September 13, 2022

Date to Council: September 20, 2022

Recommendation:

Direct staff to continue to proceed with the processing of the submitted Official Plan amendment and Zoning By-law amendment application for 4103 Palladium Way, including evaluating and incorporating any/all comments received by committee and the public at the statutory public meeting, as well as the comments received through the ongoing technical review of this application by agency partners and internal departments.

PURPOSE:

The purpose of this report is to provide background information to Committee and the public related to the Official Plan Amendment and Zoning By-law Amendment application submitted for the land municipally known as 4103 Palladium Way and seek direction from Council to continue to process the application.

Pending the receipt of all public and agency comments and the conclusion of a technical review of the application, staff will work towards bringing forward a subsequent recommendation report to Council for consideration.

Vision to Focus Alignment:

The subject application relates to the following focus areas of the 2018-2022 Burlington's Plan: From Vision to Focus:

- Increase economic prosperity and community responsive city growth

- Improve integrated city mobility
- Support sustainable infrastructure and a resilient environment
- Building more citizen engagement, community health and culture

Executive Summary:

RECOMMENDATION:		Proceed with processing application	Ward:	6
Application Details	APPLICANT:	Design Plan Services Inc.		
	OWNER:	Better Life Retirement Residence Inc (2669006 Ontario Inc.)		
	FILE NUMBERS:	505-02/22 & 520-03/22		
	TYPE OF APPLICATION:	Official Plan Amendment and Zoning By-law Amendment		
	PROPOSED USE:	5-storey Long Term Care Facility containing 256 beds and a 6-storey Retirement Home containing 115 units.		
Property Details	PROPERTY LOCATION:	Northeast of the intersection of Walker's Line and Palladium Way, west of Palladium Way and east of Walker's Line.		
	MUNICIPAL ADDRESSES:	4103 Palladium Way		
	PROPERTY AREA:	1.48 ha		
	EXISTING USE:	Vacant land		
Documents	OFFICIAL PLAN Existing:	'Business Corridor' (1997 Official Plan)		
	OFFICIAL PLAN Proposed:	'Business Corridor' (2020 Official Plan)		
	ZONING Existing:	'Modified Business Corridor'		
	ZONING Proposed:	'Business Corridor' with site specific regulations (BC1-505)		
Process	APPLICATION RECEIVED:	May 5, 2022		

	STATUTORY DEADLINE:	September 2, 2022 (120 days)
	COMMUNITY MEETING:	March 30, 2021
	PUBLIC COMMENTS:	No written comments received. Number of Notices Sent: 51

Background and Discussion:

On May 30, 2022, Planning staff deemed complete the application that had been received as of May 5, 2022 for an Official Plan amendment and Zoning By-law Amendment at 4103 Palladium Way (the “subject land”). The purpose of the application is to permit a 5-storey Long Term Care Facility building containing 256 beds and a 6-storey Retirement Home building containing 115 units fronting onto Palladium Way (as shown on Appendix B).

Subject Land Description & Surrounding Land Uses

The subject land is located northeast of the intersection of Walker’s Line and Palladium Way, more specifically west of Palladium Way and east of Walker’s Line (as shown on Figure 1 (right), and Appendix A). The subject land has an area of approximately 1.48 ha and approximately 80.75 m of frontage on Palladium Way. The subject land is currently vacant.

The subject land is surrounded by a mix of employment uses, parks and open space uses as well as residential uses. Directly abutting the site to the north are lands zoned for open space which currently contains Appleby Creek and natural vegetation. Directly abutting the site to the south are lands zoned for employment uses currently occupied by the Region of Halton Court Services. Directly abutting the site to the east is Palladium Way and across is the public park ‘Palladium Park’. Directly abutting the site to the west is Walker’s Line and across



Figure 1 - Air Photo (2019) with subject property outlined

are lands zoned for employment uses which are currently vacant (as shown on Appendix A).

The subject land is approximately 550 metres north in walking distance from the nearest Burlington Transit bus stop located on Route 48 (Millcroft) which runs along Walker's line and Thomas Alton Boulevard and into the Millcroft Neighbourhood as well as Route 6 (Headdon – Haber) which also runs along Walker's line and Thomas Alton Boulevard and ends at the Burlington GO Train Station.

Description of Application

The purpose of the application is to permit a five (5) storey Long Term Care Facility building containing 256 beds within 17,344 m² of Gross Floor Area (GFA) and a six (6) storey Retirement Home building containing 115 units within 9,509.7 m² of GFA fronting onto Palladium Way (as shown on Appendix B). Additionally, a total of 238 parking spaces will be provided through both surface and underground parking within the subject land. Access to the property will be located along Palladium Way.

A Zoning By-law Amendment application was previously approved by City Council on September 28, 2020 (By-law 2020.432) for this property to allow for a six (6) storey long-term care facility and associated ancillary uses. At this time, the applicant has made changes to the proposed concept plan, including a new proposed Retirement Home, which is not a permitted use on the subject land and would therefore trigger an Official Plan and Zoning By-law Amendment.

Applications for the Official Plan redesignation and implementing Zoning By-law amendments are required to facilitate the proposed development, which includes, an increased floor area ratio (FAR) for the Long Term Care Facility and Retirement Home of 1.8:1; a reduced south side yard setback for the underground parking structure of 3.5 m; a reduced yard abutting Walker's Line of 14 m and to expand the list of permitted uses to include a Retirement Home.

Supporting Documents

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

- [Official Plan Amendment and Zoning By-law Amendment Application Form](#) prepared by Design Plan Services Inc. dated April 28, 2022
- [Application Submission Cover Letter](#) prepared by Design Plan Services Inc. Prepared by Design Plan Services Inc. dated April 29, 2022
- [Planning Justification Report \(includes the Pre-Application Public Consultation Meeting Minutes and response\)](#) prepared by Design Plan Services Inc. and Sam Esposto Architect Inc. dated April 2022
- [City of Burlington Urban Design Advisory Panel Minutes](#) dated May 20, 2021

- [Urban Design Brief](#) prepared by Sam Esposto Architect Inc. dated April 25, 2022
- [Site Survey](#) prepared by J.D. Barnes dated February 15, 2019
- [Site Plan](#) prepared by Sam Esposto Architect Inc. dated December 2020
- [Architectural Plans \(including Floor Plans, Elevations, Underground Parking Plan and Renderings\)](#) prepared by Sam Esposto Architect Inc. dated December 2020
- [D-6 Land Use Compatibility – Air Quality Feasibility Study](#) prepared by exp Services Inc. dated December 20, 2021
- [Sun Shadow Study](#) prepared by Sam Esposto Architect Inc. dated April 29, 2022
- [Landscape Concept Plan](#) prepared by Baker Turner Inc. dated April 26, 2022
- [Tree Inventory and Preservation Plan](#) prepared by Barker Turner Inc. dated April 26, 2022
- [Arborist Report](#) prepared by Barker Turner Inc. dated May 3, 2022
- [Functional Servicing Report](#) prepared by exp Services Inc. dated April 26, 2022
- [Hydrogeological Study](#) prepared by exp Services Inc. dated April 28, 2022
- [Noise and Vibration Impact Study](#) prepared by Thornton Tomasetti dated April 27, 2022
- [Traffic Impact Study](#) prepared by GHD dated April 22, 2022.
- [Storm Water Management Report](#) prepared by exp Services Inc. dated April 26, 2022
- [Geotechnical Report](#) prepared by exp Services Inc. dated November 3, 2021
- [Phase One Environmental Site Assessment](#) prepared by exp Services Inc. dated November 28, 2021
- [Sustainable Building and Development Guidelines Checklist](#) prepared by Design Plan Services Inc. dated May 2, 2022
- [Environmental Site Screening Questionnaire](#) prepared by Design Plan Services Inc. dated April 28, 2022
- [Draft Official Plan Amendments](#) prepared by Design Plan Services Inc. dated May 2022
- [Draft Zoning By-law Amendment](#) prepared by Design Plan Services Inc. dated May 2022
- [Construction and Mobility Management Plan](#) prepared by exp Services Inc. dated April 2022
- [Waste Management Report](#) prepared by GHD dated April 28, 2022
- [Site Grading Plan](#) prepared by exp Services Inc. dated April 2022
- [Site Servicing Plan](#) prepared by exp Services Inc. dated April 2022
- [Sections and Details](#) prepared by exp Services Inc. dated April 2022
- **PIN Report** dated April 4, 2022

Supporting documents have been published on the City's website for the subject application, www.burlington.ca/4103palladiumway.

Policy Framework

The proposed Official Plan Amendment and Zoning By-law Amendment are subject to review against the Planning Act, Provincial Policy Statement (2020), A Place to Grow: The Growth Plan for the Greater Golden Horseshoe (2020), Region of Halton Official Plan, City of Burlington Official Plan (1997, as amended), City of Burlington New Official Plan (2020), and City of Burlington Zoning By-law 2020, as summarized below. A policy analysis will be provided in a future recommendation report to Council to demonstrate whether the proposal is in keeping with the applicable framework.

Provincial Policy Statement (PPS), 2020

The PPS promotes healthy, liveable and safe communities that are sustained by appropriate development and land use patterns that make efficient use of land and infrastructure, accommodate an appropriate range and mix of uses, protect public health and safety and the environment. The PPS directs that growth and development be focused in settlement areas. In settlement areas, land use patterns are to be based on densities and a mix of land uses to meet long term needs and which efficiently use land, resources, infrastructure and public service facilities, prepare for the impacts of a changing climate, support active transportation and transit.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan), 2020

The Growth Plan provides specific growth management policy direction for the Greater Toronto and Hamilton Area (GTHA) and focuses development in the existing urban areas through intensification. The guiding principles of the Growth Plan include building complete communities that are vibrant and compact, and utilizing existing and planned infrastructure in order to support growth in an efficient and well-designed form.

Halton Region Official Plan (ROP)

The subject land is designated as Urban Area within the Halton Region Official Plan (ROP). 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. Within the Urban Area, the Regional Urban Structure as shown on Map 1H implements Halton's planning vision and growth management strategy to ensure efficient use of land, amongst other matters.

Section 72.1 (6) identifies a Regional Urban Structure that directs growth to Strategic Growth Areas. The Subject Lands are not located within a Strategic Growth Area.

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

The City of Burlington's Official Plan 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 land is designated as 'Business Corridor' under Schedule B: Comprehensive Land Use Plan – Urban Planning Area of the Official Plan. This designation aims to provide locations in the City for prestige-type offices and industrial uses that require good access and high visibility along major transportation routes. Lands within this designation may permit a wide range of employment uses including office, industrial, utilities, transportation, hotel, conference and convention uses as well as services trades uses. Additionally, a limited range of retail, service commercial and recreation uses as well as a residence for a watchman or caretaker use may be permitted. A retirement home is not a permitted use under this designation therefore an Official Plan Amendment is required to facilitate the proposed development.

City of Burlington New Official Plan (OP, 2020)

On November 30, 2020, the Region of Halton issued a Notice of Decision approving the new Burlington Official Plan. The new Official Plan has been developed to reflect the opportunities and challenges facing the City as it continues to evolve.

Section 17(38) of the Planning Act (R.S.O. 1990, as amended) sets out that all parts of an approved official plan that are not the subject of an appeal will come into effect on the day after the last date for filing a notice of appeal- that date being December 22, 2020 for the new Burlington Official Plan. At this time, no formal determination has been made as to the validity of the appeals of relevant sections of OP, 2020.

The subject land is designated as 'Business Corridor' under Schedule C: Land Use - Urban Area of the New Official Plan. This designation aims to provide locations in the city for prestige-type offices and industrial uses that require good access and high visibility along major transportation routes. Lands within this designation may permit a wide range of employment uses and ancillary employment uses including office, industrial, utilities, transportation, service trades, hotel, conference and convention uses. Additionally, a limited range of accessory retail, a full range of accessory service commercial, a limited range of recreation uses and large-scale motor vehicle dealership uses may be permitted. The proposed use does not comply with the new OP, therefore an amendment would be required to permit for the Retirement Home use on the subject land.

Zoning By-law 2020

The subject land is currently zoned as 'Business Corridor' (BC1-505) with site specific regulations (as shown on Appendix A). The BC1 zone permits a wide range of employment uses including office, industrial, hospitality, automotive as well as limited retail, service commercial and recreation uses. Zoning exception number 505 permits for additional uses including a Long Term Care Facility and related accessory uses such as a Day Care Centre, Medical Clinic (with accessory Pharmacy), and convenience restaurant. Zoning exception number 505 also permits for specific structures and walkways within the landscape area or buffer, increased floor area ratio, reduced parking, yards and setbacks as well as an increased height of up to six (6) storeys.

A Zoning By-law Amendment is required to allow for a five (5) storey Long Term Care Facility building containing 256 beds and a six (6) storey Retirement Home building containing 115 units to be developed as well as associated ancillary commercial uses on the ground floor (as shown on Appendix B). A Zoning By-law Amendment application was previously approved by City Council on September 28, 2020 (By-law 2020.432) for this property to allow for a six (6) storey long-term care facility and associated ancillary uses. At this time, the applicant has made changes to the proposed concept plan, including a new proposed Retirement Home, which is not a permitted use on the subject land and would therefore trigger the need for a revised Zoning By-law Amendment.

Technical Comments

The subject application was circulated to internal staff and external agencies on June 14, 2022 for review. At this time, technical comments are being received and reviewed.

At the time of writing this report, comments are still forthcoming from Internal Departments (i.e. Transportation Planning, Site Engineering as well as Parks and Open Space) and External Agencies (Halton Region, Conservation Halton, Canada Post, Ministry of Transportation, Metrolinx) and utilities (i.e. Burlington Hydro, Bell Canada, Sun-Canadian Pipe Line Co. Ltd., Imperial Oil Pipelines).

The following are comments received to-date which are summarized below:

Urban Forestry and Landscaping – Further revisions have been requested to satisfy concerns. Staff do not support the application as there is more information required regarding all trees 10cm DBH and greater on site. Efforts should be made to preserve as many trees as possible. Alternate layout and grading options should be reviewed to protect and preserve all public trees.

Finance Department – Property taxes must be paid in full. This includes all outstanding balances plus current taxes that have been billed but not yet due.

Accessibility – Site Engineering Services – Six (6) barrier-free parking spaces have been provided at grade for visitor and staff. We appreciate that all spaces are sized to be

Type A and have clearly marked access aisles. It appears that no barrier-free parking spaces have been provided in the parking garage for the retirement home residents who have an accessible parking permit and may use a mobility device and/or have a modified vehicle. Given the nature of the facility and probability that there will be residents with limited mobility living in the retirement home, providing no barrier-free parking spaces will not meet the demand for accessible parking at this facility. Additional spaces in addition to the minimum number required by law should be considered.

Recreation Community and Culture Department – For this application cash-in lieu of parkland will be required in accordance with our Park Dedication By-Law. Their team notes that Palladium Park is located across the street from the development property and will be available to the future residents of the complex. The current park is suited more towards youth needs with a soccer pitch and a playground. Some enhancements to this park could make it more suitable and functional for older adults including more seating, shade structure, outdoor fitness equipment, or maybe even pickleball subject to land space. If appropriate their staff would consider using Section 37 or the proposed Community Benefits program as a means for funding some of these enhancements.

There are also concerns about the safe movement of the residents in the area. For example residents may need to cross Walkers Line to catch a bus, or cross Palladium Way to get to the Park. Our Transportation colleagues may address this matter and look at safe road crossings for the residents.

Fire Department – The building(s) are proposed to be served via a single looped fire access route leading from Palladium Way to the East. In general, the proposed fire access route will need to be designed, constructed and designated as a fire access route in accordance with Articles 3.2.5.4., 3.2.5.5. and 3.2.5.6. of the 2012 Ontario Building Code, as amended.

As the project progresses and plans become more detailed, the following will need to be identified:

- locations of all fire department connections
- locations of the nearest municipal fire hydrants and private fire hydrants
- locations of proposed fire alarm annunciator panel(s), etc.

A more formal and detailed review will be conducted by our Department at the Site Plan review stage.

Burlington Transit – Burlington Transit would like to note that there is currently no active service in the area of the development. Should this project continue to Site Plan, we would like consideration in the design for potential future transit amenities along the ROW of Palladium Way.

Canada Post – Standard comments have been provided.

407 Express Toll Route (ETR) Engineering Services – No concerns at this time. Has requested to be circulated on all new submissions related to this development.

Halton District School Board – Standard comments have been provided, including requests to be circulated in future applications.

Financial Matters:

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

Climate Implications

In February 2020, City Council approved the City of Burlington Climate Action Plan to support the City's path towards a low-carbon future, focusing on mitigating greenhouse gases and reducing energy consumption. The Plan identifies seven implementation programs, including, programs to enhance energy performance for new and existing buildings; increase transit and active transportation mode shares; electrify City, personal and commercial vehicles and other currently gas-powered equipment; and, support waste reduction and diversion.

A discussion of the climate implications of the proposed Zoning By-law Amendment application will be provided in the next staff report.

Engagement Matters:

The applicant held a virtual Pre-Application Community Consultation Meeting on March 30, 2021, prior to the submission of the applications. There were two (2) public attendees at the meeting. The applicant, Mayor Marianne Meed Ward, Ward 6 Councillor Bentivegna, and City Planning staff also attended the meeting.

Notice signs will be posted on the subject land. A public notice of the Zoning By-law amendment application has been mailed to 51 members of the public, which includes all property owners and tenants within 120 m of the subject land.

A webpage was created on the City of Burlington website, accessible at www.burlington.ca/4103palladiumway. This webpage provides information about the subject application including dates of public meetings, links to supporting studies, and contact information for the applicant's representative and Community Planning Department.

Public Comments

As of the writing of this report, no public written comments have been received by staff with respect to the subject applications. If comments are received, these will be included as part of a subsequent report to City Council.

Next Steps:

Technical and public comments will be received and a fulsome review and analysis will be completed. Staff is requesting direction to continue to review the subject applications in order to bring a subsequent report to City Council in the future outlining staff's recommendation on the proposed application and an analysis of the proposal based on applicable planning policies.

Conclusion:

This report provides a description of the development application, an update on the technical review that is underway and an overview of the applicable policy framework which the application will be reviewed against. Planning staff recommend that the processing of the application continue and that comments received through the ongoing technical review, including comments received at the Statutory Public Meeting, be evaluated as part of a detailed planning analysis, and be incorporated into a future recommendation report for consideration by Committee and Council.

Respectfully submitted,

Mariana Da Silva

Planner I – Development Review

905-335-7600 ext. 7536

Appendices:

- A. Existing Zoning
- B. Concept Plan

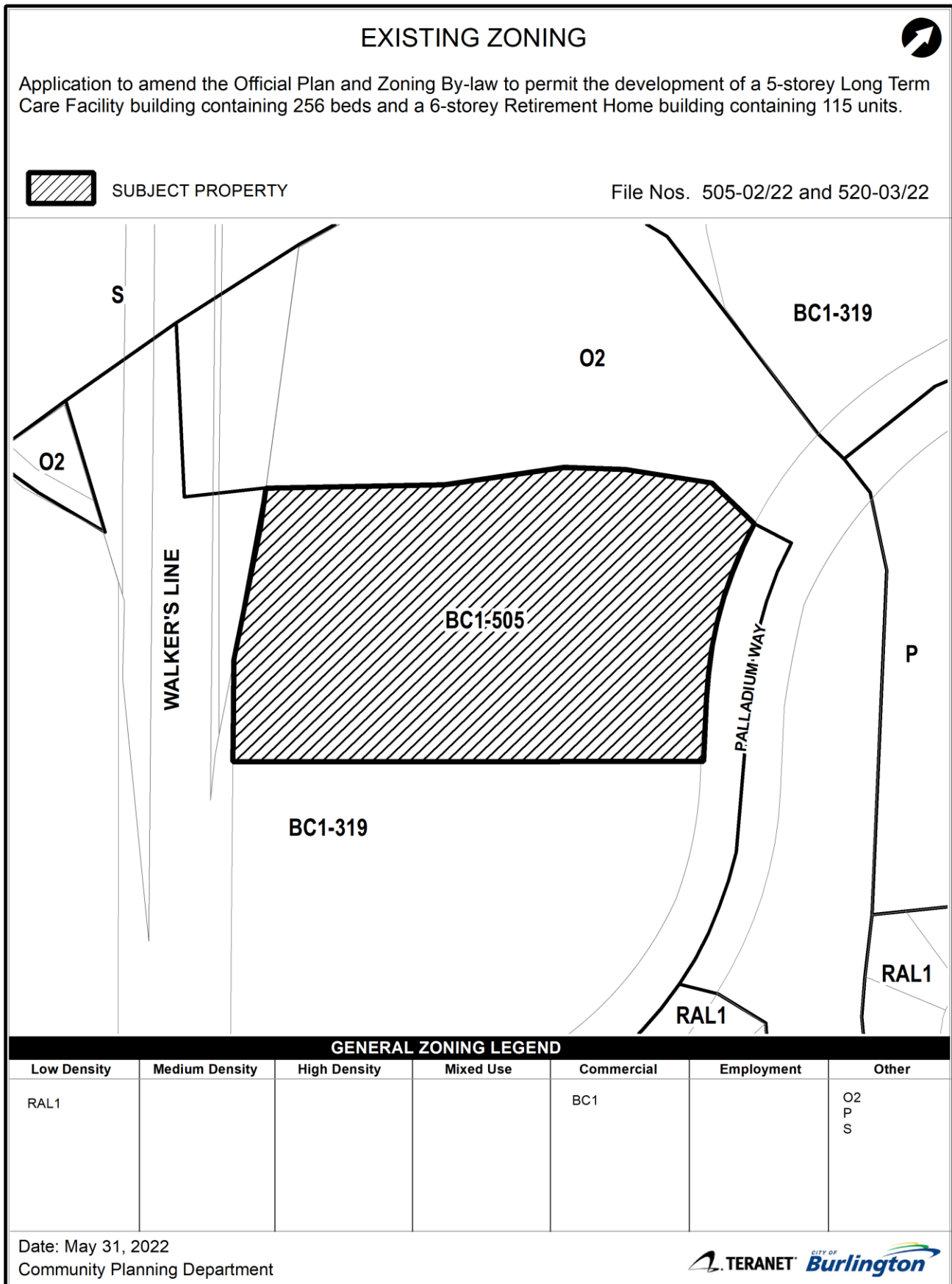
Notifications:

Steven Qi (Design Plan Services Inc.)

steven@designplan.ca

Report Approval:

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Counsel.



CONCEPT PLAN

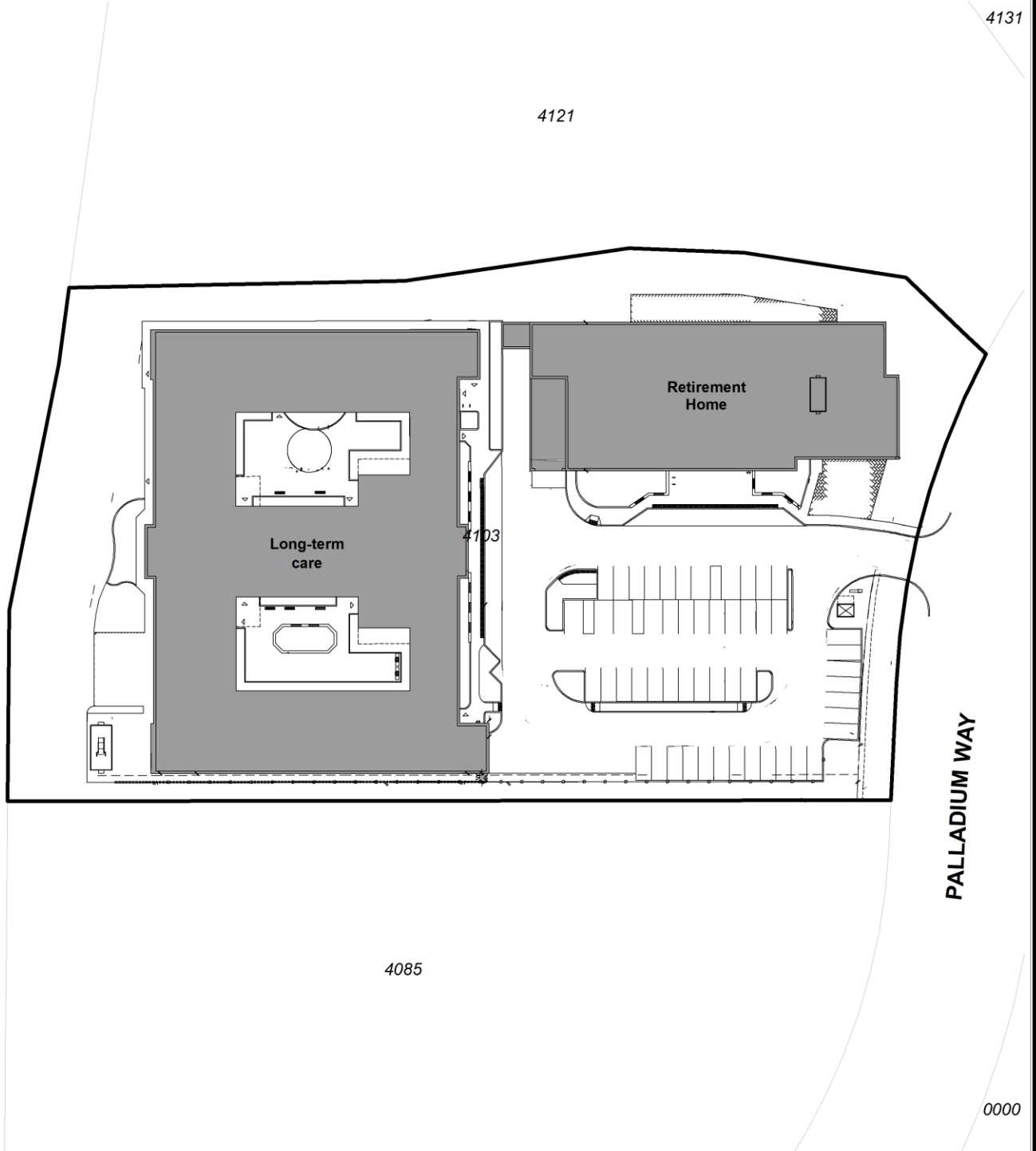


Application to amend the Official Plan and Zoning By-law to permit the development of a 5-storey Long Term Care Facility building containing 256 beds and a 6-storey Retirement Home building containing 115 units.



SUBJECT PROPERTY

File Nos. 505-02/22 and 520-03/22



Date: May 31, 2022
Community Planning Department



SUBJECT: Statutory public meeting for Official Plan and Zoning By-law amendments for 3110 South Service Road

TO: Community Planning, Regulation & Mobility Cttee.

FROM: Community Planning Department

Report Number: PL-62-22

Wards Affected: 4

File Numbers: 505-04/22 & 520-05/22

Date to Committee: September 13, 2022

Date to Council: September 20, 2022

Recommendation:

Direct staff to continue to proceed with the processing of the submitted Official Plan amendment and Zoning By-law amendment application for 3110 South Service Road, including evaluating and incorporating any/all comments received by committee and the public at the statutory public meeting, as well as the comments received through the ongoing technical review of this application by agency partners and internal departments.

PURPOSE:

The purpose of this report is to provide background information to Committee and the public related to the Official Plan Amendment and Zoning By-law Amendment application submitted for the land municipally known as 3110 South Service Road and seek direction from Council to continue to process the application.

Pending the receipt of all public and agency comments and the conclusion of a technical review of the application, staff will work towards bringing forward a subsequent recommendation report to Council for consideration.

Vision to Focus Alignment:

The subject application relates to the following focus areas of the 2018-2022 Burlington's Plan: From Vision to Focus:

- Increase economic prosperity and community responsive city growth

- Improve integrated city mobility
- Support sustainable infrastructure and a resilient environment
- Building more citizen engagement, community health and culture

Executive Summary:

RECOMMENDATION:		Proceed with processing application	Ward:	4
Application Details	APPLICANT:	Ruth Victor & Associates		
	OWNER:	P3 Real Estate Limited		
	FILE NUMBERS:	505-04/22 & 520-05/22		
	TYPE OF APPLICATION:	Official Plan Amendment and Zoning By-law Amendment		
	PROPOSED USE:	Three (3) storey office building including training facilities and an ancillary veterinary clinic		
Property Details	PROPERTY LOCATION:	East of the intersection of Queen Elizabeth Way Highway and Guelph Line, on South Service Road		
	MUNICIPAL ADDRESSES:	3110 South Service Road		
	PROPERTY AREA:	0.80 ha		
	EXISTING USE:	Vacant standard restaurant		
Documents	OFFICIAL PLAN Existing:	'Business Corridor' (1997 Official Plan)		
		'Business Corridor' (2020 Official Plan)		
	OFFICIAL PLAN Proposed:	'Modified Business Corridor'		
	ZONING Existing:	'Business Corridor' with site specific regulations (BC1-225)		
	ZONING Proposed:	'Business Corridor' with site specific regulations (BC1-XXX)		

APPLICATION RECEIVED:	June 22, 2022
STATUTORY DEADLINE:	October 20, 2022 (120 days)
COMMUNITY MEETING:	March 7, 2022
PUBLIC COMMENTS:	No written comments received.
	Number of Notices Sent: 95

Background and Discussion:

On July 11, 2022, Planning staff deemed complete the application that had been received as of on June 22, 2022 for an Official Plan amendment and Zoning By-law Amendment at 3110 South Service Road (the “subject land”). The purpose of the application is to permit a three (3) storey office building including training facilities and an ancillary veterinary clinic fronting onto South Service Road (as shown on Appendix B).

Subject Land Description & Surrounding Land Uses

The subject land is located east of the intersection of Queen Elizabeth Way Highway and Guelph Line, on South Service Road (as shown on Figure 1 (right), and Appendix A). The subject land has an area of approximately 0.80 ha and approximately 158 m of frontage measured on an arc on South Service Road. The subject land is currently occupied by a vacant stand-alone restaurant.

The subject land is surrounded by a mix of employment uses, predominantly made up of “Business Corridor” (BC1) zones as well as with BC1 zones with site-specific regulations. To the north of the subject land is South Service Road and Queen Elizabeth Way (QEW); to the south are two properties, 3106 South Service Road which contains the same zoning as the subject land and 3115

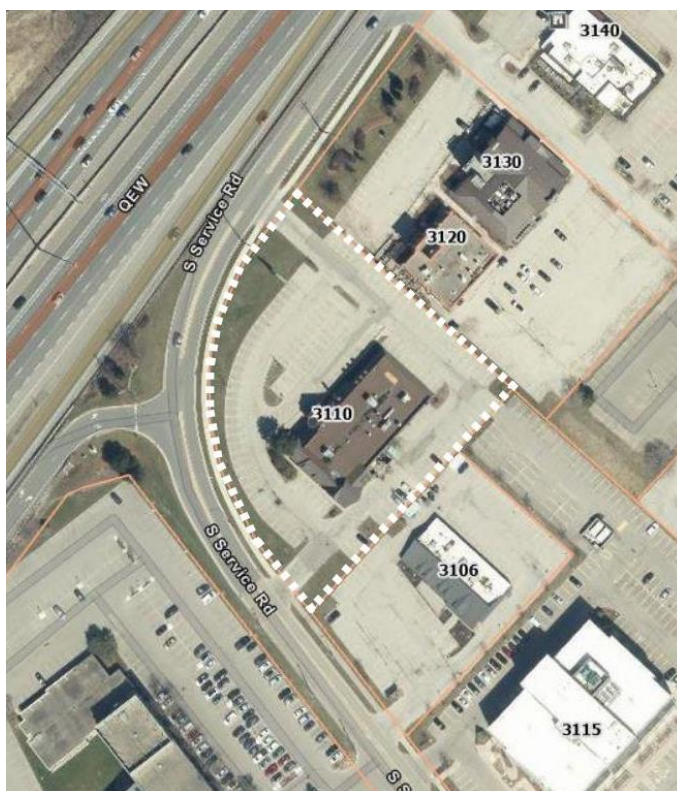


Figure 1 - Air Photo (2019) with subject property outlined

Harvester Road which is zoned BC1; to the west is South Service Road and across this road is the property 3063 South Service Road which is zoned BC1-335 and to the east is the property 3120 South Service Road which contains the same zoning as the subject

site (as shown on Appendix A). The nearest residential zone is approximately 400m away from the subject land. There is currently an easement running along the eastern property boundary from South Service Road to Harvester Road.

The subject land is approximately 200 metres north from the nearest Burlington Transit bus stop which runs on Route 50 (Burlington South) and Route 80 (Harvester/North Service) along Harvester Road. These routes connect to the Burlington GO and Appleby GO stations as well as the Downtown Bus Terminal.

Description of Application

The purpose of the application is to permit a three (3) storey office building including training facilities and an ancillary veterinary clinic fronting onto South Service Road (as shown on Appendix B). The proposed development contemplates a building with total floor area of 5045 m² of which 2098 m² would be dedicated to office uses, 664 m² would be dedicated to training uses, 1394 m² would be dedicated to veterinary uses and 887 m² would be dedicated to building services uses. The development further contemplates a floor area ratio of 0.65:1 and a floor area for ancillary employment use of 30 percent. Additionally, a total of 152 vehicle parking spaces are proposed of which 81 are located underground and 71 at grade as well as 34 bicycle parking spaces. Access to the property will be located along two (2) entrances on South Service Road.

Applications for the Official Plan redesignation and implementing zoning by-law amendments are required to facilitate the proposed development, which includes, but is not limited to an increased floor area ratio from the maximum permitted 0.5:1 to 0.65:1 and an increase in the permitted floor area for ancillary employment uses from 15 percent to 30 percent as well as a reduced rear yard setback for the underground parking structure.

Supporting Documents

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

- [Completed Application Form](#) signed July 3, 2022.
- [Planning Justification Report](#) prepared by Ruth Victor & Associates dated May 25, 2022.
- [Site Survey](#) prepared by J. H. Gelbloom Surveying Ltd
- [Conceptual Site Plan Layout](#) prepared by IDEA Inc. dated June 22, 2022.
- [Architectural Plans](#) prepared by IDEA Inc. dated June 22, 2022.
- [Arborist Report](#) prepared by Adesso Design Inc. dated May 13, 2022.
- [Tree Inventory, Tree Preservation Plan and Landscape Concept Plan](#) prepared by Adesso Design Inc. dated June 9, 2022.

- [Functional Servicing Report \(Water, Wastewater and Stormwater Management\)](#) prepared by Trafalgar Engineering Ltd. dated May 13, 2022.
- [Noise and Vibration Study](#) prepared by SS Wilson Associates Inc. dated May 17, 2022.
- [Transportation Impact Study and Parking Study](#) prepared by Paradigm Transportation Solutions Ltd. dated May 2022.
- [Geotechnical Report](#) prepared by Soil-Mat Engineers & Consultants Ltd. dated January 14, 2022.
- [Geotechnical Investigation – Supplemental Comments](#) prepared by Soil-Mat Engineers & Consultants Ltd. dated January 14, 2022.
- [Phase One Environmental Site Assessment](#) prepared by Soil-Mat Engineers & Consultants Ltd. dated November 24, 2021.
- [Urban Design Brief](#) prepared by IDEA Inc. dated June 2, 2022.
- [Environmental Site Screening Questionnaire](#) signed July 3, 2021.
- [Construction and Mobility Management Plan](#) prepared by IDEA Inc. dated June 2, 2022.
- [Waste Management Plan](#) prepared by IDEA Inc. dated June 27, 2022.
- [Waste Management Letter](#) prepared by P3 Veterinary Partners Inc. dated May 9, 2022.
- [Sanitary Sewer CCTV Report](#) prepared by PipeFlo Contracting Corp dated June 27, 2022
- **PIN Report** dated May 6, 2022.
- [University of Guelph Education Partnership Letter](#) prepared by the University of Guelph dated October 19, 2021.
- [Pre-consultation Meeting Notes](#) prepared by the City of Burlington dated March 2, 2022.

Supporting documents have been published on the City's website for the subject application, www.burlington.ca/3110southservice.

Policy Framework

The proposed Official Plan Amendment and Zoning By-law Amendment are subject to review against the Planning Act, Provincial Policy Statement (2020), A Place to Grow: The Growth Plan for the Greater Golden Horseshoe (2020), Region of Halton Official Plan, City of Burlington Official Plan (1997, as amended), City of Burlington New Official Plan (2020), and City of Burlington Zoning By-law 2020, as summarized below. A fulsome policy analysis will be provided in a future recommendation report to Council to demonstrate whether the proposal is in keeping with the applicable framework.

Provincial Policy Statement (PPS), 2020

The PPS promotes healthy, liveable and safe communities that are sustained by appropriate development and land use patterns that make efficient use of land and infrastructure, accommodate an appropriate range and mix of uses, protect public health and safety and the environment. The PPS directs that growth and development be focused in settlement areas. In settlement areas, land use patterns are to be based on densities and a mix of land uses to meet long term needs and which efficiently use land, resources, infrastructure and public service facilities, prepare for the impacts of a changing climate, support active transportation and transit.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan), 2020

The Growth Plan provides specific growth management policy direction for the Greater Toronto and Hamilton Area (GTHA) and focuses development in the existing urban areas through intensification. The guiding principles of the Growth Plan include building complete communities that are vibrant and compact, and utilizing existing and planned infrastructure in order to support growth in an efficient and well-designed form.

Halton Region Official Plan (ROP)

The subject land is designated as Urban Area within the Halton Region Official Plan (ROP). 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. Within the Urban Area, the Regional Urban Structure as shown on Map 1H implements Halton's planning vision and growth management strategy to ensure efficient use of land, amongst other matters.

The subject lands are located within an Employment Area as outlined on Map 1 of the ROP. The Region's policy for Employment Areas is to promote intensification and increased densities in both new and existing Employment Areas by facilitating compact, transit-supportive built form and minimizing surface parking. Residential and non-employment uses including major retail uses in Employment Areas are prohibited unless through a municipal comprehensive review subject to criteria as set out in Section 77.4(4) of the ROP. The subject lands have also been mapped as forming part of a Provincially Significant Employment Zone (PSEZ).

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

The City of Burlington's Official Plan 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 land is designated 'Business Corridor' under Schedule B: Comprehensive Land Use Plan – Urban Planning Area of the Official Plan. Lands within this designation are intended to provide locations in the City for prestige-type offices and industrial uses that require good access and high visibility along major transportation routes, to permit a wide range of employment uses including office, industrial and related uses and to establish high design and development standards for Business Corridor lands.

This designation may permit a broad range of office, industrial, utilities, transportation and service trade uses provided these are located within an enclosed building and are unlikely to cause significant pollution or excessive noise. A limited range of retail commercial and service commercial uses as well as recreation uses such as restaurants, banks and fitness centres, subject to specific provisions of Part III, Subsection 3.4.2 e) may be permitted. Additionally, hotel, conference and convention uses as well as residence for a watchman or caretaker may be permitted.

According to subsection 3.4.2 e) the retail, service commercial and recreation uses permitted under Part III, subsection 3.4.2 a) (ii) shall be subject to the following:

- (i) such uses shall be ancillary to, and primarily serve, uses, businesses and employees within the surrounding employment area;
- (ii) such uses shall only be permitted on lands having one or more buildings with a total floor area greater than 3,000 sq.m;
- (iii) no more than 15 per cent of the total floor area of any one building shall be used for ancillary uses, except that a restaurant subject to specific criteria

An Official Plan Amendment is required to allow the proposed development which contemplates a three (3) storey office building including training facilities and an ancillary veterinary clinic fronting onto South Service Road (as shown on Appendix B). The proposed development requires an Official Plan Amendment to reflect a floor area ratio increase from the maximum permitted 0.5:1 to 0.65:1 and an increase in the permitted floor area for ancillary employment uses from 15 percent to 30 percent.

City of Burlington New Official Plan (OP, 2020)

On November 30, 2020, the Region of Halton issued a Notice of Decision approving the new Burlington Official Plan. The new Official Plan has been developed to reflect the opportunities and challenges facing the City as it continues to evolve.

Section 17(38) of the Planning Act (R.S.O. 1990, as amended) sets out that all parts of an approved official plan that are not the subject of an appeal will come into effect on the day after the last date for filing a notice of appeal- that date being December 22, 2020 for the new Burlington Official Plan. At this time, no formal determination has been made as to the validity of the appeals of relevant sections of OP, 2020.

The subject lands are designated 'Business Corridor' under Schedule C: Land Use - Urban Area of the New Official Plan. Lands within this designation are intended to provide

locations in the City for prestige-type offices and industrial uses that require good access and high visibility along major transportation routes, to permit a wide range of employment uses including office, industrial and ancillary employment uses and to establish high design and development standards for Business Corridor lands.

This designation may permit a broad range of office, industrial, utilities, transportation and service trade uses provided these uses are located within an enclosed building and are unlikely to cause significant adverse effects such as noise, vibration, odours or dust. A limited range of accessory retail, a full range of accessory service commercial, a limited range of recreation uses may be permitted. The accessory retail and service commercial uses permitted under this designation are subject to the provisions of Subsection 8.2.2 c) and d). Additionally, large-scale motor vehicle dealerships, hotel, conference and convention uses may be permitted. The proposed uses therefore comply with the new OP.

Zoning By-law 2020

The subject land are currently zoned 'Business Corridor' (BC1-225) with site-specific exceptions. The BC1 zone permits a broad range of industrial, office, hospitality, automotive, retail as well as a limited range of service commercial and recreation uses. Veterinary service uses are not permitted. The site-specific zoning exemption 225 describes that a Night Club is a prohibited use and Footnote (f) to Table 2, Permitted Uses, of Part 3 – Employment Zones, of the by-law, shall not apply to standard restaurants. The footnote specifies that, a restaurant may occupy up to 100% of the total floor area of a single building on a lot, provided that the total existing building floor area of all buildings on the lot is not less than 3,000 m², and provided the lot abuts an arterial, multi-purpose arterial or minor arterial road. A Zoning By-law Amendment is required to allow the proposed development of a three (3) storey office building including training facilities and an ancillary veterinary clinic fronting onto South Service Road (as shown on Appendix B).

A Zoning By-law Amendment is required to add veterinary service as a permitted use ancillary to the principal employment use of the property. Additionally, the application contemplates amendments for an increased Floor Area Ratio (FAR) from 0.5:1 to 0.65:1 and a reduced rear yard setback for the underground parking structure.

Technical Comments

The subject application was circulated to internal staff and external agencies on July 26, 2022 for review. At this time, technical comments are being received and reviewed.

At the time of writing this report, comments are still forthcoming from Internal Departments (i.e. Transportation Planning, Site Engineering, Urban Forestry and Landscaping, Parks and Open Space, Fire) and External Agencies (i.e. Halton Region,

Conservation Halton, Canada Post, Ministry of Transportation, Metrolinx) and utilities (i.e. Burlington Hydro, Union Gas, Bell Canada, Sun-Canadian Pipe Line Co. Ltd., Imperial Oil Pipelines).

The following are comments received to-date which are summarized below:

Finance Department – Property taxes to be paid in full, including all installments levied.

Accessibility – Site Engineering Services – related to the proposed parking, with 163 parking spaces proposed, 6 barrier-free parking spaces are required. Five (5) are shown at grade on the current application. Three (3) spaces shall be “Type A” being 3400 mm in width and signed to indicate Van Accessible Parking. The remaining three (3) spaces shall be “Type B” being 2.75 m and the access aisles shall be 2 m as per the Zoning By-law. The access aisles are to be clearly identified through appropriate line painting and can be shared by two spaces. Access aisles for the barrier-free parking spaces at grade shall include a curb ramp and Tactile Walking Surface Indicators (TWSIs) leading to the walkway to the entrance. No fewer than two (2) barrier-free spaces shall be relocated to Level 0 and placed in close proximity to the elevator vestibule. The pedestrian crossings as shown are clearly marked throughout the site and applicant is to ensure each curb includes a curb cut with TWSIs. Applicant is to ensure there is a dog relieving area easily accessible to the main entrance following a straight path of travel to serve the needs of guide dogs and service animals. This area should be equipped with a waste receptacle and a means by which surfaces can be easily cleaned. The relieving area should enable a guide dog handler to allow a guide dog on a 1.5 m leash to circle its handler prior to relieving itself.

Financial Matters:

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

Climate Implications

In February 2020, City Council approved the City of Burlington Climate Action Plan to support the City’s path towards a low-carbon future, focusing on mitigating greenhouse gases and reducing energy consumption. The Plan identifies seven implementation programs, including, programs to enhance energy performance for new and existing buildings; increase transit and active transportation mode shares; electrify City, personal and commercial vehicles and other currently gas-powered equipment; and, support waste reduction and diversion.

A discussion of the climate implications of the proposed Zoning By-law Amendment application will be provided in the next staff report.

Engagement Matters:

The applicant held a virtual Pre-Application Community Consultation Meeting on March 7, 2022, prior to the submission of the applications. There were no public attendees at the meeting. The applicant, Mayor Marianne Meed Ward, Ward 4 Councillor Stolte, and City Planning staff also attended the meeting.

A notice sign has been posted on the subject land. A public notice of the Zoning By-law amendment application has been mailed to 95 members of the public, which includes all property owners and tenants within 120 m of the subject land.

A webpage was created on the City of Burlington website, accessible at www.burlington.ca/3110southservice. This webpage provides information about the subject application including dates of public meetings, links to supporting studies, and contact information for the applicant's representative and Community Planning Department.

Public Comments

As of the writing of this report, no public written comments have been received by staff with respect to the subject applications. If comments are received, these will be included as part of a subsequent report to City Council.

Next Steps:

Technical and public comments will be received and a fulsome review and analysis will be completed. Staff is requesting direction to continue to review the subject applications in order to bring a subsequent report to City Council in the future outlining staff's recommendation on the proposed application and an analysis of the proposal based on applicable planning policies.

Conclusion:

This report provides a description of the development application, an update on the technical review that is underway and an overview of the applicable policy framework which the application will be reviewed against. Planning staff recommend that the processing of the application continue and that comments received through the ongoing technical review, including comments received at the Statutory Public Meeting, be

evaluated as part of a detailed planning analysis, and be incorporated into a future recommendation report for consideration by Committee and Council.

Respectfully submitted,

Mariana Da Silva,
Planner I – Development Review
905-335-7600 ext. 7536

Appendices:

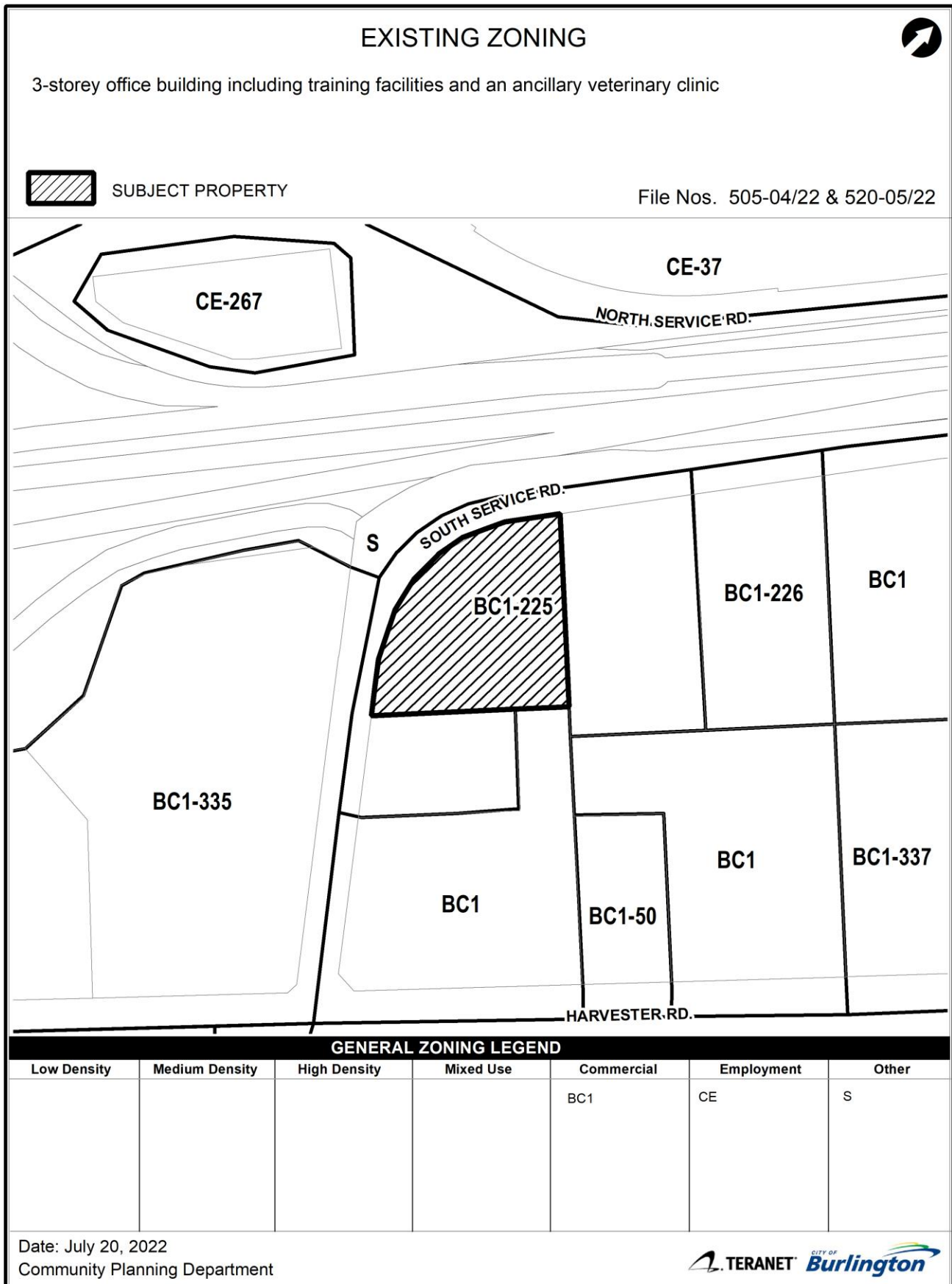
- A. Location/Zoning Sketch
- B. Detail Sketch

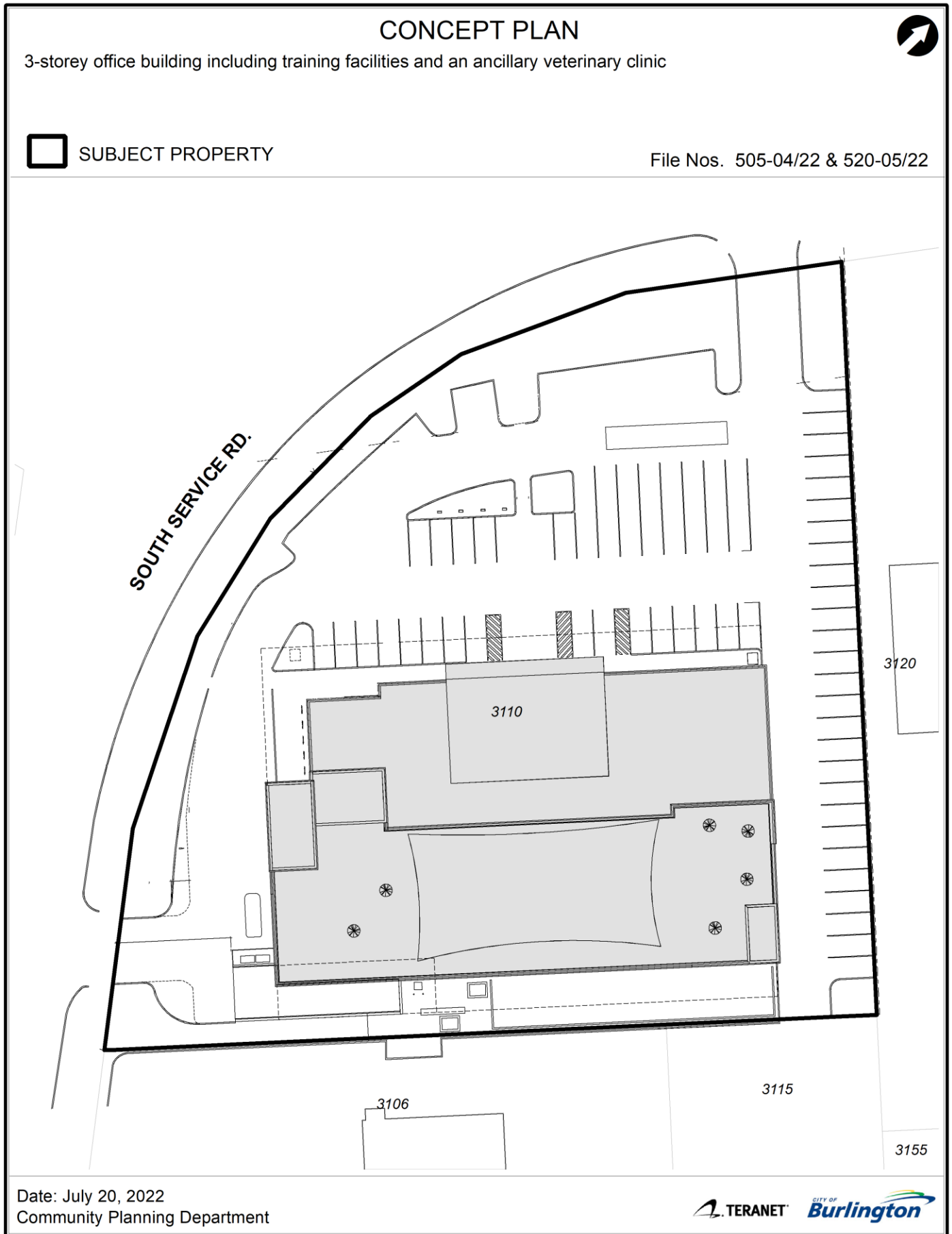
Notifications:

Len Radomski (Ruth Victor & Associates)
len@rvassociates.ca

Report Approval:

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Counsel.







SUBJECT: Official Plan and Zoning By-law amendment applications for 1396 Guelph Line

TO: Community Planning, Regulation & Mobility Cttee.

FROM: Community Planning Department

Report Number: PL-65-22

Wards Affected: 3

File Numbers: 505-03/22, 520-04/22

Date to Committee: September 13, 2022

Date to Council: September 20, 2022

Recommendation:

Receive and file community planning department report PL-65-22 regarding Official Plan and Zoning By-law amendment applications for 1396 Guelph Line.

PURPOSE:

The purpose of this report is to provide background information to the Committee and the public for a Statutory Public Meeting for the lands known as 1396 Guelph Line.

Vision to Focus Alignment:

The subject applications related to the following focus areas of the 2018-2022 Burlington's Plan: From Vision to Focus:

- Increase economic prosperity and community responsive city growth
- Improve integrated city mobility
- Support sustainable infrastructure and a resilient environment

Executive Summary:

RECOMMENDATION:	Receive and file	Ward:	3
Applicant:	Bousfields Inc.		

	OWNER: FILE NUMBERS: TYPE OF APPLICATION: PROPOSED USE:	Infinity Development Group 505-03/22, 520-04/22 Official Plan Amendment, Zoning By-law Amendment Residential apartment building with 11 storeys of apartments plus a penthouse level comprising mechanical penthouse
Property Details	PROPERTY LOCATION: MUNICIPAL ADDRESS: PROPERTY AREA: EXISTING USE:	West side of Guelph Line between Palmer Drive and hydro corridor 1396 Guelph Line 0.4 hectares Vacant one-storey office building and surface parking lot
Documents	1997 OFFICIAL PLAN Existing: 1997 OFFICIAL PLAN Proposed: 2020 OFFICIAL PLAN Existing: ZONING Existing: ZONING Proposed:	Residential – Medium Density Residential – High Density (with site-specific policies for height and density) Infrastructure and Transportation Corridors S (Utility Services) RH5-XXX (Residential – High Density, with site-specific regulations)
Processing Details	APPLICATION MADE AND COMPLETE AS OF: STATUTORY DEADLINE: PRE-APPLICATION COMMUNITY MEETING: PUBLIC COMMENTS:	April 14, 2022 August 12, 2022 March 23, 2022 As of August 15, 2022, the Community Planning Department has received written comments via email from 26 residents. Notices were sent to 231 addresses within 120 metres of the subject property.

Background and Discussion:

The City has received a complete application from Bousfields Inc. on behalf of Infinity Development Group requesting Official Plan Amendments and Zoning By-law Amendments to permit a proposed 11-storey residential apartment building at 1396 Guelph Line. The submission timeline of this application is as follows:

- On January 19, 2022, a pre-consultation meeting was held with the applicant and staff from the City and Halton Region to determine the type of applications required and the necessary information, materials, and fees, for a proposal to redevelop the property known as 1396 Guelph Line. This meeting resulted in the creation of a pre-consultation package that identified application requirements, including the need for the applicant to consult the public at a Pre-Application Community Meeting and to consult the Burlington Urban Design (BUD) Advisory Panel prior to submitting formal applications.
- On March 15, 2022, the applicant submitted applications and fees to the City requesting amendments to the Official Plan and Zoning By-law for the subject property.
- On March 23, 2022, the applicant held a virtual Pre-Application Community Meeting that was attended by City staff, Ward 3 Councillor Rory Nisan, Mayor Marianne Meed Ward, and approximately 10 members of the public. The applicant sought feedback from the public on the proposed development.
- On April 11, 2022, Planning staff provided written notice to the applicant that the applications submitted on March 15 were not complete on the basis that not all of the required information and materials had been submitted in accordance with the pre-consultation package from January 2022.
- On April 21, 2022, the applicant attended the Burlington Urban Design (BUD) Advisory Panel to seek urban design feedback on the proposed development.
- On April 22, 2022 the applicant submitted a request to the Ontario Land Tribunal (OLT) for a motion date to determine the application complete.
- City staff reviewed the submitted materials and, with consideration for the Pre-Application Community Meeting and BUD Panel consultation that had occurred after submission of the application, deemed that the application had been made complete as of April 14, 2022.
- The applicant subsequently withdrew their request to the OLT concerning completeness of the application.

The purpose of this report is to provide an overview of the applications, an outline of applicable policies and regulations, and a summary of technical and public comments received to date.

Description of Subject Property and Surrounding Land Uses

The subject property is located on the west side of Guelph Line at the intersection of Guelph Line and Palmer Drive, as shown in Appendix A of this report. The property has an area of 0.4 hectares, with 76 metres of frontage on Guelph Line. The property has an irregular, roughly triangular shape with a depth of approximately 100 metres. The site is currently occupied by a vacant office building that was formerly a Canada Post office. The existing surface parking lot on the property encroaches beyond the western property boundary by approximately 12 metres onto the adjacent Hydro One corridor.

Surrounding uses are as follows:

- West: Hydro One corridor with a width of approximately 80 metres. Within the hydro corridor is the Crosstown Trail, a paved multi-use recreational trail. Beyond the hydro corridor to the west are low-density detached houses located on Brenner Crescent.
- Northeast: Guelph Line. On the opposite side of Guelph Line, at the northeast corner of Guelph Line and Palmer Drive, there is a two-storey place of worship (Glad Tidings Pentecostal Church) with a large surface parking lot. To the rear of the place of worship, on the same site there is a four-storey seniors' assisted-living home (Palmer Place). On the south side of Palmer Drive, east of Guelph Line, there is a medium-density, two-storey townhouse development.
- South: Adjacent to the subject property there is a medium-density, two-storey townhouse development fronting on Guelph Line. To the rear of these townhouses, there are low-density, two-storey detached and semi-detached houses fronting on Martin Court.

Peart Park is located on Colonsay Drive, approximately 300 metres to the south of the subject property via the Crosstown Trail. Peart Park consists of a woodlot and a playground.

470 metres to the northwest of the subject property is the intersection of Guelph Line and Upper Middle Road. Clustered around this intersection are MM Robinson High School, Angela Coughlan Pool, and two large commercial plazas with grocery stores.

200 metres to the southeast of the property, at the intersection of Guelph Line and Mount Forest Drive, there is a small neighbourhood retail plaza and a gas station.

Southbound and northbound bus stops are located directly in front of the subject property, served by Burlington Transit route 3 which provides connections to Downtown Burlington and the Burlington GO station.

Description of Applications

The applications request Official Plan amendments and Zoning By-law amendments to permit the development of a residential apartment building with 11 storeys of apartments plus a penthouse level comprising mechanical penthouse. The proposed development contains 236 dwelling units with a density of 566 units per hectare and a Floor Area Ratio of 4.02:1. Driveway access to the proposed development would be provided from Guelph Line at the north end of the site. The development would include a total of 236 vehicle parking spaces, consisting of 8 parking spaces at grade and 228 occupant parking spaces within three levels of underground parking. The development proposes 446 square metres of indoor amenity space and 1,807 square metres of private outdoor amenity space.

On August 17, 2022, the applicant appealed the subject applications to the Ontario Land Tribunal (OLT) on the basis that the City did not make a decision within the 120-day timeline outlined in the *Planning Act*. A future Case Management Conference will be held by the OLT concerning these appeals. Residents who wish to be notified when this conference is scheduled should contact Community Planning Department staff at Thomas.douglas@burlington.ca, providing their name and mailing address and indicating they wish to receive notice of the Case Management Conference.

Supporting Documents

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

1. [Architectural Plans](#) (March 2022)
2. [Building Renderings](#) (March 2022)
3. [Construction Management Plan](#) (March 2022)
4. [Cover Letter](#) (March 2022)
5. [D-6 Land Use Compatibility Air Quality Assessment](#) (March 2022)
6. [D-6 Land Use Compatibility Noise Guidelines Assessment](#) (March 2022)
7. [Draft Official Plan Amendment](#)
8. [Draft Zoning By-law Amendment](#)
9. [Engineering Plans \(Grading, Servicing\)](#) (March 2022)
10. [Environmental Noise Study – Letter of Reliance](#) (March 2022)
11. [Environmental Noise Study](#) (March 2022)
12. [Environmental Site Screening Questionnaire](#) (March 2022)
13. [Functional Servicing Report and Stormwater Management Report](#) (March 2022)
14. [Geotechnical Investigation](#) (March 2022)
15. [Height Survey](#)

16. [Housing Impact Statement](#) (March 2022)
17. [Hydrogeological Investigation](#) (March 2022)
18. [Landscape Concept Plan](#) (March 2022)
19. [Pedestrian Wind Study](#) (March 2022)
20. [Phase One and Two Environmental Site Assessment – Letter of Reliance](#) (March 2022)
21. [Phase One Environmental Site Assessment](#) (March 2022)
22. [Phase Two Environmental Site Assessment](#) (March 2022)
23. [Planning Justification Report and Urban Design Rationale](#) (March 2022)
24. [Shadow Study](#) (March 2022)
25. [Sustainability Checklist](#) (February 2022)
26. [Topographical Survey](#) (December 2021)
27. [Traffic Impact Study, Parking Justification Study and Transportation Demand Management Plan](#) (March 2022)
28. Tree Inventory and Preservation Plan ([Report](#), [Appendix A](#), [Table 1](#), and [Table 2](#)) (March 2022)
29. [Tree Protection Plan](#) (February 2022)
30. [Waste Management Plan](#) (March 2022)
31. GeoWarehouse Property Summary Summary
32. Title Search/PIN Report (August 2021)

Application materials are posted on the City's website at www.burlington.ca/1396guelp.

Strategy/process

This section provides information on staff's ongoing review of the subject applications, including the applicable policy framework, and the comments received to date from technical reviewers and members of the public.

Policy Framework

The subject applications are subject to the policy framework described below.

Provincial Policy Statement (2020)

The Provincial Policy Statement (PPS) provides broad policy direction on land use planning and development matters of provincial interest. All planning decisions must be consistent with the PPS.

The PPS promotes the achievement of healthy, livable, and safe communities through various means including by promoting efficient development and land use patterns;

accommodating an appropriate and market-based mix of land uses; preparing for the regional and local impacts of a changing climate; and promoting the integration of land use planning, growth management, transit-supportive development, intensification, and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (“the Growth Plan”) provides a policy framework for managing growth in an area of Ontario that includes the City of Burlington. All planning decisions within the Growth Plan area must conform to the Growth Plan.

The Growth Plan is intended to support the achievement of complete communities with access to transit networks, protected employment zones, and an increase in the amount and variety of housing available. The Growth Plan also envisions a healthy natural environment and agricultural lands, which will contribute to the region’s resilience and our ability to adapt to a changing climate. To accomplish its vision, the Growth Plan establishes policies regarding how land is developed, resources are managed and protected, and public dollars are invested.

Halton Region Official Plan

The Halton Region Official Plan (ROP) outlines a long-term vision for Halton’s physical form and community character. To achieve that vision, the ROP identifies an Urban Area and a Regional Urban Structure that are intended to manage growth in a manner that fosters complete communities, enhances mobility across Halton, addresses climate change, and improves housing affordability, sustainability, and economic prosperity. As shown on Map 1H, “Regional Urban Structure”, of the ROP, the subject property is located within the Urban Area and is not located within a strategic growth area. All planning decisions in Halton Region, which includes the City of Burlington, must conform to the ROP.

City of Burlington Official Plan (1997, as amended)

The City’s Official Plan (1997, as amended) (the OP) outlines a long-term vision of the community and quality of life for Burlington residents and provides policy direction to the public and private sectors on land use, development and resource management matters to guide the future planning and development of the City towards the desired community vision.

The OP designates the subject property as Residential – Medium Density. This designation permits either ground- or non-ground-oriented housing units with a density ranging between 26 and 50 units per net hectare. Permitted residential building forms include detached and semi-detached, townhouses, street townhouses, stacked

townhouses, back-to-back townhouses, attached housing, and walk-up apartments, provided that these forms are within the permitted density. Other housing policies are applicable including the intensification criteria in Part III, section 2.5 of the Official Plan.

The applicant is proposing to amend the OP to redesignate the subject lands from “Residential – Medium Density” to “Residential – High Density”, with site-specific policies for the proposed height and density.

City of Burlington New Official Plan (2020)

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

The new OP outlines a long-term vision of the community and quality of life for Burlington residents through statements of objectives and policies. The new OP provides policy direction to both the public and private sectors on land use, development, and resource management to guide the future planning and development of the City towards the desired community vision.

The new OP designates the subject property as Infrastructure and Transportation Corridors, as shown on Schedule C “Land Use – Urban Area”. The policies in section 6.3.2 of the new OP encourage applicants to consult with utility providers before proposing development in close proximity to utility corridors and facilities. The Infrastructure and Transportation Corridors designation may permit uses including, but not limited to, non-intensive recreation uses, bicycle and pedestrian path systems and multi-use trails, playing fields, parking lots, private rights-of-way and driveways, agricultural uses, golf courses and driving ranges, miniature golf, community gardens, the cultivation and storage of nursery stock for horticultural trade uses and garden centres, indoor and outdoor storage, and private services and utilities. These uses are permitted only where such uses are compatible with the primary utility function of these lands and are compatible with existing surrounding uses and the permitted uses in the land use designations of the adjacent lands.

Where abandoned or surplus utility lands are not required for public uses, the City may consider applications for rezoning. Evaluation of applications shall consider whether the proposed use is compatible with existing and proposed uses on nearby lands, and consistent with the policies of the new OP.

The Growth Framework policies in section 2.4 of the new OP recognize Primary Growth Areas and Secondary Growth Areas as the areas that will accommodate the majority of the City’s forecasted growth, and be the priority areas for investment in infrastructure improvements to accommodate growth. The subject property is not located within a

Primary or Secondary Growth Area. As shown on Schedule B-1, “Growth Framework”, of the new OP, the subject property is identified as “Infrastructure and Transportation Corridors”; these areas are not directly addressed in the Growth Framework policies. The lands adjacent to the subject property are identified as “Established Neighbourhood Area”. The Growth Framework policies recognize Established Neighbourhood Areas as a distinct area where intensification is generally discouraged.

Zoning By-law 2020

The City’s Zoning By-law zones the subject property as “S” (Utility Services). This zone permits transportation, communication, and utility uses, as well as open space and outdoor recreation uses and parking lots associated with such uses. Residential uses are not permitted.

The applicant is proposing to amend the Zoning By-law to rezone the property from S (Utility Services) to RH5 (Residential – High Density) to permit the development of an apartment building, and to create site-specific regulations for setbacks, density, landscaping, amenity area and parking.

Table 1 below summarizes the site-specific regulations that have been requested by the applicant, in comparison to the base requirements set out in the RH5 zone. The RH5 zone does not currently apply to the subject property but has been requested by the applicant in order to permit residential uses on the site, and to be the base zone from which site-specific regulations are created.

Table 1: Summary of site-specific regulations requested by applicant, compared to RH5 zone regulations

	RH5 zone requirements	Site-specific regulations requested by applicant
Maximum density	185 units per hectare	570 units per hectare
Minimum front yard	7.5 metres	3.8 metres
Minimum rear yard	9 metres	7.5 metres
Minimum side yard	4.5 metres	7.3 metres
Minimum amenity area	25 m ² per bedroom, 15 m ² per efficiency unit	9.5 m ² per unit
Minimum parking supply for occupants	1 space per one-bedroom unit; 1.25 spaces per two-bedroom unit 1.5 spaces per three or more bedroom unit	0.97 spaces per unit

Minimum parking supply for visitors	0.25 visitor spaces per unit, plus 1 additional space per 75 units for maintenance vehicles	0.03 spaces per unit
Minimum parking space dimensions	Minimum width: 2.75 m Minimum length: n/a Minimum area: 16.5 m ²	Minimum width: 2.6 m Minimum length: 5.6 m Minimum area: n/a
Landscape area abutting a street	6 metres	0 metres

As of the time of writing this report, Zoning staff have not yet completed their review of the subject applications. Through their ongoing review of the applications, Zoning staff will confirm the extent of zoning conformity issues and the detailed amendments to the Zoning By-law that would be required to permit the proposed development.

Urban Design Guidelines

The proposed development is subject to the following Council-approved urban design guidelines:

- Design Guidelines for Mixed-use and Residential Mid-Rise Buildings (2019)
- Shadow Study Guidelines and Terms of Reference (2020)
- Pedestrian-Level Wind Study Guidelines and Terms of Reference (2020)
- Stormwater Management Design Guidelines (2020)
- Sustainable Building and Development Guidelines (2021)

Planning staff will evaluate the subject applications in accordance with the applicable urban design guidelines.

Technical Comments

A requested for comments has been circulated to external agencies and relevant City departments. Planning staff will evaluate the subject applications with consideration to all technical comments received.

Public Comments

Members of the public who wish to provide comments on the subject applications should submit their written comments to the Planner on file, using the contact information provided at www.burlington.ca/1396guelph. Public input will be considered by staff in the review of the subject applications.

As of August 15, 2022, Planning staff have received written comments via email from 26 members of the public. These comments are appended in Appendix B of this report.

Concerns expressed in these comments are summarized in Table 2 below, organized in approximate order from most frequently to least frequently expressed themes.

Written submissions received after August 15, 2022 will also be considered in staff's ongoing review of the subject applications.

Table 2: Summary of public comments received by Planning staff as of August 15, 2022

Row #	Public comment theme	Staff response
1	<u>Traffic congestion</u> Concerns were expressed that the proposed development would cause traffic congestion problems on Guelph Line and spill-over traffic congestion on local streets.	A Traffic Impact Study, Parking Justification Study, and Transportation Demand Management Plan was submitted with the applications and is available online at www.burlington.ca/1396guelph . This study is being reviewed by the City's Transportation Department.
2	<u>Height</u> Several comments expressed that the proposed building is too tall. Some commenters suggested alternative maximum heights, in the range of four to five storeys.	Comments will be considered by staff in the review of the applications.
3	<u>Privacy Impacts</u> Comments expressed concern that the proposed development will cause a loss of privacy for neighbouring residents, particularly for those on Brenner Crescent with back yards adjacent to the hydro corridor.	Comments will be considered by staff in the review of the applications. The City's Mid-Rise Building Guidelines provide guidance on mitigating privacy concerns where a mid-rise building is proposed adjacent to a low-rise neighbourhood.
4	<u>Parking Impacts</u> Comments expressed concern that the proposed parking supply is insufficient for both occupants and visitors, and could lead to impacts on neighbouring properties from visitors to this development parking on side	A Traffic Impact Study, Parking Justification Study, and Transportation Demand Management Plan was submitted with the applications and is available online at www.burlington.ca/1396guelph . This study is being reviewed by the City's Transportation Department.

	streets or illegally parking on neighbouring properties.	
5	<u>Housing affordability, housing tenure, housing type</u> Comments questioned whether the proposed development would be rental or condominium tenure, and expressed concerns that it would not be affordable, and that the proposed unit mix did not provide sufficient options for households requiring multiple bedrooms.	A Housing Impact Statement was submitted with the subject applications and is available online at www.burlington.ca/1396guelph . The applications will be evaluated in the context of the applicable policy framework including housing policies at the Provincial, Regional, and City levels.
6	<u>Design and aesthetic impacts</u> Comments expressed concerns that the proposed building design was out of character with the predominantly residential area	While the City does not control the architectural style of development, staff will review the application using the urban design and compatibility policies of the Official Plan as well as applicable urban design guidelines.
7	<u>Traffic safety</u> Comments identified specific concerns about traffic safety, particularly in relation to the location of the proposed driveway access to Guelph Line, and the ability to make safe left turns at this driveway.	Guelph Line is a Regional Road. Traffic safety will be a consideration in the review of transportation impacts by Transportation staff at both the City and Halton Region.
8	<u>Noise impacts</u> Comments expressed concern with noise impacts from the proposed development	An Environmental Noise Study has been submitted with the applications and is available online at www.burlington.ca/1396guelph . This study will be reviewed by staff in the review of the applications.
9	<u>Environmental impacts</u> Some comments identified concerns with loss of trees and wildlife habitat	A Tree Inventory and Preservation Plan, as well as a Tree Protection Plan, were submitted with the applications and are available online at www.burlington.ca/1396guelph . These studies will be reviewed by staff in the review of the applications.
10	<u>Location and Density</u> Some comments questioned whether the subject property	The subject applications will be evaluated in accordance with the applicable policy framework, including the Regional Urban

	is the appropriate location for the proposed level of density.	Structure and growth management policies of the Regional Official Plan.
11	<p><u>Land Use Compatibility</u></p> <p>Some comments raised concerns about whether the proposed multi-storey apartment building would be adversely affected by the existing Hydro One infrastructure adjacent to the subject property</p>	<p>Land Use Compatibility studies were submitted with the subject applications and are available online at www.burlington.ca/1396guelp. These studies will be considered by City and Regional staff in the review of the applications. The applications have also been circulated to Hydro One for their review. Comments from Hydro One will be considered by staff in the review of the applications.</p>
12	<p>Other concerns</p> <ul style="list-style-type: none"> a. Construction impacts (noise, dust, vibration) b. Shadow impacts c. School capacity d. Park capacity e. Grocery store capacity f. Climate impacts g. Impacts on property values 	<ul style="list-style-type: none"> a. A Construction Management Plan was submitted with the subject applications and is available online at www.burlington.ca/1396guelp. If the subject applications are approved, more detailed review of construction impacts, including vibration monitoring, will occur at the detailed design stage (Site Plan application). b. A Shadow Study was submitted with the applications and is available online at www.burlington.ca/1396guelp. The applications will be reviewed in accordance with the City's Shadow Study Guidelines and Terms of Reference. c. The subject applications have been circulated to the school boards for review and comment. d. The subject applications have been circulated to the City's Parks Design & Construction section. Availability of parkland will be considered in the review of the applications. e. The applications will be evaluated using the intensification criteria in the Official Plan. These criteria include access to "community services and other neighbourhood conveniences such as community centres, neighbourhood shopping centres, and health care". f. The applications will be evaluated in accordance with the City's Sustainable Building and Development Guidelines. The applicant submitted a sustainability

		<p>checklist, which is available online at www.burlington.ca/1396guelph.</p> <p>g. Impacts to property values are not a planning consideration.</p>
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Petition

In addition to the written comments summarized above and contained in Appendix B of this report, City staff also received a petition signed by 33 residents opposed to the subject application. The majority of signatories listed their address as being within 120 metres of the subject lands. Some of the residents who signed the petition also submitted written comments directly to staff.

The text of the petition states:

“We disagree with the proposed building of an 11 storey high-rise at 1396 Guelph line for the following reasons and request that the area zone to remain designated as ‘S’ for Utility Services only.

- The area is not designated for residences, nor is it suitable in size, space or proximity to hydro towers
- Privacy will be lost for neighbouring residents
- The proposed building is far too high and is inconsistent with the character and scale of residential buildings in the neighbourhood
- It is too close to an already busy traffic light and will heavily increase traffic congestion on Guelph line
- There are not enough proposed parking spaces for residents
- Construction will be prolonged, loud and dusty and will disrupt local residents’ reasonable enjoyment of their living spaces
- Trees and local wildlife habitats will be eliminated or disrupted
- Proposed building units do not encourage multi person family or affordable housing

For the above reasons, we the undersigned, do not want this high-rise built, nor do we wish to have the land use designation changed from S to RH5. We respectfully request that the city deny the above-named proposal and zone change designations for the reasons given.”

City staff were not involved in the creation or promotion of the survey described above. The petition and survey will be considered by staff in the review of the subject applications; however, all interested residents are encouraged to submit their comments directly to the City through a written submission (emailed to

thomas.douglas@burlington.ca or mailed to the Community Planning Department, care of Thomas Douglas), or a verbal submission at a Statutory Public Meeting.

As stated in the Notice of Application that was mailed to neighbours within 120 metres of the subject lands in June 2022, “If a person or public body does not make oral submissions at a public meeting, or make written submissions to the City of Burlington before the proposed official plan amendment is adopted, and/or the zoning by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal [now called the Ontario Land Tribunal] unless, in the opinion of the Tribunal, there are reasonable grounds to do so. For more information about preserving your appeal rights, contact the Planner on file...”

Interested parties should also be aware when making a submission to the City that “Personal information is collected under the authority of the Planning Act, R.S.O. 1990, c. P. 13 and may be contained in an appendix of a staff report, published in the meeting agenda, delegation list and/or the minutes of the public meeting and made part of the public record. The City collects this information in order to make informed decisions on the relevant issues and to notify interested parties of Council’s decisions. It may also be used to serve notice of a Local Planning Appeal Tribunal [Ontario Land Tribunal] hearing. Names and addresses contained in submitted letters and other information will be available to the public, unless the individual expressly requests the City to remove their personal information. The disclosure of this information is governed by the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M. 56.”

Financial Matters:

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

Climate Implications

In February 2020, City Council approved the City of Burlington Climate Action Plan to support the City’s path to a low-carbon future, focusing on mitigating greenhouse gases and reducing energy consumption. The Plan identifies seven implementation programs, including programs to enhance energy performance for new and existing buildings; increase transit and active transportation mode shares; electrify City, personal and commercial vehicles and other currently gas-powered equipment; and support waste reduction and diversion. Planning staff will evaluate the subject applications with consideration of climate implications concerning the subject applications.

Engagement Matters:

A virtual Pre-Application Community Consultation Meeting was held by the applicant on March 23, 2022. This meeting was attended by approximately 10 members of the public as well as by City staff, Mayor Marianne Meed Ward, and ward 3 Councillor Rory Nisan. At this meeting, the applicant sought feedback from the public on the proposed development.

Since receiving a complete application for the subject lands, City staff have engaged members of the public through the City's standard public notification and consultation practices for an Official Plan Amendment and/or Zoning By-law Amendment application:

- A webpage with information about the subject applications was published on the City's website at www.burlington.ca/1396guelph;
- Notice signs were erected on the subject property in early July 2022;
- A notice was mailed to all property owners and tenants within 120 metres of the subject property (a total of 231 addressees) on June 29, 2022;
- A Statutory Public Meeting will be held on September 13, 2022. This report has provided information about the subject applications to inform discussion at the Statutory Public Meeting.
- Notice of the Statutory Public Meeting was published in the City Update section of the Burlington Post on August 18, 2022. Notice of the meeting was also posted on the website and sent by mail to owners and tenants within 120 metres of the subject property.

Interested members of the public can continue to provide written comments to City staff using the contact information provided on the webpage linked above or by contacting the Community Planning Department.

More information on the planning process in Burlington, including opportunities for public consultation, can be found at www.burlington.ca/planningprocess.

Conclusion:

This report provides a description of the applications to amend the Official Plan and Zoning By-law for 1396 Guelph Line, an update on the technical review that is underway, and a summary of technical and public comments received to date.

Respectfully submitted,

Thomas Douglas MCIP RPP

Senior Planner

thomas.douglas@burlington.ca

(905) 335-7600 ext. 7811

Appendices:

- A. Location, Zoning, and Concept Plans
- B. Public Comments

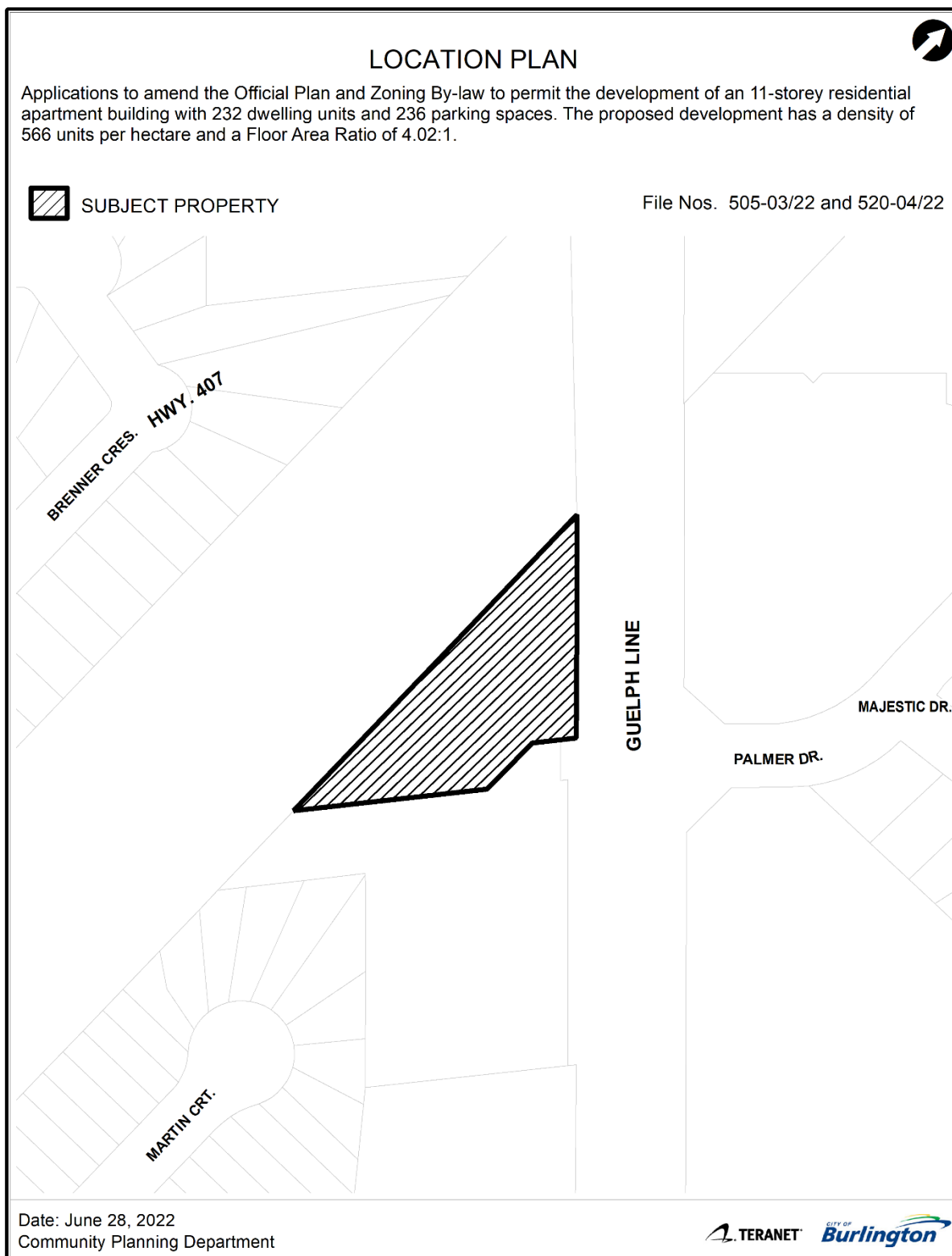
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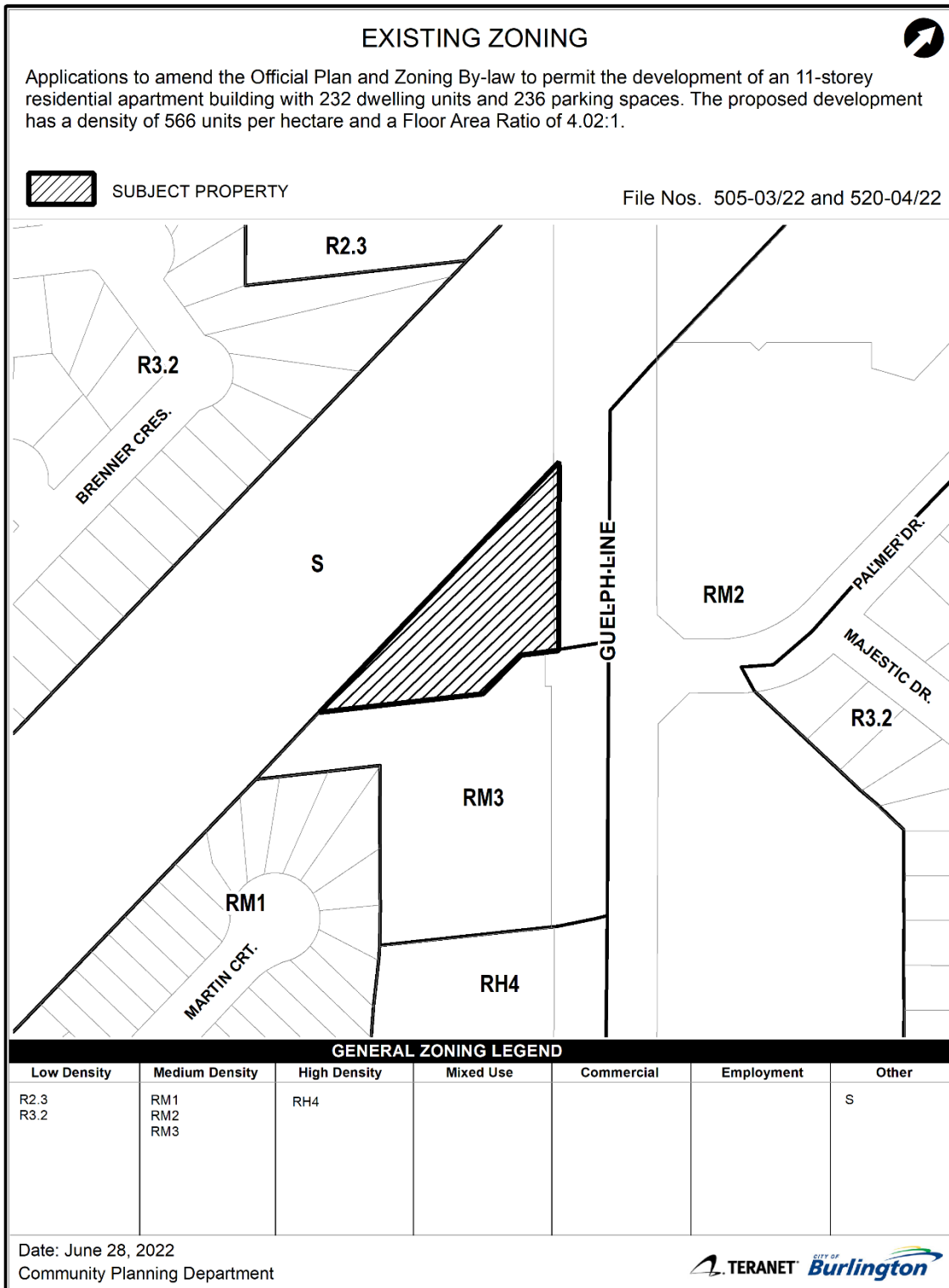
Bousfields Inc. c/o David Falletta

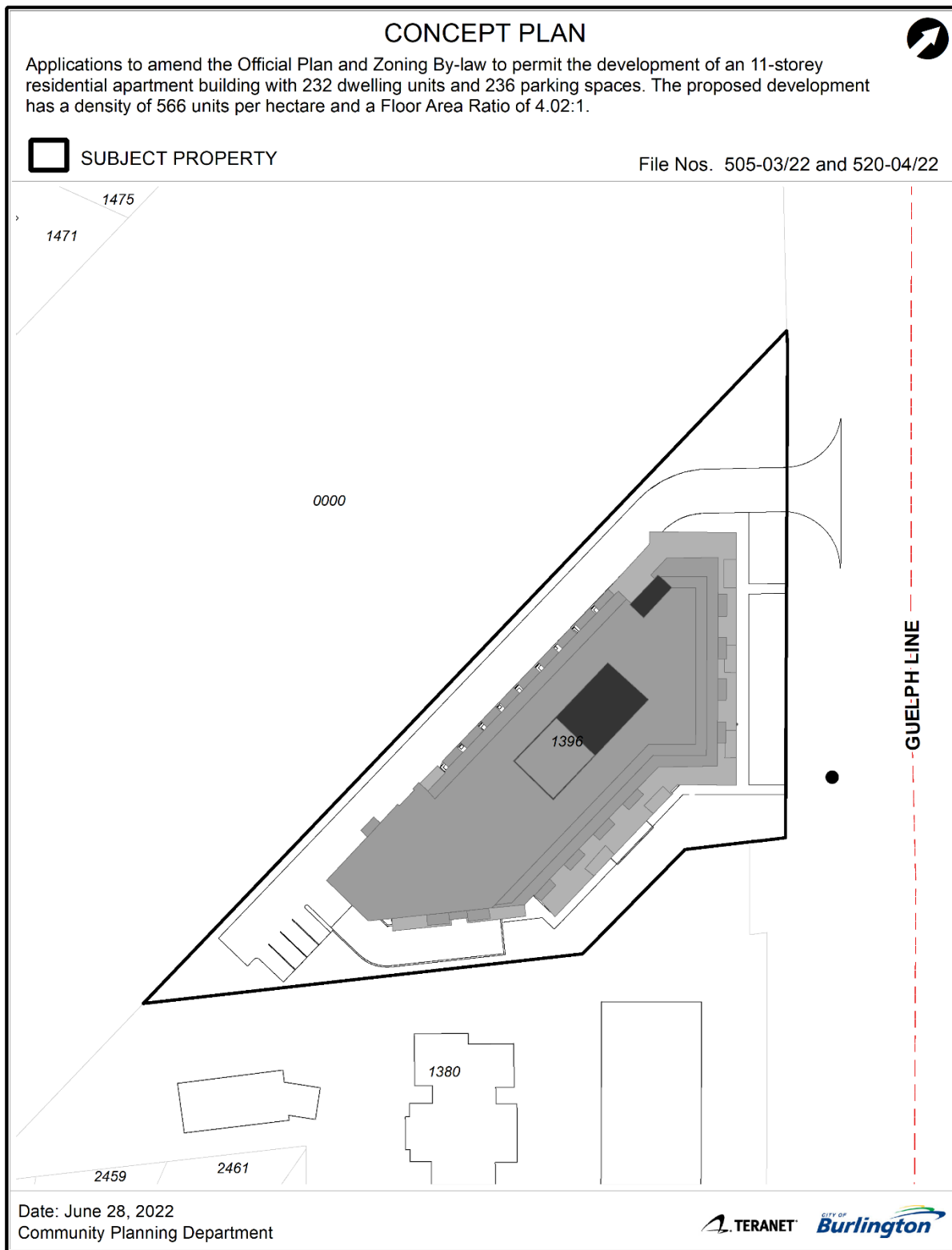
Report Approval:

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Counsel.

Appendix A: Location, Zoning, and Concept Plans







Appendix B: Public Comments

Comment 1

From: Doug and Rosemary Biehn

Date: July 5, 2022

First of all it is not clear if the proposed units will be rental or owned. Certainly there is a need to create rental units in Burlington and this would be a good use of this land but ABSOLUTELY NOT AT THE DENSITY PROPOSED.

We see the following problems:

- 11 stories is totally out of line with most other multi unit residential buildings along this area of Guelph line. 5 stories max would be more appropriate.
- Lack of parking looks like a disaster waiting to happen. 8 outdoor parking spaces will be nowhere near sufficient to accommodate visitors to 232 dwelling units.
- Our observation is that the majority of family units in Burlington have more than 1 vehicle. 228 spaces for 236 units is unlikely to work well.
- There is little land that is not covered by the building. Reducing its land area covered should be considered to help solve the parking problems.

We are hopeful that some amendments can happen to prevent construction of something that will overwhelm the neighbourhood.

Doug and Rosemary Biehn

Comment 2

From: Gord Scott

Date: July 9, 2022

Hello Thomas, I am writing in regards to the Planning Application submitted by the Infidelity Development Group. To Develop 1396 Guelph Line.

My residence is [REDACTED], Burlington. My family has lived there for over 30 years. We purchased this house because of the wide open space and obviously the privacy of the back yard.

1396 Guelph Line is located directly behind us. If this proposal is passed we will have a 11 storey building peering into our backyard, as well as our bedroom windows. All these homes are designed with bedrooms facing the hydro field. I am strongly against this proposal.

I see many problems with this building design. Obviously 11 storeys high. Nothing in the area is close to this height. As far as fitting into the neighbourhood an enormous structure such as this would not. The parking entrance from Guelph Line with no traffic light would be a definite safety concern. It would also cause back ups in traffic flow on Guelph Line..

I also do not agree with 236 parking spaces for 232 dwellings? Our home has 3 adults living in it, we have 4 cars in our driveway. One parking space per unit? Where would the overflow parking end up? Parking in the Church across the street on Guelph Line or on the side streets around the neighborhood.

Again, we are strongly against this proposed plan. I am confident that this would have a negative impact on the value of my home.

Thank You

Gord Scott

Comment 3

From: Sue Thorpe

Date: July 20, 2022

Dear Mr. Douglas:

I am writing regarding the proposed development at the site of the former Canada Post letter carrier depot on Guelph Line. Apparently the developer intends to construct an 11-storey residential complex on this property.

While I understand and appreciate the City's desire to push forward with residential intensification, this is not the way to do it. Yes, the proposed building will house many people, but at what cost to the area? The developer's "Area Context & Height Survey" clearly indicates that the tallest structure in the area is 4-storey, so I don't know how they can use that data to support the reasonableness of an 11-storey structure. Anything higher than four storeys would be out of character in this area of Burlington. Please consider requiring such an amendment to the proposal.

Speaking of character, the design proposed for the building is horrendous. It is similar to the unattractive buildings that have been (and are being) erected on Fairview Street. They do not look homey or inviting. They certainly don't enhance the street, and their gaudiness can be seen for miles. I suppose that it was decided the blocking design of the buildings would be good enough for a street that is predominantly retail in nature, but such a design would not be appropriate for the Guelph Line area, which is predominantly residential. If the proposal were approved, I would hope that a warmer, more welcoming appearance would be required.

The proposal allows for just one parking spot per unit. What happens if some renters have multiple vehicles? Will that result in the excess vehicles being parked on side streets or in parking lots on other properties?

There is so much talk about the need for affordable housing, yet this proposal's Housing Impact Statement reveals that "Infinity is currently not committing to the development of affordable housing units on the subject site." The majority of people I've spoken to are

not thrilled about the prospect of of a such a development in the area, but would be more agreeable were it to ultimately provide affordable housing units.

In the "Immediate Surroundings" section of the proposal, it states " Also located within the hydro corridor on the east side of Guelph Line is a gravel bus loop for Burlington Transit, which provides a layover point for Burlington Transit buses. The loop also features a small bus shelter for passengers." I have lived in and walked around this area for years and the only gravel area that I know of on the east side of Guelph Line is a water station for trucks. It makes me wonder what else in their proposal may have been misrepresented.

Just last week, Oakville rejected a similar development proposal (9-storey) for Lakeshore Road. Clearly each municipality has some flexibility in terms of achieving Regional housing targets while still addressing public concerns. Please review Oakville's decision for relevance to the proposal currently on the table.

I know that the proposal process undergoes rigorous review and consideration. Please include my thoughts and concerns in that regard. Thank you.

Sue Thorpe

Comment 4

From: Barbara Jager

Date: July 21, 2022

Hello Thomas:

Living at [REDACTED], Burlington, Ontario for 25 years this project will completely leave us in Shade from 3:00 P.M. on.

This would definitely be an eyesore for this area.

I highly disagree on this project going forward. Living in Burlington 73 years I would like to continue enjoying the home I am living in without this obstruction.

Please note that my vote is not to have this building constructed.

Thank you.

Barbara Jager

Comment 5

From: Crystal Marshall

Date: July 24, 2022

As a neighbour in the area of this proposition, I would like you to consider my family's opinion.

11 storeys is significant. This would be the tallest building in the area and would certainly have an esthetic negative value on the neighbourhood. This is a mature, established community and 11 storeys of additional traffic and congestion, let alone people in our already stretched area would have a big impact.

I'd like you to consider reducing the height to a mere 4-5 storeys to better fit in the neighbourhood as well as the amount of pepper and traffic.

Perhaps the addition of common green space also around the building would help our only little park on Colonsay Drive.

Thank you for your consideration.

Crystal Marshall

Comment 6

From: Paul Semach

Date: July 24, 2022

Mr. Douglas

I received a notice yesterday that there has been an application made for an 11 storey building to be developed at 1396 Guelph Line in Burlington.

I'm am letting you know that I would be opposed to this. Simply put, this would have a significant increase for noise, traffic and congestion.

There no no buildings within a 2km radius of this height.

Sincerely,

Paul Semach

Comment 7

From: Jim Bell

Date: July 25, 2022

Dear Mr. Douglas:

I am a long time Burlington resident (address: [REDACTED]). I am writing to express my strong opposition to this proposed zoning revision application ("application"). A high rise, high density residential complex is completely unsuitable and inappropriate for this area of Burlington and will degrade the quality of life for area residents. Specifically, it will result in additional noise, traffic and congestion in the Palmer Dr. and Guelph Line area and will be an aesthetic eyesore, completely out of keeping with the low density, low rise residential and retail commercial character of the ambient neighbourhood. I urge you to recommend against the approval of this application. If you require any further information about my reasons for my objection to this application, please do not hesitate to contact me. Thank you.

Jim Bell

Comment 8

From: T Johnson

Date: July 26, 2022

To Thomas Douglas,

I am writing to let you know that I COMPLETELY OBJECT to a high destiny residential apartment building proposed for 1396 Guelph Line.

There is absolutely no reason to build a super high building in the middle of a mostly low level residential area. The effect on traffic would be horrific. Also I understand that it is illegal to encroach on the hydro right of way.

Again, I couldn't be more adamantly AGAINST this proposal. Please DO NOT go any further with this travesty.

Thank you,

T Johnson

Comment 9

From: Harold Kirby

Date: July 27, 2022

Hello,

I am writing to you to express my feedback for the proposed change to the official plan by-law designations for the property located at 1396 Guelph Line. I do not think it is a good idea to grant a high occupancy designation for this site. I live in the community and already have problems with traffic on Guelph Line at both Mount forest drive and St.Frances drive. The two grocery stores, Fortino's and Food Basics are also too busy on the weekends now without extra building. Please do not create more congestion in our neighbourhood.

Thank-you,

Harold Kirby

Comment 10

From: Gloria Nardi-Bell

Date: July 28, 2022

Dear Mr. Douglas:

I am writing to register my opposition to the proposed zoning change and the construction of an 11-storey building on 3196 Guelph Line at Palmer, on the site of the former Post Office.

I have resided at [REDACTED], Burlington, for 31 years. My objections include the following:

1. An 11-storey building is disconsonant with the neighbourhood which is low-rise residential with a maximum height of 4 storeys. An 11-storey building will be an eye-sore and will make the neighbourhood unsightly.
2. The proposal is for 232 dwelling units with 228 parking spaces. Clearly, this is inadequate. The proposal fails to provide a minimum of 1 parking spot per residential unit.
3. The proposal allows for an additional 8 outdoor parking spaces. One presumes that these would be for visitor parking. The proposal is inadequate. A residential building with 232 units requires far more than 8 visitor parking spaces. This inadequate planning will likely mean that visitors will look for parking on the streets, causing more congestion, or will trespass onto other properties like neighbourhood churches, other residential sites, or the local malls. This will result in breaches of those owners' property rights.
4. The proposed building is on a busy thoroughfare. An 11-storey building will exponentially increase traffic at an already congested intersection.
5. The proposed building will loom over adjacent sites like the Shackleton townhomes and interfere with their privacy, tranquility, and general enjoyment of their homes.
6. The location of the proposed building will cast a long shadow over the adjacent sites, and interfere with the neighbours' enjoyment of sunlight especially for children who play outdoors.

I urge you to oppose the proposed plan. Nothing good can come of such a change in zoning and the proposed construction.

Thanks,

Gloria Nardi-Bell

Comment 11

From: Julija

Date: July 28, 2022

STOP the eleven stories of apartments on 1396 Guelph line from being built

It will be an abomination to look at

It will increase the heatwaves in Burlington to worsen

Look at the problems Toronto , Mississauga are having with the high rises

Look at the ugly downtown of our own city of burlington is having with the highrises in aldershot

Aldershot s human trafficking is disgusting as well as the prostitution there is awful

No highrises in ward three is my vote

Julija

Comment 12

From: Stephanie Bye

Date: July 29, 2022

Good afternoon Mr. Douglas,

Thank you for speaking to me and answering my questions the other day. As discussed, I have attached the petition and a letter from a neighbour, to this email. I appreciated you providing me with the information about the importance of neighbours contacting you directly with their concerns rather than simply signing a petition. I understand the importance of that advice but will reiterate again our reasons for the petition. Thank you again for your understanding.

Many of the individuals residing at 1380 Guelph Line have difficulty with email, and electronics in general so they wanted to have their voices heard but would have struggled to do so without reading and signing the petition. The good thing is that we are so close to the proposed site so all of them will continue to receive correspondence about it.

I wanted to share my concerns as well. They do echo that of the petition but I will repeat them here for your further consideration.

- The area is not designated for residences, nor is it suitable in size, space or proximity to hydro towers.
- Privacy will be lost for neighbouring residents
- The proposed building is far too high and is inconsistent with the character and scale of residential buildings in the neighbourhood
- It is too close to an already busy traffic light and will heavily increase traffic congestion on Guelph line. I will note here that this intersection is already quite unsafe. I have nearly been hit several times while walking and obeying pedestrian signals. There are also many
- There are not enough proposed parking spaces for residents
- Construction will be prolonged, loud and dusty and will disrupt local residents' reasonable enjoyment of their living spaces
- Trees and local wildlife habitats will be eliminated or disrupted
- Proposed building units do not encourage multi person family or affordable housing. To this final point I must note that the cost of rentals has gone way up. While working a good paying job, I myself cannot afford to rent an apartment on

my own nevermind being able to own one. I am sure that the apartments will likely be condos and sold at an extremely high cost.

I also noted when we spoke that the signs are not prominently displayed. Thank you for speaking to the developer about this. I will include my own photos of this. The sign between the bus shelter and the financing sign could be moved to the middle where the large patch of grass is. The second sign that is facing the Hydro path could be moved further toward the road so that pedestrians and vehicles can see it more easily.

Lastly, I noticed the other day that there is a “For Sale” sign up on the property. I did not understand this and I was wondering if you could tell me what that means?

Thank you again for your time. Have a wonderful long weekend.

Sincerely,

Stephanie Bye

Comment 13

From: Mariyana and Georgi Anodaliev

Date: July 27, 2022

Dear Mr. Douglas,

We are writing this note in response to planning application submitted by Infinity Development Group. We are concerned about the structural integrity of our aged building and underground parking lot. If there is deepground digging next door at 1396 Guelph Line then it may create structural damage to our underground parking structure as well as our homes. We are also very concerned about noise and dust that this construction site will bring upon us for multiple years. For these reasons, and the reasons included in the petition (that we signed), we are opposed to the Development Proposal at 1396 Guelph Line, Burlington ON.

Thank you for your time and consideration.

Sincerely,

Mariyana and Georgi Anodaliev

Comment 14

From: Alex Tinsley

Date: July 29, 2022

Good afternoon Mr. Douglas,

We received notification that an application has been made to change the official plan and zoning bylaw designation for the property at 1396 Guelph Line in Burlington.

As a resident within the Mountainside neighborhood, we strongly object to this proposed change.

This structure would very negatively affect both the Mountainside and Palmer neighborhoods equally.

We would all see a significant reduction in privacy within our yards which will also negatively affect our property values.

Furthermore, traffic on Guelph Line south of Upper Middle Road is already gridlock throughout the week. The addition of 232 dwellings would create a much larger problem than already exists. Our current infrastructure in this area is already taxed enough as is.

Structures of this size should be reserved for properties situated along the Fairview/GO train corridor.

I understand that housing needs to be constructed somewhere, however we feel that this lot would be better suited to low-rise condos instead (4-5 stories).

Thank you for the consideration.

Alex & Cynthia Tinsley

Comment 15

From: Cynthia Tinsley

Date: July 29, 2022

Good afternoon Mr. Douglas,

We received notification that an application has been made to change the official plan and zoning bylaw designation for the property at 1396 Guelph Line in Burlington.

As a resident within the Mountainside neighborhood, we strongly object to this proposed change.

We would lose out on all of our privacy that our neighbourhood is known for. Also, I do not believe there is the capacity at our local elementary schools and therefore kids would have to be bused causing more traffic. There is already gridlock on Guelph line at several different times of the day.

We are strongly opposed to this application.

Sincerely,

Cynthia and Alex Tinsley

Comment 16

From: Rachel Szplitgeiber

Date: July 29, 2022

Hi Thomas,

Hope you are well.

I just received a letter from my neighbour that Infinity Development Group has put forth an application to erect an 11 storey condo at 1396 Guelph Line?

I must say, after looking it up on the City of Burlington's website, I am shocked. I find it laughable that anyone would apply for that at that particular location.

From what I understand of my neighbour's letter, we have until or before August 16th to give our opinions on the matter.

Could you kindly direct me to the appropriate representative of the matter so I may help put a stop to this application?

I have been a resident of Burlington for 35 years and have watched it grow and I must say after viewing some of the applications put forth, developers are trying to squeeze the largest possible structure on the smallest bit of land scattered throughout the city. I feel that this is taking away from Burlington as a whole and what a lot of us have moved here for.

I have several issues with the current application. Growth, traffic, transit, amenities, location, size, schools, esthetics, etc.

Please let me know at your earliest.

Thank you,

Rachel

Comment 17

From: Corrie Smid

Date: July 29, 2022

Thomas Douglas,

I saw a picture of the building that would be built if the application is accepted.

I have lived on [REDACTED] for 42 years and have so enjoyed living here.

I am not keen on this development.

It is going to create more traffic near me and be more challenging driving.

More people in the neighborhood. The major grocery stores, Fortinos and Food Basics will become much busier. Other smaller stores will become much busier.

I don't like the height of the building. It is too high.

There are already townhouses nearby and a large church and smaller church. A retirement home near which will make it harder for the elderly residents to walk, drive vehicles, scooters.

Are these units for buying or for rental? If rental are the prices going to be so that people can afford to live there. Lower cost housing is so needed. People are struggling to make ends meet with the increase in gas, grocery and most other commodity prices.

I hope that the Mayor and her council will not approve this application.

Lets keep this neighborhood the way it is. My street and surroundings are peaceful.

Corrie Smid

Comment 18

From: Mary Hamilton

Date: July 31, 2022

Dear Sir,

I am a resident of [REDACTED] and I would like to express my disappointment at the possibility of an 11 storey condo being considered.

I believe a high rise takes up unnecessary vertical space for something that can be achieved with much less height. A low rise is better suited for this

area as it may offer more affordable housing, which is greatly needed in Burlington and keep in specs with the neighbourhood. With a high rise there is also the loss of privacy, increased noise as well as an increase in traffic congestion. As you are most certainly aware of congestion in Burlington is an issue in itself, more on

Guelph Line is not needed.

I along with, I have no doubts, other residents in this area feel the same about this proposed high rise & strongly hope it will be reconsidered & our

voices will be heard & listened to.

Mary

Comment 19

From: Nick Sun

Date: August 7, 2022

Hello,

As a resident next door, I'm sure I'm not the first to inform you of how terrible this idea is.

This intersection is already bad enough at Palmer with the day care not adjacent to an intersection just south of us, there is no way in hell you can expect to put another

hundred plus cars just north of the intersection, not adjacent, without the problem getting any worse.

I saw your traffic counters at the intersection but what they failed to account for is the abundance of cars just south of the intersection turning into the daycare.

And don't forget the hundred or so cars you plan on adding just north of this intersection. They won't be using the intersection; they'll be turning straight onto the street.

Maybe you should inquire with the former tenants, the postal service, and ask them why they moved (spoiler alert; it's because it was impossible to turn in or out of the driveway during rush hour).

Honestly, it's stupid that this proposal even made it this far. It should've been shut down long ago.

It's funny; Halton shuts down an old folks home down the road from a brand new hospital; but says sure, squeeze in more housing next to the poor people!

If this goes any further I'll be sure to show up with hundreds of neighbours who agree how horrible this idea is.

Keep in mind, we're poor and angry and have nothing to lose :)

A concerned citizen,

Nick

Comment 20

From: Clori Ley

Date: August 8, 2022

Dear Mr. Douglas,

I live on [REDACTED] along the Hydro right-of-way very close to Guelph Line. Across from my back yard is the former Canada Post distribution building that the developer is planning to demolish and replace with an eleven storey condominium building. I bought my house many years ago to live in the eastern side of the Mountainside residential subdivision that is generally made up of 1 to 2 storey houses. I value the privacy I have in my back yard, looking out on natural grasslands with a community bike/walking path through the neighbourhood of low rise residences.

There is no history of high buildings in this area of Guelph Line north of the QEW and that is appreciated by all residents. The residential buildings on Guelph Line are no more than four storeys in height. I see residents in these buildings having problems getting out of or into their building's driveway during the busy times on this major regional road, so I can't imagine how new residents in an eleven storey building would

deal with the traffic issues on Guelph Line. They would often be stuck in a line-up waiting to get out on Guelph Line. Trying to turn left would often be a dangerous task.

The height itself would of course be right in my face whenever I looked out my windows or attempted to use my back yard. That represents a total loss of privacy that I have appreciated all these years. I am not against a residential building here, but only if it complements the neighbourhood with a height of no more than four storeys. That of course would help with the traffic issue too with fewer cars.

Thank you,

Clori Ley

Comment 21

From: Matthew Ferencich

Date: August 8, 2022

To Thomas Douglas and all council members

As a life long resident on [REDACTED] I would like to take this opportunity to express my concerns and opposition to the proposal in the application stages at 1396 Guelph Line and Palmer Dr.

Myself and many of the neighbours which I have spoken with, feel this building at this height of 11 stories is way too tall and not suited for this very tight space. I always thought that if the lot was designated and developed for residential use it would reflect the neighbouring townhouse complex on the immediate lots to the south of this proposal. This proposal will be a major eyesore on the surrounding area at the proposed height of 11 stories and there is nothing currently at this height that I can think of north of the Q.E.W. from Brant street to the Tansley community east of Walkers line. Reasonably I would think something in the 4 story range might be better suited like the low-rise condo tower opposite the Guelph Line on Palmer Drive.

There is already a major issue with traffic in the area which is already a nightmare at most times of day. Making a left turn onto Palmer dr. from south bound Guelph Line is already near impossible in the morning and afternoon rush. Another driveway onto Guelph line in this area would be a traffic disaster.

I understand the want and need to have the City of Burlington grow and the amount of space to do so is getting scarce but a development of this size is not fair to the surrounding community. To drop this on a neighbourhood that has come to love and cherish the peacefulness and privacy of living on these hydro right of ways is wrong and, in the end, only hurts the charm and desirability of living in Burlington. I for one would not want to live in one of these proposed dwelling spaces in this proposed tower and it makes living on the surrounding properties less appealing as well. We should strive for better here in Burlington.

Thank you for taking the time to read my concerns on this matter and hopefully it will conclude in a mutually beneficial compromise that will help the City of Burlington reach its needs and goals and be something that all parties involved can appreciate. Let's continue to make Burlington a great and desired place to live for everyone.

Sincerely,

Matthew Ferencich

Comment 22

From: Zoltan Wagner

Date: August 9, 2022

Dear Mr. Douglas,

It came to my attention that an 11 storey condo development is planned near Guelph Line and Mt. Forest Dr.

I strongly oppose this development due to concerns over extra traffic, population density in a neighborhood that lacks the infrastructure for a large influx of residents and lack of recreational space in the neighborhood (especially for children).

If you aren't the best person to deal with this matter, please forward my message to the most appropriate person(s).

Sincerely,

Zoltan Wagner

Comment 23

From: Lynda Wright

Date: August 9, 2022

I am concerned about the proposed construction of an 11 storey apartment building in my neighbourhood. In reality, it is 12 levels. It will bring unwanted vehicle traffic in our area. The proposed exit on to Guelph Line, close to St. Francis is unsafe. The hydro right of way which is very close to the north boundary of the lot is used by bikers, walkers, and children. Having traffic exiting near there would be unsafe.

I have concerns about the environmental use of 3 levels of underground parking.

The term "1,807 square metres of private outdoor amenity space" is vague and open to many interpretations' there is the possibility of noise and safety issues.

With a total of 232 dwellings and 236 parking spaces, there is the probability of extra cars parking on the streets in the immediate area. Many would also ignore parking limits.

There should be consideration given to the ability of Clarksdale and Rolling Meadows to handle increased enrollment.

The request for Residential - High Density is detrimental to my neighbourhood.

Thank you for returning my call.

Lynda Wright

Comment 24

From: Alan and Patricia Sanders

Date: August 10, 2022

We realize that we have missed the official cut off date for comments on the above proposal. However we would like to express our observations and objections to the proposal even though it is too late.

What will happen to the existing business that now occupies the building? Guess the building will be torn down. Seems to be a lot of work and renovation for a short term stay. Or was this a ruse by the developer that enabled them to acquire the property?

If the zoning is changed will this open up the opportunity for more high rise on Guelph Line?

The traffic volume on Guelph Line is bad now with all the gravel truck traffic and more to come with the proposal to expand the Mount Nemo quarry. An additional 236 parking spaces will certainly add to the congestion at the intersection of Guelph Line and Palmer.

We are 43 year residents on the St Frances. Cut through traffic on our part of St Frances has increased greatly in the last few years. We can imagine how this project will add to it!

Alan & Patricia Sanders

Comment 25

From: Gary Scobie

Date: August 11, 2022

We have lived on [REDACTED] for over 42 years, raising our family with a back yard left visible to the Hydro right-of-way and pedestrian/bicycle path. We appreciate the openness behind us and the privacy afforded to us with distant back yard neighbours, as do our neighbours up the street backing onto the field. We have only a chain link fence across the back with a gate to the field.

We've lived with a Canada Post distribution centre all that time at 1396 Guelph Line until a few years ago when the operation was moved elsewhere and the building vacated. We assumed a different warehouse/distribution operation would move in to

use the current low-rise building. You can imagine our astonishment when the new owners decided this small, irregular plot of land should be turned into an eleven storey condo tower with 232 units and 236 parking spaces.

This building as applied for holds far too many units for the neighbourhood and for the traffic safety of the future residents.

To start, the City has absolutely no obligation to grant a residential zoning here. It could be left as is. There is no growth corridor here for residential intensification either. That said, at first glance I think my neighbours on Brenner Crescent who back on to the Hydro right of way northwest of the site could see a four storey building here as a negotiated possibility, but not any higher.

One reason for the height reduction is to keep the building within the height context of the one to two storey houses along the right of way and the three and four storey townhouses/apartment condos south of the site all the way down Guelph Line to the QEW. This building would be totally out of character with our neighbourhood, something this Council said they intended to protect. **The main reason however is traffic safety.**

The Traffic Study submitted by the developer should be used in future as a template for how **not** to support a development in teaching situations in university. The key deficiency is that after acknowledging there would be problems with left turns out and left turns in to the 11 storey building during peak traffic hours, the solution is to create a different traffic problem rather than acknowledge that there will be too many cars at the site because of its height and unit count of 232 suites and 236 cars.

The "solution" proposed to the difficulty with left turns during peak hours is to ban and prevent them completely at all hours and 1) have residents wishing to go north on Guelph Line instead go south (right turn) and quickly accelerate over two lanes of traffic to the left turning lane at the Palmer/Guelph Line signalized intersection (all within less than 50 metres of room), then they are supposed to pull a U-turn into oncoming traffic and go north on Guelph Line and 2) have residents wishing to turn into the site from the south on Guelph Line continue past the site up to Upper Middle Road and make a left U-turn there at the signalized intersection against oncoming traffic (or maybe during the advanced green), then head back south so they can turn into the site with a safer right hand turn. See the **Appendix** below for details on this dangerous proposal.

This is a solution? I see it as a major problem telling residents to make often dangerous U-turns (for themselves as well as other drivers) in order to get where they want to go near their home, particularly but not limited to during higher traffic volume times. I don't think Burlington encourages U-turns at intersections and it certainly creates potential accidents for those that try it as well as anger and frustration for anyone behind simply wanting to do a straight forward and easier left turn there. I see it as a non-solution and

a non-starter for an 11 storey building. I would think the City Planning Department, notably Traffic Planning, would see it the same way.

Therefore, I could only see a justified recommendation from your department as either to forget about a new building and usage here at all for traffic reasons or else put up a lower height and density set of townhouses here so that there will be less chance of accidents leaving or entering the driveway and no recommended U-turns.

Think of the backups in the morning as frustrated condo owner drivers get in line to get to Guelph Line, waiting for those in front to make their right turn moves onto Guelph Line. What a way to start their day. Remember that each accident from a U-turn gone wrong will be traced back to the City or the Ontario Land Tribunal, if either ends up authorizing this building in the future and it goes ahead as proposed.

After further study and research I have come to the conclusion that even a four storey building with Right Turn Only plus U-turn rules would still encourage too many accident possibilities. Only a smaller development of six to eight townhouses, similar to those south of Centennial Drive on the west side of Guelph Line would ever make sense here without RIRO & U-turn restrictions. So that is my recommendation if you do go forward with zoning & OP changes to allow residential units here. But I urge you to reject it.

Thank you for your consideration.

Gary Scobie

Cc: Burlington Council

Appendix

Please reference the Traffic Impact Study on this file produced March 14, 2022, particularly Pages 10 to 12 of the 24 page report.

I did a drive north on Guelph Line after peak hours and measured from the site driveway to the Upper Middle Road intersection stop light and waited at the left hand turn lane. It is 0.5 kilometres. Therefore doing a U-turn and returning south on Guelph Line to turn right into the site driveway is another 0.5 kilometres, for a total 1 kilometre extra drive plus U-turn just to get home when coming north on Guelph Line as suggested in the study. You'd do this every time you're coming up Guelph Line homeward bound.

I had a green light at the St. Frances Drive intersection and arrived at the red light at Upper Middle Road as first car in the left turn lane. A good size SUV pulled up behind me. The driver would be expecting me to drive smoothly left with the advance green, not do a more difficult U-turn. I drive a compact car. Looking left, I realized a U-turn done well would take me over to the right hand lane south and thought I could do it smoothly without impeding the following SUV too much. I did so, but also realized that a car going east on Upper Middle Road was going to take advantage of the right turn curved lane to join me in the same lane near the same time and would also not be expecting me to pull a U-turn toward him/her. Luckily, he/she realized what I was doing,

was a little behind my timing and slowed enough to let me pass first before joining the same lane going south behind me. I wondered if everyone would be so lucky in timing and consideration as I was in doing this study-recommended manoeuvre. And this was in non-peak traffic with an advanced green, supposedly the best time to safely try it. This would not always be the case during the more dangerous peak hours when I might be waiting after the advance green to U-turn against approaching traffic from the north if/when I could detect a break in traffic. I did not feel comfortable with this thought. I also felt that bigger vehicle like SUVs and pickup trucks with a larger turning radius would likely have problems executing a U-turn smoothly and safely within the curb and lane limits.

Looking at the other study-suggested U-turn north on Guelph Line at the Palmer Drive signalized intersection, I felt it would be even less secure and safe. That intersection does not have a right turn curved right turn lane at Palmer at the light. It only has a straight through/right turn lane. This requires a full stop at a red light at Guelph Line. If turning right, it requires careful checking of north-bound traffic before attempting a right turn on a red. A driver doing this would not be expecting a south-bound vehicle in the non-advance turning lane to do anything to jeopardize his/her right hand turn north on Guelph Line, but here comes this vehicle doing a U-turn into my outer lane going north! Accident time, folks. There are even more dangerous possibilities here than at Upper Middle Road, an intersection well-known for accidents already.

I have to ask myself 1) how many drivers feel confident in general on the road in their vehicles? 2) How many drivers feel confident in doing U-turns at intersections every day in the normal course of their trips out to work, pleasure or shopping chores? And 3) how many drivers know they have to not only consider the risks of on-coming traffic doing U-turns and intersections but also the possibility that a driver coming from the street on the left with a red light might just want to turn right into the same lane you want at the same time? U-turns at signalized intersections are dangerous manoeuvres. They should never be recommended procedures, period. And certainly not on a daily basis just to get on or off the road from/to your home in the direction you want to travel.

I am glad I had the time and the impetus to do this research “on the road”, not sitting at a desk as the study author must have done. I could consider all of the dangers lurking out there for the possible future residents and their visitors if a multi-storey building with dangerous driving recommendations was built. I am not an expert in traffic studies, but I am now better-informed in real world driving situations than I was. This building or any lower height multi-storey building should not be built on this site. The traffic danger is simply too high.

This is a case of a building proposed for the wrong site at the wrong location.

Comment 26

From: Kandise MacLeod

Date: August 12, 2022

Hello Thomas,

I'm writing you in regards to the proposal of a building at 1396 Guelph line. I wanted to make sure you know I highly object to this proposal. I feel like it is a developer just trying to squeeze a building into this small awkwardly positioned piece of land. The only thing I can think to compare it to, is if we were to build a high rise on to every awkward piece of green space in the middle of highway on ramps. These pieces of land aren't built for this purpose and I don't think we are at that desperate point to Re-zone them either.

This land is way too close to hydro corridor for construction of a large building. The limits of approach to a hydro line for a crane the size they would need to build a building this size is Dangerous. It was only two days ago that a crane hit a hydro line in Toronto and shut the whole city down.

Also the non-ionizing radiation from the electromagnetic fields the hydro lines will also create more of a problem to the families living floors adjacent to them. The field strength drops off with distance. Because of the height of the wires it isn't as much of a concern for most of us with the distance it creates. However the people living in the building on the parallel floors will lose that distance.

Thank you so much for taking the time to read through my concerns. Please let me know if you have any other questions or concerns.

All the best,

Kandise Macleod



SUBJECT: Official Plan and Zoning By-law amendment applications for 1989 Appleby Line

TO: Community Planning, Regulation & Mobility Cttee.

FROM: Community Planning Department

Report Number: PL-66-22

Wards Affected: 5

File Numbers: 505-05/22, 520-06/22

Date to Committee: September 13, 2022

Date to Council: September 20, 2022

Recommendation:

Direct staff to continue to process the submitted applications for Official Plan and Zoning By-law Amendments for 1989 Appleby Line, including evaluating and incorporating comments received by committee and the public at the statutory public meeting, as well as the comments received through the ongoing technical review of this application by agency partners and internal departments.

PURPOSE:

The purpose of this report is to provide background information to the Committee and the public for a Statutory Public Meeting for the lands known as 1989 Appleby Line and to seek direction from Council to continue processing the applications in an effort to bring forward a subsequent recommendation report.

Vision to Focus Alignment:

The subject applications related to the following focus areas of the 2018-2022 Burlington's Plan: From Vision to Focus:

- Increase economic prosperity and community responsive city growth
 - Improve integrated city mobility
 - Support sustainable infrastructure and a resilient environment
-

Executive Summary:

RECOMMENDATION:		Continue to process application	Ward:	5
Application Details	APPLICANT:	1989 Appleby Latch GP Inc.		
	OWNER:	1989 Appleby Latch Limited Partnership		
	FILE NUMBERS:	505-05/22, 520-06/22		
	TYPE OF APPLICATION:	Official Plan Amendment, Zoning By-law Amendment		
	PROPOSED USE:	Two 20-storey residential towers connected by a shared 6-storey podium with retail at grade.		
Property Details	PROPERTY LOCATION:	Southeast corner of Appleby Line and Upper Middle Road (south of utility corridor)		
	MUNICIPAL ADDRESS:	1989 Appleby Line		
	PROPERTY AREA:	0.6 hectares		
	EXISTING USE:	Gas station and carwash		
Documents	1997 OFFICIAL PLAN Existing:	Uptown Commercial/Residential I		
	1997 OFFICIAL PLAN Proposed:	Uptown Commercial/Residential I with site-specific policies for height, Floor Area Ratio, and density		
	2020 OFFICIAL PLAN Existing:	Uptown Core		
	ZONING Existing:	UCR1-274		
	ZONING Proposed:	UCR1-XXX with site-specific regulations		
Processing Details	APPLICATION MADE AND COMPLETE AS OF:	July 7, 2022		
	STATUTORY DEADLINE:	November 4, 2022		
	PRE-APPLICATION COMMUNITY MEETING:	April 4, 2022		

	<i>PUBLIC COMMENTS:</i>	As of August 19, 2022, the City has received written comments from three members of the public on this application. Notices were sent on August 11, 2022 to 878 addresses within 120 metres of the subject property.
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Background and Discussion:

On July 7, 2022, the City received complete applications from 1989 Appleby Latch GP Inc. requesting Official Plan Amendments and Zoning By-law Amendments to permit a mixed-use development comprising two 20-storey residential towers connected by a shared 6-storey podium with retail at grade.

The purpose of this report is to provide an overview of the applications, an outline of applicable policies and regulations, and a summary of technical and public comments received to date.

Description of Subject Property and Surrounding Land Uses

The subject property is located at the southeast corner of Appleby Line and Upper Middle Road, south of the utility corridor. The property has an area of 0.6 hectares, with 70 metres of frontage on Appleby Line. The site is currently occupied by a gas station and carwash with driveway access to both Appleby Line and Upper Middle Road. Enbridge pipelines run along the northern edge of the property within an 18 metre-wide easement.

Surrounding uses are as follows:

- North: Hydro One corridor with a width of approximately 23 metres. To the north of the hydro corridor is Upper Middle Road. A four-storey residential building is located on the north side of Upper Middle Road.
- East: A six-storey residential building is adjacent to the subject property to the east, fronting on Imperial Way. Further east are townhouses and Sheldon Creek. Corpus Christi Catholic High School is on the other side of Sheldon Creek, approximately 350 metres from the subject property.
- Southeast: An 11-storey residential building is located to the southeast of the subject property, at the northwest corner of Imperial Way and Ironstone Drive.
- South: A 16-storey mixed-use building with ground-floor retail is located adjacent to the subject property to the south. Further to the south there is an eight-storey retirement home with ground-floor retail, and beyond this are two-storey townhouses.

- West: to the west of the subject property, on the opposite side of Appleby Line, there is a commercial plaza with one-storey retail buildings, a three-storey mixed-use building containing retail and office uses, and surface parking.
- Northwest: the Millcroft retail centre is located at the northwest corner of Appleby Line and Upper Middle Road. A CN Rail corridor runs behind the Millcroft retail centre, approximately 450 metres from the subject property.

Desjardines Park is an approximately 380-metre walking distance from the subject property, to the southeast. The Orchard Woodlot is located to the north, with the nearest trail access to this woodlot being an approximately 410-metre walking distance from the subject property.

Northbound and southbound bus stops are located within 50 metres of the subject property, served by Burlington Transit route 11, which provides connections to the Appleby GO Station and the Dundas Street-Highway 407 carpool lot, both of which are serviced by GO Transit, Burlington Transit, and Oakville Transit.

Description of Applications

The applications propose to amend the Official Plan and Zoning Bylaw to permit the development of two 20-storey residential towers connected by a shared 6-storey podium with retail at grade. The residential building use is permitted, and the Official Plan and Zoning By-law Amendments are requested for the proposed increases in density, Floor Area Ratio, and height, as well as a reduction in parking.

The proposed development includes 475 residential condominium units and 871m² of at-grade retail space. 502 vehicular parking spaces and 304 bicycle parking spaces are proposed within three storeys of underground parking and a surface parking area. Vehicle access is proposed via two driveways: one on Appleby Line and one on Upper Middle Road. Amenity space is proposed at the 7th storey within two indoor spaces (275m² in each tower) and one outdoor space (413m²) on the roof of the podium.

Application materials are posted on the City's Development Project webpage at www.burlington.ca/1989appleby.

Supporting Documents

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

1. [Architectural Plans](#) (May 2022)
2. [Burlington Urban Design Advisory Panel Meeting Minutes](#) (April 2022)
3. [Construction Management and Mobility Plan](#) (May 2022)
4. [Cover Letter](#) (June 2022)
5. [Draft Reference Plan](#) (September 2021)

6. [Engineering Plans \(Grading and Servicing\)](#) (May 2022)
7. [Environmental Noise and Vibration Feasibility Study](#) (May 2022)
8. [Environmental Site Assessment Consultant Letter of Reliance](#) (July 2022)
9. [Environmental Site Screening Checklist](#) (June 2022)
10. [Functional Servicing and Stormwater Management Report](#) (May 2022)
11. [Geotechnical Report](#) (May 2022)
12. [Housing Impact Statement](#) (May 2022)
13. [Hydrogeological Investigation](#) (May 2022)
14. [Landscape Concept Plan](#) (May 2022)
15. [Sustainable Building and Development Chart](#) (June 2022)
16. [Pedestrian Wind Study](#) (May 2022)
17. [Phase One Environmental Site Assessment](#) (July 2022)
18. [Phase Two Environmental Site Assessment](#) (July 2022)
19. [Planning Justification Report](#) (May 2022)
20. [Shadow Study](#) (May 2022)
21. [Topographical Survey](#) (September 2021)
22. [Transportation Impact and Parking Study](#) (May 2022)
23. [Tree Inventory and Preservation Plan Report](#) (June 2022)
24. [Urban Design Brief](#) (May 2022)
25. [Waste Management Plan](#)
26. Title Search and PIN Report

Application materials are posted on the City's website at www.burlington.ca/1989appleby.

Strategy/process

This section provides information on staff's ongoing review of the subject applications, including the applicable policy framework, and the comments received to date from technical reviewers and members of the public.

Policy Framework

The subject applications are subject to the policy framework described below.

Provincial Policy Statement (2020)

The Provincial Policy Statement (PPS) provides broad policy direction on land use planning and development matters of provincial interest. All planning decisions must be consistent with the PPS.

The PPS promotes the achievement of healthy, livable, and safe communities through various means including by promoting efficient development and land use patterns; accommodating an appropriate and market-based mix of land uses; preparing for the regional and local impacts of a changing climate; and promoting the integration of land use planning, growth management, transit-supportive development, intensification, and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (“the Growth Plan”) provides a policy framework for managing growth in an area of Ontario that includes the City of Burlington. All planning decisions within the Growth Plan area must conform to the Growth Plan.

The Growth Plan is intended to support the achievement of complete communities with access to transit networks, protected employment zones, and an increase in the amount and variety of housing available. The Growth Plan also envisions a healthy natural environment and agricultural lands, which will contribute to the region’s resilience and our ability to adapt to a changing climate. To accomplish its vision, the Growth Plan establishes policies regarding how land is developed, resources are managed and protected, and public dollars are invested.

Halton Region Official Plan

The Halton Region Official Plan (ROP) outlines a long-term vision for Halton’s physical form and community character. To achieve that vision, the ROP identifies an Urban Area and a Regional Urban Structure that are intended to manage growth in a manner that fosters complete communities, enhance mobility across Halton, address climate change, and improve housing affordability, sustainability, and economic prosperity. All planning decisions in Halton Region, which includes the City of Burlington, must conform to the ROP.

Regional Official Plan Amendment (ROPA) 48 was approved by the Minister of Municipal Affairs and Housing on November 10, 2021. This amendment is the first amendment to be advanced as part of the Regional Official Plan Review under section 26 of the Planning Act. ROPA 48 defines specific elements of a Regional Urban Structure including Strategic Growth Areas.

The subject property is located within Burlington’s Uptown Urban Centre. Map 1H “Regional Urban Structure” of the ROP, as amended by ROPA 48, identifies the Burlington Uptown Urban Centre as a Primary Regional Node. Primary Regional Nodes are “planned to accommodate growth and contain a concentration of public service facilities or transit-supportive high-density mixed uses, or which perform a regional transit network function at a scale appropriate for their context” (ROP 82.1.1). The policies of ROPA 48 are in effect and not subject to appeal.

ROPA 49 is the second amendment to be advanced as part of the Regional Official Plan Review. ROPA 49 was adopted by Regional Council on June 15, 2022 and is now with the Minister of Municipal Affairs and Housing for a decision. The purpose of ROPA 49 is to implement the results of the Region's Integrated Growth Management Strategy (IGMS), which considered how to accommodate growth in Halton to the year 2051. ROPA 49 also updates policies and mapping related to the Regional Urban Structure and Strategic Growth Areas. One of these changes is the reclassification of the Burlington Uptown Urban Centre as a Secondary Regional Node, whereas ROPA 48 had identified this area as a Primary Regional Node. As a Secondary Regional Node, the Burlington Uptown Urban Centre is intended to be a focus for growth through mixed-use intensification at a scale appropriate for its context. The policies of ROPA 49 have not taken effect, as the Minister has not yet issued a decision on this amendment to the ROP.

City of Burlington Official Plan (1997, as amended)

The City's Official Plan (1997, as amended) (the OP) outlines a long-term vision of the community and quality of life for Burlington residents and provides policy direction to the public and private sectors on land use, development and resource management matters to guide the future planning and development of the City towards the desired community vision.

As shown on Schedule B of the OP, the subject property is located within the Uptown Mixed-Use Centre. Within the Uptown Mixed-Use Centre, the subject property is designated "Uptown Commercial/Residential I", as shown on Schedule F of the OP. This designation permits mixed-use development with a maximum building height of 35 metres and a maximum Floor Area Ratio of 2.5:1. Retail and service commercial uses are required on the ground floor along Appleby Line, and residential uses are to be located in the upper storeys.

The applicant proposes to amend the Official Plan (1997) to create a site-specific policy that permits mixed-use development on the subject property with a maximum building height of 70.5m and a maximum Floor Area Ratio of 5.7:1.

City of Burlington New Official Plan (2020)

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

The new OP outlines a long-term vision of the community and quality of life for Burlington residents through statements of objectives and policies. The new OP provides policy direction to both the public and private sectors on land use,

development, and resource management to guide the future planning and development of the City towards the desired community vision.

As shown on Schedule C of the new OP, the subject property is located within the Uptown Urban Centre. Within the Urban Centre, the subject property is designated as “Uptown Core”, as shown on Schedule E, Land Use – Uptown Urban Centre, of the new OP. The Uptown Core designation permits mixed-use development with a maximum building height of 20 storeys and a maximum Floor Area Ratio of 3.5:1. This designation permits residential, retail and service commercial, office, entertainment, recreation, hotel, and live/work uses.

As shown on Schedule B-1, “Growth Framework”, of the new OP, the subject property is located within a Primary Growth Area. Primary Growth Areas are planned to accommodate the majority of the City’s forecasted growth and consequently will experience the greatest degree of change. Primary Growth Areas shall be regarded as the most appropriate and predominant location for new tall buildings (in accordance with the underlying land use designations), and shall be priority locations for investments in transit as well as other types of infrastructure and public service facilities, including parks, to support population and employment growth. Primary Growth Areas shall support the frequent transit corridors and accommodate development that is compact, mixed-use, and pedestrian-oriented in nature.

Zoning By-law 2020

The City’s Zoning By-law zones the subject property as UCR1-274 (Uptown Commercial/Residential I, with Exception 274). The UCR1 zone permits mixed-use development with a maximum building height of 35 metres, a maximum Floor Area Ratio of 2.5:1, and a maximum density of 185 units per hectare. Exception 274 contains site-specific regulations that relate to the existing gas station (motor vehicle service station) on the property. These existing zoning regulations conform to the Official Plan (1997, as amended).

The applicant proposes to amend the Zoning Bylaw to rezone the site to UCR1-XXX, creating a new site-specific exception (-XXX) that permits development with a maximum building height of 70.5m, a maximum Floor Area Ratio of 5.7:1, a maximum density of 800 units per hectare, reduced parking requirements, and other site-specific regulations to permit the proposed development.

Table 1 below summarizes the site-specific regulations that have been requested by the applicant, in comparison to the base requirements set out in the UCR1 zone. Exception 274 is not referenced in Table 1 as its regulations are specific to the existing motor vehicle service station on the site.

Table 1: Summary of site-specific regulations requested by applicant, compared to UCR1 zone regulations

	UCR1 zone requirements	Site-specific regulations requested by applicant
Maximum building height	35 metres	70.5 metres
Maximum Floor Area Ratio	2.5:1	5.7:1
Maximum density	185 units per hectare	800 units per hectare
Yard abutting a pipeline easement	7 metres	0 metres
Minimum amenity area	20 m2 per apartment unit	9 m2 per apartment unit
Minimum parking supply for apartment occupants	1.25 spaces per one-bedroom unit 1.5 spaces per two-bedroom unit 1.75 spaces per three or more bedroom unit	0.75 parking spaces per apartment unit
Minimum parking supply for visitors and for retail/service commercial uses	Visitor: 0 spaces Retail/Service Commercial uses: 5 spaces per 100 m2 of gross retail/service commercial floor area	0.12 spaces per apartment unit (shared for visitors and for retail/service commercial)
Minimum setback for below-grade parking structure	3 metres	0.1 metres (front setback) 2.7 metres (rear and side setback)

As of the time of writing this report, Zoning staff have not yet completed their review of the subject applications. Through their ongoing review of the applications, Zoning staff will confirm the extent of zoning conformity issues and the detailed amendments to the Zoning By-law that would be required to permit the proposed development. A future recommendation report will describe all zoning conformity matters and the required Zoning By-law amendments.

Urban Design Guidelines

The proposed development is subject to the following Council-approved urban design guidelines:

- Tall Building Guidelines (2017)
- Uptown Mixed-Use Centre Urban Design Guidelines (1994)
- Shadow Study Guidelines and Terms of Reference (2020)

- Pedestrian-Level Wind Study Guidelines and Terms of Reference (2020)
- Sustainable Building and Development Guidelines (2021)
- Stormwater Management Design Guidelines (2020)

The subsequent recommendation report will include an assessment of the proposed development against the applicable urban design guidelines.

Technical Comments

A request for comments has been circulated to external agencies and relevant City departments. A future recommendation report will provide a summary of technical comments received.

Public Comments

Members of the public who wish to provide comments on the subject applications should submit their written comments to the Planner on file, using the contact information provided at www.burlington.ca/1989appleby. Public input will be considered by staff in the review of the subject applications.

As of August 19, 2022, Planning staff have received written comments via email from three members of the public. These comments are appended in Appendix B of this report. Concerns expressed in these comments are summarized in Table 2 below.

Any written submissions received after August 19, 2022 will be appended to a future staff report for consideration by Council.

Table 2: Summary of public comments received by Planning staff as of August 19, 2022

Row #	Public comment theme	Staff response
1	<u>Traffic congestion</u> Concerns were expressed that the proposed development would cause traffic congestion problems, particularly in relation to the intersection of Appleby Line and Upper Middle Road	A Transportation Impact and Parking Study was submitted with the applications and is available online at www.burlington.ca/1989appleby . This study will be reviewed by Transportation staff at the City and at Halton Region.
2	<u>Parking Impacts</u> Concerns were expressed about the availability of parking and the potential for customers to be driven away from local businesses if there	A Transportation Impact and Parking Study was submitted with the applications and is available online at www.burlington.ca/1989appleby . This study will be reviewed by Transportation staff at the City and at Halton Region.

	is insufficient parking in the area	
3	<u>Density</u> Some concerns expressed that the proposed development may contribute to the area becoming overpopulated beyond the capacity of what local businesses and services can accommodate	The subject property is located within Burlington's Uptown Urban Centre, which is identified in the City's new Official Plan as a Primary Growth Area, and in the Halton Region Official Plan as a Strategic Growth Area. Accordingly, this area is planned to experience growth over the coming decades. With this in mind, planning staff at the City and Halton Region will review the subject applications and determine whether the proposed level of density is appropriate for the subject property.
4	<u>Shadow Impacts</u> One commenter raised concerns about shadow impacts from the proposed development on neighbouring properties, including impacts on an existing solar panel array on a neighbouring property	A Shadow Study was submitted with the subject applications and is available online at www.burlington.ca/1989appleby . Planning staff at the City will review this study in accordance with the City's Shadow Study Guidelines and Terms of Reference.
5	<u>Impacts to neighbouring property values</u>	Property values are not a planning consideration.

Financial Matters:

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

Climate Implications

In February 2020, City Council approved the City of Burlington Climate Action Plan to support the City's path to a low-carbon future, focusing on mitigating greenhouse gases and reducing energy consumption. The Plan identifies seven implementation programs, including programs to enhance energy performance for new and existing buildings; increase transit and active transportation mode shares; electrify City, personal and commercial vehicles and other currently gas-powered equipment; and support waste reduction and diversion. A future recommendation report will include a discussion of the climate implications of staff's recommendation concerning the subject applications.

Engagement Matters:

A virtual Pre-Application Community Consultation Meeting was held by the applicant on April 4, 2022. This meeting was attended by approximately 50 members of the public as well as by City staff, Mayor Marianne Meed Ward, and ward 5 Councillor Paul Sharman. At this meeting, the applicant sought feedback from the public on the proposed development.

Since receiving a complete application for the subject lands, City staff have engaged members of the public through the City's standard public notification and consultation practices for an Official Plan Amendment and/or Zoning By-law Amendment application:

- A webpage with information about the subject applications was published on the City's website at www.burlington.ca/1989appleby;
- Notice signs were erected on the subject property in August 2022;
- A notice was mailed to all property owners and tenants within 120 metres of the subject property (a total of 878 addressees) on August 11, 2022;
- A Statutory Public Meeting will be held on September 13, 2022. This report has provided information about the subject applications to inform discussion at the Statutory Public Meeting.
- Notice of the Statutory Public Meeting was published in the City Update section of the Burlington Post on August 18, 2022. Notice of the meeting was also posted on the website and sent by mail to owners and tenants within 120 metres of the subject property.

Interested members of the public can continue to provide written comments to City staff using the contact information provided on the webpage linked above or by contacting the Community Planning Department.

More information on the planning process in Burlington, including opportunities for public consultation, can be found at www.burlington.ca/planningprocess.

Conclusion:

This report provides a description of the subject applications, an update on the technical review that is underway, and a summary of technical and public comments received to date. Planning staff recommend that Council direct staff to continue to process the subject applications for 1989 Appleby Line in an effort to bring forward a subsequent recommendation report.

Respectfully submitted,

Thomas Douglas MCIP RPP

Senior Planner

Thomas.douglas@burlington.ca

(905) 335-7600 ext. 7811

Appendices:

- A. Zoning and Concept Plans
- B. Public Comments

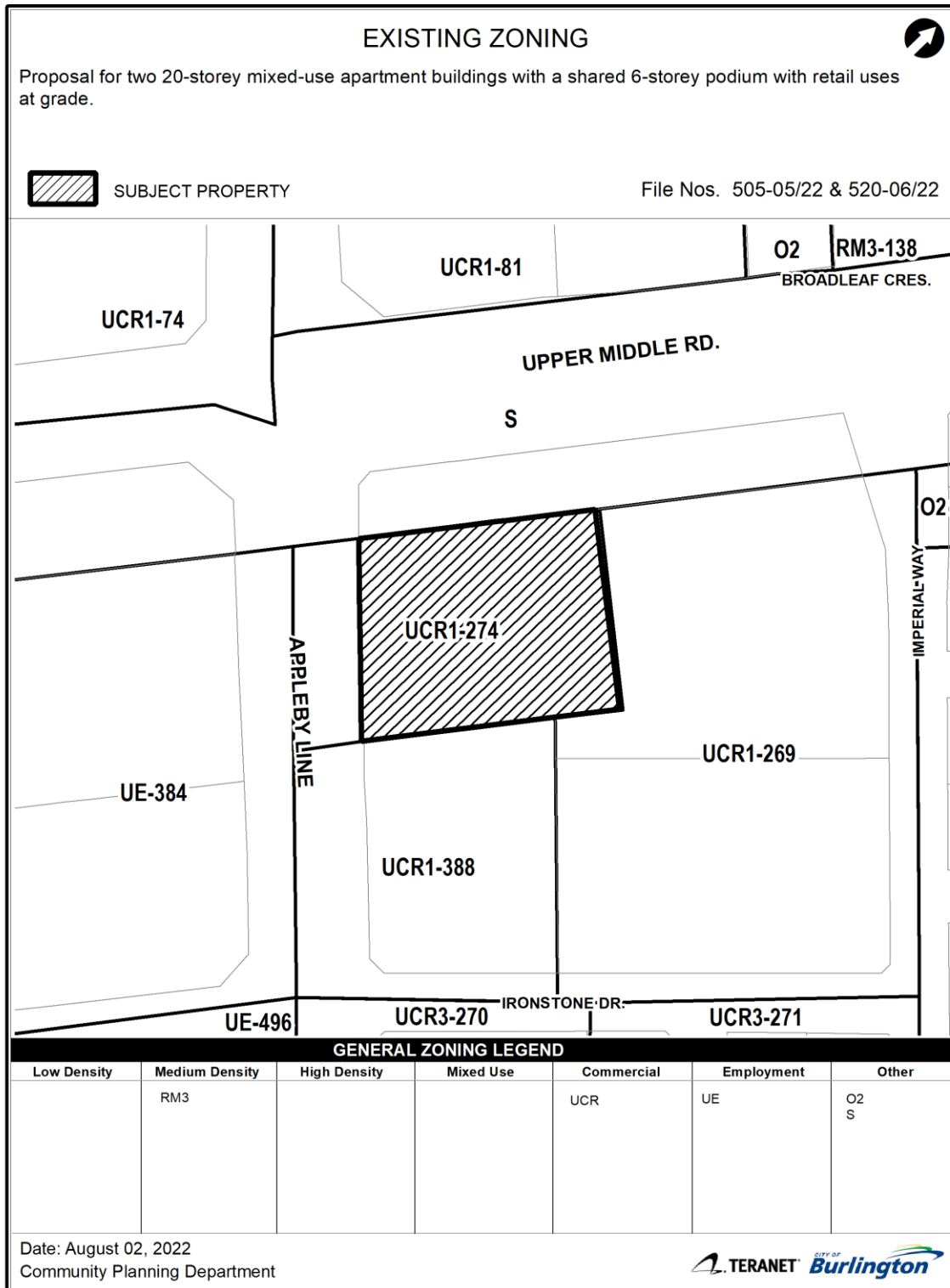
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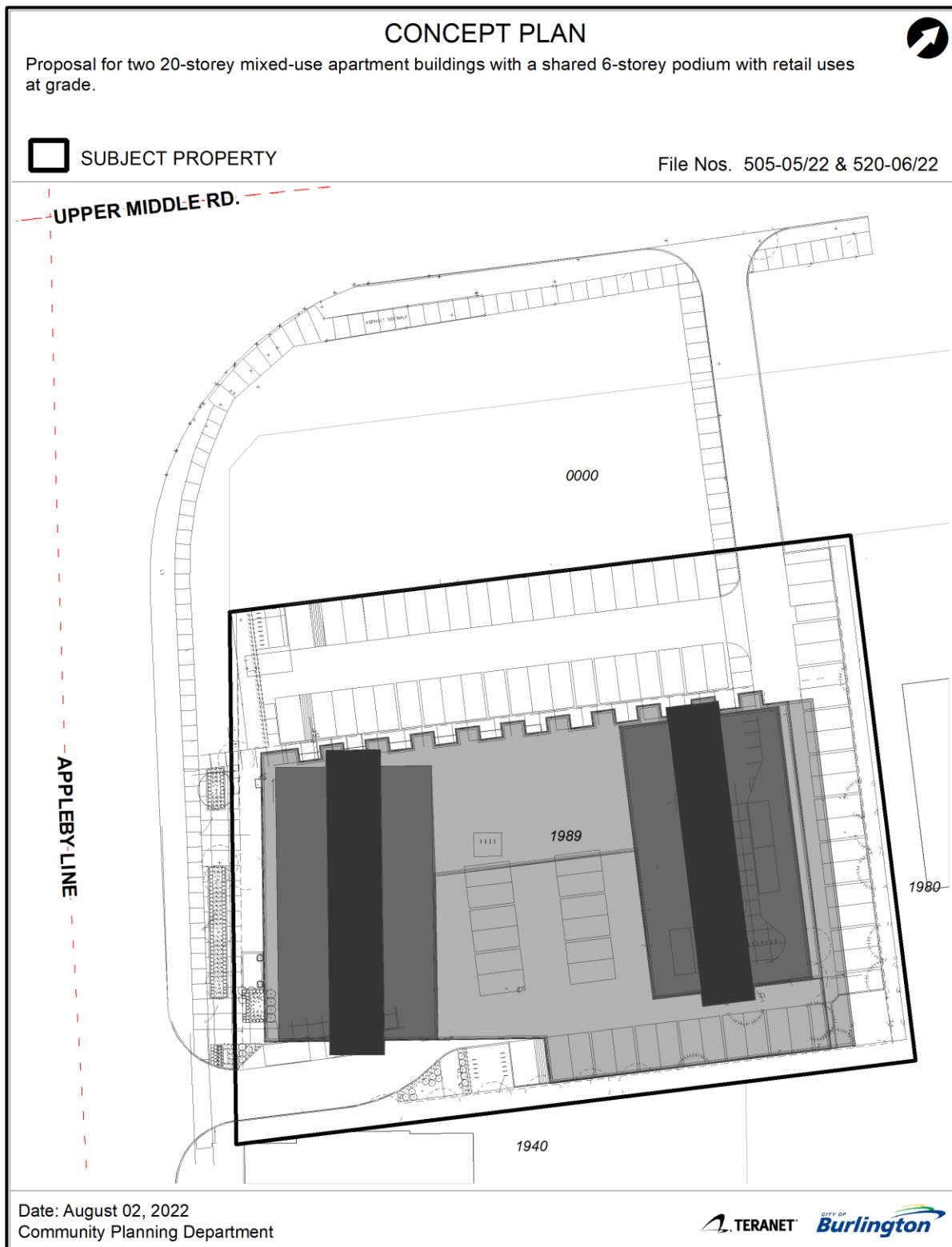
1989 Appleby Latch GP Inc. c/o Marc Nufrio
MHBC Planning c/o Gerry Tchisler

Report Approval:

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Counsel.

Appendix A: Zoning and Concept Plans





Appendix B: Public Comments

Comment 1

From: Jessica Paiva

Date: August 16, 2022

To whom it may concern,

I feel it is important as a resident of the corporate area to share my thoughts regarding the proposed plans for 1989 Appleby Line.

To keep this short and simple, this proposal is completely and utterly absurd. The Appleby area around Upper Middle Road is already a disaster when it comes to traffic. The area is also already a nightmare for street parking. Appleby and Uppermiddle is becoming so overly populated that traffic is beginning to be atrocious and parking is a complete nightmare.

Many people rave about the Appleby and upper middle intersection because of the options it holds in terms of food, coffee and bakeries. People come from all around Burlington to enjoy dinners at industria or turtle jacks or anchor bar and other establishments in the area. I know people who travel from Oakville to come here because of the diversity of options this area holds.

By continuing to build high density buildings in this type of area, it would be completely destroying the culture that Appleby and upper middle has obtained. You would be over populating the already too populated area and deterring people from traveling to this area because of the chaos and traffic this proposal would create.

I highly ask that this proposal is carefully thought out because if this were to pass, it would be a sad day for the Appleby and upper middle area as well as the current residents and outside travellers who often visit the popular area.

The intersection is perfect the way it is with easy access to the gas station for everyone traveling in that area with the convenience of the Tim Hortons for people in the area to enjoy and completed with the abundance of other businesses close by.

I highly urge you to reconsider this proposal and vision what it would do to such a popular area

Thank you for your support,

Jessica Paiva

Comment 2

From: Mark Marot

Date: August 18, 2022

Good Day

I am writing to voice my displeasure at the idea of the above names plans. I specifically moved into the area which I believed to be well developed and suitable for someone during their retirement years. I live at [REDACTED] and feel strongly that the above numbered development would yield the below effects:

- Drastic effect on our buildings ability to capture Solar power as per Applby Woods plan
- Drastically reduce the afternoon sunlight to adjacent buildings
- Drastically increase an already busy intersection with regards to traffic
- Drastically overcrowd local businesses and service facilities
- Drastically decrease the appeal for retirees to come to the area
- Drastically reduce the current and future values of already existing condo buildings in that intersection

If the area does need to develop, why not select an existing open piece of land that would not add to more congestion.

I hope this plan does not get approved.

Kind regards

Mark Marot

Comment 3

From: Diana Exner

Date: August 19, 2022

Thomas

My husband and I are not in favor of this project. We live at [REDACTED] and have been here since 2007.

Over the years numerous condos/retirement buildings have been built in the vicinity. The congestion is already problematic.

The addition of this project would compound the issue tremendously.

If this project proceeds, we would seriously considering moving.

Thank you.

Diana Exner



SUBJECT: PRESTO Contactless Payment

TO: Community Planning, Regulation & Mobility Cttee.

FROM: Transit Department

Report Number: TR-02-22

Wards Affected: All

File Numbers: 770-11

Date to Committee: September 13, 2022

Date to Council: September 20, 2022

Recommendation:

Authorize the Mayor and City Clerk to sign the Amending Agreement for the 905 Agencies and Metrolinx related to Open Payment, referred to as the PRESTO Contactless Payment, with content satisfactory to the Director of Transit and in a form satisfactory to the Executive Director of Legal Services and Corporation Counsel; and

Approve the recommended changes to the rates and fees for the Transit Department include PRESTO Contactless payment as a payment option for transit at the current cash rate of \$3.50; and

Enact the By-law to amend By-law 61-2021, to implement PRESTO Contactless payment options, attached as Appendix "A" to transit department report TR-02-22, which has been prepared in a form satisfactory to the Executive Director of Legal Services and Corporation Counsel.

PURPOSE:

Vision to Focus Alignment:

- Improve integrated city mobility
 - Deliver customer centric services with a focus on efficiency and technology transformation
-

Background and Discussion:

In 2018, a new PRESTO Operating Agreement was signed by the City of Burlington. PRESTO was intended to facilitate more seamless transit travel within the GTHA. The adoption of PRESTO was a requirement for 905 transit agencies to receive Provincial Gas Tax Funding.

PRESTO is committed to modernizing the current system and provide updates to the system. Throughout the summer and fall of 2022, PRESTO is deploying PRESTO Contactless Payment on PRESTO devices, as an option for transit fare payment. PRESTO Contactless Payment will allow transit riders a new payment method option using credit or debit cards in lieu of a PRESTO card, to pay for their transit fare. Open payment has rolled out on other agencies including UP Express and will be rolled out in neighbouring transit agencies over the next few months. Burlington Transit will be adopting this payment method in late fall 2022.

The amending agreement addresses contactless payment and to improve revenue protection for contactless payment transactions for the 905 Transit Agencies. Metrolinx is increasing revenue protection from 98% to 99.5%. Metrolinx will also pay for all interchange and associated credit card fees, and will be liable for uncollected fares for all taps accepted by a fare payment device.

Financial Matters:

Total Financial Impact

As open payment is a new service, there is no historical information available to determine the forecasted revenue for open payment, nor the amount that Metrolinx would be covering for interchange and uncollected fares.

Climate Implications

N/A

Engagement Matters:

Burlington Transit will be implementing PRESTO Contactless payments in the fall of 2022. Customer and rider engagement will occur through our marketing campaigns, coordinated through PRESTO.

Conclusion:

The ability to use credit and debit cards to pay for bus fare is a desired customer request. PRESTO Contactless Payment will support expanded transit usage in Burlington including those who are first time riders who may not carry cash. This includes tourists and passengers who want the added convenience of alternative payment methods. Contactless payment also provides added flexibility to travel, by transit, right away before the opportunity to pick up a PRESTO card. The new payment method and reduction in liability for contactless transactions requires an amendment to the PRESTO Operating Agreement, as well as an amendment to the current 2022 Service Rates and Fees to add the PRESTO Contactless Payment method at the rate of \$3.50 per passenger.

Respectfully submitted,

Catherine Baldelli

Director of Transit

905-335-7869 extension 7845

Appendices:

A. Draft 2022 Rates and Fees Amending By-law – Transit.pdf

Report Approval:

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Counsel.

THE CORPORATION OF THE CITY OF BURLINGTON

BY-LAW NUMBER XX-2022

A By-law to amend By-law 61-2021, being a by-law to establish and impose certain 2022 rates and fess for services, activities or the use of property
File: 435-03 (F-35-21)

WHEREAS sections 8, 9 and 11 of the *Municipal Act, 2001*, authorize the City of Burlington to pass by-laws necessary or desirable for municipal purposes, and in particular paragraph 3 of subsection 11(2) authorizes by-laws respecting the financial management of the City of Burlington; and

WHEREAS Section 391(1) of the *Municipal Act, 2001*, as amended, authorizes the The Corporation of The City of Burlington to impose fees and charges on persons for services or activities provided or done by or on behalf of it; for costs payable by it for services or activities provided or done by or on behalf of any other municipality or local board; and for the use of its property including property under its control; and

WHEREAS on November 23, 2021 Council approved report F-35-21 and passed By-law 61-2021 adopting 2022 Rates and Fees; and

WHEREAS Council of the City of Burlington has deemed it necessary to amend certain rates and fees in By-law 61-2021; and

WHEREAS it is desirable to amend Transit and Specialized Transit rates to add PRESTO Contactless payment as a payment option for transit;

NOW THEREFORE the Council of the Corporation of the City of Burlington hereby enacts as follows:

1. The section entitled "Transit and Specialized Transit", pages 11-12 of Schedule A of By-law 61-2021, is hereby deleted and replaced in its entirety with "Transit and Specialized Transit" pages 11-12, attached to this by-law as Appendix A.
2. That in all other respects By-law 61-2021, as amended, be and is hereby confirmed.
3. That this by-law comes into force the day it is passed.

PASSED this 20th day of September 2022.

MAYOR: _____

CITY CLERK: _____

2022 SERVICE RATES AND FEES

Service: Transit and Specialized Transit
Service Lead: Catherine Baldelli

Description of Service or Activity Provided or Use of City Property	2021 Base Rate	2022 Rate Increase	2022 Base Rate	Taxes Applicable
Effective Date: January 1, 2022				
NOTE: Some rates and fees may be rounded for ease of administration and collection				
Cash/Paper Fare Products & Pricing (Conventional & Specialized Services)				
Preschool (5 years old and under - must be accompanied by parent/guardian)	\$ -	0.0%	\$ -	NO
Child Cash Fare (6-12 years of age)	\$ -	0.0%	\$ -	NO
Youth Cash Fare (13-19 years of age)	\$ 3.50	0.0%	\$ 3.50	NO
Adult Cash Fare (20-64 years of age, and all others not defined)	\$ 3.50	0.0%	\$ 3.50	NO
Seniors Cash Fare (65 years and over) (Out side of free fare time frame M-F 9:00am to 2:30pm)	\$ 3.50	0.0%	\$ 3.50	NO
Personal Support Person (AODA identified)	\$ -	0.0%	\$ -	NO
CNIB Card Member	\$ -	0.0%	\$ -	NO
Youth Bulk Purchase Discount (Monthly Period Pass and contract based)	\$ 55.00	0.0%	\$ 55.00	NO
Youth Bulk Purchase Discount (Single Ride Voucher and contract based)	\$ 1.50	0.0%	\$ 1.50	NO
Business & Not For Profit (Single Ride Voucher and contract based)	\$ 2.00	0.0%	\$ 2.00	NO
PRESTO FARE PRODUCTS & PRICING (Conventional & Specialized Services):				
Child Single Ride	\$ -		\$ -	
Youth Single Ride (Loyalty: After 38 trips, ride for free in calendar month)	\$ 1.90	0.0%	\$ 1.90	NO
Adult Single Ride (Loyalty: After 38 trips, ride for free in calendar month)	\$ 2.75	0.0%	\$ 2.75	NO
Senior Single Ride (Loyalty: After 38 trips, ride for free in calendar month) (Out side of free fare time frame M-F 9:00am to 2:30pm)	\$ 1.90	0.0%	\$ 1.90	NO

Description of Service or Activity Provided or Use of City Property	2021 Base Rate	2022 Rate Increase	2022 Base Rate	Taxes Applicable
Post Secondary Student - U-pass Add On (must have valid student card with another Transit agency endorsement) - Presto Only	\$ 30.00	0.0%	\$ 30.00	NO
Youth Summer Monthly Pass (Per month - Available July and August only on PRESTO)	\$ 25.00	0.0%	\$ 25.00	NO
SPLIT Program Pass	\$ -	0.0%	\$ -	NO
GO Fare Integration	\$ 0.70	0.0%	\$ 0.70	NO
PRESTO Card Issuance Fee	\$ 6.00	0.0%	\$ 6.00	NO
Minimum e-purse Load	\$ 0.05	0.0%	\$ 0.05	NO
Maximum e-purse Load	\$ 1,000.00	0.0%	\$ 1,000.00	NO
Minimum e-purse reload value	\$ 0.05	0.0%	\$ 0.05	NO
Maximum e-purse reload value	\$ 1,000.00	0.0%	\$ 1,000.00	NO
Overdraft Fee	\$ -	0.0%	\$ -	NO
PRESTO E-Ticket (same as PRESTO adult single fare)	\$ 2.75	0.0%	\$ 2.75	NO
New: Contactless Payment (Credit/Debit)			\$ 3.50	NO
MISC. FEES				
Conventional Charter Rate (per hour - minimum 3 hours - 1 hour deposit required when booking)	\$ 133.26	1.0%	\$ 134.60	NO
Specialized Charter Rate (per hour)	\$ 133.26	1.0%	\$ 134.60	NO
Seniors Free between 9:00am and 2:30pm Weekdays (pending budget approval)	\$ -	0.0%	\$ -	NO
NEW - On Demand no show fees			\$ 3.50	NO



SUBJECT: CUTRIC/CUTZEB™ Joint Procurement Initiative
TO: Community Planning, Regulation & Mobility Cttee.
FROM: Transit Department

Report Number: TR-04-22

Wards Affected: All

File Numbers: 465-11-3

Date to Committee: September 13, 2022

Date to Council: September 20, 2022

Recommendation:

Receive transit department report TR-04-22 which outlines the key deliverables and planning activities to be developed by the Canadian Urban Transit Research & Innovation Consortiums (CUTRIC) Zero-Emissions Bus CUTZEB™ Joint Procurement Initiative to support the development of the Zero-Emission Bus Fleet Implementation and Rollout Plan, capital funding application(s) and joint procurement services for the supply of Zero Emission Buses (ZEBs), chargers, power supply services and infrastructure development services for Burlington Transit for the years 2023 to 2026; and

Direct the Director of Transit to confirm Burlington's participation in the CUTZEB™ joint procurement initiative at an estimated cost of \$92,500 plus HST, using existing funds received from the Provincial Gas Tax and authorize the Mayor and City Clerk to execute on behalf of the Corporation of the City of Burlington the necessary contracts with CUTZEB™, to the satisfaction of the Executive Director of Legal Services and the Director of Transit.

PURPOSE:

Vision to Focus Alignment:

- Improve integrated city mobility
- Support sustainable infrastructure and a resilient environment
- Deliver customer centric services with a focus on efficiency and technology transformation

Background and Discussion:

Over the past two years, Burlington Transit staff have worked with CUTRIC modeling our route network to analyze the potential opportunity for electrification of our fleet by participating in CUTRIC's Pan-Canadian Electric Bus Pilot Demonstration Project Phase II. In addition, modeling work has been completed to compare the use of hydrogen as an alternative source of fuel but has been deemed to be considerably more costly.

Throughout this period, staff have also continued to participate in industry discussions, forums and working groups dealing specifically with lessons learned and best practices from ZEB projects that are currently underway at other transit agencies.

CUTRIC has set up a separate not for profit entity called CUTZEB™ to manage the joint procurement initiative to ensure its industry members would not be conflicted to bid on a future RFP. The advantage of participating in the joint procurement with CUTZEB™ is that they will be procuring both the vehicles and the charging infrastructure through one RFP to ensure any issues with the vehicles and equipment will be the responsibility of the bidder.

As a final step in the completion of our work with CUTRIC, the completion of the Zero-Emission Bus Fleet Implementation and Rollout Plan is a critical step in the process for several reasons. A plan of this nature is a key requirement to apply for the Infrastructure Canada supported Zero Emission Transit Fund (ZETF), as it is viewed as a critical step to ensure a smooth and well-planned transition that has included consideration of operational and technical challenges associated with such a conversion. In March of 2022, Infrastructure Canada announced that the Canadian Urban Transit Research and Innovation Consortium (CUTRIC) had been selected to support transit systems by producing comprehensive and accurate zero emission transit bus electrification and planning studies. The cost for the City of Burlington related to the preparation of this report is \$92,500 plus HST and would use funds already received from the Provincial Gas Tax.

CUTRIC will complete the Zero-Emission Bus Fleet Implementation and Rollout Plan (The Plan), noting below the areas that the plan will include:

- Assessment of the current state
- Evaluation of electrical power services
- Review of operational goals and scenario development
- Comparative analysis of available vehicles and charging systems
- Infrastructure gap analysis and requirements identification
- Implementation planning and costing

Strategy/process

CUTZEB™ is planning to issue an RFP to procure electric buses and charging infrastructure in 2023. Once an award is made to the preferred vendors, then Burlington Transit would have the option to purchase this equipment through the joint procurement. As part of the 2024 Capital Budget, Burlington Transit is planning to request the purchase of four electric buses and the necessary infrastructure to replace four diesel buses that are due to be retired. This would allow Transit to launch a small pilot of electric buses in 2024.

Financial Matters:

Total Financial Impact

The total cost of the Zero-Emission Bus Fleet Implementation and Rollout Plan is \$92,500 plus HST.

Source of Funding

The Plan will use funds already received from the Provincial Gas Tax.

Climate Implications

By engaging CUTRIC and CUTZEB™ to develop an implementation plan and roll out, it will bring the City closer to achieving the goals set out in the City's Climate Action Plan.

Conclusion:

Staff recommend developing the Zero-Emission Bus Fleet Implementation and Rollout Plan by engaging CUTRIC and CUTZEB™ to finalize the plan and will report back to Council in Q2 2023.

Respectfully submitted,

Catherine Baldelli
Director of Transit
905-335-7869 Ext. 7845

Sue Connor, Project Lead, Fleet Electrification
Community Planning, Regulation & Mobility
sue.connor@burlington.ca

Report Approval:

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Counsel.



SUBJECT: Future of City of Burlington Outdoor Patio Program - update for Q3 2022

TO: Community Planning, Regulation & Mobility Cttee.

FROM: Community Planning Department

Report Number: PL-67-22

Wards Affected: All

File Numbers: 560-01

Date to Committee: September 13, 2022

Date to Council: September 20, 2022

Recommendation:

Receive and file community planning department report PL-67-22 regarding the future of the City of Burlington Outdoor Patio Program update for Q3 2022.

PURPOSE:

Vision to Focus Alignment:

- Increase economic prosperity and community responsive city growth
- Improve integrated city mobility
- Building more citizen engagement, community health and culture
- Deliver customer centric services with a focus on efficiency and technology transformation

Background and Discussion:

Decision History

On November 23, 2021, City Council carried staff directions SD-31-21, SD-32-21, SD-33-21 and SD-34-21 regarding the Future of City of Burlington Outdoor Patio Program, which directed staff to report to Council outlining a plan and process for moving forward with a permanent city-wide outdoor patio program, amongst other matters. Information on these directions can be found under Item 12.3(h):

<https://burlingtonpublishing.escribemeetings.com/Meeting.aspx?Id=81f00a97-875a-47a8-8bdd-78e534f1f725&Agenda=PostMinutes&lang=English&Item=12&Tab=attachments>

Strategy/process

In November 2021, City Council directed Community Planning, Regulation and Mobility staff to undertake a review of the City's Temporary Patio Program and to report back to Council with options and recommendations for a city-wide outdoor patio program. The direction also included reporting on the future city operating and capital budget requirements to support the outdoor patio program, stakeholder engagement and options for the standardization of patio materials for patios on municipal property.

An updated and comprehensive Outdoor Patio Program requires multi-disciplinary review conducted as an integrated study and includes staff from Community Planning, Zoning, Building and By-law, Legal, Finance, Fire, Engineering, Transportation and Roads, Parks and Forestry. Significant engagement is also required with the Burlington Restaurant Association, Burlington Downtown Business Association (BDBA) and Aldershot Business Improvement Area (ABIA), as well as industry stakeholders and members of the public.

This work is underway and involves the review of the City's current patio related policies, zoning requirements and bylaws; duration of the outdoor patio season; existing patio design; patio installation and safe operation of patios on city sidewalks, parking lots and/or road allowances; funding options; and patio standards in other GTHA municipalities.

Estimated Timelines

The following represents an estimated timeline for the study and preparation of a city-wide Outdoor Patio Program. The timeline will continue to be refined as the study progresses.

August-September 2022	<ul style="list-style-type: none">• Project Kick Off.• Formation of interdepartmental Patios Team, to meet every two weeks for the duration of the project.• Set up project website and online questionnaire that engages both businesses and area residents.
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October-November 2022	<ul style="list-style-type: none">• Conduct research and develop draft city-wide patio guidelines and program structure.• Community engagement to present draft permanent patio guidelines and program structure.
Q4 2022 and Q2 2023	<ul style="list-style-type: none">• Preparation of draft city-wide patio guidelines and program structure. Report to Burlington City Council in advance of the 2023 patio season.
Q1 2023-onward	<ul style="list-style-type: none">• On going monitoring and refinement of policies, regulations and guidelines.

Engagement Matters:

On July 29, 2022, staff from Community Planning, Transportation and Roads, Parks and Forestry participated in a walking tour of the Burlington Downtown initiated by the BDBA, along with stakeholders from the patio industry who are past participants in the current Temporary Patio Program. The tour focused on design of existing patios, potential areas for improvement, and physical constraints and challenges within the public right-of-way.

It is of note that the tour was limited in scope to the Downtown area only, as the Downtown contains the majority of temporary patios approved on public lands under the City's current Temporary Patio Program. Staff will continue to review the applicability of the program on a City-wide basis and engage with the ABIA and other stakeholders throughout the City.

In addition, updates to the existing Temporary Outdoor Patio program website have been made and are available at the below link:

<https://www.burlington.ca/en/business-in-burlington/temporary-outdoor-patios.aspx>

Staff are in the process of preparing a series of survey questions which will be provided through City of Burlington social media, direct communication to patio operators, the BDBA and ABIA, hospitality industry stakeholder organizations and members of the public.

Financial Matters:

Not applicable

Climate Implications

Not applicable

Conclusion:

The review of the City of Burlington's Outdoor Patio Program, with an aim towards implementing a plan and process for moving forward with a city-wide outdoor patio program is well underway and regular progress reports to City Council will be ongoing.

Respectfully submitted,

Jason Brander, MCIP, RPP

Special Business Area Coordinator

905-335-7600 ext. 7410

Notifications:

Craig Kowalchuk, Burlington Restaurant Association

Judy Worsley, Aldershot Village BIA, judy@aldershotbia.com

Brian Dean, Burlington Downtown Business Association, brian@burlingtondowntown.ca

Report Approval:

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Counsel.



**SUBJECT: Request to Amend Heritage Designation Bylaw for 38
Frontier Trail (Formerly 398 Mountain Brow Road East)**

TO: Community Planning, Regulation & Mobility Cttee.

FROM: Community Planning Department

Report Number: PL-61-22

Wards Affected: 1

File Numbers: 501-06

Date to Committee: September 13, 2022

Date to Council: September 20, 2022

Recommendation:

State an intention to amend By-law 44-2009 pursuant to Part IV of the Ontario Heritage Act, section 30.1 (1), as shown in the draft amending by-law and revised statement of significance attached as Appendix C to community planning department report PL-61-22; and

Direct the Director of Community Planning to provide notice of Council's intention to amend By-law 44-2009, in accordance with section 29 (3) and 29 (4) of the Ontario Heritage Act; and

Direct the City Clerk to present the draft amending by-law to Council for approval within 120 days after the date of publication of the notice of intention to amend By-law 44-2009, provided there is no objection or withdrawal; and

Direct the City Clerk to take the necessary actions in the event of any objection to the statement of intention to amend By-law 44-2009 pursuant to Part IV of the Ontario Heritage Act, sections 29 (5) and 29 (6); and

Direct the City Solicitor to take necessary steps to implement the following amendments to the existing Heritage Conservation Easement Agreement, registered on title for the heritage property at 398 Mountain Brow Road, Instrument No. HR1518674 (the "HEA"), dated April 29th, 2009:

- a) Replace the Statement of Significance attached to the HEA under Schedule “C” with the revised statement of significance attached as Appendix C to community planning department report PL-61-22;
- b) Make any required amendments to the HEA to remove references to the demolished house and accurately reflect the existing condition of the property to the satisfaction of the Director of Community Planning;
- c) Introduce any necessary by-law in Council to amend the HEA.

PURPOSE:

The purpose of this report is twofold: 1) to provide Council with analysis and background information regarding a request to amend the heritage designation by-law for 38 Frontier Trail (Formerly 398 Mountain Brow Road East). In July 2020, the heritage designated house on the property caught fire and suffered extensive structural damage. It was demolished based on a structural engineer’s finding that it was no longer safe and could not be repaired (See Appendix F- Structural Engineering Review Letter 2020-07-13); and, 2) to recommend amendments to heritage designation By-law 44-2009 and Heritage Conservation Easement Agreement (“HEA”), Instrument No. HR1518674 (See Appendix G) to remove references to the demolished house and limit the scope to a surviving historically significant structure on the property known as the “Woodhill Ice House”. The owner is supportive of maintaining the designation for the Woodhill Ice House.

Vision to Focus Alignment:

- Increase economic prosperity and community responsive city growth
-

Background and Discussion:

Site Description

The subject property is municipally known as 38 Frontier Trail, formerly 398 Mountain Brow Road East, and the lands are historically known as “Woodhill”. Woodhill consists of a 52-acre heritage designated property at the northwest end of Burlington, directly on the Hamilton-Burlington border. Despite its size, there is only one access to the site consisting of a single lane gravel road, which winds down the Niagara Escarpment to a plateau overlooking downtown Burlington, Burlington Bay and the Hamilton Harbour. On the plateau is a collection of unoccupied buildings arranged around a demolished stone house.

Heritage Significance

The subject property was designated in 2009 and found to have heritage significance for its historical associations, architectural design and landmark attributes. The property was

originally developed in 1833 by a Scottish-Canadian politician and agriculturalist named Adam Fergusson. Working with James Webster, Fergusson founded the Town of Fergus, Ontario. Throughout his life he was an advocate for agricultural innovations like selective livestock breeding, crop rotation and soil analysis. Fergusson was politically influential as a member of the Legislative Council of Upper Canada.

In 1833, Fergusson commissioned a stone mason named Charles Allan, a Scottish builder from Perthshire, to construct a one-and-one-half storey gable-roofed stone house. Two separate 19th century additions were subsequently constructed, making the total floor area of the building approximately 5000 square feet. The design of the building reflected simple Scottish masonry, with a stone foundation and exterior walls covered in painted stucco. The south portion of the building had a symmetrical design, with a central door and windows to either side. Around the same time the main house was built, an ice house was built into the escarpment. Ice houses preceded refrigeration and were highly insulated buildings constructed to store ice throughout the year.

According to the statement of significance for the property, heritage attributes of Woodhill included:

- Siting of the residence and **icehouse** on a plateau allowing vistas of Lake Ontario, the grazing lands, the pond, the forested lands, and the escarpment;
- The scale of the house and its division into formal (head of the building) and informal (tail) portions;
- The morphological relationship between the formal front volume (southern-most mass) and the extended tail of the building;
- south exposure of formal front elevation;
- The scale of the northern portion of the building, including its length, volume and mass;
- The symmetry of the southern-most mass including window openings, chimneys and centre lines; and
- The masonry detailing on the southern-most mass including the tooled ashlar corner stones, the tooled ashlar door and window surrounds, the tooled stone sills, the chimneys, the wrought-iron shutter mounting hardware, and the fanlight over the front (south-facing) door.



South (front) elevation and west (side) elevation before the fire.



Side (east) elevation before the fire & the Woodhill Ice House (2022).

2020 Fire

On July 10, 2020, the main house caught fire, which destroyed 75-80% of the house. Below are a series of photos from the Structural Engineer's report documenting the condition of the house after the fire.



South (front) elevation shortly after the fire and interior photos.



Main House Current Condition (2022).

Discussion

Loss of Heritage Value and Recommended Amendments to the Heritage Designation By-law

The destruction of the main historic feature of the subject property has impacted the heritage value of the property, however the stone ice house built into the escarpment still has significance.

To be eligible for heritage designation, a property must meet one of nine criteria under one of three categories of value in *Ontario Regulation 9/06*. The categories of heritage value and criteria are listed below:

1. The property has design value or physical value because it,
 - i. is a rare, unique, representative or early example of a style, type, expression, material or construction method,
 - ii. displays a high degree of craftsmanship or artistic merit, or
 - iii. demonstrates a high degree of technical or scientific achievement.
2. The property has historical value or associative value because it,
 - i. has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community,
 - ii. yields, or has the potential to yield, information that contributes to an understanding of a community or culture, or
 - iii. demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.
3. The property has contextual value because it,
 - i. is important in defining, maintaining or supporting the character of an area,

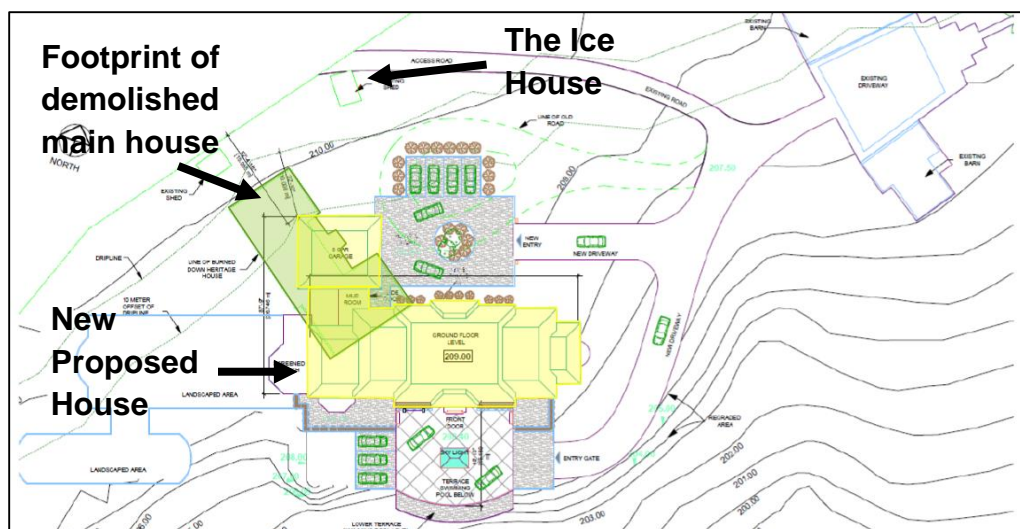
- ii. is physically, functionally, visually or historically linked to its surroundings, or
- iii. is a landmark. O. Reg. 9/06, s. 1 (2).

The Woodhill Ice House has design and physical value as a rare surviving example of a purpose-built ice house. Ice houses were a type of building constructed to store ice throughout the year. After home refrigerators were invented in 1913, ice houses became obsolete. The Woodhill Ice House also has associative value for its connection to the Woodhill Estate. The Woodhill Ice House's gable roof, multi-light window and stone exterior walls echo the Scottish masonry techniques and design features of the main building, creating a tangible connection to the original house.

The owner has consented to have the Woodhill Ice House remain heritage designated, provided the by-law is revised to remove references to the demolished main house.

Future Development Plans

The owner has preliminary plans to redevelop the property with a large single-family home that would exceed the footprint of the original house. The new development would not physically impact the Woodhill Ice House (see below). Because the property is in the Niagara Escarpment Commission ("NEC") development control area, any new development exceeding the size and footprint of the demolished building will require a development permit from the NEC. The City will have a chance to review the development permit and provide comments but is not able to apply approval conditions to the permit. However, the property is subject to HEA, Instrument No. HR1518674 in favour of the City, which requires the owner to maintain the property in "as good and sound a state of repair as a prudent owner would normally do so that no deterioration in the present condition and appearance of the Heritage Attributes shall take place except for reasonable wear and tear". The agreement enables the City to complete a compliance inspection at any time provided 48 hours-notice is given.



Draft Site Plan

Official Plan Policies

The Burlington Official Plan, 1997, contains a number of policies related to the conservation of cultural heritage resources under Part II, Section 8:

Cultural heritage resources of significant cultural heritage value shall be identified and conserved. These policies are consistent with provincial policy directions related to heritage. (8.1(a))

Sound heritage conservation practice requires early identification of cultural heritage resources, ongoing maintenance and protection from inappropriate use, alteration and demolition (8.1(b))

Completion of a heritage impact statement shall be required prior to any approvals for proposed development where the City foresees potential adverse impacts on the cultural heritage attributes (including important vistas and streetscape) of a property designated pursuant to The *Ontario Heritage Act*, or on a property worthy of designation...(8.4.1(b))

Amending rather than removing the heritage designation of the subject property will enable the City to conserve a unique building type, of which there is only one other example on the Heritage Register. Continued heritage designation also preserves a tangible symbol of the original 1833 Woodhill Estate.

Options Considered

Option 1- Amend the Heritage Designation By-law and Heritage Conservation Easement Agreement

See page 1 of report for recommendation wording.

This option is recommended because it updates the designation by-law and HEA to reflect the current state of the property. Removing the reference to the house avoids potential confusion about which attributes of the property are protected and which are not. This will save time for staff and the owner when future proposals are considered.

Option 2- Make no amendments to the heritage designation by-law

That Council decline to amend By-law No. 44-2009.

This option is not recommended because the heritage designation by-law and statement of significance are not accurate and refer to a large historic structure that no longer exists.

Option 3- Remove the Heritage Designation from the Property

If City Council believes that the destruction of the main house combined with the isolation of the property makes it ineligible for continued heritage designation, it has the authority to repeal the designation by-law altogether.

This option is not recommended since the owner is supportive of the designation continuing to apply to the property, and because staff and the Heritage Burlington Advisory Committee believe that the Woodhill Ice House has heritage value and is eligible for continued heritage designation.

Financial Matters:

Total Financial Impact

Not applicable.

Source of Funding

Not Applicable

Other Resource Impacts

None. The Ice House is currently heritage designated so maintaining the designation will not create any additional resource impacts.

Climate Implications

Not applicable.

Engagement Matters:

The Heritage Burlington Advisory Committee considered the matter at their meeting on June 8, 2022 and passed the following motion:

Heritage Burlington recommends that City Council:

- *Authorize amendments to heritage designation by-law 44-2009 for 390 Mountain Brow Road to remove references to the demolished house and limit the designation to the Ice House; and*
- *Require the applicant to enter into a legal agreement with the City of Burlington to secure the maintenance and upgrading of the Ice House as part of the future development of the property.*

When Heritage Burlington discussed the matter, they were unaware that there was an existing HEA that applies to the property and already requires the owner to maintain the Woodhill Ice House in a state of good repair. Given that the HEA is in place, staff did not include this part of the Heritage Burlington motion in its recommendation to City Council.

Conclusion:

The Woodhill Estate is a significant heritage designated property that suffered a destructive fire in summer 2020. The fire destroyed the main heritage attribute of the property- a one-and-a-half-storey stone house built in 1833. Despite the fire and demolition of the main house, a small ice house built into the Niagara Escarpment survives and has heritage significance independent of the main house. The owner of the property has agreed to maintain the heritage designation provided it only applies to the Woodhill Ice House. Staff therefore recommend that Council amend the HEA, heritage designation by-law and statement of significance to reflect this agreement.

Respectfully submitted,

John O'Reilly, MCIP, RPP
Planner II- Heritage
(905) 335-7777 ext. 7427

Appendices:

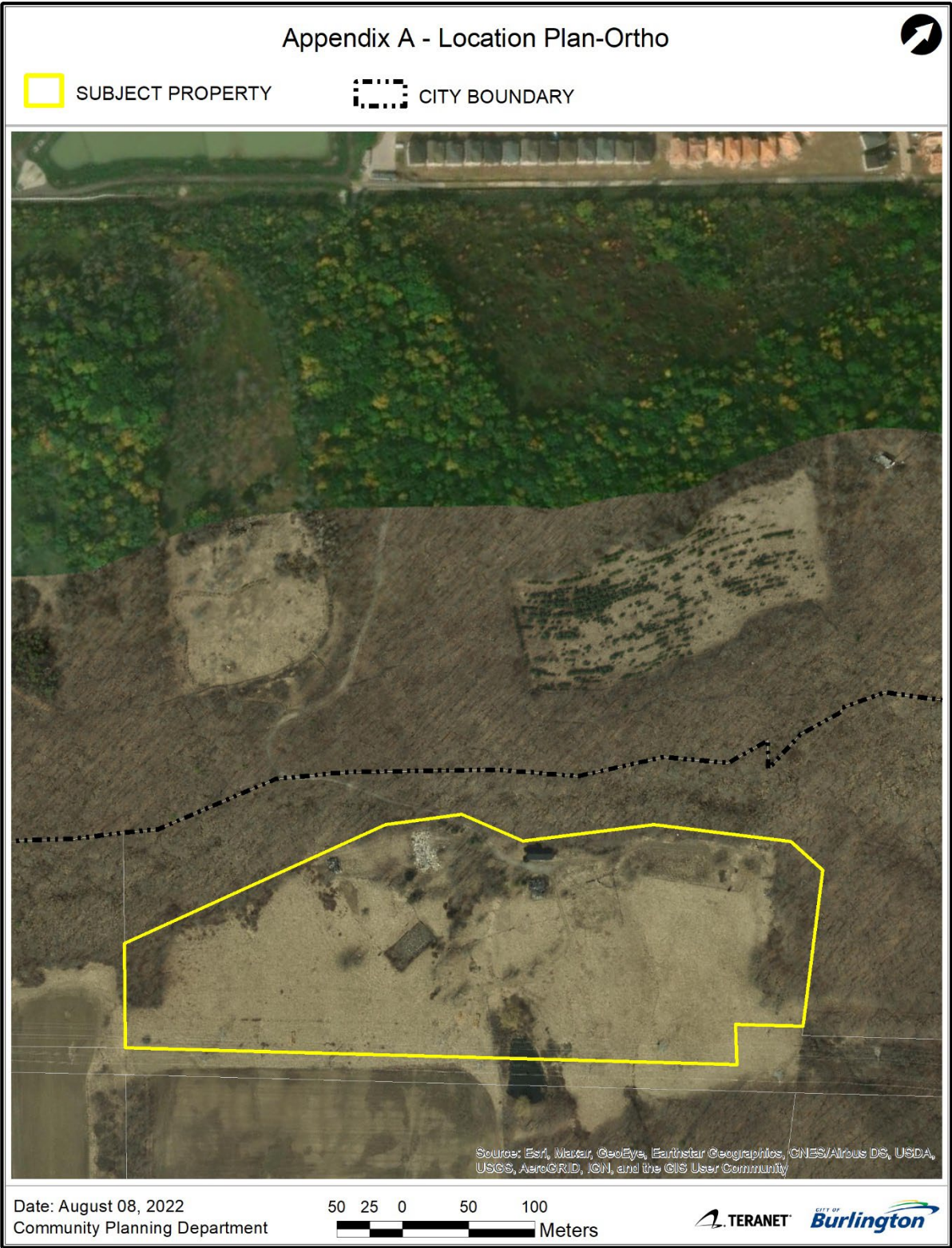
- A. Aerial Photo (PL-61-22)
- B. Photographs (PL-61-22)
- C. Draft Amending By-law and Revised Statement of Significance (PL-61-22)
- D. Current By-law 44-2009 (PL-61-22)
- E. Heritage Burlington Committee Minutes, June 8, 2022 (PL-61-22)
- F. Structural Engineering Review Letter 2020-07-13 (PL-61-22)
- G. Heritage Conservation Easement Agreement, Instrument No. HR1518674 (PL-61-22)

Notifications:

Owner of 38 Frontier Trail.

Report Approval:

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Counsel.



Appendix B of PL-61-22- Photographs



Ice House Exterior (2022)



2018 Exterior Photo



Ice House Interior



Broken window in gable end



Main house south (front) elevation before the fire (2020)



Main House east (side) before the fire (2020)



Demolished main house after the fire -View south towards Burlington Bay



Cabana Building (No heritage significance)



Accessory Building #1



Accessory Building #2 (No heritage significance)

The Corporation of the City of Burlington

City of Burlington By-law #-2022

A by-law to amend By-law Number 49-2009 designating the property located at 38 Frontier Trail (Formerly 398 Mountain Brow Road East) for the purposes of limiting the scope of the heritage designation to the Ice House and excluding all other buildings and structures, particularly the main building that was damaged by fire and then demolished, and of satisfying the requirements of the *Ontario Heritage Act*. File: 501-06, PB-61-22

Whereas Section 29 of the *Ontario Heritage Act*, R.S.O. 1990, Chapter O. 18, as amended, authorizes the Council of a municipality to enact by-laws to designate real property, including all the buildings and structures thereon, to be of cultural heritage value or interest; and

Whereas the Council of The Corporation of the City of Burlington enacted and passed By-law 44-2009 on the 15th day of June, 2009, to designate the property known as 38 Frontier Trail (Formerly 398 Mountain Brow Road East) in the City of Burlington, Regional Municipality of Halton, as having historical and architectural value and interest pursuant to the Ontario Heritage Act, as amended; and

Whereas By-law 49-2009 references a one-and-one-half storey stone building that was extensively fire damaged in 2020 and subsequently demolished; and

Whereas By-law 49-2009 references only one other historic structure on the property, called the “Ice House”; and

Whereas pursuant to subsection 30.1 (16) of the Ontario Heritage Act, if the Council of a municipality proposes to amend a by-law designating property made under section 29 before the day the Ontario Heritage Amendment Act, 2005 received Royal Assent, the Council shall include in the amendment such changes as are necessary to ensure that the by-law satisfies the requirements of section 29, as it read on the day the Ontario Heritage Amendment Act, 2005 received Royal Assent; and

Whereas pursuant to section 30.1 (1) the Council of the Corporation of the City of Burlington may, by by-law, amend a by-law designating property made under section 29 and section 29 applies, with prescribed modifications, to an amending by-law; and

Whereas pursuant to sections 30.1 (5) and 29 (2), the Council of the Corporation of the City of Burlington consulted with its municipal heritage committee before giving notice of its intention to amend designation By-law 49-2009; and

Whereas pursuant to sections 30.1 (3) and 29 (3), the Council of the Corporation of the City of Burlington gave notice of its intention to amend designation By-law 49-2009, and no notice of objection was received; and

Whereas the Council of The Corporation of the City of Burlington now deems it advisable to enact and pass a by-law to amend By-law 49-2009 to replace Schedule “A” and satisfy the requirements of the Ontario Heritage Act, section 30.1 (10);

Now therefore the Council of The Corporation of the City of Burlington hereby enacts as follows:

1. That paragraph 1 of By-law 49-2009, enacted and passed by the Council of the Corporation of the City of Burlington on the 15th day of June, 2009, be deleted, and the following substituted therefore:

“THAT, part of the property at 38 Frontier Trail (Woodhill) being Pt Lot 4, Con 2 EF, designated as PART 1, 20R-18235, City of Burlington, Regional Municipality of Halton, Part of PIN 07194-0069(T), more particularly described in Schedule "A", is hereby designated as being of cultural heritage value or interest pursuant to Part IV of the Ontario Heritage Act.”; and
2. That Schedule “A” from By-law 49-2009 be deleted and replaced with the following Schedule “A” – Statement of Cultural Heritage Significance; and
3. That the City Clerk provide a copy of this by-law to the owner of the property and to the Ontario Heritage Trust, and shall cause this by-law to be registered in the Land Registry Office for Halton; and
4. That in all other respects, By-law 49-2009, is hereby confirmed.

Enacted and passed this ##th day of ##### 2022

Mayor Marianne Meed Ward

Deputy City Clerk

SCHEDULE "A"

Statement of Cultural Heritage Value or Interest: The "Woodhill Ice House"

Legal Description:

Pt Lot 4, Con 2 EF, designated as PART 1, 20R-18235, City of Burlington, Regional Municipality of Halton, Part of PIN 07194-0069(T)

Description of Historic Place:

The property historically known as "Woodhill" is situated on the edge of the Niagara Escarpment, located east of Waterdown Road in North Aldershot. As the property's name implies, the site of "Woodhill" is a wooded hill. The landscape is rural and has sweeping views of Burlington Bay and Hamilton Harbour. The access drive from Frontier Trail winds down the escarpment to a plateau. The property supports a one-storey stone ice house building (the "Woodhill Ice House") dug into the escarpment. The Woodhill Ice House is the last remaining historically significant structure from 1833, when advocate, statesman and agriculturalist Adam Fergusson developed the property with a one and one-half-storey farmhouse. In June 2020, the farmhouse was heavily damaged by fire and then demolished.

Statement of Cultural Heritage Value or Interest:

The property at 38 Frontier Trail is recommended for designation pursuant to Part IV of the Ontario Heritage Act based on its historical and associative value; its contextual value; and its physical value.

Design and Physical Value

The Woodhill Ice House has design value as a rare surviving example of a unique type of purpose-built structure intended to store ice all year long. The building is thought to have been constructed in 1833, before artificial refrigeration was commercially or domestically viable. The building's thick stone walls and depth of excavation into the slope of the Niagara escarpment are features that reflect its original purpose. The structure has physical value for its construction method, in which a mason used locally available fieldstone and rubble to economically construct load-bearing, uncoursed random rubblestone exterior walls. The stone is visible on both the outside and inside of the building. Expert mason Craig Beattie describe uncoursed rubblestone construction as follows:

"Vertical joints are interrupted as often as possible, stones are placed with their greatest depth into the wall, and sedimentary stones are laid along their natural bedding plane. The modern appreciation for random rubble represents a cultural shift, and would likely have been amusing to early masons; it was the most economical style since it utilized whatever material was available and required the least amount of labour and skill on the mason's part."

The stone walls support a simple gable roof with coved, drop siding and an eight-pane window in the gable end. A November 2008 Heritage Assessment of the Woodhill Fergusson House by ATA Architects Inc. states that the “upper wooden portion of the structure and the roof are not original”, however the report does not elaborate on this finding.

Historical and Associative Value:

The Woodhill Ice House is significant as the last building associated with the estate of Adam Fergusson, an advocate, statesman and agriculturalist who was the original founder of the Woodhill Estate. It is also significant for its association with his son, Adam Johnson Fergusson Blair, advocate and statesman.

Born in 1783 at Woodhill, Perthshire, Scotland, Adam Fergusson, established himself early in life as a learned gentleman-advocate. A founding director of the Highland Agricultural Society as well as a founder of the first Scottish Veterinary School at Edinburgh, Fergusson first visited Upper Canada in 1831. The purpose of his visit was to investigate, on behalf of the Highland Agricultural Society, the state of agriculture in Upper Canada and the potential for emigration for Scottish farmers and crofters.

Fergusson's findings were published in 1832 and reprinted in 1833 as an appendix to his own work, *Practical notes made during a tour in Canada, and a portion of the United States*. A reform-minded individual, Fergusson was impressed with the opportunities for immigrants, and at the age of 50 brought his second wife, Jessie Tower, his seven sons and one daughter, a manservant and tutor to Upper Canada in the summer of 1833 (Fergusson's first wife and mother of his children, Jemima Johnson Blair, died at age 30 following the birth of her eighth child in 1824). The Fergusson family settled on 122 acres near the village of Waterdown in East Flamborough Township where he built his home, "Woodhill". During the same year, Fergusson and James Webster purchased 7,367 acres in Nichol Township on part of which they established the Town of Fergus. The pair established grist and saw mills, the management of which was transferred to Fergusson's son George. Fergusson, however, maintained his principal residence at "Woodhill". A staunch supporter of Britain, Fergusson commanded the Gore Regiment during the Rebellion of 1837. Fergusson is credited with having had a moderating effect on William Lyon Mackenzie and his rebellion against the Family Compact. In 1839, Fergusson was appointed for life to the Legislative Council of Upper Canada (and later the Legislative Council for United Canada). Fergusson further demonstrated his loyalty to the British crown when he opposed annexation to the United States in 1850. Fergusson was chairman of the Reform conventions of 1857 and 1859 and together, with George Brown, William McDougall, and others, Fergusson prepared the resolutions for the 1859 convention which condemned the union as a failure and advocated constitutional changes leading to confederation. A farmer by avocation, Fergusson's commitment to improving the conditions and quality of Upper Canadian agriculture by encouraging selective livestock breeding, the development of new feeds, crop rotation, soil analysis, and improved drainage techniques did not wane. He was one of the first to import pure-bred, short-horned cattle from Britain. Later, "Woodhill" became a "model" farm, introducing East Flamborough farmers to grains other than wheat. As early as 1843 he advocated a central agricultural society for Canada West and served as the first president of the

Agricultural Association of Upper Canada organized in 1846. From its inception in 1850 until his death in 1862, Fergusson was a leading member of the Board of Agriculture of Upper Canada. It was through this organization that an annual exhibition was developed: the forerunner to the Canadian National Exhibition. In 1852, an Act of Parliament established the Bureau of Agriculture with Fergusson as the inaugural chair (official predecessor of the Minister of Agriculture).

A senator of the University of Toronto from 1856 until his death, Fergusson encouraged the establishment of a chair of agriculture at the university and was credited with bringing Dr Andrew Smith from Scotland to found the veterinary school at Guelph which opened in 1863. Fergusson died at "Woodhill" in 1862. The family burial plot is located at St. Luke's Anglican Church in Burlington.

Fergusson's second son, Adam Johnson Fergusson Blair, was born in Perthshire in 1815. Following the emigration of his family to Upper Canada, Fergusson Blair was called to the Canadian Bar in 1839. Not unlike his father, Fergusson Blair established himself early in life as a statesman. Appointed in 1842 as the first judge of the County of Wellington, he later ran successfully as a Reform candidate for the District of Waterloo (unseating his father's former business partner, James Webster). He served in this position until 1854. From 1860 until his death in 1867, Fergusson Blair served as Legislative Councillor, Brock division. It was in 1862, following the death of his father, that Fergusson Blair returned to Woodhill to take up residence. A vocal supporter of the Great Coalition between George Brown and John A. MacDonald, Fergusson Blair was rewarded for his support of Confederation by John A. MacDonald with appointment to the first Senate of the Dominion of Canada in 1867. It was later that year, at the age of 52, that Fergusson Blair died. Fergusson Blair is buried in the family plot at St. Luke's Anglican Church in Burlington. Given the important role that both men played in the North American experiment that later became the Dominion of Canada, it is not surprising that "Woodhill" itself is reputed as having been a "busy spot":

Woodhill was a busy spot... After the Union of Upper and Lower Canada in 1841, Woodhill became part of Canada West in the Province of Canada. Many meetings were held there and high-ranking dignitaries were entertained including Premier Robt. Baldwin, Wm. Blake, and W.L. MacKenzie (Dyer, Laird of Woodhill, p. 69).

Contextual Value

The Ice House has contextual value for its location dug into the slope of the Niagara Escarpment. To keep ice cold all year, ice houses typically had a substantial amount of their volume underground, with a drain to take away meltwater. Similarly, the stone walls of the Woodhill Ice House are dug into the slope of the escarpment and much of its volume is below ground.

Heritage Attributes

- Siting of the Woodhill Ice House excavated into the escarpment, which is a unique feature of the building that helps convey its original purpose. The siting contributes to both the contextual and physical value of the building.
- The uncoursed, random rubblestone construction of the exterior walls, which reflects the Woodhill Estate's Scottish heritage and contributes to the design value of the building.
- The single glazed, eight-pane window, which contributes to the design value of the building through its purposeful placement. The window lights the interior of the Ice House without introducing an additional thermal break in the stone walls
- The gable roofed form of the building, which contributes to its historical and associative value of the building by matching the gable roof profile of the (now demolished) main building
- The location of the doorway centered in the front wall of the building, which contributes to the design value of the building by creating a symmetrical façade that was a design characteristic of the regency style original house

THE CORPORATION OF THE CITY OF BURLINGTON

BY-LAW NUMBER 44-2009

A By-law to designate a part of the property municipally addressed as 398 Mountain Brow Road East, in the City of Burlington, in the Regional Municipality of Halton, to be of cultural heritage value or interest pursuant to the provisions of the *Ontario Heritage Act* (R.S.O. 1990, chapter O.18, as amended).

WHEREAS Section 29 of the *Ontario Heritage Act*, R.S.O. 1990, Chapter O. 18 (as amended) authorizes the Council of a municipality to enact by-laws to designate real property, including all the buildings and structures thereon, to be of cultural heritage value or interest;

AND WHEREAS the municipal heritage committee (Heritage Burlington LACAC) supports the designation of the property described herein (s. 29(2));

AND WHEREAS a Notice of Intention to Designate has been published in the Burlington Post on the 1st day of February, 2008 and served, by registered mail, in accordance with the Act (s. 29(3));

AND WHEREAS seven parties, including the Estate of Robert Elstone, served notices on the City Clerk of objections to Council's Notice of Intention to designate on February 20, 22, 25 and 29, 2008 respectively(s. 29(5));

AND WHEREAS Council referred the objections to the Conservation Review Board for a hearing and report (s. 29(7));

AND WHEREAS the City entered into Minutes of Settlement with the owner of the Property on January 15, 2009 regarding the owner's objection to Council's Notice of Intention to designate the property;

AND WHEREAS the objections to the Conservation Review Board were withdrawn on December 22 and 29, 2008, January 5, 2009, April 15, 2009 and May 8, 2009 respectively (s. 29(13));

AND WHEREAS upon the withdrawal of all of the objections the Conservation Review Board has discontinued the hearing of the objections (s. 29(15));

AND WHEREAS upon the withdrawal of all of the objections Council may pass a by-law designating the property to be of cultural value or interest (ss. 29(6),(15)).

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF BURLINGTON HEREBY ENACTS AS FOLLOWS:

1. THAT, part of the property at 398 Mountain Brow Road East (Woodhill) being Pt Lot 4, Con 2 EF, designated as PART 1, 20R-18235, City of Burlington, Regional Municipality of Halton, Part of PIN 07194-0069(T), more particularly described in Schedule "A", is hereby designated as being of cultural heritage value or interest pursuant to Part IV of the *Ontario Heritage Act*.

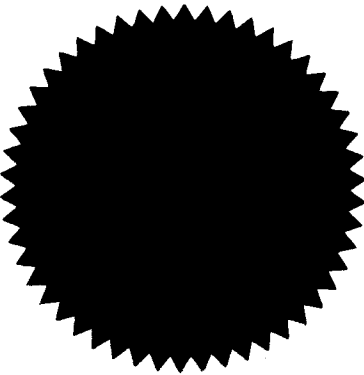
THE CORPORATION OF THE CITY OF BURLINGTON

BY-LAW NUMBER 44-2009

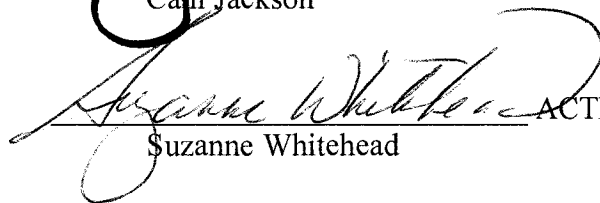
- 2 -

2. The City Clerk shall cause a copy of this by-law to be registered against the part of the property described in Schedule "A" to this by-law in the proper Land Registry Office.
3. The City Clerk shall cause a copy of this by-law to be served upon the owners of the property at 398 Mountain Brow Road East (Woodhill) and upon the Ontario Heritage Trust and to cause notice of this by-law to be published in a newspaper having general circulation in the City of Burlington as required by the *Ontario Heritage Act* (s. 29(14)).
4. THAT this by-law shall take effect on the date of its passing

ENACTED AND PASSED THIS 15th day of June, 2009



 MAYOR
Cam Jackson

 ACTING CITY CLERK
Suzanne Whitehead

SCHEDULE “A”

Statement of Cultural Heritage Value or Interest: “Woodhill”

Woodhill is recommended for designation pursuant to Part IV of the Ontario Heritage Act as a property of cultural heritage value or interest, as described in the following Statement of Cultural Heritage Value or Interest.

Legal Description:

Pt Lot 4, Con 2 EF, designated as PART 1, 20R-18235, City of Burlington, Regional Municipality of Halton, Part of PIN 07194-0069(T)

Description of Historic Place:

“Woodhill”, situated on the edge of the Niagara Escarpment, is located east of Waterdown Road, on Mountain Brow Road in North Aldershot. As the property’s name implies, the site of “Woodhill” is a wooded hill. The landscape is rural and has sweeping views of the Burlington Bay/Hamilton Harbour. The access drive from Mountain Brow Road East, down to the plateau upon which the buildings sit, is a curving forested trail. The property supports a one and one-half storey, stucco-clad stone farmhouse built in the Regency style as well as several outbuildings associated with past farm use as well as improvements such as a tennis court, swimming pool and cabana. The house was built for Adam Fergusson, advocate, statesman and agriculturalist, in 1833. Some of the original design elements and context remain. A stone icehouse, built into the Escarpment, remains.

Statement of Cultural Heritage Value or Interest:

The property at 398 Mountain Brow Road East is recommended for designation pursuant to Part IV of the Ontario Heritage Act based on its historical and associative value; its contextual value; and its design value.

Historical and Associative Value:

The property is particularly significant for its association with Adam Fergusson, advocate, statesman and agriculturalist and its association with his son, Adam Johnson Fergusson Blair, advocate and statesman.

Born in 1783 at Woodhill, Perthshire, Scotland, Adam Fergusson, established himself early in life as a learned gentleman-advocate. A founding director of the Highland Agricultural Society as well as a founder of the first Scottish Veterinary School at Edinburgh, Fergusson first visited Upper Canada in 1831. The purpose of his visit was to investigate, on behalf of the Highland Agricultural Society, the state of agriculture in Upper Canada and the potential for emigration for Scottish farmers and crofters.

Fergusson’s findings were published in 1832 and reprinted in 1833 as an appendix to his own work, *Practical notes made during a tour in Canada, and a portion of the United States*. A reform-minded individual, Fergusson was impressed with the opportunities for immigrants, and

at the age of 50 brought his second wife, Jessie Tower, his seven sons and one daughter, a manservant and tutor to Upper Canada in the summer of 1833 (Fergusson's first wife and mother of his children, Jemima Johnson Blair, died at age 30 following the birth of her eighth child in 1824). The Fergusson family settled on 122 acres near the village of Waterdown in East Flamborough Township where he built his home, "Woodhill". During the same year, Fergusson and James Webster purchased 7,367 acres in Nichol Township on part of which they established the Town of Fergus. The pair established grist and saw mills, the management of which was transferred to Fergusson's son George. Fergusson, however, maintained his principal residence at "Woodhill".

A staunch supporter of Britain, Fergusson commanded the Gore Regiment during the Rebellion of 1837. Fergusson is credited with having had a moderating effect on William Lyon Mackenzie and his rebellion against the Family Compact. In 1839, Fergusson was appointed for life to the Legislative Council of Upper Canada (and later the Legislative Council for United Canada). Fergusson further demonstrated his loyalty to the British crown when he opposed annexation to the United States in 1850. Fergusson was chairman of the Reform conventions of 1857 and 1859 and together, with George Brown, William McDougall, and others, Fergusson prepared the resolutions for the 1859 convention which condemned the union as a failure and advocated constitutional changes leading to confederation.

A farmer by avocation, Fergusson's commitment to improving the conditions and quality of Upper Canadian agriculture by encouraging selective livestock breeding, the development of new feeds, crop rotation, soil analysis, and improved drainage techniques did not wane. He was one of the first to import pure-bred, short-horned cattle from Britain. Later, "Woodhill" became a "model" farm, introducing East Flamborough farmers to grains other than wheat. As early as 1843 he advocated a central agricultural society for Canada West and served as the first president of the Agricultural Association of Upper Canada organized in 1846. From its inception in 1850 until his death in 1862, Fergusson was a leading member of the Board of Agriculture of Upper Canada. It was through this organization that an annual exhibition was developed: the forerunner to the Canadian National Exhibition. In 1852, an Act of Parliament established the Bureau of Agriculture with Fergusson as the inaugural chair (official predecessor of the Minister of Agriculture).

A senator of the University of Toronto from 1856 until his death, Fergusson encouraged the establishment of a chair of agriculture at the university and was credited with bringing Dr Andrew Smith from Scotland to found the veterinary school at Guelph which opened in 1863.

Fergusson died at "Woodhill" in 1862. The family burial plot is located at St. Luke's Anglican Church in Burlington.

Fergusson's second son, Adam Johnson Fergusson Blair, was born in Perthshire in 1815. Following the emigration of his family to Upper Canada, Fergusson Blair was called to the Canadian Bar in 1839. Not unlike his father, Fergusson Blair established himself early in life as a statesman. Appointed in 1842 as the first judge of the County of Wellington, he later ran successfully as a Reform candidate for the District of Waterloo (unseating his father's former business partner, James Webster). He served in this position until 1854. From 1860 until his death in 1867, Fergusson Blair served as Legislative Councillor, Brock division. It was in 1862, following the death of his father, that Fergusson Blair returned to Woodhill to take up residence. A vocal supporter of the Great Coalition between George Brown and John A. MacDonald, Fergusson Blair was rewarded for his support of Confederation by John A. MacDonald with appointment to the first Senate of the Dominion of Canada in 1867. It was later that year, at the

age of 52, that Fergusson Blair died. Fergusson Blair is buried in the family plot at St. Luke's Anglican Church in Burlington.

Given the important role that both men played in the North American experiment that later became the Dominion of Canada, it is not surprising that "Woodhill" itself is reputed as having been a "busy spot":

Woodhill was a busy spot... After the Union of Upper and Lower Canada in 1841, Woodhill became part of Canada West in the Province of Canada. Many meetings were held there and high ranking dignitaries were entertained including Premier Robt. Baldwin, Wm. Blake, and W.L. MacKenzie (Dyer, Laird of Woodhill, p. 69).

Contextual Value

The geographic context of "Woodhill" is the brow of the Niagara Escarpment. The extant buildings of "Woodhill" have siting reflective of its pioneer farm past. Oriented to the south, the house has views (save the maturing vegetation) of gently rolling hills, Burlington Bay and Hamilton Harbour, as well as the property's grazing lands. These elements provide the visual context of "Woodhill". As a large rural parcel, the property supports the unique rural character of North Aldershot.

Design Value

Unlike his affluent contemporaries, Adam Fergusson did not retain an architect to design and construct his family's residence at "Woodhill". Rather, Fergusson retained Charles Allan, a Scottish builder, also from Perthshire. Allan, constructed a relatively unadorned and simple one and one-half storey, gable-roofed stone building to which two separate 19th century additions were subsequently constructed, expanding the total floor area of the building to approximately 5000 square feet. The design of the residence was principled on simple Scottish masonry.

The foundation and walls are of stone construction with an interior finishing of plaster and exterior rendering (painted stucco). Woodhill is thought to have been built in three stages progressing from the southernmost mass northward. Rough hewn heavy timber joists, a wide plank subfloor and stone cistern remain in the basement.

The southernmost mass is a symmetrical three bay elevation. At some point (pre-1880/1920) a dormer window was inserted in the half-storey above. The door and window surrounds are dressed stone: the windows have painted wrought iron hinge clasps. Shutters have been removed. The corners of this mass are also dressed stone. A four-panel heavy wood door remains with a radial fanlight transom above. On the west elevation of the southernmost mass, the stone window sills have tooled margins. Most of the wooden sash windows (6 over 6 remain).

Early photographs depict an open verandah with extensive trellis work on the southern exposure of the southernmost mass. As well, a glass-enclosed conservatory was located at the southwest corner of the southernmost mass. This mass, including the verandah, constituted the "served" portion of the house (e.g. library, drawing room, dining room, master bedroom) with the longer perpendicular north-south running mass as the "serving" portion (e.g. kitchen, circulation corridor, servants' staircase and quarters). Early photographs also depict a shed roof kitchen addition on the east elevation of the northernmost mass, believed to have housed a stove and bake oven. This area has since been altered with the removal of the shed roof addition and the

insertion of a gable end (occurred prior to 1946). Today, this east elevation is the functional “front” of the building.

In all three gable ends (two at the east elevation, one at the west elevation) there are paired upper floor windows centred approximately on the bisecting vertical line of the sloped roofs. On the ground floor of each gable end a single window sits in the approximate centre of the end with an eccentrically placed door opening. In all three gable ends this door opening is located at the far south side of each gable end. The chimneys on the southern most mass are also centred on the gable end. The north gable (east elevation) is clad in aluminum siding with newer windows within the gable (the north gable is not a character-defining element/heritage attribute). At the south gable on the east elevation, one opening appears to have been closed and re-stuccoed (perhaps at the time that the northerly gable was added to the east elevation).

Original wooden soffits and fascia board have been replaced with aluminum. A series of 5 dormers was added to the west elevation in 1945, designed by architect Arthur Wallace.

Very little change to the ground level floor plan has been made since Fergusson’s time. However there have been a number of renovations and alterations made over time as shown on Appendix ‘A’. There are two stairways. The family’s stairs in the “served” portion are larger and better lighted. The secondary or servants’ stairway within the circulation corridor is narrow and winding. A set of servants’ bells (non-functional) remain in the circulation corridor (each bell corresponding to a separate room within the served portion of the house). An interior transom with “eared” moulding at the entrance to the servants’ stairway and quarters remains.

Interior window shutters also remain throughout the ground level. Plank flooring within the southernmost mass remains as does 12” – 14” high baseboard moulding. There are three fireplaces within the southernmost mass; one is covered with an intricately stamped iron cover reputed to have been wrought by the same ironworker who crafted the fireplace covers at Dundurn Castle. Plaster ceiling mouldings remain within the served portion, notably within the formal entryway and the drawing room (room at southeast corner of the southernmost mass).

Heritage Attributes

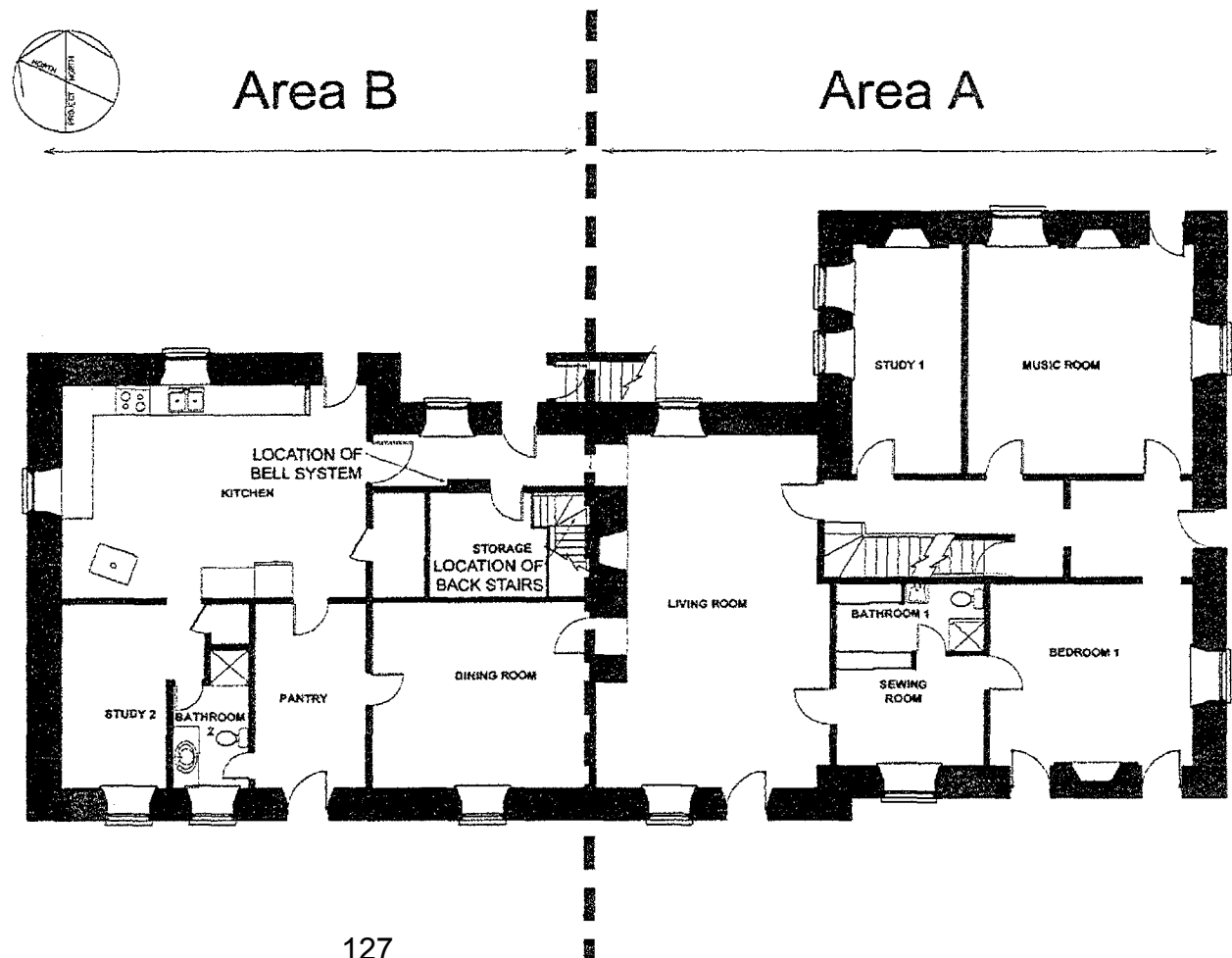
Exterior Heritage Attributes Important to the Preservation of Woodhill are:

- Siting of the residence and icehouse on a plateau allowing vistas of Lake Ontario, the grazing lands, the pond, the forested lands, and the escarpment
- The scale of the house and its division into formal (head of the building) and informal (tail) portions
- The morphological relationship between the formal front volume (southern-most mass) and the extended tail of the building
- South exposure of formal front elevation
- The scale of the northern portion of the building, including its length, volume and mass
- The symmetry of the southern-most mass including window openings, chimneys and centrelines
- The masonry detailing on the southern-most mass including the tooled ashlar corner stones, the tooled ashlar door and window surrounds, the tooled stone sills, the chimneys, the wrought-iron shutter mounting hardware, and the fanlight over the front (south-facing) door

Interior Attributes Important to the Preservation of Woodhill are in Area A and only the back stairway and bell system in Area B (as shown in Appendix 'A') are:

- Floor plan containing formal space, including the front stairway, in Area A, and including only a back stairway (which may be a supplemental stairway access) and servants' bell system (non-functional)
- Ceiling heights at the ground floor level in Area A
- Interior millwork and transoms, including original interior shutters where they exist, doors and hardware in Area A
- Plank flooring where it exists in Area A
- Decorative plaster ceiling mouldings throughout the ground floor where they exist in Area A
- Intricately stamped fireplace cover in Area A

APPENDIX A



Properties

PIN 07194 - 0069 LT

☒ Affects Part of PropDescription PT LT 4 , CON 2 EF DESIGNATED AS PART 1 PLAN 20R18235; BURLINGTON/E
FLAM TWPAddress 398 MOUNTAIN BROW ROAD EAST
BURLINGTON**Applicant(s)**

This Order/By-law affects the selected PINs.

Name THE CORPORATION OF THE CITY OF BURLINGTON

Address for Service 426 Brant Street
Burlington, Ontario
L7R 3Z6

This document is being authorized by a municipal corporation Cam Jackson, Mayor and Suzanne Whitehead, Acting City Clerk.

This document is not authorized under Power of Attorney by this party.

Statements

This application is based on the Municipality By-Law No. 44-2009 dated 2009/06/15.

Schedule: See Schedules

Signed By

Tami Ann Price

426 Brant Street
Burlington
L7R 3Z6acting for
Applicant(s)

Signed

2009 08 04

Tel 9053357600

Fax 9053357842

I have the authority to sign and register the document on behalf of the Applicant(s).

Submitted By

THE CITY OF BURLINGTON

426 Brant Street
Burlington
L7R 3Z6

2009 08 04

Tel 9053357600

Fax 9053357842

Fees/Taxes/Payment

Statutory Registration Fee \$60.00

Total Paid \$60.00

File Number

Applicant Client File Number : 501-06



Heritage Burlington Advisory Committee Meeting

Minutes

Date: June 8, 2022
Time: 7:00 pm
Location: Virtual

1. Members Present:

Michele Camacho (Chair), Don Thorpe, Barry Duffey, Marsha Paley, Angela Richardson, Marwa Refaat, Len Collins, Jenna Dobson, Sille Nygaard Mikkelsen, Jim Miles, Robert Korporaal and Alan Harrington

2. Regrets:

None

3. Others Present:

Councillor Rory Nisan, John O'Reilly (Heritage Planner) and Jo-Anne Rudy (Clerk)

4. Land Acknowledgement:

The Chair read the land acknowledgement.

5. Declarations of Interest:

None

6. Approval of Minutes:

6.1 Approve minutes from meeting held May 11, 2022

On motion, the minutes from the meeting held on May 11, 2022, were approved as presented.

7. Delegation(s):

7.1 2085 Caroline Street minor variance application

- Terrance Glover, Planning Consultant and Principal, Urban in Mind, provided background information on 2085 Caroline Street and spoke to

the minor variance application. He noted that the proposed one storey addition and garden suite is designed in the same style as the existing heritage home and is therefore very complimentary. He added that it will be connected to the main house underground.

7.2 398 Mountain Brow Road proposed amendment to Heritage Designation By-law

- Dr. Michael Shih and Kristina Didiano, Emshih Developments Inc., provided information on the heritage significance of the "Woodhill House", the fire incident that took place on July 10, 2020 and the orders from the Burlington Fire Department to demolish the structure as it posed a safety risk. Dr. Shih described the road closures, jurisdiction overlap and navigation problems that delayed the fire department response and resulted in the fire destroying the majority of the house. They noted that the stone Ice House remains intact, although in poor repair, and the heritage designation remains on this structure. They requested that the heritage designation be removed for the main structure as all heritage attributes were destroyed in the fire.

8. **Regular Items:**

8.1 Heritage Planner's update

a. 2085 Caroline Street minor variance application

- John reviewed the minor variance application for 2085 Caroline Street which will alter the heritage designated house with a rear 1-storey addition and the construction of a garden suite in the rear yard. He briefly provided an overview of the heritage significance, historical attributes and contextual value of the property.
- Committee members discussed the proposal and had no issues with it. Members discussed the concept of distinguishing an addition to a heritage property through more modern design but agreed there were a range of solutions and that the proposed design was sufficiently distinguishable. A suggestion was made that perhaps for future proposals, samples of materials could be provided with the design. **Motion** - Heritage Burlington recommends approval of the heritage alterations for 2085 Caroline Street, as presented. **CARRIED**

b. Notre Dame Convent Cemetery closure - 1921 Snake Road

- John advised that the City received notice on May 14, 2022, that the School Sisters of Notre Dame had applied to close the Notre Dame Convent Cemetery at 1921 Snake Road. This cemetery was established for members of the convent and approximately 300 sets of remains and associate monuments were relocated to the Gate of Heaven cemetery in 2019. They are required under the *Funeral, Burial and Cremation Services Act*, to give notice to the heritage committee, the City, families of the deceased and the community at large to help the Registrar determine whether closure is appropriate and to gauge community interest in the cemetery. Interested parties have 45 days from May 17, 2022, to make submissions to the Registrar.
 - Members reviewed the notice and received for information.
- c. 398 Mountain Brow Road proposed amendment to Heritage Designation By-law
- John advised that the heritage designated house located at 398 Mountain Brow Road burned almost completely to the ground in July 2020 and was subsequently condemned and demolished. The only remaining heritage attribute of the property is a small one-storey building, which served as an Ice House for the main residence. The owner has applied to amend the designation of the property to eliminate the house and scope it to just the Ice House.
 - Members discussed and had concerns with the disrepair and future maintenance of the Ice House and ensuring the history of the property isn't lost.
 - A member raised the possibility that the site had archaeological potential and suggested that the owner should be required to complete an archaeological study. A majority believed that requiring an archaeological study was not within the Committee's scope and not relevant to the request to amend the designation by-law.
 - Members discussed staff's suggestion that the applicant should be required to prepare a conservation plan to rehabilitate the Ice House. A majority believed it was unreasonable to require the owner to prepare such a plan; however, members did believe

the owner should rehabilitate the Ice House and have a plan for how to reuse it once the new house is built.

- **Motion** - Heritage Burlington recommends that City Council:
 - Authorize amendments to heritage designation by-law 44-2009 for 390 Mountain Brow Road to remove references to the demolished house and limit the designation to the Ice House; and
 - Require the applicant to enter into a legal agreement with the City of Burlington to secure the maintenance and upgrading of the Ice House as part of the future development of the property. **CARRIED**
- An amendment was made to require the applicant to prepare a conservation plan for the Ice House by a qualified Heritage Consultant, but it did not pass.

d. Update on 795 Brant Street

- Michele advised that she delegated at the Community Planning, Regulation and Mobility Committee meeting on June 7, 2022, supporting staff's recommendation to add 795 Brant Street to the Municipal Register. She noted that the owner of the property delegated and spoke in opposition to the recommendation.
- John advised that the Committee approved the recommendation and it will be ratified at the June 21, 2022, Council meeting.

8.2 Subcommittee updates

a. Evaluations Subcommittee

- Marwa advised that the team is looking at four properties.

b. Heritage Week Subcommittee

- Don advised that plans are well underway and the website will be updated shortly with the schedule of events.

c. Heritage Trees Subcommittee

- Marsha advised that the team continues to collect information on policies and procedures regarding trees in other municipalities.

- d. Plaques/Markers Subcommittee
 - Alan advised that the Terms of Reference have been completed and sent to members and Michele for approval.
- e. Review of "A" listed Properties Subcommittee
 - Marsha will draft the Terms of Reference.

9. Other Business:

- Alan advised that Freeman Station will be open this coming weekend - June 11 -12.
- Len advised that he noticed that an archaeological assessment was being done at Beachway Park and asked John if he had any details. John advised that he did not.
- Angela asked about 468 Locust Street and whether the purchaser would be willing to conserve. John noted that this property is currently for sale but referenced the Property Standards By-law and the possibility that by-law enforcement staff could perhaps assist. **Action** - John to follow up with By-law Enforcement staff.

10. Adjournment:

Chair adjourned the meeting at 8:56 p.m.



Mirkwood Engineering
Structural Engineers

July 13, 2020

re. Structural Review of Fire Damaged Residence
398 Mountain Brow Road, Burlington, ON
Our Project Number 20081

To whom it may concern:

This will confirm that the undersigned visited the above noted property address on today's date (July 13, 2020) to review obvious fire damage to an existing two storey, wood framed house. The fire has greatly affected and/or consumed approximately 75% to 80% of the structure (mostly on the south side of the building). Attached is a series of photographs of the extent of fire damage (Figures 1 through 9). Note that this review was based on random visual inspection. No detailed testing or sampling was carried out. Only structure that was accessible and visible during our review can be commented on.

Below is a summary of what we witnessed:

- The roof and 2nd storey are entirely gone for most of the south 2/3's of the structure and the roof is damaged in the north part as well.
- Interior stud walls (both load bearing and non-load bearing) have been destroyed or compromised in most locations and the exterior walls are also either compromised or destroyed.
- The ground floor is mostly gone for the south 2/3's of the structure.
- Remaining areas mostly untouched by the fire are also significantly damaged by water/element exposure.

In our opinion, this structure is unsafe and should be demolished immediately and no person should enter this structure except as required to carry out this work in accordance with all application health and safety/labour codes and regulations.

Yours very truly,

Mirkwood Engineering

Kyler Jones, P. Eng.





Figure 1: Typical Condition of Interior Ground Floor Framing (Over Basement) on South 2/3 of Building



Figure 2: Typical Condition of Interior Ground Floor Framing (Over Basement) on South 2/3 of Building



Figure 3: Typical Condition of 2nd Floor and Roof Structure on South 2/3 of Building



Figure 4: Typical Condition of 2nd Floor and Roof Structure and Exterior Walls on South 2/3 of Building



Figure 5: Condition of Much of the Remaining Interior Structure on South 2/3 of Building



Figure 6: Condition of Much of the Remaining Interior Structure on South 2/3 of Building



Figure 7: View From Outside of Building Looking North



Figure 8: View From Outside of Building Looking West Showing Guttered Roof Structure to South and Fire Damage Extending Partially over North Portion of Building



Figure 9: Water Damage to Structure in North-most Portion of Building

LRO # 20 Notice

Received as HR1518674 on 2018 01 17 at 10:27

The applicant(s) hereby applies to the Land Registrar.

yyyy mm dd Page 1 of 1

Properties

PIN 07194 - 0069 LT

☒ Affects Part of PropDescription PT LT 4 , CON 2 , DESIGNATED AS PART 1, PLAN 20R18235, BURLINGTON/E FLAM
TWP

Address BURLINGTON

Consideration

Consideration \$ 0.00

Applicant(s)

The notice is based on or affects a valid and existing estate, right, interest or equity in land

Name THE CORPORATION OF THE CITY OF BURLINGTON

Address for Service 426 Brant Street
Burlington, ON
L7R 3Z6

This document is not authorized under Power of Attorney by this party.

This document is being authorized by a municipal corporation Cam Jackson, Mayor, and Kim Phillips, City Clerk.

Statements

This notice is pursuant to Section 71 of the Land Titles Act.

This notice is for an indeterminate period

Schedule: See Schedules

Signed By

Rena Mary Goff

426 Brant Street
Burlington
L7R 3Z6acting for
Applicant(s)

Signed 2018 01 17

Tel 905-335-7600

Fax 905-335-7842

I have the authority to sign and register the document on behalf of the Applicant(s).

Submitted By

THE CITY OF BURLINGTON

426 Brant Street
Burlington
L7R 3Z6

2018 01 17

Tel 905-335-7600

Fax 905-335-7842

Fees/Taxes/Payment

Statutory Registration Fee \$63.65

Total Paid \$63.65

File Number

Applicant Client File Number :

501-06

HERITAGE CONSERVATION EASEMENT AGREEMENT

THIS AGREEMENT made in quadruplicate this 29th day of April, 2009

BETWEEN:

Emshih Developments Inc.

(hereafter called the "Owners")

- And -

THE CORPORATION OF THE CITY OF BURLINGTON

(hereafter called the "City")

WHEREAS the Owners are the owners of certain lands and premises situated in the City of Burlington in the Province of Ontario, and municipally known as 398 Mountain Brow Road East (hereafter called the "Property"), and more particularly described in the Legal Description attached hereto as Schedule "A" and on which there is a building known as the Adam Fergusson House (hereafter called the "Building"), as well as an Icehouse and more particularly described in the Baseline Documentation Report attached hereto as Schedule "B";

AND WHEREAS one of the purposes of the Ontario Heritage Act, R.S.O. 1990, c.0.18, is to support, encourage and facilitate the conservation, protection and preservation of the cultural heritage of Ontario;

AND WHEREAS by Section 37(1) of the Ontario Heritage Act, the City is entitled to enter into easements or covenants with owners of real property, for the conservation of buildings of cultural heritage value or interest;

AND WHEREAS by Section 37(3) of the Ontario Heritage Act, such covenants and easements entered into by the City when registered in the proper Land Registry Office against the real property affected by them, shall run with the real property and may, whether positive or negative in nature, be enforced by the City or its assignee against the owners or any subsequent owners of the real property, even where the City owns no other land which would be accommodated or benefited by such covenants and easements;

AND WHEREAS the owners intend to make an application to the Niagara Escarpment Commission to construct a second dwelling at 398 Mountain Brow Road East;

AND WHEREAS the owners and the City desire to conserve the present historical, architectural, contextual, aesthetic, scenic and heritage characteristics and condition of the Building on the Property as set out in the Statement of Significance attached hereto as "Schedule C";

AND WHEREAS to this end, the Owners and the City agree to enter into this Heritage Conservation Easement Agreement (hereafter called the "Agreement");

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the sum of TWO (\$2.00) DOLLARS of lawful money of Canada now paid by the City to the Owner (the receipt of which is hereby acknowledged), and for other valuable consideration, and in further consideration of the mutual covenants and restrictions hereafter set forth, the Owners and the City agree to abide by the following covenants, easements and restrictions which shall run with the Property forever.

1.0 PURPOSE

1.1 It is the purpose of this Agreement to ensure that the cultural heritage value of the Property will be preserved in perpetuity as part of the cultural heritage of the City. To achieve this purpose, the Owners and the City agree that the Heritage Attributes will be retained, maintained and conserved by the Owners through the application of recognized heritage conservation principles and practices and that no change shall be made to the Heritage Attributes that will adversely affect the cultural heritage value of the property as set out in the Statement of Significance attached as Schedule "C".

1.2 Any reference in this Agreement to the Property includes the Building.

2.0 Cultural Heritage Value

2.1 Statement of Significance

The Owners and City agree that the Statement of Significance attached as Schedule "C" explains the cultural heritage value of the Property and that the Heritage Attributes comprise the features of the Property that are to be conserved under this Agreement in order to preserve and protect the cultural heritage value of the Property.

2.2 Baseline Documentation Report

The Owner and the City agree that the photographs, plans, sketches and text comprising the Baseline Documentation Report attached hereto as Schedule "B", the originals or facsimiles of which are on file and may be examined at City Hall, accurately depict and describe the appearance, condition and construction of the Building and its surrounding grounds as of the date of this Agreement.

3.0 CONSERVATION PRINCIPLES, STANDARDS AND GUIDELINES

3.1 Both the Owners and the City in carrying out their respective responsibilities and duties under this Agreement shall, where applicable, be guided by and apply the conservation principles set out in the Ontario Ministry of Culture's *Eight Guiding Principles in the Conservation of Historic Properties* as revised from time to time, the present edition of which are attached as Schedule "D" and recognized heritage conservation best practices.

4.0 DUTIES OF OWNER

4.1 Maintenance

The Owners shall at all times and, subject to compliance with the requirements of section 4.2, maintain the Property in as good and sound a state of repair as a prudent owner would normally do so that no deterioration in the present condition and appearance of the Heritage Attributes shall take place except for reasonable wear and tear. The Owners' obligation to maintain the Property shall require that the Owners undertake such preventative maintenance, repair, stabilization and replacement whenever necessary to preserve the Property and to take all reasonable measures to secure and protect the Building from vandalism, fire and damage from inclement weather.

4.2 Alterations

Except as provided for in this Agreement, the Owners shall not, except as hereafter set forth, without the prior written approval of the City, undertake or permit any demolition, construction, alteration, remodeling, or any other thing or act that would materially affect the Heritage Attributes of the appearance or construction of the Building as set out in the Statement of Significance attached as Schedule "C" and as may be depicted in the copies of the Photographs contained in Schedule "B".

4.3 Deemed Approval

The approval required to be obtained from the City under paragraph 4.2 shall be deemed to have been given upon the failure of the City to respond in writing to a written request for approval within ninety (90) days of receiving such a request at the address as set out in paragraph 11.0 of this Agreement.

4.4 Use of Material and Techniques

If the approval of the City is given under paragraph 4.2 or deemed to be given under paragraph 4.3, the Owner shall use materials and techniques satisfactory to the City in undertaking or permitting the approved construction, alteration, remodeling or other thing or act so approved of.

4.5 Emergencies

Notwithstanding the provisions of section 4.2, the Owners may undertake such temporary measures in respect of the Building as are reasonably necessary to deal with an emergency situation which puts the security or integrity of the Building at risk of damage or occupants of the Building at risk of harm provided that such measures are:

1. In keeping with the purpose of the Agreement;
2. In keeping with the designation by-law registered on the Property;
3. Consistent with the conservation of the Heritage Attributes;
4. The requirements of the *Building Code Act 1992*, c. 23, as amended or re-enacted from time to time, are complied with; and

5. Where time permits, the City is consulted before any such measures are undertaken.

4.6 Signs and Fixtures

The Owners shall not place or affix on the Building any signs, permanent storm screens, awnings, satellite receiving dishes, or other similar objects and fixtures without the prior written approval of the City. Such approval may, in the sole discretion of the City and for any reason which the City considers necessary be refused.

4.7 Prohibited Activities

The Owners shall not in respect of the Property, except with the prior written approval of the City:

- a) Grant any easement or right of way;
- b) Erect or remove or permit the erection or removal of any building, sign, fence, or other structure of any type whatsoever except temporary fencing required during construction;
- c) Allow the dumping of soil, rubbish, ashes, garbage, waster or other unsightly, hazardous or offensive materials of any type or description;
- d) Except for the maintenance of existing improvements, allow any changes in the general appearance or topography of the Property, including and without limiting the generality of the foregoing, the construction of drainage ditches, transmission towers and lines, and other similar undertakings as well as the excavation, dredging or removal of loam, gravel, soil, rock or other materials;
- e) Allow the removal, destruction or cutting of trees, shrubs or other vegetation except as may be necessary for:
 - i. Their prevention or treatment of disease, or
 - ii. Other good husbandry practices, or
 - iii. Any construction on the Property for which the Owners have received all of the required approvals from the City.
- f) Allow the planting of trees, shrubs or other vegetation which would have the effect of:
 - i. Causing any damage to the Building

5.0 Approvals

5.1 Information to be Provided

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In requesting any approval under this Agreement the Owner shall at its expense provide to the City such information in such detail as the City may reasonably require in order to consider and assess the Owner's request including without limitation the following:

1. Plans, specifications and design for any proposed work;
2. Material samples;
3. A work schedule;
4. The report of a qualified heritage conservation engineer, architect or consultant; and
5. Such other reports, studies or tests as may in the circumstances be reasonably required for the City to appropriately assess the impact of the proposed work on the Heritage Attributes.

5.2 Conditions of Approval

If the approval of the City is given under this the Agreement the Owners, in undertaking or permitting the construction, alteration or remodeling, or other thing or act so approved of, shall comply with all of the conditions of approval specified by the City in its approval including the use of materials and methods specified by the City in its approval.

6.0 Indemnity and Insurance

6.1 Indemnity

The Owners shall hold the City and its employees, officer, agents, contractors and representatives harmless against and from any and all liabilities, suits, actions, proceedings, claims, damages, judgments or costs whatsoever (including all costs of defending such claims) arising out of, incidental to, or in connection with any injury or damage to person or property of every nature and kind (including death resulting therefrom), occasioned by any act or omission of the Owners related to this Agreement.

6.2 Insurance

The Owners agree to put in effect and maintain or cause to be put in effect and maintained, at all times, with insurers acceptable to the City, the following insurance:

1. Insurance in respect of the Building against claims for personal injury, death or property damage or loss, indemnifying and protecting the City and the Owners, their respective employees, agents, tenants, contractors and invitees, to the inclusive limit of not less than \$1 million Dollars. Such insurance shall specifically state by its wording or by endorsement that:

- a. The City is added as an additional insured under the "Additional Insureds" section of policy as follows:

Corporation of the City of Burlington

- b. The policy contains a cross-liability clause which shall have the effect of insuring each person, firm or corporation named in the policy as insured in the same manner and to the same extent as if a separate policy had been issued to each.
 2. Property insurance coverage in such amounts as required to adequately insure the Building, including loss or damage to the Building. The policy shall name the City in the Schedule of interested parties as the City's interest may appear and shall contain a waiver of rights of subrogation against the City, including its elected officials, officers, employees, agents and contractors.
 3. Such policies shall not be terminated, cancelled or materially altered unless written notice of such termination, cancellation or material is given by the insurers to the City of at least thirty (30) clear days before the effective date thereof.
 4. Upon execution of this Agreement and on each and every anniversary date, the Owners shall deliver evidence of the insurance required under this Agreement, including confirmation of the endorsements described in paragraphs 6.2.1.1(i) and (ii) and 6.2.1.2, to the City's Finance Department.
- 6.3 If the Owners fail to obtain the Insurance or if the Insurance is cancelled, the City may effect such Insurance and the premium and any other amount paid in so doing shall forthwith be paid by the Owner to the City, or if not, shall be a debt owing to the City and recoverable from the Owners by action or application in a court of law.
- 6.4 All proceeds receivable by the Owners under the Property Insurance shall, on the written demand and in accordance with the requirements of the City, be applied to replacement, rebuilding, restoration or repair of the Building to the fullest extent possible having regard to the particular nature of the Building and the cost of such work. In the event that the Property Insurance proceeds receivable by the Owner are insufficient to the effect a partial or complete restoration of the Building, the City shall have the privilege, but not the obligation, of contributing additional monies towards the replacement, rebuilding, restoration, or repair costs in order to effect a partial or complete restoration of the Heritage Attributes.

7.0 Inspection of the Property

The City or its representatives shall upon prior written notice to the Owners of at least forty-eight (48) hours be permitted at a reasonable time to enter upon and inspect the Property and the Building.

8.0 Plaque and Publication

- 8.1 The Owners agree to allow the City to design and erect a plaque on the Building, in a tasteful manner and at the City's expense, indicating that the City holds a heritage conservation easement on the Property.

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8.2 The Owners agree to allow the City to publicize the existence of the heritage conservation easement.

9.0 Subsequent Instruments

9.1 Where required by the City Solicitor in the future, notice of these covenants, easements and restrictions shall be inserted by the Owners in any subsequent deed or other legal instrument by which they divest themselves either of the fee simple title to or of their possessory interest in the Property or the Building.

9.2 The Owners shall notify the City in writing within fifteen (15) days in the event they divest themselves of the fee simple title to or of their possessory interest in the Property or the Building.

10.0 Remedies of the City

10.1 Notice of Default

If the City, in its sole discretion, is of the opinion that the Owners have neglected or refused to perform any of its duties or obligations set out in this Agreement, the City may, in addition to any of its other legal or equitable remedies, given the Owner written notice setting out particulars of the Owners' default and the actions required to remedy the default. The Owners shall have thirty (30) days from receipt of such notice to remedy the default in the manner specified by the City or to make other arrangements satisfactory to the City for remedying the default within such period of time as the City may specify.

10.2 City may Rectify Default

If the Owners have not remedied the default or made other arrangements satisfactory to the City for remedying the default within the time specified in section 10.1, or if the Owners do not carry out the arrangements to remedy the default within the period of time specified by the City, the City may enter upon the Property and may carry out the Owner's obligations and the Owners shall reimburse the City for any expenses incurred thereby. Such expenses incurred by the City shall, until paid to it by the Owners, be a debt owed by the Owners to the City and recoverable by the City by action or application in a Court of Law.

11.0 Any notices, certificates or other communications and deliveries required by this Agreement or desired to be given to or made by any party shall be in writing and may be delivered personally, made by mailing the same in a sealed envelope, by registered mail, postage prepaid, return receipt requested, or by facsimile transmission, addressed to each party at the address below set forth or such other address as the parties shall designate by notice, given in accordance herewith;

To the Owners: Emshih Developments, Inc.

895 Brant Street, Suite 7
Burlington, ON L7R 2J6
Telephone: 905-639-9006, Facsimile: 905-632-3337

With a copy to O'Connor MacLeod Hanna LLP
its Solicitors: 700 Kerr Street
 Oakville, ON L6K 3W5
 Attention: Blair S. Taylor
 Telephone: 905-842-8030; Facsimile: 905-842-2460

To the City: The Corporation of the City of Burlington
 426 Brant Street, P.O. Box 5013
 Burlington, ON L7R 3Z6
 Attention: Director of Planning
 Telephone: 905-335-7642, Facsimile: 905-335-7880

With a copy to Legal Services
its Solicitor The Corporation of the City of Burlington
 426 Brant Street, P.O. Box 5013
 Burlington, ON L7R 3Z6
 Attention: Director of Legal Services
 Telephone: 905-335-7600, Facsimile: 905-335-7842

12.0 General

12.1 Headings

The headings in the body of this Agreement form no part of the Agreement but shall be deemed to be inserted for convenience of reference only.

12.2 Waiver

The failure of the City at any time to require performance by the Owners of any obligation under this Agreement shall in no way affect its right thereafter to enforce such obligation, nor shall the waiver by the City of the performance of any obligation hereunder be taken or be held to be a waiver of the performance of the same or any other

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obligation hereunder at any later time. Any waiver must be in writing and signed by the City.

12.3 Severability and Covenants

All covenants, easements and restrictions contained in this Agreement shall be severable, and should any covenant, easement or restriction in this Agreement be declared invalid or unenforceable, the validity and enforceability of the remaining covenants, easements and restrictions shall not be affected.

12.4 Costs

In the event that a dispute arises between the parties hereto because of this Agreement, each party shall be responsible for its own legal fees, court costs and all other similar expenses that may result from any such dispute except where costs are awarded by a court or tribunal.

12.5 Entirety

This Agreement embodies the entire agreement of the parties with regard to the matters dealt with herein, and no understandings or agreements, verbal, collateral or otherwise, exist between the parties except as herein expressly set out.

12.6 Agreement to run with the Property

This Agreement shall be registered on title to the Property by the City, at its expense, and the covenants, easements and restrictions set out herein shall run with the Property and enure to the benefit of and be binding upon the parties hereto and their respective heirs, executors, administrators, personal representatives, successors and assigns, as the case may be.

12.7 Conflict

In the event of any conflict or inconsistency between the provisions of this Agreement and the provisions of any Site Plan Agreement, the provisions of this Agreement shall prevail.

12.8 Gender, Number and Joint and Several

Words importing the feminine include the masculine or neutral gender and words in the singular include the plural and vice versa. Whenever the Owner comprises more than one person, the Owner's obligations in this Agreement shall be joint and several.

13.0 Postponement Agreement

The Owners agree to provide, at no cost to the City, any postponements of any interests which the City Solicitor, in her sole discretion, considers necessary to ensure that this Agreement, when registered, shall have priority over any other interest in the property.

IN WITNESS WHEREOF the parties hereto have executed this Agreement effective as of the date first written above.

SIGNED, SEALED AND DELIVERED)

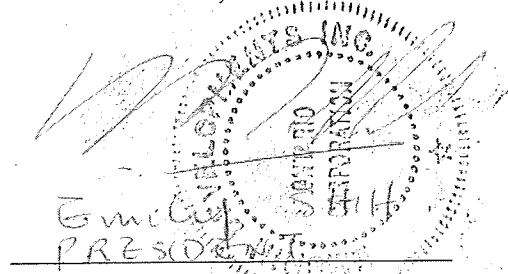
In the presence of)

)

)

)

)


Emily Hill
PRESIDENT

Signature of Witness:

Print Name:

I have authority to bind the corporation

SIGNED, SEALED AND DELIVERED)

In the presence of)

)

)

)

)

Signature of Witness:

Print Name:

THE CORPORATION OF THE CITY OF BURLINGTON

PER: _____

Cam Jackson

NAME: Cam Jackson

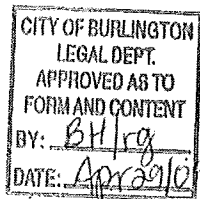
TITLE: Mayor

Cam Jackson

PER: 10/2/08

NAME: Kim Phillips

TITLE: City Clerk



Authorized through By-law No. 127-2008
CD-174-08

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SCHEDULE "A"

LEGAL DESCRIPTION OF THE PROPERTY

PIN: Part of PIN# 07194-0069

LEGAL DESCRIPTION:

Part 1 on Plan 20R-_____

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SCHEDULE "B"

BASELINE DOCUMENTATION REPORT

SCHEDULE "B"
BASELINE DOCUMENTATION REPORT

Fergusson Residence
398 Mountainbrow Road
Site visit, August, 2008

Woodhill is a stone farmhouse in an L shaped plan. The ground floor is approximately 278.5 sq. m. or 2997 sq. ft. and the second floor is 212 sq. m. or 2281 sq. ft. There have been two major additions to the original structure as well as more recent modifications to the northern end of the building resulting in the current footprint.

The stone icehouse remains largely intact and physically close to the residence. The upper wooden portion of the structure and roof are not original.

The south façade of the house is symmetrical, with two windows located either side of a central door. A fan transom light is located above the door which was the original entrance to the building. The roof is similarly symmetrical with a chimney located on either end of the southern portion of the building and a dormer situated directly above the door on the lower floor. Cut stone window and door trims along with the cut stone front corners of the house, which gave an additional level of finish to the stonework, are visually hidden by the white paint which blends these features into the stucco finish.

The stucco is cracked and failing in numerous places on the exterior facades, in particular it can be seen to be deteriorating around the windows and doors and along the edge of the wall and the roof soffit particularly on the west and south façades of the house. Historical photographs illustrate that this has been a long term problem and, there is stucco damage to a lesser degree on the other façades as well. Overgrown plants obscure most of the exterior facade. The roof is in poor condition due to the deterioration of the later asphalt shingles. The paint is peeling on the chimneys and in some places deterioration of the bricks can be seen.

All sections of the house have been updated by the addition of aluminum storm doors, storm windows, aluminum eaves, aluminum soffits and fascias and aluminum siding.

Roof drains are attached to an underground system and should drain to grade. In addition the planting has grown mature close to the stucco walls, grading around the house has been built up to the point that positive drainage away from the house has been lost. This has resulted in water penetration into the basement and foundation wall as well as damage to the lower portions of the stucco wall.

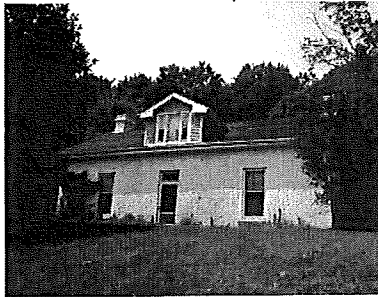
The stone walls require repointing as well as the foundation walls. Voids may have developed in the foundation walls. There is no record that the exterior was ever parged, waterproofed or was protected by weeping tile. Moisture has and is currently penetrating through the foundation wall below grade. There are a number of poorly patched cracks visible.

Given the location of the house and the ice house immediately adjacent, a major drop in the escarpment from the wooded table land above, the foundations and basement of the house are susceptible to the flow of surface and ground water down the escarpment.

Dormers were added to the house in the 1940's. The 8 dormers on the northern addition are small and cut into the roof creating a shallow section immediately in front of the window. The dormers clad in aluminum have added light and space to the second floor bedrooms; however, they have also been the source of water penetration due to their design.

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South elevation and former main entrance to Woodhill. This southern portion of the building is the oldest and not significantly altered except for the dormer windows and porch.



East elevation of the southern portion of the house; most likely the original façade was stone, the current stucco was applied later.



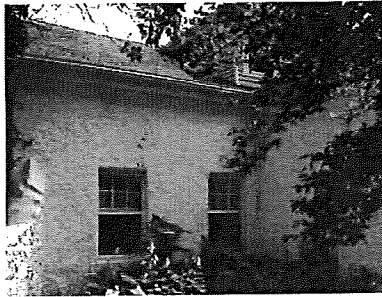
West elevation, the dormers are not original to the design.



The east elevation of the house has become obscured by overgrown plants, removal or relocation can remedy the issue.

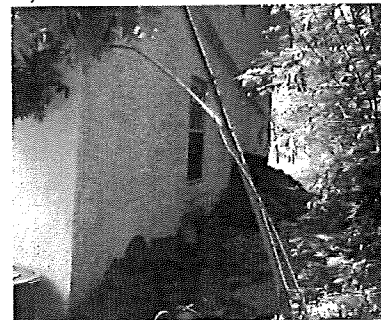
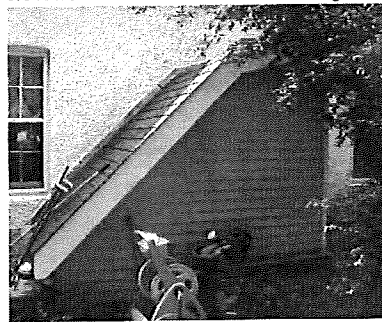


The east elevation of the kitchen entrance. This currently serves as the public east side entrance to the house. This portion of the house has seen the most modification.

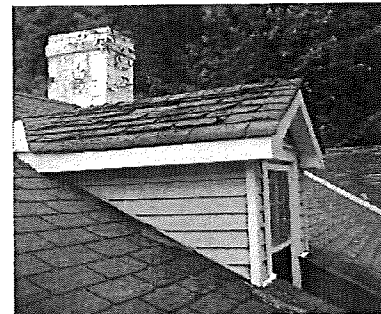


The stairs housed in the structure in this picture connect the basement to the exterior. The stairs are located on the east side of the building.

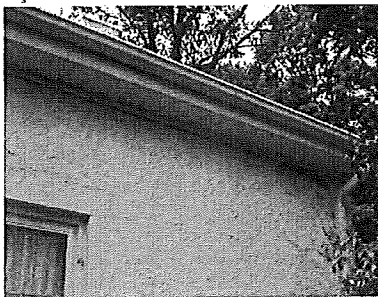
Hay bales and debris have been stacked against the wall of the north façade. Trees and plants shelter the space trapping moisture. Deterioration of the stucco has occurred along the lower portion behind the stack of debris and hay.



Roofing in poor condition. The dormers are not original to the design of the building, they were put in by John McColl under the advice of architect Arthur Wallace. Paint is peeling and brick is deteriorating on the chimneys but is most prevalent on the central chimney



Aluminum soffit and eaves troughs have been added. The stucco is failing where the wall meets the roof, such damage is common on all façades.



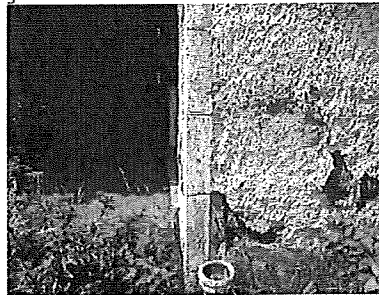
Filler pipes for furnace added to front elevation.



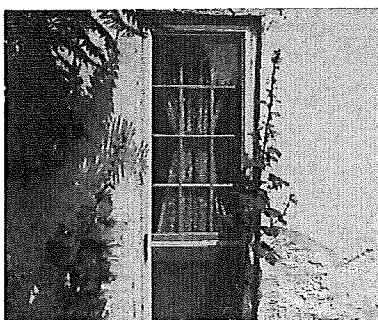
The stone façade and stone sill with the windows are visible due to the deterioration of the stucco. Modern aluminum storms have been installed over the wood windows.



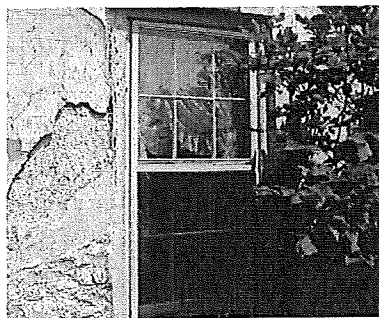
Stone detailing is still visible along the corners of the original front portion of the house. Typical damage to the lower portions of the stucco near grade.



The following photographs are of the west façade where the most severe damage to the stucco and stone walls has occurred.



The exterior façade has weathered and suffered damage over the years, the stucco is cracked and failed in numerous locations.



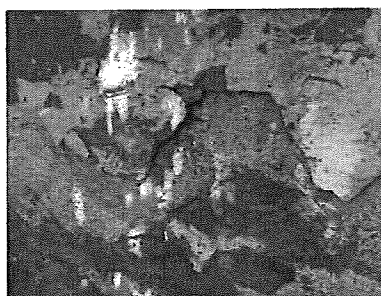
Poorly patched crack in exterior wall at the northwest corner, similar situations can be found in other locations on the façades.



Stucco is deteriorating and the foundation is exposed. This situation is most prevalent on the west façade and is present to a lesser degree on others.



The mortar is deteriorating and breaking up. Damage is most prevalent on the west facade but occurs to a lesser extent on the other façades.



SCHEDULE "C"
STATEMENT OF SIGNIFICANCE

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398 Mountain Brow Road East, Burlington, Ontario
"Woodhill", 1833

Statement of Significance

Pursuant to subsection 33(1) of the Ontario Heritage Act, no owner of property designated under the Act shall alter or permit the alteration of the property if the alteration is likely to affect the property's Heritage Attributes. An application for a heritage permit is required for any proposed alterations to the property subject to heritage designation by-law.

Description of Historic Place

"Woodhill", situated on the edge of the Niagara Escarpment, is located east of Waterdown Road, on Mountain Brow Road in North Aldershot. As the property's name implies, the site of "Woodhill" is a wooded hill. The landscape is rural and has sweeping views of the Burlington Bay/Hamilton Harbour. The access drive from Mountain Brow Road East, down to the plateau upon which the buildings sit, is a curving forested trail. The property supports a one and one-half storey, stucco-clad stone farmhouse built in the Regency style as well as several outbuildings associated with past farm use as well as improvements such as a tennis court, swimming pool and cabana. The house was built for Adam Fergusson, advocate, statesman and agriculturalist, in 1833. Some of the original design elements and context remain. A stone icehouse, built into the Escarpment, remains.

Cultural Heritage Value

The property at 398 Mountain Brow Road East is recommended for designation pursuant to Part IV of the Ontario Heritage Act based on its historical associative value; its contextual value; and its design value.

Historical Associative Value:

The property is particularly significant for its association with Adam Fergusson, advocate, statesman and agriculturalist and its association with his son, Adam Johnson Fergusson Blair, advocate and statesman.

Born in 1783 at Woodhill, Perthshire, Scotland, Adam Fergusson, established himself early in life as a learned gentleman-advocate. A founding director of the Highland Agricultural Society as well as a founder of the first Scottish Veterinary School at Edinburgh, Fergusson first visited Upper Canada in 1831. The purpose of his visit was to investigate, on behalf of the Highland Agricultural Society, the state of agriculture in Upper Canada and the potential for emigration for Scottish farmers and crofters.

Fergusson's findings were published in 1832 and reprinted in 1833 as an appendix to his own work, *Practical notes made during a tour in Canada, and a portion of the United States*. A reform-minded individual, Fergusson was impressed with the opportunities for immigrants, and at the age of 50 brought his second wife, Jessie Tower, his seven sons and one daughter, a manservant and tutor to Upper Canada in the summer of 1833. The Fergusson family settled on 122 acres near the village of Waterdown in East Flamborough Township where he built his home, "Woodhill". During the same year, Fergusson and James Webster purchased 7,367 acres in Nichol Township on part of which they established the Town of Fergus. The pair established grist and saw mills, the management of which was transferred to Fergusson's son George. Fergusson, however, maintained his principal residence at "Woodhill".

A staunch supporter of Britain, Fergusson commanded the Gore Regiment during the Rebellion of 1837. Fergusson is credited with having had a moderating effect on William Lyon Mackenzie and his rebellion against the Family Compact. In 1839, Fergusson was appointed for life to the Legislative Council of Upper Canada (and later the Legislative Council for United Canada). Fergusson further demonstrated his loyalty to the British crown when he opposed annexation to the United States in 1850. Fergusson was chairman of the Reform conventions of 1857 and 1859 and together, with George Brown, William McDougall, and others, Fergusson prepared the resolutions for the 1859 convention which condemned the union as a failure and advocated constitutional changes leading to confederation.

A farmer by avocation, Fergusson's commitment to improving the conditions and quality of Upper Canadian agriculture by encouraging selective livestock breeding, the development of new feeds, crop rotation, soil analysis, and improved drainage techniques did not wane. He was one of the first to import pure-bred, short-horned cattle from Britain. As early as 1843 he advocated a central agricultural society for Canada West and served as the first president of the Agricultural Association of Upper Canada organized in 1846. From its inception in 1850 until his death in 1862, Fergusson was a leading member of the Board of Agriculture of Upper Canada. It was through this organization that an annual exhibition was developed: the forerunner to the Canadian National Exhibition. In 1852, an Act of Parliament established the Bureau of Agriculture with Fergusson as the inaugural chair (official predecessor of the Minister of Agriculture).

A senator of the University of Toronto from 1856 until his death, Fergusson encouraged the establishment of a chair of agriculture at the university and was credited with bringing Dr Andrew Smith from Scotland to found the veterinary school at Guelph which opened in 1863.

Fergusson died at "Woodhill" in 1862. The family burial plot is located at St. Luke's Anglican Church in Burlington.

Fergusson's second son, Adam Johnson Fergusson Blair, was born in Perthshire in 1815. Following the emigration of his family to Upper Canada, Fergusson Blair was called to the Canadian Bar in 1839. Not unlike his father, Fergusson Blair established himself

early in life as a statesman. Appointed in 1842 as the first judge of the County of Wellington, he later ran successfully as a Reform candidate for the District of Waterloo (unseating his father's former business partner, James Webster). He served in this position until 1854. From 1860 until his death in 1867, Fergusson Blair served as Legislative Councillor, Brock division. It was in 1862, following the death of his father, that Fergusson Blair returned to Woodhill to take up residence. A vocal supporter of the Great Coalition between George Brown and John A. MacDonald, Fergusson Blair was rewarded for his support of Confederation by John A. MacDonald with appointment to the first Senate of the Dominion of Canada in 1867. It was later that year, at the age of 52, that Fergusson Blair died. Fergusson Blair is buried in the family plot at St. Luke's Anglican Church in Burlington.

Given the important role that both men played in the North American experiment that later became the Dominion of Canada, it is not surprising that "Woodhill" itself is reputed as having been a "busy spot":

Woodhill was a busy spot... After the Union of Upper and Lower Canada in 1841, Woodhill became part of Canada West in the Province of Canada. Many meetings were held there and high ranking dignitaries were entertained including Premier Robt. Baldwin, Wm. Blake, and W.L. MacKenzie (Dyer, Laird of Woodhill, p. 69).

Contextual Value:

The geographic context of "Woodhill" is the brow of the Niagara Escarpment. The extant buildings of "Woodhill" have siting reflective of its pioneer farm past. Oriented to the south, the house has views (save the maturing vegetation) of gently rolling hills, Burlington Bay and Hamilton Harbour, as well as the property's grazing lands. These elements provide the visual context of "Woodhill". As a large rural parcel, the property is reflective of the rural character of North Aldershot.

Design Value:

Unlike his affluent contemporaries, Adam Fergusson did not retain an architect to design and construct his family's residence at "Woodhill". Rather, Fergusson retained Charles Allan, a Scottish builder, also from Perthshire. Allan constructed a relatively unadorned and simple one and one-half storey, gable-roofed stone building to which two separate 19th century additions were subsequently constructed, expanding the total floor area of the building to approximately 5000 square feet. The design of the residence was principled on simple Scottish masonry.

The foundation and walls are of stone construction with an interior finishing of plaster and exterior rendering (painted stucco). Woodhill is thought to have been built in three phases progressing from the southernmost mass northward. Rough hewn heavy timber joists, a wide plank subfloor and stone cistern remain in the basement.

The southernmost mass is a symmetrical three bay elevation. At some point (pre-1880/1920) a dormer window was inserted in the half-storey above. The door and

window surrounds are dressed stone: the windows have painted wrought iron hinge clasps. Shutters have been removed. The corners of this mass are also dressed stone. A four-panel heavy wood door remains with a radial fanlight transom above. On the west elevation of the southernmost mass, the stone window sills have tooled margins. Most of the wooden sash windows (6 over 6 remain).

Early photographs depict an open verandah with extensive trellis work on the southern exposure of the southernmost mass. As well, a glass-enclosed conservatory was added to the southwest corner of the southernmost mass. This mass, including the verandah, constituted the "served" portion of the house (e.g. library, drawing room, dining room, master bedroom) with the longer perpendicular north-south running mass as the "serving" portion (e.g. kitchen, circulation corridor, servants' staircase and quarters). Early photographs also depict a shed roof kitchen addition on the east elevation of the northernmost mass, believed to have housed a stove and bake oven. This area has since been altered with the removal of the shed roof addition and the insertion of a gable end (occurred prior to 1946). Today, this east elevation is the functional "front" of the building.

In all three gable ends (two at the east elevation, one at the west elevation) there are paired upper floor windows centred approximately on the bisecting vertical line of the sloped roofs. On the ground floor of each gable end a single window sits in the approximate of the end with an eccentrically placed door opening. In all three gable ends this door opening is located at the far south side of each gable end. The chimneys on the southern most mass are also centred on the gable end. The north gable (east elevation) is clad in aluminum siding with newer windows within the gable, and the north gable is not a character defining element / heritage attribute. At the south gable on the east elevation, one opening appears to have been closed and re-stuccoed (perhaps at the time that the northerly gable was added to the east elevation).

Original wooden soffits and fascia board have been replaced with aluminum. A series of 5 dormers was added to the west elevation in 1945, designed by architect Arthur Wallace.

Very little change to the ground level floor plan has been made since Fergusson's time. However there have been a number of renovations and alterations made over time as shown on Appendix 'A'. There are two stairways. The family's stairs in the "served" portion are larger and better lighted. The secondary or servants' stairway within the circulation corridor is narrow and winding. A set of servants' bells (non functional) remain in the circulation corridor (each bell corresponding to a separate room within the served portion of the house). An interior transom with "eared" moulding at the entrance to the servants' stairway and quarters remains. Interior window shutters also remain throughout the ground level. Plank flooring within the southernmost mass remains as does 12" - 14" high baseboard moulding. There are three fireplaces within the southernmost mass; one is covered with an intricately stamped iron cover reputed to have been wrought by the same ironworker who crafted the fireplace covers at Dundurn Castle. Plaster ceiling mouldings remain within the served portion, notably within the

formal entryway and the drawing room (room at southeast corner of the southernmost mass).

Part II

Heritage Attributes:

Exterior Heritage Attributes Important to the Preservation of Woodhill are:

- Siting of the residence and icehouse on a plateau allowing vistas of Lake Ontario, the grazing lands, the pond, the forested lands, and the escarpment
- The scale of the house and its division into formal (head of the building) and informal (tail) portions
- The morphological relationship between the formal front volume (southern-most mass) and the extended tail of the building
- South exposure of formal front elevation
- The scale of the northern portion of the building, including its length, volume and mass
- The symmetry of the southern-most mass including window openings, chimneys and centerlines
- The masonry detailing on the southern-most mass including the tooled ashlar corner stones, the tooled ashlar door and window surrounds, the tooled stone sills, the chimneys, the wrought-iron shutter mounting hardware, and the fanlight over the front (south-facing) door

SCHEDULE "D"

EIGHT GUIDING PRINCIPLES IN THE CONSERVATION OF HISTORIC PROPERTIES

The following guiding principles are ministry statements in the conservation of built heritage properties and are based on international charters which have been established over the century. These principles provide the basis for all decisions concerning good practice in heritage conservation around the world. Principles explain the "why" of every conservation activity and apply to all heritage properties and their surroundings.

1. RESPECT FOR DOCUMENTARY EVIDENCE:

Do not base restoration on conjecture.

Conservation work should be based on historic documentation such as historic photographs, drawings and physical evidence.

2. RESPECT FOR THE ORIGINAL LOCATION:

Do not move buildings unless there is no other means to save them.

Site is an integral component of a building or structure. Change in site diminishes cultural heritage value considerably.

3. RESPECT FOR HISTORIC MATERIAL:

Repair/conservé - rather than replace building materials and finishes, except where absolutely necessary.

Minimal intervention maintains the heritage content of the built resource.

4. RESPECT FOR ORIGINAL FABRIC:

Repair with like materials.

Repair to return the resource to its prior condition, without altering its integrity.

5. RESPECT FOR THE BUILDING'S HISTORY:

Do not restore to one period at the expense of another period.

Do not destroy later additions to a building or structure solely to restore to a single time period.

6. REVERSIBILITY:

Alterations should be able to be returned to original conditions. This conserves earlier building design and technique.

e.g. When a new door opening is put into a stone wall, the original stones are numbered, removed and stored, allowing for future restoration.

7. LEGIBILITY:

25

New work should be distinguishable from old.

Buildings or structures should be recognized as products of their own time, and new additions should not blur the distinction between old and new.

8. MAINTENANCE:

With continuous care, future restoration will not be necessary.

With regular upkeep, major conservation projects and their high costs can be avoided.



SUBJECT: New Zoning By-law Review Project – Terms of Reference

TO: Community Planning, Regulation & Mobility Cttee.

FROM: Community Planning Department

Report Number: PL-60-22

Wards Affected: All

File Numbers: 505-04

Date to Committee: September 13, 2022

Date to Council: September 20, 2022

Recommendation:

Endorse the proposed Terms of Reference for the City's New Zoning By-law Review Project attached as Appendix A to community planning department report PL-60-22; and

Authorize the Director of Community Planning to engage consultants through a Request for Proposal process to carry out the work, in accordance with the above noted proposed Terms of Reference; and

Direct the Director of Community Planning to finalize the Engagement Plan based on the draft Engagement Plan attached as Appendix C to community planning department report PL-60-22.

PURPOSE:

The purpose of this report is to present Council with a project plan including an outline of the scope, timeline, and budget in the attached proposed Terms of Reference for the comprehensive review and update of the City's Zoning By-law (Zoning By-law 2020, as amended). The project will result in the delivery of a new Zoning By-law that will implement the policies of the approved Burlington Official Plan, 2020.

Vision to Focus Alignment:

This project aligns with Focus Area 1 - Increasing Economic Prosperity and Community Responsive Growth Management in the 2018-2022 Burlington's Plan From Vision to

Focus. Its initiation is one of multiple success indicators outlined for achieving the following goals:

- Increasing options for housing across the City
 - Increasing options for learning institutions
 - Maintaining and continually developing a safe city
-

Background and Discussion:

1.0 Background

The City's new Official Plan was unanimously adopted by Council by By-law 24-2018 on April 26, 2018 and approved with modifications on November 30, 2020 by Halton Region. To learn more about the Burlington Official Plan, 2020 (BOP, 2020) as a whole, visit the [Official Plan](#) page, or for a detailed description of the modifications, reference should be made to staff report [PL-22-20 titled: New Official Plan – Region of Halton Draft Notice of Decision](#).

Upon approval, a number of appeals were filed regarding the BOP, 2020. The Plan remains under appeal before the Ontario Land Tribunal (OLT), and no decisions have been made with respect to its approval at this time. Therefore, relevant sections of the Burlington Official Plan, 1997 will remain in effect until either confirmation of policies coming into effect as a result of not being under appeal or until the applicable appeals have been resolved.

Currently, there are three Zoning By-laws in effect in the City of Burlington:

1. By-law 2020, which was adopted by City Council on June 21, 1999, applies throughout the City, with the exception of those lands in the Niagara Escarpment Plan Area, which are subject to Niagara Escarpment Development Control.
2. By-law 1642, which was adopted by City Council on October 27, 1958, and repealed upon adoption of By-law 2020, with the exception of those lands so indicated on the Maps contained in Part 15 of By-law 2020.
3. By-law 4000-3, which was adopted by City Council on August 25, 1969, and repealed upon adoption of By-law 2020, with the exception of those lands so indicated on the Maps contained in Part 15 of By-law 2020.

For all intents and purposes By-law 2020 is the principal Zoning By-law of the City of Burlington. There have been hundreds of amendments to this By-law that are site-specific, issue-oriented and housekeeping in nature. Periodic reviews have been undertaken on a few occasions. However, the City's current Zoning By-law is more than 20 years old and an update is required to bring it into conformity with the City's new Official

Plan. The update is not only required by provincial legislation – pursuant to subsection 26 (9) of the *Planning Act* – but perhaps most critically has the potential to consolidate the old by-laws and streamline the development review and approvals process, reduce the number of Zoning By-law Amendment and Minor Variance applications submitted to the City, and advance the City toward its housing and growth targets and encourage healthy and sustainable growth within the City of Burlington over the life of the new Official Plan.

2.0 The Purpose of the Zoning By-law

The Zoning By-law is the main planning tool that allows City Council to set rules for where new buildings should go, what type of buildings they can be, and what activities and businesses can happen there. It also specifies a property owner's as-of-right development permissions including how they may use their land and the physical parameters for buildings and other structures. The Zoning By-law includes regulations, such as:

- Permitted land uses (e.g. residential, commercial, industrial);
- Height, size, and location of buildings;
- Lot sizes and dimensions; and
- Landscaping and parking requirements.

The Zoning By-law implements the objectives and policies of a City's Official Plan, provides a legal and precise way of managing land use and future development, and – in addition to the Official Plan – protects the public from conflicting and possibly dangerous land uses in their community. Where the Official Plan sets out the City's general policies for future land use, the Zoning By-law puts the Plan into effect and provides for its day-to-day administration. The specific requirements contained in the Zoning By-law are legally enforceable. Construction or new development that doesn't comply with the Zoning By-law is not allowed, and the municipality will refuse to issue a building permit.

3.0 Policy Framework

3.1 The Planning Act and the Burlington Official Plan, 2020

The *Planning Act* is the provincial legislation that gives municipalities their authority to undertake land use planning. It sets out rules, requirements and parameters for how municipalities exercise their authority, including how often they must update their official plan.

Council adopted BOP, 2020 on April 26, 2018 with approval from Halton Region coming on November 30, 2020. The *Planning Act* states that all parts of an approved official plan that are not subject to appeal will come into effect on the day after the end of the appeal period. That date was December 22, 2020 for the Burlington Official Plan, 2020. Subsection 26 (9) of the *Planning Act* requires that a municipality update its zoning by-laws to conform to the new or revised official plan no later than three years after it takes effect. BOP, 2020 is subject to a number of appeals to the Ontario Land Tribunal (the

“OLT”). Later this year, the OLT will be asked to confirm which policies of the new Official Plan came into effect as of December 22, 2020 as a result of certain policies not being under appeal. It is expected that only a small number of policies will be in effect.

BOP, 2020 establishes a new City Structure, Urban Structure and Growth Framework. These policy frameworks, along with the land use policies of the BOP, 2020 significantly increase development permissions in Primary Growth Areas like Downtown and Uptown, and set a framework to guide future study and growth in the interim in Major Transit Station Areas including Burlington GO, Appleby GO, and Aldershot GO as well as identifying Secondary Growth Areas including Mixed-Use Nodes and Intensification Corridors as areas expected to accommodate compact, mixed-use, and pedestrian oriented development growth throughout the City.

The BOP, 2020's intensification-first approach to city building will support Burlington's evolution into a complete community. A complete community is defined as one that offers and supports opportunities for people of all ages and abilities to conveniently access the necessities for daily living, providing convenient access to an appropriate mix of jobs, shopping and personal services, housing, transportation options and public service facilities such as recreation and open space. BOP, 2020 also introduced new concepts and requirements that were not found in the previous Official Plan, including the following:

- Updated the vision for the City's growth;
- Established a land use system for the City, including maintaining the current urban boundary, confirming the Urban Growth Centre, and refinements to mixed use areas, residential, employment and commercial areas, the transportation network, and rural, natural heritage and open space areas;
- Refined the urban structure (hierarchy of land uses, categories of land uses) to align land uses to the City's vision;
- Articulated community building priorities and areas for protection;
- Assessed land budget needs to determine the type and quantity of land needed to accommodate growth;
- Coordinated the land use system with infrastructure requirements and phasing;
- Established evaluation criteria for certain processes, such as employment conversions, site plan applications, and development applications;
- Incorporated policies to ensure conformity to senior levels of government while considering the local context;
- Established the basis for a new Zoning By-law and the policy framework for other City plans (e.g. area specific plans, transportation plans);
- Defined key terms for consistent interpretation of policies; and

- Encompassed broad public, agency and stakeholder consultation.

3.2 Provincial Policy Statement, 2020

Land use planning in Ontario is provincially directed. Land use planning decisions made by municipalities must be consistent with the Provincial Policy Statement (PPS), and conform to or not conflict with applicable provincial plans. The PPS gives municipalities policy direction on matters of provincial interest related to land use planning and development. Key themes in the PPS include planning for the efficient use of land and resources, transit supportive development, promoting mixed-use intensification, redevelopment and a compact urban form and the importance of minimum intensification and redevelopment targets.

The PPS states that the official plan is the most important vehicle for implementing its policies and should provide “clear, reasonable and attainable policies to protect provincial interests and direct development to suitable areas” (Provincial Policy Statement, 2020 1). Official plans must be consistent with the PPS, with conformity exercises occurring 10 years after a new official plan is comes into effect, then every 5 years thereafter pursuant to subsection 26 (1.1) of the *Planning Act*. The PPS also states that zoning by-laws are important to its implementation and directs that they be kept up-to-date with a municipality’s official plan and with the PPS.

3.3 A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020

The Growth Plan for the Greater Golden Horseshoe, as amended (the “Growth Plan”) builds on the policy foundation of the PPS and contains policies to direct growth throughout the Greater Golden Horseshoe to 2051. These policies are based on detailed population and growth forecasts for each upper and single-tier municipality, which are translated to municipal intensification targets that represent an “intensification first approach to development and city-building” (A Place to Grow 12).

The Growth Plan establishes density targets for Downtown Burlington / Burlington GO MTSA as the City’s Urban Growth Centre and for Major Transit Station Areas (MTSAs). The Growth Plan directs that minimum density targets be implemented through official plan policies and designations, and updated zoning by-laws.

Other relevant policies that impact zoning include those related to agricultural protection, watershed planning and protecting natural features. The Growth Plan Agricultural System policies and mapping were incorporated in the BOP, 2020.

3.4 Greenbelt Plan (2017)

The Greenbelt Plan was issued under the *Greenbelt Act, 2005*. It builds on the PPS and works concurrent with the Niagara Escarpment Plan (NEP) and the Oak Ridges Moraine Conservation Plan (ORMCP) to provide policy direction on productive farmland, ecologically and hydrologically significant natural environments and scenic landscapes in the Greater Golden Horseshoe. These include Oak Ridges Moraine and the Niagara

Escarpment. The Greenbelt Plan defines areas called “Protected Countryside lands”, which encompass, and augment lands already covered by the NEP and the ORMCP and increases linkages between these areas and the surrounding major lake systems and watersheds.

The *Greenbelt Act, 2005* requires municipalities to amend their official plans to conform with the Greenbelt Plan but does not require zoning to be updated simultaneously. Following the official plan update, the Greenbelt Plan indicates that boundaries of key natural heritage and hydrologic features, and any minimum vegetation protection zones can be delineated in detail through a municipal zoning by-law update.

3.5 Niagara Escarpment Plan (2017)

The Niagara Escarpment is a long escarpment running southeast to northwest from New York State through Ontario from Lake Simcoe to the Niagara Region. The escarpment comprises a variety of topographic and ecological features and land uses and is a designated “world biosphere reserve”. A large part of the northern area of Burlington is within the Niagara Escarpment and subject to the Niagara Escarpment Plan, approved in 2017, as well as Niagara Escarpment Development Control.

The Niagara Escarpment Plan builds on the PPS and establishes additional land use planning policies for the maintenance of the Niagara Escarpment and land in its vicinity as a continuous natural environment where only compatible development is permitted.

Zoning by-laws are to be assessed against the development criteria in the Niagara Escarpment Plan under Part 2.

The *Niagara Escarpment Planning and Development Act*, which resulted in the creation of the Escarpment Plan, states that where there is a conflict between any provision of the Plan and any provision of a zoning by-law, then the provision of the Niagara Escarpment Plan prevails.

Lands within the Niagara Escarpment Plan Area and subject to the Niagara Escarpment Development Control are out of scope for this project.

3.6 Halton Region Official Plan (1995, as amended)

Halton Region is made up of four municipalities, including Burlington. The Halton Region Official Plan (the “Regional Plan”) contains a long-term vision for the region’s physical form and community character, and a regional urban structure for accommodating growth. The urban structure of the region comprises settlement areas, a rural countryside and a natural heritage system.

The Regional Official Plan Review (ROPR) has been underway since 2014 and is being advanced in a phased approach through multiple official plan amendments.

Regional Official Plan Amendment 48 (ROPA 48) was the first amendment as part of the Regional Municipal Comprehensive Review and established non-discretionary

components of a Regional Urban Structure supportive of local plans and priorities. ROPA 48 advanced some of the necessary components of the ROPR to achieve conformity with the Provincial Growth Plan related to the identification of strategic growth areas.

ROPA 48:

- Defines a Regional Urban Structure through establishing a hierarchy of regional strategic growth areas;
- Adjusts and delineates the boundary of the Downtown Burlington Urban Growth Centre to align with the Burlington GO MTSA;
- Delineates the boundaries of the City's Appleby and Aldershot GO MTSAs; and
- Identifies the Uptown Urban Centre as a Primary Regional Node and the Downtown Urban Centre as a Secondary Regional Node.

ROPA 48 also assigns density targets and a proportional target mix of population and employment for delineated strategic growth areas and advances strategic employment conversions. The approval of ROPA 48 enables local municipalities to move forward with local planning work, including area specific planning for strategic growth areas such as MTSAs.

Regional Official Plan Amendment 49 (ROPA 49) is the second Amendment to be considered by Regional Council as part of the ROPR and builds on the Regional Urban Structure defined by ROPA 48. It helps define how and where Halton will grow by implementing the Integrated Growth Management Strategy. To learn more about the ROPA 49, reference should be made to staff report [PL-37-22 titled: Regional Official Plan Review ROPA 49 staff comments](#).

ROPA 49 is currently with the Ministry of Municipal Affairs and Housing for a decision.

All local municipal official plans and zoning by-laws are required to conform to the Regional Plan.

4.0 Best Practices Review

In preparing the proposed Terms of Reference and project schedule (attached as Appendices A and B, respectively), staff reviewed various scopes of work for comprehensive zoning by-law reviews from other Ontario municipalities including but not limited to the Cities of Guelph, London, Vaughan and the Town of Oakville. Based on the research and best practices, staff has developed a workplan to complete the comprehensive review in multiple phases.

The extent of public consultation other municipalities undertook varied depending on the scope of planned zoning amendments. The City of London designed its comprehensive update to be a complete replacement of its existing zoning by-law based on a novel approach to land use planning in the new London Plan, which organized the City

according to “place types” rather than land use designations. In contrast, Burlington’s Official Plan includes land use designations that are largely continuous from the previous document and would not require a complete overhaul of the Zoning By-law, so consultation efforts can be more streamlined. Staff are recommending that the project ultimately create a new Zoning By-law in alignment and conformity with the new Official Plan.

5.0 Project Scope

The New Zoning By-law Project will deliver:

- A review of zoning of all lands within Burlington, except for those lands that fall within:
 - the boundaries of the MTSAs¹ surrounding the City’s three GO stations; and,
 - the Niagara Escarpment Plan Area.
- A review of the existing Zoning By-laws compared to the new Official Plan;
- An analysis of zoning trends (incl., but not limited, to minor variance application trends);
- A discussion of zoning issues;
- A first draft, second draft and final draft of a new Zoning By-law (incl. mapping, overlays, etc.);
- A technical Official Plan Amendment; and
- Implementation of supporting documents.

The project will not deliver:

- A city-wide parking study;
- Regulations for inclusionary zoning policies;

¹ The Major Transit Station Areas boundaries have been delineated through Regional Official Plan Amendment No. 48 adopted by the Region of Halton and approved by the Province of Ontario.

- Changes to land use or zoning in response to requests on specific properties that are more appropriately dealt with through private development applications;
- A comprehensive review of lands within the City's three MTSAs², and the Niagara Escarpment Plan Area; and
- An exploration of matters that are more appropriately resolved through an area specific plan (secondary plan), special urban study, comprehensive block plan or other planning studies.

6.0 Work Plan

A four-phase workplan has been developed, which includes the start up phase of developing the Terms of Reference attached to this report (see Appendix A). Phase 2 consists of a five-month research and analysis phase to identify a comprehensive list of inconsistencies between the current Zoning By-law and BOP, 2020. The draft zoning document, refinement and final product will be completed in Phase 3. Phase 4 is allotted six months to complete the project, including adoption of the new Zoning By-law. However, should the By-law be appealed, the timeframe will most likely be extended to manage any appeals.

Phase 1: Project Start Up

Staff have developed a proposed Terms of Reference (see Appendix A) for the New Zoning By-law Project that demonstrates the project schedule in terms of a comprehensive review and update process. The first phase is intended to introduce the project to Council and establish the project scope, terms of reference, and workplan. However, the Terms of Reference clarifies that the timing of the various phases and stages of this project are subject to the resolution of appeals through the OLT process for the BOP, 2020. The Project Team will also finalize the draft Engagement Plan attached as Appendix C during this phase.

The following teams will be established in Phase 1 to facilitate the development of the final Zoning By-law:

² ibid

Project Team

The Project Team is responsible for the administration and implementation of the New Zoning By-law Project. This team includes the Senior Planner – Design, as Project Manager, and the Planner II – Design.

Steering Committee

A project Steering Committee will consist of management within Community Planning. This team shall review all materials and reports prepared and be responsible for providing advice and direction to the Project Team throughout the project. They will also assist with presentations and the facilitation of public consultation. The Steering Committee will include the following staff members:

- Executive Director of Community Planning, Regulation & Mobility
- Director of Community Planning
- Manager of Policy & Community
- Manager of Development & Design
- Manager of Planning Implementation
- Coordinator of Special Projects & Urban Design
- Project Manager

Additionally, the Burlington Leadership Team will be consulted as necessary to provide strategic direction and advice on matters related to the project.

Technical Advisory Team

The Technical Advisory Team will provide technical review and analysis on planning and other issues as required and may involve representatives from:

- Community Planning
- Transportation Services
- Engineering Services
- Building and By-law
- Roads, Parks & Forestry
- Finance
- Corporate Communications & Engagement
- Legal Services (will be involved at appropriate times throughout the project)

Stakeholder Groups

The new Zoning By-law will be of interest to stakeholders in the public. Involving and collecting input from all external stakeholders early in the project can be beneficial to its success, and help to identify matters to be addressed, reviewed and analysed as the project moves forward. These groups would be consulted through group meetings and other project events. Some of the stakeholders planned to be contacted include:

- Development industry representatives;
- Selected boards, commissions and other public authorities such as the school boards, Conservation Authorities, Indigenous Communities and Halton Region;
- Individual resident associations and groups; and
- Major landowners.

The teams listed above are intended to gather at various points throughout the project.

Phase 1 will also include the procurement process for engaging a consultant to execute Phases 2 to 4 of the project workplan, and perform such duties as described in the Terms of Reference (see Appendix A).

Phase 2: Research & Analyse

Phase 2 will include the research and analysis of the Zoning By-law and includes initiating the Engagement Plan. The Engagement Plan begins with the launching of the Get Involved project page and the use of different engagement tools for the public to voice their comments and/or concerns through a public online platform. Further engagement in this phase includes various meetings of the Steering Committee and the Technical Advisory Team.

Responses from various departments and stakeholders in this phase will help guide the review and provide useful information on the assessment of the functionality of the current Zoning By-law and provide a better understanding of the issues and provisions that receive the most requests to vary.

The Project Team and the Geomatics staff will begin a review of the zoning maps throughout this phase and prepare the groundwork for a transition to an updated online interactive mapping tool for public use and Council review at later stages of the project.

The Project Team will begin with a detailed technical review of the certain components for inclusion in the new Zoning By-law, including but not limited to layout/structure/format, general provisions, holdings provisions, definitions, exceptions, etc. The consultants review of the zones will occur concurrently with the review of the structure. Because BOP, 2020 is subject to ongoing appeals, the reviews of each zone are anticipated to be completed to align with the phasing proposed by staff as part of the OLT appeal process, as follows:

- Phase 1: Rural
 - Phase 1A: Agriculture
 - Phase 1B: Natural Heritage
 - Phase 1C: Aggregates
- Phase 2: Implementation / Development Approvals Process
- Phase 3: Growth Framework / Urban Structure / Land Use
- Phase 4: Downtown Urban Centre & Urban Design
- Phase 5: MTSAs (out of scope for this project)
- Phase 6: Supporting Growth
 - Phase 6A: Parkland
 - Phase 6B: Public Services Facilities, Infrastructure & Utilities
- Phase 7: Housing
- Phase 8: Employment
- Phase 9: Site-Specific

Staff are aware that there are a number of appeals to the OLT that remain outstanding and are not to be heard until early in 2023 and some are not yet scheduled. Accordingly, there is a risk and as such there is a high probability of project delays, and the potential that those delays could result in the project being put on hold until the OLT appeals process is complete.

It should be noted that this project schedule and each phase has assumed that the Ontario Land Tribunal appeals process regarding the Burlington Official Plan, 2020 will be resolved by Q4 of 2024 and that a large number of policies will therefore be in effect. Staff will work closely to ensure early awareness of potential delays and work to mitigate impacts on the project timeline overall.

Phase 3: Build & Engage

The first draft of the new Zoning By-law will be written and presented to the public for review and comment by Q1 of 2024. The Project Team will gather feedback on the first draft from the public, the Technical Advisory Team, Steering Committee as well as targeted stakeholders prior to presentation to Council. The report prepared by the Project Team, in conjunction with the first draft, will provide an overview of the comments received and how those concerns were addressed and highlight some of the proposed high-level changes.

The second draft of the new Zoning By-law will be refined and presented to the public for review and comment in Q3 of 2024. The Project Team will gain feedback on the second draft from the public, the Technical Advisory Team, Steering Committee as well as targeted stakeholders prior to the draft document being presented to Council. The report prepared by the Project Team, in conjunction with the second draft, will again provide an overview of the comments received and how those concerns were addressed and highlight any high-level changes from the first draft. This meeting will be scheduled as the Statutory Public Meeting required under subsection 34 (12) (a) of the *Planning Act*.

Public engagement will lead during Phase 3 as two open houses are anticipated in addition to multiple meetings of the Steering Committee, Technical Advisory Team and targeted stakeholders' meetings to discuss various stages of the by-law as noted above. The purpose and intent of the open houses is to focus on educating and informing the public on the proposed changes of the by-law and how the changes were shaped.

The open houses will be held following the public releases of the first and second drafts and after a respectable review period has been observed.

Phase 4: Close Out & Appeals

Phase 4 of the project includes the preparation of the third and final draft of the new Zoning By-law. The final draft is targeted for Council's adoption in Q1 of 2025. This phase will also address strategies for the implementation of the new Zoning By-law and assisting with any appeals filed once the document has been adopted by Council.

To ensure that the objectives of the project are met, the proposed Terms of Reference acknowledges City's staff's best efforts to identify project components while allowing for Council and the successful consultant to identify any additional project components, deemed necessary.

Financial Matters:

Total Financial Impact

A total of \$538,000 of funding has been previously approved for this project as part of the 2021 Budget. This funding is to cover the costs of the dedicated staff resources as well as external consultant costs.

Source of Funding

2021 Budget.

Other Resource Impacts

As noted above, the New Zoning By-law Project will be guided in part by a Steering Committee made up of management within Community Planning, and a Technical Advisory Team with at least one staff member from the following departments:

Community Planning, Regulation and Mobility

- Building and Bylaw
- Transportation Services
- Community Planning

Environment, Infrastructure and Community Services

- Engineering Services
- Roads, Parks & Forestry

Corporate Strategic Support

- Finance
 - Corporate Communications & Engagement
 - Legal Services
-

Climate Implications

The New Zoning By-law Project is intended to implement the policies of the new BOP, 2020, which broadly promotes “development measures and patterns to achieve a low carbon, energy secure and climate resilient community” (BOP, 2020 1-10). Aligning the Zoning By-law’s permitted uses and regulations with respect to height and density policies and directions of the new BOP, 2020 can streamline the development review and approvals process and accelerate the City’s evolution to a more efficient compact urban form with transit supportive densities that promote walking, cycling and other low carbon transportation modes.

Engagement Matters:

The New Zoning By-law Project is an Official Plan conformity exercise intended to implement the vision already established through the Council approved BOP, 2020. Public engagement will therefore focus on user experience and improvements to the zoning rather than re-examining the approved official plan vision. Staff have prepared a draft Engagement Plan and will finalize it at the outset of the project. Other consultations should target specific stakeholders and user groups including developers and technical professionals.

The Engagement Plan is a key deliverable to support the development of the new Zoning By-law. The Engagement Plan is a strategic public document that will be developed and led by City staff and informed by feedback from Council, the Steering Committee and the Technical Advisory Team and other targeted stakeholders. Additional resources may be required to deliver the Engagement Plan. The additional resources will be refined as the Engagement Plan is finalized.

The Engagement Plan will identify opportunities for all interested parties to engage throughout the entirety of the process.

Although the details of the Engagement Plan will emerge in Q4 of 2022, as noted above, staff have prepared a draft Engagement Plan attached as Appendix C.

Some elements of the Engagement Plan will:

- Provide relevant information about the project, decision-making process, and how the public can provide input and feedback; and clarify what can and cannot be influenced through the project;
- Provide multiple channels for people to provide meaningful input virtually at appropriate decision points;
- Create an ongoing record of what is said during engagement opportunities and make it available to the public throughout the process, so they can track the progress of the project, including reports back to the community that highlight how feedback was or was not incorporated into the final recommendations to Council;
- Establish a project page on getinvolvedburlington.ca as the main online platform for up-to-date information about the project and upcoming engagement opportunities;
- Use clear, plain language in the delivery of the Engagement Plan to inform the public about what can and cannot be influenced through the project. Staff have developed the draft Engagement Plan based on the draft decision statement and the preliminary objectives above and any revisions will be informed by feedback from Council, the project Steering Committee, and stakeholders.

Conclusion:

This project is one of the major projects the City is undertaking as part of its Strategic Plan and Community Planning workplan. The City's Zoning By-law controls the use of land and sets out the as-of-right development permissions for all landowners across the City and is one of its most powerful implementation tools. A new Zoning By-law will implement the objectives and policies of the new BOP, 2020, including for example its growth framework, with the goals of streamlining the development review and approvals

process, aligning land use permissions with council-approved and provincial policy, and accelerating Burlington's strategic evolution from a suburban to urban community. Should City Council endorse the attached proposed Terms of Reference it will provide a robust guide for the work to be undertaken by staff and the formal Request for Proposal process for the work to be undertaken by the successful proponent.

Respectfully submitted,

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Appendices:

- A. City of Burlington New Zoning By-law Project: Proposed Terms of Reference
- B. City of Burlington New Zoning By-law Project: Proposed Project Schedule
- C. City of Burlington New Zoning By-law: Draft Engagement Plan

Report Approval:

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Counsel.

New Zoning By-law Project

TERMS OF REFERENCE

1. Introduction

The City's current Zoning By-law was enacted and passed on June 21, 1999 and is over two decades old. A comprehensive review and update is required to bring it into conformity with the new Burlington Official Plan, 2020 ("BOP, 2020"). BOP, 2020 was adopted in 2018 and approved by Halton Region in 2020. Policy 12.1.5(2) of BOP, 2020 directs that a comprehensive review of the City's Zoning Bylaw be undertaken. Under Section 26 (9) of the *Planning Act*, a zoning by-law must be brought into conformity with a new or updated official plan no later than three years after it comes into effect.

BOP, 2020 is currently under appeal to the Ontario Land Tribunal (OLT), and no decisions have been made with respect to its approval at this time. Therefore, relevant sections of the Burlington Official Plan, 1997 will remain in effect until the applicable appeals have been resolved.

Additionally, the comprehensive review provides an opportunity to consolidate the old by-laws, streamline the development review and approvals process, reduce the number of Zoning By-law Amendment and Minor Variance applications submitted to the City, and advance the City toward its housing and growth targets and encourage healthy and sustainable growth within the City of Burlington over the life of the new Official Plan

2. Goals

Goals of the New Zoning By-law Project include:

- Delivering a new Zoning By-law that implements the objectives and policies of the new Burlington Official Plan, 2020;
- Delivering a new Zoning By-law that complies with *The Planning Act* and other applicable legislation, is consistent with the Provincial Policy Statement, conforms with the provincial plans and the Regional Official Plan, and includes clear and enforceable regulations;
- Delivering a new Zoning By-law that incorporates both modern and best planning practices for current and future development;
- Delivering a new Zoning By-law that is an accessible document;
- Delivering a consultative process;
- Delivering a new Zoning By-law that can be understood by citizens who engage with the planning process, including community groups, developers and professionals; and

- Encouraging investment and facilitate desirable growth by providing for a streamlined process for the development community.

3. Objectives

- To contain zoning regulations that will permit assisted and special needs housing on all lands designated for residential neighbourhoods, subject to reasonable planning standards and design criteria;
- To undertake a review of the Zoning By-law to support the implementation of urban forestry objectives, including for example the integration of trees into parking lots and other impervious areas through the implementation of Landscape Areas in the Zoning By-law;
- To prohibit new construction and the expansion or replacement of existing non-conforming uses within hazardous lands and hazardous sites, except where specifically permitted by Conservation Halton;
- To undertake a review of the Zoning By-Law to support the implementation of community gardens, urban agriculture and farmers markets;
- To update regulations related to public right-of-way allowances;
- To identify pipeline rights-of-way;
- To implement the urban design objectives and policies of BOP, 2020 through zoning regulations as required and with regard to any relevant urban design guidelines;
- To establish a minimum floor area at grade for new individual retail and service commercial units;
- To establish a maximum floor area and a maximum floor area at grade per individual retail and service commercial unit on lands designated Uptown Core, Uptown Corridor, and Uptown Local Corridor areas, Neighbourhood and Local Centres, Urban Corridor and Urban Corridor-Employment lands;
- To establish floor area regulations for service commercial uses;
- To review the requirement to provide a minimum floor-to-floor height at grade for development along Urban Corridors;
- To establish a maximum height of development on lands designated Residential – Low Density and Residential – High Density;
- To identify Neighbourhood Character Areas;
- To include regulations for the location of home occupations and cottage industries, the conversion of existing detached dwellings to office uses, retail and service

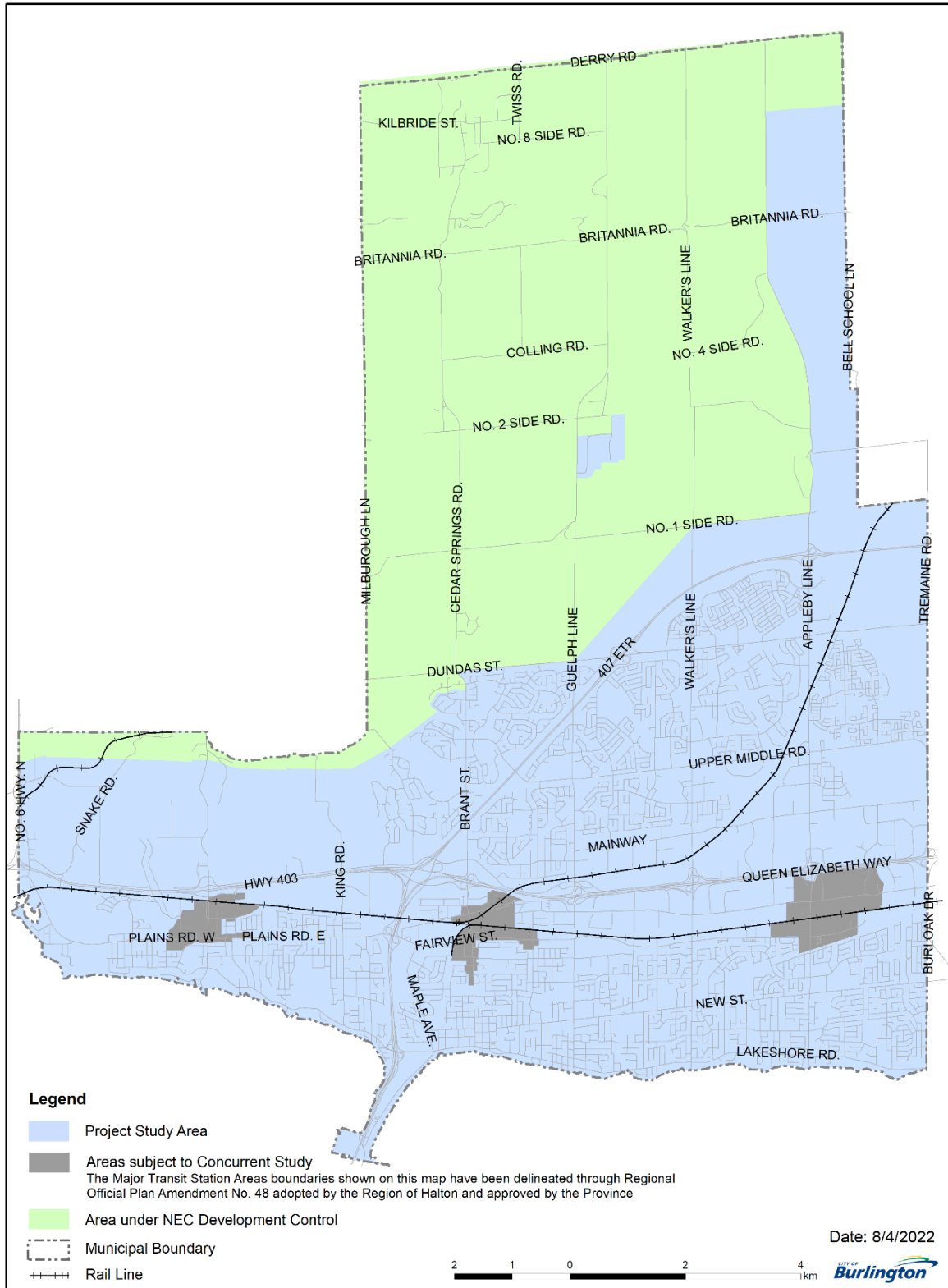
commercial, and day care centres on lands designated Residential Neighbourhood Areas;

- To establish floor area ratio and height permissions on lands designated Urban Centres, Mixed-Use Nodes and Intensification Corridors, Employment, and Residential Neighbourhood Areas throughout the City (excluding provincially designated Urban Growth Centres (UGC) and Major Transit Station Areas (MTSA) including the Downtown Burlington UGC / Burlington GO MTSA, Aldershot GO MTSA, and the Appleby GO MTSA);
- To update residential zones to permit additional residential units on properties containing a detached, semi-detached or row house pursuant to *The Planning Act*, and subject to appropriate performance standards;
- To include accessibility updates that utilize plain language and foster a positive user experience including updated illustrations and graphics to support interpretation;
- To update the standards and definitions to eliminate redundant / repetitive provisions, and create regulations that reflects modern land use planning and urban design practices;
- To update zone regulations to conform to land use permissions in BOP, 2020, and accurately reflect the intent of the land use designations and policies contained therein; Include detailed maps that define the location, size and shape of the land, the location and dimensions of areas occupied by buildings or structures, the yard, parking and loading areas, the access to the land and other similar siting arrangements;
- To identify situations where there are land uses that do not conform to BOP, 2020 the new Zoning By-law should be examined, and recommendations made to either permit either the existing uses or new uses that represent a shift or transition in use toward the use designated in the Plan; and
- To consider the use of form-based zoning to implement the objectives and policies of BOP, 2020, consistent with policy 12.1.5(2)(g).

4. Study Area

The project scope will include a review of By-law 2020, as amended, as it applies to all lands within the City of Burlington, with the exceptions of those lands that fall within the Rural Area – and subject to Niagara Escarpment Development Control – and those lands that fall within areas defined by the MTSA boundaries delineated through Regional Official Plan Amendment No. 48 – and subject to a concurrent study commonly referenced as the MTSA Area Specific Planning Project. Refer to Figure 1 below.

Figure 1 – New Zoning By-law Project – A map of those areas in and out of the project scope.



5. Purpose of Terms of Reference

The purpose of the Terms of Reference is to outline the detailed scope of work related to the preparation of a new Zoning By-law for the City of Burlington through the comprehensive review and update of its existing by-laws to implement BOP, 2020. This Terms of Reference provides for a phased comprehensive review and update and the intent is to provide clarity with respect to the roles, responsibilities and expectations of the project team, the successful proponent and supporting committees/working groups required for this project.

6. Background

The Official Plan project began in 2011, was adopted by the City of Burlington in 2018 and concluded in 2020 following a regional review and approval. OP 2020 reflects the City's goal of transforming from a suburban to urban community through an intensification-first approach to city building focused on key transit nodes and corridors and urban centres. Outside the built-up areas, OP 2020 intends to protect and strengthen the rural community and farm economy, and maintain, restore and enhance the natural heritage system.

The MTSAs are currently undergoing a separate review and are not part of the scope of this zoning conformity exercise.

The Official Plan encourages compact transit-supportive development and active transportation and expedite the City's evolution into a complete community. A complete community is defined as one that offers and supports opportunities for people of all ages and abilities to conveniently access the necessities for daily living, providing convenient access to an appropriate mix of jobs, shopping and personal services, housing, transportation options and public service facilities such as recreation and open space. Development which is desirable and supportive of these policies will be encouraged and facilitated through a streamlined site plan review and approval process as an outcome of the comprehensive review of the Zoning By-law. In addition to expanded height and density permissions, BOP, 2020 also introduced new concepts and requirements that were not found in the previous Official Plan, including the following:

- Updated the vision for the City's growth;
- Established a land use system for the City, including maintaining the current urban boundary, confirming the Urban Growth Centre, and refinements to mixed use areas, residential, employment and commercial areas, the transportation network, and rural, natural heritage and open space areas;
- Refined the urban structure (hierarchy of land uses, categories of land uses) to align land uses to the City's vision;
- Articulated community building priorities and areas for protection;

- Assessed land budget needs to determine the type and quantity of land needed to accommodate growth;
- Coordinated the land use system with infrastructure requirements and phasing;
- Established evaluation criteria for certain processes, such as employment conversions, site plan applications, and development applications;
- Incorporated policies to ensure conformity to senior levels of government while considering the local context;
- Established the basis for a new Zoning By-law and the policy framework for other City plans (e.g. area specific plans, transportation plans);
- Defined key terms for consistent interpretation of policies; and
- Encompassed broad public, agency and stakeholder consultation.

BOP, 2020 was adopted by Council on April 26, 2018 and approved by Halton Region on November 30, 2020 but is largely under appeal. Some portions, such as those regarding additional residential units and accessory residential units are in effect pursuant to sections 16(3) & 17(36.1) of the *Planning Act*. Later this year, the Ontario Land Tribunal will be asked to confirm which policies of the new Official Plan came into effect as of December 2020 as a result of certain policies not being under appeal. It is expected that there is a small number of policies that will be in effect.

7. Scope of Work

The New Zoning By-law Project will deliver:

- A review of zoning of all lands within Burlington, except for those lands that fall within:
 - the boundaries of the MTSAs¹ surrounding the City's three GO stations; and,
 - the Niagara Escarpment Plan Area.
- A review of the existing Zoning By-laws compared to the new Official Plan;
- An analysis of zoning trends (incl., but not limited, to minor variance application trends);
- A discussion of zoning issues;
- A first draft, second draft and final draft of a new Zoning By-law (incl. mapping, overlays, etc.);

¹ The Major Transit Station Areas boundaries have been delineated through Regional Official Plan Amendment No. 48 adopted by the Region of Halton and approved by the Province of Ontario.

- A technical Official Plan Amendment; and
- Implementation of supporting documents.

The project will not deliver:

- A city-wide parking study;
- Regulations for inclusionary zoning policies;
- Changes to land use or zoning in response to requests on specific properties that are more appropriately dealt with through private development applications;
- A comprehensive review of lands within the City's three MTSAs², and the Niagara Escarpment Plan Area; or
- An exploration of matters that are more appropriately resolved through an area specific plan (secondary plan), special urban study, comprehensive block plan or other planning studies.

The New Zoning By-law Project will be guided by a multi-disciplinary team of city staff directing the work of the consulting team. The basic workplan should include the following phases and generally reflect the components listed in Appendix A:

1. Project Start Up
2. Research & Analyse
3. Build & Engage
4. Close Out & Appeals

7.1. Phase 1: Project Start Up (Q3 & Q4 2022)

The first phase of the process will include staff bringing a report to Council that will outline the details of the project workplan and the public engagement process. Staff will present to Committee/Council and introduce the New Zoning By-law Project, including the proposed Terms of Reference, project schedule and draft Engagement Plan for endorsement. Project kick-off meetings will follow for the project team and the various advisory teams.

City Staff Responsibilities:

- Develop a Project Scope and Workplan (Terms of Reference);
- Prepare an initial report to Council;
- Present to Council for endorsement the proposed project Terms of Reference;

² ibid

- Develop a draft Engagement Plan that will be presented to Council for endorsement together with the Terms of Reference;
- Prepare and issue a Request for Proposals (RFP) to contract a consultant to lead and carry out the work of Phases 2, 3, and 4 outlined in these Terms of Reference;
- Establish the Project Steering Committee, Technical Advisory Team and identify key stakeholders for initial data collect and discussions;
- Award contract to the successful consultant; and
- Prepare and launch of the project website and Get Involved project page.

7.2. Phase 2: Research & Analyse (Q1 & Q2 2023)

Phase 2 of the New Zoning By-law Project will start with the Project Team's review of the structure of the current Zoning By-law. Gathering data from the Technical Advisory Team and key stakeholders regarding the current functionality of the By-law. This analysis will also include revising the terms, general provisions, and special exceptions to provide more up-to-date zoning practices and remove any redundancies.

During this phase the successful consultant team will join the project and begin work by conducting a review and analysis of all existing zone categories in comparison to the approved policies of the BOP, 2020. The analysis will progress as related appeals are resolved, and the outcomes of appeals are reviewed and folded into the work program.

City Staff Responsibilities:

- Hold meetings for technical discussions on the structural review and analysis with the Technical Advisory Team and consulting team;
- Review and research best practices approaches for the new Zoning By-law structure including, but not limited to, a review and analysis of zoning trends, minor variance application trends, format, layout, structure, scope, accessibility, definitions, general provisions, special provisions, prohibitions, illustrations, mapping, and how the new by-law may be implemented to ensure a smooth transition from the current by-law to the new Zoning By-law;
- Gather data and feedback on what aspects of the By-law should be reviewed and researched further;
- Finalize the procurement process, hold a kick-off meeting with the successful consultant to introduce them to the project, project team, and relevant background;
- Assist with the review of the zoning by-law and conformity exercise;

- Review all work completed by the consultant while ensuring deadlines are being met;
- Schedule, facilitate and participate in the New Zoning By-law Steering Committee, Technical Advisory Team meetings, targeted stakeholder engagement, and any additional meetings that are deemed necessary;
- Monitor the Get Involved project page and respond to comments and questions, as necessary;
- Assist in the review and research of best approaches to zoning maps in collaboration with Geomatics staff;
- Prepare a summary memo of all discussions about zoning issues, and of the research and analysis conducted related to the tasks outlined above; and
- Prepare first project update report and presentation to Council based on the work of the Project Team and successful consultant.

Consultant Tasks & Deliverables:

- Review relevant studies, plans and reports (listed under Section 13. Reference Documents below)
- Review and provide an assessment of the existing Zone By-law(s) against provincial plans and policies, regional policies, and city policies and existing and emerging design guidelines;
- Identify where any regulatory gaps currently exist;
- Review and provide an assessment of the existing Zoning By-law(s) compared to the City's new Official Plan;
- Complete a conformity exercise and analysis of the Burlington Official Plan, 2020; and identify where and how aspects of the existing Zoning By-law conform and those areas of non-conformity. This will include recommendations for how the objectives listed in Section 3. above can be addressed;
- Because BOP, 2020 is subject to ongoing appeals, the reviews of each zone are anticipated to be completed to align with the phasing proposed by staff as part of the OLT appeal process, as follows:
 - Phase 1: Rural Phase
 - Phase 1A: Agriculture
 - Phase 1B: Natural Heritage
 - Phase 1C: Aggregates

- Phase 2: Implementation / Development Approvals Process
- Phase 3: Growth Framework / Urban Structure / Land Use
- Phase 4: Downtown Urban Centre & Urban Design
- Phase 5: MTSAs (out of scope for this project)
- Phase 6: Supporting Growth
 - Phase 6A: Parkland
 - Phase 6B: Public Services Facilities, Infrastructure & Utilities
- Phase 7: Housing
- Phase 8: Employment
- Phase 9: Site-Specific
- Develop a methodology for and conduct an analysis of zoning trends;
- Lead and facilitate all public, agency, and stakeholder engagement events, including preparation and provision of materials to support these events, assist with reports to Council and meetings with the project Steering Committee and Technical Advisory Team, as needed; and
- Prepare a summary memo of all discussions about zoning issues, and of the research and analysis conducted related to the tasks outlined above.
- Prepare a draft discussion paper that includes all materials from the summary memos noted above and recommendations for the City's approaches to the new Zoning By-law as it relates to the tasks outlined above;
- Refine the draft discussion paper with input from the Project Team, Steering Committee, and Technical Advisory Team;
- Prepare a final discussion paper and presentation on the discussion paper and present it, together with the City's project manager, to Council.

7.3. Phase 3: Build & Engage (Q2 2023 to Q4 2024)

Phase 3 will focus on building the draft new Zoning By-law document and receiving feedback. Once a large portion of the zoning review has been conducted, the first draft of the new Zoning By-law will be prepared and made available to the public for review and comment for a period of time. The draft by-law will be refined based on the comments provided by the public, stakeholders and staff and presented to Council. Along with the draft by-law, staff will provide a report that provides a synopsis of the comments and concerns received and how those were address as well as identify some of the proposed changes from the old by-law to the new.

Upon Council's receipt and review of the first draft, the By-law will be refined and updated, as required, to respond to all feedback received to date including that from the public, agency, stakeholder, and staff engagements. A second draft of the new Zoning By-law prepared by the consultant, and covering report prepared by staff, will be presented to Council for receipt and review. A summary report on engagement undertaken during this phase will also be prepared and provided to Council. The Statutory Public Meeting will be conducted for the presentation of the second draft.

Draft zoning maps will be prepared and made available for public review during this phase.

Consultant Tasks & Deliverables:

- Prepare the first draft of the new Zoning By-law;
- Participate in Steering Committee, Technical Advisory Team, agency, and stakeholder meetings intended to seek feedback on the draft by-law prior to presentation to the public and Council;
- Prepare a presentation on the summary memo in Phase 2 and first draft and present it, together with the City's project manager, at public engagement events and to Council;
- Prepare consultation reports to summarize feedback received from all engagement events undertaken during this phase;
- Refine draft new zoning maps;
- Prepare the second draft of the new Zoning By-law;
- Participate in Steering Committee and Technical Advisory Team meetings intended to seek further feedback on the second draft by-law prior to presentation to the public and Council;
- Prepare a presentation on the second draft and present it, together with the City's project manager, at public engagement events and to Council;
- Lead and facilitate all public, agency, and stakeholder engagement events, including preparation and provision of materials to support these events, assist with reports to Council and meetings with the project Steering Committee and Technical Advisory Team, as needed; and,
- Attend, at minimum, two Committee/Council meetings and be prepared to assist City staff answer any questions.

City Staff Responsibilities:

- Review and comment on the first and second drafts of the new Zoning By-law;
- Assist with the drafting and refining of the By-law;
- Attend and participate in all project team, advisory team and stakeholder meetings and public engagement events;
- Monitor the Get Involved project page and respond to comments and questions, as necessary;
- Prepare staff reports and presentation to Council based on the first and second drafts of the new Zoning By-law and the work of the successful consultant; and
- Review and comment on the draft zoning maps and interactive mapping.

7.4. Phase 4: Close Out & Appeals (Q4 2024 to Q2 2025)

Consultant Tasks & Deliverables:

- Refine and update the draft new Zoning By-law based on all feedback received;
- Prepare a final draft of the new Zoning By-law together with a technical Official Plan Amendment, if required, to ensure that the By-law conforms to the Burlington Official Plan, 2020;
- A final by-law will be presented to Council for enactment;
- Attend, at minimum one Committee/Council meeting and assist City staff in presenting and answering any questions. Attendance at additional Committee/Council meetings may be required, as needed; and,
- The successful consultant should be prepared to defend the Zoning By-law including methodology before the Ontario Land Tribunal, or other Tribunals as necessary. Arrangements for such work would be under separate contract based on per diem rates.

City Staff Responsibilities:

- Prepare staff report and presentation to Council based on the final draft of the new Zoning By-law and the work of the successful consultant; and
- Prepare and finalize support documents related to project close out and implementation; and
- Staff shall be prepared to process and assist if the new Zoning By-law is appealed to the Ontario Land Tribunal.

8. Project Management

The Study is to be undertaken by a consulting group or team of consultants, with the assistance of city staff and in consultation with the public.

8.1. Staff Team

The Coordinator of Special Projects & Urban Design will oversee the project while the Senior Planner – Design will act as the project manager and will be the primary city contact responsible for delivery of the New Zoning By-law Project. The Project Manager will monitor the project schedule and budget in cooperation with the lead consultant or project manager from the consulting team and ensure the study unfolds according to the project Terms of Reference.

Project Team

The Project Team is responsible for the administration and implementation of the New Zoning By-law Project. This team includes the Senior Planner – Design, as Project Manager, and the Planner II – Design. This team will undertake all preliminary technical review, analysis, and writing of the by-law text and mapping. They will facilitate all meetings, presentations and public consultation, and be the principal authors of communications materials. The Project Manager will be responsible for providing overall advice and direction to the consulting team, including overseeing the preparation of reports to Council at key milestones. Other staff members may be included throughout the project as needed.

Steering Committee

A project Steering Committee will consist of management within Community Planning. This team shall review all materials and reports prepared and be responsible for providing advice and direction to the Project Team throughout the project. They will also assist with presentations and the facilitation of public consultation. The Steering Committee will include the following staff members:

- Executive Director of Community Planning, Regulation & Mobility
- Director of Community Planning
- Manager of Policy & Community
- Manager of Development & Design
- Manager of Planning Implementation
- Coordinator of Special Projects & Urban Design
- Project Manager

Additionally, the Burlington Leadership Team will be consulted as necessary to provide strategic direction and advice on matters related to the project.

Technical Advisory Team

The Technical Advisory Team will provide technical review, analysis, and guidance on planning, zoning or other related issues as required. The Technical Advisory Team will include representatives from:

- Community Planning
- Transportation Services
- Engineering Services
- Building and By-law
- Roads, Parks & Forestry
- Finance
- Corporate Communications & Engagement
- Legal Services (will be involved at appropriate times throughout the project)

Legal support will also be provided throughout the drafting of the new Zoning By-law, and a thorough legal review will occur once the final draft is complete. This review will help identify any risks associated with the new Zoning By-law as well as ensure that the By-law meets the requirements as set out in various applicable legislation.

Stakeholder Groups

The new Zoning By-law will be of interest to stakeholders in the public. Involving and collecting input from all external stakeholders early in the project can be beneficial to its success, and help to identify matters to be addressed, reviewed and analysed as the project moves forward. These groups would be consulted through group meetings and other project events. Some of the stakeholders planned to be contacted include:

- Development industry representatives;
- Selected boards, commissions and other public authorities such as the school boards, Conservation Authorities, Indigenous Communities and Halton Region;
- Individual resident associations and groups; and
- Major landowners.

9. Consulting Expertise Required

The successful consulting team will include members with the following key competencies and qualifications:

- Land Use Planning expertise (MCIP, RPP)
 - Experience writing Zoning By-laws is a requirement

- Engagement Specialist (IAP2 Public Participation Professional Certification)

The consultant project manager will be an experienced individual who has successfully delivered zoning by-laws for other Ontario municipalities. Specific qualification and experience that must be demonstrated include:

- Professional Planner (MCIP, RPP);
- A minimum of 10 years relevant experience;
- Two (2) relevant projects within the last five (5) years including details on project description, role, areas of expertise and successful outcome; and
- Characterize the Project Manager's qualifications and skills including depth of specialties, effective communication, consensus building and team management.

10. Project Expectations

The successful consultant will begin work as outlined in this Terms of Reference immediately after award of contract.

Due to the number of appeals regarding the BOP, 2020 before the OLT that remain outstanding, and are not to be heard until early in 2023 and some are not yet scheduled there is a possibility of project delays, and the potential that those delays could result in the project being put on hold until the OLT appeals are resolved or the appeals process is complete. Should this occur the successful consultant will pause work immediately upon the request of the project manager and the contract may be terminated to reflect work completed to date.

11. Engagement

The Zoning By-law comprehensive review and update is an official plan conformity exercise intended to implement the vision already established in the BOP, 2020. The engagement plan highlights the points in the process where engagement will take place, who will be engaged and level of engagement to be undertaken. The draft Engagement Plan includes a decision statement, a summary of targeted stakeholders as well as engagement objectives. It also outlines the engagement milestones for each project stage, policies and factors that cannot be influenced and proposed forms of engagement and communication with the public. This means that public engagement should focus on user experience and improvements to the zoning and not re-examine the new official plan vision. Staff will finalize a community engagement plan at the outset of the project with a series of focused public consultation events aimed at eliciting this type of feedback. Other consultations and meetings will involve target stakeholders within the community.

Below is a summary of potential meetings with key stakeholders. All proponents are required to confirm the proposed number of meetings within their proposal submission.

Stakeholder Group	Potential Number of Meetings
Project Team (Coordinator, Senior Planner, Planner and Consultant)	12-15
Technical Advisory Team	6
Steering Committee	1-2
Targeted Stakeholders	6-8
Open Houses	2
Statutory Public Meeting	1
Community Planning Regulation and Mobility Meetings	4
City Council Meetings	1

12. Study Timing

The Project Team intends to begin the comprehensive zoning by-law review in late 2022. The exercise is expected to take at minimum 24 months based on the scope and complexity of the project. Moreover, Staff are aware that there are a number of appeals to the OLT that remain outstanding and are not to be heard until early in 2023 and some are not yet scheduled. Accordingly, there is a risk and high probability of project delays and the potential that it could result in the project being put on hold until the OLT appeals process is complete.

It should be noted that this project schedule and each phase has assumed that the Ontario Land Tribunal appeals process regarding the Burlington Official Plan, 2020 will be resolved by Q1 of 2024 and that a large number of policies will therefore be in effect. Staff will work closely to ensure early awareness of potential delays and work to mitigate impacts on the project timeline overall.

13. Budget

For the purposes of planning and developing the work program, the proponent should be aware that the established budget for the technical work of the New Zoning By-law Project is approximately \$400,000. This amount is intended to cover all consultant resources and disbursements before taxes. The proponent is encouraged to target estimate effort to be within range of this budget.

14. Reference Documents

14.1. City Documents

Document	Reference Link	Date
Burlington's Plan: From Vision to Focus	https://www.burlington.ca/en/council-and-city-administration/2018-2022-burlingtons-plan-from-vision-to-focus.aspx	2019
Approved New Official Plan	https://www.burlington.ca/en/planning-and-development/resources/Official-Plan/Burlington-Official-Plan-2020-Full.pdf	2020
Zoning By-law 2020	https://www.burlington.ca/en/planning-and-development/zoning.aspx	1999
Major Transit Station Area – Area Specific Planning	https://www.burlington.ca/en/planning-and-development/official-plan.aspx?_mid_=668#Major-Transit-Station-Areas	2018

14.2. Regional Documents

Document	Reference Link	Date
Regional Official Plan	https://www.halton.ca/The-Region/Regional-Planning/Regional-Official-Plan-(ROP)-(1)#	2021

14.3. Provincial Documents

Document	Reference Link	Date
Planning Act	https://www.ontario.ca/laws/statute/90p13	2022
Provincial Policy Statement, 2020	https://www.ontario.ca/page/provincial-policy-statement-2020	2020
A Place to Grow: Growth plan for the Greater Golden Horseshoe	https://www.ontario.ca/document/place-grow-growth-plan-greater-golden-horseshoe	2020
The Greenbelt Plan	https://www.ontario.ca/document/greenbelt-plan-2017/greenbelt-plan	2017

14.4. Other Documents

Document	Reference Link	Date
Niagara Escarpment Plan	https://escarpment.org/land-use-planning/niagara-escarpment-plan/	2017

DRAFT

APPENDIX “A”

Key Tasks

Task #	Task
1	Initial Introductions to the Project: Present report to Council for information and obtain endorsement for project schedule and Terms of Reference.
2	Engagement Details: Complete the details of the Engagement Plan for the New Zoning By-law Project.
3	Procurement: Staff to begin the process of engaging a consultant to carry out the work as outlined in the project Terms of Reference.
4	Project Launch: The New Zoning By-law Project is set to launch publicly in Q1 of 2023. The project will introduce and provide an overview of the objectives and purpose of the project and will allow the public and stakeholders to begin to provide feedback.
5	Research and Analysis of Zoning By-law Structure and Format: The Project Team will research best practice approaches for the new Zoning By-law structure including a review and analysis of zoning trends, minor variance application trends, format, layout, structure, scope, accessibility, definitions, general provisions, special provisions, prohibitions, illustrations, mapping, and how the new by-law may be implemented to ensure a smooth transition from the current by-law to the new Zoning By-law. The intent is development and establish an overall structure and format for the new Zoning By-law that reflects modern zoning practices and implements the objectives and policies of BOP, 2020.
6	Research and Analysis of Zones: The consultant will conduct a comprehensive review of each zone category of the existing Zoning By-law compared to the new Official Plan for conformity. The review will begin with zones that are most likely to be the least affected by the active appeals of BOP, 2020 before the OLT. This review is set to take 11 months and will involve targeted stakeholder engagement and multiple meetings with the project Steering Committee and Technical Advisory Team.

7	<p>Drafting of By-laws:</p> <p>The consultant along with the Project Team will draft the new Zoning By-law and request comments from the Steering Committee, Technical Advisory Team, agencies, stakeholders, the public and Council. Based on all feedback, the team will revise the document appropriately to produce the final product.</p>
8	<p>Public Consultation:</p> <p>Undertake public consultation</p> <ul style="list-style-type: none"> • Complete two (2) Open Houses focused on providing information to the public regarding any proposed changes to any of the zones and educating the public on the purpose of the review and the Zoning By-law in general. The consultant team will gather feedback from key stakeholders and the public (in partnership with City of Burlington project team and support staff). <p>City of Burlington staff will lead the following consultation measures:</p> <ul style="list-style-type: none"> • Provide public education and opportunity for feedback on the project through online commenting; • The team be available for any questions / comments from the public; • Provide notice of the exercise to business associations, residents and other stakeholders; and • Create a project website.
9	<p>Final Approval:</p> <p>Present to Community Planning, Regulation and Mobility Committee and City Council for enactment a final draft of the new Zoning By-law (and technical OPA, if required).</p>
10	<p>Appeals:</p> <p>The Project Team will process and manage any appeals that are submitted once the final document has been supported by Council. The consultant will be responsible for providing expert testimony required at the Ontario Land Tribunal or other tribunals, if appeals are received related to all project deliverables.</p>

Appendix B: PL-60-22 New Zoning By-law Project – Proposed Project Schedule

	PHASE 1 Start Up				PHASE 2 Research & Analyse					PHASE 3 Build & Engage																	PHASE 4 Close Out & Appeals						
	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May
	Q3	Q4			Q1			Q2			Q3			Q4			Q1			Q2			Q3			Q4			Q1			Q2	
	2022				2023												2024												2025				
PROJECT FOUNDATIONS																																	
Confirm project workplan and scope (TOR)																																	
Prepare and issue RFP for a project consultant																																	
Kick-off meetings with Technical Advisory Team																																	
Finalize Communications & Engagement Plan																																	
Prepare project website																																	
ZONING BY-LAW REVIEW																																	
Review and research best practices																																	
Alignment and conformity review																																	
Analysis of zoning issues and trends																																	
Prepare Discussion Papers																																	
Prepare draft NZBL (First Draft)																																	
Prepare draft NZBL (Second Draft)																																	
Final review and refinement of draft NZBL (Final Draft)																																	
MAPPING REVIEW & DEVELOPMENT																																	
Review and research best practices																																	
Prepare new zoning maps																																	
Launch and refine interactive zoning mapping																																	
ENGAGEMENT																																	
Targeted Stakeholder Engagement on NZBL																																	
NZBL Report - Project TOR to CPRMC																																	
Launch Get Involved project page																																	
Udate Report to CPRMC																																	
Public Engagement on NZBL																																	
Open House (Non-Statutory)																																	
NZBL Report - First Draft to CPRMC																																	
Open House (Statutory)																																	
NZBL Report - Second Draft to CPRMC (Statutory Public Meeting)																																	
NZBL Recommendations Report - Final Draft to CPRMC																																	
Appeals to the OLT (if applicable)																																	
LIST OF ABBREVIATIONS																																	
CPRMC stands for Community Planning, Regulation, & Mobility Committee																																	
NZBL stands for New Zoning By-law																																	
OLT stands for Ontario Land Tribunal																																	
RFP stands for Request for Proposals																																	
TOR stands for Terms of Reference																																	

The New Zoning By-law Project

[DRAFT] Public Engagement Plan

Background

The City's current Zoning By-law (Zoning By-law 2020, as amended) was enacted and passed on June 21, 1999 and is over two decades old. A comprehensive review and update is required to bring it into conformity with Burlington's New Official Plan (the "BOP, 2020"). BOP, 2020 was adopted in 2018 and approved by Halton Region in 2020. Policy 12.1.5(2) of BOP, 2020 directs that a comprehensive review of the City's Zoning By-law be undertaken. Under Section 26 (9) of the *Planning Act*, a zoning by-law must be brought into conformity with a new or updated official plan no later than three years after it comes into effect. BOP, 2020 is under appeal to the Ontario Land Tribunal (OLT), and no decisions have been made with respect to its approval at this time. Therefore, relevant sections of the Burlington Official Plan, 1997 will remain in effect until the applicable appeals have been resolved.

Engaging people on issues that affect their lives and their city is a key component of democratic society. Public involvement encourages participation, actions and personal responsibility. Burlington's commitment to public engagement is reflected in its [Community Engagement Charter](#), adopted by City Council. The Charter establishes the commitments, responsibilities and concepts of the relationship between the City of Burlington and the citizens of Burlington related to public engagement. The goal of community engagement is to lead to more informed and, therefore, better decision-making.

The following plan provides a roadmap of the engagement activities that will take place over the next year, highlighting at which points in the process engagement will take place, who will be engaged and the level of engagement. The plan also clearly defines which aspects of the process the City and public can influence throughout the discussion.

Project Overview

- On September 20, 2022 Council endorsed the workplan and proposed terms of reference for the New Zoning By-law Project.
- The Comprehensive Zoning By-law Review and Update will commence in Q1 of 2023 for public engagement.
- Through 2023, the Project Team will undertake a review and analysis of the applicable policy context, overall structure and content of the by-law, current rules and standards, and best practices and consult with stakeholders and public to help create a useful document for all.

- By Q2 2025, staff anticipate that the final draft of the Zoning By-law will be presented for adoption by Council and move forward with any appeals that are filed.

Decision Statement

At the beginning of an engagement process, it is helpful to know, “what is the decision to be made?” The decision statement clearly identifies:

- What decision needs to be made;
- Who is the decision maker; and
- When the decision is required.

By Q2 of 2025, Burlington City Council will vote to adopt a new comprehensive Zoning By-law to support in the implementation of the Burlington Official Plan, 2020 and to guide development and investment on private lands within the project study area.

Summary of Stakeholders

A stakeholder is anyone who has an interest or concern about a specific topic. To identify the stakeholders for the New Zoning By-law Project, a mapping process will be used to confirm all the people who are affected by this work, those who have influence or power over the work and those that have an interest in its outcome. It is expected that various individuals and groups will be identified across the following categories:

- Residents (including newcomers, young families and young people)
- Resident groups
- Indigenous communities
- Community organizations; special interest, advocacy, and activism groups
- Development industry
- Government and public service providers (internal and external)
- City Advisory Committees and arms-length city agencies
- Private and non-profit community service providers
- Elected Officials
- Media

Once the stakeholders and interested or affected individuals and groups have been confirmed, the engagement milestones in this plan will be refined to reflect the tactics and level of engagement required for each party throughout the New Zoning By-law Project.

Objectives of Engagement

The following objectives provide a clear understanding of what the public engagement will strive to achieve through the community discussion about the New Zoning By-law Project:

- Clearly establish aspects of the Zoning By-law Review that can be influenced by the public;
- Provide relevant information about the project, decision-making process, and how the public can provide input and feedback;
- Work with City communications and engagement staff, as well as consultants, to provide a coordinated approach to engagement, communication and evaluation, review and update of the Zoning By-law(s);
- Provide multiple channels for people to provide meaningful input virtually, and if possible, in-person at appropriate decision points;
- Create an ongoing record of what is said during engagement opportunities and make it available to the public throughout the process, so they can track the progress of the project, including reports back to the community that highlight how feedback was or was not incorporated into the final recommendations to Council;
- Gather meaningful input from members of the community whose voices are historically underrepresented in conversations about city issues;
- Establish a project page on getinvolvedburlington.ca as the main online platform for up-to-date information about the project and upcoming engagement opportunities; and
- Use clear, plain language in the delivery of the Engagement Plan to inform the public about what can and cannot be influenced through the New Zoning By-law Project.

Covid-19

The City of Burlington continues to take appropriate action to prioritize the health and well-being of our community and staff. Our goal is to keep the public and staff safe and help minimize the spread of the COVID-19 virus. The intent is to offer both virtual and in-person engagement opportunities where and when possible.

Project Milestones and Engagement Level

At the Regular Meeting of Council on September 13, 2022 City Council [modified/endorsed] the workplan for the New Zoning By-law Project. The key project phases and associated milestones for the project are presented below. For each milestone, the Engagement Plan identifies where public input will take place, who will be involved in the engagement and what level of engagement will occur. The different levels of engagement are based on the [International Association of Public Participation \(IAP2\)'s Public Participation Spectrum](#), which is also a component of Burlington's [Community Engagement Charter](#).

The table below outlines the project milestones where significant public engagement opportunities will take place.

Timing (WHEN)	Milestone	Message (WHAT)	Stakeholders (WHO)	Level of Engagement
September 13, 2022	CPRM meeting to present the Terms of Reference for New Zoning By-law Project – comprehensive zoning review and update	Introduce the project and the anticipated timeline for project completion. Also present the draft engagement plan for endorsement.	City of Burlington Council, Individuals and groups of interest	Inform stakeholders Involve/ Collaborate with Council
Q3 2022	Est. Technical Review Group	Begin to envision a new working By-law that is both modern and functional for all. The purpose of the technical review group is twofold: 1) to provide feedback and comment to identity issues with the current zoning framework and by-laws in the City, and 2) to help guide the construction of the new by-law.	Internal staff from various departments	Inform and consult with Technical Advisory Team
Q3 & Q4 2022	Finalize Engagement Plan	Gather feedback regarding the draft Engagement Plan. Refine and finalize the Engagement Plan using input from interested or affected individuals and groups. The Engagement Plan may be modified	Core Project Team, Engagement Team and Communications team.	Collaborate with the different teams

		base on input from the Project Consultant.		
Q1 2023	Project Launch	Introduce the Zoning By-law review to the Public, stakeholders and to begin to seek public input and comments.	All	Inform all groups
1. Q3 & Q4 2022 2. Q2 to Q4 2023 3. Throughout 2024	Targeted Stakeholders group engagement meeting	Gather information regarding stakeholder views for the New Zoning By-law and provide examples of what currently works for the By-law and what does not. Meetings will focus on the progress as well as the opportunity to review the draft prior to presentation to Council.	Developers, members of Public, members of different citizens groups and BIA's, as well as First Nations Group and Conservation groups etc.	Inform and involve
Ongoing throughout the project (Q1 2023 to Q2 2025)	Technical Advisory Team meetings	Discuss and collaborate with internal staff to receive information and data pertaining to the details of the Zoning by-law. Meetings will focus on progress of the review and further knowledge of the functionality of the current by-law	Technical Advisory Team	Involve and collaborate
Q3 2022 to Q1 2023	Research and Analysis	Staff and the consulting team will conduct research, review and analyze data from best practices and feedback from the technical review group, external working group and Council.	Core Project Team, Technical Advisory Team, Stakeholders and Public	Involve different teams, stakeholders and public

Q1 2024	First draft of the new Zoning By-law released to public	The first draft of the by-law will be released to the public for review and comments.	Technical Advisory Team, Stakeholders and Public and Steering Committee	Inform and involve all groups
1. Q1 2024 2. Q3 2024	Open Houses (2 different dates)	The open houses will educate and inform the public of any changes proposed to the By-law and allow them the opportunity to discuss and express any support or concerns. Staff can refine the draft to address any concerns (if required).	Public	Inform and involve public and interested stakeholders
Q2 2024	First draft of the new Zoning By-law presented to Council	Following release to the public for review, the first draft of the new Zoning By-law will be presented to Council for discussion along with a report focusing on community and stakeholder feedback received to date and the proposed high-level changes to the document. Additional feedback will be encouraged to help advance the final product.	Technical Advisory Team, Stakeholders and Public and Steering Committee	Inform and involve
Q4 2024	Second draft of the new Zoning By-law released/presented to Council Statutory Public Meeting	Following release to the public for review, the second draft of the new Zoning By-law will be presented to Council for discussion and report on community and stakeholder feedback received to date. Additional feedback will be encouraged to help advance the final product.	Technical Advisory Team, Stakeholders and Public and Steering Committee	Inform

		This will require public notice for the Statutory public meeting.		
Q1 2025	Present the final document to Council for enactment	Share the final draft of the new Zoning By-law (and Technical OPA, if required), and how public input informed the process.	Technical Advisory Team, Stakeholders and Public and Steering Committee	inform

Policies and Factors That Cannot be Influenced

In every public engagement process, it is important to be aware of the things that cannot be influenced: either because they are beyond the City's control (for example things that are required by regional or provincial policy or law), or because they are outside the scope of the project as set out in the Council-approved work plan. In discussing the New Zoning By-law Project, the following aspects of the project are considered 'givens' and will not be included in engagement activities:

1. The scope of work, timing and resources, including the terms of reference for the New Zoning By-law Project has been approved by Council through staff report PL-60-22. Please refer to the project Terms of Reference to understand what will not be delivered as part of this Project's scope.
2. The City of Burlington cannot vary Provincial legislation, policies or directives which must be reflected within the new Zoning By-law.
3. The new Zoning By-law must comply with the City of Burlington's Official Plan, 2020, not the Burlington Official Plan, 1997, and cannot be influenced once an appeal decision has been rendered. Although public consultation and engagement will occur, residents should note that heights of intensification areas will reflect the City of Burlington's Official Plan and will not be able to be varied through this process.
4. Major Transit Service Areas (MTSA) will not be reviewed as part of this project and are undergoing a separate concurrent review.
5. Rural areas will continue to be governed by the Niagara Escarpment Commission (NEC) and will not be evaluated through this project
6. The City of Burlington will not accept individual zoning amendments as part of the project.
7. Certain aspects of this project will be informed by the outcome of various OLT appeals.

How the City Will Collect and Respond to Feedback

Throughout the engagement process, City staff will diligently collect and record all input provided by stakeholders. All input will be recorded by theme into response tables, showing in detail how the comments were considered and how they did or did not shape the study process, the zoning by-law recommended to Council, and why.

Evaluating the Public Engagement Process

Throughout the New Zoning By-law Project, City staff will capture interim feedback on the engagement process through measures such as feedback / satisfaction surveys. This will allow for ongoing and incremental evaluation of engagement efforts and will support an iterative process where feedback may influence the engagement process throughout the project.

To assist in measuring how the public participation contributed to the project decision to be made, the following will be used to evaluate the public participation process.

1. Once the project is complete, measure the degree to which community members felt they:
 - a. Understood the project's process and its limitations
 - b. Understood how the feedback they provided influenced the outcome of the City Council approval.
2. Evaluate each form of engagement. How did each of the engagement approaches used help to achieve the engagement objectives?
3. Analyze how the feedback received about the forms of engagement impacted the overall public participation process as the project moved forward.



SUBJECT: Draft Plan of Subdivision at 4375 Millcroft Park Drive
TO: Community Planning, Regulation & Mobility Cttee.
FROM: Community Planning Department

Report Number: PL-64-22

Wards Affected: 6

File Numbers: 510-01/22 (24T-21001/B)

Date to Committee: September 13, 2022

Date to Council: September 20, 2022

Recommendation:

Approve the application submitted by Salotto Building Group Inc. to draft approve a residential plan of subdivision consisting of 30 lots and a public road at 4375 Millcroft Park Drive, Block 133 of Plan 20M-811, as shown in Appendix A of community planning department report PL-64-22, subject to the conditions contained in Appendix B of that report.

PURPOSE:

The purpose of this report is to recommend draft approval of the plan of subdivision application for 30 lots and a public road at 4375 Millcroft Park Drive, Block 133 of Plan 20M-811.

Vision to Focus Alignment:

The subject application aligns with the following focus areas of the 2018-2022 Burlington's Plan: From Vision to Focus:

- Increase economic prosperity and community responsive city growth
 - Improve integrated city mobility
 - Support sustainable infrastructure and a resilient environment
 - Building more citizen engagement, community health and culture
-

Executive Summary:

RECOMMENDATION:		Approval	Ward:	6
Application Details	APPLICANT:	Salotto Building Group Inc.		
	OWNER:	Same as above.		
	FILE NUMBERS:	510-01/21 (24T-21001/B)		
	TYPE OF APPLICATION:	Plan of Subdivision		
	PROPOSED USE:	30 detached dwellings on a new public street		
Property Details	PROPERTY LOCATION:	West side of Millcroft Park Drive, between Taywood Drive and Dundas Street		
	MUNICIPAL ADDRESSES:	4375 Millcroft Park Drive		
	PROPERTY AREA:	2.4 ha		
	EXISTING USE:	Vacant land		
Documents	OFFICIAL PLAN (1997) Existing:	Residential – Low Density		
	OFFICIAL PLAN (2020):	Residential – Low Density		
	OFFICIAL PLAN Proposed:	No change proposed.		
	ZONING Existing:	Low Density – Residential (R3.2)		
	ZONING Proposed:	No change proposed.		
Processing Details	APPLICATION RECEIVED:	October 22, 2021		
	STATUTORY DEADLINE:	February 25, 2022 (120 days)		
	COMMUNITY MEETING:	September 23, 2021		
	PUBLIC COMMENTS:	17 written comments received from 149 notices.		

Background and Discussion:

On November 16, 2021, the Community Planning Department acknowledged that complete applications had been received as of October 22, 2021 for a Plan of Subdivision at 4375 Millcroft Park Drive to support the redevelopment of the lands with 30 detached dwellings and a new public street. Staff were directed to proceed with the processing of the submitted Plan of Subdivision application at the February 1, 2022 Statutory Public Meeting and further by Council February 15, 2022. This report provides an overview of the application, an outline of applicable policies and regulations, a summary of technical and public comments received and staff's opinion and recommendation with respect to this application.

Site Description & Surrounding Land Uses

The subject lands are located on the south side of Millcroft Park Drive, at the intersection of Taywood Drive and Millcroft Park Drive, in the Millcroft Community, as shown on Figure 1 (right), and Sketch No. 1 (Appendix A). The site has an area of approximately 2.4 ha and 130 m of frontage on Millcroft Park Drive. The site is currently vacant.

The site is surrounded by detached dwellings to the north, west and south.

Immediately east, adjacent to the site, is Taywood Park. Further east, at the northeast corner of Taywood Park and Millcroft Park Drive, are townhouse dwellings.



Figure 1 – Air photo (2019) with subject property outlined

The site is located within 60 m of Burlington Transit bus stops for Route 48 (Millcroft); stops for Route 48 are located north of the site across Millcroft Park Drive, to the east at

Millcroft Park/Sarazen Drive, and to the west in front of Taywood Park (Appendix A). Approximately 700 m to the east, at Taywood Drive and Appleby Line, are bus stops for Route 12 (Upper Middle).

Description of Applications

As shown on Sketch No. 2 (Appendix A), the applicant proposes to subdivide the subject lands and construct 30 detached dwellings fronting on a new public street. The proposed new public street is crescent shaped, with two access points on Millcroft Park Drive, including one at the current intersection of Taywood Drive and Millcroft Park Drive.

To facilitate the development, the applicant has applied for a plan of subdivision consisting of:

- 30 lots for detached dwellings;
- a public street; and
- an open space block ("Other lands owned by applicant")

The proposed residential lots are intended to comply with the existing zoning of the subject lands (R3.2), and range in size from 498-1,116 m² in area and 15-19.9 m in lot width. The overall density of the proposed development is 16.9 units/net hectare.

Supporting Documents

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

- [Completed Subdivision Application Form](#), signed October 27, 2021
- [Cover Letter](#), from Salotto Building Group Inc., dated October 28, 2021
- [Draft Plan of Subdivision](#), prepared by KLM Planning Partners Inc., signed by Surveyor on October 14, 2021
- [Area and Frontage Certificate](#), prepared by Schaeffer Dzaldov Bennett Ltd., dated October 25, 2021
- [Planning Justification Brief](#), prepared by KLM Planning Partners Inc., dated October 27, 2021
- [Arborist Report](#), prepared by Strybos Barron King Ltd., dated October 25, 2021
- [Landscape Concept Plan](#), prepared by Strybos Barron King Ltd., last revised October 25, 2021
- [Tree Inventory and Preservation Plan](#), prepared by Strybos Barron King Ltd., last revised October 25, 2021
- [Transportation Impact Study](#), prepared by LEA Consulting Ltd., dated October 2021
- [Environmental Site Screening Questionnaire](#), completed by Owner on September 2, 2021
- [Phase One Environmental Site Assessment](#), prepared by Toronto Inspection Ltd., dated August 26, 2021

- [Reliance Letter for Phase 1 Environmental](#), from Toronto Inspection Ltd., dated October 6, 2021
- [Noise Impact Feasibility Study](#), prepared by J.E. Coulter Associates Limited, dated October 20, 2021
- [Geotechnical Report](#), prepared by Toronto Inspection Ltd., dated April 9, 2021
- [Historic Wells and Septic Systems Letter](#), prepared by Toronto Inspection Ltd., dated August 29, 2021
- [Functional Servicing & Stormwater Management Report](#) and [Appendix](#), prepared by GEI Consultants Inc., dated October 2021
- [Engineering Drawings](#), prepared by GEI Consultants Inc., Revision: First Submission and dated 10/19/2021, signed by P.Eng. on November 5, 2021, consisting of:
 - Erosion & Sediment Control, Construction Management and Mobility Plan (Drawing No. 601)
 - Erosion & Sediment Control Details (Drawing No. 602)
 - General Plan (Drawing No. 101)
 - Grading Plan (Drawing No. 401)
 - Street A STA 0+000 to 0+180 (Drawing No. 501)
 - Street A STA 0+180 to 0+360 (Drawing No. 502)
 - Storm Outlet STA 0+250 to 0+430 (Drawing No. 503)
 - Storm Outlet STA 0+000 to 0+250 (Drawing No. 504)
 - Sanitary Drainage Area Plan (Drawing No. 301)
 - Storm Drainage Area Plan (Drawing No. 201)
- Parcel Register Report, dated October 21, 2021
- [Copy of Plan of Subdivision 20M-811](#)
- [Topographic Plan of Survey](#), prepared by Schaeffer Dzaldov Bennett Ltd., signed by Surveyor on August 11, 2021

Supporting documents have been published on the City's website for the subject application, www.burlington.ca/4375Millcroft.

Policy Framework

The proposed Plan of Subdivision application is subject to review against the Planning Act, Provincial Policy Statement (2020), A Place to Grow: The Growth Plan for the Greater Golden Horseshoe (2020), Region of Halton Official Plan, City of Burlington Official Plan (1997, as amended), City of Burlington New Official Plan (2020), and City of Burlington Zoning By-law 2020, as summarized below. Staff are of the opinion that the proposed application is consistent with and conforms to the applicable policy framework, as discussed below.

Planning Act: Draft Plan of Subdivision Criteria

Section 51(24) of the Planning Act outlines criteria that approval authorities are to have regard to when considering a draft plan of subdivision, including:

- *Whether the proposed subdivision is premature or in the public interest*

The proposed subdivision establishes new development lots for single-detached dwellings that conform to and implement the Zoning By-law and Official Plan. Moreover, according to Halton Region, Halton District School Board, Halton Catholic District School Board, and City Engineering Services staff, adequate water, wastewater servicing, schools, and parks are available nearby to accommodate the development. The proposal also includes a new public road providing connections to Millcroft Park Drive and Taywood Drive for existing transit, community services, and other neighbourhood conveniences. A crescent road is proposed which was preferred over a cul-de-sac as it provides two points of entry. The proposed subdivision conforms to the Low Density – Residential (R3.2) zoning and reflects the natural evolution of this 2.4ha lot within the neighbourhood. The proposed subdivision is therefore not premature and is in the public interest.

- *Whether the plan conforms to the official plan and adjacent plans of subdivision, if any;*

The proposed subdivision conforms to the City's Official Plan and Regional Official Plan.

- *The suitability of the land for the purposes for which it is to be subdivided;*

The applicant has submitted an Environmental Site Assessment, Geotechnical Investigation, and Noise Impact Feasibility Study in support of the application. Halton Region and City Engineering Services staff have reviewed these reports and find them satisfactory for the purpose of draft plan approval. The City's Engineering Services staff request amendments to the Functional Servicing & Stormwater Management Report to ensure the necessary stormwater management recommendations are implemented. As a condition of draft approval for the plan of subdivision, the owner will be required to update these reports/plans and implement the recommendations of the final reports.

- *The number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivisions with the established highway system in the vicinity and the adequacy of them;*

The proposed draft plan of subdivision includes an 18m road allowance for the creation of a new public road to be dedicated to the City. The City's Transportation Services staff have reviewed the Transportation Impact Statement and are satisfied. There was consideration for additional data collection from the intersection at Millcroft Park Drive and Sarazen Drive as the data was collected on June 29, 2017, which is outside of a typical school timeframe. However, given the size of the development, the traffic associated with the build out is minimal. Additionally, Traffic Operations staff performs traffic calming

warrant studies every couple of years to aid in slowing down traffic speeds and volumes. Sarazen Drive has met the traffic calming warrant and is on their list to implement such measures. Overall, there is no concerns with the increased traffic in this area as it is considered a natural evolution of the area.

- *The dimensions and shapes of the proposed lots;*

The proposed lots conform to the Zoning By-law, and are therefore appropriately shaped and dimensioned.

- *The restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;*

The Noise Impact Feasibility Study recommends that an acoustic fence at a height of 1.8m be erected along the eastern boundary of the Lots 1, 24, and 25.

The Arborist Report requires all trees to be preserved be protected with City approved tree protection hoarding.

- *Conservation of natural resources and flood control;*

The subject lands are not within a floodplain and do not have any natural heritage features or areas, as defined by the Provincial Policy Statement. The City's Engineering Services comments do consider stormwater management and drainage, and the recommendations by Engineering Services are to be adhered to.

- *The adequacy of utilities and municipal services and school sites;*

Burlington Hydro, Union Gas, Halton Region, and City departments have been circulated on the application and do not have objections to the proposed development. Halton District School Board and Halton Catholic District School Board comments that students from the proposed development can be accommodated at existing schools nearby.

- *The area of land, if any within the proposed subdivision that, exclusive highways, is to be conveyed or dedicated for public purposes;*

The City's Engineering Services has required that the following be dedicated to the City free of charge: an 18m road allowance for Street 1; 3m by 3m daylight triangles where Street 1 intersects with Millcroft Park Drive; any easements over the subject property required for access, drainage, services and/or utilities; any easements over adjacent properties as required to accommodate access, services, and/or overland flow swales; and, Block 31 (Park – 0.034ha).

- *The extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and*

The proposed plan of subdivision is consistent with the residential low-density policies within a well serviced area, and supports an efficient use of energy.

- *The interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41(2) of [the Planning Act].*

The proposed subdivision is proposed to be developed with single-detached dwellings, which is not subject to site plan control.

Provincial Policy Statement, 2020

The Provincial Policy Statement (PPS) provides broad policy direction on land use planning and development matters of provincial interest. All planning decisions must be consistent with the PPS. The PPS promotes healthy, liveable and safe communities that are sustained by appropriate development and land use patterns that make efficient use of land and infrastructure, accommodate an appropriate range and mix of uses, protect public health and safety and the environment. The PPS directs that growth and development be focused in settlement areas. In settlement areas, land use patterns are to be based on densities and a mix of land uses to meet long term needs and which efficiently use land, resources, infrastructure and public service facilities, prepare for the impacts of a changing climate, support active transportation and transit.

The proposed plan of subdivision is consistent with the Provincial Policy Statement. The subdivision is proposed to be located on vacant lands within a built-up residential area adjacent to Taywood Park. This promotes efficient development as this residential amenity is located within walking distance of the proposed development. There are also existing services in the area that can support the proposed residential development. The proposal will add 30 single-detached dwellings as well as a new public road. This will add to the housing stock within the urban settlement area in the City of Burlington. The proposed subdivision will support the intensification of the lands, in accordance with the City's Official Plan and Zoning By-law.

Stormwater management has also been considered through the Functional Servicing & Stormwater Management Report which has been reviewed by Region of Halton and City of Burlington staff. No concerns have been noted with the required revisions. The proposed subdivision is not anticipated to have negative stormwater impacts.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan) provides a policy framework for managing growth. All planning decisions must conform to the Growth Plan (2020).

The policies of the Growth Plan are intended to support the achievement of complete communities that feature a diverse mix of land uses and range of housing options, and to provide for a more compact built form and vibrant public realm; increase the use of transit

and active transportation; mitigate and adapt to climate change and reduce greenhouse gas emissions; and integrate green infrastructure and appropriate low impact development. The vast majority of growth is directed to settlement areas, with a focus on intensification within delineated built-up areas, strategic growth areas, locations with existing or planned transit, and areas with existing or planned public service facilities.

The proposal conforms to the Growth Plan as it will facilitate the intensification of vacant lands that are within the City's delineated built-up area and are in reasonable proximity to transit, parks, schools, and commercial businesses. The proposal also increases the City's housing supply through the addition of 30 new development lots proposed for single-detached dwellings. The proposal will also have the new singled-detached dwellings within reasonable proximity to several bus stops promoting active transportation. The existing water and wastewater services are also available as identified by the City's Site Engineering staff. Stormwater management has also been addressed through the Functional Servicing & Stormwater Management Report. This report has been reviewed by the Region of Halton and City of Burlington staff. With the recommended conditions, no negative impacts have been identified. Thus, the proposed application conforms to the Growth Plan.

Halton Region Official Plan (ROP)

The ROP outlines a long-term vision for the physical form and community character of Halton. All planning decisions must conform to the ROP (2006, as amended).

The subject lands are designated as Urban Area within the Halton Region Official Plan.

Lands within the Urban Area designation are locations where urban services (water and wastewater) are or will be made available to accommodate existing and future development. The Regional Official Plan states that the range of permitted uses and creation of new lots within the Urban Area shall be in accordance with local Official Plans and Zoning By-laws and other policies of the Regional Official Plan.

Regional staff comment that they are generally satisfied that the draft plan of subdivision can be supported from a municipal perspective. Regional staff comments noted that upon review of the Phase I ESA and soil sampling analytical program, the scope of the soil sampling program was limited and not representative of the site. A condition of draft plan approval is included to receive amended information. Regional staff are also satisfied with Regional Servicing (subject to conditions), Regional Transportation as no Regional Road works will be required, and Regional Waste Management (subject to conditions). Overall, the opinion of Regional Planning staff is that the plan of subdivision application will be consistent with the PPS, Growth Plan, and the Halton Region Official Plan once conditions have been addressed.

City of Burlington Official Plan (1997, as amended)

The City of Burlington's Official Plan (1997, as amended) provides more specific guidance on land use planning and development within the city. The Official Plan includes principles and objectives that relate to stormwater management, transportation, and residential infill development.

The site is designated "Residential – Low Density" on Schedule B, Comprehensive Land Use Plan – Urban Planning Area of the Official Plan. This designation permits single-detached and semi-detached housing units with a density to a maximum of 25 units per net hectare (Official Plan, Part III, 2.2.2). The Official Plan also encourages ground-oriented residential infilling within existing neighbourhoods (Official Plan, Part III, 2.5.4). Infilling is defined in the Official Plan as development or redevelopment within an existing developed area that is proposed to be undertaken in conformity with the existing zoning and may include the creation of new lots. The proposal conforms to the infill development policies in the Official Plan as the proposal will add 30 new lots on a vacant 2.4ha property within an existing developed area. The additional housing proposed through this application is compatible with the community as there are existing single detached dwellings in the surrounding area.

The proposed subdivision is for the creation of new lots within an existing developed area, in conformity to the existing zoning. The proposed plan of subdivision is for ground-oriented housing (single-detached dwellings) and has a density of 16.9 units per net hectare. The application therefore conforms to the residential designation in the City's Official Plan.

The City of Burlington requires effective implementation of storm water management to provide protection against flooding and erosion (Official Plan, Part II, 2.11). The applicants submitted a Functional Servicing & Stormwater Management Report. The report concluded that the site is serviceable, and no negative impacts are anticipated from site grading, stormwater management, water balance, sanitary sewers, and water supply. The City's Site Engineering staff have reviewed the Functional Servicing & Stormwater Management Report and require amendments to the report to ensure no negative impacts from the additional stormwater runoff increase from the proposed development. A condition of draft approval is that the applicants amend the Functional Servicing & Stormwater Management Report to the satisfaction of Engineering Services.

Overall, the proposed development conforms to the City's Official Plan. It is a form of infill development that is contemplated by the Official Plan and conforms to the Official Plan's maximum density permissions of the "Residential – Low Density" designation of the subject lands.

City of Burlington New Official Plan (OP, 2020)

On Nov. 30, 2020, the Region of Halton issued a Notice of Decision approving the new Burlington Official Plan. The new Official Plan has been developed to reflect the opportunities and challenges facing the City as it continues to evolve.

Section 17(38) of the Planning Act (R.S.O. 1990, as amended) sets out that all parts of an approved official plan that are not the subject of an appeal will come into effect on the day after the last date for filing a notice of appeal - that date being Dec. 22, 2020 for the new Burlington Official Plan. At this time, no formal determination has been made as to the validity of the appeals of relevant sections of OP, 2020.

Schedule B: Land Use - Urban Area in the new Official Plan designates the subject lands as Residential – Low Density (Official Plan, Chapter 8, 8.3.3). This designation permits single-detached and semi-detached dwellings. Development is permitted to a maximum density of 25 units per net hectare. The proposed development of 30 new lots for single-detached dwellings at 16.9 units per net hectare conforms to the New Official Plan.

The City of Burlington has an Urban Forest Master Plan that was developed with the purpose of implementing effective and efficient management of the urban forest, improving tree health and diversity, minimizing risks to the public maximizing the benefits provided by a healthy and sustainable urban forest (Official Plan, Chapter 4, 4.3). The applicants have submitted an Arborist Report. The report concludes that all trees on the site are proposed to be removed and trees adjacent to the subject property are to be preserved and protected. The City's Urban Forestry and Landscaping staff have reviewed the Arborist Report and require amendments to the report. A condition of approval is that the applicants amend the Arborist Report to the satisfaction of Urban Forestry and Landscaping.

The City's stormwater management techniques shall be used in the design and construction of all new developments to control both the quantity and quality of stormwater runoff (Official Plan, Chapter 4, 4.4.2). As previously mentioned through the review of the City of Burlington Official Plan (1997, as amended), the applicants have submitted a Functional Servicing & Stormwater Management Report which is required to be amended to the satisfaction of Engineering Services.

Overall, the proposal conforms to the New Official Plan. The property will continue to be designated Residential – Low Density under the New Official Plan which is unchanged from the 1997 Official Plan. The proposal is in conformity with the Residential – Low Density designation and meets the maximum density provisions of this designation within the New Official Plan.

Zoning By-law 2020

The subject lands are currently zoned “Low Density Residential” (R3.2) in the City’s Zoning By-law 2020. This zone permits single-detached dwellings. Regulations for this zone include a minimum lot width of 15 m and minimum lot area of 425 m².

The proposed draft plan of subdivision is intended to conform to and implement this zoning. Table 2 below compares the minimum lot area and width requirements of the R3.2 zone and the proposed draft plan.

City Zoning staff have confirmed that the proposed plan conforms to the Zoning By-law.

Table 2 – Comparison of R3.2 Zone Regulations for Lot Size and Proposal

	Minimum Required	Proposed
Lot Width	15 m	15.3 to 19.9 m
Lot Area	425 m ²	498.4 to 1,116.2 m ²

Technical Comments

The subject applications were circulated to internal staff and external agencies for review. Halton Police, Hydro One, City of Burlington’s Zoning staff, City of Burlington’s Engineering Services – Accessibility staff, City of Burlington’s Transit staff, and City of Burlington’s Fire Department have no objections to the draft approval of the plan of subdivision. Region of Halton, Halton District School Board, Halton Catholic District School Board, Canada Post, Enbridge Gas, Bell Canada, Rogers Communications, City of Burlington’s Engineering Services, City of Burlington’s Transportation staff, City of Burlington’s Traffic Operations, and City of Burlington’s Finance staff have commented that they have no objections to draft approval of the plan of subdivision but have provided conditions to be fulfilled prior to final approval, which are included as Appendix B.

City Transportation Services – The City’s Transportation Services staff have reviewed the revised Transportation Impact Study and are satisfied with the plan. There was consideration for revised counts at Millcroft Park Drive and Sarazen Drive as the data was collected June 29, 2017. However, considering the size of the development, the traffic associated with the build out is minimal. The CMMP is recommended to be reviewed to the satisfaction of Engineering Services and Transportation Services.

Halton District School Board (HDSB) & Halton Catholic District School Board (HCDSB) – The HDSB comments that students generated from the proposed development are currently within the Charles R. Beaudoin Public School, Dr. Frank J. Hayden Secondary School, and M.M. Robinson High School catchment areas.

Charles Beadoun Public School and M.M. Robinson High School are expected to be at or under building capacity. As a result, students generated from this development are expected to be accommodated in the respective schools with minimum impact on the facility. Dr. Frank J. Hayden Secondary School is projected to be over building capacity. As a result, students from the development are expected to be accommodated with the addition of portables.

The HCDSB comments that if the development was to proceed today, elementary students generated from this proposal would be accommodated at Sacred Heart of Jesus Catholic Elementary School. Secondary school students would be directed to Corpus Christi Catholic Secondary School.

Neither school boards have objections to the proposed applications subject to conditions to be fulfilled prior to final approval, including that all offers of purchase and sale to prospective purchasers include an advisement that school buses pick up points will be generally located on streets convenient to the boards.

Canada Post – The project will be serviced by centralized mail delivery through Canada Post's Community Mail Boxes. The developer is to consult with Canada Post to determine suitable permanent locations for the placement of Community Mailboxes and to indicate these locations on appropriate servicing plans.

Enbridge Gas (formerly Union Gas) – No objections. As a condition of final approval, the Owner is to provide to Enbridge Gas the necessary easements and/or agreements required by Enbridge for the provision of gas services for the project, in a form satisfactory to Enbridge.

Bell Canada – No objections. As a condition of approval, the Owner is to agree "that should any conflict arise with existing Bell Canada facilities [...] the Owner shall be responsible for the relocation of any facilities or easements at their own cost."

Rogers Communications – No objections. As conditions of approval, the Owner is to agree to allow all licensed telecommunications companies to install facilities within the subdivision and provide the necessary easements and utility infrastructure plans and timing of infrastructure installation to the communications service providers.

Halton Police – No objections.

Hydro One – No objections.

City of Burlington's Zoning staff – No objections. All lots comply with the minimum lot width and area.

City of Burlington's Engineering Services – Accessibility staff – No comments at this time.

City of Burlington's Transit staff – No objections.

Region of Halton – No objections. Region of Halton staff do require a revision as the scope of the soil sampling program is limited and not representative for the site which has been included as a condition of draft approval for the plan of subdivision.

City of Burlington's Urban Forestry and Landscaping staff – No objections. The City's Urban Forestry and Landscaping staff do require amendments to the Arborist Report as the tree inventory table does not meet the requirements which have been outlined in the comments. A condition of draft approval of this plan will be to that the revised Arborist Report is received to the satisfaction of the City's Urban Forestry and Landscaping staff.

City's Fire Department – No objections.

City's Finance Department – No objections. Property taxes must be paid in full, including all installments levied.

City's Site Engineering – No objections. The City's Site Engineering staff require amendments to the Functional Servicing and Stormwater Management Report which will be a condition of draft approval for the plan of subdivision.

Financial Matters:

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

Total Financial Impact

Not Applicable.

Source of Funding

Not Applicable.

Other Resource Impacts

Not Applicable.

Climate Implications

In February 2020, City Council approved the City of Burlington Climate Action Plan to support the City's path towards a low-carbon future, focusing on mitigating greenhouse gases and reducing energy consumption. The Plan identifies seven implementation programs, including, programs to enhance energy performance for new and existing buildings; increase transit and active transportation mode shares; electrify City, personal and commercial vehicles and other currently gas-powered equipment; and support waste reduction and diversion.

The proposed development contributes to the intensification of the City's urban area and will introduce additional residents to a location that is within reasonable proximity to parks, neighbourhood conveniences and transit services. As such, the proposed development supports reduced automobile trip lengths, transit usage, and consequently reduced greenhouse gas emissions.

Furthermore, while the proposed development increases the amount of impervious surface on the subject site. The site has been graded to split the drainage towards two different outlets. One outlet will drain towards Millcroft Park Drive and the other will drain towards Clubview Drive to the southeast through Taywood Park and Charles R. Beaudoin Public School. Providing two drainage outlets for this site will therefore improve the climate resilience of surrounding properties from a stormwater and drainage perspective.

Engagement Matters:

The applicant held a virtual Pre-Application Community Consultation Meeting on September 23, 2021, prior to the submission of the applications. Approximately 59 residents, Ward 6 Councillor Bentivegna, Mayor Meed Ward, and City Planning staff attended the meeting.

Notice signs were posted on the subject lands in November 2021. A public notice of the Plan of Subdivision applications was mailed on November 17, 2021 to all property owners and tenants within 120 m of the subject site.

A webpage was created on the City of Burlington website, accessible at www.burlington.ca/4375millcroft. This webpage provides information about the subject application including dates of public meetings, links to supporting studies, and contact information for the applicant's representative and Community Planning Department.

The Statutory Public Meeting was held February 1, 2022 where staff were directed to proceed with processing the submitted Plan of Subdivision.

Public Comments

In response to public circulation, staff received 17 comments out of 149 notices from members of the public, which included comments from the community group, Millcroft Against Development. A copy of the public comments received is attached as Appendix C to this report. The general themes of the written comments and staff's response are provided in Table 3 below.

Table 3 – Summary of Public Comments Received and Staff's Response

Public Comment	Staff Response
Increased impervious surfaces will negatively impact flooding towards neighbouring residential properties including those on Rosemead Court, Millcroft Park Drive, Sarazen Drive, and Price Court.	The proposed development will have drainage towards Clubview Drive through Taywood Park and Charles R. Beaudoin Public School. The emergency overflow route will be directed to a low point on Taywood Park. The City's Site Engineering staff are satisfied at this time and will require an amended Functional Servicing and Stormwater Management Report as a condition of draft approval for the plan of subdivision.
Proposed increase in density will increase traffic on Millcroft Park Drive, Taywood Drive and neighbourhood streets, leading to congestion and unsafe streets for pedestrians and cyclists.	Transportation Services has reviewed the revised Transportation Impact Study that was submitted. Traffic is anticipated to increase in the area, however, given the size of the development, the traffic associated with the build out is minimal (22 two-way trips in the AM and 32 two-way trips in the PM). Traffic Operations also performs traffic calming warrant studies every couple of years to aid in slowing down traffic speeds and volumes. Sarazen Drive has met the traffic calming warrant and is on their list to implement such measures. As the build out of the development occurs, these traffic calming studies will continue, and Traffic Operations will make the appropriate changes as needed.
Proposed crescent will create more traffic than a cul-de-sac.	Planning staff have discussed the difference between a crescent street and cul-de-sac. It was expressed to planning staff that a crescent street was preferred as it provides two entrances into the proposed new subdivision.
Proposed construction in relation to the other development in the area will disrupt the community.	The City has received a CMMP that will be reviewed to the satisfaction of the Director of Engineering Services and the Director of Transportation Services. The CMMP is required to

	minimize the impact to residents, vehicles, pedestrians, and local businesses.
Proposed increase in density will create more pollution in the area from increased traffic.	The plan of subdivision proposes 30 lots for single-detached dwellings that have frontage on a proposed new public road connecting to Millcroft Park Drive and Taywood Drive. The proposed new lots on the 2.4ha vacant land represents the natural evolution of the property as it is fitting with the surrounding residential low-density development. The development is considered to be well connected to residential amenities and supports such as public transit, shopping centres, and Taywood Park. This is anticipated to reduce vehicular trips as these amenities are within walking distance.
Proposed development will remove a green space from the Millcroft Park Drive area.	The subject property is zoned R3.2 which permits low density residential use. The property is not currently zoned to permit a green space. The property is also adjacent to Taywood Park which is a publicly owned property that services the community. Through this proposal Block 31 will be dedicated to the City and added to Taywood Park.
Proposed increase in growth will not be supported by the existing infrastructure.	The Region of Halton has reviewed the applicant's Functional Servicing Report and has found that the report is satisfactory for the required servicing for the purposes of the subdivision application. In terms of the surrounding area, the subject property is in reasonable proximity to parks, neighbourhood conveniences and transit services.
Proposed plan does not show a catchment basin for proposed lots #9, #10, and #11.	The City has received revised plans from the applicant showing rear lot catch basin easements for lots #9, #10, and #11. Engineering Services has reviewed and is satisfied, subject to conditions.

Conclusion:

Staff's analysis of the application for a Plan of Subdivision considers the applicable policy framework and the comments submitted by technical agencies and the public. Staff find that the application is consistent with the Provincial Policy Statement and conforms to the Provincial Growth Plan, the Regional and City Official Plans, and the Zoning By-law 2020.

It is therefore recommended that draft approval be given for a residential plan of subdivision to facilitate the creation of 30 single-detached dwelling lots and a public road, subject to the conditions attached as Appendix B to Report PL-64-22.

Respectfully submitted,

Jaclyn Schneider

Planner II

905-335-7600 Ext. 7326

Appendices:

- A. Sketches
- B. Conditions of Subdivision Approval
- C. Public Comments

Notifications:

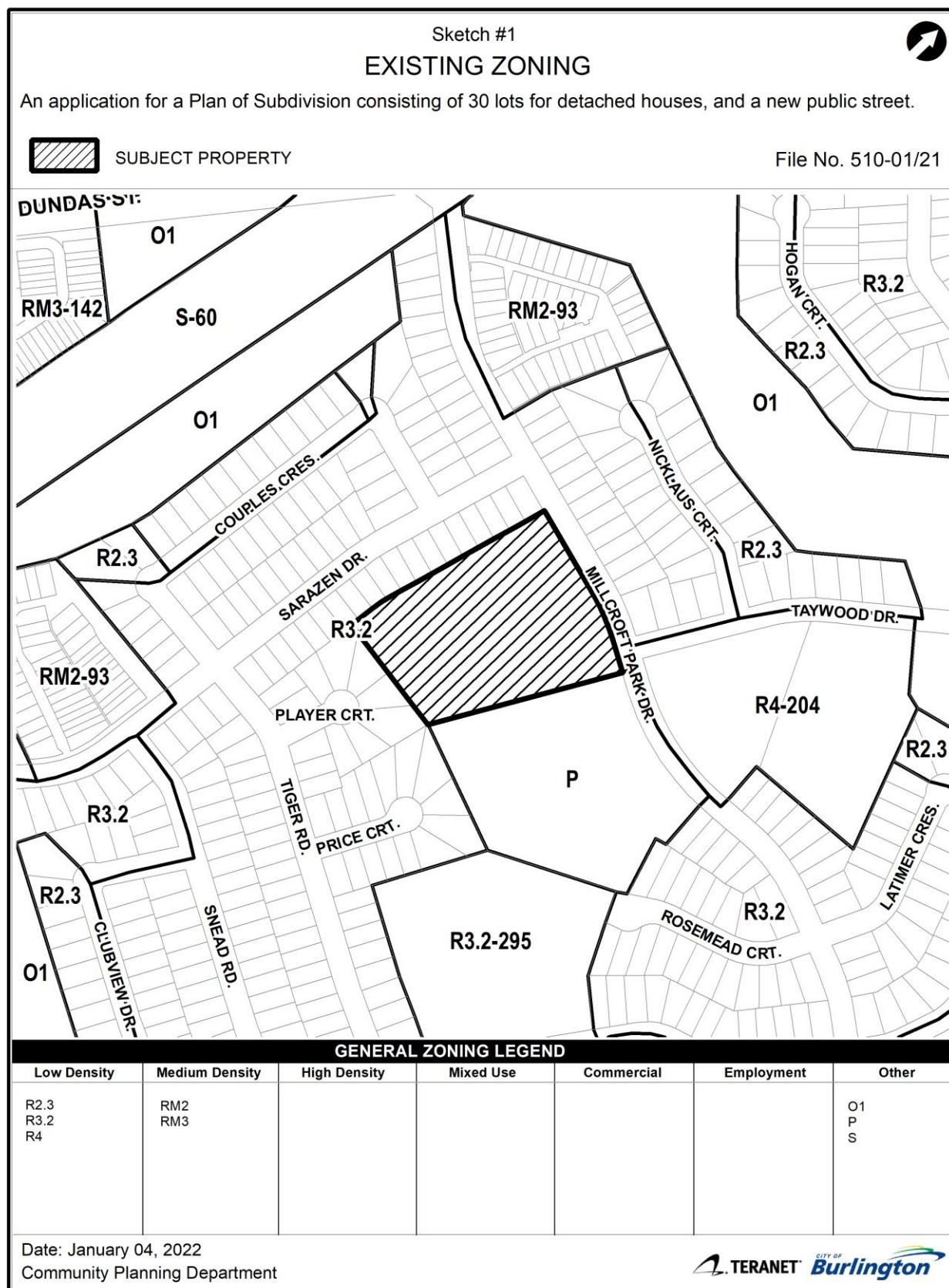
Lisa La Civita, Salotto Building Group Inc.

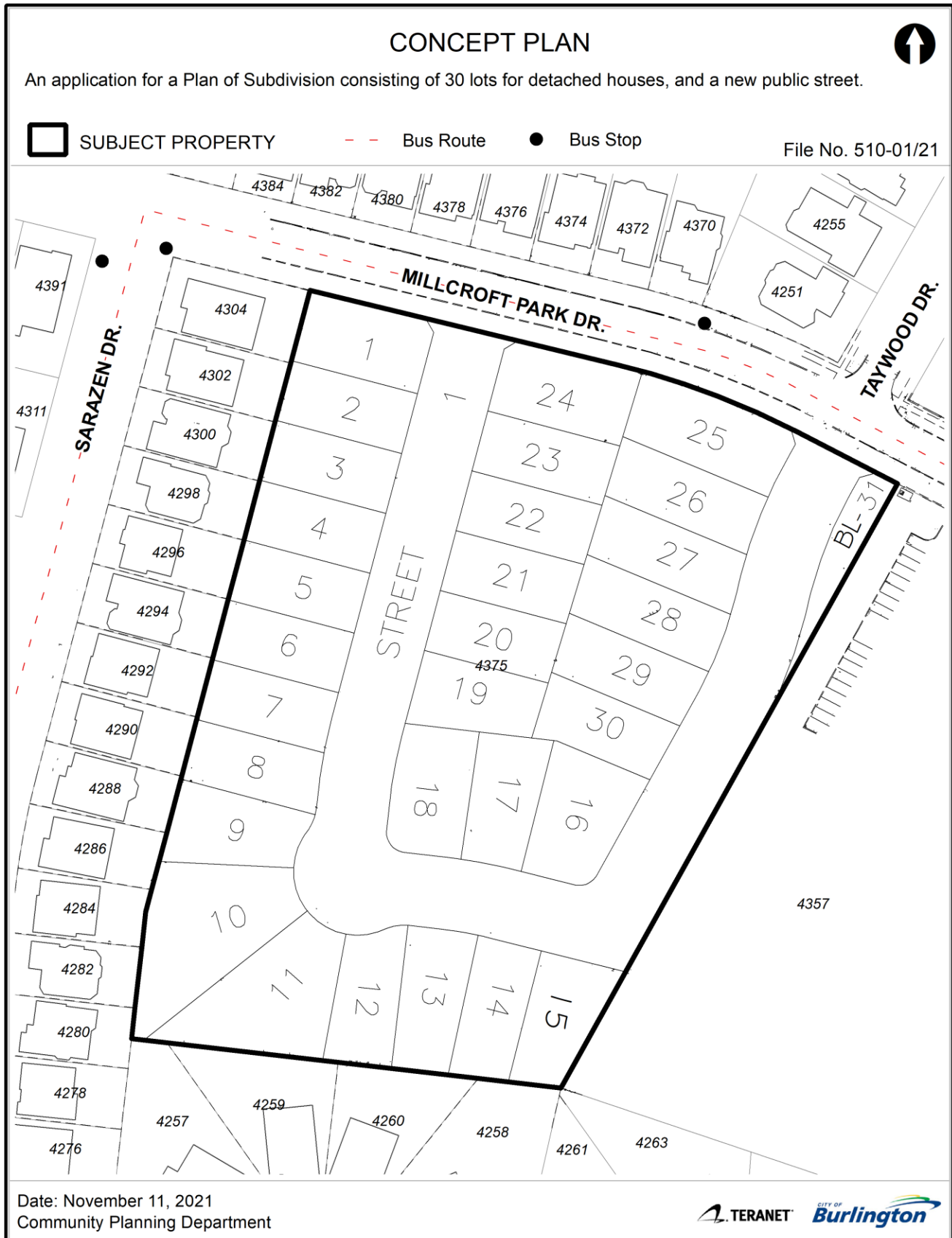
llacivita@armlandgroup.com

Report Approval:

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Counsel.

Appendix A – Sketches







**CONDITIONS APPLYING TO THE APPROVAL OF THE FINAL
PLAN FOR REGISTRATION OF PLAN OF SUBDIVISION BY:**

Salotto Building Group Inc.

The Conditions which shall be fulfilled prior to final approval of this Plan of Subdivision as follows:

1. This approval applies to the draft plan of subdivision prepared by KLM Planning Partners Inc, Draft Plan of Subdivision Block 133, Reg. Plan 20M-811 dated October 14, 2021.
2. Prior to final approval, the owner shall sign the City of Burlington's Standard Subdivision Agreement and any other necessary agreement(s) in effect on the date of signing thereof, within three years of the date of draft approval; and acknowledge the implications of the standard conditions contained in the City's Standard Subdivision Agreement, failing which, the draft approval shall lapse.
3. The owner shall complete the following to the satisfaction of the Director of Engineering Services of the City of Burlington:
 - a) Dedicate to the City free of charge the following:
 - i) an 18 metre road allowance for Street 1";
 - ii) 3 metre by 3 metre daylight triangles where Street "1" intersects with Millcroft Park Drive;
 - iii) any easements over the subject property required for access, drainage, services and/or utilities;
 - iv) any easements over adjacent properties as required to accommodate access, services and/or overland flow swales.
 - v) Block 31 (Park – 0.034ha).
 - b) Prepare and deposit all reference plans required for the foregoing dedications and a reference plan showing the boundaries of the property to UTM, NAD 83 Datum and provide the City a digital copy of the plan in .dwg format with all points and line work on separate layers.
 - c) Submit a copy of the updated parcel register when survey plans are submitted for the preparation of the Subdivision Agreement.
 - d) Pay for the cost of lifting 0.3 metre reserves, as may be required.

- e) In the event that during ongoing subdivision and house construction the land is determined not to be suitable for the proposed use, agree (at no cost to the City) to undertake further investigative studies and perform all necessary works required to make the land suitable for the proposed use.
- f) Agree to submit a Geotechnical Study, for approval, and to implement the recommendations of the approved Geotechnical Study for subdivision servicing, road construction as well as house construction (including details for house construction on fill lots).
- g) Agree to submit an Environmental Noise and Vibration Study, for approval, and to implement the recommendations of the approved Environmental Noise and Vibration Study.
- h) Agree to make provisions in all Offers, Leases and Reservations Agreements inserting the necessary environmental noise and vibrations warning clauses of the approved Environmental Noise and Vibration Study.
- i) Agree to provide certification by an Acoustical Engineer that the builder's plans are in conformance with the approved recommendations of the Environmental Noise and Vibration Study prior to the issuance of building permits. The Owner shall also agree that all affected lots will be deemed unbuildable until such certification is received and accepted by the City.
- j) Agree to verify the actual indoor and outdoor environmental sound levels on-site and provide certification by an Acoustical Engineer that the approved recommendations of the Environmental Noise and Vibration Study have been implemented and satisfy the criteria of the City and the MECF prior to the release of the related securities.
- k) Agree to submit a Traffic Impact Study, for approval, and to implement the recommendations of the approved Traffic Impact Study.
- l) Agree to submit a Functional Servicing Report, for approval, and to implement the necessary stormwater management recommendations of the approved Functional Servicing Report. The Owner shall also agree to make any revisions to the draft plan necessary to implement the approved recommendations.
- m) Agree to submit a Postal Service Report, for approval, and to implement all necessary recommended facilities. All proposed facilities are to be shown on the approved engineering drawings.
- n) Agree to submit an On-Street Parking Plan for each street indicating proposed driveway locations and on-street parking spaces, in order to ensure that sufficient area is provided for on-street parking.
- o) Agree to submit a Tree Inventory and Preservation Study, for approval, and to implement the recommendations of the approved Tree Inventory and Preservation Study. The Owner shall also agree to submit a Tree Preservation Plan, for approval, in conjunction with the approved engineering and landscaping drawings. The Tree Preservation Plan will make satisfactory provisions for the preservation of any existing

trees, where feasible, in accordance with the City of Burlington Tree Protection and Preservation Specification SS-12A.

- p) Agree to obtain a Public Tree Permit to remove trees from the City's right-of-way. The name of the contractor providing the removal service, a copy of their WSIB and their certificate of liability (\$2,000,000 minimum) must also be provided prior to issuance of the Public Tree Permit.
- q) Agree that no stockpiling or use of Taywood Park for construction staging will be permitted without the written approval of the Director of Engineering Services.
- r) Agree to provide erosion and siltation control measures for construction works within Taywood Park.
- s) Agree to provide a Parkland Site Disturbance security to ensure any necessary rehabilitation of Taywood Park due to construction activities to the satisfaction of the Director of Engineering Services.
- t) Agree that should the development be phased, a phasing plan must be submitted prior to the registration of the first phase of subdivision. The phasing plan will incorporate an Agreement (to the satisfaction of the Director of Engineering Services) that must indicate the timing and sequence of development (including tree removal) for each phase and include securities to guarantee the implementation of the plan.
- u) Agree to ensure construction access, traffic and parking to the satisfaction of the Director of Engineering Services during all stages of construction and agree to pay for any required signage, barricades or other measures, as needed.
- v) Agree to design, locate and erect signs prior to the sale of any lots and prior to commencement of subdivision construction which provide notification of: the proposed land uses, road pattern, lotting, phasing of the proposed subdivision, the properties abutting the development, location of postal facilities, transit route locations and lots subject to warning clauses. The signs shall be resistant to weathering and vandalism. All lots and blocks shall be deemed unsuitable for building until the above has been satisfied.
- w) Agree to submit an Erosion and Siltation Control Plan, for approval, and implementation during all phases of construction, including servicing and building construction.
- x) Agree to obtain the necessary demolition permit(s) and post the necessary securities to ensure the proper removal of all existing onsite buildings and structures if applicable.
- y) Agree to pay for any alterations to existing utilities, pavement and services that may be necessary to accommodate the connection of Street "1" with Millcroft Park Drive and should the proposed intersection need to be adjusted/relocated agree to make the necessary revisions to the Draft Plan.
- z) Agree to complete all construction works, including but not limited to grading, servicing, roads, sidewalks and driveway locations, in accordance with the approved engineering drawings.

- aa) Agree to provide street tree planting and landscaping to the satisfaction of the City Arborist.
- bb) Agree to install all servicing and utilities (including hydro) throughout the development underground.
- cc) Agree to submit an overall Utility Coordination Plan, for approval, addressing the location (shared or otherwise), timing and phasing of all required utilities (on-grade, below-grade or above-grade), including gas, electrical, telecommunications, water, wastewater and stormwater services. Such overall utility distribution plan shall be to the satisfaction of all utility providers and shall be approved by the City prior to construction of any of the required utilities.
- dd) Prior to servicing of the plan, the Owner agrees to inform the City which telecommunications and electrical utilities will be installing services in the subdivision. Once identified, these telecommunications and electrical utilities shall confirm in writing with the City that their requirements have been satisfied.
- ee) The Developer shall agree to the following:
 - i) Permit the following telecommunication providers to locate their plant in a common utility trench within any future public highway of the Plan provided they have entered into, or are in the process of entering into, a Municipal Access Agreement with the City ("Telecommunications Providers"):
 - All "Canadian carrier" telecommunications service providers (as defined in subsection 2(1) of the Telecommunications Act);
 - A "distribution undertaking" (as defined in subsection 2(1) of the Broadcasting Act).
 - ii) Within 10 business days of receiving a list of Telecommunications Providers from the City, the Developer shall notify all Telecommunications Providers of the Plan and request to be notified within 10 business days as to whether they intend to locate their plant within any future public highway of the Plan.
 - iii) Make satisfactory arrangements (financial and otherwise) with the City, Telecommunications Providers and other utilities for the installation of each facility in a common utility trench within future public highways prior to commencing any work within any future public highway of the approved draft plan of subdivision.
 - iv) The ability of any Telecommunications Provider to install its plant in a timely and efficient manner shall not be limited.
 - v) Where works have commenced on Plans that have not been granted final approval as of September 24, 2001, the City and the Developer shall work with any Telecommunications Providers excluded from the development to allow for expeditious installation of the Telecommunications Providers' plant in a reasonable manner and location, as approved by the City.

- vi) Install, at the Developer's own expense, 100mm diameter ducts at all road crossings for the use of Telecommunications Providers. The exact location and detailed specifications for these ducts shall be shown on the approved drawings.
- vii) Acknowledges and agree that the City may refuse to accept or assume any or all streets within the Plan until the provisions of this section have been complied with.
- ff) Agree that foundation drainage shall discharge directly into the storm sewer either by gravity or sump pump installation. Connections by gravity will not be permitted unless hydraulic grade line analysis confirms that surcharging of the storm sewer during a 100-year design storm will not result in any basement or foundation damage.
- gg) Prior to commencement of any excavation, install solid board barriers around all trees to be preserved, to be maintained during all phases of servicing and development and ensure that trees designated for preservation are not removed or damaged.
- hh) Agree that any trees identified for preservation which are removed or damaged as a result of construction activity shall be replaced with an equivalent value of tree planting, as determined by the City Arborist.
- ii) Agree to install temporary street name and stop signs on streets throughout the development after placement of base asphalt and prior to building permits being issued and maintain the signs until such time as the permanent signs have been installed by the City.
- jj) Agree to construct the necessary fencing as shown on the approved engineering drawings, namely between all residential boundaries abutting either open space/creek blocks, parks, walkway blocks, school blocks or commercial blocks and business blocks abutting either open space/creek blocks or transit corridor block, if applicable.
- kk) Agree to comply with the City Policy in effect at the time of subdivision registration with respect to "Site Conditions in Subdivisions":
 - i) Agree to provide a cash deposit to be used by the City for contracted or in-house expenses for dealing with non-compliance with City requirements for control of mud, dust and debris on roads and further agree that inspection staff time for invoicing on work undertaken will be charged at double the normal rate;
 - ii) Agree to hire a contractor on retainer to deal with after hour problems related to unsafe situations in active subdivisions and provide the City with the contractor's 24 hour/7 days a week emergency contact phone number;
 - iii) Agree to install "Illegal Dumping Prohibited" signs at all lots/blocks intended for future development;
 - iv) Agree to regrade and seed within 7 days, and cut weeds and remove debris within 48 hours, of a request by the City on any undeveloped lots or blocks as many be requested;
 - v) Agree to provide a cash deposit to be used by the City for contracted or in-house expenses for dealing with City requirements for control of grading issues, weed

control and debris removal, and further agree that inspection staff time for invoicing on work undertaken will be charged at double the normal rate;

- vi) Agree to grade, place topsoil and seed any lot or block within 7 days of initial grading or topsoil stripping which is not intended for development within 45 days. This requirement may vary depending on the season of the activity. The City will exercise discretion in applying the seeding requirement. In addition, temporary perimeter post and wire fencing is to be installed for any school or park block, if applicable;
 - vii) Agree to provide an overall phasing schedule identifying proposed house construction (start dates/occupation dates), tentative grading, sodding and tree planting schedules in accordance with the City's grading and sodding policy and schedule;
 - viii) Agree that sidewalk installation, lot and boulevard grading/sodding will be completed within 9 months of occupation and agree that at the time of sidewalk installation, the boulevard is to be rough graded to the level of the sidewalk should the boulevard sodding be delayed. Additionally, the owner agrees to complete all the boulevard tree planting and associated landscaping within 18 months of adjacent home occupation.
- ll) Agree to provide all new home purchasers in the subdivision with an information brochure containing information on the ecological value and function of natural areas within the community to be preserved and appropriate stewardship behaviour such as domestic pet control, no debris/dumping. No vegetation removal, etc.
 - mm) Agree to make available to all purchasers a copy of the City of Burlington "Information Sheet for New Home Buyers."
 - nn) Agree to display copies of the signed engineering drawings (specifically the "Utility Coordination Plan") in the sales office when they become available, for the information of purchasers.
 - oo) Agree to display a copy of the approved draft plan and draft plan conditions in the sales office for the information of purchasers.
 - pp) Agree to provide copies of the draft plan conditions for the review of purchasers, if requested.
 - qq) Agree to provide storm sewer video inspection as per the current City standard.
 - rr) Agree to provide written certification by the Civil Engineer prior to final assumption of the subdivision that the municipal infrastructure, including the underground services (i.e. storm sewers, etc.) and aboveground services (i.e. roads, sidewalks, boulevards, etc.), has been constructed in conformance to the City standards and in accordance with the approved engineering drawings.
- 4. Complete the following to the satisfaction of the Director of Roads, Parks and Forestry:
 - a) Agree to compensate for the removal of public trees by replanting in the City's right of way as required (to the satisfaction of the City Arborist).

- b) Agree to pay for any site visits and the implementation of the preservation methods to be completed by an appropriately credentialed arborist as recommended in the approved Tree Inventory and Preservation Plan.
 - c) All proposed tree and landscape planting on site and in the right of way must conform to species lists provided in Conservation Halton's Landscaping and Tree Preservation Guidelines.
5. Complete the following to the satisfaction of the Director of Engineering Services and Director of Transportation Services:
- a) Agree to submit a Construction & Mobility Management Plan (CMMP), for approval and implementation during all phases of construction, including servicing and building construction.
 - b) Contractor shall notify Parking Services when proposed signage locates have been completed and signage is ready for installation.
6. The owner shall complete the following to the satisfaction of the Directors of Engineering Services, and Urban Forestry and Landscaping Departments of the City of Burlington:
- a) The applicant shall submit revised Landscape Plans for review and approval to the satisfaction of the Director of Engineering Services or designate.
 - b) The applicant shall submit a revised Tree Inventory and Preservation Plan and Arborist Report for review and approval to the satisfaction of the Manager of Urban Forestry/City Arborist or designate.
 - c) The applicant shall retain an ISA certified Arborist and submit a signed undertaking between both parties that describes the work to be performed in accordance with the prescribed mitigative measures as outlined within the Arborist Report prepared by Strybos Barron King to be performed pre, during and post construction.
 - d) The applicant shall obtain a Tree Permit for the removal of all public trees and for all work to be performed within the minimum tree protection zone and critical root zone and drip line of public trees in accordance with the Public Tree By-law 68-2013. Securities will be required to be posted for those public trees to be retained and compensation as cash-in-lieu for those to be removed in accordance with the City's method of calculation (aggregate caliper method). A Tree permit will be issued upon receipt of the following:
 - i. Council approval and approval of the subdivision application.
 - ii. Submission and approval of a letter of retention and undertaking of the contractor (certified arborist) performing the removals and work around public trees including proof of WSIB certificate and proof of commercial general liability to a limit not less than \$2,000,000.
 - iii. Payment of prescribed fees as outlined, inclusive of permit fees, securities and compensation.
 - e) The applicant is required to install protective tree hoarding as prescribed within the approved Tree Inventory and Preservation Plan and Arborist Report. All protection measures shall be installed and designed in accordance with the City of Burlington Tree Protection and Preservation specification No. SS12A. Tree protection must be installed prior to construction.

- f) Submit for review and approval any other documents/drawings/items as deemed necessary by staff once revised drawings and reports and other materials are received.
 - g) Pay the City fees and post securities as identified in Schedule D
- 7. The owner shall complete the following to the satisfaction of the Director of Engineering Services and the City Solicitor of the City of Burlington:
 - a. Agree to include the following clauses in a registered portion of the subdivision agreement and agree to ensure that warning clauses to this effect are included on all offers to purchase and sale and reservation agreements for all residential units:
 - i) "Purchasers/tenants are advised that there may be above-ground utility facilities such as fire hydrants, hydro transformers and cable pedestals located in front of their property within the City's road allowance or on easements."
 - ii) "Purchasers/tenants are advised that a drainage swale may exist across the rear of the property and that the drainage swale as indicated on the approved engineering drawings is not to be altered or blocked in any way, nor are any structures, (sheds, etc.) fencing excepted, to be erected within the drainage swale without the prior approval of the City of Burlington."
 - iii) "Purchasers/tenants are advised that due to limited on-street parking, the City of Burlington will not issue driveway curb cut widening permits."
 - iv) "Purchasers/tenants are advised that a 1.5 metre concrete sidewalk may be constructed adjacent to the property line and that this will limit the parking space in front of the unit to one vehicle in the driveway between the garage and sidewalk."
 - v) "Purchasers/tenants are advised that the City of Burlington Zoning By-Law standards require a minimum of two parking spaces to be provided per dwelling unit, one of which may be provided in the garage. Furthermore, the City of Burlington Parking By-Law limits on-street parking to five hours."
- 8. The owner shall complete the following to the satisfaction of the Director of Engineering Services and the City Solicitor of the City of Burlington:
 - a) prior to any land being conveyed to the City of Burlington, including roads, road widening, stormwater management facilities, open space, parks, creek blocks and buffers, that the owner undertake an environmental audit and agree to undertake any work to clean the site of soil contamination to make the land suitable for the use proposed.
 - b) Acknowledge that the suitability of the land for the proposed use is the responsibility of the landowner, and that prior to registration of the plan, the Owner shall undertake an environmental assessment performed by a Qualified Person to ensure that the land is suitable for the proposed use. If in the opinion of the Qualified Person, the environmental site assessment indicates the land may not be suitable for the proposed use, the Qualified Person must so advise the Ministry of the Environment Conservation and Parks and the City of Burlington. The Owner undertakes to do further investigative studies and to do all works required to make

the lands suitable for the proposed use. The Owner shall also agree to make available for inspection to all prospective purchasers copies of the completed Environmental Site Assessment and Record of Site Condition, if applicable.

9. The owner shall complete the following to the satisfaction of the Director of Community Planning of the City of Burlington:
 - a) provide a list of lot and block widths and areas prepared by an Ontario Land Surveyor, to ensure all blocks conform to Zoning by-law 2020, as amended
 - b) prior to final approval, pay any outstanding City staff processing costs incurred to that date in the processing of the application
 - c) prior to final approval, pay the City's per unit registration processing fee;
 - d) prior to the issuance of draft approval, provide proposed street names for all streets in the plan.
10. Complete the following to the satisfaction of the Director of Community Planning and Director of Engineering Services of the City of Burlington:
 - a) agree to display a copy of the approved draft plan and draft plan conditions in the sales office for the information of purchasers;
 - b) agree to provide copies of the draft plan conditions for the review of purchasers, if requested;
 - c) agree to display copies of the signed engineering drawings in the sales office when they become available, for the information of purchasers;
 - d) agree to make available to all purchasers a copy of the City of Burlington "Information Sheet for New Home Buyers".
 - e) agree to provide all new home purchasers in the subdivision with an information brochure containing information on the ecological value and function of the natural areas within the community to be preserved, and appropriate stewardship behaviour such as domestic pet control, no debris/garbage dumping, no vegetation control and no pedestrian access except at specified trail locations.
 - f) agree to provide a cash deposit to be used by the City for contracted or in-house expenses for dealing with non-compliance with City requirements for control of mud, dust and debris on roads and further agree that inspection staff time for invoicing on work undertaken will be charged at double the normal rate.
 - g) agree to hire a contractor on retainer to deal with after hours problems related to unsafe situations in active subdivisions and provide the City with the contractor's 24 hour/7 days a week emergency contact phone number.
 - h) agree to install "Illegal Dumping Prohibited" signs at all blocks intended for future development.

- i) agree to regrade and seed within 7 days, and cut weeds and remove debris within 48 hours, of a request by the City on any undeveloped lots or blocks as may be required. The City will exercise discretion in applying the seeding requirement. In addition, temporary perimeter post and wire fencing is to be installed for any school or park block.
 - j) agree to provide a cash deposit to be used by the City for contracted or in-house expenses for dealing with City requirements for control of grading issues, weed control and debris removal, and further agree that inspection staff time for invoicing on work undertaken will be charged at double the normal rate.
 - k) agree to provide an overall phasing schedule identifying proposed house construction, (start dates/occupation dates) tentative grading, sodding and tree planting schedules in accordance with the City's grading and sodding policy and schedule.
 - l) agree that sidewalk installation, lot and boulevard grading/sodding will be completed within 9 months of occupation and agree that at the time of sidewalk installation, the boulevard is to be rough graded to the level of the sidewalk should the boulevard sodding be delayed. Additionally, the owner agrees to complete all the boulevard tree planting and associated landscaping within 18 months of adjacent home occupation.
11. The owner shall complete the following to the satisfaction of the Director of Engineering Services of the City of Burlington, the Region of Halton and the Halton District School Board.
- a) The developer shall agree that, should development be phased, a phasing plan shall be submitted prior to final approval of the first phase. The phasing plan will indicate the sequence of development, the land area in hectares, the number of lots and blocks for each phase, and the proposed use of all blocks including the proposed number of units, all to the satisfaction of the City of Burlington, Region of Halton and the Halton District School Board. The phasing plan will incorporate an agreement (to the satisfaction of the City's Director of Engineering) that must indicate the timing and sequence of development for the remaining lands and include securities to guarantee the implementation of the plan.
12. The owner shall complete the following to the satisfaction of Halton Region:
- a) That the owner agrees, by entering into subdivision agreements, to satisfy all the requirements, financial or otherwise of the local municipality and the Region including but not limited to, the phasing of the plan for registration, investigation of soil contamination and soil restoration, the provision of roads, boulevard grading and restoration, installation of watermains, wastewater mains, drainage works, stormwater facilities and utilities. This agreement is to be registered on title to the lands.
 - b) That a detailed engineering submission shall be prepared and submitted to the Region's Development Project Manager for review and approval prior to the preparation of the Regional subdivision agreement. At the time of first engineering submission for the works under the Regional Subdivision Agreement process, the property owner shall submit the initial Engineering & Inspection Fee Deposit of

\$5,000.00 plus \$ 650.00 HST (\$5,650.00). This fee is subject to change and is the correct fee at the time of this letter (February 2021).

- c) All works which are the responsibility of the Owner to complete shall be supervised during construction by a licensed Professional Engineer of the Province of Ontario with all professional engineering fees paid by the Owner. The Owner's engineer must provide competent full time inspection staff on site during construction activities to obtain the required "as constructed" field information, and to ensure compliance with the approved drawings and the Region's Current Construction and Design Standards.
- d) Upon draft approval, Regional services within the plan of subdivision may be installed, provided that the engineering drawings have been approved by the Region and City of Burlington, the Regional subdivision agreement has been executed, appropriate financial security has been posted, all relevant fees have been paid to the satisfaction of the Region, and all requisite government approvals have been obtained and notices given to all public utilities.
 - i. The Owner agrees to provide the Region with "as constructed" drawings of the water and wastewater services, certified by a professional engineer, before commissioning of the services takes place.
- e) That the owner acknowledges, in writing, that registration of all or part of this plan of subdivision may not take place until notified by Halton's Development Project Manager that sufficient water capacity exists to accommodate this development.
- f) The owner acknowledges, in writing, that registration of all or part of this plan of subdivision may not take place until notification by Halton's Development Project Manager that sufficient Wastewater Plant capacity exists to accommodate this development.
- g) That the owner acknowledges, in writing, that registration of all or part of this plan of subdivision may not take place until notification by Halton's Development Project Manager that sufficient storage and pumping facilities and associated infrastructure relating to both water and wastewater are in place.
- h) The owner acknowledges that there may not be sufficient water or wastewater plant capacity; storage or pumping facilities and associated infrastructure to accommodate this development and that additional capacity may not become available within the term of this draft approval. The owner acknowledges that granting of draft plan approval does not imply a guarantee by the Region to service this development within the term of draft approval. The Region's Development Project Manager will advise the owner in writing at the time of first submission for engineering design approval of the availability of capacity of Regional services and the capacity available for the owner's development. The registration of all of part of this plan shall not take place until the Region's Development Project Manager has confirmed that capacity exists to accommodate this development.
- i) The owner agrees to conduct a survey of the static water level and quality of all wells within 500 metres of the plan. The owner further agrees to resolve any claims of well interruption due to the construction of municipal services to the satisfaction of Halton's Development Project Manager.
- j) The owner acknowledges that while their Functional Servicing Report, GEI Consultants Inc, dated October 2021, has been prepared in support of the subdivision application, some aspects of the report are general in nature and can only be finalized at the detail design stage when the consultant's servicing design has been drafted by them and reviewed by the Region against the Region's most current servicing standards, policies and guidelines, that are in effect at the time of future development of the subdivision, and the lots and the future blocks.

- k) The Owner agrees that should the development be phased, the Owner shall submit a phasing plan prior to final approval of the first phase. The phasing plan will indicate the sequence of development, the land area in hectares, the number of lots and blocks for each phase and the proposed use of all blocks including, the proposed number of units, the specific lots to be developed, site access to each phase, grading and the construction of public services. The phasing must be reflected in all engineering reports.
 - l) The owner is required to comply with Ontario regulation 153/04 and Halton Region's Protocol for Reviewing Development Applications with respect to Contaminated Sites, to the satisfaction of the Halton Region. Prior to the registration of any portion of draft plan of subdivision 24T-21001/B and prior to any servicing or grading of the site, the Phase 1 ESA prepared for the subject lands shall be revised to the satisfaction of Halton Region. This report shall also be prepared and certified by a qualified person as defined in Ontario regulation 153/04 and indicate that the environmental condition of the site is suitable for its proposed land use. The owner is also required to submit all supporting environmental documentation such as Phase One and Two Environmental Site Assessments (as are prepared) and remediation reports etc. (as necessary) to the Halton Region for their review. The author of the environmental reports and Record of Site Condition (if secured) must also extend third party reliance to Halton Region.
 - m) The Owner's surveyor shall submit to the Region of Halton, horizontal co-ordinates of all boundary monuments for the approved draft plan of subdivision. These co-ordinates must be to real 60 UTM co-ordinates, NAD 83 datum.
 - n) Prior to registration, the Owner shall submit to the Halton Region, Planning Services Department six (6) folded copies of the final draft plan of subdivision along with applicable Appendix D from the Land Registry Office for sign off. Upon acceptance, the City will forward these materials to the Region for final sign-off.
 - o) That the owner acknowledges, in writing, that the developer will be responsible for collection and disposal of all waste until the developer is able to confirm that the development has reached 90% occupancy and demonstrate that a waste collection truck is able to safely and consistently perform collection services without obstruction or delay, to the satisfaction of the Region.
 - p) That the owner acknowledges, in writing, that appropriate warning clauses with respect to waste collection timing be added to the Subdivision agreement, to the satisfaction of the Region.
 - q) That the owner acknowledges, in writing, As part of the Purchase and Sale Agreement, the Developer, Owner, Property Manager or Agent for the development must disclose in writing, to a prospective buyer of a unit within the development, that waste collection for the proposed development will not commence until he proposed development is 90% occupied and that a Waste collection truck is able to safely and consistently perform collection services without obstruction or delay, to the satisfaction of the Region.
13. The Owner shall complete the following to the satisfaction of Enbridge Gas (formerly Union Gas Ltd):
- a. Provide to Union Gas Limited the necessary easements and/or agreements required by Union Gas Limited for the provision of gas services for this development, in a form satisfactory to Union Gas Limited.
14. The Owner shall complete the following to the satisfaction of Rodgers Communications:

- a. The Owner shall agree in the Subdivision Agreement to (a) permit all CRTC-licensed telecommunications companies intending to serve the Subdivision (the "Communications Service Providers") to install their facilities within the Subdivision, and (b) provide joint trenches for such purpose.
 - b. The Owner shall agree in the Subdivision Agreement to grant, at its own cost, all easements required by the Communications Service Providers to serve the Subdivision, and will cause the registration of all such easements on title to the property.
 - c. The Owner shall agree in the Subdivision Agreement to coordinate construction activities with the Communications Service Providers and other utilities, and prepare an overall composite utility plan that shows the locations of all utility infrastructure for the Subdivision, as well as the timing and phasing of installation.
 - d. The Owner shall agree in the Subdivision Agreement that, if the Owner requires any existing Rogers facilities to be relocated, the Owner shall be responsible for the r
15. Complete the following to the satisfaction of the Halton District School Board:
- a) that the owner agrees to place the following notification in all offers of purchase and sale for all lots/units and in the City's subdivision agreement, to be registered on title:
 - i prospective purchasers are advised that the schools on sites designated for the Halton District School Board in the community are not guaranteed. Attendance at schools in the area is also not guaranteed. *Pupils may be accommodated in temporary facilities and/or be directed to schools outside of the area.*
 - ii prospective purchasers are advised that school busses will not enter cul-de-sacs and pick up points will be generally located on through streets convenient to the Halton Student Transportation Services. Additional pick up points will not be located within the subdivision until major construction activity has been completed.
 - b) That in cases where offers of purchase and sale have already been executed, the owner sends a letter to all purchasers which include the above statement.
 - c) That the Owner shall supply, erect and maintain signs at all major entrances into the new development advising prospective purchasers that pupils may be directed to schools outside of the area. The Owner will make these signs to the specifications of the Halton District School Board and erect them prior to the issuance of building permits.
 - d) That the Owner take responsibility for all required signage on the various blocks which are part of this plan of subdivision and further, that in the event that the City installs any signs on the Owner's behalf, the Owner agrees to reimburse the City for the supply, erection, and relocation of appropriate signs which depict land uses and other information on the subject and adjacent lands including notices relating to the bussing of children until the school sites are available and developed, that portables and/or portapaks may be required for student accommodation and that construction of a school is not guaranteed.

- e) That a copy of the approved sidewalk plan, prepared to the satisfaction of the City of Burlington be submitted to the Halton District School Board.
 - f) The Owner shall provide Halton District School Board a geo-referenced AutoCAD file of the Draft M-plan once all Lot and Block numbering has been finalized. Should any changes occur after the initial submission to Lot and Block configuration or numbering on the draft M-plan the Owner shall provide a new AutoCAD file and a memo outlining the changes.
16. The owner shall complete the following to the satisfaction of the Halton Catholic District School Board:
- a. The owner agrees to place the following notification in all offers of purchase and sale for all lots/units and in the Town's subdivision agreement, to be registered on title:
 - i. Prospective purchasers are advised Catholic school accommodation may not be available for students residing in this area, and that you are notified that students may be accommodated in temporary facilities and/or bused to existing facilities outside the area.
 - ii. Prospective purchasers are advised that the HCDSB will designate pick up points for the children to meet the bus on roads presently in existence or other pick up areas convenient to the Board, and that you are notified that school busses will not enter cul-de-sacs and private roads.
 - b. In cases where offers of purchase and sale have already been executed, the owner is to send a letter to all purchasers which include the above statements.
 - c. That the owner agrees in the subdivision agreement to the satisfaction of the HCDSB, to erect and maintain signs at all major entrances into the new development advising prospective purchasers that if a permanent school is not available alternative accommodation and/or busing will be provided. The owner will make these signs to the specifications of the HCDSB and erect them prior to final approval.
 - d. That the developer agrees that should the development be phased, a copy of the phasing plan must be submitted prior to final approval to the HCDSB. The phasing plan will indicate the sequence of development, the land area, the number of lots and blocks and units for each phase.
 - e. That a copy of the approved sidewalk plan, prepared to the satisfaction of the City of Burlington be submitted to the HCDSB.
 - f. The owner shall provide HCDSB a geo-referenced AutoCAD file of the Draft M-plan once all Lot and Block numbering has been finalized. Should any changes occur after the initial submission to Lot and Block configuration or numbering on the draft M-plan the Owner shall provide a new AutoCAD file and a memo outlining the changes.
17. The owner shall agree to the following to the satisfaction of Canada Post:
- a. The owner/developer will consult with Canada Post to determine suitable permanent locations for the placement of Community Mailboxes and to indicate these locations on appropriate servicing plans.
 - b. The Builder/Owner/Developer will confirm to Canada Post that the final secured permanent locations for the Community Mailboxes will not be in conflict with any other utility; including hydro transformers, bell pedestals, cable pedestals, flush to grade communication vaults, landscaping enhancements (tree planting) and bus pads.
 - c. The owner/developer will install concrete pads at each of the Community Mailbox locations as well as any required walkways across the boulevard and any required

curb depressions for wheelchair access as per Canada Post's concrete pad specification drawings.

- d. The owner/developer will agree to prepare and maintain an area of compacted gravel to Canada Post's specifications to serve as a temporary Community Mailbox location. This location will be in a safe area away from construction activity in order that Community Mailboxes may be installed to service addresses that have occupied prior to the pouring of the permanent mailbox pads. This area will be required to be prepared a minimum of 30 days prior to the date of first occupancy.
- e. The owner/developer will communicate to Canada Post the excavation date for the first foundation (or first phase) as well as the expected date of first occupancy.
- f. The owner/developer agrees, prior to offering any of the residential units for sale, to place a "Display Map" on the wall of the sales office in a place readily available to the public which indicates the location of all Canada Post Community Mailbox site locations, as approved by Canada Post and the CITY OF BURLINGTON.
- g. The owner/developer agrees to include in all offers of purchase and sale a statement, which advises the prospective new home purchaser that mail delivery will be from a designated Community Mailbox, and to include the exact locations (list of lot #s) of each of these Community Mailbox locations; and further, advise any affected homeowners of any established easements granted to Canada Post.
- h. The owner/developer will be responsible for officially notifying the purchasers of the exact Community Mailbox locations prior to the closing of any home sales with specific clauses in the Purchase offer, on which the homeowners do a sign off.
- i. The owner/developer of any condominiums will be required to provide signature for a License to Occupy Land agreement and provide winter snow clearance at the Community Mailbox locations.
- j. Enhanced Community Mailbox Sites with roof structures will require additional documentation as per Canada Post Policy.
- k. There will be no more than one mail delivery point to each unique address assigned by the Municipality.
- l. Any existing postal coding may not apply, the owner/developer should contact Canada Post to verify postal codes for the project.

18. The owner shall complete the following to the satisfaction of Bell Canada:

- a) Prior to commencing any work within the Plan, the owner must confirm that sufficient wire-line communication/telecommunication infrastructure is currently available within the proposed development to provide communication/telecommunication service to the proposed development. In the event that such infrastructure is not available, the owner may be required to pay for the connection to and/or extension of the existing communication/telecommunication infrastructure. If the owner elects not to pay for such connection to and/or extension of the existing communication/telecommunication infrastructure, the owner shall be required to demonstrate to the municipality that sufficient alternative /telecommunication facilities are available within the proposed development to enable, at a minimum, the effective delivery of communication/telecommunication services for emergency management services (ie. 911 Emergency Services).
- b) The Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the

Owner shall be responsible for the relocation of any such facilities or easements at their own cost.

19. Prior to signing the final plan, the Director of Community Planning shall be advised by the City Engineering Services Department that Conditions 3 to 8 and 10 to 11 inclusive have been carried out to their satisfaction with a brief but complete statement detailing how each condition has been satisfied.
20. Prior to signing the final plan, the Director of Community Planning shall be advised by the Region of Halton that Conditions 11 to 12 inclusive have been carried out to their satisfaction with a brief but complete statement detailing how each condition has been satisfied.
21. Prior to signing the final plan, the Director of Community Planning shall be advised by the Halton District School Board that Conditions 11 and 15 have been carried out to their satisfaction with a brief but complete statement detailing how each condition has been satisfied.
22. Prior to signing the final plan, the Director of Community Planning shall be advised by the Halton Catholic District School Board that Condition 16 has been carried out to their satisfaction with a brief but complete statement detailing how the condition has been satisfied.
23. Prior to signing the final plan, the Director of Community Planning shall be advised by Canada Post Corporation that Condition 17 has been carried out to their satisfaction with a brief but complete statement detailing how the condition has been satisfied.
24. All of the above conditions shall be satisfied within 3 years of the granting of draft approval, being _____, 2025.

M. Simeoni
Director of Community Planning

Date

If there are no appeals, Draft Approval is deemed to have been made on

NOTES:

- a) The owner is advised that additional fees are required by the City of Burlington and the Region of Halton for each Extension to Draft Approval and for Major Revisions to the draft plan or conditions.
- b) The owner, its successors and assigns, is hereby notified that City-wide Development Charges may be payable in accordance with By-law No. 72-2004, as may be amended, upon issuance of a building permit at the rate in effect on the date issued. For further information, the owner is advised to contact the City Burlington Department at 905-335-7731
- c) Regional Development Charges and Surcharges are payable in accordance with the applicable Regional Development Charges by-law and are required at the following stages:

Subdivision Agreement: Water and wastewater (including blocks intended for future development at the maximum density permitted under the applicable zoning by-law)

Building Permit Issuance: All remaining Region-wide Development Charges in effect at the date of issue.

NOTE: Any building permits which are additional to the maximum unit yield which is specified by the Subdivision Agreement are subject to all Regional Development Charges (including water, wastewater and surcharges not collected at subdivision agreement) prior to the issuance of the building permit, at the rate in effect at the date of issue.

- d) Educational Development Charges are payable in accordance with the applicable Education Development Charge by-law and are required at the issuance of a building permit. Any building permits which are additional to the maximum unit yield which is specified by the Subdivision Agreement are subject to Education Development Charges prior to the issuance of a building permit, at the rate in effect at the date of issuance.
- e) At any time prior to final approval of the plan for registration, the City or Region may amend, delete or add to the conditions and this may include the need for amended or new studies in accordance with Section 51 (18) of the Planning Act, 1990
- f) An electrical distribution line operating at below 50,000 volts might be located within the area affected by this development or abutting this development. Section 186 – Proximity – of the Regulations for Construction Projects in the Occupational Health and Safety Act, requires that no object be brought closer than 3 metres (10 feet) to the energized conductor. It is the proponent's responsibility to be aware, and to make all personnel on site aware, that all equipment and personnel must come no closer than the distance specified in the Act. They should also be aware that the electrical conductors can raise and lower without warning, depending on the electrical demand placed on the line. Warning signs should be posted on the wood poles supporting the conductors stating **"DANGER – Overhead Electrical Wires"** in all locations where personnel and construction vehicles might come in close proximity to the conductors.

Appendix C – Public Comments Received

#	Name & Address	Date Received	Comments
1	Brian Hughes Millcroft Park Drive	20-Nov-21	Comments: 1. In lieu of Stops at T Dr and MPD, use small cheap traffic concrete cirvles like the UK ones to reduce pollution and increase speed flow and save brake wear. 2. With more people, add bus regular route all along Millcroft Pk Dr B Hughes [REDACTED]
2	Frank & Josie Jasek Rosemead Court	26-Nov-21	"Hi again: Now that the Salotto Group has officially filed its appliction I assume our flooding concerns have been noted and passed along. Please advise if there is any more action required. Thanks, Josie and Frank Jasek [REDACTED] --- Sent: Saturday, September 25, 2021 12:02 PM Subject: Drainage issues on Rosemead Court /Salotto Development Dear Mayor Meed Ward, Councillor Bentiveгна and Ms. Lau; Thank you for allowing our input at the pre-application meeting on Thursday. We would like to specifically comment on the discussion regarding the storm water/sewer situation. As 22 year residents of Rosemead Court we have dealt with flooding on an ongoing basis. It has resulted in thousands of dollars of damage to our home. We installed a backwater valve at our own expense to deal with the sewer backup problems we have faced over the years. Every time we have a heavy rainfall (which is now very common) we worry about being flooded out again. When the park and school were built there was no consideration given to the fact that everything drains towards our court. Now that the site On Millcroft Park Drive is being developed we think it is a perfect time to finally address this issue and have a formal review of the storm water management in our area. We would be willing to work with you in a consultative manner to get started on this. We believe a proactive approach would be best, and don't believe we need to wait for the developer to submit an application. We look forward to hearing from you. Thanks, Frank and Josie Jasek [REDACTED]
3	Millcroft Against Development	26-Nov-21	Hi Josie and Rebecca, MAD will be starting a separate file for the Salotto proposal. I have all the flood photos and stories that the residents have sent us over the last year and a half. These were sent off to Conservation Halton, the City and Woods Environmental last month. I will be sending the flood photos and stories of the streets that are directly affected by this new proposal to the City under the title Salotto proposal before the December 14th cutoff. Rebecca, the residents on Millcroft Park, Rosemead, Sarazen and Price are directly affected and have flood issues already. They would like to make sure that this new development does not worsen or create new flood issues. Thanks kindly, Sonia
4	Millcroft Against Development	10-Dec-21	See attached.
5	Millcroft Against Development	10-Dec-21	See attached.
6	Millcroft Against Development	13-Dec-21	See attached.
7	Debra Elliott Amaletta Crescent	10-Dec-21	See attached.
8	David Comba Sarazen Drive	13-Dec-21	I am interested in learning from the City and proponent about how the proponent is going to address the issue of 'ponded or trapped' surface runoff water on property 4375. This is with respect to proposed lots 9,10 and 11 (possibly other lots). The issue is lack of access to the City's existing storm drain system under Sarazen Drive. My home, [REDACTED], straddles a surface water divide. Water from the front of the house drains to the Sarazen storm drain system. From the back of our property water drains to proposed lots 9,10 and 11. Our home and possibly six others have 'walk out basements'. If 'fill' is simply added to the proposed lots 6 through 11 or 12, a risk of flooding could be created. Mature trees are also at risk if the water table rises and 'drowns' roots. Any approval of the subject plan must be conditional on the proponent advancing an engineering solution to the 'trapped or stranded' water along the southwest corner of parcel 4375. Yours truly C. David A. Comba [See attached photo]

9	David Volk Rosemead Court	13-Dec-21	<p>Hi Rebecca, my wife and I are residents of [REDACTED] . We are the last house on the north west side. We share a property line with Taywood Park. Our street, has in the past, been subject to storm water flooding with water overflowing curbs and ponding the street, our driveways and our front lawns. On at least 2 occasions my basement has been flooded from storm water backing up into my house as the sanitary manhole on the street becomes submerged with storm water.</p> <p>There is an existing catchbasin at the southeast limit of Taywood Park that outlets to a storm manhole on Rosemead Court. This catchbasin overflows during large storm events and eventually floods Rosemead Court.</p> <p>The collection area of the catchbasin includes Taywood Park, parts of Charles Bedouin School and the new proposed development area.</p> <p>I did look at the drawing submissions for the development and am pleased to see, if I read the drawings correctly, that the new development will drain via a new storm line that is independent of Rosemead Court. This will definitely reduce the storm runoff to the existing catchbasin that I referred to above which will help alleviate the flooding issue that I am concerned about.</p> <p>I noticed in the drawings that the new storm outlet manholes #25, 24, 23 and 22 follow the swale that collects water from Taywood Park and Charles Bedouin and carries this water to the catchbasin adjacent to Rosemead Court.</p> <p>Will these new manholes have catchbasin lids on them to further pick up storm water runoff from these areas and divert from Rosemead Court.</p> <p>Please let me know if this has been considered in the current design submission or could be incorporated into the final design.</p> <p>Thanks</p> <p>David Volk</p>
10	MAD on behalf of Helen McKay Itabashi Way	14-Dec-21	<p>Name: Helen McKay</p> <p>Email: [REDACTED]</p> <p>Phone: [REDACTED]</p> <p>Address: [REDACTED] Itabashi Way, Burlington, ON L7M0A2 Canada</p> <p>Message: This area is very busy with traffic and more houses means even more traffic. I live in the Villages of Brantwell and have family in Millcroft so am speaking from experience. Every house in Millcroft probably has two cars and maybe even more and the plan is to add more houses. I.e. Even more traffic.</p> <p>I back on the Golf Course: No</p> <p>Consent: I agree</p>
11	Bonnie Munro Nicklaus Court	14-Dec-21	<p>Rebecca,</p> <p>Please find below my comments as a resident of Millcroft pertaining to the above.</p> <p>My family resides on Nicklaus Court (accessed from Taywood Dr). Taywood Drive allows us to exit the sub-division either thru Appleby Line or Millcroft Park Drive.</p> <p>With the current project townhouse about to commence on Turnberry Drive (Branthaven), my concerns are around the timing of the new Salotto project pertaining to the disruption and inconvenience to the neighborhood. Should any part of these 2 projects run simultaneously, it would leave many residence who use Taywood Drive to access Appleby Line or Millcroft Park Dr in a diffucult position. Both from a construction and time perspective.</p> <p>Even if they do not run simultaneously, the extended period of time neighborhood would be in a "construction" zone would leave residents unable to enjoy our peaceful, mature, developed community. Not to mention the safety of the numerous children and teenagers located in the Millcroft pocket.</p> <p>The proposed 2 access points from the development onto Millcroft Park Drive seems to be a bit excessive. With the 3 way stop located at Taywood & Millcroft Park, this is an incredibly busy "pedestrian" crossing for CRB, Hayden and Taywood Park and soccer field. The most logical location for the entry/exit point of the ne crescent should be closest to Sarazen Drive. This would have the least impact on the "pedestrian" crossing and parking lot entry.exit for Taywood Park.</p> <p>I think the City of Burlington must give thoughtful consideration to these 2 projects and Millcroft Green proposal. Lifestyle, infra structure, flood plain issues are all things that come with adding to an already developed, mature sub-division that has dedicate green space zoning.</p> <p>Regards, Bonnie Munro [REDACTED]</p>
12	Philip Wright Millcroft Park Drive	14-Dec-21	See attached.

13	Lisa Mueller Player Court	14-Dec-21	<p>Dear Ms. Lau:</p> <p>I hope this email will still be considered given the deadline was December 14. I was only made aware of this yesterday after speaking with my neighbour who then provided me with a copy of this letter.</p> <p>My submission is to reject the proposal and leave it as green space for the following reasons:</p> <ul style="list-style-type: none">- The drainage that runs along the fence line is problematic and has been since the day we moved in. I spoke with someone at the City and he advised that the developer should have put some form of sewer along the back fence but didn't. Myself and countless others who back onto the field have spent considerable amounts of money to alleviate the swamp, that is our backyard. We have spent 30,000.00 to assist with the drainage but it still is a problem. We have had to replace our cement floor in the garage, replace the stones around our pool and deal with cracks on the basement floor. All these attributed to the soil and drainage issues in this area. This was communicated to us on several occasions by pool companies, landscapers and cement repair contractors. They have assured us that they will always have business in the area due to the poor development.- the traffic in Burlington has increased tremendously due to developments on every spare piece of land. This impacts pollution and quality of life to residents- development of every spare piece of land impacts the environment and the species that use the land. We are destroying nature for the sake of money and greed. I will be happy to send a picture of a coyote family and a fox in the backfield who soon, will have nowhere to hunt for food. Ironically, they were sitting underneath the development sign.- the pandemic has shown our need for green space and having the availability to recharge. The concrete jungle that is Toronto illustrates the spread of disease in densely populated areas. We are well on the way to making Burlington that type of city.- increased growth without a corresponding increase to infrastructure strains our resources. As a registered nurse I see the strain that population growth has on on our healthcare system such as increased wait times in the ER, long wait times for medical and surgical services, family physicians not accepting patients because they are at capacity and nurses leaving the profession because of increased workloads (evident pre-COVID). We need to stop putting that strain on our existing services. <p>Our world is changing and there are going to be increased issues with climate, more pandemics and myriad other changes as a result of development. Burlington should take a lead and stop using up every available morsel of land and make it the great place to live as it once was.</p> <p>I'm sure the decision has already been made to go ahead with the development and the City is simply going through the motions of appeasing the tax- payers. Nonetheless, I hope this email is at least read.</p> <p>Kind regards, Lisa Mueller</p>
14	Peter Ringler Taywood Drive	11-Jan-22	<p>Good morning Rebecca, my name is Peter Ringler and I am on homeowner in Millcroft my address is:</p> <div></div> <p>I am writing to you this morning for two reasons.</p> <p>1. Statutory Public Meeting Notice Please consider this a request to be notified of future meeting dates on the above noted matter in the future and for the duration of the approval process.</p> <p>2. Written Comments I would like to understand how the city and the planning department are integrating the impact and overseeing an coordinated view of how the various developments that are in different phases of approval in the Millcroft area will impact:</p> <ul style="list-style-type: none">- traffic patterns- environmental impact- infrastructure load and and needed capital improvements to roads, sewers and water services <p>The three developments I am aware of right now that are under consideration include:</p> <ul style="list-style-type: none">- Townhome development on Southwest corner of Taywood and Appleby- Millcroft golf development- Salotto Building Group Inc. development at 4375 Millcroft Park Drive <p>I have attended and participated in the public forums associated with the first two developments noted above and plan to participate in the Feb 1st meeting for the third. I would like to understand whether the city takes an integrated view as to how several developments, all happening in the same area, and adding usage to resources and the finite land mass impact both for existing residents and the planned communities. Could you provide some background on the approach the city takes in these circumstances to ensure the ongoing quality of life and level of service delivery in these circumstances. I would appreciate context on how this has been managed in other areas of the city if there are specific precedents.</p> <p>If you need more information or context please reach out to me at your convenience.</p> <p>Sincerely Yours,</p>

			Pete Ringler
15	John Paul Perkovich Millcroft Park Drive	20-Jan-22	See attached.
16	C. David A. Comba & Cecile C. Gauvreau Sarazen Drive	27-Jan-22	<p>The Plan of Subdivision (4375 Millcroft Park Drive) does not show or illustrate provision for a catchment basin on proposed lots #9, #10 and #11, especially lots # 10 and #11.</p> <p>As the owners of [REDACTED] we are concerned that water that currently ponds or runs along the west boundary of 4375 has the potential to plug or backup water onto our property.</p> <p>Our computer skills are weak, but we hope to participate in the meeting scheduled for Feb 1, 2022. Thank you.</p> <p>C. David A. Comba Cecile C. Gauvreau [REDACTED]</p>
17	Fern Petrie Taywood Drive	2-Feb-22	<p>Good Morning.</p> <p>I attended the above mentioned public meeting last evening. I believe that the development being proposed by the Salotto Group will fit well within the Millcroft community in terms of density and built form and will be in compliance with the existing zoning. This is how all developers should approach a project in my opinion. The suggestion by delegate Daintry Klein that the city have an expedited approval plan to facilitate developments that fit within the existing zoning is excellent and may encourage better compliance.</p> <p>I believe that Salotto Group wishes to be a good neighbour and work with our community to address the concerns of flooding, construction traffic and safety. It is clear that the suggestions made by delegate Dennis Parass to address construction traffic concerns and safety were well thought out. I hope that a number of these suggestions will be incorporated into the construction management plan.</p> <p>My understanding from the meeting and comments made by Mr. Mark Simeoni is that the construction management plan is specific to the particular development. As you know, the completely inappropriate Branthaven development at Taywood and Turnberry will be under construction at the same time as this development. I believe it is incumbent on city council and the planning department to take this into substantial consideration. Although the Salotto Group has indicated a willingness to work with the community, Branthaven has not. Ultimately it is the city that has the responsibility to its residents to insure these concerns are adequately addressed prior to any construction.</p> <p>I hope city council and the planning department are listening.</p> <p>Respectfully, Fern Petrie</p>

#4.

Good morning Rebecca,

I received this photo from a Millcroft resident who lives on Price Court. The residents on Price Court and Player, Sarazen, Rosemead and Millcroft Park will be directly affected by the Salotto development and would like the City to be aware of all the flooding issues in their area. They are concerned that taking away green space will only add to their flooding issues.

I have sent my huge MAD file of all our flood photos and stories. Would you like me to resend them for this project?



--
Sonia
Millcroft Against Development
[Redacted]

#5.

Good morning Rebecca, Marianne, Angelo, Lisa, Kelvin, Shawna, Rory, Paul and Effie,

I am sending you an email I received from the City Traffic Specialist in answer to my concerns about the removal of the bike lanes within Millcroft and the addition of the new markings. Traffic volume in Millcroft has increased substantially and it is making it dangerous for cyclists and runners in our community. This is before any new developments.

I found it very concerning that the City already deems Country Club a high traffic area and this is before any new development has occurred. Millcroft Park is extremely busy as well. Millcroft Park is being used by Alton Village residents to get to Upper Middle. It can take residents over 5 minutes to back out of their driveways on Millcroft Park and Club View area during the school pick up and drop off times.

It took me over 5 minutes to back out of a driveway on Country Club Drive near Upper Middle road when I was dropping off a MAD sign.

Adding all these new residents along with all the construction vehicles will make our community unliveable. I understand that the Salotto developer is counting on their new residents using public transit but this is ludicrous. I do not know a single resident in Millcroft that uses public transit. Driving around Millcroft last week I observed two to five cars parked in each driveway of most residents' homes.

Sonia

Good Afternoon Sonia,

Sorry for the delay as we are down several staff members and I am trying to catchup on e-mails.

With every street there are multi road users and the installation of traffic calming measures and pavement markings is trying to address the identified issues while taking into consideration the road users.

The speed hump design installed on Country Club Drive was installed due to the **excessive vehicle speeds and high traffic volume** and it is the only design the Burlington Fire Department will support. In addition the pavement marking treatment install on many collector streets such as Millcroft Park Drive and Country Club Drive are required when parking is only allowed on one side of the street. In the past a yellow centreline was installed in the middle of street which was not correct as when there is a parked vehicle an oncoming vehicle would be required to cross the centreline. An offset yellow centreline is the standard to apply and the sharrow marking, currently installed by the curb will be relocated to the centre on the lane. For the other direction which has on-street parking the sharrow marking would typically be by the curb which is blocked by parked vehicles. By adding the white line and installing the sharrow marking in the middle of the lane, it is encouraged for cyclists to take the lane. When the travelling lanes are less than 4.3 metres the sharrows markings needs to be installed in the middle of the lane.

The sharrow marking location is not a city standard and is setout by the Province in the Ontario Traffic Manual Book 18.

If you have any questions, please do not hesitate to contact me.

Regards,

Brent Jefferson

Traffic Technologist

From: Sonia Robinson [REDACTED]
Sent: Friday, October 1, 2021 3:53 PM
To: Jefferson, Brent [REDACTED]
Subject: bike lanes in Millcroft community

Good afternoon Brent,

My Ward 6 councillor Angelo suggested that I contact you concerning the bike lanes in Millcroft. It has been about a year that Millcroft residents have had the new pavement markings that I understand were installed to try to down the speed of traffic.

I am a cyclist that cycles on both Millcroft Park and Country Club on my way out of the subdivision to get North of the City and I am finding it very frustrating and dangerous. I am constantly weaving in and out of parked cars while cycling and running. It seems that people are using these new markings to park their cars. The congestion has been worse not better this past year. With more people working from home and out walking more, it has become difficult for cyclists to navigate. A number of our residents walk in these new markings to avoid other walkers.

The most dangerous are the new cyclists who think that these lane markings are for bikers and they go against traffic. This is very dangerous.

I understand that Halton is working on a new cycling initiative and I am excited to see it come into effect. Unfortunately, the present street markings and speed bumps are dangerous to cyclists. These two main streets are extremely busy with people cutting through the neighbourhood to get from Appleby to Walkers line or Upper Middle without having to deal with the traffic lights.

Sonia Robinson

#6



**Image of video showing flooding. Video was unable to be attached and can be provided upon request.*

#7

Hi Rebecca, please see whole thread below about the traffic issues on Sarazen in Millcroft. Naturally this Developpment at 4375 is going to blow up the Sarazen rd traffic situation even worse, as it the route everyone will take to avoid the terrible traffic on Dundas.
I am very concerned about the traffic, the danger to children , and the fact that our tax dollars cannot even show us an accurate assessment of the problem in the first place since.

Debra Elliott
[REDACTED]

Begin forwarded message:

From: "Pimentel, Danny" [REDACTED]
Date: March 12, 2021 at 8:08:23 AM EST
To: [REDACTED]
Cc: "Jefferson, Brent" <Brent.Jefferson@burlington.ca>, "Bentivegna, Angelo" <Angelo.Bentivegna@burlington.ca>, "Mailbox, Office of the Mayor" <mayor@burlington.ca>, "Black, Jeff" <Jeff.Black@burlington.ca>
Subject: RE: Request for further information

Hi Debra,

As staff have indicated, traffic studies were completed for Sarazen Dr in the fall of 2020. Due to COVID, our data collection program was put on hold in the early part of 2020. We made a decision to continue our program in September, when school was back. We understand the impacts COVID has had on overall traffic and the potential of reduced traffic volumes on all roads. However, we cannot predict what the future may/will look like and made a decision to continue our data collection program rather than wait until things are back to "normal". The alternative would have been to not complete any traffic studies and rely on historic data to see if traffic calming is warranted.

Collecting data in 2020 and comparing it data collected in previous years, allowed us to better understand the impact COVID has had on both traffic volumes and speeds.

Specific to Sarazan Dr, data was collected in 2017, 2019 and 2020 in and around the same time of year. Below is a summary table of the results for each study year, using the same 4 days (Wednesday to Saturday) in each year.

Mid-Block Location	Date	ADT	50th Percentile (km/h)	85th Percentile (km/h)	% High End
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Amaletta Cres to Amaletta Cres	Sep 27 - 30, 2017	2,208	42	48	2.0%
Amaletta Cres to Snead Rd	Sep 25 - 28, 2019	2,180	41	47	1.1%
Amaletta Cres to Snead Rd	Oct 7 - 10, 2020	2,111	41	47	1.0%

50th Percentile - speed at which 50% of vehicles are travelling at or below
85th Percentile - speed at which 85% of vehicles are travelling at or below
% High End - percent of vehicles travelling 15 km/h+ over the posted speed limit (i.e. 55 km/h or more)

Comparing the data collected in each year shows that speeds are almost identical and there is a minor reduction in volumes in 2020 when compared to both 2019 and 2017. Applying the data collected (from any of the years) to our traffic calming criteria, results in traffic calming not being warranted for Sarazen Dr.

As per our traffic calming policy, if/when a roadway does not meet the criteria for traffic calming, it is not reviewed for 3 years. With that in mind, we have provided some alternative measures to address speeding concerns. From past experience in applying these types of measures (i.e. pavement markings), they have had positive effect on vehicle speeds.

Regards,

Danny Pimentel
Supervisor, Traffic Operations | Transportation Services | City of Burlington
905-335-7671 ext.7405 | C: 905-220-9155 | E: danny.pimentel@burlington.ca

From: Debra Elliott - [REDACTED]
Sent: Thursday, March 4, 2021 4:30 PM
To: Jefferson, Brent <Brent.Jefferson@burlington.ca>; Bentivegna, Angelo <Angelo.Bentivegna@burlington.ca>; Meed Ward, Marianne <Marianne.MeedWard@burlington.ca>
Cc: Pimentel, Danny <Danny.Pimentel@burlington.ca>
Subject: Re: Request for further information

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello it has been 4 weeks and I have not received any reply to my concerns as below.

Obviously we do have to make the community aware the traffic study and safety results are ineffective because they cannot possibly represent normal traffic patterns when the tests were conducted with less than 40% normal traffic in a work week.

There are a few key Millcroft groups that this will be posted in, but first I wanted to give you another chance to respond so that I can include full and accurate information to the community.

I have cc'd a few key stakeholders in as no doubt they will be hearing from the constituents as well.

I thank you fo royal consideration.
Debra Elliott

On Feb 10, 2021, at 1:15 PM, Debra Elliott [REDACTED] wrote:

Thank you for your response. My obvious concern is this was in no way an accurate time to measure the traffic.

- a) Thanksgiving holiday Monday means at best only a possible 4 day work week of traffic and you know many people take the Friday off before the long weekend as well.
- b) School presence was half time during covid so that eliminates 2 out of 4 possible days of traffic.
- c) Covid work from home trend in place but difficult to quantify.

So certainly we know a and b are facts, so that makes it only 2 actual regular days of data, and c has an effect, we just cannot quantify it further.
So if you say the results are only 20% lower, on approx 30-40% of the actual testing period of normal traffic, your data has proven that we have a HUGE problem with traffic on Sarazen.

Painting a few lines on the road is not going to keep kids safe, and you know they walk across there to school, and I have watched cars screaming by on a daily basis, and I don't just choose ideal times, on non standard work weeks during covid to make assessments.

It is clear your assessment during a holiday week in Covid was a waste of tax payer's money and unfairly penalizes the area until the fall of 2023. What's it going to take:
A child to be hurt or killed before the city does a proper assessment?

On Feb 10, 2021, at 12:51 PM, Jefferson, Brent
<Brent.Jefferson@burlington.ca> wrote:

Good Afternoon Debra,

The traffic study which was used to complete the traffic calming warrant review was done in 2020 from October 6th to the 13th. The 2020 annual traffic counting program started in the fall and the outstanding traffic counts for the various traffic calming reviews were completed. As it is unknown what the future traffic volumes and patterns will be, staff is using the existing speeds and volume collected to complete the outstanding traffic calming reviews.

Looking specifically at Sarazen Drive, the speed data collected in 2020 is almost identical to the speed data collected in 2019, pre Covid and similar to the speed data collected in 2017. The only difference is the 2020 traffic volume is 20% lower. Based on the existing conditions traffic calming measures are still not warranted. Once a street has been denied there is a three year minimum wait period before it can be re-reviewed. The next year which Sarazen Drive could be reviewed is the fall of 2023.

Sarazen Drive to the list of streets to pilot the installation of on-street pavement markings (same treatment as installed on Country Club Drive and Millcroft Park Drive) and possible flexible delineator treatment as well. Prior to the installation of these measures, a resident notification letter would be sent out to inform residents. Due to the current Covid situation it is not known when these measures would be installed but staff is hoping to install this treatment this year. Once installed, additional traffic studies would be completed to determine the overall impact to determine if the measures should remain permanently.

If you have any questions, please do not hesitate to contact me.

Regards,

Brent Jefferson
Traffic Technologist
Transportation
brent.jefferson@burlington.ca
289-983-7042

-----Original Message-----
From: Debra Elliott [REDACTED]
Sent: Monday, February 8, 2021 12:47 PM
To: Jefferson, Brent <Brent.Jefferson@burlington.ca>
Subject: Request for further information

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Brent, I received a letter from you dated January 26 2021, indicating that a study was done on the traffic on Sarazen between Berwick and Tiger.
I left you a voicemail last week asking you what dates was this data collected ? I have not received a call back yet.

Please provide full details on the 7 day period used for this study ?

Please reply as this is my second request. Thank you.

Debra Silas Elliott
[REDACTED]

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#8



#12

Dear Ms Lau:

Following up on the invitation for residents to submit comments regarding the new development proposed for 4375 Millcroft Park Drive (file 510-01/21), please find attached comments submitted/signed by several residents of the affected portion of Millcroft Park Drive.

I have copied our Councillor, Angelo Bentivegna, so he is aware of our concerns.

If you require any further information, please don’t hesitate to contact me.

Thank you for the opportunity to share our concerns about this planned development.

Sincerely,

Philip Wright

Comments on the Planning Application Submitted by Salotto Building Group Inc. For development at 4375 Millcroft Park Drive, File 510-01/21

Executive Summary

- Salotto Building Group’s application to build 30 detached houses and a new public street at 4375 Millcroft Park Drive (“MPD”) proposes two access points from/to MPD, bringing with it a significant number of new vehicle-trips per day.
- The City’s Traffic Department is aware of the traffic-related issues in this area (access to and from MPD, increasing traffic volume on Millcroft collectors generally, volume related to the use of MPD as a bypass for the Dundas/Appleby intersection, speeding, failures to stop at stop signs) and has been working with residents to find ways to manage them in the face of increasing traffic volumes.
- One remedy, deployed in 2018 in response to complaints about increasingly difficult access to MPD from Sarazen Drive, was the creation of a new three-way stop at the intersection of MPD and Sarazen, approximately 177m¹ from the three-way stop at the intersection of MPD and Taywood Drive.
- The roadway serving the proposed new development is designed to intersect MPD at Taywood and at a second point approximately 40m east of the Sarazen three-way stop. Nowhere else in the Millcroft subdivision are there three streets bounded by stop signs in such a short span (~177m).²
- Increased traffic from the proposed new development threatens to create hazards for all who live across from it and drive on this stretch of MPD, as well as access problems for all drivers along this section of MPD similar to those for which the three-way stop at Sarazen was installed as a remedy.

Recommendation:

1. The new public street serving this development should be a court that intersects with Millcroft Park Drive at Taywood only, and not a through street that also intersects Millcroft Park Drive between Taywood and Sarazen.

Detailed Comments

The application to build 30 detached houses and a new public street at 4375 Millcroft Park Drive (“MPD”) proposes two access points from/to MPD. One aligns with Taywood Drive and would presumably create a four-way intersection. The other, to the west of Taywood (“the western access point”), would intersect with MPD

1

Measurements were made using the measurement feature in Google Maps.

2

There is only one location in the subdivision where there are three streets within a similar span, and that is along Country Club Drive, where townhouse/condo complexes join the collector. However, unlike the affected portion of MPD, stop signs on that section of Country Club are approximately one kilometer apart, more than five times farther apart than they are on the affected section of MPD. The small box formed by the stop signs at Sarazen and Taywood will create significant congestion, complexity, and hazards.

approximately 40m east of the three-way stop at the intersection of Sarazen and MPD. The distance between stop signs at Sarazen and Taywood is approximately 177m.

We have serious concerns about the amount of traffic created by this new development on an already heavily travelled road. Assuming that the occupants of these 30 new homes will have between two and four vehicles per household, as is the norm in Millcroft Park and elsewhere, this new development will bring between 60 and 120 vehicles onto MPD perhaps two or more times per day, resulting in between 120 and 240 vehicle trips and exits and entries onto and off of a stretch of roadway currently bounded by three-way stops only 177m apart.

In 2018 Millcroft Park Drive was open between the traffic lights at Dundas St. and the three-way stop at Taywood Drive. As a result of increased traffic flow on MPD, brought about by the opening of a new development directly across Dundas Street from MPD and increased traffic flow from motorists on Dundas Street and Appleby Line bypassing the major intersection, complaints were raised by Millcroft Park subdivision residents travelling north along Sarazen Drive to the effect that as a result of the increased traffic flow along MPD from Dundas they were unable to enter MPD safely or in a timely way. As a result of these complaints, the City installed a new three-way stop at Sarazen and MPD to facilitate traffic flow onto MPD from Sarazen.

The City's Traffic Department is aware of traffic volume issues throughout the subdivision and in particular on the section of MPD affected by the proposed development. It is also aware that volume has increased since 2018 as more drivers use MPD as a route to bypass the major intersection at Appleby Line and Dundas. As building and intensification continue across Dundas from Millcroft Park, and as traffic along both Dundas and Appleby increases, volume on MPD will increase further. This new development will only add to this problem and is therefore unwelcome.

The new development, with the traffic it will bring to this already congested area, threatens to create hazards for all who live across from it, and access problems similar to those for which the three-way stop at Sarazen was installed to remedy. In particular, use of the western access point will impede and add to traffic flows in the 177m stretch between Taywood and Sarazen as vehicles enter onto and exit from MPD. This will have several unwelcome and potentially dangerous effects.

In peak periods, hundreds of vehicles use this section of road. Several unwelcome driver behaviours have been observed by residents along this section that pose potential hazards. Many drivers accelerate and drive quickly in both directions between stop signs at Taywood and Sarazen. This has the effect of making it hazardous for residents along MPD to enter the traffic flow in the same way as it was for the residents using Sarazen who complained about their ability to enter the traffic flow on MPD, only moreso, since residents are backing out onto MPD. Add pedestrians and cyclists and this is a dangerous activity. In fact, residents from 4374-4378 will be backing out directly opposite the west access point, making an already difficult and dangerous task even worse. Moreover, drivers in their haste to get through the subdivision very often (up to 70%) roll or drive at speed straight through the stop signs at Sarazen and sometimes at Taywood. (This matter was reported to Halton Police in August, 2021. No action has been taken to date.) This behaviour creates a hazard for residents along the affected part of MPD because it is difficult to determine how long one has to safely enter the traffic flow if drivers aren't stopping reliably at stop signs. More than once there have been near collisions as a result. The addition of traffic onto MPD from the proposed new development will exacerbate these issues by creating race conditions among drivers who are impatient to get to where they want to go.

Currently, line-ups of vehicles at stop signs frequently prevent residents from accessing their driveways on the north side of MPD. The effect is gridlock at Sarazen as cars turning into driveways must wait for traffic on MPD

to clear. Tempers have flared among drivers who don’t understand why a resident is blocking the road either at the stop sign on the west side of Sarazen or opposite the resident’s driveway (in both cases in spite of the use of turn signals) or who are simply impatient to get where they are going. All of this will be exacerbated by new traffic from the proposed development.

The western access point will mean that three streets will intersect MPD within a span of approximately 177m. The only location in the neighbourhood that has as many streets in such a short space is on Country Club Drive. However, unlike the affected portion of MPD, stop signs on that section of Country Club are approximately one kilometer apart, more than five times farther apart than they are on the affected section of MPD. **The small box formed by the stop signs at Sarazen and Taywood will create significant increased congestion, complexity, and hazards for everyone using that sections of road.** The congestion, pollution, noise, and potential hazards created by the proposed development are significant for the residents of MPD. Increased traffic volumes and hazards decrease quality of life, increase danger, and lower both property values and property taxes for the City. These issues need to be recognized and either avoided altogether or at least mitigated better than they have been to date.

Traffic volume and access to and from MPD are already of significant concern to residents and drivers who use this road. A new subdivision with dozens of new vehicles entering and exiting from MPD will only exacerbate these issues. In particular, the western access point of the new development will increase these issues and create new hazards for residents and drivers alike.

For these reasons, **we, the undersigned, recommend that the new public street serving this development be a court that intersects with Millcroft Park Drive at Taywood only, and not a through street that also intersects Millcroft Park Drive between Taywood and Sarazen.**

Respectfully submitted by:

Comments on the Planning Application Submitted by Salotto Building Group Inc. For development at 4375 Millcroft Park Drive, File 510-01/21

Signatories:


Name Philip Wright
Address [REDACTED] Millcroft Park Drive


Name Linda Putsey
Address [REDACTED] Millcroft Park Drive


Name Kim Gullard
Address [REDACTED] Millcroft Park Drive

Name
Address [REDACTED] Millcroft Park Drive

Name
Address [REDACTED] Millcroft Park Drive

Name SIGNATURE FOLLOWS
Address [REDACTED] Millcroft Park Drive

Name
Address [REDACTED] Millcroft Park Drive

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Address [REDACTED] Millcroft Park Drive

Name SIGNATURE FOLLOWS
Address [REDACTED] Millcroft Park Drive

Name
Address [REDACTED] Millcroft Park Drive

Name
Address [REDACTED] Millcroft Park Drive

SIGNATURE FOLLOWS
[REDACTED] MILLCROFT PARK



to clear. Tempers have flared among drivers who don't understand why a resident is blocking the road either at the stop sign on the west side of Sarazen or opposite the resident's driveway (in both cases in spite of the use of turn signals) or who are simply impatient to get where they are going. All of this will be exacerbated by new traffic from the proposed development.

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Respectfully submitted by:


 MILLCROFT PARK DR.


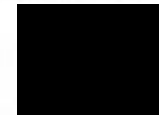
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For these reasons, **we, the undersigned, recommend that the new public street serving this development be a court that intersects with Millcroft Park Drive at Taywood only, and not a through street that also intersects Millcroft Park Drive between Taywood and Sarazen.**

Respectfully submitted by:


 MILLCROFT PARK DRIVE

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The western access point will mean that three streets will intersect MPD within a span of approximately 177m. The only location in the neighbourhood that has as many streets in such a short space is on Country Club Drive. However, unlike the affected portion of MPD, stop signs on that section of Country Club are approximately one kilometer apart, more than five times farther apart than they are on the affected section of MPD. **The small box formed by the stop signs at Sarazen and Taywood will create significant increased congestion, complexity, and hazards for everyone using that sections of road.** The congestion, pollution, noise, and potential hazards created by the proposed development are significant for the residents of MPD. Increased traffic volumes and hazards decrease quality of life, increase danger, and lower both property values and property taxes for the City. These issues need to be recognized and either avoided altogether or at least mitigated better than they have been to date.

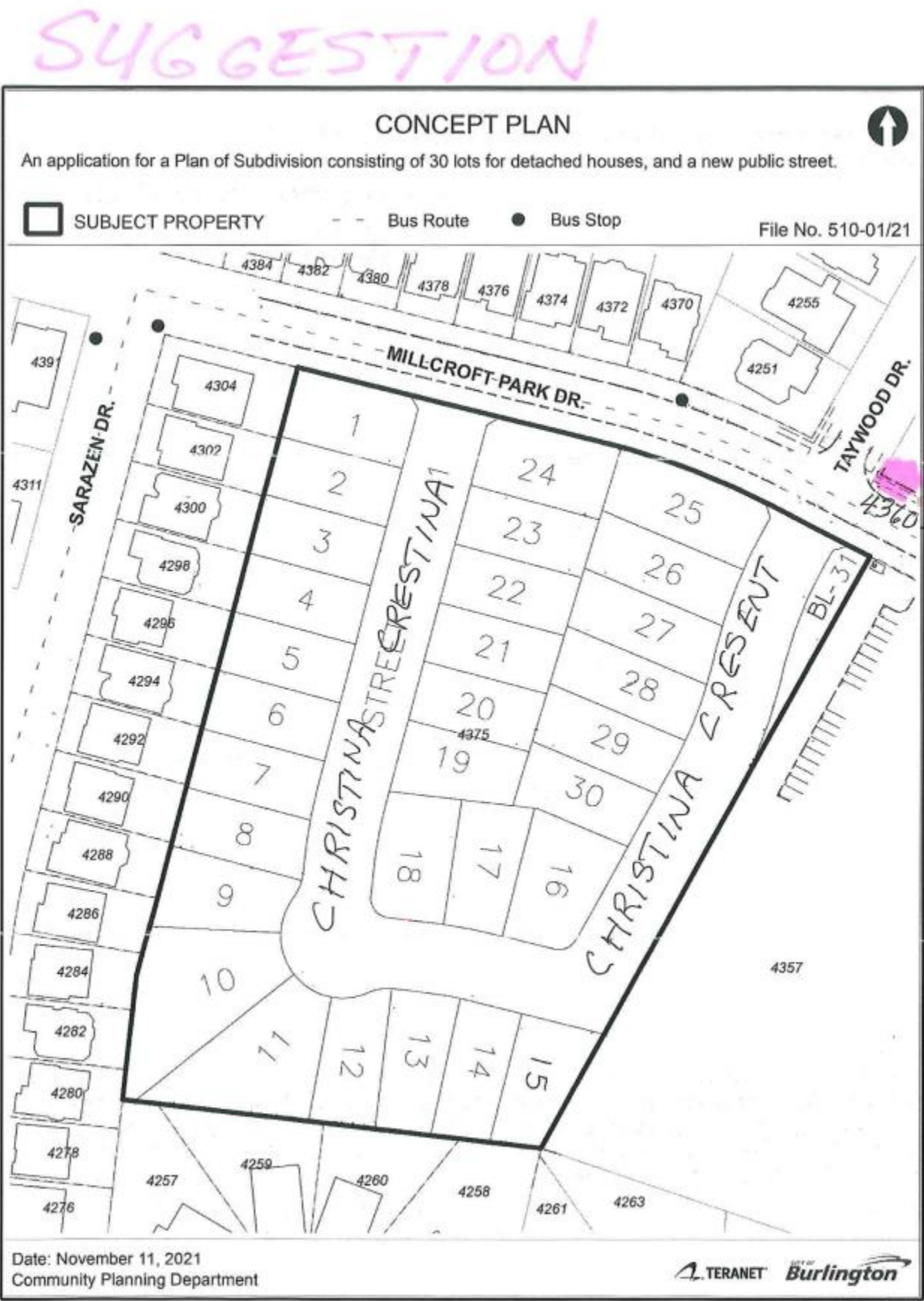
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Respectfully submitted by:

- Amis Abdalla	█	Millcroft Park Drive, Burlington	L7M4Y7
- Nesreen Hassan	"	"	"
- Eyad Abdalla	"	"	"
- Rana Abdalla	"	"	"

#15





SUBJECT: Zoning By-law amendment for 2154 Walker's Line

TO: Community Planning, Regulation & Mobility Cttee.

FROM: Community Planning Department

Report Number: PL-63-22

Wards Affected: 6

File Numbers: 520-02/22

Date to Committee: September 13, 2022

Date to Council: September 20, 2022

Recommendation:

Approve the Zoning By-law amendment application for the property located at 2154 Walker's Line to permit nine (9) townhouse units of two (2) storeys in height to be developed on a private road; and

Approve Zoning By-law 2020.445, attached as Appendix D of community planning report PL-63-22, which rezones the lands at 2154 Walker's Line from 'R3.2' zone to 'RM2-517'; and

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

PURPOSE:

Vision to Focus Alignment:

The subject application aligns with the following focus areas of the 2018-2022 Burlington's Plan: From Vision to Focus:

- Increase economic prosperity and community responsive city growth
- Improve integrated city mobility
- Support sustainable infrastructure and a resilient environment
- Building more citizen engagement, community health and culture

Executive Summary:

RECOMMENDATION:		Approval	Ward:	6
Application Details	APPLICANT:	Millington & Associates Inc.		
	OWNER:	Arianna Developments Inc.		
	FILE NUMBERS:	520-02/22		
	TYPE OF APPLICATION:	Zoning By-law Amendment		
	PROPOSED USE:	Nine (9) townhouse units of 2-storeys.		
Property Details	PROPERTY LOCATION:	West of Walker's Line between Upper Middle Road and Dundas Street.		
	MUNICIPAL ADDRESSES:	2154 Walker's Line		
	PROPERTY AREA:	0.38 ha		
	EXISTING USE:	Single Detached Dwelling		
Documents	OFFICIAL PLAN Existing:	'Residential Low Density' (1997 Official Plan)		
	OFFICIAL PLAN Proposed:	No change proposed		
	ZONING Existing:	'Residential Low Density' (R3.2)		
	ZONING Proposed:	'Residential Medium Density' with site specific regulations (RM2-517)		
Processing Details	APPLICATION RECEIVED:	February 15, 2022		
	STATUTORY DEADLINE:	May 16, 2022 (90 days)		
	COMMUNITY MEETING:	March 29, 2021		
	PUBLIC COMMENTS:	11 comments received. Number of Notices Sent: 175		

Background and Discussion:

On March 8, 2022, Planning staff deemed complete the application that had been received as of February 15, 2022 for a Zoning By-law Amendment at 2154 Walker's Line (the "subject land"). The purpose of the application is to allow for nine (9) townhouse units of two (2) storeys in height to be developed on a private road (as shown on Appendix B).

Subject Lands Description & Surrounding Land Uses

The subject land is located west of Walker's Line between Upper Middle Road and Dundas Street, more specifically north-west of the intersection of Millcroft Park Drive and Walker's Line (as shown on Figure 1 (right), and Appendix A). The subject land has an area of approximately 0.38 ha and approximately 40.5 m of frontage on Walker's Line.

The subject land is currently occupied by a single detached residential dwelling and it is surrounded by a mix of residential uses. To the north, south and west of the property are low density residential uses composed of single detached dwellings. To the east on the opposite side of Walker's Line are medium density residential uses composed of townhouse units on a private road.

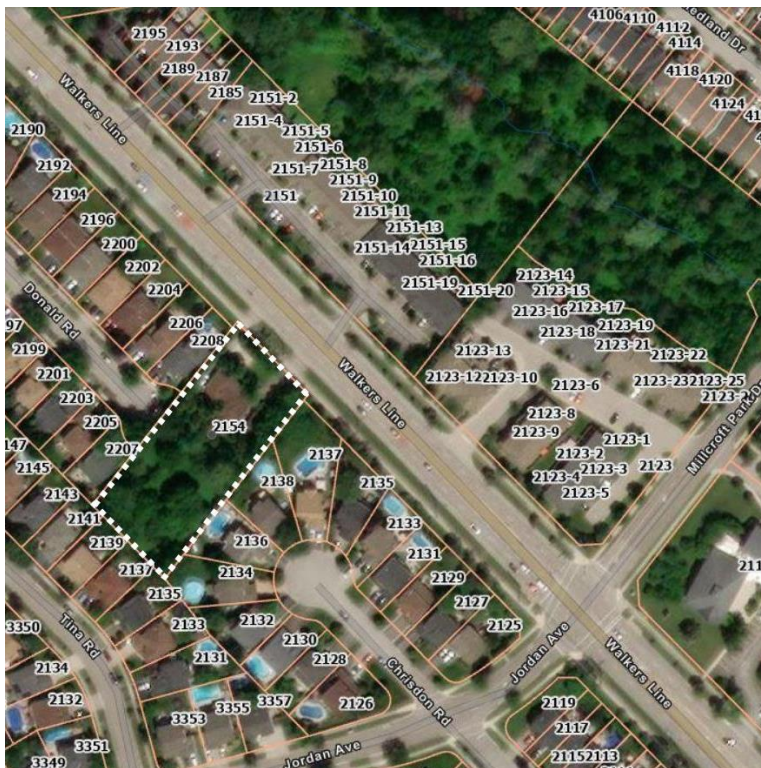


Figure 1 – Air Photo (2019) with Subject Lands Outlined

The subject land is approximately 120 metres north from the nearest Burlington Transit bus stop on Route 51 (Burlington Go Station) which runs along Walker's Line and has 34 stops departing from Sutton at Dundas and ending in Burlington Go Station.

Description of Application

The purpose of the application is to allow for nine (9) townhouse units of two (2) storeys in height to be developed on a private road (as shown on Appendix B). The proposal will result in a residential density of approximately 23 units per net hectare.

The applicant has applied to rezone the lands from R3.2” to “RM2” with a site-specific exceptions also known as exemption 517. The proposed site-specific exception relates to the following zone regulations: reduced lot width; reduced density; reduced front and rear yard setback; reduced west and north yard setback abutting a R1, R2 or R3 zone; reduced landscape area abutting Walker’s Line and to permit a transformer and noise wall to encroach; reduced south landscape buffer within 11m of Walker’s Line and a hammer head to encroach; reduced rear landscape buffer; to permit the proposed noise wall to encroach into the north landscape buffer abutting a R1, R2 or R3 zone; increased fence height and a reduction to zero (0) visitor parking spaces.

Supporting Documents

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

- [Completed Application Form](#) signed February 1, 2022.
- [Planning Justification Report](#) prepared by MB1 Urban Planning Service dated October 2021.
- [Site Survey](#) prepared by MMP Ltd. dated May 18, 2021.
- [Conceptual Site Plan Layout](#) prepared by Millington & Associates Inc. dated January 19, 2022.
- [Architectural Plans](#) prepared by KNYMH Architects dated February 14, 2022.
- [Building Height Certificate](#) prepared by MMP Ltd. Dated October 6, 2021.
- [Arborist Report](#) prepared by GLN Farm & Forest Research Co Ltd. dated October 26, 2021.
- [Tree Inventory and Tree Preservation Plan](#) prepared by GLN Farm & Forest Research Co Ltd. dated October 26, 2021.
- [Tree Inventory and Compensation Form](#) prepared by Millington & Associates Inc. dated February 14, 2022.
- [Landscape Plan](#) prepared by N. J. Landscape Architect dated November 29, 2021.
- [Engineering Plans](#) prepared by AC Group dated October 21, 2021.
- [Environmental Noise Impact Study](#) prepared by bDA Acoustical Consultants Inc. dated May 2021.
- [Noise Study – Letter of Reliance](#) prepared by bDA Acoustical Consultants Inc. dated May 18, 2021.
- [Transportation Impact Brief](#) prepared by Paradigm Transportation Solutions Ltd. dated July 16, 2021.
- [Geotechnical Report](#) prepared by prepared by Soil-Mat Engineers & Consultants Ltd. dated November 4, 2021
- [Phase One Environmental Site Assessment](#) prepared by Soil-Mat Engineers & Consultants Ltd. dated May 12, 2021.

- [Phase One Environmental Site Assessment Reliance Letter – City of Burlington](#) prepared by Soil-Mat Engineers & Consultants Ltd. dated December 17, 2021.
- [Phase One Environmental Site Assessment Reliance Letter – Halton Region](#) prepared by Soil-Mat Engineers & Consultants Ltd. dated December 17, 2021.
- [Environmental Soil Sampling](#) prepared by Soil-Mat Engineers & Consultants Ltd. dated December 17, 2021.
- [Sustainable Building and Development Guidelines Letter](#) prepared by Millington & Associates Inc. dated February 2, 2022.
- [Response to Comments Received at Community Meeting](#) prepared by Millington & Associates Inc. dated March 29, 2021.
- [Overview and Summary of Pre-Consultation List](#) prepared by Millington & Associates Inc. dated February 2, 2022.
- [Environmental Site Screening Questionnaire](#) signed December 13, 2021.
- [Draft Zoning By-law Amendment](#) prepared by Millington & Associates Inc. dated February 14, 2022.
- [Construction and Mobility Management Plan](#) Millington & Associates Inc. dated November 21, 2021.
- [Waste Management Report](#) prepared by CanAm Waste dated January 18, 2022.
- **PIN Report** dated February 3, 2022.
- [Inventory and Location of Private Domestic Water Wells and Septic Systems](#) prepared by Millington & Associates Inc. dated February 14, 2022.
- [Functional Servicing and Stormwater Management Report](#) prepared by AC Group dated October 2021.
- [Revised Site Survey](#) prepared by MMP Ltd. dated July 19, 2022
- [Revised Site Survey with Deemed Width Note](#) prepared by MMP Ltd. dated March 19, 2021.
- [Revised Conceptual Site Plan Layout](#) prepared by Millington & Associates Inc. dated July 18, 2022
- [Revised Architectural Plans](#) prepared by KNYMH Architects dated July 20, 2022
- [Revised Landscape Plan](#) prepared by N. J. Landscape Architect dated July 18, 2022
- [Revised Arborist Report and Tree Preservation Plan](#) prepared by GLN Farm & Forest Research Co Ltd. dated June 20, 2022
- [Revised Tree Inventory and Tree Preservation Plan](#) prepared by GLN Farm & Forest Research Co Ltd. dated July 19, 2022
- [Revised Tree Inventory and Compensation Form](#) prepared by Millington & Associates Inc. dated July 20, 2022
- [Burlington Fee Calculator City Trees Only](#) dated July 19, 2022

- [Transportation Staff Correspondence](#) dated July 19, 2022
- [Site Engineering Staff Correspondence](#) dated June 6, 2022

Supporting documents have been published on the City's website for the subject application, www.burlington.ca/2154walkers.

Policy Framework

The proposed Zoning By-law Amendment is subject to the Planning Act, Provincial Policy Statement (2020), A Place to Grow: The Growth Plan for the Greater Golden Horseshoe (2020), Region of Halton Official Plan, City of Burlington Official Plan (1997, as amended), City of Burlington New Official Plan (2020), and City of Burlington Zoning By-law 2020, as summarized below. A policy analysis has been provided to demonstrate that the proposal is in keeping with the applicable framework. Staff are of the opinion that the proposed application is consistent with and conforms to the applicable policy framework, as discussed below.

Provincial Policy Statement (PPS), 2020

The PPS promotes healthy, liveable and safe communities that are sustained by appropriate development and land use patterns which make efficient use of land and infrastructure, accommodate an appropriate range and mix of uses, protect public health and safety as well as the environment. The plan provides direction on managing and directing land uses to achieve efficient and resilient development and land use patterns. Subsection 1.1.1 identifies that healthy, liveable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- b) accommodating an appropriate affordable and market-based range and mix of residential types and other uses to meet long-term needs;
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;
- d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;
- e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;
- f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;

- g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;
- h) promoting development and land use patterns that conserve biodiversity; and
- i) preparing for the regional and local impacts of a changing climate.

The PPS directs for growth and development to be focused in settlement areas. The subject land is within a settlement area which is defined as urban areas and rural settlement areas within municipalities (such as cities, towns, villages and hamlets) that are built-up areas where development is concentrated and which have a mix of land uses as well as lands which have been designated in an official plan for development over the long term planning horizon. In accordance with subsection 1.1.3.1, settlement areas shall be the focus of growth and development and subsection 1.1.3.2 identifies that land use patterns within settlement areas shall be based on densities and a mix of land uses which:

- a) efficiently use land and resources;
- b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
- c) minimize negative impacts to air quality and climate change, and promote energy efficiency;
- d) prepare for the impacts of a changing climate;
- e) support active transportation;
- f) are transit-supportive, where transit is planned, exists or may be developed; and
- g) are freight-supportive

Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3. This policy describes planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs. Similarly, subsection 1.1.3.4 describes appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety. Furthermore, subsection 1.1.3.5, describes planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions.

The subject land is designated as 'Residential Low Density' within the 1997 Official Plan (as amended) which may permit single-detached and semi-detached dwellings to a maximum density of 25 units per net hectare. In addition, other forms of ground-oriented housing units with a density to a maximum of 25 units per net hectare may be permitted provided that these forms are compatible with the scale, urban design and community features of the neighbourhood. The subject land is also designated as 'Residential Low Density' under the New Official Plan which may also permit single-detached and semi-detached dwellings to a maximum density of 25 units per net hectare. Townhouses may be considered under this designation, through a site-specific Zoning By-law Amendment, subject to the fulfillment of specific development criteria which reflects the opportunity for intensification and redevelopment of the property. The subject land currently contains a single detached dwelling and contemplates development of a density of 23 units per net hectare.

In accordance with the land use compatibility policies under subsection 1.2.6.1, 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 odour, noise and other contaminants, 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. Sensitive land uses are defined under the plan as buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more adverse effects from contaminant discharges generated by a nearby major facility, therefore the existing and proposed residential use would be considered a sensitive land use. The subject land is located within the 'Residential Area' designation under Schedule A of the 1997 Official Plan (as amended), within the 'Residential Neighbourhood Area' under Schedule B of the New Official Plan (2020) and it is surrounded by a mix of 'Residential Low Density' and 'Residential Medium Density' zones. As a result, it is staff's opinion the proposed development would be compatible with the existing surrounding land uses.

In accordance with the housing policies, subsection 1.4.1 identifies developments are to provide an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area. Similarly, subsection 1.4.3 identifies planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents. This may be achieved by permitting and facilitating all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3 as previously discussed in this report. This may also be achieved by directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs and by promoting densities for new housing which efficiently use land, resources, infrastructure and public

service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed.

The Zoning By-law Amendment application and development proposal contemplates redeveloping the existing vacant property with residential uses in the form of nine (9) townhouse units. The proposed development would be served by existing servicing infrastructure and public service facilities that currently serve the surrounding neighbourhood area. The subject land is also in close proximity to existing public transportations routes including, the nearest Burlington Transit bus stop on Route 51 (Burlington Go Station) which is located 120 metres north from the subject land, runs along Walker's Line and has 34 stops departing from Sutton at Dundas and ending in Burlington GO Station.

Similarly, in accordance with the public spaces, recreation, parks, trails and open space policies under subsection 1.5.1, the plan describes healthy and active communities should be promoted by planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity as well as by planning and providing for a full range and equitable distribution of publicly accessible built and natural settings for recreation, including facilities, parklands, public spaces, open space areas, trails and linkages. The proposed development provides for an internal sidewalk that connects to Walker's Line as per the Burlington Accessibility Committees request as well as double car garages that will allow for vehicle and bicycle storage. The Engineering Services Accessibility staff have also reviewed the development application and have no comments or concerns at this time.

In accordance with the energy conservation, air quality and climate change policies, subsection 1.8.1, planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the impacts of a changing climate through land use and development patterns which promote the use of active transportation and transit in and between residential uses and other areas. Additionally, development is to encourage transit-supportive development and intensification to improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion, promote design and orientation which maximizes energy efficiency and conservation, and considers the mitigating effects of vegetation and green infrastructure; and maximize vegetation within settlement areas, where feasible. As part of the Zoning By-law amendment application, the applicant was required to provide a checklist for the Sustainable Building and Development Guidelines which provide an overview of the required and encouraged sustainable design measures for new development across the City. A summary of these considerations has been provided in the following sections of this report. Similarly, urban forestry and landscape staff have reviewed the Zoning By-law Amendment application in regard to natural

vegetation preservation and have no further comments or concerns with the proposed development.

Planning staff have considered the policies of the PPS with regard to this Zoning By-law amendment application and are of the opinion that the proposal is consistent with the PPS.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan), 2020

The Growth Plan provides specific growth management policy direction for the Greater Toronto and Hamilton Area (GTHA) and focuses development in the existing urban areas through intensification. The guiding principles of the Growth Plan include building complete communities that are vibrant and compact, and utilizing existing and planned infrastructure to support growth in an efficient and well-designed form.

In accordance with subsection 2.2.1.2, most of the growth will be directed to settlement areas that have a delineated built boundary, have existing or planned municipal water and wastewater systems and can support the achievement of complete communities. Additionally, within settlement areas growth will be focused in delineated built-up areas, strategic growth areas, locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and areas with existing or planned public service facilities.

In accordance with subsection 2.2.1.4, applying the policies of this Plan will support the achievement of complete communities that feature a diverse mix of land uses and housing options with convenient access to: transportation options, including safe, comfortable and convenient and active transportation; local stores; services; public service facilities; an appropriate supply of safe, publicly-accessible open spaces, parks, trails, and other recreational facilities; and improve social equity and overall quality of life. These are also expected to provide for a more compact built form and a vibrant public realm, including public open spaces; mitigate and adapt to the impacts of a changing climate, improve resilience and reduce greenhouse gas emissions, and contribute to environmental sustainability; and integrate green infrastructure and appropriate low impact development.

In accordance with the housing policies under subsection 2.2.6.1, upper- and single-tier municipalities, in consultation with lower-tier municipalities, the province, and other appropriate stakeholders, will support housing choice through the achievement of the minimum intensification and density targets in this Plan. This may be done by identifying a diverse range and mix of housing options and densities, including additional residential units to meet projected needs of current and future residents as well as identify mechanisms, including the use of land use planning and financial tools, to support that.

Similarly, subsection 2.2.6.2 describes that notwithstanding policy 1.4.1 of the PPS as previously discussed in the report, municipalities will support the achievement of complete communities by planning to accommodate forecasted growth to the horizon of this Plan, planning to achieve the minimum intensification and density targets in this Plan, considering the range and mix of housing options and densities of the existing housing stock, and planning to diversify their overall housing stock across the municipality. Furthermore, as per subsection 2.2.6.4, municipalities will need to maintain at all times where development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units. This supply will include, and may exclusively consist of, lands suitably zoned for intensification and redevelopment.

As previously mentioned, the Zoning By-law Amendment application and development proposal contemplates redeveloping the existing vacant property with residential uses in the form of nine (9) townhouse units which would be served by existing servicing infrastructure and public service facilities that currently serve the surrounding neighbourhood area. The subject land is in close proximity to existing public transportation routes including, the nearest Burlington Transit bus stop on Route 51 (Burlington GO Station) which is located 120 metres north from the subject land, runs along Walker's Line and has 34 stops departing from Sutton at Dundas and ending in Burlington GO Station.

Planning staff have reviewed the application and find that the proposed Zoning By-law amendment on the subject lands conforms with the policy direction provided by the Growth Plan.

Halton Region Official Plan (ROP)

The subject lands are designated as Urban Area under Map 1 of the 2009 Halton Region Official Plan (ROP) and are within the Built Boundary. The Urban Area policies of the ROP provide that the range of permitted uses and the creation of new lots within the Urban Area will be in accordance with Local Official Plans and Zoning By-laws. All development, however, shall be subject to all other relevant policies of the ROP. Urban Areas are to accommodate growth, support a form of growth that is compact and supportive of transit, support the creation of complete communities, and identify an urban structure that supports the development of Intensification Areas.

Through Regional Official Plan Amendment #48 (ROPA 48), the Region has implemented an updated Regional Urban Structure and growth management framework to implement the planning vision provided within the Growth Plan. The subject land is not within a strategic growth area as defined through ROPA 48. Walker's Line has been identified as being a 'Minor Arterial' under Map 1H and Map 3 of the ROP. Lands within 'Minor Arterial' rights-of-way aim to serve mainly local travel demands.

The Region's Natural Heritage System (RNHS) is a systems approach to protecting and enhancing natural features and functions based on environmental Key Natural Features of the Region of Halton. The subject land is not designated as part of the RNHS ON Map 1 or contain Key Natural features that form part of the RNHS on Map 1G of the ROP. It was brought to the attention of regional planning staff that there may be potential or significant wildlife habitats on the subject land. The RNHS speaks to mapped and unmapped features, significant wildlife habitats constitute unmapped features. After consultation with Conservation Halton, it has been determined that there are no features present on the subject land that would constitute significant wildlife habitat. As such, regional staff are satisfied with respect to the RNHS.

Section 89 of the ROP requires that approvals for all new development within the Urban Area be on the basis of connection to the Region's municipal water and wastewater systems, unless otherwise exempt by other policies of this Plan. As part of the required application materials the applicant has provided a functional servicing report which regional staff have identified as sufficient for this application and demonstrates appropriate servicing for the proposed development.

Section 147(17) of the ROP requires the proponent of the 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 sustainable its intended use. Regional planning staff sought the submission of an Environmental Site Screening Questionnaire (ESSQ) and Phase One Environmental Site Assessment (ESA), which the applicant provided as part of the first submission along with a Letter of Reliance. Based on their review of the submitted materials, regional staff are satisfied from a site contamination perspective.

Regional planning staff were circulated on the development application and associated technical studies and drawings. Regional planning staff later requested revisions as part of the first formal development application circulation, the applicant has now provided further revisions to the plans and regional staff have no further comments or objections to the proposed amendments.

City planning staff have reviewed the application and find that the proposed Zoning By-law amendment on the subject lands conforms with the Halton Region Official Plan.

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

The City of Burlington's Official Plan 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 land is designated 'Residential Low Density' under Schedule B: Comprehensive Land Use Plan – Urban Planning Area of the Official Plan. Lands within this designation may permit single-detached and semi-detached dwellings to a maximum

density of 25 units per net hectare. In addition, other forms of ground-oriented housing units with a density to a maximum of 25 units per net hectare may be permitted provided that these forms are compatible with the scale, urban design and community features of the neighbourhood.

The criteria listed under subsection 2.5.2 d) shall be considered when evaluating proposals for housing intensification within established neighbourhood. In accordance with subsection 2.5.2 d) (i), adequate municipal services to accommodate the increased demands are provided, including such services as water, wastewater and storm sewers, school accommodation and parkland. City Site Engineering staff, Halton Region staff and Halton District School Board planning staff have been circulated as part of the technical review process and have demonstrated no concerns in terms of servicing capacity and school accommodations.

In accordance with subsection 2.5.2 d) (ii), development proposals are to provide for adequate off-street parking. Additionally, 2.5.2 d) (iii) describes development proposals are to ensure 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. The application contemplates two (2) vehicle parking spaces located on the driveway and two (2) vehicle parking spaces in the garage. Furthermore, the RM2 zoning that is being proposed requires two (2) occupant parking spaces per unit and 0.50 visitor parking spaces per unit for townhouse dwellings.. Planning and Transportation Planning staff have no concerns with the proposed parking and traffic generated by the proposed development.

In accordance with subsection 2.5.2 d) (iv), development proposals are to be in close proximity to existing or future transit facilities. The subject lands are approximately 120 metres north from the nearest Burlington Transit bus stop on Route 51 (Burlington Go Station) which runs along Walker's Line and has 34 stops departing from Sutton at Dundas and ending in Burlington Go Station.

In accordance with subsection 2.5.2 d) (v), development proposals are to achieve compatibility 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. Similarly, subsection 2.5.4 a), b) and c) which relates to infill development, describes ground-oriented residential infilling within existing neighbourhoods and the creation of new housing that is compatible with existing neighbourhoods, shall be encouraged. New infill development shall be compatible with the surrounding development in terms of height, scale, massing, siting, setbacks, coverage and amount of open space. Additionally, subsection 2.5.2 d) (ix) describes that development proposals are to provide adequate buffering and other measures to minimize any identified impacts. The proposed RM2 zoning requires a landscape buffer

abutting R1, R2, R3 zones of 6 m. The proposed development therefore contemplates landscape buffers along the south, north and east property lines which abut 'Residential Low Density' zones. The south landscape buffer proposed is 5.2 m only within 11 m of Walker's Line and the proposed hammer head may encroach, the north landscape buffer is 6.1 m, the west landscape buffer is 5.9 m and the east landscape buffer is 5.3 m and a transformer and noise wall may encroach. Staff is of the opinion that given the proposed height which is in accordance with the existing zoning regulations, as well as the scale and massing of the proposed building blocks the requested amendments will not disrupt the overall compatibility of the neighbourhood.

In accordance with subsection 2.5.2 d) (vi), the 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. As part of the required materials for the application submission, the applicant has provided an Arborist Report, Tree Inventory and Tree Preservation Plan, Tree Inventory and Compensation Form and Landscape Plan. Urban Forestry and Landscaping staff have reviewed the submitted materials and have indicated no concerns with the proposed trees to be removed and those to be preserved.

In accordance with subsection 2.5.2 d) (viii) development proposals are to provide accessibility to community services and other neighbourhood conveniences such as community centres, neighbourhood shopping centres and health care. The proposed development is located within an 'Residential Area' under Schedule A – Settlement Pattern of the OP and it is approximately 400m away from the nearest 'Neighbourhood Commercial' designation and zone as recognized under the OP and Zoning By-law 2020. The 'Residential' and 'Neighbourhood Commercial' zones are connected by pedestrian and transit routes. Under the Zoning By-law, 'Neighbourhood Commercial' zones allow for a variety of retail, service commercial, office, community, automotive and entertainment and recreation uses that serve the greater residential neighbourhood communities.

Staff are therefore of the opinion that the proposed Zoning By-law amendment conforms to the City's 1997 Official Plan (as amended).

City of Burlington New Official Plan (OP, 2020)

On November 30, 2020, the Region of Halton issued a Notice of Decision approving the new Burlington Official Plan. The new Official Plan has been developed to reflect the opportunities and challenges facing the City as it continues to evolve.

Section 17(38) of the Planning Act (R.S.O. 1990, as amended) sets out that all parts of an approved official plan that are not the subject of an appeal will come into effect on the day after the last date for filing a notice of appeal- that date being December 22, 2020 for

the new Burlington Official Plan. At this time, no formal determination has been made as to the validity of the appeals of relevant sections of OP, 2020.

The subject lands are designated 'Residential Low Density' under Schedule C: Land Use - Urban Area of the New Official Plan. Lands within this designation may permit single-detached and semi-detached dwellings to a maximum density of 25 units per net hectare. Townhouses may be considered under this designation, through a site-specific Zoning By-law Amendment, subject to the fulfillment of the following criteria.

- (i) The development does not exceed the density of 25 units per net hectare;
- (ii) The development form is compatible with the surrounding area;
- (iii) The development form is respectful of the physical character of the neighbourhood; and
- (iv) The development includes the provision of a functional amenity area at grade.

The criteria listed under subsection 12.1.2 (2.2) c) shall be satisfied when evaluating all development applications, where applicable. Subsection 12.1.2 (2.2) c) (i) describes the development shall be consistent with the land use compatibility policies contained in Section 4.6, of the Plan. Subsection 4.6.2 a) describes 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." As part of the required materials for the Zoning By-law Amendment, the applicant was required to provide an Environmental Noise Impact Study as well as a Noise Study – Letter of Reliance. Site Engineering staff have indicated no concerns over potential adverse effects from vibration and noise generated by the proposed development. Additionally, as part of the required materials for the Zoning By-law Amendment, the applicant was also required to provide an Environmental Site Screening Questionnaire (ESSQ) and a Phase One Environmental Site Assessment (ESA). Halton Region staff have reviewed the materials submitted and have demonstrated no concerns over potential adverse effects from potential site contamination generated by the proposed development. It is therefore Planning staff opinion the proposed development conforms with the policies under Section 4.6 of the OP, 2020.

In accordance with subsection 12.1.2 (2.2) c) (iii) the development shall be consistent with the intent of the Urban Structure as outlined in section 2.3 of the Plan, and maintain the land use vision established in the land use designations of this Plan. The subject land is designated as 'Residential Neighbourhood Area' under Schedule B – Urban Structure of the Plan. In accordance with subsection 2.3.4 lands identified as 'Residential Neighbourhood Areas' make up a significant proportion of the Urban Area. These areas 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 land is designated as ‘Established Neighbourhood Area’ under Schedule B-1 – Growth Framework of the Plan. In accordance with subsection 2.4.2.(3) a) established neighbourhood areas: shall be recognized as a distinct area within the city’s Urban Area where intensification is generally discouraged; shall not be regarded as essential to achieve the population growth distributions, as stated by Places to Grow, and as distributed by the Region of Halton; and shall be composed of selected lands designated Residential-Low Density, Residential – Medium Density, and Residential – High Density, and as such 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 land is currently vacant and contemplates development of a density of 23 units per net hectare.

In accordance with subsection 12.1.2 (2.2) c) (ii) the development shall achieve built form compatibility. Furthermore, subsection 12.1.2 (2.2) c) (iv) describes the development shall achieve high quality urban design and is consistent with the policies contained in Chapter 7: Design Excellence. Established Neighbourhood Areas are subject to the policies of Subsection 7.3.2 of this Plan, 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. Furthermore, in accordance with subsection 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.

In accordance with subsection 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. Urban Forestry and Landscape staff have reviewed the submitted materials and have indicated no concerns with the proposed trees to be removed and those to be preserved.

In accordance with subsection 12.1.2 (2.2) c) (vi) the development shall be supported by available infrastructure and public service facilities. Similar, subsection 12.1.2 (2.2) c) (xi) describes that 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. The proposed development is located within an 'Established Neighbourhood Area' that utilizes existing servicing and it is approximately 400m away from the nearest Neighbourhood Centre designation as recognized under the OP, 2020 and Neighbourhood Commercial zone as recognized under the Zoning By-law 2020. The residential and neighbourhood centre zones are connected by pedestrian and transit routes. Under the Zoning By-law, Neighbourhood Centre zones allow for a variety of retail, service commercial, office, community, automotive and entertainment and recreation uses.

In accordance with subsection 12.1.2 (2.2) c) (xii) development shall address multi-modal transportation considerations and is consistent with the policies in Section 6.2: Multi-modal Transportation, including but not limited to 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. Planning and Transportation Planning staff are of the opinion the proposed visitor parking rate reduction and traffic generated by the proposed development will not have a negative impact on the surrounding neighbourhood.

Additionally, in accordance with subsection 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. Similarly, subsection 12.1.2 (2.2) c) (xvi) describes 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 and as per subsection 12.1.2 (2.2) c) (xvii) the development shall complement and connect with the public realm, including walking and cycling facilities. The subject lands are located on a minor arterial right-of-way and it is approximately 120 metres north from the nearest Burlington Transit bus stop on Route 51 (Burlington GO Station) which runs along Walker's Line and has 34 stops departing from Sutton at Dundas and ending in Burlington GO Station.

In accordance with subsection 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. As part of the required materials for the application submission, the applicant has provided a Functional Servicing and Stormwater Management Report which Site 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.

Zoning By-law 2020

The subject lands are currently zoned 'Residential Low Density' (R3.2) (as shown on Appendix A). The R3.2 zone may permit detached dwellings to a maximum height of 2 storeys and one accessory dwelling unit subject to specific regulations. A Zoning By-law Amendment is required to allow for nine (9) townhouse units of 2-storeys in height to be developed on a private road (as shown on Appendix B). The proposal will result in a residential density of approximately 23 units per net hectare.

A comparison between the current and proposed zoning performance standards (and the applicable site-specific regulations) is illustrated on Table 1 (Zone Comparison), below.

Table 1: Zone Comparison (Current & Site-Specific Zone Proposed)

Zone Regulation	Zone Requirement		
	'R3.2' Zone (Section 4.0) (Existing)	'RM2' Zone (Townhouse)	'RM2-517' Zone (proposed)
Lot Width	15 m	45 m	40.53 m
Lot Area	425 m ² (0.0425 ha)	0.4 ha	0.37 ha
Front Yard	6 m	7.5 m For properties abutting a street having a deemed width of 30 m or greater: 9 m	5.3 m
Rear Yard	9 m (c)	9 m	7.5 m
Side Yard	Without attached garage or carport: One or one and a half storey side: 1.2 m, 3 m other side Two or more storey side: 1.8 m, 3 m other side With attached garage or carport: One or one and a half storey side: 1.2 m Two or more storey side: 1.8 m	4.5 m	South property line: 16.9 m North property line: 8.9 m

Street Side Yard	4.5 m	6 m	N/A
Yard Abutting R1, R2, R3 Zone	N/A	9 m	South property line: 16.9 m North property line: 8.9 m West property line: 7.5 m
Density	N/A	Minimum of 25 units per hectare and maximum of 40 units per hectare	Approximately 23 units per hectare
Floor Area Ratio	A maximum floor area ratio of 0.45:1 shall apply to properties in Designated Areas for Lot Coverage.	N/A	Approximately 0.49:1
Amenity Area	N/A	25 m ² / bedroom 15 m ² / efficiency	Amenity Area: approximately 64 m ² / bedroom
Privacy Area	N/A	20m ² per unit	Privacy Area: approximately 22 m ² / unit
Landscape Area and Buffer	N/A	Landscape Area: 4.5 m abutting a street having a deemed width up to 26 m 6 m abutting a street having a deemed width greater than 26 m Landscape Buffer: Abutting R1, R2, R3 zones: 6 m	South property line: 5.2 m (driveway within 11m of Walker's Line and hammer head encroaches) North property line: 6.1 m (noise wall encroaches) West property line: 5.9 m East property line: 5.3 m (transformer and noise wall encroaches)
Building Height	Maximum 2 ½ storeys for peaked roof dwellings and 2	Maximum 3 storeys	2 storeys

	storeys for flat roof dwellings		
Fence Height	Maximum fence height is 2m, and 1.2m within 3m of a street line	Maximum fence height is 2m, and 1.2m within 3m of a street line	Fence on property lines: 2.2m
Parking	For a Detached Dwelling, Semi-Detached Dwelling and Duplex Dwelling 2 parking spaces per unit are required; one of which may be provided in an attached or detached garage.	For Townhouse Dwellings 2 occupant parking spaces per unit and 0.50 visitor parking spaces per unit are required.	4 occupant parking spaces per unit provided in the attached garage and on the driveway.
General Parking Provisions (Parking Space Size & Accessibility)	Each parking space shall have a minimum width of 2.75m and a minimum area of 16.5 m ²		Parking Space Minimum: 2.6m x 5.6 m

The proposed development reflects a reduced lot width from the minimum required 45 m to 40.5 m and a reduced lot area from the minimum required 0.4 ha to 0.37 ha to acknowledge the subject land's existing lot configurations. Furthermore, the proposed development contemplates nine (9) units on a lot of 0.37 ha in size, which results in a density of approximately 23 units per net hectare. The subject lands are surrounded by a mix of residential uses with smaller lot areas and lot widths than those of the subject land. To the north, south and west of the property are low density residential uses with a maximum density of 25 units per net hectare and composed of single detached dwellings. To the east on the opposite side of Walker's Line are medium density residential uses composed of townhouse units on a private road. Differently from the existing R3.2 zoning which permits a maximum density of 25 units per net hectare, the RM2 zone permits a minimum of 25 units per hectare to a maximum of 40 units per net hectare. As a result, a reduced density from the minimum required 25 units per net hectare to 23 units per net hectare would be required as part of the Zoning By-law amendment. Staff is therefore of the opinion that the existing lot configuration and the proposed density maintains appropriate land use compatibility with the existing uses of the surrounding neighbourhood.

The proposed development contemplates a reduced front yard setback from the minimum required 9 m to 5.3 m, a reduced rear yard setback and west yard abutting a R1, R2 or R3 zone from the minimum required 9 m to 7.5 m and a reduced north yard setback

abutting a R1, R2 or R3 zone from the minimum required 9 m to 8.9 m. The intent of yard setbacks abutting R1, R2 and R3 zones is to promote compatibility and mitigate adverse effects of massing on the surrounding streetscape and adjacent properties. The Zoning By-law technically recognizes the side yards of the building blocks as the front and rear yards. On the rear yard, the subject land abuts the backyards of the neighbouring properties located to the west property line and on the front yard the subject land abuts Walker's Line. Staff is of the opinion the proposed rear yard setback continues to provide for sufficient separation between the proposed building and the neighbouring properties to mitigate the impacts of the proposed massing and the front yard continues to maintain compatibility with the existing streetscape.

Under the Zoning By-law 2020, a 'Landscape Area' is defined as an area of land within a lot dedicated to the planting of trees, shrubs, flower beds, or a combination thereof and which may include other decorative landscape features. A Landscape Area may be crossed by a driveway or walkway provided it is substantially perpendicular to the Landscape Area and may permit a ground sign but does not permit for snow storage and transformers. The proposed development contemplates a reduced landscape area abutting Walker's Line from the minimum required 6 m to 5.3 m and to permit a transformer and noise wall to encroach. The intent of landscape area regulations is to achieve appropriate landscaping and separation to existing streetscapes. It is therefore staff's opinion the proposed amendment will be compatible with the existing streetscape and will provide for sufficient landscaping.

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. Snow storage and transformers are not permitted in a required landscape buffer. The proposed development contemplates a reduced south landscape buffer from the minimum required 6 m to 5.2 m and driveway within 11m of Walker's Line and hammer head to encroach, a reduced rear landscape buffer from the minimum required 6 m to 5.9 m and to permit the proposed noise wall to encroach into the north landscape buffer abutting a R1, R2 or R3 zone. It is therefore staff's opinion will provide for sufficient separation and partially obstruct the view of adjacent land uses by means of the dense landscape proposed.

The proposed development contemplates a fence height increase from the maximum permitted 2 m to 2.2 m. The intent of maximum fence heights is to prevent overbuilt of structures between properties. Staff find the proposed fence height increased to be appropriate to mitigate privacy concerns and will not pose negative impacts on the compatibility of the existing neighbourhood.

The proposed development contemplates two (2) vehicle parking spaces located on the driveway and two (2) vehicle parking spaces in the garage. The existing R3.2 zoning of

the subject land requires two (2) parking spaces per unit for detached dwellings, semi-detached dwellings and duplex dwellings, one of which may be provided in an attached or detached garage. Furthermore, the RM2 zoning that is being proposed requires two (2) occupant parking spaces per unit and 0.50 visitor parking spaces per unit for townhouse dwellings. The proposed development contemplates undersized visitor parking spaces, albeit in excess of the minimum required number of spaces. Planning and Transportation Planning staff are of the opinion the proposed visitor parking rate reduction and traffic generated by the proposed development will not have a negative impact on the surrounding neighbourhood.

As per the analysis above staff is of the opinion that the proposed amendments to Zoning By-law 2020 are appropriate for the subject lands.

Technical Comments

The subject application was circulated to internal staff and external agencies on March 22, 2022 for review. The following are comments received to-date which are summarized below:

Finance Department – Property taxes must be paid in full, including all installments levied.

Engineering Services: Accessibility Coordinator – no comments at this time.

Site Engineering – no concerns at this time, additional comments may be provided at the Site Plan review stage.

Traffic Technologist – no concerns and have stated temporary constructions signage is to be installed by the applicant as per OTM Book 7 guidelines.

Transportation – revisions were requested as part of the first formal development application submission, the applicant has now provided further revisions to the plans and transportation staff have no further comments or concerns as part of this application.

Urban Forestry and Landscape – revisions were requested as part of the first formal development application submission, the applicant has now provided further revisions to the plans and Urban Forestry and Landscape staff have no further comments or concerns as part of this application, additional comments may be provided at the Site Plan review stage.

Halton Region – revisions were requested as part of the first formal development application submission, the applicant has now provided further revisions to the plans and Regional staff have no further comments or concerns as part of this application.

Halton Regional Police Services – no concerns.

Halton District School Board – no concerns and have provided standard conditions of development which have been circulated to the applicant.

Halton District Catholic School Board – no concerns and have provided standard conditions of development which have been circulated to the applicant.

Financial Matters:

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

Climate Implications

In February 2020, City Council approved the City of Burlington Climate Action Plan to support the City's path towards a low-carbon future, focusing on mitigating greenhouse gases and reducing energy consumption. The Plan identifies seven implementation programs, including, programs to enhance energy performance for new and existing buildings; increase transit and active transportation mode shares; electrify City, personal and commercial vehicles and other currently gas-powered equipment; and, support waste reduction and diversion.

As part of the Zoning By-law amendment application, the applicant was required to provide a checklist for the Sustainable Building and Development Guidelines which provide an overview of the required and encouraged sustainable design measures for new development across the City.

According to the 'site disturbance' guidelines, earthwork and clearing of vegetation is to be limited to maintain the local landscape and help ensure soils and vegetation remain undisturbed. The development proposal contemplates maintaining 6 inches of quality top soil as described under the submitted materials and have a esignated snow storage area that will drain directly into the internal storm system thereby not impacting the proposed landscaped areas.

According to the 'site connections' guidelines, 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. Similarly, according to the 'accessibility' guidelines, design on-site sidewalks, crosswalks and walkways are to be continuous, universally accessible, barrier-free and clearly delineated in accordance with Official Plan Policies, Accessibility for Ontarians with Disabilities Act & City of Burlington Accessibility Design Standards. Additionally, bicycle parking spaces are to be provided in accordance with the Zoning Bylaw and Official Plan Policies, yet as part of the Zoning By-law 2020, no bicycle parking spaces are required for this specific development. The development proposes an internal sidewalk that connects to Walker's Line as per the Burlington Accessibility Committees request as well as double car garages

that will allow for bicycle storage. The Engineering Services Accessibility staff have also reviewed the development application and have no comments or concerns at this time.

According to the 'stormwater quality' guidelines, development proposals are required to achieve an enhanced stormwater treatment for all stormwater runoff. As part of the application materials submitted, the applicant has addressed enhanced stormwater quality through the submission of a storm sewer design report that has been deemed appropriate by site engineering staff.

According to the 'urban heat island' guidelines, development proposals are required to provide vegetated landscape areas in hard surface areas as per the Zoning By-law. Although the development proposal requests to amend reduction in some of the landscape area setbacks, the proposal does not amend the total landscape area or lot coverage regulations within the Zoning By-law 2020 and proposes a reduction of the parking rates under the Zoning By-law which would allow for less asphalt and more vegetated areas to be provided.

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.

Given the above information, planning staff is of the opinion the development considers the City of Burlington Climate Action Plan to support the City's climate implications.

Engagement Matters:

The applicant held a virtual Pre-Application Community Consultation Meeting on March 29, 2021, prior to the submission of the applications. The public including residents of the City of Burlington, Ward 6 Councillor Bentivegna, and City Planning staff attended the meeting.

Since receiving a complete application for the subject lands, City staff have engaged members of the public through the City's standard public notification and consultation practices for a Zoning By-law Amendment application:

- A webpage with information about the subject applications was published on the City's website at www.burlington.ca/2154walkers;
- Notice signs were erected on the subject property in March 2022;
- A notice was mailed to all property owners and tenants within 120 metres of the subject property (a total of 175 addressees) in March 2022;
- A Statutory Public Meeting was held on May 3, 2022.
- Notice of the Public Meetings were published in the City Update section of the Burlington Post.

Public Comments

Since the public circulation was issued in March 22, 2022, Planning Staff have received eleven (11) public written comments regarding the requested Zoning By-law Amendment. The public comments that were received are included as Appendix C to this report.

Public Comment	Staff Response
<p>Loss of natural vegetation and impact on wildlife</p> <p>concerns on the removal of trees resulting in loss of privacy.</p> <p>concerns on the proposed setback reductions and its impact on trees root bulbs and the drainage ditch and foundation of the proposed building.</p> <p>Concern over future removal trees and their survival over time.</p> <p>Concern with the demolition of the existing garage as there may be a lot of rodents or small animals are living in it which could invade neighbouring properties and the animal's current habitat may be destroyed.</p>	<p>As part of the required materials for the application submission, the applicant has provided an Arborist Report, Tree Inventory and Tree Preservation Plan, Tree Inventory and Compensation Form and Landscape Plan. Urban Forestry and Landscaping staff have reviewed the submitted materials and have demonstrated no concerns with the proposed trees to be removed and those to be preserved.</p> <p>The Region's Natural Heritage System (RNHS) is a systems approach to protecting and enhancing natural features and functions based on environmental Key Natural Features of the Region of Halton. The subject land is not designated as part of the RNHS or contain Key Natural features that form part of the RNHS. It was brought to the attention of regional planning staff that there may be potential or significant wildlife habitats on the subject land. The RNHS speaks to mapped and unmapped features, significant wildlife habitats constitute unmapped features. After consultation with Conservation Halton, it has been determined that there are no features present on the subject land that would constitute significant wildlife habitat. As such, regional staff are satisfied with respect to the RNHS.</p>
<p>Concerns on density increase</p>	<p>The subject land is surrounded by a mix of residential uses with smaller lot areas and lot widths than those of the subject land. To the north, south and west of the property are low density residential uses with a maximum density of 25 units per net hectare and composed of single detached dwellings. To the east on the opposite side of Walker's Line are medium density residential uses composed of townhouse units on a private road. Differently</p>

	<p>from the existing R3.2 zoning which permits a maximum density of 25 units per net hectare, the RM2 zone permits a minimum of 25 units per hectare to a maximum of 40 units per net hectare. As a result, a reduced density from the minimum required 25 units per net hectare to 23 units per net hectare would be required as part of the Zoning By-law amendment. Planning staff is therefore of the opinion that the proposed density is compatible with the surrounding land uses.</p>
<p>Fence Height Increase Concerns whether the fence will have gates Preference for a minimum fence height of 2.4 m instead of the permitted maximum 2 m to mitigate disruption to our privacy and sight lines Possibility for the barrier fence along Walkers line to be completely joined from the edge of the last Donald Rd. property to the edge of the last Chrisdon Rd. property). As well as the possibility of an eight foot sound barrier fence installed.</p>	<p>The proposed fencing does not contemplate gates or paths/connections to other properties. The proposed fence will be 2.2 m in height, the Zoning By-law amendment includes a fence height increase from the maximum permitted height of 2 m to 2.2 m.</p>
<p>Nuisances Nuisances such as maintenance activities, light, noise and fumes from traffic idling in driveways Lack of security due to visitors or disruptive behaviour, and vehicles speeding Increased garbage that would attract wildlife Disputes between with a condominium corporation for maintenance of shared fence.</p>	<p>As part of the required materials for the development application, the applicant provided an Environmental Noise Impact Study as well as a Noise Study – Letter of Reliance. Site Engineering staff have reviewed these material and have demonstrated no concerns with the potential noise generated by the proposed development.</p> <p>As part of the required materials, the applicant also provided a Waste Management Report to demonstrate the management of the waste generated by the proposed development. Regional staff who have reviewed the proposed waste collection have not</p>

	<p>demonstrated concerns with the proposed design.</p> <p>In case there are any nuisances at the time the development has been completed related to disruptive behaviour such as vehicle speeding, idling, noise, or other as well as disputes between property owners and/or the future condominium corporation, planning staff would defer to the By-law enforcement staff to deal with resident's complains.</p>
<p>Increased traffic and congestion (more specifically on Walker's Line)</p>	<p>The application contemplates two (2) vehicle parking spaces located on the driveway and two (2) vehicle parking spaces in the garage. The existing R3.2 zoning of the subject land requires two (2) parking spaces per unit for detached dwellings, semi-detached dwellings and duplex dwellings, one of which may be provided in an attached or detached garage. Furthermore, the RM2 zoning that is being proposed requires two (2) occupant parking spaces per unit and 0.50 visitor parking spaces per unit for townhouse dwellings. Therefore, the proposal contemplates no visitor parking spaces parking spaces. Planning and Transportation Planning staff have no concerns with the proposed parking visitor parking reduction and traffic generated by the proposed development.</p>
<p>Donald Road Opposition and in favour of Donald Road remaining closed with no entry or egress for this proposed development.</p>	<p>The development proposal does not propose a connection between the subject land and Donald Road. Transportation staff have recommended for Donald Road to remain as is.</p>
<p>Setbacks Setback to private road. how close the proposed roadway will be to our backyard Concerns of no sufficient space between the property line and the proposed building and its impact on encroachment onto neighboring property.</p>	<p>The proposed development contemplates a reduced front yard setback from the minimum required 9 m to 5.3 m, a reduced rear yard setback and west yard abutting a R1, R2 or R3 zone from the minimum required 9 m to 7.5 m and a reduced north yard setback abutting a R1, R2 or R3 zone from the minimum required 9 m to 8.9 m. The intent of yard setbacks abutting R1, R2 and R3 zones is to promote compatibility and mitigate adverse effects of</p>

<p>Opposition on changes to the current limits for minimum lot area; rear yard setback; yard abutting a low-density residential zone; and landscape buffer.</p>	<p>massing on the surrounding streetscape and adjacent properties. On the rear yard, the subject land abuts the backyards of the neighbouring properties located to the west property line and on the front yard the subject land abuts Walker's Line. Staff is of the opinion the proposed rear yard setback continues to provide for sufficient separation between the proposed building and the neighbouring properties to mitigate the impacts of the proposed massing and the front yard continues to maintain compatibility with the existing streetscape.</p>
<p>Drainage Concerns of setback being reduced and the existing slope of the property impacting the drainage function of the subject land which could in turn cause water to flow directly onto neighbouring properties and Tina Road.</p> <p>Concerns of new owners converting the grass areas located at the front of the dwellings to a hard surface.</p> <p>Concerns on whether City can confirm that in all storm events, including 100 year flood, that this design with or without eventual hard surface, will not overwhelm the proposed drainage design.</p> <p>Concerns on water contamination</p>	<p>As part of the required materials for the application submission, the applicant has provided a Functional Servicing and Stormwater Management Report which includes projections for storm water drainage for 2 to 100-year storm events for the proposed concept plan. Site engineering has reviewed the submitted materials and have indicated no concerns.</p> <p>Regulations which may directly impact the drainage function of the property include lot coverage which is defined under the Zoning By-law 2020 as the percentage of the lot area covered by buildings measured to the outside of the exterior walls, including all buildings and projections (cantilevered floor space, window projections, etc.). Carports, porches and decks may be excluded from the lot coverage calculation provided there is no floor area above them. As part of the submitted application the applicant is not proposing to amend the lot coverage regulation for the proposed concept plan, therefore there will not be an increase in the maximum permitted regulations for impervious areas.</p>
<p>Construction and Excavation Activities</p>	<p>As part of the required materials for the application submission, the applicant has provided a Construction Management Plan</p>

<p>Impacts of the construction being too close in proximity due to reduced setback and concerns on the facilitation of excavation with a reduced setback from the neighbouring property line when you factor in safe sloping (1:1).</p> <p>Concerns whether the current fence will remain until the end of the construction to ensure that the surrounding neighbourhood is not impacted by construction nuisances.</p>	<p>which depicts the construction phase of the development as well as an Arborist Report, Tree Inventory and Tree Preservation Plan which depict the protection of the trees that are to remain on the property during the construction phase. The fence that is located along the property lines will be replaced by the new proposed fence during the construction phase.</p>
<p>Compatibility Concerns on compatibility disruption including physical character of the neighbourhood due to the proposed development in established neighbourhood area. Potential compatibility disruption with properties on Donald Road, Tina Road and Chrisdon Road.</p> <p>Concerns whether the proposal meets the Chapter 8 of the New Official Plan policies</p> <p>Concerns on Walker's Line sightline impact created from the proposed development (which, if single-family homes were to be built around the end of Donald Road</p>	<p>As noted on the above section related to the Official Plan policies, planning staff have no concerns in terms of the proposed development and the compatibility with the surrounding neighbourhood.</p>

Conclusion:

Staff's analysis of the application for the proposed Zoning By-law amendment has considered the applicable policy framework and the comments submitted by technical agencies and the public. Staff find that the application is consistent with the Provincial Policy Statement and conforms to the Provincial Growth Plan, the Regional and City Official Plans, and the Zoning By-law 2020.

It is therefore recommended that the proposed zoning by-law amendment to facilitate the creation of 9 townhouse units, be approved.

Respectfully submitted,

Mariana Da Silva

Planner I – Development Review

(905) 335-7600 ext. 7536

Appendices:

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

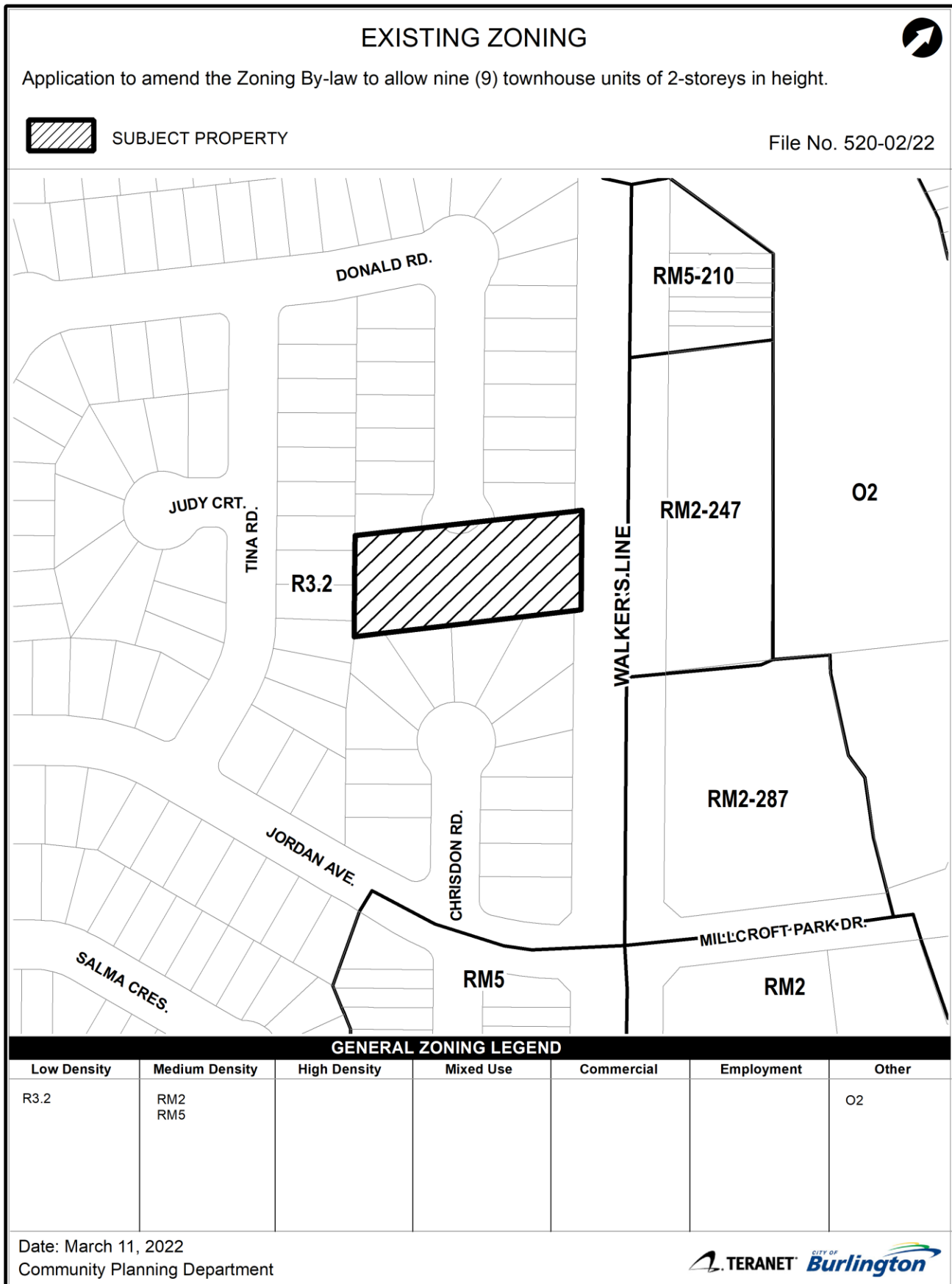
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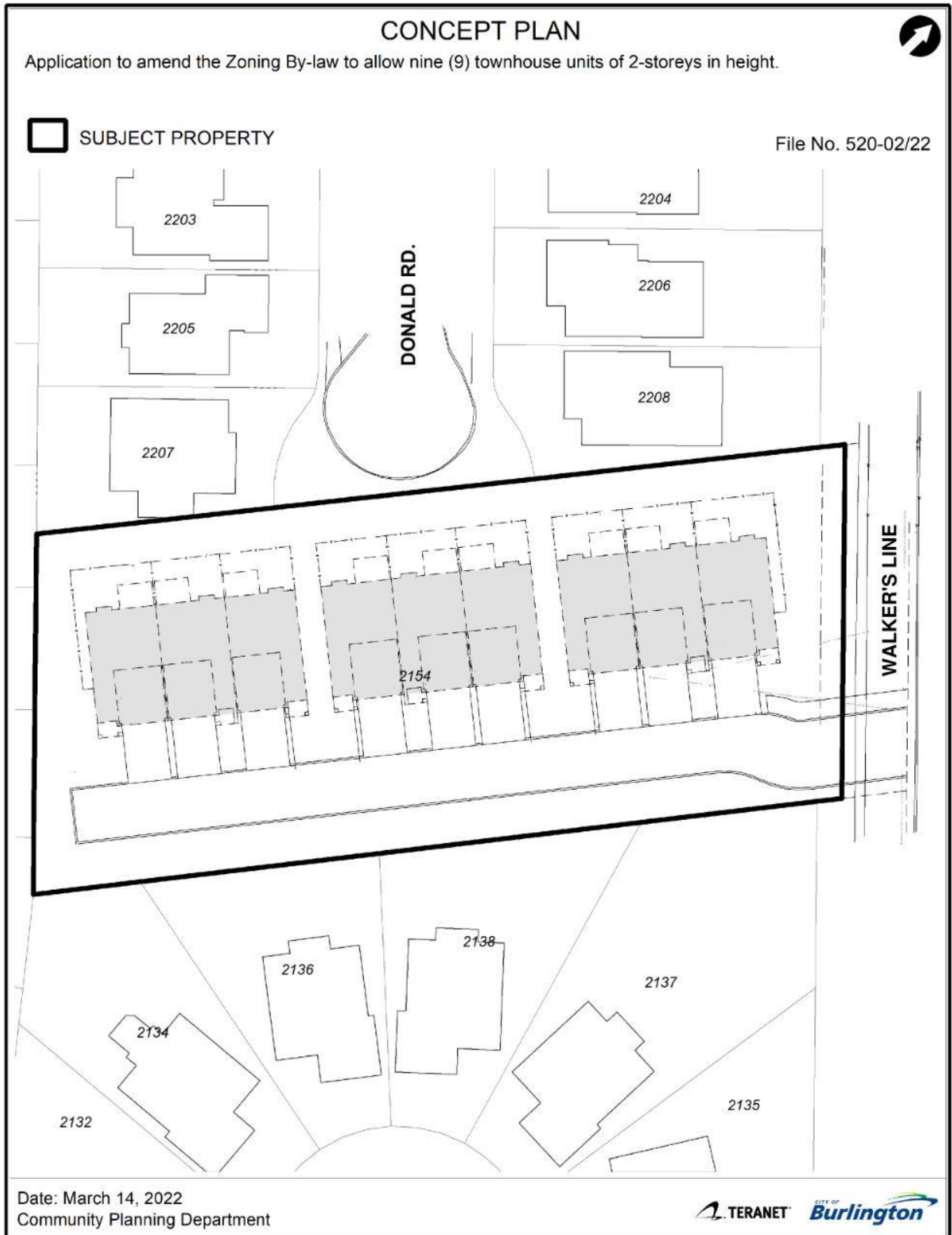
Tony Millington, Millington & Associates

tmillington@cogeco.ca

Report Approval:

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Counsel.





Da Silva, Mariana

From: Blake Smith [REDACTED]
Sent: Thursday, June 2, 2022 10:35 AM
To: Da Silva, Mariana
Cc: [REDACTED]
Subject: 2154 Walkers Line

Follow Up Flag: Follow up
Flag Status: Flagged

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Good morning Mariana, After the site walk about with Tony Millington and councillor Angelo Bentivegna another issue that needs to be addressed with respect to the current proposal became apparent. There is the risk that should the project proceed under certain conditions, runoff (stormwater, snow melt etc.) could flow onto our property and others towards the municipal storm drain on our lot. The current elevations have a very low spot on the subject property (below the storm drain) adjacent to the storm drain. Site grading is almost certainly going to alter this. Because of the proximity of proposed snow storage and roadway there is also potential for this water to be contaminated. This issue also interacts with potential fence designs and attempts to save trees.

It is incumbent on the Municipality to ensure any design fully addresses this risk including the probability of extreme weather events associated with changing climatic conditions.

Your attention to this matter would be appreciated. I would be pleased to discuss this with you in further detail.

Regards

Blake Smith

Da Silva, Mariana

From: Blake Smith [REDACTED]
Sent: Wednesday, March 23, 2022 3:22 PM
To: Da Silva, Mariana
Subject: 2154 Walkers Line
Attachments: IMG_0827.JPG

Follow Up Flag: Follow up
Flag Status: Flagged

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Thank you for returning my call today. As we discussed we live at [REDACTED] Chrisdon Road which adjoins the subject property. One of our concerns will be the loss of trees under the current proposal. I would appreciate receiving contact information for the person we could discuss tree plans with, I am attaching a photograph to show our current sight lines towards the centre of the property taken from our kitchen table window. The reverse view is shown in picture 1 of the arborists report.

There is also a surprising amount of wildlife on the property. A contact for that issue would also be appreciated. I would further like to understand the setback requirements for the proposed driveway versus what is being proposed. Thank you for your assistance.

Regards
Blake Smith



Da Silva, Mariana

From: Zukiwski, Andrea [REDACTED]
Sent: Thursday, April 14, 2022 2:05 PM
To: Da Silva, Mariana
Cc: [REDACTED]
Subject: Planning Application - 2154 Walkers Line, File #520-02/20

Follow Up Flag: Follow up
Flag Status: Flagged

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Good Afternoon Mariana,

I hope this email finds you well. I am responding to a letter requesting my comments on a development application in my area; 2154 Walkers Line. My backyard backs onto the proposed townhouse units/private road. We are located at [REDACTED] Chrisdon Road and is noted as Lot [REDACTED] in the drawings. After reviewing the application, I have the following comments.

There are substantial large mature trees that line the property against our backyard fence. These mature trees provide our backyard with considerable privacy. ALL of these trees are proposed to be removed as part of this application. (Tree's #75, #76, #35, #34, #33, #32 & #30). This will remove every single tree behind my backyard.

It is noted in the report some of these trees are being removed due to the "garage demolition" on the property. Some trees are noted to be removed due to the lane way/private road that is being constructed. Removing all these trees would have a significant impact on the privacy and view from my backyard. I would like to request that these trees remain. In addition, this private road/laneway is quite close to my back fence, I would prefer a larger setback which would also allow more of the trees to remain.

Please let me know if you require any further information from me.

Thank you,

Andrea Zukiwski

Da Silva, Mariana

From: Myke Tagg [REDACTED]
Sent: Friday, April 15, 2022 9:27 AM
To: Da Silva, Mariana
Subject: 2154 Walkers Line (File:520-02/20)

Follow Up Flag: Follow up
Flag Status: Flagged

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Hi Mariana,

We would like to start by stating that we are against the Zoning change to the property located at 2154 Walkers Line (File:520-02/20).

There are several reasons for our opposition, but mainly we are against rezoning because it essentially segregates one community from another. Why not complete Donald Road to have one inclusive community, just like Chrisdon Road.

We understand a little bit about population density requirements and that 9 homes are more dense structure wise (and profitable), but we believe that 5-6 single family detached homes will provide greater potential for a denser population.

Another concern we have is that our house will run adjacent to 4-5 of the proposed townhouses with their backyards facing our house. The Planner, Tony has stated that they will "TRY" and save the trees and shrubs, but there are no guarantees, hence compromising our privacy. There is a proposal to build a 6 foot fence across the property, but our property is at a higher elevation which will have us looking into the second floor of any proposed townhouse, again issues with privacy.

When we purchased [REDACTED] Donald 18 years ago, we signed on knowing the noise level would be considerable due to backing on to Walkers Line and have adjusted. Having another 5 homes beside us will only add to this noise and having to deal with 5 home owners and a condo board vs a single neighbour is daunting to say the least. This rezoning will also add more traffic to our already congested Walkers Line, where accidents at Jordan & Walkers as well as Upper Middle & Walkers occur frequently.

Our court is not finished, the waste and snow removal trucks are constantly having issues turning around in our half court, they've damaged my driveway, the sidewalk and the fence along the proposed property over the years.

We ask that you consider not approving the rezoning and to complete Donald Road as it was meant to be, a complete court at the end like Chrisdon Road. Donald Deserves Better.

Respectfully,

Mike & Monique Taglialatela

Da Silva, Mariana

From: Laufman, Kathi on behalf of Bentivegna, Angelo
Sent: Tuesday, April 19, 2022 9:52 AM
To: Meaghan Green
Cc: [REDACTED] Bentivegna, Angelo; Da Silva, Mariana; Laufman, Kathi
Subject: RE: 2154 Walkers Line Development Comments

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Mrs. Green,
Thank you for your comments regarding 2154 Walkers Line proposed development.

I have copied Mariana Da Silva on this email. Mariana is the City Planner on this file and will include your comments on her report to Council.

Kathi.

Kathi Laufman
Councillor's Assistant
Ward 6, Councillor Angelo Bentivegna
(905) 335-7600 Ext. 7480 | Kathi.Laufman@burlington.ca

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-----Original Message-----

From: Meaghan Green [REDACTED]
Sent: Saturday, April 16, 2022 12:41 PM
To: Bentivegna, Angelo <Angelo.Bentivegna@burlington.ca>
Cc: [REDACTED]
Subject: 2154 Walkers Line Development Comments

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Mr. Bentivegna,

We are the homeowners of [REDACTED] Chrisdon Rd and wanted to submit our comments on the development at 2154 Walkers Line in preparation for the public meeting on May 2nd. Sorry if submitting them to you is not the correct procedure, I could not locate where to submit them.

We have a few concerns with this development and have heard mixed information on what the current plan is for the development.

Our primary concern is the preservation of the mature trees on the property, particularly along the property line between Chrisdon and the property. In particular, there is a large willow tree that I believe is being preserved but I have also heard the opposite, so we want to understand this better. The tree appears healthy and its loss would be a major concern to us. It provides a lot of habitat to animals/birds as well as shade, privacy and is quite a beautiful tree.

We would like to understand the plan for the mature trees along the property line. We've reviewed the arborist report but it is very difficult to make sense of for a layman.

If a tree has to be removed, we will also want to know what it will be replaced with. Our ask would be that it be replaced with a tree of similar size, or at least a mature tree.

Our next biggest concern is the clearance between our fence and the road. I believe 9 meters is standard but I have heard that they have requested to reduce the clearance between the road and our property. This is obviously a concern to us given the noise and fumes from incoming cars. We spend a lot of time in our backyard with our three young children as well as many other kids from the neighbourhood, and the noise and fumes are a concern to us. We request that the clearance be kept at the standard distance for cars, which we believe is 9 meters.

Our last concern is with the fence itself. We've heard the fence along the property line is being replaced and we have also heard that a new fence is being built inside the property line behind our fence. We would like to understand the plan but do not have an opinion as either option is good with us. However, we do have an opinion on the type of fence being installed. Given that there will be vehicle traffic there, idling cars in driveways etc., we believe there should be an eight foot sound barrier fence installed.

We used to live at [REDACTED] Thomas Alton Blvd and the fence that existed there is an example of what we think should be installed. Along Walkers, there was an 8 foot wooden sound barrier fence that we think would be appropriate between our property and the road of this new development. This would alleviate a lot of the concerns we have with this road being installed behind our property.

Lastly, we just have a small concern with the demolition of the existing garage on the property. One wall of it is currently open and we anticipate that a lot of rodents or small animals are living in it. The concern would be that all of those rodents/animals will invade our property and our neighbours when their current habitat is destroyed. I'm not sure if there is anyway to control for that but if so, we would ask that it be considered.

We really appreciate the transparency of this process and you considering our concerns with this proposal.

Any questions or clarifications, please let me know and I will be happy to respond.

Otherwise, we look forward to understanding this better at the upcoming public meeting.

Best regards,

Ryan and Meaghan Green

[REDACTED] Chrisdon Rd
[REDACTED]

Da Silva, Mariana

From: Adam Pothan [REDACTED]
Sent: Sunday, April 17, 2022 8:02 PM
To: Da Silva, Mariana
Cc: Bentivegna, Angelo; Laufman, Kathi
Subject: 2154 Walkers Line Proposal

Follow Up Flag: Follow up
Flag Status: Flagged

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Hello Mariana

We wanted to address our concerns about the development proposed for 2154 Walkers. We live at [REDACTED] Chrisdon Rd and this development will have an impact our property.

Our first concern is with how close the proposed roadway will be to our backyard. We spend a lot of time outside in our back yard and worry that having vehicles within too close of a distance will affect the air we enjoy due to exhaust fumes and also extra noise pollution. We appreciate that trees will be maintained and new trees are to be planted to preserve a natural tree canopy common in this neighbourhood to help create a barrier. We understand that the proposed 5 metres distance to the roadway does not meet the current development bylaws. I hope that this issue can be made clear to us and brought in line with current rules.

The other concern we have is how the border fence will be handled and how this will be dealt with in future. When we moved to this neighbourhood we were moving into a neighbourhood of single family homes where any dispute between neighbours could be dealt with using good communication and cooperation, we did not intend to have to deal with a condo corporation where their decisions will be managed by a professional team leaving us at a significant disadvantage for any disputes that may occur over our property borders. We would like to see a plan that will resolve the issue in the short term but one that will also make clear what future responsibilities we have in maintaining this shared border.

I hope the city can see and relate to our concerns and also understand that we look to you to help look out for our interests since we (my family and neighbours) do not have access to the same consultants and lawyers to influence decision makers in our favour.

Adam Pothan

Da Silva, Mariana

From: JP Marini [REDACTED]
Sent: Sunday, April 17, 2022 5:40 PM
To: Da Silva, Mariana
Cc: Jessie Marini
Subject: Millington & Associates (2154 Walker's Line) - File No. 520-02/22
Attachments: Sight Lines.pdf

Importance: High

Follow Up Flag: Follow up
Flag Status: Flagged

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Hello Ms. Da Silva,

We are the residents at [REDACTED] Tina Road and our property directly abuts the proposed zoning change and development located at 2154 Walkers Line. The proposal will have negative effects to our property directly impacting us during construction and into the future as a neighbour. Specifically, it appears that while the applicant's design provides space and concessions for the all the other houses bordering this property, it is only our property that is getting effected the most. We are the only house that will have a building placed within 5.5 metres from our fence line. To put this in perspective, we have attached pictures to illustrate how close this building will be and its negative impacts to our property. As you can see in the photos, the building will essentially be on the property boundary when viewed from our side. When you take into consideration the proposed height of the building and set back, we will have a view of a brick wall at our fence line negatively effecting our overall property (i.e. noise, view, privacy, and value). We have been working with the applicant and appreciate their efforts to mitigate our concerns. In saying that, we still have issues related to the building and the lack of setback from the property line. To that end, we have the following comments and questions:

1) Setback

The setback does not leave sufficient space between the property line and the proposed building. This will directly affect drainage, tree growth and tree lifespan, and encroachment onto our property. We have had discussions with the applicant and we were told that the development was pushed closer to the Tina Road neighbours for the following reasons:

a) The design requires 3 metres between the buildings to facilitate the drainage system. From the provided documents, there is a 300mm drain. We are curious as to why 3 metres is required for this drain? It would appear that this distance between buildings may be more for the side entrances than the drainage, and;

b) the City would not allow a shift of the buildings to the East towards Walkers Line because of the vegetation and landscaping presently located along Walkers Line.

Current zoning for our property allows for a setback of 9 metres. The initial proposal by the applicant was for a minimum of 7 metres along Tina Road. The new design is for 5.5 metres at some spots for our property with a maximum of 6 metres at the South end. Can the development be shifted further towards Walkers Line where there are no immediate impacts to neighbours? Alternatively can the buildings be reconfigured (i.e. two buildings with a 5 unit and a 4 unit = 9 units total) or remove the side entrances to gain space to shift the

buildings further East? We are requesting a setback of 9 metres, like all other neighbours in this development and current zoning, to ensure proper drainage, reasonable area to facilitate tree growth and tree longevity, and mitigate encroachment onto our property.

2) Drainage

As the City knows, Climate Change and Climate resiliency is a major issue for all future developments and their impact to local areas. Again, with respect to the setback being so narrow, we have concerns that drainage will in some instances flow directly on to our property and along the foundation of our home. To be more specific, the current proposal appears to sheet water towards the Tina Road residents from the immediate adjacent building with a drainage ditch that will direct water from the applicant's building down a slope of anywhere from 6% to 8.85%. The plan also shows a side entrance for the required space on this side with grass as a walkway. It is quite likely that any new occupant will quickly convert this to a hard surface increasing sheet drainage towards us. Can the City confirm that in all storm events, including 100 year flood, that this design with or without eventual hard surface, will not overwhelm the proposed drainage design? The concern is that water will be directed to the easement adjacent to our property and directly to Tina Road creating a potential for flood damage to property and house.

3) Trees

The proposed landscaping plan with tree planting along the Tina Road fence line is very much appreciated. However, again going back to the setback distance of 5.5 metres – 6 metres, can the City guarantee that these trees will be planted and survive when considering root bulbs, the drainage ditch and foundation of the proposed building. Our concern is that these trees will not get planted at all, or change in species and size, or not last and eventually be removed leaving the our property completely exposed to a brick building with no privacy. Again, current zoning is for a 9 metre setback without trees. What is the security for us over the long term (10 to 15 years) that these trees will survive and will not be removed?

4) Fencing

As mentioned, we have been working with the applicant to address our concerns and fencing was one of them. We are appreciative that there is a proposed 2 metre fence along Tina Road. However, without a 9 metre setback, as is currently zoned, we would request a minimum of 2.4 metres to mitigate disruption to our privacy and sight lines. It is also noted that all other neighbours are getting 9+ metres of setback with a 2 metre fence. Why are we getting the same fence with the reduced setback?

5) Construction and Excavation Activities

With the proposed setback being so short, we have concerns about impacts to our property during the construction phase. If basements are proposed for these units, how will excavation be facilitated with a setback of 5.5 metres from our property line when you factor in safe sloping (1:1)? In addition, will the current fence be maintained until the end of the construction to ensure that we are not impacted by nuisance from these activities? Lastly, we have a mature Norway Maple tree located on the Northeast corner of our backyard. How will the root bulb for this tree be protected during all construction activities including excavation and tree spading?

We appreciate you taking the time to listen to our concerns and the efforts made by the applicant to work with us. It is important to note that while the applicant may get their development, they are short term owners in this community, and we the neighbours have been and continue to be long term residents supporting each other and the City of Burlington. This is why we have a vested interest as to what happens in our neighbourhood.

Sincerely,

J.P. and Jessie Marini.





Da Silva, Mariana

From: Kourosh P. [REDACTED]
Sent: Sunday, April 17, 2022 10:26 PM
To: Da Silva, Mariana
Subject: 2154 Walkers Line Development - File No. 520-02/22

Follow Up Flag: Follow up
Flag Status: Flagged

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Dear Ms. Da Silva,

Thank you for taking the time and reading all the emails, comments, and letters sent to you in this matter.

We are the residents at [REDACTED] Donald Road and we would like to express that we oppose the rezoning of the property. Our reasons do not differ from what our neighbours Taglialatela and Marini have shared with you.

For the benefit of the neighbourhood we would like to have single family homes to be built as it is currently zoned for and not 9 townhomes.

Thank you for your time.

Kind regards,
Pourdanandeh Family

Da Silva, Mariana

From: Jason Jenkins [REDACTED]
Sent: Monday, April 18, 2022 6:18 PM
To: Da Silva, Mariana
Subject: File: 520-02/20 2154 Walkers Line

Follow Up Flag: Follow up
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Mariana

We have reviewed the documentation of the development proposal by Millington & Associates.

As we are the [REDACTED] house from the end of the street, our feedback is as long as the dead end of Donald road remains closed with no entry or egress for this proposed development that is fine, which appears to be what the drawings illustrates. In addition from what we can tell the fence at the end is intended to be replaced, will there be a change in height to the fence above 2m and will there be a gate in this fence. Can this be confirmed.

Donald road is a quiet family street with many children and any deviation to plan to open the dead end is not favourable in any way. If the street was opened up for this development, this would create additional vehicles from overflow from Walkers and local streets, vehicle speeding hazard, security concerns to surrounding homes with added visitors or disruptive behaviour circulating on our road, sidewalks, & lawns, an increase in parking out front of our homes on both sides of the street along with increased visitor traffic at all hours. This would also create a likely increase in garbage which would attract local wildlife and introduce noise and vehicle pollutions with added people and vehicles constantly. Therefore, as a Donald road resident, we would be completely opposed to opening the street for these reasons and impacts if deviating from the current proposal.

Amber & Jason Jenkins
[REDACTED] Donald

Sent from my iPhone

Da Silva, Mariana

From: Blake Smith [REDACTED]
Sent: Monday, April 18, 2022 7:55 AM
To: Da Silva, Mariana
Subject: 2154 Walkers Line-Millington and Associates

Follow Up Flag: Follow up
Flag Status: Flagged

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The opportunity to comment on the above noted proposal is appreciated. The comments fit into two categories: comments on the proposed change in land use and comments on the specific proposal for nine condominium units. The subject property is adjoined by single family homes and the most compatible land use for development of the subject property is also single family homes. We purchased our home on Chrisdon Road adjoining the subject property with the expectation the property would be developed for single family homes and would support that. Higher density development would negatively impact the use and enjoyment of our property and by extension our property value.

Condominium development on the property would bring a private road close to our backyard with the light, noise, emissions, maintenance activities and traffic potentially 24 hours a day versus a neighbouring back yard. The subject property has a lovely canopy with mature trees with the birds and animals they support. It is likely that a condominium proposal would destroy the majority of this canopy and even with plantings it could take decades to partially recover. With regards to the specific proposal for nine condominiums there are concerns with regard to trees, setbacks and fencing. The plans have changed since the virtual meeting last year so it is difficult to judge what firm plans would look like. Any condominium proposal for this property should be required to meet the 9 metre setback requirement to mitigate the impact of the development on our property. Both the past and current drawings bring the roadway far too close. Any snow storage area should not become extra parking or storage other than snow. The current proposal seems too large for the property and leads to removal of far more trees (many mature and heritage trees) than is desirable and more are at risk. An example of trees that are at risk are two tree groups on the subject property that are interacting with the boundary fence at our property boundary resulting in damage to the fence. The fence is being pushed over in one case and up and over in the other. Any new fence needs to be built in a way that maintains the trees and maintains the bylaw requirements for the pool in our yard. The existing fence is at the end of its useful life so simply replacing panels is not a viable option. Sections have already had to be repaired or replaced due to wind damage. Building a new fence adjacent to the existing one as shown on drawings will also cause problems by entrapping things in between them.

Landscape planning should be done in a way to provide a screen to the existing home owners from the development at the outset. That means larger trees need to be used and the owner needs to ensure they are maintained.

In summary, the proposal for nine condominiums on the subject property brings development too close to neighbours (doesn't respect bylaw setbacks), removes too many mature trees and would impose negative impacts on neighbours associated with the private roadway.

The opportunity to speak at the public meeting would be appreciated.

Yours truly

Blake Smith

Da Silva, Mariana

From: [REDACTED]
Sent: Wednesday, May 4, 2022 9:31 PM
To: Da Silva, Mariana; [REDACTED]
Subject: Comments regarding 2154 Walkers line development

Follow Up Flag: Follow up
Flag Status: Completed

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Mariana,

I have attended both public meetings (March 29, 2021 and May 3, 2022) and although I did ask a question at the initial meeting, I was too shy to act as a delegate last night and speak up. After having reflected on the meeting, and the documents posted for review, I have a few comments. You mentioned in your presentation that comments will continue to be received so I hope I am not too late!

Regarding the zoning changes from R3.2 to RM2. I won't pretend to know a lot about development, but a few things seem clear to me. On page 6-7 of Report Number: PL-43-22 it states that *Townhouses may be considered under this designation, through a site-specific Zoning By-law Amendment, subject to the fulfilment of the following criteria. (i) The development does not exceed the density of 25 units per net hectare; (ii) The development form is compatible with the surrounding area; (iii) The development form is respectful of the physical character of the neighbourhood; and (iv) The development includes the provision of a functional amenity area at grade.* I do not know what this last item means so I can't speak to it. However, regarding items ii & iii, the official (1997) and new (2020) Burlington city plan has the entire west side of Walkers line from Jordan Avenue to north of Donald Road designated as Residential - Low Density. I assume this is due to the current neighbourhood being all single-family dwellings built around two dead-end roads. As mentioned by one homeowner during the May 3rd meeting, plunking a set of high-end townhomes inside an already established older neighbourhood of simple mid-grade homes disrupts the flow/feel of the entire area including Donald Rd, Tina Rd and Chrisdon Rd. It also disrupts the sightlines from Walkers Line (which, if single-family homes were to be built around the end of Donald Rd, the current sound barrier fence along Walkers line could be completely joined from the edge of the last Donald Rd. property to the edge of the last Chrisdon Rd. property). So a) the proposed development is not compatible with the surrounding area and b) the development would definitely disrupt the physical character of the neighbourhood. For these reasons I do not believe items ii & iii are fulfilled in this plan.

Regarding the current state of the end of Donald Rd. We live at the end of Donald Rd and I work from home. In the past 2 years I have witnessed countless troubles with the end of Donald Rd being such a small turn-around area. I'm not sure what you call this shortened dead-end, but it definitely affects all forms of traffic down this road. Almost every week I see garbage trucks struggle to make the turn to go back up the road. Almost every time they need to have the second person outside the truck to direct the driver safely through the process. If there happens to be a snowbank in the way, the process is almost comical. Often they run over curbs and need to drive up onto the driveway at 2208 Donald Rd. just to make it work. The same thing happens throughout the winter months with snow removal. Just a few months ago, the owner at 2208 Donald road sustained damage to his driveway due to snowploughs not being able to turn around at the end of the road. Large delivery trucks also struggle. Heaven forbid if we ever needed fire trucks down this road! Further, during the winter, there is not a lot of room for snow removal/storage at the end of the little turn-around area. The ploughs end up piling the snow up at the end of the road, against the fence on the north end of the 2154 Walkers Line property. While Tony Millington said during the meeting on May 3 that there has 'never been any damage' to the fence, I can assure you that every year there is some damage to that fence that the owner fixes up. (This is exactly why that old

fence looks so horrible - because it has been patched up many times!) Tony doesn't live here. He does not appreciate the effect that a truncated dead-end has on road traffic and I don't think he should be commenting on what neighbours are experiencing, or dismissing it as trivial.

Regarding the proposed changes to limits. Most comments that came in from residents included at least one complaint about the loss of trees, the landscape buffer and the reduced setbacks. Because my property does not directly contact the 2154 boundary, I hope that you would seriously consider the comments from those directly affected. Reducing setbacks simply to have a larger square footage dwelling is not fair to the surrounding neighbourhoods. At the end of the day, I don't believe residents are opposed to the townhouses per se, but if the plan were to proceed, I do believe that residents **strongly** oppose changes to the current limits for minimum lot area; rear yard setback; yard abutting a low-density residential zone; and landscape buffer. At the meeting on May 3, and indeed in some of the submitted documents, Tony Millington would lead you to believe that residents are 'okay' with the proposed changes, This is simply not true.

In summary, although I do not have strong feelings for/against the development of townhomes on the property, I do feel like the proposed townhomes are simply too big (or too many) for the lot size. The proposal does not meet 2 of the 4 criteria for amending the by-law and, considering the flow of the neighbourhood, it really would be ideal to complete the end of Donald road with single-family dwellings around the court, as intended in the city plan. This would complete and enlarge the end of Donald Rd so that vehicles can safely turn around, would keep with the character of the neighbourhood, and would provide seamless noise fencing along Walkers Line. If five (or so) single-family homes were built around the end of Donald Rd, the developer could still recoup the cost of his investment and the city would be able to meet its *2018-2022 Plan: From Vision to Focus* by increasing city growth (adding 5 new homes!), supporting sustainable infrastructure (proper size turn-around dead end) and a resilient environment (far fewer trees would need to be removed along the back of the properties) and by building more citizen engagement, community health and culture (we would be happy to have 5 new families join our Donald rd neighbourhood as opposed to a closed-off bunch of townhomes that would have no connection to either Donald Rd or Chrisdon).

Thank you for your time and for considering these items. I can assure you the neighbours in our little community appreciate the process and also appreciate you taking into consideration our opinions and not only those of the developer.

Sincerely,
Janet Maggio - [REDACTED] Donald Road

APPENDIX D – Draft Zoning By-law

BY-LAW NUMBER 2020.445, SCHEDULE ‘A’ AND EXPLANATORY NOTE

THE CORPORATION OF THE CITY OF BURLINGTON

BY-LAW NUMBER 2020.445

A By-law to amend By-law 2020, as amended; 2154 Walker’s Line
File No.: 520-02/22

WHEREAS Section 34(1) of the Planning Act, R.S.O. 1990, c. P. 13, as amended, states that Zoning By-laws may be passed by the councils of local municipalities; and

WHEREAS the Council of the Corporation of the City of Burlington approved Recommendation PL-63-22 on September 20, 2022, to amend the City’s existing Zoning By-law 2020, as amended, to permit nine (9) townhouse units of 2-storeys in height to be developed on a private road;

**THE COUNCIL OF THE CORPORATION OF THE CITY OF BURLINGTON
HEREBY ENACTS AS FOLLOWS:**

1. Zoning Map Number 20-E of PART 15 to By-law 2020, as amended, is hereby amended as shown on Schedule “A” attached to this By-law.
2. The lands designated as “A” on Schedule “A” attached hereto are hereby rezoned from R3.2 to RM2-517.
3. PART 14 of By-law 2020, as amended, Exceptions to Zone Classifications, is amended by adding Exception RM2-517 as follows:

Exception 517	Zone RM2	Map 20-E	Amendment 2020.445	Enacted Sept 20/22
<p>1. Regulations for the entire site:</p> <ul style="list-style-type: none"> i) Lot Width: 40.5 m ii) Lot Area: 0.37 ha iii) Front Yard Setback: 5.3 m iv) Rear Yard Setback: 7.5 m v) Yard abutting R1, R2, R3 zone: <ul style="list-style-type: none"> a. West: 7.5 m b. North: 8.9 m vi) Minimum density: 23 units per net hectare vii) Landscape Buffer abutting R1, R2, R3 zone: <ul style="list-style-type: none"> a. South: 5.2 m, driveway within 11m of Walker's Line and hammer head may encroach b. Rear: 5.9 m c. North: noise wall may encroach viii) Landscape Area abutting Walker's Line: 5.3 m, transformer and noise wall may encroach ix) Maximum fence height: 2.2 m, 1.2 m within 3 m of a street line x) Visitor Parking: none required <p>Except as amended herein, all other provisions of this By-law, as amended, shall apply</p>				

- 4 a) When no notice of appeal is filed pursuant to the provisions of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, this By-law shall be deemed to have come into force on the day it was passed
- 4 b) If one or more appeals are filed pursuant to the provisions of the *Planning Act*, as amended, this By-law does not come into force until all appeals have been finally disposed of, and except for such parts as are repealed or amended in accordance with an order of the Ontario Land Tribunal this By-law shall be deemed to have come into force on the day it was passed.

ENACTED AND PASSED thisday of 2022.

_____MAYOR

_____CITY CLERK

EXPLANATION OF PURPOSE AND EFFECT OF BY-LAW 2020.445

By-law 2020.445 rezones lands on 2154 Walker's Line, to permit nine (9) townhouse units of 2-storeys in height to be developed on a private road.

For further information regarding By-law 2020.445, please contact Mariana Da Silva of the Burlington Community Planning Department at (905) 335-7600, extension 7536.



SUBJECT: Proposed inclusion of downtown properties on the City of Burlington Heritage Register

TO: Community Planning, Regulation & Mobility Cttee.

FROM: Community Planning Department

Report Number: PL-59-22

Wards Affected: 2

File Numbers: 501-06

Date to Committee: September 13, 2022

Date to Council: September 20, 2022

Recommendation:

Direct the Director of Community Planning to add the following list of properties to the Municipal Heritage Register and provide notice to the owner of the property within 30 days, pursuant to section 27(5) of the Ontario Heritage Act, R.S.O. 1990, c. O.18;

353-355 Brant Street
357 Brant Street
359 Brant Street
372-374 Brant Street
380 Brant Street
422 Burlington Avenue
426 Burlington Avenue
437 Burlington Avenue
437 Elizabeth Street
441 Elizabeth Street
468 Elizabeth Street
404-408 John Street
1415 Lakeshore Road
2003 Lakeshore Road
458 Locust Street
488 Locust Street
492 Locust Street
513 Locust Street

524 Locust Street
2010 Maria Street
1445 Ontario Street
431 Pearl Street
435 Pearl Street
436 Pearl Street; and

Authorize the City Clerk to take necessary action if there are any objections in accordance with Section 27(7) of the Ontario Heritage Act, R.S.O. 1990, Chapter 0.18 and report back no later than 120 days after notices are sent out presenting all of the objections received; and

Following study completion, direct the Director of Community Planning to re-assess the eligibility of the above listed properties for continued inclusion on the Heritage Register and report back to City Council with a recommendation.

PURPOSE:

This report responds to a motion from the July 12, 2022 City Council meeting directing staff to work with the Heritage Burlington Advisory Committee (“HBAC”) to study all properties in the six potential downtown Cultural Heritage Landscapes (“CHLs”) identified in report number PL-49-22 to determine which properties should be included on the City of Burlington Municipal Register of Cultural Heritage Resources (the “Heritage Register”). The report recommends that 24 properties be added to the Heritage Register.

Vision to Focus Alignment:

- Increase economic prosperity and community responsive city growth

Background and Discussion:

Decision History

On July 5, 2022, the Community Planning, Regulation and Mobility standing committee of Council considered [staff report PL-49-22- Proposed Downtown Cultural Heritage Landscapes Study](#), which requested authorization to retain a consultant to complete a year-long study of eight potential heritage properties and six potential cultural heritage landscapes identified in a 2019 Cultural Heritage Resource Assessment of the downtown. Council passed a motion authorizing the study and included an amendment directing planning staff to engage the Heritage Burlington Advisory Committee (HBAC) and review all properties within each potential Cultural Heritage Landscape for possible inclusion on the Heritage Register. Below is the full text of the motion:

Direct the Director of Community Planning to connect with the Heritage Burlington Advisory Committee to reconvene and review each property in the cultural landscapes to determine which should be added to the Municipal Register; and

Report back to the Community Planning, Regulation & Mobility Committee meeting on September 13, 2022.

The amendment addressed a concern that during the study period, significant buildings in one or more CHLs could be demolished, damaging the integrity of the overall landscape. Including a property on the Heritage Register gives it some protection against immediate demolition, since the owner of a heritage registered property must give City Council 60-days-notice of their intention to demolish the building. During the 60-day notice period, City Council may decide whether to heritage designate the building.

Strategy/process

Assessment Methodology

The review of individual properties began with a comparison between current satellite photos of each CHL and fire insurance maps from 1910 and 1924 to identify possible surviving buildings from those years. Building footprints were compared to assess which current buildings had very similar or identical footprints to buildings in 1924 and 1910 (see Appendix A). In addition to the shape and relative size of buildings, fire insurance maps also recorded land use and primary construction materials used for each building, both of which were noted.

In the second stage of the review, staff examined photographs of each building and completed an architectural evaluation. Exterior building materials were compared with those recorded in the 1924 fire insurance plan. The number of original architectural features was estimated based on historic photographs and known characteristics of 19th and early 20th century architectural styles. Staff also estimated the relative impact and quantity of modern alterations.

Each building was then categorized by architectural style using the style guide in Burlington's "Keeping Place: Heritage-based Urban Design Guidelines for Downtown Burlington" document". Significant architectural features were highlighted in the architectural description of each building.

A building was considered eligible for the Heritage Register if it was constructed prior to 1924, retained recognizable original historic features such as original massing, façade design, exterior materials and window openings, and provided it was not altered to the point it was not recognizable as an historic building.

Summary of Potential Heritage Resources in each Cultural Heritage Landscape

SUMMARY TABLE OF EXISTING AND PROPOSED HERITAGE PROPERTIES IN CHLs 1-6			
Potential Cultural Heritage Landscape	Total Number of Properties	Existing Heritage Register Properties	Proposed for Heritage Register
1. Foot of Brant Street	15	3	7
2. Locust Street	18*	8	6
3. Village Square	1	1	N/A
4. Downtown East	20	7	7
5. Lakeshore Road and Burlington Avenue	13	6	4
6. St. Luke's Church & Cemetery	3**	1	N/A
Totals	70	26	24

*447 and 449 Locust are a conjoined building, but separate properties

**One property contains the church & cemetery, the other two are undeveloped lands that extend to the lake and were historically part of the overall property




Listing Statements



The following section contains the results of the evaluation and contains statements explaining why each property is believed to be of cultural heritage value or interest. These statements are required by section 27(6) of the *Ontario Heritage Act* and will be provided to the property owners when notices of their property's inclusion on the Heritage Register are sent out.


Potential Cultural Heritage Landscape 1- Foot of Brant Street

The Foot of Brant Street contains 15 properties developed with 2-3 storey retail, commercial and mixed-use buildings. Three properties are already on the register and seven additional properties are recommended for inclusion:

CHL 1- FOOT OF BRANT STREET CANDIDATES

1.		<p>380 Brant Street Built c.1860 (the “Raymond Hotel”). Three storey masonry commercial building believed to have historical value for its age and former hotel use. Architectural merits include its Italianate details like corner quoins, round-arched windows with keystones, segmental arched windows at second storey, masonry chimneys, cubic massing. Contextual value as a landmark.</p>
2.		<p>372-374 Brant Street. Built before 1910. Two-storey masonry clad commercial building. The property is believed to have historical value for its age and former uses as an undertaker and furniture store. The building is believed to have design value for its gable roof massing, masonry sidewalls, prominent demising wall, cornice and decorative brackets.</p>
3.		<p>359 Brant Street- Built before 1910. Three-storey retail and office building believed to have historical value for its age and former use as an Ontario Department of Agriculture Office. The building is believed to have design value for its Italian renaissance elements including round arched windows at third storey. The second storey originally had round arched windows and the arches and keystones of these windows are still visible in brickwork. The cornice with brackets is still intact along with the dentil course below the cornice brackets. The rectangular second storey windows are not original, but still over 100 years old.</p>




4.		<p>357 Brant Street- Built before 1910. Three-storey building believed to have historical potential for its age and former uses as a mixed-use retail and residential building. The building may have architectural value if surface alterations and non-original cladding can be removed. Nominated for inclusion on the Heritage Register by HBAC.</p>
5.		<p>353-355 Brant Street- Built before 1910. Two-storey building believed to have historical value for its age and former use for retail. The building is believed to have architectural value for its original form, scale and massing, segmental arched windows, stone or concrete sills.</p>
6a)		<p>2003 Lakeshore Road a) 1800s or early 1900s two-storey commercial building believed to have historical value for its age and former use as the Bell Telephone Exchange. The building is believed to have architectural value for its original upper storey window arrangement and intact segmental arched windows with stone or concrete sills. The façade was formerly exposed brick and is now painted stucco.</p>
6b)		<p>2003 Lakeshore Road b) Post war one-storey stone clad former bank building believed to have historical value for its former use. The building is believed to have architectural value as a rare example of a transitional style “modernist” bank with minimalist classical references including “fluted” pilasters. The building has a simplified cornice, sandstone exterior and original fenestration. The style was characteristic of banks in the postwar decade as they sought to portray themselves as architecturally progressive but cautious in approach.</p>


7.		<p>404 John Street- Built between 1910-1924. This two-storey masonry mixed-use building is believed to have historical value for its age and former use as an urban dwelling. It is believed to have design value for its symmetrical two-bay façade featuring segmental arched windows and rusticated stone or concrete sills.</p> <p>408 John Street- Built 1912. This two-storey masonry building with historical value for its former use as the Hannon Flour and Feed store. It is believed to have design value for its masonry exterior, utilitarian detailing and segmental arched windows with rusticated stone or concrete sills at second storey.</p>
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Potential Cultural Heritage Landscape 2- Locust Street

Locust Street is a primarily residential streetscape characterized mainly by one-and-a-half and two-storey homes. It features a total of 18 properties, eight of which are already on the Heritage Register. Six additional properties are proposed to be added:

CHL 2- LOCUST STREET CANDIDATES		
1.		<p>524 Locust Street. Built before 1910. This 1-storey house form building is believed to have historical value for its age, and design value for its Victorian vernacular details including two-over-two windows, segmental arched windows, prominent sills, fieldstone foundation and entrance with sidelights.</p>
2.		<p>513 Locust Street. Built in 1886. This two-storey vernacular house is believed to have design value for its Victorian/Gothic porch details, hipped roof, segmental arched ground floor windows and stone foundation. It is believed to have historical value for its potential to yield information about Burlington's residential neighbourhoods in the late 1800s.</p>

3.		<p>492 Locust Street. North half built before 1910, south half built between 1924 and 1950s. HBAC recommends this property for inclusion on the Heritage Register for its design value, present in original features at the ground and second storey. The original detailing on the north half of the building includes round and segmental arched windows and fish-scale shingled gable with half round window opening. HBAC also believes the property has historical value for its significant age and mixed-use function.</p>
4.		<p>488 Locust Street. Built before 1910. This property is believed to have architectural value for its Victorian Vernacular features including a covered porch, bay window, round arched window in the second-storey gable and two-over-two sash windows. It is believed to have historical value for its significant age and potential to yield information about Burlington's residential neighbourhoods before 1910.</p>
5.		<p>1445 Ontario Street. Built between 1910 and 1924. This property is believed to have historical value for its architectural value as a 1.5-storey vernacular bungalow with covered porch supported with classical (Tuscan) columns. A half bay window on the east side of the front elevation introduces some asymmetry to the facade. Above the porch is a gabled dormer with double-hung one-over-one sash windows. It is believed to have historical value for its potential to yield information about Burlington's residential neighbourhoods in the early 20th century.</p>

6.		<p>458 Locust Street. Built before 1910. This two-storey masonry dwelling is believed to have architectural value for its Queen Anne revival style details including fish scale shingles in gable and segmental arched window at second storey. is believed to have historical value for its potential to yield information about Burlington's residential neighbourhoods before 1910. Alterations include the enclosed the porch at ground storey.</p>
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Potential Cultural Heritage Landscape 3- Village Square



Village Square consists of a single property and is already listed on the City's Heritage Register.

Potential Cultural Heritage Landscape 4- Downtown East

CHL 4 is the largest study area and is made up of a mix of building types including a utility service building, former police station, religious buildings and houses. There are 20 properties total in the study area, including seven that are already on the Heritage Register. Seven additional properties in CHL 4 are recommended for inclusion on the Heritage Register:

CHL 4- DOWNTOWN EAST CANDIDATES		
1.		<p>2010 Maria Street This two-storey masonry building is believed to have historical value for its former use as a police station. It is believed to have design value for its mid-century modernist details including long horizontal windows at ground level. The façade is a mix of brick and tile. Alterations include a reduction in the width of the upper storey windows.</p>




2.		<p>468 Elizabeth Street. Built before 1910. This two storey masonry building has historical value for its age and potential to yield information about Burlington's residential areas in the pre-war period. It is believed to have design value for its vernacular homestead and craftsman details. The house is two bays wide, with entrance positioned at the side of the ground floor. The full width veranda with craftsman style stone base is original. Two-over-two sash windows feature segmental arches.</p>
3.		<p>441 Elizabeth Street- Built after 1924. The Heritage Burlington Advisory Committee believes this building has potential design value for its vernacular homestead details including the gable roof and segmental arched windows. The front façade has been extensively altered.</p>
4.		<p>437 Elizabeth Street. South portion built before 1910. The Heritage Burlington Advisory Committee believes that the original portions of this two storey masonry house have design value for their vernacular homestead details such as segmental arched windows and projecting sills. The house has been significantly altered with a large addition built onto the north side.</p>
5.		<p>436 Pearl Street. Original portion built before 1910. The Heritage Burlington Advisory Committee believes this building has some potential historical value due to its local reputation and conversion from a two-storey gable roof house to a popular restaurant. Extensively altered with ground storey additions. Second storey has been re-clad and no window openings remain.</p>

6.		<p>435 Pearl Street. Built in the mid-late 1800s. This two-storey house is believed to have design value for its gothic vernacular detailing including gingerbread trim accenting a peaked dormer in the roof. The dormer features a round arched window centred over the main entry. Front box bay windows are likely not original.</p>
7.		<p>431 Pearl Street. Built before 1910. This two-storey wood frame house is believed to have design value for its vernacular homestead details including an asymmetrical façade and square headed, one-over-one sash windows.</p>

Potential Cultural Heritage Landscape 5- Burlington Avenue & Lakeshore Road

CHL 5 is made up of one-and-a-half and two-storey houses. Burlington Avenue is recognized as a significant component of downtown Burlington, taking its name from Burlington village. The tree-lined avenue was developed under three subdivision plans, the first of which was William Bunton's survey registered in 1881. There are 13 properties in the study area, including six that are already on the Heritage Register. Four additional properties in CHL 5 are recommended for inclusion on the Heritage Register:

CHL 5- BURLINGTON AVENUE & LAKESHORE ROAD CANDIDATES		
1.		<p>437 Burlington Avenue. This two-and-a-half storey masonry dwelling is believed to have design value for its rich Italianate details including red brick with buff brick accents around the window arches resembling a hood mould with a keystone. Full arched windows at second storey with segmental arched windows at the ground-storey. The house features carved Victorian style trim in the main gable and decorative brackets</p>

		accenting the eaves of the half bay window and porch at the ground storey.
2.		426 Burlington Avenue. Built before 1924. This 1.5 storey house is believed to have design value for its craftsman style details including its broad verandah with grouped square columns and masonry pedestals. To the left of the doorway are three six-over-one sash windows. The house also has a distinctive jerkinhead roof with knee brackets.
3.		422 Burlington Avenue. Built after 1924, but likely during the 1920s. This one-and-a-half storey bungalow is believed to have design value for its distinctive craftsman details including a full width verandah with Tuscan columns, an asymmetrical façade with doorway to one side of a set of four six-over-one windows. The house also has a distinctive jerkinhead roof.
4.		1415 Lakeshore Road. Built before 1924. This one-and-a-half storey house is believed to have design value for its craftsman features including a full width porch featuring simplified square posts. The main entry is accentuated by a gable with knee brackets. Horizontal wood cladding is a typical craftsman style feature. All windows on front façade have been replaced.

Potential Cultural Heritage Landscape 6- St. Luke's Church & Cemetery

CHL 6 is St. Luke's Church and Cemetery at 1371 Elgin Street. The property is already on the Heritage Register.

Possible Objections

Under the *Ontario Heritage Act*, the owner of a property included on the heritage register can object to the listing by serving a notice of objection on the clerk of the municipality setting out the reasons for the objection and all relevant facts. There is no deadline for an objection. If a notice is served, City Council must consider the notice and decide if the property should continue to be included in the register or whether it should be removed.

There is a strong possibility that with Council adding 24 properties to the Heritage Register at once, the City will receive multiple objections. Staff are recommending that Council direct staff to report back no later than 120 days after sending out notices to give staff enough time to gather most or all objections to the register listings before reporting back. This will enable Council to consider multiple objections together as a more efficient process and use of resources rather than consider each objection individually.

Options Considered

Option 1- Add all properties recommended by staff and the Heritage Burlington Advisory Committee to the Heritage Register, re-assess at the end of the study

This option is recommended because it best responds to Council's direction to deliver a list of Heritage Register candidates that includes both staff and HBAC's recommendations. HBAC had recommended five more properties than staff, including 357 Brant Street, 492 Locust Street, 437 Elizabeth Street, 436 Pearl Street and 441 Elizabeth Street. Both Staff and HBAC recommend that at the end of the study, all properties be re-assessed for continued inclusion on the Heritage Register because the study is likely to reveal more in-depth historical information about individual properties and areas that could alter the City's opinion of their importance.

Option 2- Add only properties recommended by staff

This option is not recommended because it does not include the advice of HBAC, who gave important input to this review.

Option 3- Decline to add any properties to the Heritage Register

The review of individual properties uncovered many buildings with significant design value, as well as properties that have the potential to yield important information about Burlington's history of urban development and land use patterns. This option is not recommended because it would leave important properties in each potential cultural heritage landscape with no protection.

Financial Matters:

Total Financial Impact

Funding to undertake this study was approved as part of report PL-49-22.

Other Resource Impacts

The addition of these properties to the Heritage Register will require staff to create 20 notices to send to each property owner. After owners receive the notice they may contact staff for clarification, and they may file an objection, which will require staff to write a report(s) to Council with a recommendation(s).

Climate Implications

Not applicable.

Engagement Matters:

Heritage Burlington Advisory Committee

Staff prepared the initial assessments of individual properties and gave them to the HBAC Committee Evaluations Subcommittee for review. After the Evaluations Subcommittee reviewed, they prepared recommendations for the larger Committee (See Appendix C- Heritage Burlington Advisory Committee- Evaluations Subcommittee Summary Chart). HBAC met on July 27 at 7PM (See Appendix B-Heritage Burlington Advisory Committee Minutes- July 27, 2022) to discuss the nominations. HBAC recommended five properties in addition to the ones staff recommended. The full wording of the HBAC motion is as follows:

Heritage Burlington recommends that City Council add the following staff recommended properties to the Municipal Heritage Register:

- 380 Brant Street
- 372-374 Brant Street
- 359 Brant Street
- 353-355 Brant Street
- 2003 Lakeshore Road (Buildings A & B)
- 404-408 John Street
- 524 Locust Street
- 513 Locust Street
- 488 Locust Street
- 1445 Ontario Street
- 458 Locust Street
- 2010 Maria Street
- 468 Elizabeth Street

- 435 Pearl Street
- 431 Pearl Street
- 437 Burlington Avenue
- 426 Burlington Avenue
- 422 Burlington Avenue
- 1415 Lakeshore Road; and

That the following additional properties be added to the Municipal Heritage Register, as recommended by Heritage Burlington:

- 357 Brant Street
- 492 Locust Street
- 437 Elizabeth Street
- 441 Elizabeth Street
- 436 Pearl Street; and

That following study completion, staff re-assess the eligibility of the above listed properties for continued inclusion on the Heritage Register and report back to City Council with a recommendation.

Conclusion:

A review of all properties in potential CHLs 1-6 has revealed 24 properties that are believed to have heritage value or interest. Adding the properties to the Heritage Register has limited regulatory impacts on owners but provides some protection against demolition while the Downtown Cultural Heritage Landscapes study is underway. At the end of the study, staff will re-assess the properties and report back to Council with a recommendation on the eligibility of the properties for continued inclusion on the Heritage Register.

Respectfully submitted,

John O'Reilly, MCIP, RPP
Planner II - Heritage
(905) 335-7777 ext. 7427

Appendices:

- A. Heritage Property Evaluations, CHLs 1,2,4 & 5 (PL-59-22)
- B. Heritage Burlington Advisory Committee Minutes- July 26, 2022 (PL-59-22)

C. Heritage Burlington Advisory Committee- Evaluations Subcommittee Summary Chart (PL-59-22)

Notifications:

Owners of: 353-355 Brant Street, 357 Brant Street, 359 Brant Street, 372-374 Brant Street, 380 Brant Street, 422 Burlington Avenue, 426 Burlington Avenue, 437 Burlington Avenue, 437 Elizabeth Street, 441 Elizabeth Street, 468 Elizabeth Street, 404-408 John Street, 1415 Lakeshore Road, 2003 Lakeshore Road (both buildings), 458 Locust Street, 488 Locust Street, 492 Locust Street, 513 Locust Street, 524 Locust Street, 2010 Maria Street, 436 Pearl Street, 1445 Ontario Street, 431 Pearl Street, 435 Pearl Street

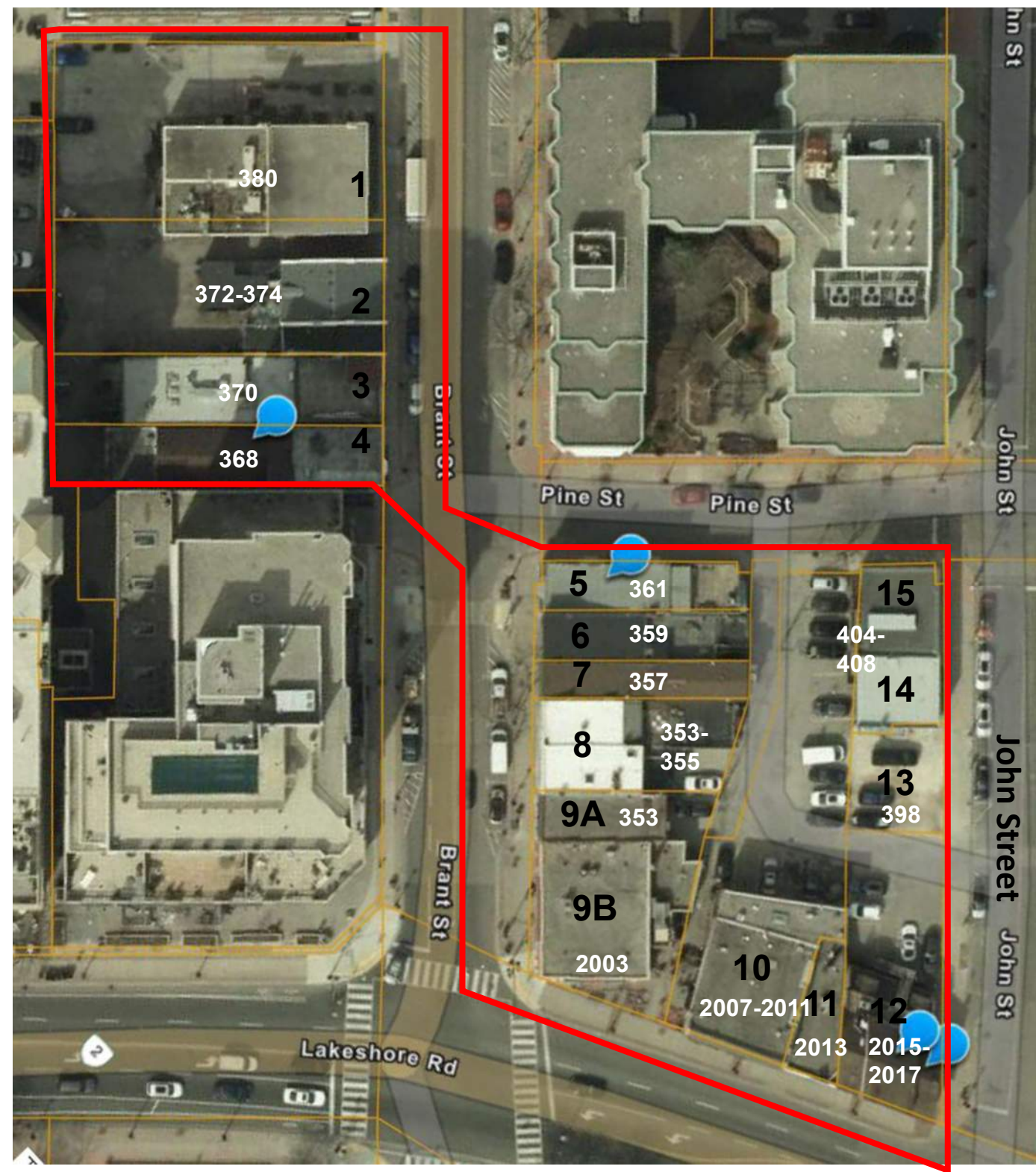
Report Approval:

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Counsel.

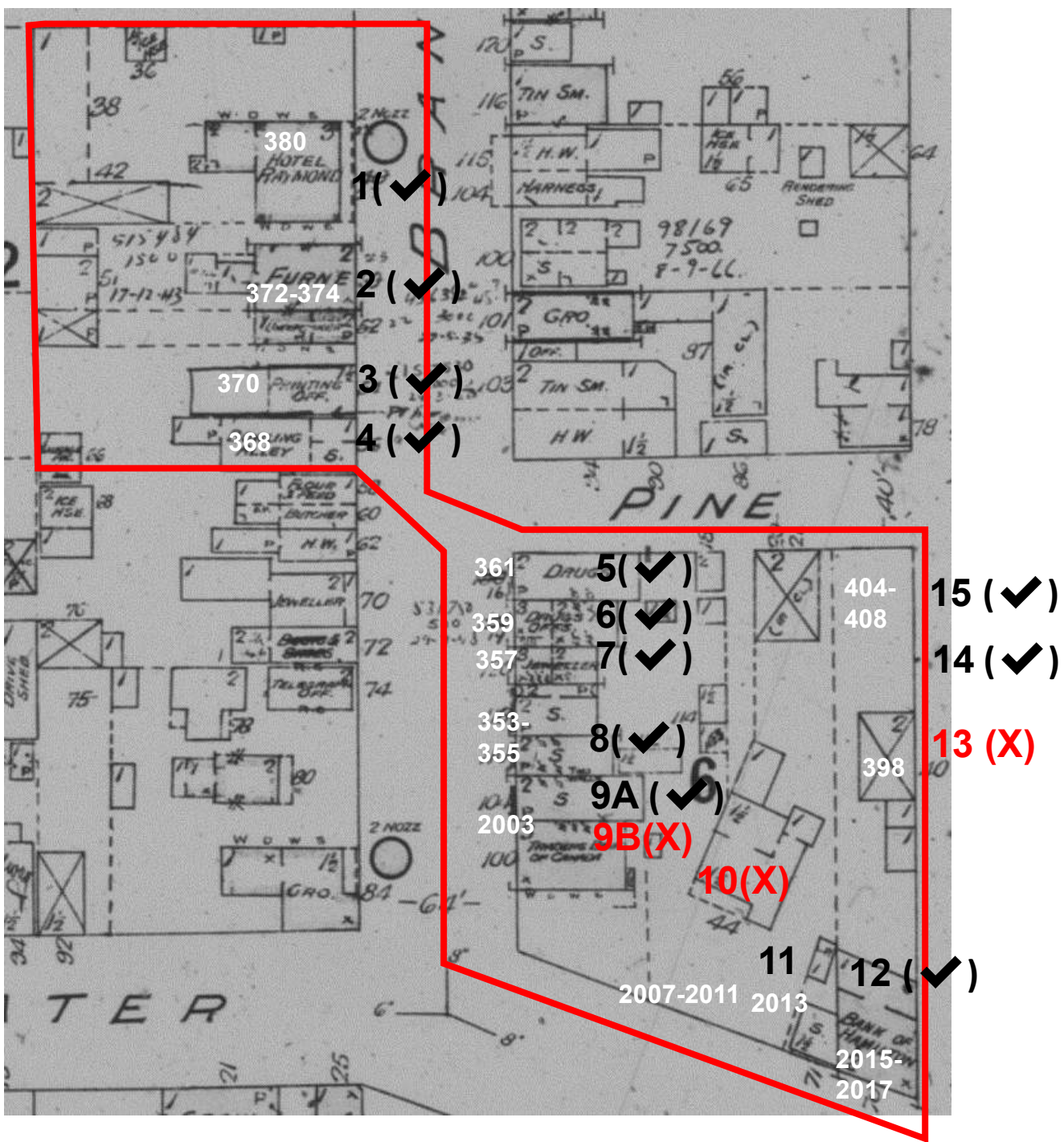
Cultural Heritage Landscape #1- Foot of Brant Street

Buildings pre-dating 1910

2021 Aerial Photo



1910 Fire Insurance Plan



Legend



Non-designated heritage register property



Heritage Designated

(X) -Demolished

(✓) -Still Exists

Cultural Heritage Landscape #1- Foot of Brant Street

1. 380 Brant Street

Current Photo



380 Brant Street

Historic Photo



Legal Description	PLAN 92 BLK Y LOT 7 PT LOT 6
Historic Land Use	Hotel ("Raymond Hotel")
Date of Construction	1860
Heritage Value or Interest	The property is believed to have historical value for its age and former hotel use, which has the potential to yield information about the Burlington community in the mid 19th century. Architectural merits include its Italianate details like corner quoins, round-arched windows with keystones, segmental arched windows at second storey, masonry chimneys and cubic massing. Contextual value as a landmark on the street. Alterations include removal and replacement of ground floor porch, new windows throughout.
Heritage Status	None
Assessment	(✓) Qualifies for Heritage Register

2. 372-374 Brant Street

Current Photo



Historic Photo



Undated photo of 370- 380 Brant Street with the Queens Hotel visible at top right. Photograph from The Prints of Burlington

Legal Description	PLAN 92 BLK Y PT LOTS 5,6
Historic Land Use	372- Undertaker, 374- Furniture Store
Date of Construction	Pre 1910
Heritage Value or Interest	Two-storey masonry clad commercial building. The property is believed to have historical value for its age and former uses as an undertaker and furniture store, which have the potential to yield information about the Burlington community pre 1910. The building is believed to have design value for its gable roof massing, masonry sidewalls, prominent demising wall, cornice and decorative brackets. Alterations include stucco covering the original masonry. The formerly symmetrical storefront has been reconfigured with the entrance relocated to one side.
Heritage Status	None
Assessment	(✓) Qualifies for Heritage Register

3. 370 Brant Street

Current Photo



Historic Photo



Undated photo of 370- 380 Brant Street with the Queens Hotel visible at top right. Photograph from The Prints of Burlington

Legal Description	PLAN 92 BLK Y PT LOT 4
Historic Land Use	Printing Office
Date of Construction	Post 1924
Heritage Value or Interest	Undetermined. 1-storey brick commercial building with no distinguishing historic architectural features
Heritage Status	None
Assessment	(X) Not recommended for Heritage Register

4. 368 Brant Street

Current Photo



Legal Description	PLAN 92 BLK Y PT LOTS 3,4
Historic Land Use	The Bell - Wiggins Boot and Shoe Store, The Parkin Barber Shop and Pool Hall
Date of Construction	1867
Heritage Value or Interest	Design and Historical Value. Two-storey commercial building, dentilated cornice, segmental arched window and bay window at second storey, voussoirs above ground floor doorway, corbelled ground floor pilasters. Originally 1-storey, second storey added in 1902.
Heritage Status	Heritage Register, Non-designated
Assessment	(✓) Non Designated Heritage Register Property

5. 361 Brant Street

Current Photo



Historic Photo (1914)



Early 1920s photo of lower Brant from 2019 Burlington Heritage Calendar

Legal Description	PLAN 92 PT BLK M
Historic Land Use	The LePatourel Drug Store First Location
Date of Construction	1881
Heritage Value or Interest	Design and historical value. Two-storey commercial building with oriel windows at the second storey and segmental arches over windows and entries at first and second storey. Ground floor reconfigured, upper storey oriel window details and wood construction now covered with stucco.
Heritage Status	Heritage Register, Non-designated
Assessment	(✓) Non Designated Heritage Register Property

6. 359 Brant Street

Current Photo



Historic Photo (1914)



Legal Description	PLAN 92 PT BLK M
Historic Land Use	Drugstore and Offices
Date of Construction	Pre 1910
Heritage Value or Interest	Three-storey commercial building believed to have historical value for its age and former use as an Ontario Department of Agriculture Office. The building is believed to have design value for its Italian renaissance elements including round arched windows at third storey. The second storey originally had round arched windows and the arches and keystones of these windows are still visible in brickwork. The cornice with brackets is still intact along with the dentil course below the cornice brackets. Alterations include rectangular second storey window openings, replaced windows, painted brick and reconfigured storefront.
Heritage Status	None
Assessment	(✓) Qualifies for Heritage Register

7. 357 Brant Street

Current Photo



Historic Photo (1914)



1914 post card of Brant Street looking north from what was then Water Street. From "The Prints of Burlington."

Legal Description	PLAN 92 PT BLK M
Historic Land Use	Jeweler (see 1910 Fire Insurance Map)
Date of Construction	Pre 1910,
Heritage Value or Interest	Three-storey building believed to have historical potential for its age and former use as a mixed-use retail and residential building. The building may have architectural value if surface alterations and non-original cladding can be removed. Original form, scale and massing intact, but all façade details obscured. Ground floor remodeled, stone veneer placed over brick at 2 nd storey, wood shingle roof built over 3 rd storey.
Heritage Status	None
Assessment	(✓) Qualifies for Heritage Register (Heritage Burlington Advisory Committee recommendation)

8. 353-355 Brant Street

Current Photo



Historic Photo (1914)



1914 post card of Brant Street looking north from what was then Water Street. From "The Prints of Burlington."

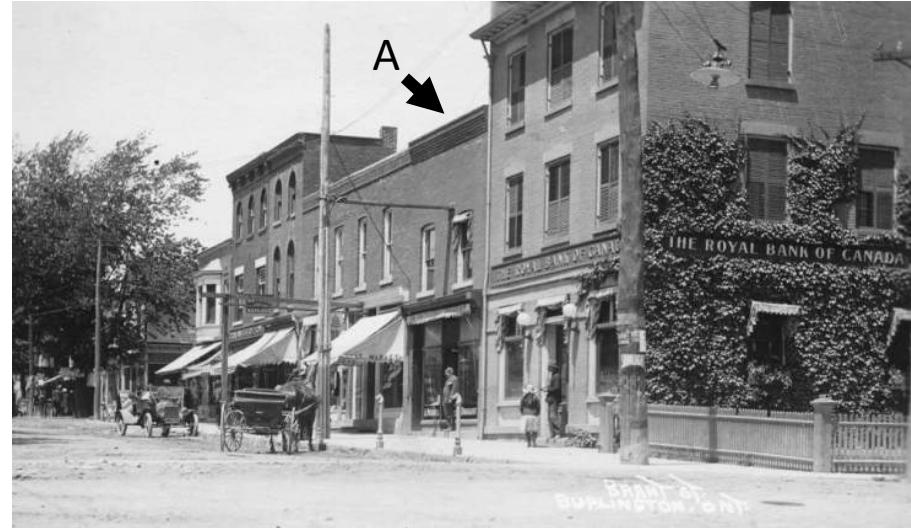
Legal Description	PLAN 92 PT BLK M RP 20R8210 PARTS 1,3,4
Historic Land Use	Retail
Date of Construction	Pre 1910
Heritage Value or Interest	Two-storey building believed to have historical value for its age and former retail use. The building is believed to have architectural value for its original form, scale and massing and its arrangement of upper storey segmental arched windows with stone or concrete sills. Alterations include aluminum windows, painted stucco covering the original masonry and cornice. Ground floor storefronts have been replaced. Original masonry side walls and structure may be intact.
Heritage Status	None
Assessment	(✓) Qualifies for Heritage Register

9. A) 2003 Lakeshore Road

Current Photo



Historic Photo



1914 post card of Brant Street looking north from what was then Water Street. From "The Prints of Burlington".

Legal Description	PLAN 92 PT BLK M RP 20R10139 PARTS 1,4
Historic Land Use	Bell Telephone Exchange
Date of Construction	Pre 1910
Heritage Value or Interest	1800s or early 1900s two-storey commercial building believed to have historical value for its age and former use as the Bell Telephone Exchange. The building is believed to have architectural value for its original upper storey window arrangement and intact segmental arched windows with stone or concrete sills. Alterations include painted stucco over original masonry and a reconfigured storefront.
Heritage Status	None
Assessment	(✓) Qualifies for Heritage Register

9. B) 2003 Lakeshore Road

Current Photo



Historic Photo



From "The Prints of Burlington"



From 1966 Aerial Photograph

Legal Description	PLAN 92 PT BLK M RP 20R10139 PARTS 1,4
Historic Land Use	Bank (RBC)
Date of Construction	Post 1940, likely 1950s
Heritage Value or Interest	Rare example of a transitional style "modernist" bank with minimalist classical references including "fluted" pilasters. The building has a simplified cornice, sandstone exterior and original fenestration. Signage and awnings obscure some details, but are removable. Style was characteristic of banks in the postwar decade as they sought to portray themselves as architecturally progressive but cautious in approach.
Heritage Status	None
Assessment	(✓) Qualifies for Heritage Register

10. 2007-2011 Lakeshore Road

Current Photo



Historic Photo



From "The Prints of Burlington"

Legal description	PLAN 92 PT BLK M
Historic Land Use	Movie Theatre, Previously the property was occupied by a "Baby Clinic", which was demolished after 1924
Date of Construction	Post 1924
Heritage Value or Interest	Undetermined. Two-storey former movie theatre building. Original windows replaced with bay windows, marquee removed, masonry covered with stucco and painted
Heritage Status	None
Assessment	(X) Further study recommended

11. 2013 Lakeshore Road

Current Photo



Historic Photo



Legal Description	PLAN 92 PT BLK M
Historic Land Use	N/A
Date of Construction	Post 1924
Heritage Value or Interest	Undetermined. Undistinguished one-storey commercial building.
Heritage Status	None
Assessment	(X) Not recommended for Heritage Register

12. 2015-2017 Lakeshore Road

Current Photo



Historic Photo



1950s(?) photograph from "Memories of Burlington"

Legal Description	PLAN 92 PT BLK M
Historic Land Use	Bank (Bank of Hamilton)
Date of Construction	1881
Heritage Value or Interest	Historical and Architectural. The "Shaver Building". Original two-and-a-half storey brick structure with Victorian gingerbread accents and arched windows.
Heritage Status	Heritage Register, Non-designated
Assessment	(✓) Non-Designated Heritage Register Property

13. 398 John Street

2019 Photo (Now demolished)



Legal Description	PLAN 92 PT BLK M
Historic Land Use	Auto mechanic, general storage
Date of Construction	N/A (demolished)
Heritage Value or Interest	None. Empty lot.
Heritage Status	N/A
Assessment	(X) Not recommended for Heritage Register

14. 404-408 John Street

Current Photo



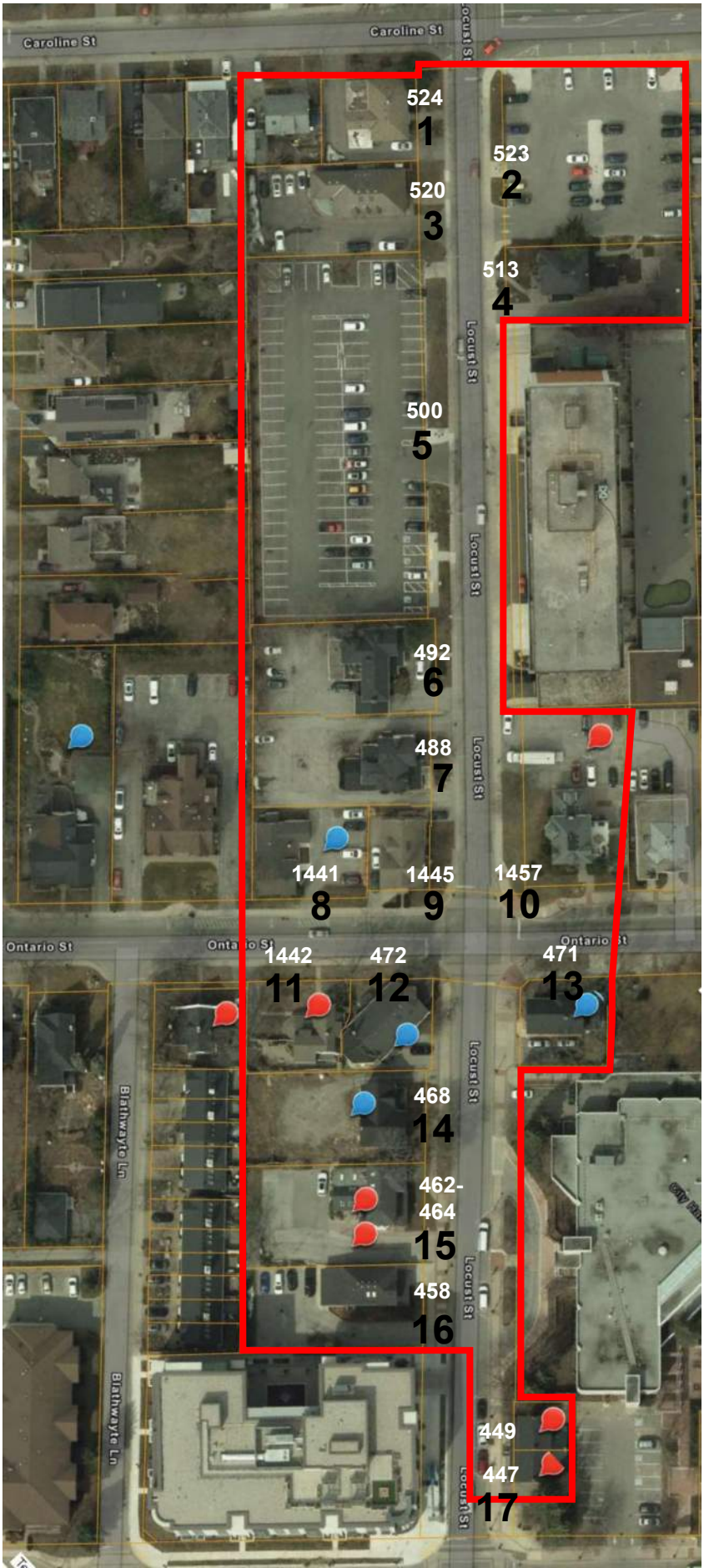
Historic Photo



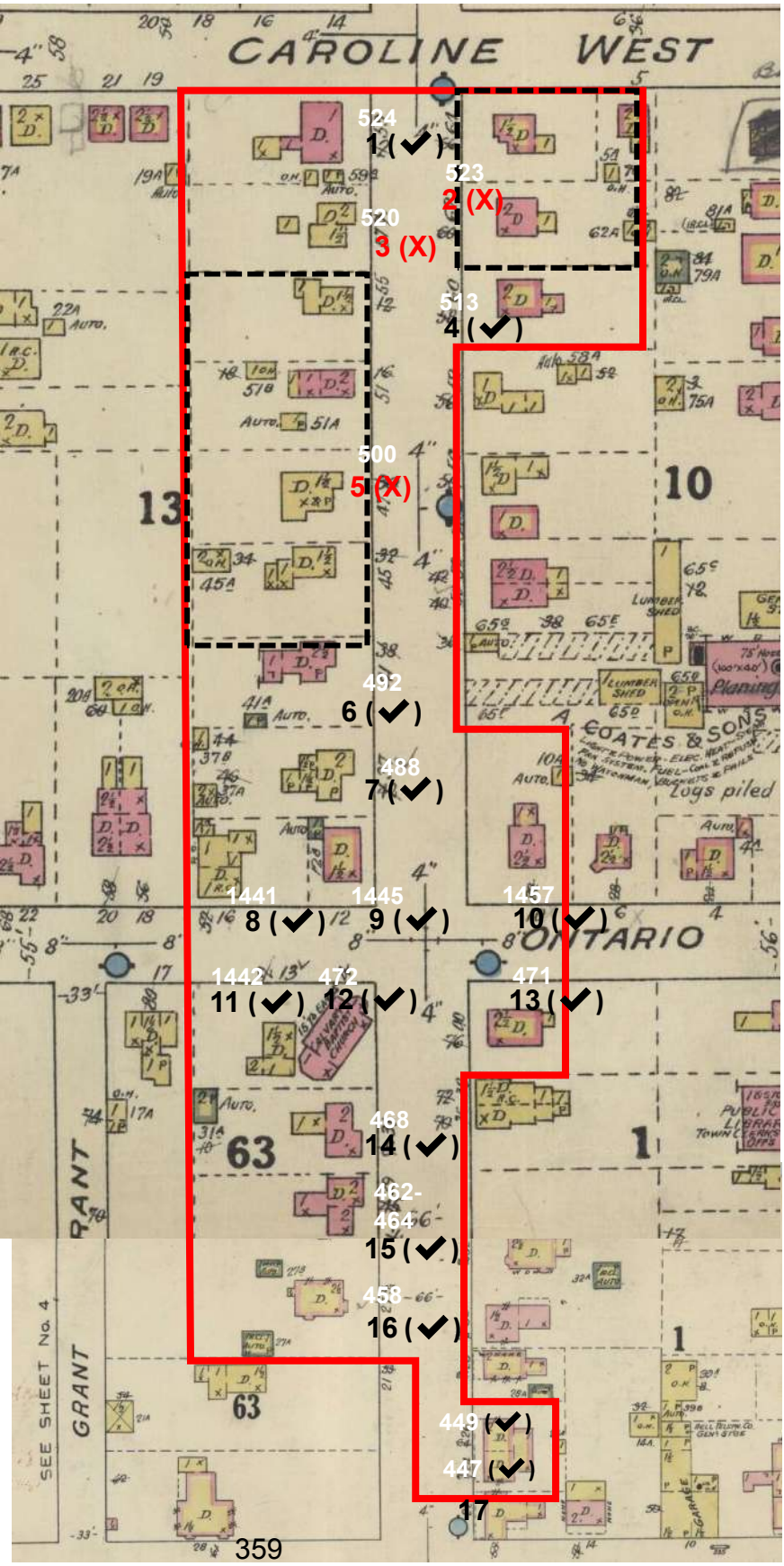
William Isaac Hannon standing in front of his store, Hannon Flour and Feed, at the southwest corner of Pine and John Streets, ca 1912 (Source: Burlington Historical Society)

Legal Description	PLAN 92 PT BLK M
Historic Land Use	404- Dwelling "2d" 408-Flour and Feed warehouse
Date of Construction	404- Between 1910 and 1924 408- 1912
Heritage Value or Interest	404- This two-storey masonry mixed-use building is believed to have historical value for its age and former use as an urban dwelling. It is believed to have design value for its symmetrical two-bay façade featuring segmental arched windows and rusticated stone or concrete sills. 408- Two-storey masonry building. Historical value for its former use as the Hannon Flour and Feed store. It is believed to have design value for its masonry exterior, utilitarian detailing and segmental arched windows with rusticated stone or concrete sills at second storey..
Heritage Status	None
Assessment	(✓) Qualifies for Heritage Register


Cultural Heritage Landscape #2- Locust Street



2021 Aerial Photo



Legend











 Non-designated heritage register property

 Heritage Designated

(X) Demolished

(✓) Still Exists

Fire Insurance Plan Construction Materials Legend

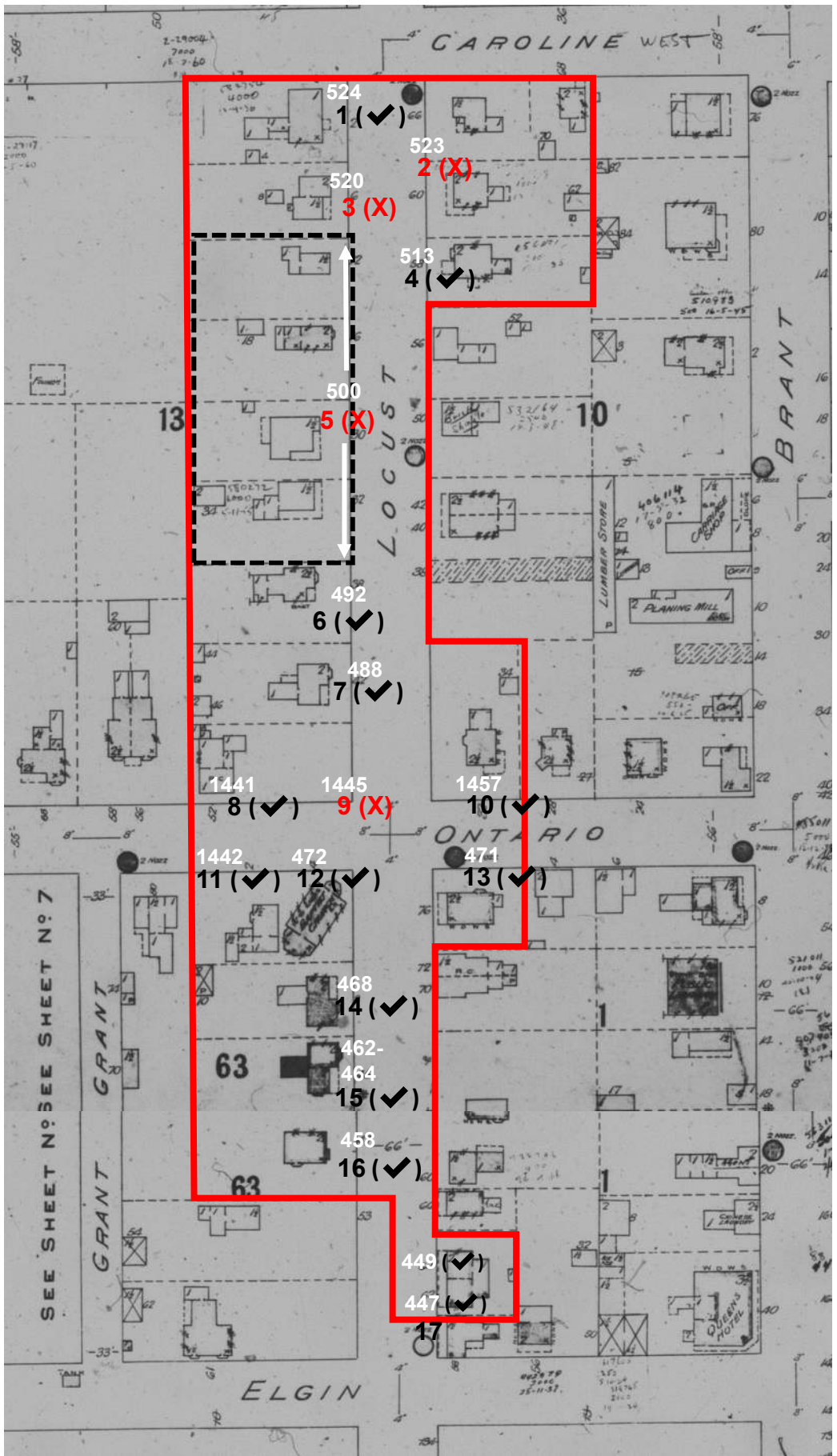
-CONSTRUCTION-					-KEY-	
FIREPROOF	BRICK	STONE	CONCRETE	STEEL FRAME METAL WALLS		
						
						
CONCRETE BLOCKS	BRICK VENEERED	STONE VENEERED	CONCRETE VENEERED	IRON CLAD		
WOOD						
D - DWELLINGS OH - OUTHOUSE (SHEDS)						
STABLE (DIAGONAL LINES)						
GALLERY - VERANDAH						
-ROOFING-						

1924 Fire Insurance Plan

Cultural Heritage Landscape #2- Locust Street



2021
Aerial
Photo



Legend

 Non-designated heritage register property

 Heritage Designated

 Demolished

 Still Exists

1910 Fire
Insurance
Plan

Cultural Heritage Landscape #2- Locust Street

1. 524 Locust Street

Current Photo



Legal Description	PLAN 70 PT LOT 4
Historic Land Use	Residential (Dwelling)
Date of Construction	Pre 1910
Heritage Value or Interest	1-storey house form building believed to have historical value for its age and potential to yield information about Burlington's residential neighbourhoods before 1910. It is believed to have design value for its Victorian vernacular details including two-over-two windows, segmental arched windows, prominent sills, fieldstone foundation and entrance with sidelights.
Heritage Status	None
Assessment	(✓) Qualifies for Heritage Register

2. 523 Locust Street

Current Photo



Legal Description	PLAN 92 BLK V PT LOT 4
Historic Land Use	Residential (x2 Dwellings)
Date of Construction	N/A
Heritage Value or Interest	None. Vacant lot with no historical features.
Heritage Status	None
Assessment	(X) Not recommended for Heritage Register

3. 520 Locust Street

Current Photo



Legal Description	PLAN 70 LOT 3
Historic Land Use	Residential
Date of Construction	Post 1924, relatively new building
Heritage Value or Interest	None. Relatively new two-storey commercial building.
Heritage Status	None
Assessment	(X) Not recommended for Heritage Register

4. 513 Locust Street

Current Photo



Historic Photo



1974 Image of rear of building

Legal Description	PLAN 92 BLK V PT LOT 2LOCUST
Historic Land Use	Residential
Date of Construction	1886
Heritage Value or Interest	This two-storey vernacular house is believed to have historical value for its potential to yield information about Burlington's residential neighbourhoods in the late 1800s. It is believed to have design value for its victorian/gothic porch details, hipped roof, segmental arched ground floor windows and stone foundation. Alterations include the modern box window at the front and the restoration of a Victorian style porch to the rear elevation.
Heritage Status	None
Assessment	(✓) Qualifies for Heritage Register

5. 500 Locust Street

Current Photo



Legal Description	PLAN 70 LOT 1 PLAN 74 PT LOT 50
Historic Land Use	Residential
Date of Construction	N/A
Heritage Value or Interest	None, no historical features on the property.
Heritage Status	None
Assessment	(X) Not recommended for Heritage Register

6. 492 Locust Street

Current Photo



Historic Photo



1950s image of Locust Street- Vintage Burlington

Legal Description	PLAN 74 PT LOT 50
Historic Land Use	Residential (Dwelling)
Date of Construction	Pre 1910 (north half), 1924-195? (south half)
Heritage Value or Interest	North half built before 1910, south half built between 1924 and 1950s. HBAC recommends this property for inclusion on the Heritage Register for its design value, present in original features at the ground and second storey. The original detailing on the north half of the building includes round and segmental arched windows and fish-scale shingled gable with half round window opening. HBAC also believes the property has historical value for its significant age and mixed-use function. Alterations to the building include the south half of the building, which is a later addition and uses a slightly different colour brick and different window proportions.
Heritage Status	None
Assessment	(✓) Recommended by Heritage Burlington Advisory Committee for Heritage Register

7. 488 Locust Street

Current Photo



Historic Photo



1950s image of Locust Street- Vintage Burlington

Legal Description	PLAN 74 PT LOT 50
Historic Land Use	Residential (Dwelling)
Date of Construction	Pre 1910
Heritage Value or Interest	This property is believed to have historical value for its significant age and potential to yield information about Burlington's residential neighbourhoods before 1910. It is also believed to have architectural value for its Victorian vernacular features including a covered porch, bay window, round arched window in the second-storey gable and two-over-two sash windows.
Heritage Status	None
Assessment	(✓) Qualifies for Heritage Register

8. 1441 Ontario Street

Current Photo



Legal Description	PLAN 74 PT LOT 51
Historic Land Use	Residential (Dwelling)
Date of Construction	1830 (estimated)
Heritage Value or Interest	The William Hodgson - Sarah Oakley House. Vernacular loyalist cottage with 1-storey gable roof form and distinctive arched six-over-six sash windows on south and west elevations. The house has a rear 1-storey "kitchen tail". The exterior cladding does not appear original but may be possible to remove. "First constructed on the Brant Street site of the old town hall and library (which was built in 1906) and was moved to this lot in 1874 for William Hodgson. According to Stanley Blair, it was rebuilt by George Blair."- Building Stories
Heritage Status	Heritage Register, Non-designated
Assessment	(✓) Non Designated Heritage Register Property

9. 1445 Ontario Street

Current Photo



Legal Description	PLAN 74 PT LOT 51
Historic Land Use	Residential (Dwelling)
Date of Construction	Between 1910-1924
Heritage Value or Interest	This property is believed to have historical value for its potential to yield information about Burlington's residential neighbourhoods in the early 20 th century. It is believed to have architectural value as a 1.5-storey vernacular bungalow with covered porch supported with classical (Tuscan) columns. A half bay window on the east side of the front elevation introduces some asymmetry to the facade. Above the porch is a gabled dormer with double-hung one-over-one sash windows.
Heritage Status	None
Assessment	(✓) Qualifies for Heritage Register

10. 1457 Ontario Street

Current Photo



Legal Description	PLAN 92 BLK W PTS 1,2 LOCUST
Historic Land Use	Residential (Dwelling)
Date of Construction	1875
Heritage Value or Interest	Historical and architectural. The Miller Bush House. 2-storey Victorian Vernacular building with masonry exterior, segmental arched windows, west facing hexagonal bay window
Heritage Status	Heritage Designated Property
Assessment	(✓) Heritage Designated

11. 1442 Ontario Street

Current Photo



Legal Description	PLAN 74 PT LOT 52
Historic Land Use	Residential (Dwelling) The James Cushie Bent House.
Date of Construction	1888
Heritage Value or Interest	Architectural value. Carpenter gothic style house of wood frame construction, with covered, curved and enclosed glassed-in porch, handmade and carved ornamentation for the windows, mouldings, soffits, gables and cornices. Decorative roof braces.
Heritage Status	Heritage Designated Property
Assessment	(✓) Heritage Designated

12. 472 Locust Street

Current Photo



Historic Photo



1900 Print from Vintage Burlington North Shore Publishing

Legal Description	PLAN 74 PT LOT 52
Historic Land Use	Church ("L'Eglise St Philippe")
Date of Construction	N/A
Heritage Value or Interest	Architectural and historical/associative value. Originally Calvary Baptist Church. Church structure with a combination of Gothic Revival and Italianate styles.
Heritage Status	Heritage Register, Non-designated
Assessment	(✓) Non Designated Heritage Register Property

13. 471 Locust Street

Current Photo



Historic Photo



1900 Print from Vintage Burlington North Shore Publishing

Legal Description	PLAN 92 BLK X PT LOT 1 RP 20R7438 PART 5
Historic Land Use	Dwelling ("The Atkinson - Peart House")
Date of Construction	1900
Heritage Value or Interest	Architectural and Historical/Associative value. Two-and-a-half storey brick structure dating back to 1900.
Heritage Status	Heritage Register, Non-designated
Assessment	(✓) Non Designated Heritage Register Property

14. 468 Locust Street

Current Photo



Legal Description	PLAN 74 LOT 53
Historic Land Use	Dwelling ("The Robert Kentner House")
Date of Construction	1900
Heritage Value or Interest	Architectural value. Two storey brick structure in Gothic Revival style.
Heritage Status	Heritage Register, Non-designated
Assessment	(✓) Non Designated Heritage Register Property

15. 462-464 Locust Street

Current Photo



Legal Description	PLAN 92 PT LOT 54
Historic Land Use	Dwelling (The "Richard Cole House")
Date of Construction	1896
Heritage Value or Interest	Architectural and historical/associative. Early Victorian brick dwelling with later renovations from 1943.
Heritage Status	Heritage Designated Property
Assessment	(✓) Heritage Designated

16. 458 Locust Street

Current Photo



Legal Description	PLAN 74 PT LOT 54 SAVE AND EXCEPT RP 20R7438 PART10
Historic Land Use	Dwelling
Date of Construction	Pre 1910
Heritage Value or Interest	This two-storey masonry dwelling is believed to have architectural value for its Queen Anne revival style details including fish scale shingles in gable and segmental arched window at second storey. is believed to have historical value for its potential to yield information about Burlington's residential neighbourhoods before 1910. Alterations include the enclosed the porch at ground storey.
Heritage Status	None
Assessment	(✓) Qualifies for Heritage Register

17. 447-449 Locust Street (Separate Properties)

Current Photo



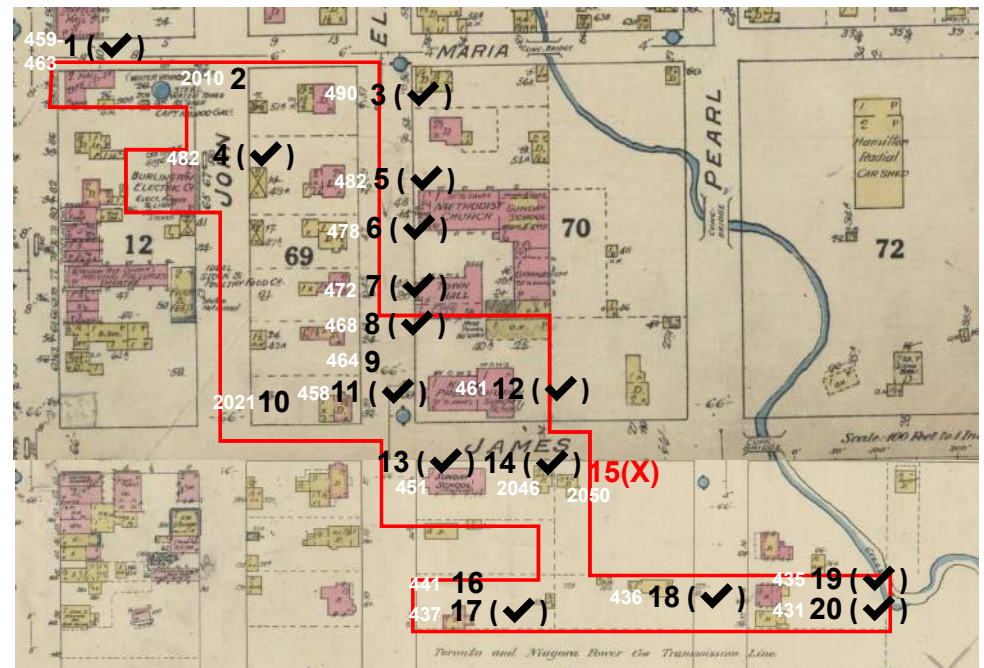
Address	447- PLAN 92 BLK X PT LOT 8 RP 20R12790 PART 2 449- PLAN 92 BLK X PT LOT 8 RP 20R12790 PART 1
Historic Land Use	Semi-detached dwelling
Date of Construction	1867
Heritage Value or Interest	Built in 1867 for Norman Hamburg, a labourer, and his wife Sarah, and their family, this is a rare example of an historic semi-detached residence, and one of the few extant pre-Confederation structures in downtown Burlington. It is a "modest, but well-constructed house..." "...unspoiled by modern alterations and retains its original windows, doors, wood trim, storm door and the original gallery verandah supported by square columns with decorative relief details"
Heritage Status	Heritage Designated
Assessment	(✓) Heritage Designated

Cultural Heritage Landscape #4- Downtown East

Buildings pre-dating 1924





2021 Aerial Photo



























1924 Fire Insurance Map

Legend

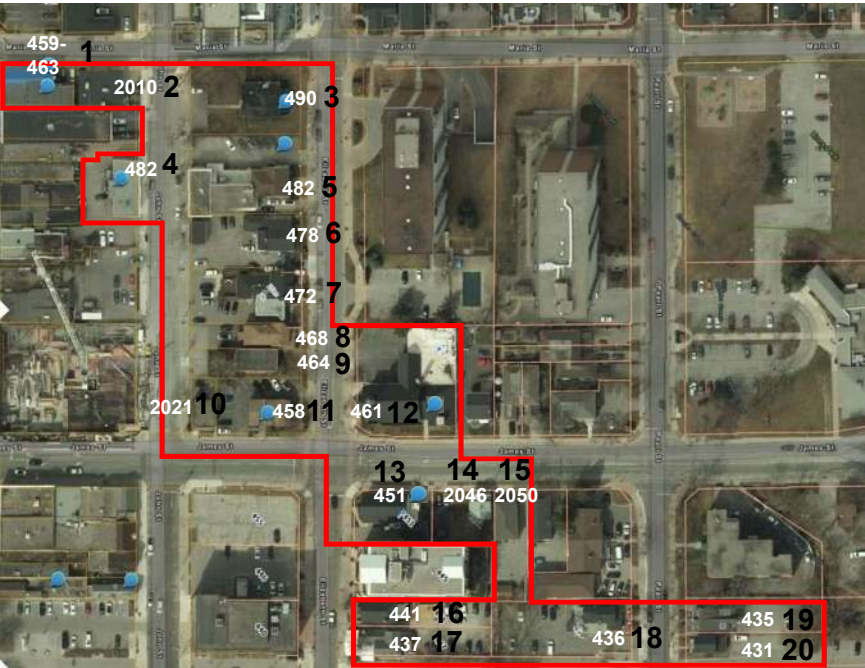
-  Non-designated heritage register property
-  Heritage Designated
- (X) Demolished
- (✓) Still Exists

Fire Insurance Plan Materials Legend

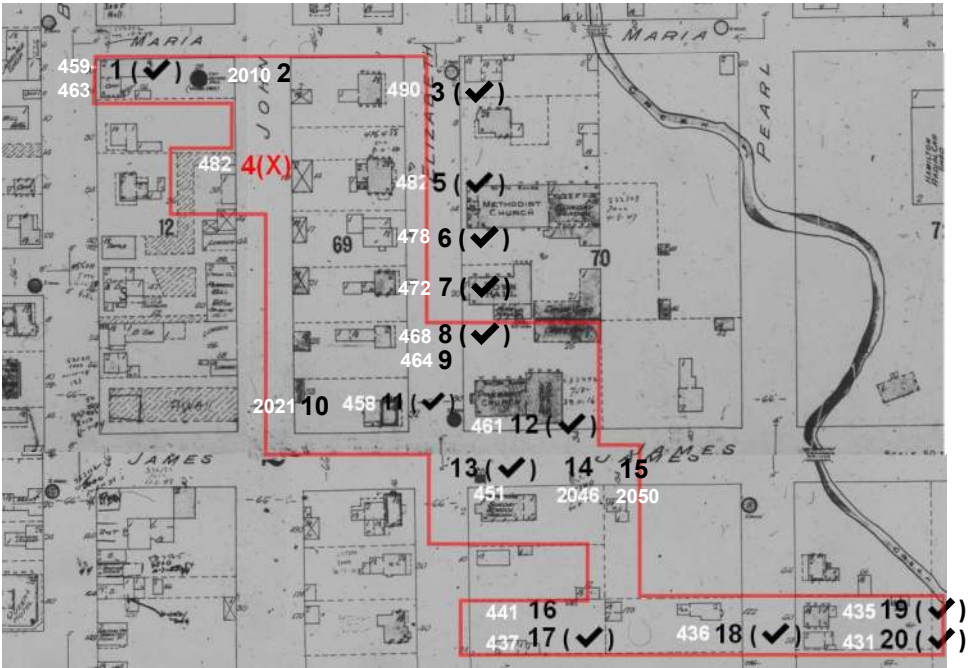
CONSTRUCTION				KEY OF SYMBOLS	
FIREPROOF	BRICK	STONE	CONCRETE	IRON RAILS	ROCKS
					
CONCRETE BLOCK	BRICK VENEERED	STONE VENEERED	CONCRETE VENEERED	IRON CLAD	CEMENT
					
D. DWELLINGS OR. outhouse (SHEDS)	WOOD	ROUGH	ROUGH	ROUGH	ROUGH
					
STABLE (DIAGONAL LINES)	GALLERY/VERANDAH	ROUGH	ROUGH	ROUGH	ROUGH
					

Cultural Heritage Landscape #4- Downtown East

Buildings pre-dating 1910




2021 Aerial Photo




1910 Fire Insurance Map

Legend

 Non-designated heritage register property

 Heritage Designated

 Demolished

 Still Exists

Cultural Heritage Landscape #4- Downtown East

1. 459-463 Brant Street

Current Photo



Historic Photo



1973 Photograph (North Shore Publishing)

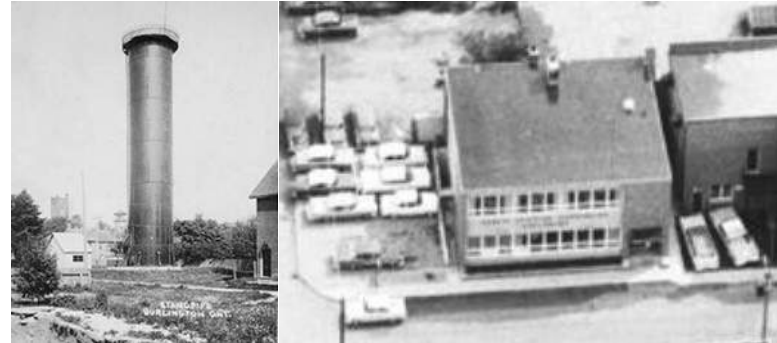
Legal Description	PLAN 92 BLK E PT LOT 1
Historic Land Use	Offices and Masonic Lodge
Date of Construction	Corner portion- Pre 1910, South portion- Post 1924
Heritage Value or Interest	Architectural and historical value. Two storey masonry commercial building with gable roof. The building features segmental arched windows at the first and second storey. The south portion of the building facing Brant Street is a much later addition with newer brick and mortar in better condition.
Heritage Status	Heritage Register, Non-designated
Assessment	(✓) Non Designated Heritage Register Property

2. 2010 Maria Street

Current Photo



Historic Photo



1924 Photo of
water tower

1960 Aerial Photo

Legal Description	PLAN 92 BLK E PT LOT 1
Historic Land Use	Water tower (85' tall), former Police station
Date of Construction	1950s
Heritage Value or Interest	This two-storey masonry building is believed to have historical value for its former use as a police station. It is believed to have design value for its mid-century modernist details including long horizontal windows at ground level. The façade is a mix of brick and tile. Alterations include a reduction in the width of the upper storey windows.
Heritage Status	None
Assessment	(✓) Qualifies for Heritage Register

3. 490 Elizabeth Street / 2042 Maria Street

Current Photo



Historic Photo



Undated Historic Photo of 490 Elizabeth/ 2042 Maria Street from Vintage Burlington

Legal Description	PLAN 92 BLK F PT LOTS 1,2
Historic Land Use	Residential (Dwelling) The Laing - Fisher House Shanston Hall (aka 490 Elizabeth St).
Date of Construction	1855
Heritage Value or Interest	Mid-Victorian Neo-Classic solid brick structure with Edwardian rear additions and second and third storey
Heritage Status	Heritage Register, Non-designated
Assessment	(✓) Non Designated Heritage Register Property

4. 482 John Street

Current Photo



Historic Photo



1960 Aerial

Legal Description	PLAN 92 BLK E PT LOTS 2 TO 4
Historic Land Use	Electric Power & Light (the "The Burlington Electric Company")
Date of Construction	1910-1924
Heritage Value or Interest	Two storey masonry industrial building with segmental arched windows and brick sills at second storey. The roofline features a dentilated cornice and pediment, however the pediment may be a later addition. The ground floor configuration and storefronts is likely not original. Masonry exterior of the building is largely intact.
Heritage Status	Heritage Register, Non-designated
Assessment	(✓) Non Designated Heritage Register Property

5. 482 Elizabeth Street

Current Photo



Historic Photo



1960 Aerial

Legal Description	PLAN 92 BLK F LOT 3 PT LOT 2
Historic Land Use	Residential (dwelling) The Laing - Speers House and former Burlington Public Library.
Date of Construction	1873
Heritage Value or Interest	Two-storey three-bay brick structure in Neo-Classical style.
Heritage Status	Heritage Register, Non-designated
Assessment	(✓) Non-Designated Heritage Register Property

6. 478 Elizabeth Street

Current Photo



Legal Description	PLAN 92 BLK F LOT 4
Historic Land Use	Residential (dwelling)
Date of Construction	Pre 1910
Heritage Value or Interest	Potential heritage value compromised by extensive alterations. Two storey gable roof dwelling with multiple additions and alterations obscuring original character. Second storey window openings in gable may be original.
Heritage Status	None
Assessment	(X) Not recommended for Heritage Register

7. 472 Elizabeth Street

Current Photo



Historic Photo



Cropped 1915 Photo of Elizabeth Street looking North towards Caroline

Legal Description	PLAN 92 BLK F LOT 5
Historic Land Use	Residential (dwelling)
Date of Construction	1862(?) (According to Plaque)
Heritage Value or Interest	Some potential historical and design value, however extent of alterations means it requires further study. Two storey masonry house with peaked dormer centred over the main entrance. The house is designed in the Gothic vernacular style, popular between 1850 and 1880. Alterations to the house include painted brick, replaced windows, south addition. The ground floor window openings may not be original. In 1915, the house featured a full width covered porch with a sheet metal roof
Heritage Status	None
Assessment	(X) Further Study Recommended

8. 468 Elizabeth Street

Current Photo



Historic Photo



1915 Photo of Elizabeth Street looking North towards Caroline

Legal Description	PLAN 92 BLK F PT LOT 6
Historic Land Use	Residential (dwelling)
Date of Construction	Pre 1910
Heritage Value or Interest	This two storey masonry building has historical value for its age and potential to yield information about Burlington residential areas before 1910. It is believed to have design value for its vernacular homestead and craftsman details. The house is two bays wide, with entrance positioned at the side of the ground floor. The full width veranda with craftsman style stone base is original. Two-over-two sash windows feature segmental arches.
Heritage Status	None
Assessment	(✓) Qualifies for Heritage Register

9. 464 Elizabeth Street

Current Photo



Legal Description	PLAN 92 BLK F PT LOTS 6,7
Historic Land Use	Residential (dwelling)
Date of Construction	Post 1924
Heritage Value or Interest	The Heritage Burlington Advisory Committee believes this building has potential design value as a transitional style building blending elements of architectural modernism such as long horizontal windows and traditional elements like protruding window sills.
Heritage Status	None
Assessment	(X) Further Study Recommended

10. 2021 James Street

Current Photo



Legal Description	PLAN 92 BLK F PT LOT 7
Historic Land Use	1924- Empty Lot
Date of Construction	?
Heritage Value or Interest	Two storey commercial building with contemporary exterior cladding and details. Original masonry likely survives underneath.
Heritage Status	None
Assessment	(X) Further Study Recommended

11. 458 Elizabeth Street

Current Photo



Legal Description	PLAN 92 BLK F PT LOT 7
Historic Land Use	Residential (dwelling) "The John Taylor House"
Date of Construction	1876
Heritage Value or Interest	Historical and design value. This two-storey gothic vernacular house is clad in polychromatic brick. The peaked dormer in the roof features a round arched window. Other windows and entrance feature segmental arches with voussoirs. The front façade is accented with brick corner quoins at the edges.
Heritage Status	Heritage Register, Non-designated
Assessment	(✓) Non-Designated Heritage Register Property

12. 461 Elizabeth Street

Current Photo



Historic Photo



Knox Presbyterian Church, Oct 27 1930 The Evening Review. F.H. Leslie

Legal Description	PLAN 92 BLK G PT LOTS 6,7
Historic Land Use	Place of Worship (Church) Knox Presbyterian Church
Date of Construction	1877
Heritage Value or Interest	Historical, design and contextual value. Gothic revival style church constructed of red and buff brick on land donated to the church in 1845. The main gable and entry gable feature buff corbelled brick and buttresses at the corners. The rich detailing with arched windows and doors and a steeple at the front of the building make this a neighbourhood landmark.
Heritage Status	Heritage Register, Non-designated
Assessment	(✓) Non-Designated Heritage Register Property

13. 451 Elizabeth Street

Current Photo



Legal Description	PLAN 92 BLK K PT LOT 1
Historic Land Use	Institutional (Sunday School) The Former Methodist Episcopal Church, later the Iron Duke.
Date of Construction	1868
Heritage Value or Interest	Historical, design and contextual value. First Methodist Church in the Village of Burlington. Gothic Revival vernacular brick structure
Heritage Status	Heritage Register, Non-designated
Assessment	(✓) Non Designated Heritage Register Property

14. 2046 James Street

Current Photo



Historic Photos



Crop from 1960 Aerial Photo & 2012 Photo

Legal Description	PLAN 92 BLK K PT LOT 1
Historic Land Use	Residential (dwelling)
Date of Construction	Between 1910-1924
Heritage Value or Interest	Undetermined heritage value. Basic vernacular homestead with square headed windows and distinctive shed dormers with three-part windows. Full width front verandah with simple square columns. The top of the gable and the sides of the dormers have been re-clad in aluminum or plastic siding.
Heritage Status	None
Assessment	(X) Further Study Recommended

15. 2050 James Street

Current Photo



Legal Description	PLAN 92 BLK K PT LOTS 15,16
Historic Land Use	Empty lot
Date of Construction	Unknown, post 1924
Heritage Value or Interest	None. Modern neo traditional, hipped roof office building. Mix of imitation historic building features with no unifying style.
Heritage Status	None
Assessment	(X) Not recommended for Heritage Register

16. 441 Elizabeth Street

Current Photo



Legal Description	PLAN 92 BLK K PT LOT 3
Historic Land Use	Empty lot
Date of Construction	Unknown, post 1924
Heritage Value or Interest	Believed to have some historical and design value. Basic vernacular homestead with heavily altered façade with minimal distinguishing historic features. Segmental arched window visible on side elevation
Heritage Status	None
Assessment	(✓) Heritage Burlington Advisory Committee recommends for inclusion on Register

17. 437 Elizabeth Street

Current Photo



Legal Description	PLAN 92 BLK K PT LOT 3
Historic Land Use	Residential (Dwelling)
Date of Construction	Pre 1910 (south portion)
Heritage Value or Interest	The original portions of this two storey masonry house are believed to have design value for their vernacular homestead details such as segmental arched windows and projecting sills. The house has been significantly altered with a large addition built onto the north side. The main entrance has been altered and enlarged. All windows replaced.
Heritage Status	None
Assessment	(✓) Heritage Burlington Advisory Committee recommends for inclusion on Register

18. 436 Pearl Street

Current Photo



Legal Description	PLAN 92 BLK K LOT 14
Historic Land Use	Residential (Dwelling)
Date of Construction	Pre 1910 (Middle gable roof portion)
Heritage Value or Interest	This building is believed to have some potential historical value due to its local reputation and conversion from a two-storey gable roof house to a popular restaurant. Extensively altered with ground storey additions. Second storey has been re-clad and no window openings remain.
Heritage Status	None
Assessment	(✓) Heritage Burlington Advisory Committee recommends for inclusion on Register

19. 435 Pearl Street

Current Photo



Legal Description	PLAN 92 BLK L PT LOT 3
Historic Land Use	Residential (Dwelling)
Date of Construction	Mid-late 1800s
Heritage Value or Interest	This two-storey house is believed to have design value for its gothic vernacular detailing including gingerbread trim accenting a peaked dormer in the roof. The dormer features a round arched window centred over the main entry. Front box bay windows are likely not original.
Heritage Status	None
Assessment	(✓) Qualifies for Heritage Register

20. 431 Pearl Street

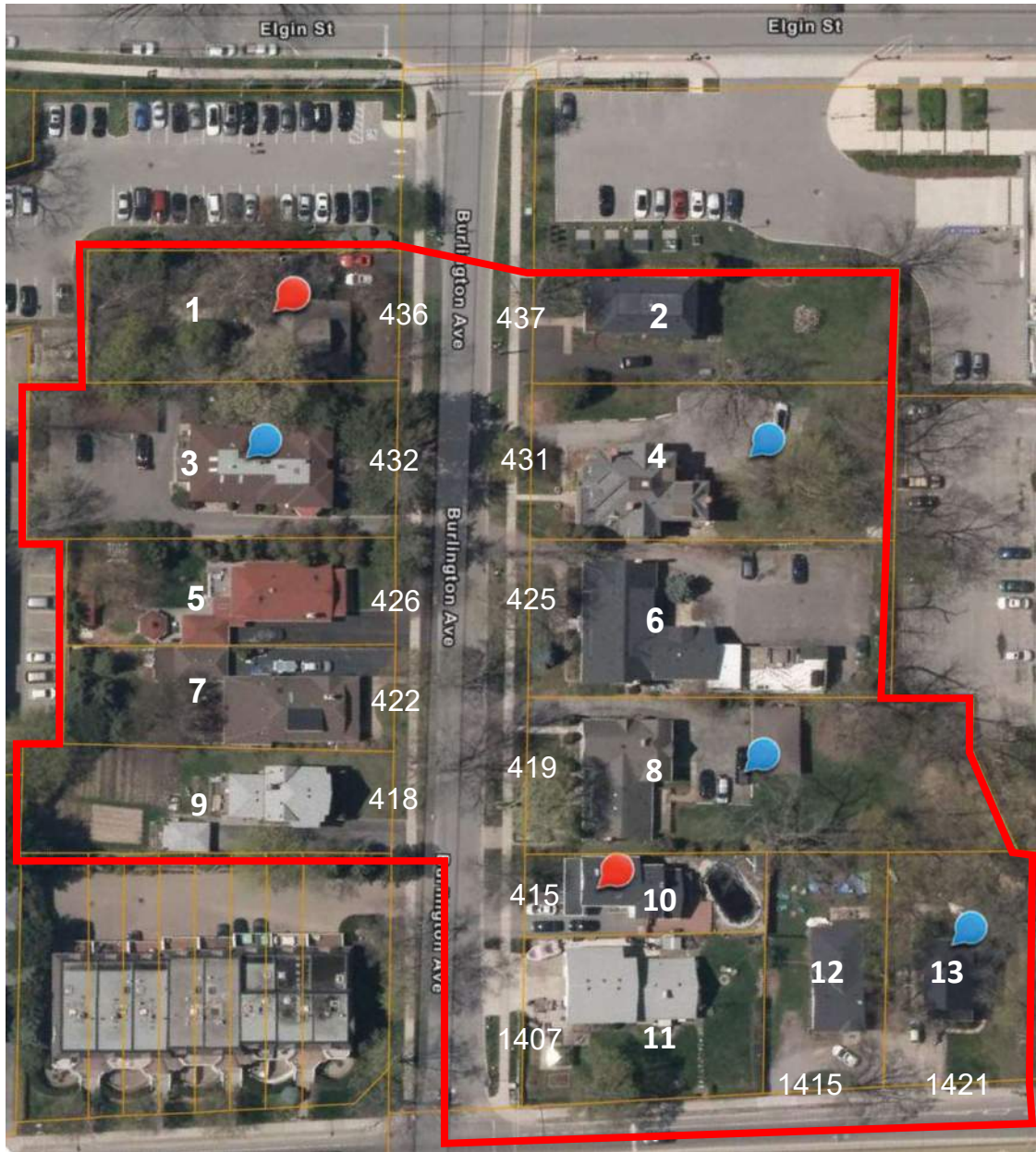
Current Photo



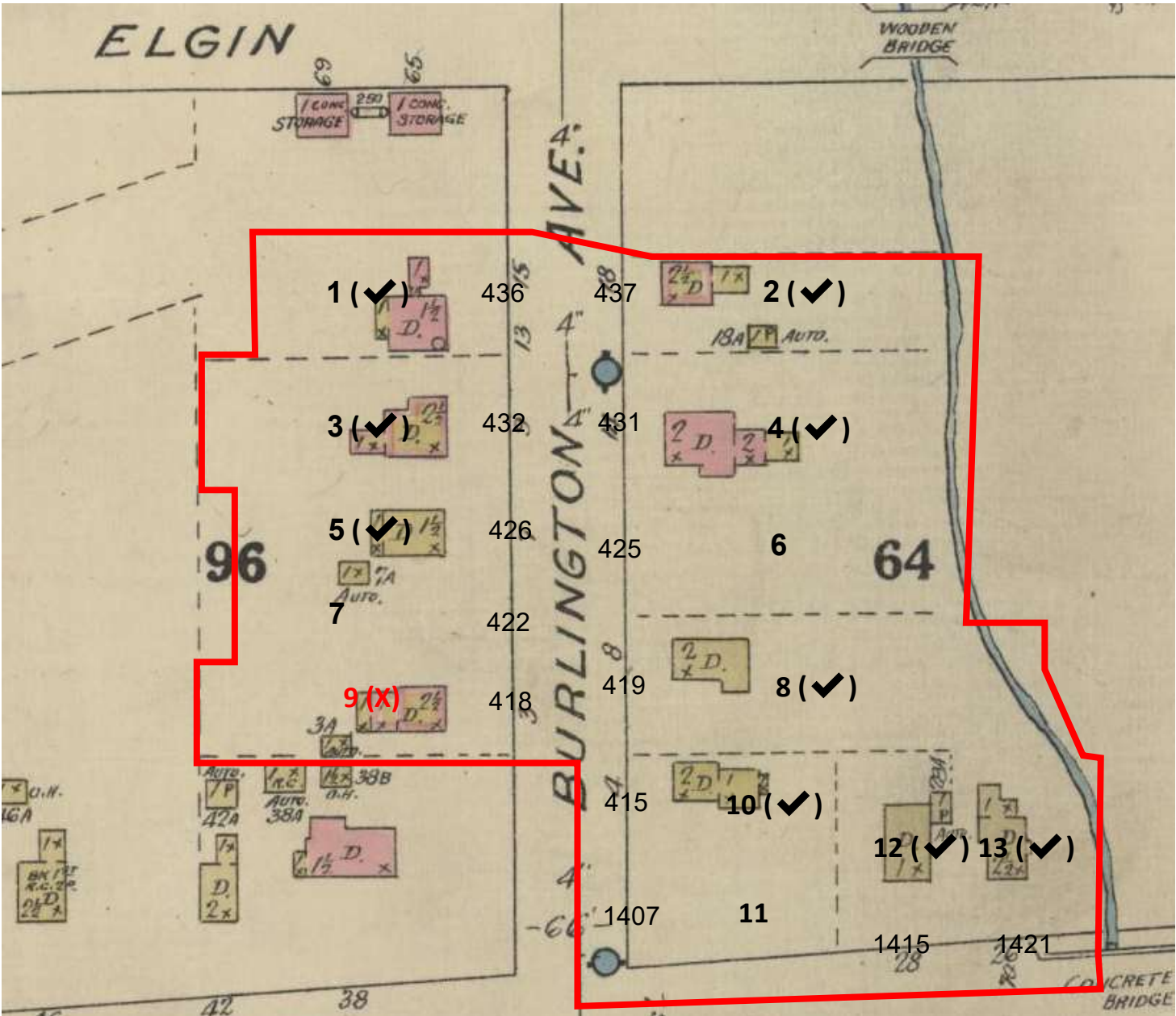
Legal Description	PLAN 92 BLK L PT LOTS 3,4 ,13 AND 14 AND RP 20R12443 PART 1 RP 20R21723 PARTS 1 TO 4, 17 TO 22
Historic Land Use	Residential (Dwelling)
Date of Construction	Pre 1910
Heritage Value or Interest	This two-storey wood frame house is believed to have design value for its vernacular homestead details including an asymmetrical façade and square headed, one-over-one sash windows.
Heritage Status	None
Assessment	(✓) Qualifies for Heritage Register

Cultural Heritage Landscape #5- Lakeshore Road & Burlington Avenue

Buildings pre-dating 1924







2021 Aerial Photo



1924 Fire Insurance Map

Legend

- | | |
|---|--|
|  Non-designated heritage register property |  Demolished |
|  Heritage Designated |  Still Exists |

Cultural Heritage Landscape #5- Burlington Avenue & Lakeshore Road

1. 436 Burlington Avenue

Current Photo



Legal Description	PLAN 74 PT LOT 20 RP 20R5459 PART 1
Historic Land Use	Residential
Date of Construction	1914
Architectural Description	The Toronto and Niagara Power Company Office and House. Craftsman-inspired building. The building is a one and a half storey bungalow with a red brick main floor and a low-sloped end gable roof with wooden fish scale shingles and full front verandah. The front elevation's prominent dormer window has a pedimented roof, double hung windows and wooden fish-scale shingles. The front verandah is supported by slim "Tuscan style columns". The front façade has two grouped windows flanking the front entrance (one wide and two narrow).
Heritage Status	Heritage designated
Assessment	(✓) Designated Heritage Property

2. 437 Burlington Avenue

Current Photo



Legal Description	PLAN 74 PT LOT 21
Historic Land Use	Residential
Date of Construction	Pre 1924, likely 1850-1870
Architectural Description	Two-and-a-half storey Italianate style masonry dwelling. Red brick with buff brick accents around the window arches resembling a hood mould with a keystone. Full arched windows at second storey with segmental arched windows at the ground-storey. The house features carved Victorian style trim in the main gable and decorative brackets accenting the eaves of the half bay window and porch at the ground storey.
Heritage Status	None
Assessment	(✓) Qualifies for Heritage Register

3. 432 Burlington Avenue

Current Photo



Legal Description	PLAN 74 LOT 17
Historic Land Use	Residential
Date of Construction	1885
Architectural Description	The Stuart Greer House. Italianate style two-storey masonry house with a symmetrical facade featuring paired segmental arched windows and paired brackets along the eaves. The facade has been painted.
Heritage Status	Heritage Register, Non-designated
Assessment	(✓) Non Designated Heritage Register Property

4. 431 Burlington Avenue

Current Photo



Legal Description	PLAN 74 LOT 16
Historic Land Use	Residential
Date of Construction	1887
Architectural Description	The Stuart Greer House. Two-and-a-half storey brick structure in Queen Anne Revival style. Three original standing gas lamps
Heritage Status	Heritage Register, Non-designated
Assessment	(✓) Non Designated Heritage Register Property

5. 426 Burlington Avenue

Current Photos



Legal Description	PLAN 74 PT LOT 14
Historic Land Use	Residential
Date of Construction	Pre 1924
Architectural Description	1.5 storey craftsman bungalow characterized by a broad verandah with grouped square columns and masonry pedestals. To the left of the doorway are three six-over-one sash windows. The house also has a distinctive jerkinhead roof with knee brackets.
Heritage Status	None
Assessment	(✓) Qualifies for Heritage Register

6. 425 Burlington Avenue

Current Photo



Legal Description	PLAN 74 LOT 15
Historic Land Use	Empty Lot
Date of Construction	Post 1924
Architectural Description	1.5 storey multi-unit residential building. Symmetrical façade, no distinguishing historic features.
Heritage Status	None
Assessment	(X) Not recommended for Heritage Register

7. 422 Burlington Avenue

Current Photo



Legal Description	PLAN 74 PT LOTS 13,14
Historic Land Use	Empty Lot
Date of Construction	Post 1924, but likely constructed during the 1920s
Architectural Description	1.5 storey craftsman bungalow characterized by a full width verandah with Tuscan columns. Asymmetrical façade with doorway to one side of a set of four six-over-one windows. The house also has a distinctive jerkinhead roof.
Heritage Status	None
Assessment	(✓) Qualifies for Heritage Register

8. 419 Burlington Avenue

Current Photo



Legal Description	PLAN 74 LOT 12 PT LOT 9
Historic Land Use	Empty Lot
Date of Construction	Pre 1924
Architectural Description	The Buntion - Knife - Flock House. Oldest house on Burlington Avenue. Two-storey front-gabled frame structure clad with vertical board-and-batten siding.
Heritage Status	Heritage Register, Non-designated
Assessment	(✓) Non Designated Heritage Register Property

9. 418 Burlington Avenue

Current Photo



2020 Image



Legal Description	PLAN 74 PT LOT 13
Historic Land Use	Residential
Date of Construction	Pre 1924
Architectural Description	N/A
Heritage Status	None
Assessment	(X) Not eligible for Heritage Register

10. 415 Burlington Avenue

Current Photo



Legal Description	PLAN 74 PT LOTS 6,7
Historic Land Use	Residential
Date of Construction	1895
Architectural Description	The George and Josephine Noyes House.
Heritage Status	Heritage Register, Designated
Assessment	(✓) Designated Heritage Property

11. 1407 Lakeshore Road

Current Photo



Legal Description	PLAN 74 PT LOTS 6,7
Historic Land Use	Empty lot
Date of Construction	Unknown
Architectural Description	Unexceptional two-storey residential building.
Heritage Status	None
Assessment	(X) Not recommended for Heritage Register

12. 1415 Lakeshore Road

Current Photo



Legal Description	PLAN 74 PT LOT 8
Historic Land Use	Residential
Date of Construction	Pre 1924
Architectural Description	Simple one-and-a-half storey craftsman bungalow with full width porch featuring simplified square posts. The main entry is accentuated by a gable with knee brackets. Horizontal wood cladding is a typical craftsman style feature. All windows on front façade have been replaced.
Heritage Status	None
Assessment	(✓) Qualifies for Heritage Register

13. 1421 Lakeshore Road

Current Photo



Legal Description	PLAN 74 PT LOTS 9,10
Historic Land Use	Residential
Date of Construction	1894
Architectural Description	Two-storey front-gable frame structure with front verandah and gingerbread bargeboard.
Heritage Status	Heritage Register, Non-designated
Assessment	(✓) Non Designated Heritage Register Property



Heritage Burlington Advisory Committee Meeting

Minutes

Date: July 26, 2022
Time: 7:00 pm
Location: Virtual

1. Members Present:

Michele Camacho (Chair), Don Thorpe, Marsha Paley, Angela Richardson, Marwa Refaat, Len Collins, Jim Miles, Rob Korporaal and Alan Harrington

2. Regrets:

Barry Duffey, Silje Nygaard Mikkelsen and Jenna Dobson

3. Others Present:

Councillor Rory Nisan, John O'Reilly (Heritage Planner) and Jo-Anne Rudy (Clerk)

4. Land Acknowledgement:

The Chair read the land acknowledgement.

5. Declarations of Interest:

None

6. Approval of Minutes:

6.1 Approve minutes from meeting held June 8, 2022

On motion, the minutes from the meeting held June 8, 2022, were approved as presented.

7. Delegation(s):

None

8. Regular Items:

8.1 Heritage Planner update

- a. Downtown Cultural Heritage Landscapes Study - Evaluation of individual properties for Heritage Register status
- John advised that the Downtown Cultural Heritage Landscapes Study was approved at the July 5, 2022, Community Planning, Regulation & Mobility Committee meeting and further ratified at the July 12, 2022, Council meeting. In addition, Council directed staff to convene a special meeting of Heritage Burlington to review all properties in the study area to determine if any could be added to the Municipal Register. John noted that staff evaluated 66 properties, and 19 additional properties were found to be eligible for inclusion on the Heritage Register. He sent this information to the committee and requested that the Evaluations Subcommittee review the list and provide their findings at tonight's special meeting.
 - John briefly reviewed the evaluations and noted that CHL 3 and 6 are already on the heritage register so he did not look at these. He advised that staff will be recommending that the following properties be added to the Heritage Register, and added that staff will reassess when the study is completed:
 - **CHL 1- Foot of Brant Street**
 1. 380 Brant Street
 2. 372-374 Brant Street
 3. 359 Brant Street
 4. 353-355 Brant Street
 5. 2003 Lakeshore Road (Buildings A & B)
 6. 404-408 John Street
 - **CHL 2- Locust Street**
 1. 524 Locust Street
 2. 513 Locust Street
 3. 488 Locust Street
 4. 1445 Ontario Street
 5. 458 Locust Street
 - **CHL 4- Downtown East**

1. 2010 Maria Street
 2. 468 Elizabeth Street
 3. 435 Pearl Street
 4. 431 Pearl Street
- **CHL 5- Burlington Ave & Lakeshore Road**
 1. 437 Burlington Avenue
 2. 426 Burlington Avenue
 3. 422 Burlington Avenue
 4. 1415 Lakeshore Road
 - Marwa spoke on behalf of the Evaluations Subcommittee and advised that they were in agreement with the above properties recommended by staff but would also like to add the following five properties to the heritage register:
 - 357 Brant Street
 - 492 Locust Street
 - 437 Elizabeth Street
 - 441 Elizabeth Street
 - 436 Pearl Street
 - Committee members discussed and were in agreement with the above and passed the following motion.

Motion: Heritage Burlington recommends that City Council add the following staff recommended properties to the Municipal Heritage Register:

- 380 Brant Street
- 372-374 Brant Street
- 359 Brant Street
- 353-355 Brant Street
- 2003 Lakeshore Road (Buildings A & B)
- 404-408 John Street
- 524 Locust Street

- 513 Locust Street
- 488 Locust Street
- 1445 Ontario Street
- 458 Locust Street
- 2010 Maria Street
- 468 Elizabeth Street
- 435 Pearl Street
- 431 Pearl Street
- 437 Burlington Avenue
- 426 Burlington Avenue
- 422 Burlington Avenue
- 1415 Lakeshore Road; and

That the following additional properties be added to the Municipal Heritage Register, as recommended by Heritage Burlington:

- 357 Brant Street
- 492 Locust Street
- 437 Elizabeth Street
- 441 Elizabeth Street
- 436 Pearl Street; and

That following study completion, staff re-assess the eligibility of the above listed properties for continued inclusion on the Heritage Register and report back to City Council with a recommendation.

CARRIED

9. Other Business:

- Marsha asked about a potential development at 3007/3015 Dundas Street.
- Don reminded members of Heritage Week beginning on Aug 1 and encouraged all members to participate in as many events as possible.

Motion - Authorize the spending of up to \$2,000 for expenses related to Heritage Week. **CARRIED**

- Alan advised of the Open House at Freeman Station on August 6th and noted that they will be accepting food donations for the Burlington Food Bank.
- John provided a brief update on 795 Brant Street and noted that the property owner's intentions have not changed and that staff will be meeting with him this week. John confirmed that the heritage assessment would be carried out by an impartial consultant commissioned by the City, not the developer/applicant.

10. Adjournment:

Chair adjourned the meeting at 8:11 p.m.

	Address	Historic use	Status	Add to the Register	Comments
CHL1					
	380 Brant Street	Reymond Hotel		YES	
	372-374 Brant Street	undertaker/furniture store		YES	
	370 Brant Street	Printing office		NO	
	368 Brant street	The Bell - Wiggins Boot and Shoe Store, The Parkin Barber Shop and Pool Hall	Registered		
	361 Brant Street	The LePatourel Drug Store First Location	Registered		
	359 Brant Street	Drugstore and Offices		YES	
	357 Brant Street	Jeweler (see 1910 Fire Insurance Map)		YES	
	353-355 Brant Street	Retail		YES	
	2003 Lakeshore Road	Bell Telephone Exchange		YES	
	2003 Lakeshore Road	The Royal Bank		Yes	
	2007-2011 Lakeshore Road	Movie Theatre, Previously the property was occupied by a "Baby Clinic",			Recommend further study
	2013 Lakeshore Road	N/A		NO	
	2015-17 Lakeshore Road (The "Shaver Building")	Bank (Bank of Hamilton)	Registered		
	398 John Street	Auto mechanic, general storage	Demolished		Recommend to note "demolished" on the evaluation sheet to document the loss
	404-408 John Street	Hannon Flour and Feed Mill		Yes	
CHL2					
	524 Locust Street	Residential (Dwelling)		Yes	
	523 Locust Street	Residential	Demolished		Recommend to note "demolished" on the evaluation sheet to document the loss
	520 Locust Street	Relatively new two-storey commercial building.			Recommend further study
	513 Locust Street	Residential		Yes	
	500 Locust Street	Residential	Demolished		Recommend to note "demolished" on the evaluation sheet to document the loss
	492 Locust Street	Residential		Yes	
	488 Locust Street	Residential		Yes	
	1441 Ontario Street	Residential	Registered		Further study recommended for potential designation
	1445 Ontario Street	Residential		Yes	
	1457 Ontario Street	Residential	Registered		
	1442 Ontario street	Residential	Designated		
	472 Locust Street	Church	Registered/Church		Further study recommended for potential designation
	471 Locust Street	Dwelling	Registered		
	468 Locust Street	Dwelling	Registered		Further study recommended for potential designation
	462-464 Locust street	Dwelling	Designated		
	458 Locust Street	Dwelling		Yes	
	447-449 Locust Street	Dwelling	Designated		
CHL4					
	459-463 Brant Street	Offices and Masonic Lodge	Registered		
	2010 Maria Street	Water tower (85' tall)		Yes	
	490 Elizabeth Street / 2042 Maria Street	Electric Power & Light (the "The Burlington Electric Company")	Registered		Further study recommended for potential designation
	482 John Street		Registered		Further study recommended for potential designation
	482 Elizabeth Street		Registered		Recommend to add to the description; second floor was the original home for Teen Tour Band
	478 Elizabeth Street				Recommend further study
	472 Elizabeth Street				Recommend further study
	468 Elizabeth Street			Yes	
	464 Elizabeth Street				Recommend further study
	2021 James Street			No	
	458 Elizabeth Street		Registered		
	461 Elizabeth Street	Place of Worship (Church)	Registered		Further study recommended for potential designation
	451 Elizabeth Street	Institutional (Sunday School)	Registered		Further study recommended for potential designation
	2046 James Street				Recommend further study
	2050 James Street				Recommend further study
	441 Elizabeth Street			Yes	
	437 Elizabeth Street			Yes	Recommend further study
	436 Pearl Street			Yes	Recommend further study
	435 Pearl Street			Yes	Further study recommended for potential designation
	431 Pearl Street			Yes	
CHL5					
	436 Burlington Avenue	Residential	Designated		
	437 Burlington Avenue	Residential		Yes	
	432 Burlington Avenue	Residential	Registered		Further study recommended for potential designation
	431 Burlington Avenue	Residential	Registered		Further study recommended for potential designation
	426 Burlington Avenue	Residential		Yes	
	425 Burlington Avenue			No	
	422 Burlington Avenue			Yes	
	419 Burlington Avenue		Registered		
	418 Burlington Avenue	Residential	Demolished		Recommend to note "demolished" on the evaluation sheet to document the loss
	415 Burlington Avenue	Residential	Designated		
	1407 Lakeshore Road				Recommend further study
	1415 Lakeshore Road	Residential		Yes	
	1421 Lakeshore Road	Residential	Registered		