



SUBJECT: Statutory Public Meeting for applications to amend the Official Plan and Zoning By-law for 2020 Lakeshore Road

TO: Community Planning, Regulation & Mobility Cttee.

FROM: Community Planning Department

Report Number: PL-14-22

Wards Affected: 2

File Numbers: 505-10/21, 520-11/21

Date to Committee: February 22, 2022

Date to Council: February 22, 2022

Recommendation:

Direct staff to continue to process the submitted applications for Official Plan and Zoning By-law Amendments for 2020 Lakeshore 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 the Committee and the public for a Statutory Public Meeting 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 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
-

Executive Summary:

RECOMMENDATION:		Continue to process application	Ward:	2
Application Details	APPLICANT:	Bousfields Inc.		
	OWNER:	Burlington 2020 Lakeshore Inc.		
	FILE NUMBERS:	505-10/21, 520-11/21		
	TYPE OF APPLICATION:	Official Plan Amendment, Zoning By-law Amendment		
	PROPOSED USE:	Mixed-use development consisting of residential, hotel, office, and retail/commercial uses within two tall buildings (35 and 30 storeys) with 5-storey podiums		
Property Details	PROPERTY LOCATION:	South side of Lakeshore Road between Brant Street and Elizabeth Street		
	MUNICIPAL ADDRESSES:	2020 Lakeshore Road		
	PROPERTY AREA:	0.76 hectares		
	EXISTING USE:	Six-storey hotel with restaurant and surface parking lot		
Documents	1997 OFFICIAL PLAN Existing:	Downtown Mixed-Use Centre: Wellington Square Mixed-Use Precinct		
	1997 OFFICIAL PLAN Proposed:	Downtown Mixed-Use Centre: Wellington Square Mixed-Use Precinct (with site-specific policy)		
	2020 OFFICIAL PLAN Existing:	Downtown Urban Centre: Downtown Waterfront Hotel Planning Study		
	ZONING Existing:	DW (Downtown Wellington Square Mixed-Use Zone)		
	ZONING Proposed:	DW-XXX (DW with site-specific regulations)		
Processing Details	APPLICATION MADE AND COMPLETE AS OF:	December 17, 2021		
	STATUTORY DEADLINE:	April 16, 2022		

	PRE-APPLICATION COMMUNITY MEETING:	September 8, 2021
	PUBLIC COMMENTS:	As of February 1, 2022, staff have received written comments from 7 residents via email and questions from 2 residents via phone.

Background and Discussion:

On April 28, 2021, City and agency staff attended a preconsultation meeting with representatives of Burlington 2020 Lakeshore Inc., owners of the subject property, 2020 Lakeshore Road, regarding redevelopment of the subject property. The result of this meeting was the creation of a preconsultation package that set out the types of applications needed (Official Plan Amendment and Zoning By-law Amendment), application fees, and required information and materials for a complete application.

In accordance with the requirements set out in the preconsultation package, the applicant consulted the Burlington Urban Design Panel regarding their proposed development on August 19, 2021 and held a virtual Pre-Application Consultation Meeting via Zoom on September 8, 2021. The latter meeting was attended by the Mayor, Councillor Kearns, City staff, and members of the public. The City created a Development Pre-Application webpage, www.burlington.ca/2020lakeshore, to provide information to the public about the development proposal and the Pre-Application Consultation Meeting.

The applicant submitted application forms, City and Regional fees, and supporting materials for the subject applications to the City of Burlington on October 26, 2021. On November 23, 2021, the City notified the applicant that the subject applications had been deemed incomplete on the basis that not all of the information and materials required by the City's Official Plan and the Planning Act had been submitted in accordance with the preconsultation package.

Subsequently the applicant submitted a request to the Ontario Land Tribunal (OLT) for a motion date to determine the application complete. To date, the OLT has not scheduled a date for such a motion to be heard. However, on December 17, 2021, the applicant provided the City with the information and materials that had been identified as missing from the earlier submission. The applicant has indicated that despite providing the missing information and materials, they intend to proceed with the motion to determine the date that the application was complete.

On January 18, 2022, City Council approved the recommendations of staff report PL-13-22 and deemed that the subject applications for Official Plan Amendment and

Zoning By-law Amendment are made and complete as of December 17, 2022, in accordance with sections 22.1, 22(5), and 34(10.2) of the Planning Act.

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.

Site Description & Surrounding Land Uses

The subject property, known as 2020 Lakeshore Road, is located on the south side of Lakeshore Road, between Brant Street and Elizabeth Street. The subject property has an area of 0.76 hectares, with approximately 114 metres of frontage on Lakeshore Road and approximately 50 metres of frontage on Elizabeth Street. A map of the subject property's location within Downtown Burlington is contained in Appendix 1 of this report. The site is currently occupied by an existing 6-storey hotel with a restaurant and a surface parking lot.

Surrounding uses are as follows:

- North: Lakeshore Road, across which are existing low-rise (1-4 storey) commercial storefront buildings, some of which contain residential uses on the upper floors. The buildings on the north side of Lakeshore Road between Brant Street and John Street have been identified as part of a potential cultural heritage landscape which will be the subject of future study in accordance with section 8.1.1(3.23)(d) of the City's new Official Plan (2020).
- East: Elizabeth Street, across which is the recently constructed Bridgewater development comprising a 7-storey hotel and 8-storey mixed-use building on Elizabeth Street, with a 22-storey mixed-use building located behind them on Pearl Street. Driveway and loading accesses to the Bridgewater development are on Elizabeth Street opposite the subject property. Further to the east, there is an approved but not yet constructed 29-storey mixed-use building at 2069 Lakeshore Road; a 26-storey residential building that is currently under construction at 374 Martha Street; and two properties on Old Lakeshore Road where 27-storey mixed-use buildings have been proposed through development applications that are the subjects of appeals to the OLT.
- South and West: Spencer Smith Park. The Brant Street entrance to Spencer Smith Park is immediately adjacent to the northwest corner of the subject property. An existing driveway for the subject property is integrated with this park entrance in line with the intersection of Brant Street and Lakeshore Road. The Brant Street Pier is located 100 metres south of the southwest corner of the subject property.

There are eastbound and westbound bus stops located at the intersection of Lakeshore Road and Brant Street, within 30 metres of the subject property. These bus stops are serviced by Burlington Transit routes 4 and 10, and Hamilton Street Railway route 11. The John Street Bus Terminal is located 160 metres to the north of the subject property. The John Street Bus Terminal is an intercity bus transfer point served by Burlington Transit routes 2, 3, 4, and 10, and Hamilton Street Railway route 11.

Description of Applications

The subject applications request amendments to the City's Official Plan (1997, as amended) and Zoning By-law to permit a mixed-use development consisting of residential, hotel, office, and retail/service commercial uses within two tall buildings of 35 storeys (west tower) and 30 storeys (east tower) with 5-storey podiums connected at the 5th storey. The 5th-storey connection contains shared indoor amenity space for the hotel and residential units including a swimming pool and gym. This 5th-storey connection spans over an open breezeway that aligns with John Street.

The proposed development includes 4,445 square metres of commercial space, 4,348 square metres of office space, 557 residential apartment units, and a hotel with 122 guest suites. The proposed residential apartment units consist of 23 studio units, 212 one-bedroom units, 166 one-bedroom + den units, 138 two-bedroom units, and 18 three-bedroom units.

The application proposes to provide 598 parking spaces in four underground levels. Driveway access for parking and loading will be provided from Elizabeth Street. The existing driveways from Lakeshore Road will be removed.

Due to a lower grade at the rear of the property, level P1 is below grade at the front (Lakeshore Road frontage) of the property, and at grade at the rear (lake-facing side) of the property. Level P1 includes underground parking as well as at-grade retail space with frontage on Spencer Smith Park.

The application proposes an outdoor mid-block connection from Lakeshore Road to Spencer Smith Park, in line with John Street. This privately owned, publicly accessible connection would pass beneath the fifth-floor connection between the two podiums.

Supporting Documents

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

1. [Cover Letter](#) (Oct. 22, 2021)
2. [Planning and Urban Design Rationale Report](#) (Oct. 2021)
3. [Site Plan & Architectural Plans](#) (Oct. 15, 2021)
4. [Site Survey](#) (rev. July 13, 2021)
5. [Functional Servicing Report](#) (Oct. 2021) (includes Stormwater Management)

6. [Tree Protection Plan](#) (Oct. 14, 2021)
7. [Tree Inventory and Preservation Plan Report](#) (Sept. 21, 2021)
8. [Landscape Concept Plan](#) (Oct. 14, 2021)
9. [Transportation, Parking, & Transportation Demand Management Study](#) (Oct. 2021)
10. [Environmental Noise Impact Study](#) (Oct. 2021)
11. [Shadow Study](#)
12. [Pedestrian Wind Study](#) (Oct. 20, 2021)
13. [Environmental Site Screening Checklist](#) (Oct. 20, 2021)
14. [Phase One Environmental Site Assessment](#) (Sept. 21, 2021)
15. [Letter, re: status of Phase Two Environmental Site Assessment](#) (Oct. 1, 2021)
16. [Phase Two Environmental Site Assessment](#) (Dec. 17, 2021)
17. [Height Survey of Adjacent Buildings](#) (“Sketch Illustrating Building Elevations”) (rev. Oct. 4, 2021)
18. [Urban Design Advisory Panel Meeting Minutes](#) (Aug. 19, 2021)
19. [Hydrogeological Dewatering Assessment](#) (Oct. 18, 2021)
20. [Grading & Servicing Plans](#) (Oct. 18, 2021)
21. [Geotechnical Investigation](#) (Aug. 27, 2021)
22. [Draft Zoning By-law Amendment](#)
23. [Draft Official Plan Amendment](#)
24. 3-D Model of Proposed Buildings
25. [Construction Management & Mobility Plan](#) (Oct. 18, 2021)
26. [Pre-Application Public Consultation Meeting Minutes](#) (Sept. 2021)
27. PIN Report (March 11, 2021)
28. [Waste Management Plan](#) (Oct. 13, 2021)
29. [Fiscal Impact Study](#) (Oct. 15, 2021)
30. [Housing Impact Statement](#)
31. [Draft Reference Plan](#) (Oct. 2021)
32. Letters of Reliance (various)
33. [Park Concept Plan](#) (Dec. 1, 2021)
34. [Angular Plane Study](#) (Dec. 17, 2021)

Application materials are posted online at www.burlington.ca/2020lakeshore.

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

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. All planning decisions in Halton Region, which includes the City of Burlington, must conform to the ROP.

On November 10, 2021, the Minister of Municipal Affairs and Housing approved Regional Official Plan Amendment No. 48 (ROPA 48) with modifications. The amendment is the first change to the ROP that has been approved as part of the Region’s current Municipal Comprehensive Review. These amendments are made

under Section 26 of the *Planning Act*, R.S.O. 1990, and are in full force and effect as they are not subject to appeal.

Regional Official Plan Map 1H, as amended by ROPA 48, reflects that the subject property is located within a Secondary Regional Node and is not located within a Major Transit Station Area or Urban Growth Centre. The policies of the Regional Official Plan direct development with higher densities and mixed uses to Regional Nodes in accordance with the hierarchy identified in the ROP and based on the level of existing and planned transit service. Secondary Regional Nodes are historic downtown areas or villages, and/or are intended to be a focus for growth through mixed use intensification at a scale appropriate for their context.

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 identifies the subject property as being located within the Downtown Mixed-Use Centre, as shown on Schedule B, "Comprehensive Land Use Plan – Urban Planning Area". The policies for the Downtown Mixed-Use Centre require the provision of retail, service commercial, and other pedestrian-oriented uses at street level in the Wellington Square Mixed Use Precinct, and require protection and enhancement of public access to the waterfront as well as reasonable protection of views to the lake from public areas such as streets and trails.

Schedule E, "Downtown Mixed Use Centre – Land Use Plan" of the Official Plan identifies the subject property as being designated "Wellington Square Mixed Use Precinct" and located within the boundary of an Urban Growth Centre. However, Burlington's OP, and any proposed amendments to it, must conform to provincial land use plans and regulations and to the Region of Halton Official Plan (ROP), and must also be consistent with Provincial Policy Statements and Guidelines. In cases where there is a conflict between the policies of the OP, the applicable Provincial Land Use Plan, or the ROP, any application to amend the OP must be in conformity with those higher-level Regional and Provincial policies. Accordingly, the subject property is no longer located within an Urban Growth Centre for the purposes of evaluating the proposed Official Plan amendments and Zoning By-law amendments.

The following site-specific policy of the OP is applicable to the subject lands:

5.5.9.2(l) “Notwithstanding the above policies, the lands along the Lake Ontario shoreline, at the foot of Brant Street, (known as the Travelodge lands), represent a significant opportunity for mixed use development linking the Downtown with the waterfront. Any further development on these lands shall provide a high quality of urban design reflecting the landmark nature of this site and shall be contingent upon the completion of a master plan to the satisfaction of City Council. This master plan shall address the integration of these lands with the publicly owned lands to the south and west and the private development to the east, and shall address other matters such as preservation of lake views and enhancements to the public realm”.

The applicant has requested amendments to the Official Plan (1997 as amended) to change the text of the OP by removing the site-specific policy that requires completion of a master plan and adding a new site-specific policy that permits a maximum building height of 35 storeys and 119.3 metres, and a maximum Floor Area Ratio of 7.8:1. The proposed new site-specific policy would also require retail, service commercial, office, live/work, hotel lobby, and residential lobby uses at grade along public streets in residential, mixed-use, or office buildings.

Official Plan Amendment 119

On January 30, 2020, City Council adopted Official Plan Amendment 119 (OPA 119) which amended the Official Plan (1997, as amended) by introducing new policies, including policies for transit-supportive development, urban design and compact built form, and Major Transit Station Areas (MTSAs). OPA 119 is subject to appeals, including by the owner of the subject property, and has not yet taken effect. For more information, visit www.burlington.ca/icbl.

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/newop.

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.

Schedule B, “Urban Structure” of the new OP, as approved by the Region, identifies the subject property as being located within the Downtown Urban Centre and within the Urban Growth Centre Boundary, and in proximity to a Major Transit Station. However, the Minister’s approval of ROPA 48, including the adjustment to the boundaries of the Urban Growth Centre and the identification of Major Transit Station Areas, will result in modifications to the new OP being required through the Tribunal’s consideration of the appealed policies of the new OP, as the new OP must conform to provincial land use plans and regulations and to the Region of Halton Official Plan (ROP), and must also be consistent with Provincial Policy Statements and Guidelines. In the event of any conflict between the policies of the new OP and the provisions of the ROP or any applicable Provincial Plan, the provisions of the ROP or the applicable Provincial Plan must be conformed with in the Tribunal’s consideration of the appeals.

Schedule B-1, “Growth Framework” of the new OP identifies the subject property as being located within a Primary Growth Area. As set out in section 2.4 of the new OP, Primary Growth Areas “shall be recognized as a distinct area within the City’s Urban Area accommodating the majority of the City’s forecasted growth over the planning horizon of this Plan and beyond, and consequently will experience the greatest degree of change;” and “shall be regarded as the most appropriate and predominant location for new tall buildings in accordance with the underlying land use designations, or the land use policies of an area-specific plan”, and “shall support the frequent transit corridors and accommodate development that is compact, mixed use, and pedestrian-oriented in nature”. Primary Growth Areas are also “priority locations for City-initiated area-specific planning and for investments in transit as well as other types of infrastructure and public service facilities, including parks to support population and employment growth”.

Schedule B-2, “Growth Framework and Long Term Frequent Transit Corridors” of the new OP identifies the property as being located on/near a Frequent Transit Corridor and an MTSA Secondary Connector.

Schedule C, “Land Use – Urban Area” of the new OP identifies the subject property as being located within the Downtown Urban Centre and within the Urban Growth Centre Boundary. As noted above, the new OP must conform to the ROP. The ROP identifies that the subject property is no longer located within an Urban Growth Centre, and in this respect the ROP prevails over the new OP.

Schedule D, “Land Use – Downtown Urban Centre” of the new OP designates the subject property as “Downtown Waterfront Hotel Planning Study”. Section 12.1.4(2) contains site-specific policies for the subject property, including:

- b) A planning study will consider the existing and planned context and will guide the development of this site, which represents a significant opportunity for mixed use development linking the downtown with the waterfront. Located next to Spencer Smith Park and the Brant Street Pier, any further development shall provide a high quality of urban design reflecting the landmark nature of this site. Input from residents will be required to ensure the new development reflects a high quality of urban design that enhances the community's access to the waterfront and downtown.
- c) Until the study is completed and approved, only the uses existing as of the date of approval of this Plan are permitted.

Schedule D also identifies Elizabeth Street as a "Green Connector Street". Per section 8.1.1(3.14.1)(m) of the new OP, Green Connector Streets are public streets that incorporate enhanced pedestrian and/or cycling facilities within the street right-of-way and contribute to achieving an inter-connected network of parks, promenades, and open spaces in the Downtown. Enhanced landscaping within the public right-of-way, limitations on driveways, and differing setbacks may be considered along Green Connector Streets.

Schedule D-1, "Downtown Urban Centre Retail Streets" of the new OP identifies the segment of Lakeshore Road on which this property fronts as "Retail Main Street". Policies for Retail Main Streets are provided in section 8.1.1(3.21.1) of the new OP. These policies require retail or service commercial uses continuously at grade in buildings having frontage on a Retail Main Street. The policies also outline requirements for the design of retail and service commercial units at grade, and direct servicing, loading, and parking access to public or private lanes away from the Retail Main Street frontage.

Section 4.5.3 of the new OP contains policies for development along the Waterfront. These policies require the preservation of views to the lake from public spaces, the provision of public open space and Waterfront Trail use where feasible, and the animation of the waterfront and connection to the downtown and key cultural facilities.

Waterfront Hotel Planning Study

As described above, the Official Plan (1997 as amended) and the new Official Plan (2020) both contain site-specific policies requiring the completion of a planning study to guide development on the subject property. The Waterfront Hotel Planning Study was publicly launched in 2017 as a comprehensive land use and urban design study focused on the subject property and the surrounding lands including Spencer Smith Park.

On June 5, 2018, report PB-23-18 presented key policy directions to guide the establishment of a strategic framework to assess a future redevelopment proposal on the subject lands. The key policy directions as endorsed by Council are as follows:

Land Use and Built Form

1. Create building frontages along Lakeshore Road and Elizabeth Street with building placement that establishes a defining street wall and frames the street zone.
2. Provide active uses at grade along Lakeshore Road and Elizabeth Street.
3. Achieve active and animated edges adjacent to Spencer Smith Park, with a requirement for retail and service commercial uses at grade:
 - a. Built form next to the south property line shall activate and animate this edge, respect the existing grade, and be scaled to the waterfront trail with higher levels stepping back as necessary.
 - b. Built form next to the west property line shall activate and animate this edge, respect the existing grade, and be scaled to Spencer Smith Park with higher levels stepping back as necessary.
4. Require a minimum of two uses within buildings and where feasible, encourage three uses.
5. Establish an iconic landmark building on the site subject to the following:
 - a. A new public, pedestrian space is provided at the foot of Brant Street where public views to the Lake and Pier are enhanced;
 - b. The iconic landmark building must contain a destination use or function;
 - c. The iconic landmark building shall enhance the City of Burlington's image/identity.
6. Require design excellence in all matters of architecture, landscape architecture, sustainable and urban design and require that all public and private development proposals on or adjacent to the site be evaluated/reviewed by the Burlington Urban Design Advisory Panel.

Public Realm

7. Protect public view corridors to Lake Ontario from Brant and Elizabeth Streets, and where possible John Street.
8. Enhance the Brant Street view corridor to frame views to the Brant Street Pier, and require a significant building setback from the west property line and define and consider a building setback from the thin red line and maximize the new and enhanced publicly accessible green/open space.
9. Create new and enhanced publicly accessible green/open space, which would include new north-south pedestrian connections between Lakeshore Road and Spencer Smith Park (mid-block and along the site's edges).

10. Minimize changes to the existing grade along the southern edge of the site and enhance the interface with Spencer Smith Park.
11. Integrate a public washroom within the future redevelopment; with an entrance that is accessible, highly visible and within close proximity to Spencer Smith Park.
12. Identify opportunities for the placement of public art on and adjacent to the site.

Mobility and Access

13. Vehicle access shall be from Elizabeth Street.
14. Vehicle access from Brant Street will be closed and converted to a pedestrian orientated gateway to the waterfront.
15. All required on-site parking shall be provided underground (parking structures shall not be visible from the public streets and park).
16. Require Transportation Demand Management (TDM) and mitigation measures:
 - a. Examine the feasibility of introducing a future bike rental/share hub at this location.

In mid-2018, the Waterfront Hotel Planning Study was put on hold. Work on this study has now resumed. On January 11, 2022, City Council received [staff report PL-15-22](#) which provided an update on the study. Council also issued the following staff direction concerning the Waterfront Hotel Planning Study:

“Direct the Director of Community Planning to complete the Waterfront Hotel Study within the statutory time frame of processing the pending application related to the Waterfront Hotel (2020 Lakeshore Road) so as to inform the review of any development proposal on this site in accordance with the policies of the Official Plan.” (SD-01-22)

In accordance with this direction, staff will complete the Waterfront Hotel Planning Study within the statutory timeline of the Official Plan Amendment and Zoning By-law Amendment applications that are described in this report.

Up-to-date information on the Waterfront Hotel Study can be found at www.getinvolvedburlington.ca/waterfront-hotel-study.

City of Burlington Zoning By-law

The Zoning By-law identifies the subject property as being located within the DW zone (Downtown Wellington Square Mixed Use Zone). This zone permits a mix of uses, including the proposed retail, service commercial, office, hotel, and residential (apartment) uses. This zone permits a maximum building height of 8 storeys up to 29 metres, and a maximum Floor Area Ratio of 5.0:1.

The applicant has submitted a Draft Zoning By-law Amendment that outlines what zoning regulations they are requesting to change in order to permit the proposed development. The Draft Zoning By-law Amendment has been published on the City's website at www.burlington.ca/2020lakeshore.

The Draft Zoning By-law Amendment proposes to rezone the subject property from "DW" to "DW-XXX" (Downtown Wellington Square Mixed Use Zone with site-specific exception). The site-specific amendments proposed by the applicant include:

1. Reduce deemed width of Lakeshore Road from 30 metres to 24 metres;
2. Increase maximum building height from 8 storeys and 29 metres to 35 storeys and 119.3 metres;
3. Increase maximum Floor Area Ratio from 5.0:1 to 7.76:1;
4. Establish the following minimum yards/setbacks:
 - a. from Elizabeth Street: 2.0 metres;
 - b. from Lakeshore Road: 4.9 metres;
 - c. from Spencer Smith Park: 2.0 metres;
5. Establish a minimum parking ratio of 1.074 parking spaces per residential unit, which includes a minimum of 41 parking spaces that will be shared between visitor parking and parking for non-residential uses;
6. Establish a minimum of 165 bicycle parking spaces;
7. Permit retail, service commercial, office, hotel lobby, and residential lobby on ground floor, whereas the Zoning By-law only permits retail and service commercial uses at ground level within 15 metres of a public street;
8. Establish a maximum lot coverage of 67%;
9. Require in-ground or above-ground pools to be set back a minimum of 3 metres from a lot line or street line;
10. Deem that a visibility triangle is not required.

As of the time of writing this report, Zoning staff have not yet completed their review of the subject application. Through their ongoing review of the application, 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 following design guidelines are applicable to development on the subject property:

- Shadow Study Guidelines and Terms of Reference (2020)
- Pedestrian Level Wind Study Guidelines and Terms of Reference (2020)

- Stormwater Management Design Guidelines (2020)
- Downtown Streetscape Guidelines (2019)
- Sustainable Building and Development Guidelines (2018)
- Tall Building Guidelines (2017)
- Guidelines for Outdoor Lighting (2008)
- Downtown Urban Design Guidelines (2006)
- Keeping Place: Heritage-Based Urban Design Guidelines for Downtown Burlington (2006)

Draft Downtown Burlington Placemaking and Urban Design Guidelines were released in September 2020. The City will seek public and stakeholder feedback on the Draft Downtown Burlington Placemaking and Urban Design Guidelines and present the final version for Council approval. At this time the City anticipates the completion of the Downtown Burlington Placemaking and Urban Design Guidelines in 2022.

Technical Comments

A request for comments was circulated to external agencies and relevant City departments in January 2022. To date, the following agencies have provided responses that indicate no objections and/or standard comments regarding the proposed development: Halton Region Police Service, Rogers Communications, Halton District School Board, and Halton Catholic District School Board. Additionally, Ministry of Transportation (MTO) and TransNorthern Pipeline Inc. (TNPI) have confirmed that they have no comments as the subject property is outside of their regulated area.

As of the time of writing of this report, comments are still awaited from other agencies and departments.

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/2020lakeshore. Public input will be considered by staff in the review of the subject applications. Written submissions will be made public and appended to a future staff report for consideration by Council.

As of February 1, 2022, Planning staff have received comments on the subject application via email from seven residents. Additionally, staff have received phone calls from two residents with questions about the application and the planning process.

Of the residents who have submitted written comments up to February 1, one has expressed support for the subject applications, and one has expressed that they may support a modified approval if the proposed development can be modified to address

the 16 key policy directions endorsed by Council in 2018 as well as the comments provided by the Burlington Urban Design (BUD) Panel in August 2021.

The balance of comments received to date have expressed concerns with various elements of the subject applications. Table 1 below provides a summary of concerns expressed by residents, organized by theme in order from most frequently to least frequently expressed theme, along with a staff response. Technical studies referenced in the staff responses are all published on the City's website at www.burlington.ca/2020lakeshore.

The full text (with private information redacted) of written comments received up to February 1, 2022 are appended to this report in Appendix 3.

Table 1: Summary of public comments received by Planning staff as of Feb. 1, 2022

Row #	Public comment theme	Staff response
1	<p><u>Built Form</u></p> <p>Concerns have been expressed with the following aspects of the built form of the proposed development: scale and massing of the proposed buildings, setbacks from streets and parks, where the proposed towers are sited on the property, and building height. Generally the concerns expressed are that the proposed buildings are too tall, too massive, and too close to streets and the park.</p>	<p>A Planning and Urban Design Rationale report was submitted with the applications and is being reviewed by the Community Planning Department. Planning staff will consider these concerns alongside the applicable policies, regulations, and guidelines for development on this site.</p>
2	<p><u>Impacts to views and access to the waterfront</u></p> <p>These comments expressed concern that the cumulative impact of multiple developments along the waterfront will obstruct public views and public access to the waterfront.</p>	<p>A Planning and Urban Design Rationale report was submitted with the applications and is being reviewed by the Community Planning Department. Planning staff will consider these concerns alongside the applicable policies, regulations, and guidelines for development on this site.</p>
3	<p><u>Impacts to the public realm</u></p> <p>These concerns relate to shadow impacts, wind impacts, and general concern that the proposed development will detract from the beauty of the waterfront and Downtown Burlington.</p>	<p>The applicant has submitted a Planning and Urban Design Rationale Report, a Shadow Study, a Pedestrian Wind Study, and a Landscape Concept Plan. These studies are being reviewed by the Community Planning Department</p>

		and other relevant staff in accordance with applicable policies, regulations, and guidelines.
4	<p><u>Traffic impacts</u></p> <p>Comments have expressed concern with impacts to traffic in Downtown in general, and in particular impacts to traffic on Elizabeth Street due to the proposal that the new development have loading access, garage entrance, and hotel entrance on Elizabeth Street only. One commenter has suggested that driveway access should be provided from Brant Street rather than Elizabeth Street.</p>	A Transportation Impact Study was submitted with the subject applications and is being reviewed by the City's Transportation Department.
5	<p><u>The planning process</u></p> <p>Some residents expressed frustration and concerns with the planning process</p>	The City reviews development applications in accordance with a process legislated by the Ontario Planning Act, as well as the policies of Burlington's Official Plan. Staff will ensure that all resident input is considered in the review of the application and can inform Council's decision. For more information on the planning process, visit www.burlington.ca/planningprocess .
6	<p><u>Density</u></p> <p>Concern that proposed development is too dense.</p>	Staff will assess the appropriateness of the proposed density and intensity of development with consideration for public comments, technical comments from agencies and departments, and the applicable policy and regulatory framework.
7	<p><u>Noise</u></p> <p>Concern that proposed development will add to existing noise downtown</p>	An Environmental Noise Impact Study was submitted with the applications and is being reviewed by the Engineering Services Department.
8	<p><u>POPS</u></p> <p>Concern with the proposal to include a Privately Owned, Publicly accessible Space (POPS) in the proposed development: specifically, that responsibility for maintaining public</p>	In accordance with the City's new Official Plan, POPS may be used to augment public space but shall not be used as a replacement to public parkland dedication. City staff will consider the concerns about long-

	spaces should rest with the City, not condominium corporations	term maintenance of POPS in the review of the applications.
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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. 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 September 8, 2021. This meeting was attended by residents as well as by City staff, Mayor Marianne Meed Ward, and ward 2 Councillor Lisa Kearns.

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/2020lakeshore;
- A notice was mailed to all property owners and tenants within 120 metres of the subject property (a total of 887 addressees) on January 21, 2022;
- A notice was published in the City Update section of the Burlington Post on January 27, 2022;
- Notice signs were erected on the subject property on February 1, 2022;
- A Statutory Public Meeting will be held on February 22, 2022. This report has provided information about the subject applications to inform discussion at the Statutory Public Meeting.

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 2020 Lakeshore Road in an effort to bring forward a subsequent recommendation report.

Respectfully submitted,

Thomas Douglas, MCIP, RPP

Senior Planner

thomas.douglas@burlington.ca

Appendices:

1. Existing Zoning Sketch
2. Concept Plan
3. Public Comments

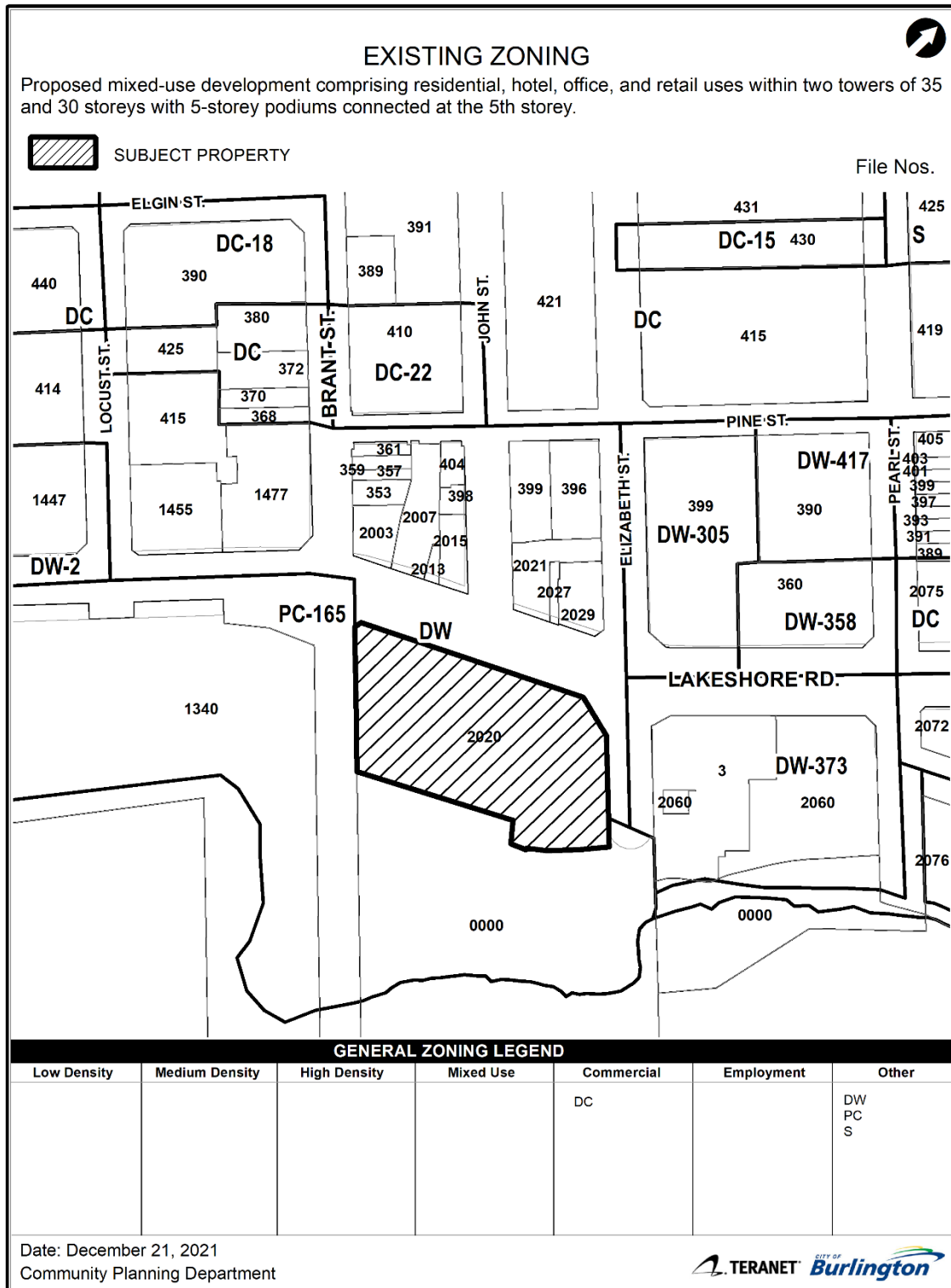
Notifications:

Bousfields Inc. c/o David Falletta

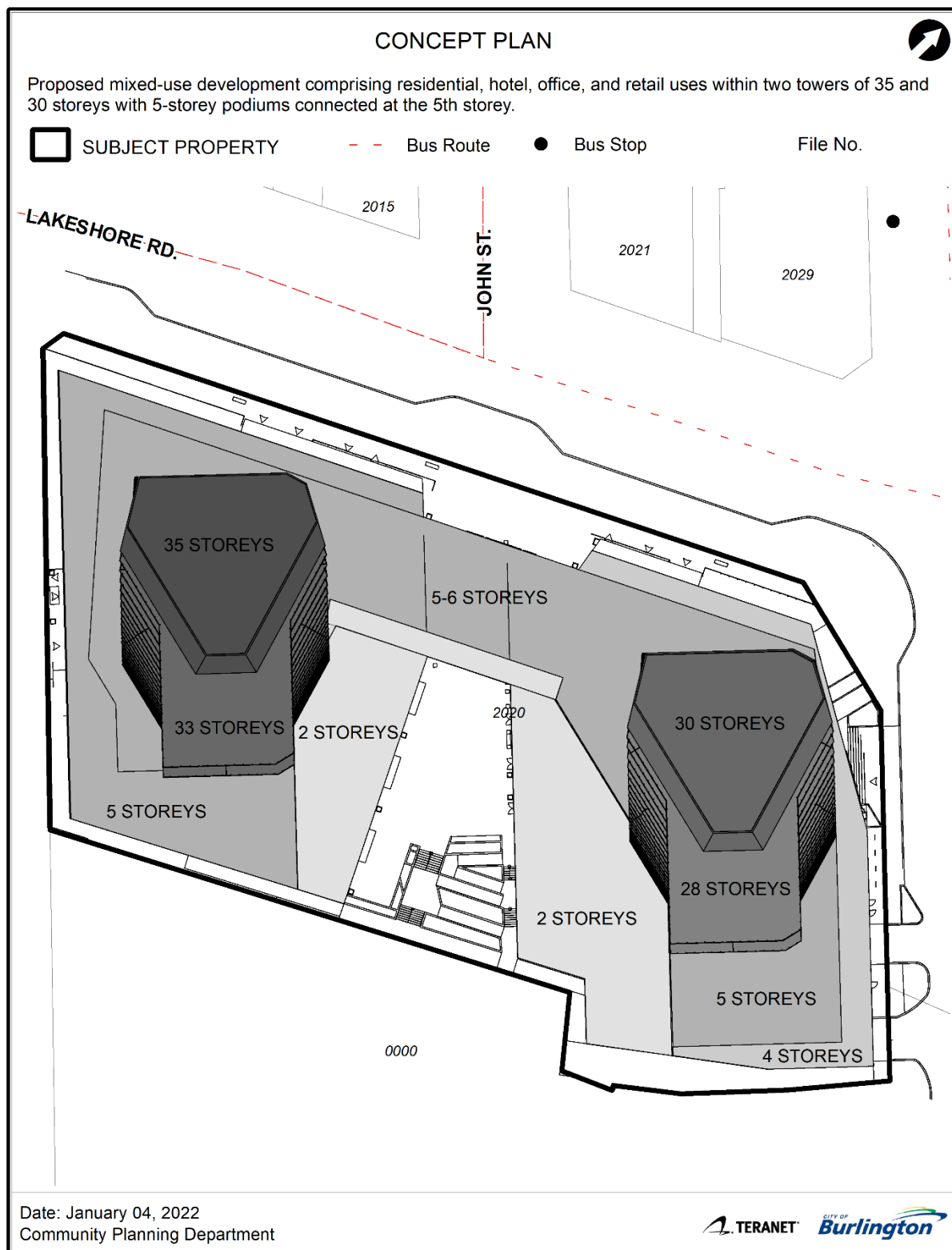
Report Approval:

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

Appendix 1 to Report PL-14-22: Existing Zoning Sketch



Appendix 2 to Report PL-14-22: Concept Plan



Appendix 3 to Report PL-14-22: Public Comments

Comment 1

From: Sharon Hutchinson

Date: January 22, 2022

Good Day Thomas,

I believe I can speak on behalf of all Burlington Tax Payers on this 2020 Lakeshore site that has made us all tired, angry, frustrated and with a huge loss of trust in our leaders. The public have diligently and tirelessly delegated for the past 5 years on what we all know and see is right and just development for this location. We are not sure how this application with the City, Planning Department rates on a 1 to 10?? With our Premier now offering 45 Million Dollars to the Municipalities for living accommodation development, pretty well tells us where the City is going. I say this because formality of blindsiding us as to what the outcome is going to be looks very obvious to me. You, clearly know what is best for the lakefront of Burlington and the Council is in agreement. Does the City have any powers for design and development of their City, or are we just going through the motions at a huge cost and mistrust to the taxpayers? If so, the Planning Dept. for housing development needs to be put to rest, and save us all money!

Plan B's proposal with the assistance of a Planner, paid by the public, was a positive consideration by the City in the future planning for this site - where did all that go? The City of Burlington with a Council and Planners should have the upper hand to the development of their City! When does outside developers take control, and who is allowing such unacceptable behaviour? Is the City legal department not powerful enough to stand up for the City leadership team, or does the contractor lobbying with the PC Party take front seat? These are all questions that need to be answered honestly and with transparency to the Burlington media and the citizens, and stop the pussy footing of ongoing formality meetings for the past 5 years with no success to date in our favour. These unknown powers to grand father in properties, which obviously had some consult with the City, and, whom had a unanimous vote of rejection on the intensification of this site, needs explanation. The application not only submitted to the City, but also to the Minister of Housing, and then on to OLT for appeal, is also very disturbing and questionable.

I would love an honest reply to my questions, because this is getting into another huge mind set for nomination choices for the next election.

Many thanks.

With sincere concerns,

Sharon Hutchinson

Comment 2

From: Ron Porter

Date: January 22, 2022

Good Morning Thomas,

Thank you for posting all the supporting documents. The August 19th, 2021 BUD Panel Review & Recommendation was certainly an interesting read especially in the context of what Bousfields & NEUF presented at the Sept 8th, 2021 Public Preconsultation Meeting. I note Falletta & Koleva we're both present & presented at the August 19th BUD meeting as well so they are well aware of the BUDs comments & recommendations.

Has Vrancor provided a written response to the August 19th BUD Review recommendations similar to what Carriage Gate did with the Carriage Gate response posted on the Citys Lakeshore & Pearl St development application webpage ?

If Vrancor did not provide a written response to the BUD Review Panel is a written response required to the BUD Review as part of the application process ?

Plan B will be delegating at the Public Meeting on Feb 22nd and supports 110% the well thought out and considerate Recommendations of the BUD Panel particularly with regard to :

- Reduction in podium height overall.
- Increased setback , elimination of the podium and much smoother landscaped transition of the West edge transitioning to Spencer Smith Park.
- Shift of and height reduction of the west end Tower to further east to lessens the very significant shadowing impact up Brant St from Lakeshore Rd all the way up to Elgin St , a ridiculous Shadowing distance.
- Elimination of the Closed Atrium replaced by an Open Atrium for all the public realm reasons stated.
- More public realm space on the south side entrance to the Park reducing the number of ramps & stairs & replacing with an elevator

We recognize the landowner & developers right to earn a reasonable return on their investment. However the Developer has chosen to ignore & dismiss the review and recommendations of a panel of Peer Experts composed of Building architects, Urban Designers & Planners & Landscape architects many with much more professional experience & awards than those engaged by Vrancor for their project. Vrancor has also ignored & summarily dismissed the extensive Public engagement & input from the 2017

Public Consultations held by The Planning Partnerships which Vrancor themselves participated in & Vrancor also funded.

Plan B fully supports the 16 Design , Land Use & Form & Public Realm Policy Directives as detailed in the Burlington Planning Departments June 18th , 2018 memorandum and fully supports the August 19th, 2021 Burlington Urban Design Panel Recommendations as noted above.

Vrancor has submitted a Development Application October 26th, 2021 that has ignored & dismissed all Citizen input from all public forums , ignored & dismissed the majority of Burlington Planning Department Policy Directives and ignored & dismissed all Burlington Urban Design Expert Panel Aug 19, 2021 recommendations.

Recognizing Vrancors right to earn a reasonable return balanced with the City of Burlingtons policy directives , Burlington Urban Design Panel Expert recommendations & an exhaustive Citizens engagement process the Vrancor application does however provide the core structure skeleton for the basis of an Approval with Modifications. And those modifications to the application would simply be the few key recommendations I have noted above provided from the Burlington Urban Design Panel of experts.

Such an application Approved with Modifications as noted above would meet & surpass the very words Vrancor used in their August 19th , 2021 presentation to the BUD Panel & also to the public at their Sept 8th, 2021 Public Pre-consultation meeting “ It was noted that the site is a premier site at the foot of Brant Street, a core street in Downtown Burlington. A landmark vision that functions as a landmark destination for the city and downtown core is proposed “

An application approved with the implementation of the few Recommended changes of the Burlington Urban Design Expert Panel while retaining the overwhelming majority of the core of Vrancors application design, structure, capacity & functionality would meet surpass & actually enhance Vrancors stated development objective of “ A landmark vision that functions as a landmark destination for the city and the downtown core “

We will be delegating a similar vision as above on Feb 22nd. We look forward to the Planning Department's review & recommendation to City Council sometime in April 2022 prior to the expiry of the 120 regulatory date.

Best Regards

Ron Porter

Comment 3a:

From: Penny Hersh

Date: January 27, 2022

Good morning,

With regard to the abovementioned proposed application I fully support this proposed development.

Penny Hersh

Comment 3b (follow-up email):

From: Penny Hersh

Date: January 27, 2022

I should have added that the only thing I am totally against is "the application proposes an outdoor mid-block connection from Lakeshore Road to Spencer Smith Park, in line with John Street. THIS PUBLICLY ACCESSIBLE, PRIVATELY OWNED CONNECTION would pass beneath the fifth-floor connections between the 2 podiums"

It is the PRIVATELY OWNED but PUBLICLY ACCESSIBLE that I object to. Owners of the condominium should not be responsible for this. Many potential owners will not be aware of this when they buy their unit. YES, it will be buried somewhere in the Condo Documents provided to each owner, but I am certain it will not be explained fully by the salesperson at the time of purchase.

If the public has access then it should be the responsibility of the City to maintain. It is bad enough that owners have to put up with a steady stream of people 24/7 they shouldn't have to pay to maintain it.

Penny Hersh

Comment 4

From: Rosemary and William Armstrong

Date: January 28, 2022

Good Afternoon,

We are residents at and have deep concerns about this proposed development.

The plan to build two towers of 35 and 30 storeys on this prime waterfront seems to be contrary to keeping the waterfront safe and accessible. Not only would these towers dominate the landscape between Brant and Elizabeth Street but the added traffic from over 550 residential units would add to the already gridlocked stretch of Lakeshore Road.

With at least 5 condo towers already approved in the downtown core (some already under construction), two more much higher towers on our beautiful waterfront would be a travesty.

Please add our names to the list of people who object strongly to this development.

Rosemary and William Armstrong

Comment 5a

From: Yvonne Miller

Date: January 30, 2022

Good morning,

I am very disappointed with the lack of consideration shown on the proposal for 2020, Lakeshore Rd, Development which I received yesterday and would appreciate my email to be read by the appropriate party for consideration.

1. The building on the east side is too close to the Bridgewater building creating a wall of concrete and blocking views as well as being too close to the parkland and lake. The heights proposed for all structures would create a concept of massive density not appealing to the beauty of the Burlington waterfront, or to all surrounding residents.
2. The designer concept to have a 1,000 + cars, Delivery trucks and hotel guests entering from only one entrance on Elizabeth St would cause major disasters. It is a very big problem now having only one entrance for the # of vehicles entering the parking garage for the Bridgewater, as well as delivery trucks daily and Hotel patrons as well as cars dropping off people to enjoy the lake. Traffic is backed up often to Lakeshore Rd already without adding twice the load.
3. The noise level from traffic and all activities from the existing festivals, Hotels and night club, at present are out of control. With so many additional people and all the public amenities at this new development would make the noise level disastrous for surrounding neighbors.

I request that this proposal be reviewed with careful consideration, for all the hundreds of neighbors living in surrounding dwellings as well as tourists visiting beautiful Burlington.

Thank you for hearing my concerns and to take my concerns into consideration when deciding on a plan more conducive to the surrounding residents and the beautiful Burlington waterfront developments.

Sincerely,

Yvonne Miller

Comment 5b (follow-up email)

From: Yvonne Miller

Date: January 31, 2022

Hello Thomas,

The picture sent this morning is just a day to day ongoing obstruction with respect to lower Elizabeth Street, delivery vehicles, stretch limos and food truck deliveries for The Pearl Hotel are all part of constant back up traffic already.

Which means any other massive buildings and another hotel would present major problems therefore, if anything is built at that project, another entrance and exit should have serious consideration for their own access from another entry point.

Regardless of residents on Elizabeth St, and hardly takes into the consideration of very busy traffic from the public sector or tourists wanting to enjoy the beautiful Burlington waterfront.

Thank you for your reply,

Yvonne

Comment 6

From: Donna Castellani

Date: January 30, 2022

Meeting Feb 22, 2022.

I have many concerns regarding the proposed Development of 557 Condos and a New Hotel on 2020 Lakeshore Rd. As it is now, Elizabeth St gets back up with traffic on Fridays, Saturdays and sometimes Sundays with stretched limos and guests cars from Weddings going on at the Pearl Hotel making it difficult getting in and out of the Bridgewater Condo parking garage. Now if you add another Hotel across the road with the same access from Elizabeth St. and this new Hotel also has Weddings going on at the same time, it will be a mess of cars and Limos blocking the road every weekend. (photo attached) Elizabeth Street would have to be widened to make room for the added traffic and delivery trucks a new condo development would cause. If a new development must go in, it would be better for everyone if they have their own access from Brant Street, not Elizabeth.

My other concern is the volume of traffic in the downtown core. At rush hour it is bumper to bumper now making it impossible for any emergency vehicle to get through. More Condos just add to the problem.

My final concern is the size and height of the proposed development. It's far too tall and way too large. It will take away the beauty of downtown Burlington and Spencer Smith Park.

Donna Castellani

Comment 6b (follow-up email)

From: Donna Castellani

Date: January 31, 2022

Good Day Evan.

Most of your traffic surveys are to do with the downtown core. You have no idea of the chaos extra traffic would bring to the south side of Elizabeth Street, unless it is widened making more room for double the limos and double the delivery trucks parking against the curb. Again I am suggesting you have your entrance off of Brant Street. It will be too late after the fact!

Donna Castellani

Comment 7

From: Lise Buxton

Date: February 1, 2022

Hello Mayor,

I understand that an application has been made to replace the current Waterfront Hotel with two tall buildings of 30 & 35 storeys, sitting on a 5/6 storey podium that will effectively stretch from Elizabeth to Brant, and house 557 condominium units and a 122-suite hotel. I am of the opinion that such a project is absolutely insane. When will the building of what is effectively a wall, hiding the view of our beautiful lake, end? As a long time (44 years) citizen of Burlington, I don't want Burlington become another Toronto with wind tunnels and very few windows on the lake. I sincerely hope that you will be able to deny this application.

Sincerely,

Lise Buxton