

Detailed Planning Analysis

1.0 Provincial Planning Statement, 2024 (PPS)

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

In accordance with Section 2.1.6., Planning authorities should support the achievement of complete communities by:

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

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

In accordance with policy 2.3.1.2 settlement areas shall be the focus of growth and development and shall be based on densities and a mix of land uses which:

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

The proposed development is located within a settlement area and provides a mix of land uses including residential and commercial. The proposed development supports active transportation and is transit supportive as provides sufficient space for a future bus island

and shelter at the corner of Lakeshore Road and Pearl Street as part of future Lakeshore Road streetscape improvements.

The proposed development contemplates using existing municipal infrastructure and will have access to public service facilities. However, Halton Region has identified the need to increase the wastewater capacity at the Junction Street Wastewater Treatment facility and request a holding provision be included on the zoning to address the inadequate capacity until such time as the upgrade or replacement of the facility is complete. Therefore, staff are recommending that a holding provision be placed on the zoning of the property to ensure that the property is sufficiently serviced and that the development contribute towards the future expansion of the wastewater treatment facility.

New development in designated growth areas should occur adjacent to the existing built-up area as per policy 2.4.1, and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure, and public facilities.

The PPS requires municipalities to provide a range and mix of housing options through intensification and redevelopment of existing building stock or areas in policy 2.4.1, where appropriate. In accordance with policy 2.4.1.2 an appropriate range and mix of housing options and densities shall be provided to meet projected market-based and affordable housing needs of current and future residents of the regional market.

Under Section 2.4.1.3, the subject lands have been identified for intensification, but consideration must be given to the surrounding and planned context for the area to ensure that an appropriate level of intensification is achieved. The modified approval has taken this into consideration and recommends what staff feel is an appropriate scale of intensification that will meet the City's goals and objectives.

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

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

In accordance with the public spaces, recreation, parks, trails and open space policies under Section 3.9.1, the plan describes healthy and active communities should be promoted by:

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

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

The proposal, as modified by staff will achieve consistency with the PPS and ensure compliance with the City's vision for the area. Therefore, it is staff's opinion that the modified development proposal is consistent with the policies of the PPS, with the inclusion of the recommended holding provision.

Halton Region Official Plan (ROP)

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

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

The subject lands are in the area that is generally identified as a Secondary Regional Node on Map 1H of the ROP. The purpose of such identification is to promote growth in these areas through mixed-use intensification at a scale determined by the Area Specific Plans for the Regional Nodes.

Secondary Regional Nodes are historic downtown areas or villages and are intended to be a focus for growth through mixed use intensification at a scale appropriate for their context. The identification of the downtown as a Secondary Regional Node acknowledges that the downtown has an existing development pattern supportive of active transportation and public transit and that the downtown is an area intended to be a focus for growth through mixed use intensification at a scale appropriate to its context. Growth and change will continue in the downtown.

Section 89(3), of the ROP requires all new development within the Urban Area is to be connected to the Region of Halton's municipal water and wastewater system. The applicant submitted a Functional Servicing Report which was reviewed by Region of Halton and Development Engineering Staff. The Region has concluded that the existing water system in the area can accommodate the proposed development but advised that there is no remaining capacity at the Junction Street Wastewater Pumping Station. Further, this wastewater pumping station will need to be replaced and/or upgraded before services can be allocated to the proposed building. Therefore, should the applications be approved, the Region is recommending a holding provision be placed on the zoning of the property until such time as sufficient wastewater services are available and downstream sewer constraints that include the sanitary sewer pumping station be addressed and any upgrades and/or replacement for the station be constructed and in operation, or arrangements, satisfactory to Halton Region.

Section 147(17) of the ROP requires the applicant of a development proposal to determine whether there is any potential contamination on the site they wish to develop, and if there is, to undertake the steps necessary to bring the site to a condition suitable for its intended use. The applicant was required to submit an Environmental Site Screening Questionnaire (ESSQ), a Phase One Environmental Assessment (ESA) and Phase Two Environmental Assessment (ESA). The Phase Two ESA concluded that contaminants of concern were found within the earth fill on the property and a groundwater sample could not be collected for one of the monitoring wells resulting in a portion of the property not being fully assessed. Additional investigations, remediation/risk assessments (RA) may be required before a record of site condition can be filed for the property. As additional investigations and remediation/risk assessments may be required before a record of site condition can be filed for the property, staff are recommending that a Holding Provision be implemented on the zoning of the property to ensure any outstanding site contamination matters are addressed.

Staff are of the opinion that the proposed development conforms with the policies of the ROP as it facilitates intensification and increased densities at a scale appropriate for the surrounding context, uses existing water and wastewater systems, and protects health and safety. Staff believe that the Holding Provision will adequately address Regional and

staff comments and that the proposed development conforms to the Regional Official Plan.

City of Burlington Official Plan (OP), 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 subject lands are designated as "Mixed Use Activity Areas" on Schedule A, Settlement Pattern, of the City's Official Plan (1997, as amended). "Mixed Use Activity Areas" provide locations where employment, shopping and residential land uses will be integrated in a compact urban form, at higher development intensities and be pedestrian oriented and highly accessible by public transit as identified under Section 5.2.1.

The subject lands are further designated 'Mixed Use Centre' on Schedule B, Comprehensive Land Use – Urban Planning Area and 'Downtown Mixed Use Centre – Old Lakeshore Road Mixed Use Precinct – West Sector' on Schedule E, Downtown Mixed Use Centre – Land Use Plan.

Section 5.4 outlines the intent of the 'Mixed Use Centre' designation to permit mixed use developments on individual sites where residential, retail, office and other uses are located, or on different sites where residential, retail, office and other uses are located next to one another. It is encouraged through Section 5.4.1 to promote higher density, transit-supportive and pedestrian oriented development while maintaining compatibility with surrounding land uses.

The subject lands are further designated under the Downtown Mixed-Use Centre as Downtown Mixed Use Centre – Old Lakeshore Road Mixed Use Precinct. Section 5.5.7.2 permits high-density apartment residential uses, including the residential use of upper storeys of commercial buildings; among other uses. The West Sector Precinct permits a maximum building height of 10 storeys and 31.5 metres and a maximum density of 51 units per net hectare. Tall buildings may be permitted up to a maximum of 15 storeys and 47 metres where they provide compatibility with surrounding land uses and a sense of pedestrian scale by the use of building design incorporating a ground level, street-oriented podium, and subject to the community benefits provisions of Part VI, Section 2.3 of this Plan and the following details to the satisfaction of City Council:

- assembly of lands from the Martha Street alignment to Waterfront East consisting of lands within Area 'A', including the Old Lakeshore Road road allowance, and the westerly portion of Area 'C';
- continuation of the Martha Street alignment to meet Old Lakeshore Road;

- construction of and dedication to a public authority, a public waterfront access that provides a connection between the Pearl Street extension and Lakeshore Road in the vicinity of a Martha Street extension, in accordance with Part III, Subsection 5.5.7.2 (i);
- closure of a portion of Old Lakeshore Road to achieve redevelopment and intensification;
- provision of a view corridor from Martha Street to Lake Ontario;
- provision of enhanced public spaces;
- preservation or relocation of significant cultural heritage resources within the precinct;
- submission of an angular plane study, identifying visual, sun shadowing and wind impacts, and demonstrating how such impacts can be mitigated to acceptable levels.

The applicant is proposing a 23-storey (plus mechanical penthouse) mixed use building with 325 m² of non-residential uses on the first floor and a total of 164 residential units. The applicants have submitted applications to amend the Official Plan and Zoning By-law to permit the proposed development.

Planning Staff recognize that this area of Downtown Burlington has not developed in accordance with the policies of the Burlington Official Plan because of previous Ontario Land Tribunal Decisions for properties in the East Sector (2093-2101 Old Lakeshore Road and 2069-2100 Lakeshore Road and 2107 Old Lakeshore Road). Due to these decisions and the surrounding development context, some of the policies noted above are no longer achievable for the West Sector properties including:

- Assembly of lands from the Martha Street alignment to Waterfront East consisting of lands within Area 'A', including the Old Lakeshore Road allowance
- Martha Street alignment to meet Old Lakeshore Road;
- Construction of and dedication to a public authority, a public waterfront access that provides a connection between the Pearl Street extension and Lakeshore Road in the vicinity of a Martha Street extension;
- Closure of a portion of Old Lakeshore Road to achieve redevelopment and intensification.

Although these policies are no longer achievable for this site, Staff note that a view corridor from Martha Street to Lake Ontario, provision of enhanced public spaces and the preservation of significant cultural heritage resources were achieved through the East Sector properties and the West Sector properties will provide enhanced public spaces through the implementation of the Downtown Streetscape for Lakeshore Road.

As noted above, tall buildings may be permitted in this designation where they provide compatibility with surrounding land uses and a sense of pedestrian scale by the use of

building design incorporating a ground level, street-oriented podium. The proposed development is providing a two storey podium (that visually appears as three storeys) which is designed to be compatible with other lower scaled podiums in the surrounding area. The proposed podium provides a 3.1 metre stepback above the second storey along Lakeshore Road, Pearl Street and Old Lakeshore Road, which helps alleviate any massing concerns from the street level and reinforces a human/pedestrian scale.

Further, the conceptual streetscape design for Lakeshore Road will provide a minimum 6.0 metres width which includes a 2.0 metre marketing zone, 3.0 metre clear path zone, 1.5 metre furnishing zone and a 0.5 metre edge zone. This streetscape design will allow for a wider streetscape and public realm, additional space between the building and street and reduce the overall scale of the building.

While the proposed development is providing a greater height than what is permitted in the Official Plan, staff are of the opinion that the proposed development is compatible with the surrounding neighbourhood as the development provides a sense of pedestrian scale through the podium height, building setbacks and stepsbacks, enhances the public realm through the proposed streetscape improvements and meets the intent of the Old Lakeshore Road Mixed Use Precinct policies. Therefore, staff is of the opinion that the applications are in keeping with the policies of the Official Plan. **Residential Intensification**

The City of Burlington Official Plan encourages new residential development and residential intensification within the Urban Planning Area in accordance with provincial growth management objectives while balancing with other planning considerations such as infrastructure capacity, compatibility and integration with the natural environment, active and public transportation use and housing opportunities in proximity to employment areas.

The City's Official Plan provides a balanced approach by targeting specific locations and areas for intensification. Applications to amend the Official Plan to more closely meet the general intent of the intensification policies of the Official Plan may be considered appropriate, subject to the nature of the site-specific development application.

The Housing Intensification policies of the Official Plan encourage residential intensification as a means of increasing the amount of available housing stock (including, rooming, boarding and lodging houses, accessory dwelling units, infill, re-development and conversions within existing neighbourhoods), provided that development is compatible with the scale, urban design and community features of the neighbourhood.

Intensification Evaluation Criteria

Part III, section 2.5.2 (a) of the Official Plan provides criteria that shall be considered when evaluating proposals for housing intensification in established neighbourhoods. The following is an evaluation of the proposed development using these criteria.

- i) *adequate municipal services to accommodate the increased demands are provided, including such services as water, wastewater, and storm sewers, school accommodation, and parkland;*

A Functional Servicing Report and Stormwater Management Report prepared by S. Llewellyn & Associates, dated December 2024 and a revised FSR and SWM Report, prepared by S. Llewellyn & Associates, dated July 2025 was submitted by the applicant in support of the proposed development. This report outlines the proposed means of managing stormwater and servicing the site with water and wastewater services. Development Engineering staff have reviewed the submitted materials and do not have any concerns. Staff concluded that the proposed development can be supported by existing municipal services.

The FSR and SWM Report were also reviewed by Halton Region staff. Regional staff have identified that the Junction Street Wastewater Pumping Station is in need of a replacement/upgrade as a result of the Class EA that was completed for the Junction Street Wastewater Pumping Station in June 2018. This study recommended that the existing station be replaced with a new station and two new forcemains. The Region is currently undertaking an Integrated Master Plan (IMP) and the timing of the new pumping station will be refined through this study. Currently the timing of the replacement of this station is for 2031, however, this could change through the IMP or advanced separately if required.

Therefore, Regional staff are recommending that the development should not proceed until the Junction Street WWPS has been upgraded and operational. Staff are recommending a Holding Provision be placed on the property to ensure that the property can be sufficiently serviced.

Halton District School Board students from the area are currently within the Lakeshore Public School, Tom Thomson Public School and Burlington Central Highschool catchments. According to the school board's projections, Tom Thomas Public School is over building capacity and portables will be required. As a result, options for student accommodation will be reviewed for this school and attendance at local schools is not guaranteed for existing and future students. Lakeshore Public School currently has capacity for 100 students but is expected to reach school capacity by 2030 and Burlington Central High School has capacity for students with a potential to reach capacity between 2031-2034. This development is expected to have between 10 and 25 students between grades K-12.

Halton Catholic District School Board students would be accommodated at St. John's (B) Catholic Elementary School and Assumption Catholic Secondary School. Neither of the school boards have objections to the proposal.

Parks and Open Space staff have reviewed the submission materials and have no objections to the proposed development. They note that cash in lieu of parkland will be required at the time of building permit issuance.

The proposed development partially satisfies criterion (i) which requires the provision of adequate municipal services including water, wastewater, stormwater management, school accommodation, and parks. With the inclusion of a holding provision, this criterion is met.

ii) Off-street parking is adequate;

Transportation Planning staff have reviewed the parking demands anticipated by the proposed development in the context of the proposed parking supply.

The applicant is proposing a parking rate of 0.98 spaces per residential unit for a total of 161 parking spaces. Transportation Planning staff have advised that based on the data collected from the 2024 occupancy surveys of downtown residential apartments / condominiums through the Downtown Parking Study, a reduced parking rate of 1.00 spaces per unit (0.94 residential / tenant parking spaces + 0.06 visitor parking spaces per residential unit) is an appropriate minimum in the Downtown. However, Transportation Planning staff have agreed to support the reduced parking rate of 0.98 parking spaces per unit for this site to ensure the right of way widening and desired streetscape design for Lakeshore Road is achieved.

Although the proposed parking requirements are not meeting the zoning requirement, staff are satisfied that the proposed parking rate is appropriate and will be offset and supported by Transportation Demand Measures. This criterion has been met.

iii) the capacity of the municipal transportation system can accommodate any increased traffic flows, and the orientation of ingress and egress and potential increased traffic volumes to multi-purpose, minor and major arterial roads and collector streets rather than local residential streets;

Transportation Planning staff have advised that the proposed development is expected to generate approximately 86 two-way (27 inbound and 59 outbound) trips during the weekday a.m. peak hour and 100 two-way (60 inbound and 40 outbound) trips during the weekday p.m. peak hour. Staff have no concerns with the traffic that will be generated by the proposed development and agree with the conclusions of the submitted traffic impact study that the transportation network will not be adversely impacted. This criterion has been met.

iv) the proposal is in proximity to existing or future transit facilities;

There are six Burlington Transit bus stops within 300 metres of the subject lands located on Lakeshore Road with access to Route 3 (Guelph). Route 3 connects the John Street Downtown Bus Terminal to the GO 407 Carpool Parking Lot with stops

along Lakeshore Road, New Street, Fairview Street, Upper Middle Road, Cavendish Drive and Dundas Street.

The site has access to the Queen Elizabeth Way from the Lakeshore Road onramp and Highway No. 403 from the Brant Street onramp located approximately 3 kilometers north of the site. The subject lands are approximately 450 metres southeast of the John Street Downtown Bus Terminal, which provides connections to Routes 3 (Guelph), 4 (Central) and 10 (New-Maple).

This application has considered and accounted for the current bus stop at Lakeshore Road and Pearl Street and has contemplated a future upgraded protected bus island, shelter and pedestrian connections. The detailed design of the bus island and associated streetscape features will be done at the detailed streetscape design stage. This criterion has been met.

- v) *compatibility is achieved with the existing neighbourhood character in terms of scale, massing, height, siting, setbacks, coverage, parking, and amenity area so that a transition between existing and proposed buildings is provided;*

The Official Plan defines compatibility as “development or redevelopment that is capable of co-existing in harmony with and will not have undue physical (including form) or functional adverse impact on existing or proposed development in the area or pose an unacceptable risk to environmental and/or human health.

Compatibility should be evaluated in accordance with measurable/objective standards where they exist, based on criteria such as aesthetics, noise, vibration, dust, odours, traffic, safety and sun-shadowing, and the potential for serious adverse health impacts on humans or animals”

The following is a discussion of the compatibility of the proposed development in terms of the criteria cited in the above definition:

Scale and Massing

The proposed development contemplates a total gross floor area (GFA) of approximately 14,989 m² and a floor area ratio (FAR) of 13.85:1 which exceeds the maximum 4.5:1 FAR permitted by the Official Plan and Zoning By-law. The proposed unit count of 164 units translates into a residential density of 1,092 units per hectare.

The building has a total height of 83 metres (inclusive of mechanical penthouse) and is setback 0 metres to the first and second storey columns and 2.0 metres to the first and second storey building wall along Lakeshore Road. The property is trapezoidal in shape with frontages along three municipal roadways including Lakeshore Road, Pearl Street and Old Lakeshore Road. The proposed podium mirrors the shape of the property and provides a consistent streetwall along all three frontages.

Where no established streetwall exists, the Tall Building Guidelines recommends a minimum podium height of 10.5 metres (3-storeys) to frame the streetscape and reinforce a human-scale. The proposed podium is massed to have the appearance of a 3-storey building with a height of 11.85 metres. The proposed podium is designed to be compatible with other lower scaled podiums in the surrounding area.

Staff are of the opinion that the reduced yard setback abutting Lakeshore Road will create a positive relationship with the street and reinforce a human/pedestrian scale while achieving the desired streetscape along Lakeshore Road. Both the height of the podium and the decreased yard setback will allow for a wider streetscape and public realm, additional space between the building and street and reduce the overall scale of the building. The stepback of 3.1 metres above the second storey helps to alleviate massing concerns from the street level.

The height of the tower and its location on the building base should provide a gradual and appropriate transition in height to help mitigate potential impacts on the adjacent established or planned context. The proposed tower floorplate size is 750 m² which meets the requirements of the tall building guidelines. This will ensure that the tower would be slender and maximize sky views and access to sunlight.

Therefore, this criterion is met.

Height and Transition

The proposed development consists of a tall building with a maximum building height of 23-storeys fronting Lakeshore Road. The proposed lower building elements consist of a 2-storey podium, which is massed to appear as 3 storeys fronting Lakeshore Road, a commercial unit and a residential entrance. The proposed building height exceeds the maximums permitted by the Official Plans, Zoning By-law and planned building heights contemplated for the Downtown Lakeshore Precinct.

The properties located to the east the subject lands have not been developed, however, 2083 Lakeshore Road (immediately east of the site) was approved by Council for a 27-storey mixed use building, 2093-2101 Lakeshore Road (further east of site) has been approved by the OLT for a 27-storey mixed use building and 2107 Lakeshore Road (at the corner of Lakeshore Road and Old Lakeshore Road) has been approved by the OLT for a 27-storey mixed use building. On the north side of Lakeshore Road, a 26-storey mixed use building is under construction at 374 Martha and a 29-storey mixed use building is currently under construction at 2075 Lakeshore Road. To the west of the property, across from Pearl Street, a 22-storey apartment building at 2060 Lakeshore Road has been constructed.

The previously approved development applications within the area have established a built form context that can be applied when reviewing development applications. Given the surrounding existing and planned context of the area, staff are of the opinion

that the building height of 23-storeys (inclusive of mechanical penthouse) is appropriate as it is compatible with the emerging built form context for the area.

Staff note although this height exceeds the recommended maximum height in the Downtown Mixed-Use Centre - Old Lakeshore Road Mixed Use Precinct, the additional height is consistent with the built context of the area and will provide for more family friendly unit sizes.

Setbacks

The applicant is proposing a 0-metre setback from all property lines for the first and second storey as well as 0-metre setback to the below grade parking structure to all property lines. Staff note that is it intended for Lakeshore Road to have an active street front that will cater to the pedestrian experience and create a positive relationship with the street. Staff believe that with the inclusion of the road widening, the proposed setbacks will still allow for a positive pedestrian realm as the streetscape will be maintained. Staff are satisfied that the yard setbacks will be able to accommodate a wider boulevard for landscaping, active uses, pedestrian connections and amenities such as commercial patios and benches to enhance the pedestrian realm.

Where there are windows proposed in the podium and no adjacent buildings are present, a minimum setback of 5.5 metres is required between the podium base and adjacent property line. This is to ensure that any future development of a tall building will not be impeded by the current proposal. The proposal includes 0 metre setbacks to the podium to all property lines. The setback for floors 3-23 abutting Lakeshore Road, Old Lakeshore Road and Pearl Street are to be setback 3.0 metres and 12.5 metres from the easterly line.

Currently there are no buildings constructed adjacent to the subject lands; however, 2083 Lakeshore Road was recently approved for a 27-storey mixed use building immediately east of the site. The proposed podium has no residential windows on the east side of the building as it is the access to the underground parking garage and loading area. There are also no residential windows within the podium of the recently approved development at 2083 Lakeshore Road. The reduction in setbacks will not impede future developments as both developments do not have residential windows facing each other in the podium eliminating any privacy or overlook concerns, and the tower maintains the minimum 25 metres setback from the adjacent approved building.

Staff are of the opinion that the proposed setbacks are appropriate for the site and surrounding area.

Parking

The parking requirements are discussed under criteria (ii). Staff are satisfied that the proposal will provide adequate parking.

Amenity Area

Amenity areas are proposed in the form of indoor amenity space, private space outdoor amenity areas in the form of private balconies and common amenity areas on the second and third floor.

The applicant is proposing a minimum of 27 m² of amenity space per unit for approximately 4,400 m² amenity space, this is compliant with the zoning provisions.

Staff note that there is the Privately Owned Public Space (POPS) located at 2093-2101 Lakeshore Road which residents can access which contributes to the available amenities within the area. The proposed development is also within close proximity to the waterfront trail access at Old Lakeshore Road and Pearl Street which connects to Spencer Smith Park.

Staff are satisfied with the proposed amenity space as it exceeds the minimum requirement set out in the Zoning By-law DL-A zone. This criterion has been met.

Noise, Vibration, Dust, Odours, Safety and Potential for adverse health impacts

A discussion of the noise, dust, vibration, and odour impacts, and mitigation measures is provided above under Housing Intensification criterion (ix). Staff are satisfied that the proposal can provide measures to minimize noise impacts from Lakeshore Road.

- vi) effects on existing vegetation are minimized, and appropriate compensation is provided for significant loss of vegetation, if necessary to assist in maintaining neighbourhood character;*

An Arborist Report and Tree Preservation Plans, prepared by Ferris + Associates, dated May 1, 2024, and Landscape Plans prepared by Ferris + Associates, dated December 13, 2024, were submitted in support of the applications.

The subject lands have a total of 19 trees, with all trees proposed to be removed to allow for development.

Urban Forestry and Landscape staff have reviewed the submission materials and advise that they are supportive of the tree removals and will require existing private and neighbouring trees to be replaced using the City's tree replacement/compensation calculation.

This criterion has been met.

- vii) significant sun-shadowing for extended periods on adjacent properties, particularly outdoor amenity areas, is at an acceptable level;*

A Sun Shadow Study, prepared by Bousfields Inc., dated December 2024 and a revised Sun Shadow Study, dated August 2025 were prepared for the proposed development, and reviewed by staff. The study evaluated the shadow impacts of the

building in March, June, September and December on the surrounding properties, sidewalks, and amenity areas.

The proposed building will cast shadows on the public realm, sidewalks and surrounding properties and meets the sun access factor requirements except for one neighbouring property and the adjacent sidewalk along Lakeshore Road.

The proposed development casts new net shadows on the 4th floor private amenity area at 374 Martha Street for three hours on March 21st, exceeding the two-hour duration of new net shadow coverage requirement of the Shadow Study Guidelines and Terms of Reference (2020). Staff note that all other shadow impacts associated with this private outdoor amenity space are from existing, under construction or approved buildings in the area. Further, the proposed development does not impact the entirety of the 4th floor private amenity area; the shadow impacts are isolated to a small portion on the east side of the building. It is Staff's opinion that this shadow impact is minor, will not have an adverse impact on the 4th storey private rooftop amenity area at 374 Martha Street.

For public realm and sidewalks, the Shadow Study Guidelines and Terms of Reference (2020), require full sunlight 50% of the time; or 50% sun coverage at all times between 9:00am and 6:00pm on March 21st. The revised Sun Shadow Study evaluated the boulevards along Lakeshore Road, Old Lakeshore Road and Pearl Street. Due to existing developments in the area, the surrounding boulevards do not currently have access to full sunlight 50% of the time or 50% sunlight at all test times on March 21st. However, as it is noted in the Sun Shadow Study that of the total area in shadows (62%), only 31% of that total is from shadow cast by the proposed development; the remainder of the shadows (69%) is from existing surrounding buildings.

The proposed tower floorplate of 750 m² and the west-east orientation of the tower will help mitigate shadow impacts on the surrounding boulevard. The sidewalks opposite the Pearl Street and Old Lakeshore Road frontages have no net new shadows cast from the proposed development.

Based on the above, Staff are of the opinion that the proposed shadow impacts are minor and will not have an adverse impact on neighbouring properties or the adjacent sidewalks.

This criterion is met.

viii) accessibility exists to community services and other neighbourhood conveniences such as community centres, neighbourhood shopping centres, and health care;

The proposed development is located in proximity to various community services and other neighbourhood conveniences (including community centres, retail and service uses, offices and institutional land uses, parks and open space networks and public

service facilities) which are accessible by multi modal means (including private vehicle, public transit, cycling and pedestrian connections). This criterion is met.

ix) capability exists to provide adequate buffering and other measures to minimize any identified impacts;

The applicant submitted an Environmental Noise Assessment, prepared Valcoustics Canada Ltd., dated December 20, 2024, in support of the applications.

The study reviewed the acoustic requirements for the proposed development with respect to noise from vehicular traffic along Lakeshore Road and Pearl Street and stationary noise sources from surrounding residential and commercial buildings. Based on the results of the study, the following mitigation measures are required to achieve a sound limit of 55 dBA:

- Upgraded building components for exterior walls, windows and doors;
- Provisioning for central A/C; and
- Warning Clauses.

Development Engineering staff have reviewed the noise assessment and are supportive of the conclusions and mitigation measures proposed by the study. However, they advise that a revised noise assessment will be required to address site changes from the road widening which include the new developable limits. Therefore, staff are recommending that a Holding Provision be placed on the property to ensure that a revised Noise Assessment is submitted.

The applicant submitted a Pedestrian Wind Study prepared by RWDI, dated June 3, 2024, an updated wind letter, prepared by RWDI, dated December 20, 2024, a revised wind letter, prepared by RWDI, dated July 7, 2025, and a revised wind study, prepared by RWDI, dated August 5, 2025. The initial Pedestrian Wind Assessment concluded that wind conditions on and around the existing site are comfortable for pedestrian use throughout the year, except near an area to the west of the site along Lakeshore Road where the future bus island and shelter will be located and on the east side of the second storey outdoor amenity area that can be uncomfortable during the winter.

The Pedestrian Level Wind Study Guidelines (2020) requires bus shelters to provide a wind comfort category of standing throughout the year to ensure that an appropriate wind level is achieved where pedestrians may linger. The revised Wind Study concluded that the design and location of the future bus shelter can act as a wind mitigation measure to ensure that the standing wind comfort level is achieved. The majority of the strong wind in the winter are coming from the southwest direction and the bus shelter can be used to shield downwind locations to reduce wind speeds. The design and location of the bus shelter will be further refined at the site plan stage.

Further, the Wind study concludes that mitigation measures for the second storey outdoor amenity area such as wind screens can be used to achieve a comfortable wind level. These details will be refined at the site plan stage.

Staff are satisfied that the mitigation measures can improve the wind conditions noted above and that refinements will be done at the Site Plan Stage. This criterion has been met.

- x) *where intensification potential exists on more than one adjacent property, any re-development proposals on an individual property shall demonstrate that future redevelopment on adjacent properties will not be compromised, and this may require the submission of a tertiary plan, where appropriate;*

Staff are satisfied that this development proposal would not impact any future development potential for the sites to the east of the property as sufficient setback are proposed.

- xi) *natural and cultural heritage features and areas of natural hazard are protected;*

The Estaminet is located at 2084 Old Lakeshore Road and is designated under Part IV of the Ontario Heritage Act. The Estaminet is a two-storey building, constructed prior to 1870, in a three-bay Georgian style with several later additions to the south and east elevations. Previous uses of the property include its original residential use and its use as the “Estaminet Standard Hotel.”

Approximately 95 metres southeast of the subject property is the Stewart-Williamson-Peck House (2100 Old Lakeshore Road) and 96 metres to the east is the Chrysler Carriage Shop (2101 Old Lakeshore Road), both listed on the City of Burlington’s Municipal Heritage Register as non-designated properties.

Cultural Heritage staff have reviewed the application along with the Urban Design Report and acknowledge the compatibility of the brick cladding with the two listed heritage properties at 2101 and 2100 Old Lakeshore Road. However, they note that the shadow study did not take into consideration impacts to the heritage building and they would have liked a rendering showing the streetscape of the proposed development and heritage property.

The submitted shadow study does not identify the registered heritage building on the shadow plans or provide a sun factor access calculation however, Planning staff have reviewed the shadow study and note that proposed building does not cast any shadows on the heritage building between 10:00am and 4:00pm on March 21st and September 21st. Therefore, the submitted shadow study would meet the Sun Study Guidelines criteria for Key Civic and Cultural Spaces.

Since construction management plans are required at the time of site plan, construction vibration have not been considered on the heritage buildings. The detailed architectural designs/features including the streetscape elements and the construction management plan can be evaluated and reviewed at the Site Plan Control stage.

Staff are satisfied that these design elements can be addressed at site plan to mitigate any impacts on neighbouring heritage buildings.

xii) proposals for non-ground oriented housing intensification shall be permitted only at the periphery of existing residential neighbourhoods on properties abutting, and having direct access to, major arterial, minor arterial, or multi-purpose arterial roads and only provided that the built form, scale, and profile of development is well integrated with the existing neighbourhood so that a transition between existing and proposed residential buildings is provided.

The subject lands are identified as being within a Mixed-Use Activity Area, in accordance with Schedule A – Settlement Pattern of the Official Plan. As such, the lands are not within a designated Residential Area. This criterion is therefore not applicable.

Urban Design

The City of Burlington is committed to a high standard of urban design and architecture which is becoming increasingly important as re-development and intensification become more prominent forms of development. The review of proposed building and site design in the context of other development best practices (i.e. pedestrian and transit connections (and the continuity of grade-related activity)); public realm considerations (i.e. safety and comfort), compatibility and neighbourhood character, as well as built form are critical components in the review and evaluation of development applications.

The design of the built environment should strengthen and enhance the character of the surrounding neighbourhoods. Intensification within existing neighbourhoods is to be designed to be compatible and sympathetic to the neighbourhood character. The Official Plan also sets out that preference will be given to community design containing more compact forms of development that support higher densities, are pedestrian-oriented and encourage increased use of public transit.

The implementation policies of the City of Burlington Official Plan state that the preparation of design guidelines shall be required as part of the consideration of major site or area-specific development proposals which are to review and recommend solutions to issues such as compatibility with surrounding uses, transit use, micro-climate effects, pedestrian safety, noise abatement and issues of human scale and views.

Any City Council approved design guidelines are considered City policy and shall be implemented for all public and private development proposals.

City of Burlington Tall Building Guidelines (2017)

The City of Burlington Tall Building Guidelines are applicable across the City wherever tall buildings are permitted, and for the purposes of the guidelines, include any buildings over 11-storeys in height.

The Guidelines are broken down by the main components of a tall building, being the Building Base (Podium), Building Middle (Tower) and Building Top. Staff has completed a review of the proposed mixed use building in this context.

2.1 Podium Location

- c) *Where no streetwall has been established setbacks should create a 6.0 metre boulevard width to accommodate pedestrians, street trees and landscaping, and active at-grade uses*

A streetwall has not been established on Lakeshore Road. City Staff have prepared a conceptual streetscape design for Lakeshore Road and Old Lakeshore Road. The Lakeshore Road conceptual streetscape design requires a minimum width of 6.0 metres from the back of curb to the property line to facilitate the full extent of the streetscape along Lakeshore Road. This includes a 2.0 metre marketing zone, 3.0 metre clear path zone, 1.5 metre furnishing zone and a 0.5 metre edge zone. In order to achieve the desired streetscape for this area of Lakeshore Road and based on staff's streetscape plans, it has been determined that a ± 1.0 m road widening is sufficient in creating a 6.0 metre boulevard. This criterion has been met.

- e) *Where windows are proposed within the podium, an 11 metre separation distance shall be provided between adjacent properties. Where no adjacent buildings exist, a 5.5 metre setback is appropriate.*

The subject lands are trapezoidal in shape and are located and front three municipal roadways including Lakeshore Road, Pearl Street and Old Lakeshore Road. Currently there are no tall buildings constructed adjacent to the subject lands; however, 2083 Lakeshore Road was recently approved for a 27-storey mixed use building immediately east of the site. The proposed podium has no residential windows on east side of the building as it is the access to the underground parking garage and provides a 0.0 metre setback to Lakeshore Road, Pearl Street and Old Lakeshore Road.

There are no residential windows within the podium and the proposed tower residential windows are setback the required 12.5 metres from the east property

line staff are satisfied that there will be no overlook or privacy issues. This criterion is met.

2.2 Podium Height and Massing

- b) *Where no established streetwall exists, the minimum height of the podium should be 10.5 metres.*
- c) *The maximum height of the podium should be 80% of the adjacent right-of-way width, up to a max of 20 metres.*

The proposed development will provide a 2-storey podium with the appearance of a 3-storey building due to an internal mezzanine area between the second and third floor along all property lines. The podium will have an overall height of 10.5 metres. This criterion is met.

- f) *Stepbacks should be a minimum of 3 metres to ensure usable outdoor amenity space (i.e. patios).*

The proposed development is providing a 3.0 metres stepback above the second storey podium to the tower wall, which accommodates some private outdoor amenity spaces in the form of balconies. There is also the main outdoor amenity area provided on the second storey. This criterion is met.

2.4 Podium Design and Articulation

- d) *The design of the podium should be primarily constructed of 'heavy' materials such as brick, stone, or metal, to anchor the building.*

The podium consists of predominately clear glazing with brick. Staff feel that this criterion is met as the proposed brick pillars provide a visual anchor for the building while the proposed balancing glazing to highlight the retail use. The applicant proposed 40% glazing whereas 60% is required within the by-law. Staff have modified the proposal to provide 50% glazing along all street frontage and are of the opinion that the reduction still meets the intent of anchoring the building and allows for unique architectural design.

- e) *Portions of the podium that are not occupied by a tower should be used as outdoor amenity space to provide casual surveillance and interesting views from the street.*

All areas unoccupied by the tower on the second storey are used for outdoor amenity space. This criterion has been met.

- i) *Within a retail podium, the ground floor shall be predominantly clear-glazed to provide visual connections and enhance safety. Similarly, public elements of a residential podium (i.e. lobby, amenity space) shall be predominantly clear-glazed.*

- k) Mixed-use buildings with retail at grade should incorporate vestibules, frequent building entrances, canopies and structural overhangs to provide weather protection for the length of the street.*

The proposed building contains commercial/retail and a residential entrance in the podium, both of which are predominantly clear glazed. There are two commercial entrances with canopies overhead as this is a corner lot and a vestibule for residents of the building. These criteria are met.

2.5 Site Design, Open Space and Streetscaping

- a) Parking, servicing and loading shall be accommodated internally within the building podium and screened from the street.*

Parking, servicing and loading are accommodated internally within the building. The underground parking entrance is located at the rear of the building off Old Lakeshore Road and the service and loading entrance is located on Lakeshore Road as a drive thru. Both of these entrances will be screened from the public view by overhead doors and will be incorporated into the building design to minimize the visual impact. This criterion is met.

Middle Tower

3.1 Tower Location

- a) The placement of the tower shall have no adverse impacts on adjacent Residential Neighbourhood Areas, parks, open spaces, or natural areas.*

The proposed tower has been situated in a west orientation with a maximum floorplate of 750 m². Staff have reviewed the submitted and revised Shadow Studies and determined that the proposed tower placement will not have any adverse impacts on adjacent Residential Neighbourhoods, parks and open spaces.

This criterion is met.

- d) Where no towers currently exist, proposed towers shall be set back 12.5 metres from adjacent property lines to protect for a future 25 metre separation distance (split between each property).*

To the north of subject lands, across Lakeshore Road, are two existing developments at 374 Martha Street (26 storey mixed use building) and 2075 Lakeshore Road (29 storey mixed use building). To the west of the subject lands, across Pearl Street, there is an existing 22 storey apartment building at 2060 Lakeshore Road (Bridgewater Residence). The proposed tower is setback more than 25 metres from all three property lines and maintains an appropriate tower

separation distance. Additionally, the proposed tower is setback approximately 25 metres from the proposed building at 2083 Lakeshore Road. This criterion is met.

- e) *The tower should be stepped back at least 3 metres from the podium to differentiate between the building podium and tower, and to ensure usable outdoor amenity space (i.e. patios).*

The proposed tower is stepped back 3.0 meters above the podium and accommodates residential balconies and an outdoor amenity area on the second storey. This criterion is met.

3.2 Tower Height and Massing

- c) *The tower portion of a tall building should be slender and shall not exceed 750 square metres, excluding balconies.*

The proposed tower portion of the building has a floorplate of 750 m².

This criterion is met.

- d) *The massing of the tower, and its relationship to the building base, shall not result in adverse wind effects at the street level.*

The submitted Pedestrian Wind Study concluded that that wind conditions on and around the existing site are comfortable for pedestrian use throughout the year, except near an area to the west of the site along Lakeshore Road where the future bus island and shelter will be located and on the east side of the second storey outdoor amenity area that can be uncomfortable during the winter.

The revised Wind Study concluded that the design and location of the future bus shelter can act as a wind mitigation measure to ensure that the standing wind comfort level is achieved. Further, the Wind study concludes that mitigation measures for the second storey outdoor amenity area such as wind screens can be used to achieve a comfortable wind level. These details will be refined at the site plan stage.

This criterion is met.

3.3 Shadow/Sky Views

- b) *The design and placement of the tower shall have minimal impacts on adjacent residential neighbourhoods, parks, open spaces, or natural areas. Adverse shadow impacts shall not hinder the viability or enjoyment of these areas.*

The submitted and revised Sun Shadow Studies were evaluated by staff. Staff are of the opinion that the proposed building will have minor shadow impacts on the surrounding properties and boulevards.

This criterion is met.

- c) *The widest edge of the tower should generally be oriented in an east-west direction to minimize the impacts of shadows.*

The widest portion of the tower is oriented in an east-west direction. This criterion is met.

- d) *It is recommended that a shadow study be provided with tall building applications to demonstrate the impacts at the equinoxes (March 21 and September 21).*

The submitted Sun Shadow Study and revision evaluated the shadow impacts of the proposed building for March 21st and September 21st on the surrounding properties, sidewalks, and amenity areas.

The proposed development will cast new net shadows on the 4th floor private amenity area at 374 Martha Street and the adjacent boulevard along Lakeshore Road and do not meet the sun access factor calculation requirements. Although these two areas are not meeting the Shadow Study Guidelines and Terms of Reference (2020) requirements, it is the opinion of staff that the impacts to the adjacent private amenity area and boulevard are minor and will not have adverse impacts. Further, the private amenity area shadow impacts only affect a small portion on the east side of the building and the boulevard shadow impacts are being partially mitigated by the tower design and orientation.

This criterion is met.

3.4 Tower Design and Articulation

- e) *Balconies are encouraged within the tower to provide amenity space and additional articulation. They may be inset or extruding but should be a minimum of 1.5 metres to provide usable outdoor amenity space.*

The proposed building has both inset balconies in the tower portion. The balconies appear to be 1.5 metres in depth, but the dimensions were not provided. This criterion is met.

4.2 Mechanical Penthouse

- a) *Rooftop mechanical equipment shall be sized and located and screened from view, in order to protect or enhance views from other buildings and the public realm.*
- c) *Rooftop mechanical equipment should be limited to no more than 50% of the area of the uppermost floor, and setbacks on all sides should be no less than 3 metres from the edge of the floor below to ensure they are screened from view.*

The mechanical penthouse is setback 3.0 metres from the last storey to all lot lines. The mechanical penthouse equipment is located within the building and is screened from the public realm. This criterion is met.

Downtown Streetscape Guidelines (September 2019)

The Downtown Streetscape Guidelines (2019) establish a new vision, framework, and a set of design principles and strategies, which will provide guidance for the consistent application and renewal of the various downtown streetscapes. This may include the reconstruction of surface works such as sidewalks, curbs, crosswalks, and roadways together with the replacement or refurbishment of streetscape elements such as street trees, streetlighting, and furnishings (e.g. benches, waste receptacles, bike racks, bus shelters, and bollards). The guidelines are intended to help enhance and strengthen the public realm and contribute to the Downtown as an accessible, cohesive, identifiable, and vibrant destination within the city.

There are four zones that play a role in contributing to a high-quality streetscape which are the marketing zone, clear path zone, furnishing zone, and edge zone. A description of the zones is as follows:

- The marketing zone functions as an extension or spill-out of the adjacent building and its uses, whether it is for signage, the display of goods or a café or restaurant patio. This zone is typically located on private property and encourages businesses to use this portion of the boulevard as part of the downtown experience. A minimum 2m wide marketing zone is encouraged along streets that require at-grade retail and service commercial uses.
- The clear path zone provides an unobstructed and accessible public path of travel dedicated for pedestrians. This zone ensures a safe and comfortable walking experience and should be a minimum of 1.8m wide [complying with the minimum Accessibility for Ontarians with Disabilities Act (AODA) standards for two-way travel for people using mobility devices]. This width should increase – where space permits – along streets with heavy pedestrian volumes.
- The furnishing zone defined as the section of the boulevard between the back of curb and the Clear Path Zone. This zone is where street furnishings, trees, and utilities are provided. Typical streetscape furnishings include, but are not limited to, benches, bike racks, bollards, bus shelters and transit stops, pedestrian and traffic signal poles and street lighting, newspaper kiosks, mailboxes, street trees, utilities, and waste receptacles. This zone may also include green infrastructure elements such as bioretention facilities. This zone should be a minimum of 1.2m wide.
- The edge zone defined as the area immediately next to the Furnishing Zone and edge of roadway. This zone may include a variety of different elements including curb and gutters, corner and mid-block bump-outs, curb extensions, parklets, pop-up installations, green infrastructure, flexible pedestrian spaces, parking, and/or cycling infrastructure. It varies in width depending on which of the above strategies are employed. For example, this zone will generally be a minimum of 0.5m to

accommodate a standard or modified curb and wider when accommodating parking as part of a flexible street design.

City Staff have prepared a conceptual streetscape design for Lakeshore Road and Old Lakeshore Road. The Lakeshore Road conceptual streetscape design requires a minimum width of 6.0 metres from the back of curb to the property line to facilitate the full extent of the streetscape along Lakeshore Road. This includes a 2.0 metre marketing zone, 3.0 metre clear path zone, 1.5 metre furnishing zone and a 0.5 metre edge zone.

The applicant has submitted a revised Site Plan, prepared by Graziani + Corazza Architects, dated July 18, 2025, which shows the 6 metres proposed streetscape without identifying the specific width for each zone of the streetscape. Staff will require the applicant to submit revised plans as part of a Holding Provision to ensure that the elements of the Lakeshore Road streetscape design are secured. The detailed design of the streetscape will be done at the Site Plan stage.

City of Burlington Official Plan (2020)

On November 30, 2020, the Region of Halton issued a Notice of Decision approving OP 2020. The new Official Plan has been developed to reflect the opportunities and challenges facing the City as it continues to evolve. The new OP is subject to appeals. Appeals are currently before the Ontario Land Tribunal (OLT).

Section 17(27) 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 determination has been made as to the appeal status of the relevant sections of OP 2020.

The subject lands are designated 'Downtown Urban Centre – Old Lakeshore Road Mixed Use Precinct' to Schedule 'C' (Land Use – Urban Area) of OP 2020 and are located within a 'Primary Growth Area' (Schedule 'B-1' – Growth Framework).

Uses permitted within the 'Downtown Mixed-Use Centre – Old Lakeshore Road Precinct' designation may include:

- residential uses with the exception of single detached dwellings,
- semi-detached dwellings and other forms of stand-alone ground oriented dwellings;
- office uses;
- retail and service commercial uses;
- hotel uses;
- entertainment uses; and

- recreation uses.

The minimum building height shall be two (2) storeys, and the maximum building height shall not exceed ten (10) storeys or 15 storeys if the criteria listed under 8.1.1(3.6.1).

City of Burlington Zoning By-law 2020

The subject property is currently zoned “Downtown Old Lakeshore Road (DL-A)” in accordance with Zoning By-law 2020. This DL-A zone permits a mix of residential, retail and service commercial uses.

The applications propose to change the zoning to a site specific ‘Downtown Old Lakeshore Road (DL-A-566)’. The proposed development does not comply with some regulations including building height, floor area ratio, parking, and yard setbacks.

The following table outlines the requirements of the ‘Downtown Old Lakeshore Road’ (DLA) Zone, what is being proposed and staff’s modified recommendations.

Zoning Regulation	DL-A	December 2024 Proposal	July 2025 Proposal	Staff Recommended Modifications
Building Height	Min 2 Storeys Max 10 Storeys	Maximum 20 storeys (plus mechanical penthouse)	Maximum 23 storeys (plus mechanical penthouse)	No modification required
<p>Staff Comment:</p> <p>Since the initial submission, the applicant has revised the proposal to be a maximum height of 23 storeys including the mechanical penthouse to compensate for the road widening and to accommodate more family friendly units. The one-bedroom unit count has decreased from 47% of the unit count to 13% of the unit count with two-bedroom units increasing to 50% of the unit count (up from 26%) and three-bedroom units increasing to 37% of the unit count (up from 27%).</p> <p>Staff have reviewed the proposed development application in the context of the emerging built form of the Old Lakeshore Precinct. The emerging built form generally aligns with the approved context of the area with the adjacent properties approved by the OLT for 27 and 27 storeys and the approved 22 storey building at 2060 Lakeshore Road. Staff are of the opinion that this building height will provide a gradual height transition along Lakeshore Road and is appropriate within the development context.</p> <p>Staff reviewed the shadow, and wind impacts and are of the opinion the proposed development will not negatively affect adjacent lands or impede future growth.</p>				

Therefore, staff have no concerns for the increase in maximum height.				
Zoning Regulation	DL-A	December 2024 Proposal	July 2025 Proposal	Staff Recommended Modifications
Floor Area Ratio	4.5:1	11.5:1	13.9:1	13.85:1
<p>Staff Comment:</p> <p>A Floor Area Ratio of 13.9:1 is being proposed for the site. In reviewing the revised plans, a Floor Area Ratio of 13.81:1 was calculated for the development. Staff are recommending that the Floor Area Ratio be 13.85:1 to provide the applicant with some design flexibility for the building, while upholding the City’s objectives for the area.</p> <p>The proposed FAR will allow for intensification at an appropriate scale. Staff note that the increase in FAR to 13.85:1 is the result of the required road widening and does not increase the number of units. Therefore, staff are of the opinion that the proposed FAR, combined with the proposed setbacks, is appropriate for the site.</p>				
Zoning Regulation	DL-A	December 2024 Proposal	July 2025 Proposal	Staff Recommended Modifications
Minimum Floor Area for Retail or Service Commercial Use	N/A	595 m ²	300 m ²	325 m ²
<p>Staff Comment:</p> <p>The Downtown Old Lakeshore zone does not currently have provisions for a minimum floor area for retail and service commercial uses. Staff are recommending a minimum floor area provision be added to the by-law in order to achieve the active street frontage envisioned for Lakeshore Road and to ensure that some of the commercial space being removed from the property is being replaced.</p> <p>Staff note that due to the road widening requirement, the non-residential uses decreased in size and the applicant is asking for a minimum floor area of 300 m² for design flexibility. While staff are supportive of incorporating design flexibility into the by-law, it is the opinion of staff that 325 m² is too small of a minimum floor area when 393 m² is being proposed. Therefore, staff are recommending that 325 m² be provided for non-residential uses.</p>				

Staff are including this as a minimum and encourage the applicant to provide more commercial space if feasible to achieve the mixed-use goal for the area.				
Zoning Regulation	DL-A	December 2024 Proposal	July 2025 Proposal	Staff Recommended Modifications
Yard abutting Street: <ul style="list-style-type: none"> • Old Lakeshore Road • Lakeshore Road • Pearl Street Floors 1-2	3 m	0 m	0 m	0 m to column, 2.0 m to building
<p>Staff comment:</p> <p>The applicant is proposing a 0.0 m yard setback along Lakeshore Road, Old Lakeshore Road and Pearl Street to the first and second storey columns and a 2.0 metre setback to the first and second storey building wall. There are brick columns located 0.0 metres from the property, but Staff note that building edge of the first and second storey are setback 2.0 metres from Lakeshore Road, Old Lakeshore Road and Pearl Street. Staff are satisfied that an appropriate boulevard will be provided given that the additional lands being taken for the road widening will allow for the desired streetscape design along Lakeshore Road. A wider boulevard will provide opportunities for landscaping, commercial patios, sitting areas, and pedestrian connections. The setback will also enhance the public realm by creating a vibrant, pedestrian friendly streetscape.</p>				
Zoning Regulation	DL-A	December 2024 Proposal	July 2025 Proposal	Staff Recommended Modifications
Yard abutting street: <ul style="list-style-type: none"> • Old Lakeshore Road • Lakeshore Road • Pearl Street 	4 m	3 m	3 m	No modification required

Floors 3 -23				
<p>Staff comment:</p> <p>The applicant is proposing setback of 3.0 m along Lakeshore Road, Old Lakeshore Road and Pearl Street for the third to twenty-third storeys. Staff are satisfied that an appropriate setback and setbacks will be provided to ensure that massing is mitigated and will achieve a streetscape that is designed for Lakeshore Road. Wind and Sun Shadow studies were conducted and reviewed by staff. It was determined that the studies were appropriate for the site, will not have adverse wind and shadow impacts and mitigation measures can be implemented at the site plan stage. a holding provision will be included to ensure minor revisions to the Sun Shadow and Wind study will meet the City’s guidelines. This modification is required as a result of the additional road widening for the desired and enhanced streetscape.</p>				
Zoning Regulation	DL-A	December 2024 Proposal	July 2025 Proposal	Staff Recommended Modifications
Easterly Side Yard Setback to: Floors 1-2 Floors 3-23 Rooftop Mechanical	n/a	Floors 1 to 2 – 0 m Floors 3 to 19 - 12.5 m Mechanical Penthouse – 12.5 m	Floors 1 to 2 – 0m Floors 3 to 23 – 12.5 m Mechanical Penthouse – 15.5 m	No modification required
<p>Staff Comment:</p> <p>The proposal includes additional easterly side yard setbacks from the property lines to the tower portion of the building. The proposal includes an east side yard setback for floors 3 to 23 to ensure that the tower portion of the building is setback a minimum of 12.5 metres from the south property line.</p> <p>Staff feel that this is an appropriate setback to include in the by-law as it will provide design flexibility for the site while still maintaining the minimum separation distance requirement of the Tall Building Guidelines.</p> <p>Staff are satisfied that the appropriate side yard setback is achieved.</p>				
Zoning Regulation	DLA	December 2024 Proposal	July 2025 Proposal	Staff Recommended Modifications

Ground floor uses	Retail and Service Commercial uses shall be used within 15 metres of a public street	N/A	Community and ancillary residential uses such as residential lobby, garage rooms, mails rooms etc.	No modification required
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Staff comment:

The intent of requiring retail uses along a public street is for access and to add to a pedestrian oriented street corridor. 325 m² of retail and service commercial space will be provided on the ground floor with access to Lakeshore Road and Old Lakeshore Road, a portion of the ground floor will be intended for the residential aspect of the building.

Staff are confident that sufficient retail uses are included in the proposal.

Zoning Regulation	DL-A	December 2024 Proposal	July 2025 Proposal	Staff Recommended Modifications
Podium Glazing	60%	N/A	40%	50% glazing along all street frontages

Staff comment:

The applicant is proposing a minimum of 40% glazing on the podium abutting Lakeshore Road, Pearl Street and Old Lakeshore Road.

After reviewing the plans, staff are recommending that 50% glazing along Lakeshore Road, Old Lakeshore Road and Pearl Street be provided. This will allow for some design flexibility while ensuring that Lakeshore Road, Old Lakeshore and Pearl Street are maintaining an appropriate amount of glazing for the proposed non-residential use.

Staff are satisfied that with the architecture of brick and pillars with unique design demonstrated allows for a welcoming streetscape and will maintain adequate views of the retail space provided on the ground floor. The reduced glazing will maintain a enhance the public realm by creating a vibrant, pedestrian friendly streetscape.

Zoning Regulation	Part 1, Table 1.2.6	December 2024 Proposal	July 2025 Proposal	Staff Recommended Modifications
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<p>Parking Rate</p>	<p>Apartment Building: 1.25 spaces per unit, including visitor parking</p> <p>Parking Exemption Applies</p>	<p><u>Apartment Building:</u></p> <p>Resident: 0.98 per unit</p> <p>Visitor: 0 per unit</p>	<p>No change</p>	<p>No modification required</p>
<p>Staff Comment:</p> <p>The applicant is proposing a parking rate of 0.98 spaces per unit for a total of 161 parking spaces for the development, where as the Zoning By-law requires a parking rate of 1.25 parking spaces per unit for a total of 205 parking spaces.</p> <p>Transportation Planning staff have advised that based on the data collected from the 2024 occupancy surveys of downtown residential apartments / condominiums through the Downtown Parking Study, a reduced parking rate of 1.00 spaces per unit (0.94 residential / tenant parking spaces + 0.06 visitor parking spaces per residential unit) is an appropriate minimum in the Downtown. However, Transportation Planning staff have agreed to support the reduced parking rate of 0.98 parking spaces per unit to ensure the right of way widening and desired streetscape design for Lakeshore Road is achieved.</p> <p>Although the proposed parking rate is not meeting the zoning requirements or typically supported reduction in the downtown, staff are satisfied that the proposed parking rate is appropriate, will be offset and supported by Transportation Demand Measures and will secure the road widening and streetscape along Lakeshore Road.</p>				
<p>Zoning Regulation</p>	<p>Part 1, Section 2.13.1 (f)</p>	<p>December 2024 Proposal</p>	<p>July 2025 Proposal</p>	<p>Staff Recommended Modifications</p>
<p>Below Grade Parking Structure</p>	<p>A Parking structure below grade and less than 1.6 m above grade may</p>		<p>Front Yard: 0.0 m</p> <p>North side yard: 0.0 m</p> <p>South side yard: 0.0 m</p>	<p>No modification required</p>

	<p>encroach into a required yard but shall not encroach into a required landscape buffer, provided that a minimum 3.0 m setback shall be maintained from a street line or property line.</p>		<p>Rear side yard: 0.0 m</p>	
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Staff Comment:

The applicant is proposing a reduction to the below grade parking structure for all property lines. Development Engineering staff have reviewed the proposal and do not have any concerns with the reduced setbacks to the below grade parking structure. They note that the detailed design of the underground parking structure and setbacks will be reviewed at the Site Plan stage and further review may be required. Urban Forestry and Landscape staff advise that a minimum 30m³ of soil per tree in a single tree pit and 20m³ per tree in a shared planting environment is required to ensure trees have enough space and soil volume to survive. Urban Forestry and Landscape staff believe that the proposed below grade parking setbacks will provide enough space and soil volumes for the proposed landscaping on site. Therefore, staff are supportive of the proposed reductions.