

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: March 18, 2022

CASE NO(S): OLT-22-002239
(Formerly) PL200040

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	Lakeshore (Burlington) Inc.
Subject:	Request to amend the Official Plan - Failure of the City of Burlington to adopt the requested amendment
Existing Designation:	Downtown Mixed-Use Centre – Downtown Core Precinct
Proposed Designated:	Site specific amendment to permit increased height and density
Purpose:	To permit a 29-storey mixed use building with 675 square metres of ground floor retail/commercial space, 280 residential units and the adaptive reuse of the heritage building located at 383-385 Pearl Street as live/work units
Property Address/Description:	2069-2079 Lakeshore Road, 383-385 Pearl Street
Municipality:	City of Burlington
Approval Authority File No.:	505-06/18
OLT Case No.:	OLT-22-002239
Legacy Case No.:	PL200040
OLT Lead Case No.:	OLT-22-002239
Legacy Lead Case No.:	PL200040
OLT Case Name:	Lakeshore (Burlington) Inc. v. Burlington (City)

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: Lakeshore (Burlington) Inc.

Subject: Application to amend Zoning By-law No. 2020
- Refusal or neglect of the City of Burlington to
make a decision

Existing Zoning: DC - Downtown Core

Proposed Zoning: Modified 'DC' with site specific exception to
increase height, density, parking, amenity
area and setbacks

Purpose: To permit a 29-storey mixed use building with
675 square metres of ground floor
retail/commercial space, 280 residential units
and the adaptive reuse of the heritage building
located at 383-385 Pearl Street as live/work
units

Property Address/Description: 2069-2079 Lakeshore Road, 383-385 Pearl
Street

Municipality: City of Burlington

Municipality File No.: 520-08/18

OLT Case No.: OLT-22-002241

Legacy Case No.: PL200041

OLT Lead Case No.: OLT-22-002239

Legacy Lead Case No.: PL200040

PROCEEDING COMMENCED UNDER subsection 41(12) of the *Planning Act*, R.S.O.
1990, c. P.13, as amended

Referred by: Lakeshore (Burlington) Inc.

Subject: Site Plan

Property Address/Description: 2069-2079 Lakeshore Road, 383-385 Pearl
Street

Municipality: City of Burlington

OLT Case No.: OLT-22-002242

Legacy Case No.: PL200640

OLT Lead Case No.: OLT-22-002239

Legacy Lead Case No.: PL200040

Heard: March 11, 2022 by video hearing ("VH")

APPEARANCES:

Parties

Lakeshore (Burlington) Inc.

Counsel

Jennifer Meader
Anna Toumanians

City of Burlington

Blake Hurley

Region of Halton

Kelly Yerxa

**MEMORANDUM OF ORAL DECISION DELIVERED BY WILLIAM R. MIDDLETON ON
MARCH 11, 2022 AND ORDER OF THE TRIBUNAL**

[1] The Parties to this proceeding are the City of Burlington (“City”), the Upper Tier Municipality Region of Halton (“Region” or “Halton”) and Lakeshore (Burlington) Inc. (“Appellant” or “Lakeshore”). The Appellant owns the lands located at the municipal address of 2069 Lakeshore Road, 383-385 Pearl Street in the City (“Subject Site”) and has proposed a mixed-use development including a 29-storey residential tower on that site (“Development”). As part of the Development, the Appellant also proposed the adaptive reuse of the heritage building located at the Subject Site as live/work units.

[2] The Ontario Land Tribunal (“OLT” or “Tribunal”) delivered a Decision granting Lakeshore’s appeal dated October 27, 2021 (“2021 Decision”). As noted in paragraph [85] of the 2021 Decision, the Tribunal invited the Parties to seek its assistance in the event that the Parties were unable to agree on the final form and content of the amendment of the City’s Zoning By-law 2020 (“ZBA”) as ordered in paragraph [82] 2. or had any other difficulties or disputes concerning the implementation of the Orders made in the 2021 Decision.

[3] The Tribunal also noted in the 2021 Decision that the Parties had sought to defer the site plan aspect of the Appellant’s appeal, pending further negotiations and the outcome of the appeal.

[4] This matter came on for a hearing before the OLT on March 11, 2022 to deal with the Parties’ settlement of the remaining issues relating to the ZBA and also regarding the agreement relating to the site plan for the Development on the Subject Site.

[5] On consent of all Parties, David Faletta, a professional Ontario urban planner, was qualified to provide opinion evidence on land use planning matters. He provided an affidavit sworn March 10, 2022, comprising a total of 31 pages, including Exhibits A to E inclusive thereto. In Exhibit E, was a list of 41 drawings, plans and other documents related to the City's Site Plan approval, all of which were separately provided to the Tribunal.

[6] Mr. Faletta opined in his Affidavit and in his oral evidence before the Tribunal at the VH that:

1. He adopted the opinions expressed by Peter Smith in his testimony for the Appellant in the previous appeal hearing and as set out in Mr. Smith's Witness Statement and Reply Witness Statement all as described in great detail in the 2021 Decision;
2. In accordance with the 2021 Decision, the Applicant and the City have been engaged in further discussions regarding the final form and content of the ZBA and the Site Plan approval. These discussions have culminated in an official plan amendment ("OPA") included as Exhibit C to his Affidavit, the ZBA included as Exhibit D, and a Site Plan, list of related drawings and Conditions of Site Plan approval, included as Exhibit E thereto;
3. The final OPA amends the site-specific policies for the Subject Site in order to facilitate the proposal development and permit a 30-storey (29-storeys building plus a partially occupied mechanical penthouse) mixed use building consisting of at-grade retail and service commercial uses with 320 residential units above and the conservation of a portion of the heritage building at 383-385 Pearl Street to be use for live/work purposes. The OPA is the same as the one presented to the Tribunal in July 2021 by

the Applicant and is now being provided in the format acceptable to the City;

4. The final ZBA and the Site Plan approval reflect the following features:
 - (a) The retention, relocation and adaptive reuse of a portion of the Acland Houses heritage building as live/work units;
 - (b) The demolition of two low-rise commercial buildings;
 - (c) The development of a new 29-storey mixed use building including a 4-storey base building pulled close to the Pearl Street and Lakeshore Road property lines. Two additional levels for rooftop mechanical equipment are also shown;
 - (d) A total of 318 new residential units are proposed, including two live/work units, 220 one-bedroom units, 94 two-bedroom units and 2 three-bedroom units;
 - (e) A total gross floor area (“GFA”) of 23,415.5 square metres is proposed, including the retained portion of the existing building, resulting in an overall density of 9.43 Floor Space Index; and
 - (f) The proposed GFA includes 22,146 square metres of residential GFA, 501.6 square metres of non-residential GFA, 213 square metres of live/work space and 555 square metres of indoor amenity.

5. The ZBA rezones the Subject Site to a site-specific DC-511 (Downtown Core), Exception 511, Zone. Modifications to the parent DC Zone include:
 - (a) Deeming the width of Lakeshore Road as 24 metres.
 - (b) Permitting retail, service commercial, all office uses and a residential lobby on the ground floor of an apartment building and the retained heritage building.
 - (c) Modified building setbacks for the podium, tower, balconies, any outdoor pools, underground parking structures, and a visibility triangle.

- (d) Modified maximum building height requirements for the podium, tower, and mechanical elements.
 - (e) The inclusion of a maximum number of residential units.
 - (f) An increased floor area ratio.
 - (g) A minimum amount of retail, service commercial and office uses on the ground floor.
 - (h) Maximum floor areas for each of the podium, tower and mechanical elements.
 - (i) A reduction in the minimum parking ratio for apartment dwelling units.
 - (j) The requirement for community benefits to be provided.
6. The final Conditions of Site Plan approval are included as Exhibit E. A total of 22 conditions would be imposed, including the standard City conditions and conditions to address the requirements of outside agencies, including the Region and specific conditions relating to the particular elements of the Site Plan;
7. The OPA, ZBA, Site Plan, list of related drawings and the Conditions of Site Plan approval appropriately implement the development and satisfy all the applicable legislative tests, including s. 41(4) of the *Planning Act*, since the Site Plan:
- (a) Shows the location of all buildings and facilities and has regard for accessibility for persons with disabilities.
 - (b) Along with the building elevations, shows the building and cross-section views, the massing and conceptual design of the proposed building, its relationship to adjacent buildings, streets and exterior public areas.
 - (c) Illustrates that interior walkways are connected to exterior walkways and ultimately connects to streets.

- (d) Along with the building elevations, illustrates the exterior appearance of the proposed building.
 - (e) Along with the landscape plan, illustrates the landscaping, paving materials, street furniture, and curb ramps.
 - (f) Has regard for accessibility for persons with disabilities.
8. The proposed Conditions of Site Plan approval appropriately address the matters in s. 41 (7) since the Site Plan:
- (a) Provides a 2-metre widening along Lakeshore Road.
 - (b) Includes access ramps, curbs and traffic direction signs.
 - (c) Locates all vehicular loading and parking facilities within the ground floor and below grade.
 - (d) Includes a comprehensive walkway system connecting the building, including the elevator lobby, to the abutting municipal sidewalks.
 - (e) Includes facilities designed to have regard for accessibility for persons with disabilities.
 - (f) Will provide adequate lighting as required by the Conditions of Site Plan approval.
 - (g) Has been designed to adequately mitigate any unacceptable built form impacts.
 - (h) Includes storage and waste collection areas.
 - (i) Includes stormwater management and servicing facilities to address storm, surface and wastewater.
 - (j) Will ensure that the building is maintained to the satisfaction of the City through Conditions of Site Plan approval; and
 - (k) Approval requires the Owner to enter into a site plan agreement.
9. The OPA, ZBA, Site Plan, list of related drawings and the Conditions of Site Plan approval are consistent with the Provincial Policy Statement 2020, conform with the Growth Plan 2019 and conform with the City of Burlington Official Plan, once amended;

[7] The Tribunal accepts the evidence of Mr. Falletta and is satisfied that the Parties' resolution meets the requirements of s. 41(4) and s. 41(7) of the *Planning Act*. The Tribunal is also satisfied that the Parties' settlement is reasonable and in accordance with s. 3 of the *Planning Act* and is consistent with the provisions of the Provincial Policy Statement, 2020 and conforms to the Growth Plan 2019, the City's Official Plan and represents good planning.

[8] The Parties have asked the Tribunal to schedule another hearing date in the event that issues arise with respect to the implementation of the Orders set out in paragraph [14] below.

[9] The Tribunal has scheduled a **one (1) day VH to commence at 10 a.m. on Thursday, April 28, 2022** as follows:

<https://meet.goto.com/656004293>
Access Code: 656-004-293

[10] Parties and participants are asked to log into the VH at least **15 minutes** before the start of the event to test their video and audio connections.

[11] Parties and participants are asked to access and set up the application well in advance of the event to avoid unnecessary delay. The desktop application can be downloaded at [GoToMeeting](#) or a web application is available:

<https://app.gotomeeting.com/home.html>.

[12] Persons who experience technical difficulties accessing the GoToMeeting application or who only wish to listen to the event can connect to the event by calling into an audio-only telephone line: **Toll-Free 1-888-299-1889 or +1 (647) 497-9373**. The **Access Code** is as indicated above.

[13] Individuals are directed to connect to the event on the assigned date at the correct time. It is the responsibility of the persons participating in the VH to ensure that they are properly connected to the event at the correct time. Questions prior to the hearing event may be directed to the Tribunal's Case Coordinator having carriage of this case.

ORDERS

[14] The Tribunal Orders as follows:

1. For the Official Plan Amendment appeal contained within OLT File No. OLT-22-002239:
 - a. The application to amend the City of Burlington Official Plan by Lakeshore (Burlington) Inc. respecting the lands located at 2069-2079 Lakeshore Road, 383-385 Pearl Street is approved in accordance with Attachment 1 attached hereto;
2. For the Zoning By-Law Amendment appeal contained within OLT File No. OLT-22-002241:
 - a. The application to amend City of Burlington Zoning By-law No. 2020 by Lakeshore (Burlington) Inc. respecting the lands located at 2069-2079 Lakeshore Road, 383-385 Pearl Street is approved in accordance with Attachment 2 attached hereto;
3. For the Site Plan appeal contained within OLT File No. OLT-22-002242:
 - a. The proposed Site Plan and list of related drawings respecting the lands located at 2069-2079 Lakeshore Road, 383-385 Pearl Street are approved in accordance with Attachment 3 attached hereto and subject to the Conditions of Site Plan Approval attached as Attachment 4.

[15] This Member is seized.

“William R. Middleton”

WILLIAM R. MIDDLETON
MEMBER

Ontario Land Tribunal

Website: www.olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal (“Tribunal”). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

OLT-22-002239 – Attachment 1**AMENDMENT NO.128 TO THE OFFICIAL PLAN
OF THE BURLINGTON PLANNING AREA****CONSTITUTIONAL STATEMENT**

The details of the Amendment, as contained in Part B of this text, constitute Amendment No. 128 to the Official Plan of the Burlington Planning Area, as amended.

PART A – PREAMBLE**1. PURPOSE OF THE AMENDMENT**

The purpose of the amendment is to amend the existing Downtown Core Precinct by introducing site specific policies for 383-385 Pearl Street, 2069 Lakeshore Road and 2079 Lakeshore Road. The redesignation of the property will facilitate the development of a 29 storey mixed use building consisting of at-grade retail and service commercial uses with 320 residential units above and the conservation of the heritage building at 383-385 Pearl Street to be use for live/work purposes.

2. SITE AND LOCATION

The subject lands are located at the north-east corner of Lakeshore Road Pearl Street in the City's Downtown Core Precinct within the Urban Growth Centre. The site has an area of 0.24 hectares (0.61 acres) and is currently occupied by the heritage building at 383-385 Pearl Street and two other low rise commercial buildings. The policies apply to 383-385 Pearl Street, 2069 Lakeshore Road and 2079 Lakeshore Road on a site-specific scale, as detailed in the respective policies. Surrounding land uses include a range of mixed use towers, commercial, live/work townhouse uses, a place of worship and residential apartment buildings.

3. BASIS FOR THE AMENDMENT

The City's Urban Growth Centre plays an important role in accommodating population and job growth. Mixed use development within the Urban Growth Centre with access to transit contributes to intensification and supports the long term sustainability of the city.

- a) The subject application proposes intensification that is consistent with the Provincial Policy Statement (PPS). The PPS promotes densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and supports the use of public transit.
- b) Directing intensification to areas in proximity to transit and within a strategic growth area and providing policies that identify the appropriate type and scale of development assists the City in achieving its intensification and housing supply

targets and meet the intent of the Provincial "Places to Grow" Growth Plan and the Region of Halton Official Plan.

- c) The redesignation of the property to permit a higher density tall building form supports the City's objective to broaden the range of housing forms and supply to meet City needs in a manner that is compatible with surrounding properties and uses.
- d) The applicant submitted technical studies and reports that provide adequate and appropriate information to support the development.

PART B – THE AMENDMENT

1. DETAILS OF THE AMENDMENT

Map Change: None Proposed

Text Change:

The text of the Official Plan of the Burlington Planning Area, as amended, is hereby amended as follows:

To add the following policy p) to Part III, Land Use Policies - Urban Planning Area, Section 5.0, Mixed-Use Activity Area, 5.5.8.2, Downtown Core Precinct as follows:

<p>North-east corner of Lakeshore Road and Pearl Street</p>	<p>p) Notwithstanding Part III, Subsection 5.5.8.2 b), c) and d) of this Plan, for the lands described as 383 – 385 Pearl Street, 2069 Lakeshore Road and 2079 Lakeshore Road, the maximum height of buildings <i>shall</i> be 31 storeys and 107 metres, including mechanical penthouse and elevator machine room. The maximum <i>floor area ratio shall</i> be 12.0:1. Retail, <i>service commercial</i>, office, live/work, and residential lobby are required continuously at grade along public streets in residential, mixed-use or office buildings.</p>
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2. INTERPRETATION

This Official Plan Amendment shall be interpreted in accordance with the "Interpretation" policies of Part VI, Implementation, Section 3.0, Interpretation, of the Official Plan of the Burlington Planning Area.

3. IMPLEMENTATION

This Official Plan Amendment will be implemented in accordance with the appropriate "Implementation" policies of Part VI of the Official Plan of the Burlington Planning Area.

OLT-22-002239 – Attachment 2**BY-LAW NUMBER 2020.439, SCHEDULE 'A' AND EXPLANATORY NOTE****THE CORPORATION OF THE CITY OF BURLINGTON****BY-LAW NUMBER 2020.439**

A By-law to amend By-law 2020, as amended; for 383-385 Pearl Street, 2069 Lakeshore Road and 2079 Lakeshore Road,
File Nos.: 505-06/18 & 520-08/18 & 535-013/20

WHEREAS Section 34(1) of the Planning Act, R.S.O. 1990, c. P. 13, as amended, states that Zoning By-laws may be passed by the councils of local municipalities; and

WHEREAS the Ontario Land Tribunal issued a decision on March 11, 2022, to amend the City's existing Zoning By-law 2020, as amended, to permit a 31-storey building 320 residential units, commercial uses on the street level and live/work uses within the heritage building at 383-385 Pearl Street;

THE ONTARIO LAND TRIBUNAL AMENDS ZONING BY-LAW 2020 AS FOLLOWS:

1. Zoning Map Number 9A-E of PART 15 to By-law 2020, as amended, is hereby amended as shown on Schedule "A" attached to this By-law.
2. The lands designated as "A" on Schedule "A" attached hereto are hereby rezoned from DC to DC-511.
3. PART 14 of By-law 2020, as amended, Exceptions to Zone Designations, is amended by adding Exception 511 as follows:

Exception	Zone	Map	Amendment	Enacted
511	DC	9A	2020.439	
1. <u>Regulations for an Apartment Building and the existing Heritage Building (383-385 Pearl Street)</u>				
a) Notwithstanding, Part 1, Section 2.27 – Table 1.2.9, the deemed width of Lakeshore Road shall be 24 m.				

Exception	Zone	Map	Amendment	Enacted
511	DC	9A	2020.439	
<p>b) Notwithstanding Part 6, Section 2A, Table 6.2.1, footnote (g), permitted uses on the ground floor of an apartment building shall include retail, service commercial, all office uses and a residential lobby.</p> <p>c) Notwithstanding Part 6, Section 2A, Table 6.2.1, footnote (g), permitted uses on the ground floor within 383-385 Pearl Street shall include retail, service commercial, all office uses and residential uses.</p>				
d) Yard Abutting Lakeshore Road:				
i) Floors 1 to 4			0 m	
ii) Floors 5 to 31			2.5 m	
iii) Balconies or terraces			0 m 3	
iv) Outdoor Pool			m	
e) Yard Abutting Pearl Street:				
i) Floors 1 to 4			0 m	
ii) Floors 5 to 31			2.5 m	
iii) heritage building (383-385 Pearl Street)			0 m	
iv) Balconies or terraces			0 m	
f) Yard Abutting a DC Zone (east)				
i) Floors 1 to 4 (excluding garage ramp enclosure)			0 m	
ii) Floors 5 to 31			22 m	
iii) Garage ramp enclosure			0 m	
iv) Balconies or terraces			19 m	
v) Outdoor Pool			3 m	
g) Yard Abutting a DRM Zone (north)				
i) Floors 1 to 31 (excluding garage ramp enclosure)			12.5 m	
ii) Garage ramp enclosure			0 m	
iii) heritage building (383-385 Pearl Street)			0 m	
iv) Balconies or terraces			9.5 m	
h) Below-Grade Parking Structure				
i) Abutting Lakeshore Road			0 m	
ii) Abutting Pearl Street			0 m	
iii) Abutting all other property lines			0 m	
i) Building Height				
Maximum:				
i) Podium			4 storeys to 18 m	

Exception	Zone	Map	Amendment	Enacted
511	DC	9A	2020.439	
ii)	Tower – 30 th floor		100 m	
iii)	Tower – 31 st floor (include mechanical penthouse and elevator machine room)		107 m	
j)	Building Height Minimum: Second Storey		3.2 m	
k)	Maximum Number of Residential Units		320	
l)	Floor Area Ratio		12:0:1	
m)	Minimum Retail, Service Commercial, and All Office Uses on Ground Floor		400 m ²	
n)	Maximum Floor Area:			
i)	Floor 5		810 m ²	
ii)	Floors 6 to 22		760 m ²	
iii)	Floors 23 to 30		735 m ²	
iv)	Floor 31		160 m ²	
o)	Mechanical Penthouse (Floor 30)		In addition to an outdoor amenity area, a maximum of 600 m ² of floor area may be used for an indoor amenity area, elevator lobby, stairs, mechanical and/or storage rooms.	
p)	Apartment Dwelling Units		1 space per unit	
q)	Surface parking permitted			
r)	Visibility Triangle		5m x 5m	
s)	Setback from the hypotenuse of a visibility triangle		0 m	
t)	Minimum distance of any building or structure, including below-grade parking, from the hypotenuse of a daylight triangle		0 m	
2. <u>Community Benefits To Be Provided</u>				
Entry into an agreement authorized under Section 37 of the <i>Planning Act</i> , requiring the following contribution:				

Exception	Zone	Map	Amendment	Enacted
511	DC	9A	2020.439	
a) Incorporation and preservation of 383-385 Pearl Street heritage façade into proposed development in accordance with Cultural Heritage Conservation Plan, dated April 2021- assessed benefit of \$810,000;				
b) Provision of \$200,000 contribution to cycling infrastructure / future bike-share facility along Lakeshore Road- payable prior to issuance of above-grade building permit.				

EXPLANATION OF PURPOSE AND EFFECT OF BY-LAW 2020.439

By-law 2020.439 rezones lands on 383-385 Pearl Street, 2069 Lakeshore Road and 2079 Lakeshore Road to permit the development of a 31-storey building with 320 residential units, commercial units on the street level and live/work units within the heritage building at 383-385 Pearl Street.

For further information regarding By-law 2020.439, please contact the City of Burlington Department of Community Planning at (905) 335-7600.

LIST OF RELATED SITE PLAN DRAWINGS

The following plans and documents have been approved as part of the City of Burlington's review for Final Site plan approval:

A. Turner Fleischer (dated September 10, 2021):

1. Cover Page SPA 0.00
2. Statistics SPL 0.01
3. Context Plan SPL 1.00
4. Site Plan (Roof) SPA 1.01
5. Site Plan (Ground) SPA 1.02
6. U/G Level 6 SPA 2.01
7. U/G Level 6 Lower SPA 2.01a
8. U/G Level 5 to U/G Level 3 SPA 2.02
9. U/G Level 2 SPA 2.03
10. U/G Level 1 SPA 2.04
11. Floor 1 SPA 2.05
12. Floor 2 SPA 2.06
13. Floor 3 SPA 2.07
14. Floor 4 SPA 2.08
15. Floor 5 SPA 2.09
16. Floor 6 SPA 2.10
17. Floor 7 – 22 SPA 2.11
18. Floor 23 – 28 SPA 2.12
19. Floor 29 SPA 2.13
20. Mech. P/H SPA 2.14
21. Roof Plan SPA 2.15
22. Elevations SPA 3.00
23. Elevations SPA 3.01
24. Elevations SPA 3.02
25. Sections SPA 4.00
26. Waste Management Plan 1 SPA SPA 5.00
27. Waste Management Plan 2 SPA 5.01
28. Exterior Lighting Specifications SPA 7.01
29. Exterior Lighting Specifications SPA 7.02
30. Bicycle Rack Specifications SPA 8.00
31. Exterior Finish Schedule

B. Ferris+Associates (dated April 23, 2021):

1. Tree Preservation and Removal Plan TPR1*
2. Ground Floor Landscape Plan SPL1
3. Amenity Landscape Plans SPL2

4. Amenity Planting Plans SPL3
5. Landscape Details SPL4
6. Landscape Details SPL5

C. Paradigm Transportation Solutions (dated August 2021):

1. Functional Road Design FD1

D. S. Llewellyn and Associates (dated April 2021):

1. Grading and Erosion Control Plan C101*
2. Site Servicing Plan C102*
3. Composite Utility Plan C103*

Note*: These drawings may be subject to redlined revisions as the development proceeds through detailed design and subsequent stages of the development process.

OLT-22-002239 – Attachment 4

1



COMMUNITY PLANNING DEPARTMENT

CONDITIONAL SITE PLAN APPROVAL

DATE: Thursday March 10, 2022

APPLICATION NAME: Lakeshore (Burlington) Inc.

ADDRESS: 2069-2079 Lakeshore Road, 383-385 Pearl Street

FILE: 535-013/20

The Owner shall fulfill the following conditions **prior to obtaining Final Site Plan Approval** and within 2 years from the date of Conditional Site Plan Approval, failing which, such approval shall lapse; and

THAT the conditions of Site Plan Approval are as follows:

1.0 Legal Group

- 1.1. Execute and register an agreement under Section 41 of the Planning Act or any other agreement to the satisfaction of the City Solicitor dealing with all the facilities or matters shown on the plans and drawings and the conditions set out herein, and all matters related to the development of the site plan.

2.0 Site Engineering

- 2.1. Submit for approval details of all outside lighting (both at grade and on upper level outdoor amenity areas) including, but not limited to, security, landscape and decorative lighting. Lighting details shall include: Fixture specifications and photometric calculations for all lighting levels along property lines and other strategic locations Full cut- off lighting fixtures (to achieve dark sky, BUG U-0) for all luminaries including bollards Average parking lot/laneway illumination 20 lux with an Max to Min uniformity ratio of 20:1 or less Lighting levels at the property line shall be less than 2 lux Security lighting and wall packs to have fully adjustable optics or be equipped with glare shields Back light signs to be equipped with light diffusers and, All fixtures installed higher than 6 m and facing residential areas must have adjustable glare shields. Barrier Free parking spaces to achieve min. 30 lux, main walkways to achieve min. 30 lux, main entrances to achieve min. 100 lux, light levels at entrance to be min. 50% brighter than ambient, facial recognition (@ 1.5m) will be looked at in amenity areas and walking paths, please reference the City's Outdoor Lighting Guidelines and Accessibility Design Standards when undertaking the lighting design. To the satisfaction of the Director of Engineering Services or their delegate.
- 2.2. Provide revised S. Llewellyn & Associates Limited Civil Engineering Drawings, signed/stamped by a P. Eng., as outlined in the memorandum dated September 17, 2020, to the satisfaction of the Director of Engineering Services or their delegate.
- 2.3. Submit for approval a Utility Coordination Plan which indicates, but is not necessarily limited to, the following:
 1. The location of all existing and proposed above ground utilities (i.e. street lights,

hydro poles, transformers and pedestals, cable and Bell pedestals, hydrants, and gas meters) within the City's road allowance that fronts the subject property and within the subject property limits

- 2.4 Prior to the commencement of any site work, install hoarding around trees identified on the approved landscape/tree saving plan and implement the City's tree protection standards for those trees to be saved. Call 335-7600 Ext 7428 to arrange for an inspection. Hoarding is to remain in place and be maintained for the duration of construction.
- 2.5 Submit for approval details of all streetscape work including street lighting and tree planting, to the satisfaction of the Director of Engineering Services or their delegate.
- 2.6 Pay the City fees identified in Schedule D.

3.0 Zoning Group

- 3.1. Zoning By-law Amendment, file 520-03/16, to be approved and finalized.
- 3.2. A Zoning Clearance Certificate is required to be applied for.
- 3.3. Non-Residential Development Charges Form is required be submitted, in addition with a letter from an Ontario Land Surveyor confirming the floor area of the buildings to be demolished, the number of units and bedroom count for each unit if residential OR the area and type of space (commercial / office). Please note that Development Charges and Park Dedication will be required to be calculated as part of the review of the Zoning Clearance Certificate and paid prior to issuance of a Building Permit, and demolition permits are required to be applied for to receive any demolition credits to Development Charges.
- 3.4. Updated survey showing height from grade is required to be submitted.

4.0 Planning Group

- 4.1. Pay the City fees identified in Schedule D (Item #'s 13 and 15 to be determined).
- 4.2. Submit revised architectural and design details, if required.
- 4.3. Submit the site plan in a compatible AutoCAD (2000) file via email or file transfer software.

5.0 Urban Forestry/Landscape

- 5.1. A Tree Permit is required for all works around city trees, in accordance with Public Tree Bylaw 68-2013, including the payment of the Tree Permit fee and securities for trees to be retained. Removal of city trees will require council approval.
- 5.2. Provide an updated Arborist Report and Tree Preservation Plan for the review and approval of the Manager of Urban Forestry or delegate, showing the health and condition of existing trees on site and describing any preservation methods to be implemented by the owner prior to, during, and post-construction to ensure the survival of existing trees to be preserved in accordance with SS12A. Alternate layouts and construction measures should be considered and discussed in the Arborist Report to ensure any proposed removals are necessary and justified. Given the review of proposed site works, Tree #4 shall be marked for removal and reflected as such in the Arborist Report and Tree Preservation Plan and coordinated across all civil drawings including the CMMP. The removal of Tree #4, similar to the other public tree removals requested by the applicant will require compensation to be determined by staff using the City's method of calculation and will also require Council Approval.
- 5.3. Provide a Composite Utility Plan, for approval, that clearly shows setbacks from rootballs and soil cells to all ducts. The CUP shall be in accordance with Burlington Hydro standards and to the satisfaction of Burlington Hydro and Engineering Services.

6.0 Region of Halton

- 6.1. The Owner submits a Ministry of Environment, Conservation and Parks acknowledged Record of Site Condition (RSC), and any supporting materials, to that satisfaction of the Region of Halton. For clarity, the submission of a RSC does not prevent the issuance of the Regional Services Permit and will be addressed prior to final approval of the municipal water and wastewater servicing connections for this site.
- 6.2. The Owner shall contact the Regional Services Permit Section (extension 7879) for a more detailed review of the proposed water service connection lateral, wastewater service connection lateral and to obtain a Regional Water and Wastewater Services Permit, and pay all necessary fees. The issuance of a Regional Services Permit is Halton Region's confirmation that servicing will be available to service this site. Any water or wastewater service connections that currently exist to the property, that will not be utilized, currently exist in duplication or are deemed substandard, will be required to be disconnected at their respective mains by the Owner. Services are not permitted to cross lot lines for this or future Planning applications. The proposed new sanitary sewer connection lateral may require a property line sanitary inspection manhole as per the Region's Standards. The proposed new water service connection lateral may require a precast concrete valve chamber with three valves installed (instead of a tapping sleeve and valve) on the existing watermain, as per Halton Region's Water and Wastewater Linear Design Manual. This will be confirmed at the time of Regional Services Permit application review. The Owner will receive all of the Region's suggested site servicing drawing revisions at the time of the Owner's Regional Services Permit application.
- 6.3. The Owners agree that they will comply with the Region's multi-unit servicing policy as set out in Report PPW01-96 and specifically Section 3.2 as follows: "The servicing requirements consist of individual water meters and individual water shut off valves for each unit with individual water laterals for each unit going directly to the unit from the watermain without passing in front of or behind or through any other units, unless the piping is located in a tunnel pipe corridor, common basement or parking garage".
- 6.4. That prior to final site plan approval a Waste Management Plan prepared in accordance with ROP Design Guidelines, and prior to commencement of waste collection, a completed waste management plan and drive through agreement must be provided by the Owner.
- 6.5. That prior to final site plan approval, a certified and stamped engineer's letter stating the underground parking slab can withstand the weight of a fully loaded waste management vehicle is required to be submitted to the satisfaction of Halton Region.