

401-417 (407) Martha Street – Ward 2

Ontario Land Tribunal (OLT) Appeal Update- April 18, 2023

At its meeting of March 30, 2023 Burlington City Council approved the recommendation of Confidential Legal Report L-21-23 to accept an offer to settle the issues in dispute between Landform Development Group Inc & 2413350 Ontario Inc. and the City with respect to the non-decision appeal currently before the Ontario Land Tribunal (“OLT”). As part of a subsequent approval through Legal Report L-21-23, Council approved the recommendation that the planning analysis attached as Appendix ‘B’ to L-21-23 be released publicly and posted on the City’s webpage under Planning and Development Applications for Ward 2, while retaining solicitor/client privilege over the balance of this matter in its entirety.

The settlement between the City and Landform Development Group Inc & 2413350 Ontario Inc. resolves the issues in dispute between the City and Landform Development Group Inc & 2413350 Ontario Inc. on the basis these parties will seek OLT approval of a revised development proposal and related Official Plan and Zoning By-law amendments for the site. The revised development proposes the following:

- Reduced residential unit count from 130 units to 111 units;
- Increased density of approximately 652 units per hectare from 407 units per hectare, due to the exclusion of the floodplain area from the calculation of lot area;
- Decreased gross floor area (GFA) from of 14,152m² to 12,500m²;
- Floor Area Ratio of approximately 7.35:1, excluding floodplain from calculation of lot area;
- Increased total building height of 50.5 metres (including mezzanine and penthouse) from 39.7 metres;
- Increased total building height of 14 storeys (not including mezzanine and penthouse), which includes a 6-storey podium from 11 storeys;
- The front wall of the building steps back 1.5 metres above the fourth floor. Balconies on the 6th floor project into this stepback;
- The front wall of the building steps back an additional 3 metres above the sixth floor, where the building transitions from podium to tower;
- Tower floorplate of 769 m² above the sixth floor;
- At ground level, the rear and side walls of the building are set back a minimum of 6 metres from the Regional Flood Line. Outdoor amenity space is proposed within this 6-metre ground-level setback. On levels 2-14, portions of the building and balconies are cantilevered over this space, maintaining a minimum setback of 4.8 metres (walls) and 3.3 metres (balconies) from the Regional Flood Line on levels 2-14;
- Below grade, the underground parking structure has a minimum zero-metre setback from the Regional Flood Line and from the front and south-side lot lines;
- Building width of 48 metres (podium) and 30 metres (tower), reduced from originally proposed width of 69 metres (lower building) and 65 metres (upper building);
- Amenity space: 221 m² indoor + 1,968 m² outdoor = 2,189 m² total (approximately 19 m² per unit). Total amenity space includes rooftop amenity, patios, private balconies, and ground-level outdoor space, but excludes lands within the floodplain;

- 118 parking spaces (1.06 spaces per unit, including visitor parking) within four-level underground parking structure;
- Front setback of 3 metres;
- South side setback of 3 metres;
- North side setback of 22.5 metres from the current shared property line with the Centennial Trail; and
- Rear setback of 12.5 metres (on levels 2-6) from the current shared property line with the properties to the east on Harris Crescent.

A copy of the planning analysis is available on the development application webpage, along with a copy of the conceptual site plan for the revised development.

How does this impact the hearing scheduled to commence on May 8, 2023?

The City and Landform Development Group Inc & 2413350 Ontario Inc. will be requesting that the OLT convert the hearing that is scheduled to commence on May 8, 2023 to a settlement hearing. At that settlement hearing, the City and Landform Development Group Inc & 2413350 Ontario Inc. will be requesting that that the OLT approve the revised Official Plan and Zoning By-law amendments to permit the revised development plan.