1010 Downsview Road and 355 Plains Road East – Ward 1 Ontario Land Tribunal (OLT)

Appeal Update – November 2, 2023

At its meeting of November 2, 2023 Burlington City Council approved the recommendation of Confidential Legal Report L-47-23 to accept an offer to settle the issues in dispute between 335 Plains Holdings Inc. & 355 Plains Holdings Inc. and the City with respect to the non-decision appeal currently before the Ontario Land Tribunal ("OLT"). As part of this approval, Council approved the recommendation that the planning analysis attached as Appendix 'B' to L-47-23 be released publicly and posted on the City's webpage under Planning and Development Applications for Ward 1, while retaining solicitor/client privilege over the balance of this matter in its entirety.

The settlement between the City and 335 Plains Holdings Inc. & 355 Plains Holdings Inc. resolves the issues in dispute between the City and 335 Plains Holdings Inc. & 355 Plains Holdings Inc. on the basis these parties will seek OLT approval of a revised development proposal and related Official Plan and Zoning By-law Amendment for the site. The revised development proposes the following changes:

1. Additional commercial space at the corner of Plains and Downsview in the buildings on Lots A and B for a total of 977 m2 commercial spaces being provided. As a result, the main building entrances were moved to Downsview Drive;
2. Increased building height on 1010 Downsview Drive from 8 storeys to 9 storeys;
3. Increased building height of east tower on 355 Plains Road from 10 storeys to 11 storeys;
4. On 1010 Downsview Drive and 355 Plains Road, the 3-storey townhouses were shifted south (further away from existing low-rise development) by 1 m by reducing the drive aisle width from 7 m to 6 m;
5. Increased the setback of the east tower on 355 Plains Road from 3.86 m to 5.5 m for storeys 1-11;
6. Increased the step back along Downsview Drive on 1010 Downsview Drive and 355 Plains Road from 1.52 m to 3 m;
7. Increased the underground parking garage setback to 5 m on 1010 Downsview Drive and 5.7 m on 355 Plains Road;
8. Decreased parking requirement for 1010 Downsview Drive at ratio of 1.1 per unit; and
9. Decreased parking requirement for 355 Plains Road at a ratio of 1.05 per unit.A copy of the planning analysis of the revised proposal is available on the development application webpage, along with a copy of the conceptual site plan for the revised development.

<u>How does this impact the hearing scheduled to commence on December 11, 2023?</u>

The Parties to the hearing will be requesting that the OLT convert the hearing that is scheduled to commence on December 11, 2023 to a settlement hearing should all parties reach a settlement with 335 Plains Holdings Inc. & 355 Plains Holdings Inc. If the hearing is converted to a settlement hearing, the Parties will be requesting that that the OLT approve the revised Official Plan and Zoning By-law amendments to permit the revised development plan.

For up-to-date information on the status of the appeals, and for information about upcoming hearing dates, visit the OLT webpage for this appeal. Questions about the appeal process can be directed to the Case Co-ordinator using the contact information on the OLT webpage.