

# Memorandum

Sept 9, 2021

**Regarding: Planning Application Files 505-01/21 and 520-01/21  
407 Martha Street previously referred as 401 – 417 Martha Street (Ward 2)  
Submitted by; 2413350 Ontario Inc.**

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**To:** The Corporation of the City of Burlington  
Melissa Morgan, Planner 11  
Heather MacDonald, Director of City Building  
Lisa Kearns, Ward 2 Councilor  
Marianne Meed Ward, Mayor

**From:** Gary Care, Sylvia Christie  
Jim Shaw, Beth Shaw  
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## Introduction

The residents of the townhouses on Martha Street, that includes five units ( ) located directly across the street from the proposed development, strongly reject the current Application for the development of an 11-story building outlined therein, as it is substantially out of character in regards to the *Village Square Precinct* as delineated in the City of Burlington's Official Plan.

- 1) 11 storeys are an 80% variance from the DRH parameter of maximum 6 Storey 22 meters. It is 8 storeys higher than our 3 storey townhouses across the street.
- 2) The Application is requesting 130 Units (separate dwellings) on a small parcel of land which results in density of 407 Units per hecter compared to the current and previous zoning of 185 units per hecter.
- 3) The Application requires a 6-meter set-back from the property line at the front facing Martha Street. For the purpose of justification, the 407 Application (11 storey) makes a comparison to the adjacent 12 storey apartment 395 Martha St. Note that the set-back of 395 Martha 12 storey apartment building is 18 meters from the street.
- 4) If approved this building will be the highest structure in the Precinct without regard to the vision, intent and spirit of the newly created Village Square Precinct as outlined in the City of Burlington's Official Plan.

For purpose of clarity the referenced Village Square Precinct location\border.

-East; Martha St from Pine St north to Centennial Pathway also referred to as Elgin St Pathway

-South; Pine St from Martha St to Elizabeth St

-West; Elizabeth St from Pine St to Centennial pathway

-North; Centennial Pathway from Elizabeth St to Martha St

### **OFFICIAL PLAN** (summary highlights)

The Village Square Precinct will serve as a pre-eminent retail destination with predominantly *low-rise* residential uses within stand alone or mixed-use building

*Development shall* generally transition to a lower scale residential built form along Martha Street.

...the transition *shall* include a *compatible* interface to the (*Martha Street*) townhouses which *may* require the use of building setbacks, step backs, property consolidations, lower building heights than the maximum permitted for mid-rise buildings...

## **Chapter 8 – Land Use policies – Urban Area**

### **8.1.1(3.10.1) POLICIES**

*Development* within the Village Square Precinct *shall* be comprised of predominantly *low-rise buildings* and some *mid-rise buildings* as shown on Schedule D-2: Downtown Urban Centre Heights, of this Plan.

*Development shall* generally transition to a lower scale residential built form along Martha Street.

The Village Square *development* located at 415 Elizabeth Street *shall* be maintained as a low-rise retail *development* and *shall* as part of any future *development*:

Where *development abutting* the townhouses on Martha Street exceeds four storeys in height, the *development shall* incorporate an appropriate built form transition in height and massing to minimize the impact of shadowing and overlook. Although a 45 degree angular plane is not required, the transition *shall* include a *compatible* interface to the townhouses which *may* require the use of building setbacks, step backs, property consolidations, lower building heights than the maximum permitted for mid-rise buildings, building orientation to reduce afternoon shadow, balcony orientation to reduce overlook and other possible transition tools as further described in Section 8.1.1(3.19.4) and in the Downtown Placemaking and Urban *Design Guidelines*.

### **8.1.1(3.10.2) Site-Specific Policies**

#### **8.1.1(3.11)**

401 to 417 Martha Street: The property located at 401 to 417 Martha Street *shall* be permitted a maximum building height of 22 metres and *shall* provide a built form transition to Martha Street and the Centennial Pathway.

This site (401-417) is currently Zoned Downtown High Density Residential DRH-H (Holding) with the following development regulations;

Height: 22 m maximum (Approx. 6 Storeys)

Front Setback: 6 m; 7.5 m abutting a street having a deemed width of 26 m or more

Density: 185 units per hectare maximum

Building setback abutting a creek block: 7.5 m, 4.5 m if block includes a 3 m buffer

Various other regulations are to be considered under the DRH -H Zoning on this site but wanted to highlight the major issues

*Note that 2085 Pine which is directly to the rear of the Martha Street townhouses has similar site-specific policies.*

### **8.1.1(3.11)**

2085 Pine Street: The property located at 2085 Pine Street *shall* be permitted a maximum building height of 23 meters and *shall* provide a built form transition to adjacent low-rise *development* in accordance with Section 8.1.1(3.10.1)(e) of this Plan.

### **Effect on Martha Street**

Multiple Developments in the Martha Street area that are currently approved and/or pending approval represent approximately 40% of the current development in process in the Downtown Urban Center. Martha Street is a side street not a main artery for traffic. If approved as per the developer's plans it will have a dramatic impact on the residents on Martha Street.

- Directly across the from the Martha St Townhouses (██████████) Applicant of the 11 storey.
- There is currently an Appeal for 11 Storeys at 2085 Pine St directly behind the Martha St Townhouses.
- One block south of the precinct at 374 Martha St is an enormous (ADI) tower of 26 storeys .
- A few meters north of the precinct at Martha St and James St, Mattamy is in the process of obtaining approval of 13 storeys.

These 4 high rise dwellings, all within a two block area, total 61 Storeys of development that have approximately 500 condos and upwards of 1000 new residents.

### **Traffic Flows**

The pedestrian traffic is significant on Martha due to 1) cyclists walkers' runners that utilize the Centennial Pathway, many of which travel down Martha to Pine to reach the downtown core and Spencer Smith Park. 2) There are also a significant number of seniors in the area crossing Pine St and Martha. Pine and Martha will be the primary streets traveled to access the new dwellings... Pine is already compressed with traffic along its very narrow street.

### **Summary**

The developer is attempting to maximize its financial viability to the detriment of the Martha Street Residents, the Village Square Precinct and the City of Burlington, without consideration of the existing neighborhood character in terms of scale, massing, height, siting, setbacks, coverage, parking and amenity areas without providing appropriate transition between the existing and proposed buildings.

Sincerely



Gary Care