


Burlington, Ontario.

January 23, 2018

To: Planning and Development Committee

From: Tom Muir, Resident.

Subject: Statutory Meeting; **Supplementary Information and Directions Regarding the Proposed Downtown Mobility Hub Precinct Plan and Proposed Official Plan Policies**

Dear Councilors;

I am out of town and will not be able to delegate personally to this meeting. Therefore, I am providing this written delegation for the record of this Statutory Meeting of January 23.

Some of my comments will be partial repetitions from my previous delegations going back several months; however, I have also included new material that provides further context.

And I must say at the outset, that the new Supplementary Information report to this meeting is 33 pages that is impossible to review and formulate an understanding and interpretation for response and comments in the time given for this meeting.

It seems that staff is recommending that this report be considered with the draft OP in the scheduled Feb. 27 P&D Committee meeting on the proposed OP, for adoption of that OP by Committee followed by adoption by Council.

In my view, this is yet another installment of the too much too fast process being implemented here. It does not consider that this is unrealistic in the timeline provided for public review.

This installment, with others to come in rapid succession, is another reason why the timeline needs to be revised again.

1. I will begin what I am able to assemble here for written delegation, with one of my latest reviews of city reports pertinent to both the Downtown Hub Precinct Plans and the overall proposed OP.

I just finished reading more than 80 comment submissions, of almost 300 pages, to the November 30 Committee meeting on the OP and Downtown. More than 90% were from the development industry.

In a nutshell:

- I saw that almost none are happy;
- almost none want it approved as is;
- one developer critic sees it as too loose, such that it could be interpreted to mean almost anything;
- collectively, all want even more density, height, tall buildings, very tall buildings commercial/employment conversions to residential, permissions for residential, fewer restrictions, more flexibility, numerous tweaks and revisions of language, and other considerations.
- Inclusions of lands not in Mobility Hubs, in the Hub.
- Many of these requests are for permissions that exceed even the highest heights, and most intensification-loaded proposals, beyond city needs, and in the draft form OP that is so publically controversial and opposed.

Other complaints were lack of engagement, consultation, and response to comments, with particular demands that planning provide all of the supposed background studies justifying their plans to the public, and to provide written responses and explanations to all the concerns, comments and questions submitted.

Collectively, the development community does not support proceeding with approval on the timeline proposed and without this wanted documentation and process.

There are two reviews provided of the entire OP and comments that this is the worst OP they have ever seen – that it is based on dreamy assumptions about traffic and transportation which is already a problem, is driving out existing business, and with high condos will replace it with what’s known as “throwaway commercial”. This kind of criticism is frequent.

The bottom line, whoever you believe, is that this cannot be responded to and fixed to a good result for all citizens, in the still totally rushed and artificial timeline that is proposed.

This is an incredibly consistent read that is remarkable I think. If all of this discontent is the object of appeasement, you can kiss goodbye to the downtown, and many other parts of the city.

I support all of the motions being brought forth by Councilor Meed Ward. They are well rationalized and I think go a long way to meet citizen concerns and objections.

But the only one, Motion 1, that is consistent with getting this grand plan right, is to take the time needed to do so - and make the OP an election issue.

That is, to get a whole plan, integrating all the parts that will be needed to make it actually work, and be understandable to the public.

The all-around reception of the draft OP puts it in serious disarray at planning. Planning is already largely piecemeal in their approach, and the public cannot possibly interpret and understand what is being proposed without all the bits and pieces.

The draft OP introduction says that the plan needs to be read in its entirety to be understood, but that is not the way the planners are making it available.

There is no explanation for this too much too fast rush, and no one seems happy with this pace, which is not needed.

So I think it necessary to support Motion 1, and make approval an election issue and put it off until then.

If Council is so convinced the draft OP as written, with all kinds of loose ends hanging out all over, is good enough, then they can give the voters a chance to come to understand it, and then to let their votes decide.

2. One very public concern about the planning for two recently approved projects (421 Brant St, and 35 Plains Rd E) and three application proposals (2100 Brant St; 92 Plains Rd E; and 454 Plains Rd. E) involves the very important development and intensification policy of “compatibility”, which includes 13 criteria, and is intended to be applied in the context of the in force existing OP – that is compatible with what exists.

It is not to be determined in the imagined, non-existent context of some planning documents that have not received public vetting or Council approval, and have no policy implications, as they do not yet exist. It is not appropriate or “good planning” to couch this compatibility criterion in terms of an uncertain and undefined notion of “emerging” context.

Unfortunately these unofficial documents form a major component of language and ideas contained in the planning justification documents of both staff for approvals, and developers in applications.

How is this justified as good planning?

Staff appears to be already reviewing these applications in light of the unapproved OP. Look at the staff reports, and look at the developer proposal planning justifications to see this kind of language.

Then look at approvals on Brant and Plains Rd, for example, and see how the existing OP is amended to reflect just this unapproved language and rationale. Then look at developer proposals and see the same thing.

This new OP does not yet exist legally, but it is being used anyways.

3. Another very important missing piece of the proposed OP and Hubs plans includes discussion of the parts of the PPS that emphasize the economy, economic opportunity, existing business, commercial economic development, and so on. There is no commercial/employment background study showing how this key policy “shall” mandate will be planned for and built in the proposed OP and Hubs plans.

With the population intensification emphasis that I usually see, including what we are looking at here, there is little concern with this, aside from the condo builds. So what we are seeing is too little and not fully serviced “throwaway” commercial, and the planning is putting existing business out of business.

This is what token “mixed use” does in fact, when balance is not built into the plans and zoning, and commercial is not protected, and from the economic development values of dense residential zoning that drive commercial business losses.

What I have said on this previously is that the proposed OP, intensification, and the Hubs in particular, are based on fantasies of some kind of tall building utopia where the business dead will rise again.

I copy this piece from one of my previous delegations. There may be other relevant parts of the PPS to draw on, but this is all I used.

“Section 1.3.1 of the PPS states that Planning authorities shall promote live/work, economic development and competitiveness by: a) providing for an appropriate mix and range of employment and institutional uses to meet long-term needs; b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses.

In other words, the Strategic Plan and the PPS mandates the need for commercial uses to be planned for and increased not reduced, and the needs of existing business to be accounted for, not sacrificed. But the proposal contradicts what the policy calls for. It talks about complete communities, but goes in the opposite direction.”

Notice the directions inherent in the words “shall” and “mandates”. I do not see these directions being followed in the city quest focused on population intensification.

4. To elaborate point 3 further, note that included in this, is the jobs component of the Growth Plan, which is largely ignored. The non-residential component is always lagging in attention as you know the condos are a much easier sell and that's where the push is.

This is a general thing that I noticed in my development charges committee experience - the Region finances the non-residential component of the need for services to meet the BPE numbers and residential builds, and the non-res DCs lag.

There is no staff commercial/employment plan except a paper and pencil reality, commercial zoning is endangered (not where the money is), population based intensification is going the other way, and so on.

This concern with the urban economic aspect is missing from the projects I have delegated and commented on, and the de-commercialization continues apace with applications submitted under the existing OP.

The economic pressures of permissible heights are also ignored. As height and density go up, the price of land inflates speculatively (this is where the real money is made).

Everything in the way of application land assembly gets neglected, rents go up, and existing businesses can't afford the new rates, and get burned.

Walkability targets decline, car use is forced up, congestion gets worse (Burlington is seen as a traffic mess already), and is a reason why some employment areas are not taken up.

5. There is no transportation plan, transit supply increases will not automatically create demand and are not provided that way, and operating costs of running empty buses act as a brake.

Staff are assuming car ownership rates to fit their urban design, traffic gets worse, buses get caught in it too, despite small tweaks like traffic signal control to green on buses, and so on and so on, in a sort of feed-forward amplification loop. Buses do not take people everywhere they need or want to go in practical reality times they have available, and the purposes.

In my city DC experience, we were told by Vito Tolone that Burlington wasn't building any more roads, and I recall that City Manager James Ridge recently said the same thing.

Despite this, with the help of car ownership and modal split assumption, we have never seen a traffic study for an application ever fail the test - there is never a traffic impact, and the roads can handle whatever.

For just one thing that always stands out in the staff report is the traffic and parking assertions. These are completely at odds with public comment and concern. I suggest that they do this in part to enable the heights and densities that are wanted, and cannot be physically accommodated in the build.

Further enabling are assertions that traffic is never above the road capacity, no matter how much is added, and the cumulative load is never considered. It doesn't matter what the real road congestion situation is.

The parking requirements are similarly nonsensical to me. There is increasingly a departure from the reality of multiple car ownership per unit.

I agree that not every unit will have 2 or more cars, but it's just fantasy to say and assume that all units will have mostly 1 car, and thus dismiss the parking issue that is a reality.

All those thousands of unaccounted for vehicles are not going to disappear because the planners refuse to recognize they exist.

6. As I alluded to above, I have acquired a new appreciation for compatibility. It is clearly important beyond what I thought before seeing additional material, and then seeing some of it myself in action. This is particularly abused as a policy in the developer planning justifications and some staff reports, for example with our experience on Plains Rd.

The shortcoming of the planners in not enforcing the existing in force OP is becoming clear to me to be a big problem. It is reasonable to see that the existing OP is just being used as a vehicle to implement what they want the proposed, and not approved OP to be, or beyond.

The developers are catching on and that is what we are seeing, and it goes beyond even the most extreme. It's getting out of control.

There needs to be some accountability in planning for this. I don't see it as appropriate or "good planning", however you might want to describe it.

7. Also, all the missing pieces to support delivery and practical workings of the plans warrant emphasis. I will repeat some things here, but they summarize critical missing pieces, and are from another of my written delegations, this one for November 30, Statutory Meeting.

I apologize for this repetition, but it's important to repeat this issue over and over again in the deliberations you are undertaking. Consider it a restatement of some things in a different wording and context, and shows the issues are known and have been brought to your attention a number of times by a number of people.

I wrote, in one part;

"Statutory Meetings – 1. Proposed new official plan (PB-50-17); 2. Proposed downtown mobility hub precinct plan and proposed official plan policies (PB-81-17)

There are so many missing pieces that are critical parts of any plan that is to function, to actually work and deliver good results for the residents of the city. As has been said – whose city is it?

The OP approval plan timeline is leading and out of synch with the Mobility Hubs approval timeline plan. The Hubs plans are the major component of how the proposed OP will be delivered.

Even a cursory look at the Hubs plans reveals huge growth plans that are only half-baked. Without these Hubs reviewed by an engaged public before being approved means the proposed OP will also be half-baked if it proceeds to approval as it is proposed, far ahead of the Hubs plans, which are very far from complete.

There is no transportation/transit plan – a big hole. There is no concrete idea to be seen how people will get around anywhere, just convenient assumptions and assertions without proof.

You are not mandated to just tell people to walk – that's just deluded thinking.

There is no traffic or parking plan. There is no plan to deal with all the extra cars the planners are unwilling to admit will appear and are not providing for. No active transport plan to help up the modal split, while admitting it will never replace the car.

The biking plan will go down in flames when the New St. trial is cancelled, as staff recommends and Committee agreed.

There is no employment/commercial plan.

In the meantime, proposals that are being approved based on proposed ideas that have no force and effect, and as a result the killing of existing business and commercial continues apace.

When you read the Aldershot specific Hubs paper as an example, they talk loud about office/commercial numbers in the future, but in the meantime, in the present, the killing floor is in action.

How you get commercial in the OP and Hubs by driving out the only existing business that is there, by design, is beyond me.

These essential parts of the whole are missing, and there are others not mentioned here. But it seems that the planners and Council don't care.

What is being suggested by Council is that half-baked is good enough. This is nuts to me"

In conclusion, I return to my initial opinion and request that the Motions brought forward at this meeting be debated and supported.

Further, as I have outlined here, there is a substantial opinion and desire by the public, and even the development industry, that the draft proposed OP and Mobility Hub plan for the Downtown, as a major related component of the City, and of the draft OP, are proceeding far too fast, with no time for appropriate public comment and staff response, and with too many critical missing pieces in the city piecemeal approach.

Other critical pieces such as Precinct Plan policies were introduced before the proposed, revised OP, and the Mobility Hub plans are either lagging, or like the Downtown Plan, are being rushed with too little time to review and research all the material. Staff indicates that there may be further unknown, precinct policy changes introduced at some unspecified date, or after the OP passes.

The timeline changes made still put the Statutory Meeting on the proposed OP on February 27, a few days longer than one month from this meeting date of Jan. 23. This process timing is flawed on several levels and needs to be revised again.

Again, it's all too much too fast, and not necessary. It's not "good planning" as it does not "provide full, clear, and accurate information on planning matters to decision makers and the public", according the Professional Code of Practice requirement for all members of the Ontario Professional Planners Institute.

The piecemeal approach being followed is not full disclosure. Does staff think it is? Will they tell us?

More time is needed – to complete needed studies, including planning and design rationales behind Precinct and other policies in question; to review policy proposals; to consider and approve a whole integrated OP document; more time to make it an election policy issue.

This is a critical document guiding the City for at least until 2031, but is part of the 25 year strategic plan. So what's the rush?

This written delegation contains numerous but far from all the reasons I request that you support the Motion 1 to postpone approvals until after the election, so the public can exercise their rights to choose what they want for their city.

Thank You,

Tom Muir