

Planning Justification Report  
Applications to Amend the City of Burlington Official Plan and Zoning By-law 2020  
Reserve Properties Ltd.  
Southeast Corner of Brant & James Streets  
City of Burlington

Attention: Susan McInnes

I have reviewed the above report and am strongly opposed to the requested amendments to the OP and zoning by-law. In my review I concentrated on the forty seven page section devoted to the Planning Justification Report. Throughout that section I found that Wellings Planning Consultants quoted widely from growth plans prepared by the Province, Halton Region and Burlington's own yet to be approved new Official Plan. While these plans are specific in some areas they all contain goals for intensification that are vague and aspirational in nature. I would suggest that the opinions expressed in the Wellings' report that seek to justify acceptance of the Reserve proposal are just that: opinions. To suggest that high rise buildings will bring vibrancy and an improved quality of life to the downtown core is at least a controversial if not outright false statement. Planning towards a more dense living environment less dependant on automobiles is a laudable and necessary step society must at some point embrace. However, it will be some time yet before people are willing to give up their cars and we need to plan with a recognition of the realities of today's world. It appears in reading the Wellings report that the author believes repeating a hypotheses or an opinion often enough gives it the status of fact. The whole report is riddled with specious arguments of this type.

In the following review of the report I seek to bring to your attention the weaknesses, and questionable assumptions contained in the document.

## ACCOMMODATIONS

The proposed development, the Wellings report states: “provides for a broad range of accommodation for individuals, couples and families”.

Along with this assertion goes the oft used term “suitable” or “affordable”. I would suggest that both are misleading statements because:

54% (122) of the 227 planned units are to be one bedroom and therefore unsuitable for families.

Based on land economics it's unlikely that a baseline two bedroom unit will sell for less than \$600,000 making it affordable only for high income earners whom, if they can afford this price, are unlikely to opt to put their family in a high rise building. The three bedroom units will be out of reach for most of us and the mix of owners will inevitably be, as is the case in similar buildings: affluent seniors, professional childless couples and investors who may or may not take up actual residence in the building.

The 2017 census results indicate that the average gross family income in Ontario is \$70,336. Using a typical bank mortgage calculator and inputting an income double that average, a \$100,000 down payment and no other debt, the result indicates a family *might* be able to afford a \$600,000 home. Here in Burlington the average family income is 25% higher than the provincial average but using this number, ( approx \$88000.) and the same down payment still leaves that family well short of making the \$600.000 threshold achievable.

None of the currently approved or proposed high rise developments in the urban core offer the cheaper option of rental accommodations.

So much for affordable housing and “bringing families downtown”.

## **PARKING**

The Wellings report states:

*“The parking complement proposed is adequate for a site within the centre of downtown where the intent is to provide development that has less reliance on the automobile and is more transit supportive. The continued implementation of higher parking standards will discourage the use of transit and encourage the use of the automobile as the preferred mode of travel.”*

My opinion:

The Reserve building will provide .97 spaces per unit with only three additional spaces for ‘commercial’ which I interpret as being reserved for those working in the main floor retail outlets? The report justifies this minimal parking provision by pointing out that: *“There is no parking requirement for commercial in the Downtown Area”*.

I take the lack of parking for ‘commercial’ to mean that if more than three people work in the commercial areas of the building and drive to work they will be forced to park elsewhere in the area. If the report is accurate about our city’s lack of commercial parking requirements in the downtown, that is a serious planning omission and an issue that should be addressed in the new official plan.

In addition, it has been *recommended* to Reserve Properties that the building should be marketed in a way that attracts those that are prepared to be less reliant on their cars and amenable to using public transit or to cycle. This advice makes sense ideologically but we in Burlington have the highest per capital car ownership numbers in the province so, realistically, it’s questionable if the future residents of this building will accept this restriction.

The parking issue is further complicated by the possible ‘unbundled’ pricing concept being considered.

That option would see parking spaces sold separately from unit pricing. If adopted this strategy can only result in owners resorting to parking elsewhere.

To suggest, as the report does, that the public parking lot adjacent to the Elgin Promenade is available for overflow parking speaks to a fundamental lack of understanding of the current realities of parking in the downtown during anything close to peak demand periods. (not to speak of special event occasions) This *alternative* parking area has already been impacted by the expansion of the Elgin Street Promenade and will be further reduced by the planned 'parkette' adjacent to the south end of the Reserve building making this option even less viable.

It is also noted in the report that surface parking is located on the east side of John street implying that option is available to residents of the proposed development. However it should be noted that the lot on that location is designated in the new official plan as "Downtown Core - available for development to a maximum height of 17 storeys. Not today, but someday.

A car-share *possibility* for the proposed development is "being considered but "a decision has not been finalized". This would be a desirable alternative but it cannot be included as a justification unless and until it is made a firm commitment.

Under the section Intensification Analysis (BOP) falls this section:

**(II) off-street parking is adequate (page 12)**

The parking study done for the Wellings's Report by Paradigm Transportation recommends that .93 parking spaces per unit is adequate because:

*"The reduced parking requirement has been recommended by Paradigm for several reasons including proximity to the John Street bus terminal; TDM measures such as unbundling of parking, enhanced bicycle parking and car share; and availability of municipal parking including nearby parking lots and on-street metered parking.*

One cannot help but ask: if 'off street parking is adequate', why then is part of the rationale used in the study, the availability of municipal parking and on-street metered parking? Also, the fact that the unbundled parking concept and the car share service are at present no more than 'considerations' tells us that, as of now, **the proposed number of .93 spaces per unit of off street parking is in fact, not adequate!**

## **Transit Resources**

It is not the fault of city planners or past or present city councils that our transit system is inadequate. While we have issues of poverty we are largely an affluent population and we will rely on our automobiles until circumstances or technology force us all to change our habits. The demographic group that currently use public transit are not in anyway similar to the target market for this development.

Our own city council has acknowledged that the John Street bus terminal's mobility hub designation is inappropriate. It falls well short of the Metrolinx definition of a mobility hub and, given its location, it can never meet the criteria for that designation. In fact a motion is currently being brought before council to remove the inappropriate mobility hub designation from our downtown.

To address the issue of the missing mobility hub and support its claim that adequate transit facilities exist in the downtown the Wellings report quotes section 2.1b from Burlington's Strategic Plan 2015 - 2040. That section states:

*"Mobility hubs are being developed and supported by intensification and built forms that allow walkable neighbourhoods to develop. Metrolinx will have worked with the city to ensure the creation of hubs aligns with intensification and built form objectives."*

This statement means absolutely nothing unless Metrolinx and the city have or will, (in a practical timeframe) create a true mobility hub in the downtown core. I assume that the planning department would be aware if such a plan is even being discussed?

Much needed new funding is now being made available to Burlington Transit but it is focused on improving the existing service. As of now we have no downtown mobility hub that “aligns with intensification and built form objectives”.

I would also suggest that today’s already inadequate transit service will be negatively impacted by the new traffic load on John Street. Both the Carriage House and Reserve developments plan vehicle entry and egress on John Street, as well as accessing their towers from that narrow street for service and delivery requirements.

Mr. Wellings expresses the opinion that the proposed development conforms to the “Growth Plan” and cites this section of the ROPA to support this view. ( page 6/7 of his report below)

*“Intensification Areas is defined by ROPA 38 as follows:*

*“means lands identified by the Region or its Local Municipalities within the Urban Area that are to be the focus for accommodating intensification.*

*Intensification Areas include Urban Growth Centres, Major Transit Station Areas (including Metrolinx-designated Mobility Hubs), Intensification Corridors, and Mixed Use Nodes”. (underline added)”*

He has underlined the words urban growth centre and it cannot be denied that our city council of 2006 did identify our downtown core as such. However the further description included in the definition of ‘intensification areas’ adds ‘major transit station areas including Metrolinx-designated Mobility Hubs’.

On page 7 is a picture of what Metrolinx has posted on its web site as representative of a Mobility Hub.

The official Metrolinx definition of a Mobility Hub per its web site is:

A mobility hub is more than just a transit station. Mobility hubs consist of major transit stations and the surrounding area. They serve a critical function in the regional transportation system as the origin, destination, or transfer point for a significant portion of trips. They are places of connectivity where different modes of transportation – from walking to biking to riding transit – come together seamlessly and where there is an intensive concentration of working, living, shopping and/or playing.



Note: it cannot be denied that in 2011 Metrolinx identified downtown Burlington as a transfer ‘node’. However, it is no more than a *spoke* in the Mobility Hub network. Metrolinx clearly states that a Mobility Hub “is more than just a transfer station” and the distinction between the two is key to the intensification debate.



A bus station such as ours is no more a justification for dense intensification than is a bus stop.

## Employment and Amenities in the Downtown Mixed Use Centre

Today our downtown does offer much in the way of amenities. The PAC provides a cultural centre and there are numerous restaurants and a mix of shopping opportunities. Spencer Smith Park is and will remain the principal reason people visit our downtown and it's obvious that the downtown population will grow considerably over the next twenty years. Yes, we've got the population growth part of the equation well in motion, but . . . **there's a key component missing in the rosy descriptions of the downtown's future contained in the Wellings report.**

*"Two (2) key principles of the Downtown Mixed Use Centre are as follows:*

*i) this area shall accommodate a significant share of population and employment growth within the City; and*

***ii) this area shall accommodate high density employment."***

Mr. Wellings has provided his own opinion on the above two goals, that being:

*"To establish minimum density targets for residents and jobs in accordance with the "Places to Grow" Growth Plan for the Greater Golden Horseshoe."*

My own opinion is based not on a fanciful "**if you build it they will come**" movie concept but rather on the facts as they are today.

- Not one of the developments proposed, approved or currently under construction is focused on employment or even has a significant portion of its square footage dedicated to employment.
- The city of Burlington is the largest employer in the downtown core with much of its staff now housed (comfortably) in the Simms Square building. (i.e. not looking to lease additional office space)
- In the new economy it's not just manufacturing jobs that have disappeared. Clerical jobs of the type that might have been thought to be well suited to a busy downtown area have also been decimated by the introduction of new technologies.



- The report states that ‘*ground floor commercial will be consistent with existing*’. Given the aforementioned ‘land economics’ and an estimated tripling of commercial rental rates how is this to be made possible? (no explanation is provided)
- Is Reserve Properties willing to offer discount rental rates in order to maintain this *consistency* of character and the jobs the existing shops currently provide?
- New growth opportunities for employment will be, as they are now, located along Harvester Road and north of the QEW. Employers are not going to pay for office or retail space at the premium rates that ‘land economics’ in the core demand when they can locate more economically elsewhere.
- How would you set Mr. Wellings suggested minimum density targets for jobs? Do you say if there are not x amount of jobs available per thousand people you can’t proceed with the intensification process? I doubt any of the stakeholders in this endeavour would accept such a formula but it should be acknowledged here that Mr. Wellings is at least willing to speak to the employment issue.

In fact it’s notable that none of the growth plans that seek to dictate how our downtown should be developed include any plan or even a suggestion for attracting business to that area. And that includes our own proposed new official plan. The location of the newly opened Burlington Tech Centre in north east Burlington speaks to the challenges and realities of establishing attractive surroundings for today’s businesses.

## **Is Our Downtown Really A Mobility Hub**

Burlington’s downtown bus station ***provides an entry and transfer point for all the city’s bus routes.*** Burlington ***has committed extra funding to improve its transit system.*** The downtown bus station ***provides a link to the three Burlington Go stations.***

Our planning department is evaluating the acceptability of the Reserve proposal and other intensification projects based on the current designation of our downtown as both an urban growth centre and a mobility hub.

The Wellings report asks that its justification report be looked at not in the context of today’s official plan but rather be evaluated by the stipulations of an as yet to be approved new OP and site specific plan.

*As there is currently a pending proposal to remove the grossly inappropriate Mobility Hub designation from our downtown, that motion should also be taken into consideration as it bestows a significant distinction on what level of intensification is allowed.*

The quote from the Wellings report illustrates just how important the Mobility Hub designation is:

*“The building heights and suggested locations of low and medium rise and tall buildings is outdated under the current planning regime and needs to be updated to reflect the latest Mobility Hub work.”*

### **Special Policy Area - Brant & James**

Section 86(11) of ROPA 38 states:

“Permit intensification of land use for residential purposes such as infill, redevelopment, and conversion of existing structures provided that the physical character of existing neighbourhoods can be maintained.”

Mr. Wellings would have the development’s impact on its surroundings evaluated in the context of what the area might look like after other intensification has taken place but there is no ambiguity about this section of the ROPA - the key word being “existing”! His contention is that the two 23 stories towers will ‘frame’ the view of City Hall and the civic square from the eastern approach. My opinion is that these two buildings will create a canyon effect similar to what is seen in large metropolis’s and exactly what we must seek to avoid in our planning.

## **Growth Targets**

Mr. Wellings refers to this section of the 'PPS':

*Planning authorities shall establish phasing policies to ensure specified targets for intensification and redevelopment and the orderly progression of development within designated growth areas [Policy 1.1.3.7]. The subject lands are situated within a designated growth area (i.e. Downtown Urban Growth Centre).*

**In its appeal of the OMB recent ruling on the ADI development the city clearly states ( below) that it has met its growth targets and has accomplished this without the addition of either of the proposed towers at James and Brant. It is also clear based on developments approved or proposed in various city wards that we will do more than just meet minimum targets - we will comfortably exceed them.**

*"If it was important for the Board to consider the hierarchy for density established by the City in its Official Plan when the Board thought the City had not met its targets, it would have been even more important and more relevant had the Board known and considered that the City had in fact met its targets."*

## **The Brant / James Intersection and Our Civic Square**

The vision presented in our new OP of a vibrant downtown can only be realized if all the components it articulates in its 'Mixed Use Activity Areas' can be achieved. We have most of these in place today but, rather than enhancing them, developments like the Reserve tower which seek to tap into that vibrancy will destroy it. When city council voted to approve the Carriage Gate Proposal it did so as a 'lesser evil' option to the originally proposed 12 storey block that could have been built on that site. However we were assured that this approval would in no way set a precedent for future developments. And yet the Wellings report makes repeated use of the terms 'mirrors and/or reflects' approval already granted for the Carriage Gate Proposal. The OMB ruling currently being challenged also made reference to that approval. Now rather than an intensification process that was envisioned to include buildings of various heights and types we are dealing with multiple proposals for almost identical 17 story (or higher) developments.

We see no affordable housing opportunities, no answer to parking and traffic congestion issues, current or future, no plan to attract employment downtown and are faced with the loss of retail outlets that contributed greatly to the character of our downtown. The population growth downtown will largely consist of affluent seniors who have downsized, professional couples without children and real estate speculators. Not exactly the mix we're looking for to create the atmosphere envisioned in the OP.

The justification report makes much of the contribution the two public 'nodes' provided by the set back planned at the corner of each building. The Wellings report describes this aspect of the proposal as follows:

*"In order to achieve a greater civic presence at the intersection of Brant and James Streets, a larger daylight setback has been provided. This includes a two (2) storey high open space area abutting the ground floor retail. This is consistent with the Carriage Gate proposal and will provide for the opportunity to complement the civic importance of this intersection across from Burlington City Hall."* (which it will dwarf - my comment)

This point has been stated repeatedly usually with the assertion that these set backs will add to or enhance our city square and this opinion has come not just from the Wellings report. Our own *"Draft Intention Statement of the Special Policy Area of the "Brant Main Street Precinct"* includes this provision:

- *"The creation of new public space at the intersection of Brant and James Streets to serve as a public extension of the civic square".*

In the report, Brant Street is described as a minor arterial road similar to Lakeshore Road that will in the future require some kind of traffic mediation as part of the intensification process. ( per the Wellings traffic consultant) And a very busy Brant Street effectively separates any physical connection the two 'set back' corners at James could potentially have with the Civic Square, I am mystified as to how this arrangement 'serves as a public extension of the civic square'?

Certainly this corner needs to be developed but the addition of a replica tower on the other side of the street does not seem to me to be what we're looking for at this location.

## **Conclusion**

I extend my apologies to you for the length of this response to your invitation to 'comment' on the Reserve Properties Proposal but, as I'm sure you appreciate, the largely repetitive arguments contained in the Wellings report present a challenge to anyone trying to parse such a document. Let me conclude by saying that I recognize and respect the fact that our Mayor, city council and planning department are all working towards the development of an OP that conforms to the growth plans of the province and the region. We'll leave it to those on council to challenge the other levels of government on issues of conflict between the various plans that seek to define our future. As to the Reserve Proposal itself I feel that in its present form it is grossly inappropriate for the intended location. The Wellings report that seeks to justify it is a flawed, misleading document and represents an opportunistic attempt to take advantage of a questionable decision made when the Carriage House proposal was approved.

Respectfully,

Gary Parker

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Copy to: Deyncourt neighbourhood group, ECoB,