

PB-67-18, July 10, 2018

Planning & Development File no. File no. 505-01/18 & 520-01/18

70 Townsend Ave., Burlington.
June 9, 2018

To: P&D Committee

From: Tom Muir, Resident.

Subject: June 10/18 P&D Statutory Public Meeting on 409 Brant St

I trust the the Clerk will circulate this appropriately and include in the Minutes of this meeting for the record

Dear Councilors:

I am unable to attend the June 10 meeting in person on this application and the staff recommendation report to delegate, but want to provide this written delegation as a matter of interest, and for the official record, and the Minutes of this meeting.

1. I must say first that the staff recommendation report is a thorough analysis of the policy frame of the present day. I have to say I was impressed by the planning opinion contained in the report, although I do not agree with or support several aspects of the recommendations.

I have to say that the main reason I think the report is so thorough is because it recommends significant modifications to the project in terms of height, density, massing, FAR, Commercial/Office, parking, design, heritage, amenity, and other standards, that may not be acceptable to the developer, leading to push-back and LPAT appeal.

It is a lot easier to write a staff planning opinion in support of an application, to Approve, than it is to write one in support of Reject, or significant and meaningful modification containing many elements of change, with restrictions, that need to be met.

In my experience, the City seldom says No, so these usual Yes planning reports are not so well articulated, thorough, and convincing in concrete argument points. Everyone in planning, including developers, are in favor of Yes reports, and the citizens concerns almost never really matter, and appealing these decisions, can be onerous in these situations, as we saw recently at 421 Brant.

This recommendation report is a far cry from what the City presented to the OMB regarding the Adi Martha St application. I must say though, that at the time of the Adi appeal, the planners were stuck between at least 2 conflicting attitudes and mind-scapes regarding composing a reasonable argument and planning opinion narrative acceptable to the OMB. This double-think situation just obstructed the creation of a clear rationale by the planners, and this was not entirely their fault I think - they were put in an untenable situation.

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Anyways, my point is that this recommendation report here is something I would love to have to take to an appeal to argue from, if need be.

I suggest, that despite not outright supporting or rejecting the modification recommendation, that Council understand that this is a strong argument to take to an appeal if the developer doesn't like it.

I would support even more further reductions in height and density, and increases in commercial/office, should Council consider such amendments. I reject changing the modifications to give the developer more.

In short, support your planners. Council has created another situation with higher building precedents and these have created a regrettable situation for this application. This started before the adoption of the Grow Bold OP, which while I disagreed with severally, at least provides a backstop vision and stated limits that are defensible.

If the City is to regain control of planning and development there must be a line, or lines, drawn to reign in what is looking like a stampede. Your planners have provided an appeal ready argument around this idea, in my opinion.

2. Notwithstanding what I have said above, I do not support the height, FAR, density, and reduced commercial from status quo, among other things I mentioned. I also object to the lack of enforcement of the existing and in force and effect OP.

Under the guise of the adopted OP role as "informative", that's the actual OP that is guiding the vision and planning. This staff report as much as says that.

On this track, the planners argue their way through this existing OP, from 4 to 8 stories, with vague potential of 11 in permissions, then somehow into a lateral arabesque into the adopted OP, that is not in effect, to pick 11 storeys up to 17 storeys permitted (technical 18) with goodies.

This is exactly what I argued would happen.

The City told us the City of Burlington's current Official Plan remains in effect and **WILL BE ENFORCED**.

Previously the City told us the current OP was **UNABLE TO DEFEND** against 421 Brant.

They are now saying they **WILL ENFORCE** a current OP that everyone, including themselves, says is **NOT DEFENSIBLE**?

In apparent fact, based on the 421 approval, the unfolding 409 story, and many other applications in the pipe, the truth is that the city will definitely not be enforcing the existing and current OP, as City says.

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That's dead for sure, and is a zombie plan the city can use to animate, walk and amend to where it wants to go.

That is basically what is happening here.

However, I understand the desirability arguments of the location with respect to City Hall and Square. A unique and singular place indeed. Take much care in what goes here.

Thank you,

Tom Muir

