

70 Townsend Ave,
Burlington, Ontario. L7T 1Y7
July 8, 2019.

To: Members, Burlington Planning and Development Committee

From: Tom Muir, Resident, Ward 1.

Subject: Recommendation report for official plan and zoning by-law amendments for 1085 Clearview Ave., 1082, 1086 and 1090 St. Matthew's Ave.

Dear Councilors;

I am unable to attend this July 9 P&D meeting in person but would like to add these short comments to the meeting record.

I provided a number of comments on this proposal to the Neighborhood and Statutory Meeting record, and these are in your information package for this meeting. You might be particularly interested in my record of experience with the recently established pre-application neighborhood meeting process.

1 I support the staff recommendation report to refuse the application.

This is a very detailed report - 69 pages - and it is difficult to review critically and comprehend the details and what an integrative comprehension says about things taken together. Although I support the concluding recommendation, I have concerns about some overall implications I personally discerned from the report as a whole and its multiple possible interpretations as I perceive them.

The point of this concern is my uncertainty about whether the report is a lengthy divided evidence and interpretive opinion argument that can be used against the city. This opinion of mine is not meant as a criticism of the signed planner – I found the report interesting and informative.

I just have this nagging concern about whose side is this report really on regarding the protection of this neighborhood and site from continued development predation. My fear is a result in another application coming back that takes easy bits and pieces of the refusal basis to argue again, using the Policy Frame discussion and admissions of the staff favoring intensification in this area.

2. My first concern in this is the overwhelming singular focus on “intensification” that threads through the report. This is consistent through every component of the multi-dimension Policy Frame discussion, and again throughout the staff assessment throughout the Burlington OP sections.

I am concerned with the repeated statement of staff – *“Planning Staff are supportive of residential intensification in principle on the subject lands;”* My concern here is the implications of this

statement for the surrounding residential neighborhood lands in any future applications similar to the one at issue here.

Another aspect of this concern is an apparent inconsistency of this statement with the Council directions given to staff as per; *“At the July 12, 2018 COW meeting, a motion was carried to direct staff to include both sides of Clearview Ave. in the Grove Park/St. Matthew’s Neighbourhood, which would capture 1085 Clearview Ave. in this low-rise land use category. To date, the Mobility Hub Study and Area Specific Plan for the Aldershot GO Station area have not been completed.”*

To me, this puts the Council direction, which was one election issue led by the now Mayor, in a back-seat position to the staff and planning department policy position that the Council direction was aimed at. Despite the Council direction to put the application site into the low density zoning category, we have a staff opinion override that is a pretty strong rebuttal of Council direction, and a reassertion of the Planning staff policy selection for a wholesale change in zoning for this neighborhood.

3. This awkward position revealed to me something I didn’t fully comprehend. I was under the impression that after all the angst about the Adopted OP and it’s eventual non-compliance with the ROP, we would be using the Existing OP to assess applications and this was how we would deal with limiting intensification and building the Burlington we want.

But what I learned is a subtle difference about the status of our OP in this matter. In the Executive Summary of the staff report is stated; *“Planning Staff have reviewed the application in the context of Provincial planning documents. The development is generally consistent with the Provincial Policy Statement and generally conforms to policies of the A Place to Grow: Growth Plan for the Greater Golden Horseshoe. However, these provincial policy documents also acknowledge that local official plans are the most important vehicle for **implementation of provincial policy.**”* (my emphasis)

I don’t know about others, but I always saw the parts about complying with Provincial Policy, and the use of the Existing OP, as separate things. But to my surprise, the above paragraph and other text in the staff report indicate that there is a clear subordinate order that puts the city OP as subservient to Provincial Policy and the vehicle for implementing said policies.

Maybe I’m just slow in my uptake of the root of all the high-rise and mid-rise applications that are flowing in or in appeals, that are not permitted in the OP, existing or adopted.

This raises a lot of issues around the self-determination of planning in the city, but to stick to the present one as exemplar, what does this mean for the protection of the existing neighborhood on site, but also any neighborhood anywhere in the city? And how is the OP Review process now underway going to deal with this with policies? I’m asking questions.

Intensification is defined in the City’s OP as:

“Development or re-development of a property or site within an existing developed area which is proposed to be undertaken at a higher density or intensity than permitted under the existing zoning, and which may include re-development, (including the re-use of brownfield sites), development on vacant and/or underutilized lands, expansion or conversion of existing buildings, addition of dwelling units, or creation of new lots.”

I always thought the city OP said intensification was development or redevelopment that was more than was already on site, but was within the permitted zoning ranges. What this tells me is that under the rubric of intensification, as provincial policy and as expressed above in the city OP, existing zoning and the existing OP is rendered more or less meaningless as a development planning control tool/policy, and anything can be asked for anywhere an intensification argument is made.

We are seeing this all around and so what are the revisions to the OP going to do with regard to policies in order to clarify said impacts and issues so as to mitigate what looks like loss of control to aggressive applications and resort to appeals to LPAT, and to ever-changing provincial rules?

I am out of time to get these comments in on time so that Council receives them in time for the meeting. I know that I am not finished here, but because it is a refusal recommendation further comment right here is not urgent. As I said, I support the refusal recommendation and hope the Committee supports it too.

Perhaps these comments will provoke some questions about the issues raised and further information can be prepared for the upcoming Council meeting to consider.

Thank you,

Tom Muir