

Proposed \$3,000,000 Blue Water Place Window-To-The-Lake

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Introduction

As a result of the Statutory Public Meeting of July 9th, 2019 there appears to be two options being considered for the proposed window-to-the-lake.

1. Charge a parkland dedication fee in lieu of acquiring the property.
2. Acquire the property and lease it for 50 years to adjacent property owners until it can be connected to a future waterfront trail.

Recommendation

Bloomfield Developments should be charged a parkland dedication fee.

Question for Council Members

Would it be a wise investment to acquire this property at a net cost of \$3,000,000 and not develop it in the foreseeable future?

Conclusions

1. With current regulations, it will not be possible to connect the proposed window-to-the-lake to a waterfront trail for well over 100 years.
2. Initially it will cost the City an estimated \$2,000,000 to acquire this property.
3. Leasing this property would not be a revenue generator.
4. The assessed value of abutting properties would be lower and property taxes would be lower by at least \$1,000,000 over 50 years.
5. It would be fiscally irresponsible to acquire this property.
6. With the exception of the Beach Strip Waterfront trail which was purchased from CNR, this would be the first waterfront property acquired behind single family homes.
7. This window-to-the-lake would not be an attractive destination for Burlington residents if it is developed before it can be connected to a continuous waterfront trail.
8. A parkland dedication fee could result in an immediate benefit by providing sufficient funds to upgrade our sadly neglected and unsafe windows-to-the-lake.

Cost of Acquiring the Window to the Lake

The Official Plan states that "If the value of the park dedication exceeds the normal park dedication, the proponent would receive compensation for the difference."

The estimated net cost of acquiring this window-to-the-lake is \$2,000,000. The parkland dedication fee would be approximately \$500,000. The loss of value for the abutting properties would be \$2,000,000 since the lots would be smaller and they would be waterview properties rather than waterfront properties. Therefore the City would have to compensate Bloomfield Developments a minimum of \$1,500,000 for the loss of value.

The assessed value of these properties would also be lower and would result in a substantial loss of tax revenue. A \$2,000,000 reduction of assessed value would lower taxes by approximately \$20,000 per year. With a 50 year lease the City would lose \$1,000,000 in tax revenue.

Parkland dedication is normally 5% of the value or area of a property. It should be noted that the window is 21% of the (developed area plus the window area). This is excessive.

As part of the proposal, the City would require the developer to dedicate lands below the stable top of bank and carry out shoreline protection. It should be noted that the short term \$2,000,000 net cost for the City does not include any compensation for the estimated cost of \$500,000 for upgrading the shoreline protection.

Leasing the property

Acquiring the property and leasing it to adjacent property owners will not be a funds generator. If the City acquires the property it will immediately become a liability since the City would be required to maintain the property including the shoreline protection.

The property owners would be in a stronger bargaining position than the City when negotiating a long-term lease. The property is classified as "hazardous waterfront lands" which cannot be built on. It is of no value to anyone other than abutting property owners. The City would propose a lease whereby the property owners would be responsible to maintain the property including the shoreline protection. Rather than agreeing to such a lease, the property owners would no doubt let the City maintain the property. Therefore any lease would be for a minimal amount where the property owners would not be responsible for shoreline protection.

Waterfront Trail

The Official Plan states that council shall encourage the acquisition of land to create new or add to existing windows-to-the-lake. Also, a continuous waterfront trail comprised of a shoreline trail and a near shoreline trail in the general vicinity of the lake and connected to existing public waterfront areas will be implemented through development and or redevelopment.

Up to now this segment of the Official Plan has been applied only to multi-unit developments such as the Easterbrook townhouses and the 22-story Bridgewater project. It has never been applied to the construction of single-family homes. Also, all current windows-to-the-lake are at the end of City-owned streets.

With the current application of these regulations, the waterfront trail will only be extended using expropriations or through zoning creep. With the large premium applied to waterfront properties, expropriations for a waterfront trail would be both prohibitively expensive and politically unwise.

LPAT rejected the 26 unit townhouse proposal on Bloomfield Development's property primarily since townhouses are not compatible with the area. This set a precedent for any townhouse or apartment development in the Lakeshore area. Therefore the waterfront trail will only be extended gradually over time by zoning creep in close proximity to multi-unit developments. It will take well in excess of one hundred years to extend a waterfront trail to this area.

Possible Short-Term Development of the Window-to-the-Lake

If the window-to-the-lake is developed in the short-term, the result would be a superfluous park with minimal use. Residents of Bluewater Place, Avondale Court and Secord Lane do not want it and do not expect to use it. It is 230 m to the entrance to Paletta Park and 322m to the window from the Lakeshore Road/Blue Water Place intersection. Paletta Park is the crown jewel of city parks, is never busy and is very private since visitors are spread out over the expansive area.

Blue Water Place may currently have the highest park density in Burlington. The Strategic plan envisions a City where every resident lives within a 15 to 20 minute walk to parks or open spaces. In fact Blue Water Place has eight parks within a 15-minute walk:

- Paletta Park
- Glen Afton Park
- Walkers Line window-to-the-lake
- Appleby Line window-to-the-lake
- Bromley Park
- Shoreacres Park
- Henderson Park

The Official Plan policies include requirements for public parks to visually separate private and public open spaces. All other windows-to-the-lake are at the end of City-owned road allowances and afford some privacy for visitors. Visitors to this window would have the impression that they were invading the backyard privacy of property owners. A privacy fence is not practical since it would destroy the most important attribute of these properties.

This window-to-the-lake would be an almost treeless area on top of a steep embankment with no beach access. With its close proximity, Paletta Park would be a more attractive destination for:

- families
- birdwatchers
- young couples
- picnickers
- photographers

- nature walker's
- wedding parties
- privacy seekers
- water watchers
- visitors driving to a park

Who would be the target users of this window?

I would be embarrassed to use this window since it would be like sitting in the back yards of abutting property owners. Therefore I would like to ask anyone who would like this window and a sidewalk in the short term if they would allow other Burlington residents to come and sit in their backyards any time from dawn to dusk.

Precedent

In 2013 the City owned the waterfront property between St Paul's Street and Market Street. In a confidential meeting, City Council discussed whether to sell this property or retain it and lease it to adjacent property owners. Council decided to sell the property to the three abutting property owners for significantly less than the increase in value of the properties. The proceeds were used to finance the windows-to-the-lake on the St. Paul's Street and Market Street road allowances. The result has been the only attractive and safe windows-to-the-lake in Burlington. Local residents were able to enjoy these windows in the short-term rather than waiting for many years to develop them.