

Planning and Development Committee Meeting, Dec 5, 2019

Re: Taking a Closer Look at the Downtown Concept discussion (PB-89-19)

Following the recreation of Burlington's new Official Plan (OP), is much like watching a bad movie that just won't end. A bad movie of our own making.

We have twisted, delayed and distorted the process, a process that should have always had the best interest of the city at the forefront. I hear and read comments saying: if only we could delay the OP approval; or, if only the Mobility Hub (MH) was removed from the Downtown and then my personal favorite, if only the Urban Growth Centre (UGC) was moved all would be well and our new OP would deflect any challenges to the wayside.

Removing the MH and UGC is simply not an option for our new OP, as stated in Council's terms of reference for the scoped re-examination of the OP and its policies for the downtown:

*"The terms of reference for the OP re-examination does not include: Shifting the Urban Growth Centre from the downtown to Burlington GO. The Urban Growth Centre location is established in the Growth Plan for the Greater Golden Horseshoe and the Region of Halton Official Plan. Any policies proposed for the Official Plan must conform with both."*

To those that believe removing the MH and relocating the UGC is a good strategy, I suggest you continue your advocacy but don't be surprised if in the end the changes you seek do not materialized. However, you should understand that while you advocate for those changes that could take years, development in Burlington or in the Downtown will not wait or stand still for you or the results. There is also a very good chance that developments will be approved and built before you see any changes, (if you see them at all) as we will be stuck with an OP that is outdated and non-compliant with Regional and Provincial policy.

The OP delay initiated by this Council has already consumed a year and we are nowhere close to getting any new OP changes, if any, approved by this Council prior to them being forwarded to the Region for review and or approval. That delay continues to leave Burlington with only an outdated and non-compliant OP with which to consider applications and defend itself should appeals be submitted.

The re-examination of the OP has generated two Downtown concepts as a result of resident input and provincial policy requirements yet there has been dissatisfaction indicated with both. They are remarkably like the concepts that formed the basis for the adopted OP. Could it be the policy's for Downtown were right the first time and this exercise (at taxpayers' expense), only serves to confirm what was already adopted over a year and a half ago ?

The cost to taxpayers for this re-examination is in excess of \$600,000 and it seems that little if anything has changed since that time and we have gained nothing.

I remain skeptical that either of the two concepts proposed for the Downtown will result in the actual built form over the years let alone be approved by the Region and Province. There is and always will be a place for zoning and OP amendments as individual properties are developed. However, either option would provide, (according to the City's planning consultant), the necessary density for our Downtown. It would be irresponsible for this Council not to acknowledge these realities.

The biggest obstacle this Council has created for itself is the 2031 planning horizon established in the Work Plan for the scoped re-examination of the Adopted Official Plan.

*"As a result, the scope of the modified precinct plan for the Downtown Urban Centre has been shifted such that the precinct plan will contemplate the planning horizon of 2031, in conformity with provincial policy."*

It is important to note Place to Grow 2019 is now law and contemplates a 2041 timeline. Burlington currently utilizes both that policy and the 2041 timeline when considering development applications yet chooses to disregard it for the OP re-examination.

To achieve even the minimum density for the Downtown, most developments, if they are to be occupied by 2031, need to be in the planning stage now. The Future Growth Report prepared by yet another consultant (Dillon) acknowledges that to achieve the minimum population and density target for the Urban Growth Centre would require approval of several developments that are already under review. These developments are not approved and represent the exact opposite of what this Council has indicated it would support.

At the same time the Region of Halton is very advanced with its Official Plan update. It's updated OP (ROP) is intended to have a planning horizon to 2041. If City Council approves changes to our OP based on a 2031 timeline and if approved by the Region, they will soon be obsolete and non-conforming to a new ROP. A much stronger possibility is the Burlington OP may be approved by the Region and appealed. That would leave the appealed portions of the OP or the whole plan in abeyance until all appeals have been settled. In the past, it has taken years to sort out all the appeals and some portions of the current plan are still outstanding.

This raises a fundamental and critical question: Will the new ROP be submitted and or approved by the Province before the Burlington's 2031 OP is in effect ?

That would become a major obstacle for Burlington, this Mayor and Council and we will remain vulnerable to an onslaught of appeals mainly because we will not have a new OP in place that complies with provincial policy and is ultimately defensible. This is and will not be the fault of any past Councils, outside influence, or changes to provincial policy. This will be a made in Burlington issue, more specifically an issue made by this Mayor and Council.

You have been directing this process for just over a year, how much longer and how much more is this council willing to spend on a bad movie of their making ?

Regards

John Was