

**Response to "Taking a Closer Look at the Downtown:  
Preliminary Preferred Concept**

**City of Burlington  
On Behalf The Molinaro Group**

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In response to a previous report entitled Themes, Principles and Land Use Concepts, correspondence was presented to the City on behalf of The Molinaro Group on December 4, 2019 for consideration by Planning and Development Committee meeting of December 5, 2019. Please be advised that the comments provided at that time are still relevant and apply to the preliminary preferred concept which has been prepared. This submission includes additional comments which expand upon, and further illustrate, the significance of comments made earlier.

From a review of the background report prepared by SGL Planning and Design Inc. and staff report, it is our position that the planning process associated with this exercise has significant deficiencies and as a result produces an outcome which is flawed.

**1. Maintaining a small town identity in the downtown is not a realistic expectation**

The SGL Planning Report and Staff Report both note that input from the public consultation process brought forward, among other matters, an interest in retaining the character and small town charm and feel of the downtown area.

This theme is picked up in the SGL Planning Report which uses this desire as a criteria for assessing future development options. Two of the principles include:

***"Enhance and maintain the "small town" identity of Brant Main Street Precinct"***

and

***"to maintain Low to Mid-rise built form on Brant Street"***

While this may be a desire of those who wish to look to the past and retain a development form that was established decades ago, they are not solid principles upon which to establish a foundation for the preparation of a development plan for the future of an Urban Growth Centre within the concept of expectations brought forward through the Provincial Growth Plan. This approach creates two problems.

First, it is unreasonable to hold this out as a practical expectation as part of the planning exercise. It is difficult to imagine that a small town identity can be maintained or enhanced in an intensified core area within an Urban Growth Centre. Burlington is no longer a small town. The Staff Report notes on page 24 that the objective of the Growth Plan is not to achieve higher densities above all else. However, certainly the achievement of higher densities is a fundamental requirement of the Growth Plan. Burlington will not remain a small town.

Second, it is not appropriate to measure future development plans against an unrealistic standard. It is simply not possible to create and properly implement planning principles which are intended to establish a multi-functional downtown core as part of creating a compact form of urban intensification.

## **2. Public Response**

While the report identified all of the public input to the process, there did not appear to be any assessment of submissions made on behalf of those who suggested higher densities are more appropriate. In the case of the Molinaro property at Lakeshore and Brant Street, despite the suggestion that higher densities should be pursued, development potential has been reduced from that initially suggested by staff. The rationale provided by staff on page 19 was that the suggested changes reinforce the connection to the Waterfront from Brant Street and that the change was in response to feedback provided through engagement.

We believe that this site is more appropriately oriented toward the Lakeshore development and should be included in policies that apply to that precinct to allow for a continuous and uniform

planning response to the Lakeshore Road frontage. This will not affect the connection to the waterfront from Brant Street identified in the Staff Report. These connections can be retained.

We do not believe that the change adequately responds to feedback given our response that higher density would be appropriate in this location.

### **3. Height and density should be an outcome not an objective**

The report appears to start from the position that the reduction of height and density should be a target to achieve because of feedback from the consultation process. However, we believe that matters such as height and density should be an outcome of planning exercise rather than an objective. The implications of pursuing this direction suggested by staff and the consultant is that outcomes are too narrowly focussed and lead to unreasonable and often unintended consequences.

For example, the staff report on page 19 proposes a James Street node which recognizes existing and proposed tall buildings. This creates an artificial node simply based on previous approvals and not on an assessment of how height and density might be best distributed throughout the downtown area.

The second illustration of the flawed nature of this approach is the suggestion that implementation of a 20 metre setback to reduce height and densities. By restricting development on individual sites, it appears to be contrary to the principle of maximizing the efficient use of land in an area which is intended to accommodate significant growth in a compact form.

It is also contrary to the recently adopted Tall Building Guidelines approved by the City.

A preliminary review of that setback reveals that it will not allow for an appropriate form of development on many development sites in the downtown area. It is an improper urban design tool which will frustrate, if not directly prevent, any form of appropriate development along Brant Street. It is unclear as to the source of that setback and the extent to which, if any, it has been successfully adopted and implemented in other Urban Growth Centres.

#### **4. No consideration of trade offs**

A review of public input exercise identifies a number of elements of the plan that individuals would prefer to see implemented. These result in the establishment of themes as identified on pages 9, 10 and 11 of the Staff Report. However, there does not appear to be any discussion about the trade off of various elements.

For example, would higher height is deemed acceptable if it could lead to affordability? By simply focusing on height and density and not allowing for consideration of the reality of the costs and implications of those policies, creating a plan with a reasonable expectation of being implemented, is significantly diminished.

#### **5. Omission of Implications**

The Planning Report assesses development proposals in terms of a number of criteria. However, important matters such as housing affordability, the impact on overall built form, transit usage, and economic viability of retail operations are important criteria that have been omitted and need to be included in the assessment of merits of the official plan options.

#### **6. Consideration of Built Form**

The Staff Report and the SGL Planning Report both identify the need to consider built form in the development principles for the plan. However, the recommendations in many cases do not account for the existing development context. The artificial node that has been proposed on James Street is one example.

Also, it is noted in the assessment of development concepts that tall buildings are defensible along Lakeshore Road east of Brant Street. However policies are restrictive in terms of permissions for tall buildings in this area.

The implementation of policies proposed will create significant gaps in the built form between both existing and proposed new buildings resulting in an inconsistent and irregular development pattern. This inconsistency will be further augmented with the implementation of the 20 metre setback guideline.

## Summary

Most planning exercises begin with the assessment of a range of interests, consider the relationships between often competing relationships, and seeks to arrive at an outcome which achieves a reasonable balance of interests. By starting with an unsupportable and preconceived premise that height and development density in the downtown area should be restricted and generate a small town identity, it is not surprising that the outcome of this exercise is flawed.

In this case, given that the new proposed plan seeks to amend an adopted plan which is subject to considerable public input and due process, there is an onus on the authors of the new report to demonstrate the manner in which the new plan better achieves intensification targets and policies and principles of the Growth Plan.

Also, where new design standards such as the 20 metre setback have been introduced, it is necessary to demonstrate the practical applicability to the downtown area. It will also be important to illustrate why they are an improvement to the previously adopted Tall Building Guidelines which have been successfully used in Burlington and other communities and have already set the stage for the development pattern in the downtown.

## Recommendation

It is recommended that the previously adopted plan be supported together with specific changes that affect properties owned by the Molinaro Group as outlined in their earlier submission.

Respectfully Submitted,

**FOTHERGILL PLANNING & DEVELOPMENT INC.**



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President

January 15, 2020