

PL180446 – 484 - 490 Plains Rd E - Materials for Settlement Hearing from Tom Muir

Witness qualifications

My name is Tom Muir and I live on Townsend Avenue in Aldershot of Burlington, within a 20 minute walk of the 484 - 490 Plains Rd application.

I graduated from McMaster University in 1971 with a Master's Degree in Honors Economics. I worked for the Province of Ontario Policy Planning Branch from 1971 to 1974, as a Senior Economist doing economic and intergovernmental affairs policy analysis. This included Municipal-Provincial relations around the original Design for Development Toronto - Centered Region policy report.

From 1974 to 2004 I worked for Environment Canada at the Canada Centre for Inland Water located in Burlington. During that time I worked as an Environmental Economic Scientist working on a wide variety of Great Lakes issues including land use, urban form, sustainable development and other things relevant to my appearance here.

My methods of analysis are trans-disciplinary science applied to evidence and logic-based reasoning. Broadly, this consists of analysis and then synthesis of findings in a logical fact-based manner.

Since my retirement in 2004, I have continuously worked as an independent scientific researcher writing and publishing papers and presenting lectures and I continue to do so. I am a member of the International Association of Great Lakes Research since 1983. I believe myself to be qualified as an expert analyst across several fields relevant to this Hearing.

I have been involved in Burlington and Halton Region development, planning, and economic issues since the early 1990's.

My primary interest in this project lies in the fact of the loss of public due planning process, hearing and accountability. First, because of an apparent city policy that allowed this application (and three others at near the same time) to go to appeal because of failure to decide in appropriate timelines. This happened despite staff and Councilor public record reassurances that it would not happen.

This was done without any staff accountability in the form of a recommendation report with public review and delegations that were lost on two occasions. And then, subsequent to that, we now have the city asking this Tribunal to approve a settlement proposal that has emerged from this subverted loss of planning process, making this loss of process a terminal one. There is still no transparency and accountability.

This is not the due process expected of the Planning Act or the PPS.

Summary Position on my concerns and opposition to the 484 – 490 Plains Rd. E application and the proposed settlement without modification.

I believe that the settlement proposal fails to adequately comply with the policies of the Official Plan regarding compatibility and residential intensification policies, and as such is not consistent with the PPS in this regard and does not represent good planning.

The Planning Act states that all decisions of a municipal council must be consistent with the PPS and that applications for intensification are to be based on appropriate development standards.

The application is not adequately compliant with a number of policies regarding the OP and intensification, and this is reflected in an overly large number of reduced zoning standards which are contradictory to the intent of the PPS.

Similar issues arose in other instances. The position taken on record in the Summary in PB-31-19 report (1085 Clearview Ave; see page 2) where staff state that the application does not satisfy the OP policies in Part III, section 2.5.2 of the OP and therefore should be refused, is one example. Council agreed.

This staff recommendation decision document for Clearview (PB-31-19) for refusal is 69 pages long and thorough. There was no staff Recommendation Report for 484 - 490 Plains Rd. E. Remarkably in comparison, the Planning Overview from planning staff, in support of this Settlement Proposal, is only 7 pages long. These 7 pages represent a planning department telling us how to provide all the OP and Zoning amendments needed to approve the application. [at 92 Plains Rd.](#)

The question of how serious the existing OP is actually being enforced is raised by this. This settlement proposal planning overview systematically changes the existing OP to allow or approve the proposal, rather than to fit the proposal within the parameters and permissions of the OP with visible compatibility and policy compliance analysis and justification.

And this short form overview is for an approval?

For another example, the staff conclusion on application OPA 505-02/14 (Adi on Martha) was that "the significant reduction of numerous development regulations required to facilitate this intensification proposal and the failure to satisfy the City's OP... results in an application that is not consistent with the PPS". Council agreed with this position.

Also, since the OP is the most important vehicle for implementation of the PPS, the link and conclusion is straight forward. If the application is not consistent with the PPS and the OP, Council and the OMP/LPAT cannot approve it. If the application requires significant reductions in standards and policies it is not consistent with the PPS, and if it is not consistent with the OP, it should be refused.

For example, Official Plan Section 2.2, General 2.2.1 Objectives (Intensification) To encourage new residential development and residential intensification within the Urban Planning Area in accordance with Provincial growth management objectives, while recognizing that the amount and form of intensification must be balanced with other planning considerations, such as infrastructure capacity, compatibility and integration with existing residential neighborhoods.

Further to the PPS compliance, Section 1.3.1 of the PPS states that Planning authorities shall promote live/work, economic development and competitiveness by several means. In other words, the Burlington Strategic Plan and the PPS mandates, or makes mandatory, the need for commercial uses to be planned for and increased not reduced, and the needs of existing business to be accounted for, not sacrificed. But the proposal contradicts what the policy calls for.

Policy 4.7 of the PPS identifies that the official plans are the most important mechanism for the implementation of provincial policy and shall establish appropriate land use designations and policies that direct development to suitable areas. The City of Burlington's Official Plan contains development standards to facilitate housing intensification through specific evaluation criteria. The development standards from the City's Official Plan are integrated in the City's Zoning By-law 2020 in the form of regulations to inform appropriate development. The City's Official Plan also gives consideration to built form in its policies for design and associated Council approved design guidelines.

My reasoning is clear. The application is not compliant with key policies regarding the OP, intensification, and compatibility, and this is reflected in an overly large number of reduced zoning standards which are contradictory to the intent of the PPS issued on April 30, 2014.

Therefore, the application is not compliant with the OP and also not consistent with the PPS. Section 4.2 of the PPS requires that "all decisions by a council of a municipality... shall be consistent with this PPS". Furthermore, it should be noted that if the application is not consistent with the Provincial Policy Statement, Council cannot adopt the application.

Evidence supporting my stated concerns and position of opposition to the settlement proposal without modifications.

This evidence review covers several aspects of the settlement proposal site and application process over several years and dimensions. I will present it in a point form, which I hope will give some organization to the read, and provide some topic structure as well.

1. The Process

In overview, public engagement and consultation on 484 - 490 Plains Rd. E. was cut short at a critical point, where staff was supposed to make a recommendation report on the application, so by their failure to do so within the 120 day deadline for Zoning and then again within 180 days for the OP, it gave the developer an automatic right to an appeal of both. Residents were continually assured by then Councilor Craven and staff that negotiations were underway and this deadline was not a problem. He wrote this to residents in his monthly newsletters.

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This was just one example in Ward 1 of Councilor Cravens interfering with, and attempting to influence or control, the public planning process in 4 applications (35 Plains Rd E, 92 Plains Rd E, 2100 Brant St, and this one at 484-490 Plains Rd. E). All 4 of these applications went to appeal in the same failure to decide in part because of this meddling, and staff failure.

Therefore, the city and residents had no active voice or decision power on the application as any action was defaulted to go through the OMB/LPAT. No transparency, accountability or consequences for the Planning Dept. are visible.

So this is the process that brought us here, with what I say is subverted planning process, and with the in camera settlement proposal we are here to discuss and perhaps decide by LPAT.

My position is that the City has shown scant regard for the due process of providing a thorough planning argument based on the policies of the OP which was approved by Council.

There was no staff Recommendation Report. The Statutory Meeting of May 8, 2018 was held after the appeal to OMB/LPAT was submitted. This OMB/LPAT appeal was not disclosed to the public who received the written notice of this Statutory Meeting that was postmarked April 17, 2018.

The letter indicated this was a Statutory Meeting to consider both the OP Amendment application, and for the Zoning By-law amendment. This existence of the appeal meant that the Zoning by-law amendment was then before the OMB/LPAT and therefore removed from the deliberations of the Committee, Council and the public until such time as the OMB resolves its undertaking of the appeal.

The requested variances to the Zoning by-law are the large majority of the complaints and concerns of the public comments received, including my own. This is what has been appealed, and so this puts into abeyance these public concerns, and delegating to this Statutory Meeting was effectively a waste of time. This meeting cannot be considered a Statutory Meeting for the Zoning by-law amendments application under appeal.

Therefore, any further thoughts or comments that the public had at that time were not relevant as the outstanding appeal removes them from consideration and any actions by Council. Therefore, the public that attended and delegated the meeting were misled and wasted their time in another subversion of due process.

After this meeting, staff were freed by the appeal they caused themselves from public accountability and transparency, and planning skipped right over serious analysis of OP policy direction straight to all the amendments and reduced standards needed for the application that are not in OP compliance on intensification and compatibility.

There was never a public planning process or rationale to argue for all the numerous OP and Zoning amendments ultimately now in the settlement proposal.

2. Other Planning evidence and factual analysis and logical argument in assessment of the application and settlement proposal indicate that this is not a black and white situation. Just saying that the proposal is consistent with the PPS does not make it so.

Supporting arbitrary intensification proposals as consistent with the PPS is not a sufficient condition to approve it. Necessity to be consistent is not sufficient to approve. There are numerous other OP and PPS policies that need to be enforced and complied with concerning intensification and compatibility.

I accept that some redevelopment of this site can occur, and is permitted by the existing OP, and while not planning policy relevant to this proposal, the proposed revisions to the OP and By-laws also permit some development. My concern is that this proposal is asking for variances that go far beyond these stated permissions and represent an over-intensification and over-development of this site.

The existing permissions themselves would already represent intensification of this site, but no exploration of these possibilities are presented or discussed. The key question is when is enough, enough?

Unfortunately, there is so much scope of redundant, discretionary and arbitrary interpretation of the policy framework used to evaluate proposals, that almost anything can be supported and justified by assertions, based almost exclusively on intensification. This has become a plasticized idea – make it any shape you want.

In my 45 years of policy and issues analysis I learned to recognize the difference between evidence-based policy-making, and policy-based evidence making. This looks to be the latter – decide what you want first, and then pick the evidence.

It is difficult to argue against the assertions used to justify proposals, as that is all that is presented – just lengthy statements of rationalization supporting non-compliance with the OP and zoning bylaws.

3. As one very key result in this application context, the viability of existing business and commercial economic development is being sacrificed by planning justifications such as this one. What I continue to find disturbing is the continued de-commercialization of Aldershot. In this respect, the impacts of the loss of commercial at this site are completely ignored in the planning justification coverage of the Provincial Planning Statement as part of the policy framework.

"Section 1.3.1 of the PPS states that Planning authorities shall promote live/work, economic development and competitiveness by: a) providing for an appropriate mix and range of employment and institutional uses to meet long-term needs; b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses.

In other words, the Strategic Plan and the PPS mandates, or makes mandatory, the need for commercial uses to be planned for and increased not reduced, and the needs of existing business to be accounted for, not sacrificed. But the proposal contradicts what the policy calls for.

Notice the directions inherent in the words “shall” and “mandates”. I do not see these directions being followed in the proposal by National Homes focused on population intensification.

In this regard, the proposal includes 10,748 square feet of commercial, apportioned almost equally between the two 8/9 storey buildings, whereas there is almost 50,000 square feet existing. Furthermore, this existing commercial is fully serviced, providing maximum potential of uses, with commercial venting, full transport loading facilities and size, adjacent, or nearby, more than sufficient parking, and so on.

Whilst this has been increased from the initial meager offering of 6,900 square feet, I do not feel this is adequate given the size of the subject lands and the ratio to residential units. There are no specifications as to what quality of commercial potential is proposed in this settlement proposal.

To lose over 80% of retail is simply too significant to be brushed aside and will certainly diminish the type of stores that could be attracted to the building and is exacerbating the general decline of commercial properties along the Plains Rd corridor.

It was mentioned that existing tenants would be offered first refusal of space in the new building – albeit at new market rents – but I fail to see how an existing food business could even be accommodated given the apparent lack of commercial venting.

We are seeing an ever increasing use of mixed use buildings appearing on Plains Rd and, as per conversations with the Planning Department; there is no minimum criteria in the Official Plan that dictates what that minimum commercial use in the mix should be.

This only encourages over intensification of residential under the guise of mixed use but the retail component is always sadly lacking. Moreover, this seems to be inadequate replacement commercial space, and appears to resemble what the development business calls "throwaway commercial", provided to get the real goal of intensified residential. The city needs to require more adequate space and to ensure that it is the maximum commercial quality and potential.

I have recommended previously that such developments be required to have upgraded fire code rating, transport truck access, reasonable levels of commercial parking, and maintain or expand the commercial space on site. Because this was not done, existing vendors have no place to transition to.

The small offices in previous developments are not compatible with the existing usages of hardware store, general store or bingo hall. This could have been done on many sites, e.g. Affinity in particular - if it had been done then these business might have a place to transition to.

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The same problem repeats with this site. The removing of the commercial space may or will not only remove these businesses from our community, but future businesses will have no valuable space to move to. The knock on effect of bad developments is leading to more.

The problem of increased rents on new developments is mitigated by having new developments increase the amount of commercial space. If the rents are high then increasing the commercial space in the area is the answer. Removing it is obviously not.

There is no planning justification for reduced or removed tenant or commercial parking at this site. It is not in a mobility hub or growth center. No reasonable expectation exists that people on this site will require vehicles at a reduced rate. Many of the planning justifications used for different configurations "in and around Mobility Hubs" do not apply here, yet are just re-used anyway.

Is there any location in Burlington where staff would maintain existing parking ratio or expect increased car usage? The proposal asks for reduced parking, and the parking configuration suggests that both visitors and residents can and will use these parking spaces, and will interfere with commercial customer access and business loading and pickup. This is not explained or accounted for.

Staff professes to be generating a more walkable community with more walking and less driving. However every development creates more driving and less walking. The assumption is that this will apparently "invert" at an unexplained time via an unexplained mechanism. Even if you imagine Rapid Bus Transit or the like, by the time this development direction is complete - the bus will go to nothing significant, but condos and 3 GO train stations.

What is primarily de-commercializing Aldershot are staff recommendations. Simple things like sane lot coverage, 100% commercial main floor, etc ... could render these spaces intensified and still of use to the community.

If staff are building a urban area, they are at present building one of the worst urban areas ever created, extracting the congestion and pollution of the city, but running off the access to local businesses we previously enjoyed. Hoping that they "rise from the dead" is not planning, let alone good planning.

It is evident in this proposal and it was also notable in the development that is occurring at 35 Plains Rd East (I believe the same architects were engaged on both projects).

In my opinion, the failure to satisfy the PPS mandated directions concerning the "shall", or "mandated", directions for the provision of commercial and economic development uses, and to meet the needs of business, results in an application that is not consistent or compliant with the Provincial Policy Statement.

This needs to be modified to remedy this inadequacy, and some suggestions are offered here.

There are a number of ways this could be rectified:

A. In exchange for the significant loss of retail, have the two 8 storeys redesigned such that commercial venting is factored into the building plans. This would allow for different types of retail to use the space more effectively. For example, small food outlets such as restaurants, bakeries, or cafes (a picture of a café is shown on page 21 of the applicant's Urban Design Brief so they must have already considered this).

B. Enlarge the retail area by having the residential amenity area onto the second floor. Doing so would allow retail units to have greater depth and a larger floor space area therefore increasing possibilities.

4. What does the overall settlement proposal entail from the point of view of analytical argument construction? From my perspective of argument deconstruction using logical methods, this appears beyond reasonable doubt to be a continuation of using the existing OP as a frame to amend so as to implement something very much identical to the Grow Bold draft plan (now the Adopted but not approved and in force OP) to designate this section of Plains Rd to some future imagined plan while disregarding the existing present. The November 6, 2016 Planning Justification for this application includes a detailed discussion of this proposed OP in terms of support for the application. This is not consistent with the Planning Act or the PPS or the OP policies on intensification.

There was never a planning process or rationale to argue for all the abundance of OP and Zoning amendments ultimately now in the settlement proposal, or to consider alternatives. In the City Planning Overview, and the Draft OP and Zoning Amendment documents of December 5, 2019 amendments I count 8 and there is a Landscape Buffer and Amenity Area issue that I will raise below.

As a result, there was never anything presented in planning evidence and argument to elaborate on alternative development plans using the existing OP and zoning permissions.

5. Burlington Official Plan:

The property is designated "Mixed Use Corridor - General" in the City's Official Plan. This designation allows for a range of non-residential uses including office, retail and service commercial uses; as well as high density residential (having a density of up to 185 units per hectare, heights of up to six storeys and a Floor Area Ratio (FAR) to a maximum of 1.5:1). Townhouses are permitted as a component of an overall development of mixed residential or residential/commercial building forms.

The settlement proposal is for a mixed-use development consisting of two eight-storey mixed-use buildings as well as 110 three-storey stacked back-to-back townhouses. Both the mixed-use buildings and the townhouses include rooftop amenity area, and, in the case of the mixed-use towers, mechanical penthouse.

As such, for the purposes of the Official Plan Amendment and Zoning By-law Amendment applications, the mixed-use buildings and the townhouses will be considered 9 storeys and 4 storeys, respectively. The total density of the site is proposed to be 211 units per hectare.

An Official Plan Amendment is required to facilitate the proposed increases in density, height and FAR.

Zoning By-law 2020:

The subject lands are currently zoned “Mixed-Use Corridor – General” in accordance with the City’s Zoning By-law 2020. This designation allows for a range of retail commercial, service commercial, office, community, hospitality, automotive, industrial, entertainment and recreation and residential uses. The applicant proposes to add a site-specific zoning exception and amend the zoning of the lands to “Mixed Use Corridor – General with site specific exception” to facilitate their proposal.

In specifics, a modified Mixed Use Corridor (MXG) zone with site-specific regulations will be required to permit the settlement proposal.

This settlement proposal planning overview systematically changes the existing OP to allow or approve the proposal, rather than to fit the proposal with the existing OP intensification policies and zoning, and with compatibility.

6. In total, the proposed development requires an amenity area of 10,950 square metres. Originally it had been identified that only 7,720 square metres were proposed, which is a significant shortfall from the required standard.

Significantly, the settlement proposal includes further amendments and reduced standards, including a change of the Landscape Buffer all around the perimeter to Amenity Area. These landscape buffers provide separation distances to adjacent residential properties and are asserted to provide significant green space on the site. The inclusion of the landscape buffer brings the total amenity area calculation to 9,955 square metres.

The original amenity area proposed in the architect consultant report is not compliant with the zoning as stated as required as a minimum. Turning the Landscape Buffer into Amenity Area is an arbitrary effort to solve a key issue of compliance with the minimum standard and compatibility with the Zoning. I would say that is a relabeling of Landscape Buffer to produce a form of counterfeit Amenity Area.

It is due to the excessive extent of development proposed on the site resulting in a reduced perimeter area for all of the Zoning and OP requirements for all of the Yards or Setbacks, Landscape Buffer, and Amenity Area. This excessive development includes reduced standards on permitted heights (condo, 9 proposed, 7 permitted); Density (211/ha proposed, 30 to 185/ha permitted); FAR (1.83 proposed, 1.5 permitted); Side yard to residents for condo (12 to 15 to 18 permitted, 10.9 proposed)

7. Compounding this over intensification situation, and interacting with the above paragraph standards, is the significant reduction in parking standards. The Zoning requires 681 spaces, however, a Draft parking bylaw that is not yet approved and in force and effect is applied to require only 1 parking per unit, with a total number of 506 proposed. Concerns are raised that the

parking for visitors and the commercial is open for use by anyone including the residents with multiple cars.

This is a particular outstanding example of widespread public concerns - the variance requests for parking standards. There are 4 applications on Plains Rd alone where if you add up the number of reduced parking places for the 4 applications there are about 800 in total.

So in this era of the car, with these permissions, there could be up to 800 cars looking for a place to park, although I accept that not all may appear. And this is just 4 projects, within a short distance on Plains Rd East - all more or less in the same place. This also adds to the traffic that is not counted because this car count is underestimated. This is a recipe for chaos and is just 4 projects, that all have this in common with 484-490 Plains Rd.

8. The underground parking structure is a single storey that spans the entire perimeter of the site. In the Planning Overview there is no explanation of the consequences of such a structure on the general greenspace, any possible landscape buffer, and the vegetation of the amenity area.

According to OP compatibility Policy 2.5.2 a) vi) *□ □ effects on existing vegetation are minimized, and appropriate compensation is provided for significant loss of vegetation, if necessary to assist in maintaining neighborhood character.*

The surrounding neighbourhood is characterized as having a mature tree canopy both on private lots and public rights-of-way. The extent of the underground parking structure limits the ability to replace any removed trees on-site. Any trees planted within the area of the underground parking structure will need to be removed in the future if maintenance is required to the parking structure. The removal of mature vegetation and the limited soil volumes of the landscape areas to plant replacement trees along the property lines do not assist in maintaining neighbourhood character. Furthermore, the hydrogeology study provided with the application does not appear to recognize this feature of the parking structure, and possible impacts on the site perviousness in the provided setbacks and greenspace/landscape buffer/amenity area.

In the October 25, 2017 cover letter from the consultant accompanying the report, it was stated;

“WSP Canada Group Limited is pleased to present our Hydrogeological Study report which has been prepared for the proposed residential development located at 484-490 Plains Road East in Burlington, Ontario (the “Site”).

The key findings of our Hydrogeological Study is that the annual water balance has demonstrated that as part of the proposed development of the Site, infiltration will be improved due to the proposed post-development plans to incorporate an increase in vegetative lands along the perimeter of the Site.”

It is noteworthy that this receives the prominence that it does, while there is apparently no awareness of the consequences of the underground parking structure that spans the entire perimeter of the site. What may I ask will this do to infiltration? There will be very little soil to provide the infiltration capacity, the parking structure will be a near-surface concrete obstacle to water movement.

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According to the PPS, when planning for stormwater management, development should maximize the extent of and function of vegetative and pervious surfaces; and promote stormwater management best practices including stormwater attenuation and re-use, and low-impact development (PPS, 1.6.6.7).

It seems apparent that this settlement proposal does not conform to this PPS policy.

9. This arbitrary change raises a lot of questions, including planning process and procedure. How can the perimeter setback be also designated in the proposal as a Landscape Buffer, and then at the last minute be relabeled as Amenity Area? The Landscape Buffer is required to suit a purpose stated in City Policy, and I quote the relevant planning analysis from a recent staff recommendation report for official plan and zoning by-law amendments for 1085 Clearview Ave., 1082, 1086 and 1090 St. Matthew's Ave. (Report 31-19, page 33).

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City OP compatibility “Policy 2.5.2 a) ix) – “capability exists to provide adequate buffering and other measures to minimize any identified impacts”

A “landscape buffer” is defined in the City’s Zoning By-law as: “The area of a lot which serves to provide separation and to partially obstruct the view of adjacent land uses by means of a dense landscape screen consisting of evergreen trees or a combination of solid screen fencing with evergreen or deciduous trees, shrubs or berms.” The intention of requiring a landscape buffer between high and low density uses is to provide a respectful amount of separation between at-grade uses and to reduce the likelihood of privacy intrusion through overlook from occupants of taller residential buildings. As noted earlier in this report, the extent of development proposed on the site has resulted in a reduced landscape buffer abutting the residential lands to the south. Due to the lack of space remaining for large vegetation such as trees to mature and provide visual screening, the development’s massing will be highly visible from the lands located to the south, east, and west. Privacy in rear yard amenity areas may be compromised by overlook from occupants of the proposed building if a dense landscape buffer cannot be provided. The development’s at-grade outdoor amenity area and parking area will also not be adequately separated from adjacent properties due to this reduced landscape buffer.”

This Clearview report is a thorough expression of the City OP in this regard of compatibility for 13 City policies in this regard, and this can be used to characterize the situation at the proposal site and show lack of compatibility.

This policy is related to the issues of compatibility and is part of the City OP policy frame on the matter. This effective triple counting means that the proposal is such overdevelopment that it can’t provide a satisfactory amount of either Landscape Buffer or Amenity Area to be able to comply with the in force OP and Zoning by any reasonable development standards.

10. Moreover, the proposal does not provide measurable criteria and other evidence that the extent of variances and the extent of appropriate, in force, OP and zoning amendments requested are needed, or justified to meet intensification goals. These goals could be met with a lesser proposal. And 8/9 storeys is not a needed change from 6/7 storeys – it’s not logically an either-or situation. It’s not black and white or nothing.

Another proposal, to build a lesser height, density, and massing, and so on, could also meet intensification goals, and the present proposal is not needed to do that. Again, it is not a black and white situation in logic.

The proposal as presented is not a reliable indicator of need and justification, or of adequate consistency and compatibility with policy, to be necessarily supported by that policy frame. An alternative proposal that could require fewer variances, and be more indicatively and demonstrably compatible, as the intensification policy states is a required condition of intensifying next to existing residential uses, would also meet intensification goals.

I suggest that something at 6 storeys, might be more suitable and acceptable. The Jazz condo directly across the street on Plains Rd, originally applied for 6 storeys, but this was refused due to the water table, the stormwater storage proposals, and the parking structures.

The present proposal does not demonstrate with evidence that compatibility sufficient for approval of the confidential settlement proposal is achieved, but merely asserts that it does so, in order to support the proposal.

11. Aspects of the Burlington Official Plan Compatibility Criteria and Urban Design, and City of Burlington Design Guidelines for Mixed-Use and Residential Mid-Rise Buildings

The City's OP encourages residential development and residential intensification within the Urban Planning Area as a means to increasing the availability of a variety of housing options, while recognizing that the proposed additional housing must be compatible with existing residential neighborhoods.

Applications for housing intensification within established neighborhoods are evaluated based on a framework of criteria provided in Part III, Section 2.5.2 (a) of the City's Official Plan.

I am not aware of any public process reports evaluating the proposal according to the Burlington Urban Design Review Panel advice or according to the approved Design Guidelines for Mixed-Use and Mid-Rise Residential Development.

There is a Design Brief in the application package, however, this was provided by a hired consultant.

Conclusion

In summary, I will say that it represents over-development and unbalanced over-intensification of the site, without adequate setbacks and dense landscape buffering, green-space, appropriate designation of amenity area, resident, visitor, or commercial parking, and adequate commercial use and quality.

The significant reduction of standards in the Zoning Bylaw required facilitating this level of intensification, the failure to satisfy in force Official Plan policies, and the PPS mandated directions concerning the "shall", or "mandated", directions for the provision of commercial, and needs of business, results in an application that is not consistent with the Provincial Policy Statement, or the existing in force OP and zoning, or even the not in force proposed OP.

I cannot find any reasoned basis to support this proposal without significant modifications, some of which I have mentioned in this submission, to comply and conform to the existing OP and bylaws, and the PPS.

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the original build of a 4 storey mixed use (24 residential units) to a 6 storey mixed use (50 residential units). The property in question is roughly a half acre in size with 146 feet fronting on Plains Road by 159 feet deep for a total area of 23, 314 sq. ft. The size of the original build was a proportional fit for the property with the building proper only covering approximately 1/3rd of the property at 7220 sq. ft., the other 2/3 was driveway , parking and landscaping. The original site excavation was only 3431 sq. ft., one level deep for basement amenities and building services. This original build fell perfectly within Halton Regions intensification parameters of 111 units per hectare of land. Not an obtrusive build at all, well designed and well suited for such a small piece of property.

The same could not be said for this new proposal. Intensification guidelines are set as a maximum, and for this from what I read, would be under rezoning to an "urban corridor" , which would be 230 units per hectare. That does not mean one needs to build to the maximum, We all know why developers want to max out the guidelines and that is because they are only in it for profit. These companies are not real estate investors that actual purchase properties by due diligence as they have no vested interest in a Condo project. Once complete, they no longer bear any future responsibility to neither those purchasing the condo units, other than the basic Tarion Warranty nor the City of Burlington. This revised proposal is a total over build and over intensification for a mere ½ acre of land. There is also no reason to include every project as a "mixed use" build. From what I see as I drive around the area is that these small retail units are not sustainable as most are empty. I would simply offer some bullet points as to why I feel this build should be rejected and the original proposal be considered by the developer as the best suited build for the area.

- The new proposal calls for excavating the entire property with an excavation of 16,000 sq.ft. and some 20 feet deep to accommodate 2 levels of underground parking. The entire 1/2 acre would have to be shored prior to construction leaving less than a 8 foot perimeter. As the developer owns neither adjacent property, there would be no feasible way to excavate the entire property without closing part of Plains Road. And we all no how bad the traffic is on Plains Road is now. This excavation would bring up other issues.
- Where would there be room for a site office. No room on the property for large equipment that would be required for the build..
- Where would the construction workers park. The adjacent streets of Birchwood nor Glenwood are not an option .
- How would materials be delivered to site without blocking Plains Road.
- This new cantilevered build for floors 2 thru 6 covers 11,000 sq. ft. or 50 % of the property, the rest is parking above grade, with a mere 9 foot perimeter of landscaping. How is this any different from the original build where they mention the thought was that there was too much parking. The entire ½ acre is still basically asphalt, only this new proposal is worse by design..