

To: Burlington Community Planning, Regulation, and Mobility Committee

From: Tom Muir Resident

**Subject: Statutory Public Meeting for applications to amend the
Official Plan and Zoning By-law for 2020 Lakeshore Road
February 22, 2022**

Dear Councilors;

Please accept this submission to the Statutory Meeting as a statement of my concerns and opposition to this application and as a public record of my interest in this proceeding.

I accept that something can be built in this location, but in that decision of what can be permitted, I have to agree that the location is largely recognized as the crown jewel waterfront and park downtown neighbourhood of the City. This is recognized in the policies of the City government and the statutory documents and policies governing the uses of this place.

That the location and citizen wishes and City policies warrant the deepest respect should be obvious, however, in my feelings, this application shows a level of disrespect beyond anything I have ever seen, for basically everything the City cares about - the location; the City's statutory basis, policies, and decided planning processes for this extra-special location; and the citizens repeatedly expressed desires and interest. The applicants proposal is widely viewed as an over the top monster that wants to bust all the existing OPs and Zoning rules pertaining to the site.

The staff report includes a very thorough outline of the statutory basis, and policy frame governing the assessment of the application. This includes the existing in force and effect OP (1997); Amendment 119 to this OP; the "new" OP (2020); and various amendments due to City actions, Regional amendments (ROPA 48), and Provincial approvals of ROPA 48 decisions. All of these directly affect planning for the location.

If one wants to ascertain and judge the applicant's motives and tactics consider a central fact of the situation. The applicant has the central tactic of appealing everything possible to OLT. All these appeals pertain to the applicant property subject here.

At the present time there are 3 appeals by this owner – of OP Amendment 119; the entirety of the "new" OP 2020; and an appeal request to OLT asking that the City decision that the application was not complete by the effective date of ROPA 48 approval by the Province be overturned. So it seems very clear that this applicant is not likely to accept anything that the City and related studies might approve. The applicant is fully vested in appeals that ask OLT to approve anything the applicant wants to ask for.

This brings us to the ongoing planning process that is working to develop a preferred concept plan for the location. The citizen group Plan B is far ahead in this process and will be present here.

The staff report is an excellent description of the policy frame policies and rules governing this process. Included in this is the Waterfront Hotel Planning Study that is to be completed within the statutory timeline for completion of the planning review of the application proposal. This will inform the planning process for development of this site in accordance with the policies of the OP.

Then there is the recent City Community Planning Dept preferred concept plan for the location according to the OP and possible modifications acceptable to the City. This City planning concept is quite different from the application, but is in keeping with what could be acceptable and would be a genuine fit and addition with the location.

It is quite unlike the monstrous overpowering presence of 30 and 35 stories, on top of 5 level podiums, packed right on the street and property lines, without commercial/retail called for on level 1 in the OP and Zoning, and many other reduced standards, that overpowers anything that could even be considered as suitable and a legacy build the City could be proud of.

The City concept is 2 to 3 times the Zoning allowed height of 8, and somewhat close to a little more than half the proposed heights, and close to the Zoning FAR of 5.0, not almost 7.8 asked for, and there are other modifications showing movement and willingness to cooperate to try and get an acceptable compromise.

Unfortunately, it seems the applicants behaviour pushing hard for an extreme proposal, with appeals everywhere possible, suggests that whatever the City proposes will be summarily rejected and we will have another appeal at OLT.

Personally, I strongly and avowedly support the efforts at providing justice in Burlington planning self determination to get something aesthetic and legacy for the location, not a monster, to my view, and from a lifetime in Burlington-Hamilton.

It represents a visible effort by the citizens and the City to challenge what the Provincial dictatorial planning policy changes have wrought for planning, turning it into a daisy-chain, leap-frog of appeals to the OLT where 1 or 2 Chairs decide, and citizens are out.

How can this be that the applicant already has 3 appeals, and by all appearances can just reinforce this with a 4th appeal? What has happened that has so subverted the public planning process?

Thank you,

Tom Muir