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April 2, 2025

Jo-Anne Rudy
Committee Clerk
Legislative Services
City of Burlington
426 Brant street, PO Box 5013
Burlington ON L7R 3Z6

Dear Jo-Anne:

Re: The Molinaro Group – Potential Heritage Designations
1134 Plains Road East, 2003 Lakeshore Road and 390 John Street

Please accept this correspondence as a response to the staff report regarding the proposed designation of properties within the City of Burlington. This submission is directed toward properties which are owned by the Molinaro Group and impacted by the staff recommendations. To assist in the review of the staff report, the Molinaro Group has retained the services of a heritage consultant from the firm of McCallum Sather. A copy of their report is attached.

The Molinaro Group, as one of the premier builders in the City of Burlington, has recognized and been successful in preserving historical context in the City as it develops each new mixed use building. Through naming of projects which are based on a historical theme, including Bunton's Landing and Baxter's Wharf, the Molinaro Group have been able to demonstrate their commitment to local Heritage preservation. Attached are summaries for Mr. Bunton and Mr. Baxter which outline some of their historical contributions to the community.

In a continuation of that legacy, the Molinaro Group is prepared to accept a Heritage designation on the property at 1134 Plains Road East. This position is supported by a recommendation from Heritage Report prepared by McCallum Sather dated March 27, 2025. The report notes:

- **1134 Plains Road East: This property meets six of the nine criteria under Ontario regulation 9/06, demonstrating architectural, historical, and contextual significance. It contributes to the broader history of Plains Road and Brant's Tract, maintaining its connection to pre-European Indigenous land use and the evolution of settler society in Burlington. Given its strong heritage value, it is a suitable candidate for designation under Part IV of the Ontario Heritage Act.**

The Molinaro Group has incorporated the rehabilitation and relocation of the heritage building to a more prominent location on the site as part of their ongoing plans to develop the property at 1134 and 1166 Plains Road East.

The Molinaro Group is also very much aware of the need to ensure that improper designations do not hinder future expectations for redevelopment projects which are significantly different in form and scale to the historic use of the property. For that reason, they do not believe that the Heritage designation of the properties at 390 John Street or 2003 Lakeshore Road are appropriate and would ask that Council not designate these properties.

The Heritage Report from McCallum Sather also assesses the other two properties at 390 John Street and 2003 Lakeshore Road against the criteria for such a designation. With respect to the property at 390 John Street the report concludes that:

- **390 John Street:** Although located within Wellington Square, extensive alterations have significantly compromised its original heritage character. The building no longer retains its design integrity, lacks direct historical associations, and has been decontextualized due to surrounding redevelopment. The evaluation does not sufficiently justify designation based on the required criteria.

An evaluation of 390 John Street against Ontario Regulation 9/06 confirms that it does not meet the criteria for designation under the Ontario Heritage Act. Extensive alterations have compromised its integrity, weakened historical associations, and diminished its contextual value, limiting its heritage significance.

While Wellington Square is recognized for its historical importance in Burlington's early development, the heritage value of this landscape depends on the preservation of properties that retain their original character and integrity. In its current state, 390 John Street no longer possesses the defining attributes required to contribute meaningfully to this historical narrative or to justify designation under the Ontario Heritage Act.

With respect to the property at 2003 Lakeshore Road, the conclusions of the McCallum Sather Heritage Report are as follows:

Although 2003 Lakeshore Road has a connection to Burlington's commercial and financial history, this association is more functional than it is historically significant.

Contextual integrity is a key component of heritage designation, ensuring that a property remains physically, functionally, and historically linked to its surroundings. However, 2003 Lakeshore Road has been significantly decontextualized.

Given these factors, 2003 Lakeshore Road does not meet the threshold for designation under Part IV of the Ontario Heritage Act. While it has historical associations, its architectural and contextual values are insufficient to warrant formal protection under Ontario Regulation 9/06.

From a planning perspective, the retention and preservation of an older 2 ½ storey former industrial building at 390 John Street and the property at 2003 Lakeshore Road are not consistent with the intent of the Provincial Policy Statement or the future direction for the redevelopment of the area as outlined in the City of Burlington Official Plan.

The staff report notes that the building at 390 John Street is currently perceived as a landmark structure within the context of surrounding low-rise buildings in the area. However, in terms of long-term projections, it is anticipated that these sites will be redeveloped and any prominence the current building has at this time will no longer be present. The recent approval and ongoing construction of a multitude of high-rise mixed-use buildings in the area is a more accurate reflection of the future urban fabric of this area as opposed to the retention of the two low rise buildings.

With respect to the property at 2003 Lakeshore Road, the staff report notes:

“The property is physically linked to the commercial building block on the east side of Brant Street between Lakeshore Road and Pine Street. The earlier 20th century brick building is also visually linked to adjacent buildings in this block through its 2-storey building height, plain exterior, 1st storey storefront, and the use of two symmetrical windows on the 2nd storey.

Staff also noted two attributes that contribute to the contextual value of the property including:

- 1. The location on the northeast corner of Lakeshore and Brant Street.*
- 2. Its connection to the building block on the east side of Brant Street between Lakeshore Road and Pine Street.”*

As is the case with 390 John Street, it is expected this context will change dramatically over the next 3-10 years and that the low-rise context for the entire block will be transformed into a high-rise mixed use development consistent with future expectations for intensification areas such as this.

The 2024 Provincial Policy Statement encourages intensification of Urban Areas and the provision of a range and mix of housing and land uses through programs of intensification. These sites are strategically located to accommodate a mixed-use intensification project to help achieve the objectives of the Provincial Policy Statement. The potential imposition of a heritage designation and an attempt to preserve these buildings is contrary to the intent of the Provincial Policy Statement as it will not allow the property to achieve the desired Provincial objective of contributing to a range and mix of housing through intensification.

The Burlington Official Plan anticipates redevelopment of both of these sites to include a high-rise mixed-use building that would help contribute to the enhancement of this strategic location for growth in the City of Burlington. A heritage designation would impede the ability of the site to contribute to the future growth needs of the City in an area where intensification is encouraged and expected to occur.

For these reasons, we would ask that the City not designate 390 John Street and 2003 Lakeshore Road under the Ontario Heritage Act. We believe that there are other ways to preserve the heritage character of the properties at 390 John Street and 2003 Lakeshore Road without the need for a designation. The Molinaro Group is prepared to work with the City at the time of the redevelopment of these sites to ensure that important historical elements of these buildings are preserved in an appropriate manner.

Thank you very much.

Sincerely,

FOTHERGILL PLANNING & DEVELOPMENT INC.



E.J. Fothergill, MCIP, RPP
President

Encl.

cc. Vince Molinaro, Ashley White, Nathalie Desrosiers,
Chloe Richer, Roxanne Gosse, John O'Reilly

March 27, 2025

John O'Reilly
Heritage Planner
City of Burlington
426 Brant Street, PO Box 5013
Burlington, Ontario L7R 3Z6

Subject: Evaluation of 1134 Plains Road East, 2003 Lakeshore Road, and 390 John Street for Heritage Designation under Ontario Regulation 9/06

Dear Mr. O'Reilly,

We are writing to provide a detailed response to the proposed heritage designation of 390 John Street, 2003 Lakeshore Road, and 1134 Plains Road East under the Ontario Heritage Act (OHA). After a thorough review of the background information, including the City's assessment of each property and their evaluation under Ontario Regulation 9/06, we wish to present our findings and concerns regarding the designation rationale.

Our analysis indicates that while 1134 Plains Road East meets the criteria for designation, 390 John Street and 2003 Lakeshore Road do not satisfy the required heritage thresholds under Ontario Regulation 9/06. While each property has connections to Burlington's past, their architectural, historical, and contextual values must be assessed objectively to ensure that designation is applied appropriately and in alignment with best practices in heritage conservation.

- 1134 Plains Road East: This property meets six of the nine criteria under Ontario Regulation 9/06, demonstrating architectural, historical, and contextual significance. It contributes to the broader history of Plains Road and Brant's Tract, maintaining its connection to pre-European Indigenous land use and the evolution of settler society in Burlington. Given its strong heritage value, it is a suitable candidate for designation under Part IV of the Ontario Heritage Act.
- 390 John Street: Although located within Wellington Square, extensive alterations have significantly compromised its original heritage character. The building no longer retains its design integrity, lacks direct historical associations, and has been decontextualized due to surrounding redevelopment. The evaluation does not sufficiently justify designation based on the required criteria.
- 2003 Lakeshore Road: While this mid-century bank building incorporates some Beaux-Arts architectural elements, the style is not rare or unique, and similar structures exist across Canadian cities. Its historical association with Burlington's financial sector is functional rather than significant, and its context has been eroded by substantial redevelopment. Rather than designation, alternative heritage recognition strategies—such as integration into a future redevelopment project—may better align with Burlington's urban planning goals.

The following sections provide a detailed property-specific analysis and offer heritage conservation recommendations that thoughtfully balance the preservation of historical significance with Burlington's evolving urban planning objectives.

EVALUATION OF PROPERTIES AGAINST ONTARIO REGULATION 9/06

Ontario Regulation 9/06 requires that a property meet at least two out of three categories - design/physical value, historical/associative value, and contextual value - to qualify for heritage designation. Below is an analysis of each site:

1134 PLAINS ROAD EAST – RATIONALE FOR HERITAGE DESIGNATION

1134 Plains Road East demonstrates strong architectural, historical, and contextual value, meeting six of the nine criteria under Ontario Regulation 9/06. The property's significance is tied to its architectural integrity, historical associations, and contribution to the evolving narrative of Plains Road within Brant's Tract.

1. Design or Physical Value

1134 Plains Road East retains key architectural features that establish its design significance under Ontario Regulation 9/06:

- **Architectural Integrity:** The property retains a high degree of integrity, with original materials, form, and construction methods largely intact. This distinguishes it from many other structures along Plains Road that have been extensively altered or replaced.
- **Representative of Mid-20th Century Vernacular Architecture:** The building exemplifies vernacular construction methods used in the mid-20th century, particularly within the post-war expansion of Burlington.
- **Unique Construction Techniques:** The property displays period-specific construction materials and techniques that reflect its original function and adaptation to local building traditions.
- **Well-Preserved Built Heritage:** Unlike other properties in the area that have experienced significant modifications, 1134 Plains Road East maintains much of its original built fabric, enhancing its architectural value.

2. Historical or Associative Value

The site has a strong connection to Burlington's settlement and commercial development, particularly within the historical context of Plains Road and Brant's Tract:

- **Indigenous and Settler History:** The site is part of Plains Road's broader historical landscape, which evolved from early Indigenous pathways into a key transportation and commercial corridor. Its location along this historic route reinforces its historical significance.
- **Association with Early Settlement Patterns:** The property contributes to the understanding of how Plains Road developed as an essential corridor connecting early settlements within Brant's Tract and beyond.
- **Continuous Occupancy and Use:** The long-standing presence of the building, combined with its historical function as a commercial and residential property, reflects broader historical patterns of mixed-use development in Burlington's outer urban areas.

3. Contextual Value

1134 Plains Road East remains physically, functionally, and historically linked to its surroundings, reinforcing its contextual significance:

- **Physical Connection to Brant's Tract:** The property's location along Plains Road, a historic transportation artery, ensures its ongoing relevance to the area's historical narrative.
- **Preservation of Burlington's Mid-Century Landscape:** While the area has undergone urbanization, 1134 Plains Road East remains a rare surviving example of mid-20th-century development patterns, helping to contextualize how Burlington transitioned from a rural township to an expanding suburban city.
- **Continuity of Use and Setting:** The property has maintained its relationship with the surrounding built environment, ensuring that its historical and functional link to the Plains Road corridor remains visible and understandable.
- **The property owner's intent is to remove the modern warehouse and later additions while retaining the heritage structure and repositioning it in a more prominent location on the site.** This proposed relocation and restoration of the original building supports the conservation of its heritage value while improving its visibility and reinforcing its contribution to the Plains Road corridor.

Under Ontario Regulation 9/06, a property must meet at least two of the nine criteria to warrant heritage designation. 1134 Plains Road East meets six of these criteria, demonstrating architectural, historical, and contextual significance. Given its high level of integrity, association with Burlington's early settlement and transportation history, and strong contextual ties to the evolution of Plains Road, designation under Part IV of the Ontario Heritage Act is justified.

2003 LAKESHORE ROAD – DOES NOT MEET THE CRITERIA FOR DESIGNATION

While 2003 Lakeshore Road has some heritage value, it does not meet the threshold for designation under the Ontario Heritage Act. The property possesses certain historical associations and architectural characteristics, but these do not meet the required level of significance when assessed under Ontario Regulation 9/06.

1. Design or Physical Value

The property, originally constructed in 1947 as a Royal Bank of Canada (RBC) branch, incorporates Beaux-Arts architectural elements, but these features are not unique or particularly rare:

- **Prevalence of Beaux-Arts Design:** The architectural style seen in 2003 Lakeshore Road is not a rare or distinctive example. Similar mid-century bank buildings with Beaux-Arts influences are found in many Canadian cities, making this structure less architecturally unique.
- **Limited Architectural Excellence:** While the property retains certain Beaux-Arts elements—such as limestone cladding and symmetrical massing—these features are not unique or exemplary. Given that similar bank structures exist across Ontario, and recognizing that the client's redevelopment intentions include a limited retention of select façade elements, full designation would unnecessarily constrain future design flexibility. A heritage recognition strategy that accommodates partial retention within a new build would be more appropriate.
- **Alterations Impacting Integrity:** Over time, the building has undergone alterations that have impacted its original character, further weakening its architectural significance.

2. Historical or Associative Value

Although 2003 Lakeshore Road has a connection to Burlington's commercial and financial history, this association is more functional than it is historically significant:

- **Link to the Financial Sector:** The site has housed bank operations since the early 20th century, first as a Traders Bank of Canada branch before being replaced by the Royal Bank of Canada building in 1947.
- **Replacement of the Original Structure:** The historical association with Burlington's early banking sector is weakened by the demolition of the original Traders Bank, meaning the current structure does not physically represent the earliest phases of this financial history.
- **Lack of Direct Connection to Significant Figures or Events:** The building does not have a strong association with historically significant individuals, events, or movements in Burlington's development, further limiting its eligibility under this criterion.

3. Contextual Value

Contextual integrity is a key component of heritage designation, ensuring that a property remains physically, functionally, and historically linked to its surroundings. However, 2003 Lakeshore Road has been significantly decontextualized:

- **Loss of Original Setting:** Substantial redevelopment in the surrounding area has eroded the historical context that once defined the property's setting within Burlington's commercial district.
- **Streetscape Alterations:** The evolution of Lakeshore Road and Brant Street into a high-density, modernized corridor has diminished the building's role as a contextual landmark, making its heritage contribution less pronounced.
- **Limited Landmark Significance:** While the property occupies a prominent corner lot, it does not hold landmark status in a way that establishes a strong visual, cultural, or historical presence within the downtown core.

Given these factors, 2003 Lakeshore Road does not meet the threshold for designation under Part IV of the Ontario Heritage Act. While it has historical associations, its architectural and contextual values are insufficient to warrant formal protection under Ontario Regulation 9/06.

390 JOHN STREET: DOES NOT MEET CRITERIA FOR DESIGNATION

An evaluation of 390 John Street against Ontario Regulation 9/06 confirms that it does not meet the criteria for designation under the Ontario Heritage Act. Extensive alterations have compromised its integrity, weakened historical associations, and diminished its contextual value, limiting its heritage significance.

1. Design or Physical Value

The City's assessment suggests that 390 John Street retains design value as part of a grouping that reflects Wellington Square's commercial patterns. However, a detailed evaluation reveals significant concerns:

- **Loss of Integrity:** Extensive modifications to 390 John Street's façade, materials, and structural features have substantially altered its character-defining attributes. Modern interventions, including the use of new materials, unsympathetic additions, and altered window configurations, have diminished the building's ability to reflect any distinct architectural style or construction method. These changes have severed its connection to its historical context and significantly compromised its architectural integrity.

- **Conflict with Heritage Guidelines:** The *Keeping Place: Heritage-Based Urban Design Guidelines for Downtown Burlington* emphasize the importance of retaining original massing, materials, and architectural coherence to preserve heritage value. However, due to cumulative, unsympathetic alterations, 390 John Street no longer aligns with these guidelines. The extensive modifications have rendered the building unrecognizable within its historical context, limiting its contribution to the collective heritage character of the area.
- **Irreversible Changes:** The extent of the alterations is not easily reversible. Changes such as the replacement of original materials, the addition of incompatible features, and significant modifications to the building's massing and façade have introduced substantial and permanent modifications. These alterations fundamentally compromise the property's ability to retain or reflect its original heritage attributes, obscuring the historical design intent and eliminating key architectural elements essential to its heritage value.
- **Restoration to its original state** would not only be exceptionally challenging but may also require speculative reconstruction, which contradicts recognized heritage conservation principles. As a result, the property no longer conveys the physical, technical, or stylistic qualities that would qualify it as an exemplar of any architectural style or period. Consequently, 390 John Street does not meet the design or physical value criterion, as it no longer retains the attributes required for designation under the Ontario Heritage Act.

2. Historical or Associative Value

The City's assessment indicates that the property contributes to Burlington's early commercial history as part of Wellington Square. However, further analysis raises significant concerns:

- **Limited Historical Significance:** While Wellington Square played a pivotal role in Burlington's development, there is no evidence that 390 John Street (the Shaver Building) is directly associated with significant historical events, individuals, or patterns. Unlike other notable landmarks within Wellington Square, the property does not hold documented historical or associative value that would warrant designation. Its role in the area's development appears peripheral rather than integral.
- **Broad Context Without Specificity:** The City's evaluation highlights Wellington Square's historical importance but does not demonstrate how 390 John Street individually contributes to this narrative. While the commercial evolution of Wellington Square is well-documented, the property's specific role remains largely undocumented and its contribution to the area's historical development is negligible. This further reinforces that the property fails to meet the historical or associative value criterion under Ontario Regulation 9/06.

3. Contextual Value

The City asserts that 390 John Street contributes to the contextual value of the Wellington Square Cultural Heritage Landscape. However, detailed analysis suggests otherwise:

- **Disrupted Streetscape:** Extensive redevelopment in the surrounding area, including modern high-rise buildings, has significantly altered the historical character of Wellington Square. As a result, 390 John Street no longer visually or historically integrates into a cohesive heritage streetscape, limiting its contextual contribution.
- **Lack of Landmark Status:** A landmark is typically defined as a property with strong symbolic, visual, or historical prominence within its environment. However, 390 John Street lacks the defining attributes to serve as a visual or cultural anchor in Wellington Square. The building's altered façade and diminished historical connections prevent it from evoking the sense of place or recognition commonly associated with landmark structures. Furthermore, its position

within a redeveloped streetscape dominated by contemporary structures prevents it from standing out as a significant or emblematic element of the area.

- **Diminished Contextual Contribution:** Wellington Square is recognized for its role in Burlington's early settlement and commercial development. However, its historical value relies on the preservation of original and representative heritage properties. 390 John Street, in its current state, has lost the architectural and contextual attributes required to contribute meaningfully to this narrative. Its extensive modifications and modern surroundings have severed its connection to the area's historical identity, further diminishing its heritage value.

This property does not meet the Ontario Regulation 9/06 designation requirements and should not be included on the municipal heritage register.

RECOMMENDATIONS FOR CONSIDERATION IN THE DESIGNATION PROCESS

Given that the properties under review are situated within areas designated for future growth and investment, it is essential to approach the designation process with a balanced perspective—one that acknowledges heritage conservation goals while also considering redevelopment potential. The following recommendations aim to align heritage preservation with practical development opportunities:

1. Strategic Approach to Heritage Designation

- The heritage value of each property should be evaluated on a case-by-case basis, ensuring that the designation does not unduly restrict redevelopment potential without sufficient justification under Ontario Regulation 9/06.
- Where designation is warranted, exploring adaptive reuse solutions could allow for the retention of heritage features while still permitting development that aligns with Burlington's growth strategy.

2. Collaboration in the Process

- Full disclosure of the Stantec Cultural Heritage Evaluation Reports (CHERs) is critical for the property owner to properly assess the rationale behind designation decisions.
- Working directly with City staff to refine the heritage value assessment for each property could help ensure a fair, evidence-based process that takes into account both historical significance and urban impact.

3. Addressing Client-Specific Development Objectives

- **390 John Street:** Given extensive alterations and loss of integrity, designation is not justified, and the site should be positioned for redevelopment without constraints.
- **2003 Lakeshore Road:** While the property has heritage attributes, it is not rare and similar examples exist across Ontario. Opportunities for integration within a larger redevelopment should be considered instead of full designation.
- **1134 Plains Road East:** This property meets six of the nine Ontario Regulation 9/06 criteria, supporting its designation. However, designation should be approached with a clear understanding of how it aligns with the City's broader planning objectives.

CONCLUSION

The evaluation of the subject properties does not adequately address key heritage criteria, particularly architectural integrity, historical significance, and contextual value. Several of the concerns raised in our previous submissions remain unaddressed, and the rationale presented for designation appears to rely on broad assertions rather than clearly documented evidence or analysis.

Based on our assessment, 1134 Plains Road East meets the criteria for designation and demonstrates architectural, historical, and contextual value. In contrast, 2003 Lakeshore Road and 390 John Street do not meet the threshold for designation under Ontario Regulation 9/06 due to loss of integrity, limited historical associations, and reduced contextual relevance.

Heritage designation is a meaningful and long-term planning tool. As such, it is critical that decisions be grounded in thorough evaluation, with consideration for future redevelopment opportunities. We recommend that designation efforts focus where the strongest heritage values are present, while allowing flexibility for properties that no longer meet the required standards.

Sincerely,



Nathalie Desrosiers, B.Sc., M.Sc.A., Ph.D (c), RAIC IRP, APT, ICOMOS
Senior Heritage Lead

Heritage Planning Services
mcCallumSather Architects

William Bunton Esq. 1820-1881

William Bunton was a prominent businessman in this area, formerly known as Wellington Square. He enjoyed great success as a land developer, grain and lumber merchant, owner of a general store and a ship builder. Schooners built by Bunton's company were launched from Bunton's Wharf, just east of Brant Street. One of his largest ships was 105 feet long and had a capacity for 10,000 bushels of grain.

In September 1881, Bunton was killed by an explosion at his oil well in Bradford, Pennsylvania. He was buried in St. Luke's Cemetery on Ontario Street. Bunton attended Knox Presbyterian Church on James Street. Memorials to the Bunton family can be found in the church.

This building has been named in honour of William Bunton and pays tribute to the contributions he made to Burlington.

Thomas Baxter

Thomas Baxter arrived in Nelson Township in 1840 and quickly became established in the community. In 1848 he was one of the ten founders of the Union Burying ground.

Baxter first had a business in Lowville. He moved to Burlington, formerly known as Wellington Square when D. Torrance and Company of Montreal bought the Gage grain-handling business and hired him as an agent. For many years Baxter's Wharf was a landmark on the lakeshore between Locust and Elizabeth streets.

In 1861 Baxter went into business for himself as a general merchant, although he remained in the grain business as well. A newspaper advertisement of the area reads: "T Baxter and Co. will pay cash for wheat, barley and peas delivered to their warehouse, Wellington Square." Comfortably well-off by this time, Baxter purchased the Asahel Gage farm with its residence, Balsam Lodge, on Queens way Drive. Baxter not only farmed this land successfully, but also became active in the Nelson Agricultural Society, being its vice-president in 1873. He also served on the Nelson council and was reeve for several terms. Thomas's son, Richard, lived at Balsam Lodge and continued in business as a grain merchant. He also opened the first bank in Burlington. A private bank called Richard Baxter and company, located at Brant and Water.