



PARTICIPANT STATEMENT

RE: ONTARIO MUNICIPAL BOARD FILE Numbers PL080169 and PL080632

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The following is the participant statement of Save Our Waterfront opposing:

Amendments to the Official Plan of the City of Burlington to allow greater height and density in the Old Lakeshore Road precinct, stretching east/west from Pearl to Torrance, and north/south from Lakeshore Road to Lake Ontario.

and seeking

meaningful, city-wide consultation on this key portion of Burlington's waterfront, as required by the Official Plan, which has not taken place.

The Save Our Waterfront steering committee has authorized its chair to oppose the amendments to the Official Plan and Zoning By-Law as above.

A number of member residents, including Burlington Save our Waterfront Chair (Marianne Meed Ward), will represent the BSOW at the hearing.

1. Introduction: Save Our Waterfront

Save Our Waterfront was formed by Burlington residents in July 2009 out of concerns that the Official Plan allows the development of 8- to 15-storey high-rises that would take out existing heritage buildings along the waterfront stretch in the Old Lakeshore Road Precinct in downtown Burlington. Some 35 residents attended an initial meeting July 16, selected a chair, Marianne Meed Ward, and a steering committee, to plan a community engagement process to gain protections from extensive development in this area, and to protect heritage resources.

An online campaign was launched in July, and to date more than 1,500 residents have joined the campaign online, through door-to-door outreach and petitions at local businesses. The overwhelming sentiment of these residents is that the development allowed in the Official Plan and Zoning, and best described in the Urban Design Guidelines for the Old Lakeshore Road Precinct, is not appropriate for the area, does not respect its character, and puts heritage properties at risk.

Furthermore, the plan was arrived at with very little consultation, and no city-wide consultation, even though all residents of Burlington rightly believe they have a stake in their waterfront, and their downtown area. This is reinforced by the fact that 75% of people who have joined the Save Our Waterfront campaign live outside the immediate downtown area.

In September 2009, Save Our Waterfront learned of the appeal by TDL, and chose to seek participant status to make our case to the OMB that the development options outlined in the Official Plan and Zoning do not represent good planning, nor are they reflective of a community vision for that area.

As its mandate, Save Our Waterfront is seeking city-wide consultation to determine a community-led vision for this last key area of our downtown waterfront. We recognize there are various stakeholders with interest in this precinct, including current landowners, businesses and potential developers. We submit that their voices have been heard, but the voices of residents (outside of a

few in the immediate area) have not been heard, nor heeded, and that imbalance must be corrected.

As such, the issues being discussed in the above-noted OMB cases and the ramifications of any decision are relevant to our ongoing work and mandate.

2. Our Approach to Development

While Burlington Save Our Waterfront views development as a positive and natural process in the growth and evolution of our city, we also believe that good community planning must protect the physical character of neighbourhoods as indicated in Burlington's Official Plan:

Part III, Section 2.2.1: Objectives

“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 neighbourhoods.”

For a number of reasons outlined below we believe the proposed development options allowed are not compatible with existing residential neighbourhoods.

3. History of the Area

The Old Lakeshore Road Precinct formed an early port location for Wellington, later amalgamated into Burlington. The precinct is home to at least 11 properties dating back to the 1800s that are part of the Municipal Register of heritage assets. These properties, and their early owners, form an important part of Burlington's history. Their destruction or relocation would severely compromise the integrity and maintenance of that early history.

More information on these properties is available online at saveourwaterfront.ca, and will be presented orally at the hearing.

4. Do the applications being considered reflect good and appropriate land use planning?

The Burlington Save Our Waterfront will show the Board that the development options for the Old Lakeshore Road Precinct, as captured visually in the Urban Design Guidelines for the Old Lakeshore Road Precinct, are not good community planning because:

- 4.1 They do not reflect the intent of the Official Plan to respect the existing character of our neighbourhood;
- 4.2 They do not aim to preserve cultural resources;
- 4.3 They do not provide sufficient protection for natural resources;
- 4.4 They concentrate development of highrises in a single area, contrary to the Official Plan;
- 4.5 They were undertaken without appropriate community consultation;
- 4.6 They will impact negatively on the downtown and surrounding neighbourhoods.
- 4.7 They arbitrarily include Old lakeshore Road in the Urban Growth Centre Boundaries of the downtown.

4.1 They do not reflect the intent of the Official Plan to respect the existing character of our neighbourhood

The intent of the Official Plan is for growth to occur in such a way as to be harmonious with existing neighbourhood character.

Part III, Section 2.2.1: Objectives states:

“To require new residential *development* to be *compatible* with surrounding properties.”

The Old Lakeshore Road area is currently characterized by two-story, heritage dwellings. Though there are a scattering of higher density buildings adjacent to this area, it serves as a gateway or buffer to low-rise residential neighbourhoods to the North and East. This precinct forms part of the larger downtown core which is characterized by low-rise buildings, many of which are historic, and some of which are officially designated heritage properties under the Ontario Heritage Act. If development were to proceed as allowed in the Official Plan, these two-story heritage properties, especially on the shoreline of Lake Ontario, would be dwarfed by high-rises ranging from 6- to 15-stories.

4.2 They do not aim to preserve cultural resources;

Under policies for the Downtown Core, there is support for maintaining heritage resources:

Part III, Section 5.5.3, General policies:

“The Downtown's *cultural heritage resources* shall be *preserved* and integrated into new *development*, where possible, and any *development* close to *cultural heritage resources* shall be sensitive to the historic context of the street and not just of the immediately adjacent buildings, to maintain the character of established areas.”

There are also site specific guidelines for the Old Lakeshore Road Precinct in the Official Plan, Under Part III, Section **5.5.7 Old Lakeshore Road Mixed Use Precinct**, which states development shall be:

“compatible with existing development and reflects the unique history and character of the precinct. “

And further down:

“preservation or relocation of significant *cultural heritage resources* within the precinct.”

And further down:

“Significant *cultural heritage resources* should be preserved and integrated into new development. The relocation of *cultural heritage* buildings within the precinct will be considered, including within a conservation authority setback from Lake Ontario, as an alternative to removal of such buildings.”

At the hearing, we will present detailed descriptions of the character of Old Lakeshore Road based on the experiences of residents over the past several decades, including what the heritage properties mean to them.

4.3 They do not provide sufficient protection for natural resources;

Good community planning must also protect the natural environment. In the Old Lakeshore Road area, the shoreline is the relevant natural area.

Part III, Section 2.2.1: Objectives state:

“To provide housing opportunities that are *compatible* with the protection of the *natural environment*.”

Further down in the same section, the Plan states:

“natural and *cultural heritage* features and areas of natural hazard are protected;”

However, City Council quietly on June 16 removed firm shoreline protection of a 20-metre setback from our Official Plan, and replaced it with the more vague language “applicable setback.” Despite that, design guidelines for the area still show a shoreline setback of up to 30 metres, inside of which no development should take place. However, we now know that so long as the shoreline can be stabilized to the satisfaction of Conservation Halton, high-rises up to 15-storeys would be allowed. This neither respects the content of the city’s design guidelines, nor the work done to date on shoreline studies referred to in the design guidelines, which require no construction inside of a 20-30 metre setback.

In order to truly respect the intent of the Official Plan with regard to protecting the natural environment, and to respect the content of shoreline analysis already undertaken, we submit that the Official Plan needs to include a firm setback of at least 20 metres along this area of the shoreline, inside of which no development is possible.

4.4 They concentrate development of highrises in a single area, contrary to the Official Plan;

The Official Plan discourages concentrations of high-density buildings. Part III, Section 2.2.1: Objectives states:

“To *encourage* the integration of a wide range of housing types and tenure and discourage large concentrations of higher density residential blocks.”

This section is particularly relevant since a “large concentration” is exactly what will result according to the current Official Plan. The Old lakeshore Road Precinct is adjacent to two other precincts. In one of these precincts across the street to the North, there have already been two high-rise buildings constructed of 10-plus storeys. They are on the North Side of Lakeshore Road.

Across the street to the East, on the South Side of Lakeshore Road, City Council has approved a development of two seven-storey buildings and one 22-storey building.

To the East, on the north and south sides of Lakeshore Road there are two additional high-rise towers over 10 storeys.

Added to the proposed four 8- to 15-storey towers, this represents a “concentration” of higher density residential blocks, under any understanding of the word “concentration.” This concentration itself is out of keeping with the area, and already threatens to dwarf the two-story heritage properties in the Old Lakeshore Road Precinct.

A powerpoint is available on our website that provides a graphic representation of the East Waterfront area, showing the concentration of buildings that will occur if buildings area constructed according to the Official Plan. This evidence will also be presented at the hearing.

4.5 They were undertaken without appropriate community consultation.

Council is required under the Official Plan to consult with the public regarding significant changes to existing areas as a result of residential intensification.

Part III, 2.5.2 General Policies for Housing Intensification state:

“where a proposal for residential *intensification* is deemed to have potentially significant adverse impacts, Council *may* require an expanded public consultation process, including additional neighbourhood meeting(s).”

Save Our Waterfront has learned that the public consultation was extremely limited. There was one public meeting, advertised two weeks prior which hardly gives people time to prepare to attend. Residents within the immediate area were invited. There was no city-wide publicity other than a small notice in the newspaper, which most people don't receive, or read.

Some 30 residents, and 30 landowners and/or developers, attended the meeting. It consisted of a two-hour charettes process to discuss several options for developing the Old Lakeshore Road area. None of these options were the ones eventually presented to the public at a second neighbourhood meeting.

The second neighborhood meeting was not a consultation, but merely a presentation of what had been decided for the area, supported by earlier changes to the Official Plan and Zoning voted on by City Council.

The design concepts for the area were unanimously passed at council in July, regardless of serious concerns raised by residents, historians and two former mayors. Many of these people said they were hearing about the development options for the Old Lakeshore Road area for the first time. That is a sentiment repeatedly echoed by the people who have joined Save Our Waterfront: “I had no idea” followed closely by “The proposed development is inappropriate.”

Save Our Waterfront will fully outline the public consultation process at the hearing to demonstrate that in no way does it respect the intent of the Official Plan with regard to “an expanded public consultation process.”

4.6 Impacts on surrounding properties, and the neighbourhood

Residents will present to the Board what they consider to be the direct impacts of the proposed development on them and the neighbourhood, including:

4.6.1 Overlook, views and privacy

Four buildings of 8- to 15-storeys in height will have significant impact on views of property owners across the street, and will isolate and overpower any heritage buildings that remaining the district.

4.6.2 Shadow and wind

There are concerns about shadow and wind once all the approved towers are built on both sides of Lakeshore Road, and are added to existing buildings. This will negatively impact the use and enjoyment of all residents visiting the area, and the pedestrian routes in the area.

4.6.3 Traffic

Lakeshore Road is already congested during rush hour, and weekend festivals. The addition of four highrise towers will make that worse, even if a significant number of people walk or use public transit.

4.7 They arbitrarily include Old lakeshore Road in the Urban Growth Boundaries of the downtown.

Under the Burlington Official Plan, the Old Lakeshore Road Precinct has been arbitrarily included in the area designated for downtown growth. However, neighbourhoods of similar character in the downtown and adjacent to Old Lakeshore Road, the St. Luke's and Emerald Neighbourhood Precincts, are protected with a two and-a-half-story limit (See Part III, Section 5.5.3 of the Official Plan, pg. 72). We submit that the Old Lakeshore Road area, with its current two-storey character, and heritage assets, deserves no less protection and should be excluded from the pressures of being included in the Urban Growth Centre boundaries.

5. Provincial Policy Statement (2005)

The planning and zoning options for Old lakeshore Road, which would allow removal of heritage properties, are contrary to the key objectives of the Provincial Policy Statement (PPS). The PPS aims to preserve cultural heritage:

2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.”

6. Conclusion

The Burlington Save Our Waterfront group opposes the changes to Burlington’s Official Plan and Zoning in the Old Lakeshore Road precinct which would remove significant heritage assets and allow a canyon-like concentration of towers in the downtown, contrary to the intent of the Official Plan and Provincial Policy Statement.

It is the view of Save our Waterfront that the development option of four high-rises ranging from 8- to 15-storeys, which would require removal of all but one of the heritage properties in the Old Lakeshore Road Precinct, is contrary to the policies of the Official Plan outlined above that require development to be compatible with existing neighborhoods, prevent concentration of high-rises, and protect cultural and natural heritage resources.

If the Official Plan and Zoning for this area stands, the proposed development of 8- to 15-storey towers taking out most of the heritage properties would significantly alter the physical and social character of this area. A development of this scale, height and density is not consistent with a low density, historic neighbourhood. This is particularly troubling considering the other planning applications that are pending and proposed for the area.

7. Reports Referred to:

1. Urban Design Guidelines for the Old Lakeshore Road Precinct.

<http://abetterburlington.ca/wp-content/uploads/2009/08/CDC-Agenda-June-22-2009-PB-50-09-Old-Lakeshore-Rd-Precinct-Design-Guidelines.pdf>

2. City of Burlington Official Plan, January 2008:

<http://cms.burlington.ca/Page846.aspx>

3. Provincial Policy Statement (2005) <http://www.mah.gov.on.ca/Page1485.aspx>

4. Submission at hearing: Evidence of the 1,500+ names of people across Burlington who have joined the Save Our Waterfront campaign.