

**Delegation before the Development and Infrastructure Committee, City of Burlington, Statutory Public Meeting
Concerning the Report recommending refusal of the application for a Zoning By-law amendment for 143 Blue Water Place and 105 Avondale Court**

File Number: 520-07/16

Date: October 31, 2016, 2pm

Report Number: PB-91-16

Good afternoon. Thank you for this opportunity to address Committee. My name is Deedee Davies. I am Chair of a volunteer citizen group called Burlington Waterfront. Our objective is to promote the preservation of and access to the waterfront across all of Burlington.

Burlington Waterfront supports the Staff report recommendation to refuse the application for a Zoning By-law amendment, submitted on behalf of First Urban Inc for townhouses and semis at 143 Blue Water Place and 105 Avondale Place.

While there are many reasons this development should not be approved, the one I will focus on is the parkland dedication aspect. This issue was raised numerous times within the Staff Report. Ultimately, on page 23, Staff wrote: "The applicant has failed to provide the required parkland dedication for the establishment of a window-to-the-lake and trail connection. A minimum 15 metre wide strip of land, measured from below the stable top of bank along the entire width of the shoreline along the subject lands, shall be dedicated to the City as parkland. This criterion is not met."

Thank you Staff!

Our hope is that this afternoon this Committee, and this evening our Council, will endorse and approve this staff recommendation.

The May 2016 Planning Justification Report prepared by Weston Consulting stated that the owner of the properties, First Urban Inc, would not provide the required strip of land for several reasons. Their first argument was that the Waterfront Regeneration Trust Act requiring it was repealed by the Open for Business Act of 2010 and therefore the City's policies were outdated and questionable. Marlaine Koehler, Executive Director of the Waterfront Regeneration Trust responded to my question I posed to her on this – writing that it was with the transformation of the Agency into a charitable trust "with provisions for the Trail and waterfront access housed in planning documents, the Act was not relevant." In her letter that is attached to the staff report being discussed today, Marlaine affirms that Weston Consulting "is misleading in implying that the wind up of the Trust as provincial agency would mean regressing on our collective commitment to public access on Ontario's Great Lakes – greater public ownership and access has been and will always be an important goal."

Secondly, Weston Consulting wrote that our Official Plan Policy uses the word "may", thereby giving flexibility and discretion. Their interpretation was that the applicability of the Policy must be proven feasible. Because there is no ability to join up the lands TODAY, they considered the requirement to be not feasible. Hardly anything would be achieved if we only looked at what was possible today. Even developers would rarely build, as it takes time for them to assemble sufficient lands for redevelopment.

Weston Consulting went on to cite as precedent that in 2013 City Council voted against a Staff Recommendation to retain waterfront lands the city already owned between Market and St Paul Streets and only lease them to the adjacent homeowners. In our eyes and the eyes of many others, City Council displayed shortsightedness in that instance and voted to sell the lands to the adjacent home owners. Even with considerable opposition during the sale process, it became final in December 2014. However, Council stated then that it was not to be considered precedent setting as there were unique circumstances leading to their decision, As the decision was made in-camera, we will never know the truth, but we hope this case was the last.

In conclusion Weston Consulting wrote, “It is our opinion that dedication of trail lands would not work towards the City’s objective of a connected trail system.”

I find that statement astounding. How could providing lands NOT work towards the City’s objective of a connected trail system. One must understand that when a city has vision, they look a hundred years to the future and imagine what could happen with the actions taken today. That is why it is critical that the city take every opportunity to acquire lands when they become available through a development process. Initially, it may be a patchwork of stranded parcels with some Windows-to-the-Lake. Eventually, over time, those parcels will begin to be connected until the goal is achieved. This is VISION.

In fact, the letter from the Waterfront Regeneration Trust that is attached to the staff report states, “Progress on reclaiming access will be slow and only possible if every opportunity is seized.”

I conclude my delegation by stating that this Committee, and Council this evening, has the opportunity to demonstrate the vision that it takes to make a city great – by declaring that opening up access to the waterfront to the public is still something they stand behind, and endorsing this staff report to refuse zoning amendment.

Thank you for your time.

Deedee Davies
Chair
Burlington Waterfront
deedee@jrsalmon.ca
www.burlingtonwaterfront.org