My name is Benjamin (Ben) Burd. I have been a resident of Cobourg since 1972 and enjoyed every day of it. I have participated fully in every aspect of the culture and heritage of Cobourg.

As a former Councillor for nine years and having been on the Planning Advisory Board I have been involved in local planning and heritage for many years as a participant and observer. As a former Board member of the Cobourg Museum Foundation I feel qualified to comment on heritage matters. I contribute to the community by supplying opinion to the Community via an online publication.

It is my opinion that the referral of a request to make a decision on the application, by the objector, to a later date in 2027 was proper in that the Council, by motion, did what the applicant asked them to do.

However I also realise that the “motion to refer” may or may not be a “decision” as laid out in law or OLT protocols or procedures. However to the layperson and the average Citizen and all of the Councillors who voted on the motion it was very clear to them - Council was asking for more information before they made a decision and only did so because the applicant asked them to do so. In their minds the decision was going to be made at a later date - at the applicant’s request.

The question as to whether the “120 day deadline” had been passed when Council referred the request is important, because if it had passed, the applicant was being duplicitous towards Council by asking for a request to agree to more discussion when the applicant had already decided to appeal to the OLT claiming that the Town had not made a decision within the required 120 days.

If the Tribunal, in its wisdom decides at the Case Management Conference to be held on November 18th 2026 to expand the appeal into the planning merits of the application please take my comments below into consideration.

I have framed my concerns in two parts; firstly concerns as they relate to the official Plan and the Zoning Bylaw and secondly I rebut statements contained in the application document.

This application should not be approved because it is a flagrant abuse of the Official Plan. The Official Plan is a compilation of the Community’s values and aspirations about the way Cobourg should handle growth and its future.

Specifically:

- The Heritage District Plan states that all buildings in the Heritage Area must be below a 4 storey height limit
- Any new development must be sympathetic and blend into the Neighbourhood
    - An eight story building is not sympathetic to the Downtown area and certainly does not blend into the space adjacent to Victoria hall
    - An eight-storey building fronting onto the sidewalk, without front yard setbacks does not preserve the district's character

    - The developer has not demonstrated that the proposed height, massing and design will conserve the heritage character of the area
- Community interest in the application
    - If the greater majority of the comments received in the Public meeting opposed the application for whatever reason, then the examination of those references were disregarded by the Director of Development and should be reexamined by the Tribunal to realise the depth of concern, knowledge and interest in the application from the Community.
    - The great majority of the Citizens expressed concern that the impacts on pedestrian experience, sunlight, views and the surrounding streets were not adequately addressed
- This application would set a precedent by approving this site-specific exception, for at least eight potential 'infill sites' with similarly tall developments in the historic downtown?

My concerns about the rezoning application is that the amendments to the bylaw being asked are excessive.

- The amendment asks for a variance in height that is twice the allowed height of 12metres the application asks for 24metres
- The massing and massing and density asked for is three times the allowed

- In my opinion the this is an incomplete application
    - Where is the heritage impact study?
    - The necessary culvert redesign is incomplete: which of the culvert designs was the application referencing.- Is the culvert diversion properly engineered and ready to go, this should be reevaluated
    - Is the flood plain analysis complete and proper

Extracts from the application that need rebuttals, printed in italics:

While the proposed development exceeds the recommended height restriction of 4 storeys – which is also in line with the Town of Cobourg Official Plan, the applicant is seeking an Official Plan Amendment (OPA) to permit the additional height.

"The requested increase in height and density aligns with the Town's broader vision of intensifying the Main Central Area and addresses the increasing demand for housing. This approach supports sustainable urban development and the enhancement of the public realm, contributing to the vitality, character, and long-term development objectives of Downtown Cobourg."

This statement is not true if the measurement is the OP, also the values of the OP are not the same as expressed by the applicant. The broader vision of the Town is expressed in the existing OP and will remain so until approved by the Community by a new plan.

“The proposed development, while exceeding the typical height and density limits for the area, *has been thoughtfully designed to mitigate any potential negative impacts*. Due to these exceedances, the applicant is requesting an Official Plan Amendment (OPA) to facilitate the proposed development.”

> *The potential negative impacts are due entirely to the exceedances by the applicant in the height and massing requests for change and should not be granted so as to avoid them*

“A Zoning By-law Amendment application is therefore *being proposed to rezone the subject property to a site-specific Main Central Commercial (MC-Exception) Zone*. Considering that the Zoning By-law predates the Official Plan which permits high density residential uses, it is our opinion that the proposed amendment is in keeping with the Official Plan policies. In addition, the Zoning By-law also restricts the permissible floor space index to 2.0 and building height to a maximum of three storeys. The proposed Zoning By-law Amendment seeks to address these exceedances as site-specific exceptions.”

> *A site-specific exception if it exceeds the values of the OP is not acceptable without extreme justifications. The public benefits of doubling the height levels and tripling the Floor space requirements have yet to be proven to the Town. The site-specific requests will also set a dangerous precedent that will imperil the integrity of the Downtown Area by further similar unfill projects.*

“As mentioned above, some amendments to the zoning provisions have also been proposed. *These amendments are necessary to achieve the desired residential density.* The proposed amendments and the rationale for each proposed amendment has been discussed in previous section of this report. It is therefore our professional opinion that the proposed development is consistent with the general intent and purpose of the Zoning By-law and will be consistent with the provisions of the Zoning By-law as amended.”

> ***Necessary for whom?*** *The applicant has stated publicly that the development is not economically viable without increased densities it is not the Town’s responsibility to determine economic viability in the success of the application. Nowhere in the OP does it state that economic viability is a reason to allow increased densities and heights.*

“conclusion of the report”

As discussed in this report, the proposed development is desirable and appropriate for several reasons, including the following:

- The development will transform an underutilized surface parking lot into a vibrant, mixed-use infill project that supports residential intensification within Cobourg’s downtown core.
    - *this proposal has to be looked at in reality. The Main commercial area has an*

abundance of vacant stores and the latest build, a mixed-use building is still vacant. With a commercial mix of less than 10% commercial the proposal cannot be called a "Vibrant mix" when all it does is overload the area with residents.

- "The proposal is consistent with the Provincial Policy Statement (2024), promoting efficient use of land and infrastructure, supporting active transportation, and enhancing walkability near the waterfront and public amenities. It proposes higher-density housing in a strategic location, offering a mix of unit types within walking distance of jobs, services, and cultural destinations."
  - *The statement may be true in a minimal context, it may be providing an efficient use of land and it may provide housing but those mandates have to be tempered with the other requirements of the PPS - regard to Heritage and Official Plans and Zoning bylaws, as well as adhering to environmental policies.*

- "The proposal supports the objectives of the Town of Cobourg's Official Plan by contributing to the revitalization of the Main Central Area and Heart of Downtown Character Area through high-quality, pedestrian-scaled design."
  - *The pedestrian scaled design is a fallacy. The design calls for built to the sidewalk frontages which by design produce wind-tunnels and stark high rise environments.*

- "The built form responds sensitively to the adjacent Victoria Hall and Heritage Conservation District, incorporating podium-level stepback and material treatments that respect the cultural heritage context of the area."
  - *This is a superfluous statement that does not reflect reality, the design materials are not sympathetic to the neighbourhood or Victoria Hall. By not being sympathetic it is an affront to Victoria Hall and the heritage context of the Downtown.*

- "The proposed design prioritizes active street edges and public realm enhancements, including wide sidewalks, patios, and connections to Rotary Harbourfront Park and Victoria Square, fostering social interaction and community vibrancy."
  - *Again another dreamy puff statement. Wider sidewalks, and existing road linkages to Rotary park and Victoria Square are already in place and the development will have no effect on existing social interaction and community vibrancy*

Every one of these statements may correct if the application were to be in conformity with the existing OP and new Zoning bylaw.

As a Citizen who cannot participate in the OLT precess either as a party or a participant I would implore the OLT to take notice of this paper, as well as any others that come to you, as 'letters of concern', very seriously as they are the grassroots asking you to do so.