

City of Burlington

Official Plan Review - Comments

April 2018

Section	Official Plan Text	Comments / Concerns
1.4.2.(c)	A City That Grows: Accommodates population and employment growth through development and intensification within targeted locations of the city's Urban Area.	4480 Paletta Court is located within one of these targeted intensification locations, being the Appleby GO Mobility Hub. With the recent fire destroying the building, we proposed a development concept that would accommodate both population growth and employment growth, yet were denied. If this City truly wants to "Grow Bold", it's time to stop finding reasons to stop re-development, and start embracing these opportunities as they arise.
2.2.1.(d)	Non-farm development in the Rural Area shall be directed to existing Rural Settlement Areas.	This policy fails to respect the definition of "development", or address existing rural lots of record outside of Rural Settlement Areas, where landowners still have a right to undertake certain forms of development, such as building an addition onto their homes.
2.2.2.(d)	The Green System depicts the network of green spaces that runs through the city's Urban Area, Rural Area and North Aldershot. It is a critical component of the healthy and environmentally sustainable city. The Green System is made up of three components: the Natural Heritage System land use designation; the Major Parks and Open Space land use designation within settlement areas; and other parks in the Urban Area such as Neighbourhood Parks, Parkettes and Special Resource Areas. The policies that apply to the Green System are found in the corresponding land use designation.	We still question the need for another layer of designation above and beyond those that already exist. In reading this Official Plan as a whole, there is hardly any reference to this Green System, and practically no benefit to anyone by adding this new layer of designation.
2.2.3.(d).(i)	The Urban Boundary represents the fixed boundary that identifies the Urban Area. An Urban Boundary expansion may only occur through a municipal comprehensive review and is not intended or permitted within the planning horizon of this Plan.	Delete "and is not intended or permitted within the planning horizon of this Plan." We appreciate no boundary expansions are currently being planned, but why not at least leave yourselves open to that possibility if circumstances within the planning horizon of this Plan change, and suddenly warrant such consideration?

2.2.3.(d).(iii)	The Delineated Built Boundary represents the fixed boundary that identifies the Delineated Built-Up Area, which constitutes the developed Urban Area of the municipality...	The Delineated Built Boundary mapping contained within the schedules of this Official Plan do not show Bronte Creek Meadows, 1200 King Road, or our Appleby & 407 plaza correctly. All three are either developed or surrounded by development with services available, within the urban area, and should be included within the built boundary.
2.3	The Urban Structure is composed of seven major components: 1. Mixed Use Intensification Areas; 2. Region of Halton Employment Areas; 3. Employment Lands; 4. Residential Neighbourhood Areas; 5. Natural Heritage System, Major Parks and Open Space; 6. Mineral Resource Extraction Area; and 7. Infrastructure and Transportation Corridors.	The Green System is not mentioned, adding to our thought that it is a redundant term that does nothing beyond adding an extra layer of designation and confusion.
2.3.1.(i)	Mobility Hubs.	Mobility Hubs are being planned as the major intensification areas within the urban area, where significant growth can be supported. Consideration must therefore be given to prioritizing the City's needs within the urban area over potential environmental constraints, when feasible. There's also a statement that "These are emerging areas in the Urban Structure that represent opportunities to intensify and develop complete communities", however if you look at the concept plan for the Appleby Go Mobility Hub as an example, what's being proposed is far from a complete community. A nearly fully employment designated mobility hub does nothing to promote the concept of complete communities.
2.3.3.(e)	The re-designation of lands within the Employment Area to a designation that permits non-employment uses is considered a conversion and may only occur through a municipal comprehensive review...	As acknowledged in the Introduction of this Official Plan, Burlington is at a turning point and is transitioning from a suburban to an urban community, accomodating more residents and jobs within existing areas through intensification. Opportunities for intensification may come with a request from a landowner/developer to include a mix of uses, while still maintaining the employment function, as that is what the market wants, particularly within Mobility Hub areas. Those opportunities will be wasted as the result of this policy. This policy does nothing to promote the City's slogan of "Grow Bold" when great opportunities for this City will be missed because of this "our hands are tied" approach.

2.3.5.(b)	The Natural Heritage System is made up of natural heritage features and areas, such as woodlands and wetlands, shorelines, enhancements and buffers, and the linkages and interrelationships among them, and with the surrounding landscape. Major Parks and Open Space includes Community Parks, City Parks, and other public and private open space lands.	How is this significantly different than the Green System, to warrant the need for a Green System designation on top of it?
2.4.2.(b).(i)	The Growth Framework shall not apply to undeveloped areas outside of the Delineated Built Boundary...	Why not? The last few remaining vacant properties within Burlington's Urban Boundary are shown outside of the Delineated Built Boundary in Region of Halton's Official Plan (ie. Bronte Creek Meadows, 1200 King Road). Why would the Growth Framework not apply to these properties, which represent major development and economic opportunity to the City? The west half of 1200 King Road is within the Aldershot Mobility Hub, an identified Primary Growth Area, yet this policy states the Growth Framework shall not apply? This doesn't make sense. Why aren't these properties within the Built Boundary in the first place?
3.1.1.(1).(a)	To ensure that a sufficient supply of suitably designated and serviced land is available to accommodate residential growth to meet existing and future housing needs.	Where does the City currently have serviced "land" available to accommodate residential growth, given that the City is essentially built out? Bronte Creek Meadows and Eagle Heights may be this City's only remaining pieces of land that could achieve this policy, if ever allowed to develop in such a manner.
3.1.1.(2)(k)	The City will encourage a mix of housing forms. However, the city's existing areas of Residential Low-Density shall be considered sufficient to contribute towards that component of the mix.	This does not reflect market needs. What is the impact of this policy on development applications that propose additional low density residential housing?
3.1.3	Housing Affordability	What's considered "affordable" anymore within the GTA, where high land values, market supply and demand forces, and ever-increasing property taxes, development charges, application fees, planning studies, red-tape delays, etc... dictate the value of new homes? Is "affordable" not a relative term?

3.2.1.(d)	To support the development of a city-wide Post Secondary Institution Strategy.	How long will this take? When will it begin? In meetings with City planning staff we've been told they want to undertake this study before determining appropriate uses at Bronte Creek Meadows. While this will put in place a strategy, what if in reality there is no desire from the Post Secondary Institution community to come to Burlington? Will lands be designated and placed on hold indefinitely, just like the employment lands that remain vacant for decades?
3.2.2.(d)	Major places of worship shall not be permitted within an Employment Area with the exception of lands designated Urban Corridor-Employment Lands.	Why not? Many places of worship double as community centres, meeting rooms, day cares, etc... to ensure use through all 7 days of the week as a more economical use of new buildings. This city has ample vacant employment land that could be used for this purpose.
3.2.2.(g).(ii)	The City will initiate the preparation of a comprehensive, City-wide Post Secondary Institution Strategy that will consider, at a minimum: (ii) an analysis and discussion of the relative strengths and opportunities related to the potential to accommodate a post-secondary institution in Primary Growth Areas, including the Downtown or Mobility Hubs or areas within the Designated Greenfield Area.	How long will this take? When will it begin? In meetings with City planning staff we've been told they want to undertake this study before determining appropriate uses at Bronte Creek Meadows. While this will put in place a strategy, what if in reality there is no desire from the Post Secondary Institution community to come to Burlington? Will lands be designated and placed on hold indefinitely, just like the employment lands that remain vacant for decades?
4.2	Natural Heritage System	Again, how is this significantly different than the Green System to a degree that warrants the inclusion of an additional Green System designation? How was the NHS area mapping completed? We do not agree that the NHS mapping is correct on several of our properties.
4.2.1.(g)	To maintain, restore and enhance Key Natural Features, without limiting the ability of existing agricultural uses to continue.	Delete the word "existing". Prime agricultural land is at a premium but for a variety of reasons, properties may be left fallow for periods of time as part of normal farm practices. Will these fallow periods jeopardize the landowner's claim that agricultural uses continue to exist? In our experience, the answer is yes.

4.2.1.(o)	To provide opportunities for non-intensive recreation uses within the Natural Heritage System, where appropriate.	The unfortunate and unintended consequence of this policy is that it encourages illegal trespassing onto private property and farmland, where people feel they can do whatever they want, go wherever they want, and damage whatever they want, all on property that they do not own. Rural property owner rights are infringed upon every day because of policies like this one.
4.2.2.(b)	The Provincial Natural Heritage System for the Growth Plan for the Greater Golden Horseshoe is shown on Schedule M-1.....	Strongly disagree with this mapping, as it does not respect existing development approvals (ie. Eagle Heights), and shows Natural Heritage System colouring over top of lands already approved and slated for development.
4.2.2.(m).(i).(c)	The City shall apply a systems based approach to development and site alteration within and adjacent to the City's Natural Heritage System, including the development of permitted uses, by: prohibiting development and site alteration within: the habitat of endangered species and threatened species in accordance with Provincial and Federal legislation or regulations.	The entire rural area provides potential habitat for one endangered species or another, that doesn't mean those species actually live there. Placing prohibition on development and site alteration over the entire rural area (Natural Heritage System) will end agriculture as we know it. Ploughing a farm field has been interpreted as "site alteration" by Provincial authorities, as evidenced by our experience in the example given above, where ploughing our designated Prime Agricultural Area would result in fines and possible imprisonment.
4.2.2.(m).(ii)	...not permitting development or site alteration within or adjacent to the City's Natural Heritage System that requires an Environmental Impact Assessment (EIA) under Subsection 4.2.4 of this Plan, unless it has been demonstrated through an EIA or equivalent study that there will be no negative impact on the City's Natural Heritage System...	The "no negative impact" test is not appropriate given its subjective nature. Any development or site alteration could be argued to have a negative impact depending on a person's point of view. It should be a matter of identifying the impact, and then determining if/how compensation may be provided to mitigate that impact.
4.2.2.(o).(ii)	The designation of land as part of the Natural Heritage System does not imply that the City intends to purchase those lands.	Arguably, by designating private lands as NHS and enforcing what can and cannot be done on that property, the City does have an interest in those lands. In cases where such enforcement strips the property rights of owner, leaving them with no opportunity to use their property as they intended, the City should be required to purchase the property, or at least waiving any and all property taxes. This is expropriation without compensation.

4.2.3.(c)	While the Greenbelt's Natural Heritage System and the City's Natural Heritage System have different sets of planning policies, they complement each other and together implement the City's vision of a sustainable Natural Heritage System...	Let's not forget the Region of Halton's Natural Heritage System policies, or Conservation Halton's policies, or the Niagara Escarpment policies, or the Ministry of Natural Resources, policies, or the Ministry of Environment's policies... all of which can be different, and are cause for great confusion for landowners trying to cut through the red tape when trying to submit a development application. Why does there need to be this many different sets of policies essentially enforcing the same thing, and this many different sets of approvals, applications, fees, etc...? A small forest of trees is needed for all the paperwork that gets generated in the interest of protecting the environment.
4.2.3.(j)	Notwithstanding Subsection 4.2.3 h) of this Plan, a minimum vegetation protection zone thirty (30) m wide shall be required for wetlands, seepage areas and springs, fish habitat, permanent and intermittent streams, lakes and significant woodlands, measured from the outside boundary of the Key Natural Feature.	Policy 4.2.3.(h) identifies the need for an Environmental Impact Assessment (EIA) for any development proposed within 120m of a Key Natural Feature for the purpose of identifying a vegetation protection zone. Why then is an arbitrary 30m minimum protection zone dictated without the benefit of the EIA? If the City already knows that 30m is needed, why make the proponent spend thousands of dollars on a report which, even if it recommends a zone of 15m, is still going to be enforced at 30m? Either eliminate the need for an EIA, or let the EIA dictate what zone is appropriate under the site specific circumstances.
4.2.3.(l)	Notwithstanding Subsection 4.2.3.h) of this Plan, new agricultural uses shall be required to provide a thirty (30) m vegetation protection zone from a Key Natural Feature...	The danger with this policy is that over time, that 30m protection zone will naturalize and grow to become part of the Key Natural Feature, at which point a new 30m protection zone will be implemented, and over time, the farmable land will continue to shrink until it's no longer a viable farm property. This is the real impact when Natural Heritage System is given priority over agriculture. No such buffers or protection zones should apply to agricultural uses.
4.2.4.(i)	Conditions may be placed on any proposed development to restore the natural character of degraded components of the City's Natural Heritage System within the development site.	This is not reasonable unless the degraded components of the City's Natural Heritage System were caused by the development proponent.

4.2.5.(b)	If a development application involves lands in or adjacent to the Natural Heritage System that is determined should be protected the City shall seek, through the development approval process, the dedication of those lands and associated buffer lands to the City, Conservation Halton...	What if a landowner does not want to dedicate their buffer lands free of charge? Development land is at a premium and isn't cheap, so what gives the City the right to just take it? At minimum, this land should at least count towards parkland dedication, which it currently doesn't.
4.2.5.(e)	Consents may be permitted to enable the securement of lands for conservation purposes or to support the Bruce Trail by a public authority or a non-government conservation organization... provided that the severance does not result in the creation of a new developable non-farm lot outside the Rural Settlement Areas.	Why is this a bad thing if it results in a public agency securing desirable land? Why is the creation of a developable non-farm lot under these circumstances perceived as such a negative that it would eliminate any chance of these agencies gaining land? Isn't that a good thing?
4.3.2.(f)	Replacement and compensation planting requirements should consider on-site tree removals that occurred prior to and after the submission of a development application.	How long prior is this policy going to consider? Will consideration also be given to who did the tree removals (ie. previous land owner), and whether those trees were legally removed as part of normal farm practice? If trees were legally removed, they should not be considered as part of this policy.
4.4.2.2.(r)	The City will incorporate best practices for the management of excess soil generated and fill received during development and site alteration into the City's Site Alteration Bylaw.	Fill importing and exporting has become an extremely expensive operation nowadays given the shortage of suitable fill material. Caution is urged to ensure any new policies implemented do not make this operation even more difficult and costly.
4.4.2.3.(g)	As a condition of development approval, the City shall normally require the dedication of hazardous lands from the greater of the floodplain hazard, or the valley through with the watercourse flows, including a conservation setback from stable top of bank, floodplain hazard, or meander belt allowance. Dedication of these lands shall not be considered part of parkland dedication.	Why not? Any land for preservation purposes and public use/benefit that the City takes from the landowner (excluding roads) should count towards the parkland dedication requirement.

4.7	Some land may be contaminated as a result of past or present land uses... In order to determine no adverse effects prior to permitting development on these sites, confirmation regarding the level of contamination is required to ensure that they are suitable or have been made suitable for the proposed use...	This wording requires the landowner to incur significant remediation expenses before even finding out if re-development is possible. Wording should be added such that "confirmation regarding the level of contamination is required to ensure that they are suitable or have been made suitable, or can be made suitable for the proposed use. If the property owner hires a consultant who writes a report documenting the necessary remediation efforts, that should be sufficient for the sake of proceeding with development applications. The actual remediation work would then become a condition of approval, whereby the landowner could invest the money knowing that the ultimate development proposal is approved.
5.1.2.(b).(ii)	The City will promote economic development and competitiveness and the development of complete communities by: focusing employment growth primarily in the Employment Area and in mixed use intensification areas...	Bronte Creek Meadows is not located in a mixed use intensification area, and therefore will not be the focus of the City's employment growth, yet is effectively being sterilized because of the City's continued insistence that this entire property be retained for employment uses, when the employment community has already made it very clear that this property is not desirable for such uses.
5.1.2.(c)	The city's identified Mobility Hubs shall be planned to accommodate employment uses which are compatible with other sensitive land uses and contribute to the development of vibrant, mixed use and transit supportive areas.	We proposed exactly this at 4480 Paletta Court, and were told no. This property is within the Appleby Go Mobility Hub, would contain office space compatible with the proposed residential above, is located a short walk to the Appleby Line bus routes and GO station, and would result in a vibrant mixed use development. The policies prohibiting ANY residential within employment areas needs to be re-reviewed, as opportunities such as the one we're proposing could be a significant benefit to Burlington.
5.1.2.(d)	Major office and appropriate major development including major public service facilities and major institutional uses shall be located in the Urban Growth Centres or major transit station areas also identified as the City's Mobility Hubs, with existing or planned higher order transit service.	Bronte Creek Meadows is not located in an urban growth centre, nor a major transit station area, nor a Mobility Hub, so why does the City continue to insist that this property remain vacant indefinitely for major office or major institutional development, when neither have shown any prospect of ever happening?

5.2	The city has a finite supply of lands within the Employment Area and it is critical that the City adopt a policy framework with protects that supply from unwanted conversion from employment lands to non-employment use. The City will need to maintain it's supply of land within the Employment Area...	The City's own studies have demonstrated that there is in fact a surplus of employment land. While we agree that viable employment land should be carefully considered, non-viable land, land which is not desirable for employment uses as demonstrated by decades of being on the market with no interest, should be considered for alternative uses. Bronte Creek Meadows is over 300 acres of vacant land within the urban area that could be generating millions of dollars of income for the city, which instead remains vacant farmland surrounded by urban development on 3 sides, and the environmentally sensitive Bronte Creek Provincial Park on the other.
5.2.2.(b)	Lands within the Employment Area overlay and lands to be added to Region of Halton Employment Area as identified on Schedule B: Urban Structure, of this plan are necessary to achieve a significant component of the employment forecasts for the city...	The City's own studies have demonstrated that there is in fact a surplus of employment land.
5.4.1.(b)	Development in close proximity to the Appleby GO should be transit supportive and consider opportunities to facilitate walking and cycling.	All development can be transit supportive if transit exists in the area, which is under the City's control. All development can provide opportunities to facilitate walking and cycling, if the infrastructure exists beyond the property boundaries, which again is under the City's control. For Appleby GO, which has limited residential nearby, the majority of users will continue to require a car. As part of the development of this area as a Mobility Hub, high density residential and mixed uses should be included to bring in a population that will use transit, walking, and cycling options. The current concept plans do not show this, particularly north of the railway tracks.
5.4.1.(c)	In the long term, support for development for employment uses within this corridor will be critical to re-invest, intensify development and increase the number of jobs.	Our proposal for 4480 Paletta Court achieved all of these goals, however rather than offering "support" for this "critical" re-investment opportunity, we were faced with nothing but opposition.
5.4.1.(d)	The QEW Corridor will be the focus of the development of a long-term employment intensification study containing strategies to support development and re-investment.	This is not consistent with our experience when discussing our proposed re-development of 4480 (and 4450) Paletta Court. We are prepared to re-invest in these properties and provide more employment opportunities than exist today, but are being told no.

5.4.2.(a)	The employment function of Bronte Creek Meadows is a priority for the City. This area will be a focus for innovative employment uses in accordance with this Plan and the City's Strategic Plan.	This property is not in a Primary Growth Area, is not within a Mobility Hub, is not along the QEW Corridor, and has displayed absolutely no desirability for employment uses for decades, yet for some reason it remains a "priority" for the City? It is time to change the thinking, and consider alternative uses (ie. mixed use/residential), otherwise this property will remain vacant for decades to come, costing the city losses of millions of dollars in property taxes and development charges that could otherwise be collected. This also fails to take into consideration the 2009 Minutes of Settlement that stated the City would consider alternative uses for this property.
5.4.2.(b)	In the near term, this area identified on Schedule B: Urban Structure of this Plan, should be guided by the development of an area-specific plan.	The City can spend all the money it wants on studies, that does not change the reality that the BCM property is not desirable for employment uses. When is this Area-Specific Plan being developed, and will the landowner have any involvement? We've been hearing about this for years, but nothing ever happens. In the likely event that even after the City goes to the time and expense of preparing this Area-Specific Plan the property remains undesirable for the uses the City wants, then what? This is over 300 acres of underutilized land within the urban boundary. At what point can alternative uses be considered on at least a portion of this property? The City is losing millions of dollars every year by not having this property develop.
5.4.2.(c).(iv)	The area-specific plan will be prepared in accordance with the policies of Subsection 12.1.3 of this Plan and will at a minimum, consider the following: future land use that focuses on employment uses.	Same comments as before, this property just is not desirable from an employment perspective as evidenced by its continued vacant state. Strong efforts have been made by the landowner and BEDC to try and convince employers to come to this property, and in each and every case, they've determined that the property is not desirable. The prospective buyers/tenants just had no interest in this location.
5.4.3.(b)	A significant area of the 403 West Corridor will be considered as part of the area specific plan for the Aldershot Mobility Hub.	Please identify this "significant area". Why does the City need to complete both an area specific plan AND a Mobility Hub plan in this area, or is it the same plan?

5.4.5.(a)	The Downtown is a centre where jobs are found in a spectrum of major public service facilities and institutional uses as well as a wide range of offices and retail and service commercial uses. The Downtown Urban Growth Centre will see further intensification. There will be opportunities in the Urban Growth Centre to add new employment through mixed use development.	Exactly. There will be opportunities to add new employment through mixed use development. The downtown area is a Mobility Hub, just like the other Mobility Hubs within the City, so why can't the thinking that employment can be added through mixed use development apply to the other Mobility Hubs as well, rather than simply prohibiting any uses other than employment within employment areas? With the future of employment being vertical instead of horizontal, a mix of uses within an employment based building would be very appropriate and consistent with the goals of intensification and these Mobility Hub concept.
5.4.5.(b)	Over the long-term, the Downtown Urban Centre, also a Mobility Hub, will continue to contribute to accomodating jobs and will significantly contribute to accomodating employment and meeting the City's economic objectives.	Same comments as above re. 5.4.5.(a). All Mobility Hubs provide this opportunity, not just downtown, yet the other Mobility Hubs are constrained by the lack of willingness to permit additional uses within Employment Areas. We're not suggesting additional uses in lieu of employment, we're suggesting additional uses in combination and support of the employment uses.
5.5.1	Objectives of the Agricultural System	Add an objective to the effect "To promote a proper balance between Agriculture and NHS when NHS policies negatively impact farming within Prime Agricultural Areas."
6.2.2.1.(b)	To provide adequate capacity to meet local transportation needs...	Yet you've already indicated that the City has no intention of widening roads to increase capacity. Where is this additional capacity going to come from? Many roads already don't have adequate capacity to meet existing needs.
6.2.2.2.(j) & (k)	All new, expanded and reconstructed transportation facilities shall incorporate context sensitive design and shall be planned, designed and constructed in accordance with Subsection 6.1.2.h) of this Plan. New public rights-of-way established through the subdivision of large parcels shall be designed in a manner which provides for sage and efficient pedestrian and transit connections.	What is the purpose of this policy? Private landowners cannot develop subdivisions in the rural area in a manner whereby new public roads will be required. If by remote chance a new road does someday get constructed in the rural area, is there really any need to give consideration to pedestrian traffic and transit connections? How many pedestrians do you expect to see walking around in the rural area?

6.2.4	Active Transportation.	The way Burlington was laid out does not lend itself well to major active transportation goals, particularly north of QEW. Active transportation may become more prevalent as mixed-use re-development takes place over the coming decades, but for now and the foreseeable future the automobile will remain the mode of travel most heavily relied upon. Canadian winter will also place limits upon active transportation initiatives. Of course active transportation should be encouraged, but not at the detriment to automobile users that make up the majority of the population.
6.2.10.1.(c)	To reduce traffic congestion, parking supply needs, and demand for parking spaces by encouraging non-automobile modes of travel.	Is Burlington prepared to allow the high density residential and mixed use development that is needed to provide scenarios where residents can live, work and play all within a distance that encourages non-automobile modes of travel? This requires a new way of thinking, and an acceptance of increased building heights and densities well beyond what may be popular.
6.2.10.2.(b).(ii)	The Transportation Demand Management (TDM) Plan shall: identify design and/or program elements to reduce single occupancy vehicle use.	What does this mean? QEW already has HOV lanes, is the City considering something similar for City streets?
6.5.1.(d)	To recognize, as a built-out municipality, the importance of remaining competitive at attracting new development.	This Official Plan has been given the title "Grow Bold", which suggests progressive thinking towards doing just that. Unfortunately in reading this Official Plan, it doesn't do that. It is filled with layers upon layers of red tape and regulations that frustrate development and make developers look elsewhere to invest. During the course of the preparation of this Official Plan alone we have discussed several major development opportunities, to no avail. If Burlington is to remain competitive it needs to find solutions, not road blocks.
6.5.2.(g)	To the extent that land is available within the Urban Area, the City will provide adequate opportunities for new development, consistent with the policies of this Plan, in a timely and efficient manner.	Our experience with several of our properties suggests otherwise.
7.3.2.(a).(vii)	Designing and orienting development in locations such as corner lots, view terminus lots, and lots facing public open spaces to contribute to the public realm and pedestrian environment and, provide definition at these locations.	The problem with many of these urban design comments, including this one, is that they are subjective. In our experience the landowner's opinion often is treated as secondary to the plans examiner's opinion. Opinion based policies like these are very frustrating to developers.

8.1.1.(3.2).(j)	In development containing both retail and/or service commercial uses at grade and residential uses above the first storey, office uses and/or uses or amenities accessory to the residential use should be required as an intermediary function between floors containing retail and/or service commercial uses and residential uses to minimize to the potential adverse effects...	By adding more employment use to areas not currently identified as employment, or taken into consideration in the employment land needs analysis, will that allow for other unused and undesirable employment land (such as Bronte Creek Meadows) to be removed from the employment land designation, and developed as some other use? Employment growth in the future will be vertical as opposed to the traditional ground related form that required protection of designated land acreage.
8.1.1(3.12.1).c	Development shall not exceed a height of twenty-two(22) storeys.	What makes 22 storeys the magic number? There are already buildings taller than this, and recent development applications approved at heights taller than this. From the ground, the difference between 22 storeys and 30 storeys is negligible.
8.1.2	Mobility hubs are an important component of the city's Urban Structure, Growth Framework...are focal points for higher intensity and mixed use development that will accommodate a significant share of the city's future population and employment growth to 2031 and beyond.	In order to produce effective mixed use development such as what is suggested in this policy, consideration to allow a mix of residential, commercial, and employment uses in the same building is critical. We have an opportunity at 4480 Paletta Court, within the Appleby GO Mobility Hub, to do exactly what this policy contemplates, to provide a mix of intensified uses of employment, commercial, and residential, yet City staff told us this would not be permitted. There is a disconnect here, and the goal of these Mobility Hubs may not actually be possible to meet unless changes to the employment land policies are made.
8.1.2.(1).(a)	To develop area specific plans for each of Burlington's mobility hubs.	Is that work not already underway and nearing completion in 2018, or is this going to be another round of study after the current mobility hub study is completed? What's the timeframe?
8.1.2.(1).(d)	To establish the mobility hubs as areas largely characterized by mixed use development that will strengthen the shop/live/work relationship and facilitate vibrancy day and night within the mobility hubs.	Our proposed concept plan for the re-development of 4480 Paletta Court would meet all of these goals, yet we were told no. If Burlington wants to "Grow Bold" it needs to start seizing these opportunities that are few and far between. Instead of a vibrant mixed-use development, the property may sit vacant and unused for decades.
8.1.2.(1).(k)	To provide opportunities for a range of small and medium-scale retail and service commercial uses that serve the needs of residents and employees in the mobility hub.	Our proposed re-development concept for 4480 Paletta Court did exactly that, yet we were told this would not be permitted.

8.1.2.(1).(l)	To encourage the accommodation of a diverse range of household sizes and incomes in mobility hubs.	How does this apply to the Appleby GO Mobility Hub, where the City is currently showing no residential on its concept plan north of the railway tracks?
8.1.2.(1).(m)	To ensure the provision of a range of open spaces and connections.	Our proposed re-development concept for 4480 Paletta Court did exactly that, yet we were told this would not be permitted.
8.1.3.(3.2).(d)	The City will encourage a minimum building height of two (2) storeys and the maximum building height shall not exceed twelve (12) storeys.	What makes 12 storeys the magic number? There are already buildings taller than this, and recent development applications approved at heights taller than this.
8.1.3.(3.3).(b)	On the lands designated "Mixed Use Commercial Centre" on the east side of Appleby Line, south of Highway 407, and identified as 3215 Appleby Line and 3270 Harrison Crescent, the following additional policies apply...	This section goes on to discuss permitted uses, prohibited uses, and square footage caps. Why is the City prohibiting residential uses, supermarkets/grocery stores, department stores, warehouse clubs, and retailing of non-work related apparel within this Mixed Use Commercial Centre? Given the prime location near Appleby Line & Hwy 407, these uses should be permitted.
8.1.3.(4.2).(e)	The City will encourage a minimum building height of two (2) storeys and the maximum building height shall be six (6) storeys.	Development in Urban Corridor areas shall be designed to incorporate a compatible and intense mix of retail, office, employment and residential uses, and amenities and public service facilities. Placing an arbitrary cap of 6 storeys (or 11 storeys as in 8.1.3.4.2.(f)) limits the potential for this "intense mix" of uses.
8.1.3.(7.2).(g)	The minimum building height shall be two (2) storeys and the maximum building height shall not exceed six (6) storeys.	Why cap building height at 6 storeys along Urban Corridors? If circumstances allow, additional height should be permitted. The more flexibility the better, subject of course to appropriate checks and balances.
8.1.3.(7.3).(b)	Site specific policies for 4415 Fairview Street	As stated, this property is within the Appleby GO Mobility Hub, therefore why does this Plan prohibit residential uses and supermarket/grocery store uses? Why is it generally recognized for lower intensity retail development? Why are individual retail uses capped at a maximum of 3000sq.m? This is all contradictory to the strategy behind Mobility Hubs, and represents the old way of thinking. The preferred concept plan also shows a proposed park on this property. We strongly disagree with all of this.

8.1.3.8.3.(a)	Site specific policies for 1200 King Road	It is well known that Aldershot needs a new grocery store, why would the City prohibit a grocery store on this large undeveloped property, a portion of which is within the Mobility Hub where significant residential and mixed use development is planned? The City's construction of the South Service Road would create an ideal scenario for a supermarket in connection with the greater development of this property as a whole. And why prohibit a large building supply store? Also, the current zoning allows for a 9,000 seat arena. We request that this be increased in the Official Plan site specific policies to allow for 18,000 to 20,000 seats. We are currently bound by confidentiality, but we are working on a major recreation, entertainment, sports project that already fits the zoning, but the arena needs to have larger capacity.
8.2.1.(a)	It is the general intent of this Plan that this supply shall not be reduced through re-designation of employment lands to permit non-employment uses.	Even though the City's Land Needs Study demonstrated a surplus of employment land, and even though the comprehensive review process allows for re-designation requests, the City has already put it's foot down and closed the door on any opportunity for re-designation, even in cases where there would undeniably be positive outcomes for the City? Is this good planning?
8.2.1.(d)	To support intensification through development of employment lands.	We proposed a mixed-use development at 4480 Paletta Court that would achieve this, yet were told no.
8.2.2.(i)	Major retail and residential uses are prohibited in the General Employment and Business Corridor Designation.	This represents an old way of thinking. The need for intensification comes with a need for a mix of uses. The employment function of employment lands can still be maintained and enhanced while also providing for other compatible uses under the right circumstances, yet this policy prohibits any consideration of such outright.
8.2.3.(3).(d).(i)	Re. 1200 King Road: recreation use and entertainment uses, including a sports arena and/or stadium, shall be permitted only up to a maximum seating capacity of nine thousand (9,000) persons. Any recreation use or entertainment use(s) with a seating capacity in excess of nine thousand (9,000) persons shall require a further amendment to this Plan.	We request that this be increased in the Official Plan site specific policies to allow for 18,000 to 20,000 seats. We are currently bound by confidentiality, but we are working on a major recreation, entertainment, sports project that already fits the zoning, but the arena needs to have larger capacity. Having to take the time to request an additional Official Plan amendment may jeopardize this opportunity.

8.2.3.3.(d).(ii). (b)	Re. 1200 King Road and a condition on the permitted sports arena/stadium. "The proposed east-west service road extending from Waterdown Road to King Road has received all applicable approvals to permit its construction."	We have made the draft plan application and this now sits with City of Burlington. If Burlington fails to grant the approval for this road, why should the landowner lose the right for this sports arena/stadium which is permitted in the Zoning By-Law? This policy should be deleted.
8.4.1.(1).(j)	To provide opportunities for non-intensive recreation uses within the City's Natural Heritage System, where appropriate.	The City's Natural Heritage System includes privately owned lands. This policy may inadvertently encourage illegal trespassing.
8.7.1.(1).(b)	To restrict new accessory drive-throughs in specific Mixed Use Intensification Areas which are intended to accommodate higher intensity developments...	Why place such a restriction on drive-thrus? Burlington is and will remain for a very long time car-dependent, therefore there is still substantial demand for the convenience that drive-thrus offer.
8.7.1.(2).(a)	Accessory drive-throughs within the Urban Growth Centre and Mobility Hubs... shall be prohibited.	Do not agree with the prohibition against drive-throughs within Mobility Hubs. We trust that existing permissions for drive-throughs (ie. Applevue Plaza) will remain in place, even if re-development is proposed at some point in the future.
9.1.1.(a)	To maintain the open, rural landscape character of the Rural Area, with agriculture and natural heritage as compatible and complementary uses.	Agriculture should not be considered "compatible" or "complementary" in the rural area, it should be considered the primary use, with everything else being either compatible and/or complementary to agriculture.
9.1.1.(b)	To enable the agricultural industry to adapt and grow.	Hard to do when the NHS regulations continually override agriculture, and the setbacks and buffers keep encroaching further and further into agricultural land, and the mere presence of certain birds or salamanders makes farming no longer possible on Prime Agricultural Land. While we know municipal and regional planners disagree completely with the farm operators, the NHS policies at all levels are strangling agricultural operations and making agriculture more and more difficult.
9.2	The City's agricultural policies are designed to develop and maintain a permanently secure, economically viable Agricultural System while protecting the rural, open space character and landscape of the Rural Area.	Same comments as above re. 9.1.1.(b)
9.2.1.(a).(iv)	To support and enhance the economic health and long term viability of the Agricultural System by: protecting farms from activities and land uses that are not compatible with agriculture and would limit agricultural productivity or efficiency.	The NHS is one of the greatest threats to the Agricultural System, as NHS regulations continually override agriculture, reducing the amount of farmable land.

9.2.3.(a).(ii)	Subject to the other policies of this Plan, the applicable policies of the Greenbelt Plan and Niagara Escarpment Plan, the following uses may be permitted within the Agricultural Area designation: (ii) Normal farm practices	Should that not state normal farm practices SHALL or WILL be permitted within the Agricultural Area designation? This policy is evidence whereby in reality, agriculture is not given the priority it deserves to exist and continue in the Rural Area.
9.2.4.(b)	The Prime Agricultural Areas... include lands in the City's Agricultural Area and Natural Heritage System designations. Together these lands support and advance the goal to maintain a permanently secure economically viable agricultural industry...	Due to the enforcement of policies such as this whereby Natural Heritage regulations take precedent over agricultural policies, we had 40 acres of designated Prime Agricultural land that we could no longer farm without threat of fines and/or imprisonment. Agriculture must be given priority over natural heritage system on Prime Agricultural Areas.
9.3	The Provincial Natural Heritage System for the Growth Plan for the Greater Golden Horseshoe includes lands within the Rural Area, as shown on Schedule M-1.... Within the Provincial Natural Heritage System, the policies of the applicable provincial plans shall apply in addition to the policies of this Plan...	This mapping is incorrect and does not respect previous development approvals, primarily Eagle Heights.
9.3.1.(b) & (c)	To support agriculture as a complementary and compatible use in those parts of the City's Natural Heritage System outside Key Natural Features. To recognize and support agriculture as a primary activity within Prime Agricultural Areas in the City's Natural Heritage System...	Same comment as above re. 9.2.4.(b)
9.3.1.(n)	To provide opportunities for outdoor non-intensive recreation uses within the City's Natural Heritage System, where appropriate.	The unfortunate and unintended consequence of this policy is that it encourages illegal trespassing onto private property and farmland, where people feel they can do whatever they want, go wherever they want, and damage whatever they want, all on property that they do not own. Rural property owner rights are infringed upon every day because of policies like this one.
9.3.2.(c)	The following uses may be permitted within the City's Natural Heritage System subject to other policies of this plan and to the applicable policies of The Greenbelt Plan and The Niagara Escarpment Plan: (i) existing agricultural operations; (iii) normal farm practices.	Object to the word "may" be permitted. If the agricultural operation is existing, it "shall" or "will" be permitted as of right. Let's not forget that most of the rural area farm land has been farmed for the past century, well before the government started introducing restrictive NHS policies and NEC designation labels.

9.5.3.(b)	Maximum dwelling sizes may be determined by the City and the Region of Halton, based on hydrogeological concerns, visual impact and compatibility with adjacent land uses and community character.	This is somewhat unfair to the purchaser of a rural settlement area lot, who may have purchased the lot with a particular home design in mind, only to find out after the fact that the City or Region may restrict the size of the house because of "other factors". How does a purchaser do their due diligence in this case, for something that may or may not be an issue, without spending tens of thousands of dollars on studies and drawings BEFORE buying the lot?
10.2	The Provincial Natural Heritage System for the Growth Plan for the Greater Golden Horseshoe is shown on Schedule M-1.....	This mapping is incorrect and does not respect previous development approvals, primarily Eagle Heights.
10.3	North Aldershot - General	Should there not be site specific policies for Eagle Heights that respect the OMB and development approvals already in place? In general, and rather than listing them point by point, we object to any policies within this Official Plan that may contradict what was previously approved by the OMB. And given that there is an ongoing OMB appeal on this file, is it appropriate to put policies into place at this time that may not be consistent with the ultimate OMB Decision? This applies to ALL policies within section 10 - North Aldershot.
10.3.2.(k).(x)	Maximum building height shall not exceed three (3) storeys and shall not extend above the tree canopy.	Is this policy appropriate given that we have an active application for Eagle Heights before the OMB that proposes cluster homes that may exceed 3 storeys?
10.4	North Aldershot - Land Use Designations - Residential Areas	Does this section of policies apply to Eagle Heights, which is before the OMB? If so, we have objections as these are not necessarily consistent with the plans for this subdivision. For example, 10.4.1.(3) states that cluster residential development is restricted to a maximum of six (6) attached units in any one building. Our plan proposes cluster homes exceeding 6 units.

10.5	Sub-Area Policies	The policies break out the various development pods in Eagle Heights into "Sub-Areas", and dictate the maximum number of residential units permitted in each. We have an active application that exceeds these maximum number of units. There are also policies regarding "Building Envelope Control" that should be deleted, given that this additional requirement was not identified in the OMB Decision. This goes back to my earlier comment, should there not be site specific policies for Eagle Heights that respect existing approvals and the current application, OR, wait until the current application receives the OMB Decision before putting these policies in place?
10.5.1.(1).(i)	The degraded valley feature between Sub-Areas 1 and 6 should be rehabilitated.	What does this mean? By whom? Is that valley not already in a natural state?
10.5.1.(2).(h)	The existing drainage feature east of Woodview School shall be preserved and the natural vegetation pattern restored.	What does this mean? This area is farmed, and the "natural vegetation pattern" has never been altered. What needs to be restored? We disagree with the need for this policy.
10.7.2	Site Plan Control	We do not agree with the additional requirement for Site Plan Control for the lots in Eagle Heights.
11.2.1.(l).(v)	The City will employ appropriate tools and techniques that are consistent with the intended consultation and engagement goals of a given land use planning matter. Where the goal of the engagement is to: (v) Empower: the City will place final decision making power in the hands of the public, through utilizing tools and techniques suitable for empowering the public including, but not limited to, citizen juries, ballots, and Council delegated decisions. Decisions made under The Planning Act shall be made by the approval authority identified in the Act.	Very misleading policy. This gives the impression that land use planning matters will be voted on by the public, which is not the case. Council has been elected to make these decisions on behalf of the public, and while we acknowledge you'd added the last sentence, which does help, the public may still misunderstand their role in the decision making process when statements such as "The City will place final decision making power in the hands of the public".
11.3.1.(a).(xi)	...where a development application is deemed to have a potentially significant impact, the City may require an expanded public consultation process, including additional neighbourhood meetings.	What does this do to application processing timeframes? The Planning Act still requires municipalities to make a decision within a specified number of days from the date an application is deemed complete.
12.1.3.(2).(a)	The policies of this Plan identify areas of the city where area-specific plans are required to appropriately guide development.	When will these area-specific plans be finalized, and what happens of a landowner submits an application ahead of the completion of the area-specific plans?

12.1.3.(3)	Support studies will be required as part of the area-specific planning process, and will be completed to the satisfaction of the City...	Given the statement made in 12.1.3.(2).(c), which states "Area-Specific Plans will be prepared by the City", are we correctly interpreting 12.1.3.(3) by understanding that these support studies will now be undertaken and prepared by the City, at the City's expense? Given that this work will now be completed by the City, will development applications submitted in areas where there is a completed Area-Specific Plan need to duplicate the work that the City will have already done?
12.1.3.(4).(d)	Each mobility hub planned to be served by Metrolinx's Regional Express Rail..... An overall density target of three hundred (300) residents and jobs combined per ha will be considered as part of the area-specific planning process.	How to does the City plan to achieve this density target when a mix of uses needed to make re-development feasible is not possible on lands currently designated for employment? Take the Appleby GO Mobility Hub as an example, where everything north of the railway tracks is designated employment with no plans for any re-development given the prohibition against any uses other than employment. Opportunities for re-development that protect and enhance the employment function, while allowing other uses such as commercial and residential should at least be considered where appropriate.
12.1.12.4.1.(c)	Severance of surplus farm dwelling policies	Do not agree with the requirement that the surplus farm dwelling be built and occupied since December 16, 2004. The age of the house has no bearing on whether or not it is deemed surplus at the time of the property transaction. Similarly we do not agree that the lot retained for agricultural use be a minimum of 20ha in size. The size of the property has no bearing on whether or not the home is deemed surplus at the time of the property transaction. Also object to the requirement to apply for the severance within 2 years of property acquisition, and the need for the home to be occupied for not less than 10 years. None of these requirements have any bearing on a landowners who deems the house to be surplus to the farming operation. These requirements are simply to discourage these types of severances, which is why we object.

12.2.2.(f)	The boundaries in Schedule J-1: Provincial Prime Agricultural Areas for the Greater Golden Horseshoe and Schedule M-1: Provincial Natural Heritage System for the Greater Golden Horseshoe will be refined through the next municipal comprehensive review.	This mapping is incorrect and does not respect previous development approvals, primarily Eagle Heights. Why do we have to wait for the next municipal comprehensive review when this error is known now? This mapping did not exist until now, we made the Province aware of the errors, yet they did nothing. Now we're forced to wait indefinitely because of their errors? This is extremely unfair and unreasonable for landowners like us who are affected by this. Why didn't the City fight against this? Many of the policies for the North Aldershot area are in jeopardy and contradict the Provincial Natural Heritage System mapping.
Definition of "Complete Communities"	Places such as mixed-use neighbourhoods or other areas within cities, towns, and settlement areas that offer and support opportunities for people of all ages and abilities to conveniently access most of the necessities for daily living, including an appropriate mix of jobs, local stores, and services, a full range of housing, transportation options and public service facilities. Complete communities are age-friendly and may take different shapes and forms appropriate to their contexts.	2.3.1.(i) states that Mobility Hubs are emerging areas in the Urban Structure that represent opportunities to intensify and develop complete communities. Our proposed development concept for 4480 and 4450 Paletta Court (Appleby GO Mobility Hub) would go a long way in helping Burlington achieve these goals, yet we were told no. If the City truly wants to achieve the goals it sets out in this Official Plan, it's time to start thinking outside the box, and finding ways to make things happen and seizing opportunities instead of falling back on the simple answer of "no". "No" does not attract new investment in our city.
Definition of "Mobility Hub"	A major transit station area... that is particularly significant given the level of transit service that is planned for it and the development potential around it.	As long as the City holds firm on its employment land policies prohibiting any uses other than employment on those lands, the "development potential is extremely compromised. Consideration needs to be given within Mobility Hubs to allow for a mix of uses within employment lands where the employment function can be maintained and/or enhanced as part of the development proposal. Open-mindedness is needed to allow for unique opportunities.

Definition of "Right to Farm"	The right of a farmer to lawfully pursue agriculture in areas where agriculture is permitted by this Plan.	Sounds great in theory, but other agencies are enforcing this differently. As previously mentioned, we had over 40 acres of designated Prime Agricultural Area in rural Burlington that had been farmed for nearly a century that we could not farm anymore without facing threats of fines and/or imprisonment, all because of conflicting NHS policies and the potential that a salamander might possibly walk across the field once in March or April. There are major conflicts between NHS and Agriculture that have been expressed many times to all levels of government, yet the government has done nothing to assist. There is a failure to see or acknowledge the real impact of these policies that they claim are intended to help farmers.
Schedule A	City System	c) Green System is not shown accurately on Bronte Creek Meadows, 1200 King Road, Eagle Heights, or our rural farm properties.
		e) Properties fronting Dundas Street at 3075, 3095 and 3151 Dundas Street are incorrectly shown as "Green System". Should simply be shown as Rural Area.
Schedule A-1	Provincial Land Use Plans and Designations	Bronte Creek Meadows, 1200 King Road and the Alton commercial plaza (Appleby & 407 Crossing) are incorrectly shown as "Greenfield" and outside of the built boundary. These properties are urban properties within the built boundary, and should be identified as such.
Schedule B	Urban Structure	Bronte Creek Meadows and 1200 King Road - The NHS designation covers way too much area, and does not accurately reflect what's <u>actually on the property</u> .
		Bronte Creek Meadows, 1200 King Road and the Alton commercial plaza (Appleby & 407 Crossing) are incorrectly shown as "Greenfield" and outside of the built boundary. These properties are urban properties within the built boundary, and should be identified as such.
		The plan incorrectly identifies all the lands on the north side of Harrison Crescent as "Areas of Employment", even though we have commercial permissions.

Schedule B-1	Growth Framework	a) Bronte Creek Meadows is incorrectly shown outside of the built boundary, has far too much NHS shown, and is shown not subject to Intensification Framework, which makes no sense given that this is one of very few properties that has potential to help the City meet its intensification targets and bring significant income to the City, if planned properly.
		b) 1200 King Road is incorrectly shown outside of the built boundary, has far too much NHS shown, and is shown not subject to Intensification Framework, which makes no sense especially since part of this property is within the planned Mobility Hub area.
		c) Alton commercial plaza (Appleby & 407 Crossing) is incorrectly shown outside of the built boundary.
		d) 4480 Paletta Court is correctly shown as Primary Growth Area. Why then are we faced with nothing but opposition when we proposed re-development of this property in a mixed-use and intense form? 4450 Paletta Court should also be shown at Primary Growth Area given that these properties are adjoining and under the same ownership, and therefore could be re-developed together.
Schedule B-2	Growth Framework and Frequent Transit Network	Bronte Creek Meadows is not shown as an Employment Growth area, is not shown having Justified Frequent Transit Network access, and is not shown having even Candidate Frequent Transit Network access, supporting our position that this property is not desirable for employment uses, as evidenced by years of marketing it for such use, unsuccessfully. It's time to consider other uses on this property.
		Same comments as before regarding the mapping for Bronte Creek Meadows, 1200 King Road and Alton commercial plaza (Appleby & 407 Crossing) as it relates to built boundary and NHS.
Schedule C	Land Use - Urban Area	Way too much NHS shown on the mapping for Bronte Creek Meadows and 1200 King Road, not reflective of actual conditions.
		4445 Fairview Street incorrectly identified as "Urban Corridor - Employment Land". Should be just "Urban Corridor".

Schedule G	Aldershot Mobility Hub	Should include all of the 1200 King Road property, not just the western portion. This property offers a great opportunity to do something special if the City and agencies would allow us to do so.
Schedule H	Appleby Mobility Hub	Consideration should be given to including 4450 Paletta Court as part of the Mobility Hub as well, given that it is under the same ownership of neighbouring land at 4480 Paletta Court that is included in the Mobility Hub.
Schedule I-3	Land Use - Mount Nemo Settlement Area	The NHS mapping for the residential lots on the east side of Escarpment Drive is inaccurate, as it shows far too much NHS. Also worth noting are the areas behind that section of NHS identified as "Agricultural Area", as these are the areas referred to earlier that we are not allowed to actually farm. There are also agricultural areas not shown correctly in this vicinity, which have instead been shown as NHS.
Schedule J	Agricultural System - Rural Area	As identified above, there are agricultural lands in the vicinity of The Bluffs that are incorrectly shown as NHS, and areas of Prime Agricultural Land that we are unable to farm due to competing NHS policies. How was the Key Natural Heritage Features mapping determined? It appears to have been done at a very high level, and therefore we question its accuracy.
Schedule K	Land Use - North Aldershot	How was the mapping in and around Eagle Heights determined? Does this accurately reflect the existing OMB approval and future development plans? It's difficult to tell how accurate this mapping is given the scale, but it appears that there are errors.
Schedules L-1 to L-10	North Aldershot, Central Sector, Sub-Areas	These maps do not appear to respect or reflect existing development approvals in place, nor the current application which is before the OMB.
Schedule M	Natural Heritage System	The NHS mapping on Bronte Creek Meadows, Eagle Heights, and 1200 King Road is incorrect.
Schedule M1	Provincial Natural Heritage System for the Greater Golden Horseshoe	This mapping is incorrect and does not respect previous development approvals, primarily Eagle Heights. Not consistent with Schedule M.
Schedule Q	Trails Strategy	It's interesting that 6 different Future Trail Connections are shown at Bronte Creek Meadows, a block of land that the City will not allow to be developed with anything but employment uses, in an area not desirable for employment uses.