



**Regular Meeting of Council
Agenda**

Date: May 27, 2019
Time: 6:30 pm
Location: Council Chambers Level 2, City Hall

Pages

1. **Call to Order:**
2. **National Anthem:**
3. **Regrets:**
4. **Proclamations:**
 - 4.1 National AccessAbility Week: May 27-June 2, 2019
 - 4.2 Join the J month: June 2019
 - 4.3 Month of Play: June 2019
 - 4.4 Seniors Month: June 2019
 - 4.5 Aphasia Awareness Month: June 2019
 - 4.6 Itabashi Month: June 2019
 - 4.7 LGBT Month: June 2019
 - 4.8 Stroke Awareness Month: June 2019
 - 4.9 Parachute Safe Kids Week: June 3-9, 2019
 - 4.10 Men's Mental Health Awareness Day June 11, 2019
 - 4.11 National Indigenous People Day: June 21, 2019
5. **Motion to Approve Council Minutes:**
 - 5.1 Inaugural meeting of Council December 3, 2018

5.2 Regular meeting of Council April 23, 2019

5.3 Special meeting of Council April 24, 2019

6. Recognitions and Achievements:

7. Presentations:

8. Declarations of Interest:

9. Delegations:

In order to speak at a Council meeting, individuals must register as a delegation no later than 12:00 noon on the day of the meeting. To register, complete the online application at www.burlington.ca/delegation, email cityclerks@burlington.ca or phone 905-335-7600 ext. 7805.

10. Recommendations from Standing Committees:

10.1 Committee of the Whole meeting of May 13, 2019

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- a. 2019 Development Charges Background Study (F-13-19)
- b. Tender award CW 19-27 for Angela Coughlan Pool revitalization (CW-14-19)
- c. Burlington Sustainable Development Committee 2019 annual report (CW-06-19)
- d. Group health benefit renewal (HR-01-19)
- e. Financial services provided to local boards (F-19-19)
- f. Treasurer's statement for development charges reserve funds, park dedication reserve fund and the public benefits reserve fund (F-09-19)
- g. Financial status report as at March 31, 2019 (F-14-19)
- h. 2018-2022 Burlington's Plan: From Vision to Focus (CM-06-19)
- i. Cannabis retail store guideline (CM-08-19)
- j. Burlington city wide parking study and recommended parking rates (PB-43-19)

10.2	Planning and Development meeting of May 14, 2019	7 - 13
	<ul style="list-style-type: none"> a. Recommendation report for temporary use by-law for 1860, 1890 and 1900 Appleby Line (PB-30-19) b. Information report for proposed official plan and zoning by-law amendments for 441 Maple Avenue (PB-23-19) c. 'H' Removal for 3095 Harrison Court (PB-46-19) d. Information report for proposed plan of subdivision, official plan and zoning by-law amendments for Surrey Lane, Warwick Drive and Georgian Court (PB-33-19) e. Amendments to heritage designation by-law for 736 King Road (PB-38-19) f. Regional modifications to the Tremaine Dundas Secondary Plan Official Plan Amendment No. 107 (PB-49-19) g. Road Safety Lawn Sign Campaign (TS-02-19) h. Application for grant from Community Heritage Fund for 2349 Lakeshore Road (PB-39-19) i. Proposed draft plan of subdivision and zoning by-law amendment for 4407 and 4417 Spruce Avenue (PB-26-19) 	
10.3	Committee of the Whole Workshop meeting of May 16, 2019	14 - 15
	There were no recommendations for this meeting.	
10.4	Committee of the Whole Workshop meeting of May 21, 2019	16 - 17
	There were no recommendations for this meeting.	
10.5	Planning and Development Public meeting of May 21, 2019	18 - 20
	<ul style="list-style-type: none"> a. Work plan for scoped re-examination of the adopted Official Plan (PB-47-19) 	

11. Motion to Approve Standing Committee Minutes:

11.1	Committee of the Whole meeting of May 13, 2019	
11.2	Planning and Development Committee meeting of May 14, 2019	

- 11.3 Committee of the Whole Workshop meeting of May 16, 2019
- 11.4 Committee of the Whole Workshop meeting of May 21, 2019
- 11.5 Planning and Development Public meeting of May 21, 2019

12. Reports of Municipal Officers:

- 12.1 City of Burlington comments regarding proposed Bill 108: More Homes, More Choice, Act, 2019

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13. Notices of Motion:

14. Motions:

- 14.1 Bill 108

Whereas the legislation that abolished the OMB and replaced it with LPAT received unanimous – all party support; and

Whereas all parties recognized that local governments should have the authority to uphold their provincially approved Official Plans; to uphold their community driven planning; and

Whereas Bill 108 will once again allow an unelected, unaccountable body to make decisions on how our communities evolve and grow; and

Whereas on August 21, 2018 Minister Clark once again signed the MOU with the Association of Municipalities of Ontario, which recognizes that “Public policy issues are complex and thus require coordinated responses...” and that “The Municipal Act, 2001 provides that the Province of Ontario endorses the principle of regular consultation between Ontario and municipalities in relation to matters of mutual interest”; and

Whereas the MOU sets out that “Ontario is committed to cooperating with its municipal governments in considering new legislation or regulations that will have a municipal impact”; and

Whereas Bill 108 will impact 15 different Acts - Cannabis Control Act, 2017, Conservation Authorities Act, Development Charges Act, Education Act, Endangered Species Act, 2007, Environmental Assessment Act, Environmental Protection Act, Labour Relations Act, 1995, Local Planning Appeal Tribunal Act, 2017, Municipal Act, 2001, Occupational Health and Safety Act, Ontario Heritage Act, Ontario Water Resources Act, Planning Act, Workplace Safety and Insurance

Act, 1997.

Now therefore be it resolved that the City of Burlington oppose Bill 108 which in its current state will have negative consequences on community building and proper planning; and

That the City of Burlington call upon the Government of Ontario to halt the legislative advancement of Bill 108 to enable fulsome consultation with Municipalities to ensure that its objectives for sound decision making for housing growth that meets local needs will be reasonably achieved; and

That a copy of this Motion be sent to the Honourable Doug Ford, Premier of Ontario, The Honourable Christine Elliott, Deputy Premier, the Honourable Steve Clark, Minister of Municipal Affairs, the Honourable Andrea Horwath, Leader of the New Democratic Party, all MPPs in the Province of Ontario, leaders of the Green Party and Liberal Party; and

That a copy of this Motion be sent to the Association of Municipalities of Ontario (AMO) and all Ontario municipalities for their consideration.

15. Motion to Receive and File Council Information Packages:

15.1 Council Information Package April 26, 2019

15.2 Council Information Package May 3, 2019

15.3 Council Information Package May 10, 2019

15.4 Council Information Package May 24, 2019

16. Motion to Receive and File Information Items:

17. Motion to Consider Confidential Items:

18. Motion to Approve By-Laws:

18.1 28-2019: A by-law to appoint Municipal Law Enforcement Officers for the City of Burlington.

18.2 29-2019: A by-law to impose Development Charges.

18.3 30-2019: A by-law to establish a reserve fund and guidelines for the accumulation of funds received from the net surplus revenues from the operations and fundraising of the AGB.

- 18.4 31-2019: A by-law to authorize a request for the issuing of debentures by the Regional Municipality of Halton for the Ester Drive Area Reconstruction, Water Main Wastewater Main.
- 18.5 32-2019: A by-law to authorize a request for the issuing of debentures by the Regional Municipality of Halton for the Deer Run Avenue and Vancouver Crescent Area Minor Reconstruction.
- 18.6 33-2019: A by-law to authorize a request for the issuing of debentures by the Regional Municipality of Halton for Ghent and Hager Avenue Minor Reconstruction.
- 18.7 34-2019: A by-law to authorize a request for the issuing of debentures by the Regional Municipality of Halton for Lakeshore Road Resurfacing – Walkers to Appleby Line.
- 18.8 2020.408: A by-law to amend by-law 2020, as amended; to permit reduced setbacks for a place of worship at 4407 Spruce Avenue.
- 18.9 2020.409: A by-law to amend By-law 2020, as amended, to permit specific uses at 1860, 1880, and 1900 Appleby Line through a temporary use by-law with a timeframe not to exceed 3 years.
- 18.10 2020.410: A by-law to amend By-law 2020, as amended, to remove the “H” Holding Symbol and site-specific exception for 3095 Harrison Court.

19. Motion to Confirm Proceedings of the Council Meeting:

20. Statements by Members:

21. Motion to Adjourn:



Committee of the Whole Meeting

Minutes

Date: May 13, 2019
Time: 12:00 pm
Location: Council Chambers Level 2, City Hall

Members Present: Lisa Kearns (Chair), Kelvin Galbraith, Rory Nisan, Shawna Stolte, Paul Sharman, Angelo Bentivegna, Mayor Marianne Meed Ward

Staff Present: Tim Commisso, Laura Boyd, Joan Ford, Sheila Jones, David Lazenby, Heather MacDonald, Allan Magi, Angela Morgan, Christine Swenor, Mary Lou Tanner, Vito Tolone, David Thompson (Audio/Video Specialist), Lisa Palermo (Clerk)

1. **Declarations of Interest:**

None.

2. **Statutory Public Meeting:**

2.1 2019 Development Charges Background Study (F-13-19)

The Committee of the Whole, in accordance with section 12 of the Development Charges Act, 1997 held a public meeting on May 13, 2019.

Moved by Mayor Meed Ward

Approve the City of Burlington 2019 Development Charges Background Study dated March 28, 2019 (under separate cover) under section 10 of the *Development Charges Act, 1997* (the DCA); and

Approve the capital project listings set out in Chapter 5 of the City of Burlington 2019 Development Charges Background Study dated March 28, 2019; and,

Direct the Director of Finance to ensure that the future excess capacity identified in the City of Burlington 2019 Development Charges Background Study dated March 28, 2019, be paid for by development charges or other similar charges; and

Approve the proposed Development Charges By-law with an effective date of **June 1, 2019**; and

Declare no further public meetings are required in accordance with Section 12 of the *Development Charges Act, 1997*; and

Approve the development charges policies contained in Appendix B to Report F-13-19 with an effective date of **June 1, 2019**; and

Repeal By-law 46-2014 and the related development charges policies effective **June 1, 2019**; and

Direct the Director of Finance to review and report back on the feasibility of setting a cap on development charge rates for non-residential retail development, after discussion and feedback from the Development Charges Consultation Committee, the Region of Halton and further reporting on the known impacts from Bill 108; and

Direct the Director of Finance to review and report back on the feasibility of exempting non profit housing from development charges after discussion and feedback from the Development Charges Consultation Committee, the Region of Halton and further reporting on the known impacts from Bill 108.

CARRIED

- a. Kyle Fritz, Habitat for Humanity, appeared as a delegate to request that Habitat for Humanity be exempted from development charges.
- b. Presentation by Andrew Grunda of Watson & Associates regarding 2019 development charges background study (F-13-19)
- c. Correspondence from Karl Gonnsen, Penta Properties Inc regarding 2019 development charges background study (F-13-19)

3. Delegation(s):

None.

4. Consent Items:

- 4.1 Tender award CW 19-27 for Angela Coughlan Pool revitalization (CW-14-19)

Moved by Councillor Sharman

Award the tender for contract CW 19-27, Angela Coughlan Pool revitalization to 1320376 Ontario Ltd. O/A GEN-PRO, 2211 Plains Road, Burlington, ON, L7R 3R3 for \$2,918,225 including H.S.T; and

Authorize the Manager of Procurement Services to issue a purchase order and/or sign associated agreements with the bidder number above; and

Authorize the Mayor and City Clerk to sign any required agreements with the bidder named above; and

Approve the total cost of \$3,070,000 (Net H.S.T) be charged to capital order PL0014 and funded as detailed in Appendix B.

CARRIED

- 4.2 Burlington Sustainable Development Committee 2019 annual report (CW-06-19)

Moved by Councillor Sharman

Receive and file capital works department report CW-06-19 providing the Burlington Sustainable Development Committee 2019 annual report.

CARRIED

- 4.3 Group health benefit renewal (HR-01-19)

Moved by Councillor Sharman

Retain Sun Life as the provider of Major Medical, Dental, Long Term Disability and Life Insurance plans for the benefit year December 1, 2018 to November 30, 2019.

CARRIED

- 4.4 Financial services provided to local boards (F-19-19)

Moved by Councillor Sharman

Approve By-law 30-2019 attached as Appendix A to finance department report F-19-19 to enable the creation of the Art Gallery of Burlington reserve fund; and

Receive and file finance department report F-19-19 providing information on financial services provided to local boards.

CARRIED

5. Regular Items:

5.1 Treasurer’s statement for development charges reserve funds, park dedication reserve fund and the public benefits reserve fund (F-09-19)

Moved by Councillor Sharman

Receive and file finance department report F-09-19 providing the 2018 Treasurer's statement for development charges reserve funds, park dedication reserve fund and the public benefits reserve fund.

CARRIED

5.2 Financial status report as at March 31, 2019 (F-14-19)

Moved by Councillor Sharman

Receive and file finance department report F-14-19 providing the financial status report as at March 31, 2019.

CARRIED

5.3 2018-2022 Burlington’s Plan: From Vision to Focus (CM-06-19)

Moved by Councillor Sharman

Table the 2018-2022 Burlington’s Plan: From Vision to Focus to be considered at the June 10, 2019 Committee of the Whole meeting; and

Direct the Deputy City Manager to consult with members of council on this plan and report back to Committee of the Whole on June 10, 2019 with a final version of the report for debate and approval.

CARRIED

- 5.4 Burlington city wide parking study and recommended parking rates (PB-43-19)

Moved by Councillor Galbraith

Table planning and building department report PB-43-19 regarding city-wide parking study and recommended parking rates to be considered at the June 10, 2019 Committee of the Whole meeting; and

Direct the Director of City Building to report back to Council in Q3 of 2019 with Zoning By-law amendments to implement the recommended parking rates set out in Report PB-43-19.

CARRIED

- 5.5 Proposed governance changes to Burlington Hydro (CM-10-19)

Withdrawn by staff

CARRIED

- 5.6 Cannabis retail store guideline (CM-08-19)

Moved by Councillor Galbraith

Approve the Municipal Cannabis Retail Store Guidelines, as amended, as set out in Appendix A to city manager's office report CM-8-19; and

Amend the Community Preferences section of the City of Burlington Cannabis Retail Store Guidelines attached as Appendix A to City Manager's office report CM-8-19 by changing, in the first bullet point, 150 metre buffer to 500 metre buffer and by adding, in the third bullet point, 'a 500 metre' between the words 'maintain' and 'separation'.

CARRIED

6. Confidential Items:

- 6.1 Confidential update regarding labour relations or employee negotiations.

The Director of Human Resources provided a confidential verbal update regarding employee negotiations.

7. Procedural Motions:

7.1 Motion to move into closed session

Move into closed session in accordance with the following provisions under the Municipal Act:

- Section 239(2)(d) labour relations or employee negotiations with respect to a confidential verbal update from the Director of Human Resources regarding employee negotiations.

8. Information Items:

Receive and file the following three items, having been given due consideration by the Committee of the Whole.

8.1 Correspondence from Burlington Sustainable Development Committee regarding the 2019 annual report (CW-06-19)

8.2 Presentation from staff regarding Burlington city wide parking study: recommended parking rates (PB-43-19)

8.3 Presentation from Peter Richards, IBI Group regarding Burlington city wide parking study: recommended parking rates (PB-43-19)

9. Staff Remarks:

None.

10. Committee Remarks:

None.

11. Adjournment:

12:08 p.m. (closed), 1:02 p.m. (public), 2:27 p.m. (recessed), 2:39 p.m. (reconvened), 4:15 p.m. (recessed), 4:22 p.m. (reconvened), 4:47 p.m. (recessed), 4:48 p.m. (reconvened).

Mayor Meed Ward was absent 2:27 - 3:30 p.m.

Chair adjourned the meeting at 5:27 p.m.



Planning and Development Committee Meeting

Minutes

Date: May 14, 2019
Time: 12:00 pm
Location: Council Chambers Level 2, City Hall

Members Present: Paul Sharman (Chair), Rory Nisan, Kelvin Galbraith, Lisa Kearns, Shawna Stolte, Angelo Bentivegna, Mayor Marianne Meed Ward

Staff Present: Tim Commisso, Heather MacDonald, David Thompson (Audio/Video Specialist), Jo-Anne Rudy (Clerk)

1. **Declarations of Interest:**

None

2. **Statutory Public Meetings:**

2.1 Recommendation report for temporary use by-law for 1860, 1890 and 1900 Appleby Line (PB-30-19)

The Planning and Development Committee, in accordance with Section 34 of the Planning Act, as amended, held Public Meeting No. 9-19 on May 14, 2019 to approve the zoning by-law amendment for temporary use for 1860, 1890 and 1900 Appleby Line. Having considered the oral and written comments received from staff and delegations, the Planning and Development Committee approved PB-30-19.

Moved by Mayor Meed Ward

Approve the application submitted by ICP Developers Inc., 1860 Appleby Line, Burlington ON, L7L 0B7 to permit the temporary use of lands for limited retail and service commercial uses; and

Enact the amending Zoning By-law 2020.409, contained in Appendix D of department of city building report PB-30-19, to rezone lands at 1860, 1880, and 1900 Appleby Line from "Uptown Employment (UE)" to "Uptown Employment with Site Specific Exception (UE-496)" for a time period that

shall not exceed three years from the date of passing of the by-law, in accordance with Section 32(2) of the *Planning Act*, and

Deem that Zoning By-law 2020.409 conforms to the Official Plan of the City of Burlington; and

Instruct the Director of Capital Works to utilize previously collected securities for the development to complete the municipal sidewalk connection on Ironstone Drive, if not completed by the applicant, to the satisfaction of the Director of City Building and the Director of Capital Works, by October 31, 2019.

CARRIED

- a. Staff presentation regarding recommendation report for temporary use of by-law for 1860, 1890, and 1900 Appleby Line (PB-30-19)
- b. Mike Crough, IBI Group, provided information on the proposed temporary use by-law for 1860, 1890 and 1900 Appleby Line. (PB-30-19)

2.2 Information report for proposed official plan and zoning by-law amendments for 441 Maple Avenue (PB-23-19)

The Planning and Development Committee, in accordance with Section 34 of the Planning Act, as amended, held Public Meeting No. 10-19 on May 14, 2019 to receive the proposed official plan and zoning by-law amendments for 441 Maple Avenue. Having considered the oral and written comments received from staff and delegations, the Planning and Development Committee received PB-23-19 for consideration.

Moved by Mayor Meed Ward

Receive and file department of city building report PB-23-19 regarding official plan and zoning by-law amendments for 441 Maple Avenue.

CARRIED

- a. Staff presentation regarding information report for proposed official plan and zoning by-law amendments for 441 Maple Avenue (PB-23-19)
- b. Kelly Martel and Dana Anderson, MHBC Planning, provided information on the proposed official plan and zoning by-law amendments for 441 Maple Avenue. (PB-23-19)

- c. Serge Langevin expressed concern with the proposed official plan and zoning by-law amendments for 441 Maple Avenue as it relates to height, parking, traffic and impact on the environment. (PB-23-19)
- d. Roberta Shaw expressed concern with the proposed official plan and zoning by-law amendments for 441 Maple Avenue as it relates to traffic, height, parking and not adhering to the by-laws. (PB-23-19)
- e. Delegation material from Kelly Martel and Dana Anderson, MHBC Planning, regarding the proposed official plan and zoning by-law amendments for 441 Maple Avenue. (PB-23-19)
- f. Delegation material from Serge Langevin regarding the proposed official plan and zoning by-law amendments for 441 Maple Avenue. (PB-23-19)

3. Delegation(s):

- 3.1 Len Fragomeni spoke in opposition to the amendments to heritage designation by-law for 736 King Road. (PB-38-19).
- 3.2 Sean Javed spoke in opposition to the refusal of application for grant from Community Heritage Fund for 2349 Lakeshore Road. (PB-39-19)
- 3.3 John Anderson, Appleby United Church, spoke in support of the proposed draft plan of subdivision and zoning by-law amendment for 4407 and 4417 Spruce Avenue. (PB-26-19)
- 3.4 Scott Patterson, Labrech Patterson & Associates, spoke in support of the proposed draft plan of subdivision and zoning by-law amendment for 4407 and 4417 Spruce Avenue. (PB-26-19)

4. Consent Items:

- 4.1 'H' Removal for 3095 Harrison Court (PB-46-19)

Moved by Mayor Meed Ward

Approve the application to remove the 'H' Holding Symbol and site-specific exception 315 from the 'H-GE1-315' zone for the lands at 3095 Harrison Court, submitted by KWA Site Development Consulting Inc., 2453 Auckland Drive, Burlington, Ontario, L7L 7A9; and

Adopt Zoning By-law 2020.410 attached as Appendix C to department of city building report PB-46-19, being a by-law to remove the 'H' Holding

Symbol and site-specific exception 315 from the 'H-GE1-315' zone for the lands at 3095 Harrison Court; and

Deem that By-law 2020.410 conforms to the Official Plan for the City of Burlington.

CARRIED

5. Regular Items:

- 5.1 Information report for proposed plan of subdivision, official plan and zoning by-law amendments for Surrey Lane, Warwick Drive and Georgian Court (PB-33-19)

Moved by Councillor Galbraith

Receive and file department of city building report PB-33-19 regarding the proposed plan of subdivision, official plan and zoning by-law amendments for Surrey Lane, Warwick Drive and Georgian Court.

CARRIED

- 5.2 Amendments to heritage designation by-law for 736 King Road (PB-38-19)

Moved by Mayor Meed Ward

State an intention to amend By-law 105-2001 pursuant to Part IV of the *Ontario Heritage Act*, section 30.1(1), as shown in the draft amending by-law attached as Appendix C to department of city building report PB-38-19; and

Direct the Director of City Building to provide notice of Council's intention to amend By-law 105-2001, in accordance with section 30.1(1) of the *Ontario Heritage Act*; and

Authorize the City Clerk to present the amending by-law to Council, provided there is no objection to the statement of intention to amend designation By-law 105-2001; and

Authorize the City Clerk to take the necessary actions in the event of any objection to the statement of intention to amend By-law 105-2001 pursuant to Part IV of the *Ontario Heritage Act*, section 29(7); and

Direct the City Solicitor to remove reference to By-law 105-2001 from Part Lot 1, Con Broken Front as in 241642, City of Burlington, Region of Halton, being PIN 07096-0055 municipally known as 763 King Road.

CARRIED

- 5.3 Regional modifications to the Tremaine Dundas Secondary Plan Official Plan Amendment No. 107 (PB-49-19)

Moved by Councillor Bentivegna

Support the proposed modifications to Official Plan Amendment No. 107 for the Tremaine Dundas Secondary Plan; and

Authorize the Director of City Building to notify the Region of Halton that Burlington City Council supports the proposed modifications.

CARRIED

- 5.4 Road Safety Lawn Sign Campaign (TS-02-19)

Moved by Mayor Meed Ward

Direct the Director of Transportation Services to implement a Lawn Sign Road Safety Campaign as described in transportation services department report TS-02-19; and

Direct the Director of Transportation to collect data after implementation on roads that have been tested for speeding in the last 2 years and report back in Q3 of 2019.

CARRIED

Moved by Councillor Nisan

Direct the Director of Transportation to implement as a Pilot Program on roads that have been tested for speeding in the last 2 years and report back in Q3 of 2019.

LOST

- 5.5 Application for grant from Community Heritage Fund for 2349 Lakeshore Road (PB-39-19)

Moved by Councillor Kearns

Approve the application for a grant in the amount of \$4,500 for window replacement at 2349 Lakeshore Road.

CARRIED

Moved by Mayor Meed Ward

Approve the application for a grant in the amount of \$7,711.80 for window replacement at 2349 Lakeshore Road.

LOST

- 5.6 Proposed draft plan of subdivision and zoning by-law amendment for 4407 and 4417 Spruce Avenue (PB-26-19)

Moved by Councillor Stolte

Approve the application submitted by Zarin Homes for draft plan approval of a residential plan of subdivision consisting of 4 lots at 4407 & 4417 Spruce Avenue, as shown in Appendix A of department of city building report PB-26-19, subject to the conditions contained in Appendix C of that report; and

Approve the zoning by-law amendment application submitted by Zarin Homes to rezone the property at 4407 Spruce Avenue from “R2.1” to “R2.1-497” to permit a reduction in setback requirements for a place of worship on the basis that it conforms to the Provincial Policy Statement, the Places to Grow Act and the Regional Official Plan; and

Adopt Zoning By-law 2020.408, attached as Appendix B of department of city building report PB-26-19, rezoning the lands at 4407 Spruce Avenue from “R2.1” to “R2.1-497” and “R2.1-497”; and

Deem that Zoning By-law 2020.408 conforms to the Official Plan of the City of Burlington.

CARRIED

6. Confidential Items:

None

7. Procedural Motions:

None

8. Information Items:

Moved by Councillor Stolte

Receive and file the following four items, having been given due consideration by the Planning and Development Committee.

CARRIED

- 8.1 Staff presentation regarding regional modifications to the Tremaine Dundas Secondary Plan Official Plan Amendment No. 107 (PB-49-19)
- 8.2 Staff presentation regarding amendments to heritage designation by-law for 736 King Road (PB-38-19)
- 8.3 Correspondence from Melissa Jamieson regarding road safety lawn sign campaign (TS-02-19)
- 8.4 Staff presentation regarding proposed draft plan of subdivision and zoning by-law amendment for 4407 and 4417 Spruce Avenue (PB-26-19)

9. Staff Remarks:

10. Committee Remarks:

11. Adjournment:

2:20 p.m. (recessed), 2:27 p.m. (reconvened), 3:05 p.m. (recessed), 6:30 p.m. (reconvened), 8:30 p.m. (recessed), 8:40 p.m. (reconvened)

Councillor Stolte was absent during the afternoon session (12 noon - 3:05 p.m.)

Chair adjourned the meeting at 9:00 p.m.



Committee of the Whole - Workshop Meeting

Minutes

Date: May 16, 2019
Time: 2:30 pm
Location: Mountainside Recreation Centre - Community Room 2

Members Present: Angelo Bentivegna, Kelvin Galbraith, Lisa Kearns, Rory Nisan, Paul Sharman, Mayor Marianne Meed Ward

Member Regrets: Shawna Stolte (Chair)

Staff Present: Tim Commisso, Mary Battaglia, Laura Boyd, Joan Ford, Chris Glenn, Sheila Jones, David Lazenby, Heather MacDonald, Allan Magi, Angela Morgan, Nancy Shea-Nicol, Christine Swenor, Mary Lou Tanner, Vito Tolone, David Thompson (Audio/Video Specialist), Suzanne Gillies (Clerk)

1. Declarations of Interest:

None.

2. Delegation(s):

None.

3. Consent Items:

None.

4. Regular Items:

4.1 Parks & Recreation: A framework for community recreation in the City of Burlington

5. Confidential Items:

None.

6. Procedural Motions:

None.

7. Information Items:

Moved by: Mayor Meed Ward

Receive and file the following 2 items, having been given due consideration by the Committee of the Whole workshop committee.

CARRIED

7.1 Parks & Recreation framework staff presentation (COW-W-11-19)

7.2 DRAFT Framework for community recreation as of May 13, 2019 (COW-W-11-19)

8. Staff Remarks:

9. Committee Remarks:

10. Adjournment:

Chair adjourned the meeting at 4:10 p.m.



Committee of the Whole - Workshop Meeting

Minutes

Date: May 21, 2019
Time: 9:00 am
Location: Council Chambers Level 2, City Hall

Members Present: Shawna Stolte (Chair), Angelo Bentivegna, Kelvin Galbraith, Lisa Kearns, Rory Nisan, Paul Sharman, Mayor Marianne Meed Ward

Staff Present: Mary Lou Tanner, David Thompson (Audio/Video Specialist), Suzanne Gillies (Clerk)

1. **Declarations of Interest:**

None.

2. **Regular Items:**

2.1 Media relations and social media training

3. **Procedural Motions:**

Moved by: Mayor Meed Ward

Committee moved into closed session at 9:03 am, in accordance with the following provision under the Municipal Act:

Section 239(2)(n) educational or training of the members where at the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the council, local board or committee with respect to media relations and social media.

CARRIED

Moved by: Councillor Galbraith

Moved into open session

Committee moved into public session at 11:06 a.m.

4. Information Items:

Moved by: Councillor Nisan

Receive and file the following item, having been given due consideration by the Committee of the Whole workshop committee.

4.1 Media relations and social media training staff presentation (COW-W-12-19)

5. Staff Remarks:

6. Committee Remarks:

7. Adjournment:

Chair adjourned the meeting at 11:10 a.m.



Planning and Development Committee - Public

Minutes

Date: May 21, 2019
Time: 6:30 pm
Location: Council Chambers Level 2, City Hall

Members Present: Paul Sharman (Chair), Rory Nisan, Kelvin Galbraith, Lisa Kearns, Shawna Stolte, Angelo Bentivegna, Mayor Marianne Meed Ward

Staff Present: Tim Commisso, Heather MacDonald, David Thompson (Audio/Video Specialist), Jo-Anne Rudy (Clerk)

1. Declarations of Interest:

None

2. Statutory Public Meetings:

None

3. Delegation(s):

None

4. Consent Items:

None

5. Regular Items:

5.1 Work plan for scoped re-examination of the adopted Official Plan (PB-47-19)

Moved by Mayor Meed Ward

Direct the Director of City Building to proceed with the work identified in the Terms of Reference attached as Appendix C to department of city building report PB-47-19, and the work generally identified in section 4.1; and

Direct the Director of City Building to propose refinements to the

Neighbourhood Centres Policy to simplify and clarify the intent of the policies, generally described in section 4.2.3; and

Direct the Director of City Building to modify the terms of reference upon confirmation of impacts related to Bill 108 and other Provincial changes to the land use planning and development system, if required; and

Direct the Director of City Building, after the conclusion of the studies conducted as part of (1) the scoped re-examination of the policies of the adopted Official Plan and (2) Interim Control By-law 10-2019 as amended (21-2019), to report on any changes to the Urban Growth Centre and Major Transit Station Area designations applicable to Burlington's downtown and the Burlington GO Station that could be recommended as a result of any proposed Official Plan and Zoning By-law amendments arising out of the studies; and

Direct the Director of City Building to consider revisions to adopted Official Plan policies that are within the City's legislative authority, based on recommendations from the Agricultural and Rural Affairs Advisory Committee and report back to Council as to the appropriateness of preparing Official Plan modifications for Regional consideration through the scoped re-examination of the Adopted Official Plan Study.

CARRIED

6. Confidential Items:

None

7. Procedural Motions:

None

8. Information Items:

Moved by Mayor Meed Ward

Receive and file the following item, having been given due consideration by the Planning and Development Committee.

CARRIED

- 8.1 Staff presentation regarding work plan for scoped re-examination of the adopted Official Plan. (PB-47-19)

9. Staff Remarks:

10. Committee Remarks:

11. Adjournment:

Chair adjourned the meeting at 8:15 p.m.



**SUBJECT: City of Burlington Comments regarding Proposed Bill 108:
More Homes, More Choice Act, 2019**

TO: Mayor and Members of Council

FROM: City Manager's Office

Report Number:CM-11-19

Wards Affected:all

File Numbers:155-03-01

Date to Committee:Select date

Date toCouncil:May 27, 2019

Recommendation:

Receive the comments and feedback contained within this report and forward to the Province of Ontario, Minister of Municipal Affairs and Housing and the Minister of Tourism Culture and Sport, as the City of Burlington's comments on Bill 108 (More Homes, More Choices Act), Housing Supply Action Plan; and,

Request that the Province of Ontario continue to consult with the City of Burlington on Bill 108 (More Homes, More Choices Act), with adequate time provided prior to Royal Assent and finalization of associated regulations.

Purpose:

The purpose of this report is to provide Council with an overview of Bill 108, More Homes, More Choices Act, introduced on May 2, 2019 by the Minister of Municipal Affairs and Housing. The proposed Bill amends thirteen acts of which only three acts are subject to comment and review prior to June 1, 2019. The three acts are; the *Development Charges Act, 1997* (ERO Number:019-0017), *Planning Act* (ERO Number 019-0016), and the *Heritage Act* (ERO Number 019-0021).

At the time of writing this report Bill 108 is in second reading (debate). Timelines beyond this are not known, however, the Bill requires third reading and royal assent prior to it becoming Legislation with numerous details to be prescribed by regulation.

Based on our preliminary review it is difficult to ascertain the full impacts of the proposed Bill 108. The lack of clarity in the information released and the fact that many

of the details will be prescribed through future regulations, prevents staff from undertaking a more thorough evaluation. Staff will continue to engage with the Province, the Region and neighbouring municipalities to assess the impact of the proposed legislation and will continue to provide Council with updates as information becomes available.

Background and Discussion:

Proposed Bill 108 is a full suite of legislative changes which, according to the Province is designed to increase the supply of housing that is affordable and provides families with more choices on where to live, work and raise their families. This report provides preliminary commentary on the impacts on the significant changes proposed and the specific implications for the City of Burlington. As Council is aware, municipalities are expending significant effort to fully understand, assess and deal with Provincial changes including those incorporated in the FY 19/20 Provincial Budget. Staff anticipate more Provincial changes will be forthcoming throughout the remainder of the year including potential municipal governance and service delivery changes related to the Regional Review process.

Recommendations to the Province are contained in Appendix A.

Proposed Changes to the *Development Charges Act (DCA), 1997*

- 1) **Changes to Eligible Services:** The proposed Bill will remove “soft services” from the DCA. For the City of Burlington, this translates to the removal of parks and recreation, and library services. The Province is proposing that the soft services will be considered as part of the new Community Benefit Charge (CBC) under the *Planning Act*. Eligible services that will remain under the DCA as it relates specifically to the City of Burlington are as follows;
 - Stormwater drainage and control services;
 - Services related to a highway as defined in subsection 1 (1) of the *Municipal Act, 2001*;
 - Fire protection services; and
 - Transit services

Soft services currently account for 18 per cent of our total charge for residential. Over the next ten years the city of Burlington forecasted collecting **\$8.3 million** in development charges to spend towards soft services.

- 2) **New Exemption:** The proposed changes include a new exemption for second dwelling units in new residential buildings, including structures ancillary to dwellings. This new exemption would require funding from the tax base.
- 3) **Timing of DC collection:** The Bill proposes that the following types of development will pay their development charges (DCs) over a period of six years;
 - Rental housing
 - Non-profit housing
 - Commercial development
 - Industrial development
 - Institutional development

The six annual payments will commence the date of issuance of an occupancy permit or occupancy of building, whichever is earlier. The municipality may elect to charge interest at a prescribed rate and can add any unpaid amounts including interest to taxes. As a result, this will impact DC cashflows and increase administrative efforts for the City of Burlington.

- 4) **Timing of DC Amount:** Bill 108 proposes that the timing of when the DC amount is determined for all developments proceeding by site plan or requiring zoning amendment be based on the DC charge in effect at the time of application for site plan or zoning amendment. If developments do not require the aforementioned planning approvals, the amount will be determined at the earlier date of issuance of a building permit or occupancy. As a result, this will impact the city's ability to tie growth related costs to revenue.
- 5) **Transition:** Bill 108 considers transition provisions for by-laws set to expire after May 2, 2019. For the City of Burlington, at the time the new legislation is enacted, our by-law will need to be amended within a prescribed period to satisfy the amended legislation. At this time the prescribed date is not known.

Proposed changes to the *Planning Act*

- 1) **Reduction of decision timelines:** Bill 108 is proposing shorter timelines for the processing of development applications before they can be appealed to the Local Planning Appeal Tribunal (LPAT) for a non-decision.
 - For Official Plans, from seven months (210 days) to four months (120 days);
 - For Zoning By-laws, from five months (150 days) to three months (90 days);

- For Plans of Subdivision, from six months (180 days) to four months (120 days).

With respect to giving notice of and circulating applications, the shorter timelines will result in a limited window for the public to provide written submissions on an application.

The timelines to complete a technical review of the application by internal staff, agencies and provincial ministries will also be impacted by the shorter times. No longer will it be feasible for an applicant to respond to technical comments prior to a decision having to be made on an application. This would result in an increase in recommended denials based on prematurity.

The ability to conduct meaningful, thorough public engagement will be impacted, as will an applicant's ability to incorporate changes to the application based on public input. Two-stage reporting is not feasible based on the proposed new timelines. The Statutory Public Meeting and recommendation reports will need to be combined into one Planning and Development Committee meeting thereby limiting Council's opportunity to hear from the public before making a decision.

The shorter time lines may result in an increase in the number of appeals to LPAT, which in turn means that it will take longer to get decisions made on those applications.

The reduced decision timelines appear arbitrary and give no consideration to what internal changes will be required to the City of Burlington Development Application Approval Process (DAAP) business process. DAAP is comprised of a set of fully documented and integrated workflow steps that cross a number of City functions. In order to achieve the new timelines, ideally a detailed business process review of the City's DAAP should be undertaken.

- 2) **Additional residential units:** Bill 108 authorizes the use of two residential units in a detached, semi-detached or row house and a residential unit in an ancillary building or structure.

The City will be required to update our Official Plan policies to permit two residential units in a house and an additional residential unit in an ancillary building or structure. This could be achieved through modifications to the City's adopted new Official Plan. The City will also need to undertake a study to assess the feasibility of accommodating these additional units as it relates to standards and conditions, such as parking. This study would help to inform updates to the City's Zoning Bylaw.

- 3) **Inclusionary Zoning:** Proposed changes to the *Planning Act* appear to limit the ability to implement Inclusionary Zoning to two areas: within a Protected Major Transit Station Area delineated area or where a community planning permit

system formerly known as a development permit system is adopted or established. The proposed changes are clear that municipalities would not be required to adopt an Inclusionary Zoning by-law.

- 4) **Community Planning Permit System:** The City may be required, through an Order from the Minister, to adopt or establish a community planning permit system that applies to a specific area or to an area surrounding and including a specified location, as outlined in the Order. A time period to adopt or establish a community planning permit system may also be specified in the Order. Official Plan policies adopting a community planning permit system, in response to an Order, are sheltered from appeal.
- 5) **Community Benefits Charges (CBC):** The CBC consolidates the following financing tools, parkland dedication, public benefits through density and specified soft services currently financed through DCs. The city will be required to prepare a CBC strategy, before passing a CBC by-law. The following are various provisions regarding the new community benefit charge.
 - The CBC payable cannot exceed an amount equal to the prescribed percentage of the value of the land as of the valuation date.
 - The valuation date is the day before building permit issuance.
 - Valuation will be based on appraised value of land.
 - In each calendar year, a municipality shall spend or allocate at least 60 percent of the funds

Based on the above, the exact amount payable under the CBC is unknown at this time, as it is based on percentage of land value. As such, it will be extremely difficult for the City to discern the true impact of the change, and it creates uncertainty in forecasting funding for growth. The provision to allocate or spend 60 percent of funding in a given year makes it very difficult to plan for large scale multi-year projects.

Under the proposed CBC, potential benefits become limited.

The proposed changes remove the ability for municipalities to obtain land for parks within growth areas to support the residents in these areas. As Burlington is at full build-out, taking parkland enables public access to open space where it would otherwise be cost prohibitive for the municipality to purchase land at market rate for parkland.

- 6) **Changes to the Appeals Process:** With the shortened decision timeframes and the basis of an appeal are no longer limited to a test of consistency and conformity with provincial policies and plans and applicable official plan policies,

the City can expect to receive more appeals of decisions and non-decisions to LPAT. LPAT's ability to overturn decisions made by City Council is no longer limited to consistency/conformity with Provincial policy standard. Even with updated planning documents, which are deemed to be in conformity with provincial and regional policy, the proposed changes will require the City to defend decisions based on good planning in the context of a hearing de novo.

- 7) **Final Decision on Appeals:** The City will no longer be given the opportunity to make a new decision on a matter if LPAT determines that a municipal decision did not follow local/ and or provincial policies. Final decisions on appeals now rests with LPAT.
- 8) **New Evidence and Examination of Witnesses at LPAT Hearings:** New information and materials may be presented at an LPAT hearing and Council may be given the opportunity to reconsider and make a recommendation to the Tribunal on the matter within a prescribed period of time. Furthermore, witnesses may be called by parties and examined as part of the hearing process. All these changes are likely going to result in longer, more expensive LPAT hearings.
- 9) **Limiting Third Party Appeals:** Limiting who can appeal an approval-authority non-decision on an Official Plan or an amendment to an Official Plan greatly reduces the risk of such an appeal for a proponent. In the case of the City's adopted Official Plan, this would mean only the Minister, or the City would be able to appeal, following the 120-day decision period.

For Plans of Subdivision, the proposed amendment includes a list of persons who may appeal a decision, the lapsing provision or any of the conditions. This could result in less appeals and the application moving through the process quicker. It does, however, preclude members of the public who participated in the process, from appealing.

The above changes represent a significant step backward in the local municipal control over land use planning and call into question the fundamental responsibility of the Province, to enable through delegated legislative authority, the City of Burlington's ability to manage growth and protect the broader public interest.

Proposed changes to the *Ontario Heritage Act*

- 1) **Introduction of "prescribed principles":** The nature of the new prescribed principles that Council must consider when designating property or making decisions related to designated properties will not be known until they are set out by the province in new regulations. The introduction of prescribed principles may

limit Council's discretion in making decisions under Part IV of the *Ontario Heritage Act*, including designating property of cultural heritage value or interest.

- 2) **Provisions for provincial heritage properties:** Bill 108 repeals a provision allowing municipal decisions to prevail over provincial heritage standards and guidelines, in respect of a designated heritage property that is occupied, but not owned, by the province or prescribed public body, including the Royal Botanical Gardens.
- 3) **Listing non-designated properties on the Municipal Register:** The new process for listing non-designated properties on the Register introduces requirements for the City to provide notice to the property owner and explain the reasons for listing the property and allows property owners to object to the property being listed. The owner's objection does not trigger a hearing at LPAT, but Council must consider the objection and decide whether to uphold or withdraw the listing.
- 4) **Introduction of "prescribed events":** Bill 108 introduces "prescribed events" and states that when a prescribed event occurs in respect of a property, the Council cannot state an intention to designate the property after 90 days have passed from the occurrence of the prescribed event, subject to exceptions. The nature of the prescribed events and the exceptions from this policy will not be known until they are set out by the province in new regulations, but it is anticipated that prescribed events will include the submission of a complete development application under the *Planning Act*. The introduction of prescribed events and associated policies will force the City to make "now or never" decisions on designating a property when a prescribed event occurs. The City may be prevented from designating a property of cultural heritage value after the 90-day period has ended, even if the property's cultural heritage value changes in the months or years after the period ends.

The City may struggle to allocate resources to study a property's cultural heritage value and decide whether to designate it within the 90-day period after the prescribed event occurs, especially if prescribed events occur in respect of numerous properties at the same time.

Furthermore, the restriction prohibiting the City from stating an intention to designate after the 90-day period has elapsed may prevent the City from using more innovative approaches to achieve better heritage conservation outcomes, for example the approach of entering into a heritage conservation easement agreement under section 37 of the *Ontario Heritage Act* prior to approving

redevelopment, and later stating an intention to designate the same property after redevelopment of said property is complete.

5) **Decision-Making Process and Appeals Process for Designations, Designation Amendments, Designation Repeals, and Heritage Permits (Municipal Consent for Alterations or Demolition to Designated Property):**

Bill 108 introduces new processes and time limits for municipal decisions to enact, amend, or repeal by-laws that designate properties of cultural heritage value or interest under Part IV of the *Ontario Heritage Act*. New processes and timelines are also introduced for municipal decisions to consent to proposed alterations or demolitions in respect of designated properties.

The appeal body for such decisions is changed from the Conservation Review Board (CRB) to the LPAT. Unlike the CRB, LPAT may overturn Council decisions. LPAT may also lack cultural heritage expertise to inform its decisions.

Furthermore, the definition of “alter” is amended such that requests to remove a heritage attribute now follow the process for demolition rather than the process for alteration of the property. This removes the municipality’s discretion to determine what constitutes alteration vs demolition and may cause unnecessary procedural red tape in some instances.

6) **Heritage Districts:** There are currently no Heritage Districts in Burlington; however, Bill 108 may affect the process for the City to establish a District in future. Notably, new provisions appear to indicate that a District Plan must identify the attributes of every individual property within a District, rather than the attributes of the overall District. This may add prohibitive complexity and cost to the development of a District Plan.

Observations and Preliminary Implications for Burlington

Staff have collectively reviewed the proposed changes and provide the following together with the recommendations in Appendix A as our concerns and comments for submission to the Province. Individually, many of the changes proposed in Bill 108 would be concerning for the City. Considered collectively, the proposed changes would have significant negative financial, land use planning and administrative process impacts on the City.

Lack of Clarity

Overall, there is a lack of clarity and further detail and information is required in order to provide more informed feedback through the consultation process. The *More Homes, More Choice Act* is provincially lauded as an Act that will facilitate the goals of providing greater housing opportunities in Ontario. The proposed changes do not all appear to

lend to that objective. For example, how will proposed changes such as deferral of DC payments to commercial and industrial development increase housing supply? Furthermore, housing prices are largely market driven, and it remains to be seen if the proposed changes will translate into direct benefits to residential consumers.

Further context is required regarding the Community Benefits Charge as currently it is unclear as to the prescribed percentage of land value that will be used. Additionally, basing the CBC on the value of land does not connect to the cost to service the related growth. The City of Burlington operates in a two-tier municipal system and there is no guidance on how the percentage of the land value will be allocated.

Diminished Public Consultation

Bill 108 is proposing shortening the timelines for planning decisions making it difficult to conduct meaningful, thorough public engagement and be able to incorporate changes to the application based on public input. The proposed reduction to appeal rights to the LPAT further limits the opportunity for the local community to participate in the planning process.

Administrative Challenges

The proposed changes have significant administrative impacts to the City's planning and development approval process. Calculating DCs at various stages of development, applying interest charges, tracking payments, as well as changes in occupancy during the proposed six-year period will require changes in technology and additional administrative resources. Also, the costs and resources involved in creating and implementing a Community Benefits Strategy and by-law may be significant.

The reduction in the timeframes for planning applications will require significant changes to our current process. Time to work through the technical review with applicants will be reduced, as will our ability to conduct meaningful public consultation and to report to Council.

The reduction in the timeframes for planning applications will require significant changes to our current process. Time to work through the technical review with applicants will be reduced, as will our ability to conduct meaningful public consultation and to report to Council.

Delay in Cash Flow

Bill 108 proposes a number of changes to the timing and collection of DC revenues, resulting in a large impact on DC payments that municipalities will receive. Most infrastructure as it relates to "hard services" must be provided in advance of development increasing the potential for increased debt borrowing to pay for the required capital infrastructure. Spreading the collection over multiple years inhibits the

municipality from collecting in advance of the development, as such DC revenues and capital servicing costs are not matched.

Additionally, locking in DC rates in advance of permit issuance produces a shortfall in DC revenue as the charge will not reflect the current rates at the time of development. The change represents another instance where the city is unable to tie revenues to costs further contributing to the challenge of growth not paying for growth. The time limit between site plan approval and zoning changes to issuance of building permit can vary substantially, as there is no financial incentive for development to proceed quickly. In both instances there is upward pressure on the DC quantum.

With respect to the CBC, combining park dedication funding, soft services and public benefits further and likely significantly limits the funding available to the City to acquire and develop new parks, recreation facilities and libraries. Instead, the City will be limited to implementing and apportioning a community benefits charge among a list of eligible services.

The uncertainty makes long term financial forecasting extremely challenging and is contrary to the fundamental principle of growth pays for growth.

Transition Period

There is uncertainty on the transition period that the Province will provide municipalities to react to the changes. Ample time will be required to communicate changes, adjust policies, consult and implement the required processes to ensure appropriate application of the legislation. The changes are broad sweeping impacting multiple facets of the organization.

Growth Pays for Growth

The proposed changes essentially remove the ability for municipalities to obtain sufficient public lands for parks within growth areas to support the residents in these areas. Removing the density provisions drastically reduces Burlington's ability to obtain parks or cash-in-lieu especially on high density developments (condos and apartments).

Effectively, community benefits are being capped based on a percentage of the land value of the development site.

Financial Matters:

Overall there are significant financial implications to the City of Burlington as a result of the proposed changes however, it is difficult at this time to quantify the true impact with the limited information and lack of clarity currently provided. At a high level, we can state the following as areas where there will be a definitive and negative financial impact:

- Administrative costs related to changes in technology, increased staffing to administer the process, and appraisal costs for land values
- Increased use of debt financing for growth infrastructure, impacting the city's debt capacity and the DC quantum
- Changes to the collection of the CBC due to changes in land values, that cannot be predicted or forecasted
- Increased exemptions will result in increased costs to the taxpayer to the growth-related cost
- Reduced funding available to "soft services" such as parks, recreations centres and libraries as a result of their exclusion from the DCs and dependant on the calculation of the CBC
- Increased risk of appeals for non-decision will result in increased legal costs.

Connections:

The City is working closely with Halton Region, the other area municipalities as well as members of Large Urban Mayors' Caucus of Ontario and Mayors and Regional Chairs of Ontario regarding Bill 108 and the impact of the proposed changes on municipalities. Significant concern has been raised regarding the lack of clarity and details surrounding the changes proposed by Bill 108. Municipalities are also concerned about the timing of the introduction of this legislation.

The Province has recently introduced changes to public health, ambulance services and is in the middle of a review of Regional Government. Municipalities are being asked to respond to several significant service delivery and financial changes, at the same time, after their municipal budgets have been approved.

Public Engagement Matters:

The City of Burlington is committed to being a municipal leader in community engagement and collaboration. As highlighted above, Bill 108 is proposing shortening the timelines for planning decisions making it difficult to conduct meaningful, thorough public engagement and be able to incorporate changes to the application based on public input.

Conclusion:

Bill 108 proposes full range of legislative changes intended, by the Province, to increase the supply of housing that is affordable for Ontario families while providing them with more choices on where to live, work and raise their families. Providing residents with affordable housing options within Burlington, is something the City supports. However, our review of the Bill 108 and the proposed changes do not clearly indicate how the Provincial objectives will be achieved.

While, there is limited details on how the changes will be implemented our review clearly indicates that there will be significant impacts to the City of Burlington; financially; our ability to secure parkland and community services and facilities; the opportunity to conduct meaningful consultation with community and conservation of heritage resources. Overall the changes proposed in Bill 108 are unsubstantiated and largely disconnected from the underlying intent of the legislation to create more housing supply and choice in the GTHA.

Respectfully submitted,

Helen Walihura, Government Relations Specialist, ext. 7895 on behalf of:

Joan Ford, Director of Finance, ext. 7652

Reena Bajwa, Co-ordinator of Financial Strategies & Business Consulting, ext. 7896

Blake Hurley, Assistant City Solicitor, ext. 7611

Leah Smith, Manager of Policy and Research, ext. 7385

Thomas Douglas, Planner II, ext. 7811

Brynn Nheiley, Manager of Development Planning, ext. 7638

Rob Peachey, Manager of Parks and Opens Spaces, ext. 7722

Ron Steiginga, Manager of Realty Services, ext. 7581

Appendices:

- A. City of Burlington Recommendations Regarding Proposed Bill 108: More Homes, More Choice Act, 2019

Report Approval:

All reports are reviewed and/or approved by Department Director, Director of Finance and Director of Legal. Final approval is by the City Manager.

Bill 108 (Schedule 12) – The Proposed More Homes, More Choice Act: Amendments to the Planning Act

ERO Number: 019-0016

Reduction of decision timelines

Recommendations:

- Retain existing planning decision timelines
- If planning decision timelines are reduced, municipalities should be able to ‘stop the clock’ while awaiting an applicant’s response/revisions to an application based on municipal comments on the application.
- Municipalities should also be able to ‘stop the clock’ while awaiting detailed review and comment from Ministries on development applications. Alternatively, statutory timelines for Ministry comments should be established to ensure municipalities can meet the current timeline requirements.
- Provide prescribed conditional zoning regulations.

Additional residential units

Recommendations: In 2017 the Province proposed a draft regulation prescribing requirements and standards with respect to second residential units. It would be helpful to know if the province intends to prescribe through regulation, requirements and standards for these additional residential units.

Inclusionary zoning policies

Recommendations:

- The *Planning Act* should preserve the ability to allow municipalities to implement Inclusionary Zoning where they determine it to be appropriate.
- Should the changes proceed, the existing Inclusionary Zoning Regulations would need to be modified to calibrate the require municipal assessment report and other associated requirements to reflect the limited nature of the tool as revised.

Community Planning Permit System

Recommendations:

It should be up local municipalities to determine where they establish a community planning permit system. Should the Minister order a municipality to adopt or establish a community planning permit system, the Province should be providing support to municipalities and ensuring reasonable time periods are given.

Community Benefits Charges

Recommendations:

- Prior to the enactment of the new Section 37, the Province should be providing the associated regulations to ensure that municipalities fully understand the impacts of the proposed policy changes.
- The parkland dedication density provisions should not be removed from the Act. Instead, municipalities should be required to implement reasonable maximum rates per unit relative to local land values.
- The parkland dedication authority in the Planning Act should remain separate from the community benefits authority.
- The Community benefits authority should exclude park dedication and should instead be tied to transparent process that justifies the services being charged for and verifies the costs within the charge.

Basis for Appeals

Recommendations:

That the basis for appeals to Official Plans, Official Plan amendments and Zoning By-law amendments remain unchanged. The two-part test for these amendments that was established in Bill 139 should remain in the Planning Act. The use of these consistency/conformity tests result in municipal land use planning that is more aligned with Provincial policy than a regime that permits appeals of decisions that do comply with Provincial policy.

New Evidence and Examination of Witnesses at LPAT Hearing

Recommendations:

LPAT decisions should reflect the decision of the elected local council where that local decision is in conformity with Provincial Policy.

Allowing new evidence to be presented at hearings, along with the examination and cross examination of witnesses should be limited as it could significantly add to the length of appeal hearings at LPAT. This is contrary to the stated goals of Bill 108, part of which identify a need to move quickly through the hearing process. We recommend the Province invest the planned \$1.4 million into an LPAT that administers appeals under the current in-force Planning Act and LPAT Act. An investment made in that context would have the effect of moving appeals through the appeal process more quickly and efficiently than de novo hearings for appeals that become more frequent due to a compressed application review period.

Limiting Third Party Appeals

Recommendations:

That the *Planning Act* not be amended to restrict appeal rights of individuals for plans of subdivision.

**Bill 108 (Schedule 11) – The Proposed More Homes, More Choice Act:
Amendments to the Ontario Heritage Act**

ERO Number: 019-0021

Introduction of “prescribed principles” that Council must consider when designating property or making decisions related to designated properties

Recommendation:

The regulations that will establish prescribed principles should be created through consultation with municipalities, and provide sufficient time for a thorough municipal review and response.

The province should limit the application of prescribed principles to designations under section 29, and state that the principles will not apply to listing non-designated properties under section 27.

Changes to provisions for provincial heritage properties

Recommendation:

The province should not repeal section 26(2) of the Act, and should leave it unchanged. Alternatively, the province should not repeal section 26(2) but amend it by stating that provincial standards and guidelines shall only prevail over municipal decisions when occupation of a designated heritage property by a provincial or prescribed public body exceeds a certain minimum duration of time.

New process for listing non-designated properties on the Municipal Register

Recommendations:

The province should introduce a time limit for the owner to object after the City notifies the owner that the property has been listed.

Recommend that a provision be added to allow a property owner to withdraw a notice submitted under subsection 27(9), regarding intention to demolish or remove a building or structure on a listed property.

Introduction of “prescribed principles” that Council must consider when designating property or making decisions related to designated properties

Recommendation:

The province should consult municipalities on the regulations that will establish prescribed principles, and provide sufficient time for a thorough municipal review and response.

The province should limit the application of prescribed principles to designations under section 29, and state that the principles will not apply to listing non-designated properties under section 27.

Changes to provisions for provincial heritage properties

Recommendation:

The province should not repeal section 26(2) of the Act, and leave it unchanged. Alternatively, the province not repeal section 26(2) but amend it by stating that provincial standards and guidelines shall only prevail over municipal decisions when occupation of a designated heritage property by a provincial or prescribed public body exceeds a certain minimum duration of time.

New process for listing non-designated properties on the Municipal Register

Recommendations:

The province should introduce a time limit for the owner to object after the City notifies the owner that the property has been listed.

A provision should be added to allow a property owner to withdraw a notice submitted under subsection 27(9), regarding intention to demolish or remove a building or structure on a listed property.

Introduction of “prescribed events” that limit Council’s ability to designate heritage properties

Recommendations:

The province should remove the proposed new subsection 29(1.2) concerning prescribed events from Bill 108.

Alternatively, if proposed new subsection 29(1.2) concerning prescribed events is to be retained, the province should:

- clarify how the City will be notified when the prescribed event has occurred, and deem that the 90-day time limit does not begin until the City has been notified in writing that the event has occurred;
- increase the time limit for Council to state an intention to designate from 90 days to one year, and state that the restriction on stating an intention to designate after that period ends shall be temporary rather than permanent;
- amend the subsection to allow the property owner to agree in writing to extend the time limit for stating an intention to designate beyond the stated time limit identified in the Act; and

- consult municipalities on the regulations that will establish prescribed events and associated exceptions, and provide sufficient time for a thorough municipal review and response to the proposed regulations.

Changes to Decision-Making Process and Appeals Process for Designations, Designation Amendments, Designation Repeals, and Heritage Permits (Municipal Consent for Alterations or Demolition to Designated Property)

Recommendations:

- The province should amend the proposed section 29, as currently worded in Bill 108, to provide for a more efficient process for designation decisions and for the efficient handling of notices of objection to a municipality's intention to designate a property.
- The province should amend the proposed subsection (8)(1), to extend the time limit for passing a designation by-law after publishing notice of intention to designate, from 120 days to one year.
- The appeal body (CRB or LPAT) that hears appeals on heritage designations should only be able to make non-binding recommendations to Council, rather than binding decisions, and that final decision-making authority rest with municipal Council – in recognition that heritage designations are an inherently local matter concerning the conservation of cultural heritage resources that are valued by a local community.
- The right to appeal a heritage designation should be limited to the property owner, rather than “any person”, and that the grounds for appeal of a by-law passed by Council to designate property, or amend or repeal the designation of a property, be limited to the basis that said by-law does not comply with the Heritage Act or regulations.
- The province should amend subsections 33(4) and 34(4) to clarify notification requirements for incomplete applications, and accordingly, amend subsections 33(7) and 34 (4.3) to clarify that the 60-day timeline that begins at the commencement of an application is suspended and restarted after the Council serves notice on the applicant that the submitted application is incomplete.
- The province should make amendments to the Ontario Planning Act to state that where an application to alter or demolish is made under Sections 33 or 34 of the Ontario Heritage Act that the timelines in the Ontario Heritage Act prevail to the extent of any conflict for the purposes of the date an appeal may be made under the Planning Act regarding a Planning Act application.
- The proposed Act, as currently worded in Bill 108, should be amended to restore municipal Council discretion in determining whether an application to remove a heritage attribute from a designated property constitutes alteration or demolition.

Changes to Heritage Districts

Recommendations:

Request that the province amend the Heritage Act to provide clarity on the relationship between the individual heritage values and attributes of properties within a Heritage Conservation District and the values and attributes of the District, particularly as it pertains to alterations and demolition/removal.

Bill 108 – (Schedule 3) - the Proposed More Homes, More Choices Act: Amendments to the Development Charges Act, 1997

ERO Number: 019-0017

Recommendations:

- Continue to include soft services under the DCA so that the DC charge is more reflective of a municipality costs to provide growth related capital infrastructure to residents
- Limit the number of statutory exemptions to uphold the principle of growth pays for growth. Exemptions pass the costs to fund growth related infrastructure to residents as the exemption will have to be offset by funding from the tax base
- Continue to have DCs payable at the time of building permit to ensure complete applications and create predictable cash flows required for sustainable long term financial planning. This will also produce current rates reflective of the costs of development at that time
- Exclude commercial, institutional and industrial development from the deferral of DC payments. This does not lend to the mandate of increased and affordable housing supply.
- Ensure an adequate period of time for transition for any changes that may receive Royal Assent. Transition period allows for fulsome consultation with the community and provide municipalities with the time to understand the true impact that is both process and financially driven.