



## Community Planning, Regulation & Mobility Committee Meeting Minutes

Date: March 1, 2022  
Time: 9:30 am  
Location: Council Chambers - members participating remotely

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

Staff Present: Tim Commisso, Nick Anastasopoulos, Sue Connor, Joan Ford, Scott Hamilton, Nancy Shea-Nicol, Craig Kummer, Mark Simeoni, David Thompson (Audio/Video Specialist), Richard Bellemare (Audio/Video Specialist), Jo-Anne Rudy (Clerk)

### 1. **Declarations of Interest:**

Councillor Galbraith declared an interest with:

- PL-17-22 Official Plan and Zoning By-law Amendment application for 1029 and 1033 Waterdown Road

as he owns properties very close to this development proposal and within the notice area.

### 2. **Statutory Public Meetings:**

- 2.1 Zoning By-law Amendment application for 5030-5045 Tico Creek Common (PL-20-22)

The Community Planning, Regulation and Mobility Committee, in accordance with the Planning Act, held Public Meeting No. 04-22 on March 1, 2022, regarding Zoning By-law amendment for 5030-5045 Tico Creek Common. Having considered the oral and written comments received from staff and delegations, the Community Planning, Regulation and Mobility Committee approved community planning department report PL-20-22.

Moved by Councillor Sharman

Direct staff to continue to proceed with the processing of the submitted Zoning By-law Amendment application for 5030-5045 Tico Creek Common (Wellings Planning Consultants Inc.) including evaluating and incorporating any/all comments received by Committee and public at the Statutory Public Meeting, as well as the comments received through the ongoing technical review of this application by agency partners and internal departments.

**CARRIED**

- a. Glenn Wellings, Wellings Planning Consultants Inc., representing 1215 Appleby Line Holdings Inc., spoke to the Zoning By-law Amendment application for 5030-5045 Tico Creek Common (PL-20-22)
  - b. Staff presentation regarding Zoning By-law Amendment application for 5030-5045 Tico Creek Common (PL-20-22)
- 2.2 Official Plan and Zoning By-law Amendment application for 1029 and 1033 Waterdown Road (PL-17-22)

The Community Planning, Regulation and Mobility Committee, in accordance with the Planning Act, held Public Meeting No. 05-22 on March 1, 2022, regarding Official Plan and Zoning By-law amendment for 1029 and 1033 Waterdown Road. Having considered the oral and written comments received from staff and delegations, the Community Planning, Regulation and Mobility Committee approved community planning department report PL-17-22.

Moved by Mayor Meed Ward

Direct staff to continue to proceed with the processing of the submitted application for Official Plan and Zoning By-law Amendment for 1029 and 1033 Waterdown Road, including evaluating and incorporating any/all comments received by Committee and public at the Statutory Public Meeting, as well as the comments received through the ongoing technical review of this application by agency partners and internal departments.

**CARRIED**

- a. David Falletta, Bousfields Inc., spoke to the Official Plan and Zoning By-law Amendment application for 1029 and 1033 Waterdown Road (PL-17-22)
- b. Ron Porter spoke to the Official Plan and Zoning By-law Amendment application for 1029 and 1033 Waterdown Road (PL-17-22)
- c. Tom Muir spoke to the Official Plan and Zoning By-law Amendment application for 1029 and 1033 Waterdown Road (PL-17-22)
- d. Ed Gray spoke to the Official Plan and Zoning By-law Amendment application for 1029 and 1033 Waterdown Road (PL-17-22)
- e. Staff presentation regarding Official Plan and Zoning By-law Amendment application for 1029 and 1033 Waterdown Road (PL-17-22)
- f. Additional comments received by Planning regarding Official Plan and Zoning By-law Amendment application for 1029 and 1033 Waterdown Road (PL-17-22)
- g. Correspondence from Halton Standard Condominium Corporation No.416, regarding Official Plan and Zoning By-law Amendment application for 1029 and 1033 Waterdown Road (PL-17-22)
- h. Correspondence from Sarah Burtenshaw, regarding Official Plan and Zoning By-law Amendment application for 1029 and 1033 Waterdown Road (PL-17-22)
- i. Delegation material from David Falletta, Bousfields Inc., regarding the Official Plan and Zoning By-law Amendment application for 1029 and 1033 Waterdown Road (PL-17-22)
- j. Delegation material from Ron Porter regarding the Official Plan and Zoning By-law Amendment application for 1029 and 1033 Waterdown Road (PL-17-22)
- k. Delegation material from Tom Muir regarding the Official Plan and Zoning By-law Amendment application for 1029 and 1033 Waterdown Road (PL-17-22)

**3. Delegation(s):**

- 3.1 Daryl Keleher, Altus Group, spoke on behalf of the Building Industry and Land Development Association (BILD), regarding Planning Application Fee Review (PL-07-22)

- 3.2 Brian Dean, Burlington Downtown Business Association (BDBA), and Craig Kowalchuk, Burlington Restaurant Association, spoke to the City of Burlington Outdoor Patio Program (PL-08-22)

**4. Consent Items:**

None

**5. Regular Items:**

- 5.1 Proposal to open a new bingo hall (BB-01-22)

This item was withdrawn by staff

- 5.2 Planning Application Fee Review (PL-07-22)

Moved by Mayor Meed Ward

**With the exception of the Official Plan Amendment (OPA), Zoning Bylaw Amendment (ZBA), Draft Plan of Condominium (Regular, Conversion and Vacant Land), Minor Variance and Combined Application Fee categories as it relates to both community planning department report PL-07-22 recommendation and update to By-Law 61-2021, which are to be referred back to staff for further review (see rational below) and report back at the March 22, 2022, Council meeting;**

Approve the proposed Planning Application Fees contained within the report titled "Planning Applications Fees Review – City of Burlington – Final Report" prepared by Watson and Associates Economists Ltd., dated December 22, 2021, and attached as Appendix "A" to community planning department report PL-07-22; and

Approve the proposed update to By-Law 61-2021, attached as Appendix "B" to community planning department report PL-07-22, effective **April 1, 2022.**

**Rationale for Referral of OPA, ZBA Categories, Minor Variance and Draft Plan of Condominium (Regular, Conversion and Vacant Land)**

- **To review in further detail the determination of proposed OPA, ZBA, Draft Plan of Condominium (Regular, Conversion and Vacant Land), and Minor Variance fees including justification of the proposed 2022 fee increase in relation to the recent changes to direct and indirect costs and comparison to the 2013 development fees review.**

- To consider further options for combined application fees to be applied for both OPA, ZBA, Draft Plan of Condominium (Regular, Conversion and Vacant Land), and Minor Variance fees.

**CARRIED**

**Amendment:** Moved by Councillor Sharman

**Revise the effective date in the third paragraph to April 1, 2022**

**Add the following as the first paragraph:**

**With the exception of the Official Plan Amendment (OPA), Zoning Bylaw Amendment (ZBA), Draft Plan of Condominium (Regular, Conversion and Vacant Land), Minor Variance and Combined Application Fee categories as it relates to both community planning department report PL-07-22 recommendation and update to By-Law 61-2021, which are to be referred back to staff for further review (see rationale below) and report back at the March 22, 2022, Council meeting;**

**Add the following at the end of the recommendation:**

**Rationale for Referral of OPA, ZBA Categories, Minor Variance and Draft Plan of Condominium (Regular, Conversion and Vacant Land)**

- To review in further detail the determination of proposed OPA, ZBA, Draft Plan of Condominium (Regular, Conversion and Vacant Land), and Minor Variance fees including justification of the proposed 2022 fee increase in relation to the recent changes to direct and indirect costs and comparison to the 2013 development fees review.
- To consider further options for combined application fees to be applied for both OPA, ZBA, Draft Plan of Condominium (Regular, Conversion and Vacant Land), and Minor Variance fees.

**CARRIED**

- 5.3 Staff direction regarding a bylaw to support police in reducing vehicular noise in Burlington (CPRM-01-22, SD-05-22)

Moved by Mayor Meed Ward

Direct the Director of Transportation, Director of Building and Bylaw and Executive Director of Legal Services and Corporation Council to work

together with Halton Regional Police Service on the feasibility of a moving vehicle noise bylaw and report back to council in Q2 of 2022. (SD-05-22)

**CARRIED**

5.4 Response to the Housing Affordability Task Force recommendation report (PL-27-22)

Moved by Mayor Meed Ward

Direct the Director of Community Planning to submit community planning department report PL-27-22 to the Provincial Ministry of Municipal Affairs and Housing as the City of Burlington's response to the Provincial Housing Affordability Task Force report; and

Direct the Director of Community Planning to monitor any actions emerging from the Housing Affordability Task Force report including:

- the provision of timely draft comments on any Environmental Registry of Ontario postings subject to subsequent Council approval; and
- responding, as appropriate, to incorporate any new information in the development of the City's Housing Strategy.

**CARRIED**

5.5 City of Burlington Outdoor Patio Program (PL-08-22)

**Note: This item was approved at the March 1, 2022, Special Council meeting**

Moved by Councillor Kearns

Approve By-law 2020.438, to extend the period of time for which the Temporary Use By-law 2020.427 is authorized, attached as Appendix A to community planning department report PL-08-22; and

Waive the fees and requirements for site plan approval and zoning clearance certificate for temporary outdoor patios and temporary tents (structures) on private property until January 1, 2023, and on public lands until October 31, 2022; and

Authorize the Director of Community Planning, to approve the extension of temporary outdoor patios on private property to January 1, 2023, subject to such criteria and conditions as staff deem appropriate; and

Authorize the Director of Community Planning to grant or revoke such approvals, consents, agreements or other authorizations and take such other steps as may be required to give effect to the recommendations herein; and

Suspend the Pop-Up Patio Program for downtown Burlington in 2022; and

Direct the Director of Community Planning to initiate an application process to implement a plan for the use of public lands downtown for temporary patios; and

Authorize the Director of Community Planning in consultation with the Director of Transportation, to approve temporary patios on public lands in downtown Burlington, subject to such criteria and conditions as staff deem appropriate; and

Authorize the Executive Director of Legal Services and Corporation Counsel, working in consultation with the Director of Community Planning, to approve license agreements or such other agreements or documents as may be required to permit the temporary use of public lands for approved temporary patios; and

Approve By-law 24-2022, to authorize the Director of Transportation to temporarily restrict the common law right of passage for vehicles over certain portions of streets within downtown Burlington to facilitate the installation of temporary patios and create safe pedestrian passage ways, attached as appendix B to community planning department report PL-08-22; and

Direct the Chief Financial Officer to apply the costs associated with creating safe pedestrian passage ways around patios on public lands to the Safe Restart Program should additional funding be received and that should additional funding not be received that the Tax Rate Stabilization Reserve Fund be used to cover the cost in 2022; and

Endorse that approvals for any temporary patios on public lands as contemplated in community planning department report PL-08-22 shall expire no later than October 31, 2022; **and**

**Require patio operators to provide liability insurance for public property patios in the amount of \$2m, naming the city as an additional insured on the policy for the 2022 patio season, and**

**Waive the proposed “fixed fee” of \$250 for installations on public property for the 2022 patio season.**

**CARRIED**

**Amendment:** Moved by Councillor Galbraith

**Add the following to the end of the recommendation:**

- **require patio operators to provide liability insurance for public property patios in the amount of \$2m, naming the city as an additional insured on the policy for the 2022 patio season, and**
- **waive the proposed “fixed fee” of \$250 for installations on public property for the 2022 patio season.**

**CARRIED**

5.6 Verbal update on Metrolinx Infrastructure Project - Burloak Grade Separation Contract Award (CPRM-02-22)

Staff provided a verbal update on this matter

**6. Confidential Items:**

None

**7. Procedural Motions:**

None

**8. Information Items:**

Moved by Councillor Bentivegna

Receive and file the following 5 items, having been given due consideration by the Community Planning, Regulation and Mobility Committee.

**CARRIED**

8.1 Staff presentation regarding City of Burlington Outdoor Patio Program (PL-08-22)

8.2 Correspondence from Burlington Economic Recovery Network (BERN), regarding City of Burlington Outdoor Patio Program (PL-08-22)

8.3 Correspondence regarding verbal update on Metrolinx Infrastructure Project - Burloak Grade Separation Contract Award (CPRM-02-22)

- 8.4 Delegation material from Daryl Keleher, Altus Group, on behalf of the Building Industry and Land Development Association (BILD), regarding Planning Application Fee Review (PL-07-22)
- 8.5 Delegation material from Brian Dean, Burlington Downtown Business Association (BDBA), and Craig Kowalchuk, Burlington Restaurant Association, regarding the City of Burlington Outdoor Patio Program (PL-08-22)

**9. Staff Remarks:**

**10. Committee Remarks:**

**11. Adjournment:**

10:32 a.m. (recessed), 10:38 a.m. (reconvened), 12:10 p.m. (recessed), 1:00 p.m. (reconvened), 1:18 p.m. (recessed), 1:29 p.m. (reconvened), 2:34 p.m. (recessed), 2:40 p.m. (reconvened), 2:45 p.m. (recessed), 6:31 p.m. (reconvened), 7:31 p.m. (recessed), 7:42 p.m. (reconvened)

Chair adjourned the meeting at 7:58 p.m.