



Community Planning, Regulation & Mobility Committee Meeting

Minutes

Date: December 6, 2022
Time: 9:30 am
Location: Hybrid meeting- virtual and Council Chambers, City Hall

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

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

1. **Declarations of Interest:**

None

2. **Statutory Public Meetings:**

2.1 City-initiated housekeeping amendments to Zoning By-law 2020 (PL-75-22)

The Community Planning, Regulation and Mobility Committee, in accordance with the Planning Act, held Public Meeting No. 15-22 on December 6, 2022, regarding City-initiated housekeeping amendments to Zoning By-law 2020. 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-75-22.

Moved by Councillor Galbraith

Approve the proposed amendments to Zoning By-law 2020 as outlined in community planning department report PL-75-22; and

Enact By-law 2020.446 as outlined in Appendix B to community planning report PL-75-22; and

Enact By-law 2020.447 as outlined in Appendix C to community planning report PL-75-22.

CARRIED

2.2 Official Plan and Zoning By-law amendment applications for 1010 Downsview Drive & 355 Plains Road East (PL-79-22)

The Community Planning, Regulation and Mobility Committee, in accordance with the Planning Act, held Public Meeting No. 16-22 on December 6, 2022, regarding Official Plan and Zoning By-law amendment applications for 1010 Downsview Drive and 355 Plains Road East. Having considered the oral and written comments received from staff and delegations, the Community Planning, Regulation and Mobility Committee received community planning department report PL-79-22.

Moved by Councillor Galbraith

Receive and file community planning department report PL-79-22 regarding Official Plan and Zoning By-law amendment applications for 1010 Downsview Drive and 355 Plains Road East.

CARRIED

- a. Staff presentation regarding Official Plan and Zoning By-law amendment applications for 1010 Downsview Drive & 355 Plains Road East (PL-79-22)
- b. Kimberly Staples spoke in opposition to Official Plan and Zoning By-law amendment applications for 1010 Downsview Drive and 355 Plains Road East (PL-79-22)
- c. Dwight Temporin spoke in opposition to Official Plan and Zoning By-law amendment applications for 1010 Downsview Drive and 355 Plains Road East (PL-79-22)
- d. Tom Shabaz spoke in opposition to Official Plan and Zoning By-law amendment applications for 1010 Downsview Drive and 355 Plains Road East (PL-79-22)

- e. Devin Staples spoke in opposition to Official Plan and Zoning By-law amendment applications for 1010 Downsview Drive and 355 Plains Road East (PL-79-22)
- f. Correspondence from Stephen Miller regarding Official Plan and Zoning By-law amendment applications for 1010 Downsview Drive & 355 Plains Road East (PL-79-22)
- g. Correspondence from Julie Farnand regarding Official Plan and Zoning By-law amendment applications for 1010 Downsview Drive & 355 Plains Road East (PL-79-22)

2.3 City-initiated Official Plan amendment and approach in response to Bill 109 “More Homes for Everyone Act, 2022” (PL-69-22)

The Community Planning, Regulation and Mobility Committee, in accordance with the Planning Act, held Public Meeting No. 17-22 on December 6, 2022, regarding City-initiated Official Plan amendment and approach in response to Bill 109 "More Homes for Everyone Act, 2022". 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-69-22.

Moved by Mayor Meed Ward

Endorse the approach to implement the Provincially mandated changes resulting from Bill 109 as outlined in community planning department report PL-69-22; and

Approve Official Plan Amendment No. 130 to the City of Burlington Official Plan, as provided in Appendix A of community planning department report PL-69-22, to implement Bill 109 legislation; and

Deem that Section 17(21) of The Planning Act has been met; and

Instruct the City Clerk to prepare the necessary by-law adopting Official Plan Amendment No. 130, as contained in Appendix A of community planning department report PL-69-22.

CARRIED

- a. Staff presentation regarding City-initiated Official Plan amendment and approach in response to Bill 109 “More Homes for Everyone Act, 2022” (PL-69-22)

- b. Daintry Klein, representing Millcroft Greenspace Alliance, spoke to City-initiated Official Plan amendment and approach in response to Bill 109 “More Homes for Everyone Act, 2022” (PL-69-22)
- c. Delegation material from Daintry Klein, representing Millcroft Greenspace Alliance, regarding City-initiated Official Plan amendment and approach in response to Bill 109 "More Homes for Everyone Act, 2022" (PL-69-22)
- d. Correspondence from BILD (Building Industry and Land Development Association) regarding City-initiated Official Plan amendment and approach in response to Bill 109 “More Homes for Everyone Act, 2022” (PL-69-22)
- e. Correspondence from WE HBA (West End Home Builders' Association), regarding City-initiated Official Plan amendment and approach in response to Bill 109 “More Homes for Everyone Act, 2022” (PL-69-22)
- f. Correspondence from Mark Bales, Carriage Gate Homes, regarding City-initiated Official Plan amendment and approach in response to Bill 109 “More Homes for Everyone Act, 2022” (PL-69-22)

3. Delegation(s):

- 3.1 Ruth Victor, Ruth Victor & Associates, and Bruce Campbell, P3 Veterinary Partners, spoke to the Official Plan and Zoning By-law amendments for 3110 South Service Road (PL-74-22)
- 3.2 Michael Sobhi, representing Harvey Kalles, spoke in opposition to update report regarding proposed inclusion of downtown properties on Burlington’s Heritage Register (PL-78-22)
- 3.3 Brian Dean, Burlington Downtown Business Association, and Craig Kowalchuk, Burlington Restaurant Association, spoke to the City of Burlington Outdoor Patio Program - update for Q4 2022 (PL-76-22)
- 3.4 Michele Camacho, Chair, Heritage Burlington Advisory Committee, did not appear. (PL-82-22)

4. Consent Items:

- 4.1 Burlington Economic Development Performance and Strategy update (ECDEV-02-22)

Moved by Councillor Kearns

Receive and file Burlington Economic Development report ECDEV-02-22 regarding Burlington Economic Development Performance and Strategy Update.

CARRIED

5. Regular Items:

5.1 Official Plan and Zoning By-law amendments for 3110 South Service Road (PL-74-22)

Moved by Councillor Sharman

Approve the applications for Official Plan and Zoning By-law amendments, to permit a three (3) storey office building including training facilities and a veterinary clinic; and

Approve Official Plan amendment No. 131 to the City of Burlington Official Plan, as provided in Appendix D of community planning department report PL-74-22, to increase the maximum permitted floor area ratio and increase the permitted total floor area of an ancillary service commercial use; and

Deem that Section 17(21) of the Planning Act has been met; and

Instruct the City Clerk to prepare the necessary by-law adopting Official Plan Amendment No. 131 as contained in Appendix D of community planning department report PL-74-22; and

Approve Zoning By-law 2020.448, attached as Appendix E of community planning report PL-74-22, which amends the site-specific "BC1-225" zone of the subject lands; and

Deem that the amending zoning by-law will conform to the Official Plan for the City of Burlington once Official Plan amendment No. 131 is adopted; and

State that the amending zoning by-law will not come into force and effect until Official Plan amendment No. 131 is adopted.

CARRIED

5.2 Eligibility of 795 Brant Street for Heritage Designation (PL-80-22)

Moved by Mayor Meed Ward

State an intention to designate the property at 795 Brant Street under Part IV, Section 29 of the Ontario Heritage Act in accordance with the Heritage Evaluation of 795 Brant Street prepared by AECOM, dated November 23, 2022; and

Direct the Director of Community Planning to provide notice of Council's intention to designate 795 Brant Street, in accordance with section 29 (3) and 29 (4) of the Ontario Heritage Act; and

Direct the City Clerk to present the draft designation by-law to Council for approval within 120 days after the date of publication of the notice of intention to designate 795 Brant Street, provided there is no objection or withdrawal; and

Direct the City Clerk to take the necessary actions in the event of any objection to the notice of intention to designate pursuant to Part IV of the Ontario Heritage Act, sections 29 (5) and 29 (6).

CARRIED

5.3 Update report regarding proposed inclusion of downtown properties on Burlington's Heritage Register (PL-78-22)

Moved by Councillor Bentivegna

Direct the Director of Community Planning to add the following list of properties to the Municipal Heritage Register and provide notice to the owner of the property within 30 days, pursuant to section 27(5) of the Ontario Heritage Act, R.S.O. 1990, c. O.18:

353-355 Brant St
2010 Maria St
468 Elizabeth St
441 Elizabeth St
436 Pearl S
488 Locust St; and

Authorize the City Clerk to take necessary action if there are any objections in accordance with Section 27(7) of the Ontario Heritage Act, R.S.O. 1990, Chapter O.18 and report back no later than 120 days after notices are sent out presenting all the objections received; and

Following completion of the Downtown Cultural Heritage Landscapes Study, direct the Director of Community Planning to re-assess the eligibility of the above listed properties for continued inclusion on the Heritage Register and report back to City Council with a recommendation.

CARRIED

- 5.4 City of Burlington Outdoor Patio Program - update for Q4 2022 (PL-76-22, SD-27-22)

Moved by Councillor Kearns

Endorse, in principle, the Draft Patio Design Guidelines attached as Appendix B to community planning department report PL-76-22, with modifications as a result of additional stakeholder consultation to be included in a final report to Council in **February 2023**; and

Direct the Director of Community Planning to continue the existing patio program into 2023, with associated fee waivers, \$2 million liability insurance and no new additional fees; and

Direct the Mayor to work with the Deputy Mayor of Community Engagement and Partnerships and Deputy Mayor of Recreation and Community Services to convene a stakeholder meeting toward a permanent patio program and support to our hospitality industry; and

Direct the Chief Financial Officer to report back on the use of the Municipal Accommodation Tax (MAT) for the 2023 season for centrally Managed Patio Walkway System (Appendix B) to furnish the public realm and deliver enhanced safety and support active transportation; and

Direct the Director of Community Planning to report back in February around options for beautification of traffic barriers, cost options, and funding options; and

Direct the Director of Community Planning to provide an overview of strategic community development options, including but not limited to a CIP and/or upper level government funding options and anticipated timeframe at the February 2023 CPRM meeting (SD-27-22); and

Direct staff to include an annual application fee and any other relevant fees for the Temporary Outdoor Patio Program, for both public and private property, as part of the annual Rates and Fees By-law, to be included in a final report to Council by Q1 2023.

CARRIED

Amendment:

Moved by Councillor Kearns

Replace "Q1 2023" in first paragraph" with "February 2023" and add the following:

Direct the Director of Community Planning to continue the existing patio program into 2023, with associated fee waivers, \$2 million liability insurance and no new additional fees; and

Direct the Mayor to work with the Deputy Mayor of Community Engagement and Partnerships and Deputy Mayor of Recreation and Community Services to convene a stakeholder meeting toward a permanent patio program and support to our hospitality industry; and

Direct the Chief Financial Officer to report back on the use of the MAT for the 2023 season for centrally Managed Patio Walkway System (Appendix B) to furnish the public realm and deliver enhanced safety and support active transportation; and

Direct the Director of Community Planning to report back in February around options for beautification of traffic barriers, cost options, and funding options; and

Direct the Director of Community Planning to provide an overview of strategic community development options, including but not limited to a CIP and/or upper level government funding options and anticipated timeframe at the February 2023 CPRM meeting. (SD-27-22)

CARRIED

- 5.5 City of Burlington submissions as of November 25 on Ontario's Housing Supply Action Plan and Bill 23 (PL-82-22)

Moved by Councillor Sharman

Direct the Director of Community Planning to provide any additional comments based on feedback at the December 6 CPRM Committee to the Province in advance of Council approval on December 13, 2022.

CARRIED

6. Confidential Items:

None

7. Procedural Motions:

None

8. Information Items:

Moved by Councillor Sharman

Receive and file the following 12 items, having been given due consideration by the Community Planning, Regulation and Mobility Committee.

CARRIED

- 8.1 Staff presentation regarding Official Plan and Zoning By-law amendments for 3110 South Service Road (PL-74-22)
- 8.2 Delegation material from Ruth Victor, Ruth Victor & Associates regarding Official Plan and Zoning By-law amendments for 3110 South Service Road (PL-74-22)
- 8.3 Additional public comments regarding Official Plan and Zoning By-law amendments for 3110 South Service Road (PL-74-22)
- 8.4 Staff presentation regarding eligibility of 795 Brant Street for Heritage Designation (PL-80-22)
- 8.5 Staff presentation regarding update report regarding proposed inclusion of downtown properties on Burlington's Heritage Register (PL-78-22)
- 8.6 Delegation material from Michael Sobhi, representing Harvey Kalles, regarding update report proposed inclusion of downtown properties on Burlington's Heritage Register (PL-78-22)
- 8.7 Correspondence from Elizabeth Law regarding update report regarding proposed inclusion of downtown properties on Burlington's Heritage Register (PL-78-22)

- 8.8 Correspondence from Aaron Platt, representing Davies Howe LLP, regarding update report regarding proposed inclusion of downtown properties on Burlington's Heritage Register (PL-78-22)
- 8.9 Staff presentation regarding City of Burlington Outdoor Patio Program - update for Q4 2022 (PL-76-22)
- 8.10 Delegation material from Brian Dean, Burlington Downtown Business Association, and Craig Kowalchuk, Burlington Restaurant Association, regarding City of Burlington Outdoor Patio Program - update for Q4 2022 (PL-76-22)
- 8.11 Correspondence from Team Burlington regarding City of Burlington Outdoor Patio Program - update for Q4 2022 (PL-76-22)
- 8.12 Correspondence from Michele Camacho, Chair, Heritage Burlington Advisory Committee, regarding City of Burlington submissions as of November 25 on Ontario's Housing Supply Action Plan and Bill 23 (PL-82-22)

9. Staff Remarks:

10. Committee Remarks:

11. Adjournment:

9:38 a.m. (recessed), 9:48 a.m. (reconvened), 10:55 a.m. (recessed), 11:01 a.m. (reconvened), 1:10 p.m. (recessed), 2:31 p.m. (reconvened), 3:27 p.m. (recessed), 6:30 p.m. (reconvened), 6:45 p.m. (recessed), 6:55 p.m. (reconvened), 8:10 p.m. (recessed), 8:20 p.m. (reconvened)

Councillor Nisan was absent from 10 a.m. to 12 noon and from 12:45 p.m. to 6:30 p.m.

Chair adjourned the meeting at 9:05 p.m.