



Regular Meeting of Council Agenda

Date: July 15, 2019
Time: 5:30 pm
Location: Council Chambers Level 2, City Hall

NOTE: The first hour of this meeting will be in closed session to discuss a confidential Human Resources labour relations matter. Delegations and all delegation items will begin at 6:30 pm.

Pages

1. **Call to Order:**
2. **National Anthem:**
3. **Regrets:**
 - 3.1 Councillor Lisa Kearns
4. **Proclamations:**
 - 4.1 India Independent Nation Day: August 15, 2019
 - 4.2 Terry Fox Day: September 15, 2019
5. **Motion to Approve Council Minutes:**
 - 5.1 Regular meeting of Council June 17, 2019
 - 5.2 Special meeting of Council June 17, 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

10. Recommendations from Standing Committees:

10.1 Committee of the Whole meeting of July 8 and 11, 2019

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- a. Update to emergency and continuity management program by-law (BFD-01-19)
- b. Assumption of Multinational Five Investments Limited Phase 2B Subdivision (CW-35-19)
- c. 2019 Capital budget variance and project closure (F-32-19)
- d. Santa 5 K road race (COW-09-19)
- e. Waterfront Centre roof replacement (PR-08-19)
- f. Enterprise Resource Planning (ERP) program update (IT-03-19)
- g. Federation of Canadian Municipalities (FCM) Conference (M0-05-19)
- h. 2018-2022 Burlington's Plan from Vision to Focus (V2F) (CM-15-19)
- i. Approval to expropriate - Waterdown Road from Craven Avenue to Mountain Brow Road (L-19-19)
- j. Burlington Transit's five-year business plan update (TR-03-19)
- k. Alternative transit service delivery models (COW-10-19)
- l. Tree removal – 3061 Balmoral Ave (RPF-11-19)
- m. Enterprise risk – labour market (HR-02-19)
- n. 2020 budget framework (F-28-19)
- o. Financial condition assessment (F-29-19)
- p. Update to the corporate energy and emissions management plan (CW-08-19)
- q. Construction and Mobility Management Policy (CW-27-19)

- r. Direction regarding spray pad at Tansley Woods Park (COW-08-19) (SD-26-19)
- s. Burlington Economic Development Corporation (BEDC) and consideration of Municipal Development Corporation (MDC) (MO-04-19)
- t. D-Day Anniversary - Juno Beach trip (MO-03-19)
- u. Award of RFP-204-19 design build and install LaSalle Marina floating wave break (CW-31-19)
- v. LaSalle Park Marina Agreement and Operating Model (CM-05-19)
- w. Direction regarding scheduling of standing committee meetings (SD-24-19)
- x. Direction regarding 2020 budget process (SD-25-19)
- y. Red Tape Red Carpet Task Force recommendations referred from Planning and Development Committee meeting held July 9, 2019 (MO-06-19)

10.2 Planning and Development meeting of July 9, 2019

15 - 22

- a. Recommendation report for a zoning by-law amendment to extend the temporary use to permit entertainment/recreational uses on downtown patios (PB-35-19)
- b. Information report for a plan of subdivision and zoning by-law amendment for 143 Blue Water Place and 105 Avondale Court (PB-53-19)
- c. Corrections to 441 Maple Avenue official plan amendment and rezoning applications (PB-56-19)
- d. State of the Business Improvement Areas (BIAs) 2019 (PB-03-19)
- e. Maple Avenue cycling facilities (PD-05-19, SD-22-19)
- f. Downtown Streetscape Guidelines (PB-50-19)
- g. Red Tape Red Carpet Task Force recommendations (MO-06-19)

- h. Endress+Hauser Canada Limited (PD-04-19, SD-23-19)
- i. Recommendation report for official plan and zoning by-law amendments for 1085 Clearview Ave., 1082, 1086 and 1090 St. Matthew's Ave. (PB-31-19)

11. Motion to Approve Standing Committee Minutes:

11.1 Committee of the Whole meeting of July 8 and 11, 2019

11.2 Planning and Development meeting of July 9, 2019

12. Reports of Municipal Officers:

13. Notices of Motion:

14. Motions:

14.1 Motion to Move into Closed Session

14.2 Motion to Move into Open Session

14.3 Proposed CN Milton Logistics Hub

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Whereas CN is proposing a logistics truck and rail hub, consisting of approximately 160 ha (400 acres) of the 486 ha (1200 acres) of land it owns around its existing mainline rail, east of Tremaine Road and south of Britannia Road, in the Town of Milton. CN has not disclosed its plans for the remaining lands on this site; and

Whereas The hub will operate 24 hours a day, seven days a week and result in 1,600 truck trips to and from the site each day. This congestion poses a risk to the safety of motorists, cyclists, pedestrians and families in the area; and

Whereas the proposed site is immediately adjacent to existing and future residential areas. Approximately 34,000 current and future residents, twelve schools, two long-term care homes and one hospital are located within one kilometer of the site. The site will generate increased levels of noise, air pollution and lighting, and significantly impact the community's health and safety; and

Whereas efforts to protect the environment will be impacted by the effect of emissions, storm water discharge, water takings and watercourse alterations; and

Whereas the project will result in less serviceable employment lands and potentially fewer jobs for Halton. The site and the surrounding area currently plan for 1,500 jobs and this project will only result in 130 jobs; and

Whereas the project is currently being assessed by a Canadian Environmental Assessment Agency Joint Review Panel Process; and

Whereas the Halton Municipalities have identified significant non-rail aspects of the project that raise concerns for residents and the community and have brought forward these concerns to the Panel.

Now therefore be it resolved that the City of Burlington supports the May 29, 2019 submissions of the Halton Municipalities to the review panel established under the Canadian Environmental Assessment Act, 2012 (“CEAA”) including, in particular, the findings that the Proposed CN Milton Logistics Hub Project is likely to cause significant adverse environmental effects, as further outlined in Report No. LPS78-19 re: “CEAA Panel Review of the Proposed CN Milton Logistics Hub”, attached as Appendix A – Halton Region Report No. LPS78-19; and

That the City supports the May 29, 2019 submissions for setting out the “interests of the localities” relevant to CEAA and section 98 of the Canada Transportation Act (“CTA”), as further outlined in Report No. LPS78-19 re: “CEAA Panel Review of the Proposed CN Milton Logistics Hub”; and

That the City supports the future submission to the Canadian Environmental Assessment Review Panel for the Proposed CN Milton Logistics Hub by the Halton Municipalities of such further information, including oral and written presentations and remarks, as advances the May 29, 2019 submissions and matters relevant to the CEAA and section 98 of the CTA, as further outlined in Report No. LPS78-19 re: “CEAA Panel Review of the Proposed CN Milton Logistics Hub”; and

That the City Clerk forward a copy this resolution to the Canadian Environmental Assessment Review Panel for the Proposed CN Milton Logistics Hub; and

That the City Clerk forward a copy of this resolution to the Town of Halton Hills, the Town of Milton, the Town of Oakville and Conservation Halton, Halton’s MPs and MPPs, the Federation of Canadian Municipalities, the City of Mississauga, the Regional Municipality of Peel

and the Ontario Ministry of Municipal Affairs and Housing.

14.4 Regional Governance Review

Whereas the Regional Governance Review Terms of Reference for Special Advisors Michael Fenn and Ken Seiling states that all materials produced by the Special Advisors, including research, analysis, reports and recommendations, are the exclusive property of the Ministry of Municipal Affairs and Housing and may be released publicly at the discretion of the Ministry; and

Whereas the Regional Governance Review must be transparent in the interest of accountability and in consideration of the potential impacts to local and regional municipal governments and the communities they serve; and

Whereas the Association of Municipal Managers, Clerks and Treasurers of Ontario (AMCTO) has requested that the report of the Special Advisors to the Minister of Municipal Affairs and Housing, containing the findings and recommendations be made public; and

Now therefore be it resolved that Burlington City Council endorse AMCTO's position that the report prepared by the Special Advisors, regarding the Regional Governance Review, be publicly released upon its completion and presentation to the Minister of Municipal Affairs and Housing; and

That the City Clerk circulate a copy of this resolution to Minister of Municipal Affairs and Housing, Jane McKenna, M.P.P., Effie Triantafilopoulos, M.P.P., Parm Gill, M.P.P., Special Advisors Michael Fenn and Ken Seiling, AMCTO, AMO and all GTA municipalities.

15. Motion to Receive and File Council Information Packages:

15.1 Council Information Package June 27, 2019

15.2 Council Information Package July 4, 2019

15.3 Council Information Package July 11, 2019

16. Motion to Receive and File Information Items:

16.1 Memo regarding amendment to Zoning By-law 2020 to extend the temporary use to permit entertainment/recreational uses on outdoor patios in the downtown (PB-35-19)

17. Motion to Consider Confidential Items:

18. Motion to Approve By-Laws:

- 18.1 42-2019: A by-law to amend By-law 64-2016, being a by-law to provide for the rules of order of Council and its Committees.
- 18.2 43-2019: A by-law to assume parcels of land in the City of Burlington as Public Highway.
- 18.3 44-2019: A by-law to amend By-law 86-2007, as amended, being a by-law for the regulation of traffic.
- 18.4 45-2019: A by-law to appoint Municipal Law Enforcement Officers for the City of Burlington.
- 18.5 46-2019: A by-law to provide for an Emergency and Continuity Management Program and repeal by-law 87-2015 and repeal by-law 40-2017 being a by-law to provide for an Emergency and Continuity Management Program.
- 18.6 47-2019: A by-law to assume parcels of land in the City of Burlington as Public Highway.
- 18.7 48-2019: A by-law to authorize the expropriation of lands for the purposes of the reconstruction, realignment, widening and improvement of Waterdown Road from Craven Avenue to Mountain Brow Road and works ancillary thereto.
- 18.8 49-2019: A by-law to amend By-law Number 105-2001, designating the property located at 736 King Road, for the purposes of correcting a technical error and of satisfying the requirements of the Ontario Heritage Act.
- 18.9 2020-411: A by-law to amend Zoning By-law 2020, as amended, to permit entertainment/recreation uses on downtown patios through a temporary use by-law with a timeframe not to exceed 3 years.

19. Motion to Confirm Proceedings of the Council Meeting:

20. Statements by Members:

21. Motion to Adjourn:



Committee of the Whole Meeting

Minutes

Date: July 8, 2019
Time: 9:30 am
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, Joan Ford, Mary Battaglia, Laura Boyd, Sue Connor, Chris Glenn, Sheila Jones, Allan Magi, Nancy Shea-Nicol, Christine Swenor, Mary Lou Tanner, David Thompson (Audio/Video Specialist), Lisa Palermo (Clerk)

1. **Declarations of Interest:**

None.

2. **Delegation(s):**

- 2.1 Doug Brown, Burlington for Accessible Sustainable Transit spoke regarding 2019-2022 Burlington's plan from vision to focus (CM-15-19)
- 2.2 William Love, Roseland Community Organization spoke regarding tree removal - 3061 Balmoral Ave (RPF-11-19)
- 2.3 Darren Sanger-Smith spoke regarding tree removal - 3061 Balmoral Ave (RPF-11-19)
- 2.4 Tracey and Darrell King spoke regarding tree removal - 3061 Balmoral Ave (RPF-11-19)
- 2.5 Roberta McGregor and Janet Lindsay, Recycling Revisited spoke regarding 2020 Budget framework (F-28-19)
- 2.6 James Thomson spoke regarding award of RFP-204-19 design build and install LaSalle Marina floating wave break (CW-31-19)
- 2.7 James Thomson spoke regarding LaSalle Park Marina agreement and operating model (CM-05-19)

3. Consent Items:

- 3.1 Update to emergency and continuity management program by-law (BFD-01-19)

Moved by Councillor Sharman

Approve By-law 46-2019, attached as Appendix A to Burlington Fire Department report BFD-01-19, a by-law to provide for an Emergency and Continuity Management Program, Municipal Emergency Response Plan and Emergency Management Program Committee Terms of Reference; and

Repeal By-law 87-2015, a by-law to provide for an Emergency Management Program and by-law 40-2017, a By-law to amend By-law 87-2015.

CARRIED

- 3.2 Assumption of Multinational Five Investments Limited Phase 2B Subdivision (CW-35-19)

Moved by Councillor Sharman

Assume the Multinational Five Investments Limited Phase 2B Subdivision, registered as Plan 20M-1110, File 510-02/05-2B; and

Accept all works and services under the jurisdiction of the city within the subdivision to become the property of the City of Burlington; and

Direct the City Clerk to notify the Region of Halton of this assumption; and

Release Subdivision Agreement Instrument Number HR1020308 from title save and except for the following conditions:

- Condition 25 a) to h) inclusive, affecting all lots and blocks; and

Authorize the City Solicitor to prepare any necessary documents and authorize the Mayor and City Clerk to sign them; and

Direct the City Clerk to present the necessary by-law to Council to accept all works and services of the said plan of subdivision and assume the following streets as public highways:

STREET PARCEL PIN NUMBER

Walkway Block 125 20M-1110 07202-3821

Velebit Park Boulevard 20M-1110 07202-3822

Adobe Gate 20M-1110 07202-3823

Ryan Lane 20M-1110 07202-3824; and

Authorize the City Solicitor or her designate, to amend the parcel designation in the by-law, if necessary, upon registration of the by-law.

CARRIED

3.3 2019 Capital budget variance and project closure (F-32-19)

Moved by Councillor Sharman

Direct the Director of Finance to proceed with the closure of 77 capital projects identified as being completed in finance department report F-32-19.

CARRIED

3.4 Santa 5 K road race (COW-09-19)

Moved by Councillor Sharman

Approve the Santa 5K Road Race event starting in 2020 and in subsequent years on the same day as the Burlington Santa Claus Parade.

CARRIED

3.5 Waterfront Centre roof replacement (PR-08-19)

Moved by Councillor Sharman

Authorize the Mayor and City Clerk to enter into Phase II of the agreement for the roof replacement at the Waterfront Centre between the City of Burlington and Spencer's at the Waterfront Inc., to the satisfaction of the Director of Parks and Recreation, City Solicitor, Director of Finance and the Executive Director of Capital Works, subject to 2020 Capital Budget approval.

CARRIED

3.6 Enterprise Resource Planning (ERP) program update (IT-03-19)

Moved by Councillor Sharman

Receive and file information technology services report IT-03-19 providing an update on the Enterprise Resource Planning (ERP) program.

CARRIED

3.7 Federation of Canadian Municipalities (FCM) Conference (M0-05-19)

Moved by Councillor Sharman

Receive and file mayor's office report MO-05-09 regarding the 2019 Federation of Canadian Municipalities conference.

CARRIED

4. Regular Items:

4.1 2018-2022 Burlington's Plan from Vision to Focus (V2F) (CM-15-19)

Moved by Mayor Meed Ward

Approve the revised 2018-2022 Burlington's Plan: From Vision to Focus (V2F) – July 2019+, **as amended**; and

Direct the Deputy City Manager to report to Council with an implementation strategy for including and assessing "Social Implications" as part of staff reports to City Council; and

Amend page 10 of Burlington's Plan from Vision to Focus 2018-2022, Key Priority Area One: Increasing Economic Prosperity and Community Responsive City Growth by amending wording to this sentence: "Complete the scoped Official Plan Review and Interim Control By-law Studies by Q1-2020", by adding the wording "with a focus on reasonable, growth, not overdevelopment, that reflects the community's vision for Burlington, and includes a review of the Mobility Hub and Urban Growth Centre designations in the downtown"; and

Add the same language to pages 13 and 27 to Burlington's Plan from Vision to Focus 2018-2022; and

Amend page 11 of Burlington's Plan from Vision to Focus 2018-2022, Key Priority Area Four: Building More Citizen Engagement, Community Health and Culture by moving Tree Canopy to Key Priority Area Three: Supporting Sustainable Infrastructure and a Resilient Environment; and

Amend page 11 of Burlington's Plan from Vision to Focus 2018-2022, Key Priority Area Four: Building More Citizen Engagement, Community Health and Culture by changing the wording "Achieve a 1:1 tree removal/tree replacement ratio by 2022" to "Achieve a 2:1 tree removal/tree replacement ratio by 2022"; and

Amend page 11 of Burlington's Plan from Vision to Focus 2018-2022, Key Priority Area Four: Building More Citizen Engagement, Community Health and Culture by changing the wording "Increase the City's tree canopy by 50% of 2020 baseline by 2041" to "Increase the City's tree canopy to 35% by 2041"; and

Amend page 11 of Burlington's Plan from Vision to Focus 2018-2022, Key Priority Area Four: Building More Citizen Engagement, Community Health and Culture by amending the wording to the community engagement 4-year target add by adding the wording "For each initiative where community input is sought, report back to the community on how their input shaped decision-making"; and

Add the same language to pages 18 to Burlington's Plan from Vision to Focus 2018-2022; and

Amend page 12 of Burlington's Plan from Vision to Focus 2018-2022, Focus Area One: Increasing Economic Prosperity and Community Responsive City Growth by adding the words "development applications" at the end of the Key Action Item "Implement the recommendations of the Red Tape Red Carpet Taskforce to make it easier for businesses to locate and thrive in Burlington, attracting more investment. First priorities will be grading and drainage; Committee of Adjustment; and Zoning business process reviews; and

Review and report back on the capacity of all recreational facilities (fields, arenas, community centres) to determine the potential need for new community facilities found on page 17 of Focus Area 4 - Building More Citizen Engagement, Community Health and Culture; and

Amend page 17 of Burlington's Plan from Vision to Focus 2018-2022, Focus Area 4 - Building More Citizen Engagement, Community Health and Culture by changing the wording "Maintain the standard, that homes are within a 15-20 minute walk of a park" to "Aim for a standard that homes are within a 5 minute walk of a park"; and

Amend page 29 of Burlington's Plan from Vision to Focus 2018-2022, Focus Area 5 - Delivering Customer Centric Services with a Focus on Efficiency and Technology Transformation by amending the wording "Implementation of a one stop customer service counter for the Department of City Building City Building; Q4-2022" to "Implementation of a one stop customer service counter for the Department of City Building City Building; Q4-2020; and

Amend page 3, Focus Areas, of Burlington's Plan from Vision to Focus 2018-2022 to remove adjectives, and to replace “community responsive city growth” with “community responsive growth management” for the balance of the document; and

Amend page 29, section 5.4 of Burlington's Plan from Vision to Focus 2018-2022 to change the wording “Conduct a community-wide survey every three years, starting in fall 2019 to determine if residents feel they are being engaged and are part of the City’s decision-making process” to “Conduct a community-wide survey every two years starting in 2019 to determine whether citizens are engaged and feel they are part of the city's decision-making process and based on established municipal norms, including issues, quality of life, city programs & services, value for taxes and governance”.

CARRIED

- 4.2 Approval to expropriate - Waterdown Road from Craven Avenue to Mountain Brow Road (L-19-19)

Moved by Councillor Galbraith

Receive and consider the Inquiry Officer’s Report enclosed as Appendix ‘A’ of legal department report L-19-19; and

Adopt the reasons for approval set out in Appendix ‘B’ of legal department report L-19-19, entitled Decision and Reasons for Approval to Expropriate Land; and

As approving authority under the *Expropriations Act*, approve the expropriation of the lands set out in Appendix ‘C’ of legal department report L-19-19 (the “Subject Lands”), which are required for the reconstruction, realignment, widening and improvement of Waterdown Road from Craven Avenue to Mountain Brow Road, and works ancillary thereto; and

Enact By-law 48-2019 as set out in Appendix 'D' of legal department report L-19-19.

CARRIED

4.3 Burlington Transit's five-year business plan update (TR-03-19)

Moved by Mayor Meed Ward

Table transit department report TR-03-19 regarding the transit five year business plan; and

Refer debate and approval to the Committee of the Whole meeting to be held **November 4, 2019**.

CARRIED

4.4 Alternative transit service delivery models (COW-10-19)

Moved by Councillor Sharman

Direct the Director of Transit to further explore the use of alternative service delivery models, including on-demand, as a replacement of certain fixed-routes and/or low-density areas and report back to Council with a briefing preferably by October 2019, followed by recommendations and a plan by **November 2019**.

CARRIED

4.5 Tree removal – 3061 Balmoral Ave (RPF-11-19)

Moved by Councillor Sharman

Approve the request by Structured Creations to remove one City-owned tree (31 cm Littleleaf Linden) from the City's road allowance at 283 Hart Ave to allow driveway access as part of development permit application GDCC-2019-050, received March 27, 2019; and

Instruct Structured Creations to provide compensation for the tree removal by providing cash in lieu of replacement totaling \$2,500.00. The approved appraisal method is Aggregate caliper; and

Tree replacement will be a condition of a tree permit provided by Urban Forestry with a warranty of 2 years for replacements to be provided to the City, equivalent to the value of the replaced trees; and

Direct that all associated costs with respect to the removal of the tree will be the responsibility of Structured Creations, and the contractor hired to remove the tree will require approval by the Manager of Urban Forestry or designate.

CARRIED

- 4.6 Tree removal – 5209 Stonehaven Drive (RPF-12-19)

Note: this item was withdrawn.

- 4.7 Enterprise risk – labour market (HR-02-19)

Moved by Councillor Nisan

Receive and file human resources department report HR-02-19 regarding enterprise risk - labour market

CARRIED

- 4.8 2020 budget framework (F-28-19)

Moved by Councillor Sharman

Receive and file finance department report F-28-19 regarding 2020 budget framework.

CARRIED

- 4.9 Financial condition assessment (F-29-19)

Moved by Councillor Sharman

Receive the BMA Financial Condition Assessment Report dated June 2019; and

Approve the Capital Reserve fund Financial Policy to target a consolidated reserve fund balance of 2% of the city's total asset replacement value; and

Direct the Director of Finance to undertake an update to the City of Burlington's Financial Condition Assessment every four years with each new term of Council.

CARRIED

- 4.10 Update to the corporate energy and emissions management plan (CW-08-19)

Moved by Councillor Nisan

Approve Appendix A of capital works department report CW-08-19 – The Corporate Energy and Emissions Management Plan for submission to the Ontario Ministry of Energy, Northern Development and Mines and to be posted on the city’s website as required by Ontario Regulation 507/18; and

Direct the Executive Director of Capital Works to report annually on the progress of implementing the plan in Appendix A of capital works department report CW-08-19 including energy consumption and the carbon footprint for City operations.

CARRIED

- 4.11 Construction and Mobility Management Policy (CW-27-19)

Moved by Councillor Galbraith

Table capital works department report CW-27-19 containing the Construction and Mobility Policy, which defines the requirement for a Construction and Mobility Management Plan, to the Committee of the Whole meeting to be held September 9, 2019 for debate and approval; and

Table the staff direction directing the Director of Transportation to include the applicable fees in the City’s Rates and Fee’s By-law to support the Construction and Mobility Management Policy proposed in capital works department report CW-27-19 to the Committee of the Whole meeting to be held September 9, 2019 for debate and approval.

CARRIED

- 4.12 Direction regarding spray pad at Tansley Woods Park (COW-08-19) (SD-26-19)

Moved by Councillor Stolte

Direct the Director of Capital Works to bring forward for council consideration during the 2020 capital budget and 2021-2029 forecast, the design and construction of a spray pad at Tansley Woods Community Park.

CARRIED

- 4.13 Review of citizens' committee recommendations on council compensation (MO-08-19)

Note: this item was withdrawn.

- 4.14 Burlington Economic Development Corporation (BEDC) and consideration of Municipal Development Corporation (MDC) (MO-04-19)

Moved by Mayor Meed Ward

Authorize the issuance of a Request for Proposal to an upset limit of \$100,000 from Strategic Planning Reserve Fund to review and report back to council by December 2019:

a. on the efficiency, effectiveness and optimal structure of the Burlington Economic Development Corporation (BEDC) and TechPlace in achieving the city's business attraction and retention goals, including but not limited to bringing BEDC in-house under the City Manager.

b. Review the opportunities and optimal structure of a Municipal Development Corporation in achieving the city's business attraction and retention goals; incorporate any changes in economic development functions arising from the provincial Regional Review, the results of which are expected in November 2019; and

Authorize the Mayor and City Manager to form a steering committee to develop the terms of reference, oversee the work of the consultant(s) and engage council and the BEDC/TechPlace staff & board in the process, with representation on the steering committee from: Mayor's Office, City Manager's office, Capital Works, Planning, Legal, and Finance departments, BEDC/TechPlace staff & board, Regional Economic Development department, Ward 5 Councillor appointee on BEDC Board, Ward 1 Councillor, co-chair of Red Tape Red Carpet initiative; and

Include this strategic initiative in the Council Workplan as a priority time-dated action item under the City Manager.

CARRIED

- 4.15 D-Day Anniversary - Juno Beach trip (MO-03-19)

Moved by Mayor Meed Ward

Receive and file mayor's office report MO-03-19 regarding D-Day Anniversary – Juno Beach trip; and

Express a strong interest in a twinning relationship with Courseulles-sur-Mer, France; and

Direct the City Clerk in cooperation with the Burlington Mundialization Committee to report back to Committee of the Whole in Q4 2019 with options for twinning with Courseulles-sur-Mer; and

Direct the City Clerk to provide proposed criteria, for committee's consideration, for future twinning relationships including consideration of a city in a developing country.

CARRIED

- 4.16 Award of RFP-204-19 design build and install LaSalle Marina floating wave break (CW-31-19)

Moved by Mayor Meed Ward

Award of the contract to Kropf Industrial Inc., 1 Quebec Drive, Seguin, Ontario P2A 0B2, for \$ including HST 13%; and

Approve the purchase of the extended warranty from Kropf Industrial Inc., for \$107,350.00 including HST 13%; and

Authorize the Manager of Procurement Services to issue a purchase order and/or sign any associated contracts/agreements with the bidder named above subject to the satisfaction of the City Solicitor; and

Charge total cost of \$4,000,000 (Net HST) to capital order PR0150, **financed from the Hydro Reserve Fund, with a minimum \$2.1 million repayment by the future LaSalle Park Marina operator through the annual license agreement.**

CARRIED

Moved by Councillor Nisan

Refer capital works department report CW-31-19 to the September 9, 2019 Committee of the Whole meeting.

LOST

- 4.17 LaSalle Park Marina Agreement and Operating Model (CM-05-19)

Moved by Councillor Sharman

Table city manager's office report CM-5-19 on alternative operating models for the marina at LaSalle Park to the Committee of the Whole meeting on September 9, 2019 at which time staff will provide a recommendation on a preferred operating model for the marina.

CARRIED

- 4.18 Direction regarding scheduling of standing committee meetings (SD-24-19)

Moved by Mayor Meed Ward

Direct the City Clerk to include a standing committee meeting timeslot on each Thursday of a committee meeting week from 9:30 a.m. to 4:00 p.m. to be used for agenda items not completed at standing committee meetings held earlier in the meeting week and for council workshops.

CARRIED

- 4.19 Direction regarding 2020 budget process (SD-25-19)

Moved by Mayor Meed Ward

Direct the Executive Director of Capital Works to report back as part of the proposed 2020 budget with a process to provide additional council consultation on the design, including climate change considerations, of significant city parks and public spaces.

CARRIED

- 4.20 Red Tape Red Carpet Task Force recommendations referred from Planning and Development Committee meeting held July 9, 2019 (MO-06-19)

Moved by Mayor Meed Ward

Table mayor's office report MO-06-19 providing an update and recommendations arising from the Red Tape Red Carpet (RTRC) Task Force to the Planning and Development Committee meeting of September 10, 2019, incorporating any additional feedback and recommendations arising from committee discussion and further community input over July and August; and

Direct the City Manager to work with RTRC Task Force to propose an implementation plan, including owner, timeline and associated costs for all RTRC action items and report back in September.

CARRIED

5. Confidential Items:

- 5.1 Confidential appendix E of legal department report L-19-19 regarding approval to expropriate - Waterdown Road from Craven Avenue to Mountain Brow Road (L-19-19)
- 5.2 Confidential appendix A of city manager's office report CM-05-19 regarding LaSalle Park Marina agreement and operating model (CM-05-19)
- 5.3 Confidential appendices B and C of human resources department report HR-02-19 regarding enterprise risk - labour market (HR-02-19)

6. Procedural Motions:

- 6.1 Proceed beyond the adjournment hour
Moved by Councillor Nisan

Suspend the rules of procedure to allow the meeting to proceed beyond the hour of 10 p.m., in accordance with procedure by-law 64-2016 s. 26.

CARRIED

7. Information Items:

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

- 7.1 Presentation from Tracey and Darrell King regarding the tree removal - 3061 Balmoral Ave (RPF-11-19)
- 7.2 Presentation from Darren Sanger-Smith regarding tree removal - 3061 Balmoral Ave (RPF-11-19)
- 7.3 Correspondence from Richard Hammett regarding tree removal - 3061 Balmoral Ave (RPF-11-19)
- 7.4 Correspondence from Chris Ariens, Burlington Cycling Advisory Committee regarding 2018-2022 Burlington's plan from vision to focus (CM-15-19)

- 7.5 Presentation from Jim Bruzzese, MBA Management Consulting Inc, regarding financial condition assessment (F-29-19)
- 7.6 Presentation from staff regarding 2020 budget framework (F-28-19)
- 7.7 Correspondence from Janet Lindsey, Recycling Revisited regarding 2020 Budget framework (F-28-19)
- 7.8 Presentation from staff regarding update to the corporate energy and emissions management plan (CW-08-19)
- 7.9 Correspondence from Mark McGuire regarding Burlington Economic Development Corporation (BEDC) and consideration of Municipal Development Corporation (MDC) (MO-04-19)
- 7.10 Presentation regarding D-Day Anniversary - Juno Beach trip (MO-03-19)
- 7.11 Correspondence from Lorn Newton, President, LaSalle Park Marina Association regarding award of RFP-204-19 design build and install LaSalle Marina floating wave break (CW-31-19)
- 7.12 Presentation from James Thomson regarding award of RFP-204-19 design build and install LaSalle Marina floating wave break (CW-31-19)
- 7.13 Presentation from James Thomson regarding LaSalle Park Marina agreement and operating model (CM-05-19)

8. Staff Remarks:

9. Committee Remarks:

10. Adjournment:

11:07 a.m. (recessed), 11:21 a.m. (reconvened), 12:03 p.m. (recessed), 1:03 p.m. (reconvened), 4:47 p.m. (recessed), 6:33 p.m. (reconvened), 9:38 p.m. (recessed), 9:46 p.m. (reconvened), 10:27 p.m. (recessed), 12:30 p.m. on Thursday, July 11, 2019 (reconvened), 2:55 p.m. (recessed), 3:03 p.m. (reconvened)

Chair adjourned the meeting at: 3:57 p.m.



Planning and Development Committee Meeting

Minutes

Date: July 9, 2019
Time: 1:00 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:**

- Councillor Galbraith - PB-31-19 - official plan and zoning by-law amendments for 1085 Clearview Avenue, 1082, 1086 and 1090 St. Matthew's Avenue. Councillor Galbraith indicated that his family residence is within 50 metres of this development so he would refrain from discussing or voting on the item.

2. **Statutory Public Meetings:**

- 2.1 Recommendation report for a zoning by-law amendment to extend the temporary use to permit entertainment/recreational uses on downtown patios (PB-35-19)

The Planning and Development Committee, in accordance with Section 34 of the Planning Act, as amended, held Public Meeting No. 12-19 on July 9, 2019 to approve the proposed zoning by-law amendment to extend the temporary use to permit entertainment/recreational uses on downtown patios. Having considered the oral and written comments received from staff and delegations, the Planning and Development Committee approved PB-35-19.

Moved by Mayor Meed Ward

Approve an amendment to Zoning By-Law 2020 to extend the Temporary Use to permit entertainment / recreational uses on outdoor patios in the

Downtown, with a time frame not to exceed three years, as recommended by staff in Appendix B to department of city building report PB-35-19; **and**

Direct the Director of City Building to report back with a recommendation on permitting entertainment/recreation uses on patios city wide.

CARRIED

- a. Staff presentation regarding recommendation report for a zoning by-law amendment to extend the temporary use to permit entertainment/recreational uses on downtown patios (PB-35-19)
- b. Correspondence from Brian Dean, Burlington Downtown Business Association, regarding recommendation report for a zoning by-law amendment to extend the temporary use to permit entertainment/recreational uses on downtown patios (PB-35-19)

2.2 Information report for a plan of subdivision and zoning by-law amendment for 143 Blue Water Place and 105 Avondale Court (PB-53-19)

The Planning and Development Committee, in accordance with Section 34 of the Planning Act, as amended, held Public Meeting No. 13-19 on July 9, 2019 to receive the proposed plan of subdivision and zoning by-law amendment for 143 Blue Water Place and 105 Avondale Court. Having considered the oral and written comments received from staff and delegations, the Planning and Development Committee received PB-53-19 for consideration.

Moved by Councillor Stolte

Receive and file department of city building report PB-53-19 regarding the plan of subdivision and zoning by-law amendment for 143 Blue Water Place and 105 Avondale Court.

CARRIED

- a. Staff presentation regarding information report for a plan of subdivision and zoning by-law amendment for 143 Blue Water Place and 105 Avondale Court (PB-53-19)
- b. Lori Haines, Burlington Lakeshore Residents Association, expressed concern with the proposed plan of subdivision and zoning by-law amendment for 143 Blue Water Place & 105

Avondale Court as it relates to zoning changes, flooding and drainage. (PB-53-19)

- c. Virginia Tinti, Second Lane Homeowner's Association, expressed concern with the proposed plan of subdivision and zoning by-law amendment for 143 Blue Water Place and 105 Avondale Court as it relates to the Window-to-the-Lake. (PB-53-19)
- d. Larry Hambly expressed concern with the proposed plan of subdivision and zoning by-law amendment for 143 Blue Water Place and 105 Avondale Court as it relates to safety with the Window-to-the-Lake. (PB-53-19)
- e. Sharron Langford expressed concern with the proposed plan of subdivision and zoning by-law amendment for 143 Blue Water Place and 105 Avondale Court as it relates to privacy, drainage and shadowing. (PB-53-19)
- f. Richard Hamilton expressed concern with the proposed plan of subdivision and zoning by-law amendment for 143 Blue Water Place and 105 Avondale Court as it relates to zoning, flooding and Window-to-the-Lake. (PB-53-19)
- g. Val Cambray expressed concern with the proposed plan of subdivision and zoning by-law amendment for 143 Blue Water Place and 105 Avondale Court as it relates to density, loss of trees and compatibility with existing community. (PB-53-19)
- h. Matt Johnston, Urban Solutions Planning & Land Development Consultants Inc., provided information for the proposed plan of subdivision and zoning by-law amendment for 143 Blue Water Place and 105 Avondale Court. (PB-53-19)
- i. Delegation material from Virginia Tinti, Second Lane Homeowner's Association, regarding proposed plan of subdivision and zoning by-law amendment for 143 Blue Water Place and 105 Avondale Court. (PB-53-19)
- j. Delegation material from Matt Johnston, Urban Solutions Planning & Land Development Consultants Inc., regarding the proposed plan of subdivision and zoning by-law amendment for 143 Bluewater Place and 105 Avondale Court. (PB-53-19)

3. Delegation(s):

- 3.1 Tony Varga, Endress+Hauser Canada Limited., provided information related to their success with Lean Management and business process improvements at Endress+Hauser. (PD-04-19)
- 3.2 Eliza Vrbanac, Endress+Hauser Canada Limited, provided information related to their success with Lean Management and business process improvements at Endress+Hauser. (PD-04-19)
- 3.3 Anita Cassidy, Burlington Economic Development Corporation, provided an overview of BEDC's involvement in assisting Endress+Hauser Canada Limited to locate their Canadian headquarters in Burlington. (PD-04-19)
- 3.4 Dana Anderson, MHBC Planning, provided information on the official plan and zoning by-law amendments for 1085 Clearview Ave., 1082, 1086 and 1090 St. Matthew's Ave. (PB-31-19)

4. Consent Items:

- 4.1 Corrections to 441 Maple Avenue official plan amendment and rezoning applications (PB-56-19)

Moved by Mayor Meed Ward

Receive and file department of city building report PB-56-19 providing information on the 441 Maple Avenue official plan amendment and rezoning applications.

CARRIED

- 4.2 State of the Business Improvement Areas (BIAs) 2019 (PB-03-19)

Moved by Mayor Meed Ward

Receive and file department of city building report PB-03-19 providing an update on the State of the Business Improvement Areas (BIAs) 2019.

CARRIED

- 4.3 Maple Avenue cycling facilities (PD-05-19, SD-22-19)

Moved by Mayor Meed Ward

Direct the Director of Transportation Services to carry out an assessment, including public consultation, of providing improved cycling facilities for Maple Avenue from Lakeshore Road to Fairview Street. This assessment may include the re-purposing or re-configuration of exiting vehicle lanes, for potential implementation following the completion of the QEW works to

be undertaken by the Ministry of Transportation in the vicinity of the QEW/Northshore interchange and report back to the Planning and Development Committee.

CARRIED

5. Regular Items:

5.1 Downtown Streetscape Guidelines (PB-50-19)

Moved by Mayor Meed Ward

Receive and file the draft Downtown Streetscape Guidelines, included as Appendix A to department of city building report PB-50-19; and

Table department of city building report PB-50-19 to the Planning and Development Committee meeting of September 10, 2019 for debate and approval in principle of the Downtown Streetscape Guidelines with implementation subject to future budget considerations; **and**

Direct the Director of Roads, Parks and Forestry to bring forward for council consideration during the 2020 operating budget, an additional \$255,000 to acquire 2.83 full-time employees (FTE) dedicated to Roads, Parks and Forestry for downtown streetscape implementation; and

Direct the Director of Roads, Parks and Forestry to review and report back to Council on the feasibility (including anticipated capital and operation costs) of implementing a waste diversion program throughout the downtown Business Improvement Area that would explore the use of multi-stream waste receptacles; and

Direct the Director of City Building to report back with more recommended options for the Lakeshore Road streetscape, including the currently proposed design; and

Direct the Director of City Building to report back with life-cycle cost estimates for concrete/permeable unit pavers throughout the streetscape.

CARRIED

5.2 Red Tape Red Carpet Task Force recommendations (MO-06-19)

Moved by Mayor Meed Ward

Refer mayor's office report MO-06-19 providing an update and recommendations arising from the Red Tape Red Carpet (RTRC) Task Force to the July 11, 2019 Committee of the Whole meeting.

CARRIED

5.3 Endress+Hauser Canada Limited (PD-04-19, SD-23-19)

Moved by Councillor Sharman

Direct the City Manager, Director of City Building and staff to engage with Endress+Hauser on their application to develop land on International Blvd. taking advantage of their Project Management, Lean Management with integrated process management/value chains and aligned performance measurement expertise in order to enhance city planning and development application approval processes and achieve the applicants desired construction timeline.

CARRIED

5.4 Recommendation report for official plan and zoning by-law amendments for 1085 Clearview Ave., 1082, 1086 and 1090 St. Matthew's Ave. (PB-31-19)

Moved by Mayor Meed Ward

Refuse the application for official plan and zoning by-law amendments submitted by MHBC Planning Limited, 442 Brant St. Suite 204, Burlington, ON L7R 2G4, on behalf of LIV Communities for the properties located at 1085 Clearview Ave., 1082, 1086 and 1090 St. Matthew's Ave. for the development of a 6-storey, 162-unit residential building.

CARRIED

5.5 Memo from Councillor Bentivegna regarding amendments to by-laws (PD-06-19)

This item was withdrawn

6. Confidential Items:

None

7. Procedural Motions:

7.1 Motion to proceed beyond adjournment hour

Moved by Mayor Meed Ward

Suspend the rules of procedure to allow the meeting to proceed beyond the hour of 10 p.m., in accordance with procedure by-law 64-2016 s. 26.

CARRIED

8. Information Items:

Moved by Councillor Bentivegna

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

CARRIED

- 8.1 Correspondence from Kelly Martel, MHBC Planning, regarding corrections to 441 Maple Avenue official plan amendment and rezoning applications (PB-56-19)
- 8.2 Correspondence from Brian Dean, Burlington Downtown Business Association, regarding state of the business improvement areas (BIAs) (PB-03-19)
- 8.3 Correspondence from Mark McGuire, Mayor's Millennial Advisory Committee, regarding Maple Avenue cycling facilities (PD-05-19)
- 8.4 Correspondence from Chris Ariens, Burlington Cycling Advisory Committee, regarding Maple Avenue cycling facilities (PD-05-19)
- 8.5 Staff presentation regarding downtown streetscape guidelines (PB-50-19)
- 8.6 Correspondence from Burlington Downtown Business Association regarding downtown streetscape guidelines (PB-50-19)
- 8.7 Correspondence from Mark Bales, Carriage Gate Homes, regarding downtown streetscape guidelines (PB-50-19)
- 8.8 Staff presentation regarding recommendation report for official plan and zoning by-law amendments for 1085 Clearview Ave., 1082, 1086 and 1090 St. Matthew's Ave. (PB-31-19)
- 8.9 Correspondence from Tom Muir regarding recommendation report for official plan and zoning by-law amendments for 1085 Clearview Ave., 1082, 1086 and 1090 St. Matthew's Ave. (PB-31-19)

- 8.10 Delegation material from Dana Anderson, MHBC Planning, regarding the official plan and zoning by-law amendments for 1085 Clearview Ave., 1082, 1086 and 1090 St. Matthew's Ave. (PB-31-19)
- 8.11 Delegation material from Tony Varga and Eliza Vrbanac, Endress+Hauser Canada Limited (PD-04-19)
- 8.12 Delegation material from Anita Cassidy, Burlington Economic Development Corporation, regarding Endress+Hauser Canada Limited (PD-04-19)

9. Staff Remarks:

10. Committee Remarks:

11. Adjournment:

3:30 p.m. (recessed), 3:40 p.m. (reconvened), 4:38 p.m. (recessed), 6:35 p.m. (reconvened), 9:10 p.m. (recessed), 9:15 p.m. (reconvened)

Councillor Galbraith left at 7:35 p.m.

Chair adjourned the meeting at 10:28 p.m.

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|------------------|--|
| Report To: | Regional Chair and Members of Regional Council |
| From: | Art Zuidema, Commissioner, Legislative and Planning Services |
| Date: | June 12, 2019 |
| Report No. - Re: | LPS78-19 - CEAA Panel Review of the Proposed CN Milton Logistics Hub |

RECOMMENDATION

1. THAT the Region supports the May 29, 2019 submissions of the Halton Municipalities to the review panel established under the *Canadian Environmental Assessment Act, 2012* (“CEAA”) including, in particular, the findings that the Proposed CN Milton Logistics Hub Project is likely to cause significant adverse environmental effects, as further outlined in Report No. LPS78-19 re: “CEAA Panel Review of the Proposed CN Milton Logistics Hub”.
2. THAT the Region supports the May 29, 2019 submissions for setting out the “interests of the localities” relevant to CEAA and section 98 of the *Canada Transportation Act* (“CTA”), as further outlined in Report No. LPS78-19 re: “CEAA Panel Review of the Proposed CN Milton Logistics Hub”.
3. THAT the Region supports the future submission to the Canadian Environmental Assessment Review Panel for the Proposed CN Milton Logistics Hub by the Halton Municipalities of such further information, including oral and written presentations and remarks, as advances the May 29, 2019 submissions and matters relevant to the CEAA and section 98 of the CTA, as further outlined in Report No. LPS78-19 re: “CEAA Panel Review of the Proposed CN Milton Logistics Hub”.
4. THAT the Regional Clerk forward a copy of Report No. LPS78-19 to the Canadian Environmental Assessment Review Panel for the Proposed CN Milton Logistics Hub prior to the start of the Panel’s public hearing, June 19, 2019.
5. THAT the Regional Clerk forward a copy of Report No. LPS78-19 to the City of Burlington, the Town of Halton Hills, the Town of Milton, the Town of Oakville and Conservation Halton, Halton’s MPs and MPPs, the Federation of Canadian Municipalities, and the Ontario Ministry of Municipal Affairs and Housing for their information.

REPORT

Discussion

Further to Report LPS69-19 re: “Proposed CN Milton Logistics Hub”, this report provides an update on the work done by staff and the expert team to respond to the Federal Environmental Assessment Review Panel (the “Panel”) request for information.

The Panel’s mandate is set by the *Canadian Environmental Assessment Act, 2012* (“CEAA”) and because of Canadian National Railway’s (“CN”) need for railway line approval is also set by the *Canada Transportation Act* (“CTA”). The central question to be addressed by the panel is whether, taking mitigation and cumulative effects into account, the proposed CN Milton Logistics Hub (“Project”) is likely to cause significant adverse environmental effects.

The CEAA provides a specific definition for “environmental effects” which has a narrow meaning. However, because the Project requires federal regulatory approval, the meaning of environmental effects must include all effects relevant to the regulatory approval. This is important to the Project because the regulatory approval under section 98 of the CTA provides that the relevant considerations include the “interests of the localities” that are affected. Accordingly, the interests of the Halton Municipalities are relevant to both the CEAA and the CTA processes and ultimate decisions.

As noted in LPS69-19, the Panel wrote to the Halton Municipalities and made two specific requests. The first request acknowledged the expertise and mandate of the Halton Municipalities and sought input on “municipal interests and standards in water, natural heritage, transportation, agricultural and employment matters”. This request affirms the Panel’s interest in assessing compliance with all standards (not just federal standards) when assessing the Project.

The second request sought the Halton Municipalities’ technical input on the potential environmental effects of the Project. The Panel specifically referenced criteria that assess the magnitude, geographic extent, frequency, duration, reversibility, and ecological and social context of the Project’s adverse environmental effects. The Panel also sought technical input on the predicted effectiveness of the proposed mitigation measures.

On May 29, 2019 the Halton Municipalities responded to these Panel requests by providing the Panel with a detailed submission that also addressed the central question of the Panel’s mandate on significant effects. This submission is titled “Halton Municipalities’ Brief of SAEEs” (the “SAEE Brief”) and can be found on the Review Panel’s website at <https://www.ceaa-acee.gc.ca/050/evaluations/document/130149?culture=en-CA>.

The SAEE Brief is organized around Valued Components (“VC”) of the environment identified by the Canadian Environmental Assessment Agency in guidance to the Panel.

For each Valued Component, the SAEE Brief contains a technical review of the Project's effects on the VC, focusing on relevant standards and criteria. These VC reviews are attached to this report as Appendix 1A through 1CC.

In response to the Panel's request for technical input on mitigation, the SAEE Brief assesses whether the proposed mitigation is effective, and also whether it is federally enforceable. This latter assessment is consistent with the CN position that the Project has constitutional immunity and exemption from any provincial or municipal regulation. It also responds to CEEA requirements.

Based on detailed assessment of enforceable mitigation, applicable standards and likely effects, the Brief finds that the Project is likely to cause significant adverse environmental effects on eleven of eighteen biophysical VCs and seven of eight socio-economic VCs, namely:

- Topography and soil
- Drainage basins
- Surface water bodies
- Surface water quality
- Ambient air quality
- Ambient noise levels on residences
- Ambient night-time light levels
- Migratory bird species
- Migratory bird use of area
- Species at risk (terrestrial)
- Habitat for species at risk (terrestrial)
- Human health conditions
- Human safety conditions (effects from derailments, intermodal transfer mishaps, spills of hazardous materials, and fires)
- Rural settings
 - Urban settings (and valued sub-components on transportation and movement on roadways, municipal water and wastewater infrastructure, and municipal infrastructure financing)
- Residential land use
- Industrial Commercial and Institutional land use
- Physical and cultural heritage

As required by the CEEA, the SAEE Brief also provides the Panel with assessments of cumulative effects, not just Project effects. For two important topics – road safety and road usage – the Region relies on its own haul route analysis and traffic modeling to assess impacts of the Project on the Regional road network. Based on this modelling, Project-related trucks are not likely to cause a significant adverse environmental effect on road safety, but are likely to cause increased traffic congestion amounting to a significant adverse environmental effect. Further, if Project container throughput increases, roadway safety will also likely become a significant adverse environmental effect.

For other effects, the SAEE Brief uses a list of other physical activities identified by CN to assess whether the Project, in combination with these other activities, is likely to cause cumulative significant adverse environmental effects. It identifies twelve cumulative significant adverse environmental effects - seven on biophysical VCs and five on socio-economic VCs, including human health, residential land use, and industrial land use.

Additionally, reflecting the Panel's specific request for municipal input regarding standards related to the Regional Official Plan ("ROP"), the SAEE Brief identifies several VCs where the Project does not conform to ROP standards and will affect other properties, lands and/or future developments. These cumulative effects are related to the Region's natural heritage system, rural countryside, employment land use, and municipal infrastructure planning and financing.

Other May 29th Filings with the Panel

The May 29, 2019 filing from the Halton Municipalities also included planning opinions from the Region's Chief Planning Official, Curt Benson, and the Town of Milton's Planning Commissioner, Barb Koopmans that provided the Panel with details on the land use planning framework applicable to Regional and Town decisions.

The SAEE Brief also addresses Halton Municipalities' interest in the ultimate throughput that could be carried out on the site. Prior to May 29, 2019, CN had refused to engage the Halton Municipalities on this "ultimate" capacity question. As noted in LPS69-19, the Halton Municipalities filed a report with the Panel from international expert John Vickerman outlining that the anticipated annual throughput could double within the current footprint proposed by CN. On May 29, 2019 CN filed a new report on this topic. The Halton Municipalities will address their interest in this issue and the recent CN report through future written and oral presentations provided to the panel during the hearing process.

The Halton Municipalities' May 29, 2019 filings also included a transportation issues report from Lisa De Angelis, the Region's Director of Infrastructure Planning & Policy that attaches the modelling reports described above and additional reports on haul route issues, information related to CN's Brampton intermodal facility, facility design and capacity assumptions of John Vickerman, and the Region's Britannia Road Class Environmental Assessment study.

Lastly, the May 29, 2019 filings include a portfolio of GIS maps prepared by the Region to provide the Panel with detailed information on the Region's natural heritage system at and around the Project site, sensitive land uses in the site vicinity, and other important topics relevant to future presentations to the Panel.

The Panel's public hearing is scheduled to be held from June 19, 2019 through July 17, 2019. The detailed schedule can be found on the Panel's website. Prior to the start of the public hearing, any presentation material must be submitted to the Panel by June 16, 2019.

FINANCIAL/PROGRAM IMPLICATIONS

The approved budget for T5215B includes sufficient funding for participation in the Review Panel process.

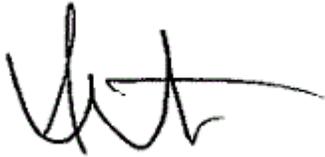
Respectfully submitted,



Bob Gray
Director, Legal Services and Corporate
Counsel



Curt Benson
Director, Planning Services and Chief
Planning Official



Art Zuidema
Commissioner, Legislative and Planning
Services

Approved by



Jane MacCaskill
Chief Administrative Officer

If you have any questions on the content of this report,
please contact:

Bob Gray
Curt Benson

Tel. # 7248
Tel. # 7181

- Attachments: 1A – Halton Municipalities’ Brief on Significant Adverse Environmental Effects - Introduction
1B – Topography and Soil Summary
1C – Geology and Geochemistry Summary
1D – Drainage Basins Summary
1E – Surface Water Bodies Summary
1F – Surface Water Quality Summary
1G – Ambient Air Quality Summary
1H – Ambient Noise Levels on Residences Summary
1I – Ambient Night-Time Light Levels Summary

1J – Fish Populations Summary
1K – Fish Habitat Summary
1L – Fish Movement Summary
1M – Migratory Bird Mortality Summary
1N – Migratory Bird Use of Area Summary
1O – Species at Risk Distribution and Mortality Summary
1P – Species at Risk Habitat Summary
1Q – Human Health Summary
1R – Human Safety Conditions Summary
1S – Rural Settings Summary
1T – Urban Settings Summary
1U – Transportation Summary
1V – Transportation Movement on Roadways Summary
1W – Urban Settings (Active Transportation) Summary
1X – Urban Settings (Municipal Water/Wastewater Infrastructure) Summary
1Y – Urban Settings (Municipal Financing) Summary
1Z – Residential Land Use Summary
1AA – ICI Employment Land Use Summary
1BB – Cultural Heritage Resources Summary
1CC – Archaeological Resources Summary

To: Mayor Marianne Meed Ward and Members of Council

From: Jenna Puletto Special Business Area Co-ordinator

Date: July 11, 2019

Re: Amendment to Zoning By-law 2020 to extend the temporary use to permit entertainment/recreational uses on outdoor patios in the downtown (PB-35-19)

The purpose of this memo is to follow up on some questions of staff which came from the conversation around City Building Report PB-35-19, a report recommending an amendment to Zoning By-law 2020 to extend the temporary use to permit entertainment/recreational uses on outdoor patios in the downtown.

PB-35-19 recommends that entertainment / recreational uses be permitted on Downtown patios for an additional 3-year period subject to the following conditions:

- Prohibiting the operation of any electronic device intended to amplify sound
- Permitting the outdoor entertainment / recreational uses between the hours of 12:00pm until 10:00pm
- Prohibiting the outdoor entertainment / recreational uses after 6:00pm on Sundays and Holidays
- Limiting the outdoor entertainers to one entity at a time (i.e. only one band or one group or one musical act can perform on a patio at any given time)
- The outdoor entertainment/recreational uses remain subject to all other City By-Laws in effect, including the City's Nuisance and Noise By-Law.

Mayor Meed Ward requested an amendment to the conditions to permit the amplification of instruments such as keyboards, given the ambient noise present at many Downtown patios. Staff has heard that many entertainers come equipped with portable amplifying devices and that the practice of using amplifying devices has been occurring in the Downtown over the duration of the pilot. Given the time parameters and other limitations included in the list of conditions above, as well the lack of complaints for the duration of the pilot program, staff recommends that the condition prohibiting the operation of any electronic device intended to amplify sound be removed. As such, the by-law will be amended to include the following conditions:

- Permitting the outdoor entertainment / recreational uses between the hours of 12:00pm until 10:00pm
- Prohibiting the outdoor entertainment / recreational uses after 6:00pm on Sundays and Holidays
- Limiting the outdoor entertainers to one entity at a time (i.e. only one band or one group or one musical act can perform on a patio at any given time)
- The outdoor entertainment/recreational uses remain subject to all other City By-Laws in effect, including the City's Nuisance and Noise By-Law.

Additionally, staff will begin the review to extend these permissions city-wide and will provide a report to Council with recommendations in the Fall.

Sincerely,

Jenna Puletto
Special Business Area Coordinator
905-335-7600 ext 7445
Jenna.Puletto@burlington.ca