



Regular Meeting of Council
Additional Items

Date: September 20, 2022
Time: 1:00 pm
Location: Hybrid meeting- virtual and Council Chambers, City Hall

City Council meetings are now being conducted using a hybrid model, allowing members of Council, city staff and the public the option of participating remotely or in-person. We ask for your patience as we work through this new meeting model today. The meeting will be live web streamed, as usual, and archived on the city website.

Pages

10. Delegations:

- 10.4. *Leslie Barbetta spoke regarding New Zoning By-law Review Project - Terms of Reference (PL-60-22, SD-23-22)*
- 10.5. *Staff presentation from John O'Reilly regarding proposed inclusion of downtown properties on the City of Burlington Heritage Register (PL-59-22)*
- 10.6. *Manjote Phull spoke on behalf of Karmel Sakran regarding proposed inclusion of downtown properties on the City of Burlington Heritage Register (PL-59-22)*
- 10.7. *Mark Eade spoke regarding proposed inclusion of downtown properties on the City of Burlington Heritage Register (PL-59-22)*
- 10.8. *Michele Camacho and Don Thorpe representing Heritage Burlington Advisory Committee spoke regarding proposed inclusion of downtown properties on the City of Burlington Heritage Register (PL-59-22)*
- 10.9. *Michael Sobhi spoke regarding Proposed inclusion of downtown properties on the Heritage Register (PL-59-22)*

14. Motion to move into closed session

That this meeting of Council proceed into closed session in accordance with the following provisions under the Municipal Act:

- 16.1. Confidential Labour Relations Update (HR-08-22)

Pursuant to section 239(2)(d) of the Municipal Act, labour relations or employee negotiations; and

12.3. h. Confidential legal report - Committee of Adjustment appeal regarding 5002 DesJardines Drive (L-28-22)

16.2. Breach of Solicitor-Client Privileged Information involving an On-going Litigation Matter (L-46-22)

Pursuant to Section 239(2)(f), advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

Council moved into closed session at 4:35 p.m.

15. Motion to move into open session:

That Council move into public session at 5:22 p.m.

19. Motion to Receive and File Information Items:

- | | | |
|-------|--|---------|
| 19.2. | <i>Delegation notes from Leslie Barbetta regarding New Zoning By-law Review Project - Terms of Reference (PL-60-22, SD-23-22)</i> | 1 - 2 |
| 19.3. | <i>Correspondence from Fothergill Planning and Development Inc. regarding Proposed inclusion of downtown properties on the Heritage Register (PL-59-22)</i> | 3 - 3 |
| 19.4. | <i>Correspondence from Michael Sobhi regarding Proposed inclusion of downtown properties on the Heritage Register (PL-59-22)</i> | 4 - 4 |
| 19.5. | <i>Staff presentation regarding proposed inclusion of downtown properties on the Heritage Register (PL-59-22)</i> | 5 - 12 |
| 19.6. | <i>Staff presentation regarding By-law Fine Review and Updates for Coyote Response Strategy (BB-14-22)</i> | 13 - 17 |

22. Motion to Approve By-Laws:

- 22.4. 72-2022: A by-law to amend 60-2005 being a by-law to regulate the licensing and keeping of dogs and the keeping of all other animals.
- REVISED
- Report BB-14-22, Council meeting of September 30, 2022
- 22.6. 74-2022: A By-law to amend By-law 61-2021, being a by-law to establish and impose certain 2022 rates and fess for services, activities

or the use of property

Report TR-02-22, Community Planning, Regulation and Mobility
meeting of September 13, 2022

Good morning Council members, City staff, and residents of Burlington. I had planned to speak to the Zoning Bylaw Project at last week's Community Planning Meeting but was unable to attend, so I do hope there are folks from the Project Team listening today.

Firstly, I'm glad this process has finally started, but I'd be remiss if I didn't state my disappointment in the amount of time it's taken to get to this stage, and the additional time it will take before any changes are approved and finalized, because I'm concerned about what that means for communities that are in a constant state of transition or have developments pending. With that said, I'll just share a few comments for the Project & Consulting Team to consider, and talk about the importance of public participation:

- * Current zoning bylaws present challenges for residents, developers, business owners, and City staff. Changes to these bylaws can help address affordable housing needs, climate change & environmental concerns, and cater to changing demographics, among other things. But they must also protect existing residents and their investment & enjoyment of their home. There are plenty of examples of residents experiencing anxiety, stress and monetary expense as a result of overdevelopment in their neighbourhoods. Valuable members of the community have left Burlington for the same reason. Staff indicated that they wish to reduce the number of Committee of Adjustment hearings being processed. Agreed! Please understand how upsetting it can be for a resident to read a report for a proposed development which states "Staff do not anticipate any adverse or negative impacts to neighbouring properties". Let's eliminate the opportunity for subjective opinion and look at issues in broader context. No one should ever have to battle their neighbour at the Committee of Adjustment, or feel forced out of their community.

- * We have an opportunity here to learn from others' perspectives and understand how one community's needs and challenges are different from another's. Provide a forum for such conversation and you might even create a more empathetic, connected city. Let's eliminate the word "Nimby" from conversations related to zoning or housing needs. It's a contentious term and often used without proper context or understanding of another's circumstances. And frankly, when you get to the heart of it, one could argue that we're all Nimbys on some level.

- * I ask the Project Team if they will be using the best tools to engage the public? Could you activate Park Ambassadors again? Speak to neighbourhood associations, community organizations, visit seniors centres, or talk to those who live near developments where known zoning concerns exist? Online surveys and virtual meetings are helpful but have their limitations. If you want to get the public enthusiastic about participating, you need to be creative in how you connect with the public in order to have those conversations.

* To residents of Burlington who may be listening or watching: If you care what happens in your community, if you want to have a say in how your neighbourhood takes shape, now is the time to show up and speak up. It's not enough to say you want to see change and then sit back and let others come up with solutions. It's not enough to complain online or rant on social media. And unfortunately, it's not even enough to have your Councillor advocate on an issue. Please get involved and be a part of the solution. When we become complacent, decisions are made without us, and for us. Many residents are exhausted by the delegation process and view engagement as a waste of time. I get it. It consumes a lot of time and energy, often for little to nothing in return. We all want to know that the effort has been worth our while. This team says they are listening. Let's hold them to it. I will also be watching to see who shows up from the development community. Given the number of applications and appeals this City deals with, one would think developers should have a lot to contribute to zoning conversations.

And finally, to everyone running for election or re-election: many of you have identified growth of the City or intensification issues as area of importance on your platforms, so it seems safe to say you would also give some weight to Zoning Bylaw changes. Regardless of the election outcome, can we expect to see you be active participants in this Project? We hope your interest and commitment does not stop at the ballot box.

Thank you.

FOTHERGILL PLANNING & DEVELOPMENT INC.

62 DAFFODIL CRES. • HAMILTON, ON L9K 1E1 • PHONE: (905) 577-1077 • FAX: (905) 546-0545 • E-MAIL: edf@nas.net

September 19, 2022

City Clerk
Mr. Kevin Arjoon
City of Burlington
426 Brant St., PO Box 5013
Burlington, ON L7R 3Z6

Dear Mr. Arjoon:

Re: Potential Heritage Listing on City of Burlington Heritage Register – The Molinaro Group

I have been retained by the Molinaro Group who own a number of properties in the downtown area to respond to an initiative they became aware of last week that could lead to the listing in the City of Burlington Municipal Register of Cultural Heritage Resources of properties that they own, or have an interest in, in the downtown area.

Given the late notice received by the Molinaro Group, there have not been any opportunities to review this matter with staff or the local Councillor prior to the meeting.

The owners would like to have a better sense of the implications of this listing. Also, they may wish to consider retaining a heritage consultant to provide input to their participation in this process.

Our longstanding and ongoing working relationship with the City of Burlington has routinely called for a collaborative process of consultation prior to any decisions being made on properties affected by change in public policy. As a result, we would welcome the opportunity to undertake dialogue with City staff prior to the matter being considered by Council. We would therefore ask that this matter be deferred until a proper consultation program has taken place with The Molinaro Group.

Thank you very much for this opportunity to respond.

Sincerely,

FOTHERGILL PLANNING & DEVELOPMENT INC.



E.J. Fothergill, MCIP, RPP
President

cc. Vince Molinaro
Sam DiSanto
Rob Molinaro
Ashley White
John O'Reilly
Brian Dean

From: [REDACTED]
Subject: RE: Heritage Registered or designation of 488 Locust Street
Date: Monday, September 19, 2022 4:11:34 PM

This is for item 14.4- [Proposed inclusion of downtown properties on the City of Burlington Heritage Register \(PL-59-22\)](#).

I have spoken to Michael on the phone and his position is that he does not want 488 Locust Street added to the Heritage Register, because they intend to demolish.

From: Michael Sobhi [REDACTED]
Sent: Monday, September 19, 2022 3:06 PM
To: O'Reilly, John <John.OReilly@burlington.ca>; Mailbox, Clerks <Clerks@burlington.ca>
Subject: Heritage Registered or designation of 488 Locust Street

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

The City Clerk, The Corporation of the City of Burlington
426 Brant St., PO Box 5013

Burlington , On L7R 3Z6

clerks@burlington.ca

john.oreilly@burlington.ca

Dear Mr O'Reilly or City Clerk

Please be advised that we purchased the property on 488 Locust St under the assumption that this property is not registered or designated as heritage.

We confirmed this assumption by contacting Community Planning and received the attached email that states that the property is not registered nor designated as heritage; and that the structure can in fact be demolished. We even started the demolition process that was signed by the City.

IF we were informed to the contrary we would not have purchased the property..

Please see attached.

Please remove 488 Locust St from your list of Heritage Register or Designation .

Thank you .

Michael/Mahmood and Gita Sobhi.

Mobile [REDACTED]

Michael Sobhi
[REDACTED]
[REDACTED]

Proposed inclusion of downtown properties on the City of Burlington Heritage Register

City Council Meeting
September 20, 2022
Report PL-59-22



Why Conserve?

Preserving beloved buildings and character areas as our City transforms...



Village Square



St. Luke's Church & Cemetery

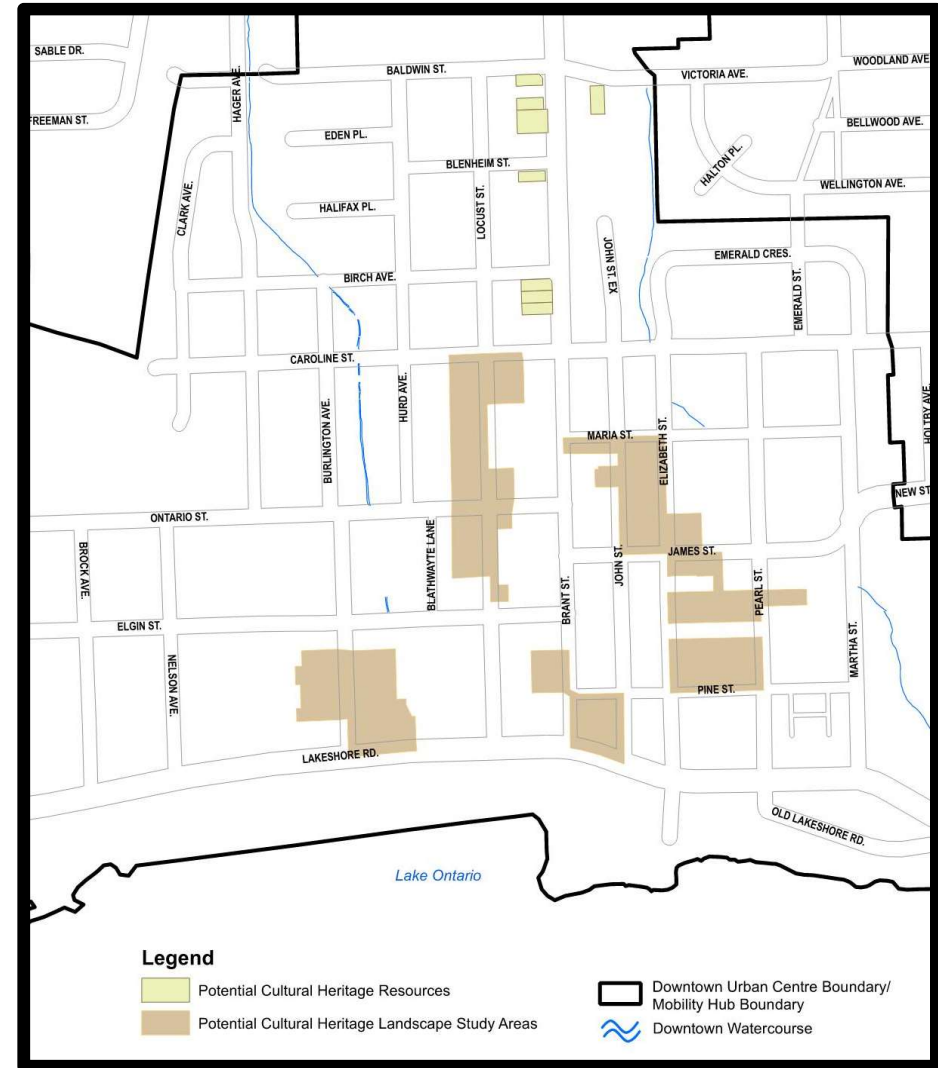


Recent Downtown developments

401-409 Brant Street

Background

- 2017-2019 Mobility Hubs Study identified 5 potential cultural heritage landscapes (CHLs) and 8 heritage properties in the downtown
- In 2020, a scoped re-examination of the adopted Official Plan embedded the potential Downtown Cultural Heritage Study Areas in Appendix A-2, and Council directed staff to develop a plan to study CHL's
- On July 12, 2022 Council authorized the downtown CHL study and directed staff to report back with list of properties for the Heritage Register



City of Burlington Official Plan (2020), Appendix A-2



Preliminary Review of Study Areas

SUMMARY TABLE OF EXISTING AND PROPOSED HERITAGE PROPERTIES IN POTENTIAL CHLs 1-6			
Potential Cultural Heritage Landscape	Total Number of Properties	Existing Heritage Register Properties	Proposed for Heritage Register
#1 Foot of Brant Street	15	3	7
#2 Locust Street	18*	8	6
#3 Village Square	1	1	N/A
#4 Downtown East	20	7	7
#5 Lakeshore Road and Burlington Avenue	13	6	4
#6 St. Luke's Church & Cemetery	3**	1	N/A
TOTALS	70	26	24

*447 and 449 Locust are a conjoined building, but separate properties

**One property contains the church & cemetery, the other two are undeveloped lands that extend to the lake and were historically part of the overall property



Conservation “Toolbox”

IDENTIFICATION



Listing on the Heritage Register

- Property appears on Heritage Register
- Any alteration permitted
- Demolition delayed (60 days)
- No permits needed
- No by-law
- No special guidelines
- Not registered on title
- No advance notice required
- Objection rights
- No OLT appeal rights

GROUP PROTECTION



Heritage Designation (District)

- Property appears on Heritage Register
- Alterations to common features in district restricted
- Demolition restricted
- Permits needed
- Area-specific bylaw
- HCD Guidelines
- Status registered on title
- Advance notice required
- Objection rights
- OLT appeal rights

INDIVIDUAL PROTECTION



Heritage Designation (Individual)

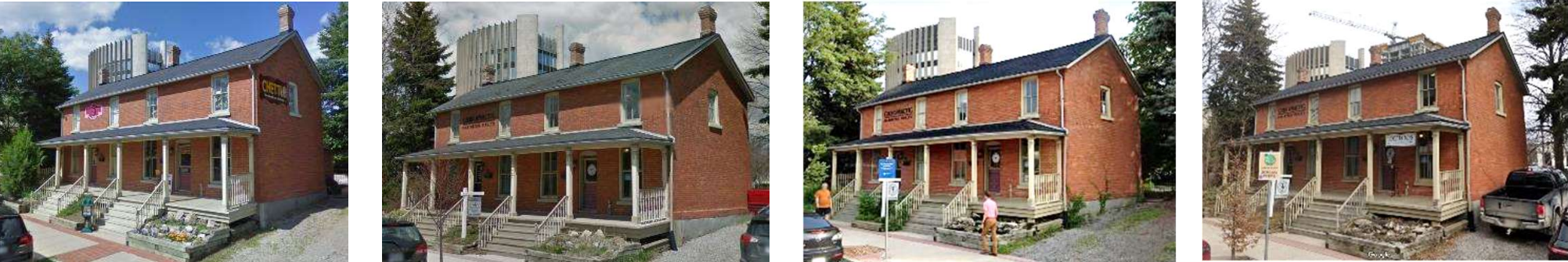
- Property appears on Heritage Register
- Alterations to particular building features restricted
- Demolition restricted
- Permits needed
- Property-specific bylaw
- Standards and Guidelines
- Status registered on title
- Advance notice required
- Objection rights
- OLT appeal rights

Non-designated vs Designated

Non-designated- 361 Brant Street (Many changes made)



Designated- 447/449 Locust Street (Few changes made)



2009

2015

2018

2022

Objections

- Owners can object to the listing by sending a notice to the City Clerk
- No deadline for objections
- Council must then reconsider the listing
- Staff recommend reporting back on all objections 120 days from when notices sent out



Lower Brant Street, 1914



Recommendation

1. Add all properties recommended by staff and the Heritage Burlington Advisory Committee to the Heritage Register
2. Report back on objections in 4 months
3. Re-assess all properties at the end of the study



Lower Brant Street, 1920's

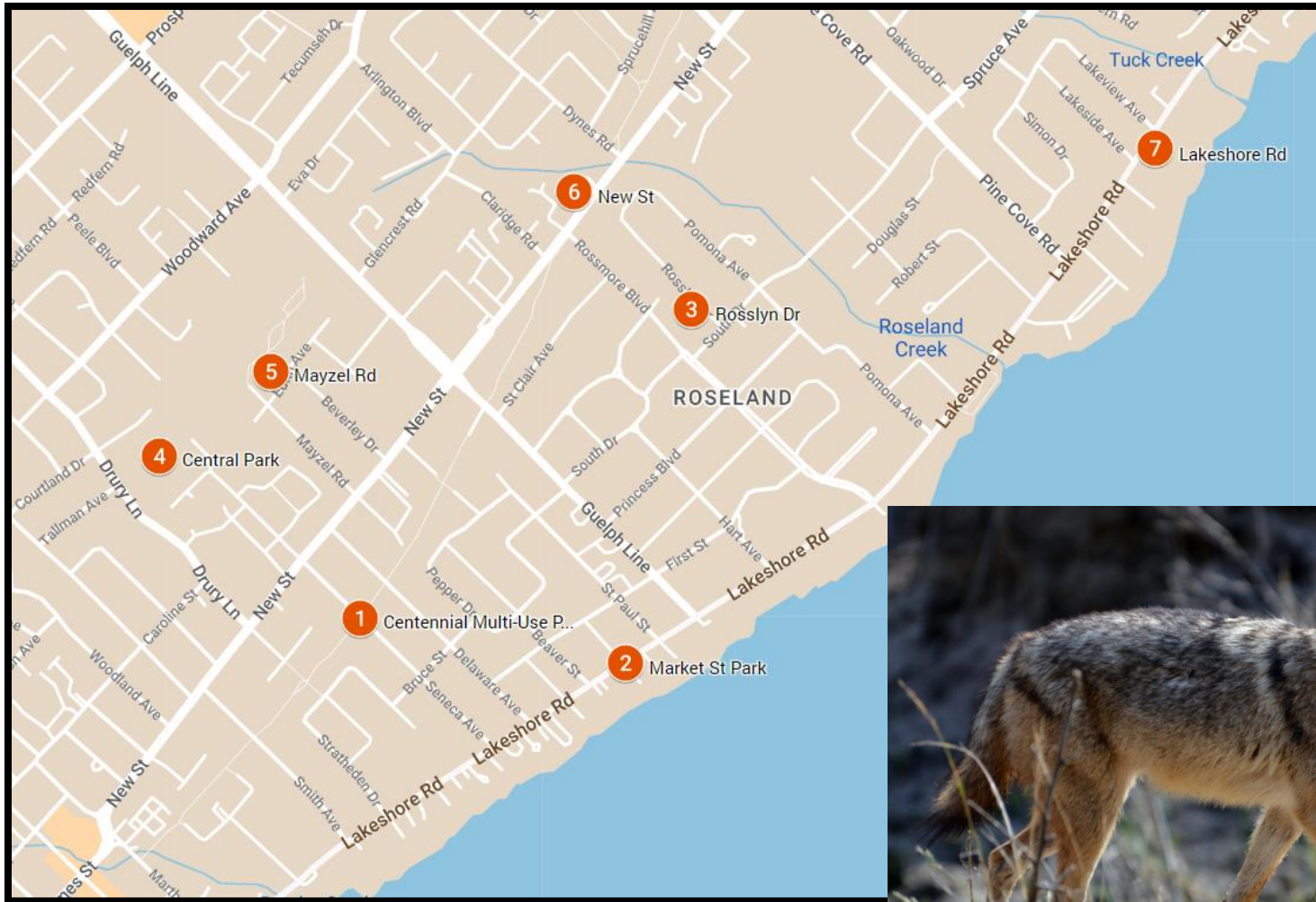


Coyote Incident Management Update

as of September 20, 2022

City Council Meeting
September 20, 2022

City of Burlington – Locations of Physical Attacks



**Aggressive coyotes
present in this area**

**Visit burlington.ca/coyote
for more information**
**Report attacks to Animal Services
905-335-3030**

**CITY OF
Burlington**

Situational Update

Attack Information and Follow up

- Attacks confirmed and reported by victim to Animal Control and disposition of coyote
 - #1 - July 30 early morning – Centennial Multi-Use Trail (between Seneca and Smith) – scratches – coyote #1 located and eliminated on August 24
 - #2 - August 6 night – Park near/around Lakeshore Road and Market Street – bite - coyote #1 located and eliminated on August 24
 - #3 – August 20 morning - Rosslyn Drive – bite - coyote #1 located and eliminated on August 24
 - #4 - August 24 early morning – Central Park – Roseland Plaza area – Bite - coyote #2 located and eliminated on September 19
 - #6 – September 10 early morning – New Street – bite – coyote #3 located and eliminated on September 20
 - #7 – September 17 noon time – Lakeshore Road – bite – coyote #3 located and eliminated on September 20
- Attack confirmed and not reported by victim to Animal Control
 - #5 August 24 night - Mayzel Road area – Bite – unable to confirm coyote identity as unable to speak to victim.
- Mayor and members of Council have connected with victims to offer comfort and provide support.

Situational Update (continued)

- September 20, 2022 - the City of Burlington, with the expertise of the Certified Wildlife Professional, eliminated the third aggressive coyote responsible for the recent unprovoked attacks in Burlington. These coyotes were identified based on feedback and descriptions received from the residents that were attacked.
- The multi-agency taskforce comprising of the Animal Control Team, Certified Wildlife Professional and Halton Police have collaborated over the past weeks in tracking and eliminating these aggressive coyotes.
 - This taskforce has been operating within the City's existing protocols and will continue to patrol affected areas trying to determine rendezvous sites and any intentional food drops.
 - We are staying on high alert.
- Community engagement is key in two areas:
 - in assisting the Animal Control Team in addressing any illegal feeding that is contributing to this issue. If you have any information, please connect with the Animal Control Team at animalshelter@burlington.ca or 905-335-3030
 - in reporting sightings of coyotes so the City can continue to monitor the whereabouts and potentially learn of patterns.

Situational Update (continued)

- The Roads Park and Forestry team has procured and are installing lids on garbage cans within this immediate area
 - This endeavor will combat birds and other small rodents for accessing garbage from these cans
- Further clarification based on assistance of our Ministry of Natural Resources and Forestry colleagues
 - Coyotes do not consume garbage or litter
 - They consume the small rodents or other wildlife attracted to these garbage areas.
 - They consume berries in their natural habitat.
 - It is critical all residents and visitors ensure they manage their garbage in a responsible manner
 - As a community, there is a need to ensure wildlife is not conditioned in accessing our garbage waste.
 - The wildlife need to go back to their natural habitat and find their own food sources in forested areas and ravines.