



PLANNING COMMITTEE REPORT

AS APPROVED BY COUNCIL OCTOBER 23, 2019

19-016

October 15, 2019

9:30 a.m.

**Council Chambers, Hamilton City Hall
71 Main Street West**

Present: Councillors M. Pearson (Chair), J. Farr (1st Vice Chair),
C. Collins, B. Johnson (2nd Vice Chair), B. Clark, M. Wilson,
J.P. Danko, J. Partridge

Absent with Regrets: Councillor T. Whitehead - Personal

THE PLANNING COMMITTEE PRESENTS REPORT 19-016 AND RESPECTFULLY RECOMMENDS:

1. Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED19183) (City Wide) (Item 7.1)

That Report PED19183 respecting Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications, be received.

2. Hamilton Municipal Heritage Committee Report 19-007 (Item 7.2)

(i) Notice of Intention to Demolish the Building known as the Former Rebecca Street Bus Terminal, located at 71 Rebecca Street, Hamilton, Being a Non-designated Property Included in the Register of Property of Cultural Heritage Value or Interest (PED19200) (Ward 2) (Added Item 7.3)

That Report PED19200 respecting Notice of Intention to Demolish the Building known as the Former Rebecca Street Bus Terminal, located at 71 Rebecca Street, Hamilton, Being a Non-designated Property Included in the Register of Property of Cultural Heritage Value or Interest, be received.

3. Payday Loan Permit for Speedy Money (Item 8.2)

That Section 8 to Schedule 11 of Licensing By-law No.07-170 be amended to include 90 Centennial Parkway North, Hamilton to the location of approved sites, and that Council approve the issuance of a Payday Loan Business Licence to Speedy Money.

4. Applications for an Official Plan Amendment and Zoning By-law Amendment for the lands located at 1190 Main Street West, 43, 47, 51 and 55 Forsyth Avenue North, 75, 77, 81, 83, 99, 103, 107, 111 and 115 Traymore Avenue, and 50 Dalewood Avenue, Hamilton (PED19186) (Ward 1) (Item 8.3)

- (a) That the Amended Urban Hamilton Official Plan Amendment application UHOPA-17-028 by Diamond Schmitt Architects on behalf of McMaster University, Owner, to change the Ainslie Wood Westdale Secondary Plan from “Mixed Use – Medium Density, Special Policy Area E” to “Mixed Use – Medium Density” with a Site Specific Policy Area “XX” on Map B.6.2-1 – Land Use Plan to permit a student residence consisting of two storey grade related units along Traymore Avenue, a step back to eight storeys and a further step back to 10 storeys for the majority of the proposed buildings. A 15 storey tower is proposed at the corner of Main Street West and Forsyth (see Concept Plan and Elevation attached as Appendix “C” to Report PED19186), and to provide specific design direction with respect to the phasing of development, Transit Oriented Development and views and vistas of the Niagara Escarpment for the lands located at 1190 Main Street West, 43, 47, 51 and 55 Forsyth Avenue North, 75, 77, 81, 83, 99, 103, 107, 111 and 115 Traymore Avenue, and 50 Dalewood Avenue, as shown on Appendix “A” to Report PED19186, be APPROVED on the following basis:
 - (i) That the draft Official Plan Amendment attached as Appendix “B” to Report PED19186, be adopted by City Council;
 - (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2014) and conforms to A Place to Grow Plan (2019).
- (b) That Council direct the Planning staff to proceed with settlement discussions at the Local Planning Appeal Tribunal (LPAT) regarding the appeal of Zoning By-law Amendment application ZAC-17-065 by Diamond Schmitt Architects on Behalf of McMaster University, Owner, seeking to create a site specific zone in order to permit the height and other site specific performance standards for the lands located at 1190 Main Street West, 43, 47, 51 and 55 Forsyth Avenue North, 75, 77, 81, 83, 99, 103, 107, 111 and 115 Traymore Avenue, and 50 Dalewood Avenue, Hamilton, as shown on Appendix “A” to Report PED19186; and,

- (c) That the public submissions received regarding this matter supported the approval of the proposal with amendments.

5. Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 6266 and 6330 Chippewa Road East, Glanbrook (PED19196) (Ward 11) (Item 8.4)

- (a) That Zoning By-law Amendment Application ZAA-19-042, by Shirlmar Farms Inc. (Owner) for a change in zoning from the Agriculture (A1) Zone to the Agriculture (A1, 642) Zone and the Agriculture (A1, 464) Zone to prohibit the construction of a single detached dwelling and residential care facility and recognize a reduced lot area for the retained agricultural parcel and recognize a reduced lot width for the severed surplus farm dwelling parcel, as required by conditions of approval for Consent to Sever application GL/B-18:144, for the lands located at 6266 and 6330 Chippewa Road East as shown on Appendix “A” to Report PED19196, be APPROVED on the following basis:
 - (i) That the draft By-law, attached as Appendix “B” to Report PED19196, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed modification in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Greenbelt Plan (2017), and complies with the Rural Hamilton Official Plan (RHOP).
- (b) That there were no public submissions received on this matter.

6. Proposed Amendments to the Aggregate Resources Act – Request for Comments (PED19207) (Wards 9, 11-13, 15) (Item 10.1)

- (a) The City is concerned about the process the Province is following for the proposed amendments to the Aggregate Resources Act (ARA) and associated regulations for the following reasons:
 - (i) there are no specific details that allow municipalities to understand and comment on changes to the ARA that may impact both the City and its residents;
 - (ii) the time frame for comments on this ERO posting is short; and,
 - (iii) there are no details as to when municipalities will be given another opportunity to comment or the length of time that will be provided to respond to specific changes to the ARA or the associated regulations.

- (b) The City requests:
 - (i) the wording “within the water table” be clarified (e.g. below the water table, above the water table); and,
 - (ii) that when the Province proposes specific amendments to both the ARA and the associated regulations the comment period be a minimum of 90 days to determine the impacts on the City and its residents.
- (c) The City supports changes to the Act and regulations related to:
 - (i) strengthening the protection of water resources for extraction within the water table as part of a more robust application process for existing operations;
 - (ii) increasing public engagement for applications that may impact water resources;
 - (iii) enhancing reporting on rehabilitation; and,
 - (iv) reviewing the notification and consultation requirements for new applications.
- (d) That the City Clerk’s Office be directed to forward Report PED19207 to the Ministry of Municipal Affairs and Housing, and this Report is considered the City of Hamilton’s formal comments on the Proposed Amendments to the Aggregate Resources Act

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

The Committee Clerk advised of the following changes to the agenda:

1. CONSENT ITEMS (Item 7)

7.2 Hamilton Municipal Heritage Committee Report 19-007

- (a) Report PED19200 (respecting Item 1)

2. PUBLIC HEARINGS/DELEGATIONS (Item 8)

8.3 Applications for an Official Plan Amendment and Zoning By-law Amendment for the lands located at 1190 Main Street West, 43, 47, 51 and 55 Forsyth Avenue North, 75, 77, 81, 83, 99, 103, 107, 111

and 115 Traymore Avenue, and 50 Dalewood Avenue, Hamilton (PED19186) (Ward 1)

(a) Added Written Submissions:

- (ii) Ed Rotstein
- (iii) Renate Manthei
- (iv) Lachlan Holmes

3. DISCUSSION ITEMS (Item 10)

10.2 Sign Variance Appeal SV-19-002 for the Property Known as 1147 Garner Road West, Ancaster, Denied by the Director of Planning and Chief Planner and Appealed by the Owner (PED19195) (Ward 12) (Deferred from the October 9th Council meeting) –To be considered at the November 19th Planning Committee meeting.

4. MOTIONS (Item 11)

11.1 Fencing By-law Appeal Process – To be considered at the November 5th Planning Committee meeting.

5. PRIVATE AND CONFIDENTIAL (Item 14)

14.1 Appeal to the Local Planning Appeal Tribunal on the City of Hamilton's Refusal or Neglect to Adopt an Amendment to the City of Hamilton Zoning By-law No. 05-200 and Former City of Hamilton Zoning By-law No. 6593 for the Lands Located at 1518, 1530 and 1540 Upper Sherman Avenue (Hamilton) (Ward 7) (LS18020(a)/PED18172(a)) – To be considered at the November 5th Planning Committee meeting.

14.2 Amendment to the Site Alteration By-law 03-126 (PED19213) (City Wide) - Added item is being moved up in the agenda to be heard after Declarations of Interest.

The agenda for the October 15, 2019 meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

None declared.

(c) PRIVATE & CONFIDENTIAL (Item 14)

Committee moved into Closed Session respecting Item 14.2 pursuant to Section 8.1, Sub-sections (f) and (k) of the City's Procedural By-law 18-270, and Section 239(2), Sub-sections (f) and (k) of the *Ontario Municipal Act*, 2001, as amended, as the subject matters pertain to: the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and, a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

(i) Amendment to the Site Alteration By-law 03-126 (PED19213) (City Wide) (Added Item 14.2)

- (a) That a By-law to amend By-law 03-126 Being a By-law for Prohibiting and Regulating the Alteration of Property Grades, the Placing or Dumping of Fill, and the Removal of Topsoil be prepared in accordance with Option 1 (to impose a moratorium on the importing of fill from outside of the City of Hamilton boundaries which does not apply to any permits issued prior to this by-law amendment coming into force), in a form satisfactory to the City Solicitor, for consideration at the October 16, 2019, Special Council meeting; and,
- (b) That Report PED19213 respecting Amendment to the Site Alteration By-law 03-126, remain confidential.

(d) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 4)

(i) October 1, 2019 (Item 4.1)

The Minutes of the October 1, 2019 meeting were approved, as presented.

(e) PUBLIC HEARINGS/DELEGATIONS (Item 8)

(i) Tom Ker respecting Changes in By-laws regarding Lot Sizes on the Mountain (Approved at the September 17th meeting, Deferred from the October 1, 2019 meeting) (Item 8.1)

Tom Ker addressed the Committee respecting Changes in By-laws regarding Lot Sizes on the Mountain.

The Delegation from Tom Ker respecting Changes in By-laws regarding Lot Sizes on the Mountain, was received.

(ii) Julie Cooper respecting Payday Loan Permit for Speedy Money (Approved at the September 17th meeting) (Item 8.2)

Julie Cooper addressed the Committee respecting Payday Loan Permit for Speedy Money.

The Delegation from Julie Cooper respecting Payday Loan Permit for Speedy Money, was received.

For disposition of this matter, refer to Item 3.

(iii) Applications for an Official Plan Amendment and Zoning By-law Amendment for the lands located at 1190 Main Street West, 43, 47, 51 and 55 Forsyth Avenue North, 75, 77, 81, 83, 99, 103, 107, 111 and 115 Traymore Avenue, and 50 Dalewood Avenue, Hamilton (PED19186) (Ward 1) (Item 8.3)

In accordance with the provisions of the *Planning Act*, Chair Pearson advised that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Official Plan Amendment the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Local Planning Appeal Tribunal, and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

Andrea Dear, Senior Planner, addressed the Committee with the aid of a PowerPoint presentation. A copy of the presentation is available through the Office of the City Clerk or online at www.hamilton.ca.

The staff presentation was received.

David Falletta, Bousfields Inc., and Roger Couldrey, Vice-President (Administration), McMaster University, were in attendance and indicated support for the staff report.

The presentation from David Falletta, Bousfields Inc. and Roger Couldrey, Vice-President (Administration), McMaster University, was received.

Delegations:

- (i) John Thomson, 103 Arnold Street, addressed the Committee and expressed concerns with the proposal.

- (ii) Branko Radisic, 80 Traymore Avenue, addressed the Committee and expressed concerns with the proposal.
- (iii) Alan Livingston, 119 Arnold Street, addressed the Committee and expressed concerns with the proposal.
- (iv) Lynn Goruk, 138 Westwood Avenue, addressed the Committee and expressed concerns with the proposal.

The delegations were received.

Written Submissions:

- (i) Emily Brackenridge
- (ii) Ed Rotstein
- (iii) Renate Manthei
- (iv) Lachlan Holmes

The written submissions were received.

The public meeting was closed.

The City's Legal and Financial staff were directed to provide an assessment of the property tax treatment of the proposed McMaster development along Main Street West, in advance of the October 23rd Council meeting.

Recommendation (a) in Report PED19186 was **amended** to ensure that the lands remain designated as Mixed Use – Medium Density, as follows:

- (a) That the Amended Urban Hamilton Official Plan Amendment application UHOPA-17-028 by Diamond Schmitt Architects on behalf of McMaster University, Owner, ~~to change the land use designation on Schedule E-1 – Urban Land Use Designations, from “Mixed Use – Medium Density” to “Institutional” to and~~ to change the Ainslie Wood Westdale Secondary Plan from “Mixed Use – Medium Density, Special Policy Area E” ~~to “Institutional”~~ to “Mixed Use – Medium Density” with a Site Specific Policy Area “XX” on Map B.6.2-1 – Land Use Plan to permit a student residence consisting of two storey grade related units along Traymore Avenue, a step back to eight storeys and a further step back to 10 storeys for the majority of the proposed buildings. A 15 storey tower is proposed at the corner of Main Street West and Forsyth (see Concept Plan and Elevation attached as Appendix “C” to Report PED19186), for the lands located at 1190 Main Street West, 43, 47, 51 and 55 Forsyth Avenue North, 75, 77, 81, 83, 99, 103, 107, 111 and 115 Traymore Avenue, and 50 Dalewood Avenue, as shown on Appendix “A” to Report PED19186, be APPROVED on the following basis:

- (i) That the draft Official Plan Amendment attached as Appendix “B” to Report PED19186, be adopted by City Council;
- (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2014) and conforms to A Place to Grow Plan (2019).

Recommendation (a) in Report PED19186 was further **amended** to reflect the following:

That a schedule to protect views and vistas of the Escarpment as it relates to this development be maintained;

Recommendation (a) in Report PED19186 was further **amended** to reflect the following:

That if the development is done in phases, that Phase 2 lands are kept as open space/parks with no parking allowance;

Recommendation (a) in Report PED19186 was further **amended** to reflect the following:

That the City of Hamilton Transit Oriented Development Guidelines apply to this development;

The recommendations in Report PED19186 were **amended** by adding the following sub-section (c):

- (c) That the public submissions received regarding this matter supported the approval of the proposal with amendments.***

For disposition of this matter, refer to Item 4.

- (iv) Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 6266 and 6330 Chippewa Road East, Glanbrook (PED19196) (Ward 11) (Item 8.4)**

In accordance with the provisions of the *Planning Act*, Chair Pearson advised that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Zoning By-law Amendment, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Local Planning Appeal Tribunal, and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

The public meeting was closed.

The staff presentation was waived.

Katherine Cromley, Owner of the subject properties, was in attendance and indicated support for the staff report.

The recommendations in Report PED19196 were ***amended*** by adding the following sub-section (b):

(b) That there were no public submissions received on this matter.

For disposition of this matter, refer to Item 5.

(f) GENERAL INFORMATION/OTHER BUSINESS (Item 13)

(i) General Manager's Update (Added Item 13.1)

Jason Thorne, General Manager, Planning and Economic Development, provided an update to the Committee regarding applications for Urban Boundary Expansion. Tony Sergi, Senior Director of Growth Management, provided an update on Upper Mount Albion Road repairs.

The update from Jason Thorne, General Manager, Planning and Economic Development, and Tony Sergi, Senior Director of Growth Management, was received.

(g) ADJOURNMENT (Item 15)

There being no further business, the Planning Committee was adjourned at 2:30 p.m.

Councillor Maria Pearson
Chair, Planning Committee

Lisa Chamberlain
Legislative Coordinator
Office of the City Clerk