



PLANNING COMMITTEE MINUTES

19-017

November 5, 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, T. Whitehead

Also in Attendance: Councillor E. Pauls

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

1. Hamilton Municipal Heritage Committee Report 19-008 (Item 7.1)

(Partridge/Whitehead)

(i) 2019 Staff Work Plan Update (PED19204) (City Wide) (Item 10.1)

That Report PED19204 respecting the 2019 Staff Work Plan Update, be received.

(ii) Education and Communication Working Group Proposal respecting a Heritage Workshop (Added Item 10.2)

- (a)** That the proposal to conduct a Heritage Workshop for the public on February 20, 2020 (during Heritage Week), and attached hereto as Appendix A, be approved; and
- (b)** That the cost of catering and potential room rental to host a Heritage Workshop for the public, to an upset of \$350, be approved and funded from Account 57540-812040.

Result: Motion CARRIED by a vote of 8 to 0, as follows:

YES - Councillor Maureen Wilson

YES - Councillor Jason Farr

NOT PRESENT - Councillor Chad Collins
YES - Councillor John-Paul Danko
YES - Councillor Maria Pearson
YES - Councillor Judi Partridge
YES- Councillor Terry Whitehead
YES - Councillor Brenda Johnson
YES - Councillor Brad Clark

2. Adjustments to School Crossing Guard Locations (PED19212) (Wards 1, 3, 5, 9, 13 and 15) (Item 7.2)

(Clark/Farr)

- (i) That the revised list of school crossing guard locations resulting from school closures, openings, construction projects, walking patterns and lunch program changes in Wards 1, 3, 5, 9, 13, and 15 as outlined in Appendix "A" attached to Report PED19212, be approved;
- (ii) That staff be authorized and directed to consult with the affected Ward Councillors and to use delegated authority for adding and/or removing school crossing guards prior to City Council approval for any proposed changes by the Hamilton-Wentworth District School Board (HWDSB) and the Hamilton-Wentworth Catholic District School Board (HWCDSB) for the 2020/2021 school year.

Result: Motion CARRIED by a vote of 8 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
NOT PRESENT - Councillor Chad Collins
YES - Councillor John-Paul Danko
YES - Councillor Maria Pearson
YES - Councillor Judi Partridge
YES- Councillor Terry Whitehead
YES - Councillor Brenda Johnson
YES - Councillor Brad Clark

3. Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED19205) (City Wide) (Item 7.3)

(Wilson/Danko)

That Report PED19205 respecting Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications, be received.

CARRIED

4. **Application for Zoning By-law Amendment for Lands Located at 2798 and 2804 King Street East and 8 Vienna Street, Hamilton (PED19209) (Ward 5) (Item 8.1)**

(Whitehead/Partridge)

(a) That Zoning By-law Amendment Application ZAR-19-037 by Tommar Construction Co. Limited and Tamlann Investments Ltd. c/o Sam Desto, Owner, for a change in zoning from the "AA" (Agricultural) District to the "C/S-1790" (Urban Protected Residential, Etc.) District, Modified (Block 1) for lands located at 2798 and a portion of 2804 King Street East, Hamilton and for a modification to the "C" (Urban Protected Residential, Etc.) District (Block 2), for a portion of the lands located at 8 Vienna Street, Hamilton, in order to facilitate future severance applications for the purpose of land assembly and permit the development of one single detached dwelling as shown on Appendix "A" to Report PED19209, be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix "B" to Report PED19209, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
- (ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2014), conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019), and comply with the Urban Hamilton Official Plan; and,

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

Result: Main Motion, As Amended, CARRIED by a vote of 8 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
NOT PRESENT - Councillor Chad Collins
YES - Councillor John-Paul Danko
YES - Councillor Maria Pearson
YES - Councillor Judi Partridge
YES- Councillor Terry Whitehead
YES - Councillor Brenda Johnson
YES - Councillor Brad Clark

5. City Initiative 19-H – Modifications to Zoning By-law Nos. 6593 and 05-200 - Lands on the west side (bay side) of Beach Boulevard (PED19190) (Ward 5) (Item 8.2)

(Farr/Danko)

- (a) That City Initiative 19-H to further amend the “C/S-1436” (Urban Protected Residential, etc.) District and “G/S-1436” (Neighbourhood Shopping Centre, etc) District, modified, of Zoning By-law No. 6593, to increase the minimum ground floor elevation to 76.5 metres from 76.0 metres above mean sea level and to update technical references to the regulations and Schedules of By-law No. 99-170, for lands on the west side (bay side) of Beach Boulevard, in the former City of Hamilton, as shown on Appendix “A”, to Report PED19190, be APPROVED on the following basis:
 - (i) That the draft By-law attached as Appendix “B” to Report PED19190, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the amending By-law, attached as Appendix “B” to Report PED19190, be added to District Maps Nos. E-80b, E-80c, E-80d, E-80e and E-80f of Zoning By-law No. 6593 as “C/S-1436b” (Urban Protected Residential, etc.) and “G/S-1436b” (Neighbourhood Shopping Centre, etc) Districts; and,
 - (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms with A Place to Grow Plan (2019) and complies with the Urban Hamilton Official Plan.
- (b) That City Initiative 19-H to amend Zoning By-law No. 05-200 to add a site-specific exception to the Neighbourhood Commercial (C2) Zone to require a minimum building elevation of 76.5 metre above mean sea level, greater side yard setbacks and accessory building regulations, for the properties located at Nos. 328, 336, 344 (part), 400, 532, 536, and 538 Beach Boulevard, in the former City of Hamilton, as shown on Appendix “A” to Report PED19190, be APPROVED on the following basis:
 - (i) That the draft By-law attached as Appendix “C” to Report PED19190, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
 - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms with A Place to Grow Plan (2019) and complies with the Urban Hamilton Official Plan.
- (c) That the City Solicitor be instructed to appeal and oppose any Committee of Adjustment approvals where the application was not supported by the

Planning and/or Growth Management Divisions and the approval would permit a minimum ground floor elevation of less than 76.5 metres above mean sea level or a side yard less than the minimum required by the Zoning By-law, for lands on the west side (bay side) of Beach Boulevard; and,

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

Result: Main Motion, As Amended, CARRIED by a vote of 9 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Chad Collins
YES - Councillor John-Paul Danko
YES - Councillor Maria Pearson
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Brenda Johnson
YES - Councillor Brad Clark

6. Fencing By-law Appeal Process (Item 11.1)

(Whitehead/Partridge)

That staff be directed to look at the feasibility of having an appeal process for the Fencing By-law.

Result: Motion CARRIED by a vote of 7 to 2, as follows:

NO - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Chad Collins
YES - Councillor John-Paul Danko
NO - Councillor Maria Pearson
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Brenda Johnson
YES - Councillor Brad Clark

7. 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)) (Item 14.2)

(Farr/Clark)

- (a) That the recommendations (a), (b), (c), (d), (e) and (f) contained in Report LS18020(a)/PED18172(a), and the appendices thereto, remain confidential until made public as the City's position before the Local Planning Appeal Tribunal; and,
- (b) That the balance of Report LS18020(a)/PED18172(a), appendices thereto and recommendations therein remain confidential.

Result: Motion CARRIED by a vote of 9 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Chad Collins
YES - Councillor John-Paul Danko
YES - Councillor Maria Pearson
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Brenda Johnson
YES - Councillor Brad Clark

8. 198 First Road West and 165 Upper Centennial Parkway Appeals Settlement (Added Item 14.3)

(Clark/Johnson)

That the direction provided to staff in Closed Session, respecting 198 First Road West and 165 Upper Centennial Parkway Appeals Settlement, be approved.

Result: Motion CARRIED by a vote of 8 to 1, as follows:

NO - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Chad Collins
YES - Councillor John-Paul Danko
YES - Councillor Maria Pearson
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Brenda Johnson
YES - Councillor Brad Clark

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

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

1. DELEGATION REQUESTS (Item 6)

6.1 Angela Riley respecting a Request for a Taxi Stand (For the November 19th meeting)

2. NOTICES OF MOTION (Item 12)

12.1 Reduction in MLE Vehicles

3. PRIVATE AND CONFIDENTIAL (Item 14)

14.3 198 First Road West and 165 Upper Centennial Parkway Appeals Settlement

(Clark/Johnson)

That the agenda for the November 5, 2019 meeting be approved, as amended.

Result: Motion CARRIED by a vote of 7 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
NOT PRESENT - Councillor Chad Collins
NOT PRESENT - Councillor John-Paul Danko
YES - Councillor Maria Pearson
YES - Councillor Judi Partridge
NOT PRESENT - Councillor Terry Whitehead
YES - Councillor Brenda Johnson
YES - Councillor Brad Clark

(b) DECLARATIONS OF INTEREST (Item 3)

None declared.

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

(i) October 15, 2019 (Item 4.1)

(Farr/Partridge)

That the Minutes of the October 15, 2019 meeting be approved, as presented.

Result: Motion CARRIED by a vote of 8 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
NOT PRESENT - Councillor Chad Collins
YES - Councillor John-Paul Danko
YES - Councillor Maria Pearson
YES - Councillor Judi Partridge
YES- Councillor Terry Whitehead
YES - Councillor Brenda Johnson
YES - Councillor Brad Clark

(d) DELEGATION REQUESTS (Item 6)

- (i) Angela Riley respecting a Request for a Taxi Stand (For the November 19th meeting) (Added Item 6.1)**

(Danko/Johnson)

That the Delegation Request from Angela Riley respecting a Request for a Taxi Stand be approved for the November 19th meeting.

Result: Motion CARRIED by a vote of 8 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
NOT PRESENT - Councillor Chad Collins
YES - Councillor John-Paul Danko
YES - Councillor Maria Pearson
YES - Councillor Judi Partridge
YES- Councillor Terry Whitehead
YES - Councillor Brenda Johnson
YES - Councillor Brad Clark

(e) PUBLIC HEARINGS/DELEGATIONS (Item 8)

- (i) Application for Zoning By-law Amendment for Lands Located at 2798 and 2804 King Street East and 8 Vienna Street, Hamilton (PED19209) (Ward 5) (Item 8.1)**

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.

(Whitehead/Partridge)

That the public meeting be closed.

CARRIED

(Whitehead/Danko)

That the staff presentation be waived.

CARRIED

Katelyn Gillis, T. Johns Consulting Group, was in attendance and indicated support for the staff report.

(Whitehead/Partridge)

That the recommendations in Report PED19209 be ***amended*** by adding the following sub-section (b):

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

Result: Amendment CARRIED by a vote of 8 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
NOT PRESENT - Councillor Chad Collins
YES - Councillor John-Paul Danko
YES - Councillor Maria Pearson
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Brenda Johnson
YES - Councillor Brad Clark

For disposition of this matter, refer to Item 4.

(ii) City Initiative 19-H – Modifications to Zoning By-law Nos. 6593 and 05-200 - Lands on the west side (bay side) of Beach Boulevard (PED19190) (Ward 5) (Item 8.2)

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.

(Whitehead/Collins)

That the public meeting be closed.

CARRIED

(Collins/Clark)

That the staff presentation be waived.

CARRIED

(Collins/Whitehead)

That the recommendations in Report PED19190 be ***amended*** by adding the following sub-section (d):

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

Result: *Amendment CARRIED by a vote of 9 to 0, as follows:*

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Chad Collins
YES - Councillor John-Paul Danko
YES - Councillor Maria Pearson
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Brenda Johnson
YES - Councillor Brad Clark

For disposition of this matter, refer to Item 5.

(f) NOTICE OF MOTIONS (Item 12)

(i) Reduction in MLE Vehicles (Added Item 12.1)

Councillor Farr introduced the following Notice of Motion:

WHEREAS, City Council has unanimously declared a Climate Crisis.

WHEREAS, Vehicles are a major contributor to green house gas emissions.

WHEREAS, There are approximately 35 cars that make up part of the Municipal Law Enforcement Fleet.

WHEREAS, Reducing the use of vehicles, particularly lone occupant vehicles, will likely translate to a reduction in operating costs.

WHEREAS, Cycling / Transit / Walking is both good for the environment and a healthy model option of transportation for City if HAMILTON Employees.

THEREFORE BE IT RESOLVED:

That in an effort to lead by example as a Corporation of the City of Hamilton during this officially declared Climate Crisis, that the appropriate staff be requested to report back to Planning Committee and/or the 2020 Operating Budget Process on considerations respecting reducing the amount of vehicle use by MLE staff during day to day operations that may include, but not be limited to cycling, transit, car share and car pooling.

(ii) Feasibility of Including the “Glanbrook Sports Park” into the Binbrook Urban Boundary (Added Item 12.2)

Councillor Johnson introduced the following Notice of Motion:

WHEREAS, Glanbrook has grown exponentially in the past 20 years and the demand for recreation programs has increased significantly;

WHEREAS, Glanbrook residents travel on average 5 km to access recreation programs;

WHEREAS, according to the capital budget, Glanbrook is slated for a recreation centre in 2028;

WHEREAS, Recreation centres require approx. 25 acres (10 hectares);

WHEREAS, the only available land is the “Glanbrook Sports Park” that currently has an arena, baseball and soccer facilities as well as the municipal centre;

WHEREAS, “Glanbrook Sports Park” is approx. 25 acres (10 hectares);

WHEREAS, “Glanbrook Sports Park” is within the Greenbelt and abuts the urban boundary;

WHEREAS, “Glanbrook Sports Park” has a very fragile septic system and well;

WHEREAS, Installation of new infrastructure such as water and sewer is not allowed within Greenbelt lands;

WHEREAS, according to Growth Plan for the Greater Golden Horseshoe, the need for a settlement area boundary expansion has been justified in accordance with policy 2.2.8.225 acres (10 hectares) can be included in the Binbrook Village urban boundary;

THEREFORE BE IT RESOLVED:

That staff be directed to look at the feasibility of including the lands of the "Glanbrook Sports Park" into the Binbrook Village Urban Boundary.

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

(i) Outstanding Business List (13.1)

(Farr/Wilson)

That the following changes to the Outstanding Business List, be approved:

12A - Regulation of Rental Housing
Current Due Date: November 5, 2019
Proposed Due Date: December 3, 2019

12B - Request to Designate 437 Wilson Street East (Ancaster)
Current Due Date: September 17, 2019
Proposed Due Date: May 5, 2020

14A - Adding 206, 208 and 210 King St E to the Register of Property of Cultural Heritage Value or Interest
Current Due Date: July 9, 2019
Proposed Due Date: April 7, 2020

17B - Designation of the Gore District as a Heritage Conservation District
Current Due Date: October 1, 2019
Proposed Due Date: April 7, 2020

18G - 8475 English Church Road - Zoning and OPA Amendments
Current Due Date: September 3, 2019
Proposed Due Date: February 18, 2020

18L - Review of the C6 and C7 Zoning Regulations
Current Due Date: September 17, 2019
Proposed Due Date: February 18, 2020

19G - Residential Care Facilities and Group Homes (Urban Area) - Human Rights and the Zoning By-law Discussion Paper (CI 19-B) (PED19091)
Current Due Date: December 3, 2019
Proposed Due Date: January 14, 2020

19Q - Application for Zoning By-law Amendment for 116 and 120
Barnesdale Ave N (PED19117)
Current Due Date: October 1, 2019
Proposed Due Date: June 14, 2020

19R - 282 McNab Street North (OPA and Zoning By-law Amendment)
Current Due Date: TBD
Proposed Due Date: March 24, 2020

19S - 370 Concession Street (Zoning By-law Amendment)
Current Due Date: TBD
Proposed Due Date: June 14, 2020

Result: Motion CARRIED by a vote of 9 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Chad Collins
YES - Councillor John-Paul Danko
YES - Councillor Maria Pearson
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Brenda Johnson
YES - Councillor Brad Clark

(ii) Increasing Fees for Metered Parking Spaces, Off-street Parking Lots and Parking Fines (Added Item 13.2)

(Collins/Farr)

- (a) That staff be directed to report back to the next Planning Committee meeting with options and alternatives related to increasing the fees of metered parking spaces, off-street parking lots and parking fines; and,
- (b) That the information include, but not be limited to, the fees charged by comparable municipalities.

Result: Motion CARRIED by a vote of 9 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Chad Collins
YES - Councillor John-Paul Danko
YES - Councillor Maria Pearson
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead

YES - Councillor Brenda Johnson
YES - Councillor Brad Clark

(h) PRIVATE AND CONFIDENTIAL (Item 14)

(i) Closed Session Minutes – October 15, 2019 (Item 14.1)

(Collins/Danko)

- (a) That the Closed Session Minutes of the October 15, 2019 meeting of the Planning Committee be approved, as presented; and,
- (b) That the Closed Session Minutes of the October 15, 2019 meeting of the Planning Committee remain confidential.

Result: Motion CARRIED by a vote of 9 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Chad Collins
YES - Councillor John-Paul Danko
YES - Councillor Maria Pearson
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Brenda Johnson
YES - Councillor Brad Clark

(Clark/Partridge)

That the Committee move into Closed Session, respecting Items 14.2 and 14.3, pursuant to Section 8.1, Sub-sections (e) and (f) of the City's Procedural By-law 18-270; and, Section 239(2), Sub-sections (e) and (f) of the *Ontario Municipal Act*, 2001, as amended, as the subject matters pertain to: litigation or potential litigation, including matters before administrative tribunals, affecting the City; and, the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

Result: Motion CARRIED by a vote of 9 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Chad Collins
YES - Councillor John-Paul Danko
YES - Councillor Maria Pearson
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Brenda Johnson
YES - Councillor Brad Clark

- (ii) **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)) (Item 14.2)**

Staff provided the Committee with legal advice on the matter.

For further disposition of this matter, refer to Item 7.

- (iii) **198 First Road West and 165 Upper Centennial Parkway Appeals Settlement (Added Item 14.3)**

Staff were provided with direction in Closed Session.

For further disposition of this matter, refer to Item 8.

(i) **ADJOURNMENT (Item 15)**

(Danko/Whitehead)

That there being no further business, the Planning Committee be adjourned at 10:59 p.m.

CARRIED

Councillor Maria Pearson
Chair, Planning Committee

Lisa Chamberlain
Legislative Coordinator
Office of the City Clerk