



PLANNING COMMITTEE

MINUTES

20-008

August 18, 2020

9:30 a.m.

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

Present: Councillors J. Farr (Chair) J.P. Danko (Vice Chair), C. Collins
J. Partridge, M. Pearson, and M. Wilson

Absent with Regrets: Councillor B. Johnson – Personal

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

- 1. Application to Amend City of Hamilton Zoning By-law No. 6593 for Lands Located at 1406 Upper Gage Avenue (Hamilton) (PED20131) (Ward 6) (Item 7.1)**

(Partridge/Pearson)

- (a) That Amended Zoning By-law Amendment Application ZAR-20-005, (Hussein Ghaddar, Owner), for a change in zoning from the "L-mr-1/S-401" (Planned Development) District, Modified to the "C/S-1802 - H" (Urban Protected Residential etc.) District, Modified, Holding, to facilitate a severance to create two lots for two single detached dwellings on lands located at 1406 Upper Gage Avenue (Hamilton), as shown on Appendix "A" to Report PED20131, be APPROVED, on the following basis:
 - (i) That the draft By-law, attached as Appendix "B" to Report PED20131, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject lands by introducing the Holding 'H' as a suffix to the proposed zoning for 1406 Upper Gage Avenue, as shown on Schedule "A" of Appendix "B" to Report PED20131.

The Holding Provision “C/S-1802 - H” (Urban Protected Residential etc.) District, Modified, Holding, be removed conditional upon:

- (1) Submission and approval of a Stage 3 and if required, Stage 4 Archaeological Assessment, to the satisfaction of the Director of Planning and Chief Planner and the Ministry of Heritage, Sport, Tourism and Culture Industries.
- (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow (2019), and complies with the Urban Hamilton Official Plan regarding matters including compatibility with the immediate area.
- (b) That upon finalization of the implementing By-law, the Eleanor Neighbourhood Plan be amended by changing the designation of the subject lands from “Low Density Apartments” to “Single and Double”.
- (c) ***That there were no public submissions received regarding this matter.***

Result: Main Motion, As Amended, CARRIED by a vote of 5 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
NOT PRESENT - Ward 5 Councillor Chad Collins
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 2 Councillor Jason Farr
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

2. Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 527 Shaver Road and 629 Garner Road West (Ancaster) (PED20132) (Ward 12) (Item 7.2)

(Pearson/Danko)

- (a) That Urban Hamilton Official Plan Amendment Application UHOPA-19-14, by Urban Solutions on behalf of Montelena Development Corporation (Owner), for an amendment to the Shaver Neighbourhood Secondary Plan for a Change in designation from “Medium Density Residential 2a” to “Medium Density Residential 2c”, with a site-specific policy to permit a block townhouse development with a density of 63 units per hectare for lands located at 527 Shaver Road and 629 Garner Road West, as shown on Appendix “A” to Report PED20132, be APPROVED on the following basis:

- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED20132, which has been prepared in a form satisfactory to the City Solicitor, be adopted by City Council;
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow (2019).
- (b) That Zoning By-law Amendment Application ZAC-19-010 by Urban Solutions on behalf of Montelena Development Corporation (Owner), for a change in zoning from the Agricultural “A-216” Zone, Modified, to a Holding Residential Multiple (H-RM4-710) Zone, Modified, in the Town of Ancaster Zoning By-law No. 87-57, to permit a maximum of 24 block townhouse units for lands located at 527 Shaver Road and 629 Garner Road (Ancaster), as shown on Appendix “A” to Report PED20132 be APPROVED, on the following basis:
 - (i) That the draft By-law, attached as Appendix “C”, **as amended**, to Report PED20132, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject property by introducing the Holding ‘H’ to the proposed Residential Multiple (RM4-710) Zone, as shown on Schedule ‘A’ to Appendix “C” to Report PED20132;

The Holding Residential Multiple “H-RM4-710” Zone, Modified, applicable to the lands shown on Schedule ‘A’ to Appendix ‘C’ to Report PED20132 be removed conditional upon the following:

“a) Payment of the outstanding servicing cost for the existing sanitary sewer on Garner Road adjacent to the site is received, to the satisfaction of the Senior Director of Growth Management.

b) That the applicant complete a Stage 1-2 Archaeological Assessment to the satisfaction of the Ministry of Heritage, Sport, Tourism and Culture Industries and the Director of Planning and Chief Planner.”

- (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow (2019); and,
 - (iv) That the proposed change in zoning complies with the Urban Hamilton Official Plan, upon finalization of Urban Hamilton Official Plan Amendment No. XX.

- (c) ***That the public submissions received regarding this matter did not affect the decision.***

Result: Main Motion, As Amended, CARRIED by a vote of 5 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
NOT PRESENT - Ward 5 Councillor Chad Collins
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 2 Councillor Jason Farr
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

3. Temporary Use By-law to Zoning By-law No. 05-200 – Outdoor Commercial Patios (CI-20-F) (PED20135) (City Wide) (Item 7.3)

(Pearson/Danko)

- (a) That approval be given to City Initiative CI-20-F to establish a Temporary Use By-law for Zoning By-law No. 05-200, effective until December 31, 2020, to grant relief from and provide for additional locational requirements for outdoor commercial patios for Downtown Central Business District (D1) Zone, Downtown Prime Retail Streets (D2) Zone, Downtown Mixed Use (D3) Zone, Neighbourhood Commercial (C2) Zone, Community Commercial (C3) Zone, Mixed Use High Density (C4) Zone, Mixed Use Medium Density (C5) Zone, Mixed Use Medium Density - Pedestrian Focus (C5a) Zone, District Commercial (C6) Zone, Arterial Commercial (C7) Zone, Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone, Transit Oriented Corridor Local Commercial (TOC2) Zone, and, Transit Oriented Corridor Mixed Use High Density (TOC4) Zones, within the City, on the following basis:
- (i) That Temporary Use By-law, attached as Appendix “A” to Report PED20135, be approved by City Council;
- (ii) That the draft Temporary Use By-law is consistent with the Provincial Policy Statement (PPS) 2020, conforms to the 2019 A Place to Grow: Growth Plan for the Greater Golden Horseshoe and the Urban Hamilton Official Plan (UHOP).
- (b) ***That the public submissions received on this matter did not affect the decision.***
- (c) ***That the proposed Temporary Use By-law described in (a) above be further amended to permit live or recorded music, amplified music, and audio/video presentations (including televised sports and***

entertainment) on any Outdoor Commercial Patio for lands zoned for Downtown Central Business District (D1) Zone, Downtown Prime Retail Streets (D2) Zone, Downtown Mixed Use (D3) Zone, Community Park (P2) Zone and City Wide (P3) Zone and are covered by the Downtown Secondary Plan;

- (d) That should any notice be required to amend the proposed by-law attached as Appendix "A" to Report PED20135 to permit live or recorded music, amplified music, and audio/video presentations (including televised sports and entertainment), that notice is hereby waived.*
- (e) That the previously Council-directed suspension of enforcement related to Outdoor Commercial Patios also include suspension of enforcement related to (b) above.*

Result: Main Motion, As Amended, CARRIED by a vote of 6 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 5 Councillor Chad Collins
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 2 Councillor Jason Farr
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

4. Amendments to the General Provisions of Business Licensing By-law 07-170 (PED20137) (City Wide) (Item 9.1)

(Collins/Pearson)

That the amending by-law attached as Appendix "A" to Report PED20137 which amends the General Provisions of Licensing By-law 07-170, and which has been prepared in a form satisfactory to the City Solicitor, be enacted effective immediately by Council.

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 5 Councillor Chad Collins
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 2 Councillor Jason Farr
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

5. Comments on Proposed Amendment 1 to A Place to Grow and Revised Land Needs Assessment Methodology (PED19033(b)) (City Wide) (Item 9.2)

(Partridge/Danko)

- (a) That the Province of Ontario be advised that the City of Hamilton provides the following comments and recommended changes to Proposed Amendment 1 to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (ERO #019-1680):
- (i) The final Schedule 3 forecast shall reflect either the Low or Reference scenario;
 - (ii) Revise Growth Plan policy 5.2.4.2 to provide flexibility to municipalities in how the 2051 forecasts are accounted in the Land Needs Assessment and conformity work as follows (additional wording in *italics*):

“5.2.4.2 All upper and single tier municipalities will, through a municipal comprehensive review, apply the forecasts in Schedule 3 for planning and managing growth to the horizon of this Plan. *For the period from 2041 to 2051, municipalities are not required to designate lands to accommodate the forecasted growth, but must identify a strategy for how the growth will be accommodated.*”;
 - (iii) The City does not support the proposed revisions to Growth Plan policies 2.2.1, 5.2.4.1 and 5.2.4.2. These policies should not be revised and should instead maintain the existing policy wording of the Growth Plan 2019 which requires municipalities to plan for the forecasts in Schedule 3, and do not provide any opportunity for municipalities to consider higher forecasts;
 - (iv) As an alternative to (iii), if the Province maintains the revision to policies 2.2.1, 5.2.4.1 and 5.2.4.2, the Policy should be revised to state that only Councils may request an increased Schedule 3 forecast with appropriate justification. The revised Schedule 3 forecast would require approval from the Minister, and if such approval is not granted, the Schedule 3 forecast will apply (similar to the policy direction surrounding alternative intensification or density targets);
 - (v) The Schedule 3 ‘Mock B’ format in Amendment 1 which contains the 2051 population and employment forecasts, with no interim year forecasts, is the preferred option for the Schedule 3 format;
 - (vi) As an alternative to (v), if the ‘Mock A’ format of Schedule 3 is approved, then the Hemson population and employment forecasts

for the 2031 and 2041 time periods be incorporated into Schedule 3 rather than maintaining the current 2019 Schedule 3 numbers;

- (vii) The Housing by Type forecast included in the “Hemson Greater Golden Horseshoe: Growth Forecasts to 2051” report be revised to reflect the minimum Growth Plan policy requirements that provide a more realistic housing unit breakdown for municipalities to reference;
 - (viii) As an alternative to (vii), the Hemson Housing by Type forecast could be removed from the Technical Report to avoid confusion; and,
 - (ix) The Local Planning Appeal Tribunal proceedings regarding the 2011 Ministry modifications to the Urban Hamilton Official Plan and the 2009 Ministry modifications to the Rural Hamilton Official Plan shall be continued and disposed of in accordance with the 2019 Growth Plan, as amended, and the boundaries of the settlement area in the Urban Hamilton Official Plan shall not be modified by the LPAT and shall not be modified until a municipal comprehensive review has been completed except in accordance with Growth Plan policies 2.2.8.4 and 2.2.8.5.
- (b) That the Province of Ontario be advised the City of Hamilton provides the following comments and recommended changes to the Revised Land Needs Assessment Methodology A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (ERO #019-1679):
- (i) The Land Needs Assessment methodology provides a detailed, standardized approach to the completion of the LNA and remove any opportunities for doubt or debate regarding the approach to LNA completion. The revised methodology should be presented in a detailed stand-alone document similar the 2018 version;
 - (ii) The Province provide greater detail as to how market demand is to be defined to remove opportunities for lengthy tribunal debates over this topic and provide direction on how municipalities can reconcile market demand with the required Growth Plan intensification and density targets; and,
 - (iii) The completion and approval of the LNA should not require additional public consultation, potentially resulting in lengthy debates and delays, as the completion of a Land Needs Assessment is a technical document, and it is understood that municipalities consulted on LNA inputs such as intensification and density targets.

- (c) That the City Clerk's Office be directed to forward Report PED19033(b) to the Ministry of Municipal Affairs and Housing, and this Report is considered the City of Hamilton's formal comments on Amendment 1 to A Place to Grow (ERO posting 019-1680) and the Revised Land Needs Assessment Methodology (ERO posting 019-1679).

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 5 Councillor Chad Collins
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 2 Councillor Jason Farr
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

6. Waterdown Heritage Walk Commemorative Plaques (Item 10.1)

(Partridge/Pearson)

WHEREAS, the Waterdown Business Improvement Area and Flamborough Archives and Heritage Society, in partnership with City staff, are planning a Heritage Walk event for the community of Waterdown to attract tourism and promote the heritage district; and,

WHEREAS, commemorative plaques for various heritage buildings are estimated to cost \$25,000.

THEREFORE, IT BE RESOLVED:

That the General Manager of Finance and Corporate Services be authorized to transfer \$25,000 from the Flamborough Capital Reserve to a Heritage Resource Management project for the purposes of producing and installing the various plaques required at Waterdown Memorial, Waterdown Memorial Hall and throughout the Waterdown Village Heritage District.

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 5 Councillor Chad Collins
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 2 Councillor Jason Farr
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

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 for the lands located at 1190 Main Street West, 43, 47, 51 and 55 Forsyth Avenue South, 75, 77, 81, 83, 99, 103, 107, 111 and 115 Traymore Avenue, and 50 Dalewood Avenue, Hamilton (LS20021/PED19186(a)) (Ward 1) (Added Item 13.1)**

(Wilson/Danko)

- (a) That recommendations (a), (b), and (c) contained in Report LS20021/PED19186(a) remain confidential, until made public, as the City's position before the LPAT; and,
- (b) That the remainder of Report LS20021/PED19186(a) and its appendices remain confidential.

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 5 Councillor Chad Collins
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 2 Councillor Jason Farr
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 1)

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

1. DELEGATION REQUESTS (Item 5)

- 5.1 Lynda Lukasik, Environment Hamilton, respecting Comments on Proposed Amendment 1 to A Place to Grow and Revised Land Needs Assessment Methodology (Item 9.2) (For today's meeting)

2. PRIVATE AND CONFIDENTIAL (Item 13)

- 13.1 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 for the lands located at 1190 Main Street West, 43, 47, 51 and 55 Forsyth Avenue South, 75, 77, 81, 83, 99, 103, 107, 111 and 115 Traymore Avenue, and 50 Dalewood Avenue, Hamilton (LS20021/PED19186(a)) (Ward 1)

(Pearson/Partridge)

That the agenda for the August 18, 2020 meeting be approved, as amended.

Result: Motion CARRIED by a vote of 5 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
NOT PRESENT - Ward 5 Councillor Chad Collins
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 2 Councillor Jason Farr
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

(b) DECLARATIONS OF INTEREST (Item 2)

None declared.

(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 3)

(i) August 11, 2020 (Item 3.1)

(Pearson/Danko)

That the Minutes of the August 11, 2020 meeting be approved, as presented.

Result: Motion CARRIED by a vote of 5 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
NOT PRESENT - Ward 5 Councillor Chad Collins
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 2 Councillor Jason Farr
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

(d) DELEGATION REQUESTS (Item 5)

(i) Lynda Lukasik, Environment Hamilton, respecting Comments on Proposed Amendment 1 to A Place to Grow and Revised Land Needs Assessment Methodology (Item 9.2) (For today's meeting) (Added Item 5.1)

(Wilson/Farr)

That the Delegation from Lynda Lukasik, Environment Hamilton, respecting Comments on Proposed Amendment 1 to A Place to Grow and Revised Land Needs Assessment Methodology (Item 9.2), be approved for today's meeting.

Result: Motion CARRIED by a vote of 5 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
NOT PRESENT - Ward 5 Councillor Chad Collins
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 2 Councillor Jason Farr
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

(e) PUBLIC HEARINGS/WRITTEN DELEGATIONS (Item 7)

In accordance with the *Planning Act*, Chair Farr advised those viewing the virtual meeting that the public had been advised of how to pre-register to be a virtual delegate at the Public Meetings on today's agenda; and that no members of the public have pre-registered to be virtual delegate at any of the Public Meetings on today's agenda.

In accordance with the provisions of the *Planning Act*, Chair Farr 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 and Official Plan Amendment, applications before the Committee today, 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.

(i) Application to Amend City of Hamilton Zoning By-law No. 6593 for Lands Located at 1406 Upper Gage Avenue (Hamilton) (PED20131) (Ward 6) (Item 7.1)

No members of the public were registered as Delegations.

(Pearson/Partridge)

That the staff presentation be waived

Result: Motion CARRIED by a vote of 5 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
NOT PRESENT - Ward 5 Councillor Chad Collins
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 2 Councillor Jason Farr
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

Jared Marcus, IBI Group, was in attendance and indicated support for the staff report. Jared Marcus requested the removal of a holding provision related to a required Stage Three Archaeological Study, which was not supported by the Committee.

(Pearson/Danko)

That the delegation from Jared Marcus, IBI Group, be received.

Result: Motion CARRIED by a vote of 5 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
NOT PRESENT - Ward 5 Councillor Chad Collins
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 2 Councillor Jason Farr
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

(Pearson/Partridge)

That the public meeting be closed.

Result: Motion CARRIED by a vote of 5 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
NOT PRESENT - Ward 5 Councillor Chad Collins
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 2 Councillor Jason Farr
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

(Partridge/Pearson)

- (a) That Amended Zoning By-law Amendment Application ZAR-20-005, (Hussein Ghaddar, Owner), for a change in zoning from the "L-mr-1/S-401" (Planned Development) District, Modified to the "C/S-1802 - H" (Urban Protected Residential etc.) District, Modified, Holding, to facilitate a severance to create two lots for two single detached dwellings on lands located at 1406 Upper Gage Avenue (Hamilton), as shown on Appendix "A" to Report PED20131, be APPROVED, on the following basis:
- (i) That the draft By-law, attached as Appendix "B" to Report PED20131, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject lands by

introducing the Holding 'H' as a suffix to the proposed zoning for 1406 Upper Gage Avenue, as shown on Schedule "A" of Appendix "B" to Report PED20131.

The Holding Provision "C/S-1802 - H" (Urban Protected Residential etc.) District, Modified, Holding, be removed conditional upon:

- (1) Submission and approval of a Stage 3 and if required, Stage 4 Archaeological Assessment, to the satisfaction of the Director of Planning and Chief Planner and the Ministry of Heritage, Sport, Tourism and Culture Industries.
- (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow (2019), and complies with the Urban Hamilton Official Plan regarding matters including compatibility with the immediate area.
- (b) That upon finalization of the implementing By-law, the Eleanor Neighbourhood Plan be amended by changing the designation of the subject lands from "Low Density Apartments" to "Single and Double".

(Partridge/Pearson)

That the recommendations in Report PED20131 be ***amended*** by adding the following sub-section (c):

- (c) ***That there were no public submissions received regarding this matter.***

Result: Amendment CARRIED by a vote of 5 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
NOT PRESENT - Ward 5 Councillor Chad Collins
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 2 Councillor Jason Farr
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

For disposition of this matter, refer to Item 1.

- (ii) **Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 527 Shaver Road and 629 Garner Road West (Ancaster) (PED20132) (Ward 12) (Item 7.2)**

No members of the public were registered as Delegations.

(Pearson/Partridge)

That the staff presentation be waived.

Result: Motion CARRIED by a vote of 5 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
NOT PRESENT - Ward 5 Councillor Chad Collins
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 2 Councillor Jason Farr
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

Matt Johnston, Urban Solutions, was in attendance and indicated support for the staff report, with a requested amendment.

(Partridge/Danko)

That the delegation from Matt Johnston, be received.

Result: Motion CARRIED by a vote of 5 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
NOT PRESENT - Ward 5 Councillor Chad Collins
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 2 Councillor Jason Farr
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

(Pearson/Danko)

That the written submissions in the report be received.

Result: Motion CARRIED by a vote of 5 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
NOT PRESENT - Ward 5 Councillor Chad Collins
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 2 Councillor Jason Farr
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

(Danko/Pearson)

That the public meeting be closed.

Result: Motion CARRIED by a vote of 5 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
NOT PRESENT - Ward 5 Councillor Chad Collins
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 2 Councillor Jason Farr
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

(Pearson/Danko)

- (a) That Urban Hamilton Official Plan Amendment Application UHOPA-19-14, by Urban Solutions on behalf of Montelena Development Corporation (Owner), for an amendment to the Shaver Neighbourhood Secondary Plan for a Change in designation from “Medium Density Residential 2a” to “Medium Density Residential 2c”, with a site-specific policy to permit a block townhouse development with a density of 63 units per hectare for lands located at 527 Shaver Road and 629 Garner Road West, as shown on Appendix “A” to Report PED20132, be APPROVED on the following basis:
 - (iii) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED20132, which has been prepared in a form satisfactory to the City Solicitor, be adopted by City Council;
 - (iv) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow (2019).
- (b) That Zoning By-law Amendment Application ZAC-19-010 by Urban Solutions on behalf of Montelena Development Corporation (Owner), for a change in zoning from the Agricultural “A-216” Zone, Modified, to a Holding Residential Multiple (H-RM4-710) Zone, Modified, in the Town of Ancaster Zoning By-law No. 87-57, to permit a maximum of 24 block townhouse units for lands located at 527 Shaver Road and 629 Garner Road (Ancaster), as shown on Appendix “A” to Report PED20132 be APPROVED, on the following basis:
 - (v) That the draft By-law attached as Appendix “C”, **as amended**, to Report PED20132, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (vi) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject property by introducing the Holding ‘H’ to the proposed Residential Multiple (RM4-710) Zone, as shown on Schedule ‘A’ to Appendix “C” to Report PED20132;

The Holding Residential Multiple “H-RM4-710” Zone, Modified, applicable to the lands shown on Schedule ‘A’ to Appendix ‘C’ to Report PED20132 be removed conditional upon the following:

“a) Payment of the outstanding servicing cost for the existing sanitary sewer on Garner Road adjacent to the site is received, to the satisfaction of the Senior Director of Growth Management.

b) That the applicant complete a Stage 1-2 Archaeological Assessment to the satisfaction of the Ministry of Heritage, Sport, Tourism and Culture Industries and the Director of Planning and Chief Planner.”

(vii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow (2019); and,

(viii) That the proposed change in zoning complies with the Urban Hamilton Official Plan, upon finalization of Urban Hamilton Official Plan Amendment No. XX.

(Pearson/Partridge)

That the draft Zoning By-law, attached as Appendix “C” to Report PED20132, be amended as follows:

- (a) Sub-section 2(m): No parking space shall be located closer to the street line than ~~3.5m~~ **3.30m**
- (b) Sub-section 4(a): Minimum Setback from a Daylighting Triangle: ~~5.5m~~ **4.30m**

Result: Amendment CARRIED by a vote of 5 to 0, as follows:

NO - Ward 1 Councillor Maureen Wilson
NOT PRESENT - Ward 5 Councillor Chad Collins
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 2 Councillor Jason Farr
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

(Pearson/Danko)

That the recommendations in Report PED20132 be **amended** by adding the following sub-section (c):

- (c) *That the public submissions received regarding this matter did not affect the decision.*

Result: Amendment CARRIED by a vote of 5 to 0, as follows:

NO - Ward 1 Councillor Maureen Wilson
NOT PRESENT - Ward 5 Councillor Chad Collins
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 2 Councillor Jason Farr
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

For disposition of this matter, refer to Item 2.

- (iii) **Temporary Use By-law to Zoning By-law No. 05-200 – Outdoor Commercial Patios (CI-20-F) (PED20135) (City Wide) (Item 7.3)**

No members of the public were registered as Delegations.

Joanne Hickey-Evans, Manager, Policy Planning and Zoning By-law Reform, addressed the Committee with the aid of a PowerPoint presentation.

(Partridge/Pearson)

That the staff presentation be received.

Result: Motion CARRIED by a vote of 5 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
NOT PRESENT - Ward 5 Councillor Chad Collins
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 2 Councillor Jason Farr
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

(Danko/Wilson)

That the written submission from Erin Shacklette be received.

Result: Motion CARRIED by a vote of 5 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
NOT PRESENT - Ward 5 Councillor Chad Collins
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 2 Councillor Jason Farr
YES - Ward 15 Councillor Judi Partridge

NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

(Partridge/Pearson)

That the public meeting be closed.

Result: Motion CARRIED by a vote of 5 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
NOT PRESENT - Ward 5 Councillor Chad Collins
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 2 Councillor Jason Farr
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

(Pearson/Collins)

That approval be given to City Initiative CI-20-F to establish a Temporary Use By-law for Zoning By-law No. 05-200, effective until December 31, 2020, to grant relief from and provide for additional locational requirements for outdoor commercial patios for Downtown Central Business District (D1) Zone, Downtown Prime Retail Streets (D2) Zone, Downtown Mixed Use (D3) Zone, Neighbourhood Commercial (C2) Zone, Community Commercial (C3) Zone, Mixed Use High Density (C4) Zone, Mixed Use Medium Density (C5) Zone, Mixed Use Medium Density - Pedestrian Focus (C5a) Zone, District Commercial (C6) Zone, Arterial Commercial (C7) Zone, Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone, Transit Oriented Corridor Local Commercial (TOC2) Zone, and, Transit Oriented Corridor Mixed Use High Density (TOC4) Zones, within the City, on the following basis:

- (i) That Temporary Use By-law, attached as Appendix "A" to Report PED20135, be approved by City Council;
- (ii) That the draft Temporary Use By-law is consistent with the Provincial Policy Statement (PPS) 2020, conforms to the 2019 A Place to Grow: Growth Plan for the Greater Golden Horseshoe and the Urban Hamilton Official Plan (UHOP).

(Pearson/Collins)

That the recommendations in Report PED20135 be ***amended*** by adding the following sub-section (b):

- (b) That the public submissions received on this matter did not affect the decision.***

Result: Amendment CARRIED by a vote of 6 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 5 Councillor Chad Collins
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 2 Councillor Jason Farr
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

Councillor Danko assumed the Chair.

(Farr/Danko)

That the recommendations in Report PED20135 be amended by adding sub-sections (c), (d) and (e) as follows:

- (c) *That the proposed Temporary Use By-law described in (a) above be further amended to permit live or recorded music, amplified music, and audio/video presentations (including televised sports and entertainment) on any Outdoor Commercial Patio for lands zoned for Downtown Central Business District (D1) Zone, Downtown Prime Retail Streets (D2) Zone, Downtown Mixed Use (D3) Zone, Community Park (P2) Zone and City Wide (P3) Zone and are covered by the Downtown Secondary Plan;***
- (d) *That should any notice be required to amend the proposed by-law attached as Appendix "A" to Report PED20135 to permit live or recorded music, amplified music, and audio/video presentations (including televised sports and entertainment), that notice is hereby waived.***
- (e) *That the previously Council-directed suspension of enforcement related to Outdoor Commercial Patios also include suspension of enforcement related to (b) above.***

Result: Amendment CARRIED by a vote of 6 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 5 Councillor Chad Collins
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 2 Councillor Jason Farr
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

For disposition of this matter, refer to Item 3.

Councillor Farr assumed the Chair.

- (iv) **Lynda Lukasik, Environment Hamilton, respecting Comments on Proposed Amendment 1 to A Place to Grow and Revised Land Needs Assessment Methodology (Item 9.2) (For today's meeting) (Added Item 7.4)**

Linda Lukasik, Environment Hamilton, addressed the Committee respecting Comments on Proposed Amendment 1 to A Place to Grow and Revised Land Needs Assessment Methodology (Item 9.2).

(Wilson/Pearson)

That the delegation from Linda Lukasik, Environment Hamilton, respecting Comments on Proposed Amendment 1 to A Place to Grow and Revised Land Needs Assessment Methodology (Item 9.2), be received.

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 5 Councillor Chad Collins
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 2 Councillor Jason Farr
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

(e) DISCUSSION ITEMS (Item 9)

- (i) **Comments on Proposed Amendment 1 to A Place to Grow and Revised Land needs Assessment Methodology (PED19033(b) (Item 9.2)**

Heather Travis, Senior Project Manager, addressed the Committee with the aid of a PowerPoint presentation.

(Collins/Pearson)

That the staff presentation be received.

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 5 Councillor Chad Collins
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 2 Councillor Jason Farr
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

For disposition of this matter, refer to Item 5.

(f) GENERAL INFORMATION / OTHER BUSINESS (Item 12)

(i) General Manager's Update (Added Item 12.1)

Jason Thorne, General Manager, PED, addressed the Committee regarding the Minister's Orders on the Psychiatric Hospital lands; and responded to questions about tent permits.

(g) PRIVATE AND CONFIDENTIAL (Item 13)

(i) 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 for the lands located at 1190 Main Street West, 43, 47, 51 and 55 Forsyth Avenue South, 75, 77, 81, 83, 99, 103, 107, 111 and 115 Traymore Avenue, and 50 Dalewood Avenue, Hamilton (LS20021/PED19186(a)) (Ward 1) (Added Item 13.1)

(Wilson/Pearson)

That Committee move into Closed Session respecting Item 13.1 pursuant to Section 8.1, Sub-sections (e) and (f) of the City's Procedural By-law 18-270, as amended, and Section 239(2), Sub-sections (e) and (f) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains 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 6 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 5 Councillor Chad Collins
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 2 Councillor Jason Farr
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

For disposition of this matter, refer to Item 7.

(h) **ADJOURNMENT (Item 14)**

(Collins/Pearson)

That there being no further business, the Planning Committee be adjourned at 11:44 a.m.

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 5 Councillor Chad Collins
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 2 Councillor Jason Farr
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

Councillor J. Farr
Chair, Planning Committee

Lisa Chamberlain
Legislative Coordinator