PLANNING COMMITTEE
REPORT
AS APPROVED BY COUNCIL OCTOBER 14, 2020
20-011

October 6, 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 M. Pearson, B. Johnson, L. Ferguson and M. Wilson

Absent with Regrets: Councillor J. Partridge – Personal

Also in Attendance: Councillor B. Clark

THE PLANNING COMMITTEE PRESENTS REPORT 20-011 AND RESPECTFULLY RECOMMENDS:

1. Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED20165) (City Wide) (Item 6.1)

That Report PED20165 respecting Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications, be received.

2. Planning Division Consultation and Engagement Strategy in Response to COVID–19 (PED20174) (City Wide) (Item 6.2)

That Report PED20174 respecting Planning Division Consultation and Engagement Strategy in Response to COVID–19, be received.

3. Hamilton Municipal Heritage Committee Report 20-005 (Item 6.3)

(i) Recommendation to Designate 110 - 122 King Street East, Hamilton (Former Royal Connaught Hotel) under Part IV of the Ontario Heritage Act (PED20159) (Ward 2) (Item 9.1)

(a) That the designation of 110-122 King Street East, Hamilton (former Royal Connaught Hotel), shown in Appendix “A” to Report

PED20159, as a property of cultural heritage value pursuant to the provisions of Part IV of the *Ontario Heritage Act*, be approved;

(b) That the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes, attached as Appendix "B" to Report PED20159, be approved; and,

(c) That the City Clerk be directed to take appropriate action to designate 110-122 King Street East, Hamilton (former Royal Connaught Hotel) under Part IV of the *Ontario Heritage Act*, in accordance with the Notice of Intention to Designate, attached as Appendix "C" to Report PED20159.

(ii) Designation of 1389 Progreston Road, Carlisle (Flamborough), (Evergreen Farm) under Part IV of the Ontario Heritage Act (PED20125) (Ward 15) (deferred at the August 20, 2020 meeting) (Item 10.1)

That the recommendations in Report PED20125 respecting the Designation of 1389 Progreston Road, Carlisle (Flamborough), (Evergreen Farm) under Part IV of the Ontario Heritage Act (PED20125) (Ward 15) be amended as follows:

(a) That maintenance of the designation of 1389 Progreston Road, Carlisle (Flamborough), (Evergreen Farm) shown in Appendix "A" to Report PED20125, as a property of cultural heritage value pursuant to the provisions of Part IV of the *Ontario* s *Act*, be approved;

(b) That the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes, attached as Appendix "B" to Report PED20125, be revised to exclude the house, include the stone ruins and revise any reference of the property from the Evergreen Farm to the 'Progreston Woolen Mill';

(c) That staff report back to the next Hamilton Municipal Heritage meeting with the necessary materials for the committee to review regarding the Notice of Intention to Designate 1389 Progreston Road, Carlisle (Flamborough); and

(d) That a commemorative plaque describing the history of the property will be erected by the with input and approval from the HMHC.

(iii) Education and Communication Working Group Meeting Notes - August 19, 2020 (Item 10.2)

(a) Hamilton Municipal Heritage Committee Heritage Recognition Award Nominations 2019-2020 (Item 1)

That the Hamilton Municipal Heritage Committee Heritage Recognition Award Nominations 2019-2020, attached hereto as Appendix "A" to Report 20-005, be approved, as presented.

(iv) Amendment to the Hamilton Municipal Heritage Committee Terms of Reference (Added Item 11.1)

WHEREAS the current Terms of Reference for the Hamilton Municipal Heritage Committee stipulates the following; and:

Meeting Schedule:
Monthly – 3rd Thursday, 12:00 Noon
Meetings are held at City Hall

WHEREAS, scheduling the monthly meetings of the Hamilton Municipal Heritage Committee without the stipulation of a date and time would allow more flexibility.

THEREFORE BE IT RESOLVED:

That the Hamilton Municipal Heritage Committee Terms of Reference be amended to read "a minimum of one meeting per month" under the heading of Meeting Schedule.

4. Applications for Amendments to the Urban Hamilton Official Plan and Ancaster Zoning By-law No. 87-57 for Lands Located at 35 Londonderry Drive (Ancaster) (PED20158) (Ward 12) (Item 7.1)

(a) That Amended Urban Hamilton Official Plan Amendment Application UHOPA-17-032, by A.J. Clarke and Associates (c/o Franz Kloibhofer) on behalf of Fontana Homes Inc. (Owner) to re-designate the subject lands from the "Low Density Residential 2d designation" to the "Medium Density Residential 2" designation within the Meadowlands Neighbourhood V Secondary Plan in order to permit a 24 townhouse unit development with a net residential density of 62 units per hectare for lands located at 35 Londonderry Drive, Ancaster, as shown on Appendix "A" to Report PED20158, be APPROVED on the following basis:

(i) That the draft Official Plan Amendment attached as Appendix "B" to Report PED20158, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,

(ii) That the proposed amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow (2019, as amended).

(b) That Amended Zoning By-law Amendment Application ZAC-17-072, by A.J. Clarke and Associates (c/o Franz Kloibhofer) on behalf of Fontana Homes Inc. (Owner) to rezone the subject lands from the Residential Multiple "RM4-513" Zone, Modified and the Residential Multiple "RM4-535" Zone, Modified to the Residential Multiple "RM5-711" Zone, Modified, under Zoning By-law No. 87-57 (Ancaster), in order to permit a proposed development of 24 dwelling units comprised of four three-storey townhouse blocks, with a total of 55 parking spaces (two per unit plus eight visitor parking spaces), for lands located at 35 Londonderry Drive, Ancaster, as shown on Appendix "A" to Report PED20158, be APPROVED on the following basis:

(i) That the draft By-law attached as Appendix "C" to Report PED20158, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

(ii) That the proposed amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow (2019, as amended); and,

(iii) That this By-law will comply with the Urban Hamilton Official Plan upon approval of Urban Hamilton Official Plan Amendment No. __.

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

5. Applications for Urban Hamilton Official Plan Amendment and Zoning By-law Amendment, for lands located at 235 Main Street West, 74 Queen Street South, 244 and 246 Jackson Street West (PED20142) (Ward 1) (Item 7.2)

(a) That Amended Urban Hamilton Official Plan Amendment application UHOPA-18-005 by GSP Group on behalf of Belmont Equity Hamilton Inc., Owner, to amend Schedule "E-1" – Land Use Designations to change the designation of 74 Queen Street South, 244 and 246 Jackson Street West from "Neighbourhoods" designation to "Mixed Use - Medium Density" designation and to amend Map B.6.6-1 Strathcona Secondary Plan by adding 244 and 246 Jackson Street West to the Strathcona Secondary Plan Area and designate those lands "Mixed Use - Medium Density" designation, and to further amend Map B.6.6-1 by adding a Site Specific Policy Area to the entire site being comprised of 235 Main Street West, 74 Queen Street South, 244 and 246 Jackson Street West to permit a height of 23 storeys for a multiple dwelling, including attached two and three storey townhouse units as shown on Appendix "A" to Report PED20142, be APPROVED on the following basis:

(i) That the draft Official Plan Amendment attached as Appendix “B” to Report PED20142, which has been prepared in a form satisfactory to the City Solicitor, be adopted by City Council;

(ii) That the proposed amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow Plan (2019, as amended);

(b) That Amended Zoning By-law Amendment application ZAC-18-012 by GSP Group on behalf of Belmont Equity Hamilton Inc., Owner, to add lands as Mixed Use – Medium Density (C5, 736) Zone for the lands known as 244 and 246 Jackson Street West and for a change in zoning from the Mixed Use – Medium Density (C5, 297) Zone to the Mixed Use – Medium Density (C5, 736) Zone for the lands known as 235 Main Street West and 74 Queen Street South to permit a height of 80.85 metres (23 storeys) with additional modifications related setbacks, planting strips, visual barrier and parking, for the lands known as 235 Main Street West, 74 Queen Street South, 244 and 246 Jackson Street West, Hamilton, as shown on Appendix “A” to Report PED20142, be APPROVED on the following basis:

(i) That the draft By-law attached as Appendix “C” to Report PED20142, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

(ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms with A Place to Grow Plan (2019, as amended) and will comply with the Urban Hamilton Official Plan upon finalization of Urban Hamilton Official Plan Amendment No.XXX.

(c) That upon finalization of the amending By-law, the subject lands be re-designated from “Commercial” and “Singles and Doubles” to “Commercial and, Apartments” in the Kirkendall North Neighbourhood Plan.

(d) That the public submissions received regarding this matter did not affect the decision.

6. Application for a Zoning By-law Amendment for lands located at 117 Forest Avenue and 175 Catharine Street South, Hamilton (PED20153) (Ward 2) (Item 7.3)

(a) That Amended Zoning By-law Amendment Application ZAC-17-008, by Urban Solutions (c/o Sergio Manchia), agent, for Representative Holdings Inc. (Owner), for a further modification to the “E-3/S-601” (High Density Multiple Dwellings) District, Modified to recognize the existing 11 storey multiple dwelling and permit a 78 unit multiple dwelling, and a seven unit

multiple dwelling in the form of three storey townhouse dwellings, with both buildings connected by an underground parking garage on lands located at 117 Forest Avenue and 175 Catharine Street South, Hamilton as shown on Appendix "A" to Report PED20153 be APPROVED on the following basis:

(i) That the draft By-law attached as Appendix "B" to Report PED20153 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 PED20153 be added to District Map E5 of Zoning By-law No. 6593 as "E-3/S-601a"; and,

(iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow Plan (2019), as amended and complies with the Urban Hamilton Official Plan.

(b) That the public submissions received regarding this matter did not affect the decision.

7. Application for a City-wide Amendment to the Urban Hamilton Official Plan and an Area-specific Amendment for Lands Located in the Twenty Road West Area (PED20163) (City Wide) (Item 7.4)

(a) That Urban Hamilton Official Plan Amendment Application UHOPA-20-011, by Corbett Land Strategies Inc. (Applicant), on behalf of Sullstar Twenty Limited (Starward Homes), Spallacci & Sons Limited, Oxford Road Developments, Lynmount Developments Inc, The Parente Group, Twenty Road Developments Inc. and Liv Communities, for a City-wide amendment to the Urban Hamilton Official Plan to add policies to enable privately-initiated urban boundary expansion applications and an Area-specific amendment to identify lands in the Twenty Road West area as candidate areas for future urban boundary expansion, be DENIED on the following basis:

(i) The application is proposing to update the City's Urban Hamilton Official Plan (UHOP) policies to conform to policy directions and forecasts of the Growth Plan 2019, as amended, which is a Provincial Plan conformity exercise that should be completed by the municipality as part of the Municipal Comprehensive Review (MCR) and not through a privately initiated application;

(ii) The application undermines the City's comprehensive and integrated Growth Related Integrated Development Strategy (GRIDS) 2 / MCR process by:

(1) Prematurely identifying specific lands for future urban expansion to accommodate residential growth to the year 2031; and,

(2) Proposing a set of policies, along with the identification of specific studies for the completion of a secondary plan, that would be used to evaluate urban boundary expansion applications for that specific area of the City outside of the larger growth management process;

(iii) The combination of the City's existing Vacant Residential Land Inventory (VRLI) and intensification opportunities satisfies the land supply requirements of the Provincial Policy Statement (PPS). The City's VRLI identifies a total unit supply of approximately 31,900 units (year end 2019) and there is an additional immediate intensification unit supply of at least 30,000 units based on preliminary MCR estimates, which satisfies the 15 year PPS land supply requirement. There is no need to bring additional lands into the urban boundary prior to the completion of the MCR that will provide for a full and comprehensive review of options to accommodate growth;

(iv) There are land use, servicing and transportation issues, amongst other matters that are more appropriately assessed and evaluated as part of a comprehensive update to City's infrastructure master plans, that must be considered and evaluated prior to identifying the lands in the Twenty Road West area as a candidate future urban growth area;

(v) The application is proposing to amend UHOP policies that are the subject of appeals to the UHOP currently before the Local Planning Appeal Tribunal (LPAT) for which no decision has been rendered. It is premature to amend these policies in advance of a decision from the LPAT which could result in changes to the section under consideration.

(b) That all eligible lands including Twenty Road West lands be part of the consideration of future growth options (residential or employment) as part of GRIDS 2 / MCR; and,

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

8. Addition and Extension to Temporary Use By-law to Zoning By-law No. 05-200 – Outdoor Commercial Patios Temporary Use By-law to Zoning By-law No. 05-200 for temporary tents (CI-20-F(2)) (PED20135(a)) (City Wide) (Item 7.5)

(a) That City Iniative-20-F(2) Outdoor Commercial Patios and Temporary Tents for Commercial and Institutional Uses to amend and extend the outdoor commercial patio regulations under Zoning By-law No. 05-200, through a Temporary Use by-law, be received; and

(i) That in order to permit outdoor commercial patios for an extended time period to expire on October 31, 2021, in a side or rear yard that abuts a residential lot for certain commercial lands and to allow entertainment on outdoor commercial patios within the Downtown area, then approval by Council be given to:

(1) The extension and addition of the draft Temporary Use By-law, attached as Appendix “A” to Report PED20135(a);

(2) 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).

(ii) That in order to provide for improved operational flexibility for Outdoor Commercial Patio and Institutional operations, specifically places of worship, hospitals and educational establishments, within certain lands zoned for commercial and institutional uses to erect temporary tents for six consecutive months within the time period to expire on October 31, 2021, then the approval by Council be given to:

(1) The draft Temporary Use By-law, attached as Appendix “A” to Report PED20135(a);

(2) 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 regarding this matter did not affect the decision.

9. Outdoor Dining Districts Winter Season (PED20169) (City Wide) (Item 9.1)

(a) That the Outdoor Dining Districts program to allow temporary outdoor patios on public lands be extended to October 31, 2021 as follows:

(i) that all applicable public health requirements, including any COVID-related public health requirements, as well as all applicable Provincial Orders be followed;

(ii) that applications be accepted through the Economic Development Division and that staff ensure, through the SEAT circulation process, that there will be no negative impacts with respect to pedestrian safety, accessibility, emergency services, public transit, private accesses and other issues that are normally addressed through the SEAT review process;

(iii) that patios generally not be permitted between November 1, 2020 and April 30, 2021 on-street, except where done as part of a full street closure that does not allow for vehicular access, or where otherwise approved by the Transportation Operations and Maintenance Division of the Public Works Department;

(iv) that no application fee be charged and that costs related to any necessary road closure permits or parking charges be waived and/or refunded, utilizing funds from the City's Economic Development Reserve, with all other costs to be borne by the applicants;

(v) that any temporary outdoor patios that occupy streets or public parking spaces include written support from the BIA or, if not within a BIA, have at least two-thirds buy-in from all businesses on the affected block(s) through petition;

(vi) that the Ward Councillor be notified of each case of any outdoor patio application in advance of any approval or implementation;

(vii) that any patio not impede delivery and pick up vehicles or pedestrian access to any business who is not party to the arrangements;

(viii) that winter maintenance surrounding patios on public property be undertaken by the applicant and the patio not impede sidewalk maintenance equipment; and

(ix) that the City waive any requirement for site plan review and waive enforcement of any zoning provisions related to parking supply, provided the patios are created as temporary uses with no

permanent fixtures and having no alterations that require a Building Permit.

(b) That the Outdoor Dining Districts program to allow temporary outdoor patios on private property in the private parking areas of commercial plazas and malls, be extended to October 31, 2021 as follows:

(i) that any Outdoor Dining Districts follow all applicable public health requirements, including any COVID-related public health requirements, as well as all applicable Provincial Orders;

(ii) that the City waive any requirement for site plan review and waive enforcement of any zoning provisions related to parking supply, provided the patios are created as temporary uses with no permanent fixtures and having no alterations that require a Building Permit;

(c) That the fees for the On-Street Pop-Up Patio Program, which operates from May 1 to October 31 of each year, be waived for the 2021 season, and that any costs be charged to the City's Economic Development Reserve; and

(d) That the Mayor be requested to correspond with the Premier, the Minister of Municipal Affairs and Housing, the Attorney General and the local MPPs to request that:

(i) the Provincial Order respecting municipal authority to pass a Temporary Use By-law with respect to patios be extended; and

(ii) the Province's amendments to Regulation 719 under the Liquor Licence Act to provide flexibility for liquor sales licensees (e.g. licensed bars and restaurants) to temporarily extend their physical premises beyond 14 days be extended to October 31, 2021.

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 1)

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

1. COMMUNICATIONS (Item 4)

The following correspondence items respecting Urban Hens Backyard Pilot Program, are being deferred to the October 20th Planning Committee meeting when a Motion on this matter will be considered:

(a) Giselle Burt
(b) Mike Bozzo

2. DELEGATION REQUESTS (Item 5)

5.1 Heather Bond respecting Urban Hens Backyard Pilot Program to be approved for the October 20th Planning Committee meeting when a Motion on this matter will be considered.

5.2 John Ariens respecting 6.3 Item #2 – Designation of 1389 Progreston Road, for today's meeting, to be heard before Item 6.3.

5.3 Jack Dennison respecting 6.3 Item #2 – Designation of 1389 Progreston Road, for today's meeting, to be heard before Item 6.3.

5.4 Designation of 110 - 122 King Street East, Hamilton (Former Royal Connaught Hotel) Item #1 of Hamilton Municipal Heritage Committee Report 20-005 (Item 6.3) for today's meeting, to be heard before Item 6.3.

(i) Lynda Zugec
(ii) Kristina M. Schmuttermeier

3. PUBLIC HEARINGS / WRITTEN DELEGATIONS / VIRTUAL DELEGATIONS (Item 7)

7.1 Applications for Amendments to the Urban Hamilton Official Plan and Ancaster Zoning By-law No. 87-57 for Lands Located at 35 Londonderry Drive (Ancaster) (PED20158) (Ward 12)

(a) Written Submissions:

(i) Donna Brown
(ii) S and Z Mao
(iii) Joel Newman

7.2 Applications for Urban Hamilton Official Plan Amendment and Zoning By-law Amendment, for lands located at 235 Main Street West, 74 Queen Street South, 244 and 246 Jackson Street West (PED20142) (Ward 1)

(a) Written Submissions:

(i) Bruno and Natasa Crugnale
(ii) Margaret Krol
(iii) Doreen Stermann

(b) Registered Delegations:

(i) Carmen Cuming

7.4 Application for a City-wide Amendment to the Urban Hamilton Official Plan and an Area-specific Amendment for Lands Located in the Twenty Road West Area (PED20163) (City Wide)

(a) Written Submissions:

(f) John Corbett, Corbett Land Strategies (Agent)
(g) John Doherty
(h) Martin Sullivan
(i) Warren Caldwell
(j) Erin Descamps
(k) Mary Wesley
(l) Gail Sullivan
(m) Jim Playfair
(n) Linda Sullivan
(o) John Kerchner
(p) Bob Berberick
(q) Ann Byrne
(r) Kathleen Sullivan
(s) Tom Sullivan
(t) Gail Stevens
(u) Rory Sullivan
(v) Kelly Byrne
(w) N and G Kolaski
(x) Maurice Stevens
(y) Greg Farrell

(b) Registered Delegations:

(i) Mark Noskiewicz
(ii) Art Dueksen
(iii) Lynda Lukasik

7.5. Addition and Extension to Temporary Use By-law to Zoning By-law No. 05-200 – Outdoor Commercial Patios Temporary Use By-law to Zoning By-law No. 05-200 for temporary tents (CI-20-F(2)) (PED20135(a)) (City Wide)

(a) Registered Delegations:

(i) Susan Creer

(b) Written Submissions:

(i) Rachel Braithwaite, Barton BIA

4. DISCUSSION ITEMS (Item 9)

9.1 Outdoor Dining Districts Winter Season (PED20169) (City Wide) is being moved up in the agenda to be heard before Item 7.5

5. NOTICES OF MOTION (Item 11)

11.1 Connection to Municipal Services for Ecole Elementaire Michaelle Jean School, 2121 Hwy 56, and Former Wills Motors Property, located at 2187 Hwy 56, Binbrook

The agenda for the October 6, 2020 meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

None declared.

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

(i) September 22, 2020 (Item 3.1)

The Minutes of the September 22, 2020 meeting were approved, as presented.

(d) DELEGATION REQUESTS (Item 5)

(i) Heather Bond respecting Changes to the Urban Hen By-law (For the October 20th meeting) (Item 5.1)

The Delegation Request from Heather Bond respecting Changes to the Urban Hen By-law was approved for the October 20th meeting.

(ii) Various Delegation Requests regarding Hamilton Municipal Heritage Committee Report 20-005 (Item 6.3)

The following Delegation Requests respecting Hamilton Municipal Heritage Committee Report 20-005 (Item 6.3), were approved for today's meeting, to be heard before Item 6.3:

(i) John Ariens respecting Designation of 1389 Progreston Road (Item 6.3 #2) (Added Item 5.2)

(ii) Jack Dennison respecting Designation of 1389 Progreston Road (Item 6.3 #2) (Added Item 5.3)

(iii) Lynda Zugec respecting Designation of 110 – 122 King Street East, Hamilton (Former Royal Connaught Hotel) (Item 6.3 #1) (Added Item 5.4 (i)

(iv) Kristina Schmuttermeier respecting Designation of 110 – 122 King Street East, Hamilton (Former Royal Connaught Hotel) (Item 6.3 #1) (Added Item 5.4(ii)

(e) CONSENT ITEMS (Item 6)

(i) Planning Division Consultation and Engagement Strategy in Response to COVID–19 (PED20174) (City Wide) (Item 6.2)

The staff presentation was waived.

For disposition of this matter, refer to Item 2.

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

(i) John Ariens respecting Designation of 1389 Progreston Road (Item 6.3 #2) (For today's meeting) (Added Item 5.2)

John Ariens addressed the Committee respecting the Designation of 1389 Progreston Road.

The Delegation from John Ariens respecting Designation of 1389 Progreston Road, was received.

For disposition of this matter, refer to Item 3 (ii).

(ii) Jack Dennison respecting Designation of 1389 Progreston Road (Item 6.3 #2) (For today's meeting) (Added Item 5.3)

Jack Dennison addressed the Committee respecting the Designation of 1389 Progreston Road.

The Delegation from Jack Dennison respecting Designation of 1389 Progreston Road, was received.

For disposition of this matter, refer to Item 3 (ii).

(iii) Lynda Zugec respecting Designation of 110 - 122 King Street East, Hamilton (Former Royal Connaught Hotel) (Item 6.3 #1) (Added Item 5.4 (i))

Lynda Zugec addressed the Committee respecting Designation of 110 - 122 King Street East, Hamilton (Former Royal Connaught Hotel) (Item 6.3 #1).

The Delegation from Lynda Zugec respecting Designation of 110 - 122 King Street East, Hamilton (Former Royal Connaught Hotel) (Item 6.3 #1), was received.

For disposition of this matter, refer to Item 3 (ii).

(iv) Kristina Schmuttermeier respecting Designation of 110 - 122 King Street East, Hamilton (Former Royal Connaught Hotel) (Item 6.3 #1) (Added Item 5.4 (ii))

Kristina Schmuttermeier addressed the Committee respecting Designation of 110 - 122 King Street East, Hamilton (Former Royal Connaught Hotel) (Item 6.3 #1).

The Delegation from Kristina Schmuttermeier respecting Designation of 110 - 122 King Street East, Hamilton (Former Royal Connaught Hotel) (Item 6.3 #1), was received.

For disposition of this matter, refer to Item 3 (ii).

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.

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.

(v) Applications for Amendments to the Urban Hamilton Official Plan and Ancaster Zoning By-law No. 87-57 for Lands Located at 35 Londonderry Drive (Ancaster) (PED20158) (Ward 12) (Item 7.1)

No members of the public were registered as Delegations.
Tim Vrooman, Senior Planner, addressed the Committee with the aid of a PowerPoint presentation.

The staff presentation was received.

Franz Kloibhofer with AJ Clarke and Associates, was in attendance and indicated support for the staff report.

The delegation from Franz Kloibhofer with AJ Clarke and Associates, was received.

The following written submissions were received:

1. Donna Brown (Item 7.1 (a)(i))

2. S. and Z. Mao (Item 7.1 (a)(ii))

3. Joel Newman (Item 7.1 (a)(iii))

The public meeting was closed.

(a) That Amended Urban Hamilton Official Plan Amendment Application UHOPA-17-032, by A.J. Clarke and Associates (c/o Franz Kloibhofer) on behalf of Fontana Homes Inc. (Owner) to re-designate the subject lands from the "Low Density Residential 2d designation" to the "Medium Density Residential 2" designation within the Meadowlands Neighbourhood V Secondary Plan in order to permit a 24 townhouse unit development with a net residential density of 62 units per hectare for lands located at 35

Londonderry Drive, Ancaster, as shown on Appendix "A" to Report PED20158, be APPROVED on the following basis:

(i) That the draft Official Plan Amendment attached as Appendix "B" to Report PED20158, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,

(ii) That the proposed amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow (2019, as amended).

(b) That Amended Zoning By-law Amendment Application ZAC-17-072, by A.J. Clarke and Associates (c/o Franz Kloibhofer) on behalf of Fontana Homes Inc. (Owner) to rezone the subject lands from the Residential Multiple "RM4-513" Zone, Modified and the Residential Multiple "RM4-535" Zone, Modified to the Residential Multiple "RM5-711" Zone, Modified, under Zoning By-law No. 87-57 (Ancaster), in order to permit a proposed development of 24 dwelling units comprised of four three-storey townhouse blocks, with a total of 55 parking spaces (two per unit plus eight visitor parking spaces), for lands located at 35 Londonderry Drive, Ancaster, as shown on Appendix "A" to Report PED20158, be APPROVED on the following basis:

(i) That the draft By-law attached as Appendix "C" to Report PED20158, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

(ii) That the proposed amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow (2019, as amended); and,

(iii) That this By-law will comply with the Urban Hamilton Official Plan upon approval of Urban Hamilton Official Plan Amendment No. __.

The recommendations in Report PED20158 were ***amended*** by adding the following sub-section (c):

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

For disposition of this matter, refer to Item 4.

(vi) Applications for Urban Hamilton Official Plan Amendment and Zoning By-law Amendment, for lands located at 235 Main Street West, 74 Queen Street South, 244 and 246 Jackson Street West (PED20142) (Ward 1) (Item 7.2)

Andrea Dear, Senior Planner, addressed the Committee with the aid of a PowerPoint presentation.

The staff presentation was received.

Michael Spaziani with MSAI, was in attendance and indicated support for the staff report.

The delegation from Michael Spaziani was received.

The following written submissions were received:

1. Bruno and Natasa Crugnale (Item 7.2 (a)(i))

2. Margaret Krol (Item 7.2 (a)(ii))

3. Doreen Stermann (Item 7.2 (a)(iii))

Registered Delegations:

7.2(b) (i) Carmen Cuming, addressed the Committee and expressed concerns with the proposal.

The delegation was received.

The public meeting was closed.

(a) That Amended Urban Hamilton Official Plan Amendment application UHOPA-18-005 by GSP Group on behalf of Belmont Equity Hamilton Inc., Owner, to amend Schedule “E-1” – Land Use Designations to change the designation of 74 Queen Street South, 244 and 246 Jackson Street West from “Neighbourhoods” designation to “Mixed Use - Medium Density” designation and to amend Map B.6.6-1 Strathcona Secondary Plan by adding 244 and 246 Jackson Street West to the Strathcona Secondary Plan Area and designate those lands “Mixed Use - Medium Density” designation, and to further amend Map B.6.6-1 by adding a Site Specific Policy Area to the entire site being comprised of 235 Main Street West, 74 Queen Street South, 244 and 246 Jackson Street West to permit a height of 23 storeys for a multiple dwelling, including attached two and three storey townhouse units as shown on Appendix “A” to Report PED20142, be APPROVED on the following basis:

(i) That the draft Official Plan Amendment attached as Appendix “B” to Report PED20142, which has been prepared in a form satisfactory to the City Solicitor, be adopted by City Council;

(ii) That the proposed amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow Plan (2019, as amended);

(b) That Amended Zoning By-law Amendment application ZAC-18-012 by GSP Group on behalf of Belmont Equity Hamilton Inc., Owner, to add lands as Mixed Use – Medium Density (C5, 736) Zone for the lands known as 244 and 246 Jackson Street West and for a change in zoning from the Mixed Use – Medium Density (C5, 297) Zone to the Mixed Use – Medium Density (C5, 736) Zone for the lands known as 235 Main Street West and 74 Queen Street South to permit a height of 80.85 metres (23 storeys) with additional modifications related setbacks, planting strips, visual barrier and parking, for the lands known as 235 Main Street West, 74 Queen Street South, 244 and 246 Jackson Street West, Hamilton, as shown on Appendix “A” to Report PED20142, be APPROVED on the following basis:

(i) That the draft By-law attached as Appendix “C” to Report PED20142, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

(ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms with A Place to Grow Plan (2019, as amended) and will comply with the Urban Hamilton Official Plan upon finalization of Urban Hamilton Official Plan Amendment No.XXX.

(c) That upon finalization of the amending By-law, the subject lands be re-designated from “Commercial” and “Singles and Doubles” to “Commercial and, Apartments” in the Kirkendall North Neighbourhood Plan.

The recommendations in Report PED20142 were ***amended*** by adding the following sub-section (d):

(d) That the public submissions received regarding this matter did not affect the decision.

For disposition of this matter, refer to Item 5.

(vii) Application for a Zoning By-law Amendment for lands located at 117 Forest Avenue and 175 Catharine Street South, Hamilton (PED20153) (Ward 2) (Item 7.3)

Councillor Farr relinquished the Chair to Councillor Danko.

No members of the public were registered as Delegations.

The staff presentation was waived.

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

The delegation from Matt Johnston with Urban Solutions, was received.

The public meeting was closed.

(a) That Amended Zoning By-law Amendment Application ZAC-17-008, by Urban Solutions (c/o Sergio Manchia), agent, for Representative Holdings Inc. (Owner), for a further modification to the "E-3/S-601" (High Density Multiple Dwellings) District, Modified to recognize the existing 11 storey multiple dwelling and permit a 78 unit multiple dwelling, and a seven unit multiple dwelling in the form of three storey townhouse dwellings, with both buildings connected by an underground parking garage on lands located at 117 Forest Avenue and 175 Catharine Street South, Hamilton as shown on Appendix "A" to Report PED20153 be APPROVED on the following basis:

(i) That the draft By-law attached as Appendix "B" to Report PED20153 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 PED20153 be added to District Map E5 of Zoning By-law No. 6593 as "E-3/S-601a"; and,

(iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow Plan (2019), as amended and complies with the Urban Hamilton Official Plan.

The recommendations in Report PED20153 were ***amended*** by adding the following sub-section (b):

(b) That the public submissions received regarding this matter did not affect the decision.

For disposition of this matter, refer to Item 6.

Councillor Farr assumed the Chair.

The Committee recessed until 1:30pm.

The Committee reconvened at 1:30 p.m.

(viii) Application for a City-wide Amendment to the Urban Hamilton Official Plan and an Area-specific Amendment for Lands Located in the Twenty Road West Area (PED20163) (City Wide) (Item 7.4)

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

The staff presentation received.

John Corbett with Corbett Land Strategies was in attendance and indicated he was not in support of the staff report.

Joel Farber with Fogler, Rubinoff LLP, solicitor for the owners/applicants was in attendance and indicated he was not in support of the staff report.

The delegations from John Corbett with Corbett Land Strategies and Joel Farber with Fogler, Rubinoff LLP, were received.

The following written submissions, respecting Item 7.4(a), were received:

(a) Joe Hoffman on behalf of the Elfrida Landowners
(b) Susan Rosenthal on behalf of the TRE (Twenty Road East) Landowners
(c) Barry Fraser, President Phase 6 Twenty Place
(d) Carolyn Venema
(e) Jack Restivo on behalf of Nicholas Tsuluca
(f) John Corbett, Corbett Land Strategies (Agent)
(g) John Doherty
(h) Martin Sullivan
(i) Warren Caldwell
(j) Erin Descamps
(k) Mary Wesley
(l) Gail Sullivan
(m) Jim Playfair
(n) Linda Sullivan
(o) John Kerchner
(p) Bob Berberick
(q) Ann Byrne
(r) Kathleen Sullivan
(s) Tom Sullivan
(t) Gail Stevens

(u) Rory Sullivan
(v) Kelly Byrne
(w) N and G Kolaski
(x) Maurice Stevens
(y) Greg Farrell

Registered Delegations:

7.2(b)(i) Mark Noskiewicz addressed the Committee and expressed concerns with the proposal.

7.2(b)(ii) Art Dueksen addressed the Committee and expressed concerns with the proposal.

7.2(b)(iii) Lynda Lukasik, Environment Hamilton, addressed the Committee and expressed concerns with the proposal.

The delegations were received.

The public meeting was closed.

(a) That Urban Hamilton Official Plan Amendment Application UHOPA-20-011, by Corbett Land Strategies Inc. (Applicant), on behalf of Sullstar Twenty Limited (Starward Homes), Spallacci & Sons Limited, Oxford Road Developments, Lynmount Developments Inc, The Parente Group, Twenty Road Developments Inc. and Liv Communities, for a City-wide amendment to the Urban Hamilton Official Plan to add policies to enable privately-initiated urban boundary expansion applications and an Area-specific amendment to identify lands in the Twenty Road West area as candidate areas for future urban boundary expansion, be DENIED on the following basis:

(i) The application is proposing to update the City's Urban Hamilton Official Plan (UHOP) policies to conform to policy directions and forecasts of the Growth Plan 2019, as amended, which is a Provincial Plan conformity exercise that should be completed by the municipality as part of the Municipal Comprehensive Review (MCR) and not through a privately initiated application;

(ii) The application undermines the City's comprehensive and integrated Growth Related Integrated Development Strategy (GRIDS) 2 / MCR process by:

(1) Prematurely identifying specific lands for future urban expansion to accommodate residential growth to the year 2031; and,

(2) Proposing a set of policies, along with the identification of specific studies for the completion of a secondary plan, that would be used to evaluate urban boundary expansion applications for that specific area of the City outside of the larger growth management process;

(iii) The combination of the City's existing Vacant Residential Land Inventory (VRLI) and intensification opportunities satisfies the land supply requirements of the Provincial Policy Statement (PPS). The City's VRLI identifies a total unit supply of approximately 31,900 units (year end 2019) and there is an additional immediate intensification unit supply of at least 30,000 units based on preliminary MCR estimates, which satisfies the 15 year PPS land supply requirement. There is no need to bring additional lands into the urban boundary prior to the completion of the MCR that will provide for a full and comprehensive review of options to accommodate growth;

(iv) There are land use, servicing and transportation issues, amongst other matters that are more appropriately assessed and evaluated as part of a comprehensive update to City's infrastructure master plans, that must be considered and evaluated prior to identifying the lands in the Twenty Road West area as a candidate future urban growth area;

(v) The application is proposing to amend UHOP policies that are the subject of appeals to the UHOP currently before the Local Planning Appeal Tribunal (LPAT) for which no decision has been rendered. It is premature to amend these policies in advance of a decision from the LPAT which could result in changes to the section under consideration.

The recommendations in Report PED20163 were ***amended*** by adding the following sub-section (b):

(b) That all eligible lands including Twenty Road West lands be part of the consideration of future growth options (residential or employment) as part of GRIDS 2 / MCR.

The recommendations in Report PED20163 were ***amended*** by adding the following sub-section (c):

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

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

(ix) Addition and Extension to Temporary Use By-law to Zoning By-law No. 05-200 – Outdoor Commercial Patios Temporary Use By-law to Zoning By-law No. 05-200 for temporary tents (CI-20-F(2)) (PED20135(a)) (City Wide) (Item 7.5)

The staff presentation was waived.

The following written submission was received:

1. Rachel Braithwaite, Barton Village Business Improvement Area (Item 7.5 (b)(i))

Registered Delegations:

7.2(b) (i) Susan Creer, addressed the Committee and expressed concerns with the proposal.

The delegation was received.

The public meeting was closed.

(a) That City Iniative-20-F(2) Outdoor Commercial Patios and Temporary Tents for Commercial and Institutional Uses to amend and extend the outdoor commercial patio regulations under Zoning By-law No. 05-200, through a Temporary Use by-law, be received; and

(i) That in order to permit outdoor commercial patios for an extended time period to expire on October 31, 2021, in a side or rear yard that abuts a residential lot for certain commercial lands and to allow entertainment on outdoor commercial patios within the Downtown area, then approval by Council be given to:

(1) The extension and addition of the draft Temporary Use By-law, attached as Appendix “A” to Report PED20135(a);

(2) 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).

(ii) That in order to provide for improved operational flexibility for Outdoor Commercial Patio and Institutional operations, specifically places of worship, hospitals and educational establishments, within certain lands zoned for commercial and institutional uses to erect temporary tents for six consecutive months within the time period to expire on October 31, 2021, then the approval by Council be given to:

(1) The draft Temporary Use By-law, attached as Appendix "A" to Report PED20135(a);

(2) 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)***.***

The recommendations in Report PED20135(a) were ***amended*** by adding the following sub-section (b):

(b) That the public submissions received regarding this matter did not affect the decision.

For disposition of this matter, refer to Item 8.

(g) NOTICES OF MOTION (Item 11)

(i) Connection to Municipal Services for Ecole Elementaire Michaelle Jean School, 2121 Hwy 56, and Former Wills Motors Property, located at 2187 Hwy 56, Binbrook (Added Item 11.1)

The Notice of Motion respecting Connection to Municipal Services for Ecole Elementaire Michaelle Jean School, 2121 Hwy 56, and Former Wills Motors Property, located at 2187 Hwy 56, Binbrook was deferred to the November 17th Planning Committee meeting to be considered as a Motion.

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

(i) Outstanding Business List (Item 13.1)

The following changes to the Outstanding Business List were approved:

(a) Items to be Removed:

19R - 282 MacNab Street North (Official Plan and Zoning By-law Amendment)
(Addressed as Item 7.2 on the September 22, 2020 agenda)

(b) Items Requiring New Due Dates:

17B - Designation of the Gore District as a Heritage Conservation District
Current Due Date: October 20, 2020
Proposed New Due Date: November 17, 2020

17E - Family Friendly Housing Policy
Current Due Date: September 2020
Proposed New Due Date: January 12, 2021

18E - 2018 Development Fee Review
Current Due Date: March 24, 2020
Proposed New Due Date: Q2 2021

18G - 8475 English Church Road - Zoning and OPA Amendments
Current Due Date: September 8, 2020
Proposed New Due Date: October 20, 2020

19DD - Anthony Longo respecting 2070 Rymal Road East
Current Due Date: None
Proposed New Due Date: Q1 2021

19EE - Angela Riley respecting a Request for a Taxi Stand
Current Due Date: None
Proposed New Due Date: Q2 2021

20B - Review of Problems Associated with Increased Visitors to Waterfalls
Current Due Date: September 8, 2020
Proposed New Due Date: December 8, 2020

(i) PRIVATE AND CONFIDENTIAL (Item 13)

(i) Closed Session Minutes – September 22, 2020 (Item 13.1)

The Closed Session Minutes from the September 22, 2020 Planning Committee meeting were received and are to remain confidential.

(j) ADJOURNMENT (Item 14)

There being no further business, the Planning Committee adjourned at 5:15 p.m.

_____
Councillor J. Farr
Chair, Planning Committee

_____
Lisa Kelsey
Legislative Coordinator