



PLANNING COMMITTEE MINUTES

21-001

January 12, 2021

9:30 a.m.

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

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

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

**1. City Ambassadors on the Waterfront Trail Update (PED21013) (City Wide)
(Item 7.1)**

(Collins/Ferguson)

That Report PED21013 respecting City Ambassadors on the Waterfront Trail Update, be received.

Result: Motion CARRIED by a vote of 8 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
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

**2. Active Official Plan Amendment, Zoning By-law Amendment and Plan of
Subdivision Applications (PED21016) (City Wide) (Item 7.2)**

(Partridge/Wilson)

That Report PED21016 respecting Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications, be received.

Result: Motion CARRIED by a vote of 8 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
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

3. Green Building Strategy Update (PED20127) (City Wide) (Item 7.3)

(Pearson/Farr)

That Report PED20127 respecting Green Building Strategy Update, be received.

Result: Motion CARRIED by a vote of 8 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
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

4. Appeal of Urban Hamilton Official Plan Amendment and Zoning By-law Amendment to the Local Planning Appeal Tribunal for Lack of Decision for Lands Located at 1630 Main Street West and 69 Sanders Boulevard, Hamilton (PED21012) (Ward 1) (Item 7.4)

(Wilson/Farr)

That Report PED21012 respecting Appeal of Urban Hamilton Official Plan Amendment and Zoning By-law Amendment to the Local Planning Appeal Tribunal for Lack of Decision for Lands Located at 1630 Main Street West and 69 Sanders Boulevard, Hamilton (PED21012) (Ward 1), be received.

Result: Motion CARRIED by a vote of 8 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
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

5. Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 1031 Highway 52 North, Ancaster (PED21002) (Ward 12) (Item 8.1)

(Partridge/Ferguson)

- (a) That Zoning By-law Amendment Application ZAR-20-032, by Neven Custom Homes Ltd. (Owner), for a change in zoning from the Settlement Residential (S1) Zone to the Settlement Residential (S1, 738) Zone and a Settlement Residential (S1, 738, H119) Zone in accordance with the conditions of Consent Application AN/B-B:12, in particular, to limit the maximum finished floor area of single detached dwellings and residential care facilities on future lots (Parts 1 to 3) to a maximum of 306.5 square metres and to prohibit development on a portion of the subject site until it can be demonstrated that long-term water takings are sustainable and that there are no significant negative impacts to ground water resources, on lands located at 1031 Highway 52 North, Ancaster, as shown on Appendix "A" to Report PED21002, be APPROVED on the following basis:
- (i) That the draft By-law attached as Appendix "B" to Report PED21002, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the amending By-law be added to Schedule "C" of Zoning By-law No. 05-200;
 - (iii) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to a portion of the subject lands by introducing the Holding symbol 'H119' as a suffix to the proposed Settlement Residential (S1, 738) Zone. The Holding Provision "H119" is to be removed to allow for the development of a single detached dwelling or residential care facility, conditional upon:
 - (1) The applicant/owner entering into a ground water monitoring agreement with the City of Hamilton to support the construction of a single detached dwelling or residential care facility on the lands identified as Part 3 through Consent application AN/B-18:12; executing the terms of the ground water monitoring agreement, with monitoring occurring on the single detached dwellings or residential care facilities constructed on both Part 1 and Part 2 identified through Consent application AN/B-18:12, with monitoring beginning on the first date of occupancy for the single detached dwelling or residential care facility on the second lot to be developed and continuing for a minimum period of one year; and, providing satisfactory demonstration that long-term water takings are sustainable and that there are no

significant impacts to ground water resources to the satisfaction of the Director of Hamilton Water.

- (iv) That the proposed change in zoning is consistent with the Provincial Policy Statement (PPS, 2020), conforms to the Greenbelt Plan (2017) and complies with the Rural Hamilton Official Plan.

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

Result: Main Motion, As Amended, CARRIED by a vote of 8 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
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

6. City Initiative CI-20-A to Amend the Urban Hamilton Official Plan and Zoning By-law for lands located at 1400 Baseline Road, Stoney Creek (PED20002) (Ward 10) (Item 8.2)

(Pearson/Collins)

- (a) That City Initiative CI-20-A, to amend the Urban Hamilton Official Plan to change the designation from “Low Density Residential 2b” to “Medium Density Residential 3” designation, and identified as a Site Specific Policy Area in the Urban Lakeshore Area Secondary Plan for the lands located at 1400 Baseline Road, Stoney Creek, as shown on Appendix “A” to report PED20002, be APPROVED on the following basis:
 - (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED20002, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council; and,
 - (ii) That the draft Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).
- (b) That City Initiative CI-20-A, to rezone the subject lands from the Neighbourhood Development “ND” Zone to the Multiple Residential “RM3-69(H)” Zone, Modified, Holding, under Zoning By-law No. 3692-92 (Stoney Creek) on the lands known as 1400 Baseline Road, in order to permit

Maisonettes, Townhouses, Apartment Dwellings, Dwelling Groups, a Home Occupation and Uses, buildings or structures accessory to a permitted use, for lands located at 1400 Baseline Road, Stoney Creek, as shown on Appendix “A” to Report PED20002, be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix “C” to Report PED20002, 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 Provision of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject lands by introducing the Holding symbol ‘H’ as a suffix to the proposed zoning for the following:

The Holding Provision for the Multiple Residential “RM3-69(H)” Zone, Modified, Holding, shall be removed when the following conditions have been met:

- (1) That a Functional Servicing Report for water and sanitary servicing has been submitted and implemented to the satisfaction of the Senior Director of Growth Management, City of Hamilton. The report must assess the post-development peak sanitary flows for the City’s downstream sewers and sanitary pumping stations, as well as water flow and pressure availability, and identify any infrastructure upgrade needed to meet applicable design standards and policies;
- (2) That a Traffic Impact Study, submitted and implemented by the applicant, must be submitted to the satisfaction of the Manager of Transportation Planning, City of Hamilton; and,
- (3) That the owner/applicant enters into and registers an applicable development agreement(s), including an External Works Agreement, and posting of appropriate securities to ensure the implementation of any infrastructure upgrade needs identified in the Functional Servicing Report, the Traffic Impact Study, or both, recommendation(s) to the satisfaction of the Senior Director of Growth Management, City of Hamilton.

City Council may remove the ‘H’ symbol and, thereby give effect to the “RM3-69(H)” Zone, Modified, Holding, by enactment of an amending By-law once the above conditions have been fulfilled.

- (iii) That the proposed amendment is consistent with the Provincial Policy Statement (2020), conforms to the Growth Plan for the Greater Golden Horseshoe (2019, as amended); and
- (iv) That this By-law will comply with the Urban Hamilton Official Plan upon finalization of Urban Hamilton Official Plan Amendment No. XX.
- (c) That Item 19J be removed from the Planning Committee Outstanding Business List; and,
- (d) ***That the public submissions regarding this matter were received and considered by the Committee in approving the application.***

Result: Main Motion, As Amended, CARRIED by a vote of 7 to 1, 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
YES - Ward 12 Councillor Lloyd Ferguson
NO - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

7. Application for Amendments to the Urban Hamilton Official Plan and Ancaster Zoning By-law No. 87-57 for Lands Located at 15 Church Street (Ancaster) (PED20205) (Ward 12) (Item 10.1)

(Pearson/Johnson)

- (a) That Urban Hamilton Official Plan Amendment Application UHOPA-20-006 by Webb Planning Consultants on behalf of Veloce Luxury Homes, Owner, to redesignate the subject lands from “Low Density Residential 1” to “Low Density Residential 3” within the Ancaster Wilson Street Secondary Plan in order to permit the development of six street townhouses, and to establish a site specific policy to recognize the existing road right-of-way width, for lands located at 15 Church Street, as shown on Appendix “A” to Report PED20205, be APPROVED on the following basis:
 - (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED20205, which has been prepared in a form satisfactory to the City Solicitor, be adopted by City Council; and,

- (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, as amended.
- (b) That Zoning By-law Amendment Application ZAC-20-011 by Webb Planning Consultants on behalf of Veloce Luxury Homes, Owner, for a change in zoning from the Existing Residential “ER” Zone, to Holding Residential Multiple “H-RM2-712” Zone, Modified, in Zoning By-law No. 87-57 (Ancaster), to permit six street townhouses for lands located at 15 Church Street (Ancaster), as shown on Appendix “A” to Report PED20205 be APPROVED, on the following basis:
 - (i) That the draft By-law, **as amended**, attached as Appendix “C” to Report PED20205, 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 prefix to the proposed zoning as shown on Schedule “A” of Appendix C to Report PED20205;

The Holding Provision “H-RM2-712” be removed conditional upon:

- (1) Submission and approval of a Stage 4 Archaeological Assessment for site AhGx-786 to the satisfaction of the Director of Planning and Chief Planner and the Ministry of Heritage, Sport, Tourism and Culture Industries; and,
- (2) Submission approval and implementation of a Documentation and Salvage report to the satisfaction of 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: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- (iv) That this By-law will comply with the Urban Hamilton Official Plan and the Ancaster Wilson Street Secondary Plan upon approval of Urban Hamilton Official Plan Amendment No. XX.
- (c) ***That staff be directed to allow the Ward Councillor to review the site plan before it is approved with special consideration on heritage features, height and lot coverage;***
- (d) ***That staff be directed to ensure that a precondition survey of Church Street is completed to ensure any damages to the road caused by***

construction are restored and the appropriate securities are posted to complete the required works to the Senior Directors' satisfaction; and,

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

Result: Main Motion, As Amended, CARRIED by a vote of 8 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
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

8. Expanding Administrative Penalty System (APS) By-law 17-225 to include the Snow Removal By-law 03-296 (PED21015) (City Wide) (Item 10.2)

(Pearson/Partridge)

- (a) That the amendment to the Administrative Penalty System (APS) By-law 17-225 to include various regulations contained within the Snow Removal By-law 03-296 described in Report PED21015, detailed in the proposed amending by-law attached as Appendix "A" be approved;
- (b) That the amending by-law attached as Appendix "A" to Report PED21015, which has been prepared in a form satisfactory to the City Solicitor be enacted by Council.

Result: Motion CARRIED by a vote of 8 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
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

9. ERASE Incentive Program Amendments (Item 11.1)

(Collins/Farr)

WHEREAS, the City voluntarily provides financial incentives to assist with the remediation and redevelopment of brownfield properties within the urban area under the Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan;

WHEREAS, the ERASE CIP authorizes the ERASE Redevelopment Grant (ERG) Program and ERASE Tax Assistance Program (TAP) which provide financial incentives on the basis of new municipal taxes generated as a result of the remediation and redevelopment of a brownfield site;

WHEREAS, brownfield sites may be subject to development proposals requiring planning applications and City Council approval(s) under the *Planning Act*;

WHEREAS, the Local Planning Appeals Tribunal (LPAT) has the ability to overturn City Council decisions on planning applications;

WHEREAS, applications under the ERG and TAP programs are brought for City Council consideration at such time as a site has received, at minimum, conditional Site Plan approval; and,

WHEREAS, the administrative provisions of the ERG and TAP programs do not currently contemplate refusal or reduction of a grant for developments which have been approved by LPAT in a form contrary to City Council decision(s);

THEREFORE, BE IT RESOLVED:

- (a) That Economic Development Division staff be directed to bring forward the following amendments to the ERG and TAP program terms for proposed developments that require *Planning Act* approval(s):
 - (i) a grant application may be denied by Council if the development is not supported by Council notwithstanding any approval of *Planning Act* applications by any other authority including but not limited to the Local Planning Appeal Tribunal or the Minister of Municipal Affairs and Housing, and that Council's decision on the ERG and TAP applications will not fetter its discretion on an *Planning Act* applications; and
 - (ii) Council's approval of an ERG or TAP can provide for a reduced grant amount so that no grant is payable in respect of any portion of the development which Council does not support notwithstanding any approval of *Planning Act* applications by any other authority including but not limited to the Local Planning Appeal Tribunal or the Minister of Municipal Affairs and Housing, and that Council's

decision on the ERG and TAP applications will not fetter its discretion on an *Planning Act* applications.

Result: Motion CARRIED by a vote of 8 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
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

10. Planning Committee 1st Vice Chair and 2nd Vice Chair Appointments (Item 13.1)

(Johnson/Partridge)

That Councillor Johnson be appointed as 1st Vice Chair for 2021 and Councillor Farr be appointed as 2nd Vice Chair for 2021.

Result: Motion CARRIED by a vote of 8 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
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

11. Update and Instructions regarding Local Planning Appeal Tribunal Appeals of 600 James St. N. (LS21003) (Ward 2) (Item 14.2)

(Farr/Wilson)

- (a) That the direction provided to staff in Closed Session, respecting Report LS21003 respecting Update and Instructions regarding Local Planning Appeal Tribunal Appeals of 600 James St. N., be approved; and,
- (b) That Report LS21003 respecting Update and Instructions regarding Local Planning Appeal Tribunal Appeals of 600 James St. N., and its appendices remain confidential.

Result: Motion CARRIED by a vote of 8 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
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

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 John Schuurman respecting Ottawa's Building Better and Smarter Suburbs Action Plan and Opportunities for the City of Hamilton (For today's meeting) – WITHDRAWN
- 6.2 Delegations respecting Application for Amendments to the Urban Hamilton Official Plan and Ancaster Zoning By-law No. 87-57 for Lands Located at 15 Church Street (Ancaster) (PED20205) (Ward 12) (Item 10.1)

(b) Added Written Submissions:

- (v) Ted Robinson
- (vi) Darren Earl
- (vii) Jerry Cole
- (viii) Jim MacLeod
- (ix) Chris Cunningham
- (x) Sarah Wellman
- (xi) Nancy Hurst
- (xii) Rowen and Mavis Baker
- (xiii) Brad Davis
- (xiv) Bob Maton
- (xv) Sandy Price
- (xvi) Debra Mills
- (xvii) Marian Ewen
- (xviii) Ancaster Village Heritage Community
- (xix) James Webb, WEBB Consulting

(c) Virtual Delegation

- (i) Jim MacLeod, Ancaster Village Heritage Community

2. PUBLIC HEARINGS / WRITTEN DELEGATIONS / VIRTUAL DELEGATIONS (Item 8)

- 8.2 City Initiative CI-20-A to Amend the Urban Hamilton Official Plan and Zoning By-law for lands located at 1400 Baseline Road, Stoney Creek (PED20002) (Ward 10)

(b) Added Written Submissions:

- (iii) Stan and Renee Kurak
- (iv) Sherry Hayes
- (v) Bill Milar
- (vi) Sharon Williams
- (vii) Valerie Gardner
- (viii) Donna Head
- (ix) Gwen Dale
- (x) Georgina Beattie
- (xi) Trena Ennis
- (xii) Deborah Martin
- (xiii) Thomas Bibby
- (xiv) Dawn Simpson

3. GENERAL INFORMATION/OTHER BUSINESS (Item 13)

- 13.1 Planning Committee **1st Vice Chair** and 2nd Vice Chair Appointments

4. PRIVATE & CONFIDENTIAL (Item 14)

- 14.2 Update and Instructions regarding Local Planning Appeal Tribunal Appeals of 600 James St. N. (LS21003) (Ward 2)

(Wilson/Pearson)

That the agenda for the January 12, 2021 meeting be approved, as amended.

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
- NOT PRESENT - Ward 2 Councillor Jason Farr
- NOT PRESENT - Ward 15 Councillor Judi Partridge
- YES - Ward 12 Councillor Lloyd Ferguson
- YES - Ward 11 Councillor Brenda Johnson
- YES - Ward 10 Councillor Maria Pearson

(b) DECLARATIONS OF INTEREST (Item 3)

None declared.

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

(i) December 8, 2020 (Item 4.1)

(Ferguson/Collins)

That the Minutes of the December 8, 2020 meeting be approved, as presented.

Result: Motion CARRIED by a vote of 7 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
NOT PRESENT - Ward 15 Councillor Judi Partridge
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

(d) DELEGATION REQUESTS (Item 6)

(i) Delegations respecting Application for Amendments to the Urban Hamilton Official Plan and Ancaster Zoning By-law No. 87-57 for Lands Located at 15 Church Street (Ancaster) (PED20205) (Ward 12) (Item 10.1) (Item 6.2)

(Ferguson/Johnson)

That the written and virtual Delegation Requests respecting Item 10.1 on today's agenda, be approved for today's meeting.

Result: Motion CARRIED by a vote of 7 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
NOT PRESENT - Ward 15 Councillor Judi Partridge
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

(e) PUBLIC HEARINGS / DELEGATIONS (Item 8)

In accordance with the *Planning Act*, Chair Danko 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 Danko 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 the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 1031 Highway 52 North, Ancaster (PED21002) (Ward 12) (Item 8.1)

Michael Davis, Senior Planner, addressed the Committee with the aid of a PowerPoint presentation.

(Ferguson/Pearson)

That the staff presentation be received.

Result: Motion CARRIED by a vote of 8 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
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

Eric Salembier with S. Llewellyn and Associates Ltd., and Gary Neven, Owner, were in attendance and indicated they were in support of the staff report.

(Ferguson/Partridge)

That the delegation from Eric Salembier with S. Llewellyn and Associates Ltd., and Gary Neven, be received.

Result: Motion CARRIED by a vote of 8 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
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

(Collins/Ferguson)

That the public meeting be closed.

Result: Motion CARRIED by a vote of 8 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
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

(Ferguson/Johnson)

- (a) That Zoning By-law Amendment Application ZAR-20-032, by Neven Custom Homes Ltd. (Owner), for a change in zoning from the Settlement Residential (S1) Zone to the Settlement Residential (S1, 738) Zone and a Settlement Residential (S1, 738, H119) Zone in accordance with the conditions of Consent Application AN/B-B:12, in particular, to limit the maximum finished floor area of single detached dwellings and residential care facilities on future lots (Parts 1 to 3) to a maximum of 306.5 square metres and to prohibit development on a portion of the subject site until it can be demonstrated that long-term water takings are sustainable and that there are no significant negative impacts to ground water resources, on lands located at 1031 Highway 52 North, Ancaster, as shown on Appendix "A" to Report PED21002, be APPROVED on the following basis:
- (i) That the draft By-law attached as Appendix "B" to Report PED21002, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the amending By-law be added to Schedule "C" of Zoning By-law No. 05-200;

- (iii) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to a portion of the subject lands by introducing the Holding symbol 'H119' as a suffix to the proposed Settlement Residential (S1, 738) Zone. The Holding Provision "H119" is to be removed to allow for the development of a single detached dwelling or residential care facility, conditional upon:
 - (1) The applicant/owner entering into a ground water monitoring agreement with the City of Hamilton to support the construction of a single detached dwelling or residential care facility on the lands identified as Part 3 through Consent application AN/B-18:12; executing the terms of the ground water monitoring agreement, with monitoring occurring on the single detached dwellings or residential care facilities constructed on both Part 1 and Part 2 identified through Consent application AN/B-18:12, with monitoring beginning on the first date of occupancy for the single detached dwelling or residential care facility on the second lot to be developed and continuing for a minimum period of one year; and, providing satisfactory demonstration that long-term water takings are sustainable and that there are no significant impacts to ground water resources to the satisfaction of the Director of Hamilton Water.
- (iv) That the proposed change in zoning is consistent with the Provincial Policy Statement (PPS, 2020), conforms to the Greenbelt Plan (2017) and complies with the Rural Hamilton Official Plan.

(Ferguson/Johnson)

That the recommendations in Report PED21002 be ***amended*** by adding the following sub-section (b):

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

Result: Amendment CARRIED by a vote of 8 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
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

For disposition of this matter, refer to Item 5.

(ii) City Initiative CI-20-A to Amend the Urban Hamilton Official Plan and Zoning By-law for lands located at 1400 Baseline Road, Stoney Creek (PED20002) (Ward 10) (Item 8.2)

Alissa Mahood, Senior Project Manager, addressed the Committee with the aid of a PowerPoint presentation.

(Pearson/Johnson)

That the staff presentation be received.

Result: Motion CARRIED by a vote of 8 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
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

(Pearson/Johnson)

That the following written submissions be received:

(i) Terylene McClelland
(ii) Judith Duncan
(iii) Stan and Renee Kurak
(iv) Sherry Hayes
(v) Bill Milar
(vi) Sharon Williams
(vii) Valerie Gardner
(viii) Donna Head
(ix) Gwen Dale
(x) Georgina Beattie
(xi) Trena Ennis
(xii) Deborah Martin
(xiii) Thomas Bibby
(xiv) Dawn Simpson

Result: Motion CARRIED by a vote of 8 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
YES - Ward 12 Councillor Lloyd Ferguson
YES - 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 8 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
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

(Pearson/Collins)

- (a) That City Initiative CI-20-A, to amend the Urban Hamilton Official Plan to change the designation from “Low Density Residential 2b” to “Medium Density Residential 3” designation, and identified as a Site Specific Policy Area in the Urban Lakeshore Area Secondary Plan for the lands located at 1400 Baseline Road, Stoney Creek, as shown on Appendix “A” to report PED20002, be APPROVED on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED20002, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council; and,
 - (ii) That the draft Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).
- (b) That City Initiative CI-20-A, to rezone the subject lands from the Neighbourhood Development “ND” Zone to the Multiple Residential “RM3-69(H)” Zone, Modified, Holding, under Zoning By-law No. 3692-92 (Stoney Creek) on the lands known as 1400 Baseline Road, in order to permit Maisonettes, Townhouses, Apartment Dwellings, Dwelling Groups, a Home Occupation and Uses, buildings or structures accessory to a permitted use, for lands located at 1400 Baseline Road, Stoney Creek, as shown on Appendix “A” to Report PED20002, be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix “C” to Report PED20002, 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 Provision of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject lands by introducing the Holding symbol ‘H’ as a suffix to the proposed zoning for the following:

The Holding Provision for the Multiple Residential “RM3-69(H)” Zone, Modified, Holding, shall be removed when the following conditions have been met:

- (1) That a Functional Servicing Report for water and sanitary servicing has been submitted and implemented to the satisfaction of the Senior Director of Growth Management, City of Hamilton. The report must assess the post-development peak sanitary flows for the City’s downstream sewers and sanitary pumping stations, as well as water flow and pressure availability, and identify any infrastructure upgrade needed to meet applicable design standards and policies;
- (2) That a Traffic Impact Study, submitted and implemented by the applicant, must be submitted to the satisfaction of the Manager of Transportation Planning, City of Hamilton; and,
- (3) That the owner/applicant enters into and registers an applicable development agreement(s), including an External Works Agreement, and posting of appropriate securities to ensure the implementation of any infrastructure upgrade needs identified in the Functional Servicing Report, the Traffic Impact Study, or both, recommendation(s) to the satisfaction of the Senior Director of Growth Management, City of Hamilton.

City Council may remove the ‘H’ symbol and, thereby give effect to the “RM3-69(H)” Zone, Modified, Holding, by enactment of an amending By-law once the above conditions have been fulfilled.

- (iii) That the proposed amendment is consistent with the Provincial Policy Statement (2020), conforms to the Growth

Plan for the Greater Golden Horseshoe (2019, as amended);
and

- (iv) That this By-law will comply with the Urban Hamilton Official Plan upon finalization of Urban Hamilton Official Plan Amendment No. XX.

- (c) That Item 19J be removed from the Planning Committee Outstanding Business List

(Pearson/Collins)

That the recommendations in Report PED20002 be ***amended*** by adding the following sub-section (d):

- (d) ***That the public submissions regarding this matter were received and considered by the Committee in approving the application.***

Result: Amendment CARRIED by a vote of 7 to 1, 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
YES - Ward 12 Councillor Lloyd Ferguson
NO - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

For disposition of this matter, refer to Item 6.

- (iii) **Delegations respecting Application for Amendments to the Urban Hamilton Official Plan and Ancaster Zoning By-law No. 87-57 for Lands Located at 15 Church Street (Ancaster) (PED20205) (Ward 12) (Item 10.1) (Added Item 8.3)**

(Partridge/Pearson)

That the following written delegations (Items 6.2 (i) to (xix)) be received:

- (i) Frank Gallo
- (ii) Ryan Canu
- (iii) Fran Spoelstra
- (iv) Maxine and Mario Zecchini
- (v) Ted Robinson
- (vi) Darren Earl
- (vii) Jerry Cole
- (viii) Jim MacLeod

- (ix) Chris Cunningham
- (x) Sarah Wellman
- (xi) Nancy Hurst
- (xii) Rowen and Mavis Baker
- (xiii) Brad Davis
- (xiv) Bob Maton
- (xv) Sandy Price
- (xvi) Debra Mills
- (xvii) Marian Ewen
- (xviii) Ancaster Village Heritage Community
- (xix) James Webb, WEBB Consulting

Result: Motion CARRIED by a vote of 8 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
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

Registered Delegation:

- (i) Jim MacLeod, Ancaster Village Heritage Community, addressed the Committee respecting the Application for Amendments to the Urban Hamilton Official Plan and Ancaster Zoning By-law No. 87-57 for Lands Located at 15 Church Street (Ancaster) (PED20205) (Ward 12), and expressed concerns with the application.

(Collins/Danko)

That the Registered Delegation be received.

Result: Motion CARRIED by a vote of 8 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
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

For disposition of this matter, refer to Item 7 and (f)(i).

(f) **DISCUSSION ITEMS (Item 10)**

- (i) **Application for Amendments to the Urban Hamilton Official Plan and Ancaster Zoning By-law No. 87-57 for Lands Located at 15 Church Street (Ancaster) (PED20205) (Ward 12) (Item 10.1) (Deferred from the December 8, 2020 Planning Committee meeting)**

(Pearson/Johnson)

- (a) That Urban Hamilton Official Plan Amendment Application UHOPA-20-006 by Webb Planning Consultants on behalf of Veloce Luxury Homes, Owner, to redesignate the subject lands from “Low Density Residential 1” to “Low Density Residential 3” within the Ancaster Wilson Street Secondary Plan in order to permit the development of six street townhouses, and to establish a site specific policy to recognize the existing road right-of-way width, for lands located at 15 Church Street, as shown on Appendix “A” to Report PED20205, be APPROVED on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED20205, which has been prepared in a form satisfactory to the City Solicitor, be adopted by City Council; and,
 - (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, as amended.
- (b) That Zoning By-law Amendment Application ZAC-20-011 by Webb Planning Consultants on behalf of Veloce Luxury Homes, Owner, for a change in zoning from the Existing Residential “ER” Zone, to Holding Residential Multiple “H-RM2-712” Zone, Modified, in Zoning By-law No. 87-57 (Ancaster), to permit six street townhouses for lands located at 15 Church Street (Ancaster), as shown on Appendix “A” to Report PED20205 be APPROVED, on the following basis:
- (i) That the draft By-law, attached as Appendix “C” to Report PED20205, 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 prefix to the proposed zoning as shown on Schedule “A” of Appendix C to Report PED20205;

The Holding Provision “H-RM2-712” be removed conditional upon:

- (1) Submission and approval of a Stage 4 Archaeological Assessment for site AhGx-786 to the satisfaction of the Director of Planning and Chief Planner and the Ministry of Heritage, Sport, Tourism and Culture Industries; and,
 - (2) Submission approval and implementation of a Documentation and Salvage report to the satisfaction of 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: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- (iv) That this By-law will comply with the Urban Hamilton Official Plan and the Ancaster Wilson Street Secondary Plan upon approval of Urban Hamilton Official Plan Amendment No. XX.

(Ferguson/Farr)

- (a) That the draft By-law attached as Appendix “C” to Report PED20205, be **amended** by amending Sub-section 2(d) and adding Sub-section 2(m) as follows:
- | | | |
|-----|---------------------------|--|
| (d) | Maximum Lot Coverage | 49 percent 37% of total parcel area |
| (m) | Basement or Cellar | All street townhouse dwellings shall have a basement or cellar. |
- (b) That the recommendations in Report PED20205 be amended by adding the following Sub-sections (c) and (d):
- (c) ***That staff be directed to allow the Ward Councillor to review the site plan before it is approved with special consideration on heritage features, height and lot coverage; and,***
- (d) ***That staff be directed to ensure that a precondition survey of Church Street is completed to ensure any damages to the road caused by construction are restored and the appropriate securities are posted to***

complete the required works to the Senior Directors' satisfaction.

Result: Amendment CARRIED by a vote of 8 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
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

(Pearson/Johnson)

That the recommendations in Report PED20205 be ***amended*** to add sub-section (e) as follows:

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

Result: Amendment CARRIED by a vote of 7 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
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

For disposition of this matter, refer to Item 7.

(g) PRIVATE AND CONFIDENTIAL (Item 14)

(i) Closed Session Minutes – December 8, 2020 (Item 14.1)

(Ferguson/Collins)

That the Closed Session Minutes – December 8, 2020 be approved, as presented, and remain confidential.

Result: Motion CARRIED by a vote of 8 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
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

(Partridge/Wilson)

That the Committee move into Closed Session for Item 14.2 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 8 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
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

(ii) Update and Instructions regarding Local Planning Appeal Tribunal Appeals of 600 James St. N. (LS21003) (Ward 2) (Item 14.2)

For disposition of this matter, refer to Item 11.

(h) ADJOURNMENT (Item 15)

(Pearson/Partridge)

That there being no further business, the Planning Committee be adjourned at 12:43 p.m.

Result: Motion CARRIED by a vote of 8 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
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

Councillor J.P. Danko
Chair, Planning Committee

Lisa Kelsey
Legislative Coordinator