



PLANNING COMMITTEE

REPORT 19-006

9:30 a.m.

Tuesday, April 16, 2019

Council Chambers

Hamilton City Hall

71 Main Street West

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

Absent with Regrets: Councillor C. Collins – City Business
Councillor T. Whitehead – Personal

Also Present: Councillor T. Jackson

THE PLANNING COMMITTEE PRESENTS REPORT 19-006 AND RESPECTFULLY RECOMMENDS:

1. Hamilton Municipal Heritage Committee Report 19-002 (Item 7.1)

Dunnington-Grubb Gardens, 1000 Main Street East (Item 11.1)

WHEREAS, the Hamilton Municipal Heritage Committee has received a verbal update respecting the Dunnington-Grubb Gardens; and

WHEREAS, the property known as Gage Park is currently on staff's work plan for Designation;

THEREFORE BE IT RESOLVED:

- (a) That the Hamilton Municipal Heritage Committee recommends that areas of Gage Park remain as a historic passive Victorian park;
- (b) That the preservation and conservation of Dunnington-Grubb Gardens continue;
- (c) That the Hamilton Municipal Heritage Committee recommends that Gage Park continue to be used for educational programs geared towards youth, post-secondary students and potential tourism programs;

Council – April 24, 2019

- (d) That the Hamilton Municipal Heritage Committee support “non-financial” initiatives of the Friends of Gage Park and the Dunnington-Grubb Gardens Foundation; and,
- (e) That City staff continue their engagement with the Friends of Gage Park and Dunnington-Grubb Gardens Foundation.

2. Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED19070) (City Wide) (Item 7.2)

That Report PED19070 respecting Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications, be received.

3. Licensing and By-law Services Housekeeping and Technical Amendments to By-laws (PED19011(a)) (City Wide) (Item 7.3)

That Report PED19011(a) respecting Licensing and By-law Services Housekeeping and Technical Amendments to By-laws, be received.

4. To Incorporate City Lands into Soho Street By By-law (PED19079) (Ward 9) (Item 7.4)

- (a) That the following City lands designated as Parts 1, 2, and 4 on Plan 62R-20860 and Part 2 on Plan 62R-21053, be established as a public highway to form part of Soho Street;
- (b) That the By-law to incorporate the City lands to form part of Soho Street be prepared to the satisfaction of Corporate Counsel and be enacted by Council;
- (c) That the General Manager of Public Works be authorized and directed to register the By-law.

5. To Incorporate City Lands into Upper Mount Albion Road by By-law (PED19080) (Ward 9) (Item 7.5)

- (a) That the following City lands designated as Parts 6 and 8 on Plan 62R-20860, be established as a public highway to form part of Upper Mount Albion Road;
- (b) That the By-law to incorporate the City lands to form part of Upper Mount Albion Road be prepared to the satisfaction of Corporate Counsel and be enacted by Council;
- (c) That the General Manager of Public Works be authorized and directed to register the By-law.

6. To Incorporate City Lands into Columbus Gate by By-law (PED19081) (Ward 9) (Item 7.6)

- (a) That the following City lands designated as Part 7 on Plan 62R-20860, be established as a public highway to form part of Columbus Gate;
- (b) That the By-law to incorporate the City lands to form part of Columbus Gate be prepared to the satisfaction of Corporate Counsel and be enacted by Council;
- (c) That the General Manager of Public Works be authorized and directed to register the By-law.

7. Applications to Amend the Urban Hamilton Official Plan, Zoning By-law Nos. 3692-92 and 05-200, and Approval of a Draft Plan of Subdivision “Midtown” for lands located at 1809, 1817, 1821 Rymal Road East, Stoney Creek (PED19030) (Ward 9) (Item 8.1)

- (a) That Amended Urban Hamilton Official Plan Amendment Application UHOPA-16-025 by Losani Homes Limited (Owner), for changes in land use designation in Volume 1 from Mixed Use – Medium Density to Neighbourhoods; from Arterial Commercial to Mixed Use – Medium Density; and Volume 2 from Mixed Use – Medium Density to Medium Density Residential 2; from Low Density Residential 2 to Medium Density Residential 2; to remove a public road from the Land Use Map; to add lands to Site Specific Policy Area “C” to permit a minimum residential density of 55 units per net hectare; to establish a Site Specific Policy Area to permit a minimum residential density of 50 units per net hectare; and, to establish a Site Specific Policy Area to permit a maximum of eight stories and a maximum residential density of 170 units per net hectare, in the Trinity West Secondary Plan, for lands located at 1809, 1817 and 1821 Rymal Road East, Stoney Creek, as shown on Appendix “A” to Report PED19030, be approved on the following basis:
 - (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED19030, be adopted by City Council;
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2014), and conforms to the Growth Plan for the Greater Golden Horseshoe (2017).
- (b) That Amended Zoning By-law Amendment Application ZAC-16-064 by Losani Homes Limited (Owner), for a further modification to the Multiple Residential “RM3-57” Zone, Modified (Block 4); and changes in zoning from Neighbourhood Development “ND” Zone to Multiple Residential “RM3-57” Zone, Modified (Block 5); Single Residential “R1” Zone to Single Residential “R3-41” Zone, Modified (Block 6); Single Residential “R1” Zone

to Single Residential “R3-41a” Zone, Modified (Block 7); Neighbourhood Development “ND” Zone to Multiple Residential “RM3-67” Zone, Modified (Block 8); Multiple Residential “RM2-43” Zone to Multiple Residential “RM3-67” Zone, Modified (Block 9); and Service Commercial “CS-1” Zone, Modified, to Multiple Residential “RM3-67” Zone, Modified (Block 10), to permit an increased maximum density from 100 to 170 units per hectare and an increase in maximum height from 6 storeys to 8 storeys for multiple dwellings (Blocks 4 & 5), to permit a decrease in minimum density from 60 to 50 units per net hectare, consisting of townhouses, maisonette dwellings and stacked townhouses (Blocks 8, 9 and 10), and four single detached dwellings, to accommodate additional lands and reconfiguration of the road network as part of a residential community on lands located at 1809, 1817 and 1821 Rymal Road East (Stoney Creek), as shown on Appendix “A” to Report PED19030, be approved, on the following basis:

- (i) That the draft By-law, attached as Appendix “C” to Report PED19030, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2014), conform to the Growth Plan for the Greater Golden Horseshoe (2017), and comply with the intent of the Urban Hamilton Official Plan, upon finalization of Urban Hamilton Official Plan Amendment No.____.
- (c) That Amended Zoning By-law Amendment Application ZAC-16-064 by Losani Homes Limited (Owner), for changes in zoning from Service Commercial “CS-1” Zone, Modified to Mixed Use - Medium Density (C5) Zone (Block 1); Single Residential (R1) Zone to Mixed Use - Medium Density (C5) Zone (Block 2); and Neighbourhood Development (ND) Zone to Mixed Use - Medium Density (C5) Zone (Block 3), to permit reconfiguration of commercial uses on lands located at 1809, 1817 and 1821 Rymal Road East (Stoney Creek), as shown on Appendix “A” to Report PED19030, be approved, on the following basis:
- (i) That the draft By-law, attached as Appendix “D” to Report PED19030, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2014), conform to the Growth Plan for the Greater Golden Horseshoe (2017), and comply with the intent of the Urban Hamilton Official Plan, upon finalization of Urban Hamilton Official Plan Amendment No. XX.
- (d) That Draft Plan of Subdivision Application 25T-201609 by Losani Homes Limited (Owner), to establish a Draft Plan of Subdivision known as “Midtown”, on lands located at 1809, 1817 and 1821 Rymal Road East,

Stoney Creek, as shown on Appendix “F” to Report PED19030, be approved, subject to the following:

- (i) That this approval apply to the Draft Plan of Subdivision “Midtown”, 25T-201609, prepared by MHBC and certified by D. McLaren, O.L.S., dated November 16, 2018, consisting of one block for multiple dwellings and street townhouses including karst spring SP-3 (Block 1), one block for commercial development (Block 2), and one block for the purpose of a right of way widening along Rymal Road East (Block 3), subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the Special Conditions, attached as Appendix “G”, as amended, to Report PED19030.
 - (ii) Acknowledgement by the City of Hamilton of its responsibility for cost-sharing with respect to this development shall be in accordance with the City’s Financial Policies and will be determined at the time of Development; and,
 - (iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 51 of the *Planning Act*, with the calculation for the payment to be based on the value of the lands on the day prior to the day of issuance of each building permit, for each said Block, and in the case of multiple residential blocks, prior to the issuance of the first building permit, all in accordance with the Financial Policies for Development and the City’s Parkland Dedication By-law, as approved by Council.
- (e) That the public submissions received did not affect the decision.

8. Durand Neighbourhood Character Study Review (PED19017) (Ward 2) (Item 10.1) (Deferred from the March 19, 2019 meeting)

- (a) That Appendix “A” attached to Planning Committee Report 19-006 respecting the Peer Review and Recommendations on Zoning: Durand Neighbourhood Character Study be received;
- (b) That the recommendations of the Peer Review of the Durand Neighbourhood Character Study Final Report be referred to the new Residential Zoning project;
- (c) That the appropriate staff from PED be directed to meet and work together with the DNA as required and up to October 31, 2019 to develop a tool (based on the Durand Neighbourhood Character Study Final Report) that assesses and guides character within all future Planning Act applications or projects proposed for properties listed in the Durand Built Heritage Inventory; and,

- (d) That staff be directed to use that tool for assessing and guiding Durand Neighbourhood Character until such time as a Durand Neighbourhood Secondary Plan and new zoning are adopted.

FOR INFORMATION:

(a) APPROVAL OF THE AGENDA (Item 2)

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

1. CORRESPONDENCE (Item 5)

- 5.2 Correspondence from Dan van den Beukel respecting Development at 310 Frances Avenue, Hamilton (Referred to the General Manager of Planning and Economic Development at the March 27, 2019 Council meeting)

2. DELEGATION REQUESTS (Item 6)

- 6.2 Lachlan Holmes, HamiltonForward, respecting Development at 310 Frances Avenue, Hamilton (For today's meeting)

3. PUBLIC HEARINGS / DELEGATIONS (Item 8)

8.1.a Written Comments

- 1. Bashir Dhalwani
- 2. Sam Destro

8.1.b Staff Presentation

- 8.5 Delegation from Frank D'Amico has been withdrawn and he has submitted written comments instead.

4. DISCUSSION ITEMS

- 10.1 Report PED19017 is being moved up in the agenda to be heard before Item 8.2

The agenda for the April 16, 2019 meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

None declared.

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

(i) April 2, 2019 (Item 4.1)

The Minutes of the April 2, 2019 meeting were approved, as presented.

(d) CORRESPONDENCE (Item 5)

(i) Correspondence from the City of Toronto respecting support for their Resolution to adequately fund the Local Planning Appeal Tribunal (Item 1 and 2 referred from the March 27 Council meeting) (Item 5.1)

The correspondence from the City of Toronto respecting support for their Resolution to adequately fund the Local Planning Appeal Tribunal, was received.

(ii) Correspondence from Dan van den Beukel respecting Development at 310 Frances Avenue, Hamilton. (Referred to the General Manager of Planning and Economic Development at the March 27, 2019 Council meeting) (Added Item 5.2)

The correspondence from Dan van den Beukel respecting Development at 310 Frances Avenue, Hamilton, was received.

(e) DELEGATION REQUESTS (Item 6)

(i) Janice Brown, Durand Neighbourhood Association, respecting the Durand Neighbourhood Character Study Review (Item 6.1)

The Delegation Request from Janice Brown, Durand Neighbourhood Association, respecting the Durand Neighbourhood Character Study Review, was approved for today's meeting.

(ii) Lachlan Holmes, HamiltonForward, respecting Development at 310 Frances Avenue, Hamilton (Added Item 6.2)

The Delegation Request from Lachlan Holmes, HamiltonForward, respecting Development at 310 Frances Avenue, Hamilton, was approved for today's meeting.

(f) PUBLIC HEARINGS / DELEGATIONS (Item 8)

(i) Applications to Amend the Urban Hamilton Official Plan, Zoning By-law Nos. 3692-92 and 05-200, and Approval of a Draft Plan of Subdivision “Midtown” for lands located at 1809, 1817, 1821 Rymal Road East, Stoney Creek (PED19030) (Ward 9) (Item 8.1)

In accordance with the provisions of the *Planning Act*, Chair Pearson advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Official Plan Amendment, Zoning By-law Amendment or Draft Plan of Subdivision 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.

Yvette Rybensky, Senior Project Manager – Suburban Team, addressed the Committee with the aid of a PowerPoint presentation. A copy of the presentation is available on the City’s website at www.hamilton.ca or through the Office of the City Clerk.

The staff presentation was received.

David Aston, MHBC Planning, agent for the applicant was in attendance and indicated that the applicant is in agreement with the staff report. David Aston provided an overview of the proposal.

The overview of the proposal by David Aston, MHBC Planning, was received.

Delegations:

1. Lynda Lukasik, Environment Hamilton

Lynda Lukasik, Environment Hamilton, addressed the Committee in support of the proposal, but noted some concerns.

The delegation from Lynda Lukasik, Environment Hamilton, was received.

The written comments from Bashir Dhalwani and Sam Destro (Item 8.1.a), were received.

The public meeting was closed.

- (a) The Conditions of Draft Plan of Subdivision Approval (Appendix G to Report PED19030) were amended by adding Condition 19:

19. That staff be directed to retain an independent firm to conduct a Peer Review of the Hydrogeological and Geotechnical studies of the natural spring known as SP3 which includes; Monitoring Plan, Karst Management Protection, Buffering and Implementation.

- (b) The recommendations in Report PED19030 were amended by adding the following sub-section (e):

(e) That the public submissions received did not affect the decision.

For disposition of this matter, refer to Item 7.

(ii) Janice Brown, Durand Neighbourhood Association, respecting the Durand Neighbourhood Character Study Review (Added Item 8.1)

Janice Brown, Durand Neighbourhood Association (DNA), addressed the Committee respecting the Durand Neighbourhood Character Study Review. Janice Brown noted that the staff report indicates “that following completion of the Peer Review, the DNA opted not to pursue the implementation of a zoning overlay at this time”, but the DNA has not opted out of pursuing the implementation of the zoning overlay. Janice Brown noted that the Study “perceives the Durand Neighbourhood’s primary concern to be with the design and location of taller buildings and more intense residential forms rather than concerns related to inappropriate low-rise development”, and the DNA does not agree with this perception.

The delegation from Janice Brown, Durand Neighbourhood Association, respecting the Durand Neighbourhood Character Study Review, was received.

(g) DISCUSSION ITEMS (Item 10.1)

(i) Durand Neighbourhood Character Study Review (PED19017) (Ward 2) (Item 10.1) (Deferred from the March 19, 2019 meeting)

The recommendations of Report PED19017 respecting Durand Neighbourhood Character Study Review were amended by deleting sub-section (c) in its entirety and adding a new sub-section (c) and (d):

- ~~(c) That staff be directed to use the Durand Neighbourhood Character Study Final Report as a tool for assessing character within the Planning Act applications in the Durand Neighbourhood, until such time as a Durand Neighbourhood Secondary Plan and new zoning are adopted.~~

- (c) *That the appropriate staff from PED be directed to meet and work together with the DNA as required and up to October 31st, 2019 to develop a tool (based on the Durand Neighbourhood Character Study Final Report) that assesses and guides character within all future Planning Act applications or projects proposed for properties listed in the Durand Built Heritage Inventory; and,*
- (d) *That staff be directed to use that tool for assessing and guiding Durand Neighbourhood Character until such time as a Durand Neighbourhood Secondary Plan and new zoning are adopted.*

For disposition of this matter, refer to Item 8.

(f) PUBLIC HEARINGS / DELEGATIONS (Item 8) (Continued)

Melanie Schneider, Planner II, provided an overview of the status of the Development at 310 Frances Avenue, Hamilton.

The overview of the status of the Development at 310 Frances Avenue, Hamilton by Melanie Schneider, was received.

(iii) Lakewood Beach Community Council respecting Development at 310 Frances Avenue, Hamilton (Item 8.2)

Vivian Saunders, Lakewood Beach Community Council addressed the Committee respecting Development at 310 Frances Avenue, Hamilton.

Vivian Saunders was granted an additional five minutes to speak.

(iv) Jen Davis respecting Development at 310 Frances Avenue, Hamilton (Item 8.3)

Jen Davis did not attend the meeting.

(v) Mark Victor respecting Development at 310 Frances Avenue, Hamilton (Item 8.4)

Mark Victor addressed the Committee respecting Development at 310 Frances Avenue, Hamilton.

(vi) Frank D'Amico respecting Development at 310 Frances Avenue, Hamilton (Item 8.5)

Frank D'Amico was unable to attend the meeting and submitted written comments.

(vii) Sherry Hayes respecting Development at 310 Frances Avenue, Hamilton (Item 8.6)

Sherry Hayes addressed the Committee respecting Development at 310 Frances Avenue, Hamilton.

(viii) Eleanor Boyle respecting Development at 310 Frances Avenue, Hamilton (Item 8.7)

Eleanor Boyle did not attend the meeting.

(xi) David Bertrand respecting Development at 310 Frances Avenue, Hamilton (Item 8.8)

David Bertrand did not attend the meeting.

(x) Lachlan Holmes, HamiltonForward, respecting Development at 310 Frances Avenue, Hamilton (Added Item 8.10)

Lachlan Holmes, HamiltonForward, addressed the Committee respecting Development at 310 Frances Avenue, Hamilton.

The following delegations and written comments respecting Development at 310 Frances Avenue, Hamilton, were received:

1. Vivian Saunders (Delegation)
2. Mark Victor (Delegation)
3. Frank D'Amico (Written comments)
4. Sherry Hayes (Delegation)
5. Lachlan Holmes (Delegation)

(a) That staff be directed to report back to the Planning Committee on the proposed developments on the subject property, 310 Frances Avenue, with the Minutes of the Design Review Panel, and any studies required for future Site Plan approval, with staff recommendations for consideration by the Planning Committee and;

(b) That staff consult with the Ward Councillor to provide proper public notice.

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

(i) Outstanding Business List (Item 13.1)

The following changes to the Outstanding Business List, were approved:

Item JJ – Housekeeping Amendments to City of Hamilton Property Standards By-law 10-221 and Yard Maintenance By-law 10-118
(Addressed as Item 7.3)

(ii) General Manager's Update (Added Item 13.2)

Jason Thorne, General Manager of Planning and Economic Development, advised the Committee that a Press Release announcing a call for submissions for the Urban Design and Architecture awards was scheduled for April 17, 2019.

(i) PRIVATE AND CONFIDENTIAL (Item 14)

(i) Closed Session Minutes – April 2, 2019 (Item 14.1)

- (a) The Closed Session Minutes of the April 2, 2019 Planning Committee meeting were approved, as presented; and,
- (b) The Closed Session Minutes of the April 2, 2019 Planning Committee meeting, are to remain confidential.

(j) ADJOURNMENT (Item 15)

There being no further business, the Planning Committee was adjourned at 1:42 p.m.

Respectfully submitted,

Councillor M. Pearson
Chair, Planning Committee

Lisa Chamberlain
Legislative Coordinator
Office of the City Clerk