



PLANNING COMMITTEE

MINUTES 19-005

9:30 a.m.

Tuesday, April 2, 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, T. Whitehead and J. Partridge

**Absent with
Regrets:** Councillor B. Johnson - Personal

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

1. Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 80 and 92 Barton Street East and 245 Catharine Street North, Hamilton (PED19060) (Ward 2) (Item 8.1)

(Farr/Collins)

(a) That Amended Official Plan Amendment Application UHOPA-17-041 by John Barton Investments, Owner, for a change in designation on Schedule “M-2” of the West Harbour (Setting Sail) Secondary Plan in the former City of Hamilton Official Plan from “Low Density Residential” to “Prime Retail”, a change in Building Height permissions on Schedule “M-4” Building Heights, and to add a Site Specific Policy Area to permit the development of a five storey professional office building (including medical clinic) and 45 dwelling units, in the form of Multiple Dwelling and Stacked Townhouse Dwelling units, for lands located at 80 and 92 Barton Street East and 245 Catharine Street North, as shown on Appendix “A” to Report PED19060, be approved on the following basis:

- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED19060, 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-17-090 by John Barton Investments, Owner, for a change in zoning from the “H/S-1058”

(Community Shopping and Commercial Etc.) District, Modified, “H” (Community Shopping and Commercial Etc.) District, “L-mr-2” (Planned Development) District, and the “L-mr-2/S-1058 (Planned Development) District, Modified to the Mixed Use Medium Density - Pedestrian Focus (C5a, 723, H73) Zone, to permit a 4,552 sq m office building (including medical clinic), with 117 parking spaces and 45 dwelling units, in the form of Multiple Dwelling and Stacked Townhouse Dwelling units, with 55 associated parking spaces, for lands located at 80 and 92 Barton Street East and 245 Catharine Street North as shown on Appendix “A” to Report PED19060, be approved, subject to the following:

- (i) That the draft By-law, attached as Appendix “C”, **as amended**, to Report PED19060, 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 (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (2017), and complies with the City of Hamilton Official Plan upon approval of Official Plan Amendment No. ____.
- (iii) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject property by introducing the holding symbol “H73” to the proposed Mixed Use Medium Density – Pedestrian Focus (C5a, 723) Zone.

The Holding Provision “H73” is to be removed to allow the development of the proposed medical office building and 45 dwelling units upon:

- (1) That the owner submits and receives approval of a Documentation and Salvage Report in accordance with the City of Hamilton Documentation and Salvage Report guidelines to the satisfaction of the Director of Planning and Chief Planner;
- (2) That the owner submits and receives approval of a revised fire flow calculation based on the more advanced building design plans to demonstrate that the existing watermains can provide for sufficient flow for firefighting for the future development on the site all to the satisfaction of the Manager of Engineering Approvals;
- (3) The owner submits a signed Record of Site Condition to the City of Hamilton and the Ministry of the Environment Conservation and Parks (MOECP). This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the

MOECP, and submission of the City of Hamilton's current RSC administration fee.

(c) That the public submissions received supported the approval of the proposed Zoning By-law Amendment with amendments.

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

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

2. Early Payment Removal for Parking By-laws (PED19052) (City Wide) (Item 10.1)

(Collins/Whitehead)

That the Administrative Penalty System By-law 17-225 (APS) be amended to remove the Early Payment for By-law 01-216 Regulating Municipal Parking Facilities, By-law 01-217 To Establish and Regulate Fire Routes, By-law 01-218 Regulating On-Street Parking, By-law 01-219 To Manage and Regulate Municipal Parks, By-law 01-220 Regulating Parking on Private and Municipal Property, By-law 80-179 Regulating Hess Village Pedestrian Mall, By-law 16-009 Regulating Unauthorized Parking on Boulevards, Side Yards and Front Yards, and for staff to prepare an amended Administrative Penalty System By-law 17-225 which would be prepared in a form satisfactory to the City Solicitor and be enacted by Council at a future date, upon reviewing the feasibility of implementation with current operations.

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

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

FOR INFORMATION:

(a) APPROVAL OF THE AGENDA (Item 2)

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

1. DELEGATION REQUESTS (Item 6)

- 6.1 Lakewood Beach Community Council respecting Development at 310 Frances Avenue, Hamilton (For the April 16th meeting)
- 6.2 Jen Davis respecting Development at 310 Frances Avenue, Hamilton (For the April 16th meeting)
- 6.3 Mark Victor respecting Development at 310 Frances Avenue, Hamilton (For the April 16th meeting)
- 6.4 Frank D'Amico respecting Development at 310 Frances Avenue, Hamilton (For the April 16th meeting)
- 6.5 Sherry Hayes respecting Development at 310 Frances Avenue, Hamilton (For the April 16th meeting)
- 6.6 Eleanor Boyle respecting Development at 310 Frances Avenue, Hamilton (For the April 16th meeting)
- 6.7 David Bertrand respecting Development at 310 Frances Avenue, Hamilton (For the April 16th meeting)

2. PUBLIC HEARINGS / DELEGATIONS (Item 8)

- 8.1.a Added Staff Presentation
- 8.1.b Added Written Comments from J. Alejandro Lopez
- 8.2.a Added Staff Presentation
- 8.2.b Added Written Comments from:
 1. Murray and Jane Slote
 2. Christopher Ritsma
 3. T.J. De Pasquale
- 8.2.c Registered Speakers:
 1. Lucian Puscariu, Romanian Church
 2. Lachlan Holmes, Hamilton Forward

3. PRIVATE AND CONFIDENTIAL (Item 14)

- 14.2 Request for Review of Decision of the Local Planning Appeal Tribunal in Case No. PL161240 for Official Plan and Zoning By-law Amendments for the Lands Located at 1117 Garner Road East (Ward 12) (Deferred from the March 27, 2019 Council meeting)

(Farr/Danko)

That the agenda for the April 2, 2019 meeting be approved, as amended.

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

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

(b) DECLARATIONS OF INTEREST (Item 3)

None declared.

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

(i) March 19, 2019 (Item 4.1)

Councillor Partridge noted that her absence at the March 19, 2019 Planning Committee meeting should be noted as “City Business”, and the Clerk advised the Minutes would be corrected for the official record.

(Partridge/Whitehead)

That the Minutes of the March 19, 2019 meeting be approved, as amended.

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

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

(d) DELEGATION REQUESTS (Item 6)

(i) Delegation Requests respecting Development at 310 Frances Avenue, Hamilton (Added Items 6.1 – 6.7)

(Clark/Danko)

That the following Delegation Requests respecting Development at 310 Frances Avenue, Hamilton, be approved for the April 16, 2019 Planning Committee meeting:

- 6.1 Lakewood Beach Community Council
- 6.2 Jen Davis
- 6.3 Mark Victor
- 6.4 Frank D'Amico
- 6.5 Sherry Hayes
- 6.6 Eleanor Boyle
- 6.7 David Bertrand

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

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

(e) PUBLIC HEARINGS / DELEGATIONS (Item 8)

(i) Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 80 and 92 Barton Street East and 245 Catharine Street North, Hamilton (PED19060) (Ward 2) (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 and Zoning By-law Amendment the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Local Planning Appeal Tribunal, and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

(Farr/Wilson)

That the public meeting be closed.

CARRIED

Shannon McKie, Senior Project Manager – Urban Team, addressed the Committee with the aid of a PowerPoint presentation. A copy of the presentation is available online at www.hamilton.ca.

(Whitehead/Farr)

That the staff presentation be received.

CARRIED

Scott Arbuckle, IBI Group, agent for the applicant was in attendance and indicated that the applicant is in agreement with the staff report.

(Farr/Collins)

That the written comments from J. Alejandro Lopez (Item 8.1.b), be received.

CARRIED

(Farr/Collins)

(a) That Policy d) vii) – Parking in the proposed by-law, attached as Appendix “C” to Report PED19060, be amended by changing paragraph 1 from “1” to “1.22”, deleting paragraph 2 and renumbering the balance accordingly, to read as follows:

(i) Policy d) vii) – Parking, sub-section B)

1. ~~4~~ **1.22** spaces per dwelling unit shall be required.

~~2. In addition to 1. above, 0.22 visitor parking spaces per dwelling unit shall be required.~~

2. Parking space size shall be a minimum of 2.6 metres in width and 5.5 metres in length

(b) That Policy e) ii) – Minimum Side Yard in the proposed by-law, attached as Appendix “C” to Report PED19060, be amended by changing “1.4” to “0.9”, to read as follows:

ii) Minimum Side Yard ~~1.4~~ **0.9** metres.

(c) That the recommendations in Report PED19060 be amended by adding the following sub-section (c):

(c) That the public submissions received supported the approval of the proposed Zoning By-law Amendment with amendments.

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

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

For disposition of this matter, refer to Item 1.

(ii) Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 282 MacNab Street North, Hamilton (PED19071) (Ward 2) (Item 8.2)

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 and Zoning By-law Amendment the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Local Planning Appeal Tribunal, and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

(Farr/Partridge)

That the staff presentation be waived.

CARRIED

Delegations:

1. Lucian Puscariu, 581 Queen Street, Hamilton

Lucian Puscariu addressed the Committee in support of the denial of the proposed Zoning By-law Amendment.

2. Lachlan Holmes, 50 Young Street, Hamilton

Lachlan Holmes addressed the Committee in support of the proposed Zoning By-law Amendment.

3. Florin Patrau, 92 Buckingham Drive, Hamilton

Florin Patrau addressed the Committee in support of the denial of the proposed Zoning By-law Amendment.

4. David Slote, 306-50 Murray Street West, Hamilton

David Slote addressed the Committee in support of the denial of the proposed Zoning By-law Amendment.

(Farr/Collins)

That the delegations be received.

CARRIED

Written Comments:

8.2.b

1. Murray and Jane Slote in support of the denial of the proposed Zoning By-law Amendment.
2. Christopher Ritsma in support of the proposed Zoning By-law Amendment.
3. T.J. De Pasquale, Project Manager and Agent of the property owner, in support of the proposed Zoning By-law Amendment.

(Farr/Collins)

That the written comments be received.

CARRIED

(Farr/Collins)

That the public meeting be recessed, and Report PED19071 respecting Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 282 MacNab Street North, Hamilton, be deferred for approximately thirty days in order to allow the Ward Councillor and staff to work with the applicant.

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

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

(f) PRIVATE AND CONFIDENTIAL (Item 14)

(i) Closed Session Minutes – March 19, 2019 (Item 14.1)

(Collins/Danko)

- (a) That the Closed Session Minutes of the March 19, 2019 Planning Committee meeting be approved, as presented; and,
- (b) That the Closed Session Minutes of the March 19, 2019 Planning Committee meeting, remain confidential.

CARRIED

(Collins/Clark)

That Committee move into Closed Session, respecting Item 14.2, pursuant to Section 8.1, Sub-sections (e) and (f) of the City's Procedural By-law 18-270; and, Section 239(2), Sub-sections (e) and (f) of the *Ontario Municipal Act*, 2001, as amended, as the subject 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.

CARRIED

(ii) Request for Review of Decision of the Local Planning Appeal Tribunal in Case No. PL161240 for Official Plan and Zoning By-law Amendments for the Lands Located at 1117 Garner Road East (Ward 12) (Added Item 14.2)

There was nothing to report in Open Session.

(g) ADJOURNMENT (Item 15)

(Partridge/Danko)

That, there being no further business, the Planning Committee be adjourned at 12:20 p.m.

CARRIED

Respectfully submitted,

Councillor M. Pearson
Chair, Planning Committee

Lisa Chamberlain
Legislative Coordinator
Office of the City Clerk