



PLANNING COMMITTEE

MINUTES

20-006

July 14, 2020

9:30 a.m.

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

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

Absent with Regrets: Councillor T. Whitehead – Personal

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

1. **Matt Johnston, Urban Solutions, respecting a Request for a Minor Variance for 125-127 Young Street and 122-126 Augusta Street (Added Item 4.1)**

(Farr/Pearson)

That the request to allow the owner of 125-127 Young Street and 122-126 Augusta Street to file a Minor Variance application within two years of the passing of Zoning By-law 19-102, despite Sub-section 45(1.3) of the *Planning Act*, be approved.

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 - Chair - Ward 2 Councillor Jason Farr
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT – Ward 14 Councillor Terry Whitehead
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

2. Applications for Zoning By-law Amendment and Draft Plan of Subdivision for Lands Located at 1218 and 1226 Barton Street, and 1219 Highway No. 8 (Stoney Creek) (PED20055) (Ward 10) (Item 6.1)

(Pearson/Johnson)

(a) That Revised Zoning By-law Amendment Application ZAC-17-076, by Branthaven Winona Hills Inc., (Owner) for a change in zoning from the Agricultural Specialty "AS" Zone to the Single Residential "R4-35" Zone, Modified (Block 1); from the Rural Residential "RR" Zone to the Single Residential "R4-35" Zone, Modified (Block 2); from the Single Residential "R1" Zone to the Single Residential "R4-35" Zone, Modified (Block 3); from the Agricultural Specialty "AS" Zone to the Single Residential "R4-36" Zone, Modified (Block 4); from the Agricultural Specialty "AS" Zone to the Single Residential "R4-36(H)" Zone, Modified, Holding (Block 5); from the Agricultural Specialty "AS" Zone to the Single Residential "R4-37" Zone, Modified (Block 6); and, from the Agricultural Specialty "AS" Zone to the General Commercial "GC-30(H)" Zone, Modified, Holding (Block 7), to permit the development of 50 single detached dwellings, a temporary stormwater management pond, and residential reserve blocks on the lands known as 1218 and 1226 Barton Street, and 1219 Highway No. 8 (Stoney Creek), as shown on Appendix "A" to Report PED20055, be APPROVED on the following basis:

- (i) That the draft By-law attached as Appendix "B" to Report PED20055, 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 symbol 'H' as a suffix to the proposed zoning for the following:

The Holding Provisions for the Single Residential "R4-36(H)" Zone, Modified, Holding, shall be removed conditional upon:

- i. That the Owner prepare and implement an Emergency Overland Flow Route and dedicate an easement of suitable width for the Emergency Overland Flow Route to the City, all to the satisfaction of the Manager of Development Approvals;

The Holding Provisions for the General Commercial "GC-30(H)" Zone, Modified, Holding, shall be removed conditional upon:

- i. That land assembly occur in order to provide commercial zoned frontage, to the satisfaction of the Director of Planning and Chief Planner; and,

- (iii) That the proposed amendment is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow (2019), and complies with the Urban Hamilton Official Plan.

- (b) That Revised Draft Plan of Subdivision 25T-201711, by Branthaven Winona Hills Inc., (Owner) to establish a Draft Plan of Subdivision on the lands known as 1218 and 1226 Barton Street, and 1219 Highway No. 8 (Stoney Creek), as shown on Appendix "A" to Report PED20055, be APPROVED, subject to the following:
 - (i) That this approval apply to the Draft Plan of Subdivision 25T-201711, prepared by Glen Schnarr & Associates Inc., and certified by S.D. McLaren, O.L.S., dated January 14, 2020, consisting of 50 lots for single detached dwellings (Lots 1-50), one temporary multi-use path block (Block 51), ten residential reserve blocks (Blocks 52-61), two residential reserve blocks for a temporary stormwater management pond (Blocks 62-63), future road for a temporary stormwater management pond (Block 64), three road widenings (Blocks 65-67), two 0.3 m reserve blocks (Blocks 68-69), and a public road (Street 'A'), attached as Appendix "D" to Report PED20055, subject to the Owner entering into a standard form subdivision agreement as approved by City Council and with Special Conditions attached as Appendix "E" to Report PED20055;

 - (ii) In accordance with the City's Comprehensive Development Guidelines and Financial Policies Manual (2017) there will be no cost sharing for this subdivision, including all interim or temporary works; and,

 - (iii) That Payment of Cash-in-Lieu or dedication 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, all in accordance with the Financial Policies for Development and the City's Parkland Dedication By-laws, as approved by Council.

- (c) That the Real Estate Section be authorized to transfer back to Branthaven Winona Hills Inc. Blocks 51 to 56 and Blocks 58 to 61 for interim temporary works (temporary road connection to Barton Street, temporary turning circle, and temporary pedestrian walkway to Highway No. 8) at such time that the adjacent lands are developed and permanent access and services are established.

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

Result: Main Motion, As Amended, 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 - Chair - Ward 2 Councillor Jason Farr
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT – Ward 14 Councillor Terry Whitehead
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

3. Application for a Zoning By-law Amendment for Lands located at 323 Rymal Road East (Hamilton) (PED20060) (Ward 7) (Item 6.2)

(Pearson/Danko)

(a) That Zoning By-law Amendment Application ZAC-19-031, by 1333664 Ontario Inc., Owners, for a change in zoning from the “AA” (Agricultural) District to the “DE-2/S-1798-H” (Multiple Dwellings) District, Modified, Holding to permit the development of a three storey, 21 unit multiple dwelling with 26 surface parking spaces for lands located at 323 Rymal Road East, as shown on Appendix “A” to Report PED20060, be APPROVED, on the following basis:

- (i) That the draft By-law, attached as Appendix “B” to Report PED20060, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject lands by introducing the Holding ‘H’ as a suffix to the proposed zoning for 323 Rymal Road East as shown on Schedule “A” of Appendix “B” to Report PED20060.

The Holding Provision “DE-2/S-1798-H” (Multiple Dwellings) District, Modified, Holding, be removed conditional upon:

- (1) The owner achieving Ministry of the Environment Conservation and Parks (MECP) Noise Guidelines NPC-300 by screening the Turner Park Library HVAC equipment, and/or providing an updated Noise Feasibility Study which provides further evaluation of the Turner Park Library’s HVAC, equipment 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), conforms to A Place to Grow

(2019), and complies with the Urban Hamilton Official Plan with regard to matters including compatibility with the immediate area and providing an alternative housing form.

- (b) That upon finalization of the implementing By-law, the Barnstown Neighbourhood Plan be amended by changing the designation of the subject lands from “Single and Double” to “Medium Density Apartments” to accommodate the proposed residential development; and,
- (c) ***That the public submissions received regarding this matter did not affect the decision.***

Result: Main Motion, As Amended, 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 - Chair - Ward 2 Councillor Jason Farr
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT – Ward 14 Councillor Terry Whitehead
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

4. Application to Amend Zoning By-law No. 6593 Respecting Lands Located at 370 Concession Street (PED19158(a)) (Ward 7) (Item 8.1)

(Pearson/Collins)

- (a) That Revised Zoning By-law Amendment Application ZAC-18-008, by 370 Concession (Hamilton) Ltd., Owners, for a further modification to the “DE-2/S-5” (Multiple Dwellings) District, Modified (Block 1); for changes in zoning from the “C” (Urban Protected Residential, etc.) District to the “DE-2/S-5a-H1” (Multiple Dwellings) District, Modified, Holding (Block 2); and, from the “DE-2/S-5” (Multiple Dwellings) District, Modified to the “RT-30/S-178-H2” (Street – Townhouses) District, Modified, Holding (Block 3); to permit the development of three street townhouse dwellings along East 15th Street and the expansion of the parking area for the existing five storey multiple dwelling for lands located at 370 Concession Street, as shown on Appendix “A” to Report PED19158a, be APPROVED, on the following basis:
 - (i) That the draft By-law, attached as Appendix “B” to Report PED19158a, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

- (ii) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject lands by introducing the Holding ‘H’ as a suffix to the proposed zoning for the subject lands as shown on Schedule “A” of Appendix “B” to Report PED191958a.

The Holding Provision “DE-2/S-5a-H1” (Multiple Dwellings) District, Modified, Holding applicable to Blocks 1 and 2, as shown on Schedule “A” to Appendix “B” to Report PED19158a, be removed conditional upon:

- (1) The Owner applying for a Building Permit to legalize the two (2) units that were not part of the original 39 unit multiple dwelling, to the satisfaction of the City’s Chief Building Official.
- (2) The Owner receiving Conditional Site Plan Approval for the proposed changes to the parking lot, to the satisfaction of the Manager of Development Planning, Heritage and Design.

The Holding Provision “RT-30/S-1781-H2” (Street – Townhouses) District, Modified, Holding applicable to Block 3, as shown on Schedule “A” to Appendix “B” to Report PED19158a, be removed conditional upon:

- (1) The Owner receiving Conditional Site Plan Approval, to the satisfaction of the Manager of Development Planning, Heritage and Design.
- (iii) That the proposed changes in zoning are consistent with the Provincial Policy Statement, conform to A Place to Grow Plan (2019), and comply with the Urban Hamilton Official Plan.
- (iv) That in accordance with Subsection 34(17) of the *Planning Act*, no additional public meeting notice is required.

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

Result: Main Motion, As Amended, 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 - Chair - Ward 2 Councillor Jason Farr
- YES - Ward 15 Councillor Judi Partridge
- NOT PRESENT – Ward 14 Councillor Terry Whitehead

YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

5. Recommendation to Designate 127 Hughson Street North, Hamilton (Firth Brothers Building) under Part IV of the Ontario Heritage Act (PED20050) (Ward 2) (Item 8.2)

(Pearson/Partridge)

- (a) That the designation of 127 Hughson Street North, Hamilton (Firth Brothers Building), shown in Appendix “A” to Report PED20050, 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 “A” to Report 20-002, be approved;
- (c) That the foyer of the 1929 building located at 127 Hughson Street North, Hamilton (Firth Brothers Building), displays a high degree of artistic merit and is therefore considered to meet the Design and Physical Value Evaluation Criteria under O. Reg 9/06 for craftsmanship or artistic merit;
- (d) That the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes, attached as Appendix “A” to Report 20-002, be amended and approved, to include the following:
 - (i) inclusion of the operation of windows; and,
- (e) That the City Clerk be directed to take appropriate action to designate 127 Hughson Street North, Hamilton (Firth Brothers Building) under Part IV of the Ontario Heritage Act, in accordance with the Notice of Intention to Designate, attached as Appendix “C” to Report PED20050.

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 - Chair - Ward 2 Councillor Jason Farr
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT – Ward 14 Councillor Terry Whitehead
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

6. Application for Approval of a Draft Plan of Condominium (Common Element) for Lands Located at 315 Dalgleish Trail, Glanbrook (PED20091) (Ward 9) REVISED (Item 8.3)

(Johnson/Pearson)

- (a) That Draft Plan of Condominium Application 25CDM-201906, by A.J. Clarke and Associates Ltd. on behalf of 1356715 Ontario Inc., Owner to establish a Draft Plan of Condominium (Common Element) to create a private road, sidewalks, landscaped areas, an amenity area and 65 visitor parking spaces for 216 townhouse units on lands located at 315 Dalgleish Trail (Glanbrook), as shown on Appendix "A", attached to Report PED20091, be APPROVED subject to the following conditions:
- (i) That the approval for Draft Plan of Condominium (Common Element) application 25CDM-201906 applies to the plan prepared by A.J. Clarke and Associates Ltd., certified by Nicholas P. Muth, and dated March 24, 2020 consisting of a private road, sidewalks, landscaped areas, an amenity area and 65 visitor parking spaces for 216 townhouse units, attached as Appendix "B" to Report PED20091;
 - (ii) That the conditions of Draft Plan of Condominium Approval 25CDM-201906, attached as REVISED Appendix "C" to Report PED20091, be received and endorsed by City Council.
- (b) *That there were no public submissions received regarding this matter.*

Result: Main Motion, As Amended, 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 - Chair - Ward 2 Councillor Jason Farr
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT – Ward 14 Councillor Terry Whitehead
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

7. Waiving of all Road Widening at 20 East Avenue South (Item 9.1)

(Farr/Collins)

WHEREAS, the Planning Act and the Urban Official Plan state that the City shall reserve or obtain road widenings for rights-of-way as described in Schedule C2-Future Road Widenings;

WHEREAS, Transportation Planning staff have requested right of way widenings along the Main Street East frontage, the Victoria Ave North frontage, and the King Street East frontage;

THEREFORE BE IT RESOLVED:

That staff be directed to amend the site plan condition, (City file number DA-19-071) to waive the right of way widenings for Main Street East and Victoria Avenue North for the lands located at the north-west corner of Main Street East and East Avenue South, known municipally as 20 East Avenue South.

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 - Chair - Ward 2 Councillor Jason Farr
- YES - Ward 15 Councillor Judi Partridge
- NOT PRESENT – Ward 14 Councillor Terry Whitehead
- YES - Ward 11 Councillor Brenda Johnson
- YES - Ward 10 Councillor Maria Pearson

8. 1 Jarvis Alleyway Agreement (Added Item 10.1)

(Farr/Johnson)

WHEREAS, a Site Plan Application DA-20-035 has been received for the lands municipally known as 1 Jarvis Street and the applicant proposes to construct a 14 storey mixed use building, containing 314 sq. m of commercial space and 377 dwelling units;

WHEREAS, due to site constraints and the need to protect a heritage building, the applicant proposes to utilize a portion of the Assumed Alleyway that extends between Jarvis Street and Ferguson Avenue for access to the lower level parking garage;

WHEREAS, under current policy assumed alleyways are maintained by the City, but are not subject to minimum maintenance standards and therefore unlikely to be maintained to the level that would be expected by future Condo owners;

WHEREAS, staff are currently undertaking the next phase of the Alleyway State of the Infrastructure Report & Asset Management Strategy as outlined in Report (PW17008(a)) Alleyway Management Strategy – Classification System which will identify the desired Level of Service for alleyways;

WHEREAS, this alleyway has been classified as Category A and is intended to provide a critical role to support surrounding businesses, commercial parking,

delivery and public waste collection, but would not typically serve as a primary access to a residential building;

WHEREAS, a number of alternatives were considered to minimize risk to the City should the alleyway be used for residential access including close up and sale, City maintains alleyway with fee, or developer/condominium corporation maintains alley at its cost;

WHEREAS, the option that results in the least risk to the City, while allowing the development to proceed, is to establish a maintenance agreement whereby the developer implements upgrades to the alleyway and the condominium corporation to be incorporated maintains it to a defined standard.

THEREFORE, BE IT RESOLVED:

- (a) That staff be directed prepare a condition of approval for Site Plan Application DA-20-035 which sets out the parameters of an alleyway maintenance agreement;
- (b) That agreement for the maintenance of the alleyway, whereby the Condo Corporation for 1 Jarvis maintains the alleyway in its entirety from Jarvis Street to Ferguson Avenue at its cost, be subject to the satisfaction of the Director of Transportation Operations and Maintenance;
- (c) That the Owner must, at is own expense, improve the surface condition and drainage of the alleyway between Jarvis Street and the west limit of the parking access, subject to the satisfaction of the Senior Director of Growth Management
- (d) That notwithstanding this draft approval, City policy shall remain to not allow access to assumed alleyways for site plan applications, subject to exceptional circumstances at the City's unfettered discretion; and,
- (e) That the City is directed to enter into the agreement on such terms that are satisfactory to the General Manager of Planning and Economic Development, and that the General Manager of Planning and Economic Development be authorized to sign the agreement.

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

NOT PRESENT - Ward 1 Councillor Maureen Wilson
NOT PRESENT - Ward 5 Councillor Chad Collins
YES - Ward 8 Councillor John-Paul Danko
YES - Chair - Ward 2 Councillor Jason Farr
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT – Ward 14 Councillor Terry Whitehead

YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

9. **Appeal to the Local Planning Appeal Tribunal (LPAT) on Urban Hamilton Official Plan Amendment Application and Stoney Creek Zoning By-law No. 3692-92 Amendment Application for Lands Located at 261 King Street East (Stoney Creek) (LS18050(a)/PED18212(a)) (Ward 10) (Item 12.1)**

(Pearson/Partridge)

- (a) That recommendations (a), (b) and (c) contained in Report LS18050(a)/PED18212(a), be approved;
- (b) That recommendations (a), (b) and (c) contained in Report LS18050(a)/PED18212(a), and the appendices thereto, remain confidential except as necessary to implement these recommendations, at the discretion of the City Solicitor; and,
- (c) That the balance of Report LS18050(a)/PED18212(a) remain confidential.

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

NOT PRESENT - Ward 1 Councillor Maureen Wilson
NOT PRESENT - Ward 5 Councillor Chad Collins
YES - Ward 8 Councillor John-Paul Danko
YES - Chair - Ward 2 Councillor Jason Farr
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT – Ward 14 Councillor Terry Whitehead
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 1)

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

1. COMMUNICATIONS (Item 4)

- 4.1 Matt Johnston, Urban Solutions, respecting a Request for a Minor Variance for 125-127 Young St and 122-126 Augusta Street
- 4.2 Mike Bozzo respecting Backyard Hens Pilot Project

2. PUBLIC HEARINGS/WRITTEN DELEGATIONS (Item 6)

- 6.2 Application for a Zoning By-law Amendment for Lands located at 323 Rymal Road East (Hamilton) (PED20060) (Ward 7)
 - (b) Written Submissions:
 - 1. George Lilly
- 6.4 Terry Brown respecting 370 Concession Street (Item 8.1)
- 6.5 Ian Ludbrook respecting 370 Concession Street (Item 8.1)
- 6.6 Pearl Davie respecting 370 Concession Street (Item 8.1)
- 6.7 Jackie Beaudin respecting 370 Concession Street (Item 8.1)
- 6.8 Elva Davenport respecting 370 Concession Street (Item 8.1)

(Johnson/Partridge)

That the agenda for the July 14, 2020 meeting be approved, as amended.

Result: Motion CARRIED by a vote of 6 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 - Chair - Ward 2 Councillor Jason Farr
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT – Ward 14 Councillor Terry Whitehead
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

(b) DECLARATIONS OF INTEREST (Item 2)

None declared.

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

(i) July 7, 2020 (Item 3.1)

(Johnson/Pearson)

That the Minutes of the July 7, 2020 meeting be approved, as presented.

Result: Motion CARRIED by a vote of 6 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 - Chair - Ward 2 Councillor Jason Farr
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT – Ward 14 Councillor Terry Whitehead
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

(d) COMMUNICATIONS (Item 4)

(i) Matt Johnston, Urban Solutions, respecting a Request for a Minor Variance for 125-127 Young Street and 122-126 Augusta Street (Added Item 4.1)

Councillor Farr relinquished the Chair to Councillor Danko in order to move a motion with respect to Item 4.1.

For disposition of this matter, see Item 1.

Councillor Farr assumed the Chair.

(ii) Mike Bozzo respecting Backyard/Urban Hens (Added Item 4.2)

(Partridge/Farr)

That the correspondence from Mike Bozzo respecting Backyard Hens Pilot Project, be received.

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 - Chair - Ward 2 Councillor Jason Farr
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT – Ward 14 Councillor Terry Whitehead
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

(e) PUBLIC HEARINGS/WRITTEN DELEGATIONS (Item 6)

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

of the public have pre-registered to be virtual delegate at any of the Public Meetings on today's agenda.

In accordance with the provisions of the *Planning Act*, Chair Farr advised that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Zoning By-law Amendment or Draft Plan of Subdivision development 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) Applications for Zoning By-law Amendment and Draft Plan of Subdivision for Lands Located at 1218 and 1226 Barton Street, and 1219 Highway No. 8 (Stoney Creek) (PED20055) (Ward 10) (Item 6.1)

No members of the public were registered as Delegations.

(Pearson/Farr)

That the staff presentation be waived.

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

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 5 Councillor Chad Collins
YES - Ward 8 Councillor John-Paul Danko
YES - Chair - Ward 2 Councillor Jason Farr
NOT PRESENT - Ward 15 Councillor Judi Partridge
NOT PRESENT – Ward 14 Councillor Terry Whitehead
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

Mark Condello, GSAI, Agent, was in attendance and indicated support for the staff report.

(Pearson/Collins)

That the delegation from Mark Condello, GSAI, Agent, be received.

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 - Chair - Ward 2 Councillor Jason Farr
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT – Ward 14 Councillor Terry Whitehead

YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

(Pearson/Johnson)

That the public meeting be closed.

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 - Chair - Ward 2 Councillor Jason Farr
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT – Ward 14 Councillor Terry Whitehead
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

(Pearson/Johnson)

- (a) That Revised Zoning By-law Amendment Application ZAC-17-076, by Branthaven Winona Hills Inc., (Owner) for a change in zoning from the Agricultural Specialty “AS” Zone to the Single Residential “R4-35” Zone, Modified (Block 1); from the Rural Residential “RR” Zone to the Single Residential “R4-35” Zone, Modified (Block 2); from the Single Residential “R1” Zone to the Single Residential “R4-35” Zone, Modified (Block 3); from the Agricultural Specialty “AS” Zone to the Single Residential “R4-36” Zone, Modified (Block 4); from the Agricultural Specialty “AS” Zone to the Single Residential “R4-36(H)” Zone, Modified, Holding (Block 5); from the Agricultural Specialty “AS” Zone to the Single Residential “R4-37” Zone, Modified (Block 6); and, from the Agricultural Specialty “AS” Zone to the General Commercial “GC-30(H)” Zone, Modified, Holding (Block 7), to permit the development of 50 single detached dwellings, a temporary stormwater management pond, and residential reserve blocks on the lands known as 1218 and 1226 Barton Street, and 1219 Highway No. 8 (Stoney Creek), as shown on Appendix “A” to Report PED20055, be APPROVED on the following basis:
- (iv) That the draft By-law attached as Appendix “B” to Report PED20055, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (v) 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 symbol ‘H’ as a suffix to the proposed zoning for the following:

The Holding Provisions for the Single Residential “R4-36(H)” Zone, Modified, Holding, shall be removed conditional upon:

- ii. That the Owner prepare and implement an Emergency Overland Flow Route and dedicate an easement of suitable width for the Emergency Overland Flow Route to the City, all to the satisfaction of the Manager of Development Approvals;

The Holding Provisions for the General Commercial “GC-30(H)” Zone, Modified, Holding, shall be removed conditional upon:

- ii. That land assembly occur in order to provide commercial zoned frontage, to the satisfaction of the Director of Planning and Chief Planner; and,
- (vi) That the proposed amendment is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow (2019), and complies with the Urban Hamilton Official Plan.
- (b) That Revised Draft Plan of Subdivision 25T-201711, by Branthaven Winona Hills Inc., (Owner) to establish a Draft Plan of Subdivision on the lands known as 1218 and 1226 Barton Street, and 1219 Highway No. 8 (Stoney Creek), as shown on Appendix “A” to Report PED20055, be APPROVED, subject to the following:
 - (iv) That this approval apply to the Draft Plan of Subdivision 25T-201711, prepared by Glen Schnarr & Associates Inc., and certified by S.D. McLaren, O.L.S., dated January 14, 2020, consisting of 50 lots for single detached dwellings (Lots 1-50), one temporary multi-use path block (Block 51), ten residential reserve blocks (Blocks 52-61), two residential reserve blocks for a temporary stormwater management pond (Blocks 62-63), future road for a temporary stormwater management pond (Block 64), three road widenings (Blocks 65-67), two 0.3 m reserve blocks (Blocks 68-69), and a public road (Street ‘A’), attached as Appendix “D” to Report PED20055, subject to the Owner entering into a standard form subdivision agreement as approved by City Council and with Special Conditions attached as Appendix “E” to Report PED20055;
 - (v) In accordance with the City’s Comprehensive Development Guidelines and Financial Policies Manual (2017) there will

be no cost sharing for this subdivision, including all interim or temporary works; and,

(vi) That Payment of Cash-in-Lieu or dedication 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, all in accordance with the Financial Policies for Development and the City's Parkland Dedication By-laws, as approved by Council.

(c) That the Real Estate Section be authorized to transfer back to Branthaven Winona Hills Inc. Blocks 51 to 56 and Blocks 58 to 61 for interim temporary works (temporary road connection to Barton Street, temporary turning circle, and temporary pedestrian walkway to Highway No. 8) at such time that the adjacent lands are developed and permanent access and services are established.

(Pearson/Johnson)

That the recommendations in Report PED20055 be **amended** by adding the following sub-section (d):

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

Result: Amendment 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 - Chair - Ward 2 Councillor Jason Farr
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT – Ward 14 Councillor Terry Whitehead
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

For disposition of this matter, see Item 2.

(ii) Application for a Zoning By-law Amendment for Lands located at 323 Rymal Road East (Hamilton) (PED20060) (Ward 7) (Item 6.2)

No members of the public were registered as Delegations.

(Pearson/Danko)

That the staff presentation be waived.

Result: Motion CARRIED by a vote of 6 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 - Chair - Ward 2 Councillor Jason Farr
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT – Ward 14 Councillor Terry Whitehead
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

Tracy Tucker, IBI Group, was in attendance and indicated support for the staff report.

(Pearson/Danko)

That the delegation from the Tracy Tucker, IBI Group, be received.

Result: Motion CARRIED by a vote of 6 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 - Chair - Ward 2 Councillor Jason Farr
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT – Ward 14 Councillor Terry Whitehead
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

(Partridge/Pearson)

That the following written submissions be received:

1. George Lilly

Result: Motion CARRIED by a vote of 6 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 - Chair - Ward 2 Councillor Jason Farr
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT – Ward 14 Councillor Terry Whitehead
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

(Partridge/Pearson)

That the public meeting be closed.

Result: Motion CARRIED by a vote of 6 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 - Chair - Ward 2 Councillor Jason Farr
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT – Ward 14 Councillor Terry Whitehead
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

(Pearson/Danko)

- (a) That Zoning By-law Amendment Application ZAC-19-031, by 1333664 Ontario Inc., Owners, for a change in zoning from the “AA” (Agricultural) District to the “DE-2/S-1798-H” (Multiple Dwellings) District, Modified, Holding to permit the development of a three storey, 21 unit multiple dwelling with 26 surface parking spaces for lands located at 323 Rymal Road East, as shown on Appendix “A” to Report PED20060, be APPROVED, on the following basis:
 - (iv) That the draft By-law, attached as Appendix “B” to Report PED20060, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (v) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject lands by introducing the Holding ‘H’ as a suffix to the proposed zoning for 323 Rymal Road East as shown on Schedule “A” of Appendix “B” to Report PED20060.

The Holding Provision “DE-2/S-1798-H” (Multiple Dwellings) District, Modified, Holding, be removed conditional upon:

- (2) The owner achieving Ministry of the Environment Conservation and Parks (MECP) Noise Guidelines NPC-300 by screening the Turner Park Library HVAC equipment, and/or providing an updated Noise Feasibility Study which provides further evaluation of the Turner Park Library’s HVAC, equipment to the satisfaction of the Director of Planning and Chief Planner.
- (vi) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow (2019), and complies with the Urban Hamilton Official Plan with regard to matters including compatibility with the immediate area and providing an alternative housing form.

- (b) That upon finalization of the implementing By-law, the Barnstown Neighbourhood Plan be amended by changing the designation of the subject lands from “Single and Double” to “Medium Density Apartments” to accommodate the proposed residential development.

(Pearson/Danko)

That the recommendations in Report PED20060 be *amended* by adding the following sub-section (c):

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

Result: Amendment CARRIED by a vote of 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 - Chair - Ward 2 Councillor Jason Farr
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT – Ward 14 Councillor Terry Whitehead
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

For disposition of this matter, see Item 3.

(iii) Written Delegations (Item 6.3 and Added Items 6.4 – 6.8)

(Pearson/Johnson)

That the following written delegations respecting 370 Concession Street (Item 8.1), be received and referred to the consideration of Item 8.1:

1. Kevin Hunt (Item 6.3)
2. Terry Brown (Added Item 6.4)
3. Ian Ludbrook (Added Item 6.5)
4. Pearl Davie (Added Item 6.6)
5. Jackie Beaudin (Added Item 6.7)
6. Elva Davenport (Added Item 6.8)

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 - Chair - Ward 2 Councillor Jason Farr
YES - Ward 15 Councillor Judi Partridge

NOT PRESENT – Ward 14 Councillor Terry Whitehead
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

(f) DISCUSSION ITEMS (Item 8)

(i) Application to Amend Zoning By-law No. 6593 Respecting Lands Located at 370 Concession Street (PED19158(a)) (Ward 7) (Item 8.1)

Melanie Schneider, Planner II, addressed the Committee with the aid of a PowerPoint presentation.

(Johnson/Partridge)

That the staff presentation be received.

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 - Chair - Ward 2 Councillor Jason Farr
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT – Ward 14 Councillor Terry Whitehead
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

Amber Lindsay, Urban Solutions. was in attendance and indicated that she is in support of the staff report.

(Johnson/Pearson)

That the delegation from the Agent, be received..

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 - Chair - Ward 2 Councillor Jason Farr
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT – Ward 14 Councillor Terry Whitehead
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

(Pearson/Collins)

That the following written submissions, be received:

1. Kevin Hunt

2. Terry Brown
3. Ian Ludbrook
4. Pearl Davie
5. Jackie Beaudin
6. Elva Davenport

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 - Chair - Ward 2 Councillor Jason Farr
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT – Ward 14 Councillor Terry Whitehead
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

(Pearson/Collins)

- (a) That Revised Zoning By-law Amendment Application ZAC-18-008, by 370 Concession (Hamilton) Ltd., Owners, for a further modification to the “DE-2/S-5” (Multiple Dwellings) District, Modified (Block 1); for changes in zoning from the “C” (Urban Protected Residential, etc.) District to the “DE-2/S-5a-H1” (Multiple Dwellings) District, Modified, Holding (Block 2); and, from the “DE-2/S-5” (Multiple Dwellings) District, Modified to the “RT-30/S-178-H2” (Street – Townhouses) District, Modified, Holding (Block 3); to permit the development of three street townhouse dwellings along East 15th Street and the expansion of the parking area for the existing five storey multiple dwelling for lands located at 370 Concession Street, as shown on Appendix “A” to Report PED19158a, be APPROVED, on the following basis:
 - (v) That the draft By-law, attached as Appendix “B” to Report PED19158a, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (vi) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject lands by introducing the Holding ‘H’ as a suffix to the proposed zoning for the subject lands as shown on Schedule “A” of Appendix “B” to Report PED19158a.

The Holding Provision “DE-2/S-5a-H1” (Multiple Dwellings) District, Modified, Holding applicable to Blocks 1 and 2, as shown on Schedule “A” to Appendix “B” to Report PED19158a, be removed conditional upon:

- (3) The Owner applying for a Building Permit to legalize the two (2) units that were not part of the original 39 unit multiple dwelling, to the satisfaction of the City’s Chief Building Official.
- (4) The Owner receiving Conditional Site Plan Approval for the proposed changes to the parking lot, to the satisfaction of the Manager of Development Planning, Heritage and Design.

The Holding Provision “RT-30/S-1781-H2” (Street – Townhouses) District, Modified, Holding applicable to Block 3, as shown on Schedule “A” to Appendix “B” to Report PED19158a, be removed conditional upon:

- (2) The Owner receiving Conditional Site Plan Approval, to the satisfaction of the Manager of Development Planning, Heritage and Design.
- (vii) That the proposed changes in zoning are consistent with the Provincial Policy Statement, conform to A Place to Grow Plan (2019), and comply with the Urban Hamilton Official Plan.
- (viii) That in accordance with Subsection 34(17) of the *Planning Act*, no additional public meeting notice is required.

(Pearson/Collins)

That the recommendations in Report PED19158(a) be **amended** by adding the following sub-section (b):

- (b) 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
- YES - Ward 5 Councillor Chad Collins
- YES - Ward 8 Councillor John-Paul Danko
- YES - Chair - Ward 2 Councillor Jason Farr
- YES - Ward 15 Councillor Judi Partridge
- NOT PRESENT – Ward 14 Councillor Terry Whitehead
- YES - Ward 11 Councillor Brenda Johnson
- YES - Ward 10 Councillor Maria Pearson

For disposition of this matter, see Item 4.

(ii) **Application for Approval of a Draft Plan of Condominium (Common Element) for Lands Located at 315 Dalglish Trail, Glanbrook (PED20091) (Ward 9) REVISED (Item 8.3)**

Spencer Skidmore, A.J. Clarke and Associates, was in attendance and indicated that he is in support of the changes to the Conditions.

(Johnson/Collins)

That the Agent's delegation, be received.

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 - Chair - Ward 2 Councillor Jason Farr
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT – Ward 14 Councillor Terry Whitehead
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

(Johnson/Pearson)

(a) That Draft Plan of Condominium Application 25CDM-201906, by A.J. Clarke and Associates Ltd. on behalf of 1356715 Ontario Inc., Owner to establish a Draft Plan of Condominium (Common Element) to create a private road, sidewalks, landscaped areas, an amenity area and 65 visitor parking spaces for 216 townhouse units on lands located at 315 Dalglish Trail (Glanbrook), as shown on Appendix "A", attached to Report PED20091, be APPROVED subject to the following conditions:

- (i) That the approval for Draft Plan of Condominium (Common Element) application 25CDM-201906 applies to the plan prepared by A.J. Clarke and Associates Ltd., certified by Nicholas P. Muth, and dated March 24, 2020 consisting of a private road, sidewalks, landscaped areas, an amenity area and 65 visitor parking spaces for 216 townhouse units, attached as Appendix "B" to Report PED20091;
- (ii) That the conditions of Draft Plan of Condominium Approval 25CDM-201906, attached as REVISED Appendix "C" to Report PED20091, be received and endorsed by City Council.

(Johnson/Pearson)

That the recommendations in Report PED20091 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 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 - Chair - Ward 2 Councillor Jason Farr
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT – Ward 14 Councillor Terry Whitehead
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

For disposition of this matter, see Item 6.

(g) NOTICES OF MOTION (Item 11)

(i) 1 Jarvis Alleyway Agreement (Added Item 11.1)

Councillor Farr relinquished the Chair to Councillor Danko.

Councillor Farr introduced a Notice of Motion respecting 1 Jarvis Alleyway Agreement.

(Farr/Johnson)

That the rules be waived to allow for the introduction of a Motion respecting 1 Jarvis Alleyway Agreement.

Result: Motion CARRIED by a 2/3's majority vote of 5 to 0, as follows:

NOT PRESENT - Ward 1 Councillor Maureen Wilson
NOT PRESENT - Ward 5 Councillor Chad Collins
YES - Ward 8 Councillor John-Paul Danko
YES - Chair - Ward 2 Councillor Jason Farr
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT – Ward 14 Councillor Terry Whitehead
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

For disposition of this matter, see Item 8.

Councillor Farr assumed the Chair.

(h) PRIVATE AND CONFIDENTIAL (Item 12)

Committee determined that discussion of Item 12.1 was not required in Closed Session, so the item was addressed in Open Session, as follows:

- (i) Appeal to the Local Planning Appeal Tribunal (LPAT) on Urban Hamilton Official Plan Amendment Application and Stoney Creek Zoning By-law No. 3692-92 Amendment Application for Lands Located at 261 King Street East (Stoney Creek) (LS18050(a)/PED18212(a)) (Ward 10) (Item 12.1)**

For disposition of this matter, refer to Item 9.

(i) ADJOURNMENT (Item 14)

(Pearson/Partridge)

That there being no further business, the Planning Committee be adjourned at 10:52 a.m.

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

- NOT PRESENT - Ward 1 Councillor Maureen Wilson
- NOT PRESENT - Ward 5 Councillor Chad Collins
- YES - Ward 8 Councillor John-Paul Danko
- YES - Chair - Ward 2 Councillor Jason Farr
- YES - Ward 15 Councillor Judi Partridge
- NOT PRESENT – Ward 14 Councillor Terry Whitehead
- YES - Ward 11 Councillor Brenda Johnson
- YES - Ward 10 Councillor Maria Pearson

Councillor Jason Farr
Chair, Planning Committee

Lisa Chamberlain
Legislative Coordinator