



PLANNING COMMITTEE MINUTES

21-004

March 23, 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

Also in Attendance: Councillor E. Pauls

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

- 1. Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED21040) (City Wide) (Item 7.1)**

(Pearson/Ferguson)

That Report PED21040 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

- 2. Annual Report on Building Permit Fees (PED21051) (City Wide) (Item 7.2)**

(Johnson/Danko)

That Report PED21051 respecting Annual Report on Building Permit Fees, 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. Applications for Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for lands located at 804-816 King Street West, Hamilton (PED21025) (Ward 1) (Item 9.1)

(Wilson/Farr)

- (a) That Urban Hamilton Official Plan Amendment Application UHOPA-19-004, by Urban Solutions Planning & Land Development Consultants Inc. (c/o Matt Johnston) on behalf of Gateway Development Group Inc., Owner, to establish a Site Specific Policy within the Ainslie Wood Westdale Secondary Plan to permit the development of a six storey mixed use commercial / residential building with a residential density of 176 units per gross hectare, for lands located at 804-816 King Street West, Hamilton as shown on Appendix "A" to Report PED21025, be APPROVED on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix "B" to Report PED21025, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow Plan, 2019, as amended.
- (b) That Zoning By-law Amendment Application ZAC-19-009, as amended, by Urban Solutions Planning & Land Development Consultants Inc. (c/o Matt Johnston) on behalf of Gateway Development Group Inc., Owner, to modify the Mixed Use Medium Density (C5, 570) Zone to the Mixed Use Medium Density (C5, 732) Zone to permit a six storey (19.5 metre) mixed use commercial / residential development with 319.52 square metres of commercial space at grade, 30 residential dwelling units and 20 vehicle parking spaces, for lands located at 804-816 King Street West, Hamilton, as shown on Appendix "A" to Report PED21025, be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix “C” to Report PED21025, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended, and will comply with the Urban Hamilton Official Plan upon finalization of Urban Hamilton Official Plan Amendment No. XX.

(c) *That the public submissions on this matter were received and considered by the Committee in approving the application.*

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

4. Property Standards By-Law Review and Municipality Comparison (PED21049) (City Wide) (Item 10.1)

(Farr/Wilson)

That Report PED21049 respecting Property Standards By-Law Review and Municipality Comparison, 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 - Ward 2 Councillor Jason Farr
YES - Ward 15 Councillor Judi Partridge
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
CONFLICT - Ward 10 Councillor Maria Pearson

5. **Applications for a Rural Hamilton Official Plan Amendment and a Zoning By-law Amendment for Lands located at 2069 Binbrook Road, Glanbrook (PED20146) (Ward 11) (Item 10.2)**

(Johnson/Pearson)

WHEREAS, the following two Planning Act applications were denied by Planning Committee, at its meeting of November 3, 2020; and Council, at its meeting of November 11, 2020 referred the matter back to the Planning Committee:

- (i) Rural Hamilton Official Plan Amendment application RHOPA-20-014, by Paletta Livestock Ltd., (Owner), to add a Site Specific Policy Area to recognize two existing single detached dwellings on a severed lot in order to meet the conditions of the December 20, 2019 Local Planning Appeal Tribunal Decision (Case No. PL180696) (GL/B-17:110) for lands located at 2069 Binbrook Road, as shown on Appendix "A" to Report PED20146, be DENIED.
- (ii) That Zoning By-law Amendment application ZAA-20-022, by Paletta Livestock Ltd. (Owner), for a change in zoning from Agriculture (A1) Zone to Agriculture (A1,118) Zone to prohibit the construction of a single detached dwelling and a residential care facility and to recognize the reduced lot area for the retained agricultural parcel, for lands located at Planning Committee November 3, 2020 Minutes 20-013 Page 6 of 24 2069 Binbrook Road as shown on Appendix "A" to Report PED20146 be DENIED.

WHEREAS, subsequent discussions between the Ward Councillor and Paletta Livestock Limited to resolve some outstanding planning matters were successful

THEREFORE BE IT RESOLVED:

- (a) That a revised Rural Hamilton Official Plan Amendment to delete policy 2.0 from the draft amendment presented to Planning Committee on November 3, 2020 and to add a new policy 2.0 to prohibit the severance of the existing second dwelling on the lot and to change the inset map, attached as Appendix "A" to this Motion, be approved and prepared for Council's approval; and,
- (b) That a revised Zoning By-law to establish a minimum lot area and prohibit a residential care facility, attached as Appendix "B" to this Motion, be approved and prepared for Council's approval; and,
- (c) ***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. Special Enforcement Area with Increased Fines – Tiffany Falls and Sherman Falls (Item 11.1)

(Ferguson/Johnson)

WHEREAS, illegal parking by visitors to Tiffany Falls and Sherman Falls is affecting traffic and pedestrian safety along Wilson Street and Lions Club

WHEREAS, the installation of “No Parking” signs, extra staff, proactive by-law enforcement on weekends, and use of existing parking enforcement by-laws/fine structures have not been sufficient to address traffic and parking issues; and,

WHEREAS, staff, in consultation with the Ward 12 Councillor, have recommended adopting the Special Enforcement Area utilizing an increased fine structure and enforcement strategy.

THEREFORE, BE IT RESOLVED:

That By-Law 01-218 (being a By-Law to Regulate On-Street Parking) and By-Law 17-225 (being a By-Law to Establish a System of Administrative Penalties) be amended to include Wilson Street East from Montgomery Drive to Lower Lions Club Road, Montgomery Drive from Old Dundas Road to Wilson Street East and Lions Club Road from Old Dundas Road to Westerly End (HCA Merrick parking lot gate).

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

7. Demolition Permit for 154 Wilson Street East, Ancaster (Item 11.2)

(Ferguson/Partridge)

WHEREAS, the subject property municipally known as 154 Wilson St. East is owned by T. Valery Construction Limited;

WHEREAS, the developer who has purchased the subject property has an application submitted for a proposed townhouse plan and planning staff are generally supportive of the developer's request to use the existing planning application for a townhouse concept;

WHEREAS, the application (UHOPA-18-024 & ZAC-18-058) requires an approval of an Official Plan Amendment, Zoning By-Law Amendment and Site Plan Control Application that are currently under review by the Planning Department;

WHEREAS, the subject property on the main street in Ancaster with a home and attached garage has been vacant and boarded up for years;

WHEREAS, there is an empty cement pool in the backyard of 154 Wilson St. E. that is dangerous to trespassers; and,

WHEREAS, a demolition permit is being requested to alleviate ongoing trespass and vandalism issues associated with a vacant structure while planning issues are being secured;

THEREFORE BE IT RESOLVED:

That the Chief Building Official be authorized to issue a demotion permit for 154 Wilson St. E., Ancaster, in accordance with By-law 09-208, as amended by By-law 13-185, pursuant to Section 33 of the Planning Act as amended, without having to comply with the conditions 6(a), (b), and (c) of the Demolition Control By-law 09-208.

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

8. Winona Point Application Notification (Item 11.3)

(Pearson/Johnson)

WHEREAS, applications for an Official Plan Amendment and Zoning By-law Amendment for Winona Point (1290 South Service Road) were deemed complete on January 21, 2021;

WHEREAS, a virtual Developers Information Meeting has been tentatively scheduled for Thursday March 25, 2021 to engage with the community;

WHEREAS, this community is bounded by the QEW and separated by other intervening land uses such as a City Park; and,

WHEREAS, the Ward Councillor has been working with the applicant to increase the circulation notice for the virtual Developers Information Meeting;

THEREFORE BE IT RESOLVED:

That to ensure consistent notification, staff be directed to increase the circulation of the Notice of Statutory Public meeting beyond the required 120 metres to include the area of Baseline Road and Riviera Ridge to be consistent with the notice provided for the Developers Information Meeting, and to undertake a supplementary mail out to ensure that the additional properties beyond the 120 metres receive Notice of a Complete application.

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. Local Planning Appeal Tribunal Hearing - Application HM/A-21:07 (109 East 11th St., Minor Variances) (Item 11.4)

(Danko/Johnson)

WHEREAS, the owner of the lands located at 109 East 11th St. applied for Minor Variances (application HM/A-21:07) to enable the conversion of the existing single detached dwelling to contain two dwelling units;

WHEREAS, the Minor Variances were scheduled to be heard on February 18th, 2021, in accordance with the *Planning Act*, section 45(6) which states:

“(6) The hearing of every application shall be held in public, and the committee shall hear the applicant and every other person who desires to be heard in favour of or against the application, and the committee may adjourn the hearing or reserve its decision. R.S.O. 1990, c. P.13, s. 45 (6)”;

WHEREAS, there were members of the public who had registered to speak at the hearing on this application and who had also submitted written objections to the application;

WHEREAS, due to technical issues at the City, the members of the public who had registered to speak at the Hearing were not heard;

WHEREAS, the Minor Variances were approved by the Committee of Adjustment; and,

WHEREAS, an appeal of the Decision of the Committee of Adjustment to the Local Planning Appeal Tribunal (LPAT) was received by the City on March 10, 2021;

THEREFORE BE IT RESOLVED:

- (a) That Council direct staff from Legal Services to attend the Local Planning Appeal Tribunal hearing in opposition to the approval of Application HM/A-21:07 (109 East 11th St., Minor Variances to enable the conversion of the existing single detached dwelling to contain two dwelling units) by the Committee of Adjustment as members of the public who registered to speak were not heard;
- (b) That should an outside planner be required at the hearing that they be funded from the Tax Stabilization Reserve (account 110046); and,
- (c) That the General Manager of Planning and Economic Development be authorized to file a place holder appeal where in the opinion of the General Manager, in consultation with the Ward Councillor and the Chair of Planning Committee, that the Committee of Adjustment did not act in accordance with section 45(6) of the *Planning Act*.

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. 105 Filman Road – Heritage Register (Added Item 12.1)

(Ferguson/Pearson)

WHEREAS, 105 Filman Road, Ancaster is listed on the City's Municipal Heritage Register as a property of cultural heritage value or interest;

WHEREAS, 105 Filman Road, Ancaster is currently identified as a low priority on the Council-approved designation work plan;

WHEREAS, the owner has expressed an interest in the redevelopment of the property;

THEREFORE BE IT RESOLVED:

That 105 Filman Road, Ancaster be identified as high priority on the Council-approved designation work plan.

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. Closed Session Minutes – February 16, 2021 (Item 14.1)

(Farr/Partridge)

That the Closed Session Minutes dated February 16, 2021, be approved, as presented, and remain confidential.

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
YES - Ward 15 Councillor Judi Partridge
YES - Ward 12 Councillor Lloyd Ferguson
NOT PRESENT - 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 David Braden respecting Planning issues affecting Affordable Housing, Infrastructure Renewal and Municipal Taxes (For the April 6th meeting)
- 6.2 Delegations respecting the Property Standards By-law (Item 10.1) (For today's meeting)
 - (a) Virtual Delegations
 - (i) Veronica Gonzalez
 - (b) Pre-recorded Delegations:
 - (i) Dayna Sparkes, ACORN
 - (ii) Kathy Johnson
 - (iii) Manuel Balandra
 - (c) Written Delegations
 - (i) Ali Naraghi, Hamilton Community Legal Clinic

2. PUBLIC MEETINGS / DELEGATIONS (Item 9)

- 9.1 Applications for Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 804-816 King St West, Hamilton (PED21025)
 - (a) Added Written Submissions:
 - (ix) Lyn Barlow
 - (x) Monica Le
 - (xi) Linda Ellis
 - (xii) John Abrams
 - (xiii) Daniel Pauls
 - (xiv) Ramy Elghoneimi
 - (xv) John Duffy
 - (xvi) Lou V
 - (xvii) Stephen Waterfall and Evelyn Kuschnik
 - (xviii) Chris Maxwell

- (xix) Frank Bragagnolo
- (xx) Rob Bernacci
- (xxi) Marleen Van den Broek

(c) Virtual Delegations:

- (i) Anne Pollard (replacing Kim Fernie)

3. DISCUSSION ITEMS (Item 10)

10.1 Property Standards By-Law Review and Municipality Comparison (PED21049) (City Wide) (Outstanding Business List Item)

- (a) Motion to Amend Property Standards By-law 20-221 to Include Health and Safety Concerns in Rental Houses and Apartments

10.2 Applications for a Rural Hamilton Official Plan Amendment and a Zoning By-law Amendment for Lands Located at 2069 Binbrook Road, Glanbrook (PED20146) (Ward 11) (Deferred from the November 3, 2020 meeting)

- (a) Amendment and revised Zoning and Official Plan By-laws

4. NOTICES OF MOTION (Item 12)

12.1 105 Filman Road – Heritage Register

(Partridge/Pearson)

That the agenda for the March 23, 2021 meeting be approved, as amended.

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

(b) DECLARATIONS OF INTEREST (Item 3)

Councillor Pearson declared an interest with Item 10.1, Property Standards By-law Review and Municipality Comparison (PED21049), as she is a landlord.

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

(i) February 16, 2021 (Item 4.1)

(Ferguson/Pearson)

That the Minutes of the February 16, 2021 meeting be approved, as presented.

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

(d) DELEGATION REQUESTS (Item 6)

(i) David Braden respecting Planning issues affecting Affordable Housing, Infrastructure Renewal and Municipal Taxes (For the April 6th meeting) (Added Item 6.1)

(Wilson/Johnson)

That the Delegation Request from David Braden respecting Planning issues affecting Affordable Housing, Infrastructure Renewal and Municipal Taxes, be approved for the April 6, 2021 meeting.

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) Delegations respecting the Property Standards By-law (Item 10.1) (For today's meeting) (Added Item 6.2)

(Johnson/Farr)

That the following Delegation Requests be approved for today's meeting:

- (a) Virtual Delegations
 - (i) Veronica Gonzalez
- (b) Pre-recorded Delegations:
 - (i) Dayna Sparkes, ACORN
 - (ii) Kathy Johnson
 - (iii) Manuel Balandra
- (c) Written Delegations
 - (i) Ali Naraghi, Hamilton Community Legal Clinic

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
YES - Ward 15 Councillor Judi Partridge
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
CONFLICT - Ward 10 Councillor Maria Pearson

(e) PUBLIC HEARINGS / DELEGATIONS (Item 9)

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 Official Plan Amendment, Zoning By-law Amendment and Draft Plans of Condominium 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 Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for lands located at 804-816 King Street West, Hamilton (PED21025) (Ward 1) (Item 9.1)

Shannon McKie, Senior Project Manager – Urban Team, addressed the Committee with the aid of a PowerPoint presentation.

(Wilson/Danko)

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

Matt Johnston with Urban Solutions was in attendance and indicated they were in support of the staff report.

(Wilson/Ferguson)

That the delegation from Matt Johnston with Urban Solutions, 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

(Wilson/Danko)

That the following written submissions (Item 9.1(a)), be received:

- (i) John G. Attridge - Opposed
- (ii) Paul RJ Martindale – In Support
- (iii) Paul Spadafora – In Support
- (iv) Greg O'Brien – In Support
- (v) Jesse Tomes - Opposed
- (vi) Michael Zians – In Support

- (vii) Jennifer Shin – In Support
- (viii) Andrew Meas – In Support
- (ix) Lyn Barlow - Opposed
- (x) Monica Le – In Support
- (xi) Linda Ellis - Concerns
- (xii) John Abrams - Concerns
- (xiii) Daniel Pauls – In Support
- (xiv) Ramy Elghoneimi – In Support
- (xv) John Duffy – In Support
- (xvi) Lou V – In Support
- (xvii) Stephen Waterfall and Evelyn Kuschnik - Concerns
- (xviii) Chris Maxwell – In Support
- (xix) Frank Bragagnolo - Opposed
- (xx) Rob Bernacci – In Support
- (xxi) Marleen Van den Broek - Opposed

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
NOT PRESENT - 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

(Wilson/Johnson)

That the following pre-recorded submission (Item 9.1(b)) be received:

- (i) Brendan McIntyre - Opposed

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

(Wilson/Ferguson)

That the following virtual delegation (Item 9.1(c)) be received:

- (i) Anne Pollard - Opposed

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

(Wilson/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

(Wilson/Farr)

(a) That Urban Hamilton Official Plan Amendment Application UHOPA-19-004, by Urban Solutions Planning & Land Development Consultants Inc. (c/o Matt Johnston) on behalf of Gateway Development Group Inc., Owner, to establish a Site Specific Policy within the Ainslie Wood Westdale Secondary Plan to permit the development of a six storey mixed use commercial / residential building with a residential density of 176 units per gross hectare, for lands located at 804-816 King Street West, Hamilton as shown on Appendix "A" to Report PED21025, be APPROVED on the following basis:

- (i) That the draft Official Plan Amendment, attached as Appendix "B" to Report PED21025, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow Plan, 2019, as amended.

- (b) That Zoning By-law Amendment Application ZAC-19-009, as amended, by Urban Solutions Planning & Land Development Consultants Inc. (c/o Matt Johnston) on behalf of Gateway Development Group Inc., Owner, to modify the Mixed Use Medium Density (C5, 570) Zone to the Mixed Use Medium Density (C5, 732) Zone to permit a six storey (19.5 metre) mixed use commercial / residential development with 319.52 square metres of commercial space at grade, 30 residential dwelling units and 20 vehicle parking spaces, for lands located at 804-816 King Street West, Hamilton, as shown on Appendix “A” to Report PED21025, be APPROVED on the following basis:
- (i) That the draft By-law, attached as Appendix “C” to Report PED21025, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended, and will comply with the Urban Hamilton Official Plan upon finalization of Urban Hamilton Official Plan Amendment No. XX.

(Wilson/Farr)

That the recommendations in Report PED21025 be **amended** by adding the following sub-section (c):

- (c) *That the public submissions in the staff report were received and considered by the Committee in approving the application.***

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 3.

(ii) Application for Approval of Draft Plans of Condominium (Common Element) for Lands Located at 20 Southridge Court and 533 Sanatorium Road, Hamilton (PED21053) (Ward 14) (Item 9.2)

No members of the public were registered as Delegations.

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

(Ferguson/Farr)

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

Diana Morris, T. Johns Consulting, was in attendance and indicated support for the staff report.

(Ferguson/Farr)

That the delegation from Diana Morris with T. Johns Consulting, 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

(Ferguson/Farr)

That Report PED21053 be DEFERRED to the April 6, 2021 Planning Committee meeting.

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

**(iii) Delegations respecting the Property Standards By-law (Item 10.1)
(Added Item 6.1)**

The following delegations addressed the Committee regarding the Property Standards By-law (Item 10.1):

- (a) Virtual Delegations
 - (i) Veronica Gonzalez
- (b) Pre-recorded Delegations:
 - (i) Dayna Sparkes, ACORN
 - (ii) Kathy Johnson
 - (iii) Manuel Balandra
- (c) Written Delegations
 - (i) Ali Naraghi, Hamilton Community Legal Clinic

(Partridge/Johnson)

That the following Delegations respecting the Property Standards By-law (Item 10.1), be received:

- (a) Virtual Delegations
 - (i) Veronica Gonzalez
- (b) Pre-recorded Delegations:
 - (i) Dayna Sparkes, ACORN
 - (ii) Kathy Johnson
 - (iii) Manuel Balandra

(c) Written Delegations

(i) Ali Naraghi, Hamilton Community Legal Clinic

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
YES - Ward 15 Councillor Judi Partridge
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
CONFLICT - Ward 10 Councillor Maria Pearson

For disposition of this matter, refer to Item 4 and (e)(iv).

(iv) (Farr/Danko)

WHEREAS, the Building Code Act, 1992, authorized the City of Hamilton to pass a by-law prescribing standards for the maintenance and occupancy of property;

WHEREAS, By-law 10-221, being a By-law to prescribe standards of the maintenance and occupancy of property, was approved by Council on September 15, 2010;

WHEREAS, since the adoption of the Property Standards By-law, there have been eight (8) amending By-law passed by Council to improve the By-law;

WHEREAS, there have been concerns of the health and safety of rental houses and apartments within the City;

WHEREAS, as part of continuous improvement efforts, staff work to improve enforcement activities, including updating various by-laws to address specific municipal needs identified by Council, committees, staff, public and the courts;

WHEREAS, stakeholders were consulted on known and unknown gaps in the existing Property Standards By-law and comparisons were done with other Municipalities to ascertain if the gaps found were addressed in other Municipalities Property Standards By-laws; and,

WHEREAS, areas of improvement were identified which would enhance the health and safety of rental houses and apartments within the City.

THEREFORE, BE IT RESOLVED:

That Licensing and By-Law Services staff in consultation with Legal Services, be directed to bring forward a By-law to amend the Property Standards By-law 10-221 to reflect the areas for improvement found in the Information Report Property Standards By-Law Review and Municipality Comparison (PED21049) (City Wide).

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
YES - Ward 15 Councillor Judi Partridge
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
CONFLICT - Ward 10 Councillor Maria Pearson

(f) DISCUSSION ITEMS (Item 10)

- (i) Applications for a Rural Hamilton Official Plan Amendment and a Zoning By-law Amendment for Lands located at 2069 Binbrook Road, Glanbrook (PED20146) (Ward 11) (Deferred from the November 3, 2020 meeting) (Item 10.2)**

(Johnson/Pearson)

WHEREAS, the following two Planning Act applications were denied by Planning Committee, at its meeting of November 3, 2020; and Council, at its meeting of November 11, 2020 referred the matter back to the Planning Committee:

- (i) Rural Hamilton Official Plan Amendment application RHOPA-20-014, by Paletta Livestock Ltd., (Owner), to add a Site Specific Policy Area to recognize two existing single detached dwellings on a severed lot in order to meet the conditions of the December 20, 2019 Local Planning Appeal Tribunal Decision (Case No. PL180696) (GL/B-17:110) for lands located at 2069 Binbrook Road, as shown on Appendix "A" to Report PED20146, be DENIED.
- (ii) That Zoning By-law Amendment application ZAA-20-022, by Paletta Livestock Ltd. (Owner), for a change in zoning from Agriculture (A1) Zone to Agriculture (A1,118) Zone to prohibit the construction of a single detached dwelling and a residential care facility and to recognize the reduced lot area for the retained agricultural parcel, for lands located at Planning Committee

November 3, 2020 Minutes 20-013 Page 6 of 24 2069 Binbrook Road as shown on Appendix "A" to Report PED20146 be DENIED.

WHEREAS, subsequent discussions between the Ward Councillor and Paletta Livestock Limited to resolve some outstanding planning matters were successful.

THEREFORE BE IT RESOLVED:

- (a) That a revised Rural Hamilton Official Plan Amendment to delete policy 2.0 from the draft amendment presented to Planning Committee on November 3, 2020 and to add a new policy 2.0 to prohibit the severance of the existing second dwelling on the lot and to change the inset map, attached as Appendix "A" to this Motion, be approved and prepared for Council's approval; and,
- (b) That a revised Zoning By-law to establish a minimum lot area and prohibit a residential care facility, attached as Appendix "B" to this Motion, be approved and prepared for Council's approval.

(Johnson/Pearson)

That the recommendations above respecting Report PED21025 be **amended** by adding the following sub-section (c):

- (c) ***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.

(g) MOTIONS (Item 11)

(i) Local Planning Appeal Tribunal Hearing - Application HM/A-21:07 (109 East 11th St., Minor Variances) (Item 11.4)

Councillor Johnson assumed the Chair so that Councillor Danko could move the motion.

Councillor Danko assumed the Chair for the remainder of the meeting.

(h) NOTICES OF MOTION (Item 12)

(i) 105 Filman Road – Heritage Register (Added Item 12.1)

(Ferguson/Pearson)

That the Rules of Order be waived to allow for the introduction of a Motion respecting 105 Filman Road – Heritage Register.

Result: Motion CARRIED by a vote a 2/3's 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 further disposition on this matter, refer to Item 10.

(i) PRIVATE AND CONFIDENTIAL (Item 14)

(i) Closed Session Minutes – February 16, 2021 (Item 14.1)

The Committee determined they did not need to go into Closed Session.

For disposition of this matter, refer to Item 11.

(j) ADJOURNMENT (Item 15)

(Ferguson/Pearson)

That there being no further business, the Planning Committee be adjourned at 12:28 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