



PLANNING COMMITTEE MINUTES 21-018

November 16, 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), M. Pearson,
L. Ferguson, M. Wilson and J. Partridge

Also in Attendance: Councillor A. VanderBeek

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

1. Biodiversity Action Plan – Six-Month Update (PED21065(b)) (City Wide) (Item 7.1)

(Farr/Pearson)

- (a) That Report PED21065(a) Biodiversity Action Plan – Six-Month update, be received;
- (b) That Item 21V respecting a six-month update report on the progress of the Biodiversity Action Plan be considered complete and removed from the Planning Committee's Outstanding Business List;
- (c) That Item 21U respecting the presentation of a draft funding Agreement between the City and the lead environmental organization be considered complete as per Report PED21065(a) presented in August of 2021 and be removed from the Planning Committee's Outstanding Business List.

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

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 2 Councillor Jason Farr
YES - Ward 15 Councillor Judi Partridge
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

2. Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED21186) (City Wide) (Item 7.2)

(Ferguson/Partridge)

That Report PED21186 respecting Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications, be received.

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

YES - Ward 1 Councillor Maureen Wilson
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. To Incorporate City Lands into Osprey Drive by By-law (PED21192) (Ward 12) (Added Item 7.3)

(Ferguson/Johnson)

- (a) That the following City lands designated as Block 20 on Plan 62M-637, Parts 7, 8, 9, 10, 11, 13 and 16 on Plan 62R-21497, and Part 3 on Plan 62R-21780 be established as a public highway to form part of Osprey Drive;
- (b) That the By-law to incorporate the City lands to form part of Osprey Drive, be prepared to the satisfaction of the City Solicitor and be enacted by Council;
- (c) That the General Manager of Public Works be authorized and directed to register the By-law.

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

YES - Ward 1 Councillor Maureen Wilson
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. Adjustments to School Crossing Guard Locations (City Wide) (Item 7.4)

(Pearson/Farr)

- (a) That the revised list of school crossing guard locations resulting from school closures, openings, construction projects, walking patterns, and lunch program changes in Wards 5, 7 and 9, as outlined in Appendix "A" attached to Report PED21213, be approved;
- (b) That staff be authorized and directed to consult with the affected Ward Councillors and to use delegated authority for adding and/or removing school crossing guards prior to City Council approval for any proposed changes by the Hamilton Wentworth District School Board (HWDSB) and the Hamilton-Wentworth Catholic District School Board (HWCDSB) for the 2022/2023 school year.

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

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 2 Councillor Jason Farr
YES - Ward 15 Councillor Judi Partridge
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

5. Pleasantview Area Land Use Study and Associated Rural Hamilton Official Plan and Zoning By-law 05-200 Amendments (PED21206) (Ward 13) (Outstanding Business List Item) (Item 9.1)

(Partridge/Pearson)

- (a) That "Pleasantview Area Land Use Study – October 2021" attached as Appendix "A" to Report PED21206 be received;
- (b) That City Initiative CI-21-C, to amend the Rural Hamilton Official Plan for the lands located in Dundas and shown on Appendix "B" attached to Report PED21206, to modify the text and maps of Special Policy Area A – Pleasantview in Volume 3 and to amend the schedules of Volume 1 for the implementation of the recommendations of the Pleasantview Area Land Use Study, be APPROVED on the following basis:
 - (i) That the draft Official Plan Amendment attached as Appendix "C" to Report PED21206, prepared in a form satisfactory to the City Solicitor, be enacted by Council;
 - (ii) That the draft Official Plan Amendment is consistent with the Provincial Policy Statement 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as

amended), the Greenbelt Plan (2017), and the Niagara Escarpment Plan (2017);

- (c) That City Initiative CI-21-C, to rezone the lands located in Dundas and shown on Appendix “B” attached to Report PED21206, to add the Pleasantview Area to Zoning By-law 05-200 and add a special exception, holding provision, and temporary use of the By-law to implement the recommendations of the Pleasantview Area Land Use Study, be APPROVED on the following basis:
 - (i) That the Draft Zoning By-law Amendment attached as Appendix “D” to Report PED21206, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
 - (ii) That the proposed changes in zoning will be in conformity with the Rural Hamilton Official Plan (RHOP) upon approval of Rural Hamilton Official Plan Amendment (RHOPA) No. XX;
 - (iii) That the proposed amendment is consistent with the Provincial Policy Statement 2020 and conforms to the A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), the Greenbelt Plan (2017), and the Niagara Escarpment Plan (2017).
- (d) That Item 21S be identified as complete and removed from the Planning Committee Outstanding Business List.
- (e) ***That the public submissions were received and considered by the Committee in approving the application.***

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

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 2 Councillor Jason Farr
YES - Ward 15 Councillor Judi Partridge
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

6. City Initiative CI-21-B to Amend the Urban Hamilton Official Plan and Zoning By-law for a Portion of the Lands Located at 1086 West Fifth Street, Hamilton and Revisions to the Draft Plan of Subdivision 25T-200721 for Lands Located at 193 Alessio Drive, Hamilton (PED21207) (Ward 8) (Item 9.2)

(Danko/Partridge)

- (a) That City Initiative CI-21-B, to amend the Urban Hamilton Official Plan to change the designation from “Open Space” to “Neighbourhoods” on Schedule “E-1”; to remove the “Parks and General Open Space” and “Streams” designation from the subject lands on from Schedule “B” and the “Key Hydrologic Feature” from Schedule “B-8”; and to remove “City Wide” park classification on Appendix “A” for a portion of the lands located at 1086 West Fifth Street, as shown on Appendix “A” attached to report PED21207, be APPROVED on the following basis:
 - (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED21207, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
 - (ii) That the draft Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- (b) That City Initiative CI-21-B, to rezone the lands from City-Wide Park (P3) Zone in Zoning By-law No. 05-200 to the “R-4/S-1301a” (Small Lot Single Family Dwelling) District, Modified in the Former City of Hamilton Zoning By-law No. 6593 in order to permit the development of four single detached dwellings on a portion of the lands known as 1086 West Fifth Street, Hamilton, as shown on Appendix “A” attached to Report PED21207, be APPROVED on the following basis:
 - (i) That the draft By-law, attached as Appendix “C” to Report PED21207, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the draft By-law, attached as Appendix “D” to Report PED21207, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to the Growth Plan for the Greater Golden Horseshoe (2019, as amended);
 - (iv) That the By-laws will comply with the Urban Hamilton Official Plan upon finalization of Urban Hamilton Official Plan Amendment No. XX;

- (c) That City Initiated Revisions to Draft Approved Plan of Subdivision 25T200721R owned by Spallacci and Sons Ltd. (Owner) to reconfigure residential blocks (Blocks 18 and 47) and provide an extension of a public road as shown on Appendix “E” attached to Report PED21207, subject to the following:
 - (i) That this approval apply to the Draft Plan of Subdivision “Eden Park” 25T200721R, prepared by Urban Solutions, and certified by H. Kalantzakos, O.L.S., dated September 17, 2021, consisting of three reconfigured residential blocks for single detached dwellings (Blocks 18, 38 and 49), and the extension of a public road (Shady Oaks Trail), subject to the Owner entering into a standard form subdivision agreement as approved by City Council and with Special Conditions attached as Appendix “F” to Report PED21207, **as amended**, by adding the following Condition #60:
 - (60) ***That prior to issuance of building permits, the Owner shall provide building permit drawings for all dwellings within Eden Park – Phase 2 (25T-200721) that demonstrates that the future installation of electric vehicle charging stations can be accommodated in garages.***
 - (ii) In accordance with the City’s Comprehensive Development Guidelines and Financial Policies Manual (2017) there will be no cost sharing for this subdivision;
 - (iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 51 of the Planning Act, with the calculation for the payment to be based on the value of the lands on the day prior to the day of issuance of each building permit, all in accordance with the Financial Policies for Development and the City’s Parkland Dedication By-laws, as approved by Council;
- (d) That Revisions to Draft Approved Plan of Subdivision 25T-200721R by Spallacci and Sons Ltd. (Owner) to establish an extension of the subdivision known as “Eden Park” for an additional 0.049 ha site located north of 264 Rymal Road West (Block 38), known as part of 193 Alessio Drive, as shown as Block A2 on Appendix “A” attached to Report PED21207, to be developed for future residential lots and a public road as shown on Appendix “E” attached to Report PED21207, subject to the following:
 - (i) That this approval apply to the Draft Plan of Subdivision “Eden Park” 25T200721R, prepared by Urban Solutions, and certified by H. Kalantzakos, O.L.S., dated September 17, 2021, consisting of

additional lands added to Block 38 for purposes of residential lots and the extension of a public road, subject to the Owner entering into a standard form subdivision agreement as approved by City Council and with Special Conditions attached as Appendix "F" to Report PED21207;

- (ii) In accordance with the City's Comprehensive Development Guidelines and Financial Policies Manual (2017) there will be no cost sharing for this subdivision;
- (iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 51 of the Planning Act, with the calculation for the payment to be based on the value of the lands on the day prior to the day of issuance of each building permit, all in accordance with the Financial Policies for Development and the City's Parkland Dedication By-laws, as approved by Council;
- (e) That upon finalization of the amending Zoning By-laws, the subject lands be changed from "Utilities" to "Single & Double" and the road pattern be revised in the Sheldon Neighbourhood Plan;
- (f) That upon finalization of the amending by-laws, Real Estate staff be authorized to proceed with the disposition of the City-owned lands known as part of 1086 West Fifth Street, as shown as Parts 1, 2, 5 and 6 on Appendix "G" to Report PED21207 in accordance with the Sale of Land Policy, By-law No. 14-204, and that the proceeds will be added to the Parkland Reserve Fund.
- (g) ***That the public submissions were received and considered by the Committee in approving the application.***

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

YES - Ward 1 Councillor Maureen Wilson
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. Bill 13, Proposed Supporting People and Businesses Act, 2021 (PED21220)
(City Wide) (Item 10.1)**

(Pearson/Ferguson)

- (a) That Council adopt the submission regarding Bill 13, the proposed Supporting People and Businesses Act, 2021, as provided in Report PED21220;
- (b) That the Director of Planning and Chief Planner be authorized and directed to confirm the submission made to the Province, attached as Appendix "A" to Report PED21220;
- (c) That upon proclamation of the proposed changes to the Planning Act in Bill 13, that staff be directed and authorized to schedule a public meeting of the Planning Committee to consider an Official Plan Amendment, and any recommended policies and procedures, to give effect to the proposed changes.

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

YES - Ward 1 Councillor Maureen Wilson
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. Residential Care Facility - Inspection Log Report (PED21168) (City Wide)
(Item 10.2)**

(Ferguson/Farr)

- (a) That the draft By-law, attached as Appendix "A" to Report PED21168 to amend Schedule 20 – Residential Care Facilities of Licensing By-law 07 170, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
- (b) That the official inspection log, attached as Appendix "B" to Report PED21168 to be used by City staff and posted in Residential Care Facilities in accordance with the licensing requirements, be approved.

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

YES - Ward 1 Councillor Maureen Wilson
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. Appointment of Chair and Vice-Chairs for 2022 (Added Item 13.2)

(Partridge/Pearson)

- (a) That Councillor Johnson be appointed Chair of the Planning Committee for 2022;
- (b) That Councillor Ferguson be appointed 1st Vice Chair of the Planning Committee for 2022; and,
- (c) That Councillor Wilson be appointed 2nd Vice Chair of the Planning Committee for 2022.

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

YES - Ward 1 Councillor Maureen Wilson
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. Instructions - Appeal to the Ontario Land Tribunal (OLT) for Lack of Decision on Zoning By-law Amendment Application (ZAC-14-003) for Lands Located at 195 Wellington Street South, Hamilton (LS21038/PED18054(a)) (Ward 2) (Item 14.1)

(Farr/Wilson)

- (a) That recommendations (a), (b), (c), and (d) to Confidential Report LS21038/PED18054(a) and Appendices "A", "B", "C", ***as amended***, and "D" attached to Confidential Report LS21038/PED18054(a), be approved and remain confidential until made public as the City's position before the Ontario Land Tribunal;
- (b) That Confidential Report LS21038/PED18054(a) regarding the appeal to the Ontario Land Tribunal (PL171389) from the non-decision of the application to amend Zoning By-law No. 6593 for the lands located at 195 Wellington Street south, including Appendices "A", "B", "C", and "D" attached thereto, remain confidential.

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

YES - Ward 1 Councillor Maureen Wilson

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

11. Ontario Land Tribunal Appeals of the Commercial and Mixed Use Zones (UHOPA 69 and Zoning By-law No. 17-240) and Transit Oriented Development Zones (Zoning By-law No. 16-265) (LS18008(c)/PED18050(b)) (City Wide) (Item 14.2)

(Partridge/Pearson)

- (a) That recommendations (a), (b), (c), (d), (e), and (f) to Confidential Report LS18008(c)/PED18050(b) and Appendices "A" and "B" hereto, be approved and remain confidential until made public as the City's position before the Ontario Land Tribunal; and,
- (b) That the balance of Confidential Report LS18008(c)/PED18050(b) regarding the appeals to the Ontario Land Tribunal of the passing of City of Hamilton By-law Nos. 17-240 (Commercial and Mixed Use Zones) and 16-265 (Transit Oriented Corridor Zones) to amend Zoning By-law No. 05-200, including Appendix "C" attached thereto, remain confidential.

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

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 2 Councillor Jason Farr
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

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

1. DELEGATION REQUESTS (Item 6)

6.2 Delegations respecting Encampment Enforcement

- (ii) Steacy Easton – WITHDRAWN

2. PUBLIC HEARINGS / DELEGATIONS (Item 9)

9.1 Pleasantview Area Land Use Study and Associated Rural Hamilton Official Plan and Zoning By-law 05-200 Amendments (PED21206) (Ward 13) (Outstanding Business List Item)

(a) Virtual Delegation:

(i) Jeff Marshall - WITHDRAWN

9.2 City Initiative CI-21-B to Amend the Urban Hamilton Official Plan and Zoning By-law for a Portion of the Lands Located at 1086 West Fifth Street Hamilton and Revisions to the Draft Plan of Subdivision 25T200721 for Lands Located at 193 Alessio Drive, Hamilton (PED21207) (Ward 8)

(a) Added Written Submissions

(i) Les Petch

(ii) Lynda Petch

3. GENERAL INFORMATION / OTHER BUSINESS

13.2 Appointment of Chair and Vice-Chairs for 2022

(Johnson/Farr)

That the agenda for the November 16, 2021 meeting be approved, as amended.

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

YES - Ward 1 Councillor Maureen Wilson
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 5.1 respecting Wellington Tenants Committee respecting 195 Wellington Street South (Item 14.1) and Item 14.1 respecting Instructions - Appeal to the Ontario Land Tribunal (OLT) for Lack of Decision on Zoning By-law Amendment Application (ZAC-14-003) for Lands Located at 195 Wellington Street South, Hamilton (LS21038/PED18054(a)) (Ward 2), as she is a landlord of rental properties.

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

(i) November 2, 2021 (Item 4.1)

(Johnson/Partridge)

That the Minutes of the November 2, 2021 meeting be approved, as presented.

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

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 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) COMMUNICATIONS (Item 5)

(i) Wellington Tenants Committee respecting 195 Wellington Street South (Item 14.1) (Item 5.1)

(Ferguson/Farr)

That the correspondence from Wellington Tenants Committee respecting 195 Wellington Street South (Item 14.1), be received and referred to the consideration of Instructions - Appeal to the Ontario Land Tribunal (OLT) for Lack of Decision on Zoning By-law Amendment Application (ZAC-14-003) for Lands Located at 195 Wellington Street South, Hamilton (LS21038/PED18054(a)) (Ward 2) (Item 14.1).

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

YES - Ward 1 Councillor Maureen Wilson
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 10.

(ii) Ontario Land Tribunal Decisions (Item 5.2)

(Farr/Johnson)

That the following Ontario Land Tribunal Decisions be DEFERRED to the December 7, 2021 Planning Committee meeting:

- (a) PL190517/PL190518 - 468-476 James St. North - By-law No. 19-151 and 19-152; and,
- (b) PL210073 - 2121 and 2187 Regional Road 56 - By-law 20-063

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

YES - Ward 1 Councillor Maureen Wilson
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

(e) DELEGATION REQUESTS (Item 6)

(i) Delegation Requests (Items 6.1 - 6.3)

(Partridge/Pearson)

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

- 6.1 Delegation respecting the Biodiversity Action Plan (To be heard before Item 7.1):
 - (a) Virtual Delegation:
 - (i) Jen Baker, Hamilton Naturalist's Club
- 6.2 Delegation respecting Encampment Enforcement:
 - (i) James Lambert
- 6.3 Delegation respecting Public Consultation Strategy and Planning Protocols:
 - (i) John Ross

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

YES - Ward 1 Councillor Maureen Wilson

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

(f) PUBLIC HEARINGS / DELEGATIONS (Item 9)

(i) Delegation respecting the Biodiversity Action Plan (Item 7.1) (Item 9.3)

Jen Baker, Hamilton Naturalist's Club, addressed the Committee respecting the Biodiversity Action Plan (Item 7.1).

(Farr/Wilson)

That the Delegation from Jen Baker, Hamilton Naturalist's Club, respecting the Biodiversity Action Plan (Item 7.1), be received.

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

YES - Ward 1 Councillor Maureen Wilson
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 1.

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, Zoning By-law and Draft Plan of Subdivision Amendments 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 Ontario Land Tribunal, and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

- (ii) **Pleasantview Area Land Use Study and Associated Rural Hamilton Official Plan and Zoning By-law 05-200 Amendments (PED21206) (Ward 13) (Outstanding Business List Item) (Item 9.1)**

(Ferguson/Pearson)

That the staff presentation be waived.

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

YES - Ward 1 Councillor Maureen Wilson
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

John Ariens with IBI Group was in attendance and indicated he was not in support of the staff report.

(Pearson/Partridge)

That the delegation from John Ariens with IBI Group, be received.

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

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 2 Councillor Jason Farr
YES - Ward 15 Councillor Judi Partridge
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

(Partridge/Pearson)

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 8 Councillor John-Paul Danko
YES - Ward 2 Councillor Jason Farr
YES - Ward 15 Councillor Judi Partridge
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

(Partridge/Pearson)

- (a) That "Pleasantview Area Land Use Study – October 2021" attached as Appendix "A" to Report PED21206 be received;
- (b) That City Initiative CI-21-C, to amend the Rural Hamilton Official Plan for the lands located in Dundas and shown on Appendix "B" attached to Report PED21206, to modify the text and maps of Special Policy Area A – Pleasantview in Volume 3 and to amend the schedules of Volume 1 for the implementation of the recommendations of the Pleasantview Area Land Use Study, be APPROVED on the following basis:
 - (i) That the draft Official Plan Amendment attached as Appendix "C" to Report PED21206, prepared in a form satisfactory to the City Solicitor, be enacted by Council;
 - (ii) That the draft Official Plan Amendment is consistent with the Provincial Policy Statement 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), the Greenbelt Plan (2017), and the Niagara Escarpment Plan (2017);
- (c) That City Initiative CI-21-C, to rezone the lands located in Dundas and shown on Appendix "B" attached to Report PED21206, to add the Pleasantview Area to Zoning By-law 05-200 and add a special exception, holding provision, and temporary use of the By-law to implement the recommendations of the Pleasantview Area Land Use Study, be APPROVED on the following basis:
 - (i) That the Draft Zoning By-law Amendment attached as Appendix "D" to Report PED21206, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
 - (ii) That the proposed changes in zoning will be in conformity with the Rural Hamilton Official Plan (RHOP) upon approval of Rural Hamilton Official Plan Amendment (RHOPA) No. XX;
 - (iii) That the proposed amendment is consistent with the Provincial Policy Statement 2020 and conforms to the A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), the Greenbelt Plan (2017), and the Niagara Escarpment Plan (2017).
- (d) That Item 21S be identified as complete and removed from the Planning Committee Outstanding Business List.

(Partridge/Pearson)

That the recommendations in Report PED21206 be **amended** by adding the following sub-section (e):

- (e) *That the public submissions were received and considered in approving the application.***

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

YES - Ward 1 Councillor Maureen Wilson
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.

- (iii) City Initiative CI-21-B to Amend the Urban Hamilton Official Plan and Zoning By-law for a Portion of the Lands Located at 1086 West Fifth Street, Hamilton and Revisions to the Draft Plan of Subdivision 25T-200721 for Lands Located at 193 Alessio Drive, Hamilton (PED21207) (Ward 8) (Item 9.2)**

Jennifer Roth, Planner I, addressed the Committee with the aid of a PowerPoint presentation.

Councillor Danko relinquished the Chair to Councillor Johnson to move the following motions.

(Danko/Ferguson)

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 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 GSP Group Inc., was in attendance and indicated support for the staff report.

(Danko/Pearson)

That the delegation from Matt Johnston with GSP Group Inc., be received.

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

YES - Ward 1 Councillor Maureen Wilson
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

(Danko/Pearson)

That the following written submissions be received:

- (a)(i) Les Petch
- (a)(ii) Lynda Petch

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

YES - Ward 1 Councillor Maureen Wilson
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

(Danko/Farr)

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 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

(Danko/Wilson)

- (a) That City Initiative CI-21-B, to amend the Urban Hamilton Official Plan to change the designation from “Open Space” to “Neighbourhoods” on Schedule “E-1”; to remove the “Parks and General Open Space” and “Streams” designation from the subject

lands on from Schedule “B” and the “Key Hydrologic Feature” from Schedule “B-8”; and to remove “CityWide” park classification on Appendix “A” for a portion of the lands located at 1086 West Fifth Street, as shown on Appendix “A” attached to report PED21207, be APPROVED on the following basis:

- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED21207, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
 - (ii) That the draft Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- (b) That City Initiative CI-21-B, to rezone the lands from City-Wide Park (P3) Zone in Zoning By-law No. 05-200 to the “R-4/S-1301a” (Small Lot Single Family Dwelling) District, Modified in the Former City of Hamilton Zoning By-law No. 6593 in order to permit the development of four single detached dwellings on a portion of the lands known as 1086 West Fifth Street, Hamilton, as shown on Appendix “A” attached to Report PED21207, be APPROVED on the following basis:
 - (i) That the draft By-law, attached as Appendix “C” to Report PED21207, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the draft By-law, attached as Appendix “D” to Report PED21207, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to the Growth Plan for the Greater Golden Horseshoe (2019, as amended);
 - (iv) That the By-laws will comply with the Urban Hamilton Official Plan upon finalization of Urban Hamilton Official Plan Amendment No. XX;
- (c) That City Initiated Revisions to Draft Approved Plan of Subdivision 25T200721R owned by Spallacci and Sons Ltd. (Owner) to reconfigure residential blocks (Blocks 18 and 47) and provide an extension of a public road as shown on Appendix “E” attached to Report PED21207, subject to the following:

- (i) That this approval apply to the Draft Plan of Subdivision “Eden Park” 25T200721R, prepared by Urban Solutions, and certified by H. Kalantzakos, O.L.S., dated September 17, 2021, consisting of three reconfigured residential blocks for single detached dwellings (Blocks 18, 38 and 49), and the extension of a public road (Shady Oaks Trail), subject to the Owner entering into a standard form subdivision agreement as approved by City Council and with Special Conditions attached as Appendix “F” to Report PED21207;
 - (ii) In accordance with the City’s Comprehensive Development Guidelines and Financial Policies Manual (2017) there will be no cost sharing for this subdivision;
 - (iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 51 of the Planning Act, with the calculation for the payment to be based on the value of the lands on the day prior to the day of issuance of each building permit, all in accordance with the Financial Policies for Development and the City’s Parkland Dedication By-laws, as approved by Council;
- (d) That Revisions to Draft Approved Plan of Subdivision 25T-200721R by Spallacci and Sons Ltd. (Owner) to establish an extension of the subdivision known as “Eden Park” for an additional 0.049 ha site located north of 264 Rymal Road West (Block 38), known as part of 193 Alessio Drive, as shown as Block A2 on Appendix “A” attached to Report PED21207, to be developed for future residential lots and a public road as shown on Appendix “E” attached to Report PED21207, subject to the following:
- (i) That this approval apply to the Draft Plan of Subdivision “Eden Park” 25T200721R, prepared by Urban Solutions, and certified by H. Kalantzakos, O.L.S., dated September 17, 2021, consisting of additional lands added to Block 38 for purposes of residential lots and the extension of a public road, subject to the Owner entering into a standard form subdivision agreement as approved by City Council and with Special Conditions attached as Appendix “F” to Report PED21207;
 - (ii) In accordance with the City’s Comprehensive Development Guidelines and Financial Policies Manual (2017) there will be no cost sharing for this subdivision;
 - (iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 51 of the Planning Act, with the

calculation for the payment to be based on the value of the lands on the day prior to the day of issuance of each building permit, all in accordance with the Financial Policies for Development and the City's Parkland Dedication By-laws, as approved by Council;

- (e) That upon finalization of the amending Zoning By-laws, the subject lands be changed from "Utilities" to "Single & Double" and the road pattern be revised in the Sheldon Neighbourhood Plan;
- (f) That upon finalization of the amending by-laws, Real Estate staff be authorized to proceed with the disposition of the City-owned lands known as part of 1086 West Fifth Street, as shown as Parts 1, 2, 5 and 6 on Appendix "G" to Report PED21207 in accordance with the Sale of Land Policy, By-law No. 14-204, and that the proceeds will be added to the Parkland Reserve Fund.

(Danko/Partridge)

That the recommendations in Report PED21207, sub-section (c)(i) be **amended** by adding the following Condition #60:

- (60) ***That prior to issuance of building permits, the Owner shall provide building permit drawings for all dwellings within Eden Park – Phase 2 (25T-200721) that demonstrates that the future installation of electric vehicle charging stations can be accommodated in garages.***

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

YES - Ward 1 Councillor Maureen Wilson
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

(Danko/Wilson)

That the recommendations in Report PED21203 be **amended** by adding the following sub-section (g):

- (g) ***That the public submissions were received and considered in approving the application.***

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

YES - Ward 1 Councillor Maureen Wilson

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 6.

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

(iv) Delegation respecting Encampment Enforcement (Item 9.4)

The following delegation was not in attendance when called upon to speak:

(i) James Lambert

(v) Delegation respecting Public Consultation Strategy and Planning Protocols (Item 9.5)

John Ross addressed the Committee respecting Public Consultation Strategy and Planning Protocols.

(Wilson/Pearson)

That the delegation from John Ross respecting Public Consultation Strategy and Planning Protocols, be received.

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

YES - Ward 1 Councillor Maureen Wilson
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

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

(i) Outstanding Business List (Item 13.1)

(Partridge/Johnson)

That the following change to the Outstanding Business List, be approved:

(a) Items to be Removed:

20F - Paul Valeri, Valery Homes, requesting Deferral of Decision on the Designation of 828 Sanitorium Road (addressed as Item 9.1 on the November 17, 2020 agenda)

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

YES - Ward 1 Councillor Maureen Wilson
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) General Manager's Update (Added Item 13.3)

Jason Thorne, General Manager of Planning and Economic Development addressed the Committee respecting the return to work plan for staff.

(Pearson/Ferguson)

That the General Manager's Update, be received.

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

YES - Ward 1 Councillor Maureen Wilson
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

(h) PRIVATE AND CONFIDENTIAL (Item 14)

(Farr/Johnson)

That Committee move into Closed Session Pursuant to Section 9.1, Sub-sections (e), (f) and (k) of the City's Procedural By-law 21-021; and, Section 239(2), Sub-sections (e), (f) and (k) 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 municipality or local board; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and, a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

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

YES - Ward 1 Councillor Maureen Wilson
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

- (i) **Instructions - Appeal to the Ontario Land Tribunal (OLT) for Lack of Decision on Zoning By-law Amendment Application (ZAC-14-003) for Lands Located at 195 Wellington Street South, Hamilton (LS21038/PED18054(a)) (Ward 2) (Item 14.1)**

For disposition of this matter, refer to Item 10.

- (ii) **Ontario Land Tribunal Appeals of the Commercial and Mixed Use Zones (UHOPA 69 and Zoning By-law No. 17-240) and Transit Oriented Development Zones (Zoning By-law No. 16-265) (LS18008(c)/PED18050(b)) (City Wide) (Item 14.2)**

For disposition of this matter, refer to Item 11.

- (i) **ADJOURNMENT (Item 15)**

(Wilson/Partridge)

That there being no further business, the Planning Committee be adjourned at 12:48 p.m.

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

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 2 Councillor Jason Farr
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - 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