Committee of the Whole – Community Development Report #2019-08-06

REPORT TO: Mayor and Members
City Council

Your Committee of the Whole – Community Development submits the following recommendations from its meeting held on August 6, 2019:

1. Official Plan Amendment OP-06-18, Zoning By-law Amendment PZ-17-18, and Red-line Revision to a Draft Plan of Subdivision 29T-18504 (formerly 395 Hardy Road, south of the future Oak Park Road Extension) [Financial Impact - None], 2019-155

   A. THAT Official Plan Amendment Application OP-06-18, submitted by Telephone City Aggregates (TCA), affecting the lands legally described as Part of Lots 18-21 and Part of the Road Allowance between Lots 18-19, Concession 3, in the Geographic Township of Brantford (formerly 395 Hardy Road), to apply a Modified Policy Area 130 to permit townhouses with a maximum of 8 dwelling units per block, BE APPROVED; and

   B. THAT Zoning By-law Amendment Application PZ-17-18, submitted by Telephone City Aggregates (TCA), affecting the lands legally described as Part of Lots 18-21 and Part of the Road Allowance between Lots 18-19, Concession 3, in the Geographic Township of Brantford, to modify the “Holding-Residential Type 3 – Exception 10 Zone (H-R3-10)” to permit townhouses with a maximum of 8 dwelling units per block and site specific requirements in accordance with the applicable provisions as noted in Section 8.2 of Report 2019-155, BE APPROVED; and

   C. THAT the Application to Red-line Draft Plan of Subdivision 29T-18504, submitted by Telephone City Aggregates (TCA), affecting the lands legally described as Part of Lots 18-21 and Part of the Road Allowance between Lots 18-19, Concession 3, in the Geographic Township of Brantford, BE APPROVED, subject to the conditions included in Section 8.4 “Conditions of Draft Plan Subdivision Approval” of Report 2019-155; and

   D. THAT the By-law to remove the “Holding (H)” provision not be presented to Council for approval until a Subdivision Agreement has been entered into between the Owner of the Lands and the City; and

   E. THAT Pursuant to Section 17(23), 34(18), and 51(38) of the Planning Act, R.S.O. 1990, c.P.13. the following statement SHALL BE INCLUDED in the Notice of Decision:

   “Regard has been had for all written and oral submissions received from the public before the decision was made in relation to this planning matter, as discussed in Section 7.2 of Report 2019-155.”

   A. THAT Official Plan Amendment Application OP-01-19, submitted by Empire Communities Ltd, affecting lands located on the south side of Shellard Lane, north of Munro Circle known as Block 43 on Approved Draft Plan of Subdivision for Wyndfield West Phase 7 (29T-16501), to re-designate a portion of these lands to “Neighbourhood Residential” to permit the creation of fourteen (14) single-detached residential lots, BE APPROVED; and

   B. THAT Zoning By-law Amendment Application PZ-02-19, submitted by Empire Communities Ltd, affecting lands located on the south side of Shellard Lane, north of Munro Circle known as Block 43 on Approved Draft Plan of Subdivision for Wyndfield West Phase 7 (29T-16501), to change the zoning on a portion of these lands to “Holding – Residential Type 1D – Exception 6 Zone (H-R1D-6)” to permit the creation of fourteen (14) single-detached residential lots, BE APPROVED in accordance with the applicable regulations as noted in Section 8.2 of Report 2019-214; and

   C. THAT the By-law to remove the “Holding (H)” provision from the subject lands not be presented to Council for approval until a subdivision agreement for Wyndfield West, Phase 7C has been entered into between the Owner of the subject lands and the City; and

   D. THAT Pursuant to Sections 17(23), and 34(18) of the **Planning Act**, R.S.O. 1990, c.P.13. the following statement SHALL BE INCLUDED in the Notices of Decision:

   “Regard has been had for all written and oral submissions received from the public before the decision was made in relation to this planning matter, as discussed in Section 7.2 of Report 2019-214.

3. **Zoning By-law Amendment PZ-06-19 – 150 Savannah Oaks Drive and 29 Tallgrass Court [Financial Impact – None], 2019-419**

   A. THAT Zoning By-law Amendment Application PZ-06-19, submitted by Collier Project Leaders to change the zoning at 150 Savannah Oaks Drive and 29 Tallgrass Court to Business Park Industrial – Exception 5 Zone (M3-5)” and to “Business Park Industrial – Exception 11 Zone (M3-11)” to permit open storage and to permit a reduction in lot width BE APPROVED, subject to the application of a “Holding” provision on the lands identified as 150 Savannah Oaks Drive in accordance with the applicable provisions as noted in Section 8.2 of Report 2019-419; and

   B. THAT the implementing By-law BE PRESENTED to Council for adoption following receipt of the Committee of Adjustment’s final decision on the related consent application to adjust the lot boundary by adding lands from 29 Tallgrass Court to 150 Savannah Oaks Drive; and
C. THAT the By-law to remove the "Holding (H)" provision from the subject lands not be presented to Council for approval until the Applicant has been issued a Site Alteration Permit addressing the construction of the berm to screen the open storage area, to the satisfaction of the City of Brantford; and

D. THAT Pursuant to Section 34(18) of the Planning Act, R.S.O. 1990, c.P.13. the following statement SHALL BE INCLUDED in the Notice of Decision:

"Regard has been had for all written and oral submissions received from the public before the decision was made in relation to this planning matter, as discussed in Section 7.2 of Report 2019-419."

4. 195 Henry Street – Application for Rogers Communications Inc. Telecommunication Tower [Financial Impact – None], 2019-373

THAT Innovation, Science and Economic Development Canada (ISED) BE ADVISED that pursuant to Report 2019-373, the City of Brantford has no concerns and concurs with Rogers Communications Inc.’s proposed installation of a telecommunication tower to be located at 195 Henry Street


A. THAT Report 2019-448 regarding Bill 108 - More Homes More Choice Act, 2019 BE RECEIVED; and

B. THAT the Premier of Ontario, the Minister of Municipal Affairs and Housing, Will Bouma, MPP, Brantford-Brant, Leaders of the New Democratic, Liberal and Green parties; the Association of Municipalities of Ontario, the Large Urban Mayors’ Caucus of Ontario, Mayors and Regional Chairs of Ontario BE ADVISED that the Council of The Corporation of the City of Brantford ENDORSES the following resolution regarding Bill 108 – More Homes More Choice Act, 2019:

WHEREAS The Government of Ontario, on June 6, 2019, passed the More Homes, More Choice Act, 2019, (Bill 108); and

WHEREAS the changes to the Local Planning Appeal Tribunal (LPAT), contained in Bill 108 will give LPAT the authority to make final planning decisions based on a subjective “best planning outcome” approach rather than compliance with municipal and provincially approved official plans and consistency with provincial plans and policy; and

WHEREAS Bill 108 restricts third party appeals of plans of subdivision only to the applicant, municipality, Minister, public body or prescribed list of persons; and
WHEREAS Bill 108 takes local planning decision-making out of the hands of democratically elected municipal councils and puts it into the hands of a non-elected, unaccountable tribunal; and

WHEREAS the LPAT adds cost and delays delivery of affordable housing by expensive, time consuming hearings, contrary to the intent of the More Homes, More Choice Act, 2019; and

WHEREAS Regional and City Councils have spent millions defending provincially approved plans at the OMB/LPAT, including more than $5 million over the last three years; and

WHEREAS the reverting back to de novo hearings adds delays and costs to the housing delivery, as planning decisions start from scratch requiring lawyers, experts and witnesses, repeating the planning analysis already done by local councils; and

WHEREAS Ontario is the only province in Canada that empowers a separate adjudicative tribunal to review and overrule local decisions applying provincially approved plans:

NOW THEREFORE BE IT RESOLVED:

THAT the Minister of Municipal Affairs and Housing immediately restore the amendments to the Planning Act that mandated the evaluation of appeals on a consistency and conformity with Provincial policies and plans basis; and

C. THAT a copy of Report 2019-448 and the resolution referenced in Clause B above BE FORWARDED to the Ministry of Municipal Affairs and Housing in response to ERO Postings 019-0181, 019-0183 and 019-0184.

6. Amendments to the Ontario Heritage Act by the More Homes, More Choice Act (Bill 108) and Impacts to the Heritage Register Project [Financial Impact – None], 2019-410

A. THAT Report 2019-410 regarding amendments to the Ontario Heritage Act made by the More Homes, More Choice Act (Bill 108) and the resulting impacts to the Heritage Register Project BE RECEIVED; and

B. THAT Staff BE DIRECTED to monitor the release of regulations under the Ontario Heritage Act and update Council as necessary;

C. That a copy of Report 2019-410 be forwarded to the City of Brantford Heritage Committee for their information.
7. **Refund Request – Committee of Adjustment Consent Application B18/2019 (11 Sarah Street) [Financial Impact - $2,557.80], 2019-426**

   THAT the request for a refund for Committee of Adjustment Consent application B18/2019 (11 Sarah Street) in the amount of $2,557.80 submitted by Domenic Reale BE REFUSED.

8. **Review of the Boundaries of Various Programs which Support Development within Downtown Brantford [Financial Impact – None], 2019-290**

   A. THAT Report 2019-290 respecting the Review of the Boundaries of Various Programs which Support Development within Downtown Brantford BE RECEIVED; and

   B. THAT Staff BE DIRECTED to review Downtown incentives and exemptions relating to Development Charges, Parkland Dedication, Cash-in-Lieu of Parkland, Parking Regulations, and Cash-in-Lieu of Parking following the completion of relevant studies as outlined in Report 2019-290; and

   C. THAT with respect to the Downtown Community Improvement Plan:

      i. By-law 58-2014 BE AMENDED to repeal clauses 2, 3, & 4 due to a lack of funding to continue implementation of the Plan; and

      ii. The Downtown Incentive Programs Advisory Committee BE DISBANDED due to the fulfillment of its mandate and that Chapter 26 of the City of Brantford Municipal Code BE AMENDED by REPEALING Schedule 9; and

      iii. That Staff BE DIRECTED to investigate options for a new Community Improvement Plan for the downtown to consider direct and indirect financial incentive programs such as, a tax Increment Grant Program for rental housing, and an administrative model, and report back to Council in Q2 of 2020.


   THAT the City of Brantford 2018 Municipal Cultural Plan Annual Report BE RECEIVED.

10. **2019-20 Cultural and Built Heritage Funding Program Allocations, 2019-449**

    A. THAT Staff Report No. 2019-449 regarding the 2019-20 Cultural and Built Heritage Funding Program applications BE RECEIVED; and

    B. THAT funding BE AWARDED to the Canadian Military Heritage Museum in the amount of up to $83,000 (less ineligible HST) from the Cultural and Built Heritage Reserve (RF0570) for the “2019-2020 CMHM Accessible Washroom Project”; and
C. THAT the General Manager, Community Development BE AUTHORIZED to execute a funding agreement with the Canadian Military Heritage Museum, subject to approval as to form by the City Solicitor or designate; and

D. THAT the application by Wilfrid Laurier University to the Cultural and Built Heritage Funding Program for funding under the 2019-20 Cultural and Built Heritage Funding Program BE NOT APPROVED; and

E. THAT funding BE AWARDED to Woodland Cultural Centre in the amount of up to $100,000 (less ineligible HST) from the Cultural and Built Heritage Reserve (RF0570) for the “Save the Evidence Phase 3: Public Access and Safety” project; and

F. THAT the General Manager, Community Development BE AUTHORIZED to execute a funding agreement with Woodland Cultural Centre, subject to approval as to form by the City Solicitor or designate.

11. Brantford Heritage Committee Report Regarding Prominence Point Program and Prominence Point Signage

1. Prominence Point Program

THAT John Turner BE SELECTED as a candidate for induction in the Prominence Point Program.

2. Prominence Point Signage

WHEREAS the Prominence Point monument is a piece of Public Art owned and maintained by the City of Brantford; and

WHEREAS recommendations to Council with regards to the Public Art collection are made through the Public Art Subcommittee of the Brantford Cultural Advisory Committee; and

WHEREAS Prominence Point is in need of signage to identify and interpret the monument for citizens and visitors;

NOW THEREFORE BE IT RESOLVED THAT the Public Art Subcommittee of the Brantford Cultural Advisory Committee provide information and recommendations related to the procurement and installation of architectural and interpretive signage for Prominence Point.

12. Maria’s Pizza - Waiving and Refunding of Fees

WHEREAS in 1968 Maria and Virgil Risi opened Maria’s Pizza at 428 Colborne Street; and

WHEREAS fire destroyed the original business on Sunday June 4, 2017; and
WHEREAS Maria’s Pizza has been rebuilt and reopened at the same location; and

WHEREAS the original Maria’s Pizza awning sign was rescued and reused as part of the new building signage; and

WHEREAS, due to a misunderstanding, the new awning sign now requires an Encroachment Agreement and approval from the City’s Committee of Adjustment for a Minor Variance from the City’s Sign By-law for the sign to remain; and

WHEREAS additional fees are required to be (or have already been) submitted by the Risi family as follows:

Fees to prepare and register the Encroachment Agreement; and

$1,807.80 application fee to apply to the Committee of Adjustment

NOW THEREFORE BE IT RESOLVED THAT the fees paid by Maria’s Pizza associated with the Encroachment Agreement and the Committee of Adjustment application BE WAIVED or REFUNDED, as the case may be.

Respectfully submitted,

Councillor Antoski, Chair