PLANNING COMMITTEE
REPORT
20-010

AS APPROVED BY COUNCIL SEPTEMBER 30, 2020

September 22, 2020
9:30 a.m.
Council Chambers, Hamilton City Hall
71 Main Street West

Present: Councillors J. Farr (Chair) J.P. Danko (Vice Chair), C. Collins J. Partridge, M. Pearson, B. Johnson, L. Ferguson and M. Wilson

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THE PLANNING COMMITTEE PRESENTS REPORT 20-010 AND RESPECTFULLY RECOMMENDS:

1. Application for a Zoning By-law Amendment for Lands Located at 2004 Glancaster Road, Ancaster (PED20130) (Ward 12) (Item 7.1)

(a) That Zoning By-law Amendment Application ZAR-18-050 by Fothergill Planning and Development Inc. on behalf of Braun Nursery Limited, (Owner), for a further modification to the Agriculture (A1, 273) Zone to permit an expansion of the existing nursery operation (wire basket and moss products) to a maximum of 8,900 sq m and for a change in zoning from the Agriculture (A1) Zone to the Conservation Hazard Lands – Rural (P7) Zone to include additional area of the Welland River Floodplain for lands located at 2004 Glancaster Road, Ancaster, as shown on Appendix "A" to Report PED20130, be APPROVED on the following basis:

(i) That the draft By-law, attached as Appendix "B" to Report PED20130, 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 the Greenbelt Plan (2017), and complies with the Rural Hamilton Official Plan.

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

2. Applications for Official Plan Amendment and Zoning By-law Amendment for lands located at 282 MacNab Street North, Hamilton (PED19071(a)) (Ward 2) (Item 7.2)

(a) That Revised Official Plan Amendment Application UHOPA-18-015, by St. Jean Properties Inc. and Durand Development Corporation, Owner, to establish a Special Policy Area on Schedule "M-2" – General Land Use Plan of the West Harbour (Setting Sail) Secondary Plan in the former City of Hamilton Official Plan to permit the development of a ten storey, 89 unit multiple dwelling with a maximum residential density of 688 units per gross hectare, for lands located at 282 MacNab Street North, Hamilton as shown on Appendix "A" to Report PED19071(a), be APPROVED on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix "B" to Report PED19071(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,

(ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow Plan (2019).

(b) That Revised Zoning By-law Amendment Application ZAC-18-037, by, St. Jean Properties Inc. and Durand Development Corporation, Owner, for a change in zoning from the "J" (Light and Limited Heavy Industry, Etc.) District to the "E/S-1799-H" (Multiple Dwellings, Lodges, Clubs, Etc.) District, Holding, Modified to permit a ten storey (33.0 m), 89 unit multiple dwelling with 66 parking spaces, for lands located at 282 MacNab Street North, Hamilton, as shown on Appendix "A" to Report PED19071(a), be APPROVED on the following basis:

(i) That the draft By-law, attached as Appendix "C" to Report PED19071(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

(ii) That the amending By-law, attached as Appendix "C" to Report PED19071(a) be added to District Map W3 of Zoning By-law No. 6593 as "E/S-1799-H".

(iii) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject lands by introducing the Holding symbol 'H' as a suffix to the proposed zoning.

The Holding Provision "E/S-1799-H" (Multiple Dwellings, Lodges, Clubs, Etc.) District, Holding, Modified, be removed conditional upon:

(1) The Owner enters into a conditional building permit agreement with respect to completing a Record of Site Condition or a signed Record of Site Condition (RSC) being submitted to the City of Hamilton and the Ministry of the Environment, Conservation and Parks (MOECP). This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MOECP, and submission of the City of Hamilton's current RSC administration fee.

(2) The Owner shall investigate the noise levels on the site and determine and implement the noise control measures based on the detailed building design in consultation with Canadian National Railways and Metrolinx that are satisfactory to the City of Hamilton, in meeting the Ministry of the Environment, Conservation and Parks recommended sound level limits. An updated acoustical report prepared by a qualified Professional Engineer containing the recommended control measures shall be submitted to the satisfaction of the Director of Planning and Chief Planner.

Should a peer review of the acoustical report be warranted, all associated costs shall be borne by the owner/applicant and shall be submitted to the satisfaction of the Director of Planning and Chief Planner.

(3) That the Owner establish an easement registered on title to provide maintenance access to the ground floor of the north and east main walls of the building from the abutting Metrolinx property (353 James Street North) and provides legal documentation to the City of the easement, to the satisfaction of the Director of Planning and Chief Planner.

(iv) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow Plan (2019) and will comply with the City of Hamilton Official Plan upon finalization of Official Plan Amendment No. XX.

(c) That Item 19R respecting the public meeting for proposed Official Plan and Zoning By-law Amendment applications for 282 MacNab Street North be identified as complete and removed from the Planning Committee Outstanding Business List.

(d) That the public submissions received did not affect the decision.

3. Second Dwelling Units – Options to Increase Housing Supply in Hamilton's Existing Low Density Housing Stock (PED20093) (City Wide) (Item 9.1)

(a) That Report PED20093 (City Initiative CI-20-E), including the Discussion Paper titled Creating a House and Home: Second Dwelling Units – Discussion Paper for the creation of Second Dwelling Units in Hamilton – September 2020*,* attached as Appendix "A" to Report PED20093, be received;

(b) That staff be authorized to proceed with public engagement on the proposed Zoning By-law regulations, that staff report back to the Planning Committee on the feedback received, including the identification of the preferred approach for Second Dwelling Units for incorporation into the development of the residential zones to be added to Hamilton Zoning By-law No. 05-200;

(c) That as part of the public engagement on Second Dwelling Units that staff consult and report back on potential financial barriers and incentives to the creation of Second Dwelling Units, including but not limited to, Development Charges and Parkland Dedication; and,

(d) That Second Dwelling Units within existing single detached dwellings in the Rural Area be incorporated into the Second Dwelling Units review.

4. Request for Direction to Proceed with Appeal of Committee of Adjustment Consent Applications AN/B-20:30, AN/B-20:31 and AN/B-20:32 for the Properties Located at 822 Book Road W, 914 Book Road W, and 1276 Shaver Road (Ancaster) (PED20160) (Ward 12) (Item 9.2)

(a) That staff be directed to withdraw the appeal letter, which was filed by staff against the decision of the Committee of Adjustment to the Local Planning Appeal Tribunal, respecting Consent Applications AN/B-20:30, AN/B-20:31 and AN/B-20:32 for the Properties Located at 822 Book Road W, 914 Book Road W, and 1276 Shaver Road; and,

(b) That the applicant is required to apply for and receive approval of an Official Plan Amendment and a Zoning By-law Amendment prior to the Consent being approved.

5. Appeal to the Local Planning Appeal Tribunal (LPAT) for Lack of Decision on Urban Hamilton Official Plan Amendment Application (UHOPA-16-18) and Township of Glanbrook Zoning By-law No. 464 Amendment Application (ZAC-16-051) for Lands Located at 3033, 3047, 3055, 3063 Binbrook Road (Glanbrook) (LS19003(b)/PED19031(b)) (Ward 11) (Added Item 13.1)

~~That Report LS19003(b)/PED19031(b), Appendices "A", "B", "C", "D", and "E" to Report LS19003(b)/PED19031(b) thereto and recommendations therein be~~

~~released to the public, except for Appendices "F" and "G" to Report LS19003(b)/PED19031(b) which shall remain confidential.~~

(a) That the City enter into a settlement of the appeal to the LPAT by Binbrook Heritage Developments, Owner, of its Urban Hamilton Official Plan ("UHOP") Amendment Application UHOPA-16-18, in order to permit a six storey building height in the Binbrook Village Secondary Plan in Volume 2 of the UHOP, for the lands located at 3033, 3047, 3055 and 3063 Binbrook Road (Glanbrook), as shown on Appendix "A" to Report LS19003(b)/PED19031(b), based on the approval by the LPAT of the draft Official Plan Amendment, attached as Appendix "C" to Report LS19003(b)/PED19031(b), which has been prepared in a form satisfactory to the City Solicitor and that:

(i) prior to the finalization of the settlement, the UHOP Amendment, attached as Appendix "C" to Report LS19003(b)/PED19031(b), may be amended as required, to the satisfaction of the Director of Planning and Chief Planner and City Solicitor; and,

(ii) that the City Solicitor be authorized and directed to execute minutes of settlement for the appeal of UHOPA-16-18 in a form and content satisfactory to her and consistent with the foregoing.

(b) That the City enter into a settlement of the appeal to the LPAT by Binbrook Heritage Developments, Owner, of its Zoning By-law Amendment ("ZBA") Application ZAC-16-051, for changes in zoning from the Existing Residential "ER" Zone, to a site specific General Commercial "C3" Zone, for the lands located at 3033, 3047, 3055 and 3063 Binbrook Road (Glanbrook), as shown on Appendix "A" to Report LS19003(b)/PED19031(b) based on the draft By-law attached as Appendix "D" to Report LS19003(b)/PED19031(b) and that:

(i) prior to the finalization of the settlement, the ZBA Amendment, attached as Appendix "D" to Report LS19003(b)/PED19031(b), may be amended as required, to the satisfaction of the Director of Planning and Chief Planner and City Solicitor; and,

(ii) the City Solicitor be authorized and directed to execute minutes of settlement for the appeal of ZAC-16-051 in a form and content satisfactory to her and consistent with the foregoing.

(c) That Report LS19003(b)/PED19031(b), Appendices "A", "B", "C", "D", and "E" to Report LS19003(b)/PED19031(b) thereto and recommendations therein be released to the public, except for Appendices "F" and "G" to Report LS19003(b)/PED19031(b) which shall remain confidential.

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 1)

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

1. DELEGATION REQUESTS (Item 5)

5.1 Matt Johnston, UrbanSolutions, respecting Request for Direction to Proceed with Appeal of Committee of Adjustment Consent Applications AN/B-20:30, AN/B-20:31 and AN/B-20.32 for the Properties Located at 822 Book Road W, 914 Book Road W, and 1276 Shaver Road (Item 9.2) (For today's meeting)

2. PUBLIC HEARINGS/WRITTEN DELEGATIONS/VIRTUAL DELEGATIONS (Item 7)

7.2 Applications for Official Plan Amendment and Zoning By-law Amendment for lands located at 282 MacNab Street North, Hamilton (PED19071(a)) (Ward 2)
(a) Written Submissions

(i) Lucian Puscariu, The Holy Resurrection Romanian Orthodox Church

(ii) Paul Consiglio

(b) Registered Delegations

(i) Nancy Chater

3. PRIVATE AND CONFIDENTIAL (Item 13)

13.1 Appeal to the Local Planning Appeal Tribunal (LPAT) for Lack of Decision on Urban Hamilton Official Plan Amendment Application (UHOPA-16-18) and Township of Glanbrook Zoning By-law No. 464 Amendment Application (ZAC-16-051) for Lands Located at 3033, 3047, 3055, 3063 Binbrook Road (Glanbrook) (LS19003(b)/PED19031(b)) (Ward 11)

The agenda for the September 22, 2020 meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

None declared.

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

(i) September 8, 2020 (Item 3.1)

The Minutes of the September 8, 2020 meeting were approved, as presented.

(d) DELEGATION REQUESTS (Item 5)

(i) Matt Johnston, UrbanSolutions, respecting Request for Direction to Proceed with Appeal of Committee of Adjustment Consent Applications AN/B-20:30, AN/B-20:31 and AN/B-20.32 for the Properties Located at 822 Book Road W, 914 Book Road W, and 1276 Shaver Road (Item 9.2) (For today's meeting) (Added item 5.1)

The Delegation from Matt Johnston, UrbanSolutions, respecting Request for Direction to Proceed with Appeal of Committee of Adjustment Consent Applications AN/B-20:30, AN/B-20:31 and AN/B-20.32 for the Properties Located at 822 Book Road W, 914 Book Road W, and 1276 Shaver Road (Item 9.2), was approved for today's meeting.

(e) PUBLIC HEARINGS/WRITTEN DELEGATIONS (Item 7)

In accordance with the *Planning Act*, Chair Farr advised those viewing the virtual meeting that the public had been advised of how to pre-register to be a virtual delegate at the Public Meetings on today's agenda.

In accordance with the provisions of the *Planning Act*, Chair Farr advised that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Zoning By-law Amendment and Official Plan Amendment, 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) Application for a Zoning By-law Amendment for Lands Located at 2004 Glancaster Road, Ancaster (PED20130) (Ward 12) (Item 7.1)

No members of the public were registered as Delegations.

The staff presentation was waived

Ed Fothergill, Fothergill Planning and Development Inc., was in attendance and indicated support for the staff report.

The delegation from Ed Fothergill, Fothergill Planning and Development Inc. was received.

The public meeting was closed.

(a) That Zoning By-law Amendment Application ZAR-18-050 by Fothergill Planning and Development Inc. on behalf of Braun Nursery Limited, (Owner), for a further modification to the Agriculture (A1, 273) Zone to permit an expansion of the existing nursery operation (wire basket and moss products) to a maximum of 8,900 sq m and for a change in zoning from the Agriculture (A1) Zone to the Conservation Hazard Lands – Rural (P7) Zone to include additional area of the Welland River Floodplain for lands located at 2004 Glancaster Road, Ancaster, as shown on Appendix "A" to Report PED20130, be APPROVED on the following basis:

(i) That the draft By-law, attached as Appendix "B" to Report PED20130, 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 the Greenbelt Plan (2017), and complies with the Rural Hamilton Official Plan.

The recommendations in Report PED20130 were ***amended*** by adding the following sub-section (b):

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

For disposition of this matter, refer to Item 1.

(ii) Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 527 Shaver Road and 629 Garner Road West (Ancaster) (PED20132) (Ward 12) (Item 7.2) Applications for Official Plan Amendment and Zoning By-law Amendment for lands located at 282 MacNab Street North, Hamilton (PED19071(a)) (Ward 2) (Item 7.2)

Councillor Farr relinquished the Chair to Councillor Danko.

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

The staff presentation was received.

William Neal, Ashraf Azeem and Drew Hauser of McCallum Sather Architects Inc., were in attendance and indicated support for the staff report.

The delegation from William Neal, Ashraf Azeem and Drew Hauser of McCallum Sather Architects Inc., was received.

The following written submissions were received:

1. Lucian Puscariu, The Holy Resurrection Romanian Orthodox Church (Item 7.2 (a)(i))

2. Paul Consiglio (Item 7.2 (a)(ii))

Registered Delegations:

7.2(b) (i) Nancy Chater, 47 Murray Street West, addressed the Committee and expressed concerns with the proposal.

The delegation was received.

The public meeting was closed.

(a) That Revised Official Plan Amendment Application UHOPA-18-015, by St. Jean Properties Inc. and Durand Development Corporation, Owner, to establish a Special Policy Area on Schedule “M-2” – General Land Use Plan of the West Harbour (Setting Sail) Secondary Plan in the former City of Hamilton Official Plan to permit the development of a ten storey, 89 unit multiple dwelling with a maximum residential density of 688 units per gross hectare, for lands located at 282 MacNab Street North, Hamilton as shown on Appendix “A” to Report PED19071(a), be APPROVED on the following basis:

    (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED19071(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,

    (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow Plan (2019).

(b) That Revised Zoning By-law Amendment Application ZAC-18-037, by, St. Jean Properties Inc. and Durand Development Corporation, Owner, for a change in zoning from the “J” (Light and Limited Heavy Industry, Etc.) District to the “E/S-1799-H” (Multiple

Dwellings, Lodges, Clubs, Etc.) District, Holding, Modified to permit a ten storey (33.0 m), 89 unit multiple dwelling with 66 parking spaces, for lands located at 282 MacNab Street North, Hamilton, as shown on Appendix "A" to Report PED19071(a), be APPROVED on the following basis:

(i) That the draft By-law, attached as Appendix "C" to Report PED19071(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

(ii) That the amending By-law, attached as Appendix "C" to Report PED19071(a) be added to District Map W3 of Zoning By-law No. 6593 as "E/S-1799-H".

(iii) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject lands by introducing the Holding symbol 'H' as a suffix to the proposed zoning.

The Holding Provision "E/S-1799-H" (Multiple Dwellings, Lodges, Clubs, Etc.) District, Holding, Modified, be removed conditional upon:

(1) The Owner enters into a conditional building permit agreement with respect to completing a Record of Site Condition or a signed Record of Site Condition (RSC) being submitted to the City of Hamilton and the Ministry of the Environment, Conservation and Parks (MOECP). This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MOECP, and submission of the City of Hamilton's current RSC administration fee.

(2) The Owner shall investigate the noise levels on the site and determine and implement the noise control measures based on the detailed building design in consultation with Canadian National Railways and Metrolinx that are satisfactory to the City of Hamilton, in meeting the Ministry of the Environment, Conservation and Parks recommended sound level limits. An updated acoustical report prepared by a qualified Professional Engineer containing the recommended control measures shall be submitted to the satisfaction of the Director of Planning and Chief Planner.

Should a peer review of the acoustical report be warranted, all associated costs shall be borne by the owner/applicant and shall be submitted to the satisfaction of the Director of Planning and Chief Planner.

(3) That the Owner establish an easement registered on title to provide maintenance access to the ground floor of the north and east main walls of the building from the abutting Metrolinx property (353 James Street North) and provides legal documentation to the City of the easement, to the satisfaction of the Director of Planning and Chief Planner.

(iv) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow Plan (2019) and will comply with the City of Hamilton Official Plan upon finalization of Official Plan Amendment No. XX.

(c) That Item 19R respecting the public meeting for proposed Official Plan and Zoning By-law Amendment applications for 282 MacNab Street North be identified as complete and removed from the Planning Committee Outstanding Business List.

The recommendations in Report PED19071(a) were ***amended*** by adding the following sub-section (d):

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

For disposition of this matter, refer to Item 2.

Councillor Farr assumed the Chair.

(iii) Matt Johnston, UrbanSolutions, respecting Request for Direction to Proceed with Appeal of Committee of Adjustment Consent Applications AN/B-20:30, AN/B-20:31 and AN/B-20.32 for the Properties Located at 822 Book Road W, 914 Book Road W, and 1276 Shaver Road (Item 9.2) (Added Item 7.4)

Matt Johnston, Urban Solutions, addressed the Committee with the aid of a PowerPoint presentation.

The delegation from Matt Johnston respecting Request for Direction to Proceed with Appeal of Committee of Adjustment Consent Applications AN/B-20:30, AN/B-20:31 and AN/B-20.32 for the Properties Located at

822 Book Road W, 914 Book Road W, and 1276 Shaver Road, was received.

Item 9.2, Request for Direction to Proceed with Appeal of Committee of Adjustment Consent Applications AN/B-20:30, AN/B-20:31 and AN/B-20:32 for the Properties Located at 822 Book Road W, 914 Book Road W, and 1276 Shaver Road (Ancaster) (PED20160) (Ward 12), was moved up in the agenda to be heard at this time.

(f) DISCUSSION ITEMS (Item 9)

(i) Request for Direction to Proceed with Appeal of Committee of Adjustment Consent Applications AN/B-20:30, AN/B-20:31 and AN/B-20:32 for the Properties Located at 822 Book Road W, 914 Book Road W, and 1276 Shaver Road (Ancaster) (PED20160) (Ward 12) (Item 9.2)

June Christy, Senior Project Manager, addressed the Committee with the aid of a PowerPoint presentation.

The staff presentation was received.

For disposition of this matter, refer to Item 4.

(ii) Second Dwelling Units – Options to Increase Housing Supply in Hamilton's Existing Low Density Housing Stock (PED20093) (City Wide) (Item 9.1)

Timothy Lee, Senior Planner, addressed the Committee with the aid of a PowerPoint presentation.

The staff presentation was received.

The recommendations in Report PED20093 were ***amended*** by adding sub-section (d) as follows:

(d) That Second Dwelling Units within existing single detached dwellings in the Rural Area be incorporated into the Second Dwelling Units review.

For disposition of this matter, refer to Item 3.

(g) PRIVATE AND CONFIDENTIAL (Item 13)

Committee moved into Closed Session respecting Item 13.1 pursuant to Section 8.1, Sub-sections (e) and (f) of the City's Procedural By-law 18-270, as amended, and Section 239(2), Sub-sections (e) and (f) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the City, and, the

receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

(i) Appeal to the Local Planning Appeal Tribunal (LPAT) for Lack of Decision on Urban Hamilton Official Plan Amendment Application (UHOPA-16-18) and Township of Glanbrook Zoning By-law No. 464 Amendment Application (ZAC-16-051) for Lands Located at 3033, 3047, 3055, 3063 Binbrook Road (Glanbrook) (LS19003(b)/PED19031(b)) (Ward 11) (Added Item 13.1)

For disposition of this matter, refer to Item 5.

(h) ADJOURNMENT (Item 14)

There being no further business, the Planning Committee was adjourned at 2:38 p.m.

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Councillor J. Farr
Chair, Planning Committee

_____
Lisa Kelsey
Legislative Coordinator