



PLANNING COMMITTEE REPORT

AS AMENDED BY COUNCIL OCTOBER 28, 2020

20-012

October 20, 2020

9:30 a.m.

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

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

Also in Attendance: Councillors B. Clark and N. Nann

THE PLANNING COMMITTEE PRESENTS REPORT 20-012 AND RESPECTFULLY RECOMMENDS:

- 1. To Incorporate City Lands into Arvin Avenue by By-Law (PED20157) (Ward 10) (Item 6.1)**
 - (a) That the following City Lands designated as Block 18 on Plan 62M-640, Part 4 on Plan 62R-17671 and Parts 2, 5, and 8 on Plan 62R-20885, be established as a public highway to form part of Arvin Avenue, as shown on Appendix "A" attached to Report PED20157;
 - (b) That the By-Law to incorporate the City lands to form part of Arvin Avenue 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.
- 2. To Incorporate City Lands into North Waterdown Drive by By-Law (PED20166) (Ward 15) (Item 6.2)**
 - (a) That the following City lands designated as Parts 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 20, 21, and 22 on Plan 62R-20684, be established as a public highway to form part of North Waterdown Drive;

- (b) That the By-Law to incorporate the City lands to form part of North Waterdown Drive be prepared to the satisfaction of the City Solicitor and be enacted by Council;
- (c) That the portion of Mosaic Drive designated as Parts 5, 6, 7, and 8 on Plan 62R-20684, be renamed North Waterdown Drive as identified on Appendix "A" attached to Report PED20166;
- (d) That the By-law to rename the portion of Mosaic Drive designated as Parts 5, 6, 7, and 8 on Plan 62R-20684 to North Waterdown Drive be prepared to the satisfaction of the City Solicitor and be enacted by Council.

3. Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-19-008 and Zoning By-law Amendment Application ZAC-19-029 to the Local Planning Appeal Tribunal (LPAT) for Lack of Decision for Lands Located at 73, 77, 83, 89 Stone Church Road West and 1029 West 5th, Hamilton (PED20171) (Ward 8) (Item 6.3)

That Report PED20171 respecting Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-19-008 and Zoning By-law Amendment Application ZAC-19-029 to the Local Planning Appeal Tribunal (LPAT) for Lack of Decision for Lands Located at 73, 77, 83, 89 Stone Church Road West and 1029 West 5th, Hamilton, be received.

4. Appeal to the Local Planning Appeal Tribunal (LPAT) for Lack of Decision on Urban Hamilton Official Plan Amendment UHOPA-17-006 and Zoning By-law Amendment application ZAC-17-016 for Lands Located at 909 North Waterdown Drive (Flamborough) (PED20167) (Ward 15) (Item 6.4)

That Report PED20167 respecting Appeal to the Local Planning Appeal Tribunal (LPAT) for Lack of Decision on Urban Hamilton Official Plan Amendment UHOPA-17-006 and Zoning By-law Amendment application ZAC-17-016 for Lands Located at 909 North Waterdown Drive (Flamborough), be received.

5. New Generation 9-1-1 Requirements - Duplicate Street Names and Municipal Addressing Issues (PED20175) (Wards 1, 2, 12, 13 and 15) (Item 6.5)

- (a) That Planning staff be directed to develop and implement a program to address Duplicate Street Names and Municipal Address Issues as outlined in Report PED20175; and,
- (b) That Report PED20175, be forwarded to Bell Canada for their information.

The following item was amended as follows:

6. Applications to Amend the Urban Hamilton Official Plan and Glanbrook Zoning By-law No. 464 for Lands Located at 1912 Rymal Road East, Glanbrook (PED20164) (Ward 9) (Item 7.2)

(a) That Urban Hamilton Official Plan Amendment Application UHOPA-18-011 by Wellings Planning Consultants, Agent, on behalf of Royal Living Developments, Owner, for an amendment to the Rymal Road Secondary Plan to redesignate the lands known as 1912 Rymal Road East from “Low Density Residential 2h” to “Medium Density Residential 2c”, as shown on Appendix “A” to Report PED20164, be APPROVED on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED20164, 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: Growth Plan for the Greater Golden Horseshoe (2019, as amended).

(b) That Zoning By-law Amendment Application ZAC-18-029, by Wellings Planning Consultants, Agent, or behalf of Royal Living Developments, Owner, for a change in zoning for the lands known as 1912 Rymal Road East from the Agricultural “A1” Zone to the Residential Multiple “H-RM4-319” Zone, Modified to permit a five storey, 92 unit multiple dwelling as shown on Appendix “A” to Report PED20164, be APPROVED on the following basis:

(i) That the draft By-law attached as Appendix “C” to Report PED20164, be amended by deleting Subsections 1, 2 and 3 in their entirety and replacing Subsections 1 and 2 with the text in Schedule “A” attached hereto;

(ii) That pursuant to Section 34(17) of the Planning Act, R.S.O. 1990, c. P.13, further notice of this change made to the proposed By-law shall not be required;

(iii) That the amended draft By-law pursuant to sub-section (i) herein, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,

(iv) 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 received on this matter did not affect the decision.

7. Demolition Permit for 1355, 1359, 1375 Upper James St. and 16, 24, 34, 40, 48 Stone Church Rd. East (Added Item 11.1)

WHEREAS, the owner has received zoning approval and is currently working through site plan approvals.

WHEREAS, the owner has boarded up the vacant properties but continues to have untoward activity at the properties that are uninhabitable; and,

WHEREAS, it is not appropriate to pursue repair or restoration of these building as prescribed by the Property Standards By-law or maintain the properties on the Vacant Building Registry and demolition is appropriate; and,

THEREFORE, BE IT RESOLVED:

That the Chief Building Official be authorized to issue a demolition permit for 1355, 1359, 1375 Upper James Street and 16, 24, 34, 40, 48 Stone Church Road East, Hamilton, Ontario, 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 conditions 6(a), (b), and (c) of the Demolition Control By-law 09-208.

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 1)

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

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

- 7.2 Applications to Amend the Urban Hamilton Official Plan and Glanbrook Zoning By-law No. 464 for Lands Located at 1912 Rymal Road East, Glanbrook (PED20164) (Ward 9)

- (a) Written Submissions:

- (i) Tony and Shannon Porcaro

- 7.3 Applications for a Rural Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 8475 English Church Road East, Glanbrook (PED18077) (Ward 11)

(b) Written Submissions:

- (ii) Kunal Kanani
- (iii) Sonia Pronek

7.4 Urban Hen Backyard Pilot Program – Written Delegations

- (ix) Maria Mule

2. NOTICES OF MOTION (Item 11)

- 11.1 Demolition Permit for 1355, 1359, 1375 Upper James Street and
16, 24, 34, 40, 48 Stone Church Road East

The agenda for the October 20, 2020 meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

Councillor Ferguson declared a conflict with Item 4.1, correspondence from Ahmad David respecting Taxi Drivers and Licensing, as he is the owner of a taxi licence.

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

(i) October 6, 2020 (Item 3.1)

The Minutes of the October 6, 2020 meeting were approved, as presented.

(d) COMMUNICATIONS (Item 4)

(i) Ahmad David respecting Taxi Drivers and Licensing (Item 4.1)

The correspondence from Ahmad David respecting Taxi Drivers and Licensing, was received.

(e) DELEGATION REQUESTS (Item 5)

(i) Mike Bozzo respecting the Urban Hen Backyard Pilot Program (For today's meeting) (Item 5.1)

The Delegation Request from Mike Bozzo respecting the Urban Hen Backyard Pilot Program was approved for today's meeting, to be heard after Item 7.1.

(f) CONSENT ITEMS (Item 6)

- (i) Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-19-008 and Zoning By-law Amendment Application ZAC-19-029 to the Local Planning Appeal Tribunal (LPAT) for Lack of Decision for Lands Located at 73, 77, 83, 89 Stone Church Road West and 1029 West 5th, Hamilton (PED20171) (Ward 8) (Item 6.3)**

James Van Rooi, Planner I, addressed the Committee with the aid of a PowerPoint presentation.

The staff presentation was received.

For disposition of this matter, refer to Item 3.

- (ii) New Generation 9-1-1 Requirements - Duplicate Street Names and Municipal Addressing Issues (PED20175) (Wards 1, 2, 12, 13 and 15) (Item 6.5)**

Alvin Chan, Manager of Legislative Approvals / Staging of Development, addressed the Committee with the aid of a PowerPoint presentation.

The staff presentation was received.

For disposition of this matter, refer to Item 5.

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

Due to technical difficulties, Mike Bozzo (Item 5.1) was heard before Heather Bond (Item 7.1).

- (i) Mike Bozzo respecting the Urban Hen Backyard Pilot Program (For today's meeting) (Item 5.1)**

Mike Bozzo addressed the Committee respecting the Urban Hen Backyard Pilot Program.

The Delegation from Mike Bozzo respecting the Urban Hen Backyard Pilot Program, was received.

For disposition of this matter, refer to Item (h)(i).

- (ii) Heather Bond respecting Changes to the Urban Hen By-law (Approved at the October 6 meeting) (Item 7.1)**

Heather Bond addressed the Committee respecting Changes to the Urban Hen By-law.

The Delegation from Heather Bond respecting Changes to the Urban Hen By-law, was received.

For disposition of this matter, refer to Item (h)(i).

Item 7.4, Urban Hens Backyard Pilot Program – Written Delegations, and Item 10.1, Urban Hen Backyard Pilot Program Motion, was moved up in the agenda to be considered at this time.

For disposition of this matter, refer to Item (h)(i).

(iii) Urban Hens Backyard Pilot Program (Item 7.4)

The following written delegations respecting Urban Hens Backyard Pilot Program were received:

- (i) Giselle Burt
- (ii) Aly Livingston
- (iii) Scott Mclaughlin
- (iv) Daegan McNeaney
- (v) Lauren Moroz
- (vi) Joanne Fenbow
- (vii) Fred Patterson
- (viii) Vicki Racz
- (ix) Maria Mule

(h) MOTIONS (Item 10)

(i) Urban Hen Backyard Pilot Program (Item 10.1)

WHEREAS, through the COVID-19 pandemic, it will continue to be crucial for cities to enable food resilience and improve access to inexpensive and nutritious foods close to home;

WHEREAS, to reduce negative impacts on the climate, Canadians and Hamiltonians are encouraged to reduce consumption of high carbon & processed foods;

WHEREAS, since 2018, at least 8 other Canadian Cities, many neighbouring Hamilton, have released restrictions on Urban Hens in favour of Urban Hen programs, reporting successes;

WHEREAS, pilots across the country have resulted in best practices which can be adapted to meet the needs of Hamiltonians interested in raising hens and to address public health and safety concerns, including

registration of 4 hens maximum, non-commercial use only, to not be housed in front yards, age of hens, odour and noise assumptions, etc.;

WHEREAS, the most effective way to mitigate negative effects of urban hen-keeping is to regulate it according to best practices in other municipalities;

WHEREAS, ticks and associated illnesses continue to be a major health concern and can be mitigated by keeping hens in urban areas;

WHEREAS, it is suggested that chickens create rich fertilizer which may be composted with yard waste or used to enrich soil;

THEREFORE, BE IT RESOLVED:

- (a) That the appropriate staff be directed to provide the Planning Committee with a Pilot Urban Hens Program report that integrates:
 - (i) A food resilience framework;
 - (ii) A review and analysis of best practices and by-laws from the additional municipalities which have permitted urban hens since the initial report Keeping of Chickens in Urban Areas (PED12247/BOH12039) was considered by Council in 2012;
 - (iii) Regulatory considerations which could permit up to a maximum of 10 hen keepers in each Wards 1, 2 & 3 as urban Wards with a plan for licensing and evaluation that address previously identified issues including, but are not limited to, health, odour, nuisance, etc.; and,
- (b) That fines associated with the current bylaw prohibiting the keeping of urban hens be suspended until this report is received.

The above Motion was DEFEATED.

(i) PUBLIC HEARINGS/WRITTEN DELEGATIONS (Item 7) - Continued

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 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) Applications to Amend the Urban Hamilton Official Plan and Glanbrook Zoning By-law No. 464 for Lands Located at 1912 Rymal Road East, Glanbrook (PED20164) (Ward 9) (Item 7.2)

No members of the public were registered as Delegations.

The staff presentation was waived.

Glenn Wellings with Wellings Planning Consultants, was in attendance and indicated support for the staff report, and requested two amendments to the staff report (respecting the removal of a Holding provision and underground parking modifications) which were not considered by the Committee.

The delegation from Glenn Wellings with Wellings Planning Consultants, was received.

The following written submission was received:

1. Tony and Shannon Porcaro (Item 7.2 (a)(i))

The public meeting was closed.

- (a) That Urban Hamilton Official Plan Amendment Application UHOPA-18-011 by Wellings Planning Consultants, Agent, on behalf of Royal Living Developments, Owner, for an amendment to the Rymal Road Secondary Plan to redesignate the lands known as 1912 Rymal Road East from “Low Density Residential 2h” to “Medium Density Residential 2c”, as shown on Appendix “A” to Report PED20164, be APPROVED on the following basis:
 - (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED20164, 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: Growth Plan for the Greater Golden Horseshoe (2019, as amended).
- (b) That Zoning By-law Amendment Application ZAC-18-029, by Wellings Planning Consultants, Agent, or behalf of Royal Living Developments, Owner, for a change in zoning for the lands known as 1912 Rymal Road

East from the Agricultural “A1” Zone to the Residential Multiple “H-RM4-319” Zone, Modified to permit a five storey, 92 unit multiple dwelling as shown on Appendix “A” to Report PED20164, be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix “C” to Report PED20164, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject lands by introducing the Holding “A” as a prefix to the proposed zoning as shown on Schedule “A” of Appendix “C” to Report PED20164.

The Holding Provision Residential Multiple “H-RM4-319” Zone, Modified applicable to lands shown on Schedule “A” to Appendix “C” to Report PED20164 be removed conditional upon the submission and implementation of a revised Traffic Impact Study to the satisfaction of the Manager of Transportation Planning;

- (iii) 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.

The recommendations in Report PED20164 were **amended** by adding the following sub-section (c):

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

For disposition of this matter, refer to Item 6.

- (ii) **Applications for a Rural Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 8475 English Church Road East, Glanbrook (PED18077) (Ward 11) (Item 7.3)**

Report PED18077 respecting Applications for a Rural Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 8475 English Church Road East, Glanbrook, was deferred to the November 17, 2020 Planning Committee meeting.

(j) NOTICES OF MOTION (Item 11)

Councillor Danko relinquished the Chair.

(i) Demolition Permit for 1355, 1359, 1375 Upper James St. and 16, 24, 34, 40, 48 Stone Church Rd. East (Added Item 11.1)

The Rules of Order were waived to allow for the introduction of a Motion respecting Demolition Permit for 1355, 1359, 1375 Upper James St. and 16, 24, 34, 40, 48 Stone Church Rd. East.

For disposition of this matter, refer to Item 7.

Councillor Danko resumed the Chair.

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

(i) General Manager's Update (Added Item 13.1)

Jason Thorne, General Manager of Planning and Economic Development addressed the Committee with a general update.

The General Manager's Update, was received.

(l) ADJOURNMENT (Item 14)

There being no further business, the Planning Committee was adjourned at 12:15 p.m.

Councillor J.P. Danko
Acting Chair, Planning Committee

Lisa Kelsey
Legislative Coordinator