



PLANNING COMMITTEE REPORT

AS APPROVED BY COUNCIL FEBRUARY 10, 2021

21-002

February 2, 2021

9:30 a.m.

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

Present: Councillors J.P. Danko (Chair)
B. Johnson (1st Vice Chair), J. Farr (2nd Vice Chair), C. Collins,
M. Pearson, L. Ferguson, M. Wilson and J. Partridge

Also in Attendance: Councillor N. Nann

THE PLANNING COMMITTEE PRESENTS REPORT 21-002 AND RESPECTFULLY RECOMMENDS:

- 1. To Incorporate City Lands into Greenravine Drive by By-Law (PED21019)
(Ward 12) (Item 7.1)**
 - (a) That the following City Lands designated as Parts 1 and 2 on Plan 62R-20006 be established as a public highway to form part of Greenravine Drive;
 - (b) That the By-Law to incorporate the City lands to form part of Greenravine Drive be prepared to the satisfaction of the City Solicitor and be enacted by Council.
- 2. Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED21023) (City Wide) (Item 7.2)**

That Report PED21023 respecting Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications, be received.
- 3. Hamilton Municipal Heritage Committee Report 21-001 (Added Item 7.3)**
 - (a) **Ancaster Pre-Confederation Inventory (PED21031) (Ward 12) (Added Item 10.1)**
 - (i) That staff be directed to list the properties identified in Appendix "A", (attached as Appendix "A" to Planning Committee Report 21-

002) as amended by removing 157 Butter Road East; 259 Filman Road; 1157 Garner Road East; 5282 Governors Road; 34 Lloyminn Avenue; 1719 Powerline Road West and 4237 Powerline Road West, to Hamilton Municipal Heritage Committee Report 21-001, on the Municipal Heritage Register (Register) as non-designated properties of heritage interest in accordance with Section 27 of the Ontario Heritage Act.

- (ii) That staff be directed to add the properties identified in Appendix “B”, (attached as Appendix “B” to Planning Committee Report 21-002) as amended by removing 38 Academy Street; 1719 Powerline Road West and 34 Lloyminn Avenue, to Hamilton Municipal Heritage Committee Report 21-001, to the work plan for Designation under Part IV of the Ontario Heritage Act as low priorities.

(b) Inventory and Research Working Group Meeting Notes - December 7, 2020 (Added Item 10.2)

- (i) Former Mount Hamilton Hospital, 711 Concession Street, Hamilton

That the 1932 Maternity Wing of the Former Mount Hamilton Hospital, 711 Concession Street, Hamilton be added to the Municipal Register of Properties of Cultural Heritage Value or Interest and to the staff work plan for heritage designation under the *Ontario Heritage Act*.

4. Integrating Health & Environmental Requirements to Demolition Permits (Item 11.1)

WHEREAS, the City of Hamilton has declared a climate emergency and all matters related to the quality of the air we breathe ought to be prioritized;

WHEREAS, neither a demolition permit applicant, nor the Ministry of the Environment, Conservation and Parks (MECP), nor any Municipal Authority are required to notify neighbouring residents or businesses of a demolition before it occurs nor provide a forum to ask questions about potential impacts;

WHEREAS, the current practice for the City of Hamilton’s demolition permit notices is that they are auto-generated and forwarded by email to Councillors and do not contain substantive information about demolitions, requiring instead that Councillors contact demolition permit applicants directly should they have concerns about impacts to neighbouring residents and businesses;

WHEREAS, demolition permit applicants are not obligated to respond to requests for information, such as date of demolition, scale of demolition, method of demolition, potential for contaminant emissions, potential of fugitive dust impacts

and relevant dust mitigation plans, excessive noise impacts, emergency preparedness and disaster contingencies, etc.;

WHEREAS, demolition activities, and subsequent clean-up efforts, may impact not just air quality but can lead to pollutants being released to the stormwater system or demolition debris left in surface soil;

WHEREAS, the current demolition permit application does not require an applicant to do more than check a box indicating that they have followed MECP guidelines regarding contaminants;

WHEREAS, the current demolition permit application does not provide detailed information about potential pollutants or other harmful substances that may be released to air, land or water systems;

WHEREAS, in other Ontario Cities, such as the City of London, it is a requirement that Public Health be contacted to determine whether a Health Hazards Evaluation is required prior to demolition, depending on prior use of a structure to be demolished;

WHEREAS, the current permit application procedure does not require that the applicant's adherence to MECP guidelines regarding contaminant control be verified prior to issuance by the City of Hamilton's Building Division;

WHEREAS, it is irresponsible to assume that every demolition will be done well and in good faith;

WHEREAS, there is currently no way for the City of Hamilton to hold a company accountable when a demolition does go wrong: there is no requirement for post-demolition clean up, compensation to neighbours who experience property damage or loss, etc.;

WHEREAS, on September 30th, 2019, an errant demolition by Delsan, a division of American Iron and Metal (AIM), at 319 Sherman Ave. N, negatively impacted the neighbouring residential, commercial and industrial neighbours and properties;

WHEREAS, in the interest of providing an organized and informed community response to the Delsan-AIM demolition, the Ward 3 Councillor and staff established contact with the company in order to determine the cause of the particulate dust plume and improper demolition and their remedial action plan;

WHEREAS, in the absence of documentation detailing potentially harmful substances contained in the building that was demolished, the Ward 3 Councillor and staff had to work with MECP representatives and City of Hamilton's Public Health team to uncover this information and expedite disseminating this information to concerned residents.

THEREFORE BE IT RESOLVED:

- (a) That the General Manager of Planning and Economic Development draft a letter to the Ministry of Municipal Affairs and Housing requesting demolition requirements, under the Ontario Building Code be expanded to include a mandatory notification to all neighbouring properties, in writing, of the date and time that a commercial or industrial demolition is to take place which includes:
 - (i) the previous use of the site to be demolished;
 - (ii) a list of any potential contaminants which could become airborne or enter Hamilton's waterways or soil;
 - (iii) the potential human health impacts of contamination; and,
 - (iv) a detailed action plan to mitigate all potential impacts to human health, air quality and waterways or soil.
- (b) That Public Health Services work with the Building Division to:
 - (i) determine the size, scope, building-types of commercial and industrial demolitions that present the highest risk to human health;
 - (ii) determine application requirements for permit approval for any higher risk demolitions that qualify, such as:
 - (1) ensure that a designated substances survey (DSS), as defined within the Occupational Health And Safety Act, has been completed prior to demolition;
 - (2) an appropriate dust management plan will be implemented during demolition; and,
 - (3) inform mitigation requirements of human health impacts
 - (iii) review the dust mitigation plan with the Building Division before final approval;
- (c) That the Building Division be directed to:
 - (i) review the current demolition permitting process of other Ontario Municipalities which account for human health and environmental impacts and make relevant adjustments in accordance with the Ontario Building Code including but not limited to the above; and,

- (ii) report back with final recommended revisions to the City of Hamilton Building & Demolition Permit.

5. Potential Donation to Hamilton Habitat for Humanity – 3 North Park Avenue, Hamilton (Item 11.2)

WHEREAS, the Municipal Act requires municipalities to enact a by-law pursuant to and in accordance with the requirements of the Act, to establish procedures for the sale of real property owned by the municipality;

WHEREAS, before selling any land, the Council of the City of Hamilton shall, by by-law or resolution, declare the lands to be surplus;

WHEREAS before selling any land, the Council of the City of Hamilton shall obtain at least one appraisal of the fair market value of the land;

WHEREAS before selling any land, the Council of the City of Hamilton shall give notice to the public of the intended sale of the real property;

WHEREAS City Council on March 6, 2002 in adopting Item 21 of Report 02-008 of the Committee of the Whole, declared Lot 34 on Registered Plan 376, in the City of Hamilton surplus to the needs of the City of Hamilton;

WHEREAS Hamilton Habitat for Humanity, a non-profit organization, has requested the acquisition of Lot 34, Registered Plan 376, municipally known as 3 North Park Avenue for nominal consideration of \$2.00;

WHEREAS Habitat for Humanity Hamilton is a vital partner with the City of Hamilton and will continue to play a large role in helping to build more affordable housing within the City for years to come;

WHEREAS the deemed offer price of \$2.00 for the subject property is below the range of the fair market value as determined through an in-house appraisal of the subject's fair market value estimated at \$220,000; and,

WHEREAS the proceeds that were to be realized for the sale of Lot 34, Registered Plan 376, in the City of Hamilton, were to be credited to the City's Reserve – Hamilton Beach account and that the monetary loss from the sale be reflected with the City's Reserve-Hamilton Beach account.

THEREFORE BE IT RESOLVED:

- (a) That the Real Estate Section be directed to dispose of Lot 34 on Registered Plan 376, municipally known as 3 North Park Avenue, on an "as is, where is" basis, for a nominal fee of \$2;

- (b) That the Real Estate Section be directed to prepare an Offer to Purchase for the sale of Lot 34 on Registered Plan 376, being all of PIN 17569-0598(LT), in the City of Hamilton, municipally known as 3 North Park Avenue, on an “as is, where is” basis for a nominal fee of \$2; and,
- (c) That the City Solicitor be directed to complete this real estate transaction on the terms and conditions set out herein.

6. City Ambassadors on the Waterfront Trail (Item 11.3)

WHEREAS, the use of the Waterfront Trail has become popular with out of town cyclists many of whom are travelling at unsafe speeds, creating daily safety concerns for other trail users; and,

WHEREAS, the use of e-bikes, e-scooters and other electric powered devices are increasingly used on the waterfront trail, contrary to the City’s by-law, and,

WHEREAS, Licensing and By-law Services has previously hired summer students to act as Waterfront Trail Ambassadors as part of a pilot program in 2020 to educate the public and enforce City By-laws; and,

WHEREAS, the Waterfront Trail Ambassador program was considered a success and well received by trail users and Beach Neighbourhood residents,

THEREFORE BE IT RESOLVED:

That Licensing and By-law Services be directed to hire two summer students to act as City Ambassadors on the Waterfront Trail for the months of May through August at a cost of approximately \$27,522 to be funded by the Hamilton Beach Reserve Account 108037.

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

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

1. CONSENT ITEMS (Item 7)

7.3 Hamilton Municipal Heritage Committee Report 21-001

7.3 (a) Amendments to the Ancaster Pre-Confederation Inventory Recommendations (Amending Motion)

2. OTHER BUSINESS / GENERAL INFORMATION (Item 13)

13.1 Outstanding Business List

(b) Items Requiring New Due Dates

12B - Request to Designate 437 Wilson Street East

Current Due Date: December 8, 2020

Proposed New Due Date: June 15, 2021

14A - Adding 206, 208, 210 King St E to the Register of
Property of Cultural Heritage Value or Interest

Current Due Date: December 8, 2020

Proposed New Due Date: May 18, 2021

17E - Family Friendly Housing Policy

Current Due Date: January 12, 2021

Proposed New Due Date: April 30, 2021

18E - 2018 Development Fee Review

Current Due Date: Q2 2021

Proposed Due Date: May 18, 2021

18F - Hamilton Airshed Modelling System

Current Due Date: February 16, 2021

Proposed New Due Date: June 15, 2021

18I - Designation of 378 Main Street East

Current Due Date: December 8, 2020

Proposed Due Date: June 15, 2021

18L - Review of C6 and C7 Zoning Regulations

Current Due Date: March 2021

Proposed Due Date: June 15, 2021

19G - Residential Care Facilities & Group Homes - Human
Rights and Zoning By-law Discussion Paper

Current Due Date: December 8, 2020

Proposed Due Date: May 18, 2021

19Q - Zoning By-law Amend. for 116 and 120 Barnesdale Ave N

Current Due Date: October 20, 2020

Proposed Due Date: February 16, 2021

19U - Heritage Designation Process and Delegated Authority to
Consent to Heritage Permits

Current Due Date: December 8, 2020

Proposed Due Date: September 21, 2021

19Y - Construction Hoarding
Current Due Date: Q1 2021
Proposed Due Date: September 21, 2021

19BB - Parking Fee Review
Current Due Date: November 17, 2020
Proposed Due Date: March 23, 2021

19CC - Feasibility of Glanbrook Sports Park Included in
Binbrook Village Urban Boundary
Current Due Date: Q3 2021
Proposed Due Date: August 10, 2021

19DD - 2070 Rymal Road East (Delegation A. Longo)
Current Due Date: Q1 2021
Proposed Due Date: March 23, 2021

19EE - A. Riley - Request for a Taxi Stand
Current Due Date: Q2 2021
Proposed Due Date: June 15, 2021

19FF - Support of Private Member's Bill to Reverse Pit Bull Ban
in Ontario
Current Due Date: December 8, 2020
Proposed Due Date: June 1, 2021

20A - Property Standards By-law - Rental Properties and
Apartments
Current Due Date: November 17, 2020
Proposed Due Date: March 23, 2021

20B - Review of Problems Associated with Increased Visitors to
Waterfalls
Current Due Date: December 8, 2020
Proposed Due Date: April 6, 2021

20G - Second Dwelling Units - Options to Increase Housing
Supply in Hamilton's Existing Low Density Housing Stock
Current Due Date: TBD
Proposed Due Date: March 23, 2021

20H - 2069 Binbrook Road - Rural OPA and Zoning By-law
amendments
Current Due Date: TBD
Proposed Due Date: February 16, 2021

20i - Site Plan Fees for Lapsed Applications
Current Due Date: TBD
Proposed Due Date: May 4, 2021

20J - Draft Urban Forest Strategy
Current Due Date: TBD
Proposed Due Date: December 7, 2021

20M - Appeal for lack of Decision to LPAT re 73-89 Stone
Church Rd W and 1029 West 5th Street
Current Due Date: TBD
Proposed Due Date: February 16, 2021

The agenda for the February 2, 2021 meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

None declared.

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

(i) January 12, 2021 (Item 4.1)

The Minutes of the January 12, 2021 meeting were approved, as presented.

(d) CONSENT ITEMS (Item 7)

(i) Hamilton Municipal Heritage Committee Report 21-001 (Added Item 7.3)

(a) Ancaster Pre-Confederation Inventory (PED21031) (Ward 12) (Added Item 10.1)

- (i) That staff be directed to list the properties identified in Appendix "A" to Hamilton Municipal Heritage Committee Report 21-001, on the Municipal Heritage Register (Register) as non-designated properties of heritage interest in accordance with Section 27 of the Ontario Heritage Act.
- (ii) That staff be directed to add the properties identified in Appendix "B" to Hamilton Municipal Heritage Committee Report 21-001, to the work plan for Designation under Part IV of the Ontario Heritage Act as low priorities

**(b) Inventory and Research Working Group Meeting Notes -
December 7, 2020 (Added Item 10.2)**

- (i) Former Mount Hamilton Hospital, 711 Concession Street,
Hamilton

That the 1932 Maternity Wing of the Former Mount Hamilton Hospital, 711 Concession Street, Hamilton be added to the Municipal Register of Properties of Cultural Heritage Value or Interest and to the staff work plan for heritage designation under the Ontario Heritage Act.

WHEREAS, the Ancaster Pre-Confederation Inventory project has proactively identified 62 properties of heritage interest worthy of heritage recognition and protection, as outlined in Report PED21031 and included in HMHC Report 21-001;

WHEREAS, several property owners have provided written correspondence or delegated virtually at the Hamilton Municipal Heritage Committee voicing their opposition to the recommendations;

WHEREAS, any properties removed from the Ancaster Pre-Confederation Inventory recommendations will be reviewed at a future date as part of the City-initiated Built Heritage Inventory Strategy Work Plan, or as part of the regular *Planning Act* development application process;

THEREFORE BE IT RESOLVED:

- (a) That the following properties be removed from the list of Ancaster Pre-Confederation Inventory Register Recommendations, attached as Appendix “A” to Hamilton Municipal Heritage Committee Report 21-001;

- 157 Butter Road East;
- 259 Filman Road;
- 1157 Garner Road East;
- 5282 Governors Road;
- 34 Lloyminn Avenue;
- 1719 Powerline Road West; and,
- 4237 Powerline Road West.

- (b) That the following properties be removed from the list of Ancaster Pre-Confederation Inventory Designation Candidates, attached as Appendix “B” to Hamilton Municipal Heritage Committee Report 21-001.

- 38 Academy Street;

- 1719 Powerline Road West; and,
- 34 Lloyminn Avenue.

For disposition of this matter, refer to Item 3.

(e) PUBLIC HEARINGS / DELEGATIONS (Item 8)

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 application 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 130 Wellington Street South, Hamilton (PED21024) (Ward 2) (Item 8.1)

Sean Stewart, Planner II, addressed the Committee with the aid of a PowerPoint presentation.

The staff presentation was received.

Michael Barton with MB1 Development Consulting Inc., the Agent was in attendance and indicated they were in support of the staff report.

The delegation from Michael Barton with MB1 Development Consulting Inc., was received.

The following Registered Delegations were received:

- (i) Jesse Razaqpur – Concerns with the proposal
- (ii) Sheila Strong – Concerns with the proposal

The public meeting was closed.

Report PED21024 respecting the Application for a Zoning By-law Amendment for lands located at 130 Wellington Street South, Hamilton, was DEFERRED to the February 16, 2021 Planning Committee meeting to allow the Ward Councillor and residents an opportunity to have further consultation with the Developer.

(f) **MOTIONS (Item 11)**

(i) **Integrating Health & Environmental Requirements to Demolition Permits (Item 11.1)**

Sub-sections (a) and (b) to the Motion respecting Integrating Health & Environmental Requirements to Demolition Permits **were amended**, by adding '**commercial or industrial**', as follows:

- (a) That the General Manager of Planning and Economic Development draft a letter to the Ministry of Municipal Affairs and Housing requesting demolition requirements, under the Ontario Building Code be expanded to include a mandatory notification to all neighbouring residential properties, in writing, of the date and time that a **commercial or industrial** demolition is to take place which includes:
- (b) That Public Health Services work with the Building Division to:
 - (i) determine the size, scope, building-types of **commercial and industrial** demolitions that present the highest risk to human health;

For disposition of this matter, refer to Item 4.

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

(i) **Outstanding Business List (Item 13.1)**

The following changes to the Outstanding Business List were approved:

(a) **Items to Be Removed:**

19J - Zoning By-law Amendment for 1400 Baseline Road
(Addressed as Item 8.2 on the January 12 agenda)

(b) **Items Requiring New Due Dates:**

12B - Request to Designate 437 Wilson Street East
Current Due Date: December 8, 2020
Proposed New Due Date: June 15, 2021

14A - Adding 206, 208, 210 King St E to the Register of Property of Cultural Heritage Value or Interest
Current Due Date: December 8, 2020
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17E - Family Friendly Housing Policy
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19G - Residential Care Facilities & Group Homes - Human Rights
and Zoning By-law Discussion Paper
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19CC - Feasibility of Glanbrook Sports Park Included in Binbrook
Village Urban Boundary
Current Due Date: Q3 2021
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19DD - 2070 Rymal Road East (Delegation A. Longo)

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19FF - Support of Private Member's Bill to Reverse Pit Bull Ban in Ontario

Current Due Date: December 8, 2020

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20A - Property Standards By-law - Rental Properties and Apartments

Current Due Date: November 17, 2020

Proposed Due Date: March 23, 2021

20B - Review of Problems Associated with Increased Visitors to Waterfalls

Current Due Date: December 8, 2020

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20G - Second Dwelling Units - Options to Increase Housing Supply in Hamilton's Existing Low Density Housing Stock

Current Due Date: TBD

Proposed Due Date: March 23, 2021

20H - 2069 Binbrook Road - Rural OPA and Zoning By-law amendments

Current Due Date: TBD

Proposed Due Date: February 16, 2021

20i - Site Plan Fees for Lapsed Applications

Current Due Date: TBD

Proposed Due Date: May 4, 2021

20J - Draft Urban Forest Strategy

Current Due Date: TBD

Proposed Due Date: December 7, 2021

20M - Appeal for lack of Decision to LPAT re 73-89 Stone Church Rd W and 1029 West 5th Street

Current Due Date: TBD

(h) PRIVATE AND CONFIDENTIAL (Item 14)

(i) Closed Session Minutes – January 12, 2021 (Item 14.1)

The Closed Session Minutes – January 12, 2021 were approved, as presented, and are to remain confidential.

(i) ADJOURNMENT (Item 15)

There being no further business, the Planning Committee was adjourned at 12:10 p.m.

Councillor J.P. Danko
Chair, Planning Committee

Lisa Kelsey
Legislative Coordinator