



## **PLANNING COMMITTEE REPORT**

**AS AMENDED BY COUNCIL DECEMBER 16, 2020**  
**AS FURTHER AMENDED BY COUNCIL FEBRUARY 10, 2021**  
**20-015**

December 8, 2020

9:30 a.m.

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

**Present:** Councillors J. Farr (Chair), J.P. Danko (1<sup>st</sup> Vice Chair), C. Collins  
M. Pearson, B. Johnson, L. Ferguson, M. Wilson and  
J. Partridge

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### **THE PLANNING COMMITTEE PRESENTS REPORT 20-015 AND RESPECTFULLY RECOMMENDS:**

- 1. Appointment of Committee Chair and Vice Chairs for 2021 (Item 1)**
  - (a) That Councillor Danko be appointed as Chair for 2021;
  - (b) That Councillor Farr be appointed as 1<sup>st</sup> Vice Chair for 2021; and,
  - (c) That Councillor Johnson be appointed as 2<sup>nd</sup> Vice Chair for 2021.
- 2. Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED20202) (City Wide) (Item 7.1)**

That Report PED20202 respecting Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications, be received.
- 3. New Generation 9-1-1 Requirements - Duplicate Street Names and Municipal Addressing Issues (PED20175(a)) (Wards 5, 13 and 15) (Item 7.2)**
  - (a) That in addition to recommendations approved under Report PED20175; that Growth Management staff be directed to address the additional Duplicate Street Names and Municipal Address Issues as outlined in this Report PED20175(a) as part of the previous direction under Report

PED20175, to develop and implement a program to address the New Generation 9-1-1 requirements and issues; and,

- (b) That the City of Hamilton be responsible for the costs associated with the address changes for the addresses listed in Reports PED20175 and PED20175(a), with the exception of 1 Hamilton Street South which was resolved.

**4. Hamilton Municipal Heritage Committee Report 20-007 (Item 7.3)**

**(a) Revisions to the Council Approved Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes and Notice of Intention to Designate for the Designation of 85 King Street East and 4 - 12 John Street North, Hamilton under Part IV of the Ontario Heritage Act (PED17167(a)) (Ward 2) (Item 10.1)**

- (i) That the revised Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes of 85 King Street East and 4 - 12 John Street North, Hamilton, attached as Appendix "A" to Report 20-007, be approved; and,
- (ii) That the City Clerk be directed to take appropriate action to designate 85 King Street East and 4 - 12 John Street North, Hamilton under Part IV of the *Ontario Heritage Act*, in accordance with the revised Notice of Intention to Designate, attached as Appendix "B" to Report PED17167(a).

**5. Liveaboard (PED18222(c)) (Ward 2) (Item 7.4)**

That Report PED18222(c), respecting Liveaboard, be received.

**The following item was amended as follows:**

**6. Agriculture and Rural Affairs Advisory Committee Report 20-001 (Item 7.5)**

**(a) Stormwater Rate Program (PW20081) (City Wide) (Item 8.1)**

- (i) That Report PW20081, respecting the Stormwater Rate Program, be received **and referred to staff.**
- (ii) That the Agriculture and Rural Affairs Advisory Committee respectfully request that no stormwater management charges be directed to any areas outside the urban boundary, given that the rural area has no direct impact on the City of Hamilton's storm water management infrastructure.

7. **Housekeeping Amendments to the Urban Hamilton Official Plan and Rural Hamilton Official Plan (PED20201) (City Wide) (Item 8.1)**
- (a) That City Initiative CI-19-F – Housekeeping Amendments to the Urban Hamilton Official Plan and Rural Hamilton Official Plan, to amend policies, schedules and maps in Volume 1 – Parent Plan, Volume 2 – Secondary Plans and Rural Settlement Areas, and Volume 3 – Area and Site Specific Policies of the UHOP and RHOP, correct and clarify policies and mapping, be APPROVED on the following basis:
    - (i) That the Draft Urban Hamilton Official Plan Amendment, attached as Appendix “A” to Report PED20201, be adopted by Council;
    - (ii) That the Draft Rural Hamilton Official Plan Amendment, attached as Appendix “B” **as amended** to Report PED20201, be adopted by Council; and,
    - (iii) That the proposed Official Plan Amendments are consistent with the Provincial Policy Statement (PPS), 2014 and conform to Growth Plan for the Greater Golden Horseshoe, 2019, as amended and the Greenbelt Plan, 2017.
  - (b) That the public submissions were received and considered by the Committee in approving the City Initiative.
8. **Increase to Permit Fees under the Building By-law (PED20210) (City Wide) (Item 8.3)**
- (a) That the By-law, attached as Appendix “A” to Report PED20210 to amend City of Hamilton By-law No. 15-058, the Building By-law, be enacted;
  - (b) That the fees prescribed in the By-law, attached as Appendix “A” to Report PED20210, be included in the User Fees and Charges By-law, replacing the fees listed under the heading “Classes of Permits and Fees under the Hamilton Building By-law”; and,
  - (c) That there were no public submissions received regarding this matter.
9. **City of Hamilton Draft Urban Forest Strategy (PED20173) (City Wide) (Item 10.1)**
- (a) That the “City of Hamilton Draft Urban Forest Strategy – October 2020”, attached as Appendix “A” and “City of Hamilton Urban Forest Strategy Technical Report”, attached as Appendix “C” to Report PED20173 be received;
  - (b) That staff be directed to undertake public and stakeholder engagement on the draft Urban Forest Strategy in Q1, 2021; and,

- (c) That staff report back to Planning Committee, summarizing public input together with the final Urban Forest Strategy in 2021.

**10. Inactive Taxi Plate Fee (PED20213) (City Wide) (Item 10.2)**

- (a) That staff be authorized to create a one-year inactive taxi plate(s) temporary relief program along with a user fee in the amount of \$115, to conclude December 23, 2021, as a pandemic response to allow for current inactive taxi plate(s) to be placed on hold and be permitted to return to service at a time determined by the operator;
- (b) That subject to the approval of Recommendation (a) the City Wide User Fees and Charges By-law No. 15-158 be amended accordingly.

**11. Expanding Administrative Penalty System By-law 17-225 to include Sections 5, 6, 8, 9 and 21 of the Public Nuisance By-law 20-077 (PED20214) (City Wide) (Item 10.3)**

- (a) That the amendment to the Administrative Penalty System (APS) By-law 17-225 to include the contraventions under Sections 5, 6, 8, 9 and 21 of the Public Nuisance By-law 20-077 described in Report PED20214, detailed in the proposed amending by-law attached as Appendix "A" be approved;
- (b) That the amending by-law attached as Appendix "A" to Report PED20214, which has been prepared in a form satisfactory to the City Solicitor be enacted by Council.

**The following item was amended as follows:**

**12. Applications for Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for lands located at 19 Dawson Avenue, Stoney Creek (PED20195) (Ward 5) (Item 10.4)**

- (a) That Amended Official Plan Amendment Application UHOPA-20-007 by DeFilippis Design, on Behalf of Marco Centofanti, Owner, for a change in designation from "Institutional" to "Medium Density Residential 3" and to identify the subject lands as a Site Specific Policy Area in the Old Town Secondary Plan with respect to use, density and building height to permit the development of five, two and a half storey street townhouse dwellings, for lands located at 19 Dawson Avenue, as shown on Appendix "A" to Report PED20195, be DENIED; **on the following basis:**

- ~~(i) That the draft Official Plan Amendment, attached as Appendix "B" to Report PED20195, 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 (2020).~~
- (b) That Amended Zoning By-law Amendment Application ZAC-20-012 by DeFilippis Design, on Behalf of Marco Centofanti, Owner, for a change in zoning from the Small Scale Institutional "IS" Zone to the Multiple Residential "RM2-46" Zone, Modified to permit five, two and a half storey street townhouse dwellings on lands located at 19 Dawson Ave, Stoney Creek, as shown on Appendix "A" to Report PED20195, be DENIED; ~~on the following basis:~~
  - ~~(i) That the draft By-law, attached as Appendix "C" to Report PED20195, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,~~
  - ~~(ii) 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 (2020) and will comply with the Urban Hamilton Official Plan upon finalization of Official Plan Amendment No. XX.~~
- (c) That the written comments submitted relating to PED20195, including the Public Meeting held November 3, 2020, in this agenda as Item 8.4, and read out by Councillor Collins, were received and considered by the Committee in denying the application.

**The following item was amended as follows:**

13. **Use of Tertiary Septic Systems in Hamilton and Update re: Local Planning Appeal Tribunal Case No. PL170858 (PW20082/LS20032) (Wards 9, 10, 11, 12, 13 and 15) (Item 14.1)**
- (a) That Report PW20082/LS20032 including the Recommendations therein, as amended, and Appendix "A" thereto be released to the public following Council approval;**
  - (b) That Recommendation (c) and Appendix "B" attached to Report PW20082/LS20032 remain confidential.**
  - (d) That staff be directed to review and report back to Committee no later than June 2021, on proposals, if any, for the establishment of City policies or by-laws for the regulation, monitoring and enforcement of tertiary septic systems for residential developments and ICI (industrial, commercial and institutional) developments;**
  - (e) That the Mayor be directed, on behalf of City Council, to forward correspondence substantially similar to that attached as Appendix**

***“A” to Report PW20082/LS20032 to the Ministry of Agriculture, Food and Rural Affairs, the Ministry of the Environment, Conservation and Parks and the Ministry of Municipal Affairs and Housing requesting the legislative amendments necessary to appropriately regulate, monitor and enforce the appropriate construction, use and maintenance of tertiary septic systems in the Province of Ontario and that support for this initiative be sought from other Ontario municipalities;***

**The following item was amended as follows:**

14. Instructions - Appeal for Lack of Decision to the Local Planning Appeal Tribunal for Urban Hamilton Official Plan Amendment Application UHOPA-19-008 and Zoning By-Law Amendment Application ZAC-19-029, for Lands Located at 73, 77, 83, and 89 Stone Church Road West and 1029 West 5<sup>th</sup> Street, Hamilton (Ward 8) (LS20036/PED20217) (Item 14.2)

~~That the recommendations of Report LS20036/PED20217 be released to the public following Council approval.~~

- (a) ***That Legal Staff be instructed to oppose the appeal by T.Valeri Construction Limited to the Local Planning Appeal Tribunal (LPAT) for Urban Hamilton Official Plan Amendment Application UHOPA-19-008 for a site specific amendment in order to permit a nine storey multiple dwelling containing 216 dwelling units for lands located at 73, 77, 83, and 89 Stone Church Road West and 1029 West 5<sup>th</sup> Street as shown on Appendix “A” to Report LS20036/PED20217.***
- (b) ***That the LPAT be advised that the reasons for Council’s opposition to UHOPA-19-008 include but are not limited to the following:***
- (i) ***The proposal, as submitted, exceeds the permitted density and does not meet the policies of the Urban Hamilton Official Plan related to residential intensification;***
- (ii) ***The proposed building form is not in character with the existing built forms on adjacent properties and the surrounding neighbourhood and the proposal does not effectively provide appropriate transitions in building massing and height and does not maintain or enhance the established character of the area; and,***
- (iii) ***The proposed development has not provided sufficient information to determine that there is adequate existing and planned transportation infrastructure to provide safe vehicular turning movement requirements, particularly at the intersection of Stone Church Road West and West 5<sup>th</sup> Street.***

- (c) That Legal Staff be instructed to oppose the appeal by T.Valeri Construction Limited to the Local Planning Appeal Tribunal (LPAT) for Zoning By-law Amendment Application ZAC-19-029 for a change in zoning from the “C” (Urban Protected Residential, Etc.) District, “AA” (Agricultural) District, and “DE-2/S-1700” (Multiple Dwelling) District, Modified to a site specific “DE-2” (Multiple Dwelling) District in order to permit a nine storey multiple dwelling containing 216 dwelling units for lands located at 73, 77, 83, and 89 Stone Church Road West and 1029 West 5<sup>th</sup> Street, as shown on Appendix “A” to Report LS20036/PED20217.
- (d) That the Local Planning Appeal Tribunal (LPAT) be advised that the reasons for Council’s opposition to application ZAC-19-029 include, but are not limited to, the following:
  - (i) The proposal, as submitted, exceeds the permitted density and height and does not sufficiently meet the requirements of Zoning By-law No. 6593 in terms of setbacks, amenity area, landscaped area and buffering from adjacent land uses, related to residential intensification;
  - (ii) The proposed building form is not in keeping with the building forms on adjacent properties and the proposal does not effectively provide appropriate transitions in building massing and height and does not maintain or enhance the established character; and,
  - (iii) The proposed development has not provided sufficient information to determine that there is adequate existing and planned transportation infrastructure to provide safe vehicular turning movement requirements, particularly at the intersection of Stone Church Road West and West 5<sup>th</sup> Street.
- (e) That the recommendations of Report LS20036/PED202017 be released to the public;
- (f) That staff be directed to schedule a non-statutory public meeting and give notice in accordance with the notice requirements of the Planning Act ; and,
- (g) That Report LS20036/PED202017 and its appendices respecting Instructions - Appeal for Lack of Decision to the Local Planning Appeal Tribunal for Urban Hamilton Official Plan Amendment Application UHOPA-19-008 and Zoning By-Law Amendment Application ZAC-19-029, for Lands Located at 73, 77, 83, and 89 Stone Church Road West and 1029 West 5<sup>th</sup> Street, Hamilton (Ward 8), remain confidential.



**The following item was amended as follows:**

15. Appeal to the Local Planning Appeal Tribunal (LPAT) for Lack of Decision on Urban Hamilton Official Plan Amendment Application (UHOPA-17-006) and a Zoning By-law Amendment Application for the Town of Flamborough Zoning By-law No. 90-145-Z and Zoning By-law No. 05-200 Application (ZAC-17-016) for Lands Located at 909 North Waterdown Drive (Flamborough) (LS20038/PED20218) (Ward 15) (Item 14.3)

That recommendations (a) to (e) ~~and (g (formerly (f)))~~ in Report LS20038/PED20218, as amended, be made public following Council approval with the balance of the report to remain confidential.

- (a) That Legal staff be instructed to oppose the appeal by Liv Developments Inc. to the Local Planning Appeal Tribunal of its application to amend the Urban Hamilton Official Plan (UHOP) for lands located at 909 North Waterdown Drive (Flamborough), as shown on Appendix "A" to Report LS20038 / PED20218;**
- (b) That Legal staff be instructed to oppose the appeal by Liv Developments Inc. to the Local Planning Appeal Tribunal of its application to amend the Town of Flamborough Zoning By-law No. 90-145-Z for lands located at 909 North Waterdown Drive (Flamborough), as shown on Appendix "A" to Report LS20038 / PED20218.**
- (c) That the LPAT be advised that the reasons for Council's opposition to Liv Developments Inc. of its applications to amend the Urban Hamilton Official Plan (UHOP) and the Town of Flamborough Zoning By-law No. 90-145-Z include but are not limited to the following:**
  - (i) the Official Plan Amendment is not consistent with the Provincial Policy Statement (2020) and does not conform to the Growth Plan for the Greater Golden Horseshoe (2019), as amended;**
  - (ii) the applications do not comply with the applicable policies of the Urban Hamilton Official Plan and the land use structure and planned housing mix, amongst other policy considerations of the Waterdown North Secondary Plan;**
  - (iii) the proposed density of 60 units per hectare (uph) is below the 100 uph density prescribed in the High Density Residential designation of the Waterdown North Secondary Plan within the Urban Hamilton Official Plan (UHOP);**
  - (iv) the proposed housing form of stacked townhouse units does not provide for a range and mix of housing types to meet**



*projected requirements for the density within the current designation;*

- (v) the lack of a provision for a sidewalk on the northerly portion of North Waterdown Drive to adequately serve the needs of the future residents with ground related residential units fronting onto North Waterdown Drive does not represent orderly development;*
  - (vi) the provision of parking for sixteen parking spaces parallel to the main internal condominium road as well as the location of some of the internal driveway accesses to dwelling units does not provide for the safety of future residents nor does it provide for adequate landscaping and buffering of the parking area to the adjacent lands; and,*
  - (vii) The proposal does not represent orderly development in that insufficient information has been provided to determine if the adjacent lands to the west can be appropriately developed for High Density Residential including achieving the minimum density and not be negatively impacted by the proposal with regards to the proposed decreased density, vehicle circulation and access.*
- (d) That Legal staff be instructed to take the position before the Local Planning Appeal Tribunal that if it approves the Official Plan Amendment and Zoning By-law Amendment applications (UHOPA-17-006 and ZAC-17-016) by Liv Developments Inc. for the lands located at 909 North Waterdown Drive, Flamborough, the minimum density shall be 100 uph;*
- (e) That legal staff be authorized to retain such outside professional(s) necessary, in consultation with the Development Planning, and charge such costs to the Development Stabilization Reserve 110086; and,*
- (g) That the recommendations of Report LS20038/PED20218 be released to the public, with the exception of sub-section (f) to Report LS20038/PED20218, as amended, which is to remain confidential.*
- (h) That Report LS20038/PED20218 and its appendices respecting Appeal to the Local Planning Appeal Tribunal (LPAT) for Lack of Decision on Urban Hamilton Official Plan Amendment Application (UHOPA-17-006) and a Zoning By-law Amendment Application for the Town of Flamborough Zoning By-law No. 90-145-Z and Zoning By-law No. 05-200 Application (ZAC-17-016) for Lands Located at 909 North Waterdown Drive (Flamborough), remain confidential.*

**FOR INFORMATION:**

**(a) APPROVAL OF AGENDA (Item 2)**

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

**1. DELEGATION REQUESTS (Item 6)**

- 6.1 Franca Seul respecting Monster Homes, for today's meeting, and to be heard before Item 7.1.
- 6.2 Nick DeFilippis respecting 19 Dawson Avenue, for today's meeting, and to be heard before Item 10.4.

**2. PUBLIC HEARINGS / WRITTEN DELEGATIONS / VIRTUAL DELEGATIONS (Item 8)**

- 8.1 Housekeeping Amendments to the Urban Hamilton Official Plan and Rural Hamilton Official Plan (PED20201) (City Wide)

(b) Added Registered Delegations:

- (i) Joe Simonji
- 8.2 Application for Amendments to the Urban Hamilton Official Plan and Ancaster Zoning By-law No. 87-57 for Lands Located at 15 Church Street (Ancaster) (PED20205) (Ward 12)

(a) Registered Delegations:

- (v) Jim MacLeod
- (vi) Jaynn Miller

(b) Added Written Submissions:

- (ii) Ian Hanna
- (iii) Doug McLennan
- (iv) Karen Macey
- (v) Honor Hughes
- (vi) Gayle Villeneuve
- (vii) Heather Bull
- (viii) Marc Bader
- (ix) Jennifer Davis
- (x) David Gray
- (xi) Jaynn and Kevin Miller
- (xii) Barb Russell-Morse
- (xiii) David Hindley
- (xiv) David Wallis

- (xv) Diane and Harley Auty
- (xvi) Cynthia Watson
- (xvii) Gail Lazzarato
- (xviii) Elaine Simon
- (xix) Jerry Cole
- (xx) Darren Earl
- (xxi) Erin Davis
- (xxii) Armando Gomez
- (xxiii) Nicolette Stubbe
- (xxiv) Len Verhey
- (xxv) Sandy Omelon
- (xxvi) Isaac Hoogland
- (xxvii) Michael Hill

8.4 19 Dawson Avenue (PED20195) (Item 10.4) - Written Delegations

(a) Added Written Submissions:

- (xii) Stoney Creek Masonic Lodge Letter and Petition
- (xiii) Steve Macdonald
- (xiv) Ida Smith

**3. PRIVATE & CONFIDENTIAL (Item 14)**

14.3 Appeal to the Local Planning Appeal Tribunal (LPAT) for Lack of Decision on Urban Hamilton Official Plan Amendment Application (UHOPA-17-006) and a Zoning By-law Amendment Application for

the Town of Flamborough Zoning By-law No. 90-145-Z and Zoning By-law No. 05-200 Application (ZAC-17-016) for Lands Located at 909 North Waterdown Drive (Flamborough) (LS20038/PED20218) (Ward 15)

The agenda for the December 8, 2020 meeting was approved, as amended.

**(b) DECLARATIONS OF INTEREST (Item 3)**

Councillor Ferguson declared a conflict with Item 10.2, Inactive Taxi Plate Fee (PED20213) as he is an owner of a taxi cab licence.

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

**(i) November 17, 2020 (Item 4.1)**

The Minutes of the November 17, 2020 meeting were approved, as presented.

(d) **DELEGATION REQUESTS (Item 6)**

(i) **Delegation Requests (Added Items 6.1)**

The following Delegation Requests were approved for today's meeting:

- (a) Franca Seul respecting Monster Homes, for today's meeting, to be heard before Item 7.1 (Added Item 6.1)
- (b) Nick DeFilippis respecting 19 Dawson Avenue, for today's meeting, to be heard before Item 10.4 (Added Item 6.2)

(e) **PUBLIC HEARINGS / DELEGATIONS (Item 8)**

(i) **Franca Seul respecting Monster Homes (Added Item 6.1)**

Franca Seul addressed the Committee respecting Monster Homes with the aid of a PowerPoint presentation.

The delegation from Franca Seul respecting Monster Homes was received.

(f) **CONSENT ITEMS (Item 7)**

(i) **New Generation 9-1-1 Requirements - Duplicate Street Names and Municipal Addressing Issues (PED20175(a)) (Wards 5, 13 and 15) (Item 7.2)**

The recommendations in Report PED20175(a) were ***amended*** to add sub-section (b), to read as follows:

- (b) ***That the City of Hamilton be responsible for the costs associated with the address changes for the addresses listed in Reports PED20175 and PED20175(a), with the exception of 1 Hamilton Street South which was resolved.***

For disposition of this matter, refer to Item 3.

(g) **PUBLIC HEARINGS / DELEGATIONS (Item 8) - Continued**

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) Housekeeping Amendments to the Urban Hamilton Official Plan and Rural Hamilton Official Plan (PED20201) (City Wide) (Item 8.1)**

The staff presentation was waived.

The following written submission was received:

1. Kevin Dhinsa (Item 8.1 (a)(i))

**Registered Delegations:**

1. Joe Simonji expressed concerns with the proposed Housekeeping Amendment regarding 495 Hamilton Drive, Ancaster and the redesignation from open space to low density residential.

The Registered Delegation was received.

The public meeting was closed.

***Policy D.2.1.1.4 (e) was removed from the Rural Hamilton Official Plan Amendment, attached as Appendix "B" to Report PED20201.***

- (a) That the correspondence from Mr. Kevin Dhinsa, dated November 19, 2020, submitted in response to the Notice of Public Meeting, be referred to Planning Division staff and Legal Counsel for review and consideration;
- (b) That Planning Division staff be directed to investigate the number and location of properties fronting private roads outside of a Plan of Condominium;
- (c) That Planning Division staff consult with Legal Counsel and staff within Growth Management Division and Public Works Department on the merits of the existing Official Plan policies concerning the requirement that all newly created lots front on a public road;
- (d) That staff report back to the Planning Committee on staff's findings noted in sub-sections (a), (b), and (c).

- (a) That City Initiative CI-19-F – Housekeeping Amendments to the Urban Hamilton Official Plan and Rural Hamilton Official Plan, to amend policies, schedules and maps in Volume 1 – Parent Plan, Volume 2 – Secondary Plans and Rural Settlement Areas, and Volume 3 – Area and Site Specific Policies of the UHOP and RHOP, correct and clarify policies and mapping, be APPROVED on the following basis:
  - (i) That the Draft Urban Hamilton Official Plan Amendment, attached as Appendix “A” to Report PED20201, be adopted by Council;
  - (ii) That the Draft Rural Hamilton Official Plan Amendment, attached as Appendix “B” **as amended** to Report PED20201, be adopted by Council; and,
  - (iii) That the proposed Official Plan Amendments are consistent with the Provincial Policy Statement (PPS), 2014 and conform to Growth Plan for the Greater Golden Horseshoe, 2019, as amended and the Greenbelt Plan, 2017.

The recommendations in Report PED20201 were **amended** by adding the following sub-section (b):

- (b) ***That the public submissions were received and considered by the Committee in approving the City Initiative.***

For disposition of this matter, refer to Item 7.

- (ii) **Application for Amendments to the Urban Hamilton Official Plan and Ancaster Zoning By-law No. 87-57 for Lands Located at 15 Church Street (Ancaster) (PED20205) (Ward 12) (Item 8.2)**

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

The staff presentation was received.

James Webb with Webb Consulting, and Joseph Veloce, Owner, were in attendance and indicated they were in support of the staff report.

The delegations from James Webb with Webb Consulting, and Joseph Veloce, Owner, were received.

**Registered Delegations:**

Bob Manton (Item 8.2 (a)(i)); Jaynn Miller (Item 8.2 (a)(vi)); Jim MacLeod (Item 8.2 (a)(v)) and David Hindley (Item 8.2 (a)(iii)) expressed their concerns respecting the Application for Amendments to the Urban Hamilton Official Plan and Ancaster Zoning By-law No. 87-57 for Lands Located at 15 Church Street (Ancaster).

The following Registered Delegations were not in attendance:

1. Eldon Bull (Item 8.2 (a)(ii))
2. Brad Davis (Item 8.2 (a)(iv))

The following Registered Delegations were received:

1. Bob Manton (Item 8.2 (a)(i))
2. Jaynn Miller (Item 8.2 (a)(vi))
3. Jim MacLeod (Item 8.2 (a)(v))
4. David Hindley (Item 8.2 (a)(iii))

The following written submissions were received:

- (i) Irene Dawson
- (ii) Ian Hanna
- (iii) Doug McLennan
- (iv) Karen Macey
- (v) Honor Hughes
- (vi) Gayle Villeneuve
- (vii) Heather Bull
- (viii) Marc Bader
- (ix) Jennifer Davis
- (x) David Gray
- (xi) Jaynn and Kevin Miller
- (xii) Barb Russell-Morse
- (xiii) David Hindley
- (xiv) David Wallis
- (xv) Diane and Harley Auty
- (xvi) Cynthia Watson
- (xvii) Gail Lazzarato
- (xviii) Elaine Simon
- (xix) Jerry Cole
- (xx) Darren Earl
- (xxi) Erin Davis
- (xxii) Armando Gomez
- (xxiii) Nicolette Stubbe
- (xxiv) Len Verhey
- (xxv) Sandy Omelon
- (xxvi) Isaac Hoogland
- (xxvii) Michael Hill

The public meeting was closed.

Report PED20205 was DEFERRED to the January 12, 2021 Planning Committee meeting.



(iii) **Increase to Permit Fees under the Building By-law (PED20210) (City Wide) (Item 8.3)**

No members of the public were registered as Delegations or made public submissions.

The public meeting was closed.

- (a) That the By-law, attached as Appendix "A" to Report PED20210 to amend City of Hamilton By-law No. 15-058, the Building By-law, be enacted;
- (b) That the fees prescribed in the By-law, attached as Appendix "A" to Report PED20210, be included in the User Fees and Charges By-law, replacing the fees listed under the heading "Classes of Permits and Fees under the Hamilton Building By-law".

The recommendations in Report PED20210 were ***amended*** by adding the following sub-section (c):

- (c) ***That there were no public submissions received regarding this matter.***

For disposition of this matter, refer to Item 8.

(iv) **19 Dawson Avenue (PED20195) (Item 10.4) – Written Delegations (Item 8.4)**

The following written submissions, were received:

- (i) Jim Edwards
- (ii) Brad Ackles
- (iii) Ben Barnes
- (iv) John Orzel
- (v) Averill Tune
- (vi) David Reid
- (vii) Sam Porco
- (viii) Greg Pavlica
- (ix) Rebecca Passmore
- (x) Pat and Cheryl Leonard
- (xi) Heidi and Dan Chisholm

For disposition of this matter, refer to Item 12.

The Delegation from Nick DeFillippis (Added Item 6.2) and Report PED20195 (Item 10.4) respecting 19 Dawson Avenue, was moved up on the agenda and considered at this time.

**(v) Nick DeFillipis respecting 19 Dawson Avenue (Item 10.4) (Added Item 6.2)**

Nick DeFillipis addressed the Committee respecting 19 Dawson Avenue (Item 10.4).

The Delegation from Nick DeFilippis respecting 19 Dawson Avenue (Item 10.4), was received.

For disposition of this matter, refer to Item 12.

**(h) DISCUSSION ITEMS (Item 10)**

**(i) Applications for Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for lands located at 19 Dawson Avenue, Stoney Creek (PED20195) (Ward 5) (Item 10.4) (Deferred from the November 3, 2020 Planning Committee meeting)**

Councillor Collins read out the following names of verbal submissions he received in opposition to the proposal:

- (i) Larry Mitchell, 40 Evergreen Ave.
  - (ii) Mary MacDonald, 30 Cartwright Ave
  - (iii) James Kerr, 28 Passmore St.
  - (iv) Wendy Passmore, 31 Passmore St.
  - (v) Bernice Seager, 47 Passmore St.
  - (vi) Brian Panchyson, 32 Cartwright Ave.
  - (vii) Seka & Miles Perencevic, 32 Evergreen Ave.
  - (vi) Linda Cassidy, 36 Cartwright Ave
  - (vii) Jim & Annette Connell, 50 Passmore St.
  - (viii) Tyler Ackles, 22 Passmore St.
  - (ix) William Lockhart, 129 King St. East
- (a) That Amended Official Plan Amendment Application UHOPA-20-007 by DeFilippis Design, on Behalf of Marco Centofanti, Owner, for a change in designation from "Institutional" to "Medium Density Residential 3" and to identify the subject lands as a Site Specific Policy Area in the Old Town Secondary Plan with respect to use, density and building height to permit the development of five, two and a half storey street townhouse dwellings, for lands located at 19 Dawson Avenue, as shown on Appendix "A" to Report PED20195, be APPROVED on the following basis:

- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED20195, 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 (2020).
- (b) That Amended Zoning By-law Amendment Application ZAC-20-012 by DeFilippis Design, on Behalf of Marco Centofanti, Owner, for a change in zoning from the Small Scale Institutional “IS” Zone to the Multiple Residential “RM2-46” Zone, Modified to permit five, two and a half storey street townhouse dwellings on lands located at 19 Dawson Ave, Stoney Creek, as shown on Appendix “A” to Report PED20195, be APPROVED on the following basis:
  - (i) That the draft By-law, attached as Appendix “C” to Report PED20195, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
  - (ii) 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 (2020) and will comply with the Urban Hamilton Official Plan upon finalization of Official Plan Amendment No. XX.

The recommendations in Report PED20195 were **amended** to Deny the application.

The recommendations in Report PED20195 were **amended** to add subsection (c) as follows:

- (c) ***That the written comments submitted relating to PED20195, including the Public Meeting held November 3, 2020, in this agenda as Item 8.4, and read out by Councillor Collins, were received and considered by the Committee in denying the application.***

For disposition of this matter, refer to Item 12.

The Committee recessed at 1:18 p.m. until 1:50 p.m.

**(ii) City of Hamilton Draft Urban Forest Strategy (PED20173) (City Wide)  
(Item 10.1)**

Cathy Plosz, Natural Heritage Planner, addressed the Committee with the aid of a PowerPoint presentation.

Rike Burkhardt with KBM Consulting, addressed the Committee with the aid of a PowerPoint presentation.

The presentations from Cathy Plosz, Natural Heritage Planner, and Rike Burkhardt with KBM Consulting, were received.

For disposition of this matter, refer to Item 9.

**(i) NOTICES OF MOTION (Item 12)**

**(i) ERASE Incentive Programs Amendment (Item 12.1)**

Councillor Collins introduced the following Notice of Motion respecting ERASE Incentive Programs Amendment:

WHEREAS, the City voluntarily provides financial incentives to assist with the remediation and redevelopment of brownfield properties within the urban area under the Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan;

WHEREAS, the ERASE CIP authorizes the ERASE Redevelopment Grant (ERG) Program and ERASE Tax Assistance Program (TAP) which provide financial incentives on the basis of new municipal taxes generated as a result of the remediation and redevelopment of a brownfield site;

WHEREAS, brownfield sites may be subject to development proposals requiring planning applications and City Council approval(s) under the *Planning Act*;

WHEREAS, the Local Planning Appeals Tribunal (LPAT) has the ability to overturn City Council decisions on planning applications;

WHEREAS, applications under the ERG and TAP programs are brought for City Council consideration at such time as a site has received, at minimum, conditional Site Plan approval; and,

WHEREAS, the administrative provisions of the ERG and TAP programs do not currently contemplate refusal or reduction of a grant for developments which have been approved by LPAT in a form contrary to City Council decision(s);

THEREFORE, BE IT RESOLVED:

- (a) That Economic Development Division staff be directed to bring forward the following amendments to the ERG and TAP program terms for proposed developments that require *Planning Act* approval(s):
  - (i) a grant application may be denied by Council if the development is not supported by Council notwithstanding any approval of *Planning Act* applications by any other authority including but not limited to the Local Planning Appeal Tribunal or the Minister of Municipal Affairs and Housing, and that Council's decision on the ERG and TAP applications will not fetter its discretion on an *Planning Act* applications; and
  - (ii) Council's approval of an ERG or TAP can provide for a reduced grant amount so that no grant is payable in respect of any portion of the development which Council does not support notwithstanding any approval of *Planning Act* applications by any other authority including but not limited to the Local Planning Appeal Tribunal or the Minister of Municipal Affairs and Housing, and that Council's decision on the ERG and TAP applications will not fetter its discretion on an *Planning Act* applications.

**(j) 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:

19L - Year Round Live-Aboards at West Harbour Marinas  
(Addressed as Item 7.4 on this agenda)

**(ii) General Manager's Update (Added Item 13.2)**

Jason Thorne, General Manager of Planning and Economic Development addressed the Committee to congratulate Tony Sergi, Senior Director of Growth Management, for winning the Paul Wright Memorial Award for remarkable contributions to the housing industry.

The General Manager's Update, was received.

**(k) PRIVATE AND CONFIDENTIAL (Item 14)**

The Committee moved into Closed Session for Items 14.1, 14.2 and 14.3 pursuant to Section 8.1, Sub-sections (e), (f) and (k) of the City's Procedural By-law 18-270, as amended, 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 City; the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and, to 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.

For disposition of these matters, refer to Items 13, 14 and 15.

**(l) ADJOURNMENT (Item 15)**

There being no further business, the Planning Committee adjourned at 4:46 p.m.

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Councillor J. Farr  
Chair, Planning Committee

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Lisa Kelsey  
Legislative Coordinator