



PLANNING COMMITTEE REPORT 21-017

AS APPROVED BY COUNCIL NOVEMBER 10, 2021

November 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), M. Pearson,
L. Ferguson, M. Wilson and J. Partridge

THE PLANNING COMMITTEE PRESENTS REPORT 21-017 AND RESPECTFULLY RECOMMENDS:

1. Public Notices at Infill Construction Sites (PED21202) (City Wide) (Item 7.1)

That the draft By-law attached as Appendix "A" to Report PED21202, requiring public notices to be posted at infill construction sites, which has been prepared in a form satisfactory to the City Solicitor, be approved and enacted on April 1, 2022.

2. Revisions to the Pre-Christmas Free Parking Program for Business Improvement Areas (BIAs) (PED21210) (Ward 1) (Item 7.2)

That the annual Pre-Christmas Free Parking Program, approved by City Council on June 25, 2003, and amended from time to time, be further amended as follows:

- (a) That on-street parking be free at all times from November 24 to December 24 annually, and limited to two hours in duration for the Westdale Business Improvement Area.

3. Hamilton Municipal Heritage Committee Report 21-008 (Added Item 7.3)

- (a) **Heritage Permit Application HP2021-043, Under Part V of the *Ontario Heritage Act*, for Demolition of a Circa 1980 Detached Garage, 19 Mill Street South, Waterdown (PED21205) (Ward 15) (Item 8.1)**

- (i) Implementation of the alterations, in accordance with this approval, shall be completed no later than November 30, 2023. If the

alterations are not completed by November 30, 2023, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton;

- (ii) That the property owner shall submit a fencing option, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to any application for a Building Permit and / or the commencement of any alterations;
- (iii) That appropriate notice of the Council decision be served on the owner of 19 Mill Street South, Waterdown, as required under Section 42 of the *Ontario Heritage Act*.

(b) Waterdown Village Built Heritage Inventory Project Recommendations (PED21201) (Ward 15) (Item 8.2)

That staff be directed to list the properties identified in Appendix “A”, to Report 21-008, on the Municipal Heritage Register as non-designated properties that Council believes to be of cultural heritage value or interest in accordance with Section 27 of the *Ontario Heritage Act*.

(c) Recommendation to Designate 1099 King Street East, Hamilton (Jimmy Thompson Memorial Pool) Under Part IV of the *Ontario Heritage Act* (PED21211) (Ward 3) (Item 8.3)

- (i) That City Council state its intention to designate under Part IV, Section 29 of the *Ontario Heritage Act*, the property at 1099 King Street East, Hamilton (Jimmy Thompson Memorial Pool) in accordance with the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes of 1099 King Street East, Hamilton, attached as Appendix “B” to Report PED21211;
- (ii) That the Clerk be directed to give notice of intention to designate the property at 1099 King Street East, Hamilton as a Property of Cultural Heritage Value or Interest in accordance with the requirements of section 29 of the *Ontario Heritage Act* subject to the following:
 - (1) If there are no objections to the designation in accordance with the *Ontario Heritage Act*, City Council directs staff to introduce the necessary by-law to designate 1099 King Street East, Hamilton to be of cultural heritage value or interest to City Council; or,
 - (2) If there are objections in accordance with the *Ontario Heritage Act*, City Council directs staff to report back to Council to allow Council to consider the objection and make

a decision on whether or not to withdraw the notice of intention to designate the property.

(d) Heritage Permit Application HP2021-044, under Part V of the *Ontario Heritage Act* for the demolition of 983 Beach Boulevard, Hamilton (PED21208) (Ward 5) (Item 8.4)

- (i) That Heritage Permit Application HP2021-044, for the demolition of the Part V designated heritage building and construction of a new single detached dwelling for lands located at 983 Beach Boulevard, under Section 42 of the *Ontario Heritage Act*, be approved with the following conditions:
 - (1) Implementation of the demolition and construction of the new dwelling, in accordance with this approval, shall be completed no later than November 30, 2023. If the alterations are not completed by November 30, 2023, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton;
 - (2) That material specifications for the wood cladding proposed for the new dwelling and front of the new garage and cladding for the proposed addition be consistent with the Hamilton Beach Heritage Conservation District (HCD) guidelines and submitted for review, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to submission as part of any application for a Building Permit and / or the commencement of any alterations;
 - (3) That the existing leaded glass window in the front gable be salvaged prior to demolition and reincorporated into the front gable of the new dwelling;
 - (4) That the existing wrought iron fence in the front yard be repaired and maintained in its current location;
- (ii) That appropriate notice of the Council decision be served on the owner of 983 Beach Boulevard, Hamilton, as required under Section 42 of the *Ontario Heritage Act*.

(e) Inventory & Research Working Group Meeting Notes – August 23, 2021 (Item 10.1)

- (i) That the property located at 537 King Street East, be added to the Municipal Heritage Register and to the staff work plan for heritage designation under the *Ontario Heritage Act* ; and

- (ii) That the property located at 99 Creighton Road, Dundas to be added to the Municipal Heritage Register.

4. Application for Zoning By-law Amendment for Lands Located at 365 Springbrook Avenue and Part of Block 121, Plan 62M-1161 (Ancaster) (PED21203) (Ward 12) (Item 9.1)

- (a) That Amended Zoning By-law Amendment Application ZAR-21-015, by GSP Group Inc., on behalf of John and Geraldine Bouwers & LIV Communities, Owners, for a change in zoning from the Agricultural “A” Zone to the Residential “R4-714 Zone, Modified (Blocks 1 and 2) and from the Residential “R4-563” Zone, Modified, to the Residential “R4-714” Zone, Modified (Block 3) to facilitate the development of two future residential lots for single detached dwellings, as shown on Appendix “A”, attached to Report PED21203, be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix “B” to Report PED21203, 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) and conforms to A Place to Grow (2019, as amended);
- (iii) That the proposed change in zoning complies with the Urban Hamilton Official Plan and the Meadowlands Neighbourhood IV Secondary Plan.

- (b) That there were no public submissions received regarding the application.

5. Outdoor Dining Districts Extension (Item 11.1)

WHEREAS, early in the pandemic, Council - through GIC motion(S) - supported a local "Outdoor Dining Districts" initiative to permit restaurants the ability to easily accommodate safe outdoor dining on public road allowances and other spaces (both public and private);

WHEREAS, the Outdoor Dining Districts initiative complemented and expanded upon the City's pre-COVID on-street temporary patio program;

WHEREAS, the council born program proved to be extremely successful with over 200 establishments taking advantage of the streamlined and cost effective safe outdoor dining spaces in 2021;

THEREFORE BE IT RESOLVED:

That the appropriate staff be requested to report back to Council with options and the necessary policy or by-law changes to maintain the Outdoor Dining Districts program on a permanent basis, alongside the existing on-street temporary patio program

6. Pier 8 and Copps Pier - Haida Improvements (Item 11.2)

WHEREAS, A considerable amount of private and public investments continue on the West Harbour including Pier 8; and

WHEREAS; The Haida plays an historic and ongoing significant role as it relates to community building, tourism attraction to the greater investments.

THEREFORE BE IT RESOLVED:

That the appropriate staff from the Planning and Economic Development Department reach out to Parks Canada and the HMCS Haida Board of Directors regarding any plans or potential investment by the federal government into an enhanced entrance and gateway to the HMCS Haida National Historic Site that would better integrate with the City's significant investment in the enhanced public space along Pier 8 and the Copps Pier.

7. 412 Southcote Road Development Agreement (Added Item 11.3)

WHEREAS, recommendation (a)(ii) of Report PED16235, approved by Planning Committee on January 31, 2017 and Council on February 8, 2017, requires that 412 Southcote Road be developed per a required Consent Agreement with a restriction of the rear 14 metre portion of the property to be held vacant and free of structural encumbrances; and,

WHEREAS, staff have deemed Condition 56 to be satisfied;

THEREFORE BE IT RESOLVED:

That Condition 56 continue to be deemed satisfied and that said restriction be removed from the required Consent Agreement, in order to allow for the construction of a single family dwelling on the subject lands.

8. Demolition Permit – 270 Shaver Road (Added Item 11.4)

That the Chief Building Official be authorized to issue a demolition permit for 270 Shaver Road, Ancaster, in accordance with By-law 09-208, as amended by By-law 13-185, pursuant to Section 33 of *The Planning Act*, subject to the following conditions:

- (a) That within 5 years of the demolition of the existing house, the applicant has applied for and received a building permit for a replacement building on this property and erected the replacement building on the property;
- (b) That the said building permit specifies that if the replacement building is not erected within the five years of the demolition of the existing building on the property, the City be paid the sum of \$20,000 which sum:
 - (i) the City Clerk is authorized to enter on the collector's roll and collect in like manner as municipal taxes; and
 - (ii) is a lien or charge on the property until paid; and
- (c) That the applicant be required to register on title to the subject property (prior to issuance of the said demolition permit), notice of these conditions in a form satisfactory to the Chief Building Official and the City Solicitor.

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 Delegation Requests respecting Outdoor Dining Districts Extension (Item 11.1) (For Today's meeting)

- (a) Virtual Delegations
 - (i) Cristina Geissler, Concession Street BIA
 - (ii) Tracy McKinnon, Westdale Village BIA and Stoney Creek BIA
- (b) Written Submissions
 - (i) Susan Braithwaite, International Village BIA

2. CONSENT ITEMS (Item 7)

7.3 Hamilton Municipal Heritage Committee Report 21-008

3. NOTICES OF MOTION (Item 12)

12.1 412 Southcote Road Development Agreement

12.2 Demolition Permit – 270 Shaver Road

The agenda for the November 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) October 19, 2021 (Item 4.1)

The Minutes of the October 19, 2021 meeting were approved, as presented.

(d) DELEGATION REQUESTS (Item 6)

(i) Delegation Requests respecting Outdoor Dining Districts Extension (Item 11.1) (For Today's meeting) (Added Item 6.1)

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

(a) Virtual Delegations

- (i) Cristina Geissler, Concession Street BIA**
- (ii) Tracy McKinnon, Westdale Village BIA and Stoney Creek BIA**

(e) PUBLIC HEARINGS / DELEGATIONS (Item 9)

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 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 Ontario Land Tribunal, and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

(i) Application for Zoning By-law Amendment for Lands Located at 365 Springbrook Avenue and Part of Block 121, Plan 62M-1161 (Ancaster) (PED21203) (Ward 12) (Item 9.1)

The staff presentation was waived.

Nancy Frieday with GSP Group Inc., was in attendance and indicated support for the staff report.

The delegation from Nancy Frieday with GSP Group Inc., was received.

The public meeting was closed.

- (a) That Amended Zoning By-law Amendment Application ZAR-21-015, by GSP Group Inc., on behalf of John and Geraldine Bouwers & LIV Communities, Owners, for a change in zoning from the Agricultural “A” Zone to the Residential “R4-714 Zone, Modified (Blocks 1 and 2) and from the Residential “R4-563” Zone, Modified, to the Residential “R4-714” Zone, Modified (Block 3) to facilitate the development of two future residential lots for single detached dwellings, as shown on Appendix “A”, attached to Report PED21203, be APPROVED on the following basis:
 - (i) That the draft By-law, attached as Appendix “B” to Report PED21203, 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) and conforms to A Place to Grow (2019, as amended);
 - (iii) That the proposed change in zoning complies with the Urban Hamilton Official Plan and the Meadowlands Neighbourhood IV Secondary Plan.

The recommendations in Report PED21203 were **amended** by adding the following sub-section (b):

- (b) ***That there were no public submissions received regarding the application.***

For disposition of this matter, refer to Item 4.

The Delegations respecting Outdoor Dining Districts Extension (Item 11.1) (Added Item 9.2) and Item 11.1 respecting Outdoor Dining Districts Extension were moved to be heard after Item 12.2.

(f) NOTICES OF MOTION (Item 12)

(i) 412 Southcote Road Development Agreement (Added Item 12.1)

The Rules of Order were waived to allow for the introduction of a Motion respecting 412 Southcote Road Development Agreement.

For disposition of this matter, refer to Item 7.

(ii) Demolition Permit – 270 Shaver Road (Added Item 12.2)

The Rules of Order were waived to allow for the introduction of a Motion respecting Demolition Permit – 270 Shaver Road.

For disposition of this matter, refer to Item 8.

(g) PUBLIC HEARINGS / DELEGATIONS (Item 9) – Continued

(i) Delegation Requests respecting Outdoor Dining Districts Extension (Item 11.1) (Added Item 9.2)

The following Delegation was not in attendance when called upon to speak:

9.2(a) (ii) Cristina Geissler, Concession Street BIA

The following Delegation addressed the Committee respecting Outdoor Dining Districts Extension:

(a) Virtual Delegations

(ii) Tracy McKinnon, Westdale Village BIA and Stoney Creek BIA

The above Delegation was received.

The following Written Delegation was received.

(i) Susan Braithwaite, International Village BIA

For disposition of this matter, refer to Item 5.

(i) ADJOURNMENT (Item 15)

There being no further business, the Planning Committee adjourned at 10:34 a.m.

Councillor J.P. Danko
Chair, Planning Committee

Lisa Kelsey
Legislative Coordinator