



PLANNING COMMITTEE REPORT

AS AMENDED BY COUNCIL NOVEMBER 8, 2023

23-018

October 31, 2023

9:30 a.m.

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

Present: Councillor C. Cassar (Acting Chair)
Councillors J.P. Danko (Chair) J. Beattie, M. Francis, T. Hwang,
C. Kroetsch, T. McMeekin, E. Pauls, M. Tadeson, A. Wilson,
M. Wilson

Absent with Regrets: Councillors N. Nann – City Business

Also in Attendance: Councillor T. Jackson

THE PLANNING COMMITTEE PRESENTS REPORT 23-018 AND RESPECTFULLY RECOMMENDS:

- 1. Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-23-006 and Zoning By-law Amendment Application ZAC-23-012 to the Ontario Land Tribunal (OLT) for Lack of Decision for Lands Located at 1284 Main Street East, Hamilton (PED23226) (Ward 4) (Item 9.1)**

That Report PED23226 Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-23-006 and Zoning By-law Amendment Application ZAC-23-012 to the Ontario Land Tribunal (OLT) for Lack of Decision for Lands Located at 1284 Main Street East, Hamilton, be received.

- 2. Strategic Zoning By-law Updates for Lands Fronting on Rymal Road East between Nebo Road and Trinity Church Road (PED23213) (Ward 6) (Item 10.1)**

(a) That approval be given to City Initiative CI-23-L for modifications and updates to the Urban Hamilton Official Plan on the following basis:

- (i) That the Draft Urban Hamilton Official Plan Amendment, attached as Appendix “A” to Report PED23213, be adopted by Council;

- (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (PPS), 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended;
- (b) That approval be given to City Initiative CI-23-L for modifications and updates to the City of Hamilton Zoning By-law No. 05-200 on the following basis:
 - (i) That the Draft By-law, attached as Appendix “B” to Report PED23213, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
 - (ii) That the proposed changes in zoning are in conformity with the Urban Hamilton Official Plan upon approval of Draft Urban Hamilton Official Plan Amendment No. 192 (Appendix “B” attached to Report PED23213);
 - (iii) That the proposed Zoning By-law Amendment is consistent with the Provincial Policy Statement (PPS), 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020, as amended.

3. Provincial Amendments to Greenbelt Plan - Reinstatement of Hamilton Greenbelt Lands (PED23046(d)) (City Wide) (Item 11.1)

- (a) That the Greenbelt Plan Public Engagement 2023 Summary Report, attached as Appendix “A” to Report PED23046(d) be received;
- (b) That the Director of Planning and Chief Planner be authorized and directed to submit the Greenbelt Plan Public Engagement 2023 Summary Report, attached as Appendix “A” to Report PED23046(d), to the Government of Ontario to be considered as part of the public consultation on Bill 136, *Greenbelt Statute Law Amendment Act, 2023* and future Greenbelt Plan reviews.

4. Airport Employment Growth District Transportation Master Plan Update (PED17175(a)) (Wards 11 and 12) (Item 11.2)

- (a) That the Airport Employment Growth District Transportation Master Plan Update review and update, Appendix “A1” attached to Report PED17175(a) be approved;
- (b) That the General Manager of the Planning and Economic Development Department be authorized and directed to file the Airport Employment Growth District’s Transportation Master Plan Update with the Municipal Clerk for a minimum 30-day public review period;

- (c) That the recommended road projects identified to support the Airport Employment Growth District, and associated funding needs and timing as identified in Appendix “A1” attached to Report PED17175(a), be used to inform the annual Capital Budget process and Development Charges Background Study;
- (d) That Planning and Economic Development Department staff be directed to schedule a public meeting of the Planning Committee to consider proposed amendments to the applicable policies and mapping schedules of the Airport Employment Growth District Secondary Plan through a future City-initiated Urban Hamilton Official Plan Amendment to reflect the approval of Recommendation (a) to Report PED17175(a);
- (e) That staff be directed to work with applicants to preserve natural corridors and establish new trails and pathways around the edges of natural heritage systems through the development application approval process, and implementation of the Airport Employment Growth District Transportation Master Plan Update and any future amendments to the Secondary Plan.

5. Hamilton Municipal Heritage Committee Report 23-010 (Item 11.3)

- (a) **Recommendation to Designate 7 Ravenscliffe Avenue, Hamilton, under Part IV of the Ontario Heritage Act (PED23187) (Ward 2) (Item 10.1)**

That the City Clerk be directed to give notice of Council’s intention to designate 7 Ravenscliffe Avenue, Hamilton, shown in Appendix “A” attached to Report PED23187, as a property of cultural heritage value pursuant to the provisions of Part IV, Section 29 of the Ontario Heritage Act, in accordance with the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes, attached as Appendix “B” to Report PED23187, subject to the following:

- (i) If no objections are received to the notice of intention to designate in accordance with the Ontario Heritage Act, City Council directs staff to introduce the necessary by-law to designate the property to be of cultural heritage value or interest to City Council;
- (ii) If an objection to the notice of intention to designate is received in accordance with the Ontario Heritage Act, City Council directs staff to report back to Council to allow Council to consider the objection and decide whether or not to withdraw the notice of intention to designate the property.

- (b) **Heritage Permit Application HP2023-042 to Demolish the Remnant Structure at 1541 Fiddlers Green Road, Ancaster, and Recommendation to Repeal Designation By-law No. 84-55 under Section 31 of the Ontario Heritage Act (PED23220) (Ward 12) (Item 10.1)**
- (i) That Heritage Permit Application HP2023-042, for the demolition of the designated property at 1541 Fiddlers Green Road, Ancaster, as shown in Appendix “A” to Report PED23220, be approved, subject to the following Heritage Permit condition:
- (1) That the applicant make every reasonable effort to facilitate salvaging any remaining heritage features as part of the demolition process as may be safely permitted, to the satisfaction and approval of the Director of Planning and Chief Planner;
- (ii) That the City Clerk be directed to give notice of Council’s intention to repeal Bylaw No. 84-55, being a by-law designating 1541 Fiddlers Green Road, Ancaster attached as Appendix “B” to Report PED23220, in accordance with the requirements of Section 31(3) of the Ontario Heritage Act, subject to the following:
- (1) If no objections to the notice of intention to repeal are received in accordance with the Ontario Heritage Act, City Council directs staff to introduce the necessary by-law to repeal to City Council;
- (2) If an objection to the notice of intention to repeal is received in accordance with the Ontario Heritage Act, City Council directs staff to report back to Council to allow Council to consider the objection and decide whether or not to withdraw the notice of intention to repeal.
- (c) **Notice of Intention to Demolish the Building Located at 309 James Street North, Hamilton, being a Non-Designated Property Listed on the Municipal Heritage Register (PED23225) (Ward 2) (Item 10.2)**
- (i) That the non-designated property located at 309 James Street North, Hamilton, be removed from the Municipal Heritage Register.
- (d) **Heritage Permit Application HP2023-036, Under Sections 33 and 34 of the Ontario Heritage Act, for the Adaptive Reuse of the Former Delta Secondary School Building (circa 1924), Removal of the Rear Additions (circa 1948-1950), Construction of New Four-Storey Rear**

Additions and Modifications to the Landscape at 1284 Main Street East, Hamilton (PED23224) (Ward 4) (Item 10.3)

- (i) That Heritage Permit Application HP2023-036 for the adaptive reuse of the former Delta Secondary School Building (circa 1924), removal of the rear additions (circa 1948- 1950), construction of new four storey rear additions and modifications to the landscape at 1284 Main Street East, Hamilton, under Sections 33 and 34 of the Ontario Heritage Act, be refused.

(e) Heritage Permit Application HP2023-041, Under Part V of the Ontario Heritage Act, for the Erection of a New Front Detached Accessory Structure at 79 Markland Street, Hamilton (PED23223) (Ward 2) (Item 10.4)

- (i) That Heritage Permit Application HP2023-041, for the erection of a front detached accessory structure on the designated property at 79 Markland Street, Hamilton (Durand-Markland Heritage Conservation District), as shown in Appendix “A” attached to Report PED23223, be approved, subject to the approval of any required Planning Act applications and the following Heritage Permit conditions:
 - (1) That the final details for the proposed stucco be submitted to the satisfaction and approval of the Director of Planning and Chief Planner, prior to installation;
 - (2) That any minor changes to the plans and elevations following approval shall be submitted, 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 construction and site alterations, in accordance with this approval, shall be completed no later than November 30, 2025. If the construction and site alterations are not completed by November 30, 2025, then this approval expires as of that date, and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

The following item was amended as follows:

6. A Bylaw to Regulate the Distribution and Display of Graphic Images (Item 12.1)

WHEREAS section 10 of the *Municipal Act, 2001*, S.O. 2001, c. 25, (the “Municipal Act, 2001”) as amended provides that a Municipality may pass by-

laws respecting: economic, social and environmental well-being of the Municipality; health, safety and well-being of persons; and the protection of persons and property;

WHEREAS residents have expressed concerns that unsolicited non-commercial flyers showing graphic images of aborted fetuses are being delivered to properties across Hamilton;

WHEREAS these unsolicited flyers are causing harm to some recipients, including children and youth who are exposed to the flyers while collecting the mail and individuals who have experienced pregnancy loss;

WHEREAS residents have also expressed concerns with the same graphic imagery being carried, held or displayed in public spaces; and

WHEREAS residents should have an opportunity to choose whether they wish to view such images;

THEREFORE, BE IT RESOLVED:

- (a) That staff be directed to prepare a report for Planning Committee's consideration no later than Q2 2024, on the feasibility of the City of Hamilton adopting and enforcing a by-law to regulate the distribution and display of graphic images:
 - (i) Requiring that flyers containing one or more images showing, or claiming to show, a fetus or any part of a fetus, conceal these images from view; and
 - (ii) Requiring that these said flyers be fully concealed within a sealed envelope or package, and that the sealed envelope or package containing the graphic image be marked with the following notice and information:
 - (1) the name and address of the person responsible for the delivery of the graphic image(s); and
 - (2) a warning that the envelope or package contains a graphic image that may be offensive or disturbing to some people;
- (b) That the by-law to regulate the distribution and display of graphic images would not apply to:
 - (i) mail that is delivered to a residence by Canada Post; and

- (ii) material that is delivered to the residence at the request or with the consent of the addressee
 - (c) That staff also be requested to explore the feasibility of regulating or prohibiting graphic imagery that is carried, held or displayed in public spaces.
 - (d) That Council Communication Item 5.17, respecting correspondence from Joyce Arthur, Executive Director, Abortion Rights Coalition of Canada (ARCC) respecting information to help Hamilton pass by-laws to regulate graphic imagery of aborted fetuses be referred to staff as information to consider in the delivery of the feasibility report and recommendations.**
- 7. Appeal to the Ontario Land Tribunal (OLT) for lands located at 909 North Waterdown Drive, Waterdown, for Lack of Decision on Urban Hamilton Official Plan Amendment Application (ZAC-22-032/UHOPA-22-018) (LS23006(a)) (Ward 15) (Item 15.2)**
 - (a) That the directions to staff in closed session respecting Report LS23006(a) be approved;
 - (b) That the directions to staff in closed session with respect to Report LS23006(a) be released to the public, following approval by Council; and,
 - (c) That the balance of Report LS23006(a) and its Appendices remain confidential.
- 8. Appeal to the Ontario Land Tribunal for lands located at 487 Shaver Road, Hamilton, for Lack of Decision on Official Plan Amendment Application (UHOPA-22-002) and Zoning By-law Amendment Application (ZAC-22-005) (LS23038) (Ward 12) (Added Item 15.3)**
 - (a) That the directions to staff in closed session respecting Report LS23038 be released to the public, following approval by Council; and
 - (b) That the balance of Report LS23038 remain confidential.

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

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

5. COMMUNICATIONS

- 5.2 Medora Uppal, CEO of YWCA Hamilton, respecting the Distribution and Display of Graphic Images (Item 12.1)
- 5.3 Caroline Hill Smith respecting Airport Employment Growth District Transportation Master Plan (Item 11.2)

6. DELEGATION REQUESTS

- 6.1 Katie Dean with Viewer Discretion Legislation Coalition, respecting a By-law to Regulate the Distribution and Display of Graphic Images (Item 12.1) (For today's meeting)
- 6.2 Peter Appleton respecting the Airport Employment Growth Plan Transportation Master Plan Update (Item 11.2) (For today's meeting)

10. PUBLIC MEETINGS

- 10.1 Strategic Zoning By-law Updates for Lands Fronting on Rymal Road East between Nebo Road and Trinity Church Road (PED23213) (Ward 6)
Revised Report and Appendix B to say Ward 6 (not Ward 11)

15. PRIVATE AND CONFIDENTIAL

- 15.3 Appeal to the Ontario Land Tribunal for lands located at 487 Shaver Road, Hamilton, for Lack of Decision on Official Plan Amendment Application (UHOPA-22-002) and Zoning By-law Amendment Application (ZAC-22-005) (LS23038) (Ward 12)

ADDED:

Staff Presentations for Items 10.1 and 11.2.

The agenda for the October 31, 2023 Planning Committee meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

No declarations of interest were made.

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

(i) October 17, 2023 (Items 4.1)

The Minutes of the October 17, 2023 meetings were approved, as presented.

(d) COMMUNICATIONS (Item 5)

(i) Various Communications (Items 5.1 and Added Items 5.2 and 5.3)

The following communication items were received and referred to the consideration of the appropriate agenda item.

5.1 Katie Dean with Viewer Discretion Legislation Coalition respecting the Distribution and Display of Graphic Images (Item 12.1)

5.2 Medora Uppal, CEO of YWCA Hamilton, respecting the Distribution and Display of Graphic Images (Item 12.1)

5.3 Caroline Hill Smith respecting Airport Employment Growth District Transportation Master Plan (Item 11.2)

(e) DELEGATION REQUESTS (Item 6)

(i) Various Delegation Requests (Added Items 6.1 and 6.2)

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

6.1 Katie Dean with Viewer Discretion Legislation Coalition, respecting a By-law to Regulate the Distribution and Display of Graphic Images (Item 12.1)

6.2 Peter Appleton respecting the Airport Employment Growth Plan Transportation Master Plan Update (Item 11.2)

(f) DELEGATIONS (Item 7)

(i) Michael Sabelli and Paul Kocsis respecting an Exemption to the Demolition By-law for 47 Whitfield Avenue (Approved at the October 17th meeting) (Item 7.1)

Michael Sabelli and Paul Kocsis addressed the Committee respecting an Exemption to the Demolition By-law for 47 Whitfield Avenue.

The Delegation from Michael Sabelli and Paul Kocsis respecting an Exemption to the Demolition By-law for 47 Whitfield Avenue, was received.

(ii) Katie Dean with Viewer Discretion Legislation Coalition, respecting a By-law to Regulate the Distribution and Display of Graphic Images (Item 12.1) (Added Item 7.2)

Katie Dean addressed the Committee respecting a By-law to Regulate the Distribution and Display of Graphic Images (Item 12.1).

The Delegation from Katie Dean respecting a By-law to Regulate the Distribution and Display of Graphic Images (Item 12.1), was received.

(iii) Peter Appleton respecting the Airport Employment Growth Plan Transportation Master Plan Update (Item 11.2) (Added Item 7.3)

Peter Appleton addressed the Committee respecting the Airport Employment Growth Plan Transportation Master Plan Update (Item 11.2).

The Delegation from Peter Appleton respecting the Airport Employment Growth Plan Transportation Master Plan Update, was received.

(g) PUBLIC HEARINGS (Item 10)

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

In accordance with the provisions of the *Planning Act*, Acting Chair C. Cassar 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 Development 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 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) Strategic Zoning By-law Updates for Lands Fronting on Rymal Road East between Nebo Road and Trinity Church Road (PED23213) (Ward 6) (Item 10.1)

No members of the public were registered as Delegations.

The staff presentation was waived.

Chair Cassar called three times for public delegations and no one came forward.

- (a) There were no public submissions received regarding this matter; and,
- (b) The public meeting was closed.

For disposition of this matter, refer to Item 2.

(h) DISCUSSION ITEMS (Item 11)

(i) Airport Employment Growth District Transportation Master Plan Update (PED17175(a)) (Wards 11 and 12) (Item 11.2)

Omar Shams, Project Manager - Transportation Planning New Initiatives and Margaret Fazio, Senior Project Manager - Infrastructure Planning, addressed the Committee respecting the Airport Employment Growth District Transportation Master Plan Update with the aid of a PowerPoint presentation.

The presentation from Omar Shams, Project Manager - Transportation Planning New Initiatives and Margaret Fazio, Senior Project Manager - Infrastructure Planning, respecting the Airport Employment Growth District Transportation Master Plan Update, was received.

For disposition of this matter, refer to Item 4.

The Committee recessed from 1:15 p.m. to 1:45 p.m.

(i) GENERAL INFORMATION / OTHER BUSINESS (Item 14)

(i) General Manager's Update (Added Item 14.1)

Steve Robichaud, Acting General Manager, advised Committee that November 8 is World Town Planning Day 2023 and celebrations include the City's Urban Design Awards Ceremony at Mohawk College; and, the City is launching the public consultation on Zoning By-law Reform projects.

The General Manager's Update was received.

(j) PRIVATE & CONFIDENTIAL (Item 15)

(i) Closed Session Minutes – October 17, 2023 (Item 15.1)

- (a) The Closed Session Minutes dated October 17, 2023, were approved as presented; and,
- (b) The Closed Session Minutes dated October 17, 2023, are to remain confidential.

The Committee moved into Closed Session pursuant to Section 9.3, Sub-sections (e), (f) and (k) of the City's Procedural By-law 21-021, 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 municipality or local board; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and, 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.

(ii) Appeal to the Ontario Land Tribunal (OLT) for lands located at 909 North Waterdown Drive, Waterdown, for Lack of Decision on Urban Hamilton Official Plan Amendment Application (ZAC-22-032/UHOPA-22-018) (LS23006(a)) (Ward 15) (Item 15.2)

For disposition of this matter, refer to Item 7.

(iii) Appeal to the Ontario Land Tribunal for lands located at 487 Shaver Road, Hamilton, for Lack of Decision on Official Plan Amendment Application (UHOPA-22-002) and Zoning By-law Amendment Application (ZAC-22-005) (LS23038) (Ward 12) (Added Item 15.3)

For disposition of this matter, refer to Item 8.

(j) ADJOURNMENT (Item 16)

There being no further business, the Planning Committee adjourned at 2:16 p.m.

Councillor C. Cassar, Acting Chair
Planning Committee

Lisa Kelsey
Legislative Coordinator