



City of Hamilton

PLANNING COMMITTEE ADDENDUM

Meeting #: 24-001
Date: January 16, 2024
Time: 9:30 a.m.
Location: Council Chambers (Planning)
Hamilton City Hall
71 Main Street West

Lisa Kelsey, Legislative Coordinator (905) 546-2424 ext. 4605

	Pages
5. COMMUNICATIONS	
*5.1 Correspondence from Ancaster Heritage Village respecting OLT Appeal for lands located at 392, 398, 400, 402, 406 and 412 Wilson Street East & 15 Lorne Avenue for Lack of Decision on Site Plan Control Application (DA-23-011) (LS24002) (Ward 12) Recommendation: Be received and referred to the consideration of Item 15.2.	3
6. DELEGATION REQUESTS	
*6.1 Janice Brown respecting 54 Hess Street (Item 11.3) (For today's meeting)	
10. PUBLIC HEARINGS	
10.3 Application for a Zoning By-law Amendment for Lands Located at 83-85 Emerald Street South, Hamilton (PED24001) (Ward 3)	
*a. Written Submissions:	8
(i) Laura Harrison	
*b. Staff Presentation	9
10.4 Housekeeping Amendments to the Urban Hamilton Official Plan Regarding 3011 Homestead Drive, Glanbrook (PED24003) (Ward 11)	

11. DISCUSSION ITEMS

- 11.4 Request for Direction to Proceed with Appeal of Committee of Adjustment Decision to Approve Consent Application FL/B-23:61 for lands located at 169 and 193 Weirs Lane, Flamborough (PED24029) (Ward 13)

13. NOTICES OF MOTION

- *13.1 1065 Paramount Drive Non-Statutory Public Meeting

15. PRIVATE AND CONFIDENTIAL

- *15.2 Appeal to the Ontario Land Tribunal for lands located at 392, 398, 400, 402, 406 and 412 Wilson Street East & 15 Lorne Avenue for Lack of Decision on Site Plan Control Application (DA-23-011) (LS24002) (Ward 12)

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), Subsections (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.



Councillor Craig Cassar
Ward 12
City of Hamilton

January 3, 2024

By email

re: 392-412 Wilson St E and 15 Lorne Ave
Ontario Land Tribunal OLT 23-001076
January 25, 2024 Ontario Land Tribunal Merit Hearing

With the incredible events of the past few months regarding development and the behaviour of some developers, Ancaster Village Heritage Community (AVHC) respectfully requests Council to review the above upcoming matter carefully. It is our belief that Council is the only body that can protect the community from the inappropriate development behaviour exhibited in the last year.

AVHC believes the settlement for this property between the City and the developer at the Ontario Land Tribunal (OLT) in appeal OLT 22-003888 contains agreements for certain events to occur, and questions why the developer finds it necessary to file another OLT appeal that seems to negate its settlement agreement with the City.

If the Applicant is successful in this appeal AVHC believes one of the most significant heritage resources in the Ancaster Village core will be under threat of demolition.

For the reasons set out in Appendix A AVHC respectfully requests Council:

- To provide the most vigorous opposition possible at the January 25, 2024 OLT merit hearing into the above application; (Paragraph 1-7)
- To protect an important heritage asset. Determine the status of the 17 conditions this applicant agreed to prior to attempting to relocate Marr Filippo House and ensure the OLT is aware granting a building permit if conditions are not satisfied will likely result in the destruction of an important heritage building. (Paragraph 8-9)
- To ensure that all usual provisions of site planning required before a building permit is issued are completed given this development's potential negative impact on the Village Core. (Paragraph 10)

- To fully investigate if OLT will review its approval of this development. Deploy City legal resources to determine if OLT decision 22-03888 approving the settlement with the city can be reviewed and modified or rescinded given events of interference with the amendments to the Urban Hamilton Official Plan by the applicant. (Paragraph 11-15)

It appears there is a lot riding on the January 25, 2024 hearing. It can send a signal to all developers that the City will defend well thought through planning instruments.

AVHC respectfully requests the City to do what it takes to regain control of the planning process with this particular development, and across the city with all developments. Citizens have been left powerless by various provincial changes and it leaves only the city to vigorously defend well thought through planning instruments that shape our city for generations to come.

We thank you for consideration of these important matters and welcome any comments or questions.

Sincerely



Rowen Baker
Ancaster Village Heritage Community
admin@saveancaster.com

cc Mayor Andrea Horwath

Appendix A

1. AVHC understands the purpose of this Tribunal hearing is to force the City to issue a building permit to allow development to proceed.
2. There is no public participation possible in this OLT hearing so the community relies 100% on the City to defend our interests.
3. Given the events of the past year with regard to the rollback of the Urban Hamilton Official Plan, in particular the “cut and paste” changes that were imposed to the specific request of a representative of the applicant in this matter, AVHC asks Council to take every step possible to regain control of the planning process in our city.
4. AVHC finds it remarkable that such an OLT hearing is even possible given Ontario Bill 150, Planning Statute Law Amendment Act, 2023 which rolled back the changes to the Ancaster Wilson Street Secondary Plan imposed on the City by the Province. When the OLT appeal of the City decision not to approve the above development was heard by the OLT on August 1 and 22, 2023 it appeared to the OLT and the City that the development conformed with the Official Plan. Bill 150 rolled back the changes imposed on the Urban Hamilton Official Plan OLT relied on stating they were “deemed to have never been made” (Bill 150, Recission of Decisions, 1.1).

Thus, the decision of the OLT that the appeal of the Official Plan could be dismissed as the wording in August 2023 appeared to permit high density and 8 stories was based on wording that was “deemed to have never been made” and is now incorrect.

5. For the current appeal it appears the applicant is proceeding under Section 41.12 of the Planning Act which gives the City 30 days after submission of plans or drawings to approve them.

Applicant Agreed to Development Hold

6. However, among other agreements, there is a holding provision on the property resulting from the Settlement Agreement of July 26, 2023 between the applicant the City with regard to sewer capacity. If the OLT found for the applicant, that would negate the development hold agreed to by the applicant and the City. Unless the revised functional servicing report that the municipal sewer system has the capacity for this development has been completed and accepted by the City how can whatever has been submitted be deemed complete?

7. AVHC believes lack of sewer capacity is a significant community issue, a point both the City and the applicant agreed with in the settlement between the City and the applicant else there would be no need for the holding provision.

Protection of Marr Phillip House

8. While the Development Hold does not apply to work to move 398 Wilson St East allowing other construction around it prior to the fulsome assessment contemplated prior to attempting a move could be disastrous. An OLT decision for the applicant places the future of the heritage property Marr Phillip House in jeopardy. The applicant, in Paragraph 20 of the OLT decision on OLT-22-003888 accepting the settlement with the City in response to AVHC input to the Tribunal stated:

“Although there is no Ontario Heritage Act appeal currently before the Tribunal, Wilson St. Ancaster Inc. confirms that it will continue to work with the City of Hamilton to satisfy all conditions of its heritage permit.”

9. AVHC strongly requests Council to inquire as to the status of the work done on the 17 conditions it imposed on the Applicant to ensure any move of Marr Phillip House could be done without risk to the structure. If the applicant prevails at the current hearing AVHC fears issuance of a building permit while Marr Phillip House remains on the footprint of the approved structure with no approved plan to move it would simply ensure it will be demolished.

Negative Community Impact

10. There are many other issues such as access, impact of the development on an already choked road system, impact of increased traffic on adjoining heritage neighbourhoods that a normal site planning process could address. If OLT forces issuance of a building permit before these items are completed to the City's satisfaction it is a grave injustice to the community that has to live with an over-built structure.

Why Can't OLT Review Its Decision?

11. Section 23 of the Ontario Land Tribunal Act, 2021, SO 2021, c 4 Sched 6 gives the Tribunal wide latitude in reviewing or rescinding any of its decisions or orders:

“Review

23 Unless another Act specifies otherwise, the Tribunal may review, rescind or vary any order or decision made by it in accordance with the rules.”

12. AVHC has heard several times that an OLT decision is final and despite the malfeasance that occurred between developers and the province the approval of 8 stories for this development cannot be undone. It is AVHC's opinion that section 23 of the OLT Act gives the Tribunal the power to do this very thing.

13. Bill 150, Section 3.2 appears to AVHC to say that any decision of the OLT after the date Hamilton submitted its Official Plan for Approval (November 4, 2022) must conform to the Official Plan (which was wording prior to the infamous “cut and paste” amendment). OLT 22-00388 states the development is in conformance with the OP, but that was wording that Bill 150 states deemed to have not occurred. In AVHC’s view this decision is based on an OLT determination regarding the Official Plan that subsequent events rendered incorrect.

14. To AVHC it would appear the Tribunal, which has wide powers, could elect to rescind Decision OLT-22-00388 given the version of the Urban Hamilton Official Plan it relied on in its decision on has been rescinded.

The City has the legal resources to advocate for this change – resources which ordinary citizens simply do not have, so the community relies on the City.

15. AVHC asks why the Tribunal could not recognize that its decision was based on Official Plan wording that was put before it by the applicant and since rescinded and review the decision in that context?

From: Laura Harrison
Sent: January 15, 2024 10:24 AM
To: clerk@hamilton.ca
Subject: File ZAC-22-053

I am in support of the proposal to amend the Zoning Bylaw to E/S-1834-H for the 83-85 Emerald Street property. The public meetings held by David Joy regarding the proposal, indicated a well thought out plan to bring much needed affordable housing to the city. The presence of a manager on site and security measures for tenants was a welcome relief after years of dealing with a poorly run institution that was a nightmare for tenants and negatively impacted its neighbours. I believe that the only issue will be lack of parking for any new tenants that work in areas underserved by public transit.

I am providing my personal information but would like it removed from anything posted publicly.

Thank You

Laura Harrison



WELCOME TO THE CITY OF HAMILTON

PLANNING COMMITTEE

January 16, 2024

PED24001 – (ZAC-23-053)

Application for Zoning By-law Amendment for Lands Located at 83 and 85 Emerald Street South, Hamilton.

Presented by: Alaina Baldassarra



SUBJECT PROPERTY



83 & 85 Emerald Street South, Hamilton





1 NEW ELEVATION - NORTH
 SD5.0 1" = 10'-0"

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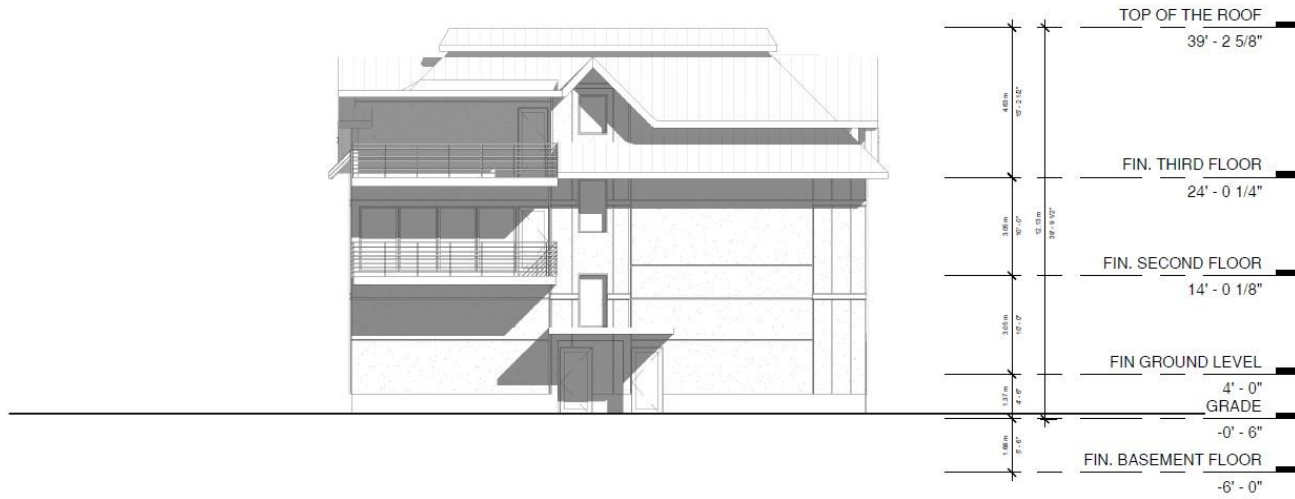
83 Emerald St S

REALTY HOLDINGS GROUP

| 7-145 Birmingham Street | Toronto ON | M8V3Z8 | 905 832 5758 | organicastudio.ca | info@organicastudio.ca

23014

06/28/20



1 NEW ELEVATION - EAST
 SD7.0 1" = 10'-0"

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23014

05/17/23



1 NEW ELEVATION - WEST
 SD8.0 1" = 10'-0"

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83 Emerald St S

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23014

05/17/23



Subject Lands



North east



South east



North west



South west



THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE



WELCOME TO THE CITY OF HAMILTON

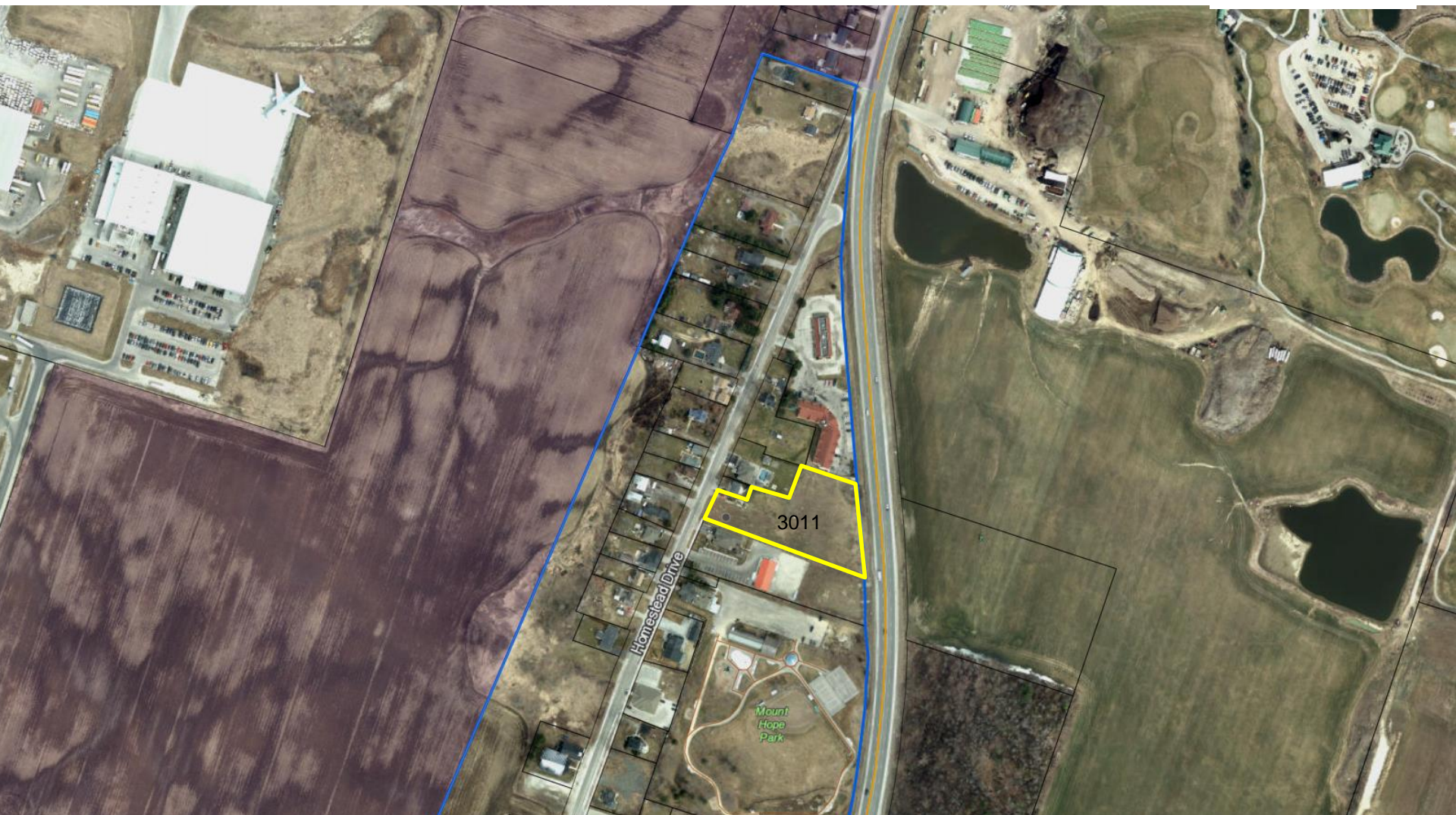
PLANNING COMMITTEE

January 16, 2024

PED24003 – (CI-23-M)

Housekeeping Amendments to the Urban Hamilton Official Plan regarding lands located at 3011 Homestead Drive, Glanbrook.

Presented by: Alana Fulford

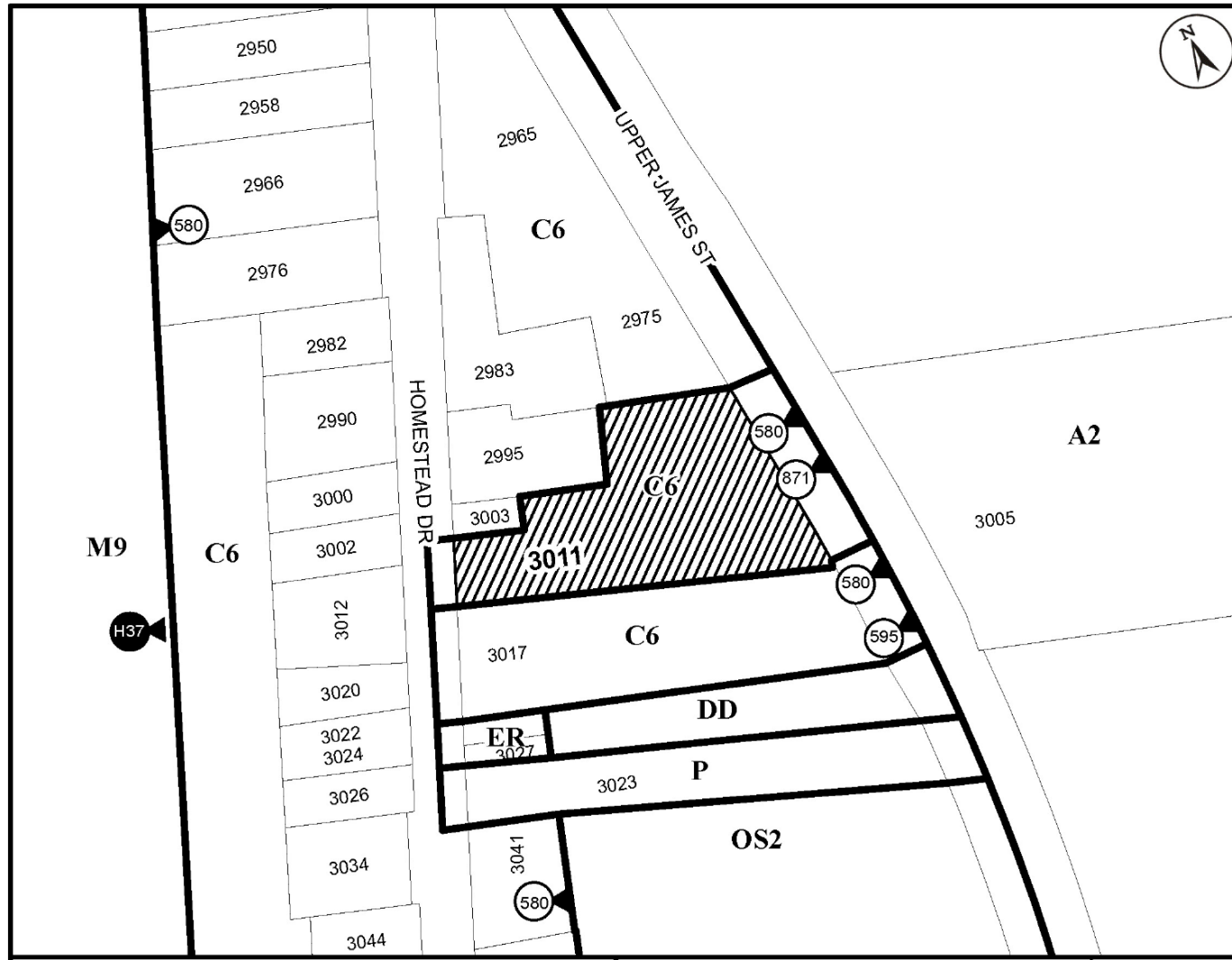


SUBJECT PROPERTY



3011 Homestead Drive, Glanbrook



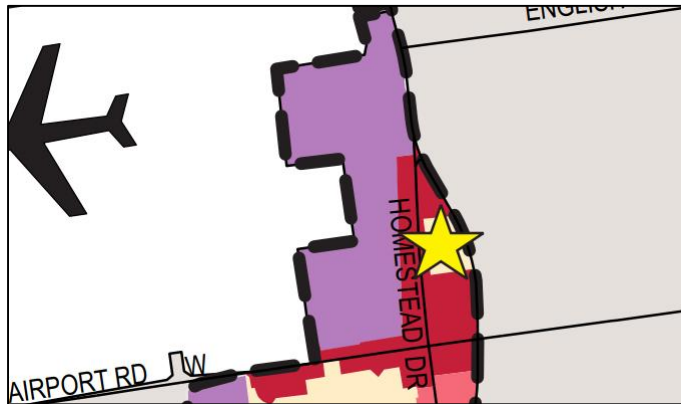


SUBJECT PROPERTY **3011 Homestead Drive, Glanbrook**

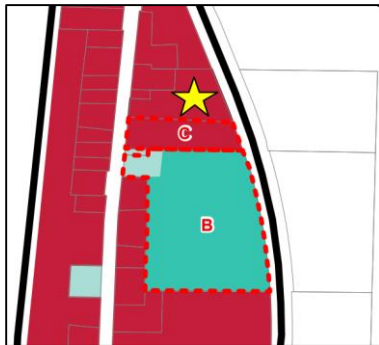




- Designated Neighbourhoods on Schedule E – Urban Structure



- Designated District Commercial on Schedule E-1 – Urban Land use Designations



- Designated District Commercial on Map B.5.4-1 Mount Hope Secondary Plan

- The proposed amendment facilitates the Interim Order of the Ontario Land Tribunal by adding the following additional commercial and prestige industrial uses through a Site Specific Policy Area in the District Commercial Designation in the Mount Hope Secondary Plan:
 - Contractor's Establishment;
 - Computer, Electronic and Data Processing Establishment;
 - Planned Business Centre;
 - Production Studio;
 - Research and Development Establishment;
 - Self-Storage Facility.
 - Surveying, Engineering, Planning or Design Business;
 - Trade School; and,
 - Tradesperson's Shop.

- The proposed amendment has merit and can be supported as it:
 - Is consistent with the Provincial Policy Statement (2020);
 - Conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
 - Represents good planning as it will allow for uses that are compatible and consistent with the surrounding area, does not have the effect of adding new sensitive land use permissions in proximity to the airport, and does not conflict or interfere with the planned function and development of the surrounding areas.



WELCOME TO THE CITY OF HAMILTON

PLANNING COMMITTEE

January 16, 2024

PED24029 – (FL/B-23:61)

Request for Direction to Proceed with Appeal of Committee of Adjustment Decision to Approve Consent Application FL/B-23:61 for Lands Located at 169 and 193 Weirs Lane, Flamborough.

Presented by: Joe Buordolone

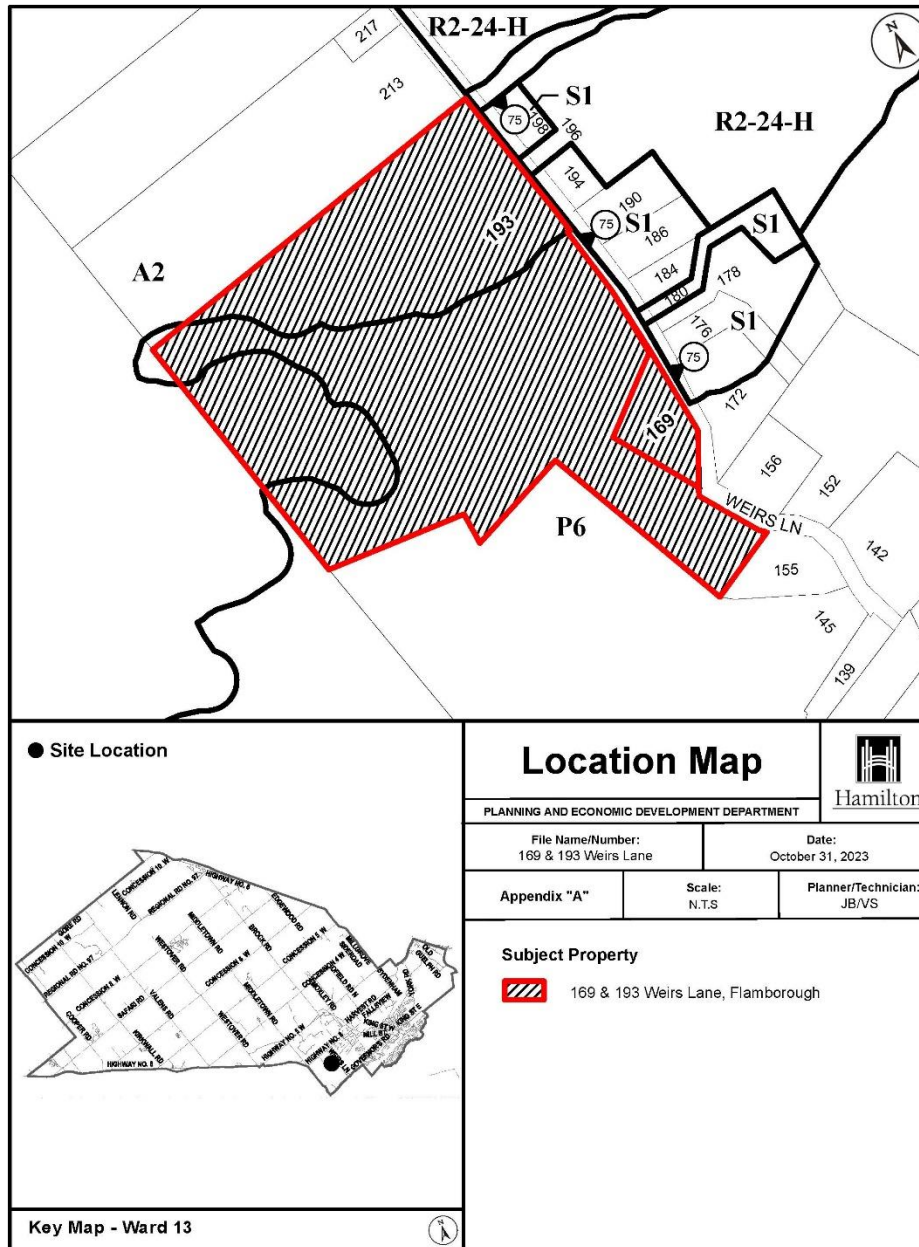


SUBJECT PROPERTY

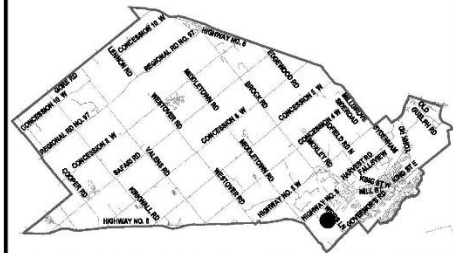


169 & 193 Weirs Lane, Flamborough





● Site Location



Key Map - Ward 13

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	
File Name/Number: 169 & 193 Weirs Lane	Date: October 31, 2023
Appendix "A"	Scale: N.T.S.
Planner/Technician: JB/VS	

Subject Property
 169 & 193 Weirs Lane, Flamborough



169 Weirs Lane - looking east



169 Weirs Lane - looking west



169 Weirs Lane



193 Weirs Lane - looking east



Looking east at the northern property line of the Subject Lands



193 Weirs Lane



THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE

CITY OF HAMILTON

NOTICE OF MOTION

Planning Committee Date: January 16, 2024

MOVED BY COUNCILLOR J.P. Danko

1065 Paramount Drive Non-Statutory Public Meeting

WHEREAS, Urban Hamilton Official Plan Amendment Application UHOPA-23-005 and Zoning By-law Amendment Application ZAC-23-006 for Lands Located at 1065 Paramount Drive, Stoney Creek were received on November 18, 2022 and were deemed to be complete on December 13, 2022;

WHEREAS, an appeal of these applications by the proponent for non-decision was received by the City Clerk's Office on January 3, 2024, 411 days after the receipt of the applications;

WHEREAS, the City of Hamilton adopted Council's Procedures for Appeals on February 28, 2018;

- (i) Where an appellant has agreed to postpone the scheduling of any hearing event until such time as Planning Committee has had an opportunity to consider the matter and that agreement has been communicated to the Ontario Municipal Board or its successor, that Planning staff be directed to process those matters accordingly and bring those matters to Planning Committee at a non-statutory public meeting for consideration and for direction to be given to the City Solicitor;
- (ii) Where an appellant does not agree as described in (i), that Planning and Legal Services be directed to report back on the specific matter for further instructions or direction;
- (iii) That the City Solicitor be instructed to oppose these appeals until such time as further instruction is given on any specific appeal.

THEREFORE BE IT RESOLVED:

That staff be directed to schedule a non-statutory public meeting and give notice in accordance with the notice requirements of the Planning Act for Urban Hamilton Official Plan Amendment Application UHOPA-23-005 and Zoning By-law Amendment Application ZAC-23-006 for Lands Located at 1065 Paramount Drive, Stoney Creek.