



PLANNING COMMITTEE REPORT 21-006

April 20, 2021

9:30 a.m.

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

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

Also in Attendance: Councillors A. VanderBeek and T. Jackson

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

1. Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED21075) (City Wide) (Item 7.1)

That Report PED21075 respecting Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications, be received.

2. Update re: Local Planning Appeal Tribunal Case No. LC200004 (271 Bay St. N, 107 Stuart St. & 34-36 Tiffany St.) (LS21017) (Ward 2) (Added Item 7.2)

That Report LS21017 respecting Update re: Local Planning Appeal Tribunal Case No. LC200004 (271 Bay St. N, 107 Stuart St. & 34-36 Tiffany St.), be received.

3. LCBO Holiday Hours (PED21102/LS21015) (City Wide) (Added Item 7.3)

That Report PED21102/LS21015 respecting LCBO Holiday Hours, be received.

4. Update re: Local Planning Appeal Tribunal Case No. PL170858 (34 11th Concession Road East and 1800 Highway 6) (LS20032(a)) (Ward 15) (Added Item 7.4)

That Report LS20032(a) respecting Update re: Local Planning Appeal Tribunal Case No. PL170858 (34 11th Concession Road East and 1800 Highway 6), be received.

5. Draft Parking Master Plan (PED20051(a)) (City Wide) (Item 8.1)

- (a) That staff be directed to consult with the public on the Draft Parking Master Plan (PMP) attached as Appendix “A” to Report PED20051(a) and report back to the Planning Committee on the results of the public consultation and with the recommended Final PMP;
- (b) That staff be directed to continue to advance and report back as needed on actions emerging from the Parking Master Plan for which the need has been accelerated by the effects of COVID-19, such as adapting curb-side parking and loading to support short pick-up and deliveries and creation of a monthly parking “flex-pass” that allows commuters greater flexibility to switch between working from home, commuting by car, or taking sustainable transportation modes.

6. Application for a Zoning By-law Amendment for Lands Located at 18 Miles Road (Hamilton) (PED21072) (Ward 7) (Item 9.1)

- (a) That Zoning By-law Amendment Application ZAR-19-026 by A.J. Clarke and Associates Ltd. on behalf of David Daniels, Owner, for a change in zoning from the “AA” (Agricultural) District to the “C” (Urban Protected Residential, etc.) District (Block 1) and from the “B” (Suburban Agriculture and Residential, etc.) District to the “C” (Urban Protected Residential, etc.) District (Block 2), to permit the lands to be developed for four single detached dwellings on lands located at 18 Miles Road (Hamilton), as shown on Appendix “A” to Report PED21072 be APPROVED, on the following basis:
 - (i) That the draft By-law, attached as Appendix “B” to Report PED21072, 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 (PPS, 2020), and conforms to a Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended;
 - (iii) That the proposed change in zoning complies with the Urban Hamilton Official Plan; and,
- (b) That the public submissions were received and considered by the Committee in approving the application.

7. Application for Approval of a Draft Plan of Subdivision and Draft Plan of Condominium (Common Element) for Lands Located at 1288 Baseline Road, Stoney Creek (PED21073) (Ward 10) (Item 9.2)

- (a) That Draft Plan of Subdivision application 25T-201904, by IBI Group, on behalf of Trillium Housing Highbury Non-Profit Corp., Owner to establish a Draft Plan of Subdivision on lands located at 1288 Baseline Road (Stoney Creek), as shown on Appendix “A”, attached to Report PED21073, be APPROVED subject to the following conditions:
 - (i) That this approval apply to the Draft Plan of Subdivision application 25T-201904 prepared and certified by S.D. McLaren, dated March 14, 2019, consisting of one development block (Block 1) attached as Appendix “B” to Report PED21073;
 - (ii) That the Special Conditions of Draft Plan of Subdivision Approval 25T-201904, attached as Appendix “C” to Report PED21073, be received and endorsed by City Council;
 - (iii) That payment of Cash-in-Lieu of Parkland be required, pursuant to Section 51 of the *Planning Act*, with the calculation of parkland payment to be based on the value of the lands on the day prior to the day of issuance of each building permit, and in the case of multiple residential blocks, prior to the issuance of the first building permit, all in accordance with the Financial Policies for Development and the City’s Parkland Dedication By-law, as approved by Council;
 - (iv) That the Owner enter into a Standard Form, Subdivision Agreement, with Special Conditions attached as Appendix “C” to Report PED21073.
- (b) That Draft Plan of Condominium application 25CDM-201904, by IBI Group, on behalf of Trillium Housing Highbury Non-Profit Corp., Owner to establish a Draft Plan of Condominium (Common Element) to create a condominium road network, sidewalks, landscaped areas, outdoor amenity areas, visitor parking areas and centralized mailboxes, on lands located at 1288 Baseline Road (Stoney Creek), as shown on Appendix “A”, attached to Report PED21073, be APPROVED subject to the following conditions:
 - (i) That the approval for Draft Plan of Condominium (Common Element) application 25CDM-201904 applies to the plan prepared by A.T. McLaren Limited, certified by S. D. McLaren, dated March 14, 2019, consisting of a private road network, sidewalks, landscaped areas, outdoor amenity areas, visitor parking area and centralized mailboxes, in favour of 16 townhouse dwellings and 44

back to back townhouse dwellings, attached as Appendix “D” to Report PED21073;

- (ii) That the conditions of Draft Plan of Condominium (Common Element) Approval 25CDM-201904, attached as Appendix “E” to Report PED21073, be received and endorsed by City Council; and,
- (c) That the public submissions were received and considered by the Committee in approving the application.

8. Application for Approval of a Draft Plan of Subdivision and Draft Plan of Condominium (Common Element) for Lands Located at 3253, 3263, 3269, 3275, 3287, 3307, 3311, 3313 and 3323 Homestead Drive, Glanbrook (PED21074) (Ward 11) (Item 9.3)

- (a) That Draft Plan of Subdivision application 25T-202007, by Wellings Planning Consultants Inc., on behalf of 1804482 Ontario Ltd. (Sonoma Homes), Owner to establish a Draft Plan of Subdivision on lands located at 3253, 3263, 3269, 3275, 3287, 3307, 3311, 3313 and 3323 Homestead Drive, Glanbrook, as shown on Appendix “A”, attached to Report PED21074, be APPROVED, subject to the following conditions:
 - (i) That this approval apply to the Draft Plan of Subdivision application 25T-202007 prepared by A.T. McLaren Limited certified by S.D. McLaren, dated July 30, 2020, consisting of one development block (Block 1) for 67 street townhouse dwellings, and attached as Appendix “B” to Report PED21074;
 - (ii) That the Special Conditions of Draft Plan of Subdivision Approval 25T-202007 attached as Appendix “C” to Report PED21074, be received and endorsed by City Council;
 - (iii) That payment of Cash-in-Lieu of Parkland be required, pursuant to Section 51 of the *Planning Act*, prior to the building permit stage, and the calculation for the payment be based on the value of the lands on the day, prior to the day of issuance of each building permit, to which payment shall be based on the value of the land on the day, prior to the issuance of the first building permit, for each said Block, with the calculation of the Cash-in-Lieu of parkland payment based on the value of the lands on the day prior to the issuance of each building permit, and in the case of multiple residential blocks, prior to the issuance of the first building permit, all in accordance with the Financial Policies for Development and the City’s Parkland Dedication By-law, as approved by Council;

- (iv) That the Owner enter into a Standard Form, Subdivision Agreement, with Special Conditions attached as Appendix “C” to Report PED21074;
 - (v) That in accordance with the City’s Comprehensive Development Guidelines and Financial Policies Manual (2017), there will be no cost sharing for this subdivision;
 - (b) That Draft Plan of Condominium application 25CDM-202012, Wellings Planning Consultants Inc., on behalf of 1804482 Ontario Ltd. (Sonoma Homes), Owner to establish a Draft Plan of Condominium (Common Element) to create a private condominium road network, sidewalks, landscaped areas, outdoor amenity areas, visitor parking areas, a private storm water management pond and centralized mailboxes, on lands located at 3253, 3263, 3269, 3275, 3287, 3307, 3311, 3313 and 3323 Homestead Drive, Glanbrook as shown on Appendix “A” to Report PED21074, be APPROVED, subject to the following conditions:
 - (i) That the approval for Draft Plan of Condominium (Common Element) application 25CDM-202012 applies to the plan prepared by A.T. McLaren Limited, certified by S. D. McLaren, dated December 21, 2020, consisting of a private road network, sidewalks, landscaped areas, outdoor amenity areas, visitor parking areas, a private storm water management pond and centralized mailboxes, in favour of 67 street townhouse dwellings, attached as Appendix “D” to Report PED21074;
 - (ii) That the conditions of Draft Plan of Condominium (Common Element) Approval 25CDM-202012, attached as Appendix “E” to Report PED21074, be received and endorsed by City Council.
 - (c) That there were no public submissions received regarding this matter.
9. **Secondary Dwelling Units in the Urban and Rural Areas - Zoning By-law and associated implementation amendments to the Parkland Dedication By-law and Tariff of Fees By-law for Minor Variance Applications (Committee of Adjustment Application Fee) (CI 20-E and CI 21-A) (PED20093(a)) (City Wide) (Item 10.1) (Item 10.1)**
- (a) That City Initiative 21-A respecting amendments to Zoning By-law No. 05-200 to add new regulations respecting interpretations of the Zoning By-law and to delete and replace the accessory building and structures regulations that have been identified to require revisions as a result of introducing Secondary Dwelling Unit Regulations and gaps within the regulations, be approved on the following basis:

- (i) That the draft By-law to amend Zoning By-law No. 05-200, attached as Appendix “A1” to Report PED20093(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2020), conform with A Place to Grow Plan, as amended (2019) and comply with the Rural and Urban Hamilton Official Plans.
- (b) That City Initiative 20-E respecting amendments to Zoning By-law No. 05-200 and the Zoning By-laws applicable to the Town of Ancaster, Town of Dundas, Town of Flamborough, Township of Glanbrook, City of Hamilton, and City of Stoney Creek Zoning By-laws, to amend the zoning by-law regulations for single detached dwellings, semi-detached dwellings and townhouse dwellings, to permit secondary dwelling units, either as an accessory unit within the dwelling, within a detached structure accessory to the principle dwelling unit, or both, be approved on the following basis:
- (i) That the draft By-law to amend Zoning By-law No. 05-200, attached as Appendix “A2” to Report PED20093(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the draft By-law to amend the Town of Ancaster Zoning By-law No. 87-57, attached as Appendix “B”, **as amended as follows**, to Report PED20093(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

Section 9.14.1 (b)

- (ii) A minimum ~~4.2 m~~ **1.5 m** Side Yard shall be provided which shall unobstructed and not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod.
 - (iii) A minimum ~~4.2 m~~ **1.5 m** Rear Yard shall be provided which shall unobstructed and not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod.
- (iii) That the draft By-law to amend the Town of Dundas Zoning By-law No. 3581-86, attached as Appendix “C” to Report PED20093(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (iv) That the draft By-law to amend Town of Flamborough Zoning By-law No. 90-145-Z, attached as Appendix “D” to Report

- PED20093(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (v) That the draft By-law to amend Township of Glanbrook Zoning By-law No. 464, attached as Appendix “E” to Report PED20093(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (vi) That the draft By-law to amend City of Hamilton Zoning By-law No. 6593, attached as Appendix “F” to Report PED20093(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (vii) That the draft By-law to amend City of Stoney Creek Zoning By-law No. 3692-92, attached as Appendix “G” to Report PED20093(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (viii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2020), conform with A Place to Grow Plan, as amended (2019) and comply with the Rural and Urban Hamilton Official Plans.
- (c) That the following By-laws respecting amendments to Zoning By-law No. 6593 be repealed in their entirety once the proposed By-law, attached as Appendix “F” to Report PED20093(a), are final and binding:
- (i) By-law No.19-307, the Temporary Use By-law respecting second Dwelling Units for Certain Lands Bounded by Queen Street, Hamilton Harbour, the former Hamilton/Dundas Municipal boundary, Niagara Escarpment, Upper Wellington Street, the former Ancaster/Hamilton Municipal boundary, and the former Hamilton/Glanbrook Municipal boundary;
 - (ii) By-law No. 18-299 respecting Second Dwelling Units (Laneway Houses) for Certain Lands Bounded by Highway 403, Burlington Street, Red Hill Valley and the Escarpment.
- (d) That the draft By-law to amend the Parkland Dedication By-law No. 18-126, attached as Appendix “H1” to Report PED20093(a), be enacted by City Council.
- (e) That the draft By-law to amend the Tariff of Fees By-law No. 12-282, as amended by By-law No. 19-108, to introduce a reduced fee for Committee of Adjustment applications for secondary dwelling units, attached as Appendix “H2” to Report PED20093(a), be enacted by City Council.

- (f) That the matter respecting Second Dwelling Units – Options to Increase Housing Supply in Hamilton’s Low Density Existing Housing Stock be considered complete and removed from the Planning Committee’s Outstanding Business List; and,
- (g) That staff be directed to amend the draft Zoning By-law regulations for Secondary Dwelling Units to add Schedules that were inadvertently omitted and to amend certain regulations in response to public input, on the following basis:
 - 1. Add regulations and special figures to identify Carlisle, Lynden, Freelon, Greenville and lands south of Highway 8 within the Niagara Escarpment Plan Area to implement the Rural Hamilton Official Plan policy that prohibits secondary dwelling units in principle dwellings. (Zoning By-law No. 05-200)
 - 2. Add a site specific exception for the through lot properties located at Nos. 12 to 26 Bruce Street (even side only) to establish Bruce Street as the front lot line so these properties would be permitted to have a detached Secondary dwelling unit. (Hamilton Zoning By-law No. 6593)
 - 3. Add definition of ‘laneway’ and ensure lots abutting a laneway are not considered as through lots. (Hamilton Zoning By-law No. 6593 and 3581-86 (Dundas))
 - 4. Permit SDUs fronting a laneway to have reduced rear yard setback of 0.3 m to maintain interface with laneway and to permit permeable pavers within this setback. (Hamilton Zoning By-law No. 6593 and 3581-86 (Dundas)))
 - 5. Delete the maximum height of the visual barrier that screens the amenity area of the detached SDU. (all Zoning By-laws)
 - 6. Delete the regulation that requires a maximum 40 m linear distance between from the front lot line to entrances of the detached SDU. (all Zoning By-laws)
- (h) That under the proposed changes to Zoning By-Law Number 6593, that the size of Secondary Dwelling Units either in the dwelling or the detached secondary dwelling unit, or both, be limited to a maximum of two bedrooms as defined by the Building Code.
- (i) That Zoning By-law No. 6593 be further amended to deem the front entrance of the principle dwelling as the front lot line for the purposes of through lots which would allow for detached secondary dwelling units.

- (j) That Section 19.1.(1) (ii) (6) of Zoning By-law Number 6593 be amended to exclude additional floor area that is required for accessibility requirements.
- (k) That the public submissions were received and considered by the Committee in approving the City Initiative.

**10. Dedicated Mohawk College Enforcement (PED18220(b)) (City Wide)
(Outstanding Business List Item) (Item 10.2)**

- (a) That a 12-month extension of the temporary Parking Enforcement Officer for the Mohawk College Precinct be approved;
- (b) That the estimated gross annual cost of \$86,900 and a net cost of \$0 continue to be funded from the Tax Stabilization Reserve;
- (c) That staff report back with results and recommendations following the 12-months at the end of Q1 2022.

**11. Request for Direction to proceed with Appeal of Committee of Adjustment
Decision to Approve Minor Variance Application HM/A-20:271, for lands
located at 121 and 125 King Street East, Hamilton (PED21084) (Ward 2)
(Added Item 10.4)**

That staff be directed to withdraw the appeal letter, which was filed by staff against the decision of the Committee of Adjustment to the Local Planning Appeal Tribunal, in order to allow the Committee of Adjustment's decision to permit multiple dwelling on the ground floor of the subject property to stand, on the following conditions (as per Option #2 in Report PED21084):

- (i) That no further appeals are filed by the applicant; and,
- (ii) That the applicant confirms there will be no residential development on King Street frontage.

**12. Ancaster Tennis Club – 291 Lodor Street – Waiving of Site Plan Application
Fee (Item 11.1)**

WHEREAS, the lands located at 291 Lodor Street have received Conditional Site Plan Approval (SPA-19-114) for the construction of an air supported dome to cover the existing tennis court and storage building;

WHEREAS, Condition 1c of the Standard Site Plan conditions states that in the event a building permit for the proposed development has not been issued within one year from the date of Site Plan approval, the approval shall lapse; and,

WHEREAS, Site Plan approval for SPA-19-114 lapsed on September 26, 2020 and a new Site Plan application and fee is required for a building permit to be issued;

THEREFORE BE IT RESOLVED:

That staff be directed to waive the City of Hamilton fee for the required Site Plan Application for 291 Lodor Street (SPA-19-114).

13. 2004 Glancaster Road, Braun Nursery – Waiving of Moratorium for a Minor Variance Application (Item 11.2)

WHEREAS, Bill 73, *Smart Growth for our Communities Act*, 2015 placed a moratorium for Minor Variance applications within 2 years of passing a site specific zoning by-law amendment;

WHEREAS, the application as presented in Report PED20130 for lands including 2004 Glancaster Road was approved by Council on September 30, 2020 and is currently within the 2 year moratorium which will end September 30, 2022;

WHEREAS, Council may waive this moratorium on a site specific basis, to allow the applicant to make an application to the Committee of Adjustment;

WHEREAS, the application as presented in Report PED20130 was approved for a maximum height of 10.5 metres and any proposed height increases cannot proceed without an amendment to the Zoning By-law; and,

WHEREAS, Fothergill Planning and Development Inc. on behalf of Braun Nursery Limited submitted Site Plan Amendment application SPAR-20-119, where a variance for the maximum height was identified to implement the final building proposal;

THEREFORE BE IT RESOLVED:

That Council provide authorization to Braun Nursery Limited and Fothergill Planning and Development Inc. to apply for a Minor Variance for lands located at 2004 Glancaster Road in order to permit a building height of 11.5 metres and to vary a site specific by-law approved within the last 2 years.

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

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

1. COMMUNICATIONS (Item 5)

- 5.1 Lakewood Beach Community Council respecting Loophole in Urban Hamilton Official Plan re: Noise Mitigation

2. DELEGATION REQUESTS (Item 6)

- 6.2 Greg Hart respecting 196 Dundurn – Demolition Permit – WITHDRAWN
- 6.4 John Ariens, IBI Group, respecting 125-129 Robert Street (UHOP-17-033 and ZAC-17-073) (For today's meeting)
- 6.5 Delegations respecting the OPA's Farm Labour House Policy (For the May 4th Planning Committee meeting)
 - (i) Prem Tewari
 - (ii) Hardeep Singh

3. CONSENT ITEMS (Item 7)

- 7.2 Update re: Local Planning Appeal Tribunal Case No. LC200004 (271 Bay St. N, 107 Stuart St. & 34-36 Tiffany St.) (LS21017) (Ward 2)
- 7.3 LCBO Holiday Hours (PED21102/LS21015) (City Wide)
- 7.4 Update re: Local Planning Appeal Tribunal Case No. PL170858 (34 11th Concession Road East and 1800 Highway 6) (LS20032(a)) (Ward 15)

4. PUBLIC MEETINGS / DELEGATIONS (Item 9)

- 9.1 Application for a Zoning By-law Amendment for Lands Located at 18 Miles Road (Hamilton) (PED21072) (Ward 7)
 - (a) Added Written Submissions:
 - (i) Edward L. VanBeek

- 9.2 Application for Approval of a Draft Plan of Subdivision and Draft Plan of Condominium (Common Element) for Lands Located at 1288 Baseline Road, Stoney Creek (PED21073) (Ward 10)

(a) Added Written Submissions:

- (i) Aldo Castelli
- (ii) Heung Seog Kang

5. DISCUSSION ITEMS (Item 10)

- 10.1 Secondary Dwelling Units in the Urban and Rural Areas - Zoning By-law and associated implementation amendments to the Parkland Dedication By-law and Tariff of Fees By-law for Minor Variance Applications (Committee of Adjustment Application Fee) (CI 20-E and CI 21-A) (PED20093(a)) (City Wide) (Deferred from the April 6, 2021 Planning Committee meeting)

(a) Added Written Submissions:

- (v) Chris Harrison
- (w) Diana Meskauskas
- (x) West End Home Builders' Association

(b) Added Registered Delegation:

- (i) Jeff Medeiros

- 10.3 Demolition Permit - 196 Dundurn Street South (PED21058) (Ward 1) – WITHDRAWN

- 10.4 Request for Direction to proceed with Appeal of Committee of Adjustment Decision to Approve Minor Variance Application HM/A-20:271, for lands located at 121 and 125 King Street East, Hamilton (PED21084) (Ward 2)

(a) Written Comment:

- (i) David Horwood, Effort Trust

The agenda for the April 20, 2021 meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

None declared.

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

(i) April 6, 2021 (Item 4.1)

The Minutes of the April 6, 2021 meeting were approved, as presented.

(d) COMMUNICATIONS (Item 5)

(i) Lakewood Beach Community Council respecting Loophole in Urban Hamilton Official Plan re: Noise Mitigation (Added Item 5.1)

The correspondence from Lakewood Beach Community Council respecting Loophole in Urban Hamilton Official Plan re: Noise Mitigation, was received.

(e) DELEGATION REQUESTS (Item 6)

(i) Delegation Requests (Item 6.1)

The following Delegation Requests were approved, as follows:

- 6.1 Michael Sullivan, LandPro Planning Solutions Inc. respecting Approval to Appeal Committee of Adjustment File GL/B-20:16 (5020 Tyneside Road) to LPAT - Settlement Offer (For the May 4th meeting)
- 6.3 Delegation Requests for Secondary Dwelling Units (For today's meeting (Item 10.1)
 - (a) Donna Bacher, President, Realtors Association of Hamilton-Burlington
- 6.4 John Ariens, IBI Group, respecting 125-129 Robert Street (UHOP-17-033 and ZAC-17-073) (For today's meeting)
- 6.5 Delegations respecting the OPA's Farm Labour House Policy (For the May 4th Planning Committee meeting)
 - (i) Prem Tewari
 - (ii) Hardeep Singh

(f) STAFF PRESENTATIONS (Item 8)

(i) Draft Parking Master Plan (PED20051(a)) (City Wide) (Item 8.1)

Brian Hollingworth, Director of Transportation Planning and Parking, and Peter Richards, Adam Wenneman and Attila Hertel, with IBI Group, addressed the Committee with the aid of a PowerPoint presentation.

The presentation from Brian Hollingworth, Director of Transportation Planning and Parking, and Peter Richards, Adam Wenneman and Attila Hertel, with IBI Group, respecting the Draft Parking Master Plan, was received.

For further disposition of this matter, refer to Item 5.

(g) 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, Draft Plan of Subdivision and Draft Plan of Condominium 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) Application for a Zoning By-law Amendment for Lands Located at 18 Miles Road (Hamilton) (PED21072) (Ward 7) (Item 9.1)

No members of the public were registered as Delegations.

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

The staff presentation was received.

Franz Kloibhofer, AJ Clarke & Associates, was in attendance and indicated support for the staff report.

The delegation from Franz Kloibhofer, AJ Clarke & Associates, was received.

The following written submission (Item 9.1(a)), was received:

- (i) Edward L. VanBeek, in Opposition to the application.

The public meeting was closed.

- (a) That Zoning By-law Amendment Application ZAR-19-026 by A.J. Clarke and Associates Ltd. on behalf of David Daniels, Owner, for a change in zoning from the “AA” (Agricultural) District to the “C” (Urban Protected Residential, etc.) District (Block 1) and from the “B” (Suburban Agriculture and Residential, etc.) District to the “C” (Urban Protected Residential, etc.) District (Block 2), to permit the lands to be developed for four single detached dwellings on lands located at 18 Miles Road (Hamilton), as shown on Appendix “A” to Report PED21072 be APPROVED, on the following basis:

- (i) That the draft By-law, attached as Appendix “B” to Report PED21072, 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 (PPS, 2020), and conforms to a Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended;
- (iii) That the proposed change in zoning complies with the Urban Hamilton Official Plan.

The recommendations in Report PED21072 were **amended** by adding the following sub-section (b):

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

For disposition of this matter, refer to Item 6.

- (ii) **Application for Approval of a Draft Plan of Subdivision and Draft Plan of Condominium (Common Element) for Lands Located at 1288 Baseline Road, Stoney Creek (PED21073) (Ward 10) (Item 9.2)**

No members of the public were registered as Delegations.

The staff presentation was waived.

Tracy Tucker with IBI Group, was in attendance and indicated support for the staff report.

The delegation from Tracy Tucker with IBI Group, was received.

The following written submissions (Item 9.2(a)), were received:

- (i) Aldo Castelli, in Opposition to the application.
- (ii) Heung Seog Kang, in Opposition to the application.

The public meeting was closed.

- (a) That Draft Plan of Subdivision application 25T-201904, by IBI Group, on behalf of Trillium Housing Highbury Non-Profit Corp., Owner to establish a Draft Plan of Subdivision on lands located at 1288 Baseline Road (Stoney Creek), as shown on Appendix “A”, attached to Report PED21073, be APPROVED subject to the following conditions:
 - (i) That this approval apply to the Draft Plan of Subdivision application 25T-201904 prepared and certified by S.D. McLaren, dated March 14, 2019, consisting of one development block (Block 1) attached as Appendix “B” to Report PED21073;
 - (ii) That the Special Conditions of Draft Plan of Subdivision Approval 25T-201904, attached as Appendix “C” to Report PED21073, be received and endorsed by City Council;
 - (iii) That payment of Cash-in-Lieu of Parkland be required, pursuant to Section 51 of the *Planning Act*, with the calculation of parkland payment to be based on the value of the lands on the day prior to the day of issuance of each building permit, and in the case of multiple residential blocks, prior to the issuance of the first building permit, all in accordance with the Financial Policies for Development and the City’s Parkland Dedication By-law, as approved by Council;
 - (iv) That the Owner enter into a Standard Form, Subdivision Agreement, with Special Conditions attached as Appendix “C” to Report PED21073.
- (b) That Draft Plan of Condominium application 25CDM-201904, by IBI Group, on behalf of Trillium Housing Highbury Non-Profit Corp., Owner to establish a Draft Plan of Condominium (Common Element) to create a condominium road network, sidewalks, landscaped areas, outdoor amenity areas, visitor parking areas and centralized mailboxes, on lands located at 1288 Baseline Road

(Stoney Creek), as shown on Appendix “A”, attached to Report PED21073, be APPROVED subject to the following conditions:

- (i) That the approval for Draft Plan of Condominium (Common Element) application 25CDM-201904 applies to the plan prepared by A.T. McLaren Limited, certified by S. D. McLaren, dated March 14, 2019, consisting of a private road network, sidewalks, landscaped areas, outdoor amenity areas, visitor parking area and centralized mailboxes, in favour of 16 townhouse dwellings and 44 back to back townhouse dwellings, attached as Appendix “D” to Report PED21073;
- (ii) That the conditions of Draft Plan of Condominium (Common Element) Approval 25CDM-201904, attached as Appendix “E” to Report PED21073, be received and endorsed by City Council.

The recommendations in Report PED21073 were ***amended*** by adding the following sub-section (c):

- (c) ***That the public submissions in the staff report were received and considered by the Committee in approving the application.***

For disposition of this matter, refer to Item 7.

- (iii) **Application for Approval of a Draft Plan of Subdivision and Draft Plan of Condominium (Common Element) for Lands Located at 3253, 3263, 3269, 3275, 3287, 3307, 3311, 3313 and 3323 Homestead Drive, Glanbrook (PED21074) (Ward 11) (Item 9.3)**

No members of the public were registered as Delegations.

The staff presentation was waived.

Glenn Wellings with Wellings Planning, and Michael Chiaravalle with Sonoma Homes, were in attendance and indicated support for the staff report.

The delegation from Glenn Wellings with Wellings Planning, and Michael Chiaravalle with Sonoma Homes, was received.

The public meeting was closed.

- (a) That Draft Plan of Subdivision application 25T-202007, by Wellings Planning Consultants Inc., on behalf of 1804482 Ontatio Ltd. (Sonoma Homes), Owner to establish a Draft Plan of Subdivision

on lands located at 3253, 3263, 3269, 3275, 3287, 3307, 3311, 3313 and 3323 Homestead Drive, Glanbrook, as shown on Appendix "A", attached to Report PED21074, be APPROVED, subject to the following conditions:

- (i) That this approval apply to the Draft Plan of Subdivision application 25T-202007 prepared by A.T. McLaren Limited certified by S.D. McLaren, dated July 30, 2020, consisting of one development block (Block 1) for 67 street townhouse dwellings, and attached as Appendix "B" to Report PED21074;
- (ii) That the Special Conditions of Draft Plan of Subdivision Approval 25T-202007 attached as Appendix "C" to Report PED21074, be received and endorsed by City Council;
- (iii) That payment of Cash-in-Lieu of Parkland be required, pursuant to Section 51 of the *Planning Act*, prior to the building permit stage, and the calculation for the payment be based on the value of the lands on the day, prior to the day of issuance of each building permit, to which payment shall be based on the value of the land on the day, prior to the issuance of the first building permit, for each said Block, with the calculation of the Cash-in-Lieu of parkland payment based on the value of the lands on the day prior to the issuance of each building permit, and in the case of multiple residential blocks, prior to the issuance of the first building permit, all in accordance with the Financial Policies for Development and the City's Parkland Dedication By-law, as approved by Council;
- (iv) That the Owner enter into a Standard Form, Subdivision Agreement, with Special Conditions attached as Appendix "C" to Report PED21074;
- (v) That in accordance with the City's Comprehensive Development Guidelines and Financial Policies Manual (2017), there will be no cost sharing for this subdivision;
- (b) That Draft Plan of Condominium application 25CDM-202012, Wellings Planning Consultants Inc., on behalf of 1804482 Ontario Ltd. (Sonoma Homes), Owner to establish a Draft Plan of Condominium (Common Element) to create a private condominium road network, sidewalks, landscaped areas, outdoor amenity areas, visitor parking areas, a private storm water management pond and centralized mailboxes, on lands located at 3253, 3263, 3269, 3275, 3287, 3307, 3311, 3313 and 3323 Homestead Drive, Glanbrook as

shown on Appendix “A” to Report PED21074, be APPROVED, subject to the following conditions:

- (i) That the approval for Draft Plan of Condominium (Common Element) application 25CDM-202012 applies to the plan prepared by A.T. McLaren Limited, certified by S. D. McLaren, dated December 21, 2020, consisting of a private road network, sidewalks, landscaped areas, outdoor amenity areas, visitor parking areas, a private storm water management pond and centralized mailboxes, in favour of 67 street townhouse dwellings, attached as Appendix “D” to Report PED21074;
- (ii) That the conditions of Draft Plan of Condominium (Common Element) Approval 25CDM-202012, attached as Appendix “E” to Report PED21074, be received and endorsed by City Council.

The recommendations in Report PED21074 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) Delegation Respecting Secondary Dwelling Units (Item 10.1) (Item 6.3)

- (a) Donna Bacher, President, Realtors Association of Hamilton-Burlington (pre-recorded delegation) addressed the Committee in support of the City Initiative.

The delegation from Donna Bacher, President, Realtors Association of Hamilton-Burlington respecting Secondary Dwelling Units, was received.

For disposition of this matter, refer to Item 9 and (h)(i).

(v) John Ariens, IBI Group, respecting 125-129 Robert Street (UHOP-17-033 and ZAC-17-073) (For today's meeting) (Added Item 6.4)

John Ariens, IBI Group, addressed the Committee respecting 125-129 Robert Street applications for an Official Plan Amendment and Zoning By-law Amendment.

WHEREAS, the matter respecting 125-129 Robert Street (UHOP-17-033 and ZAC-17-073), was before Planning Committee in January of 2020, (Report PED20015), recommended denial of the application;

WHEREAS, the Committee amended the staff recommendations to approve the applications and added a further recommendation; and

WHEREAS, the applicant has revised the concept and is required to obtain Committee approval for the revisions.

THEREFORE, BE IT RESOLVED:

The matter respecting 125-129 Robert Street (UHOP-17-033 and ZAC-17-073), in Staff Report PED20015, was referred back to staff for further consultation with the applicant, and a report back to the Planning Committee as soon as possible.

(h) DISCUSSION ITEMS (Item 10)

- (i) Secondary Dwelling Units in the Urban and Rural Areas - Zoning By-law and associated implementation amendments to the Parkland Dedication By-law and Tariff of Fees By-law for Minor Variance Applications (Committee of Adjustment Application Fee) (CI 20-E and CI 21-A) (PED20093(a)) (City Wide) (Item 10.1) (Deferred from the April 6, 2021 Planning Committee meeting)**

Timothy Lee, Senior Planner, and Joanne Hickey-Evans, Manager of Policy Planning and Zoning By-law Reform, addressed the Committee with the aid of a PowerPoint presentation.

The staff presentation was received.

The following written submissions were received:

- 10.1.a.a. Sue Yarwood
- 10.1.a.b. Kevin DeMillk
- 10.1.a.c. Carolyn Rogers
- 10.1.a.d. ACORN Hamilton
- 10.1.a.e. Martyn Kendrick
- 10.1.a.f. Ben Fierz
- 10.1.a.g. Linda Chenoweth
- 10.1.a.h. Bianca Beraldo
- 10.1.a.i. Norman Newbery
- 10.1.a.j. Jacob Stief
- 10.1.a.k. Elizabeth Gray
- 10.1.a.l. Kathy Garneau
- 10.1.a.m. Mark Zenchuk
- 10.1.a.n. Ashley Feldman
- 10.1.a.o. Laurie Nielsen
- 10.1.a.p. Elizabeth Cook
- 10.1.a.q. Tracy Mewhort-Buist
- 10.1.a.r. Michele Corbeil
- 10.1.a.s. F.D. Fraser
- 10.1.a.t. Jeff Medeiros
- 10.1.a.u. Heather Swartz

- *10.1.a.v. Chris Harrison
- *10.1.a.w. Diana Meskauskas
- *10.1.a.x. West End Home Builders' Association

The following delegation was received:

10.1.b.i Jeff Medeiros

The Planning Committee recessed from 12:50pm to 1:20pm.

- (a) That City Initiative 21-A respecting amendments to Zoning By-law No. 05-200 to add new regulations respecting interpretations of the Zoning By-law and to delete and replace the accessory building and structures regulations that have been identified to require revisions as a result of introducing Secondary Dwelling Unit Regulations and gaps within the regulations, be approved on the following basis:
 - (i) That the draft By-law to amend Zoning By-law No. 05-200, attached as Appendix “A1” to Report PED20093(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2020), conform with A Place to Grow Plan, as amended (2019) and comply with the Rural and Urban Hamilton Official Plans.
- (b) That City Initiative 20-E respecting amendments to Zoning By-law No. 05-200 and the Zoning By-laws applicable to the Town of Ancaster, Town of Dundas, Town of Flamborough, Township of Glanbrook, City of Hamilton, and City of Stoney Creek Zoning By-laws, to amend the zoning by-law regulations for single detached dwellings, semi-detached dwellings and townhouse dwellings, to permit secondary dwelling units, either as an accessory unit within the dwelling, within a detached structure accessory to the principle dwelling unit, or both, be approved on the following basis:
 - (i) That the draft By-law to amend Zoning By-law No. 05-200, attached as Appendix “A2” to Report PED20093(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the draft By-law to amend the Town of Ancaster Zoning By-law No. 87-57, attached as Appendix “B” to Report PED20093(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

- (iii) That the draft By-law to amend the Town of Dundas Zoning By-law No. 3581-86, attached as Appendix “C” to Report PED20093(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (iv) That the draft By-law to amend Town of Flamborough Zoning By-law No. 90-145-Z, attached as Appendix “D” to Report PED20093(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (v) That the draft By-law to amend Township of Glanbrook Zoning By-law No. 464, attached as Appendix “E” to Report PED20093(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (vi) That the draft By-law to amend City of Hamilton Zoning By-law No. 6593, attached as Appendix “F” to Report PED20093(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (vii) That the draft By-law to amend City of Stoney Creek Zoning By-law No. 3692-92, attached as Appendix “G” to Report PED20093(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (viii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2020), conform with A Place to Grow Plan, as amended (2019) and comply with the Rural and Urban Hamilton Official Plans.
- (c) That the following By-laws respecting amendments to Zoning By-law No. 6593 be repealed in their entirety once the proposed By-law, attached as Appendix “F” to Report PED20093(a), are final and binding:
- (i) By-law No.19-307, the Temporary Use By-law respecting second Dwelling Units for Certain Lands Bounded by Queen Street, Hamilton Harbour, the former Hamilton/Dundas Municipal boundary, Niagara Escarpment, Upper Wellington Street, the former Ancaster/Hamilton Municipal boundary, and the former Hamilton/Glanbrook Municipal boundary;
 - (ii) By-law No. 18-299 respecting Second Dwelling Units (Laneway Houses) for Certain Lands Bounded by Highway 403, Burlington Street, Red Hill Valley and the Escarpment.

- (d) That the draft By-law to amend the Parkland Dedication By-law No. 18-126, attached as Appendix “H1” to Report PED20093(a), be enacted by City Council.
- (e) That the draft By-law to amend the Tariff of Fees By-law No. 12-282, as amended by By-law No. 19-108, to introduce a reduced fee for Committee of Adjustment applications for secondary dwelling units, attached as Appendix “H2” to Report PED20093(a), be enacted by City Council.
- (f) That the matter respecting Second Dwelling Units – Options to Increase Housing Supply in Hamilton’s Low Density Existing Housing Stock be considered complete and removed from the Planning Committee’s Outstanding Business List; and,

The recommendations in Report PED20093(a) were **amended** by adding the following sub-section (g):

- (g) ***That staff be directed to amend the draft Zoning By-law regulations for Secondary Dwelling Units to add Schedules that were inadvertently omitted and to amend certain regulations in response to public input, on the following basis:***
 - 1. ***Add regulations and special figures to identify Carlisle, Lynden, Freelon, Greensville and lands south of Highway 8 within the Niagara Escarpment Plan Area to implement the Rural Hamilton Official Plan policy that prohibits secondary dwelling units in principle dwellings. (Zoning By-law No. 05-200)***
 - 2. ***Add a site specific exception for the through lot properties located at Nos. 12 to 26 Bruce Street (even side only) to establish Bruce Street as the front lot line so these properties would be permitted to have a detached Secondary dwelling unit. (Hamilton Zoning By-law No. 6593)***
 - 3. ***Add definition of ‘laneway’ and ensure lots abutting a laneway are not considered as through lots. (Hamilton Zoning By-law No. 6593 and 3581-86 (Dundas))***
 - 4. ***Permit SDUs fronting a laneway to have reduced rear yard setback of 0.3 m to maintain interface with laneway and to permit permeable pavers within this setback. (Hamilton Zoning By-law No. 6593 and 3581-86 (Dundas)))***

5. **Delete the maximum height of the visual barrier that screens the amenity area of the detached SDU. (all Zoning By-laws)**
6. **Delete the regulation that requires a maximum 40 m linear distance between from the front lot line to entrances of the detached SDU. (all Zoning By-laws)**

Appendix "B" to Report PED20093(a), section 9.14.1 (b) (ii) and (iii) was amended as follows:

- (ii) A minimum ~~4.2 m~~ **1.5 m** Side Yard shall be provided which shall unobstructed and not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod.
- (iii) A minimum ~~4.2 m~~ **1.5 m** Rear Yard shall be provided which shall unobstructed and not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod.

The recommendations in Report PED20093(a) were **amended** by adding the following sub-section (h):

- (h) **That under the proposed changes to Zoning By-Law Number 6593, that the size of Secondary Dwelling Units either in the dwelling or the detached secondary dwelling unit, or both, be limited to a maximum of two bedrooms as defined by the Building Code.**

The recommendations in Report PED20093(a) were **amended** by adding the following sub-section (i):

- (i) **That Zoning By-law No. 6593 be further amended to deem the front entrance of the principle dwelling as the front lot line for the purposes of through lots which would allow for detached secondary dwelling units.**

The following Motion was DEFEATED.

That the recommendations in Report PED20093(a) be **amended** by adding the following sub-section (j):

- (j) (i) **That Section 19.1.(1) (ii) (6) of Zoning By-law Number 6593 be amended to exclude additional floor area that is required for accessibility requirements; and,**
- (ii) **That Section 19.1.(1) (ii) (6) of Zoning By-law Number**

6593 be amended by adding a new subsection (b) as follows:

- (b) That where the lot area is greater than 360 m², a secondary dwelling unit can be increased by 30m² up to a maximum of 105m².**

The recommendations in Report PED20093(a) were **amended** by adding the following sub-section (k):

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

Councillor Farr requested clarification on the vote for added sub-section (j) to Report PED20093(a) and the possibility of voting separately on sub-sections (j)(i) and (j)(ii).

The vote on the amendment adding section (j), was reconsidered.

The recommendations in Report PED20093(a) were **amended** by adding the following sub-section (j):

- (j) That Section 19.1.(1) (ii) (6) of Zoning By-law Number 6593 be amended to exclude additional floor area that is required for accessibility requirements.**

The following Motion was DEFEATED.

That the recommendations in Report PED20093(a) be **further amended** by adding the following sub-section (j)(ii):

- (j) (ii) That Section 19.1.(1) (ii) (6) of Zoning By-law Number 6593 be amended by adding a new subsection (b) as follows:**

- (b) That where the lot area is greater than 360 m², a secondary dwelling unit can be increased by 30m² up to a maximum of 105m².**

For disposition of this matter, refer to Item 9.

- (ii) **Request for Direction to proceed with Appeal of Committee of Adjustment Decision to Approve Minor Variance Application HM/A-20:271, for lands located at 121 and 125 King Street East, Hamilton (PED21084) (Ward 2) (Added Item 10.4)**

The following written submission was received:

10.4.a.i David Horwood, Effort Trust

For disposition of this matter, refer to Item 11.

(i) ADJOURNMENT (Item 15)

There being no further business, the Planning Committee adjourned at 2:40 p.m.

Councillor J.P. Danko
Chair, Planning Committee

Lisa Kelsey
Legislative Coordinator