



# **PLANNING COMMITTEE REPORT 21-007**

**May 4, 2021**

**9:30 a.m.**

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

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

**Also in Attendance:** Mayor F. Eisenberger and Councillor T. Jackson

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## **THE PLANNING COMMITTEE PRESENTS REPORT 21-007 AND RESPECTFULLY RECOMMENDS:**

### **1. Agriculture and Rural Affairs Committee Report 21-002 (Item 7.1)**

#### **(a) Land Needs Assessment Process (Item 10.2)**

WHEREAS, prime agricultural land is a valuable, shrinking, non-renewable resource and only 5% of the arable land in Ontario is viable for agricultural production;

WHEREAS, Hamilton's available white belt growth lands are some of the more productive food producing lands in the city, having much of it classified as Class 1 under Canada land inventory mapping; and,

WHEREAS, Hamilton has great opportunities to intensify core areas of the city while meeting the needs for growth, rebuilding core infrastructure and developing an effective transit corridor;

THEREFORE, BE IT RESOLVED:

That the Agriculture and Rural Affairs Advisory Committee respectfully recommends that the City of Hamilton establish the current urban boundary as a fixed boundary, focusing development and planning efforts on core urbanized and under-utilized areas while preserving prime

agricultural land in the white belt for the production of food, fibre and fuel for the foreseeable future.

**2. Animal Services and Ren's Pets Program (PED21079) (City Wide) (Item 7.2)**

That Report PED21079 respecting Animal Services and Ren's Pets Program, be received.

**3. City Initiative (CI) 18-A – Modifications to Site Plan Control By-law No. 15-176, as amended by By-law Nos. 18-104 and 19-026, in the Existing Residential "ER" Zone in the Town of Ancaster Zoning By-law No. 87-57 (PED21022) (Ward 12) (Item 7.3)**

(a) That City Initiative 18-A to amend Site Plan Control By-law No. 15-176 as amended by By-law Nos. 18-104 and 19-026, to make technical changes, to modify provisions for ease of interpretation and implementation of the Site Plan Control By-law, and to introduce a provision for detached Secondary Dwelling Units, as it pertains to the Existing Residential "ER" Zone in the Town of Ancaster Zoning B-law No. 87-57, be APPROVED on the following basis:

- (i) That the Draft By-law, attached as Appendix "B" to Report PED21022, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.
- (ii) That the proposed changes to the Site Plan Control By-law are consistent with the Provincial Policy Statement (PPS) 2020, conforms with A Place to Grow Plan (2019, as amended), and complies with the Urban Hamilton Official Plan.

**4. Applications for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for lands located at 354 King Street East (PED21076) (Ward 1) (Item 9.3)**

(a) That Amended Urban Hamilton Official Plan Amendment application UHOPA-20-003 by GSP Group (c/o Brenda Khes) on behalf of King West Crossing Ltd., Owner, to amend the Strathcona Secondary Plan to add a Site Specific Policy to the Mixed Use – Medium Density designation to permit a building height of 12 storeys, for a portion of the lands located at 354 King Street West, Hamilton, as shown on Appendix "A" to Report PED21076, be APPROVED on the following basis:

- (i) That the draft Official Plan Amendment attached as Appendix "B" to Report PED21076, which has been prepared in a form satisfactory to the City Solicitor, be adopted by City Council;

- (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow Plan: Growth Plan for the Greater Golden Horseshoe, 2019, as amended;
- (b) That Amended Zoning By-law Amendment application ZAC-20-008 by GSP Group (c/o Brenda Khes) on behalf of King West Crossing Ltd., Owner, for a change in zoning from the Transit Oriented Corridor Mixed Use Medium Density (TOC1, 295) Zone to the Transit Oriented Corridor Mixed Use Medium Density (TOC1, 295, 741, H120) Zone to permit a hotel with a maximum building height of 42.0 metres (12 storeys) on a portion of the lands located at 354 King Street West, Hamilton, as shown on Appendix “A” to Report PED21076, be APPROVED on the following basis:
  - (i) That the draft By-law attached as Appendix “C” to Report PED21076, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That Schedule “D”: Holding Provisions, of Zoning By-law No. 05-200; be amended by adding the following additional Holding Provision:

“H120. Notwithstanding Subsection 11.1 of this By-law, on those lands zoned Transit Oriented Corridor Mixed Use Medium Density (TOC1, 295, 741) Zone, identified on Map No. 909 of Schedule “A” – Zoning Maps and described as 354 King Street West, Hamilton, development shall be restricted in accordance with the following as:

    - (a) For such time as the Holding Provision is in place, these lands shall only be used for permitted uses, buildings and structures listed in the Transit Oriented Corridor Mixed Use Medium Density (TOC1, 295) Zone.
    - (b) Regulations

For such time as the Holding Provision is in place these lands shall be subject to the regulations of the Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone except where in conflict with the following:

    - i) No development exceeding the maximum height of 36.5 metres.

(c) Conditions for Holding Provision Removal

The Holding Provision shall, upon application by the landowner, be removed by way of an amending Zoning By-law, from all or part of the lands subject to this provision when the following condition have been satisfied:

- (i) The Owner submits, receives approval for and implements through a Site Plan Amendment, a Functional Servicing Report (FSR) that addresses such matters as, but not limited to, water servicing, required fire flow (RFF), wastewater servicing and stormwater management, all to the satisfaction of the Senior Director of Growth Management.”
    - (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms with A Place to Grow Plan: Growth Plan for the Greater Golden Horseshoe, 2019, as amended, and will comply with the Urban Hamilton Official Plan upon finalization of Urban Hamilton Official Plan Amendment No. XX.
  - (c) That upon finalization of the amending By-law, the subject lands, being Phase 1 of the proposed development, be re-designated from “Civic and Institutional” to “Commercial and Apartments” in the Strathcona Neighbourhood Plan.
  - (d) That the public submissions regarding this matter were received and considered by the Committee in approving the application.
5. **Request for Direction to proceed with Appeal of Committee of Adjustment Decision to Approve Minor Variance Application HM/A-20:258, for lands located at 1575 Upper Ottawa Street, Hamilton (PED21098) (Ward 6) (Item 10.1)**
- That staff be directed to withdraw the Appeal of Committee of Adjustment Decision to Approve Minor Variance Application HM/A-20:258, for lands located at 1575 Upper Ottawa Street, Hamilton.
6. **Waterdown Community Node Secondary Plan Study Area Project Update and Options Regarding the Interim Control By-law (By-law Nos. 20-101 and 20-102) (PED21085) (Ward 15) (Item 10.3)**

That Report PED21085 respecting Waterdown Community Node Secondary Plan  
**Council – May 12, 2021**

Study Area Project Update and Options Regarding the Interim Control By-law (By-law Nos. 20-101 and 20-102), be received.

**7. Water and Waste Water Infrastructure Upgrades to Support Intensification (Item 11.1)**

WHEREAS, the City of Hamilton will be considering the establishment of an aggressive target for the accommodation of future growth to 2051 through intensification;

WHEREAS, it is expected that the Downtown Hamilton Urban Growth Centre (UGC) will continue to be identified as a “Primary Node” for the accommodation of future intensification and as the area in the City with the highest target density;

WHEREAS, the City’s Downtown Secondary Plan Policy 6.1.13(b) states that “the processing and approval of development applications shall be contingent on the availability of water and wastewater capacity, and stormwater capacity”

WHEREAS, ensuring the Downtown Hamilton UGC is “shovel-ready” for intensification by strategically delivering key infrastructure upgrades will be critical to meeting the City’s growth targets;

WHEREAS, the City regularly undertakes lifecycle replacement of water and wastewater infrastructure throughout the city, funded through the Rates Budget;

WHEREAS, the City’s 2019 Development Charges By-law has allocated an amount of \$15 million for the 5-year planning period toward the growth-related component of infrastructure upgrades required to support planned intensification across the City;

WHEREAS, there is an opportunity to strategically align both the Rates-funded lifecycle replacement of water and wastewater infrastructure with the DC-funded capacity increases needed to support expected intensification within the Downtown Hamilton UGC;

**THEREFORE BE IT RESOLVED:**

- (a) That Planning and Economic Development and Public Works staff be directed to identify strategic locations for the upgrading of water and wastewater servicing capacity to support high potential near-term intensification opportunities within the Downtown Hamilton Urban Growth Centre; and
- (b) That Planning and Economic Development and Public Works staff jointly report back to Planning Committee with a strategy for advancing the

lifecycle replacement of water and wastewater infrastructure within these strategic locations in order to facilitate and support intensification

**FOR INFORMATION:**

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

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

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

- 6.3 John Ariens, IBI Group, respecting 1575 Upper Ottawa Street Minor Variance Appeal (Item 10.1) (For the May 4th meeting)

**2. PUBLIC MEETINGS / DELEGATIONS (Item 9)**

- 9.1 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 - WITHDRAWN

- 9.3 Applications for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for lands located at 354 King Street East (PED21076) (Ward 1)

(a) Added Registered Delegations:

(e) Aleda O'Connor

(b) Added Written Submissions:

- (a) Aleda O'Connor
- (b) Barbara Ledger
- (c) Jennifer Burt
- (d) Theo Van Kooten

The agenda for the May 4, 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 20, 2021 (Item 4.1)**

The Minutes of the April 20, 2021 meeting were approved, as presented.

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

**(i) Delegation Requests (Items 6.1 – 6.3)**

The following Delegation Requests were approved, as follows:

- 6.1 Louis Zavodni respecting Demolition Permit Conditions for 1462 Upper James Street (For the May 18, 2021 meeting)
- 6.2 Rick Bartels respecting Denial of a Site Alteration Permit (For the May 18, 2021 meeting)
- 6.3 John Ariens, IBI Group, respecting 1575 Upper Ottawa Street Minor Variance Appeal (Item 10.1) (For today's meeting)

**(e) PUBLIC HEARINGS / DELEGATIONS (Item 9)**

**(i) Delegations respecting the OPA's Farm Labour House Policy (Item 9.2)**

The following delegations addressed the Committee respecting the OPA's Farm Labour House Policy:

- (i) Prem Tewari
- (ii) Hardeep Singh

The delegations from Prem Tewari and Hardeep Singh respecting the OPA's Farm Labour House Policy, were received.

Staff was directed to review the Farm Labour House Policy and report back to the Planning Committee by Q3 2021.

Staff was directed to work with the Delegates, Prem Tewari and Hardeep Singh, to find a short-term solution to their challenges with the Farm Labour House Policy.

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 and Official Plan Amendment applications before the Committee today, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Local Planning Appeal Tribunal, and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

**(ii) Applications for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for lands located at 354 King Street East (PED21076) (Ward 1) (Item 9.3)**

Andrea Dear, Senior Planner, addressed the Committee with the aid of a PowerPoint presentation.

The staff presentation was received.

Brenda Khes with GSP Group, was in attendance and indicated support for the staff report.

The delegation from Brenda Khes with GSP Group, was received.

The following registered delegations (Item 9.1(a)), were received:

- (a) Robert Hilverth, Strathcona Shadow Dwellers, in Opposition to the application.
- (b) Wayne MacPhail, Strathcona Shadow Dwellers, in Opposition to the application.
- (c) Michael-Allan Marion, Strathcona Shadow Dwellers, in Opposition to the application.
- (d) Jennifer Kinnunen, in Opposition to the application.
- (e) Aleda O'Connor, in Opposition to the application.

The following written submissions (Item 9.1(b)), were received:

- (a) Aleda O'Connor, in Opposition to the application.
- (b) Barbara Ledger, in Opposition to the application.
- (c) Jennifer Burt, in Opposition to the application.
- (d) Theo Van Kooten, in Opposition to the application.

The public meeting was closed.

- (a) That Amended Urban Hamilton Official Plan Amendment application UHOPA-20-003 by GSP Group (c/o Brenda Khes) on behalf of King West Crossing Ltd., Owner, to amend the Strathcona Secondary Plan to add a Site Specific Policy to the Mixed Use – Medium Density designation to permit a building height of 12 storeys, for a portion of



the lands located at 354 King Street West, Hamilton, as shown on Appendix “A” to Report PED21076, be APPROVED on the following basis:

- (i) That the draft Official Plan Amendment attached as Appendix “B” to Report PED21076, which has been prepared in a form satisfactory to the City Solicitor, be adopted by City Council;
  - (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow Plan: Growth Plan for the Greater Golden Horseshoe, 2019, as amended;
- (b) That Amended Zoning By-law Amendment application ZAC-20-008 by GSP Group (c/o Brenda Khes) on behalf of King West Crossing Ltd., Owner, for a change in zoning from the Transit Oriented Corridor Mixed Use Medium Density (TOC1, 295) Zone to the Transit Oriented Corridor Mixed Use Medium Density (TOC1, 295, 741, H120) Zone to permit a hotel with a maximum building height of 42.0 metres (12 storeys) on a portion of the lands located at 354 King Street West, Hamilton, as shown on Appendix “A” to Report PED21076, be APPROVED on the following basis:
- (i) That the draft By-law attached as Appendix “C” to Report PED21076, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That Schedule “D”: Holding Provisions, of Zoning By-law No. 05-200; be amended by adding the following additional Holding Provision:
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      - a. For such time as the Holding Provision is in place, these lands shall only be used for permitted uses, buildings and structures listed in the Transit Oriented Corridor Mixed Use Medium Density (TOC1, 295) Zone.

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For such time as the Holding Provision is in place these lands shall be subject to the regulations of the Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone except where in conflict with the following:

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The Holding Provision shall, upon application by the landowner, be removed by way of an amending Zoning By-law, from all or part of the lands subject to this provision when the following condition have been satisfied:

- i) The Owner submits, receives approval for and implements through a Site Plan Amendment, a Functional Servicing Report (FSR) that addresses such matters as, but not limited to, water servicing, required fire flow (RFF), wastewater servicing and stormwater management, all to the satisfaction of the Senior Director of Growth Management.”
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- (c) That upon finalization of the amending By-law, the subject lands, being Phase 1 of the proposed development, be re-designated from

“Civic and Institutional” to “Commercial and Apartments” in the Strathcona Neighbourhood Plan.

The recommendations in Report PED21076 were **amended** by adding the following sub-section (d):

- (d) ***That the public submissions were received and considered by the Committee in approving the application.***
- (a) That the recommendations in Report PED21076 be **amended** to DENY the applications, as follows:
  - (i) That Amended Urban Hamilton Official Plan Amendment application UHOPA-20-003 by GSP Group (c/o Brenda Khes) on behalf of King West Crossing Ltd., Owner, to amend the Strathcona Secondary Plan to add a Site Specific Policy to the Mixed Use – Medium Density designation to permit a building height of 12 storeys, for a portion of the lands located at 354 King Street West, Hamilton, as shown on Appendix “A” to Report PED21076, be DENIED on the following basis:
    - (a) The proper Planning process was not followed;
    - (b) The additional height is unknown; and,
    - (c) The design is not in keeping with the Urban Design Guidelines.

The above Motion was DEFEATED.

For disposition of this matter, refer to Item 4.

The Planning Committee recessed from 12:33pm until 1:00pm.

**(iii) John Ariens, IBI Group, respecting 1575 Upper Ottawa Street Minor Variance Appeal (Item 10.1) (Added Item 6.3)**

John Ariens, IBI Group, addressed the Committee respecting 1575 Upper Ottawa Street Minor Variance Appeal.

The delegation from John Ariens, IBI Group respecting 1575 Upper Ottawa Street Minor Variance Appeal, was received.

For disposition of this matter, refer to Item 5.

**(f) DISCUSSION ITEMS (Item 10)**

- (i) **Request for Direction to Proceed with Appeal of Committee of Adjustment Consent and Minor Variance Applications GL/B-20:61 and GL/A-20:199 for the Lands Located at 5020 Tyneside Road (Glanbrook) (PED21093) (Ward 11) (Item 10.2)**

Report PED21093 was DEFERRED to the June 15, 2021 Planning Committee meeting.

**(g) GENERAL INFORMATION / OTHER BUSINESS (Item 13)**

- (i) **General Manager's Update (Added Item 13.1)**

Jason Thorne, General Manager of Planning and Economic Development addressed the Committee to advise that the call for the 2021 Design and Architect Awards will be announced soon.

The General Manager's update was received.

**(h) ADJOURNMENT (Item 15)**

There being no further business, the Planning Committee adjourned at 1:42 p.m.

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Councillor J.P. Danko  
Chair, Planning Committee

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Lisa Kelsey  
Legislative Coordinator