



PLANNING COMMITTEE REPORT 21-014

September 21, 2021

9:30 a.m.

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

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

Leave of Absence: Councillor C. Collins

Also in Attendance: Councillors A. VanderBeek and E. Pauls

THE PLANNING COMMITTEE PRESENTS REPORT 21-014 AND RESPECTFULLY RECOMMENDS:

- 1. Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED21164) (City Wide) (Item 7.1)**

That Report PED 21164 respecting Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications, be received.

- 2. Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-20-026, Zoning By-law Amendment Application ZAC-20-041, and Draft Plan of Subdivision Application 25T-202008 for Lands Located at 870 Scenic Drive and 828 Sanatorium Road (Hamilton) (PED21162) (Ward 14) (Item 7.2)**

That Report PED21162 respecting Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-20-026, Zoning By-law Amendment Application ZAC-20-041, and Draft Plan of Subdivision Application 25T-202008 for Lands Located at 870 Scenic Drive and 828 Sanatorium Road (Hamilton), be received.

- 3. Rental Housing Pilot Program and Transition Plan (PED21097(a)) (Wards 1, 8 and Parts of Ward 14) (Outstanding Business List Item) (Item 9.1)**
- (a) That the draft By-Law “Rental Housing Units” (Schedule 31) of the City Licensing By-law 07-170, attached as Appendix “A” to Report PED2109(a), which has been prepared in a form satisfactory to the City Solicitor, be approved;
 - (b) That subject to the approval of Recommendation (a) of Report PED21097(a), Council approve the Rental Housing Licensing Fee Schedule as outlined in this report for an annual licence, which achieves full cost recovery with no net levy impact for the two-year pilot in Wards 1, 8 and parts of Ward 14;
 - (c) That subject to the approval of Recommendations (a) and (b) of Report PED21097(a), the City of Hamilton User Fees and Charges By-law 19-160 be amended to reflect the new Rental Housing Licensing Fee Schedule;
 - (d) That Council endorse the Transition Plan, attached as Appendix “B” to Report PED21097(a), to develop, implement, administer and evaluate the licensing of rental units pilot project in Wards 1, 8 and parts of Ward 14;
 - (e) That Item 21(a) respecting Regulation of Rental Housing be identified as complete and removed from the Planning Committee’s Outstanding Business List;
 - (f) That the two-year pilot project be deemed to be completed two years after the final compliance date for property owners to obtain a licence prior to enforcement; and,
 - (g) That the public submissions were received and considered by the Committee in approving the draft by-laws.
- 4. The Revitalizing Hamilton’s Commercial Districts Community Improvement Plan, Community Improvement Project Area and Associated Financial Incentive Programs (PED21035(a)) (City Wide) (Item 9.2)**
- (a) That the Revitalizing Hamilton’s Commercial Districts Community Improvement Plan, attached as Appendix “A” to Report PED21035(a), be approved;
 - (b) That existing By-law No. 16-125 “To Designate The Downtown and Community Renewal Community Improvement Project Area” be repealed on such day that the By-law enacting the Revitalizing Hamilton’s Commercial Districts Community Improvement Plan comes into effect in accordance with Subsection 28(4) of the *Planning Act*;

- (c) That existing By-law No. 16-126 “To Adopt The Downtown and Community Renewal Community Improvement Plan (2016)” be repealed on such day that the By-law enacting the Revitalizing Hamilton’s Commercial Districts Community Improvement Plan comes into effect in accordance with Subsection 28(4) of the *Planning Act*;
- (d) That By-law 10-052, as amended, being a By-law to delegate authority to the General Manager of Planning and Economic Development for financial incentive programs, be repealed on such day that the By-law enacting the Revitalizing Hamilton’s Commercial Districts Community Improvement Plan comes into effect in accordance with Subsection 28(4) of the *Planning Act*;
- (e) That the Revitalizing Hamilton’s Commercial Districts Community Improvement Project Area draft by-law, prepared in a form satisfactory to the City Solicitor and attached as Appendix “B” to Report PED21035(a), be enacted;
- (f) That the Revitalizing Hamilton’s Commercial Districts Community Improvement Plan draft by-law, prepared in a form satisfactory to the City Solicitor and attached as Appendix “C” to Report PED21035(a), be enacted;
- (g) That the following implementing Financial Incentive Program Descriptions be approved and appended to the Revitalizing Hamilton’s Commercial Districts Community Improvement Plan:
 - (i) the Commercial District Housing Opportunities Program Description attached as Appendix “D” to Report PED21035(a);
 - (ii) the Downtown and Barton/Kenilworth Housing Opportunities Program Description attached as Appendix “E” to Report PED21035(a);
 - (iii) the Revitalizing Hamilton Tax Increment Grant Program Description attached as Appendix “F” to Report PED21035(a);
 - (iv) the Barton/Kenilworth Tax Increment Grant Program Description attached as Appendix “G” to Report PED21035(a);
 - (v) the Commercial District Revitalization Grant Program Description attached as Appendix “H” to Report PED21035(a);
 - (vi) the Barton/Kenilworth Revitalization Grant Program Description attached as Appendix “I” to Report PED21035(a);

- (vii) the Gore Building Improvement Grant Program Description attached as Appendix “J” to Report PED21035(a);
 - (viii) the Start-up and Office Tenant Attraction Program Description attached as Appendix “K” to Report PED21035(a);
 - (ix) the Commercial Vacancy Assistance Program Description attached as Appendix “L” to Report PED21035(a);
 - (x) the Barton/Kenilworth Planning and Building Fees Rebate Program Description attached as Appendix “M” to Report PED21035(a).
- (h) That the Hamilton Heritage Property Grant Program Description, as a Program provided under Subsection 39(1) of the *Ontario Heritage Act* and attached as Appendix “N” to Report PED21035(a), be approved;
- (i) That the revised draft by-law to delegate authority to the General Manager of Planning and Economic Development for certain grant and loan programs, prepared in a form satisfactory to the City Solicitor and attached as Appendix “O” to Report PED21035(a), be enacted on such day that the By-law enacting the Revitalizing Hamilton’s Commercial Districts Community Improvement Plan comes into effect in accordance with Subsection 28(4) of the *Planning Act*.
- (j) That there were no public submissions received regarding the matter.
- 5. Housekeeping Amendments to the Urban Hamilton Official Plan and Rural Hamilton Official Plan and Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200 and the Zoning By-laws of the Town of Dundas, City of Stoney Creek, Town of Ancaster, City of Hamilton, Town of Flamborough and Township of Glanbrook (PED21167) (City Wide) (Outstanding Business List Item) (Item 9.3)**
- (a) That City Initiative CI-21-D – Housekeeping Amendments to the Urban Hamilton Official Plan (UHOP) and Rural Hamilton Official Plan (RHOP), to amend policies, schedules and maps in Volume 1 – Parent Plan, Volume 2 – Secondary Plans and Rural Settlement Areas, and Volume 3 – Area and Site Specific Policies of the UHOP and RHOP, in order to correct and clarify policies and mapping, be APPROVED on the following basis:
- (i) That the Draft Urban Hamilton Official Plan Amendment, attached as Appendix “A” to Report PED21167, be adopted by Council;
 - (ii) That the Draft Rural Hamilton Official Plan Amendment, attached as Appendix “B” to Report PED21167, be adopted by Council;

- (iii) That the proposed Official Plan Amendments are consistent with the Provincial Policy Statement (PPS), 2020 and conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020, as amended and the Greenbelt Plan, 2017.
- (b) That approval be given to City Initiative CI-21-E 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, as amended, attached as Appendix “E” to Report PED21167, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;

Special Exception for 9 – 11 Robert Street:

Within the lands zoned Downtown Prime Retail Streets (D2) Zone, identified on Map 911 of Schedule “A” – Zoning Maps and described as 9 – 11 Robert Street, the following special provisions shall apply:

- (a) Notwithstanding subsection 6.0b)i), a 3.0 metre setback shall not be required from the building base facade as shown in Schedule “F”
- (b) Notwithstanding subsection 6.2.3a) a minimum front yard depth of 2.5 metres shall be permitted.

Special Exception 737:

Within a portion of the lands zoned Rural (A2) Zone, identified on Maps 15 and 16 of Schedule “A22” – Zoning Maps and described as 1092 Gore Road, the following special provisions shall apply:

- (a) In addition to the uses permitted in Section 12.2.1, the following additional uses shall be permitted;
 - motor vehicle collision and repair establishment, including the repair of Motor Vehicles - Commercial; and,
 - motor vehicle service station, including the repair of Motor Vehicles - Commercial.
- (b) Section 12.6.3 b) to h), j) and k) shall apply to uses in a).
- (c) Outdoor storage shall be permitted in association with the uses permitted in a) and shall be screened from view with a visual barrier in accordance with Section 4.19 of this By-law adjacent to the street.

- (ii) That the proposed changes in zoning will be in conformity with the Urban Hamilton Official Plan (UHOP) upon approval of the Draft Urban Hamilton Official Plan Amendment No. XX, attached as Appendix “A” to Report PED21167;
 - (iii) That the proposed changes in zoning will be in conformity with the Rural Hamilton Official Plan (RHOP) upon approval of the Draft Rural Hamilton Official Plan Amendment No. XX, attached as Appendix “B” to Report PED21167;
 - (iv) 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 and the Greenbelt Plan, 2017.
- (c) That approval be given to City Initiative CI-21-E for modifications and updates to the Town of Dundas Zoning By-law No. 3581-86 on the following basis:
 - (i) That the Draft By-law, attached as Appendix “E1” to Report PED21167, 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 (UHOP) and the Rural Hamilton Official Plan (RHOP);
 - (iii) That the proposed Zoning By-law Amendment is consistent with Provincial Policy Statement (PPS), 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 and the Greenbelt Plan, 2017.
- (d) That approval be given to City Initiative CI-21-E for modifications and updates to the City of Stoney Creek Zoning By-law No. 3692-92 on the following basis:
 - (i) That the Draft By-law, attached as Appendix “E2” to Report PED21167, 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 (UHOP) and the Rural Hamilton Official Plan (RHOP);

- (iii) That the proposed Zoning By-law Amendment is consistent Provincial Policy Statement (PPS), 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020, as amended and the Greenbelt Plan, 2017.
- (e) That approval be given to City Initiative CI-21-E for modifications and updates to the Town of Ancaster Zoning By-law No. 87-57 on the following basis:
 - (i) That the Draft By-law, attached as Appendix “E3” to Report PED21167, 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 (UHOP) and the Rural Hamilton Official Plan (RHOP);
 - (iii) That the proposed Zoning By-law Amendment is consistent Provincial Policy Statement (PPS), 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020, as amended and the Greenbelt Plan, 2017.
- (f) That approval be given to City Initiative CI-21-E for modifications and updates to the City of Hamilton Zoning by-law 6593 No. on the following basis:
 - (i) That the Draft By-law, attached as Appendix “E4” to Report PED21167, 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 (UHOP) and the Rural Hamilton Official Plan (RHOP);
 - (iii) That the proposed Zoning By-law Amendment is consistent Provincial Policy Statement (PPS), 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020, as amended and the Greenbelt Plan, 2017.
- (g) That approval be given to City Initiative CI-21-E for modifications and updates to the Town of Flamborough Zoning By-law No. 90-145-Z on the following basis:
 - (i) That the Draft By-law, attached as Appendix “E5” to Report PED21167, 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 (UHOP) and the Rural Hamilton Official Plan (RHOP);
 - (iii) That the proposed Zoning By-law Amendment is consistent Provincial Policy Statement (PPS), 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020, as amended and the Greenbelt Plan, 2017.
- (h) That approval be given to City Initiative CI-21-E for modifications and updates to the Township of Glanbrook Zoning By-law No. 464 on the following basis:
 - (i) That the Draft By-law, attached as Appendix “E6” to Report PED21167, 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 (UHOP) and the Rural Hamilton Official Plan (RHOP);
 - (iii) That the proposed Zoning By-law Amendment is consistent Provincial Policy Statement (PPS), 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020, as amended and the Greenbelt Plan, 2017.
- (i) That the matter respecting Temporary Amendments to the Cash-In-Lieu of Parking Policy for the Downtown Secondary Plan Area, Item 21E, Sub-section (c) of the Planning Committee’s Outstanding Business List, be considered complete and removed from the Planning Committee’s Outstanding Business List.
- (j) That the public submissions were received and considered by the Committee in approving the Official Plan and Zoning By-law amendments.

6. Modifications and Updates to Existing Secondary Dwelling Unit Regulations (PED20093(b)) (City Wide) (Item 9.4)

- (a) That City Initiative CI-20-E respecting amendments to Hamilton 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, for modifications and updates to existing Secondary Dwelling Unit Regulations, be approved on the following basis:

- (i) That the Draft By-law to amend Zoning By-law No. 05-200, the Town of Ancaster Zoning By-law No. 87-57, Town of Dundas Zoning By-law No. 3581-86, the Town of Flamborough Zoning By-law No. 90- 145-Z, the Township of Glanbrook Zoning By-law No. 464, City of Hamilton Zoning By-law No. 6593, and the City of Stoney Creek Zoning By-law No. 3692-92, attached as Appendix “A” to Report PED20093(b), 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: Growth Plan for the Greater Golden Horseshoe (2019) and comply with the Rural and Urban Hamilton Official Plans.
 - (b) That there were no public submissions received regarding this matter.
- 7. Family Friendly Housing (PED21107) (City Wide) (Outstanding Business List Item) (Item 10.1)**
- (a) That Report PED21107, including the discussion paper titled *Encouraging Family Friendly Housing in Hamilton*, attached as Appendix “A” to Report PED21107, be received;
 - (b) That Planning Division and Housing Services Division staff be authorized to consult with the public on the Discussion Paper “*Encouraging the Development of Family Friendly Housing in Hamilton*”, attached to Report PED21107 as Appendix “A”, and report back to Planning Committee with recommended actions for encouraging and maintaining family friendly housing in the City of Hamilton;
 - (c) That Item 17E be identified as complete and removed from the Planning Committee Outstanding Business List.
- 8. Update and Instructions Regarding Ontario Land Tribunal Appeals for an Urban Hamilton Official Plan Amendment and Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 157 Upper Centennial Parkway (PED17213(a)/LS21031) (Ward 9) (Item 14.1)**
- (a) That closed session recommendations (a), (b), (c) and (d) to Report PED17213(a)/LS21031, and Appendices “A”, “B”, and “C” hereto, be approved and remain confidential until made public as the city’s position before the Ontario Land Tribunal;
 - (b) That Report PED17213(a)/LS21031, Update and instructions regarding Ontario Land Tribunal appeals for an Urban Hamilton Official Plan Amendment and amendment to the Stoney Creek Zoning By-law No.

3692-92 for lands located at 157 Upper Centennial Parkway, Stoney Creek (Ward 9) remain confidential.

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

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

1. DELEGATION REQUESTS (Item 6)

- 6.1 Patrick Harrington respecting Development Application in Ward 4 – WITHDRAWN
- 6.3 Matt Johnston, Urban Solutions, Respecting Item 7.2, Appeals re: 870 Scenic Drive and 828 Sanatorium Road (For Today's meeting) (To be heard before Item 7.2)

2. PUBLIC HEARINGS / DELEGATIONS (Item 9)

- 9.1 Rental Housing Pilot Program and Transition Plan (PED21097(a)) (Wards 1, 8 and Parts of Ward 14)

(a) Added Virtual Delegations:

- (iii) Val Per
- (iv) Joe Hoffer, Cohen Highley
- (v) Donna Bacher, Realtor's Association of Hamilton-Burlington

- 9.3 Housekeeping Amendments to the Urban Hamilton Official Plan and Rural Hamilton Official Plan and Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200 and the Zoning By-laws

(a) Added Virtual Delegations:

- (ii) Matt Johnston, Urban Solutions
- (iii) James Webb, Webb Consulting

(b) Added Written Submissions:

- (i) Sherry Hayes

3. NOTICES OF MOTION (Item 12)

12.1 Demolition Permit for 1347 Upper Wellington Street

The agenda for the September 21, 2021 meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

Councillor Pearson declared a conflict with Item 9.1, Rental Housing Pilot Program and Transition Plan, as she is a rental property landlord.

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

(i) September 7, 2021 (Item 4.1)

The Minutes of the September 7, 2021 meeting were approved, as presented.

(d) DELEGATION REQUESTS (Item 6)

(i) Delegation Requests (Item 6.2 and Added Item 6.3)

The following Delegation Requests were approved for the meetings requested:

6.2 Eileen Quinn respecting the Renaming of Woodworth Drive East
(For the October 5th meeting)

6.3 Matt Johnston, Urban Solutions, Respecting Item 7.2, Appeals re:
870 Scenic Drive and 828 Sanatorium Road (For today's meeting)

(e) PUBLIC HEARINGS / DELEGATIONS (Item 9)

**(i) Matt Johnston, Urban Solutions, Respecting Item 7.2, Appeals re:
870 Scenic Drive and 828 Sanatorium Road (Added Item 6.3)**

Matt Johnston addressed the Committee respecting Item 7.2, Appeals re:
870 Scenic Drive and 828 Sanatorium Road.

The Delegation from Matt Johnston, Urban Solutions, respecting Item 7.2,
Appeals re: 870 Scenic Drive and 828 Sanatorium Road, was received.

(f) CONSENT ITEMS (Item 7)

- (i) Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-20-026, Zoning By-law Amendment Application ZAC-20-041, and Draft Plan of Subdivision Application 25T-202008 for Lands Located at 870 Scenic Drive and 828 Sanatorium Road (Hamilton) (PED21162) (Ward 14) (Item 7.2)**

Tim Vrooman, Senior Planner, addressed the Committee with the aid of a PowerPoint presentation.

The staff presentation was received.

(g) PUBLIC HEARINGS / DELEGATIONS (Item 9 - CONTINUED)

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 City Initiatives and proposed Zoning By-law and Official Plan Amendments 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) Rental Housing Pilot Program and Transition Plan (PED21097(a)) (Wards 1, 8 and Parts of Ward 14) (Outstanding Business List Item) (Item 9.1)**

The staff presentation was waived.

Registered Delegations (Item 9.1(a)):

- (i) Paul Martindale, addressed the Committee in Opposition to the proposal.
- (ii) Anna Kusmider, Hamilton and District Apartment Association, addressed the Committee in Opposition to the proposal.
- (iii) Val Per, addressed the Committee in Opposition to the proposal.
- (iv) Joe Hoffer, Cohen Highley, addressed the Committee in Opposition to the proposal.
- (v) Donna Bacher, Realtors Association of Hamilton-Burlington, addressed the Committee in Support of the proposal, with Concerns.

The above delegations were received.

The following written submission (Item 9.2(b)), was received:

- (i) Brogan Wilson, in Opposition to the proposal.

The public meeting was closed.

- (a) That the draft By-Law “Rental Housing Units” (Schedule 31) of the City Licensing By-law 07-170, attached as Appendix “A” to Report PED2109(a), which has been prepared in a form satisfactory to the City Solicitor, be approved;
- (b) That subject to the approval of Recommendation (a) of Report PED21097(a), Council approve the Rental Housing Licensing Fee Schedule as outlined in this report for an annual licence, which achieves full cost recovery with no net levy impact for the two-year pilot in Wards 1, 8 and parts of Ward 14;
- (c) That subject to the approval of Recommendations (a) and (b) of Report PED21097(a), the City of Hamilton User Fees and Charges By-law 19-160 be amended to reflect the new Rental Housing Licensing Fee Schedule;
- (d) That Council endorse the Transition Plan, attached as Appendix “B” to Report PED21097(a), to develop, implement, administer and evaluate the licensing of rental units pilot project in Wards 1, 8 and parts of Ward 14;
- (e) That Item 21(a) respecting Regulation of Rental Housing be identified as complete and removed from the Planning Committee’s Outstanding Business List;
- (f) That the two-year pilot project be deemed to be completed two years after the final compliance date for property owners to obtain a licence prior to enforcement.

The recommendations in Report PED21097(a) were **amended** by adding the following sub-section (g):

- (g) ***That the public submissions regarding this matter were received and considered by the Committee in approving the application.***

For disposition of this matter, refer to Item 3.

(ii) **The Revitalizing Hamilton's Commercial Districts Community Improvement Plan, Community Improvement Project Area and Associated Financial Incentive Programs (PED21035(a)) (City Wide) (Item 9.2)**

No members of the public were registered as Delegations.

The staff presentation was waived.

The public meeting was closed.

- (a) That the Revitalizing Hamilton's Commercial Districts Community Improvement Plan, attached as Appendix "A" to Report PED21035(a), be approved;
- (b) That existing By-law No. 16-125 "To Designate The Downtown and Community Renewal Community Improvement Project Area" be repealed on such day that the By-law enacting the Revitalizing Hamilton's Commercial Districts Community Improvement Plan comes into effect in accordance with Subsection 28(4) of the *Planning Act*;
- (c) That existing By-law No. 16-126 "To Adopt The Downtown and Community Renewal Community Improvement Plan (2016)" be repealed on such day that the By-law enacting the Revitalizing Hamilton's Commercial Districts Community Improvement Plan comes into effect in accordance with Subsection 28(4) of the *Planning Act*;
- (d) That By-law 10-052, as amended, being a By-law to delegate authority to the General Manager of Planning and Economic Development for financial incentive programs, be repealed on such day that the By-law enacting the Revitalizing Hamilton's Commercial Districts Community Improvement Plan comes into effect in accordance with Subsection 28(4) of the *Planning Act*;
- (e) That the Revitalizing Hamilton's Commercial Districts Community Improvement Project Area draft by-law, prepared in a form satisfactory to the City Solicitor and attached as Appendix "B" to Report PED21035(a), be enacted;
- (f) That the Revitalizing Hamilton's Commercial Districts Community Improvement Plan draft by-law, prepared in a form satisfactory to the City Solicitor and attached as Appendix "C" to Report PED21035(a), be enacted;

- (g) That the following implementing Financial Incentive Program Descriptions be approved and appended to the Revitalizing Hamilton's Commercial Districts Community Improvement Plan:
 - (i) the Commercial District Housing Opportunities Program Description attached as Appendix "D" to Report PED21035(a);
 - (ii) the Downtown and Barton/Kenilworth Housing Opportunities Program Description attached as Appendix "E" to Report PED21035(a);
 - (iii) the Revitalizing Hamilton Tax Increment Grant Program Description attached as Appendix "F" to Report PED21035(a);
 - (iv) the Barton/Kenilworth Tax Increment Grant Program Description attached as Appendix "G" to Report PED21035(a);
 - (v) the Commercial District Revitalization Grant Program Description attached as Appendix "H" to Report PED21035(a);
 - (vi) the Barton/Kenilworth Revitalization Grant Program Description attached as Appendix "I" to Report PED21035(a);
 - (vii) the Gore Building Improvement Grant Program Description attached as Appendix "J" to Report PED21035(a);
 - (viii) the Start-up and Office Tenant Attraction Program Description attached as Appendix "K" to Report PED21035(a);
 - (ix) the Commercial Vacancy Assistance Program Description attached as Appendix "L" to Report PED21035(a);
 - (x) the Barton/Kenilworth Planning and Building Fees Rebate Program Description attached as Appendix "M" to Report PED21035(a).
- (h) That the Hamilton Heritage Property Grant Program Description, as a Program provided under Subsection 39(1) of the *Ontario Heritage Act* and attached as Appendix "N" to Report PED21035(a), be approved;

- (i) That the revised draft by-law to delegate authority to the General Manager of Planning and Economic Development for certain grant and loan programs, prepared in a form satisfactory to the City Solicitor and attached as Appendix "O" to Report PED21035(a), be enacted on such day that the By-law enacting the Revitalizing Hamilton's Commercial Districts Community Improvement Plan comes into effect in accordance with Subsection 28(4) of the *Planning Act*.

The recommendations in Report PED21035(a) were **amended** by adding the following sub-section (j):

- (j) ***That there were no public submissions received regarding this matter.***

For disposition of this matter, refer to Item 4.

- (iii) **Housekeeping Amendments to the Urban Hamilton Official Plan and Rural Hamilton Official Plan and Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200 and the Zoning By-laws of the Town of Dundas, City of Stoney Creek, Town of Ancaster, City of Hamilton, Town of Flamborough and Township of Glanbrook (PED21167) (City Wide) (Outstanding Business List Item) (Item 9.3)**

Heather Travis, Senior Project Manager, addressed the Committee with the aid of a PowerPoint presentation.

The staff presentation was received.

Registered Delegations (Item 9.3(a)):

- (i) James Seeley, addressed the Committee with a proposed amendment to the Official Plan.
- (ii) Matt Johnston, UrbanSolutions, addressed the Committee with a proposed amendment to the Official Plan.
- (iii) James Webb, Webb Consulting, addressed the Committee with a proposed amendment to the Official Plan.

The delegations were received.

The following written submission (Item 9.3(b)), were received:

- (i) Sherry Hayes, in Opposition to the proposed amendments to the Official Plan.

The public meeting was closed.

- (a) That City Initiative CI-21-D – Housekeeping Amendments to the Urban Hamilton Official Plan (UHOP) and Rural Hamilton Official Plan (RHOP), to amend policies, schedules and maps in Volume 1 – Parent Plan, Volume 2 – Secondary Plans and Rural Settlement Areas, and Volume 3 – Area and Site Specific Policies of the UHOP and RHOP, in order to correct and clarify policies and mapping, be APPROVED on the following basis:
 - (i) That the Draft Urban Hamilton Official Plan Amendment, attached as Appendix “A” to Report PED21167, be adopted by Council;
 - (ii) That the Draft Rural Hamilton Official Plan Amendment, attached as Appendix “B” to Report PED21167, be adopted by Council;
 - (iii) That the proposed Official Plan Amendments are consistent with the Provincial Policy Statement (PPS), 2020 and conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020, as amended and the Greenbelt Plan, 2017.
- (b) That approval be given to City Initiative CI-21-E 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 “E” to Report PED21167, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
 - (ii) That the proposed changes in zoning will be in conformity with the Urban Hamilton Official Plan (UHOP) upon approval of the Draft Urban Hamilton Official Plan Amendment No. XX, attached as Appendix “A” to Report PED21167;
 - (iii) That the proposed changes in zoning will be in conformity with the Rural Hamilton Official Plan (RHOP) upon approval of the Draft Rural Hamilton Official Plan Amendment No. XX, attached as Appendix “B” to Report PED21167;
 - (iv) 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 and the Greenbelt Plan, 2017.

- (c) That approval be given to City Initiative CI-21-E for modifications and updates to the Town of Dundas Zoning By-law No. 3581-86 on the following basis:
 - (i) That the Draft By-law, attached as Appendix “E1” to Report PED21167, 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 (UHOP) and the Rural Hamilton Official Plan (RHOP);
 - (iii) That the proposed Zoning By-law Amendment is consistent with Provincial Policy Statement (PPS), 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 and the Greenbelt Plan, 2017.
- (d) That approval be given to City Initiative CI-21-E for modifications and updates to the City of Stoney Creek Zoning By-law No. 3692-92 on the following basis:
 - (i) That the Draft By-law, attached as Appendix “E2” to Report PED21167, 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 (UHOP) and the Rural Hamilton Official Plan (RHOP);
 - (iii) That the proposed Zoning By-law Amendment is consistent Provincial Policy Statement (PPS), 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020, as amended and the Greenbelt Plan, 2017.
- (e) That approval be given to City Initiative CI-21-E for modifications and updates to the Town of Ancaster Zoning By-law No. 87-57 on the following basis:
 - (i) That the Draft By-law, attached as Appendix “E3” to Report PED21167, 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 (UHOP) and the Rural Hamilton Official Plan (RHOP);

- (iii) That the proposed Zoning By-law Amendment is consistent Provincial Policy Statement (PPS), 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020, as amended and the Greenbelt Plan, 2017.
- (f) That approval be given to City Initiative CI-21-E for modifications and updates to the City of Hamilton Zoning by-law 6593 No. on the following basis:
 - (i) That the Draft By-law, attached as Appendix “E4” to Report PED21167, 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 (UHOP) and the Rural Hamilton Official Plan (RHOP);
 - (iii) That the proposed Zoning By-law Amendment is consistent Provincial Policy Statement (PPS), 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020, as amended and the Greenbelt Plan, 2017.
- (g) That approval be given to City Initiative CI-21-E for modifications and updates to the Town of Flamborough Zoning By-law No. 90-145-Z on the following basis:
 - (i) That the Draft By-law, attached as Appendix “E5” to Report PED21167, 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 (UHOP) and the Rural Hamilton Official Pan (RHOP);
 - (iii) That the proposed Zoning By-law Amendment is consistent Provincial Policy Statement (PPS), 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020, as amended and the Greenbelt Plan, 2017.
- (h) That approval be given to City Initiative CI-21-E for modifications and updates to the Township of Glanbrook Zoning By-law No. 464 on the following basis:

- (i) That the Draft By-law, attached as Appendix “E6” to Report PED21167, 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 (UHOP) and the Rural Hamilton Official Plan (RHOP);
 - (iii) That the proposed Zoning By-law Amendment is consistent Provincial Policy Statement (PPS), 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020, as amended and the Greenbelt Plan, 2017.
- (i) That the matter respecting Temporary Amendments to the Cash-In-Lieu of Parking Policy for the Downtown Secondary Plan Area, Item 21E, Sub-section (c) of the Planning Committee’s Outstanding Business List, be considered complete and removed from the Planning Committee’s Outstanding Business List.

The recommendations in Report PED21167 were **amended** by adding the following sub-section (j):

- (j) That the public submissions regarding this matter were received and considered by the Committee in approving the amendments to the Official Plans.***

Zoning By-law 05-200 was **amended** to include a new Special Exception for 9 – 11 Robert Street, as follows:

Special Exception for 9 – 11 Robert Street:

Within the lands zoned Downtown Prime Retail Streets (D2) Zone, identified on Map 911 of Schedule “A” – Zoning Maps and described as 9 – 11 Robert Street, the following special provisions shall apply:

- (a) Notwithstanding subsection 6.0b)i), a 3.0 metre setback shall not be required from the building base facade as shown in Schedule “F”***
- (b) Notwithstanding subsection 6.2.3a) a minimum front yard depth of 2.5 metres shall be permitted.***

WHEREAS, the former Town of Flamborough Zoning By-law did not define the use of Commercial Motor Vehicle Repair;

WHEREAS, the lands at 1092 Gore Road were rezoned in 1996 to permit the uses of Automobile Repair Garage and Automobile Body Shop;

WHEREAS, staff have proposed to add Special Exception 737 to Zoning By-law 05-200 to recognize the uses on 1092 Gore Road that were previously permitted under the Town of Flamborough Zoning By-law;

THEREFORE BE IT RESOLVED:

That staff be directed to **amend** proposed Special Exception 737 to clarify that the repair of Motor Vehicles – Commercial will be permitted to the lands located at 1092 Gore Road, as follows:

Special Exception 737:

Within a portion of the lands zoned Rural (A2) Zone, identified on Maps 15 and 16 of Schedule “A22” – Zoning Maps and described as 1092 Gore Road, the following special provisions shall apply:

- (a) In addition to the uses permitted in Section 12.2.1, the following additional uses shall be permitted;***

motor vehicle collision and repair establishment, including the repair of Motor Vehicles - Commercial; and,
motor vehicle service station, including the repair of Motor Vehicles - Commercial.
- (b) Section 12.6.3 b) to h), j) and k) shall apply to uses in a).***
- (c) Outdoor storage shall be permitted in association with the uses permitted in a) and shall be screened from view with a visual barrier in accordance with Section 4.19 of this By-law adjacent to the street.***

For disposition of this matter, refer to Item 5.

(iv) Proposed Future Housekeeping Amendments to the Urban Hamilton Official Plan and Rural Hamilton Official Plan

(i) Wilson Street – District Commercial

Staff was directed to consider the re-designation and rezoning of lands located in the vicinity of Wilson Street West, between Mason Drive and Shaver Road, from Arterial Commercial to District Commercial through the next Urban Hamilton Official Plan and Zoning By-law 05-200 housekeeping amendments.

(ii) 389, 391 and 427 Limeridge Road East

Staff was directed to consider the rezoning of the lands at 389, 391 427 Limeridge Road East through a future housekeeping amendment to Zoning By-law 05-200.

(iii) Upper James Street – Arterial Commercial

Staff was directed to consider the re-designation and rezoning of lands designated Arterial Commercial on Upper James Street, as appropriate, through the next Urban Hamilton Official Plan and Zoning By-law 05-200 housekeeping amendments.

(v) Modifications and Updates to Existing Secondary Dwelling Unit Regulations (PED20093(b)) (City Wide) (Item 9.4)

No members of the public were registered as Delegations.

The staff presentation was waived.

The public meeting was closed.

(a) That City Initiative CI-20-E respecting amendments to Hamilton 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, for modifications and updates to existing Secondary Dwelling Unit Regulations, be approved on the following basis:

- (i) That the Draft By-law to amend Zoning By-law No. 05-200, the Town of Ancaster Zoning By-law No. 87-57, Town of Dundas Zoning By-law No. 3581-86, the Town of Flamborough Zoning By-law No. 90- 145-Z, the Township of Glanbrook Zoning By-law No. 464, City of Hamilton Zoning By-law No. 6593, and the City of Stoney Creek Zoning By-law No. 3692-92, attached as Appendix “A” to Report PED20093(b), 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: Growth Plan for the Greater Golden Horseshoe (2019) and comply with the Rural and Urban Hamilton Official Plans.

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

(b) That there were no public submissions received regarding this matter.

For disposition of this matter, refer to Item 6.

(h) DISCUSSION ITEMS (Item 10)

(i) Family Friendly Housing (PED21107) (City Wide) (Item 10.1)

Melanie Pham, Manager of Community Planning and GIS, addressed the Committee with the aid of a PowerPoint presentation.

The staff presentation was received.

For disposition of this matter, refer to Item 7.

(i) NOTICES OF MOTION (Item 12)

(i) Demolition Permit for 1347 Upper Wellington Street (Added Item 12.1)

Councillor Danko relinquished the Chair to Councillor Johnson to present the following Notice of Motion respecting Demolition Permit for 1347 Upper Wellington Street:

WHEREAS, the owner has boarded up the vacant property but continues to have untoward activity at the property that is uninhabitable; and,

WHEREAS, it is not appropriate to pursue repair or restoration of this building as prescribed by the Property Standards By-law or maintain the property on the Vacant Building Registry and demolition is appropriate;

THEREFORE, BE IT RESOLVED:

That the Chief Building Official be authorized to issue a demolition permit for 1347 Upper Wellington St., Hamilton, in accordance with By-law 09-208, as amended by By-law 13-185, pursuant to Section 33 of The Planning Act as amended, without having to comply with conditions 6(a).

Councillor Danko assumed the Chair.

(j) GENERAL INFORMATION / OTHER BUSINESS (Item 13)

(i) Outstanding Business List (Item 13.1)

The following changes to the Outstanding Business List, were approved:

(a) Items to be Removed:

12A - Regulation of Rental Housing
(Item 10.1 on the September 21, 2021 agenda)

17E - Family Friendly Housing Policy
(Item 10.2 on the September 21, 2021 agenda)

19G - Residential Care Facilities and Group Homes (Urban Area) -
Human Rights and the Zoning By-law Discussion Paper (CI-19-B)
(Item 7.2 on the June 15, 2021 agenda)

20E - Waterdown Bay - 392 Dundas Street East
(Item 14.3 on the August 10, 2021 agenda)

20K - Cash-in-Lieu Parking Policy - Temporary Period
(Item 10.3 on the April 6, 2021 agenda)

20N - Housekeeping Amendments to the Urban Hamilton Official Plan
and Rural Hamilton Official Plan
(Item 9.2 on the September 21, 2021 agenda)

21B - Advisory Committee for Persons with Disabilities Report 20-007
(c)
(Item 10.1 on the August 11, 2021 Public Works Committee agenda)

21C - Advisory Committee for Persons with Disabilities Report 20-007
(e)
(Item 10.1 on the August 11, 2021 Public Works Committee agenda)

21F - Draft Parking Master Plan
(Item 10.1 on the September 7, 2021 agenda)

21O - Extension of Support for Businesses Operating Outdoors
(Item 9.1 on the August 10, 2021 agenda)

21P - Request to Designate 323 Rymal Road East as a Class 4 Noise
Area
(Item 7.5 on the August 7, 2021 agenda)

(b) Items Requiring New Due Dates:

12B - Request to Designate 437 Wilson Street East (Ancaster)
Current Due Date: June 15, 2021
Proposed New Due Date: December 7, 2021

14A - Adding 206, 208 and 210 King Street East to the Register of
Property of Cultural Heritage Value or Interest
Current Due Date: May 18, 2021
Proposed New Due Date: December 7, 2021

18E - 2018 Development Fee Review
Current Due Date: May 18, 2021
Proposed New Due Date: March 22, 2022

18i - Designation of 378 Main Street East
Current Due Date: June 15, 2021
Proposed New Due Date: December 7, 2021

19CC - Feasibility of Glanbrook Sports Park Inclusion in Binbrook
Village Urban Boundary
Current Due Date: August 10, 2021
Proposed New Due Date: December 7, 2021

19FF - Support of Private Member's Bill to Reverse Pit Bull Ban in
Ontario
Current Due Date: June 15, 2021
Proposed New Due Date: October 5, 2021

20B - Review of Problems Associated with Increased Visitors to
Waterfalls
Current Due Date: April 6, 2021
Proposed New Due Date: January 11, 2022

21D - Former St. Giles Church, located at 679 Main Street East,
and 85 Holton Street South
Current Due Date: TBD
Proposed New Due Date: December 7, 2021

21E - Temporary Amendments to the Cash-In-Lieu of Parking
Policy for the Downtown Secondary Plan Area, Recommendation
(b)
Current Due Date: TBD
Proposed New Due Date: November 2022

21E - Temporary Amendments to the Cash-In-Lieu of Parking
Policy for the Downtown Secondary Plan Area, Recommendation
(c)

Current Due Date: TBD
Proposed New Due Date: December 7, 2021

21H - John Ariens, IBI Group, respecting 125-129 Robert Street
(UHOP-17- 033 and ZAC-17-073)
Current Due Date: TBD
Proposed New Due Date: December 7, 2021

21i - Five Year Review of the Downtown and Community Renewal
Community Improvement Plan and Associated Finance Incentive
Programs, Recommendation (a)
Current Due Date: TBD
Proposed New Due Date: October 5, 2021

21J - Five Year Review of the Downtown and Community Renewal
Community Improvement Plan and Associated Finance Incentive
Programs, Recommendation (b)
Current Due Date: TBD
Proposed New Due Date: October 5, 2021

(ii) General Manager's Update (Added Item 13.2)

Jason Thorne, General Manager of Planning and Economic Development informed the Committee that the GRIDS 2 Report has been made available to the public on the City website and is being considered by Council at the Special GIC meeting on October 25, 2021.

The General Manager's update was received.

(k) PRIVATE AND CONFIDENTIAL (Item 14)

Committee moved into Closed Session to discuss Item 14.1 pursuant to Section 9.1, Sub-sections (e), (f) and (k) of the City's Procedural By-law 21-021; 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.

(i) Update and Instructions Regarding Ontario Land Tribunal Appeals for an Urban Hamilton Official Plan Amendment and Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 157 Upper Centennial Parkway (PED17213(a)/LS21031) (Ward 9) (Item 14.1)

For disposition of this matter, refer to Item 8.

(I) ADJOURNMENT (Item 15)

There being no further business, the Planning Committee adjourned at 12:58 p.m.

Councillor J.P. Danko
Chair, Planning Committee

Lisa Kelsey
Legislative Coordinator