



PLANNING COMMITTEE REPORT 21-019

December 7, 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

Also in Attendance: Councillor E. Pauls

THE PLANNING COMMITTEE PRESENTS REPORT 21-019 AND RESPECTFULLY RECOMMENDS:

1. **Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED21234) (City Wide) (Item 7.1)**

That Report PED21234 respecting Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications, be received.

2. **To Incorporate City Lands into Clappison Avenue by By-law (PED21231) (Ward 15) (Item 7.2)**

- (a) That the following City lands designated as Part 1 on Plan 62R-21786 and Block 6 on Plan 62M-1081 be established as a public highway to form Clappison Avenue;
- (b) That the By-law to incorporate the City lands to form part of Clappison Avenue be prepared to the satisfaction of the City Solicitor and be enacted by Council;
- (c) That the General Manager of Public Works be authorized and directed to register the By-law.

3. **Agriculture and Rural Affairs Advisory Committee – Report 21-004 (Added Item 7.3)**

That the Agriculture and Rural Affairs Advisory Committee – Report 21-004, be received.

4. Increase to Building Permit Fees (PED21222) (City Wide) (Item 9.1)

- (a) That the By-law, attached as Appendix “A” to Report PED21222, to amend City of Hamilton By-law No. 15-058, the Building By-law, which has been prepared in a form satisfactory to the City Solicitor, be enacted;
- (b) That the fees prescribed in the By-law, attached as Appendix “A” to Report PED21222, be included in the User Fees and Charges By-law, replacing the fees listed under the heading “Classes of Permits and Fees under the Hamilton Building By-law”; and,
- (c) That there were no public submissions received regarding this matter.

5. Water and Wastewater Infrastructure Support Community Improvement Plan Amendment (PED21214/FCS21097) (City Wide) (Item 9.2)

- (a) That an amendment to the Water and Wastewater Infrastructure Support Community Improvement Plan (2020) to add the revised Water Leak Adjustment Program described in Report PED21214/FCS21097 be APPROVED on the following basis:
 - (i) That the draft By-law attached as Appendix “A” to Report PED21214/FCS21097 which has been prepared in a form satisfactory to the City Solicitor be enacted by City Council;
 - (ii) That the amended Water and Wastewater Infrastructure Support Community Improvement Plan is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow Plan (2019, as amended), conforms to the Greenbelt Plan (2017), and complies with the Urban and Rural Hamilton Official Plans.
- (b) That there were no public submissions received regarding this matter.

6. Application for Zoning By-law Amendment for Lands Located at 20 Reid Avenue North, 11-17 Reid Avenue South, 22-116 Lang Street and 2-24 Hayes Avenue, Hamilton (PED21216) (Ward 4) (Item 9.3)

- (a) That Amended Zoning By-law Amendment Application ZAR-21-034, by Roxborough Park Inc., Owner, to further modify the Downtown Multiple Residential (D6, 696) Zone, for a change in zoning from the Downtown Multiple Residential (D6, 696) Zone to the Downtown Multiple Residential (D6, 696, H74) Zone, and to add the Conservation / Hazard Land (P5) Zone to portions of the lands located at 20 Reid Avenue North, 11-17 Reid Avenue South, 22-116 Lang Street and 2-24 Hayes Avenue, Hamilton, as shown on Appendix “A” attached to Report PED21216, be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix “B” to Report PED21216, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That Schedule “D” – Holding Provisions be amended by adding the following Holding Provision:

“74. Notwithstanding Section 6.6 and Special Exception No. 696 of this By-law, within the lands zoned Downtown Multiple Residential (D6, 696) Zone identified on Map Nos. 1092 and 1141 of Schedule “A” – Zoning Maps and described as 20 Reid Avenue North, 11-17 Reid Avenue South, 22-116 Lang Street and 2-24 Hayes Avenue, development shall be restricted in accordance with the following:

- (1) For such time as the Holding Provision is in place no development exceeding the maximum height of 12.0 metres shall be permitted;

- (2) Conditions for Holding Provision Removal:

- (a) The Holding Provision shall, upon application by the landowner, be removed by way of an amending Zoning By-law, from the lands when the following conditions have been satisfied:

- (i) The Owner/Applicant submits and implements the following studies demonstrating that a 41.5 metre multiple dwelling complies and implements the Urban Design, Energy and Environmental Design and Health and Public Safety Policies of the Urban Hamilton Official Plan, amongst others, to the satisfaction of the Director of Planning and Chief Planner:

- (a) Urban Design Brief;
- (b) Visual Impact Assessment;
- (c) Shadow Impact Study; and,
- (d) Noise Study;

- (ii) That the Owner demonstrate that the proposed development does not exceed the maximum density of 165 units per hectare in accordance with Site Specific Policy Area UHN-25 in Volume 3 of the

Urban Hamilton Official Plan and does not exceed 840 units for the lands zoned Downtown Multiple Residential (D6, 696) Zone, to the satisfaction of the Director of Planning and Chief Planner;"

- (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended, and complies with the Urban Hamilton Official Plan.
- (b) That the public submissions were received and considered by Committee in approving the application.

7. Applications for Amendments to the Urban Hamilton Official Plan, City of Hamilton Zoning By-law No. 6593, and Hamilton Zoning By-law No. 05-200, and Draft Plan of Subdivision for Lands Located at 311 and 313 Stone Church Road East, Hamilton (PED21221)(Ward 7) (Item 9.4)

- (a) That Urban Hamilton Official Plan Amendment Application UHOPA-21-005, by UrbanSolutions Planning & Land Development Consultants Inc. (c/o Matt Johnston, Applicant) on behalf of DiCenzo Construction Company Ltd. (c/o Anthony DiCenzo, Owner) to redesignate a portion of the subject lands from "Open Space" to "Neighbourhoods" and to establish an Urban Site Specific Policy to reduce daylighting triangle requirements, to permit a minimum net residential density of 55 units per hectare, and to permit the dedication of a woodlot to the City of Hamilton as parkland dedication, on lands located at 311 and 313 Stone Church Road East, as shown on Appendix "A" attached to Report PED21221, be APPROVED on the following basis:
 - (i) That the draft Official Plan Amendment attached as Appendix "B" to Report PED21221, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- (b) That Zoning By-law Amendment Application ZAC-21-009, by UrbanSolutions Planning & Land Development Consultants Inc. (c/o Matt Johnston, Applicant) on behalf of DiCenzo Construction Company Ltd. (c/o Anthony DiCenzo, Owner) for a change in zoning from the "AA" (Agricultural) District to the "C/S-1811" (Urban Protected Residential, Etc.) District, Modified (Block 1); from the "AA" (Agricultural) District to the "RT-20/S-1811" (Townhouse - Maisonette) District, Modified (Block 2); from the "AA" (Agricultural) District and the "C" (Urban Protected Residential, Etc.)

District to the “RT-30/S-1811” (Street - Townhouse) District, Modified (Blocks 3 and 4); and, from the “AA” (Agricultural) District and the “C” (Urban Protected Residential, Etc.) District to the “C/S-1811” (Urban Protected Residential, Etc.) District, Modified (Blocks 5 and 6), to permit a maximum of 221 residential dwelling units consisting of a maximum of 112 block townhouse units, 80 maisonette units, 12 single detached dwellings on a private road (condominium road), five single detached dwellings on a public road, and 12 street townhouse units, on lands located at 311 and 313 Stone Church Road East, as shown on Appendix “A” attached to Report PED21221, be APPROVED on the following basis:

- (i) That the draft By-law attached as Appendix “C” to Report PED21221, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
 - (iii) That this By-law will comply with the Urban Hamilton Official Plan upon approval of Urban Hamilton Official Plan Amendment No. XX;
- (c) That Zoning By-law Amendment Application ZAC-21-009, by UrbanSolutions Planning & Land Development Consultants Inc. (c/o Matt Johnston, Applicant) on behalf of DiCenzo Construction Company Ltd. (c/o Anthony DiCenzo, Owner) for a change in zoning from the “AA” (Agricultural) District to the Conservation / Hazard Land (P5) Zone, in order to protect a significant woodland on lands located at 313 Stone Church Road East, as shown on Appendix “A” attached to Report PED21221, be APPROVED on the following basis:
- (i) That the draft By-law attached as Appendix “D” to Report PED21221, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
 - (iii) That this By-law will comply with the Urban Hamilton Official Plan upon approval of Urban Hamilton Official Plan Amendment No. XX;
- (d) That Draft Plan of Subdivision Application 25T-202104 by UrbanSolutions Planning & Land Development Consultants Inc. (c/o Matt Johnston, Applicant) on behalf of DiCenzo Construction Company Ltd. (c/o Anthony DiCenzo, Owner) on lands located at 311 and 313 Stone Church Road

East, as shown on Appendix “A” attached to Report PED21221, be APPROVED, subject to the following:

- (i) That this approval apply to the Draft Plan of Subdivision “Lavita Estates” 25T-202104, prepared by UrbanSolutions Planning & Land Development Consultants Inc., and certified by Robert McLaren, O.L.S., dated November 24, 2021, consisting of one Natural Heritage/Park block (Block 1); one block for a maximum of 12 single detached dwellings on a private condominium road (Block 2); one block for a maximum of 112 block townhouse units and 80 maisonette units (Block 3); one block for a maximum of 12 street townhouse units (Block 4); one road widening block (Block 5); one future residential block (Block 6); four 0.3 m reserve blocks (Blocks 7-10); five lots for single detached dwellings (Lots 11-15); and, three public roads (Street ‘A’ and the extensions of Crerar Drive and Cyprus Drive), attached as Appendix “G” to Report PED21221, subject to the Owner entering into a standard form subdivision agreement as approved by City Council and with Special Conditions attached as Appendix “H”, as amended, to Report PED21221;
 1. (e) That the grading and storm water management plans be designed to prioritize the protection and retention of the existing boundary trees located along the edge of Block 3.

all to the satisfaction of the Director, Growth Management Division and the Manager of Forestry and Horticulture.
 2. That, prior to preliminary grading, the Owner shall submit an detailed Stormwater Management Report using a low impact development treatment train first approach prepared by a qualified Professional Engineer, in accordance with the City of Hamilton Drainage Policies, City of Hamilton’s Storm Drainage Policy, Comprehensive Development Guidelines, an approved Functional Servicing Report, and the MECP’s storm design criteria outlined in the City’s Consolidated Linear Infrastructure ECA and current Stormwater Management Planning and Design Manual, including Level 1 (Enhanced) quality treatment. Additionally, the following shall be required:
 24. That, prior to registration, the Owner shall submit a parkland management plan developed in conjunction with the Planning Division and Hamilton Conservation Authority and a revised Stewardship Brochure, to the satisfaction of the Director of Planning and Chief Planner and the Hamilton

Conservation Authority. The Stewardship Brochure shall be distributed to all future homeowners adjacent to the Crerar Woodland and shall describe the importance of the natural feature and its functions and which includes best practices and uses for pathways, including the location of pathways and ensuring it remains open to the public, and how the homeowner can minimize their impact on this feature.

- (ii) Acknowledgement by the City of Hamilton of its responsibility for cost sharing with respect to this development shall be in accordance with the City's Financial Policies and will be determined at the time of development. However, the traffic signal costs at the intersections of Stone Church Road/Crerar Drive/Brigade Drive shall be one-third (1/3rd) owner's responsibility/share.
- (iii) That there will be no payment of Cash-in-Lieu of Parkland required upon the dedication of the Natural Heritage/Park block (Block 1) to the City of Hamilton to satisfy parkland dedication requirements for this subdivision; and, that upon the dedication of the Natural Heritage/Park block (Block 1) to the City of Hamilton there will be no parkland balance credited in favour of the owner from this subdivision;
- (e) That upon approval of Urban Hamilton Official Plan Amendment Application UHOPA-21-005, Zoning By-law Amendment Application ZAC-21-009, and Draft Plan of Subdivision Application 25T-202104, that a portion of the subject lands identified as Block 1 on the Draft Plan of Subdivision attached as Appendix "G" to Report PED21221 be re-designated from "Single and Double" to "Park and Recreation" and that a portion of the subject lands identified as Blocks 3 and 4 on the Draft Plan of Subdivision attached as Appendix "G" to Report PED21221 be re-designated from "Single and Double" to "Attached Housing" in the Crerar Neighbourhood Plan;
- (f) That the Statutory Declarations for the Official Plan Amendment and Zoning By-law Amendments not be issued until the Ontario Land Tribunal issues its decision regarding the Urban Hamilton Official Plan appeal by DiCenzo Construction Company Ltd. as it affects the lands at 311 and 313 Stone Church Road East.
- (g) That the public submissions were received and considered by Committee in approving the application.

- 8. Applications for Amendments to the Urban Hamilton Official Plan, Stoney Creek Zoning By-law No. 3692-92, and Hamilton Zoning By-law No. 05-200 for Lands Located at 1290 South Service Road and 5 and 23 Vince Mazza Way (Stoney Creek) (PED21223) (Ward 10) (Item 9.5)**
- (a) That Amended Urban Hamilton Official Plan Amendment Application UHOPA-21-004, by IBI Group (c/o Jared Marcus, Applicant) on behalf of Winona Point Joint Venture Inc (c/o Fernando Puga, Owner) to re-designate the subject lands from “District Commercial” to “Neighbourhoods” within the Urban Hamilton Official Plan, and to re-designate the subject lands from “District Commercial” to “Medium Density Residential 2”, remove the subject lands from Area Specific Policy – Area E, and add a new Site Specific Policy within the Fruitland-Winona Secondary Plan; to permit a commercial / residential mixed use development comprised of stacked townhouse dwellings, ground floor commercial space with dwelling units above, and one single storey commercial building, for a total of 454 residential units and 2,475 m² of commercial space, on lands located at 1290 South Service Road and 5 and 23 Vince Mazza Way, as shown on Appendix “A” attached to Report PED21223, be APPROVED on the following basis:
- (i) That the draft Official Plan Amendment attached as Appendix “B” to Report PED21223, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).
- (b) That Amended Zoning By-law Amendment Application ZAC-21-008, by IBI Group (c/o Jared Marcus, Applicant) on behalf of Winona Point Joint Venture Inc (c/o Fernando Puga, Owner) to change the zoning from the Community Shopping Centre “SC2-8(H)” Zone, Modified, Holding to the Mixed Use Medium Density (C5, 562) Zone (Block 1) and from the District Commercial (C6, 562) Zone to the Mixed Use Medium Density (C5, 562) Zone (Block 2) to permit a mixed use development with a one-storey commercial building, five, three-storey mixed use buildings with ground floor commercial and 50 stacked townhouse units above, and 12, four-storey stacked townhouse dwellings with 404 units, for a total of 454 residential units and 2,475 m² of commercial space, with surface and underground parking and landscaped amenity areas, on lands located at 1290 South Service Road and 5 and 23 Vince Mazza Way, as shown on Appendix “A” attached to Report PED21223, be APPROVED on the following basis:

- (i) That the draft By-law attached as Appendix “C” to Report PED21223, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (i) That the proposed amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
 - (iii) That this By-law will comply with the Urban Hamilton Official Plan upon approval of Urban Hamilton Official Plan Amendment No. XX.
- (c) That the public submissions were received and considered by Committee in approving the application.
9. **Application to Deem Lands to the Rear of 65 Seabreeze Crescent, being Blocks 11 and 12, of Registered Plan No. 62M-1042, “Seabreeze Estates, Phase 2” not to be Part of a Registered Plan of Subdivision, for the Purposes of Subsection 50(3) of the *Planning Act* (Stoney Creek) (Ward 10) (PED21230) (Item 10.1)**
- (a) That approval be given to deem lands to the rear of 65 Seabreeze Crescent (Stoney Creek), being Blocks 11 and 12, inclusive, of Registered Plan No. 62M-1042, “Seabreeze Estates, Phase 2” not to be part of a Registered Plan of Subdivision for the purposes of Subsection 50(3) of the *Planning Act*, as shown on Appendix “A” to Report PED21230, on the following basis:
 - (i) That the draft By-law, attached as Appendix “C” to Report PED21230, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the application to deem Blocks 11 and 12, of “Seabreeze Estates, Phase 2” Registered Plan 62M-1042, not to be part of a registered plan of subdivision, for lands to the rear of 65 Seabreeze Crescent, is consistent with the Provincial Policy Statement (2021) and complies with the Urban Hamilton Official Plan.
10. **Amendment to the Off-Road Vehicles By-law 21-121 (PED21110(b)) (City Wide) (Item 10.2)**
- That the draft By-law, attached as Appendix “A” to Report PED21110(b), to amend the Off-Road Vehicles By-law 21-121, to include the term “Motorized Snow Vehicle”, be approved.

11. Hamilton Psychiatric Lands – Request to Rescind Minister’s Zoning Order (MZO) (Added Item 11.1)

WHEREAS the former Hamilton Psychiatric Hospital lands at West 5th and Fennel are owned by the Province of Ontario, and the Provincial Government is intending to sell the lands for redevelopment;

WHEREAS the City's Official Plan has long-identified these lands as forming part of a Major Activity Centre to accommodate critical commercial, institutional and environmental uses which may include new long term care facilities;

WHEREAS in February 2017 in anticipation of the Provincial Government disposing of the lands, Council directed staff to undertake comprehensive due diligence and development planning for the property to confirm a holistic vision and plan for the property;

WHEREAS in the spring of 2017, staff undertook extensive community consultations including stakeholder interviews with seven major local institutional leaders, a community information meeting, and a stakeholder and community design workshop, to explore potential land use concepts for the redevelopment of the subject lands

WHEREAS in October 2017, staff presented the findings of the community consultations through Report PED16254(c) which reaffirmed and extended the City's vision for the lands as described in the City's Official Plan, including a focus on institutional uses, building heights and massing compatible with the Niagara Escarpment and the surrounding lower density residential neighbourhoods, the adaptive reuse of Century Manor, and protecting site lines through the property to the Escarpment Brow;

WHEREAS the 2017 review confirmed that the existing I3 Zoning which permits a range of institutional, education and residential uses was appropriate to guide the redevelopment of the HPH lands based on the City’s vision for these lands articulated in the City’s Official Plan as a Major Activity Centre comprised of institutional, educational and supporting residential uses

WHEREAS the Provincial Government, notwithstanding the City's position, and without consultation with the City or any prior notice, approved a Ministers Zoning Order for the subject lands in August 2020 that granted drastically extended zoning permissions to allow a wide range of residential uses including, single family dwelling, semi-detached dwelling, townhouse dwelling, street townhouse dwelling and multiple dwelling development that are incompatible with the City's vision for the property.

WHEREAS in December 2021 the Office of the Auditor General released the 2021 Annual Report which concludes: “the use of and lack of transparency in issuing Minister’s Zoning Orders (MZOs) is inconsistent with good land-use

planning principles and the purposes of the Planning Act and Places to Grow Act, 2005, which are to provide for planning processes that are fair; encourage cooperation and co-ordination among various interests; and recognize the decision-making authority and accountability of municipal councils in planning.”; and,

WHEREAS it is anticipated that the Provincial Government will soon be offering the lands for sale for redevelopment;

THEREFORE BE IT RESOLVED:

- (a) That the City of Hamilton formally requests the Provincial Government to rescind the Minister’s Zoning Order issued for the former Hamilton Psychiatric Hospital lands and reinstate local planning and site-plan control prior to taking the lands to market;
- (b) That if the Provincial Government refuses to rescind the MZO, that the Province be requested to include the necessary restrictions and requirements within any offering for the former Hamilton Psychiatric Lands that will ensure that the City’s vision for the lands is realized, including the adaptive reuse of Century Manor;
- (c) That the Province be requested to undertake community consultation with respect to the terms and conditions of any disposition of the former Hamilton Psychiatric Lands prior to taking the lands to market; and,
- (d) That the Mayor be authorized and directed to share the above resolution with the Premier, the Minister of Municipal Affairs and the local MPPs.

12. Instructions - Appeal to the Ontario Land Tribunal (OLT) for Lack of Decision on Urban Hamilton Official Plan Amendment Application UHOPA-20-003 and Zoning By-law Amendment Application ZAC-20-008 for Lands Located at 354 King Street West, Hamilton (LS21046/PED21178(a)) (Ward 1) (Item 14.2)

- (a) That the directions to staff in closed session respecting Report LS21046/PED21178(a) be released to the public, following approval by Council; and,
- (b) That the balance of Report LS21046/PED21178(a) remain confidential.

13. Update Regarding Appeal to the Local Planning Appeal Tribunal of the Urban Hamilton Official Plan: Site Specific Appeal (313 Stone Church Road East) by DiCenzo Construction Company Ltd. of the Urban Hamilton Official Plan and Legal Direction (LS20018(a) / PED20124(a)) (Added Item 14.3)

- (a) That the directions to staff in closed session respecting Report LS20018(a)/PED20124(a) be released to the public, following approval by Council; and,
- (b) That the balance of Report LS20018(a)/PED20124(a) remain confidential.

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

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

1. CONSENT ITEMS (Item 7)

- 7.3 Agriculture and Rural Affairs Advisory Committee – Report 21-004

2. PUBLIC HEARINGS / DELEGATIONS (Item 9)

- 9.3 Application for Zoning By-law Amendment for Lands Located at 20 Reid Avenue North, 11-17 Reid Avenue South, 22-116 Lang Street and 2-24 Hayes Avenue, Hamilton (PED21216)(Ward 4)

- (a) Written Submissions

- (i) Przemyslaw Hatlas
 - (ii) Peter Schultz

- 9.4 Applications for Amendments to the Urban Hamilton Official Plan, City of Hamilton Zoning By-law No. 6593, and Hamilton Zoning By-law No. 05-200, and Draft Plan of Subdivision for Lands Located at 311 and 313 Stone Church Road East, Hamilton (PED21221) (Ward 7)

- (a) Registered Delegations:

- (i) Carlo Silvestri
 - (ii) Nancy Wakefield
 - (iii) Carol McKenna
 - (iv) David Kurceba

(b) Written Submissions:

- (i) Dave Castellana
- (ii) Carmelo and Linda Vellavia
- (iii) Rosanna and Ivana Filice

9.5 Applications for Amendments to the Urban Hamilton Official Plan, Stoney Creek Zoning By-law No.3692-92, and Hamilton Zoning By-law No. 05-200 for Lands Located at 1290 South Service Road and 5 and 23 Vince Mazza Way (Stoney Creek) (PED21223) (Ward 10)

(a) Registered Delegations:

- (i) Viv Saunders, Lakewood Beach Community Council

(b) Written Submissions:

- (i) Pat Ciarmoli

3. NOTICES OF MOTION (Item 12)

12.1 Hamilton Psychiatric Lands – Request to Rescind Minister’s Zoning Order (MZO)

4. PRIVATE AND CONFIDENTIAL (Item 14)

14.3 Update Regarding Appeal to the Local Planning Appeal Tribunal of the Urban Hamilton Official Plan: Site Specific Appeal (313 Stone Church Road East) by DiCenzo Construction Company Ltd. of the Urban Hamilton Official Plan and Legal Direction (LS20018(a) / PED20124(a))

The agenda for the December 7, 2021 meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

None declared.

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

(i) November 16, 2021 (Item 4.1)

The Minutes of the November 16, 2021 meeting were approved, as presented.

(d) COMMUNICATIONS (Item 5)

(i) Ontario Land Tribunal Decisions (Deferred from the November 16, 2021 meeting) (Item 5.1)

The following Ontario Land Tribunal Decisions, were received:

- (a) PL190517/PL190518 - 468-476 James St. North - By-law No. 19-151 and 19-152; and,
- (b) PL210073 - 2121 and 2187 Regional Road 56 - By-law 20-063.

(ii) Ontario Land Tribunal Decisions (Item 5.2)

The following Ontario Land Tribunal Decisions, were received:

- (a) LC200004 - 271 Bay St. N. and 34-36 Tiffany St. - Land Compensation
- (b) PL200274 - 157 Parkside Drive - UHOPA-17-006/ZAC-17-016
- (c) CRB2101-CRB2107 - 110-122 King St. E. (former Royal Connaught Hotel) - Notice of Intention to Designate

(e) 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 proposed By-law Amendments and Development applications before the Committee today, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Land Tribunal, and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

(i) Increase to Building Permit Fees (PED21222) (City Wide) (Item 9.1)

No members of the public were registered as Delegations.

The public meeting was closed.

- (a) That the By-law, attached as Appendix “A” to Report PED21222, to amend City of Hamilton By-law No. 15-058, the Building By-law, which has been prepared in a form satisfactory to the City Solicitor, be enacted;
- (b) That the fees prescribed in the By-law, attached as Appendix “A” to Report PED21222, be included in the User Fees and Charges By-law, replacing the fees listed under the heading “Classes of Permits and Fees under the Hamilton Building By-law”

The recommendations in Report PED2122 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 4.

(ii) Water and Wastewater Infrastructure Support Community Improvement Plan Amendment (PED21214/FCS21097) (City Wide) (Item 9.2)

No members of the public were registered as Delegations.

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

The staff presentation was received.

The public meeting was closed.

- (a) That an amendment to the Water and Wastewater Infrastructure Support Community Improvement Plan (2020) to add the revised Water Leak Adjustment Program described in Report PED21214/FCS21097 be APPROVED on the following basis:
 - (i) That the draft By-law attached as Appendix “A” to Report PED21214/FCS21097 which has been prepared in a form satisfactory to the City Solicitor be enacted by City Council;
 - (ii) That the amended Water and Wastewater Infrastructure Support Community Improvement Plan is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow Plan (2019, as amended), conforms to the Greenbelt Plan (2017), and complies with the Urban and Rural Hamilton Official Plans.

The recommendations in Report PED21214/FCS21097 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 5.

(iii) Application for Zoning By-law Amendment for Lands Located at 20 Reid Avenue North, 11-17 Reid Avenue South, 22-116 Lang Street and 2-24 Hayes Avenue, Hamilton (PED21216) (Ward 4) (Item 9.3)

No members of the public were registered as Delegations.

The staff presentation was waived.

Spencer McKay with UrbanCore Developments, was in attendance and indicated support for the staff report.

The delegation from Spencer McKay with UrbanCore Developments, was received.

The following written submissions (Item 9.3(a)), were received:

- (i) Przemyslaw Hatlas, in Opposition to the application.
- (ii) Peter Schultz, in Opposition to the application.

The public meeting was closed.

- (a) That Amended Zoning By-law Amendment Application ZAR-21-034, by Roxborough Park Inc., Owner, to further modify the Downtown Multiple Residential (D6, 696) Zone, for a change in zoning from the Downtown Multiple Residential (D6, 696) Zone to the Downtown Multiple Residential (D6, 696, H74) Zone, and to add the Conservation / Hazard Land (P5) Zone to portions of the lands located at 20 Reid Avenue North, 11-17 Reid Avenue South, 22-116 Lang Street and 2-24 Hayes Avenue, Hamilton, as shown on Appendix "A" attached to Report PED21216, be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix "B" to Report PED21216, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That Schedule "D" – Holding Provisions be amended by adding the following Holding Provision:

“74. Notwithstanding Section 6.6 and Special Exception No. 696 of this By-law, within the lands zoned Downtown Multiple Residential (D6, 696) Zone identified on Map Nos. 1092 and 1141 of Schedule “A” – Zoning Maps and described as 20 Reid Avenue North, 11-17 Reid Avenue South, 22-116 Lang Street and 2-24 Hayes Avenue, development shall be restricted in accordance with the following:

- (1) For such time as the Holding Provision is in place no development exceeding the maximum height of 12.0 metres shall be permitted;
- (2) Conditions for Holding Provision Removal:
 - (a) The Holding Provision shall, upon application by the landowner, be removed by way of an amending Zoning By-law, from the lands when the following conditions have been satisfied:
 - (i) The Owner/Applicant submits and implements the following studies demonstrating that a 41.5 metre multiple dwelling complies and implements the Urban Design, Energy and Environmental Design and Health and Public Safety Policies of the Urban Hamilton Official Plan, amongst others, to the satisfaction of the Director of Planning and Chief Planner:
 - (a) Urban Design Brief;
 - (b) Visual Impact Assessment;
 - (c) Shadow Impact Study;
 - and,
 - (d) Noise Study;
 - (ii) That the Owner demonstrate that the proposed development does not exceed the maximum density of 165 units per hectare in accordance with Site Specific Policy Area UHN-25 in Volume 3 of the Urban Hamilton Official Plan and does not exceed 840 units for

the lands zoned Downtown Multiple Residential (D6, 696) Zone, to the satisfaction of the Director of Planning and Chief Planner;”

- (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended, and complies with the Urban Hamilton Official Plan.

The recommendations in Report PED21216 were **amended** by adding the following sub-section (b):

- (b) ***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 6.

- (iv) **Applications for Amendments to the Urban Hamilton Official Plan, City of Hamilton Zoning By-law No. 6593, and Hamilton Zoning By-law No. 05-200, and Draft Plan of Subdivision for Lands Located at 311 and 313 Stone Church Road East, Hamilton (PED21221)(Ward 7) (Item 9.4)**

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

The staff presentation was received.

Matt Johnston with Urban Solutions and Anthony DiCenzo, Owner, was in attendance and indicated support for the staff report.

The delegation from Matt Johnston with Urban Solutions and Anthony DiCenzo, Owner, was received.

Registered Delegations (Item 9.4(a)):

- (i) Carlo Silvestri, addressed the Committee in Opposition to the proposal.
- (ii) Nancy Wakefield, addressed the Committee in Opposition to the proposal.
- (iii) Carol McKenna, addressed the Committee in Opposition to the proposal.

- (iv) David Kurceba, addressed the Committee in Opposition to the proposal.

The delegations were received.

The following written submissions (Item 9.4(b)), were received:

- (i) Dave Castellana, in Opposition to the application.
- (ii) Carmelo and Linda Bellavia, in Opposition to the application.
- (iii) Rosanna and Ivana Filice, in Opposition to the application.

The public meeting was closed.

Consideration of Report PED21221 was DEFERRED until after the consideration of Item 14.3.

For disposition of this matter, refer to Item 7, 13, (h)(iii) and (i)(i).

The Committee recessed from 12:45 p.m. to 1:00 p.m.

- (v) **Applications for Amendments to the Urban Hamilton Official Plan, Stoney Creek Zoning By-law No. 3692-92, and Hamilton Zoning By-law No. 05-200 for Lands Located at 1290 South Service Road and 5 and 23 Vince Mazza Way (Stoney Creek) (PED21223) (Ward 10) (Item 9.5)**

Ohi Izirein, Senior Project Manager – Suburban Team, addressed the Committee with the aid of a PowerPoint presentation.

The staff presentation was received.

John Ariens with IBI Group, was in attendance and indicated support for the staff report.

The delegation from John Ariens with IBI Group was received.

Registered Delegation (Item 9.5(a)):

- (i) Viv Saunders, Lakewood Beach Community Council, addressed the Committee in Opposition to the proposal.

The delegation was received.

The following written submission (Item 9.5(b)), was received:

- (i) Pat Ciarmoli, expressed concerns with the application.

The public meeting was closed.

- (a) That Amended Urban Hamilton Official Plan Amendment Application UHOPA-21-004, by IBI Group (c/o Jared Marcus, Applicant) on behalf of Winona Point Joint Venture Inc (c/o Fernando Puga, Owner) to re-designate the subject lands from “District Commercial” to “Neighbourhoods” within the Urban Hamilton Official Plan, and to re-designate the subject lands from “District Commercial” to “Medium Density Residential 2”, remove the subject lands from Area Specific Policy – Area E, and add a new Site Specific Policy within the Fruitland-Winona Secondary Plan; to permit a commercial / residential mixed use development comprised of stacked townhouse dwellings, ground floor commercial space with dwelling units above, and one single storey commercial building, for a total of 454 residential units and 2,475 m² of commercial space, on lands located at 1290 South Service Road and 5 and 23 Vince Mazza Way, as shown on Appendix “A” attached to Report PED21223, be APPROVED on the following basis:
 - (i) That the draft Official Plan Amendment attached as Appendix “B” to Report PED21223, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).
- (b) That Amended Zoning By-law Amendment Application ZAC-21-008, by IBI Group (c/o Jared Marcus, Applicant) on behalf of Winona Point Joint Venture Inc (c/o Fernando Puga, Owner) to change the zoning from the Community Shopping Centre “SC2-8(H)” Zone, Modified, Holding to the Mixed Use Medium Density (C5, 562) Zone (Block 1) and from the District Commercial (C6, 562) Zone to the Mixed Use Medium Density (C5, 562) Zone (Block 2) to permit a mixed use development with a one-storey commercial building, five, three-storey mixed use buildings with ground floor commercial and 50 stacked townhouse units above, and 12, four-storey stacked townhouse dwellings with 404 units, for a total of 454 residential units and 2,475 m² of commercial space, with surface and underground parking and landscaped amenity areas, on lands located at 1290 South Service Road and 5 and 23 Vince Mazza Way, as shown on Appendix “A” attached to Report PED21223, be APPROVED on the following basis:

- (i) That the draft By-law attached as Appendix “C” to Report PED21223, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (i) That the proposed amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- (iii) That this By-law will comply with the Urban Hamilton Official Plan upon approval of Urban Hamilton Official Plan Amendment No. XX.

The recommendations in Report PED21223 were **amended** by adding the following sub-section (c):

- (c) ***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 8.

Councillor Danko relinquished the Chair to Councillor Johnson

(f) NOTICES OF MOTION (Item 12)

- (i) **Hamilton Psychiatric Lands – Request to Rescind Minister’s Zoning Order (MZO) (Added Item 12.1)**

The Rules of Order were waived to allow for the introduction of a Motion respecting Hamilton Psychiatric Lands – Request to Rescind Minister’s Zoning Order (MZO).

For disposition of this matter, refer to Item 11.

Councillor Danko assumed the Chair.

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

- (i) **Outstanding Business List (Item 13.1)**

- (a) **Items to be Removed:**

The following changes to the Outstanding Business List were approved:

20F - Paul Valeri, Valery Homes, requesting Deferral of Decision on the Designation of 828 Sanitorium Road (addressed as Item 9.1 on the November 17, 2020 agenda)

21S - Interim Control By-law Extension - Pleasantview Area (Item 9.1 on the November 16, 2021 agenda)

21U - Feasibility Report for a Biodiversity Action Plan (1(d)) (Item 7.1 on the November 16, 2021 agenda)

21V - Feasibility Report for a Biodiversity Action Plan (1(g)) (Item 7.1 on the November 16, 2021 agenda)

(h) PRIVATE AND CONFIDENTIAL (Item 14)

Committee determined that discussion of Item 14.1 was not required in Closed Session, so the item was addressed in Open Session, as follows:

(i) Closed Session Minutes – November 16, 2021 (Item 14.1)

- (a) That the Closed Session Minutes dated November 16, 2021 be approved, as presented; and,
- (b) That the Closed Session Minutes dated November 16, 2021 remain confidential.

Committee moved into Closed Session 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.

(ii) Instructions - Appeal to the Ontario Land Tribunal (OLT) for Lack of Decision on Urban Hamilton Official Plan Amendment Application UHOPA-20-003 and Zoning By-law Amendment Application ZAC-20-008 for Lands Located at 354 King Street West, Hamilton (LS21046/PED21178(a)) (Ward 1) (Item 14.2)

For disposition of this matter, refer to Item 12.

(iii) Update Regarding Appeal to the Local Planning Appeal Tribunal of the Urban Hamilton Official Plan: Site Specific Appeal (313 Stone

Church Road East) by DiCenzo Construction Company Ltd. of the Urban Hamilton Official Plan and Legal Direction (LS20018(a) / PED20124(a)) (Added Item 14.3)

For disposition of this matter, refer to Items 7, 13, (e)(iv) and (i)(i).

(i) PUBLIC HEARINGS / DELEGATIONS (Item 9) – Continued

- (i) Applications for Amendments to the Urban Hamilton Official Plan, City of Hamilton Zoning By-law No. 6593, and Hamilton Zoning By-law No. 05-200, and Draft Plan of Subdivision for Lands Located at 311 and 313 Stone Church Road East, Hamilton (PED21221) (Ward 7) (Item 9.4)**

The recommendations in Report PED21221 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.***

Condition #24 in Appendix “H” to Report PED21221 was **amended** as follows:

- 24.** That, prior to **registration**, the Owner shall submit **a parkland management plan developed in conjunction with the Planning Division and Hamilton Conservation Authority** and a revised Stewardship Brochure, to the satisfaction of the Director of Planning and Chief Planner and the Hamilton Conservation Authority. The Stewardship Brochure shall be distributed to all future homeowners adjacent to the Crerar Woodland and shall describe the importance of the natural feature and its functions **and which includes best practices and uses for pathways, including the location of pathways and ensuring it remains open to the public**, and how the homeowner can minimize their impact on this feature.

- (a)** Appendix “H” to Report PED21221 was **amended** by adding sub-section 1 (e), as follows:

- (e) *That the grading and storm water management plans be designed to prioritize the protection and retention of the existing boundary trees located along the edge of Block 3.***

all to the satisfaction of the Director, Growth Management Division **and the Manager of Forestry and Horticulture.**

- (b) Appendix “H” to Report PED21221 was **amended** by adding wording to Condition #2, as follows:
2. That, prior to preliminary grading, the Owner shall submit an detailed Stormwater Management Report ***using a low impact development treatment train first approach*** prepared by a qualified Professional Engineer, in accordance with the City of Hamilton Drainage Policies, City of Hamilton’s Storm Drainage Policy, Comprehensive Development Guidelines, an approved Functional Servicing Report, and the MECP’s storm design criteria outlined in the City’s Consolidated Linear Infrastructure ECA and current Stormwater Management Planning and Design Manual, including Level 1 (Enhanced) quality treatment. Additionally, the following shall be required:

For disposition of this matter, refer to Items 7, 13, (e)(iv) and (h)(iii).

(j) ADJOURNMENT (Item 15)

There being no further business, the Planning Committee adjourned at 4:01 p.m.

Councillor J.P. Danko
Chair, Planning Committee

Lisa Kelsey
Legislative Coordinator