



# **PLANNING COMMITTEE REPORT 22-002**

**February 1, 2022**

**9:30 a.m.**

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

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

**Also in Attendance:** Councillor N. Nann

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## **THE PLANNING COMMITTEE PRESENTS REPORT 22-002 AND RESPECTFULLY RECOMMENDS:**

### **1. Hamilton Municipal Heritage Committee Report 22-001 (Item 7.1)**

#### **(a) Appointment of Chair and Vice Chair (Item 1)**

- (i) That A. Denham-Robinson be appointed Chair of the Hamilton Municipal Heritage Committee for 2022; and,
- (ii) That C. Dimitry be appointed Vice-Chair of the Hamilton Municipal Heritage Committee for 2022.

#### **(b) Heritage Permit Application HP2021-055, Under Part V of the Ontario Heritage Act, to Permit New Cladding (Indiana Split Veneer Limestone) Installed Without a Heritage Permit Along the Front of the Garage Structure, 124 St. Clair Avenue, Hamilton (PED22044) (Ward 3) (Added Item 8.1)**

That Heritage Permit Application HP2021-055 attached hereto as Appendix "A" to report 22-001, respecting a Permit New Cladding (Indiana Split Veneer Limestone) Installed Without a Heritage Permit Along the Front of the Garage Structure, 124 St. Clair Avenue, Hamilton be APPROVED.

**2. Appeal of Zoning By-law Amendment Application ZAC-20-043 and Draft Plan of Subdivision Application 25T-202009 for Lands Located at 262 McNeilly Road and 1036 - 1090 Barton Street, Stoney Creek (PED22022) (Ward 10) (Item 7.2)**

That Report PED22022 respecting Appeal of Zoning By-law Amendment Application ZAC-20-043 and Draft Plan of Subdivision Application 25T-202009 for Lands Located at 262 McNeilly Road and 1036 - 1090 Barton Street, Stoney Creek (Ward 10), be received.

**3. Status Update for Site Plan Control Application DA-19-020 for Lands Located at 310 Frances Avenue, Stoney Creek (PED19115(a)) (Ward 10) (Added Item 7.3)**

That Report PED19115(a) respecting Status Update for Site Plan Control Application DA-19-020 for Lands Located at 310 Frances Avenue, Stoney Creek (Ward 10), be received.

**4. City Initiative CI-20-A to Amend the Urban Hamilton Official Plan and Zoning By-law for Lands Located at 1400 Baseline Road, Stoney Creek (PED20002(a)) (Ward 10) (Outstanding Business List Item) (Item 9.1)**

(a) That City Initiative CI-20-A, to amend the Urban Hamilton Official Plan to change the designation from “Low Density Residential 2b” to “Medium Density Residential 3” designation, and identified as a Site Specific Policy Area in the Urban Lakeshore Area Secondary Plan for the lands located at 1400 Baseline Road, Stoney Creek, as shown on Appendix “A” attached to Report PED20002(a), be APPROVED on the following basis:

- (i) That the draft Urban Hamilton Official Plan Amendment, attached as Appendix “B” to Report PED20002(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
- (ii) That the draft Urban Hamilton Official Plan 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 City Initiative CI-20-A, to rezone the subject lands from the Neighbourhood Development “ND” Zone to the Multiple Residential “RM3-69(H)” Zone, Modified, Holding, under Zoning By-law No. 3692-92 (Stoney Creek) on the lands known as 1400 Baseline Road, in order to permit Maisonettes, Townhouses, Apartment Dwellings, Dwelling Groups, a Home Occupation and Uses, buildings or structures accessory to a permitted use, for lands located at 1400 Baseline Road, Stoney Creek, as shown on Appendix “A” attached to Report PED20002(a), be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix “C” to Report PED20002(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the amending By-law apply the Holding Provision of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject lands by introducing the Holding symbol ‘H’ as a suffix to the proposed zoning for the following:

The Holding Provision for the Multiple Residential “RM3-69(H)” Zone, Modified, Holding, shall be removed when the following conditions have been met:

- (1) That a Traffic Impact Study has been submitted and implemented by the Applicant, to the satisfaction of the Manager of Transportation Planning, City of Hamilton;
- (2) That the Applicant/Owner shall investigate the noise levels on the site and determine and implement the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of Environment, Conservation and Parks (MECP) recommended sound level limits. An acoustical report prepared by a qualified Professional Engineer containing the recommended control measures shall be submitted to the satisfaction of the City of Hamilton, Director of Planning and Chief Planner. Should a peer review of the acoustical report be warranted, all associated costs shall be borne by the Owner/Applicant and shall be submitted to the satisfaction of the City of Hamilton, Director of Planning and Chief Planner;
- (3) That the proponent shall carry out an Archaeological Assessment of the subject property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances shall take place on the subject property prior to the approval of the Director of Planning confirming that all archaeological resource concerns have met conservation requirements. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI);
- (4) That the Owner/Applicant enters into and registers an applicable development agreement(s), including an External Works Agreement, and posting of appropriate securities to

ensure the implementation of any infrastructure upgrade needs identified in the Functional Servicing Report, the Traffic Impact Study, or both, recommendation(s) to the satisfaction of the Senior Director of Growth Management, City of Hamilton;

City Council may remove the 'H' symbol and, thereby give effect to the "RM3-69(H)" Zone, Modified, Holding, by enactment of an amending By-law once the above conditions have been fulfilled;

- (iii) That the proposed amendment is consistent with the Provincial Policy Statement (2020), conforms to the Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- (iv) That this By-law will comply with the Urban Hamilton Official Plan upon finalization of Urban Hamilton Official Plan Amendment No. XX;
- (c) That Item 19J be removed from the Planning Committee Outstanding Business List.
- (d) That the public submissions were received and considered by Committee in approving the application.

**5. City Ambassadors on the Waterfront Trail (Item 11.1)**

WHEREAS, the use of the Waterfront Trail has become popular with out of town cyclists many of whom are travelling at unsafe speeds, creating daily safety concerns for other trail users; and,

WHEREAS, the use of e-bikes, e-scooters and other electric powered devices are increasingly used on the waterfront trail, contrary to the City's by-law, and,

WHEREAS, Licensing and By-law Services has previously hired summer students to act as Waterfront Trail Ambassadors as part of a pilot program in 2021 to educate the public and enforce City By-laws; and,

WHEREAS, the Waterfront Trail Ambassador program was considered a success and well received by trail users and Beach Neighbourhood residents,

**THEREFORE BE IT RESOLVED:**

That Licensing and By-law Services be directed to hire two summer students to act as City Ambassadors on the Waterfront Trail for the months of May through August 2022 at a cost of approximately \$28,740.49 to be funded by the Hamilton

Beach Reserve Account 108037.

**6. Amendment to the Removal of Snow and Ice By-law respecting the definition of "clearing" (Added Item 12.2)**

By-law 03-296, Being a By-law to Provide for the Removal of Snow and Ice from Roofs and Sidewalks

WHEREAS, Section 130 of the Municipal Act, Chapter 25, S.O. 2001, provides that a municipality may regulate matters related to the health, safety, and well-being of the inhabitants of the municipality;

WHEREAS, the Council for the City of Hamilton enacted the Removal of Snow and Ice from Roofs and Sidewalks By-law No 03-296 to provide for the removal of snow and ice from roofs and sidewalks, abutting the highways in front of, or alongside, or at the rear of any occupied or unoccupied lot or vacant lot;

WHEREAS, the Removal of Snow and Ice from Roofs and Sidewalks By-law No 03-296 currently does not provide for a specific definition of "clearing" snow and ice making it inconsistent and unclear for property owners on their responsibilities and what constitutes compliance; and,

WHEREAS, contractors working on behalf of the City of Hamilton have a specific;

THEREFORE, BE IT RESOLVED:

That Licensing and By-law Services staff be directed report to the Planning Committee with recommended changes to amend By-law No. 03-296, being a by-law for the Removal of Snow and Ice from Roofs and Sidewalks By-law to include a definition for "clearing" snow and ice consistent with the contractor contract in the City of Hamilton, and to clarify any responsibility or requirements for private property owners to clear snow and ice away from catch basins and fire hydrants in front of their property.

**FOR INFORMATION:**

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

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

**1. COMMUNICATIONS (Item 5)**

**5.2 Communications respecting 310 Frances Avenue (Item 7.3)**

- (i) Sherry Hayes
- (ii) Michelle Blanchette
- (iii) Colleen Saunders

Recommendation: Be received and referred to the consideration of Item 7.3.

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

- 6.1 Ryan Sneek respecting the Heritage Permit Application for 124 St. Clair Avenue (Item 7.1)
- 6.2 Viv Saunders, Lakewood Beach Community Council respecting Items 7.2 and 7.3

**3. PUBLIC HEARINGS / DELEGATIONS (Item 9)**

- 9.1 City Initiative CI-20-A to Amend the Urban Hamilton Official Plan and Zoning By-law for Lands Located at 1400 Baseline Road, Stoney Creek (PED20002(a)) (Ward 10) (Outstanding Business List Item)

(a) Added Written Submissions:

- (vi) Miguel A Byrne
- (vii) Sherry Corning
- (viii) Nancy Hurst
- (ix) Linda MacMillan
- (x) Shujaat Siddiqui

(b) Added Delegation Requests:

- (i) Viv Saunders, Lakewood Beach Community Council
- (ii) Tammy Felts, WCECC #479

**4. NOTICES OF MOTION (Item 12)**

- 12.1 Nuisance Party By-law
- 12.2 Amendment to the Removal of Snow and Ice By-Law respecting the definition of “clearing”

That the agenda for the February 1, 2022 Planning Committee meeting be approved, as amended.

**(b) DECLARATIONS OF INTEREST (Item 3)**

None declared.

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

**(i) January 11, 2022 (Item 4.1)**

The Minutes of the January 11, 2022 meeting were approved, as presented.

Councillor Johnson relinquished the Chair to Councillor Ferguson.

**(d) COMMUNICATIONS (Item 5)**

**(i) Spencer McKay, UrbanCore Developments, respecting Exemption Request for 3033 and 3063 Binbrook Road (Item 5.1)**

The communication from Spencer McKay, UrbanCore Developments, respecting Exemption Request for 3033 and 3063 Binbrook Road, was received.

Councillor Johnson assumed the Chair.

**(ii) Communications respecting 310 Frances Avenue (Item 7.3) (Added Item 5.2)**

The following communications, were received and referred to the consideration of Item 7.3:

- (i) Sherry Hayes
- (ii) Michelle Blanchette
- (iii) Colleen Saunders

**(e) DELEGATION REQUESTS (Item 6)**

**(i) Various Delegation Requests (Added Item 6.1 and 6.2)**

The following Delegations were approved for today's meeting:

- 6.1 Ryan Sneek respecting the Heritage Permit Application for 124 St. Clair Avenue (Item 7.1), to be heard before Item 7.1; and,
- 6.2 Viv Saunders, Lakewood Beach Community Council respecting 262 McNeilly Road and 1036-1090 Barton Street, and 310 Frances Avenue, to be heard before Items 7.2 and 7.3.

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

**(i) Ryan Sneek respecting the Heritage Permit Application for 124 St. Clair Avenue (Item 7.1) (Added Item 9.2)**

Ryan Sneek addressed the Committee respecting the Heritage Permit Application for 124 St. Clair Avenue (Item 7.1).

The Delegation from Ryan Sneek respecting the Heritage Permit Application for 124 St. Clair Avenue (Item 7.1), was received.

For disposition of this matter, refer to Items (g)(i) and 1.

**(g) CONSENT ITEMS (Item 7)**

**(i) Hamilton Municipal Heritage Committee Report 22-001 (Item 7.1)**

Item #2 of Hamilton Municipal Heritage Committee Report 22-001 was voted on separately:

**2. Heritage Permit Application HP2021-055, Under Part V of the Ontario Heritage Act, to Permit New Cladding (Indiana Split Veneer Limestone) Installed Without a Heritage Permit Along the Front of the Garage Structure, 124 St. Clair Avenue, Hamilton (PED22044) (Ward 3) (Added Item 8.1)**

That Heritage Permit Application HP2021-055 attached hereto as Appendix "A" to report 22-001, respecting a Permit New Cladding (Indiana Split Veneer Limestone) Installed Without a Heritage Permit Along the Front of the Garage Structure, 124 St. Clair Avenue, Hamilton be DENIED.

The above Motion was DEFEATED.

The Heritage Permit Application HP2021-055 attached hereto as Appendix "A" to report 22-001, respecting a Permit New Cladding (Indiana Split Veneer Limestone) Installed Without a Heritage Permit Along the Front of the Garage Structure, 124 St. Clair Avenue, Hamilton was APPROVED.

For disposition of this matter, refer to Item 1.



**(h) PUBLIC HEARINGS / DELEGATIONS (Item 9) - Continued**

**(i) Viv Saunders, Lakewood Beach Community Council respecting 262 McNeilly Road and 1036-1090 Barton Street (Item 7.2) (Added Item 9.3)**

Viv Saunders, Lakewood Beach Community Council addressed Committee respecting 262 McNeilly Road and 1036-1090 Barton Street (Item 7.2).

The Delegation from Viv Saunders, Lakewood Beach Community Council respecting 262 McNeilly Road and 1036-1090 Barton Street, was received.

For disposition of this matter, refer to Item 2.

**(ii) Viv Saunders, Lakewood Beach Community Council respecting 310 Frances Avenue (Item 7.3) (Added Item 9.4)**

Viv Saunders, Lakewood Beach Community Council addressed Committee respecting 310 Frances Avenue (Item 7.3).

The Delegation from Viv Saunders, Lakewood Beach Community Council respecting 310 Frances Avenue (Item 7.3), was received.

For disposition of this matter, refer to Item 3.

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

In accordance with the *Planning Act*, Chair Johnson 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 Johnson 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) City Initiative CI-20-A to Amend the Urban Hamilton Official Plan and Zoning By-law for Lands Located at 1400 Baseline Road, Stoney Creek (PED20002(a)) (Ward 10) (Outstanding Business List Item) (Item 9.1)**

Alissa Mahood, Senior Project Manager of Community Planning and GIS, addressed the Committee with the aid of a PowerPoint presentation.

The staff presentation was received.

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

- (i) Nada and John Barlow, in Opposition to the application.
- (ii) Viv Saunders, in Opposition to the application.
- (iii) Heather Saltys, in Opposition to the application.
- (iv) Tammy Felts, President WCECC #479, in Opposition to the application.
- (v) Patricia Townson, in Opposition to the application.
- (vi) Miguel A Byrne, in Opposition to the application.
- (vii) Sherry Corning, in Opposition to the application.
- (viii) Nancy Hurst, in Favour of the application.
- (xi) Linda MacMillan, in Opposition to the application.
- (x) Shujaat Siddiqui, in Opposition to the application.

**Registered Delegations:**

The following Registered Delegations (Added Item 9.1(b)) addressed the Committee:

- (i) Viv Saunders, Lakewood Beach Community Council, in Opposition to the proposal.
- (ii) Tammy Felts, WCECC #479, in Opposition to the proposal.

The following Registered Delegation (Added Item 9.1(b)(i)), was received:

- (i) Viv Saunders, Lakewood Beach Community Council

The following Registered Delegation (Added Item 9.1(b)(ii)), was received:

- (ii) Tammy Felts, WCECC #479

The public meeting was closed.

The recommendations in Report PED20002(a) were **amended** by adding the following sub-section (d):

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

For disposition of this matter, refer to Item 4.

**(j) NOTICES OF MOTION (Item 12)**

**(i) Nuisance Party By-law (Added Item 12.1)**

Councillor Wilson introduced the following Notice of Motion respecting the Nuisance Party By-Law:

WHEREAS, section 10 of the Municipal Act, 2001 provides that a municipality may pass by-laws respecting: economic, social and environmental well-being of the municipality; health, safety and well-being of person; the protection of persons and property; and structures, including fences and signs;

WHEREAS, section 128 of the Municipal Act, 2001 provides that a local municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances and the opinion of Council under this section, if arrived at in good faith, is not subject to review by any court;

WHEREAS, thousands of students participated in a “fake homecoming” party near McMaster University on Saturday October 2, 2021, which resulted in personal injuries, damage to property, an overturned vehicle and garbage and glass strewn throughout two neighbourhoods;

WHEREAS, there have been other situations and incidents in the city of Hamilton, including but not limited to, student orientation, St. Patrick’s Day celebrations, tail-gating parties and other sports-related celebrations, where parties quickly became uncontrollable, disruptive and dangerous to city of Hamilton residents;

WHEREAS, as a result of these types of nuisance parties, there is a significant strain put on city emergency services to ensure the safety and well-being of all residents;

WHEREAS, a number of other Ontario municipalities have implemented a nuisance party by-law that gives law enforcement personnel a mechanism to control and disperse people when an event has become a public nuisance;

WHEREAS, Municipal Law Enforcement and Hamilton Police Service have reported that they would benefit from additional enforcement options beyond those available under existing City By-law and Provincial Statutes;

WHEREAS, a Nuisance Party By-law would provide Municipal Law Enforcement and Hamilton Police Service additional tools to address the negative impacts on neighbourhoods of behaviors associated with large social gatherings.

THEREFORE BE IT RESOLVED:

That Licensing and By-law Services be requested to consult with Hamilton Police Service and other community stakeholders, to identify best practices from other Ontario municipalities, and report back in the second quarter of 2022 next steps for the development and implementation of a Nuisance Party By-law in the City of Hamilton.

**(ii) Amendment to the Removal of Snow and Ice By-law respecting the definition of "clearing" (Added Item 12.2)**

The Rules of Order were waived to allow for the introduction of a Motion respecting Amendment to the Removal of Snow and Ice By-law respecting the definition of "clearing".

For disposition of this matter, refer to Item 6.

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

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

Jason Thorne, General Manager of Planning and Economic Development, addressed the Committee respecting an overview of upcoming staff reports and internal staff re-organizations.

The General Manager's Update, was received.

**(l) ADJOURNMENT (Item 15)**

There being no further business, the Planning Committee adjourned at 12:11 p.m.

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Councillor B. Johnson  
Chair, Planning Committee

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Lisa Kelsey  
Legislative Coordinator