



**PLANNING COMMITTEE  
REPORT  
22-006**

April 25, 2022

9:30 a.m.

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

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

**Absent with Regrets:** Councillor B. Johnson - Personal

**THE PLANNING COMMITTEE PRESENTS REPORT 22-006 AND RESPECTFULLY RECOMMENDS:**

**1. Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED22085) (City Wide) (Item 7.1)**

That Report PED22085 respecting the Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications, be received.

**2. Hamilton-Oshawa Port Authority - City of Hamilton Liaison Committee Report 22-001 (Item 7.3)**

**(a) Election of Co-Chairs for 2022 (Item 1.1)**

- (i) That Councillor J. Partridge be appointed Co-Chair of the Hamilton-Oshawa Port Authority - City of Hamilton Liaison Committee for 2022; and
- (ii) That A. Waldes be appointed Co-Chair of the Hamilton-Oshawa Port Authority - City of Hamilton Liaison Committee for 2022.

**(b) Committee Terms of Reference (Item 10.1)**

That the Committee's Terms of Reference be reviewed at a future meeting, to be scheduled in June 2022.

**3. Agriculture and Rural Affairs Advisory Committee Report 22-001 (Item 7.4)**

**(a) Normal Farm Practice Peer Review by the Agricultural and Rural Affairs Advisory Committee (Item 9.1)**

- (i) That the Planning Committee establish an Agricultural Site Alteration Application Review Working Group of the Agricultural and Rural Affairs Advisory Committee;
- (ii) That the Agricultural Site Alteration Application Review Working Group be comprised of the following Members:
  - (i) Dale Smith
  - (ii) Drew Spoelstra
  - (iii) Cathy McMaster
  - (iv) Mel Switzer
  - (v) Gavin Smuk
- (iii) That the Planning Committee direct staff to investigate implementing a per diem, comparable to that of the Committee of Adjustment, in a future report to the Planning Committee respecting the Site Plan Alteration By-law.

**4. Hamilton Municipal Heritage Committee Report 22-003 (Added Item 7.5)**

**(a) Recommendation to Remove 8 Renwood Place, Flamborough from the Municipal Heritage Register (PED21201(c)) (Ward 15) (Added Item 7.4)**

- (i) That Council receive the notice of objection, attached as Appendix "A" to Report 22-003, from the owner of 8 Renwood Place, Flamborough, objecting to the notice of Council's decision to list the non-designated property on the Municipal Heritage Register under Section 27 of the Ontario Heritage Act; and
- (ii) That Council remove 8 Renwood Place, Flamborough, from the Municipal Heritage Register, pursuant to Section 27(8) of the Ontario Heritage Act.

**(b) Heritage Permit Application HP2021-038, Under Part IV of the Ontario Heritage Act, for a Replacement Front Door and Side Lite Windows and Wood Profile, Related Repairs and Conservation of Transom Window, and Retroactive Approval of Replacement Windows, at 24 Griffin Street, Flamborough, Part IV Designation (PED22072) (Ward 15) (Item 8.2)**

That Heritage Permit Application HP2021-038, for a replacement front door and side lite windows and wood profile, related repairs and conservation of the front transom window, and retroactive approval of replacement windows, for the lands located at 24 Griffin Street, be approved, subject to the following conditions:

- (i) That any minor changes to the plans and elevations following approval shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to submission as part of any application for a Building Permit and / or the commencement of any alterations;
- (ii) Implementation of alterations, in accordance with this approval, shall be completed no later than February 28, 2024. If the alterations are not completed by February 28, 2024, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton;
- (iii) That appropriate notice of the Council decision be served on the owner of 24 Griffin Street, Flamborough, and the Ontario Heritage Trust, as required under Section 33 of the Ontario Heritage Act;
- (iv) That the property located at 24 Griffin Street, Flamborough be added to the Staff Work Plan for Heritage Designation – Amending a Municipal By-law Under the Ontario Heritage Act as a medium priority.

**(c) Inventory and Research Working Group Meeting Notes - January 24, 2022 (Item 10.1)**

- (i) 2 Dartnall Road (Binbrook Feed Station (Item 1)

That the property located at 2 Dartnall Road (Binbrook Feed Station) be added to the Municipal Heritage Register and to the staff work plan for heritage designation under the Ontario Heritage Act as a low priority.

- (ii) 10 Dartnall Road (Ancaster Co-Op) (Item 2)

That the property located at 10 Dartnall Road (Ancaster Co-Op) be added to the Municipal Heritage Register.

**(d) Inventory and Research Working Group Meeting Notes - March 28, 2022 (Added Item 10.2)**

- (i) That 265 Mill Street South, Flamborough (Waterdown), be added to the staff work plan for heritage designation under the Ontario Heritage Act as a low priority;
- (ii) That the staff be directed to implement the conservation of internal and external heritage features of the building identified in the CHIA through a conservation plan and employing appropriate zoning and site plan policies, procedures and processes; and
- (iii) That the property be designated when construction is completed.

**5. Non-Decision Appeals to the Ontario Land Tribunal (2018 to 2022) (LS22021) (City Wide) (Added Item 7.6)**

That Report LS22021 respecting Non-Decision Appeals to the Ontario Land Tribunal (2018 to 2022), be received.

**6. Applications for an Amendment to the City of Flamborough Zoning By-law No. 90-145-Z and City of Hamilton Zoning By-law No. 05-200 and Draft Plan of Subdivision for Lands Located at 655 Cramer Road, Flamborough (PED22061) (Ward 13) (Item 9.2)**

- (a) That Zoning By-law Amendment Application ZAC-17-064, by 1376412 Ontario Ltd. c/o Zeina Homes, (Owner), for a change in zoning from Settlement Residential "R2-14(H)", Modified – Holding Zone to a site specific Settlement Residential "R2" Zone, Modified, and the Conservation / Hazard Land (P5) Zone, for lands located at 655 Cramer Road, as shown on Appendix "A" attached to Report PED22061, be DENIED on the following basis:
  - (i) That the proposal is not consistent with the Provincial Policy Statement (PPS);
  - (ii) The proposal does not comply with the Provincial D-6 Guidelines: Compatibility Between Industrial Facilities;
  - (iii) The proposal does not comply with the Growth Plan for the Greater Golden Horseshoe (2020);
  - (iv) The proposal does not comply with the Settlement Residential policies under the Greensville Rural Settlement Area Plan of the Rural Hamilton Official Plan;
  - (v) The proposal is not consistent with the Greenbelt Plan (2017).
- (b) That Draft Plan of Subdivision Application 25T-201710 by 1376412 Ontario Ltd. c/o Zeina Homes, (Owner), to establish a Draft Plan of Subdivision in

order to permit 18 residential lots, one stormwater management pond and three public roadways (one new proposed road and two extensions of existing public roads) for lands located at 655 Cramer Road, as shown on Appendix "B" attached to Report PED22061, be DENIED on the following basis:

- (i) The proposal is not consistent with the Land Use Compatibility Policy under the Provincial Policy Statement (PPS);
  - (ii) The proposal does not comply with the Employment policy under the Growth Plan for the Greater Golden Horseshoe (2020);
  - (iii) The proposal is not consistent with the Greenbelt Plan;
  - (iv) The proposal does not comply with the Settlement Residential policies of the Greensville Rural Settlement Area Plan and the policies for the approval of a Plan of Subdivision in the Rural Hamilton Official Plan;
  - (v) The proposal does comply with criteria relating to matters of health, safety and welfare of the present and future inhabitants as per Section 51(24) of the *Planning Act*.
- (c) That the public submissions were received and considered by the Committee in denying the application.

**7. Application for Approval of a Draft Plan of Subdivision for Lands Located at 179, 183, and 187 Wilson Street West, Ancaster (PED22081) (Ward 12) (Item 9.3)**

- (a) That Draft Plan of Subdivision Application 25T-202110, by Wilson West Development Corporation c/o Brandon Campbell, owner, to establish a Draft Plan of Subdivision on lands located at 179, 183, and 187 Wilson Street West (Ancaster), as shown on Appendix "A" attached to Report PED22081, be APPROVED subject to the following conditions:
  - (i) That this approval applies to the Draft Plan of Subdivision Application 25T-202110 prepared by A. T. McLaren Limited and certified by S. Dan McLaren, O.L.S. dated July 7, 2021, consisting of two blocks (Blocks 1 and 2) subject to the owner entering into a Standard Form Subdivision Agreement as approved by City Council attached as Appendix "B" to Report PED22081;
  - (ii) That the Special Conditions of Draft Plan of Subdivision Approval, 25T-202110, REVISED Appendix "C" to Report PED22081, (attached hereto as Appendix "A" to Planning Committee Report 22-006), be received and endorsed by City Council;

Waste Collection:

11. That prior to registration of the plan of subdivision, the owner / developer shall include in all offers of purchase and sale and lease or rental agreements warning clauses indicating that an assigned waste collection pad may be provided for Units 14, 15, 16, and 17 of Block 3, Units 18, 19, 20, 21 and 22 of Block 4, Unit 13 of Block 2 and Unit 23 of Block 5 (for unit and block reference please refer to Appendix "E" of PED22081).
- (iii) That payment of Cash-in-Lieu of Parkland be required, pursuant to Section 51 of the *Planning Act*, with the calculation of parkland payment to be based on the value of the lands on the day prior to the day of issuance of each building permit, and in the case of multiple residential blocks, prior to the issuance of the first building permit, all in accordance with the Financial Policies for Development and the City's Parkland Dedication By-law, as approved by Council;
- (iv) That in accordance with the City's Comprehensive Development Guidelines and Financial Policies Manual (2017), there will be no cost sharing within the Draft Plan of Subdivision lands.
- (b) That the public submissions regarding this matter were received and considered by the Committee in approving the application.

**8. Application for a Zoning By-law Amendment and Draft Plan of Subdivision for Lands Located at 525 Rymal Road West, Hamilton (PED22083) (Ward 14) (Item 9.4)**

- (a) That Zoning By-law Amendment Application ZAC-20-044 by A.J. Clarke and Associates c/o Stephen Fraser, on behalf of 2713128 Ontario Inc. c/o Loan Nguyen and Kevin Poursina, Owner, for a change in zoning from the "AA" (Agricultural) District to the "RT-30/S-1817" (Street - Townhouse) District, Modified (Block 1) and from the "AA" (Agricultural) District to the "C/S-1817" (Urban Protected Residential, etc.) District, Modified, (Block 2), to permit the lands to be developed for six street townhouses and one single detached dwelling, on lands located at 525 Rymal Road West, as shown on Appendix "A" attached to Report PED22083, be APPROVED on the following basis:
  - (i) That the draft By-law, attached as Appendix "B" attached to Report PED22083, 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 to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended) and comply with the Urban Hamilton Official Plan (UHOP);
- (b) That Draft Plan of Subdivision Application 25T-202010 by A.J. Clarke and Associates c/o Stephen Fraser, on behalf of 2713128 Ontario Inc. c/o Loan Nguyen and Kevin Poursina, Owner, to establish a Draft Plan of Subdivision on lands located at 525 Rymal Road West, as shown on Appendix “E” attached to Report PED22083, be APPROVED on the following basis:
  - (i) That this approval applies to the Draft Plan of Subdivision Application 25T-202010 prepared by A. J. Clarke and Associates Ltd. and certified by Nicholas P. Muth, O.L.S. dated July 5, 2021, consisting of one block (Block 8), and seven lots (Lots 1-7), subject to the owner entering into a Standard Form Subdivision Agreement as approved by City Council, attached as Appendix “E” to Report PED22083;
  - (ii) That the Special Conditions of Draft Plan of Subdivision Approval, 25T-202010, attached as Appendix “F” to Report PED22083, be received and endorsed by City Council;
  - (iii) That payment of Cash-in-Lieu of Parkland be required, pursuant to Section 51 of the *Planning Act*, with the calculation of parkland payment to be based on the value of the lands on the day prior to the day of issuance of each building permit, and in the case of multiple residential blocks, prior to the issuance of the first building permit, all in accordance with the Financial Policies for Development and the City’s Parkland Dedication By-law, as approved by Council;
  - (iv) That in accordance with the City’s Comprehensive Development Guidelines and Financial Policies Manual (2017), there will be no cost sharing within the Draft Plan of Subdivision lands;
- (c) That upon finalization of the amending By-law, the subject lands shown as Block “1” on Appendix “A” attached to Report PED22083 be re-designated from “Single and Double” to “Attached Housing” in the Carpenter Neighbourhood Plan.
- (d) That the public submissions regarding this matter were received and considered by the Committee in denying the application.

**9. Application for a Zoning By-law Amendment for Lands Located at 866 West 5th Street, Hamilton (PED22090) (Ward 8) (Item 9.5)**

(a) That Amended Zoning By-law Amendment Application ZAC-21-036 by Urban Solutions Planning and Land Development Consultants Inc. c/o Matt Johnston on behalf of Angros Enterprises Ltd. c/o Victor Fontana, owner, for a change in zoning from the "AA" (Agricultural) District and from the "C" (Urban Protected Residential, etc.) District to the "RT-30/S-1818" (Street - Townhouse) District, Modified, to permit the lands to be developed for nine street townhouses on lands located at 866 West 5<sup>th</sup> Street, as shown as Blocks 1 and 2 on Appendix "A" attached to Report PED22090, be APPROVED on the following basis:

(i) That the draft By-law, attached as Appendix "B" attached to Report PED22090, 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 to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended) and comply with the Urban Hamilton Official Plan (UHOP);

(b) That upon finalization of the amending By-law, the subject lands be re-designated from "Single and Double" to "Attached Housing" in the Gourley Neighbourhood Plan.

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

**10. Status Update for Applications for Amendments to the Urban Hamilton Official Plan and Zoning By-law No. 05-200 for Lands Located at 442, 450, 454 and 462 Wilson Street East (Ancaster) (PED22037(a)) (Ward 12) (Item 10.1)**

That Report PED22037(a) respecting Status Update for Applications for Amendments to the Urban Hamilton Official Plan and Zoning By-law No. 05-200 for Lands Located at 442, 450, 454 and 462 Wilson Street East, be received.

**11. Demolition Control and Heritage (PED22093) (City Wide) (Item 10.2)**

That the Demolition Control Area By-Law attached as Appendix "A" to Report PED22093, which repeals and replaces the existing Demolition Control Area By-Law No. 09-208 and its amending By-Law No. 13-185, be approved.

**12. Taxi Meter Rate Increase (PED22105) (City Wide) (Item 10.3)**

- (a) That Appendix 1 (Taxicab Tariff/Fares) of Schedule 25 (Taxi Cabs) of the Licensing By-law 07-170 be amended to identify that *the first 71.4 meters or part thereof* be set to \$4.90; and,
- (b) That the draft By-law attached as Appendix “A” to Report PED22105 to amend the City of Hamilton’s By-Law 07-170 which has been prepared in a form satisfactory to the City Solicitor, be enacted.

**13. Demolition Permit for 73 and 77 Stone Church Road West and 1029 West 5th Street - Demolition of Three Single Family Dwellings in Preparation for new Development (Item 11.1)**

WHEREAS the owner has received conditional site plan approval and is currently working through site plan approvals;

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 73 and 77 Stone Church Road West and 1029 West 5th Street, 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 the conditions of section 6(a), (b), and (c) of the Demolition Control By-law 09-208.

**14. Demolition Permit for 387, 397, 405 and 409 Hamilton Drive, Ancaster (Item 11.2)**

WHEREAS, the developer of the subject property has assumed a previously submitted application for a Zoning By-law Amendment and Draft Plan of Subdivision (File Nos. ZAC-18-048 / 25T-201809) to permit the development of a residential plan of subdivision for 17 single detached residential lots and a stormwater management pond;

WHEREAS the subject properties on Hamilton Drive in Ancaster have homes and garages that have been vacant and boarded up for years;

WHEREAS demolition permits are being requested to alleviate ongoing trespass and vandalism issues associated with these vacant structures while planning issues are being resolved;

THEREFORE BE IT RESOLVED:

That the Chief Building Official be authorized to issue a demolition permits for 387, 397, 405 and 409 Hamilton Drive, Ancaster, 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 the conditions 6(a), (b), and (c) of the Demolition Control By-law 09-208.

**15. Update on Recent Ontario Land Tribunal Decisions (LS22014/PED22119) (City Wide) (Added Item 14.1)**

- (a) That Report LS22014/PED22119 respecting Update on Recent Ontario Land Tribunal Decisions, be referred to the General Issues Committee; and,
- (b) That Report LS22014/PED22119 respecting Update on Recent Ontario Land Tribunal Decisions remain private and 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)**

- 6.2 Bob Maton, Ancaster Village Heritage Community, respecting Revisions to the Demolition By-law (Item 10.2)

**2. CONSENT ITEMS (Item 7)**

- 7.2 Appointment By-law under the Building Code Act, 1992 (PED22099) (City Wide) - WITHDRAWN
- 7.5 Hamilton Municipal Heritage Committee Report 22-003
- 7.6 Non-Decision Appeals to the Ontario Land Tribunal (2018 to 2022) (LS22021) (City Wide)

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

- 9.4 Application for a Zoning By-law Amendment and Draft Plan of Subdivision for Lands Located at 525 Rymal Road West, Hamilton (PED22083) (Ward 14)

- (a) Added Written Submission:

- (i) John Huizing

9.5 Application for a Zoning By-law Amendment for Lands Located at 866 West 5th Street, Hamilton (PED22090) (Ward 8)

- (a) Added Written Submission:

- (i) Josephine Poon

- (b) Added Registered Delegations:

- (i) Bruce Black
- (ii) Kimberley MacLean
- (iii) Randy Chapple

#### **4. PRIVATE AND CONFIDENTIAL (Item 14)**

14.1 Update on Recent Ontario Land Tribunal Decisions (LS22014/PED22119) (City Wide)

The agenda for the April 25, 2022 Planning Committee meeting was approved, as amended.

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

Councillor Ferguson declared a disqualifying interest regarding Item 10.3 Taxi Meter Rate Increase (PED22105), as he is an investor in the industry.

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

##### **(i) April 5, 2022 (Item 4.1)**

The Minutes of the April 5, 2022 meeting were approved, as presented.

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

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

The following Delegation Requests were approved:

6.1 Amanda Stewart respecting Day Cares and Zoning By-Law Separation Requirements, to be heard before Item 9.2.

6.2 Bob Maton, Ancaster Village Heritage Community, respecting Revisions to the Demolition By-law (Item 10.2), to be heard before Item 9.2.

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

**(i) Luca Giuliano respecting the 12 Hour Parking Rule (Item 9.1)**

Luca Giuliano addressed the Committee respecting the 12 Hour Parking Rule.

The delegation from Luca Giuliano respecting the 12 Hour Parking Rule, was received.

WHEREAS, the 12 Hour Time Limit Parking Regulation has at least been in place since 2001 in all areas of City inclusive of Ancaster, Dundas, Flamborough, Glanbrook, Hamilton, and Stoney Creek.

WHEREAS, divisions within Public Works rely on the 12 Hour Time Limit Parking Regulation in order to facilitate public works functions such as but not limited to snow removal, road maintenance, etc.

WHEREAS, residents have historically relied on the 12 Hour Time Limit Parking Regulation for on street turnover intended for equal access to on street parking and to prevent vehicles from being stored/abandoned on the street.

WHEREAS, COVID 19 has put pressure on street parking availability due to residential dynamics in relation to the 12 Hour Time Limit Parking Regulation.

Whereas the 12 hour Time limit creates challenges for people working on extended work shifts and work and hybrid work models.

THEREFORE, BE IT RESOLVED:

That staff be directed report back to Planning Committee with a review of the 12 Hour Parking Regulation and options for potential modifications.

**(ii) Amanda Stewart respecting Day Cares and Zoning By-law Separation Requirements (Added Item 9.6)**

Amanda Stewart addressed the Committee respecting Day Cares and Zoning By-law Separation Requirements.

The delegation from Amanda Stewart respecting Day Cares and Zoning By-law Separation Requirements, was received.

**(iii) Bob Maton, Ancaster Village Heritage Community, respecting Revisions to the Demolition By-law (Item 10.2) (Added Item 9.7)**

Bob Maton, Ancaster Village Heritage Community, addressed the Committee respecting Revisions to the Demolition By-law (Item 10.2).

The delegation from Bob Maton, Ancaster Village Heritage Community, respecting Revisions to the Demolition By-law (Item 10.2), was received.

For disposition of this matter, refer to Item 11.

In accordance with the *Planning Act*, Chair Ferguson 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 Ferguson 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 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.

**(iv) Applications for an Amendment to the City of Flamborough Zoning By-law No. 90-145-Z and City of Hamilton Zoning By-law No. 05-200 and Draft Plan of Subdivision for Lands Located at 655 Cramer Road, Flamborough (PED22061) (Ward 13) (Item 9.2)**

No members of the public were registered as Delegations.

The staff presentation was waived.

Steve Fraser with AJ Clarke & Associates, was in attendance and indicated he was not in support of the staff report.

The delegation from Steve Fraser with AJ Clarke & Associates, was received.

The written submissions in the staff report were received.

The public meeting was closed.

- (a) That Zoning By-law Amendment Application ZAC-17-064, by 1376412 Ontario Ltd. c/o Zeina Homes, (Owner), for a change in zoning from Settlement Residential "R2-14(H)", Modified – Holding

Zone to a site specific Settlement Residential “R2” Zone, Modified, and the Conservation / Hazard Land (P5) Zone, for lands located at 655 Cramer Road, as shown on Appendix “A” attached to Report PED22061, be DENIED on the following basis:

- (i) That the proposal is not consistent with the Provincial Policy Statement (PPS);
  - (ii) The proposal does not comply with the Provincial D-6 Guidelines: Compatibility Between Industrial Facilities;
  - (iii) The proposal does not comply with the Growth Plan for the Greater Golden Horseshoe (2020);
  - (iv) The proposal does not comply with the Settlement Residential policies under the Greensville Rural Settlement Area Plan of the Rural Hamilton Official Plan;
  - (v) The proposal is not consistent with the Greenbelt Plan (2017).
- (b) That Draft Plan of Subdivision Application 25T-201710 by 1376412 Ontario Ltd. c/o Zeina Homes, (Owner), to establish a Draft Plan of Subdivision in order to permit 18 residential lots, one stormwater management pond and three public roadways (one new proposed road and two extensions of existing public roads) for lands located at 655 Cramer Road, as shown on Appendix “B” attached to Report PED22061, be DENIED on the following basis:
- (i) The proposal is not consistent with the Land Use Compatibility Policy under the Provincial Policy Statement (PPS);
  - (ii) The proposal does not comply with the Employment policy under the Growth Plan for the Greater Golden Horseshoe (2020);
  - (iii) The proposal is not consistent with the Greenbelt Plan;
  - (iv) The proposal does not comply with the Settlement Residential policies of the Greensville Rural Settlement Area Plan and the policies for the approval of a Plan of Subdivision in the Rural Hamilton Official Plan;
  - (v) The proposal does comply with criteria relating to matters of health, safety and welfare of the present and future inhabitants as per Section 51(24) of the Planning Act.

The recommendations in Report PED22061 were **amended** by adding the following sub-section (c):

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

For disposition of this matter, refer to Item 6.

- (iv) **Application for Approval of a Draft Plan of Subdivision for Lands Located at 179, 183, and 187 Wilson Street West, Ancaster (PED22081) (Ward 12) (Item 9.3)**

No members of the public were registered as delegations.

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

The staff presentation was received.

Katelyn Gillis with T. Johns Consulting, was in attendance and indicated support for the staff report.

The delegation from Katelyn Gillis with T. Johns Consulting, was received.

The written submissions in the staff report were received.

The public meeting was closed.

- (a) That Draft Plan of Subdivision Application 25T-202110, by Wilson West Development Corporation c/o Brandon Campbell, owner, to establish a Draft Plan of Subdivision on lands located at 179, 183, and 187 Wilson Street West (Ancaster), as shown on Appendix "A" attached to Report PED22081, be APPROVED subject to the following conditions:
  - (i) That this approval applies to the Draft Plan of Subdivision Application 25T-202110 prepared by A. T. McLaren Limited and certified by S. Dan McLaren, O.L.S. dated July 7, 2021, consisting of two blocks (Blocks 1 and 2) subject to the owner entering into a Standard Form Subdivision Agreement as approved by City Council attached as Appendix "B" to Report PED22081;
  - (ii) That the Special Conditions of Draft Plan of Subdivision Approval, 25T-202110, attached as Appendix "C" to Report PED22081, be received and endorsed by City Council;

- (iii) That payment of Cash-in-Lieu of Parkland be required, pursuant to Section 51 of the *Planning Act*, with the calculation of parkland payment to be based on the value of the lands on the day prior to the day of issuance of each building permit, and in the case of multiple residential blocks, prior to the issuance of the first building permit, all in accordance with the Financial Policies for Development and the City's Parkland Dedication By-law, as approved by Council;
- (iv) That in accordance with the City's Comprehensive Development Guidelines and Financial Policies Manual (2017), there will be no cost sharing within the Draft Plan of Subdivision lands.

Appendix "C" to Report PED22081 was **amended** by adding Condition 11, as follows:

**Waste Collection:**

- 11. ***That prior to registration of the plan of subdivision, the owner / developer shall include in all offers of purchase and sale and lease or rental agreements warning clauses indicating that an assigned waste collection pad may be provided for Units 14, 15, 16, and 17 of Block 3, Units 18, 19, 20, 21 and 22 of Block 4, Unit 13 of Block 2 and Unit 23 of Block 5 (for unit and block reference please refer to Appendix "E" of PED22081).***

The recommendations in Report PED22081 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 7.

- (v) **Application for a Zoning By-law Amendment and Draft Plan of Subdivision for Lands Located at 525 Rymal Road West, Hamilton (PED22083) (Ward 14) (Item 9.4)**

No members of the public were registered as Delegations.

The staff presentation was waived.

Ryan Ferrari and Steve Fraser with AJ Clarke & Associates, were in attendance and indicated support for the staff report.

The delegation from Ryan Ferrari and Steve Fraser with AJ Clarke & Associates, was received.

The following written submission (Added Item 9.4(a)), were received:

- (i) John Huizing, with concerns regarding the application.

The public meeting was closed.

- (a) That Zoning By-law Amendment Application ZAC-20-044 by A.J. Clarke and Associates c/o Stephen Fraser, on behalf of 2713128 Ontario Inc. c/o Loan Nguyen and Kevin Poursina, Owner, for a change in zoning from the "AA" (Agricultural) District to the "RT-30/S-1817" (Street - Townhouse) District, Modified (Block 1) and from the "AA" (Agricultural) District to the "C/S-1817" (Urban Protected Residential, etc.) District, Modified, (Block 2), to permit the lands to be developed for six street townhouses and one single detached dwelling, on lands located at 525 Rymal Road West, as shown on Appendix "A" attached to Report PED22083, be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix "B" attached to Report PED22083, 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 to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended) and comply with the Urban Hamilton Official Plan (UHOP);

- (b) That Draft Plan of Subdivision Application 25T-202010 by A.J. Clarke and Associates c/o Stephen Fraser, on behalf of 2713128 Ontario Inc. c/o Loan Nguyen and Kevin Poursina, Owner, to establish a Draft Plan of Subdivision on lands located at 525 Rymal Road West, as shown on Appendix "E" attached to Report PED22083, be APPROVED on the following basis:

- (i) That this approval applies to the Draft Plan of Subdivision Application 25T-202010 prepared by A. J. Clarke and Associates Ltd. and certified by Nicholas P. Muth, O.L.S. dated July 5, 2021, consisting of one block (Block 8), and seven lots (Lots 1-7), subject to the owner entering into a Standard Form Subdivision Agreement as approved by City Council, attached as Appendix "E" to Report PED22083;

- (ii) That the Special Conditions of Draft Plan of Subdivision Approval, 25T-202010, attached as Appendix “F” to Report PED22083, be received and endorsed by City Council;
  - (iii) That payment of Cash-in-Lieu of Parkland be required, pursuant to Section 51 of the *Planning Act*, with the calculation of parkland payment to be based on the value of the lands on the day prior to the day of issuance of each building permit, and in the case of multiple residential blocks, prior to the issuance of the first building permit, all in accordance with the Financial Policies for Development and the City’s Parkland Dedication By-law, as approved by Council;
  - (iv) That in accordance with the City’s Comprehensive Development Guidelines and Financial Policies Manual (2017), there will be no cost sharing within the Draft Plan of Subdivision lands;
- (c) That upon finalization of the amending By-law, the subject lands shown as Block “1” on Appendix “A” attached to Report PED22083 be re-designated from “Single and Double” to “Attached Housing” in the Carpenter Neighbourhood Plan.

The recommendations in Report PED22083 were **amended** by adding the following sub-section (d):

- (d) *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.

- (vi) Application for a Zoning By-law Amendment for Lands Located at 866 West 5th Street, Hamilton (PED22090) (Ward 8) (Item 9.5)**

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

The staff presentation was received.

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

The delegation from Matt Johnston with Urban Solutions, was received.

The following written submissions (Added Item 9.5(a)), were received:

- (i) Josephine Poon, in Opposition to the application.

**Registered Delegations (Added Item 9.5(b)):**

- (i) Bruce Black addressed the Committee in Opposition to the proposal.
- (ii) Kimberley MacLean addressed the Committee in Opposition to the proposal.
- (iii) Randy Chapple addressed the Committee in Opposition to the proposal.

The following delegations were received.

- (i) Bruce Black
- (ii) Kimberley MacLean
- (iii) Randy Chapple

The public meeting was closed.

- (a) That Amended Zoning By-law Amendment Application ZAC-21-036 by Urban Solutions Planning and Land Development Consultants Inc. c/o Matt Johnston on behalf of Angros Enterprises Ltd. c/o Victor Fontana, owner, for a change in zoning from the "AA" (Agricultural) District and from the "C" (Urban Protected Residential, etc.) District to the "RT-30/S-1818" (Street - Townhouse) District, Modified, to permit the lands to be developed for nine street townhouses on lands located at 866 West 5<sup>th</sup> Street, as shown as Blocks 1 and 2 on Appendix "A" attached to Report PED22090, be APPROVED on the following basis:
  - (i) That the draft By-law, attached as Appendix "B" attached to Report PED22090, 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 to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended) and comply with the Urban Hamilton Official Plan (UHOP);
- (b) That upon finalization of the amending By-law, the subject lands be re-designated from "Single and Double" to "Attached Housing" in the Gourley Neighbourhood Plan.

The recommendations in Report PED22090 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 9.

The Committee recessed from 12:32 p.m. until 1:00 p.m.

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

**(i) Demolition Control and Heritage (PED22093) (City Wide) (Item 10.2)**

Alissa Golden, Heritage Projects Specialist, addressed the Committee with the aid of a PowerPoint presentation.

The presentation from Alissa Golden, Heritage Projects Specialist, respecting Demolition Control and Heritage, was received.

For disposition of this matter refer to Item 11.

**(ii) Taxi Meter Rate Increase (PED22105) (City Wide) (Item 10.3)**

Due to a declared conflict, Chair Ferguson relinquished the Chair to Councillor Wilson for the discussion and voting on this matter.

For disposition of this matter, refer to Item 12.

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

**(i) Waiving of Street Festival Fees (Added Item 12.1)**

Councillor Farr introduced the following Notice of Motion respecting Waiving of Street Festival Fees:

WHEREAS, over the past two years the COVID 19 Pandemic has significantly impacted the ability for street festivals to occur;

WHEREAS, street festivals are an important tool to support broader economic recovery planning;

WHEREAS, Hamilton Municipal Parking System typically charges a fee to help off-set the loss in revenue where street festivals remove metered on-street parking from service; and,

WHEREAS, reducing the costs associated with street festivals could accelerate their return;

THEREFORE, BE IT RESOLVED:

- (a) That the fees typically applied to offset revenue losses from metered parking being removed from service be waived for street festivals qualifying under the Special Event Advisory Team (SEAT) process be waived for the 2022 season; and,
- (b) That the estimated revenue off-set for the Hamilton Municipal Parking System be funded from the Economic Development Investment Reserve (112221) .

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

**(i) General Manager's Update (Added Item 13.2)**

Jason Thorne, General Manager of Planning and Economic Development, advised the Committee of Chief Building Official Ed VanderWindt's upcoming retirement.

**(i) PRIVATE AND CONFIDENTIAL (Item 14)**

Committee moved into Closed Session respecting Item 14.1 pursuant to Section 9.1, Sub-sections (e), (f) and (k) of the City's Procedural By-law 21-021, as amended, 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 City; the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and, to 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 on Recent Ontario Land Tribunal Decisions (LS22014/PED22119) (City Wide) (Added Item 14.1)**

For disposition of this matter refer to Item 15.

(j) **ADJOURNMENT (Item 15)**

There being no further business, the Planning Committee adjourned at 2:54 p.m.

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Councillor L. Ferguson  
Acting Chair, Planning Committee

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Lisa Kelsey  
Legislative Coordinator

### **Special Conditions for Draft Plan of Subdivision Approval for 25T-202110**

That this approval for the Draft Plan of Subdivision, 25T-202110, prepared by T. Johns Consulting Group and certified by Dan McLaren, O.L.S., dated March 10, 2022 (Revision E, dated March 10, 2022), consisting of one development block for street townhouse dwellings (Block 1 and Block 2) be received and endorsed by City Council with the following special conditions:

#### **Development Engineering:**

1. That, **prior to registration of the final plan of subdivision**, the Owner agrees that the final plan of the subdivision shall include a 2.21 metre block widening to be dedicated to the City of Hamilton as public highway by the Owner’s certificate on the plan, to establish the widened limit of Wilson Street at 15.24m (50 feet) from the center line of the original road allowance, to the satisfaction of the Director, Growth Management.

#### **Development Planning:**

2. That, **prior to preliminary grading and / or servicing**, the Owner shall prepare a Tree Preservation / Enhancement Plan, showing the location of drip lines, edges and existing plantings, the location of all existing trees and the method to be employed in retaining trees required to be protected; and to implement all approved tree saving measures. The implementation of the Plan shall include a Verification of Tree Protection Letter, prepared by a qualified professional, all to the satisfaction of the Director of Planning and Chief Planner; and,
3. That, **prior to registration of the plan of subdivision**, the Owner shall provide a Landscape Plan prepared by a certified Landscape Architect to the satisfaction of the Director of Planning and Chief Planner. The Landscape Plan is to show the placement of compensation trees required for any tree removals completed in accordance with the approved Tree Protection Plan. The minimum size of trees required for compensation are to be in accordance with the City’s Tree Protection Guidelines (revised October 2010). In the event that the owner cannot provide for all trees on site, the owner shall provide cash-in-lieu for the remaining trees.

#### **Transportation Planning:**

4. That, **prior to servicing**, the Owner shall include, in the engineering design and cost estimate schedules, provision for the relocation of the concrete pad for the bus stop along Wilson Street West to the satisfaction and approval of the Manager, Transportation Planning. All costs for utility relocation are the sole responsibility of the Owner. It is the Applicant’s responsibility to coordinate with the appropriate departments ahead of time.

**Canada Post:**

5. That **prior to registration of the plan of subdivision**, the Owner shall include in all offers of purchase and sale and lease or rental agreements, a statement that advises the prospective purchaser:
  - i. That the home / business mail delivery will be from a designated Centralized Mail Box; and,
  - ii. That the developers / owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.
  
6. That **prior to registration of the plan of subdivision**, the Owner agrees to:
  - iii. Work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision;
  - iv. Install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes;
  - v. Identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision;
  - vi. Determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans; and,
  - vii. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.
  
7. Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility (Lock Box Assembly) at their own expense (less than 100 units will require a front loading Lock Box Assembly and more than 100 units will require a rear loading Lock Box Assembly which will require a mail room) will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.

**Bell Canada:**

8. That **prior to registration of the plan of subdivision**, the Owner shall indicate in the Agreement, in words satisfactory to Bell Canada, that it will grant to Bell Canada any easements that may be required, which may include a blanket easement, for communication/telecommunication infrastructure. In the event of any conflict with existing Bell Canada facilities or easements, the Owner shall be responsible for the relocation of such facilities or easements.

**Rogers Communication Inc.:**

9. That **prior to registration of the plan of subdivision**, the owner / developer shall provide to Rogers Communications Inc. ("Rogers") the necessary easements and / or agreements required by Rogers for the provision of telecommunications services for this project, in a form satisfactory to Rogers.

**Union Gas:**

10. That **prior to registration of the plan of subdivision**, the owner / developer shall provide to Enbridge Gas Inc.'s operating as Union Gas, ("Union") the necessary easements and / or agreements required by Union for the provision of gas services for this project, in a form satisfactory to Union.

**Waste Collection:**

11. That **prior to registration of the plan of subdivision**, the owner / developer shall include in all offers of purchase and sale and lease or rental agreements warning clauses indicating that an assigned waste collection pad may be provided for Units 14, 15, 16, and 17 of Block 3, Units 18, 19, 20, 21 and 22 of Block 4, Unit 13 of Block 2 and Unit 23 of Block 5 (for unit and block reference please refer to Appendix "E" of PED22081).

**NOTES TO DRAFT PLAN APPROVAL**

1. Pursuant to Section 51 (32) of the *Planning Act*, draft approval shall lapse if the plan is not given final approval within three years. However, extensions will be considered if a written request is received two months before the draft approval lapses.

