



PLANNING COMMITTEE REPORT 22-015

September 20, 2022

9:30 a.m.

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

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

Absent with Regrets: Councillor J. Partridge - Personal

THE PLANNING COMMITTEE PRESENTS REPORT 22-015 AND RESPECTFULLY RECOMMENDS:

1. Active Official Plan Amendment, Zoning By-law Amendment, and Plan of Subdivision Applications (PED22186) (City Wide) (Item 7.1)

That Report PED22186 respecting Active Official Plan Amendment, Zoning By-law Amendment, and Plan of Subdivision Applications, be received.

2. Agriculture and Rural Affairs Sub-Committee Report 22-002 (Item 7.2)

(i) Farm Labour Residence Review (Item 8.1)

- (a) That staff be directed to provide the Agriculture and Rural Affairs Sub-Committee an opportunity to comment on the draft recommendations for the Farm Labour Residence Policy prior to its consideration at Planning Committee; and
- (b) That staff be directed to provide the Agriculture and Rural Affairs Sub-Committee an opportunity to comment on the Secondary Dwelling Units prior to its consideration at Planning Committee.

3. **Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-22-006 and Zoning By-law Amendment Application ZAC-22-014 to the Ontario Land Tribunal (OLT) for Lack of Decision for Lands Located at 186 Hunter Street East, Hamilton (PED22190) (Ward 2) (Item 7.3)**

That Report PED2290 respecting Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-22-006 and Zoning By-law Amendment Application ZAC-22-014 to the Ontario Land Tribunal (OLT) for Lack of Decision for Lands Located at 186 Hunter Street East, Hamilton, be received.

4. **Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-22-007 and Zoning By-law Amendment Application ZAC-22-015 to the Ontario Land Tribunal (OLT) for Lack of Decision for Lands Located at 522 and 526 Winona Road, Stoney Creek (PED22191) (Ward 10) (Item 7.4)**

That Report PED22191 respecting Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-22-007 and Zoning By-law Amendment Application ZAC-22-015 to the Ontario Land Tribunal (OLT) for Lack of Decision for Lands Located at 522 and 526 Winona Road, Stoney Creek, be received.

5. **Comprehensive Zoning By-law Work Plan (PED22193) (City Wide) (Item 7.5)**

That Report PED22193 respecting Comprehensive Zoning By-law Work Plan, be received.

6. **Hamilton Municipal Heritage Committee Report 22-009 (Added Item 7.6)**

- (i) **Inventory and Research Working Group Minutes - May 30, 2022 (Item 10.1)**

- (a) That the property located at 111 Inksetter Road, Flamborough be added to the Municipal Heritage Register, as a Non-Designated property

- (ii) **Register Listing Objections in Beasley Neighbourhood (PED22135(a)) (Ward 2) (Item 10.2)**

- (a) That Council receive the notices of objection, attached hereto as Appendix "A", from the owners of 188 Mary Street and 43 Robert Street, Hamilton, objecting to the notices of Council's decision to list the non-designated properties on the Municipal Heritage Register (Register) under Section 27 of the Ontario Heritage Act;
- (b) That Council remove the non-designated properties at 188 Mary Street and 43 Robert Street, Hamilton, from the Municipal Heritage Register, pursuant to Section 27(8) of the Ontario Heritage Act.

**(iii) Inventory & Research Working Group Meeting Notes – April 22, 2022
(Added Item 10.3)**

- (a) 175 Lawrence Road, Hamilton (The Hamilton Pressed Brick Co.)
(Item 1)

(i) That 175 Lawrence Road, Hamilton, be added to the Municipal Heritage Register as a non-Designated Cultural Heritage Landscape; and

(ii) That staff be directed to investigate enhanced interpretation opportunities for 175 Lawrence Road, Hamilton.

- (b) 206 Main Street W., Hamilton (Arlo House) (Item 2)

That 206 Main Street W., Hamilton, be added to Staff's Designation Work Plan as a low priority.

- (c) 3 Main St., Dundas (Dundas Valley Masonic Temple) (Item 3)

(i) That 3 Main St., Dundas, be added to the Municipal Heritage Register as a non-Designated Property,

(ii) That 3 Main St., Dundas, be added to Staff's Designation Work Plan as a low priority; and

(iii) That 3 Main St., Dundas, be considered as a priority for review under the Downtown Dundas Built Heritage Inventory Project.

(vi) Television City, 163 Jackson Street West (Item 13.1)(a)(xvi)

- (a) That Delegated Authority be removed from the property located at 163 Jackson Street, known as Television City, to allow the Hamilton Municipal Heritage Committee to take carriage of the file; and

- (b) That when staff report back to the Hamilton Municipal Heritage Committee on the property located at 163 Jackson Street, the report include additional options for the stabilization of the resource.

7. School Zone Special Enforcement Area Pilot (PED19238(a)) (Wards 1 and 11) (Outstanding Business List Item) (Item 10.1)

- (a) That Council direct staff to implement two pilot Special Enforcement Areas (SEAs) in proximity to Earl Kitchener Elementary School and St. Matthew

Catholic Elementary School and report back to the Planning Committee on their effectiveness following the 2022/2023 School Year;

- (b) That the matter respecting Item 19BB, staff consultation with Hamilton schools and School Boards regarding issues related to parking and stopping in front of schools be identified as complete and removed from the Planning Committee Outstanding Business List.
- 8. Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-22-007 and Zoning By-law Amendment Application ZAC-22-015 to the Ontario Land Tribunal (OLT) for Lack of Decision for Lands Located at 522 and 526 Winona Road, Stoney Creek (LS22031/PED22191(a)) (Ward 10) (Item 14.1)**
- (a) That the confidential directions to staff outlined in Report LS22031/PED22191(a), be released publicly, following Council's approval;
 - (b) That confidential Appendices "A", "B", "C" and "D", be released publicly, following Council's approval; and
 - (c) That the balance of Report LS22031/PED22191(a), remain confidential.

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

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

1. COMMUNICATIONS (Item 5)

5.1 Ontario Land Tribunal Decisions:

- 5.1(b) 354 King Street West OLT-22-002235 – Zoning By-law and Official Plan Amendment**

Recommendation: Be received.

5.3 Lakewood Beach Community Council respecting 522 and 526 Winona Road (Items 7.4 and 14.1)

Recommendation: Be received and referred to the consideration of Items 7.4 and 14.1.

2. DELEGATION REQUESTS (Item 6)

- 6.1 Aamir Shahzad respecting Taxicab By-laws and a Taxicab Advisory Committee (For the November 29th meeting)

3. CONSENT ITEMS (Item 7)

- 7.6 Hamilton Municipal Heritage Committee Report 22-009

4. PUBLIC HEARINGS/ DELEGATIONS (Item 9)

- 9.1 Ryan Reid respecting Sunday Gun Hunting in Flamborough – DEFERRED to the November 29th meeting, at the Delegate's request

The agenda for the September 20, 2022 Planning Committee meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

Councillor Wilson declared a disqualifying interest with Item 5.3 Lakewood Beach Community Council respecting 522 and 526 Winona Road, Item 7.4 Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-22-007 and Zoning By-law Amendment Application ZAC-22-015 to the Ontario Land Tribunal (OLT) for Lack of Decision for Lands Located at 522 and 526 Winona Road, Stoney Creek (PED22191) (Ward 10), and 14.1 Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-22-007 and Zoning By-law Amendment Application ZAC-22-015 to the Ontario Land Tribunal (OLT) for Lack of Decision for Lands Located at 522 and 526 Winona Road, Stoney Creek (LS22031/PED22191(a)) (Ward 10), as her spouse has a business relationship with the applicant.

Councillor Ferguson declared a non-disqualifying interest with Item 6.1, Aamir Shahzad respecting Taxicab By-laws and a Taxicab Advisory Committee, as he is an owner of taxi plate licences.

Councillor Pearson declared a disqualifying interest with Item 9.2 John Fairland respecting Legality of Rental Housing By-law No. 21-166, as she is a landlord of rental properties.

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

(i) September 6, 2022 (Item 4.1)

The Minutes of the September 6, 2022 meeting were approved, as presented.

(d) COMMUNICATIONS (Item 5)

(i) Ontario Land Tribunal Decisions (Item 5.1)

The following communication items were received:

- (a) 311 and 313 Stone Church Road East - OLT-22-002235 - Zoning By-law and Official Plan Amendment (Item 5.1(a))
- (b) 354 King Street West OLT-22-002235 – Zoning By-law and Official Plan Amendment (Added Item 5.1(b))

(ii) Ancaster Village Heritage Community respecting Required Infrastructure Prior to Construction (Item 5.2)

The correspondence from Ancaster Village Heritage Community respecting Required Infrastructure Prior to Construction, was received.

(iii) Lakewood Beach Community Council respecting 522 and 526 Winona Road (Items 7.4 and 14.1) (Added Item 5.3)

The correspondence from Lakewood Beach Community Council respecting 522 and 526 Winona Road (Items 7.4 and 14.1), was received and referred to the consideration of Items 7.4 and 14.1.

(e) DELEGATION REQUESTS (Item 6)

(i) Aamir Shahzad respecting Taxicab By-laws and a Taxicab Advisory Committee (For the November 29th meeting) (Added Item 6.1)

The Delegation from Aamir Shahzad respecting Taxicab By-laws and a Taxicab Advisory Committee was approved for the November 29th meeting.

(f) CONSENT ITEMS (Item 7)

(i) Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-22-006 and Zoning By-law Amendment Application ZAC-22-014 to the Ontario Land Tribunal (OLT) for Lack of Decision for Lands Located at 186 Hunter Street East, Hamilton (PED22190) (Ward 2) (Item 7.3)

Alaina Baldassara, Planner II, addressed the Committee with the aid of a PowerPoint presentation.

The staff presentation was received.

For disposition of this matter, refer to Item 3.

- (ii) **Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-22-007 and Zoning By-law Amendment Application ZAC-22-015 to the Ontario Land Tribunal (OLT) for Lack of Decision for Lands Located at 522 and 526 Winona Road, Stoney Creek (PED22191) (Ward 10) (Item 7.4)**

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

The staff presentation was received.

For disposition of this matter, refer to Item 4.

- (iii) **Comprehensive Zoning By-law Work Plan (PED22193) (City Wide) (Item 7.5)**

Shannon McKie, Manager of Policy Information Planning and Zoning By-law, addressed the Committee with the aid of a PowerPoint presentation.

The staff presentation was received.

For disposition of this matter, refer to Item 5.

- (iv) **Hamilton Municipal Heritage Committee Report 22-009 (Added Item 7.6)**

That Item (ii)(b) of Hamilton Municipal Heritage Committee Report 22-009 be **amended** by deleting it in its entirety and replacing it with a new sub-section (b), as follows:

- (ii) **Register Listing Objections in Beasley Neighbourhood (PED22135(a)) (Ward 2) (Item 10.2)**

~~(b) That Council continue to include 188 Mary Street and 43 Robert Street, Hamilton, on the Municipal Heritage Register as non-designated properties that Council believes to be of cultural heritage value or interest, pursuant to Section 27(8) of the Ontario Heritage Act.~~

(b) That Council remove the non-designated properties at 188 Mary Street and 43 Robert Street, Hamilton, from the Municipal Heritage Register, pursuant to Section 27(8) of the Ontario Heritage Act.

For disposition of this matter, refer to Item 6.

(g) PUBLIC HEARINGS / DELEGATIONS (Item 9)

(i) John Fairland respecting Legality of Rental Housing By-law No. 21-166 (Approved at the September 6th meeting) (Item 9.2)

John Fairland addressed the Committee respecting the Legality of Rental Housing By-law No. 21-166.

The Delegation from Ryan Reid respecting Legality of Rental Housing By-law No. 21-166, was received.

(h) GENERAL MANGER'S UPDATE (Item 13)

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

Steve Robichaud, Acting General Manager, provided the following update to the Committee:

In addition to the work of MLE and Transportation Planning around short term rentals, rental housing licensing, the waterfall, the parking master plan and responding to COVID, here are the major accomplishments for the 2018-22 Term of Council / Planning Committee which translate into the billion dollar plus building permit announcements:

Planning Reports

- 355 reports were prepared and presented by Planning staff to Committee. These reports included input from Growth Management, Building, Transportation Planning, Tourism and Culture staff.

Development applications

- 102 Public Meetings under the Planning Act
 - 68 OPA's approved
 - 188 Zoning By-law Amendments approved (some applications had 2 by-laws (05-200 and the "old" zoning by-law)
- Planning Committee approved a total of 10,151 residential units

Development Review Committee (Delegated Authority from Planning Committee to staff)

- 664 site plan applications received
- DRT approved a total of 21,452 residential units

Non-Residential

- 562,187 m2 (6,051,330 sq.ft.) of Industrial and Commercial development approved at PC and DRT combined

Zoning Reviews

- Approx 7600 zoning reviews were done supporting both the development review and building permit review functions

Committee of Adjustment

- 1474 minor variance applications processed
- 452 consent applications processed

Zoning Reform

- Secondary Dwelling Units
- Accessory Dwelling Units
- Resolution of CMU appeals
- Resolution of Downtown Secondary Plan appeals
- Zoning changes to respond to COVID (outdoor patios, etc etc)
- Pleasant view zoning updates

Major Policy Initiatives

- Adoption of the OPA for the City's MCR (GRIDS2)
- Adoption of Waterdown Node Secondary Plan
- Pleasantview Land Use Review
- COVID pivot to on-line meetings, digital submissions, etc etc
- Response to Provincial initiatives (legislative changes, policy proposals, policy changes)
- Draft consultation papers on:
 - Family friendly housing
 - Condo conversions
 - Farm labour residences
 - Green development standards
 - RCF discussion paper
 - Urban Forest Strategy

Heritage Committee

- Expansion of register to include Beasley Neighbourhood and Waterdown Neighbourhood
- Approx two dozen properties were designated
- 150 heritage permits

Process Improvements

- Divisional realignment
- Bill 109 implementation (delegated authority and process changes)
- Fee bylaw review

- CofA process improvements
- Digital transformation
- Public consultation in a virtual world

The General Manager's Update was received.

(i) PRIVATE AND CONFIDENTIAL (Item 14)

The Committee determined that discussion of Item 14.1 was not required in Closed Session; therefore, the matter was addressed in Open Session, as follows:

- (i) Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-22-007 and Zoning By-law Amendment Application ZAC-22-015 to the Ontario Land Tribunal (OLT) for Lack of Decision for Lands Located at 522 and 526 Winona Road, Stoney Creek (LS22031/PED22191(a)) (Ward 10) (Item 14.1)**

For disposition of this matter refer to Item 8.

(j) ADJOURNMENT (Item 15)

There being no further business, the Planning Committee adjourned at 11:47 a.m.

Councillor B. Johnson
Chair, Planning Committee

Lisa Kelsey
Legislative Coordinator