



**PLANNING COMMITTEE
REPORT
23-017**

October 17, 2023

9:30 a.m.

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

Present: Councillor J.P. Danko (Chair)
Councillor T. Hwang (1st Vice Chair)
Councillor C. Cassar (2nd Vice Chair)
Councillors C. Kroetsch, M. Francis, T. McMeekin, N. Nann
E. Pauls, M. Tadeson, A. Wilson, M. Wilson, J. Beattie

THE PLANNING COMMITTEE PRESENTS REPORT 23-017 AND RESPECTFULLY RECOMMENDS:

1. Active Official Plan Amendment, Zoning By-law Amendment, and Plan of Subdivision Applications (PED23219) (City Wide) (Item 9.1)

That Report PED23219 Active Official Plan Amendment, Zoning By-law Amendment, and Plan of Subdivision Applications, be received.

2. Provincial Streamline Development Approval Fund (PED22060(a)) (City Wide) (Item 9.2)

That Report PED22060(a) respecting Provincial Streamline Development Approval Fund, be received.

3. Application for a Zoning By-law Amendment for Lands Located at 851 Lawrence Road, Hamilton (PED23207) (Ward 4) (Item 10.1)

(a) That Amended Zoning By-law Amendment Application ZAC-23-040 by Bousfields Inc. c/o David Falletta on behalf of C Valery Construction Ltd., owner, for a change in zoning from "E-2/S-131" (Multiple Dwellings) District, Modified, to the Mixed Use Medium Density (C5, 877, H163) Zone and the Mixed Use Medium Density (C5, 881) Zone, to permit a 13 storey multiple dwelling which includes 272 residential units with on-site surface and underground parking areas, for lands located at 851 Lawrence Road,

as shown on Appendix “A” attached to Report PED23207, be APPROVED, on the following basis:

- (i) That the draft By-law, attached as Appendix “B” to Report PED23207, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) 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;
- (iii) That the amending By-law apply the Holding Provision of Section 36(1) of the Planning Act, R.S.O. 1990 to the subject property by introducing the Holding symbol ‘H163’ to the proposed Mixed Use Medium Density (C5, 877) Zone;

The Holding Provision ‘H163’ is to be removed, conditional upon:

- (1) The Owner submitting a Parking Assessment demonstrating that:
 - (a) The removal of the driveway access to 380 Cochrane Road shall have no adverse impact on site circulation;
 - (b) The required parking for 380 Cochrane Road and 851 Lawrence Road will be provided at 851 Lawrence Road;
 - (c) Sufficient manoeuvring space is available for waste collection and loading vehicles entirely on private property;

To the satisfaction of the Manager, Transportation Planning and Director of Planning and Chief Planner.

- (2) The Owners of 380 Cochrane Road and 851 Lawrence Road enter into a parking agreement with the City to be registered against the title of both the lot upon which parking is to be provided (851 Lawrence Road) and the lot containing the use requiring the parking (380 Cochrane Road), to the satisfaction of the Director of Planning and Chief Planner;
- (3) The Owner submitting a Watermain Hydraulic Analysis, to the satisfaction of the Director of Hamilton Water;
- (4) The Owner submitting a technical memorandum prepared by a qualified professional that provides justification for why

dewatering is not required, and in the event that dewatering is required, the owner shall provide a written record of a Monitoring and Contingency Plan that outlines a protocol for action, to the satisfaction of the Director of Hamilton Water;

- (5) The Owner making satisfactory arrangements with the City's Growth Management Division and entering into an External Works Agreement with the City for the design and construction of any required improvements to the municipal infrastructure at the Owner's cost, should it be determined that upgrades are required to the municipal infrastructure to support the proposed development, all to the satisfaction of the Director of Growth Management and Chief Development Engineer;
- (6) The Owner submitting a revised Tree Protection Plan addressing the protection of private trees, to the satisfaction of the Director of Planning and Chief Planner. The resubmission is also to include the applicable Tree Protection Plan review fee payable to the City of Hamilton;
- (7) The Owner submitting a Wind Study, to the satisfaction of the Director of Planning and Chief Planner.

4. Application for a Zoning By-law Amendment for Lands Located at 527 James Street North, Hamilton (PED23212) (Ward 2) (Item 10.2)

- (a) That Zoning By-law Amendment Application ZAC-23-038, by King Consultants Inc. c/o Gursewak Singh on behalf of the Heli Patel, owner, for a change in zoning from "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District to the Transit Oriented Corridor Local Commercial (TOC2, 875) Zone, to recognize an existing retail use (convenience store) and take-out restaurant on lands located at 527 James Street North, Hamilton, as shown on Appendix "A" attached to Report PED23212, be APPROVED on the following basis:
 - (i) That the draft By-law, attached as Appendix "B" to Report PED23212, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) 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 Hamilton-Wentworth Official Plan and West Harbour (Setting Sail) Secondary Plan.

5. Application for a Zoning By-law Amendment for Lands Located at 12 Louisa Street, Flamborough (PED23208) (Ward 13) (Item 10.3)

- (a) That Zoning By-law Amendment Application ZAR-22-004 by MB1 Development Consulting Inc. c/o Michael Barton on behalf of Ryan Kennedy, owner, for a change in zoning from the Settlement Residential (S3) Zone to the Settlement Residential (S1, 872, H160) Zone, to permit the lands to be developed for a single detached dwelling, on lands located at 12 Louisa Street, as shown on Appendix “A” attached to Report PED23208, be APPROVED on the following basis:
- (i) That the draft By-law, attached as Appendix “B” to Report PED23208, 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 Provisions of Section 36(1) of the Planning Act, R.S.O. 1990 to the subject property by introducing the Holding symbol ‘H’ to the proposed Settlement Residential (S1, 872) Zone.

The Holding Provision ‘H’ is to be removed, conditional upon:

- (1) That the Owner/Applicant applies for a Building Permit showing a connection to the municipal water system and installation of a Class 6 Tertiary wastewater treatment system, to the satisfaction of the City’s Chief Building Official;
- (2) That the Applicant enter into, and have registered on title, a development agreement with the City of Hamilton to install and properly maintain the tertiary treatment septic system, in order to function as designed, to the satisfaction of the Director of Development Planning, Director of Hamilton Water, and City Solicitor;
- (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to the Greenbelt Plan (2017), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended) and complies with the Rural Hamilton Official Plan.

6. By-Law Enforcement Strategy Update (PED23195) (City Wide) (Item 11.1)

- (a) That the updated By-Law Enforcement Priority Framework, attached as Appendix “A” to Report PED23195, be approved.

- 7. Amendment to the Pool Enclosure By-law No. 16-184 (PED23214) (City Wide) (Item 11.2)**
 - (a) That the By-law, attached as Appendix “A” to Report PED23214 to amend City of Hamilton By-law No. 16-184, a By-law to Regulate Enclosures for Privately-Owned Outdoor Pools, which has been prepared in a form satisfactory to the City Solicitor, be enacted.

- 8. Amendment to the Fortification By-law No. 10-122 (PED23215) (City Wide) (Item 11.3)**
 - (a) That the By-law, attached as Appendix “A” to Report PED23215 to amend City of Hamilton By-law No. 10-122, a By-law to Prohibit and Regulate Fortification and Protective Elements of Land, which has been prepared in a form satisfactory to the City Solicitor, be enacted.

- 9. Adjustment to School Crossing Guard Locations (PED23196) (Wards 7, 10 and 15) (Item 11.4)**
 - (a) That the revised list of school crossing guard locations resulting from school closures, openings, construction projects, walking patterns, and lunch program changes in Wards 7, 10 and 15, as outlined in Appendix “A” attached to Report PED23196, be approved;
 - (b) That staff be authorized and directed to consult with the affected Ward Councillors and to use delegated authority for adding and/or removing school crossing guards prior to City Council approval for any proposed changes by the Hamilton-Wentworth District School Board, and the Hamilton-Wentworth Catholic District School Board for the 2023/2024 school year.

- 10. School Crossing Warrants (PED23217) (City Wide) (Item 11.5)**
 - (a) That the School Crossing Guard Warrant Development Report attached as Appendix “A” to Report PED23217 be received;
 - (b) That staff be directed to utilize the methodology presented in Appendix “A” attached to Report PED23217, along with industry best practices and local experience, for evaluating the implementation and removal of school crossings in the City of Hamilton.

- 11. Appeal to the Ontario Land Tribunal (OLT) for lands located at 140 and 164 Sulphur Springs Road, Ancaster, for Lack of Decision on Zoning By-law Amendment Application (ZAC-21-027) (Ward 12) (LS23029/ PED23184(a)) (Item 15.1)**
- (a) That the directions to staff in closed session respecting Report LS23029/ PED23184(a), be approved;
 - (b) That the directions to staff in closed session with respect to Report LS23029/ PED23184(a) be released to the public, following approval by Council; and,
 - (c) That the balance of Report LS23029/PED23184(a) and its Appendices remain confidential.

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

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

15. PRIVATE AND CONFIDENTIAL

- 15.1 Appeal to the Ontario Land Tribunal (OLT) for lands located at 140 and 164 Sulphur Springs Road, Ancaster, for Lack of Decision on Zoning By-law Amendment Application (ZAC-21-027) (Ward 12) LS23029/PED23184(a)

ADDITIONS:

Staff Presentations for Items 10.1, 10.2 and 10.3.

The agenda for the October 17, 2023 Planning Committee meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

No declarations of interest were made.

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

(i) October 3, 2023 (Items 4.1)

The Minutes of the October 3, 2023 meetings were approved, as presented.

(d) DELEGATION REQUESTS (Item 6)

- (i) Michael Sabelli and Paul Kocsis respecting an Exemption to the Demolition By-law for 47 Whitfield Ave. (For the October 31st meeting) (Item 6.1)**

The Delegation Request from Michael Sabelli and Paul Kocsis respecting an Exemption to the Demolition By-law for 47 Whitfield Ave., was approved for the October 31st meeting.

(e) DELEGATIONS (Item 7)

- (i) West End Home Builders Association, Chamber of Commerce and Smart Prosperity Institute respecting “Who Will Swing the Hammer” Report (Approved at the October 3rd meeting)**

The time limit for the Delegation from the West End Home Builders Association, Chamber of Commerce and Smart Prosperity Institute respecting “Who Will Swing the Hammer” Report was extended to fifteen minutes.

Dr. Mike Moffatt and Jesse Helmer addressed the Committee respecting “Who Will Swing the Hammer” Report.

The Delegation from Dr. Mike Moffatt and Jesse Helmer respecting “Who Will Swing the Hammer” Report, was received.

(f) PUBLIC HEARINGS (Item 10)

In accordance with the *Planning Act*, Chair J.P. Danko advised those viewing the meeting that the public had been advised of how to pre-register to be a delegate at the Public Meetings on today’s agenda.

In accordance with the provisions of the *Planning Act*, Chair J.P. 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 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) Application for a Zoning By-law Amendment for Lands Located at 851 Lawrence Road, Hamilton (PED23207) (Ward 4)) (Item 10.1)

The Committee was advised that there were no members of the public registered as Delegations.

Spencer Skidmore, Area Planning Manager, addressed the Committee with the aid of a PowerPoint presentation.

The staff presentation was received.

David Falletta with Bousfields Inc., was in attendance, and indicated support for the staff report.

The presentation from David Falletta with Bousfields Inc., was received.

Chair Danko called three times for public delegations and the following individual came forward:

- (i) Doug Kovac
- (a) The public submissions regarding this matter were received and considered by the Committee:
 - (i) Doug Kovac – Concerns with application
- (b) The public meeting was closed.

For disposition of this matter, refer to Item 3.

(ii) Application for a Zoning By-law Amendment for Lands Located at 527 James Street North, Hamilton (PED23212) (Ward 2) (Item 10.2)

The Committee was advised that there were no members of the public registered as Delegations.

The staff presentation was waived.

Gursewak Singh with King Consultants Inc. was in attendance, and indicated support for the staff report.

The presentation from Gursewak Singh with King Consultants Inc., was received.

Chair Danko called three times for public delegations and no one came forward.

- (a) The public submissions regarding this matter were received and considered by Committee; and,
- (b) The public meeting was closed.

For disposition of this matter, refer to Item 4.

(iii) Application for a Zoning By-law Amendment for Lands Located at 12 Louisa Street, Flamborough (PED23208) (Ward 13) (Item 10.3)

The Committee was advised that there were no members of the public registered as Delegations.

The staff presentation was waived.

Michael Barton with MB1 Development Consulting Inc., was in attendance, and indicated support for the staff report.

The presentation from Michael Barton with MB1 Development Consulting Inc., was received.

Chair Danko called three times for public delegations and no one came forward.

- (a) The public submissions regarding this matter were received and considered by Committee; and,
- (b) The public meeting was closed.

For disposition of this matter, refer to Item 5.

The Committee recessed until 12:50 p.m.

(g) PRIVATE & CONFIDENTIAL (Item 15)

The Committee moved into Closed Session pursuant to Section 9.3, 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 municipality or local board; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and, a position, plan, procedure,

criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

- (i) **Appeal to the Ontario Land Tribunal (OLT) for lands located at 140 and 164 Sulphur Springs Road, Ancaster, for Lack of Decision on Zoning By-law Amendment Application (ZAC-21-027) (LS23029/PED23184(a)) (Ward 12) (Item 15.1)**

For disposition of this matter, refer to Item 11.

(h) ADJOURNMENT (Item 16)

There being no further business, the Planning Committee adjourned at 1:45 p.m.

Councillor J.P. Danko, Chair
Planning Committee

Lisa Kelsey
Legislative Coordinator