



**PLANNING COMMITTEE
REPORT
24-002**

**February 6, 2024
9:30 a.m.**

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

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

Also in Attendance: Councillors B. Clark, M. Spadafora

**THE PLANNING COMMITTEE PRESENTS REPORT 24-002 AND RESPECTFULLY
RECOMMENDS:**

1. **Non-Statutory Public Meeting for Urban Hamilton Official Plan Amendment Application UHOPA-23-005 and Zoning By-law Amendment Application ZAC-23-006 Appealed to the Ontario Land Tribunal for Lack of Decision for Lands Located at 1065 Paramount Drive, Stoney Creek (PED24028) (Ward 9) (Item 10.1)**

That Report PED24028, together with any written submissions and input from delegations received at Planning Committee, be referred to the Chief Planner and the City Solicitor to inform the City's position on the appeals to the Ontario Land Tribunal for Lack of Decision of Urban Hamilton Official Plan Amendment Application UHOPA-23-005 and Zoning By-law Amendment Application ZAC-23-006, for lands located at 1065 Paramount Drive, Stoney Creek, as shown in Appendix "A" attached to Report PED24028.

2. **Application for Zoning By-law Amendment ZAC-23-048 for Lands Located at 459 and 465 Rymal Road West, Hamilton (PED24020) (Ward 14) (Item 10.2)**

That staff be directed to prepare an amending Zoning By-law consistent with the submitted concept plans attached as Appendix "B" to Report PED24020 with the inclusion of Holding Provisions to address the technical matters, including, but not limited to, an updated Tree Preservation Plan and Arborist Study, Wind Study, scoped Transportation Assessment (Trip Generation Letter), updated Functional Servicing Study, owner acknowledgement that they will enter into an

external works agreement as part of a future Site Plan Control application, a joint access agreement, and any other necessary Holding Provisions.

3. Application for Zoning By-law Amendment for Lands Located at 164, 168 and 176 Rymal Road East, Hamilton (PED24021) (Ward 8) (Item 10.3)

(a) That Revised Zoning By-law Amendment Application ZAC-23-050 by Metropolitan Consulting Inc. c/o Peter De Iulio on behalf of 2826749 Ontario Inc. and Andrew Barber c/o Saddique Khan, owners, for a change in zoning from “B” (Suburban Agriculture and Residential, Etc.) District and “AA” (Agricultural) District to Transit Oriented Corridor Multiple Residential (TOC3, 887, H165) Zone, to retain the existing building at 164 Rymal Road East to be adaptively reused for dwelling units, and to permit two storey and three storey multiple dwellings containing a maximum of 50 dwelling units, for lands located at 164, 168 and 176 Rymal Road East, as shown on Appendix “A” attached to Report PED24021, be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix “B” to Report PED24021, 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 including the Holding symbol ‘H’ to the proposed Transit Oriented Corridor Multiple Residential (TOC3, 887, H165) Zone;

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

- (1) That the properties municipally known as 164, 168 and 176 Rymal Road East be merged in title, to the satisfaction of the Director of Development Planning;
- (2) The Owner submitting and receiving approval of a revised Functional Servicing Report demonstrating that the increased wastewater generated from the proposed development will not adversely impact the hydraulic performance of the City’s sanitary sewer system by completing a sanitary sewer analysis from the proposed junction to the existing manhole at the intersection of Upper Wellington Street and Byng Street to demonstrate that there is residual capacity in the system to support the proposed development, to the satisfaction of the Director of Development Engineering;
- (3) The Owner submitting and receiving approval of a revised Functional Servicing Report providing additional storm water management details to demonstrate the feasibility of accommodating the required storm water storage within the

site, to the satisfaction of the Director of Development Engineering;

(4) The Owner submitting and receiving approval of a revised Tree Protection Plan (and applicable review fee) to evaluate the retention of additional trees, to the satisfaction of the Director of Heritage and Urban Design;

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

(iv) That upon finalization of the amending By-law, the subject lands be re-designated from “Single & Double” to “Attached Housing” in the Allison Neighbourhood Plan.

4. Implementation of Canada Mortgage and Housing Corporation Housing Accelerator Fund Incentive Programs and Associated Updates to the Housing for Hamilton Community Improvement Plan (PED23143(c)) (City Wide) (Item 10.4)

(a) That the Housing for Hamilton Community Improvement Project Area (2024) draft By-law, prepared in a form satisfactory to the City Solicitor and attached as Appendix “A” to Report PED23143(c), be enacted;

(b) That the Housing for Hamilton Community Improvement Plan (2024), attached as Appendix “B” to Report PED23143(c) and implementing financial incentive program descriptions be approved, and that the Housing for Hamilton Community Improvement Plan (2024) Draft By-law, prepared in a form satisfactory to the City Solicitor and attached as Appendix “C” to Report PED23143(c), be enacted;

(c) That existing By-law No. 18-300 originally establishing the Roxborough Community Improvement Project Area, be repealed on such day that the replacement By-law enacting the new Housing for Hamilton Community Improvement Project Area (2024) comes into effect in accordance with Subsection 28(4) of the *Planning Act*;

(d) That existing By-law No. 19-285 being the Housing for Hamilton Community Improvement Plan, be repealed on such day that the Housing for Hamilton Community Improvement Plan (2024) By-law comes into effect;

(e) That the following implementing financial incentive program descriptions and terms be approved and appended to the Housing for Hamilton Community Improvement Plan (2024):

- (i) The Additional Dwelling Unit and Multi-Plex Housing Incentive Program Description attached as Appendix “D” to Report PED23143(c);
- (ii) The Rapid Transit Multi-Residential Rental Housing Incentive Program attached as Appendix “E” to Report PED23143(c);
- (iii) The Housing Acceleration Incentive Program attached as Appendix “F” to Report PED23143(c);
- (f) That the existing Council-approved Program Description and Terms for the Roxborough Access to Homeownership Grant Program and Roxborough Rental Housing Loan Program currently appended to the existing Housing for Hamilton Community Improvement Plan as appendices “A” and “B” respectively, be appended to the Housing for Hamilton Community Improvement Plan (2024) as Appendices D and E respectively on such day that the Housing for Hamilton Community Improvement Plan (2024) By-law comes into effect;
- (g) That staff be directed and authorized to undertake technical, non-substantive amendments to the existing Council-approved program descriptions and terms for the Roxborough Access to Homeownership Grant Program and Roxborough Rental Housing Loan Program required to reflect the amended Community Improvement Plan and Community Improvement Project Area by-laws under which these programs will continue to operate;
- (h) That the draft By-law to delegate approval and program amendment authority for certain incentive programs under the Housing for Hamilton Community Improvement Plan, prepared in a form satisfactory to the City Solicitor and attached as Appendix “G” to Report PED23143(c), be enacted and come into force on such day that the Housing for Hamilton Community Improvement Plan (2024) comes into effect.

5. Inactive Taxi Plate Fee (PED24019) (City Wide) (Item 11.1)

- (a) That the reinstatement of the temporary Inactive Taxi Plate Fee of \$120 be approved and remain in place until such time as the staff directed review of Licensing By-law 07-170, Schedule 25 (Taxi cabs) identified as Item 8 of Planning Committee Report 23-020 be completed; and
- (b) That subject to the approval of recommendation (a), the City of Hamilton User Fees and Charges By-law No. 23-112, be amended as per attached as Appendix “A” to Report PED24019.

6. Hamilton Municipal Heritage Committee Report 23-012 (Item 11.2)

(a) **Hamilton Municipal Heritage Committee Terms of Reference (Item 10.1)**

That the Terms of Reference be approved as amended:

Composition: 1 member of Council
7 citizen members, prioritizing representation from each of the communities that make up the City of Hamilton, including Ancaster, Dundas, Flamborough, Glanbrook, Hamilton and Stoney Creek.

Duration: To expire with the current Term of Council or until such time as successors are appointed.

Contact: Matt Gauthier, Legislative Coordinator (x6437)

(b) **Monthly Report on Recommended Proactive Listings for the Municipal Heritage Register, December 2023 (PED23193) (Ward 3) (Item 10.2)**

That staff be directed to list the property located at 164 Kensington Avenue North, Hamilton (Ward 3) on the Municipal Heritage Register as a non-designated property that Council believes to be of cultural heritage value or interest, in accordance with Section 27 of the *Ontario Heritage Act*.

(c) **Notice of Intention to Demolish the Building Located at 535 Old Dundas Road, Ancaster, being a Non-Designated Property Listed on the Municipal Heritage Register (PED23183) (Ward 12) (Item 10.3)**

That the non-designated property located at 535 Old Dundas Road, Ancaster, be removed from the Municipal Heritage Register.

(d) **Hamilton Wentworth Heritage Association Membership Renewal (Item 10.4)**

- (a) That the membership to the Hamilton Wentworth Heritage Association be approved;
- (b) That staff be directed to prepare and execute the required documentation membership; and
- (c) That the membership fee to the Hamilton Wentworth Heritage Association, in the amount of \$20.00, be paid for from Planning Account #56328-814000.

7. Contracted Parking Enforcement Services (PED24031) (City Wide) (Item 11.3)

- (a) That Council approve the single source procurement, pursuant to Procurement Policy #11 – Non-competitive Procurements, for the provision of parking enforcement services for Term 4 and 5 of Contract C3-04-20, and that the General Manager, Planning and Economic Development Department be authorized to negotiate and execute an amendment(s), applicable to the billing rates set out in the City’s existing Contract, and any ancillary documents required to give effect thereto with Imperial Parking Canada Corporation, in a form satisfactory to the City Solicitor; and
- (b) That Staff be directed to submit an Information Report on the results of the negotiations to the Planning Committee.

8. Request and Issuance of a Demolition Permit for the Property Municipally Known as 294 Tenth Road East, Stoney Creek (Item 12.1)

WHEREAS, the residence has deteriorated to a condition that is no longer habitable;

WHEREAS, the property has become a safety and operational liability;

WHEREAS, the residence has been deemed beyond reasonable repair the owner cannot invest any further;

WHEREAS, the owner of the above-mentioned property would like to demolish the existing dwelling without having to obtain a Building Permit;

THEREFORE, BE IT RESOLVED:

That the Chief Building Official be authorized to issue a demolition permit for 294 Tenth Road East, Stoney Creek, pursuant to Section 33 of the Planning Act as amended, without having to comply with conditions in Sub-Section 6(a) of Demolition Control Area By-law 22-101.

9. Demolition Permit of 23 – 25 King Street East, Stoney Creek (Item 12.2)

WHEREAS, Safety has been a major issue with multiple break-ins;

WHEREAS, the building has been in a state of disrepair;

WHEREAS, the remediation efforts and development efforts are stalled because the buildings are in the way;

WHEREAS, it would be prudent to deal with the land contamination issues immediately;

WHEREAS, the community including the BIA have complained that the buildings are an eyesore and taking away from the local business atmosphere;

THEREFORE, BE IT RESOLVED:

That the Chief Building Official be authorized to issue a demolition permit for 23-25 King St E, Stoney Creek, pursuant to Section 33 of the Planning Act as amended, without having to comply with the conditions in Sub-Section 6.(a) of Demolition Control Area By-law 22-101.

10. Appeal to the Ontario Land Tribunal for lands located at 3064, 3070, 3078 and 3084 Regional Road No. 56 and at 3160, 3168, 3180 and 3190 Regional Road No. 56, Binbrook for lack of decision on Urban Hamilton Official Plan Amendment Applications (UHOPA-22-023 and UHOPA-22-024) and Zoning By-law Amendment Applications (ZAC-22-050 & ZAC-22-051) (LS23009(a)/LS23010(a)) (Ward 11) (Added Item 15.2)

- (a) That the directions to staff in Closed Session respecting Report LS23009(a)/LS23010(a), be approved;
- (b) That closed session recommendations (a), (b), (c) and (d) contained in Report LS23009(a)/LS23010(a), along with Schedules 3 and 4 to Appendices "A" and "C" hereto, be approved and remain confidential until made public as the City's position before the Ontario Land Tribunal; and,
- (c) That the balance of Report LS23009(a)/LS23010(a) remain confidential.

11. Appeal to the Ontario Land Tribunal for lands located at 487 Shaver Road, Hamilton, for Lack of Decision on Official Plan Amendment Application (UHOPA-22-002) and Zoning By-law Amendment Application (ZAC-22-005) (LS23038(a)) (Ward 12) (Added Item 15.3)

- (a) That the directions to staff in Closed Session respecting Report LS23038(a), be approved;
- (b) That recommendations (a), (b) and (c) contained in Report LS23038(a) remain confidential until made public coincident with staff's presentation of the City's position to the Tribunal; and,
- (c) That the balance of Report LS23038(a) remain confidential.

12. Appeal to the Ontario Land Tribunal for lands located at 65 Guise Street East (Pier 8, Block 16), Hamilton respecting applications for an Official Plan Amendment (UHOPA-22-001) (LS24005) (Ward 2) (Added Item 15.4)

That Report LS24005 respecting Appeal to the Ontario Land Tribunal for lands located at 65 Guise Street East (Pier 8, Block 16), Hamilton respecting

applications for an Official Plan Amendment (UHOPA-22-001), be received and remain confidential.

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

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

6. DELEGATION REQUESTS

- 6.1 Aamir Shahzad respecting the creation of a new Taxi Advisory Committee (~~Item 11.2~~) (Item 11.1)
- 6.2 McKenzie Meek, Ancaster Mill, respecting 535 Old Dundas Road (Item 11.2) (For today's meeting)

10. PUBLIC HEARINGS

- 10.1 Non-Statutory Public Meeting for Urban Hamilton Official Plan Amendment Application UHOPA-23-005 and Zoning By-law Amendment Application ZAC-23-006 Appealed to the Ontario Land Tribunal for Lack of Decision for Lands Located at 1065 Paramount Drive, Stoney Creek (PED24028) (Ward 9) – **REVISED**

(b) Added Written Submissions:

- (vi) Marsha and Jim Pead
- (vii) Domenica and Mel Waselovich
- (viii) Mark Powell
- (ix) Bob Popek
- (x) Alan & Anita Marshall
- (xi) Heather & Robert Lamb
- (xii) John Parente
- (xiii) Ed Vaes and John Jansen
- (xiv) Chris Peckham
- (xv) Diane Parente
- (xvi) Barbara Delio
- (xvii) Elisabeth La Rochelle
- (xviii) Mark Springstead
- (xix) Bob Bean

(c) Added Staff Presentation

- 10.2 Application for Zoning By-law Amendment ZAC-23-048 for Lands Located at 459 and 465 Rymal Road West, Hamilton (PED24020) (Ward 14)

- (a) Added Staff Presentation
- 10.3 Application for Zoning By-law Amendment for Lands Located at 164, 168 and 176 Rymal Road East, Hamilton (PED24021) (Ward 8) – REVISED Appendix “B”
- (a) Added Staff Presentation
- 10.4 Implementation of Canada Mortgage and Housing Corporation Housing Accelerator Fund Incentive Programs and Associated Updates to the Housing for Hamilton Community Improvement Plan (PED23143(c)) (City Wide)
- (a) Added Written Submission:
 - (i) Michelle Diplock, West End Home Builders’ Association
- 10.5 Farm Labour Residences Discussion Paper (PED22022(a)) (Wards 9, 10, 11 12, 13 and 15) – REVISED Appendix “B”
- (a) Added Written Submissions:
 - (ii) Laura Casimirri
 - (b) Added Registered Delegations:
 - (i) Bianca Metz (in-person) - WITHDRAWN
 - (ii) Robyn Starkey (in-person)
 - (iii) James Webb (in-person)
 - (c) Added Staff Presentation

15. PRIVATE & CONFIDENTIAL

- 15.2 Appeal to the Ontario Land Tribunal for lands located at 3064, 3070, 3078 and 3084 Regional Road No. 56 and at 3160, 3168, 3180 and 3190 Regional Road No. 56, Binbrook for lack of decision on Urban Hamilton Official Plan Amendment Applications (UHOPA-22-023 and UHOPA-22-024) and Zoning By-law Amendment Applications (ZAC-22-050 & ZAC-22-051) (LS23009(a)/LS23010(a)) (Ward 11)

- 15.3 Appeal to the Ontario Land Tribunal for lands located at 487 Shaver Road, Hamilton, for Lack of Decision on Official Plan Amendment Application (UHOPA-22-002) and Zoning By-law Amendment Application (ZAC-22-005) (LS23038(a)) (Ward 12)
- 15.4 Appeal to the Ontario Land Tribunal for lands located at 65 Guise Street East (Pier 8, Block 16), Hamilton respecting applications for an Official Plan Amendment (UHOPA-22-001) (LS24005) (Ward 2)

The agenda for the February 6, 2024 Planning Committee meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

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

(i) January 16, 2024 (Item 4.1)

The Minutes of the January 16, 2024 meeting were approved, as presented.

(d) DELEGATION REQUESTS (Item 6)

(i) Various Delegations (Item 6.1 and Added Item 6.2)

The following Delegation Requests, were approved for today's meeting:

- (i) Aamir Shahzad respecting the creation of a new Taxi Advisory Committee (Item 11.1) (For today's meeting) (Item 6.1)
- (ii) McKenzie Meek, Ancaster Mill, respecting 535 Old Dundas Rd (Item 11.2) (For today's meeting) (Added Item 6.2)

(e) DELEGATIONS (Item 7)

(i) Aamir Shahzad respecting the creation of a new Taxi Advisory Committee (Item 11.1) (For today's meeting) (Item 7.1)

The Delegate was not present when called upon to speak.

(ii) McKenzie Meek, Ancaster Mill, respecting 535 Old Dundas Rd (Item 11.2) (For today's meeting) (Added Item 7.2)

The Delegate was not present when called upon to speak.

(f) PUBLIC HEARINGS (Item 10)

In accordance with the *Planning Act*, Chair C. Cassar 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 C. Cassar 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) Non-Statutory Public Meeting for Urban Hamilton Official Plan Amendment Application UHOPA-23-005 and Zoning By-law Amendment Application ZAC-23-006 Appealed to the Ontario Land Tribunal for Lack of Decision for Lands Located at 1065 Paramount Drive, Stoney Creek (PED24028) (Ward 9) (Item 10.1)

- (a)** James Van Rooi, Senior Planner, addressed the Committee with the aid of a PowerPoint presentation.

The staff presentation was received.

- (b)** Carmen Jandu with Arcadis Planning, the Applicant's Agent, was not in attendance.

- (c)** Registered Delegations:

The following delegations addressed the Committee:

- (i) Laurie Whitely (in-person) (Item 10.1(a)(i))
- (ii) Sonia D'Aurelio (in-person) (Item 10.1(a)(ii))
- (iii) Bruce Ross (in-person) (Item 10.1(a)(iii))
- (iv) Joanne Ross (in-person) (Item 10.1(a)(iv))
- (v) Gord Teslic (in-person) (Item 10.1(a)(v))
- (vi) Paul McDowell (pre-recorded) (Item 10.1(a)(vi))
- (vii) Brad Stapleton (in-person) (Item 10.1(a)(vii))

- (d)** Chair Cassar called three times for any additional public delegations and the following people addressed the Committee:

- (viii) Pat Richardson (Added Item 10.1(a)(viii))
- (ix) Terry Teslic (Added Item 10.1(a)(ix))

- (e)** The following delegations and written submissions, were received and considered by the Committee; and,

Delegations (Item 10.1 (a)):

- (i) Laurie Whitely - Opposed
- (ii) Sonia D'Aurelio - Opposed
- (iii) Bruce Ross - Opposed
- (iv) Joanne Ross - Opposed
- (v) Gord Teslic - Opposed
- (vi) Paul McDowell - Opposed
- (vii) Brad Stapleton – Opposed
- (viii) Pat Richardson – Opposed
- (ix) Terry Teslic - Opposed

Written Submissions (Item 10.1 (b)):

- (i) Candace and Mike Piva – Concerns
- (ii) Wendy and Nino Statti – Concerns
- (iii) Richard and Fay Henry – Concerns
- (iv) Chris Gervan – Concerns
- (v) Cathy Biggs – Opposed
- (vi) Marsha and Jim Pead – Opposed
- (vii) Domenica and Mel Waselovich – Opposed
- (viii) Mark Powell - Opposed
- (ix) Bob Popek - Opposed
- (x) Alan & Anita Marshall - Opposed
- (xi) Heather & Robert Lamb – Opposed
- (xii) Ed Vaes and John Jansen – Opposed
- (xiii) Chris Peckham – Opposed
- (xiv) Diane Parente – Opposed
- (xv) Barbara Delio – Opposed
- (xvi) Elisabeth La Rochelle – Opposed
- (xvii) Mark Springstead – Opposed
- (xviii) Bob Bean - Opposed

The non-statutory public meeting was closed.

For disposition of this matter, refer to Item 1.

(ii) Application for Zoning By-law Amendment ZAC-23-048 for Lands Located at 459 and 465 Rymal Road West, Hamilton (PED24020) (Ward 14) (Item 10.2)

- (a)** The staff presentation was waived.

- (b)** Stephanie Mirtitsch with MHBC Planning, was in attendance, and indicated they were not in support of the staff report which recommends denial of the application, and requested Committee consider approving Alternative #1 or #2 in the staff report.

The presentation from Stephanie Mirtitsch with MHBC Planning, was received.

- (c) Chair Cassar called three times for public delegations and no one came forward.
- (d) There were no public submissions received regarding this matter; and the public meeting was closed.
- (e) (a) That Zoning By-law Amendment Application ZAC-23-048, by MHBC Planning Ltd. (c/o Dave Aston and Stephanie Mirtitsch), on behalf of T. Valery Construction Ltd. (c/o Ted Valeri and Amber Lindsay), Owner, for a change in zoning from the "AA" (Agricultural) District to a site specific "E" (Multiple Dwellings, Lodges, Clubs, etc.) District, to permit the construction of an eight storey multiple dwelling with 57 units and 158 parking spaces in a structured parking facility, for lands located at 459 and 465 Rymal Road West, as shown on Appendix "A" attached to Report PED24020, be DENIED, on the following basis:
 - (i) The proposal is premature as implementation of the proposal requires the removal of required parking and a portion of the planting strip on the adjacent lands located at 445 Rymal Road West and 1670 Garth Street which did not form part of this application;
 - (ii) The unresolved technical issues to implement the proposal cannot be addressed within the Planning Act timeline of 90 days for the Zoning By-law Amendment application.

For disposition of this matter, refer to Item 2.

(iii) Application for Zoning By-law Amendment for Lands Located at 164, 168 and 176 Rymal Road East, Hamilton (PED24021) (Ward 8) (Item 10.3)

- (a) The staff presentation was waived.
- (b) Peter Delulio with Metropolitan Consulting, was in attendance, and indicated support for the staff report.

The presentation from Peter Delulio with Metropolitan Consulting, was received.

- (c) Chair Cassar called three times for public delegations and no one came forward.

- (d) The public submissions (in the staff report) regarding this matter were received and considered by the Committee; and the public meeting was closed.

For disposition of this matter, refer to Item 3.

(iv) Implementation of Canada Mortgage and Housing Corporation Housing Accelerator Fund Incentive Programs and Associated Updates to the Housing for Hamilton Community Improvement Plan (PED23143(c)) (City Wide) (Item 10.4)

- (a) Chair Cassar called three times for public delegations and no one came forward.
- (b) The following written submission regarding this matter, were received and considered by the Committee; and
 - (i) Michelle Diplock, West End Home Builders' Association (Added Item 10.4(a)(i))

The public meeting was closed.

For disposition of this matter, refer to Item 4.

(v) Farm Labour Residences Discussion Paper (PED22022(a)) (Wards 9, 10, 11 12, 13 and 15) (Item 10.5)

- (a) Lucas Mascotto-Carbone, Planner II, addressed the Committee with the aid of a PowerPoint presentation.

The staff presentation was received.

- (b) Registered Delegations:

The following delegations addressed the Committee:

- (i) Robyn Starkey (Added Item 10.5(b)(ii)) (in-person)
- (ii) James Webb (Added Item 10.5(b)(iii)) (in-person)

- (c) Chair Cassar called three times for public delegations and the following individual came forward:

- (iii) Pat Kozoayk (Added Item 10.5(b)(iv)) (in-person)

- (d) The following delegations and written submissions regarding this matter, were received and considered by the Committee; and

- (a) Written Submissions (Item 10.5(a)):

- (i) Alan Ernest (Item 10.5(a)(i))– In support with concerns
 - (ii) Laura Casimirri (Added Item 10.5(a)(ii))– In support with concerns
- (b) Registered Delegations (Item 10.5(b)):
- (ii) Robyn Starkey (Added Item 10.5(b)(ii)) - In support, with modifications
 - (iii) James Webb (Added Item 10.5(b)(iii)) - In support, with modifications
 - (iv) Pat Kozoayk (Added Item 10.5(b)(iv)) – In support, with modifications

The public meeting was closed.

- (e) (i) (a) That approval be given to City Initiative CI-23-J for modifications and updates to the Rural Hamilton Official Plan as it relates to Farm Labour Residences and Additional Dwelling Units – Detached in the Rural Area, be APPROVED on the following basis:
 - (i) That the Draft Rural Hamilton Official Plan Amendment, attached as Appendix “A” to Report PED22002(a), be adopted by Council;
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement, 2020, conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), Greenbelt Plan (2017) and Niagara Escarpment Plan (2017);
- (b) That approval be given to City Initiative CI-23-J for modifications and updates to the City of Hamilton Zoning By-law No. 05-200 as it relates to Farm Labour Residences and Additional Dwelling Units – Detached in the Rural Area, be APPROVED on the following basis:
 - (i) That the Draft By-law, attached as Appendix “B” to Report PED22002(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
 - (ii) That the proposed changes in zoning are in conformity with the Rural Hamilton Official Plan upon approval of Draft Rural Hamilton Official

Plan Amendment No. XXX (Appendix “B”
attached to Report PED22002(a));

- (iii) That the proposed Zoning By-law Amendment is consistent with the Provincial Policy Statement, 2020, conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), the Greenbelt Plan (2017) and Niagara Escarpment Plan (2017).
- (ii) That Appendix “B” to Report PED22022(a) respecting Farm Labour Residences Discussion Paper be amended to remove the wording “and on the same lot as an existing permanent principal Farm Dwelling” from Sections 9.12.3.1(j), 12.1.3.1(j) and 12.2.3.1(j).
- (iii) Report PED22022(a) respecting Farm Labour Residences Discussion Paper was REFERRED to Staff for a report back to the February 23, 2024 Planning Committee meeting to consider the removal of the wording “and on the same lot as an existing permanent principal Farm Dwelling” from the proposed Zoning By-law amendment.

The Committee recessed from 1:35 p.m. to 2:10 p.m.

(g) NOTICES OF MOTION (Item 13)

(i) Demolition Permit for 9423, 9517, 9569, 9579, 9867 Dickenson Road West and 1205 Glancaster Road (Added Item 13.1)

The Rules of Order were waived to allow for the introduction of a Motion respecting Demolition Permit for 9423, 9517, 9569, 9579, 9867 Dickenson Road West and 1205 Glancaster Road.

Councillor Tadeson introduced the following Motion:

WHEREAS, the owner of the above-mentioned property would like to demolish the building prior to obtaining a Draft Plan of Subdivision approval for an industrial employment subdivision within the Airport Employment Growth District Secondary Plan area.

WHEREAS, the owner has plans to develop the properties for permitted industrial employment uses and is currently in the planning process for a Draft Plan of Subdivision.

WHEREAS, residential uses, except existing residential uses, are prohibited within the Airport Employment Growth District area.

WHEREAS, a cultural heritage impact assessment prepared by WSP has been completed for 9867 Dickenson Road West dated April 30, 2021 which concluded that the dwelling does not possess cultural heritage value under O.Reg 9/06 or the City of Hamilton's criteria under Policy B.3.4.2.9 of the Hamilton Urban Official Plan. WSP recommends salvaging of materials, if possible, including original timbers in the barn and original features in the dwelling such as wood floors, wood baseboards and door surrounds and chimney surrounds.

WHEREAS, a cultural heritage impact assessment prepared by WSP has been completed for 1205 Glancaster Road dated November 7, 2023 which concluded that the dwelling does not possess cultural heritage value under O.Reg 9/06 or the City of Hamilton's criteria under Policy B.3.4.2.9 of the Hamilton Urban Official Plan. WSP recommends that no further cultural heritage work is required.

WHEREAS, bylaw and emergency services (i.e. police, fire) have reported to the properties for vandalism, mischief and break ins. Most recently, Hamilton Police responded to a Break and Enter call January 26th, 2024. The vacant buildings pose a risk to public safety.

WHEREAS, the findings of CPE Structural Consultants Limited concluded that the majority of the properties require extensive structural and non-structural repairs to address building safety for occupancy and further destructive investigation would be required to determine fully the extent of structural repairs required.

THEREFORE, BE IT RESOLVED:

That the Chief Building Official be authorized to issue a demolition permit for 9423, 9517, 9569, 9579, 9867 Dickenson Road West and 1205 Glancaster Road, pursuant to Section 33 of the Planning Act as amended, without having to comply with the conditions in Sub-Section 6.(a) of Demolition Control Area By-law 22-101.

The above Motion was WITHDRAWN by Councillor Tadeson with a request to add the Motion to the February 23, 2024 Planning Committee meeting agenda.

(h) PRIVATE & CONFIDENTIAL (Item 15)

(i) Closed Session Minutes – January 16, 2024 (Item 15.1)

- (a) The Closed Session Minutes dated January 16, 2024, were approved as presented; and,

- (b) The Closed Session Minutes dated January 16, 2024, are to remain confidential.

Committee moved into Closed Session for Items 15.2, 15.3 and 15.4, 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.

- (ii) **Appeal to the Ontario Land Tribunal for lands located at 3064, 3070, 3078 and 3084 Regional Road No. 56 and at 3160, 3168, 3180 and 3190 Regional Road No. 56, Binbrook for lack of decision on Urban Hamilton Official Plan Amendment Applications (UHOPA-22-023 and UHOPA-22-024) and Zoning By-law Amendment Applications (ZAC-22-050 & ZAC-22-051) (LS23009(a)/LS23010(a)) (Ward 11) (Added Item 15.2)**

For disposition of this matter, refer to Item 10.

- (iii) **Appeal to the Ontario Land Tribunal for lands located at 487 Shaver Road, Hamilton, for Lack of Decision on Official Plan Amendment Application (UHOPA-22-002) and Zoning By-law Amendment Application (ZAC-22-005) (LS23038(a)) (Ward 12) (Added Item 15.3)**

For disposition of this matter, refer to Item 11.

- (iv) **Appeal to the Ontario Land Tribunal for lands located at 65 Guise Street East (Pier 8, Block 16), Hamilton respecting applications for an Official Plan Amendment (UHOPA-22-001) (LS24005) (Ward 2) (Added Item 15.4)**

For disposition of this matter, refer to Item 12.

- (i) **ADJOURNMENT (Item 16)**

There being no further business, the Planning Committee adjourned at 3:48 p.m.

Councillor C. Cassar, Chair
Planning Committee

Lisa Kelsey
Legislative Coordinator