



PLANNING COMMITTEE REPORT

24-007

May 14, 2024

9:30 a.m.

Council Chambers, Hamilton City Hall
71 Main Street West

Present: Councillor M. Wilson (Acting Chair)
Councillor T. Hwang (2nd Vice Chair)
Councillors J. Beattie, M. Francis, C. Kroetsch, T. McMeekin,
M. Tadeson

**Absent with
Regrets:** Councillors C. Cassar and A. Wilson – City Business
Councillors J.P. Danko, N. Nann and E. Pauls - Personal

THE PLANNING COMMITTEE PRESENTS REPORT 24-007 AND RESPECTFULLY RECOMMENDS:

1. **Active Official Plan Amendment, Zoning By-law Amendment, and Plan of Subdivision Applications (PED24088) (City Wide) (Item 9.1)**
That report PED24088 respecting Active Official Plan Amendment, Zoning By-law Amendment, and Plan of Subdivision Applications, be received.
2. **Building Permit Statistics by Ward (PED24094) (City Wide) (Item 9.2)**
 - (a) That staff be directed to include, in the Annual Building Permit report to the Planning Committee, a break-down by category or type, and any accompanying analysis that staff can provide.
 - (b) That report PED24094 respecting Building Permit Statistics by Ward, be received.
3. **City of Hamilton's Response to the proposed *Planning Act* and *Municipal Act* changes in Provincial Bill 185, *Cutting Red Tape to Build More Homes Act, 2024* (PED24097) (City Wide) (Item 11.1)**
 - (a) That Council receive Report PED24097 as the basis for written comments on Bill 185, including the attached tables containing staff responses on each amendment, attached as Appendix "A" and "A1" to Report PED24097;

- (b) That Council adopts the submissions and recommendations as provided in Report PED24097 regarding Schedules 9 and 12 of proposed Bill 185, *Cutting Red Tape to Build More Homes Act, 2024*;
- (c) That the Director of Planning and Chief Planner be authorized and directed to confirm the submissions made to the Province attached as Appendix “A” and “A1” to Report PED24097;
- (d) That staff report back to Council on any required staffing, process, fee and By-law changes necessary should Bill 185, *Cutting Red Tape to Build More Homes Act, 2024* be proclaimed;
- (e) That upon Royal Assent of Bill 185, *Cutting Red Tape to Build More Homes Act, 2024* – Schedule 12 Amendments to the *Planning Act*, staff be directed and authorized to prepare the necessary draft amendments to the Urban Hamilton Official Plan and Rural Hamilton Official Plan and schedule a Statutory Public Meeting, as well as any required policies and procedures to give effect to the proposed changes, and undertake an analysis on staffing impacts across the organization as well as any financial implications, for Council’s consideration at a future Planning Committee;
- (f) That staff review and report back on the potential for a servicing allocation policy should Bill 185, *Cutting Red Tape to Build More Homes Act, 2024* be proclaimed;
- (g) That notwithstanding the proposed changes to the *Planning Act* as it relates to fee refunds for combined Official Plan Amendment and Zoning By-law Amendments, Zoning By-law Amendment and Site Plan Control applications, staff be directed to continue to accept and review these applications in accordance with the 60, 90, and 120 day timelines outlined in the *Planning Act*.

4. City of Hamilton Comments on Proposed Provincial Planning Statement, 2024 (PED23145(a)) (City Wide) (Item 11.2)

- (a) That Council adopts the submissions and recommendations as provided in Report PED23145(a) regarding the revised Provincial Planning Statement, 2024;
- (b) That Council confirms that the submission and recommendations, as attached in Appendix “A” to PED23145(a), are in addition to the City’s submission and recommendations on the first draft of the proposed Provincial Planning Statement, 2023 contained in Reports PED23145 and PED23185;

- (c) That the Director of Planning and Chief Planner be authorized and directed to confirm the submission made to the Province attached as Appendix “A” to Report PED23145(a);
- (d) That Council direct staff to assess the implications of existing or potential urban boundary expansion Official Plan Amendment applications and report back with recommendations on the processing and evaluation of these applications relative to requirements for a complete application, potential staffing and consultant resources for the processing of applications and potential Ontario Land Tribunal appeals, changes to existing application fees, and any necessary capital budget enhancements.

5. Agriculture and Rural Affairs Sub-Committee Report 24-001 (Item 11.3)

(a) APPOINTMENT OF CHAIR AND VICE CHAIR (Added Item 1)

- (i) That Andrew Spoelstra be appointed as Chair of the Agriculture and Rural Affairs Sub-Committee for the remainder of the 2022-2026 Term of Council.
- (ii) That Gavin Smuk be appointed as Vice Chair of the Agriculture and Rural Affairs Sub-Committee for the remainder of the 2022-2026 Term of Council.

(b) Phase 2 - Stormwater Fee Implementation (Item 8.1)

- (i) That the Agriculture and Rural Sub-Committee disagrees that the revised proposed credit system is justifiable, fair, and equitable to the rural property owners not serviced by built City-owned stormwater systems; and
- (ii) That the Agriculture and Rural Affairs Sub-Committee recommends that the City of Hamilton consider a revised stormwater funding model that reflects the principles used in the proposed Brant County Stormwater Utility Program.

6. Hamilton Municipal Heritage Committee Report 24-003 (Item 11.4)

(a) Recommendation to Designate 2 Dartnall Road, Hamilton (Former Harris Grain Elevator), under Part IV of the *Ontario Heritage Act* (PED24057) (Ward 6) (Item 8.1)

- (i) That the City Clerk be directed to give notice of Council’s intention to designate 2 Dartnall Road, Hamilton (Former Harris Grain Elevator), shown in Appendix “A” attached to Report PED24057, as a property of cultural heritage value pursuant to the provisions of Part IV, Section 29 of the *Ontario Heritage Act*, in accordance with

the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes, attached as Appendix “B” to Report PED24057, subject to the following:

- (1) If no objections are received to the notice of intention to designate in accordance with the *Ontario Heritage Act*, City Council directs staff to introduce the necessary by-law to designate the property to be of cultural heritage value or interest to City Council;
 - (2) If an objection to the notice of intention to designate is received in accordance with the *Ontario Heritage Act*, City Council directs staff to report back to Council to allow Council to consider the objection and decide whether or not to withdraw the notice of intention to designate the property.
- (b) Demolition of 178 Wilson Street, Hamilton, Being a Non-Designated Property listed on the Municipal Heritage Register with an Unsafe Order to Comply (PED24081) (Ward 2) (Item 10.1)**

That the non-designated property located at 178 Wilson Street, Hamilton, be removed from the Municipal Heritage Register.

- (c) Monthly Report on Proactive Listings for the Municipal Heritage Register, April 2024 (PED24058) (Wards 3 and 14) (Item 10.2)**
- (i) That staff be directed to list the following properties on the Municipal Heritage Register as non-designated properties that Council believes to be of cultural heritage value or interest, as outlined in Report PED24058, in accordance with Section 27 of the *Ontario Heritage Act*:
 - (1) 58 Erie Avenue, Hamilton (Ward 3);
 - (2) 1269 Mohawk Road, Ancaster (Ward 14).
- (d) Cross-Melville Heritage District Committee Report 24-001 (February 8, 2024) (Item 10.3)**

That the Cross-Melville Heritage District Committee Report 24-001 of February 8, 2024, be received for information.

- (e) Community Heritage Ontario Membership Renewal (Item 10.4)**
- (i) That the Hamilton Municipal Heritage Committee membership to Community Heritage Ontario be approved;

- (ii) That the membership fee to the Community Heritage Ontario, in the amount of \$75.00, be paid for from Planning Account #56328-814000; and,
 - (iii) That staff be directed to prepare and execute the required documentation for the membership
- (f) Selecting Members to Attend the 2024 Ontario Heritage Conference (Item 10.5)**
- (i) That the following members of the Hamilton Municipal Heritage Committee be designated as the Committee's representatives at the Ontario Heritage Conference on June 13-15, 2024:
 - (1) Graham Carroll
 - (2) Alissa Denham-Robinson
 - (ii) That the cost incurred by the Committee's representatives attending the 2024 Ontario Heritage Conference for the conference, accommodations, and travel, be reimbursed from Account Number 56328-81400.

7. Review of Planning Permissions to Align with Council's Intensification Direction (Item 12.1)

WHEREAS, staff are currently undertaking planning for the Major Transit Station Areas which will review existing density and height permissions along the entirety of the LRT corridor to ensure conformity with provincial minimum density targets around Major Transit Station Areas;

WHEREAS, through the next phase of the Municipal Comprehensive Review, staff have initiated a local context planning review which will also include a review of policies around key streets and intersections across the City for opportunities to refine the City's intensification policies to better reflect and respond to the type and scale of redevelopment seen in these areas;

WHEREAS, the City Wide Secondary Plan Review was undertaken in 2009 through Report PED08017(a) to determine where and when Secondary Plans and Community Strategies should be prepared and staff will be undertaking a review of existing Secondary Plan areas and planning permissions for increased heights/densities;

WHEREAS, the provincial priorities respecting managing growth have changed and the City has responded to these changing priorities through the Municipal Comprehensive Review and other policy initiatives;

WHEREAS, Bill 150 requires any decision of a municipality or the Ontario Land Tribunal made under the *Planning Act*, as well as any by-law passed by a municipality must conform with the official plan;

WHEREAS, updates to the Official Plans are required to increase housing opportunities across the City in accordance with provincial minimum density targets;

THEREFORE BE IT RESOLVED:

- (a) That through the work on Major Transit Station Area planning, the next phase of the City's Municipal Comprehensive Review workplan, and the next phases of the Residential Zones Project for Mid Rise Residential and High Rise Residential zones, that staff review and report back on the review of the following:
 - (i) All existing nodes, corridors, and key intersections both within existing Secondary Plan areas and outside of existing Secondary Plan areas and planning permissions for increased heights/densities, to align with Council's intensification direction related to no urban boundary expansion and other more recent provincial policies.

8. Municipal Law Enforcement at Pier 4 Parks Events (Ward 2) (Added Item 12.2)

WHEREAS Pier 4 Park is a popular park for summer events because of its size and proximity to the water;

WHEREAS there can be adverse effects of noise amplification due to the surrounding built and natural environment;

WHEREAS there is limited Municipal Law Enforcement staffing availability during evening and weekend hours;

WHEREAS having Municipal Law Enforcement Officers available during event hours will allow for enforcement of Noise Control By-law No. 11-285;

WHEREAS ensuring the noise levels remain within the allowed levels will address the adverse effects of excessive noise amplification.

THEREFORE BE IT RESOLVED:

- (a) That paid duty Municipal Law Enforcement Officers are present at the 5 confirmed events at Pier 4 Park in 2024, and funded from the Ward 2 Non-Property Tax Revenue Account 3301609602 at an upset limit, including contingency, not to exceed \$10,300;

- (b) That the Mayor and City Clerk be authorized and directed to execute any required agreement(s) and ancillary documents, with such terms and conditions in a form satisfactory to the City Solicitor.
- 9. Appeal to the Ontario Land Tribunal for lands located at 200 Market Street, 125 Napier Street and 55 Queen Street North, Hamilton respecting applications for an Official Plan Amendment (UHOPA-22-005) and Zoning By-Law Amendment (ZAC-22-012) (LS24010) (Ward 1) (Added Item 15.1)**
- (a) That the directions to staff in Closed Session respecting Report LS24010 be approved;
 - (b) That the directions to staff in closed session respecting Report LS24010 be released to the public, following approval by Council; and,
 - (c) That the balance of Report LS24010, including Appendix "A", 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 David Falletta, Bousfields Inc. respecting Bill 185, *Cutting Red Tape to Build More Homes Act, 2024* (Item 11.1) (For today's meeting (virtual) - WITHDRAWN
- 6.2 David Falletta, Bousfields Inc. respecting Proposed Provincial Planning Statement, 2024 (Item 11.2) (For today's meeting) (virtual) - WITHDRAWN

11. DISCUSSION ITEMS

- 11.1 City of Hamilton's Response to the proposed *Planning Act* and *Municipal Act* changes in Provincial Bill 185, *Cutting Red Tape to Build More Homes Act, 2024* (PED24097) (City Wide)
 - a. Added Staff Presentation

13 NOTICES OF MOTION

- 13.1 Municipal Law Enforcement at Pier 4 Park Events (Ward 2)

15. PRIVATE AND CONFIDENTIAL

15.1 Appeal to the Ontario Land Tribunal for lands located at 200 Market Street, 125 Napier Street and 55 Queen Street North, Hamilton respecting applications for an Official Plan Amendment (UHOPA-22-005) and Zoning By-Law Amendment (ZAC-22-012) (LS24010) (Ward 1)

The agenda for the May 14, 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) April 30, 2024 (Item 4.1)

The Minutes of the April 30, 2024 meeting were approved, as presented.

(d) DISCUSSION ITEMS (Item 11)

(i) City of Hamilton's Response to the proposed *Planning Act* and *Municipal Act* changes in Provincial Bill 185, *Cutting Red Tape to Build More Homes Act, 2024* (PED24097) (City Wide) (Item 11.1)

(a) Shannon McKie, Acting Director of Development Planning, addressed the Committee with the aid of a PowerPoint presentation.

The presentation from Shannon McKie, Acting Director of Development Planning, was received.

For disposition of this matter, refer to Item 3.

(e) NOTICES OF MOTION (Item 13)

(i) Municipal Law Enforcement at Pier 4 Park Events (Ward 2) (Added Item 13.1)

The Rules of Order were waived to allow for the introduction of a Motion respecting Municipal Law Enforcement at Pier 4 Park Events (Ward 2).

For disposition of this matter, refer to Item 8.

(f) PRIVATE & CONFIDENTIAL (Item 15)

The Committee moved into Closed Session for Items 15.1 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 for lands located at 200 Market Street, 125 Napier Street and 55 Queen Street North, Hamilton respecting applications for an Official Plan Amendment (UHOPA-22-005) and Zoning By-Law Amendment (ZAC-22-012) (LS24010) (Ward 1) (Added Item 15.1)**

For disposition of this matter, refer to Item 9.

(g) ADJOURNMENT (Item 16)

There being no further business, the Planning Committee adjourned at 11:28 a.m.

Councillor M. Wilson, Acting Chair
Planning Committee

Lisa Kelsey
Legislative Coordinator