



**PLANNING COMMITTEE  
REPORT  
24-013**

**September 17, 2024**

**9:30 a.m.**

**Council Chambers (Hybrid), Hamilton City Hall  
71 Main Street West**

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

**Absent with Regrets:** Councillor N. Nann – Personal

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**THE PLANNING COMMITTEE PRESENTS REPORT 24-013 AND RESPECTFULLY RECOMMENDS:**

**1. Active Official Plan Amendment, Zoning By-law Amendment, and Plan of Subdivision Applications (PED24158) (City Wide) (Item 9.1)**

That Report PED24158 respecting Active Official Plan Amendment, Zoning By-law Amendment, and Plan of Subdivision Applications, be received.

**2. Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 1600 Upper James Street, Hamilton (PED24159) (Ward 8) (Item 10.1)**

- (a) That Amended Official Plan Amendment application UHOPA-24-004, submitted by A.J. Clarke & Associates Ltd. (c/o Ryan Ferrari), on behalf of LJM Developments (Upper James), Owner, to establish a Site Specific Policy Area for the “Mixed Use – Medium Density” designation in the Urban Hamilton Official Plan to permit a maximum height of 20 storeys and establish a minimum of three affordable rental units, for lands located at 1600 Upper James Street, Hamilton as shown on Appendix “A” to attached to Report PED24159, be APPROVED on the following basis:

- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED24159, be adopted by City Council;
  - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- (b) That Amended Zoning By-law Amendment application ZAC-24-010, submitted by A.J. Clarke & Associates Ltd. (c/o Ryan Ferrari) on behalf of LJM Developments (Upper James), Owner, for a change in zoning from the Mixed Use Medium Density (C5) Zone to a site specific Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone, to permit a 65.0 metre (20 storey) mixed use building containing 250 dwelling units, including a minimum of three affordable rental units, 438 square metres of ground floor commercial uses, and 177 parking spaces, for lands located at 1600 Upper James Street, Hamilton as shown on attached Appendix “A” to Report PED24159, be APPROVED on the following basis:
- (i) That the draft By-law, attached as Appendix “C” to Report PED24159, 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 Mixed Use Medium Density (TOC1, 912, H182) Zone:

The Holding Provision ‘H182’, is to be removed conditional on the following:

- (1) That the Owner enter into and register an External Works Agreement with the City on the title of the lands for the design and construction of any public realm improvements to the adjacent municipal right-of-way at the Owner’s cost, to the satisfaction of the Director of Planning and Chief Planner;
- (2) That the Owner enter into and register a lease agreement with the City to provide three dwelling units, including one one-bedroom unit, one two-bedroom unit, and one three-bedroom unit, in compliance with the definition of “affordable” in the Urban Hamilton Official Plan, for a period of 15 years from the date of first occupancy of the development, to the satisfaction of the Director of Planning and Chief Planner;

- (3) That the Owner submit and receive approval of an updated Wind Study completed by a licenced professional Engineer, in the Province of Ontario, to the satisfaction of the Director of Planning and Chief Planner;
  - (4) That the Owner submit and receive approval of a revised Functional Servicing Report to demonstrate that there is adequate capacity in the existing municipal infrastructure system in accordance with City standards to accommodate the proposed stormwater and wastewater flows to support this development, to the satisfaction of the Director of Development Engineering;
  - (5) That the Owner submit and receive approval of a Watermain Hydraulic Analysis Report to demonstrate that the required domestic and fire flows are available within the appropriate pressure range and that the surrounding areas are not adversely impacted, to the satisfaction of the Director of Development Engineering;
  - (6) That the Owner make satisfactory arrangements with the City's Growth Management Division and enter into and register on title of the lands, 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 the upgrades are required to the municipal infrastructure to support this development according to the Functional Servicing Report and Watermain Hydraulic Analysis Report, to the satisfaction of the Director of Development Engineering;
- (iii) 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 upon the adoption of the Official Plan Amendment.

**3. Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 173 and 177 Dundas Street East, Flamborough (PED24068) (Ward 15) (Deferred from the August 13th meeting) (Item 11.1)**

- (a) That Official Plan Amendment Application UHOPA-18-020, by MHBC Planning c/o Gerry Tchisler, on behalf of Hawk Ridges Home Inc., Owner, to redesignate the subject lands from "Low Density Residential 2e" to "Low Density Residential 3c" in the West Waterdown Secondary Plan and add a

Site Specific Policy to permit a density range of 27 to 53 units per hectare, for the lands located at 173 and 177 Dundas Street East, as shown on Appendix "A" attached to Report PED24068, be APPROVED on the following basis:

- (i) That the draft Official Plan Amendment, attached as Appendix "B" to Report PED24068, be adopted by City 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) and complies with the general intent of the Urban Hamilton Official Plan and West Waterdown Secondary Plan;
- (b) That Amended Zoning By-law Amendment Application ZAC-18-045, by MHBC Planning c/o Gerry Tchisler, on behalf of Hawk Ridges Home Inc., Owner, for a change in zoning by adding lands to the Low Density Residential (R1, 898) Zone in Zoning By-law No. 05-200, to permit the development of eight, three storey townhouse dwellings and ten, two storey townhouse dwellings with frontage on a condominium road with five visitor parking spaces, for the lands located at 173 and 177 Dundas Street East, as shown on Appendix "A" attached to Report PED24068, be APPROVED on the following basis:
- (i) That the draft Zoning By-law, attached as Appendix "C" to Report PED24068, 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 will comply with the Urban Hamilton Official Plan and West Waterdown Secondary Plan upon approval of the Official Plan Amendment.

**4. New Fees – Growth Management Division (PED24157) (City Wide) (Item 11.2)**

That the By-law to amend By-law No. 12-282 Tariff of Fees, as amended by Bylaw No. 19-108, attached as Appendix "A" to Report PED24157, to provide for new fees for various applications and services administered by the Growth Management Division, be enacted by Council.

**5. Business Improvement Area Revenue Sharing Agreement and Pre-Holiday Free Parking Program (PED24167) (Wards 1, 2, 3, 4, 7, 12 and 13) (Item 11.4)**

- (a) That the 2010 Business Improvement Area Revenue Sharing Policy and Procedure be amended to incorporate a revised revenue sharing allocation which is based on a direct percentage of on-street parking meter revenues as opposed to the current method which utilizes net-surplus parking system operating revenues and Business Improvement Area levy assessment values;
- (b) That the maximum annual amount to be shared annually with the Business Improvement Areas be increased from \$167,280 to \$250,000, adjusted annually, thereafter, by a 3% inflationary increase;
- (c) That the minimum base revenue share for Business Improvement Areas be set at \$7,500 and adjusted upward based on a percentage of Business Improvement Area-specific on-street parking revenues;
- (d) That the eligible expenditures identified in the 2010 Revenue Sharing Policy and Procedure be amended to include projects that contribute to the use of non vehicle modes for Business Improvement Area travel access and/or promote a more vibrant pedestrian realm;
- (e) That the annual Pre-Holiday Free Parking Strategy, approved by Council on June 25, 2003, and amended from time to time, be converted to an optional program with any forgone revenues being funded directly by Business Improvement Areas as an eligible expense under the Revenue Sharing program starting in 2025;
- (f) That the amended Business Improvement Area Revenue Sharing Policy attached as Appendix "A" to Report PED24167 be approved;
- (g) That for the 2024 revenue share distributions, each of the City's 11 Business Improvement Areas that participate annually in the Parking Revenue Sharing Program be provided a one-time grant in 2024 that is equal to the amount they received in 2023 through the Parking Revenue Sharing Program funded from the Economic Development Initiatives Capital Project 3621708900 as detailed in Appendix "B" attached to Report PED24167.

**6. Appeal of Committee of Adjustment Decision for lands located at 14 Belvidere Avenue respecting Consent (HM/B-22:131) and Minor Variance (A-24:93) applications (LS24016) (Ward 8) (Item 15.2)**

- (a) That the directions to staff in closed session respecting Report LS24016 be approved;

- (b) That the directions to staff in closed session respecting Report LS24016 be released to the public, following approval by Council; and,
- (c) That the balance of Report LS24016 remain confidential.

**FOR INFORMATION:**

**(a) APPROVAL OF AGENDA (Item 2)**

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

**5. COMMUNICATIONS**

- 5.1 Chris Ritsma, Cycle Hamilton Board of Directors, respecting Parking Penalty Increase (Item 11.3)

Recommendation: Be received and referred to the consideration of Item 11.3.

**6. DELEGATION REQUESTS**

- 6.1 Gerry Tchisler, MHBC Planning, respecting 173 and 177 Dundas Street East (Item 11.1) (For today's meeting)
- 6.2 Chris Ritsma, Cycle Hamilton Board of Directors, respecting Parking Penalty Increase (Item 11.3) (For today's meeting)

**10. PUBLIC HEARINGS**

- 10.1 Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 1600 Upper James Street, Hamilton (PED24159) (Ward 8)

(b) Added Staff Presentation

**11. DISCUSSION ITEMS**

- 11.1 Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 173 and 177 Dundas Street East, Flamborough (PED24068) (Ward 15) (Deferred from the August 13th meeting)

(a) Added Staff Presentation

(b) Open House Summary of Questions and Comments

The agenda for the September 17, 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) **September 6, 2024 (Item 4.1)**

The Minutes of the September 6, 2024 meeting were approved, as presented.

(d) **COMMUNICATIONS (Item 5)**

(i) **Chris Ritsma, Cycle Hamilton Board of Directors, respecting Parking Penalty Increase (Item 11.3) (Added Item 5.1)**

The correspondence from Chris Ritsma, Cycle Hamilton Board of Directors, respecting Parking Penalty Increase, was received and referred to the consideration of Item 11.3.

(e) **DELEGATION REQUESTS (Item 6)**

(i) The following Delegations were approved, as follows:

(a) **Gerry Tchisler, MHBC Planning, respecting 173 and 177 Dundas Street East (Item 11.1) (For today's meeting) (Added Item 6.1)**

(b) **Chris Ritsma, Cycle Hamilton Board of Directors, respecting Parking Penalty Increase (Item 11.3) (For today's meeting) (Added Item 6.2)**

(f) **DELEGATIONS (Item 7)**

(i) **Gerry Tchisler, MHBC Planning, respecting 173 and 177 Dundas Street East (Item 11.1) (Added Item 7.1)**

Gerry Tchisler, MHBC Planning, addressed the Committee respecting 173 and 177 Dundas Street East (Item 11.1).

The Delegation from Gerry Tchisler, MHBC Planning, respecting 173 and 177 Dundas Street East (Item 11.1), was received.

(ii) **Chris Ritsma, Cycle Hamilton Board of Directors, respecting Parking Penalty Increase (Item 11.3) (Added Item 7.2)**

Chris Ritsma, Cycle Hamilton Board of Directors, addressed the Committee respecting Parking Penalty Increase (Item 11.3).

The Delegation from Chris Ritsma, Cycle Hamilton Board of Directors, respecting Parking Penalty Increase (Item 11.3), was received.

(g) **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.

If a person, public body or registered owner of land would otherwise have an ability to appeal the decision of Council, City of Hamilton to the Ontario Land Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to the City of Hamilton before the by-law is passed, the person or public body is not entitled to appeal the decision.

If a person, public body or registered owner of land does not make oral submissions at a public meeting or make written submissions to the City of Hamilton before the by-law is passed, 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 an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 1600 Upper James Street (Ward 8) (Item 10.1)**

(a) Mark Michniak, Senior Planner, addressed the Committee with the aid of a PowerPoint presentation.

The staff presentation was received.

(b) Ryan Ferrari with A.J. Clarke & Associates Ltd. was in attendance and indicated support for the staff report.

The presentation from Ryan Ferrari with A.J. Clarke & Associates, was received.

Chair Cassar called three times for public delegations and the following persons came forward:

- (1) Lynda Petch – Opposed to the development
- (2) David Falletta, Bousfields Inc. – Concerns with development



- (c) (1) The following public submissions regarding this matter were received and considered by the Committee:
  - (a) Written Submissions (Item 10.1(a)):
    - (i) Jodi Campovari – Opposed to the development
  - (b) Delegations (Added Item 10.1(b)):
    - (i) Lynda Petch – Opposed to the development
    - (ii) David Falletta, Bousfields Inc. – Concerns with the development
- (2) The public meeting was closed.

For disposition of this matter, refer to Item 2.

**(h) DISCUSSION ITEMS (Item 11)**

- (i) **Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 173 and 177 Dundas Street East, Flamborough (PED24068) (Ward 15) (Deferred from the August 13th meeting) (Item 11.1)**

The staff presentation was not heard.

The Open House Summary of Questions and Comments (Added Item 11.1 (b)), were received.

For disposition of this matter, refer to Item 3.

- (ii) **Parking Penalty Increases (PED24139) (City Wide) (Item 11.3)**

That the amending by-law to Administrative Penalty System By-law 17-225 (APS) which outlines increases to certain parking penalties attached as Appendix “A” to Report PED24139 and prepared in a form satisfactory to the City Solicitor be approved.

Report PED24139 respecting Parking Penalty Increase, was DEFERRED to the October 1, 2024 Planning Committee meeting.

- (iv) **Business Improvement Area Revenue Sharing Agreement and Pre-Holiday Free Parking Program (PED24167) (Wards 1, 2, 3, 4, 7, 12 and 13) (Item 11.4)**
- (a) That the 2010 Business Improvement Area Revenue Sharing Policy and Procedure be amended to incorporate a revised revenue sharing allocation which is based on a direct percentage of on-street parking meter revenues as opposed to the current method which utilizes net-surplus parking system operating revenues and Business Improvement Area levy assessment values;
  - (b) That the maximum annual amount to be shared annually with the Business Improvement Areas be increased from \$167,280 to \$250,000, adjusted annually, thereafter, by a 3% inflationary increase;
  - (c) That the minimum base revenue share for Business Improvement Areas be set at \$7,500 and adjusted upward based on a percentage of Business Improvement Area-specific on-street parking revenues;
  - (d) That the eligible expenditures identified in the 2010 Revenue Sharing Policy and Procedure be amended to include projects that contribute to the use of non vehicle modes for Business Improvement Area travel access and/or promote a more vibrant pedestrian realm;
  - (e) That the annual Pre-Holiday Free Parking Strategy, approved by Council on June 25, 2003, and amended from time to time, be converted to an optional program with any forgone revenues being funded as an eligible expense under the Revenue Sharing program and phased in as follows:
    - (i) In 2024, two weeks of Pre-Holiday Free Parking will be funded by Hamilton Municipal Parking System with Business Improvement Areas having the option of funding an additional two-weeks;
    - (ii) Starting in 2025, Business Improvement Areas opting to provide free Pre Holiday Parking will be required to fund calculated forgone revenues through their share of Parking Revenues;
  - (f) That the amended Business Improvement Area Revenue Sharing Policy attached as Appendix "A" to Report PED24167 be approved;

- (g) That for the 2024 revenue share distributions, each of the City's 11 Business Improvement Areas that participate annually in the Parking Revenue Sharing Program be provided a one-time grant in 2024 that is equal to the amount they received in 2023 through the Parking Revenue Sharing Program funded from the Economic Development Initiatives Capital Project 3621708900 as detailed in Appendix "B" attached to Report PED24167.

Report PED24167 respecting Business Improvement Area Revenue Sharing Agreement and Pre-Holiday Free Parking Program, was **amended** by adding and deleting wording in sub-section (e), and deleting sub-sections (e) (i) and (e) (ii), as follows:

- (e) That the annual Pre-Holiday Free Parking Strategy, approved by Council on June 25, 2003, and amended from time to time, be converted to an optional program with any forgone revenues being funded **directly by Business Improvement Areas** as an eligible expense under the Revenue Sharing program **starting in 2024; and phased in as follows:**

~~(i) — In 2024, two weeks of Pre-Holiday Free Parking will be funded by Hamilton Municipal Parking System with Business Improvement Areas having the option of funding an additional two weeks;~~

~~(ii) — Starting in 2025, Business Improvement Areas opting to provide free Pre-Holiday Parking will be required to fund calculated forgone revenues through their share of Parking Revenues;~~

For disposition of this matter, refer to Item 5.

(i) **GENERAL INFORMATION / OTHER BUSINESS (Item 14)**

(i) **General Manager's Update (Added Item 14.1)**

Steve Robichaud, Acting General Manager of Planning and Economic Development, advised the Committee of the upcoming Ontario Professional Planners Institute (OPPI) Annual Conference in Hamilton from September 25 – 27, 2024.

The General Manager's Update was received.

**(j) PRIVATE & CONFIDENTIAL (Item 15)**

**(i) Closed Session Minutes – September 6, 2024 (Item 15.1)**

- (a) The Closed Session Minutes dated September 6, 2024, were approved as presented; and,
- (b) The Closed Session Minutes dated September 6, 2024, are to remain confidential.

The Committee moved into Closed Session for Item 15.2 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.

The Committee meeting reconvened in Open Session at 12:28 p.m.

**(i) Appeal of Committee of Adjustment Decision for lands located at 14 Belvidere Avenue respecting Consent (HM/B-22:131) and Minor Variance (A-24:93) applications (LS24016) (Ward 8) (Item 15.2)**

For disposition of this matter, refer to Item 6.

**(k) ADJOURNMENT (Item 16)**

There being no further business, the Planning Committee adjourned at 12:30 p.m.

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Councillor C. Cassar, Chair  
Planning Committee

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Lisa Kelsey  
Legislative Coordinator