



**PLANNING COMMITTEE  
REPORT  
24-014**

**October 1, 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 (virtual), T. McMeekin, N. Nann (virtual), E. Pauls,  
M. Tadeson, and A. Wilson

**THE PLANNING COMMITTEE PRESENTS REPORT 24-014 AND RESPECTFULLY  
RECOMMENDS THE FOLLOWING:**

1. **Application for a Zoning By-law Amendment for Lands Located at 48 Jenny Court, Stoney Creek (PED24178) (Ward 10) (Item 10.1)**
  - (a) That Amended Zoning By-law Amendment application ZAC-23-004, by Landwise (c/o) Katelyn Gillis on behalf of Vjekoslav Djuric, Owner, for a change in zoning from the Neighbourhood Development "ND" Zone to a Low Density Residential "R1" Zone, to permit the redevelopment of the subject lands for two single detached dwellings and to facilitate a future consent application, for lands located at 48 Jenny Court, as shown on attached Appendix "A" to Report PED24178, be APPROVED on the following basis:
    - (i) That the draft Amended By-law, attached as Appendix "B" to Report PED24178, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
    - (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 and the Western Development Area Secondary Plan.

**2. Financial Policies for Development - Update to Rates for “Over-sizing of Infrastructure” and “New Roads Servicing Rate” (PED24174) (City Wide) (Item 11.1)**

- (a) That the updated rates for “Over-sizing of Infrastructure” and “New Roads Servicing Rate”, attached as Appendix “A” to Report PED24174 respectively, be approved;
- (b) That the updated rates for “Over-sizing of Infrastructure” and “New Roads Servicing Rate” be adjusted annually on June 1 using Statistics Canada Quarterly, Non-Residential Building Construction Price Index (Table 18-10-0276-02); and,
- (c) That the updated rates for “Over-sizing of Infrastructure” and “New Roads Servicing Rate”, attached as Appendix “A” to Report PED24174 apply to all development applications where a Subdivision, External Works, or Consent Agreements will be executed after Council’s approval date of the new rates.

**3. Green Building Standards (PED24114) (Urban Areas – City Wide) (Item 11.2)**

- (a) That the Green Building Standards Final Report attached as Appendix “A” to Report PED24114, be endorsed;
- (b) That the Green Building Standards Guidebook attached as Appendix “A” to Report PED24114, be endorsed;
- (c) That the Green Building Standards Baseline Review Report attached as Appendix “A” to Report PED24114, be received;
- (d) That Planning and Economic Development Department staff be directed to develop an Implementation Plan for the Green Building Standards, including the review of financial incentives through Community Improvement Plans, and report back to Planning Committee in Q1 of 2025;
- (e) That the Green Building Standards be implemented and that staff report back to the Planning Committee in Q1, 2026 with an update on the outcomes and future recommendations;
- (f) That Item 22S, Public Consultation on Sustainable Building and Development Guidelines - Low Density Residential Uses, be removed from the Outstanding Business List;

- (g) That Council direct City staff to consult with the Climate Change Advisory Committee including its Technical and Governance Working Group and Building Working Group on the following:
  - (i) A framework that phases in successively more stringent tiered standards over a fixed timeline with full transparency on future requirements to all stakeholders;
  - (ii) Emissions limits that are sufficient to require new buildings to transition to efficient, low-emissions technology now or in the future; and,
  - (iii) Alignment with Hamilton's Climate Action Strategy to achieve net-zero by 2050 and avoid fossil fuel lock-in;
- (h) That Council direct City staff to conduct this consultation in advance of implementation and report back with the results of the consultation, any adjustments to the Green Building Standards that may be required, including any necessary financial resources, and timelines for the recommendations in Report PED24114, no later than the first Planning Committee of 2025.

**4. Green Standards and Guidelines for Site Servicing (PED24102) (City Wide) (Item 11.3)**

- (a) That Appendix "A" to Report PED24102 entitled City of Hamilton Green Standards and Guidelines for Site Servicing be adopted and be incorporated into the Comprehensive Development Guidelines and Financial Policy Manual;
- (b) That the General Manager of Planning and Economic Development, or designate, be authorized to revise and update the Green Standards and Guidelines for Site Servicing as may be required from time to time, as technical initiatives, standards, design criteria, and guidelines are developed and completed across other City departments and both Federally, and Provincially;
- (c) That the Green Standards and Guidelines for Site Servicing included in Appendix "A" of Report PED24102 be applied to all new Site Plan applications received after January 1, 2025; and,
- (d) That the General Manager of Planning and Economic Development, or designate, be authorized to approve exceptions to requirements of the Green Standards and Guidelines for Site Servicing if an Applicant can demonstrate that said requirements cannot be achieved due to physical and/or technical constraints.

**5. Parking Penalty Increases (PED24139) (City Wide) (Item 11.4)**

- (a) 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; and,
- (b) That staff be directed to investigate additional modifications to parking penalties and enforcement strategies to help maintain safe access for all road users including pedestrians and bicyclists, such as increased fines for multiple offenders and specific vehicle types and report back to Planning Committee in Q2 2025.

**6. Appeal to the Ontario Land Tribunal (OLT) for lands located at 764 Valens Road, Flamborough, for Approval by Committee of Adjustment for Minor Variance Application (FL/A-23:312) and Consent to Sever Land (FL/B-23:82) (LS24021/PED24168) (Ward 13) (Item 15.2)**

That report LS24021/PED24168 respecting Appeal to the Ontario Land Tribunal (OLT) for lands located at 764 Valens Road, Flamborough, for Approval by Committee of Adjustment for Minor Variance Application (FL/A-23:312) and Consent to Sever Land (FL/B-23:82), be received and remain private and confidential.

**FOR INFORMATION:**

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

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

**5. COMMUNICATIONS**

5.1 Communications respecting Green Building Standards (Item 11.2)

- (iii) Anne Washington
- (iv) Gail Faveri
- (v) Geoff Ondercin-Bourne and Edward Reece
- (vi) Jeffrey Cowan, Hamilton Community Enterprises

**6. DELEGATION REQUESTS**

6.1 Delegations respecting Green Building Standards (Item 11.2) (For today's meeting)

- (iv) Lucia Iannantuono, Climate Change Advisory Committee

- (v) Lana Goldberg, Stand.earth
- (vi) Gabriella Kalapos, Clean Air Partnership
- (vii) Don McLean
- (viii) Evan Wiseman, The Atmospheric Fund (attending in place of  
Laura McCloskey)
- (ix) Ian Borsuk, Environment Hamilton
- (x) Mary Anne Peters
- (xi) Peter Appleton

**10. PUBLIC HEARINGS**

10.1 Application for a Zoning By-law Amendment for Lands Located at  
48 Jenny Court, Stoney Creek (PED24178) (Ward 10)

- (a) Staff Presentation

**11. DISCUSSION ITEMS**

11.2 Green Building Standards (PED24114) (Urban Areas – City Wide)

- (a) Climate Change Advisory Committee - Citizen Committee  
Report respecting Green Building Standards Report
- (b) Staff Presentation

The agenda for the October 1, 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 17, 2024 (Item 4.1)**

The Minutes of the September 17, 2024 meeting were approved, as  
presented.

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

**(i) Communications respecting Green Building Standards (Item 5.1)**

The following Communications, respecting Green Building Standards, were received and referred to the consideration of Item 11.2:

- (a) David Carson (Electrification of buildings) (Item 5.1(i))
- (b) Khursheed Ahmed (Item 5.1(ii))
- (c) Anne Washington (Added Item 5.1(iii))
- (d) Gail Faveri (Added Item 5.1(iv))
- (e) Geoff Ondercin-Bourne and Edward Reece (Added Item 5.1(v))
- (f) Jeffrey Cowan, Hamilton Community Enterprises (Added Item 5.1(vi))

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

**(i) Delegation Requests (Items 6.1 and 6.2)**

The following Delegation Requests were approved for the meetings requested:

- (a) Delegations respecting Green Building Standards (Item 11.2) (For today's meeting)
  - (1) David Carson (Item 6.1 (i))
  - (2) Michelle Diplock, West End Home Builders' Association (Item 6.1 (ii))
  - (3) Jesse Elders, Bay Area Climate Change Council (Added Item 6.1 (a) (iii))
  - (4) Lucia Iannantuono, Climate Change Advisory Committee (Added Item 6.1 (a) (iv))
  - (5) Lana Goldberg, Stand.earth (Added Item 6.1 (a) (v))
  - (6) Gabriella Kalapos, Clean Air Partnership (Added Item 6.1 (a) (vi))
  - (7) Don McLean (Added Item 6.1 (a) (vii))
  - (8) Evan Wiseman, The Atmospheric Fund (Added Item 6.1 (a) (viii))
  - (9) Ian Borsuk, Environment Hamilton (Added Item 6.1 (a) (ix))
  - (10) Mary Anne Peters (Added Item 6.1 (a) (ix))
  - (11) Peter Appleton (Added Item 6.1 (a) (x))
- (b) Delegations respecting Green Building Standards Site Servicing (Item 11.3) (For today's meeting)
  - (1) Michelle Diplock, West End Home Builders' Association (Item 6.2 (i))

- (c) Candice Beath Davidson respecting Rules at the Rail Trail Dog Park (For the October 18, 2024 meeting) (Item 6.3)

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

**(i) Delegations respecting Green Building Standards (Item 11.2) (Added Item 7.1)**

- (a) The following delegations addressed the Committee respecting Green Building Standards:
  - (1) David Carson (in-person) (Added Item 7.1 (a))
  - (2) Michelle Diplock, West End Home Builders' Association (in-person) (Added Item 7.1 (b))
  - (3) Jesse Elders, Bay Area Climate Change Council (in-person) (Added Item 7.1 (c))
  - (4) Lucia Iannantuono, Climate Change Advisory Committee (in-person) (Added Item 7.1 (d))
  - (5) Lana Goldberg, Stand.earth (virtually) (Added Item 7.1 (e))
  - (6) Gabriella Kalapos, Clean Air Partnership (in-person) (Added Item 7.1 (f))
  - (7) Don McLean (virtually) (Added Item 7.1 (g))
  - (8) Evan Wiseman, The Atmospheric Fund (virtually) (Added Item 7.1 (h))
  - (9) Ian Borsuk, Environment Hamilton (virtually) (Added Item 7.1 (i))
  - (10) Mary Anne Peters (pre-recorded) (Added Item 7.1 (j))
  - (11) Peter Appleton (pre-recorded) (Added Item 7.1 (k))
- (b) The speaking time for Lucia Iannantuono, Climate Change Advisory Committee (Added Item 7.1 (d)) was extended by five minutes.
- (c) The speaking time for Lucia Iannantuono, Climate Change Advisory Committee (Added Item 7.1 (d)) was extended by a further five minutes.

**(ii) Delegation respecting Green Building Standards Site Servicing (Item 11.3) (Added Item 7.2)**

The following delegation addressed the Committee respecting Green Building Standards Site Servicing:

- (1) Michelle Diplock, West End Home Builders' Association – Addressed the Committee (combined presentation for Items 11.2 (Added Item 7.1 (b)) and 11.3 (Added Item 7.2 (a))).

(iii) (a) The following Delegations, respecting Green Building Standards, were received and referred to the consideration of Item 11.2:

- (1) David Carson (in-person) (Added Item 7.1 (a))
- (2) Michelle Diplock, West End Home Builders' Association (in-person) (Added Item 7.1 (ii))
- (3) Jesse Elders, Bay Area Climate Change Council (in-person) (Added Item 7.1 (c))
- (4) Lucia Iannantuono, Climate Change Advisory Committee (in-person) (Added Item 7.1 (d))
- (5) Lana Goldberg, Stand.earth (virtually) (Added Item 7.1 (e))
- (6) Gabriella Kalapos, Clean Air Partnership (in-person) (Added Item 7.1 (f))
- (7) Don McLean (virtually) (Added Item 7.1 (g))
- (8) Evan Wiseman, The Atmospheric Fund (virtually) (Added Item 7.1 (h))
- (9) Ian Borsuk, Environment Hamilton (virtually) (Added Item 7.1 (i))
- (10) Mary Anne Peters (pre-recorded) (Added Item 7.1 (j))
- (11) Peter Appleton (pre-recorded) (Added Item 7.1 (k))

(a) The following Delegation, respecting Green Building Standards Site Servicing, was received and referred to the consideration of Item 11.3:

- (1) Michelle Diplock, West End Home Builders' Association (in-person) (Added Item 7.2 (b))

**(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 a Zoning By-law Amendment for Lands Located at 48 Jenny Court, Stoney Creek (PED24178) (Ward 10) (Item 10.1)**

- (a)** Tim Vrooman, Manager Development Planning, addressed the Committee with the aid of a PowerPoint presentation.

The staff presentation was received.

- (b)** Katelyn Gillis, Landwise, was in attendance and indicated support for the staff report.

The presentation from Katelyn Gillis, Landwise, was received.

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

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

For disposition of this matter, refer to Item 1.

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

**(i) Green Building Standards (PED24114) (Urban Areas – City Wide) (Item 11.2)**

- (a)** Mallory Smith, Planner 1 – Zoning By-Law Reform, and Robbert Rappolt, WSP, addressed the Committee respecting Green Building Standards (Report PED24114), with the aid of a PowerPoint presentation.

The presentation from Mallory Smith, Planner 1 – Zoning By-Law Reform, and Robbert Rappolt, WSP, respecting Green Building Standards (Report PED24114), was received.

- (b) The Climate Change Advisory Committee – Citizen Committee Report respecting Green Building Standards Report (Added Item 11.2 (a)), was received.
- (c)
  - (a) That the Green Building Standards Final Report attached as Appendix “A” to Report PED24114, be endorsed;
  - (b) That the Green Building Standards Guidebook attached as Appendix “A” to Report PED24114, be endorsed;
  - (c) That the Green Building Standards Baseline Review Report attached as Appendix “A” to Report PED24114, be received;
  - (d) That Planning and Economic Development Department staff be directed to develop an Implementation Plan for the Green Building Standards, including the review of financial incentives through Community Improvement Plans, and report back to General Issues Committee in Q1 of 2025;
  - (e) That the Green Building Standards be implemented as a two year Pilot Project and that staff report back to the Planning Committee in Q1, 2026 with an update on the outcomes and future recommendations.
  - (f) That Item 22S, public consultation on sustainable building and development guidelines for low density residential uses, be removed from the Outstanding Business List.
- (d) Sub-section (d) to Report PED24114, respecting Green Building Standards, was **amended** as follows:
  - (d) That Planning and Economic Development Department staff be directed to develop an Implementation Plan for the Green Building Standards, including the review of financial incentives through Community Improvement Plans, and report back to **General Issues Planning** Committee in Q1 of 2025;
- (e) The recommendations in Report PED24114, respecting Green Building Standards were **amended** by adding sub-sections (g) and (h) as follows:
  - (g) ***That Council direct City staff to consult with the Climate Change Advisory Committee including its Technical and Governance Working Group and Building Working Group on the following:***

- (i) ***A framework that phases in successively more stringent tiered standards over a fixed timeline with full transparency on future requirements to all stakeholders***
- (ii) ***Emissions limits that are sufficient to require new buildings to transition to efficient, low-emissions technology now or in the future***
- (iii) ***Alignment with Hamilton’s Climate Action Strategy to achieve net-zero by 2050 and avoid fossil fuel lock-in***
- (h) ***That Council direct City staff to conduct this consultation in advance of implementation and report back with the results of the consultation, any adjustments to the Green Building Standards that may be required, including any necessary financial resources, and timelines for the recommendations in Report PED24114, no later than the first Planning Committee of 2025.***
- (f) Sub-section (e) to Report PED24114, respecting Green Building Standards, was **amended** by deleting the wording as follows:

  - (e) That the Green Building Standards be implemented ~~as a two-year Pilot Project~~ and that staff report back to the Planning Committee in Q1, 2026 with an update on the outcomes and future recommendations.

For disposition of this matter, refer to Item 3.

The Planning Committee recessed from 1:00 p.m. to 1:30 p.m.

The Planning Committee meeting reconvened at 1:31 p.m.

**(ii) Green Standards and Guidelines for Site Servicing (PED24102) (City Wide) (Item 11.3)**

Ron Scheckenberge, WSP, addressed the Committee, respecting Green Standards and Guidelines for Site Servicing, with the aid of a PowerPoint presentation.

The presentation from Ron Scheckenberge, WSP, respecting Green Standards and Guidelines for Site Servicing, was received.

For disposition of this matter, refer to Item 4.

(iii) **Parking Penalty Increases (PED24139) (City Wide) (Item 11.4)**

- (a) (a) 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.
- (b) The recommendations in Report PED24139 were **amended** by adding sub-section (b) as follows:
- (b) ***That staff be directed to investigate additional modifications to parking penalties and enforcement strategies to help maintain safe access for all road users including pedestrians and bicyclists, such as increased fines for multiple offenders and specific vehicle types and report back to Planning Committee in Q2 2025.***

For disposition of this matter, refer to Item 5.

(i) **NOTICES OF MOTION (Item 13)**

Councillor Tadeson introduced the following Notice of Motion:

(i) **Demolition Control Exemption for 3033 and 3047 Binbrook Road**

WHEREAS, the lands at 3033, 3047, 3055, and 3063 Binbrook Road are currently subject to conditional Site Plan approval via File No. DA-17-107, with each property containing a single-detached dwelling and accessory structure;

WHEREAS, the dwellings at 3033 and 3047 Binbrook Road have been vacant for an extended period of time and are currently subject to active applications for demolition permits;

WHEREAS, the owners have been facing ongoing issues with break-ins and vandalism at the vacant properties, resulting in varying levels of damage to the structures despite numerous attempts to dissuade vandalism and trespassing;

WHEREAS, despite efforts to secure the properties, including actions taken by Municipal By-law Enforcement and additional measures implemented by contractors, the break-ins and vandalism have continued, causing distress to neighbors and posing significant safety concerns;

WHEREAS, the owners are unable to demolish the structures on these two properties as the demolition permit application does not meet the criteria of Section 6 (a) to (e) of the Demolition Control By-law No. 22-101 for delegated authority;

THEREFORE, BE IT RESOLVED:

That the Chief Building Official be authorized to issue a demolition permit for 3033 and 3047 Binbrook Road, pursuant to Section 33 of the Planning Act as amended, without having to comply with the conditions in Sub-Section 6 (a) to (e) of Demolition Control Area By-law 22-101.

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

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

Steve Robichaud, General Manager of Planning and Economic Development, advised the Committee that the Ontario Land Tribunal appeals regarding the Parking By-law have been resolved; and, the Ontario Professional Planners Institute conference was held in Hamilton on September 25 to 27, 2024 and the City of Hamilton received the Vision Award of Excellence for the Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan Review.

The General Manager's Update was received.

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

**(i) Closed Session Minutes – September 17, 2024 (Item 15.1)**

- (a) The Closed Session Minutes dated September 17, 2024, were approved as presented; and,
- (b) The Closed Session Minutes dated September 17, 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.

- (i) **Appeal to the Ontario Land Tribunal (OLT) for lands located at 764 Valens Road, Flamborough, for Approval by Committee of Adjustment for Minor Variance Application (FL/A-23:312) and Consent to Sever Land (FL/B-23:82) (LS24021/PED24168) (Ward 13) (Item 15.2)**

For disposition of this matter, refer to Item 6.

The Planning Committee meeting reconvened in Open Session at 3:17 p.m.

**(I) ADJOURNMENT (Item 16)**

There being no further business, the Planning Committee, adjourned at 3.18 p.m.

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Councillor C. Cassar, Chair  
Planning Committee

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Lisa Kelsey  
Legislative Coordinator