



**PLANNING COMMITTEE
REPORT
21-003**

AS AMENDED BY COUNCIL FEBRUARY 24, 2021

February 16, 2021

9:30 a.m.

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

Present: Councillors J.P. Danko (Chair)
B. Johnson (1st Vice Chair), J. Farr (2nd Vice Chair), C. Collins,
M. Pearson, L. Ferguson, M. Wilson and J. Partridge

**THE PLANNING COMMITTEE PRESENTS REPORT 21-003 AND RESPECTFULLY
RECOMMENDS:**

1. Agriculture and Rural Affairs Advisory Committee Report 21-001 (Item 7.1)

(a) Farm 911 (Item 9.4)

That the Agriculture and Rural Affairs Advisory Committee respectfully requests that appropriate City staff be directed to develop a framework to provide emergency 911 signs to owners of unidentified farm properties in Hamilton, at their request, at no cost to the applicant.

(b) Climate Action Working Group Update (deferred from the November 24, 2020 meeting) (Item 9.5)

That the Climate Action Working Group of the Agriculture & Rural Affairs Advisory Committee be disbanded.

2. Payday Loan Licences (PED21036) (City Wide) (Item 7.2)

That Report PED21036 respecting Payday Loan Licences, be received.

**3. Application for Zoning By-law Amendment for lands located at 95 - 97
Fairholt Road South, Hamilton (PED21029) (Ward 3) (Item 8.1)**

- (a) That Amended Zoning By-law Amendment Application ZAR-19-054 by MHBC Planning (c/o Stephanie Mirtitsch), on Behalf of Semion Merzon, for a change in zoning from the "C" (Urban Protected Residential, etc.) District, to "C/S-1805" (Urban Protected Residential, etc.) District,

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Modified, to permit the conversion of an existing two family dwelling to a six unit multiple dwelling with six parking spaces, for lands located at 95 - 97 Fairholt Road South, Hamilton, as shown on Appendix "A" to Report PED21029, be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix "B" to Report PED21029, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the amending By-law attached as Appendix "B" to Report PED21029, be added to District Map No. E33 of Zoning By-law No. 6593;
 - (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow Plan: Growth Plan for the Greater Golden Horseshoe, 2019, as amended, and complies with the policies and intent of the Urban Hamilton Official Plan;
 - (iv) That upon finalization of the amending By-law, the subject lands be re-designated from "Single & Double" to "Medium Density Apartments" in the Stipley Neighbourhood Plan.
- (b) That the public submissions in the staff report were received and considered by the Committee in approving the application.

4. Non-Statutory Public Meeting for an Urban Hamilton Official Plan Amendment Application UHOPA-19-008 and Zoning By-law Amendment Application ZAC-19-029 for Lands Located at 73, 77, 83, and 89 Stone Church Road West and 1029 West 5th Street, Hamilton (PED21037) (Ward 8) (Item 8.2)

That Report PED21037, together with any written submissions and input from delegations received at Planning Committee, be referred to staff for consideration and incorporated into a further report for direction to be given to the City Solicitor on the appeal to the LPAT for non-decision of an Urban Hamilton Official Plan Amendment Application UHOPA-19-008 and Zoning By-law Amendment Application ZAC-19-029 for Lands Located at 73, 77, 83, and 89 Stone Church Road West and 1029 West 5th Street, Hamilton.

5. Application for Zoning By-law Amendment for Lands Located at 206 and 208 King Street West, Hamilton (PED21038) (Ward 2) (Item 8.3)

- (a) That Amended Zoning By-law Amendment Application ZAC-17-046 by A.J. Clarke and Associates (c/o Franz Kloibhofer) on behalf of King Stuart Development Inc., Owner, for a further modification to the Downtown Mixed Use – Pedestrian Focus (D2, H17, H19, H20) Zone to Downtown Mixed Use

– Pedestrian Focus (D2, 731, H17, H19, H116) Zone, to permit an alternative development concept, that being a 13 storey (43.75 metre) mixed use building with 123 residential units, 143.8 square metres of retail gross floor area, and 37 structured parking spaces for lands located at 206 and 208 King Street West, Hamilton, as shown on Appendix “A” to Report PED21038, be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix “B” to Report PED21038, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the amending By-law, attached as Appendix “B” to Report PED21038 be added to Map No. 952 of Schedule “A” – Zoning Maps of Zoning By-law No. 05-200;
- (iii) That Schedule “D” – Holding Provisions, of Zoning By-law No. 05-200; be amended by adding the following additional Holding Provision:

H116. Notwithstanding Section 6.2 of this By-law, within lands zoned Downtown Mixed Use – Pedestrian Focus (D2, 731) Zone on Map No. 952 on Schedule “A” – Zoning Maps, and described as 206 and 208 King Street West, Hamilton, no development shall be permitted until such time as:

- (1) The Owner submit and receive completion of a signed Record of Site Condition (RSC) being submitted to the City of Hamilton and the Ministry of the Environment, Conservation and Parks (MOECP) or enters into a conditional building permit agreement with respect to completing a Record of Site Condition. This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MOECP, and submission of the City of Hamilton’s current RSC administration fee;
- (2) A Documentation and Salvage Report in accordance with the City’s Guidelines for Documentation and Salvage Reports has been submitted and implemented all to the satisfaction of the Director of Planning and Chief Planner prior to any demolition and the owner shall demonstrate that a copy of this report shall be submitted by the Owner to the Hamilton Public Library; and,
- (3) An updated Pedestrian Wind Study has been submitted and implemented to the satisfaction of the Director of Planning and Chief Planner.

- (iv) 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.
 - (b) That the public submissions in the staff report were received and considered by the Committee in approving the application.
- 6. Application for Zoning By-law Amendment for Lands Located at 9 Westbourne Road, Hamilton (PED21039) (Ward 1) (Item 8.4)**
 - (a) That Zoning By-law Amendment Application ZAS-20-003 by Joseph DiDonato and Sven Oppermann, Owner, for a further modification to the “C/S-1335”, “C/S-1335a” and “C/S-1788” (Urban Protected Residential, Etc.) District, Modified, to the “C/S-1335”, “C/S-1335a” and “C/S-1804” (Urban Protected Residential, Etc.) District, Modified, to permit the expansion and conversion of an existing detached garage into a second dwelling unit at the rear of the lands located at 9 Westbourne Road, Hamilton, as shown on Appendix “A” to Report PED21039, be APPROVED on the following basis:
 - (i) That the draft By-law, attached as Appendix “B” to Report PED21039, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the amending By-law attached as Appendix “B” to Report PED21039, be added to District Map No. W45 of Zoning By-law No. 6593; and,
 - (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.
 - (b) That the public submissions regarding this matter were received and considered by the Committee in approving the application.
- 7. Applications for Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for lands located at 211 and 225 John Street South and 78 Young Street, Hamilton (PED21032) (Ward 2) (Item 8.5)**
 - (a) That Amended Urban Hamilton Official Plan Amendment Application UHOPA-18-17, by GSP Group Inc. (c/o Brenda Khes) on behalf of Corktown Plaza Inc., Owner, to establish a Site Specific Policy to the Mixed Use – Medium Density designation to permit the development of the subject lands for a mixed use building containing 769 dwelling units comprised of a 27 storey multiple dwelling, and a 14 storey mixed use

building attached to an eight storey multiple dwelling, for lands located at 211 and 225 John Street South and 78 Young Street, Hamilton as shown on Appendix “A” to Report PED21032, be APPROVED on the following basis:

- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED21032, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
 - (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-18-041, by GSP Group Inc. (c/o Brenda Khes) on behalf of Corktown Plaza Inc., Owner, to modify the Mixed Use Medium Density (C5) Zone to the Mixed Use Medium Density (C5, 739, H118) Zone to permit a mixed use development consisting of a 27 storey (92.0 metre) multiple dwelling, and a 14 storey (48.5 metre) mixed use building attached to an eight storey (29.0 metre) multiple dwelling, with a total of 769 dwelling units, 929.25 square metres of commercial space and 462 parking spaces, for lands located at 211 and 225 John Street South and 78 Young Street, Hamilton, as shown on Appendix “A” to Report PED21032, be APPROVED on the following basis:
 - (i) That the draft By-law, attached as Appendix “C” to Report PED21032, 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 upon finalization of Urban Hamilton Official Plan Amendment No. XX; and,
 - (iii) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject property by introducing the Holding symbol “H118” to the proposed Mixed Use - Medium Density (C5, 739) Zone.

The Holding Provision “H118” be removed conditional upon:

- (1) The Owner enters into a conditional building permit agreement with respect to completing a Record of Site Condition or a signed Record of Site Condition (RSC) being submitted to the City of Hamilton and the Ministry of the Environment,

Conservation and Parks (MOECP). This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MOECP, and submission of the City of Hamilton's current RSC administration fee.

- (2) That the Owner submits and receives approval of a Documentation and Salvage Report for the existing buildings at 211 John Street South and 78 Young Street and implements the strategy of the Documentation and Salvage Report in accordance with the City of Hamilton Documentation and Salvage Report guidelines to the satisfaction of the Director of Planning and Chief Planner.
- (c) That the public submissions regarding this matter were received and considered by the Committee in approving the application.

The following item was amended as follows:

8. Application for a Zoning By-law Amendment for lands located at 130 Wellington Street South, Hamilton (PED21024) (Ward 2) (Deferred from the February 2, 2021 meeting) (Item 10.1)

- (a) That Zoning By-law Amendment Application ZAR-18-057 by 130 Wellington Investments Inc., Owner, for a change in zoning from the "D" (Urban Protected Residential, One and Two Family Dwellings, etc.) District, to "D/S -1806 - 'H'" (Urban Protected Residential, One and Two Family Dwellings, etc.) District, Modified, Holding, to permit six dwelling units within the existing building and four parking spaces, for lands located at 130 Wellington Street South, Hamilton, as shown on Appendix "A" to Report PED21024, be DENIED **on the following basis:**

- (i) Parking is major issue on Wellington Street;**
- (ii) There is already enough high density on this block (Large apartment next door);**
- (iii) Back laneway already has issues respecting access and upkeep; and,**
- (iv) The lot and house are too small for a medium density zoning designation and should revert back to what was as intended, a single family home**

- (b) That the written and oral submissions made with respect to this matter affected the decision by supporting the refusal of the applications; and**

- (c) That in the event that the decision to deny is appealed to the Local Planning Appeal Tribunal, the City Solicitor be authorized to retain**

any necessary professional consultants, to be funded through the Tax Stabilization Reserve (110086).

9. **Updates to the Terms of the Environmental Remediation and Site Enhancement's (ERASE) Redevelopment Grant and Tax Assistance Programs (PED21034) (City Wide) (Item 10.2)**
- (a) That the amended program description for the Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant (ERG) Program, which forms Appendix B to the ERASE Community Improvement Plan and attached as Appendix "A" to Report PED21034, be approved.
 - (b) That the amended program description for the Environmental Remediation and Site Enhancement (ERASE) Tax Assistance Program (TAP), which forms Appendix C to the ERASE Community Improvement Plan and attached as Appendix "B" to Report PED21034, be approved.
10. **Bill 197, the COVID-19 Economic Recovery Act, 2020 and Changes to the Planning Act (PED21046) (City Wide) (Item 10.3)**
- (a) That Council adopt the submissions and recommendations regarding legislative provisions in the *Planning Act* in force with the enactment of Bill 197, the *COVID-197 Economic Recovery Act*, as provided in Report PED21046;
 - (b) 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 PED21046.
11. **Implementation of Permit Parking on the West Side of Wellington Street North, between Barton Street East and Cannon Street East, Hamilton (Ward 2) (Item 11.1)**

WHEREAS, on November 27, 2019 Council approved Report PED19187 On Street Parking Permits – Wellington Street North (Ward 2) which recommended a number of changes to parking restrictions on Wellington Street North including the removal of the NO PARKING restrictions and installation of bump-outs, which have now been implemented;

WHEREAS Report PED19187 did not recommend permit parking due to the fact that permits would not provide an exemption to the No Parking on a Through Street between 2 a.m. and 7 a.m. parking regulation, so would be of limited value;

WHEREAS it has been observed that following the installation of bump-outs, the parking created is not being utilized to its full benefit and the introduction of permit parking would fulfill a long standing desire by residents for permit parking; and,

WHEREAS, Public Works has expressed concerns that added parking will reduce their ability to meet Council approved levels of service during snow clearing and street sweeping operations, given the width and one-way configuration of the streets, and have other potential consequences such as vehicle damage, blocked in vehicles and no storage space for accumulating snow;

THEREFORE, BE IT RESOLVED:

- (a) That staff be authorized and directed to implement full time permit parking on the west side of Wellington Street North, between Barton Street East and Cannon Street East, Hamilton; and,
 - (b) That communication be provided in writing to any person requesting a parking permit on the west side of Wellington Street North between Barton Street East and Cannon Street East, that during and following snow events, vehicles may be blocked in for extended periods and the clearing of windows may not be possible in the absence of overnight parking restrictions.
- 12. Update and instructions regarding Ontario Municipal Board (now Local Planning Appeal Tribunal) Appeals of Rural and Urban Hamilton Official Plans – Urban Boundary Expansion (LS16029(c)/PED16248(c)) (City Wide) (Added Item 14.1)**
- (a) That Report LS16029(c)/PED16248(c), including Appendix “A” to Report LS16029(c)/PED16248(c), be received for information.
 - (b) That Report LS16029(c)/PED16248(c) and its appendices remain confidential.

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

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

1. DELEGATION REQUESTS (Item 6)

- 6.2 Barry Coombs respecting Bird Friendly City - Hamilton/Burlington Bird Team 2021 (For today's meeting)

2. PUBLIC MEETINGS / DELEGATIONS (Item 8)

- 8.1 Application for Zoning By-law Amendment for lands located at 95 - 97 Fairholt Road South, Hamilton (PED21029) (Ward 3)
 - (a) Agent's presentation
 - (b) Zoning By-law Amendment – Appendix E - Revised

- 8.2 Non-Statutory Public Meeting for an Urban Hamilton Official Plan Amendment Application UHOPA-19-008 and Zoning By-law Amendment Application ZAC-19-029 for Lands Located at 73, 77, 83, and 89 Stone Church Road West and 1029 West 5th Street, Hamilton (PED21037) (Ward 8)

(a) Added Written Submissions:

- (iii) Marissa Tankoy-Lim
- (iv) Conrad Walczak

(b) Added Registered Delegations:

- (ii) Robert De Haan

- 8.4 Application for Zoning By-law Amendment for Lands Located at 9 Westbourne Road, Hamilton (PED21039) (Ward 1)

(a) Added Written Submissions:

- (iv) Marlene Castura

(b) Registered Delegations

- (i) Rosemary Lukosius – WITHDRAWN

- 8.5 Applications for Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for lands located at 211 and 225 John Street South and 78 Young Street, Hamilton (PED21032) (Ward 2)

(a) Added Written Submissions:

- (iii) Terry Brown
- (iv) Cameron Kroetsch
- (v) Jamie Philp
- (vi) Mary Porter
- (vii) James MacNevin
- (viii) Jessica Hymers

(c) Zoning Amendment By-law Appendix C - Revised

3. DISCUSSION ITEMS (Item 10)

- 10.1 Application for a Zoning By-law Amendment for lands located at 130 Wellington Street South, Hamilton (PED21024) (Ward 2) (Deferred from the February 2, 2021 meeting)

(a) Added Written Submissions:

(i) Michael Barton, MB1 Consulting (Agent)

4. PRIVATE AND CONFIDENTIAL (Item 14)

14.1 Update and instructions regarding Ontario Municipal Board (now Local Planning Appeal Tribunal) Appeals of Rural and Urban Hamilton Official Plans – Urban Boundary Expansion (LS16029(c)/PED16248(c)) (City Wide)

The agenda for the February 16, 2021 meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

None declared.

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

(i) February 2, 2021 (Item 4.1)

The Minutes of the February 2, 2021 meeting were approved, as presented.

(d) DELEGATION REQUESTS (Item 6)

(i) Delegations respecting 130 Wellington Street South Zoning By-law Amendment Application (Item 10.1) (For today's meeting) (Item 6.1)

The following Delegation Requests respecting 130 Wellington Street South Zoning By-law Amendment Application, were approved for today's meeting:

- (i) Jesse Razaqpur
- (ii) Sheila Strong

(ii) Barry Coombs respecting Bird Friendly City - Hamilton/Burlington Bird Team 2021 (For today's meeting) (Added Item 6.2)

The Delegation Request from Barry Coombs respecting Bird Friendly City - Hamilton/Burlington Bird Team 2021, was approved for today's meeting.

(e) CONSENT ITEMS (Item 7)

(i) Payday Loan Licences (PED21036) (City Wide) (Item 7.2)

The requirement for staff to report annually to the Planning Committee on Payday Loan Licences was discontinued.

For further disposition of this matter, refer to Item 2.

(f) PUBLIC HEARINGS / DELEGATIONS (Item 8)

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

In accordance with the provisions of the *Planning Act*, Chair Danko advised that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Official Plan Amendment and Zoning By-law Amendment 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 Local Planning Appeal Tribunal, and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

(i) Application for Zoning By-law Amendment for lands located at 95 - 97 Fairholt Road South, Hamilton (PED21029) (Ward 3) (Item 8.1)

No members of the public were registered as Delegations.

Sean Stewart, Planner II, addressed the Committee with the aid of a PowerPoint presentation.

The staff presentation was received.

Stephanie Mirtitsch and Dave Aston with MHBC Planning were in attendance and indicated they were in support of the staff report.

The delegation from Stephanie Mirtitsch and Dave Aston with MHBC Planning, was received.

The public meeting was closed.

- (a)** That Amended Zoning By-law Amendment Application ZAR-19-054 by MHBC Planning (c/o Stephanie Mirtitsch), on Behalf of Semion Merzon, for a change in zoning from the "C" (Urban Protected Residential, etc.) District, to "C/S-1805" (Urban Protected

Residential, etc.) District, Modified, to permit the conversion of an existing two family dwelling to a six unit multiple dwelling with six parking spaces, for lands located at 95 - 97 Fairholt Road South, Hamilton, as shown on Appendix "A" to Report PED21029, be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix "B" to Report PED21029, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the amending By-law attached as Appendix "B" to Report PED21029, be added to District Map No. E33 of Zoning By-law No. 6593;
- (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow Plan: Growth Plan for the Greater Golden Horseshoe, 2019, as amended, and complies with the policies and intent of the Urban Hamilton Official Plan;
- (iv) That upon finalization of the amending By-law, the subject lands be re-designated from "Single & Double" to "Medium Density Apartments" in the Stipley Neighbourhood Plan.

The recommendations in Report PED21029 were **amended** by adding the following sub-section (b):

- (b) *That the public submissions in the staff report were received and considered by the Committee in approving the application.***

For disposition of this matter, refer to Item 3.

- (ii) Non-Statutory Public Meeting for an Urban Hamilton Official Plan Amendment Application UHOPA-19-008 and Zoning By-law Amendment Application ZAC-19-029 for Lands Located at 73, 77, 83, and 89 Stone Church Road West and 1029 West 5th Street, Hamilton (PED21037) (Ward 8) (Item 8.2)**

James van Rooi, Planner I, addressed the Committee with the aid of a PowerPoint presentation.

The staff presentation was received.

The Agent, Matt Johnston with Urban Solutions, advised prior to the meeting, that he and the owner, Ted Valeri, would not be in attendance.

The following written submissions (Item 8.2(a)), were received:

- (i) Robyn White, in Opposition to the application
- (ii) Vedant Patel, in Opposition to the application
- (iii) Marissa Tankoy-Lim, in Opposition to the application
- (iv) Conrad Walczak, in Opposition to the application

Registered Delegations:

8.2(b) (i) Mariam Hanan, in Opposition to the application.

8.2(b) (ii) Robert De Haan was not present when called upon to speak.

The delegation was received.

The non-statutory public meeting was closed.

For disposition of this matter, refer to Item 4.

(iii) Application for Zoning By-law Amendment for Lands Located at 206 and 208 King Street West, Hamilton (PED21038) (Ward 2) (Item 8.3)

No members of the public were registered as Delegations.

Daniel Barnett, Planner II, addressed the Committee with the aid of a PowerPoint presentation.

The staff presentation was received.

Franz Kloibhofer with AJ Clarke & Associates, was in attendance and indicated support for the staff report.

The delegation from Franz Kloibhofer with AJ Clarke & Associates, was received.

The public meeting was closed.

- (a) That Amended Zoning By-law Amendment Application ZAC-17-046 by A.J. Clarke and Associates (c/o Franz Kloibhofer) on behalf of King Stuart Development Inc., Owner, for a further modification to the Downtown Mixed Use – Pedestrian Focus (D2, H17, H19, H20) Zone to Downtown Mixed Use – Pedestrian Focus (D2, 731, H17, H19, H116) Zone, to permit an alternative development concept, that being a 13 storey (43.75 metre) mixed use building with 123 residential units, 143.8 square metres of retail gross floor area, and 37 structured parking spaces for lands located at 206 and 208 King Street West, Hamilton, as shown on Appendix “A” to Report PED21038, be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix “B” to Report PED21038, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the amending By-law, attached as Appendix “B” to Report PED21038 be added to Map No. 952 of Schedule “A” – Zoning Maps of Zoning By-law No. 05-200;
- (iii) That Schedule “D” – Holding Provisions, of Zoning By-law No. 05-200; be amended by adding the following additional Holding Provision:

H116. Notwithstanding Section 6.2 of this By-law, within lands zoned Downtown Mixed Use – Pedestrian Focus (D2, 731) Zone on Map No. 952 on Schedule “A” – Zoning Maps, and described as 206 and 208 King Street West, Hamilton, no development shall be permitted until such time as:

- (1) The Owner submit and receive completion of a signed Record of Site Condition (RSC) being submitted to the City of Hamilton and the Ministry of the Environment, Conservation and Parks (MOECP) or enters into a conditional building permit agreement with respect to completing a Record of Site Condition. This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MOECP, and submission of the City of Hamilton’s current RSC administration fee;
 - (2) A Documentation and Salvage Report in accordance with the City’s Guidelines for Documentation and Salvage Reports has been submitted and implemented all to the satisfaction of the Director of Planning and Chief Planner prior to any demolition and the owner shall demonstrate that a copy of this report shall be submitted by the Owner to the Hamilton Public Library; and,
 - (3) An updated Pedestrian Wind Study has been submitted and implemented to the satisfaction of the Director of Planning and Chief Planner.
- (iv) 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.

The recommendations in Report PED21038 were **amended** by adding the following sub-section (b):

(b) *That the public submissions in the staff report were received and considered by the Committee in approving the application.*

For disposition of this matter, refer to Item 5.

(iv) Application for Zoning By-law Amendment for Lands Located at 9 Westbourne Road, Hamilton (PED21039) (Ward 1) (Item 8.4)

No members of the public were registered as Delegations.

Daniel Barnett, Planner II, addressed the Committee with the aid of a PowerPoint presentation.

The staff presentation was received.

Joseph DiDonato and Sven Oppermann, Owners, were in attendance and indicated support for the staff report.

The delegation from Joseph DiDonato and Sven Oppermann, Owners, was received.

The following written submissions (Item 8.4 (a)), were received:

- (i) Tordis Coakley, Ainslie Wood Community Association
- (ii) Sheryl and Tom Perrie
- (iii) Paul A. Faure
- (iv) Marlene Castura

The public meeting was closed.

- (a) That Zoning By-law Amendment Application ZAS-20-003 by Joseph DiDonato and Sven Oppermann, Owner, for a further modification to the "C/S-1335", "C/S-1335a" and "C/S-1788" (Urban Protected Residential, Etc.) District, Modified, to the "C/S-1335", "C/S-1335a" and "C/S-1804" (Urban Protected Residential, Etc.) District, Modified, to permit the expansion and conversion of an existing detached garage into a second dwelling unit at the rear of the lands located at 9 Westbourne Road, Hamilton, as shown on Appendix "A" to Report PED21039, be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix “B” to Report PED21039, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the amending By-law attached as Appendix “B” to Report PED21039, be added to District Map No. W45 of Zoning By-law No. 6593; and,
- (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.

The recommendations in Report PED21039 were ***amended*** by adding the following sub-section (b):

- (b) That the public submissions regarding this matter were received and considered by the Committee in approving the application.***

For disposition of this matter, refer to Item 6.

- (v) Applications for Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for lands located at 211 and 225 John Street South and 78 Young Street, Hamilton (PED21032) (Ward 2) (Item 8.5)**

Mark Kehler, Planner II, addressed the Committee with the aid of a PowerPoint presentation.

The staff presentation was received.

Stuart Hastings with GSP Group, was in attendance and indicated support for the staff report.

The delegation from Stuart Hastings with GSP Group, was received.

The following written submissions (Item 8.5(a)), were received:

- (i) Donna Portree
- (ii) Andrew Selbo
- (iii) Terry Brown
- (iv) Cameron Kroetsch
- (v) Jamie Philp
- (vi) Mary Porter

- (vii) James MacNevin
- (viii) Jessica Hymers

Registered Delegation:

- 8.2(b) (i) Lachlan Holmes, Hamilton Forward, was not in attendance when called upon to speak.

The public meeting was closed.

- (a) That Amended Urban Hamilton Official Plan Amendment Application UHOPA-18-17, by GSP Group Inc. (c/o Brenda Khes) on behalf of Corktown Plaza Inc., Owner, to establish a Site Specific Policy to the Mixed Use – Medium Density designation to permit the development of the subject lands for a mixed use building containing 769 dwelling units comprised of a 27 storey multiple dwelling, and a 14 storey mixed use building attached to an eight storey multiple dwelling, for lands located at 211 and 225 John Street South and 78 Young Street, Hamilton as shown on Appendix “A” to Report PED21032, be APPROVED on the following basis:
 - (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED21032, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
 - (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-18-041, by GSP Group Inc. (c/o Brenda Khes) on behalf of Corktown Plaza Inc., Owner, to modify the Mixed Use Medium Density (C5) Zone to the Mixed Use Medium Density (C5, 739, H118) Zone to permit a mixed use development consisting of a 27 storey (92.0 metre) multiple dwelling, and a 14 storey (48.5 metre) mixed use building attached to an eight storey (29.0 metre) multiple dwelling, with a total of 769 dwelling units, 929.25 square metres of commercial space and 462 parking spaces, for lands located at 211 and 225 John Street South and 78 Young Street, Hamilton, as shown on Appendix “A” to Report PED21032, be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix “C” to Report PED21032, 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 upon finalization of Urban Hamilton Official Plan Amendment No. XX; and,
- (iii) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject property by introducing the Holding symbol “H118” to the proposed Mixed Use - Medium Density (C5, 739) Zone.

The Holding Provision “H118” be removed conditional upon:

- (1) The Owner enters into a conditional building permit agreement with respect to completing a Record of Site Condition or a signed Record of Site Condition (RSC) being submitted to the City of Hamilton and the Ministry of the Environment, Conservation and Parks (MOECP). This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MOECP, and submission of the City of Hamilton’s current RSC administration fee.
- (2) That the Owner submits and receives approval of a Documentation and Salvage Report for the existing buildings at 211 John Street South and 78 Young Street and implements the strategy of the Documentation and Salvage Report in accordance with the City of Hamilton Documentation and Salvage Report guidelines to the satisfaction of the Director of Planning and Chief Planner.

The recommendations in Report PED21032 were ***amended*** by adding the following sub-section (c):

- (c) ***That the public submissions regarding this matter were received and considered by the Committee in approving the application.***

For disposition of this matter, refer to Item 7.

(vi) Delegations respecting 130 Wellington Street Zoning By-law Amendment Application (Item 10.1) (Item 6.1)

- (i) Jesse Razaqpur addressed the Committee in opposition to the application; and read out an email from Mike MacMillan and Gillian Ferrier in opposition to the application (a copy is available in the revised agenda as Item 6.1(a)).

The time was extended to allow Jesse Razaqpur to speak beyond the permitted five minutes.

- (ii) Sheila Strong addressed the Committee in opposition to the application.

The Delegations from Jesse Razaqpur and Sheila Strong, and the correspondence from Mike MacMillan and Gillian Ferrier, was received.

For disposition of this matter, refer to Items (g)(i) and 8.

(vii) Barry Coombs respecting Bird Friendly City - Hamilton/Burlington Bird Team 2021 (Added Item 6.2)

Barry Coombs addressed the Committee respecting Bird Friendly City - Hamilton/Burlington Bird Team 2021.

The Delegation from Barry Coombs respecting Bird Friendly City - Hamilton/Burlington Bird Team 2021, was received.

(g) DISCUSSION ITEMS (Item 10)

(i) Application for a Zoning By-law Amendment for lands located at 130 Wellington Street South, Hamilton (PED21024) (Ward 2) (Deferred from the February 2, 2021 meeting) (Item 10.1)

The following written submissions (Item 8.2(a)), were received:

- (i) Kelly Fawcett, expressed concerns with the application.
- (ii) Michael Barton, MB1 Consulting (Agent), in Support of the application.
- (a) That Zoning By-law Amendment Application ZAR-18-057 by 130 Wellington Investments Inc., Owner, for a change in zoning from the "D" (Urban Protected Residential, One and Two Family Dwellings, etc.) District, to "D/S -1806 - 'H'" (Urban Protected Residential, One and Two Family Dwellings, etc.) District, Modified, Holding, to permit six dwelling units within the existing building and

four parking spaces, for lands located at 130 Wellington Street South, Hamilton, as shown on Appendix “A” to Report PED21024, be ***DENIED***.

The recommendations in Report PED21024 were further ***amended*** to add the following sub-section (b), as follows:

(b) That the public submissions supported the denial of the application.

For further disposition on this matter, refer to Item 8.

(h) GENERAL INFORMATION / OTHER BUSINESS (Item 13)

(i) General Manager’s Update (Added Item 13.1)

Jason Thorne, General Manager, Planning and Economic Development, advised the Committee of upcoming staffing changes due to retirements.

The General Manager’s Update, was received.

(i) PRIVATE AND CONFIDENTIAL (Item 14)

Committee moved into Closed Session pursuant to Section 8.1, Sub-sections (e), (f) and (k) of the City’s Procedural By-law 18-270, 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 City; the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and, to 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) Update and instructions regarding Ontario Municipal Board (now Local Planning Appeal Tribunal) Appeals of Rural and Urban Hamilton Official Plans – Urban Boundary Expansion (LS16029(c)/PED16248(c)) (City Wide) (Added Item 14.1)

For disposition of this matter, refer to Item 12.

(j) ADJOURNMENT (Item 15)

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

Councillor J.P. Danko
Chair, Planning Committee

Lisa Kelsey
Legislative Coordinator