



City of Hamilton

PLANNING COMMITTEE REVISED AGENDA

Meeting #: 23-005
Date: April 4, 2023
Time: 9:30 a.m.
Location: Council Chambers (Planning)
Hamilton City Hall
71 Main Street West

Lisa Kelsey, Legislative Coordinator (905) 546-2424 ext. 4605

	Pages
1. CEREMONIAL ACTIVITIES	
2. APPROVAL OF AGENDA (Added Items, if applicable, will be noted with *)	
3. DECLARATIONS OF INTEREST	
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5. COMMUNICATIONS	
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6.1 Matt Johnston, Urban Solutions, respecting Redesignation of Class 4 Noise Designation for 115 and 121 Vansitmart Avenue (For a future meeting)	
7. DELEGATIONS	

7.1	Joel Tavormina respecting an Extension for Reconstruction (approved at the March 21st meeting) (in-person)	
7.2	Mike Burnet, ACORN, respecting a Landlord Registry (Approved at the February 14th meeting and deferred from the March 21st meeting) (in-person)	
8.	STAFF PRESENTATIONS	
9.	CONSENT ITEMS	
9.1	Active Official Plan Amendment, Zoning By-law Amendment, and Plan of Subdivision Applications (PED23054) (City Wide)	46
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10.	PUBLIC HEARINGS	
11.	DISCUSSION ITEMS	
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14.	GENERAL INFORMATION / OTHER BUSINESS	
14.1	Outstanding Business List	

- a. Items to be removed
 - 12B - Request to Designate 437 Wilson Street East (Ancaster)
(Addressed as Item 9 on Planning Committee Report 23-004)
 - 14A - Adding 206, 209 and 210 King St E to the Register of Property of Cultural Heritage Value or Interest
(Addressed as Item 9 on Planning Committee Report 23-004)
 - 17B - Designation of the Gore District as a Heritage Conservation District
(Addressed as Item 9 on Planning Committee Report 23-004)
 - 21Q - Options for Fee/Cost Recoveries for Multiple Requests for Same Property being removed from the Heritage Registry
(Hamilton Municipal Heritage Committee Report 21-005
(Addressed as Item 9 on Planning Committee Report 23-004)
 - 22B - MCR / Official Plan Review
(Addressed as Item (i)(iii) on Planning Committee Report 22-014 - Referred to the November 30, 2022 Special Council meeting)
- b. Items to be Added:
 - Annual Report on the Impacts of the No Growth Option
 - Staff was directed to report back to GIC annually on the impacts of the no growth option; specifically, on Social housing unit cost, land cost, square footage development costs, and mixed housing contrasting with benchmarking on current values.
 - November 19, 2021, GIC 21-023, Item 3(h)
(Referred to the Planning Committee at the March 22, 2023 General Issues Committee meeting)

15. PRIVATE AND CONFIDENTIAL

15.1 Closed Session Minutes March 21, 2023

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.

- *15.2 Appeal to the Ontario Land Tribunal (OLT) for Lack of Decision on Urban Hamilton Official Plan Amendment Application (UHOPA-19-012), Zoning By-law Amendment Application (ZAC-19-044) and Draft Plan of Subdivision Application (25T-201905)
for lands located at the Northeast and Southeast corners of Highway No. 6 and 30 Dundas Street East, Flamborough (OLT-21-001345) (LS22004(a)/PED22019(a)) (Ward 15)

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.

- *15.3 Appeal to the Ontario Land Tribunal (OLT) of By-law #22-258, Melville Street Heritage Conservation District Study Area (LS23017/PED23075) (Ward 13)

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.

- *15.4 Committee of Adjustment Decision regarding Minor Variance Application (AN/A-22:180) for Lands Located at 64 Lovers Lane, Ancaster (LS23015) (Ward 12)

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.

16. ADJOURNMENT



PLANNING COMMITTEE MINUTES

23-004

March 21, 2023

9:30 a.m.

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

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

Also in Attendance: Councillor B. Clark

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

1. Appointment of Chairs and Vice Chairs for 2023 (Item 1.1)

(a) Appointment of Chair

(M. Wilson/Cassar)

WHEREAS, Councillor M. Wilson has resigned as the Chair of the Planning Committee and the selection of a new Chair and two Vice Chairs for 2023 is required;

THEREFORE BE IT RESOLVED:

That Councillor Danko be appointed as Chair of the Planning Committee for 2023.

Result: Motion CARRIED by a vote of 10 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
YES – Ward 2 Councillor C. Kroetsch
NOT PRESENT – Ward 3 Councillor N. Nann
YES – Ward 4 Councillor T. Hwang
YES – Ward 5 Councillor M. Francis
YES – Ward 7 Councillor E. Pauls
YES – Ward 8 Councillor J.P. Danko
YES – Ward 10 Councillor J. Beattie

YES – Ward 11 Councillor M. Tadeson
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 NOT PRESENT – Ward 15 Councillor T. McMeekin

**(b) Appointment of 1st Vice Chair
(Kroetsch/Cassar)**

That Councillor Hwang be appointed as 1st Vice Chair of the Planning Committee for 2023.

Result: Motion CARRIED by a vote of 10 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch
 NOT PRESENT – Ward 3 Councillor N. Nann
 YES – Ward 4 Councillor T. Hwang
 YES – Ward 5 Councillor M. Francis
 YES – Ward 7 Councillor E. Pauls
 YES – Ward 8 Councillor J.P. Danko
 YES – Ward 10 Councillor J. Beattie
 YES – Ward 11 Councillor M. Tadeson
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 NOT PRESENT – Ward 15 Councillor T. McMeekin

**(c) Appointment of 2nd Vice Chair
(Hwang/Francis)**

That Councillor Cassar be appointed as 2nd Vice Chair of the Planning Committee for 2023.

Result: Motion CARRIED by a vote of 10 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch
 NOT PRESENT – Ward 3 Councillor N. Nann
 YES – Ward 4 Councillor T. Hwang
 YES – Ward 5 Councillor M. Francis
 YES – Ward 7 Councillor E. Pauls
 YES – Ward 8 Councillor J.P. Danko
 YES – Ward 10 Councillor J. Beattie
 YES – Ward 11 Councillor M. Tadeson
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 NOT PRESENT – Ward 15 Councillor T. McMeekin

- 2. Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-22-018 and Zoning By-law Amendment Application ZAC-22-032 to the Ontario Land Tribunal (OLT) for Lack of Decision for Lands Located at 909 North Waterdown Drive, Waterdown (PED23062) (Ward 15) (Item 8.1)**

(McMeekin/Hwang)

That Report PED23062 respecting Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-22-018 and Zoning By-law Amendment Application ZAC-22-032 to the Ontario Land Tribunal (OLT) for Lack of Decision for Lands Located at 909 North Waterdown Drive, Waterdown, be received.

Result: Motion CARRIED by a vote of 11 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch
 NOT PRESENT – Ward 3 Councillor N. Nann
 YES – Ward 4 Councillor T. Hwang
 YES – Ward 5 Councillor M. Francis
 YES – Ward 7 Councillor E. Pauls
 YES – Ward 8 Councillor J.P. Danko
 YES – Ward 10 Councillor J. Beattie
 YES – Ward 11 Councillor M. Tadeson
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 15 Councillor T. McMeekin

- 3. Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-22-023 and Zoning By-law Amendment Application ZAC-22-050 for Lands Located at 3064, 3070, 3078 and 3084 Regional Road No. 56, Glanbrook (PED23057) (Ward 11) (Item 8.2)**

(Tadeson/Beattie)

That Report PED23057 respecting Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-22-023 and Zoning By-law Amendment Application ZAC-22-050 for Lands Located at 3064, 3070, 3078 and 3084 Regional Road No. 56, Glanbrook, be received.

Result: Motion CARRIED by a vote of 11 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch
 NOT PRESENT – Ward 3 Councillor N. Nann
 YES – Ward 4 Councillor T. Hwang
 YES – Ward 5 Councillor M. Francis
 YES – Ward 7 Councillor E. Pauls

YES – Ward 8 Councillor J.P. Danko
 YES – Ward 10 Councillor J. Beattie
 YES – Ward 11 Councillor M. Tadeson
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 15 Councillor T. McMeekin

4. Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-22-024 and Zoning By-law Amendment Application ZAC-22-051 for Lands Located at 3160, 3168, 3180 and 3190 Regional Road No. 56, Glanbrook (PED23058) (Ward 11) (Item 8.3)

(Tadeson/A. Wilson)

That Report PED23058 respecting Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-22-024 and Zoning By-law Amendment Application ZAC-22-051 for Lands Located at 3160, 3168, 3180 and 3190 Regional Road No. 56, Glanbrook (PED23058) (Ward 11), be received.

Result: Motion CARRIED by a vote of 10 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch
 NOT PRESENT – Ward 3 Councillor N. Nann
 NOT PRESENT – Ward 4 Councillor T. Hwang
 YES – Ward 5 Councillor M. Francis
 YES – Ward 7 Councillor E. Pauls
 YES – Ward 8 Councillor J.P. Danko
 YES – Ward 10 Councillor J. Beattie
 YES – Ward 11 Councillor M. Tadeson
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 15 Councillor T. McMeekin

5. Correspondence Regarding the Notice of Intention to Designate 66-68 Charlton Avenue West, Hamilton, under Part IV of the Ontario Heritage Act (PED22208(a)) (Ward 2) (Item 9.1)

(Kroetsch/Beattie)

That Report PED22208(a) respecting Correspondence Regarding the Notice of Intention to Designate 66-68 Charlton Avenue West, Hamilton, under Part IV of the Ontario Heritage Act, be received.

Result: Motion CARRIED by a vote of 10 to 0, as follows:

YES – Ward 1 Councillor M. Wilson

YES – Ward 2 Councillor C. Kroetsch
 NOT PRESENT – Ward 3 Councillor N. Nann
 NOT PRESENT – Ward 4 Councillor T. Hwang
 YES – Ward 5 Councillor M. Francis
 YES – Ward 7 Councillor E. Pauls
 YES – Ward 8 Councillor J.P. Danko
 YES – Ward 10 Councillor J. Beattie
 YES – Ward 11 Councillor M. Tadeson
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 15 Councillor T. McMeekin

6. Annual Report on Building Permit Fees (PED23065) (City Wide) (Item 9.2)

(Beattie/Kroetsch)

That Report PED23065 respecting Annual Report on Building Permit Fees, be received.

Result: Motion CARRIED by a vote of 10 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch
 NOT PRESENT – Ward 3 Councillor N. Nann
 NOT PRESENT – Ward 4 Councillor T. Hwang
 YES – Ward 5 Councillor M. Francis
 YES – Ward 7 Councillor E. Pauls
 YES – Ward 8 Councillor J.P. Danko
 YES – Ward 10 Councillor J. Beattie
 YES – Ward 11 Councillor M. Tadeson
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 15 Councillor T. McMeekin

7. Integrating Health & Environmental Requirements to Demolition Permits (PED23066) (City Wide) (Outstanding Business List Item) (Item 9.3)

(A. Wilson/Beattie)

That Report PED23066 respecting Integrating Health & Environmental Requirements to Demolition Permits, be received.

Result: Motion CARRIED by a vote of 10 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch
 NOT PRESENT – Ward 3 Councillor N. Nann

NOT PRESENT – Ward 4 Councillor T. Hwang
 YES – Ward 5 Councillor M. Francis
 YES – Ward 7 Councillor E. Pauls
 YES – Ward 8 Councillor J.P. Danko
 YES – Ward 10 Councillor J. Beattie
 YES – Ward 11 Councillor M. Tadeson
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 15 Councillor T. McMeekin

8. Proposed Municipal Reporting on Planning Matters Under the Planning Act (PED23082) (City Wide) (Item 9.4)

(Cassar/McMeekin)

That Appendix “A” to Report PED23082 be endorsed as the City of Hamilton’s response to the Municipal Reporting on Planning Matters - Proposed Minister’s Regulation under the Planning Act.

Result: Motion CARRIED by a vote of 10 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch
 NOT PRESENT – Ward 3 Councillor N. Nann
 NOT PRESENT – Ward 4 Councillor T. Hwang
 YES – Ward 5 Councillor M. Francis
 YES – Ward 7 Councillor E. Pauls
 YES – Ward 8 Councillor J.P. Danko
 YES – Ward 10 Councillor J. Beattie
 YES – Ward 11 Councillor M. Tadeson
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 15 Councillor T. McMeekin

9. Application for a Zoning By-law Amendment for Lands Located at 1557 and 1565 Rymal Road East and 694 Pritchard Road, Hamilton (PED23063) (Ward 6) (Item 10.1)

(Beattie/Tadeson)

That Zoning By-law Amendment Application ZAC-19-035, by Mafe Ontario Inc. and 2688183 Ontario Inc. (Owner), for a change in zoning from the Prestige Business Park (M3) Zone to the Business Park Support (M4, 839) Zone to permit business support uses as well as to establish a standard parking rate, on lands located at 1557 and 1565 Rymal Road East and 694 Pritchard Road, as shown on Appendix “A” attached to Report PED23063, be APPROVED on the following basis:

- (a) That the draft By-law, attached as Appendix “B” to Report PED23063, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) 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 (UHOP).

Result: Motion CARRIED by a vote of 9 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch
 NOT PRESENT – Ward 3 Councillor N. Nann
 NOT PRESENT – Ward 4 Councillor T. Hwang
 NOT PRESENT – Ward 5 Councillor M. Francis
 YES – Ward 7 Councillor E. Pauls
 YES – Ward 8 Councillor J.P. Danko
 YES – Ward 10 Councillor J. Beattie
 YES – Ward 11 Councillor M. Tadeson
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 15 Councillor T. McMeekin

10. Hamilton Municipal Heritage Committee Report 23-002 (Item 11.1)

(Kroetsch/McMeekin)

1. Response to Bill 23, Schedule 6, More Homes Built Faster Act, 2022, and its Changes to the Ontario Heritage Act and its Regulations (PED22211(a)) (City Wide) (Item 8.1) (attached hereto as Appendix “A” to Hamilton Municipal Heritage Committee Report 23-002)

- (a) That, as a result of the *Bill 23* changes to the *Ontario Heritage Act*, the Council-approved process for designating properties under Part IV of the *Ontario Heritage Act*, including the City of Hamilton: Cultural Heritage Evaluation Criteria and staff designation work plan, as outlined in Report PED08211, be rescinded;
- (b) That the Candidates for Part IV Designation list, attached as Appendix “B” to Hamilton Municipal Heritage Committee Report 23-002, be approved;
- (c) That Cultural Heritage Planning staff, be directed to update the Candidates for Part IV Designation list, as required, to identify

properties of cultural heritage value or interest worthy of further review for potential designation under Part IV of the *Ontario Heritage Act*, and that the list be reported to the Hamilton Municipal Heritage Committee quarterly and be made publicly available;

- (d) That Cultural Heritage Planning staff be directed to review the high priority properties of cultural heritage value or interest, identified in Appendix “B” attached to Report PED22211(a), and report back to Council with recommendations to designate individual properties under Part IV of the *Ontario Heritage Act*, and that this work be completed no later than January 1, 2025;
- (e) That, pursuant to Subsection 27(11) of the *Ontario Heritage Act*, Council require that any notice of intention to demolish or remove any building or structure on a property included on either the Candidates for Part IV Designation list attached as Appendix “A” to Report PED22211(a) or the High Priority Candidates for Part IV Designation list attached as Appendix “B” to Report PED22211(a), include a Cultural Heritage Impact Assessment report prepared to the satisfaction and approval of the Director of Planning and Chief Planner;
- (f) That Cultural Heritage Planning staff be directed to report back to Council with a Heritage Conservation District Strategy and Work Plan by Q4 2023;
- (g) The following items be considered dealt with and removed from the Planning Committee Outstanding Business List:
 - (i) Item 12B - Request to Designate 437 Wilson Street East (Ancaster) Under Part IV of the *Ontario Heritage Act* (PED12166);
 - (ii) Item 14A - Adding 206, 208, 210 King Street East to the Register of Property of Cultural Heritage Value or Interest;
 - (iii) Item 21Q – HMHC Report 21-005 RE: cost recoveries related to multiple Register removal requests from owners;
 - (iv) Item 17B - Designation of the Gore District as a Heritage Conservation District;
- (h) That staff report back on the creation of a standardized “Notice of Intention to Demolish” process, including an application form, for

the consideration of the Hamilton Municipal Heritage Committee and Council in Q2 2023.

**2. Inventory and Research Working Group Notes - November 28, 2022
(Item 10.1)**

2. 922 Main Street East, Hamilton (Item 2)

- (a) The Inventory & Research Working Group recommends that 922 Main Street East, Hamilton, be listed on the Municipal Heritage Register as a non-designated property, due to its physical/design value as an example of a Neo-Gothic church, its historical/associative value due to its association with the Victoria Avenue Baptist Church and prominent Hamilton architectural firm Hutton & Souter, and its contextual value as a prominent building on Main Street East; and
- (b) That the property located at 922 Main man Street East, Hamilton be referred to staff to review for Part IV Designation.

3. Hamilton Municipal Heritage Committee Heritage Recognition Awards (Item 13.2)

That the following Hamilton Municipal Heritage Committee Heritage Recognition Awards be approved:

- (i) Heritage Property Conservation Award Recipients
 - (a) 2 Ravenscliff Avenue, Hamilton
 - (b) 44 Chatham Street, Hamilton
 - (c) 22 Homewood Avenue, Hamilton
 - (d) 79 South Street West, Dundas
 - (e) 263 John Street South, Hamilton
- (ii) Heritage Property Developer Recognition Award Recipients
 - (a) Indwell – The Oaks (Royal Oaks Dairy and Dairy Lofts), 219-225 East Avenue North, Hamilton
- (iii) Adaptive Reuse of Heritage Property Award Recipients
 - (a) 200 Caroline Street, Hamilton (Bridgeworks)

- (b) 280 Main Street East, Hamilton (Thomas Anglican Church Apartment Conversion)
 - (c) 366 Victoria Avenue North, Hamilton (Factory Media Resource Centre Gallery & Studio),
 - (d) 29 Harriet Street, Hamilton, Aeon Studio Group
- (iv) Cultural Heritage Landscape Award Recipients
 - (a) Royal Botanical Gardens – Indigenous Plant Medicine Trail, 16 Old Guelph Road, Hamilton
- (v) Making Heritage Accessible Award Recipients
 - (a) Hamilton Public Library – Dundas Branch, 18 Ogilvie Street, Dundas
- (vi) Education in Heritage Award Recipients
 - (a) Mark McNeil, Journalist
 - (b) Kevin Werner, Journalist
 - (c) Sarah Sheehan and Barton Street BIA - Woodlands Park Ghost Landscape Placemaking Project, 501 Barton Street East, Hamilton
- (vii) The Art of Heritage Award Recipients
 - (a) Sara Sandham (HamOnt Doodles), Artist
 - (b) Gordon Leverton, Artist
- (viii) Heritage Group, Society or Specialty Team Award Recipient
 - (a) Friends of St. Giles - 679 Main St E, Hamilton
- (ix) Heritage Streetscape Revitalization Award Recipients
 - (a) Green Venture – De-pave Paradise Projects (Good Shepherd Venture Center, De-paving Differently on Barton) 155 Cannon Street East, Hamilton, and 578-581 and 539 Barton Street East, Hamilton
 - (b) Locke Street Improvement Project – City of Hamilton, Public Works
 - (c) 154 James Street North, Hamilton
- (x) Volunteer Acknowledgement

- (a) Jim Charlton – Posthumous Award
 - (b) Vivian Chang – Student Artist
- (xi) Specialized Heritage Craft and Trade
- (a) Alan Stacey, Principal Conservator – Heritage Mill Historic Building Conservation
 - (b) DR Masonry and Authentic Ironworks (Laidlaw United Church Front Stair Restoration Project) - 155 Ottawa St N, Hamilton, ON L8H 3Z2
 - (c) Jason Schubert - Schubert Traditional Craftwork (woodwork at 33 Ontario Street, Hamilton)

Result: Motion CARRIED by a vote of 8 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch
 NOT PRESENT – Ward 3 Councillor N. Nann
 NOT PRESENT – Ward 4 Councillor T. Hwang
 NOT PRESENT – Ward 5 Councillor M. Francis
 YES – Ward 7 Councillor E. Pauls
 YES – Ward 8 Councillor J.P. Danko
 NOT PRESENT – Ward 10 Councillor J. Beattie
 YES – Ward 11 Councillor M. Tadeson
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 15 Councillor T. McMeekin

11. Application for Cash-in-Lieu of Parking for Lands Located at 211-225 John Street South and 70-78 Young Street, Hamilton (PED23052) (Ward 2) (Item 11.2)

(Kroetsch/Cassar)

- (a) That Cash-in-Lieu of Parking (CLIP) Application CIL-22-002 by Corktown LP, Slate Asset Management, Owner, for a partial exemption from the parking provisions of Zoning By-law No. 05-200 for 15 of the required 409 parking spaces, for lands located at 211-225 John Street South and 70-78 Young Street, as shown on Appendix “A” attached to Report PED23052, be APPROVED on the following basis:
 - (i) That the owner pays the Cash-in-Lieu of Parking sum of \$581,250 for each of the 15 parking spaces (\$38,750 per space) with the funds to be deposited in Account No. 115085 (Off-Street Parking Reserve Fund);

- (ii) That the City Solicitor be authorized and directed to prepare the appropriate Cash-in-Lieu of Parking Agreement to be registered on title of the subject lands in accordance with Section 40 of the *Planning Act*,
- (iii) That the City Clerk be authorized to provide a certificate in accordance with Section 40 (5) of the *Planning Act* when all money payable to the City under the Cash-in-lieu of Parking Agreement has been paid or the agreement has been terminated.

Result: Motion CARRIED by a vote of 11 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch
 NOT PRESENT – Ward 3 Councillor N. Nann
 YES – Ward 4 Councillor T. Hwang
 YES – Ward 5 Councillor M. Francis
 YES – Ward 7 Councillor E. Pauls
 YES – Ward 8 Councillor J.P. Danko
 YES – Ward 10 Councillor J. Beattie
 YES – Ward 11 Councillor M. Tadeson
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 15 Councillor T. McMeekin

12. Application for Cash-in-Lieu of Parking for Lands Located at 412 Barton Street East, Hamilton (PED23053) (Ward 3) (Item 11.3)

(Kroetsch/Cassar)

- (a) That Cash-in-Lieu of Parking (CLIP) Application CIL-22-001 by T. Johns Consulting Ltd., for St. Mathew's House, Owner, for an exemption from the parking provisions of Zoning By-law No. 05-200 for four parking spaces, for lands located at 412 Barton Street East, as shown on Appendix "A" attached to Report PED23053, be APPROVED on the following basis:
 - (i) That the owner pays the Cash-in-Lieu of Parking sum of \$1 for each of the four parking spaces;
 - (ii) That the City Solicitor be authorized and directed to prepare the appropriate Cash-in-Lieu of Parking Agreement in accordance with Section 40 of the *Planning Act* and authorized to register the agreement on title of the subject land;

- (iii) That the City Clerk be authorized to provide a certificate in accordance with Section 40 (5) of the *Planning Act* when all money payable to the City under the Cash-in-lieu of Parking Cash-in-lieu of Parking Agreement has been paid or the agreement has been terminated..

Result: Motion CARRIED by a vote of 11 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch
 NOT PRESENT – Ward 3 Councillor N. Nann
 YES – Ward 4 Councillor T. Hwang
 YES – Ward 5 Councillor M. Francis
 YES – Ward 7 Councillor E. Pauls
 YES – Ward 8 Councillor J.P. Danko
 YES – Ward 10 Councillor J. Beattie
 YES – Ward 11 Councillor M. Tadeson
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 15 Councillor T. McMeekin

13. Tertiary Septic Systems and Rural Development (PW20082(a)/PED23047) (Wards 9,10,11,12,13 and 15) (Outstanding Business List Item) (Item 11.4)

(M. Wilson/Cassar)

- (a) The revisions to the City of Hamilton Guidelines for Hydrogeological Studies and Technical Standards for Private Services, attached as Appendix “A” to Report PW20082(a)/PED23047 be approved to reflect the City of Hamilton’s interim policy and position on the use of tertiary treatment systems until such time as the Province comprehensively regulates the use of tertiary treatment systems;
- (b) That City of Hamilton staff be directed and authorized to continue to engage the Ministry of Environment, Conservation and Parks and the Ministry of Municipal Affairs and Housing to seek regulatory guidance on the municipal enforcement of the performance of tertiary septic systems;
- (c) That the matter respecting the “Use of Tertiary Septic Systems in Hamilton and Update re: Local Planning Appeal Tribunal Case No. PL170858 (PW20082/LS20032)” be removed from the Planning Committee Outstanding Business List.

Result: Motion CARRIED by a vote of 12 to 0, as follows:

YES – Ward 1 Councillor M. Wilson

YES – Ward 2 Councillor C. Kroetsch
YES – Ward 3 Councillor N. Nann
YES – Ward 4 Councillor T. Hwang
YES – Ward 5 Councillor M. Francis
YES – Ward 7 Councillor E. Pauls
YES – Ward 8 Councillor J.P. Danko
YES – Ward 10 Councillor J. Beattie
YES – Ward 11 Councillor M. Tadeson
YES – Ward 12 Councillor C. Cassar
YES – Ward 13 Councillor A. Wilson
YES – Ward 15 Councillor T. McMeekin

14. Implementing OPA No. 167 – Secondary Planning Strategy for Urban Expansion Areas and Municipal Comprehensive Review Update (PED21067(d)) (City Wide) (Added Item 11.5)

(Hwang/M. Wilson)

- (a) That Planning and Economic Development Department staff be directed to:
- (i) Prepare a City initiated Official Plan Amendment which establishes a policy framework outlining requirements for Secondary Plans in Urban Expansion Areas;
 - (ii) Consult with the public and stakeholders on the draft Official Plan Amendment;
 - (iii) Provide public notice as required by the Planning Act and bring the Official Plan Amendment and the results on the public consultation forward for consideration by Planning Committee at a future meeting;
- (b) That the interim draft Secondary Plan Guidelines, attached as Appendix “A” to Report PED21067(d):
- (i) Be endorsed, to guide future Secondary Planning processes for Urban Boundary Expansion Areas and to confirm minimum Secondary Plan requirements as part of a complete *Planning Act* Application;
 - (ii) That Planning and Economic Development Department staff be directed to:

- (1) Consult with the public and stakeholders on the draft Secondary Plan Guidelines attached as Appendix “A” to Report PED21067(d);
 - (2) Bring a final Secondary Plan Guideline document, with any amendments resulting from public consultation to the Planning Committee for approval at a future Planning Committee meeting;
 - (iii) That the General Manager of the Planning and Economic Development Department, or their designate, be granted the authority to make minor modifications to the draft Secondary Plan Guidelines;
- (c) That the Planning and Economic Development Department staff be directed to:
- (i) Lead the development of comprehensive Secondary Plans for the lands added to the City of Hamilton’s Urban Area as part of the Province’s decision on Official Plan Amendment No. 167 (Municipal Comprehensive Review);
 - (ii) Report back to Planning Committee in Q3 2023 on the proposed sequencing and scheduling for City-led Secondary Plans, including budget and staffing implications;
 - (iii) Prepare capital budget submissions for consideration as part of the 2024 budget process, for capital funds required to complete the development of Secondary Plans for all Urban Expansion Areas, and undertake Secondary Planning processes at such time as sufficient budget is provided;
- (d) That Planning and Economic Development Department staff be directed to:
- (i) Review the staff resources required to process Official Plan Amendments for privately initiated Secondary Plans in the Urban Expansion Areas and determine an appropriate fee;
 - (ii) Report to Planning Committee no later than Q3 2023 on the proposed fee for Official Plan Amendment related to privately initiated Secondary Plans in the Urban Expansion Areas.

Result: Motion CARRIED by a vote of 12 to 0, as follows:

YES – Ward 1 Councillor M. Wilson

YES – Ward 2 Councillor C. Kroetsch
 YES – Ward 3 Councillor N. Nann
 YES – Ward 4 Councillor T. Hwang
 YES – Ward 5 Councillor M. Francis
 YES – Ward 7 Councillor E. Pauls
 YES – Ward 8 Councillor J.P. Danko
 YES – Ward 10 Councillor J. Beattie
 YES – Ward 11 Councillor M. Tadeson
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 15 Councillor T. McMeekin

15. Establishment of a Proactive By-law Team to Work with Industrial and Commercial Partners (Item 12.1)

(Hwang/Tadeson)

WHEREAS, section 128 of the *Municipal Act, 2001* authorizes the City to prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council are or could be public nuisances;

WHEREAS, certain kinds of noise are or could become public nuisances;

WHEREAS, section 8, 9 and 10 of the *Municipal Act, 2001* authorizes the City to pass by-laws necessary or desirable for municipal purposes, including by-laws respecting the economic, social and environmental well-being of the municipality; the health, safety and well-being of the persons;

WHEREAS, Council deems it desirable to establish standards for the maintenance and occupancy of certain properties, so that owners and occupants provide minimum standards for persons who may live at, attend or otherwise be affected by the condition of the properties;

WHEREAS, Council receives numerous complaints from residents about the air and noise pollution coming from some of the industrial and commercial industries; and,

WHEREAS, Council considers it in the public interest to enforce these by-laws, amend the by-laws or draft new by-laws.

THEREFORE BE IT RESOLVED:

- (a) That Licensing and By-law Services staff be directed to report back to the Planning Committee by Q4 2023, in advance of the 2024 Budget deliberations, on the scope, budget and resourcing for a 2024 pilot project that would review existing and potential new by-laws related to the

impacts of commercial and industrial operations in industrial and commercial areas of Hamilton and establish a proactive by-law team.

Result: Motion CARRIED by a vote of 12 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch
 YES – Ward 3 Councillor N. Nann
 YES – Ward 4 Councillor T. Hwang
 YES – Ward 5 Councillor M. Francis
 YES – Ward 7 Councillor E. Pauls
 YES – Ward 8 Councillor J.P. Danko
 YES – Ward 10 Councillor J. Beattie
 YES – Ward 11 Councillor M. Tadeson
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 15 Councillor T. McMeekin

16. Consolidating Consent and Zoning Applications for the Same Lands (Item 12.2)

(Kroetsch/Cassar)

That staff report back to the Planning Committee in Q1 of 2024 with options and considerations with respect to consolidating applications for consents with applications for zoning amendments before the Planning Committee, where the applications are dealing with the same lands.

Result: Motion CARRIED by a vote of 12 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch
 YES – Ward 3 Councillor N. Nann
 YES – Ward 4 Councillor T. Hwang
 YES – Ward 5 Councillor M. Francis
 YES – Ward 7 Councillor E. Pauls
 YES – Ward 8 Councillor J.P. Danko
 YES – Ward 10 Councillor J. Beattie
 YES – Ward 11 Councillor M. Tadeson
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 15 Councillor T. McMeekin

- 17. Appeal to the Ontario Land Tribunal (OLT) for Lack of Decision on Urban Hamilton Official Plan Amendment Application (UHOPA-18-004) and Zoning By-law Amendment Application (ZAC-18-009) for lands located at 299-307 John Street South and and 97 St. Joseph's Drive (LS22007(a)/ PED22038(b)) (Ward 2) (Item 15.2)**

(Kroetsch/Cassar)

- (a) That Report LS22007(a)/PED22038(b) be referred to the March 29, 2023 Council meeting for consideration in-camera; and,
- (b) That Report LS22007(a)/PED22038(b) remain confidential.

Result: Motion CARRIED by a vote of 12 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch
 YES – Ward 3 Councillor N. Nann
 YES – Ward 4 Councillor T. Hwang
 YES – Ward 5 Councillor M. Francis
 YES – Ward 7 Councillor E. Pauls
 YES – Ward 8 Councillor J.P. Danko
 YES – Ward 10 Councillor J. Beattie
 YES – Ward 11 Councillor M. Tadeson
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 15 Councillor T. McMeekin

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

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

6. DELEGATION REQUESTS (Item 6)

6.2 Kasper Koblauch respecting Designation of 66-68 Charlton Ave. West (Item 9.1) (For today's meeting)

8. STAFF PRESENTATIONS (Item 8)

The following Items were moved from Consent Items to Staff Presentations, with the remaining of the Consent Items being renumbered accordingly:

- 8.1 Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-22-018 and Zoning By-law Amendment Application ZAC-22-032 to the Ontario Land Tribunal (OLT) for Lack of Decision for Lands Located at 909 North Waterdown Drive, Waterdown (PED23062) (Ward 15) (Previously Item 9.2)
- 8.2 Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-22-023 and Zoning By-law Amendment Application ZAC-22-050 for Lands Located at 3064, 3070, 3078 and 3084 Regional Road No. 56, Glanbrook (PED23057) (Ward 11) (Previously Item 9.5)
- 8.3 Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-22-024 and Zoning By-law Amendment Application ZAC-22-051 for Lands Located at 3160, 3168, 3180 and 3190 Regional Road No. 56, Glanbrook (PED23058) (Ward 11) (Previously Item 9.6)

11. DISCUSSION ITEMS (Item 11)

- 11.5 Implementing OPA No. 167 – Secondary Planning Strategy for Urban Expansion Areas and Municipal Comprehensive Review Update (PED21067(d)) (City Wide) – Added Report
 - a. Added Written Submissions:
 - (i) Maria Gatzios on behalf of the Twenty Road East Landowners Group

13. NOTICES OF MOTION (Item 13)

- 13.1 Outdoor Commercial Patios - Routine Minor Variances and Temporary Use By-laws

15. PRIVATE AND CONFIDENTIAL (Item 15)

- 15.1 Appeal to the Ontario Land Tribunal (OLT) for Lack of Decision on Urban Hamilton Official Plan Amendment Application (UHOPA-18-004) and Zoning By-law Amendment Application (ZAC-18-009) for lands located at 299-307 John Street South and 97 St. Joseph's Drive, Hamilton (LS22007(a)/PED22038(b)) (Ward 2)

(Hwang/Beattie)

That the agenda for the March 21, 2023 Planning Committee meeting be approved, as amended.

Result: Motion CARRIED by a vote of 10 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
YES – Ward 2 Councillor C. Kroetsch
NOT PRESENT – Ward 3 Councillor N. Nann
YES – Ward 4 Councillor T. Hwang
YES – Ward 5 Councillor M. Francis
YES – Ward 7 Councillor E. Pauls
YES – Ward 8 Councillor J.P. Danko
YES – Ward 10 Councillor J. Beattie
YES – Ward 11 Councillor M. Tadeson
YES – Ward 12 Councillor C. Cassar
YES – Ward 13 Councillor A. Wilson
NOT PRESENT – Ward 15 Councillor T. McMeekin

(b) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

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

(i) February 14, 2023 (Item 4.1)

(Francis/Kroetsch)

That the Minutes of the February 14, 2023 meeting be approved, as presented.

Result: Motion CARRIED by a vote of 10 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
YES – Ward 2 Councillor C. Kroetsch
NOT PRESENT – Ward 3 Councillor N. Nann
YES – Ward 4 Councillor T. Hwang
YES – Ward 5 Councillor M. Francis
YES – Ward 7 Councillor E. Pauls
YES – Ward 8 Councillor J.P. Danko
YES – Ward 10 Councillor J. Beattie
YES – Ward 11 Councillor M. Tadeson
YES – Ward 12 Councillor C. Cassar
YES – Ward 13 Councillor A. Wilson
NOT PRESENT – Ward 15 Councillor T. McMeekin

(d) DELEGATION REQUESTS (Item 6)

(i) Delegation Requests (Item 6.1 and Added Item 6.2)

(A. Wilson/Cassar)

That the following Delegations be approved:

- (a) Joel Tavormina respecting an Extension for Reconstruction (for the April 4th meeting) (Item 6.1)
- (b) Kasper Koblauch respecting Designation of 66-68 Charlton Ave West (Item 9.1) (for today's meeting) (Added Item 6.2)

Result: Motion CARRIED by a vote of 10 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch
 NOT PRESENT – Ward 3 Councillor N. Nann
 YES – Ward 4 Councillor T. Hwang
 YES – Ward 5 Councillor M. Francis
 YES – Ward 7 Councillor E. Pauls
 YES – Ward 8 Councillor J.P. Danko
 YES – Ward 10 Councillor J. Beattie
 YES – Ward 11 Councillor M. Tadeson
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 NOT PRESENT – Ward 15 Councillor T. McMeekin

(e) DELEGATIONS (Item 7)

(i) Mike Burnet, ACORN, respecting a Landlord Registry (Approved at the February 14th meeting) (Item 7.1)

The Delegate was unable to attend due to illness.

(Hwang/A. Wilson)

That the Delegation from Mike Burnet, ACORN, respecting a Landlord Registry be DEFERRED to a future meeting.

Result: Motion CARRIED by a vote of 10 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch
 NOT PRESENT – Ward 3 Councillor N. Nann
 YES – Ward 4 Councillor T. Hwang
 YES – Ward 5 Councillor M. Francis

YES – Ward 7 Councillor E. Pauls
 YES – Ward 8 Councillor J.P. Danko
 YES – Ward 10 Councillor J. Beattie
 YES – Ward 11 Councillor M. Tadeson
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 NOT PRESENT – Ward 15 Councillor T. McMeekin

(ii) Kasper Koblauch respecting Designation of 66-68 Charlton Ave. West (Item 9.1) (Added Item 7.2)

Kasper Koblauch addressed the Committee respecting Designation of 66-68 Charlton Ave. West (Item 9.1).

(Kroetsch/Francis)

That the Delegation from Kasper Koblauch respecting Designation of 66-68 Charlton Ave. West, be received.

Result: Motion CARRIED by a vote of 11 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch
 NOT PRESENT – Ward 3 Councillor N. Nann
 YES – Ward 4 Councillor T. Hwang
 YES – Ward 5 Councillor M. Francis
 YES – Ward 7 Councillor E. Pauls
 YES – Ward 8 Councillor J.P. Danko
 YES – Ward 10 Councillor J. Beattie
 YES – Ward 11 Councillor M. Tadeson
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 15 Councillor T. McMeekin

(f) STAFF PRESENTATIONS (Item 8)

(i) Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-22-018 and Zoning By-law Amendment Application ZAC-22-032 to the Ontario Land Tribunal (OLT) for Lack of Decision for Lands Located at 909 North Waterdown Drive, Waterdown (PED23062) (Ward 15) (Item 8.1)

(Pauls/Francis)

That the Staff presentation be waived.

Result: Motion CARRIED by a vote of 11 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch
 NOT PRESENT – Ward 3 Councillor N. Nann
 YES – Ward 4 Councillor T. Hwang
 YES – Ward 5 Councillor M. Francis
 YES – Ward 7 Councillor E. Pauls
 YES – Ward 8 Councillor J.P. Danko
 YES – Ward 10 Councillor J. Beattie
 YES – Ward 11 Councillor M. Tadeson
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 15 Councillor T. McMeekin

For disposition of this matter, refer to Item 2.

(ii) Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-22-023 and Zoning By-law Amendment Application ZAC-22-050 for Lands Located at 3064, 3070, 3078 and 3084 Regional Road No. 56, Glanbrook (PED23057) (Ward 11) (Item 8.2)

Charlie Toman, Senior Project Manager, addressed the Committee with the aid of a PowerPoint presentation.

(Tadeson/Beattie)

That the Staff presentation be received.

Result: Motion CARRIED by a vote of 11 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch
 NOT PRESENT – Ward 3 Councillor N. Nann
 YES – Ward 4 Councillor T. Hwang
 YES – Ward 5 Councillor M. Francis
 YES – Ward 7 Councillor E. Pauls
 YES – Ward 8 Councillor J.P. Danko
 YES – Ward 10 Councillor J. Beattie
 YES – Ward 11 Councillor M. Tadeson
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 15 Councillor T. McMeekin

For disposition of this matter, refer to Item 3.

(iii) Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-22-024 and Zoning By-law Amendment Application ZAC-22-051 for Lands Located at 3160, 3168, 3180 and 3190 Regional Road No. 56, Glanbrook (PED23058) (Ward 11) (Item 8.3)

Charlie Toman, Senior Project Manager, addressed the Committee with the aid of a PowerPoint presentation.

(Tadeson/Hwang)

That the Staff presentation be received.

Result: Motion CARRIED by a vote of 11 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch
 NOT PRESENT – Ward 3 Councillor N. Nann
 YES – Ward 4 Councillor T. Hwang
 YES – Ward 5 Councillor M. Francis
 YES – Ward 7 Councillor E. Pauls
 YES – Ward 8 Councillor J.P. Danko
 YES – Ward 10 Councillor J. Beattie
 YES – Ward 11 Councillor M. Tadeson
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 15 Councillor T. McMeekin

For disposition of this matter, refer to Item 4.

(g) PUBLIC HEARINGS (Item 10)

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

In accordance with the provisions of the *Planning Act*, Chair J.P. 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 Development applications before the Committee today, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Land Tribunal, and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

- (i) **Application for a Zoning By-law Amendment for Lands Located at 1557 and 1565 Rymal Road East and 694 Pritchard Road, Hamilton (PED23063) (Ward 6) (Item 10.1)**

(M. Wilson/Kroetsch)

That the staff presentation be waived.

Result: Motion CARRIED by a vote of 9 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch
 NOT PRESENT – Ward 3 Councillor N. Nann
 NOT PRESENT – Ward 4 Councillor T. Hwang
 NOT PRESENT – Ward 5 Councillor M. Francis
 YES – Ward 7 Councillor E. Pauls
 YES – Ward 8 Councillor J.P. Danko
 YES – Ward 10 Councillor J. Beattie
 YES – Ward 11 Councillor M. Tadeson
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 15 Councillor T. McMeekin

Liam Doherty with AJ Clarke & Associates and the Owner, Anthony Magnini, were in attendance and indicated support for the staff report.

(Pauls/McMeekin)

That the delegation from Liam Doherty with AJ Clarke & Associates and the Owner, Anthony Magnini, be received.

Result: Motion CARRIED by a vote of 9 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch
 NOT PRESENT – Ward 3 Councillor N. Nann
 NOT PRESENT – Ward 4 Councillor T. Hwang
 NOT PRESENT – Ward 5 Councillor M. Francis
 YES – Ward 7 Councillor E. Pauls
 YES – Ward 8 Councillor J.P. Danko
 YES – Ward 10 Councillor J. Beattie
 YES – Ward 11 Councillor M. Tadeson
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 15 Councillor T. McMeekin

Chair Danko called three times for public delegations and none came forward.

(McMeekin/Tadeson)

- (a) That there were no public submissions received regarding this matter; and,
- (b) That the public meeting be closed.

Result: Motion CARRIED by a vote of 9 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch
 NOT PRESENT – Ward 3 Councillor N. Nann
 NOT PRESENT – Ward 4 Councillor T. Hwang
 NOT PRESENT – Ward 5 Councillor M. Francis
 YES – Ward 7 Councillor E. Pauls
 YES – Ward 8 Councillor J.P. Danko
 YES – Ward 10 Councillor J. Beattie
 YES – Ward 11 Councillor M. Tadeson
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 15 Councillor T. McMeekin

For disposition of this matter, refer to Item 9.

(h) DISCUSSION ITEMS (Item 11)

- (i) Application for Cash-in-Lieu of Parking for Lands Located at 211-225 John Street South and 70-78 Young Street, Hamilton (PED23052) (Ward 2) (Item 11.2)**

Rino Dal Bello, Senior Planner – Rural Team, provided a verbal overview to the Committee.

(Kroetsch/Cassar)

That the staff overview be received.

Result: Motion CARRIED by a vote of 11 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch
 NOT PRESENT – Ward 3 Councillor N. Nann
 YES – Ward 4 Councillor T. Hwang

YES – Ward 5 Councillor M. Francis
 YES – Ward 7 Councillor E. Pauls
 YES – Ward 8 Councillor J.P. Danko
 YES – Ward 10 Councillor J. Beattie
 YES – Ward 11 Councillor M. Tadeson
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 15 Councillor T. McMeekin

For disposition of this matter, refer to Item 11.

(ii) Application for Cash-in-Lieu of Parking for Lands Located at 412 Barton Street East, Hamilton (PED23053) (Ward 3) (Item 11.3)

(Kroetsch/Hwang)

That the staff overview be waived.

Result: Motion CARRIED by a vote of 11 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch
 NOT PRESENT – Ward 3 Councillor N. Nann
 YES – Ward 4 Councillor T. Hwang
 YES – Ward 5 Councillor M. Francis
 YES – Ward 7 Councillor E. Pauls
 YES – Ward 8 Councillor J.P. Danko
 YES – Ward 10 Councillor J. Beattie
 YES – Ward 11 Councillor M. Tadeson
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 15 Councillor T. McMeekin

For disposition of this matter, refer to Item 12.

(Kroetsch/Cassar)

That the Committee recess from 12:00 p.m. to 12:30 p.m.

Result: Motion CARRIED by a vote of 11 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch
 NOT PRESENT – Ward 3 Councillor N. Nann
 YES – Ward 4 Councillor T. Hwang
 YES – Ward 5 Councillor M. Francis
 YES – Ward 7 Councillor E. Pauls

YES – Ward 8 Councillor J.P. Danko
 YES – Ward 10 Councillor J. Beattie
 YES – Ward 11 Councillor M. Tadeson
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 15 Councillor T. McMeekin

**(iii) Tertiary Septic Systems and Rural Development
 (PW20082(a)/PED23047) (Wards 9,10,11,12,13 and 15) (Outstanding
 Business List Item) (Item 11.4)**

Mike Christie, Senior Planner, addressed the Committee with the aid of a PowerPoint presentation.

(Cassar/Hwang)

That the staff presentation be received.

Result: Motion CARRIED by a vote of 12 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch
 YES – Ward 3 Councillor N. Nann
 YES – Ward 4 Councillor T. Hwang
 YES – Ward 5 Councillor M. Francis
 YES – Ward 7 Councillor E. Pauls
 YES – Ward 8 Councillor J.P. Danko
 YES – Ward 10 Councillor J. Beattie
 YES – Ward 11 Councillor M. Tadeson
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 15 Councillor T. McMeekin

For disposition of this matter, refer to Item 13.

**(iv) Implementing OPA No. 167 – Secondary Planning Strategy for Urban
 Expansion Areas and Municipal Comprehensive Review Update
 (PED21067(d)) (City Wide) (Added Item 11.5)**

Melanie Pham, Senior Project Manager, addressed the Committee with the aid of a PowerPoint presentation.

(Hwang/A. Wilson)

That the staff presentation be received.

Result: Motion CARRIED by a vote of 12 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch
 YES – Ward 3 Councillor N. Nann
 YES – Ward 4 Councillor T. Hwang
 YES – Ward 5 Councillor M. Francis
 YES – Ward 7 Councillor E. Pauls
 YES – Ward 8 Councillor J.P. Danko
 YES – Ward 10 Councillor J. Beattie
 YES – Ward 11 Councillor M. Tadeson
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 15 Councillor T. McMeekin

(A. Wilson/Cassar)

That the following written submission be received;

- (i) Maria Gatzios on behalf of the Twenty Road East Landowners Group (Added Item 11.5 (a)(i))

Result: Motion CARRIED by a vote of 12 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch
 YES – Ward 3 Councillor N. Nann
 YES – Ward 4 Councillor T. Hwang
 YES – Ward 5 Councillor M. Francis
 YES – Ward 7 Councillor E. Pauls
 YES – Ward 8 Councillor J.P. Danko
 YES – Ward 10 Councillor J. Beattie
 YES – Ward 11 Councillor M. Tadeson
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 15 Councillor T. McMeekin

For disposition of this matter, refer to Item 14.

(i) NOTICES OF MOTION (Item 13)

Councillor Francis introduced the following Notice of Motion:

- (i) **Outdoor Commercial Patios - Routine Minor Variances and Temporary Use By-laws (Added Item 13.1)**

WHEREAS, Outdoor Commercial Patios are regulated in size and location by Zoning By-law No. 05-200;

WHEREAS, By-law No. 20-181, as amended by By-law Nos. 20-215 and 21-143 amended the Outdoor Commercial Patio regulations in the Zoning By-law to provide temporary relief from the locational requirements for Outdoor Commercial Patios;

WHEREAS, Report PED20135(c) recommended reinstatement of the temporary locational permissions for Outdoor Commercial Patios to support local businesses by increasing operational flexibility;

WHEREAS, Council approved By-law No. 22-073 to reinstate the temporary locational permissions for Outdoor Commercial Patios on properties abutting a Residential Zone provided a minimum setback of 5 metres from a Residential Zone is provided and the patio does not obstruct a driveway, parking aisle or fire route, and the Zoning By-law restricts Outdoor Commercial Patios to the front yard of a property if the rear lot line abuts a Residential Zone, Downtown Residential (D5) Zone, or Downtown Multiple Residential (D6) Zone, or is separated by a laneway from said zones;

WHEREAS, Report PED20135(c) directed staff to report back to Council before April 2025, prior to the expiration of the Temporary Use By-law, to present staff's evaluation of the merits of establishing the temporary locational permissions for Outdoor Commercial Patios as permanent given that commercial entertainment and recreation on Outdoor Commercial Patios is now permitted in the Zoning By-laws and regulated by the Noise Control-By-law;

WHEREAS, a Minor Variance Application is required to assess variations from the requirements of the Zoning By-law;

WHEREAS, a Minor Variance Application fee is \$3,735.00.

WHEREAS, a Routine Minor Variance fee of \$675.00 is applied to pools, decks, sheds, accessory buildings, porches, eave projections, recognizing legal non-complying situations and secondary dwelling units;

WHEREAS, in 2022, four Minor Variance Applications were received to modify the zoning regulations associated with Outdoor Commercial Patio locations;

WHEREAS, a variance to the locational permissions and setback requirements for Outdoor Commercial Patios shall require varying the

location requirements in the Zoning By-law and the temporary location permissions and setback requirements of the Temporary Use By-law;

THEREFORE BE IT RESOLVED

That staff be directed to amend the interpretation note for Routine Minor Variance applications in the Tariff of Fees By-law to include variances to the zoning by-law regulations for Outdoor Commercial Patios and the temporary use provisions where a Temporary Use By-law applies to the property for Outdoor Commercial Patios as a Routine Minor Variance.

(j) PRIVATE AND CONFIDENTIAL (Item 15)

(i) Closed Session Minutes – February 14, 2023 (Item 15.1)

(Hwang/Pauls)

That the Closed Session Minutes dated February 14, 2023 be approved, as presented, and remain confidential.

Result: Motion CARRIED by a vote of 12 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch
 YES – Ward 3 Councillor N. Nann
 YES – Ward 4 Councillor T. Hwang
 YES – Ward 5 Councillor M. Francis
 YES – Ward 7 Councillor E. Pauls
 YES – Ward 8 Councillor J.P. Danko
 YES – Ward 10 Councillor J. Beattie
 YES – Ward 11 Councillor M. Tadeson
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 15 Councillor T. McMeekin

(Kroetsch/Tadeson)

That Committee move into Closed Session for Items 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..

Result: Motion CARRIED by a vote of 12 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch
 YES – Ward 3 Councillor N. Nann
 YES – Ward 4 Councillor T. Hwang
 YES – Ward 5 Councillor M. Francis
 YES – Ward 7 Councillor E. Pauls
 YES – Ward 8 Councillor J.P. Danko
 YES – Ward 10 Councillor J. Beattie
 YES – Ward 11 Councillor M. Tadeson
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 15 Councillor T. McMeekin

- (ii) **Appeal to the Ontario Land Tribunal (OLT) for Lack of Decision on Urban Hamilton Official Plan Amendment Application (UHOPA-18-004) and Zoning By-law Amendment Application (ZAC-18-009) for lands located at 299-307 John Street South and 97 St. Joseph's Drive, Hamilton (LS22007(a)/PED22038(b)) (Ward 2) (Added Item 15.2)**

For disposition of this matter, refer to Item 17.

(k) ADJOURNMENT (Item 16)

(Francis/Tadeson)

That there being no further business, the Planning Committee be adjourned at 3:23 p.m.

Result: Motion CARRIED by a vote of 12 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
 YES – Ward 2 Councillor C. Kroetsch
 YES – Ward 3 Councillor N. Nann
 YES – Ward 4 Councillor T. Hwang
 YES – Ward 5 Councillor M. Francis
 YES – Ward 7 Councillor E. Pauls
 YES – Ward 8 Councillor J.P. Danko
 YES – Ward 10 Councillor J. Beattie
 YES – Ward 11 Councillor M. Tadeson
 YES – Ward 12 Councillor C. Cassar
 YES – Ward 13 Councillor A. Wilson
 YES – Ward 15 Councillor T. McMeekin

Councillor J.P. Danko
Chair, Planning Committee

Lisa Kelsey
Legislative Coordinator



March 8th 2023

Letter from tenants regarding memo to City Councillors and joint submission for 1083 Main Street East

On February 24th City Councillors and the Mayor received a communication update from Licensing & By-law Services on the situation at 1083 Main Street East.

Tenants would like an opportunity to respond to the city's memo and joint submission presented at the Property Standards Committee.

Since December 26 - 28th 2022, 7 households have gone 10 weeks without running water in their homes. Remaining tenants are vulnerable residents, seniors and tenants with disabilities.

Tenants of 1083 Main Street East were very disappointed with the outcome of the February 21st Property Standards Committee meeting and were later dismayed with the contents of the February 24th memo and publicly available joint submission.

Tenants would like to address the following items in the city's memo and joint submission:

- 1) The city's memo states that "previously offering hotel rooms, and support from a Housing Support Worker". All 7 remaining tenants report at no point has the city offered hotel space to tenants. And only on March 7th did a housing support worker contact residents via phone.
- 2) The city's memo states "On December 23, 2022, a building permit was issued to the property owner of 1083 Main Street East to renovate the existing multi-unit residential apartment. As the property was undergoing renovations, on December 28, 2022, the plumbing system was exposed to freezing

temperatures which caused significant damage to the system and resulted in the water being turned off.” Tenants report that no renovations have taken place at the building for months. The December 23, 2022 permit issued is irrelevant to the conditions that allowed pipes to be exposed to cold temperatures.

- 3) The city’s memo states “Since being informed of the situation Wednesday, December 28, the City’s Municipal Law Enforcement Officers and building inspectors have visited the site to offer support and advise tenants of next steps.” Tenants report that the bylaw officer has only been in contact with the tenant who made the original complaint. The officer went door to door for the first time March 1st to check in on tenants as per the motion passed at Council February 22nd. Tenants have felt left in the dark about the city’s enforcement efforts.
- 4) The city’s memo states “A related Landlord Tenant Board hearing is scheduled for Wednesday, March 8, 2023.” The hearing taking place on March 8th is not related to the burst pipes. The landlord was pursuing vacancy of the building prior to the burst pipes. Also only 4 tenants have their hearing March 8. 2 tenants have their hearing on scheduled March 9 and 1 tenant does not have a hearing scheduled yet.
- 5) The plumbers report attached with the joint submission contains serious errors and inaccuracies.
 - All tenants report that no plumber since December 28th has inspected their units yet the plumber states an “initial inspection” of “two occupied units”
 - All tenants report no water damage or flooding in their units (no evidence of burst pipes in units but plumber states burst pipes in all occupied units)
 - Building A Unit G1 is listed as vacant but is occupied by a long time tenant
 - Unit C 102 - Tenant reports no moderate damage to drywall and finishes. Tenant reports no inspection by a plumber.
 - Tenants dispute the claim of catastrophic damage to the building because of burst pipes. No water damage or flooding can be seen in any occupied unit or common areas. Many of the vacant units are also open and no flooding / water damage can be seen.
 - Tenants report that since December 28th, the landlord has removed piping from the building instead of initiating immediate repair.

- 6) As part of the joint submission the landlord and city state that an agreed upon fact is that the landlord gave tenants N13 notices for eviction for renovations in March 2022. All tenants have publicly disputed that they were given N13s at that time and only received copies of the notice in November of 2022.

1083 Main St Inc. has attempted to use the situation as an opportunity to force tenants to move out. On December 28th there were 9 households and 2 moved because of the situation.

1083 Main St E has a long history of neglectful landlords. Between the previous owner and the current owner 1083 Main St Inc., the 60 unit apartment building is down to 7 occupied units. Through buyouts, N13s and deliberate building neglect, the apartment building has sat mostly vacant for the past two years while Hamilton experiences a housing crisis.

Since 1083 Main St Inc. took over ownership in June 2021 they have neglected to maintain and clean common areas and exterior of the building, closed off access to the parking garage and laundry room.

In response to the burst pipes, the landlord's property managers and legal representatives were clear from the start - they had no intention of restoring the water for tenants. They have failed to provide adequate water supply (requiring the city to continue delivering water since the February 21st agreement for the landlord to take over the responsibility) and the motel accommodation offered was inaccessible by transit.

Moving forward ACORN and tenants are urging the city to:

- Investigate all possible options to force the landlord to restore water for current tenants of 1083 Main Street East. This long without water is unacceptable and inhumane.
- Develop improvements to the city's vital services bylaw and property standards bylaws to ensure tenants are properly supported when loss of vital services occurs and strengthen bylaws to hold landlords accountable if loss of vital services
- Pass a city-wide landlord licensing program to ensure healthy housing conditions and restrict renovation (Based on the RentSafe program from Toronto, Ontario and anti-renoviction policy based from New Westminster, BC)

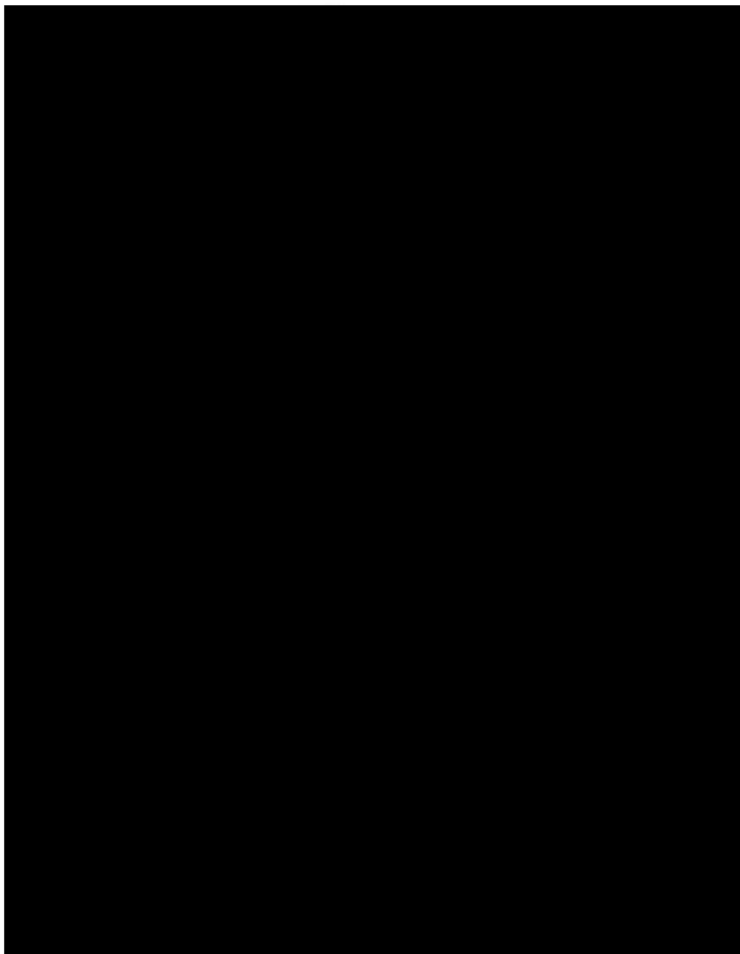
Housing and water are a human right, yet 1083 Main St Inc. has tried everything since taking over in June 2021 to force tenants out of their homes and has put in zero effort to restore water to the building.

1083 Main St Inc (president Dylan Suitor) bought the building with the goal of displacing tenants and creating wealth for himself and investors.

Lastly, tenants would like to thank the support and ongoing efforts of their Ward 3 Councillor Nrinder Nann.

Sincerely,

Tenants of 1083 Main Street East





April 4, 2023

**Re: Item 12.1 – Outdoor Commercial Patios
Routine Minor Variances and Temporary Use By-laws**

As President & CEO of the Hamilton Chamber of Commerce, I have the privilege of speaking for our nearly 1,000 member organizations that employ over 75,000 people in our community, including dozens of local hospitality and restaurant establishments. I would like to take this opportunity to express our support for Councillor Francis' Motion, "Outdoor Commercial Patios – Routine Minor Variances and Temporary Use By-Laws," and recommend its endorsement by the Planning Committee.

Most recently, City Council ratified the Motion approved at the General Issues Committee to waive Temporary Outdoor Patio Application Fees and Installation of Safety Devices Fee that will save Hamilton hospitality operators up to \$1,400 this summer as our community embraces the season, gets together with family and friends to enjoy each other's company and celebrate, while simultaneously creating jobs and generating significant economic activity for this sector of our economy. The Chamber was ardently in support of the previous motion and would like to express its support for the subject motion today.

It is no secret that the hospitality sector has endured significant economic hardships over the past several years and continues to experience lingering impacts of the COVID-19 pandemic. From the revolving operating restrictions, to the ongoing supply chain related cost increases, to the significant labour shift that saw thousands of hospitality workers seek employment in new sectors, our hospitality economy has weathered a unique storm and requires ongoing tailored supports to boost business and business confidence.

In response to this specific need and in recognizing the importance to the vibrancy and vitality of our community, the Hamilton Chamber of Commerce has created a specific membership class for hospitality sector organizations. This class only charges an introductory member rate to join the Chamber to help create and leverage new business opportunities for them and their employees, while simultaneously providing them significantly discounted access to Chambers Insurance Plan, that provides comprehensive benefits coverage to over 30,000 organizations nationwide. We strongly believe in supporting our hospitality and restaurant members through the unique economic challenges they continue to face.

The success of the Temporary Outdoor Patio Program is evidenced enough by Council's decision in 2022 to make the program permanent and moreover by the significant participation in the program that has seen well over 150 local hospitality and



restaurant organizations register since the program began in 2020. It is also noted, however, that the administration and set-up costs associated with the program are significant and can potentially otherwise compromise a successful revenue stream.

The Motion as presented will help offset a generous portion of these costs, particularly for hospitality operators who may not have been able to participate in the past few seasons given the need for a Minor Variance Application, which is cost-prohibitive for many at this time. Amending the interpretation of Routine Minor Variance Applications in the Tariff of Fees By-law to include variances to the zoning by-law regulations for Outdoor Commercial Patios and the temporary use provisions where a Temporary Use By-law applies to the property for Outdoor Commercial Patios as a Routine Minor Variance is a prudential investment that will only help to onboard additional businesses to participate in the program, improving the equity and accessibility of Temporary Outdoor Patios.

This is a significant and positive investment in our community that will not only help Hamilton's hospitality sector by cutting administrative red tape, but also to create economic opportunity and jobs for Hamiltonians. For comparison's sake, the City of Toronto's CaféTO program in 2021 generated \$206M in economic activity, served approximately 5 million customers at 940 participating organizations, and analyses estimate that approximately 36% of all restaurant sales during that period were from the CaféTO program ([2021 CaféTO Economic Benefits Study](#)). While operating at a smaller scale, one can clearly see the parallel positive economic impact of the City of Hamilton's Temporary Outdoor Patio Program locally.

The Chamber is ecstatic at the creativity and effort brought forth by this Council to bolster our community's well-known and celebrated hospitality sector. While still not at pre-pandemic levels, investments and policy decisions like these are proactive steps to help them regain their footing. Let's continue this tradition of creating new opportunities for restauranteurs and other entrepreneurs in our community to bring Hamilton to life with their partners at the municipality.

In closing, the Hamilton Chamber of Commerce would like to express its support for the motion as drafted and believe that this is a productive investment into Hamilton's hospitality industry that will generate significant social and economic returns.

Regards,

A handwritten signature in black ink, appearing to read 'GDG', with a stylized flourish extending from the end.

Greg Dunnett
President & CEO



INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	April 4, 2023
SUBJECT/REPORT NO:	Active Official Plan Amendment, Zoning By-law Amendment, and Plan of Subdivision Applications (PED23054) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Anita Fabac (905) 546-2424 Ext. 1258
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

COUNCIL DIRECTION

In accordance with the June 16, 2015, Planning Committee direction, this Report provides a status of all active Zoning By-law Amendment, Official Plan Amendment and Plan of Subdivision Applications relative to the statutory timeframe provisions of the *Planning Act* for non-decision appeals. In addition, this Report also includes a list and status of all Applications appealed to the Ontario Land Tribunal (OLT) for non-decision.

INFORMATION

Staff were directed to report back to Planning Committee with a reporting tool that seeks to monitor Applications where the applicable statutory timeframes apply. This reporting tool would be used to track the status of all active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications.

For the purposes of this Report, the status of active Zoning By-law Amendment, Official Plan Amendment and Plan of Subdivision Applications have been divided, relative to the statutory timeframe provisions of the *Planning Act*, that were in effect pursuant to statutory timeframes prescribed in *Bill 73*, *Bill 139* and *Bill 108*.

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

SUBJECT: Active Official Plan Amendment, Zoning By-law Amendment, and Plan of Subdivision Applications (PED23054) (City Wide) - Page 2 of 3

Applications Deemed Complete Prior to Royal Assent of Bill 139 (December 12, 2017)

Attached as Appendix “A” to Report PED23054 is a table outlining the active Applications received prior to December 12, 2017, sorted by Ward, from oldest Application to newest. As of February 22, 2023, there were:

- 3 active Official Plan Amendment Applications, all of which were submitted after July 1, 2016, and therefore subject to the 90 day extension to the statutory timeframe from 180 days to 270 days;
- 6 active Zoning By-law Amendment Applications; and,
- 3 active Plan of Subdivision Applications.

Within 60 to 90 days of February 22, 2023, all six development proposals have passed the applicable 120, 180 and 270 day statutory timeframes.

Applications Deemed Complete After Royal Assent of Bill 139 (December 12, 2017)

Attached as Appendix “B” to Report PED23054 is a table outlining the active Applications received after December 12, 2017, but before Royal Assent of Bill 108, sorted by Ward, from oldest Application to newest. As of February 22, 2023, there were:

- 3 active Official Plan Amendment Applications, all of which are subject to the 90 day extension to the statutory timeframe from 210 days to 300 days;
- 7 active Zoning By-law Amendment Applications; and,
- 3 active Plan of Subdivision Applications.

Within 60 to 90 days of February 22, 2023, all seven development proposals have passed the applicable 150, 180 or 300 day statutory timeframes.

Applications Deemed Complete After Royal Assent of Bill 108 (September 3, 2019)

Attached as Appendix “C” to Report PED23054 is a table outlining the active Applications received after September 3, 2019, and subject to the new statutory timeframes, sorted by Ward, from oldest Application to newest. As of February 22, 2023, there were:

- 29 active Official Plan Amendment Applications;
- 58 active Zoning By-law Amendment Applications; and,
- 18 active Plan of Subdivision Applications.

SUBJECT: Active Official Plan Amendment, Zoning By-law Amendment, and Plan of Subdivision Applications (PED23054) (City Wide) - Page 3 of 3

As of February 22, 2023, 12 development proposals are approaching the 90 or 120 day statutory timeframe and will be eligible for appeal. Fifty-one (51) development proposals have passed the 90 or 120 day statutory timeframe.

Planning Division Active Files

Combined to reflect property addresses, there are 76 active development proposals. Eleven (11) proposals are 2023 files (14%), 31 proposals are 2022 files (41%), 34 proposals are pre-2022 files (45%).

Staff continue to work with the AMANDA Implementation Team to add enhancements to the database that will allow for the creation of more detailed reporting. As a result, future tables will include a qualitative analysis of the status of active Applications. Furthermore, the long-term goal of the Planning Division is to make this information available on an interactive map accessed through the City of Hamilton website, and an e-mail system will provide notification of when a new Application is received.

Current Non-Decision Appeals to the Ontario Land Tribunal

At the February 2, 2021, Planning Committee meeting, Planning Committee requested that information be reported relating to development applications that have been appealed for non-decision to the Ontario Land Tribunal. Attached as Appendix “D” to Report PED23054 is a table outlining development applications, along with the applicant/agent, that have been appealed for non-decision to the Ontario Land Tribunal. There are currently 18 active appeals for non-decision of which one is a rezoning application, one is a subdivision application, and 16 are combined official plan, rezoning and subdivision applications. Third party appeals are not included in this information as Council has made a decision to approve the application.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED23054 - List of Active Development Applications (prior to December 12, 2017)

Appendix “B” to Report PED23054 - List of Active Development Applications (after December 12, 2017)

Appendix “C” to Report PED23054 - List of Active Development Applications (after September 3, 2019)

Appendix “D” to Report PED23054 - *Planning Act* Applications Currently Appealed for Non-Decision to the Ontario Land Tribunal

AF:sd

**Active Development Applications
Deemed Complete Prior to December 12, 2017
(Effective February 22, 2023)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	120 day cut off (Rezoning)	180 day cut off (Plan of Sub)	270 day cut off OPA*	Applicant/ Agent	Days Since Received and/or Deemed Complete as of February 22, 2023
Ward 7									
UHOPA-17-31 ZAC-17-071	1625 - 1655 Upper James Street, Hamilton	27-Sep-17	n/a	02-Oct-17	25-Jan-18	n/a	24-Jun-18	MB1 Development Consulting Inc.	2002
Ward 9									
UHOPA-16-26 ZAC-16-065 25T-201611	478 and 490 First Road West, Stoney Creek	12-Oct-16	n/a	02-Nov-16	09-Feb-17	10-Apr-17	09-Jul-17	T. Johns Consultants Inc.	2352
UHOPA-16-27 ZAC-16-066 25T-201612	464 First Road West, Stoney Creek	12-Oct-16	n/a	02-Nov-16	09-Feb-17	n/a	09-Jul-17	T. Johns Consultants Inc.	2352
Ward 10									
ZAC-15-040	9 Glencrest Avenue, Stoney Creek	02-Jul-15	n/a	17-Jul-15	30-Oct-15	n/a	n/a	WEBB Planning Consultants Inc.	2820

**Active Development Applications
Deemed Complete Prior to December 12, 2017
(Effective February 22, 2023)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	120 day cut off (Rezoning)	180 day cut off (Plan of Sub)	270 day cut off OPA*	Applicant/ Agent	Days Since Received and/or Deemed Complete as of February 22, 2023
Ward 12									
ZAC-16-006 25T-201602	285, 293 Fiddlers Green Road, Ancaster	23-Dec-15	n/a	06-Jan-16	21-Apr-16	20-Jun-16	n/a	Liam Doherty	2646
ZAC-17-062	45 Secinaro Avenue, Ancaster	28-Jul-17	n/a	01-Aug-17	25-Nov-17	n/a	n/a	T. Johns Consultants Inc.	2063

Active Development Applications

- When an Application is deemed incomplete, the new deemed complete date is the day the new materials are submitted. In these situations, the 120, 180 and 270 day timeframe commences on the date the new materials were submitted. In all other situations, the 120, 180 and 270 day timeframe commences the day the Application was received.
- * In accordance with Section 17 (40.1) of the *Planning Act*, the City of Hamilton has extended the approval period of Official Plan Amendment Applications by 90 days from 180 days to 270 days. However, Applicants can terminate the 90 day extension if written notice to the Municipality is received prior to the expiration of the 180 statutory timeframe.

**Active Development Applications
Deemed Complete After December 12, 2017
(Effective February 22, 2023)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	150 day cut off (Rezoning)	180 day cut off (Plan of Sub.)	300 day cut off (OPA)	Applicant/Agent	Days since Received and/or Deemed Complete as of February 22, 2023
Ward 2									
ZAR-19-008	124 Walnut Street South, Hamilton	21-Dec-18	n/a	18-Jan-19	20-May-19	n/a	n/a	IBI Group	1552
Ward 6									
ZAC-19-035	694 Pritchard Road, Stoney Creek	08-May-19	n/a	21-May-19	05-Oct-19	n/a	n/a	Urban in Mind Planning Consultants	1414
Ward 11									
UHOPA-18-016* ZAC-18-040 25T-2018007	9511 Twenty Road West, Glanbrook	10-Jul-18	n/a	15-Aug-18	n/a	06-Jan-19	06-May-19*	Corbett Land Strategies	1716
Ward 12									
ZAC-18-048 25T-2018009	387, 397, 405 and 409 Hamilton Drive, Ancaster	09-Sep-18	n/a	28-Sep-18	06-Feb-19	08-Mar-19	n/a	Fothergill Planning & Development Inc.	1655
UHOPA-18-022* ZAC-18-056 25T-2018010	26 Southcote Road, Ancaster	05-Nov-18	n/a	15-Nov-18	n/a	04-May-19	01-Sep-19*	A.J. Clarke & Associates Ltd.	1598

**Active Development Applications
Deemed Complete After December 12, 2017
(Effective February 22, 2023)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	150 day cut off (Rezoning)	180 day cut off (Plan of Sub.)	300 day cut off (OPA)	Applicant/Agent	Days since Received and/or Deemed Complete as of February 22, 2023
Ward 14									
ZAC-19-011	1933 Old Mohawk Road, Ancaster	12-Dec-18	n/a	10-Jan-19	11-May-19	n/a	n/a	Urban Solutions Planning & Land Development	1561
Ward 15									
RHOPA-18-020* ZAC-18-045	173 and 177 Dundas Street East, Flamborough	23-Jul-18	n/a	15-Aug-18	n/a	n/a	19-May-19*	MHBC Planning Limited	1697

Active Development Applications

1. When an Application is deemed incomplete, the new deemed complete date is the day the new materials are submitted. In these situations, the 150, 180, 210 and 300 day timeframe commences on the date the new materials were submitted. In all other situations, the 150, 180, 210 and 300 day timeframe commences the day the Application was received.
- * In accordance with Section 34 (11.0.0.0.1), of the *Planning Act*, the approval period for Zoning By-law Amendment Applications submitted concurrently with an Official Plan Amendments, will be extended to 210 days.
- * In accordance with Section 17 (40.1) of the *Planning Act*, the City of Hamilton has extended the approval period of Official Plan Amendment Applications by 90 days from 210 days to 300 days. However, Applicants can terminate the 90 day extension if written notice to the Municipality is received prior to the expiration of the 210 statutory timeframe.

**Active Development Applications
Deemed Complete After September 3, 2019
(Effective February 22, 2023)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/Agent	Days Since Received and/or Deemed Complete as of February 22, 2023
Ward 1								
UHOPA-20-027 ZAC-20-042	1629-1655 Main Street West, Hamilton	2-Nov-20	n/a	1-Dec-20	n/a	02-Mar-21	GSP Group	864
UHOPA-22-005 ZAC-22-012	200 Market Street, 55 Queen Street North, Hamilton	19-Jan-22	n/a	19-Jan-22	n/a	19-May-22	GSP Group	399
ZAC-23-007	81 Chatham Street, Hamilton	2-Dec-22	n/a	14-Dec-22	2-Mar-22	n/a	GSP Group	83
Ward 2								
UHOPA-20-025 ZAC-20-038	115 George Street and 220-222 Main Street West, Hamilton	04-Sep-20	n/a	28-Sep-20	n/a	02-Jan-21	GSP Group	929
UHOPA-21-007 ZAC-21-014	101 Hunter Street East, Hamilton	23-Mar-21	n/a	8-Apr-21	n/a	21-Jul-21	Coletara Developments	759
UHOPA-22-001 ZAC-22-003	65 Guise Street, Hamilton	15-Nov-21	n/a	18-Nov-21	n/a	15-Mar-22	James Webb Consulting Inc.	460

**Active Development Applications
Deemed Complete After September 3, 2019
(Effective February 22, 2023)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/Agent	Days Since Received and/or Deemed Complete as of February 22, 2023
Ward 3								
ZAC-22-049	338 Cumberland Avenue, Hamilton	20-July-22	n/a	20-July-22	18-Oct-22	n/a	Urban Solutions Planning & Land Development	218
ZAC-22-053	83 Emerald Street South, Hamilton	9-Aug-22	n/a	22-Aug-22	7-Nov-22	n/a	Gladki Planning Associates Inc.	198
Ward 4								
UHOPA-23-006 ZAC-23-012	1284 Main Street East, Hamilton	14-Dec-22	n/a	10-Jan-23	n/a	13-Apr-23	GSP Group	71
Ward 5								
ZAC-21-043	300 Albright Road, Hamilton	29-Sep-21	n/a	30-Sep-21	04-Jan-22	n/a	MHBC Planning Ltd.	539
ZAC-22-013	200 Centennial Parkway North, Hamilton	19-Jan-22	n/a	20-Jan-22	19-April-22	n/a	Calloway REIT (Stoney Creek) Inc.	398

**Active Development Applications
Deemed Complete After September 3, 2019
(Effective February 22, 2023)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/Agent	Days Since Received and/or Deemed Complete as of February 22, 2023
Ward 5 Continued								
UHOPA-22-016 ZAC-22-030	399 Greenhill Avenue, Stoney Creek	26-Apr-22	n/a	27-Apr-22	n/a	28-July-22	Bousfields Inc.	302
Ward 6								
ZAC-22-037 25T-202207	61 Eleanor Avenue, Hamilton	13-June-22	n/a	15-June-22	n/a	12-Oct-22	A.J. Clarke & Associates Ltd.	255
ZAC-22-038	4 and 10 Trinity Church Road, Hamilton	13-June-22	n/a	22-June-22	12-Sep-22	n/a	T. Johns Consulting Group	255
UHOPA-22-019 ZAC-22-045	570 Upper Ottawa Street, Hamilton	8-July-22	n/a	8-July-22	n/a	5-Nov-22	Urban Solutions Planning & Land Development	230
UHOPA-22-027 ZAC-22-065	1400 Limeridge Road East, Hamilton	31-Oct-22	n/a	10-Nov-22	n/a	28-Feb-23	MHBC Planning Ltd.	115
25T-202210	705 Rymal Road East, Hamilton	22-Oct-22	n/a	2-Dec-22	n/a	24-Feb-23	Wellings Planning Consultants	124
ZAC-23-009	1280 Rymal Road East, Hamilton	15-Dec-22	n/a	6-Jan-23	15-Mar-23	n/a	Fothergill Planning & Development Inc.	70

**Active Development Applications
Deemed Complete After September 3, 2019
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Ward 7								
UHOPA-20-021 ZAC-20-037 25T-202006	544 and 550 Rymal Road East, Hamilton	11-Sep-20	n/a	11-Oct-20	n/a	09-Jan-20	Rymal East Development Corp.	959
ZAC-22-016	48 Miles Road, Hamilton	25-Jan-22	n/a	10-Feb-22	25-Apr-22	n/a	IBI Group	377
ZAR-22-052	311 Rymal Road East, Hamilton	3-Aug-22	n/a	n/a	1-Nov-22	n/a	GSP Group Inc.	204
UHOPA-23-001 ZAC-23-001	499 Mohawk Road East, Hamilton	8-Nov-22	n/a	21-Nov-22	n/a	21-Feb-23	Urban Solutions Planning & land Development	107
Ward 8								
ZAC-20-018	212 and 220 Rymal Road West, Hamilton	20-Feb-20	n/a	16-Mar-20	19-Jun-20	n/a	T. Johns Consulting Group	1126
UHOPA-20-017 ZAC-20 029 25T-202003	393 Rymal Road West, Hamilton	20-Jul-20	n/a	19-Aug-20	n/a	17-Nov-20	GSP Group Inc.	967
ZAC-21-029 25T-202108	204, 212, 220, 226 Rymal Road West, Hamilton	05-July-21	n/a	09-Aug-21	n/a	02-Nov-21	T. Johns Consulting Group	591

**Active Development Applications
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Ward 8 Continued								
ZAC-22-024 25T-202204	1456-1460 Upper James Street, Hamilton	28-Mar-22	n/a	08-Apr-22	n/a	26-Jul-22	A.J. Clarke & Associates	332
UHOPA-22-021 ZAC-22-047	1177, 1183, 1187 West 5 th Street, Hamilton	13-July-22	n/a	13-July- 22	n/a	10-Nov-22	Urban Solutions Planning & Land Development	225
ZAC-22-066	81 Rymal Road East, Hamilton	24-Oct-22	n/a	24-Nov- 22	22-Jan-22	n/a	GSP Group Inc.	122
UHOPA-23-004 ZAC-23-005	1550 Upper James Street, Hamilton	24-Nov-22	n/a	9-Dec-22	n/a	24-Mar-23	Arcadis IBI Group	91
Ward 9								
ZAC-20-004	329 Highland Road West, Stoney Creek	20-Dec-19	n/a	16-Jan-20	18-Apr-20	n/a	WEBB Planning Consultants Inc.	1188
ZAC-22-064 25T-202209	82 Carlson Street, Stoney Creek	11-Oct-22	n/a	13-Oct-22	n/a	12-Jan-23	MHBC Planning Ltd.	135
UHOPA-20-010 ZAC-20-015 25T-200303R	2080 Rymal Road East, Glanbrook	20-Dec-19	20-Jan-20	31-Jan-20	n/a	19-May-20	A.J. Clarke & Associates Ltd.	1146

**Active Development Applications
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Ward 9 Continued								
ZAC-22-001	2153, 2155, and 2157 Rymal Road East, Stoney Creek	4-Nov-21	n/a	n/a	2-Feb-22	n/a	Weston Consulting	475
ZAC-22-029 25T-202206	481 First Road W., Stoney Creek	22-Apr-22	n/a	n/a	n/a	24-Jul-22	Kuok Kei Hong	308
UHOPA-23-005 ZAC-23-006	1065 Paramount Drive, Stoney Creek	18-Nov-22	n/a	13-Dec-22	n/a	18-Mar-23	Arcadis IBI Group	97
Ward 10								
UHOPA-21-018 ZAC-21-039	1400 South Service Road, Stoney Creek	10-Sep-21	n/a	16-Sep-21	n/a	14-Jan-22	MHBC Planning Ltd.	552
UHOPA-21-006 ZAC-21-011	582 and 584 Hwy. 8, Stoney Creek	08-Feb-21	n/a	08-Mar-21	n/a	21-Jul-21	SIMNAT Consulting Inc.	772
UHOPA-22-020 ZAC-22-046 25T-202208	220 McNeilly Road, Hamilton	8-July-22	n/a	22-July-22	n/a	5-Nov-22	T. Johns Consulting Group	230

**Active Development Applications
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Ward 10 Continued								
UHOPA-22-026 ZAC-22-063	1310 South Service Road, Stoney Creek	28-Sep-22	n/a	30-Sep-22	n/a	5-Jan-23	The Planning Partnership	148
ZAC-23-004	48 Jenny Court	29-Nov-22	n/a	4-Jan-23	27-Feb-23	n/a	T. Johns Consulting Group	86
Ward 11								
25T-202002	9326 and 9322 Dickenson Road, Glanbrook	16-May-20	n/a	09-Apr-20	n/a	07-Aug-20	WEBB Planning Consultants Inc.	1104
UHOPA-21-001 ZAC-21-001 25T-202101	3169 Fletcher Road, Glanbrook	14-Dec-20	n/a	12-Jan-21	n/a	12-May-21	A.J. Clarke & Associates Ltd.	828
ZAC-22-008 25T-202201	3479 Binbrook Road, Glanbrook	10-Jan-22	n/a	24-Jan-22	n/a	10-May-22	Metropolitan Consulting	409
UHOPA-22-008 ZAC-22-017	3054 Homestead Drive, Hamilton	27-Jan-22	n/a	10-Feb-22	n/a	25-May-22	Urban Solutions Planning & Land Development	394
UHOPA-22-014 ZAC-22-027 25T-202205	2876 Upper James Street, Glanbrook	05-Apr-22	n/a	05-Apr-22	n/a	03-Aug-22	Rice Group	324

**Active Development Applications
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Ward 11 Continued								
ZAC-22-055	2640 Binbrook Road, Glanbrook	16-Aug-22	n/a	18-Aug-22	14-Nov-22	n/a	IBI Group	191
Ward 12								
UHOPA-20-013 ZAC-20-017	210 Calvin Street, Ancaster	18-Feb-20	04-Mar-20	11-Jun-20	n/a	09-Oct-20	SGL Planning & Design Inc.	1014
ZAC-20-024	140 Wilson Street West, Ancaster	15-Jun-20	n/a	02-Jul-20	13-Sep-20	n/a	A.J. Clarke & Associates Ltd.	1010
25T-202102	370 Garner Road East, Ancaster	18-Dec-20	n/a	22-Jan-21	n/a	17-Apr-21	A.J. Clarke & Associates Ltd.	824
25T-202105	700 Garner Road East, Ancaster	18-Jan-21	n/a	04-Feb-21	n/a	18-May-21	MHBC Planning Ltd.	793
ZAC-21-027	140 and 164 Sulphur Springs Road, Ancaster	05-Jul-21	n/a	16-July-21	02-Oct-21	n/a	Fothergill Planning & Development Inc.	615
UHOPA-22-002 ZAC-22-005	487 Shaver Road, Ancaster	2-Nov-21	n/a	17-Nov-21	n/a	2-Mar-22	GSP Group Inc	461

**Active Development Applications
Deemed Complete After September 3, 2019
(Effective February 22, 2023)**

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Ward 12 Continued								
ZAC-22-058	111 Fiddlers Green Road, Ancaster	6-Sep-22	n/a	7-Sep-22	16-Nov-22	n/a	T. Johns Consulting Group	178
UHOPA-23-003 ZAR-23-003	382 Southcote Road, Ancaster	9-Nov-22	n/a	5-Dec-22	n/a	9-Mar-23	Urban Solutions Planning & Land Development	106
ZAC-23-010	299 Fiddlers Green Road, Ancaster	19-Dec-22	n/a	6-Jan-23	19-Mar-23	n/a	Wellings Planning Consultants	66
Ward 13								
ZAC-22-044	64 Hatt Street, Dundas	6-July-22	n/a	7-July-22	4-Oct-22	n/a	GSP Group Inc.	232
ZAR-22-004	12 Louisa Street, Flamborough	15-Nov-21	n/a	23-Nov-21	13-Feb-22	n/a	MB1 Development Consulting Inc.	455
RHOPA-23-002 ZAC-23-002	127 Freelton Road, Flamborough	16-Nov-22	n/a	22-Nov-22	n/a	16-Mar-22	Urban Solutions Planning and Land Developmen	98
ZAR-23-008	211 York Road, Dundas	1-Dec-22	n/a	19-Dec-22	1-Mar-23	n/a	GSP Group Inc.	84

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Ward 14								
UHOPA-22-015 ZAC-22-028	631 and 639 Rymal Road West, Hamilton	22-Apr-22	n/a	28-Apr-22	n/a	29-July-22	Bousfields Inc.	307
Ward 15								
ZAC-20-006	518 Dundas Street East, Dundas	23-Dec-19	n/a	22-Jan-20	n/a	21-Apr-20	Urban Solutions Planning and Land Development	1158
UHOPA-21-003 ZAC-21-007 25T-202103	562 Dundas Street East, Flamborough	23-Dec-20	n/a	08-Feb-21	n/a	22-Apr-21	Metropolitan Consulting Inc.	792
25T-201507R	74 Parkside Drive, Flamborough	11-Aug-22	n/a	18-Aug-22	n/a	17-Oct-22	IBI Group	196

Active Development Applications

- When an Application is deemed incomplete, the new deemed complete date is the day the new materials are submitted. In these situations, the 90 and 120 day timeframe commences on the date the new materials were submitted. In all other situations, the 90 and 120 day timeframe commences the day the Application was received.

**Planning Act Applications
Currently Appealed for Non-Decision to the
Ontario Land Tribunal (OLT)
(Effective February 22, 2023)**

	Address	Applicant /Agent	Date Appeal Received
Ward 2			
1	299-307 John Street South, Hamilton	Urban Solutions Planning & Land Development Consultants Inc.	November 2021
2	186 Hunter Street West, Hamilton	Urban Solutions Planning & Land Development Consultants Inc.	June 2022
Ward 5			
3	651 Queenston Road, Hamilton	A.J. Clarke & Associates Ltd	September 2022
4	2900 King Street East, Hamilton	Urban Solutions Planning & Land Development Consultants Inc.	November 2022
Ward 9			
5	157 Upper Centennial Parkway, Stoney Creek	WEBB Planning Consultants Inc.	September 2017
Ward 10			
6	1036, 1038, 1054, 1090 Barton Street, and 262 McNeilly Road, Stoney Creek	Glen Schnarr & Associates Inc.	November 2021
Ward 11			
7	526 Winona Road, Stoney Creek	Urban Solutions Planning & Land Development Consultants Inc.	June 2022

**Planning Act Applications
Currently Appealed for Non-Decision to the
Ontario Land Tribunal (OLT)
(Effective February 22, 2023)**

	Address	Applicant /Agent	Date Appeal Received
Ward 11 Continued			
8	3160, 3168, 3180, and 3190 Regional Road 56, Binbrook	MHBC Planning Limited	November 2022
9	3064, 3070, 3078, 3084 Regional Road 56, Glanbrook	MHBC Planning Limited	November 2022
10	11, 19, 20, 21, 23, 27 & 30 Lakeside Drive, 81 Waterford Crescent, Stoney Creek	IBI Group	December 2022
Ward 12			
11	140 Garner Road, Ancaster	Urban Solutions Planning and Land Development Consultants Inc.	February 2022
12	1019 Wilson Street West, Ancaster	MHBC Planning Limited	July 2022
13	442-462 Wilson Street East, Ancaster	GSP Group	July 2022
Ward 14			
14	801-870 Scenic Drive, Hamilton	Valery Developments Inc.	May 2021

**Planning Act Applications
Currently Appealed for Non-Decision to the
Ontario Land Tribunal (OLT)
(Effective February 22, 2023)**

	Address	Applicant /Agent	Date Appeal Received
Ward 15			
15	609 and 615 Hamilton Street North and 3 Nesbit Boulevard and 129 – 137 Trudell Circle, Flamborough (Waterdown)	Urban Solutions Planning and Land Development Consultants Inc.	October 2017
16	111 Silverwood Drive (111 Parkside Drive, Flamborough (Waterdown)	Metropolitan Consulting Inc.	October 2017
17	30, 36 and 42 Dundas Street East, 50 Horseshoe Crescent, and 522 Highway 6, Flamborough	MHBC Planning	August 2021
18	909 North Waterdown Drive, Flamborough	Corbett Land Strategies Inc.	December 2022



INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	April 4, 2023
SUBJECT/REPORT NO:	Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-22-022 and Zoning By-law Amendment Application ZAC-22-048 to the Ontario Land Tribunal (OLT) for Lack of Decision for Lands Located at 2900 King Street East, Hamilton (PED23073) (Ward 5)
WARD(S) AFFECTED:	Ward 5
PREPARED BY:	Daniel Barnett (905) 546-2424 Ext. 4445
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

COUNCIL DIRECTION

In accordance with Subsections 34(11) and 51(34) of the *Planning Act*, an Official Plan Amendment application and a Zoning By-law Amendment application may be appealed by the Applicant to the Ontario Land Tribunal (OLT) after 120 days, if Council has not made a decision on the respective applications.

A motion to direct staff to advise the Planning Committee on matters relating to appeals of Council's non-decision, pursuant to the *Planning Act*, was passed by City Council on May 18, 2010. This Information Report has been prepared in accordance with Council's policy for staff to advise the Planning Committee and City Council of appeals for non-decision to the OLT.

The following information is provided to Planning Committee with regards to Urban Hamilton Official Plan Amendment Application UHOPA-22-022 and Zoning By-law Amendment Application ZAC-22-048 which have been appealed by the proponent for non-decision.

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

SUBJECT: Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-22-022 and Zoning By-law Amendment Application ZAC-22-048 to the Ontario Land Tribunal (OLT) for Lack of Decision for Lands Located at 2900 King Street East, Hamilton (PED23073) (Ward 5) - Page 2 of 4

INFORMATION

The subject property is municipally known as 2900 King Street East (refer to Appendix “A” attached to Report PED23073). The Applicant, Urban Solutions Planning & Land Development Consultants Inc. c/o Matt Johnston, applied for an Urban Hamilton Official Plan Amendment (UHOPA) (Application UHOPA-22-022) and Zoning By-law Amendment (Application ZAC-22-048) to permit a mixed use development consisting of a six storey podium with two towers (20 storeys and 18 storeys), containing 564 dwelling units, 356 sq. m. of ground floor commercial and 422 parking spaces. The proposed development would represent a density of approximately 969 units per net hectare.

The subject property is approximately ±0.5 ha in size and is located at the intersection of King Street East and Centennial Parkway North. The subject lands are currently vacant with no existing buildings or structures on site.

The UHOPA and Zoning By-law Amendment Applications were received on July 18, 2022 and deemed complete on July 20, 2022. The details of the proposal are outlined below.

The appeal of the Urban Hamilton Official Plan Amendment and Zoning By-law Amendment, filed by WeirFoulds LLP c/o Denise Baker counsel for 2626364 Ontario Inc. c/o Kyle Camarro, was received by the City Clerk’s Office on November 23, 2022, 128 days after the receipt of the initial applications (refer to Appendix “C” attached to Report PED23073).

Urban Hamilton Official Plan

The subject lands are identified as “Secondary Corridor” and “Neighbourhoods” on Schedule E – Urban Structure and designated “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations, in the Urban Hamilton Official Plan.

Application UHOPA-22-022 is an Official Plan Amendment to change the designation of the subject lands from “Neighbourhoods” to “Mixed Use Medium Density” with a Site Specific Policy Area to permit a maximum building height of 20 storeys.

SUBJECT: Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-22-022 and Zoning By-law Amendment Application ZAC-22-048 to the Ontario Land Tribunal (OLT) for Lack of Decision for Lands Located at 2900 King Street East, Hamilton (PED23073) (Ward 5) - Page 3 of 4

Zoning By-law Amendment Application

The subject property is currently zoned Community Commercial (C3) Zone in City of Hamilton Zoning By-law No. 05-200, as shown on Appendix "A" attached to Report PED23073.

Application ZAC-22-048 is a Zoning By-law Amendment Application to change the zoning from the Community Commercial (C3) Zone to a site specific Mixed Use Medium Density (C5) Zone under Hamilton Zoning By-law No. 05-200.

Issues/concerns identified through the circulation include:

- The proposed development does not comply with the policies of the Urban Hamilton Official Plan as it relates to compatibility with the scale and character of existing residential neighbourhoods, on-site landscaping, appropriate massing and setbacks and building height;
- The proposed development is not consistent with the City-Wide Corridor Planning Principles and Design Guidelines, specifically to Policy 4.3.2 which states that new buildings should be limited in height by a 45 degree build to plane;
- An updated Sun Shadow study to include the as of right shadows impacts;
- An updated Pedestrian Level Wind Study to reflect the subject lands where the study submitted is based on a different property;
- The proposed development is premature as the applicant has not demonstrated that the existing municipal infrastructure has sufficient sanitary servicing capacity to support the proposed development, and an updated Functional Servicing Report complete with Sanitary Capacity Analysis and a Watermain Hydraulic Analysis were required;
- An updated Transportation Impact Study (TIS) to include revisions to the proposed driveway access to prevent unsafe in and out turning movements;
- An updated Tree Protection Plan (TPP) to address staff concerns with the number of trees to be removed and to retain trees based on condition, aesthetic, age and species which has not been taken into consideration; and,

SUBJECT: Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-22-022 and Zoning By-law Amendment Application ZAC-22-048 to the Ontario Land Tribunal (OLT) for Lack of Decision for Lands Located at 2900 King Street East, Hamilton (PED23073) (Ward 5) - Page 4 of 4

- Submission of a Visual Impact Assessment (VIA) to evaluate street views, the development's compatibility with the established context along the streetscape, and visual impacts with respect to the Niagara Escarpment.

Public Consultation

In accordance with the provisions of the *Planning Act* and the Council Approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation for the applications was sent to 28 property owners within 120 m of the subject lands on August 2, 2022.

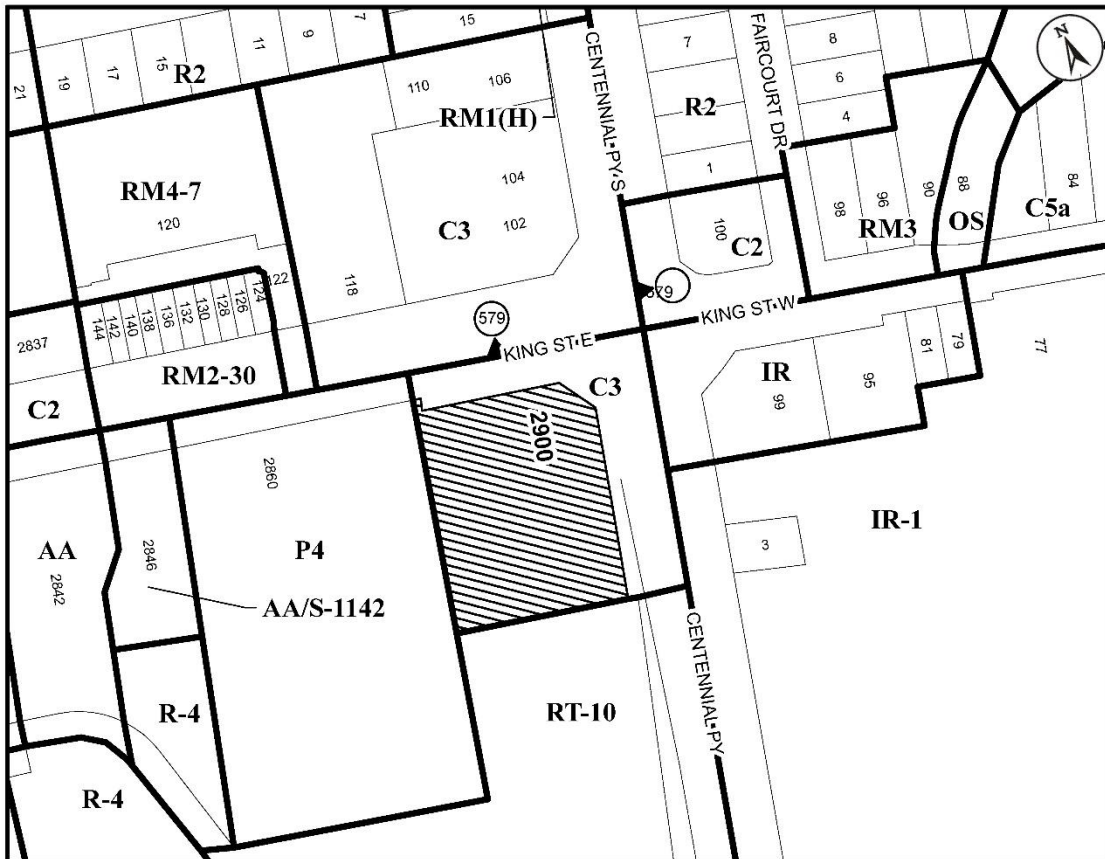
To date staff have received no written submissions regarding the applications.

APPENDICES AND SCHEDULES ATTACHED

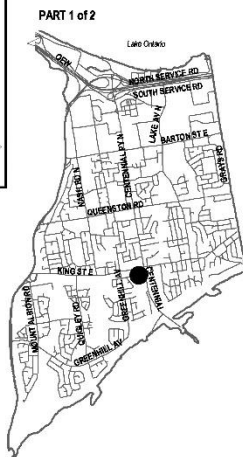
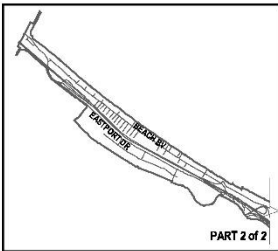
Appendix "A" to Report PED23073 - Location Map
Appendix "B" to Report PED23073 - Concept Plans
Appendix "C" to Report PED23073 - Letter of Appeal

DB:sd

Appendix "A" to Report PED23073
Page 1 of 1



● Site Location



Key Map - Ward 5

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-22-048/UHOPA-22-022

Date:
July 20, 2022

Appendix "A"

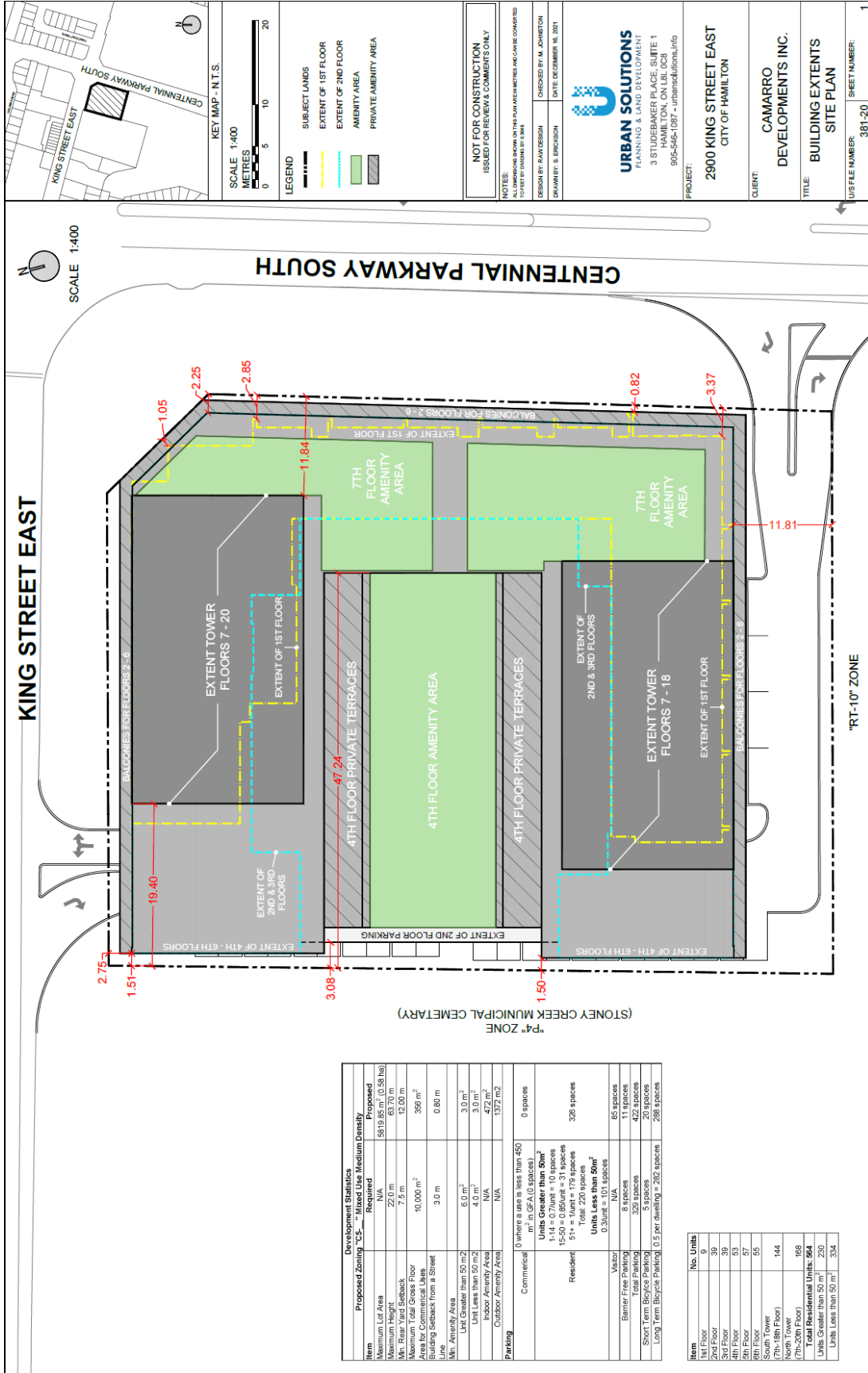
Scale:
N.T.S

Planner/Technician:
DB/NB

Subject Property

2900 King Street East, Hamilton
(Ward 5)

Appendix "B" to Report PED23073
Page 1 of 6



Item	Proposed Zoning "C5 - Mixed Use Medium Density"	Required	Proposed
Minimum Lot Area	N/A	5919.65 m ² (0.58 ha)	N/A
Maximum Height	22.0 m	63.70 m	22.0 m
Maximum Height Setback	7.5 m	12.00 m	7.5 m
Maximum Total Street Floor Area for Commercial Uses	10,000 m ²	356 m ²	10,000 m ²
Building Setback from a Street Line	3.0 m	0.80 m	3.0 m
Min. Amenity Area	6.0 m ²	3.0 m ²	6.0 m ²
Unit Greater than 50 m ²	4.0 m ²	3.0 m ²	4.0 m ²
Indoor Amenity Area	N/A	472 m ²	1372 m ²
Outdoor Amenity Area	N/A	1372 m ²	1372 m ²
Parking	0 where a use is less than 450 m ² in GFA (0 spaces)	0 spaces	0 spaces
Visitor	15-50 = 0.85 unit = 31 spaces	31 spaces	31 spaces
Resident	51+ = 1 unit = 179 spaces	179 spaces	179 spaces
Total	210 spaces	210 spaces	210 spaces
Units Less than 50m ²	0.33 units = 11 spaces	11 spaces	11 spaces
Visitor	8 spaces	8 spaces	8 spaces
Barrier Free Parking	3 spaces	3 spaces	3 spaces
Total Parking	209 spaces	209 spaces	209 spaces
Short Term Bicycle Parking	5 spaces	5 spaces	5 spaces
Long Term Bicycle Parking	0.5 per dwelling = 209 spaces	209 spaces	209 spaces

Item	No. Units
1st Floor	0
2nd Floor	39
3rd Floor	39
4th Floor	53
5th Floor	53
6th Floor	55
South Tower (7th-18th Floor)	144
North Tower (7th-20th Floor)	188
Amenity Area	230
Units Greater than 50 m ²	334
Units Less than 50 m ²	0

NOT FOR CONSTRUCTION
ISSUED FOR REVIEW & COMMENTS ONLY

DESIGNED BY: RAJESH K. SINGH
CHECKED BY: M. JOHNSTON
DATE: DECEMBER 16, 2021

DESIGN BY: RAJESH K. SINGH
DATE: DECEMBER 16, 2021

URBAN SOLUTIONS
PLANNING & LAND DEVELOPMENT
3 STUDEBAKER PLACE, SUITE 1
HAMILTON, ON L8L 0C8
905-566-1087 - urban@solutions.info

PROJECT:
2800 KING STREET EAST
CITY OF HAMILTON

CLIENT:
CAMARRO DEVELOPMENTS INC.

TITLE:
BUILDING EXTENTS SITE PLAN

US FILE NUMBER: 381-20
SHEET NUMBER: 1

KEY MAP - N.T.S.

SCALE 1:400
METRES
0 5 10 20

LEGEND

- SUBJECT LANDS
- EXTENT OF 1ST FLOOR
- EXTENT OF 2ND FLOOR
- AMENITY AREA
- PRIVATE AMENITY AREA

NOT FOR CONSTRUCTION
ISSUED FOR REVIEW & COMMENTS ONLY

DESIGNED BY: RAJESH K. SINGH
CHECKED BY: M. JOHNSTON
DATE: DECEMBER 16, 2021

DESIGN BY: RAJESH K. SINGH
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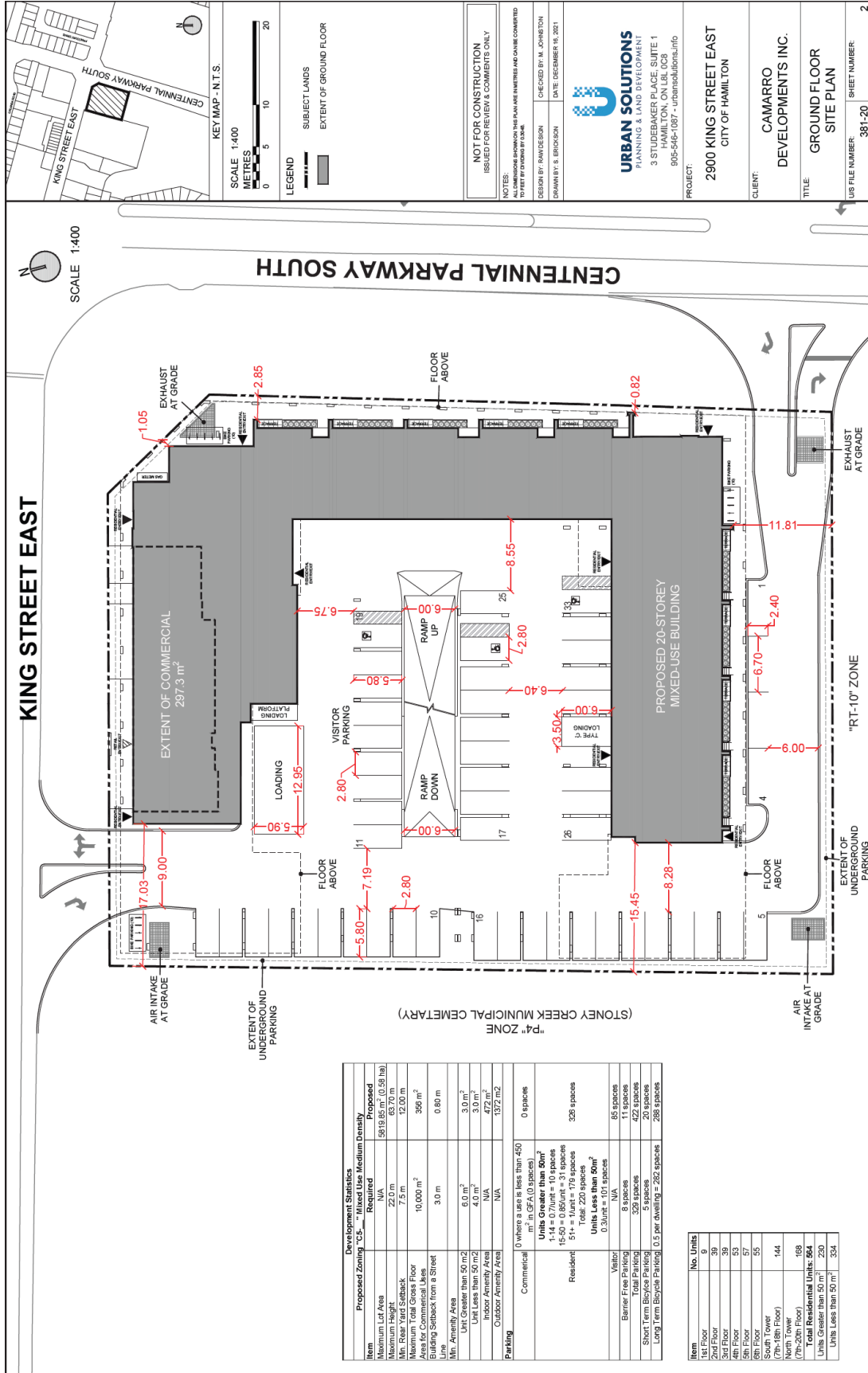
PROJECT:
2800 KING STREET EAST
CITY OF HAMILTON

CLIENT:
CAMARRO DEVELOPMENTS INC.

TITLE:
BUILDING EXTENTS SITE PLAN

US FILE NUMBER: 381-20
SHEET NUMBER: 1

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Item	Development Statistics	
	Proposed Zoning "C5 - Mixed Use Medium Density"	Required
Minimum Lot Area	N/A	3919.95 m ² (0.95 ha)
Minimum Height	22.0 m	63.70 m
Minimum Lot Width	7.5 m	12.00 m
Minimum Total Street Floor Area for Commercial Uses	10,000 m ²	396 m ²
Building Setback from a Street Line	3.0 m	0.60 m
Min. Amenity Area	6.0 m ²	3.0 m ²
Unit Less than 50 m ²	4.0 m ²	3.0 m ²
Indoor Amenity Area	N/A	472 m ²
Outdoor Amenity Area	N/A	1972 m ²
Parking	0 where a unit is less than 450 m ² in GFA (0 spaces)	0 spaces
Units Greater than 450 m ²	1:14 = 0.71 unit = 10 spaces	
15-50 = 0.85 unit = 31 spaces		
51+ = 1 unit = 179 spaces		329 spaces
Units Less than 50m²		
0.3 unit = 0 spaces		85 spaces
Visitor	N/A	11 spaces
Barrier Free Parking	8 spaces	422 spaces
Total Parking	5 spaces	20 spaces
Short Term Bicycle Parking	5 spaces	288 spaces
Long Term Bicycle Parking	0.5 per dwelling = 288 spaces	

Item	No. Units
1st Floor	39
2nd Floor	39
3rd Floor	39
4th Floor	53
5th Floor	55
South Tower (7th-18th Floor)	144
North Tower (7th-20th Floor)	189
4th Residential Units	220
Units Greater than 50 m ²	329
Units Less than 50 m ²	324

NOT FOR CONSTRUCTION
ISSUED FOR REVIEW & COMMENTS ONLY

DESIGNER: RAVENHURST
DRAWN BY: S. BROOKS
CHECKED BY: H. JOHNSTON
DATE: DECEMBER 16, 2021

URBAN SOLUTIONS
PLANNING & LAND DEVELOPMENT
3 STUDEBAKER PLACE, SUITE 1
HAMILTON, ON L8L 0C8
905-546-0817 - urban@solutions.info

PROJECT:
2900 KING STREET EAST
CITY OF HAMILTON

CLIENT:
CAMARRO DEVELOPMENTS INC.

TITLE:
GROUND FLOOR SITE PLAN

US FILE NUMBER: 381-20
SHEET NUMBER: 2

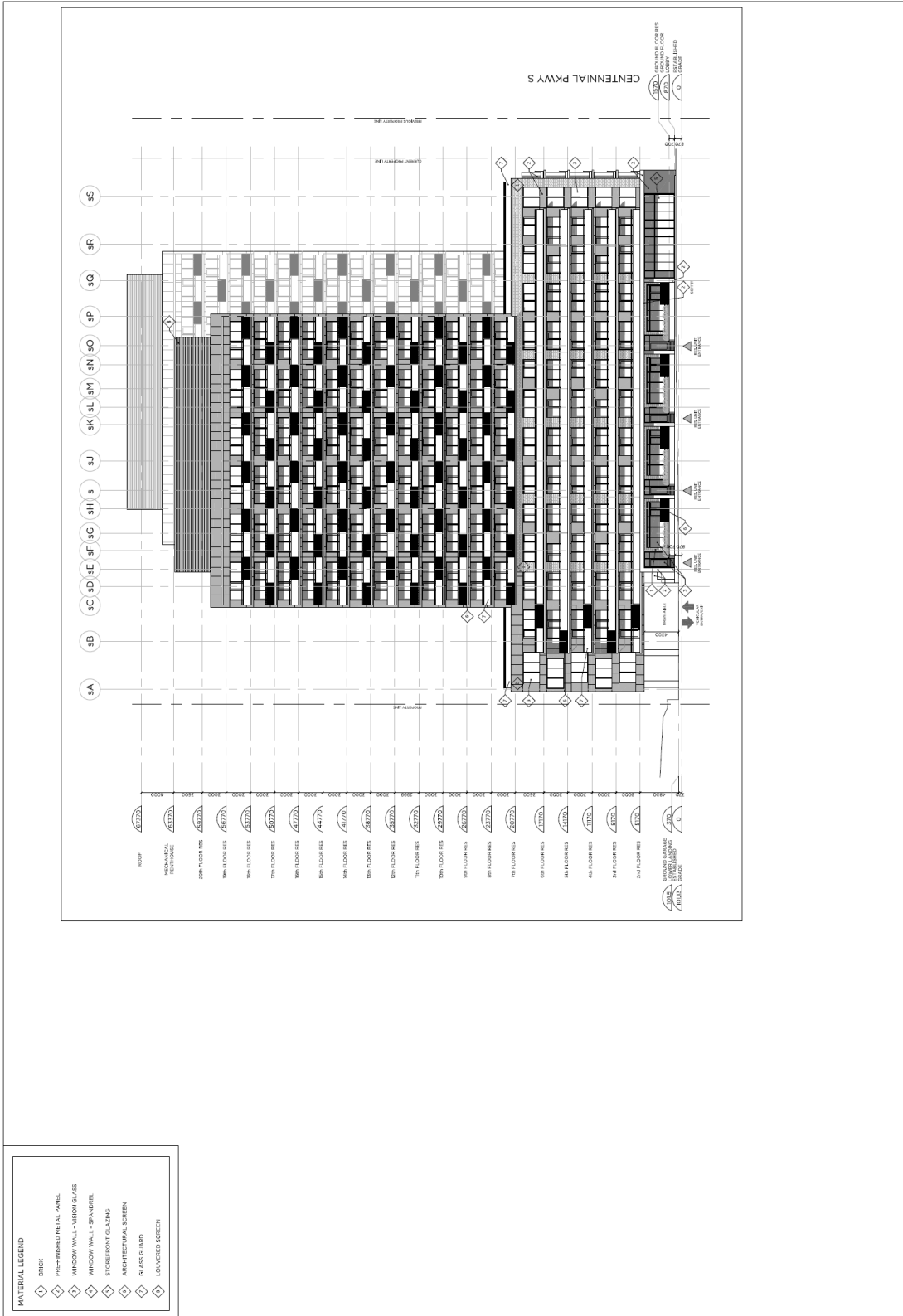
SCALE 1:400
METRES
0 5 10 20

KEY MAP - N.T.S.

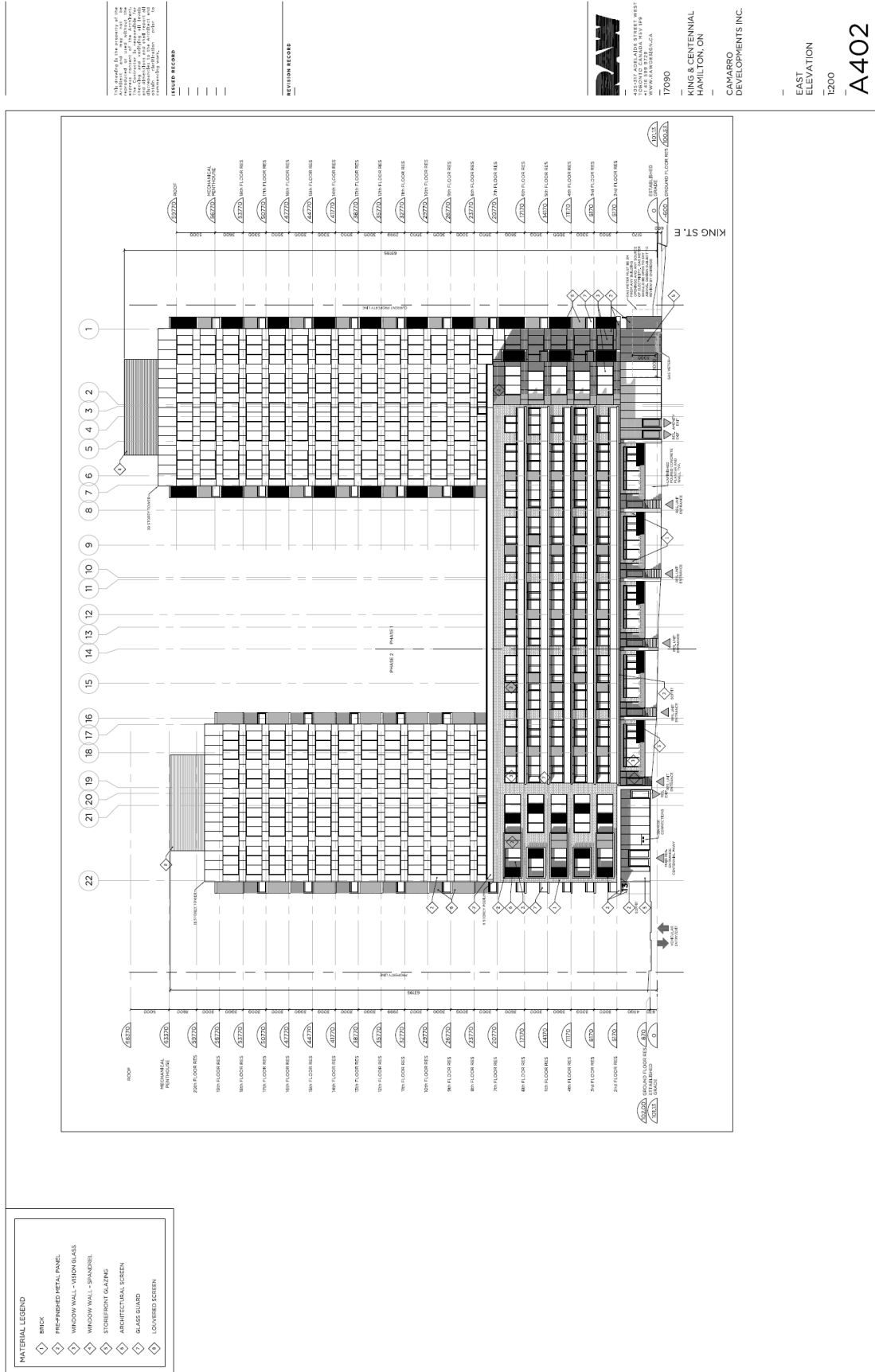
LEGEND
SUBJECT LANDS
EXTENT OF GROUND FLOOR

AIR INTAKE AT GRADE
EXHAUST AT GRADE
FLOOR ABOVE
RAMP UP
RAMP DOWN
LOADING
VISITOR PARKING
TYPE 'C' LOADING

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Page 3 of 6

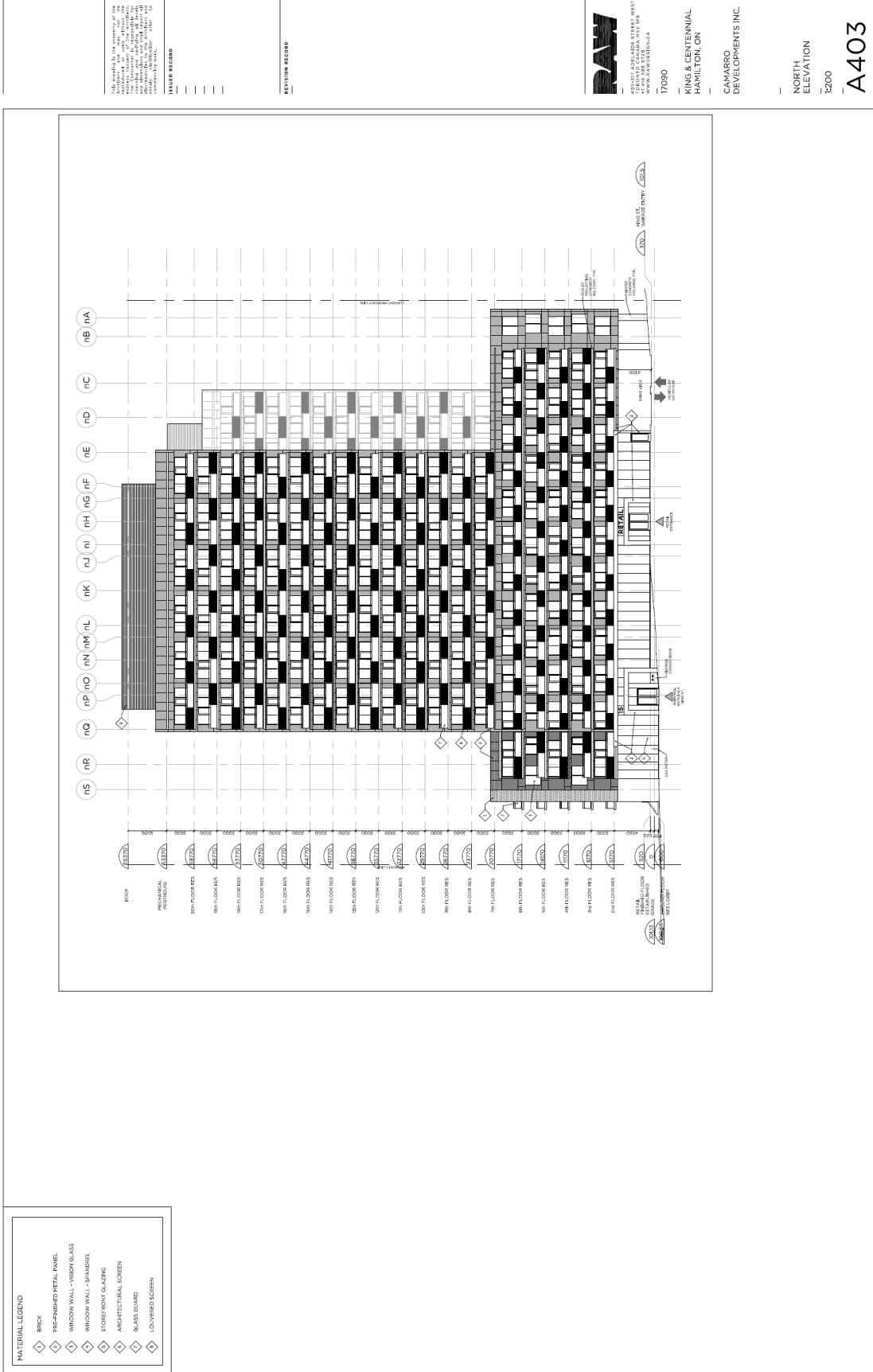


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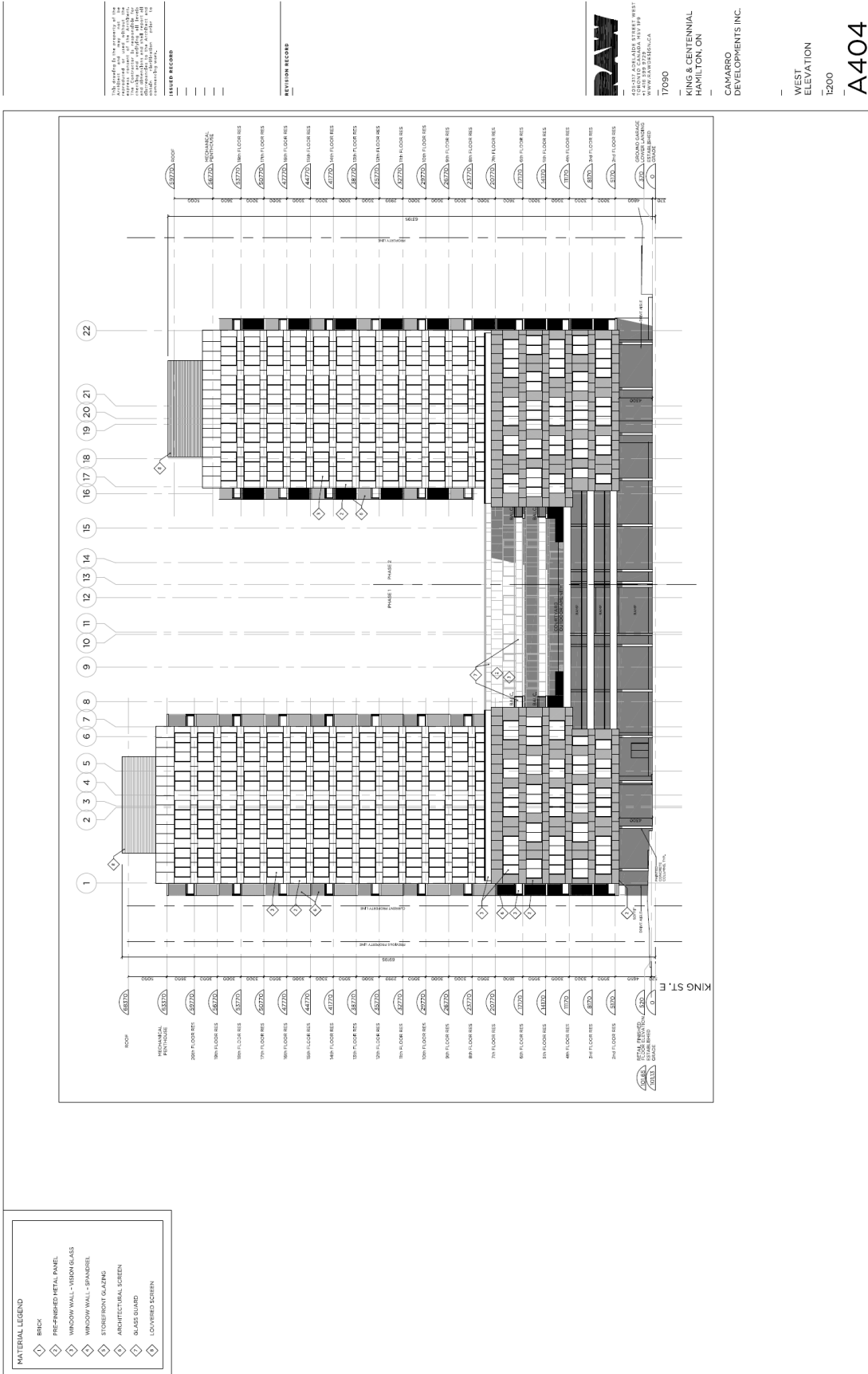
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UNIVERSITY OF TORONTO LIBRARY
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416-978-2072
www.library.utoronto.ca

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10/17/2018 10:58 AM C:\Users\m10001\OneDrive\Documents\101718_A404_Rev04.dwg / Worksheet: K_001 (1)1018.dwg

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Barristers & Solicitors

WeirFouldsLLP

November 23, 2022

Via Email & Courier

City of Hamilton
 Office of the City Clerk
 71 Main Street West, 1st Floor
 Hamilton, Ontario L8P 4Y5

Attention: Andrea Holland, City Clerk

Dear Ms. Holland:

Denise Baker
 Managing Partner
 t. 416-947-5090
 dbaker@weirfoulds.com

File 21561.00005

RE: Notice of Appeal pursuant to 22(7) and 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13
2900 King Street East, Hamilton
2626364 Ontario Inc.

We are the solicitors for 2626364 Ontario Inc. (“**Client**”), owner of lands located at 2900 King Street East in the City of Hamilton (the “**Subject Site**”).

On July 20, 2022, the Corporation of the City of Hamilton (the “**City**”) deemed our Client’s applications for an official plan amendment (“**OPA**”) and zoning by-law amendment (“**ZBA**”) for the Subject Site complete. As more than 120 days have passed and City Council has failed to make a decision on the OPA and ZBA (collectively, the “**Applications**”), our Client hereby appeals the Applications to the Ontario Land Tribunal (“**OLT**” or “**Tribunal**”) pursuant to subsection 22 (7) and 34 (11) of the *Planning Act*, R.S.O. 1990, c. P.13.

Background

The Subject Site is vacant and is located at the southwest corner of King Street East and Centennial Parkway within Stoney Creek, in the City of Hamilton. The Subject Site has a total area of 0.56 hectares with approximately 45 metres of frontage along Centennial Parkway and 54 metres of frontage along King Street East.

Immediately north of the Subject Site is a Husky Gas Station, to the west is the Stoney Creek municipal cemetery, to the south are vacant lands, and to the east is Battlefield Park.

Suite 10, 1525 Cornwall Road, Oakville, Ontario, Canada. L6J 0B2	T: 905-829-8600 F: 905-829-2035
	www.weirfoulds.com

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The City’s Urban Hamilton Official Plan (“UHOP”) identifies Centennial Parkway as a *Major Arterial* road, and King Street East as a *Minor Arterial* road. In addition, the Subject Site is well serviced by existing and planned transit by way of the Hamilton Street Railway, and the Subject Site is also 2.6 kilometers south of the new Confederation Go Station (now under construction) and approximately 1.5 kilometers south of the future LRT station at Eastgate Mall.

Our Client proposes a phased development of the Subject Site with a mixed-use building. The first phase of the development will consist of a 20 storey (north tower) containing 302 units and 356 m² of commercial space. The second phase of the development will consist of an 18 storey (south tower) containing 262 units. The two towers will be connected by a six (6) storey podium with frontage along King Street East and Centennial Parkway. 422 parking spaces will be provided to service the proposed development (collectively, the “**Proposed Development**”).

The Subject Site is designated Neighbourhoods in the UHOP and identified as being on a Secondary Corridor, which is part of the intensification areas in the City under Urban Nodes and Urban Corridors, where intensification is to be directed.

The purpose of the OPA is to redesignate the Subject Site from Neighbourhoods to Site Specific Mixed-Use – Medium Density Designation. The OPA will also permit a net residential density of 970 units per hectare and a maximum height of 20 storeys.

The ZBA will rezone the Subject Site from Community Commercial (C3) to a site-specific Mixed Use Medium Density (C5, ___) zone, modified, with appropriate site-specific zoning regulations.

Reasons for Appeal

In addition to City Council’s failure to make a decision on the Applications, our Client is appealing the Applications because the Applications are appropriate to approve for the following reasons:

1. The Proposed Development will contribute to an appropriate range and mix of residential units in the neighborhood and it will contribute to creating a complete community by providing a mixed-use form of development.

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Barristers & Solicitors

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2. The Proposed Development will optimize use of the Subject Site, make use of existing and planned infrastructure, and it will assist the City in achieving its growth targets as well as its goals, objectives and policies for growth.
3. The Proposed Development will support existing and planned transit.
4. A series of detailed technical studies related to urban design, cultural heritage, archeological assessment, environmental assessment, functional servicing, wind, noise, sun/shadow study and transportation impact study have been completed. All of these studies support approval of the Applications.
5. Approval of the Applications would have regard for the matters of provincial interest under section 2 of the *Planning Act*, it would be consistent with the Provincial Policy Statement, 2020 and conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020.
6. The Applications meet the intent of the goals, objectives and policies of UHOP.
7. The Proposed Development meets the test of good planning and is in the public interest to approve.
8. Such further and other reasons as counsel may advise and the OLT may permit.

Filing Requirements

Enclosed with this Notice of Appeal are the following requisite documents:

1. A completed OLT Appeal Form (A1) for the appeal of the Applications;
2. Two firm cheques, each in the amount of \$1,100.00, payable to the Minister of Finance, representing the filing fees associated with the processing of the appeal of the Applications.

Kindly acknowledge receipt of this Notice of Appeal together with its enclosures and advise when the appeal has been forwarded to the OLT.

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Barristers & Solicitors

WeirFoulds^{LLP}

Thank you for your attention to this matter. Should you have any questions or require further information, please do not hesitate to contact the undersigned.

Yours truly,

WeirFoulds LLP



Per: Denise Baker
Managing Partner

DB/rk

Encls 3

C: Client

18434435.1

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Ontario Land Tribunal

655 Bay Street, Suite 1500, Toronto, ON M5G 1E5

Tel: 416-212-6349 | 1-866-448-2248

Web Site: olt.gov.on.ca

Appeal Form (A1)

Date Stamp

(OLT Office Use Only)

OLT Case Number
(OLT Office Use Only)

**Date Stamp – Appeal Received
by OLT**

Please complete this Appeal Form by following the instructions in the companion document titled “Appeal Form Instructions”. Please read **both** documents carefully to ensure you submit the correct information and complete this form correctly.

There are guides available for review on the Tribunal’s [website](#) for different appeal types to assist you in filing an appeal.

Please review the notice of the decision you are appealing to determine the appeal deadline and the specific official with whom the appeal should be filed (e.g. Secretary-Treasurer, Clerk, Minister, Ontario Land Tribunal) prior to completing this Appeal Form. Relevant portions of the applicable legislation should also be reviewed before submitting this form. Your appeal must be filed with the appropriate authority within the appeal period as set out in the notice of the decision and applicable legislation.

Section 1 – Contact Information (Mandatory)

Applicant/Appellant/Objector/Claimant Information			
Last Name:		First Name:	
Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation):			
2626364 Ontario Inc.			
Email Address:			
kyle@camarrogroupp.com			
Daytime Telephone Number:		Alternative Telephone Number:	
905 928-1033	ext.		
Mailing Address			
Unit Number:	Street Number:	Street Name:	P.O. Box:
	140	Second Lane	
City/Town:	Province:	Country:	Postal Code:
Burlington	ON	Canada	L7L 2H7

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Representative Information			
X I hereby authorize the named company and/or individual(s) to represent me			
Last Name:		First Name:	
Baker		Denise	
Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation):			
WeirFoulds LLP			
Email Address:		LSO Number (if applicable):	
dbaker@weirfoulds.com		48116H	
Daytime Telephone Number:		Alternative Telephone Number:	
416-947-5090		905-829-8600	
		ext.	
Mailing Address			
Unit Number:	Street Number:	Street Name:	P.O. Box:
10	1525	Cornwall Road	
City/Town:	Province:	Country:	Postal Code:
Oakville	ON	Canada	L6J 0B2
<p>Note: If your representative is not licensed under the <i>Law Society Act</i>, please confirm that they have your written authorization, as required by the <i>OLT Rules of Practice and Procedure</i>, to act on your behalf and that they are also exempt under the Law Society's by-laws to provide legal services. Please confirm this by checking the box below.</p>			
<input type="checkbox"/> I certify that I understand that my representative is not licensed under the <i>Law Society Act</i> and I have provided my written authorization to my representative to act on my behalf with respect to this matter. I understand that my representative may be asked to produce this authorization at any time along with confirmation of their exemption under the Law Society's by-laws to provide legal services.			

Location Information	
Are you the current owner of the subject property?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Address and/or Legal Description of property subject to the appeal:	
2900 King Street East	
Municipality:	
City of Hamilton	
Upper Tier (Example: county, district, region):	

Language Requirements	
Do you require services in French?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

To file an appeal, please complete the section below. Complete one line for each appeal type		
Subject of Appeal	Type of Appeal (Act/Legislation Name)	Reference (Section Number)
Example Minor Variance	<i>Planning Act</i>	45(12)
1 Official Plan Amendment	<i>Planning Act</i>	22(7)
2 Zoning By-law Amendment	<i>Planning Act</i>	34(11)
3		
4		
5		

Section 2 – Appeal Type (Mandatory)		
Please select the applicable type of matter		
Select	Legislation associated with your matter	Complete Only the Section(s) Below
X	Appeal of <i>Planning Act</i> matters for Official Plans and amendments, Zoning By-Laws and amendments and Plans of Subdivision, Interim Control By-laws, Site Plans, Minor Variances, Consents and Severances	3A

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<input type="checkbox"/>	Appeal of <i>Development Charges, Education Act, Aggregate Resources Act, Municipal Act</i> matters	3A
<input type="checkbox"/>	Appeal of or objection to <i>Ontario Heritage Act</i> matters under subsections 29, 30.1, 31, 32, 33, 40.1 and 41	3A
<input type="checkbox"/>	Appeal of <i>Planning Act</i> (subsections 33(4), 33(10), 33(15), 36(3)), <i>Municipal Act</i> (subsection 223(4)), <i>City of Toronto Act</i> (subsection 129(4)) and <i>Ontario Heritage Act</i> (subsections 34.1(1), 42(6)) matters	3A & 3B
<input type="checkbox"/>	Appeal of <i>Clean Water Act, Environmental Protection Act, Nutrient Management Act, Ontario Water Resources Act, Pesticides Act, Resource Recovery and Circular Economy Act, Safe Drinking Water Act, Toxics Reduction Act, and Waste Diversion Transition Act</i> matters	4A
<input type="checkbox"/>	Application for Leave to Appeal under the <i>Environmental Bill of Rights, 1993</i>	4B
<input type="checkbox"/>	Appeal under the <i>Niagara Escarpment Planning and Development Act (NEPDA)</i>	5A
<input type="checkbox"/>	Application to amend the <i>Niagara Escarpment Plan</i>	5B
<input type="checkbox"/>	Appeal of <i>Conservation Authorities Act, Mining Act, Lakes and Rivers Improvement Act, Assessment Act, and Oil, Gas and Salt Resources Act</i> matters	6
<input type="checkbox"/>	Legislation not listed above	Contact OLT before filing your appeal

Section 3A – Planning Matters

Appeal Reasons and Specific Information

Number of new residential units proposed:

564

Municipal Reference Number(s):

UHOPA-22-022 and ZAC-22-048

List the reasons for your appeal:

See attached correspondence

Has a public meeting been held by the municipality? Yes No

For appeals of Official Plans, Official Plan Amendments, Zoning By-laws and Zoning By-law Amendments, please indicate if you will rely on one or more of the following grounds:

A: A decision of a Council or Approval Authority is:

- Inconsistent with the Provincial Policy Statement issued under subsection 3(1) of the *Planning Act*
- Fails to conform with or conflicts with a provincial plan
- Fails to conform with an applicable Official Plan

And

B: For a non-decision or decision to refuse by council:

- Consistency with the provincial policy statement, issued under subsection 3(1) of the *Planning Act*

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<input checked="" type="checkbox"/> Conformity with a provincial plan
<input checked="" type="checkbox"/> Conformity with the upper-tier municipality's Official Plan or an applicable Official Plan
If it is your intention to argue one or more of the above grounds, please explain your reasons:
See attached correspondence

Oral/Written submissions to council
Did you make your opinions regarding this matter known to council?
<input type="checkbox"/> Oral submissions at a public meeting of council
<input type="checkbox"/> Written submissions to council
<input checked="" type="checkbox"/> Not applicable

Related Matters
Are there other appeals not yet filed with the Municipality?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are there other matters related to this appeal? (For example: A consent application connected to a variance application).
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If yes, please provide the Ontario Land Tribunal Case Number(s) and/or Municipal File Number(s) for the related matters:

Section 3B – Other Planning Matters

Appeal Specific Information (Continued)
Date application submitted to municipality if known (yyyy/mm/dd):
Date municipality deemed the application complete if known (yyyy/mm/dd):
Please briefly explain the proposal and describe the lands under appeal:
There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the Section 3B Checklist(s) located here and submit all documents listed.

Section 4A – Appeals under Environmental Legislation

Appeal Specific Information
Outline the grounds for the appeal and the relief requested:

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Reference Number of the decision under appeal:
Portions of the decision in dispute:
Date of receipt of Decision or Director's Order (yyyy/mm/dd):
Applying for Stay? <input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, outline the reasons for requesting a stay: (Tribunal's Guide to Stays can be viewed here)
There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the Section 4A Checklist(s) located here and submit all documents listed on the checklist.

Section 4B – Environmental Application for Leave to Appeal

Are you filing an Application for Leave to Appeal under the <i>Environmental Bill of Rights, 1993</i> ? <input type="checkbox"/> Yes <input type="checkbox"/> No
Identify the portions of the instrument you are seeking to appeal:
Identify the grounds you are relying on for leave to appeal. Your grounds should include reasons why there is good reason to believe that no reasonable person, having regard to the relevant law and to any government policies developed to guide decisions of that kind could have made the decision; and why the decision could result in significant harm to the environment:
Outline the relief requested:
There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the Section 4B Checklist(s) located here and submit all documents listed on the checklist.

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Section 5A – Appeal regarding Development Permit Application under the *Niagara Escarpment Planning and Development Act*

Appeal Specific Information
Development Permit Application File No:
Name of Applicant for Development Permit:
Reasons for Appeal: Outline the nature and reasons for your appeal. Specific planning, environmental and/or other reasons are required. (The Niagara Escarpment Plan is available on the Niagara Escarpment Commission's website (www.escarpment.org))

Section 5B – Application to amend the *Niagara Escarpment Plan*

Owner			
Last Name:		First Name:	
Email Address:			
Daytime Telephone Number:		Alternative Telephone Number:	
Mailing Address			
Unit Number:	Street Number:	Street Name:	P.O. Box:
City/Town:	Province:	Country:	Postal Code:

Property Location & Information			
Municipality:		Street Number:	Street Name:
Lot:	Concession:	And/or	Lot: Plan:
Assessment Roll Number or PIN:		Lot Size:	

Property Servicing					
Existing Road Frontage:	<input type="checkbox"/> Municipal	<input type="checkbox"/> Private	Proposed Road Frontage:	<input type="checkbox"/> Municipal	<input type="checkbox"/> Private
Existing Water Supply:	<input type="checkbox"/> Municipal	<input type="checkbox"/> Private	Proposed Water Supply:	<input type="checkbox"/> Municipal	<input type="checkbox"/> Private
Existing Sewage Disposal:	<input type="checkbox"/> Municipal	<input type="checkbox"/> Private	Proposed Sewage Disposal:	<input type="checkbox"/> Municipal	<input type="checkbox"/> Private

Is the Proposal the Subject of a Current Application? Please identify:

- Development Permit under *Niagara Escarpment Planning and Development Act*
- The *Planning Act* (Official Plan or Zoning By-law Amendment)
- The *Aggregate Resources Act* (License)
- Committee of Adjustment (Minor Variance)
- Land Division Committee (Severance)
- Other:

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Description of the Property
Describe the current use of the property including any existing buildings or structures:
Category of the Proposed Amendment
<input type="checkbox"/> Change in Designation <input type="checkbox"/> Change to Policy <input type="checkbox"/> Request for Urban Servicing <input type="checkbox"/> Change to Plan Boundary <input type="checkbox"/> Other:
Detailed Description of Proposed Amendment
Provide a detailed description of the proposed amendment:
Justification and Rationale (Including Reasons, Argument and Evidence in Support of the Amendment) (See Niagara Escarpment Plan Amendment Guidelines)
<p>The justification submitted with the application should address the following:</p> <ol style="list-style-type: none"> 1. Analysis of how the proposed amendment is consistent with the <i>Niagara Escarpment Planning and Development Act</i>, the Niagara Escarpment Plan, and shall be consistent with other relevant Provincial plans. 2. A justification which includes the rationale for the amendment, as well as reasons, arguments or evidence in support of the change to the Plan proposed through the amendment. <p>The following studies and reports may be necessary to be submitted in support of justification of the proposed amendment (The applicability of the following will depend on the nature of the application):</p> <ul style="list-style-type: none"> <input type="checkbox"/> Agricultural Land Use Impacts <input type="checkbox"/> Air Quality Impact Assessment <input type="checkbox"/> Engineering Reports <input type="checkbox"/> Environmental Impact Study <input type="checkbox"/> Geological Studies <input type="checkbox"/> Grading Plans – Existing and proposed and Slope Stabilization Plans and Typical Cross Sections <input type="checkbox"/> Historical/Cultural/Archeological Impact Assessment <input type="checkbox"/> Hydrogeological Impact Assessment <input type="checkbox"/> Landscape/Visual Impact Analysis <input type="checkbox"/> Noise Impact Assessment <input type="checkbox"/> Setback from the Brow of the Escarpment <input type="checkbox"/> Suitable for Septic Systems <input type="checkbox"/> Traffic Impact Assessment <input type="checkbox"/> Tree Removal/Planting including Berming and Landscaping <input type="checkbox"/> Other:
Site Plan

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Please attach an accurate Site Plan drawn to scale. The Site Plan may be drawn on a blank sheet; on an attached Survey, or by using mapping software (Ontario Make a Map etc.). The Site Plan must show existing features, such as, buildings and structures, streams, changes in grades, rock outcrops, driveways, forested areas and proposed uses to changes to the property or the features.

NOTE: For amendments regarding Mineral Resource Extraction Areas, please provide copies of the Site Plan as required by Regulation under the *Aggregates Resources Act*.

Section 6 – Mining Claim and Conservation Matters

Appeal Specific Information

List the subject Mining Claim Number(s) (for unpatented mining claims) and accompanying Townships, Areas and Mining Division(s) where mining claims are situated. List all “Filed Only” Mining Claims, if appropriate: (This is to be completed for *Mining Act* appeals only.)

List the Parcel and the Property Identifier Numbers (PIN), if rents or taxes apply to mining lands, if appropriate (mining claims only):

Provide the date of the Decision of the Conservation Authority or the Provincial Mining Recorder, as appropriate:

Provide a brief outline of the reasons for your application/appeal/review. If other lands/owners are affected, please include that information in the outline being provided below:

Respondent Information

Conservation Authority:

Contact Person:

Email Address:

Daytime Telephone Number:

Alternative Telephone Number:

ext.

Mailing Address or statement of last known address/general area they were living and name of local newspaper if address is not available

Unit Number:

Street Number:

Street Name:

P.O. Box:

City/Town:


Province:

Country:

Postal Code:

There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the [Section 6 Checklist\(s\)](#) located [here](#) and submit all documents listed on the checklist.

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Section 7 – Filing Fee			
Required Fee			
Please see the attached link to view the OLT Fee Chart.			
Total Fee Submitted: \$2,200.00			
Payment Method	<input type="checkbox"/> Certified Cheque	<input type="checkbox"/> Money Order	<input checked="" type="checkbox"/> Lawyer's general or trust account cheques
<input type="checkbox"/> Credit Card			
If you wish to pay the appeal fee(s) by credit card, please check the box above and OLT staff will contact you by telephone to complete the payment process upon receipt of the appeal form.			
If a request for a fee reduction is being requested, please pay the minimum filing fee for each appeal and complete/submit the Fee Reduction request form .			
<input type="checkbox"/> Request for Fee Reduction form is attached (if applicable – see Appeal Form Guide for more information)			
Section 8 – Declaration (Mandatory)			
Declaration			
I solemnly declare that all the statements and the information provided, as well as any supporting documents, are true, correct and complete.			
By signing this appeal form below, I consent to the collection of my personal information.			
Name of Appellant/Representative	Signature of Appellant/Representative	Date (yyyy/mm/dd)	
Denise Baker		2022/11/21	
Personal information or documentation requested on this form is collected under the authority of the <i>Ontario Land Tribunal Act</i> and the legislation under which the proceeding is commenced. All information collected is included in the Ontario Land Tribunal (OLT) case file and the public record in this proceeding. In accordance with the <i>Freedom of Information and Protection of Privacy Act</i> and section 9 of the <i>Statutory Powers Procedure Act</i> , all information collected is available to the public subject to limited exceptions.			
We are committed to providing services as set out in the <i>Accessibility for Ontarians with Disabilities Act, 2005</i> . If you have any accessibility needs, please contact our Accessibility Coordinator at OLT.Coordinator@ontario.ca or toll free at 1-866-448-2248 as soon as possible.			
Section 9 – Filing Checklists (Mandatory)			
Filing/Submitting your form and documentation			
You must file your Appeal Form with the appropriate authority(s) by the filing deadline.			
If the completed Section is:	Refer to the relevant checklist and submit all documents listed on the checklist when filing your Appeal Form.		
Section 3B	Review the Section 3B Checklist(s) and attach all listed documents.		
Section 4A	Review the Section 4A Checklist(s) and attach all listed documents.		
Section 4B	Review the Section 4B Checklist(s) and attach all listed documents.		
If the completed Section is:	You must file with the following:		
Section 3A	Municipality or the Approval Authority/School Board *If you are filing under the <i>Ontario Heritage Act</i> , including under s. 34.1(1) , please carefully review the specific section of that legislation to determine if your appeal needs to be filed with the Tribunal in addition to the Municipality or Approval Authority.		
Section 3A & 3B or Section 4A or Section 4B or Section 6	Ontario Land Tribunal 655 Bay Street, Suite 1500 Toronto, ON M5G 1E5	Phone: 416-212-6349 1-866-448-2248 Website: www.olt.gov.on.ca	
Section 5A or 5B	For the Areas of: Dufferin County (Mono) Region of Halton	For the Areas of: Bruce County Grey County	

Appendix "C" to Report PED23073
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	<p align="center">Region of Peel Region of Niagara City of Hamilton</p> <p align="center">File with: NIAGARA ESCARPMENT COMMISSION 232 Guelph Street, 3rd Floor Georgetown, ON L7G 4B1</p> <p align="center">Phone: 905-877-5191 Fax: 905-873-7452 Website: www.escarpment.org Email: necgeorgetown@ontario.ca</p>	<p align="center">Simcoe County Dufferin County (Mulmur, Melancthon)</p> <p align="center">File with: NIAGARA ESCARPMENT COMMISSION 1450 7th Avenue Owen Sound, ON N4K 2Z1</p> <p align="center">Phone: 519-371-1001 Fax: 519-371-1009 Website: www.escarpment.org Email: necowensound@ontario.ca</p>
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NOTE: Please review the notice of the decision you are appealing to determine the appeal deadline and the specific official with whom the appeal should be filed (e.g. Secretary-Treasurer, Clerk, Minister, Ontario Land Tribunal).

NOTE: Relevant portions of the applicable legislation should be reviewed before submitting this form. Please ensure that a copy of this Appeal Form is served in accordance with the requirements of the applicable legislation.



Hamilton

HAMILTON MUNICIPAL HERITAGE COMMITTEE

Report 23-003

12:00 p.m.

February 24, 2023

Room 264, 2nd Floor, City Hall

Present: Councillor C. Kroetsch
A. Denham-Robinson (Chair), J. Brown, K. Burke, G. Carroll, L. Lunsted, R. McKee and W. Rosart

**Absent with
Regards:** C. Dimitry and T. Ritchie

THE HAMILTON MUNICIPAL HERITAGE COMMITTEE PRESENTS REPORT 23-003 AND RESPECTFULLY RECOMMENDS:

1. Heritage Permit Application HP2023-005, Under Part V of the Ontario Heritage Act, for the Erection of a Rear Detached Accessory Structure at 18 Chilton Place, Hamilton (PED23001) (Ward 2) (Item 8.1)

That Heritage Permit Application HP2023-005, for the erection of a rear detached accessory structure on the designated property at 18 Chilton Place, Hamilton (Durand-Markland Heritage Conservation District), as shown in Appendix "A" attached to Report PED23001, be approved, subject to the approval of any required Planning Act applications and the following Heritage Permit conditions:

- (a) That the final details of the windows and garage doors be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to installation;
- (b) That any minor changes to the plans and elevations following approval shall be submitted to the satisfaction and approval of the Director of Planning and Chief Planner, prior to submission as part of any application for a Building Permit;
- (c) That construction and site alterations, in accordance with this approval, shall be completed no later than March 31, 2025. If the construction and site alterations are not completed by March 31, 2025, then this approval expires as of that date, and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

2. Recommendation to Designate 115-117 George Street, Hamilton, under Part IV of the Ontario Heritage Act (PED23027) (Ward 2) (Item 8.2)

- (i) That the City Clerk be directed to give notice of Council's intention to designate 115-117 George Street, Hamilton, shown in Appendix "A" attached to PED23027, 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 "A" to Hamilton Municipal Heritage Committee Report 23-002, subject to the following:
 - (a) 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;
 - (b) 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 through Planning Committee to allow Council to consider the objection and decide whether or not to withdraw the notice of intention to designate the property.
- (ii) That staff be directed to investigate the addition of a designated heritage plaque to be added by the developer, to the property at 115-117 George Street, Hamilton.

3. Council Initiative to Repeal Designation By-laws under Section 31 the Ontario Heritage Act for Vacant Properties at 14 Belvidere Avenue and 14 Mary Street, Hamilton (PED23038) (Wards 2 and 8) (Item 10.1)

That the City Clerk be directed to give notice of Council's intention to repeal By-law No. 83-183, being a by-law designating 14 Belvidere Avenue, Hamilton (Appendix "A" attached hereto to Report PED23038), and By-law No. 01-225, being a by-law designating 14 Mary Street, Hamilton (Appendix "B" attached hereto to Report PED23038), in accordance with the requirements of Section 31(3) of the Ontario Heritage Act, subject to the following:

- (a) For each property that receives no objections to the notice of intention to repeal in accordance with the Ontario Heritage Act, staff be directed to introduce the necessary by-law to repeal to City Council;
- (b) For each property that receives any objection to the notice of intention to repeal in accordance with the Ontario Heritage Act, staff be directed to report back to Council through Planning Committee to allow Council to consider the objection and decide whether or not to withdraw the notice of intention to repeal.

4. Notice of Intention to Demolish the Building Located at 99 Creighton Road, Dundas, being a Non-Designated Property Listed on the Municipal Heritage Register (PED23068) (Ward 13) (Item 10.2)

That the non-designated property located at 99 Creighton Road, Dundas, be removed from the Municipal Heritage Register.

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 2)

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

6. DELEGATION REQUESTS

- *6.1 Chris Uchiyama, LHC Heritage Planning & Archaeology Inc., respecting the Notice of Intention to Demolish the Building Located at 99 Creighton Road, Dundas, being a Non-Designated Property Listed on the Municipal Heritage Register (PED23068) (Ward 13) (for today's meeting)
- *6.2 Matt Johnston, UrbanSolutions Planning & Land Development Consultants Inc., respecting the Notice of Intention to Demolish the Building Located at 99 Creighton Road, Dundas, being a Non-Designated Property Listed on the Municipal Heritage Register (PED23068) (Ward 13) (for today's meeting)

9. CONSENT ITEMS

9.2 Working Group Notes

*9.2.e Policy and Design Working Group - February 13, 2023

*9.3 Heritage Permit Review Sub-Committee Minutes - February 21, 2023

The agenda for March 27, 2023, was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

A. Denham-Robinson declared an interest in Item 8.1, Heritage Permit Application HP2023-005, Under Part V of the Ontario Heritage Act, for the Erection of a Rear Detached Accessory Structure at 18 Chilton Place, Hamilton (PED23001) (Ward 2), as she works for an architecture firm involved with the property.

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

(i) February 24, 2023 (Item 4.1)

The Minutes of February 24, 2023 of the Hamilton Municipal Heritage Committee, be approved, as presented.

(d) DELEGATION REQUESTS (Item 6)

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

- (i) Chris Uchiyama, LHC Heritage Planning & Archaeology Inc., respecting the Notice of Intention to Demolish the Building Located at 99 Creighton Road, Dundas, being a Non-Designated Property Listed on the Municipal Heritage Register (PED23068) (Ward 13) (for today's meeting) (Added Item 6.1)
- (ii) Matt Johnston, UrbanSolutions Planning & Land Development Consultants Inc., respecting the Notice of Intention to Demolish the Building Located at 99 Creighton Road, Dundas, being a Non-Designated Property Listed on the Municipal Heritage Register (PED23068) (Ward 13) (for today's meeting) (Added Item 6.2)

(e) DELEGATIONS (Item 7)

- (i) Chris Uchiyama, LHC Heritage Planning & Archaeology Inc., addressed Committee respecting the Notice of Intention to Demolish the Building Located at 99 Creighton Road, Dundas, being a Non-Designated Property Listed on the Municipal Heritage Register (PED23068) (Ward 13) (Item 7.1)
- (ii) Matt Johnston, UrbanSolutions Planning & Land Development Consultants Inc., addressed Committee respecting the Notice of Intention to Demolish the Building Located at 99 Creighton Road, Dundas, being a Non-Designated Property Listed on the Municipal Heritage Register (PED23068) (Ward 13) (Item 7.2)

The following Delegations, were received:

- (i) Chris Uchiyama, LHC Heritage Planning & Archaeology Inc., addressed Committee respecting the Notice of Intention to Demolish the Building Located at 99 Creighton Road, Dundas, being a Non-Designated Property Listed on the Municipal Heritage Register (PED23068) (Ward 13) (Item 7.1)
- (ii) Matt Johnston, UrbanSolutions Planning & Land Development Consultants Inc., addressed Committee respecting the Notice of Intention to Demolish the Building Located at 99 Creighton Road, Dundas, being a

Non-Designated Property Listed on the Municipal Heritage Register
(PED23068) (Ward 13) (Item 7.2)

For further disposition, refer to Item 4.

(f) STAFF PRESENTATIONS (Item 8)

A. Denham-Robinson relinquished the Chair for the following item.

(i) Heritage Permit Application HP2023-005, Under Part V of the Ontario Heritage Act, for the Erection of a Rear Detached Accessory Structure at 18 Chilton Place, Hamilton (PED23001) (Ward 2) (Item 8.1)

Lisa Christie, Cultural Heritage Planner addressed Committee with a presentation respecting Heritage Permit Application HP2023-005, Under Part V of the Ontario Heritage Act, for the Erection of a Rear Detached Accessory Structure at 18 Chilton Place, Hamilton (PED23001) (Ward 2).

The Presentation respecting Heritage Permit Application HP2023-005, Under Part V of the Ontario Heritage Act, for the Erection of a Rear Detached Accessory Structure at 18 Chilton Place, Hamilton (PED23001) (Ward 2), was received.

For further disposition, refer to Item 1

A. Denham-Robinson assumed the Chair.

(ii) Recommendation to Designate 115-117 George Street, Hamilton, under Part IV of the Ontario Heritage Act (PED23027) (Ward 2) (Item 8.2)

Chloe Richer, Cultural Heritage Planner addressed Committee with a presentation respecting Recommendation to Designate 115-117 George Street, Hamilton, under Part IV of the Ontario Heritage Act (PED23027) (Ward 2).

The Presentation respecting Recommendation to Designate 115-117 George Street, Hamilton, under Part IV of the Ontario Heritage Act (PED23027) (Ward 2), was received.

The City Clerk was directed to give notice of Council's intention to designate 115-117 George Street, Hamilton, shown in Appendix "A" attached to PED23027, 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 PED23027, subject to the following:

- (a) 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;
- (b) 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 through Planning Committee to allow Council to consider the objection and decide whether or not to withdraw the notice of intention to designate the property.

The following sub-section was added to the recommendations:

- (ii) That staff be directed to investigate the addition of a designated heritage plaque to be added by the developer, to the property at 115-117 George Street, Hamilton.**
- (i)** That the City Clerk be directed to give notice of Council's intention to designate 115-117 George Street, Hamilton, shown in Appendix "A" attached to PED23027, 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 PED23027, subject to the following:
 - (a) 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;
 - (b) 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 through Planning Committee to allow Council to consider the objection and decide whether or not to withdraw the notice of intention to designate the property.
- (ii) That staff be directed to investigate the addition of a designated heritage plaque to be added by the developer, to the property at 115-117 George Street, Hamilton.**

For further disposition, refer to Item 2

(f) CONSENT ITEMS (Item 9)

The following were received:

- (i) Delegated Approval: Heritage Permit Applications (Item 9.1)
 - (a) Heritage Permit Application HP2023-007: Exterior and interior renovations at 56 Charlton Avenue, West, Hamilton (Ward 2) (By-law No. 15-152) (Item 9.1(a))
 - (b) Heritage Permit Application HP2023-008: Construction of fence at 128 St. Clair Avenue, Hamilton (Ward 3) (St. Clair Avenue Heritage Conservation District, By-law No. 86-125) (Item 9.1(b))
- (ii) Working Group Notes (Item 9.2)
 - (a) Inventory and Research Working Group Notes - January 23, 2023 (Item 9.2(a))
 - (b) Education and Communication Working Group Notes - July 6, 2022 (Item 9.2(b))
 - (c) Education and Communication Working Group Notes - September 7, 2022 (Item 9.2(c))
 - (d) Education and Communication Working Group Notes - December 6, 2022 (Item 9.2(d))
 - (e) Policy and Design Working Group - February 13, 2023 (Added Item 9.2(e))
- (iii) Heritage Permit Review Sub-Committee Minutes - February 21, 2023 (Added Item 9.3)

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

(i) Buildings and Landscapes (Item 13.1)

Updates to properties can be viewed in the meeting recording.

- (a) The property located at 65 Charlton Avenue East, Church of Ascension (D, NHS), Hamilton, was added to the Buildings and Landscapes of Interest (YELLOW); and
- (b) G. Carroll will monitor the property.

- (a) The property located at 6 Tally Ho Drive, Dundas (I), was added to the Endangered Buildings and Landscapes (RED);
- (b) K. Burke will monitor the property located at 6 Tally Ho Drive, Dundas; and
- (c) The investigation of the property will be referred to the Inventory and Research Working Group.

The following updates, were received:

- (a) Endangered Buildings and Landscapes (RED):
(Red = Properties where there is a perceived immediate threat to heritage resources through: demolition; neglect; vacancy; alterations, and/or, redevelopment)

Ancaster

- (i) 372 Butter Road West, Andrew Sloss House (D) – C. Dimitry
- (ii) 1021 Garner Road East, Lampman House (D) – C. Dimitry
- (iii) 398 Wilson Street East, Marr House (D) – C. Dimitry
Dundas
- (iv) 2 Hatt Street (R) – K. Burke
- (v) 216 Hatt Street (I) – K. Burke
- (vi) 215 King Street West (R) – K. Burke
- (vii) 219 King Street West (R) – K. Burke
- (viii) 6 Tally Ho Drive, Dundas (I) – K. Burke

Glanbrook

- (viii) 2235 Upper James Street (R) – G. Carroll

Hamilton

- (ix) 80-92 Barton Street East, Former Hanrahan Hotel (R) – T. Ritchie
- (x) 1155-1157 Beach Boulevard, Beach Canal Lighthouse and Cottage (D) – R. McKee
- (xi) 66-68 Charlton Avenue West (NOID) – J. Brown
- (xii) 71 Claremont Drive, Auchmar Gate House / Claremont Lodge (R) – R. McKee
- (xiii) 711 Concession Street, Former Mount Hamilton Hospital, 1932 Wing (R) – G. Carroll
- (xiv) 127 Hughson Street North, Firth Brothers Building (D) – T. Ritchie
- (xv) 163 Jackson Street West, Pinehurst / Television City (D) – J. Brown

- (xvi) 108 James Street North, Tivoli (D) – T. Ritchie
- (xvii) 98 James Street South, Former James Street Baptist Church (D) – J. Brown
- (xviii) 18-22 King Street East, Gore Buildings (D) – W. Rosart
- (xix) 24-28 King Street East, Gore Buildings (D) – W. Rosart
- (xx) 537 King Street East, Rebel's Rock (R) – G. Carroll
- (xxi) 378 Main Street East, Cathedral Boys School (R) – T. Ritchie
- (xxii) 679 Main Street East / 85 Holton Street South, Former St. Giles Church (I) – G. Carroll
- (xxiii) 120 Park Street North (R) – R. McKee
- (xxiv) 828 Sanatorium Road, Long and Bisby Building (D) – G. Carroll
- (xxv) 100 West 5th Street, Century Manor (D) – G. Carroll

- (b) Buildings and Landscapes of Interest (YELLOW):
(Yellow = Properties that are undergoing some type of change, such as a change in ownership or use, but are not perceived as being immediately threatened)

Dundas

- (i) 64 Hatt Street, Former Valley City Manufacturing (R) – K. Burke
- (ii) 24 King Street West, Former Majestic Theatre (I) – K. Burke
- (iii) 3 Main Street, Former Masonic Lodge (R) – K. Burke
- (iv) 23 Melville Street, Knox Presbyterian Church (D) – K. Burke
- (v) 574 Northcliffe Avenue, St. Joseph's Motherhouse (R) – W. Rosart

Flamborough

- (vi) 283 Brock Road, WF Township Hall (D) – L. Lunsted
- (vii) 62 6th Concession East, Hewick House (I) – L. Lunsted

Hamilton

- (viii) 1 Balfour Drive, Chedoke Estate / Balfour House, (R) – T. Ritchie
- (ix) 384 Barton Street East, St. Paul's Ecumenical Church (D) – T. Ritchie
- (x) 134 Cannon Street East, Cannon Knitting Mill (R) – T. Ritchie
- (xi) 52 Charlton Avenue West, Former Charlton Hall (D) – J. Brown

- (xii) 56 Charlton Avenue West, Former Charlton Hall (D) – J. Brown
- (xiii) 2 Dartnall Road, Rymal Road Station Silos (R) – G. Carroll
- (xiv) 54-56 Hess Street South (R) – J. Brown
- (xv) 1000 Main Street East, Dunington-Grubb Gardens / Gage Park (R) – G. Carroll
- (xvi) 1284 Main Street East, Delta High School (D) – G. Carroll
- (xvii) 1 Main Street West, Former BMO / Gowlings (D) – W. Rosart
- (xviii) 311 Rymal Road East (R) – C. Dimitry
- (xix) St. Clair Boulevard Heritage Conservation District (D) – G. Carroll
- (xx) 50-54 Sanders Boulevard, Binkley Property (R) - J. Brown
- (xxi) 56 York Boulevard / 63-76 MacNab Street North, Copley Building (D) – G. Carroll
- (xxii) 84 York Boulevard, Philpott Church (R) – G. Carroll
- (xxiii) 175 Lawrence Road, Hamilton Pressed / Century Brick (R) – G. Carroll
- (xxiv) 65 Charlton Avenue East, Church of Ascension (D, NHS), Hamilton – G. Carroll

Stoney Creek

- (xxiv) 77 King Street West, Battlefield House NHS (D) – R. McKee
- (xxv) 2251 Rymal Road East, Former Elfrida Church (R) – C. Dimitry

- (c) Heritage Properties Update (GREEN):
(Green = Properties whose status is stable)

Dundas

- (i) 104 King Street West, Former Post Office (R) – K. Burke Hamilton
- (ii) 46 Forest Avenue, Rastrick House (D) – G. Carroll
- (iii) 88 Fennell Avenue West, Auchmar (D) – R. McKee
- (iv) 125 King Street East, Norwich Apartments (R) – T. Ritchie
- (v) 206 Main Street West, Arlo House (R) – J. Brown

- (d) Heritage Properties Update (black):
(Black = Properties that HMHC have no control over and may be demolished)

Ancaster

- (i) 442, 450 and 452 Wilson Street East (R) – C. Dimitry

A. Denham-Robinson relinquished the Chair to speak to the following items:

The following updates were received:

(ii) Heritage Day Update (Item 13.2)

A. Denham-Robinson addressed Committee with an update of the activities at Heritage Day.

(iii) Ontario Heritage Conference 2023 (Item 13.3)

A. Denham-Robinson address Committee with information on the Ontario Heritage Conference 2023.

A. Denham-Robinson assumed the Chair.

(i) ADJOURNMENT (Item 15)

There being no further business, the Hamilton Municipal Heritage Committee adjourned at 1:21 p.m.

Respectfully submitted,

Alissa Denham-Robinson, Chair
Hamilton Municipal Heritage Committee

Loren Kolar
Legislative Coordinator
Office of the City Clerk

STATEMENT OF CULTURAL HERITAGE VALUE OR INTEREST AND DESCRIPTION OF HERITAGE ATTRIBUTES

Description of Property

The property located at 115-117 George Street is comprised of a semi-detached, two-and-a-half storey brick building constructed circa 1871. The property is located on the southeast corner of George Street and Queen Street South in the Central Neighbourhood in the City of Hamilton.

Statement of Cultural Heritage Value or Interest

The two-and-a-half storey brick building located at 115-117 George Street was constructed circa 1871 as a semi-detached residential dwelling and was modified in the 1970s for commercial purposes. The property has design or physical value as a representative vernacular example of the Gothic Revival style of architecture, demonstrated by a side gable roof with two projecting front gables with pointed arch window openings below and paired wood brackets below the projecting roof eaves.

The historical value of the property lies in its direct association with entrepreneur and industrialist John Moodie (1832-1902), known as one of the “Five Johns” celebrated for their role in bringing hydro power into Hamilton from the distant site of De Cew Falls, who was an early owner of the property. The property also has historical value due to its association with the growth and commercial prosperity of the City of Hamilton in the late-nineteenth century.

The property also has contextual value as it is physically, functionally, visually and historically linked to its surroundings, and helps define the character of the historic Hess Village streetscape, marking the entrance to George Street from Queen Street South. The building faces George Street and is an integral component of Hess Village, comprised of a number of low-rise buildings dating to the late-nineteenth and early-twentieth centuries, many of which were successfully rehabilitated for mixed-uses in the 1970s. The building at 115-117 George Street is also a sister design to the adjacent semi-detached brick building at 107-109 George Street, believed to have also been constructed circa 1871 by John Moodie, which was designated under Part IV of the *Ontario Heritage Act* in 1985.

Description of Heritage Attributes

Key attributes that embody the design / physical value of the property as being representative of the vernacular Gothic Revival style of architecture include the:

- Front (north) and side (east and west) exterior elevations of the two-and-a-half storey brick building, including the:

- Running bond brick masonry construction;
- Side gable roof with projecting eaves and paired decorative wood brackets with drops;
- Single-stack corbelled brick chimney located to the southwest;
- Projecting front gables with pointed-arch window openings below;
- Symmetrical front (north) elevation with three bays of flat-headed window openings in the second storey with shaped stone lintels and sills; and,
- Segmentally-arched window openings in the side (east and west) elevations with brick voussoirs and stone sills.

Key attributes that embody the contextual value of the property in defining the character of the historic Hess Village streetscape include the:

- The setback, placement as an entrance to George Street from Queen Street South and orientation of the front (north) elevation facing George Street.

The modified first-storey front (north) elevation, south (rear) elevation, and rear wings and interior features are not considered to be Heritage Attributes.

CITY OF HAMILTON

MOTION

Planning Committee: April 4, 2023

MOVED BY COUNCILLOR M. FRANCIS.....

MOVED BY COUNCILLOR

Outdoor Commercial Patios – Minor Variances and Temporary Use By-laws

WHEREAS, Outdoor Commercial Patios are regulated in size and location by Zoning By-law No. 05-200;

WHEREAS, By-law No. 20-181, as amended by By-law Nos. 20-215 and 21-143 amended the Outdoor Commercial Patio regulations in the Zoning By-law to provide temporary relief from the locational requirements for Outdoor Commercial Patios;

WHEREAS, Report PED20135(c) recommended reinstatement of the temporary locational permissions for Outdoor Commercial Patios to support local businesses by increasing operational flexibility;

WHEREAS, Council approved By-law No. 22-073 to reinstate the temporary locational permissions for Outdoor Commercial Patios on properties abutting a Residential Zone provided a minimum setback of 5 metres from a Residential Zone is provided and the patio does not obstruct a driveway, parking aisle or fire route, and the Zoning By-law restricts Outdoor Commercial Patios to the front yard of a property if the rear lot line abuts a Residential Zone, Downtown Residential (D5) Zone, or Downtown Multiple Residential (D6) Zone, or is separated by a laneway from said zones;

WHEREAS, Report PED20135(c) directed staff to report back to Council before April 2025, prior to the expiration of the Temporary Use By-law, to present staff’s evaluation of the merits of establishing the temporary locational permissions for Outdoor Commercial Patios as permanent given that commercial entertainment and recreation on Outdoor Commercial Patios is now permitted in the Zoning By-laws and regulated by the Noise Control-By-law;

WHEREAS, a Minor Variance Application is required to assess variations from the requirements of the Zoning By-law;

WHEREAS, a Minor Variance Application fee is \$3,735.00.

WHEREAS, a Routine Minor Variance fee of \$675.00 is applied to pools, decks, sheds, accessory buildings, porches, eave projections, recognizing legal non-complying situations and secondary dwelling units;

WHEREAS, in 2022, four Minor Variance Applications were received to modify the zoning regulations associated with Outdoor Commercial Patio locations;

WHEREAS, a variance to the locational permissions and setback requirements for Outdoor Commercial Patios shall require varying the location requirements in the Zoning By-law and the temporary location permissions and setback requirements of the Temporary Use By-law;

THEREFORE BE IT RESOLVED

That staff be directed to amend the interpretation note for Routine Minor Variance applications in the Tariff of Fees By-law to include variances to the zoning by-law regulations for Outdoor Commercial Patios and the temporary use provisions where a Temporary Use By-law applies to the property for Outdoor Commercial Patios as a Routine Minor Variance.

CITY OF HAMILTON NOTICE OF MOTION

Planning Committee: April 4, 2023

MOVED BY COUNCILLOR T. MCMEEKIN.....

Demolition Permit for 1262 Centre Road, Flamborough

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

WHEREAS, in order to preserve the land, in a safe and secure manner, the family has removed (with building permit) the dilapidated garage. The remaining house is beyond repair and dangerous for people to enter, yet people continue to break in

WHEREAS, for the past 25 years, the majority of the 32 acres has been rented and farmed by a local farming family, Robinson Farms. This parcel would also be incorporated into farmland.

THEREFORE, BE IT RESOLVED:

That the Chief Building Official be authorized to issue a demolition permit for 1262 Centre Road, Flamborough, pursuant to Section 33 of the Planning Act as amended, without having to comply with the conditions in Sub-Section 6.(a) of Demolition Control Area By-law 22-101.