



**PLANNING COMMITTEE  
REPORT  
21-015**

October 5, 2021

9:30 a.m.

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

**Present:** Councillors J.P. Danko (Chair)  
B. Johnson (1<sup>st</sup> Vice Chair), J. Farr (2<sup>nd</sup> Vice Chair), M. Pearson,  
L. Ferguson, M. Wilson and J. Partridge

**Also in Attendance:** Councillors A. VanderBeek and E. Pauls

**THE PLANNING COMMITTEE PRESENTS REPORT 21-015 AND RESPECTFULLY  
RECOMMENDS:**

- 1. Appeal of Phase 2 of Urban Hamilton Official Plan Amendment and Zoning By-law Amendment Applications to the Ontario Land Tribunal (OLT) for Lack of Decision for Lands Located at 354 King Street West, Hamilton (PED21178) (Ward 1) (Item 7.1)**

That Report PED21178 respecting Appeal of Phase 2 of Urban Hamilton Official Plan Amendment and Zoning By-law Amendment Applications to the Ontario Land Tribunal (OLT) for Lack of Decision for Lands Located at 354 King Street West, Hamilton (PED21178) (Ward 1), be received.

- 2. To Incorporate City Lands into Leavitt Boulevard by By-law (PED21033) (Ward 15) (Item 7.2)**
  - (a) That the following City Lands designated as Parts 3, 6, 9, 10, 12, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 38, 39, 40 and 41, on Plan 62R-21643 be established as a public highway to form part of Leavitt Boulevard Right-of-Way;
  - (b) That the following City Lands designated as Parts 15, 16 and 19 on Plan 62R-21643 be established as a public highway to form part of the existing Dundas Street East Right-of-Way;

- (c) That the By-law to incorporate the City lands to form part of Leavitt Boulevard and Dundas Street East be prepared to the satisfaction of the City Solicitor and be enacted by Council;
- (d) That the By-law will be held in abeyance until the Leavitt Boulevard road construction is completed to the satisfaction of the Senior Director Growth Management;
- (e) That the General Manager of Public Works be authorized and directed to register the By-law;
- (f) That the Senior Director of Growth Management be delegated the Authority to make the necessary arrangements including land transfer(s) and establishment of easement(s) as required;
- (g) That Parts 33 and 42 on Plan 62R-21643 be transferred to the developer for nominal consideration, subject to reserving an easement in favour of the City of Hamilton for the purpose of protecting existing storm sewer and overland flow drainage infrastructure within this parcel.

**3. Demolition Permit - 52 Albany Avenue, Hamilton (PED21172) (Ward 4) (Item 7.3)**

That the Chief Building Official be authorized to issue a demolition permit for 52 Albany Avenue, Hamilton, in accordance with By-law 09-208, as amended by By-law 13-185, pursuant to Section 33 of *The Planning Act* as amended, without having to comply with conditions 6(a), (b), and (c) of the Demolition Control By-law 09-208.

**4. To Incorporate City lands into Glanair Drive and Aeropark Boulevard by By-law (PED21165) (Ward 11) (Item 7.4)**

- (a) That the following City lands designated as Parts 3, 10, and 11 on Plan 62R-12459 be established as a public highway to form part of Glanair Drive;
- (b) That the following City lands designated as Part 6 on Plan 62R-15449 and Parts 1, 2, 3, and 4 on Plan 62R-21611, save and except Parts 10, and 11 on Plan 62R-12459, Part 5 on Plan 62R-21611, Part 1 on Plan 62R-21136, and Parts 1 and 2 on Plan 62R-18932, be established as a public highway to form part of Aeropark Boulevard;
- (c) That the By-law to incorporate the City lands to form part of Glanair Drive, be prepared to the satisfaction of the City Solicitor and be enacted by Council;

- (d) That the By-law to incorporate the City lands to form part of Aeropark Boulevard, be prepared to the satisfaction of the City Solicitor and be enacted by Council; and,
- (e) That the General Manager of Public Works be authorized and directed to register the By-laws.

**5. Hamilton Municipal Heritage Committee Report 21-007 (Item 7.5)**

**(a) Heritage Permit Application HP2021-037, Under Part IV of the Ontario Heritage Act, for Façade Integration into Redevelopment of 18 - 28 King Street East, Hamilton (PED21195) (Ward 2) (Item 8.1)**

That Heritage Permit application HP2021-037, for redevelopment of the properties including integrating the designated heritage façades into a new six storey mixed use building, for the lands located at 18-28 King Street East, be approved, subject to the following conditions:

- (a) That a Conservation Plan in accordance with the City's Guidelines for Conservation Plans be prepared and submitted by the applicant to the satisfaction and approval of the Director of Planning and Chief Planner prior to the issuance of any Building Permit for demolition or new construction;
- (b) That the Conservation Plan completed by the applicant's heritage consultants address the following to the satisfaction and approval of the Director of Planning and Chief Planner prior to the issuance of any Building Permit for demolition or new construction:
  - (i) Structural drawings for the facade retention frame;
  - (ii) Demolition and dismantling plan that provides the methodology for labelling, dismantling, re-locating and storing heritage elements;
  - (iii) Inventory of items to be dismantled and stored;
  - (iv) Masonry key plan that shows the original location and condition of individual stones for 28 King Street East;
  - (v) Monitoring plan for regular monitoring of stored elements and structural retention frames;
  - (vi) Repair methodologies and materials for heritage fabric including masonry specifications for suitable repair mortars and replacement stone;
  - (vii) Structural and architectural drawings for integration of the heritage facades into the new structure;
  - (viii) Window specifications for replacement windows to be installed in the heritage facades;
  - (ix) Construction management plan that includes protection and monitoring of the façade retention frame and sequencing and

- co-ordination of conservation work, demolition work and new construction;
- (x) Project schedule and cost estimates for the proposed conservation work; and,
  - (xi) Identify what remains of the original storefronts and provide recommendations for the final storefront designs;
- (c) That the recommendations from the Conservation Plan submitted to the satisfaction of the Director of Planning and Chief Planner, be implemented to the satisfaction of the Director of Planning and Chief Planner, prior to the issuance of an Occupancy Permit;
- (d) That the following conditions with respect to cost estimates to implement the Conservation Plan and a Letter of Credit shall be satisfied prior to submission of an application for a Building Permit for removal of portions of the building:
- (i) The applicant shall provide cost estimates for 100% of the total cost of securing, protecting and stabilizing the retained portions, the cost of monitoring and security for a period of three years and the total cost of restoration and protective enclosure of the retained Designated portions. Such cost estimates shall be in a form satisfactory to the Director of Planning and Chief Planner;
  - (ii) The applicant shall provide a Letter of Credit to the Director of Planning and Chief Planner for 100% of the total estimated cost as per (i) above in a form satisfactory to the City's Finance Department (Development Officer, Budget, Taxation and Policy) to be held by the City as security for securing, protecting, stabilizing, monitoring and restoring the retained portions as required by this Heritage Permit:
    - (1) The Letter of Credit shall be kept in force, whether or not the ownership of 18-28 King Street East changes at any time, until the completion of the required restoration of the retained portions and the erection of a permanent structure to enclose the rear of the retained portions and / or to otherwise attach the retained portions to a new building in conformity with the approved design and requirements;
    - (2) The Letter of Credit may be reduced in accordance with the City's Letter of Credit Policy for site plan applications;
    - (3) If the Letter of Credit is about to expire without renewal thereof and any part of securing, protecting,

stabilizing, monitoring or restoring the retained portions has not been completed in conformity with their approved designs, the City may draw all of the Letter of Credit funds and hold them as security to guarantee completion unless the City's Finance Department (Development Officer, Budget, Taxation and Policy) is provided with a renewal of the Letter of Credit forthwith; and,

- (4) In the event that the Owner fails to complete, to the satisfaction of the Director of Planning and Chief Planner, the required securing, protecting, stabilizing, monitoring or restoring of the retained portions and the erection of a permanent structure to enclose the rear of the retained portions and / or attach to a new building in conformity with its approved design within the time required, then the City, in addition to any other remedies that the City may have, may exercise its authority under section 446 of the Municipal Act to have its employees, agents or contractors enter 18-28 King Street East to complete any one or more of these requirements. The cost of completion of securing, protecting, stabilizing, monitoring or restoring the retained portions shall be paid in full by the Owner from the Letter of Credit. In the event that there is a surplus, the City shall pay the surplus to the Owner upon completion of the requirement(s). In the event that there is a deficit, the City may further exercise its authority under section 446 of the Municipal Act including but not limited to adding the deficit to the tax roll and collecting it in the same manner as property taxes;
- (e) That prior to the issuance of any Building Permit for demolition or new construction, the applicant enters into and registers on title a Heritage Easement Agreement and covenant with the City pursuant to the Ontario Heritage Act for the purposes of maintaining the heritage attributes consistent with the conditionally approved permit to the satisfaction and approval of the Director of Planning and Chief Planner, and that the Mayor and Clerk, or delegate, as the case may be, are hereby authorized to execute any such agreement;
- (f) 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 any application for a Building Permit and / or the commencement of any alterations;

- (g) That should a Building Permit for the proposed alterations, in accordance with this approval, not be obtained and acted upon by October 31, 2023 then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton;
- (h) That the proposed alterations, in accordance with this approval, shall be completed no later than October 31, 2024. If the alterations are not completed by October 31, 2024, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton;
- (i) That the Director of Planning and Chief Planner be authorized to approve a request to extend the dates noted in conditions (g) and (h) of this approval if that request is submitted prior to the expiry and if progress is being made.

**(b) Heritage Permit Application HP2021-033, under Part IV of the *Ontario Heritage Act* for the relocation of 398 Wilson Street East, Ancaster (PED21196) (Ward 12)**

- (a) That Council approve Heritage Permit HP2021-033 for 398 Wilson Street East, Ancaster, as submitted, with the following conditions:
  - (i) 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 and / or the commencement of any alterations;
  - (ii) That the installation of the alterations, in accordance with this approval, shall be completed no later than July 31, 2023. If the alterations are not completed by July 31, 2023, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton;
  - (iii) That an Archaeological Assessment for the entirety of the site be submitted to the satisfaction of the Director of Planning and Chief Planner;
  - (iv) That a full Building Condition Assessment by a qualified professional Structural Engineer with experience in heritage buildings be prepared to the satisfaction of the Director of Planning and Chief Planner;

- (v) That a signed letter from a Professional Engineer with experience in historic stone structures confirming the feasibility of relocation on the site be submitted to the satisfaction of the Director of Planning and Chief Planner;
- (vi) That a signed letter from an experienced building moving company with experience in relocating historic stone buildings be submitted to the satisfaction of the Director of Planning and Chief Planner;
- (vii) That a full Phase II ESA for the entirety of the site be submitted to the satisfaction of the Director of Planning and Chief Planner;
- (viii) That a revised Cultural Heritage Impact Assessment, assessing the proposal against required criteria and a new Statement of Cultural Heritage Value and Interest be submitted to the satisfaction and approval of the Director of Planning and Chief Planner;
- (ix) That the designating By-law No. 78-87 be repealed in accordance with the requirements of the Ontario Heritage Act at the expense of the owner;
- (x) That a new designation By-law be prepared in accordance with the requirements of the Ontario Heritage Act for the building's new location at the expense of the owner;
- (xi) That a new Survey be prepared to accompany a new designation By-law indicating the boundaries to which the designation applies;
- (xii) That a Conservation Plan in accordance with the City's Guidelines for Conservation Plans be submitted to the satisfaction and approval of the Director of Planning and Chief Planner;
- (xii) That the applicant enters into a Heritage Easement Agreement with the City to the satisfaction and approval of the Director of Planning and Chief Planner prior to the issuance of any Building Permit for demolition or new construction, and that this agreement is registered on title;
- (xiii) That a Letter of Credit be provided to be held by the City based on the cost estimates for 100% of the total cost of securing, protecting, stabilizing, relocating, monitoring for a period of three years and the total cost of restoration. Such

cost estimates shall be in a form satisfactory to the Director of Planning and Chief Planner;

- (xiv) That any technical studies may be subject to Peer Review at the expense of the owner where deemed necessary.
- (xv) That if the building is to be relocated prior to site plan approval for the redevelopment of 392, 398, 400, 402, 406 and 412 Wilson Street East and 15 Lorne Avenue, then the owner shall apply for and receive approval of a Minor Site Plan Application (MDA), and any other relevant Planning Act applications for the proposed relocation.
- (xvi) That the owner submit an Official Plan Amendment and Zoning By-law Amendment for the redevelopment of 392, 398, 400, 402, 406 and 412 Wilson Street East and 15 Lorne Avenue or alternatively the owner provide written confirmation to the Director of Planning and Chief Planner that they will be proceeding in accordance with the existing zoning in effect for these lands.

- (b) That staff be directed to report back to the Planning Committee before July 2022 on how the above Conditions (a) (i) to (xvi) have been cleared.

**6. Next Generation 9-1-1 Street Name Amendments (Bayview Avenue, Margaret Street, William Street, Union Street, and Portions of Woodworth Drive, and Sleepy Hollow Court – Flamborough, Ancaster, and Dundas) (Wards 12, 13 and 15) (PED20175(c)) (Item 9.2)**

- (a) That Bayview Avenue, in the former Town of Flamborough, Greensville, Ward 13, be renamed “Bayview Court North” as identified on Appendix “A” to Report PED20175(c), and that the draft By-law, attached as Appendix “B” to Report PED20175(c), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That Margaret Street, in the former Town of Flamborough, Lynden, Ward 12, be renamed “Cheryl Lynn Lane” as identified on Appendix “C” to Report PED20175(c), and that the draft By-law, attached as Appendix “D” to Report PED20175(c), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (c) That William Street, in the former Town of Flamborough, Waterdown, Ward 15, be renamed “Vinegar Hill” as identified on Appendix “E” to Report PED20175(c), and that the draft By-law, attached as Appendix “F” to Report PED20175(c), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;



- (d) That William Street, in the former Town of Flamborough, Freelon, Ward 13, be renamed “William Terrace North” as identified on Appendix “G” to Report PED20175(c), and that the draft By-law, attached as Appendix “H” to Report PED20175(c), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (e) That Union Street, in the former Town of Flamborough, Lynden, Ward 12, be renamed “Pine Terrace Lane” as identified on Appendix “I” to Report PED20175(c), and that the draft By-law, attached as Appendix “J” to Report PED20175(c), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (f) That a portion of Woodworth Drive, in the former Town of Ancaster, Ward 12, east of Elgin Place, be renamed “Woodworth Drive East” as identified on Appendix “K”, as amended, to Report PED20175(c), to remove the portion of Woodworth Drive that is south of Calvin Street, and that the draft By-laws, attached as Appendix “L” and a new Appendix “R”, to rename the portion of Woodworth Drive that is south of Calvin Street, to be Woodworth Court, to Report PED20175(c), which have been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (g) That a portion of Woodworth Drive, in the former Town of Ancaster, Ward 12, west of Elgin Place, be renamed “Woodworth Drive West” as identified on Appendix “M” to Report PED20175(c), and that the draft By-law, attached as Appendix “N” to Report PED20175(c), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (h) That a portion of Sleepy Hollow Court, in the former Town of Dundas, Ward 13, be renamed “Sleepy Hollow Court North” as identified on Appendix “O” to Report PED20175(c), and that the draft By-law, attached as Appendix “P” to Report PED20175(c), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
  - (i) That the public submissions regarding this matter were received and considered by the Committee in approving the Report recommendations, as amended.
- 7. Application to Amend the Hamilton Zoning By-law No. 05-200 for Lands Located at 1411 and 1415 Upper Wellington Street, Hamilton (PED21187) (Ward 7) (Item 9.3)**
- (a) That amended Zoning By-law Amendment Application ZAC-20-033, by T. Johns Consulting Group Inc. (c/o Diana Morris) on behalf of Shalom Manor and Gardens (Owner) for a change in zoning from the Neighbourhood Institutional (I1) Zone to the Major Institutional (I3, 745,

H39) Zone and from the “DE-3/1471” (Multiple Dwellings) District, Modified to the Major Institutional (I3, 745, H39) Zone to permit the development of a seven-storey long term care facility containing 128 beds and 132 retirement suites, for the lands located at 1411 and 1415 Upper Wellington Street, as shown on Appendix “A” to Report PED21187, be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix “B” to Report PED21187, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That Schedule “D” – Holding Provisions of Zoning By-law No. 05-200 be amended by adding an additional Holding Provision as follows:
    - “39. For the lands zoned Major Institutional (I3, 745, H39) Zone on Maps 1375 and 1376 of Schedule “A” – Zoning Maps and described as 1411 and 1415 Upper Wellington Street, the development shall not proceed until:
      - (1) The Owner provides a signed agreement with the property owner to the north and east to allow for drainage to outlet to private lands, to the satisfaction of the Manager of Engineering Approvals.
      - (2) The Owner provides a signed agreement with the property owner to the south allowing for reception of stormwater flows through their site via connection to a private storm sewer system and outlet of emergency overland flow route, to the satisfaction of the Manager of Engineering Approvals.”
  - (iii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2020), conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), and comply with the Urban Hamilton Official Plan.
- (b) That the public submissions were received and considered in approving the application.

**8. Demolition Permit for 1347 Upper Wellington Street (Item 11.1)**

WHEREAS, the owner has boarded up the vacant property but continues to have untoward activity at the property that is uninhabitable; and,

WHEREAS, it is not appropriate to pursue repair or restoration of this building as prescribed by the Property Standards By-law or maintain the property on the Vacant Building Registry and demolition is appropriate;

THEREFORE, BE IT RESOLVED:

That the Chief Building Official be authorized to issue a demolition permit for 1347 Upper Wellington St., Hamilton, in accordance with By-law 09-208, as amended by By-law 13-185, pursuant to Section 33 of The Planning Act as amended, without having to comply with conditions 6(a), (b), and (c) of the Demolition Control By-law 09-208.

**9. Carluke Cemetery Parking Lot and Carluke Playground Equipment (PED21171) (Ward 12) (Outstanding Business List Item) (Item 14.2)**

- (a) That Report PED21171 respecting Carluke Cemetery Parking Lot and Carluke Playground Equipment, be received; and,
- (b) That Report PED21171 respecting Carluke Cemetery Parking Lot and Carluke Playground Equipment, and its Appendix "A", remain private and confidential.

**FOR INFORMATION:**

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

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

**1. DELEGATION REQUESTS (Item 6)**

- 6.3 Patrick Harrington respecting 398 Wilson St. E. (Item 7.5) (For today's meeting)
- 6.4 John Allan respecting 398 Wilson St. E. (Item 7.5) (For today's meeting)
- 6.5 James MacLeod respecting 398 Wilson St. E. (Item 7.5) (For today's meeting)
- 6.6 Adrian Hornich respecting 398 Wilson St. E. (Item 7.5) (For today's meeting)

**2. CONSENT ITEMS (Item 7)**

7.5 Hamilton Municipal Heritage Committee Report 21-007

- (a) Written Submissions for Item 2 – 398 Wilson St E:
  - (i) David and Donna Molnar
  - (ii) Alexandra Bojcevski

- (iii) Barb Russell-Morse
- (iv) Sandra Starr
- (v) Katie Deverson
- (vi) Rowen Baker
- (vii) Sandy Price
- (viii) Mary Vrabel
- (ix) Gail Moffatt
- (x) John Olmsted
- (xi) Graham and Linda Clements
- (xii) Jan King
- (xiii) Don Currie
- (xiv) Patricia Cole-Stever
- (xv) David Starr
- (xvi) Paul White
- (xvii) Simon Hardcastle
- (xviii) Caroline Reid
- (xix) Maxine Morris
- (xx) Andrea MacArthur
- (xxi) Wendi Van Exan

**3. PUBLIC HEARINGS / DELEGATIONS (Item 9)**

9.3 Application to Amend the Hamilton Zoning By-law No. 05-200 for Lands Located at 1411 and 1415 Upper Wellington Street, Hamilton (PED21187) (Ward 7)

(a) Registered Delegation:

- (i) Carlo Silvestri

**3. NOTICES OF MOTION (Item 12)**

12.1 Municipal Law Enforcement Weekly Updates to Council

The agenda for the October 5, 2021 meeting was approved, as amended.

**(b) DECLARATIONS OF INTEREST (Item 3)**

None declared.

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

**(i) September 21, 2021 (Item 4.1)**

The Minutes of the September 21, 2021 meeting were approved, as presented.

**(d) DELEGATION REQUESTS (Item 6)**

**(i) Various Delegation Requests (Item 6.1 – 6.6)**

(a) The following Delegation Requests were approved for today's meeting, and

(b) To be heard prior to the respective item:

6.1 Andriy Dusanowsky respecting 52 Albany Avenue (Item 7.3)

6.2 Robert Maton, Ancaster Village Heritage Community, respecting 398 Wilson St. E. (Item 7.5)

6.3 Patrick Harrington respecting 398 Wilson St. E. (Item 7.5)

6.4 John Allan respecting 398 Wilson St. E. (Item 7.5)

6.5 James MacLeod respecting 398 Wilson St. E. (Item 7.5)

6.6 Adrian Hornich respecting 398 Wilson St. E. (Item 7.5)

**(e) PUBLIC HEARINGS / DELEGATIONS (Item 9)**

**(i) Andriy Dusanowsky respecting 52 Albany Avenue (Item 7.3) (For today's meeting) (Item 9.4)**

Andriy Dusanowsky addressed the Committee respecting 52 Albany Avenue (Item 7.3).

The Delegation from Andriy Dusanowsky respecting 52 Albany Avenue (Item 7.3), was received.

For disposition of this matter, refer to Item 3 and (f)(i).

**(f) CONSENT ITEMS (Item 7)**

**(i) Demolition Permit – 52 Albany Avenue, Hamilton (PED21172) (Ward 4) (Item 7.3)**

The Chief Building Official was authorized to issue a demolition permit for 52 Albany Avenue, Hamilton, in accordance with By-law 09-208, as amended by By-law 13-185, pursuant to Section 33 of *The Planning Act* as amended, without having to comply with conditions 6(a), (b), and (c) of the Demolition Control By-law 09-208.

For disposition of this matter, refer to Item 3.

**(g) PUBLIC HEARINGS / DELEGATIONS (Item 9) - Continued**

**(i) Delegation Requests respecting 398 Wilson St. E. (Item 7.5) (Items 9.5 - 9.9)**

The following delegations were not in attendance when called upon to speak:

- 9.7 John Allan
- 9.9 Adrian Hornich

The following delegations addressed the Committee respecting 398 Wilson St. E.:

- 9.5 Robert Maton, Ancaster Village Heritage Community
- 9.6 Patrick Harrington
- 9.8 James MacLeod

The above Delegations were received.

For disposition of this matter, refer to Item 5 and (h)(i).

**(h) CONSENT ITEMS (Item 7) - Continued**

**(i) Hamilton Municipal Heritage Committee Report 21-007 (Item 7.5)**

**(b) Heritage Permit Application HP2021-033, under Part IV of the *Ontario Heritage Act* for the relocation of 398 Wilson Street East, Ancaster (PED21196) (Ward 12) (Added Item 8.2)**

The following written submissions respecting Item 7.5(a), were received:

- (i) David and Donna Molnar
- (ii) Alexandra Bojcevski
- (iii) Barb Russell-Morse
- (iv) Sandra Starr
- (v) Katie Deverson
- (vi) Rowen Baker
- (vii) Sandy Price
- (viii) Mary Vrabel
- (ix) Gail Moffatt
- (x) John Olmsted
- (xi) Graham and Linda Clements
- (xii) Jan King
- (xiii) Don Currie

- (xiv) Patricia Cole-Stever
- (xv) David Starr
- (xvi) Paul White
- (xvii) Simon Hardcastle
- (xviii) Caroline Reid
- (xix) Maxine Morris
- (xx) Andrea MacArthur
- (xxi) Wendi Van Exan

The recommendations in Item #2 of Hamilton Municipal Heritage Committee Report 21-007, respecting Heritage Permit Application HP2021-033, under Part IV of the *Ontario Heritage Act* for the relocation of 398 Wilson Street East, Ancaster, were **amended** by deleting sub-sections (a) and (b) in their entirety and replacing them with the **amended** recommendations as follows:

~~(a) That Heritage Permit application HP2021-033, for the relocation of the Part IV designated heritage building at 398 Wilson Street East, Ancaster, attached hereto as Appendix "A" under section 34 of the Ontario Heritage Act, be deemed to be premature and therefore **be denied**;~~

~~(b) That appropriate notice of the Council decision be served on the owner of 398 Wilson Street East, Ancaster, and the Ontario Heritage Trust, as required under Section 34 of the Ontario Heritage Act.~~

**(a) That Council approve Heritage Permit HP2021-033 for 398 Wilson Street East, Ancaster, as submitted, with the following conditions:**

**(i) 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 and / or the commencement of any alterations;**

**(ii) That the installation of the alterations, in accordance with this approval, shall be completed no later than July 31, 2023. If the alterations are not completed by July 31, 2023, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton;**

**(iii) That an Archaeological Assessment for the entirety of the site be submitted to the satisfaction of the Director of Planning and Chief Planner;**

**(iv) That a full Building Condition Assessment by a qualified professional Structural Engineer with experience in heritage**

- buildings be prepared to the satisfaction of the Director of Planning and Chief Planner;*
- (v) That a signed letter from a Professional Engineer with experience in historic stone structures confirming the feasibility of relocation on the site be submitted to the satisfaction of the Director of Planning and Chief Planner;*
  - (vi) That a signed letter from an experienced building moving company with experience in relocating historic stone buildings be submitted to the satisfaction of the Director of Planning and Chief Planner;*
  - (vii) That a full Phase II ESA for the entirety of the site be submitted to the satisfaction of the Director of Planning and Chief Planner;*
  - (viii) That a revised Cultural Heritage Impact Assessment, assessing the proposal against required criteria and a new Statement of Cultural Heritage Value and Interest be submitted to the satisfaction and approval of the Director of Planning and Chief Planner;*
  - (ix) That the designating By-law No. 78-87 be repealed in accordance with the requirements of the Ontario Heritage Act at the expense of the owner;*
  - (x) That a new designation By-law be prepared in accordance with the requirements of the Ontario Heritage Act for the building's new location at the expense of the owner;*
  - (xi) That a new Survey be prepared to accompany a new designation By-law indicating the boundaries to which the designation applies;*
  - (xii) That a Conservation Plan in accordance with the City's Guidelines for Conservation Plans be submitted to the satisfaction and approval of the Director of Planning and Chief Planner;*
  - (xii) That the applicant enters into a Heritage Easement Agreement with the City to the satisfaction and approval of the Director of Planning and Chief Planner prior to the issuance of any Building Permit for demolition or new construction, and that this agreement is registered on title;*
  - (xiii) That a Letter of Credit be provided to be held by the City based on the cost estimates for 100% of the total cost of securing,*



***protecting, stabilizing, relocating, monitoring for a period of three years and the total cost of restoration. Such cost estimates shall be in a form satisfactory to the Director of Planning and Chief Planner;***

- (xiv) That any technical studies may be subject to Peer Review at the expense of the owner where deemed necessary.***
  - (xv) That if the building is to be relocated prior to site plan approval for the redevelopment of 392, 398, 400, 402, 406 and 412 Wilson Street East and 15 Lorne Avenue, then the owner shall apply for and receive approval of a Minor Site Plan Application (MDA), and any other relevant Planning Act applications for the proposed relocation.***
  - (xvi) That the owner submit an Official Plan Amendment and Zoning By-law Amendment for the redevelopment of 392, 398, 400, 402, 406 and 412 Wilson Street East and 15 Lorne Avenue or alternatively the owner provide written confirmation to the Director of Planning and Chief Planner that they will be proceeding in accordance with the existing zoning in effect for these lands.***
- (b) That staff be directed to report back to the Planning Committee before July 2022 on how the above Conditions (a) (i) to (xvi) have been cleared.***

For disposition of this matter, refer to Item 5.

**(i) PUBLIC HEARINGS / DELEGATIONS (Item 9) - Continued**

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

In accordance with the provisions of the *Planning Act*, Chair Danko advised that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Zoning By-law Amendments 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) Eileen Quinn respecting the Renaming of Woodworth Drive East (Approved at the September 21, 2021 meeting) (Item 9.1)**

Eileen Quinn addressed the Committee respecting Item 9.2, Renaming of Woodworth Drive East.

The Delegation from Eileen Quinn respecting Item 9.2, Renaming of Woodworth Drive East, was received.

For disposition of this matter, refer to Item 6 and (i)(ii).

**(ii) Next Generation 9-1-1 Street Name Amendments (Bayview Avenue, Margaret Street, William Street, Union Street, and Portions of Woodworth Drive, and Sleepy Hollow Court – Flamborough, Ancaster, and Dundas) (Wards 12, 13 and 15) (PED20175(c)) (Item 9.2)**

The public meeting was closed.

- (a) That Bayview Avenue, in the former Town of Flamborough, Greensville, Ward 13, be renamed “Bayview Court North” as identified on Appendix “A” to Report PED20175(c), and that the draft By-law, attached as Appendix “B” to Report PED20175(c), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That Margaret Street, in the former Town of Flamborough, Lynden, Ward 12, be renamed “Cheryl Lynn Lane” as identified on Appendix “C” to Report PED20175(c), and that the draft By-law, attached as Appendix “D” to Report PED20175(c), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (c) That William Street, in the former Town of Flamborough, Waterdown, Ward 15, be renamed “Vinegar Hill” as identified on Appendix “E” to Report PED20175(c), and that the draft By-law, attached as Appendix “F” to Report PED20175(c), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (d) That William Street, in the former Town of Flamborough, Freelon, Ward 13, be renamed “William Terrace North” as identified on Appendix “G” to Report PED20175(c), and that the draft By-law, attached as Appendix “H” to Report PED20175(c), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

- (e) That Union Street, in the former Town of Flamborough, Lynden, Ward 12, be renamed “Pine Terrace Lane” as identified on Appendix “I” to Report PED20175(c), and that the draft By-law, attached as Appendix “J” to Report PED20175(c), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (f) That a portion of Woodworth Drive, in the former Town of Ancaster, Ward 12, east of Elgin Place, be renamed “Woodworth Drive East” as identified on Appendix “K” to Report PED20175(c), and that the draft By-law, attached as Appendix “L” to Report PED20175(c), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (g) That a portion of Woodworth Drive, in the former Town of Ancaster, Ward 12, west of Elgin Place, be renamed “Woodworth Drive West” as identified on Appendix “M” to Report PED20175(c), and that the draft By-law, attached as Appendix “N” to Report PED20175(c), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (h) That a portion of Sleepy Hollow Court, in the former Town of Dundas, Ward 13, be renamed “Sleepy Hollow Court North” as identified on Appendix “O” to Report PED20175(c), and that the draft By-law, attached as Appendix “P” to Report PED20175(c), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

Sub-section (f) of Report PED20175(c) was **amended** to **remove the portion of Woodworth Drive that is south of Calvin Street, in Appendix “K” and “L”, and that a new Appendix “R”, a by-law to rename the portion of Woodworth Drive that is south of Calvin Street, to be Woodworth Court**, be prepared in a form satisfactory to the City Solicitor, and enacted by City Council.

The recommendations in Report PED21075(c) were **amended** by adding the following sub-section (i):

- (i) ***That the public submissions regarding this matter were received and considered by the Committee in approving the Report recommendations, as amended.***

For disposition of this matter, refer to Item 6.

**(iii) Application to Amend the Hamilton Zoning By-law No. 05-200 for Lands Located at 1411 and 1415 Upper Wellington Street, Hamilton (PED21187) (Ward 7) (Item 9.3)**

The staff presentation was waived.

Diana Morris with T. Johns Consulting, was in attendance and indicated support for the staff report.

The delegation from Diana Morris with T. Johns Consulting, was received.

**Registered Delegations (Item 9.2(b)):**

- (i) Carlo Silvestri, addressed the Committee in Opposition to the proposal.

The delegation was received.

The public meeting was closed.

- (a) That amended Zoning By-law Amendment Application ZAC-20-033, by T. Johns Consulting Group Inc. (c/o Diana Morris) on behalf of Shalom Manor and Gardens (Owner) for a change in zoning from the Neighbourhood Institutional (I1) Zone to the Major Institutional (I3, 745, H39) Zone and from the “DE-3/1471” (Multiple Dwellings) District, Modified to the Major Institutional (I3, 745, H39) Zone to permit the development of a seven-storey long term care facility containing 128 beds and 132 retirement suites, for the lands located at 1411 and 1415 Upper Wellington Street, as shown on Appendix “A” to Report PED21187, be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix “B” to Report PED21187, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That Schedule “D” – Holding Provisions of Zoning By-law No. 05-200 be amended by adding an additional Holding Provision as follows:

“39. For the lands zoned Major Institutional (I3, 745, H39) Zone on Maps 1375 and 1376 of Schedule “A” – Zoning Maps and described as 1411 and 1415 Upper Wellington Street, the development shall not proceed until:

- (1) The Owner provides a signed agreement with the property owner to the north and east to allow for drainage to outlet to private lands, to the satisfaction of the Manager of Engineering Approvals.
- (2) The Owner provides a signed agreement with the property owner to the south allowing for reception of stormwater flows through their site via connection to a private storm sewer system and outlet of emergency overland flow route, to the satisfaction of the Manager of Engineering Approvals.”
- (iii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2020), conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), and comply with the Urban Hamilton Official Plan.

The recommendations in Report PED21187 were **amended** by adding the following sub-section (b):

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

For disposition of this matter, refer to Item 7.

**(j) NOTICES OF MOTION (Item 12)**

**(i) Municipal Law Enforcement Weekly Updates to Council (Added Item 12.1)**

Councillor Farr presented the following Notice of Motion:

WHEREAS, Municipal Law Enforcement provides weekly updates to Council respecting enforcement activities;

WHEREAS, these updates include weekly COVID - 19 enforcement, CCMLE Concerns Received for 19 different Bylaws to date, Current LBS Enforcement Priorities and Hotspots and Parks Penalties list.

THEREFORE BE IT RESOLVED:

That Municipal Law Enforcement staff be requested to include Encampment Enforcement in these weekly updates, to include: tickets issued, calls for enforcement/complaints, and the number of encampment

sites (including the number of tents at each site) in each of the six step process and the expedited process that follows the six step process.

**(k) PRIVATE AND CONFIDENTIAL (Item 14)**

**(i) Closed Session Minutes – September 21, 2021 (Item 14.1)**

- (a) The Closed Session Minutes dated September 21, 2021, were approved, as presented; and,
- (b) The Closed Session Minutes dated September 21, 2021, are to remain private and confidential.

Committee moved into Closed Session to discuss Item 14.2 pursuant to Section 9.1, Sub-section (k) of the City's Procedural By-law 21-021; and, Section 239(2), Sub-section (k) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains 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.

**(ii) Carluke Cemetery Parking Lot and Carluke Playground Equipment (PED21171) (Ward 12) (Outstanding Business List Item) (Item 14.2)**

For disposition of this matter, refer to Item 9.

**(l) ADJOURNMENT (Item 15)**

There being no further business, the Planning Committee adjourned at 12:39 p.m.

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Councillor J.P. Danko  
Chair, Planning Committee

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Lisa Kelsey  
Legislative Coordinator