



**PLANNING COMMITTEE  
REPORT  
22-003**

February 15, 2022

9:30 a.m.

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

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

**THE PLANNING COMMITTEE PRESENTS REPORT 22-003 AND RESPECTFULLY RECOMMENDS:**

**1. Appointment By-law under the Building Code Act, 1992 (PED22025) (City Wide) (Item 7.1)**

- (a) That the draft By-law attached as Appendix "A" to Report PED22025, respecting the appointment of a Chief Building Official, Deputies and Inspectors, which has been prepared in a form satisfactory to the City Solicitor, be approved and enacted;
- (b) That By-law 16-143, being a by-law respecting the Appointments of a Chief Building Official, Deputies and Inspectors be repealed.

**2. Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED22023) (City Wide) (Item 7.2)**

That Report PED22023 respecting the Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED22023) (City Wide), be received.

**3. Applications for a Rural Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 173 Highway 52, 1372 Concession 2 West and 1348 Concession 2 West, Flamborough (PED22020) (Ward 12) (Item 9.1)**

- (a) That Rural Hamilton Official Plan Amendment Application RHOPA 21-017, by Don Robertson on behalf of Jacob and Cassidy DeJong, (Owner), to amend the Rural Hamilton Official Plan to established a Special Policy

Area within the “Agriculture” designation on the subject lands to recognize a reduced lot area to permit a Consent Application for a lot line adjustment, for the lands located at 173 Highway 52, 1348 Concession 2 West and 1372 Concession 2 West, Flamborough as shown on Appendix “A” attached to Report PED22020 to implement the direction given by Planning Committee on May 18, 2021 (PED21059) on Committee of Adjustment Application FL/B-20:86, be APPROVED on the following basis:

- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED22020, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2020) and conforms to the Greenbelt Plan (2017);
- (b) That Amended Zoning By-law Amendment application ZAC-21-040 by Don Robertson on behalf of Jacob and Cassidy DeJong, (Owner), to change the zoning from Agriculture (A1) Zone, Conservation/Hazard Land-Rural (P7) Zone and Conservation/Hazard Land-Rural (P8) Zone to the Agricultural (A1, 762) Zone, Conservation/Hazard Land-Rural (P7, 762) Zone and Conservation/Hazard Land-Rural (P8, 762) Zone to permit a reduced lot area for lands located at 173 Highway 52, 1348 Concession 2 West and 1372 Concession 2 West, Flamborough as shown on Appendix “C” attached to Report PED22020, be APPROVED on the following basis:
- (i) That the draft By-law, attached as Appendix “C” to Report PED22020, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to the Greenbelt Plan (2020), and will comply with the Rural Hamilton Official Plan upon approval of Rural Hamilton Official Plan Amendment No. XX.
- (c) That the public submissions regarding this matter were received and considered by the Committee in approving the application.

**4. Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 65 Guise Street East (Pier 8, Block 16), Hamilton (PED22031) (Ward 2) (Item 9.2)**

- (a) That Report PED22031, together with any written submissions and input from delegations on Official Plan Amendment Application No. UHOPA-22-001 and Zoning By-law Amendment Application No. ZAC-22-003 be

received at Planning Committee be referred to staff for consideration and incorporated into a future Recommendation Report to Planning Committee;

- (b) That staff advise the Applicant that the Applicant is to undertake the Council endorsed Implementation Process for a Tall Building Proposal – Pier 8 Block 16 (attached as Appendix “B” to Report PED22031) including a stakeholder engagement and special design process to develop three alternative designs for the proposed tower that address innovation in the areas of sustainability, quality of life and design excellence.

**5. Applications for Amendments to the Urban Hamilton Official Plan and Zoning By-law No. 05-200 for Lands Located at 442, 450, 454 and 462 Wilson Street East (Ancaster) (PED22037) (Ward 12) (Item 9.3)**

- (a) That Urban Hamilton Official Plan Amendment Application UHOPA-21-023, by GSP Group Inc. (c/o Brenda Khes, Applicant) on behalf of 2691893 Ontario Inc. (c/o IronPoint Capital Management Inc., Owner) to establish a Site Specific Policy Area in the Ancaster Wilson Street Secondary Plan to permit a seven storey retirement home with 211 beds and four commercial units, or permit a six storey, 161 unit mixed use building with seven commercial units, on lands located at 442, 450, 454 and 462 Wilson Street East, Ancaster, as shown on Appendix “A” attached to Report PED22037, be DENIED on the following basis:
  - (i) That the proposed amendment does not meet the general intent of the Urban Hamilton Official Plan and the Ancaster Wilson Street Secondary Plan with respect to building height, scale, massing, privacy, overlook, compatibility, and enhancing the character of the existing neighbourhood;
  - (ii) That the proposal is not considered to be good planning and is considered an over development of the site;
- (b) That Zoning By-law Amendment Application ZAC-21-049, by GSP Group Inc. (c/o Brenda Khes, Applicant) on behalf of 2691893 Ontario Inc. (c/o IronPoint Capital Management Inc., Owner) to further modify the Mixed Use Medium Density - Pedestrian Focus (C5a, 570) Zone in order to permit a seven storey retirement home with 211 beds and four commercial units, or permit a six storey, 161 mixed use building with seven commercial units, on lands located at 442, 450, 454 and 462 Wilson Street East, Ancaster, as shown on Appendix “A” attached to Report PED22037, be DENIED on the following basis:
  - (i) That the proposed change in zoning does not meet the general intent of the Urban Hamilton Official Plan and the Ancaster Wilson

Street Secondary Plan with respect to setbacks, building height, and massing;

- (ii) That the proposal is not considered to be good planning and is considered an over development of the site.
- (c) That the public submissions were received and considered by Committee in denying the application.

**6. Permanent Program for Temporary Outdoor Patios (PED22051) (City Wide) (Item 10.1)**

- (a) That the City's existing "On-Street Patio Pilot Program" and temporary COVID "Outdoor Dining Districts Program" be combined into a permanent program to permit Temporary Outdoor Patios on both public and private property based on the terms and conditions outlined in Report PED22051;
- (b) That the General Manager of Planning and Economic Development, or designate be delegated the authority to make minor amendments to the terms and conditions for the Temporary Outdoor Patio program as required;
- (c) That staff be directed to include an annual application fee and any other relevant fees for the Temporary Outdoor Patio Program, for both public and private property, as part of the annual User Fee By-law;
- (d) That staff be directed to include applicable fees for the occupation of public or metered parking spaces specifically relating to the Temporary Outdoor Patio program use, as part of the annual User Fee By-law; and,
- (e) That the applicable fee for public rights of way be applied for the temporary use of a sidewalk, alleyway, or boulevard for the purpose of a Temporary Outdoor Patio, and that the Chief Corporate Real Estate Officer be authorized and directed to prepare or modify any temporary lease or license agreement fee rates accordingly, effective January 1, 2022.

**7. Nuisance Party By-Law (Item 11.1)**

WHEREAS, section 10 of the Municipal Act, 2001 provides that a municipality may pass by-laws respecting: economic, social and environmental well-being of the municipality; health, safety and well-being of person; the protection of persons and property; and structures, including fences and signs;

WHEREAS, section 128 of the Municipal Act, 2001 provides that a local municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public

nuisances and the opinion of Council under this section, if arrived at in good faith, is not subject to review by any court;

WHEREAS, thousands of students participated in a “fake homecoming” party near McMaster University on Saturday October 2, 2021, which resulted in personal injuries, damage to property, an overturned vehicle and garbage and glass strewn throughout two neighbourhoods;

WHEREAS, there have been other situations and incidents in the city of Hamilton, including but not limited to, student orientation, St. Patrick’s Day celebrations, tail-gating parties and other sports-related celebrations, where parties quickly became uncontrollable, disruptive and dangerous to city of Hamilton residents;

WHEREAS, as a result of these types of nuisance parties, there is a significant strain put on city emergency services to ensure the safety and well-being of all residents;

WHEREAS, a number of other Ontario municipalities have implemented a nuisance party by-law that gives law enforcement personnel a mechanism to control and disperse people when an event has become a public nuisance;

WHEREAS, Municipal Law Enforcement and Hamilton Police Service have reported that they would benefit from additional enforcement options beyond those available under existing City By-law and Provincial Statutes;

WHEREAS, a Nuisance Party By-law would provide Municipal Law Enforcement and Hamilton Police Service additional tools to address the negative impacts on neighbourhoods of behaviors associated with large social gatherings;

THEREFORE BE IT RESOLVED:

That Licensing and By-law Services be requested to consult with Hamilton Police Service, McMaster University and other community stakeholders, to identify best practices from other Ontario municipalities, and report back in the second quarter of 2022 next steps for the development and implementation of a Nuisance Party By-law in the City of Hamilton.

**8. Appeal to the Ontario Land Tribunal (OLT) for Lack of Decision on Urban Hamilton Official Plan Amendment Application (UHOPA-20-026), Zoning By-law Amendment Application (ZAC-20-041) and Draft Plan of Subdivision Application (25T-202008) for Lands Located at 870 Scenic Drive and 828 Sanatorium Road (Hamilton) (OLT-21-001169) (LS22005/PED22032) (Ward 14) (Item 14.1)**

(a) That the directions to staff in closed session respecting Report

LS22005/PED22032 be released to the public, following approval by Council; and,

(b) That the balance of Report LS22005/PED22032 remain confidential.

**9. By-law Requirements Resulting in Additional Costs (PED22056) (Ward 9) (Outstanding Business Item) (Added Item 14.2)**

That Report PED22056 respecting By-law Requirements Resulting in Additional Costs be received, and remain private and confidential.

**FOR INFORMATION:**

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

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

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

6.3 Tracy MacKinnon, Westdale Village BIA, Stoney Creek BIA and Locke Street BIA, respecting Outdoor Patios (Item 10.1) (For today's meeting)

6.4 Susan Creer, Accessible Hamilton, respecting Outdoor Patios (Item 10.1) (For today's meeting)

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

9.2 Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 65 Guise Street East (Pier 8, Block 16), Hamilton (PED22031) (Ward 2)

(b) Added Written Submissions:

- (iii) Tal Srulovicz
- (iv) Bryan Ritskes, Harbour West Neighbours Inc.
- (v) Timothy Owen
- (vi) Andrew Robinson, North End Neighbourhood Association
- (vii) Adam Shipowick

9.3 Applications for Amendments to the Urban Hamilton Official Plan and Zoning By-law No. 05-200 for Lands Located at 442, 450, 454 and 462 Wilson Street East (Ancaster) (PED22037) (Ward 12)

(a) Added Written Submissions:

- (xv) Dianne Auty
- (xvi) David Hardcastle
- (xvii) John Allan
- (xviii) John McLaine
- (xix) Marvin Cohen
- (xx) Tom Beckett
- (xxi) Brad Kuhn
- (xxii) Gary and Jane Hutchison
- (xxiii) Edward Valevicius
- (xxiv) Linda Clements
- (xxv) Cindy Philip
- (xxvi) Jackie Hudson
- (xxvii) Marc Bader
- (xxviii) Richard and Wendi Van Exan
- (xxix) Jason Myers
- (xxx) Gail Moffatt
- (xxxi) Lou and Patricia Saunders
- (xxxii) Jan King
- (xxxiii) Jim MacLeod
- (xxxiv) Sandra Starr
- (xxxv) Anka Cassar
- (xxxvi) Catherine Palmer
- (xxxvii) Andrea Love
- (xxxviii) D. Soucie
- (xxxix) Joanne and Andy Zsiros
- (xl) Jennifer Davis
- (xli) Cindy Richter
- (xlii) Patti Leonard
- (xliii) Donna and David Molnar
- (xliv) S. Robin Larin
- (xlv) Ian McLean
- (xlvi) Derek Watts
- (xlvii) Paul Howarth
- (xlviii) Jessica Laposa
- (xlix) David Starr
- (l) Marilyn and Jeff Marshall
- (li) Gayle Villeneuve
- (lii) Bill Leonard
- (liii) Robin Moss
- (liv) Heather Bull
- (lv) Honor and Brendan Hughes
- (lvi) Charles Walker
- (lvii) Patricia Cole-Stever
- (lviii) Gail Lazzarato
- (lix) Gayle Holmes
- (lx) Douglas Tod
- (lxi) Kathy McCloy

- (lxii) Kathy Hayes
- (lxiii) Brooke Pearson
- (lxiv) Paul White
- (lxv) David Hamber
- (lxvi) Gordon Bullock
- (lxvii) Marta Vandermarel
- (lxviii) Enrico Palmese
- (lxix) Craig Cassar
- (lxx) Richard Wallace
- (lxxi) Claire Vice
- (lxxii) Chris Kruter
- (lxxiii) Karen Laposi
- (lxxiv) Claudia Kovalev
- (lxxv) Lisa Cole
- (lxxvi) Nonni Iler
- (lxxvii) Patti Bond
- (lxxviii) Anka Cassar
- (lxxix) Luca Palmese
- (lxxx) Angela Rea
- (lxxxii) Vanessa Coles
- (lxxxiii) Barbara Dawson
- (lxxxiv) Elizabeth Scheid
- (lxxxv) Margie and Gord Davidson
- (lxxxvi) Karen Gulenchyn and Gerry Lynes
- (lxxxvii) Shannon Kyles
- (lxxxviii) Michael Deen
- (lxxxix) Doug Stephens
- (xc) Scott Hayes
- (xci) Fiona Cooper
- (xcii) Pat and David Venus
- (xciii) Margot Olivieri
- (xciv) Jaynn Miller
- (xcv) Kris Gadjanski
- (xcvi) Elizabeth Seymour
- (xcvii) Chris Asimoudis
- (xcviii) Irene Dawson
- (xcix) Jennifer Asimoudis
- (c) Nancy Hurst
- (ci) David Pentland
- (cii) Andrea MacArthur
- (ciii) Rowen Baker
- (civ) Dan Faulkner
- (cv) David Neligan
- (cvi) Jim MacLeod

(b) Added Delegation Requests:



- (i) Bob Maton, Ancaster Village Heritage Community
- (ii) James MacLeod
- (iii) Jennifer Asimoudis – WITHDRAWN

**4. PRIVATE AND CONFIDENTIAL (Item 14)**

14.2 By-law Requirements Resulting in Additional Costs (PED22056)  
(Ward 9) (Outstanding Business Item)

The agenda for the February 15, 2022 Planning Committee meeting was approved, as amended.

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

Councillor Ferguson declared an interest with Item 6.1, respecting a Delegation Request from Sayed Azher Bukhari, Canata Paralegal Services, respecting Section 42 of Schedule 25 of the Taxi Cab By-law 07-170, as he is an investor in the taxi industry.

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

**(i) February 1, 2022 (Item 4.1)**

The Minutes of the February 1, 2022 meeting were approved, as presented.

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

**(i) Ontario Land Tribunal Decisions (Item 5.1(a) – (h))**

The following Ontario Land Tribunal Decisions were received:

- (a) 109 East 11th Street - OLT-21-001019 - Minor Variance
- (b) 69 Sanders Blvd and 1630 Main St W - OLT-21-001801 / PL200456 - Failure to adopt OPA and ZBL By-laws 22-014 and 22-015
- (c) 19 Dawson Avenue - PL210071 - OPA and ZBL Refusal By-laws 22-012 and 22-013
- (d) 1190 Main St W et al - PL180302 - Zoning By-law Amendment By-law 22-010
- (e) 73-89 Stone Church Rd W and 1029 West 5th St - PL200302 - Failure to adopt OPA and ZBL
- (f) 354 King St W - OLT-21-001127 - Failure to adopt OPA and ZBL

(g) 195 Wellington Street South - PL171389 - ZBL By-law 22-011

(h) 11 Robert Street - PL210275 - Minor Variance

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

**(i) Sayed Azher Bukhari, Canata Paralegal Services, respecting Section 42 of Schedule 25 of the Taxi Cab By-law 07-170 (Item 6.1)**

The Delegation Request from Sayed Azher Bukhari, Canata Paralegal Services, respecting Section 42 of Schedule 25 of the Taxi Cab By-law 07-170, was approved for today's meeting.

**(ii) Delegation Requests respecting the Outdoor Patio Program (Item 6.2, and Added Items 6.3 and 6.4)**

The following Delegation Requests respecting the Outdoor Patio Program (Item 10.1), were approved for today's meeting:

6.2 James Kemp and Tim Nolan, Advisory Committee for Persons with Disabilities

6.3 Tracy MacKinnon, Westdale Village BIA, Stoney Creek BIA and Locke Street BIA

6.4 Susan Creer, Accessible Hamilton

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

In accordance with the *Planning Act*, Chair Johnson 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 Johnson 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 proposed By-law Amendments and 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) Applications for a Rural Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 173 Highway 52,**

**1372 Concession 2 West and 1348 Concession 2 West, Flamborough (PED22020) (Ward 12) (Item 9.1)**

No members of the public were registered as Delegations.  
The staff presentation was waived.

Don Robertson, Agent, was in attendance and indicated support for the staff report.

The delegation from Don Robertson was received.

The public submissions in the staff report was received.

The public meeting was closed.

- (a) That Rural Hamilton Official Plan Amendment Application RHOPA 21-017, by Don Robertson on behalf of Jacob and Cassidy DeJong, (Owner), to amend the Rural Hamilton Official Plan to established a Special Policy Area within the “Agriculture” designation on the subject lands to recognize a reduced lot area to permit a Consent Application for a lot line adjustment, for the lands located at 173 Highway 52, 1348 Concession 2 West and 1372 Concession 2 West, Flamborough as shown on Appendix “A” attached to Report PED22020 to implement the direction given by Planning Committee on May 18, 2021 (PED21059) on Committee of Adjustment Application FL/B-20:86, be APPROVED on the following basis:
  - (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED22020, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2020) and conforms to the Greenbelt Plan (2017);
- (b) That Amended Zoning By-law Amendment application ZAC-21-040 by Don Robertson on behalf of Jacob and Cassidy DeJong, (Owner), to change the zoning from Agriculture (A1) Zone, Conservation/Hazard Land-Rural (P7) Zone and Conservation/Hazard Land-Rural (P8) Zone to the Agricultural (A1, 762) Zone, Conservation/Hazard Land-Rural (P7, 762) Zone and Conservation/Hazard Land-Rural (P8, 762) Zone to permit a reduced lot area for lands located at 173 Highway 52, 1348 Concession 2 West and 1372 Concession 2 West, Flamborough as shown on Appendix “C” attached to Report PED22020, be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix “C” to Report PED22020, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to the Greenbelt Plan (2020), and will comply with the Rural Hamilton Official Plan upon approval of Rural Hamilton Official Plan Amendment No. XX.

The recommendations in Report PED22020 were **amended** by adding the following sub-section (c):

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

For disposition of this matter, refer to Item 3.

- (ii) **Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 65 Guise Street East (Pier 8, Block 16), Hamilton (PED22031) (Ward 2) (Item 9.2)**

Mark Kehler, Senior Project Manager of Development Planning, Heritage and Design, addressed the Committee with the aid of a PowerPoint presentation.

The staff presentation was received.

James Webb with Webb Consulting, was in attendance and indicated support for the staff report.

The delegation from James Webb with Webb Consulting, was received.

The following written submissions (Item 9.2(a)), were received:

- (i) Daniel Coleman – In Opposition
- (ii) S. Christian Hollingshead and Petition – In Opposition
- (iii) Tal Srulovicz - In Opposition
- (iv) Bryan Ritskes, Harbour West Neighbours Inc. – In Support
- (v) Timothy Owen – Concerns with proposal
- (vi) Andrew Robinson, North End Neighbourhood Association – In Support
- (vii) Adam Shipowick – Concerns with proposal

The public meeting was closed.

For disposition of this matter, refer to Item 4.

**(iii) Applications for Amendments to the Urban Hamilton Official Plan and Zoning By-law No. 05-200 for Lands Located at 442, 450, 454 and 462 Wilson Street East (Ancaster) (PED22037) (Ward 12) (Item 9.3)**

James Van Rooi, Senior Project Manager of Development Planning, Heritage and Design, addressed the Committee with the aid of a PowerPoint presentation.

The staff presentation was received.

Brenda Khes with GSP Group, was in attendance and indicated they were not in support of the staff report.

The delegation from Brenda Khes with GSP Group, was received.

The following written submissions (Item 9.3(a)), were received:

- (i) Paul Stever – In Opposition
- (ii) Debra Mills – In Opposition
- (iii) Heather Bull – In Opposition
- (iv) Christina Grant – In Opposition
- (v) Thomas Beckett – In Opposition
- (vi) Sandy Tod – In Opposition
- (vii) Julie Palmese – In Opposition
- (viii) James Enos – In Opposition
- (ix) Maxine Morris-Zecchini – In Opposition
- (x) Anita Dinning – In Opposition
- (xi) Ian and Karen Hanna – In Opposition
- (xii) Patricia Cole-Stever – In Opposition
- (xiii) Pat and David Venus – In Opposition
- (xiv) Genevieve Anson – In Opposition
- (xv) Dianne Auty – In Opposition
- (xvi) David Hardcastle – In Opposition
- (xvii) John Allan – In Opposition
- (xviii) John McLaine – In Opposition
- (xix) Marvin Cohen – In Opposition
- (xx) Tom Beckett – In Opposition
- (xxi) Brad Kuhn – Concerns with proposal
- (xxii) Gary and Jane Hutchison – Concerns with proposal
- (xxiii) Edward Valevicius – In Opposition
- (xxiv) Linda Clements – Concerns with proposal
- (xxv) Cindy Philip – In Opposition
- (xxvi) Jackie Hudson – In Opposition
- (xxvii) Marc Bader – In Opposition
- (xxviii) Richard and Wendi Van Exan – In Opposition

- (xxix) Jason Myers – In Opposition
- (xxx) Gail Moffatt – In Opposition
- (xxxi) Lou and Patricia Saunders – In Support
- (xxxii) Jan King – Concerns with proposal
- (xxxiii) Jim MacLeod – Concerns with proposal
- (xxxiv) Sandra Starr – In Opposition
- (xxxv) Anka Cassar – Concerns with proposal
- (xxxvi) Catherine Palmer – In Opposition
- (xxxvii) Andrea Love – In Opposition
- (xxxviii) D. Soucie – In Opposition
- (xxxix) Joanne and Andy Zsiros – In Opposition
- (xl) Jennifer Davis – In Opposition
- (xli) Cindy Richter – In Opposition
- (xlii) Patti Leonard – In Opposition
- (xliii) Donna and David Molnar – In Opposition
- (xliv) S. Robin Larin – In Opposition
- (xlv) Ian McLean – In Opposition
- (xlvi) Derek Watts – In Opposition
- (xlvii) Paul Howarth – In Opposition
- (xlviii) Jessica Lapososa – In Opposition
- (xlix) David Starr – In Opposition
- (l) Marilyn and Jeff Marshall – In Opposition
- (li) Gayle Villeneuve – In Opposition
- (lii) Bill Leonard – In Opposition
- (liii) Robin Moss – Concerns with proposal
- (liv) Heather Bull – In Opposition
- (lv) Honor and Brendan Hughes – In Opposition
- (lvi) Charles Walker – In Opposition
- (lvii) Patricia Cole-Steever – In Opposition
- (lviii) Gail Lazzarato – In Opposition
- (lix) Gayle Holmes – Concerns with proposal
- (lx) Douglas Tod – In Opposition
- (lxi) Kathy McCloy – In Opposition
- (lxii) Kathy Hayes – In Opposition
- (lxiii) Brooke Pearson – In Opposition
- (lxiv) Paul White – In Opposition
- (lxv) David Hamber – In Opposition
- (lxvi) Gordon Bullock – In Opposition
- (lxvii) Marta Vandermaarel – In Opposition
- (lxviii) Enrico Palmese – In Opposition
- (lxix) Craig Cassar – In Opposition
- (lxx) Richard Wallace – Concerns with proposal
- (lxxi) Claire Vice – Concerns with proposal
- (lxxii) Chris Kruter – Concerns with proposal
- (lxxiii) Karen Lapososa – In Opposition
- (lxxiv) Claudia Kovalev – In Opposition
- (lxxv) Lisa Cole – In Opposition

- (lxxvi) Nonni Iler – In Opposition
- (lxxvii) Patti Bond – In Opposition
- (lxxviii) Anka Cassar – In Opposition
- (lxxix) Luca Palmese – In Opposition
- (lxxx) Angela Rea – In Opposition
- (lxxxii) Vanessa Coles – In Opposition
- (lxxxiii) Barbara Dawson – In Opposition
- (lxxxiiii) Elizabeth Scheid – In Opposition
- (lxxxv) Margie and Gord Davidson – In Opposition
- (lxxxvi) Karen Gulenchyn and Gerry Lynes – In Opposition
- (lxxxvii) Shannon Kyles – In Opposition
- (lxxxviii) Michael Deen – In Opposition
- (lxxxix) Doug Stephens – In Opposition
- (lxxxix) Scott Hayes – In Opposition
- (xc) Fiona Cooper – In Opposition
- (xci) Pat and David Venus – In Opposition
- (xcii) Margot Olivieri – Concerns with proposal
- (xciii) Jaynn Miller – In Opposition
- (xciv) Kris Gadjanski – Concerns with proposal
- (xcv) Elizabeth Seymour – In Opposition
- (xcvi) Chris Asimoudis – In Opposition
- (xcvii) Irene Dawson – In Opposition
- (xcviii) Jennifer Asimoudis – In Opposition
- (xcix) Nancy Hurst – Concerns with proposal
- (c) David Pentland – In Opposition
- (ci) Andrea MacArthur – In Opposition
- (cii) Rowen Baker – In Opposition
- (ciii) Dan Faulkner – In Opposition
- (civ) David Neligan – In Support
- (cv) Jim MacLeod – In Opposition

**Registered Delegations (Added Item 9.3(b)):**

Bob Maton, Ancaster Village Heritage Community and James MacLeod addressed the Committee respecting the Applications for Amendments to the Urban Hamilton Official Plan and Zoning By-law No. 05-200 for Lands Located at 442, 450, 454 and 462 Wilson Street East (Ancaster) (PED22037) (Ward 12) (Item 9.3).

The following Registered Delegations were received:

- (i) Bob Maton, Ancaster Village Heritage Community, addressed the Committee in Opposition to the proposal.
- (ii) James MacLeod, addressed the Committee in Opposition to the proposal.

The public meeting was closed.

That staff be directed to negotiate revisions to the proposal with the Applicant in response to the issues and concerns identified in the Report and report back to Planning Committee on the results of the discussion.

The Motion above was DEFEATED.

- (a) That Urban Hamilton Official Plan Amendment Application UHOPA-21-023, by GSP Group Inc. (c/o Brenda Khes, Applicant) on behalf of 2691893 Ontario Inc. (c/o IronPoint Capital Management Inc., Owner) to establish a Site Specific Policy Area in the Ancaster Wilson Street Secondary Plan to permit a seven storey retirement home with 211 beds and four commercial units, or permit a six storey, 161 unit mixed use building with seven commercial units, on lands located at 442, 450, 454 and 462 Wilson Street East, Ancaster, as shown on Appendix “A” attached to Report PED22037, be DENIED on the following basis:
  - (i) That the proposed amendment does not meet the general intent of the Urban Hamilton Official Plan and the Ancaster Wilson Street Secondary Plan with respect to building height, scale, massing, privacy, overlook, compatibility, and enhancing the character of the existing neighbourhood;
  - (ii) That the proposal is not considered to be good planning and is considered an over development of the site;
  
- (b) That Zoning By-law Amendment Application ZAC-21-049, by GSP Group Inc. (c/o Brenda Khes, Applicant) on behalf of 2691893 Ontario Inc. (c/o IronPoint Capital Management Inc., Owner) to further modify the Mixed Use Medium Density - Pedestrian Focus (C5a, 570) Zone in order to permit a seven storey retirement home with 211 beds and four commercial units, or permit a six storey, 161 mixed use building with seven commercial units, on lands located at 442, 450, 454 and 462 Wilson Street East, Ancaster, as shown on Appendix “A” attached to Report PED22037, be DENIED on the following basis:
  - (i) That the proposed change in zoning does not meet the general intent of the Urban Hamilton Official Plan and the Ancaster Wilson Street Secondary Plan with respect to setbacks, building height, and massing;
  - (ii) That the proposal is not considered to be good planning and is considered an over development of the site.

The recommendations in Report PED22037 were **amended** by adding the following sub-section (c):



- (c) ***That the public submissions were received and considered by Committee in denying the application.***

For disposition of this matter, refer to Item 5.

- (iv) **Sayed Azher Bukhari, Canata Paralegal Services, respecting Section 42 of Schedule 25 of the Taxi Cab By-law 07-170 (Added Item 9.4)**

Sayed Azher Bukhari, Canata Paralegal Services, addressed the Committee respecting Section 42 of Schedule 25 of the Taxi Cab By-law 07-170.

The delegation from Sayed Azher Bukhari, Canata Paralegal Services, respecting Section 42 of Schedule 25 of the Taxi Cab By-law 07-170, was received.

- (v) **Delegation Requests respecting the Outdoor Patio Program (Added Items 9.5 – 9.7)**

The following delegations addressed the Committee respecting the Outdoor Patio Program:

- (i) James Kemp and Tim Nolan, Advisory Committee for Persons with Disabilities (ACPD) (Added Item 9.5)
- (ii) Tracy MacKinnon, Westdale Village BIA, Stoney Creek BIA and Locke Street BIA (Added Item 9.6)
- (iii) Susan Creer, Accessible Hamilton (Added Item 9.7)

The following delegations were received:

- (i) James Kemp and Tim Nolan, Advisory Committee for Persons with Disabilities (ACPD) (Added Item 9.5)
- (ii) Tracy MacKinnon, Westdale Village BIA, Stoney Creek BIA and Locke Street BIA (Added Item 9.6)
- (iii) Susan Creer, Accessible Hamilton (Added Item 9.7)

For disposition of this matter, refer to Item 8.

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

**(i) General Manager's Update (Added Item 13.1)**

Jason Thorne, General Manager of Planning and Economic Development, addressed the Committee respecting the Province's Report from the Affordable Housing Task Force.

The General Manager's Update, was received.

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

The Committee moved into Closed Session Pursuant to Section 9.1, Sub-sections (e), (f) and (k) of the City's Procedural By-law 21-021; and, Section 239(2), Sub-sections (e), (f) and (k) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and, a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

**(i) Appeal to the Ontario Land Tribunal (OLT) for Lack of Decision on Urban Hamilton Official Plan Amendment Application (UHOPA-20-026), Zoning By-law Amendment Application (ZAC-20-041) and Draft Plan of Subdivision Application (25T-202008) for Lands Located at 870 Scenic Drive and 828 Sanatorium Road (Hamilton) (OLT-21-001169) (LS22005/PED22032) (Ward 14) (Item 14.1)**

For disposition of this matter, refer to Item 8.

**(ii) By-law Requirements Resulting in Additional Costs (PED22056) (Ward 9) (Outstanding Business Item) (Added Item 14.2)**

For disposition of this matter, refer to Item 9.

(i) **ADJOURNMENT (Item 15)**

There being no further business, the Planning Committee adjourned at 1:57 p.m.

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Councillor B. Johnson  
Chair, Planning Committee

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Lisa Kelsey  
Legislative Coordinator