



**PLANNING COMMITTEE
REPORT
22-005**

April 5, 2022

9:30 a.m.

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

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

**THE PLANNING COMMITTEE PRESENTS REPORT 22-005 AND RESPECTFULLY
RECOMMENDS:**

- 1. Application for a Zoning By-law Amendment for Lands Located at 386 Wilcox Street, Hamilton (PED22079) (Ward 3) (Item 9.3)**
 - (a) That Amended Zoning By-law Amendment Application ZAC-22-009, by MHBC Planning on behalf of Stelco Inc., for a further modification to the General Industrial (M5, 433) Zone to the General Industrial (M5, 433, H123) Zone to add a Holding Provision on lands located at 386 Wilcox Street (Hamilton), as shown on Appendix "A" to Report PED22079, be APPROVED on the following basis:
 - (a) That the draft By-law, attached as Appendix "B" to Report PED22079, 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;
 - (c) That Schedule "D" – Holding Provisions, of Zoning By-law No. 05-200; be amended by adding the following Holding Provisions as follows:

"123. Notwithstanding Section 9.5 and Special Exception No. 433 of this By-law, within the lands zoned General Industrial (M5, 433) Zone identified on Map Nos. 749, 750, 751, 789, 790, 791, 830,

831, 832, 872, 873, 874, 915 and 916 of Schedule “A” – Zoning Maps and described as 386 Wilcox Street, development shall be restricted in accordance with the following:

- (i) For such time as the Holding Provision is in place, these lands shall only be used for permitted uses, buildings and structures listed in the (M5, 433) Zone;
- (ii) Regulations

For such time as the Holding Provision is in place, these lands shall be subject to the regulations of the (M5, 433) Zone and the following regulations:

- (1) New development, including the establishment of uses permitted by the (M5,433) Zone, and additions or alterations to existing buildings shall be permitted to a maximum of 1,000 square metres, in accordance with the provisions of Zoning By-law No. 05-200;
- (2) Issuance of Demolition Permits shall be permitted, to the satisfaction of the Chief Building Official;
- (3) Relocation of existing buildings and structures on site shall be permitted provided there is no increase in Gross Floor Area with the exception to additions and alterations up to a maximum of 1,000 square metres as set out in a) above, to the satisfaction of the Chief Building Official;
- (4) Site remediation and earthworks shall be permitted, to the satisfaction of the Director of Growth Management;

- (iii) Conditions for Holding Provision Removal

The Holding Provision shall, upon Application by the landowner, be removed by way of an amending Zoning By-law, from all or part of the lands subject to this provision, provided that the following conditions have been satisfied for such portion of the lands:

- (1) The Owner submits and receives approval of a Concept Plan for the lands, to the satisfaction of the Director of Planning and Chief Planner. The Concept Plan shall include the following:

- (aa) Precincts and the distribution of land uses and buildings within each precinct;
 - (bb) Road and rail network;
 - (cc) Phasing;
 - (2) The Owner shall provide a Master Servicing Plan, including a Transportation Master Plan, for the retained and severed portion of the lands to the satisfaction of the Director of Growth Management and Director of Transportation and Parking. Furthermore, the Owner shall develop a Terms of Reference to complete the Master Servicing Plan and Transportation Master Plan to the satisfaction of the Director of Growth Management and Director of Transportation and Parking;
 - (3) The Owner enter into and register on title a Joint Use Agreement and/or Development Agreement (if required) to implement the Master Servicing Plan, to the satisfaction of the Director of Growth Management;
 - (4) The Owner submits and receives approval of an Implementation Strategy to illustrate how the Concept Plan and Master Servicing Plan, including a Transportation Master Plan, may be implemented through additional Planning Act approvals such as Draft Plan of Subdivision, Draft Plan of Condominium and/or Applications for Site Plan Control all to the satisfaction of the Director of Planning and Chief Planner, Director of Transportation and Parking and Director of Growth Management.
- (b) That there were no public submissions received regarding this matter.
- 2. Applications for Official Plan Amendment and Zoning By-law Amendment for lands located at 222, 226 and 228 Barton Street East and 255, 257, 261, 263 and 265 Wellington Street North, Hamilton (PED22062) (Ward 2) (Item 9.4)**
- (a) That Amended Official Plan Amendment Application UHOPA-20-008 by Urban Solutions Planning and Land Development Consultants Inc. c/o Sergio Manchia, on behalf of 467052 Ontario Limited c/o Steve Joyce, Owner, to redesignate a portion of the subject lands from “Low Density Residential” and a portion of the subject lands from “Local Commercial” to “Mixed Use” with a Special Policy Area in the City of Hamilton Official Plan, to permit a seven storey mixed use building with commercial uses

on the ground floor, professional offices and professional medical offices on the second floor and residential dwelling units on the upper storeys, for lands located at 222, 226 and 228 Barton Street East and 255, 257, 261, 263 and 265 Wellington Street North, as shown on Appendix “A” attached to Report PED22062, be APPROVED on the following basis:

- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED22062, be adopted by City Council;
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to the Growth Plan for the Greater Golden Horseshoe 2019, as amended;
- (b) That Amended Zoning By-law Amendment Application ZAC-20-013 by Urban Solutions Planning and Land Development Consultants Inc. c/o Sergio Manchia, on behalf of 467052 Ontario Limited c/o Steve Joyce, Owner, for a change in zoning from the “JJ/S-378” (Restricted Light Industrial) District, Modified, “H” (Community Shopping and Commercial, Etc.) District, “H/S-1259” (Community Shopping and Commercial, Etc.) District, Modified and “D” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District to a site specific Mixed Use Medium Density – Pedestrian Focus (C5a, 774, H124) Zone to permit a mixed use building with a maximum building height of 25 metres (seven storeys) with 845.64 square metres of ground floor commercial space, 749.52 square metres of office on the second floor, 79 residential dwelling units on the upper floors and a total of 86 parking spaces for lands located at 222, 226 and 228 Barton Street East and 255, 257, 261, 263 and 265 Wellington Street North, as shown on Appendix “A” attached to Report PED22062, be APPROVED on the following basis:
- (i) That the draft By-law, attached as Appendix “C” to Report PED22062, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended, and complies with the City of Hamilton Official Plan upon approval of Official Plan Amendment No. ____;
 - (iii) That Schedule “D” – Holding Provisions, of Zoning By-law No. 05-200; be amended by adding the following Holding Provisions as follows:
 - H124. Notwithstanding Section 10.5a of this By-law, within lands zoned Mixed Use Medium Density – Pedestrian Focus (C5a) Zone on Map No. 952 on Schedule “A” – Zoning Maps, and

described as 222, 226 and 228 Barton Street East and 255, 257, 261, 263 and 265 Wellington Street North, Hamilton, no development shall be permitted until such time as:

1. The Owner submit and receive completion of a signed Record of Site Condition being submitted to the City of Hamilton and the Ministry of the Environment, Conservation and Parks (MOECP) or enters into a conditional building permit agreement with respect to completing a Record of Site Condition. This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MOECP, and submission of the City of Hamilton's current RSC administration fee;
 2. The Owner agrees in a signed Site Plan Agreement to implement all required noise mitigation measures identified in the Environmental Noise Feasibility Study dated November 22, 2019 by RWDI and updated July 26, 2021, to the satisfaction of the Director of Planning and Chief Planner;
 3. The Owner agrees in a signed Site Plan Agreement, to provide notice to any subsequent owner, as well as any prospective purchasers or tenants that the dwellings are located in a Class 4 Area, and to agree to register this notice and any / all warning clauses on title, and include them in any purchase and sale and in any lease or rental agreement, to the satisfaction of the Director of Planning and Chief Planner;
- (c) That Council deem the lands at 222, 226 and 228 Barton Street East and 255, 257, 261, 263 and 265 Wellington Street North (see Appendix "A" attached to Report PED22062) as a Class 4 Area pursuant to the Ministry of the Environment, Conservation and Parks' (MECP) Noise Guidelines NPC-300 (Stationary and Transportation Sources – Approval and Planning), and that the Class 4 Area designation apply only to the development proposal attached as Appendix "E" to Report PED22062 with the requirement that all noise mitigation and warning clauses be secured through the Holding Provision attached to the implementing Zoning By-law as specified in Section (b)(iii) b, and c. outlined above;
- (d) That upon finalization of the amending By-law, the subject lands be redesignated from "Single and Double" and "Commercial" to "Commercial and Apartments" in the Beasley Neighbourhood Plan.

- (e) That the public submissions regarding this matter were received and considered by the Committee in approving the application.
- 3. Applications for Amendments to the Urban Hamilton Official Plan and Zoning By-law No. 05-200 for Lands Located at 392, 398, 400, 402, 406, and 412 Wilson Street East and 15 Lorne Avenue (Ancaster) (PED22070) (Ward 12) (9.5)**
- (a) That Urban Hamilton Official Plan Amendment Application UHOPA-22-004, by Wilson St. Ancaster Inc. (c/o Giovanni Fiscoletti, Applicant / Owner), to amend the Ancaster Wilson Street Secondary Plan to redesignate the lands located at 15 Lorne Avenue from “Low Density Residential 1” designation to “Mixed Use - Medium Density” designation with a “Pedestrian Focus”; and, to establish a Site Specific Policy to permit an eight storey mixed use development with a maximum density of 220 units per hectare and provide for the relocation of the existing designated heritage building from 398 Wilson Street East to 15 Lorne Avenue, on lands located at 392, 398, 400, 402, 406, and 412 Wilson Street East, as shown on Appendix “A” attached to Report PED22070, 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 the following matters: right-of-way dedications, building height, residential density, massing, privacy, overlook, setbacks, and compatibility with and enhancement of the character of the existing neighbourhood.
 - (ii) The mass, height, and bulk of the proposal is not considered to be good planning and is considered an overdevelopment of the site;
 - (b) That Zoning By-law Amendment Application ZAC-22-011, by Wilson St. Ancaster Inc. (c/o Giovanni Fiscoletti, Applicant / Owner), to change the zoning from the Existing Residential “ER” Zone, the Mixed Use Medium Density - Pedestrian Focus (C5a, 570) Zone, and the Mixed Use Medium Density - Pedestrian Focus (C5a, 570, 651) Zone to a modified Mixed Use Medium Density - Pedestrian Focus (C5a) Zone, to permit an eight storey mixed use development with a maximum density of 220 units per hectare, with 1,677 m² of at grade commercial space and 169 dwelling units above with 55 surface parking spaces and 257 underground parking spaces, on lands located at 392, 398, 400, 402, 406, and 412 Wilson Street East and to relocate the existing designated heritage building on the lands located at 398 Wilson Street East to the lands located at 15 Lorne Avenue, as shown on Appendix “A” attached to Report PED22070, 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 building height, setbacks, and massing;
 - (ii) That the proposal does not meet the general intent of the Zoning By-law with regards to allowable building height, setbacks, minimum side yard, planting strip;
 - (iii) That the proposal is not considered to be good planning and is considered an overdevelopment of the site.
 - (c) That the public submissions regarding this matter were received and considered by the Committee in denying the application.
- 4. Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200 and the Town of Ancaster Zoning By-law No.87-57, Town of Flamborough Zoning By-law No. 90-145-Z, former City of Hamilton Zoning By-law No. 6593, and City of Stoney Creek Zoning By-law No. 3692-92. (CI 22-C) (PED22046) (City Wide) (Item 9.6)**
- (a) That approval be given to City Initiative CI 22-C for modifications and updates to the City of Hamilton Zoning By-law No. 05-200 on the following basis:
 - (i) That the Draft By-law, attached as Appendix “A” to Report PED22046, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
 - (ii) That the proposed changes in zoning are in conformity with the Urban Hamilton Official Plan (UHOP);
 - (iii) That the proposed changes in zoning will be in conformity with the Rural Hamilton Official Plan (RHOP) upon approval of Draft Rural Hamilton Official Plan Amendment No.____ (Appendix “B” attached to Report PED22047);
 - (iv) That the proposed Zoning By-law Amendment is consistent with the Provincial Policy Statement (PPS), 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020, as amended, and the Greenbelt Plan, 2017;
 - (b) That approval be given to City Initiative CI 22-C for modifications to the Town of Ancaster Zoning By-law No. 87-57 on the following basis:

- (i) That the Draft By-law, attached as Appendix “B” to Report PED22046, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
 - (ii) That the proposed changes in zoning are in conformity with the Urban Hamilton Official Plan (UHOP);
 - (iii) That the proposed Zoning By-law Amendment is consistent with the Provincial Policy Statement (PPS), 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020, as amended, and the Greenbelt Plan, 2017;
- (c) That approval be given to City Initiative CI 22-C for updates to the Town of Flamborough Zoning By-law No. 90-145-Z on the following basis:
 - (i) That the Draft By-law, attached as Appendix “C” to Report PED22046, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
 - (ii) That the proposed changes in zoning are in conformity with the Urban Hamilton Official Plan (UHOP);
 - (iii) That the proposed Zoning By-law Amendment is consistent with the Provincial Policy Statement (PPS), 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020, as amended, and the Greenbelt Plan, 2017;
- (d) That approval be given to City Initiative C1 22-C for updates to the City of Hamilton Zoning By-law No. 6593 on the following basis:
 - (i) That the Draft By-law, attached as Appendix “D” to Report PED22046, which has been prepared in a form satisfactory to the City Solicitor, be held in abeyance until such time as By-law No. 21-249 is in force and effect;
 - (ii) That staff be directed to bring forward the draft By-law, attached as Appendix “D” to Report PED22046, for enactment by Council, once By-law No. 21-249 is in force and effect;
 - (iii) That the proposed changes in zoning are in conformity with the Urban Hamilton Official Plan (UHOP);
 - (iv) That the proposed Zoning By-law Amendment is consistent Provincial Policy Statement (PPS), 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended, and the Greenbelt Plan, 2017;

- (e) That approval be given to City Initiative CI 22-C for updates to the City of Stoney Creek Zoning By-law No. 3692-92 on the following basis:
 - (i) That the Draft By-law, attached as Appendix “E” to Report PED22046, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
 - (ii) That the proposed changes in zoning are in conformity with the Urban Hamilton Official Plan (UHOP);
 - (iii) That the proposed Zoning By-law Amendment is consistent Provincial Policy Statement (PPS), 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020, as amended, and the Greenbelt Plan, 2017.
- (f) That the public submissions regarding this matter were received and considered by the Committee in approving the application.

5. Housekeeping Amendments to the Urban Hamilton Official Plan and Rural Hamilton Official Plan (PED22047) (City Wide) (Item 9.7)

- (a) That City Initiative CI-22-B – Housekeeping Amendments to the Urban Hamilton Official Plan and Rural Hamilton Official Plan, to amend policies, schedules and maps in Volume 1 – Parent Plan, Volume 2 – Secondary Plans and Rural Settlement Area Plans of the UHOP and RHOP, correct and clarify policies and mapping, be APPROVED on the following basis:
 - (i) That the Draft Urban Hamilton Official Plan Amendment, attached as Appendix “A” to Report PED22047, be adopted by Council;
 - (ii) That the Draft Rural Hamilton Official Plan Amendment, attached as Appendix “B” to Report PED22047, be adopted by Council;
 - (iii) That the proposed Official Plan Amendments are consistent with the Provincial Policy Statement (PPS), 2020 and conform to Growth Plan for the Greater Golden Horseshoe, 2019, as amended and the Greenbelt Plan, 2017.
- (b) That the public submissions regarding this matter were received and considered by the Committee in approving the application.

- 6. Entertainment on Outdoor Commercial Patios – Amendments to City of Hamilton Zoning By-law No. 05-200 and the Town of Ancaster Zoning By-law No. 87-57, Town of Dundas Zoning By-law No. 3581-86, Town of Flamborough Zoning By-law No. 90-145-Z, Town of Glanbrook Zoning By-law No. 464, former City of Hamilton Zoning By-law No. 6593, and City of Stoney Creek Zoning By-law No. 3692-92 (CI 22-D) (PED16155(c)) (City Wide) (Item 9.8)**
- (a) That approval be given to City Initiative CI 22-D to amend City of Hamilton Zoning By-law No. 05-200 to permit commercial entertainment and recreation on outdoor commercial patios on the following basis:
 - (i) That the Draft By-law, attached as Appendix “A” to Report PED16155(c) which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
 - (ii) That the proposed changes in zoning are in conformity with the Urban Hamilton Official Plan (UHOP), Rural Hamilton Official Plan, Hamilton-Wentworth Official Plan and City of Hamilton Official Plan;
 - (iii) That the proposed Zoning By-law Amendment is consistent Provincial Policy Statement (PPS), 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended.
 - (b) That approval be given to City Initiative CI 22-D to amend Town of Ancaster Zoning By-law No. 87-57 to permit commercial entertainment and recreation on outdoor commercial patios on the following basis:
 - (i) That the Draft By-law, attached as Appendix “B” to Report PED16155(c) which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
 - (ii) That the proposed changes in zoning are in conformity with the Urban Hamilton Official Plan (UHOP) and Rural Hamilton Official Plan;
 - (iii) That the proposed Zoning By-law Amendment is consistent Provincial Policy Statement (PPS), 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended;
 - (c) That approval be given to City Initiative CI 22-D to amend Town of Dundas Zoning By-law No. 3581-86 to permit commercial entertainment and recreation on outdoor commercial patios on the following basis:

- (i) That the Draft By-law, attached as Appendix “C” to Report PED16155(c) which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
 - (ii) That the proposed changes in zoning are in conformity with the Urban Hamilton Official Plan (UHOP) and Rural Hamilton Official Plan;
 - (iii) That the proposed Zoning By-law Amendment is consistent Provincial Policy Statement (PPS), 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended;
- (d) That approval be given to City Initiative CI 22-D to amend Town of Flamborough Zoning By-law No. 90-145-Z to permit commercial entertainment and recreation on outdoor commercial patios on the following basis:
 - (i) That the Draft By-law, attached as Appendix “D” to Report PED16155(c) which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
 - (ii) That the proposed changes in zoning are in conformity with the Urban Hamilton Official Plan (UHOP) and Rural Hamilton Official Plan;
 - (iii) That the proposed Zoning By-law Amendment is consistent Provincial Policy Statement (PPS), 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019;
- (e) That approval be given to City Initiative CI 22-D to amend Town of Glanbrook Zoning By-law No. 464 to permit commercial entertainment and recreation on outdoor commercial patios on the following basis:
 - (i) That the Draft By-law, attached as Appendix “E” to Report PED16155(c) which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
 - (ii) That the proposed changes in zoning are in conformity with the Urban Hamilton Official Plan (UHOP) and Rural Hamilton Official Plan;
 - (iii) That the proposed Zoning By-law Amendment is consistent Provincial Policy Statement (PPS), 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019;

- (f) That approval be given to City Initiative CI 22-D to amend former City of Hamilton Zoning By-law No. 6593 to permit commercial entertainment and recreation on outdoor commercial patios on the following basis:
 - (i) That the Draft By-law, attached as Appendix “F” to Report PED16155(c) which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
 - (ii) That the proposed changes in zoning are in conformity with the Urban Hamilton Official Plan (UHOP), Rural Hamilton Official Plan, Hamilton-Wentworth Official Plan and City of Hamilton Official Plan;
 - (iii) That the proposed Zoning By-law Amendment is consistent Provincial Policy Statement (PPS), 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019;
- (g) That approval be given to City Initiative CI 22-D to amend City of Stoney Creek Zoning By-law No. 3692-92 to permit commercial entertainment and recreation on outdoor commercial patios on the following basis:
 - (i) That the Draft By-law, attached as Appendix “G” to Report PED16155(c) which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
 - (ii) That the proposed changes in zoning are in conformity with the Urban Hamilton Official Plan (UHOP) and Rural Hamilton Official Plan;
 - (iii) That the proposed Zoning By-law Amendment is consistent Provincial Policy Statement (PPS), 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019;
- (h) Subject to the approval of City Initiative CI 22-D, that Licensing and Bylaw Services staff be directed to report back to Planning Committee to amend Licensing By-law No. 07-170 by adding a condition stating business licence holders may not permit noise from commercial entertainment or commercial recreation on Outdoor Commercial Patios; and,
- (i) That there were no public submissions received regarding this matter.

7. Temporary Use By-law to Zoning By-law No. 05-200 – Outdoor Commercial Patios and Temporary Tents (CI-20-F(4)) (PED20135(c)) (City Wide) (Item 9.9)

- (a) That approval be given to City Initiative-20-F(4) to establish a Temporary Use By-law for Zoning By-law No. 05-200, effective until March 31, 2025, to grant relief from and provide for additional locational permissions for

Outdoor Commercial Patios for the Downtown Central Business District (D1) Zone, Downtown Prime Retail Streets (D2) Zone, Downtown Mixed Use (D3) Zone, Community Commercial (C2) Zone, Community Commercial (C3) Zone, Mixed Use High Density (C4) Zone, Mixed Use Medium Density (C5) Zone, Mixed Use Medium Density - Pedestrian Focus (C5a) Zone, District Commercial (C6) Zone, Arterial Commercial (C7) Zone, Mixed Use (TOC1) Zone, Local Commercial (TOC2) Zone, and Mixed Use High Density (TOC4) Zone within the City, on the following basis:

- (i) That the draft Temporary Use By-law, attached as Appendix “A” to Report PED20135(c), be approved by City Council;
 - (ii) That the draft Temporary Use By-law is consistent with the Provincial Policy Statement (PPS) 2020, conforms to the A Place to Grow Plan 2019, as amended, and complies with the Urban Hamilton Official Plan;
- (b) That approval be given to City Initiative-20-F(4) to establish a Temporary Use By-law for Zoning By-law No. 05-200, effective until March 31, 2025, to provide improved operational flexibility for local businesses and institutional operations (specifically places of worship, hospitals, and educational establishments), by permitting the erection of temporary tents for six consecutive months for certain commercial zones, uses permitted in the Community Park (P2) Zone and the City Wide (P3) Zone, certain institutional uses in institutional zones, and certain commercial uses and accessory commercial uses to a permitted use in certain industrial zones within the City, on the following basis:
 - (i) That the draft Temporary Use By-law, attached as Appendix “B” to Report PED20135(c), be approved by City Council;
 - (ii) That the draft Temporary Use By-law is consistent with the Provincial Policy Statement (PPS) 2020, conforms to the A Place to Grow Plan (2020), and complies with the Urban Hamilton Official Plan;
- (c) That staff be directed to report back, prior to the expiration of the Temporary Use By-laws attached as Appendix “A” and “B” to Report PED20135(c) or at the request of Council, to present staffs’ evaluation of these temporary permissions to determine if any modifications to the regulations for Outdoor Commercial Patios and/or temporary tents in Zoning By-law No. 05-200 is appropriate or whether some or all of the temporary permissions for Outdoor Commercial Patios and/or temporary tents should be established permanently.
- (d) That there were no public submissions received regarding this matter.

8. Rental Housing Licensing Pilot Program and Transition Plan Update (PED21097(b)) (Wards 1, 8 and parts of Ward 14) (Item 10.1)

That Report PED21097(b) respecting Rental Housing Licensing Pilot Program and Transition Plan Update, be received.

9. Demolition Permit for the property known as 389, 391, 427 Limeridge Road East (Added Item 11.1)

WHEREAS, the owner/consultant of the above-mentioned property would like to demolish the existing dwelling without having to replace it with a new dwelling; and

WHEREAS, there have been ongoing issues with the vacant home being repeatedly trespassed and vandalized creating ongoing safety and security concerns for the surrounding neighbours and owner.

THEREFORE, BE IT RESOLVED: That the Chief Building Official be authorized to issue a demolition permit for the single detached dwelling located at the southeast corner of the property known as 389, 391, 427 Limeridge Road East (the municipal address for the dwelling to be demolished being 427 Limeridge Road East), in accordance with By-law 09-208, as amended, pursuant to Section 33 of the Planning Act, without having to comply with the conditions of section 6(a), (b), and (c) of Demolition Control By-law 09-208.

10. Demolition Permit for the property known as 474 to 476 James Street North (Added Item 11.2)

WHEREAS the owner/consultant of the above-mentioned property would like to demolish the existing semi-detached two family dwelling without finalizing the Site Plan Application;

WHEREAS the owner/consultant requires the demolition of the semi-detached two family dwelling in order to complete the testing for the shoring design, ground settlement and vibration studies which are a condition of Site Plan approval.

THEREFORE, BE IT RESOLVED:

That the Chief Building Official be authorized to issue a demolition permit for the semi-detached two family dwelling known as 474 and 476 James Street North, prior to Site Plan approval, in accordance with By-law 09-208, as amended, pursuant to Section 33 of the *Planning Act*, without having to comply with the conditions of sections 5, 6(a), (b), and (c) of Demolition Control By-law 09-208."

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

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

1. COMMUNICATIONS (Item 5)

5.1 Ontario Land Tribunal Decisions

- a. 325 Highway No. 8 - OPA and ZBL Refusal
By-laws 22-048 and 22-049
Recommendation: Be received.

5.2 Matt Johnston, Urban Solutions, respecting Exemption for
Demolition Permit for 427 Limeridge Road (Item 12.1) -
WITHDRAWN

2. DELEGATION REQUESTS (Item 6)

6.1 Luca Giuliano respecting the 12 Hour Parking Rule (For the April
25th meeting)

3. PUBLIC HEARINGS / DELEGATIONS (Item 9)

9.5 Applications for Amendments to the Urban Hamilton Official Plan
and Zoning By-law No. 05-200 for Lands Located at 392, 398, 400,
402, 406, and 412 Wilson Street East and 15 Lorne Avenue
(Ancaster) (PED22070) (Ward 12)

(a) Added Written Submissions:

- (xxiv) Jan King
- (xxv) Bonnie Angelini
- (xxvi) Anka Cassar
- (xxvii) Jim MacLeod
- (xxviii) Gayle Villeneuve
- (xxix) Patrick Harrington, Aird & Berlis LLP
- (xxx) Nancy Dingwall
- (xxxi) Dan Faulkner
- (xxxii) Chris Asimoudis
- (xxxiii) David Watkins
- (xxxiv) Robert and Arleen Outlaw
- (xxxv) Patrick Bermingham
- (xxxvi) Amy Cross
- (xxxvii) Patti Leonard
- (xxxviii) William & Marta Vandermarel

- (xxxix) Lucy Bower
- (xl) Marion Spicer and Nell Farmer Spicer
- (xli) Pat and David Venus
- (xlii) Jessica Laposa
- (xliii) Veronica Watkins
- (xliv) Klaas Detmar
- (xlv) Jennifer Asimoudis
- (xlvi) Gail Lazzarato
- (xlvii) Sandra Starr
- (xlviii) Kelly Pearce
- (xlix) Linda Friend and Terry Pearce

(b) Added Registered Delegations:

- (ii) Bob Maton
- (iii) Lilian Druiven

- 9.6 Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200 and the Town of Ancaster Zoning By-law No.87-57, Town of Flamborough Zoning By-law No. 90-145-Z, former City of Hamilton Zoning By-law No. 6593, and City of Stoney Creek Zoning By-law No. 3692-92. (CI 22-C) (PED22046) (City Wide)

(a) Added written Submissions

- (i) Sue McMaster, Rockhaven Distillery Ltd.

- 9.7 Housekeeping Amendments to the Urban Hamilton Official Plan and Rural Hamilton Official Plan (PED22047) (City Wide)

(a) Added written Submissions

- (i) Sue McMaster, Rockhaven Distillery Ltd.

- 9.10 Site Alteration Appeal for the property known as 2330 Guyatt Road, Glanbrook, Denied by the Director of Growth Management and Appealed by the Owner (PED22036) (Ward 11) – Deferred to a future meeting

4. NOTICES OF MOTIONS (Item 12)

- 12.1 Demolition Permit for the property known as 389, 391, 427 Limeridge Road East

The agenda for the April 5, 2022 Planning Committee meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

Councillor Pearson declared a disqualifying interest to Item 10.1, Rental Housing Licensing Pilot Program and Transition Plan Update (PED21097(b)), as she is a landlord of rental properties.

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

(i) March 22, 2022 (Item 4.1)

The Minutes of the March 22, 2022 meeting were approved, as presented.

(d) COMMUNICATIONS (Item 5)

(i) Ontario Land Tribunal Decisions (Added Item 5.1)

(a) 325 Highway No. 8 - OPA and ZBL Refusal By-laws 22-048 and 22-049

The communication from the Ontario Land Tribunal respecting 325 Highway No. 8 - OPA and ZBL Refusal - By-laws 22-048 and 22-049, was received.

(e) DELEGATION REQUESTS (Item 6)

(i) Delegation Requests (Added Item 6.1)

The Delegation Request from Luca Giuliano respecting the 12 Hour Parking Rule, was approved for the April 25, 2022 meeting.

(f) PUBLIC HEARINGS / DELEGATIONS (Item 9)

(i) John Matas respecting a Demolition Permit for 474-476 James Street North (Item 9.1)

John Matas addressed the Committee respecting a Demolition Permit for 474-476 James Street North.

The delegation from John Matas addressed the Committee respecting a Demolition Permit for 474-476 James Street North, was received.

For disposition of this matter, refer to Items (g)(ii) and 10.

(ii) Viv Saunders, Lakewood Beach Community Council, respecting Site Plan Approval / Building Permit Issuance (Item 9.2)

Viv Saunders, Lakewood Beach Community Council, addressed the Committee respecting Site Plan Approval / Building Permit Issuance.

The delegation from Viv Saunders, Lakewood Beach Community Council, respecting Site Plan Approval / Building Permit Issuance, was received.

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.

(iii) Application for a Zoning By-law Amendment for Lands Located at 386 Wilcox Street, Hamilton (PED22079) (Ward 3) (Item 9.3)

No members of the public were registered as Delegations.

The staff presentation was waived.

Dana Anderson, from MHBC Planning, Urban Design & Landscape Architecture, was in attendance and indicated support for the staff report.

The delegation from Dana Anderson, from MHBC Planning, Urban Design & Landscape Architecture was received.

The public meeting was closed.

- (a) That Amended Zoning By-law Amendment Application ZAC-22-009, by MHBC Planning on behalf of Stelco Inc., for a further modification to the General Industrial (M5, 433) Zone to the General Industrial (M5, 433, H123) Zone to add a Holding Provision on lands located at 386 Wilcox Street (Hamilton), as shown on Appendix "A" to Report PED22079, be APPROVED on the following basis:

- (a) That the draft By-law, attached as Appendix “B” to Report PED22079, 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;
- (c) That Schedule “D” – Holding Provisions, of Zoning By-law No. 05-200; be amended by adding the following Holding Provisions as follows:

“123. Notwithstanding Section 9.5 and Special Exception No. 433 of this By-law, within the lands zoned General Industrial (M5, 433) Zone identified on Map Nos. 749, 750, 751, 789, 790, 791, 830, 831, 832, 872, 873, 874, 915 and 916 of Schedule “A” – Zoning Maps and described as 386 Wilcox Street, development shall be restricted in accordance with the following:

- (i) For such time as the Holding Provision is in place, these lands shall only be used for permitted uses, buildings and structures listed in the (M5, 433) Zone;
- (ii) Regulations

For such time as the Holding Provision is in place, these lands shall be subject to the regulations of the (M5, 433) Zone and the following regulations:

- (1) New development, including the establishment of uses permitted by the (M5,433) Zone, and additions or alterations to existing buildings shall be permitted to a maximum of 1,000 square metres, in accordance with the provisions of Zoning By-law No. 05-200;
- (2) Issuance of Demolition Permits shall be permitted, to the satisfaction of the Chief Building Official;
- (3) Relocation of existing buildings and structures on site shall be permitted provided there is no increase in Gross Floor Area with the exception to additions and alterations up to a

maximum of 1,000 square metres as set out in
a) above, to the satisfaction of the Chief
Building Official;

- (4) Site remediation and earthworks shall be permitted, to the satisfaction of the Director of Growth Management;

(iii) Conditions for Holding Provision Removal

The Holding Provision shall, upon Application by the landowner, be removed by way of an amending Zoning By-law, from all or part of the lands subject to this provision, provided that the following conditions have been satisfied for such portion of the lands:

- (1) The Owner submits and receives approval of a Concept Plan for the lands, to the satisfaction of the Director of Planning and Chief Planner. The Concept Plan shall include the following:
 - (aa) Precincts and the distribution of land uses and buildings within each precinct;
 - (bb) Road and rail network;
 - (cc) Phasing;
- (2) The Owner shall provide a Master Servicing Plan, including a Transportation Master Plan, for the retained and severed portion of the lands to the satisfaction of the Director of Growth Management and Director of Transportation and Parking. Furthermore, the Owner shall develop a Terms of Reference to complete the Master Servicing Plan and Transportation Master Plan to the satisfaction of the Director of Growth Management and Director of Transportation and Parking;
- (3) The Owner enter into and register on title a Joint Use Agreement and/or Development Agreement (if required) to implement the Master Servicing Plan, to the satisfaction of the Director of Growth Management;
- (4) The Owner submits and receives approval of an Implementation Strategy to illustrate how the Concept Plan and Master Servicing Plan,

including a Transportation Master Plan, may be implemented through additional Planning Act approvals such as Draft Plan of Subdivision, Draft Plan of Condominium and/or Applications for Site Plan Control all to the satisfaction of the Director of Planning and Chief Planner, Director of Transportation and Parking and Director of Growth Management.

The recommendations in Report PED22079 were ***amended*** by adding the following sub-section (b):

- (b) That there were no public submissions received regarding this matter.***

For disposition of this matter, refer to Item 1.

- (iv) Applications for Official Plan Amendment and Zoning By-law Amendment for lands located at 222, 226 and 228 Barton Street East and 255, 257, 261, 263 and 265 Wellington Street North, Hamilton (PED22062) (Ward 2) (Item 9.4)**

No members of the public were registered as delegations.

The staff presentation was waived.

Matt Johnston with Urban Solutions, was in attendance and indicated support for the staff report.

The delegation from Matt Johnston with Urban Solutions, was received.

The written submissions in the staff report, were received.

The public meeting was closed.

- (a) That Amended Official Plan Amendment Application UHOPA-20-008 by Urban Solutions Planning and Land Development Consultants Inc. c/o Sergio Manchia, on behalf of 467052 Ontario Limited c/o Steve Joyce, Owner, to redesignate a portion of the subject lands from “Low Density Residential” and a portion of the subject lands from “Local Commercial” to “Mixed Use” with a Special Policy Area in the City of Hamilton Official Plan, to permit a seven storey mixed use building with commercial uses on the ground floor, professional offices and professional medical offices on the second floor and residential dwelling units on the upper storeys, for lands located at 222, 226 and 228 Barton Street East and 255, 257, 261, 263 and 265 Wellington Street North, as shown**

on Appendix “A” attached to Report PED22062, be APPROVED on the following basis:

- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED22062, be adopted by City Council;
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to the Growth Plan for the Greater Golden Horseshoe 2019, as amended;
- (b) That Amended Zoning By-law Amendment Application ZAC-20-013 by Urban Solutions Planning and Land Development Consultants Inc. c/o Sergio Manchia, on behalf of 467052 Ontario Limited c/o Steve Joyce, Owner, for a change in zoning from the “JJ/S-378” (Restricted Light Industrial) District, Modified, “H” (Community Shopping and Commercial, Etc.) District, “H/S-1259” (Community Shopping and Commercial, Etc.) District, Modified and “D” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District to a site specific Mixed Use Medium Density – Pedestrian Focus (C5a, 774, H124) Zone to permit a mixed use building with a maximum building height of 25 metres (seven storeys) with 845.64 square metres of ground floor commercial space, 749.52 square metres of office on the second floor, 79 residential dwelling units on the upper floors and a total of 86 parking spaces for lands located at 222, 226 and 228 Barton Street East and 255, 257, 261, 263 and 265 Wellington Street North, as shown on Appendix “A” attached to Report PED22062, be APPROVED on the following basis:
- (i) That the draft By-law, attached as Appendix “C” to Report PED22062, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended, and complies with the City of Hamilton Official Plan upon approval of Official Plan Amendment No. ____;
 - (iii) That Schedule “D” – Holding Provisions, of Zoning By-law No. 05-200; be amended by adding the following Holding Provisions as follows:

H124. Notwithstanding Section 10.5a of this By-law, within lands zoned Mixed Use Medium Density – Pedestrian Focus (C5a) Zone on Map No. 952 on Schedule “A” – Zoning

Maps, and described as 222, 226 and 228 Barton Street East and 255, 257, 261, 263 and 265 Wellington Street North, Hamilton, no development shall be permitted until such time as:

1. The Owner submit and receive completion of a signed Record of Site Condition being submitted to the City of Hamilton and the Ministry of the Environment, Conservation and Parks (MOECP) or enters into a conditional building permit agreement with respect to completing a Record of Site Condition. This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MOECP, and submission of the City of Hamilton's current RSC administration fee;
 2. The Owner agrees in a signed Site Plan Agreement to implement all required noise mitigation measures identified in the Environmental Noise Feasibility Study dated November 22, 2019 by RWDI and updated July 26, 2021, to the satisfaction of the Director of Planning and Chief Planner;
 3. The Owner agrees in a signed Site Plan Agreement, to provide notice to any subsequent owner, as well as any prospective purchasers or tenants that the dwellings are located in a Class 4 Area, and to agree to register this notice and any / all warning clauses on title, and include them in any purchase and sale and in any lease or rental agreement, to the satisfaction of the Director of Planning and Chief Planner;
- (c) That Council deem the lands at 222, 226 and 228 Barton Street East and 255, 257, 261, 263 and 265 Wellington Street North (see Appendix "A" attached to Report PED22062) as a Class 4 Area pursuant to the Ministry of the Environment, Conservation and Parks' (MECP) Noise Guidelines NPC-300 (Stationary and Transportation Sources – Approval and Planning), and that the Class 4 Area designation apply only to the development proposal attached as Appendix "E" to Report PED22062 with the requirement that all noise mitigation and warning clauses be secured through the Holding Provision attached to the implementing Zoning By-law as specified in Section (b)(iii) b, and c. outlined above;

- (d) That upon finalization of the amending By-law, the subject lands be redesignated from “Single and Double” and “Commercial” to “Commercial and Apartments” in the Beasley Neighbourhood Plan

The recommendations in Report PED22062 were **amended** by adding the following sub-section (e):

- (e) ***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 2.

- (v) **Applications for Amendments to the Urban Hamilton Official Plan and Zoning By-law No. 05-200 for Lands Located at 392, 398, 400, 402, 406, and 412 Wilson Street East and 15 Lorne Avenue (Ancaster) (PED22070) (Ward 12) (Item 9.5)**

Tim Vrooman, Senior Planner, addressed the Committee with the aid of a PowerPoint presentation.

The staff presentation was received.

Patrick Harrington, from Aird & Berlis LLP is in attendance as representative for the applicant, was in attendance and indicated he was not in support for the staff report.

The delegation from Patrick Harrington, from Aird & Berlis LLP, was received.

The following written submissions (Item 9.5(a)), were received:

- (i) Karen and Paul Shields - Opposed to the application
- (ii) Mark Collings – Opposed to the application
- (iii) Barb Russell-Morse – Opposed to the application
- (iv) Debra and Edward Valevicius – Opposed to the application
- (v) R.H. Baker – Opposed to the application
- (vi) David Molnar– Opposed to the application
- (vii) Dr. Christina Grant and Sheldon Norton – Opposed to the application
- (viii) Douglas Amos - Opposed to the application
- (ix) Heather Bull – Opposed to the application
- (x) John and Jan Allan – Concerns with the application
- (xi) Brad Kuhn – Opposed to the application
- (xii) Jane Brown – Opposed to the application
- (xiii) Doug Stephens – Opposed to the application
- (xiv) Gail Moffat – Opposed to the application

- (xv) Enrico and Julie Palmese – Opposed to the application
- (xvi) David Hardcastle – Opposed to the application
- (xvii) Robert Annandale – Opposed to the application
- (xviii) Peter Palmer – Opposed to the application
- (xix) Marc Bader – Opposed to the application
- (xx) Shannon Kyles – Opposed to the application
- (xxi) Brian Dale – Opposed to the application
- (xxii) Dr. Brooke Pearson and Kathleen Pearson – Opposed to the application
- (xxiii) Maxine Morris-Zecchini and Mario Zecchini – Opposed to the application
- (xxiv) Jan King – Concerns with the application
- (xxv) Bonnie Angelini – Opposed to the application
- (xxvi) Anka Cassar – Opposed to the application
- (xxvii) Jim MacLeod – Opposed to the application
- (xxviii) Gayle Villeneuve – Concerns with the application
- (xxix) Patrick Harrington, Aird & Berlis LLP – In support of the application
- (xxx) Nancy Dingwall – Opposed to the application
- (xxxi) Dan Faulkner – Opposed to the application
- (xxxii) Chris Asimoudis – Opposed to the application
- (xxxiii) David Watkins – Opposed to the application
- (xxxiv) Robert and Arleen Outlaw – Opposed to the application
- (xxxv) Patrick Bermingham – Concerns with the application
- (xxxvi) Amy Cross – Opposed to the application
- (xxxvii) Patti Leonard – Opposed to the application
- (xxxviii) William & Marta Vandermarel – Opposed to the application
- (xxxix) Lucy Bower – Opposed to the application
- (xl) Marion Spicer and Nell Farmer Spicer – Opposed to the application
- (xli) Pat and David Venus – Opposed to the application
- (xlii) Jessica Laposa – Opposed to the application
- (xliii) Veronica Watkins – Opposed to the application
- (xliv) Klaas Detmar – Opposed to the application
- (xlv) Jennifer Asimoudis – Opposed to the application
- (xlvi) Gail Lazzarato – Opposed to the application
- (xlvii) Sandra Starr – Concerns with the application
- (xlviii) Kelly Pearce – Opposed to the application
- (xlix) Linda Friend and Terry Pearce – Concerns with the application

Registered Delegations (Item 9.2(b)):

The following delegates addressed the Committee respecting Report PED22070 (Item 9.5):

- (i) Margarita De Antunano – Opposed to the proposal.
- (ii) Bob Maton – Opposed to the application
- (iii) Lilian Druiven – Opposed to the application

The following delegations were received.

- (i) Margarita De Antunano
- (ii) Bob Maton
- (iii) Lilian Druiven

That Report PED22070 be referred back to staff for further consultation with the applicant, staff and the Ward Councillor.

The above Motion was DEFEATED.

The public meeting was closed.

- (a) That Urban Hamilton Official Plan Amendment Application UHOPA-22-004, by Wilson St. Ancaster Inc. (c/o Giovanni Fiscaletti, Applicant / Owner), to amend the Ancaster Wilson Street Secondary Plan to redesignate the lands located at 15 Lorne Avenue from “Low Density Residential 1” designation to “Mixed Use - Medium Density” designation with a “Pedestrian Focus”; and, to establish a Site Specific Policy to permit an eight storey mixed use development with a maximum density of 220 units per hectare and provide for the relocation of the existing designated heritage building from 398 Wilson Street East to 15 Lorne Avenue, on lands located at 392, 398, 400, 402, 406, and 412 Wilson Street East, as shown on Appendix “A” attached to Report PED22070, 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 the following matters: right-of-way dedications, building height, residential density, massing, privacy, overlook, setbacks, and compatibility with and enhancement of the character of the existing neighbourhood.
 - (ii) The mass, height, and bulk of the proposal is not considered to be good planning and is considered an overdevelopment of the site;
- (b) That Zoning By-law Amendment Application ZAC-22-011, by Wilson St. Ancaster Inc. (c/o Giovanni Fiscaletti, Applicant / Owner), to change the zoning from the Existing Residential “ER” Zone, the Mixed Use Medium Density - Pedestrian Focus (C5a, 570) Zone, and the Mixed Use Medium Density - Pedestrian Focus (C5a, 570, 651) Zone to a modified Mixed Use Medium Density - Pedestrian Focus (C5a) Zone, to permit an eight storey mixed use development with a maximum density of 220 units per hectare, with

1,677 m² of at grade commercial space and 169 dwelling units above with 55 surface parking spaces and 257 underground parking spaces, on lands located at 392, 398, 400, 402, 406, and 412 Wilson Street East and to relocate the existing designated heritage building on the lands located at 398 Wilson Street East to the lands located at 15 Lorne Avenue, as shown on Appendix “A” attached to Report PED22070, 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 building height, setbacks, and massing;
- (ii) That the proposal does not meet the general intent of the Zoning By-law with regards to allowable building height, setbacks, minimum side yard, planting strip;
- (iii) That the proposal is not considered to be good planning and is considered an overdevelopment of the site.

The recommendations in Report PED22070 were ***amended*** by adding the following sub-section (c):

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

For disposition of this matter, refer to Item 3.

- (vi) **Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200 and the Town of Ancaster Zoning By-law No.87-57, Town of Flamborough Zoning By-law No. 90-145-Z, former City of Hamilton Zoning By-law No. 6593, and City of Stoney Creek Zoning By-law No. 3692-92. (CI 22-C) (PED22046) (City Wide) (Item 9.6)**

No members of the public were registered as delegations.

The staff presentation was waived.

The following written submission (Item 9.(6a)), was received:

- (i) Sue McMaster, in Support of the application.

The public meeting was closed.

- (a) That approval be given to City Initiative CI 22-C for modifications and updates to the City of Hamilton Zoning By-law No. 05-200 on the following basis:
 - (i) That the Draft By-law, attached as Appendix “A” to Report PED22046, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
 - (ii) That the proposed changes in zoning are in conformity with the Urban Hamilton Official Plan (UHOP);
 - (iii) That the proposed changes in zoning will be in conformity with the Rural Hamilton Official Plan (RHOP) upon approval of Draft Rural Hamilton Official Plan Amendment No. ____ (Appendix “B” attached to Report PED22047);
 - (iv) That the proposed Zoning By-law Amendment is consistent with the Provincial Policy Statement (PPS), 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020, as amended, and the Greenbelt Plan, 2017;
- (b) That approval be given to City Initiative CI 22-C for modifications to the Town of Ancaster Zoning By-law No. 87-57 on the following basis:
 - (i) That the Draft By-law, attached as Appendix “B” to Report PED22046, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
 - (ii) That the proposed changes in zoning are in conformity with the Urban Hamilton Official Plan (UHOP);
 - (iii) That the proposed Zoning By-law Amendment is consistent with the Provincial Policy Statement (PPS), 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020, as amended, and the Greenbelt Plan, 2017;
- (c) That approval be given to City Initiative CI 22-C for updates to the Town of Flamborough Zoning By-law No. 90-145-Z on the following basis:
 - (i) That the Draft By-law, attached as Appendix “C” to Report PED22046, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;

- (ii) That the proposed changes in zoning are in conformity with the Urban Hamilton Official Plan (UHOP);
 - (iii) That the proposed Zoning By-law Amendment is consistent with the Provincial Policy Statement (PPS), 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020, as amended, and the Greenbelt Plan, 2017;
- (d) That approval be given to City Initiative C1 22-C for updates to the City of Hamilton Zoning By-law No. 6593 on the following basis:
 - (i) That the Draft By-law, attached as Appendix “D” to Report PED22046, which has been prepared in a form satisfactory to the City Solicitor, be held in abeyance until such time as By-law No. 21-249 is in force and effect;
 - (ii) That staff be directed to bring forward the draft By-law, attached as Appendix “D” to Report PED22046, for enactment by Council, once By-law No. 21-249 is in force and effect;
 - (iii) That the proposed changes in zoning are in conformity with the Urban Hamilton Official Plan (UHOP);
 - (iv) That the proposed Zoning By-law Amendment is consistent Provincial Policy Statement (PPS), 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended, and the Greenbelt Plan, 2017;
- (e) That approval be given to City Initiative CI 22-C for updates to the City of Stoney Creek Zoning By-law No. 3692-92 on the following basis:
 - (i) That the Draft By-law, attached as Appendix “E” to Report PED22046, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
 - (ii) That the proposed changes in zoning are in conformity with the Urban Hamilton Official Plan (UHOP);
 - (iii) That the proposed Zoning By-law Amendment is consistent Provincial Policy Statement (PPS), 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020, as amended, and the Greenbelt Plan, 2017.

The recommendations in Report PED22046 were **amended** by adding the following sub-section (f):

- (f) *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 4.

(vii) Housekeeping Amendments to the Urban Hamilton Official Plan and Rural Hamilton Official Plan (PED22047) (City Wide) (Item 9.7)

No members of the public were registered as delegations.

Delia McPhail, Senior Planner, addressed the Committee with the aid of a PowerPoint presentation.

The staff presentation was received.

The following written submission (Item 9.7(a)), was received:

- (i) Sue McMaster, in Support of the application.

The public meeting was closed.

- (a) That City Initiative CI-22-B – Housekeeping Amendments to the Urban Hamilton Official Plan and Rural Hamilton Official Plan, to amend policies, schedules and maps in Volume 1 – Parent Plan, Volume 2 – Secondary Plans and Rural Settlement Area Plans of the UHOP and RHOP, correct and clarify policies and mapping, be APPROVED on the following basis:

- (i) That the Draft Urban Hamilton Official Plan Amendment, attached as Appendix “A” to Report PED22047, be adopted by Council;
- (ii) That the Draft Rural Hamilton Official Plan Amendment, attached as Appendix “B” to Report PED22047, be adopted by Council;
- (iii) That the proposed Official Plan Amendments are consistent with the Provincial Policy Statement (PPS), 2020 and conform to Growth Plan for the Greater Golden Horseshoe, 2019, as amended and the Greenbelt Plan, 2017.

The recommendations in Report PED22047 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 5.

- (viii) Entertainment on Outdoor Commercial Patios – Amendments to City of Hamilton Zoning By-law No. 05-200 and the Town of Ancaster Zoning By-law No. 87-57, Town of Dundas Zoning By-law No. 3581-86, Town of Flamborough Zoning By-law No. 90-145-Z, Town of Glanbrook Zoning By-law No. 464, former City of Hamilton Zoning By-law No. 6593, and City of Stoney Creek Zoning By-law No. 3692-92 (CI 22-D) (PED16155(c)) (City Wide) (Item 9.8)**

No members of the public were registered as Delegations.

Alana Fulford, Senior Planner, addressed the Committee with the aid of a PowerPoint presentation.

The staff presentation was received.

The public meeting was closed.

- (a) That approval be given to City Initiative CI 22-D to amend City of Hamilton Zoning By-law No. 05-200 to permit commercial entertainment and recreation on outdoor commercial patios on the following basis:
- (i) That the Draft By-law, attached as Appendix “A” to Report PED16155(c) which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
 - (ii) That the proposed changes in zoning are in conformity with the Urban Hamilton Official Plan (UHOP), Rural Hamilton Official Plan, Hamilton-Wentworth Official Plan and City of Hamilton Official Plan;
 - (iii) That the proposed Zoning By-law Amendment is consistent Provincial Policy Statement (PPS), 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended.
- (b) That approval be given to City Initiative CI 22-D to amend Town of Ancaster Zoning By-law No. 87-57 to permit commercial entertainment and recreation on outdoor commercial patios on the following basis:

- (i) That the Draft By-law, attached as Appendix “B” to Report PED16155(c) which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
 - (ii) That the proposed changes in zoning are in conformity with the Urban Hamilton Official Plan (UHOP) and Rural Hamilton Official Plan;
 - (iii) That the proposed Zoning By-law Amendment is consistent Provincial Policy Statement (PPS), 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended;
- (c) That approval be given to City Initiative CI 22-D to amend Town of Dundas Zoning By-law No. 3581-86 to permit commercial entertainment and recreation on outdoor commercial patios on the following basis:
 - (i) That the Draft By-law, attached as Appendix “C” to Report PED16155(c) which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
 - (ii) That the proposed changes in zoning are in conformity with the Urban Hamilton Official Plan (UHOP) and Rural Hamilton Official Plan;
 - (iii) That the proposed Zoning By-law Amendment is consistent Provincial Policy Statement (PPS), 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended;
- (d) That approval be given to City Initiative CI 22-D to amend Town of Flamborough Zoning By-law No. 90-145-Z to permit commercial entertainment and recreation on outdoor commercial patios on the following basis:
 - (i) That the Draft By-law, attached as Appendix “D” to Report PED16155(c) which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
 - (ii) That the proposed changes in zoning are in conformity with the Urban Hamilton Official Plan (UHOP) and Rural Hamilton Official Plan;
 - (iii) That the proposed Zoning By-law Amendment is consistent Provincial Policy Statement (PPS), 2020 and conforms to A

Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019;

- (e) That approval be given to City Initiative CI 22-D to amend Town of Glanbrook Zoning By-law No. 464 to permit commercial entertainment and recreation on outdoor commercial patios on the following basis:
 - (i) That the Draft By-law, attached as Appendix “E” to Report PED16155(c) which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
 - (ii) That the proposed changes in zoning are in conformity with the Urban Hamilton Official Plan (UHOP) and Rural Hamilton Official Plan;
 - (iii) That the proposed Zoning By-law Amendment is consistent Provincial Policy Statement (PPS), 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019;
- (f) That approval be given to City Initiative CI 22-D to amend former City of Hamilton Zoning By-law No. 6593 to permit commercial entertainment and recreation on outdoor commercial patios on the following basis:
 - (i) That the Draft By-law, attached as Appendix “F” to Report PED16155(c) which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
 - (ii) That the proposed changes in zoning are in conformity with the Urban Hamilton Official Plan (UHOP), Rural Hamilton Official Plan, Hamilton-Wentworth Official Plan and City of Hamilton Official Plan;
 - (iii) That the proposed Zoning By-law Amendment is consistent Provincial Policy Statement (PPS), 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019;
- (g) That approval be given to City Initiative CI 22-D to amend City of Stoney Creek Zoning By-law No. 3692-92 to permit commercial entertainment and recreation on outdoor commercial patios on the following basis:

- (i) That the Draft By-law, attached as Appendix “G” to Report PED16155(c) which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
- (ii) That the proposed changes in zoning are in conformity with the Urban Hamilton Official Plan (UHOP) and Rural Hamilton Official Plan;
- (iii) That the proposed Zoning By-law Amendment is consistent Provincial Policy Statement (PPS), 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019;
- (h) Subject to the approval of City Initiative CI 22-D, that Licensing and Bylaw Services staff be directed to report back to Planning Committee to amend Licencing By-law No. 07-170 by adding a condition stating business licence holders may not permit noise from commercial entertainment or commercial recreation on Outdoor Commercial Patios.

The recommendations in Report PED16155(c) were **amended** by adding the following sub-section (i):

- (i) ***That there were no public submissions received regarding this matter.***

For disposition of this matter, refer to Item 6.

(ix) Temporary Use By-law to Zoning By-law No. 05-200 – Outdoor Commercial Patios and Temporary Tents (CI-20-F(4)) (PED20135(c)) (City Wide) (Item 9.9)

No members of the public were registered as Delegations.

Alana Fulford, Senior Planner, addressed the Committee with the aid of a PowerPoint presentation.

The staff presentation was received.

The public meeting was closed.

- (a) That approval be given to City Initiative-20-F(4) to establish a Temporary Use By-law for Zoning By-law No. 05-200, effective until March 31, 2025, to grant relief from and provide for additional locational permissions for Outdoor Commercial Patios for the Downtown Central Business District (D1) Zone, Downtown Prime Retail Streets (D2) Zone, Downtown Mixed Use (D3) Zone,

Community Commercial (C2) Zone, Community Commercial (C3) Zone, Mixed Use High Density (C4) Zone, Mixed Use Medium Density (C5) Zone, Mixed Use Medium Density - Pedestrian Focus (C5a) Zone, District Commercial (C6) Zone, Arterial Commercial (C7) Zone, Mixed Use (TOC1) Zone, Local Commercial (TOC2) Zone, and Mixed Use High Density (TOC4) Zone within the City, on the following basis:

- (i) That the draft Temporary Use By-law, attached as Appendix “A” to Report PED20135(c), be approved by City Council;
 - (ii) That the draft Temporary Use By-law is consistent with the Provincial Policy Statement (PPS) 2020, conforms to the A Place to Grow Plan 2019, as amended, and complies with the Urban Hamilton Official Plan;
- (b) That approval be given to City Initiative-20-F(4) to establish a Temporary Use By-law for Zoning By-law No. 05-200, effective until March 31, 2025, to provide improved operational flexibility for local businesses and institutional operations (specifically places of worship, hospitals, and educational establishments), by permitting the erection of temporary tents for six consecutive months for certain commercial zones, uses permitted in the Community Park (P2) Zone and the City Wide (P3) Zone, certain institutional uses in institutional zones, and certain commercial uses and accessory commercial uses to a permitted use in certain industrial zones within the City, on the following basis:
 - (i) That the draft Temporary Use By-law, attached as Appendix “B” to Report PED20135(c), be approved by City Council;
 - (ii) That the draft Temporary Use By-law is consistent with the Provincial Policy Statement (PPS) 2020, conforms to the A Place to Grow Plan (2020), and complies with the Urban Hamilton Official Plan;
- (c) That staff be directed to report back, prior to the expiration of the Temporary Use By-laws attached as Appendix “A” and “B” to Report PED20135(c) or at the request of Council, to present staffs’ evaluation of these temporary permissions to determine if any modifications to the regulations for Outdoor Commercial Patios and/or temporary tents in Zoning By-law No. 05-200 is appropriate or whether some or all of the temporary permissions for Outdoor Commercial Patios and/or temporary tents should be established permanently.

The recommendations in Report PED20135(c) were **amended** by adding the following sub-section (d):

- (d) *That there were no public submissions received regarding this matter.***

For disposition of this matter, refer to Item 7.

The Committee recessed from 12:37 p.m. to 12:50 p.m.

(g) NOTICES OF MOTIONS (Item 12)

- (i) Demolition Permit for the property known as 389, 391, 427 Limeridge Road East (Added Item 12.1)**

Councillor Danko introduced a Notice of Motion respecting Demolition Permit for the property known as 389, 391, 427 Limeridge Road East.

The Rules of Order were waived to allow for the introduction of a Motion respecting Demolition Permit for the property known as 389, 391, 427 Limeridge Road East.

For disposition of this matter, refer to Item 9.

- (ii) Demolition Permit for the property known as 474 to 476 James Street North (Added Item 12.2)**

Councillor Farr introduced a Notice of Motion respecting Demolition Permit for the property known as 474 to 476 James Street North.

The Rules of Order were waived to allow for the introduction of a Motion respecting Demolition Permit for the property known as 474 to 476 James Street North.

For disposition of this matter, refer to Item 10.

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

- (i) Outstanding Business List (13.1)**

The following changes to the Outstanding Business List, were approved:

- (a) Items Requiring New Due Dates:**

18L - Review of C6 and C7 Zoning Regulations
Proposed New Due Date: November 29, 2022

19B - Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200 (PED19029)
Proposed New Due Date: June 14, 2022

19G - Care Facilities and Group Homes (Urban Area) – Human Rights and the Zoning By-law Discussion Paper (CI 19-B) (PED19091)
Proposed New Due Date: May 31, 2022

19Q - Application for Zoning By-law Amendment for Lands Located at 116 and 120
Proposed New Due Date: Q4 2022

19X - Use of Surplus Parking Spaces by Third Parties in Downtown Hamilton
Proposed New Due Date: June 14, 2022

19BB - Parking Fee Review (PED19238)
Proposed New Due Date: May 17, 2022

20L - Use of Tertiary Septic Systems in Hamilton and Update re: Local Planning
Proposed New Due Date: September 20, 2022

21X - License Rental Housing (PED21097/LS21022)
Proposed New Due Date: July 2022

21Y - Hamilton Municipal Heritage Committee Report 21-007 (Item 7.5)
Proposed New Due Date: July 2022

(b) Items to be Removed:

18E - 2018 Development Fee Review (Item (d)(i)(b) on the General Issues Committee Report 2018)

19D - 2019 Operating Budget Offsets from Planning and Development Fees (PED19066) (Item 3 on the General Issues Committee Report 19-006)

19J - Zoning By-law Amendment for 1400 Baseline Road (Added Item 12.1 on the April 30, 2019 agenda)

19DD - Anthony Longo respecting 2070 Rymal Road East (Delegation) (Added Item 6.1 on the November 19, 2019 agenda)

19GG - Implementation and Resources Required re: Corporate Goals and Areas of Focus for Climate Mitigation and Adaptation (** Recommendation that it be removed from PC and referred to H&SC) (Item 4 on the December 4, 2019 General Issues Committee Report)

20-F - Paul Valeri, Valery Homes, requesting Deferral of Decision on the Designation of 828 Sanitorium Road (Added Item 6.4, Hamilton Municipal Heritage Committee Report 20-003, Recommendation #3) (Item 4.6)

21AA - Outdoor Dining Districts Extension (Item 11.1)(Item 11.1 on the November 2, 2021, Planning Committee Report 21-017)

21H - John Ariens, IBI Group, respecting 125-129 Robert Street (UHOP-17- 033 and ZAC-17-073) (Item (g)(v) on the April 20, 2021 Planning Committee Report 21-006)

(ii) General Manager's Update (Added Item 13.2)

Jason Thorne, General Manager of Planning and Economic Development, addressed the Committee respecting an upcoming report to update Committee on the Housing Affordability Task Force; and asked Legal staff to introduce the new Planning Solicitor, Rachel McVean.

The General Manager's Update, was received.

(i) PRIVATE AND CONFIDENTIAL (Item 14)

(i) Closed Session Minutes – March 22, 2022 (Item 14.1)

- (a) That the Closed Session Minutes dated March 22, 2022, be approved as presented; and,
- (b) That the Closed Session Minutes dated March 22, 2022, remain private and confidential.

(j) ADJOURNMENT (Item 15)

There being no further business, the Planning Committee adjourned at 1:29 p.m.

Councillor B. Johnson
Chair, Planning Committee

Lisa Kelsey
Legislative Coordinator