



**PLANNING COMMITTEE
REPORT
22-009**

May 31, 2022

9:30 a.m.

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

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

Absent with Regrets: J. Farr - Personal

**THE PLANNING COMMITTEE PRESENTS REPORT 22-009 AND RESPECTFULLY
RECOMMENDS:**

- 1. To Incorporate Certain City Lands as Public Highway Related to
Registration of Stonegate Park Subdivision, Hamilton (PED22101) (Ward 8)
(Item 7.1)**
 - (a) That the General Manager of Planning and Economic Development, or designate, be authorized and directed to prepare a by-law under the provisions of Subsection 31(2) of the *Municipal Act*, as amended, to incorporate Parts 3 and 4 on Plan 62R- 19793 and Part 1 on Plan 62R-21800 into public highway on Aquasanta Crescent and DiCenzo Drive, respectively, as illustrated in Appendix “A” to Report PED22101.
 - (b) That the by-law to incorporate City lands to form part of Aquasanta Crescent and DiCenzo Drive, included as Appendix “B” to Report PED22101, be prepared to the satisfaction of the City Solicitor and enacted by Council.
 - (c) That the City Solicitor, or designate, be authorized and directed to register the By- law.

2. Private Property Special Enforcement Area (PED22133) (City Wide) (Item 7.2)

That the draft Amending By-law for Administrative Penalty System By-law 17-225, and To Regulate the Parking of Motor Vehicles on Private and Municipal Property 01-220, attached as Appendix “A” to Report PED22133 and in a form satisfactory to the City Solicitor, be approved.

3. Comments from the City of Hamilton – Proposed Amendments to the Greenbelt Plan: Growing the Size of the Greenbelt – ERO Postings #019-4485, 019-4483, and 019-4803 (PED21064(a)) (Wards 1, 5, 12, 13) (Added Item 7.3)

- (a) That the City of Hamilton supports the inclusion of Stoney Creek and Battlefield Creek in the Greenbelt Plan as Urban River Valleys as part of the Provincial “Growing the Greenbelt” initiative, as identified on Appendix “A” attached to Report PED21064(a);
- (b) That, in addition to Stoney Creek and Battlefield Creek, the City of Hamilton recommends the inclusion of Coldwater (Ancaster) Creek, as identified on Appendix “B” attached to Report PED21064(a), to the Greenbelt Plan as an Urban River Valley;
- (c) That Report PED21064(a) be forwarded to the Ministry of Municipal Affairs and Housing (MMAH) to be considered as part of the City of Hamilton’s comments on Environmental Registry of Ontario (ERO) Postings #019-4485, 019-4483, and 019-4803 respecting Growing the Size of the Greenbelt and Urban River Valleys.

4. Ontario Land Tribunal Report CRB2101 through CRB2107 Respecting the Notice of Intention to Designate (NOID) 110-122 King Street East, Hamilton (PED20159(a)) (Ward 2) (Item 7.4)

- (a) That the Ontario Land Tribunal Report CRB2101 through CRB2107 in response to the objections to the Notice of Intention to Designate 110-122 King Street East (the former Royal Connaught Hotel) issued November 18, 2021, attached as Appendix “B” to Report PED20159(a), be received;
- (b) That the By-law, attached as Appendix “C” to Report PED20159(a), to designate 110-122 King Street East, Hamilton as a property of cultural heritage value pursuant to the provisions of Part IV of the Ontario Heritage Act, be approved.

5. Modifications and Updates to existing Secondary Dwelling Unit and Secondary Dwelling Unit – Detached Regulations (PED20093(c)) (City Wide) (Item 9.1)

- (a) That City Initiative CI-20-E respecting the repealing and replacing of the Secondary Dwelling Unit and Secondary Dwelling Unit – Detached regulations in the Hamilton Zoning By-law No. 05-200 and the Zoning By-laws applicable to the Town of Ancaster, Town of Dundas, Town of Flamborough, Township of Glanbrook, City of Hamilton, and City of Stoney Creek, be approved on the following basis:
 - (i) That the Draft By-laws to amend Zoning By-law No. 05-200, the Town of Ancaster Zoning By-law No. 87-57, Town of Dundas Zoning By-law No. 3581-86, the Town of Flamborough Zoning By-law No. 90-145-Z, the Township of Glanbrook Zoning By-law No. 464, City of Hamilton Zoning By-law No. 6593, and the City of Stoney Creek Zoning By-law No. 3692-92, attached as Appendix “A” to Appendix “G”, as amended, to Report PED20093(c), which have been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2020), conform with A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended, and comply with the Rural and Urban Hamilton Official Plans.
- (b) That the public submissions regarding this matter were received and considered by the Committee.

6. Application to Amend Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 250-256 First Road West, Stoney Creek (PED22097) (Ward 9) (Item 9.2)

- (a) That Zoning By-law Amendment Application ZAC-20-026, by UrbanSolutions Planning & Land Development Consultants Inc. on behalf of 256 First Road West Inc., for a change in zoning from the Neighbourhood Development “ND” Zone to the Multiple Residential “RM3-70(H)” Zone, Modified, Holding in order to permit 25 townhouse units for lands located at 250-256 First Road West, Stoney Creek, as shown on Appendix “A” attached to Report PED22097, be APPROVED on the following basis:
 - (i) That the draft By-law, attached as Appendix “B” to Report PED22097, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

- (ii) That the amending By-law apply the Holding Provision of Section 36(1) of the Planning Act, R.S.O. 1990 to the subject lands by introducing the Holding symbol 'H' as a suffix to the proposed zoning for the following:
 - (1) The Holding Provision for the Multiple Residential "RM3-70(H)" Zone, Modified, Holding, shall be removed when the following conditions have been met:
 - (a) That there is adequate sanitary service capacity available to the subject lands and that it can be demonstrated that there are appropriate sanitary sewer connections available to the subject lands, to the satisfaction of the Director of Growth Management;
 - (iii) That the proposed amendment is consistent with the Provincial Policy Statement (2020), conforms to the Growth Plan for the Greater Golden Horseshoe (2019, as amended) and complies with the Urban Hamilton Official Plan.
- (b) That the public submissions regarding this matter were received and considered by the Committee.

7. Applications for Official Plan Amendment and Zoning By-law Amendment for Lands Located at 1107 Main Street West, Hamilton (PED22098) (Ward 1) (Item 9.3)

- (a) That Official Plan Amendment Application UHOPA-20-012 by Bousfield Inc. c/o David Falletta, on behalf of 1107 Main Inc. c/o Eva Rygeiski, Owner, to establish a new Area Specific Policy within Site Specific Policy - Area E within the Mixed Use – Medium Density designation in the Ainslie Wood Westdale Secondary Plan, to permit a 15 storey, mixed use development, for 1107 Main Street West, as shown on Appendix "A" attached to Report PED22098, be APPROVED on the following basis:
 - (i) That the draft Official Plan Amendment, attached as Appendix "B" to Report PED22098, 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-20-016 by Bousfield Inc. c/o David Falletta, on behalf of 1107 Main Inc. c/o Eva Rygeiski, Owner, for a modification to the Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone to Transit Oriented Corridor Mixed Use Medium Density (TOC1, 772, H75) Zone, to permit a 15 storey mixed use development, for lands located at 1107 Main Street West, as shown on Appendix "A" attached to Report PED22098, be APPROVED on the following basis:

(i) That the draft By-law, attached as Appendix "C" to Report PED22098, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

(ii) That Schedule "D" – Holding Provisions, of Zoning By-law No. 05-200; be amended by adding the following Holding Provision:

H75. Notwithstanding Section 11.1 of this By-law, within lands zoned Transit Oriented Corridor Mixed Use Medium Density (TOC1, 772) Zone on Map No. 949 on Schedule "A" – Zoning Maps, and described as 1107 Main Street West, Hamilton, no development shall be permitted until such time as:

(1) A Pedestrian Wind Study has been submitted and implemented to the satisfaction of the Director of Planning and Chief Planner;

(2) A Documentation and Salvage Report in accordance with the City's Guidelines for Documentation and Salvage Reports has been submitted and implemented all to the satisfaction of the Director of Planning and Chief Planner prior to any demolition and the Owner shall demonstrate that a copy of this report is submitted to the Hamilton Public Library;

(3) That a Conservation Management Plan, which address the conservation strategy for the retained front façade, and incorporation of salvage materials into the proposed design be submitted, approved and implemented through a Site Plan Agreement, to the satisfaction of the Director of Planning and Chief Planner prior to any demolition;

(4) That an updated Cultural Heritage Impact Assessment be submitted to the satisfaction of the Director of Planning and Chief Planner;

- (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended, and complies with the Urban Hamilton Official Plan upon the approval of Official Plan Amendment No. _____.
 - (c) That the public submissions regarding this matter were received and considered by the Committee.
- 8. Condominium Conversion Policy Review (PED22091) (City Wide) (Outstanding Business List Item) (Item 10.1)**
 - (a) That Planning Division and Legal Services Division Staff be authorized to consult with stakeholders and the public on:
 - (i) The proposed Official Plan Amendment attached as Appendix “A” to Report PED22091, relating to polices about conversion of rental housing to condominium tenure and demolition of rental housing;
 - (ii) The proposed Municipal Act By-law attached as “Appendix “B” to Report PED22091, to regulate the demolition and conversion of rental housing in the City of Hamilton;
 - (b) That Planning Division and Legal Services Staff be directed to report back to Planning Committee with final recommendations on the Official Plan Amendment and the Municipal Act By-law, with any modifications based on the results of the stakeholder and public consultation;
 - (c) That Item 18H be removed from the Planning Committee Outstanding Business List.
- 9. Appeal to the Ontario Land Tribunal (OLT) for Lack of Decision on Urban Hamilton Official Plan Amendment Application UHOPA-20-003 and Zoning By-law Amendment Application ZAC-20-008 for Lands Located at 354 King Street West (LS21046(a)/PED21178(b)) (Ward 1) (Added Item 14.1)**
 - (a) That closed session recommendations (a), (b), (c), and (d) to Report LS21046(a)/PED21178(b) be approved and remain confidential until made public coincident with staff’s presentation of the City’s position before the Ontario Land Tribunal;
 - (b) That Appendix “B” and Appendix “C” to Report LS21046(a)/PED21178(b), be approved and remain confidential until made public coincident with staff’s presentation of the City’s position before the Ontario Land Tribunal; and

- (c) That the balance of Report LS21046(a)/PED21178(b), including Appendix “D” hereto, remain private and confidential.

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

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

1. PUBLIC HEARINGS/DELEGATIONS (Item 9)

- 9.1 Modifications and Updates to existing Secondary Dwelling Unit and Secondary Dwelling Unit – Detached Regulations (PED20093(c)) (City Wide)

- (b) Added Written Submissions:

- (i) Mary Ellen Scanlon
 - (ii) Anka Cassar
 - (iii) Dawn Vanson
 - (iv) Andy Tran, Suite Additions Inc.
 - (v) Daniel Segal
 - (vi) Jill Tonini
 - (vii) Michelle Diplock, West End Homebuilders’ Assoc. Association
 - (viii) Kris Gadjanski

- 9.3 Applications for Official Plan Amendment and Zoning By-law Amendment for Lands Located at 1107 Main Street West, Hamilton (PED22098) (Ward 1)

- (a) Added Registered Delegations:

- (vii) Rhonda Ross
 - (viii) Illana Goldberg
 - (ix) Joel Goldberg

- (b) Added Written Submissions:

- (iii) Scott and Kathy Warner
 - (iv) Gavin Barringer
 - (v) Joel Goldberg
 - (vi) John Ross

2. PRIVATE AND CONFIDENTIAL (Item 14)

- 14.1 Appeal to the Ontario Land Tribunal (OLT) for Lack of Decision on Urban Hamilton Official Plan Amendment Application UHOPA-20-003 and Zoning By-law Amendment Application ZAC-20-008 for Lands Located at 354 King Street West (LS21046(a)/PED21178(b)) (Ward 1)

The agenda for the May 31, 2022 Planning Committee meeting WAS approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

Councillor Pearson declared a disqualifying interest with Item 10.1, Condominium Conversion Policy Review (PED22091) (City Wide) as she is a landlord of rental properties.

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

(i) May 17, 2022 (Item 4.1)

The Minutes of the May 17, 2022 meeting were approved, as presented.

(d) PUBLIC HEARINGS / DELEGATIONS (Item 9)

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

In accordance with the provisions of the *Planning Act*, Chair 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 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) Modifications and Updates to existing Secondary Dwelling Unit and Secondary Dwelling Unit – Detached Regulations (PED20093(c)) (City Wide) (Item 9.1)

Alana Fulford, Senior Planner, and Shannon McKie, Manager of Zoning and Committee Adjustment, addressed the Committee with the aid of a PowerPoint presentation

The staff presentation was received.

The following Delegation (Item 9.1(a)) addressed the Committee:

- (i) Claude Jarvis, opposed to the staff report recommendations

The following Delegation (Item 9.1(a)), was received:

- (i) Claude Jarvis

The following Written Submissions (Item 9.1(b)), were received:

- (i) Mary Ellen Scanlon, in support of the staff report
- (ii) Anka Cassar, in support of the staff report
- (iii) Dawn Vanson, in support of the staff report
- (iv) Andy Tran, Suite Additions Inc., in support of the staff report
- (v) Daniel Segal, in support of the staff report
- (vi) Jill Tonini, in support of the staff report
- (vii) Michelle Diplock, West End Homebuilders' Assoc. Association, in support of the staff report
- (viii) Kris Gadjanski, in support of the staff report

The public meeting was closed.

- (a) That City Initiative CI-20-E respecting the repealing and replacing of the Secondary Dwelling Unit and Secondary Dwelling Unit – Detached regulations in the Hamilton Zoning By-law No. 05-200 and the Zoning By-laws applicable to the Town of Ancaster, Town of Dundas, Town of Flamborough, Township of Glanbrook, City of Hamilton, and City of Stoney Creek, be approved on the following basis:
 - (i) That the Draft By-laws to amend Zoning By-law No. 05-200, the Town of Ancaster Zoning By-law No. 87-57, Town of Dundas Zoning By-law No. 3581-86, the Town of Flamborough Zoning By-law No. 90-145-Z, the Township of Glanbrook Zoning By-law No. 464, City of Hamilton Zoning By-law No. 6593, and the City of Stoney Creek Zoning By-law No. 3692-92, attached as Appendix “A” to Appendix “G” to Report PED20093(c), which have been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2020), conform with A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended, and comply with the Rural and Urban Hamilton Official Plans.

The recommendations in Report PED20093(c) were **amended** by adding the following sub-section (b):

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

The amending by-laws in Report PED20093(c), Appendices “A” to “G”, were **amended** by adding the following wording:

- (i) Notwithstanding Section X.X of this By-law, the following provisions shall apply:**
 - (i) A Building Permit application for a Secondary Dwelling Unit or Secondary Dwelling Unit - Detached, received by the City of Hamilton prior to the date By-law No. 22-XXX was approved by Council, will be evaluated against the provisions of Section(s) X.X of this By-law, in effect before By-law No. 22-XXX came into effect.**
 - (A) Notwithstanding Section 9.14 (b) i), if a Building Permit is not issued within 180 days of the effective date of this By-law, By-law No. 22-XXX shall apply in all respects to the Building Permit in question.**
 - (ii) A Building Permit may be issued to permit a Secondary Dwelling Unit or Secondary Dwelling Unit – Detached in accordance with any Minor Variance that has been approved by the City of Hamilton or the Ontario Land Tribunal as it read on the day before By-law 22-XXX was approved by Council, provided the Building Permit application complies with Section(s) X.X of this By-law, in effect the day before By-law No. 22-XXX came into effect.**
 - (iii) For the purposes of determining zoning conformity, the following shall apply:**
 - (A) This By-law is deemed to be modified to the extent necessary to permit a Secondary Dwelling Unit or Secondary Dwelling Unit – Detached that is constructed in accordance with Section(s) X.X.**

- (B) ***Once a Building Permit has been issued under Section(s) X.X, or more than 180 days has transpired as per Section(s) X.X (A), the provisions of this By-law apply in all other respects***
- (ii) That the sub-section in the by-laws respecting the minimum 1.2 metre setback be ***amended*** by adding wording as follows:
- (X) A minimum 1.2 metre setback shall be provided from the interior Side Lot Line and Rear Lot Line.
- (i) Notwithstanding Section(s) X.X, an eave or a gutter may extend a maximum of 30 centimetres into a required minimum setback area.
- (ii) In addition to Section(s) X.X, a landscape strip is required to be provided within the required side yard adjacent to a Secondary Dwelling Unit – Detached and shall be limited to sod, ground cover, permeable pavers, ***or a planting strip, and may including a fence.***
- (iii) That the sub-section in the by-laws respecting the maximum gross floor area be ***amended*** as follows:
- (X) The maximum gross floor area shall not exceed the lesser of 75 square metres or the gross floor area of the principal dwelling.
- (i) Notwithstanding Section(s) X.X, the maximum combined lot coverage of all accessory buildings and the Secondary Dwelling Unit - Detached shall be 25%.
- (ii) ***In addition to Section(s) X.X, the ground floor area of a Secondary Dwelling Unit – Detached shall not exceed 70% of the ground floor area of the principal dwelling when the ground floor area of the principal dwelling is less than or equal to 105 square metres.***

For disposition of this matter, refer to Item 5.

(ii) Application to Amend Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 250-256 First Road West, Stoney Creek (PED22097) (Ward 9) (Item 9.2)

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

The staff presentation was received.

Matt Johnston and Scott Beedie with UrbanSolutions, were in attendance and indicated support for the staff report.

The delegation from Matt Johnston and Scott Beedie with UrbanSolutions, was received.

The Chair called for public delegations in attendance.

The following delegation addressed the Committee:

- (i) Mirella Wise, expressing concerns with the proposal

The following delegation was received:

- (i) Mirella Wise

The public meeting was closed.

- (a) That Zoning By-law Amendment Application ZAC-20-026, by UrbanSolutions Planning & Land Development Consultants Inc. on behalf of 256 First Road West Inc., for a change in zoning from the Neighbourhood Development “ND” Zone to the Multiple Residential “RM3-70(H)” Zone, Modified, Holding in order to permit 25 townhouse units for lands located at 250-256 First Road West, Stoney Creek, as shown on Appendix “A” attached to Report PED22097, be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix “B” to Report PED22097, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the amending By-law apply the Holding Provision of Section 36(1) of the Planning Act, R.S.O. 1990 to the subject lands by introducing the Holding symbol ‘H’ as a suffix to the proposed zoning for the following:

- (1) The Holding Provision for the Multiple Residential “RM3-70(H)” Zone, Modified, Holding, shall be removed when the following conditions have been met:
 - (a) That there is adequate sanitary service capacity available to the subject lands and that it can be demonstrated that there are appropriate sanitary sewer connections available to the subject lands, to the satisfaction of the Director of Growth Management;
 - (iii) That the proposed amendment is consistent with the Provincial Policy Statement (2020), conforms to the Growth Plan for the Greater Golden Horseshoe (2019, as amended) and complies with the Urban Hamilton Official Plan.

The recommendations in Report PED22097 were **amended** by adding the following sub-section (b):

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

For disposition of this matter, refer to Item 6.

- (iii) Applications for Official Plan Amendment and Zoning By-law Amendment for Lands Located at 1107 Main Street West, Hamilton (PED22098) (Ward 1) (Item 9.3)**

Daniel Barnett, Planner 2, addressed the Committee with the aid of a PowerPoint presentation.

The staff presentation was received.

David Falletta with Bousfields Inc., was in attendance and indicated support for the staff report.

The delegation from David Falletta with Bousfields Inc., was received.

The following Delegations were not in attendance:

- (ii) Rev. Loretta Jaunzarins, Grace/Trinity Lutheran Church
- (iii) Lester Krames
- (v) Carla Parslow (addressed the Committee as a consultant under the Agent’s Delegation)
- (vii) Rhonda Ross

The following Delegations (Item 9.3(a)) addressed the Committee:

- (i) John Ross (in person), in opposition to the proposal

John Ross was granted additional time to speak on behalf of Rhonda Ross (Item 9.3(a)(vii)).
- (iv) Alan Richter (video), in support of the proposal
- (vi) Harvey Katz, Adas Israel Congregation of Hamilton (video), in support of the proposal
- (viii) Ilana Goldberg (virtual), in opposition to the proposal
- (ix) Joel Goldberg (video), in opposition to the proposal

The following Delegations (Item 9.2(b)), were received:

- (i) John Ross (in person)
- (iv) Alan Richter (video)
- (vi) Harvey Katz, Adas Israel Congregation of Hamilton (video)
- (viii) Ilana Goldberg (virtual)
- (ix) Joel Goldberg (video)

The following written submissions (Item 9.3(b)) were received:

- (i) Ira Rosen, President, AWWCA, in support of the staff report
- (ii) Mataniah Ilan Friedner (Petition), in support of the staff report
- (iii) Scott and Kathy Warner, in opposition to the staff report
- (iv) Gavin Barringer, with concerns for the proposal
- (v) Joel Goldberg, in opposition to the staff report
- (vi) John Ross, in opposition to the staff report

The public meeting was closed.

- (a) That Official Plan Amendment Application UHOPA-20-012 by Bousfield Inc. c/o David Falletta, on behalf of 1107 Main Inc. c/o Eva Rygeiski, Owner, to establish a new Area Specific Policy within Site Specific Policy – Area E within the Mixed Use – Medium Density designation in the Ainslie Wood Westdale Secondary Plan, to permit a 15 storey, mixed use development, for 1107 Main Street West, as shown on Appendix “A” attached to Report PED22098, be APPROVED on the following basis:
 - (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED22098, 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-20-016 by Bousfield Inc. c/o David Falletta, on behalf of 1107 Main Inc. c/o Eva Rygeiski, Owner, for a modification to the Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone to Transit Oriented Corridor Mixed Use Medium Density (TOC1, 772, H75) Zone, to permit a 15 storey mixed use development, for lands located at 1107 Main Street West, as shown on Appendix “A” attached to Report PED22098, be APPROVED on the following basis:
 - (i) That the draft By-law, attached as Appendix “C” to Report PED22098, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

 - (ii) That Schedule “D” – Holding Provisions, of Zoning By-law No. 05-200; be amended by adding the following Holding Provision:

H75. Notwithstanding Section 11.1 of this By-law, within lands zoned Transit Oriented Corridor Mixed Use Medium Density (TOC1, 772) Zone on Map No. 949 on Schedule “A” – Zoning Maps, and described as 1107 Main Street West, Hamilton, no development shall be permitted until such time as:

 - (1) A Pedestrian Wind Study has been submitted and implemented to the satisfaction of the Director of Planning and Chief Planner;

 - (2) A Documentation and Salvage Report in accordance with the City’s Guidelines for Documentation and Salvage Reports has been submitted and implemented all to the satisfaction of the Director of Planning and Chief Planner prior to any demolition and the Owner shall demonstrate that a copy of this report is submitted to the Hamilton Public Library;

- (3) That a Conservation Management Plan, which address the conservation strategy for the retained front façade, and incorporation of salvage materials into the proposed design be submitted, approved and implemented through a Site Plan Agreement, to the satisfaction of the Director of Planning and Chief Planner prior to any demolition;
- (4) That an updated Cultural Heritage Impact Assessment be submitted to the satisfaction of the Director of Planning and Chief Planner;
- (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended, and complies with the Urban Hamilton Official Plan upon the approval of Official Plan Amendment No. _____.

The recommendations in Report PED22098 were **amended** by adding the following sub-section (c):

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

For disposition of this matter, refer to Item 7.

The Committee recessed from 12:40 p.m. to 1:00 p.m.

(e) DISCUSSION ITEMS (Item 10)

- (i) Condominium Conversion Policy Review (PE22091) (City Wide) (Outstanding Business List Item) (Item 10.1)**

Melanie Pham, Senior Planner, addressed the Committee respecting Condominium Conversion Policy Review, with the aid of a PowerPoint presentation.

The presentation from Melanie Pham, Planner, respecting Condominium Conversion Policy Review, was received.

For disposition of this matter, refer to Item 8.

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

(i) Outstanding Business List (Item 13.1)

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

(a) Items to Be Removed:

21i – Five Year Review of the Downtown and Community Renewal Community Improvement Plan and Associated Finance Incentive Programs (PED21035), Addressed at the September 21, 2021, Planning Committee, Item 4

21J – Five Year Review of the Downtown and Community Renewal Community Improvement Plan and Associated Finance Incentive Programs (PED21035), Addressed at the September 21, 2021 Planning Committee, Item 4

22C – Amendment to the Removal of Snow and Ice By-law respecting the definition of “clearing” (Added Item 12.2), Addressed at the March 22, 2022, Planning Committee, Item 10.4

(b) Items Requiring New Due Dates:

20B – Review of Problems Associated with Increased Visitors to Waterfalls (PED18011(a))
Current Due Date: January 11, 2022
Proposed New Due Date: November 29, 2022

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

Jason Thorne, General Manager of Planning and Economic Development, addressed the Committee with respect to the introduction of the new Chief Building Official, his upcoming attendance before the House of Commons’ Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities (HUMA) to provide remarks and comments with respect to the federal government’s proposed Housing Accelerator Fund, and answered general questions from Committee.

The General Manager’s Update, was received.

(g) PRIVATE AND CONFIDENTIAL (Item 14)

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

(i) **Appeal to the Ontario Land Tribunal (OLT) for Lack of Decision on Urban Hamilton Official Plan Amendment Application UHOPA-20-003 and Zoning By-law Amendment Application ZAC-20-008 for Lands Located at 354 King Street West (LS21046(a)/PED21178(b)) (Ward 1) (Added Item 14.1)**

The recommendations in Report LS21046(a)/PED22178(b) were deleted in their entirety and replaced with the following wording:

~~(a) ***That closed session recommendations (a), (b), (c), and (d) to Report LS21046(a)/PED21178(b) and Appendix "B" hereto, be approved and remain confidential until made public coincident with staff's presentation of the City's position before the Ontario Land Tribunal;***~~

~~(b) ***That the balance of Report LS21046(a)/PED21178(b), including Appendices "C" and "D" hereto, remain confidential.***~~

(a) ***That closed session recommendations (a), (b), (c), and (d) to Report LS21046(a)/PED21178(b) be approved and remain confidential until made public coincident with staff's presentation of the City's position before the Ontario Land Tribunal;***

(b) ***That Appendix "B" and Appendix "C" to Report LS21046(a)/PED21178(b), be approved and remain confidential until made public coincident with staff's presentation of the City's position before the Ontario Land Tribunal; and***

(c) ***That the balance of Report LS21046(a)/PED21178(b), including Appendix "D" hereto, remain private and confidential.***

Upon Committee's request, the sub-sections of the Main Motion, **As Amended** ((a), (b) and (c)), were voted on separately, for disposition of this matter, refer to Item 9.

(h) ADJOURNMENT (Item 15)

There being no further business, the Planning Committee adjourned at 2:03 p.m.

Councillor B. Johnson
Chair, Planning Committee

Lisa Kelsey
Legislative Coordinator