



**PLANNING COMMITTEE  
REPORT  
23-003**

February 14, 2023

9:30 a.m.

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

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

**Absent with Regrets:** Councillor M. Wilson - Personal

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**THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:**

**1. Active Official Plan Amendment, Zoning By-law Amendment, and Plan of Subdivision Applications (PED23020) (City Wide) (Item 9.1)**

That Report PED23020 respecting Active Official Plan Amendment, Zoning By-law Amendment, and Plan of Subdivision Applications, be received.

**2. Application for a Zoning By-law Amendment for Lands Located at 343 Springbrook Avenue, Ancaster (PED23031) (Ward 12) (Item 10.1)**

(a) That amended Zoning By-law Amendment Application ZAC-22-056, by T. Johns Consulting Group Ltd., on behalf of Filippo Cimino c/o Carmela Pagliaro, Owner, for a change in zoning from the Agricultural "A" Zone, to the Low Density Residential (R1, 836) Zone, to facilitate two new residential lots for single detached dwellings and the retention of an existing single detached dwelling, for lands located at 343 Springbrook Road, Ancaster, as shown on Appendix "A" attached to Report PED23031, be APPROVED on the following basis:

(i) That the draft By-law, attached as Appendix "B" to Report PED23031, 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 Urban Hamilton Official Plan (UHOP) and the Meadowlands Neighbourhood IV Secondary Plan.

**3. Application for a Zoning By-law Amendment for Lands Located at 306 Parkside Drive, Flamborough (PED23032) (Ward 15) (Item 10.2)**

- (a) That Zoning By-law Amendment Application ZAC-22-031, by MHBC Planning Urban Design & Landscape Architecture on behalf of St. James United Church (the United Church of Canada), for a change in zoning from Community Institutional (I2, 757) Zone to Community Institutional (I2, 825) Zone in the City of Hamilton Zoning By-law No. 05-200, to permit development of 44 purpose built rental dwelling units, for lands located at 306 Parkside Drive, Flamborough, as shown on Appendix “A” attached to Report PED23032, be APPROVED, on the following basis:
  - (i) That the draft By-law, attached as Appendix “B” to Report PED23032, 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 the Niagara Escarpment Plan, 2017, and complies with the Urban Hamilton Official Plan.

**4. Applications to Amend the Urban Hamilton Official Plan and the City of Stoney Creek Zoning By-Law No. 3692-92, and for Approval of a Draft Plan of Subdivision for Lands Located at 238 Barton Street, Stoney Creek (PED23040) (Ward 10) (Item 10.3)**

- (a) That Urban Hamilton Official Plan Amendment Application UHOPA-19-003, by A. J. Clarke and Associates Ltd. (c/o Ryan Ferrari), on behalf of My Maruti Construction Inc. (c/o Mike Patel), Owners, to redesignate the southern portion of the subject lands from “Low Density Residential 2b” to “Low Density Residential 3c” within the Western Development Area Secondary Plan to permit the development of 11 block townhouse dwellings with a maximum residential density of 46 units per hectare on lands located at 238 Barton Street, Stoney Creek, as shown on Appendix “A” attached to Report PED23040, be APPROVED on the following basis:

- (i) That the draft Official Plan Amendment attached as Appendix “B” to Report PED23040, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- (b) That Zoning By-law Amendment Application ZAC-19-007, by A. J. Clarke and Associates Ltd. (c/o Ryan Ferrari), on behalf of My Maruti Construction Inc. (c/o Mike Patel), Owners, for a change in zoning from the Neighbourhood Development “ND” Zone to the Multiple Residential “RM3-71” Zone, Modified, to permit the development of 11 block townhouse dwellings with two parking spaces per unit and six visitor parking spaces, on lands located at 238 Barton Street, Stoney Creek, as shown on Appendix “A” attached to Report PED23040, be APPROVED on the following basis:
  - (i) That the draft By-law attached as Appendix “C” to Report PED23040, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
  - (iii) That this By-law will comply with the Urban Hamilton Official Plan upon approval of Urban Hamilton Official Plan Amendment No. XX;
- (c) That Draft Plan of Subdivision Application 25T-201901, by A. J. Clarke and Associates Ltd. (c/o Ryan Ferrari), on behalf of My Maruti Construction Inc. (c/o Mike Patel), Owners, on lands located at 238 Barton Street, Stoney Creek, as shown on Appendix “A” attached to Report PED23040, be APPROVED, subject to the following:
  - (i) That this approval apply to the Draft Plan of Subdivision “Barton Estates” 25T-201901, prepared by A. J. Clarke and Associates Ltd., and certified by Nicolas P. Muth, O.L.S., dated November 20, 2022, consisting of one block for proposed townhouses (Block 1) and one block for a right-of-way widening (Block 2), attached as Appendix “F” to Report PED23040, subject to the Owner entering into a standard form subdivision agreement as approved by City Council and with the Special Conditions attached as Appendix “G” to Report PED23040;

- (ii) In accordance with the City's Comprehensive Development Guidelines and Financial Policies Manual there will be no City of Hamilton responsibility for cost sharing for this subdivision;
- (iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 51 of the *Planning Act*, prior to the issuance of each building permit. The calculation for the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the issuance of each building permit, all in accordance with the Financial Policies for Development and the City's Parkland Dedication By-law, as approved by Council.

**5. Application for a Zoning By-law Amendment for Lands Located at 198 Lover's Lane, Ancaster (PED23041) (Ward 12) (Item 10.4)**

- (a) That Amended Zoning By-law Amendment Application ZAR-22-042, by James Gregory Warnick, for a change in zoning from the Deferred Development "D" Zone to the Low Density Residential (R1, ) Zone for lands located at 198 Lover's Lane, Ancaster, as shown on Appendix "A" to Report PED23041, be APPROVED on the following basis:
  - (i) That the draft By-law, attached as Appendix "B" to Report PED23041, 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), conforms to the Niagara Escarpment Plan (2017, as amended), and complies with the Urban Hamilton Official Plan.

**6. Application for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for 2782 Barton Street East, Hamilton (PED23024) (Ward 5) (Item 10.5)**

- (a) That Amended Urban Hamilton Official Plan Amendment Application UHOPA-22-012 by A.J. Clarke and Associates on behalf of LJM Developments (Hamilton) Inc.-Owner, to delete existing Site Specific Policy UHN-23, to permit the development of a 17 storey (52.5m) multiple dwelling, for the lands located at 2782 Barton Street East, as shown on Appendix "A" attached to Report PED23024, be APPROVED on the following basis:
  - (i) That the draft Official Plan Amendment, attached as Appendix "B" to Report PED23024, 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-22-023 by A.J. Clarke and Associates on behalf of LJM Developments (Hamilton) Inc.- Owner, to change the zoning from “E-3/S-306c” (High Density Multiple Dwelling) District, Modified, to “E-3/S-306d” (High Density Multiple Dwelling) District, Modified, in order to permit a 17 storey (52.5 m) multiple dwelling with 313 residential units and 354 parking spaces, for lands located at 2782 Barton Street East, as shown on Appendix “A” attached to Report PED23024, be APPROVED on the following basis:
  - (i) That the draft By-law, attached as Appendix “C” to Report PED23024, 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 Urban Hamilton Official Plan upon approval of Official Plan Amendment No. XXX.

**7. Application for a Zoning By-law Amendment for Lands Located at 91 and 95 Strathearne Place, Glanbrook (PED23036) (Ward 11) (Item 10.6)**

- (a) That Amended Zoning By-law Amendment Application ZAR-22-033, by Urban in Mind (c/o Jacob Dickie), on behalf of Bill Wieske (Applicant) and Andrew Elgersma and Kayla Elgersma (Owners), for a change in zoning from the Existing Residential “ER” Zone to the Low Density Residential (R1, 835) Zone and from the Residential Holding “H-R3-144” Zone, Modified to the Low Density Residential (R1, 835) Zone to facilitate the development of a single detached dwelling for lands located at 91 and 95 Strathearne Place, Glanbrook, as shown on Appendix “A” attached to Report PED23036, be APPROVED on the following basis:
  - (i) That the draft By-law, attached as Appendix “B” to Report PED23036, which has 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 to A Place to Grow (2019, as amended), and comply with the Urban Hamilton Official Plan and the Mount Hope Secondary Plan.

**8. Implementation of Changes to Section 41 of the Planning Act - Site Plan Approval, in Response to Provincial Bill 23, More Homes Built Faster Act, 2022 (PED23043) (City Wide) (Item 10.7)**

That the Draft By-law, attached as Appendix “A” to Report PED23043, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.

**9. City Review of Residential Developments Exempted from Site Plan Control by Bill 23 (PED23045) (City Wide) (Item 10.8)**

- (a) That staff be directed to update and amend By-law 15-091 and any other applicable By-laws to include a Municipal Road Damage Deposit (MRDD) as a guarantee against damage to the curb, sidewalk, road, boulevard and other City infrastructure located within the municipal road allowance, as well as any clean-up of the adjoining streets;
- (b) That the Amending By-law to By-law 12-282 (Tariff of Fees), as amended, attached as Appendix “A” to Report PED23045, which has been prepared in a form satisfactory to the City Solicitor, be passed and the new proposed fees, including an exemption from the new proposed fees for charitable and not-for-profit organizations proposing affordable housing projects be implemented;
- (c) That the costs of waiving the Engineering Review Fees for charitable and not-for-profit organizations proposing affordable housing projects as set out in item 3 of the Amending By-law, attached as Appendix “A” to Report PED23045, be absorbed by the Planning and Economic Development Department, Growth Management Division, in 2023, and the permanent funding accommodated through adjustment to the 2024 Growth Management Division’s Base Budget;
- (d) That staff be authorized and directed to prepare and implement the necessary application process and forms for an exemption from the Engineering Review Fees for charitable and not-for-profit organizations proposing affordable housing projects as proposed in this Report.

**10. Municipal Housing Pledge (PED23056) (City Wide) (Item 11.1)**

That Council does not endorse the Minister of Municipal Affairs and Housing’s Municipal Housing Pledge.

**11. Inclusionary Zoning - Housing Needs Assessment (PED23044(a)) (City Wide) (Outstanding Business List Item) (Item 11.2)**

- (a) That the Draft Housing Needs Assessment Report, prepared by SHS Consulting, dated December 2022, attached as Appendix “A” to Report PED23044(a), be received;
- (b) That the Housing Needs Assessment addendum letter, prepared by SHS Consulting, dated January 2023, attached as Appendix “B” to Report PED23044(a), be received;
- (c) That staff be directed and authorized to undertake public and stakeholder consultation on the Housing Needs Assessment report and addendum letter.

**12. Request to Appeal to Ontario Land Tribunal for 64 Lover’s Lane (Added Item 12.1)**

WHEREAS, City staff previously recommended refusal of a requested minor variance for a reduced setback re: Variance Application AN/A-22:180 64 Lovers Lane;

WHEREAS, on September 9, 2021, the CoA approved the requested variance;

WHEREAS, neighbourhood residents appealed the Committee of Adjustment decision to the Ontario Land Tribunal who upheld the appeal, denying the variance;

WHEREAS, a further request for minor variance for 64 Lovers Lane was submitted to the Committee of Adjustment and was approved on February 2, 2023; and,

WHEREAS, there is a 20-day time limit to file an appeal.

THEREFORE, BE IT RESOLVED:

That Legal Services staff be directed to file an appeal to the Ontario Land Tribunal of the Committee of Adjustment’s decision on application AN/A-22:180 and report to the next available Planning Committee meeting with a confidential report regarding whether to proceed with the appeal

13. **Appeal to the Ontario Land Tribunal (OLT) for Lack of Decision on Urban Hamilton Official Plan Amendment Application (UHOPA-22-009) and Zoning By-law Amendment Application (ZAC-22-018) for lands located at 651 Queenston Road, Hamilton (LS23001/PED22184(a)) (Ward 5) (Item 15.2)**
  - (a) That the directions to staff (recommendations (a), (b), (c) and (d)) to Report LS23001/PED22184(a) be released to the public, following approval by Council;
  - (b) That the balance of Report LS23001/PED22184(a) remain confidential.
  
14. **Appeal to the Ontario Land Tribunal on the City of Hamilton's approval of Official Plan Amendment (OPA 102) and Zoning By-law Amendment (By-law 18-114) being the updated Downtown Hamilton Secondary Plan and Implementing Zoning By-law, for the lands located at 215-231 Main Street West, 62 and 64 Hess Street South, and 67-69 Queen Street South (LS19037(a)/PED19198(a)) (Ward 2) (Item 15.3)**
  - (a) That the directions to staff (recommendations (a), (b), (c) and (d)) to Report LS19037(a)/PED19198(a) and Appendices "B", "C" and "D" 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 LS19037(a)/PED19198(a), including Appendices "E" and "F" remain confidential.
  
15. **Appeal to the Ontario Land Tribunal (OLT) for Refusal of Zoning By-law Amendment Application (ZAR-18-057) for Lands Located at 130 Wellington Street South (LS23005) (Ward 2) (Item 15.4)**
  - (a) That closed session recommendations (a), (b), (c), and (d) to Report LS23005 and Appendices "A" and "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 LS23005, including Appendix "C" hereto, remain confidential.



**FOR INFORMATION:**

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

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

**11. DISCUSSION ITEMS**

**11.1 Municipal Housing Pledge (PED23056) (City Wide)**

(a) Written Submissions:

(i) Lou Piriano, Realtors Association of Hamilton-Burlington

**14. GENERAL INFORMATION / OTHER BUSINESS**

**14.1 Outstanding Business List**

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

12B - Request to Designate 437 Wilson Street East (Ancaster)  
Current Due Date: December 7, 2021  
Proposed New Due Date: March 21, 2023

14A - Adding 206, 209 and 210 King St E to the Register of  
Property of Cultural Heritage Value or Interest  
Current Due Date: December 7, 2021  
Proposed New Due Date: March 21, 2023

17B - Designation of the Gore District as a Heritage Conservation  
District  
Current Due Date: September 21, 2021  
Proposed New Due Date: April 18, 2023

18D - Consultation on the Regulatory Content of Bill 7  
Current Due Date: April 2022  
Proposed New Due Date: March 21, 2023

18L - Review of C6 and C7 Zoning Regulations  
Current Due Date: November 29, 2022  
Proposed New Due Date: March 21, 2023

19B - Modifications and Updates to the City of Hamilton Zoning By-  
law No. 05-200

Current Due Date: June 14, 2022  
Proposed New Due Date: March 21, 2023

19P - Corporate Policy for Official Planning Notification During Mail Strikes

Current Due Date: September 21, 2021  
Proposed New Due Date: April 18, 2023

19U - Heritage Designation Process and Delegated Authority to Consent to Heritage Permits

Current Due Date: September 21, 2021  
Proposed New Due Date: September 19, 2023

19EE - Angela Riley respecting a Request for a Taxi Stand

Current Due Date: September 20, 2022  
Proposed New Due Date: Late Q2 2023

21E - Temporary Amendments to the Cash-in-Lieu of Parking Policy for the Downtown Secondary Plan Area

Current Due Date: November 29, 2022  
Proposed New Due Date: March 21, 2023

21Q - Options for Fee/Cost Recoveries for Multiple Requests for Same Property being removed from the Heritage Registry (Hamilton Municipal Heritage Committee Report 21-005)

Current Due Date: TBD  
Proposed New Due Date: March 21, 2023

21Z - UHOPA and Zoning By-law Amendments for 1173 and 1203 Old Golf Links Road

Current Due Date: TBD  
Proposed New Due Date: April 18, 2023

22D - OPA and Zoning By-law Amendments for 65 Guise Street East (Pier 8, Block 16)

Current Due Date: March 22, 2022  
Proposed New Due Date: April 18, 2023

22K - Condominium Conversion Policy Review

Current Due Date: TBD  
Proposed New Due Date: March 21, 2023

22M - Temporary Use By-law - Outdoor Commercial Patios and Temporary Tents (CI-20-F4)

Current Due Date: TBD  
Proposed New Due Date: Q1 2024

**(b) Items to be Removed:**

19CC - Feasibility of Glanbrook Sports Park Being Included in the Binbrook Village Urban Bounday  
(Addressed as Item (b)(ii) in GIC Report 21-023)

20M - Non-Statutory Public Meeting for OPA and Zoning By-law Amendments for 73-89 Stone Church Rd W and 1029 West 5th Street  
(Addressed as Item 5.1(e) on Planning Committee Report 22-003 - LPAT/OLT decision issued)

21AA - Outdoor Dining Districts Extension  
(Addressed as Item 6 in Planning Committee Report 22-003)

21BB - Bill 13, Proposed Supporting People and Businesses Act  
(Addressed as Item 8 on Planning Committee Report 22-013)

21DD - Draft OPA as part of the Municipal Comprehensive Review  
(Addressed as Item 7 on Planning Committee Report 22-001 and Item 5.8(a) on Council Minutes 22-002)No

22E - OPA and Zoning By-law Amendments for 442-462 Wilson St E  
(Addressed as Item 10 on Planning Committee Report 22-006)

22F - Nuisance Party By-law  
(Addressed as Item 6 on Planning Committee Report 22-014)

22J - MCR/OPA Review - Phase I  
(Addressed as Item 7 on Planning Committee Report 22-012)

22N - OPA and Zoning By-law Amendments for 510 Centennial Parkway North  
(Addressed as Item 13 on Planning Committee Report 22-013)

22O - Urban and Rural Official Plan Amendments to Implement Bill 13 and Bill 109  
(Addressed as Item 8 on Planning Committee Report 22-013)

22P - Licensing Short-Term Rental (STR) Accommodations  
(Addressed as Item 4 on Planning Committee Reort 23-001)

The agenda for the January 31, 2023 Planning Committee meeting was approved, as amended.

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

There were no declarations of interest.

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

**(i) January 31, 2023 (Item 4.1)**

The Minutes of the January 31, 2023 meeting were approved, as presented.

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

**(i) Mike Burnet, ACORN, respecting a Landlord Registry (For the March 21st meeting) (Item 6.1)**

The Delegation Request from Mike Burnet, ACORN, respecting a Landlord Registry was approved for the March 21, 2023 Planning Committee meeting.

**(e) PUBLIC HEARINGS (Item 10)**

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

In accordance with the provisions of the *Planning Act*, Acting Chair J.P. Danko advised that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Development applications before the Committee today, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Land Tribunal, and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

**(i) Application for a Zoning By-law Amendment for Lands Located at 343 Springbrook Avenue, Ancaster (PED23031) (Ward 12) (Item 10.1)**

Devon Morton, Planner II, addressed the Committee with the aid of a PowerPoint presentation.

The staff presentation was received.

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

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

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

- (a) There were no public submissions received regarding this matter; and,
- (b) The public meeting was closed.

For disposition of this matter, refer to Item 2.

**(ii) Application for a Zoning By-law Amendment for Lands Located at 306 Parkside Drive, Flamborough (PED23032) (Ward 15) (Item 10.2)**

Devon Morton, Planner II, addressed the Committee with the aid of a PowerPoint presentation.

The staff presentation was received.

Andrew Hannaford with MHBC, was in attendance and indicated support for the staff report.

The delegation from Andrew Hannaford with MHBC, was received.

**Registered Delegations:**

The following Delegations addressed the Committee:

- (i) Mark Schroeder (Item 10.2 (a)) (in person)

Chair Danko called three times for any additional public delegations and the following Delegations came forward:

- (ii) Andy MacLaren (Added Item 10.2 (a)(ii))
- (iii) Alex Varghese (Added Item 10.2(a)(iii))
- (iv) Margaret Woolley (Added Item 10.2(a)(iv))
- (v) Jeff Holdright (Added Item 10.2(a)(v))
- (vi) Murray Sylvester (Added Item 10.2(a)(vi))

- (a) The following public submissions (Item 10.2(a)) regarding this matter were received and considered by the Committee; and,

- (i) Mark Schroeder, with Concerns regarding the development
- (ii) Andy MacLaren, with Concerns regarding the development

- (iii) Alex Varghese, with Concerns regarding the development
- (iv) Margaret Woolley, with Concerns regarding the development
- (v) Jeff Holdright, with Concerns regarding the development
- (vi) Murray Sylvester, with Concerns regarding the development

(b) The public meeting was closed.

For disposition of this matter, refer to Item 3.

**(iii) Applications to Amend the Urban Hamilton Official Plan and the City of Stoney Creek Zoning By-Law No. 3692-92, and for Approval of a Draft Plan of Subdivision for Lands Located at 238 Barton Street, Stoney Creek (PED23040) (Ward 10) (Item 10.3)**

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

The staff presentation was received.

Ryan Ferrari with A.J. Clarke and Associates, was in attendance and indicated support for the staff report.

The delegation from Ryan Ferrari with A. J. Clarke and Associates, was received.

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

(a) There were no public submissions received regarding this matter; and,

(b) The public meeting was closed.

For disposition of this matter, refer to Item 4.

**(iv) Application for a Zoning By-law Amendment for Lands Located at 198 Lover's Lane, Ancaster (PED23041) (Ward 12) (Item 10.4)**

Mark Michniak, Planner II, addressed the Committee with the aid of a PowerPoint presentation.

The staff presentation was received.

James Thomas with A.J. Clarke & Associates, was in attendance and indicated support for the staff report.

The delegation from James Thomas with A.J. Clarke & Associates, was received.

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

- (a) The public submissions in the staff report regarding this matter were received and considered by the Committee; and,
- (b) The public meeting was closed.

For disposition of this matter, refer to Item 5.

**(v) Application for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for 2782 Barton Street East, Hamilton (PED23024) (Ward 5) (Item 10.5)**

The staff presentation was waived.

Ryan Ferrari with A.J. Clarke & Associates, was in attendance and indicated support for the staff report.

The delegation from Ryan Ferrari with A.J. Clarke & Associates, was received.

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

- (a) There were no public submissions received regarding this matter; and,
- (b) The public meeting was closed.

For disposition of this matter, refer to Item 6.

**(vi) Application for a Zoning By-law Amendment for Lands Located at 91 and 95 Strathearne Place, Glanbrook (PED23036) (Ward 11) (Item 10.6)**

Mark Michniak, Planner II, addressed the Committee with the aid of a PowerPoint presentation.

The staff presentation was received.

Jacob Dickie with Urban in Mind, was in attendance and indicated support for the staff report.

The delegation from Jacob Dickie with Urban in Mind, was received.

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

- (a) The public submissions in the staff report regarding this matter were received and considered by the Committee; and,
- (b) The public meeting was closed.

For disposition of this matter, refer to Item 7.

The Committee recessed from 12:15 p.m. to 12:45 p.m.

**(vii) Implementation of Changes to Section 41 of the Planning Act - Site Plan Approval, in Response to Provincial Bill 23, More Homes Built Faster Act, 2022 (PED23043) (City Wide) (Item 10.7)**

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

The staff presentation was received.

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

- (a) There were no public submissions received regarding this matter; and,
- (b) The public meeting was closed.

For disposition of this matter, refer to Item 8.

**(viii) City Review of Residential Developments Exempted from Site Plan Control by Bill 23 (PED23045) (City Wide) (Item 10.8)**

Binu Korah, Manager of Engineering Approvals, addressed the Committee with the aid of a PowerPoint presentation.

The staff presentation was received.



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

- (a) There were no public submissions received regarding this matter; and,
- (b) The public meeting was closed.

For disposition of this matter, refer to Item 9.

**(f) DISCUSSION ITEMS (Item 11)**

**(i) Municipal Housing Pledge (PED23056) (City Wide) (Item 11.1)**

Christine Newbold, Manager of Sustainable Communities, addressed the Committee with the aid of a PowerPoint presentation.

The staff presentation was received.

The following written submission was received:

- (i) Lou Piriano, Realtors Association of Hamilton-Burlington (Added Item 11.1 (a)(i))

For disposition of this matter, refer to Item 10.

**(ii) Inclusionary Zoning - Housing Needs Assessment (PED23044(a)) (City Wide) (Outstanding Business List Item) (Item 11.2)**

Tiffany Singh, Planner I, addressed the Committee with the aid of a PowerPoint presentation.

The staff presentation was received.

For disposition of this matter, refer to Item 11.

**(g) NOTICES OF MOTION (Item 13)**

**(i) Establishment of a Proactive By-law Team to Work with Industrial and Commercial Partners (Item 13.1)**

Councillor Hwang introduced the following Notice of Motion respecting Establishment of a Proactive By-law Team to Work with Industrial and Commercial Partners:

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

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

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

WHEREAS, Council deems it desirable to establish standards for the maintenance and occupancy of certain properties, so that owners and occupants provide minimum standards for persons who may live at, attend or otherwise be affected by the condition of the properties; WHEREAS, Council receives numerous complaints from residents about the air and noise pollution coming from some of the industrial and commercial industries; and,

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

THEREFORE BE IT RESOLVED:

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

**(ii) Consolidating Consent and Zoning Applications for the Same Lands (Added Item 13.2)**

Councillor Kroetsch introduced the following Notice of Motion respecting Consolidating Consent and Zoning Applications for the Same Lands:

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

**(iii) Request to Appeal to the Ontario Land Tribunal for 64 Lover's Lane (Added Item 13.3)**

The Rules of Order were waived to allow for the introduction of a Motion respecting Request to Appeal to the Ontario Land Tribunal for 64 Lover's Lane.

For disposition of this matter, refer to Item 12.

**(h) GENERAL INFORMATION / OTHER BUSINESS (Item 14)**

**(i) Outstanding Business List (Added Item 14.1)**

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

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

12B - Request to Designate 437 Wilson Street East (Ancaster)  
Current Due Date: December 7, 2021  
Proposed New Due Date: March 21, 2023

14A - Adding 206, 209 and 210 King St E to the Register of Property of Cultural Heritage Value or Interest  
Current Due Date: December 7, 2021  
Proposed New Due Date: March 21, 2023

17B - Designation of the Gore District as a Heritage Conservation District  
Current Due Date: September 21, 2021  
Proposed New Due Date: April 18, 2023

18D - Consultation on the Regulatory Content of Bill 7  
Current Due Date: April 2022  
Proposed New Due Date: March 21, 2023

18L - Review of C6 and C7 Zoning Regulations  
Current Due Date: November 29, 2022  
Proposed New Due Date: March 21, 2023

19B - Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200  
Current Due Date: June 14, 2022  
Proposed New Due Date: March 21, 2023

19P - Corporate Policy for Official Planning Notification During Mail Strikes

Current Due Date: September 21, 2021  
Proposed New Due Date: April 18, 2023

19U - Heritage Designation Process and Delegated Authority to  
Consent to Heritage Permits  
Current Due Date: September 21, 2021  
Proposed New Due Date: September 19, 2023

19EE - Angela Riley respecting a Request for a Taxi Stand  
Current Due Date: September 20, 2022  
Proposed New Due Date: Late Q2 2023

21E - Temporary Amendments to the Cash-in-Lieu of Parking  
Policy for the Downtown Secondary Plan Area  
Current Due Date: November 29, 2022  
Proposed New Due Date: March 21, 2023

21Q - Options for Fee/Cost Recoveries for Multiple Requests for  
Same Property being removed from the Heritage Registry  
(Hamilton Municipal Heritage Committee Report 21-005)  
Current Due Date: TBD  
Proposed New Due Date: March 21, 2023

21Z - UHOPA and Zoning By-law Amendments for 1173 and 1203  
Old Golf Links Road  
Current Due Date: TBD  
Proposed New Due Date: April 18, 2023

22D - OPA and Zoning By-law Amendments for 65 Guise Street  
East (Pier 8, Block 16)  
Current Due Date: March 22, 2022  
Proposed New Due Date: April 18, 2023

22K - Condominium Conversion Policy Review  
Current Due Date: TBD  
Proposed New Due Date: March 21, 2023

22M - Temporary Use By-law - Outdoor Commercial Patios and  
Temporary Tents (CI-20-F4)  
Current Due Date: TBD  
Proposed New Due Date: Q1 2024

**(b) Items to be Removed:**

19CC - Feasibility of Glanbrook Sports Park Being Included in the Binbrook Village Urban Bounday  
(Addressed as Item (b)(ii) in GIC Report 21-023)

20M - Non-Statutory Public Meeting for OPA and Zoning By-law Amendments for 73-89 Stone Church Rd W and 1029 West 5th Street  
(Addressed as Item 5.1(e) on Planning Committee Report 22-003 - LPAT/OLT decision issued)

21AA - Outdoor Dining Districts Extension  
(Addressed as Item 6 in Planning Committee Report 22-003)

21BB - Bill 13, Proposed Supporting People and Businesses Act  
(Addressed as Item 8 on Planning Committee Report 22-013)

21DD - Draft OPA as part of the Municipal Comprehensive Review  
(Addressed as Item 7 on Planning Committee Report 22-001 and Item 5.8(a) on Council Minutes 22-002)No

22E - OPA and Zoning By-law Amendments for 442-462 Wilson St E  
(Addressed as Item 10 on Planning Committee Report 22-006)

22F - Nuisance Party By-law  
(Addressed as Item 6 on Planning Committee Report 22-014)

22J - MCR/OPA Review - Phase I  
(Addressed as Item 7 on Planning Committee Report 22-012)

22N - OPA and Zoning By-law Amendments for 510 Centennial Parkway North  
(Addressed as Item 13 on Planning Committee Report 22-013)

22O - Urban and Rural Official Plan Amendments to Implement Bill 13 and Bill 109  
(Addressed as Item 8 on Planning Committee Report 22-013)

22P - Licensing Short-Term Rental (STR) Accommodations  
(Addressed as Item 4 on Planning Committee Report 23-001)

**(i) PRIVATE AND CONFIDENTIAL (Item 15)**

**(i) Closed Session Minutes – January 31, 2023 (Item 15.1)**

The Closed Session Minutes dated January 31, 2023 were approved, as presented, and are to remain confidential.

Committee moved into Closed Session for Items 15.2, 15.3 and 15.4 Pursuant to Section 9.3, Sub-sections (e), (f) and (k) of the City's Procedural By-law 21-021, as amended; and, Section 239(2), Sub-sections (e), (f) and (k) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and, a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board..

**(ii) Appeal to the Ontario Land Tribunal (OLT) for Lack of Decision on Urban Hamilton Official Plan Amendment Application (UHOPA-22-009) and Zoning By-law Amendment Application (ZAC-22-018) for lands located at 651 Queenston Road, Hamilton (LS23001/PED22184(a)) (Ward 5) (Item 15.2)**

For disposition of this matter, refer to Item 13.

**(iii) Appeal to the Ontario Land Tribunal on the City of Hamilton's approval of Official Plan Amendment (OPA 102) and Zoning By-law Amendment (By-law 18-114) being the updated Downtown Hamilton Secondary Plan and Implementing Zoning By-law, for the lands located at 215-231 Main Street West, 62 and 64 Hess Street South, and 67-69 Queen Street South (LS19037(a)/PED19198(a)) (Ward 2) (Item 15.3)**

For disposition of this matter, refer to Item 14.

**(iv) Appeal to the Ontario Land Tribunal (OLT) for Refusal of Zoning By-law Amendment Application (ZAR-18-057) for Lands Located at 130 Wellington Street South (LS23005) (Ward 2) (Item 15.4)**

For disposition of this matter, refer to Item 15.

**(j) ADJOURNMENT (Item 16)**

There being no further business, the Planning Committee adjourned at 5:15 p.m.

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Councillor J.P. Danko  
Acting Chair, Planning Committee

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Lisa Kelsey  
Legislative Coordinator