



**PLANNING COMMITTEE
REPORT
23-004**

March 21, 2023

9:30 a.m.

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

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

Also in Attendance: Councillor B. Clark

**THE PLANNING COMMITTEE PRESENTS REPORT 23-004 AND RESPECTFULLY
RECOMMENDS:**

1. Appointment of Chairs and Vice Chairs for 2023 (Item 1.1)

(a) Appointment of Chair

WHEREAS, Councillor M. Wilson has resigned as the Chair of the Planning Committee and the selection of a new Chair and two Vice Chairs for 2023 is required;

THEREFORE BE IT RESOLVED:

That Councillor Danko be appointed as Chair of the Planning Committee for 2023.

(b) Appointment of 1st Vice Chair

That Councillor Hwang be appointed as 1st Vice Chair of the Planning Committee for 2023.

(c) Appointment of 2nd Vice Chair

That Councillor Cassar be appointed as 2nd Vice Chair of the Planning Committee for 2023.

2. **Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-22-018 and Zoning By-law Amendment Application ZAC-22-032 to the Ontario Land Tribunal (OLT) for Lack of Decision for Lands Located at 909 North Waterdown Drive, Waterdown (PED23062) (Ward 15) (Item 8.1)**

That Report PED23062 respecting Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-22-018 and Zoning By-law Amendment Application ZAC-22-032 to the Ontario Land Tribunal (OLT) for Lack of Decision for Lands Located at 909 North Waterdown Drive, Waterdown, be received.

3. **Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-22-023 and Zoning By-law Amendment Application ZAC-22-050 for Lands Located at 3064, 3070, 3078 and 3084 Regional Road No. 56, Glanbrook (PED23057) (Ward 11) (Item 8.2)**

That Report PED23057 respecting Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-22-023 and Zoning By-law Amendment Application ZAC-22-050 for Lands Located at 3064, 3070, 3078 and 3084 Regional Road No. 56, Glanbrook, be received.

4. **Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-22-024 and Zoning By-law Amendment Application ZAC-22-051 for Lands Located at 3160, 3168, 3180 and 3190 Regional Road No. 56, Glanbrook (PED23058) (Ward 11) (Item 8.3)**

That Report PED23058 respecting Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-22-024 and Zoning By-law Amendment Application ZAC-22-051 for Lands Located at 3160, 3168, 3180 and 3190 Regional Road No. 56, Glanbrook (PED23058) (Ward 11), be received.

5. **Correspondence Regarding the Notice of Intention to Designate 66-68 Charlton Avenue West, Hamilton, under Part IV of the Ontario Heritage Act (PED22208(a)) (Ward 2) (Item 9.1)**

That Report PED22208(a) respecting Correspondence Regarding the Notice of Intention to Designate 66-68 Charlton Avenue West, Hamilton, under Part IV of the Ontario Heritage Act, be received.

6. **Annual Report on Building Permit Fees (PED23065) (City Wide) (Item 9.2)**

That Report PED23065 respecting Annual Report on Building Permit Fees, be received.

7. Integrating Health & Environmental Requirements to Demolition Permits (PED23066) (City Wide) (Outstanding Business List Item) (Item 9.3)

That Report PED23066 respecting Integrating Health & Environmental Requirements to Demolition Permits, be received.

8. Proposed Municipal Reporting on Planning Matters Under the Planning Act (PED23082) (City Wide) (Item 9.4)

That Appendix "A" to Report PED23082 be endorsed as the City of Hamilton's response to the Municipal Reporting on Planning Matters - Proposed Minister's Regulation under the Planning Act.

9. Application for a Zoning By-law Amendment for Lands Located at 1557 and 1565 Rymal Road East and 694 Pritchard Road, Hamilton (PED23063) (Ward 6) (Item 10.1)

That Zoning By-law Amendment Application ZAC-19-035, by Mafe Ontario Inc. and 2688183 Ontario Inc. (Owner), for a change in zoning from the Prestige Business Park (M3) Zone to the Business Park Support (M4, 839) Zone to permit business support uses as well as to establish a standard parking rate, on lands located at 1557 and 1565 Rymal Road East and 694 Pritchard Road, as shown on Appendix "A" attached to Report PED23063, be APPROVED on the following basis:

- (a) That the draft By-law, attached as Appendix "B" to Report PED23063, 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 (UHOP).

10. Hamilton Municipal Heritage Committee Report 23-002 (Item 11.1)

1. Response to Bill 23, Schedule 6, More Homes Built Faster Act, 2022, and its Changes to the Ontario Heritage Act and its Regulations (PED22211(a)) (City Wide) (Item 8.1) (attached hereto as Appendix "A" to Hamilton Municipal Heritage Committee Report 23-002)

- (a) That, as a result of the *Bill 23* changes to the *Ontario Heritage Act*, the Council-approved process for designating properties under Part IV of the *Ontario Heritage Act*, including the City of Hamilton: Cultural Heritage Evaluation Criteria and staff designation work plan, as outlined in Report PED08211, be rescinded;

- (b) That the Candidates for Part IV Designation list, attached as Appendix “B” to Hamilton Municipal Heritage Committee Report 23-002, be approved;
- (c) That Cultural Heritage Planning staff, be directed to update the Candidates for Part IV Designation list, as required, to identify properties of cultural heritage value or interest worthy of further review for potential designation under Part IV of the *Ontario Heritage Act*, and that the list be reported to the Hamilton Municipal Heritage Committee quarterly and be made publicly available;
- (d) That Cultural Heritage Planning staff be directed to review the high priority properties of cultural heritage value or interest, identified in Appendix “B” attached to Report PED22211(a), and report back to Council with recommendations to designate individual properties under Part IV of the *Ontario Heritage Act*, and that this work be completed no later than January 1, 2025;
- (e) That, pursuant to Subsection 27(11) of the *Ontario Heritage Act*, Council require that any notice of intention to demolish or remove any building or structure on a property included on either the Candidates for Part IV Designation list attached as Appendix “A” to Report PED22211(a) or the High Priority Candidates for Part IV Designation list attached as Appendix “B” to Report PED22211(a), include a Cultural Heritage Impact Assessment report prepared to the satisfaction and approval of the Director of Planning and Chief Planner;
- (f) That Cultural Heritage Planning staff be directed to report back to Council with a Heritage Conservation District Strategy and Work Plan by Q4 2023;
- (g) The following items be considered dealt with and removed from the Planning Committee Outstanding Business List:
 - (i) Item 12B - Request to Designate 437 Wilson Street East (Ancaster) Under Part IV of the *Ontario Heritage Act* (PED12166);
 - (ii) Item 14A - Adding 206, 208, 210 King Street East to the Register of Property of Cultural Heritage Value or Interest;
 - (iii) Item 21Q – HMHC Report 21-005 RE: cost recoveries related to multiple Register removal requests from owners;
 - (iv) Item 17B - Designation of the Gore District as a Heritage Conservation District;

- (h) That staff report back on the creation of a standardized “Notice of Intention to Demolish” process, including an application form, for the consideration of the Hamilton Municipal Heritage Committee and Council in Q2 2023.

2. Inventory and Research Working Group Notes - November 28, 2022 (Item 10.1)

2. 922 Main Street East, Hamilton (Item 2)

- (a) The Inventory & Research Working Group recommends that 922 Main Street East, Hamilton, be listed on the Municipal Heritage Register as a non-designated property, due to its physical/design value as an example of a Neo-Gothic church, its historical/associative value due to its association with the Victoria Avenue Baptist Church and prominent Hamilton architectural firm Hutton & Souter, and its contextual value as a prominent building on Main Street East; and
- (b) That the property located at 922 Main man Street East, Hamilton be referred to staff to review for Part IV Designation.

3. Hamilton Municipal Heritage Committee Heritage Recognition Awards (Item 13.2)

That the following Hamilton Municipal Heritage Committee Heritage Recognition Awards be approved:

- (i) Heritage Property Conservation Award Recipients
 - (a) 2 Ravenscliff Avenue, Hamilton
 - (b) 44 Chatham Street, Hamilton
 - (c) 22 Homewood Avenue, Hamilton
 - (d) 79 South Street West, Dundas
 - (e) 263 John Street South, Hamilton
- (ii) Heritage Property Developer Recognition Award Recipients
 - (a) Indwell – The Oaks (Royal Oaks Dairy and Dairy Lofts), 219-225 East Avenue North, Hamilton
- (iii) Adaptive Reuse of Heritage Property Award Recipients
 - (a) 200 Caroline Street, Hamilton (Bridgeworks)

- (b) 280 Main Street East, Hamilton (Thomas Anglican Church Apartment Conversion)
 - (c) 366 Victoria Avenue North, Hamilton (Factory Media Resource Centre Gallery & Studio),
 - (d) 29 Harriet Street, Hamilton, Aeon Studio Group
- (iv) Cultural Heritage Landscape Award Recipients
 - (a) Royal Botanical Gardens – Indigenous Plant Medicine Trail, 16 Old Guelph Road, Hamilton
- (v) Making Heritage Accessible Award Recipients
 - (a) Hamilton Public Library – Dundas Branch, 18 Ogilvie Street, Dundas
- (vi) Education in Heritage Award Recipients
 - (a) Mark McNeil, Journalist
 - (b) Kevin Werner, Journalist
 - (c) Sarah Sheehan and Barton Street BIA - Woodlands Park Ghost Landscape Placemaking Project, 501 Barton Street East, Hamilton
- (vii) The Art of Heritage Award Recipients
 - (a) Sara Sandham (HamOnt Doodles), Artist
 - (b) Gordon Leverton, Artist
- (viii) Heritage Group, Society or Specialty Team Award Recipient
 - (a) Friends of St. Giles - 679 Main St E, Hamilton
- (ix) Heritage Streetscape Revitalization Award Recipients
 - (a) Green Venture – De-pave Paradise Projects (Good Shepherd Venture Center, De-paving Differently on Barton) 155 Cannon Street East, Hamilton, and 578-581 and 539 Barton Street East, Hamilton
 - (b) Locke Street Improvement Project – City of Hamilton, Public Works
 - (c) 154 James Street North, Hamilton
- (x) Volunteer Acknowledgement
 - (a) Jim Charlton – Posthumous Award
 - (b) Vivian Chang – Student Artist

- (xi) Specialized Heritage Craft and Trade
 - (a) Alan Stacey, Principal Conservator – Heritage Mill Historic Building Conservation
 - (b) DR Masonry and Authentic Ironworks (Laidlaw United Church Front Stair Restoration Project) - 155 Ottawa St N, Hamilton, ON L8H 3Z2
 - (c) Jason Schubert - Schubert Traditional Craftwork (woodwork at 33 Ontario Street, Hamilton)

11. Application for Cash-in-Lieu of Parking for Lands Located at 211-225 John Street South and 70-78 Young Street, Hamilton (PED23052) (Ward 2) (Item 11.2)

- (a) That Cash-in-Lieu of Parking (CLIP) Application CIL-22-002 by Corktown LP, Slate Asset Management, Owner, for a partial exemption from the parking provisions of Zoning By-law No. 05-200 for 15 of the required 409 parking spaces, for lands located at 211-225 John Street South and 70-78 Young Street, as shown on Appendix “A” attached to Report PED23052, be APPROVED on the following basis:
 - (i) That the owner pays the Cash-in-Lieu of Parking sum of \$581,250 for each of the 15 parking spaces (\$38,750 per space) with the funds to be deposited in Account No. 115085 (Off-Street Parking Reserve Fund);
 - (ii) That the City Solicitor be authorized and directed to prepare the appropriate Cash-in-Lieu of Parking Agreement to be registered on title of the subject lands in accordance with Section 40 of the *Planning Act*;
 - (iii) That the City Clerk be authorized to provide a certificate in accordance with Section 40 (5) of the *Planning Act* when all money payable to the City under the Cash-in-lieu of Parking Agreement has been paid or the agreement has been terminated.

12. Application for Cash-in-Lieu of Parking for Lands Located at 412 Barton Street East, Hamilton (PED23053) (Ward 3) (Item 11.3)

- (a) That Cash-in-Lieu of Parking (CLIP) Application CIL-22-001 by T. Johns Consulting Ltd., for St. Mathew’s House, Owner, for an exemption from the parking provisions of Zoning By-law No. 05-200 for four parking spaces, for lands located at 412 Barton Street East, as shown on Appendix “A” attached to Report PED23053, be APPROVED on the following basis:

- (i) That the owner pays the Cash-in-Lieu of Parking sum of \$1 for each of the four parking spaces;
- (ii) That the City Solicitor be authorized and directed to prepare the appropriate Cash-in-Lieu of Parking Agreement in accordance with Section 40 of the *Planning Act* and authorized to register the agreement on title of the subject land;
- (iii) That the City Clerk be authorized to provide a certificate in accordance with Section 40 (5) of the *Planning Act* when all money payable to the City under the Cash-in-lieu of Parking Cash-in-lieu of Parking Agreement has been paid or the agreement has been terminated..

13. Tertiary Septic Systems and Rural Development (PW20082(a)/PED23047) (Wards 9,10,11,12,13 and 15) (Outstanding Business List Item) (Item 11.4)

- (a) The revisions to the City of Hamilton Guidelines for Hydrogeological Studies and Technical Standards for Private Services, attached as Appendix “A” to Report PW20082(a)/PED23047 be approved to reflect the City of Hamilton’s interim policy and position on the use of tertiary treatment systems until such time as the Province comprehensively regulates the use of tertiary treatment systems;
- (b) That City of Hamilton staff be directed and authorized to continue to engage the Ministry of Environment, Conservation and Parks and the Ministry of Municipal Affairs and Housing to seek regulatory guidance on the municipal enforcement of the performance of tertiary septic systems;
- (c) That the matter respecting the “Use of Tertiary Septic Systems in Hamilton and Update re: Local Planning Appeal Tribunal Case No. PL170858 (PW20082/LS20032)” be removed from the Planning Committee Outstanding Business List.

14. Implementing OPA No. 167 – Secondary Planning Strategy for Urban Expansion Areas and Municipal Comprehensive Review Update (PED21067(d)) (City Wide) (Added Item 11.5)

- (a) That Planning and Economic Development Department staff be directed to:
 - (i) Prepare a City initiated Official Plan Amendment which establishes a policy framework outlining requirements for Secondary Plans in Urban Expansion Areas;
 - (ii) Consult with the public and stakeholders on the draft Official Plan Amendment;

- (iii) Provide public notice as required by the Planning Act and bring the Official Plan Amendment and the results on the public consultation forward for consideration by Planning Committee at a future meeting;
- (b) That the interim draft Secondary Plan Guidelines, attached as Appendix “A” to Report PED21067(d):
 - (i) Be endorsed, to guide future Secondary Planning processes for Urban Boundary Expansion Areas and to confirm minimum Secondary Plan requirements as part of a complete *Planning Act* Application;
 - (ii) That Planning and Economic Development Department staff be directed to:
 - (1) Consult with the public and stakeholders on the draft Secondary Plan Guidelines attached as Appendix “A” to Report PED21067(d);
 - (2) Bring a final Secondary Plan Guideline document, with any amendments resulting from public consultation to the Planning Committee for approval at a future Planning Committee meeting;
 - (iii) That the General Manager of the Planning and Economic Development Department, or their designate, be granted the authority to make minor modifications to the draft Secondary Plan Guidelines;
- (c) That the Planning and Economic Development Department staff be directed to:
 - (i) Lead the development of comprehensive Secondary Plans for the lands added to the City of Hamilton’s Urban Area as part of the Province’s decision on Official Plan Amendment No. 167 (Municipal Comprehensive Review);
 - (ii) Report back to Planning Committee in Q3 2023 on the proposed sequencing and scheduling for City-led Secondary Plans, including budget and staffing implications;
 - (iii) Prepare capital budget submissions for consideration as part of the 2024 budget process, for capital funds required to complete the development of Secondary Plans for all Urban Expansion Areas, and undertake Secondary Planning processes at such time as sufficient budget is provided;

- (d) That Planning and Economic Development Department staff be directed to:
 - (i) Review the staff resources required to process Official Plan Amendments for privately initiated Secondary Plans in the Urban Expansion Areas and determine an appropriate fee;
 - (ii) Report to Planning Committee no later than Q3 2023 on the proposed fee for Official Plan Amendment related to privately initiated Secondary Plans in the Urban Expansion Areas.

15. Establishment of a Proactive By-law Team to Work with Industrial and Commercial Partners (Item 12.1)

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.

16. Consolidating Consent and Zoning Applications for the Same Lands (Item 12.2)

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.

17. Appeal to the Ontario Land Tribunal (OLT) for Lack of Decision on Urban Hamilton Official Plan Amendment Application (UHOPA-18-004) and Zoning By-law Amendment Application (ZAC-18-009) for lands located at 299-307 John Street South and and 97 St. Joseph's Drive (LS22007(a)/ PED22038(b)) (Ward 2) (Item 15.2)

- (a) That Report LS22007(a)/PED22038(b) be referred to the March 29, 2023 Council meeting for consideration in-camera; and,
- (b) That Report LS22007(a)/PED22038(b) remain confidential.

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

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

6. DELEGATION REQUESTS (Item 6)

- 6.2 Kasper Koblauch respecting Designation of 66-68 Charlton Ave. West (Item 9.1) (For today's meeting)

8. STAFF PRESENTATIONS (Item 8)

The following Items were moved from Consent Items to Staff Presentations, with the remaining of the Consent Items being renumbered accordingly:

- 8.1 Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-22-018 and Zoning By-law Amendment Application ZAC-22-032 to the Ontario Land Tribunal (OLT) for Lack of Decision for Lands Located at 909 North Waterdown Drive, Waterdown (PED23062) (Ward 15) (Previously Item 9.2)
- 8.2 Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-22-023 and Zoning By-law Amendment Application ZAC-

22-050 for Lands Located at 3064, 3070, 3078 and 3084 Regional Road No. 56, Glanbrook (PED23057) (Ward 11) (Previously Item 9.5)

- 8.3 Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-22-024 and Zoning By-law Amendment Application ZAC-22-051 for Lands Located at 3160, 3168, 3180 and 3190 Regional Road No. 56, Glanbrook (PED23058) (Ward 11) (Previously Item 9.6)

11. DISCUSSION ITEMS (Item 11)

- 11.5 Implementing OPA No. 167 – Secondary Planning Strategy for Urban Expansion Areas and Municipal Comprehensive Review Update (PED21067(d)) (City Wide) – Added Report

a. Added Written Submissions:

- (i) Maria Gatzios on behalf of the Twenty Road East Landowners Group

13. NOTICES OF MOTION (Item 13)

- 13.1 Outdoor Commercial Patios - Routine Minor Variances and Temporary Use By-laws

15. PRIVATE AND CONFIDENTIAL (Item 15)

- 15.1 Appeal to the Ontario Land Tribunal (OLT) for Lack of Decision on Urban Hamilton Official Plan Amendment Application (UHOPA-18-004) and Zoning By-law Amendment Application (ZAC-18-009) for lands located at 299-307 John Street South and 97 St. Joseph's Drive, Hamilton (LS22007(a)/PED22038(b)) (Ward 2)

The agenda for the March 21, 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) February 14, 2023 (Item 4.1)

The Minutes of the February 14, 2023 meeting were approved, as presented.

(d) DELEGATION REQUESTS (Item 6)

(i) Delegation Requests (Item 6.1 and Added Item 6.2)

The following Delegations were approved:

- (a) Joel Tavormina respecting an Extension for Reconstruction (for the April 4th meeting) (Item 6.1)
- (b) Kasper Koblauch respecting Designation of 66-68 Charlton Ave West (Item 9.1) (for today's meeting) (Added Item 6.2)

(e) DELEGATIONS (Item 7)

(i) Mike Burnet, ACORN, respecting a Landlord Registry (Approved at the February 14th meeting) (Item 7.1)

The Delegate was unable to attend due to illness.

The Delegation from Mike Burnet, ACORN, respecting a Landlord Registry was DEFERRED to a future meeting.

(ii) Kasper Koblauch respecting Designation of 66-68 Charlton Ave. West (Item 9.1) (Added Item 7.2)

Kasper Koblauch addressed the Committee respecting Designation of 66-68 Charlton Ave. West (Item 9.1).

The Delegation from Kasper Koblauch respecting Designation of 66-68 Charlton Ave. West, was received.

(f) STAFF PRESENTATIONS (Item 8)

(i) Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-22-018 and Zoning By-law Amendment Application ZAC-22-032 to the Ontario Land Tribunal (OLT) for Lack of Decision for Lands Located at 909 North Waterdown Drive, Waterdown (PED23062) (Ward 15) (Item 8.1)

The Staff presentation was waived.

For disposition of this matter, refer to Item 2.

- (ii) **Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-22-023 and Zoning By-law Amendment Application ZAC-22-050 for Lands Located at 3064, 3070, 3078 and 3084 Regional Road No. 56, Glanbrook (PED23057) (Ward 11) (Item 8.2)**

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

The Staff presentation was received.

For disposition of this matter, refer to Item 3.

- (iii) **Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-22-024 and Zoning By-law Amendment Application ZAC-22-051 for Lands Located at 3160, 3168, 3180 and 3190 Regional Road No. 56, Glanbrook (PED23058) (Ward 11) (Item 8.3)**

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

The Staff presentation was received.

For disposition of this matter, refer to Item 4.

(g) PUBLIC HEARINGS (Item 10)

In accordance with the *Planning Act*, 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*, 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 1557 and 1565 Rymal Road East and 694 Pritchard Road, Hamilton (PED23063) (Ward 6) (Item 10.1)**

The staff presentation was waived.

Liam Doherty with AJ Clarke & Associates and the Owner, Anthony Magnini, were in attendance and indicated support for the staff report.

The delegation from Liam Doherty with AJ Clarke & Associates and the Owner, Anthony Magnini, 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.

(h) DISCUSSION ITEMS (Item 11)

(i) Application for Cash-in-Lieu of Parking for Lands Located at 211-225 John Street South and 70-78 Young Street, Hamilton (PED23052) (Ward 2) (Item 11.2)

Rino Dal Bello, Senior Planner – Rural Team, provided a verbal overview to the Committee.

The staff overview was received.

For disposition of this matter, refer to Item 11.

(ii) Application for Cash-in-Lieu of Parking for Lands Located at 412 Barton Street East, Hamilton (PED23053) (Ward 3) (Item 11.3)

The staff overview was waived.

For disposition of this matter, refer to Item 12.

The Committee recessed from 12:00 p.m. to 12:30 p.m.

(iii) Tertiary Septic Systems and Rural Development (PW20082(a)/PED23047) (Wards 9,10,11,12,13 and 15) (Outstanding Business List Item) (Item 11.4)

Mike Christie, Senior Planner, addressed the Committee with the aid of a PowerPoint presentation.

The staff presentation was received.

For disposition of this matter, refer to Item 13.

(iv) Implementing OPA No. 167 – Secondary Planning Strategy for Urban Expansion Areas and Municipal Comprehensive Review Update (PED21067(d)) (City Wide) (Added Item 11.5)

Melanie Pham, Senior Project Manager, addressed the Committee with the aid of a PowerPoint presentation.

The staff presentation was received.

The following written submission was received;

- (i) Maria Gatzios on behalf of the Twenty Road East Landowners Group (Added Item 11.5 (a)(i))

For disposition of this matter, refer to Item 14.

(i) NOTICES OF MOTION (Item 13)

Councillor Francis introduced the following Notice of Motion:

(i) Outdoor Commercial Patios - Routine Minor Variances and Temporary Use By-laws (Added Item 13.1)

WHEREAS, Outdoor Commercial Patios are regulated in size and location by Zoning By-law No. 05-200;

WHEREAS, By-law No. 20-181, as amended by By-law Nos. 20-215 and 21-143 amended the Outdoor Commercial Patio regulations in the Zoning By-law to provide temporary relief from the locational requirements for Outdoor Commercial Patios;

WHEREAS, Report PED20135(c) recommended reinstatement of the temporary locational permissions for Outdoor Commercial Patios to support local businesses by increasing operational flexibility;

WHEREAS, Council approved By-law No. 22-073 to reinstate the temporary locational permissions for Outdoor Commercial Patios on properties abutting a Residential Zone provided a minimum setback of 5 metres from a Residential Zone is provided and the patio does not obstruct a driveway, parking aisle or fire route, and the Zoning By-law restricts Outdoor Commercial Patios to the front yard of a property if the rear lot line abuts a Residential Zone, Downtown Residential (D5) Zone, or Downtown Multiple Residential (D6) Zone, or is separated by a laneway from said zones;

WHEREAS, Report PED20135(c) directed staff to report back to Council before April 2025, prior to the expiration of the Temporary Use By-law, to present staff's evaluation of the merits of establishing the temporary locational permissions for Outdoor Commercial Patios as permanent given that commercial entertainment and recreation on Outdoor Commercial Patios is now permitted in the Zoning By-laws and regulated by the Noise Control-By-law;

WHEREAS, a Minor Variance Application is required to assess variations from the requirements of the Zoning By-law;

WHEREAS, a Minor Variance Application fee is \$3,735.00.

WHEREAS, a Routine Minor Variance fee of \$675.00 is applied to pools, decks, sheds, accessory buildings, porches, eave projections, recognizing legal non-complying situations and secondary dwelling units;

WHEREAS, in 2022, four Minor Variance Applications were received to modify the zoning regulations associated with Outdoor Commercial Patio locations;

WHEREAS, a variance to the locational permissions and setback requirements for Outdoor Commercial Patios shall require varying the location requirements in the Zoning By-law and the temporary location permissions and setback requirements of the Temporary Use By-law;

THEREFORE BE IT RESOLVED

That staff be directed to amend the interpretation note for Routine Minor Variance applications in the Tariff of Fees By-law to include variances to the zoning by-law regulations for Outdoor Commercial Patios and the temporary use provisions where a Temporary Use By-law applies to the property for Outdoor Commercial Patios as a Routine Minor Variance.

(j) PRIVATE AND CONFIDENTIAL (Item 15)

(i) Closed Session Minutes – February 14, 2023 (Item 15.1)

The Closed Session Minutes dated February 14, 2023 were approved, as presented, and are to remain confidential.

Committee moved into Closed Session for Items 15.2, 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-18-004) and Zoning By-law Amendment Application (ZAC-18-009) for lands located at 299-307 John Street South and 97 St. Joseph's Drive, Hamilton (LS22007(a)/PED22038(b)) (Ward 2) (Added Item 15.2)**

For disposition of this matter, refer to Item 17.

(k) ADJOURNMENT (Item 16)

There being no further business, the Planning Committee adjourned at 3:23 p.m.

Councillor J.P. Danko
Chair, Planning Committee

Lisa Kelsey
Legislative Coordinator