



**PLANNING COMMITTEE  
REPORT  
23-002**

January 31, 2023

9:30 a.m.

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

**Present:** Councillor M. Wilson. (Chair)  
Councillor J.P. Danko (1<sup>st</sup> Vice Chair)  
Councillor T. Hwang (2<sup>nd</sup> Vice Chair)  
Councillors J. Beattie, E. Pauls, M. Francis, C. Kroetsch,  
T. McMeekin, N. Nann, M. Spadafora, M. Tadeson, A. Wilson

**Also in Attendance:** Mayor A. Horwath

**Absent with Regrets:** Councillor C. Cassar – City Business

**THE PLANNING COMMITTEE PRESENTS REPORT 23-002 AND RESPECTFULLY RECOMMENDS:**

**1. Active Official Plan Amendment, Zoning By-law Amendment, and Plan of Subdivision Applications (PED23034) (City Wide) (Item 9.1)**

That Report PED23034 respecting Active Official Plan Amendment, Zoning By-law Amendment, and Plan of Subdivision Applications, be received.

**2. Confirmation of Qualified Consultant to Conduct Peer Review of Inclusionary Zoning - Market Feasibility Study (PED23044) (City Wide) (Item 9.2)**

- (a) That in accordance with Subsection 2.(1)7 of Ontario Regulation 232/18 Council deem N. Barry Lyon Consultants Limited ('NBLC') qualified to complete the required peer review and provision of a formal written opinion of the Inclusionary Zoning (IZ) - Market Feasibility Study currently being prepared by urbanMetrics inc. on behalf of the City of Hamilton; and,
- (b) That the single source procurement, pursuant to Policy #11 Non-competitive Procurements, to NBLC for the required peer review be approved.

3. **Applications for Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 220 and 222 Main Street West, 115 and 117 George Street and the South Portion of 107 and 109 George Street, Hamilton (PED23022) (Ward 2) (Item 10.1)**
- (a) That amended Urban Hamilton Official Plan Amendment Application UHOPA-20-025 by Bousfields Inc. (c/o Ashley Paton) on Behalf of Coletara Development, Owner, to amend the Downtown Hamilton Secondary Plan to change the classification of the Maximum Height from “Mid-rise” and “Low-rise 2” to “High-rise 2” on Map B.6.1-2 to permit the development of a 23 storey mixed use commercial / residential building, for lands located at 220 and 222 Main Street West, 115 and 117 George Street and the south portion of 107 and 109 George Street, as shown on Appendix “A” attached to Report PED23022, be APPROVED on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED23022, be adopted by City Council;
- (ii) That the proposed Official Plan 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 amended Zoning By-law Amendment Application ZAC-20-038 by Bousfields Inc. (c/o Ashley Paton) on Behalf of Coletara Development, Owner, for a change in zoning from the Downtown Central Business District (D1, H21) Zone and the Downtown Mixed Use – Pedestrian Focus (D2) Zone to the Downtown Central Business District (D1, 820, H132, H141) Zone to permit a 23 storey mixed use building with 282 dwelling units, 854 square metres of retail space and 152 parking spaces for lands located at 220 and 222 Main Street West, 115 and 117 George Street and the south portion of 107 and 109 George Street, as shown on Appendix “A” attached to Report PED23022, be APPROVED on the following basis:
- (i) That the draft By-law, attached as Appendix “C” to Report PED23022, 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 will comply with the Urban Hamilton Official Plan upon approval of Official Plan Amendment No. XX;
- (iii) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject lands by

introducing the Holding symbol 'H132' to the proposed Downtown Central Business District (D1, 820) Zone:

H132. Notwithstanding Section 6.1 of this By-law, on those lands zoned Downtown Central Business District (D1, 820) Zone, identified on Map 951 of Schedule "A" – Zoning Maps and described as 220 and 222 Main Street West and 107 and 109 George Street, no development shall be permitted until such time as:

- (1) The Owner submits and receives approval of the following Cultural Heritage studies, to the satisfaction of the Director, Heritage and Urban Design:
  - (aa) Documentation and Salvage Report for 220 Main Street West and 222 Main Street West;
  - (bb) Commemoration Brief for 220 Main Street West and 222 Main Street West;
- (2) The Owner establish an easement to allow vehicle access to the rear of the existing building located at 107 and 109 George Street, to the satisfaction of the Manager of Transportation Planning;
- (3) The Owner enters into a conditional building permit agreement with respect to completing a Record of Site Condition or a signed Record of Site Condition (RSC) being submitted to the City of Hamilton and the Ministry of the Environment, Conservation and Parks (MECP). This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MECP, and the submission of the City of Hamilton's current RSC administration fee;
- (4) That the Owner demonstrate that the proposed development does not exceed the height of the Niagara Escarpment to the satisfaction of the Director of Planning and Chief Planner:

H141. Notwithstanding Section 6.1 of this By-law, on those lands zoned Downtown Central Business District (D1, 820) Zone, identified on Map 951 of Schedule "A" – Zoning Maps and described 115 and 117 George Street, no development shall be permitted until such time as the Owner submits and receives approval of a Conservation Plan, to the satisfaction of the Director, Heritage and Urban Design.

**4. Application for Revised Draft Plan of Subdivision for Lands Located at 74, 78, 90 and 96 Parkside Drive, Flamborough (PED23023) (Ward 15) (Item 11.1)**

- (a) That Revisions to Draft Approved Plan of Subdivision 25T-201507R, by MHBC Planning on behalf of Flamborough Power Centre Inc. (Owner) to remove the extension of Street B on the subdivision known as “Flamborough Power Centre North Business Park” and located at 74, 78, 90 and 96 Parkside Drive, Flamborough, as shown on Appendix “A”, attached to Report PED23023, be APPROVED subject to the following conditions:
- (i) That the approval applies to the Draft Plan of Subdivision application “25T-201507R” prepared by J.D. Barnes Limited, and certified by R. S. Querubin, O.L.S, dated June 1, 2022, consisting of one block for employment uses (Block 20), one block for Conservation / Hazard Land (Block 21), dedicated road widening for Enterprise Crescent (Blocks 8 and 9) and 0.30 metre reserves (Blocks 18 and 19), subject to the Owner entering into a standard form subdivision agreement as approved by City Council and with Special Conditions as attached to Appendix “F” to Report PED23023;
  - (ii) In accordance with the City’s Comprehensive Development Guidelines and Financial Policies Manual (2017) there will be no 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*, with the calculation for the payment to be based on the value of the lands on the day prior to the day of issuance of each building permit, all in accordance with the Financial Policies for Development and the City’s Parkland Dedication By-laws, as approved by Council.

**5. Provincial Amendments to the Greenbelt Plan (Greenbelt Plan Amendment No. 3) (PED23046) (City Wide) (Item 11.2)**

That Report PED23046 respecting Provincial Amendments to the Greenbelt Plan (Greenbelt Plan Amendment No. 3), be received.

**6. Municipal Comprehensive Review / Official Plan - OPA 167 of the Urban Hamilton Official Plan and OPA 34 of the Rural Hamilton Official Plan – Judicial Review Application of Minister's Decisions (LS22035(a)) (City Wide) (Item 15.3)**

- (a) That Report LS22035(a) respecting the Municipal Comprehensive Review / Official Plan - OPA 167 of the Urban Hamilton Official Plan and OPA 34

of the Rural Hamilton Official Plan - Judicial Review Application of Minister's Decisions, remain confidential.

- (b) That the City take no position, at this time, on the application for Judicial Review ("JRA") of the Minister of Municipal Affairs and Housing's decision regarding Official Plan Amendment ("OPA") 167 of the Urban Hamilton Official Plan and OPA 34 of the Rural Hamilton Official Plan commenced by Environmental Defence Canada Inc. pending provision of the Provincial Record of Proceeding and additional evidence, at which time Legal staff report back to the Planning Committee for additional instructions, and the City participate in the JRA proceedings to the extent necessary to ensure the evidentiary record is accurate.
- (c) That the City Solicitor be authorized to retain external legal counsel to represent the City in the JRA proceedings and such external consultants as she deems necessary and that the costs of said retainers be funded first from the Capital account 8140855800 – Official Plan OMB Appeal and second from the Tax Stabilization Reserve (110046) or such other account as deemed appropriate by the General Manager of Finance and Corporate Services.
- (d) That Staff coordinate with the Environmental Defence Canada Inc. to provide publicly accessible documentation, as required.

**FOR INFORMATION:**

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

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

**5. COMMUNICATIONS**

- 5.1 Lakewood Beach Community Council respecting Procedural Clarification for 310 Frances Avenue

Recommendation: Be received.

**10. PUBLIC HEARINGS**

- 10.1 Applications for Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 220 and 222 Main Street West and 107-117 George Street, Hamilton (PED23022) (Ward 2)

(a) Written Submissions:

- (i) Tate Graham
- (ii) Savan Chandaria
- (iii) Ned Kuruc
- (iv) Michael Pernfuss
- (v) Andrew-Christian Adams
- (vi) Adrian Mekli

**14. GENERAL INFORMATION / OTHER BUSINESS**

- 14.1 Outstanding Business List

(a) Items Requiring New Due Dates:

20L – Use of Tertiary Septic Systems in Hamilton and Update re: Local Planning Appeal Tribunal Case No. PL170858

Current Due Date: September 20, 2022

Proposed New Due Date: March 21, 2023

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 17, 2023 (Item 4.1)**

The Minutes of the January 17, 2023 meeting were approved, as presented.

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

**(i) Lakewood Beach Community Council respecting Procedural Clarification for 310 Frances Avenue (Added Item 5.1)**

The correspondence from Lakewood Beach Community Council respecting Procedural Clarification for 310 Frances Avenue, was REFERRED to the February 8, 2023 Council meeting for a staff response on the questions in the correspondence.

**(e) DELEGATIONS (Item 8)**

**(i) Frank Lenarduzzi respecting Expansion of Permitted Uses for P4 Zoning (Item 8.1)**

Frank Lenarduzzi addressed the Committee respecting Expansion of Permitted Uses for P4 Zoning.

The Delegation from Frank Lenarduzzi respecting Expansion of Permitted Uses for P4 Zoning, was received.

**(f) CONSENT ITEMS (Item 9)**

**(i) Confirmation of Qualified Consultant to Conduct Peer Review of Inclusionary Zoning – Market Feasibility Study (PED23044) (City Wide) (Item 9.2)**

Tiffany Singh, Planner I, addressed the Committee respecting Confirmation of Qualified Consultant to Conduct Peer Review of Inclusionary Zoning – Market Feasibility Study with the aid of a PowerPoint presentation.

The presentation from Tiffany Singh, respecting Confirmation of Qualified Consultant to Conduct Peer Review of Inclusionary Zoning – Market Feasibility Study, was received.

For disposition of this matter, refer to Item 2.

**(g) PUBLIC HEARINGS (Item 10)**

In accordance with the *Planning Act*, Chair M. Wilson 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 M. Wilson 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) Applications for Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 220 and 222 Main Street West, 115 and 117 George Street and the South Portion of 107 and 109 George Street, Hamilton (PED23022) (Ward 2) (Item 10.1)**

Alaina Baldassarra, Planner I, 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.

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

- (a) The following written submissions regarding this matter were received and considered by the Committee; and,
- (i) Tate Graham
  - (ii) Savan Chandaria
  - (iii) Ned Kuruc
  - (iv) Michael Pernfuss
  - (v) Andrew-Christian Adams
  - (vi) Adrian Mekli

- (b) The public meeting was closed.

For disposition of this matter, refer to Item 3.



**(h) DISCUSSION ITEMS (Item 11)**

**(i) Application for Revised Draft Plan of Subdivision for Lands Located at 74, 78, 90 and 96 Parkside Drive, Flamborough (PED23023) (Ward 15) (Item 11.1)**

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

The staff presentation was received.

Gerry Tchisler with MHBC Planning, was in attendance and indicated support for the staff report.

The delegation from Gerry Tchisler with MHBC Planning, was received.

There were no public submissions received regarding this matter.

For disposition of this matter, refer to Item 4.

**(ii) Provincial Amendments to the Greenbelt Plan (Greenbelt Plan Amendment No. 3) (PED23046) (City Wide) (Item 11.2)**

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

The staff presentation was received.

For disposition of this matter, refer to Item 5.

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

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

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

20L - Use of Tertiary Septic Systems in Hamilton and Update re: Local Planning Appeal Tribunal Case No. PL170858  
Current Due Date: September 20, 2022  
Proposed New Due Date: March 21, 2023

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

**(i) Closed Session Minutes (Item 15.1 and 15.2)**

The following Closed Session Minutes were approved, as presented, and are to remain confidential:

- (i) November 29, 2022 (Item 15.1)
- (ii) January 17, 2023 (Item 15.2)

The Committee moved into Closed Session for Item 15.3 pursuant to Section 9.3, Sub-sections (e) and (f) of the City's Procedural By-law 21-021, as amended; and, Section 239(2), Sub-sections (e) and (f) 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; and, advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

**(i) Municipal Comprehensive Review / Official Plan - OPA 167 of the Urban Hamilton Official Plan and OPA 34 of the Rural Hamilton Official Plan – Judicial Review Application of Minister's Decisions (LS22035(a)) (City Wide) (Item 15.3)**

- (1)** (a) That Report LS22035(a) respecting the Municipal Comprehensive Review / Official Plan - OPA 167 of the Urban Hamilton Official Plan and OPA 34 of the Rural Hamilton Official Plan - Judicial Review Application of Minister's Decisions, remain confidential.
- (b) That the City take no position, on the application for Judicial Review ("JRA") of the Minister of Municipal Affairs and Housing's decision regarding Official Plan Amendment ("OPA") 167 of the Urban Hamilton Official Plan and OPA 34 of the Rural Hamilton Official Plan commenced by Environmental Defence Canada Inc. and the City participate in the JRA proceedings to the extent necessary to ensure the evidentiary record is accurate.
- (c) That the City Solicitor be authorized to retain external legal counsel to represent the City in the JRA proceedings and such external consultants as she deems necessary and that the costs of said retainers be funded first from the Capital account 8140855800 – Official Plan OMB Appeal and second from the Tax Stabilization Reserve (110046) or such other account as deemed appropriate by the General Manager of Finance and Corporate Services.

- (2) That Report LS22035(a) respecting Municipal Comprehensive Review / Official Plan - OPA 167 of the Urban Hamilton Official Plan and OPA 34 of the Rural Hamilton Official Plan – Judicial Review Application of Minister's Decisions, be **amended**, by adding wording to sub-section (b) and adding a new sub-section (d) as follows:
- (b) That the City take no position, **at this time**, on the application for Judicial Review (“JRA”) of the Minister of Municipal Affairs and Housing’s decision regarding Official Plan Amendment (“OPA”) 167 of the Urban Hamilton Official Plan and OPA 34 of the Rural Hamilton Official Plan commenced by Environmental Defence Canada Inc. **pending provision of the Provincial Record of Proceeding and additional evidence, at which time Legal staff report back to the Planning Committee for additional instructions**, and the City participate in the JRA proceedings to the extent necessary to ensure the evidentiary record is accurate.
- (d) **That Staff coordinate with the Environmental Defence Canada Inc. to provide publicly accessible documentation, as required.**

For disposition of this matter, refer to Item 6.

(k) **ADJOURNMENT (Item 16)**

There being no further business, the Planning Committee adjourned at 3:55 p.m.

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Councillor M. Wilson  
Chair, Planning Committee

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Lisa Kelsey  
Legislative Coordinator