



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
Planning Division

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	June 18, 2024
<b>SUBJECT/REPORT NO:</b>	Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 399 Greenhill Avenue, Hamilton (PED24093) (Ward 5)
<b>WARD(S) AFFECTED:</b>	Ward 5
<b>PREPARED BY:</b>	Daniel Barnett (905) 546-2424 Ext. 4445
<b>SUBMITTED BY:</b>	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

- (a) That **Amended Official Plan Amendment Application UHOPA-22-016, by Bousfields Inc. (c/o Anna Wynveen) on behalf of Medallion Developments (c/o Luka Kot), Owner**, to establish a Site Specific Policy to permit local commercial uses to front onto and have access to a local road and to permit a principal entrance of a new local commercial use to face a local road, for lands located at 399 Greenhill Avenue, as shown on Appendix “A” attached to Report PED24093, be **APPROVED** on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED24093, 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-22-030, by Bousfields Inc. (c/o Anna Wynveen) on behalf of Medallion Developments (c/o Luka Kot), Owner**, for a change in zoning from the Community Commercial (C3) Zone to the Mixed Use Medium Density (C5, 897, H172) Zone, to permit

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553 multiple dwelling units and 975 square metres of commercial gross floor area within four buildings including two 12 storey buildings and two four storey buildings, along with 502 parking spaces, for lands located at 399 Greenhill Avenue, as shown on Appendix “A” attached to Report PED24093, be **APPROVED** on the following basis:

- (i) That the draft By-law, attached as Appendix “C” to Report PED24093, 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. ;
- (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 including the Holding “H172” to the proposed Mixed Use Medium Density (C5, 897) Zone:

The Holding Provision ‘H172’ is to be removed conditional upon:

- (1) The owner submit and receive approval of a Tree Protection Plan (and applicable review fee), to the satisfaction of the Director of Heritage and Urban Design;
- (2) The owner submit a signed Record of Site Condition to the satisfaction of the Director of Development Planning or enters into a conditional building permit agreement with respect to completing a Record of Site Condition. The Record of Site Condition must include a notice of acknowledgement of the Record of Site Condition by the Ministry of the Environment, Conservation and Parks, and submission of the City of Hamilton’s current Record of Site Condition administration fee;
- (3) The owner submit and receive approval of an updated Pedestrian Wind Study, to the satisfaction of the Director of Heritage and Urban Design;

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- (4) The owner submit and receive approval of an updated Environmental Noise Study, to the satisfaction of the Director of Development Planning;
- (5) The owner submitting a revised Functional Servicing Report, to the satisfaction of the Director of Development Engineering for review and acceptance, which demonstrates:
  - (aa) That through a sanitary sewer capacity analysis, there is a suitable sanitary sewer outlet with sufficient capacity available, including but not limited to improvements to the existing sanitary sewer on Harrisford Street to support the proposed increase in wastewater capacity in accordance with the City's standards;
  - (bb) The owner enters into and registers an External Works Agreement with the City on the title of the lands for the design and construction of any required sanitary sewer improvements to the municipal infrastructures identified in accordance with the recommendations of the sanitary sewer capacity analysis;
  - (cc) That the owner submits an updated Watermain Hydraulic Analysis (WHA), identify the modelled system pressures at pressure district levels under various boundary conditions and demand scenarios, to demonstrate that the municipal system can provide for required flows to support the proposed development;
- (c) That approval be given for a modification to the Mixed Use Medium Density (C5) Zone in the Hamilton Zoning By-law No. 05-200, to permit a 12 storey mixed use development for lands located at 399 Greenhill Avenue, Hamilton, as shown on Appendix "A" attached to Report PED24093, subject to the following:
  - (i) That the draft By-law, attached as Appendix "J" to Report PED24093, be held in abeyance until such time as By-law No. 24-052, being a by-law to establish the Parking Regulations Zones, is in force and effect;
  - (ii) That staff be directed to bring forward the draft By-law, attached as Appendix "J" to Report PED24093, for enactment by City Council, once By-law No. 24-052 is in force and effect.

## **EXECUTIVE SUMMARY**

The subject site is municipally known as 399 Greenhill Avenue in Hamilton. The applicant has submitted applications to amend the Urban Hamilton Official Plan and Zoning By-law to facilitate the development of 553 multiple dwelling units and 975 square metres of commercial gross floor area, within four buildings, including two 12 storey buildings and two four storey buildings, with 502 parking spaces, of which 479 are below grade parking spaces and 23 are surface parking spaces. The applicant's intention is for the 553 multiple dwelling units to be rental units.

The purpose of the Official Plan Amendment is to establish a Site Specific Policy to permit local commercial uses to front onto and have access to a local road and to permit a principal entrance of a new local commercial use to face a local road.

The purpose of the Zoning By-law Amendment is to rezone the subject lands from the Community Commercial (C3) Zone to the Mixed Use Medium Density (C5, 897, H172) Zone, under the City of Hamilton Zoning By-law No. 05-200. Site specific modifications to the Mixed Use Medium Density (C5) Zone are required to accommodate the proposed development, which are discussed in Appendix "E" attached to Report PED24093.

The proposal has merit and can be supported for the following reasons:

- It is consistent with the Provincial Policy Statement (2020);
- It conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- It complies with the general intent and purpose of the Urban Hamilton Official Plan, upon approval of the Official Plan Amendment; and,
- The proposal is considered good planning, as it will provide a built form that is compatible with the character of the area and provides a compact and efficient urban form.

## **Alternatives for Consideration – See Page 13**

## **FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

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Legal: As required by the *Planning Act*, Council shall hold a Public Meeting to consider an application for an Official Plan Amendment and Zoning By-law Amendment.

**HISTORICAL BACKGROUND**

<b>Application Details</b>	
Owner:	Medallion Development Inc. (c/o Luka Kot).
Applicant/Agent:	Bousfield Inc. (c/o Anna Wynveen).
File Numbers:	UHOPA-22-016 and ZAC-22-030.
Type of Application:	Urban Hamilton Official Plan and Zoning By-law Amendment.
Proposal:	<p>To demolish the existing commercial plaza to facilitate the creation of 553 multiple dwelling units and 975 square metres of commercial gross floor area within four buildings including, two 12-storey and two four-storey buildings. The concept plan is attached as Appendix “D” to Report PED24093.</p> <p>One of the 12 storey buildings is to be located on the westerly portion of the subject lands towards Harrisford Street and is oriented parallel to Greenhill Avenue. The proposed commercial area is located on the ground floor of this building oriented toward Greenhill Avenue. A second 12 storey building is proposed in the middle of the subject lands and oriented perpendicular to Greenhill Avenue. Finally, the two, four storey buildings are proposed on the easterly portion of the subject lands parallel to Mount Albion Road. A total of 42 bachelor units, 291 one bedroom units, 192 two bedroom units, and 28 three bedroom units are proposed.</p> <p>The proposed development will include 502 parking spaces, of which 479 are located below grade and 23 at the surface, 277 long term bicycle parking spaces, and 12 short term bicycle parking spaces. Access to the subject lands will be provided from Mount Albion Road, Greenhill Avenue and Harrisford Street.</p>
<b>Property Details</b>	
Municipal Address:	399 Greenhill Avenue, Hamilton.
Lot Area:	1.4 hectares (14,521 square metres).
Servicing:	Full municipal services.
Existing Use:	Commercial plaza.

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<b>Documents</b>	
Provincial Policy Statement:	The proposal is consistent with the Provincial Policy Statement (2020).
A Place to Grow:	The proposal conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).
Official Plan Existing:	“Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations.
Official Plan Proposed:	Site Specific Policy to the “Neighbourhoods” Designations to permit local commercial uses to front onto and have access to a local road and to permit a principal entrance of a new local commercial use to face a local road.
Zoning Existing:	Community Commercial (C3) Zone.
Zoning Proposed:	Mixed Use Medium Density (C5, 897, H172) Zone to permit a mixed use development with a maximum height of 12 storeys.
Modifications Proposed:	<p>The following modifications have been requested by the applicant:</p> <ul style="list-style-type: none"> <li>• To permit a porch, deck, stairs, or canopy to encroach into the required setback from Mount Albion Road;</li> <li>• To permit an existing fence with a height of 1.0 metre to be considered a visual barrier instead of requiring a fence with a minimum height of 1.8 metres;</li> <li>• To permit a loading space to be located in a yard abutting a Residential Zone;</li> <li>• To delete the minimum 0.9 metre finished floor elevation above grade for dwelling units, for the lands included in Block 2 of Special Figure No. 40;</li> <li>• To not require a 0.9 metre finished floor elevation above grade for dwelling units that do not front a street line, for the lands included in Block 1 of Special Figure No. 40;</li> <li>• To require minimum building setbacks from a street line in accordance with Special Figure No. 40;</li> <li>• To require minimum building setbacks from a rear lot line in accordance with Special Figure No. 40;</li> <li>• To establish minimum building heights in accordance with Special Figure No. 40; and,</li> <li>• To restrict the maximum building height to 12.0 metres except as outlined in Special Figure No. 40, with a maximum height of 39.0 metres.</li> </ul>

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<b>Documents</b>	
<p>Modifications Proposed: <b>(Continued)</b></p>	<ul style="list-style-type: none"> <li>• To require minimum setbacks related to building height from a Residential or Institutional Zone in accordance with Special Figure No. 40;</li> <li>• To require a principal entrance within the ground floor façade that is setback closest to a street in accordance with Block 1 of Special Figure No. 40; and,</li> <li>• To not require a principal entrance to be located closest to the street in accordance with Block 2 of Special Figure No. 40.</li> </ul> <p>The following modifications have been included by staff:</p> <ul style="list-style-type: none"> <li>• To require a minimum setback from a street line to be in accordance with Special Figure No. 40; and,</li> <li>• To require a minimum of 30 percent of units to be two bedroom units and a minimum of five percent of the units to be three or more bedrooms.</li> </ul> <p>The following modifications to the Council adopted Parking Regulations (By-law No. 24-052) have been included in the Held in Abeyance By-law:</p> <ul style="list-style-type: none"> <li>• To require a minimum of 25% of the parking spaces provided to be Electric Vehicle Parking Spaces;</li> <li>• To require a short-term bicycle parking rate of 0.05 spaces per unit for multiple dwellings; and,</li> <li>• To require a long-term bicycle parking rate of 0.6 spaces per unit for multiple dwellings.</li> </ul> <p>Please refer to the By-law to be held in abeyance in Appendix “J” attached to Report PED24093</p> <p>A complete analysis of the proposed modifications is attached as Appendix “E” to Report PED24093.</p>
<b>Processing Details</b>	
Received:	April 12, 2022.
Deemed Complete	April 27, 2022.
Notice of Complete Application:	Sent to 473 property owners within 120 metres of the subject lands on May 12, 2022.

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<b>Processing Details</b>	
Public Notice Sign:	Posted May 12, 2022, and updated May 8, 2024.
Notice of Public Meeting:	Sent to 473 property owners within 120 metres of the subject lands on May 17, 2024.
Staff and Agency Comments:	Staff and agency comments have been summarized in Appendix "G" attached to Report PED24093.
Public Consultation:	A virtual public meeting was held by the applicant on October 6, 2022. A total of 473 notices of the virtual public meeting were mailed on September 15, 2022, and emailed to the local Councillor, City of Hamilton staff, and the Davis Creek Community Planning Team. A total of 54 individuals attended the virtual public meeting. A detailed summary of the virtual public meeting is outlined in Appendix "I" attached to Report PED24093.
Public Comments:	Staff received 12 letters / emails expressing concern for the proposed development (see Appendix "H" attached to Report PED24093).
Processing Time:	784 days from receipt of applications.

**Existing Land Use and Zoning**

	<b>Existing Land Use</b>	<b>Existing Zoning</b>
<b>Subject Lands:</b>	Commercial plaza.	Community Commercial (C3) Zone.
<b>Surrounding Land Uses:</b>		
North	Multiple dwelling and single detached dwellings.	"E" (Multiple Dwellings, Lodges, Clubs, Etc.) District, and "D/S-360" and "D/S-1822" (Urban Protected Residential – One and Two Family Dwellings, Etc.) District, Modified.
South	Townhouse dwellings and single detached dwellings.	"RT-20" (Townhouse – Maisonette) District and "D/S-360" and "D/S-1822" (Urban Protected Residential – One and Two Family Dwellings, Etc.) District, Modified.



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<b>Surrounding Land Uses (Continued):</b>		
East	Townhouse dwellings.	“DE-3/S-865” and “DE-3/S-1059” (Multiple Dwellings) District, Modified, and “D/S-360” and “D/S-1822” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District, Modified.
West	Townhouse dwellings.	“RT-20” (Townhouse – Maisonette) District.

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

**Provincial Policy Statement (2020) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended)**

A full policy review has been provided for the Provincial Policy Statement (2020) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended) in Appendix “F” attached to Report PED24093.

**Provincial Policy Statement (2020)**

The proposal provides for the efficient use of land and resources by directing growth towards the existing settlement area where there are existing municipal water and wastewater services. The development of multiple dwelling units and ground floor commercial uses are an efficient use of land and represent an appropriate development of the site which will contribute to a complete community. The proposed development incorporates long and short term bicycle parking, is located within proximity to existing parks, and schools and has access to the existing transit network. The proposal contributes to a range and mix of housing types in the immediate area.

Based on the foregoing, the proposal is consistent with the Provincial Policy Statement (2020).

**A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended)**

The proposal conforms with A Place to Grow (2019, as amended), as the proposed development is located within a settlement area. The proposed development is located along existing transit routes and is in proximity to existing public service facilities including municipal parks and schools. The proposed development will be serviced by municipal water and wastewater services. The proposed development will support the

achievement of complete communities by increasing the supply of residential dwelling units including units for larger households and by maintaining commercial services on site for the community.

Based on the foregoing, the proposal conforms to the A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).

### **Urban Hamilton Official Plan**

The subject lands are identified as “Neighbourhoods” on Schedule E – Urban Structure and designated “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations. The applicant is proposing to establish a Site Specific Policy to permit local commercial uses fronting onto a local road (Greenhill Avenue) and to permit a principal entrance of a new local commercial use to face a local road. A review of the applicable Official Plan policies is included in Appendix “F” attached to Report PED24093.

The existing neighbourhood consists of a variety of dwelling types at various densities, including single detached dwellings, townhouse dwellings, and medium density residential uses in the form of multiple dwellings with heights up to 12 storeys.

The applicant has submitted the necessary studies to demonstrate that the additional criteria for height in the “Medium Density Residential” policies (E.3.5.8) have been met for increasing the height up to 12 storeys. A full analysis of the policies and the supporting studies is included in Appendix “F” attached to Report PED24093.

Local commercial uses are permitted on lands designated “Neighbourhoods”; however, local commercial uses are required to have frontage and access onto an arterial or collector road. The proposed development seeks to establish local commercial uses that front and are accessed from Greenhill Avenue which is classified as a local road west of Mount Albion Road in the Urban Hamilton Official Plan. Accordingly, the proposed local commercial uses do not front onto nor have direct access to either an arterial road or collector road. An Official Plan Amendment is therefore required to permit local commercial uses to front onto and have access to a local road and to permit a principal entrance of a new local commercial use to face a local road.

Based on the foregoing and subject to the Official Plan Amendment and Holding Provisions, the proposal complies with the applicable policies of the Urban Hamilton Official Plan.

**City of Hamilton Zoning By-law No. 05-200**

The proposed Zoning By-law Amendment is for a change in zoning from the Community Commercial (C3) Zone to the Mixed Use Medium Density (C5, 897, H172) Zone. The effect of the Zoning By-law Amendment will permit a mixed use development consisting of 553 multiple dwelling units and 975 square metres of ground floor commercial space, contained within four buildings including, two 12 storey buildings and two four storey buildings. Modifications to the Mixed Use Medium Density (C5) Zone are required to facilitate the development. Staff also completed a review of the proposal against the Council approved parking regulations recently adopted through By-law No. 24-052. These regulations are currently not in-force as they are subject to appeals. Accordingly, staff have included a second by-law that includes the necessary modifications to By-law No. 24-052, which is to be held in abeyance until such time as the appeals are resolved and By-law No. 24-052 is in force and effect (refer to Appendix “J” attached to Report PED24093). All requested modifications are summarized in the modification chart in Appendix “E” attached to Report PED24093.

**Holding Provision**

The proposed Zoning By-law Amendment includes a proposed Holding Provision (H172) which requires the owner to submit a revised Tree Protection Plan, Record of Site Condition, revised Pedestrian Wind Study, revised Environmental Noise Study, and a revised Functional Servicing Report demonstrating adequate sanitary sewer capacity and water pressure, and that Owner enters into and registers on title an External Works Agreement for infrastructure improvements. The details of these requirements are identified in Appendix “G” attached to Report PED24093.

**ANALYSIS AND RATIONALE FOR RECOMMENDATION**

1. The proposal has merit and can be supported for the following reasons:
  - (i) It 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);
  - (ii) It complies with the general intent and purpose of the Urban Hamilton Official Plan subject to the Official Plan Amendment; and,
  - (iii) The proposal represents good planning by providing a compatible, compact urban form of development that contributes to a complete community by providing a mix of uses including both residential and commercial uses and built form that is in keeping with the policies of the

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“Neighbourhoods” designation in the Urban Hamilton Official Plan and has demonstrated compliance with the policies for an increase in height up to 12 storeys for the “Medium Density Residential” designation.

2. The purpose of the Official Plan Amendment is to amend policy E.3.8.9 a) to permit the development of local commercial uses that front onto and have access to Greenhill Avenue which is classified as a local road; whereas local commercial uses are required to front on and have access to a major arterial, minor arterial, or collector road. Additionally, an amendment to policy E.3.8.14 b) is required to permit a principal entrance of a new local commercial use to face a local road.

The existing commercial plaza includes commercial uses that front onto Greenhill Avenue and therefore the Official Plan Amendment is seeking to continue the existing situation in a new mixed use building and with commercial uses fronting onto and being accessed from Greenhill Avenue.

Transportation Planning staff have identified that this section of Greenhill Avenue should be classified as a collector road which will be done at a future date through a housekeeping amendment. As this section of Greenhill Avenue functions as a collector road, and commercial uses currently exist, the inclusion of local commercial uses fronting onto it is appropriate and meets the general intent of the Urban Hamilton Official Plan.

Therefore, staff support the proposed Official Plan Amendment.

3. The proposed Zoning By-law Amendment is for change in the zoning from the Community Commercial (C3) Zone to the Mixed Use Medium Density (C5, 897, H172) Zone. Modifications to the Mixed Use Medium Density (C5) Zone are required to facilitate the development of 553 multiple dwelling units and 975 square metres of commercial gross floor area, within four buildings, including two 12 storey buildings and two four storey buildings. The modifications are identified on page 6 of Report PED24093 and discussed in detail in Appendix “E” attached to Report PED24093.

The proposed zoning establishes a built form that is consistent with the existing medium density buildings in the neighbourhood and the proposal will not create adverse shadowing, wind, privacy/overlook, traffic, or noise impacts. Given the existing commercial plaza and Community Commercial (C3) Zone the proposed amendment maintains the permission for commercial uses on-site. The Urban Hamilton Official Plan acknowledges that sites under four hectares in the “Neighbourhoods” designation may function as commercial or mixed use areas.

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Based on this, the proposed Mixed Use Medium Density (C5) Zone is appropriate.

An additional By-law has been prepared in response to the recent changes to Section 5: Parking of Zoning By-law No. 05-200. By-law No. 24-052 was approved by Council on April 10, 2024, and is under appeal. The amendments proposed in Appendix "J" attached to Report PED24093 will be brought forward for approval by Council following the resolution of the appeals.

Therefore, staff support the proposed amendment to the Zoning By-law.

4. Holding Provision

A Holding 'H' Provision is proposed to be added to the subject lands to ensure that the owner submits a revised Tree Protection Plan, Record of Site Condition, revised Pedestrian Wind Study, revised Environmental Noise Study, and a revised Functional Servicing Report demonstrating adequate sanitary sewer capacity and water pressure, and that Owner enters into and registers on title an External Works Agreement for infrastructure improvements.

**ALTERNATIVES FOR CONSIDERATION**

Should the applications be denied, the subject lands can be used in accordance with the Community Commercial (C3) Zone, in the City of Hamilton Zoning By-law No. 05-200.

**APPENDICES AND SCHEDULES ATTACHED**

- Appendix "A" to Report PED24093 – Location Map
- Appendix "B" to Report PED24093 – Official Plan Amendment
- Appendix "C" to Report PED24093 – Zoning By-law Amendment
- Appendix "D" to Report PED24093 – Concept Plan
- Appendix "E" to Report PED24093 – Zoning Modification Chart
- Appendix "F" to Report PED24093 – Summary of Policy Review
- Appendix "G" to Report PED24093 – Department and Agency Comments
- Appendix "H" to Report PED24093 – Summary of Public Comments Received
- Appendix "I" to Report PED24093 – Summary of Applicant Virtual Public Meeting
- Appendix "J" to Report PED24093 – Held in Abeyance Zoning By-law Amendment

DB/sd