



**PLANNING COMMITTEE
REPORT
24-009**

June 18, 2024

9:30 a.m.

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

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

Also in Attendance: Councillor B. Clark

THE PLANNING COMMITTEE PRESENTS REPORT 24-009 AND RESPECTFULLY RECOMMENDS:

1. Active Official Plan Amendment, Zoning By-law Amendment, and Plan of Subdivision Applications (PED24067) (City Wide) (Item 9.1)

That report PED24067 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 2481 Barton Street East, Hamilton (PED24096) (Ward 5) (Item 10.1)

- (a) That Zoning By-law Amendment Application ZAC-23-023 by GSP Group Inc. (c/o Brenda Khes) on behalf of Barton Street Development Inc. (c/o Rajan Banwait), Owner, for a change in zoning from the "JJ" (Restricted Light Industrial) District to the Transit Oriented Corridor Mixed Use High Density (TOC4, 899, H174) Zone, to permit the development of a 17 storey mixed use building consisting of 207 dwelling units, 473.2 square metres of commercial gross floor area and 176 parking spaces, for lands located at 2481 Barton Street East, as shown on Appendix "A" attached to Report PED24096, be APPROVED on the following basis:

- (i) That the draft By-law, as amended, attached as Appendix “B” to Report PED24096, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- 3(e) That no development within the subject site can proceed until the City completes the design and construction of the Battlefield Trunk Sewer twinning, unless it is confirmed that there is capacity available in the existing Battlefield Sanitary Trunk to accommodate the proposed development, to the satisfaction of the Director of Development Engineering;
- (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 and Centennial Neighbourhoods Secondary Plan;
- (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 “H174” to the proposed Transit Oriented Corridor Mixed Use High Density (TOC4, 899) Zone;

The Holding Provision ‘H174’ is to be removed conditional upon:

- (1) That the owner submit and receive approval of a revised Tree Protection Plan (and applicable review fee) to evaluate the retention of additional trees on the subject lands, to the satisfaction of the Director of Heritage and Urban Design;
- (2) That the owner submit and receive completion of a signed Record of Site Condition being submitted 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 a revised Functional Servicing Report to demonstrate that there is a suitable sanitary sewer outlet with sufficient capacity available, including but not limited to, improvements to the existing sanitary sewer along Barton Street from the subject site to the Battlefield Trunk sewer, to service the proposed development, to the satisfaction of the Director of Development Engineering;

- (4) That the Owner enter into and register 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 in accordance with City's Financial Policy to support this development, to the satisfaction of the Director of Development Engineering;
 - (5) That no development within the subject site can proceed until the City completes the design and construction of Battlefield trunk sewer twining, to the satisfaction of the Director of Development Engineering;
 - (6) That the owner submit and receive approval of an updated Pedestrian Wind Study, to the satisfaction of the Director of Heritage and Design;
 - (7) That the owner enter into and register an External Works Agreement on title with the City's Growth Management Division for the design and construction of an extension of the existing raised median island, to the satisfaction of the Director of Transportation Planning and Parking;
 - (b) That approval be given for a modification to the Transit Oriented Corridor Mixed Use High Density (TOC4) Zone in the Hamilton Zoning By-law No. 05-200, to permit a reduction in the number of required Electric Vehicle ready parking spaces for a, 17 storey mixed use building for lands located at 2481 Barton Street East, Hamilton, as shown on Appendix "A" to Report PED24096, subject to the following:
 - (i) That the draft By-law, attached as Appendix "H" to Report PED24096, 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 "H" to Report PED24096, for enactment by City Council, once By-law No. 24-052 is in force and effect.

3. Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 118 King Street West, Stoney Creek (PED24069) (Ward 5) (Item 10.2)

- (a) That Official Plan Amendment Application UHOPA-23-014, by IBI Group (c/o Jared Marcus), on behalf of 1970752 Ontario Inc., Owner, to redesignate the subject lands from "Neighbourhoods" to "Mixed Use - Medium Density" in the Urban Hamilton Official Plan and from "Local

Commercial” to “Mixed Use - Medium Density” in the Old Town Secondary Plan, with a Site Specific Policy to permit the development of a 12-storey mixed use building consisting of 124 residential units, 190 square metres of commercial and 124 parking spaces, for the lands located at 118 King Street West, as shown on Appendix “A” attached to Report PED24069, be APPROVED on the following basis:

- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED24069, 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 Zoning By-law Amendment Application ZAC-23-031, by IBI Group (c/o Jared Marcus), on behalf of 1970752 Ontario Inc., Owner, for a change in zoning from the Community Commercial (C3, 579) Zone to the Mixed Use Medium Density (C5, 893, H170) Zone, to permit a 12-storey mixed use building consisting of 124 residential units, 190 square metres of commercial and 124 parking spaces (74 underground spaces, 14 covered parking spaces at grade and 36 surface parking spaces), for lands located at 118 King Street West, as shown on Appendix “A” attached to Report PED24069, be APPROVED on the following basis:
- (i) That the draft By-law, attached as Appendix “C” to Report PED24069, 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 property by including the Holding symbol ‘H’ to the Mixed Use Medium Density (C5, 893, H170) Zone:

The Holding Provision ‘H170’ is to be removed conditional upon:

- (1) That the Owner submit to the Director of Development Engineering for review and approval, a revised Functional Servicing Report to demonstrate:

- (a) That there is a suitable sanitary sewer outlet with sufficient capacity available, including but not limited to improvements to the existing sanitary sewer / trunk sewer systems from the subject property along King Street West and Nash Road northerly to the Red Hill Valley Ramp in accordance with the Centennial Neighbourhood Water Distribution and Wastewater Collection Servicing Study, to service the proposed development;
 - (b) That as part of the future Site Plan Control application, the owner will enter into and register 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 the Centennial Neighbourhood Water Distribution and Wastewater Collection Servicing Study, in accordance with the City's Financial Policy to support this development;
- (2) That no development within the subject site can proceed until the City completes the Centennial Neighbourhood Water Distribution and Wastewater Collection Servicing Study and the required sanitary sewer improvements to the municipal infrastructure are in place and operational, to the satisfaction of the Director of Development Engineering;
 - (3) That the Owner submit and receive approval of a Hydrogeological Brief conducted by a qualified professional that discusses the soil/groundwater conditions to properly characterize the potential dewatering needs, to the satisfaction of the Director of Hamilton Water;
 - (4) That the existing centre median island along Centennial Parkway South be extended as per the Traffic Impact Brief by Paradigm Transportation Solutions Limited dated November 3, 2022, to the satisfaction of the Manager of Transportation Planning. All costs associated with these works, including but not limited to the detailed design drawings and construction will be at the expense of an Owner;
 - (5) That the Owner submit and receive approval of a revised Tree Protection Plan addressing the protection of trees, including submission of written confirmation from the abutting owner of 5 and 7 Orlanda Road for permission to

remove tree 235 as identified on the Vegetation Management Plan prepared by IBI Group dated December 9, 2022, to the satisfaction of the Director of Heritage and Urban Design;

- (6) That the necessary legal agreements and easements be created and registered on title of the lands municipally known as 102, 110 and 118 King Street West, for the proposed shared access and parking areas, to the satisfaction of the Director of Transportation Planning and Parking and the Director of Development Planning.

4. Application for a Zoning By-law Amendment for Lands Located at 150 Mohawk Road East, Hamilton (PED24063) (Ward 8) (Item 10.3)

- (a) That Amended Zoning By-law Amendment Application ZAC-23-015, by UrbanSolutions Planning & Land Development Consultants Inc. c/o Matt Johnston on behalf of Wellington Square Apts., owner, for a change in zoning from the “E-2/S-6” (Multiple Dwellings) District, Modified, to the Transit Oriented Corridor Multiple Residential (TOC3, 879) Zone, to permit the development of an 11 storey multiple dwelling with 161 residential units and 381 parking spaces on lands located at 150 Mohawk Road East, Hamilton, as shown on Appendix “A” attached to Report PED24063, be APPROVED on the following basis:

- (i) That the draft By-law, as amended, attached as Appendix “B” to Report PED24063, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

- i) Building Setback from a Street Line Minimum 2.5 metres, except 13.5 metres for a portion of a building greater than 13.5 metres in height.
- ii) Minimum Rear Yard 5.0 metres, except 16.0 metres for a portion of a building greater than 8.0 metres in height and 30.0 metres for a portion of a building greater than 13.5 metres in height and 2.0 metres for a stairwell.
- iii) Minimum Interior Side Yard 7.5 metres, except 32.0 metres for a portion of a building greater than 8.0 metres in height and 3.0 metres for a stairwell.

iv) Maximum Building Height 36.0 metres.

(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.

5. Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 399 Greenhill Avenue, Hamilton (PED24093) (Ward 5) (Item 10.4)

(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 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, as amended, 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. 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 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;
- (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;
 - (6) That the owner submit and receive approval of an updated Transportation Impact Study, prepared by a qualified Professional Traffic Engineer, to the satisfaction of the Director of Transportation Planning and Parking.
- (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.

**6. Rental Housing Protection Policy Review (PED22091(a)) (City Wide)
(Outstanding Business List Item) (Item 10.5)**

- (a) That the Urban Hamilton Official Plan Amendment, attached as Appendix “A” to Report PED22091(a), to revise policies establishing limitations to conversions and demolitions of rental housing, be approved, in accordance with the requirements of the Planning Act on the following basis:

- (i) That the draft Urban Hamilton Official Plan Amendment, attached as Appendix “A” to Report PED22091(a), which has been prepared in a form satisfactory to the City Solicitor, be held in abeyance until the date that the Rental Housing Protection By-law comes into effect, being January 1, 2025;
- (b) That the City of Hamilton Official Plan Amendment (West Harbour Secondary Plan area), attached as Appendix “J” to Report PED22091(a), to establish policies for conversions and demolitions of rental housing consistent with the Urban Hamilton Official Plan, be approved, in accordance with the requirements of the Planning Act on the following basis:
 - (i) That the draft City of Hamilton Official Plan Amendment, attached as Appendix “J” to Report PED22091(a), which has been prepared in a form satisfactory to the City Solicitor, be held in abeyance until the date that the Rental Housing Protection By-law comes into effect, being January 1, 2025;
- (c) That the Rental Housing Protection By-law, attached as Appendix “B” to Report PED22091(a), prepared under the authority of the Municipal Act, be enacted, with an effective date of January 1, 2025;
- (d) That the Rental Housing Protection Reserve be established and the Rental Housing Protection Reserve Fund Policy, attached as Appendix “C” to Report PED22091(a), be approved;
- (e) That the amending By-law to By-law No. 12-282 (Tariff of Fees), as amended, attached as Appendix “D” to Report PED22091(a), to establish new fees for a Permit to convert or demolish rental housing, be approved on the following basis:
 - (i) That public notice of a proposal to amend the Tariff of Fees By-law to establish a new fee has been provided in accordance with the City’s Public Notice By-law No. 07-351;
 - (ii) That the draft By-law, attached as Appendix “D” to Report PED22091(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council, with an effective date of January 1, 2025;
- (f) That the amending By-law to By-law No. 22-101 (Demolition Control Area By-law), attached as Appendix “E” to Report PED22091(a), to remove the delegated authority of the Chief Building Official to approve a demolition permit where the Rental Housing Protection By-law applies to a demolition, be approved on the following basis:

- (i) That the draft By-law, attached as Appendix “E” to Report PED22091(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council, with an effective date of January 1, 2025;
- (g) That the Tenant Relocation and Assistance Guideline, attached as Appendix “F” to Report PED22091(a) be approved, and that the General Manager of the Planning and Economic Development or their designate be granted the authority to make minor modifications to the Guideline if needed;
- (h) That the amending By-law to By-law No. 24-055 (Renovation Licence and Relocation By-law), attached as Appendix “H” to Report PED22091(a), to ensure consistency between the application of the Renovation Licence and Relocation By-law and the Rental Housing Protection By-law, be approved on the following basis:
 - (i) That the draft By-law, attached as Appendix “H” to Report PED22091(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council, with an effective date of January 1, 2025;
- (i) That staff be directed to prepare the necessary documents required to implement the permit process prior to the effective date of the Rental Housing Protection By-law, including but not limited to a screening form, an application form, a legal agreement template, report templates and guidance materials for tenant relocation and assistance requirements, as well as any assistive explanatory documents, web page material and template letters;
- (j) That Item 22K on the Planning Committee Outstanding Business List be removed;
- (k) That staff be directed to take any steps necessary to enforce the Rental Housing Protection By-law attached as Appendix “B” to Report PED22091(a), including enforcement actions by Municipal Law Enforcement and the City Solicitor;
- (l) That if regulations are enacted pursuant to Section 99.1 of the Municipal Act, staff be directed to report back on the changes and any necessary amendments to the Rental Housing Protection By-law attached as Appendix “B” to Report PED22091(a);

- (m) That staff be directed to monitor the implementation of the Rental Housing Protection By-law and report back in two years on any updates or revisions that may be needed to improve the By-law or the permit process;
- (n) That staff be directed to amend the “Non-profit Affordable Housing Fee Exemption Form” to reflect exemptions from Rental Housing Protection By-law permit fees for non-profit housing, in accordance with the proposed Tariff of Fees By-law attached as Appendix “D” to Report PED22091(a);
- (o) That the costs of any exemptions from Rental Housing Protection By-law permit fees be accommodated through an adjustment to the Planning and Economic Development Department, Planning Division Base Budget, if needed.

7. Official Plan Amendments - Alignment with Parks Master Plan and Bill 23 (PED24060) (City Wide) (Item 10.6)

- (a) That approval be given to Official Plan Amendment No. XX to the Urban Hamilton Official Plan Amendment, Official Plan Amendment No. XX to the Rural Hamilton Official Plan and Official Plan Amendment No. XX to the former City of Hamilton Official Plan (CI-23-O) to amend the Parkland policies to reflect the recommendations of the Parks Master Plan and to ensure consistency with the Planning Act, 1990 as amended by Bill 23, on the following basis:
 - (i) That the Draft Urban Hamilton Official Plan Amendment, attached as Appendix “A” to Report PED24060, be adopted by Council;
 - (ii) That the Draft Rural Hamilton Official Plan, attached as Appendix “B” to Report PED24060, be adopted by Council;
 - (iii) That the Draft City of Hamilton Official Plan, attached as Appendix ‘C’ to Report PED24060, be adopted by Council;
 - (iv) That Council direct staff to update the Parkland Dedication By-law to reflect the changes to the Planning Act.

8. Expanding Administrative Penalties (APS By-law No. 17-225 to include new penalties for the Licensing, Property Standards, Vital Services, Safe Apartment Buildings and Renovation Licence and Relocation By-laws (PED24091) (City Wide) (Item 11.1)

- (a) That the amending by-law to the Administrative Penalties (APS) By-law No. 17-225 to incorporate various offences contained within the Property Standards By-law No. 23-162, Vital Services By-law No. 23-161, Safe Apartment Buildings By-law No. 24-054, Renovation Licence and

Relocation By-law No. 24-055 and Schedule 32 (Short-term Rentals) of the Licensing By-law No. 07-170, as described in Report PED24091 and attached as Appendix "A" to Report PED24091, be approved.

9. Notices of Objection to the Notice of Intention to Designate 84 York Boulevard, Hamilton, under Part IV of the Ontario Heritage Act (PED24077) (Ward 2) (Item 11.2)

- (a) That the five Notices of Objection to the Notice of Intention to Designate 84 York Boulevard, Hamilton, under Part IV of the *Ontario Heritage Act*, attached as Appendices "A" through "E" to Report PED24077, be received;
- (b) That Council does not withdraw the Notice of Intention to Designate 84 York Boulevard, Hamilton, under Part IV of the *Ontario Heritage Act*;
- (c) That the draft By-law to designate 84 York Boulevard, Hamilton under Part IV of the *Ontario Heritage Act*, attached as Appendix "F" to Report PED24077, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

10. Hamilton's Biodiversity Action Plan (PED21065(d)/PW24040) (City Wide) (Item 11.3)

- (a) That the "Hamilton Biodiversity Action Plan", attached as Appendix "A" to Report PED21065(d)/PW24040, be approved as the guiding document for City of Hamilton actions to improve biodiversity across all communities in the City;
- (b) That the Consultation Summary Report, attached as Appendix "B" to Report PED21065(d)/PW24040, be received;
- (c) That the Planning and Economic Development Department Biodiversity Action Plan Resourcing Plan, attached as Appendix "C" to Report PED21065(d)/PW24040, be received, and that implementation of actions requiring financial resources be referred to future departmental budget requests, as necessary in accordance with the anticipated timeframes for initiation;
- (d) That the Planning Division staff complement be increased by 1 Full Time Equivalent position to support the implementation of actions outlined in the Planning and Economic Department Biodiversity Action Plan Resourcing Plan, attached as Appendix "C" to PED21065(d)/PW24040, as well as other natural heritage policy related special projects, and that financial requirements associated with this new position be referred to the 2025 budget process;

- (e) That the Public Works Department Biodiversity Action Plan Resourcing Plan, attached as Appendix “D” to PED21065(d)/PW24040, be received, and that implementation of actions requiring financial resources be referred to future departmental budget requests, as necessary in accordance with the anticipated timeframes for initiation;
- (f) That the Public Works Department staff complement be increased by 4 Full Time Equivalent positions to support actions outlined in the Public Works Department Biodiversity Action Plan Resourcing Plan, attached as Appendix “D” to PED21065(d)/PW24040, for a total annual cost of \$560,000.00, to be referred to the 2025 budget process;
- (g) That Planning and Economic Development Department staff consider the findings of the Municipal Protected Areas Project and the Natural Areas Inventory Update in the Urban Hamilton Official Plan and Rural Hamilton Official Plan through future Official Plan Amendments;
- (h) That Planning and Economic Development Department staff be authorized to undertake an interim role to assist in coordinating the implementation of the Biodiversity Action Plan until such a time that the Full Time Equivalent position in the Planning Division referred to in Recommendation (d) is created, and that financial resources in the amount of up to \$30,000.00 be allocated from the Planning Division, Sustainable Communities Section’s existing Official Plan Review capital budget to support the administrative, communication and consultation expenses;
- (i) That all future staff reports related to the Biodiversity Action Plan be referred to the General Issues Committee;
- (j) That staff from the Planning and Economic Development Department and the Public Works Department be directed to coordinate an annual Communication Update to Council regarding the status of the City’s actions outlined in the Biodiversity Action Plan.

11. Appeal of Committee of Adjustment Decision respecting 14 Belvidere Avenue (Added Item 14.1)

- (a) That legal staff file an appeal of Committee of Adjustment lot severance and variance approvals for 14 Belvidere Avenue (HM/B-22:133 and A-24:93), on the basis of the following reasons, and report back to Planning Committee on the status of the appeal:
 - (i) Reliance on shared access easement roadway for the creation of new lots.
 - (ii) Non-compliance with City policy for new lot creation without direct access to a public roadway.

- (iii) Non-compliance with City policy for private waste collection.
- (iv) Inadequate consideration of staff recommendation to defer a decision due to environmental protections including tree protection and proximity to the mountain brow.
- (v) Inadequate consideration of proposed development details including lot coverage, landscape area and parking layout.

12. Appeal to the Ontario Land Tribunal (OLT) for lands located at 544 and 550 Rymal Road East, Hamilton, for Lack of Decision on Urban Hamilton Official Plan Amendment Application (UHOPA-20-024) and Zoning By-law Amendment Application (ZAC-20-037) and Draft Plan of Subdivision Application (25T-202006) (LS23031(a)) (Ward 7) (Item 15.1)

- (a) That the directions to staff in Closed Session respecting Report LS23031(a) be approved;
- (b) That closed session recommendations (a), (b), and (c) to Report LS23031(a) be approved and remain confidential until made public as the City's position before the Ontario Land Tribunal; and,
- (c) That the balance of Report LS23031(a) remain confidential.

13. Appeal to the Ontario Land Tribunal for Lands Located at 1065 Paramount Drive, Stoney Creek for Official Plan Amendment (UHOPA-23-005) and Zoning By-law Amendment Applications (ZAC-23-006) (LS24014) (Ward 9) (Added Item 15.2)

- (a) That the directions to staff in closed session respecting Report LS24014, be approved;
- (b) That the directions to staff in closed session respecting Report LS24014 be released to the public, following approval by Council; and,
- (c) That the balance of Report LS24014, including Appendix "A", remain confidential.

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

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

5. COMMUNICATIONS

- 5.1 Correspondence from Vanessa Scali respecting Hamilton's Biodiversity Action Plan (Item 11.3)

Recommendation: Be received and referred to the consideration of Item 11.3.

6. DELEGATION REQUESTS

6.1 Delegations respecting the Biodiversity Action Plan (Item 11.3) (For today's meeting)

(iii) Jen Baker, Hamilton Naturalists Club

(iv) Tys Theysmeyer, Royal Botanical Gardens Canada

6.2 Delegations respecting 84 York Boulevard (Item 11.2) (For today's meeting)

(ii) David Falletta, Bousfields Inc.

10. PUBLIC HEARINGS

10.1 Application for a Zoning By-law Amendment for Lands Located at 2481 Barton Street East, Hamilton (PED24096) (Ward 5)

(a) Added Staff Presentation

10.2 Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 118 King Street West, Stoney Creek (PED24069) (Ward 5)

(a) Added Staff Presentation

10.3 Application for a Zoning By-law Amendment for Lands Located at 150 Mohawk Road East, Hamilton (PED24063) (Ward 8)

(a) Added Staff Presentation

(b) Added Written Submissions:

(i) Mark McGinty

(ii) Darlene Prestayko

(iii) Grace Spadano

(c) Added Registered Delegations:

(i) Barbara Miller

10.4 Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 399 Greenhill Avenue, Hamilton (PED24093) (Ward 5)

(a) Added Registered Delegations:

(ii) Mary Sodergard

(b) Added Written Submissions:

(ii) Michelle Wiatrowski

(iii) Sandra Willett

(iv) Lorene Knowles

(v) Rick Dobrucki

(vi) Mike Cadieux

(vii) Colleen Long

(viii) Mary Sodergard

(c) Added Staff Presentation

10.5 Rental Housing Protection Policy Review (PED22091(a)) (City Wide) (Outstanding Business List Item)

(a) Added Registered Delegations:

(i) Damien Ash, ACORN (virtual)

(ii) Christine Neale, ACORN (in-person)

(iii) Karl Andrus (in-person)

(iv) Katie King (virtual)

(v) Marni Williams-Oram, ACORN (in-person)

(vi) Gordon Smyth, ACORN (in-person)

(vii) Pauline Roberts, ACORN (in-person)

(viii) Timothy Duke, ACORN (virtual)

(ix) Esther Stam (pre-recorded)

(x) Kier Williamson (pre-recorded)

(xi) Susan McArthur (pre-recorded)

(xii) Merima Menzildzic (virtual)

(b) Added Written Submissions:

(i) Larissa Rickli, ACORN

(ii) Kayla Leet, ACORN

(iii) Rhonda Coleman, ACORN

(iv) ACORN, Hamilton

(v) Terry MacBride

(vi) Mervyn Shurland, ACORN

- (vii) Shelly Taylor, ACORN
- (viii) Souma Khilsa, ACORN
- (ix) Althea Samuel, ACORN
- (x) Rebecca Thomas, ACORN
- (xi) Linda Boos, ACORN

(c) Staff Presentation

10.6 Official Plan Amendments - Alignment with Parks Master Plan and Bill 23 (PED24060) (City Wide)

(a) Staff Presentation

11. DISCUSSION ITEMS

11.3 Hamilton' Biodiversity Action Plan (PED21065(d)/PW24040) (City Wide)

(a) Staff Presentation

15. PRIVATE AND CONFIDENTIAL

15.2 Appeal to the Ontario Land Tribunal for Lands Located at 1065 Paramount Drive, Stoney Creek for Official Plan Amendment (UHOPA-23-005) and Zoning By-law Amendment Applications (ZAC-23-006) (LS24014) (Ward 9)

The agenda for the June 18, 2024, 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) June 4, 2024 (Item 4.1)

The Minutes of the June 4, 2024 meeting were approved, as presented.

(d) COMMUNICATIONS (Item 5)

(i) The following communication item, was approved as follows:

Correspondence from Vanessa Scali respecting Hamilton's Biodiversity Action Plan (Item 11.3) (Added Item 5.1)

Recommendation: Be received and referred to the consideration of Item 11.3.

(e) DELEGATION REQUESTS (Item 6)

(i) Various Delegation Requests (Items 6.1 and 6.2)

The following Delegation Requests (Items 6.1 and 6.2), were approved for today's meeting:

(a) Delegation Requests respecting the Biodiversity Action Plan (Item 11.5) (Item 6.1)

- (1) Brian McHattie (in-person) (Item 6.1 (i))
- (2) Peter Appleton (virtual) (Item 6.1 (ii))
- (3) Jen Baker, Hamilton Naturalists Club (in-person) (Added Item 6.1 (iii))
- (4) Tys Theysmeyer, Royal Botanical Gardens Canada (in-person) (Added Item 6.1 (iii))

(b) Delegations respecting 84 York Boulevard (Item 11.2) (Item 6.2)

- (1) Russell Bartlett (in-person) (Item 6.2) (i))
- (2) David Falletta, Bousfields Inc. (in-person) (Added Item 6.2 (ii))

(f) DELEGATIONS (Item 7)

(a) Delegations respecting the Biodiversity Action Plan (Item 11.5) (Added Item 7.1)

(i) The following Delegations addressed the Committee respecting the Biodiversity Action Plan (Item 11.5):

- (1) Brian McHattie (in-person) (Added Item 7.1 (i))
- (2) Peter Appleton (virtual) (Added Item 7.1 (ii))
- (3) Jen Baker, Hamilton Naturalists Club (in-person) (Added Item 7.1 (iii))
- (4) Tys Theysmeyer, Royal Botanical Gardens Canada (Added Item 7.1 (iii))

(ii) Tys Theysmeyer, Royal Botanical Gardens Canada, was provided with an additional 10 minutes to complete their delegation.

(iii) The following Delegations respecting the Biodiversity Action Plan (Item 11.5) (Item 7.1), were received:

- (1) Brian McHattie (Added Item 7.1 (i))
- (2) Peter Appleton (Added Item 7.1 (ii))

- (3) Jen Baker, Hamilton Naturalists Club (Added Item 7.1 (iii))
- (4) Tys Theysmeyer, Royal Botanical Gardens Canada (Added Item 7.1 (iii))

(b) Delegations respecting 84 York Boulevard (Item 11.2) (Added Item 7.2)

(i) The following Delegations addressed the Committee respecting 84 York Boulevard (Item 11.2):

- (1) Russell Bartlett, (Added Item 7.2) (i))
- (2) David Falletta, Bousfields Inc. (Added Item 7.2 (ii))

(ii) The following Delegations respecting 84 York Boulevard (Item 11.2) (Item 7.2), were received:

- (1) Russell Bartlett (Added Item 7.2) (i))
- (2) David Falletta, Bousfields Inc. (Added Item 7.2 (ii))

(g) PUBLIC HEARINGS (Item 10)

In accordance with the *Planning Act*, Chair C. Cassar 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 C. Cassar 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 2481 Barton Street East, Hamilton (PED24096) (Ward 5) (Item 10.1)

- (a) The staff presentation was waived.
- (b) Brenda Khes with GSP Group was in attendance and indicated support for the staff report.

The presentation from Brenda Khes with GSP Group, was received.

Chair Cassar called three times for public delegations and no one came forward.

- (c) (a) There were no public submissions received regarding this matter; and,
- (b) The public meeting was closed.
- (d) (a) That Zoning By-law Amendment Application ZAC-23-023 by GSP Group Inc. (c/o Brenda Khes) on behalf of Barton Street Development Inc. (c/o Rajan Banwait), Owner, for a change in zoning from the “JJ” (Restricted Light Industrial) District to the Transit Oriented Corridor Mixed Use High Density (TOC4, 899, H174) Zone, to permit the development of a 17 storey mixed use building consisting of 207 dwelling units, 473.2 square metres of commercial gross floor area and 176 parking spaces, for lands located at 2481 Barton Street East, as shown on Appendix “A” attached to Report PED24096, be APPROVED on the following basis:
 - (i) That the draft By-law, attached as Appendix “B” to Report PED24096, 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 and Centennial Neighbourhoods Secondary Plan;
 - (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 “H174” to the proposed Transit Oriented Corridor Mixed Use High Density (TOC4, 899) Zone;

The Holding Provision ‘H174’ is to be removed conditional upon:

- (1) That the owner submit and receive approval of a revised Tree Protection Plan (and applicable review fee) to evaluate the retention of additional trees on the subject lands, to the satisfaction of the Director of Heritage and Urban Design;

- (2) That the owner submit and receive completion of a signed Record of Site Condition being submitted 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 a revised Functional Servicing Report to demonstrate that there is a suitable sanitary sewer outlet with sufficient capacity available, including but not limited to, improvements to the existing sanitary sewer along Barton Street from the subject site to the Battlefield Trunk sewer, to service the proposed development, to the satisfaction of the Director of Development Engineering;
- (4) That the Owner enter into and register 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 in accordance with City's Financial Policy to support this development, to the satisfaction of the Director of Development Engineering;
- (5) That no development within the subject site can proceed until the City completes the design and construction of Battlefield trunk sewer twining, to the satisfaction of the Director of Development Engineering;
- (6) That the owner submit and receive approval of an updated Pedestrian Wind Study, to the satisfaction of the Director of Heritage and Design;

- (7) That the owner enter into and register an External Works Agreement on title with the City's Growth Management Division for the design and construction of an extension of the existing raised median island, to the satisfaction of the Director of Transportation Planning and Parking;
- (b) That approval be given for a modification to the Transit Oriented Corridor Mixed Use High Density (TOC4) Zone in the Hamilton Zoning By-law No. 05-200, to permit a reduction in the number of required Electric Vehicle ready parking spaces for a, 17 storey mixed use building for lands located at 2481 Barton Street East, Hamilton, as shown on Appendix "A" to Report PED24096, subject to the following:
 - (i) That the draft By-law, attached as Appendix "H" to Report PED24096, 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 "H" to Report PED24096, for enactment by City Council, once By-law No. 24-052 is in force and effect.
- (e) Appendix "B", sub-section 3(e) in Report PED24096 was **amended** by adding wording, as follows:
 - (e) That no development within the subject site can proceed until the City completes the design and construction of the Battlefield Trunk Sewer twinning, ***unless it is confirmed that there is capacity available in the existing Battlefield Sanitary Trunk to accommodate the proposed development***, to the satisfaction of the Director of Development Engineering;

For disposition of this matter, refer to Item 2.

- (ii) **Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 118 King Street West, Stoney Creek (PED24069) (Ward 5) (Item 10.2)**
 - (a) The staff presentation was waived.

- (b) Jared Marcus with Arcadis Inc., was in attendance and indicated support for the staff report.

The presentation from Jared Marcus with Arcadis Inc., was received.

- (c) Chair Cassar called three times for public delegations and the following members of the public came forward:

- (i) Pauline Roberts (Added Item 10.2 (b)(i)) – Opposed to the proposal

- (d) (a) The following public submission regarding this matter was received and considered by the Committee:

- (i) Pauline Roberts (Added Item 10.2 (b)(i)) – Opposed to the proposal

- (b) The public meeting was closed.

For disposition of this matter, refer to Item 3.

(iii) Application for a Zoning By-law Amendment for Lands Located at 150 Mohawk Road East, Hamilton (PED24063) (Ward 8) (Item 10.3)

- (a) The staff presentation was waived.

- (b) Matthew LeBlanc with UrbanSolutions Planning & Land Development Consultants Inc. was in attendance and indicated support for the staff report, with the addition of suggested modifications.

The presentation from Matthew LeBlanc with UrbanSolutions Planning & Land Development Consultants Inc., was received.

- (c) Registered Delegations:

The following delegation addressed the Committee:

- (i) Barbara Miller (Added Item 10.3 (c)(i)) – Concerns with the proposal

- (d) Chair Cassar called three times for public delegations and the following member of the public came forward:

- (i) Lynda Yorkston (Added Item 10.3 (c)(ii)) – Concerns with the proposal
- (e) (a) The following public submissions regarding this matter were received and considered by the Committee:
 - (1) Delegations:
 - (i) Barbara Miller (Added Item 10.3 (c)(i)) – Concerns with the proposal
 - (ii) Lynda Yorkston (Added Item 10.3 (c)(ii)) – Concerns with the proposal
 - (2) Written Submissions:
 - (i) Mark McGinty (Added Item 10.3 (b)(i)) – Opposed to the proposal
 - (ii) Darlene Prestayko (Added Item 10.3 (b)(ii)) – Concerns with the proposal
 - (iii) Grace Spadano (Added Item 10.3 (b)(iii)) – Opposed to the proposal
- (b) The public meeting was closed.
- (f) (a) That Amended Zoning By-law Amendment Application ZAC-23-015, by UrbanSolutions Planning & Land Development Consultants Inc. c/o Matt Johnston on behalf of Wellington Square Apts., owner, for a change in zoning from the “E-2/S-6” (Multiple Dwellings) District, Modified, to the Transit Oriented Corridor Multiple Residential (TOC3, 879) Zone, to permit the development of an 11 storey multiple dwelling with 161 residential units and 381 parking spaces on lands located at 150 Mohawk Road East, Hamilton, as shown on Appendix “A” attached to Report PED24063, be APPROVED on the following basis:
 - (i) That the draft By-law, attached as Appendix “B” to Report PED24063, 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.

Appendix “B”, sub-section 2(f) to Report PED24063, was **amended** as follows:

- | | | |
|------|-------------------------------------|--|
| i) | Building Setback from a Street Line | Minimum 2.5 metres, except 13.5 metres for a portion of a building greater than 12.5 13.5 metres in height. |
| ii) | Minimum Rear Yard | 5.0 metres, except 16.0 metres for a portion of a building greater than 7.0 8.0 metres in height and 30.0 metres for a portion of a building greater than 12.5 13.5 metres in height and 2.0 metres for a stairwell. |
| iii) | Minimum Interior Side Yard | 7.5 metres, except 32.0 metres for a portion of a building greater than 7.0 8.0 metres in height and 3.0 metres for a stairwell. |
| iv) | Maximum Building Height | 35.0 36.0 metres. |

For disposition of this matter, refer to Item 4.

(iv) Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 399 Greenhill Avenue, Hamilton (PED24093) (Ward 5) (Item 10.4)

- (a)** Daniel Barnett, Planner II, addressed the Committee with the aid of a PowerPoint presentation.

The staff presentation was received.

- (b)** Anna Wyveen with Bousfields Inc. was in attendance and indicated support for the staff report.

The presentation from Anna Wyveen with Bousfields Inc., was received.

- (c)** Registered Delegations:

The following delegations addressed the Committee:

- (1) Fayne Downie - Opposed (Item 10.4 (a)(i))
- (2) Mary Sodergard – Opposed (Added Item 10.4 (a)(ii))

- (d) Chair Cassar called three times for public delegations and the following members of the public came forward:
 - (1) Lorene Ross- Opposed (Added Item 10.4 (a)(iii))
 - (2) Richard Groff - Opposed (Added Item 10.4 (a)(iv))

- (e) (a) The following public submissions regarding this matter were received and considered by the Committee:
 - (i) Delegations:
 - (1) Fayne Downie– Opposed (Item 10.4(a)(i))
 - (2) Mary Sodergard – Opposed (Added Item 10.4 (a)(ii))
 - (3) Lorene Ross- Opposed (Added Item 10.4 (a)(iii))
 - (4) Richard Groff - Opposed (Added Item 10.4 (a)(iv))

 - (ii) Written Submissions:
 - (1) Danka Gates - Opposed (Item 10.1(b)(i))
 - (2) Michelle Wiatrowski – Concerns with the proposal (Item 10.1(b)(ii))
 - (3) Sandra Willett - Opposed (Item 10.1(b)(iii))
 - (4) Lorene Knowles - Opposed (Item 10.1(b)(iv))
 - (5) Rick Dobrucki – Concerns with the proposal (Item 10.1(b)(v))
 - (6) Mike Cadieux - Opposed (Item 10.1(b)(vi))
 - (7) Colleen Long – Concerns with the proposal (Item 10.1(b)(vii))
 - (8) Mary Sodergard - Opposed (Item 10.1(b)(viii))

- (b) The public meeting was closed.

- (f) (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 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;
- (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.
- (g) Report PED24093, sub-section (b)(3) and Holding Provision ‘H172’ in Appendix “C” were **amended** by adding a new sub-section 6, as follows:
 - (6) ***That the owner submit and receive approval of an updated Transportation Impact Study, prepared by a qualified Professional Traffic Engineer, to the satisfaction of the Director of Transportation Planning and Parking.***
- (h) That Appendix “C” to Report PED24093 be **amended** to include the following wording:

Notwithstanding the definition of Amenity Area, a dog park shall not be permitted.

The above **Amendment** was WITHDRAWN.

For disposition of this matter, refer to Item 5.

- (v) The Committee recessed from 1:45 p.m. to 2:15 p.m.
- (vi) **Rental Housing Protection Policy Review (PED22091(a)) (City Wide)
(Outstanding Business List Item) (Item 10.5)**
 - (a) Melanie Pham, Program Lead, Community Planning, addressed the Committee with the aid of a PowerPoint presentation.

The staff presentation was received.

- (b) Registered Delegations (Added Item 10.5 (a)):

The following delegations were not in attendance when called upon during the meeting:

- (v) Marni Williams-Oram, ACORN (in-person)
- (viii) Timothy Duke, ACORN (virtual)

The following delegations (Added Item 10.5 (a)) addressed the Committee:

- (i) Damien Ash, ACORN (virtual)
- (ii) Christine Neale, ACORN (in-person)
- (iii) Karl Andrus (in-person)
- (iv) Katie King (virtual)
- (vi) Gordon Smyth, ACORN (in-person)
- (vii) Pauline Roberts, ACORN (in-person)
- (ix) Esther Stam (pre-recorded)
- (x) Kier Williamson (pre-recorded)
- (xi) Susan McArthur (pre-recorded)
- (xii) Merima Menzildzic (virtual)

Chair Cassar called three times for public delegations and no one came forward.

- (c) (a) The following public submissions regarding this matter were received and considered by the Committee:

- (1) Registered Delegations:

- (i) Damien Ash, ACORN (virtual)

- (ii) Christine Neale, ACORN (in-person)
 - (iii) Karl Andrus (in-person)
 - (iv) Katie King (virtual)
 - (vi) Gordon Smyth, ACORN (in-person)
 - (vii) Pauline Roberts, ACORN (in-person)
 - (ix) Esther Stam (pre-recorded)
 - (x) Kier Williamson (pre-recorded)
 - (xi) Susan McArthur (pre-recorded)
 - (xii) Merima Menzildzic (virtual)
- (2) Written Submissions:
- (i) Larissa Rickli, ACORN
 - (ii) Kayla Leet, ACORN
 - (iii) Rhonda Coleman, ACORN
 - (iv) ACORN, Hamilton
 - (v) Terry MacBride
 - (vi) Mervyn Shurland, ACORN
 - (vii) Shelly Taylor, ACORN
 - (viii) Souma Khilsa, ACORN
 - (ix) Althea Samuel, ACORN
 - (x) Rebecca Thomas, ACORN
 - (xi) Linda Boos, ACORN

(b) The public meeting was closed.

For disposition of this matter, refer to Item 6.

(vii) Official Plan Amendments - Alignment with Parks Master Plan and Bill 23 (PED24060) (City Wide) (Item 10.6)

(a) The staff presentation was waived.

Chair Cassar called three times for public delegations and no one came forward.

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

For disposition of this matter, refer to Item 7.

(h) DISCUSSION ITEMS (Item 11)

(i) Hamilton's Biodiversity Action Plan (PED21065(d)/PW24040) (City Wide) (Item 11.3)

Lauren Vraets, Senior Planner, Melanie Pham, Program Lead, Community Planning, and Kasey Livingston, Senior Program Coordinator addressed the Committee, respecting Hamilton's Biodiversity Action Plan, with the aid of a PowerPoint presentation.

The presentation from Lauren Vraets, Senior Planner, Melanie Pham, Program Lead, Community Planning, and Kasey Livingston, Senior Program Coordinator addressed the Committee, respecting Hamilton's Biodiversity Action Plan, was received.

For disposition of this matter, refer to Item 10.

(i) NOTICES OF MOTION (Item 13)

(i) Appeal of Committee of Adjustment Decision respecting 14 Belvidere Avenue (Added Item 13.1)

The Rules of Order were waived to allow for the introduction of a Motion respecting Appeal of Committee of Adjustment Decision respecting 14 Belvidere Avenue.

For disposition of this matter, refer to Item 11.

(j) PRIVATE & CONFIDENTIAL (Item 15)

Committee moved into Closed Session for Item 15.1 and 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.

Councillor Cassar relinquished the Chair to Councillor M. Wilson for the remainder of the meeting.

The Planning Committee meeting of June 18, 2024, was extended past the 5:30 p.m. curfew, to 6:00 p.m.

- (i) Appeal to the Ontario Land Tribunal (OLT) for lands located at 544 and 550 Rymal Road East, Hamilton, for Lack of Decision on Urban Hamilton Official Plan Amendment Application (UHOPA-20-024) and Zoning By-law Amendment Application (ZAC-20-037) and Draft Plan of Subdivision Application (25T-202006) (LS23031(a)) (Ward 7) (Added Item 15.1)**

For disposition of this matter, refer to Item 12.

- (ii) Appeal to the Ontario Land Tribunal for Lands Located at 1065 Paramount Drive, Stoney Creek for Official Plan Amendment (UHOPA-23-005) and Zoning By-law Amendment Applications (ZAC-23-006) (LS24014) (Ward 9)**

For disposition of this matter, refer to Item 13.

(k) ADJOURNMENT (Item 16)

There being no further business, the Planning Committee adjourned at 5:52 p.m.

Councillor C. Cassar, Chair
Planning Committee

Councillor M. Wilson, Vice Chair
Planning Committee

Lisa Kelsey
Legislative Coordinator