



**PLANNING COMMITTEE  
REPORT  
24-010**

July 9, 2024  
9:30 a.m.

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

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

**Absent with Regrets:** Councillors M. Wilson (1<sup>st</sup> Vice Chair), N. Nann and A. Wilson –  
Personal

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**THE PLANNING COMMITTEE PRESENTS REPORT 24-010 AND RESPECTFULLY  
RECOMMENDS:**

1. **Active Official Plan Amendment, Zoning By-law Amendment, and Plan of Subdivision Applications (PED24117) (City Wide) (Item 9.1)**  
  
That Report PED24117 respecting Active Official Plan Amendment, Zoning By-law Amendment, and Plan of Subdivision Applications, be received.
2. **Summary of the Demolition Control Area By-law No. 22-101 and the Non-Delegated Demolition Process (PED24075(a)) (City Wide) (Item 9.2)**  
  
That Report PED24075(a) respecting Summary of the Demolition Control Area By-law No. 22-101 and the Non-Delegated Demolition Process, be received.
3. **Appeal of By-law Nos. 24-051 & 24-052 (Updates and Amendments to the Low Density Residential Zones and Creation of a New Section 5: Parking, in Zoning By-law No. 05-200) (City Wide) (PED22154(b)) (Item 9.3)**  
  
That Report PED22154(b) respecting Appeal of By-law Nos. 24-051 & 24-052 (Updates and Amendments to the Low Density Residential Zones and Creation of a New Section 5: Parking, in Zoning By-law No. 05-200), be received.

**4. Appeal of Urban Hamilton Official Plan Amendment Applications UHOPA-20-018, UHOPA-20-019 and UHOPA-20-020 and Rural Hamilton Official Plan Amendment Applications RHOPA-20-022, RHOPA-20-023 and RHOPA-20-024 to the Ontario Land Tribunal for Lack of Decision for Lands Located at 9285, 9445, 9511, 9625 and 9751 Twenty Road West and 555 Glancaster Road, Glanbrook (Ward 11) (PED24142) (Item 9.4)**

That Report PED24142 respecting Appeal of Urban Hamilton Official Plan Amendment Applications UHOPA-20-018, UHOPA-20-019 and UHOPA-20-020 and Rural Hamilton Official Plan Amendment Applications RHOPA-20-022, RHOPA-20-023 and RHOPA-20-024 to the Ontario Land Tribunal for Lack of Decision for Lands Located at 9285, 9445, 9511, 9625 and 9751 Twenty Road West and 555 Glancaster Road, Glanbrook, be received.

**5. Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 101 Hunter Street East, Hamilton (PED24112) (Ward 2) (Item 10.1)**

(a) That Official Plan Amendment Application UHOPA-21-007, by Bousfields Inc. c/o Ashley Paton on behalf of 75 Catharine Holding Inc. c/o Paul Kemper, Owner, to change the Maximum Building Height category from “Mid-rise” to “High-rise 2” on Map B.6.1-2 of the Downtown Hamilton Secondary Plan, to permit a 28 storey mixed use development, for lands located at 101 Hunter Street East, as shown on Appendix “A” attached to Report PED24112, be APPROVED on the following basis:

- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED24112, 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-21-014, by Bousfields Inc. c/o Ashley Paton on behalf of 75 Catharine Holding Inc. c/o Paul Kemper, Owner, for a change in zoning from the Downtown Central Business District (D1) Zone to the Downtown Central Business District (D1, 846, H146) Zone, to permit a 92.5 metre (28 storey) mixed use development containing 293 dwelling units, 349 square metres of ground floor commercial area, and 102 parking spaces, for lands located at 101 Hunter Street East, Hamilton, as shown on Appendix “A” attached to Report PED24112, be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix “C” to Report PED24112, 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 and Downtown Hamilton Secondary Plan upon approval of Official Plan Amendment No. XXX;
- (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 “H” to the proposed Downtown Central Business District (D1, 846, H146) Zone;

The Holding Provision “H146” is to be removed conditional upon:

- (1) That the owner submits 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;
- (2) That the owner submits and receives approval of an updated Acoustical Study to confirm the appropriate mitigation measures and warning clauses, to the satisfaction of the Director of Development Planning;
- (3) That the owner agrees in a signed Site Plan Agreement, to provide notice to any subsequent owner, as well as any prospective purchasers or tenants that the dwellings are located in a Class 4 area, and to agree to register this notice and any/all warning clauses on title and include them in any purchase and sale and in any lease or rental agreement, to the satisfaction of the Director of Development Planning;
- (4) That the owner submits and receives approval of a Commemorative Strategy, to the satisfaction of the Director of Heritage and Urban Design;

- (5) That the owner submits and receives approval of either a signed permission from the adjacent property owner at 111 Hunter Street East to remove and/or impact trees on their property or an updated Tree Protection Plan demonstrating that trees on adjacent lands will not be impacted by the proposed development, all to the satisfaction of the Director of Development Planning;
- (c) That approval be given for a modification to the Downtown Central Business District (D1) Zone in the Hamilton Zoning By-law No. 05-200, to permit a 92.5 metre (28 storey) mixed use development for lands located at 101 Hunter Street East, Hamilton, as shown on Appendix “A” attached to Report PED24112, subject to the following:
  - (i) That the draft By-law, attached as Appendix “I” to Report PED24112, 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 “I” to Report PED24112, for enactment by City Council, once By-law No. 24-052 is in force and effect;
- (d) That in accordance with the delegated authority to the Director of Planning and Chief Planner outlined in Report PED18074, the subject lands have been designated Class 4 Area in accordance with the Ministry of the Environment, Conservation and Parks NPC-300 Guidelines, to be implemented as part of a future Site Plan Control application and in accordance with the concept plans attached as Appendix “D” to Report PED24112.

**6. Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 365 Highway No. 8, Stoney Creek (PED24108) (Ward 10) (Item 10.2)**

- (a) That Amended Official Plan Amendment Application UHOPA-24-005, by Bousfield Inc. (c/o David Falletta) on behalf of 2752037 Ontario Inc. (c/o Mario Nesci), Owner, to amend the Western Development Area Secondary Plan to add a new Site Specific Policy within the “District Commercial” designation to permit residential dwelling units and a medical clinic or office on the ground floor to facilitate development of a nine storey mixed use building, for lands located at 365 Highway No. 8, as shown on Appendix “A” to Report PED24108, be APPROVED on the following basis:
  - (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED24108, 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-24-011, by Bousfield Inc. (c/o David Falletta) on behalf of 2752037 Ontario Inc. (c/o Mario Nesci), Owner, for a change in zoning from the District Commercial (C6) Zone to the District Commercial (C6, 904, H177) Zone, to permit a nine storey mixed use building consisting of 189 residential dwelling units, 273 square metres of ground floor commercial and 187 parking spaces, for lands located at 365 Highway No. 8, as shown on attached Appendix “A” to Report PED24108, be APPROVED on the following basis:
  - (i) That the draft Amended By-law, attached as Appendix “C” to Report PED24108, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the amending Amended 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 proposed District Commercial (C6, 904, H177) Zone:

The Holding Provision ‘H177’, is to be removed conditional on the following:

- (1) That the owner submit and receive approval of a revised Functional Servicing Report, prepared by a qualified Professional Engineer, to the satisfaction of the Director, Growth Management and Chief Development Engineer;
- (2) That the owner submit and receive approval of a revised Transportation Impact Study, prepared by a qualified Professional Traffic Engineer, to the satisfaction of the Director of Transportation Planning and Parking;
- (3) That the owner submit and receive approval of a revised Tree Protection Plan addressing the protection of trees, including the applicable review fee and submission of written confirmation from the abutting owner of 357 Highway No. 8 for permission to remove trees 3, 4, 6, and 10 as identified on the Tree Management Plan prepared by Adesso Design Inc. dated April 2, 2024, to the satisfaction of the Director of Heritage and Urban Design;

- (iii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2020), conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), and comply with the Urban Hamilton Official Plan and the Western Development Area Secondary Plan upon adoption of the Official Plan Amendment.
  
- (c) That approval be given for further modifications to the District Commercial (C6) Zone, to permit a 28.50 metre (nine storey) mixed use building consisting of 189 residential dwelling units, 273 square metres of ground floor commercial and 187 parking spaces, for lands located at 365 Highway No. 8, as shown on Appendix “A” to Report PED24108, subject to the following:
  - (i) That the draft By-law, attached as Appendix “I” to Report PED24108, be held in abeyance until such time as By-law No. 24-052, being a by-law to delete and replace Parking regulations, is in force and effect;
  - (ii) That staff be directed to bring forward the draft By-law, attached as Appendix “I” to Report PED24108, for enactment by City Council, once By-law No. 24-052 is in force and effect.

**7. Housekeeping Amendments and Strategic Updates to the Urban Hamilton Official Plan and Rural Hamilton Official Plan and Modifications and Updates to City of Hamilton Zoning By-law 05-200 and Former City of Hamilton Zoning By-law No. 6593 (City Wide) (PED24113) (Item 10.3)**

- (a) That City Initiative CI-24-D – Housekeeping Amendments and Strategic Updates to the Urban Hamilton Official Plan and Rural Hamilton Official Plan, to amend policies, schedules and maps in Volume 1 – Parent Plan, Volume 2 – Secondary Plans and Rural Settlement Areas, and Volume 3 – Area and Site Specific Policies of the Urban Hamilton Official Plan and Rural Hamilton Official Plan, in order to correct and clarify policies and mapping, be APPROVED on the following basis:
  - (i) That the Draft Urban Hamilton Official Plan Amendment, attached as Appendix “A” to Report PED24113, be adopted by Council;
  - (ii) That the Draft Rural Hamilton Official Plan Amendment, attached as Appendix “B” to Report PED24113, be adopted by Council;
  - (iii) That the proposed Official Plan Amendments are consistent with the Provincial Policy Statement, 2020, and conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended, and the Greenbelt Plan, 2017;

- (b) That City Initiative CI-24-D – Housekeeping Amendments and Strategic Updates to City of Hamilton Zoning By-law No. 05-200 for modifications and updates, be APPROVED on the following basis:
  - (i) That the Draft By-law, attached as Appendix “C” to Report PED24113, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
  - (ii) That the Draft By-law, attached as Appendix “D” to Report PED24113, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
  - (iii) That the proposed changes in zoning will comply with the Urban Hamilton Official Plan upon approval of the Draft Urban Hamilton Official Plan Amendment No. XX, attached as Appendix “A” to Report PED24113;
  - (iv) That the proposed changes in zoning comply with the Rural Hamilton Official Plan;
  - (v) That the proposed Zoning By-law Amendments are consistent with the Provincial Policy Statement, 2020 and conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended, and the Greenbelt Plan, 2017;
- (c) That the Draft By-law, attached as Appendix “D” to Report PED24113, be held in abeyance until such time as By-law No. 24-052, being a by-law to delete and replace Section 5: Parking of Zoning By-law No. 05-200, is in force and effect;
- (d) That staff be directed to bring forward the Draft By-law, attached as Appendix “D” to Report PED24113, for enactment by Council, once By-law No. 24-052 is in force and effect;
- (e) That City Initiative CI-24-D – Housekeeping Amendments to Former City of Hamilton Zoning By-law No. 6593, be APPROVED on the following basis:
  - (i) That the Draft By-law attached as Appendix “E” to Report PED24113, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
  - (ii) That the proposed changes in zoning comply with the Urban Hamilton Official Plan;

- (iii) That the proposed Zoning By-law 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, and the Greenbelt Plan, 2017.

**8. Applications for an Official Plan Amendment (UHOPA-24-006) and Zoning By-law Amendment (ZAC-24-013) for Lands Located at 259 and 265 Wilson Street East, Hamilton (Ward 12) (PED24107) (Item 10.4)**

- (a) That Official Plan Amendment Application UHOPA-24-006, by T. Johns Consulting Group Ltd. c/o Katelyn Gillis on behalf of The Trustee Board, Ryerson United Church c/o Rick Smith and 259 Wilson St Inc. c/o Barry Brownlow, Owners, to redesignate a portion of 265 Wilson Street East from “Institutional” to “Mixed Use Medium Density – Pedestrian Focus”, to permit a future severance of a portion of 265 Wilson Street East to be merged with 259 Wilson Street East, for lands located at 265 Wilson Street East, as shown on Appendix “A” attached to Report PED24107, be APPROVED on the following basis:
  - (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED24107, be adopted by City Council;
  - (ii) That the proposed Official Plan Amendment 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 general intent of the Urban Hamilton Official Plan and Ancaster Wilson Street Secondary Plan;
- (b) That Amended Zoning By-law Amendment Application ZAC-24-013, by T. Johns Consulting Group Ltd. c/o Katelyn Gillis on behalf of the Trustee Board, Ryerson United Church c/o Rick Smith and 259 Wilson St Inc. c/o Barry Brownlow, Owners, for a change in zoning from Neighbourhood Institutional (I1, 16) Zone to Neighbourhood Institutional (I1, 16) Zone, from Neighbourhood Institutional (I1, 16) Zone to Mixed Use Medium Density – Pedestrian Focus (C5a, 903) Zone and from Mixed Use Medium Density – Pedestrian Focus (C5a, 570) Zone to Mixed Use Medium Density – Pedestrian Focus (C5a, 903) Zone, to permit the future severance of a portion of 265 Wilson Street East, shown as Block 2 on Appendix “A”, to be merged with 259 Wilson Street East, and to recognize the existing built form and associated parking, for lands located at 259 and 265 Wilson Street East, as shown as Block 1, Block 2 and Block 3 respectively on Appendix “A” attached to Report PED24107, be APPROVED on the following basis:
  - (i) That the draft Zoning By-law, attached as Appendix “C” to Report PED24107, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;



- (ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2020), conform to A Place to Grow; Growth Plan for the Greater Golden Horseshoe (2019, as amended), and will comply with the Urban Hamilton Official Plan and Ancaster Wilson Street Secondary Plan, upon approval of the Official Plan Amendment;
- (c) That approval be given for a modification to the Mixed Use Medium Density – Pedestrian Focus (C5a) Zone, to permit the future severance of a portion of 265 Wilson Street East to be merged with 259 Wilson Street East, to recognize the existing associated parking and for a modification to the Neighbourhood Institutional (I1) Zone to recognize the existing associated parking for lands located at 259 Wilson Street East and 265 Wilson Street East, Ancaster, as shown on Appendix “A” attached to Report PED24107, subject to the following:
  - (i) That the draft Zoning By-law, attached as Appendix “H” to Report PED24107, 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 Zoning By-law, attached as Appendix “H” to Report PED24107, for enactment by City Council, once By-law No. 24-052 is in force and effect.

**9. Updates to the Licensing By-law No. 07-170 Towing and Storage Regulations in Response to the New Provincial Regulatory Framework (PED24103) (City Wide) (Item 11.1)**

- (a) That the draft by-law attached as Appendix “A” to Report PED24103 to amend the City of Hamilton’s Licensing By-law No. 07-170 by deleting Schedule 28 (Tow Trucks), amending Schedule 16 (Public Garages) and removing reference to towing and storage requirements, which has been prepared in a form satisfactory to the City Solicitor, be approved.

**10. To Establish a New Zoning Verification Report Fee (PED24120) (City Wide) (Item 11.2)**

- (a) That Report PED24120, to establish a new fee for Zoning Verification Reports, be received;
- (b) That the By-law to amend By-law No. 24-036, being A By-law to Establish Certain 2024 User Fees and Charges for Services, Activities or the Use of Property, and to Repeal By-law No. 23-112, attached as Appendix “B” to Report PED24120, be enacted by Council.

11. **Hamilton Municipal Heritage Committee Report 24-005 (City Wide) (Item 11.3)**

(a) **Recommendation to Designate 340 Dundas Street, Flamborough (Eager House), under Part IV of the *Ontario Heritage Act* (PED24106) (Ward 15) (Item 8.1)**

(i) That the City Clerk be directed to give notice of Council's intention to designate 340 Dundas Street East, Flamborough (Eager House), shown in Appendix "A" attached to Report PED24106, as a property of cultural heritage value pursuant to the provisions of Part IV, Section 29 of the *Ontario Heritage Act*, in accordance with the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes, attached as Appendix "B" to Report PED24106, subject to the following:

- (1) If no objections are received to the notice of intention to designate in accordance with the *Ontario Heritage Act*, City Council directs staff to introduce the necessary by-law to designate the property to be of cultural heritage value or interest to City Council;
- (2) If an objection to the notice of intention to designate is received in accordance with the *Ontario Heritage Act*, City Council directs staff to report back to Planning Committee to allow Council to consider the objection and decide whether or not to withdraw the notice of intention to designate the property.

(b) **Recommendation to Designate 291 King Street West, Dundas, under Part IV of the *Ontario Heritage Act* (PED24116) (Ward 13) (Item 8.2)**

(i) That the City Clerk be directed to give notice of Council's intention to designate 291 King Street West, Dundas, shown in Appendix "A" attached to Report PED24116, as a property of cultural heritage value pursuant to the provisions of Part IV, Section 29 of the *Ontario Heritage Act*, in accordance with the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes, attached as Appendix "B" to Report PED24116, subject to the following:

- (1) If no objections are received to the notice of intention to designate in accordance with the *Ontario Heritage Act*, City Council directs staff to introduce the necessary by-law to designate the property to be of cultural heritage value or interest to City Council;

- (2) If an objection to the notice of intention to designate is received in accordance with the *Ontario Heritage Act*, City Council directs staff to report back to Planning Committee to allow Council to consider the objection and decide whether or not to withdraw the notice of intention to designate the property.
  - (c) **Update on Bill 139, Schedule 14, *Less Red Tape, More Common Sense Act, 2023*, and Amendments to the *Ontario Heritage Act* and the Heritage Permit Requirements for Alterations to Part IV Designated Properties for Alterations to Part IV Designated Properties with Buildings Used for Religious Practices (PED23253(a)) (Item 9.4)**
    - (i) That Report PED23253(a) respecting an Update on Bill 139, Schedule 14, *Less Red Tape, More Common Sense Act, 2023*, and Amendments to the *Ontario Heritage Act* and the Heritage Permit Requirements for Alterations to Part IV Designated Properties for Alterations to Part IV Designated Properties with Buildings Used for Religious Practices, be received.
  - (d) **Bill 200, Schedule 2, *Homeowner Protection Act, 2024*, and Proposed Changes to the *Ontario Heritage Act* for Properties Listed on the Municipal Heritage Register (PED24127) (City Wide) (Item 9.5)**
    - (i) That Report 24127 respecting Bill 200, Schedule 2, *Homeowner Protection Act, 2024*, and Proposed Changes to the *Ontario Heritage Act* for Properties Listed on the Municipal Heritage Register, be received.
- 12. Recommendation to Enter into a Heritage Conservation Easement or Covenant for 84 York Boulevard, Hamilton (Philpott Memorial Church), under Part IV of the *Ontario Heritage Act* (PED24077(a)) (Ward 2) (Item 11.4)**
- (a) That the General Manager of Planning and Economic Development Department be given the delegated authority to enter into a heritage conservation easement agreement or covenant under Section 37(1) of the *Ontario Heritage Act* with the owner of 84 York Boulevard, Hamilton, to be registered on title, satisfactory to the City Solicitor, to:
    - (i) Maintain the building through occupancy or daily monitoring and undertake any required interim repairs to ensure the building is heated, secure, and structurally sound and that there is no further deterioration to the cultural heritage value and heritage attributes of the property as identified in the Cultural Heritage Impact Assessment, prepared by MacNaughton Hermsen Britton Clarkson

Planning Limited and dated October 2023, to the satisfaction of the Director of Planning and Chief Planner, until such time that this easement or covenant is released;

- (ii) Provide an estimate to cover the costs of heating, securing, maintaining and monitoring the building for a period of four years, and provide securities to the city to cover these costs to be in place until such time that the easement or covenant is released, to the satisfaction of the Director of Planning and Chief Planner;
  - (iii) Require that a Conservation Plan is submitted and approved as part of the Site Plan Control application process, including conditions of Site Plan approval to salvage and safely store the heritage attributes identified in the Cultural Heritage Impact Assessment, prepared by MacNaughton Hermsen Britton Clarkson Planning Limited dated October 2023, to allow for inspections of the stored attributes, to provide securities, and to integrate the attributes and provide commemoration and interpretation into a new development on the property before this easement or covenant is released;
- (b) That the Director of Planning and Chief Planner be authorized to release the heritage conservation easement agreement or covenant, executed as per Recommendation (a) of Report PED24077(a), and that the terms for the release of the easement or covenant, to be included in the heritage conservation easement agreement, are such that it may not be released until Site Plan Control and building permit have been issued and shoring or foundation work has begun for a new development on the site that:
- (i) Provides a minimum of 600 new residential units, of which a minimum of 25% of the units provided shall be two and three bedroom units that support families and 5% of which shall be affordable units that meet the definition of Affordable Housing as defined by the City of Hamilton Municipal Housing Facilities By-law No. 16-233, to the satisfaction of the Director of Planning and Chief Planner;
  - (ii) Provides a podium design that is compatible with the character of the existing heritage buildings in the surrounding area through the use of brick or stone and appropriate proportions, to the satisfaction of the Director of Heritage and Urban Design;

- (iii) Provides a high-quality design for the proposed towers in keeping with the landmark scale of the development that will enhance the character of the future entertainment precinct, to the satisfaction of the Director of Heritage and Urban Design;
  - (iv) Incorporates sustainable design features, to the satisfaction of the Director of Heritage and Urban Design;
  - (v) Allows for commercial uses at grade along York Boulevard and Park Street that will animate the street and support the future entertainment precinct, to the satisfaction of the Director of Heritage and Urban Design;
  - (vi) Provides publicly accessible indoor and outdoor space at grade through the use of courtyards, porticos or other features to accommodate patios for commercial uses to animate the public realm enhancing the character of the street to support the future entertainment precinct, and to allow the public to view the retained heritage features, to the satisfaction of the Director of Heritage and Urban Design;
- (c) That the heritage conservation easement agreement or covenant, executed as per Recommendations (a) and (b) to Report PED24077(a), be reviewed by staff if construction on site has not commenced by July 31, 2027, to determine progress and report back to Council on possible designation;
- (d) That the Director of Planning and Chief Planner, be authorized and directed to negotiate and execute agreement(s) with the current owner, any subsequent owner and where possible any potential developer of 84 York Boulevard, Hamilton, to extend the 120-day timeline for passing of a designation by-law under Part IV of the *Ontario Heritage Act*, as permitted by Section 2.(1) (1.) of Ontario Regulation 385/21 and in a form satisfactory to the City Solicitor;
- (e) That the draft By-law attached as Appendix "B" to Report PED24077(a), to allow the City to enter into a heritage covenant or easement agreement pursuant to section 37(1) of the *Ontario Heritage Act* with the owner of the lands described as PT BLK 13 PL 39 PT 1, 2, 3 62R12184 & AS IN VM147689; CITY OF HAMILTON being all of PIN 17586-0075 (LT) and municipally addressed as 84 York Boulevard in the City of Hamilton, for conservation of the structure and of certain heritage elements/attributes/features from the structure known as Philpott Memorial Church, be adopted;

- (f) That staff be directed to report back to Council with an update on whether a heritage conservation easement agreement or covenant has been entered prior to the expiry of any extension period negotiated pursuant to Recommendation (d) of Report PED24077(a).

**13. To support the Planning and Economic Development Department's revised Terms of Reference for the Construction Management Plan Guidelines (PED24070) (City Wide) (Item 12.1)**

WHEREAS, the City encourages and supports the economic growth and development of these projects through the enhancement of processes and procedures such as Construction Management Plans to assist developers;

WHEREAS, pedestrian facilities through areas adjacent to construction sites are designed and constructed to the appropriate standards and specifications and sealed by a professional engineer licensed in Ontario.

WHEREAS, the City is concurrently writing policy and standards to support the growth and enhancement of active transportation facilities through the Transportation Master Plan, Cycling Master Plan, Complete Streets Guide;

WHEREAS, the safety of all road users is of highest importance under all operational conditions, including temporary construction staging plans.

WHEREAS, Growth Management Division, manages and coordinates the Construction Management Plan process related to all Development Applications.

WHEREAS, Engineering Services Division, responsible for approval of traffic management plan and issuance of road occupancy permits as well as provision of subject matter expertise related to detour plans, best practices, and pedestrian mobility within the existing Right of Way.

THEREFORE, BE IT RESOLVED:

- (a) That, Council authorize Growth Management staff, to undertake a complete review on Traffic Management Plan mobility best practices, specifically related to detour plans with a focus on the safety and accessibility of all road users, in consultation with Public Works staff, namely Engineering Services, Transportation and others, as needed; and,
- (b) That, upon completion of the review, Growth Management staff, in consultation with Public Works staff, report back to Planning Committee regarding recommendations as it relates to Traffic Management Plans detour plans mobility best practices, specifically related to detour plans with a focus on the safety and accessibility of all road users.

- 14. Appeal to the Ontario Land Tribunal (OLT) for Lands Located at 140 and 164 Sulphur Springs Road, Ancaster for Lack of Decision on Zoning By-law Amendment Application ZAC-21-027 (LS23029(a)) (Ward 12) (Item 15.2)**
- (a) That the directions to staff in Closed Session respecting Report LS23029(a) be approved;
  - (b) That closed session recommendations (a), (b), and (c) to Report LS23029(a) and Appendix "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 LS23029(a) remain confidential.
- 15. Appeal of By-laws No. 24-051 & 24-052 (Updates and Amendments to the Low Density Residential Zones and Creation of a New Section 5: Parking, in Zoning By-law No. 05-200) (LS24001) (City-Wide) (Item 15.3)**
- (a) That Report LS24001 be received and remain confidential.
- 16. Appeal to the Ontario Land Tribunal for lands located at 1284 Main Street East, Hamilton, for Lack of Decision on Urban Hamilton Official Plan Amendment Application (UHOPA-23-006) and Zoning By-law Amendment Application (ZAC-23-012) (LS23039(a)) (Ward 4) (Item 15.4)**
- (a) That the directions to staff in Closed Session respecting Report LS23039(a) be approved;
  - (b) That closed session recommendations (a), (b), and (c) to Report LS23039(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 LS23039(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 Chris Ritsma respecting Philpott Church Redevelopment Heritage Designation Deferral (Item 11.4)

Recommendation: Be received and referred to the consideration of Item 11.4.

**6. DELGATION REQUESTS**

- 6.2 Russell Bartlett, Philpott Church, respecting Heritage Conservation Easement for 84 York Blvd. (Item 11.4) (For today's meeting)

**10. PUBLIC HEARINGS**

- 10.1 Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 101 Hunter Street East, Hamilton (PED24112) (Ward 2) (PED24112)

(a) Staff Presentation

Revised Report and Appendix "C".

- 10.2 Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 365 Highway No. 8, Stoney Creek (PED24108) (Ward 10) Applications (PED24108)

(a) Staff Presentation

Revised Report and Appendix "C", "D" and "I".

- 10.3 Housekeeping Amendments and Strategic Updates to the Urban Hamilton Official Plan and Rural Hamilton Official Plan and Modifications and Updates to City of Hamilton Zoning By-law 05-200 and Former City of Hamilton Zoning By-law No. 6593 (PED24113) (City Wide)

(a) Staff Presentation

(b) Registered Delegations:

(i) Thidiah Curtin (virtual)

- 10.4 Applications for an Official Plan Amendment (UHOPA-24-006) and Zoning By-law Amendment (ZAC-24-013) for Lands Located at 259 and 265 Wilson Street East, Hamilton (PED24107) (Ward 12) (PED24107)

(a) Staff Presentation

The agenda for the July 9, 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 18, 2024 (Item 4.1)**

The Minutes of the June 18, 2024 meeting were approved, as presented.

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

**(i) Chris Ritsma respecting Philpott Church Redevelopment Heritage Designation Deferral (Item 11.4) (Added Item 5.1)**

The Communication from Chris Ritsma respecting Philpott Church Redevelopment Heritage Designation Deferral (Item 11.4) was received and referred to the consideration of Item 11.4.

**(e) DELEGATION REQUESTS (Item 6)**

**(i)** The following Delegations were approved, as follows:

**(a) Jeannie Howe respecting By-laws to Prevent Animal Neglect (For the August 13<sup>th</sup> meeting) (Item 6.1)**

**(b) Russell Bartlett, Philpott Church, respecting Heritage Conservation Easement for 84 York Blvd. (Item 11.4) (For today's meeting) (Added Item 6.2)**

**(f) DELEGATIONS (Item 7)**

**(i) Russell Bartlett, Philpott Church, respecting Heritage Conservation Easement for 84 York Blvd. (Item 11.4) (Added Item 7.1)**

Russell Bartlett, Philpott Church, addressed the Committee respecting Heritage Conservation Easement for 84 York Blvd. (Item 11.4).

The Delegation from Russell Bartlett, Philpott Church, respecting Heritage Conservation Easement for 84 York Blvd. (Item 11.4), was received.

**(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) Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 101 Hunter Street East, Hamilton (PED24112) (Ward 2) (Item 10.1)**

- (a)** The staff presentation was waived.
- (b)** Ashley Paton with Bousfields Inc. was in attendance and indicated support for the staff report.

The presentation from Ashley Patton with Bousfields Inc., was received.

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

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

For disposition of this matter, refer to Item 5.

**(ii) Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 365 Highway No. 8, Stoney Creek (PED24108) (Ward 10) (Item 10.2)**

- (a)** Tim Vrooman, Area Planning Manager, addressed the Committee with the aid of a PowerPoint presentation.

The staff presentation was received.

- (b) David Falletta with Bousfields Inc. was in attendance and indicated support for the staff report.

The presentation from David Falletta with Bousfields Inc., was received.

Chair Cassar called three times for public delegations and the following person came forward:

- (i) Eric Kowalsky – Concerns with proposal

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

- (i) Eric Kowalsky – Concerns with proposal

- (b) The public meeting was closed.

For disposition of this matter, refer to Item 6.

**(iii) Housekeeping Amendments and Strategic Updates to the Urban Hamilton Official Plan and Rural Hamilton Official Plan and Modifications and Updates to City of Hamilton Zoning By-law 05-200 and Former City of Hamilton Zoning By-law No. 6593 (City Wide) (Item 10.3)**

- (a) Jennifer Allen, Planner I, Sebastian Cuming, Planner II, and Liam Tapp, Zoning Examiner and Code Correlator, addressed the Committee with the aid of a PowerPoint presentation.

The staff presentation was received.

The following Registered Delegation indicated they did not wish to speak at the meeting:

- (i) Thidiah Curtin

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

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

- (b) The public meeting was closed.

For disposition of this matter, refer to Item 7.

(iv) **Applications for an Official Plan Amendment (UHOPA-24-006) and Zoning By-law Amendment (ZAC-24-013) for Lands Located at 259 and 265 Wilson Street East, Hamilton (Ward 12) (Item 10.4)**

- (a) The staff presentation was waived.
- (b) Katelyn Gillis with Landwise Planning (formerly T. Johns Consulting) was in attendance and indicated support for the staff report.

The presentation from Katelyn Gillis with Landwise Planning (formerly T. Johns Consulting), 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.

For disposition of this matter, refer to Item 8.

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

(i) **To Establish a New Zoning Verification Report Fee (PED24120) (City Wide) (Item 11.2)**

Emily Coe, Supervisor – Zoning, addressed the Committee, respecting Report PED24120, To Establish a New Zoning Verification Report Fee, with the aid of a PowerPoint presentation.

The presentation from Emily Coe, Supervisor – Zoning, addressed the Committee, respecting Report PED24120, To Establish a New Zoning Verification Report Fee, was received.

For disposition of this matter, refer to Item 10.

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

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

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

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

22K - Condominium Conversion Policy Review (PED22091) (City Wide) – (Addressed as Item 6 on Planning Committee Report 24-009)

24C - Annual Report on Building Permit Fees (PED24039) (City Wide) (Addressed as Item 2 on Planning Committee Report 24-007)

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

**(i) Closed Session Minutes – June 18, 2024 (Item 15.1)**

- (a) The Closed Session Minutes dated June 18, 2024, were approved as presented; and,
- (b) The Closed Session Minutes dated June 18, 2024, are to remain confidential.

The Committee Recessed from 12:10 p.m. to 12:40 p.m.

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

**(i) Appeal to the Ontario Land Tribunal (OLT) for Lands Located at 140 and 164 Sulphur Springs Road, Ancaster for Lack of Decision on Zoning By-law Amendment Application ZAC-21-027 (LS23029(a)) (Ward 12) (Item 15.2)**

For disposition of this matter, refer to Item 14.

**(ii) Appeal of By-laws No. 24-051 & 24-052 (Updates and Amendments to the Low Density Residential Zones and Creation of a New Section 5: Parking, in Zoning By-law No. 05-200) (LS24001) (City-Wide) (Item 15.3)**

For disposition of this matter, refer to Item 15.

**(iii) Appeal to the Ontario Land Tribunal for lands located at 1284 Main Street East, Hamilton, for Lack of Decision on Urban Hamilton Official Plan Amendment Application (UHOPA-23-006) and Zoning By-law Amendment Application (ZAC-23-012) (LS23039(a)) (Item 15.4)**

For disposition of this matter, refer to Item 16.

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

There being no further business, the Planning Committee adjourned at 1:22 p.m.

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Councillor C. Cassar, Chair  
Planning Committee

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Lisa Kelsey  
Legislative Coordinator