



PLANNING COMMITTEE

MINUTES 18-014

9:30 a.m.

Tuesday, September 18, 2018

Council Chambers

Hamilton City Hall

71 Main Street West

Present: Councillors J. Farr (1st Vice-Chair), D. Conley (2nd Vice Chair), C. Collins, T. Anderson, M. Pearson, M. Green, B. Johnson, J. Partridge and R. Pasuta

**Absent with
Regrets:** Councillor A. Johnson – Personal

Also present: Councillors A. VanderBeek, T. Whitehead and S. Merulla

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

1. Terrapure Stoney Creek Regional Facility EA – Preliminary Draft Environmental Assessment - Staff Comments to Proponent and MECP (PED16184(b)) (Ward 9) (Item 5.1)

(Pearson/Partridge)

- (a) That Council endorse the staff comments submitted to Terrapure Environmental and GHD Pty Ltd. (their consultants) on August 31, 2018 outlining the City's comments respecting the "Stoney Creek Regional Facility Environmental Assessment – Preliminary Draft Environmental Assessment, July 30, 2018", attached as Appendix "A" to Report PED16184(b);
- (b) That Report PED16184(b) be adopted as the City of Hamilton's formal comments on the second phase of the "Stoney Creek Regional Facility Environmental Assessment – Preliminary Draft Environmental Assessment, July 30, 2018";
- (c) That the City Clerk be authorized and directed to forward Report PED16184(b) to the Ministry of Environment, Conservation and Parks (MECP).

CARRIED

2. Cannabis Legislation Update (PED18174) (City Wide) (Item 5.2)

(Collins/Partridge)

That Report PED18174 respecting Cannabis Legislation Update, be received.

CARRIED

3. Elfrida Growth Area Study - Update (PED18182) (Wards 9 and 11) (Item 5.3)

(B. Johnson/Partridge)

That the vision, key directions, principles, objectives and preferred community structure for the Elfrida Growth Area Study be received by Council and that public and stakeholder feedback on the vision, key directions, principles, objectives and preferred community structure be incorporated into the next phase of the Elfrida Growth Area Study and GRIDS 2.

CARRIED

4. Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED18192) (City Wide) (Item 5.4)

(Pearson/Collins)

That Report PED18192 respecting Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications, be received.

CARRIED

5. Committee of Adjustment Consent Application – AN/B-18:27, 28 Maureen Drive, Ancaster - Supported by the Planning and Economic Development Department but Denied by the Committee of Adjustment (PED18202) (Ward 12) (Item 5.5)

(B. Johnson/Anderson)

That Council take no action with respect to the Local Planning Appeal Tribunal (LPAT), either in support of the Committee's decision or against the decision for Committee of Adjustment Consent Application – AN/B-18:27, 28 Maureen Drive, Ancaster, supported by the Planning and Economic Development Department but denied by the Committee of Adjustment.

CARRIED

6. Expanding Administrative Penalty System (APS) to Include the Property Standards By-Law 10-221 (PED18205) (City Wide) (Item 5.6)

(Pearson/Collins)

That the Administrative Penalty System By-law 17-225 (APS) be amended to include the Property Standards By-law 10-221 as shown in Appendix "A" to Report PED18205 which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.

CARRIED

7. Demolition Permit for 14 Copes Lane (Stoney Creek) (PED18215) (Ward 11) (Item 5.7)

(B. Johnson/Partridge)

That the Chief Building Official be authorized and directed to issue a demolition permit for 14 Copes Lane (Stoney Creek) in accordance with By-law 09-208.

CARRIED

8. Enforcement of Section 7.1(b) of the Yard Maintenance By-law Prohibiting Discharging Pool Water to Sewers (PED18216) (City Wide) (Outstanding Business List) (Item 5.8)

(Pearson/Conley)

(a) That enforcement of section 7.1(b) of the Yard Maintenance By-law (YMBL) 10-118, which prohibits owners or occupants of properties to discharge water from their swimming pools, hot tubs and other chemically treated water features into a sanitary sewer, storm sewer unless it complies with the Sewer Use By-law (SUBL) 14-090, be reinstated;

(b) That section 7.1(b) of the Yard Maintenance By-law 10-118 be included in Table 13 of the Administrative Penalties System (APS) By-law 17-225;

(c) That the item respecting the validity of regulation 7.1(b) of the Yard Maintenance By-law be identified as complete and removed from the Planning Committee Outstanding Business List.

CARRIED

9. Dundas Urban Design Guidelines (PED18217) (Ward 13) (5.9)

(Pearson/Conley)

(a) That staff be directed to consult with the public and stakeholders on the proposed revisions to the Dundas Urban Design Guidelines for downtown Dundas, and to present the final recommendations on the Dundas Urban Design Guidelines to Planning Committee based on the feedback received;

(b) That staff be directed, if required, to schedule a public meeting of the Planning Committee to consider any necessary policy direction changes within the Urban Hamilton Official Plan to support the implementation of the Dundas Urban Design Guidelines.

CARRIED

10. Expanding Administrative Penalty System (APS) to include the Vacant Building Registry By-law 17-127 (PED18219) (City Wide) (5.10)

(Pearson/Partridge)

That the Administrative Penalty System By-law 17-225 (APS) be amended to include The Vacant Building Registry By-law 17-127 as shown in Appendix "A" to

Report PED18219 which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.

CARRIED

11. Macassa Bay Year-Round Liveaboard Association 2018/2019 Transition Plan (PED18222) (Ward 2) (Outstanding Business List Item) (5.11)

(Collins/Anderson)

That Report PED18222 respecting Macassa Bay Year-Round Liveaboard Association 2018/2019 Transition Plan, be received.

CARRIED

12. Application to Amend City of Hamilton Zoning By-law No. 05-200 for Lands Located at 5050 Harrison Road, Glanbrook (PED18204) (Ward 11) (Item 6.1)

(Anderson/Pearson)

(a) That Zoning By-law Amendment Application ZAR-18-023, by Niagara Peninsula Conservation Authority (Owner), for a modification to the Open Space (P4) Zone, Conservation / Hazard Land - Rural (P7) Zone and Conservation / Hazard Land - Rural (P8) Zone to permit a Zip Line Adventure Park on a portion of the lands located at 5050 Harrison Road (Glanbrook) as shown on Appendix "A" to Report PED18204, be APPROVED on the following basis:

(i) That the draft By-law, attached as Appendix "B" to Report PED18204, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

(ii) That the amended By-law be added to Schedule C – Special Exceptions of Zoning By-law No. 05-200;

(iii) That the proposed Zoning By-law Amendment is consistent with the Provincial Policy Statement (2014), conforms to the Greenbelt Plan and complies with the Rural Hamilton Official Plan;

(iv) *That through the site plan process the Niagara Peninsula Conservation Authority (NPCA) enter into a site plan agreement and a monitoring agreement to measure habitat condition (invasive species, tree and understorey health / disturbance, litter) over the first five years of the Adventure Park operation*

(b) *That the public submissions received regarding this matter did not affect the decision.*

Main Motion, As Amended, CARRIED

13. Applications to Amend the Urban Hamilton Official Plan, the Township of Glanbrook Zoning By-law No. 464 and the City of Hamilton Zoning By-law No. 05-200, for Lands Located at 3331 Homestead Drive, Glanbrook (PED18197) (Ward 11) (Item 6.2)

(B. Johnson/Pearson)

- (a) That Urban Hamilton Official Plan Amendment Application UHOPA-18-03 by Michael Pejic, (Owner), to create Site Specific Policy Area “X” in the Mount Hope Secondary Plan, to permit the creation of four lots for single detached dwellings for the lands located at 3331 Homestead Drive (Glanbrook), as shown on Appendix “A” to Report PED18197 be APPROVED, on the following basis:
 - (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED18197 be adopted by City Council;
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2014) and conforms to the Growth Plan for the Greater Golden Horseshoe.
- (b) That Amended Zoning By-law Amendment Application ZAC-18-007 by Michael Pejic, (Owner), for a change in zoning from the General Commercial “H-C3-050” Zone, Modified to Single Residential (R3-311) Zone in the Glanbrook Zoning By-law No. 464 in order to permit the creation of four lots for single detached dwellings for lands located at 3331 Homestead Drive (Glanbrook), as shown on Appendix “A” to Report PED18197 be APPROVED, on the following basis:
 - (i) That the draft By-law, attached as Appendix “C” to Report PED18197, 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 (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow), and will comply with the Urban Hamilton Official Plan, upon finalization of Urban Hamilton Official Plan Amendment No. XXX.
- (c) That approval be given to remove the lands located at 3331 Homestead Drive from Zoning By-law No. 05-200, subject to the following:
 - (i) That the draft By-law, attached as Appendix “D” to Report PED18197, be held in abeyance until such time as By-law No. 17-240, being a By-law to establish the Commercial and Mixed Use Zones in Zoning By-law No. 05-200 is in force and effect;

- (ii) That staff be directed to bring forward the draft By-law, attached as Appendix “D” to PED18197, for enactment by City Council, once By-law No. 17-240 is in force and effect.

(d) *That the the public submissions received regarding this matter did not affect the decision.*

Main Motion, As Amended, CARRIED

14. Application for Zoning By-law Amendment for Lands Located at 50 Green Mountain Road West (Stoney Creek) (PED18211) (Ward 9) (Item 6.3)

(Conley/Anderson)

- (a) That Zoning By-law Amendment Application ZAC-17-077 by New Horizon Development Group (Green Mountain) Inc., (Owner) for a change in zoning from the Neighbourhood Development “ND” Zone to the Multiple Residential (Holding) “RM3-65(H)” Zone, Modified, to permit 94 maisonettes and 95 townhouse dwellings for a total of 189 units on a private (condominium) road for lands located at 50 Green Mountain West, as shown on Appendix “A” to Report PED18211, be APPROVED on the following basis:
 - (i) That the draft By-law, attached as Appendix “B” to Report PED18211, 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 (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (2017) and complies with the Urban Hamilton Official Plan;
 - (iii) That the amending By-law apply the Holding Provision of section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject lands by introducing the Holding symbol ‘H’ as a suffix to the proposed zoning.

The Holding Provision Multiple Residential (Holding) “RM3-65(H)” Zone, Modified, shall be removed conditional upon:

- (1) The Owner entering into a conditional building permit agreement with respect to completing a Record of Site Condition or a signed Record of Site Condition (RSC) being submitted to the City of Hamilton and the Ministry of the Environment, Conservation and Parks (MOECP). This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MOECP, and submission of the City of Hamilton’s current RSC administration fee.
- (2) The Owner entering into a Site Plan Agreement with the City to construct the services within the site and complete the flow monitoring

analysis for a period of five years including sufficient securities to the satisfaction of the Manager of Development Approvals.

- (3) The Owner submitting an updated Traffic Impact Study ("TIS") to the satisfaction of the Manager of Transportation Planning.

(b) *That the public submissions received regarding this matter did not affect the decision.*

Main Motion, As Amended, CARRIED

15. Application for Amendment to Zoning By-law No. 6593 for Lands Located at 567 Scenic Drive, Hamilton (PED18173) (Ward 8) (Item 6.4)

(Collins/Conley)

- (a) That Amended Zoning By-law Amendment Application ZAC-17-030, by 2434217 Ontario Inc, Owner, for a change in zoning from the "B-1" (Suburban Agriculture and Residential, etc.) District, to the "CR-1/S-1766" (Commercial Residential) District, Modified, to permit the development of a mixed use building with limited commercial uses on the ground floor and two residential dwelling units above on lands located at 567 Scenic Drive (Hamilton), as shown on Appendix "A" to Report PED18173, be APPROVED, on the following basis:
- (i) That the draft By-law, attached as Appendix "B" to Report PED18173, 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 (PPS) and conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow);
 - (iii) That the proposed change in zoning complies with the Urban Hamilton Official Plan.
- (b) That approval be given to add the lands located at 567 Scenic Drive, Hamilton to Zoning By-law No. 05-200 and zone said lands Neighbourhood Commercial (C2) Zone in Zoning By-law No. 05-200, subject to the following:
- (i) That the draft By-law, attached as Appendix "C" to Report PED18173, be held in abeyance until such time as By-law No. 17-240, being a by-law to establish the Commercial and Mixed Use Zones in Zoning By-law No. 05-200 are in force and effect;
 - (ii) That staff be directed to bring forward the draft By-law, attached as Appendix "C" to Report PED18173, for enactment by City Council, once Zoning By-law No. 17-240, being a By-law to establish new Commercial and Mixed Use Zones, is in force and effect.

- (c) *That the public submissions received regarding this matter did not affect the decision.*

Main Motion, As Amended, CARRIED

16. Application for Approval of a Draft Plan of Condominium (Common Element) and Draft Plan of Subdivision for Lands Located at 1831 Rymal Road East (Stoney Creek) (PED18218) (Ward 9) (Item 6.5)

(Conley/Collins)

- (a) That Draft Plan of Condominium Application 25CDM-201809, by MHBC Planning, on behalf of 232470 Ontario Inc. (Losani Homes Limited), Owner to establish a Draft Plan of Condominium (Common Element) to create a condominium road network, sidewalks, landscaped areas, 75 visitor parking spaces, and centralized mailboxes, on lands located at 1831 Rymal Road East (Stoney Creek), as shown on Appendix "A", attached to Report PED18218, be APPROVED subject to the following conditions:
- (i) That the approval for Draft Plan of Condominium (Common Element) application 25CDM-201809 applies to the plan prepared by A.T. McLaren Limited, certified by S. D. McLaren, dated August 8, 2018, consisting of a condominium road network, sidewalks, landscaped areas, 75 visitor parking spaces, and centralized mailboxes, in favour of 305 Parcels of Tied Lots (POTL'S), attached as Appendix "C" to Report PED18218;
 - (ii) That the conditions of Draft Plan of Condominium Approval 25CDM-201809, attached as Appendix "D" to Report PED18218, be received and endorsed by City Council;
- (b) That Draft Plan of Subdivision Application 25T-201805, by MHBC Planning, on behalf of 232470 Ontario Inc. (Losani Homes Limited), owner to establish a Draft Plan of Subdivision on lands located at 1831 Rymal Road East (Stoney Creek), as shown on Appendix "B", attached to Report PED18218, be APPROVED subject to the following conditions:
- (i) That this approval apply to the for Draft Plan of Subdivision 25T-201805 prepared by A.T. McLaren Limited and certified by S.D. McLaren, dated November 27, 2017, consisting of five development blocks to add lands to a previously approved Draft Plan of Subdivision, attached as Appendix "E" to Report PED18218;
 - (ii) That the conditions of Draft Plan of Subdivision Approval 25T-201805, attached as Appendix "F" to Report PED18218, be received and endorsed by City Council;
- (c) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 51 of the *Planning Act*, prior to the building permit stage, and the calculation for the payment be based on the value of the lands on the day, prior to the day of issuance of each building permit, to which payment shall

be based on the value of the land on the day, prior to the issuance of the first building permit, for each said Block, with the calculation of the Cash-in-Lieu payment based on the value of the lands on the day prior to the issuance of each building permit, and in the case of multiple residential blocks, prior to the issuance of the first building permit, all in accordance with the Financial Policies for Development and the City's Parkland Dedication By-law, as approved by Council.

- (d) The Owner entering into a Standard Form, Subdivision Agreement or an addendum to an existing one, with conditions attached as Appendix "F" to Report PED18218.

(e) ***That there were no public submissions received regarding this matter.***
Main Motion, As Amended, CARRIED

17. Applications for an Amendment to the Urban Hamilton Official Plan and the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 119-123 Princess Street, Hamilton (PED18186) (Ward 3) (Item 6.6)

(Green/Collins)

- (a) That Urban Hamilton Official Plan Amendment Application UHOPA-17-034 by ADL Process / FrostMECH Inc., Owner, to establish a site specific policy to permit a Waste Electronics and Electrical Equipment Processing and Transfer Facility within existing buildings on the property located at 119-123 Princess Street, Hamilton, as shown on Appendix "A" to Report PED18186, be DENIED, for the following reasons:

- (i) The proposal is not compatible with the neighbourhood;,
- (ii) The proposal will result in an over intensification of industrial uses abutting a residential neighbourhood;
- (iii) The proposal will result in increased truck traffic;
- (iv) The proposed use is obnoxious.

- (b) That Amended Zoning By-law Amendment Application ZAC-17-024 by ADL Process / FrostMECH Inc., Owner, for a modification to the Light Industrial (M6) Zone to permit the existing buildings to be used for a Waste Electronics and Electrical Equipment Processing and Transfer Facility, as shown on Appendix "A" to Report PED18186, be DENIED, for the following reasons:

- (i) The proposal is not compatible with the neighbourhood;,
- (ii) The proposal will result in an over intensification of industrial uses abutting a residential neighbourhood;
- (iii) The proposal will result in increased truck traffic;

- (iv) The proposed use is obnoxious.
- (c) That the Environmental Approvals Branch of the Ontario Ministry of Environment, Conservation and Parks be advised that the City does not support the approval of Application MOE-CA-18-02, by Recycling 101 Ltd., for an Environmental Compliance Approval (Waste), MECP Reference #1159-AXYPHY, to permit a Waste Electronics and Electrical Equipment Processing and Transfer Facility to operate on the lands located at 119-123 Princess Street, Hamilton, as shown on Appendix "A" to Report PED18186,
- (d) That staff be directed to monitor the site to ensure that no processing operations commence at this location;
- (e) That the public submissions received regarding this matter supported the denial of this application.

Main Motion, CARRIED

18. Applications to Amend the Urban Hamilton Official Plan and City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 928 Queenston Road (PED18221) (Ward 9) (Item 6.7)

(Conley/Anderson)

- (a) That Amended Urban Hamilton Official Plan Amendment Application UHOPA-17-020 by Marfad Holdings Inc. (c/o Mario Marazzo), Owner, to re-designate the subject lands from "Mixed Use – Medium Density" to "Neighbourhoods" in Volume 1; and to re-designate the subject lands from "Mixed Use – Medium Density" to "High Density Residential 1" and establish a site specific policy to permit a maximum net residential density of 290 units per hectare in the Old Town Secondary Plan to permit a mixed use development having a maximum building height of 14 storeys, on lands located at 928 Queenston Road, Stoney Creek, as shown on Appendix "A" to Report PED18221, be APPROVED, on the following basis:
 - (i) That the draft Official Plan Amendment, attached as Appendix "B" to Report PED18221, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2014) and conforms to the Places to Grow Plan.
- (b) That Amended Zoning By-law Amendment Application ZAC-17-049 by Marfad Holdings Inc. (c/o Mario Marazzo), Owner, for a modification to the Mixed Use Commercial "MUC" Zone to permit a mixed use building having a maximum height of 49 m (14 storeys) as shown on Appendix "A" to Report PED18221 be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix “C” to Report PED18221 which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the amending By-law, attached as Appendix “C” to Report PED18221, be added to Map No 5 of the City of Stoney Creek Zoning By-law No. 3692-92;
- (iii) That Schedule “A” of Zoning By-law No. 3692-92, be amended by adding the additional Holding Provision as follows:

For the lands identified as Mixed Use Commercial “MUC-11(H)” Zone on Map No. 5 in the City of Stoney Creek Zoning By-law No. 3692-92, no development shall proceed until such time as:

- (a) The owner enters into a conditional building permit agreement with respect to completing a Record of Site Condition or a signed Record of Site Condition (RSC) being submitted to the City of Hamilton and the Ministry of the Environment, Conservation and Parks (MECP). This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MECP, and submission of the City of Hamilton’s current RSC administration fee.
- (iv) That this By-law is in conformity with the Urban Hamilton Official Plan, upon approval of Urban Hamilton Official Plan Amendment No. ;
- (c) That approval be given for a modification to the Mixed Use Medium Density (C5) Zone, to permit a 14 storey multiple dwelling for lands located at 928 Queenston Road, Stoney Creek, as shown on Appendix “A” to Report PED18221, subject to the following:
 - (i) That the draft By-law, attached as Appendix “D” to Report PED18221, be held in abeyance until such time as By-law No. 17-240, being a by-law to establish new Commercial and Mixed Use Zones in Zoning By-law No. 05-200 is in force and effect;
 - (ii) That staff be directed to bring forward the draft By-law, attached as Appendix “D” to Report PED18221, for enactment by City Council, once By-law No. 17-240, being a by-law to establish new Commercial and Mixed Use Zones, is in force and effect.
- (d) ***That the public submissions received regarding this matter did not affect the decision.***

Main Motion, As Amended, CARRIED

19. **City Initiative CI-18-I to Amend the Urban Hamilton Official Plan and City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 1215, 1217, 1219, 1221, 1227, 1229, 1231, 1235, 1239 Barton Street, and 41, 43, 45, 46, 47, 49, 50, 51, 53, 54, 55, 57, 58, 59, 61, 62, 63, 65, 66, 67, 69, 70 Escarpment Drive (Stoney Creek) (PED18198) (Ward 11) (Item 6.8)**

(B. Johnson/Conley)

- (a) That City Initiative CI-18-I, to amend the Fruitland-Winona Secondary Plan to add an Area Specific Policy Area to the lands located at 1215, 1217, 1219, 1221, 1227, 1229, 1231, 1235, and 1239 Barton Street, Stoney Creek, to permit the development of the lands with a net residential density of 0 to 40 units per hectare; and to remove the lands located at 1215, 1217 Barton Street, Stoney Creek, and 41, 43, 45, 46, 47, 49, 50, 51, 53, 54, 55, 57, 58, 59, 61, 62, 63, 65, 66, 67, 69, 70 Escarpment Drive, Stoney Creek, from Block 3 on Map B.7.4-4 Fruitland-Winona Secondary Plan – Block Servicing Strategy Area Delineation, as shown on Appendix “A” to report PED18198, be APPROVED on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED18198, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
- (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2014) and conforms to the Growth Plan for the Greater Golden Horseshoe (2017) (Places to Grow).
- (b) That City Initiative CI-18-I, to rezone the lands located at 1215, 1217, 1219, 1221, 1227, 1229, 1231, 1235, and 1239 Barton Street, Stoney Creek, from Neighbourhood Development “ND” Zone to Residential “R6” Zone in the City of Stoney Creek Zoning By-law No. 3692-92, as shown on Appendix “A” to Report PED18198, be APPROVED on the following basis:
- (i) That the draft By-law, attached as Appendix “C” to Report PED18198, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

- (c) *That there were no public submissions received regarding this matter.***
Main Motion, As Amended, CARRIED

20. **Amendments to City of Hamilton Zoning By-law No. 6593 to allow Secondary Dwelling units in Detached Structures for properties adjoining a laneway (PED16200(b)) (Parts of Wards 1, 2, 3 and 4) (Item 6.9)**

(Green/Farr)

That City Initiative CI-18-F to amend Section 19 regulations of Zoning By-law No. 6593 to allow secondary units within detached structures for those properties within the lower City (parts of Wards 1, 2, 3 and 4) adjoining a laneway, be APPROVED on the following basis:

- (a) That the Draft By-law, attached as Appendix "A" to Report PED16200(b), which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
- (b) That the proposed change in zoning is consistent with the Provincial Policy Statement (PPS) 2014, conforms to the Growth Plan for the Greater Golden Horseshoe, 2017 (P2G), and complies with the Urban Hamilton Official Plan;
- (c) That in accordance with Subsection 34(17) of the *Planning Act*, no additional public meeting notice is required.
- (d) ***That the public submissions received supported the approval of the zoning changes.***

Main Motion, As Amended, CARRIED

21. Community Renewal Community Improvement Project Area Amendment (PED16236(b)) (Ward 4) (Item 6.10)

(Anderson/Pearson)

- (a) That the proposed amendments to the 2016 Community Improvement Project Areas to create the Roxborough Community Revitalization Project Area be APPROVED on the following basis:
 - (i) That the Draft By-law, attached as Appendix "A" to Report PED16236(b) which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
 - (ii) That the proposed amendment is consistent with the Provincial Policy Statement (PPS) 2014, conforms to the Growth Plan for the Greater Golden Horseshoe, 2017 (P2G), and complies with the Urban Hamilton Official Plan;
- (b) That staff be directed to prepare amendments to the 2016 Community Improvement Plan to permit the Roxborough Community Improvement Project Area access to programs and financial incentives geared towards delivering a sustainable, accessible and affordable community, and report back to Planning Committee with the recommended amendments.

(d) *That there were no public submissions received regarding this matter.*

Main Motion, As Amended, CARRIED

22. Non-Statutory Public Meeting for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 261 King Street East (Stoney Creek) (PED18209) (Ward 10) (Item 8.1)

(Pearson/Conley)

- (a) That Report PED18209 advising Planning Committee of the scheduling of a Non-Statutory Public Meeting relating to an appeal to the Local Planning

Appeal Tribunal (LPAT- formerly known as OMB) of Urban Hamilton Official Plan Amendment Application UHOPA-16-028 and Zoning By-law Amendment Application ZAC-16-068, be received.

- (b) That Report PED18209, together with any written submissions and input from delegations received at Planning Committee, be referred to staff for consideration and incorporated into a further report for direction to be given to the City Solicitor.

CARRIED

23. Sign Variance Application SV-17-011 for the property known as 272-274 King Street West, Hamilton, Denied by the Director of Planning and Chief Planner, Planning Division, and Appealed by the Applicant (PED18225) (Ward 2) (Item 8.2)

(Farr/Collins)

That Sign Variance Application SV-17-011 for the property known as 272-274 King Street West, Hamilton be approved conditional on the following:

- (a) That a sign weight assessment be undertaken proving that the new sign will have less of a load than the current sign in the same place;
- (b) That a light assessment be undertaken proving that the light from the new sign is less intrusive than the light permitted on the current sign at the current location; and
- (c) That the applicant and the appropriate City staff undertake an agreement that either allows for City of Hamilton and local community not-for-profit organizations promotional advertising and/or a community fund agreement that sees 5% of net sign income donated from the period of installation and activation through to the presentation of the amendment to the sign by-law.

CARRIED

24. Cigarette Butt Litter Enforcement (PED18154(a)) (City Wide) (Outstanding Business List Item) (Item 8.4)

(Farr/Collins)

WHEREAS, throughout the past term of Council, the Cleanliness and Security in the Downtown Core Task Force has actively engaged on the issue of cigarette butt litter respecting awareness and enforcement;

WHEREAS, the Keep Hamilton Clean and Green Committee is beginning an awareness campaign on the issue of cigarette butt litter to be funded \$10k from the Hamilton Water and \$65k from the Main Street Revitalization Initiative;

WHEREAS, the messaging of the education campaign may include warnings of pending enforcement; and,

WHEREAS, the cost of exclusive enforcement of cigarette butt litter on a part time basis for the period for one year would be approximately \$45k;

THEREFORE BE IT RESOLVED:

- (a) That Report PED18154(a) respecting Cigarette Butt Litter Enforcement, be received;
- (b) That the request from the Cleanliness and Security in the Downtown Core Task Force for a one year pilot program, to immediately follow the nine-month awareness campaign, that offers a part time Municipal Law Enforcement Officer dedicated solely to enforcing cigarette butt litter be referred to the 2019 Budget process; and,
- (c) That in the event Council approves this pilot, the awareness campaign include warnings of pending enforcement of cigarette butt littering.

CARRIED

25. Digital Sign Strategy (PED18184) (City Wide) (Outstanding Business List) (Item 8.5)

(Collins/Green)

That funding consideration be referred to the 2019 Capital Budget for Licensing and By-law Services to retain a consultant for research and comparatives for digital signs, including public consultation, and upon approval of the 2019 Capital Budget funding that staff be directed and authorized to prepare a Digital Sign Strategy (DSS) to develop an approach to interface digital technology in the current Sign By-law with a critical path for completion in 2020.

CARRIED

26. Creative Industries and Film Production Studios on the Barton and Tiffany Lands (PED18210) (Ward 2) (Item 8.6)

(Collins/Partridge)

- (a) That Planning staff be directed to undertake a review of the West Harbour (Setting Sail) Secondary Plan, the Barton-Tiffany Urban Design Study, and Hamilton Zoning By-law No. 05-200 to assess the alignment of the use of Barton Tiffany lands for creative industries, including but not limited to a Film Production Studio, with the current approved vision for the Barton Tiffany area;
- (b) That staff be directed to undertake community consultation on the review recommended in Recommendation (a) to Report PED18210;
- (c) That the outcome of the review be presented to Planning Committee in the first quarter of 2019.

CARRIED

27. Dedicated Mohawk College Parking Enforcement (PED18220) (Ward 8) (Item 8.7)

(Conley/B. Johnson)

That Report PED18220 respecting Dedicated Mohawk College Parking Enforcement, be received.

CARRIED

28 Hamilton Municipal Heritage Committee Report 18-009 (Item 8.8)

(Pearson/Collins)

That the Hamilton Municipal Heritage Committee Report 18-009 be referred to Council to allow the Ward Councillor the opportunity to discuss recommendation 1 of the Hamilton Municipal Heritage Committee Report with staff.

CARRIED

29. To Extend Paid Parking at Meters on MacNab Street, Park Street and Vine Street to include Saturdays (Added Item 10.1)

(Farr/Green)

WHEREAS, at its meeting on April 12, 2006 Council approved By-Law No. 06-101 which provides that parking fees are not imposed for on-street metered parking within the Community Improvement Plan Area on Saturdays;

WHEREAS, the Hamilton Farmer's Market Board (HFMB) has officially endorsed paid Saturday parking at the parking meters along MacNab Street North and is also supportive of the addition of paid parking on Park Street and Vine Street;

WHEREAS, the implementation of paid parking is intended to help encourage parking turn-over and will provide for increased parking opportunities for Farmer's Market customers; and

WHEREAS, paid parking is already in place on weekdays and can be extended to Saturdays with simple programming of meters and parking meter signage;

THEREFORE, BE IT RESOLVED:

- (a) That Hamilton Municipal Parking Authority staff be directed to implement paid parking at existing meters on MacNab Street between York Boulevard and Cannon Street, Park Street between York Boulevard and Cannon Street and Vine Street between James Street and Park Street;
- (b) That the changes outlined in subsection (a) take effect on, or prior to October 20, 2018.

CARRIED

30. Cash in Lieu of Parking for 11-15 Cannon Street (Added Item 10.2)

(Farr/Green)

WHEREAS, Section 40 (1) of *Planning Act* allows an owner or occupant to enter into an agreement exempting the owner or occupant, to the extent specified in the agreement, from the requirement of providing or maintain the parking facilities;

WHEREAS, the Committee of Adjustment, at a meeting held on October 25, 2017, approved Minor Variance Application HM/A-17:334 which established a condition that the Applicant enter into a Cash-in-Lieu of Parking Agreement with the City of Hamilton in lieu of providing eight required parking spaces on-site;

WHEREAS, the valuation for parking spaces located within a parking structure, based on the estimated current rates of construction and the estimated land cost determined by current market value of the property, will be finalized by the Planning and Economic Development Department, in accordance with the Cash-in-Lieu of Parking Policy; and,

WHEREAS, an Agreement between the owner or occupant and the City of Hamilton, payment of not less than 50% of the total cost of parking, registration of the Cash-in-Lieu of Parking Agreement on title, and issuance of Certificate by the City Clerk is required to give effect to the Cash-in-Lieu of Parking Agreement;

THEREFORE BE IT RESOLVED:

That the Mayor and City Clerk shall be authorized to approve the cash payment in lieu of 8 required parking spaces in accordance with the Committee of Adjustment decision in order to enter into a Cash-in-Lieu of Parking Agreement for 11-15 Cannon Street West, prepared in a form satisfactory to the City Solicitor.

CARRIED

31. Review of C6 and C7 Zoning Regulations (Added Item 10.3)

(Partridge/Pearson)

WHEREAS the larger commercial sites in the City of Hamilton are zoned C6 and C7 Zone;

WHEREAS these sites have the potential to accommodate development at a higher intensity of use in terms of building height; and

WHEREAS the intensification of commercial sites is consistent with Provincial planning policy;

THEREFORE BE IT RESOLVED:

That Planning staff be directed to review the C6 and C7 zoning regulations and report back to Planning Committee on any proposed changes to the zoning by-law regulations, either as a general text amendment or on a site specific basis, identified through the review of the regulation.

CARRIED

32. Future Growth potential that is planned for lands in the Waterdown Urban Area (Added Item 10.4)

(Collins/Green)

WHEREAS, the residents of the City of Hamilton (and the former Region of Hamilton Wentworth) have invested substantial resources into servicing and developing lands in Waterdown (East Flamborough), and

WHEREAS, the lands in Waterdown (East Flamborough) are part of the City of Hamilton's future growth plan, in conformity with the Province of Ontario's Growth Plan, Greenbelt Plan and Provincial Policy Statements; and

WHEREAS, attempts by the City of Burlington to annex all, or a portion of Waterdown (East Flamborough), will have negative financial and growth implications for residents of the City of Hamilton;

THEREFORE BE IT RESOLVED:

That staff provide to Council, through an Information Update, information related to the future growth potential that is planned for lands in the Waterdown Urban Area and the investment that the City of Hamilton has made in infrastructure in Waterdown to benefit both existing and future residents.

CARRIED

33. Process and procedures for appeals filed at the Local Planning Appeal Tribunal (LS18054) (City Wide) (Item 12.1)

(Anderson/Pearson)

That the recommendations of Report LS18054 respecting Process and procedures for appeals filed at the Local Planning Appeal Tribunal be approved and remain confidential pending Council's approval and that the Report and Appendices remain confidential.

CARRIED

34. Appeal to the Local Planning Appeal Tribunal (LPAT) for Lack of Decision on Urban Hamilton Official Plan Amendment Application and Stoney Creek Zoning By-law 3692-92 Amendment Application for Lands Located at 261 King Street East (Stoney Creek) (Ward 10) (LS18050/PED18212) (Item 12.2)

(Pearson/B. Johnson)

That the recommendations of Report LS18050/PED18212 respecting Appeal to the Local Planning Appeal Tribunal (LPAT) for Lack of Decision on Urban Hamilton Official Plan Amendment Application and Stoney Creek Zoning By-law 3692-92 Amendment Application for Lands Located at 261 King Street East (Stoney Creek) be approved and remain confidential pending Council's approval and that the Report and Appendices remain confidential.

CARRIED

35. Appeal to the Local Planning Appeal Tribunal (LPAT) for Lack of Decision on Stoney Creek Zoning By-law 3692-92 Amendment Application for Lands Located at 16 and 18 King Street West (Stoney Creek) (Ward 9) (LS18046/PED18193) (Item 12.3)

(Anderson/Pasuta)

That the recommendations of Report LS18046/PED18193 respecting Appeal to the Local Planning Appeal Tribunal (LPAT) for Lack of Decision on Stoney Creek Zoning By-law 3692-92 Amendment Application for Lands Located at 16 and 18 King Street West (Stoney Creek) be approved and remain confidential pending Council's approval and that the Report and Appendices remain confidential.

CARRIED

FOR INFORMATION:

(a) APPROVAL OF THE AGENDA (Item 1)

The Committee Clerk advised of the following changes:

1. ADDED DELEGATION REQUEST:

- 4.2 Blair Shoniker, GHD, respecting Terrapure Stoney Creek Facility EA – Preliminary Draft Environmental Assessment – Staff Comments (For today's meeting.) (Item 5.1)

2. APPENDIX REPLACED

- 6.2 Staff have requested that Appendix "C" to Item 6.2 respecting Applications to Amend the Urban Hamilton Official Plan, the Township of Glanbrook Zoning By-law No. 464 and the City of Hamilton Zoning By-law No. 05-200, for Lands Located at 3331 Homestead Drive, Glanbrook (PED18197) (Ward 11) be replaced with the REVISED Appendix "C".

3. ADDED WRITTEN COMMENTS

- 5.3(a) Joel Farber, Fogler, Rubinoff LLP, on behalf of the Twenty Road West Landowners Group (Copy attached)

- 6.3(a) Michael Auduong, Planner, Armstrong Planning & Project

Management

6.4(a) Erin Shacklette, Hamilton (copy attached)

6.4(b) 54 Form letters from the following clients of the Family Medical Centre: (sample copy attached)

1. Manpreet Bajwa
2. Blake Petrie
3. Lisa VanBelleghem
4. Darin Gifford, Simcoe
5. Anita Seng, Hamilton
6. Narshi Jilka, Brantford
7. Rekha Jilka, Brantford
8. Shamus Van Riezen
9. Nawir Khalil Aziz, Khendu Omarb, Hamilton
10. R. Arthur Murray, Hamilton
11. Lynn Laird, Hamilton
12. Johnny Thomas, Hamilton
13. Betty Kurian, Ancaster
14. Binu Baby, Hamilton
15. Marianna Baby, Hamilton
16. Dany Hedama Hathil Baby
17. Sony Poulosc, Ancaster
18. George Ummar
19. Alice Poulosc, Ancaster
20. Marion Kurian, Ancaster
21. Thomas Kurian, Ancaster
22. Jawald Uppal, Ancaster
23. Ramesh Patel Hamilton
24. Christopher Moppatt
25. Frances Petruzzi
26. Adele Arcoleo
27. Domenic Petruzzi
28. Lori Tomalty-Nusca
29. Jay Parekh
30. Adam A
31. M. Zekria Ahmadi
32. Moud Mojib Ahmadi, Hamilton
33. Mahjooba Ahmadi
34. Kyra Jameson, Ancaster
35. Mehria A., Ancaster
36. Lissa S. Mathew, Hamilton
37. Illegible signature
38. Robin Turnbull, Hamilton
39. Abrar Wyne, Stoney Creek
40. Bishan Datt Misra, Hamilton
41. Saroj Misra, Hamilton
42. Heather Wilson, Caledonia

- 43. Narjot Hansra
- 44. Marianna Freeborn
- 45. Bailey Freeborn
- 46. Maria Ramacieri
- 47. Sherri Dawson, Hamilton
- 48. Dora VanPajitn
- 49. Bob Kosid, Hamilton
- 50. Valerie Cox, Caledonia
- 51. Frances Verma, Hamilton
- 52. Mukesh Grover, Brantford
- 53. Rashi Grover, Brantford
- 54. Bernice McRae, Hamilton

6.6(a) Brenda Duke, 28 Fullerton Avenue, Hamilton

8.1(a) Peter and Theresa Farbotko (Copy attached)

8.1(b) Paul Martini (Copy attached)

4. ADDED ITEM

8.8 Hamilton Municipal Heritage Committee Report 18-009 (Copy attached)

8.8(a) Ted Valery President, Valery Homes Property (Copy attached)

5. ADDED NOTICES OF MOTION

10.1 To Extend Paid Parking at Meters on MacNab Street, Park Street and Vine Street to include Saturdays (Copy attached)

10.2 Cash in Lieu of Parking for 11-15 Cannon Street

10.3 Review of C6 and C7 Zoning Regulations

6. CHANGE TO THE OUTSTANDING BUSINESS LIST:

11.1 Outstanding Business List

(a) Items requiring new due date:

Item "D" - Request to Designate 437 Wilson Street East (Ancaster)
Under Part IV of the Ontario Heritage Act (PED12166)
Due date: September 18, 2018
New due date: March 19, 2019

Item "J" - That Planning staff be directed to report to the Planning Committee about the City's policies respecting Boulevard

Standards and that the report outline the options & alternatives that are available for future designs.

Due date: September 18, 2018

New due date: February 20, 2019

7. CHANGE TO REPORT NUMBER

12.2 Appeal to the Local Planning Appeal Tribunal (LPAT) for Lack of Decision on Urban Hamilton Official Plan Amendment Application and Stoney Creek Zoning By-law 3692-92 Amendment Application for Lands Located at 261 King Street East (Stoney Creek) (Ward 10) (LS18050/**PED18212**) (Distributed under separate cover.)

8. CHANGE TO REPORT CLASSIFICATION

Item 6.9 respecting Amendments to City of Hamilton Zoning By-law No. 6593 to allow Secondary Dwelling units in Detached Structures for properties adjoining a laneway (PED16200(b)) (Parts of Wards 1, 2, 3 and 4) is not a statutory public meeting.

(Pearson/Conley)

That the agenda for the September 18, 2018 meeting be approved, as amended.

CARRIED

(b) DECLARATIONS OF INTEREST (Item 2)

None declared.

(c) APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING (Item 3)

(i) September 4, 2018 (Item 3.1)

(Pasuta/Pearson)

That the Minutes of the September 4, 2018 meeting be approved.

CARRIED

(d) DELEGATION REQUESTS (Item 4)

(i) Joe Pyziak, wishing to address the issue of making Cartier Crescent a through street (Item 8.3) (Item 4.1)

(Partridge/Pasuta)

That the delegation request from Joe Pyziak, wishing to address the issue of making Cartier Crescent a through street, be approved for the September 18, 2018 meeting.

CARRIED

- (ii) **Blair Shoniker, GHD, respecting Terrapure Stoney Creek Facility EA – Preliminary Draft Environmental Assessment – Staff Comments (Added Item 4.2)**

(Collins/Anderson)

- (a) That the delegation request from Blair Shoniker, GHD, respecting Terrapure Stoney Creek Facility EA – Preliminary Draft Environmental Assessment – Staff Comments, be approved for the September 18, 2018 meeting; and,
- (b) That Item 5.1 be moved to Discussion Items.

CARRIED

(e) CONSENT ITEMS (Item 5)

- (i) **Terrapure Stoney Creek Regional Facility EA – Preliminary Draft Environmental Assessment - Staff Comments to Proponent and MECP (PED16184(b)) (Ward 9) (Item 5.1)**

Tiffany Singh, Planner, addressed Committee with the aid of a PowerPoint presentation and provided an overview of the report. A copy is available for viewing on the City's website.

(Partridge/Pearson)

That the staff presentation be received.

CARRIED

Delegation

1. Blair Shoniker, GHD, Terrapure Environmental (Item 4.2)

Blair Shoniker, GHD, and Mike Jovanovic, Vice President, Environmental Affairs, addressed Committee. Blair Shoniker made a PowerPoint presentation and hand-outs were distributed. A copy of the presentation is available for viewing on the City's website.

(Pearson/Pasuta)

That the delegation be received.

CARRIED

For disposition of this matter, refer to Item 1.

- (ii) **Elfrida Growth Area Study - Update (PED18182) (Wards 9 and 11) (Item 5.3)**

(B. Johnson/Partridge)

That the added written comments be received.

CARRIED

For disposition of this matter, refer to Item 3.

(f) DELEGATIONS/PUBLIC HEARING (Item 6)

(i) Application to Amend City of Hamilton Zoning By-law No. 05-200 for Lands Located at 5050 Harrison Road, Glanbrook (PED18204) (Ward 11) (Item 6.1)

In accordance with the provisions of the *Planning Act*, Vice Chair J. Farr advised those in attendance 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 Zoning By-law Amendments the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Local Planning Appeal Tribunal, and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

Ryan Ferrari, Planner, addressed Committee with the aid of a PowerPoint presentation and provided an overview of the report. A copy is available for viewing on the City's website.

(B. Johnson/Pearson)

That the staff presentation be received.

CARRIED

Brynne O'Neil of GSP Group Inc., agent for the applicant was in attendance and indicated that the applicant is in agreement with the staff report. She addressed Committee with the aid of a PowerPoint presentation and a copy is available for viewing on the City's website.

(Conley/Pearson)

That the agent's presentation be received.

CARRIED

Delegations

1. Brett Harrington, Chair of the Glanbrook Conservation Committee

Brett Harrington addressed the Committee and expressed concerns with the proposal.

2. Carl Chopp, 5170 Harrison Road

Carl Chopp addressed the Committee and expressed concerns with the proposal.

(B. Johnson/Conley)

That the delegations be received.

CARRIED

(B. Johnson/Pearson)

That the public meeting be closed.

CARRIED

(Anderson/Pearson)

That the recommendations be amended by adding the following sub-sections (a)(iv), and (b) and re-lettering the balance:

(a)(iv) That through the site plan process the Niagara Peninsula Conservation Authority (NPCA) enter into a site plan agreement and a monitoring agreement to measure habitat condition (invasive species, tree and understorey health / disturbance, litter) over the first five years of the Adventure Park operation;

(b) That the public submissions received regarding this matter did not affect the decision.

Amendment CARRIED

For disposition of this matter, refer to Item 12.

Councillor B. Johnson and Councillor Conley indicated that they wished to be recorded as OPPOSED to this Item.

- (ii) Applications to Amend the Urban Hamilton Official Plan, the Township of Glanbrook Zoning By-law No. 464 and the City of Hamilton Zoning By-law No. 05-200, for Lands Located at 3331 Homestead Drive, Glanbrook (PED18197) (Ward 11) (Item 6.2)**

In accordance with the provisions of the *Planning Act*, Vice Chair J. Farr advised those in attendance 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 Official Plan Amendments and Zoning By-law Amendments the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Local Planning Appeal Tribunal, and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

No members of the public came forward.

(B. Johnson/Pearson)

That the public meeting be closed.

CARRIED

(B. Johnson/Pearson)

That the staff presentation be waived.

CARRIED

Angela Buonamici, IBI Group, agent for the applicant was in attendance and indicated that the applicant is in agreement with the staff report.

(B. Johnson/Pearson)

That the recommendations be amended by adding the following sub-section (d):

(d) *That the public submissions received regarding this matter did not affect the decision.*

Amendment CARRIED

For disposition of this matter, refer to Item 13.

(iii) Application for Zoning By-law Amendment for Lands Located at 50 Green Mountain Road West (Stoney Creek) (PED18211) (Ward 9) (Item 6.3)

In accordance with the provisions of the *Planning Act*, Vice Chair J. Farr advised those in attendance 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 Zoning By-law Amendments the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Local Planning Appeal Tribunal, and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

Written Comments

6.3(a) Michael Auduong, Planner, Armstrong Planning & Project Management

(Pearson/Conley)

That the added written comments 6.3(a) be received.

CARRIED

No members of the public came forward.

(Pearson/Conley)

That the public meeting be closed.

CARRIED

George Zajac, Planner, addressed Committee with the aid of a PowerPoint presentation and provided an overview of the report. A copy is available for viewing on the City's website.

(Conley/Anderson)

That the staff presentation be received.

CARRIED

Sara Knoll of GSP Group Inc., agent for the applicant was in attendance and indicated that the applicant is in agreement with the staff report.

(Conley/Pearson)

That the recommendations be amended by adding the following sub-section (b) and re-lettering the balance:

(b) That the public submissions received regarding this matter did not affect the decision.

Amendment CARRIED

For disposition of this matter, refer to Item 14.

(iv) Application for Amendment to Zoning By-law No. 6593 for Lands Located at 567 Scenic Drive, Hamilton (PED18173) (Ward 8) (Item 6.4)

In accordance with the provisions of the *Planning Act*, Vice Chair J. Farr advised those in attendance 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 Zoning By-law Amendments the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Local Planning Appeal Tribunal, and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

Written Comments

6.4(a) Erin Shacklette, 88 Edgemont Street North

6.4(b) 54 form letters

(B. Johnson/Pearson)

That the added written comments 6.4(a) and 6.4(b) be received.

CARRIED

Michael Fiorino, Planner, addressed Committee with the aid of a PowerPoint presentation and provided an overview of the report. A copy is available for viewing on the City's website.

(Pearson/Collins)

That the staff presentation be received.

CARRIED

Michael Barton of MB1 Development Consulting, agent for the applicant was in attendance and indicated that the applicant is in agreement with the staff report. Michael Barton addressed the Committee with the aid of a PowerPoint presentation. A copy is available on the City's website. Michael Barton submitted 146 letters in support of the project.

Registered Speakers

1. Ken Watson, 103 Upper Paradise Road

Ken Watson addressed Committee and spoke in support of the proposal.

2. Keith Calder, 568 Scenic Drive

Keith Calder addressed Committee and expressed his concerns with the proposal.

3. Sheila Williamson, 11 Upper Paradise Road

Sheila Williamson addressed Committee and expressed her concerns with the proposal.

4. Mike Palma, 85 Upper Paradise Road

5. Diane Hansebout, 589 Scenic Drive

Diane Hansebout addressed Committee and expressed her concerns with the proposal.

6. Dr. Shalini Sharma, 1269 Mohawk Road

Dr. Sharma addressed Committee and spoke in support of the proposal.

7. Ruth Legere, 82 Elmira Drive

Ruth Legere addressed Committee and spoke in support of the proposal.

8. Earl Cranfield, 543 Scenic Drive

Earl Cranfield addressed Committee and expressed his concerns with the proposal.

9. Kamal Kyera, 770 Mohawk Road West

Kamal Kyera addressed Committee and spoke in support of the proposal.

10. Samuel Sanges, 560 Scenic Drive

Samuel Sanges addressed Committee and asked for some clarification regarding the two-year variance on the property.

11. Tara Chiarot, 559 Scenic Drive

Tara Chiarot addressed Committee and asked for assurances that only one doctor would be allowed to practice at this location.

(Collins/B. Johnson)

That the delegations be received.

CARRIED

(Conley/Pearson)

That the public meeting be closed.

CARRIED

The Ward Councillor was in attendance and spoke in support of the proposal and submitted a petition and numerous letters of support.

(Collins/Conley)

That the recommendations be amended by adding the following sub-section (c):

- (c) *That the public submissions received regarding this matter did not affect the decision.***

Amendment CARRIED

For disposition of this matter, refer to Item 15.

(v) Application for Approval of a Draft Plan of Condominium (Common Element) and Draft Plan of Subdivision for Lands Located at 1831 Rymal Road East (Stoney Creek) (PED18218) (Ward 9) (Item 6.5)

In accordance with the provisions of the *Planning Act*, Vice Chair J. Farr advised those in attendance 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 Draft Plan of Condominium (Common Element) the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Local Planning Appeal Tribunal, and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

No members of the public came forward.

(Conley/Pearson)

That the public meeting be closed.

CARRIED

(Conley/Green)

That the staff presentation be received.

CARRIED

David Aston of MHBC Planning, agent for the applicant was in attendance and indicated that the applicant is in agreement with the staff report. He addressed Committee and explained the purpose of the application.

(Conley/Partridge)

That the agent's presentation be received.

CARRIED

(Conley/Collins)

That the recommendations be amended by adding the following sub-section (e):

(e) *That there were no public submissions received regarding the matter.*

Amendment CARRIED

For disposition of this matter, refer to Item 16.

(vi) Applications for an Amendment to the Urban Hamilton Official Plan and the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 119-123 Princess Street, Hamilton (PED18186) (Ward 3) (Item 6.6)

In accordance with the provisions of the *Planning Act*, Vice Chair J. Farr advised those in attendance 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 Official Plan Amendments and Zoning By-law Amendments the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Local Planning Appeal Tribunal, and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

Written Comments

6.6(a) Brenda Duke, 28 Fullerton Avenue, Hamilton

(Green/Conley)

That the added written comment 6.6(a) be received.

CARRIED

Brynn Nheiley, Planner, addressed Committee with the aid of a PowerPoint presentation and provided an overview of the report. A copy is available for viewing on the City's website.

(Conley/Pearson)

That the staff presentation be received.

CARRIED

Peter De Lulio of Metropolitan Consulting Inc., agent for the applicant was in attendance and indicated that the applicant is in agreement with the staff report.

Registered Speakers

1. Dr. Lynda Lukasik, Environment Hamilton

Dr. Lynda Lukasik addressed the Committee and expressed concerns with the project.

2. Kerry Leclair

Kerry Leclair addressed Committee and expressed concerns with the project.

(Conley/Green)

That the delegations be received.

CARRIED

(Conley/Green)

That the public meeting be closed.

CARRIED

The Committee did not approve the staff recommendation.

(vii) Applications to Amend the Urban Hamilton Official Plan and City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 928 Queenston Road (PED18221) (Ward 9) (Item 6.7)

In accordance with the provisions of the *Planning Act*, Vice Chair J. Farr advised those in attendance 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 Official Plan Amendments and Zoning By-law Amendments the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Local Planning Appeal Tribunal, and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

Adam Lucas, Planner, addressed Committee with the aid of a PowerPoint presentation and provided an overview of the report. A copy is available for viewing on the City's website.

(Conley/Pearson)

That the staff presentation be received.

CARRIED

Ed Fothergill of Fothergill Planning & Development Inc., agent for the applicant was in attendance and indicated that the applicant is in agreement with the staff report.

Registered Speakers

1. Elaine Collingwood, 96 Mountain Avenue North

Elaine Collingwood addressed Committee and expressed concerns with the project.

(Conley/Pearson)

That the delegation be received.

CARRIED

(Conley/Pearson)

That the public meeting be closed.

CARRIED

(Conley/Anderson)

That the recommendations be amended by adding the following sub-section (d):

(d) That the public submissions received regarding this matter did not affect the decision.

Amendment CARRIED

For disposition of this matter, refer to Item 18.

(viii) City Initiative CI-18-I to Amend the Urban Hamilton Official Plan and City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 1215, 1217, 1219, 1221, 1227, 1229, 1231, 1235, 1239 Barton Street, and 41, 43, 45, 46, 47, 49, 40, 51, 53, 54, 55, 57, 58, 59, 61, 62, 63, 65, 66, 67, 69, 70 Escarpment Drive (Stoney Creek) (PED18198) (Ward 11) (Item 6.8)

In accordance with the provisions of the *Planning Act*, Vice Chair J. Farr advised those in attendance 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 Official Plan Amendments and Zoning By-law Amendments the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Local Planning Appeal Tribunal, and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

No members of the public came forward.

(B. Johnson/Conley)

That the public meeting be closed.

CARRIED

(B. Johnson/Conley)

That the staff presentation be waived.

CARRIED

(B. Johnson/Conley)

That the recommendations be amended by adding the following sub-section (c) and re-lettering the balance:

(c) *That there were no public submissions received regarding the matter.*

Amendment CARRIED

For disposition of this matter, refer to Item 19.

- (ix) Amendments to City of Hamilton Zoning By-law No. 6593 to allow Secondary Dwelling units in Detached Structures for properties adjoining a laneway (PED16200(b)) (Parts of Wards 1, 2, 3 and 4) (Item 6.9)**

Vice Chair Farr advised that this is not a Statutory Public Meeting as the Public meeting was held on June 19, 2018.

(Green/Farr)

That the recommendations be amended by adding the following sub-section (d):

(d) *That the public submissions received supported the approval of the zoning changes.*

Amendment CARRIED

For disposition of this matter, refer to Item 20.

(x) Community Renewal Community Improvement Project Area Amendment (PED16236(b)) (Ward 4) (Item 6.10)

In accordance with the provisions of the *Planning Act*, Vice Chair J. Farr advised those in attendance 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 Community Renewal Community Improvement Project Area Amendment the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Local Planning Appeal Tribunal, and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

No members of the public came forward.

(Pearson/Anderson)

That the public meeting be closed.

CARRIED

(Partridge/Pasuta)

That the staff presentation be waived.

CARRIED

(Anderson/Pearson)

That the recommendations be amended by adding the following sub-section (d):

(d) *That there were no public submissions received regarding the matter.*

Amendment CARRIED

For disposition of this matter, refer to Item 21.

(g) DISCUSSION ITEMS (Item 8)

(i) Non-Statutory Public Meeting for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 261 King Street East (Stoney Creek) (PED18209) (Ward 10) (Item 8.1)

Written Comments

8.1(a) Peter and Theresa Farbotko

8.1(b) Paul Martini

(Pearson/Conley)

That the written comments 8.1(a) and 8.1(b) be received.

CARRIED

Registered Speakers

1. Brenda Khes, GSP Group

Brenda Khes, agent for the proponents addressed Committee with the aid of a PowerPoint presentation. A copy is available for viewing on the City's website.

2. John Waugh, 1 Elvia Court

John Wong addressed Committee and expressed his concerns with the proposal.

3. Boquslov Wilk, 256 Carla Avenue

Boquslv Wilk addressed Committee and expressed concerns with the proposal.

4. Gabriella Visca, 6 Eliva Court

Gabriella Visca addressed Committee and expressed her concerns with the proposal.

5. Suzanne Mallen, 47 Rose Crescent

Suzanne Mallen addressed Committee and expressed her concerns with the proposal.

6. Peter Horman, 2 Elvia Court

Peter Horman addressed Committee and expressed his concerns with the proposal.

(Pearson/Conley)

That the delegations be received.

CARRIED

For disposition of this matter, refer to Item 22

- (ii) **Sign Variance Application SV-17-011 for the property known as 272-274 King Street West, Hamilton, Denied by the Director of Planning and Chief Planner, Planning Division, and Appealed by the Applicant (PED18225) (Ward 2) (Item 8.2)**

Appellant

1. **Vincent R. Formosi, President & CEO Blackfish Investments Incorporated**

John Ariens, IBI Group, was in attendance, representing the appellant, and addressed the Committee with the aid of a PowerPoint presentation. A copy is available on the City's website.

Vice Chair Farr relinquished the Chair to Councillor Partridge to introduce a Motion regarding this matter..

For disposition of this matter, refer to Item 23.

Vice Chair Farr assumed the Chair.

- (iii) **Cartier Crescent Extension – Information Report (PED18206) (Ward 7) (Item 8.3)**

Delegations

1. **Alan Wilson**

Alan Wilson addressed Committee and he indicated that he is opposed to the proposed extension of Cartier Crescent.

2. **Joe Pyziak**

Joe Pyziak addressed Committee and expressed concerns with the proposed Cartier Crescent extension, and submitted a petition.

(Anderson/Pasuta)

That the delegations be received.

CARRIED

(Anderson/Conley)

That Report PED18026 respecting Cartier Crescent Extension – Information Report, be DEFERRED until the issue with Sonoma Homes is resolved.

CARRIED

(iv) Hamilton Municipal Heritage Committee Report 18-009 (Added Item 8.8)

Written Comments

8.8(a) Ted Valery President, Valery Homes Property

(Pearson/Collins)

That the written comments from Ted Valery, President, Valery Homes Property, be received.

CARRIED

For disposition of this matter refer to Item 28.

(h) NOTICES OF MOTION (Item 10)

Vice Chair Farr relinquished the Chair to Councillor Partridge.

(i) To Extend Paid Parking at Meters on MacNab Street, Park Street and Vine Street to include Saturdays (Added Item 10.1)

Councillor Farr introduced a Notice of Motion respecting To Extend Paid Parking at Meters on MacNab Street, Park Street and Vine Street to include Saturdays.

(Farr/Green)

That the rules of order be waived in order to allow for the introduction of a Motion respecting To Extend Paid Parking at Meters on MacNab Street, Park Street and Vine Street to include Saturdays.

CARRIED

For disposition of this matter refer to Information Item 29.

(ii) Cash in Lieu of Parking for 11-15 Cannon Street (Added Item 10.2)

Councillor Farr introduced a Notice of Motion respecting Cash in Lieu of Parking for 11-15 Cannon Street.

(Farr/Green)

That the rules of order be waived in order to allow for the introduction of a Motion respecting Cash in Lieu of Parking for 11-15 Cannon Street.

CARRIED

For disposition of this matter refer to Information Item 30.

Vice Chair Farr assumed the Chair.

(iii) Review of C6 and C7 Zoning Regulations (Added Item 10.3)

Councillor Partridge introduced a Notice of Motion respecting Review of C6 and C7 Zoning Regulations.

(Partridge/Pasuta)

That the rules of order be waived in order to allow for the introduction of a Motion respecting Review of C6 and C7 Zoning Regulations.

CARRIED

For disposition of this matter refer to Information Item 31.

(iv) Future Growth potential that is planned for lands in the Waterdown Urban Area (Added Item 10.4)

Councillor Collins introduced a Notice of Motion respecting Future Growth potential that is planned for lands in the Waterdown Urban Area.

(Collins/Green)

That the rules of order be waived in order to allow for the introduction of a Motion respecting Future Growth potential that is planned for lands in the Waterdown Urban Area.

CARRIED

For disposition of this matter refer to Information Item 32.

(i) GENERAL INFORMATION/OTHER BUSINESS (Item 11)

(i) Outstanding Business List (Item 11.1)

(Partridge/Pasuta)

(a) That the following new due dates be approved:

Item "D" - Request to Designate 437 Wilson Street East (Ancaster)
Under Part IV of the Ontario Heritage Act (PED12166)

Due date: September 18, 2018

New due date: March 19, 2019

Item "J" - That Planning staff be directed to report to the Planning Committee about the City's policies respecting Boulevard Standards and that the report outline the options & alternatives that are available for future designs..

Due date: September 18, 2018

New due date: February 20, 2019

Item "Q" - Staff to report back in 6 mons on the status of the accessible taxi plate apps including the number applied for and the number in service.

Due date: September 18, 2018

New due date: December 11, 2018

(b) That the following Item be identified as completed and removed:

Item "G" - That staff be directed to present to the Planning Committee an updated digital sign by-law.
(Item 8.5 on this agenda.)

Item "BB" - Laneway houses report and by-law including 'tiny homes'
(Item 6.9 on this agenda.)

Item "CC" - Staff to review and report back on validity of regulation 7.1(b) of the 'Yard Maintenance By-law'
(Item 5.8 on this agenda.)

Item "EE" – That staff report back on feasibility of assigning 10%-20% of existing staff time to cigarette butt enforcement, any cost recovery and to include stats on PHS staff enforcement at rec grounds
(Item 8.4 on this agenda.)

Item "FF(a)" (a)Staff to meet with the Macassa Bay Year-Round Liveaboard Association reps re: accommodation plan for 2018/2019 winter season within the parameters of the existing zoning and other City by-laws and report in Sept with update.
Item 5.11 on this agenda.

CARRIED

(j) PRIVATE AND CONFIDENTIAL (Item 12)

(Pearson/Anderson)

That Committee move into Closed Session at 6:26 p.m. respecting Items 12.1 to 12.3, pursuant to Section 8.1, Sub-sections (e) and (f) of the City's Procedural By-law 18-270, and Section 239(2), Sub-sections (e) and (f) of the Municipal Act, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the City and the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

CARRIED

(i) Process and procedures for appeals filed at the Local Planning Appeal Tribunal, LS18054 (City Wide) (Item 12.1)

For disposition of the matter refer to Item 33.

- (ii) **Appeal to the Local Planning Appeal Tribunal (LPAT) for Lack of Decision on Urban Hamilton Official Plan Amendment Application and Stoney Creek Zoning By-law 3692-92 Amendment Application for Lands Located at 261 King Street East (Stoney Creek) (Ward 10) (LS18050/PED18212) (Item 12.2)**

For disposition of the matter refer to Item 34.

- (iii) **Appeal to the Local Planning Appeal Tribunal (LPAT) for Lack of Decision on Stoney Creek Zoning By-law 3692-92 Amendment Application for Lands Located at 16 and 18 King Street West (Stoney Creek) (Ward 9) (LS18046/PED18193) (Item 12.3)**

For disposition of the matter refer to Item 35.

(k) ADJOURNMENT (Item 13)

(Pearson/Pasuta)

That, there being no further business, the Planning Committee be adjourned at 6:40 p.m.

CARRIED

Respectfully submitted,

Councillor J. Farr
Vice-Chair, Planning Committee

Ida Bedioui
Legislative Co-ordinator
Office of the City Clerk