



PLANNING COMMITTEE

MINUTES 18-015

9:30 a.m.

Tuesday, December 11, 2018

Council Chambers

Hamilton City Hall

71 Main Street West

Present: Councillors M. Pearson (Chair), M. Wilson, J. Farr (1st Vice Chair), C. Collins, J.P. Danko, B. Clark, B. Johnson (2nd Vice Chair), T. Whitehead, J. Partridge

Also present: Mayor F. Eisenberger, Councillor L. Ferguson

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

1. Appointment of Committee Chair and Vice Chairs (Item 1.1)

(Partridge/Eisenberger)

- (a) That Councillor M. Pearson be appointed as Chair of the Planning Committee for 2019.

CARRIED

(Eisenberger/Partridge)

- (b) That Councillor J. Farr be appointed as First Vice Chair of the Planning Committee for 2019.

CARRIED

(Partridge/Clark)

- (c) That Councillor B. Johnson be appointed as Second Vice Chair of the Planning Committee for 2019.

CARRIED

2. Rental Housing Sub-Committee Report 18-003 (Item 7.1)

(Whitehead/Danko)

(a) Rental Licensing By-Law and Pilot Project (Item 8.1)

- (a) That Licensing and By-law Services staff in consultation with Legal Services, bring forward a ***draft*** Licensing By-law for rental business operators to ***contemplate the implementation of*** a rental licensing pilot project in Wards 1 and 8;

- (b) That a report respecting the implementation of a rental licensing pilot project in Wards 1 and 8 be brought to a future meeting of the Planning Committee, and include:
 - (i) An education component for landlords and tenants; and,
 - (ii) Consideration of financial off-sets for tenants impacted by a rental increase due to the licensing; and,

(c) That staff be directed to include a review of all affordable housing issues related to the implementation of a rental licensing project in Wards 1 and 8.

MAIN MOTION, As Amended, CARRIED

3. Adjustments to School Crossing Guard Locations (PED18227) (Wards 3, 7, 9, 10, 12 and 15) (Item 7.2)

(Collins/Farr)

- (a) That the revised list of school crossing guard locations resulting from school closures, openings, construction projects, walking patterns and lunch program changes in Wards 3, 7, 9, 10, 12, and 15 as outlined in Appendix "A" attached to Report PED18227, be approved;
- (b) That staff be authorized and directed to consult with the affected Ward Councillors and to use delegated authority for adding and/or removing school crossing guards prior to City Council approval for any proposed changes by the Hamilton-Wentworth District School Board (HWDSB) and the Hamilton-Wentworth Catholic District School Board (HWCDSB) for the 2019/2020 school year.

CARRIED

4. Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED18231) (City Wide) (Item 7.3)

(Farr/Clark)

That Report PED18231 respecting Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications, be received.

CARRIED

5. Demolition Permit 1796 King Street East (PED18248) (Ward 4) (Item 7.5)

(Collins/Farr)

That the Chief Building Official be authorized and directed to issue a demolition permit for 1796 King Street East in accordance with By-law 09-208, as amended by By-law 13-185, pursuant to Section 33 of *The Planning Act*, subject to the following conditions:

- (a) That the applicant has applied for and received a building permit for a replacement building on this property;

- (b) That the said building permit specifies that if the replacement building is not erected within two years of the demolition of the existing building on the property, the City be paid the sum of \$20,000 which sum:
 - (i) the City Clerk is authorized to enter on the collector's roll and collect in like manner as municipal taxes; and
 - (ii) is a lien or charge on the property until paid; and
- (c) That the applicant be required to register on title to the subject property (prior to issuance of the said demolition permit), notice of these conditions in a form satisfactory to the Chief Building Official and the City Solicitor.

CARRIED

6. Zoning By-law Amendment for Lands Located at 1215 Barton Street, Stoney Creek (PED18233) (Ward 10) (Item 8.1)

(Pearson/Whitehead)

That Amended Zoning By-law Amendment Application ZAC-17-009, by Losani Homes, Owner, for a modification to the Residential "R6" Zone in the Stoney Creek Zoning By-law No. 3692-92, to permit the development of two semi detached dwellings and one single detached dwelling on lands located at 1215 Barton Street (Stoney Creek), as shown on Appendix "A" to Report PED18233, be APPROVED on the following basis:

- (a) That the draft By-law, attached as Appendix "B" to Report PED18233, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow), and complies with the Urban Hamilton Official Plan;
- (c) ***That the public submissions received regarding this matter did not affect the decision.***

Main Motion, As Amended, CARRIED

7. Application to Amend the Town of Ancaster Zoning By-law No. 87-57 for Lands Located at 1274 and 1280 Mohawk Road West (Ancaster) (PED18232) (Ward 14) (Item 8.2)

(Whitehead/Collins)

- (a) That Amended Zoning By-law Amendment Application ZAC-17-066, by JNKK Management Ltd. (Owner), for a change in zoning from the Agricultural "A" Zone to the Neighbourhood Commercial (C2, 713) Zone, for the lands located at 1274 and 1280 Mohawk Road West (Ancaster), as

shown on Appendix “A” to Report PED18232, be APPROVED, on the following basis:

- (i) That the draft By-law, attached as Appendix “B” to Report PED18232, 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 (2017);
- (iii) That the proposed change in zoning complies with the Urban Hamilton Official Plan.

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

Main Motion, As Amended, CARRIED

8. Application for an Amendment to the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 211 York Road, Dundas (PED18226) (Ward 13) (Item 8.3)

(Clark/Farr)

That Amended Zoning By-law Amendment Application ZAC-17-060 by 1830258 Ontario Ltd (c/o Alex Arbab), Owner, for a change in zoning from Neighbourhood Commercial (CN/S-60) Zone and Public Utilities (U) Zone in the former Town of Dundas Zoning By-law No. 3581-86, to the Community Institutional (I2, 446, H108) Zone to permit an 83 resident Retirement Home and a 17 unit multiple dwelling for lands located at 211 York Road, as shown on Appendix “A” to Report PED18226 be APPROVED, on the following basis:

- (a) That the draft By-law, attached as Appendix “B” to Report PED18226, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject property by introducing the Holding symbol ‘H108’ to the proposed Community Institutional (I2, 446) Zone.

The Holding Provision “H108” is to be removed to allow the 83 resident Retirement Home and 17 unit multiple dwelling, conditional upon:

- (i) The Owner submitting and receiving approval of a revised fire flow calculation based on the detailed building design to demonstrate that the existing watermains can provide for sufficient flows for firefighting for the future development on the site all to the satisfaction of the Manager of the Engineering Approvals.

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

Main Motion, As Amended, CARRIED

9. Application for a Condominium Conversion for lands known as 115 Main Street East, Hamilton (PED18080(a)) (Ward 2) (Item 8.4)

(Farr/Collins)

That Condominium Conversion Application CDM-CONV-14-02, by Old Colony Properties Ltd. c/o David Horwood, Owner, to establish a Draft Plan of Condominium (Condominium Conversion) for a portion of the existing multiple dwelling, consisting of 128 dwelling units, on lands located at 115 Main Street East (Hamilton), as shown on Appendix "A" to Report PED18080(a), be APPROVED on the following basis:

- (a) That this approval for Draft Plan of Condominium Application 25CDM-CONV-14-02 applies to the Draft Plan, prepared by A.J. Clarke and Associates certified by B.J. Clarke, O.L.S., dated July 7, 2014, showing common element areas which include stairwells, elevators, lobby areas, and hallways, a total of 128 dwelling units attached as Appendix "B" to Report PED18080(a);
- (b) That the ***amended*** conditions of Draft Plan of Condominium Approval attached as ***revised*** Appendix "C" to Report PED18080(a) be received and endorsed by City Council;
- (c) ***That the public submissions received regarding this matter did not affect the decision.***

Main Motion, As Amended, CARRIED

10. Application for a Condominium Conversion for Lands Known as 220 Dundurn Street South, Hamilton (PED18230) (Ward 1) (Item 8.5)

(Wilson/Whitehead)

That Red-Line Revised Condominium Conversion Application CDM-CONV-18-01, by 220 Dundurn Street Inc. c/o Denis Vranich, Owner, to establish a Draft Plan of Condominium (Condominium Conversion) for an existing multiple dwelling, consisting of 124 dwelling units, 159 resident parking units and 23 locker units, on lands located at 220 Dundurn Street South (Hamilton), as shown on Appendix "A" to Report PED18230, be APPROVED on the following basis:

- (a) That this approval for Red-Line Revised Draft Plan of Condominium Application 25CDM-CONV-18-01 applies to the Draft Plan, prepared by

A.J. Clarke and Associates certified by B. J. Clarke, O.L.S., dated May 2, 2018, showing common element areas which include stairwells, elevators, hallways, driveway access, visitor parking, landscaped areas, lobby areas, lounges, centralized mail box and fitness room, a total of 124 dwelling units, 159 resident parking units, and 23 locker units, attached as Appendix "B" to Report PED18230;

- (b) That the conditions of Draft Plan of Condominium Approval attached as Appendix "C" to Report PED18230 be received and endorsed by City Council.
- (c) ***That the public submissions received regarding this matter did not affect the decision.***

Main Motion, As Amended, CARRIED

11. Increase to Permit Fees under the Building By-law (PED18247) (City Wide) (Item 8.6)

(Whitehead/Collins)

- (a) That the By-law, attached as Appendix "A" to Report PED18247 to amend City of Hamilton By-law No. 15-058, the Building By-law, be enacted;
- (b) That the fees prescribed in the By-law, attached as Appendix "A" to Report PED18247, be included in the User Fees and Charges By-law, replacing the fees listed under the heading "Classes of Permits and Fees under the Hamilton Building By-law".

CARRIED

12. Non-Statutory Public Meeting for a Zoning By-law Amendment for Lands Located at 16 and 18 King Street West (Stoney Creek) (PED18229) (Ward 5) (Item 10.1)

(Collins/Danko)

- (a) That Report PED18229 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 Zoning By-law Amendment Application ZAC-17-044, be received;
- (b) That Report PED18229, 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

13. Through Streets (PED18128) (City Wide) (Outstanding Business List Item) (Item 10.2)

(Farr/Collins)

That Report PED18128 respecting Through Streets, be received.

CARRIED

14. EV Chargers in Hamilton Municipal Parking System Lots (PED18250) (City Wide) (Outstanding Business List Item) (Item 10.3)

(Farr/Collins)

(a) That Report PED18250 respecting EV Chargers in Hamilton Municipal Parking System Lots, be received;

(b) *That staff request the Ministry of Transportation to provide statistics on how many electric vehicles currently exist in Hamilton;*

(c) *That staff report back to the Planning Committee regarding projected future electric vehicle ownership in Hamilton; and,*

(d) *That the item be removed from the Outstanding Business List.*

MAIN MOTION, As Amended, CARRIED

15. Review of Development Activity in Existing Residential “ER” Zone in Ancaster (Added Item 11.1)

(Collins/Farr)

WHEREAS Council directed staff to review the Existing Residential “ER” Zone in Ancaster in response to concerns about the redevelopment of existing residential lots in mature neighbourhoods of Ancaster;

WHEREAS changes to the regulations of the Existing Residential “ER” Zone in the Town of Ancaster Zoning By-law No. 87-57 were recommended through Report PED18036 (City Initiative CI-18-A) – Redevelopment in Mature Neighbourhoods;

WHEREAS staff were directed to include amendments to Site Plan Control By-law No. 15-176 regarding elevations, drainage patterns, and tree preservation in a subsequent report and amending by-law respecting changes to the regulations of the Existing Residential “ER” Zone;

WHEREAS Council passed By-law No. 18-104 to amend Site Plan Control By-law No. 15-176 respecting lands located in the Existing Residential “ER” Zone of Ancaster, and By-law No. 18-105, to amend Town of Ancaster Zoning By-law No. 87-57 to delete certain regulations and implement new regulations for the Existing Residential “ER” Zone;

WHEREAS concern has been expressed about the extent of development in the Existing Residential “ER” Zone of Ancaster that is now subject to Site Plan Control;

THEREFORE, BE IT RESOLVED THAT:

- (a) Site Plan Control By-law No. 15-176, as amended by By-law No. 18-104, respecting lands located in the Existing Residential “ER” Zone of Ancaster, be amended such that Site Plan Control shall only apply to the following development:
 - (i) Any new single detached dwelling, duplex dwelling and semi-detached dwelling;
 - (ii) An addition to an existing dwelling which shall include balconies and porches, if the ground floor area of the addition is greater than or equal to 50 percent of the ground floor area of the existing dwelling;
 - (iii) Accessory buildings or structures, if greater than or equal to 40 square metres ground floor area (the maximum permitted in Zoning By-law No. 87-57); and,
 - (iv) On lots with a maximum lot coverage of 35 percent, an addition and / or accessory building or structure, which results in a lot coverage that exceeds the maximum permitted in Zoning By-law No. 87-57.
- (b) Staff be directed to prepare a Draft By-law to amend Site Plan Control By-law No. 15-176, as amended by By-law No. 18-104, respecting lands located in the Existing Residential “ER” Zone of Ancaster; and,
- (c) The Director of Planning and Chief Planner be authorized to determine what constitutes development for the purpose of applying the Site Plan Control By-law in the Existing Residential “ER” Zone of Ancaster in accordance with the above criteria, until such time as the amending By-law is enacted by Council.

CARRIED

16. Local Planning Appeal Tribunal Processes and Issues (LS18058) (City Wide) (Item 14.1)

(Collins/Farr)

- (a) That the staff direction in Report LS18058 respecting Local Planning Appeal Tribunal Processes and Issues, be approved; and,
- (b) That Report LS18058 respecting Local Planning Appeal Tribunal Processes and Issues and its recommendations remain confidential.

CARRIED

FOR INFORMATION:

(a) APPROVAL OF THE AGENDA (Item 2)

The Committee Clerk advised of the following changes:

1. ADDED COMMUNICATIONS

- 5.1 Letter from the Hamilton Chamber of Commerce respecting Matters for the Planning Committee's Consideration

2. ADDED DELEGATION REQUESTS:

- 6.1 Paul R.J. Martindale, Independent Housing Provider, respecting the Rental Property Licensing By-law (For today's meeting) (Item 7.1)
- 6.2 Margaret Reid, Realtors Association of Hamilton-Burlington, respecting the Rental Property Licensing By-law (For today's meeting) (Item 7.1)
- 6.3 Donna Bacher respecting the Rental Property Licensing By-law (For today's meeting) (Item 7.1)
- 6.4 Val Vescio respecting the Rental Property Licensing By-law (For today's meeting) (Item 7.1)
- 6.5 John Cerino respecting Rental Property Licensing By-law (For today's meeting) (Item 7.1)
- 6.6 Arun Pathak, Hamilton and District Apartment Association (HDAA), respecting the Rental Property Licensing By-law (For today's meeting) (Item 7.1)
- 6.7 Christopher Priest respecting the Rental Property Licensing By-law (For today's meeting) (Item 7.1)
- 6.8 Adam Kitchener, Unlimited Residential, respecting the Rental Property Licensing By-law (For today's meeting) (Item 7.1)
- 6.9 Maria Rekrut, Canadian Real Estate Investors Association, respecting the Rental Property Licensing By-law (For today's meeting) (Item 7.1)
- 6.10 Alex Matheson respecting the Rental Property Licensing By-law (For today's meeting) (Item 7.1)
- 6.11 Steve Devisser respecting the Rental Property Licensing By-law (For today's meeting) (Item 7.1)

- 6.12 Stephanie Marie Bertolo, McMaster Students Union, respecting the Rental Property Licensing By-law (For today's meeting) (Item 7.1)
- 6.13 Robert Flis respecting the Rental Property Licensing By-law (For today's meeting) (Item 7.1)
- 6.14 Peter Dyakowski respecting the Rental Property Licensing By-law (For today's meeting) (Item 7.1)
- 6.15 Mike Wood, Hamilton ACORN, respecting the Rental Property Licensing By-law (For today's meeting) (Item 7.1)
- 6.16 Lehlia Banting McBeth respecting the Proposed Development at 16-18 King Street West (For today's meeting) (Item 10.1)
- 6.17 Barbara Inthavixay respecting the Rental Property Licensing By-law (For today's meeting) (Item 7.1)
- 6.18 Lucie Brusse respecting the Rental Property Licensing By-law (For today's meeting) (Item 7.1)
- 6.19 Jillian Harris, Olde Town Stoney Creek Community Association, respecting the Proposed Development at 16-18 King Street West (For today's meeting) (Item 10.1)
- 6.20 Ruth Lewis respecting the Rental Property Licensing By-law (For today's meeting) (Item 7.1)

3. ADDED WRITTEN COMMENTS

- 8.2 Application to Amend the Town of Ancaster Zoning By-law No. 87-57 for Lands Located at 1274 and 1280 Mohawk Road West (Ancaster) (PED18232) (Ward 14)
 - 8.2.a Johannes and Adriana van Woudenberg
- 10.1 Non-Statutory Public Meeting for a Zoning By-law Amendment for Lands Located at 16 and 18 King Street West (Stoney Creek) (PED18229) (Ward 5)
 - 10.1.a Vicki MacNaught
 - 10.1.b David Hart Dyke

4. ADDED NOTICE OF MOTION

- 12.1 Review of Development Activity in Existing Residential "ER" Zone in Ancaster

5. ADDED PRIVATE & CONFIDENTIAL

14.2 Closed Session Minutes – September 18, 2018

6. ITEM TO BE MOVED IN THE AGENDA

7.4 Increase to Permit Fees under the Building By-law (PED18247) to be moved to Public Hearings as Item 8.6

(Danko/Partridge)

That the agenda for the December 11, 2018 meeting be approved, as amended.

CARRIED

(b) DECLARATIONS OF INTEREST (Item 3)

Councillor B. Clark declared a conflict of interest with Item 7.1, Rental Housing Sub-committee Report 18-003, as he has had a professional relationship with the Hamilton and District Apartment Association (HDAA).

Councillor M. Pearson declared a conflict of interest with Item with Item 7.1, Rental Housing Sub-committee Report 18-003, as she is a landlord.

(c) APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING (Item 4)

(i) September 18, 2018 (Item 4.1)

(Farr/Collins)

That the Minutes of the September 18, 2018 meeting be approved, as presented.

CARRIED

(d) COMMUNICATIONS (Item 5)

(i) Letter from the Hamilton Chamber of Commerce respecting Matters for the Planning Committee's Consideration (Added Item 5.1)

(Partridge/Whitehead)

That the letter from the Hamilton Chamber of Commerce respecting Matters for the Planning Committee's Consideration, be received.

CARRIED

Councillor Pearson relinquished the Chair to Councillor Farr.

(e) DELEGATION REQUESTS (Item 6)

(Collins/Johnson)

That the following Delegation requests be approved for today's meeting:

- 6.1 Paul R.J. Martindale, Independent Housing Provider, respecting the Rental Property Licensing By-law. (Item 7.1)
- 6.2 Margaret Reid, Realtors Association of Hamilton-Burlington, respecting the Rental Property Licensing By-law. (Item 7.1)
- 6.3 Donna Bacher respecting the Rental Property Licensing By-law. (Item 7.1)
- 6.4 Val Vescio respecting the Rental Property Licensing By-law. (Item 7.1)
- 6.5 John Cerino respecting Rental Property Licensing By-law. (Item 7.1)
- 6.6 Arun Pathak, Hamilton and District Apartment Association (HDAA), respecting the Rental Property Licensing By-law. (Item 7.1)
- 6.7 Christopher Priest respecting the Rental Property Licensing By-law. (Item 7.1)
- 6.8 Adam Kitchener, Unlimited Residential, respecting the Rental Property Licensing By-law. (Item 7.1)
- 6.9 Maria Rekrut, Canadian Real Estate Investors Association, respecting the Rental Property Licensing By-law. (Item 7.1)
- 6.10 Alex Matheson respecting the Rental Property Licensing By-law. (Item 7.1)
- 6.11 Steve Devisser respecting the Rental Property Licensing By-law. (Item 7.1)
- 6.12 Stephanie Marie Bertolo, McMaster Students Union, respecting the Rental Property Licensing By-law. (Item 7.1)
- 6.13 Robert Flis respecting the Rental Property Licensing By-law. (Item 7.1)
- 6.14 Peter Dyakowski respecting the Rental Property Licensing By-law. (Item 7.1)
- 6.15 Mike Wood, Hamilton ACORN, respecting the Rental Property Licensing By-law. (Item 7.1)
- 6.16 Lehlia Banting McBeth respecting the Proposed Development at 16-18 King Street West (For today's meeting (Item 10.1)

- 6.17 Barbara Inthavixay respecting the Rental Property Licensing By-law. (Item 7.1)
- 6.18 Lucie Brusse respecting the Rental Property Licensing By-law. (Item 7.1)
- 6.19 Jillian Harris, Olde Town Stoney Creek Community Association, respecting the Proposed Development at 16-18 King Street West. (Item 10.1)
- 6.20 Ruth Lewis respecting the Rental Property Licensing By-law. (Item 7.1)

CARRIED

(Whitehead/Collins)

That the Delegations relating to Item 7.1 be heard at this time, before the Committee considers the Rental Housing Sub-Committee Report.

CARRIED

(Partridge/Johnson)

That the Delegations from the following individuals, respecting the Rental Housing Sub-Committee Report, be received:

- (i) Paul R.J. Martindale
- (ii) Margaret Reid
- (iii) Donna Bacher
- (iv) Val Vescio
- (v) John Cerino
- (vi) Arun Pathak
- (vii) Adam Kitchener
- (viii) Maria Rekrut
- (ix) Alex Matheson
- (x) Steve Devisser
- (xi) Stephanie Marie Bertolo
- (xii) Robert Flis
- (xiii) Peter Dyakowski
- (xiv) Mike Wood
- (xv) Barbara Inthavixay
- (xvi) Lucie Brusse
- (xvii) Ruth Lewis

CARRIED

(f) CONSENT ITEMS (Item 7)

(i) Rental Housing Sub-Committee Report 18-003 (Item 7.1)

(Collins/Whitehead)

(a) Rental Licensing By-Law and Pilot Project (Item 8.1)

That the recommendations ***be amended*** to include the following wording in sub-section (a), deleting sub-section (b), re-lettering the balance accordingly, and adding a new sub-section (c), to read as follows:

- (a) That Licensing and By-law Services staff in consultation with Legal Services, bring forward a ***draft*** Licensing By-law for rental business operators to ***contemplate the implementation of*** a rental licensing pilot project in Wards 1 and 8;
- ~~(b) That the licensing By-law be subject to the approval of staffing levels and that the rental licensing pilot project commence in the first quarter of 2019, and for a two year period; and~~
- (b) That a report respecting the implementation of a rental licensing pilot project in Wards 1 and 8 be brought to a future meeting of the Planning Committee, and include:
 - (i) An education component for landlords and tenants; and,
 - (ii) Consideration of financial off-sets for tenants impacted by a rental increase due to the licensing; and,
- (c) ***That staff be directed to include a review of all affordable housing issues related to the implementation of a rental licensing project in Wards 1 and 8.***

Amendment CARRIED

The above Main Motion, as amended, was CARRIED on the following Standing Recorded Vote:

Sub-sections (a) and (b):

Yeas:	Whitehead, Farr, Danko, Collins, Wilson
Total:	5
Nays:	None
Total:	0
Absent:	Clark, Johnson, Partridge, Pearson
Total:	4

Sub-section (c):

Yeas: Whitehead, Farr, Danko, Collins
Total: 4
Nays: Wilson
Total: 1
Absent: Clark, Johnson, Partridge, Pearson
Total: 4

For disposition of this matter refer to Item 2.

Councillor Pearson assumed the Chair.

(g) DELEGATIONS/PUBLIC HEARING (Item 8)

(i) Zoning By-law Amendment for Lands Located at 1215 Barton Street, Stoney Creek (PED18233) (Ward 10) (Item 8.1)

In accordance with the provisions of the *Planning Act*, Chair Pearson 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 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.

(Clark/Whitehead)

That the public meeting be closed.

CARRIED

Melanie Schneider, 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.

(Clark/Whitehead)

That the staff presentation be received.

CARRIED

James Webb of WEBB Planning Consultants, agent for the applicant was in attendance and indicated that the applicant is in agreement with the staff report.

(Pearson/Whitehead)

That the recommendations be amended by adding the following subsection (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 6.

(ii) Application to Amend the Town of Ancaster Zoning By-law No. 87-57 for Lands Located at 1274 and 1280 Mohawk Road West (Ancaster) (PED18232) (Ward 14) (Item 8.2)

In accordance with the provisions of the *Planning Act*, Chair Pearson 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 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.

Written Comments

8.2(a) Johannes and Adriana van Woudenberg

(Farr/Danko)

That the added written comments 8.2(a) be received.

CARRIED

(Whitehead/Clark)

That the staff presentation be waived.

CARRIED

Jacqueline Svedas of T. Johns Consulting Group, agent for the applicant was in attendance and indicated that the applicant is in agreement with the staff report.

Delegations

1. Glenn Wellings on behalf of Johannes and Adriana van Woudenberg

Glenn Wellings addressed the Committee and expressed concerns with the proposal.

2. Rajeev Sharma, 1269 Mohawk Road

Rajeev Sharma addressed the Committee and was in support of the proposal.

(Whitehead/Farr)

That the Delegations be received.

CARRIED

(Whitehead/Farr)

That the public meeting be closed.

CARRIED

(Whitehead/Collins)

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

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

Amendment CARRIED

For disposition of this matter, refer to Item 7.

(iii) Application for an Amendment to the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 211 York Road, Dundas (PED18226) (Ward 13) (Item 8.3)

In accordance with the provisions of the *Planning Act*, Chair Pearson 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 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.

(Collins/Wilson)

That the public meeting be closed.

CARRIED

(Collins/Wilson)

That the staff presentation be waived.

CARRIED

Glenn Wellings Wellings Planning Consultants, agent for the applicant was in attendance and indicated that the applicant is in agreement with the staff report.

(Clark/Farr)

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 8.

(iv) Application for a Condominium Conversion for lands known as 115 Main Street East, Hamilton (PED18080(a)) (Ward 2) (Item 8.4)

In accordance with the provisions of the *Planning Act*, Chair Pearson 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 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.

(Farr/Collins)

That the public meeting be closed.

CARRIED

(Farr/Collins)

That the staff presentation be waived.

CARRIED

Matt Johnston, Urban Solutions, agent for the applicant and David Horwood, Effort Trust, owner, were in attendance and indicated that the applicant is in agreement with the staff report. Matt Johnston addressed Committee and explained the purpose of the application, with the aid of a PowerPoint presentation and a copy is available for viewing on the City's website.

(Farr/Clark)

That the agent's presentation be received.

CARRIED

(Farr/Collins)

That the Conditions of the Draft Plan of (Standard) Condominium for 115 Main Street East, Hamilton 25CDM-CONV-201402 be amended by deleting No. 7 and replacing it with a new No. 7 as follows:

- 7) ~~“That the Owner shall investigate the noise levels on the site to determine potential noise impacts and to implement any noise control measures that are satisfactory to the City of Hamilton in conformity to the Ministry of the Environment, Conservation and Parks recommended sound level limits. An acoustical report prepared by a qualified Professional Engineer containing the recommended noise control measures to the satisfaction of the City of Hamilton, Director of Planning and Chief Planner. Should a peer review of the acoustical report be warranted, all associated costs shall be borne by the owner / applicant and shall be submitted to the satisfaction of the City of Hamilton, Director of Planning and Chief Planner”.~~

That staff be directed to replace Condition No. 7 with the following:

- 7) ***That the owner shall include the following warning clauses in all Development Agreements and Offers of Purchase and Sales or Lease / Rental Agreements:***
- a) ***Purchasers/tenants are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels may exceed the Municipality’s and the Ministry of Environment and Climate Change’s noise criteria;***
- Amendment CARRIED***

(Farr/Collins)

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 9.

- (v) Application for a Condominium Conversion for Lands Known as 220 Dundurn Street South, Hamilton (PED18230) (Ward 1) (Item 8.5)**

In accordance with the provisions of the *Planning Act*, Chair Pearson 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 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.

(Wilson/Farr)

That the public meeting be closed.

CARRIED

(Wilson/Farr)

That the staff presentation be received.

CARRIED

Frank Kloibhofer, AJ Clarke Associates, agent for the applicant, and Dennis Vranich, owner, were in attendance and indicated that the applicant is in agreement with the staff report.

(Wilson/Whitehead)

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 10.

(vi) Increase to Permit Fees under the Building By-law (PED18247) (City Wide) (Item 8.6)

Councillor Pearson advised that a Public Meeting was required for Report PED18247 respecting Increase to Permit Fees under the Building By-law as it had been advertised in the paper as it relates to proposed amendments to the permit fees.

No members of the public came forward.

(Whitehead/Clark)

That the public meeting be closed.

CARRIED

For disposition of this matter, refer to Item 11.

(h) DISCUSSION ITEMS (Item 10)

(i) Non-Statutory Public Meeting for a Zoning By-law Amendment for Lands Located at 16 and 18 King Street West (Stoney Creek) (PED18229) (Ward 5) (Item 10.1)

Chair Pearson advised that this is not a statutory public meeting under the *Planning Act* and, as the application has been appealed, the matter is in the hands of the Local Planning Appeal Tribunal (LPAT) and Council is not in a position to make a decision regarding the applications. The item is on the agenda to provide an opportunity to the public to speak to the application. The public input received will be referred to staff.

Written Comments

10.1(a) Vicki MacNaught

10.1(b) David Hart Dyke

(Collins/Danko)

That the written comments 10.1(a) and 10.1(b) be received.

CARRIED

Registered Speakers

1. Lehlia Banting McBeth, 27 Second St. North

Lehlia Banting McBeth addressed Committee and expressed concerns with the proposal.

2. Jillian Harris, Olde Town Stoney Creek Community Association

Jillian Harris addressed Committee with the aid of a PowerPoint presentation and expressed concerns with the proposal. A copy is available for viewing on the City's website.

(Collins/Farr)

That the Delegations be received.

CARRIED

(Collins/Danko)

That the public meeting be closed.

CARRIED

For disposition of this matter, refer to Item 12.

(ii) **EV Chargers in Hamilton Municipal Parking System Lots (PED18250)
(City Wide) (Outstanding Business List Item) (Item 10.3)**

(Clark/Farr)

That the recommendation be ***amended*** to add sub-sections (b), (c) and (d) as follows:

- (a) That staff request the Ministry of Transportation to provide statistics on how many electric vehicles currently exist in Hamilton;***
- (b) That staff report back to the Planning Committee regarding projected future electric vehicle ownership in Hamilton; and,***
- (c) That the item be removed from the Outstanding Business List.***
Amendment CARRIED

For disposition of this matter refer to Item 14.

(i) **NOTICES OF MOTION (Item 12)**

(i) **Review of Development Activity in Existing Residential “ER” Zone in Ancaster (Added Item 12.1)**

(Collins/Farr)

That the Rules of Order be waived to allow for the introduction of a Motion respecting a Review of Development Activity in Existing Residential “ER” Zone of Ancaster.

CARRIED

For disposition of the matter refer to Item 15.

(j) **GENERAL INFORMATION/OTHER BUSINESS (Item 13)**

(i) **Outstanding Business List (Item 13.1)**

(Farr/Collins)

- (a) That the following Items be identified as completed and removed:

Item CC - Regulation of Private Cannabis Stores
(To be transferred to the General Issues Committee – Special Meeting December 18, 2018)

- (b) That the following new due dates be approved:

Item J - Update re: Losani OMB appeal and sign variance application appeal
Current Due Date: August 14, 2018
Proposed New Due Date: February 19, 2019

Item O - Status of Accessible Taxi Plate Applicants
Current Due Date: December 11, 2018
Proposed New Due Date: January 15, 2019

CARRIED

(k) PRIVATE AND CONFIDENTIAL (Item 14)

The Committee determined they did not need to move into Closed Session.

**(i) Local Planning Appeal Tribunal Processes and Issues (LS18058)
(City Wide) (Item 14.1)**

For disposition of the matter refer to Item 16.

(ii) Closed Session Minutes – September 18, 2018 (Added Item 14.2)

(Collins/Farr)

That the Closed Session Minutes dated September 18, 2018, be approved and remain confidential.

CARRIED

(l) ADJOURNMENT (Item 15)

(Farr/Danko)

That, there being no further business, the Planning Committee be adjourned at 3:33 p.m.

CARRIED

Respectfully submitted,

Councillor M. Pearson
Chair, Planning Committee

Lisa Chamberlain
Legislative Coordinator
Office of the City Clerk