



PLANNING COMMITTEE REPORT 19-003

AS AMENDED BY COUNCIL FEBRUARY 27, 2019

9:30 a.m.

Tuesday, February 19, 2019

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: Councillors L. Ferguson and A. VanderBeek

THE PLANNING COMMITTEE PRESENTS REPORT 19-003 AND RESPECTFULLY RECOMMENDS:

- 1. Changes to the On-Street Patio Program (PED16119(b)) (Wards 1, 2, 3, 4, 6, 7, 8, 9, 11, 12, 13 and 15) (Item 7.1)**

That Report PED16119(b) respecting Changes to the On-Street Patio Program, be received.

- 2. Payday Loan Licences (PED16039(b)) (City Wide) (Outstanding Business List item) (Item 7.2)**

That Report PED16039(b) respecting Payday Loan Licences, be received.

The recommendations of the following item were amended as outlined below:

- 3. Terrapure Stoney Creek Regional Facility Environmental Assessment – Final Environmental Assessment, January 2019 (PED16184(c)) (Ward 9) (Item 7.3)**

(a) That the City of Hamilton remain opposed to the expansion and reconfiguration of the Terrapure Stoney Creek Regional Facility landfill; and,

(b) That Council endorse, authorize and direct the Director, Planning and Chief Planner to forward the amended Letter of Comment, attached hereto, as Appendix “A”, which replaces the comment of Corporate

Services Department, Legal Services staff on page 6 of 6 with the following, to the Ministry of Environment, Conservation and Parks (MECP) outlining the City's comments respecting the "Stoney Creek Regional Facility Environmental Assessment – Final Environmental Assessment, January 2019":

Council of the City of Hamilton authorized staff to discuss revised terms to the City of Hamilton 1997 Compensation Agreement with Revolution Landfill LP, operating as Terrapure Environmental. Although a meeting was scheduled between the parties for February 25, 2019, it was re-scheduled by Terrapure. A date in early March of 2019 is now being canvassed.

City of Hamilton requests that should the MECP approve the undertaking proposed in the Environmental Assessment, the Ministry require Terrapure to enter into good faith negotiations and ultimately, a subsequent agreement with the City of Hamilton, with the view of updating and improving the host community compensation terms currently contained in the City of Hamilton Compensation Agreement dated February, 1997.

4. Applications to Amend the Urban Hamilton Official Plan and Town of Dundas Zoning By-law No. 3581-86 for Lands Located at 264 Governor's Road (PED19041) (Ward 13) (Item 8.2)

- (a) That Amended Urban Hamilton Official Plan Amendment Application UHOPA-17-040 by Intero Development Group Inc. (c/o Donald Newman) on behalf of Barbara Wilk-Ridge, Power of Attorney for Helmut and Anna Wilk, Owner, to establish a Site Specific Policy to permit a 29 townhouse dwelling unit development with a minimum net residential density of 48 units per hectare on lands located at 264 Governor's Road, Dundas, as shown on Appendix "A" to Report PED19041, be APPROVED, on the following basis:
 - (i) That the draft Official Plan Amendment, attached as Appendix "B" to Report PED19041, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
 - (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-17-088 by Intero Development Group Inc. (c/o Donald Newman) on behalf of Barbara Wilk-Ridge, Power of Attorney for Helmut and Anna Wilk, Owner, for a change in zoning from Urban Reserve Zone (UR) to Low to Medium Density Multiple Dwelling Zone - Holding (H-RM1/S-139) to permit 29 townhouse dwellings on lands located at 264 Governor's Road, Dundas, as shown on Appendix "A" to Report PED19041, be APPROVED, on the following basis:

- (i) That the draft By-law, attached as Appendix “C” to Report PED19041 which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) 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 ‘H’ to the proposed (RM1/S-139) Zone.

The “H” symbol may be removed at such time as the following has been satisfied:

- (i) That the owner / applicant provide a revised Documentation and Salvage Report to further detail their approach for removing, labelling, storing, and if required, reassembly of material salvaged from the buildings on-site and how the salvaged materials are to be incorporated on-site, to the satisfaction of the Director of Planning and Chief Planner.
 - (iii) That the amending By-law, attached as Appendix “C” to Report PED19041, be added to Schedule “H” of the Town of Dundas Zoning By-law No. 3581-86; and,
 - (iv) That this By-law is in conformity with the Urban Hamilton Official Plan, upon approval of Urban Hamilton Official Plan Amendment No. XX.
- (c) That the public submissions received did not affect the decision.

5. Growth Plan for the Greater Golden Horseshoe – Amendment No. 1 and Provincially Significant Employment Zones (PED19033) (City Wide) (Item 9.1)

- (a) That the City of Hamilton supports the Province’s general directions of the revised Growth Plan for the Greater Golden Horseshoe, to manage growth by strengthening the economy and population base through complete communities, strong transportation and infrastructure systems, and protecting agricultural lands and natural heritage systems.
- (b) That the City of Hamilton is concerned that certain changes in Amendment No. 1, particularly in regards to the permission for settlement area boundary expansions and employment land conversions to proceed in advance of a completed Municipal Comprehensive Review (MCR), represents a shift to an incremental planning approach which could undermine the City’s long-term planning, create uncertainty in the local market, and require the reallocation of resources from strategic growth management projects to respond to short term growth pressures.
- (c) That the Province of Ontario be advised that the City of Hamilton is supportive of the following proposed key changes to the Growth Plan:

- (i) Introduction of Provincially Significant Employment Zones, with additions and modifications, which are employment areas that are given special protection to prohibit any employment land conversions from occurring in advance of the MCR;
 - (ii) Removal of the requirement to complete an Employment Strategy and to identify a singular density target for all employment areas;
 - (iii) Added flexibility on the requirement to complete watershed planning as part of review of future expansion areas, while maintaining the requirement to protect the water resource system;
 - (iv) Revision to the built-up area policies to allow all municipalities to request an alternative intensification target for any portion of the planning horizon period;
 - (v) That the City's position is to retain the density target of 80 pjh.
 - (vi) Removal of the requirement to complete a Housing Strategy as part of the MCR;
 - (vii) Allowance for a Major Trip Generator within a defined Major Transit Station Area (MTSA) to be included as a justification for a reduced density target for MTSA's;
 - (viii) Clarification that Agricultural System mapping and Natural Heritage System mapping does not apply until such time as it is implemented in the Official Plan;
 - (ix) Amended Rural Settlement definition to clarify that rural settlement areas do not form part of the Designated Greenfield Area (DGA); and,
 - (x) Amended definition of Major Trip Generator to add recreational facilities, parks and post-secondary institution uses.
- (d) That the Province of Ontario be advised that the City of Hamilton does not support the following proposed changes, additions and deletions to the Growth Plan:
- (i) Introduction of new and amended definitions that are different than definitions in the Provincial Policy Statement (PPS). The consistency of wording between the PPS and the Provincial Plans is an important step for implementing provincial documents;
 - (ii) Introduction of a policy to allow sensitive land uses in conjunction with major retail or office uses in employment areas, which has the potential to put pressure on employment areas for a mix of land uses that are not compatible with industrial uses and could occupy lands

that should be for manufacturing, research and development, and other similar uses. This proposed policy should be deleted;

- (iii) Addition of a policy to allow employment land conversions to proceed in advance of the MCR (proposed policy 2.2.5.10). This proposed policy should be deleted;
 - (iv) Removal of the concept of prime employment areas from the Growth Plan and the opportunity for municipalities to identify these areas in Official Plans;
 - (v) Revision to the definition of 'office parks' to remove the requirement for office parks to be located within employment areas, which could result in the Urban Growth Centre being classified as an office park;
 - (vi) Addition of a policy to allow for adjustments to a settlement area boundary outside of the MCR process (proposed policy 2.2.8.4). This proposed policy should be deleted;
 - (vii) Addition of new policies to allow for settlement area boundary expansions, up to a maximum area of 40 ha, to occur in advance of the MCR (proposed policies 2.2.8.5 and 2.2.8.6). These proposed policies should be deleted;
 - (viii) Increased intensification target from 50% to 60% between the completion of the MCR to 2031, whereas the current plan has a gradual increase in the intensification target from 50% between completion of the MCR to 2031 to 60% between 2031 and 2041. The policies of the 2017 Growth Plan should be maintained which allow for a graduated target increase, provided that the opportunity to apply for an alternative target is maintained;
 - (ix) Deletion of policy 2.2.4.4 (a)(ii) from the Growth Plan 2017 which recognized that planning for the minimum density target for some MTSAs may be premature based on the existing built form and the potential for redevelopment. This existing policy should not be deleted and should be maintained in the Growth Plan; and,
 - (x) Addition of a policy (policy 2.2.9.7) to allow for adjustments of the boundaries of rural settlement areas outside of the MCR process. This proposed policy should be deleted.
- (e) That the Province of Ontario be advised that the City of Hamilton provides the following suggestions / revisions regarding the revised Plan / policies:
- (i) Amend the proposed boundaries of the lands identified in Hamilton as Provincially Significant Employment Zones as follows:

- (aa) Hamilton Portland's – Employment lands along the QEW. The proposed description is incorrect and includes two different areas. This area should be renamed to Hamilton North (Bayfront Area and employment lands along the QEW);
 - (bb) Hamilton Central – only a portion of the Red Hill North Park has been included. The entirety of the Park should be included; and,
 - (cc) Hamilton Airport – this area should be renamed to Hamilton Airport Employment Growth District and follow the boundaries of the Airport Employment Growth District.
 - (ii) Add the following employment areas to the lands identified as Provincially Significant Employment Zones:
 - (aa) Ancaster Business Park;
 - (bb) Red Hill South and the eastern half of Red Hill North Business Park;
 - (cc) The West Hamilton Innovation District; and,
 - (dd) Flamborough Business Park
 - (iii) Provincially Significant Employment Zones should be identified on a Schedule to the Growth Plan to protect them for the long term;
 - (iv) Add a policy to the implementation section to address existing non-complying uses in the rural area similar to the policies of the Greenbelt Plan.
- (f) If the Province of Ontario does not make the changes requested by the City of Hamilton in recommendations (b) and (d) above, the following are suggested revisions to clarify and improve the policies:
- (i) Amend proposed policy 2.2.5.10 regarding employment land conversions in advance of the MCR as follows, in order to ensure that the City has an opportunity to complete the Employment Land Conversion Review and Land Needs Assessment in advance of any requests for employment land conversion:

“Notwithstanding policy 2.2.5.9, lands within existing *employment areas* may be converted to a designation that permits non-employment uses prior to the completion of the *municipal comprehensive review*, provided that:

- (a) the municipality completes a comprehensive Employment Land Conversion Review in accordance with the requirements of policy 2.2.5.9 and a Land Needs Assessment; and,
 - (b) upon the completion of the Employment Land Conversion Review and Land Needs Assessment, the Council of the municipality passes a resolution identifying lands which may be converted to a non-employment use;”
 - (ii) If proposed policy 2.2.5.10 is not amended as per recommendation (f)(i) above, the Growth Plan should be revised to provide clarity as to what constitutes a “significant number of jobs”.
 - (iii) If proposed policy 2.2.8.5, which will allow for interim urban boundary expansions and which is not supported by the City of Hamilton, is maintained, the policy should be revised to clarify that only a one time expansion is permitted in advance of the next MCR which is the conformity exercise for the 2017 Growth Plan and to require that such an expansion must be municipally initiated.
- (g) That the City of Hamilton request that further revisions to the Growth Plan for the Greater Golden Horseshoe be undertaken based on implementation issues that have arisen in the 2017 Growth Plan and previous requests by the City of Hamilton in 2016 and 2017 for changes as part of the Coordinated Provincial Plan review:
- (i) Section 2.2.4 – Transit Corridors and Station Areas, or the definition of Major Transit Station Area, should be amended to clarify that MTSA’s do not need to include established low density neighbourhoods;
 - (ii) Amend Schedule 5 (Moving People – Transit) of the Growth Plan to extend the Priority Transit Corridor in Hamilton to include planned Parkdale, Nash and Eastgate LRT stops;
 - (iii) Revise the built boundary to include developed “greenfield areas”, since they are more appropriate to be included within the built-up area;
 - (iv) The Growth Plan forecasts should be developed with a range, and not one definitive number and the forecasts should be updated every 10 years as part of the Plan review;
 - (v) Amend Policy 4.2.6.2. to add “or a LEAR study previously approved by the Province” after the reference to “in accordance with mapping identified by the Province” which would allow the municipality to use their own accurate and consistent mapping of prime agricultural areas; and,

- (h) That the City request the province to increase the commenting period for any changes to Provincial Plans, the *Planning Act* or Provincial Policy statement from 45 days to 90 days to allow municipalities sufficient time to assess and comment on any proposed changes;
- (i) That the City Clerk's Office be requested to forward Report PED19033 to the Ministry of Municipal Affairs and this Report is considered the City of Hamilton's formal comments on Amendment No. 1 to the Growth Plan and the Provincially Significant Employment Zones; and,
- (j) That climate change is an important issue and previously identified targets should be incorporated in any Provincial Growth Plans.

6. Demolition Permit 255 Wellington Street North (PED19044) (Ward 2) (Item 10.1)

That the Chief Building Official be authorized and directed to issue a demolition permit for 255 Wellington Street North 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 applies for, receives a building permit for and erects a replacement building(s) on this property;
- (b) That the said building permit specifies that if the replacement building is not erected within four 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;
 - (ii) is a lien or charge on the property until paid;
- (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.

7. Demolition Permit 257 Wellington Street North (PED19045) (Ward 2) (Item 10.2)

That the Chief Building Official be authorized and directed to issue a demolition permit for 257 Wellington Street North 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 applies for, receives a building permit for and erects a replacement building(s) on this property;

- (b) That the said building permit specifies that if the replacement building is not erected within four 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;
 - (ii) is a lien or charge on the property until paid;
- (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.

8. Amendments to By-law 18-199 Being a By-law to Prohibit Driving School Instructing in the Restricted Areas (PED17179(b)) (Ward 5) (Item 10.3)

That the amending By-law attached as Appendix "A" to Report PED17179(b), being a By-law to amend By-law 18-199, a By-law to Prohibit Driving School Instructing in the Restricted Areas, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.

9. On Street Parking Permits – Wellington Street North (Item 11.1)

WHEREAS, residents on the west side of Wellington Street North between Robert Street and Barton Street have long desired to be afforded the opportunity to park adjacent to their homes;

WHEREAS, on-street parking that currently exists in the area is often consumed by General Hospital staff and visitors; and,

WHEREAS, Wellington Street North is four lanes, one-way Southbound where traffic volumes have dramatically decreased over time.

THEREFORE BE IT RESOLVED:

That the appropriate staff from Parking investigate options to improve parking for residents on Wellington Street North between Robert Street and Barton Street, including but not limited to, adding additional parking on the west side.

10. Puddicombe Cider Company Connection to Municipal Water System (Added Item 11.2)

WHEREAS, The Puddicombe Cider Company is proposing to construct a new one storey Cidery having a gross floor area of 2,601m² at 1438 Highway No. 8 which is proposed to connect to the existing 200mm water main on Highway No. 8;

WHEREAS, for business planning and operational reasons the Cidery cannot connect to the Puddicombe Winery's existing services which includes a connection to the existing water main on Highway No. 8; and,

WHEREAS, the adjacent properties are currently connected to the existing water main;

THEREFORE BE IT RESOLVED:

That The Puddicombe Cider Company be permitted to connect to the municipal water system, at their cost, in a manner acceptable to the City of Hamilton.

11. 46-50 King Street East and 11 Hughson Street South (Canada Trust Building) – Registered Building (Added Item 11.3)

WHEREAS, the building consisting of the municipal addresses 46 to 50 King Street East and 11 Hughson Street South, known as the Canada Trust Building, is included on the Municipal Heritage Register as a non-designated building;

WHEREAS, a non-designated building included on the Municipal Heritage Register cannot be demolished unless the owner provides Council at least 60 days notice in writing of the owner's intention to demolish in accordance with the Ontario Heritage Act, R.S.O. 1990, C. O.18;

WHEREAS, Cultural Heritage Staff reported on the results of the DHBI in March 2014 (PED14039) which included a classification of the properties as a 'Character-Supporting Resource' but the report did not recommend the inclusion of the properties in the Register;

WHEREAS, Site Plan application SPA-15-110 for the construction of two additional storeys on the existing building and a curtain wall on three sides of the building was approved but due to structural issues involved with building the additional storeys on top of the existing building cannot be supported by the existing foundations and the proposed demolition and development meets the intent of the approved Site Plan application SPA-15-100;

THEREFORE BE IT RESOLVED:

That the City of Hamilton take no action with respect to the demolition permit application for 46 to 50 King Street East and 11 Hughson Street South as there is no intention to proceed with the designation of the building.

12. To Waive Road Widening Requirement for 541 Stone Church Road West, Hamilton (Added Item 11.4)

WHEREAS, the Urban Hamilton Official Plan states that the basic maximum right-of-way widths for urban collector roads shall be 26.213 metres, unless specifically described otherwise; and

WHEREAS, the Urban Hamilton Official Plan states that the City shall require the conveyance of property for appropriate daylighting triangles on existing roads at such times as the property is to be developed or redeveloped; and

WHEREAS, an application for land severance (HM/B-17:108) have been submitted for 541 Stone Church, Hamilton, to create a new residential lot;
WHEREAS, a 3 metre dedication along the Courtland Avenue frontage of the severed lot and applicable daylighting triangles have been identified; and,

WHEREAS, Courtland Avenue is a mature street and not identified for significant changes;

THEREFORE, BE IT RESOLVED:

That staff be directed to reduce the requirement for road widening along Courtland Avenue from 3 metres to 1 metre along with a reduced daylighting triangle.

The recommendations of the following item were amended as outlined below:

13. Local Planning Appeal Tribunal appeals by The Green Organic Dutchman Holdings Limited (PL180732 and PL180818) – settlement proposal (LS19006) (Item 14.1)

- (a) That the motion to approve the recommendation contained in Report LS19006, respecting Local Planning Appeal Tribunal appeals by The Green Organic Dutchman Holdings Limited (PL180732 and PL180818) – Settlement Proposal, be deferred to provide the Ward Councillor with an opportunity to discuss the implications of approving the recommendation prior to the March 5, 2019 Pre-Hearing Conference; and,
- (b) That Report LS19006 respecting Local Planning Appeal Tribunal appeals by The Green Organic Dutchman Holdings Limited (PL180732 and PL180818) – settlement proposal, and its recommendations remain confidential.

That Item (i)(iii)(a)(i) respecting Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200 (PED19029) (City Wide) (Item 8.3) of Planning Committee Report 19-003, be lifted from the Information Section, and added as Item 14, as follows:

14. Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200 (PED19029) (City Wide) (Item 8.3)

- (a) That approval in part be given to City Initiative CI-18-J, for modifications and updates to the City of Hamilton By-law No. 05-200 on the following basis:

- (i) That Zoning By-law No. 05-200 for the lands zoned Arterial Commercial (C7) Zone and located in the area west of Mason Drive to Shaver Road and north and south of Wilson Street West be amended to provide that, notwithstanding subsection 10.7.3 a), the Minimum Building Setback from a Street line for a Warehouse or Self Storage Facility shall be 250.00 m.
- (ii) That a by-law be prepared, in a form satisfactory to the City Solicitor, be enacted by Council;
- (b) That, pursuant to subsection 34(17) of the *Planning Act*, no further notice is determined to be necessary; and,
- (c) That the balance of the consideration of City Initiative CI-18-J be deferred to the March 19, 2019 Planning Committee meeting.

FOR INFORMATION:

(a) APPROVAL OF THE AGENDA (Item 2)

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

1. DELEGATION REQUESTS (Item 6)

- 6.3 Lynda Lukasik, Environment Hamilton, respecting the Growth Plan for the Greater Golden Horseshoe – Amendment No. 1 and Provincially Significant Employment Zones (Item 9.1) (For today's meeting)
- 6.4 Carol Moffatt, respecting 264 Governor's Road (Item 8.2) (For today's meeting)
- 6.5 David Moffatt, respecting 264 Governor's Road (Item 8.2) (For today's meeting)

2. PUBLIC HEARINGS / DELEGATIONS (Item 8)

- 8.3.a Written comments from Terri Johns, T. Johns Consulting

3. STAFF PRESENTATIONS (Item 9)

- 9.1.b Written comments from John Corbett, Corbett Land Strategies Inc.

4. NOTICES OF MOTION (Item 12)

- 12.1 Puddicombe Cider Company Connection to Municipal Water System

12.2 46-50 King Street East and 11 Hughson Street South (Canada Trust Building) – Registered Building

12.3 To Waive Road Widening Requirement for 541 Stone Church Road West, Hamilton

The agenda for the February 19, 2019 meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

Councillor Clark declared an interest with Item 7.3 as he has a pre-existing professional relationship with, and was a client of, Terrapure.

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

(i) February 5, 2019 (Item 4.1)

The Minutes of the February 5, 2019 meeting were approved, as presented.

Items 10.1, respecting Demolition Permit 255 Wellington Street North (PED19044), and 10.2, respecting Demolition Permit 257 Wellington Street North (PED19045), were moved up in the agenda to be heard at this time.

(d) DISCUSSION ITEMS (Item 10)

(i) Demolition Permit 255 Wellington Street North (PED19044) (Ward 2) (Item 10.1)

The Chief Building Official was authorized and directed to issue a demolition permit for 255 Wellington Street North 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;
 - (ii) is a lien or charge on the property until paid;

- (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.

For disposition of this matter, refer to Item (f)(i) and 6.

(ii) Demolition Permit 257 Wellington Street North (PED19045) (Ward 2) (Item 10.2)

The Chief Building Official was authorized and directed to issue a demolition permit for 257 Wellington Street North 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;
 - (ii) is a lien or charge on the property until paid;
- (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.

For disposition of this matter, refer to Item (f)(i) and 7.

(e) DELEGATION REQUESTS (Item 8)

(i) Delegation Requests for February 19, 2019 (Items 6.1 – 6.5)

The following Delegation Requests were approved for the February 19, 2019 meeting:

- 6.1 Blair Shoniker, GHD, respecting Terrapure Stoney Creek Regional Facility Environmental Assessment (Item 7.3)
- 6.2 Michael Jovanovic, Terrapure Environmental, respecting Terrapure Stoney Creek Regional Facility Environmental Assessment (Item 7.3)

- 6.3 Lynda Lukasik, Environment Hamilton, respecting the Growth Plan for the Greater Golden Horseshoe – Amendment No. 1 and Provincially Significant Employment Zones (Item 9.1) (For today's meeting)
- 6.4 Carol Moffatt, respecting 264 Governor's Road (Item 8.2) (For today's meeting)
- 6.5 David Moffatt, respecting 264 Governor's Road (Item 8.2) (For today's meeting)

(f) **DISCUSSION ITEMS (Item 10)**

- (i) **Demolition Permit 255 Wellington Street North (PED19044) (Ward 2) (Item 10.1)**

and

Demolition Permit 257 Wellington Street North (PED19045) (Ward 2) (Item 10.2)

The Planning Committee's decisions made on Items 10.1 and 10.2, were reconsidered.

Demolition Permit 255 Wellington Street North (PED19044) (Ward 2) (Item 10.1)

The recommendations of Report PED19044, respecting Demolition Permit 255 Wellington Street North, were ***amended*** as follows:

That the Chief Building Official be authorized and directed to issue a demolition permit for 255 Wellington Street North 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;~~

(a) *That the applicant applies for, receives a building permit for and erects a replacement building(s) on this property;*

(b) That the said building permit specifies that if the replacement building is not erected within ~~two~~ ***four*** 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;
- (ii) is a lien or charge on the property until paid;

- (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.

For disposition of this matter, refer to Item 6.

Demolition Permit 257 Wellington Street North (PED19045) (Ward 2) (Item 10.2)

The recommendations of Report PED19045, respecting Demolition Permit 257 Wellington Street North, were **amended** as follows:

That the Chief Building Official be authorized and directed to issue a demolition permit for 257 Wellington Street North 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;~~
- (a) That the applicant applies for, receives a building permit for and erects a replacement building(s) on this property;**
- (b) That the said building permit specifies that if the replacement building is not erected within ~~two~~ **four** 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;
 - (ii) is a lien or charge on the property until paid;
- (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.

For disposition of this matter, refer to Item 7.

(g) PUBLIC HEARINGS/DELEGATIONS (Item 8)

- (i)** The Delegation Requests from Blair Shoniker, GHD, and Michael Jovanovic, Terrapure Environmental, respecting Terrapure Stoney Creek Regional Facility Environmental Assessment, were moved up in the agenda to be heard before Item 7.3.

(ii) Blair Shoniker, GHD, respecting the Terrapure Stoney Creek Regional Facility Environmental Assessment (Added Item 8.4)

Blair Shoniker, GHD, addressed the Committee respecting the Terrapure Stoney Creek Regional Facility Environmental Assessment with the aid of a PowerPoint Presentation. A copy of the presentation is available online at www.hamilton.ca.

The delegation from Blair Shoniker, respecting the Terrapure Stoney Creek Regional Facility Environmental Assessment, was received.

(iii) Michael Jovanovic, Terrapure Environment, respecting the Terrapure Stoney Creek Regional Facility Environmental Assessment (Added Item 8.5)

Michael Jovanovic, Terrapure Environment, addressed the Committee respecting the Terrapure Stoney Creek Regional Facility Environmental Assessment with the aid of a PowerPoint Presentation. A copy of the presentation is available online at www.hamilton.ca.

The delegation from Michael Jovanovic, respecting the Terrapure Stoney Creek Regional Facility Environmental Assessment, was received.

(h) CONSENT ITEMS (Item 7)

(i) Terrapure Stoney Creek Regional Facility Environmental Assessment – Final Environmental Assessment, January 2019 (PED16184(c)) (Ward 9) (Item 7.3)

Jennifer Roth, Planner, addressed the Committee with a PowerPoint presentation. A copy of the presentation is available online at www.hamilton.ca.

The presentation from Jennifer Roth respecting Terrapure Stoney Creek Regional Facility Environmental Assessment – Final Environmental Assessment, January 2019, was received.

- (a) That Council endorse, authorize and direct the Director, Planning and Chief Planner to forward a Letter of Comment, attached as Appendix “A” to Report PED16184(c), to the Ministry of Environment, Conservation and Parks (MECP) outlining the City’s comments respecting the “Stoney Creek Regional Facility Environmental Assessment – Final Environmental Assessment, January 2019”;
- (b) That Report PED16184(c) be adopted as the City of Hamilton’s formal comments on the “Stoney Creek Regional Facility

Environmental Assessment – Final Environmental Assessment, January 2019”;

- (c) As a result of the previously identified concerns, as they relate to the Approved and Amended Terms of Reference being principally addressed, Council no longer oppose the expansion and reconfiguration of the Stoney Creek Regional Facility,
- (d) That Planning Division staff be directed to continue to monitor this matter and advise Council as to any events and decisions made by the MECP;
- (e) That the City Clerk be authorized and directed to forward Report PED16184(c) to the MECP.

For disposition of this matter, refer to Item 3.

(i) DELEGATIONS/PUBLIC HEARING (Item 8)

(i) University Plaza Area Residents Association Incorporated respecting Development at University Plaza (Approved at the February 5, 2019 meeting) (Item 8.1)

Abby Murray Wark, University Plaza Area Residents Association Incorporated, addressed the Committee respecting Development at University Plaza.

The delegation from Abby Murray Wark on behalf of the University Plaza Area Residents Association Incorporated respecting Development at University Plaza, was received.

(ii) Applications to Amend the Urban Hamilton Official Plan and Town of Dundas Zoning By-law No. 3581-86 for Lands Located at 264 Governor’s Road (PED19041) (Ward 13) (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.

Shannon McKie, Senior Project Manager, addressed the Committee with the aid of a PowerPoint presentation. A copy of the presentation is available online at www.hamilton.ca.

The staff presentation was received.

Matt Johnston, Urban Solutions, agent for the applicant was in attendance and indicated that the applicant is in agreement with the staff report. Matt Johnston addressed the Committee with the aid of a PowerPoint presentation. A copy of the presentation is available online at www.hamilton.ca.

The presentation from Matt Johnston, Urban Solutions, was received.

Registered Speakers:

1. Carol Moffatt, 9 Lynndale Drive

Carol Moffatt addressed the Committee and expressed concern with the proposed development.

2. David Moffatt, 9 Lynndale Drive

David Moffatt addressed the Committee and expressed concern with the proposed development.

The delegations were received.

The public meeting was closed.

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

(c) That the public submissions received did not affect the decision.

For disposition of this matter, refer to Item 4.

(iii) Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200 (PED19029) (City Wide) (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.

The public meeting was closed.

Timothy Lee, Senior Planner, addressed Committee with the aid of a PowerPoint presentation. A copy of the presentation is available online at www.hamilton.ca.

The staff presentation was received.

Written Comments

8.3(a) Terri Johns, T. Johns Consulting

The following item was lifted from the Information Section and added as Item 14:

Staff was directed to:

~~(a) Amend Zoning By-law No. 05-200 for the lands zoned Arterial Commercial (C7) Zone and located in the area west of Mason Drive to Shaver Road and north and south of Wilson Street West, on the following basis:~~

~~(i) Notwithstanding Sub-section 10.7.3 a), the Minimum Building Setback from a Street line for a Warehouse or Self Storage Facility shall be 250.00 m.~~

Staff were directed to prepare an Information Report, including maps, indicating where self storage facilities are located and permitted, and report back to the Planning Committee.

Report PED19029 respecting Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200 was deferred to the March 19, 2019 Planning Committee meeting.

The Planning Committee's decision to close the Public Meeting respecting Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200 (PED19029), was reconsidered to allow for a Delegation.

Delegation

Savan Chandaria, Tibro Developments addressed the Committee and expressed concerns with the proposed by-law amendments.

The delegation was received.

(a) That the public meeting be closed;

- (b) That staff be directed to meet with Planning Committee Councillors to provide more information on the proposed amendments;
- (c) That the written comments from Terri Johns, T. Johns Consulting, be received; and,
- (d) That Staff be directed to meet with Savan Chandaria to discuss his concerns with the Zoning By-law amendments.

Staff was directed to meet with Councillor VanderBeek to consider her request for a City Initiated review of Zoning with a site specific amendment for the subject property 336-338 King Street, Dundas, and report back to the Planning Committee.

(j) STAFF PRESENTATIONS (Item 9)

(i) Growth Plan for the Greater Golden Horseshoe – Amendment No. 1 and Provincially Significant Employment Zones (PED19033) (City Wide) (Item 9.1)

Heather Travis, Senior Project Manager, addressed Committee with the aid of a PowerPoint presentation. A copy of the presentation is available online at www.hamilton.ca.

The presentation from Heather Travis respecting Growth Plan for the Greater Golden Horseshoe – Amendment No. 1 and Provincially Significant Employment Zones, was received.

Lynda Lukasik, Environment Hamilton, respecting the Greater Golden Horseshoe – Amendment No. 1 and Provincially Significant Employment Zones (Added Item 8.4)

Lynda Lukasik, Environment Hamilton, addressed the Committee respecting the Greater Golden Horseshoe – Amendment No. 1 and Provincially Significant Employment Zones.

The delegation from Lynda Lukasik, Environment Hamilton, respecting the Greater Golden Horseshoe – Amendment No. 1 and Provincially Significant Employment Zones, was received.

Paul Parente, addressed the Committee respecting the Greater Golden Horseshoe – Amendment No. 1 and Provincially Significant Employment Zones.

The delegation from Paul Parente, respecting the Greater Golden Horseshoe – Amendment No. 1 and Provincially Significant Employment Zones, was received.

The written comments from John Corbett, Corbett Land Strategies, (Item 9.1.b), were received.

Report PED19033, respecting Growth Plan for the Greater Golden Horseshoe – Amendment No. 1 and Provincially Significant Employment Zones, recommendation (c) (v), was amended as follows:

~~(v) — Reduction of the minimum density target from 80 pjh to 60 pjh, and applicability of the target to the entirety of the designated greenfield area~~

(v) *That the City's position is to retain the density target of 80 pjh.*

The following sub-section was added as (j):

(j) *That climate change is an important issue and previously identified targets should be incorporated in any Provincial Growth Plans.*

Councillor Clark wished to be recorded as OPPOSED to sections (c) (viii), (d) (iii), (iv), (v) (viii), and (g) (v) of the recommendations.

Councillor Johnson wished to be recorded as OPPOSED to sections (c) (viii) and (g) (v) of the recommendations.

Councillor Wilson wished to be recorded as OPPOSED to sections (d) (viii) of the recommendations.

Councillor Whitehead wished to be recorded as OPPOSED to sections (d) (vi), (vii) and (viii) of the recommendations.

For disposition of this matter, refer to Item 5.

(k) MOTIONS (Item 11)

(i) On Street Parking Permits – Wellington Street North (Item 11.1)

That the Motion respecting On Street Parking Permits – Wellington Street North be amended by deleting the recommendation and replacing it with the following wording:

WHEREAS, residents on the west side of Wellington Street North between Robert Street and Barton Street have long desired to be afforded the opportunity to park adjacent to their homes;

WHEREAS, on-street parking that currently exists in the area is often consumed by General Hospital staff and visitors; and,

WHEREAS, Wellington Street North is four lanes, one-way Southbound where traffic volumes have dramatically decreased over time.

THEREFORE BE IT RESOLVED:

~~That the appropriate staff from Parking be requested to notify residents, by letter, of the opportunity for west side Wellington Street North on-street permit parking between Robert Street and Barton Street, Hamilton.~~

That the appropriate staff from Parking investigate options to improve parking for residents on Wellington Street North between Robert Street and Barton Street, including but not limited to, adding additional parking on the west side.

For disposition of this matter, refer to Item 9.

(I) NOTICES OF MOTION (Item 12)

Councillor Pearson relinquished the Chair to Councillor Farr.

(i) Puddicombe Cider Company Connection to Municipal Water System (Added Item 12.1)

Councillor Pearson introduced a Notice of Motion respecting Puddicombe Cider Company Connection to Municipal Water System.

The Rules of Order were waived in order to allow for the introduction of a Motion respecting Puddicombe Cider Company Connection to Municipal Water System.

For disposition of this matter, refer to Item 10.

Councillor Pearson assumed the Chair.

(ii) 46-50 King Street East and 11 Hughson Street South (Canada Trust Building) – Registered Building (Added Item 12.2)

Councillor Farr introduced a Notice of Motion respecting 46-50 King Street East and 11 Hughson Street South (Canada Trust Building) – Registered Building.

The Rules of Order were waived in order to allow for the introduction of a Motion respecting 46-50 King Street East and 11 Hughson Street South (Canada Trust Building) – Registered Building.

For disposition of this matter, refer to Item 11.

(iii) To Waive Road Widening Requirement for 541 Stone Church Road West, Hamilton (Added Item 12.3)

Councillor Whitehead introduced a Notice of Motion To Waive Road Widening Requirement for 541 Stone Church Road West, Hamilton.

The Rules of Order were waived in order to allow for the introduction of a Motion To Waive Road Widening Requirement for 541 Stone Church Road West, Hamilton.

For disposition of this matter, refer to Item 12.

(m) GENERAL INFORMATION/OTHER BUSINESS (Item 13)

(i) Outstanding Business List (Item 13.1)

(a) The following Items were identified as completed and removed:

Item M - Limiting Development Charges reductions, Parkland Dedication fee reductions or CIP Incentives re Height restrictions (Addressed at Audit, Finance & Administration Committee meeting June 11, 2018)

Item BB - Terrapure Stoney Creek Facility EA - Compensation Agreement

(Addressed as Item 10.3 on the February 5, 2019 agenda)

Item KK - Amendments to By-law 18-199 - Prohibiting Driving School Instructing in the Restricted Areas

(Deferred from the January 15, 2019 meeting and addressed as Item 10.3 on this agenda)

(b) The following new due dates were approved:

Item G - Feasibility of By-law to ensure that Tree Removal Contractors have a City Business Licence

Proposed New Due Date: March 19, 2019

Current Due Date: February 19, 2019

(n) PRIVATE AND CONFIDENTIAL (Item 14)

(i) Local Planning Appeal Tribunal appeals by the Green Organic Dutchman Holdings Limited (PL180732 and PL180818) – settlement proposal (LS19006) (Item 14.1)

Committee moved into Closed Session respecting Item 14.1, pursuant to Section 8.1, Sub-section (e) and (f) of the City's Procedural By-law 18-

270, and Section 239(2), Sub-sections (e) and (f) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the City; and, the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

For disposition of the matter refer to Item 13.

(o) ADJOURNMENT (Item 15)

There being no further business, the Planning Committee adjourned at 5:42 p.m.

Respectfully submitted,

Councillor M. Pearson
Chair, Planning Committee

Lisa Chamberlain
Legislative Coordinator
Office of the City Clerk