PLANNING COMMITTEE
REPORT 19-007
AS AMENDED BY COUNCIL ON MAY 8, 2019

9:30 a.m.
Tuesday, April 30, 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, T. Whitehead and J. Partridge

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THE PLANNING COMMITTEE PRESENTS REPORT 19-007 AND RESPECTFULLY RECOMMENDS:

1. By-law Enforcement Strategy Update (PED08263(c)) (City Wide) (Item 7.1)

That the updated By-law Enforcement Priority Framework attached as Appendix "A" to Planning Committee Report 19-007, be approved.

2. Expanding Administrative Penalty System (APS) to Include the Sign By-law 10-197 (PED19092) (City Wide) (Item 7.2)

That the Administrative Penalty System By-law 17-225 (APS) be amended to include the Sign By-law 10-197 as Table 16 to Schedule A, in accordance with the amending by-law attached as Appendix "A" to Report PED19092 to be enacted by Council.

3. By-law No. 18-261 – Correction of Typographical Errors for Lands Located at 5 Hamilton Street North, Flamborough (PED18179(a)) (Ward 15) (Item 7.3)

(a) That By-law No. 18-261, respecting 5 Hamilton Street North, Flamborough be amended to correct one error and to add two administrative clauses, on the following basis:

(i) That Section 3 (d) of By-law 18-261 be amended by deleting the word "east" and replacing it with "north";

(ii) The following two administrative sections be added to By-law 18-261 as clauses 5 and 6:

5. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act; and,

6. That no building or structure shall be erected, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the Mixed Use – Medium Density (C5) Zone provisions, subject to the special requirements as referred to in Section 2 of this By-law.

(b) That the draft By-law attached as Appendix "B" to Report PED18179(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,

(c) That the proposed amendment is consistent with the Provincial Policy Statement (2014) and conforms to the Growth Plan for the Greater Golden Horseshoe (2017) and the Urban Hamilton Official Plan.

Item 4 was amended as follows:

4. Hamilton Municipal Heritage Committee Report 19-003 (Item 7.4)

1. Inventory and Research Working Group Meeting Notes – March 25, 2019 (Item 10.1)

(a) That the recommendations in the Inventory and Research Working Group Meeting Notes of March 25, 2019, be approved as presented; and,

(b) That the following properties be added to the City Register of Non-designated Properties of Cultural Heritage Value or Interest, and to the staff work plan:

~~***1. 745 Crooks Hollow Road, Dundas***~~
2. 7 Rolph Street, Dundas
~~***3. 23-25 King Street East, Stoney Creek***~~
4. 45 Amelia Street, Hamilton

(c) That the consideration of including the property known as 745 Crooks Hollow Road, Dundas in the Municipal Register of Properties of Cultural Value or Interest (Ward 14), be referred to the Hamilton Municipal Heritage Committee to provide the property owner the opportunity to delegate.

2. Hamilton Municipal Heritage Committee Heritage Recognition Awards Update (Item 10.2)

That the Nominations for the 2018 Hamilton Municipal Heritage Committee Heritage Recognition Awards, attached hereto as Appendix "B" and Appendix "C" to Planning Committee Report 19-007, be approved, as amended.

5. Applications to Amend the Urban Hamilton Official Plan, the Township of Glanbrook Zoning By-law No. 464, the City of Hamilton Zoning By-law No. 05-200, and for Approval of a Draft Plan of Subdivision for Lands Located at 78 and 80 Marion Street and 3302 and 3306 Homestead Drive, Glanbrook (PED19046) (Ward 11) (Item 8.1)

(a) That Urban Hamilton Official Plan Amendment Application UHOPA-18-01 by Branthaven Mount Hope Inc., Owner, is to amend the Mount Hope Secondary Plan from "Neighbourhood Park", "Low Density Residential 2c", "Institutional" and "Utility" to "Low Density Residential 2"; from "Low Density Residential 2" to "Utility"; from "Low Density Residential 2" to "Natural Open Space"; and, from "Utility" to "Natural Open Space". The amendment will also add a Site Specific Policy Area in order to permit residential development between 28 and 30 NEF contour lines; and, establish new local roads, for the lands located at 78 and 80 Marion Street and 3302 and 3306 Homestead Drive (Glanbrook), as shown on Appendix "A" to Report PED19046, to be APPROVED, on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix "B" to Report PED19046, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,

(ii) That the proposed amendment is consistent with the Provincial Policy Statement (2014) and conforms to the Growth Plan for the Greater Golden Horseshoe (2017).

(b) That Amended Zoning By-law Amendment Application ZAC-18-003 by Branthaven Mount Hope Inc., (Owner), for changes in zoning from the Deferred Development "DD" Zone, Existing Residential "ER" Zone, Residential "H-R3-122" Zone and Public "P" Zone to Residential "R4-312" Zone, Modified for Blocks 1, 4, 6 - 8 and Residential "R4-312a" Zone, Modified for Blocks 4 and 5 in Zoning By-law No. 464; for lands located at 78 and 80 Marion Street and 3302 and 3306 Homestead Drive (Glanbrook), as shown on Appendix "A" to Report PED19046, be APPROVED on the following basis:

(i) That the draft By-law, attached as Appendix "C" to Report PED19046, 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 (PPS) and conform to the Growth Plan for the Greater Golden Horseshoe (2017); and,

(iii) That the proposed changes in zoning comply with the Urban Hamilton Official Plan upon finalization of Urban Hamilton Official Plan Amendment No. XX.

(c) That Zoning By-law Amendment Application ZAC-18-003 by Branthaven Mount Hope Inc., (Owner), for a change in zoning from the Deferred Development "DD" Zone to the Conservation / Hazard Land (P5) Zone, Modified (Blocks 125 and 126) to recognize the Natural Heritage System and vegetation protection zone and add a specific exception to permit a reduced setback from any building or structure to the Conservation / Hazard Land (P5) Zone, Modified, in Zoning By-law No. 05-200; for lands located 78 and 80 Marion Street and 3302 and 3306 Homestead Drive (Glanbrook), as shown on Appendix "A" to Report PED19046, be APPROVED on the following basis:

(i) That the draft By-law, attached as Appendix "D" to Report PED19046, 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 (PPS) and conform to the Growth Plan for the Greater Golden Horseshoe (2017); and,

(iii) That the proposed changes in zoning comply with the Urban Hamilton Official Plan upon finalization of Urban Hamilton Official Plan Amendment No. XX.

(d) That Draft Plan of Subdivision Application 25T-201801 by Branthaven Mount Hope Inc., (Owner), to establish a Draft Plan of Subdivision on lands located at 78 and 80 Marion Street and 3302 and 3306 Homestead Drive (Glanbrook), as shown in Appendix "E" to Report PED19046, be APPROVED subject to the following:

(i) That this approval apply to the Draft Plan of Subdivision "Branthaven Mount Hope" 25T-201801, prepared by Urban Solutions Planning & Land Development Consultants Inc., and certified by Dan McLaren, O.L.S., dated November 28, 2018, consisting of a maximum of 123 lots for single detached dwellings (Lots 1 - 123), one block for a 0.3 metre road reserve (Block 124), one block for a storm sewer connection and walkway (Block 125), one block for open space purposes (Block 126), and three proposed public streets, shown as Streets "A," "B" and "C", subject

to the Owner entering into a standard form subdivision agreement as approved by City Council and will Special Conditions attached as Appendix "F" to Report PED19046.

(ii) Acknowledgement by the City of Hamilton of its responsibility for cost-sharing with respect to this development shall be in accordance with the City's Financial Policies and will be determined at the time of development; and,

(iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 51 of the *Planning Act*, prior to the issuance of each building permit. The calculation for the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the issuance of each building permit, all in accordance with the Financial Policies for Development and the City's Parkland Dedication By-law, as approved by Council.

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

Item 6 was amended as follows:

6. Application for a Zoning By-law Amendment for Lands Located at 122 and 126 Augusta Street and 127 Young Street and 125 Young Street, Hamilton (PED19089) (Ward 2) (Item 8.2)

(a) That the Amended Zoning By-law Amendment Application ZAC-18-013, by 1955132 Ontario Ltd., Owner, for a change in zoning from the "D" (Urban Protected Residential – One and Two Family Dwellings, Etc.) District to the "E-3/S-1767" (High Density Multiple Dwellings) District, Modified and the "D/S-1767" (Urban Protected Residential – One and Two Family Dwellings, Etc.) District, Modified to permit a four storey, 27 unit multiple dwelling and a three family dwelling on lands located at 122 & 126 Augusta Street and 127 Young Street, and 125 Young Street, Hamilton as shown on Appendix "A" to Report PED19089 be APPROVED on the following basis:

(i) That the draft By-law, attached as Appendix "B" to Report PED19089 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 "B" to Report PED19089 be added to District Map E5 of Zoning By-law No. 6593 as "E-3/S-1767" and "D/S-1767";

(iii) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject lands by introducing the Holding Symbol 'H' as a suffix to the proposed

zoning for Blocks 1, 3 and 4 as shown on Schedule "A" of Appendix "B" to Report PED19089;

The Holding Provision "E-3/S-1767-H" (High Density Multiple Dwellings) District, Modified, Holding applicable to Block 1 as shown on Schedule "A" of Appendix "B" to Report PED19089, be removed conditional upon:

(1) The Owner conduct a Stage 3 Archaeological Assessment, and Stage 4 Archaeological Assessment if required, for the site and receive approval of this / these report(s) from the Ministry of Tourism, Culture and Sport and the City of Hamilton, to the satisfaction of the Manager of Development Planning, Heritage and Design.

The Holding provision "D/S-1767-H" (Urban Protected Residential – One and Two Family Dwellings, Etc.) District, Modified, Holding applicable to Block 3 as shown on Schedule "A" of Appendix "B" to Report PED19089, be removed conditional upon:

(1) The Owner apply for a Building Permit to legalize the existing three family dwelling, to the satisfaction of the City's Chief Building Official.

The Holding Provision "D/S-1767-H" (Urban Protected Residential – One and Two Family Dwellings, Etc.) District, Modified, Holding applicable to Block 4 as shown on Schedule "A" of Appendix "B" to Report PED19089, be removed conditional upon:

(1) The Owner conduct a Stage 3 Archaeological Assessment, and Stage 4 Archaeological Assessment if required, for the site and receive approval of this / these report(s) from the Ministry of Tourism, Culture and Sport and the City of Hamilton, to the satisfaction of the Manager of Development Planning, Heritage and Design.

(iv) 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.

(b) That upon finalization of the amending By-law, that the subject lands be re-designated from "Single and Double" to "Medium Density Apartments" in the Corktown Neighbourhood Plan;

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

7. Entertainment on Outdoor Commercial Patios – Extension and Establishment of the Temporary Use By-laws (PED16155(b)) (City Wide) (Item 8.3)

(a) That approval be given to City Initiative CI-17-C to extend Temporary Use By-laws Nos. 17-083, and 17-255, under Zoning By-law No. 05-200 for a period of 36 months, to allow for commercial entertainment/recreation, including live or recorded music and dance facilities on Outdoor Commercial Patios for four urban pilot project areas: Downtown Hamilton, Hess Village, parts of Upper James Street (Stone Church Road to Rymal Road), and Dundas; and some properties within the Rural area on the following basis:

(i) That the draft Temporary Use By-laws, attached as Appendices "A" and "B" to Report PED16155(b) for the five pilot project areas and the rural area, be approved by City Council; and,

(ii) That the draft Temporary Use By-laws are consistent with the Provincial Policy Statement (PPS) 2014, conform to the 2017 Growth Plan for the Greater Golden Horseshoe, and comply with the Rural (RHOP) and Urban Hamilton Official Plans (UHOP).

(b) That approval be given to City Initiative CI-17-C to extend Temporary Use By-laws No. 17-082 under Zoning By-law No. 6593 for a period of 36 months, to allow for commercial entertainment/recreation, including live or recorded music and dance facilities on Outdoor Commercial Patios for two urban pilot project areas on James Street North and James Street South, on the following basis:

(i) That draft Temporary Use By-law, attached as Appendix "C" to Report PED16155(b) for the James Street North and James Street South pilot project areas, be approved by City Council; and,

(ii) That the draft Temporary Use By-law is consistent with the Provincial Policy Statement (PPS) 2014, conforms to the 2017 Growth Plan for the Greater Golden Horseshoe and complies with the Urban Hamilton Official Plan (UHOP)*.*

(c) That approval be given to City Initiative CI-17-C to establish a Temporary Use By-law in Zoning By-law No. 05-200 for a period of 36 months, to allow for commercial entertainment/recreation, including live or recorded music and dance facilities on Outdoor Commercial Patios for two urban pilot project areas: James Street North and James Street South / Augusta Street, on the following basis:

(i) That the Temporary Use By-law, attached as Appendix "D" to Report PED16155(b) for James Street North and James Street South / Augusta Street pilot areas, be approved by City Council; and,

(ii) That the draft Temporary Use By-law is consistent with the Provincial Policy Statement (PPS) 2014, conforms to the 2017 Growth Plan for the Greater Golden Horseshoe and complies the Urban Hamilton Official Plan (UHOP);

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

8. Residential Care Facilities and Group Homes (Urban Area) – Human Rights and the Zoning By-law Discussion Paper (CI 19-B) (PED19091) (City Wide) (Item 9.1)

(a) That Report PED19091 (City Initiative CI-19-B), including the Discussion Paper titled Residential Care Facilities and Group Homes - Human Rights and the Zoning By-Laws within the Urban Area - March 2019, attached as Appendix "D" to Planning Committee Report 19-007, be received;

(b) That the Residential Care Facilities and Group Homes (Urban Area) – Human Rights and the Zoning By-law Discussion Paper be posted on the City's website and invite written submissions on the proposed Zoning By-law regulation and definition changes for a period of 30 days, with staff reporting back to the Planning Committee on the written submissions received. In the event that additional public engagement is necessary, it would be included with other housing issues as part of the residential zoning project; and,

(c) That staff report back to the Planning Committee summarizing public input and identifying the preferred zoning definition and regulations for residential care facilities and group homes to be incorporated into the new residential zones in Zoning By-law No. 05-200.

9. Amendments to Property Standards By-law 10-221 and Yard Maintenance By-law 10-118 to Include Tree Requirements (PED19088) (City Wide) (Item 10.1)

(a) That the procedural and housekeeping changes to the City of Hamilton Property Standards By-law 10-221 and Yard Maintenance By-law 10-118 regarding the maintenance requirements for trees and the definition of Directors described in Report PED19088, detailed in the proposed amending by-law attached as Appendix "A" be approved; and,

(b) That the amending by-law attached as Appendix "A" to Report PED19088, which has been prepared in a form satisfactory to the City Solicitor be enacted by Council.

10. Tree Service Company Licensing Feasibility Report (PED19008) (City Wide) (Item 10.2)

(a) That Council adopt this Report and direct staff to draft a new licensing schedule (Tree Service Company) within the Business Licensing By-law 07-170 and bring it back in a form satisfactory to the City Solicitor for enactment; and,

(b) That the item respecting the feasibility of implementing a By-law that will ensure that any commercial company that is contracted to remove trees within the City of Hamilton has a City Business Licence, be identified as complete and removed from the Planning Committee Outstanding Business List.

11. Licensing and By-law Services, Technology "Add-On" (PED19090) (City Wide) (Added Item 10.3)

(a) That Council approve the single source procurement, pursuant to Procurement Policy #11 – Non-competitive Procurements, for the procurement of a by-law enforcement module ("add-on" to the existing parking system) and hardware, including printers, associated custom application development, system implementation and training, for the purpose of issuance and tracking of Licensing and By-Law Services penalties in the City of Hamilton and that the General Manager of the Planning and Economic Development Department be authorized to negotiate, enter into and execute a Contract and any ancillary documents required to give effect thereto with gtechna, a Division of ACCEO Solutions Inc., in a form satisfactory to the City Solicitor; and,

(b) That the General Manager of Planning and Economic Development be authorized to appropriate $145,000 from the Capital Project Account No. 4901445100, Parking Lots-Service Repairs to the 2019 approved Capital Project Account No. 4501957900, Handheld Ticketing Device-System Integration.

12. Ways to Better Protect Hamilton Trees on Private Property (Added Item 12.2)

WHEREAS, the City of Hamilton has unanimously declared a Climate Emergency;

WHEREAS, trees are like the lungs of the planet. They breathe in carbon dioxide and breathe out oxygen. Additionally, they provide habitat for birds and other wildlife. They control flooding and improve water quality;

WHEREAS, Forests Ontario's "50 million tree" program, which aimed to plant that many trees by 2025 and has helped 4,000 landowners in rural Ontario by

subsidizing the planting of 2.3 million trees annually is being eliminated in July by the current Ontario Government;

WHEREAS, the City of Hamilton currently has a by-law to protect trees on municipally owner lands;

WHEREAS, our current City of Hamilton By-laws only protect trees on private property within woodlands 0.5 acres in size or more, with limited protection in Ancaster, Dundas, and Stoney Creek for individual trees;

WHEREAS, the City of Hamilton's Tree Protection Guidelines, adopted by Council in 2010, provide a process for protecting trees on private lands as part of a *Planning Act* application; and,

WHEREAS, the City's existing urban tree canopy is under threat from invasive species;

THEREFORE BE IT RESOLVED;

That the appropriate staff from Planning and Economic Development provide a verbal update on the Urban Forest Strategy to the Planning Committee before the June 2019 public consultation on the Urban Forest Strategy; and that the update include ways we may better protect trees on private property.

13. Zoning By-law Amendment for 1400 Baseline Road (Added Item 12.1)

WHEREAS the City owns the property located at 1400 Baseline Road; and,

WHEREAS City Council has declared the lands surplus to the requirements of the City and authorized and directed Real Estate staff to sell the lands;

THEREFORE BE IT RESOLVED:

(a) That staff be directed to investigate amending the Urban Lakeshore Secondary Plan (Urban Hamilton Official Plan) and the City of Stoney Creek Zoning by-law No. 3692-92, for the purpose of updating the planning permissions for the lands and establishing a land use designation and zoning requirements that reflect the highest/best use of the land;

(b) That staff be directed to prepare a report and implementing by-laws for the approval of Planning Committee;

(c) That staff be directed to provide adequate public notice pertaining to item (b) above, in accordance with the Planning Act; and,

(d) That the General Issues Committee's Outstanding Business List item "Tourism Gateway Centre in Winona" be considered complete and removed.

FOR INFORMATION:

(a) APPROVAL OF THE AGENDA (Item 2)

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

1. COMMUNICATIONS (Item 5)

5.1 Correspondence from Lakewood Beach Community Council respecting 310 Frances Avenue and the April 16th Planning Committee meeting

2. DELEGATION REQUESTS (Item 6)

6.2 Mark Clem respecting 45 Amelia Street being added to the Municipal Register of Properties of Cultural Heritage Value or Interest (Item 7.4) (For today's meeting)

6.3 David Partanen, Canadian Coalition for Firearm Rights, respecting Perspectives on the Efficacy of Proposed Federal Legislation and Municipal By-laws respecting Firearms (For the May 14th meeting)

3. PUBLIC HEARINGS / DELEGATIONS (Item 8)

8.1 Applications to Amend the Urban Hamilton Official Plan, the Township of Glanbrook Zoning By-law No. 464, the City of Hamilton Zoning By-law No. 05-200, and for Approval of a Draft Plan of Subdivision for Lands Located at 78 and 80 Marion Street and 3302 and 3306 Homestead Drive, Glanbrook (PED19046) (Ward 11)

(b) Written Comments:
- (i) Rose and Russ Bartolini
- (ii) Donald and Ann Pryer
- (iii) Dena Jones
- (iv) M. P. Butt

4. DISCUSSION ITEMS (Item 10)

10.3 Licensing and By-law Services, Technology "Add-On" (PED19090) (City Wide)

5. NOTICES OF MOTION (Item 12)

12.1 Zoning By-law Amendments for 1400 Baseline Road

12.2 Ways to Better Protect Hamilton Trees on Private Property

The agenda for the April 30, 2019 meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

None declared.

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

(i) April 16, 2019 (Item 4.1)

The Minutes of the April 16, 2019 meeting were approved, as presented.

(d) COMMUNICATIONS (Item 5)

(i) Correspondence from the Lakewood Beach Community Council respecting 310 Frances Street and the April 16 Planning Committee meeting (Added Item 5.1)

The Correspondence from the Lakewood Beach Community Council respecting 310 Frances Street and the April 16 Planning Committee meeting, was deferred to the May 14, 2019 Planning Committee meeting.

(e) DELEGATION REQUESTS (Item 6)

(i) Glenn Wise, Macassa Bay Live-Aboard Association, respecting Obtaining Permanent Approval for Year Round Residency on a Boat (For today's meeting) (Item 6.1)

The Delegation Request from Glenn Wise, Macassa Bay Live-Aboard Association, respecting Obtaining Permanent Approval for Year Round Residency on a Boat, was approved for today's meeting.

(ii) Mark Clem respecting 45 Amelia Street being added to the Municipal Register of Properties of Cultural Heritage Value or Interest (Item 7.4) (For today's meeting) (Added Item 6.2)

The Delegation Request from Mark Clem respecting 45 Amelia Street being added to the Municipal Register of Properties of Cultural Heritage Value or Interest, was approved for today's meeting, to be heard before Item 7.4.

(iii) David Partanen, Canadian Coalition for Firearm Rights, respecting Perspectives on the Efficacy of Proposed Federal Legislation and Municipal By-laws respecting Firearms (For the May 14th meeting) (Added Item 6.3)

The Delegation Request from David Partanen, Canadian Coalition for Firearm Rights, respecting Perspectives on the Efficacy of Proposed Federal Legislation and Municipal By-laws respecting Firearms, was approved for the May 14, 2019 meeting.

(f) PUBLIC HEARINGS / DELEGATIONS (Item 8)

(i) Mark Clem respecting 45 Amelia Street being added to the Municipal Register of Properties of Cultural Value or Interest (Added Item 8.5)

Mark Clem addressed the Committee respecting concerns with 45 Amelia Street being added to the Municipal Register of Properties of Cultural Value or Interest.

The Delegation from Mark Clem respecting 45 Amelia Street being added to the Municipal Register of Properties of Cultural Value or Interest, was received.

(g) CONSENT ITEMS (Item 7)

(i) Hamilton Municipal Heritage Committee Report 19-003 (Item 7.4)

(a) Item 1 (b) (3) to Hamilton Municipal Heritage Committee Report 19-003 was amended as follows:

3. 23-~~35~~ ***25*** King Street East, Stoney Creek

(b) Item 1 (b) (3) to Hamilton Municipal Heritage Committee Report 19-003, respecting the property located at 23-25 King Street East, was deferred to the next Planning Committee meeting.

For disposition of this matter, refer to Item 4.

(h) PUBLIC HEARINGS / DELEGATIONS (Item 8) - CONTINUED

(i) Applications to Amend the Urban Hamilton Official Plan, the Township of Glanbrook Zoning By-law No. 464, the City of Hamilton Zoning By-law No. 05-200, and for Approval of a Draft Plan of Subdivision for Lands Located at 78 and 80 Marion Street and 3302 and 3306 Homestead Drive, Glanbrook (PED19046) (Ward 11) (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 Official Plan Amendment, Zoning By-law Amendment or Draft Plan of Subdivision 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.

Jennifer Roth, Planner I, addressed the Committee with the aid of a PowerPoint presentation. A copy of the presentation is available on the City's website at www.hamilton.ca or through the Office of the City Clerk.

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 provided an overview of the proposal.

The overview of the proposal by Matt Johnston, Urban Solutions, was received.

Delegations:

1. Donald and Ann Pryer, 42 Aberdeen Avenue, Hamilton

Donald and Ann Pryer addressed the Committee in opposition to the proposal.

2. Margaret Butt, 3266 Homestead Drive, Hamilton

Margaret Butt addressed the Committee in opposition to the proposal.

3. Joanne Fenbow, 3260 Homestead Drive, Hamilton

Joanne Fenbow addressed the Committee in opposition to the proposal.

4. Jochen Bezner, 21 Grosvenor Avenue South, Hamilton

Jochen Bezner addressed the Committee in opposition to the proposal.

The delegations were received.

The following written submissions, were received:

(i) Rose and Russ Bartolini
(ii) Donald and Ann Pryer
(iii) Dena Jones
(iv) M. P. Butt

The public meeting was closed.

The recommendations in Report PED19046 were amended by adding the following sub-section (e):

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

For disposition of this matter, refer to Item 5.

(ii) Application for a Zoning By-law Amendment for Lands Located at 122 and 126 Augusta Street and 127 Young Street and 125 Young Street, Hamilton (PED19089) (Ward 2) (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.

No members of the public came forward.

The Public Meeting was closed.

Mark Kehler, Planner II, addressed the Committee with the aid of a PowerPoint presentation. A copy of the presentation is available on the City's website at www.hamilton.ca or through the Office of the City Clerk.
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 provided an overview of the proposal.

The overview of the proposal by Matt Johnston, Urban Solutions, was received.

The recommendations in Report PED19089 were amended by adding the following sub-section (c):

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

For disposition of this matter, refer to Item 6.

(iii) Entertainment on Outdoor Commercial Patios – Extension and Establishment of the Temporary Use By-laws (PED16155(b)) (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.

No members of the public came forward.

The public meeting was closed.

The staff presentation was waived.

The recommendations in Report PED16155(b) were amended by adding the following sub-section (d):

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

For disposition of this matter, refer to Item 7.

(iv) Glenn Wise, Macassa Bay Live-Aboard Association, respecting Obtaining Permanent Approval for Year Round Residency on a Boat (For today's meeting) (Item 8.4)

Glenn Wise was not in attendance when called to speak. Staff advised that Glenn Wise may have thought he was to attend the May 14, 2019 Planning Committee meeting.

The Delegation by Glenn Wise, Macassa Bay Live-Aboard Association, respecting Obtaining Permanent Approval for Year Round Residency on a Boat, was deferred to the May 14, 2019 Planning Committee meeting.

(i) STAFF PRESENTATIONS (Item 9)

(i) Residential Care Facilities and Group Homes (Urban Area) – Human Rights and the Zoning By-law Discussion Paper (CI 19-B) (PED19091) (City Wide) (Item 9.1)

Joanne Hickey-Evans, Manager Policy Planning and Zoning By-law Reform, addressed the Committee with aid of a PowerPoint presentation.

A copy of the presentation is available on the City's website at www.hamilton.ca or through the Office of the City Clerk.

The staff presentation was received.

Recommendation (b) of Report PED19091 was deleted in its entirety and replaced with the following:

~~(b) That staff be directed to undertake public engagement on the proposed Zoning By-law regulation options, in conjunction with other housing issues, as part of the development of the new residential zones;~~

(b) That the Residential Care Facilities and Group Homes (Urban Area) – Human Rights and the Zoning By-law Discussion Paper be posted on the City's website and invite written submissions on the proposed Zoning By-law regulation and definition changes for a period of 30 days, with staff reporting back to the Planning Committee on the written submissions received. In the event that additional public engagement is necessary, it would be included with other housing issues as part of the residential zoning project; and,

For disposition of this matter, refer to Item 8.

(j) NOTICES OF MOTION (Item 12)

(i) Effect of Heritage Designations on Property Values in Hamilton (Added Item 12.3)

Councillor Farr introduced the following Notice of Motion respecting Effect of Heritage Designations on Property Values in Hamilton:

That the appropriate staff from PED be requested to consult with the Realtors Association of Hamilton-Burlington in an effort to determine if they are aware of or possess any documented proof (attained through previous reports, studies or sales figures analysis) that a heritage designation decreases a property's value in Hamilton.

(ii) Ways to Better Protect Hamilton Trees on Private Property (Added Item 12.2)

Councillor Farr introduced a Notice of Motion respecting Ways to Better Protect Hamilton Trees on Private Property.

The Rules of Order were waived to allow for the introduction of a Motion respecting Ways to Better Protect Hamilton Trees on Private Property.

For disposition of this matter, refer to Item 12.

(iii) Zoning By-law Amendment for 1400 Baseline Road (Added Item 12.1)

Councillor Pearson introduced a Notice of Motion respecting Zoning By-law Amendment for 1400 Baseline Road.

The Rules of Order were waived to allow for the introduction of a Motion respecting Zoning By-law Amendment for 1400 Baseline Road.

For disposition of this matter, refer to Item 13.

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

(i) Outstanding Business List (Item 13.1)

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

(a) Items to be Removed:

C - OMB Decision respecting 121 Augusta Street - Staff review of RCF's as it relates to special needs and the Human Rights Code (Addressed as Item 9.1 on this agenda)

G - Feasibility of Tree Services By-law
(Addressed as Item 10.2 on this agenda)

(b) Items Requiring New Due Dates:

B - City Initiative to Amend Zoning By-law No. 6593 for 118 - 338 Mountain Brow Blvd.
Current Due Date: July 9, 2019
Proposed New Due Date: July 2020

D - Request to Designate 437 Wilson Street East
Current Due Date: March 19, 2019
Proposed New Due Date: September 17, 2019

H - Report back on engagement between the HMHC and property owners surrounding the Gore
Current Due Date: February 5, 2019
Proposed New Due Date: October 1, 2019

I - Report back on City's Policies respecting Boulevard Standards with options/alternatives for future designs
Current Due Date: March 19, 2019
Proposed New Due Date: September 17, 2019

J - Sign Variance Appeal for 430 McNeilly Road
Current Due Date: March 19, 2019
Proposed New Due Date: September 3, 2019

P - Updated Discharge of Firearms By-law
Current Due Date: February 19, 2019
Proposed New Due Date: May 14, 2019

Q - Update on Animal Adoption Pilot Program
Current Due Date: September 3, 2019
Proposed New Due Date: December 3, 2019

T - Development Fees - additional staffing requirements and potential funding model
Current Due Date: April 2, 2019
Proposed New Due Date: October 15, 2019

U - Review of Hamilton Airshed Modelling System
Current Due Date: March 19, 2019
Proposed New Due Date: November 5, 2019

Z - Update on Effectiveness of Driving School By-law
Current Due Date: August 13, 2019
Proposed New Due Date: February 2020

GG - Staff recommendations after one year Pilot Program for dedicated Mohawk College Parking Enforcement Officer
Current Due Date: October 15, 2019
Proposed New Due Date: December 3, 2019

(l) ADJOURNMENT (Item 15)

There being no further business, the Planning Committee was adjourned at 2:37 p.m.

Respectfully submitted,

Councillor M. Pearson
Chair, Planning Committee

Lisa Chamberlain
Legislative Coordinator
Office of the City Clerk