



**City of Hamilton**  
**PLANNING COMMITTEE ADDENDUM**

**Meeting #:** 19-019  
**Date:** December 3, 2019  
**Time:** 9:30 a.m.  
**Location:** Council Chambers, Hamilton City Hall  
71 Main Street West

Lisa Chamberlain, Legislative Coordinator (905) 546-2424 ext. 4605

---

	<b>Pages</b>
<b>6. DELEGATION REQUESTS</b>	
*6.1 John Ariens, IBI Group, respecting Roof Top Noise Mitigation (For today's meeting) (no copy)	3
<b>7. CONSENT ITEMS</b>	
*7.4 Agriculture and Rural Affairs Advisory Committee Report 19-005	19
<b>8. PUBLIC HEARINGS / DELEGATIONS</b>	
8.6 Temporary Use By-law to amend certain regulations in Section 19 - Residential Conversion in City of Hamilton Zoning By-law No. 6593 (PED19176(a)) (Wards 1, 8 and Part of 14)	
8.6.a Written Submissions:	
*8.6.a.a Added Written Submissions:	23
(iii) Hamilton and District Apartment Association	
(iv) Robert Thomas	

## 13. GENERAL INFORMATION / OTHER BUSINESS

### \*13.1 Outstanding Business List

#### \*13.1.a Items to be Removed:

18C - Animal Adoption Pilot Program  
(Item 10.1 on this agenda)

19C - On Street Parking Permits - Wellington Street  
North  
(Item 10.3 on the November 19th agenda)

19N - Development of a Rural Fill By-law  
(Item 10.2 on the November 19th agenda)

19V - Accessory Dwelling Units (Pilot Project)  
(Item 8.6 on this agenda)

#### \*13.1.b Items Requiring New Due Dates:

12A - Regulation of Rental Housing  
Current Due Date: December 3, 2019  
Proposed New Due Date: May 19, 2020

18A - Exemption of Affordable Housing Projects  
From Application Fees  
Current Due Date: September 3, 2019  
Proposed New Due Date: March 24, 2020

### \*13.2 Election of Planning Committee Chair and Vice Chairs for 2020



## Official Plan interpretation:

- Broad based policy document











## Chapter B - 3.6.3.8

Proponents of *development* proposals for which noise studies are submitted shall satisfy all of the following requirements and conditions to the satisfaction of the City and in accordance with provincial guidelines:

- a) Proponents shall provide evidence that predicted noise levels in outdoor living areas meet the daytime objective of 55 dBA.
- b) If predicted noise levels in outdoor living areas exceed 55 dBA but are less than or equal to 60 dBA, noise mitigation measures may be required.
- c) If predicted noise levels in outdoor living areas exceed 60 dBA, noise mitigation measures shall be required.
- d) Every effort should be made to reduce noise levels in the outdoor living area to as close to 55 dBA as technically, economically, and administratively feasible. If noise levels will not be reduced to 55 dBA, the proponent shall demonstrate with options and cost estimates why it is not feasible or practical to achieve 55 dBA, or shall provide justification as to why it may not be aesthetically appropriate or desired to mitigate noise levels to 55 dBA. If noise levels will not be mitigated to 55 dBA, appropriate warning clauses shall be included in lease or rental agreements, agreements of purchase and sale, and within required development agreements.
- e) Provide evidence that provincial indoor sound level criteria are met. If sound levels exceed provincial guidelines for either daytime or nighttime hours, appropriate mitigation measures shall be incorporated into the development, according to provincial guidelines, and appropriate warning clauses shall be included in lease or rental agreements, agreements of purchase and sale, and within development agreements.



## Chapter B - 3.6.3.8

Proponents of *development* proposals for which noise studies are submitted shall satisfy all of the following requirements and conditions to the satisfaction of the City and in accordance with provincial guidelines:

a) Proponents shall provide evidence that predicted noise levels in outdoor living areas meet the daytime objective of 55 dBA.

## Chapter B - 3.6.3.8

Proponents of *development* proposals for which noise studies are submitted shall satisfy all of the following requirements and conditions to the satisfaction of the City and in accordance with provincial guidelines:

b) If predicted noise levels in outdoor living areas exceed 55 dBA but are less than or equal to 60 dBA, noise mitigation measures may be required.

## Chapter B - 3.6.3.8

Proponents of *development* proposals for which noise studies are submitted shall satisfy all of the following requirements and conditions to the satisfaction of the City and in accordance with provincial guidelines:

- c) If predicted noise levels in outdoor living areas exceed 60 dBA, noise mitigation measures shall be required.



## Chapter B - 3.6.3.8

Proponents of *development* proposals for which noise studies are submitted shall satisfy all of the following requirements and conditions to the satisfaction of the City and in accordance with provincial guidelines:

d) Every effort should be made to reduce noise levels in the outdoor living area to as close to 55 dBA as technically, economically, and administratively feasible. If noise levels will not be reduced to 55 dBA, the proponent shall demonstrate with options and cost estimates why it is not feasible or practical to achieve 55 dBA, or shall provide justification as to why it may not be aesthetically appropriate or desired to mitigate noise levels to 55 dBA. If noise levels will not be mitigated to 55 dBA, appropriate warning clauses shall be included in lease or rental agreements, agreements of purchase and sale, and within required development agreements.

## Chapter B - 3.6.3.8

Proponents of *development* proposals for which noise studies are submitted shall satisfy all of the following requirements and conditions to the satisfaction of the City and in accordance with provincial guidelines:

e) Provide evidence that provincial indoor sound level criteria are met. If sound levels exceed provincial guidelines for either daytime or nighttime hours, appropriate mitigation measures shall be incorporated into the development, according to provincial guidelines, and appropriate warning clauses shall be included in lease or rental agreements, agreements of purchase and sale, and within development agreements.

## Chapter B - 3.6.3.9

New residential and other noise *sensitive land uses* that include outdoor living areas shall not be permitted in locations where attenuated outdoor noise levels from road and railway traffic are forecast to exceed 60 dBA.



## Conclusion:

- UHOP has the flexibility to not require noise mitigation and to use warning clauses instead

## **In addition:**

- UHOP does not define outdoor living area
- Roof top amenity area is “not required”
- Mitigation is NOT aesthetic, desirable or practical
- Warning clauses are an appropriate mechanism to advise owner – can also require roof top signage

**We respectfully request that Planning Committee/Council interpret B-3.6.3.8 as providing sufficient flexibility to allow the COMO roof top amenity area as proposed without additional noise mitigation and instead requires the use of Warning Clauses registered on title and signage at the entry point.**







Hamilton

**Agriculture and Rural Affairs Advisory Committee**

**REPORT 19-005**

**Monday, November 25, 2019**

**7:00 p.m.**

**Ancaster Fairgrounds, Rooms A & B  
630 Trinity Road, Ancaster**

---

**Present:** Councillors L. Ferguson and A. VanderBeek

A. Spoelstra (Chair), D. Smith (Vice-Chair), J. Mantel, C. McMaster, N. Mills, A. Payne, R. Pearce, R. Shuker, G. Smuk and M. Switzer

**Absent**

**With Regrets:** Councillors B. Clark and B. Johnson – Personal  
J. Groen, P. Krakar and C. Roberts

**Also Present:** H. Swierenga, Ontario Federation of Agriculture

---

**THE AGRICULTURE & RURAL AFFAIRS ADVISORY COMMITTEE PRESENTS  
REPORT 19-005 AND RESPECTFULLY RECOMMENDS:**

1. **Revised Terms of Reference - Agriculture & Rural Affairs Advisory Committee (PED19173) (Wards 9, 10, 11, 12, 13 and 15) (deferred from the September 9, 2019 meeting) (Item 10.1(a))**

That the revised Agriculture and Rural Affairs Advisory Committee Terms of Reference, attached as Appendix "A" to Agriculture & Rural Affairs Advisory Committee Report 19-005, be approved.

That Report PED19173, respecting Revised Terms of Reference - Agriculture & Rural Affairs Advisory Committee, be received.

2. **Corporate Climate Change Task Force Request - Information Update (deferred from the September 9, 2019 meeting) (Item 10.2)**

(a) That the Information Update, respecting a Corporate Climate Change Task Force Request, be received.

(b) (i) That a Climate Action Working Group of the Agriculture & Rural Affairs

Advisory Committee be established to assemble current knowledge on farm abatement technologies, strategies and management practices to reduce agricultural greenhouse gas emissions and sequester carbon in soil while maintaining or enhancing productivity and report back to the Agriculture & Rural Affairs Advisory Committee at each meeting; and,

- (ii) That the following Members of the Agriculture & Rural Affairs Advisory Committee be appointed to the Climate Action Working Group:

- (1) Cathy McMaster  
 (2) Andrew Spoelstra

**3. City Assessment of Development Charges to Agriculture Organizations Without a Farm Business Registration Number (Item 10.3)**

That the Agriculture & Rural Affairs Advisory Committee is supportive of all Agricultural Societies in Hamilton (Rockton, Binbrook and Ancaster) being exempted from Development Charges.

**FOR INFORMATION:**

**(a) APPROVAL OF AGENDA (Item 1)**

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

**6. DELEGATION REQUESTS (Item 6)**

- 6.1 Ian Graham, National Farmers Union Ontario Local 351, respecting Item 10.2 - Corporate Climate Change Task Force Request – Information Update (for today's meeting)

The agenda for the November 25, 2019 meeting of the Agriculture and Rural Affairs Advisory Committee was approved, as amended.

**(b) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 3)**

**(i) September 9, 2019 (Item 4.1)**

The Minutes of the September 9, 2019 meeting of the Agriculture and Rural Affairs Advisory Committee were approved, as presented.



**(c) DELEGATION REQUESTS (Item 6)**

- (i) Ian Graham, National Farmers Union Ontario Local 351, respecting Item 10.2 - Corporate Climate Change Task Force Request – Information Update (for today's meeting) (Added Item 6.1)**

The delegation request, submitted by Ian Graham, National Farmers Union Ontario Local 351, respecting Item 10.2 - Corporate Climate Change Task Force Request – Information Update, was approved for today's meeting.

**(d) PUBLIC HEARINGS / DELEGATIONS (Item 8)**

- (i) Ian Graham, National Farmers Union Ontario Local 351, respecting Item 10.2 - Corporate Climate Change Task Force Request – Information Update (Added Item 8.1)**

Ian Graham, National Farmers Union Ontario Local 351, addressed the Committee respecting Item 10.2 - Corporate Climate Change Task Force Request – Information Update, with the aid of a presentation.

The delegation by Ian Graham, National Farmers Union Ontario Local 351, respecting Item 10.2 - Corporate Climate Change Task Force Request – Information Update, was received.

A copy of the presentation is available on the City's website at [www.hamilton.ca](http://www.hamilton.ca) or through the Office of the City Clerk.

For further disposition of this matter, refer to Item 2.

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

Agriculture & Rural Affairs Advisory Committee Members used this opportunity to discuss matters of general interest.

**(f) ADJOURNMENT (Item 15)**

The meeting of the Agriculture & Rural Affairs Advisory Committee was adjourned at 8:35 p.m.

Respectfully submitted,

Andrew Spoelstra, Chair  
Agriculture and Rural Affairs  
Advisory Committee

**Agriculture & Rural Affairs Advisory Committee  
Report 19-005**

**November 25, 2019  
Page 4 of 4**

Alicia Davenport  
Legislative Coordinator  
Office of the City Clerk



December 3, 2019

Planning Committee  
Hamilton City Hall  
2nd floor - 71 Main Street West  
Hamilton, Ontario L8P 4Y5

**RE: Temporary Use Bylaw for City of Hamilton Zoning By-law No. 6593 (PED19176)**

The Hamilton and District Apartment Association (HDAA) continues to support the Accessory Dwelling Units (Pilot Project) – Temporary Use Bylaw for City of Hamilton Zoning By-law No. 6593 (PED19176) as it is our belief that it will not only help maintain the number of rental units but perhaps increase the supply of rental units within the City of Hamilton.

In our previous submission, which we have attached, we raised three questions in regards to what would happen after the 3-year proposal term:

- Will units be forced to go back to the current zoning regulations?
- Will investments be wasted when this bylaw is discontinued?
- Will there be a grandfathering clause added?

The City has responded to our first question advising that “a Special Exception could be created for each property that received a Building Permit during the Pilot Project to create and/or legalize an accessory unit.” The HDAA wishes to express its concerns in regards to uncertainties that this could cause and we would be seeking a commitment from the City to ensure that this special exception is created. It may be difficult for community members to embrace the intentions of the Pilot Project if there are concerns of what may occur to their investments after the Pilot Project comes to an end.

The HDAA also continues to stand by the belief that this Pilot Project should not be concentrated on just wards 1 and 8 (and now part of ward 14), but that it should be implemented City wide as this could go a long way to reduce the housing affordability crisis the City is currently facing. By implementing this Pilot Project within only a few wards we may see a large concentration of rental units in those areas only and other areas of the City would be negatively impacted. With a City wide implementation there would be more scattering of rental units within the City as a whole and the whole of the City would benefit from these changes.

We remain hopeful that this zoning by law change is being proposed to help create more affordable housing within the City of Hamilton and not with any intention to have a licencing regime enacted. As such the position of HDAA remains unchanged and our support of the Accessory Dwelling Units (Pilot Project) – Temporary Use Bylaw for City of Hamilton Zoning By-law No. 6593 (PED19176) should not be considered an acceptance of the concept of Rental Housing Licencing. The threat of licencing still brings with it a serious risk of significant tenant displacement and increased rents because of the costs associated with a program that is already being done through the City’s proactive bylaw enforcement program.

Respectfully yours,  
**Hamilton and District Apartment Association**



Planning Committee  
 Hamilton City Hall  
 2nd floor - 71 Main Street West  
 Hamilton, Ontario L8P 4Y5

**RE: Temporary Use Bylaw for City of Hamilton Zoning By-law No. 6593 (PED19176)**

The Hamilton and District Apartment Association would like to congratulate City Staff for proposing the Accessory Dwelling Units (Pilot Project) – Temporary Use Bylaw for City of Hamilton Zoning By-law No. 6593 (PED19176). If not for the application of Licensing, we believe the relaxed regulations on zoning requirements in section 19 will help maintain the number of units and perhaps increase the supply. We applaud the City for accepting the direction of the Provincial Government by enacting Bill 108 (More Homes, More Choice Act, 2019).

This effort to help housing providers create more housing is a great step toward increasing supply in Hamilton. Along with the other 25 recommendations proposed in the “Promoting Code Compliant, Affordable, Safe, Clean and Healthy Rental Housing”, we believe if this is introduced City wide the changes will go a long way to reduce the housing affordability crisis the City is currently facing. We can only hope that when the official re zoning plan comes out it will also see the same zoning regulation changes so the benefits can increase supply across the City. It would be a shame if the only reason this zoning bylaw change is being proposed is for a licencing regime to be enacted and not because it helps create more affordable housing.

We would like to have the Planning Committee and City Staff look at the implication of what happens after the 3-year proposal term.

- Will units be forced to go back to the current zoning regulations?
- Will investments be wasted when this bylaw is discontinued?
- Will there be a grandfathering clause added?

If the Proposed Pilot Project requires those who create or legalize secondary suites to obtain a building permit with associated inspections, wouldn't that eliminate the need for a licence program as the bylaw officers will have access to the unit during building permit inspection?

Although the Accessory Dwelling Units Pilot Project will help negate some of the displacement issues we would see if a trial licencing program is passed, it will not remove the threat entirely. The position of HDAA remains unchanged and our support of the Accessory Dwelling Units (Pilot Project) – Temporary Use Bylaw for City of Hamilton Zoning By-law No. 6593 (PED19176) should not be considered an acceptance of the concept of Rental Housing Licencing. The threat of licencing still brings with it a serious risk of significant tenant displacement and increased rents because of the costs associated with a program that is already being done through the Cities proactive bylaw enforcement program.

As such, HDAA would support a City-wide section 19 bylaw change as suggested in the Accessory Dwelling Units (Pilot Project) – Temporary Use Bylaw for City of Hamilton Zoning By-law No. 6593 (PED19176).

Respectfully yours,  
**Hamilton and District Apartment Association**

**Chamberlain, Lisa**

---

**Subject:** FW: Low Density Rental Housing Bylaw

**From:** BOB THOMAS

**Sent:** December 2, 2019 9:48 AM

**To:** Chamberlain, Lisa <Lisa.Chamberlain@hamilton.ca>

**Cc:** Gordon, Jim <Jim.Gordon@hamilton.ca>; Danko, John-Paul <John-Paul.Danko@hamilton.ca>

**Subject:** Re: Low Density Rental Housing Bylaw

On Dec 1, 2019, at 10:46 PM, BOB THOMAS <

City of Hamilton representatives,

I live in the Bonnington Neighbourhood and have been here for 12 years. In that short time, I have seen a noticeable decline in the property standards and more importantly attitude of the tenants in our area. Loud parties, louder cars, speeding and general bad attitudes towards their neighbours. Parking is another issue, but it is getting addressed through by law efforts. Good job!

Your by law needs to address the basic issue of tenant / renter safety. I have witnessed the aftermath of parties where residents or their guests have urinated or left feces on neighbours property because of a lack of bathrooms in the house. I have personally called bylaw and police when the parties got out of hand, not because of noise but out of concern of safety for the people. A large number of tenants are new to being on their own and could also be new to our culture. A welcome to the neighbourhood handout should be created by the city expressing the behaviour expected from them as residents. Explaining the bylaws (perhaps using photos) and the consequences if they or their landlord does not comply. I have seen tenants without snow shovels or garbage cans. A lot of the tension between tenants and long-time residents is the apparent total lack of regard they have for the community; they consider themselves as transients. They might know better, but they have to be told and a written notice that their grass is too long or that they one or two too many garbage bags out won't educate them. We need to make them better citizens.

Residents have voiced their frustration at how slow the city is moving. Why haven't we borrowed a bylaw from another city, the one from London seems well laid out and easy to follow. We are doing a trial so we should not be licensing rentals we should be registering them and charging a small fee. Any accommodation registered will need to be inspected, not sure why initial inspections can't be done by City Bylaw inspectors who could then recommend / order more in-depth inspections? It appears that Electrical / HVAC and Fire Inspectors are all needed by the by law. This is a Trial so why force landlords to pay a fee \$200 plus inspection fees for Electrical / HVAC for a bylaw that might disappear in two years. I am confident that registered (read city inspected) rental units would demand more rent hopefully covering the cost of registering with the inspections. I know as parent I would feel better if my child was staying in a registered, read safe, house.

Lodging houses versus single housekeeping units. Confused. Does this mean a house with 5 bedrooms, shared kitchen and bathrooms is considered a Lodging house if there is one person paying the entire rent? The other residents are sublets to the one tenant? Has this possibility been addressed?

Don't get me wrong, I fully appreciate the rental challenge the city, college and university are experiencing. We must strive to create a balance of safety, security and accountability for all parties. Please make a decision and don't over study the issue. Get it started for this fall and make changes to the trial as required. Have you considered the phasing in of landlord mandated improvements based on safety first to allow them some leeway and make them part of the success and not part of the problem.

Sorry to be long winded but I have high hopes for this neighbourhood of ours were tenants and residents are friendly and helpful to each other. It has so much potential to improve.

Thanks for listening

Robert Thomas