PLANNING COMMITTEE
REPORT
AS APPROVED BY COUNCIL JANUARY 22, 2020

20-001
January 14, 2020
9:30 a.m.
Council Chambers, Hamilton City Hall
71 Main Street West

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

Also in Attendance: Councillor L. Ferguson

THE PLANNING COMMITTEE PRESENTS REPORT 20-001 AND RESPECTFULLY RECOMMENDS:

1. Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED20007) (City Wide) (Item 7.1)

That Report PED20007 respecting Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications, be received.

2. Payday Loan Licences (PED20010) (City Wide) (Item 7.2)

That Report PED20010 respecting Payday Loan Licences, be received.

3. Appeal to the Local Planning Appeal Tribunal (LPAT) for Lack of Decision on Zoning By-law Amendment Application ZAA-18-053 for Lands Located at 2282 Westbrook Road (PED20002) (Glanbrook) (Ward 11) (Item 7.3)

That Report PED20002 respecting Appeal to the Local Planning Appeal Tribunal (LPAT) for Lack of Decision on Zoning By-law Amendment Application ZAA-18-053 for Lands Located at 2282 Westbrook Road (PED20002) (Glanbrook) (Ward 11), be received.

4. Agriculture and Rural Affairs Advisory Committee Minutes 19-003 (Item 7.4)

That the Agriculture and Rural Affairs Advisory Committee Minutes 19-003, be received.

5. Roof Top Amenity Area for 600 North Service Road, Stoney Creek (PED20037) (Ward 10) (Item 7.5)

That Report PED20037 respecting Roof Top Amenity Area for 600 North Service Road, Stoney Creek, be received.

6. Application for Approval of a Draft Plan of Condominium (Common Element) for Lands Located at 185 Bedrock Drive, Stoney Creek (PED20001) (Ward 9) (Item 8.1)

That Draft Plan of Condominium Application 25CDM-201905, by Armstrong Planning & Project Management on behalf of Empire (Red Hill) Ltd., owner to establish a Draft Plan of Condominium (Common Element) to create a private road, sidewalks, landscaped areas and visitor parking for 83 townhouse units on lands located at 185 Bedrock Drive (Stoney Creek), as shown on Appendix "A", attached to Report PED20001, be APPROVED subject to the following conditions:

(a) That the approval for Draft Plan of Condominium (Common Element) application 25CDM-201905 applies to the plan prepared by A.T. McLaren Limited, certified by S.D. McLaren, and dated April 10, 2019, consisting of a private road, sidewalks, landscaped areas and visitor parking for 83 townhouse units, attached as Appendix "B" to Report PED20001;

(b) That the conditions of Draft Plan of Condominium Approval 25CDM-201905, attached as Appendix "C" to Report PED20001, be received and endorsed by City Council;

(c) That a warning clause be added to any sale, lease or rental agreement that the property is within 500 metres of an operational industrial, commercial, institutional landfill; and,

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

7. Applications for Official Plan Amendment and Zoning By-law Amendment for Lands Located at 125 and 129 Robert Street, Hamilton (PED20015) (Ward 2) (Item 8.2)

(a) That Official Plan Amendment Application UHOPA-17-033 by Vision Hamilton Inc, Owner, for a change in designation on Schedule "M-2" of the West Harbour (Setting Sail) Secondary Plan in the former City of Hamilton Official Plan to add a Site Specific Policy Area to permit the development of a six unit, three storey multiple dwelling with a maximum residential density of 143.0 units per gross hectare, for lands located at 125 and 129 Robert Street, as shown on Appendix "A" to Report PED20015, be APPROVED;

(b) That Zoning By-law Amendment Application ZAC-17-073 by Vision Hamilton Inc., Owner, for a change in zoning from the "D/S-378" (Urban Protected Residential – One and Two Family Dwellings) District, Modified to a site specific "DE-2" (Low Density Multiple Dwellings) District, Modified to permit a six unit, three storey multiple dwelling with no on-site parking on lands located at 125 and 129 Robert Street, Hamilton, as shown on Appendix "A" to Report PED20015, be APPROVED;

(c) That staff be directed to prepare the Official Plan Amendment and Zoning By-law Amendment consistent with the concept plans presented at Planning Committee on this day (January 14, 2020), and ensure implementation through the future site plan application, and any other necessary agreements to implement Council's direction, with a warning clause in purchase or rental agreements that owners/tenants are not eligible for on street parking permits, and owners/tenants cannot petition the City for changes to on-street parking; and,

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

8. Application for a Zoning By-law Amendment for Lands Located at 179, 183 and 187 Wilson Street West (Ancaster) (PED20022) (Ward 12) (Item 8.3)

(a) That Zoning By-law Amendment Application ZAC-19-040 by T. Johns Consulting Group on behalf of Sunrise Senior Living, Owner, for a change in zoning from the Residential "R2" Zone in Town of Ancaster Zoning By-law No. 87-57, to the Community Institutional (I2, 694) Zone, in the City of Hamilton Zoning By-law No. 05-200, to permit a three storey retirement home for lands located at 179, 183, and 187 Wilson Street West (Ancaster), as shown on Appendix "A" to Report PED20022 be APPROVED, on the following basis:

(i) That the draft By-law, attached as Appendix "B" to Report PED20022, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

(ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (PPS) and conforms to A Place to Grow (2019);

(iii) That the proposed change in zoning complies with the Urban Hamilton Official Plan and the Ancaster Wilson Street Secondary Plan.

(b) That the following conditions apply:

1. That on weekends and special occasions, the applicant provide a shuttle service for visitors and staff to avoid on street parking.

2. That all construction activity be limited to between 7:00 a.m. and 5:30 p.m. from Monday to Friday.

3. That no closure of a lane on Wilson Street will be permitted during rush hours.

4. That a pre-construction survey be completed by the applicant.

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

9. Accessible Taxicab Financial Incentive Program (PED18082(a)) (City Wide) (Item 10.1)

(a) That the Accessible Taxicab Financial Incentive Pilot Program be extended for an additional 16 months to the end of April 2021 and that the program be funded through the Working Funds - General Reserve 112400 at an estimated net cost of $80,000 or $5,000 per month; and,

(b) That funding for a permanent Accessible Taxicab Financial Incentive Program be considered during the 2021 budget deliberations.

10. Release of Standard Taxi Plates – Priority List (PED20011) (City Wide) (Item 10.2)

That staff be authorized to issue three standard taxicab plates in January 2020 and an additional three standard taxicab plates per year until the Standard Taxicab Priority List expires.

11. Advertising on Taxicabs (PED20014) (City Wide) (Item 10.3)

That Report PED20014 respecting Advertising on Taxicabs, be received.

12. Property Standards By-law – Rental Properties and Apartments (Item 11.1)

WHEREAS, the Building Code Act, 1992, authorized the City of Hamilton to pass a bylaw prescribing standards for the maintenance and occupancy of property;

WHEREAS, the City of Hamilton Consolidated By-law 10-221, being a By-law to prescribe standards of the maintenance and occupancy of property was passed by Council in 2010;

WHEREAS, as part of continuous improvement, by-laws require changes over time to align with changes in legislation, improve processes and to maintain the by-law to the original intent and effectiveness;

WHEREAS, since the adoption of the Property Standards By-law, there have been eight (8) incorporated amendments to improve the By-law; and,

WHEREAS, there have been concerns of the health and safety of rental house and apartments within the City.

THEREFORE BE IT RESOLVED:

(a) That staff be directed to meet with Internal and external stakeholders concerning possible improvements to the Property Standards By-law involving rental properties, apartments and tenant living areas; and,

(b) That staff be directed to review and compare our current Property Standards Bylaw against other municipalities to determine best practices and improvement to our current legislation.

13. Authorization for LJM Developments Inc. to apply for a Variance to a By-law for Lands Located at 2782 Barton Street East (Item 11.2)

WHEREAS Bill 73, Smart Growth for our Communities Act, 2015 placed a moratorium for minor variance applications within 2 years of passing a site specific zoning by-law amendment;

WHEREAS the application as presented in Report PED19170 for lands including 2782 Barton Street East was approved September 3, 2019 and is within the 2 year moratorium;

WHEREAS Council may waive this moratorium on a site specific basis, to allow the applicant to make an application to the Committee of Adjustment;

WHEREAS the application as presented in Report PED19170 was approved at a maximum density of 441 units per hectare (or 244 units), and any proposed height increases cannot increase the maximum density established without an amendment to the Urban Hamilton Official Plan;

THEREFORE BE IT RESOLVED:

That Council of the City of Hamilton provide authorization to LJM Developments Inc. to apply for minor variances to a by-law for lands located at 2782 Barton Street East in order to vary building height, among other variances, of a site specific by-law approved within the last 2 years.

14. Roof Top Amenity Area for 600 North Service Road, Stoney Creek (Added Item 11.3)

WHEREAS, conditional site plan approval was issued for Site Plan Control application DA-19-053 which included a condition which required the completion of a detailed noise study; and,

WHEREAS, a noise study, dated September 9, 2019, prepared by Valcoustics Canada Ltd. was submitted with the Site Plan Control application which identified that at the common outdoor amenity areas, the unmitigated daytime sound levels are predicted to be 70 dbA at the rooftop terrace and that a 4.4 m high sound barrier would be required around the south, east and west sides of the terrace to mitigate the sound levels to the MECP guidelines;

THEREFORE BE IT RESOLVED:

That staff be directed to waive the requirement for noise mitigation for the rooftop terrace and require the inclusion of noise warning clauses in all offers of purchase and sale and/or lease agreements advising that noise levels will be exceeding MECP guidelines, to be implemented through both the Site Plan Control application and future Plan of Condominium.

15. Site Alteration Permit (PED20029) (Ward 11) (Item 14.1)

That the direction provided to staff in Closed Session be approved and remain confidential.

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

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

1. DELEGATION REQUESTS (Item 6)

6.2 Nicole Smith, Kumon Hamilton West End, respecting Property Standards By-law – Rental Properties and Apartments (Item 11.1) - WITHDRAWN

6.3 John Ariens respecting Roof Top Amenity Area for 600 North Service Road, Stoney Creek (PED20037) (Item 7.5) (For today's meeting) - WITHDRAWN

6.4 Mike Wood, Hamilton ACORN, respecting Property Standards By-law - Rental Properties and Apartments (Item 11.1) (For the January 14, 2020 meeting)

6.5 Dayna Sparks, Hamilton ACORN, respecting Property Standards By-law - Rental Properties and Apartments (Item 11.1) (For the January 14, 2020 meeting)

6.6 Brenda Mills, Hamilton ACORN, respecting Property Standards By-law - Rental Properties and Apartments (Item 11.1) - WITHDRAWN

6.7 Veronica Gonzalez, Hamilton ACORN, respecting Property Standards By-law - Rental Properties and Apartments (Item 11.1) (For the January 14, 2020 meeting)

6.8 Sarah Jama, Disability Justice Network of Ontario, respecting Property Standards By-law - Rental Properties and Apartments (Item 11.1) - WITHDRAWN

2. CHANGE TO THE ORDER OF ITEMS

11.1 Motion respecting Property Standards By-law - Rental Properties and Apartments be moved up in the agenda to be heard after the Delegations

The agenda for the January 14, 2020 meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

Councillor Pearson advised she has a conflict with Item 11.1, Property Standards By-law – Rental Properties and Apartments, as she is a landlord of rental properties.

Councillor Clark advised, that on the advice of the Ombudsman, he no longer has a conflict with Item 11.1, Property Standards By-law – Rental Properties and Apartments, as he had a former professional relationship with the Hamilton and District Apartment Association, and the Ombudsman advised that the relevance of that relationship on Councillor Clark's Council related matters has expired.

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

(i) December 3, 2019 (Item 4.1)

The Minutes of the December 3, 2019 meeting were approved, as presented.

(d) DELEGATION REQUESTS (Item 6)

(i) Various Delegation Requests (Items 6.1 – 6.8)

The following Delegation Requests, were approved for today's meeting:

6.1 Denise Harvey, respecting Violation of the Site Alteration By-law on Lynden Road, to be heard before the Public Meetings.

6.4 Mike Wood, Hamilton ACORN, respecting Property Standards By-law - Rental Properties and Apartments (Item 11.1), to be heard before the Public Meetings.

6.5 Dayna Sparks, Hamilton ACORN, respecting Property Standards By-law - Rental Properties and Apartments (Item 11.1), to be heard before the Public Meetings.

6.7 Veronica Gonzalez, Hamilton ACORN, respecting Property Standards By-law - Rental Properties and Apartments (Item 11.1), to be heard before the Public Meetings.

(e) PUBLIC HEARINGS/DELEGATIONS (Item 8)

(i) Denise Harvey, respecting Violation of the Site Alteration By-law on Lynden Road (Item 6.1)

Denise Harvey addressed the Committee respecting Violation of the Site Alteration By-law on Lynden Road.

The Delegation from Denise Harvey, respecting Violation of the Site Alteration By-law on Lynden Road, was received.

(ii) Various Delegations respecting Property Standards By-law – Rental Properties and Apartments (Item 11.1) (Added Items 6.4, 6.5 and 6.7)

The following Delegations addressed Committee respecting Property Standards By-law – Rental Properties and Apartments:

1. Mike Wood, Hamilton ACORN (Added Item 6.4)

2. Dayna Sparks, Hamilton ACORN (Added Item 6.5)

3. Veronica Gonzalez, Hamilton ACORN (Added Item 6.7)

The Delegations, Added Items 6.4, 6.5 and 6.7, respecting Property Standards By-law – Rental Properties and Apartments, were received.

For disposition of the matter, refer to Item 12.

(iii) Application for Approval of a Draft Plan of Condominium (Common Element) for Lands Located at 185 Bedrock Drive, Stoney Creek (PED20001) (Ward 9) (Item 8.1)

In accordance with the provisions of the *Planning Act*, Chair Farr advised that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Draft Plan of Condominium (Common Element) the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Local Planning Appeal Tribunal, and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

No members of the public came forward.

The public meeting was closed.

The staff presentation was waived.

Maria Jones, Armstrong Planning and Project Management, was in attendance and indicated support for the staff report.

The recommendations in Report PED20001 were amended by adding the following sub-section (c):

(c) That a warning clause be added to any sale, lease or rental agreement that the property is within 500 metres of an operational industrial, commercial, institutional landfill.

The recommendations in Report PED20001 were amended by adding the following sub-section (d):

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

For disposition of this matter, refer to Item 6.

(iv) Applications for Official Plan Amendment and Zoning By-law Amendment for Lands Located at 125 and 129 Robert Street, Hamilton (PED20015) (Ward 2) (Item 8.2)

In accordance with the provisions of the *Planning Act*, Chair Farr advised 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 or 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.

Councillor Farr relinquished the Chair to Councillor Clark.

No members of the public came forward.

The public meeting was closed.

Andrea Dear, Senior Planner, addressed the Committee with the aid of a PowerPoint presentation. A copy of the presentation is available through the Office of the City Clerk and online at www.hamilton.ca.

The staff presentation was received.

John Ariens, IBI Group, was in attendance and indicated support for the staff report, and addressed the Committee with the aid of a PowerPoint presentation. A copy of the presentation is available through the Office of the City Clerk and online at www.hamilton.ca.

The presentation from John Ariens, IBI Group, was received.

Written Submissions:

(i) Beasley Neighbourhood Association (8.2 (a)(i))

The written submission was received.

The recommendations (a) and (b) in Report PED20015 were amended, and a new sub-section (c) was added, as follows:

(a) That Official Plan Amendment Application UHOPA-17-033 by Vision Hamilton Inc, Owner, for a change in designation on Schedule “M-2” of the West Harbour (Setting Sail) Secondary Plan in the former City of Hamilton Official Plan to add a Site Specific Policy Area to permit the development of a six unit, three storey multiple dwelling with a maximum residential density of 143.0 units per gross hectare, for lands located at 125 and 129 Robert Street, as shown on Appendix “A” to Report PED20015, be ***APPROVED***;

(b) That Zoning By-law Amendment Application ZAC-17-073 by Vision Hamilton Inc., Owner, for a change in zoning from the “D/S-378” (Urban Protected Residential – One and Two Family Dwellings) District, Modified to a site specific “DE-2” (Low Density Multiple Dwellings) District, Modified to permit a six unit, three storey

multiple dwelling with no on-site parking on lands located at 125 and 129 Robert Street, Hamilton, as shown on Appendix "A" to Report PED20015, be ***APPROVED***;

(c) That staff be directed to prepare the Official Plan Amendment and Zoning By-law Amendment consistent with the concept plans presented at Planning Committee on this day (January 14, 2020), and ensure implementation through the future site plan application, and any other necessary agreements to implement Council's direction, with a warning clause in purchase or rental agreements that owners/tenants are not eligible for on street parking permits, and owners/tenants cannot petition the City for changes to on-street parking; and,

The recommendations in Report PED20015 were amended by adding the following sub-section (d):

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

For disposition of this matter, refer to Item 7.

Councillor Farr resumed the Chair.

(v) Application for a Zoning By-law Amendment for Lands Located at 179, 183 and 187 Wilson Street West (Ancaster) (PED20022) (Ward 12) (Item 8.3)

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

James Van Rooi, Planner I, addressed the Committee with the aid of a PowerPoint presentation. A copy of the presentation is available through the Office of the City Clerk and online at www.hamilton.ca.

The staff presentation was received.

Terri Johns, T. Johns Consulting Group, was in attendance and indicated support for the staff report, and addressed the Committee with the aid of a

PowerPoint presentation. A copy of the presentation is available through the Office of the City Clerk and online at www.hamilton.ca.

The presentation from Terri Johns, T. Johns Consulting Group, was received.

Registered Speakers:

(i) Barry Coe, Condo Association WVLCA#49 (8.3 (b)(i))

The delegation from Barry Coe, Condo Association WVLCA#49, was received.

Written Submissions:

(i) Joanne and Frank Otterspoor (8.3 (a)(i))

The written submission was received.

The public meeting was closed.

The recommendations in Report PED20022 were amended by adding the following sub-section (b):

(b) That the following conditions apply:

1. That on weekends and special occasions, the applicant provide a shuttle service for visitors and staff to avoid on street parking.

2. That all construction activity be limited to between 7:00 a.m. and 5:30 p.m. from Monday to Friday.

3. That no closure of a lane on Wilson Street will be permitted during rush hours.

4. That a pre-construction survey be completed by the applicant.

The recommendations in Report PED20022 were amended by adding the following sub-section (c):

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

For disposition of this matter, refer to Item 8.

(f) PRIVATE AND CONFIDENTIAL (Item 14)

The Committee moved into Closed Session respecting Item 14.1, pursuant to Section 8.1, Sub-sections (e) and (f) of the City's Procedural By-law 18-270, and Section 239(2), Sub-sections (e) and (f) of the *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.

(i) Site Alteration Permit (PED20029) (Ward 11) (Item 14.1)

For further disposition of this matter, refer to Item 15.

(g) ADJOURNMENT (Item 15)

There being no further business, the Planning Committee was adjourned at 2:09 p.m.

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Councillor Jason Farr
Chair, Planning Committee

_____
Lisa Chamberlain
Legislative Coordinator