



City of Hamilton PLANNING COMMITTEE ADDENDUM

Meeting #: 22-004
Date: March 22, 2022
Time: 9:30 a.m.
Location: Due to the COVID-19 and the Closure of City Hall (CC)

All electronic meetings can be viewed at:
City's Website:
<https://www.hamilton.ca/council-committee/council-committee-meetings/meetings-and-agendas>
City's YouTube Channel:
<https://www.youtube.com/user/InsideCityofHamilton> or Cable 14

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

Pages

5. COMMUNICATIONS

- *5.2. John and Brenda Ross, and Joel and Ilana Goldberg respecting the HATF Report (Item 7.6) 4
Recommendation: Be received and referred to the consideration of Item 7.6.

6. DELEGATION REQUESTS

- *6.5. Delegation Requests respecting Encampment Enforcement (Item 11.3)
(For today's meeting)
- (i) Aggie Kwiatkowski
 - (ii) Vic Wojciechowska
 - (iii) Mohammed W. Shalalfeh
 - (iv) Jim Quinn
 - (v) Wynne Baker
 - (vi) Theo Vittore
 - (vii) Eric MacPherson
 - (viii) James Lambert
 - (ix) Eshan Merali

- (x) Sabreina Dahab
- (xi) Rebecca Morris-Miller
- (xii) Jillian Vieira
- (xiii) Sarah Imrisek
- (xiv) Alisha Atri
- (xv) Laura Katz
- (xvi) Sarah Jama
- (xvii) Joanna Aitcheson
- (xviii) Koral Wysocki
- (xix) Chelsea MacDonald - Withdrawn
- (xx) Tanya Collins
- (xxi) Deann McGlinchey
- (xxii) Spencer Naylor
- (xxiii) Ali Jones
- (xxiv) Don McLean
- (xxv) Matthew Higginson
- (xxvi) Montana Mellett
- (xxvii) Blake McCall
- (xxviii) Gabriel Baribeau
- (xxix) Mary Love
- (xxx) C.A. Klassen
- (xxxi) Rowa Mohamed
- (xxxii) Marcie Mcilveen
- (xxxiii) Jaydene Lavallie
- (xxxiv) Miriam Sager
- (xxxv) Becky Katz
- (xxxvi) Sarah Dawson
- (xxxvii) Mary Cep - Withdrawn
- (xxxviii) Rebecca Casalino
- (xxxix) Rachel More
- (xl) Nicole Tollenaar
- (xli) Grace Cameron
- (xlii) Nourhan Afify
- (xliii) Navin Garg
- (xliv) Birdie Thorne

- *a. Written Submissions:
 - (i) Joshua Weresch
 - (ii) Megan Janssen
 - (iii) Kara Jongeling

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- *6.6. Delegations respecting 1107 Main Street West (Item 7.1, Recommendation 7) (For today's meeting)
 - (i) David Falletta
 - (ii) Dr. Sarah Sheehan

- *6.7. Viv Saunders, Lakewood Beach Community Council, respecting Site Plan Approval / Building Permit Issuance (For the April 5th meeting)

9. PUBLIC HEARINGS / DELEGATIONS

- 9.1. Application to Amend Hamilton Zoning By-law No. 05-200 for Lands Located at 1040 Garner Road West, Ancaster (PED22059) (Ward 12)

- *a. Written Submissions:
 - (i) Nadia Hamilton

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12. NOTICES OF MOTION

- *12.1. Demolition Control By-law Exemption for Rapid Housing Initiative Modular Affordable Housing Project at 221-223 Charlton Ave E.
- *12.2. Taxi Fees - Amendment to By-law No. 07-170, a By-law to Licence and Regulate Various Businesses

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March 20, 2022

Chair Brenda Johnson and Members
Planning Committee
City of Hamilton
71 Main Street West
Hamilton, ON L8P 4Y5

Dear Chair and Members of the Planning Committee:

RE: City of Hamilton Response to Provincial Housing Affordability Task Force (HATF) Report

As residents of Hamilton who reside within 120 metres of a proposed redevelopment that requires an Application for both an UHOP amendment and a zoning by-law amendment, we have closely followed the affordable housing debate over the last several years and have become familiar with the issues and factors relating to the lack of affordable housing in Hamilton.

Prior to submitting to the Planning Department our objections to the proposed development we examined the Provincial Policy Statement (2020) and the Growth Plan for the Greater Golden Horseshoe (2019) and accordingly our concerns to the Developer's proposal were based on grounds explicitly identified by the Province as being relevant to a redevelopment and an intensification along a higher-order transit corridor. Unfortunately, it now appears that the Task Force has improperly reclassified some of these very policies which were set out and encouraged in these two pieces of provincial legislation, and in sweeping generalizations the Task Force has now labelled these grounds and procedures as NIMBYism and an "abuse" of the application process.

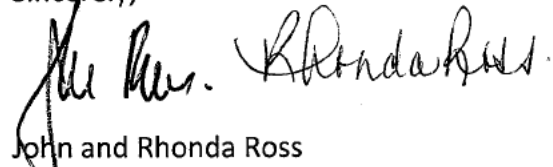
The detailed objections we submitted to Planning Staff related to such issues as the detrimental impact arising from the lack of adherence to setback requirements in the TOC1 zoning by-law; the removal of municipal trees that mitigate against noise and harmful air pollution; the risks to pedestrian safety due to the fact that the proposal abuts a school playground and City Parkette; air quality and pollution issues relating to traffic congestion on both Main Street West and Highway 403; and Cultural Heritage, Preservation and Ontario Heritage Act designation.

We therefore strongly support the Planning Staff response and analysis to the HATF Report as we believe that the Staff response accurately sets out the factors and conditions that explain the extreme lack of affordable housing in Ontario, and that the response cogently defends the fact that the lack of affordable housing is not due to delays by Staff nor by consultations with or the participation of neighbourhood residents. In fact, it is important to note that the neighbours in our area would gladly welcome a CMHC affordable housing intensification redevelopment similar in design to the "Good Shepherd Square", which was built along a higher order transit corridor on King Street West.

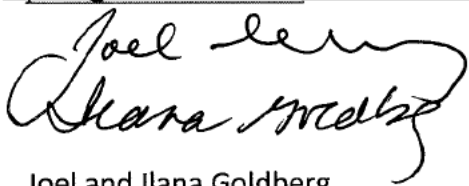
We also wish to point out to the Planning Committee that it should encourage Council to work in conjunction with other municipalities to seek a more equitable distribution of the enormous revenues generated by the Provincial Land Transfer Tax, which taxes the purchase of every house or parcel of land in Ontario. A reallocation of just a small percentage of these funds directly to subsidized rental projects and affordable housing would enable the construction of projects by the municipalities and non-profits that wish to provide housing for their residents, as affordable housing projects may not be able to obtain funding otherwise.

The construction of more affordable housing is indeed a worthy goal for the Province of Ontario; however, it must be pursued in a manner which reflects the concerns raised by the Planning Staff of the City of Hamilton. Accordingly, we highly recommend to the Members of the Planning Committee that you authorize the appropriate resolution from Council to adopt the position and responses set out by Planning Staff to the HATF Report.

Sincerely,



John and Rhonda Ross



Joel and Ilana Goldberg



From: Joshua Weresch

Sent: Saturday, March 19, 2022 7:45 AM

To: Farr, Jason <Jason.Farr@hamilton.ca>; Danko, John-Paul <John-Paul.Danko@hamilton.ca>; Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>

Subject: Notice of motion for 22 March 2022 Planning ctte meeting

Dear Councillors Farr and Danko, Legislative Assistant Kelsey:

Good morning. Hope this finds you well. I would ask that this message be placed in the public agenda for the 22 March 2022 Planning committee meeting. I write in regards to Councillor Farr's notice of motion presented at this meeting, brought to my attention by the Hamilton Encampment Support Network.

This motion, if passed, would place further pressures on unhoused people to evacuate public parks and their tents but would provide them, as the Network and others in the city have noted repeatedly, no free, accessible, public housing for all in need. A mere 12 hours after a trespass notice has been issued--whether such a sense of trespass is even justified, when there's nowhere else to go--in which time the encampment eviction is to be completed is not nearly enough time to find and secure public housing and, to be frank, there is never enough time when, again, there is no public housing to secure. Stop encampment evictions! Provide free, accessible, public housing for all in need.

I would ask that you withdraw this motion for this meeting. Failing that, I would ask that the councillor for the ward in which my family and I live, Ward 8, speak and vote against the motion. Instead of tearing down encampments, build up alternatives, led by those who need and benefit from them most of all. I look forward to your humane and compassionate actions in these regards.

Joshua Weresch

From: Megan Janssen
Sent: Monday, March 21, 2022 7:36 AM
To: clerk@hamilton.ca
Subject: Written Delegation Submission: Planning Committee March 22

Hello all,

Thank you for reading my delegation today. I appreciate your time and attention.

I write you to demand that motion item 11.3 not be passed. I ask that instead, council invest in accessible and permanent housing solutions for all unhoused community members. In order to do this I ask that we instead reallocate all resources being put toward encampment evictions (financial, and otherwise) towards housing infrastructure and programs, as well as transitional supports for those newly housed.

I am deeply disturbed by Hamilton's use of violence and force against the most vulnerable in our community. In a moment of extraordinary challenges for many people in Hamilton's borders, the city has chosen violence over compassion, and made it known that if my circumstances find me homeless, that I am unwanted. I am a criminal - viewed as less than human. I should disappear, cease to exist. The city tells us that if we should find ourselves without housing, that we are criminal, that we are less deserving of dignity, compassion and support.

It all sounds quite dramatic, but this is how we are treating the unhoused members of our community. I am a third generation Hamiltonian, and I understand that I am way more likely to become homeless than I am to become a millionaire. If I was experiencing homelessness, trying to survive with the little I had, the LAST thing I would need would be for my city to continue to violently remove me from what little I have. Instead, I would hope that my community would actively work to combat this crisis, and to become a place where people can live dignified lives.

Instead of spending our resources on violence, only doing further harm to these human beings and community members - please, let us address the real issues at hand: solve the affordable housing waitlist, pay people living wages, work with advocates and people experiencing homelessness to create positive and pragmatic solutions. Improve shelter conditions, create more affordable housing units, stop renovictions, create new rent control, rezone to create better housing options - these are all things we can do to stop the crisis.

In a time of global chaos, of war and destruction, may we not respond to our own vulnerable communities with violence and destruction. As a human being, a community member and Hamiltonian, I feel it is my duty to stand up and demand better for my community.

Thank you again for your time and attention.

All best,

Megan McBride

Name of Individual: Kara C Jongeling

Hello Councillors, I originally wanted to delegate live in the meeting but had a scheduling conflict, so kindly accept this written submission intended to speak to Motion 11.3 put forward by councillor Jason Farr titled: Enhanced Parks By-law - Encampment Enforcement. My name is Kara and I was born and raised in Hamilton. I am a Ward 2 resident, who formerly resided in Ward 7, and have seen the explosion of homeless and poverty across the city, especially over the past 5 years or more. It is no secret that Hamilton has become a hub for those in need of support and community. Our city is often joked about as being full of unsavory characters, and despite the efforts of gentrification on James St. N and other pockets of the city, and the astronomical housing market bringing in wealthier classes from surrounding cities, we still carry a gritty reputation. The reason I bring this up is to discuss the way in which the city and community handle our neighbours, your citizens, who are struggling and dying living rough. Your citizens who, deep down want better lives, but cannot even fathom a future for themselves when they do not know what tomorrow will bring, or have a host of complex mental health and physical health issues that cannot be properly addressed or recovered from without stable, dignified housing and support.

It is immoral and careless to evict our neighbours from public spaces they feel safer in than overcrowded and sometimes flawed shelter systems. If you want to continue the better the reputation of the city and help Hamilton thrive, you need to take more immediate steps to stable and affordable housing. 2, 3, 4 years from now is sadly too late. You need to invest in your citizens, whether you view them as your constituents or not. They are here. And we will continue to stand up for them. We resist encampment evictions and the City's ongoing criminalization and violent response to a housing crisis they have facilitated.

From: Nadia & David
Sent: Tuesday, March 15, 2022 11:24 AM
To: clerk@hamilton.ca
Subject: Fw: File No. ZAC-21-030

Planning Committee,

Please accept, yet again, my objection to the proposal of zoning changes to the development at 1040 Garner Road West to allow restaurants.

As stated in this previous objection letter, please see below, the Committee of Adjustments declined the initial request for zoning changes realizing this area cannot support additional restaurants and the building area does not meet the required square footage to allow for restaurants.

The land was purchased and initially developed for business', which this area needs, and should remain properly zoned for this area.

As always, I appreciate your consideration to this residential property owner's objection.

Regards,
Nadia Hamilton

Dear James Van Rooi:

I received today the Notice of Complete Application for the above subject File No, folder #2021 137759 00 Plan (1060542) and am submitting my concerns and request to not have this re-zoning be approved.

I had submitted back in February 2021 a letter of objections regarding the Notice of Public Hearing for Minor Variance to this site regarding the change to allow restaurants. Application #AN/A-20-286.

Like then as now I do not want additional restaurants so close to my residential property. There are currently 3 restaurants west of this site on Garner and several more across the street and many more on Wilson Street in the Longo/Lowes plaza. An area that is zoned for restaurants. There are enough restaurants to support the local community. This land has been zoned for office business and should remain as such. When the developer purchased this land they knew then what it was zoned for and should plan their construction/sale/leasing of the properties accordingly. Stable business is what this area needs, not volatile restaurants with liquor licence and late operation hours.

The Committee of Adjustments realized this back in February 2021 when they made the decision to decline the Zoning By-Law to permit a Restaurant use within this Planned Business Park. Please see attached copy of the Committee's decision.

Nothing has changed from that time to now. This area does not need nor can handle additional restaurants. Land in the area has been designated for restaurants and that is where they should go.

I appreciate your consideration of my objection and wait to hear from you on the date of the Public Meeting.

Regards,
Nadia Hamilton (Mrs.)

From: Nadia & David
Sent: Monday, February 1, 2021 12:04 PM
To: Committee of adjustment <cofa@hamilton.ca>
Subject: application #AN/A-20:286

Dear Sir/Madam,

Please accept this email as my written comments/concerns with the above noted application for the construction site at 1040 Garner Road West. Ancaster.

This application is for the approval of a restaurant on this location which is currently approved for a Business Park.

My objection, being a residential property owner, is simply I do not want a restaurant so close to my house and backyard. The hours of business and the volume of traffic would be overly intrusive and disturbing to my standard of living. I am currently dealing with over exposed light pollution and traffic/noise pollution with the current developments in my backyard. A restaurant has longer operating hours than a business exposing me to this volume late into the evening and night. Possibly even jeopardizing my safety.

Not to mention this area is saturated with restaurants. Three restaurant just west of this site, many more across the street in the Wal Mart plaza, and dozens up the road at the Lowes, LCBO Wilson Street plaza. At a time when patrons cannot even go to restaurants why would another one be needed? Just take a look at the TinCup. Not even completed.

This site has been approved as a Business Park and viable business' are what this economy needs right now. Not volatile restaurants with high turn over and low success rates. People need a place of business to earn income before they can spend it at restaurants.

I hope this committee will review my concerns and reverse the decision to move forward the this restaurant.

Sincerely,
Nadia Hamilton



Committee of Adjustment
Hamilton City Hall
71 Main Street West, 5th floor
Hamilton, ON L8P 4Y5
Telephone (905) 546-2424
ext. 4221, 3935
Fax (905) 546-4202

COMMITTEE OF ADJUSTMENT
DECISION OF THE COMMITTEE

APPLICATION NO. AN/A-20:286
SUBMISSION NO. A-286/20

APPLICATION NO.: AN/A-20:286
APPLICANTS: Urban Solutions c/o S. Manchia on behalf of the owner Garner Investments Inc.
SUBJECT PROPERTY: Municipal address **1040 Garner Rd. W., Ancaster**
ZONING BY-LAW: Zoning By-law 05-200, as Amended by By-laws 10-128 & 18-219
ZONING: "M3, Exception 376 and 678" (Prestige Business Park (M3) Zone)
PROPOSAL: To permit a Restaurant use within the Planned Business Centre currently under construction, notwithstanding,

1. A Restaurant use shall be permitted at this location whereas the Zoning By-law does not permit a Restaurant as a principal use at this location.

NOTES:

1. A Restaurant use is listed as a permitted use in the M3 Zone; however, pursuant to Section 9.3.3 r) of the Zoning By-law, the use of a Restaurant is restricted to specific locations and is limited by a maximum gross floor area.
2. The Planned Business Centre currently under construction was approved by site plan application DA-18-027.

THE DECISION OF THE COMMITTEE IS:

That the variances, as set out in paragraph three above, are **DENIED** for the following reasons:

1. The Committee having regard to the evidence is of the opinion that the relief requested is beyond that of a minor nature.
2. The relief requested is undesirable for the appropriate development of the land and building and is inconsistent with the general intent and purpose of the By-law and of the Official Plan as referred to in Section 45 of The Planning Act, 1990.
3. The Committee having regard to the intensity of use of the subject parcel of land is of the opinion that such development would not be appropriate for the lands.
4. The submissions made regarding this matter affected the decision by supporting the refusal of the application.

DATED AT HAMILTON this 4th day of February, 2021.

CITY OF HAMILTON MOTION

Planning Committee: March 22, 2022

MOVED BY COUNCILLOR J. FARR.....

SECONDED BY COUNCILLOR

Demolition Control By-law Exemption for Rapid Housing Initiative Modular Affordable Housing Project at 221-223 Charlton Avenue East

WHEREAS, Council at its meeting of April 14, 2021, approved Item 3 of the Emergency and Community Services Committee Report 21-003, regarding Report HSC2005(a) Support for Rapid Housing Initiative Affordable Housing Development Projects, thereby, approving the Corktown Co-Operative development of 17 units for Ontario Priorities Housing Initiative (OPHI) New Rental Housing Component Year 3 funding;

WHEREAS, Council at its meeting of November 24, 2021 item 6.6 amended Item 3 of the Emergency and Community Services Committee Report 21-003, respecting Report HSC2005(a) Support for Rapid Housing Initiative Affordable Housing Development Projects, which was approved by Council on April 14, 2021, to amend Corktown Co-Operative to read Charlton Co-Operative Inc;

WHEREAS on September 11, 2019, the City Council as a result of the approval of Canada-Ontario Community Housing Initiative and Ontario Priorities Housing Initiative (HSC19042(a)) authorized and directed the General Manager of the Healthy and Safe Communities Department (“GM”) to execute all ancillary agreements and documents as may be required to deliver the Canada-Ontario Community Housing Initiative and the Ontario Priorities Housing Initiative programs, with content satisfactory to the GM and in a form satisfactory to the City Solicitor;

WHEREAS, the City must ensure a construction start of 221-223 Charlton Avenue East, affordable housing project within 120 day of entering into Ontario Priorities Housing Initiative (OPHI) New Rental Housing Component Year 3 funding as per program guidelines;

AND WHEREAS, the City and Charlton Housing Co-Operative Inc. entered Ontario Priorities Housing Initiative (OPHI) New Rental Housing Component Year 3 funding on December 23rd, 2021.

THEREFORE, BE IT RESOLVED THAT:

That the Chief Building Official be authorized and directed to exempt the 221-223 Charlton Avenue East affordable housing development project from Demolition Control By-law 09-208 sections 6(a), (b), and (c), in accordance with By-law 09-208, as amended by By-law 13-185, pursuant to Section 33 of the Planning Act as amended of the to permit the issuance of a demolition permit in a timely manner.

CITY OF HAMILTON

NOTICE OF MOTION

Committee Date: March 22, 2022

MOVED BY COUNCILLOR PEARSON.....

SECONDED BY COUNCILLOR

Taxi Fees - Amendment to By-law No. 07-170, a By-law to Licence and Regulate Various Businesses

WHEREAS, the *Municipal Act, 2001* allows for the enactment of By-laws to licence, regulate, and govern businesses, and to impose conditions on obtaining, holding and keeping of licences to carry on such businesses;

WHEREAS, Council considers it in the public interest to enact a by-law to license regulate and govern various classes of businesses, under By-law 07-170 Being a By-law to Licence and Regulate Various Businesses;

WHEREAS, Schedule 25 of By-law 07-170 regulates and governs the Taxi Industry;

WHEREAS, Appendix 1 of Schedule 25 provides for Taxicab Tariff/Fares which sets the first 71.4 meters of a trip at \$3.90;

WHEREAS, the tariff and fares outlined in Appendix 1 of Schedule 25 have not been amended since 2013 when the average gas price was approximately \$1.28/L;

WHEREAS, the average gas price in 2022 has increased to approximately \$1.80/L;

WHEREAS, Licensing and By-law Services Staff are preparing a report to respond to the changes in the Taxi Industry with recommendations to Schedule 25 which will not be before the Planning Committee until Q3 2022.

THEREFORE BE IT RESOLVED:

- (a) That Appendix 1 of Schedule 25 be amended, and the Tariff/Fares increased to \$4.90.
- (b) That Licensing and By-law Services be directed to complete the public advertising and prepare the amendment to By-law 07-170 for the next Planning Committee meeting.