



PLANNING COMMITTEE

MINUTES 16-011

9:30 a.m.

Tuesday, May 31, 2016

Council Chambers

Hamilton City Hall

71 Main Street West

Present:	Councillors B. Johnson (Chair), M. Pearson (1st Vice-Chair), A. Johnson (2nd Vice Chair), J. Farr, C. Collins, D. Conley R. Pasuta, and D. Skelly.
Absent with regrets:	Councillors M. Green and J. Partridge, personal
Also Present:	Councillor T. Whitehead

THE FOLLOWING ITEMS WERE REPORTED FOR THE CONSIDERATION OF COUNCIL:

- 1. Applications to Amend the Urban Hamilton Official Plan and City of Hamilton Zoning By-law No(s). 6593 and 05-200, for Lands Located at 1 Redfern Avenue (Hamilton) (PED16124) (Ward 8) (Item 6.1)**

(Pearson/Farr)

- (a) That approval be given to Urban Hamilton Official Plan Amendment Application UHOPA-15-015, by Starward Homes (Scenic 2012) Limited, (Owner), for OPA No. **XX**, to redesignate the subject lands from “Institutional” to “Neighbourhoods” on Schedule “E-1”, Urban Land Use Designations, of Volume 1 of the Urban Hamilton Official Plan; to redesignate the subject lands from “Institutional” to “Medium Density Residential 3” in the Chedmac Secondary Plan; and to establish a Site Specific Policy Area to permit a maximum density of 128 units per hectare and to permit stacked townhouses and multiple dwellings within the Medium Density Residential 3 designation, for the lands known as 1 Redfern Avenue (Hamilton), as shown on Appendix “A” to Report PED16124, on the following basis:
 - (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED16124, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

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

- (b) That approval be given to Zoning By-law Amendment Application ZAC-15-026 by Starward Homes (Scenic 2012) Limited, (Owner), for a further modification to the site specific “DE-2/S-1654” (Multiple Dwellings) District, Modified, in order to permit a four-storey multiple dwelling consisting of 144 units with 218 parking spaces and **to permit parapets to encroach into a required yard** for lands located at 1 Redfern Avenue (Hamilton), as shown on Appendix “A” to Report PED16124, on the following basis:
 - (i) That the draft By-law, **as amended**, attached as Appendix “C” to Report PED16124, 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 “C” to Report PED16124, be added to Schedule “W37” of the City of Hamilton Zoning By-law No. 6593.

- (c) That approval be given to Zoning By-law Amendment Application ZAC-15-026 by Starward Homes (Scenic 2012) Limited, (Owner), for a change in zoning, from the site specific “DE-2/S-1654” (Multiple Dwellings) District in City of Hamilton Zoning By-law No. 6593 to the Conservation / Hazard “P5” Zone in City of Hamilton Zoning By-law No. 05-200; for lands located at 1 Redfern Avenue (Hamilton), as shown on Appendix “A” to Report PED16124, on the following basis:
 - (i) That the draft By-law, attached as Appendix “D” to Report PED16124, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,

 - (ii) That the amending By-law, attached as Appendix “D” to Report PED16124, be added to Map No. 1080 of the City of Hamilton Zoning By-law No. 05-200.

CARRIED

2. Proposed Zoning By-law Amendment (ZAC-15-036) and Draft Plan of Condominium (Common Element) (25CDM-201510) for Property Located at 271 Beach Boulevard, Hamilton (PED16115) (Ward 5) (Item 6.2)

(Collins/Farr)

- (a) That Amended Zoning By-law Amendment Application ZAC-15-036, by W.E. Oughtred and Associates on behalf of Coastal Land Development Corp., Owner , for a change in zoning from the “C/S-1435” (Urban Protected Residential, etc.) District, Modified to the R-4/S-1732 District, Modified in order to permit a single detached dwelling and two semi-

detached dwellings (four units) along a common element condominium road for lands located at 271 Beach Boulevard (Hamilton), and a change in zoning from the "C/S-1435" (Urban Protected Residential, etc.) District, Modified to the Conservation / Hazard Land (P5, 474) Zone to identify the Erosion Hazard Limit to prohibit development, as shown on Appendix "A" to Report PED16115, be **DENIED** on the following basis:

- (i) The proposed development is not compatible with the character of the existing neighbourhood;
 - (ii) The numerous proposed variances are not consistent with the established Neighbourhood Plan.
- (b) That the Amended Draft Plan of Condominium (Common Element) Application 25CDM-201510 by W.E. Oughtred and Associates on behalf of Coastal Land Development Corp., Owner, to establish a Draft Plan of Condominium (Common Element) consisting of a condominium road with two visitor parking spaces and a storm water management / open space block that will be tied to five new residential dwelling lots (POTLS) on lands located at 271 Beach Boulevard, as shown on Appendix "A" to Report PED16115, be DENIED on the following basis:
- (i) The proposed development is not compatible with the character of the existing neighbourhood;
 - (ii) The numerous proposed variances are not consistent with the established Neighbourhood Plan.
- (c) That Legal Staff retain outside legal or planning professional(s) to support Council's decision should there be an OMB appeal and charge the costs to the Hamilton Beach Reserve.

CARRIED

3. Massage Parlours - Enforcement of Illegal Businesses – (Outstanding Business List Item) (PED16077) (City Wide) (Item 7.1)

(Collins/A. Johnson)

That Report PED16077 respecting Massage Parlours - Enforcement of Illegal Businesses, be received.

CARRIED

4. Addition of Ants to the Definition of Pests in the Property Standards By-law (PED16109) (City Wide) (Outstanding Business List Item) (Item 8.1)

(Collins/Farr)

That the proposed amending By-law, attached as Appendix "A" to Report PED16109, which amends the Property Standards By-law No. 10-221 to add ants to the definition of "pests", in a form satisfactory to the City Solicitor, be approved.

CARRIED

5. Status of Food Truck Industry in Hamilton (PED16122)(City Wide) (Outstanding Business List Item) (Item 8.2)

(Collins/Farr)

That Report PED16122 respecting Status of Food Truck Industry in Hamilton be received.

CARRIED

6. Hamilton Municipal Heritage Committee Report 16-005 (Added Item 8.3)

(Farr/Collins)

That Hamilton Municipal Heritage Committee Report 16-005 be received and no action be taken due to the need for affordable housing, the lack of support from the Stinson Neighbourhood Association for the designation, and the fact that the parsonage is located on an old native foot path.

CARRIED

7. The Executive Summary of the Cultural Heritage Impact Assessment - The Former Anglican Church of St. Thomas Personage, 18 West Avenue South (respecting Item 1 of Hamilton Municipal Heritage Committee Report 16-005) (Added Item 8.3(a))

(Pearson/Pasuta)

That the Executive Summary of the Cultural Heritage Impact Assessment – The Former Anglican Church of St. Thomas Personage, 18 West Avenue South be received for information.

CARRIED

FOR THE INFORMATION OF COMMITTEE:

Steve Robichaud, Director of Planning and Anita Fabac, Manager of Development Planning, Heritage and Design introduced the following new employees in the Division:

Alexandria Pasquini, Maxwell Kerrigan, Tim Mendoza, Alana Fulford, Tiffany Singh, Kathy Jazvac, and Valeria Maurizio.

(a) CHANGES TO THE AGENDA (Item 1)

The Committee Clerk advised of the following changes:

ADDED WRITTEN COMMENTS

- 6.2(vii) Chris and Rosanne Murray respecting Proposed Zoning By-law Amendment (ZAC-15-036) and Draft Plan of Condominium (Common Element) (25CDM-201510) for Property Located at 271 Beach Boulevard, Hamilton (PED16115) (Ward 5)
- 6.2(viii) Joel Hughes, 267 Beach Blvd, respecting Proposed Zoning By-law Amendment (ZAC-15-036) and Draft Plan of Condominium (Common Element) (25CDM-201510) for Property Located at 271 Beach Boulevard, Hamilton (PED16115) (Ward 5)
- 6.2(ix) Bill Smith. 129 Beach Blvd, respecting Proposed Zoning By-law Amendment (ZAC-15-036) and Draft Plan of Condominium (Common Element) (25CDM-201510) for Property Located at 271 Beach Boulevard, Hamilton (PED16115) (Ward 5)
- 6.2(x) Rob Hammond, 417 and 289 Beach Blvd respecting Proposed Zoning By-law Amendment (ZAC-15-036) and Draft Plan of Condominium (Common Element) (25CDM-201510) for Property Located at 271 Beach Boulevard, Hamilton (PED16115) (Ward 5)
- 6.2(xi) Rob Hammond, 417 and 289 Beach Blvd respecting Proposed Zoning By-law Amendment (ZAC-15-036) and Draft Plan of Condominium (Common Element) (25CDM-201510) for Property Located at 271 Beach Boulevard, Hamilton (PED16115) (Ward 5)
- 6.2(xii) Petition submitted by Councillor Collins with approximately 74 signatures from residents in opposition to Proposed Zoning By-law Amendment (ZAC-15-036) and Draft Plan of Condominium (Common Element) (25CDM-201510) for Property Located at 271 Beach Boulevard, Hamilton (PED16115) (Ward 5).

The Minutes will reflect the names on the petition for the Official Record.

- 6.3(i) Heather Ireland, Watershed Planner, Niagara Peninsula Conservation Authority, respecting the Urban Hamilton Official Plan Housekeeping Amendment (PED16060).

ADDED REPORT

8.3 Hamilton Municipal Heritage Committee Report 16-005

- 8.3(a) The Executive Summary of the Cultural Heritage Impact Assessment - The Former Anglican Church of St. Thomas Personage, 18 West Avenue South (respecting Item 1 of Hamilton Municipal Heritage Committee Report 16-005)

Due to bulk the complete document is available for viewing on the City's website or in the City Clerk's Office.

- 8.3(i) Written comments from Joshua Weresch, 36 East 7th Street

- 8.3(ii) Written comments from Lyn Folkes, Ward 8, Hamilton

ADDED DELEGATION REQUESTS

- 4.1 Luke Johns of Tim Welch Consulting, Sacajawea Non-Profit Housing Inc. to express opposition to the designation of 18 West Avenue South. (For today's meeting – Item 8.3)

- 4.2 Alan Whittle, Good Shepherd Non-Profit Homes Inc. respecting the proposed designation of 18 West Avenue South. (For today's meeting – Item 8.3)

(Pearson/A. Johnson)

That the agenda for the May 31, 2016 meeting be approved as amended.

CARRIED

(b) DECLARATIONS OF INTEREST (Item 2)

None declared.

(c) APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING (Item 3)

(i) May 10, 2016 Special Planning Workshop (Item 3.1)

(Farr/Collins)

That the Minutes of the May 10, 2016 Special Planning Workshop meeting be approved.

CARRIED

(ii) May 17, 2016 (Item 3.2)

(Collins/Conley)

That the Minutes of the May 17, 2016 meeting be approved.

CARRIED

(d) DELEGATION REQUEST (Item 4):

(Farr/Pearson)

That the following delegation requests be approved to address Committee at today's meeting:

- 4.1 Luke Johns of Tim Welch Consulting, Sacajawea Non-Profit Housing Inc. to express opposition to the designation of 18 West Avenue South. (For today's meeting – Item 8.3)
- 4.2 Alan Whittle, Good Shepherd Non-Profit Homes Inc. respecting the proposed designation of 18 West Avenue South. (For today's meeting – Item 8.3)

CARRIED

(e) DELEGATIONS/PUBLIC HEARING (Item 6)

(i) Applications to Amend the Urban Hamilton Official Plan and City of Hamilton Zoning By-law No(s). 6593 and 05-200, for Lands Located at 1 Redfern Avenue (Hamilton) (PED16124) (Item 6.1)

In accordance with the provisions of the *Planning Act*, Chair B. Johnson 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 Urban Hamilton Official Plan and 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 Ontario Municipal Board and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

No members of the public came forward.

(Pearson/Pasuta)

That the staff presentation be waived.

CARRIED

Matt Johnston of UrbanSolutions, representing the owner, was in attendance and addressed Committee with the aid of a PowerPoint presentation.

His comments included but were not limited to the following:

- The original owner/applicant, Starward Homes (Scenic 2012) has partnered with Effort Trust and is now "Scenic Trail Limited;"

- Outline of the application details;
- Will be building multiple dwelling units not stacked townhouses;
- He requested an amendment to allow the protruding parapets on the proposed building to encroach into the yard.

(Farr/Skelly)

That the agent's presentation be received.

CARRIED

Staff indicated that they do not object to the requested amendment.

Ward Councillor Whitehead was in attendance and advised the he is in support of the application.

(Collins/Pearson)

That the public meeting be closed.

CARRIED

(Farr/Pearson)

That the site specific zoning by-law referenced in subsection (b) of the staff recommendations be amended to permit the parapets on the proposed building to encroach into a required yard.

CARRIED

For disposition of this matter refer to Item 1.

(ii) Proposed Zoning By-law Amendment (ZAC-15-036) and Draft Plan of Condominium (Common Element) (25CDM-201510) for Property Located at 271 Beach Boulevard, Hamilton (PED16115) (Ward 5) (Item 6.2)

In accordance with the provisions of the *Planning Act*, Chair B. Johnson 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 and 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 Ontario Municipal Board and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

Written Comments

6.2(i) Brent McFarlen, 1071 Beach Boulevard

- 6.2(ii) Tony Calligaro, 245 Beach Boulevard
- 6.2(iii) Wendy J. Fries, Unit # 8, 150 Gateshead, Stoney Creek
- 6.2(iv) David Will
- 6.2(v) Michael Gagnon, 668 Beach Boulevard
- 6.2(vi) Patty Dean, 10 Locarno Avenue and 260/262 Beach Boulevard
- 6.2(vii) Chris and Rosanne Murray
- 6.2(viii) Joel Hughes, 267 Beach Blvd
- 6.2(ix) Bill Smith, 129 Beach Blvd
- 6.2(x) Rob Hammond, 417 and 289 Beach Blvd
- 6.2(xi) Rob Hammond, 417 and 289 Beach Blvd
- 6.2(xii) Petition submitted by Councillor Collins with the names of the following residents who oppose this proposal:
 - 1. Erin Yanchis, 366 Beach Boulevard
 - 2. Natalie Anderson, 24 Clare Avenue
 - 3. Ryley Anderson, 24 Clare Avenue
 - 4. Darlene Lorentz, 368 Beach Boulevard
 - 5. Patty Dean, 10 Locarno Avenue
 - 6. Sean William Verbraeken, 9 Grafton Avenue
 - 7. Kimberley, 208 Beach Boulevard
 - 8. Lorraine Apanashk, 174 Beach Boulevard
 - 9. The Santinis, 420 Beach Boulevard
 - 10. Sharon Longboat, 1-1007 Beach Boulevard
 - 11. Steve McCutcheon, 207 Beach Boulevard
 - 12. Susan Jirgens, 337, 51 Beach Boulevard
 - 13. John Jirgens, 337, 51 Beach Boulevard
 - 14. Mardi Vickers, 6 Lakeside Avenue
 - 15. Brian Vickers, 6 Lakeside Avenue
 - 16. Lindy Rogers, 1011 Beach Boulevard
 - 17. Jake Bax, 1011 Beach Boulevard
 - 18. Mike Sisson, 10 Windemere Avenue
 - 19. Katie Bax, 1011 Beach Boulevard
 - 20. Brenda Bax, 1011 Beach Boulevard
 - 21. Peter Bax, 1011 Beach Boulevard
 - 22. Garth Holmes, 438 Beach Boulevard
 - 23. Crynie Holmes, 438 Beach Boulevard

24. Sheree Malmstrom, 32-337 Beach Boulevard
25. Marie Richardson, 6 Knapmans Street
26. Sonja Zijlstra, 957 Beach Boulevard
27. Tom Lytwyn, 6 Clare Avenue
28. Lisa & Dave Storoschuk, 991 Beach Boulevard
29. Richard Normand, 395 Beach Boulevard
30. David Will, 15 Southcreek Drive
31. Jennifer Fowler, 272 Beach Boulevard
32. Mike and Cristina Villemaire, 21 Granville Avenue
33. Alison Murakami, 264 Beach Boulevard
34. Ed Jeige, 363 Beach Boulevard
35. Katherine Day, 860 Beach Boulevard
36. Louise Groleau-O'Neill, 624 Beach Boulevard
37. Joan Fackelmann, 535 Beach Boulevard
38. Teresa Fackelmann, 535 Beach Boulevard
39. Joe Fackelmann, 535 Beach Boulevard
40. Michael and Maria Gagnon, 668 Beach Boulevard
41. Rosanne Murray, 237 Beach Boulevard
42. Christopher Murray, 237 Beach Boulevard
43. Laura Gunter, 125 Beach Boulevard
44. Norah-Lynn McIntyre, 2 Fourth Avenue
44. Dean Oldershaw, 49-337 Beach Boulevard
45. Tony Calligaro, 245 Beach Boulevard
46. Frank Ryan, 785 Upper Wellington
47. Bruce Tibbitts, 470 Beach Boulevard, Unit 43
48. Kathleen Morley, 2 Grafton Avenue
49. Thomas Welsh, 841 Beach Boulevard
50. Lorraine Welsh, 841 Beach Boulevard
51. Heather Robson
52. Mary Farrell, 15 Kirk Road
53. Leslie Horn, 80 Dynes Park
54. Robert Prouse, 175 Beach Boulevard
55. Charles Cole, 404 Beach Boulevard
56. Steve Leach, 573 Beach Boulevard
57. Wei Zhang, 536 Beach Boulevard
58. Bob Kerr, 4 Sierra Lane
59. Julie Leonard, 122 Beach Boulevard
60. David Leonard, 122 Beach Boulevard
61. Grace Fralick, 270 Beach Boulevard
62. Denise Chaston, 590 Beach Boulevard
63. Ty Trepanier, 590 Beach Boulevard
64. Scott Howley, 16 Clare Avenue
65. Marie Watson, Beach Boulevard
66. Janet Stevens, 470 Beach Boulevard, Unit 63
67. Patricia Male, 2 Lagoon Avenue
68. Michelle Notman, 23 Granville Avenue
69. Jim Elliott, 18 Clare Avenue
70. Ann & Jim McDowell, 1073 Beach Boulevard

- 71. Colin Hay, 990 Beach Boulevard
- 72. Jack Kemp, 803 Beach Boulevard
- 73. Pat Hay, 990 Beach Boulevard

(Pearson/Collins)

That the written comments Items 6.2(i) to 6.2(xi) and the petition (added Item 6.2 (xii)) be received.

CARRIED

Cam Thomas, Senior Planner, provided an overview of the report with the aid of a PowerPoint presentation. A copy is available for viewing on the City's website.

(Collins/Conley)

That the presentation by staff be received.

CARRIED

Arlene Beaumont, of W.E. Oughtred Planning Consultants Ltd., representing the owner Coastal Land Development Inc. addressed Committee with the aid of a PowerPoint presentation.

Her comments included but were not limited to the following:

- Recognizes the City's challenge to balance development and protect the existing neighbourhood;
- The existing building has no historical value but the proposal will retain it;
- The number of detached units was reduced to four units;
- The application has had an evolution from 8 down to six; down to four units with the retention of the existing home;
- The semis will have complementary architectural detail;
- Overgrown vegetation currently hides the dwelling;
- The proposal is to move the building forward to add to the streetscape;
- Believes the proposal is compatible with the Hamilton Beach Neighbourhood Plan, 1992;
- The area is already eclectic – this is a modest proposal for intensification.

(Collins/Pasuta)

That the presentation by the agent be received.

CARRIED

Speakers

1. **Kristen Ronald, 203 Beach Boulevard**

Kristen Ronald addressed Committee and her comments included but were not limited to the following:

- If Committee approves this application, what's going to stop other residents with the same size lot to do the same;
- It is going to snowball;
- She could also build behind her house;
- She was under the impression that their end of the beach would never be developed but would remain single family dwellings.

2. Joel Hughes, 267 Beach Boulevard

Joel Hughes addressed Committee and his comments included but were not limited to the following:

- The homes in the area are on 50 foot lots and some are on 60 foot lots;
- This proposal is over-intensification;
- It allows splitting a lot front to back;
- Almost all of the lots in the area could be developed in this style;
- Concerns with parking - can the public be forced to not park there, like the townhouses on Dynes?

3. Carol Hughes, 283 Beach Boulevard

Carol Hughes addressed Committee and submitted written comments which are part of the public record. A copy is available for viewing on the City's website. Her comments included but were not limited to the following:

- She lives in a little bungalow next to the proposed development;
- Her property will have shadowing;
- She objects to the aesthetics;
- Concerned with impact on parking
- The proposal is for the builder to replace any trees that need to be removed, would he be required to plant mature trees?

4. Bill Smith, 129 Beach Boulevard

Bill Smith addressed Committee and his comments included but were not limited to the following:

- Born in 1942 on the beach strip;
- It's a changing area;
- The condo issue is distasteful to the residents;

- The Dynes development isn't bad but it's distasteful to residents;
- The lot currently has a single residence and the proposal is for five residences on the same lot – don't like that;
- This is a case of a big corporation looking to make a profit.

5. Michael Gagnon, 668 Beach Boulevard

Michael Gagnon addressed Committee and his comments included but were not limited to the following:

- He has been a resident on the beach strip for 42 years;
- He's a longstanding member of the Beach Preservation Committee;
- He commends the thorough job done by staff;
- Most important part is to look at the plan – the historical section that's there;
- Would like to bring history back;
- Hard fought battle to come to a compromise;
- Compromise is important;
- Balance what's good for the public is to have access to beach and what's good for the residents;
- Single residences need to be maintained as single residences;
- This will be the beginning of more developers applying to increase density;
- Look at the Neighbourhood Plan again.

6. Lorraine Hughes, 267 Beach Boulevard

Lorraine Hughes addressed Committee and her comments included but were not limited to the following:

- She lives next to the proposed development;
- Concerned there isn't enough parking spots;
- The existing townhouses have overflowed parking onto the side streets;
- The residents don't have anywhere to park if the condo residents use side street
- The proposal is not complementary to the neighbourhood;
- The existing houses are single houses on nice lots with mature trees where families grow;
- Will look like a downtown development where there is no green space and a lot of concrete;
- There's a beautiful tulip tree planted 10 years ago – the tulip tree will be ruined;

- The other condos were built on commercial properties;
- This would be first of its kind on a residential property;
- Will set precedence for other homeowners to do the same;
- This is a great neighbourhood for families;
- The beach strip is a community of people who know each other;
- This proposal will change the whole neighbourhood.

7. Scott Howley, 16 Clare Avenue

Scott Howley addressed Committee and his comments included but were not limited to the following:

- Lived on the beach strip all his life;
- Saw flooding, homes being torn down, etc.
- It's a unique community where everyone knows each other and talks to each other on a constant basis;
- There needs to be a balance with the Neighbourhood Plan – where to put high density and where to maintain low density.

8. Jim Howlett, 1 Sierra Lane

Jim Howlett addressed Committee and his comments included but were not limited to the following:

- He is a long time resident and the president of the Community Council;
- He is a member of the Hamilton Beach Neighbourhood Plan Implementation Committee;
- We have a lot of work for the Plan; there's lots of compromises;
- Still don't have the Plan because the 174 lots owned by the City have not all been sold;
- Would like the Neighbourhood Plan to be implemented;
- The Province requires 25% of development to be affordable housing;
- A condo (actually five of them) sold for \$960,000 recently;
- The Province and the City have not achieved affordable development;
- The developers are only interested in what is the most they can get out of this;
- The developer said his brother-in-law is BMOC (big man on campus) at the OMB;
- We enjoy the increase of interest in our area but the community is important;
- This is the first serious test, let's not set a precedence.

(Pearson/Collins)

That the delegations be received.

CARRIED

(Conley/Collins)

That the public meeting be closed.

CARRIED

(Collins/Farr)

That the application be denied as the form of development being proposed is not consistent with the character of the neighbourhood and the numerous proposed variances are not consistent with the established Neighbourhood Plan and that legal staff retain outside legal or planning professional(s) to support Council's decision should there be an OMB appeal and charge the costs to the Hamilton Beach Reserve.

CARRIED UNANIMOUSLY

For disposition of this matter refer to Item 2.

**(iii) Urban Hamilton Official Plan Housekeeping Amendment (PED16060)
(City Wide) (Item 6.3)**

In accordance with the provisions of the *Planning Act*, Chair B. Johnson 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 Urban Hamilton Official Plan Housekeeping Amendment the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

Shannon Mckie, Senior Planner, provided an overview of the Report with the aid of a PowerPoint presentation. A copy is available for viewing on the City's website.

(Farr/Pasuta)

That the staff presentation be received.

CARRIED

Registered Speakers

1. **Suzanne Mammel, Hamilton-Halton Home Builders' Association**

Suzanne Mammel of the Hamilton-Halton Home Builders' Association addressed Committee and her comments included but are not limited to the following:

- The word “shall” permit vs. the word “may” permit;
- She understands staff’s concern but the HHHBA made a suggestion that the first introduction in the Official Plan state that the following uses “shall” be permitted “subject” to the following conditions;
- This is a more effective way to resolve both issues
- Staff’s suggestion would force developers to justify the uses every time;
- The consultation process between the City and the industry fell by the wayside;
- The City advised last May that no discussion was required and the May meeting was cancelled – that was a missed opportunity;
- She requests that this report be deferred;
- Has issue with consultative effort;
- Doesn’t like the end result and did not like the way the consultative process ended;
- Staff should have met with the HHHBA to discuss their decision to not use the suggestion of the HHHBA.

2. **Brenda Khes, Local Professional Planners Advisory Group**

Brenda Khes of the Local Professional Planners Advisory Group addressed Committee and provided copies of two hand-outs addressed to the Planning Committee. One is a letter of introduction of the Local Professional Planners Advisory Group and the other is a request from the Group to defer approval of the amendments. Her comments included but are not limited to the following:

- Members of the Local Professional Planners Advisory Group offer a voice as professional planners vs. developers;
- In the future, the Group wishes to be consulted on these matters;
- The word “may” in the by-law is not giving any level of certainty to an applicant;

- The “may” would be subject to the policies of the Plan and the Plan is big;
- For the principal use we need some level of comfort;
- It’s not specific enough;
- We would need to justify the principal use of a significant designation;
- We understand the problem but we need more time to refine the wording a little further;
- Will be arranging to have meetings with staff.

(Collins/Pearson)

That the delegations be received.

CARRIED

(Pearson/Conley)

That the public meeting be closed.

CARRIED

(Farr/Pearson)

That Item 6.3 respecting Urban Hamilton Official Plan Housekeeping Amendment (PED16060) be TABLED to the July 5, 2016 Planning Committee meeting to allow for further consultation with members of the industry.

CARRIED

(f) PRESENTATIONS (Item 7)

7.1 Massage Parlours - Enforcement of Illegal Businesses – (Outstanding Business List Item) (PED16077) (City Wide)

Ken Leenderste, Director of Licensing and Animal Control provided an overview of the report with the aid of a PowerPoint presentation. A copy is available for viewing on the City’s website.

His comments included but were not limited to the following:

- Overview:
 - 3 types of Massage licensed businesses:
 - Bodyrub Parlours
 - Personal Wellness Establishments
 - Personal Services
 - The perception of the public – some are legally operating;
 - Municipal Law Enforcement Officers inspect the premises for compliance with the Licensing By-law and with all other City by-laws;
 - Municipal Law Enforcement Officers are not trained in gaining evidence to prosecute for illegal activity;
 - They work closely with the Police;

- Change in the Federal Law – only to protect the attendants and to prevent human trafficking;
- Difficult to prove criminal activity – need concrete evidence;
- Staff are looking at best practices and are rewriting the Licensing By-law;
 - i.e. – restricting hours of operation

(Conley/Pearson

That the staff presentation be received.

CARRIED

For disposition of this matter refer to Item 3.

(g) DISCUSSION ITEMS (Item 8)

(i) Hamilton Municipal Heritage Committee Report 16-005 (Added Item 8.3)

Chelsey Tyers provided a brief overview of Recommendation 1 of the Hamilton Municipal Heritage Committee Report.

Delegations

1. Luke Johns of Tim Welch Consulting, Sacajawea Non-Profit Housing Inc. (Added 4.1)

Luke Johns addressed Committee and read from a prepared statement copies of which were distributed and a copy has been retained for the public record. A copy is also available for viewing on the City's website.

Luke Johns requested that the property not be designated in order to allow it to be demolished to make way for the construction of affordable rental housing.

2. Alan Whittle, Good Shepherd Non-Profit Homes Inc. (Added 4.2)

Alan Whittle addressed Committee. His comments included but were not limited to:

- He wishes to address three areas:
 - Cultural Heritage – although the building is well maintained there are no original floor finishes, no original ceiling, and the wood is heavily painted;
 - The interior would need to be removed in order to readapt;

- Even the original railing would need to be removed due to fire code;
- It does not have a nice kitchen or bathroom;
- Could be a family residence but the lane is busy and surrounded by highrises;
- Could remain as an office for a non-profit – The Good Shepherd has out grown it
- It needs new roof, etc. a charity wouldn't invest it's money for renovations;
- Rehabilitation proposals are not feasible;
- Zoning - this site is already zoned for multi-unit residential – even under the Official Plan
- This community has critical shortage of affordable housing
 - Project meets many Provincial policy objectives - well situated near transit
 - The neighbourhood supports this;
 - Complies with OP and zoning
- The church was designated 25 years ago, why did it not include the parsonage at that time?

(Farr/Skelly)

That the delegations be received.

CARRIED

(Farr/Collins)

That the Hamilton Municipal Heritage Committee Report 16-005 be received and no action taken due to the need for affordable housing, the lack of support from the Stinson Neighbourhood Association for the designation, and the fact that the parsonage is located on an old native foot path.

CARRIED

Councillor Pearson indicated that she wished to be recorded as OPPOSED to this motion.

For disposition of this matter refer to Item 6.

(h) GENERAL INFORMATION/OTHER BUSINESS (Item 11)

(i) Outstanding Business List (Item 11.1)

(Conley/Pearson)

(a) That the following new due dates be approved:

Item "O" - The Feasibility of Establishing a City Animal Adoption Service in Partnership with the HBSPCA
Due Date: June 14, 2016
New due date: September 20, 2016

Item "P" – Staff to report back on the feasibility of Licensing Cats in the Urban Area
Due Date: May 31, 2016
New due date: August 9, 2016

(b) That the following Items be removed:

Item "GG" - Staff to report back on operation of illegal massage parlours in the City, highlight enforcement challenges and impact of recent Federal sex trade laws.
(Item 7.1 on this agenda)

Item "LL" - That staff report back on Food Truck Industry in Hamilton (Item 8.2 on this agenda)

Item "BB" - Staff to report back on feasibility of including ants in the definition of "pest" in the Property Standards By-law (Item 8.1 on this agenda)

CARRIED

(i) ADJOURNMENT (Item 13)

(Collins/A. Johnson)

There being no further business, that the Planning Committee be adjourned at 1:51p.m.

CARRIED

Respectfully submitted,

Councillor B. Johnson
Chair, Planning Committee

Ida Bedioui
Legislative Co-ordinator
Office of the City Clerk