



PLANNING COMMITTEE

MINUTES 18-002

9:30 a.m.

Tuesday, February 6, 2018

Council Chambers

Hamilton City Hall

71 Main Street West

Present: Councillors A. Johnson (Chair), J. Farr (1st Vice-Chair), D. Conley (2nd Vice Chair), M. Green, C. Collins, M. Pearson, B. Johnson, D. Skelly, R. Pasuta and J. Partridge

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

- 1. Licensing and By-law Services Division Resources as it Relates to the Licensing of Rental Properties (PED10049(w)) (City Wide) (Outstanding Business List Item) (Item 5.1)**

(Partridge/Skelly)

That Report PED10049(w) respecting Licensing and By-law Services Division Resources as it Relates to the Licensing of Rental Properties, be received.

CARRIED

- 2. Periodic Update Respecting Illegal Businesses in Rural Areas of Ward 11 (PED16207(b))(Ward 11) (Outstanding Business List Item) (Item 5.2)**

(Partridge/Skelly)

That Report PED16027(b) respecting Periodic Update Respecting Illegal Businesses in Rural Areas of Ward 11, be received.

CARRIED

- 3. Amendments to Sign By-law 10-197 (Construction Hoarding) (PED17217(a)) (City Wide) (Item 5.3)**

(Partridge/Skelly)

That the Sign By-law 10-197 be amended to include regulations for Construction Hoarding Signs, and that the amending by-law, attached as Appendix "A" to Report PED17217(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.

CARRIED

4. **Appeal to the Ontario Municipal Board (OMB) on the City of Hamilton's Refusal or Neglect to Adopt an Amendment to the City of Hamilton Zoning By-law No. 6593 and City of Hamilton Zoning By-law No. 05-200, for Lands Located at 952 – 954 Concession Street, (Hamilton) (PED18028) (Ward 6) (Item 5.4)**

(Partridge/Skelly)

That Report PED18028 respecting Appeal to the Ontario Municipal Board (OMB) on the City of Hamilton's Refusal or Neglect to Adopt an Amendment to the City of Hamilton Zoning By-law No. 6593 and City of Hamilton Zoning By-law No. 05-200, for Lands Located at 952 – 954 Concession Street, (Hamilton) (PED18028) (Ward 6), be received.

CARRIED

5. **Appeal to the Ontario Municipal Board (OMB) for Lack of Decision on Urban Hamilton Official Plan Amendment Application (UHOPA-17-03), Town of Flamborough Zoning By-law No. 90-145-Z Amendment Application (ZAC-17-013) and Draft Plan of Subdivision Application (25T-201702) for Lands Located at 609 and 615 Hamilton Street North, 3 Nisbet Boulevard and 129, 131, 135 and 137 Trudell Circle (Flamborough) (PED18031) (Ward 15) (Item 5.5)**

(Partridge/Skelly)

That Report PED18031 respecting Appeal to the Ontario Municipal Board (OMB) for Lack of Decision on Urban Hamilton Official Plan Amendment Application (UHOPA-17-03), Town of Flamborough Zoning By-law No. 90-145-Z Amendment Application (ZAC-17-013) and Draft Plan of Subdivision Application (25T-201702) for Lands Located at 609 and 615 Hamilton Street North, 3 Nisbet Boulevard and 129, 131, 135 and 137 Trudell Circle (Flamborough), be received.

CARRIED

6. **Appeal to the Ontario Municipal Board (OMB) on the City of Hamilton's Refusal or Neglect to Adopt an Amendment to the Urban Hamilton Official Plan and the City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 261 King Street (Stoney Creek) (Ward 10) (PED18033) (Item 5.6)**

(Partridge/Skelly)

That Report PED18033 respecting Appeal to the Ontario Municipal Board (OMB) on the City of Hamilton's Refusal or Neglect to Adopt an Amendment to the Urban Hamilton Official Plan and the City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 261 King Street (Stoney Creek), be received.

CARRIED

7. Hamilton Municipal Heritage Committee Report 18-001 (Item 5.7)

(Partridge/Skelly)

(a) Inventory & Research Working Group Meeting Notes – October 30, 2017

- (i) Addition of St. Luke's Anglican Church, 454 John Street North to the City of Hamilton Register of Property of Cultural Heritage Value or Interest.**

The Inventory/Research Working Group recommends that St. Luke's Anglican Church, 454 John Street North, be added to the City of Hamilton Register of Property of Cultural Heritage Value or Interest.

- (ii) Addition of Hughson Street Baptist Church, 383 Hughson Street, North to the City of Hamilton Register of Property of Cultural Heritage Value or Interest.**

The Inventory/Research Working Group recommends that Hughson Street Baptist Church, 383 Hughson Street, North be added to the City of Hamilton Register of Property of Cultural Heritage Value or Interest.

(b) Correspondence from Wayne Morgan, President, Community Heritage Ontario, respecting Report 10 of the House of Commons Standing Committee on Environment and Sustainable Development entitled Preserving Canada's Heritage: The Foundation for Tomorrow.

- (i)** That the Hamilton Municipal Heritage Committee supports the recommendations in the Standing Committee on Environment and Sustainable Development Report entitled "Preserving Canada's Heritage: The Foundation of Tomorrow"; attached as Appendix "A" to Report 18-001;
- (ii)** That approval be given to the Hamilton Municipal Heritage Committee to write to the federal Minister of Environment and Sustainable Development, with copies to the Minister of Finance and local Members of Parliament, in support of the recommendations in Preserving Canada's Heritage: The Foundation of Tomorrow", as outlined in the draft letter attached as Appendix "B" to Report 18-001;
- (iii)** That the Mayor be requested to co-sign the letter in support the recommendations in Preserving Canada's Heritage: The Foundation of Tomorrow.

CARRIED

8. **Delegated Authority for Special Occasions Permits (SOPs) (PED17220(a)) (City Wide) (Item 5.8)**

(Partridge/Skelly)

That the Director of Licensing and By-law Services or designate be delegated the authority to designate events under Special Occasion Permits as “municipally significant”, ***in consultation with the Ward Councillor***, if all required plans and documents are received, and to address any other related matters that apply to Special Occasion Permits, which have been previously designated by Council.

Main Motion, as Amended, CARRIED

9. **Review of Committee of Adjustment Refund Program for Residential Properties Within the Airport Employment Growth District Area and Feasibility of Including Provisions within the Zoning By-laws to Provide for Relief (PED18005) (City Wide) (Outstanding Business List Item) (Item 5.9)**

(Partridge/Skelly)

That the refund program for Committee of Adjustment applications regarding legally established non-conforming single family dwellings located within the Airport Employment Growth District (AEGD) Lands and in the Beach Road, McNeilly Road and Margaret Avenue neighbourhoods be discontinued upon Ontario Municipal Board approval of By-law 17-240.

CARRIED

10. **Application to Amend the City of Hamilton Zoning By-law No. 6593 for Lands Located at 347 Charlton Avenue West, Hamilton (PED18035) (Ward 1) (Item 6.1)**

(A. Johnson/Farr)

(a) That Amended Zoning By-law Amendment Application ZAC-17-018, by 1719755 Ontario Ltd. (c/o Will Edwards), Owner, for a change in zoning from the “D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District to the “DE/S-1753” (Low Density Multiple Dwelling) District, Modified, to permit a six (6) unit multiple dwelling for lands located at 347 Charlton Avenue West, as shown on Appendix “A” to Report PED18035, be APPROVED on the following basis:

(i) That the draft By-law, attached as Appendix “B” to Report PED18035, which has been prepared in a form satisfactory to the City Solicitor, **be amended by:**

- ***That no residential units be permitted in the basement or cellar;***
- ***That the roof height allowance regulation be increased by .5 metres.***

And be enacted by City Council;

- (ii) That the amending By-law attached as Appendix “B” to Report PED18035, ***as amended***, be added to District Map No. W14 of Zoning By-law No. 6593; and,
 - (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (2017), and complies with the Urban Hamilton Official Plan.
- (b) That upon finalization of the amending By-law, the subject lands be re-designated from “Single & Double” to “Low Density Apartment” in the Kirkendall North Neighbourhood Plan.
- (c) ***That the public submissions received regarding this matter did not affect the decision.***

Main Motion, as Amended, CARRIED

11. Applications for an Amendment to the Urban Hamilton Official Plan and to the Town of Glanbrook Zoning By-law No. 464 for Lands Located at 235 Tanglewood Drive, Glanbrook (PED18034) (Ward 11) (Item 6.2)

(B. Johnson/Pearson)

- (a) That Amended Urban Hamilton Official Plan Amendment Application UHOPA-17-019 by Rob-Geof Properties Limited, Owner, for a site specific amendment to permit fourteen (14) Street Townhouse Dwellings with a maximum density of 45 units per net residential hectare within the Binbrook Village Secondary Plan, for lands located at 235 Tanglewood Drive, Glanbrook, as shown on Appendix “A” to Report PED18034, be APPROVED, on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED18034, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2014) and conforms to the Growth Plan for the Greater Golden Horseshoe (2017).
- (b) That Amended Zoning By-law Amendment Application ZAC-17-025, by Rob-Geof Properties Limited, Owner, for a change in zoning from the Deferred Development “DD” Zone to the Residential Multiple “RM2-310” Zone, Modified, for the lands located at 235 Tanglewood Drive, Glanbrook, as shown on Appendix “A” to Report PED18034, be APPROVED, on the following basis:

- (i) That the draft By-law, attached as Appendix “C” to Report PED18034, 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 the Growth Plan for the Greater Golden Horseshoe (2017); and,
 - (iii) That this By-law will comply with the Urban Hamilton Official Plan upon approval of Official Plan Amendment No. ____;
- (c) ***That there were no public submissions received regarding this matter.***

Main Motion, as Amended, CARRIED

12. Applications for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 2782 Barton Street East, Hamilton (PED18022) (Ward 5) (Item 6.3)

(Collins/Pearson)

- (a) That Urban Hamilton Official Plan Amendment Application UHOPA-17-021, by LJM Developments (Grimsby) Inc., Owner, to establish a site specific policy for a proposed thirteen (13) storey, 211 unit multiple dwelling with a maximum net residential density of 379 units per hectare, for lands located at 2782 Barton Street East, Hamilton as shown on Appendix “A” to Report PED18022, be APPROVED on the following basis:
 - (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED18022, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
 - (ii) That the proposed Urban Hamilton Official Plan Amendment is consistent with the Provincial Policy Statement (PPS) and conforms to the Growth Plan for the Greater Golden Horseshoe (2017).
- (b) That Amended Zoning By-law Amendment Application ZAC-17-050, by LJM Developments (Grimsby) Inc., Owner, for a change in zoning from the “E-2/S-306” and “E-2/S-306a” (Multiple Dwellings) District, Modified to the “E-3/S-306b” (High Density Multiple Dwellings) District, Modified to permit a 211 unit multiple dwelling with a maximum building height of thirteen (13) storeys (41 metres) on lands located at 2782 Barton Street East, Hamilton as shown on Appendix “A” to Report PED18022 be APPROVED on the following basis:
 - (i) That the draft By-law, attached as Appendix “C” to Report PED18022 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 PED18022 be added to District Map No. E123 of Zoning By-law No. 6593 as “E-3/S-306b”; and,
- (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (2017) and will comply with the Urban Hamilton Official Plan upon finalization of Urban Hamilton Official Plan Amendment No. XX.

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

Main Motion, as Amended, CARRIED

13. Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 503 and 515 Garner Road West (Ancaster) (PED18032) (Ward 12) (Item 6.4)

(Pearson/Conley)

- (a) That Amended Urban Hamilton Official Plan Amendment Application UHOPA-16-007, by 1186559 Ontario Inc., (Owner) to refine the Natural Heritage mapping within Volume 1 of the Urban Hamilton Official Plan, and to re-designate a portion of the subject lands from “Low Density Residential 1” to “Low Density Residential 3a” within the Shaver Neighbourhood Secondary Plan to permit a forty-seven (47) unit townhouse development on a private (condominium) road, as well as re-designate a portion of the lands from “Low Density Residential 1” to “Natural Open Space” for lands located at 503 and 515 Garner Road West, as shown on Appendix “A” to Report PED18032 be APPROVED, on the following basis:
 - (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED18032, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
 - (ii) That the proposed Amendment is consistent with the Provincial Policy Statement (2014) and conforms to the Growth Plan for the Greater Golden Horseshoe (2017) (Places to Grow).
- (b) That Zoning By-law Amendment Application ZAC-16-017 by 1186559 Ontario Inc., (Owner) for a change in zoning from the Agricultural “A-216” Zone to the Residential Multiple “RM2-690” Zone, Modified, to permit a forty-seven (47) unit townhouse development on a private (condominium) road for lands located at 503 and 515 Garner Road West, as shown on Appendix “A” to Report PED18032, be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix “C” to Report PED18032, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
 - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (2017) (Places to Grow), and will comply with the Urban Hamilton Official Plan, upon finalization of UHOPA No. XX.
- (c) That Zoning By-law Amendment Application ZAC-16-017 by 1186559 Ontario Inc., (Owner) for a change in zoning from the Agricultural “A-216” Zone to the Conservation / Hazard Land (P5) Zone to permit a stormwater management pond, natural open space and vegetation protection zone for lands located at 503 and 515 Garner Road West, as shown on Appendix “A” to Report PED18032, be APPROVED on the following basis:
- (i) That the draft By-law, attached as Appendix “D” to Report PED18032, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
 - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (2017) (Places to Grow), and will comply with the Urban Hamilton Official Plan, upon finalization of UHOPA No. XX.
- (d) Should the abutting properties wish to derive benefit, cost recovery would be based on the flat rate identified under the funding methodology of Infrastructure Policy plus actual drain cost.
- (e) ***That the public submissions received regarding this matter did not affect the decision.***

Main Motion, as Amended, CARRIED

14. Application for an Amendment to the Rural Hamilton Official Plan and the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 1051 Green Mountain Road East, Stoney Creek (PED18029) (Ward 11) (Item 6.5)

(B. Johnson/Partridge)

- (a) That Amended Rural Hamilton Official Plan Amendment Application RHOPA-15-22, by Waterford Sand & Gravel Limited (Owner), to establish a Site Specific Policy Area to permit the extraction of mineral aggregate resources, for lands located at 1051 Green Mountain Road, East (Stoney Creek), as shown on Appendix “A” to Report PED18029, be APPROVED on the following basis:

- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED18029, be adopted by City Council;
 - (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2014), and conforms to the Greenbelt Plan.
- (b) That Amended Zoning By-law Amendment Application ZAC-15-052 by Waterford Sand & Gravel Limited, (Owner), for a change in zoning from the Agricultural (A1) Zone in the City of Hamilton Zoning By-law No. 05-200 to the Extractive Industrial (M12) Zone in the City of Hamilton Zoning By-law No. 05-200, for lands located at 1051 Green Mountain Road East, (Stoney Creek), as shown on Appendix “A” to Report PED18029, be APPROVED on the following basis:
 - (i) That the draft By-law, attached as Appendix “C” to Report PED18029, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
 - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Greenbelt Plan and will comply with the Rural Hamilton Official Plan upon finalization of Rural Hamilton Official Plan Amendment No. ____.
- (c) That staff be directed to notify the Ministry of Natural Resources that the City of Hamilton’s objections to the *Aggregate Resources Act* License Application, by Waterford Sand and Gravel Limited, for the subject lands, have been resolved; and that the City of Hamilton no longer has an objection to the issuance of a licence under the ARA for the subject lands, in accordance with the revised ARA Site Plans, dated August 29, 2017, once the subject Official Plan Amendment and Zoning By-law Amendment are in full force and effect.
- (d) ***That the public submissions received regarding this matter did not affect the decision.***

Main Motion, as Amended, CARRIED

15. Hamilton Rental Housing Roundtable discussion paper entitled “Promoting Code Compliant Rental Housing with Safe, Clean and Healthy Dwelling Units” presented by Brad Clark of Maple Leaf Strategies (Item 6.6)

(Partridge/Farr)

That the Hamilton Rental Housing Roundtable discussion paper entitled “Promoting Code Compliant Rental Housing with Safe, Clean and Healthy Dwelling Units” be referred to staff to review and incorporate into their report to the Rental Housing Sub-Committee regarding the update on Report PED10049(h).

CARRIED

16. Centennial Neighbourhoods Secondary Plan and Centennial Neighbourhoods Transportation Management Plan (PED18007) (Wards 5 and 9) (TABLED January 16, 2018) (Item 8.1)

(Collins/Farr)

- (a) That the Centennial Neighbourhoods Secondary Plan, for the area shown on Appendix “A” of PED18007, attached as Official Plan Amendment (OPA) No.XX to the Urban Hamilton Official Plan (UHOP) be **APPROVED**, and that:
 - (i) The By-law of adoption for the Official Plan Amendment, attached as Appendix “B” to Report PED18007, **as amended**, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
 - (ii) The Kentley Neighbourhood Plan and the Riverdale West Neighbourhood Plan be repealed in their entirety; and,
 - (iii) The portions of the Riverdale East and Greenford Neighbourhood Plans which are located within the boundary of the Centennial Neighbourhoods Secondary Plan be repealed.
- (b) ***That Planning and Economic Development Department and Public Works Department staff be directed to create submissions for the 2019 capital budget for the following studies required as part of the implementation of the Centennial Neighbourhoods Secondary Plan (Policies B.6.7.17 a) and d), Appendix B, as amended, to report PED18007):***
 - (i) ***Streetscape and Public Realm Design Study; and,***
 - (ii) ***Municipal Servicing Study.***
- (c) ***That Public Works Department staff be directed to:***
 - (i) ***Investigate the feasibility of relocating the existing waste management facility at 460 Kenora Avenue to an alternate location, as proposed in the Centennial Neighbourhoods Secondary Plan (Policy 6.7.18.3 b), Appendix B, as amended, to report PED18007); and,***
 - (ii) ***create a submission for the 2019 capital budget if necessary for costs related to studying the relocation.***
- (d) That the Centennial Neighbourhoods Transportation Management Plan, attached as Appendix “C” to Report PED18007, be endorsed, and that:
 - (i) The General Manager of the Public Works Department be authorized and directed to file the Centennial Neighbourhoods

Transportation Management Plan, attached as Appendix “C” to Report PED18007, with the Municipal Clerk for a minimum thirty day public review period.

- (ii) Upon the completion of the thirty day public review, the General Manager of the Public Works Department be authorized and directed to program and include the recommended Schedule A, A+ and B projects in the future Capital Budget submissions, provided no comments or “Part II Order” requests (applicable to Schedule B projects only) are received that cannot be resolved.
- (iii) That the recommended projects, attached as Appendix “D” to Report PED18007, be received and approved;

(e) *That the public submissions received regarding this matter supported the approval of the proposal with amendments.*

Main Motion, as Amended CARRIED

17. Proposed Transit Oriented Corridor Zones in Zoning By-law No. 05-200 - LRT Extension and Housekeeping Amendments (PED18012) (Wards 1, 3, 4, 5 and 9) (TABLED January 16, 2018) (Item 8.2)

(Collins/Farr)

- (a) That approval be given to Official Plan Amendment (OPA) No. ____ to the Urban Hamilton Official Plan (UHOP) to amend policies, schedules and maps, to implement up-to-date mapping and policies for the extension of the Transit Oriented Corridor located along Queenston Road from east of Jefferson Avenue to Reid Avenue, on the following basis:
 - (i) That the Proposed Official Plan Amendment, attached as Appendix “A” to Report PED18012, be adopted by Council; and,
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (PPS) 2014, and conforms to Growth Plan for the Greater Golden Horseshoe, 2017 (P2G).
- (b) That approval be given to City Initiative CI-17-B to add the Transit Oriented Corridor Mixed Use High Density (TOC4) Zone to Zoning By-law No. 05-200, to zone certain lands located on Queenston Road between Jefferson Avenue and Irene Avenue as Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone, Transit Oriented Corridor Local Commercial (TOC2) Zone, Transit Oriented Corridor Multiple Residential (TOC3) Zone and Transit Oriented Corridor Mixed Use High Density (TOC4) Zone, to amend the existing TOC1, TOC2, and TOC3 Zone to incorporate housekeeping amendments, to add special exceptions to Schedule “C”, to add two new special figures to Schedule “F”, and to amend general provisions and other administrative sections of the By-law, on the following basis:

- (i) That the Proposed By-law, attached as Appendix “B” to Report PED18012 which has been prepared in a form satisfactory to the City Solicitor, ***be amended by:***

1. Adding the following new uses to Section 11.4.1:

- i) Long Term Care Facility; and,***
- ii) Retirement Home.***

2. Deleting Special Exception No. 633 (75 Centennial Parkway North-Eastgate Square) and replacing it with the text attached as Appendix “A”.

3. Adding the following new clause to Special Exception No. 634 (165 Queenston Road):

- b) In addition to Subsection 4.12 e), Section 5, and Subsection 11.1.3, any parking spaces and drive aisles existing on the date of passing of this By-law (Insert Date – TBD) shall be deemed to comply with the regulations for any required setbacks, location on the lot, and number of parking spaces.***

4. Deleting Special Exception No. 637 (as 670, 674, 686, 692, 700 and 706 Queenston Road) and replacing it with the text and Figure 12 attached as Appendix “B”.

5. Adding the following additional special exceptions applicable to the property located at 697 & 701 Queenston Road:

Within the lands zoned Transit Oriented Corridor Mixed Use High Density (TOC4) Zone, described as 697 – 701 Queenston Road, the following special provisions shall also apply:

- (a) Notwithstanding Subsection 4.20 (c), an outdoor commercial patio shall be permitted to be located within the front yard.***

6. Within the lands described as 670, 674, 692, 700 and 706 Queenston Road, as shown as Figure 12 of Schedule “F” – Special Figures, the following special provisions shall also apply:

- (a) For the purpose of Special Exception No. 637, the following special Regulations shall apply to Areas A and B, as shown on Figure 12 of Schedule “F” – Special Figures:***

- i. Subsection 637 (a)(C)(i) shall be deleted and replaced with the following:*

“Drive-thru facilities shall only be permitted in Areas A1, A2, A3 and A5”

- ii. Subsection 637 (a)(E) shall be deleted and replaced with the following*

“The drive through facilities located within areas A1, A2, A3 and A5 may be permitted to relocate on the same lot outside of areas A1, A2, A3, and A5 subject to the following requirements:”

- iii. Subsection 637 (a)(E)(i) shall be deleted and replaced with the following*

“A maximum of four drive through facilities shall be permitted on the lot;”

- iv Subsection 637 (a) shall be modified by including a new subsection (F) as follows:*

“The drive through facilities located within areas A1, A2, A3 and A5 may be permitted to relocate on the same lot within areas A1, A2, A3, and A5 subject to the following requirements:”

The built form for new Development Regulations shall not apply (subsection 11.4.3.g) and a minimum building height of 4.5 metres shall apply.

- (b) For the purpose of Special Exception No. 637, Figure 12 of Schedule “F” – Special Figures shall be revised as follows:*

- i. That Figure 12 shall be revised to include an Area A5 generally situated immediately east of Area A3, extending to the East lot line and a depth no greater than the existing building.*

And be enacted by Council; and,

- (ii) That the proposed changes in zoning will be in conformity with the Urban Hamilton Official Plan upon approval of Official Plan Amendment Nos. ____ and. ____.

- (c) *That the public submissions received regarding this matter supported the approval of the proposal with amendments.*

Main Motion, as Amended CARRIED

18. **Bill 139, *Building Better Communities and Conserving Watersheds Act, 2017* - Ontario Proposed Changes to the Land Use Planning and Appeals System (LS16027(b)) (City Wide) (Item 8.3)**

(B. Johnson/Conley)

That the City Solicitor and the General Manager of Planning and Economic Development, be authorized to make submissions to the Province, Ontario Municipal Board and/or the Local Planning Appeal Tribunal with respect to any rules or regulations that may be proposed relating to Bill 139, *Building Better Communities and Conserving Watersheds Act, 2017*, provided the submissions are consistent with previous submissions by the City on Bill 139.

CARRIED

19. **Applicant's Appeal to the Ontario Municipal Board respecting Minor Variance Application FL/A-17:442 for lands located at 374 5th Concession Road East (Added Item 10.1)**

(Partridge/Pasuta)

WHEREAS, on January 25, 2018 the Committee of Adjustment denied Minor Variance Application FL/A-17:442 to permit the construction of a permanent farm labour residence consisting of three dwelling units contained within one building, a proposed front addition, a barn and two proposed rear greenhouse additions to the existing nursery operation;

WHEREAS, the applicant has appealed the decision of the Committee of Adjustment to the Ontario Municipal Board; and

WHEREAS, Planning staff were in support of Minor Variance Application FL/A-17:442;

THEREFORE BE IT RESOLVED:

That Legal staff be directed to take no action with respect to the appeal to the Ontario Municipal Board respecting Minor Variance Application FL/A-17:442 for lands located at 374 5th Concession Road East, either in support of the Committee of Adjustment's decision or against the decision, but instead be directed to enter into settlement discussions with the applicant.

CARRIED

20. **Bill 139, *Building Better Communities and Conserving Watersheds Act, 2017* - Ontario Proposed Changes to the Land Use Planning and Appeals System (LS16027(c)/PED16237(b)) (City Wide) (Item 12.1)**

(Conley/Pearson)

That the direction to staff outlined in the recommendations of Report LS16027(c)/PED16237(b) be approved and the report and appendices remain private and confidential and restricted from public disclosure.

CARRIED

- 21 **Application for Official Plan Amendment and Zoning By-law Amendments for Lands Located at 860 Queenston Road (OMB Case No. PL170282) (LS18010) (Ward 9) (Added Item 12.2)**

(Conley/Pearson)

That the direction to staff outlined in the recommendations of Report LS18010 be approved and the report and appendices remain private and confidential and restricted from public disclosure.

CARRIED

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 1)

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

1. ADDED DELEGATION REQUEST

- 4.3 Doug Hoyes, Hoyes, Michalos & Associates Inc., to provide recent statistics and recommendations to the proposed payday loan by-law. (For future meeting.)
- 4.4 Catherine Spears, Spears + Associates Inc., respecting Eastgate Square Centennial Secondary Plan and the Transit Oriented Corridor Zoning. (For today's meeting regarding Items 8.1 and 8.2.)

2. ADDED WRITTEN COMMENTS

We received written comments from the following residents respecting Item 6.1, Application to Amend the City of Hamilton Zoning By-law No. 6593 for Lands Located at 347 Charlton Avenue West, Hamilton (PED18035) (Ward 1):

6.1(a) Kate Connolly, 12-285 Bold Street, Hamilton

6.1(b) Amanda McInnis and Alex Christie, 355 Charlton Avenue West,
Hamilton

6.1(c) Wendy Johncox, 320 Herkimer Street, Hamilton

6.1(d) Mark Stewart, President, Kirkendal Neighbourhood Association

3. ADDED NOTICE OF MOTION

10.1 Applicant's Appeal to the Ontario Municipal Board respecting Minor
Variance Application FL/A-17:442 for lands located at 374 5th
Concession Road East

4. ADDED PRIVATE AND CONFIDENTIAL REPORT

12.2 Application for Official Plan Amendment and Zoning By-law
Amendments for Lands Located at 860 Queenston Road (OMB
Case No. PL170282) (LS18010) (Ward 9) (Distributed under
separate cover)

*Pursuant to Section 8.1, Sub-sections (e) and (f) of the City's Procedural
By-law 14-300, and Section 239(2), Sub-sections (e) and (f) of the 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.*

(Farr/Partridge)

That the agenda for the February 6, 2018 meeting be approved, as amended.

CARRIED

(b) DECLARATIONS OF INTEREST (Item 2)

Councillor Pearson declared an interest with respect to Item 6.6 as she is the
owner of rental properties.

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

(i) January 16, 2018 (Item 3.1)

(Conley/Pearson)

That the Minutes of the January 16, 2018 meeting be approved.

CARRIED

(d) DELEGATION REQUESTS (Item 4)

(Partridge/B. Johnson)

(a) That the following delegation requests be approved to attend at a future
meeting:

- (i) Tom Cooper and Jodi Dean from the Hamilton Roundtable for Poverty Reduction to support staff's report regarding the restriction of the number and locations of payday loan outlets in Hamilton (Item 4.1)
 - (ii) Paula Kilburn and the Advisory Committee for Persons with Disabilities Transportation Working Group to speak to the staff report regarding the number of accessible taxis. (Item 4.2)
 - (iii) Doug Hoyes, Hoyes, Michalos & Associates Inc., to provide recent statistics and recommendations to the proposed payday loan by-law. (Added Item 4.3)
- (b) That the following delegation request be approved to address Committee at today's meeting:
- (i) Catherine Spears, Spears + Associates Inc., respecting Eastgate Square Centennial Secondary Plan and the Transit Oriented Corridor Zoning. (Added Item 4.4)

CARRIED

(e) CONSENT

- (i) **Delegated Authority for Special Occasions Permits (SOPs) (PED17220(a)) (City Wide) (Item 5.8)**

(Partridge/Skelly)

That the recommendation be amended by inserting the words "in consultation with the Ward Councillor" after the words "municipally significant" to read as follows:

That the Director of Licensing and By-law Services or designate be delegated the authority to designate events under Special Occasion Permits as "municipally significant", ***in consultation with the Ward Councillor***, if all required plans and documents are received, and to address any other related matters that apply to Special Occasion Permits, which have been previously designated by Council.

Amendment CARRIED

For disposition of this matter refer to Item 8.

(f) DELEGATIONS/PUBLIC HEARING (Item 6)

- (i) **Application to Amend the City of Hamilton Zoning By-law No. 6593 for Lands Located at 347 Charlton Avenue West, Hamilton (PED18035) (Ward 1) (Item 6.1)**

In accordance with the provisions of the *Planning Act*, Chair A. 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 Amendments, 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

- 6.1(a) Kate Connolly, 12-285 Bold Street, Hamilton
- 6.1(b) Amanda McInnis and Alex Christie, 355 Charlton Avenue West
- 6.1(c) Wendy Johncox, 320 Herkimer Street, Hamilton
- 6.1(d) Mark Stewart, President, Kirkendal Neighbourhood Association

(Pearson/B. Johnson)

That the added written comments, Items 6.1(a) to 6.1(d), be received.

CARRIED

Chair A. Johnson relinquished the Chair to Vice Chair Farr during consideration of this matter.

Daniel Barnett, Planner, addressed Committee with the aid of a PowerPoint presentation and provided an overview of the report. He indicated that Appendix "B" requires an amendment. A copy is available for viewing on the City's website.

(A. Johnson/Conley)

That the staff presentation be received.

CARRIED

Sarah Knoll of GSP Group, representing the applicant, was in attendance and addressed Committee with the aid of a PowerPoint presentation. A copy is available for viewing on the City's website.

(Pearson/Conley)

That the agent's presentation be received.

CARRIED

Registered Speakers

1. Wendy Johncox, 320 Herkimer Street, Hamilton

Wendy Johncox addressed Committee and indicated that she is opposed to the proposal.

Skelly/Conley)

That the delegation be received.

CARRIED

2. Andrew Kelly, 316 Herkimer Street, Hamilton

Andrew Kelly addressed Committee and indicated that he is opposed to the proposed redevelopment.

(Conley/Partridge)

That the delegation be received.

CARRIED

3. Kate Connolly, 12 – 285 Bold Street, Hamilton

Kate Connolly addressed Committee and spoke in support of the developer and the proposal.

(Skelly/A. Johnson)

That the delegation be received.

CARRIED

4. Joe Gallagher, 332 Herkimer Street, Hamilton

Joe Gallagher addressed Committee and spoke in opposition to his proposal.

(Skelly/A. Johnson)

That the delegation be received.

CARRIED

5. Lynn Gates, 339 Charlton Avenue

Lynne Gates addressed Committee and indicated that she is not in support of the proposal.

(Pearson/Partridge)

That the delegation be received.

CARRIED

6. Veronica Dyer, 2 Undermount Avenue

Veronica Dyer addressed Committee and indicated that she is in support of the development.

(Pearson/Partridge)

That the delegation be received.

CARRIED

7. Mark Dyer, 2 Undermount Avenue

Mark Dyer addressed Committee and spoke in support of the proposal.

(Pearson/Partridge)

That the delegation be received.

CARRIED

8. Nikki Loney, 343 Charlton Avenue

Nikki Loney spoke in support of the developer but indicated that she still has some concerns with the proposal. She asked that the developer continue to work with the residents to address their concerns.

(Conley/Pasuta)

That the delegation be received.

CARRIED

(Skelly/Pasuta)

That the public meeting be closed.

CARRIED

(A. Johnson/Pearson)

(a) That Appendix "B" be amended to include the size of the lot area in 2(e) and change the reference in 2(d) from 10A(3)(c) to 10A(3)(iii)(c);

(b) That the recommendations be amended by adding the following:

- That no residential units be permitted in the basement or cellar;**
- That the roof height allowance regulation be increased by .5 metres.**

Amendment CARRIED

Councillors Skelly and Partridge indicated that they wished to be recorded as OPPOSED to this matter.

(A. Johnson/Pearson)

(a) That appendix "B" to Report PED18035 include the following housekeeping amendments:

(b) That the recommendations be amended by adding the following subsection (c):

- (c) *That the public submissions received regarding this matter did not affect the decision.*

Amendment CARRIED

Councillors Pasuta, Partridge and Skelly indicated that they wished to be recorded as OPPOSED to the approval of this Item.

For disposition of this matter refer to Item 10.

- (ii) **Applications for an Amendment to the Urban Hamilton Official Plan and to the Town of Glanbrook Zoning By-law No. 464 for Lands Located at 235 Tanglewood Drive, Glanbrook (PED18034) (Ward 11) (Item 6.2)**

In accordance with the provisions of the *Planning Act*, Vice Chair Farr advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Official Plan and Zoning By-law Amendments, 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 member of the public came forward.

(B. Johnson/Green)

That the public meeting be closed.

CARRIED

(B. Johnson/Pearson)

That the staff presentation be waived.

CARRIED

Steve Fraser of A.J. Clarke and Associates Ltd. was in attendance representing the applicant. Committee had no questions.

(B. Johnson/Pearson)

That the recommendations be amended by adding the following subsection (c):

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

Amendment CARRIED

For disposition of this matter refer to Item 11.

(iii) Applications for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 2782 Barton Street East, Hamilton (PED18022) (Ward 5) (Item 6.3)

In accordance with the provisions of the *Planning Act*, Vice Chair Farr advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Official Plan and Zoning By-law Amendments, 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 member of the public came forward.

(Pearson/Collins)

That the public meeting be closed.

CARRIED

(Pearson/Collins)

That the staff presentation be waived.

CARRIED

Chair A. Johnson assumed the Chair.

The applicant Liaquat Mian, of LJM Developments, and his agent Franz Kloibhofer of A.J. Clarke and Associates Ltd. were in attendance. Committee had no questions.

(Collins/Pearson)

That the recommendations be amended by adding the following subsection (c):

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

Amendment CARRIED

For disposition of this matter refer to Item 12.

(iv) Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 503 and 515 Garner Road West (Ancaster) (PED18032) (Ward 12) (Item 6.4)

In accordance with the provisions of the *Planning Act*, Chair A. 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 Official Plan and Zoning By-law Amendments, 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.

George Zajac, Planner, addressed Committee with the aid of a PowerPoint presentation and provided an overview of the report. A copy is available for viewing on the City's website.

(Pearson/Skelly)

That the staff presentation be received.

CARRIED

Speakers

1. Rob Schumacher, 71 Tollgate Drive, Ancaster

Rob Schumacher indicated that he did not oppose the development but requested the installation of sidewalks.

(Pearson/B. Johnson)

That the delegation be received.

CARRIED

2. Jean-Pierre Verbaat, 407 Garner Road,

Jean-Pierre Verbaat indicated that sidewalks are needed.

(Pearson/Conley)

That the delegation be received.

CARRIED

(Farr/Skelly)

That Rob Schumacher be allowed to address Committee a second time.

CARRIED

1. Rob Schumacher, 71 Tollgate Drive, Ancaster

Rob Schumacher explained his previous comments.

(Pearson/Skelly)

That the public meeting be closed.

CARRIED

(Pearson/Conley)

That the recommendations be amended by adding the following subsection (e):

(e) *That the public submissions received regarding this matter did not affect the decision.*

Amendment CARRIED

For disposition of this matter refer to Item 13.

(v) Application for an Amendment to the Rural Hamilton Official Plan and the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 1051 Green Mountain Road East, Stoney Creek (PED18029) (Ward 11) (Item 6.5)

In accordance with the provisions of the *Planning Act*, Chair A. 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 Official Plan and Zoning By-law Amendments, 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

6.5(a) Jen Baker, Hamilton Naturalists' Club

(B. Johnson/Partridge)

That the written comments, Item 6.5(a) be received.

CARRIED

No member of the public came forward.

(Partridge/B. Johnson)

That the public meeting be closed.

CARRIED

(B. Johnson/Farr)

That the staff presentation be waived.

CARRIED

Bill Kester representing the applicant, Waterford Sand and Gravel Limited, addressed Committee and provided responses to questions which the Ward Councillor posed on behalf of a resident.

(B. Johnson/Partridge)

That the recommendations be amended by adding the following subsection (d):

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

Amendment CARRIED

For disposition of this matter refer to Item 14.

- (vi) Brad Clark, Maple Leaf Strategies, to present a summary of the Hamilton Rental Housing Roundtable discussion paper entitled “Promoting Code Compliant Rental Housing with Safe, Clean and Healthy Dwelling Units” (Approved January 16, 2018) (Item 6.6)**

Brad Clark of Maple Leaf Strategies addressed Committee with the aid of a PowerPoint presentation and provided an overview of the discussion paper entitled “Promoting Code Compliant Rental Housing with Safe, Clean and Healthy Dwelling Units” which he prepared in collaboration with the Hamilton Rental Housing Roundtable. Copies of the discussion paper were distributed and a copy is available for viewing on the City’s website.

(Partridge/Farr)

That the five minute rule be extended.

CARRIED

Brad Clark requested that the recommendations be referred to staff for a report back to Committee.

Arun Pathak, of the Hamilton and District Apartment Association, was also in attendance and he joined Brad Clark in responding to questions from Committee.

(Skelly/Conley)

That the delegation be received.

CARRIED

For disposition of this matter refer to Item 15.

(g) DISCUSSION ITEMS (Item 8)

- (i) Centennial Neighbourhoods Secondary Plan and Centennial Neighbourhoods Transportation Management Plan (PED18007) (Wards 5 and 9) (Item 8.1) (TABLED January 16, 2018)**

(Collins/Farr)

That Report PED18007 respecting Centennial Neighbourhoods Secondary Plan and Centennial Neighbourhoods Transportation Management Plan be LIFTED from the table.

CARRIED

Delegation

- (i) Catherine Spears, Spears + Associates Inc**

Catherine Spears addressed Committee and indicated that she was representing Bentall Kennedy LP (Canada) Eastgate Square. She thanked staff as they have been able to reach an agreement regarding her client's concerns.

(Collins/Farr)

That the delegation be received.

CARRIED

(Collins/Farr)

- (a) *That, based on further public input received, Report PED18007 respecting Centennial Neighbourhoods Secondary Plan and Centennial Neighbourhoods Transportation Management Plan be amended by:***

- (i) *Deleting Appendix B and replacing it with the amended Appendix B (text and maps have been changed);***

- (b) *That the following be added as subsections (b) and (c) and the balance be re-lettered accordingly:***

- (b) *Planning and Economic Development Department and Public Works Department staff be directed to create submissions for the 2019 capital budget for the following studies required as part of the implementation of the Centennial Neighbourhoods Secondary Plan (Policies B.6.7.17 a) and d), Appendix B, as amended, to report PED18007):***

- (i) *Streetscape and Public Realm Design Study; and,***

- (ii) *Municipal Servicing Study.***

- (c) *That Public Works Department staff be directed to:***

- (i) *Investigate the feasibility of relocating the existing waste management facility at 460 Kenora Avenue to an alternate location, as proposed in the Centennial Neighbourhoods Secondary Plan (Policy 6.7.18.3 b), Appendix B, as amended, to report PED18007); and,*
 - (ii) *create a submission for the 2019 capital budget if necessary for costs related to studying the relocation.*
- Amendment CARRIED**

(Collins Farr)

That the recommendations be amended by adding the following subsection (e):

- (e) *That the public submissions received regarding this matter supported the approval of the proposal with amendments.*
- Amendment CARRIED**

For disposition of this matter refer to Item 16.

- (ii) **Proposed Transit Oriented Corridor Zones in Zoning By-law No. 05-200 - LRT Extension and Housekeeping Amendments (PED18012) (Wards 1,3, 4, 5 and 9) (Item 8.2) (TABLED January 16, 2018)**

(Collins/Farr)

That Report PED18012 respecting Proposed Transit Oriented Corridor Zones in Zoning By-law No. 05-200 - LRT Extension and Housekeeping Amendments be lifted from the table.

CARRIED

(Collins/Farr)

That the Proposed Transit Oriented Corridor Zones in Zoning By-law No. 05-200 - LRT Extension and Housekeeping Amendments (PED18012) (Wards 1, 3, 4, 5 and 9) be **amended** by:

1. ***Adding the following new uses to Section 11.4.1:***
 - i) ***Long Term Care Facility; and,***
 - ii) ***Retirement Home.***
2. ***Deleting Special Exception No. 633 (75 Centennial Parkway North-Eastgate Square) and replacing it with the text attached as Appendix "A".***
3. ***Adding the following new clause to Special Exception No. 634 (165 Queenston Road):***

- b) In addition to Subsection 4.12 e), Section 5, and Subsection 11.1.3, any parking spaces and drive aisles existing on the date of passing of this By-law (Insert Date – TBD) shall be deemed to comply with the regulations for any required setbacks, location on the lot, and number of parking spaces.*

- 4. Deleting Special Exception No. 637 (as 670, 674, 686, 692, 700 and 706 Queenston Road) and replacing it with the text and Figure 12 attached as Appendix “B”.*

Amendment CARRIED

(Collins/Farr)

That the following additional special exceptions be included in the Zoning By-law 05-200 respecting the proposed TOC4 Zone applicable to the property located at 697 & 701 Queenston Road:

Within the lands zoned Transit Oriented Corridor Mixed Use High Density (TOC4) Zone, described as 697 – 701 Queenston Road, the following special provisions shall also apply:

- (a) Notwithstanding Subsection 4.20 (c), an outdoor commercial patio shall be permitted to be located within the front yard.*

Amendment CARRIED

(Collins/Farr)

That the following additional special exceptions be included in the Zoning By-law 05-200 respecting the proposed TOC4 Zone, Special Exception 637:

Within the lands zoned Transit Oriented Corridor Mixed Use High Density (TOC4) Zone, identified on Maps 1142 & 1193 of Schedule “A” – Zoning Maps, and described as 670, 674, 692, 700 and 706 Queenston Road, as shown as Figure 12 of Schedule “F” – Special Figures, the following special provisions shall also apply:

- (a) For the purpose of Special Exception No. 637, the following special Regulations shall apply to Areas A and B, as shown on Figure 12 of Schedule “F” – Special Figures:*

- i. Subsection 637 (a)(C)(i) shall be deleted and replaced with the following:*

“Drive-thru facilities shall only be permitted in Areas A1, A2, A3 and A5”

- ii. Subsection 637 (a)(E) shall be deleted and replaced with the following*

“The drive through facilities located within areas A1, A2, A3 and A5 may be permitted to relocate on the same lot outside of areas A1, A2, A3, and A5 subject to the following requirements:”

- iii. Subsection 637 (a)(E)(i) shall be deleted and replaced with the following***

“A maximum of four drive through facilities shall be permitted on the lot;”

- iv Subsection 637 (a) shall be modified by including a new subsection (F) as follows:***

“The drive through facilities located within areas A1, A2, A3 and A5 may be permitted to relocate on the same lot within areas A1, A2, A3, and A5 subject to the following requirements:”

The built form for new Development Regulations shall not apply (subsection 11.4.3.g) and a minimum building height of 4.5 metres shall apply.

- (b) For the purpose of Special Exception No. 637, Figure 12 of Schedule “F” – Special Figures shall be revised as follows:***

- i. That Figure 12 shall be revised to include an Area A5 generally situated immediately east of Area A3, extending to the East lot line and a depth no greater than the existing building.***

Amendment CARRIED

(Collins Farr)

That the recommendations be amended by adding the following subsection (c):

- (c) That the public submissions received regarding this matter supported the approval of the proposal with amendments.***

Amendment CARRIED

For disposition of this matter refer to Item 17.

(h) NOTICES OF MOTION (Item 10)

(i) Applicant's Appeal to the Ontario Municipal Board respecting Minor Variance Application FL/A-17:442 for lands located at 374 5th Concession Road East (Added 10.1)

Councillor Partridge introduced a notice of motion respecting Applicant's Appeal to the Ontario Municipal Board respecting Minor Variance Application FL/A-17:442 for lands located at 374 5th Concession Road East.

(Partridge/Pasuta)

That the rules of order be waived in order to allow the introduction of a motion respecting Applicant's Appeal to the Ontario Municipal Board respecting Minor Variance Application FL/A-17:442 for lands located at 374 5th Concession Road East.

CARRIED

For disposition of this matter refer to Item 19.

(ii) Parking Regulations on a 'Through Street' (Added 10.2)

Councillor Green presented the following notice of motion:

WHEREAS, most major Ontario municipalities restrict parking overnight on major roadways;

WHEREAS, staff are currently undertaking a review of Hamilton Parking By-law 01-218, and

WHEREAS, members of the public have, from time to time, expressed concern with the rationale for overnight parking restrictions on 'through streets' and the method of informing motorists where such regulations apply;

THEREFORE BE IT RESOLVED:

That staff be directed to review the rationale for overnight parking restrictions on 'through streets' and that this review include a review/summary of overnight parking regulations in other large Ontario municipalities and how they inform motorists of such regulations, and report back to the Planning Committee with recommendations to optimize the effectiveness of the through street system.

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

The General Manager of Planning and Economic Development asked for and was granted permission to release the staff report respecting the Downtown Secondary Plan in advance of the agenda.

(i) Outstanding Business List (Item 11.1)

(Farr/Collins)

That the following new due dates be approved:

Item "C" – C.I. to Amend Hamilton Zoning By-law No. 6593 for 118 to 338 Mountain Brow Boulevard (Hamilton) (PED13101)
Due date: February 20, 2018
New due date: June 5, 2018

Item "D" – (OMB) Decision re: 121 Augusta Street, Staff to review the RCF's in the context of the Prov. Policy, as it relates to special needs, and the Human Rights Code and report back.
Due date: February 20, 2018
New due date: March 20, 2018

Item "H" – Deferral of Item 5 of HMHC Report 15-005 proposing inclusion of 1021 Garner Rd E on register of properties of cultural heritage value or interest to allow consultation with property owner and to correct wording.
Due date: February 20, 2018
New due date: March 20, 2018

Item "N" – That staff be directed to present to the Planning Committee an updated digital sign by-law.
Due date: February 20, 2018
New due date: April 17, 2018

Item "P" - That staff be directed to report back on how to revise Council's current policy respecting OMB appeals for non-decision to ensure the public has the opportunity to provide input
Due date: February 20, 2018
New due date: April 17, 2018

Item "BB" - Staff to report back on Class 4 Noise receptor status for Downtown Secondary Plan and/or broader city-wide policy.
Due date: February 6, 2018
New due date: April 3, 2018

Item "DD" - That the appropriate City of Hamilton staff be requested to address the issue of declining establishments paying into the Paid Duty program in Hess Village and report back to the Planning

Committee 45 days before the start of the 2018 Paid Duty season with solutions.

Due date: February 20, 2018

New due date: March 20, 2018

- (b) That the following Items be identified as complete and be removed:

Item "L" – Staff to report back with periodic updates re: progress on capturing illegal businesses and increase in licensed businesses.
(Item 5.2 on this agenda)

Item "Q" – That staff report back on the number of Minor Variance applications in the AEGD with an assessment as to whether or not the refund program should be continued in December, 2017.
(Item 8.4 on this agenda)

Item "AA" – That staff be directed to report to the Planning Committee as to whether or not the Licensing Division is able to continue to licence rental properties without the resources requested (Item 5.1 on this agenda)

CARRIED

(j) PRIVATE AND CONFIDENTIAL (Item 12)

- (i) Bill 139, *Building Better Communities and Conserving Watersheds Act, 2017* - Ontario Proposed Changes to the Land Use Planning and Appeals System (LS16027(c)/PED16237(b)) (City Wide) (Item 12.1)**
- (ii) Application for Official Plan Amendment and Zoning By-law Amendments for Lands Located at 860 Queenston Road (OMB Case No. PL170282) (LS18010) (Ward 9) (Added Item 12.2)**

(Conley/Collins)

That Committee move into Closed Session to discuss Items 12.1 and 12.2 pursuant to Section 8.1, Sub-sections (e) and (f) of the City's Procedural By-law 14-300, and Section 239(2), Sub-sections (e) and (f) of the 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.

CARRIED

Committee reconvened in Open Session at 3:33 p.m.

For disposition of these matters, refer to Items 20 and 21.

(k) ADJOURNMENT (Item 13)

(Green/B. Johnson)

That, there being no further business, the Planning Committee be adjourned at 3:35 p.m.

CARRIED

Respectfully submitted,

Councillor A. Johnson
Chair, Planning Committee

Ida Bedioui
Legislative Co-ordinator
Office of the City Clerk