



PLANNING COMMITTEE

MINUTES 18-010

9:30 a.m.

Tuesday, June 19, 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), C. Collins, M. Pearson, M. Green, B. Johnson, J. Partridge, and R. Pasuta.

Also present: Councillor L. Ferguson

**Absent with
Regrets:** Councillor D. Skelly, personal

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

1. Enforcement of Accessible Parking Spaces on Municipal and Private Property (PED12226(a)) (City Wide) (Item 5.1)

(Pearson/Conley)

- (a) That By-law No. 01-220 to “Regulate Parking of Motor Vehicles on Private and Municipal Property”, be amended as attached in Appendix “A” to PED12226(a), which has been prepared in a form satisfactory to the City Solicitor, to allow for enforcement of accessible parking spaces without prior permission of property owners;
- (b) That By-law No. 01-220 to “Regulate Parking of Motor Vehicles on Private and Municipal Property” be amended to remove and replace outdated terminology;
- (c) That By-law No. 01-220 to “Regulate Parking of Motor Vehicles on Private and Municipal Property” be amended to allow the placement of accessible parking permits on vehicle dashboards or sun visor.

CARRIED

2. Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED18125) (City Wide) (Item 5.2)

(B. Johnson/Pearson)

That Report PED18125 respecting Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications, be received.

CARRIED

3. Amendment to On-Street Parking Permit Qualification Criteria (PED18139) (City Wide) (Item 5.3)

(Pasuta/Green)

That By-law No. 01-218 to Regulate On-Street Parking, be amended as attached in Appendix "A" to Report PED18139, which has been prepared in a form satisfactory to the City Solicitor, to remove the requirement that only residents with Ontario License Plates be granted On-street Parking Permits.

CARRIED

4. Applications to Amend the City of Hamilton Urban Hamilton Official Plan, Zoning By-law No. 05-200 and for Approval of a Draft Plan of Subdivision "Flamborough Power Centre North" for Lands Located at 56, 74, 78, 90, 96, 100 and 566 Parkside Drive, Flamborough (PED18133) (Ward 15) (Item 6.2)

(Partridge/Collins)

(a) That Urban Hamilton Official Plan Amendment Application UHOPA-18-012 by Flamborough Power Centre Inc., Flamborough Capital Corp. Inc., and Ankara Realty Ltd. (Owners), to remove existing Core Areas (Significant Woodlands and Streams) and Linkages and add new Core Areas (Significant Woodlands) and Linkages on Schedules B, B-2 and B-8; designate Clappison Avenue as a Minor Arterial on Schedule C and establish a Site Specific Policy Area to protect the existing Natural Heritage features, as shown on Appendix "B" to Report PED18133, be APPROVED on the following basis:

- (i) That the draft Official Plan Amendment, attached as Appendix "B" to Report PED18133 be enacted by City Council;
- (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-15-039 by Flamborough Power Centre Inc., Flamborough Capital Corp. Inc., and Ankara Realty Ltd. (Owners), for changes in zoning from the Prestige Business Park (M3, 437) Zone, General Business Park (M2) Zone, and Prestige Business Park (M3, 388) Zone to Conservation / Hazard Land (P5) Zone (Blocks 1, 2, and 3) to protect natural features and from

Prestige Business Park (M3) Zone to Prestige Business Park (M3, 437) Zone (Block 5) to permit a Fitness Club and Medical Clinic for lands located at 56, 74, 78, 90, 96, 100 and 566 Parkside Drive Flamborough, as shown on Appendix "A" to Report PED18133, be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix "C" to Report PED18133, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the amending By-law be added to Schedule C – Special Exceptions of Zoning By-law No. 05-200;
 - (iii) That this By-law will comply with the Urban Hamilton Official Plan upon approval of Urban Hamilton Official Plan Amendment No. XX.
- (c) That Draft Plan of Subdivision Application 25T-201507 by Flamborough Power Centre Inc., Flamborough Capital Corporation Inc. and Ankard Realty Ltd., (Owners), to establish a Draft Plan of Subdivision known as "Flamborough Power Centre North", Flamborough, on lands located at 56, 74, 78, 90, 96, 100 and 566 Parkside Drive, as shown on Appendix "D" to Report PED18133 be APPROVED, subject to the following:
- (i) That this approval apply to the Draft Plan of Subdivision "Flamborough Power Centre North", 25T-201507, prepared by J.D. Barnes and certified by R.S. Querubin, dated January 30, 2018, consisting of six blocks for employment uses (Blocks 1, 3, 4, 7, 8, and 9), three blocks for Conservation / Hazard Lands (Blocks 5, 6 and 10), one block for a future road widening (Block 12), one block for a Stormwater Management Facility (Block 2), one Block for a 0.3 m reserve (Block 11), and three proposed streets subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the special conditions attached as Appendix "E" to Report PED18133.
- (d) That Payment of Cash-in-Lieu or dedication of Parkland will be required, pursuant to Section 51 of the *Planning Act*, prior to the issuance of each building permit. The calculation for the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the day of issuance of each building permit;
- (e) ***That the public submissions received regarding this matter did not affect the decision.***

Main Motion, as Amended, CARRIED

5. Applications to Amend the Town of Ancaster Zoning By-law No. 87-57 and for a Draft Plan of Subdivision for Lands Located at 20 Miller Drive, Ancaster (PED18123) (Ward 12) (Item 6.3)

(Pearson/B. Johnson)

- (a) That Amended Zoning By-law Amendment Application ZAC-16-048 by 1921753 Ontario Ltd., (Faizal Javer, Owner), for a change in zoning from the Institutional "I" Zone to the Residential "R4-697" Zone, Modified (Block 1), Residential "R4-693" Zone, Modified (Block 2) and Residential "R4-694" Zone, Modified (Block 3) for lands located at 20 Miller Drive (Ancaster), as shown on Appendix "A" to Report PED18123, be APPROVED on the following basis:
- (i) That the draft By-law, attached as Appendix "B" to Report PED18123, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the amending By-law be added to Schedule "B", Map No. 1 of By-law No. 87-57;
 - (iii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2014), conform to the Growth Plan for the Greater Golden Horseshoe (2017), and comply with the Urban Hamilton Official Plan.
- (b) That Draft Plan of Subdivision Application 25T-201606 by 19217853 Ontario Ltd., (Faizal Javer, Owner), to establish a Draft Plan of Subdivision known as "20 Miller Drive" on lands known as 20 Miller Drive (Ancaster), as shown on Appendix "A" to Report PED18123, be APPROVED subject to the following conditions:
- (i) That this approval apply to the Draft Plan of Subdivision "20 Miller Drive" 25T-201606, prepared by A.T. McLaren Ltd, and certified by S. D. McLaren, O.L.S., dated July 15, 2016, consisting of twenty-two lots for single detached dwellings (Lots 1-22) and the extension of Roselawn Avenue, subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the Special Conditions, attached as Appendix "D" to Report PED18123.
 - (ii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 42 of the *Planning Act*, prior to the issuance of each building permit. The calculation for the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the day of issuance of each building permit, in accordance with the Financial Policies for Development and the City's Parkland Dedication By-law, as approved by Council.

- (iii) Acknowledgement by the City of Hamilton of its responsibility for cost-sharing with respect to this development shall be in accordance with the City's Financial Policies and will be determined at the time of the development. The City of Hamilton will share costs with the owner for urbanization of roads as follows:
 - (1) Concrete curb on the side of Miller Drive opposite the proposed development;
 - (2) Catch basins on Miller Drive opposite the proposed development as required to provide adequate storm drainage of the street; and,
 - (3) Minimal restoration to back-of-curb of existing lots fronting on Miller Drive opposite the proposed development.

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

Main Motion, as Amended, CARRIED

6. Amendments to City of Hamilton Zoning By-law No. 6593 to allow secondary dwelling units in detached structures for properties adjoining a laneway ("Laneway Housing") (PED16200(a)) (Parts of Wards 1, 2, 3 and 4) (Item 6.5)

(Green/Collins)

- (a) That Report PED16200(a) (City Initiative CI-18-F) to amend regulations of Section 19 of Zoning By-law No. 6593 to allow secondary units within detached structures for those properties within the lower City (parts of Wards 1, 2, 3 and 4) adjoining a laneway, be received;
- (b) That Report PED16200(a), together with any written submissions and input from delegations received at Planning Committee, be referred to staff for consideration and to be incorporated into a further report and amending by-law ***which shall also address specific options regarding 'tiny homes'*** to be presented to a future Planning Committee meeting;
- (c) That Corporate Services staff be requested to present Report PED16200(a) to the Development Charges Stakeholders Subcommittee for consideration when recommending policy direction for the 2019 Development Charges Study ***and in addition, bring forward for Council's consideration at the earliest possible date a standalone amendment to the Development Charges By-law to deal specifically with laneway-related housing developed in accordance with Report PED16200(a);***
- (d) ***That, as part of the report back on a standalone Development Charges By-law amendment, staff include options for potentially***

retroactively applying any reduced Development Charges requirement, or benefit of any reduced Development Charges requirement, to recently completed laneway housing projects;

- (e) *That the appropriate staff from Planning and Economic Development meet with staff from the Housing Division in an effort to build in incentive opportunities for some laneway and ‘tiny homes’ projects as affordable housing.*

Main Motion, as Amended, CARRIED

7. **Proposed Changes to the Official Plans and Zoning By-law No. 05-200 – Medical Marihuana Growing and Harvesting Facilities, Aquaponics and Greenhouses (PED18120) (City Wide) (CI-18-D) (Item 6.6)**

(Collins/Farr)

That Report PED18120 (City Initiative CI-18-D) to amend the Rural Hamilton Official Plan, the Urban Hamilton Official Plan, and Zoning By-law No. 05-200, to modify the definition and associated regulations for a medical marihuana growing and harvesting facility, be received.

CARRIED

8. **Animal Adoption Fees (PED18004(a)) (City Wide) (Item 8.1)**

(Pearson/Farr)

- (a) That the proposed Animal Adoption Fees set out in Appendix “A” to Report PED18004(a) be approved;
- (b) That the Animal Adoption Fees described in subsection (a) be added to the User Fees and Charges By-law, in a form satisfactory to the City Solicitor.

CARRIED

9. **Financial Incentives for Taxi Operators to Provide Accessible Taxicab Trips (PED18082) (City Wide) (Outstanding Business List Item) (Item 8.2)**

(Pearson/Collins)

- (a) That the Licensing and By-Law Services Division create a one year pilot program to provide a subsidy for accessible taxicab trips to further support the provision of accessible taxicab services for the accessible community;
- (b) That, subject to the approval of Recommendation (a) of Report PED18082, Financial Incentives for Taxi Operations to Provide Accessible Taxicab Trips, the following be approved:
- (i) That a one year pilot program be created within the Licensing Section to provide a \$5 flat subsidized rate to all qualified

accessible taxicab drivers for each accessible taxi trip dispatched with Hamilton Cab and Blue Line Taxi Brokers, at an estimated cost of \$115,000;

- (ii) That \$20,000 be allocated from the Tax Stabilization Reserve to support the funding of the pilot program. The \$20,000 represents the “in lieu of accessibility” voluntary annual revenue received in 2017;
- (iii) That in support of achieving compliance with the *Accessibility for Ontarians with Disabilities Act, 2005, S.O, 2005, c.11 (AODA)* standards and to support the Advisory Committee for Persons with Disabilities with the on-demand accessible taxicab initiative, the results of the pilot program be referred to the 2019 budget process for further consideration;
- (iv) That Report PED18082 respecting Financial Incentives for Taxi Operators to Provide Accessible Taxicab Trips be brought to the next Advisory Committee for Persons with Disabilities meeting for information only;
- (v) That 0.25 temporary full-time equivalent (FTE) be approved for program administration, to be funded from the Personal Transportation Providers revenues generated from new licences;
- (vi) That the Director of Licensing and By-Law Services and/or designate be authorized and directed to negotiate and execute a new agreement with Blue Line Taxi and Hamilton Cab, in a form satisfactory to the City Solicitor, for the provision of accessible taxicab subsidized payments in the amount of \$5.00 per dispatched trip;

CARRIED

10. Alternative Road Allowance Width for the Roxborough Redevelopment Project (Added 10.1)

(Collins/Farr)

WHEREAS, applications have been submitted for the redevelopment of the lands located at 20 Reid Avenue North, 22-116 Lang Street, and 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22 and 24 Hayes Avenue, known as the Roxborough redevelopment;

WHEREAS, the Official Plan sets a maximum width for a local street of 20 metres;

WHEREAS, the City’s Engineering Guidelines require that local streets be 20 metres in width;

WHEREAS, a 20 metre road is appropriate in a Greenfield context but the Roxborough redevelopment is an urban infill redevelopment opportunity; and

WHEREAS, it is important that infill redevelopment maintain the character of the community;

NOW THEREFORE BE IT RESOLVED:

That Planning and Economic Development Department staff be authorized to accept an alternative road allowance width of 18.0 metres for the Roxborough redevelopment project.

CARRIED

11. To Change Zoning of the properties known as 1215, 1217, 1219, 1221, 1227, 1231, 1235 and 1239 Barton Street, Stoney Creek from R2 Residential to R1 Residential (Added 10.2)

(Pearson/Conley)

WHEREAS, the properties known as 1215, 1217, 1219, 1221, 1227, 1231, 1235 and 1239 Barton Street, Stoney Creek, are located in a single family residential area;

WHEREAS, 1215, 1217, 1219, 1221, 1227, 1231, 1235 and 1239 Barton Street, Stoney Creek, were rezoned from Industrial to Residential in 2012, to reflect the surrounding residential neighbourhood;

WHEREAS, the said lands are currently zoned R2 Residential in the Stoney Creek Secondary "Fruitland Winona Secondary Plan";

WHEREAS, the existing homes are well established brick homes in good condition the property owners have a desire to remain in their homes moving into the future;

WHEREAS, the property owners further have a desire to sever a lot from their properties as the lot size would permit;

WHEREAS, the current R2 residential zoning does not permit severing for a single family lot; and

WHEREAS, single family homes are currently what exists in the immediate neighbourhood;

THEREFORE, BE IT RESOLVED:

That staff be directed to prepare an Official Plan Amendment and associated Zoning By-law changes for consideration as a public meeting of the Planning Committee no later than September 18, 2018, for the lands located at 1215, 1217, 1219, 1221, 1227, 1231, 1235 and 1239 Barton Street, Stoney Creek, to recognize the existing single family dwellings and to permit the severing of single family lots, which would be in keeping with the existing homes.

CARRIED

FOR INFORMATION:

(a) APPROVAL OF THE AGENDA (Item 1)

The Committee Clerk advised of the following changes:

1. DELEGATION DEFERRED TO NEXT MEETING

- 6.1 Glenn Wise, Macassa Bay Year-Round Liveaboard Association, to discuss year-round liveaboard boat residency will be attending at the July 10, 2018 meeting.

2. ADDED WRITTEN COMMENTS

- (i) The following written comments have been received respecting Item 6.2, Applications to Amend the City of Hamilton Urban Hamilton Official Plan, Zoning By-law No. 05-200 and for Approval of a Draft Plan of Subdivision "Flamborough Power Centre North" for Lands Located at 56, 74, 78, 90, 96, 100 and 566 Parkside Drive, Flamborough (PED18133) (Ward 15):

6.2(a) Terrance Glover, Urban in Mind, Professional Urban Planning, Land Development & CPTED Consultants on behalf of Vince Ferraiuolo, 32 Parkside Drive, Flamborough

- (ii) The following written comments have been received respecting Item 6.4, Application for an Amendment to City of Hamilton Zoning By-law No. 6593 for Lands Located at 100 Cumberland Avenue (Ward 3) (PED18129):

6.4(a) Tom Broen, 231 Sherman Avenue South

6.4(b) Brian Gilham, 183 Burris Street

6.4(c) Ricardo Campos, 137 Gladstone Avenue

6.4(d) Andre and Ursula Erasmus, 145 Gladstone Avenue

- (iii) The following written comments have been received respecting Item 6.6, Proposed Changes to the Official Plans and Zoning By-law No. 05-200 – Medical Marihuana Growing and Harvesting Facilities, Aquaponics and Greenhouses (PED18120) (City Wide) (CI-18-D):

6.6(a) Meaghan Barrett, Aird Berlis, on behalf of the owners of 284 and 294 Green Mountain Road East

6.6(b) Joint written submission from Sasha Pejdic, 284 Green Mountain Road East and Fred Mattiuz, 294 Green Mountain Road East

6.6(c) Paul Silvestri, President, Silvestri Investments

3. ADDED NOTICE OF MOTION

10.1 Alternative Road Allowance Width for the Roxborough Redevelopment Project

4. CHANGES TO THE OUTSTANDING BUISNESS LIST

(a) Items requiring new due dates:

Item "K" - Staff to report back on the feasibility of amending the Licensing By-law including comparators across the country, to clearly define adult services in relation to the distinction between strip clubs and other performances, including but not limited to burlesques.

Due date: June 19, 2018

New due date: July 10, 2018

Item "M" - That staff monitor the operations of the Personal Transportation Providers (Schedule 24 of the Licensing By-law 17-170) licensing category over the next year to determine if any adjustments are required and report back to Committee.

Due date: June 19, 2018

New due date: July 10, 2018

Item "S" - Update re: Losani OMB appeal and sign variance application appeal.

Due date: June 19, 2018

New due date: August 14, 2018

(b) Items identified as completed to be removed:

Item "G" – ACPD Report 16-002 – Re: financial incentives for taxi operators to make replacement vehicles accessible.

(Item 8.2 on this agenda.)

Item "I" - C 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: June 19, 2018

New due date: Report LS16027(c)/PED16237(b) approved by Committee on February 6, 2018

Item "J" - That Staff report back to Committee following consultation with the Alleyway Management Strategy Working Group on a process for including appropriate permissions for laneway housing as part of the review and update of the City's Residential Zoning By-law planned for 2017-2018.

(Item 6.5 on this agenda.)

Item "T" - That staff consult with the Feds and the Prov and review and report back on the revisions to the Economic Development Strategy, Official Plan Policies and Zoning Regulations with respect to medical & recreational marijuana (cannabis) production, distribution and sales and staff review the appropriate standards for recreational marijuana, using the current standards for medical marijuana as a guideline, and report back to the Planning Committee

(Item 6.6 on this agenda)

5. CHANGE TO THE ORDER OF THE AGENDA

Item 6.4 respecting Application for an Amendment to City of Hamilton Zoning By-law No. 6593 for Lands Located at 100 Cumberland Avenue (Ward 3) (PED18129) will be considered first under the Public Meetings section of the agenda.

(Partridge/Pasuta)

That the agenda for the June 19, 2018 meeting be approved, as amended.

CARRIED

(b) DECLARATIONS OF INTEREST (Item 2)

There were none declared.

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

(i) June 5, 2018 (Item 3.1)

(Green/Farr)

That the Minutes of the June 5, 2018 meeting be approved.

CARRIED

(d) DELEGATIONS/PUBLIC HEARING (Item 6)

- (i) Glenn Wise, Macassa Bay Year-Round Liveaboard Association, to discuss year-round liveaboard boat residency. (No copy) (Approved June 5, 2018.) (Item 6.1)**

Deferred to the next meeting at the request of Mr. Wise.

- (ii) Applications to Amend the City of Hamilton Urban Hamilton Official Plan, Zoning By-law No. 05-200 and for Approval of a Draft Plan of Subdivision “Flamborough Power Centre North” for Lands Located at 56, 74, 78, 90, 96, 100 and 566 Parkside Drive, Flamborough (PED18133) (Ward 15) (Item 6.2)**

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 Zoning By-law Amendments 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 Local Planning Appeal Tribunal and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

Written Comments

6.2(a) Terrance Glover, Urban in Mind, Professional Urban Planning, Land Development & CPTED Consultants on behalf of Vince Ferraiuolo, 32 Parkside Drive, Flamborough

(Collins/Farr)

That the added written comments Item 6.2(a) be received.

CARRIED

Alaina Baldassarra, Planner, addressed Committee with the aid of a PowerPoint presentation and provided an overview of the report. A copy of her presentation is available for viewing on the City’s website.

(Partridge/Collins)

That the staff presentation be received.

CARRIED

Ed Fothergill of Fothergill Development Inc., was in attendance representing the owner. Mr. Fothergill addressed Committee and indicated that the owner is in support of the staff report and provided some background information.

1. Vince Ferraiuolo, 32 Parkside Drive

Vince Ferraiuolo addressed Committee and referred to the comments expressed in Item 6.2(a) which were submitted by his agent and outlined his concerns.

2. Lynda Tarves, 53 Parkside Drive

Lynda Tarves addressed Committee and indicated that she is speaking on behalf of her husband and mother-in-law. She posed questions regarding timing of the project and the future plans for the north side of the property.

(Partridge/Pearson)

That the delegations be received.

CARRIED

(Pearson/Partridge)

That the public meeting be closed.

CARRIED

(Partridge/Collins)

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 4.

(iii) Applications to Amend the Town of Ancaster Zoning By-law No. 87-57 and for a Draft Plan of Subdivision for Lands Located at 20 Miller Drive, Ancaster (PED18123) (Ward 12) (Item 6.3)

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 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 Local Planning Appeal Tribunal and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

Melanie Schneider, 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.

Sarah Knoll of GSP Group Inc., was in attendance representing the owner. She addressed Committee with the aid of a PowerPoint presentation and a copy is available for viewing on the City's website. She indicated that the owner is in support of the staff report and provided an overview of the proposal.

Speakers

1. Jamie Akazawa, 53 Roselawn

Jamie Akazawa addressed Committee and expressed his concerns with the proposal.

2. Justin deVries, 40 and 46 Roselawn

Justin deVries addressed Committee and expressed his concerns with the proposal.

(Conley/Pearson)

That the delegations be received.

CARRIED

(Conley/Farr)

That the public meeting be closed.

CARRIED

(Pearson/B. Johnson)

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.**

For disposition of this matter refer to Item 5.

(iv) Application for an Amendment to City of Hamilton Zoning By-law No. 6593 for Lands Located at 100 Cumberland Avenue (Ward 3) (PED18129) (Item 6.4)

(Green/B. Johnson)

- (a) That Report PED18129 respecting Application for an Amendment to City of Hamilton Zoning By-law No. 6593 for Lands Located at 100 Cumberland Avenue be TABLED until the August 14, 2018 Planning Committee Meeting to allow for a community consultation meeting hosted by the Ward Councillor;
- (b) That notice be re-issued advising that the statutory Public Meeting is moved to August 14, 2018.

CARRIED

- (v) **Amendments to City of Hamilton Zoning By-law No. 6593 to allow secondary dwelling units in detached structures for properties adjoining a laneway (“Laneway Housing”) (PED16200(a)) (Parts of Wards 1, 2, 3 and 4) (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 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 Local Planning Appeal Tribunal and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

Edward John, Senior Project Manager, addressed Committee with the aid of a PowerPoint presentation and provided an overview of the staff report. A copy of his presentation is available for viewing on the City’s website.

(Farr/Green)

That the staff presentation be received.

CARRIED

Registered Speakers

1. Elizabeth Fleming

Elizabeth Fleming spoke in support of laneway houses.

2. Emma Cubitt, Invizij Architects Inc., 248 Hunter Street South

Emma Cubitt displayed four photographic images and spoke in support of the laneway houses. (Copies of the images are available for viewing on the City’s website.)

3. Alan H. Bureau, resident of Ward 3, Hamilton

Alan Bureau spoke in support of the laneway houses.

4. Brenda Duke, 28 Fullerton Avenue, Hamilton

Brenda Duke spoke in support of the laneway houses.

(Green/Farr)

That the delegations be received.

CARRIED

(Pearson/B. Johnson)

That the public meeting be closed.

CARRIED

(Farr/Green)

(a) That Recommendation (b) of Report PED16200(a) be amended by inserting the words "**which shall also address specific options regarding 'tiny homes'**" after the word "by-law" to read as follows:

(b) That Report PED16200(a) together with any written submissions and input from delegations received at Planning Committee, be referred to staff for consideration and to be incorporated into a further report and amending by-law **which shall also address specific options regarding 'tiny homes'**, to be presented to a future Planning Committee meeting;

(b) That recommendation (c) be amended by adding the words "**and in addition, bring forward for Council's consideration at the earliest possible date a standalone amendment to the Development Charges By-law to deal specifically with laneway-related housing developed in accordance with Report PED16200(a)**" after the word "Study" to read as follows:

(c) That Corporate Services staff be requested to present Report PED16200(a) to the Development Charges Stakeholders Subcommittee for consideration when recommending policy direction for the 2019 Development Charge Study **and in addition, bring forward for Council's consideration at the earliest possible date a standalone amendment to the Development Charges By-law to deal specifically with laneway-related housing developed in accordance with Report PED16200(a);**

That the following subsections be added:

(d) **That, as part of the report back on a standalone Development Charges By-law amendment, staff include options for potentially retroactively applying any reduced Development Charges requirement, or benefit of any reduced Development Charges requirement, to recently completed laneway housing projects;**

(e) **That the appropriate staff from Planning and Economic Development meet with staff from the Housing Division in an effort to build in incentive opportunities for some laneway and 'tiny homes' projects as affordable housing.**

Amendment CARRIED

For disposition of this matter refer to Item 6

(vi) **Proposed Changes to the Official Plans and Zoning By-law No. 05-200 – Medical Marihuana Growing and Harvesting Facilities, Aquaponics and Greenhouses (PED18120) (City Wide) (CI-18-D) (Item 6.6)**

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 Local Planning Appeal Tribunal and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

Written Comments

6.6(a) Meaghan Barrett, Aird Berlis, on behalf of the owners of 284 and 294 Green Mountain Road East

6.6(b) Joint written submission from Sasha Pejicic, 284 Green Mountain Road East and Fred Mattiuz, 294 Green Mountain Road East

6.6(c) Paul Silvestri, President, Silvestri Investments

(Collins/ B. Johnson)

That the added written comments, Items 6.6(a) to 6.6(c) be received.

CARRIED

Joanne Hickey-Evans, Manager of Planning Policy and Zoning By-law Reform, addressed Committee with the aid of a PowerPoint presentation and provided an overview of the staff report. A copy of her presentation is available for viewing on the City's website.

(Pasuta/Partridge)

That the staff presentation be received.

CARRIED

Registered Speakers

1. Shelley Yeudall, 1951 Shaver Road, Ancaster

Shelley Yeudall addressed Committee and indicated that she is speaking on behalf of her family, neighbours and community. She

spoke against the proposal to grow marihuana on agricultural land and indicated it should be grown on industrial land.

2. Bill Panagiotakopoulos will be speaking instead of Gordon Harvey representing Beleave Inc., 1653 Highway No. 6 North, Flamborough

Bill Panagiotakopoulos, addressed Committee and indicated that he is the founder of Beleave Inc. a medical marihuana grow operation. He spoke in support of these operations being on agricultural land.

3. John Ariens of IBI Group speaking instead of Ian Wilms, on behalf of The Green Organic Dutchman, 1915, 1995, and 1997 Jerseyville Road West, Ancaster

John Ariens addressed Committee with the aid of a PowerPoint presentation and spoke in support of the marihuana grow operations being classified as an agricultural use and being permitted on agricultural land. A copy of his presentation is available for viewing on the City's website.

4. Janice Currie, 251 Carluke Road West, Ancaster

Janice Currie read from a prepared statement and spoke against marihuana grow operations on prime agricultural land. She submitted a copy of her prepared statement for the official record and a copy is available for viewing on the City's website.

5. Kimberlee VanSickle, 1140 Butter Road West, Ancaster

Kimberlee VanSickle read from a prepared statement and spoke against marihuana grow operations on prime agricultural land. She submitted a copy of her prepared statement for the official record and a copy is available for viewing on the City's website.

6. Roy Stevenson, 130 Butter Road West, Ancaster

Roy Stevenson was in attendance but indicated that he did not need to speak.

7. Susan Creer, Hamilton

Susan Creer was in attendance but had left the meeting.

8. Irene Hauzar, Registered Planner, on behalf of Sasha Pejic, 284 Green Mountain Road, Stoney Creek

Irene Hauzar addressed Committee and spoke against the medical marihuana grow operation located on Green Mountain Road East.

9. Fred Mattiuz, 294 Green Mountain Road East, Stoney Creek

Fred Mattiuz addressed Committee and spoke against the medical marihuana grow operation located on Green Mountain Road East.

10. Dale Biehn, 11 Green Mountain Road, Stoney Creek

Dale Biehn addressed Committee and spoke against the medical marihuana grow operation located on Green Mountain Road East.

11. Jessica Butter, 357 Butter Road West, Ancaster

Jessica Butter addressed Committee and indicated that she is representing the Butter family. She is in opposition to growing marihuana on prime agricultural land and indicated that it would be better as a re-purpose use for the industrial area.

12. Tony Gibbings, 309 Green Mountain Road East, Stoney Creek

Tony Gibbings addressed Committee and spoke against the medical marihuana grow operation located at 286 and 288 Green Mountain Road East.

13. Jeff Sewa, 418 Upper Centennial Road, Stoney Creek

Jeff Sewa addressed Committee and spoke against the medical marihuana grow operation located at 286 and 288 Green Mountain Road East.

14. John Plas, 2254 Jerseyville Road West, Flamborough

John Plas addressed Committee and spoke against any expansion of the medical marihuana grow operation on Jerseyville Road. He indicated that marihuana should be grown on brown fields.

15. Hailey VanSickle, 1140 Butter Road, Ancaster

Hailey VanSickle addressed Committee and expressed concerns that marihuana grow operations consume large quantities of water which is a scarce commodity in the rural areas.

16. Pat Donald, 4220 Laidman Road, Binbrook

Pat Donald indicated concerns with marihuana grow operations which in her opinion should not be classified as an agricultural use due to the negative affects on the neighbours (including light pollution and security concerns) and on the water table.

(Collins/Farr)

That the delegations be received.

CARRIED

(Pearson/Partridge)

That the public meeting be closed.

CARRIED

Committee approved subsection (a) of the recommendations.

Councillor Pasuta indicated that he wished to be recorded as OPPOSED to Committee's decision.

For disposition of this matter refer to Item 7.

(e) DISCUSSION ITEMS (Item 8)

(i) Animal Adoption Fees (PED18004(a)) (City Wide (Item 8.1))

No members of the public spoke to this issue.

For disposition of this matter refer to Item 8.

(f) MOTIONS (Item 9)

(i) To Waive the Road Widening Requirement for 71 Rebecca Street (Item 9.1)

(Farr Collins)

That the motion To Waive the Road Widening Requirement for 71 Rebecca Street be TABLED for two weeks.

CARRIED

(g) NOTICES OF MOTION (Item 10)

(i) Alternative Road Allowance Width for the Roxborough Redevelopment Project (Added Item 10.1)

Councillor Collins introduced a notice of motion respecting Alternative Road Allowance Width for the Roxborough Redevelopment Project.

(Collins/Farr)

That the rules of order be waived to allow for the introduction of a motion respecting Alternative Road Allowance Width for the Roxborough Redevelopment Project.

CARRIED

For disposition of this matter refer to Item 10.

(ii) To Change Zoning of the properties known as 1215, 1217, 1219, 1221, 1227, 1231, 1235 and 1239 Barton Street, Stoney Creek from R2 Residential to R1 Residential (Added 10.2)

Councillor Pearson introduced a notice of motion To Change Zoning of the properties known as 1215, 1217, 1219, 1221, 1227, 1231, 1235 and 1239 Barton Street, Stoney Creek from R2 Residential to R1 Residential.

(Pearson/Collins)

That the rules of order be waived to allow for the introduction of a motion To Change Zoning of the properties known as 1215, 1217, 1219, 1221, 1227, 1231, 1235 and 1239 Barton Street, Stoney Creek from R2 Residential to R1 Residential.

CARRIED

For disposition of this matter refer to Item 11.

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

(i) Outstanding Business List (Item 11.1)

(B. Johnson/Pasuta)

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

Item "K" - Staff to report back on the feasibility of amending the Licensing By-law including comparators across the country, to clearly define adult services in relation to the distinction between strip clubs and other performances, including but not limited to burlesques.

Due date: June 19, 2018

New due date: July 10, 2018

Item "M" - That staff monitor the operations of the Personal Transportation Providers (Schedule 24 of the Licensing By-law 17-170) licensing category over the next year to determine if any adjustments are required and report back to Committee.

Due date: June 19, 2018

New due date: July 10, 2018

Item "S" - Update re: Losani OMB appeal and sign variance application appeal.
Due date: June 19, 2018
New due date: August 14, 2018

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

Item "G" – ACPD Report 16-002 – Re: financial incentives for taxi operators to make replacement vehicles accessible.
(Item 8.2 on this agenda.)

Item "I" - 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: June 19, 2018
New due date: Report LS16027(c)/PED16237(b) approved by Committee on February 6, 2018

Item "J" - That Staff report back to Committee following consultation with the Alleyway Management Strategy Working Group on a process for including appropriate permissions for laneway housing as part of the review and update of the City's Residential Zoning By-law planned for 2017-2018.
(Item 6.5 on this agenda.)

Item "T" - That staff consult with the Feds and the Prov and review and report back on the revisions to the Economic Development Strategy, Official Plan Policies and Zoning Regulations with respect to medical & recreational marijuana (cannabis) production, distribution and sales and staff review the appropriate standards for recreational marijuana, using the current standards for medical marijuana as a guideline, and report back to the Planning Committee
(Item 6.6 on this agenda)

CARRIED

(i) ADJOURNMENT (Item 12)

(Pearson/Conley)

That, there being no further business, the Planning Committee be adjourned at 3:36 p.m.

CARRIED

Respectfully submitted,

Councillor A. Johnson
Chair, Planning Committee

Ida Bedioui
Legislative Co-ordinator
Office of the City Clerk