



## **PLANNING COMMITTEE**

### **REPORT 18-015**

**9:30 a.m.**

**Tuesday, December 11, 2018**

**Council Chambers**

**Hamilton City Hall**

**71 Main Street West**

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

**Also present:** Mayor F. Eisenberger, Councillor L. Ferguson

### **THE PLANNING COMMITTEE PRESENTS REPORT 18-015 AND RESPECTFULLY RECOMMENDS:**

#### **1. Appointment of Committee Chair and Vice Chairs (Item 1.1)**

- (a) That Councillor M. Pearson be appointed as Chair of the Planning Committee for 2019.
- (b) That Councillor J. Farr be appointed as First Vice Chair of the Planning Committee for 2019.
- (c) That Councillor B. Johnson be appointed as Second Vice Chair of the Planning Committee for 2019.

#### **2. Rental Housing Sub-Committee Report 18-003 (Item 7.1)**

##### **(a) Rental Licensing By-Law and Pilot Project (Item 8.1)**

- (a) That Licensing and By-law Services staff in consultation with Legal Services, bring forward a draft Licensing By-law for rental business operators to contemplate the implementation of a rental licensing pilot project in Wards 1 and 8;
- (b) That a report respecting the implementation of a rental licensing pilot project in Wards 1 and 8 be brought to a future meeting of the Planning Committee, and include:

**Council – December 19, 2018**

- (i) An education component for landlords and tenants; and,
- (ii) Consideration of financial off-sets for tenants impacted by a rental increase due to the licensing; and,

- (c) That staff be directed to include a review of all affordable housing issues related to the implementation of a rental licensing project in Wards 1 and 8.

**3. Adjustments to School Crossing Guard Locations (PED18227) (Wards 3, 7, 9, 10, 12 and 15) (Item 7.2)**

- (a) That the revised list of school crossing guard locations resulting from school closures, openings, construction projects, walking patterns and lunch program changes in Wards 3, 7, 9, 10, 12, and 15 as outlined in Appendix "A" attached to Report 18-015, be approved;
- (b) That staff be authorized and directed to consult with the affected Ward Councillors and to use delegated authority for adding and/or removing school crossing guards prior to City Council approval for any proposed changes by the Hamilton-Wentworth District School Board (HWDSB) and the Hamilton-Wentworth Catholic District School Board (HWCDSB) for the 2019/2020 school year.

**4. Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED18231) (City Wide) (Item 7.3)**

That Report PED18231 respecting Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications, be received.

**5. Demolition Permit 1796 King Street East (PED18248) (Ward 4) (Item 7.5)**

That the Chief Building Official be authorized and directed to issue a demolition permit for 1796 King Street East in accordance with By-law 09-208, as amended by By-law 13-185, pursuant to Section 33 of *The Planning Act*, subject to the following conditions:

- (a) That the applicant has applied for and received a building permit for a replacement building on this property;
- (b) That the said building permit specifies that if the replacement building is not erected within two years of the demolition of the existing building on the property, the City be paid the sum of \$20,000 which sum:
  - (i) the City Clerk is authorized to enter on the collector's roll and collect in like manner as municipal taxes; and

- (ii) is a lien or charge on the property until paid; and
- (c) That the applicant be required to register on title to the subject property (prior to issuance of the said demolition permit), notice of these conditions in a form satisfactory to the Chief Building Official and the City Solicitor.

**6. Zoning By-law Amendment for Lands Located at 1215 Barton Street, Stoney Creek (PED18233) (Ward 10) (Item 8.1)**

That Amended Zoning By-law Amendment Application ZAC-17-009, by Losani Homes, Owner, for a modification to the Residential "R6" Zone in the Stoney Creek Zoning By-law No. 3692-92, to permit the development of two semi detached dwellings and one single detached dwelling on lands located at 1215 Barton Street (Stoney Creek), as shown on Appendix "B" to Report 18-015, be APPROVED on the following basis:

- (a) That the draft By-law, attached as Appendix "B" to Report PED18233, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow), and complies with the Urban Hamilton Official Plan;
- (c) That the public submissions received regarding this matter did not affect the decision.

**7. Application to Amend the Town of Ancaster Zoning By-law No. 87-57 for Lands Located at 1274 and 1280 Mohawk Road West (Ancaster) (PED18232) (Ward 14) (Item 8.2)**

(a) That Amended Zoning By-law Amendment Application ZAC-17-066, by JNKK Management Ltd. (Owner), for a change in zoning from the Agricultural "A" Zone to the Neighbourhood Commercial (C2, 713) Zone, for the lands located at 1274 and 1280 Mohawk Road West (Ancaster), as shown on Appendix "C" to Report 18-015, be APPROVED, on the following basis:

- (i) That the draft By-law, attached as Appendix "B" to Report PED18232, 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);

- (iii) That the proposed change in zoning complies with the Urban Hamilton Official Plan.
- (b) That the public submissions received regarding this matter did not affect the decision.

**8. Application for an Amendment to the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 211 York Road, Dundas (PED18226) (Ward 13) (Item 8.3)**

That Amended Zoning By-law Amendment Application ZAC-17-060 by 1830258 Ontario Ltd (c/o Alex Arbab), Owner, for a change in zoning from Neighbourhood Commercial (CN/S-60) Zone and Public Utilities (U) Zone in the former Town of Dundas Zoning By-law No. 3581-86, to the Community Institutional (I2, 446, H108) Zone to permit an 83 resident Retirement Home and a 17 unit multiple dwelling for lands located at 211 York Road, as shown on Appendix "D" to Report 18-015 be APPROVED, on the following basis:

- (a) That the draft By-law, attached as Appendix "B" to Report PED18226, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject property by introducing the Holding symbol 'H108' to the proposed Community Institutional (I2, 446) Zone.

The Holding Provision "H108" is to be removed to allow the 83 resident Retirement Home and 17 unit multiple dwelling, conditional upon:

- (i) The Owner submitting and receiving approval of a revised fire flow calculation based on the detailed building design to demonstrate that the existing watermains can provide for sufficient flows for firefighting for the future development on the site all to the satisfaction of the Manager of the Engineering Approvals.
- (c) 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;
- (d) That the public submissions received regarding this matter did not affect the decision.

**9. Application for a Condominium Conversion for lands known as 115 Main Street East, Hamilton (PED18080(a)) (Ward 2) (Item 8.4)**

That Condominium Conversion Application CDM-CONV-14-02, by Old Colony Properties Ltd. c/o David Horwood, Owner, to establish a Draft Plan of Condominium (Condominium Conversion) for a portion of the existing multiple dwelling, consisting of 128 dwelling units, on lands located at 115 Main Street East (Hamilton), as shown on Appendix "E" to Report 18-015, be APPROVED on the following basis:

- (a) That this approval for Draft Plan of Condominium Application 25CDM-CONV-14-02 applies to the Draft Plan, prepared by A.J. Clarke and Associates certified by B.J. Clarke, O.L.S., dated July 7, 2014, showing common element areas which include stairwells, elevators, lobby areas, and hallways, a total of 128 dwelling units attached as Appendix "F" to Report PED18080(a);
- (b) That the amended conditions of Draft Plan of Condominium Approval attached as revised Appendix "G" to Report 18-015 be received and endorsed by City Council;
- (c) That the public submissions received regarding this matter did not affect the decision.

**10. Application for a Condominium Conversion for Lands Known as 220 Dundurn Street South, Hamilton (PED18230) (Ward 1) (Item 8.5)**

That Red-Line Revised Condominium Conversion Application CDM-CONV-18-01, by 220 Dundurn Street Inc. c/o Denis Vranich, Owner, to establish a Draft Plan of Condominium (Condominium Conversion) for an existing multiple dwelling, consisting of 124 dwelling units, 159 resident parking units and 23 locker units, on lands located at 220 Dundurn Street South (Hamilton), as shown on Appendix "H" to Report 18-015, be APPROVED on the following basis:

- (a) That this approval for Red-Line Revised Draft Plan of Condominium Application 25CDM-CONV-18-01 applies to the Draft Plan, prepared by A.J. Clarke and Associates certified by B. J. Clarke, O.L.S., dated May 2, 2018, showing common element areas which include stairwells, elevators, hallways, driveway access, visitor parking, landscaped areas, lobby areas, lounges, centralized mail box and fitness room, a total of 124 dwelling units, 159 resident parking units, and 23 locker units, attached as Appendix "I" to Report 18-015;
- (b) That the conditions of Draft Plan of Condominium Approval attached as Appendix "J" to Report 18-015 be received and endorsed by City Council.

- (c) That the public submissions received regarding this matter did not affect the decision.
- 11. Increase to Permit Fees under the Building By-law (PED18247) (City Wide) (Item 8.6)**
- (a) That the By-law, attached as Appendix “A” to Report PED18247 to amend City of Hamilton By-law No. 15-058, the Building By-law, be enacted;
  - (b) That the fees prescribed in the By-law, attached as Appendix “A” to Report PED18247, be included in the User Fees and Charges By-law, replacing the fees listed under the heading “Classes of Permits and Fees under the Hamilton Building By-law”.
- 12. Non-Statutory Public Meeting for a Zoning By-law Amendment for Lands Located at 16 and 18 King Street West (Stoney Creek) (PED18229) (Ward 5) (Item 10.1)**
- (a) That Report PED18229 advising Planning Committee of the scheduling of a Non-Statutory Public Meeting relating to an appeal to the Local Planning Appeal Tribunal (LPAT – formerly known as OMB) of Zoning By-law Amendment Application ZAC-17-044, be received;
  - (b) That Report PED18229, together with any written submissions and input from delegations received at Planning Committee, be referred to staff for consideration and incorporated into a further report for direction to be given to the City Solicitor.
- 13. Through Streets (PED18128) (City Wide) (Outstanding Business List Item) (Item 10.2)**
- That Report PED18128 respecting Through Streets, be received.
- 14. EV Chargers in Hamilton Municipal Parking System Lots (PED18250) (City Wide) (Outstanding Business List Item) (Item 10.3)**
- (a) That Report PED18250 respecting EV Chargers in Hamilton Municipal Parking System Lots, be received;
  - (b) That staff request the Ministry of Transportation to provide statistics on how many electric vehicles currently exist in Hamilton;
  - (c) That staff report back to the Planning Committee regarding projected future electric vehicle ownership in Hamilton; and,
  - (d) That the item be removed from the Outstanding Business List.

**15. Review of Development Activity in Existing Residential “ER” Zone in Ancaster (Added Item 11.1)**

WHEREAS Council directed staff to review the Existing Residential “ER” Zone in Ancaster in response to concerns about the redevelopment of existing residential lots in mature neighbourhoods of Ancaster;

WHEREAS changes to the regulations of the Existing Residential “ER” Zone in the Town of Ancaster Zoning By-law No. 87-57 were recommended through Report PED18036 (City Initiative CI-18-A) – Redevelopment in Mature Neighbourhoods;

WHEREAS staff were directed to include amendments to Site Plan Control By-law No. 15-176 regarding elevations, drainage patterns, and tree preservation in a subsequent report and amending by-law respecting changes to the regulations of the Existing Residential “ER” Zone;

WHEREAS Council passed By-law No. 18-104 to amend Site Plan Control By-law No. 15-176 respecting lands located in the Existing Residential “ER” Zone of Ancaster, and By-law No. 18-105, to amend Town of Ancaster Zoning By-law No. 87-57 to delete certain regulations and implement new regulations for the Existing Residential “ER” Zone;

WHEREAS concern has been expressed about the extent of development in the Existing Residential “ER” Zone of Ancaster that is now subject to Site Plan Control;

THEREFORE, BE IT RESOLVED THAT:

- (a) Site Plan Control By-law No. 15-176, as amended by By-law No. 18-104, respecting lands located in the Existing Residential “ER” Zone of Ancaster, be amended such that Site Plan Control shall only apply to the following development:
  - (i) Any new single detached dwelling, duplex dwelling and semi-detached dwelling;
  - (ii) An addition to an existing dwelling which shall include balconies and porches, if the ground floor area of the addition is greater than or equal to 50 percent of the ground floor area of the existing dwelling;
  - (iii) Accessory buildings or structures, if greater than or equal to 40 square metres ground floor area (the maximum permitted in Zoning By-law No. 87-57); and,
  - (iv) On lots with a maximum lot coverage of 35 percent, an addition and / or accessory building or structure, which results in a lot coverage that exceeds the maximum permitted in Zoning By-law No. 87-57.

- (b) Staff be directed to prepare a Draft By-law to amend Site Plan Control By-law No. 15-176, as amended by By-law No. 18-104, respecting lands located in the Existing Residential “ER” Zone of Ancaster; and,
- (c) The Director of Planning and Chief Planner be authorized to determine what constitutes development for the purpose of applying the Site Plan Control By-law in the Existing Residential “ER” Zone of Ancaster in accordance with the above criteria, until such time as the amending By-law is enacted by Council.

**16. Local Planning Appeal Tribunal Processes and Issues (LS18058) (City Wide) (Item 14.1)**

- (a) That the staff direction in Report LS18058 respecting Local Planning Appeal Tribunal Processes and Issues, be approved; and,
- (b) That Report LS18058 respecting Local Planning Appeal Tribunal Processes and Issues and its recommendations remain confidential.

**FOR INFORMATION:**

**(a) APPROVAL OF THE AGENDA (Item 2)**

The Committee Clerk advised of the following changes:

**1. ADDED COMMUNICATIONS**

- 5.1 Letter from the Hamilton Chamber of Commerce respecting Matters for the Planning Committee’s Consideration

**2. ADDED DELEGATION REQUESTS:**

- 6.1 Paul R.J. Martindale, Independent Housing Provider, respecting the Rental Property Licensing By-law (For today’s meeting) (Item 7.1)
- 6.2 Margaret Reid, Realtors Association of Hamilton-Burlington, respecting the Rental Property Licensing By-law (For today’s meeting) (Item 7.1)
- 6.3 Donna Bacher respecting the Rental Property Licensing By-law (For today’s meeting) (Item 7.1)
- 6.4 Val Vescio respecting the Rental Property Licensing By-law (For today’s meeting) (Item 7.1)
- 6.5 John Cerino respecting Rental Property Licensing By-law (For today’s meeting) (Item 7.1)

- 6.6 Arun Pathak, Hamilton and District Apartment Association (HDAA), respecting the Rental Property Licensing By-law (For today's meeting) (Item 7.1)
- 6.7 Christopher Priest respecting the Rental Property Licensing By-law (For today's meeting) (Item 7.1)
- 6.8 Adam Kitchener, Unlimited Residential, respecting the Rental Property Licensing By-law (For today's meeting) (Item 7.1)
- 6.9 Maria Rekrut, Canadian Real Estate Investors Association, respecting the Rental Property Licensing By-law (For today's meeting) (Item 7.1)
- 6.10 Alex Matheson respecting the Rental Property Licensing By-law (For today's meeting) (Item 7.1)
- 6.11 Steve Devisser respecting the Rental Property Licensing By-law (For today's meeting) (Item 7.1)
- 6.12 Stephanie Marie Bertolo, McMaster Students Union, respecting the Rental Property Licensing By-law (For today's meeting) (Item 7.1)
- 6.13 Robert Flis respecting the Rental Property Licensing By-law (For today's meeting) (Item 7.1)
- 6.14 Peter Dyakowski respecting the Rental Property Licensing By-law (For today's meeting) (Item 7.1)
- 6.15 Mike Wood, Hamilton ACORN, respecting the Rental Property Licensing By-law (For today's meeting) (Item 7.1)
- 6.16 Lehlia Banting McBeth respecting the Proposed Development at 16-18 King Street West (For today's meeting) (Item 10.1)
- 6.17 Barbara Inthavixay respecting the Rental Property Licensing By-law (For today's meeting) (Item 7.1)
- 6.18 Lucie Brusse respecting the Rental Property Licensing By-law (For today's meeting) (Item 7.1)
- 6.19 Jillian Harris, Olde Town Stoney Creek Community Association, respecting the Proposed Development at 16-18 King Street West (For today's meeting) (Item 10.1)
- 6.20 Ruth Lewis respecting the Rental Property Licensing By-law (For today's meeting) (Item 7.1)

**3. ADDED WRITTEN COMMENTS**

8.2 Application to Amend the Town of Ancaster Zoning By-law No. 87-57 for Lands Located at 1274 and 1280 Mohawk Road West (Ancaster) (PED18232) (Ward 14)

8.2.a Johannes and Adriana van Woudenberg

10.1 Non-Statutory Public Meeting for a Zoning By-law Amendment for Lands Located at 16 and 18 King Street West (Stoney Creek) (PED18229) (Ward 5)

10.1.a Vicki MacNaught

10.1.b David Hart Dyke

**4. ADDED NOTICE OF MOTION**

12.1 Review of Development Activity in Existing Residential “ER” Zone in Ancaster

**5. ADDED PRIVATE & CONFIDENTIAL**

14.2 Closed Session Minutes – September 18, 2018

**6. ITEM TO BE MOVED IN THE AGENDA**

7.4 Increase to Permit Fees under the Building By-law (PED18247) to be moved to Public Hearings as Item 8.6

The agenda for the December 11, 2018 meeting was approved, as amended.

**(b) DECLARATIONS OF INTEREST (Item 3)**

Councillor B. Clark declared a conflict of interest with Item 7.1, Rental Housing Sub-committee Report 18-003, as he has had a professional relationship with the Hamilton and District Apartment Association (HDAA).

Councillor M. Pearson declared a conflict of interest with Item with Item 7.1, Rental Housing Sub-committee Report 18-003, as she is a landlord.

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

**(i) September 18, 2018 (Item 4.1)**

The Minutes of the September 18, 2018 meeting were approved, as presented.

**(d) COMMUNICATIONS (Item 5)**

**(i) Letter from the Hamilton Chamber of Commerce respecting Matters for the Planning Committee's Consideration (Added Item 5.1)**

The letter from the Hamilton Chamber of Commerce respecting Matters for the Planning Committee's Consideration, was received.

Councillor Pearson relinquished the Chair to Councillor Farr.

**(e) DELEGATION REQUESTS (Item 6)**

The following Delegation requests were approved for today's meeting:

- 6.1 Paul R.J. Martindale, Independent Housing Provider, respecting the Rental Property Licensing By-law. (Item 7.1)
- 6.2 Margaret Reid, Realtors Association of Hamilton-Burlington, respecting the Rental Property Licensing By-law. (Item 7.1)
- 6.3 Donna Bacher respecting the Rental Property Licensing By-law. (Item 7.1)
- 6.4 Val Vescio respecting the Rental Property Licensing By-law. (Item 7.1)
- 6.5 John Cerino respecting Rental Property Licensing By-law. (Item 7.1)
- 6.6 Arun Pathak, Hamilton and District Apartment Association (HDAA), respecting the Rental Property Licensing By-law. (Item 7.1)
- 6.7 Christopher Priest respecting the Rental Property Licensing By-law. (Item 7.1)
- 6.8 Adam Kitchener, Unlimited Residential, respecting the Rental Property Licensing By-law. (Item 7.1)
- 6.9 Maria Rekrut, Canadian Real Estate Investors Association, respecting the Rental Property Licensing By-law. (Item 7.1)
- 6.10 Alex Matheson respecting the Rental Property Licensing By-law. (Item 7.1)
- 6.11 Steve Devisser respecting the Rental Property Licensing By-law. (Item 7.1)
- 6.12 Stephanie Marie Bertolo, McMaster Students Union, respecting the Rental Property Licensing By-law. (Item 7.1)

- 6.13 Robert Flis respecting the Rental Property Licensing By-law. (Item 7.1)
- 6.14 Peter Dyakowski respecting the Rental Property Licensing By-law. (Item 7.1)
- 6.15 Mike Wood, Hamilton ACORN, respecting the Rental Property Licensing By-law. (Item 7.1)
- 6.16 Lehlia Banting McBeth respecting the Proposed Development at 16-18 King Street West (For today's meeting (Item 10.1)
- 6.17 Barbara Inthavixay respecting the Rental Property Licensing By-law. (Item 7.1)
- 6.18 Lucie Brusse respecting the Rental Property Licensing By-law. (Item 7.1)
- 6.19 Jillian Harris, Olde Town Stoney Creek Community Association, respecting the Proposed Development at 16-18 King Street West. (Item 10.1)
- 6.20 Ruth Lewis respecting the Rental Property Licensing By-law. (Item 7.1)

The Delegations relating to Item 7.1 were heard at this time, before the Committee considered the Rental Housing Sub-Committee Report.

The Delegations from the following individuals, respecting the Rental Housing Sub-Committee Report, were received:

- (i) Paul R.J. Martindale
- (ii) Margaret Reid
- (iii) Donna Bacher
- (iv) Val Vescio
- (v) John Cerino
- (vi) Arun Pathak
- (vii) Adam Kitchener
- (viii) Maria Rekrut
- (ix) Alex Matheson
- (x) Steve Devisser
- (xi) Stephanie Marie Bertolo
- (xii) Robert Flis
- (xiii) Peter Dyakowski
- (xiv) Mike Wood
- (xv) Barbara Inthavixay
- (xvi) Lucie Brusse
- (xvii) Ruth Lewis

(f) CONSENT ITEMS (Item 7)

(i) Rental Housing Sub-Committee Report 18-003 (Item 7.1)

(a) Rental Licensing By-Law and Pilot Project (Item 8.1)

The recommendations were **amended** to include the following wording in sub-section (a), deleting sub-section (b), re-lettering the balance accordingly, and adding a new sub-section (c), to read as follows:

- (a) That Licensing and By-law Services staff in consultation with Legal Services, bring forward a **draft** Licensing By-law for rental business operators to **contemplate the implementation of** a rental licensing pilot project in Wards 1 and 8;
- ~~(b) That the licensing By-law be subject to the approval of staffing levels and that the rental licensing pilot project commence in the first quarter of 2019, and for a two year period; and~~
- (b) That a report respecting the implementation of a rental licensing pilot project in Wards 1 and 8 be brought to a future meeting of the Planning Committee, and include:
  - (i) An education component for landlords and tenants; and,
  - (ii) Consideration of financial off-sets for tenants impacted by a rental increase due to the licensing; and,
- (c) ***That staff be directed to include a review of all affordable housing issues related to the implementation of a rental licensing project in Wards 1 and 8.***

The above Main Motion, as amended, was CARRIED on the following Standing Recorded Vote:

Sub-sections (a) and (b):

Yeas: Whitehead, Farr, Danko, Collins, Wilson  
Total: 5  
Nays: None  
Total: 0  
Absent: Clark, Johnson, Partridge, Pearson  
Total: 4

Sub-section (c):

Yeas: Whitehead, Farr, Danko, Collins  
Total: 4  
Nays: Wilson  
Total: 1  
Absent: Clark, Johnson, Partridge, Pearson  
Total: 4

For disposition of this matter refer to Item 2.

Councillor Pearson assumed the Chair.

**(g) DELEGATIONS/PUBLIC HEARING (Item 8)**

**(i) Zoning By-law Amendment for Lands Located at 1215 Barton Street, Stoney Creek (PED18233) (Ward 10) (Item 8.1)**

In accordance with the provisions of the *Planning Act*, Chair Pearson advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Zoning By-law Amendment the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Local Planning Appeal Tribunal, and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

No members of the public came forward.

The public meeting was closed.

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.

The staff presentation was received.

James Webb of WEBB Planning Consultants, agent for the applicant was in attendance and indicated that the applicant is in agreement with the staff report.

*The recommendations were 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 6.

- (ii) **Application to Amend the Town of Ancaster Zoning By-law No. 87-57 for Lands Located at 1274 and 1280 Mohawk Road West (Ancaster) (PED18232) (Ward 14) (Item 8.2)**

In accordance with the provisions of the *Planning Act*, Chair Pearson advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Zoning By-law Amendment 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**

8.2(a) Johannes and Adriana van Woudenberg

The added written comments 8.2(a) were received.

The staff presentation was waived.

Jacqueline Svedas of T. Johns Consulting Group, agent for the applicant was in attendance and indicated that the applicant is in agreement with the staff report.

### **Delegations**

- 1. Glenn Wellings on behalf of Johannes and Adriana van Woudenberg**

Glenn Wellings addressed the Committee and expressed concerns with the proposal.

- 2. Rajeev Sharma, 1269 Mohawk Road**

Rajeev Sharma addressed the Committee and was in support of the proposal.

The Delegations were received.

The public meeting was closed.

***The recommendations were amended by adding the following subsection (b):***

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

For disposition of this matter, refer to Item 7.

**(iii) Application for an Amendment to the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 211 York Road, Dundas (PED18226) (Ward 13) (Item 8.3)**

In accordance with the provisions of the *Planning Act*, Chair Pearson advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Zoning By-law Amendment the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Local Planning Appeal Tribunal, and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

No members of the public came forward.

The public meeting was closed.

The staff presentation was waived.

Glenn Wellings Wellings Planning Consultants, agent for the applicant was in attendance and indicated that the applicant is in agreement with the staff report.

***The recommendations were amended by adding the following subsection (d):***

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

For disposition of this matter, refer to Item 8.

**(iv) Application for a Condominium Conversion for lands known as 115 Main Street East, Hamilton (PED18080(a)) (Ward 2) (Item 8.4)**

In accordance with the provisions of the *Planning Act*, Chair Pearson 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 Draft Plan of Condominium the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Local Planning Appeal Tribunal, and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

No members of the public came forward.

The public meeting was closed.

The staff presentation was waived.

Matt Johnston, Urban Solutions, agent for the applicant and David Horwood, Effort Trust, owner, were in attendance and indicated that the applicant is in agreement with the staff report. Matt Johnston addressed Committee and explained the purpose of the application, with the aid of a PowerPoint presentation and a copy is available for viewing on the City's website.

The agent's presentation was received.

The Conditions of the Draft Plan of (Standard) Condominium for 115 Main Street East, Hamilton 25CDM-CONV-201402 were amended by deleting No. 7 and replacing it with a new No. 7 as follows:

~~7) "That the Owner shall investigate the noise levels on the site to determine potential noise impacts and to implement any noise control measures that are satisfactory to the City of Hamilton in conformity to the Ministry of the Environment, Conservation and Parks recommended sound level limits. An acoustical report prepared by a qualified Professional Engineer containing the recommended noise control measures to the satisfaction of the City of Hamilton, Director of Planning and Chief Planner. Should a peer review of the acoustical report be warranted, all associated costs shall be borne by the owner / applicant and shall be submitted to the satisfaction of the City of Hamilton, Director of Planning and Chief Planner."~~

Staff was directed to replace Condition No. 7 with the following:

- 7) ***That the owner shall include the following warning clauses in all Development Agreements and Offers of Purchase and Sales or Lease / Rental Agreements:***
- a) ***Purchasers/tenants are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels may exceed the Municipality's and the Ministry of Environment and Climate Change's noise criteria;***

***The recommendations were 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 9.

- (v) **Application for a Condominium Conversion for Lands Known as 220 Dundurn Street South, Hamilton (PED18230) (Ward 1) (Item 8.5)**

In accordance with the provisions of the *Planning Act*, Chair Pearson 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 Draft Plan of Condominium the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Local Planning Appeal Tribunal, and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

No members of the public came forward.

The public meeting was closed.

The staff presentation was received.

Frank Kloibhofer, AJ Clarke Associates, agent for the applicant, and Dennis Vranich, owner, were in attendance and indicated that the applicant is in agreement with the staff report.

*The recommendations were 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 10.

**(vi) Increase to Permit Fees under the Building By-law (PED18247) (City Wide) (Item 8.6)**

Councillor Pearson advised that a Public Meeting was required for Report PED18247 respecting Increase to Permit Fees under the Building By-law as it had been advertised in the paper as it relates to proposed amendments to the permit fees.

No members of the public came forward.

The public meeting was closed.

For disposition of this matter, refer to Item 11.

**(h) DISCUSSION ITEMS (Item 10)**

**(i) Non-Statutory Public Meeting for a Zoning By-law Amendment for Lands Located at 16 and 18 King Street West (Stoney Creek) (PED18229) (Ward 5) (Item 10.1)**

Chair Pearson advised that this was not a statutory public meeting under the *Planning Act* and, as the application has been appealed, the matter is in the hands of the Local Planning Appeal Tribunal (LPAT) and Council is not in a position to make a decision regarding the applications. The item is on the agenda to provide an opportunity to the public to speak to the application. The public input received will be referred to staff.

**Written Comments**

10.1(a) Vicki MacNaught

10.1(b) David Hart Dyke

The written comments 10.1(a) and 10.1(b) were received.

**Registered Speakers**

**1. Lehlia Banting McBeth, 27 Second St. North**

Lehlia Banting McBeth addressed Committee and expressed concerns with the proposal.

**2. Jillian Harris, Olde Town Stoney Creek Community Association**

Jillian Harris addressed Committee with the aid of a PowerPoint presentation and expressed concerns with the proposal. A copy is available for viewing on the City's website.

The Delegations were received.

The public meeting was closed.

For disposition of this matter, refer to Item 12.

**(ii) EV Chargers in Hamilton Municipal Parking System Lots (PED18250) (City Wide) (Outstanding Business List Item) (Item 10.3)**

The recommendation was ***amended*** to add sub-sections (b), (c) and (d) as follows:

- (a) That staff request the Ministry of Transportation to provide statistics on how many electric vehicles currently exist in Hamilton;***
- (b) That staff report back to the Planning Committee regarding projected future electric vehicle ownership in Hamilton; and,***
- (c) That the item be removed from the Outstanding Business List.***

For disposition of this matter refer to Item 14.

**(i) NOTICES OF MOTION (Item 12)**

**(i) Review of Development Activity in Existing Residential "ER" Zone in Ancaster (Added Item 12.1)**

The Rules of Order were waived to allow for the introduction of a Motion respecting a Review of Development Activity in Existing Residential "ER" Zone of Ancaster.

For disposition of the matter refer to Item 15.

**(j) GENERAL INFORMATION/OTHER BUSINESS (Item 13)**

**(i) Outstanding Business List (Item 13.1)**

(a) The following Items were identified as completed and removed:

Item CC - Regulation of Private Cannabis Stores  
(To be transferred to the General Issues Committee – Special Meeting December 18, 2018)

(b) The following new due dates were approved:

Item J - Update re: Losani OMB appeal and sign variance application appeal  
Current Due Date: August 14, 2018  
Proposed New Due Date: February 19, 2019

Item O - Status of Accessible Taxi Plate Applicants  
Current Due Date: December 11, 2018  
Proposed New Due Date: January 15, 2019

**(k) PRIVATE AND CONFIDENTIAL (Item 14)**

The Committee determined they did not need to move into Closed Session.

**(i) Local Planning Appeal Tribunal Processes and Issues (LS18058) (City Wide) (Item 14.1)**

For disposition of the matter refer to Item 16.

**(ii) Closed Session Minutes – September 18, 2018 (Added Item 14.2)**

The Closed Session Minutes dated September 18, 2018, were approved and to remain confidential.

**(I) ADJOURNMENT (Item 15)**

There being no further business, the Planning Committee was adjourned at 3:33 p.m.

Respectfully submitted,

Councillor M. Pearson  
Chair, Planning Committee

Lisa Chamberlain  
Legislative Coordinator  
Office of the City Clerk

Adjustments to School Crossing Locations  
2018 – 2019 School Year

<b>Ward 3</b>					
<b>Intersection Type</b>	<b>Hours Worked</b>	<b>Crossing Location</b>	<b>Status</b>	<b>Comments</b>	<b>School Served</b>
Full Signal	2.75	East Ave & Main St E	School Closure	N/A	St. Patrick
Through Street	2.75	East Ave & King St E	School Closure	N/A	St. Patrick

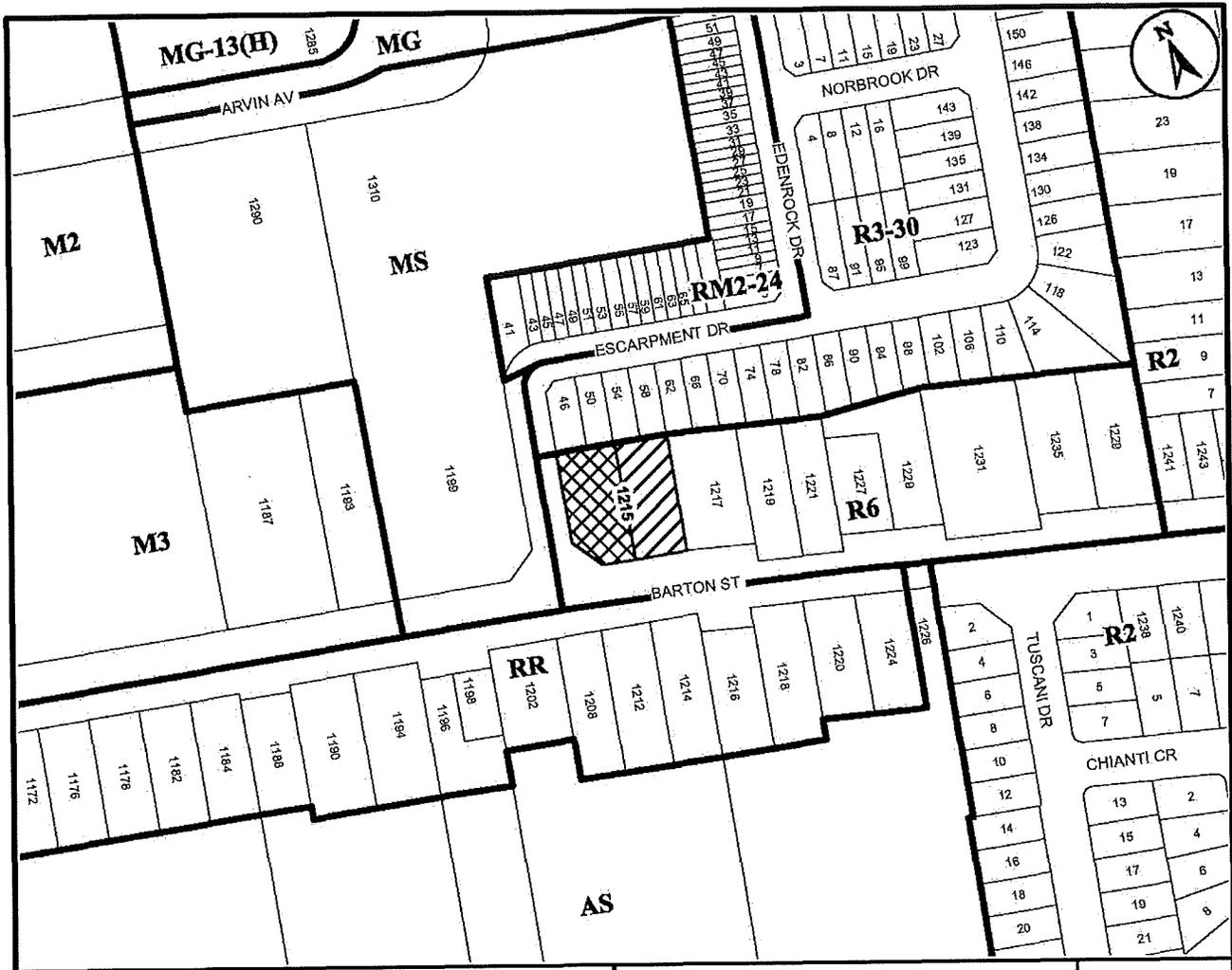
<b>Ward 7</b>					
<b>Intersection Type</b>	<b>Hours Worked</b>	<b>Crossing Location</b>	<b>Status</b>	<b>Comments</b>	<b>School Served</b>
Full Signal	1.65	Emperor & Upper Wentworth	Removal of 2 <sup>nd</sup> Guard	Single Guard satisfactory following staff review	Helen Detwiler

<b>Ward 9</b>					
<b>Intersection Type</b>	<b>Hours Worked</b>	<b>Crossing Location</b>	<b>Status</b>	<b>Comments</b>	<b>School Served</b>
Through Street	1.65	Fletcher & Pinehill	New	School Opening	Our Lady of Assumption

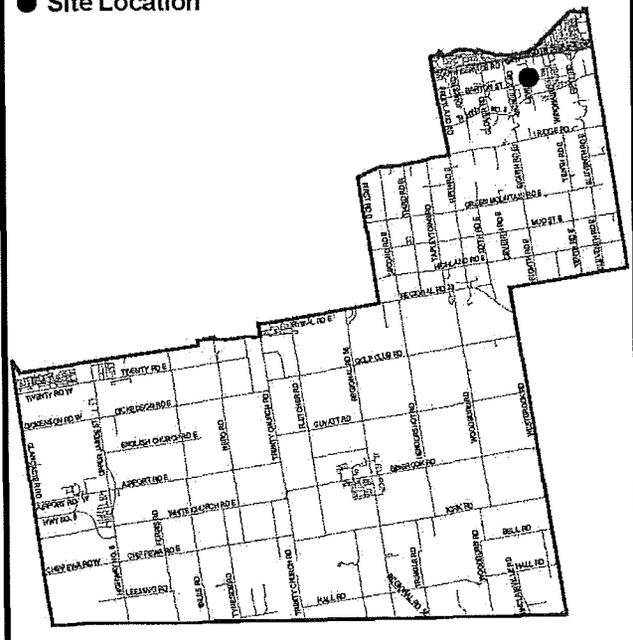
<b>Ward 10</b>					
<b>Intersection Type</b>	<b>Hours Worked</b>	<b>Crossing Location</b>	<b>Status</b>	<b>Comments</b>	<b>School Served</b>
Full Signal	1.65	Barton St & Green Rd	New	Principal Requested	Mountainview
All Way Stop	1.65	Killbourn & Royce	New	Principal Requested	Memorial Stoney Creek

<b>Ward 12</b>					
<b>Intersection Type</b>	<b>Hours Worked</b>	<b>Crossing Location</b>	<b>Status</b>	<b>Comments</b>	<b>School Served</b>
Roundabout	1.65	Raymond & Whittington	Removal of 2 <sup>nd</sup> Guard	Single Guard satisfactory following staff review	Tiffany Falls

<b>Ward 15</b>					
<b>Intersection Type</b>	<b>Hours Worked</b>	<b>Crossing Location</b>	<b>Status</b>	<b>Comments</b>	<b>School Served</b>
Through St	1.65	Braehaid & Parkside	New	Survey Completed, Principal Requested	Allan Greenleaf
All Way Stop	1.65	Duncan & Longyear	New (Temp)	Construction Project	N/A



● Site Location



Key Map - Ward 11

N.T.S.

# Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
ZAC-17-009

Date:  
October 26, 2018

Appendix "A"

Scale:  
N.T.S.

Planner/Technician:  
MS/NB

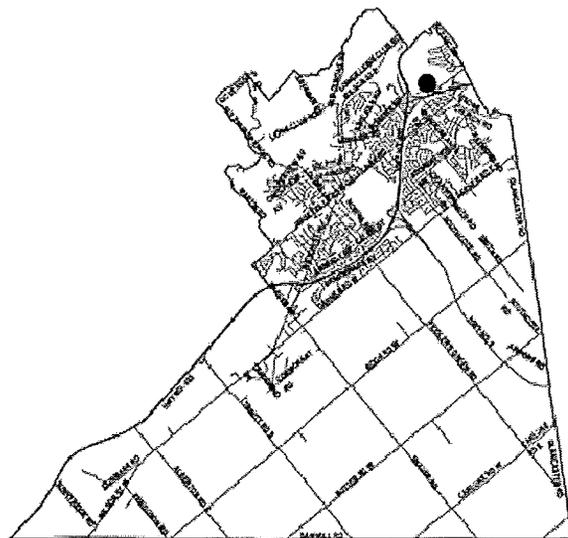
**Subject Property**

1215 Barton Street, Stoney Creek

- Block 1** - Residential "R6" Zone to remain
- Block 2** - Change in zoning from the Residential "R6" Zone to the Residential "R6-7" Zone, Modified



● Site Location



Key Map - Ward 12

N.T.S.

## Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
ZAC-17-066

Date:  
November 20, 2018

Appendix "A"

Scale:  
N.T.S.

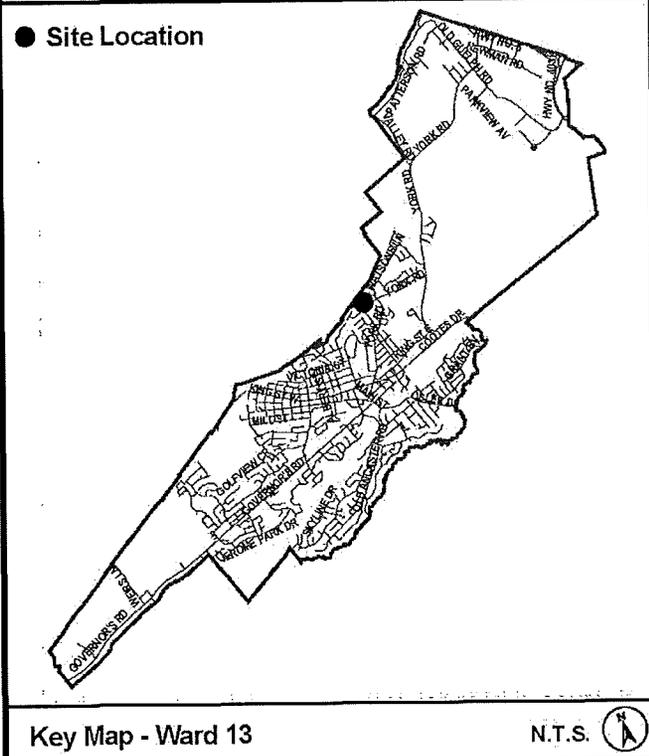
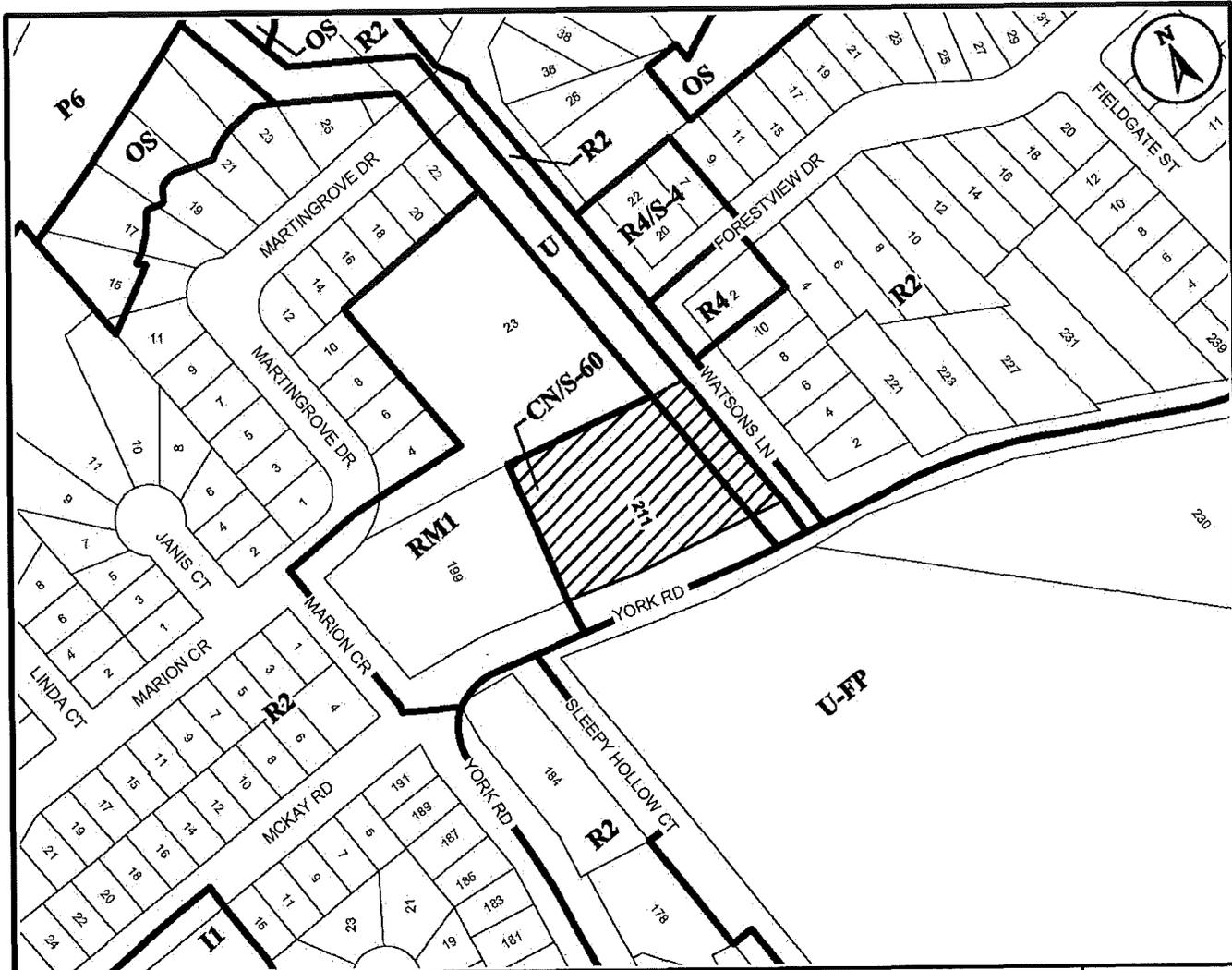
Planner/Technician:  
AC/VS

### Subject Property

1274 - 1280 Mohawk Road West



Lands to be added to Zoning By-law No. 05-200 and Zoned as Neighbourhood Commercial (C2, 713) Zone



## Location Map

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number: ZAC-17-060	Date: October 10, 2018
Appendix "A"	Scale: N.T.S.
Planner/Technician: BN/AL	

**Subject Property**  
 211 York Road

Lands to be added to Zoning By-law 05-200 and zoned Community Institutional (I2, 446, H108) Zone.

N.T.S.





● Site Location



Key Map - Ward 2

N.T.S.

## Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
25CDM-CONV-14-02

Date:  
February 13, 2018

Appendix "A"

Scale:  
N.T.S.

Planner/Technician:  
DB/AL

**Subject Property**

115 Main Street East



**REVISED**  
**Conditions of Draft Plan of (Standard) Condominium**  
**115 Main Street East, Hamilton**  
**25CDM-CONV-201402**

That this approval for Condominium Conversion Application 25CDM-CONV-201402, by Old Colony Properties Ltd., Owner, to establish a Draft Plan of Condominium (Standard) for a portion of the existing multiple dwelling, consisting of 128 dwelling units, located at 115 Main Street East (Hamilton), be received and endorsed by City Council with the following special conditions:

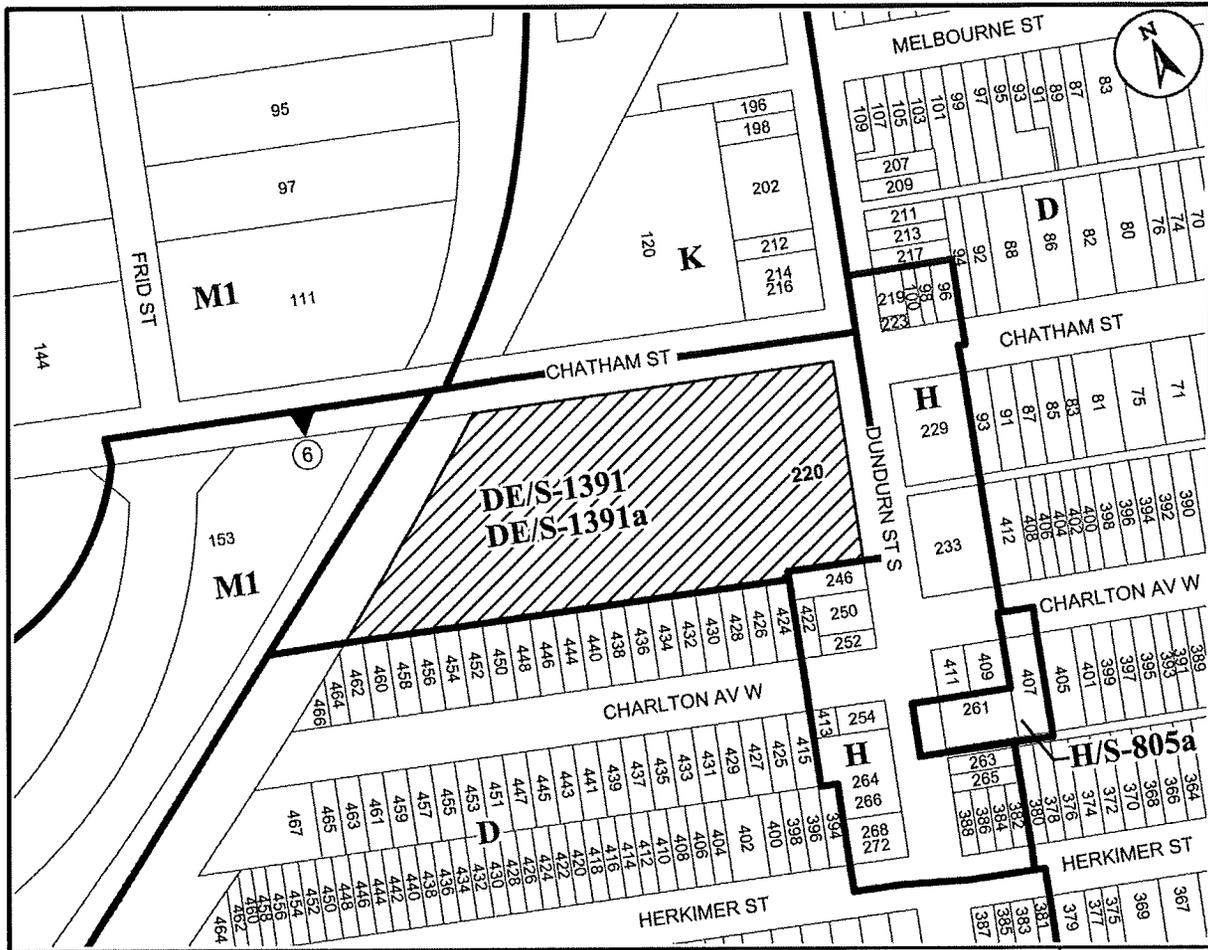
- 1) That the final Plan of Condominium shall comply with all of the applicable provisions of City of Hamilton Zoning By-law No. 05-200 in force and effect at the time of registration of the Draft Plan of Condominium or to receive additional Minor Variance Approval for any deficiency with respect to the By-law, to the satisfaction of the Director of Planning and Chief Planner.
- 2) That the Owner shall submit a report, in accordance with Section 9 (4) of the *Condominium Act*, 1998, prepared and certified by a qualified Registered Professional Engineer or Licensed Architect, to the satisfaction of the Chief Building Official of the City of Hamilton, to confirm the structural and mechanical integrity of the building and any owner initiated measures required to correct any deficiencies prior to the release of the final plan for registration.
- 3) That the Owner provide the Manager of Development Approvals with evidence that satisfactory arrangements, financial and otherwise, have been made with a telecommunication service provider approved by the Canadian Radio and Telecommunication Commission (CRTC) that adequate telecommunication service will be provided to the condominium including 9-1-1 emergency calling service that identifies, at a minimum, the callers name and location information.
- 4) That the Owner shall agree in the Condominium Approval Agreement, in words satisfactory to Bell Canada, to grant to Bell Canada any easements that may be required for telecommunication services. Easements may be required subject to final servicing decisions. In the event of any conflict with existing Bell Canada facilities or easements, the Owner / Developer shall be responsible for the relocation of such facilities or easements.
- 5) That the Owner provide Bell Canada with one or more conduit or conduits of sufficient size from each unit to the room(s) in which the telecommunication facilities are situated and one or more conduits from the room(s) in which the telecommunication facilities are located to the street line to the satisfaction of Bell Canada.
- 6) That the Owner shall agree in the Condominium Agreement, in words satisfactory to Union Gas Limited, to grant to Union Gas Limited any easements that may be

required for gas services. Easements may be required subject to final servicing decisions. In the event of any conflict with existing Union Gas Limited facilities or easements, the Owner / Developer shall be responsible for the relocation of such facilities or easements.

- ~~7) That the Owner shall investigate the noise levels on the site to determine potential noise impacts and to implement any noise control measures that are satisfactory to the City of Hamilton in conformity to the Ministry of the Environment, Conservation and Parks recommended sound level limits. An acoustical report prepared by a qualified Professional Engineer containing the recommended noise control measures to the satisfaction of the City of Hamilton, Director of Planning and Chief Planner. Should a peer review of the acoustical report be warranted, all associated costs shall be borne by the owner / applicant and shall be submitted to the satisfaction of the City of Hamilton, Director of Planning and Chief Planner.~~
- 7) ***That the owner shall include the following warning clauses in all Development Agreements and Offers of Purchase and Sales or Lease / Rental Agreements:***
- (a) ***Purchasers/tenants are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels may exceed the Municipality's and the Ministry of Environment and Climate Changes' noise criteria.***
- 8) That the Owner shall include the following warning clause in all Development Agreements and agree in writing to include in all Offers of Purchase and Sale or Lease / Rental Agreements, to the satisfaction of the Director of Planning and Chief Planner:
- (a) Purchasers / tenants are advised of the following: "Parking for this building is not included in the sale of condo units, and it is the responsibility of the property owner / tenant to ensure that their parking needs are being met. On-street, over flow parking may not be available and cannot be guaranteed in perpetuity, on-street parking permits / time limit exemption permits are not available to multi-tenant buildings."
- 9) That the Owner shall complete the following to the satisfaction of Canada Post and the Senior Director of Growth Management:
- (a) Include in all offers of purchase and sale and rental leases, a statement that advises prospective purchaser / tenants:
- (aa) That the home / business mail delivery will be from a designated Centralized Mail Box; and,

- (bb) That the developers / owners be responsible for officially notifying the purchasers / tenants of the exact Centralized Mail Box locations prior to the closing of any home sales.
  
- (b) The Owner further agrees to:
  - (aa) Install a centralized lock box assembly within the common element of the Condominium.
  
- 10) That the Owner confirm if there is an existing encroachment agreement registered for the subject property and if there is an encroachment agreement, the Owner agrees to undertake any required modifications to the agreement, to the satisfaction of the Director of Engineering Services, Public Works Department;
  
- 11) That the Owner satisfy all other requirements, financial or otherwise, of the City of Hamilton.
  
- 12) That the Owner enters into and registers on title the Condominium Approval Agreement incorporating the approved plan of condominium and related conditions.

**NOTE:** Pursuant to Section 51(32) of the *Planning Act*, draft approval shall lapse if the plan is not given final approval within 3 years. However, extensions will be considered if a written request is received before the draft approval lapses.



● Site Location



Key Map - Ward 1

N.T.S.

## Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
25CDM-CONV-1801

Date:  
Sept. 19, 2018

Appendix "A"

Scale:  
N.T.S.

Planner/Technician:  
DB/AL

### Subject Property

220 Dundurn Street South



**Conditions of Draft Plan of (Standard) Condominium**  
**220 Dundurn Street South, Hamilton**  
**25CDM-CONV-201801**

That this approval for Red-Line Revision Draft Plan of Condominium Application 25CDM-CONV-18-01 applies to the Draft Plan, prepared by A.J. Clarke and Associates certified by B.J. Clarke, O.L.S., dated May 2, 2018, showing common element areas which include stairwells, elevators, hallways, driveway access, visitor parking, landscaped areas, lobby areas, lounges, centralized mail box and fitness room, a total of 124 dwelling units, 159 resident parking units, and 23 locker units, on lands located at 220 Dundurn Street South (Hamilton) attached as Appendix "B" to Report PED18230, subject to the following special conditions:

- 1) That the final Plan of Condominium shall comply with all of the applicable provisions of City of Hamilton Zoning By-law No. 6593 and Minor Variance Applications HM/A-13:83 and HM/A-13:173 or in the event the City of Hamilton has repealed and replaced the City of Hamilton Zoning By-law No. 6593 with By-law No. 05-200 the final Plan of Condominium shall comply with the applicable provisions of the Zoning By-law in force and effect at the time of the registration of the Draft Plan of Condominium, to the satisfaction of the Director of Planning and Chief Planner.
- 2) That the final Plan of Condominium shall comply, in all respects, with Final Approved Site Plan Control Application DA-13-077, to the satisfaction of the Director of Planning and Chief Planner.
- 3) That the Owner shall submit a report, in accordance with Section 9 (4) of the *Condominium Act*, 1998, prepared and certified by a qualified Registered Professional Engineer or Licensed Architect, to the satisfaction of the Chief Building Official of the City of Hamilton, to confirm the structural and mechanical integrity of the building and any owner initiated measures required to correct any deficiencies prior to the release of the final plan for registration.
- 4) That the Owner provide the Manager of Development Approvals with evidence that satisfactory arrangements, financial and otherwise, have been made with a telecommunication service provider approved by the Canadian Radio and Telecommunication Commission (CRTC) that adequate telecommunication service will be provided to the condominium including 9-1-1 emergency calling service that identifies, at a minimum, the callers name and location information.
- 5) That the Owner shall agree in the Condominium Approval Agreement, in words satisfactory to Bell Canada, to grant to Bell Canada any easements that may be required for telecommunication services. Easements may be required subject to final servicing decisions. In the event of any conflict with existing Bell Canada facilities or easements, the Owner / Developer shall be responsible for the relocation of such facilities or easements.

- 6) That the Owner provide Bell Canada with one or more conduit or conduits of sufficient size from each unit to the room(s) in which the telecommunication facilities are situated and one or more conduits from the room(s) in which the telecommunication facilities are located to the street line to the satisfaction of Bell Canada.
- 7) That the Owner shall agree in the Condominium Agreement, in words satisfactory to Union Gas Limited, to grant to Union Gas Limited any easements that may be required for gas services. Easements may be required subject to final servicing decisions. In the event of any conflict with existing Union Gas Limited facilities or easements, the Owner / Developer shall be responsible for the relocation of such facilities or easements.
- 8) That the Owner shall complete the following to the satisfaction of Canada Post and the Senior Director of Growth Management:
  - (a) Include in all offers of purchase and sale and rental leases, a statement that advises prospective purchaser / tenants:
    - (i) That the home / business mail delivery will be from a designated Centralized Mail Box; and,
    - (ii) That the developers / owners be responsible for officially notifying the purchasers / tenants of the exact Centralized Mail Box locations prior to the closing of any home sales.
  - (b) The Owner further agrees to:
    - (i) Install a centralized lock box assembly within the common element of the Condominium.
- 9) That the Owner shall include the following warning clauses in all Development Agreements and agree in writing to include in all Offers of Purchase and Sale or Lease / Rental Agreements, to the satisfaction of the Director of Planning and Chief Planner:
  - (a) Purchasers / tenants are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels may exceed the Municipality's and the Ministry of Environment, Conservation and Parks noise criteria.
  - (b) Purchasers / tenants are advised that this dwelling unit has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are

within Municipality's and the Ministry of the Environment, Conservation and Parks noise criteria.

- (c) Purchasers / tenants are advised of the following: "Warning: Canadian Pacific Railway or its assigns or successors in interest has or have a railway right-of-way located within 300 metres and a yard within 1,000 metres of the subject site. Operations are conducted 24 hours a day, 7 days a week including the shunting of trains and the idling of locomotives. There may be alterations to or expansions of the railway facilities and / or operations in the future, which alterations or expansions may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuation measures in the design of the development and individual dwellings. CPR will not be responsible for complaints or claims arising from the use of its facilities and / or its operations on, over or under the aforesaid right-of-way and yard.
- 10) That the Owner submit a list, including the mailing address unit number of each residential unit on each floor, to the satisfaction of the Senior Director of Growth Management.
  - 11) That the Owner address all required revisions to the Draft Plan of Condominium (Condominium Conversion), to the satisfaction of the Senior Director of Growth Management and the Director of Planning and Chief Planner.
  - 12) That the Owner satisfy all other requirements, financial or otherwise, of the City of Hamilton.
  - 13) That the Owner enters into and registers on title the Condominium Approval Agreement incorporating the approved plan of condominium and related conditions.
  - 14) That Draft Plan of Condominium Application 25CDM-CONV-18-01 be registered to the satisfaction of the Senior Director of Growth Management.

**NOTE:** Pursuant to Section 51(32) of the *Planning Act*, draft approval shall lapse if the plan is not given final approval within three years. However, extensions will be considered if a written request is received before the draft approval lapses.