



PLANNING COMMITTEE

MINUTES 19-002

9:30 a.m.

Tuesday, February 5, 2019

Council Chambers

Hamilton City Hall

71 Main Street West

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

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

- 1. Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED19025) (City Wide) (Item 7.1)**

(Partridge/Whitehead)

That Report PED19025 respecting Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications, be received.

CARRIED

- 2. Application for an Amendment to the City of Stoney Creek Zoning By-law No. 3692-92, for Lands Located at 222 First Road West (Stoney Creek) (PED19026) (Ward 9) (Item 8.1)**

(Clark/Partridge)

(a) That Zoning By-law Amendment Application ZAR-18-030, Parkside Developments Ltd., Owners, for a change in zoning from the Neighbourhood Development “ND” Zone to the Single Residential “R2” Zone (Block 1) and for a change in zoning from the Single Residential “R4-24” Zone, Modified to the Single Residential “R2” Zone (Block 2), to facilitate the development of a single detached dwelling on lands located at 222 First Road West (Stoney Creek), as shown on Appendix “A” to Report PED19026, be APPROVED, on the following basis:

- (i) That the draft By-law, attached as Appendix “B” to Report PED19026, 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 (2014), conforms to the Growth Plan for the

Greater Golden Horseshoe (2017), and complies with the Urban Hamilton Official Plan,

- (b) *That the public submissions received did not affect the decision.***

Result: Main Motion, As Amended, CARRIED by a vote of 8 to 0, as follows:

YES – Councillor Maureen Wilson
YES – Councillor Jason Farr
YES – Councillor Chad Collins
YES – Councillor John-Paul Danko
YES – Councillor Maria Pearson
YES – Councillor Judi Partridge
NOT PRESENT – Councillor Terry Whitehead
YES – Councillor Brenda Johnson
YES – Councillor Brad Clark

- 3. Non-Statutory Public Meeting for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 41 Stuart Street, Hamilton (PED19028) (Ward 2) (Item 10.1)**

(Farr/Collins)

- (a) *That the City Solicitor be directed to oppose the appeal for non-decision by King Stuart Developments Inc. arising from its applications for Official Plan amendment application OPA-17-008 and Zoning By-law amendment ZAC-17-019, in accordance with the recommendations in Report LS18054;***
- (b) *That the Local Planning Appeal Tribunal (LPAT) be advised that the reasons for Council's opposition include but are not limited to the following:***
- (i) *That the proposed amendment to the West Harbour (Setting Sail) Secondary Plan does not conform with the policies and intent of the City of Hamilton Official Plan and the West Harbour (Setting Sail) Secondary Plan, with regards to matters including but not limited to, building height, massing, built form and compatibility with the existing character of the surrounding neighbourhood; and***
- (ii) *That the proposed change in zoning does not conform with the policies and intent of the City of Hamilton Official Plan and West Harbour (Setting Sail) Secondary Plan, with regards to matters including but not limited to, building height, massing, built form and compatibility with the existing character of the surrounding neighbourhood; and***

(iii) That the existing parts of the City of Hamilton Official Plan, the West Harbour (Setting Sail) Secondary Plan and the City of Hamilton Zoning By-law No. 6593 that would be affected by the proposed official plan and zoning by-law amendments are not inconsistent with provincial policy, do not fail to conform with or conflict with provincial plans, and do not fail to conform to the applicable official plan;

(c) That the written submissions received from the public, in addition to the public delegations at the February 5, 2019 Planning Committee meeting regarding this matter, be forwarded to the LPAT.

Result: Main Motion, As Amended, CARRIED by a vote of 9 to 0, as follows:

YES – Councillor Maureen Wilson
YES – Councillor Jason Farr
YES – Councillor Chad Collins
YES – Councillor John-Paul Danko
YES – Councillor Maria Pearson
YES – Councillor Judi Partridge
YES – Councillor Terry Whitehead
YES – Councillor Brenda Johnson
YES – Councillor Brad Clark

4. Bill 66 – Restoring Ontario’s Competitiveness Act, 2018 (Schedule 10) (PED19027) (City Wide) (Item 10.2)

(Clark/Whitehead)

(a) That the City of Hamilton does not find that the proposed open-for-business planning by-law as established by the Province in *Bill 66* is a necessary tool for the following reasons, as identified in Appendices “A” and “B” to Report PED19027:

- (i) The City has designated and zoned industrial land available for development;
- (ii) The City has a streamlined development approvals process;
- (iii) The proposed by-law could have impacts on employment land values and the City’s transportation and infrastructure investments by creating uncertainty as a result of unplanned development; and,
- (iv) There is a concern that the proposed by-law under *Bill 66*, which does not contain precise language on its purpose, could potentially be utilized for purposes beyond major employment development, which could undermine the City’s planned urban structure and responsible growth strategy.

- (b) ***That the City of Hamilton acknowledge and support the Ministry of Municipal Affairs withdrawal of Schedule 10 from Bill 66;***
- (c) That should the Province move forward with the passage of *Bill 66*, the City of Hamilton has the following suggestions for improvement to the proposed legislation:
- (i) Remove the exemptions to Subsection 3(5) and Section 24 of the *Planning Act*, Section 39 of the *Clean Water Act*, Section 20 of the *Great Lakes Protection Act*, Section 7 of the *Greenbelt Act*, and the exemption to “any prescribed provision”;
 - (ii) Include the prescribed purpose of the proposed open-for-business planning by-law in section 34.1(5) of the draft Bill to restrict the prescribed purpose to major employment uses only; and,
 - (iii) Prior to passage of the proposed legislation, provide additional information on the prescribed information and prescribed criteria which must accompany a request to use an open-for-business by-law, which is currently referenced in the draft Regulation but without details.
- (d) That the City of Hamilton requests that, when the Province proposes new regulations, the full text be provided to allow for meaningful review and comment.
- (e) That Report PED19027 be forwarded to the Province. This Report, including Appendices “A” and “B” to Report PED19027, is considered the City of Hamilton’s formal comments on ERO Postings 013-4125, 013-4239, and 013-4293.

Result: Main Motion, As Amended, CARRIED by a vote of 8 to 0, as follows:

YES – Councillor Maureen Wilson
YES – Councillor Jason Farr
YES – Councillor Chad Collins
YES – Councillor John-Paul Danko
YES – Councillor Maria Pearson
NOT PRESENT – Councillor Judi Partridge
YES – Councillor Terry Whitehead
YES – Councillor Brenda Johnson
YES – Councillor Brad Clark

5. Terrapure Stoney Creek Regional Facility EA – Compensation Agreement (LS18045/FCS18072) (Ward 9) (Item 10.3)

(Johnson/Collins)

- a) That staff be authorized and directed to negotiate, on behalf of the City of Hamilton, a compensation agreement with the owner and operator of the

Stoney Creek Regional Facility, currently known as Terrapure Environmental Ltd.;

- (b) That the Mayor and City Clerk be authorized and directed to execute, on behalf of the City of Hamilton, all necessary documentation to implement recommendation (a) in Report LS18045/FCS18072, all with content acceptable to City Council, and in a form satisfactory to the City Solicitor; and,
- (c) ***That if Council approval of any proposed compensation terms negotiated in accordance with recommendation (a) in Report LS18045/FCS18072 is not obtained by the City's commenting deadline of March 1, 2019, staff be authorized and directed to send to the Ministry of the Environment, Conservation and Parks, as part of the City's letter of comment in response to Terrapure Environmental Ltd. Environmental Assessment, the proposed compensation terms indicating that the compensation terms are still subject to Council's approval.***

Result: Main Motion, As Amended, CARRIED by a vote of 8 to 0, as follows:

YES – Councillor Maureen Wilson
YES – Councillor Jason Farr
YES – Councillor Chad Collins
YES – Councillor John-Paul Danko
YES – Councillor Maria Pearson
NOT PRESENT – Councillor Judi Partridge
YES – Councillor Terry Whitehead
YES – Councillor Brenda Johnson
NOT PRESENT – Councillor Brad Clark

6. Support for the Preservation of the Beach Canal Lighthouse and Residence (Item 11.1)

(Collins/Farr)

WHEREAS, the Beach Canal Lighthouse Group (BCLG) is dedicated to preserving and presenting the heritage of the 1858 Beach Canal Lighthouse;

WHEREAS, negotiations continue to transfer ownership of the 1858 Beach Canal Lighthouse and Residence from federal to local agencies;

WHEREAS, an Operations Plan was completed in 2009 with the assistance of and in consultation with City staff, which detailed the restoration needs of the site and provided comprehensive operational plans for several potential development scenarios;

WHEREAS, the City of Hamilton designated the Lighthouse and Residence under *Part IV of the Ontario Heritage Act* in 1996; and,

WHEREAS, an updated analysis of building conditions and restoration priorities is vital to guide the creation of a scope of work and terms of reference for a Re-Development and Long-Term Management Plans for the site by the BCLG.

THEREFORE, BE IT RESOLVED:

That \$25,000, to be funded from the 2018 Beach Park Development Projects (#4401856802), be provided to the Beach Canal Lighthouse Group towards the updating a building condition survey and restoration plan for the 1858 Beach Canal Lighthouse and Residence, as a first phase toward developing a Re-Development and Long Term Management Plan for the site.

Result: Motion CARRIED by a vote of 7 to 0, as follows:

YES – Councillor Maureen Wilson
YES – Councillor Jason Farr
YES – Councillor Chad Collins
YES – Councillor John-Paul Danko
YES – Councillor Maria Pearson
NOT PRESENT – Councillor Judi Partridge
YES – Councillor Terry Whitehead
NOT PRESENT – Councillor Brenda Johnson
YES – Councillor Brad Clark

7. Merger of the Hamilton Port Authority and Oshawa Port Authority (Item 11.2)

(Collins/Farr)

That staff be directed to report back to the General Issues Committee on the legal, financial, economic and development implications of the recently announced merger of the Hamilton Port Authority and Oshawa Port Authority.

Result: Motion CARRIED by a vote of 8 to 0, as follows:

YES – Councillor Maureen Wilson
YES – Councillor Jason Farr
YES – Councillor Chad Collins
YES – Councillor John-Paul Danko
YES – Councillor Maria Pearson
NOT PRESENT – Councillor Judi Partridge
YES – Councillor Terry Whitehead
YES – Councillor Brenda Johnson
YES – Councillor Brad Clark

8. Terrapure Stoney Creek Regional Facility Environmental Assessment (EA) – Compensation Agreement (LS18045(a)/FCS18072(a)) (Item 14.1)

(Johnson/Collins)

That Report LS18045(a)/FCS18072(a) respecting Terrapure Stoney Creek Regional Facility Environmental Assessment (EA) – Compensation Agreement be received and remain confidential.

Result: Motion CARRIED by a vote of 7 to 0, as follows:

YES – Councillor Maureen Wilson
YES – Councillor Jason Farr
YES – Councillor Chad Collins
YES – Councillor John-Paul Danko
YES – Councillor Maria Pearson
YES – Councillor Judi Partridge
NOT PRESENT – Councillor Terry Whitehead
YES – Councillor Brenda Johnson
NOT PRESENT – Councillor Brad Clark

FOR INFORMATION:

(a) APPROVAL OF THE AGENDA (Item 2)

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

1. DELEGATION REQUESTS (Item 6)

- 6.4 Gord McNulty, Hamilton Naturalists' Club, respecting Bill 66 – WITHDRAWN
- 6.5 Lynda Lukasik, Environment Hamilton, respecting Bill 66 (For today's meeting) (Item 10.2)
- 6.6 Lachlan Holmes, respecting 41 Stuart Street (For today's meeting) (Item 10.1)

2. DISCUSSION ITEMS (Item 10)

- 10.3 Terrapure Stoney Creek Regional Facility EA – Compensation Agreement (LS18045/FCS18072) (Ward 9) (The report was Tabled at the August 14, 2018 Planning Committee meeting, to be considered in Open Session after the Committee considers Item 14.1)

3. PRIVATE AND CONFIDENTIAL (Item 14)

- 14.2 Local Planning Appeal Tribunal appeals by The Green Organic Dutchman Holdings Limited (PL180732 and PL180818) –

settlement proposal (LS19006) (Ward 12) – Being deferred to the February 19, 2019 Planning Committee meeting.

(Whitehead/Partridge)

That the agenda for the February 5, 2019 meeting be approved, as amended.

Result: Motion CARRIED by a vote of 8 to 0, as follows:

YES – Councillor Maureen Wilson
YES – Councillor Jason Farr
NOT PRESENT – Councillor Chad Collins
YES – Councillor John-Paul Danko
YES – Councillor Maria Pearson
YES – Councillor Judi Partridge
YES – Councillor Terry Whitehead
YES – Councillor Brenda Johnson
YES – Councillor Brad Clark

(b) DECLARATIONS OF INTEREST (Item 3)

Councillor Clark declared an interest with Items 10.3 and 14.1 as he has a pre-existing professional relationship with, and was a client of, Terrapure.

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

(i) January 15, 2019 (Item 4.1)

(Farr/Danko)

That the Minutes of the January 15, 2019 meeting be approved, as presented.

Result: Motion CARRIED by a vote of 9 to 0, as follows:

YES – Councillor Maureen Wilson
YES – Councillor Jason Farr
YES – Councillor Chad Collins
YES – Councillor John-Paul Danko
YES – Councillor Maria Pearson
YES – Councillor Judi Partridge
YES – Councillor Terry Whitehead
YES – Councillor Brenda Johnson
YES – Councillor Brad Clark

(d) COMMUNICATIONS (Item 5)

(i) Beach Canal Lighthouse Group's Letter of Support (Item 5.1)

(Collins/Wilson)

That the Beach Canal Lighthouse Group's Letter of Support be received and referred to Item 11.1.

CARRIED

(e) DELEGATION REQUESTS (Item 6)

(i) University Plaza Area Residents Association Incorporated respecting Development at University Plaza (For the February 19, 2019 meeting) (Item 6.1)

(Whitehead/Partridge)

That the Delegation Request from University Plaza Area Residents Association Incorporated respecting Development at University Plaza be approved for the February 19, 2019 meeting.

Result: Motion CARRIED by a vote of 9 to 0, as follows:

YES – Councillor Maureen Wilson
YES – Councillor Jason Farr
YES – Councillor Chad Collins
YES – Councillor John-Paul Danko
YES – Councillor Maria Pearson
YES – Councillor Judi Partridge
YES – Councillor Terry Whitehead
YES – Councillor Brenda Johnson
YES – Councillor Brad Clark

(ii) Delegation Requests

(Johnson/Clark)

That the following Delegation Requests be approved for the February 5, 2019 meeting:

- 6.2 Sergio Manchia, respecting Demolition Permits for 255 and 257 Wellington Street North
- 6.3 Garth Brown, respecting Changes to Dwelling Unit Sizes
- 6.5 Lynda Lukasik, Environment Hamilton, respecting Bill 66 (Item 10.2)
- 6.6 Lachlan Holmes, respecting 41 Stuart Street (Item 10.1)

Result: Motion CARRIED by a vote of 9 to 0, as follows:

YES – Councillor Maureen Wilson
YES – Councillor Jason Farr
YES – Councillor Chad Collins
YES – Councillor John-Paul Danko
YES – Councillor Maria Pearson
YES – Councillor Judi Partridge
YES – Councillor Terry Whitehead
YES – Councillor Brenda Johnson
YES – Councillor Brad Clark

(Whitehead/Partridge)

That Item 6.2, Delegation Request from Sergio Manchia, respecting Demolition Permits for 255 and 257 Wellington Street North, be heard before Item 7.2 and 7.3.

Result: Motion CARRIED by a vote of 9 to 0, as follows:

YES – Councillor Maureen Wilson
YES – Councillor Jason Farr
YES – Councillor Chad Collins
YES – Councillor John-Paul Danko
YES – Councillor Maria Pearson
YES – Councillor Judi Partridge
YES – Councillor Terry Whitehead
YES – Councillor Brenda Johnson
YES – Councillor Brad Clark

(f) CONSENT ITEMS (Item 7)

- (i) Demolition Permit 255 Wellington Street North (PED19044) (Ward 2) (Item 7.2)**

and

Demolition Permit 257 Wellington Street North (PED19045) (Ward 2) (Item 7.3)

(Farr/Partridge)

That Report PED19044 respecting Demolition Permit 255 Wellington Street North and Report PED19045 respecting Demolition Permit 257 Wellington Street North be deferred to the February 19, 2019 Planning Committee meeting to allow staff time to discuss the matter of modifying the conditions with the proponent and Councillor Farr.

Result: Motion CARRIED by a vote of 8 to 1, as follows:

YES – Councillor Maureen Wilson
YES – Councillor Jason Farr
YES – Councillor Chad Collins
NO – Councillor John-Paul Danko
YES – Councillor Maria Pearson
YES – Councillor Judi Partridge
YES – Councillor Terry Whitehead
YES – Councillor Brenda Johnson
YES – Councillor Brad Clark

(g) DELEGATIONS/PUBLIC HEARING (Item 8)

(i) Application for an Amendment to the City of Stoney Creek Zoning By-law No. 3692-92, for Lands Located at 222 First Road West (Stoney Creek) (PED19026) (Ward 9) (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.

(Danko/Wilson)

That the public meeting be closed.

CARRIED

(Clark/Johnson)

That the staff presentation be waived.

CARRIED

John Ariens, IBI Group, agent for the applicant was in attendance and indicated that the applicant is in agreement with the staff report.

(Clark/Johnson)

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

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

Result: *Amendment* CARRIED by a vote of 8 to 0, as follows:

YES – Councillor Maureen Wilson
YES – Councillor Jason Farr
YES – Councillor Chad Collins
YES – Councillor John-Paul Danko
YES – Councillor Maria Pearson
YES – Councillor Judi Partridge
NOT PRESENT – Councillor Terry Whitehead
YES – Councillor Brenda Johnson
YES – Councillor Brad Clark

For disposition of this matter, refer to Item 2.

(ii) Sergio Manchia, respecting Demolition Permits for 255 and 257 Wellington Street North (Item 8.2)

Sergio Manchia addressed the Committee respecting Demolition Permits for 255 and 257 Wellington Street North with the aid of a PowerPoint presentation, which is available online for viewing at www.hamilton.ca.

(Whitehead/Partridge)

That the delegation from Sergio Manchia respecting Demolition Permits for 255 and 257 Wellington Street North, be received.

CARRIED

(iii) Garth Brown, respecting Changes to Dwelling Unit Sizes (Item 8.3)

Garth Brown addressed Committee respecting Changes to Dwelling Unit Sizes.

(Farr/Clark)

That the delegation from Garth Brown respecting Changes to Dwelling Unit Sizes, be received.

CARRIED

(iv) Lynda Lukasik, Environment Hamilton, respecting Bill 66 (Item 8.4)

Lynda Lukasik, Environment Hamilton, addressed the Committee respecting Bill 66.

(Whitehead/Clark)

That the delegation from Lynda Lukasik, Environment Hamilton, respecting Bill 66, be received.

CARRIED

(h) DISCUSSION ITEMS (Item 10)

(i) Non-Statutory Public Meeting for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 41 Stuart Street, Hamilton (PED19028) (Ward 2) (Item 10.1)

Chair Pearson advised that this is 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.

Mark Kehler, Planner, addressed Committee with the aid of PowerPoint Presentation which is available online at www.hamilton.ca.

(Farr/Danko)

That the staff presentation be received.

CARRIED

Registered Speakers

1. Lachlan Holmes, 50 Young Street, Hamilton

Lachlan Holmes addressed Committee and expressed support for the proposal.

Delegations

1. Lucian Puscariu, 581 Queen Street, Hamilton

Lucian Puscariu addressed Committee and expressed concerns with the proposal.

2. Elizabeth Ward, 192 Bay Street North

Elizabeth Ward addressed Committee and expressed concerns with the proposal.

3. Paul Consiglio, 283 MacNab Street North

Paul Consiglio addressed the Committee and expressed concerns with the proposal.

(Farr/Clark)

That the Delegations be received.

CARRIED

(Whitehead/Partridge)

That the Public Meeting be closed.

CARRIED

(Farr/Whitehead)

That the recommendations in Report PED19028, respecting Non-Statutory Public Meeting for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 41 Stuart Street, Hamilton, be deleted in its entirety and replaced with the following:

~~(a) That **Official Plan Amendment Application OPA-17-008 by King Stuart Developments Inc., Owner**, for a change in designation from “Local Commercial” to “Mixed Use” and to establish a Special Policy Area (on Schedule “M-2” of the West Harbour (Setting Sail) Secondary Plan in the former City of Hamilton Official Plan) to permit the development of an 11 storey mixed use building with ground floor commercial and 76 residential dwelling units, for lands located at 41 Stuart Street, as shown on Appendix “A” to Report PED19028, be **DENIED** on the following basis:~~

~~(i) That the proposed amendment to the West Harbour (Setting Sail) Secondary Plan does not comply with the City of Hamilton Official Plan and the West Harbour (Setting Sail) Secondary Plan, with regards to matters including but not limited to, building height, massing, built form and compatibility with the existing character of the surrounding neighbourhood.~~

~~(b) That **Amended Zoning By-law Amendment Application ZAC-17-019 by King Stuart Developments Inc., Owner**, for a change in zoning from the “J” (Light and Limited Heavy Industry, Etc.) District to the “CR-1” (Commercial – Residential) District, Modified, to permit an 11 storey (34 m) mixed use building with 76 dwelling units, 66.20 sq m of at grade commercial space and 56 underground parking spaces for lands located at 41 Stuart Street, Hamilton, as shown on Appendix “A” to Report PED19028, be **DENIED** on the following basis:~~

~~(i) That the proposed change in zoning does not comply with the City of Hamilton Official Plan and West Harbour (Setting Sail) Secondary Plan, with regards to matters including but not limited to, building height, massing, built form and compatibility with the existing character of the surrounding neighbourhood.~~

(a) That the City Solicitor be directed to oppose the appeal for non-decision by King Stuart Developments Inc. arising from its

applications for Official Plan amendment application OPA-17-008 and Zoning By-law amendment ZAC-17-019, in accordance with the recommendations in Report LS18054;

- (b) ***That the Local Planning Appeal Tribunal (LPAT) be advised that the reasons for Council's opposition include but are not limited to the following:***
- (i) ***That the proposed amendment to the West Harbour (Setting Sail) Secondary Plan does not conform with the policies and intent of the City of Hamilton Official Plan and the West Harbour (Setting Sail) Secondary Plan, with regards to matters including but not limited to, building height, massing, built form and compatibility with the existing character of the surrounding neighbourhood; and***
 - (ii) ***That the proposed change in zoning does not conform with the policies and intent of the City of Hamilton Official Plan and West Harbour (Setting Sail) Secondary Plan, with regards to matters including but not limited to, building height, massing, built form and compatibility with the existing character of the surrounding neighbourhood; and***
 - (iii) ***That the existing parts of the City of Hamilton Official Plan, the West Harbour (Setting Sail) Secondary Plan and the City of Hamilton Zoning By-law No. 6593 that would be affected by the proposed official plan and zoning by-law amendments are not inconsistent with provincial policy, do not fail to conform with or conflict with provincial plans, and do not fail to conform to the applicable official plan;***
- (c) ***That the written submissions received from the public, in addition to the public delegations at the February 5, 2019 Planning Committee meeting regarding this matter, be forwarded to the LPAT.***

Result: *Amendment, CARRIED* by a vote of 9 to 0, as follows:

YES – Councillor Maureen Wilson
YES – Councillor Jason Farr
YES – Councillor Chad Collins
YES – Councillor John-Paul Danko
YES – Councillor Maria Pearson
YES – Councillor Judi Partridge
YES – Councillor Terry Whitehead
YES – Councillor Brenda Johnson
YES – Councillor Brad Clark

For disposition of this matter, refer to Item 3.

(ii) **Bill 66 – Restoring Ontario’s Competitiveness Act, 2018 (Schedule 10) (PED19027) (City Wide) (Item 10.2)**

Heather Travis, Senior Project Manager, addressed Committee respecting Bill 66 – Restoring Ontario’s Competitiveness Act, 2018 (Schedule 10), with the aid of a PowerPoint Presentation which is available online at www.hamilton.ca.

(Whitehead/Wilson)

That the staff presentation from Heather Travis, be received.

CARRIED

(Clark/Whitehead)

That sub-section (b) of the recommendations to Report PED19027 respecting Bill 66 – Restoring Ontario’s Competitiveness Act, 2018 (Schedule 10) be deleted in its entirety and replaced with the following sub-section (b) to read as follows:

~~(b) That the City of Hamilton recommends that, as an alternative to the proposed open for business planning by law as established by the Province in *Bill 66*, the Province amend Section 47 of the *Planning Act* to remove the allowance.~~

(b) That the City of Hamilton acknowledge and support the Ministry of Municipal Affairs withdrawal of Schedule 10 from Bill 66;

Result: Amendment CARRIED by a vote of 8 to 0, as follows:

YES – Councillor Maureen Wilson
YES – Councillor Jason Farr
YES – Councillor Chad Collins
YES – Councillor John-Paul Danko
YES – Councillor Maria Pearson
NOT PRESENT – Councillor Judi Partridge
YES – Councillor Terry Whitehead
YES – Councillor Brenda Johnson
YES – Councillor Brad Clark

For disposition of this matter, refer to Item 4.

(iii) **Terrapure Stoney Creek Regional Facility EA – Compensation Agreement (LS18045/FCS18072) (Ward 9) (Added Item 10.3)**

(Johnson/Collins)

That Report LS18045/FCS18072 respecting Terrapure Stoney Creek Regional Facility EA – Compensation Agreement, be Lifted from the Table.

CARRIED

(Johnson/Collins)

That the recommendations be amended to read as follows:

- a) That staff be authorized and directed to negotiate ~~and enter into~~, on behalf of the City of Hamilton, a compensation agreement with the owner and operator of the Stoney Creek Regional Facility, currently known as Terrapure Environmental Ltd.; ~~on such other terms and conditions as deemed appropriate by the General Manager of Finance and Corporate Services, General Manager of Public Works, and General Manager of Planning and Economic Development, as applicable;~~
- (b) That the Mayor and City Clerk be authorized and directed to execute, on behalf of the City of Hamilton, all necessary documentation to implement recommendation (a) In Report LS18045 / FCS18072, all with content acceptable to City Council ~~the General Manager of Finance and Corporate Services, General Manager of Public Works, and General Manager of Planning and Economic Development, as applicable~~, and in a form satisfactory to the City Solicitor; and,
- (c) ***That if Council approval of any proposed compensation terms negotiated in accordance with recommendation (a) in Report LS18045/FCS18072. is not obtained by the City's commenting deadline of March 1, 2019, staff be authorized and directed to send to the Ministry of the Environment, Conservation and Parks, as part of the City's letter of comment in response to Terrapure Environmental Ltd. Environmental Assessment, the proposed compensation terms indicating that the compensation terms are still subject to Council's approval.***

Result: Amendment CARRIED by a vote of 7 to 0, as follows:

YES – Councillor Maureen Wilson
YES – Councillor Jason Farr
YES – Councillor Chad Collins
YES – Councillor John-Paul Danko
YES – Councillor Maria Pearson
NOT PRESENT – Councillor Judi Partridge
YES – Councillor Terry Whitehead
YES – Councillor Brenda Johnson
NOT PRESENT – Councillor Brad Clark

For disposition of this matter, refer to Item 5.

(i) NOTICE OF MOTIONS (Item 12)

(i) On Street Parking Permits – Wellington Street North (Added Item 12.1)

Councillor Farr presented the following Notice of Motion:

WHEREAS, residents on the west side of Wellington Street North between Robert Street and Barton Street have long desired to be afforded the opportunity to park adjacent to their homes;

WHEREAS, on-street parking that currently exists in the area is often consumed by General Hospital staff and visitors; and,

WHEREAS, Wellington Street North is four lanes, one-way Southbound where traffic volumes have dramatically decreased over time.

THEREFORE BE IT RESOLVED:

That the appropriate staff from Parking be requested to notify residents, by letter, of the opportunity for west-side Wellington Street North on-street permit parking between Robert Street and Barton Street, Hamilton.

(ii) Merger of the Hamilton Port Authority and Oshawa Port Authority (Added Item 12.2)

(Collins/Farr)

That the Rules of Order be waived to allow for the introduction of a Motion respecting Merger of the Hamilton Port Authority and Oshawa Port Authority.

Result: Motion CARRIED by a 2/3's majority by a vote of 7 to 0, as follows:

YES – Councillor Maureen Wilson
YES – Councillor Jason Farr
YES – Councillor Chad Collins
YES – Councillor John-Paul Danko
YES – Councillor Maria Pearson
NOT PRESENT – Councillor Judi Partridge
YES – Councillor Terry Whitehead
NOT PRESENT – Councillor Brenda Johnson
YES – Councillor Brad Clark

For disposition of this matter, refer to Item 7.

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

(i) Outstanding Business List (Item 13.1)

(Farr/Danko)

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

Item O - Status of Accessible Taxi Plate applications
(Addressed as Item 7.4 on the January 15, 2019 agenda)

Item S - Overnight Parking Restrictions
(Addressed as Item 10.2 on the December 11, 2018 agenda)

Item W - Report PED18080 Deferred
(Addressed as Item 8.4 on the December 11, 2018 agenda)

Item BB - Terrapure Stoney Creek Regional Facility EA
(Addressed as Item 14.1 on this agenda)

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

Item B - C.I. to Amend Hamilton Zoning By-law No. 6593 for 118 to
338 Mountain Brow Boulevard
Current Due Date: January 15, 2019
Proposed New Due Date: July 9, 2019

Item C - OMB Decision re 121 Augusta St.
Current Due Date: January 15, 2019
Proposed New Due Date: April 16, 2019

Item E - HMHC Report 14-009 recommendations to include 206,
208 and 210 King St East in the Register of Property of Cultural
Heritage Value or Interest
Current Due Date: January 15, 2019
Proposed New Due Date: July 9, 2019

Item G - Feasibility of By-law to ensure that Tree Removal
Contractors have a City Business Licence
Current Due Date: January 15, 2019
Proposed New Due Date: February 19, 2019

Item I - City's Policies re: Boulevard Standards and options for
future designs
Current Due Date: February 19, 2019
Proposed New Due Date: March 19, 2019

Item J - Sign Variance Appeal - 430 McNeilly Road (Losani Homes)
Current Due Date: February 19, 2019
Proposed New Due Date: March 19, 2019

Item T - Development Fee Review - Staffing Requirements
Current Due Date: TBD
Proposed New Due Date: April 2, 2019

Result: Motion CARRIED by a vote of 8 to 0, as follows:

YES – Councillor Maureen Wilson
YES – Councillor Jason Farr
YES – Councillor Chad Collins
YES – Councillor John-Paul Danko
YES – Councillor Maria Pearson
NOT PRESENT – Councillor Judi Partridge
YES – Councillor Terry Whitehead
YES – Councillor Brenda Johnson
YES – Councillor Brad Clark

(ii) General Manager's Update (Item 13.2)

General Manager Jason Thorne addressed the Committee respecting the Growth Plan Amendment Report which is scheduled for the February 19, 2019 Planning Committee agenda and requested approval to release the report before distribution of the agenda.

(Johnson/Farr)

That the Growth Plan Amendment Report scheduled for the February 19, 2019 Planning Committee meeting be released early.

Result: Motion CARRIED by a vote of 8 to 0, as follows:

YES – Councillor Maureen Wilson
YES – Councillor Jason Farr
YES – Councillor Chad Collins
YES – Councillor John-Paul Danko
YES – Councillor Maria Pearson
NOT PRESENT – Councillor Judi Partridge
YES – Councillor Terry Whitehead
YES – Councillor Brenda Johnson
YES – Councillor Brad Clark

(k) PRIVATE AND CONFIDENTIAL (Item 14)

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

(i) Terrapure Stoney Creek Regional Facility Environmental Assessment (EA) – Compensation Agreement (LS18045(a)/FCS18072(a)) (Item 14.1)

Due to his declared interest with this matter, Councillor Clark left Council Chambers.

For disposition of the matter refer to Item 8.

(l) ADJOURNMENT (Item 15)

(Farr/Johnson)

That, there being no further business, the Planning Committee be adjourned at 1:04 p.m.

CARRIED

Respectfully submitted,

Councillor M. Pearson
Chair, Planning Committee

Lisa Chamberlain
Legislative Coordinator
Office of the City Clerk