



PLANNING COMMITTEE REPORT

19-009

June 4, 2019

9:30 a.m.

**Council Chambers, Hamilton City Hall
71 Main Street West**

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

Absent with Regrets: Councillor J. Partridge – City Business

THE PLANNING COMMITTEE PRESENTS REPORT 19-009 AND RESPECTFULLY RECOMMENDS:

- 1. To Incorporate City Lands into Upper Red Hill Valley Parkway By-law (PED19103) (Wards 6 and 9) (Item 7.1)**
 - (a) That the following City lands designated as Part 1 on Plan 62R-18783, Parts 7, 8, 14, 17, 18, and 19 on Plan 62R-18648, and Part 2 on Plan 62R-20603 be established as a public highway to form part of Upper Red Hill Valley Parkway;
 - (b) That the By-Law to incorporate the City lands to form part of Upper Red Hill Valley Parkway be prepared to the satisfaction of Corporate Counsel and be enacted by Council; and,
 - (c) That the General Manager of Public Works be authorized and directed to register the By-Law.
- 2. Hamilton Municipal Heritage Committee Report 18-010 (Item 7.2)**
 - (i) Inventory and Research Working Group Meeting Notes - October 29, 2018 (Item 7.2)**
 - (a) Ferguson Pumping Station (Item 1)**

That the Ferguson Pumping Station, 231 Ferguson Avenue, Hamilton, Ontario be Designated under Part IV of the Ontario

Heritage Act and further be added to the Staff Work Plan.

(b) Jimmy Thompson Pool (Item 2)

That the Jimmy Thompson Pool, 1099 King Street, East, Hamilton, Ontario be Designated under Part IV of the Ontario Heritage Act and further be added to the Staff Work Plan.

3. Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 2040 Hall Road, Glanbrook (PED19105) (Ward 11) (Item 8.1)

That Zoning By-law Amendment Application ZAA-19-012, by Jeff Barlow (Owner), for a change in zoning from the Agriculture (A1) Zone to the Agriculture (A1, 642) Zone in order to prohibit the construction of a single detached dwelling and residential care facility as required to clear a condition of consent approval as shown on Appendix "A" to Report PED19105, be APPROVED on the following basis:

- (a) That the draft By-law, attached as Appendix "B" to Report PED19105, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the amending By-law be added to Schedule "C" of Zoning By-law No. 05-200;
- (c) That the proposed modification in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Greenbelt Plan (2017), and complies with the Rural Hamilton Official Plan (RHOP); and,
- (d) That the public submissions received regarding this matter did not affect the decision.

4. Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 514-516 Barton Street, and 293 Dewitt Road (Stoney Creek) (PED19106) (Ward 10) (Item 8.2)

(a) That Urban Hamilton Official Plan Amendment Application UHOPA-17-36, by Khmer Kampuchea Krom Temple (c/o Alex Young, Owner), to redesignate the lands known as 514 Barton Street and 293 Dewitt Road from "Low Density Residential 2b" to "Institutional" in the Western Development Area Secondary Plan, to permit the lands to be used for institutional purposes in conjunction with an existing place of worship on the abutting lands known as 516 Barton Street (Stoney Creek), as shown on Appendix "A" to Report PED19106, be APPROVED on the following basis:

- (i) That the draft Official Plan Amendment, attached as Appendix "B" to Report PED19106 be adopted by City Council; and,

- (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2014) and conforms to the Growth Plan for the Greater Golden Horseshoe.
- (b) That Amended City of Stoney Creek Zoning By-law Amendment Application ZAC-17-079, by Khmer Kampuchea Krom Temple (c/o Alex Young, Owner), for a change in zoning from the Single Residential “R2” Zone in the Stoney Creek Zoning By-law No. 3692-92 (Block 1) and Neighbourhood Institutional (I1) Zone (Block 2) to the Neighbourhood Institutional (I1, 726) Zone to permit an institutional use with ancillary residential for the lands located at 514-516 Barton Street and 293 Dewitt Road (Stoney Creek), as shown on Appendix “A” to Report PED19106, be APPROVED on the following basis:
 - (i) That the draft By-law, attached as Appendix “C” to Report PED19106, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
 - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe, and will comply with the Urban Hamilton Official Plan, upon finalization of Urban Hamilton Official Plan Amendment No. XX.
- (c) That there were no public submissions received regarding this matter.

5. Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 468-476 James St North, Hamilton (PED19116) (Ward 2) (Item 8.3)

- (a) That Official Plan Amendment Application UHOPA-18-07 by JvN James St. G.P. Inc. c/o John Van Nostrand, Owner, for a change in building height permissions on Schedule “M-4” Building Heights to permit the redevelopment of the subject lands for an eight storey mixed use building containing 384 sq m of commercial gross floor area on the ground floor, 92 flexible housing units above and with three surface parking spaces and 36 parking space contained in one level of underground parking, for lands located at 468 to 476 James Street North, as shown on Appendix “A” to Report PED19116, be APPROVED on the following basis:
 - (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED19116, be adopted 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-18-020 by JvN James St. G.P Inc. c/o John Van Nostrand, Owner, for a further modification to the “H/S-978a” (Community Shopping and Commercial, Etc.) District, Modified, to permit the redevelopment of the subject lands for an eight storey mixed use building containing 384 sq. m. of commercial gross floor area on the ground floor, 92 flexible housing units above, and with three surface parking spaces and 36 parking spaces contained in one level of underground parking, for lands located at 468 to 476 James Street North as shown on Appendix “A” to Report PED19116, be APPROVED, subject to the following:
- (i) That the draft By-law, attached as Appendix “C” to Report PED19116, 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 City of Hamilton Official Plan upon approval of Official Plan Amendment No. ____;
 - (iii) That the amending By-law apply the Holding Provision of section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject lands by introducing the Holding symbol ‘H1’ as a suffix to the proposed zoning for the following:
 - (a) The Owner enters into a conditional building permit agreement with respect to completing a Record of Site Condition or a signed Record of Site Condition (RSC) being submitted to the City of Hamilton and the Ministry of the Environment, Conservation and Parks (MOECP). This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MECF, and submission of the City of Hamilton’s current RSC administration fee;
 - (b) For such time as the Holding Provision ‘H2’ symbol is applicable to the lands referred to in Section 2, the lands shall only be used in accordance with “H/S-978a” (Community Shopping and Commercial, etc.) District except where in conflict with the following:
 - (i) Regulations

The maximum dwelling units and live work units shall be restricted to 99 units.
 - (ii) Condition for Holding Provision Removal

That the applicant submit and receive approval of a Traffic Impact Study where greater than 99 dwelling units/live work

units are proposed, to the satisfaction of the Director of Transportation Planning; and,

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

6. Bill 108, More Homes, More Choice Act, 2019 - Ontario Proposed Changes to Land Use Planning, Heritage and Appeals Systems (PED19125/LS19020) (Item 9.1)

- (a) That Council adopt the submissions and recommendations as provided in Report LS19020/PED19125 regarding Schedules 5, 9, ,11 and 12 of Bill 108, *More Homes, More Choice Act*, 2019;
- (b) That the Director of Planning and Chief Planner be authorized and directed to confirm the submissions made to the Province attached as Appendix "A" to Planning Committee Report 19-009; and,
- (c) That the Director of Planning and Chief Planner and the City Solicitor be authorized to make submissions on Bill 108, *More Homes, More Choice Act*, 2019 and any associated regulations consistent with the concerns raised in Report LS19020/PED19125.

7. A Place to Grow: Growth Plan, 2019 (PED19033(a)) (City Wide) (Item 10.1)

That Report PED19033(a) respecting A Place to Grow: Growth Plan, 2019, be received.

8. Amendments to Property Standards By-law 10-221 Respecting Development and Grading Plans (PED19113) (City Wide) (Item 10.2)

- (a) That the procedural and housekeeping changes to the City of Hamilton Property Standards By-law 10-221 regarding landscaping requirements for approved developments and grading plans, and revising the penalty provisions described in Report PED19113, detailed in the proposed amending by-law attached as Appendix "A" be approved;
- (b) That the amending by-law attached as Appendix "A" to Report PED19113, which has been prepared in a form satisfactory to the City Solicitor be enacted by Council.

9. Hamilton Urban Forest Strategy Update (PD02229(h)) (City Wide) (Item 10.3)

That Report PD02229(h) respecting Hamilton Urban Forest Strategy Update, be received.

10. Year Round Live-Aboards at West Harbour Marinas / Yacht Clubs (Item 11.1)

WHEREAS, Year-round live-aboard residents have resided in the west harbour for over two decades;

WHEREAS, the City of Hamilton recently permitted 2018-19 off-season live-aboard residents with a willing host at Macassa Bay Yacht Club/Marina and there were no complaints or impacts respecting this permission; and,

WHEREAS, The Mission Statement from the year-round live-aboards currently residing on the water in Hamilton is to “promote a living alternative lifestyle on the waters of Hamilton Harbour within the Community of Hamilton”;

THEREFORE BE IT RESOLVED:

- (a) That should a willing host be available (for example, if Macassa Bay Yacht Club expresses written consent as a sub-landlord), a Live-Aboard sub-committee of the Planning Committee be established, with an objective to create a feasibility study over a two-year period;
- (b) That the sub-committee be comprised of the appropriate City of Hamilton staff, including but not limited to Planning, Finance, Legal and Emergency Services, the Ward Councillor, representatives from each interested marina/yacht club and representatives from the current live-aboard residents;
- (c) That the issue of year-round live-aboards related to any ongoing negotiations respecting City of Hamilton long-term leases with Marinas and Yacht Clubs be held in abeyance until such time as the feasibility study report is reported back to the Planning Committee; and,
- (d) That live-aboards continue to be permitted to live year-round until the Planning Committee deals with the matter once the feasibility study is finalized.

11. Amendment to Nuisance By-law No. 09-110 respecting Cannabis Growing Operations (Item 11.2)

WHEREAS, the City of Hamilton has experienced increased nuisance complaints about properties growing cannabis for the purpose of personal use as authorized by Health Canada;

WHEREAS, section 128 of the *Municipal Act, 2001*, S.O. 2001, provides that a local municipality may prohibit and regulate with respect to public nuisances, including matters that in the opinion of Council are or could become public nuisances;

WHEREAS, pursuant to section 129 of the *Municipal Act*, 2001, S.O. 2001, a municipality may prohibit and regulate with respect to noise, vibration, odour, dust and outdoor illumination, including indoor lighting that can be seen outdoors;

WHEREAS, Cannabis growing operations that are not regulated as Licensed Producers by Health Canada are creating significant public nuisances in relation to odour and outdoor light illuminations; and,

WHEREAS, the City of Hamilton By-law No. 09-110, being a By-law to prohibit and regulates certain public nuisance did not previously consider public nuisance created by cannabis growing operations;

THEREFORE BE IT RESOLVED:

That the Director of Licensing and By-law Services be directed to bring an amending By-law to the current City of Hamilton By-law No. 09-110 to include the violations of; cause or permit any public nuisance; cause or permit any activity on one property which are obnoxious or which substantially reduce the enjoyment of another property, including without limiting the generality of activities such as the creation of vibration or the emission of smoke, dust, airborne particulate matter or objectionable odour and light that is broadcasted directly from one property onto another property.

12. Demolition Permit for 743 Green Mountain Road East (Stoney Creek) (Item 11.3)

That the Chief Building Official be authorized and directed to issue a demolition permit for 743 Green Mountain Road East (Stoney Creek) 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 if a replacement building is not erected on this property within two years of the demolition of the existing building, 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;
 - (ii) is a lien or charge on the property until paid; and
- (b) 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.

13. Electric Charging Stations in Ward 5 (Item 11.4)

- (a) That Hamilton Municipal Parking staff be directed to install 4 electric charging stations in Ward 5 (2 stations in Municipal Carpark 3 located within the boundaries of the Stoney Creek BIA and 2 stations on Van Wagners Beach Road located in the parking lot next to Hutch's on the Beach);
- (b) That the estimated \$30,000 cost of installing the 2 charging stations at Confederation Beach Park be funded from the Beach Neighbourhood Capital Reserve Account (108037) and the estimated \$25,000 cost of installing the 2 charging stations in Downtown Stoney Creek be funded from the Stoney Creek Terrapure Reserve Account (117036); and,
- (c) That the Mayor and City Clerk be authorized and directed to execute any required agreement(s) and ancillary documents, with such terms and conditions in a form satisfactory to the City Solicitor.

14. Development of a Rural Fill By-law (Added Item 12.2)

WHEREAS, this Motion was passed at the Agriculture and Rural Affairs Advisory Committee; and,

WHEREAS, this Motion is time sensitive;

THEREFORE, BE IT RESOLVED:

That Staff be directed to develop a rural fill by-law to stop illegal fill movement while minimizing the impact on normal farm practices.

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

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

1. DELEGATION REQUESTS (Item 6)

- 6.3 Carolyn Zanchetta, Hamilton Naturalists' Club, respecting Bill 108, Schedule 5 Changes to the Endangered Species Act (For today's meeting)
- 6.4 Gary Birch respecting 3033, 3047, 3055 and 3063 Binbrook Road (LPAT Appeal) (Item 14.1) (For today's meeting)
- 6.5 Brett Harrington respecting 3033, 3047, 3055 and 3063 Binbrook Road (LPAT Appeal) (Item 14.1) (For today's meeting)

- 6.6 Axel Binneboese, Swisscan Properties Inc. / Halton Place Horse & Country Ltd., respecting a Community, Wellness and Tourism Oriented Business Proposal (For the June 18th meeting)
- 6.7 Katherine Golightly respecting 3033, 3047, 3055 and 3063 Binbrook Road (LPAT Appeal) (Item 14.1) (For today's meeting)
- 6.8 Lynda Lukasik, Environment Hamilton, respecting Item 9.1 (Bill 108) and Item 10.1 (A Place to Grow: Growth Plan, 2019) (For today's meeting)

2. PUBLIC HEARINGS/DELEGATIONS (Item 8)

- 8.3 Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 468 – 476 James Street North, Hamilton (PED19116 (Ward 2)

- (i) Added Written Submissions:

- (b) Per Kleefisch
- (c) Stephen Watson
- (d) Rashmi Nathwani
- (e) Robyn Gillam
- (f) Nick Dika
- (g) Jo-Ann Tetreault
- (h) Kate Berry
- (i) Bill Johnston

- (ii) Added Registered Delegations:

- (a) Shawn Selway
- (b) Bill Johnston (WITHDRAWN)

3. NOTICES OF MOTION (Item 12)

- 12.1 Corporate Policy for Official Planning Notification During Mail Strikes

4. GENERAL INFORMATION/OTHER BUSINESS (Item 13)

- 13.1 Outstanding Business List

- (b) Items to be Removed:

- 17D – Sign Variance Appeal – 430 McNeilly Road, Stoney Creek (Settled at the Local Planning Appeal Tribunal July 3, 2018)

The agenda for the June 4, 2019 meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

None declared.

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

(i) May 14, 2019 (Item 4.1)

The Minutes of the May 14, 2019 meeting were approved, as presented.

(d) DELEGATION REQUESTS (Item 6)

The following Delegation Requests were approved as follows:

- (i) David Braden respecting Potential and Positive Consequences of Reducing Planning Restrictions (For the June 18th meeting) (Item 6.1)
- (ii) Amber Lindsay, UrbanSolutions, respecting an exemption to Apply for a Minor Variance at 100 Hamilton Street North (For the June 18th meeting) (Item 6.2)
- (iii) Carolyn Zanchetta, Hamilton Naturalists' Club, respecting Bill 108, Schedule 5 Changes to the Endangered Species Act (For today's meeting) (Item 6.3)
- (iv) Gary Birch respecting 3033, 3047, 3055 and 3063 Binbrook Road (LPAT Appeal) (Item 14.1) (For today's meeting) (Item 6.4)
- (v) Brett Harrington respecting 3033, 3047, 3055 and 3063 Binbrook Road (LPAT Appeal) (Item 14.1) (For today's meeting) (Item 6.5)
- (vi) Axel Binneboese, Swisscan Properties Inc. / Halton Place Horse & Country Ltd., respecting a Community, Wellness and Tourism Oriented Business Proposal (For the June 18th meeting) (Item 6.6)
- (vii) Katherine Golightly respecting 3033, 3047, 3055 and 3063 Binbrook Road (LPAT Appeal) (Item 14.1) (For today's meeting) (Item 6.7)
- (viii) Lynda Lukasik, Environment Hamilton, respecting Item 9.1 (Bill 108) and Item 10.1 (A Place to Grow: Growth Plan, 2019) (For today's meeting) (Item 6.8)

(e) PUBLIC HEARINGS / DELEGATIONS (Item 8)

(i) Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 2040 Hall Road, Glanbrook (PED19105) (Ward 11) (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.

The staff presentation was waived.

The recommendations in Report PED19105 were amended by adding the following sub-section (d):

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

For disposition of this matter, refer to Item 3.

(ii) Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 514-516 Barton Street, and 293 Dewitt Road (Stoney Creek) (PED19106) (Ward 10) (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 Official Plan Amendment and 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.

Stuart Hastings, GSP Group, agent, was in attendance and indicated that the applicant is in agreement with the staff report. Stuart Hastings provided an overview of the proposal with the aid of a PowerPoint presentation. A copy of the presentation is available online at www.hamilton.ca or through the Office of the City Clerk.

The overview of the proposal by Stuart Hastings was received.

The by-law was amended to reduce the required parking spaces from 23 to 21.

The recommendations in Report PED19106 were amended by adding the following sub-section (c):

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

For disposition of this matter, refer to Item 4.

(iii) Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 468 to 476 James Street North, Hamilton (PED19116) (Ward 2) (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 Official Plan Amendment and 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.

Daniel Barnett, Planning Technician I, addressed the Committee with the aid of a PowerPoint presentation. A copy of the presentation is available online at www.hamilton.ca or through the Office of the City Clerk.

The staff presentation was received.

John van Nostrand, JvN/d, agent, addressed the Committee with the aid of a PowerPoint presentation. A copy of the presentation is available online or through the Office of the City Clerk.

The presentation from John van Nostrand was received.

The following delegations were received:

- (a) Shawn Selway addressed the Committee and expressed concerns with the proposal.
- (b) Herman Turkstra addressed the Committee and expressed concerns with the proposal.

- (c) Rob Fiedler addressed the Committee and expressed concerns with the proposal.
- (d) Carol Peters addressed the Committee and expressed concerns with the proposal.
- (e) Bryan Ritskes addressed the Committee and expressed concerns with the proposal.
- (f) Bill Majoros addressed the Committee and expressed concerns with the proposal.

The following written submissions were received:

- (a) Central Neighbourhood Association
- (b) Per Kleefisch
- (c) Stephen Watson
- (d) Rashmi Nathwani
- (e) Robyn Gillam
- (f) Nick Dika
- (g) Jo-Ann Tetreault
- (h) Kate Berry
- (i) Bill Johnston

The public meeting was closed.

The recommendations in Report PED19116 were amended by adding the following sub-section (c):

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

For disposition of this matter, refer to Item 5.

8.4 Carolyn Zanchetta, Hamilton Naturalists' Club, respecting Bill 108, Schedule 5 Changes to the Endangered Species Act (Added Item 6.3)

Carolyn Zanchetta addressed the Committee respecting Bill 108, Schedule 5 Changes to the Endangered Species Act, with the aid of a PowerPoint presentation. A copy of the presentation is available online at www.hamilton.ca or through the Office of the City Clerk.

The delegation from Carolyn Zanchetta, Hamilton Naturalists' Club, respecting Bill 108, Schedule 5 Changes to the Endangered Species Act, was received.

8.5 Gary Birch respecting 3033, 3047, 3055 and 3063 Binbrook Road (LPAT Appeal) (Item 14.1) (Added Item 6.4)

Gary Birch addressed the Committee respecting 3033, 3047, 3055 and 3063 Binbrook Road (LPAT Appeal).

The delegation from Gary Birch respecting 3033, 3047, 3055 and 3063 Binbrook Road (LPAT Appeal), was received.

8.6 Brett Harrington respecting 3033, 3047, 3055 and 3063 Binbrook Road (LPAT Appeal) (Item 14.1) (Added Item 6.5)

Brett Harrington addressed the Committee respecting 3033, 3047, 3055 and 3063 Binbrook Road (LPAT Appeal).

The delegation from Brett Harrington respecting 3033, 3047, 3055 and 3063 Binbrook Road (LPAT Appeal), was extended by five minutes.

The delegation from Brett Harrington respecting 3033, 3047, 3055 and 3063 Binbrook Road (LPAT Appeal), was received.

8.7 Katherine Golightly respecting 3033, 3047, 3055 and 3063 Binbrook Road (LPAT Appeal) (Item 14.1) (Added Item 6.7)

Katherine Golightly addressed the Committee respecting 3033, 3047, 3055 and 3063 Binbrook Road (LPAT Appeal).

The delegation from Katherine Golightly respecting 3033, 3047, 3055 and 3063 Binbrook Road (LPAT Appeal), was received.

8.8 Lynda Lukasik, Environment Hamilton, respecting Item 9.1 (Bill 108) and 10.1 (A Place to Grow: Growth Plan, 2019) (Added Item 6.8)

Lynda Lukasik, Environment Hamilton, addressed the Committee respecting Item 9.1 (Bill 108) and Item 10.1 (A Place to Grow: Growth Plan, 2019).

The delegation from Lynda Lukasik, Environment Hamilton, respecting Bill 108 and A Place to Grow: Growth Plan, 2019, was received.

(f) STAFF PRESENTATIONS (Item 9)

(i) Bill 108, More Homes, More Choice Act, 2019 - Ontario Proposed Changes to Land Use Planning, Heritage and Appeals Systems (PED19125/LS19020) (Item 9.1)

Anita Fabac, Manager of Development Planning, Heritage and Design, and Joanna Wice, Solicitor, addressed the Committee with the aid of a

PowerPoint presentation. A copy of the presentation is available online at www.hamilton.ca or in the Office of the City Clerk.

The staff presentation from Anita Fabac, Manager of Development Planning, Heritage and Design, and Joanna Wice, Solicitor, was received.

For disposition of this matter, refer to Item 6.

(g) DISCUSSION ITEMS (Item 10)

(i) A Place to Grow: Growth Plan, 2019 (PED19033(a)) (City Wide) (Item 10.1)

Heather Travis, Senior Project Manager, addressed the Committee respecting A Place to Grow: Growth Plan, 2019.

Staff were directed to review the Planning Application fees for Private Urban Boundary Expansion applications and Private Employment Lands Conversion applications pursuant to changes in the Ontario Growth Plan; and,

(a) Staff were directed to report back to the Planning Committee with requisite studies and a corresponding fee structure; and,

(b) Staff were directed to report back to the Planning Committee with recommendations on June 18, 2019.

For disposition of this matter, refer to Item 7.

(ii) Hamilton Urban Forest Strategy Update (PD02229(h)) (City Wide) (Item 10.3)

Catherine Plosz, Natural Heritage Planner, addressed the Committee respecting Hamilton Urban Forest Strategy Update, with the aid of a PowerPoint presentation. A copy is available online at www.hamilton.ca and at the Office of the City Clerk.

The staff presentation from Catherine Plosz respecting Hamilton Urban Forest Strategy Update, was received.

For disposition of this matter, refer to Item 9.

(iii) Designation of 23-25 King Street East, Stoney Creek (Hamilton Municipal Heritage Committee Report 19-003) (Deferred from the May 14 meeting) (Item 10.4)

Councillor Collins was not present when this matter was addressed and the Committee agreed to defer the matter to the June 18th Planning Committee agenda.

(h) NOTICES OF MOTION (Item 12)

(i) Corporate Policy for Official Planning Notification During Mail Strikes (Added Item 12.1)

Councillor Farr introduced the following Notice of Motion respecting Corporate Policy for Official Planning Notification During Mail Strikes:

WHEREAS, the Planning Act prescribes the options the City of Hamilton can use for giving notice of an application to the Committee of Adjustment for a minor variance or severance;

WHEREAS, the two statutory options available to the City of Hamilton are to give notice by placing an advertisement in the newspaper or by first class mail to property owners combined with posting a sign on the property;

WHEREAS, as a result of the most recent mail disruption at Canada Post which required the City of Hamilton to give notice by placing an advertisement in the newspaper; and,

WHEREAS, not all affected residents read the newspaper or what appear to be technical notices placed in the newspaper and residents miss the opportunity to participate in the Committee of Adjustment decision making process;

THEREFORE BE IT RESOLVED:

That Planning staff report back to Planning Committee on a strategy for informing residents that goes beyond the traditional newspaper advertisement in the event of future disruptions in mail delivery service.

(ii) Development of a Rural Fill By-law (Added Item 12.2)

Councillor Johnson introduced a Notice of Motion respecting Development of a Rural Fill By-law.

The Rules of Order were waived to allow for the introduction of a Motion respecting Development of a Rural Fill By-law.

For disposition of the matter, refer to Item 14.

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

(i) Outstanding Business List (Item 13.1)

(Whitehead/Collins)

The following changes to the Outstanding Business List, were approved:

Items Requiring New Due Dates:

18A - Development Approval Fees re Affordable Housing
Current Due Date: TBD
Proposed New Due Date: September 3, 2019

18P - EV Chargers in Hamilton Municipal Parking Lot Systems
Current Due Date: May 14, 2019
Proposed New Due Date: August 13, 2019

19C - On Street Parking Permits - Wellington Street North
Current Due Date: July 9, 2019
Proposed New Due Date: August 13, 2019

Items to be Removed:

19F - 310 Frances Avenue
(Addressed as Item 7.3 on the May 14th agenda)

17D - Sign Variance Appeal - 430 McNeilly Road, Stoney Creek
(Settled at the Local Planning Appeal Tribunal July 3, 2018)

(j) PRIVATE AND CONFIDENTIAL (Item 14)

Committee moved into Closed Session respecting Item(s) 14.1 pursuant to Section 8.1, Sub-section(s) (e) and (f) of the City's Procedural By-law 18-270, and Section 239(2), Sub-section(s) (e) and (f) of the *Ontario Municipal Act*, 2001, as amended, as the subject matters pertain to litigation or potential litigation, including matters before administrative tribunals, affecting the City; and, the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

- (i) Appeal to the Local Planning Appeal Tribunal (LPAT) for Lack of Decision on Urban Hamilton Official Plan Applications (UHOPA-16-18) and Township of Glanbrook Zoning By-law No. 464 Application (ZAC-16-051) for Lands Located at 3033, 3047, 3055, 3063 Binbrook Road (LS19003(a)/PED19031(a)) (Glanbrook) (Ward 11) (Item 14.1)**

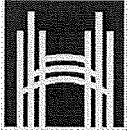
Staff was provided with direction in Closed Session with nothing further to report in Open Session.

(k) ADJOURNMENT (Item 15)

There being no further business, the Planning Committee be adjourned at 7:53 pm.

Councillor Maria Pearson
Chair, Planning Committee

Lisa Chamberlain
Legislative Coordinator
Office of the City Clerk



City of Hamilton
City Hall, 71 Main Street West
Hamilton, Ontario
Canada L8P 4Y5
www.hamilton.ca

Planning Division, Planning and Economic Development Department
Physical Address: 71 Main Street West
Phone: 905.546.2424 Ext. 4281 Fax: 905.546.4202
Email: Steve.Robichaud@hamilton.ca

Hamilton

May 30, 2019

Ministry of Environment, Conservation and Parks
c/o Macdonald Block Mailing Facility
77 Wellesley Street West
PO Box 200
Toronto, ON
M7A 1N3

Re: Bill 108 - (Schedule 5) – The Proposed More Homes, More Choice Act:
Amendments to the Endangered Species Act

Dear Sir or Madam:

On behalf of the City of Hamilton, I am pleased to provide this letter as Hamilton's submission on Schedule 5 of Bill 108. Please find attached to this letter an outline of the key submissions the City wishes to make on the proposed changes to the Endangered Species Act. The City is also submitting comments on the other Schedules of Bill 108 under separate letter and City staff will be taking a report to Planning Committee on June 4, 2019 and to Council on June 12, 2019 outlining our submission. Council's position will be forwarded to the Province once it has been ratified.

We look forward to seeing the results of the consultation on Bill 108. City staff would be pleased to meet with you to discuss these comments in greater detail.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Robichaud".

Stephen Robichaud
Director of Planning and Chief Planner
Planning and Economic Development Department

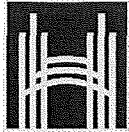
Copies to:

Anita Fabac, Manager of Development Planning, Heritage and Design

City of Hamilton Submissions on Bill 108 – Changes to the *Endangered Species Act*

Staff are not supportive of the proposed changes as they will have the effect of adding additional processes and delay to the classification, listing, and protection of species at risk. Changes are also being proposed which may undermine the role of COSSARO. The proposed changes are not detailed therefore it is difficult for staff to fully assess the implications without the details.

- Staff recommends that “community knowledge” be deleted.
- Staff recommends that the consideration of species condition in a broader geographic context be deleted.
- Staff recommends that the extension of timing to add species to the Species at Risk list be deleted.
- Staff recommends that the reconsideration of classifications be deleted.
- Staff recommends that the mandatory requirement and timeline to develop a habitat regulation for each newly listed species and temporary suspension to protect of up to three years be deleted.
- Staff recommends that the discretion remain with the Lieutenant Governor in Council.
- Staff advises the Province not to proceed until the Province consults with municipalities and other key stakeholders on the SAR Conservation Fund, the details of the agency, including who would be on the board, and where and funds would be dispersed.
- Staff advises the Province not to proceed until the Province consults with municipalities and other key stakeholders on the Landscape Agreements.



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Email: Steve.Robichaud@hamilton.ca

Hamilton

May 30, 2019

Lorraine Dooley
Ministry of Tourism, Culture and Sport
401 Bay Street
Suite 1800
Toronto, ON
M7A 0A7

Re: Bill 108 - (Schedule 11) – The Proposed More Homes, More Choice Act:
Amendments to the Ontario Heritage Act

Dear Madam:

On behalf of the City of Hamilton, I am pleased to provide this letter as Hamilton's submission on Schedule 11 of Bill 108. Please find attached to this letter an outline of the key submissions the City wishes to make on the proposed changes to the Ontario Heritage Act. The City is also submitting comments on the other Schedules of Bill 108 under separate letter and City staff will be taking a report to Planning Committee on June 4, 2019 and to Council on June 12, 2019 outlining our submission. Council's position will be forwarded to the Province once it has been ratified.

We look forward to seeing the results of the consultation on Bill 108. City staff would be pleased to meet with you to discuss these comments in greater detail.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Robichaud".

Stephen Robichaud
Director of Planning and Chief Planner
Planning and Economic Development Department

Copies to:

Anita Fabac, Manager of Development Planning, Heritage and Design

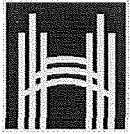
City of Hamilton Submissions on Bill 108 – Changes to the *Ontario Heritage Act*

Staff are not supportive of the proposed changes as it will have an impact on how the City administers the Act and its current processes. The proposed changes in some case will lengthen the process, delaying projects, and will require additional staff resources with added complexity to processes. The changes proposed by Bill 108 may result in increased appeals to the LPAT as the addition of properties to the Register can now be appealed to the LPAT.

The *Ontario Heritage Act* is a tool for managing change of heritage resources that balances both public and private interests. The proposed changes to the Act tip the balance away from public interest to the interest of private owners/developers. In particular, the City is not supportive of the transfer of objections on heritage matters to the Local Planning Appeal Tribunal.

The following are the City's comments and recommendations:

- Staff advises the Province to consult with municipalities on the "prescribed principles" and that the regulation should clearly describe what constitutes a "prescribed principle".
- Staff advise the Province that a time limit for filing an objection for a property added to the Register with the Clerk be included.
- Staff requests the Province to remove the requirement that the property be on the Register before the building permit application is made.
- Staff advise the Province that there should be no limitations as to when Council may provide notice of an intention to designate. Should the Province proceed with including this requirement, the Province should consult with municipalities on the "prescribed event" and the regulation should clearly describe what constitutes a "prescribed event" prior to proceeding with these proposed changes to the Act.
- Staff requests that the Province reinstate referral of objections to the Conservation Review Board for a hearing and report and Council as the final decision making authority on objections to designations.
- Staff requests that the Province reinstate referral of objections to the Conservation Review Board for a hearing and report.
- Staff advises the Province to consult with municipalities on the "prescribed" information and that the regulation should clearly describe what constitutes "prescribed" information.
- Staff requests that the Province delete this regulation to continue to provide protection from demolition of heritage resources in a Heritage Conservation District Plan area.



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Email: Steve.Robichaud@hamilton.ca

Hamilton

May 30, 2019

Planning Act Review
Provincial Planning Policy Branch
777 Bay Street
13th Floor
Toronto, ON
M5G 2E5

Re: Bill 108 - (Schedule 12) – The Proposed More Homes, More Choice Act:
Amendments to the Planning Act

Dear Sir or Madam:

On behalf of the City of Hamilton, I am pleased to provide this letter as Hamilton's submission on Schedule 12 of Bill 108. Please find attached to this letter an outline of the key submissions the City wishes to make on the proposed changes to the *Planning Act*. The City is also submitting comments on the other Schedules of Bill 108 under separate letter and City staff will be taking a report to Planning Committee on June 4, 2019 and to Council on June 12, 2019 outlining our submission. Council's position will be forwarded to the Province once it has been ratified.

We look forward to seeing the results of the consultation on Bill 108. City staff would be pleased to meet with you to discuss these comments in greater detail.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Robichaud', written over a vertical line that extends from the signature down to the typed name below.

Stephen Robichaud
Director of Planning and Chief Planner
Planning and Economic Development Department

Copies to:

Anita Fabac, Manager of Development Planning, Heritage and Design

City of Hamilton Submissions on Bill 108 – Changes to the *Planning Act*

In general, the City is not supportive of the proposed changes. The changes will provide municipalities with less time to adequately review development applications and impact the City's ability to increase the supply of affordable housing. Furthermore, the changes will decrease the deference given to municipal decision-making in achieving these and other goals.

The following are the City's comments and recommendations:

- Staff supports the proposed change that expands the opportunities for second units throughout the City. Issues such as compatibility, context and appropriate zoning standards need to be evaluated.
- Staff do not support the proposed change to restrict inclusionary zoning to limited areas in the City. This proposed change will restrict the City's ability to increase the supply of affordable housing. Staff requests the Province to permit municipalities to utilize the inclusionary zoning provisions City wide.
- Staff do not support the Minister requiring a development permit system to be put in place as this should be up to municipalities.
- Staff do not support the proposed change to delete the grounds for appeals. Staff requests the Province to retain the existing *Planning Act* grounds for appeals given that the Official Plan is the tool for translating provincial plans and policies into a local land use vision.
- Staff do not support the proposed changes to the timeframe for non-decision appeals. Staff requests the Province to retain the existing *Planning Act* timeframes.
- Staff do not support the proposed changes. Staff requests the Province to retain the existing criteria for parkland dedication.
- Staff do not support the proposed changes to who may appeal a decision on a Plan of Subdivision. Staff requests the Province to retain the existing *Planning Act* appeal rights.