



PLANNING COMMITTEE MINUTES

19-015

October 1, 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, M. Wilson,
J.P. Danko, T. Whitehead

Also Present: Mayor F. Eisenberger, Councillor L. Ferguson

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

- 1. To Rename a Portion of Upper Mount Albion Road to Columbus Gate (PED19161) (Ward 9) (Item 7.1)**

(Collins/Danko)

That the portion of Upper Mount Albion Road from the intersection with Rymal Road East to 109 meters north of said intersection be renamed Columbus Gate, as identified on Appendix "A", to Report PED19161, in accordance with the draft By-law, attached as Appendix "B" to Report PED19161, which has been prepared in a form satisfactory to the City Solicitor, to be enacted by City Council.

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

2. Sign Variance Appeal SV-19-002 for the Property known as 1147 Garner Road West, Ancaster, Denied by the Director of Planning and Chief Planner and Appealed by the Owner (PED19195) (Ward 12) (Item 7.2)

(Collins/Farr)

(a) That the Appeal of Sign Variance Application SV-19-002, by Ancaster Self Storage Inc., Owner, to permit a proposed electronic message display Ground Sign proposing a 100% electronic message display and third party advertising, increased height, decreased setback from a property line, and no display of the municipal address to be included, for the property located at 1147 Garner Road West, Ancaster, as shown on Appendix "A" to Report PED19195, be **APPROVED**, on the following basis:

- (i) That 20% of the sign time be allocated for Community use at no cost; and,**
- (ii) That a list of Ancaster Self Storage Inc.'s related businesses, with addresses, be provided for approval by Council on October 9, 2019.**

Result: Main Motion, As Amended CARRIED by a vote of 6 to 2, as follows:

NO - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Chad Collins
NO - 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

3. Parking Technology Update (PED19197) (City Wide) (Item 7.3)

(Whitehead/Farr)

That Report PED19197 respecting Parking Technology Update, be received.

CARRIED

4. Agriculture and Rural Affairs Advisory Committee Report 19-004 (Item 7.4)

(Johnson/Clark)

(a) Draft Rural Site Alteration By-law Proposal (Item 10.3)

That the Agricultural and Rural Affairs Advisory Committee support the Draft Rural Site Alteration By-law with the following amendments:

- (i) That Section 26 be revised to explicitly state that ***there is an obligation to report observations that fill may be affected by contaminants and include a reporting timeframe;***
- (ii) That Section 15(4)(c) be amended to remove reference to proof of membership in an accredited farm organization, as follows:
 - (1) the farm business registration number of the agricultural operation ~~***or proof of membership in an accredited farm organization;***~~
- (iii) That the following statements be added to the preamble of the by-law:
 - (1) ***It is illegal for any person or any company to dump or deposit fill, excess soil or waste in the City of Hamilton without prior approval or consent after due process;*** and,
 - (2) ***It is prohibited to import fill from outside the geographical boundaries of the City of Hamilton.***

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

YES - Councillor Maureen Wilson
NOT PRESENT - 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. Prohibiting the Importing of Fill (Added Item 11.4)

(Johnson/Clark)

That a moratorium be implemented immediately to prohibit the importing of fill from outside the geographical boundaries of the City of Hamilton.

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

YES - Councillor Maureen Wilson
NOT PRESENT - 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

6. Application to Amend City of Hamilton Zoning By-law No. 05-200 for Lands Located at 2274 Powerline Road West, Ancaster (PED19171) (Ward 12) (Item 8.2)

(Johnson/Clark)

- (a) That Zoning By-law Amendment Application ZAA-19-033, by Thomas and Susan Traver (Owners), for a change in zoning from the Agriculture (A1) Zone to the Agriculture (A1, 642) Zone (Block 1) and from the Conservation / Hazard Land – Rural (P6) Zone to the Conservation / Hazard Land – Rural (P6, 642) Zone (Block 2) to prohibit the construction of a single detached dwelling and residential care facility and to permit a reduced lot size for the agricultural parcel, as required by conditions of approval for Consent to Sever Application AN/B-18:131, for the lands located at 2274 Powerline Road W, as shown on Appendix “A” to Report PED19171, be APPROVED on the following basis:
- (i) That the draft By-law, attached as Appendix “B” to Report PED19171, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the amending By-law be added to Schedule “C” of Zoning By-law No. 05-200; and,
 - (iii) 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).

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

Result: Main Motion, As Amended, CARRIED by a vote of 6 to 0, as follows:

NOT PRESENT - 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
NOT PRESENT - Councillor Terry Whitehead
YES - Councillor Brenda Johnson
YES - Councillor Brad Clark

7. Application for Zoning By-law Amendment for Lands Located at 560-580 Highland Road West (Hamilton) (PED19182) (Ward 6) (Item 8.3)

(Clark/Collins)

(a) That Zoning By-law Amendment Application ZAC-19-004, by Commons Holdings Inc. (Owner) to change the zoning from the Prestige Business Park (M3) Zone to the Business Park Support (M4) Zone in order to permit a broader range of business support uses on lands located at 560-580 Highland Road West, as shown on Appendix “A” to Report PED19182, be APPROVED on the following basis:

- (i) That the draft By-law attached as Appendix “B” to Report PED19182, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
- (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2014), conforms to A Place to Grow (2019), and complies with the Urban Hamilton Official Plan.

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

Result: Main Motion, As Amended, CARRIED by a vote of 6 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
NOT PRESENT - Councillor Terry Whitehead
NOT PRESENT - Councillor Brenda Johnson
YES - Councillor Brad Clark

8. Provincial Policy Statement Review – City of Hamilton Comments (PED1988) (City Wide) (Item 10.1)

(Clark/Johnson)

(a) That the City of Hamilton supports the Province’s general directions of the Provincial Policy Statement (PPS) to promote efficient use and management of infrastructure, transit-supportive development with a range of housing options, a strong economy, and protection of agricultural lands.

(b) That the City of Hamilton does not support the proposed policy direction which emphasizes the provision of a market-based supply of housing

(policies 1.1.1, 1.4.3, 1.7.1), and further, connects the justification for a settlement area boundary expansion to the satisfaction of market demand (policy 1.1.3.8).

- (c) That the City of Hamilton does not support the following proposed changes, additions and deletions to the PPS:
- (i) Revised policies 1.1.3.6 (built form), 1.1.3.7 (phasing) and 1.6.7.2 (transportation infrastructure) which change the policy direction from “shall” to “should”. The previous wording should be maintained;
 - (ii) Proposed policy 1.3.2.5 allowing employment land conversions to occur in advance of the Municipal Comprehensive Review, which should be removed;
 - (iii) Revised policy 1.6.6.3 which identifies private communal water and sewage services to be the preferred form of servicing where municipal services are not available, which is contrary to the Rural Hamilton Official Plan. This revision should be removed;
 - (iv) Deletion of policy 1.6.7.5 which requires that transportation and land use considerations should be developed at all stages of the planning process. This policy should be maintained;
 - (v) Deletion of existing policy 2.3.6.1.b) 2) which requires that Minimum Distance Separation (MDS) formulae be applied when non-agricultural uses (excluding residential) locate in prime agricultural areas, which is intended to provide protection to the agricultural community when a new sensitive land use is introduced. This policy should be maintained;
 - (vi) Revised policy 2.5.2.2 which would allow mineral aggregate extraction to take place in certain natural heritage features where not previously permitted. This revision should be removed;
 - (vii) Proposed policy 4.7 which requires planning authorities to expedite certain priority planning applications. This policy should be removed;
 - (viii) Deletion of existing policy 4.9 (monitoring of Official Plan policies) which recognized that the policies of the PPS represented minimum standards. This policy should remain in the Implementation section; and,
 - (ix) Revised definition of Heritage Attributes which is ambiguous in relation to the wording “must be retained”. This revision should be removed.

- (d) That the City of Hamilton requires clarification and / or additional information to implement the following proposed revisions which should be provided to municipalities prior to finalizing the revised PPS:
 - (i) If revised policies 1.1.1, 1.4.3, 1.7.1 and 1.1.3.8 are maintained, the Province should provide guidance and clarification on the meaning of “market-based need” and “market demand”, including a methodology for how these terms will be calculated. In addition, the Province should confirm if, and when, a revised Land Needs Assessment Methodology will be released. The revised PPS policies should not be finalized until after municipalities have had an opportunity to comment on the additional information and revised Methodology.
 - (ii) Clarification on the expectations surrounding revised servicing policy 1.6.6.4 which would require municipalities to review long term impacts of individual private services at the time of the Official Plan review, which would require significant resources for municipalities in terms of time and finances. This should not be required as part of the Official Plan review;
 - (iii) Additional information on the role of the Special Advisor on Flooding (Section 3), including what role municipalities and conservation authorities can play in the review;
 - (iv) Information on the expectations surrounding reporting requirements and data standards in relation to proposed policy 4.9; and,
 - (v) Additional information on the implementation of the revised definition of “Conserved” and the impact on a municipality’s ability to formally protect heritage resources over the long term in the absence of the requirement to be retained under the *Ontario Heritage Act*.
- (e) That the City of Hamilton provides the following suggestions / revisions regarding the proposed policies:
 - (i) Additional wording should be added to Part IV: Vision for Ontario’s Land Use Planning System and Section 1: Managing and Directing Land Use to recognize the reality of climate change and the need for immediate actions to be taken at the provincial and local level to prevent climate change through a variety of actions, including land use planning, energy conservation and planning, sustainable design, servicing, protection of natural features and water systems, transportation considerations, protection of agricultural land, incentives, and other methods;

- (ii) The following proposed / revised policies, which address the need to respond to the “impacts of a changing climate”, be revised to also address the need for actions to prevent climate change: 1.1.1(i); 1.1.3.2(d); 1.6.1, 1.6.6.1 (b); 1.6.6.7(c); 1.8.1; 2.2.1(c); and, 3.1.3;
 - (iii) The proposed revision to policy 1.1.3.3 is unclear with regards to what constitutes a “significant” supply and should be amended to remove this reference from the policy;
 - (iv) The proposed new policy 2.1.10 regarding the management of wetlands should be amended to provide clarity on the meaning of the word “manage”, either within the policy or through a new definition;
 - (v) If revised policy 2.5.2.2 is maintained, the policy should be amended to remove the reliance on long-term rehabilitation of a natural heritage feature as justification for removal of that feature through mineral aggregate extraction. Consideration of extraction in a natural heritage feature should instead be based on the ecological value and significance of that feature. If this suggested change is not taken, clarification on how “long-term” rehabilitation is defined is required;
 - (vi) If the amendment to the definition of Heritage Attributes is maintained, the wording should be revised to reduce ambiguity, by including wording that explains the purpose for why a feature or element “must be retained” (i.e. must be retained to inform the heritage value of the protected heritage property, etc);
 - (vii) The new definition of Impacts of a Changing Climate should be revised to remove the words “potential for” and the words “and opportunities” which appear to downplay the significance of climate change which is already occurring; and,
 - (viii) The proposed revision to the definition of Significant should be amended to reduce ambiguity, including the replacement of the word “processes” with “criteria”.
- (f) That the City of Hamilton suggests that guidance documents be developed / updated by the Province to assist municipalities in implementing the following new policy directions:
- (i) Guidance on the type, level and expectations of engagement that should be undertaken for a municipality to ensure that it has satisfied the requirements of policies 1.2.2 and 2.6.5 regarding consultation with Indigenous Communities;

- (ii) Updated Ministry of Environment, Conservation and Parks (MECP) Guidelines D-1 and D-6 to address issues related to land use compatibility between major facilities and sensitive land uses, in accordance with proposed policy 1.2.6.2; and,
 - (iii) Updated MECP D-5 and B-7 Guidelines regarding planning for water and sewage services and determining negative impact arising from proposed development.
- (g) That the City of Hamilton requests that the Province address the inconsistency in definitions amongst provincial planning documents, where applicable, or include a policy in the PPS which states that where a definition within a Provincial Plan exists, the Provincial Plan definition would apply.
- (h) That the City Clerk's Office be directed to forward Report PED19188 to the Ministry of Municipal Affairs and Housing, and this Report is considered the City of Hamilton's formal comments on the Provincial Policy Statement Review.

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

9. Accessory Dwelling Units (Pilot Project) – Temporary Use By-law for City of Hamilton Zoning By-law No. 6593 (PED19176) (Wards 1 and 8) (Deferred from the September 17th meeting) (Item 10.2)

(Whitehead/Danko)

- (a) That Report PED19176 (City Initiative CI-19-D - Accessory Dwelling Units - Pilot Project for Wards 1 and 8) to establish a Temporary Use By-law to amend Section 19 – Residential Conversion zone regulations in City of Hamilton Zoning By-law No. 6593, to provide for alternative zoning by-law standards on a temporary basis for three years to facilitate the creation of accessory units in single detached and two family dwellings, as part of the Low Density Rental Housing Licensing Pilot Project in Wards 1 and 8, be received;

- (b) That Report PED19176, together with any written submissions and input from delegations of the Low Density Rental Housing Licensing Pilot Project received at Planning Committee, be referred to staff for consideration and incorporated into a further report and amending By-law to be presented to a future Planning Committee; and,
- (c) ***That a Public meeting be scheduled for the December 3, 2019 Planning Committee meeting to consider the original (pre-2018) Ward 8 boundaries that were not part of Report PED19176.***

Result: Main Motion, As Amended, CARRIED by a vote of 6 to 0, as follows:

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

10. Electric Vehicle Charging Stations in New Developments (Item 11.1)

(Danko/Clark)

WHEREAS, the City of Hamilton has declared a Climate Emergency and is moving towards a zero-carbon economy;

THEREFORE BE IT RESOLVED:

- (a) That staff be directed to investigate options available through the planning approvals process to require an appropriate number of Electric Vehicle Charging Stations to be included as part of the parking requirement for new development, and report back to the Planning Committee; and,
- (b) That staff be directed to review the City's by-laws, including the Municipal and Private Property By-law and On-Street Parking By-law, and report back with recommendations for ensuring that the City has appropriate tools and mechanisms in place to prohibit and enforce the parking of non-electric vehicles at Electric Vehicle Charging Stations in municipal parking lots and on-street parking spaces.

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
NOT PRESENT - Councillor Maria Pearson
NOT PRESENT - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES- Councillor Brenda Johnson
YES - Councillor Brad Clark

11. Use of Surplus Parking Spaces by Third Parties in Downtown Hamilton (Item 11.2)

(Farr/Collins)

WHEREAS, in 1999 in response to the demolition of commercial buildings and associated loss of economic activity and erosion of the tax base, the City of Hamilton amended the Zoning By-law No. 6593 for the Downtown to prohibit any parking lots;

WHEREAS, the 2001 Downtown Secondary Plan and implementing Zoning By-law prohibited any new surface parking lots in the Downtown;

WHEREAS, in 2017, Planning staff were directed to investigate and report back on changes to the Institutional Zones to ensure that the planning permissions reflect the general intent of the Institutional zones with respect to land use permissions;

WHEREAS, in 2017 at the request of the Chief Planner the University of Waterloo Planning programme undertook a “best practises” review of intuitional zoning by-law regulations in the Greater Golden Horseshoe to reflect the changing role of places of worship, including issues relating to financial sustainability;

WHEREAS, the 2018 Downtown Secondary Plan and associated Zoning By-law retained the prohibition on new surface parking lots in the Downtown but revised the zoning regulations for multiple dwellings to permit surplus structured parking for existing multiple dwelling sites to be used for “commercial parking” purposes;

WHEREAS, there are existing places of worship in the downtown with legally established parking areas that provide parking in an amount that exceed the day to day needs of the place of worship;

WHEREAS, surface parking lots in the Downtown are being redeveloped for residential, commercial and park purposes thereby decreasing the overall supply of parking; and,

WHEREAS, the use of surplus parking spaces by third parties would assist in the meeting the need for parking in the downtown;

THEREFORE BE IT RESOLVED:

- (a) As part of the Institutional Zoning By-law review that Planning staff report back on options and opportunities to allow for places of worship to utilize surplus parking by third parties;
- (b) That staff be authorized to schedule a public meeting of the Planning Committee to consider the proposed zoning by-law changes; and,
- (c) That staff report back no later than Q1, 2020.

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
NOT PRESENT - Councillor Maria Pearson
NOT PRESENT - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Brenda Johnson
YES - Councillor Brad Clark

12. Construction Hoarding (Item 11.3)

(Eisenberger/Farr)

WHEREAS, significant development is occurring throughout the City of Hamilton, and the City wants to ensure that new development contributes positively to the image and quality of life of Hamilton, including during the construction period;

WHEREAS, development in existing urban areas often requires the erection of construction hoarding around the site for many months;

WHEREAS, construction hoarding is regulated provincially by the Ministry of Labour, and the City's regulatory authority is limited to issues associated with general property standards;

WHEREAS, construction hoarding is often located in the public realm, and often bears Branding Signs, in accordance with the City's Sign By-law;

THEREFORE, BE IT RESOLVED:

- (a) That staff be directed to include in the update to the City's Construction Management Plan Guidelines, language to encourage developers to incorporate art or other means of beautifying construction hoarding, particularly in the case of infill development where there are existing residents and businesses located close by; and,
- (b) That staff be directed to review the City's Sign By-law, and any related City by-laws, and report back to the Planning Committee with options for charging an additional fee for construction hoarding located on the public realm that includes construction branding or advertising, with such funds to be directed toward providing public art or other beautification of construction hoarding.

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
NOT PRESENT - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES- Councillor Brenda Johnson
YES - Councillor Brad Clark
YES – Mayor Fred Eisenberger

13. Closed Session Minutes – September 17, 2019 (Item 14.1)

(Collins/Johnson)

- (a) That the Closed Session Minutes dated September 17, 2019 be approved; and,
- (b) That the Closed Session Minutes dated September 17, 2019 remain confidential.

CARRIED

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

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

1. DELEGATION REQUESTS (Item 6)

- 6.2 Karl Andrus, Hamilton Community Benefits Network, respecting Construction Hoarding (Item 11.3) (For today's meeting) – To be

moved up in the agenda to be heard after Approval of the Minutes (Item 4.1)

6.3 Lynda Lukasik, Environment Hamilton, respecting Provincial Policy Statement Review (Item 10.1) (For today's meeting)

6.4 Ken Bekendam respecting Accessory Dwelling Units – Pilot Project (Item 10.2) (For today's meeting)

2. MOTIONS (Item 11)

11.3 Construction Hoarding – To be moved up in the agenda to follow the Delegation from Karl Andrus (Item 6.2)

(Wilson/Johnson)

That the agenda for the October 1, 2019 meeting be approved, as amended.

Result: Motion CARRIED by a vote of 6 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
NOT PRESENT - Councillor Judi Partridge
NOT PRESENT - Councillor Terry Whitehead
YES - Councillor Brenda Johnson
YES - Councillor Brad Clark

(b) DECLARATIONS OF INTEREST (Item 3)

Councillor Clark declared a conflict with respect to Item 10.2 for a non-pecuniary indirect apparent conflict as he has a previous relationship with the Hamilton District Apartment Association as a former client, as he wrote "Promoting Code Compliant, Affordable, Safe, Clean and Healthy Rental Housing".

Councillor Pearson declared a conflict with respect to Item 10.2 as she is a landlord and owns rental properties.

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

(i) September 17, 2019 (Item 4.1)

(Whitehead/Johnson)

That the Minutes of the September 17, 2019 meeting be approved, as presented.

Result: Motion CARRIED by a vote of 7 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
NOT PRESENT - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Brenda Johnson
YES - Councillor Brad Clark

(d) DELEGATION REQUESTS (Item 6)

- (i) Karl Andrus, Hamilton Community Benefits Network, respecting Construction Hoarding (Item 11.3) (For today's meeting) (Added Item 6.2)**

(Farr/Wilson)

That the Delegation Request from Karl Andrus, Hamilton Community Benefits Network, respecting Construction Hoarding, be approved for today's meeting, to be heard at this time.

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
NOT PRESENT - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Brenda Johnson
YES - Councillor Brad Clark
YES – Mayor Fred Eisenberger

(e) PUBLIC HEARINGS/DELEGATIONS (Item 8)

- (i) Karl Andrus, Hamilton Community Benefits Network, respecting Construction Hoarding (Item 11.3) (For today's meeting) (Added Item 6.2)**

Karl Andrus, Hamilton Community Benefits Network, addressed the Committee regarding Construction Hoarding with the aid of a PowerPoint presentation. A copy of the presentation is available through the Office of the City Clerk or online at www.hamilton.ca.

(Danko/Collins)

That the Delegation from Karl Andrus, Hamilton Community Benefits Network, respecting Construction Hoarding, be received.

CARRIED

For disposition of this matter, refer to Item 12.

(f) DELEGATION REQUESTS (Item 6) - CONTINUED

- (i) Sergio Manchia, Ancaster Self Storage Inc. c/o UrbanCore Developments, respecting Sign Variance Appeal for 1147 Garner Road West (Item 7.2) (For today's meeting) (Item 6.1)**

(Danko/Farr)

That the Delegation Request from Sergio Manchia, Ancaster Self Storage Inc. c/o UrbanCore Developments, respecting Sign Variance Appeal for 1147 Garner Road West, be approved for today's meeting, to be heard under Item 7.2.

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
NOT PRESENT - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Brenda Johnson
YES - Councillor Brad Clark
YES – Mayor Fred Eisenberger

- (ii) Lynda Lukasik, Environment Hamilton, respecting Provincial Policy Statement Review (Item 10.1) (For today's meeting) (Added Item 6.3)**

(Wilson/Johnson)

That the Delegation Request from Lynda Lukasik, Environment Hamilton, respecting Provincial Policy Statement Review (Item 10.1), be approved for today's meeting.

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
NOT PRESENT - Councillor Brad Clark
YES – Mayor Fred Eisenberger

(iii) Ken Bekendam respecting Accessory Dwelling Units – Pilot Project (Item 10.2) (For today’s meeting) (Added Item 6.4)

(Johnson/Collins)

That the Delegation Request from Ken Bekendam respecting Accessory Dwelling Units – Pilot Project (Item 10.2), be approved for today’s meeting.

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
YES - Councillor Brenda Johnson
NOT PRESENT - Councillor Brad Clark

(g) CONSENT ITEMS (Item 7)

(i) Sign Variance Appeal SV-19-002 for the Property known as 1147 Garner Road West, Ancaster, Denied by the Director of Planning and Chief Planner and Appealed by the Owner (PED19195) (Ward 12) (Item 7.2)

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

(Whitehead/Danko)

That the presentation from Sara Rogers, be received.

CARRIED

Sergio Manchia, Ancaster Self Storage Inc. c/o UrbanCore Developments, respecting Sign Variance Appeal for 1147 Garner Road West (Item 7.2) (For today's meeting) (Item 6.1)

Sergio Manchia, Ancaster Self Storage Inc. c/o UrbanCore Developments, addressed the Committee respecting Sign Variance Appeal for 1147 Garner Road West, with the aid of a PowerPoint presentation. A copy of the presentation is available through the office of the City Clerk or online at www.hamilton.ca.

(Collins/Farr)

That the Delegation from Sergio Manchia, Ancaster Self Storage Inc. c/o UrbanCore Developments, respecting Sign Variance Appeal for 1147 Garner Road West (Item 7.2), be received.

CARRIED

(Collins/Whitehead)

That the recommendations in Report PED19195 be ***amended*** as follows:

- (a) That the Appeal of Sign Variance Application SV-19-002, by Ancaster Self Storage Inc., Owner, to permit a proposed electronic message display Ground Sign proposing a 100% electronic message display and third party advertising, increased height, decreased setback from a property line, and no display of the municipal address to be included, for the property located at 1147 Garner Road West, Ancaster, as shown on Appendix "A" to Report PED19195, be ***APPROVED***, on the following basis:

- (i) ***That 20% of the sign time be allocated for Community use at no cost; and,***
- (ii) ***That a list of Ancaster Self Storage Inc.'s related businesses, with addresses, be provided for approval by Council on October 9, 2019.***

Result: Amendment CARRIED by a vote of 6 to 2, as follows:

NO - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Chad Collins
NO - 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 2.

(h) PUBLIC HEARINGS/DELEGATIONS (Item 8) - CONTINUED

(i) Tom Ker respecting Changes in By-laws regarding Lot Sizes on the Mountain (Approved at the September 17th meeting) (Item 8.1)

Tom Ker was unable to remain at the meeting for his Delegation.

(Danko/Whitehead)

That the Delegation from Tom Ker respecting Changes in By-laws regarding Lot Sizes on the Mountain, be deferred to a future meeting of the Planning Committee.

CARRIED

(ii) Application to Amend City of Hamilton Zoning By-law No. 05-200 for Lands Located at 2274 Powerline Road West, Ancaster (PED19171) (Ward 12) (Item 8.2)

In accordance with the provisions of the *Planning Act*, Chair Pearson advised 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.

(Johnson/Farr)

That the public meeting be closed.

CARRIED

(Johnson/Farr)

That the staff presentation be waived.

CARRIED

Don Robertson, Agent, was in attendance and indicated support for the staff report.

(Farr/Collins)

That the comments from Don Robertson, Agent, be received.

CARRIED

(Johnson/Clark)

That the recommendations in Report PED19171 be amended by adding the following sub-section (b):

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

Result: Amendment CARRIED by a vote of 6 to 0, as follows:

NOT PRESENT - 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
NOT PRESENT - Councillor Terry Whitehead
YES - Councillor Brenda Johnson
YES - Councillor Brad Clark

For disposition of this matter, refer to Item 6.

(iii) Application for Zoning By-law Amendment for Lands Located at 560-580 Highland Road West (Hamilton) (PED19182) (Ward 6) (Item 8.3)

In accordance with the provisions of the *Planning Act*, Chair Pearson advised 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.

(Clark/Danko)

That the public meeting be closed.

CARRIED

(Clark/Danko)

That the staff presentation be waived.

CARRIED

James Webb, WEBB Planning Consultants, was in attendance and indicated support for the staff report.

(Clark/Farr)

That the presentation from James Webb, WEBB Planning Consultants, be received.

CARRIED

(Clark/Collins)

That the recommendations in Report PED19182 be amended by adding the following sub-section (b):

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

Result: Amendment CARRIED by a vote of 6 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
NOT PRESENT - Councillor Terry Whitehead
NOT PRESENT - Councillor Brenda Johnson
YES - Councillor Brad Clark

For disposition of this matter, refer to Item 7.

(iv) Lynda Lukasik, Environment Hamilton, respecting Provincial Policy Statement Review (Item 10.1) (For today's meeting) (Added Item 6.3)

Lynda Lukasik, Environment Hamilton, addressed the Committee respecting Provincial Policy Statement Review (Item 10.1)

(Farr/Wilson)

That the Delegation from Lynda Lukasik, Environment Hamilton, respecting Provincial Policy Statement Review (Item 10.1), be received.

CARRIED

For disposition of this matter, refer to Items 8 and (i)(i).

(v) Ken Bekendam respecting Accessory Dwelling Units – Pilot Project (Item 10.2) (For today's meeting) (Added Item 6.4)

Ken Bekendam addressed the Committee respecting Accessory Dwelling Units – Pilot Project (Item 10.2).

(Whitehead/Danko)

That the Delegation from Ken Bekendam respecting Accessory Dwelling Units – Pilot Project (Item 10.2), be received.

CARRIED

For disposition of this matter, refer to Items 9 and (i)(ii).

(i) DISCUSSION ITEMS (Item 10)

(i) Provincial Policy Statement Review – City of Hamilton Comments (PED1988) (City Wide) (Item 10.1)

Heather Travis, Senior Project Manager, addressed the Committee respecting Provincial Policy Statement Review – City of Hamilton Comments, with the aid of PowerPoint presentation. A copy of the presentation is available through the Office of the City Clerk or online at www.hamilton.ca.

(Clark/Johnson)

That the presentation from Heather Travis respecting Provincial Policy Statement Review – City of Hamilton Comments, be received.

CARRIED

For disposition of this matter, refer to Item 8.

Councillor Pearson relinquished the Chair to Councillor Farr.

(ii) Accessory Dwelling Units (Pilot Project) – Temporary Use By-law for City of Hamilton Zoning By-law No. 6593 (PED19176) (Wards 1 and 8) (Deferred from the September 17th meeting) (Item 10.2)

Timothy Lee, Senior Planner, addressed the Committee with the aid of a PowerPoint Presentation. A copy of the presentation is available through the Office of the City Clerk or online at www.hamilton.ca.

(Whitehead/Danko)

That the presentation from Timothy Lee respecting Accessory Dwelling Units (Pilot Project) – Temporary Use By-law for City of Hamilton Zoning By-law No. 6593 (PED19176), be received.

CARRIED

(Whitehead/Danko)

That the recommendations in Report PED19176 be amended by adding sub-section (c) to read as follows:

- (c) ***That a Public meeting be scheduled for the December 3, 2019 Planning Committee meeting to consider the original (pre-2018) Ward 8 boundaries that were not part of Report PED19176.***

Result: Amendment CARRIED by a vote of 6 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 9.

(j) MOTIONS (Item 11)

- (i) Community Benefits Policy Regarding Electric Message Display Signs (Added Item 11.5)**

(Collins/Johnson)

That staff be directed to develop a Community Benefits Policy as part of an updated Electric Message Display (video) Sign By-law.

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
NOT PRESENT - Councillor Maria Pearson
NOT PRESENT - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Brenda Johnson
YES - Councillor Brad Clark

(k) NOTICES OF MOTION (Item 12)

- (i) Fencing By-law Appeal Process (Added Item 12.1)**

Councillor Whitehead introduced the following Notice of Motion respecting Fencing By-law Appeal Process:

That staff be directed to look at the feasibility of having an appeal process for the Fencing By-law.

**(ii) Community Benefits Policy Regarding Electric Message Display Signs
(Added Item 12.2)**

Councillor Collins introduced a Notice of Motion respecting Community Benefits Policy Regarding Electric Message Display Signs.

(Collins/Johnson)

That the Rules of Order be waived to allow for the introduction of a Motion respecting Community Benefits Policy Regarding Electric Message Display Signs.

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

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Chad Collins
YES - Councillor John-Paul Danko
NOT PRESENT - 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 (j)(i).

(l) PRIVATE AND CONFIDENTIAL (Item 14)

(i) Closed Session Minutes – September 17, 2019 (Item 14.1)

The Committee determined they did not need to go into Closed Session for this item.

For further disposition of this matter, refer to Item 13.

(m) ADJOURNMENT (Item 15)

(Clark/Wilson)

That there being no further business, the Planning Committee be adjourned at 2:48 p.m.

CARRIED

Councillor Maria Pearson
Chair, Planning Committee

Lisa Chamberlain
Legislative Coordinator
Office of the City Clerk