



PLANNING COMMITTEE MINUTES

19-019

December 3, 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, J. Partridge, T. Whitehead

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

1. Hamilton Municipal Heritage Committee Report 19-009 (Item 7.1)

(Partridge/Collins)

(i) Inventory and Research Working Group Meeting Notes - September 23, 2019 (Item 10.1)

(a) Evergreen Farm, 389 Progreston Road, Carlisle, Pt Lot 4, Pt Lot 5 Concession 8 East

That the property located at 1389 Progreston Road, Carlisle, Pt Lot 4, Pt Lot 5 Concession 8 East, be added to the City of Hamilton Municipal Register of Properties of Cultural Heritage Value or Interest.

(ii) Funding Approval for the Purchase of Two Presentation Banners for the Hamilton Municipal Heritage Committee (Item 11.1)

That the purchase of two presentation banners with retractable stands be approved, to an upset amount of \$500, and to be funded from account 57540-812040, for use in Hamilton Municipal Heritage Committee outreach events.

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

2. Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED19227) (City Wide) (Item 7.2)

(Collins/Danko)

That Report PED19227 respecting Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications, be received.

CARRIED

3. Expanding Administrative Penalty System (APS) By-law 17-225 to include Section 3(2) of the Yard Maintenance By-law 10-118 (PED19225) (City Wide) (Item 7.3)

(Partridge/Johnson)

- (a) That the amendment to the Administrative Penalty System (APS) By-law 17-225 to include the contravention under subsection 3(2) of the Yard Maintenance By-law 10-118 described in Report PED19225, 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 PED19225, which has been prepared in a form satisfactory to the City Solicitor be enacted by Council.

Result: Motion CARRIED by a vote of 7 to 1, 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
NO - Councillor Terry Whitehead
YES - Councillor Brenda Johnson
YES - Councillor Brad Clark

4. Agriculture and Rural Affairs Advisory Committee Report 19-005 (Added Item 7.4)

(Collins/Johnson)

(a) Revised Terms of Reference - Agriculture & Rural Affairs Advisory Committee (PED19173) (Wards 9, 10, 11, 12, 13 and 15) (deferred from the September 9, 2019 meeting) (Item 10.1(a))

That the revised Agriculture and Rural Affairs Advisory Committee Terms of Reference, attached as Appendix "A" to Agriculture & Rural Affairs Advisory Committee Report 19-005, be approved.

That Report PED19173, respecting Revised Terms of Reference - Agriculture & Rural Affairs Advisory Committee, be received.

(b) Corporate Climate Change Task Force Request - Information Update (deferred from the September 9, 2019 meeting) (Item 10.2)

(i) That the Information Update, respecting a Corporate Climate Change Task Force Request, be received.

(ii) (1) That a Climate Action Working Group of the Agriculture & Rural Affairs Advisory Committee be established to assemble current knowledge on farm abatement technologies, strategies and management practices to reduce agricultural greenhouse gas emissions and sequester carbon in soil while maintaining or enhancing productivity and report back to the Agriculture & Rural Affairs Advisory Committee at each meeting; and,

(2) That the following Members of the Agriculture & Rural Affairs Advisory Committee be appointed to the Climate Action Working Group:

- (a) Cathy McMaster
- (b) Andrew Spoelstra

(c) City Assessment of Development Charges to Agriculture Organizations Without a Farm Business Registration Number (Item 10.3)

That the Agriculture & Rural Affairs Advisory Committee is supportive of all Agricultural Societies in Hamilton (Rockton, Binbrook and Ancaster) being exempted from Development Charges.

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

5. City Initiative (CI) 19-I – Modifications to the Existing Residential “ER” Zone in the Town of Ancaster Zoning By-law No. 87-57 (PED19203) (Ward 12) (Item 8.1)

(Whitehead/Farr)

- (a) That City Initiative 19-I to amend the Town of Ancaster Zoning By-law No. 87-57, to make technical changes and clarify regulations for ease of implementation to the Existing Residential “ER” Zone, be APPROVED on the following basis:
- (i) That the Draft By-law, attached as Appendix “B” to Report PED19203, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.
 - (ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (PPS) 2014, conforms with A Place to Grow Plan (2019) and, complies with the Urban Hamilton Official Plan.

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

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

6. Application to Amend the City of Hamilton Zoning By-law No. 6593 for Lands Located at 35 Sabrina Boulevard, Hamilton (PED19219) (Ward 8) (Item 8.2)

(Danko/Wilson)

- (a) That Zoning By-law Amendment Application ZAC-18-022, by Spallacci & Sons Ltd. (Owner), for a change in zoning from the “RT-20/S-1301a” (Townhouse – Maisonette) District, Modified, to the “RT-20/S-1301b-H1” (Townhouse – Maisonette – ‘Holding’) District, Modified (Blocks 1 and 2) and the “RT-20/S-1301b-H1, H2” (Townhouse – Maisonette – ‘Holding’) District, Modified (Block 3), in the City of Hamilton Zoning By-law No. 6593, to permit the development of 71 street townhouse dwellings and 260 stacked townhouse dwellings on lands located at 35 Sabrina Boulevard (Hamilton), as shown on Appendix “A” to Report PED19219, be APPROVED on the following basis:
- (i) That the draft By-law attached as Appendix “B” to Report PED19219, 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 with A Place to Grow Plan (2019) and complies with the Urban Hamilton Official Plan; and,
 - (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’ and ‘H2’ as a suffix to the proposed zoning for the following:
 - (1) The ‘H1’ symbol shall be removed conditional upon:
 - (a) That the necessary downstream sanitary sewer upgrades are completed and a suitable sanitary sewer outlet is established to the satisfaction of the Senior Director of Growth Management; and,
 - (b) That the ultimate stormwater management facility downstream of the subject site is constructed and a suitable drainage outlet is established to the satisfaction of the Senior Director of Growth Management.
 - (2) For such time as the ‘H2’ symbol is applicable to the lands, the lands shall only be used for street townhouses in accordance with the “RT-20” District provisions as contained in Section 10E of Zoning By-law No. 6593, as amended by By-law No. 09-023. The ‘H2’ symbol shall be removed conditional upon:

- (a) That Draft Plan of Subdivision 25T-200721 lapses or the owner/applicant applies for and obtains approval of a revision to Draft Plan of Subdivision 25T-200721 to the satisfaction of the Director, Planning and Chief Planner.

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

Result: Main Motion, As Amended, CARRIED by a vote of 5 to 2, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
NOT PRESENT - Councillor Chad Collins
YES - Councillor John-Paul Danko
YES - Councillor Maria Pearson
NO - Councillor Judi Partridge
NO - Councillor Terry Whitehead
NOT PRESENT - Councillor Brenda Johnson
YES - Councillor Brad Clark

7. Increase to Permit Fees Under the Building By-law (PED19224) (City Wide) (Item 8.3)

(Danko/Clark)

- (a) That the By-law, attached as Appendix "A" to Report PED19224 to amend City of Hamilton By-law No. 15-058, the Building By-law, be enacted;
- (b) That the fees prescribed in the By-law, attached as Appendix "A" to Report PED19224, be included in the User Fees and Charges By-law, replacing the fees listed under the heading "Classes of Permits and Fees under the Hamilton Building By-law".

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

8. Application for Approval of a Draft Plan of Subdivision and Draft Plan of Condominium (Common Element) for Lands Located at 84 and 96 Lakeview Drive (Stoney Creek) (PED19226) (Ward 10) (Item 8.4)

(Collins/Danko)

- (a) That Draft Plan of Subdivision Application 25T-201804, by IBI Group, on behalf of DeSantis Rose Joint Venture Inc., owner to establish a Draft Plan of Subdivision on lands located at 84 and 96 Lakeview Drive (Stoney Creek), as shown on Appendix “A”, attached to Report PED19226, be APPROVED pursuant to By-law No. 07-323 subject to the following conditions:
 - (i) That this approval apply to the Draft Plan of Subdivision application 25T-201804 prepared by IBI Group and certified by S.D. McLaren, dated September 19, 2019, consisting of four development blocks (Blocks 1-4) and a road widening block (Block 5) attached as Appendix “B” to Report PED19226;
 - (ii) That in accordance with the City’s Comprehensive Development Guidelines and Financial Policies Manual (2017), there will be no cost sharing for this subdivision;
 - (iii) That the Special Conditions of Draft Plan of Subdivision Approval 25T-201804, attached as Appendix “C” to Report PED19226, be received and endorsed by City Council;
 - (iv) That payment of Cash-in-Lieu of Parkland be required, pursuant to Section 51 of the *Planning Act*, prior to the building permit stage, and the calculation for the payment be based on the value of the lands on the day, prior to the day of issuance of each building permit, to which payment shall be based on the value of the land on the day, prior to the issuance of the first building permit, for each said Block, with the calculation of the Cash-in-Lieu of parkland payment based on the value of the lands on the day prior to the issuance of each building permit, and in the case of multiple residential blocks, prior to the issuance of the first building permit, all in accordance with the Financial Policies for Development and the City’s Parkland Dedication By-law, as approved by Council; and,
 - (v) That the Owner enter into a Standard Form, Subdivision Agreement, with Special Conditions attached as Appendix “C” to Report PED19226.
- (b) That Draft Plan of Condominium Application 25CDM-201902, by IBI Group, on behalf of DeSantis Rose Joint Venture Inc., owner to establish a Draft Plan of Condominium (Common Element) to create a private

condominium road network, sidewalks, landscaped areas, outdoor amenity areas, visitor parking areas and centralized mailboxes, on lands located at 84 and 96 Lakeview Drive (Stoney Creek), as shown on Appendix "A", attached to Report PED19226, be APPROVED pursuant to By-law No. 07-323 subject to the following conditions:

- (i) That the approval for Draft Plan of Condominium (Common Element) application 25CDM-201902 applies to the plan prepared by A.T. McLaren Limited, certified by S. D. McLaren, dated March 14, 2019, consisting of a private road network, sidewalks, landscaped areas, outdoor amenity areas, visitor parking areas and centralized mailboxes, in favour of 94 maisonette dwellings and 42 townhouse dwellings, attached as Appendix "D" to Report PED19226; and,
- (ii) That the conditions of Draft Plan of Condominium (Common Element) Approval 25CDM-201902, attached as Appendix "E" to Report PED19226, be received and endorsed by City Council.

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

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

9. Application for Amendment to Zoning By-law No. 6593 for Lands Located at 112 Springvalley Crescent, Hamilton (PED19232) (Ward 8) (Item 8.5)

(Danko/Farr)

- (a) That Zoning By-law Amendment Application ZAC-18-055, by Maria Puzzo (c/o Turkstra Mazza Associates, Owner), for a change in zoning from the "C" (Urban Protected Residential, etc.) District (Block 1) and the "D-H/S-1706" (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified, Holding (Block 2) to the "RT-30-S/1789" (Street – Townhouse) District, Modified in the City of Hamilton Zoning By-law No. 6593, to permit the development of four street townhouse dwellings fronting onto Springvalley Crescent, as shown on Appendix "A" to Report PED19232, be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix “B” to Report PED19232, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
 - (ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2014), conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019), and comply with the Urban Hamilton Official Plan.
- (b) That the Gourley Neighbourhood Plan be amended to redesignate the subject lands from “Single and Double” to “Attached Housing”; and,
- (c) ***That there were no public submissions received on this matter.***

Result: Main Motion, As Amended, CARRIED by a vote of 7 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
YES - Councillor Terry Whitehead
YES - Councillor Brenda Johnson
YES - Councillor Brad Clark

10. Temporary Use By-law to Amend Certain Regulations in Section 19 – Residential Conversion in City of Hamilton Zoning By-law No. 6593 (PED19176(a)) (Wards 1, 8 and Part of 14) (Item 8.6)

(Danko/Whitehead)

- (a) That Report PED19176(a) (City Initiative CI-19-D – Amendments to Section 19 – Residential Conversion for Wards 1, 8, and part of 14) to establish a Temporary Use By-law, by amending specific provisions of Section 19 – Residential Conversion regulations in City of Hamilton Zoning By-law No. 6593 with respect to lot area, unit size and parking (Ward 1 east of Highway 403 only), to provide for alternative zoning by-law standards on a temporary basis for three years to facilitate the creation of an accessory dwelling in single detached and two family dwellings, as part of the on-going Low Density Rental Housing Licensing Pilot Project and Zoning By-law Reform project, applicable to Wards 1, 8, and portions of 14, be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix “A” to Report PED19176(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the proposed modifications in zoning is consistent with the Provincial Policy Statement (2014), conforms to A Place to Grow (2019) and complies with the Urban Hamilton Official Plan;
- (iii) That, in the event that updated Secondary suite regulations in Zoning By-law No. 05-200, applicable to the pilot project area, are not in force and effect, then staff report back on the effectiveness of the temporary use by-law in July, 2022, being 30 months after adoption of the By-law and recommendations on whether to further extend the by-law, or make the changes permanent or cease the pilot project.

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

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

11. Animal Adoption Pilot Program (PED18004(b)) (City Wide) (Item 10.1)

(Collins/Whitehead)

That the Animal Services Animal Adoption Program, with an enhancement of one FTE, Animal Adoption Program Coordinator, fully funded by adoption revenue, be referred to the 2020 Budget Deliberation process;

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

12. Request for Access to DC Reserve “110352 Storm – Separated Sewer System” to fund Mewburn Pond (PED19216) (Ward 8) (Item 10.2)

(Danko/Whitehead)

- (a) That the budget for Capital Project “5181580586 SWMF H-24 Mewburn Pond” be increased approximately \$4.3 M (Planning and Procurement are currently negotiating with the low bid to minimize the increase required, as per policy 5.3 (4)) to be funded from DC Reserve “110352 Storm – Separated Sewer System”.
- (b) That Contract C15-26-19 (PED) – Mewburn Neighbourhood Stormwater Management Facility be awarded to Rankin Construction Inc. at a negotiated bid price.

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

13. Demolition Permit for 758 Beach Boulevard (Item 11.1)

(Collins/Farr)

That the Chief Building Official be authorized and directed to issue a demolition permit for 758 Beach Boulevard, without having to issue a building permit for the replacement dwelling at the same time, 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, subject to the issuance of a building permit, 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.

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

14. Authorization for 197073 Ontario Inc. to Apply for a Variance to a By-law for Lands Located at 154 Main Street East and 49 Walnut Street South (Added Item 12.1)

(Farr/Collins)

WHEREAS, Bill 73, *Smart Growth for our Communities Act, 2015*, placed a moratorium for minor variance applications within 2 years of passing a site specific zoning by-law amendment;

WHEREAS, the application as presented in Report PED18196 for lands including 154 Main Street East and 49 Walnut Street South was approved September 4, 2018 and is within the 2 year moratorium;

WHEREAS, Council may waive this moratorium on a site specific basis, to allow the applicant to make an application to the Committee of Adjustment; and,

WHEREAS, the application as presented in Report PED18196 was approved at a maximum height of 80 metres;

THEREFORE, BE IT RESOLVED:

That Council of the City of Hamilton provide authorization to 197073 Ontario Inc. to apply for minor variances to a by-law for lands located at 154 Main Street East and 49 Walnut Street South in order to vary building height by 3 metres, among other variances, of a site specific by-law approved within the last 2 years.

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

**15. Appointments of Planning Committee Chair and Vice Chairs for 2020
(Added Item 13.2)**

(Johnson/Clark)

That the following appointments of the Planning Committee Chair and Vice Chairs for 2020 be approved:

- (a) Chair – Councillor Farr
- (b) 1st Vice Chair – Councillor Clark
- (c) 2nd Vice Chair – Councillor Johnson

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

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

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

1. DELEGATION REQUESTS (Item 6)

- 6.1 Added Delegation Request from John Ariens, IBI Group, respecting Roof Top Noise Mitigation (For today's meeting)

2. CONSENT ITEMS (Item 7)

- 7.4 Agriculture and Rural Affairs Advisory Committee Report 19-005

3. PUBLIC HEARINGS/DELEGATIONS (Item 8)

- 8.6 (a)(iii) The Hamilton and District Apartment Association has withdrawn their Delegation and submitted written comments
- 8.6 (a)(iv) Written submission from Robert Thomas
- 8.6 (b)(i) The McMaster Students Union Delegation has been withdrawn

4. GENERAL INFORMATION/OTHER BUSINESS (Item 13)

- 13.1 Added updates to the Outstanding Business List
- 13.2 Appointments of Planning Committee Chair and Vice Chairs for 2020

(Clark/Johnson)

That the agenda for the December 3, 2019 meeting be approved, as amended.

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

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

(b) DECLARATIONS OF INTEREST (Item 3)

Councillor Pearson advised she has a conflict with Item 8.6, Temporary Use By-law to Amend Certain Regulations in Section 19 – Residential Conversion in City of Hamilton Zoning By-law No. 6593 (PED19176(a)) (Wards 1, 8 and Part of 14), as she is a landlord of rental properties.

Councillor Clark advised he has a conflict with Item 8.6, Temporary Use By-law to Amend Certain Regulations in Section 19 – Residential Conversion in City of Hamilton Zoning By-law No. 6593 (PED19176(a)) (Wards 1, 8 and Part of 14), as he has a former professional relationship with the Hamilton and District Apartment Association.

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

(i) November 19, 2019 (Item 4.1)

(Danko/Farr)

That the Minutes of the November 19, 2019 meeting be approved, as presented.

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

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

(d) DELEGATION REQUESTS (Item 6)

(i) John Ariens, IBI Group, respecting Roof Top Noise Mitigation (For today's meeting) (Added Item 6.1)

(Farr/Partridge)

That the Delegation Request from John Ariens, IBI Group, respecting Roof Top Noise Mitigation, be approved for today's meeting, to be heard at this time.

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

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

(e) PUBLIC HEARINGS/DELEGATIONS (Item 8)

(i) John Ariens, IBI Group, respecting Roof Top Noise Mitigation (For today's meeting) (Added Item 8.7)

John Ariens, IBI Group, addressed the Committee respecting Roof Top Noise Mitigation with the aid of a PowerPoint presentation. A copy of the presentation is available through the Office of the City Clerk and online at www.hamilton.ca.

(Johnson/Clark)

That the Delegates speaking time be extended by five minutes.

CARRIED

(Johnson/Partridge)

That the Delegation from John Ariens, IBI Group, respecting Roof Top Noise Mitigation, be received.

CARRIED

(Clark/Collins)

That staff be directed to report back to the January 14, 2020 Planning Committee meeting respecting options that may permit the CoMo Condos (600 North Service Road) roof top amenity area as proposed without additional noise mitigation and instead requiring the use of Warning Clauses registered on title and signage at the entry point, including a Class 4 designation and input from Legal staff.

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

(ii) City Initiative (CI) 19-I – Modifications to the Existing Residential “ER” Zone in the Town of Ancaster Zoning By-law No. 87-57 (PED19203) (Ward 12) (Item 8.1)

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.

No members of the public came forward.

(Whitehead/Clark)

That the public meeting be closed.

CARRIED

(Clark/Collins)

That the staff presentation be waived.

CARRIED

(Whitehead/Wilson)

That the recommendations in Report PED19203 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 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 5.

**(iii) Application to Amend the City of Hamilton Zoning By-law No. 6593
for Lands Located at 35 Sabrina Boulevard, Hamilton (PED19219)
(Ward 8) (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.

Michael Davis, 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 and online at www.hamilton.ca.

(Partridge/Whitehead)

That the staff presentation be received.

CARRIED

Amber Lindsay, Urban Solutions, was in attendance and indicated support for the staff report, and addressed the Committee with the aid of a PowerPoint presentation. A copy of the presentation is available through the Office of the City Clerk and online at www.hamilton.ca.

(Danko/Partridge)

That the presentation from Amber Lindsay, Urban Solutions, be received.

CARRIED

Delegations:

- (i) Lisa Ward, 1455 Garth Street, Unit 30, addressed the Committee and expressed concerns with the proposal.
- (ii) Colleen Burke, 1455 Garth Street, Unit 46, addressed the Committee and expressed concerns with the proposal.

(Danko/Farr)

That the delegations be received.

CARRIED

(Danko/Farr)

That the public meeting be closed.

CARRIED

(Farr/Whitehead)

That the draft by-law attached to Report PED19219, as Appendix "B", be amended to allow the following modifications:

- (a) ***Perimeter Blocks – Notwithstanding Section 10(F)(a), a front yard of a depth not less than 4.5 metres shall be provided and maintained except for corner lot where a minimum 3.0 metres 1.2 metres shall be provided and maintained; and,***

- (b) ***Interior Block – Where a yard abuts a street, a depth of not less than ~~3.0 metres~~ 1.2 metres shall be provided and maintained.***

Result: Amendment DEFEATED by a vote of 4 to 3, as follows:

NO - Councillor Maureen Wilson
YES - Councillor Jason Farr
NOT PRESENT - Councillor Chad Collins
NO - Councillor John-Paul Danko
YES - Councillor Maria Pearson
NO - Councillor Judi Partridge
YES - Councillor Terry Whitehead
NOT PRESENT - Councillor Brenda Johnson
NO - Councillor Brad Clark

(Danko/Wilson)

That the recommendations in Report PED19219 be amended by adding the following sub-section (b):

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

Result: Amendment CARRIED by a vote of 5 to 2, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
NOT PRESENT - Councillor Chad Collins
YES - Councillor John-Paul Danko
YES - Councillor Maria Pearson
NO - Councillor Judi Partridge
NO - Councillor Terry Whitehead
NOT PRESENT - Councillor Brenda Johnson
YES - Councillor Brad Clark

For disposition of this matter, refer to Item 6.

(iv) Increase to Permit Fees Under the Building By-law (PED19224) (City Wide) (Item 8.3)

In accordance with the provisions of the *Planning Act*, Chair Pearson advised that a public meeting was required under the *Municipal Act*, 2001, as amended.

No members of the public came forward.

(Farr/Danko)

That the public meeting be closed.

CARRIED

For disposition of this matter, refer to Item 7.

(v) Application for Approval of a Draft Plan of Subdivision and Draft Plan of Condominium (Common Element) for Lands Located at 84 and 96 Lakeview Drive (Stoney Creek) (PED19226) (Ward 10) (Item 8.4)

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

No members of the public came forward.

(Collins/Wilson)

That the public meeting be closed.

CARRIED

(Farr/Johnson)

That the staff presentation be waived.

CARRIED

John Ariens, IBI Group, was in attendance and indicated support for the staff report.

(Collins/Danko)

That the recommendations in Report PED19226 be amended by adding the following sub-section (c):

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

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 8.

(vi) Application for Amendment to Zoning By-law No. 6593 for Lands Located at 112 Springvalley Crescent, Hamilton (PED19232) (Ward 8) (Item 8.5)

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.

No members of the public came forward.

(Collins/Whitehead)

That the public meeting be closed.

CARRIED

(Danko/Wilson)

That the staff presentation be waived.

CARRIED

Spencer Skidmore, AJ Clarke & Associates, was in attendance and indicated support for the staff report.

(Danko/Collins)

That the recommendations in Report PED19232 be amended by adding the following sub-section (c):

(c) *That there were no public submissions received on 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

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

For disposition of this matter, refer to Item 9.

(vii) Temporary Use By-law to Amend Certain Regulations in Section 19 – Residential Conversion in City of Hamilton Zoning By-law No. 6593 (PED19176(a)) (Wards 1, 8 and Part of 14) (Item 8.6)

Councillor Pearson relinquished the Chair to Councillor Farr.

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

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 and online at www.hamilton.ca.

(Whitehead/Wilson)

That the staff presentation be received.

CARRIED

Delegations:

- (i) Wendy Stewart, Realtors Association of Hamilton Burlington, addressed the Committee and expressed concerns with the proposal.

(Whitehead/Johnson)

That the delegation be received.

CARRIED

Written Submissions:

- (i) McMaster University (8.6 (a)(i))
- (ii) Emily Kam (8.6 (a)(ii))
- (iii) Hamilton and District Apartment Association (8.6 (a)(iii))
- (iv) Robert Thomas (8.6 (a)(iv))

(Danko/Whitehead)

That the written submissions be received.

CARRIED

(Whitehead/Wilson)

That the public meeting be closed.

CARRIED

(Danko/Whitehead)

That the recommendations in Report PED19176(a) be amended by adding the following sub-section (b):

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

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

For disposition of this matter, refer to Item 10.

Councillor Pearson resumed the Chair.

(f) NOTICE OF MOTIONS (Item 12)

(i) Authorization for 197073 Ontario Inc. to Apply for a Variance to a By-law for Lands Located at 154 Main Street East and 49 Walnut Street South (Added Item 12.1)

Councillor Farr introduced a Notice of Motion respecting Authorization for 197073 Ontario Inc. to Apply for a Variance to a By-law for Lands Located at 154 Main Street East and 49 Walnut Street South.

(Farr/Collins)

That the Rules of Order be waived to allow for the introduction of a Motion respecting Authorization for 197073 Ontario Inc. to Apply for a Variance to a By-law for Lands Located at 154 Main Street East and 49 Walnut Street South.

Result: Motion CARRIED by a 2/3's majority 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 14.

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

(i) Outstanding Business List (Added Item 13.1)

(Whitehead/Johnson)

That the following changes to the Outstanding Business List, be approved:

(a) Items to be Removed:

18C - Animal Adoption Pilot Program
(Item 10.1 on this agenda)

19C - On Street Parking Permits - Wellington Street North
(Item 10.3 on the November 19th agenda)

19N - Development of a Rural Fill By-law
(Item 10.2 on the November 19th agenda)

19V - Accessory Dwelling Units (Pilot Project)
(Item 8.6 on this agenda)

(b) Items Requiring New Due Dates

12A - Regulation of Rental Housing
Current Due Date: December 3, 2019
Proposed New Due Date: May 19, 2020

18A - Exemption of Affordable Housing Project From Application
Fees
Current Due Date: September 3, 2019
Proposed New Due Date: March 24, 2020

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

(h) ADJOURNMENT (Item 15)

(Johnson/Clark)

That there being no further business, the Planning Committee be adjourned at 2:23 p.m.

CARRIED

Councillor Maria Pearson
Chair, Planning Committee

Lisa Chamberlain
Legislative Coordinator
Office of the City Clerk