



PLANNING COMMITTEE REPORT 21-012

August 10, 2021

9:30 a.m.

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

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

Also in Attendance: Councillor B. Clark and A. VanderBeek

THE PLANNING COMMITTEE PRESENTS REPORT 21-012 AND RESPECTFULLY RECOMMENDS:

1. **Biodiversity Action Plan – Execution of Agreement with the Hamilton Naturalists' Club (PED21065(a)) (City Wide) (Item 7.1)**
 - (a) That the Municipal Contribution Agreement, attached as Appendix "A" to Report PED21065(a)), between the City of Hamilton and the Hamilton Naturalists' Club for a one-time funding contribution towards hiring a project coordinator for the development of a Biodiversity Action Plan, be approved; and,
 - (b) That the General Manager of Planning and Economic Development (or their designate) and the General Manager of Public Works (or their designate) be authorized and directed to sign the Municipal Contribution Agreement, attached as Appendix "A" to Report PED21065(a), on behalf of the City of Hamilton.
2. **To Incorporate City Lands into Rachel Drive by By-law (PED21138) (Ward 10) (Item 7.2)**
 - (a) That the following City lands designated as Part 2 on Plan 62R-21169 be established as a public highway to form part of Rachel Drive;
 - (b) That the By-law to incorporate the City lands to form part of Rachel Drive be prepared to the satisfaction of the City Solicitor and be enacted by Council; and,

- (c) That the General Manager of Public Works be authorized and directed to register the By-law.

3. Site Alteration By-law No. 19-286 (PED19201(a)) (City Wide) (Item 7.3)

That Report PED19201(a) respecting Site Alteration By-law No. 19-286, be received.

4. Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED21153) (City Wide) (Item 7.4)

That Report PED21153 respecting Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications, be received.

5. Request to Deem Lands located at 323 Rymal Road East, Hamilton, as a Class 4 Area pursuant to the Ministry of the Environment, Conservation and Parks' (MECP) Noise Guidelines NPC-300 (PED21160) (Ward 7) (Item 7.5)

- (a) That the request by IBI Group on behalf of 133364 Ontario Inc., to deem the lands located at 323 Rymal Road East (see Appendix "A" attached to Report PED21160) as a Class 4 Area pursuant to the Ministry of the Environment, Conservation and Parks' (MECP) Noise Guidelines NPC-300 (Stationary and Transportation Sources – Approval and Planning) be approved by Council;
- (b) That the Class 4 Area designation apply only to the development proposal attached as Appendix "B" to Report PED21160 with the requirement that all noise mitigation and warning clauses be secured and implemented through the applicable Site Plan Control Approval and future Draft Plan of Condominium applications.

6. Extension to Temporary Use By-law to Zoning By-law No. 05-200 – Outdoor Commercial Patios, Addition and Extension to Temporary Use By-law to Zoning By-law No. 05-200 - Temporary Tents (CI-20-F(3)) (PED20135(b)) (City Wide) (Item 9.1)

- (a) That approval be given to City Initiative-20-F(3) Outdoor Commercial Patios and Temporary Tents for Commercial, Institutional, and Industrial Uses to amend Temporary Use by-law No. 20-181, as amended by By-law No. 20-215, under Zoning By-law No. 05-200 to further extend the time period for the outdoor commercial patio regulations until December 31, 2021, on the following basis:
 - (i) That the draft Temporary Use By-law, attached as Appendix "A" to Report PED20135(b), be approved by City Council;

- (ii) That the draft Temporary Use By-law is consistent with the Provincial Policy Statement (PPS) 2020, conforms to the A Place to Grow Plan (2020), and complies with the Urban Hamilton Official Plan.
- (b) That approval be given to City Initiative-20-F(3) Outdoor Commercial Patios and Temporary Tents for Commercial, Institutional, and Industrial Uses to amend Temporary Use by-law No. 20-214 under Zoning By-law No. 05-200 to extend the time period for permissions for temporary tents until December 31, 2021 and to extend the permissions for temporary tents to certain commercial zones, uses permitted in the Community Park (P2) Zone and the City Wide (P3) Zone, certain commercial uses and accessory commercial uses to a permitted use in certain industrial zones, on the following basis:
 - (i) That the draft Temporary Use By-law, attached as Appendix “A” to Report PED20135(b), be approved by City Council;
 - (ii) That the draft Temporary Use By-law is consistent with the Provincial Policy Statement (PPS) 2020, conforms to the A Place to Grow Plan (2020), and complies with the Urban Hamilton Official Plan.
- (c) That there were no public submissions received regarding this matter.

7. Application for Approval of a Draft Plan of Subdivision for Lands Located at 4 Vickers Road, Hamilton (PED21155) (Ward 7) (Item 9.2)

- (a) That Draft Plan of Subdivision application 25T-202004, by The Biglieri Group, on behalf of Diconzo (Linden Park) Holdings Inc., Owner, to establish a Draft Plan of Subdivision on lands located at 4 Vickers Road (Hamilton), as shown on Appendix “B”, attached to Report PED21155, be APPROVED subject to the following conditions:
 - (i) That this approval applies to the Draft Plan of Subdivision application 25T-202004 prepared by A. T. McLaren Limited and certified by S. Dan McLaren, O.L.S. dated July 15, 2020, consisting of seven development blocks (Blocks 1 - 7) attached as Appendix “B” to Report PED21155;
 - (ii) That the Special Conditions of Draft Plan of Subdivision Approval, 25T-202004, attached as Appendix “C” to Report PED21155, be received and endorsed by City Council;
 - (iii) That payment of Cash-in-Lieu of Parkland be required, pursuant to Section 51 of the *Planning Act*, with the calculation of parkland payment to be based on the value of the lands on the day prior to the day of 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;

- (iv) That the Owner enter into a Standard Form, Subdivision Agreement, with Special Conditions attached as Appendix "C" to Report PED21155;
 - (v) That in accordance with the City's Comprehensive Development Guidelines and Financial Policies Manual (2017), there will be no cost sharing for this subdivision.
- (b) That the public submissions were received and considered by the Committee in approving the application.

8. Amendments to the Property Standards and Vital Services By-law (PED21049(a)) (City Wide) (Item 10.1)

- (a) That the amendment to the City of Hamilton Property Standards By-law 10-221 with respect to improvements and maintenance involving rental properties and apartments described in Report PED21049(a) and detailed in the proposed amending By-law attached as Appendix "A" to Report PED21049(a) be approved;
- (b) That the amendment to Table 14 to the City of Hamilton Administrative Penalties By-law 17-255 described in Report PED21049(a) and detailed in the proposed amending By-law attached as Appendix "B" to Report PED21049(a) be approved;
- (c) That the amendment to the City of Hamilton Vital Services By-law 09-190 and the City of Hamilton Administrative Penalty By-law 17-255 described in Report PED21049(a) and detailed in the proposed amending By-law attached as Appendix "C" to Report PED21049(a) be approved; and,
- (d) That the amending By-laws attached as Appendix "A", Appendix "B", and Appendix "C" to Report PED21049(a), which has been prepared in a form satisfactory to the City Solicitor be enacted by Council.

9. License Rental Housing (PED21097/LS21022) (Wards 1, 8 and parts of Ward 14) (Item 10.2)

- (a) That the draft By-law "Rental Housing Units" (Schedule 31) attached as Appendix "A" to Report PED21097/LS21022, which has been prepared in a form satisfactory to the City Solicitor be referred to the September 21st, 2021 Planning Committee meeting to satisfy the public notice requirement for implementation;

- (b) That Staff prepare a transition plan to inform business property owners and tenants of the requirements of the pilot by-law, provide owners with adequate time and information to gain compliance and avoid displacement of tenants;
- (c) That Staff prepare a fee schedule to achieve full cost recovery with no net levy impact for the implementation of the 2 year pilot project in Wards 1, 8 and parts of Ward 14 at a total cost of \$2,014,992 with the creation of 10 temporary FTEs as follows: three full-time temporary zoning Staff to be funded from zoning verification fees; four full-time temporary Fire Inspectors to be funded from inspection fees; and one full-time temporary Licensing Administrator and two full-time temporary Licensing Compliance Officers to be funded from licensing fees;
- (d) That Staff report back to Planning Committee after the “Rental Housing Units” (Schedule 31) has been enacted for 18 months with an update on the pilot project; and,
- (e) That the contents of Appendix “C” to Report PED21097/LS21022 remain confidential under solicitor-client privilege.

10. Interim Control By-law Extension - Pleasantview Area (PED21157) (Ward 13) (Item 10.3)

- (a) That Interim Control By-law No. 20-186 be extended for an additional year from the date of the passing of the By-law No. 20-186 (September 10, 2020), to allow additional time to complete the Pleasantview Land Use Study and bring forward for Council’s consideration amendments to the Rural Hamilton Official Plan and Zoning By-law 05-200 to implement the Pleasantview Land Use Study, for lands located generally in the area bounded by Patterson Road to the north, Cootes Paradise to the south, Highway No. 6 to the east, and Valley Road/York Road to the west;
- (b) That the Draft By-law No. 21-XXX, attached as Appendix “B” to Report PED21157 which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council; and,
- (c) That, to provide additional opportunities for public consultation and feedback on the necessary draft Official Plan Amendment and Zoning By-law for the Pleasant View lands, and to ensure alignment with the proposed extension of Development Control on the area under the Niagara Escarpment Plan (NEP), the statutory public meeting be scheduled no earlier than November 16, 2021.

11. Pier 8 Block 16 Urban Design Guidelines and Implementation Strategy (PED21018) (Ward 2) (Item 10.4)

That the Pier 8 Block 16 Urban Design Guidelines, attached as Appendix “B” to Report PED21018, be adopted and staff be directed and authorized to use the guidelines to evaluate and guide development applications for lands identified as Pier 8 (65 Guise Street East), Block 16 in the West Harbour area, as shown on Appendix “A” to Report PED21018.

12. Demolition Permit for 323 Rymal Rd. East (Item 11.1)

WHEREAS, the owner has received conditional site plan approval and is awaiting final sign off on the Delegated Authority as per the Demolition Control By-Law and is currently working through site plan approvals.

WHEREAS, the owner has boarded up the vacant property but continues to have untoward activity at the property that is uninhabitable; and,

WHEREAS, it is not appropriate to pursue repair or restoration of this building as prescribed by the Property Standards By-law or maintain the property on the Vacant Building Registry and demolition is appropriate;

THEREFORE BE IT RESOLVED:

That the Chief Building Official be authorized to issue a demolition permit for 323 Rymal Road East, Hamilton, in accordance with By-law 09-208, as amended by By-law 13-185, pursuant to Section 33 of the *Planning Act*, as amended, without having to comply with conditions 6(a), (b), and (c) of the Demolition Control By-law 09-208.

13. Noise Concerns and Request for Expiry of Extended Construction Hours (Added Item 12.1)

WHEREAS, municipalities have the authority under the *Municipal Act, 2001* to pass a Noise By-law to regulate and prohibit with respect to noise;

WHEREAS, in response to the COVID-19 pandemic, the Ontario government sought to accelerate construction projects in municipalities;

WHEREAS, the Ontario government passed O.Reg 131/20, under the *Municipal Act, 2001* (“O.Reg 131/20”) allowing for extended construction hours for projects associated with the healthcare sector to 24 hours a day and any other construction activity in a municipality between the hours of 6am and 10pm;

WHEREAS, O.Reg 131/20 limits a municipality’s authority and enforcement through Section 451.1 of the *Municipal Act, 2001* from prohibiting and regulating noise with respect to after-hour noise from construction sites;

WHEREAS, there has been an increase in complaints as a result of after-hour noise caused by construction sites impacting the quiet enjoyment of the residents of Hamilton; and,

WHEREAS, O.Reg 131/20 is set to expire on October 7, 2021;

THEREFORE BE IT RESOLVED:

- (a) That the Mayor contact the Premier of Ontario, and local Members of Parliament to ask that the Province to promptly expediate the expiry of O.Reg 131/20, the COVID exemption for after-hours noise from construction sites.
 - (b) That the Mayor contact the Premier of Ontario, and local Members of Parliament to request that the Province not make the temporary regulations of O.Reg 131/20, or any similar restrictions, permanent through an amendment to the *Municipal Act, 2001*.
 - (c) That the request be sent to other municipalities in Ontario, including the Association of Municipalities of Ontario for their endorsement.
- 14. Update regarding Appeal to the Ontario Land Tribunal of the passing of City of Hamilton By-law No. 19-039 to Amend Hamilton Zoning By-law No. 05-200 for additional setback requirements for Warehouses in Duff's Corner, Ancaster (LS21023/PED21143) (Ward 12) (Added Item 14.2)**
- (a) That Report LS21023/PED21143 respecting Update regarding Appeal to the Ontario Land Tribunal of the passing of City of Hamilton By-law No. 19-039 To Amend Hamilton Zoning By-law No. 05-200 for additional setback requirements for Warehouses in Duff's Corner, Ancaster (Ward 12), be received;
 - (b) That Report LS21023/PED21143, its closed session recommendations (a), (b), and (c), and its Appendices "A", "B", "C", "D" "E", "F" and "G" hereto, remain confidential; and,
 - (c) That the staff direction provided in Closed Session be approved.
- 15. Waterdown Bay - 392 Dundas Street East (LS20003(a)/PED20049(a)) (Ward 15) (Added Item 14.3)**
- That Report LS20003(a)/PED20049(a) respecting Waterdown Bay – 392 Dundas Street East, be received and remain confidential.

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

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

1. COMMUNICATIONS (Item 5)

- 5.2 Viv Saunders respecting Parking By-law Officers - Private Property
- 5.3 Viv Saunders respecting Barton St EA - 2 Rural Lanes Widening to 5 Urbanized Vehicle Lanes

2. DELEGATION REQUESTS (Item 6)

- 6.1 Delegation Requests respecting Licence Rental Housing (Item 10.2) (For Today's Meeting)

(a) Virtual / Pre-recorded Delegations:

- (b) Crystal Henderson being replaced by Donna Bacher, President,

- (c) Sara Shwadchuk submitting written comments only as Item 6.1(b)(ar)

(e) Added Virtual / Pre-recorded Delegations:

- (i) Ian Borsuk
- (ii) Cameron Kroetsch
- (iii) Darlene Wesley, ACORN Hamilton
- (iv) Siobhan Teel, McMaster Students Union
- (v) Karl Andrus, Hamilton Community Benefits Network
- (vi) Rick Rankin, ACORN Hamilton
- (vii) Ruth Draaistra, MSA
- (viii) Mymoon Bhuiyan, McMaster Student Union
- (ix) Cassandra Pichler, ACORN Hamilton
- (x) Veronica Gonzalez, ACORN Hamilton
- (xi) Jonathan Lopez, ACORN Hamilton
- (xii) Alex Wilson
- (xiii) Robert Flis
- (xiv) Simranjeet Singh, McMaster Student Union
- (xv) Hunter Celenza, ACORN Hamilton
- (xvi) Michael Lopez, ACORN Hamilton
- (xvii) Jacqueline Elliot, ACORN Hamilton
- (xviii) Thomas Cooper, Hamilton Roundtable for Poverty

Reduction
(xix) Marnie Schurter, ACORN Hamilton

(f) Added Pre-recorded Submissions:

- (i) Marnie Schurter
- (ii) Rick Rankin
- (iii) Cassandra Pichler
- (iv) Jonathan Lopez
- (v) Jacqueline Elliot
- (vi) Hunter Celenza
- (vii) Ruth Draaistra - WITHDRAWN
- (viii) Michael Lopez

(b) Added Written Delegations:

- (b) Robert D. Hamilton
- (c) Nikki Ellis
- (d) John Day
- (e) Steve Greene
- (f) Hamilton and District Apartment Association
- (g) Colin Fraser
- (h) Casey Van Dijk
- (i) Ben Faber
- (j) Anne Devries
- (k) Jordan Raycroft
- (l) Pat and Al Ward
- (m) Paul Salvi
- (n) Barry Miller
- (o) C. and John Kool
- (p) Karen Ford
- (q) John Durac
- (r) Keith Clark
- (s) Cheryl Boileau
- (t) Lisa Crapsi
- (u) Chris Ferguson
- (v) Maureen McLellan
- (w) Mike and Ida Caruso
- (x) Margaret Regan
- (y) Michael Ronney
- (z) Lynn Sharpe
- (aa) Jantina and John DeVries
- (ab) John Cassidy
- (ac) John Benedetti
- (ad) Carol Pacella
- (ae) John Simpson
- (af) Jordan Cozzi

- (ag) Donna Swan and Sheila Boyd
- (ah) Edgar Rogalski
- (ai) Robert Flis
- (aj) Brian Melnike
- (ak) Guy Bisson
- (al) James Sherriff
- (am) Karen Bird
- (an) Nanette Morton
- (ao) Toni Simpson
- (ap) John Schooley
- (aq) Shannon McKnight, ACORN Hamilton
- (ar) Sara Shwadchuk

3. PUBLIC HEARINGS / DELEGATIONS (Item 9)

- 9.2 Application for Approval of a Draft Plan of Subdivision for Lands Located at 4 Vickers Road, Hamilton (PED21155) (Ward 7)

- (a) Added Written Submissions:

- (a) Nicole Thebaud

4. NOTICES OF MOTION (Item 12)

- 12.1 Noise Concerns and Request for Expiry of Extended Construction Hours

5. PRIVATE AND CONFIDENTIAL (Item 14)

- 14.2 Update regarding Appeal to the Ontario Land Tribunal of the passing of City of Hamilton By-law No. 19-039 to Amend Hamilton Zoning By-law No. 05-200 for additional setback requirements for Warehouses in Duff's Corner, Ancaster (LS21023/PED21143) (Ward 12)

- 14.3 Waterdown Bay - 392 Dundas Street East (LS20003(a)/PED20049(a)) (Ward 15)

The agenda for the August 10, 2021 meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

Councillor Pearson declared a conflict with Items 6.1, 10.2, and 14.1, which relate to Rental Housing Licensing and Item 10.1 which relates to Property Standards on rental properties, as she is a landlord of rental properties.

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

(i) July 6, 2021 (Item 4.1)

The Minutes of the July 6, 2021 meeting were approved, as presented.

(d) COMMUNICATIONS (Item 5)

(i) Communication Items 5.1, 5.2 and 5.3

The following Communications were received:

5.1 Ontario Land Tribunal (formerly LPAT) Decisions

- (a) PL130701 - 899 Nebo Road (PED13147) (September 4, 2013 Planning Committee)**

5.2 Viv Saunders respecting Parking By-law Officers - Private Property

5.3 Viv Saunders respecting Barton St EA - 2 Rural Lanes Widening to 5 Urbanized Vehicle Lanes

(e) DELEGATION REQUESTS (Item 6)

(i) Delegation Requests respecting Licence Rental Housing (Item 10.2) (For Today's Meeting) (Item 6.1)

(a) Virtual / Pre-recorded Delegations (Item 6.1(a))

The following Virtual / Pre-recorded Delegation Requests were approved for today's meeting:

- (a) Ira Rosen, Ainslie Wood Community Association**
- (b) Donna Bacher, President, Realtors Association of Hamilton-Burlington**
- (d) Rosemary Lukosius, Ainslie Wood Community Association**

(e) Added Virtual / Pre-recorded Delegations:

- (i) Ian Borsuk**
- (ii) Cameron Kroetsch**
- (iii) Darlene Wesley, ACORN Hamilton**
- (iv) Siobhan Teel, McMaster Students Union**
- (v) Karl Andrus, Hamilton Community Benefits Network**
- (vi) Rick Rankin, ACORN Hamilton**
- (vii) Ruth Draaistra, MSA**
- (viii) Mymoon Bhuiyan, McMaster Student Union**

- (ix) Cassandra Pichler, ACORN Hamilton
- (x) Veronica Gonzalez, ACORN Hamilton
- (xi) Jonathan Lopez, ACORN Hamilton
- (xii) Alex Wilson
- (xiii) Robert Flis
- (xiv) Simranjeet Singh, McMaster Student Union
- (xv) Hunter Celenza, ACORN Hamilton
- (xvi) Michael Lopez, ACORN Hamilton
- (xvii) Jacqueline Elliot, ACORN Hamilton
- (xviii) Thomas Cooper, Hamilton Roundtable for Poverty Reduction
- (xix) Marnie Schurter, ACORN Hamilton

(f) Added Pre-recorded Submissions:

- (i) Marnie Schurter
- (ii) Rick Rankin
- (iii) Cassandra Pichler
- (iv) Jonathan Lopez
- (v) Jacqueline Elliot
- (vi) Hunter Celenza
- (viii) Michael Lopez

(b) Written Delegations (Item 6.1(b))

The following Written Delegation Requests were received and referred to the consideration of Item 10.2:

- (a) Emily Kam
- (b) Robert D. Hamilton
- (c) Nikki Ellis
- (d) John Day
- (e) Steve Greene
- (f) Hamilton and District Apartment Association
- (g) Colin Fraser
- (h) Casey Van Dijk
- (i) Ben Faber
- (j) Anne Devries
- (k) Jordan Raycroft
- (l) Pat and Al Ward
- (m) Paul Salvi
- (n) Barry Miller
- (o) C. and John Kool
- (p) Karen Ford
- (q) John Durac
- (r) Keith Clark
- (s) Cheryl Boileau

- (t) Lisa Crapsi
- (u) Chris Ferguson
- (v) Maureen McLellan
- (w) Mike and Ida Caruso
- (x) Margaret Regan
- (y) Michael Ronney
- (z) Lynn Sharpe
- (aa) Jantina and John DeVries
- (ab) John Cassidy
- (ac) John Benedetti
- (ad) Carol Pacella
- (ae) John Simpson
- (af) Jordan Cozzi
- (ag) Donna Swan and Sheila Boyd
- (ah) Edgar Rogalski
- (ai) Robert Flis
- (aj) Brian Melnike
- (ak) Guy Bisson
- (al) James Sherriff
- (am) Karen Bird
- (an) Nanette Morton
- (ao) Toni Simpson
- (ap) John Schooley
- (aq) Shannon McKnight, ACORN Hamilton
- (ar) Sara Shwadchuk

(f) PUBLIC HEARINGS / DELEGATIONS (Item 9)

In accordance with the *Planning Act*, Chair Danko advised those viewing the virtual meeting that the public had been advised of how to pre-register to be a virtual delegate at the Public Meetings on today's agenda.

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

- (i) Extension to Temporary Use By-law to Zoning By-law No. 05-200 – Outdoor Commercial Patios, Addition and Extension to Temporary Use By-law to Zoning By-law No. 05-200 - Temporary Tents (CI-20-F(3)) (PED20135(b)) (City Wide) (Item 9.1)**

No members of the public were registered as Delegations.

The staff presentation was waived.

The public meeting was closed.

- (a) That approval be given to City Initiative-20-F(3) Outdoor Commercial Patios and Temporary Tents for Commercial, Institutional, and Industrial Uses to amend Temporary Use by-law No. 20-181, as amended by By-law No. 20-215, under Zoning By-law No. 05-200 to further extend the time period for the outdoor commercial patio regulations until December 31, 2021, on the following basis:
 - (i) That the draft Temporary Use By-law, attached as Appendix “A” to Report PED20135(b), be approved by City Council;
 - (ii) That the draft Temporary Use By-law is consistent with the Provincial Policy Statement (PPS) 2020, conforms to the A Place to Grow Plan (2020), and complies with the Urban Hamilton Official Plan.
- (b) That approval be given to City Initiative-20-F(3) Outdoor Commercial Patios and Temporary Tents for Commercial, Institutional, and Industrial Uses to amend Temporary Use by-law No. 20-214 under Zoning By-law No. 05-200 to extend the time period for permissions for temporary tents until December 31, 2021 and to extend the permissions for temporary tents to certain commercial zones, uses permitted in the Community Park (P2) Zone and the City Wide (P3) Zone, certain commercial uses and accessory commercial uses to a permitted use in certain industrial zones, on the following basis:
 - (i) That the draft Temporary Use By-law, attached as Appendix “A” to Report PED20135(b), be approved by City Council;
 - (ii) That the draft Temporary Use By-law is consistent with the Provincial Policy Statement (PPS) 2020, conforms to the A Place to Grow Plan (2020), and complies with the Urban Hamilton Official Plan.

The recommendations in Report PED20135(b) 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 6.

(ii) Application for Approval of a Draft Plan of Subdivision for Lands Located at 4 Vickers Road, Hamilton (PED21155) (Ward 7) (Item 9.2)

No members of the public were registered as Delegations.

The staff presentation was waived.

Mike Pettigrew with The Biglieri Group was in attendance and indicated support for the staff report.

The delegation from Mike Pettigrew with The Biglieri Group, was received.

The following written submission was received:

9.2(a) (a) Nicole Thebaud expressing concerns with the application.

The public meeting was closed.

(a) That Draft Plan of Subdivision application 25T-202004, by The Biglieri Group, on behalf of Dicenzo (Linden Park) Holdings Inc., Owner, to establish a Draft Plan of Subdivision on lands located at 4 Vickers Road (Hamilton), as shown on Appendix "B", attached to Report PED21155, be APPROVED subject to the following conditions:

- (i) That this approval applies to the Draft Plan of Subdivision application 25T-202004 prepared by A. T. McLaren Limited and certified by S. Dan McLaren, O.L.S. dated July 15, 2020, consisting of seven development blocks (Blocks 1 - 7) attached as Appendix "B" to Report PED21155;
- (ii) That the Special Conditions of Draft Plan of Subdivision Approval, 25T-202004, attached as Appendix "C" to Report PED21155, be received and endorsed by City Council;
- (iii) That payment of Cash-in-Lieu of Parkland be required, pursuant to Section 51 of the *Planning Act*, with the calculation of parkland payment to be based on the value of the lands on the day prior to the day of 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;

- (iv) That the Owner enter into a Standard Form, Subdivision Agreement, with Special Conditions attached as Appendix "C" to Report PED21155;
- (v) That in accordance with the City's Comprehensive Development Guidelines and Financial Policies Manual (2017), there will be no cost sharing for this subdivision.

The recommendations in Report PED21155 were **amended** by adding the following sub-section (b):

- (b) That the public submissions regarding this matter were received and considered by the Committee in approving the application.***

For disposition of this matter, refer to Item 7.

(iii) Delegations respecting Licence Rental Housing (Item 10.2) (Item 9.3)

The Committee was advised that the following Virtual Delegations (Item 9.3(a)(e)) were Pre-recorded submissions only:

- (vi) Rick Rankin, ACORN Hamilton
- (ix) Cassandra Pichler, ACORN Hamilton
- (xi) Johathan Lopez, ACORN Hamilton
- (xv) Hunter Celenza, ACORN Hamilton
- (xvi) Michael Lopez, ACORN Hamilton
- (xvii) Jacqueline Elliot, ACORN Hamilton
- (xix) Marnie Schurter, ACORN Hamilton

The following Virtual and Pre-recorded Delegations addressed Committee respecting Licence Rental Housing (Item 10.2):

- (a) Ira Rosen, Ainslie Wood Westdale Community Association
- (b) Donna Bacher, President, Realtors Association of Hamilton-Burlington
- (d) Rosemary Lukosius, Ainslie Wood Community Association
- (e)
 - (i) Ian Borsuk
 - (ii) Cameron Kroetsch
 - (iii) Darlene Wesley, ACORN Hamilton
 - (iv) Siobhan Teel, McMaster Students Union
 - (v) Karl Andrus, Hamilton Community Benefits Network
 - (vii) Ruth Draaistra, MSA
 - (viii) Mymoon Bhuiyan, McMaster Student Union
 - (x) Veronica Gonzalez, ACORN Hamilton
 - (xiii) Robert Flis

- (xiv) Simranjeet Singh, McMaster Student Union
- (xviii) Thomas Cooper, Hamilton Roundtable for Poverty Reduction

The Committee recessed from 12:30pm to 1:00pm.

The following Virtual and Pre-recorded Delegations addressed Committee respecting Licence Rental Housing (Item 10.2) (Continued):

- (f)
 - (i) Marnie Schurter
 - (ii) Rick Rankin
 - (iii) Cassandra Pichler
 - (iv) Jonathan Lopez
 - (v) Jacqueline Elliot
 - (vi) Hunter Celenza
 - (vii) Michael Lopez

The Virtual and Pre-recorded Delegations (Item 9.3), were received.

Alex Wilson was not in attendance when called upon to speak.

For disposition of this matter, refer to Item 9 and (l)(i).

Item 10.2 was moved to be heard after Closed Session.

For disposition of this matter, refer to Item 9 and (l)(i).

(g) DISCUSSION ITEMS (Item 10)

(i) Interim Control By-law Extension – Pleasantview Area (PED21157) (Ward 13) (Item 10.3)

Christine Newbold, Manager of Community Planning and GIS, addressed the Committee with the aid of a PowerPoint presentation.

The staff presentation was received.

- (a) That Interim Control By-law No.20-186 be extended for an additional year from the date of the passing of the By-law No. 20-186 (September 10, 2020), to allow additional time to complete the Pleasantview Land Use Study and bring forward for Council's consideration amendments to the Rural Hamilton Official Plan and Zoning By-law 05-200 to implement the Pleasantview Land Use Study, for lands located generally in the area bounded by Patterson Road to the north, Cootes Paradise to the south, Highway No. 6 to the east, and Valley Road/York Road to the west; and

- (b) That the Draft By-law No. 21-XXX, attached as Appendix “B” to Report PED21157 which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.

The recommendations in Report PED21157 were **amended** by adding the following sub-section (c) as follows:

- (c) ***That, to provide additional opportunities for public consultation and feedback on the necessary draft Official Plan Amendment and Zoning By-law for the Pleasant View lands, and to ensure alignment with the proposed extension of Development Control on the area under the Niagara Escarpment Plan (NEP), the statutory public meeting be scheduled no earlier than November 16, 2021.***

For disposition of this matter, refer to Item 10.

(ii) Pier 8 Block 16 Urban Design Guidelines and Implementation Strategy (PED21018) (Ward 2) (Item 10.4)

Jennifer Roth, Planner I, and Alissa Mahood, Senior Project Manager, addressed the Committee with the aid of a PowerPoint presentation.

The staff presentation was received.

For disposition of this matter, refer to Item 11.

(h) MOTIONS (Item 11)

Councillor Danko relinquished the Chair to Councillor Johnson to present a Motion respecting Demolition Permit for 323 Rymal Road East.

For disposition of this matter, refer to Item 12.

Councillor Danko assumed the Chair.

(i) NOTICES OF MOTION (Item 12)

(i) Noise Concerns and Request for Expiry of Extended Construction Hours (Added Item 12.1)

Councillor Johnson introduced a Notice of Motion respecting Noise Concerns and Request for Expiry of Extended Construction Hours.

The Rules of Order were waived to allow for the introduction of a Motion respecting Noise Concerns and Request for Expiry of Extended Construction Hours.

For disposition of this matter, refer to Item 13.

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

(i) Outstanding Business List (Item 13.1)

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

**(a) Items to be Transferred to the Public Works Committee
Outstanding Business List:**

21B - Advisory Committee for Persons with Disabilities Report
20-007, December 8, 2020 (Item 9.1) - Recommendation (c)

21C - Advisory Committee for Persons with Disabilities Report
20-007, December 8, 2020 (Item 9.1) - Recommendation (e)

(b) Items to be Removed:

12A – Licensing of Rental Housing
(Addressed as Item 10.2 on the August 10th agenda)

20E – Waterdown Bay – 392 Dundas Street East
(Addressed as Item 14.3 on the August 10th agenda)

21O – Extension of Support for Businesses Operating Outdoors
(Addressed as Item 9.1 on the August 10th agenda)

21P - Request to Designate 323 Rymal Road East as a Class 4
Noise Area
(Addressed as Item 7.5 on the August 10th agenda)

(k) PRIVATE AND CONFIDENTIAL (Item 14)

Committee moved into Closed Session to discuss Items 14.1, 14.2 and 14.3 pursuant to Section 9.1, Sub-sections (e), (f) and (k) of the City's Procedural By-law 21-021; and, Section 239(2), Sub-sections (e), (f) and (k) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and, a position, plan,

procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

- (i) **License Rental Housing (PED21097/LS21022) (Wards 1, 8 and part of Ward 14) (Item 14.1)**

For disposition of this matter, refer to Item 9 and (l)(i).

- (ii) **Update regarding Appeal to the Ontario Land Tribunal of the passing of City of Hamilton By-law No. 19-039 to Amend Hamilton Zoning By-law No. 05-200 for additional setback requirements for Warehouses in Duff's Corner, Ancaster (LS21023/PED21143) (Ward 12) (Added Item 14.2)**

For disposition of this matter, refer to Item 14.

- (iii) **Waterdown Bay - 392 Dundas Street East (LS20003(a)/PED20049(a)) (Ward 15) (Added Item 14.3)**

For disposition of this matter, refer to Item 15.

(l) DISCUSSION ITEMS (Item 10) – Continued

- (i) **License Rental Housing (PED21097/LS21022) (Wards 1, 8 and part of Ward 14) (Item 10.2)**

The recommendations in Report PED21097/LS21022 were ***amended*** by deleting sub-sections (a), (b), and (c), and inserting new sub-sections, and renumbering the balance as follows:

~~(a) — That consideration for a Rental Housing Licensing pilot project for Wards 1, 8 and parts of Ward 14 be postponed to Q1 2023;~~

~~(b) — That Staff report back to Planning Committee in Q1 2023 with an Information Report that includes the following:~~

~~(i) — updated information on average market rents and vacancy rates post-COVID;~~

~~(ii) — number of secondary dwelling units created and number of secondary dwelling units legalized following the City's recent adoption of the new secondary dwelling unit zoning changes; and~~

~~(iii) — complaints and enforcement activity with respect to the expanded property standards & vital services for rental housing under City of Hamilton Property Standards By-law 10-221.~~

- ~~(c)~~ ~~*That Staff be directed to re-engage with stakeholders in 2022 to re-assess and re-confirm comments and perspectives with respect to rental housing licensing post-COVID;*~~
- (a) *That the draft By-law “Rental Housing Units” (Schedule 31) attached as Appendix “A” to Report PED21097/LS21022, which has been prepared in a form satisfactory to the City Solicitor be referred to the September 21st, 2021 Planning Committee meeting to satisfy the public notice requirement for implementation;*
- (b) *That Staff prepare a transition plan to inform business property owners and tenants of the requirements of the pilot by-law, provide owners with adequate time and information to gain compliance and avoid displacement of tenants;*
- (c) *That Staff prepare a fee schedule to achieve full cost recovery with no net levy impact for the implementation of the 2 year pilot project in Wards 1, 8 and parts of Ward 14 at a total cost of \$2,014,992 with the creation of 10 temporary FTEs as follows: three full-time temporary zoning Staff to be funded from zoning verification fees; four full-time temporary Fire Inspectors to be funded from inspection fees; and one full-time temporary Licensing Administrator and two full-time temporary Licensing Compliance Officers to be funded from licensing fees;*
- (d) *That Staff report back to Planning Committee after the “Rental Housing Units” (Schedule 31) has been enacted for 18 months with an update on the pilot project.*
- ~~(d)(e)~~ That the contents of Appendix “C” to Report PED21097/LS21022 remain confidential under solicitor-client privilege; and,
- ~~(e)(f)~~ That this item be identified as complete and removed from the Planning Committee Outstanding Business List.

For disposition of this matter, refer to Item 9.

(m) ADJOURNMENT (Item 15)

There being no further business, the Planning Committee adjourned at 4:18 p.m.

Councillor J.P. Danko
Chair, Planning Committee

Lisa Kelsey
Legislative Coordinator