



PLANNING COMMITTEE MINUTES

23-001

January 17, 2023

9:30 a.m.

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

Present: Councillor M. Wilson. (Chair)
Councillor J.P. Danko (1st Vice Chair)
Councillor T. Hwang (2nd Vice Chair)
Councillors J. Beattie, C. Cassar, E. Pauls, M. Francis,
C. Kroetsch, N. Nann, M. Spadafora, M. Tadeson, A. Wilson

Also in Attendance: Councillors T. Jackson, B. Clark

Absent with Regrets: Councillor T. McMeekin - Personal

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

1. To Extend and Open a Portion of Lands as Public Highway being Nashville Circle by By-Law (PED23025) (Ward 5) (Item 9.1)

(Francis/Spadafora)

- (a) That the lands identified as Block 111 on Registered Plan 62M-965 be established as a public highway to form part of Nashville Circle;
- (b) That the By-Law to incorporate the lands to form part of Nashville Circle be prepared to the satisfaction of the City Solicitor and be enacted by Council;
- (c) That the City Solicitor, or designate, be authorized and directed to register the By- law.

Result: Motion CARRIED by a vote of 12 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
YES – Ward 2 Councillor C. Kroetsch
YES – Ward 3 Councillor N. Nann
YES – Ward 4 Councillor T. Hwang
YES – Ward 5 Councillor M. Francis
YES – Ward 7 Councillor E. Pauls

YES – Ward 8 Councillor J.P. Danko
YES – Ward 10 Councillor J. Beattie
YES – Ward 11 Councillor M. Tadeson
YES – Ward 12 Councillor C. Cassar
YES – Ward 13 Councillor A. Wilson
YES – Ward 14 Councillor M. Spadafora
NOT PRESENT – Ward 15 Councillor T. McMeekin

2. Applications for Official Plan Amendment and Zoning By-law Amendment for Lands Located at 3250 and 3260 Homestead Drive (PED23002) (Ward 11) (Item 10.1)

(Hwang/Tadeson)

- (a) That Official Plan Amendment Application UHOPA-22-010, by UrbanSolutions Planning and Land Development Consultants (c/o Matt Johnston), on behalf of 1333664 Ontario Inc. (c/o Mike Valvasori, Owner) to redesignate lands municipally known as 3250 Homestead Drive from “District Commercial” to “Mixed Use – Medium Density” on Schedule E-1 in the Urban Hamilton Official Plan and from “District Commercial” to “Mixed Use – Medium Density” in the Mount Hope Secondary Plan, to permit a three storey, 40 unit multiple dwelling on the subject lands and abutting lands, known as 3260 Homestead Drive, as shown on Appendix “A” attached to Report PED23002, be APPROVED on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED23002, be adopted by City Council;
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to the Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- (b) That Zoning By-law Amendment Application ZAC-22-020, by UrbanSolutions Planning and Land Development Consultants (c/o Matt Johnston), on behalf of 1333664 Ontario Inc. (c/o Mike Valvasori, Owner) for a change in zoning from the District Commercial (C6, 344) Zone to the Mixed Use Medium Density (C5, 823) Zone and from the Mixed Use Medium Density (C5, 652, H102) Zone to the Mixed Use Medium Density (C5, 823) Zone, to permit a three storey, 40 unit multiple dwelling for lands located at 3250 and 3260 Homestead Drive, as shown on Appendix “A” attached to Report PED23002, be APPROVED on the following basis:
- (i) That the draft By-law, attached as Appendix “C” to Report PED23002, 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 (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- (iii) That this By-law will comply with the Urban Hamilton Official Plan upon approval of Urban Hamilton Official Plan Amendment No. XX.

Result: Motion CARRIED by a vote of 12 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
YES – Ward 2 Councillor C. Kroetsch
YES – Ward 3 Councillor N. Nann
YES – Ward 4 Councillor T. Hwang
YES – Ward 5 Councillor M. Francis
YES – Ward 7 Councillor E. Pauls
YES – Ward 8 Councillor J.P. Danko
YES – Ward 10 Councillor J. Beattie
YES – Ward 11 Councillor M. Tadeson
YES – Ward 12 Councillor C. Cassar
YES – Ward 13 Councillor A. Wilson
YES – Ward 14 Councillor M. Spadafora
NOT PRESENT – Ward 15 Councillor T. McMeekin

3. Application for Amendments to the Urban Hamilton Official Plan, Stoney Creek Zoning By-law No. 3692-92, and Hamilton Zoning By-law No. 05-200, and Draft Plan of Subdivision for Lands Located at 15 Ridgeview Drive, Stoney Creek (PED23003) (Ward 9) (Item 10.2)

(Francis/Beattie)

- (a) That Urban Hamilton Official Plan Amendment Application UHOPA-17-001, by A.J Clarke and Associates (c/o Franz Kloibhofer), on behalf of 146769 Ontario Inc. (c/o Fabio and Pia Neri), Owners, to redesignate lands in the Nash Neighbourhood Secondary Plan from “Neighbourhood Park” to “Natural Open Space”; to redesignate lands from “Low Density Residential 2” to “Neighbourhood Park”, “Natural Open Space” and “Utility”; to redesignate lands from “Low Density Residential 2h” to “Low Density Residential 2” and “Utility”; to redesignate lands from “Neighbourhood Park” to “Low Density Residential 2” and “Low Density Residential 2h”; to redesignate lands from “Utility” to “Low Density Residential 2”, “Low Density Residential 2h” and “Natural Open Space”; to remove the “Proposed Roads” identification on lands and adding these lands to the “Neighbourhood Park”, “Low Density Residential 2” and “Low Density Residential 2h” designations; to realign “Proposed Road”; to remove the “Hedge Row” identification on lands; and to identify the subject

lands as a Site Specific Policy Area to permit a decrease in density in order to permit the development of the subject lands for 25 single detached dwellings (Lots 1 to 25), a Neighbourhood Park (Block 26), 51 townhouse dwellings (Blocks 27 and 28), 29 street townhouse dwellings (Blocks 29 to 34), Utilities (Block 35 to 37), Natural Open Space (Blocks 38 and 39) and the extension of a public road (Street "A"), on lands located at 15 Ridgeview Drive, as shown on Appendix "A" attached to Report PED23003, be APPROVED on the following basis:

- (i) That the draft Official Plan Amendment attached as Appendix "B" to Report PED23003, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended) and the Niagara Escarpment Plan;
- (b) That Zoning By-law Amendment Application ZAC-17-001, by A.J Clarke and Associates (c/o Franz Kloibhofer), on behalf of 146769 Ontario Inc. (c/o Fabio and Pia Neri), Owners, for a change is zoning from the Neighbourhood Development "ND" Zone to the Single Residential "R4" Zone (Block 1), Single Residential "R4-39" Zone, Modified (Block 2); Multiple Residential "RM2-47" Zone, Modified (Block 3); and Multiple Residential "RM3-72(H)" Zone, Modified, Holding (Block 4); to permit the development of 25 single detached dwellings, 29 street townhouse dwellings, 51 townhouse dwellings and the extension of a public road (Street "A"), on lands located at 15 Ridgeview Drive, as shown on Appendix "A" attached to Report PED23003, be APPROVED on the following basis:
- (i) That the draft By-law attached as Appendix "C" to Report PED23003, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) 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 'H' as a suffix to the proposed zoning for the following:

Notwithstanding the provision of Section 3.8 "Holding Zones", on those lands zoned "R4(H1)", "R4-39(H1)", "RM2-47(H1)" and "RM3-72"(H1, H2)" by this By-law, the Holding symbol (H) may be removed and thereby give effect to the R4(H1)", "R4-

39(H1)", "RM2-47(H1)" and "RM3-72(H1, H2)" Zone provisions in Section 2 above, upon completion of the following:

(H1) That Niagara Escarpment Commission (NEC) Development Permit W/R/2021-2022/203, become Final and Binding and all conditions are cleared to the satisfaction of the Niagara Escarpment Commission.

(H2) That the owner demonstrates the following:

- (aa) That the storm conveyance Block 37 has been adequately sized and designed to accommodate a storm sewer outlet and overland drainages from both Blocks 27 and 28 including Street 'A' in line with a low point on Street 'A' without having any impact on Block 27 and 28;
- (bb) That Blocks 27 and 28 top of grate (TOG) elevations for all rear yard catch basins (RYCB's) along the south limit on both Blocks 27 and 28 are set a minimum of 0.3 m above the maximum water elevation on the emergency spillway of the Stormwater Management (SWM) pond on the abutting land to the south. All RYCB's shall be designed considering 50% blockage conditions;
- (cc) That the five-year hydraulic grade line (HGL) considering five-year operating level in the abutting pond (Nash 3 pond) is below obvert of the proposed storm sewer on Street 'A' and Block 37;
- (dd) Blocks 27 and 28 shall remain undevelopable until such time as the ultimate storm water management pond facility is approved by all approval agencies with jurisdiction (MECP, City, NEC, HCA);

all to the satisfaction of the satisfaction of Director of Growth Management, Growth Management Division.

- (iii) That the proposed change in zoning are consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended) and the Niagara Escarpment Plan and Niagara Escarpment Plan;

- (iv) That this By-law will comply with the Urban Hamilton Official Plan upon approval of Urban Hamilton Official Plan Amendment No. XX;
- (c) That Zoning By-law Amendment Application ZAC-17-001, by A.J Clarke and Associates (c/o Franz Kloibhofer), on behalf of 146769 Ontario Inc. (c/o Fabio and Pia Neri), Owners, for a change in zoning from the Neighbourhood Development “ND” Zone to the Conservation / Hazard Land (P5) Zone and Neighbourhood Park (P1) Zone, in order to establish a future linkage block and protect lands located along the escarpment brow and to establish lands for a connection to the neighbourhood park to the south, on lands located at 15 Ridgeview Drive, as shown on Appendix “A” attached to Report PED23003, be APPROVED on the following basis:
 - (i) That the draft By-law, attached as Appendix “D” to Report PED23003, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) ***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 ‘H’ as a suffix to the proposed zoning for the following:***
 - “140. Notwithstanding Sections 7.1 and 7.5 of this By-law, on those lands zoned Neighbourhood Park (P1, H140) Zone and Conservation/Hazard Land (P5, H140), identified on Map Nos. 1353 and 1354 of Schedule “A” – Zoning Maps and described as 15 Ridgeview Drive, no development shall be permitted until such time as:***
 - (a) ***That Niagara Escarpment Commission (NEC) Development Permit W/R/2021-2022/203, become Final and Binding and all conditions are cleared to the satisfaction of the Niagara Escarpment Commission.***
 - (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended) and Niagara Escarpment Plan;
 - (iv) That this By-law will comply with the Urban Hamilton Official Plan upon approval of Urban Hamilton Official Plan Amendment No. XX;
- (d) That Draft Plan of Subdivision Application 25T-201701, by A.J Clarke and Associates (c/o Franz Kloibhofer), on behalf of 146769 Ontario Inc. (c/o

Fabio and Pia Neri), Owners, on lands located at 15 Ridgeview Drive, as shown on Appendix “A” attached to Report PED23003, be APPROVED, subject to the following:

- (i) That this approval apply to the Draft Plan of Subdivision “City View Estates” 25T-2017001, certified by Nicholas P. Muth, O.L.S., dated August 18, 2022, consisting of 25 lots for single detached dwellings (Lots 1 to 25), one block for parkland for the connection to a future Neighbourhood Park (Block 26), six blocks for townhouse and street townhouse development (Blocks 27 to 34), three blocks for stormwater management (Blocks 35 to 37), two blocks for natural open space protection (Blocks 38 and 39), three blocks for right of way dedications (Blocks 40 to 42), and the extension of a public roadway (Street “A”) attached as Appendix “F” to Report PED23003, subject to the Owner entering into a standard form subdivision agreement as approved by City Council and with the Special Conditions attached as Appendix “G” to Report PED23003;
- (ii) In accordance with the City’s Comprehensive Development Guidelines and Financial Policies Manual there will be no City of Hamilton cost sharing for this subdivision;
- (iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 51 of the *Planning Act*, prior to the issuance of each building permit. The calculation for the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the issuance of each building permit, all in accordance with the Financial Policies for Development and the City’s Parkland Dedication By-law, as approved by Council.

Result: Main Motion, As Amended, CARRIED by a vote of 8 to 4, as follows:

- YES – Ward 1 Councillor M. Wilson
- YES – Ward 2 Councillor C. Kroetsch
- NO – Ward 3 Councillor N. Nann
- YES – Ward 4 Councillor T. Hwang
- YES – Ward 5 Councillor M. Francis
- YES – Ward 7 Councillor E. Pauls
- NO – Ward 8 Councillor J.P. Danko
- YES – Ward 10 Councillor J. Beattie
- YES – Ward 11 Councillor M. Tadeson
- NO – Ward 12 Councillor C. Cassar
- NO – Ward 13 Councillor A. Wilson
- YES – Ward 14 Councillor M. Spadafora

NOT PRESENT – Ward 15 Councillor T. McMeekin

4. Licensing Short-Term Rental (STR) Accommodations (PED17203(c)) (City Wide (Outstanding Business List Item) (Item 11.1)

(Danko/Nann)

- (a) That Report PED17203(c), Licensing Short-Term Rental (STR) Accommodations, to license and regulate Short-Term Rentals in Hamilton, be approved;
- (b) That the By-law to amend the Licensing By-law 07-170 with respect to Short-Term Rental (STR) Accommodations outlined in Revised Appendix “D”, with the annual 120 day rental cap removed, to Report PED17203(c), which has been prepared in a form satisfactory to the City Solicitor, be approved subject to approval of items (i), (ii), (iii), (iv) and (v) below:
 - (i) That the City of Hamilton User Fees and Charges By-law 19-160 be amended to reflect the new Short-Term Rental Licensing Fee Schedule attached as Appendix “B” to Report PED17203(c);
 - (ii) That the request for 2.25 Full Time Equivalent (FTEs), with no net levy impact in the Licensing & By-law Services Division to support Licensing Short-Term Rentals Accommodations, be approved;
 - (iii) That an additional vehicle, including vehicle maintenance costs, at an estimated cost of \$42,000 be approved for Licensing and By-law Services for enforcing the Short-Term Rental Licensing program;
 - (iv) That subject to approval of (ii) and (iii) implementation costs be funded through an internal loan plus interest over a two-year term from the Investment Stabilization Reserve (112300) to be repaid once revenues are collected.
 - (v) That the Director of Licensing and By-law Services be authorized to sign any agreements between the City of Hamilton and Short-Term Rental Broker as required pursuant to the Licensing By-law 07-170 in a form satisfactory to the City Solicitor;
- (c) That Council endorse the implementation plan as detailed in Report PED17203(c) to develop, administer and enforce the licensing of Short-Term Rentals units;
- (d) That, subject to the approval of Recommendation (b), Licensing and By-law Services be directed to work with Legal Services to obtain approval for set fines with the Ministry of the Attorney General, and create

administrative penalties to amend By-law 17-225 (Administrative Penalties By-law); and,

- (e) That Item 22P respecting Licensing Short-Term Rental (STR) Accommodations be identified as complete and removed from the Planning Committee’s Outstanding Business List.

Result: Motion CARRIED by a vote of 10 to 2, as follows:

- NO – Ward 1 Councillor M. Wilson
- NO – Ward 2 Councillor C. Kroetsch
- YES – Ward 3 Councillor N. Nann
- YES – Ward 4 Councillor T. Hwang
- YES – Ward 5 Councillor M. Francis
- YES – Ward 7 Councillor E. Pauls
- YES – Ward 8 Councillor J.P. Danko
- YES – Ward 10 Councillor J. Beattie
- YES – Ward 11 Councillor M. Tadeson
- YES – Ward 12 Councillor C. Cassar
- YES – Ward 13 Councillor A. Wilson
- YES – Ward 14 Councillor M. Spadafora
- NOT PRESENT – Ward 15 Councillor T. McMeekin

5. Demolition Permit for 820 Rymal Road East, Hamilton (Added Item 12.1)

(Danko/Spadafora)

WHEREAS, the owner of the above-mentioned property would like to demolish the existing dwelling without having to obtain a Building Permit for the proposed 14 unit townhome plan prior to receiving a demolition permit at 820 Rymal Road East, Hamilton; and,

WHEREAS, there have been ongoing issues for approximately six years with the vacant single-family home being repeatedly trespassed and vandalized, creating ongoing safety and security concerns for the surrounding neighbours and owner;

THEREFORE, BE IT RESOLVED:

That the Chief Building Official be authorized to issue a demolition permit for 820 Rymal Road East, Hamilton, pursuant to Section 33 of the *Planning Act* as amended, without having to comply with the conditions in Sub-Section 6(a) of Demolition Control Area By-law 22-101.

Result: Motion CARRIED by a vote of 10 to 0, as follows:

- YES – Ward 1 Councillor M. Wilson

YES – Ward 2 Councillor C. Kroetsch
NOT PRESENT – Ward 3 Councillor N. Nann
YES – Ward 4 Councillor T. Hwang
YES – Ward 5 Councillor M. Francis
YES – Ward 7 Councillor E. Pauls
YES – Ward 8 Councillor J.P. Danko
YES – Ward 10 Councillor J. Beattie
YES – Ward 11 Councillor M. Tadeson
YES – Ward 12 Councillor C. Cassar
NOT PRESENT – Ward 13 Councillor A. Wilson
YES – Ward 14 Councillor M. Spadafora
NOT PRESENT – Ward 15 Councillor T. McMeekin

6. Appeal to the Ontario Land Tribunal (OLT) for Lack of Decision on Zoning By-law Amendment ZAC-22-025 for Lands located at 1019 Wilson Street West (LS21023(a)) (Ward 12) (Added Item 15.1)

(Cassar/Danko)

- (a) That the directions to staff in closed session respecting Confidential Report LS21023(a) be approved and remain confidential until made public as the City's position before the Ontario Land Tribunal.
- (b) That the balance of this Confidential Report LS21023(a) remain confidential.

Result: Motion CARRIED by a vote of 10 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
YES – Ward 2 Councillor C. Kroetsch
NOT PRESENT – Ward 3 Councillor N. Nann
YES – Ward 4 Councillor T. Hwang
YES – Ward 5 Councillor M. Francis
NOT PRESENT – Ward 7 Councillor E. Pauls
YES – Ward 8 Councillor J.P. Danko
YES – Ward 10 Councillor J. Beattie
YES – Ward 11 Councillor M. Tadeson
YES – Ward 12 Councillor C. Cassar
YES – Ward 13 Councillor A. Wilson
YES – Ward 14 Councillor M. Spadafora
NOT PRESENT – Ward 15 Councillor T. McMeekin

7. Appeal to the Ontario Land Tribunal for Official Plan Amendment and Zoning By-law Amendment Applications for Lands Located at 405 James Street North (LS23012) (Ward 2) (Added Item 15.2)

(Kroetsch/Cassar)

- (a) That the directions to staff in closed session respecting Confidential Report LS23012 be released to the public, following approval by Council; and
- (b) That the balance of Confidential Report LS23012 remain confidential.

Result: Motion CARRIED by a vote of 10 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
YES – Ward 2 Councillor C. Kroetsch
NOT PRESENT – Ward 3 Councillor N. Nann
YES – Ward 4 Councillor T. Hwang
YES – Ward 5 Councillor M. Francis
NOT PRESENT – Ward 7 Councillor E. Pauls
YES – Ward 8 Councillor J.P. Danko
YES – Ward 10 Councillor J. Beattie
YES – Ward 11 Councillor M. Tadeson
YES – Ward 12 Councillor C. Cassar
YES – Ward 13 Councillor A. Wilson
YES – Ward 14 Councillor M. Spadafora
NOT PRESENT – Ward 15 Councillor T. McMeekin

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

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

6. DELEGATION REQUESTS

6.1 Delegation Requests respecting Short Term Rental Licensing (Item 11.1) (For today's meeting)

- (iv) ~~Lilli Jones (in-person)~~ WITHDRAWN
- (v) Kwasi Obeng (pre-recorded)
- (vi) Cliff Lloyd (in-person)
- (vii) Norah McIntyre (in-person)
- (viii) Hamza Patel (in-person)
- (ix) Ben Oburota (virtual)
- (x) Adam Wayland, Ontario Short-term Rental Hosts Association ~~(in-person)~~ (VIRTUAL)
- (xi) Bryan and Natascha DiFrancesco (pre-recorded)
- (xii) John Thistlethwaite (in-person)
- (xiii) Bob Tyrrell (in-person)
- (xiv) Scott Ramsay (virtual)
- (xv) Melina Trindale (in-person)
- (xvi) Sally Lloyd (in-person)
- (xvii) James Buren (in-person)
- (xviii) Emily Power ~~(in-person)~~ (VIRTUAL)
- (xix) Kevin Marczi (in-person)
- (xx) Andrew Robertson (in-person)
- (xxi) Shannon Roberts (pre-recorded)
- (xxii) Sameera Prematilake (virtual)

10. PUBLIC HEARINGS

10.2 Application for Amendments to the Urban Hamilton Official Plan, Stoney Creek Zoning By-law No. 3692-92, and Hamilton Zoning By-law No. 05-200, and Draft Plan of Subdivision for Lands Located at 15 Ridgeview Drive, Stoney Creek (PED23003) (Ward 9)

- (a) Written Submissions
 - (i) Raivo Uukkivi

11. DISCUSSION ITEMS

11.1 Licensing Short-Term Rental (STR) Accommodations
(PED17203(c)) (City Wide)

(a) Written Submissions

- (iii) Lou Piriano, Realtors Association of Hamilton-Burlington
- (iv) Steven Devisser
- (v) Mark Krikke
- (vi) Gabrielle Marchese
- (vii) Hamza Patel
- (viii) Omo Aisosa-igiebor
- (ix) Bryan Adlam
- (x) Shalaine Ritchie
- (xi) Kirby Wilkins
- (xii) Alex Poliakov
- (xiii) Matthew Ferro
- (xiv) Adam Oldfield
- (xv) Paul Bellavia
- (xvi) Holly Jespersen
- (xvii) Gillian Fletcher
- (xviii) Bryan DiFrancesco
- (xix) Monica Fox
- (xx) Scott Ramsay
- (xxi) Connie Kidd
- (xxii) Toni Daramola
- (xxiii) Lynn Mackey
- (xxiv) Cale McKenna
- (xxv) Mark Wessman
- (xxvi) Sameera Prematilake
- (xxvii) Helene Ladouceur

13. NOTICES OF MOTION

- 13.1 Demolition Permit for 820 Rymal Road East, Hamilton

15. PRIVATE AND CONFIDENTIAL

- 15.1 Appeal to the Ontario Land Tribunal (OLT) for Lack of Decision on Zoning By-law Amendment ZAC-22-025 for Lands Located at 1019 Wilson Street West (LS21023(a)) (Ward 12)

- 15.2 Appeal to the Ontario Land Tribunal for Official Plan Amendment

and Zoning By-law Amendment Applications for Lands Located at
405 James Street North (LS23012) (Ward 2)

(Danko/Hwang)

That the agenda for the January 17, 2023 Planning Committee meeting be approved, as amended.

Result: Motion CARRIED by a vote of 12 to 0, as follows:

- YES – Ward 1 Councillor M. Wilson
- YES – Ward 2 Councillor C. Kroetsch
- YES – Ward 3 Councillor N. Nann
- YES – Ward 4 Councillor T. Hwang
- YES – Ward 5 Councillor M. Francis
- YES – Ward 7 Councillor E. Pauls
- YES – Ward 8 Councillor J.P. Danko
- YES – Ward 10 Councillor J. Beattie
- YES – Ward 11 Councillor M. Tadeson
- YES – Ward 12 Councillor C. Cassar
- YES – Ward 13 Councillor A. Wilson
- YES – Ward 14 Councillor M. Spadafora
- NOT PRESENT – Ward 15 Councillor T. McMeekin

(b) DECLARATIONS OF INTEREST (Item 3)

The were no declarations of interest.

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

(i) November 29, 2022 (Item 4.1)

(Francis/Cassar)

That the Minutes of the November 29, 2022 meeting be approved, as presented.

Result: Motion CARRIED by a vote of 12 to 0, as follows:

- YES – Ward 1 Councillor M. Wilson
- YES – Ward 2 Councillor C. Kroetsch
- YES – Ward 3 Councillor N. Nann
- YES – Ward 4 Councillor T. Hwang
- YES – Ward 5 Councillor M. Francis
- YES – Ward 7 Councillor E. Pauls
- YES – Ward 8 Councillor J.P. Danko
- YES – Ward 10 Councillor J. Beattie
- YES – Ward 11 Councillor M. Tadeson

YES – Ward 12 Councillor C. Cassar
YES – Ward 13 Councillor A. Wilson
YES – Ward 14 Councillor M. Spadafora
NOT PRESENT – Ward 15 Councillor T. McMeekin

(d) DELEGATION REQUESTS (Item 6)

(i) Various Delegation Requests (Items 6.1 and 6.2)

(Danko/Hwang)

That the following Delegation Requests, be approved:

- (i) Delegation Requests respecting Short Term Rental Licensing (Item 11.1) (For today's meeting) (Item 6.1)
- (i) Laura Qusen (in-person)
 - (ii) Cayley Stephenson (in-person)
 - (iii) Mark Krikke (in-person)
 - (iv) ~~Lilli Jones (in-person)~~ WITHDRAWN
 - (v) Kwasi Obeng (pre-recorded)
 - (vi) Cliff Lloyd (in-person)
 - (vii) Norah McIntyre (in-person)
 - (viii) Hamza Patel (in-person)
 - (ix) Ben Oburota (virtual)
 - (x) Adam Wayland, Ontario Short-term Rental Hosts Association ~~(in-person)~~ (VIRTUAL)
 - (xi) Bryan and Natascha DiFrancesco (pre-recorded)
 - (xii) John Thistlethwaite (in-person)
 - (xiii) Bob Tyrrell (in-person)
 - (xiv) Scott Ramsay (virtual)
 - (xv) Melina Trindale (in-person)
 - (xvi) Sally Lloyd (in-person)
 - (xvii) James Buren (in-person)
 - (xviii) Emily Power ~~(in-person)~~ (VIRTUAL)
 - (xix) Kevin Marczi (in-person)
 - (xx) Andrew Robertson (in-person)
 - (xxi) Shannon Roberts (pre-recorded)
 - (xxii) Sameera Prematilake (virtual)
- (ii) Frank Lenarduzzi respecting Expansion of Permitted Uses for P4 Zoning (For the January 31st meeting) (Item 6.2)

Result: Motion CARRIED by a vote of 12 to 0, as follows:

YES – Ward 1 Councillor M. Wilson

YES – Ward 2 Councillor C. Kroetsch
YES – Ward 3 Councillor N. Nann
YES – Ward 4 Councillor T. Hwang
YES – Ward 5 Councillor M. Francis
YES – Ward 7 Councillor E. Pauls
YES – Ward 8 Councillor J.P. Danko
YES – Ward 10 Councillor J. Beattie
YES – Ward 11 Councillor M. Tadeson
YES – Ward 12 Councillor C. Cassar
YES – Ward 13 Councillor A. Wilson
YES – Ward 14 Councillor M. Spadafora
NOT PRESENT – Ward 15 Councillor T. McMeekin

(e) DELEGATIONS (Item 8)

**(i) Delegations respecting Short Term Rental Licensing (Item 11.1)
(Added Item 8.1)**

Chair M. Wilson advised that the in-person and virtual delegations would all be heard before the pre-recorded submissions.

The following Delegations were not in attendance when called upon:

- (ii) Cayley Stephenson
- (v) Kwasi Obeng
- (viii) Hamza Patel
- (ix) Ben Oburota (virtual)
- (xii) John Thistlethwaite (in-person)
- (xiv) Scott Ramsay (virtual)
- (xix) Kevin Marczi (in-person)

The following Delegations addressed the Committee respecting Short Term Rental Licensing (Item 11.1):

- (i) Laura Qusen (in-person)
- (iii) Mark Krikke (in-person)
- (vi) Cliff Lloyd (in-person)
- (vii) Norah McIntyre (in-person)
- (x) Adam Wayland, Ontario Short-term Rental Hosts Association (virtual)
- (xiii) Bob Tyrrell (in-person)
- (xv) Melina Trindale (virtual)
- (xvi) Sally Lloyd (in-person)
- (xvii) James Buren (in-person)
- (xviii) Emily Power (virtual)

- (xx) Andrew Robertson (in-person)
- (xxii) Sameera Prematilake (virtual)
- (xxi) Shannon Roberts (pre-recorded)
- (xi) Bryan and Natascha DiFrancesco (pre-recorded)

(Beattie/Francis)

That the time limit for the Delegation from Bryan and Natascha DiFrancesco be extended to sixteen minutes to allow for the playing of their pre-recorded submission.

Result: Motion CARRIED by a vote of 7 to 4, as follows:

- YES – Ward 1 Councillor M. Wilson
- YES – Ward 2 Councillor C. Kroetsch
- YES – Ward 3 Councillor N. Nann
- YES – Ward 4 Councillor T. Hwang
- YES – Ward 5 Councillor M. Francis
- YES – Ward 7 Councillor E. Pauls
- NO – Ward 8 Councillor J.P. Danko
- YES – Ward 10 Councillor J. Beattie
- YES – Ward 11 Councillor M. Tadeson
- NO – Ward 12 Councillor C. Cassar
- NO – Ward 13 Councillor A. Wilson
- NO – Ward 14 Councillor M. Spadafora
- NOT PRESENT – Ward 15 Councillor T. McMeekin

(A. Wilson/Hwang)

That the following Delegations respecting Short Term Rental Licensing (Item 11.1), be received:

- (i) Laura Qusen (in-person)
- (iii) Mark Krikke (in-person)
- (vi) Cliff Lloyd (in-person)
- (vii) Norah McIntyre (in-person)
- (x) Adam Wayland, Ontario Short-term Rental Hosts Association (virtual)
- (xiii) Bob Tyrrell (in-person)
- (xv) Melina Trindale (virtual)
- (xvi) Sally Lloyd (in-person)
- (xvii) James Buren (in-person)
- (xviii) Emily Power (virtual)
- (xx) Andrew Robertson (in-person)
- (xxii) Sameera Prematilake (virtual)
- (xxi) Shannon Roberts (pre-recorded)
- (xi) Bryan and Natascha DiFrancesco (pre-recorded)

Result: Motion CARRIED by a vote of 12 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
YES – Ward 2 Councillor C. Kroetsch
YES – Ward 3 Councillor N. Nann
YES – Ward 4 Councillor T. Hwang
YES – Ward 5 Councillor M. Francis
YES – Ward 7 Councillor E. Pauls
YES – Ward 8 Councillor J.P. Danko
YES – Ward 10 Councillor J. Beattie
YES – Ward 11 Councillor M. Tadeson
YES – Ward 12 Councillor C. Cassar
YES – Ward 13 Councillor A. Wilson
YES – Ward 14 Councillor M. Spadafora
NOT PRESENT – Ward 15 Councillor T. McMeekin

(Hwang/Tadeson)

That the Committee recess until 12:32 p.m.

Result: Motion CARRIED by a vote of 12 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
YES – Ward 2 Councillor C. Kroetsch
YES – Ward 3 Councillor N. Nann
YES – Ward 4 Councillor T. Hwang
YES – Ward 5 Councillor M. Francis
YES – Ward 7 Councillor E. Pauls
YES – Ward 8 Councillor J.P. Danko
YES – Ward 10 Councillor J. Beattie
YES – Ward 11 Councillor M. Tadeson
YES – Ward 12 Councillor C. Cassar
YES – Ward 13 Councillor A. Wilson
YES – Ward 14 Councillor M. Spadafora
NOT PRESENT – Ward 15 Councillor T. McMeekin

(f) PUBLIC HEARINGS (Item 10)

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

In accordance with the provisions of the *Planning Act*, Chair M. Wilson 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 Development 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) Applications for Official Plan Amendment and Zoning By-law Amendment for Lands Located at 3250 and 3260 Homestead Drive (PED23002) (Ward 11) (Item 10.1)

James Van Rooi, Planner I, addressed the Committee with the aid of a PowerPoint presentation.

(Tadeson/Spadafora)

That the staff presentation be received.

Result: Motion CARRIED by a vote of 12 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
YES – Ward 2 Councillor C. Kroetsch
YES – Ward 3 Councillor N. Nann
YES – Ward 4 Councillor T. Hwang
YES – Ward 5 Councillor M. Francis
YES – Ward 7 Councillor E. Pauls
YES – Ward 8 Councillor J.P. Danko
YES – Ward 10 Councillor J. Beattie
YES – Ward 11 Councillor M. Tadeson
YES – Ward 12 Councillor C. Cassar
YES – Ward 13 Councillor A. Wilson
YES – Ward 14 Councillor M. Spadafora
NOT PRESENT – Ward 15 Councillor T. McMeekin

Matt Johnston with Urban Solutions, was in attendance and indicated support for the staff report.

(Tadeson/Francis)

That the delegation from Matt Johnston with Urban Solutions, be received.

Result: Motion CARRIED by a vote of 12 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
YES – Ward 2 Councillor C. Kroetsch
YES – Ward 3 Councillor N. Nann
YES – Ward 4 Councillor T. Hwang

YES – Ward 5 Councillor M. Francis
YES – Ward 7 Councillor E. Pauls
YES – Ward 8 Councillor J.P. Danko
YES – Ward 10 Councillor J. Beattie
YES – Ward 11 Councillor M. Tadeson
YES – Ward 12 Councillor C. Cassar
YES – Ward 13 Councillor A. Wilson
YES – Ward 14 Councillor M. Spadafora
NOT PRESENT – Ward 15 Councillor T. McMeekin

Chair M. Wilson called three times for public delegations and none came forward.

(Tadeson/Spadafora)

- (a) That the written submissions in the Staff report, regarding this matter were received and considered by the Committee; and,
- (b) That the public meeting be closed.

Result: Motion CARRIED by a vote of 12 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
YES – Ward 2 Councillor C. Kroetsch
YES – Ward 3 Councillor N. Nann
YES – Ward 4 Councillor T. Hwang
YES – Ward 5 Councillor M. Francis
YES – Ward 7 Councillor E. Pauls
YES – Ward 8 Councillor J.P. Danko
YES – Ward 10 Councillor J. Beattie
YES – Ward 11 Councillor M. Tadeson
YES – Ward 12 Councillor C. Cassar
YES – Ward 13 Councillor A. Wilson
YES – Ward 14 Councillor M. Spadafora
NOT PRESENT – Ward 15 Councillor T. McMeekin

For disposition of this matter, refer to Item 2.

- (ii) **Application for Amendments to the Urban Hamilton Official Plan, Stoney Creek Zoning By-law No. 3692-92, and Hamilton Zoning By-law No. 05-200, and Draft Plan of Subdivision for Lands Located at 15 Ridgeview Drive, Stoney Creek (PED23003) (Ward 9) (Item 10.2)**

Michael Fiorino, Planner II, addressed the Committee with the aid of a PowerPoint presentation.

(Francis/Beattie)

That the staff presentation be received.

Result: Motion CARRIED by a vote of 12 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
YES – Ward 2 Councillor C. Kroetsch
YES – Ward 3 Councillor N. Nann
YES – Ward 4 Councillor T. Hwang
YES – Ward 5 Councillor M. Francis
YES – Ward 7 Councillor E. Pauls
YES – Ward 8 Councillor J.P. Danko
YES – Ward 10 Councillor J. Beattie
YES – Ward 11 Councillor M. Tadeson
YES – Ward 12 Councillor C. Cassar
YES – Ward 13 Councillor A. Wilson
YES – Ward 14 Councillor M. Spadafora
NOT PRESENT – Ward 15 Councillor T. McMeekin

Franz Kloibhofer with AJ Clarke & Associates, was in attendance and indicated support for the staff report.

(Tadeson/Nann)

That the delegation from Franz Kloibhofer with AJ Clarke & Associates, be received.

Result: Motion CARRIED by a vote of 12 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
YES – Ward 2 Councillor C. Kroetsch
YES – Ward 3 Councillor N. Nann
YES – Ward 4 Councillor T. Hwang
YES – Ward 5 Councillor M. Francis
YES – Ward 7 Councillor E. Pauls
YES – Ward 8 Councillor J.P. Danko
YES – Ward 10 Councillor J. Beattie
YES – Ward 11 Councillor M. Tadeson
YES – Ward 12 Councillor C. Cassar
YES – Ward 13 Councillor A. Wilson
YES – Ward 14 Councillor M. Spadafora
NOT PRESENT – Ward 15 Councillor T. McMeekin

Chair M. Wilson called three times for public delegations and none came forward.

(Francis/Hwang)

- (a) That the following written submission regarding this matter was received and considered by the Committee;
 - (i) Raivo Uukkivi, in opposition to the proposal
- (b) That the public meeting be closed.

Result: Motion CARRIED by a vote of 12 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
YES – Ward 2 Councillor C. Kroetsch
YES – Ward 3 Councillor N. Nann
YES – Ward 4 Councillor T. Hwang
YES – Ward 5 Councillor M. Francis
YES – Ward 7 Councillor E. Pauls
YES – Ward 8 Councillor J.P. Danko
YES – Ward 10 Councillor J. Beattie
YES – Ward 11 Councillor M. Tadeson
YES – Ward 12 Councillor C. Cassar
YES – Ward 13 Councillor A. Wilson
YES – Ward 14 Councillor M. Spadafora
NOT PRESENT – Ward 15 Councillor T. McMeekin

(Spadafora/Hwang)

- (a) That Urban Hamilton Official Plan Amendment Application UHOPA-17-001, by A.J Clarke and Associates (c/o Franz Kloibhofer), on behalf of 146769 Ontario Inc. (c/o Fabio and Pia Neri), Owners, to redesignate lands in the Nash Neighbourhood Secondary Plan from “Neighbourhood Park” to “Natural Open Space”; to redesignate lands from “Low Density Residential 2” to “Neighbourhood Park”, “Natural Open Space” and “Utility”; to redesignate lands from “Low Density Residential 2h” to “Low Density Residential 2” and “Utility”; to redesignate lands from “Neighbourhood Park” to “Low Density Residential 2” and “Low Density Residential 2h”; to redesignate lands from “Utility” to “Low Density Residential 2”, “Low Density Residential 2h” and “Natural Open Space”; to remove the “Proposed Roads” identification on lands and adding these lands to the “Neighbourhood Park”, “Low Density Residential 2” and “Low Density Residential 2h” designations; to realign “Proposed Road”; to remove the “Hedge Row” identification on lands; and to identify the subject lands as a Site Specific Policy Area to permit a decrease in density in order to permit the development of the subject lands for 25 single detached dwellings (Lots 1 to 25), a Neighbourhood Park (Block 26), 51 townhouse dwellings (Blocks

27 and 28), 29 street townhouse dwellings (Blocks 29 to 34), Utilities (Block 35 to 37), Natural Open Space (Blocks 38 and 39) and the extension of a public road (Street "A"), on lands located at 15 Ridgeview Drive, as shown on Appendix "A" attached to Report PED23003, be APPROVED on the following basis:

- (i) That the draft Official Plan Amendment attached as Appendix "B" to Report PED23003, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended) and the Niagara Escarpment Plan;
- (b) That Zoning By-law Amendment Application ZAC-17-001, by A.J Clarke and Associates (c/o Franz Kloibhofer), on behalf of 146769 Ontario Inc. (c/o Fabio and Pia Neri), Owners, for a change is zoning from the Neighbourhood Development "ND" Zone to the Single Residential "R4" Zone (Block 1), Single Residential "R4-39" Zone, Modified (Block 2); Multiple Residential "RM2-47" Zone, Modified (Block 3); and Multiple Residential "RM3-72(H)" Zone, Modified, Holding (Block 4); to permit the development of 25 single detached dwellings, 29 street townhouse dwellings, 51 townhouse dwellings and the extension of a public road (Street "A"), on lands located at 15 Ridgeview Drive, as shown on Appendix "A" attached to Report PED23003, be APPROVED on the following basis:
- (i) That the draft By-law attached as Appendix "C" to Report PED23003, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) 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 'H' as a suffix to the proposed zoning for the following:

Notwithstanding the provision of Section 3.8 "Holding Zones", on those lands zoned "RM3-72"(H)" by this By-law, the Holding symbol (H) may be removed and thereby give effect to the "RM3-72(H)" Zone provisions in Section 2 above, upon completion of the following:

- (1) That the owner demonstrates the following:

- (aa) That the storm conveyance Block 37 has been adequately sized and designed to accommodate a storm sewer outlet and overland drainages from both Blocks 27 and 28 including Street 'A' in line with a low point on Street 'A' without having any impact on Block 27 and 28;
- (bb) That Blocks 27 and 28 top of grate (TOG) elevations for all rear yard catch basins (RYCB's) along the south limit on both Blocks 27 and 28 are set a minimum of 0.3 m above the maximum water elevation on the emergency spillway of the Stormwater Management (SWM) pond on the abutting land to the south. All RYCB's shall be designed considering 50% blockage conditions;
- (cc) That the five-year hydraulic grade line (HGL) considering five-year operating level in the abutting pond (Nash 3 pond) is below obvert of the proposed storm sewer on Street 'A' and Block 37;
- (dd) Blocks 27 and 28 shall remain undevelopable until such time as the ultimate storm water management pond facility is approved by all approval agencies with jurisdiction (MECP, City, NEC, HCA);

all to the satisfaction of the satisfaction of Director of Growth Management, Growth Management Division.

- (iii) That the proposed change in zoning are consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended) and the Niagara Escarpment Plan and Niagara Escarpment Plan;
- (iv) That this By-law will comply with the Urban Hamilton Official Plan upon approval of Urban Hamilton Official Plan Amendment No. XX;
- (c) That Zoning By-law Amendment Application ZAC-17-001, by A.J Clarke and Associates (c/o Franz Kloibhofer), on behalf of 146769 Ontario Inc. (c/o Fabio and Pia Neri), Owners, for a change in zoning from the Neighbourhood Development "ND" Zone to the Conservation / Hazard Land (P5) Zone and Neighbourhood Park (P1) Zone, in order to establish a future linkage block and protect lands located along the escarpment

brow and to establish lands for a connection to the neighbourhood park to the south, on lands located at 15 Ridgeview Drive, as shown on Appendix "A" attached to Report PED23003, be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix "D" to Report PED23003, 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 (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended) and Niagara Escarpment Plan;
 - (iii) That this By-law will comply with the Urban Hamilton Official Plan upon approval of Urban Hamilton Official Plan Amendment No. XX;
- (d) That Draft Plan of Subdivision Application 25T-201701, by A.J Clarke and Associates (c/o Franz Kloibhofer), on behalf of 146769 Ontario Inc. (c/o Fabio and Pia Neri), Owners, on lands located at 15 Ridgeview Drive, as shown on Appendix "A" attached to Report PED23003, be APPROVED, subject to the following:
- (i) That this approval apply to the Draft Plan of Subdivision "City View Estates" 25T-2017001, certified by Nicholas P. Muth, O.L.S., dated August 18, 2022, consisting of 25 lots for single detached dwellings (Lots 1 to 25), one block for parkland for the connection to a future Neighbourhood Park (Block 26), six blocks for townhouse and street townhouse development (Blocks 27 to 34), three blocks for stormwater management (Blocks 35 to 37), two blocks for natural open space protection (Blocks 38 and 39), three blocks for right of way dedications (Blocks 40 to 42), and the extension of a public roadway (Street "A") attached as Appendix "F" to Report PED23003, subject to the Owner entering into a standard form subdivision agreement as approved by City Council and with the Special Conditions attached as Appendix "G" to Report PED23003;
 - (ii) In accordance with the City's Comprehensive Development Guidelines and Financial Policies Manual there will be no City of Hamilton cost sharing for this subdivision;
 - (iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 51 of the *Planning Act*, prior to the issuance of each building permit. The calculation for the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the issuance of each building permit, all in accordance with the Financial Policies

for Development and the City's Parkland Dedication By-law, as approved by Council.

(Spadafora/Hwang)

That the recommendations in Report PED23003 respecting the Application for Amendments to the Urban Hamilton Official Plan, Stoney Creek Zoning By-law No. 3692-92, and Hamilton Zoning By-law No. 05-200, and Draft Plan of Subdivision for Lands Located at 15 Ridgeway Drive, Stoney Creek, be **amended**, as follows:

- (a) To add new sub-sections (b) (ii) (H1) and (H2) as follows:
 - (ii) 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 'H' as a suffix to the proposed zoning for the following:

~~Notwithstanding the provision of Section 3.8 "Holding Zones", on those lands zoned "RM3-72"(H)" by this By-law, the Holding symbol (H) may be removed and thereby give effect to the "RM3-72(H)" Zone provisions in Section 2 above, upon completion of the following:~~

Notwithstanding the provision of Section 3.8 "Holding Zones", on those lands zoned "R4(H1)", "R4-39(H1)", "RM2-47(H1)" and "RM3-72"(H1, H2)" by this By-law, the Holding symbol (H) may be removed and thereby give effect to the R4(H1)", "R4-39(H1)", "RM2-47(H1)" and "RM3-72(H1, H2)" Zone provisions in Section 2 above, upon completion of the following:

(H1) That Niagara Escarpment Commission (NEC) Development Permit W/R/2021-2022/203, become Final and Binding and all conditions are cleared to the satisfaction of the Niagara Escarpment Commission.

~~***(1) That the owner demonstrates the following:***~~

(H2) That the owner demonstrates the following:

- (aa) That the storm conveyance Block 37 has been adequately sized and designed to accommodate a storm sewer outlet and overland drainages from both Blocks 27 and 28 including Street 'A' in line with a low point on

Street 'A' without having any impact on Block 27 and 28;

- (bb) That Blocks 27 and 28 top of grate (TOG) elevations for all rear yard catch basins (RYCB's) along the south limit on both Blocks 27 and 28 are set a minimum of 0.3 m above the maximum water elevation on the emergency spillway of the Stormwater Management (SWM) pond on the abutting land to the south. All RYCB's shall be designed considering 50% blockage conditions;
 - (cc) That the five-year hydraulic grade line (HGL) considering five-year operating level in the abutting pond (Nash 3 pond) is below obvert of the proposed storm sewer on Street 'A' and Block 37;
 - (dd) Blocks 27 and 28 shall remain undevelopable until such time as the ultimate storm water management pond facility is approved by all approval agencies with jurisdiction (MECP, City, NEC, HCA);
- (b) To add new sub-sections (c) (ii) and renumber the balance accordingly, as follows:
- (c) That Zoning By-law Amendment Application ZAC-17-001, by A.J Clarke and Associates (c/o Franz Kloibhofer), on behalf of 146769 Ontario Inc. (c/o Fabio and Pia Neri), Owners, for a change in zoning from the Neighbourhood Development "ND" Zone to the Conservation / Hazard Land (P5) Zone and Neighbourhood Park (P1) Zone, in order to establish a future linkage block and protect lands located along the escarpment brow and to establish lands for a connection to the neighbourhood park to the south, on lands located at 15 Ridgeview Drive, as shown on Appendix "A" attached to Report PED23003, be APPROVED on the following basis:
 - (i) That the draft By-law, attached as Appendix "D" to Report PED23003, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

- (ii) ***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 ‘H’ as a suffix to the proposed zoning for the following:***

“140. Notwithstanding Sections 7.1 and 7.5 of this By-law, on those lands zoned Neighbourhood Park (P1, H140) Zone and Conservation/Hazard Land (P5, H140), identified on Map Nos. 1353 and 1354 of Schedule “A” – Zoning Maps and described as 15 Ridgeview Drive, no development shall be permitted until such time as:

- (a) ***That Niagara Escarpment Commission (NEC) Development Permit W/R/2021-2022/203, become Final and Binding and all conditions are cleared to the satisfaction of the Niagara Escarpment Commission.***

~~(ii)~~(iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended) and Niagara Escarpment Plan;

~~(iii)~~(iv) That this By-law will comply with the Urban Hamilton Official Plan upon approval of Urban Hamilton Official Plan Amendment No. XX;

Result: Amendment CARRIED by a vote of 12 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
YES – Ward 2 Councillor C. Kroetsch
YES – Ward 3 Councillor N. Nann
YES – Ward 4 Councillor T. Hwang
YES – Ward 5 Councillor M. Francis
YES – Ward 7 Councillor E. Pauls
YES – Ward 8 Councillor J.P. Danko
YES – Ward 10 Councillor J. Beattie
YES – Ward 11 Councillor M. Tadeson
YES – Ward 12 Councillor C. Cassar
YES – Ward 13 Councillor A. Wilson

YES – Ward 14 Councillor M. Spadafora
NOT PRESENT – Ward 15 Councillor T. McMeekin

For disposition of this matter, refer to Item 3.

(g) DISCUSSION ITEMS (Item 11)

**(i) Licensing Short-Term Rental (STR) Accommodations (PED17203(c))
(City Wide) (Outstanding Business List Item) (Item 11.1)**

Ben Spychaj, Project Manager, addressed the Committee with the aid of a PowerPoint presentation.

(a) (A. Wilson/Nann)

That the staff presentation be received.

Result: Motion CARRIED by a vote of 12 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
YES – Ward 2 Councillor C. Kroetsch
YES – Ward 3 Councillor N. Nann
YES – Ward 4 Councillor T. Hwang
YES – Ward 5 Councillor M. Francis
YES – Ward 7 Councillor E. Pauls
YES – Ward 8 Councillor J.P. Danko
YES – Ward 10 Councillor J. Beattie
YES – Ward 11 Councillor M. Tadeson
YES – Ward 12 Councillor C. Cassar
YES – Ward 13 Councillor A. Wilson
YES – Ward 14 Councillor M. Spadafora
NOT PRESENT – Ward 15 Councillor T. McMeekin

(b) (Spadafora/Tadeson)

That the following written submissions (Item 11.1 (a)), be received:

- (i) Lilli Jones
- (ii) Norah McIntyre
- (iii) Lou Piriano, Realtors Association of Hamilton-Burlington
- (iv) Steven Devisser
- (v) Mark Krikke
- (vi) Gabrielle Marchese
- (vii) Hamza Patel
- (viii) Omo Aisosa-igiebor
- (ix) Bryan Adlam

- (x) Shalaine Ritchie
- (xi) Kirby Wilkins
- (xii) Alex Poliakov
- (xiii) Matthew Ferro
- (xiv) Adam Oldfield
- (xv) Paul Bellavia
- (xvi) Holly Jespersen
- (xvii) Gillian Fletcher
- (xviii) Bryan DiFrancesco
- (xix) Monica Fox
- (xx) Scott Ramsay
- (xxi) Connie Kidd
- (xxii) Toni Daramola
- (xxiii) Lynn Mackey
- (xxiv) Cale McKenna
- (xxv) Mark Wessman
- (xxvi) Sameera Prematilake
- (xxvii) Helene Ladouceur

Result: Motion CARRIED by a vote of 12 to 0, as follows:

- YES – Ward 1 Councillor M. Wilson
- YES – Ward 2 Councillor C. Kroetsch
- YES – Ward 3 Councillor N. Nann
- YES – Ward 4 Councillor T. Hwang
- YES – Ward 5 Councillor M. Francis
- YES – Ward 7 Councillor E. Pauls
- YES – Ward 8 Councillor J.P. Danko
- YES – Ward 10 Councillor J. Beattie
- YES – Ward 11 Councillor M. Tadeson
- YES – Ward 12 Councillor C. Cassar
- YES – Ward 13 Councillor A. Wilson
- YES – Ward 14 Councillor M. Spadafora
- NOT PRESENT – Ward 15 Councillor T. McMeekin

(c) (Danko/Nann)

- (a) That Report PED17203(c), Licensing Short-Term Rental (STR) Accommodations, to license and regulate Short-Term Rentals in Hamilton, be approved;
- (b) That the By-law to amend the Licensing By-law 07-170 with respect to Short-Term Rental (STR) Accommodations outlined in Revised Appendix “D”, with the annual 120 day rental cap removed, to Report PED17203(c), which has been prepared in a form satisfactory to the City Solicitor, be

approved subject to approval of items (i), (ii), (iii), (iv) and (v) below:

- (i) That the City of Hamilton User Fees and Charges By-law 19-160 be amended to reflect the new Short-Term Rental Licensing Fee Schedule attached as Appendix “B” to Report PED17203(c);
 - (ii) That the request for 2.25 Full Time Equivalents (FTEs), with no net levy impact in the Licensing & By-law Services Division to support Licensing Short-Term Rentals Accommodations, be approved;
 - (iii) That an additional vehicle, including vehicle maintenance costs, at an estimated cost of \$42,000 be approved for Licensing and By-law Services for enforcing the Short-Term Rental Licensing program;
 - (iv) That subject to approval of (ii) and (iii) implementation costs be funded through an internal loan plus interest over a two-year term from the Investment Stabilization Reserve (112300) to be repaid once revenues are collected.
 - (v) That the Director of Licensing and By-law Services be authorized to sign any agreements between the City of Hamilton and Short-Term Rental Broker as required pursuant to the Licensing By-law 07-170 in a form satisfactory to the City Solicitor;
- (c) That Council endorse the implementation plan as detailed in Report PED17203(c) to develop, administer and enforce the licensing of Short-Term Rentals units;
 - (d) That, subject to the approval of Recommendation (b), Licensing and By-law Services be directed to work with Legal Services to obtain approval for set fines with the Ministry of the Attorney General, and create administrative penalties to amend By-law 17-225 (Administrative Penalties By-law); and,
 - (e) That Item 22P respecting Licensing Short-Term Rental (STR) Accommodations be identified as complete and removed from the Planning Committee’s Outstanding Business List.

(d) (Kroetsch/A. Wilson)

That the above motion be amended to include an annual 180 day rental cap.

Result: Motion DEFEATED by a vote of 8 to 4, as follows:

YES – Ward 1 Councillor M. Wilson
YES – Ward 2 Councillor C. Kroetsch
YES – Ward 3 Councillor N. Nann
NO – Ward 4 Councillor T. Hwang
NO – Ward 5 Councillor M. Francis
NO – Ward 7 Councillor E. Pauls
NO – Ward 8 Councillor J.P. Danko
NO – Ward 10 Councillor J. Beattie
NO – Ward 11 Councillor M. Tadeson
NO – Ward 12 Councillor C. Cassar
YES – Ward 13 Councillor A. Wilson
NO – Ward 14 Councillor M. Spadafora
NOT PRESENT – Ward 15 Councillor T. McMeekin

For disposition of this matter, refer to Item 4.

(h) NOTICES OF MOTION (Item 13)

(i) Demolition Permit for 820 Rymal Road East, Hamilton (Added Item 13.1)

(Danko/Spadafora)

That the Rules of Order be waived to allow for the introduction of a Motion respecting Demolition Permit for 820 Rymal Road East, Hamilton.

Result: Motion CARRIED by a 2/3rds vote of 10 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
YES – Ward 2 Councillor C. Kroetsch
NOT PRESENT – Ward 3 Councillor N. Nann
YES – Ward 4 Councillor T. Hwang
YES – Ward 5 Councillor M. Francis
YES – Ward 7 Councillor E. Pauls
YES – Ward 8 Councillor J.P. Danko
YES – Ward 10 Councillor J. Beattie
YES – Ward 11 Councillor M. Tadeson
YES – Ward 12 Councillor C. Cassar
NOT PRESENT – Ward 13 Councillor A. Wilson

YES – Ward 14 Councillor M. Spadafora
NOT PRESENT – Ward 15 Councillor T. McMeekin

For disposition of this matter, refer to Item 5.

(i) GENERAL INFORMATION / OTHER BUSINESS (Item 14)

(i) General Manager’s Update (Added Item 14.1)

Jason Thorne, General Manager of Planning and Economic Development advised the Committee of staff changes and the implementation of Planning process changes.

(A. Wilson/Spadafora)

That the General Manager’s Update be received.

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

YES – Ward 1 Councillor M. Wilson
NOT PRESENT – Ward 2 Councillor C. Kroetsch
NOT PRESENT – Ward 3 Councillor N. Nann
YES – Ward 4 Councillor T. Hwang
NOT PRESENT – Ward 5 Councillor M. Francis
YES – Ward 7 Councillor E. Pauls
YES – Ward 8 Councillor J.P. Danko
YES – Ward 10 Councillor J. Beattie
YES – Ward 11 Councillor M. Tadeson
YES – Ward 12 Councillor C. Cassar
YES – Ward 13 Councillor A. Wilson
YES – Ward 14 Councillor M. Spadafora
NOT PRESENT – Ward 15 Councillor T. McMeekin

(j) PRIVATE AND CONFIDENTIAL (Item 15)

(Tadeson/Spadafora)

That Committee move into Closed Session for Items 15.1 and 15.2 pursuant to Section 9.3, Sub-sections (e), (f) and (k) of the City's Procedural By-law 21-021, as amended; 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.

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

YES – Ward 1 Councillor M. Wilson
NOT PRESENT – Ward 2 Councillor C. Kroetsch
NOT PRESENT – Ward 3 Councillor N. Nann
YES – Ward 4 Councillor T. Hwang
NOT PRESENT – Ward 5 Councillor M. Francis
YES – Ward 7 Councillor E. Pauls
YES – Ward 8 Councillor J.P. Danko
YES – Ward 10 Councillor J. Beattie
YES – Ward 11 Councillor M. Tadeson
YES – Ward 12 Councillor C. Cassar
YES – Ward 13 Councillor A. Wilson
YES – Ward 14 Councillor M. Spadafora
NOT PRESENT – Ward 15 Councillor T. McMeekin

- (i) Appeal to the Ontario Land Tribunal (OLT) for Lack of Decision on Zoning By-law Amendment ZAC-22-025 for Lands located at 1019 Wilson Street West (LS21023(a)) (Ward 12) (Added Item 15.1)**

For disposition of this matter, refer to Item 6.

- (ii) Appeal to the Ontario Land Tribunal for Official Plan Amendment and Zoning By-law Amendment Applications for Lands Located at 405 James Street North (LS23012) (Ward 2) (Added Item 15.2)**

For disposition of this matter, refer to Item 7.

- (k) ADJOURNMENT (Item 16)**

(Hwang/Francis)

That there being no further business, the Planning Committee be adjourned at 5:05 p.m.

Result: Motion CARRIED by a vote of 10 to 0, as follows:

YES – Ward 1 Councillor M. Wilson
YES – Ward 2 Councillor C. Kroetsch
NOT PRESENT – Ward 3 Councillor N. Nann
YES – Ward 4 Councillor T. Hwang
YES – Ward 5 Councillor M. Francis
NOT PRESENT – Ward 7 Councillor E. Pauls
YES – Ward 8 Councillor J.P. Danko
YES – Ward 10 Councillor J. Beattie
YES – Ward 11 Councillor M. Tadeson

YES – Ward 12 Councillor C. Cassar
YES – Ward 13 Councillor A. Wilson
YES – Ward 14 Councillor M. Spadafora
NOT PRESENT – Ward 15 Councillor T. McMeekin

Councillor M. Wilson
Chair, Planning Committee

Lisa Kelsey
Legislative Coordinator