PLANNING COMMITTEE
REPORT 13-006
As Amended by Council on April 24, 2013
9:30 am
Tuesday, April 16, 2013
Council Chambers
Hamilton City Hall
71 Main Street West

Present: B. Johnson (1st Vice Chair), J. Partridge (2nd Vice Chair), C. Collins, L. Ferguson, R. Pasuta. T. Whitehead and M. Pearson

Absent with Regrets: Councillor B. Clark – personal
Councillor J. Farr (Chair) – personal

Also Present: Councillor T. Jackson

THE PLANNING COMMITTEE PRESENTS REPORT 13-006 AND RESPECTFULLY RECOMMENDS:

1. Request to Include 1014 King Street West (Hamilton) and 12-14 King Street East (Hamilton) in the Register of Property of Cultural Heritage Value or Interest, Under Part IV of the Ontario Heritage Act (PED13058) (Wards 1 and 2) (Item 5.1)
   (a) That Council include 1014 King Street West (Hamilton), in the Register of Property of Cultural Heritage Value or Interest, as per the provisions of the Ontario Heritage Act, and that staff make appropriate amendments to the Register of Property of Cultural Heritage Value or Interest;
   (b) That Council include 12-14 King Street East (Hamilton), in the Register of Property of Cultural Heritage Value or Interest, as per the provisions of the Ontario Heritage Act, and that staff make appropriate amendments to the Register of Property of Cultural Heritage Value or Interest;
(c) That Report PED13058 be forwarded to the Hamilton Municipal Heritage Committee for information.

2. **Request to Designate and to Include 1284 Main Street East (Hamilton) (Delta Secondary School) in the Register of Property of Cultural Heritage Value or Interest Under Part IV of the Ontario Heritage Act (PED13064) (Ward 4) (Item 5.2)**

(a) That Council include 1284 Main Street East (Hamilton) (Delta Secondary School) in the Register of Property of Cultural Heritage Value or Interest, as per the provisions of the Ontario Heritage Act, and that staff make appropriate amendments to the Register of Property of Cultural Heritage Value or Interest;

(b) That Council direct staff to carry out a Cultural Heritage Assessment of 1284 Main Street East (Hamilton) (Delta Secondary School), to determine whether the property is of cultural heritage value, and worthy of designation under Part IV of the Ontario Heritage Act;

(c) That if 1284 Main Street East (Hamilton) (Delta Secondary School) is determined to be of cultural heritage value or interest, a Statement of Cultural Heritage Value and Description of Heritage Attributes be prepared by staff for Council's consideration for designation under Part IV of the Ontario Heritage Act;

(d) That the Cultural Heritage Assessment work be assigned a high priority, and be added to staff's workplan for completion in 2013, as per Appendix "G" to Report PED13064;

(e) That Report PED13064 be forwarded to the Hamilton Municipal Heritage Committee for information.

3. **Sign Variance Application SV-12-009 for the Property Known as 1188 Rymal Road East (Hamilton), Denied by the Director, Planning Division, and Appealed by the Applicant (PED13065) (Ward 6) (Item 5.3)**

That the Appeal of Sign Variance Application SV-12-009, by Paletta International, to construct a ground sign to be located 35m from another ground sign displayed along the same frontage, for the property located at 1188 Rymal Road East (Hamilton), as shown on Appendix "A" to Report PED13065, be APPROVED on the following basis:

(a) That notwithstanding the provisions of Sign By-law No. 10-197, no other ground sign(s) shall be permitted.
4. Heritage Permit Application HP2013-005, Under Part IV of the Ontario Heritage Act, for Replacement of Windows at 1280 Main Street West (Hamilton) (McMaster University - University Hall) (PED13067) (Ward 1) (Item 5.4)

That Heritage Permit Application HP2013-005 be approved for replacement of windows at 1280 Main Street West (Hamilton) (McMaster University - University Hall), subject to the following conditions:

(a) That documentation of the dimensions and installation methods for each type/size of the existing windows, as well as high-quality photographs of each façade of the building, shall be submitted, to the satisfaction and approval of Planning staff, prior to removal of any of the existing windows;

(b) That at least three intact representative windows and hardware shall be retained and stored on site;

(c) That any damage to the stone around the window openings shall be reported to Planning staff, and that the methodology for the repair of any damage shall be submitted, to the satisfaction and approval of Planning staff, prior to repair;

(d) That detailed shop drawings for the replacement windows shall be submitted, to the satisfaction and approval of Planning staff, prior to the removal of any of the existing windows;

(e) That following approval of the shop drawings, a full mock-up of the proposed windows shall be installed in one window opening, to the satisfaction and approval of Planning staff, prior to the removal of any additional windows;

(f) That any minor changes to the specifications for the replacement windows following Heritage Permit approval shall be submitted, to the satisfaction and approval of Planning staff, prior to commencement of the alterations;

(g) That implementation of the alterations, in accordance with this approval, shall be completed no later than March 31, 2015. If the alterations are not completed by March 31, 2015, then this approval expires as of that date, and no alterations shall be undertaken without a new approval issued by the City of Hamilton.
5. Heritage Permit Application HP2013-006, Under Part V of the Ontario Heritage Act, for Erection of Structures at 870 Beach Boulevard (Hamilton) (PED13068) (Ward 5) (Item 5.5)

That Heritage Permit Application HP2013-006 be approved for the erection of a new single detached residence and detached garage, on the designated property at 870 Beach Boulevard (Hamilton Beach Heritage Conservation District) (Hamilton), as shown on Appendix “A” to Report PED13068, subject to the following conditions:

(a) That any minor changes to the plans and elevations following approval shall be submitted, to the satisfaction and approval of Planning staff, prior to submission as part of any application for a Building Permit;

(b) That the dimensions, design, and materials for any new fencing and gates shall be submitted, to the satisfaction and approval of Planning staff, prior to installation;

(c) That the recommendations outlined in the Tree Preservation Report, prepared by Arborwood Tree Service Inc., dated April 16, 2012, be implemented, to the satisfaction and approval of Planning staff;

(d) That as many existing trees as possible shall be retained, and a minimum of one replacement tree of a minimum caliper of 55mm of a species consistent with the City of Hamilton’s Tree Species and Recommended Use Index, shall be planted within one year of occupancy of the new dwelling;

(e) That a plan depicting the removed, retained, and new trees, including the caliper size, locations, and species shall be submitted, to the satisfaction and approval of Planning staff, prior to any grading or tree removals; and,

(f) That construction and site alterations, in accordance with this approval, shall be completed no later than March 31, 2015. If the construction and site alterations are not completed by March 31, 2015, then this approval expires as of that date, and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

6. Heritage Permit Application HP2013-007, Under Part V of the Ontario Heritage Act, for Erection of a Structure at 916 Beach Boulevard (Hamilton) (PED13069) (Ward 5) (Item 5.6)

That Heritage Permit Application HP2013-007 be approved for the erection of a new single detached residence, on the designated property at 916 Beach Boulevard (Hamilton Beach Heritage Conservation District) (Hamilton), as shown on Appendix “A” to Report PED13069, subject to the following conditions:
(a) That the final elevations and plan, reflecting the design modifications to the front porch and gable, as requested by the Heritage Permit Review Subcommittee and Planning staff, shall be submitted, to the satisfaction and approval of Planning staff, prior to submission as part of any application for a Building Permit;

(b) That the dimensions, design, and materials for any new fencing and gates shall be submitted, to the satisfaction and approval of Planning staff, prior to installation;

(c) That as many existing trees as possible shall be retained, and that a minimum of one replacement tree of a minimum caliper of 55mm and of a species consistent with the City of Hamilton’s Tree Species and Recommended Use Index shall be planted within one year of occupancy of the new dwelling;

(d) That a plan depicting the removed, retained, and new trees, including the caliper size, locations, and species, shall be submitted, to the satisfaction and approval of Planning staff, prior to any grading or tree removals;

(e) That any minor changes to the plans and elevations following approval shall be submitted, to the satisfaction and approval of Planning staff, prior to submission as part of any application for a Building Permit;

(f) That construction and site alterations, in accordance with this approval, shall be completed no later than March 31, 2015. If the construction and site alterations are not completed by March 31, 2015, then this approval expires as of that date, and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

7. Heritage Permit Application HP2013-008, Under Part V of the Ontario Heritage Act, for Erection of a Structure at 920 Beach Boulevard (Hamilton) (PED13070) (Ward 5) (Item 5.7)

That Heritage Permit Application HP2013-008 be approved for the erection of a new single detached residence on the designated property at 920 Beach Boulevard (Hamilton Beach Heritage Conservation District) (Hamilton), as shown on Appendix “A” to Report PED13070, subject to the following conditions:

(a) That any minor changes to the plans and elevations following approval shall be submitted, to the satisfaction and approval of Planning staff, prior to submission as part of any application for a Building Permit;
(b) That the dimensions, design, and materials for any new fencing and gates shall be submitted, to the satisfaction and approval of Planning staff, prior to installation;

(c) That as many existing trees as possible shall be retained, and that a minimum of one replacement tree of a minimum caliper of 55mm of a species consistent with the City of Hamilton’s Tree Species and Recommended Use Index shall be planted within one year of occupancy of the new dwelling;

(d) That a plan depicting the removed, retained, and new trees, including the caliper size, locations, and species, shall be submitted, to the satisfaction and approval of Planning staff, prior to any grading or tree removals;

(e) That construction and site alterations, in accordance with this approval, shall be completed no later than March 31, 2015. If the construction and site alterations are not completed by March 31, 2015, then this approval expires as of that date, and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

8. Applications for Approval of a Draft Plan of Subdivision "Dewitt Road Assembly" and to Amend Stoney Creek Zoning By-law No. 3692-92 and City of Hamilton Zoning By-law No. 05-200 for Lands Located at 259 Dewitt Road (Stoney Creek) (PED13075) (Ward 10) (Item 6.1)

(a) That approval be given to Amended Zoning By-law Application ZAC-12-004, by Losani Homes (1998) Limited, c/o Fred Losani, (Owner), for changes in zoning from the Neighbourhood Development “ND” Zone (Block 1), Single Residential “R2” Zone (Block 2), and Single Residential “R4” Zone (Block 4) to the Single Residential “R3-38” Zone, with a Special Exception; from the Neighbourhood Development “ND” Zone to the Single Residential “R2” Zone (Block 3); and for lands to be added to City of Hamilton Zoning By-law No. 05-200 and zoned as Neighbourhood Park (P1) Zone (Block 5), in order to permit the development of 48 single detached lots, in accordance with a proposed Draft Plan of Subdivision, “Dewitt Road Assembly” (25T-201201), for lands located at 259 Dewitt Road (Stoney Creek), as shown on Appendix “A” to Report PED13075, on the following basis:

(i) That the draft By-laws, attached as Appendices “B” and “C” to Report PED13075, which have been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
(ii) That the amending By-law, attached as Appendix “B” to Report PED13075, be added to Map No. “6” of former City of Stoney Creek Zoning By-law No. 3692-92;

(iii) That the amending By-law, attached as Appendix “C” to Report PED13075, be added to Map Nos. 1198, 1199, 1252, and 1253 of Schedule “A” of City of Hamilton Zoning By-law No. 05-200;

(iv) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan and the City of Stoney Creek Official Plan.

(b) That approval be given to **Amended Draft Plan of Subdivision Application 25T-201201, by Losani Homes (1998) Limited, c/o Fred Losani, (Owner)**, to establish a draft plan of subdivision known as “Dewitt Road Assembly”, on lands located at 259 Dewitt Road (Stoney Creek), as shown on Appendix “A” to Report PED 13075, subject to the following conditions:

(i) That this approval apply to “Dewitt Road Assembly”, 25T-201201, as red-line revised, prepared by Webb Planning Consultants Inc., and certified by S.D. McLaren, OLS, dated January 18, 2012, showing 44 single detached lots (Lots 1-25, 31, 34-50, and 58), 7 blocks for future development (Blocks 26, 27, 32, 51, 55, 56, and 57), 1 block for open space purposes (Block 28), 3 blocks for a future roadway (Blocks 53, 54 and 59), and 4 blocks for a 0.3m reserve (Blocks 29, 30, 33, and 52), attached as Appendix “D” to Report PED13075, subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the Special Conditions attached as Appendix “E” to Report PED13075;

(aa) That the draft plan of subdivision be renumbered and amended accordingly to incorporate Block 32 as part of Lot 31.

(ii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 42 of the Planning Act, and will be calculated in accordance with the City’s Parkland Dedication By-law, and shall be based on the value of the lands on the day prior to the issuance of each Building Permit;

With regard to Lots 1-25, 31, 34-50, and 58, inclusive (Single Detached Residential), a parkland dedication ratio of 5% shall be required.
All in accordance with the Financial Policies for Development and the City’s Parkland Dedication By-law, as approved by Council.

It should also be noted that the Open Space Block, Block 28, which is to be conveyed to the City of Hamilton, as per Condition No. 4 of Appendix “E”, shall not be considered as a contribution towards the required Parkland Dedication requirements noted above.

(iii) Acknowledgement that there will be no City share for any municipal works associated with this development.

(iv) That the lands legally described as Part of Parts 4, 6, and 7 of Reference Plan 62R-11892, being Block 55 of the proposed Draft Plan of Subdivision, be declared surplus to the requirements of the City of Hamilton "Procedural By-law for the Sale of Land", being By-law No. 04-299 and, accordingly, that Block 55 be transferred to the owner/applicant for a nominal sum of $2.00, to the satisfaction of the Senior Director of Growth Management.

9. 5 Sumac, Ancaster - Connection to City Sanitary Sewer (Item 10.1)

WHEREAS the single detached dwelling located at No. 5 Sumac in the rural area fronts on a rural/urban boundary road;

AND WHEREAS the Owner be permitted to service the said lands to municipal sanitary sewer, to the satisfaction of the Senior Director of Growth Management, Planning and Economic Development Department;

AND WHEREAS the connection to the sewer will be sized only for a single detached dwelling and there is no potential for new development in the rural area nor should the lands be included in the urban area;

AND WHEREAS the cost for the sewer connection be at the Owner's expense.

THEREFORE IT BE RESOLVED:

That the owner of 5 Sumac be permitted to connect to the Municipal sanitary sewer.

10. 709 Wilson Street East, Ancaster - Connection to City Sanitary Sewer (Item 10.2)

WHEREAS the single detached dwelling located at No. 709 Wilson Street East in the rural area fronts on a rural/urban boundary road;
WHEREAS the Owner be permitted to service the said lands to municipal sanitary sewer, to the satisfaction of the Senior Director of Growth Management, Planning and Economic Development Department;

AND WHEREAS the connection to the sewer will be sized only for a single detached dwelling and there is no potential for new development in the rural area nor should the lands be included in the urban area;

AND WHEREAS the cost of the sewer connection be at the Owner's expense.

THEREFORE IT BE RESOLVED:

That the owner of 709 Wilson Street East be permitted to connect to the Municipal sanitary sewer.

11. Enforcement of Businesses Operating without a Licence (PED13037(a)) (City Wide) (Item 8.1)

(a) That the late fee for renewing a business licence within 60 days after the annual expiry date be increased from $60 to $250, and that the City’s User Fee and Charges By-Law be amended accordingly;

(b) That the protocol for informing the Ward Councillors of expired business licences in their respective Wards, as prescribed in Appendix “A” to Report PED13037(a) (Enforcement of Businesses Operating Without a Licence) be approved.

12. Agriculture and Rural Affairs Advisory Committee – Report 13-001 (Item 8.2)

1. Internet Service in the Rural Area

That the City of Hamilton petition the Canadian Radio-Television Telecommunications Commission (CRTC) to encourage service providers to install fiber optic cable in rural areas of Hamilton.

13. Urban Hamilton Official Plan Proposed Settlement of Part of Appeal by Paletta International Corporation and Legal Direction (LS13010) (City Wide) (Item 12.2)

(a) That the amendments and modifications described in the recommendations contained in Appendix “A” to Report LS13010 be approved as the
basis of a settlement of those portions of Paletta International Corporation's appeal of the Urban Hamilton Official Plan as identified in Appendix “A” except for the modification to policy C.2.3.3. in Appendix “A” which shall be amended to read as follows:

“...The natural features and ecological functions of Core Areas shall be protected and where possible and deemed feasible to the satisfaction of the City enhanced. To accomplish this protection and enhancement vegetation removal and encroachment into Core Areas shall generally not be permitted, and appropriate vegetation protection zone shall be applied to all Core Areas;”

(b) That the amendments and modifications described in the Additional Staff Recommended Changes contained in Appendix "B" to Report LS13010 be approved as the position of the City in the UHOP appeal proceedings;

(c) That staff be directed to advise the OMB that the City of Hamilton and Paletta International Inc. have settled a portion of Paletta International Corporation's appeal of the Urban Hamilton Official Plan on the basis of the recommendations contained in Appendix "A" to this report including the revised modification to policy C.2.3.3.;

(d) That staff be directed to advise the OMB that the amendments and modifications contained in Appendix "B" to this report should be included in the UHOP;

(e) That Report LS13010, Urban Hamilton Official Plan Proposed Settlement of Part of Appeal by Paletta International Corporation and Legal Direction, and Appendix "C" remain confidential;

(f) That Appendix "A" remain confidential but be made public in the event that a settlement is reached with the appellant;

(g) That Appendix "B" remain confidential but be made public upon Council approval of recommendation (b) when the Additional Staff Recommended Changes contained in Appendix "B" are approved as the position of the City in respect of those matters set out in Appendix "B".

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

The Committee Clerk advised of the following changes to the Agenda:
1. **DELEGATION REQUESTS**

4.2 Delegation request from Kim Houtmeyers respecting regulations for ornamental ponds, for a future meeting.

2. **NOTICE OF MOTION**

10.1 REVISED 5 Sumac, Ancaster - Connection to City Sanitary Sewer

10.2 REVISED 709 Wilson Street East, Ancaster - Connection to City Sanitary Sewer

3. **PUBLIC HEARINGS AND DELEGATIONS**

6.1 Applications for Approval of a Draft Plan of Subdivision "Dewitt Road Assembly" and to Amend Stoney Creek Zoning By-law No. 3692-92 and City of Hamilton Zoning By-law No. 05-200 for Lands Located at 259 Dewitt Road (Stoney Creek) (PED13075) (Ward 10)

   (i) Correspondence from DeMarchi Homes Inc.

The Agenda for the April 16, 2013 meeting of the Planning Committee was approved, as amended.

(b) **DECLARATIONS OF INTEREST (Item 2)**

None.

(c) **APPROVAL OF MINUTES (Item 3)**

(i) April 2, 2013

   The Minutes of the April 2, 2013 Planning Committee meeting were approved.

(d) **DELEGATION REQUESTS (Item 4)**
(i) **Delegation Request from the Canadian Racing Pigeon Union Inc., respecting the Responsible Animal Ownership By-law for the April 30, 2013 Planning Committee meeting (Item 4.1)**

The delegation request from the Canadian Racing Pigeon Union Inc., respecting the Responsible Animal Ownership By-law, was referred to staff for consultation.

(ii) **Delegation request from Kim Houtmeyers respecting regulations for ornamental ponds, for a future meeting (Item 4.2)**

The delegation request from Kim Houtmeyers respecting regulations for ornamental ponds, was approved for a future meeting.

(e) **CONSENT ITEMS (Item 5)**

(i) **Sign Variance Application SV-12-009 for the Property Known as 1188 Rymal Road East (Hamilton), Denied by the Director, Planning Division, and Appealed by the Applicant (PED13065) (Ward 6) (Item 5.3)**

The recommendations were amended by deleting the word DENIED and replacing it with the word, “APPROVED” and by deleting sub-sections (a) through (d) and replacing them with revised sub-section (a), to read as follows:

“That the Appeal of Sign Variance Application SV-12-009, by Paletta International, to construct a ground sign to be located 35m from another ground sign displayed along the same frontage, for the property located at 1188 Rymal Road East (Hamilton), as shown on Appendix “A” to Report PED13065, be APPROVED on the following basis:

(a) That notwithstanding the provisions of Sign By-law No. 10-197, no other ground sign(s) shall be permitted.”

For disposition on this Item, refer to item 3.

(f) **PUBLIC HEARINGS AND DELEGATIONS (Item 6)**

(i) **Applications for Approval of a Draft Plan of Subdivision "Dewitt Road Assembly" and to Amend Stoney Creek Zoning By-law No. 3692-92 and City of Hamilton Zoning By-law No. 05-200 for Lands Located at 259 Dewitt Road (Stoney Creek) (PED13075) (Ward 10) (Item 6.1)**
(i) Correspondence from DeMarchi Homes Inc.

In accordance with the provision of the Planning Act, Vice Chair B. Johnson advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council approves the zoning by-law amendments and the draft plan of subdivision, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board, and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

Alvin Chan, Planner, provided an overview of the report with the aid of a PowerPoint Presentation. A copy of the presentation has been included in the public record.

The staff presentation respecting Report PED13075, Applications for Approval of a Draft Plan of Subdivision "Dewitt Road Assembly" and to Amend Stoney Creek Zoning By-law No. 3692-92 and City of Hamilton Zoning By-law No. 05-200 for Lands Located at 259 Dewitt Road (Stoney Creek), was received.

Ryan Oosterhoff of Losani Homes and their agent, James Webb, provided an overview of the development with the aid of a PowerPoint presentation. A copy of the presentation has been included in the public record.

The agent’s presentation respecting Report PED13075, Applications for Approval of a Draft Plan of Subdivision "Dewitt Road Assembly" and to Amend Stoney Creek Zoning By-law No. 3692-92 and City of Hamilton Zoning By-law No. 05-200 for Lands Located at 259 Dewitt Road (Stoney Creek), was received.

Public Speakers:

1. Ryan Gamache – 399 MacIntosh Dr., Hamilton, ON L8E 4E1

   Mr. Gamache expressed concerns with drainage and concerns with a stream under the fence line. He requested that there be a study to insure that there will not be additional flooding. He also has a retaining wall which needs repair and was told to hold off on repairs as there may be grading changes. He requested access to the developer's lands in order to repair the wall once grading was completed.
2. Greg Miller – 334 MacIntosh Dr., Hamilton, ON L8E 4E2

Mr. Miller expressed concern with the traffic issues should the cul-de-sac be opened up to traffic and possible speed increases.

The public presentations respecting Report PED13075, Applications for Approval of a Draft Plan of Subdivision "Dewitt Road Assembly" and to Amend Stoney Creek Zoning By-law No. 3692-92 and City of Hamilton Zoning By-law No. 05-200 for Lands Located at 259 Dewitt Road (Stoney Creek), were received.

The correspondence respecting Report PED13075, Applications for Approval of a Draft Plan of Subdivision "Dewitt Road Assembly" and to Amend Stoney Creek Zoning By-law No. 3692-92 and City of Hamilton Zoning By-law No. 05-200 for Lands Located at 259 Dewitt Road (Stoney Creek), was received.

The public meeting respecting Report PED13075, Applications for Approval of a Draft Plan of Subdivision "Dewitt Road Assembly" and to Amend Stoney Creek Zoning By-law No. 3692-92 and City of Hamilton Zoning By-law No. 05-200 for Lands Located at 259 Dewitt Road (Stoney Creek), was closed.

Recommendation (b)(i) was amended by adding a sub-section (aa), to read as follows:

“(b)(i)(aa) That the draft plan of subdivision be renumbered and amended accordingly to incorporate Block 32 as part of Lot 31.”

For disposition on this Item, refer to item 8.

(g) MOTIONS (Item 9)

(i) 5 Sumac, Ancaster - Connection to City Sanitary Sewer (Item 10.1)

WHEREAS the single detached dwelling located at No. 5 Sumac in the rural area fronts on a rural/urban boundary road;

AND WHEREAS the Owner be permitted to service the said lands to municipal sanitary sewer, to the satisfaction of the Senior Director of Growth Management, Planning and Economic Development Department;
AND WHEREAS the connection to the sewer will be sized only for a single detached dwelling and there is no potential for new development in the rural area nor should the lands be included in the urban area;

AND WHEREAS the cost for the sewer connection be at the Owner's expense.

THEREFORE IT BE RESOLVED:

That the owner of 5 Sumac be permitted to connect to the Municipal sanitary sewer.

For disposition on this Item, refer to item 9.

(ii) 709 Wilson Street East, Ancaster - Connection to City Sanitary Sewer (Item 10.2)

WHEREAS the single detached dwelling located at No. 709 Wilson Street East in the rural area fronts on a rural/urban boundary road;

WHEREAS the Owner be permitted to service the said lands to municipal sanitary sewer, to the satisfaction of the Senior Director of Growth Management, Planning and Economic Development Department;

AND WHEREAS the connection to the sewer will be sized only for a single detached dwelling and there is no potential for new development in the rural area nor should the lands be included in the urban area;

AND WHEREAS the cost of the sewer connection be at the Owner's expense.

THEREFORE IT BE RESOLVED:

That the owner of 709 Wilson Street East be permitted to connect to the Municipal sanitary sewer.

For disposition on this Item, refer to item 10.

(h) NOTICES OF MOTION (Item 10)

Councillor Ferguson introduced the following Notice of Motion:
(i) 5 Sumac, Ancaster - Connection to City Sanitary Sewer (REVISED) (Item 10.1)

WHEREAS the single detached dwelling located at No. 5 Sumac in the rural area fronts on a rural/urban boundary road;

AND WHEREAS the Owner be permitted to service the said lands to municipal sanitary sewer, to the satisfaction of the Senior Director of Growth Management, Planning and Economic Development Department;

AND WHEREAS the connection to the sewer will be sized only for a single detached dwelling and there is no potential for new development in the rural area nor should the lands be included in the urban area;

AND WHEREAS the cost for the sewer connection be at the Owner’s expense.

THEREFORE IT BE RESOLVED:

That the owner of 5 Sumac be permitted to connect to the Municipal sanitary sewer.

The rules were waived to allow the introduction of a motion respecting 5 Sumac, Ancaster - Connection to City Sanitary Sewer.

Councillor Ferguson introduced the following Notice of Motion:

(ii) 709 Wilson Street East, Ancaster - Connection to City Sanitary Sewer (REVISED) (Item 10.2)

WHEREAS the single detached dwelling located at No. 709 Wilson Street East in the rural area fronts on a rural/urban boundary road;

WHEREAS the Owner be permitted to service the said lands to municipal sanitary sewer, to the satisfaction of the Senior Director of Growth Management, Planning and Economic Development Department;

AND WHEREAS the connection to the sewer will be sized only for a single detached dwelling and there is no potential for new development in the rural area nor should the lands be included in the urban area;

AND WHEREAS the cost of the sewer connection be at the Owner's expense.
THEREFORE IT BE RESOLVED:

That the owner of 709 Wilson Street East be permitted to connect to the Municipal sanitary sewer.

The rules were waived to allow the introduction of a motion respecting 709 Wilson Street East, Ancaster - Connection to City Sanitary Sewer.

(i) GENERAL INFORMATION AND OTHER BUSINESS (Item 11)

(i) Outstanding Business List Amendments (Item 11.1)

The following Outstanding Business List due dates were revised:

(aa) Item L: Design Review Committee - 38 Strachan St. W/344 Bay St. N
    Current Due Date: April 16, 2013
    Proposed Due Date: July 9, 2013

(bb) Item S: Regulation of Rental Housing
    Current Due Date: April 16, 2013
    Proposed Due Date: May 14, 2013

The following items were removed from the Outstanding Business List:

(a) Item P: Hamilton Municipal Heritage Committee Report 12-005
    (Additions of properties to the Municipal Register of Property of Cultural Heritage Value or Interest)

(b) Item CC: Residential Protective Plumbing Subsidy Program

(j) PRIVATE AND CONFIDENTIAL (Item 12)

(i) Closed Session Minutes – April 2, 2013 (TBD - Delivered under separate cover) (Item 12.1)

The Closed Session Minutes of April 2, 2013 were approved as presented and are to remain confidential.

At 10:45 a.m., Committee moved into Closed Session to consider item 12.2 which is subject to Section 239.2 (e) and (f) of the Municipal Act and Section
8.1(e) and (f) of the Procedural Bylaw as the subject matter of this item pertains to:
• litigation or potential litigation, including matters before administrative tribunals affecting the City, and
• the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

The Planning Committee reconvened in Open Session at 11:09 a.m.

(ii) Urban Hamilton Official Plan Proposed Settlement of Part of Appeal by Paletta International Corporation and Legal Direction (LS13010) (City Wide) (TBD - Delivered under separate cover) (Item 12.2)

For disposition on this Item, refer to item 13.

(iii) Urban Hamilton Official Plan Proposed Settlement of Part of Appeal by Gino and Olindo DalBello and Legal Direction (LS13011) (City Wide) (TBD - Delivered under separate cover) (Item 12.3)

Report LS13011, Urban Hamilton Official Plan Proposed Settlement of Part of Appeal by Gino and Olindo DalBello and Legal Direction, was tabled to April 30, 2013.

(k) ADJOURNMENT

There being no further business, the Planning Committee adjourned at 11:12 a.m.

Respectfully submitted,

Councillor B. Johnson
Vice Chair, Planning Committee

Vanessa Robicheau
Legislative Coordinator
Office of the City Clerk

Council – April 24, 2013
NOTE: As a result of negotiations, there are changes proposed by the City which both satisfy the concern of the appellant and also improve the policies in the UHOP. Many of those changes have been accepted by the appellant and are indicated in Table 1 of Appendix ‘A’ to Report LS12010. Some changes were not accepted by the appellant but are recommended in any event as they strengthen the UHOP. This table presents these additional staff recommended changes to policies with outstanding issues in these policies highlighted.

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<th>Policy Appealed</th>
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| C.2.5.8         | New development or site alteration subject to Policies C.2.5.3 to C.2.5.7 requires, prior to approval, the submission and approval of an Environmental Impact Statement which demonstrates to the satisfaction of the City and the relevant Conservation Authority that:  
  a) There shall be no negative impacts on the Core Areas or their ecological functions.  
  b) Connectivity between Core Areas shall be maintained, or where possible, enhanced for the movement of surface and ground water, plants and wildlife across the landscape.  
  c) The removal of other natural features shall be avoided or minimized by the planning and design of the proposed use or site alteration wherever possible. | New development or site alteration subject to Policies C.2.5.3 to C.2.5.7 requires, prior to approval, the submission and approval of an Environmental Impact Statement which demonstrates to the satisfaction of the City and the relevant Conservation Authority that:  
  a) There shall be no negative impacts on the Core Areas or their ecological functions.  
  b) Connectivity between Core Areas shall be maintained, or where possible and deemed feasible to the satisfaction of the City, enhanced for the movement of surface and ground water, plants and wildlife across the landscape.  
  c) The removal of other natural features shall be avoided or minimized by the planning and design of the proposed use or site alteration wherever possible and deemed feasible to the satisfaction of the City. |
<p>| C.2.5.10        | Where vegetation protection zone widths have not been specified by watershed and sub-watershed plans, secondary or rural settlement area plan policies, Environmental assessments and other studies, the following | Where vegetation protection zone widths have not been specified by watershed and sub-watershed plans, secondary or rural settlement area plan policies, Environmental assessments and other studies, the following |</p>
<table>
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<tr>
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<tr>
<td>minimum <em>vegetation protection zone</em> width objectives shall be evaluated and addressed by Environmental Impact Statements. Other agencies, such as Conservation Authorities, may have greater vegetation protection zone requirements.</td>
<td>minimum-vegetation protection zone widths objectives shall be evaluated and addressed by Environmental Impact Statements. Other agencies, such as Conservation Authorities, may have greater <strong>different</strong> vegetation protection zone requirements.</td>
<td>a) Coldwater Watercourse and Critical Habitat – 30-metre vegetation protection zone on each side of the watercourse, measured from the bankfull channel.</td>
</tr>
<tr>
<td>a) Coldwater Watercourse and Critical Habitat – 30-metre vegetation protection zone on each side of the watercourse, measured from the bankfull channel.</td>
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<td></td>
</tr>
<tr>
<td>b) Warmwater Watercourse and Important and Marginal Habitat – 15-metre vegetation protection zone on each side of the watercourse, measured from the bankfull channel.</td>
<td>b) Warmwater Watercourse and Important and Marginal Habitat – 15-metre vegetation protection zone on each side of the watercourse, measured from the bankfull channel.</td>
<td></td>
</tr>
<tr>
<td>c) Provincially Significant Wetlands and Locally Significant Wetlands (all evaluated wetlands) – 30-metre vegetation protection zone, measured from the boundary of the wetland, as approved by the Conservation Authority or Ministry of Natural Resources.</td>
<td>c) Provincially Significant Wetlands and Locally Significant Wetlands (all evaluated wetlands) – 30-metre vegetation protection zone, measured from the boundary of the wetland, as approved by the Conservation Authority or Ministry of Natural Resources.</td>
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</tr>
<tr>
<td>d) Unevaluated wetlands – Unevaluated wetlands greater than 2 hectares in size require a 30-metre vegetation protection zone, measured from the boundary of the wetland, as approved by the Conservation Authority or Ministry of Natural Resources. Unevaluated wetlands 2 hectares or less in size require a 30-metre vegetation protection zone, unless an Environmental Impact Statement recommends a more appropriate vegetation protection zone.</td>
<td>d) Unevaluated wetlands – Unevaluated wetlands and <strong>locally significant wetlands</strong> greater than 2 hectares in size require a 15 30-metre vegetation protection zone, measured from the boundary of the wetland, as approved by the Conservation Authority or Ministry of Natural Resources. Unevaluated wetlands 2 hectares or less in size require a 30-metre vegetation protection zone, unless an Environmental Impact Statement recommends a more appropriate vegetation protection zone.</td>
<td></td>
</tr>
<tr>
<td>e) Woodlands – 10-metre vegetation protection zone, measured from the edge (drip line) of the woodland.</td>
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<td></td>
</tr>
<tr>
<td>f) Significant woodlands – 15-metre vegetation protection zone,</td>
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### Appendix ‘B’ - Additional Staff Recommended Changes

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<td>f) Significant woodlands – 15-metre vegetation protection zone, measured from the edge (drip line) of the significant woodland.</td>
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</tr>
<tr>
<td>g) Areas of Natural and Scientific Interest (ANSI) – Life and Earth Science ANSIs require a 15-metre vegetation protection zone.</td>
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</tr>
<tr>
<td>h) Significant Valleylands – As required by the relevant Conservation Authority. [Mod 13(a)]</td>
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<tr>
<td>i) Significant Habitat of Threatened or Endangered Species and Significant Wildlife Habitat: the minimum vegetation protection zone shall be determined through Environmental Impact Statements, dependent on the sensitivity of the feature. [Mod 13(b)]</td>
<td>Significant Habitat of Threatened or Endangered Species and Significant Wildlife Habitat: the minimum vegetation protection zone shall be determined through Environmental Impact Statements, dependent on the sensitivity of the feature. [Mod 13(b)]</td>
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</table>

#### C.2.7 Linkages

Linkages are natural areas that connect Core Areas. Connections between natural areas provide opportunities for plant and animal movement, hydrological and nutrient cycling, and maintain ecological health and integrity of the overall Natural Heritage System. The City recognizes the importance of Linkages shown on Schedule B – Natural Heritage System in reducing the adverse impacts of habitat fragmentation on natural areas. Habitat fragmentation results in loss of species diversity and reduced ecosystem health and resilience. It is the intent of this policy that Linkages be protected and enhanced to sustain the Natural Heritage System wherever possible. In addition, there may be areas where a natural area is degraded, presenting an opportunity to restore or enhance a Linkage.

Linkages are natural areas within the landscape that ecologically connect Core Areas. Connections between natural areas provide opportunities for plant and animal movement, hydrological and nutrient cycling, and maintain ecological health and integrity of the overall Natural Heritage System. The City recognizes the importance of Linkages shown on Schedule B – Natural Heritage System in reducing the adverse impacts of habitat fragmentation on natural areas. Habitat fragmentation results in loss of species diversity and reduced ecosystem health and resilience. It is the intent of this policy that Linkages be protected, restored, and enhanced to sustain the Natural Heritage System wherever possible. In addition, there may be areas where a natural area is degraded, presenting an opportunity to recreate restore or enhance a Linkage.
### Appendix ‘B’ - Additional Staff Recommended Changes

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| C.2.7.8         | In addition to the Linkages identified on Schedule B – Natural Heritage System, there may be Hedgerows that are worthy of protection, especially where:  
   a) they link Core Areas;  
   b) there is evidence that wildlife regularly use them as movement corridors or habitat;  
   c) they are composed of mature, healthy trees and generally provide a wide, unbroken linkage between Core Areas;  
   d) they contain trees which are rare, unique, culturally important, or old (more than 100 years); or,  
   e) they represent an important cultural feature and contribute to the aesthetics of the landscape, particularly adjacent to the Niagara Escarpment. | In addition to the Linkages identified on Schedule B – Natural Heritage System, there may be Hedgerows that are worthy of protection, especially where:  
   a) they link Core Areas; they are composed of mature, healthy trees and generally provide a wide, unbroken linkage between Core Areas;  
   b) there is evidence that wildlife regularly use them as movement corridors or habitat;  
   c) they are composed of mature, healthy trees and generally provide a wide, unbroken linkage between Core Areas; they contain tree species which are threatened, endangered, special concern, provincially or locally rare; or,  
   d) they contain trees which are rare, unique, culturally important, or old (more than 100 years) groupings of trees which are greater than 100 years old.  
   e) they represent an important cultural feature and contribute to the aesthetics of the landscape, particularly adjacent to the Niagara Escarpment. |

### Glossary

| Key Hydrologic Features (KHF): these features include:  
   a) Permanent and intermittent streams;  
   b) Lakes (and their littoral zones);  
   c) Seepage areas and springs; and,  
   d) Wetlands (Greenbelt Plan, 2005) | Key Hydrologic Features (KHF): these features include:  
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### Glossary

*Significant Woodland:* means an area which is ecologically important in terms of:

1. Features such as species composition, age of trees, and stand history;
2. Functionally important due to its contribution to the broader landscape because of its location, size, or due to the amount of forest cover in the planning area; and
3. Economically important due to site quality, species composition, or past management history. (PPS, 2005)

In the City of Hamilton, significant woodlands must meet two or more of the following criteria:

<table>
<thead>
<tr>
<th>Criterion</th>
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<tbody>
<tr>
<td>Size</td>
<td>All woodlands that meet the minimum size criteria (below) are significant.</td>
</tr>
<tr>
<td>Forest Cover</td>
<td>Minimum patch size for significance</td>
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<td>(by planning unit)</td>
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<td>&lt; 5 %</td>
<td>1 ha.</td>
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<tr>
<td>5-10 %</td>
<td>2 ha.</td>
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<td>11-15 %</td>
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<td>16-20 %</td>
<td>10 ha.</td>
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<tr>
<td>21-30 %</td>
<td>15 ha.</td>
</tr>
<tr>
<td>Interior Forest</td>
<td>Any woodland with interior forest habitat (defined as 100 metres from edge) is considered significant.</td>
</tr>
</tbody>
</table>

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1. Features such as species composition, age of trees, and stand history;
2. Functionally important due to its contribution to the broader landscape because of its location, size, or due to the amount of forest cover in the planning area; and
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<td>Woodlands shall meet a minimum average width of 40 metres.</td>
<td></td>
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<td>-----------------</td>
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<tr>
<td>Proximity/Connectivity</td>
<td>Woodlands that are located within 50 metres of a significant natural area (defined as wetlands 0.5 hectares or greater in size, ESAs, PSWs, and Life Science ANSIs) are significant.</td>
</tr>
<tr>
<td>Proximity to Water</td>
<td>Woodlands are considered significant if any portion is within 30 metres of any hydrological feature, including all streams, headwater areas, wetlands, and lakes.</td>
</tr>
<tr>
<td>Age</td>
<td>Woodlands with trees of 100 years or more in age. Age will be determined initially using FRI mapping and can be verified during the EIS.</td>
</tr>
<tr>
<td>Rare Species</td>
<td>Any woodland containing threatened, endangered, special concern, provincially or locally rare plant or wildlife species.</td>
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