The Planning Committee presents Report 14-004 and respectfully recommends:

1. Hamilton Historical Board Minutes - January 21, 2014 (Item 5.1)

   That the minutes of the January 21, 2014 meeting of the Hamilton Historical Board, be received.

2. Rental Housing Sub-Committee - Revised Terms of Reference (City Wide) (PED10049(p)) (Item 5.2)

   (a) That the Terms of Reference for the Rental Housing Sub-Committee, attached hereto as Appendix “A”, be amended to include three citizens at large as part of the membership;

   (b) That the Terms of Reference for the Rental Housing Sub-Committee, as amended, be approved.

Council – March 26, 2014
3. Keeping of Pigeons in Urban Areas (PED13107(a)) (City Wide) (Item 5.3)

That the proposed By-law, attached as Appendix “A” to Report PED13107(a), which amends the Responsible Animal Ownership By-law No. 12-031 with respect to allowing pigeons in urban areas with appropriate restrictions, and which has been prepared in a form satisfactory to the City Solicitor, be passed.

4. Official Plan Amendment and Zoning Amendment Application for Lands Located at 1354 Upper Sherman (Hamilton) (PED14026) (Ward 7) (Item 6.1)

(a) That approval be given to Urban Hamilton Official Plan Amendment Application OPA-13-019, by Malatesta Brothers Co. Ltd. (Owner), for a site-specific modification to the Neighbourhood Designation, in order to permit the development of 14 townhouse units at a density below 60 units per hectare (uph), for lands located at 1354 Upper Sherman (Hamilton), as shown on Appendix “A” to Report PED14026, on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED14026, be adopted by City Council.

(b) That approval be given to Zoning By-law Application ZAC-11-050, by Malatesta Brothers Co. Ltd. (Owner), for a change in zoning from the “AA” (Agricultural) District to the “RT-20” (Townhouse-Maisonette) District, with a Special Exception, in order to permit the development of 14 townhouse units, for lands located at 1354 Upper Sherman (Hamilton), as shown on Appendix “A” to Report PED14026 on the following basis:

(i) That the draft By-law, attached as Appendix “C” to Report PED14026, that has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,

(ii) That the proposed change in zoning is in conformity with the Urban Hamilton Official Plan upon finalization of Official Plan Amendment No. [blank].

(c) That upon finalization of the implementing By-law, the subject lands within the Rushdale Neighbourhood Plan be re-designated from “Institutional” and “Recreation” to “Attached Housing”.

(d) Holding Provision approval is contingent on an approved Construction Management Plan to include:
(i) Prohibition on blasting
(ii) Flooding mitigation plan
(iii) Fence and screening requirements
(iv) Individual garage connection
(v) Ward Councillor to be included in site plan approval
(vi) 2 storeys in height maximum

5. Applications for Amendments to the Urban Hamilton Official Plan, City of Stoney Creek Zoning By-law No. 3692-92 and Hamilton Zoning By-law No. 05-200 for Lands Located at 257, 259 and 261 Millen Road (Stoney Creek) (PED14042) (Ward 10) (Item 6.2)

(a) That approval be given to Official Plan Amendment (OPA) Application OPA-12-001, by 1333664 Ontario Inc., c/o Mike Valvasori, Owner, for Amendment No. to the Urban Hamilton Official Plan (UHOP), to amend Land Use Plan Map B.7.1-1 Western Development Area Secondary Plan to redesignate lands from “Low Density Residential 2b” to “Medium Density Residential 3”, for the lands located at 257, 259 and 261 Millen Road, (Stoney Creek), as shown on Appendix “A” to Report PED14042, on the following basis:

(i) That the draft OPA, attached as Appendix “B” to Report PED14042, be adopted by Council; and,

(ii) That the proposed OPA is consistent with the Provincial Policy Statement (PPS), and conforms to the Growth Plan for the Greater Golden Horseshoe.

(b) That approval be given to amended Zoning Application ZAC-12-001, by 1333664 Ontario Inc., c/o Mike Valvasori, Owner, for changes in zoning to By-law No. 3692-92 from the Single Residential “R2” Zone, to the Multiple Residential “RM3-53” Zone, with a Special Exception (Block 1), and for the removal of lands in Zoning By-law No. 05-200 zoned Neighbourhood Institutional (I1) Zone, and placing them into the Multiple Residential “RM3-53” Zone, with a Special Exception (Block 2), as shown on Schedule “A” to Appendices “C” and “D” to Report PED14042, on the following basis:

(i) That the draft By-law, attached as Appendix “C” to Report PED14042, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(ii) That the amending By-law be added to Schedule “A”, Map No. 6 of Zoning By-law No. 3692-92.
(iii) That the draft By-law, attached as Appendix “D” to Report PED14042, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(iv) That the amending By-law be removed from Schedule “A”, Map No. 1198 of Zoning By-law No. 05-200; and,

(v) That the proposed changes in zoning will be in conformity with the UHOP upon finalization of OPA No.

(c) That upon finalization of the implementing By-law, the Poplar Park Neighbourhood Plan be amended by changing the designation of 257, 259 and 261 Millen Road (Stoney Creek) from “Low Density Residential” to “Medium Density Residential”.

(d) That the privacy fencing be increased around the subject property from 1.5m to 2.0m;

(e) That trees are to be planted beside the fencing to provide additional parking.

The following Item 6 (which was previously amended) was deleted and replaced:

6. Proposed Official Plan Amendment and Zoning By-law Amendment to Permit a Mobile Home Park and a Seasonal Trailer Park at 57 and 58 12th Concession Road East (Flamborough) (PED14032) (Ward 15) (Item 6.3)

(a) That Item 6 of Planning Committee Report 14-004 respecting “Proposed Official Plan Amendment and Zoning By-law Amendment to Permit a Mobile Home Park and a Seasonal Trailer Park at 57 and 58 12th Concession Road East (Flamborough) (PED14032) (Ward 15)” be tabled;

(b) That the implementation of the by-law be held in abeyance until the April 23, 2014 meeting of Council to allow the Ward Councillor the opportunity to resolve outstanding issues with surrounding property owners which may avoid a costly OMB Hearing.

(a) That approval be given to Official Plan Amendment Application OPA-13-017, Fern Brook Resort Inc., Owner, to amend policies and re-designate lands located at 58 12th Concession Road East (Flamborough), on Schedule “D” of the Rural Hamilton Official Plan (RHOP), to establish a Seasonal 100-site Trailer Park (Block “2”) and protected Conservation Areas (Blocks “3” and “5”), as shown on Appendix “A” to Report PED14032, on the following basis:
(i) That Blocks “2”, “3”, and “5” be changed from the “Rural” designation to the “Open Space” designation;

(ii) That Blocks “2”, “3”, and “5” be identified further as Site-Specific Area “R-____”;

(iii) That the draft Official Plan Amendment (OPA), attached as Appendix “B” to Report PED14032, be adopted by City Council; and,

(iv) That the proposed OPA is consistent with the Provincial Policy Statement (PPS), Greenbelt Plan, Rural Hamilton Official Plan (RHOP) and the intent of the Town of Flamborough Strategy for Recreational Vehicle Parks, Report DPD1994-21 (see Appendix “C”).

(b) That approval be given to Amended Zoning Applications D14-ST and ZAC-02-093, Fern Brook Resort Inc., Owner, for changes in zoning to permit a permanent 150-unit mobile home park and ancillary uses (Block “1”), a 100-site seasonal trailer park and ancillary uses (Block “2”), and protected Conservation Areas (Blocks “3”, “4”, and “5”), for the lands located at 57 and 58 12th Concession Road East (Flamborough), as shown on Appendix “A” to Report PED14032, on the following basis:

(i) That Block “1” be changed from the Recreational Open Space “O3-3”, Zone Modified, to the Residential Mobile Home “R9-6-1-(H)” Zone, Modified, Holding and the Residential Mobile Home “R9-6-2-(H)” Zone, Modified, Holding;

(ii) That Block “2” be changed from the Agriculture “A” Zone, to the Recreational Open Space “O3-10-1(H)”, Zone, Modified, Holding;

(iii) That Block “3” be changed from the Conservation Management “CM” Zone, to the Recreational Open Space “O3-10”, Zone, Modified;

(iv) That Blocks “4” and “5” be changed from the Conservation Management “CM” Zone, to the Conservation Management “CM-4” Zone, Modified;

(aa) That the amending By-law apply the following Holding Provisions in accordance with Section 36 (1) of the Planning Act, R.S.O., 1990, to Blocks “1”, and “2”, by introducing the Holding Symbol ‘H’ as a suffix to the proposed Residential Mobile Home “R9-6-1(H)” Zone, Modified, Holding, the Residential Mobile Home “R9-6-2(H)” Zone, Modified, Holding and the Recreational Open Space “O3-10(H)”, Zone, Modified, Holding;
(v) That the Holding provision referred to in Section (b) (iv) shall not be removed until such time as the following conditions have been completed:

Holding Provision “R9-6-1(H)” Holding Zone

The removal of the Holding provision “1(H)” will allow for the development of up to 50 permanent mobile home sites (units) on Block “1”, as well as the following uses:

(a) Clubhouse, accessory to the Manufactured and Mobile Home Park, which may include as ancillary uses to the park, administrative offices, a convenience store, a hotel consisting of 20 suites, a restaurant and tavern, a dining area, games room, fitness and leisure facilities including a pool, hot tub, sauna, showers, and fitness room.

(b) One Manager’s suite and two staff apartments, adjacent to the existing clubhouse.

(c) Maintenance, utility and storage buildings; and,

(d) Facilities for outdoor sports and leisure, including an outdoor pool, hot tub, children’s play area, volleyball and tennis courts, and picnic areas.

The Holding provision “1(H)” shall remain in effect until such time as the completion of the following conditions:

(1) Site Plan Agreement (SPA)

The Owner shall enter into a Site Plan Agreement with the City and register it on title, for Block “1” - North Lands, to address required improvements and upgrades to the servicing, infrastructure, and layout of the mobile home park in a multi-phase plan, to be developed through the Site Plan approval process, through which the required financial securities for the construction of works, identified through Site Plan approval process, will be specified by the City and posted by the Owner, prior to Site Plan approval of each phase.

The development of the SPA should be made in reference to the requirements outlined in the Municipal Responsibility Agreement, adequately providing services to the development as outlined in the Functional Servicing Report, and to the satisfaction of the Director of Hamilton Water, Public Works.
(2) Municipal Responsibility Agreement

The Owner shall enter into and register the signed Municipal Responsibility Agreement and associate Trust agreement on title. Prior to registration of the Agreements, the Owner shall post the financial securities required thereunder to the satisfaction of Senior Director of Growth Management, the Director of Hamilton Water, Public Works, and the Director of Planning.

(3) Conservation Halton

(a) Preparation and submission of a Flood Emergency Plan to the satisfaction of Conservation Halton (CH) is required to ensure a safe evacuation of residents during a flood emergency.

(b) The completion of fill placement/grading and pedestrian bridge upgrades as recommended in the Stantec letter report, dated March 6, 2008, to ensure safe ingress/egress during regulatory storm events, to the satisfaction of Conservation Halton.

City Council shall remove the 'H' symbol “1(H)” and, thereby, give effect to the Residential Mobile Home “R9-6-1(H)” Zone, Modified, Holding provisions, to allow for up to 50 permanent mobile home sites by enactment of an amending By-law, once the above-noted conditions 1, 2, and 3, are satisfied.

Holding Provision ‘R9-6-2(H) Holding Zone’

The removal of the Holding provision “2(H)” will allow for the development of an additional 100 permanent mobile home sites (units) on Block “1” for a total of 150 permanent mobile home sites (units). The Holding provision “2(H)” shall remain in effect until such time as the completion of the following conditions:

(1) Functional Servicing Report

Preparation and submission of an addendum to the Functional Servicing Report and Operations and Maintenance Manual, to the satisfaction of the Senior Director of Growth Management and the Director of Hamilton Water, Public Works. The addendum shall address the following matters:

a) A Hydrogeological Study, with the assistance of a Qualified Person, to characterize the following:
i) The direction of groundwater flow;

ii) The existence of both an upstream and downstream monitoring well whose location reflects the groundwater flow regime;

iii) Confirm that the downstream well is located within the effluent plume and at least 40 m. from the septic system and tile field;

iv) Confirm that the monitoring well number and the monitoring well information provided to date was sampled from the upstream and downstream monitoring wells identified in (ii) and (iii), above;

v) Determine appropriate effluent trigger limits at the monitoring wells;

vi) If recommended by the Hydrogeologist, install additional monitoring wells in order to address items (i) to (v).

b) Following the collection of at least three consecutive years of monitoring data, the Owner shall reassess the Hydrogeological Study to confirm effluent trigger limits and provide recommendations on any required infrastructure upgrades, referencing the monitoring data in conjunction with the water and waste water flow rate and occupancy records;

c) Submission of theoretical design flows for both the water and wastewater systems, based on full occupancy of the Fern Brook Development (150 permanent and 100 season sites), following MOE Design Guidelines (2008), City of Hamilton Engineering Guidelines (2006), and the Ontario Building Code;

d) Submission of historical water and wastewater flow rates which are based on Ministry of Environment Design Criteria and accompanied by occupancy records for the related time period;

e) Demonstration that the rated capacity of the Water Treatment System is capable of servicing the full Fern Brook Development (150 permanent and 100 seasonal sites), with the rated capacity being based on the largest unit for each process component out of service, and that the system is
adequately designed to meet the MOE/Hamilton Fire Department fire storage and fire flow requirements;

f) Demonstration that the Sewage Treatment System will: i) function adequately for the design flows of the full Fern Brook Development (150 permanent sites and 100 seasonal sites), identifying the need for additional equipment in order to meet the rated firm capacity with the largest unit out of service; ii) operate in accordance with the associated Certificate of Approval; iii) produce an effluent, at the discharge point of the treatment system, with a nitrate concentration less than, or equal to 10 mg/L; and iv) maintain a nitrate concentration, at the property boundary downstream of the sewage treatment system, that does not exceed 2.5 mg/L.; and,

g) Revisions to the Operations and Maintenance Manuals for the water and wastewater treatment facilities which follow MOE’s prescribed format and which include a comprehensive set of operating instructions and a process narrative to explain how the facility is intended to operate in accordance with the required treatment system, as determined through the ongoing engineering analysis and in consultation with the City.

City Council shall remove the ‘H’ symbol “2(H)” and, thereby, give effect to the Residential Mobile Home “R9-6” Zone, Modified provisions, to allow for 100 permanent mobile home sites to a maximum of 150 permanent mobile home sites by enactment of an amending By-law, once the above-noted conditions are satisfied.

Holding Provision “O3-10(H)” Zone, Modified

The removal of the Holding provision “(H)” will allow for the development of up to 100 seasonal trailer sites on Block “2” and the sewage treatment plan and dispersal fields on Block “3”. The Holding provision “(H)” shall remain in effect until such time as the completion of the following conditions:

(1) Site Plan Agreement

The Owner has entered into a Site Plan Agreement with the City and registered said Agreement on title, for Blocks “2” and “3” (“South Lands”). The Site Plan Agreement will address but shall not be limited to: required improvements and upgrades to the servicing, infrastructure, and layout of the seasonal trailer park, through which the required financial
securities for the construction of works identified through the Site Plan Approval process will be specified by the City and posted by the Owner prior to Site Plan Approval.

(2) Municipal Responsibility Agreement

The Owner has executed and registered on title the signed Municipal Responsibility Agreement and associate Trust Agreement to the satisfaction of the Senior Director of Growth Management and the Director of Hamilton Water, Public Works, and the Director of Planning. Prior to registration of said Agreements, the Owner shall post the financial securities required thereunder to the satisfaction of Senior Director of Growth Management and the Director of Hamilton Water, Public Works, and the Director of Planning.

City Council may remove the Holding provision ‘H’ and thereby give effect to the Recreational Open Space Zone “O3-10”, Zone, Modified zone provisions, for Block “2”, to allow for a maximum of 100 seasonal trailer sites and Block “3”, to permit the Private Sewage Treatment Plant with Dispersal fields, by enactment of an amending By-law, once the above-noted conditions are satisfied.

(c) That Council authorize the Mayor and City Clerk to execute a Municipal Responsibility Agreement and associated Trust Agreement, substantially in the form attached as Appendix “H” to Report PED14032, with content acceptable to the City Solicitor and the Director of Planning.

(d) That the proposed changes in zoning are in conformity with the PPS, the Hamilton-Wentworth Official Plan (HWOP), and the Flamborough Official Plan, and will be in conformity with the RHOP upon approval of OPA No. _____.

(e) That the Proposed Official Plan Amendment and Zoning by-law Amendment to Permit a Mobile Home Park and a Seasonal Trailer Park at 57 and 58 12th Concession Road East (Flamborough), attached hereto be approved.

(f) That in accordance with Subsection 34(17) of the Planning Act, the proposed changes to the By-law are for clarification purposes or are more restrictive than the by-law presented at the public meeting and as such no further notice is required.

7. Downtown Built Heritage Inventory (PED14039) (City Wide) (Item 7.1)

(a) That the property evaluation framework developed by ERA Architects Inc., Hamilton Downtown Built Heritage Inventory DRAFT Heritage Council – March 26, 2014
Constraints and Opportunities, attached as Appendix “A” to Report PED14039, be used to guide future inventory work;

**NOTE:** Due to the size and bulk of the ERA Architects report, *Hamilton Downtown Built Heritage Inventory DRAFT Heritage Constraints and Opportunities*, and its large scale appendices, a hard copy of the full report will be available for viewing in the Office of the City Clerk, 71 Main Street West, 1st Floor, Hamilton and on the City’s website at: http://www.hamilton.ca/CityDepartments/CorporateServices/Clerks/AgendaMinutes/Planning/2014/March 18, 2014

(b) That staff be directed to consult with the Hamilton Municipal Heritage Committee and the owners of the properties listed in Appendix “C” of ERA Architects report, *Hamilton Downtown Built Heritage Inventory DRAFT Heritage Constraints and Opportunities*, attached as Appendix “A” to Report PED14039, and report back to the Planning Committee regarding the addition of these properties to the Register of Property of Cultural Heritage Value or Interest as non-designated properties;

(c) That staff be directed to consult with the Hamilton Municipal Heritage Committee and the owners of the properties listed in Appendix “C” of ERA Architects report, *Hamilton Downtown Built Heritage Inventory DRAFT Heritage Constraints and Opportunities*, attached as Appendix “A” to Report PED14039, and report back to the Planning Committee regarding the priority of Cultural Heritage Assessment work for each property for potential designation under the *Ontario Heritage Act*;

(d) That staff be directed to prepare a work plan for Recommendations (b) and (c) of Report PED14039 and for completion of the inventory and evaluation of the remaining properties in the City’s *Inventory of Buildings of Architectural and/or Historical Interest*, including community engagement, volunteer opportunities, survey methodology, data management, and the feasibility of applying the evaluation framework identified in Recommendation (a) of Report PED14039;

(e) That staff be directed to prepare a Capital Budget submission for the work described in Recommendation (d) of Report PED14039 to be brought forward in the 2015 Budget deliberations.

8. **Waterdown Village Core – Traffic Management and Land Use Options (PED14047) (Ward 15) (Item 8.2)**

That the following strategy be approved in respect to traffic management and land use for the Waterdown Village Core area:

_Council – March 26, 2014_
(a) Continue with the traffic calming review for the Waterdown Village Core;

(b) Initiate the Growth Management Road Infrastructure Implementation Strategy;

(c) Initiate the Waterdown Community Node Secondary Plan;

(d) Initiate a Transportation Management Plan for the Waterdown Community Node;

(e) Require a Traffic Impact Study for all residential development in the Waterdown Core;

(f) The City not pursue an Interim Control By-law or a Holding By-law for the Waterdown Village Core.

9. Application for a Zoning By-law Amendment for Lands Located at the Southwest Corner of Parkside Drive and Spring Creek Drive (Flamborough) (PED14018) (Ward 15) (Item 8.3)

That approval be given to Zoning By-law Amendment Application ZAC-09-030, by Mattamy Homes (Waterdown) Limited, (Owner), for a modification to the existing Urban Residential “R1-30” Zone, in order to increase the maximum number of dwelling units on the subject lands, for lands located at the southwest corner of Parkside Drive and Spring Creek Drive (Flamborough), as shown on Appendix “A” to Report PED14018, on the following basis:

(a) That the draft By-law, attached as REVISED Appendix “B” to Report PED14018, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

(b) That the proposed change in zoning is in conformity with the Urban Hamilton Official Plan (UHOP).

10. Pedestrian Access on Fellowes Crescent Waterdown

Whereas the residential development on Fellowes Crescent, Waterdown is an existing mature neighbourhood built in the 1980’s; and

Whereas there are significant traffic and parking issues on the existing section of Fellowes Crescent; and
Whereas the proposed extension of Fellowes Crescent to connect with the new Mattamy development will result in increased traffic from 71 new units having access into the older neighbourhood;

Therefore be it resolved:

(a) That the interface between the existing Fellowes Crescent and the proposed extension of Fellowes to the new development to the East remain closed to vehicle access and allow only pedestrian access, to be monitored once:

(i) The residential construction and abutting land use is completed;

(ii) The proposed supporting transportation infrastructure ie Parkside Drive improvements; Bypass corridor between Dundas St. and Parkside Drive are completed and functional.

(b) Pedestrian access on the existing Fellowes Crescent through the extension will be constructed to include bullard barricades and maintained by the developer satisfactory to the city growth management staff.

11. Medical Marihuana Growing and Harvesting Facility Under the Federal Regulations (MMPR) – Zoning By-law Interpretations (PED14037(a)) (City Wide) (Item 8.4)

(a) That staff be directed to undertake a City Initiative for the urban area to amend the Urban Hamilton Official Plan and/or the existing Zoning By-laws to establish a definition of a Medical Marihuana Growing and Harvesting Facility, to include appropriate regulations, and to identify appropriate locations for this use.

(b) That staff be directed to establish a definition of a Medical Marihuana Growing and Harvesting Facility, establish appropriate regulations, and identify it as an agricultural use within the proposed agricultural zones for the Rural area.

(c) That a Communication Plan be developed to outline the Federal Government’s intentions and best practices nationally to better understand what is being proposed.

12. Hamilton Municipal Heritage Committee Report 14-002 (Item 8.5)

(a) Hamilton Heritage Conservation Grant Program (City Wide)
That the Hamilton Heritage Conservation Grant Program (HHCGP) be established as per the terms and conditions outlined by staff in Appendix B, attached hereto.

(b) **Funding for Hamilton Municipal Heritage Committee 2013 Awards**

That funds up to the amount of $500 from the appropriate account be made available, for the expenses incurred from the 2013 Hamilton Municipal Heritage Committee Awards Night

(c) **170 Longwood Road North, Hamilton letter**

That the Hamilton Municipal Heritage Committee be authorized to write a letter to the Ministry of Tourism, Culture & Sport, as well to the Ontario Heritage Trust, outlining concerns with limitations of the Ontario Heritage Act with respect to regulating alterations to non-designated properties that are included in the municipal Register, as demonstrated by the extent of alterations to the existing house at 170 Longwood Road North (for information see Appendix C, attached hereto).

13. **Shoppers Drug Mart - Appeals to the Ontario Municipal Board by Shoppers Drug Mart Limited for Lands Located at 41, 45, 47, 49, 55, 59 Head Street, 22, 24 Dundurn Street North, and 620, 622, 624 Main Street West (Hamilton) regarding City of Hamilton's Refusal or Neglect to Adopt Amendments to the City of Hamilton Official Plan (OPA-12-011) and Hamilton Zoning By-law No. 6593 (ZAC-12-028); and, Failure to Approve Site Plan DA-13:175 (LS14008/PED14064) (Item 12.3)**

(a) That, in regards to appeals to the Ontario Municipal Board by Shoppers Drug Mart Limited regarding Official Plan Amendment Application OPA-12-011, Zoning By-law Amendment Application ZAC-12-028 and Site Plan Application DA-13:175, staff be instructed to:

(i) Oppose the appeals at the Ontario Municipal Board as the development proposal is premature on the grounds of unresolved compatibility and urban design issues;

(ii) Continue settlement discussions with the appellant and report back to Planning Committee, if a settlement can be recommended by staff.

(b) That Report LS14008/PED14064, and Appendices, remain confidential.

14. **Monterey Heights - Appeals to the Ontario Municipal Board on the City of Hamilton’s Refusal or Neglect to Adopt Amendments to the Town of**

Council – March 26, 2014
Ancaster Official Plan and Zoning By-law for Lands Located at 591 and 611 Garner Road West (Ancaster) (LS14007) (Item 12.4)

(a) That Legal staff be directed to support the revised concept plan dated November 27, 2013, attached to Report LS14007/ PED14065, Monterey Heights - Appeals to the Ontario Municipal Board on the City of Hamilton's Refusal or Neglect to Adopt Amendments to the Town of Ancaster Official Plan and Zoning By-law for Lands Located at 591 and 611 Garner Road West (Ancaster), as Appendix “B”, and an Official Plan Amendment and Zoning By-Law in a form satisfactory to the City Solicitor and with content acceptable to the Director of Planning, at the Ontario Municipal Board;

(c) That Appendix B to Report LS14007/ PED14065, be made public upon Council approval of recommendation (a);

(b) That Report LS14007/ PED14065, and remaining Appendices, remain confidential.

15. 1400 Upper James OMB Appeals Re: OPA (OPA-12-012), ZBA (ZAC-12-029) and Consent (HM/B-13:27) Owner: LPF Reality Inc. (LS14009) (Item 12.5)

(a) That recommendation (a) of Report LS14009 remain confidential;

(b) That, if a settlement is approved by the Ontario Municipal Board:

(i) the Mewburn Neighbourhood Plan be amended in accordance with Appendix “C” attached to Report LS14009/PED14063;

(ii) Appendix “C” attached to Report LS14009/PED14063, be made public.

(c) That, if a settlement is reached, the City Solicitor be authorized to execute Minutes of Settlement in a form acceptable to the City Solicitor;

(d) That Report LS14009/PED14063, and appendices, remain confidential.

16. 1125 West 5th Street OMB Appeals Re: ZBA (ZAC -12-067 and Plan of Subdivision 25T-2012) Owner: DiCenzo Construction Limited (LS14010) (Item 12.6)

(a) That in regards to the appeals to the Ontario Municipal Board by DiCenzo Construction Company Limited in respect of Zoning By-law Amendment
Application (ZAC-12-067) and Plan of Subdivision Application 25T-201202, Staff be instructed to:

(i) Oppose the appeals on the basis that approval of the applications is premature;

(ii) Continue settlement discussions with the appellant and report back to Planning Committee if a settlement can be recommended by the City Solicitor and Director of Planning.

(b) That Report LS14010/PED14062, and the appendix, remain confidential.

17. 1041 West 5th Street OMB Appeals Re: OPA (OPA-12-024) and ZBA (ZAC-12-070) Owner: 1804487 Ontario Inc. (LS14011) (Item 12.7)

(a) That in regards to appeals to the Ontario Municipal Board by 1804487 Ontario Inc. of Official Plan Amendment application OPA-12-024 and Zoning By-law Amendment application ZAC-12-070 concerning lands located at 1041 West 5th Street, Staff be instructed to:

(i) Oppose the appeals on the basis that approval of the applications is premature; and,

(ii) Continue settlement discussions with the appellant and report back to Planning Committee if a settlement can be recommended by Staff.

(b) That Report LS14011/PED14061) and appendices, remain confidential.

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

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

4.2 Delegation Request from Janice Brown respecting item 8.5, Hamilton Municipal Heritage Committee Report 14-002

6.1 Official Plan Amendment and Zoning Amendment Application for Lands Located at 1354 Upper Sherman (Hamilton) (PED14026) (Ward 7)

(i) Correspondence from Marc and Karen Campanelli
6.2 Applications for Amendments to the Urban Hamilton Official Plan, City of Stoney Creek Zoning By-law No. 3692-92 and Hamilton Zoning By-law No. 05-200 for Lands Located at 257, 259 and 261 Millen Road (Stoney Creek) (PED14042) (Ward 10)

(i) Correspondence from Todd Hennings and Nicole Cockcroft

6.3 Proposed Official Plan Amendment and Zoning By-law Amendment to Permit a Mobile Home Park and a Seasonal Trailer Park at 57 and 58 12th Concession Road East (Flamborough) (PED14032) (Ward 15)

(i) Correspondence from Glen and Joan Wigood and Al, Donna, AJ and Alicia Mount

8.3 Application for a Zoning By-law Amendment for Lands Located at the Southwest Corner of Parkside Drive and Spring Creek Drive (Flamborough) (PED14018) (Ward 15)

(x) Correspondence from Ryan Oosterhoff – Mattamy Homes

10.1 Renaming of the Trinity Church Arterial Road Corridor (Clark)

10.2 Naming of the Waterdown East/West Roadway (Partridge)

The Agenda for the March 18, 2014 meeting of the Planning Committee was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

Councillor Pearson declared an interest in item 5.2, Rental Housing Sub-Committee - Revised Terms of Reference (City Wide) (PED10049(p)) and item 6.2 Applications for Amendments to the Urban Hamilton Official Plan, City of Stoney Creek Zoning By-law No. 3692-92 and Hamilton Zoning By-law No. 05-200 for Lands Located at 257, 259 and 261 Millen Road (Stoney Creek) (PED14042) (Ward 10), as she owns rental property that pertains to these two items.

(c) APPROVAL OF MINUTES (Item 3)

(i) February 18, 2014

The Minutes of the February 18, 2014 Planning Committee meeting were approved.
(d) DELEGATION REQUESTS (Item 4)

(i) Delegation Request from Anna Roberts and Viv Saunders respecting changes to Land Use Process and Procedures (Item 4.1)

The delegation request from Anna Roberts and Viv Saunders respecting changes to Land Use Process and Procedures, was approved for a future meeting.

(ii) Delegation Request from Janice Brown respecting item 8.5, Hamilton Municipal Heritage Committee Report 14-002 (Item 4.2)

The delegation Request from Janice Brown respecting item 8.5, Hamilton Municipal Heritage Committee Report 14-002, was approved.

(e) PUBLIC HEARINGS AND DELEGATIONS (Item 6)

(i) Official Plan Amendment and Zoning Amendment Application for Lands Located at 1354 Upper Sherman (Hamilton) (PED14026) (Ward 7) (Item 6.1)

(i) Correspondence from Marc and Karen Campanelli

In accordance with the provision of the Planning Act, 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 and official plan amendment, 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.

Greg Macdonald, Senior Planner, provided an overview of the report with the aid of a PowerPoint Presentation. A copy of the PowerPoint has been included as part of the public record.
The staff presentation respecting Report PED14026, Official Plan Amendment and Zoning Amendment Application for Lands Located at 1354 Upper Sherman (Hamilton), was received.

Liam Doherty, agent, provided an overview of the application with the aid of a PowerPoint Presentation. A copy of the presentation has been included in the public record.

The applicant representative’s presentation respecting Report PED14026, Official Plan Amendment and Zoning Amendment Application for Lands Located at 1354 Upper Sherman (Hamilton), was received.

Public Speakers:

1. Mike Cordeiro – 65 Rupert Court, Hamilton, ON L8W 2Y9
   Mr. Cordeiro expressed concerns with privacy, fencing, grading issues and flooding.

2. Gary Josefik - 1336 Upper Sherman, Hamilton, ON L8W 1C2
   Mr. Josefik spoke to the application.

3. Marg Himmen - 1336 Upper Sherman, Hamilton, ON L8W1C2
   Mr. Himmen spoke to the application.

The public presentations respecting Report PED14026, Official Plan Amendment and Zoning Amendment Application for Lands Located at 1354 Upper Sherman (Hamilton), were received.

The public meeting respecting Report PED14026, Official Plan Amendment and Zoning Amendment Application for Lands Located at 1354 Upper Sherman (Hamilton), was closed.

The correspondence respecting Report PED14026, Official Plan Amendment and Zoning Amendment Application for Lands Located at 1354 Upper Sherman (Hamilton), was received.

The recommendations to Report PED14026, Official Plan Amendment and Zoning Amendment Application for Lands Located at 1354 Upper Sherman (Hamilton), were amended by adding new sub-section (d), as follows:
(d) Holding Provision approval is contingent on an approved Construction Management Plan to include:

(i) Prohibition on blasting
(ii) Flooding mitigation plan
(iii) Fence and screening requirements
(iv) Individual garage connection
(v) Ward Councillor to be included in site plan approval
(vi) 2 storeys in height maximum

For disposition on this Item, refer to item 4.

(ii) Applications for Amendments to the Urban Hamilton Official Plan, City of Stoney Creek Zoning By-law No. 3692-92 and Hamilton Zoning By-law No. 05-200 for Lands Located at 257, 259 and 261 Millen Road (Stoney Creek) (PED14042) (Ward 10) (Item 6.2)

(i) Correspondence from Todd Hennings and Nicole Cockcroft

In accordance with the provision of the Planning Act, 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-laws and urban Hamilton official plan amendment, 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.

Joe Muto, Senior Planner, provided an overview of the report with the aid of a PowerPoint Presentation. A copy of the PowerPoint has been included as part of the public record.

The staff presentation respecting Report PED14042, Applications for Amendments to the Urban Hamilton Official Plan, City of Stoney Creek Zoning By-law No. 3692-92 and Hamilton Zoning By-law No. 05-200 for Lands Located at 257, 259 and 261 Millen Road (Stoney Creek), was received.

Matt Johnson, on behalf of the applicant, provided an overview of the application with the aid of a PowerPoint Presentation. A copy of the PowerPoint has been included as part of the public record.
The agent’s presentation respecting Report PED14042, Applications for Amendments to the Urban Hamilton Official Plan, City of Stoney Creek Zoning By-law No. 3692-92 and Hamilton Zoning By-law No. 05-200 for Lands Located at 257, 259 and 261 Millen Road (Stoney Creek), was received.

Public Speakers:

1. Raymond D. – 252 Millen Road, Stoney Creek, ON L8E 2G9
   
   He expressed concerns with over-intensification and privacy.

2. Lorraine Smith – 389 Hemlock Ave, Stoney Creek, ON L8E 2E2
   
   Ms. Smith expressed concerns with privacy, noise, parking overflow, landscaping, excessive traffic, building height, potential rental units.

The public presentations respecting Report PED14042, Applications for Amendments to the Urban Hamilton Official Plan, City of Stoney Creek Zoning By-law No. 3692-92 and Hamilton Zoning By-law No. 05-200 for Lands Located at 257, 259 and 261 Millen Road (Stoney Creek), were received.

The public meeting respecting Report PED14042, Applications for Amendments to the Urban Hamilton Official Plan, City of Stoney Creek Zoning By-law No. 3692-92 and Hamilton Zoning By-law No. 05-200 for Lands Located at 257, 259 and 261 Millen Road (Stoney Creek), was closed.

The correspondence respecting Report PED14042, Applications for Amendments to the Urban Hamilton Official Plan, City of Stoney Creek Zoning By-law No. 3692-92 and Hamilton Zoning By-law No. 05-200 for Lands Located at 257, 259 and 261 Millen Road (Stoney Creek), was received.

The recommendations contained in Report PED14042, Applications for Amendments to the Urban Hamilton Official Plan, City of Stoney Creek Zoning By-law No. 3692-92 and Hamilton Zoning By-law No. 05-200 for Lands Located at 257, 259 and 261 Millen Road (Stoney Creek), were amended by adding new sub-sections (d) and (e) as follows:

(d) That the privacy fencing be increased around the subject property from 1.5m to 2.0m;
(e) That trees are to be planted beside the fencing to provide additional parking.

Councillor Whitehead proposed tabling this item in order to accommodate further discussion. The applicant was not supportive.

(a) That approval be given to Official Plan Amendment (OPA) Application OPA-12-001, by 1333664 Ontario Inc., c/o Mike Valvasori, Owner, for Amendment No. 12-001 to the Urban Hamilton Official Plan (UHOP), to amend Land Use Plan Map B.7.1-1 Western Development Area Secondary Plan to redesignate lands from “Low Density Residential 2b” to “Medium Density Residential 3”, for the lands located at 257, 259 and 261 Millen Road, (Stoney Creek), as shown on Appendix “A” to Report PED14042, on the following basis:

(i) That the draft OPA, attached as Appendix “B” to Report PED14042, be adopted by Council; and,

(ii) That the proposed OPA is consistent with the Provincial Policy Statement (PPS), and conforms to the Growth Plan for the Greater Golden Horseshoe.

(b) That approval be given to amended Zoning Application ZAC-12-001, by 1333664 Ontario Inc., c/o Mike Valvasori, Owner, for changes in zoning to By-law No. 3692-92 from the Single Residential “R2” Zone, to the Multiple Residential “RM3-53” Zone, with a Special Exception (Block 1), and for the removal of lands in Zoning By-law No. 05-200 zoned Neighbourhood Institutional (I1) Zone, and placing them into the Multiple Residential “RM3-53” Zone, with a Special Exception (Block 2), as shown on Schedule “A” to Appendices “C” and “D” to Report PED14042, on the following basis:

(i) That the draft By-law, attached as Appendix “C” to Report PED14042, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(ii) That the amending By-law be added to Schedule “A”, Map No. 6 of Zoning By-law No. 3692-92.

(iii) That the draft By-law, attached as Appendix “D” to Report PED14042, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(iv) That the amending By-law be removed from Schedule “A”, Map No. 1198 of Zoning By-law No. 05-200; and,

(v) That the proposed changes in zoning will be in conformity with the UHOP upon finalization of OPA No. 12-001.
(c) That upon finalization of the implementing By-law, the Poplar Park Neighbourhood Plan be amended by changing the designation of 257, 259 and 261 Millen Road (Stoney Creek) from “Low Density Residential” to “Medium Density Residential”.

(d) That the privacy fencing be increased around the subject property from 1.5m to 2.0m;

(e) That trees are to be planted beside the fencing to provide additional parking.

The recommendations were DEFEATED on the following vote:

Yeas: Farr, Whitehead
Total: 2
Nays: Collins, Partridge, Johnson, Clark
Total: 4
Absent: Pasuta, Ferguson, Pearson
Total: 3

For disposition on this Item, refer to item 5.

(iii) Proposed Official Plan Amendment and Zoning By-law Amendment to Permit a Mobile Home Park and a Seasonal Trailer Park at 57 and 58 12th Concession Road East (Flamborough) (PED14032) (Ward 15) (Item 6.3)

(i) Correspondence from Glen and Joan Wigood and Al, Donna, AJ and Alicia Mount

In accordance with the provision of the Planning Act, 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 and official plan amendment, 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.

Cam Thomas, Planner, provided an overview of the report with the aid of a PowerPoint Presentation. A copy of the PowerPoint has been included as part of the public record.
The staff presentation respecting Report PED14032, Proposed Official Plan Amendment and Zoning By-law Amendment to Permit a Mobile Home Park and a Seasonal Trailer Park at 57 and 58 12th Concession Road East (Flamborough), was received.

Hal Watson, on behalf of the applicant, provided an overview of the application.

The agents’ presentation respecting Report PED14032, Proposed Official Plan Amendment and Zoning By-law Amendment to Permit a Mobile Home Park and a Seasonal Trailer Park at 57 and 58 12th Concession Road East (Flamborough), was received.

Public Speakers:

1. Fred Paatz – 75 Concession 11 E., Freelton, ON L0R 1K0
   
   Mr. Paatz expressed his opposition.

2. Joyce Jones – 79 Concession 11 E., Freelton, ON L0R 1K0
   
   Expressed her opposition and concerns with the application.

3. David Curtis – 57 Concession 12 E., Freelton, ON L0R 1K0
   
   Expressed his opposition and concerns with the application and spoke on behalf of Cheryl Smith and himself.

4. Karl Glover - Concession 12 E., Freelton, ON L0R1K0
   
   Mr. expressed his support for the application.

The public presentations respecting Report PED14032, Proposed Official Plan Amendment and Zoning By-law Amendment to Permit a Mobile Home Park and a Seasonal Trailer Park at 57 and 58 12th Concession Road East (Flamborough), were received.

The public meeting respecting Report PED14032, Proposed Official Plan Amendment and Zoning By-law Amendment to Permit a Mobile Home Park and a Seasonal Trailer Park at 57 and 58 12th Concession Road East (Flamborough), was closed.

The correspondence respecting Report PED14032, Proposed Official Plan Amendment and Zoning By-law Amendment to Permit a Mobile Home Park and a Seasonal Trailer Park at 57 and 58 12th Concession Road East (Flamborough), was received.
The recommendations contained in Report PED14032, Proposed Official Plan Amendment and Zoning By-law Amendment to Permit a Mobile Home Park and a Seasonal Trailer Park at 57 and 58 12th Concession Road East (Flamborough), were amended by adding a new sub-section (c) as follows:

(c) That Appendix “C” to Report PED14032, Proposed Official Plan Amendment and Zoning By-law Amendment to Permit a Mobile Home Park and a Seasonal Trailer Park at 57 and 58 12th Concession Road East (Flamborough), be deleted and replaced with the REVISED Appendix “C”.

For disposition on this Item, refer to item 6.

(f) DISCUSSION ITEMS (Item 8)

(i) Pool Enclosure By-law (PED13126(a)) (City Wide) (Item 8.1)

Report PED13126(a)) Pool Enclosure By-law be referred back to staff for further information including the cost to enforce and inspect, a review of the fines and penalties, as well as to hold public consultation and a public meeting.

(ii) Application for a Zoning By-law Amendment for Lands Located at the Southwest Corner of Parkside Drive and Spring Creek Drive (Flamborough) (PED14018) (Ward 15) (Item 8.3)

(i) Correspondence from Margaret Ritchie
(ii) Correspondence from Steve Oliver
(iii) Correspondence from Bonnie Valade
(iv) Correspondence from Doug and Lucille Bradshaw
(v) Correspondence from Joan Moore
(vi) Correspondence from Seth Stewart
(vii) Correspondence from Gary Gesner
(viii) Correspondence from Corey and Patti Shaw
(ix) Correspondence from Sharon and Rick Mackie

Council – March 26, 2014
(x) Correspondence from Ryan Oosterhoff – Mattamy Homes

The correspondence respecting Report PED14018, Application for a Zoning By-law Amendment for Lands Located at the Southwest Corner of Parkside Drive and Spring Creek Drive (Flamborough), was received.

For disposition on this Item, refer to item 9.

(iii) Hamilton Municipal Heritage Committee Report 14-002 (Item 8.5)

Janice Brown provided an overview of her concerns with the aid of a handout. A copy of the handout has been included in the public record.

The presentation from Janice Brown respecting Report 14-002, Hamilton Municipal Heritage Committee, was received.

For disposition on this Item, refer to item 12.

(g) NOTICES OF MOTION (Item 10)

Councillor Johnson introduced the following Notice of Motion:

(i) Renaming of the Trinity Church Arterial Road Corridor (Item 10.1)

Whereas the Red Hill Business Park South Transportation Master Plan finalized the location of the Trinity Church Arterial Road Corridor;

And whereas the Trinity Church Arterial Road Corridor will no longer connect to Trinity Church Road;

Therefore be it resolved;

(a) That the Trinity Church Arterial Road Corridor be renamed as Upper Red Hill Valley Parkway from Stone Church Road East to the point of connection to the future extension of Twenty Road East;

(b) That this motion be forwarded to all departments in the City of Hamilton, and all agencies and utilities that receive regular notification from the City concerning street names and addressing.

Councillor Partridge introduced the following Notice of Motion:
(ii) **Naming of the Waterdown East/West Roadway (Item 10.2)**

Whereas the Waterdown/Aldershot Transportation Master Plan finalized the location of the Waterdown East/West Roadway;

Therefore be it resolved;

(a) That the Waterdown East/West Roadway be named as North Waterdown Drive from Highway No. 6 to the point of connection with Parkside Drive;

(b) That this motion be forwarded to all departments in the City of Hamilton, and all agencies and utilities that receive regular notification from the City concerning street names and addressing.

(h) **GENERAL INFORMATION AND OTHER BUSINESS (Item 11)**

(i) **Outstanding Business List Amendments (Item 11.1)**

The following Outstanding Business List due dates were revised:

Item Z: Amendments to the Prohibition of Exotic Animals within the Responsible Animal Ownership By-law – Criteria and Process (Motion from GIC)

Current Due Date: March 18, 2014
Proposed Due Date: May 6, 2014

The following items were removed from the Outstanding Business List:

(aa) Item F: Racing Pigeons

(bb) Item I: Hamilton Municipal Heritage Committee Report 12-006 (Proactive Heritage Building Protection Strategy)

(cc) Item BB: Rental Housing Sub-Committee Terms of Reference (PED10049(o))

(dd) Item GG: Traffic management and land use strategy for the Waterdown Village Core area

(ee) Item JJ: Application for a Zoning By-law Amendment for Lands Located at the Southwest Corner of Parkside Drive and Spring Creek Drive (Flamborough)

(ff) Item LL: Notice of Motion - Possible Property Acquisition (In Camera)
(i) PRIVATE AND CONFIDENTIAL (Item 12)

(i) Closed Session Minutes – February 18, 2014 (Item 12.1)

(a) The Closed Session Minutes of the February 18, 2014 meeting of the Planning Committee were approved, as presented.

(b) The Closed Session Minutes of the February 18, 2014 meeting of the Planning Committee, are to remain confidential and restricted from public disclosure.

The Planning Committee moved into Closed Session, at 5:49 p.m. for the discussion of Items 12.2 through to item 12.7, pursuant to Section 8.1, Subsections (c), (e) and (f) of the City's Procedural By-law 10-053, and Section 239, Sub-sections (c), (e) and (f) 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 City;
- advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- a proposed or pending acquisition or disposition of land by the municipality or local board

Committee moved into open session at 6:15 p.m.

(ii) Possible Property Acquisition – Motion (Item 12.2)

The motion respecting Possible Property Acquisition, was tabled to the next meeting of the Planning Committee.

(iii) Shoppers Drug Mart - Appeals to the Ontario Municipal Board by Shoppers Drug Mart Limited for Lands Located at 41, 45, 47, 49, 55, 59 Head Street, 22, 24 Dundurn Street North, and 620, 622, 624 Main Street West (Hamilton) regarding City of Hamilton's Refusal or Neglect to Adopt Amendments to the City of Hamilton Official Plan (OPA-12-011) and Hamilton Zoning By-law No. 6593 (ZAC-12-028); and, Failure to Approve Site Plan DA-13:175 (LS14008) (Item 12.3)

For disposition on this Item, refer to item 13.

(iv) Monterey Heights - Appeals to the Ontario Municipal Board on the City of Hamilton's Refusal or Neglect to Adopt Amendments to the Town of Ancaster Official Plan and Zoning By-law for Lands
Located at 591 and 611 Garner Road West (Ancaster) (LS14007) (Item 12.4)

For disposition on this Item, refer to item 14.

(v) 1400 Upper James OMB Appeals Re: OPA (OPA-12-012) , ZBA (ZAC-12-029) and Consent (HM/B-13:27) Owner: LPF Reality Inc. (LS14009) (Item 12.5)

For disposition on this Item, refer to item 15.

(vi) 1125 West 5th Street OMB Appeals Re: ZBA (ZAC -12-067 and Plan of Subdivision 25T-2012) Owner: DiCenzo Construction Limited (LS14010) (Item 12.6)

For disposition on this Item, refer to item 16.

(vii) 1041 West 5th Street OMB Appeals Re: OPA (OPA-12-024) and ZBA (ZAC-12-070) Owner: 1804487 Ontario Inc. (LS14011) (Item 12.7)

For disposition on this Item, refer to item 17.

(j) ADJOURNMENT

There being no further business, the Planning Committee adjourned at 6:24 p.m.

Respectfully submitted,

Councillor B. Johnson
Chair, Planning Committee

Vanessa Robicheau
Legislative Coordinator
Office of the City Clerk
Terms of Reference
Rental Housing Sub-Committee

The establishment of a Rental Housing Sub-Committee was approved by City Council on September 25, 2013 in approving Item 6 of Planning Committee Report 13-014.

MANDATE

To work with interested stakeholders to assist with the implementation of an approach to enforcement and legalization of appropriate rental housing including, but not limited to, process, fees and by-law regulations.

MEMBERSHIP AND REPORTING STRUCTURE

The Rental Housing Sub-Committee will report to the Planning Committee.

Sub-Committee membership will consist of

- Three members of Council appointed by Council;
- a representative of the Realtors Association of Hamilton-Burlington (RAHB);
- a representative of the Hamilton and District Apartment Association (HDAA);
- an independent member who is an operator of a low density rental housing operation;
- a representative of the Legal Aid Community;
- a representative of the Housing Help Centre;
- a representative of the Social Planning and Research Council of Hamilton;
- a representative of the McMaster Student Union;
- a representative of the Mohawk College Student Association; and,
- three citizens at large

SUPPORT SERVICES

Technical support will be provided by staff of the Parking and By-Law Services Division, with advice by Legal Services staff as required.

Administrative costs of operating the Sub-Committee and legislative support will be provided by the Clerk's Division.

MEETINGS AND AGENDA

The Rental Housing Sub-Committee shall meet quarterly at the call of the Chair. The Sub-Committee will begin meeting in Q2 2014, and is expected to continue its work through to the end of the 2014 – 2018 Term of Council.
The meetings shall be open to the public.

The Sub-Committee Chair shall propose the agenda. The Chair may grant requests for discussion of items not on the Agenda.

The Sub-Committee will follow all processes and procedures established in the City of Hamilton Procedural By-law.

AMENDMENTS TO THE TERMS OF REFERENCE

The Terms of Reference may be amended periodically by consensus of the Sub-Committee and forwarded to the Planning Committee for approval.

Approved by Council (Date)
TO: Chair and Members
Hamilton Municipal Heritage Committee

COMMITTEE DATE: February 20, 2014

SUBJECT/REPORT NO: Hamilton Heritage Conservation Grant Program (City Wide)

WARD(S) AFFECTED: City Wide

PREPARED BY: Alissa Golden (905) 546-2424 Ext. 1214
Hazel Milsome (905) 546-2424 Ext. 2755

SUBMITTED BY: Joe-Anne Priel
Acting General Manager
Planning and Economic Development Division

SIGNATURE: [Signature]

RECOMMENDATION
That the City of Hamilton Municipal Heritage Committee advise Council that the Hamilton Heritage Conservation Grant Program (HHCGP) be established as per the terms and conditions outlined by staff in this Report.

EXECUTIVE SUMMARY
The HHCGP is intended to provide financial assistance in the form of matching grants between $1,000 to $5,000, for the conservation and restoration of cultural heritage resources (see Appendix “A”). The objective of the HHCGP is to assist in the ongoing conservation of heritage properties designated under the Ontario Heritage Act that are not eligible for the Hamilton Heritage Property Grant Program (HHPGP). Staff recommend that the grant program be established for a three-year term, and that Urban Renewal staff report back to Council by 2017, to provide a review of the program and recommendations for further direction.

Staff recommend that the delegated approval authority of the General Manager of Planning and Economic Development be expanded to include the HHCGP (see Appendix “B”). The maximum grant available under this program is $5,000.
Funding for the proposed heritage financial incentive program is contained in the Community Heritage Reserve Account, which was established to fund the former Commercial Heritage Improvement and Restoration Program (CHIRP), which ended in 2010. Sufficient monies are contained in the account to fund the new heritage program for a limited time.

Alternatives for Consideration – See Page 7

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Funding for the proposed heritage financial incentive program is contained in the Community Heritage Reserve Account 102047 (Project Account Number: 58201-812040) in the amount of $250,138.90. This account was established to fund the former CHIRP, approved by Council for a five-year term that ended in 2010 (Report PD04256). Sufficient monies are contained in the account to fund the new heritage program for a limited time.

Staffing: Administration of the proposed heritage program can be accommodated within the Urban Renewal Section, Development Planning, Heritage and Design Section of the Planning and Economic Development Department, as well as the Corporate Services Department.

Legal: Sub-Section 39 (1) of the Ontario Heritage Act states that a council of a municipality may pass by-laws providing for the making of a grant or loan to the owner of a property designated under the Act for the purpose of paying for the whole or any part of the cost of alteration of such designated property on such terms and conditions as the council may prescribe. By-law No. 07-346 (attached as Appendix “C”), approved by Council at its meeting held on December 12, 2007, authorizes the municipality to offer loans and grants to owners of a property designated under the Ontario Heritage Act.

Upon approval of the program terms and conditions, staff from the Urban Renewal Section will consult with Legal Services and Corporate Counsel in the preparation of appropriate documentation required for administration purposes in order to protect the City’s interests. In order to receive funding, projects must comply with any planning and building code approvals, including any Heritage Permit requirements for the proposed work.

Legal Services has reviewed the proposed By-law, attached as Appendix “B”, to further amend By-law No. 10-052, to include delegated approval of grants under the HHCGP.
HISTORICAL BACKGROUND

Planning Committee, at its meeting held on December 4, 2012, directed staff to report back with a summary of financial incentives currently offered to heritage property owners. Consequently, the information was provided in Report PED13089 and received by City Council at its meeting held June 12, 2013. The Report PED13098 outlined the two existing financial incentive programs that target properties designated under the Ontario Heritage Act: the HHPGP and the Hamilton Community Heritage Fund Loan Program (HCHF).

Report PED13098 identified that the available financial incentive programs administered through the Urban Renewal Section provide a well-rounded suite of options for the conservation and adaptive re-use of industrial, commercial, institutional and multi-residential heritage properties in areas targeted for intensification and redevelopment. However, the existing programs do not adequately address the funding needs of single-detached dwellings and properties located outside of the Community Improvement Project Areas (CIPA).

While the HCHF is a City-wide loan program, the HHPGP has geographic-specific eligibility because it is administered under the Planning Act, and is tied to the existing CIPA. The HHPGP was originally authorized through the Ontario Heritage Act by City of Hamilton By-law No. 07-346, passed and enacted by City Council at its meeting held on December 7, 2007. However, due to the limitations of the Ontario Heritage Act, the program is now administered under the Downtown and Community Renewal Community Improvement Plan, a plan adopted under the Planning Act that permits a municipality to loan or grant monies to a condominium corporation (PED10164).

The proposed HHCGP is closely aligned with the existing HHPGP and is intended to provide financial assistance for the continued conservation and restoration of heritage features of properties throughout the City of Hamilton that are not eligible for the existing HHPGP.

Commercial Heritage Improvement and Restoration Program (CHIRP)

Funding for the proposed heritage financial incentive program is contained in the Community Heritage Reserve Account, which was established to fund the former CHIRP. CHIRP was a financial incentive program targeting commercial and industrial heritage buildings, which was authorized by Council for a five-year term in 2004 (Report PD04256). The objective of CHIRP was to improve the appearance of designated commercial and industrial properties throughout the City by providing funds in the form of a matching grant, to a maximum of $20,000, for the restoration of important heritage features. The program aimed to encourage long-term economic and physical investments in the conservation of heritage fabric of designated commercial and industrial heritage properties to assist in maintaining traditional "Main Streets" and industrial buildings in "brownfield" environments.

OUR Vision: To be the best place in Canada to raise a child, promote innovation, engage citizens and provide diverse economic opportunities.
OUR Mission: WE provide quality public service that contribute to a healthy, safe and prosperous community, in a sustainable manner.
OUR Values: Accountability, Cost Consciousness, Equity, Excellence, Honesty, Innovation, Leadership, Respect and Teamwork.
When the program ended in 2010, CHIRP had received $647,183.13 in funding from the City. Allocations were made in 2004, 2005, 2007, and 2008, with 2010 marking the final year of funding committed to the program. A review of the five-year term indicates that the program uptake was low; 19 applications were funded, an average of four applications were submitted in a typical year, and three properties received multiple grants within that period. In addition, the majority of applications requested funding for maintenance of the structure, rather than restoration or reconstruction of documented historical features. The Community Heritage Reserve Account has a current surplus balance of $250,138.90. Sufficient monies are contained in the account to fund the new heritage program for a limited time.

Urban Renewal and Development Planning, Heritage and Design staff will apply performance measurements to track the success of the program and report back to Council on an annual basis. Indicators could include the number of improved heritage buildings, investment in heritage properties, and the employment of local contractors.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Urban Hamilton Official Plan

Volume 1, Section B.3.4 – Cultural Heritage Resources Policies of the Urban Hamilton Official Plan (UHOP) states that the City shall "protect and conserve the tangible cultural heritage resources of the City, including archaeological resources, built heritage resources, and cultural heritage landscapes for present and future generations" (B.3.4.2.1 (a)), and "encourage public and private stewardship of, and custodial responsibility for, the City’s cultural heritage resources" (B.3.4.2.1(c)). In addition, the UHOP states that the City shall "support the continuing use, reuse, care, and conservation of cultural heritage resources and properties by encouraging property owners to seek out and apply for funding sources available for conservation and restoration work" (B.3.4.2.1(f)).

Rural Hamilton Official Plan

Volume 1, Section B.3.4 – Cultural Heritage Resources Policies of the Rural Hamilton Official Plan outlines the same policies found in the UHOP, as indicated above.

RELEVANT CONSULTATION

Urban Renewal and Development Planning, Heritage and Design staff collaborated on the preparation of the HHCGP and consulted with Legal Services in preparing the proposed By-law attached as Appendix "B", to further amend By-law No. 10-052 to include delegated approval of grants under the HHCGP. Their comments have been incorporated into this Report.
ANALYSIS AND RATIONALE FOR RECOMMENDATION

The proposed HHCGP is closely aligned with the existing HHPGP and is intended to provide financial assistance for the continued conservation and restoration of heritage features of properties throughout the City of Hamilton.

Analysis

The available financial incentive programs administered through the Urban Renewal Section provide a well-rounded suite of options for the conservation and adaptive re-use of industrial, commercial, institutional, and multi-residential heritage properties in areas targeted for intensification and redevelopment. However, the existing programs do not provide grant funding for the continued conservation of single-detached dwellings across the City, as well as all other properties located outside of the areas covered by the HHPGP. The HHPGP requires that a property be located within Downtown Hamilton, Community Downtowns, an active Business Improvement Area (BIA), or be located within the lower City between Highway 403 and the Red Hill Valley Parkway, and be used for commercial, institutional, or multi-residential purposes.

Approximately 430 of the 600 properties designated under the Ontario Heritage Act are not eligible for funding through the existing HHPGP.

Residential Properties:
- Most of the properties that are ineligible for the existing HHPGP (located outside of the BIA-CIPA/Lower City area or do not meet HHPGP criteria), are residential.
- There are different types of residential uses (e.g., single detached, rowhouses, multi-residential), but for the most part, properties that are ineligible are single-detached dwellings.

Commercial Properties:
- Most designated commercial properties in Hamilton are eligible for funding through existing HHPGP, since the majority of designated commercial properties are located within a BIA and/or CIPA.

Institutional Properties and Conservation Lands:
- Five designated schools and eight designated churches fall outside the HHPGP boundaries.
- There are eight properties owned by the Conservation Authority that are not within HHPGP boundaries.

Heritage Conservation Districts (HCDs):
- Six of the seven HCDs are completely or partially located within HHPGP boundaries.
However, since most properties located in HCDs are residential, specifically single detached, they are ineligible to receive funding through existing HHPGP.

The proposed HHCGP will be administered through the Ontario Heritage Act and will, therefore, be available to all eligible heritage properties, regardless of the type of property (e.g., residential, commercial institutional, etc.) across the entire City.

**Terms and Conditions**

The HHCGP, provided in the form of a matching grant, gives the municipality control in what type of work is "eligible", and ensures that the actual work is completed to the City’s approval prior to funding under the Program being advanced. Requiring the property owner to match half of the cost provides additional private investment, and demonstrates a financial commitment on behalf of the owner. The HHPGP has similar terms and conditions, and has been successful at targeting improvements and conservation efforts, since funding is contingent upon actual work being completed to the City’s approval.

Highlights of the proposed City-wide HHCGP:

- Provides financial assistance in the form of a matching grant for the conservation and restoration of heritage features of properties;
- Requires that a property be designated under Part IV or Part V of the *Ontario Heritage Act*; and,
- Grants will be based on 50% of the total eligible cost for a minimum of $1,000 and a maximum of $5,000 per municipal address, identifying multiple and separate units and entranceways.

Staff have previously expressed that the routine maintenance and general upkeep of all properties should be the responsibility of the homeowner, including heritage properties. However, staff recognize that, over time, the need for rehabilitation or a desire to restore identified heritage attributes may require significant investment, and should be eligible for financial assistance. The objective of the HHCGP is to provide property-owners with the financial assistance necessary for the continued conservation or restoration of identified heritage features, to ensure that the integrity of the City’s cultural heritage resources are maintained.

Staff propose a minimum matching grant of $1,000 and maximum of $5,000 for the HHCGP. The scope of the grant is based on best practices of municipalities across Ontario with similar heritage grant programs (see Report PED13098 for more information), which range from a maximum of $1,000 to $15,000. The minimum grant amount ensures that the cost reflects work beyond that of typical routine maintenance and the efficient use of City administration.
The $5,000 maximum grant aims to promote the continued conservation and restoration of heritage features of properties, rather than more intensive adaptive re-use or redevelopment projects, which may already be eligible for the existing HHPGP or HHCF. The recommended threshold of $5,000 per grant, per year, will allow for an uptake of approximately 50 applications of $5,000 over three years, or 16 grants of $5,000 per year.

The full program description is attached as Appendix "A".

**Delegated Approval**

Staff are recommending that the delegated authority of the General Manager of Planning and Economic Development be expanded to include the HHCGP. Delegated authority shortens turnaround time to process an application, thereby allowing property owners to address any urgency in the implementation of improvements to their properties. The maximum grant under this program is $5,000.

**Funding**

Funding for the proposed heritage financial incentive program is contained in the Community Heritage Reserve Account 102047. This account was established to fund the former CHIRP, which was limited to commercial/industrial heritage buildings. When the five-year term of the program ended in 2010, CHIRP had received $647,183.13 in funding from the City. Sufficient monies remain in the Community Heritage Reserve Account 102047 to fund the new heritage program in the amount of $250,138.90.

**ALTERNATIVES FOR CONSIDERATION**

The Hamilton Municipal Heritage Committee may advise Council of the following:

- Council may propose a different term or budget for the grant program. Staff are of the opinion that a three-year term will provide staff with the necessary time to implement the program and gauge its effectiveness, before reporting back to Council for further direction.

- Council may amend the proposed program description, such as the conditions or eligibility criteria. Given the consideration of all the factors noted in the Analysis section of this Report, staff are of the opinion that the recommended program description is closely aligned with other existing programs, reflects municipal best practices, and adequately addresses the identified funding needs.

- Council may choose to not provide delegated approval authority to the General Manager of Planning and Economic Development. This will require applications to be forwarded to Committee and Council for approval. In order to provide an efficient and effective service, this alternative is not recommended.
• Council may decide to not approve the HHCGP. Staff do not recommend this alternative as monies have already been committed to fund heritage conservation work, and the proposed grant program addresses identified funding needs.

ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN

Strategic Priority #1 - A Prosperous & Healthy Community

WE enhance our image, economy and well-being by demonstrating that Hamilton is a great place to live, work, play and learn.

Strategic Objective:

1.6 Enhance Overall Sustainability (financial, economic, social and environmental).

Staff Comments:

The approval of the recommendations of this Report demonstrates Council’s commitment to conserving cultural heritage resources, as directed by provincial and federal level policies.

APPENDICES AND SCHEDULES ATTACHED

• Appendix “A”: Hamilton Heritage Conservation Grant Program Description
• Appendix “B”: By-law to further amend By-law No. 10-052 delegating authority for approving grants to the General Manager, Planning and Economic Development, for certain grants under the Ontario Heritage Act
• Appendix “C”: City of Hamilton By-law No. 07-346 authorizing the making of loans and grants to the owners of properties, designated under the Ontario Heritage Act

AG:HM
Attachs. (3)
Hamilton Heritage Conservation Grant Program (HHCGP)

1.0 Program Description

The Hamilton Heritage Conservation Grant Program (HHCGP) is intended to provide financial assistance in the form of matching grants between $1,000 to $5,000 for the conservation and restoration of cultural heritage resources. The objective of the Hamilton Heritage Conservation Grant Program is to assist in the on-going conservation of heritage properties designated under the Ontario Heritage Act that are not eligible for the Hamilton Heritage Property Grant Program (HHPGP).

2.0 Terms of the Program

2.1 Grant Information

1. The grant is contingent on properties being designated under Parts IV or V of the Ontario Heritage Act.

2. An application fee of $75 is to accompany the application. The rate of the fee may be changed from time to time as approved by City Council.

3. The grant is conditional upon a Heritage Permit; or easement approval; or other City approval, being issued for the heritage component.

4. The grant is conditional upon all required planning and building code approvals.

5. Improvements commenced prior to submitting an application are ineligible. Improvements commenced after submitting an application, but prior to application approval, are undertaken at the applicant’s risk, as funding may be refused.

6. The Urban Renewal Section, in consultation with Planning staff, reserves the right to recommend works that are integral to the preservation of the building required to preserve/conserve the heritage features.

7. The grant amount will total a minimum of $1,000 to a maximum $5,000 per municipal address, identifying multiple and separate units and entranceways per year, subject to available funding. The awarded grant amount will total one half the lesser of either the actual eligible project cost (cost as outlined in the final invoices for the completed project) or the estimated eligible project cost (estimated cost as identified on the Hamilton Heritage Conservation Grant Program application form).

8. Work completed must comply with estimates, and work proposed and identified within the application unless previously approved by the Urban Renewal Section. City staff will visit the site to ensure that the work has been completed in conformity with the conditions of the grant approval.
9. At the sole discretion of the Manager of Urban Renewal, partial payments for works completed can be processed consistent with the payment process described above.

10. At the sole discretion of the Manager of Urban Renewal, the grant cheque can be made jointly payable to the applicant and the contractor if such a request has been received from the applicant.

11. The grant is not transferable upon sale of the property.

12. Properties eligible for the Hamilton Heritage Property Grant Program are not eligible for this grant program.

13. The grant may be received by an owner in conjunction with approval of a loan under the Hamilton Community Heritage Fund Loan Program, provided that funding under these programs will not fund the same work.

14. Approval of the grant application is at the absolute discretion of the City and subject to the availability of funds.

15. Without limiting the discretion as set out in paragraph 14 herein, the City Council, whether or not an Applicant satisfies the requirements of the Program, may reject any application received from an applicant where, in the opinion of Council, the commercial relationship between the City and the Applicant has been impaired by, but not limited to, the applicant being involved in litigation with the City. Applicants are individuals, corporate entities and individuals behind the corporation (Officers/Directors/Shareholders).

16. A successful applicant will enter into an agreement with the City containing, but not limited to, the terms and conditions set out in the program description.

2.2 Submission Requirements

Prospective applicants must consult with Planning staff as early as possible in the process of planning a project. This pre-consultation is required to determine eligibility, avoid delays in the processing of an application, and determine if a Heritage Permit is required.

Prospective applicants should also discuss their proposal with representatives from Building Services and the Planning Division to determine if there are regulations that require additional permits or approvals.

Prospective applicants shall then submit a Hamilton Heritage Conservation Grant Program application form, as well as other required information. The types of information required with each grant submission include, but are not limited to:

- A Heritage Permit application form and/or a Heritage Permit approval letter;
• Photographs of the project site and of the features showing what and where the work will take place;

• Copies of any relevant historical documentation, including historical photographs or illustrations;

• Drawings, specifications or descriptions (as necessary) that adequately illustrate the scope, type of work and location as proposed. Depending on the scope of the work, drawings prepared by the property owner may be acceptable. However, should an architect or consultant be retained, detailed drawings are requested;

• A brief summary of the overall project budget, with eligible conservation work clearly itemized;

• At least two (2) competitive cost estimates for all labour and materials involved in the proposed work unless there is only one local specialized supplier of a particular product, trade or service. Although it is not mandatory, applicants are encouraged to select suppliers, contractors and/or trades people with demonstrated experience with heritage properties. Please note a contractor licensed with the City of Hamilton may be required to undertake the works; and,

• A statement detailing other grants or funding sought for the proposed work, where applicable.

2.3 Frequency of Grant

Funding for eligible applications will be awarded on a first-come-first-served basis. A property owner may receive one grant per deeded property per calendar year. Applications will either be conditionally approved or refused.

2.4 Completion of Work

Work must be completed within one year of receiving a conditionally approved grant. Invoices for costs of the completed project shall be submitted to Urban Renewal staff to verify the eligible amount of the grant. Invoices must be submitted within one year of receipt of the conditionally approved grant, unless the deadline is extended by Urban Renewal staff. An applicant with a conditionally approved grant who is deemed to have failed to comply with the terms of the Hamilton Heritage Conservation Grant Program shall not be awarded that grant and is prohibited from making a grant application for the same work in the following calendar year.

NOTE: Work that was approved, but done in a poor or defective manner or in a manner contrary to the conditions of the grant approval or the Heritage Permit (if required), will not be funded.
3.0 Eligibility

3.1 Eligibility Requirements

- The eligible property must not be in arrears or default of any municipal taxes.
- The eligible property must not be the subject to any outstanding Fire Code, Building Code or Property Standards orders. Any outstanding violations on the property for which the grant is sought must be addressed prior to any grant monies being advanced.
- The existing use of the eligible property must be in compliance with applicable Zoning By-law regulations and other relevant planning regulations.
- Owners and tenants of eligible properties may apply for assistance. Tenants are required to provide documentation of the property owner’s consent to the improvements with their application.
- Eligible properties owned by any level of government are not eligible for the Program, except in the following cases:
  a) where the property is under long-term lease to an individual and the tenant or lessee is the applicant; or,
  b) where a non-profit community group has assumed, by long-term lease or legal agreement, responsibility for the building and the non-profit community group is the applicant.

3.2 Eligible Conservation Work

Eligible conservation work includes any work that conserves, restores and/or enhances elements identified and described in the relevant heritage designation By-law, Heritage Conservation District Plan and/or Heritage Easement Agreement.

All work must be executed in such a manner as to not detract from or diminish the cultural heritage value of the property or Heritage Conservation District.

All work should conform to relevant municipal heritage policy, such as Heritage Conservation District Plan guidelines, as well as best practices for heritage conservation, including *Eight Guiding Principles in the Conservation of Built Heritage Properties* (Ministry of Culture, 2007) and the *Standards and Guidelines for the Conservation of Historic Places in Canada* (Parks Canada, Second Edition, 2010).

The types of eligible conservation work include, but are not limited to:

- The *conservation* of significant architectural features. This may include the conservation or restoration of: doors, windows, verandahs, cupolas, chimneys, bargeboard or other decorative trim, parapets, cornices, hood mouldings and any other features important to the overall composition of the structure as specified in the *Reasons for Designation*, the
Statement of Cultural Heritage Value of Interest or, a description of the Heritage Attributes accompanying the designating by-law under the Ontario Heritage Act.

- The reconstruction of former and significant architectural features for which the appearance can be clearly determined from documentary sources (photographs, drawings, etc.).

- The conservation or renewal of original siding and roofing materials including repair and replacement, where necessary, of wood clapboard or board-and-batten, repair and repointing of masonry buildings, stucco repair, repair or replacement of original roofing materials (slate, wood shingles, tile, etc.). Eligible work also includes removal of a modern material (synthetic siding, asphalt shingles, etc.) and replacement with documented original materials.

- Cleaning of masonry buildings may be eligible if it is necessary for the building's conservation. Under no circumstances will grants be paid for any form of abrasive cleaning, (e.g., sandblasting or sodablasting) or high-pressure water cleaning. Planning staff approval is required as to cleaning method to be employed before work is undertaken.

- Exterior painting in documented original colours. Colours must be documented for the individual building or be proved to have been a common contemporary colour in the area. Painting of unpainted masonry is not eligible.

3.3 Ineligible Work

Ineligible work includes any work or projects of a non-heritage nature, works that focus on non-heritage attributes, new additions, spaces, features and finishes, new construction, or any works that may diminish the cultural heritage value of the property.

Repair, maintenance, reconstruction or improvements to the following are ineligible for grant assistance, unless specifically identified and described in the Reasons for Designation, the Statement of Cultural Heritage Value of Interest or, a description of the Heritage Attributes:

- Repair of non-original siding or roofing materials (aluminum siding, asphalt shingles, etc.).

- Landscaping.

- Work on modern additions.

- Work on sheds or outbuildings.

- Installation of modern doors and windows, unless replicas of the original.

- Installation of new storm or screen doors and windows.
- Chimney repairs other than restoration of a significant chimney.
- Repair of eavestrough unless its nature is such that it is significant to the heritage of the structure.
- Repairs to or renewal of modern materials.
- Painting previously unpainted masonry.
- Interior Work.
- Abrasive cleaning (e.g. sandblasting or sodablasting) or high-pressure water cleaning.

The final determination of what constitutes eligible and ineligible work is at the discretion of Planning staff.

3.4 Eligible Costs

Eligible costs shall be the costs of materials, equipment and contracted labour to complete eligible conservation, restoration or preservation work, documented by invoices to the satisfaction of Planning and Urban Renewal staff. Labour provided by the applicant or tenant of the property will not be an eligible cost.

The grant is paid, subject to compliance with these terms and conditions of the Program, upon completion of the conditionally approved work.
CITY OF HAMILTON

BY-LAW NO. _________

To Amend City of Hamilton By-law No. 10-052, as amended, to delegate authority to the General Manager, Planning and Economic Development for certain grants under the Ontario Heritage Act.

WHEREAS the Council of the City of Hamilton enacted a By-law to delegate authority to the General Manager, Planning and Economic Development with respect to certain grants and loans under the Downtown and Community Improvement Plan being City of Hamilton By-law No. 10-052;

AND WHEREAS this By-law provides for amendments to City of Hamilton By-law No. 10-052 to delegate authority to the General Manager, Planning and Economic Development for certain grants under the Ontario Heritage Act;

AND WHEREAS under subsection 39(1) of the Ontario Heritage Act, R.S.O. 1990, c. O.18, Council enacted City of Hamilton By-law No. 07-346 to make grants or loans to owners of a property designated under Part IV of the Ontario Heritage Act for the purpose of paying for the whole or any part of the cost of alteration of such designated property on such terms and conditions as Council may prescribe;

AND WHEREAS under sections 9 and 10 of the Municipal Act, 2001, S.O. 2001, c. 25, in accordance with section 23.1 of the Municipal Act, 2001, the powers of a municipality under that or any other Act may be delegated to a person or body subject to the restrictions set in sections 23.2 to 23.5, inclusive of the Municipal Act, 2001;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. City of Hamilton By-law No. 10-052 is amended by deleting Section 2(2) in its entirety and replacing it with the following new Section 2(2):

   (2) subsection 39(1) of the Ontario Heritage Act, for the financial incentive programs known as the Hamilton Heritage Conservation Grant Program.
2. This By-law comes into force on the date of its passing.

PASSED this day of 2014.

R. Bratina
Mayor

R. Caterini
City Clerk
Bill No. 346

CITY OF HAMILTON

BY-LAW NO. 07-346

BEING A BY-LAW TO AUTHORIZE THE MAKING OF LOANS AND GRANTS TO THE OWNERS OF PROPERTIES DESIGNATED UNDER THE ONTARIO HERITAGE ACT

WHEREAS Sub-Section 39 (1) of the Ontario Heritage Act authorizes the City of Hamilton to pass by-laws providing for the making of a grant or loan to the owner of a property designated under the Ontario Heritage Act for the purpose of paying for the whole or any part of the cost of alteration of such designated property on such terms and conditions as the Council may prescribe;

AND WHEREAS the Council of the City of Hamilton deems it advisable and in the public interest to provide financial assistance to owners of properties designated under the Ontario Heritage Act as set-out in program terms and conditions approved by Council from time to time.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That the City of Hamilton may make loans and grants to the owners of properties designated under the Ontario Heritage Act for the purpose of paying for the whole or any part of the cost of alteration of such designated property on such terms and conditions as may be approved by Council.

PASSED and ENACTED this 12th day of December, 2007

Fred Eisenberger
Mayor

Kevin C. Christenson
City Clerk
Memorandum

Date: January 8, 2014
To: Chair and Members Hamilton Municipal Heritage Committee
From: Steve Robichaud, Director of Planning
Subject: 170 Longwood Road North, Hamilton

170 Longwood Road North, Hamilton comprises the Art Moderne house known as “Hambly House”. The property is included in the City’s Inventory of Property of Cultural Heritage Value or Interest as a non-designated property and research and evaluation of the property for potential designation is on staff’s work plan for 2017. The request for designation was submitted in 2011 by the previous property owner.

The current owner of the property wishes to construct a second storey addition and complete other alterations to the existing building, including the replacement of windows and recladding the stucco exterior. A Building Permit has been issued for the proposed construction and some alterations have commenced. There are no restrictions under the Ontario Heritage Act with respect to alterations to non-designated properties included in the Municipal Register.

Accordingly, the attached drawings are solely for the information of the Municipal Heritage Committee and staff is not providing any recommendations regarding the proposed alterations.

:MH
Attach. (1)
Proposed front (east) and side (south) elevations

Proposed front (west) and side (north) elevations

Proposed rear (east) and side (north) elevations