



PLANNING COMMITTEE REPORT 14-009

As Amended by Council on June 11, 2014

9:30 am

Tuesday, June 3, 2014

Council Chambers

Hamilton City Hall

71 Main Street West

Present: Councillors B. Johnson (Chair), J. Partridge (1st Vice Chair), J. Farr, B. Clark, L. Ferguson, R. Pasuta, M. Pearson and T. Whitehead

Absent with Regrets: Councillor C. Collins – personal

THE PLANNING COMMITTEE PRESENTS REPORT 14-009 AND RESPECTFULLY RECOMMENDS:

- 1. Request to Designate 103 Kenilworth Avenue North, Hamilton (Kenilworth Library) Under Part IV of the Ontario Heritage Act (PED14100) (Ward 4) (Item 5.3)**
 - (a) That Council direct staff to carry out a Cultural Heritage Assessment of 103 Kenilworth Avenue North, Hamilton, shown in Appendix “A” of Report PED14100, to determine whether the property is of cultural heritage value worthy of designation under Part IV of the Ontario Heritage Act.
 - (b) That the Cultural Heritage Assessment work be assigned a low priority, and be added to staff’s work program for completion in 2019, as per the attached Appendix “F” of Report PED14100.
 - (c) That if 103 Kenilworth Avenue North, Hamilton, is determined to be of cultural heritage value or interest, a Statement of Cultural Heritage Value or Interest 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 a copy of Report PED14100 be forwarded to the Hamilton Municipal Heritage Committee for information.
- (e) That a copy of Report PED14100 be forwarded to the following for information: the Branch Services Section of the Hamilton Public Library; the Corporate Assets and Strategic Planning Division of the Public Works Department; the Heritage Resource Management Section of the Tourism and Culture Division; and, the Real Estate Section of the Economic Development Division.

2. Heritage Permit Application HP2014-011, Under Part V of the Ontario Heritage Act, for the Demolition of an Existing Garage and Erection of a New Garage at 6 Victoria Street (Dundas) (PED14114) (Ward 13) (Item 5.4)

That Heritage Permit Application HP2014-011 be approved for the demolition of an existing garage and erection of a new garage, on the designated property at 6 Victoria Street (Cross-Melville Heritage Conservation District) (Dundas), subject to the following conditions:

- (a) That the previous Heritage Permit HP2013-034, approved by Council on August 16, 2013, is revoked as of the approval of Heritage Permit HP2014-011;
- (b) That the design and location for any light fixtures on the front elevation shall be submitted, to the satisfaction and approval of Planning staff, prior to installation;
- (c) That detailed plans and elevations, including any minor changes following Heritage Permit approval, shall be submitted, to the satisfaction and approval of Planning staff, prior to submission as part of any application for a Building Permit; and,
- (d) That construction and site alterations, in accordance with this approval, shall be completed no later than May 31, 2016.
- (e) That if the construction and site alterations are not completed by May 31, 2016, then this approval expires as of that date, and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

3. Heritage Permit Application HP2014-012, Under Part V of the Ontario Heritage Act, for the Demolition of an Existing Garage, Removal of a Metal Shed and Erection of Fencing at 4 Griffin Street (Waterdown) (PED14115) (Ward 15) (Item 5.5)

That Heritage Permit Application HP2014-012 be approved for the demolition of an existing garage, removal of a metal shed and erection of fencing, on the designated property at 4 Griffin Street (Mill Street Heritage Conservation District) (Waterdown), subject to the following conditions:

- (a) That the new fence shall match the materials, height and design of the existing fence otherwise the materials, height and design for a new fence shall be submitted to the satisfaction and approval of Planning staff prior to construction; and,
- (b) That implementation of the alterations, in accordance with this approval, shall be completed no later than May 31, 2016.
- (c) That if the site alterations are not completed by May 31, 2016, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

4. Amendments to By-law No. 05-012 Designating 320 King Street East (Hamilton) under Part IV of the Ontario Heritage Act (PED14116) (Ward 2) (Item 5.6)

- (a) That the designation of 320 King Street East (Hamilton), shown in Appendix "A" of Report PED14116, as a property of cultural heritage value be amended pursuant to the provisions of Part IV of the Ontario Heritage Act.
- (b) That the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes, contained within the draft By-law attached as Appendix "B" to Report PED14116, be approved.
- (c) That the City Clerk be directed to take appropriate action to amend the designation of 320 King Street East (Hamilton), under Part IV of the Ontario Heritage Act, including causing notice of intention to amend the designation to be served on the owner of the property and the Ontario Heritage Trust and publication in a newspaper having general circulation, in accordance with the Notice of Intention to Designate (Amendment to Existing Designation), attached as Appendix "C" to Report PED14116.

5. Administrative Monetary Penalty System (AMP) for Parking Infractions (PED14120) (City Wide) (Item 5.7)

That Report PED14120, Administrative Monetary Penalty System (AMP) for Parking Infractions, be received.

6. Application for Approval of a Draft Plan of Condominium Conversion for Lands Located at 12 Proctor Boulevard, Hamilton (PED14095) (Ward 3) (Item 6.1)

That approval be given to Condominium Conversion Application CDM-CONV-12-02, by Radcliffe Properties Inc. c/o: David Horwood, Owner, to establish a Draft Plan of Condominium for 34 existing apartment units and 35 parking space units, located at 12 Proctor Boulevard, Hamilton, as shown on Appendix "A" to Report PED14095, subject to the following conditions:

- (a) That this approval apply to the plan prepared by A.T. McLaren Limited, and certified by S. D. McLaren, O.L.S., dated December 20, 2012, showing a total of 34 residential dwelling units and 35 parking space units, attached as Appendix "B" to Report PED14095;
- (b) That the Final Plan of Condominium complies with all of the applicable provisions of Zoning By-law No. 6593;
- (c) That the owner satisfies all conditions, financial or otherwise, of the City of Hamilton;
- (d) That the owner shall submit a report, in accordance with Section 9(4) of the Ontario Condominium Act, 1998, prepared and certified by a qualified Registered Professional Engineer or Licensed Architect, to the satisfaction of the Chief Building Official of the City of Hamilton, to confirm the structural and mechanical integrity of the building, and any owner-initiated measures required to correct any deficiencies, prior to the release of the final plan for registration; and,
- (e) That the owner/applicant shall include the following warning clause in all Development Agreements and all Offers of Purchase and Sale or Lease/Rental Agreements:

"Purchasers/tenants are advised that sound levels, due to increasing road traffic, may occasionally interfere with some activities of the dwelling occupants, as the sound levels may exceed the Municipality's and the Ministry of the Environment's noise criteria."

7. Applications for Amendments to the Urban Hamilton Official Plan, the City of Hamilton Zoning By-law 6593, and Draft Plan of Subdivision known as “Fontana Gardens Phase 3”, Hamilton (PED14106) (Ward 8) (Item 6.2)

- (a) That approval be given to Urban Hamilton Official Plan Amendment Application UHOPA-14-006, by Angros Enterprises, Owner, for a site specific modification to the Neighbourhood Designation, in order to permit the development of a multiple dwelling block within a Medium Density Residential area at a density below 60 units per hectare, as shown on Appendix “B” to Report PED14106, on the following basis:

That the draft Official Plan Amendment, attached as Appendix “B” to Report PED14106, be adopted by City Council.

- (b) That approval be given to revised Zoning Application ZAC-07-091, by Angros Enterprises, Owner, for changes in zoning from the “AA” (Agricultural) District and the “C” (Urban Protected Residential) District to the “D” (Urban Protected Residential – 1 and 2 Family Dwelling) District, Modified, the “D”-‘H’ (Urban Protected Residential – 1 and 2 Family Dwelling - Holding) District, Modified, the “C” (Urban Protected Residential, etc.) District, Modified, the “RT-30” (Street Townhouse) District, Modified and the “E” District (Multiple Dwellings, Lodges, Clubs, etc.), Modified as shown on Appendix “C” to Report PED14106, on the following basis:

- (i) That the draft By-law, attached as Appendix “B” to Report PED14106, 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. W-9b of Zoning By-law No. 6593; and,

- (iii) That the proposed change in zoning is in conformity with the Urban Hamilton Official Plan upon finalization of Official Plan Amendment No.

- (c) That approval be given to Draft Plan of Subdivision Application 25T-200717, by Angros Enterprises, Owner, to establish a draft plan of subdivision known as “Fontana Gardens – Phase 3”, on lands located within Part of Lot 16, Concession 7, Lands Located at 794 to 802 West 5th Street, 810 West 5th Street, Portion of 820 West 5th Street and Block 112, Plan 62M-1040, in the former City of Hamilton, as shown on Appendix “A” to Report PED14106, subject to the following conditions:

- (i) That this approval apply to the Draft Plan of Subdivision, 25T-200717, prepared by A.J. Clarke and Associates, and certified by

B.J. Clarke, O.L.S., dated November 6, 2012, showing 37 Blocks/Lots, consisting of nine Lots (Lots 9-17) for single detached units, 10 Lots (Lots 1-8, 34 and 35) for semi-detached units, 16 Lots (Lots 18-33) for street townhouse units, one Block (Block 36) for a multiple dwelling and one Block (Block 37) for Future Development, and finally the extension of a public street (Springvalley Crescent) and creation of a new cul-de-sac (currently Angie Place but to be renamed in accordance with City Street Naming Policy), 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 PED14106;

- (ii) Acknowledgement by the City of Hamilton that there shall be no cost sharing within this development;
- (iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 42 of the Planning Act, prior to the issuance of each building permit. The calculation of the Cash-in-Lieu payment shall be based upon the value of the lands on the day prior to the day of issuance of each building permit;
 - 1. With regard to Blocks 18-33 (Street Townhouses), a parkland dedication, at a ratio of 0.6 ha per 300 dwelling units, will be required;
 - 2. Additionally, Blocks 1-17, 34 and 35 (Single Detached Residential / Semi-Detached Residential) will require a parkland dedication ratio of 5%; and,
 - 3. Lastly, Block 36 (Multiple Dwelling / Block Townhouse) shall require a parkland dedication ratio of 1 ha per 300 dwelling units will be required.

All payment of cash-in-lieu will be in accordance with the financial Policies for Development and the City's Parkland Dedication By-law, as approved by Council.

- (d) That upon conveyance of Block 37 to the City of Hamilton, that the lands be declared surplus in accordance with By-law 04-299.
- (e) That upon finalization of the implementing By-law, a portion of the subject lands within the Gourley Neighbourhood Plan be re-designated from "Single and Double" to "Attached Housing" (Lots 18-33 Appendix "D") and "Low Density Apartments" (Block 36 on Appendix "D").

8. Application for an Amendment to City of Hamilton Zoning By-law No. 05-200 for the Lands Located at 620 South Service Road (Stoney Creek) (PED14110) (Ward 10) (Item 6.3)

That approval be given to Zoning Application ZAR-13-052, by 610 South Service Road Inc., Owner, for a change in zoning to Hamilton By-law No. 05-200 from the Prestige Industrial (M3, 439) Zone, Modified, to the existing site-specific Prestige Industrial (M3, 434) Zone, Modified, to add additional parking for the existing arena, for the lands located at 620 South Service Road, Stoney Creek, as shown on Appendix "A", on the following basis:

- (a) That the draft By-law, attached as Appendix "B" to Report PED14110, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
- (b) That the change in zoning conforms to the Urban Hamilton Official Plan.

9. Hamilton Municipal Heritage Committee Report 14-006 (Item 8.2)

That City Council be advised that the Hamilton Municipal Heritage Committee endorse the designation of the property at 1 St. James Place, Hamilton as approved by Council on May 29, 2014, including the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes contained in the Notice of Intention to Designate.

10. North Hamilton Community Health Centre (Item 9.1)

That the North Hamilton Community Health Centre, located at 428 Hughson Street, is hereby confirmed to be a charitable non-profit use and that the Director of Planning be directed and authorized to exempt the North Hamilton Community Health Centre from the parkland dedication requirements for the erection of a green house for a horticultural therapy program in accordance with the City of Hamilton Parkland Dedication By-law.

11. Appeals to the Ontario Municipal Board on the City of Hamilton's Refusal or Neglect to Adopt an Amendment to the Urban Hamilton Official Plan for Lands Located at 591 and 611 Garner Road West (Ancaster) (LS14022/PED14126) (Delivered Under Separate Cover) (Item 12.1)

Regarding the Urban Hamilton Official Plan amendment application (OPA-13-016) for 591 and 611 Garner Road West:

- (a) That Legal staff be directed to support the Official Plan Amendment to the Urban Hamilton Official Plan in a form satisfactory to the City Solicitor and with content acceptable to the Director of Planning at the Ontario Municipal Board which implements the revised concept plan dated November 27, 2013, attached to Report LS14022/ PED14126 as Appendix "B"; and
- (b) That Report LS14022/PED14126, except for Appendix B, remains confidential.

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

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

DISCUSSION ITEMS

Background Motion from Council

8.1 Work Plan to Address Performance Audit Report 2013-14 - Unlicensed Businesses (referred from Audit, Finance and Administration - Enforcement of Businesses Operating Without a License (PED13037(b))

8.2 Hamilton Municipal Heritage Committee Report 14-006

The Agenda for the June 3, 2014 meeting of the Planning Committee was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

None.

(c) APPROVAL OF MINUTES (Item 3)

(i) May 20, 2014

The Minutes of the May 20, 2014 Planning Committee meeting were approved.

(d) DELEGATION REQUESTS (Item 4)

(i) Delegation Request from Rami Reda respecting Medicinal Marijuana By-law Review for a future meeting (Item 4.1)

The delegation request from Rami Reda respecting Medicinal Marijuana By-law Review was approved for the June 17, 2014 meeting of Planning Committee.

(e) CONSENT ITEMS (Item 5)

(i) Hamilton Historical Board Minutes - April 15, 2014 (Item 5.1)

The Hamilton Historical Board Minutes - April 15, 2014, were received.

(ii) Amendments to Telecommunication Tower and Antenna Protocol (PED14094) (City Wide) (Item 5.2)

Report PED14094, Amendments to Telecommunication Tower and Antenna Protocol, was referred back to staff for a further with a report addressing prohibiting lattice towers, a 400m separation between residents and schools, and the City's authority for telecommunication towers and antennas.

(f) PUBLIC HEARINGS AND DELEGATIONS (Item 6)

(i) Application for Approval of a Draft Plan of Condominium Conversion for Lands Located at 12 Proctor Boulevard, Hamilton (PED14095) (Ward 3) (Item 6.1)

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 draft plan of condominium, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the 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.

No public speakers came forward.

The public meeting respecting Report PED14095 Application for Approval of a Draft Plan of Condominium Conversion for Lands Located at 12 Proctor Boulevard, Hamilton, was closed.

The staff presentation respecting Report PED14095 Application for Approval of a Draft Plan of Condominium Conversion for Lands Located at 12 Proctor Boulevard, Hamilton, was waived.

For disposition on this Item, refer to item 6.

(ii) Applications for Amendments to the Urban Hamilton Official Plan, the City of Hamilton Zoning By-law 6593, and Draft Plan of Subdivision known as “Fontana Gardens Phase 3”, Hamilton (PED14106) (Ward 8) (Item 6.2)

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 draft plan, official plan and zoning by-law amendments, 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.

No public speakers came forward.

The public meeting respecting Report PED14106 Applications for Amendments to the Urban Hamilton Official Plan, the City of Hamilton Zoning By-law 6593, and Draft Plan of Subdivision known as “Fontana Gardens Phase 3”, Hamilton, was closed.

The staff presentation respecting Report PED14106 Applications for Amendments to the Urban Hamilton Official Plan, the City of Hamilton Zoning By-law 6593, and Draft Plan of Subdivision known as “Fontana Gardens Phase 3”, Hamilton, was waived.

For disposition on this Item, refer to item 7.

(iii) Application for an Amendment to City of Hamilton Zoning By-law No. 05-200 for the Lands Located at 620 South Service Road (Stoney Creek) (PED14110) (Ward 10) (Item 6.3)

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 amendments, 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.

No public speakers came forward.

The public meeting respecting Report PED14110 Application for an Amendment to City of Hamilton Zoning By-law No. 05-200 for the Lands Located at 620 South Service Road (Stoney Creek), was closed.

Murray Mazza, lawyer on behalf of the applicant, expressed support for the staff recommendations.

The staff presentation respecting Report PED14110 Application for an Amendment to City of Hamilton Zoning By-law No. 05-200 for the Lands Located at 620 South Service Road (Stoney Creek), was waived.

For disposition on this Item, refer to item 8.

(g) DISCUSSION ITEMS (Item 8)

- (i) Work Plan to Address Performance Audit Report 2013-14 - Unlicensed Businesses (referred from Audit, Finance and Administration - Enforcement of Businesses Operating Without a License (PED13037(b))) (Item 8.1)**

The Work Plan to Address Performance Audit Report 2013-14 - Unlicensed Businesses (referred from Audit, Finance and Administration - Enforcement of Businesses Operating Without a License (PED13037(b))) was added to the Planning Committee Outstanding Business List for a report back in June 2015.

(h) MOTIONS (Item 9)

- (i) North Hamilton Community Health Centre (Item 9.1)**

- (a) The motion was amended by deleting the word, “deemed”, before the words, “to be a charitable organization” and replace it with the word, “confirmed”.
- (b) The motion was amended by adding the words, “for the erection of a green house for a horticultural therapy program” before the words, “in accordance with the City of Hamilton Parkland Dedication By-law”.

For disposition on this Item, refer to item 10.

(ii) World Cup Soccer – Hamilton Patios (Item 9.2)

During the world cup soccer festivities, MLE Officers are to use discretion when enforcing the by-law to not allow televisions on patios in Hamilton.

The motion was DEFEATED on the following vote:

Yeas:	Whitehead, Pearson, Farr
Total:	3
Nays:	Ferguson, Clark, Pasuta, Partridge, Johnson
Total:	5
Absent:	Collins
Total:	1

(i) NOTICES OF MOTION (Item 10)

Councillor Farr introduced the following Notice of Motion:

(i) World Cup Soccer – Hamilton Patios (Item 10.1)

During the world cup soccer festivities, MLE Officers are to use discretion when enforcing the by-law to not allow televisions on patios in Hamilton.

The rules were waived in order to introduce a motion respecting World Cup Soccer – Hamilton Patios

The motion CARRIED on the following vote:

Yeas:	Whitehead, Pearson, Farr, Ferguson, Pasuta, Partridge, Johnson
Total:	7

Nays: Clark
Total: 1
Absent: Collins
Total: 1

For disposition on this Item, refer to item (h)(ii).

(j) 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 F: City of Hamilton Revised Sidewalk Policy for New Development (PED12234) (City Wide)
Due Date: June 3, 2014
Proposed Due Date: August 12, 2014
- (bb) Item P: City Initiative to Amend Hamilton Zoning By-law No. 6593 for the Properties Located at 118 to 338 Mountain Brow Boulevard (Hamilton) (PED13101)
Due Date: June 3, 2014
Proposed Due Date: September 16, 2014

The following items were removed from the Outstanding Business List:

- (aa) Item B: Woodland Manor (PED08306)

(k) PRIVATE AND CONFIDENTIAL (Item 12)

(i) Appeals to the Ontario Municipal Board on the City of Hamilton's Refusal or Neglect to Adopt an Amendment to the Urban Hamilton Official Plan for Lands Located at 591 and 611 Garner Road West (Ancaster) (LS14022/PED14126) (Delivered Under Separate Cover) (Item 12.1)

Pursuant to Sub-sections 8.1(f) and (e) of the City's Procedural By-law and Section 239.2 of the Municipal Act as the subject matter pertains to the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose and litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board

For disposition on this Item, refer to item 11.

(l) ADJOURNMENT

There being no further business, the Planning Committee adjourned at 10:37 a.m.

Respectfully submitted,

Councillor B. Johnson
Chair, Planning Committee

Vanessa Robicheau
Legislative Coordinator
Office of the City Clerk