PLANNING COMMITTEE
REPORT 17-005
AS AMENDED BY COUNCIL MARCH 29, 2017

9:30 a.m.
Tuesday, March 21, 2017
Council Chambers
Hamilton City Hall
71 Main Street West

Present:	Councillors M. Pearson (Chair), A. Johnson (1st Vice Chair), J. Farr (2nd Vice Chair), C. Collins, D. Conley, B. Johnson, D. Skelly, and J. Partridge.
Absent with regrets	Councillor R. Pasuta, Sick Leave and Councillor M. Green, City Business

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THE PLANNING COMMITTEE PRESENTS REPORT 17-005 AND RESPECTFULLY RECOMMENDS:

1. Appeal to the Ontario Municipal Board (OMB) on the City of Hamilton's Refusal or Neglect to Adopt an Amendment to the Urban Hamilton Official Plan and the Town of Ancaster Zoning By-law No. 87-57 for Lands Located1117 Garner Road East (Ancaster) (Ward 12) (PED17040) (Item 5.1)

That Report PED17040 respecting Appeal to the Ontario Municipal Board (OMB) on the City of Hamilton's Refusal or Neglect to Adopt an Amendment to the Urban Hamilton Official Plan and the Town of Ancaster Zoning By-law No. 87-57 for Lands Located1117 Garner Road East, be received.

2. Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (City Wide) (PED17043) (Item 5.2)

That Report PED17043 respecting Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications, be received.

3. Licensing of Bicycles (City Wide) (PED17046) (Outstanding Business List Item) (Item 5.3)

That Report PED17046 respecting Licensing of Bicycles, be received.

4. Agriculture and Rural Affairs Advisory Committee Report 17-001 (Item 5.4)

(a) Building Permit Final Inspection Letters (Added Item 8.3)

WHEREAS, the City of Hamilton no longer issues letters upon a successful final inspection for fulfilling the conditions of a building permit; and,

WHEREAS, the applicant must request the letter and pay a $150 fee; and,

WHEREAS, such letters are important for business records, insurance documentation, applying for tax/government rebates as well as other purposes; and,

WHEREAS, generating a final inspection letter should be a routine task that is easily done with the advent of electronic records,

THEREFORE BE IT RESOLVED:

That the issue of the costs incurred when requesting a copy of a final letter of inspection (upon the successful completion of the requirements of a building permit), be referred to the Open for Business Sub-Committee for discussion and action.

5. Inclusionary Zoning (City Wide) (PED16176(a)) (Item 7.1)

That Report PED16176(a) respecting Inclusionary Zoning, be received.

6. Business Licensing By-law 07-170 – Amendments to the Tobacco Retailers (Schedule 27) (PED17044) (City Wide) (Item 8.2)

(a) That the draft By-law attached as Appendix “A” to Report PED17044, which amends Business Licensing By-law 07-170 by replacing the Tobacco Retailers (Schedule 27) and which has been prepared in a form satisfactory to the City Solicitor, be approved;

(b) That a new fee of $60 for inspections of retail establishments that sell e-cigarettes exclusively or in addition to tobacco be approved, and that the User Fees and Charges By-law be amended accordingly.

7. Business Licensing By-law 07-170 – Review and Replacement of Auctioneers (Schedule 2) (PED17045) (City Wide) (Item 8.3)

That the Business Licensing By-law 07-170 be amended by replacing Auctioneers (Schedule 2) with the draft By-law attached as Appendix “A” to Report PED17045 which has been prepared in a form satisfactory to the City Solicitor.

8. Business Licensing By-law 07-170 – Removal of Recreational Camping Establishments (Schedule 18) (PED17049) (City Wide) (Item 8.4)

That the draft By-law, attached as Appendix “A” to Report PED17049, which amends Business Licensing By-law 07-170 by deleting Recreational Camping Establishments (Schedule 18), and which has been prepared in a form satisfactory to the City Solicitor, be approved.

9. 38 Strachan Street West/ 344 Bay Street North (Item 9.1)

WHEREAS, the Official Plan of the former City of Hamilton Official Plan designates the land at 38 Strachan Street West / 344 Bay Street North "Residential";

WHEREAS, Setting Sail: Secondary Plan for the West Harbour, approved by Council, designates the subject land as "Low Density Residential";

WHEREAS, Setting Sail: Secondary Plan for the West Harbour was appealed to the Ontario Municipal and none of the appeals focused on the subject land;

WHEREAS, the Official Plan of the former City of Hamilton Official Plan and the Setting Sail: Secondary Plan for the West Harbour contemplate residential land use;

WHEREAS, Zoning By-law 05-200 zones the subject land "Neighbourhood Park (P1) Zone" to recognize the existing Parkette;

WHEREAS, prior to the disposition of city owned land municipally known as 38 Strachan Street West and 344 Bay Street North, in the City of Hamilton, the lands must be declared surplus to the needs of the City of Hamilton in accordance with the City’s Procedural By-law for the Sale of Lands, being By-law No. 04-299; and

WHEREAS, currently, a community garden exists on the subject lands;

THEREFORE BE IT RESOLVED:

(a) That the lands municipally known as 38 Strachan Street West and 344 Bay Street North, in the City of Hamilton be declared surplus to the requirements of the City of Hamilton in accordance with the "Procedural By-law for the Sale of Land", being By-law No. 04-299;

(b) That City Housing Hamilton carry out the planning process for this Low Density Residential parcel with an emphasis on tying in these lands with current residents' needs respecting the Mixed Income Jamesville CHH property redevelopment;

(c) That the manager of the Neighbourhood Action Strategy be requested to meet with representatives of the community garden and assist with, and in conjunction with any other City of Hamilton staff as needed, the relocation of the community garden to an area of similar size at the entrance of Bayfront Park to the west;

(d) That any proceeds after Legal and Real Estate fees from the sale of 38 Strachan West and 344 Bay Street North be allocated toward road and side-walk rehabilitation in the North End neighbourhood;

(e) That should the garden club agree to continue to care for a garden at the new location to the immediate west at Bayfront Park, that the garden should not be maintained as a food garden;

(f) That a portion of the parcel to the South West be maintained as green space.

10. Eastwood Precinct (Item 9.2)

WHEREAS, needed upgrades at Eastwood Arena are estimated at an approximate cost of $3.0 million dollars (design and construction) and a *major* renovation of the facility is estimated to be approximately $6.5 – $7.0 million dollars (design and construction);

WHEREAS, future redevelopment of nearby City Housing Hamilton (CHH) property may include the need for temporary relocation of current tenants; many of whom have shared via a CHH survey that they wish to remain in the North End neighbourhood during redevelopment;

WHEREAS, future development on Pier 8 lands may consist of approximately 1500 residential units and parking is desired in the form of a parkade verses surface parking;

WHEREAS, preventing neighbourhood cut-through traffic resulting from new waterfront development is the basis of the North End Traffic Management Plan;

WHEREAS, utilization of two small ball diamonds at Eastwood Park (to the north west of the arena) is very low with use only on Tuesdays throughout the summer and two community events bookings for 2017; and

WHEREAS, the Pier 8 development draft plan includes a 30m wide promenade park along the perimeter (pier) equating to a net gain of new North End parkland adjacent to the Eastwood Arena and Park of approximately 152,500 sq. ft.;

THEREFORE BE IT RESOLVED:

That appropriate staff from Planning and Economic Development be requested to engage with the Ward 2 Councillor and North End Community on what potential may exist that would provide for needed upgrades at Eastwood Arena by contemplating a development partnership that may include the creation of new housing opportunities and a public parkette on the north-westerly portion of Eastwood Park and Arena.

The following Item was deleted and replaced as outlined below:

11. Appeal for Non-Decision of Proposed Urban Hamilton Official Plan (UHOP) Amendment and Zoning By-law Amendment for lands located at 1117 Garner Road East, Ancaster (LS17011/ PED17066) (Ward 12) (Item 12.1)

~~That the recommendations of Report LS17011 / PED17066 respecting Appeal for Non-Decision of Proposed Urban Hamilton Official Plan (UHOP) Amendment and Zoning By-law Amendment for lands located at 1117 Garner Road East, Ancaster be approved and remain confidential until Council's approval.~~

(a) That Legal Staff be instructed to oppose Sonoma Homes Inc. appeal to the Ontario Municipal Board of its **Urban Hamilton Official Plan Amendment Application UHOPA-16-10** for a site-specific amendment in order to permit a twelve (12) storey residential building containing 87 units for lands located at 1117 Garner Road East, as shown on Appendix "A" to Report LS17011 / PED17066.

(b) That the OMB be advised that the reasons for Council's opposition to Application UHOPA-16-10 include but are not limited to the following:

(i) The applications do not comply with the planning policies of the Urban Hamilton Official Plan and Meadowlands Neighbourhood IV Secondary Plan and is not an appropriate scale for this location. The development does not respect or maintain the character of the area;

(c) That Legal Staff be instructed to oppose Sonoma Homes Inc.'s appeal to the Ontario Municipal Board of its **Zoning By-law Amendment Application ZAR-16-026** for a change in zoning from the Residential Multiple Zone "H-RM6-658", Modified to a Residential Multiple Zone "RM6-

681" Zone, Modified in order to permit a twelve (12) storey residential building containing 87 units for lands located at 1117 Garner Road East, as shown on Appendix "A" to Report LS17011 / PED17066.

(d) That the OMB be advised that the reasons for Council's opposition to Application ZAR-16-026 include but are not limited to the following:

(i) The application does not comply with the planning policies of the Urban Hamilton Official Plan and Meadowlands Neighbourhood IV Secondary Plan and is not an appropriate scale for this location. The development does not respect or maintain the character of the area.

(e) That Report LS17011 / PED17066 be released to the public.

FOR INFORMATION:

Chair Pearson recognized the recent passing of Councillor Ferguson's wife and expressed condolences to the Councillor and his family.

(a) CHANGES TO THE AGENDA (Item 1)

The Committee Clerk advised of the following changes:

1. ADDED DELEGATION REQUESTS

4.1 Nancy Hindmarsh, Sandra Hudson, and Candy Venning, from the Sunset Cultural Garden, regarding Item 9.1, the 38 Strachan Street West/344 Bay Street North motion. (For today's meeting)

4.2 Dave Stephens regarding park sales (Items 9.1 and 9.2) (For today's meeting)

4.3 Sheri Selway regarding park space (Items 9.1 and 9.2) (For today's meeting)

4.4 Rob Fiedler regarding the Motions to sell or consider selling parkland or open green space in the North End neighbourhood (Items 9.1 and 9.2) (For today's meeting)

4.5 Damin Starr regarding the Motions to sell or consider selling parkland or open green space in the North End neighbourhood (Items 9.1 and 9.2) (For today's meeting)

2. ADDED CORRESPONDENCE

6.1(i) Joel D. Farber, Fogler, Rubinoff LLP, solicitors for 1892610 Ontario Inc., the owner of lands located at 144 Wilson Street regarding Item 6.1 respecting Applications for an Official Plan and Zoning By-law Amendment for Lands Located at 125 Wilson Street East and Part of 130 Dalley Drive (Ancaster) (Ward 12) (PED17037)

6.1(ii) Renate McKean, 138 Wilson Street East, Ancaster regarding Item 6.1 respecting Applications for an Official Plan and Zoning By-law Amendment for Lands Located at 125 Wilson Street East and Part of 130 Dalley Drive (Ancaster) (Ward 12) (PED17037)

6.1(iii) Denise Baker, WeirFoulds, solicitors to 1804482 Ontario Limited, the owners of the property at 125 Wilson Street East and 130 Dalley Drive regarding Item 6.1 respecting Applications for an Official Plan and Zoning By-law Amendment for Lands Located at 125 Wilson Street East and Part of 130 Dalley Drive (Ancaster) (Ward 12) (PED17037)

6.1(iv) Geoff Ondercin-Bourne, 125 Dalley Drive, regarding Item 6.1 respecting Applications for an Official Plan and Zoning By-law Amendment for Lands Located at 125 Wilson Street East and Part of 130 Dalley Drive (Ancaster) (Ward 12) (PED17037)

The agenda for the February 28, 2017 meeting was approved as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

There were none declared.

(c) APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING (Item 3)

(i) February 28, 2017 (Item 3.1)

The Minutes of the February 28, 2017 meeting were approved.

(d) DELEGATION REQUESTS (Item 4)

The following delegation requests were approved to address Committee at today's meeting:

(i) Nancy Hindmarsh, Sandra Hudson, and Candy Venning, from the Sunset Cultural Garden, Item 9.1, the 38 Strachan Street West/344 Bay Street North motion. (For today's meeting) (Added 4.1)

(ii) Dave Stephens regarding park sales (Items 9.1 and 9.2) (For today's meeting) (Added 4.2)

(iii) Sheri Selway regarding park space (Items 9.1 and 9.2) (For today's meeting) (Added 4.3)

(iv) Rob Fiedler regarding the Motions to sell or consider selling parkland or open green space in the North End neighbourhood (Items 9.1 and 9.2) (For today's meeting) (Added 4.4)

(v) Damin Starr regarding the Motions to sell or consider selling parkland or open green space in the North End neighbourhood (Items 9.1 and 9.2) (For today's meeting) (Added 4.5)

Items 9.1 and 9.2 were considered following Item 6.1.

(e) DELEGATIONS/PUBLIC HEARING (Item 6)

(i) Applications for an Official Plan and Zoning By-law Amendment for Lands Located at 125 Wilson Street East and Part of 130 Dalley Drive (Ancaster) (Ward 12) (PED17037) (Item 6.1)

In accordance with the provisions of the *Planning Act*, Chair Pearson 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 makes a decision regarding the 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.

Written comments

6.1(i) Joel D. Farber, Fogler, Rubinoff LLP, solicitors for 1892610 Ontario Inc., the owner of lands located at 144 Wilson Street

6.1(ii) Renate McKean, 138 Wilson Street East, Ancaster

6.1(iii) Denise Baker, WeirFoulds, solicitors to 1804482 Ontario Limited, the owners of the property at 125 Wilson Street East and 130 Dalley Drive

6.1(iv) Geoff Ondercin-Bourne, 125 Dalley Drive

The added written comments were received.

Valeria Maurizio, Planner, provided an overview of the report with the aid of a PowerPoint presentation. A copy of the presentation is available for viewing on the City's website.

The staff presentation was received.

Nancy Frieday of Wellings Planning Consultants Inc., representing the owner, and David Premi the applicant's architect were in attendance and addressed Committee with the aid of a PowerPoint presentation. A copy has been retained for the public record and is available for viewing on the City's website.

The agent's presentation was received.

Speakers

1. James McKean, 138 Wilson Street East, Ancaster

James McKean addressed Committee and indicated that although he does not oppose the design of this proposal he has concerns with the density, height and the affect it will have on traffic.

The delegation was received.

2. Alex Hilton, 33 Cait Court, Ancaster

Alex Hilton addressed Committee and posed a number of questions to which staff provided responses.

The delegation was received.

3. Geoff Ondercin-Bourne, 125 Dalley Drive

Geoff Ondercin-Bourne addressed Committee and outlined his concerns to which staff provided responses.

The delegation was received.

The public meeting was closed.

Report PED17037 respecting Applications for an Official Plan and Zoning By-law Amendment for Lands Located at 125 Wilson Street East and Part of 130 Dalley Drive (Ancaster) (Ward 12) was TABLED until Ward Councillor Lloyd Ferguson is able to attend the meeting.

(f) PRESENTATIONS (Item 7)

(i) Inclusionary Zoning (City Wide) (PED16176(a)) (Item 7.1)

Edward John, Housing and West Harbour Planner, addressed Committee and provided an overview of the report with the aid of a PowerPoint presentation. A copy is available for viewing on the City's website.

The staff presentation was received.

For disposition of this matter refer to Item 5.

(g) DISCUSSION (8)

(i) Hess Village Paid Duty Policing Pilot (PED17033) (Ward 2) (Outstanding Business List Item) (Deferred from February 28, 2017) (Item 8.1)

Report PED17033 respecting Hess Village Paid Duty Policing Pilot was deferred to a future meeting in order for staff to complete the consultation with the Hess Village business owners.

(ii) Business Licensing By-law 07-170 – Amendments to the Tobacco Retailers (Schedule 27) (PED17044) (City Wide) (Item 8.2)

No members of the public addressed Committee regarding this report.

For disposition of this matter refer to Item 6.

Councillor B. Johnson indicated that she wished to be recorded as OPPOSED to subsection (b) of the recommendations.

(iii) Business Licensing By-law 07-170 – Review and Replacement of Auctioneers (Schedule 2) (PED17045) (City Wide) (ITEM 8.3)

No members of the public addressed Committee regarding this report.

For disposition of this matter refer to Item 7.

(iv) Business Licensing By-law 07-170 – Removal of Recreational Camping Establishments (Schedule 18) (PED17049) (City Wide) (8.4)

No members of the public addressed Committee regarding this report.

For disposition of this matter refer to Item 8.

(h) MOTIONS (9)

(i) 38 Strachan Street West/ 344 Bay Street North (Item 9.1)

Councillor Farr presented his motion.

Speakers

1. Nancy Hindmarsh, Sandra Hudson, and Candy Venning, from the Sunset Cultural Garden (Added Item 4.1)

Sandra Hudson, a founding member of the Sunset Cultural Garden, Candy Venning, the volunteer landscape designer for the Garden and Sandra Hudson also an active member of the Garden addressed Committee with a slideshow. They also submitted a hand-out which was distributed and a copy is available for viewing on the City's website.

They requested that the motion be TABLED in order to have public consultation and that they be included in the consultation.

2. Dave Stephens (Added Item 4.2)

Dave Stephens, a North end resident addressed Committee and indicated that proper community engagement process was not followed regarding this Item.

3. Sheri Selway (Added 4.3)

Sheri Selway was not able to attend but submitted written comments.

The written comments submitted from Sheri Selway were received.

4. Rob Fiedler, Hand out

Rob Fiedler addressed Committee and read from a prepared statement. He stated that he is opposed to the City declaring the lands at 38 Strachan Street West/344 Bay Street North surplus. Copies were distributed and are available for viewing on the City's website.

5. Damin Starr

Damin Starr addressed Committee and read from a prepared statement. He is concerned with the proposal of using green space for development. Copies of his prepared statement were distributed and a copy is available for viewing on the City's website.

The delegations were received.

The motion was amended by:

(a) Deleting the sixth "Whereas" clause in its entirety;

(b) Deleting subsection (b) in its entirety and re-lettering the subsequent subsections accordingly;

(c) By deleting the wording in subsection (c) which is now subsection (b) in its entirety and inserting the following wording there in:

(b) That City Housing Hamilton carry out the planning process for this Low Density Residential parcel with an emphasis on tying in these lands with current residents' needs respecting the Mixed Income Jamesville CHH property redevelopment;

(d) That the following be added as subsections (e) and (f)

(e) That should the garden club agree to continue to care for a garden at the new location to the immediate west at Bayfront Park, that the garden should not be maintained as a food garden.

(f) That a portion of the parcel to the South West be maintained as green space.

For disposition of this matter refer to Item 9.

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

(i) Outstanding Business List (Item 11.1)

(a) The following new due dates were approved:

Item "B" - Redevelopment in Ancaster "ER-Zone" Neighbourhoods (Ancaster) (PED14132), (Monster Homes), (former report PED11196)
Due Date: March 21, 2016
New due date: Pending completion of the Master drainage Plan

Item “E” - (OMB) Decision re: 121 Augusta Street – staff to report back with a comprehensive review of RCF’s in the context of the Prov. Policy, as it relates to special needs, and the Human Rights Code
Due Date: April 4, 2017
New due date: June 20, 2017

(b) Item “P” will remain on the list and Item “FF” was removed:

Item “P” - That Urban Renewal staff help establish a Hess Village BIA and report back on its effectiveness (Item 8.1)

Item “FF” - That staff be directed to review what happened in Toronto, with respect to the licensing of bicycles and other unlicensed motorized vehicles and what the Provincial rules and regulations are with respect to the licensing of bicycles and other unlicensed motorized vehicles and report back to the Planning Committee (Item 5.3)

(j) PRIVATE AND CONFIDENTIAL (Item 12)

Committee approved the following Item without moving into Closed Session:

(i) Appeal for Non-Decision of Proposed Urban Hamilton Official Plan (UHOP) Amendment and Zoning By-law Amendment for lands located at 1117 Garner Road East, Ancaster (LS17011/ PED17066) (Ward 12) (Item 12.1)

For disposition of this matter refer to Item 11.

(k) ADJOURNMENT (Item 13)

There being no further business, the Planning Committee adjourned at 12:45 p.m.

Respectfully submitted,

Councillor M. Pearson
Chair, Planning Committee

Ida Bedioui
Legislative Co-ordinator
Office of the City Clerk