Present: Councillors J. Partridge (Chair), B. Johnson, (1st Vice Chair), M. Pearson (2nd Vice-Chair), C. Collins, D. Conley, J. Farr, M. Green, A. Johnson, and R. Pasuta

Also Present: Mayor F. Eisenberger and Councillor A. VanderBeek

THE FOLLOWING ITEMS WERE REPORTED FOR THE CONSIDERATION OF COUNCIL:

1. Revisions to the Pre-Christmas Free Parking Program for Business Improvement Areas (BIAs) (PED15177) (Wards 1, 2, 6 & 7) (Item 5.1)

   (B. Johnson/Green)

   That the annual Pre-Christmas Free Parking Program, approved by City Council on June 25, 2003, and amended from time to time, be further amended as follows:

   (a) That on-street parking be free at all times from December 1 to December 31 annually and limited to two hours in duration for the Westdale Village Business Improvement Area;

   (b) That on-street parking be free at all times from November 24 to December 24 annually and limited to two hours in duration for the King Street West Business Improvement Area;

   (c) That on-street parking be free at all times from December 1 to November 13 and to December 31 annually and limited to two hours in duration for the Concession Street Business Improvement Area.

Amendment CARRIED
Main Motion as Amended CARRIED
2. Clerk’s Report 15-009 – Hamilton Municipal Heritage Committee (Item 5.2)

(Pearson/A. Johnson)
That Clerk’s Report 15-009 regarding Hamilton Municipal Heritage Committee, be received.
CARRIED

3. Applications to Amend Stoney Creek Zoning By-law No. 3692-92, City of Hamilton Zoning By-law No(s). 6593 and 05-200, and for Approval of a Draft Plan of Subdivision known as “Redhill - Phase 3 / 4”, Nash Neighbourhood (Stoney Creek) (PED15164) (Ward 9) (Item 6.1)

(Conley/Pearson)
(a) That approval be given to amended Zoning Application ZAC-13-005R by Empire (Red Hill) Ltd., Owners, for changes in zoning, as shown in Appendix “C”, as amended, from the Neighbourhood Development “ND” Zone to: Multiple Residential “RM2-54” Zone, Modified (Block 14); Single Residential “R4-32” Zone, Modified (Block 15); Multiple Residential “RM2-42” Zone, Modified (Block 16); Single Residential “R4-32 (H)” Holding Zone, Modified (Block 17) in the Stoney Creek Zoning By-law 3692-92; for changes in zoning, as shown in Appendix “B”, from the Neighbourhood Development “ND” Zone to the Neighbourhood Institutional “I1” Zone (Block 1); Neighbourhood Park “P1” Zone (Block 2); Open Space “P4” Zone (Blocks 3 and 4); Conservation / Hazard Lands “P5” Zone (Blocks 5, 6, 7, 8, 9, 10, 11, 12 and 13); and, from the “AA” Agricultural District in City of Hamilton Zoning By-law No. 6593 to the Conservation / Hazard “P5” Zone (Block 13) in the Hamilton Zoning By-law No. 05-200; for lands located at 435 First Road West (Stoney Creek), as shown on Appendix “A” to Report PED15164, on the following basis:

(i) That the draft By-laws, attached as Appendix “B” and Appendix “C”, as amended, to Report PED15164, which have been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(b) That approval be given to Revised Draft Plan of Subdivision Application 25T-201301R by Empire (Red Hill) Ltd., Owners, to establish a Draft Plan of Subdivision known as “Redhill - Phase 3 / 4”, on lands known as 435 First Road West (Stoney Creek), as shown on Appendix “A” to Report PED15164, subject to the following conditions:

(i) That this approval apply to the Draft Plan of Subdivision “Redhill - Phase 3 / 4”, 25T-201301R, as revised, prepared by Armstrong Planning and Project Management, and certified by Douglas E. Hunt, O.L.S., dated December 16, 2014, showing a maximum of 333 units comprised of: 21 blocks for up to 233 single detached dwellings (Blocks 1 - 21); two blocks for up to 16 street townhouse units (Blocks 22 and 23); one block for up to 84 townhouse units comprised of 16 rear lane townhouse units and 68 block townhouse...
units (Block 24); one block for an elementary school (Block 25); two blocks for stormwater management ponds (Blocks 26 and 27); one block for a neighbourhood park (Block 28); five blocks for an Environmentally Significant Area buffer (Blocks 29 - 33); four blocks for an Environmentally Significant Area (Blocks 34 - 37); four blocks for open space (Blocks 38 - 41); two blocks for service and access to the proposed stormwater management ponds (Blocks 42 and 43); one block for a 10 m stormwater management outfall / spillway easement (Block 44); one block for a road widening (Block 45); three blocks for a future residential development (Blocks 46 - 48); three blocks for a 0.3 m reserve (Block 49 - 51); one block for a road reserve (Block 52); and eight proposed streets, shown as Street “A”, Street “B”, Street “C”, Street “D”, Street “E”, Street “F”, Street “G”, and Street “H”, 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”, as amended, to Report PED15164 to include the following added condition:

**Neighbouring Properties**

5.6 That, prior to registration of the final plan of subdivision, the owner/applicant agrees to include the following warning clause in all purchase and sale and/or lease agreements, and registered on title to the satisfaction of the Director of Planning and Chief Planner:

“The purchaser acknowledges that All Around Contacting Inc., a civil construction contractor specializing in site works and road building, has been located in close proximity to the subject lands, at 80 – 90 Green Mountain Road, for approximately the last 30 years and will continue to operate.”

(ii) Acknowledgement by the City of Hamilton of its responsibility for cost-sharing with respect to this development for the following items:

(1) the servicing costs for oversizing of the local servicing component and for the servicing costs adjacent to the City’s parklands in accordance with the current Financial Policy for the draft plan lands;

(2) land and construction costs for the proposed Stormwater Management (SWM) Facility as identified in the current Development Charges document;
(3) servicing costs adjacent to the SWM Facility(s) is to be limited to the upset limit based on the 80 m frontage as per the current Development Charges document; and,

(4) installation of the 1200 mm diameter trunk watermain through the draft plan lands.

(iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 51 of the Planning Act, prior to the building permit stage. The calculation for the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the approval of the draft plan of subdivision. Parkland Credits may be applied on a land value basis to the proposed Draft Plan of Subdivision in the event of any over-dedication of parkland from the registration of the “Red Hill - Phase 3 / 4” Draft Plan of Subdivision (25T-201301R);

Amendment CARRIED
Main Motion as Amended CARRIED

4. Amendments to the Telecommunication Tower and Antenna Protocol (PED14094(a)) (City Wide) (Item 8.1)

(Pearson/Pasuta)
(a) That the amended City of Hamilton Telecommunication Tower and Antenna Protocol, attached as Appendix “A” to Report PED14094(a), be adopted;

(b) That the City Clerk forward a copy of the amended protocol to Industry Canada and the Federation of Canadian Municipalities for information.

CARRIED

5. Preliminary Screening for the Request to Designate 39, 43 and 49 Charlton Avenue East, 40 and 50 Forest Avenue, and 183, 187 and 189 Hughson Street South in Hamilton Under Part IV of the Ontario Heritage Act (PED15169)(Ward 2) (Item 8.2)

(Farr/B. Johnson)
(a) That Council direct staff to carry out a Cultural Heritage Assessment of the study area bounded by Hughson Street South, Forest Avenue, John Street South and Charlton Avenue East in Hamilton, as shown in Appendix “B” of Report PED15169, to determine whether the non-designated properties are 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 medium priority, and be added to the staff work program for completion in 2022, as per the attached Appendix “G” of Report PED15169.
(c) That, if any of the non-designated properties located in the Cultural Heritage Assessment Study Area, as shown in Appendix “B” of Report PED15169, are 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) Pursuant to Subsection 27(5) of the *Ontario Heritage Act*, that Council require that any notice of intention to demolish or remove any structure or building on one or more registered property in the Proposed Cultural Heritage Assessment Study Area shown in Appendix “B” of Report PED15169 include a Cultural Heritage Impact Assessment report, to the satisfaction and approval of the Director of Planning and Chief Planner.

(e) That Council direct staff to include 40 Forest Avenue, Hamilton, in the Register of Property of Cultural Heritage Value or Interest as a non-designated property.

(f) That a copy of Report PED15169 be forwarded to the Hamilton Municipal Heritage Committee for information.

(g) That a copy of Report PED15169 be forwarded to the property owners for information.

CARRIED


(Collins/Green)

CARRIED

7. **Removal of the "H" Holding Provision on 22 Green Mountain Road (Stoney Creek) (PED15190) (Ward 9) (Item 8.4)**

(Conley/Pearson)
(a) That Report PED15190 respecting Removal of the "H" Holding Provision on 22 Green Mountain Road (Stoney Creek) be received;

(b) That Bill No. 218 being a By-law to Amend Zoning By-law No. 3692-92 respecting lands located at 22 Green Mountain Road (Stoney Creek) ZAH-15-016, be presented to the November 11, 2105 Council meeting for enactment.

CARRIED
8. Site Plan Control in Established Urban Neighbourhoods

(Farr/Green)
That the commercial development located at 107 James Street North and the residential development located at 127 Market Street be referred to the Open for Business Continuous Improvement Team for review and Report to the Open for Business Sub-Committee.

CARRIED


(Pearson/Collins)
That the recommendations respecting Fruitland Winona Secondary Plan (UHOPA No. 17) Appeal by Gino and Olindo DalBello - Proposed Settlement LS15031/PED15182 remain confidential until Council approval.

CARRIED

FOR THE INFORMATION OF COMMITTEE:

(a) CHANGES TO THE AGENDA (Item 1)

The Committee Clerk advised of the following change:

AMENDED BY-LAW

Staff have made changes to Appendix “C” of Report PED15164 (Item 6.1) respecting Applications to Amend Stoney Creek Zoning By-law No. 3692-92, City of Hamilton Zoning By-law No(s). 6593 and 05-200, and for Approval of a Draft Plan of Subdivision known as “Redhill - Phase 3 / 4”, Nash Neighbourhood. Copies of the amended draft by-law were distributed.

(B. Johnson/Conley)
That the Agenda for the November 3, 2015 meeting of the Planning Committee be approved, as amended.

CARRIED

The Committee Clerk also noted that copies of Item 8.4 respecting Removal of the "H" Holding Provision on 22 Green Mountain Road (Stoney Creek) (PED15190), which was not available at the time of printing of the agenda, were also distributed.
(b) DECLARATIONS OF INTEREST (Item 2)

None.

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

(i) October 20, 2015 Meeting (Item 3.1)

(B. Johnson/Conley)
That the Minutes of the October 20, 2015 meeting be approved.

CARRIED

(d) CONSENT ITEMS (Item 5)

(i) Revisions to the Pre-Christmas Free Parking Program for Business Improvement Areas (BIAs) (PED15177) (Wards 1, 2, 6 & 7) (Item 5.1)

(B. Johnson/Green)
That subsection (c) be amended by deleting the date December 1 and inserting the date November 13 therein.

CARRIED

For disposition of this matter refer to Item 1

(e) DELEGATIONS/PUBLIC HEARING (Item 6)

(i) Applications to Amend Stoney Creek Zoning By-law No. 3692-92, City of Hamilton Zoning By-law No(s). 6593 and 05-200, and for Approval of a Draft Plan of Subdivision known as “Redhill - Phase 3 / 4”, Nash Neighbourhood (Stoney Creek) (PED15164) (Ward 9) (Item 6.1)

In accordance with the provisions of the *Planning Act*, Chair Partridge 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 Zoning By-law amendments and the Draft Plan of Subdivision the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

No members of the public came forward.

Robert Clackett, Planner, explained the amendments made to Appendix “C” of the Report, which is the draft by-law to amend City of Stoney Creek By-law 3692-92. The changes were to correct typographical errors including but not limited to the Lot Frontage (5m), parking spaces, and the
daylight triangles. He indicated that these changes are consistent with the Zoning by-law 14180

Staff responded to questions from Committee.

Stephen Armstrong, of Armstrong Planning and Project Management, the agent for the applicant, indicated that he wished to forgo his presentation.

(Pasuta/Green)
That the public meeting be closed. 

CARRIED

(Conley/Pearson)
That the conditions of the Draft Plan of Subdivision be amended by adding the following condition:

5.6 That, prior to registration of the final plan of subdivision, the owner/applicant agrees to include the following warning clause in all purchase and sale and/or lease agreements, and registered on title to the satisfaction of the Director of Planning and Chief Planner:

“The purchaser acknowledges that All Around Contacting Inc., a civil construction contractor specializing in site works and road building, has been located in close proximity to the subject lands, at 80 – 90 Green Mountain Road, for approximately the last 30 years and will continue to operate.”

CARRIED

For disposition of this matter refer to Item 3.

(f) DISCUSSION (Item 8)

(i) Preliminary Screening for the Request to Designate 39, 43 and 49 Charlton Avenue East, 40 and 50 Forest Avenue, and 183, 187 and 189 Hughson Street South in Hamilton Under Part IV of the Ontario Heritage Act (PED15169)(Ward 2) (Item 8.2)

(Pearson/B. Johnson)
That the recommendation to designate 40 Forest Avenue be lifted from the TABLE.

CARRIED

For disposition of this matter refer to Item 5.
(ii) Removal of the "H" Holding Provision on 22 Green Mountain Road (Stoney Creek) (PED15190) ((Ward 9) (Item 8.4)

Councillor Conley spoke to the issue and indicated that he is satisfied that his concerns have been addressed and he supports the removal of the Holding Provision.

(Conley/Pearson)
(a) That Report PED15190 respecting Removal of the "H" Holding Provision on 22 Green Mountain Road (Stoney Creek) be received;

(b) That Bill 218, being a By-law to Amend Zoning By-law 3692-92 respecting lands located at 22 Green Mountain Road (Stoney Creek) be presented to the November 11, 2015 Council meeting for enactment.

CARRIED

For disposition of this matter refer to Item 7.

(g) MOTIONS

Councillor Farr presented the following revised motion:

(i) Site Plan Control in Established Urban Neighbourhoods (Item 9.1)

(Farr/Collins)
Whereas, the Official Plan identifies all of the City of Hamilton as being subject to Site Plan Control; and

Whereas, Site Plan Control applies to all development, unless specifically exempted in the Site Plan Control By-law; and

Whereas, development is defined as substantially increasing the usability of a property; and

Whereas, rebuilding a building may require minor changes from the previous building to meet Building Code and Accessibility requirements; and

Whereas, replacing a building that is fire damaged or is no longer structurally sound or usable does not specifically increase the usability of a property; and

Whereas, in some cases, areas of attached mid-bloc low-density commercial space may have missing buildings, yet, all commercial development is subject to Site Plan Control; and
Whereas, there are no exemptions even when the replacement commercial development matches the original footprint;

Therefore be it resolved:

As it relates specifically to commercial and residential mid-bloc mid towns, that in those circumstances of redevelopment within established urban neighbourhoods that build upon the existing building footprint, which may include minor deviations from the original building footprint, that the redevelopment be deemed not to be development and therefore not subject to Site Plan Control.

The motion was **DEFEATED**.

**(Farr/Green)**
That the commercial development located at 107 James Street North and the residential development located at 127 Market Street be referred to the Open for Business Continuous Improvement Team for review and Report to the Open for Business Sub-Committee.

**CARRIED**

For disposition of this matter refer to Item 8.

(ii) **Definition of “Pest” in the Property Standards By-law (Added 10.1)**

**(Collins/Farr)**
That staff be directed to investigate the feasibility of including ants to the definition of “pest” in the Property Standards By-law and report back to Committee.

**CARRIED**

(h) **NOTICES OF MOTIONS (Item 10)**

Councillor Collins introduced the following Notice of Motion:

(i) **Definition of “Pest” in the Property Standards By-law (Added 10.1)**

That staff be directed to investigate the feasibility of including ants to the definition of “pest” in the Property Standards By-law and report back to Committee.

**(Collins/Farr)**
That the rules of order be waived to introduce a motion respecting the definition of “pest” in the Property Standards By-law.

**CARRIED**

For disposition of this matter refer to Information Item (g) (ii).
(i) **GENERAL INFORMATION/OTHER BUSINESS (Item 11)**

(i) Outstanding Business List (Item 11.1)

*(Pasuta/Pearson)*

(a) That the following new due date be approved:

Item “L” - Pool Enclosure By-law (PED13126(a)) (City Wide)
Due Date: November 3, 2015
Proposed New Due Date: November 17, 2015

(b) That the following Items be removed:

Item “P” - Dundas Community Council Request for an Impact Study of the Proposed Closure of Parkside High School (Item 8.3 on this agenda)

Item “MM” - 40 Forest Avenue – Designation TABLED to allow for consultation with owner.

**CARRIED**

(j) **PRIVATE AND CONFIDENTIAL**

(i) Fruitland Winona Secondary Plan (UHOPA No. 17) Appeal by Gino and Olindo DalBello - Proposed Settlement LS15031/PED15182 (Ward 11) (Distributed under separate cover)

Committee did not move into Closed Session for consideration of this matter.

For disposition of this matter refer to Item 9.

(k) **ADJOURNMENT (Item 13)**

*(Collins/Conley)*

There being no further business, that the Planning Committee be adjourned at 11:27 a.m.

**CARRIED**

Respectfully submitted,

Councillor J. Partridge
Chair, Planning Committee

Ida Bedioui
Legislative Co-ordinator
Office of the City Clerk