



PLANNING COMMITTEE

REPORT 13-012

9:30 am

Tuesday, August 13, 2013

Council Chambers

Hamilton City Hall

71 Main Street West

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

Absent with Regrets: Councillor T. Whitehead – City Business

Also Present: Councillor R. Powers

THE PLANNING COMMITTEE PRESENTS REPORT 13-012 AND RESPECTFULLY RECOMMENDS:

1. **Inflatable Pools (PED13106) (City Wide) (Item 5.1)**

That Report PED13106, Inflatable Pools, be received.

2. **Heritage Permit Application HP2013-017, Under Part V of the Ontario Heritage Act, for the Erection of a Structure at 958 Beach Boulevard (Hamilton) (PED13127) (Ward 5) (Item 5.2)**

That Heritage Permit Application HP2013-017 be approved for the erection of a new single detached dwelling with an attached garage, on the designated property at 958 Beach Boulevard (Hamilton Beach Heritage Conservation District) (Hamilton), as shown on Appendix "A" to Report PED13127, subject to the submission of a completed site plan and the following conditions:

- (a) That the final design, including specifications for the attached garage, windows, doors, cladding, and porch details, shall be submitted, to the

satisfaction and approval of Planning staff, prior to submission as part of any application for a Building Permit;

- (b) That the dimensions and surfacing materials for the new driveway and any walkways, patios, or other hard-surface areas, shall be submitted, to the satisfaction and approval of Planning staff, in accordance with the Site Plan approval process and prior to installation;
- (c) That the dimensions, design, and materials for any new fencing and gates, shall be submitted, to the satisfaction and approval of Planning staff, prior to installation;
- (d) That as many existing trees as possible shall be retained, and a minimum of one new tree of a minimum caliper of 55mm of a species consistent with the City of Hamilton's Tree Species and Recommended Use Index, shall be planted within one year of occupancy of the new dwelling;
- (e) That a plan depicting the removed, retained, and new trees, including the calliper size, locations, and species, shall be submitted, to the satisfaction and approval of Planning staff, prior to any grading or tree removals;
- (f) That any minor changes to the plans and elevations following approval shall be submitted, to the satisfaction and approval of Planning staff, prior to submission as part of any application for a Building Permit;
- (g) That construction and site alterations, in accordance with this approval, shall be completed no later than August 31, 2015. If the construction and site alterations are not completed by August 31, 2015, then this approval expires as of that date, and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

3. Heritage Permit Application HP2013-026, Under Part V of the Ontario Heritage Act, for the Erection of a Structure at 890 Beach Boulevard (Hamilton) (Ward 5) (PED13128) (Item 5.3)

That Heritage Permit Application HP2013-026 be approved for the erection of a new single detached dwelling on the designated property at 890 Beach Boulevard (Hamilton Beach Heritage Conservation District) (Hamilton), as shown on Appendix "A" to Report PED13128, subject to the submission of a completed site plan and the following conditions:

- (a) That the specifications of the cladding materials for the new dwelling shall be submitted, to the satisfaction and approval of Planning staff, prior to submission as part of any application for a Building Permit;

- (b) That the specifications for the proposed windows, doors, cladding, porch columns, and railings, shall be submitted, to the satisfaction and approval of Planning staff, prior to submission as part of any application for a Building Permit;
 - (c) That the dimensions and surfacing materials for the new driveway and any walkways, patios, or other hard-surface areas, shall be submitted, to the satisfaction and approval of Planning staff, in accordance with the Site Plan approval process and prior to installation;
 - (d) That the dimensions, design, and materials for any new fencing and gates, shall be submitted, to the satisfaction and approval of Planning staff, prior to installation;
 - (e) That as many existing trees as possible shall be retained, and/or that at least one new tree of a minimum caliper of 55mm and of a species consistent with the City of Hamilton's Tree Species and Recommended Use Index, shall be planted within one year of occupancy of the new dwelling;
 - (f) That a plan depicting the removed, retained, and new trees, including the caliper size, locations, and species, shall be submitted, to the satisfaction and approval of Planning staff, prior to any grading or tree removals;
 - (g) That any minor changes to the plans and elevations following approval, shall be submitted, to the satisfaction and approval of Planning staff, prior to submission as part of any application for a Building Permit;
 - (h) That construction and site alterations, in accordance with this approval, shall be completed no later than August 31, 2015. If the construction and site alterations are not completed by August 31, 2015, then this approval expires as of that date, and no alterations shall be undertaken without a new approval issued by the City of Hamilton;
 - (i) That vinyl be permitted on the exterior of the building.
4. **Request to Designate 2251 Rymal Road East (Stoney Creek) (Former Elfrida Church), Under Part IV of the Ontario Heritage Act (PED13129) (Ward 9) (Item 5.4)**
- (a) That 2251 Rymal Road East (Stoney Creek) (Former Elfrida Church) be included in the Register of Property of Cultural Heritage Value or Interest, and staff make the appropriate amendments to the Register of Property of Cultural Heritage Value or Interest;

- (b) That staff be directed to carry out a Cultural Heritage Assessment of 2251 Rymal Road East (Stoney Creek) (Former Elfrida Church) to determine whether the property is of cultural heritage value and worthy of designation under Part IV of the Ontario Heritage Act;
 - (c) That if 2251 Rymal Road East (Stoney Creek) (Former Elfrida Church) is determined to be of cultural heritage value or interest, a Statement of Cultural Heritage Value and Description of Heritage Attributes be prepared by staff for Council's consideration for designation under Part IV of the Ontario Heritage Act;
 - (d) That the Cultural Heritage Assessment work be assigned a low priority, and be added to staff's workplan for completion in 2018, as per Appendix "G" to Report PED13129;
 - (e) That Report PED13129 be forwarded to the Hamilton Municipal Heritage Committee for information;
 - (f) That Report PED13129 be forwarded to the owner of 2251 Rymal Road East (Stoney Creek) (Former Elfrida Church), for information.
5. **Request to Designate 105 Erie Avenue (Hamilton) Under Part IV of the Ontario Heritage Act (PED13130) (Ward 2) (Item 5.5)**
- (a) That 105 Erie Avenue (Hamilton) be included in the Register of Property of Cultural Heritage Value or Interest, following consultation with the Hamilton Municipal Heritage Committee, as per the provisions of the Ontario Heritage Act and Recommendation (e) to Report PED13130, and that staff makes the appropriate amendments to the Register of Property of Cultural Heritage Value or Interest;
 - (b) That staff be directed to carry out a Cultural Heritage Assessment of 105 Erie Avenue (Hamilton) to determine whether the property is of cultural heritage value and worthy of designation under Part IV of the Ontario Heritage Act;
 - (c) That if 105 Erie Avenue (Hamilton) is determined to be of cultural heritage value or interest, a Statement of Cultural Heritage Value and Description of Heritage Attributes be prepared by staff for Council's consideration for designation under Part IV of the Ontario Heritage Act;
 - (d) That the Cultural Heritage Assessment work be assigned a low priority, and be added to staff's workplan for completion in 2018, as per Appendix "G" to Report PED13130;

- (e) That Report PED13130 be forwarded to the Hamilton Municipal Heritage Committee for information and consultation, prior to the Council-approved inclusion of 105 Erie Avenue (Hamilton) in the Register of Property of Cultural Heritage Value or Interest;
 - (f) That Report PED13130 be forwarded to the owner of 105 Erie Avenue (Hamilton) for information.
6. **Application to Amend Town of Flamborough Zoning By-law No. 90-145-Z for the Property Located at 533 Millgrove Side Road (Flamborough) (PED13145) (Ward 15) (Item 5.7)**
- (a) That the Compliance Agreement, attached as Appendix "B" to Report PED13145, be deemed to satisfy Item 14, Recommendation (e) of the Planning Committee Report 12-018 from the meeting of November 20, 2012, which reads as follows:
 - "(e) That the approval be conditional on an agreed to timeline by the applicant or compliance agreement."
 - (b) That the Mayor and Clerk be authorized and directed to execute the Compliance Agreement, attached as Appendix "B" to Report PED13145;
 - (c) That the draft By-law, attached as Appendix "C" to Report PED13145, for Zoning By-law Amendment Application ZAC-09-036, by Domson Investments Ltd., Owner, be enacted by City Council.

7. **Heritage Permit Application HP2013-034, 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) (PED13148) (Ward 13) (Item 5.8)**

That Heritage Permit Application HP2013-034 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 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;
- (b) 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;

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

8. Application to Amend City of Hamilton Zoning By-law No. 6593 for Lands Located at 273 - 279 East Avenue North (Hamilton) (PED13144) (Ward 3) (Item 6.2)

That approval be given to Zoning By-law Amendment Application ZAR-12-057, by 2287135 Ontario Inc., Owner, for a change in zoning from the "D/S-172a" (Urban Protected Residential - One and Two Family Dwellings, Etc.) District and "D/S-437a" (Urban Protected Residential - One and Two Family Dwellings, Etc.) District to the "D/S-1665" (Urban Protected Residential - One and Two Family Dwellings, Etc.) District, in order to permit the adaptive reuse of the existing warehouse building for a commercial wholesale food operation, with an accessory/ancillary office, on the lands located at 273 - 279 East Avenue North (Hamilton), as shown on the attached map marked as Appendix "A" to Report PED13144, subject to the following conditions:

- (a) That the draft By-law, attached as Appendix "B" to Report PED13144, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the amending By-law, attached as Appendix "B" to Report PED13144, be added to Schedule "E12" of City of Hamilton Zoning By-law No. 6593;
- (c) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan and City of Hamilton Official Plan.

9. Application for an Amendment to the Town of Ancaster Zoning By-law No. 87-57 for Lands Located at 331 and 333 Springbrook Avenue (Hamilton) (PED13136) (Ward 12) (Item 6.3)

That approval be given to Zoning By-law Amendment Application ZAR-13-006, by Scarlett Homes Ltd., Owner, for a change in Zoning from the Residential "R4-549" Zone, Modified, and the Residential "R4-555" Zone, Modified, to the Residential "H-R4-548" Zone, Modified, with a Special Exception, and a Holding Provision, to permit 3 single-detached dwellings, located at 331 Springbrook Avenue and on the front portion of lands located at 331 and 333 Springbrook

Avenue (Hamilton), as shown on Appendix "A" to Report PED13136, on the following basis:

- (a) That the draft By-law, attached as Appendix "B" to Report PED13136, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the amending By-law be added to Map 1 Schedule "B" of Zoning By-law No. 87-57;
- (c) That the proposed changes in zoning are consistent with the Provincial Policy Statement and conform to the Places to Grow Growth Plan, the Hamilton-Wentworth Official Plan, and the Town of Ancaster Official Plan.

10. Application for a Change in Zoning for Lands Located at 65 Hatt Street (Dundas) (PED13135) (Ward 13) (Item 6.4)

- (a) That approval be given to Zoning Application ZAR-12-054, by Shed Brewing Company Limited, (Applicant), for a change in zoning from the Central Area Commercial (C.A.C.) Zone to the Central Area Commercial – Holding (H - C.A.C./S-125) Zone, Modified, with a Special Exception, to permit a craft brewery within the existing building, on lands municipally known as 65 Hatt Street (Dundas), as shown on Appendix "A" to Report PED13135, on the following basis:
 - (i) That the draft By-law, attached as Appendix "C" to Report PED13135, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed Zoning By-law Amendment is consistent with the Provincial Policy Statement, and conforms with the Places to Grow Plan, the Hamilton-Wentworth Official Plan, and the Town of Dundas Official Plan.
- (b) That Urban Hamilton Official Plan Amendment No. [REDACTED], to amend Schedule E-1 - Urban Land Use Designations, attached as Appendix "D" to Report PED13135, be received and held in abeyance until such time as the relevant sections of the Urban Hamilton Official Plan come into force and effect; and following such final decision, that Planning and Economic Development Department staff be directed and authorized to hold a Public Meeting, pursuant to the provisions of the Planning Act, to consider the proposed Urban Hamilton Official Plan Amendment, for lands located at 65 Hatt Street (Dundas).

11. Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 512 Highland Road West (Stoney Creek) (PED13131) (Ward 9) (Item 6.5)

That Report PED13131, Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 512 Highland Road West (Stoney Creek), be received.

12. Street Name Change from Fieldway Drive to Education Court, Hamilton (PED13133) (Ward 7) (Item 6.7)

- (a) That Fieldway Drive, in the former City of Hamilton, be renamed "Education Court" as identified on Appendix "A" to Report PED13133;
- (b) That the draft By-law, attached as Appendix "G" to Report PED13133, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

13. Amendments to the Site Alteration By-law No. 03-126, as Amended by By-law No. 05-115 and Further Amended by By-law No. 11-262 (PED12184(b)) (City Wide) (Item 8.1)

That the amending by-law changing the delegated authority in the Site Alteration By-law No. 03-126 from the Director of Building Services to the Senior Director of Growth Management effective January 1, 2014, which is attached as Appendix "A" to Report PED12184(b) and prepared in a form satisfactory to the City Solicitor, be passed.

14. Application for Amendments to Zoning By-law No. 3692-92 and Zoning By-law No. 05-200 for Lands Located at 601 Upper Centennial Parkway - Nash Neighbourhood (Stoney Creek) (PED13096(a)) (Ward 9) (Referred from June 18, 2013) (Item 8.2)

That approval be given to Zoning Application ZAC-11-073, by Norman and Isabelle Vartanian, Owners, for a change in zoning to By-law No. 3692-92 from the Neighbourhood Development "ND" Zone to the Multiple Residential (Holding) "RM3-50(H)" Zone, with a Special Exception and Holding Provision, and to the Multiple Residential (Holding) "RM3-51(H)" Zone, with a Special Exception and Holding Provision, and by adding lands to Hamilton Zoning By-law No. 05-200 under the Conservation/Hazard Lands (P5, 452) Zone, with a Special Exception, as shown on Appendix "A" to Report PED13096(a), on the following basis:

- (a) That the revised draft By-law, attached as Appendix "B" to Report PED13096(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (b) That the amending By-law be added to Schedule "A", Map No. 11, of Zoning By-law No. 3692-92;
 - (c) That the draft By-law, attached as Appendix "C" to Report PED13096(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (d) That the amending By-law be added to Schedule "A", Map Nos. 1354 and 1406, of Zoning By-law No. 05-200; and,
 - (e) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan, the City of Stoney Creek Official Plan, and the Nash Neighbourhood Secondary Plan;
 - (f) That a warning clause regarding landfill proximity be included in the Bill of Sale.
- 15. The Feasibility and Merit in Establishing a Design Review Panel (PED13137) (City Wide) (Item 8.3)**
- (a) That staff be directed to establish a Design Review Panel, for a two year Pilot Program commencing on January 1, 2014, as set out in the Mandate, attached hereto as Revised Appendix "A";
 - (b) That staff be directed to assess and report back to Planning Committee on the effectiveness of the Design Review Panel Pilot Program at the end of the two years.
 - (c) That Appendix "A", Design Review Panel – Mandate, Section 6.3(d) be amended so that the words "in closed session" be added following the words "beginning their deliberations", and that the words "on a consensus basis" be added after the words "advice with respect to the project", to read as follows:
 - 6.3(d) Following the proponent's presentation, the DRP will have the opportunity to ask questions for clarification before beginning their deliberations in closed session and developing its advice with respect to the project on a consensus basis.

- (d) That Appendix "A", Design Review Panel – Mandate, Section 7.0 be amended so that all pertinent Ontario Legislation and Regulation is referenced, to read as follows:

7.0 Conflict of interest rules will apply to all Design Review Panel members, pursuant to the Municipal Conflict of Interest Act, R.S.O., 1190, Chapter M.50. (a copy of which will be provided to members upon their appointment) or any other pertinent legislation of governing bodies applying to professionals.

16. Heritage Permit Application HP2013-035, Under Part IV of the Ontario Heritage Act, for the Installation of Planters in the Forecourt of 71 Main Street West (Hamilton City Hall) (Hamilton) (PED13147) (Ward 2) (Item 8.4)

That the application for Heritage Permit Application HP2013-035, Under Part IV of the Ontario Heritage Act, for the Installation of Planters in the Forecourt of 71 Main Street West (Hamilton City Hall) (Hamilton), be approved with no conditions, as recommended by the Hamilton Municipal Heritage Committee.

17. Newalta Stoney Creek Landfill – Supporting Documents (Item 9.1)

Whereas Newalta Stoney Creek Landfill informed the City of its intent to increase the height of the landfill

Whereas the proponent indicated that they have supporting documents for the undertaking

Be it resolved:

That the city solicitor write the proponent requesting all documents to support the proposals within seven days.

18. Newalta Stoney Creek Landfill – Ministry of the Environment (Item 9.2)

Whereas Newalta Stoney Creek Landfill informed the City of its intent to increase the height of the landfill

Whereas the local Ministry of Environment has indicated that this proposed amendment is technical in nature

Whereas there is no monitor of the public consultation

Be it resolved:

- (a) That the City write to the Minister of Environment to request that the undertaking be required to file with the environmental bill of rights;
- (b) That a copy of the request to the Minister of Environment be forwarded to local MPPs and the Environmental Commissioner.

19. Urban Hamilton Official Plan Proposed Settlement of Part of Appeal by Paletta International Corporation and Other Appellants and Legal Direction – City Wide (LS13027) (Item 12.1)

That recommendations (a) through (d) contained in Report LS13027, Urban Hamilton Official Plan Proposed Settlement of Part of Appeal by Paletta International Corporation and Legal Direction, be approved and remain confidential until Council approval.

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

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

1. DELEGATION REQUESTS

- 4.2 Delegation Request from David Premi respecting item 8.3, The Feasibility and Merit in Establishing a Design Review Panel (PED13137) (City Wide), for today's meeting
- 4.3 Delegation Request from Michael Rajk, Stephen Armstrong and/or Ed English respecting item 8.2, Application for Amendments to Zoning By-law No. 3692-92 and Zoning By-law No. 05-200 for Lands Located at 601 Upper Centennial Parkway - Nash Neighbourhood (Stoney Creek) (PED13096(a)) (Ward 9), on today's agenda

2. PUBLIC HEARINGS AND DELEGATIONS

- 6.5 Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 512 Highland Road West (Stoney Creek) (PED13131) (Ward 9)
 - (i) Correspondence from Nick DeFilippis

3. DISCUSSION ITEMS

8.3 The Feasibility and Merit in Establishing a Design Review Panel (PED13137) (City Wide) (Outstanding Business List Item)

- (i) Correspondence from Julie Greer

The Agenda for the August 13, 2013 meeting of the Planning Committee was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

Councillor Ferguson declared a conflict of interest for item 11.1(b), as his family is involved with the taxi business.

(c) APPROVAL OF MINUTES (Item 3)

- (i) **July 9, 2013**

The Minutes of the July 9, 2013 Planning Committee meeting were approved.

(d) DELEGATION REQUESTS (Item 4)

- (i) **Delegation Request from Paul Goulet and Steve Featherstone respecting an exemption to the Responsible Pet Ownership By-law (Item 4.1)**

The Delegation Request from Paul Goulet and Steve Featherstone respecting an exemption to the Responsible Pet Ownership By-law, was approved for a future meeting.

- (ii) **Delegation Request from David Premi respecting item 8.3, The Feasibility and Merit in Establishing a Design Review Panel (PED13137) (City Wide), for today's meeting (Item 4.2)**

The Delegation Request from David Premi respecting item 8.3, The Feasibility and Merit in Establishing a Design Review Panel (PED13137) (City Wide), was approved for today's meeting.

- (iii) **Delegation Request from Michael Rajk, Stephen Armstrong and/or Ed English respecting item 8.2, Application for Amendments to Zoning By-law No. 3692-92 and Zoning By-law No. 05-200 for Lands Located at 601 Upper Centennial Parkway - Nash Neighbourhood (Stoney Creek) (PED13096(a)) (Ward 9), on today's agenda (Item 4.3)**

The Delegation Request from Michael Rajk, Stephen Armstrong and/or Ed English respecting item 8.2, Application for Amendments to Zoning By-law No. 3692-92 and Zoning By-law No. 05-200 for Lands Located at 601 Upper Centennial Parkway - Nash Neighbourhood (Stoney Creek) (PED13096(a)) (Ward 9), on today's agenda, was withdrawn.

(e) CONSENT ITEMS (Item 5)

- (i) **Heritage Permit Application HP2013-026, Under Part V of the Ontario Heritage Act, for the Erection of a Structure at 890 Beach Boulevard (Hamilton) (Ward 5) (PED13128) (Item 5.3)**

The recommendations contained in Report PED13128, Heritage Permit Application HP2013-026, Under Part V of the Ontario Heritage Act, for the Erection of a Structure at 890 Beach Boulevard (Hamilton) (Ward 5), were amended by adding a new sub-section (i), to read as follows:

- (i) That vinyl be permitted on the exterior of the building.

For disposition on this Item, refer to item 3.

- (ii) **Appeal of the City of Hamilton Committee of Adjustment Decision to Approve Severance Application FL/B-13:05, Spruce Court Farms Inc. (Owner), 2505 Highway 5 West (Flamborough) (PED13139) (Ward 14) (Item 5.6)**

Report PED13139, Appeal of the City of Hamilton Committee of Adjustment Decision to Approve Severance Application FL/B-13:05, Spruce Court Farms Inc. (Owner), 2505 Highway 5 West (Flamborough), was tabled to the September 4, 2013 meeting of the Planning Committee.

(f) PUBLIC HEARINGS AND DELEGATIONS (Item 6)

- (i) **Delegation from Dean Carr respecting access to his private garage from Bull's Lane (*tabled from July 9, 2013*) (Item 6.1)**

Christina Crane, on behalf of Dean Carr, provided an overview of Bull's Lane history with the aid of speaking notes. A copy of the speaking notes has been included as part of the public record.

The delegation request from Christina Crane, on behalf of Dean Carr, respecting access to a private garage from Bull's Lane, was received.

This item was referred to Public Works committee on August 15, 2013.

The motion CARRIED on the following vote:

Yeas: R. Pasuta, J. Partridge, M. Pearson, B. Clark,
B. Johnson, C. Collins
Total: 6
Nays: J. Farr, L. Ferguson
Total: 2
Absent: T. Whitehead
Total: 1

(ii) Application to Amend City of Hamilton Zoning By-law No. 6593 for Lands Located at 273 - 279 East Avenue North (Hamilton) (PED13144) (Ward 3) (Item 6.2)

In accordance with the provision of the Planning Act, Chair J. Farr 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 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.

No public speakers came forward.

The public meeting, respecting Report PED13144 Application to Amend City of Hamilton Zoning By-law No. 6593 for Lands Located at 273 - 279 East Avenue North (Hamilton), was closed.

The staff presentation, respecting Report PED13144 Application to Amend City of Hamilton Zoning By-law No. 6593 for Lands Located at 273 - 279 East Avenue North (Hamilton), was waived.

For disposition on this Item, refer to item 8.

(iii) Application for an Amendment to the Town of Ancaster Zoning By-law No. 87-57 for Lands Located at 331 and 333 Springbrook Avenue (Hamilton) (PED13136) (Ward 12) (Item 6.3)

In accordance with the provision of the Planning Act, Chair J. Farr 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 PED13136, Application for an Amendment to the Town of Ancaster Zoning By-law No. 87-57 for Lands Located at 331 and 333 Springbrook Avenue (Hamilton), was closed.

Timothy Lee, Planner, provided an overview of Report PED13136, with the aid of a PowerPoint presentation. A copy of the presentation has been included as part of the public record.

The staff presentation respecting Report PED13136, Application for an Amendment to the Town of Ancaster Zoning By-law No. 87-57 for Lands Located at 331 and 333 Springbrook Avenue (Hamilton), was received.

Glen Wellings, agent, expressed his client's intent for the property.

The agent's presentation respecting Report PED13136, Application for an Amendment to the Town of Ancaster Zoning By-law No. 87-57 for Lands Located at 331 and 333 Springbrook Avenue (Hamilton), was received.

For disposition on this Item, refer to item 9.

(iv) Application for a Change in Zoning for Lands Located at 65 Hatt Street (Dundas) (PED13135) (Ward 13) (Item 6.4)

In accordance with the provision of the Planning Act, Chair J. Farr 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 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.

No public speakers came forward.

The public meeting, respecting Report PED13135 Application for a Change in Zoning for Lands Located at 65 Hatt Street (Dundas), was closed.

Heather Travis, Senior Planner, provided an overview of Report PED13135, with the aid of a PowerPoint presentation. A copy of the presentation has been included as part of the public record.

The staff presentation respecting Report PED13135 Application for a Change in Zoning for Lands Located at 65 Hatt Street (Dundas), was received.

James Webb, agent on behalf of the proponent, and the proponent, expressed the intent for the property.

The agent and proponent's presentation respecting Report PED13135 Application for a Change in Zoning for Lands Located at 65 Hatt Street (Dundas), was received.

For disposition on this Item, refer to item 10.

(v) Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 512 Highland Road West (Stoney Creek) (PED13131) (Ward 9) (Item 6.5)

(i) Correspondence from Nick DeFilippis

In accordance with the provision of the Planning Act, Chair J. Farr 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 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.

No public speakers came forward.

The public meeting, respecting Report PED13131 Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 512 Highland Road West (Stoney Creek), was closed.

The staff presentation, respecting Report PED13131 Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 512 Highland Road West (Stoney Creek), was waived.

The correspondence, respecting Report PED13131 Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 512 Highland Road West (Stoney Creek), was received.

For disposition on this Item, refer to item 11.

(vi) Application for an Amendment to City of Hamilton Zoning By-law No. 05-200 for Lands Located at 22 - 24 Emerald Street South (Hamilton) (PED13119) (Ward 3) (Item 6.6)

In accordance with the provision of the Planning Act, Chair J. Farr 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 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.

No public speakers came forward.

The public meeting, respecting Report PED13119 Application for an Amendment to City of Hamilton Zoning By-law No. 05-200 for Lands Located at 22 - 24 Emerald Street South (Hamilton), was closed.

The staff presentation, respecting Report PED13119 Application for an Amendment to City of Hamilton Zoning By-law No. 05-200 for Lands Located at 22 - 24 Emerald Street South (Hamilton), was waived.

Ed Fothergill, agent on behalf of the proponent, spoke to the application and indicated that the capacity and number of occupants would not increase.

The agent's presentation respecting Report PED13119 Application for an Amendment to City of Hamilton Zoning By-law No. 05-200 for Lands Located at 22 - 24 Emerald Street South (Hamilton), was received.

Report PED13119 Application for an Amendment to City of Hamilton Zoning By-law No. 05-200 for Lands Located at 22 - 24 Emerald Street South (Hamilton), was tabled for a future meeting to allow for the Ward Councillor to conduct public meetings.

(vii) Street Name Change from Fieldway Drive to Education Court, Hamilton (PED13133) (Ward 7) (Item 6.7)

The public meeting, respecting Report PED13133 Street Name Change from Fieldway Drive to Education Court, Hamilton, was closed.

The staff presentation, respecting Report PED13133 Street Name Change from Fieldway Drive to Education Court, Hamilton, was waived.

For disposition on this Item, refer to item 12.

(g) DISCUSSION ITEMS (Item 8)

(i) Application for Amendments to Zoning By-law No. 3692-92 and Zoning By-law No. 05-200 for Lands Located at 601 Upper Centennial Parkway - Nash Neighbourhood (Stoney Creek) (PED13096(a)) (Ward 9) (Referred from June 18, 2013) (Item 8.2)

The recommendations contained in Report PED13096(a), Application for Amendments to Zoning By-law No. 3692-92 and Zoning By-law No. 05-200 for Lands Located at 601 Upper Centennial Parkway - Nash Neighbourhood (Stoney Creek), were amended by adding a new subsection (f), to read as follows:

- (f) That a warning clause regarding landfill proximity be included in the Bill of Sale.

For disposition on this Item, refer to item 14.

(ii) The Feasibility and Merit in Establishing a Design Review Panel (PED13137) (City Wide) (Item 8.3)

(i) Correspondence from Julie Greer

David Premi expressed his support for the report with the aid of a PowerPoint presentation. A copy of the presentation has been included as part of the public record.

The delegation from David Premi respecting Report PED13137, The Feasibility and Merit in Establishing a Design Review Panel, was received.

The correspondence from Julie Greer, respecting Report PED13137, The Feasibility and Merit in Establishing a Design Review Panel, was received.

That staff seek the Design Review Panel 's advice on the pilot program ' s scope;

The recommendations contained in Report PED13137, The Feasibility and Merit in Establishing a Design Review Panel, were amended by adding new sub-sections (d), (e) and (f), to read as follows:

(d) That staff seek the Design Review Panel 's advice on the pilot program ' s scope;

(e) That Appendix "A", Design Review Panel – Mandate, Section 6.3(d) be amended so that the words "in closed session" be added following the words "beginning their deliberations", and that the words "on a consensus basis" be added after the words "advice with respect to the project", to read as follows:

6.3(d) Following the proponent's presentation, the DRP will have the opportunity to ask questions for clarification before beginning their deliberations in closed session and developing its advice with respect to the project on a consensus basis.

(f) That Appendix "A", Design Review Panel – Mandate, Section 7.0 be amended so that all pertinent Ontario Legislation and Regulation is referenced, to read as follows:

7.0 Conflict of interest rules will apply to all Design Review Panel members, pursuant to the Municipal Conflict of Interest Act, R.S.O., 1190, Chapter M.50. (a copy of which will be provided to members upon their appointment) or any other pertinent legislation of respective professional governing body.

For disposition on this Item, refer to item 15.

- (iii) **Heritage Permit Application HP2013-035, Under Part IV of the Ontario Heritage Act, for the Installation of Planters in the Forecourt of 71 Main Street West (Hamilton City Hall) (Hamilton) (PED13147) (Ward 2) (Item 8.4)**

The recommendations contained in Report PED13147, Heritage Permit Application HP2013-035, Under Part IV of the Ontario Heritage Act, for the Installation of Planters in the Forecourt of 71 Main Street West (Hamilton City Hall) (Hamilton), were amended by deleting the current recommendations and replacing them with the following recommendations, to read as follows:

That the application for Heritage Permit Application HP2013-035, Under Part IV of the Ontario Heritage Act, for the Installation of Planters in the Forecourt of 71 Main Street West (Hamilton City Hall) (Hamilton), be approved with no conditions, as recommended by the Hamilton Municipal Heritage Committee.

The amendment CARRIED on the following vote:

Yeas: L. Ferguson, R. Pasuta, J. Partridge, M. Pearson,
B. Johnson, J. Farr
Total: 6
Nays: C. Collins, B. Clark
Total: 2
Absent: T. Whitehead
Total: 1

For disposition on this Item, refer to item 16.

(h) MOTIONS (Item 9)

(i) Newalta Stoney Creek Landfill – Supporting Documents (Item 9.1)

Whereas Newalta Stoney Creek Landfill informed the City of its intent to increase the height of the landfill

Whereas the proponent indicated that they have supporting documents for the undertaking

Be it resolved:

That the city solicitor write the proponent requesting all documents support the proposals within seven days.

For disposition on this Item, refer to item 17.

(ii) Newalta Stoney Creek Landfill – Ministry of the Environment (Item 9.2)

Whereas Newalta Stoney Creek Landfill informed the City of its intent to increase the height of the landfill

Whereas the local Ministry of Environment has indicated that this proposed amendment is technical in nature

Whereas there is no monitor of the public consultation

Be it resolved:

That the City write to the Minister of Environment to request that the undertaking be required to file with the environmental bill of rights. Further that a copy of this request be forwarded to local MPPs and the Environmental Commissioner.

For disposition on this Item, refer to item 18.

(i) NOTICES OF MOTION (Item 10)

Councillor Clark introduced the following Notice of Motion:

(i) Newalta Stoney Creek Landfill – Supporting Documents (Item 10.1)

Whereas Newalta Stoney Creek Landfill informed the City of its intent to increase the height of the landfill

Whereas the proponent indicated that they have supporting documents for the undertaking

Be it resolved:

That the city solicitor write the proponent requesting all documents support the proposals within seven days.

The rules were waived in order to allow for a Motion respecting Newalta Stoney Creek Landfill – Supporting Documents.

Councillor Clark introduced the following Notice of Motion:

(ii) Newalta Stoney Creek Landfill – Ministry of the Environment (Item 10.2)

Whereas Newalta Stoney Creek Landfill informed the City of its intent to increase the height of the landfill

Whereas the local Ministry of Environment has indicated that this proposed amendment is technical in nature

Whereas there is no monitor of the public consultation

Be it resolved:

That the City write to the Minister of Environment to request that the undertaking be required to file with the environmental bill of rights. Further that a copy of this request be forwarded to local MPPs and the Environmental Commissioner.

The rules were waived in order to allow for a Motion respecting Newalta Stoney Creek Landfill – Ministry of the Environment.

(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:

- (a) Item P: Hamilton Municipal Heritage Committee Report 12-006
(Proactive Heritage Building Protection Strategy)
Current Due Date: May 12, 2013
Proposed New Due Date: December 3, 2013
- (b) Item S: Vehicle Inspection Manual for Taxis (PD05141(c))
Current Due Date: August 13, 2013
Proposed New Due Date: 2014

The following items were removed from the Outstanding Business List:

- (a) Item U: (A) Amendments to the Site Alteration By-law No. 03-126, as Amended by By-law No. 05-115 and Further Amended by By-law No. 11-262 (PED12184(a))
- (b) Item GG: Application for Amendments to Zoning By-law No. 3692-92 and Zoning By-law No. 05-200 for Lands

Located at 601 Upper Centennial Parkway - Nash
Neighbourhood (PED13096)

(ii) News from the General Manager (Item 11.2)

The General Manager provided updates of current events and initiatives within the department.

(k) PRIVATE AND CONFIDENTIAL (Item 12)

At 2:05 p.m., Committee moved into Closed Session to consider item 12.1 which is subject to Section 239.2 (e) and (f) of the Municipal Act and Section 8.1(e) and (f) of the Procedural Bylaw as the subject matter of this item pertains to:

- litigation or potential litigation, including matters before administrative tribunals affecting the City, and
- the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

The Planning Committee reconvened in Open Session at 2:20 p.m.

(i) Urban Hamilton Official Plan Proposed Settlement of Part of Appeal by Paletta International Corporation and Other Appellants and Legal Direction – City Wide (LS13027) (Item 12.1)

For disposition on this Item, refer to item 19.

(l) ADJOURNMENT

There being no further business, the Planning Committee adjourned at 2:23 p.m.

Respectfully submitted,

Councillor J. Farr
Chair, Planning Committee

Vanessa Robicheau
Legislative Coordinator
Office of the City Clerk

**The Planning and Economic Development Department
Design Review Panel – Pilot Project**

Mandate - July 2013

1.0 Mandate:

The Planning and Economic Development Department Design Review Panel (DRP) is a voluntary technical panel established to advise Planning Division staff on urban design matters of development within Design Priority Areas for a pilot period of two years to expire on December 31, 2015.

The DRP is strictly an advisory body, and makes recommendations to Planning Division staff. It does not have the authority to approve or refuse projects, or make policy decisions, or recommendations on land use.

2.0 Purpose:

- 2.1** To give advice and make recommendations to staff on the potential physical and aesthetic impact of proposed buildings, structures, landscapes, streetscapes, parks, and infrastructure projects in the Design Priority Areas.
- 2.2** To give professional advice to staff regarding any proposed policy or guidelines affecting the Design Priority Areas' physical environment.
- 2.3** To ensure that the efforts to improve the quality of design through the reviews of the DRP are achieved in the context of an effective and timely process.
- 2.4** Support creative design responses in new development.
- 2.5** Foster an effective working relationship with the development industry.
- 2.6** Broaden public awareness about design in Hamilton.

3.0 Scope of Work:

- 3.1** The DRP shall provide urban design advice to Planning Division staff on Planning applications with respect to complex Zoning and Site Plan applications in the following Design Priority Areas:
 - (a)** Downtown Hamilton Secondary Plan Area (See Map No. 1); and,

- (b) Areas of Major Change and Corridors of Gradual Change within Setting Sail Secondary Plan Area (See Map No. 2).
- (c) Notwithstanding (a), and (b) above, the Director of Planning or his or her designate may refer any other large scale project that has the potential to significantly impact the physical environment functionally and aesthetically.

3.2 Notwithstanding Section 3.1 above, applications subject to review by the DRP shall include all complex Zoning and Major Site Plan applications subject to the following:

- (a) Residential (complex zoning) - only applications for increased density or increased height.
- (b) Residential (complex zoning and site plan) - all ground related residential development including: singles, semis, all townhouses will be exempt from DRP review.
- (c) Residential (complex zoning and site plan) - development below 3 storeys will be exempt from DRP review.
- (d) Non-Residential (complex zoning and site plan) - development below 3 storeys and 1,858 square metres of gross floor area will be exempt from DRP review.

3.3 Notwithstanding Sections 3.1 and 3.2, the Director of Planning or his or her designate has the discretionary powers to waive projects from the review of the DRP, if the project is not deemed to have the potential to significantly impact the physical environment functionally and/or aesthetically. At the Formal Consultation Stage, projects subject to DRP will be identified.

4.0 DRP Composition, Selection, Term & Remuneration:

4.1 Composition:

The DRP will be comprised of a maximum of nine (9) members. The panel must include at least two (2) architects, one (1) landscape architect, and two (2) other individuals from a different discipline related to Urban Design (i.e. urban designer, planner, heritage professional, or green technologies specialist). Quorum will be 50% of the membership, plus one.

4.2 Selection:

- (a) The DRP members will be selected from a qualified pool of candidates by the General Manager of the Planning and Economic Development Department and Director of Planning, based on the following:
- (i) City of Hamilton employees are not eligible to participate on the DRP.
 - (ii) Potential members must meet specific criteria regarding qualifications, experience, and availability. People who work as consultants or with public agencies may be appointed to the Panel. Members will not be selected to represent an organizational perspective, but rather for their ability to provide objective, expert judgement. A high level of technical expertise shall be required among members.
- (b) The Planning and Economic Development Department will advertise for expressions of interest from community professionals who would be willing to volunteer for appointment to the DRP. Using the following criteria, the General Manager of the Planning and Economic Development Department and the Director of Planning will select individuals suitable for appointment as members.
- (i) Because of the technical nature of the Panel, academic qualifications are important.
 - (ii) Individuals with a diversity of training will be viewed favourably.
 - (iii) As a group, the DRP should include a balance of expertise and, thus, appointments may favour disciplines where representation is weak. Members should be drawn from the following disciplines or subject areas:
 - Architecture;
 - Landscape Architecture;
 - Urban Design;
 - Urban Planning;
 - Built Heritage; and,
 - Green Technologies.

4.3 Term:

DRP members will be required to serve for the two (2) year Pilot Project term. Non-attendance at more than three consecutive meetings may be sufficient grounds for replacement.

4.4 Remuneration:

The DRP members are to be non-paid volunteer positions. Refreshments and travel expenses during the Pilot Project Term will be covered by the Planning and Economic Development Department.

5.0 Administration of the DRP:

5.1 The Manager of Development Planning, Heritage and Design, or his/her designate, will attend and be responsible for the administration of the DRP.

5.2 The DRP will meet monthly, as required.

5.3 The DRP will appoint, from their membership, a Chair and Vice Chair. The role of the Chair is to preside over the discussions to ensure that the matters brought forward before the DRP are fairly considered.

5.4 The DRP meetings will be accurately documented in the meeting minutes by Planning and Economic Development staff.

5.5 Individual DRP members should not be identified in the minutes; specific comments can be recorded without attribution.

5.6 The draft meeting minutes will be prepared by Planning and Economic Development staff, and then sent to the DRP for approval. The approved minutes will be sent to the proponents and Planning and Economic Development staff. Proponents will not have the opportunity or ability to request any changes to the minutes. The approved minutes reflect the recommendations and comments of the DRP, and provide advice to City staff and the proponent.

6.0 DRP Process:

6.1 Referral of Applications and Projects:

The DRP will have applications and projects referred to the group by the Planning and Economic Development Department at initial project circulation, as determined through the Formal Consultation process.

6.2 DRP Submission Requirements:

Once the application has been referred, Planning staff will contact the applicant and provide the DRP submission requirements, which may include:

- (a) Key Plan;
- (b) Coloured copies of the site plan, building elevation plans, and landscape plans;
- (c) Photographs of the surrounding streetscape and adjacent lands;
- (d) Coloured renderings, digital perspectives, or a physical massing model showing the proposed development and its relationship to adjacent lands;
- (e) Floor plans for all ground related floors and, as required, to explain the scheme;
- (f) Building elevations and materials;
- (g) A brief project description;
- (h) A letter from the design consultants addressing the merits of the proposed design, recognizing the design policies contained in the Official Plan and any applicable planning policies and urban design guideline documents and the surrounding building context; and,
- (i) If required, a sun/shadow and/or wind study, visual impact analysis, urban design brief, and/or any other urban design related study/report/analysis identified through the Formal Consultation Process.

Notes:

- (i) All presentation material should be mounted on panels of no more than 0.9m x 1.2m (3' x 4') in size;
- (ii) The preferred method for submissions to the DRP will be electronically; and,
- (iii) The applicant may choose to prepare a PowerPoint Presentation with the above information to further explain the proposed application at the DRP meeting.

6.3 Meeting Protocol:

- (a) DRP meetings shall be attended by the applicant and/or representative/agent, panel, City Planning staff, and where needed, other relevant City staff.
- (b) DRP meetings will be open to the public for observation only. However, there shall be no written or verbal submissions by any individuals other than staff and the proponent. Others will have an opportunity to make written and verbal submissions during the standard application process for rezonings.
- (c) The DRP meetings will begin with a brief presentation by the proponent and their design consultant, who will explain the project's objectives and how it responds to the City's policies and guidelines.
- (d) Following the proponent's presentation, the DRP will have the opportunity to ask questions for clarification before beginning their deliberations in closed session and developing its advice with respect to the project on a consensus basis.
- (e) The DRP comments will be based on Council approved policies and guidelines. The DRP comments will range from an acknowledgement of the positive qualities of the proposal to suggestions that encourage a design, which better complies with relevant policies and guidelines.
- (f) Within 10 business days of the relevant DRP meeting, a copy of the approved meeting minutes, including the DRP's advice, will be finalized.

6.4 Monitoring:

- (a) Information will be obtained from the proponent and his/her consultant(s) from a brief survey, which will be provided at the meeting. The survey will provide question(s) regarding opinions of the process and any required improvements. This information will be compiled at the end of the Pilot Project term.
- (b) Information obtained from panel members and staff will also be obtained in order to identify positive and negative issues with the process and any required improvements. This information will be compiled at the end of the Pilot Project term.

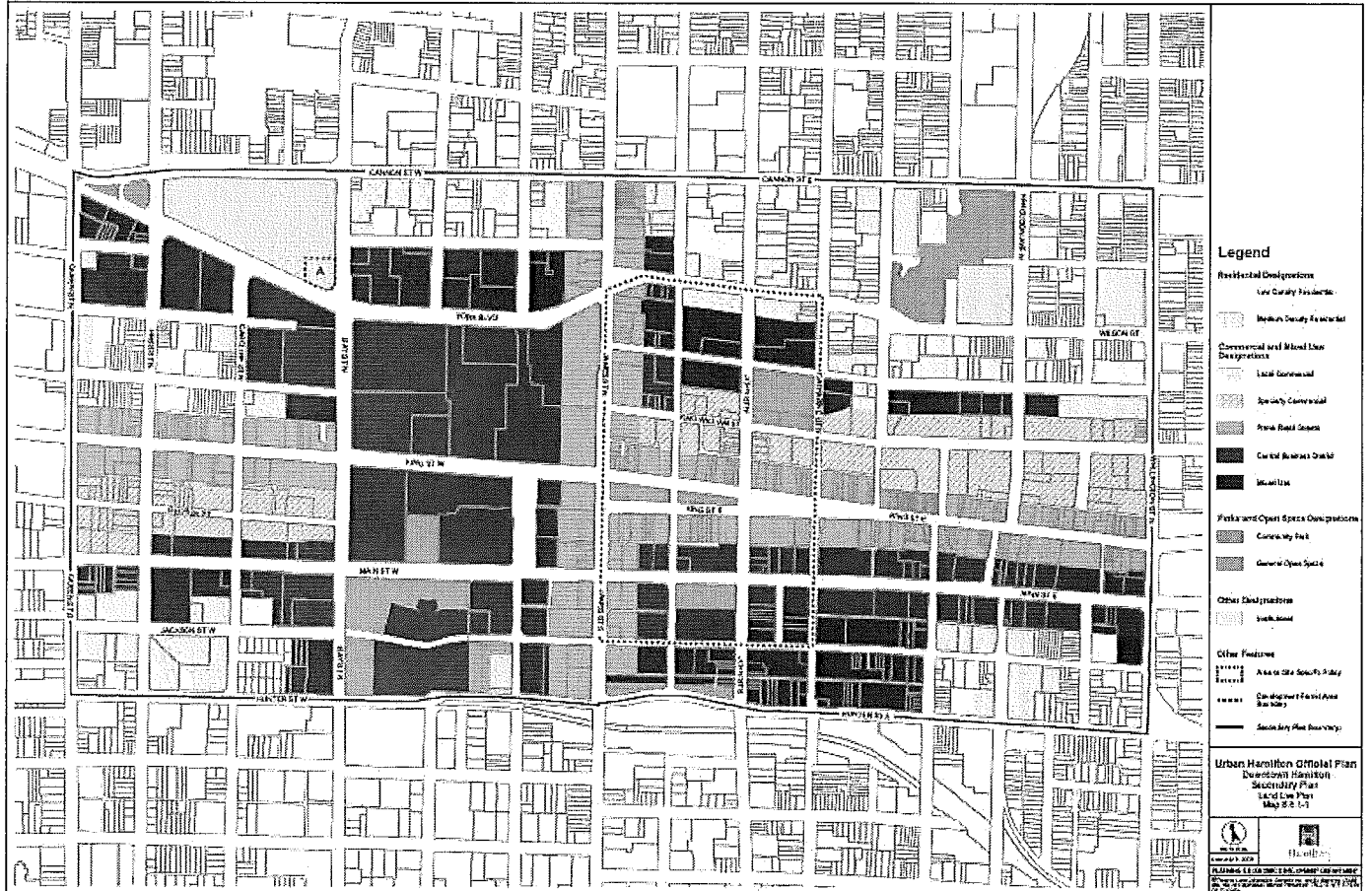
7.0 Conflict of Interest/Code of Conduct

Conflict of interest rules will apply to all Design Review Panel members, pursuant to the Municipal Conflict of Interest Act, R.S.O., 1190, Chapter M.50. (a copy of which will be provided to members upon their appointment) or any other pertinent legislation of governing bodies applying to professionals.

8.0 Confidentiality

DRP members may be required to sign a Confidentiality Agreement pertaining to any material of a proprietary nature which is forwarded to them in carrying out the DRP's mandate.

Design Priority Area Map No. 1 - Downtown Hamilton Secondary Plan



Design Priority Area Map No. 2 - Setting Sail Secondary Plan

