



PLANNING COMMITTEE

REPORT 14-008

9:30 am

Tuesday, May 20, 2014

Council Chambers

Hamilton City Hall

71 Main Street West

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

THE PLANNING COMMITTEE PRESENTS REPORT 14-008 AND RESPECTFULLY RECOMMENDS:

1. **Sign Kiosks/Poster Sleeve Pilot Evaluation (PED05172(k)) (City Wide) (Item 5.1)**
 - (a) That the current Sign Kiosk/Poster Sleeve locations in the Downtown, International Village, Westdale and the Dundas Business Improvement Areas (BIAs) be deemed permanent locations;
 - (b) That the responsibility for the Sign Kiosk/Poster Sleeve Program be transferred to the Public Works Department as part of the City's Street Furniture Program;
 - (c) That the remaining \$250,000 of approved Capital funding for Sign Kiosks/Poster Sleeves in the following Planning and Economic Development Department accounts be transferred to the Public Works Department:
 - (i) Project # 8200703600 (\$ 50,000)
 - (ii) Project # 8200803611 (\$150,000)
 - (iii) Project # 8200803800 (\$ 50,000);

- (d) That the Public Works Department be directed to consult with stakeholders and report back with respect to expansion of the Sign Kiosk/Poster Sleeve Program.

2. Tech Park Industrial Subdivision (PED14101) (Ward 15) (Item 5.2)

That the required cost for the completion of roads in the Tech Park Industrial Subdivision be funded from the Shared Land – Industrial Parks Reserve Fund Account No. 110060.

3. Application for an Amendment to Ministry of Environment Environmental Compliance Approval by Newalta Corporation for Lands Located at 237 Brant Street, Hamilton (PED14104) (Ward 3) (Item 5.3)

That Report PED14104, Application for an Amendment to Ministry of Environment Environmental Compliance Approval by Newalta Corporation for Lands Located at 237 Brant Street, Hamilton, be received.

4. Proposed Zoning By-law Amendment Affecting Lands Located at 198 and 206 Wellington Street South (Hamilton) (PED14099) (Ward 2) (Item 6.2)

That Amended Zoning By-law Amendment Application ZAC-11-055, by Spallacci Construction Limited, Owner, for a change in zoning from the "D" (Urban Protected Residential – One and Two Family Dwellings, Etc.) District to the "E/S-1705" (Multiple Dwellings, Lodges, Clubs, Etc.) District, Modified, on lands located at 198 and 206 Wellington Street South (Hamilton), as shown on Appendix "A" to Report PED14099, be approved, on the following basis:

- (a) That the draft By-law, attached as Appendix "B" to Report PED14099, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
- (b) That the amending By-law be added to Schedule 19B of Zoning By-law No. 6593 as "E/S-1705";
- (c) That the change in Zoning is consistent with the Provincial Policy Statement (2014), and conforms to the Places to Grow Growth Plan, and is in conformity with the Hamilton-Wentworth Regional Official Plan and the City of Hamilton Official Plan;
- (d) That the change in Zoning is in conformity with the Urban Hamilton Official Plan (UHOP);

- (e) That upon finalization of the amending By-law, the subject lands within the Corktown Neighbourhood Plan be redesignated from "Single and Double" to "Medium Density Apartments".

5. Business Licensing Fee Review (PD01104(i)) (City Wide) (Item 8.1)

That the comprehensive Report on business license fees be delayed until 2015 as a result of the March 26, 2014 City Council direction to:

- (a) Adjust the current work plan to ensure that unlicensed businesses are inspected;
- (b) Investigate and detail the costs of staff resources and technology improvements required to address the recommendations of the approved performance audit with respect to unlicensed businesses.

6. Residential Drainage Assistance Pilot Program – Interim Report (PED14105) (City Wide) (Item 8.2)

- (a) That the Residential Drainage Assistance Pilot Program (RDAPP) be extended to September 2015 to match the Enforcement of Blocked Swales Pilot Program (Report PED13084);
- (b) That the temporary full-time equivalent (FTE) position (Residential Drainage Assistance Project Manager) reporting to the Manager of Engineering Approvals also be extended and the position be funded from Capital Account No. 5181159150 at an estimated staff cost of \$162,000 for the period of May 2014 to September 2015;
- (c) That the implementation of drainage improvements identified in the Capri Crescent Drainage Study (Ward 5), with an estimated cost of \$25,000 for permits and works within the public right-of-way, be approved and funded from Capital Account No. 5181159150;
- (d) That the implementation of drainage improvements identified in the Martingrove and Janis Drainage Study, with an estimated cost of \$25,000 for permits and works within the public right-of-way, be approved and be funded from Capital Account No. 5181159150;
- (e) That recommendations (c) and (d) be subject to:
 - (i) An appropriate agreement between the City and the identified landowners for the above grant monies based on the provisions of the RDAPP in a form satisfactory to the City Solicitor;

- (ii) In the event of a shortfall of funds for works located on private property, a portion of the cost of works located on private property may be funded from the local Councillor's Area Rating Funds or available surplus Capital accounts or WIPS with the preceding being subject to the identified landowners undertaking the work in accordance with the City's tendering policies, purchasing policies, and the identified homeowners obtaining all necessary permits.
 - (f) That the Mayor and City Clerk are authorized to execute all necessary agreements related to the Capri Crescent Residential Drainage Assistance Program Study and the Martingrove and Janis Residential Drainage Assistance Program Study, with content acceptable to the Manager, Development Engineering and in a form satisfactory to the City Solicitor.
7. **Planning Division Complement Adjustment (PED14107) (City Wide) (Item 12.1)**

That the recommendations contained in Report PED14107, Planning Division Complement Adjustment, 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:

DISCUSSION ITEMS - AMENDMENT FOR DISTRIBUTION

- 8.2 Amendment to the Residential Drainage Assistance Pilot Program - Interim Report (PED14105) (City Wide)

MOTIONS - FOR DISTRIBUTION

- 9.1 Redevelopment of a City of Hamilton Owned Surface Parking Lot
- 9.2 Construction Information Ground Signs

NOTICE OF MOTION

10.1 Delegated Authority to Consent to Heritage Permits under the Ontario Heritage Act

10.2 North Hamilton Community Health Centre

The Agenda for the May 20, 2014 meeting of the Planning Committee was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

None.

(c) APPROVAL OF MINUTES (Item 3)

(i) May 6, 2014

The Minutes of the May 6, 2014 Planning Committee meeting were approved.

(d) PUBLIC HEARINGS AND DELEGATIONS (Item 6)

(i) Delegation from Masonry Worx respecting new home construction and municipal sustainability (Item 6.1)

Brittany LeClerc and John Armstrong, Masonry Worx, provided an presentation with the aid of a PowerPoint Presentation. A copy of the presentation has been included in the public record.

The presentation respecting new home construction and municipal sustainability was received.

(ii) Proposed Zoning By-law Amendment Affecting Lands Located at 198 and 206 Wellington Street South (Hamilton) (PED14099) (Ward 2) (Item 6.2)

In accordance with the provision of the Planning Act, Chair B. Johnson advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council approves the

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.

Edward John, Senior Project Manager, provided an overview of the report with the aid of a PowerPoint presentation. A copy of the presentation has been included in the public record.

The staff presentation respecting Report PED14099, Proposed Zoning By-law Amendment Affecting Lands Located at 198 and 206 Wellington Street South, was received.

James Webb, on behalf of the applicant and owners, provided an overview of the report with the aid of a PowerPoint presentation. A copy of the presentation has been included in the public record.

The agent's presentation respecting Report PED14099, Proposed Zoning By-law Amendment Affecting Lands Located at 198 and 206 Wellington Street South, was received.

Public Speakers:

1. Mary Hudecki – 107 Augusta St., Hamilton, ON L8N 1R3

Ms. Hudecki expressed concerns, on behalf of herself and the Neighbourhood Association, respecting the number of new developments in the area and the impact it will have on traffic and parking. She is also disappointed that it will be an apartment building rather than a condominium development.

2. Kelvin John – 264 Charlton Ave. E., Hamilton, ON L8N 121

Mr. John expressed concerns with shadowing, parking and traffic. He is also concerned with the height of the building and other buildings in the area.

3. Shirley Baker – 236 Forest Ave., Hamilton, ON L8N 1Y1

Ms. Baker expressed concerns with parking and privacy.

The public presentation respecting Report PED14099, Proposed Zoning By-law Amendment Affecting Lands Located at 198 and 206 Wellington Street South, was received.

The public meeting respecting Report PED14099, Proposed Zoning By-law Amendment Affecting Lands Located at 198 and 206 Wellington Street South, was closed.

For disposition on this Item, refer to item 4.

(e) DISCUSSION ITEMS (Item 8)

(i) Residential Drainage Assistance Pilot Program – Interim Report (PED14105) (City Wide) (Item 8.2)

The recommendations contained in Report PED14105, Residential Drainage Assistance Pilot Program – Interim Report, were amended by adding a new sub-section (f), as follows:

- (f) That the Mayor and City Clerk are authorized to execute all necessary agreements related to the Capri Crescent Residential Drainage Assistance Program Study and the Martingrove and Janis Residential Drainage Assistance Program Study, with content acceptable to the Manager, Development Engineering and in a form satisfactory to the City Solicitor.

For disposition on this Item, refer to item 6.

(f) MOTIONS (Item 9)

(i) Redevelopment of a City of Hamilton Owned Surface Parking Lot (Item 9.1)

WHEREAS The City of Hamilton owns lands that are currently used for surface parking within the Downtown Community Improvement Plan area which is not the highest and best use of these lands;

AND WHEREAS it is a goal of the Downtown Community Improvement Plan area "To ensure a viable population of residents, jobs and visitors to the Project Areas that provide local business support, employment and economic opportunities" and "To make more efficient use of existing infrastructure";

AND WHEREAS ss 106(3) of the Municipal Act, 2001 provides that the prohibition on a municipality granting bonuses in ss 106(1) does not apply where a Council exercises its authority within a community

improvement project area pursuant to ss 28(6) or (7) of the Planning Act.

AND WHEREAS Section 8.2 of the Downtown and Community Renewal Community Improvement Plan states that "The City may also dispose, including sale, lease, or otherwise, of municipal land and buildings within any Community Improvement Project Area for the purpose of achieving the goals and objectives of this Plan";

AND WHEREAS through the disposition of a surface parking lot the City of Hamilton can provide for the opportunity for the redevelopment of City owned lands currently utilized solely for the purpose of surface parking, provide for additional residential and employment opportunities in the Downtown Community Improvement Plan area and achieve excellence in urban design;

NOW THEREFORE IT IS RESOLVED:

- (a) That Planning and Economic Development Department staff be directed and authorized to report back to Planning Committee by September, 2014 on:

A Request for Proposals process for the redevelopment of a City of Hamilton owned surface parking lot in which the City of Hamilton will facilitate the process through the conveyance of the City of Hamilton lands for the best offer subject to the successful project meeting the City of Hamilton's requirements including, but not limited to, matters of design, timing, density and affordability;

- (b) That in preparing the Request for Proposal, Planning and Economic Development Department staff report include a cost-benefit analysis on the redevelopment of the City-owned lands;
- (c) That Planning and Economic Development Department staff report back on the process for the evaluation and assessment of the Request for Proposals, including a stakeholder advisory committee and the composition of the committee.

The motion was amended to include a new sub-section (d), to read as follows:

- (d) That the intent is to maximize the capital return to the City of Hamilton.

(ii) **Construction Information Ground Signs (Item 9.2)**

WHEREAS the Hamilton Sign By-Law No.10-197 regulates signs, including temporary "Construction Information Ground Signs" within the City of Hamilton;

AND WHEREAS the Hamilton Sign By-Law No.10-197 restricts the height (7.5 m) and size(maximum area 18.0 m2 for a single-faced or 36.0 m2 for a double or multi-faced Sign) of ground mount signs, including temporary "Construction Information Ground Signs";

AND WHEREAS there are available space challenges to locating "Construction Information Ground Signs" in the most visible and effective manner for many of the vital new developments occurring within the Downtown;

NOW THEREFORE IT IS RESOLVED:

- (a) That Planning and Economic Development Department staff be directed to review the provisions of the Hamilton Sign By-Law No.10-197 and to report back with possible alternatives to address the challenges in locating "Construction Information Ground Signs" associated with Downtown developments;
- (b) That staff be directed to use discretion in enforcing "Construction Information Ground Signs" in the Downtown area until the requested report is considered by Committee and City Council.

(iii) **North Hamilton Community Health Centre (Item 9.3)**

Whereas the North Hamilton Community Health Centre is a registered non-profit charitable organization;

And Whereas the North Hamilton Community Health Centre have received funding from the Ministry of Health to operate a horticultural therapy program in this greenhouse

And Whereas the North Hamilton Community Health Centre is proposing to construct a greenhouse at 438 Hughson Street for the purpose of supporting multiple educational and health promotion program opportunities in the City of Hamilton community and beyond.

And Whereas Section 11(6) of the City of Hamilton Parkland Dedication By-law provides for the exemption from Parkland Dedication where a use has been deemed by Council as a charitable non-profit use;

Now Therefore it is resolved:

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

The motion respecting North Hamilton Community Health Centre, was tabled to the June 3, 2014 meeting of the Planning Committee.

(g) NOTICES OF MOTION (Item 10)

Councillor Farr introduced the following Notice of Motion:

(i) Delegated Authority to Consent to Heritage Permits Under the Ontario Heritage Act (Item 10.1)

Whereas the *Ontario Heritage Act* requires consent from City of Hamilton Council or its delegate for alterations to properties designated under the *Ontario Heritage Act*, and that this consent be obtained through the issuance of a Heritage Permit;

And Whereas the *Ontario Heritage Act* requires consultation with the Municipal Heritage Committee on Heritage Permit applications, but not public notice or public consultation, before a decision with respect to a Heritage Permit application is made;

And Whereas City Council passed By-law No.05-364, as amended by By-law No. 07-322, delegating the power to consent to Heritage Permits to the Director of Planning.

And Whereas the delegated power to consent has been in place for approximately 9 years and it is prudent to conduct periodic review of by-laws and procedures;

Therefore be it resolved:

That staff in the Planning Division be directed to carry out a review of the Heritage Permit process, and report back to Planning Committee.

Councillor Farr introduced the following Notice of Motion:

(ii) North Hamilton Community Health Centre (Item 10.2)

Whereas the North Hamilton Community Health Centre is a registered non-profit charitable organization;

And Whereas the North Hamilton Community Health Centre have received funding from the Ministry of Health to operate a horticultural therapy program in this greenhouse

And Whereas the North Hamilton Community Health Centre is proposing to construct a greenhouse at 438 Hughson Street for the purpose of supporting multiple educational and health promotion program opportunities in the City of Hamilton community and beyond.

And Whereas Section 11(6) of the City of Hamilton Parkland Dedication By-law provides for the exemption from Parkland Dedication where a use has been deemed by Council as a charitable non-profit use;

Now Therefore it is resolved:

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

The rules were waived in order to allow the introduction of a motion respecting North Hamilton Community Health Centre.

For disposition on this Item, refer to item 9.3.

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

(i) Outstanding Business List Amendments (Item 11.1)

The following Outstanding Business List due dates were revised:

- (aa) Item O: Synergies between infrastructure Development and New School Openings (Added Item 10.1 & 9.2)
Current Due Date: May 20, 2014
New Due Date: August 12, 2014

- (bb) Item Y: Amendment to Site Plan Control By-law No. 03-294, as Amended by By-law No. 08-298 (PED14014) (City Wide)
Current Due Date: May 20, 2014
New Due Date: June 17, 2014

The following items were removed from the Outstanding Business List:

- (aa) Item W: Amendments to the Prohibition of Exotic Animals within the Responsible Animal Ownership By-law – Criteria and Process (Motion from GIC)
- (bb) Item JJ: Delegation Request from MasonryWorx

(i) **PRIVATE AND CONFIDENTIAL (Item 12)**

- (i) **Planning Division Complement Adjustment (PED14107) (City Wide) (Item 12.1)**

For disposition on this Item, refer to item 7.

(j) **ADJOURNMENT**

There being no further business, the Planning Committee adjourned at 12:36 p.m.

Respectfully submitted,

Councillor B. Johnson
Chair, Planning Committee

Vanessa Robicheau
Legislative Coordinator
Office of the City Clerk