



## **PLANNING COMMITTEE**

### **REPORT 16-005**

**9:30 a.m.**

**Tuesday, March 22, 2016**

**Council Chambers**

**Hamilton City Hall**

**71 Main Street West**

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

**Also present:** Councillors T. Whitehead and T. Jackson

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### **THE PLANNING COMMITTEE PRESENTS REPORT 16-005 AND RESPECTFULLY RECOMMENDS:**

- 1. Application for Amendments to Flamborough Zoning By-law No. 90-145-Z and Hamilton Zoning By-law No. 05-200 for Lands Located at 100 Sunnycroft Court, Flamborough (ZAR-11-076) (PED16071) (Ward 15) (Item 6.1)**

That approval be given to Amended Zoning Application ZAR-11-076 by Alvin Thomas, Owner, for a change in zoning from the Parkway Belt Open Space "O1" Zone, the Parkway Belt Open Space "O1-1" Zone, Modified, and the Conservation / Hazard Land (P6) Zone, to the Urban Residential (Single Detached) "R1-71" Zone, Modified (Blocks 1 and 2), and the Urban Residential (Single Detached) "R1-72" Zone, Modified (Blocks 3 and 4), to facilitate the severance of the lands located at 100 Sunnycroft Court, Flamborough, as shown on Appendix "A" to Report PED16071, on the following basis:

- (a) That the Draft By-law, attached as Appendix "B" to Report PED16071, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the lands referred to in the Draft By-law, attached as Appendix "B" to Report PED16071, be added to Schedule A-30 of By-law No. 90-145-Z;
- (c) That the Draft By-law, attached as Appendix "C" to Report PED16071, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

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- (d) That the Draft By-law, attached as Appendix “C” to Report PED16071, be removed from Map No. 74 of Zoning By-law No. 05-200;
- (e) That the proposal is consistent with the Provincial Policy Statement, it conforms to the Growth Plan for the Greater Golden Horseshoe, and it complies with the Urban Hamilton Official Plan.

**2. Application for a Zoning By-law Amendment for Lands Located at 3 Green Mountain Road West (Stoney Creek) (PED16067) (Ward 9) (Item 6.2)**

- (a) That approval be given to Amended Zoning By-law Amendment application ZAC-15-033 by Empire Communities (Stoney Creek) Limited (Owner), for a change in zoning from the Neighbourhood Development “ND” Zone to the General Commercial “GC-56” Zone, Modified for lands located at 3 Green Mountain Road West, Stoney Creek, as shown on Appendix “A” to Report PED16067, on the following basis:
  - (i) That the draft By-law, attached as Appendix “B” to Report PED16067, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe, and complies with the Urban Hamilton Official Plan.

**3. Applications to Amend the Urban Hamilton Official Plan, Zoning By-law No. 3692-92, Zoning By-law No. 05-200, and for Approval of a Draft Plan of Subdivision, for Lands Located at 1831 Rymal Road East (Stoney Creek) (PED16072) (Ward 9) (Item 6.3)**

- (a) That approval be given to Urban Hamilton Official Plan Amendment Application UHOPA-14-001, by 2324780 Ontario Limited, c/o Fred Losani, (Owner), for OPA No. [REDACTED], to establish three site specific policy areas for an increase in permitted density in the “Low Density Residential 1” and “Low Density Residential 2” designations, and for a reduction in the minimum density for the “Medium Density Residential 2” designation, and for changes in designation from: “Medium Density Residential 3” to “General Open Space”; “Medium Density Residential 2” to “Utility (SWM)”; “Natural Open Space” to “Utility (SWM)” and “General Open Space”; “Low Density Residential 2” to “General Open Space”; “Mixed Use – Medium Density” to “Low Density Residential 2”; from “Medium Density Residential 2” to “Low Density Residential 2”; from “Neighbourhood Park” and “General Open Space” to “Low Density Residential 2”; change in road network and, shifting of the trail, on Map B.7.7-1 – Trinity West Secondary Plan - Land Use Plan; removal of the “Core Area” and “Linkage” from Map

B.7.7-2 – Trinity West Secondary Plan – Natural Heritage System; and to delete and replace the road network on Map B.7.7.-3 – Trinity West Secondary Plan – Road Classification Plan, for the lands known 1831 Rymal Road East (Stoney Creek), as shown on Appendix “A” to Report PED16072, on the following basis:

- (i) That the draft OPA, attached as Appendix “B” to Report PED16072, be adopted by Council.
  - (ii) That the proposed OPA is consistent with the Provincial Policy Statement (PPS), and conforms to the Places to Grow Plan.
- (b) That approval be given to Amended Zoning Amendment Application ZAC-14-002, by 2324780 Ontario Limited, c/o Fred Losani, (Owner), for changes in zoning from Neighbourhood Development “ND” Zone to Single Residential “R1-20” Zone, Modified (Blocks 1-3); from Neighbourhood Development “ND” Zone to Single Residential “R3-41” Zone, Modified (Block 4); from Neighbourhood Development “ND” Zone to Multiple Residential “RSQ M-43” Zone, Modified (Blocks 5 and 6); from Neighbourhood Development “ND” Zone to Multiple Residential “RM3-56” Zone, Modified (Block 7); from Neighbourhood Development “ND” Zone to Multiple Residential “RM3-57” Zone, Modified (Block 8) from Neighbourhood Development “ND” Zone to Mixed Use Commercial (Holding) “MUC-9(H)” Zone, Modified (Blocks 9 and 10); and for lands to be added to City of Hamilton Zoning By-law No. 05-200 and zoned as Open Space (P4) Zone (Block 11); Conservation/Hazard Land (P5) Zone (Block 12); and, Neighbourhood Park (P1) Zone (Block 13), in order to permit the development of the proposed Draft Plan of Subdivision, “Part of Lot 33 – Concession 8” (25T-201401), for the lands known 1831 Rymal Road East (Stoney Creek), as shown on Appendix “A” to Report PED16072, on the following basis:
- (i) That the draft By-laws, attached as Appendices “C” and “D” to Report PED16072, which have been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
  - (ii) That the amending By-law attached as Appendix “C” to Report PED16072, be added to Map 15 of Schedule “A” of Zoning By-law No. 3692-92.
  - (iii) That the amending By-law attached as Appendix “D” to Report PED16072, be added to Map Nos. 1501, 1502, 1548, and 1549 of Schedule “A” of City of Hamilton Zoning By-law No. 05-200.
  - (iv) That the proposed changes in zoning will be in conformity with the UHOP upon approval of OPA No. [REDACTED].

- (c) That approval be given to Draft Plan of Subdivision Application 25T-201401, by 2324780 Ontario Limited, c/o Fred Losani, (Owner), to establish a draft plan of subdivision on lands known as 1831 Rymal Road East (Stoney Creek), as shown on Appendix “A” to Report PED16072, subject to the following conditions, as amended:
  - (i) That this approval apply to “Part of Lot 33 – Concession 8”, 25T-201401, prepared by Webb Planning Consultants, and certified by S.D. McLaren, O.L.S., dated February 25, 2014, showing 76 single detached residential lots (Lots 1-76), 147 street townhouse units (Blocks 77-103), two blocks for medium density residential development, being approximately 600 units (Blocks 104-105), two blocks for mixed use development (Blocks 106-107); one block for a neighbourhood park (Block 108); one block for open space purposes (Block 109); one block for a stormwater management pond (Block 110); one block for a pedestrian walkway (Block 111); one block for future development with adjacent lands (Block 112); one block for road widening purposes (Block 113); two blocks for a 0.3 m reserve (Blocks 114-115); and, six proposed streets (Streets A-F), as attached as Appendix “F” to Report PED16072, subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the Special Conditions attached as Appendix “E” to Report PED16072.
  - (ii) Acknowledgement by the City of Hamilton of its responsibility for cost-sharing with respect to this development for the following items:
    - a) The City will cost share with the owner for the stormwater management facility (land and construction), in accordance with the City’s Development Charge Policy for quality and quantity ponds. The City will not cost share for SWM frontages along Highland Road, Upper Mount Albion Road and for the Channel works and upsized culvert on Upper Mount Albion Road.
    - b) The City will not pay for the component of the SWM facility land and construction costs attributed to the development of (i) the area identified “Potential Commercial Development Fronting Rymal Road” External Drainage Area EX2, and (ii) Heritage Highlands Commercial development identified as External Drainage Area EX3.
    - c) The City will not cost share for any pipe conveying over a five-year storm or for oversizing of the 100 year pipe from Street “A” to the pond.

- d) There is City share for the urbanization of Upper Mount Albion Road from Street “A” to the southerly limit, terminating in a permanent cul-de-sac.
  - e) There is City share for oversizing in accordance with the City’s financial policy.
  - f) There will be no City share for the Open Space Block, Block 109, regarding the frontage on Street “A”.
- (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 day of issuance of each building permit, with the exception of the Townhouse / Masionette Block (Block 104); the Apartment Building Block (Block 105); and the Mixed Use Medium Density Blocks (Blocks 106 and 107), to which payment shall be based on the value of the land on the day prior to the issuance of the first building permit for each said Block.
- a) With regard to Lots 1-76 (Single Family Detached Residential) will require a parkland dedication ratio of 5% of the Net land area;
  - b) Furthermore, regarding Blocks 77 to 103 (Street Townhouse), a parkland dedication, at a ratio of 0.6 ha of the Net land area per 300 dwelling units, will be required;
  - c) Additionally, Block 104 (Block Townhouse / Masionette), a parkland dedication, at a ratio of 1.0 ha of the Net land area per 300 dwelling units, will be required;
  - d) Moreover, Block 105 (Apartments), a parkland dedication, at a rate of 0.6 ha of the Net land area for each 300 dwelling units proposed; and,
  - e) Lastly, Blocks 106-107 (Mixed Use – Medium Density) shall require a parkland dedication based on the pro rata proportion of the proposed commercial floor area to the total floor area of the building, times the Net land area of the property times 2%, plus the pro rata proportion of the proposed residential floor area to the total floor area of the building, times the Net land area times 5%.

The calculation of the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the issuance of each building permit, and in the case of multiple residential blocks, prior to the issuance of the first building permit. 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 "Part of Lot 33 – Concession 8" Draft Plan of Subdivision (25T-201401); in particular, Block 108 and any portion of Block 109 not required for overland drainage.

All in accordance with the Financial Policies for Development and the City's Parkland Dedication By-law, as approved by Council.

- (iv) That the Final Plan of Subdivision conform with all the applicable provisions of the final approved UHOP Amendment No. , and comply with the provisions of Stoney Creek Zoning By-law No. 3692-92 and the City of Hamilton Zoning By-law No. 05-200, as amended.
- (v) That staff be directed to review appropriate locations for, and to install, signage restricting on-street parking for any roadway curves and / or bends prior to occupancy of any dwelling units.
- (vi) That staff be directed to review and determine if there are any viable alternatives for the pedestrian crossing at the proposed intersection of Street "A" and the Upper Red Hill Valley Parkway.
- (d) That upon final approval of the Core Area replication of the wetland as per Conditions "5" to "9"; "15"; and, "66" to "76", inclusive, on Appendix "E" to Report PED16072, that Planning and Economic Development staff be directed and authorized to revise Map B.7.7-2 – Trinity West Secondary Plan - Natural Heritage, to add the new Core Area as part of a future housekeeping amendment to the Urban Hamilton Official Plan.

**4. Application for Amendment to the City of Hamilton Official Plan and for Amendment to the City of Hamilton Zoning By-law No. 6593 for Lands Located at 155 Ray Street North, Hamilton (PED15136) (Ward 1) (Item 8.1)**

- (a) That Official Plan Amendment Application OPA-15-05, by Nigel Garcia, Owner, to permit the establishment of a five-unit multiple dwelling located at 155 Ray Street North (Hamilton), as shown on Appendix "A" to Report PED15136, be DENIED on the following basis:
  - (i) The application does not comply with the planning policies of the West Harbour (Setting Sail) Secondary Plan and is not a suitable form of residential intensification as the property is located in the interior of the neighbourhood. The development would introduce a more intensive form of housing within the interior of the Strathcona Neighbourhood; and,

- (ii) The application would lead to an over-intensification of the subject property resulting in a loss of residential amenity and place further demand on the limited on-street parking in the neighbourhood.
- (b) That Zoning Application ZAR-15-010, by Nigel Garcia, Owner, for a change in zoning from the “D” (Urban Protected Residential – One and Two Family Dwelling, etc.) District to the “E” (Multiple Dwelling, Lodges, Clubs, etc.) District, Modified in order to legally establish a five-unit multiple dwelling, for lands located at 155 Ray Street North, (Hamilton), as shown on Appendix “A” to Report PED15136, be DENIED on the following basis:
  - (i) The application does not comply with the planning objectives of the West Harbour (Setting Sail) Secondary Plan as the property is located in the interior of the neighbourhood. The proposal introduces a more intensive form of housing within the interior of the Strathcona Neighbourhood;
  - (ii) The application would lead to an over-intensification of the subject property resulting in a loss of residential amenity and place further demand on the limited on-street parking in the neighbourhood; and,
  - (iii) The application does not meet the intent of the Hamilton Zoning By-law No. 6593.

**5. Elevators in Multi-Storey Residential Buildings (PED16045(a)) (City Wide) (Outstanding Business List Item) (Item 8.2)**

- (a) That the Property Standards By-law No. 10-221 be amended to include the following requirements with respect to the operation of elevators in multi-storey residential buildings excluding the “Firefighters Elevator” as defined by the Ontario Fire Code:
  - (i) for all residential buildings where one elevator is existing, it shall always be maintained in operable condition.
  - (ii) for all residential buildings where more than one elevator is existing, two elevators shall always be maintained in operable condition;
  - (iii) for all residential buildings where elevators are provided, that all operating elevators be kept clean and that all lighting, elevator buttons, floor indicators and ventilation units be maintained;
- (b) That the proposed amending By-law, attached as Appendix “A” to Report PED16045(a), which amends the Property Standards By-law No. 10-221

to regulate the operation and maintenance of elevators in residential buildings and is in a form satisfactory to the City Solicitor, be approved;

- (c) That a copy of Report PED16045(a), respecting elevators in multi-storey residential buildings, be forwarded to the Emergency and Community Services Committee, the Seniors Advisory Committee, and the Advisory Committee for Persons with Disabilities, for information;
- (d) That buildings where undue hardship is prevalent and that have a record of disabled elevator issues be required to provide signage both inside and outside the elevator that encourages residents to call the City of Hamilton in the event the elevator is again disabled.

**6. Heritage Permit Application HP2016-005 to replace expired Heritage Permit HP2013-032 for 962 Beach Boulevard, Hamilton (Item 9.1)**

WHEREAS, 962 Beach Boulevard in Hamilton is located in the Hamilton Beach Heritage Conservation District and is designated under Part V of the *Ontario Heritage Act*;

WHEREAS, the Hamilton Municipal Heritage Committee was consulted on Heritage Permit Application HP2013-032 for the erection of a new single-detached dwelling on July 18, 2013, and advised Council to approve the application, subject to seven conditions lettered (a) through (g);

WHEREAS, Council approved Heritage Permit Application HP2013-032 subject to the seven conditions on September 11, 2013;

WHEREAS, Heritage Permit HP2013-032 expired on October 31, 2015 as per condition (g); and

WHEREAS, Council approval of Heritage Permit Application HP2016-005, which is identical to expired Heritage Permit HP2013-032, except for a new expiry date as per condition (g), is required to facilitate the approval of Site Plan Application DAB-16-032 and subsequent Building Permit application for the erection of a new single-detached dwelling as originally proposed;

**THEREFORE BE IT RESOLVED:**

That Council approve Heritage Permit Application HP2016-005 for the erection of a new single-detached dwelling, with an attached garage, on the designated property at 962 Beach Boulevard, Hamilton (Hamilton Beach Heritage Conservation District), as shown on Appendix "B" to Planning Committee Report 13-013 subject to the submission of a completed Site Plan and the following conditions:

- (a) That the final design of the attached garage be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, 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 the Director of Planning and Chief Planner, 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 the Director of Planning and Chief Planner, 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 caliper size, locations, and species shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, 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 the Director of Planning and Chief Planner, prior to submission as part of any application for a Building Permit; and,
- (g) That construction and site alterations, in accordance with this approval, shall be completed no later than April 30, 2018. If the construction and site alterations are not completed by April 30, 2018, then this approval expires as of that date, and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

**7. Heritage Permit Application HP2016-006 to replace expired Heritage Permit HP2013-037 for 970 Beach Boulevard, Hamilton (Item 9.2)**

WHEREAS, 970 Beach Boulevard in Hamilton is located in the Hamilton Beach Heritage Conservation District and is designated under Part V of the *Ontario Heritage Act*;

WHEREAS, the Hamilton Municipal Heritage Committee was consulted on Heritage Permit Application HP2013-037 for the erection of a new single-detached dwelling on September 19, 2013, and advised Council to approve the application, subject to seven conditions lettered (a) through (g);

WHEREAS, Council approved Heritage Permit Application HP2013-037 subject to the seven conditions November 27, 2013;

WHEREAS, Heritage Permit HP2013-037 expired on November 30, 2015 as per condition (g); and

WHEREAS, Council approval of Heritage Permit Application HP2016-006, which is identical to expired Heritage Permit HP2013-037, except for a new expiry date as per condition (g), is required to facilitate the approval of Site Plan Application DAB-16-031 and subsequent Building Permit application for the erection of a new single-detached dwelling as originally proposed;

**THEREFORE BE IT RESOLVED:**

That a new approval, known as Heritage Permit Application HP2016-006, be issued for the erection of a new single-detached dwelling, with an attached garage, on the designated property at 970 Beach Boulevard (Hamilton Beach Heritage Conservation District) (Hamilton), as shown in Appendix "A" to Report PED13180, subject to the submission of a completed Site Plan and the following conditions:

- (a) That the final design of the attached garage be submitted to the satisfaction and approval of the Director of Planning and Chief Planner 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 the Director of Planning and Chief Planner, 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 the Director of Planning and Chief Planner, 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 the Director of Planning and Chief Planner, 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 the Director of Planning and Chief Planner, prior to submission as part of any application for a Building Permit; and,

- (g) That construction and site alterations, in accordance with this approval, shall be completed no later than April 30, 2018. If the construction and site alterations are not completed by April 30, 2018, 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. 3105 Fletcher Road, Glanbrook, OMB Appeals Re: Urban Hamilton Official Plan Amendment Application UHOPA-14-014, Zoning By-law Amendment Application ZAC-14-028, and Draft Plan of Subdivision Application 25T-201305, Owner: Patrick McNally, (LS16008/PED16085) (Ward 11) (Item 12.1)**

That the recommendations contained in Report LS16008/PED16085 respecting 3105 Fletcher Road, Glanbrook, OMB Appeals Re: Urban Hamilton Official Plan Amendment Application UHOPA-14-014, Zoning By-law Amendment Application ZAC-14-028, and Draft Plan of Subdivision Application 25T-201305, Owner: Patrick McNally remain confidential until Council approval.

**9. Application for Amendments to the Town of Flamborough Zoning By-law No. 98-145-Z and the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 30 Hamilton Street South (formerly 70 Barton Street) (Flamborough) - LS14034(b)/PED14207(b) (Ward 15) (Item 12.2)**

**(Partridge/Pearson)**

That the recommendations contained in Report LS14034(b)/PED14207(b) respecting Application for Amendments to the Town of Flamborough Zoning By-law No. 98-145-Z and the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 30 Hamilton Street South (formerly 70 Barton Street) (Flamborough) - LS14034(b)/PED14207(b) (Ward 15) remain confidential until Council approval.

**FOR THE INFORMATION OF COMMITTEE:**

**(a) CHANGES TO THE AGENDA (Item 1)**

The Committee Clerk advised of the following changes:

**ADDED DELEGATION REQUESTS**

- 4.4 Robert Wood, Pool & Hot Tub Council of Canada, respecting the development of public water safety programs and related municipal By-laws. (For April 5, 2016 meeting when the Pool Enclosure By-law will be on the agenda)

- 4.5 Scott Arbuckle, IBI Group, respecting OPA and Zoning By-law Applications for 155 Ray Street North (For today's meeting, Item 8.1)

**ADDED WRITTEN COMMENTS**

- 6.1(i) Joe Lakatos, AJ Lakatos Planning Consultant Land Use Planning and Design, respecting Application for Amendments to Flamborough Zoning By-law No. 90-145-Z and Hamilton Zoning By-law No. 05-200 for Lands Located at 100 Sunnycroft Court, Flamborough (ZAR-11-076) (PED16071).
- 6.1(ii) Katie Jane Harris, Environmental Planner, Conservation Halton, respecting Application for Amendments to Flamborough Zoning By-law No. 90-145-Z and Hamilton Zoning By-law No. 05-200 for Lands Located at 100 Sunnycroft Court, Flamborough (ZAR-11-076) (PED16071).
- 6.1(iii) Martin Kilian, Planner, Niagara Escarpment Commission respecting Application for Amendments to Flamborough Zoning By-law No. 90-145-Z and Hamilton Zoning By-law No. 05-200 for Lands Located at 100 Sunnycroft Court, Flamborough (ZAR-11-076) (PED16071)

**CHANGE TO REPORT TITLE**

- 12.2 Application for Amendments to the Town of Flamborough Zoning By-law No. 98-145-Z and the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 30 Hamilton Street South (formerly 70 Barton Street) (Flamborough) - LS14034(b)/PED14207(b) (Ward 15)

The agenda for the March 22, 2016 meeting was approved as amended.

**(b) DECLARATIONS OF INTEREST (Item 2)**

None.

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

**(i) March 1, 2016 Meeting (Item 3.1)**

The Minutes of the March 1, 2016 meeting were approved.

**(d) DELEGATION REQUESTS (Item 4)**

The following delegation requests were approved:

- (i) James Webb, of WEBB Planning Consultants on behalf of 1435576 Ontario Limited, the developer of the Southcote Woodlands Plan of Subdivision to request the lifting of a one foot reserve request adjacent to Block 118 of the subdivision to permit the development of a single family dwelling. (For future meeting.) (Item 4.1)
- (ii) Mark Kikot, on behalf of his father Edward Kikot, respecting the Wedge (vacant parcel) on West Side of Fortissimo Drive, Adjacent to 879 and 885 West 5<sup>th</sup> Street. (For future meeting.) (Item 4.2)
- (iii) George Palios, on behalf of his mother-in-law, Anna Palazzo, respecting the Wedge (vacant parcel) on West Side of Fortissimo Drive, Adjacent to 879 and 885 West 5<sup>th</sup> Street. (For future meeting.) (Item 4.3)
- (iv) Robert Wood, Pool & Hot Tub Council of Canada, respecting the development of public water safety programs and related municipal By-laws. (For April 5, 2016 meeting when the Pool Enclosure By-law will be on the agenda) (Added Item 4.4)
- (v) Scott Arbuckle, IBI Group, respecting OPA and Zoning By-law Applications for 155 Ray Street North (For today's meeting, Item 8.1) (Added 4.5)

**(e) DELEGATIONS/PUBLIC HEARING (Item 6)**

- (i) **Application for Amendments to Flamborough Zoning By-law No. 90-145-Z and Hamilton Zoning By-law No. 05-200 for Lands Located at 100 Sunnycroft Court, Flamborough (ZAR-11-076) (PED16071) (Ward 15) (Item 6.1)**

In accordance with the provisions 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 makes a decision regarding 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.

**Written Comments**

- 6.1(i) Joe Lakatos, AJ Lakatos Planning Consultant Land Use Planning and Design
- 6.1(ii) Katie Jane Harris, Environmental Planner, Conservation Halton,

6.1(iii) Martin Kilian, Planner, Niagara Escarpment Commission

**(Conley/Green)**

The added written comments 6.1(i) to 6.1(iii) were received.

No members of the public came forward.

The public meeting was closed.

The staff presentation was waived.

Kevin Gonnsen and Diana Vlasic from Metropolitan Consulting Inc. who were representing the owner were in attendance to assist Committee.

Kevin Gonnsen advised he has a couple of requests.

The motion to waive the staff presentation was rescinded.

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

The staff presentation was received.

Kevin Gonnsen from Metropolitan Consulting Inc. addressed Committee and his comments included but were not limited to the following:

- He referred to the added written comments from Conservation Halton and the Niagara Escarpment Commission;
- They are requesting that the Environmental Impact Study be re-evaluated based on the new policies;
- New policies cannot be applied retroactively to an application therefore based on the Clergy principle, the applicant wishes to protect his appeal rights regarding this matter;
- He also requested that the archeological report which is one of the conditions of the staff report be waived as the area has been disturbed and was previously farmed.

The agent's presentation was received.

Staff responded to questions from the Ward Councillor and confirmed that the issue of the archeological report will be before the Committee of Adjustment and it will be up to the Committee of Adjustment to decide with respect to this issue.

For disposition of this matter refer to Item 1.

**(ii) Application for a Zoning By-law Amendment for Lands Located at 3 Green Mountain Road West (Stoney Creek) (PED16067) (Ward 9) (Item 6.2)**

In accordance with the provisions 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 makes a decision regarding 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 members of the public came forward.

The public meeting was closed.

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

Councillor Conley expressed concerns with the tightness of the site which would make it difficult to accommodate a transport truck.

It was confirmed that the Ward Councillor will be consulted during the site plan approval stage.

The staff presentation was received.

Steven Armstrong from Armstrong Planning and Project Management, agent for the applicant was in attendance and indicated that they are in support of the staff report.

For disposition of this matter refer to Item 2.

**(iii) Applications to Amend the Urban Hamilton Official Plan, Zoning By-law No. 3692-92, Zoning By-law No. 05-200, and for Approval of a Draft Plan of Subdivision, for Lands Located at 1831 Rymal Road East (Stoney Creek) (PED16072) (Ward 9) (Item 6.3)**

In accordance with the provisions 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 makes a decision regarding the Official Plan and Zoning By-law amendments and Draft Plan of Sub-Division 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.

In a joint PowerPoint presentation, Alvin Chan, Senior Planner, provided an overview of the staff report and Darrell Smith, Manager of Development Approvals, provided an overview of the engineering aspects of the proposal. A copy is available for viewing on the City's website.

Staff responded to questions from Committee.

The staff presentation was received.

James Webb of WEBB Planning Consultants representing the owner, Losani Homes, was in attendance and addressed Committee with the aid of a PowerPoint presentation. His comments included but were not limited to the following:

- This is a significant development – a “green” project;
- The applications will result in the linking of the development which is in place;
- There will be commercial opportunities;
- There are a number of existing schools in the area;
- This will develop the piece in the middle;
- The establishment of the eco-corridor;
- Open space infrastructure east/west link for Eramosa Karst;
- Embraces a number of land uses;
- Full and complete range of housing: single family homes, on street townhouses, medium density housing; commercial and mixed uses;
- Developer was able to acquire sizeable additional pieces of land to allow for a second major access to Redhill Parkway;
- Recreational space;
- Important theme – co-ordination of the road improvements;

A copy of the presentation is available for viewing on the City's website.

The agent's presentation was received.

### **Registered Speaker**

#### **1. Margaret Reid, 30 Upper Mount Albion Road**

Margaret Reid, resident and volunteer with the Friends of the Eramosa Karst addressed Committee and her comments included but were not limited to the following:

- Upper Mount Albion Road was closed for safety reasons;
- Hundreds of kids every single day are walking down the street;
- There are runners on the street;
- Concerned that when Highland Road is closed and made a cul-de-sac; once you re-open Highland Road at the other end, Rymal Road must be closed immediately;
- Concerns with accesses to the highway;
- Upper Mount Albion Road is going to be fixed – is the developer required to only do the plan or also do the work;
- Rebuilding Upper Mount Albion Road is important;
- Flooding is an ongoing issue;
- Continued developments make it worse;
- The dump trucks should come off Rymal Road or the Redhill Parkway;
- The developer did a lot of work on the subdivision plan;
- There are 13 points outlined in the letter – would have appreciated feedback on what was addressed;
- Recommends bigger lots not micro lots;
- Footprint would make backyards very small;
- Would not be in sync with existing lots in the area;
- There is no parking on Upper Mount Albion Road now – where to park;
- Is there opportunity for residents to provide feedback at the site plan control stage;
- Hardly any new residents live along Upper Mount Albion Road;
- This is an old country road with a thin layer of asphalt.

**2. Edward Holland, 54 Upper Mount Albion Road**

Edward Holland, a resident of Upper Mount Albion Road addressed Committee and his comments included but were not limited to the following:

- 300 kids walking down the street from the high school to the Tim Horton's and the McDonald's;
- Sidewalks are needed;
- The street is not that wide and has deep ditches and narrow sides;
- There are concerns with parking
- The Eramosa Karst is across the street and its parking lot is almost always full;
- Concerned with dirt going down the road during construction;
- He has been a builder for years and when mud gets on the road it turns to grease;
- Upper Mount Albion must stay closed;
- Drivers who don't realize the road is a dead end drive 80 k/hr;

- He has lived on this road all of his life and has watched the area develop;
- Across from where the Sobey's is going to be, someone has been quietly dumping loads and loads of dirt;
- Many of those houses are where there was swamp and wet lands which have been quietly eliminated;
- Now there are mass problems with water on the road;
- The water used to travel another route;
- The amount of wild life in the area has been reduced;
- The question is if there is going to be enough wetland area as a result of this proposal;
- It's hard to protect storm drains during construction– builders dump paint, oil, etc.

**3. Cliff Holland, 45 and 53 Upper Mount Albion Road**

Cliff Holland addressed Committee and advised there are a number of (his) family homes on Upper Mount Albion Road – at #45, #53 and #54. His comments included but were not limited to the following:

- He has an environmental background;
- He has lived on the street since 1971;
- When the new homes are being built and they will be doing blasting he is concerned with the affect on the Emarosa Karst – may cause flooding and sink holes;
- Many of the houses are built on the bedrock;
- When the neighbouring house was built in 1950, 100 loads of dirt, sand and gravel was used to cover sink holes;
- There is a sidewalk issue;
- The younger students don't face traffic when walking on the street;
- The signage could be more visible;
- Currently it has black letters on an orange background with the words "road closed";
- Increase the size of "closed" as it can't be seen;
- Tractor trailer drivers following their GPS drive up the road;
- Improve signs for visibility;
- Continual degradation of wild life since they started dumping dirt;
- Tracks from bulldozer has allowed silt to come down and fill in wetlands and culvert;
- Very little water coming through;
- The highway seems to be well engineered – from bridge to the Emarosa Karst.

The delegations were received.

That the public meeting was closed.

Staff responded to questions from Committee.

The recommendations were amended by adding the following to subsection (c) which outlines the conditions of the Draft Plan of Subdivision:

- (v) That staff be directed to review appropriate locations for, and to install, signage restricting on-street parking for any roadway curves and / or bends prior to occupancy of any dwelling units.
- (vi) That staff be directed to review and determine if there are any viable alternatives for the pedestrian crossing at the proposed intersection of Street "A" and the Upper Red Hill Valley Parkway.

The Ward Councillor will be consulted during the site plan approval stage.

For disposition of this matter refer to Item 3.

**(f) DISCUSSION ITEMS**

- (i) Application for Amendment to the City of Hamilton Official Plan and for Amendment to the City of Hamilton Zoning By-law No. 6593 for Lands Located at 155 Ray Street North, Hamilton (PED15136) (Ward 1) (Referred back to staff for further discussion with the applicant September 15, 2015) (Item 8.1)**

**Written Correspondence**

- 8.1(i) Scott Arbuckle, IBI Group, proposing to amend application to reduce number of units from five (5) to four (4).

The written comments from Scott Arbuckle of IBI Group were received.

Daniel Barnett, Planner, provided a brief update to Committee indicating that staff are not in support of the reduction from 5 to 4 units, as the street is narrow, few people have driveways and a four unit residential building would not be eligible for on-street permit parking.

Staff would support three units as it would be eligible for on-street parking.

**Added Speaker**

**1. Scott Arbuckle, IBI Group, respecting OPA and Zoning By-law Applications for 155 Ray Street North (Added 4.5)**

Scott Arbuckle addressed Committee on behalf of the applicant. His comments included but were not limited to the following:

- Amendment to application from 5 units to 4 units;
- Disagreement is down to one unit;
- Used to be seven (in 1967), was five and is now four;
- Has three parking spaces;
- Are in a tandem arrangement – one is boulevard parking;
- The recommendation to deny is making the presumption that you need one parking space for each unit;
- Has not always had tenants with a car;
- Suggesting that the tipping point is one parking space – which may not even be required;
- A recent Ontario Municipal Board decision approving a similar multi-unit request in Westdale, at 102 Ainslie Avenue, for which the City did not support because of one unit;
- It's a similar scenario.

The agent's delegation was received.

For disposition of this matter refer to Item 4.

**(ii) Elevators in Multi-Storey Residential Buildings (PED16045(a)) (City Wide) (Outstanding Business List Item) (Item 8.2)**

The recommendations were amended as follows:

- (a) Subsection (c) was ***amended*** to also include the ***Advisory Committee for Persons with Disabilities*** to receive a copy of the staff report;
- (b) The following subsection (d) was added:
  - (d) ***That buildings where undue hardship is prevalent and that have a record of disabled elevator issues be required to provide signage both inside and outside the elevator that encourages residents to call the City of Hamilton in the event the elevator is again disabled.***

For disposition of this matter refer to Item 5.

**(g) NOTICES OF MOTION (Item 10)**

Councillor Collins presented the following notice of motion:

**(i) Status of Food Truck Industry in Hamilton**

That staff report back on the status of the food truck industry in Hamilton.

**(h) GENERAL INFORMATION/OTHER BUSINESS (Item 11)**

**(i) Outstanding Business List (Item 11.1)**

- (a) The following new due dates, with the amendment to Item “VV”, were approved:

Item “G” - (OMB) Decision re: 121 Augusta Street, staff to report back with a comprehensive review of RCF’s in the context of the Prov. Policy, as it relates to special needs, and the Human Rights Code.

Due Date: March 22, 2016

Proposed New Due Date: November 1, 2016

Item “M” - Amendments to Licensing By-law, Schedule 25 – Taxicabs (PED14144)

Due Date: March 22, 2016

Proposed New Due Date: April 19, 2016

Item “V” - Report back on feasibility of inclusionary zoning

Due Date: March 22, 2016

Proposed New Due Date: May 17, 2016

Item “VV” – Staff provided a verbal update to Committee regarding the timing of the Urban Design Study for Piers 7 and 8 and when the public may be engaged and the due date change is with respect to when the follow-up staff report based on the public input will be presented to Committee.

Due Date: March 22, 2016

Proposed New Due Date: May 17, 2016

- (b) That the following Item be removed:

Item “U” - Staff to report back on enforcement options with respect to ensuring elevators in multi-storey residential buildings are operational. (Item 8.2 on this agenda).

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

Committee approved the following Items without moving into Closed Session:

- (i) 3105 Fletcher Road, Glanbrook, OMB Appeals Re: Urban Hamilton Official Plan Amendment Application UHOPA-14-014, Zoning By-law Amendment Application ZAC-14-028, and Draft Plan of Subdivision Application 25T-201305, Owner: Patrick McNally, (LS16008/PED16085) (Ward 11) (Item 12.1)**

For disposition of this matter refer to Item 8.

- (ii) Application for Amendments to the Town of Flamborough Zoning By-law No. 98-145-Z and the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 30 Hamilton Street South (formerly 70 Barton Street) (Flamborough) - LS14034(b)/PED14207(b) (Ward 15) (Item 12.2)**

For disposition of this matter refer to Item 9.

**(j) ADJOURNMENT (Item 13)**

There being no further business, that the Planning Committee was adjourned at 12:57 p.m.

Respectfully submitted,

Councillor B. Johnson  
Chair, Planning Committee

Ida Bedioui  
Legislative Co-ordinator  
Office of the City Clerk