



PLANNING COMMITTEE

MINUTES 16-008

9:30 a.m.

Tuesday, May 3, 2016

Council Chambers

Hamilton City Hall

71 Main Street West

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

Absent with regret: Councillor B. Johnson (Chair), personal

THE FOLLOWING ITEMS WERE REPORTED FOR THE CONSIDERATION OF COUNCIL:

1. **Preliminary Screening for the Request to Designate 1014 King Street West, Hamilton (Westdale Theatre) Under Part IV of the *Ontario Heritage Act* (PED16091)(Ward 1) (Item 5.1)**

(A. Johnson/Farr)

- (a) That Council direct staff to undertake a Cultural Heritage Assessment of 1014 King Street West, Hamilton (Westdale Theatre), shown in Appendix "A" to Report PED16091, to determine whether the property is of cultural heritage value worthy of designation under Part IV of the *Ontario Heritage Act*;
- (b) That the Cultural Heritage Assessment work be assigned a **high** priority and be added to staff's work program for completion in **2018**, as per the attached Appendix "F", **as amended**, to Report PED16091;
- (c) That, if 1014 King Street West, Hamilton (Westdale Theatre) is determined to be of cultural heritage value or interest, a Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes be prepared by staff for Council's consideration for designation under Part IV of the *Ontario Heritage Act*;
- (d) That a copy of Report PED16091 be forwarded to the Hamilton Municipal Heritage Committee for information; and,

- (e) That a copy of Report PED16091 be forwarded to the property owner for information.

**Amendment CARRIED
Main Motion as *Amended* CARRIED**

2. Hamilton Municipal Heritage Committee Report 16-004 (Item 5.2)

(Partridge/Conley)

Heritage Nominations (Attached as Appendix "A" to Report 16-004):

- (a) That the following properties be awarded a 2015 Hamilton Municipal Heritage Committee Heritage Property Recognition Award:
 - (i) 11 Union Street, Waterdown, Ontario
 - (ii) 33 King Street West, Dundas, Ontario – Collin’s Hotel
 - (iii) 270 Sherman Avenue N., Hamilton, Ontario - The Cotton Factory
 - (iv) 714 King St. E., Hamilton - Cathedral Basilica of Christ the King
 - (v) 170 Longwood Road N., Hamilton, Ontario - Hambly House
 - (vi) 651 and 653 Mud Street, Stoney Creek, Ontario - St. George’s Church and Cemetery
 - (vii) 604 Hwy #8, Stoney Creek, Ontario - Orr House
 - (viii) 64 James St. S., Hamilton, Ontario - St. Paul’s Presbyterian Church
 - (ix) 1 Jones Street, Stoney Creek, Ontario - Jones House (Locust Lawn)
 - (x) 65 Hatt Street, Dundas, Ontario - Shawn & Ed Brewing Company (Former Dundas Valley Curling & Skating Rink)
 - (xi) Sulphur Springs Road, Ancaster, Ontario - The Hermitage Ruins

- (b) That the following individuals receive the 2015 Hamilton Municipal Heritage Committee, Sustainable Design in Heritage Award:
 - (i) Milt and Terri Lewis, Property Owners, 8 Mayfair, Hamilton, Ontario

- (c) That the following individual receive the 2015 Hamilton Municipal Heritage Committee, Education in Heritage Award:
 - (i) Margaret Houghton, Archivist at Central Library

- (d) That the following organizations receive the 2015 Hamilton Municipal Heritage Committee Making Heritage Accessible Award:
 - (i) Mohawk Trail School Museum – Hamilton Wentworth District School Board, 20 Education Court, Hamilton, Ontario;

- (ii) Dundas Museum and Archives – 139 Park St. West, Dundas, Ontario
- (e) That the following organization receive the 2015 Hamilton Municipal Heritage Committee Developer of the Year Award:
 - (i) Core Urban Inc., Empire Times Building, 41 King William Street, Hamilton, Ontario

CARRIED

3. Amendment to Administrative Penalty By-law 15-138 for Accessible Parking Infractions (PED14120(c)) (City Wide) (Item 5.3)

(Collins/Farr)

That the By-law to Amend the Administrative Penalty By-law No.15-138, attached as Appendix “A” to Report PED14120(c), which adds accessible parking by-law infractions to the City of Hamilton Administrative Penalty System, and has been prepared in a form satisfactory to the City Solicitor, be enacted effective May 15, 2016.

CARRIED

4. Application for an Amendment to City of Hamilton Zoning By-law No. 6593 for Lands Known as 701 Upper James Street, Hamilton (PED16101) (Ward 7) (Item 6.1)

(Skelly/Green)

That approval be given to Amended Zoning By-law Amendment application ZAC-15-044 by GSP Group Inc. (c/o Sarah Knoll) on behalf of Barry Goldman, for a change in zoning from the “C” (Urban Protected Residential, etc.) District to the “C/S-1733-‘H’” (Urban Protected Residential, etc.) District, Holding, Modified, to permit a Personal Service Use for lands located at 701 Upper James Street, Hamilton, as shown on Appendix “A” to Report PED16101, on the following basis:

- (a) That the draft By-law, attached as Appendix “B” to Report PED16101, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) 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.

CARRIED

5. Downtown and Community Renewal Community Improvement Plan (CIP) and Community Improvement Project Areas (CIPA) Review (PED16050(a)) (City Wide) (Item 6.2)

(Farr/Collins)

- (a) That the Downtown and Community Renewal Community Improvement Project Area (2014) and Downtown and Community Improvement Plan (2014) By-law Nos. 11-272 and 11-273 (as amended) be repealed and replaced as per recommendations (b) and (c);
- (b) That the Downtown and Community Renewal Community Improvement Project Area (2016) be approved as set out in Report PED16050(a) and that the implementing by-law attached as Appendix “A” to Report PED16050(a) be enacted;
- (c) That subject to the approval of recommendation (b), the Downtown and Community Renewal Community Improvement Plan (2016) be approved as set out in Report PED16050(a) and that the implementing by-law attached as Appendix “B” to Report PED16050(a) be enacted;
- (d) That subject to the approval of Recommendation (c), the following be approved and appended to the Downtown and Community Renewal Community Improvement Plan:
 - (i) Appendix “C” to Report PED16050(a), respecting the revised Program Description and Terms for the Hamilton Downtown, Barton and Kenilworth Multi-Residential Property Investment Program;
 - (ii) Appendix “D” to Report PED16050(a), respecting the revised Program Description and Terms for the Hamilton Tax Increment Grant Program;
 - (iii) Appendix “E” to Report PED16050(a), respecting the revised Program Description and Terms for the Business Improvement Area Commercial Property Improvement Grant Program;
 - (iv) Appendix “F” to Report PED16050(a), respecting the revised Program Description and Terms for the Commercial Corridor Housing Loan and Grant Program;
 - (v) Appendix “G” to Report PED16050(a), respecting the revised Program Description and Terms for the Hamilton Heritage Property Grant Program;
 - (vi) Appendix “H” to Report PED16050(a), respecting the revised Program Description and Terms for the Office Tenancy Assistance Program;

- (vii) Appendix “I” to Report PED16050(a), respecting the revised Program Description and Terms for the Commercial Property Improvement Grant Program;
 - (viii) Appendix “J” to Report PED16050(a), respecting the Program Description and Terms for the Barton / Kenilworth Tax Increment Grant Program;
 - (ix) Appendix “K” to Report PED16050(a), respecting the Program Description and Terms for the Barton / Kenilworth Commercial Corridor Building Improvement Grant Program;
 - (x) Appendix “L” to Report PED16050(a), respecting the Program Description and Terms for the Gore Building Improvement Grant Program;
 - (xi) Appendix “M” to Report PED16050(a), respecting a Planning and Building Fees Rebate Program for Planning and Building applications issued within the Barton Village Business Improvement Area, the Barton/Kenilworth commercial corridors and properties that front on Barton Street between James Street North and Victoria Avenue North, as identified in the Downtown and Community Improvement Project Area By-law; and,
- (e) That the amendment to By-law 10-052, which delegates authority of certain loans and grants to the General Manager, Planning and Economic Development, attached as Appendix “N” to Report PED16050(a), be approved.

CARRIED

6. Specialized By-law Enforcement Unit (PED14254(a)) (City Wide) (Item 8.1)

(Partridge/Conley)

- (a) That the Council-approved Specialized By-law Enforcement Unit Pilot Program consisting of a Special Duty Police Officer and a Municipal Law Enforcement Officer that addresses noise complaints between 9:00 p.m. and 5:00 a.m. Thursdays, Fridays and Saturdays across the City, currently set to expire in May 2016, be extended to the end of the 2017 Budget process, and continue to be funded through the Tax Stabilization Reserve;
- (b) That funding for a permanent Specialized By-law Enforcement Unit Program be referred to the 2017 Budget process.

CARRIED

7. L.E.D. Signs - Amendments and Process (Outstanding Business List Item) (PED16094) (City Wide) (Item 8.2)

(Collins/Skelly)

That the PED16094 respecting L.E.D. Signs - Amendments and Process, be received.

CARRIED

8. City of Hamilton Comprehensive Zoning By-law: Proposed Commercial Zoning, Mixed Use Zoning and Transit Oriented Corridor Zones and Public Consultation (PED16100) (City Wide) (Item 8.3)

(Partridge/Conley)

(a) That the Draft Commercial and Mixed Use Zones and Transit Oriented Corridor Transit Zones, attached as Appendices "A" and "B" to Report PED16100, be received for information;

(b) That staff be authorized and directed to commence public engagement for the Draft Commercial and Mixed Use Zones and Transit Oriented Corridor Transit Zones, outlined in attached Appendices "A" and "B" to Report PED16100, and hold Statutory Open Houses.

CARRIED

9. The Road Widening Policy with Respect to 221 Wellington Street North (Item 9.1)

(Farr/Collins)

WHEREAS, a road widening or alternative road widening requirement may be applied where the increase in gross floor area is less than 30% of the existing gross floor area;

WHEREAS, the owner of 221 Wellington Street North is proposing an addition which exceeds the 30% threshold;

WHEREAS, the requirement for a road widening should consider factors such as the form of development on the property and the abutting property and Council mandates respecting Pedestrian Mobility and Transportation Demand Management;

WHEREAS, Planning Division staff have proposed revisions to the Official Plan to permit alternative road widening requirements to facilitate development and redevelopment within established areas; and

WHEREAS, a reduced road widening from 3.0 m to 1.92 metres will provide for a balance between the safe planned function of Wellington Street and the existing built form;

NOW THEREFORE BE IT RESOLVED:

That with respect to 221 Wellington Street North, the road widening policy be revised to authorize the Director of Planning and Chief Planner to require a road widening of approximately 1.92 metres for the lands known municipally as 221 Wellington Street North to permit an increase in gross floor area of approximately 50%.

CARRIED

10. Temporary Exemption for Grace Christian School, 497 Millgrove Sideroad and other elementary and high schools in Ward 15 from the City's Parkland By-law (9.2)

(Partridge/Pasuta)

WHEREAS, Grace Christian School located at 497 Millgrove Sideroad has made application for Site Plan Approval (DA-15-085) and Building Permit Approval;

WHEREAS, the Grace Christian School playground area will contain new soccer fields and amenities which will be open for the public to use to meet the parkland needs of the rural community in Ward 15 and beyond;

WHEREAS, the school has worked with the local soccer club to provide practice fields and will continue to do so;

WHEREAS, the City of Hamilton Parkland By-law exempts institutional uses, but not elementary and secondary schools, from the requirement to pay cash-in-lieu or dedicate parkland;

WHEREAS, the City of Hamilton Parkland By-law provides for Council to exempt a specified type or class of development or redevelopment, either City wide or in a specified geographic area, from the requirements of the Parkland By-law; and

WHEREAS, it is appropriate to exempt Grace Christian School and other schools in the rural area which make their facilities available to the broader rural community from the parkland dedication requirement;

NOW THEREFORE BE IT RESOLVED:

That elementary and high schools within the rural area of Ward 15 are hereby exempt from the requirements of the City of Hamilton Parkland By-law for a 6 month period to expire on November 1, 2016.

CARRIED

FOR THE INFORMATION OF COMMITTEE:

(a) CHANGES TO THE AGENDA (Item 1)

The Committee Clerk advised of the following changes:

ADDED WRITTEN COMMENTS

6.2(i) Frances Murray, President, Durand Neighbourhood Association respecting Downtown and Community Renewal Community Improvement Plan (CIP) and Community Improvement Project Areas (CIPA) Review (PED16050(a)) (Copy attached)

(Farr/Skelly)

That the agenda for the May 3, 2016 meeting be approved as amended.

CARRIED

(b) DECLARATIONS OF INTEREST (Item 2)

Councillor Green declared an interest with respect to Item 6.2 entitled Downtown and Community Renewal Community Improvement Plan (CIP) and Community Improvement Project Areas (CIPA) Review (PED16050(a)) and refrained from voting on this matter as it includes a change of policy for Ottawa Street where he owns a business and a building.

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

(i) April 19, 2016 Meeting (Item 3.1)

(Green/Conley)

That the Minutes of the April 19, 2016 meeting be approved.

CARRIED

(d) CONSENT ITEMS (Item 5)

(i) Preliminary Screening for the Request to Designate 1014 King Street West, Hamilton (Westdale Theatre) Under Part IV of the *Ontario Heritage Act* (PED16091)(Ward 1) (Item 5.1)

(A. Johnson/Farr)

That subsection (b) be amended by deleting the word "low" and inserting the word "high" therein and deleting the date "2025" and inserting the date "2018" therein and that Appendix "F" be amended accordingly, the amended subsection (b) to read as follows:

(b) That the Cultural Heritage Assessment work be assigned a low high priority and be added to staff's work program for completion in

2025–2018, as per the attached Appendix “F”, as amended, to Report PED16091;

Amendment CARRIED

For disposition of this matter refer to Item 1.

(ii) Amendment to Administrative Penalty By-law 15-138 for Accessible Parking Infractions (PED14120(c)) (City Wide) (Item 5.3)

The Committee Clerk advised no one had registered to speak regarding this Item.

No one from the public came forward.

For disposition of this matter refer to Item 3.

(e) DELEGATIONS/PUBLIC HEARING (Item 6)

(i) Application for an Amendment to City of Hamilton Zoning By-law No. 6593 for Lands Known as 701 Upper James Street, Hamilton (PED16101) (Ward 7) (Item 6.1)

In accordance with the provisions of the *Planning Act*, Vice Chair Pearson advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the 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.

Gerry Tchisler provided an overview of the Report with the aid of a PowerPoint presentation. A copy has been uploaded onto the City's website.

(Skelly/Conley)

That the staff presentation be received.

CARRIED

(Partridge/Skelly)

That the public meeting be closed.

CARRIED

Sarah Knoll of GSP Group Inc., representing the owner, was in attendance and said they support the staff report.

For disposition of this matter refer to Item 4.

(ii) **Downtown and Community Renewal Community Improvement Plan (CIP) and Community Improvement Project Areas (CIPA) Review (PED16050(a)) (City Wide) (Item 6.2)**

In accordance with the provisions of the *Planning Act*, Vice Chair Pearson advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the new Downtown and Community Renewal CIP (2016) and Community Improvement Project Areas (CIPA), 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

6.2(i) Frances Murray, President, Durand Neighbourhood Association

(Farr/A. Johnson)

That the added written comments be received.

CARRIED

Registered Speaker

1. Sergio Manchia, Urban Solutions, Planning & Land Development Consultants Inc.

Sergio Manchia addressed Committee and his comments included but were not limited to the following:

- He has had the opportunity to review the Report and wishes to extend congratulations on this exceptional project;
- Hopes it continues throughout the City like the ERASE program which evolved into a lot of different projects in the Municipality;
- Does not see any flaws but wishes to add some thought for betterment;
- There are pockets of neighbourhoods, particularly in the lower City, outside of the corridors where there is a transition taking place;
- Some of these pockets need help;
- He referred to the last paragraph on page 8 of 22 of the Report which outlines the purpose of the CIP which is revitalization.

(A Johnson/Partridge)

That the delegation be received.

CARRIED

Glen Norton addressed committee to respond to the issue raised by Sergio Manchia. He agreed that this is something to look at in the future with appropriate staff, the consultants and the public. It does not affect the report going forward today. He indicated that staff are receptive to the suggestion and have noted the points made by Committee as to what needs to be avoided.

(Farr/Partridge)

That the appropriate staff be requested to meet with the Delegate (Sergio Manchia) to further discuss his concept respecting an additional consideration to the CIPA which is not to focus only on the BIA's and commercial corridors, but also pockets of underutilized/derelict properties in the lower City that would be suitable for redevelopment/intensification and consider ways to extend CIPA's to those areas and to engage with other developers, property owners, business owners and community associations, as necessary and report back to a future Planning Committee meeting with a recommended option for implementation.

CARRIED

(Pasuta/Farr)

That the public meeting be closed.

CARRIED

(Conley/Skelly)

That the statement by staff be received.

CARRIED

For disposition of this matter refer to Item 5.

(f) DISCUSSION ITEMS (Item 8)

(i) L.E.D. Signs - Amendments and Process (Outstanding Business List Item) (PED16094) (City Wide) (Item 8.2)

(Collins/A. Johnson)

That staff be directed to investigate modifications to the City's sign bylaw with the intent of permitting LED signs; and

That as part of the bylaw review, staff be directed to investigate best practices adopted by other municipalities across the country; and

That the review of the bylaw include a public consultation process including discussions with (but not limited to) BIAs, Business Associations,

Neighbourhood Associations, the signage industry, the Chamber of Commerce and other stakeholders

CARRIED

For disposition of the staff Report refer to Item 7.

(ii) City of Hamilton Comprehensive Zoning By-law: Proposed Commercial Zoning, Mixed Use Zoning and Transit Oriented Corridor Zones and Public Consultation (PED16100) (City Wide) (Item 8.3)

At the request of Committee, Timothy Lee provided an overview of the Report with the aid of a PowerPoint presentation.

For disposition of this matter refer to Item 8.

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

(i) Outstanding Business List (Item 11.1)

(A. Johnson/Partridge)

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

Item "C" - Proposed Permanent Closure and Sale of a Portion of the Road Allowance of Limeridge Rd
Due date: June 14, 2016
Proposed New Due Date: September 20, 2016

Item "R" - Staff to report back on Feasibility of Licensing Cats in Urban area
Due date: May 17, 2016
Proposed New Due Date: May 31, 2016

Item "II" - GM to report back concerning correspondence from the Minister of Transportation re: Climate Change Strategy and public electric vehicles (EV) charging stations.
Due Date: May 3, 2016
Proposed New Due Date: May 17, 2016

(b) That the following Items be removed:

Item "D" - City of Hamilton Revised Sidewalk Policy for New Development (PED12234) (City Wide)
(Item 7.1 on April 20, 2016 GIC agenda)

Item "DD" - Staff to report back on process to permit LED signs in Sign By-law
(Item 8.3 on this agenda.)

Item "TT" -Statutory Public Meeting re: recommended revisions to
CIP and CIPA (By-laws 11-272 and 11-273)
(Item 6.2 on this agenda)

CARRIED

(h) PRIVATE AND CONFIDENTIAL (Item 12)

Committee approved the following Item without moving into Closed Session:

(i) Private and Confidential Minutes of the April 19, 2016 meeting. (Item 12.1)

Pursuant to Section 8.1, Sub-section (c) of the City's Procedural By-law 14-300, and Section 239(2), Sub-section (c) of the Municipal Act, 2001, as amended, as the subject matter pertains to a proposed or pending acquisition or disposition of land for City purposes.

(Collins/Farr)

- (a) That the Closed Session Minutes of the April 19, 2016 meeting be approved;
- (b) That the Closed Session Minutes of the April 19, 2016 meeting remain Private and Confidential and restricted from public disclosure.

CARRIED

(i) ADJOURNMENT (Item 13)

(Skelly/Collins)

There being no further business, that the Planning Committee be adjourned at 10:52 a.m.

CARRIED

Respectfully submitted,

Councillor M. Pearson
Vice Chair, Planning Committee