



PLANNING COMMITTEE

REPORT 16-010

9:30 a.m.

Tuesday, May 17, 2016

Council Chambers

Hamilton City Hall

71 Main Street West

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

**Absent with
regret:** Councillors D. Conley and M. Green, personal

THE PLANNING COMMITTEE PRESENTS REPORT 16-010 AND RESPECTFULLY RECOMMENDS:

1. **City of Hamilton Archaeology Management Plan (PED16108) (City Wide)
(Item 5.1)**
 - (a) That the City of Hamilton Archaeology Management Plan, attached as Appendix "A" to Report PED16108, be approved;
 - (b) That staff prepare a work plan for the implementation of the Archaeology Management Plan and report back to the Planning Committee;
 - (c) That the item First Nation Artefacts - Dundurn Park (November 25, 2015 Council Item 7.1), be considered complete and removed from the General Issues Committee Outstanding Business List.

2. **Appointment By-law under the *Building Code Act, 1992* (PED16111) (City Wide) (Item 5.2)**

That the By-law, respecting the Appointment By-law under the *Building Code Act, 1992*, attached as Appendix "A" to Report PED16111, be enacted.

3. Tariff of Fees - Exempting Charitable and Non-Profit Organizations from Planning Application Fees Relating to Affordable Housing (PED16098) (City Wide) (Outstanding Business List Item) (Item 7.1)

- (a) That Appendix “A” to Report PED16098, which authorizes reduced planning application fees for charitable and not-for-profit organizations proposing affordable housing projects, be approved and added to Schedule “A” of the User Fees and Charges By-law as a Note at the end of the Planning and Economic Development – Planning Fee list;
- (b) That staff be authorized and directed to prepare and implement the necessary application process and form, and approve said applications for an exemption from Planning Application Fees for applications for an Official Plan Amendment, Draft Plan of Subdivision, Draft Plan of Condominium, Zoning By-law Amendment and / or Site Plan Approval;
- (c) That the costs of this initiative be absorbed by the Planning and Economic Development Department, Planning Division, in 2016, and the permanent funding accommodated through an adjustment to the 2017 Planning Division’s Base Budget.

4. Piers 7 and 8 Urban Design Study (PED16112) (Ward 2) (Item 7.2)

That the Piers 7 and 8 Urban Design Study, attached as Appendix “B” to Report PED16112, be adopted and used to guide and evaluate future development applications and infrastructure/public realm improvements in the study area.

5. Overhanging Sign Inspection Fee (PED16095) (City Wide) (Item 7.3)

- (a) That Sub-sections (a) and (b) of Section 7 of By-law 81-160, being a By-law respecting Signs Over Sidewalks and Highways, be deleted in their entirety and replaced with the words, “according to the current User Fees and Charges By-law”, to read as follows:
 - 7. “The charge per annum commencing on the 1st day of January in each year for the privilege of placing, constructing, installing, maintaining and using a display sign over a sidewalk and highway shall be according to the current User Fees and Charges By-law.”;
- (b) That the draft By-law respecting Signs Over Sidewalks and Highways , attached as Appendix “A” to Report PED16095, which has been prepared in a form satisfactory to the City Solicitor, be enacted;

- (c) That the City's User Fees and Charges By-law be amended to include a \$100 annual fee for the inspection of existing non-conforming overhanging signs.

6. Discharge of Firearms (PED16107) (City Wide) (Outstanding Business List Item) (Item 8.1)

That Report PED16107 respecting Discharge of Firearms be received.

7. Electric Vehicle Charging Statistics for City of Hamilton Facilities (PED16118) (City Wide) (Outstanding Business List Item) (Item 8.2)

That Report PED16118 respecting Electric Vehicle Charging Statistics for City of Hamilton Facilities be received.

8. To Limit the Agricultural Use Development Designation Only to Those Properties Used for Agricultural Purposes (Item 9.1)

WHEREAS, property owners in the rural areas in the City of Hamilton are constructing accessory buildings such as pole barns and then changing their use from agricultural to commercial/industrial and not notifying the City of Hamilton;

WHEREAS, property owners in the urban boundary when constructing similar structures must pay a range of City fees (DC's, Parkland Dedication) and increased property taxes;

WHEREAS, in order to restore financial equality, similar structures with similar uses, whether in the urban or rural boundary within the City of Hamilton should be treated the same regarding City fees; and

WHEREAS; there is currently no process to effectively limit the agricultural use development designation only to those property owners who will use their developments only for agricultural purposes;

THEREFORE BE IT RESOLVED:

- (a) That staff be directed to revise the City's Development Charge (DC) By-law regarding Agricultural DC Exemptions at the next opportunity (currently forecast to be 4th quarter of 2016) and report to the Audit, Finance and Administration Committee;
- (b) That staff revise the Agricultural Use Definition in the City's DC By-law so that a "Farm Business Registration Number" will be required by the property owner in order for a proposed development to be eligible for an agricultural use designation.

FOR THE INFORMATION OF COMMITTEE:

(a) CHANGES TO THE AGENDA (Item 1)

The Committee Clerk advised of the following changes:

ADDED DELEGATION REQUESTS

- 4.3 Keven Piper and members of Harbour West Neighbours planning group respecting Pier 8 Urban Design Study (For today's meeting – Item 7.2)
- 4.4 Werner Plessl, Executive Director, Hamilton Waterfront Trust respecting the Piers 7 & 8 Urban Design Study (For today's meeting – Item 7.2)
- 4.5 Carol Hoblyn, respecting the Piers 7 & 8 Urban Design Study (For today's meeting – Item 7.2)
- 4.6 Peter O'Hagan, respecting the Pier 8 Urban Design Study (For today's meeting – Item 7.2)
- 4.7 Albert Faccenda, respecting Discharge of Firearms By-law (For today's meeting – Item 8.1)
- 4.8 Bill Longley, respecting Discharge of Firearms By-law (For today's meeting – Item 8.1)
- 4.9 Graham Crawford, Vision Working Group of the Community Engagement Process (For today's meeting – Item 7.2)

ADDED ITEMS REFERRED FROM THE WEST HARBOUR DEVELOPMENT SUB-COMMITTEE ON MAY 5, 2016

- 7.2(a) Report Prepared by the Harbour West Neighbours
- 7.2(b) Presentation Prepared by the Vision Working Group of the Community Engagement Process

ADDED WRITTEN COMMENTS

- 7.2(i) Matthew Pinder, McMaster Engineering Graduate respecting the Piers 7 and 8 Urban Design Study (PED16112)

The agenda for the May 17, 2016 meeting was approved as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

None declared.

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

(i) May 3, 2016 Meeting (Item 3.1)

The Minutes of the May 3, 2016 meeting were approved.

(d) DELEGATON REQUEST (Item 4):

The following delegation requests were approved to address Committee at today's meeting:

- 4.1 Rob Fiedler, North End Neighbours, respecting the Urban Design Study for Piers 7 & 8 (Item 7.2)
- 4.2 S. Jasper Kujavsky, Golden Horseshoe Enterprise, respecting Piers 7 & 8 (Item 7.2)
- 4.3 Keven Piper and members of Harbour West Neighbours planning group respecting Pier 8 Urban Design Study (Item 7.2)
- 4.4 Werner Plessl, Executive Director, Hamilton Waterfront Trust respecting the Piers 7 & 8 Urban Design Study (Item 7.2)
- 4.5 Carol Hoblyn, respecting the Piers 7 & 8 Urban Design Study (For Item 7.2)
- 4.6 Peter O'Hagan, respecting the Pier 8 Urban Design Study (Item 7.2)
- 4.7 Albert Faccenda, respecting Discharge of Firearms By-law (Item 8.1)
- 4.8 Bill Longley, respecting Discharge of Firearms By-law (Item 8.1)
- 4.9 Graham Crawford, Vision Working Group of the Community Engagement Process (Item 7.2)

(e) PRESENTATIONS/PUBLIC NOTICE (Item 7)

(i) Tariff of Fees - Exempting Charitable and Non-Profit Organizations from Planning Application Fees Relating to Affordable Housing (PED16098) (City Wide) (Outstanding Business List Item) (Item 7.1)

Edward John addressed Committee with the aid of a PowerPoint presentation and copies of the hand-out were distributed and a copy has been included in the official record. His comments included but were not limited to the following:

- Proposed changes to the Planning Fee List
- Proposed Process (Option 1)
 - Submit Fee Exemption application
 - Apply for Formal Consultation
 - Submission of formal application

The staff presentation was received.

Delegation:

1. John Ariens, Vice Chair, Habitat for Humanity

John Ariens addressed Committee and indicated that Mr. Brad Clark, Director of Fundraising and Sean Ferris, Executive Director for Habitat for Humanity are also in attendance. He circulated copies of a previous staff report, PED13009, and copies of a letter that he addressed to Edward John in January of this year. He indicated that his purpose for addressing Committee today is twofold:

- To support the staff report but would prefer that Committee approve Option 2 which would be to determine eligibility for the exemption at the pre-consultation stage;
- To request a refund of fees paid by Habitat for Humanity a few months ago in the amount of \$22,086.25.

The delegation was received.

For disposition of this matter refer to Item 3.

(ii) Piers 7 and 8 Urban Design Study (PED16112) (Ward 2) (Item 7.2)

The following Items, referred from the West Harbour Development Sub-Committee on May 5, 2016, were received:

- (a) Report Prepared by the Harbour West Neighbours (Added 7.2(a))
- (b) Presentation Prepared by the Vision Working Group of the Community Engagement Process (Added 7.2(b))

Written Comments

7.2(i) Matthew Pinder, McMaster Engineering Graduate

The added written comments from Matthew Pinder were received.

Alan Waterfield, Senior Planner addressed Committee with the aid of a PowerPoint presentation and provided a brief introduction to the staff report.

Jessica Hawes from the consulting firm of Brook McIlroy continued the PowerPoint presentation and provided an overview of the final report on the Urban Design Study.

Copies of the hand-out were distributed and a copy has been retained for the public record. A copy of the presentation has been uploaded onto the City's website.

The presentation by staff and the consultant was received.

Delegations

1. Rob Fiedler, North End Neighbours Co-Chair

Rob Fiedler of the North End Neighbours addressed Committee and copies of his written submission were distributed. A copy has been retained for the public record and is also available for viewing on the City's website. His comments included but were not limited to the following:

- Initially the Association had concerns but is now very pleased with the outcome including the proposed scale of the development;
- Regarding the consultation process there were times when residents were invited to meetings and were told what was going to happen rather than being given the opportunity to participate by providing input.

The delegation was received.

2. S. Jasper Kujavsky, Golden Horseshoe Enterprise

S. Jasper Kujavsky of Golden Horseshoe Enterprise, addressed Committee and his comments included but were not limited to the following:

- He supports this plan;
- This is going in the right direction towards the City's urban renewal and the ultimate realization of Hamilton's urban potential;
- In his opinion there are five big pieces in ultimately achieving this:
 - The development of Piers 7 & 8,

- The development of the other half of the waterfront – i.e.: the Barton and Tiffany properties and the CN properties;
- The Light Rail Transit (LRT) proposal;
- Having a major league arena;
- A new convention facility;
- He asked for Council's unanimous support for this Study.

The delegation was received.

3. Keven Piper and members of Harbour West Neighbours Planning Group

The rules of order were waived in order to allow an extension to the five minute rule for delegations.

Steven Parker and Herman Turkstra, members of the Harbour West Neighbours Planning Group, addressed Committee with the aid of a PowerPoint presentation and copies of the hand-out were distributed and a copy has been retained for the public record.

They covered the following topics:

- Harbour West Neighbours – About Us;
- Introduced their planning group and their experience-
- North End Neighbourhood Experts
 - Peter Chernets
 - Mary Catherine Lawlor
 - Stephen Park
 - Keven Piper
 - Bryan Ritskes
 - Hank Nyhof
 - Herman Turkstra
- In its report approved by Council, IBI endorsed the Hamilton West Neighbours West Harbour planning team's efforts respecting the traffic study;
 - Previous experience - 2008
 - Previous experience – 1995
- Promises to keep – Working Together
 - Public Participation Spectrum;
 - Approved Setting Sail Text
 - Recommendations:

Requested the Committee's direction to staff to implement outstanding commitments in the approved secondary plan for the North End neighbourhood as

those commitments apply to the Urban Design Study for Pier 8 under consideration by the Committee.

The delegation was received.

4. Werner Plessl, Executive Director, Hamilton Waterfront Trust

Werner Plessl, Executive Director of the Hamilton Waterfront Trust addressed Committee and with five slides provided an update on the plans of the Hamilton Waterfront Trust respecting Pier 8. His question is how do the lands owned by the Hamilton Waterfront Trust fit into the Design Study? Members of the Trust would like to have an opportunity to discuss this matter.

The delegation was received.

5. Carol Hoblyn, Hamilton resident

The rules of order were waived in order to allow an extension to the five minute rule for delegations.

Carol Hoblyn addressed Committee with the aid of a PowerPoint presentation and copies of slides were distributed. Her comments included but were not limited to the following:

- Concerned with air quality;
- There are dust clouds caused by storage silos and grain loading;
- The shoreline reconstruction creates a lot of dust;
- Fine articulate is light and can remain air born;
- Trees are beneficial in many ways including for air quality;
- We are removing trees faster than nature can replace them;
- Replacement cost of trees is approximately \$700 each;
- The newly planted trees will be young saplings and will take decades to grow;
- Be diligent in protecting existing trees to mitigate the problem.

The delegation was received.

6. Peter O'Hagan, Hamilton resident

The rules of order were waived in order to allow an extension to the five minute rule for delegations.

Peter O'Hagan addressed Committee with the aid of a PowerPoint presentation. He read from a prepared statement and copies were distributed. A copy has been retained for the public record and is

also available for viewing on the City's website. His basic message is for the City to keep the options open regarding the proposed development and not narrow the scope too much when writing the Expressions of Interest.

The delegation was received.

7. Graham Crawford, Vision Working Group of the Community Engagement Process

Graham Crawford addressed Committee with the aid of a PowerPoint presentation.

His comments included but were not limited to the following:

- He is representing the Vision Working Group which has approximately 15 volunteers and the majority do live in the waterfront area;
- Their past successes in collaborating with the City;
- Beware of what can actually be the final outcome;
- Example, 1965 Civic Centre proposal vs. 1975 – Jackson Square
- Piers 7 & 8 – there's a fantastic renderings – how will it play out? – the key is in the details;
- Let's make sure that our engagement process engages our residents and does not make presentations to residents.

The delegation was received.

For disposition of this matter refer to Item 4.

(iii) Overhanging Sign Inspection Fee (PED16095) (City Wide) (Item 7.3)

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 5.

(f) DISCUSSION ITEMS (Item 8)

(i) Discharge of Firearms (PED16107) (City Wide) (Outstanding Business List Item) (Item 8.1)

Marty Hazell provided a verbal update of why the review of the discharge of firearms issue is before the Planning Committee and what the future plans are to obtain public input and report back on this matter.

Chair B. Johnson relinquished the chair to Vice-Chair Pearson to ask questions from staff to clarify some issues.

Chair Johnson assumed the Chair.

Delegations

1. Albert Faccenda

Albert Faccenda addressed Committee and his comments included but were not limited to the following

- According to the map, hunting with a cross bow in the area where he currently hunts in Flamborough will be banned;
- He attended the public meeting in Ancaster regarding this matter;
- The police were present;
- Why conjure this idea of danger;
- The map refers to “weapons” – don’t use this term;
- This is problematic;
- The hunted deer poses more danger than the hunter.

2. Bill Longley resident of Ward 15

Bill Longley addressed Committee and his comments included but were not limited to the following:

- He comes as a parent of an athlete;
- The problem and miscommunication came from an unfortunate incident where there was a gun shooting in downtown Hamilton and the Mayor Eisenberger was quoting as saying he wanted to ban all guns;
- The regulations of firearms falls Provincially and Federally;
- His daughter trains for Olympic trap shooting;
- She trains at the Hamilton Gun Club;
- The maps are confusing and cause concerns;
- Areas in Dundas were left out of the initial consultation.

The delegations were received.

For disposition of the staff Report refer to Item 6.

(g) MOTIONS (Item 9)

(i) To Limit the Agricultural Use Development Designation Only to Those Properties Used for Agricultural Purposes (Item 9.1)

Chair B. Johnson relinquished the Chair to Vice Chair Pearson to move this motion.

For disposition of this matter refer to Item 8

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

(i) Outstanding Business List (Item 11.1)

(a) The following new due date was approved:

Item "BB" - Staff to report back with recommendations to update Discharge of Firearms By-law
New due date: January 2017

(b) That the following Items were removed:

Item "O" - Planning Application Fees for Charities and Non-Profit Organizations
(Item 7.1 on this agenda)

Item "GG" - Public electric vehicles (EV) charging stations
(Item 8.2 on this agenda)

Item "OO" - Report back respecting the Urban Design Study for Piers 7 and 8 (Item 7.2 on this agenda)

Item "NN" - Report on feasibility of requesting applicants for agriculture building permits to provide a Farm Bus. Reg. No. to confirm eligibility for a discount on the development charges on agriculture (Item 9.1 on this agenda)

Item "S" - Report back on feasibility of inclusionary zoning
(May 10, 2016 – Special Planning Workshop)

(i) ADJOURNMENT (Item 13)

There being no further business, the Planning Committee was adjourned at 1:23 p.m.

Respectfully submitted,

Councillor B. Johnson
Chair, Planning Committee

Ida Bedioui
Legislative Co-ordinator
Office of the City Clerk