



PLANNING COMMITTEE

REPORT 16-011

9:30 a.m.

Tuesday, May 31, 2016

Council Chambers

Hamilton City Hall

71 Main Street West

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

Absent with regrets: Councillors M. Green and J. Partridge, personal

Also Present: Councillor T. Whitehead

THE PLANNING COMMITTEE PRESENTS REPORT 16-011 AND RESPECTFULLY RECOMMENDS:

1. **Applications to Amend the Urban Hamilton Official Plan and City of Hamilton Zoning By-law No(s). 6593 and 05-200, for Lands Located at 1 Redfern Avenue (Hamilton) (PED16124) (Ward 8) (Item 6.1)**
 - (a) That approval be given to Urban Hamilton Official Plan Amendment Application UHOPA-15-015, by Starward Homes (Scenic 2012) Limited, (Owner), for OPA No. **XX**, to redesignate the subject lands from "Institutional" to "Neighbourhoods" on Schedule "E-1", Urban Land Use Designations, of Volume 1 of the Urban Hamilton Official Plan; to redesignate the subject lands from "Institutional" to "Medium Density Residential 3" in the Chedmac Secondary Plan; and to establish a Site Specific Policy Area to permit a maximum density of 128 units per hectare and to permit stacked townhouses and multiple dwellings within the Medium Density Residential 3 designation, for the lands known as 1 Redfern Avenue (Hamilton), as shown on Appendix "A" to Report PED16124, on the following basis:
 - (i) That the draft Official Plan Amendment, attached as Appendix "B" to Report PED16124, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

- (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe.
- (b) That approval be given to Zoning By-law Amendment Application ZAC-15-026 by Starward Homes (Scenic 2012) Limited, (Owner), for a further modification to the site specific “DE-2/S-1654” (Multiple Dwellings) District, Modified, in order to permit a four-storey multiple dwelling consisting of 144 units with 218 parking spaces and to permit parapets to encroach into a required yard for lands located at 1 Redfern Avenue (Hamilton), as shown on Appendix “A” to Report PED16124, on the following basis:
 - (i) That the draft By-law, as amended, attached as Appendix “A” to Report 16-011, which has 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 PED16124, be added to Schedule “W37” of the City of Hamilton Zoning By-law No. 6593.
- (c) That approval be given to Zoning By-law Amendment Application ZAC-15-026 by Starward Homes (Scenic 2012) Limited, (Owner), for a change in zoning, from the site specific “DE-2/S-1654” (Multiple Dwellings) District in City of Hamilton Zoning By-law No. 6593 to the Conservation / Hazard “P5” Zone in City of Hamilton Zoning By-law No. 05-200; for lands located at 1 Redfern Avenue (Hamilton), as shown on Appendix “A” to Report PED16124, on the following basis:
 - (i) That the draft By-law, attached as Appendix “D” to Report PED16124, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
 - (ii) That the amending By-law, attached as Appendix “D” to Report PED16124, be added to Map No. 1080 of the City of Hamilton Zoning By-law No. 05-200.

2. Proposed Zoning By-law Amendment (ZAC-15-036) and Draft Plan of Condominium (Common Element) (25CDM-201510) for Property Located at 271 Beach Boulevard, Hamilton (PED16115) (Ward 5) (Item 6.2)

- (a) That Amended Zoning By-law Amendment Application ZAC-15-036, by W.E. Oughtred and Associates on behalf of Coastal Land Development Corp., Owner, for a change in zoning from the “C/S-1435” (Urban Protected Residential, etc.) District, Modified to the R-4/S-1732 District, Modified in order to permit a single detached dwelling and two semi-detached dwellings (four units) along a common element condominium road for lands located at 271 Beach Boulevard (Hamilton), and a change

in zoning from the “C/S-1435” (Urban Protected Residential, etc.) District, Modified to the Conservation / Hazard Land (P5, 474) Zone to identify the Erosion Hazard Limit to prohibit development, as shown on Appendix “A” to Report PED16115, be DENIED on the following basis:

- (i) The proposed development is not compatible with the character of the existing neighbourhood;
 - (ii) The numerous proposed variances are not consistent with the established Neighbourhood Plan.
- (b) That the Amended Draft Plan of Condominium (Common Element) Application 25CDM-201510 by W.E. Oughtred and Associates on behalf of Coastal Land Development Corp., Owner, to establish a Draft Plan of Condominium (Common Element) consisting of a condominium road with two visitor parking spaces and a storm water management / open space block that will be tied to five new residential dwelling lots (POTLS) on lands located at 271 Beach Boulevard, as shown on Appendix “A” to Report PED16115, be DENIED on the following basis:
 - (i) The proposed development is not compatible with the character of the existing neighbourhood;
 - (ii) The numerous proposed variances are not consistent with the established Neighbourhood Plan.
- (c) That Legal Staff retain outside legal or planning professional(s) to support Council’s decision should there be an OMB appeal and charge the costs to the Hamilton Beach Reserve.

3. Massage Parlours - Enforcement of Illegal Businesses – (Outstanding Business List Item) (PED16077) (City Wide) (Item 7.1)

That Report PED16077 respecting Massage Parlours - Enforcement of Illegal Businesses, be received.

4. Addition of Ants to the Definition of Pests in the Property Standards By-law (PED16109) (City Wide) (Outstanding Business List Item) (Item 8.1)

That the proposed amending By-law, attached as Appendix “A” to Report PED16109, which amends the Property Standards By-law No. 10-221 to add ants to the definition of “pests”, in a form satisfactory to the City Solicitor, be approved.

**5. Status of Food Truck Industry in Hamilton (PED16122)(City Wide)
(Outstanding Business List Item) (Item 8.2)**

That Report PED16122 respecting Status of Food Truck Industry in Hamilton be received.

6. Hamilton Municipal Heritage Committee Report 16-005 (Added Item 8.3)

That Hamilton Municipal Heritage Committee Report 16-005 be received and no action be taken due to the need for affordable housing, the lack of support from the Stinson Neighbourhood Association for the designation, and the fact that the parsonage is located on an old native foot path.

7. The Executive Summary of the Cultural Heritage Impact Assessment - The Former Anglican Church of St. Thomas Personage, 18 West Avenue South (respecting Item 1 of Hamilton Municipal Heritage Committee Report 16-005) (Added Item 8.3(a))

That the Executive Summary of the Cultural Heritage Impact Assessment – The Former Anglican Church of St. Thomas Personage, 18 West Avenue South be received for information.

FOR THE INFORMATION OF COMMITTEE:

Steve Robichaud, Director of Planning and Anita Fabac, Manager of Development Planning, Heritage and Design introduced the following new employees in the Division: Alexandria Pasquini, Maxwell Kerrigan, Tim Mendoza, Alana Fulford, Tiffany Singh, Kathy Jazvac, and Valeria Maurizio.

(a) CHANGES TO THE AGENDA (Item 1)

The Committee Clerk advised of the following changes:

ADDED WRITTEN COMMENTS

6.2(vii) Chris and Rosanne Murray respecting Proposed Zoning By-law Amendment (ZAC-15-036) and Draft Plan of Condominium (Common Element) (25CDM-201510) for Property Located at 271 Beach Boulevard, Hamilton (PED16115) (Ward 5)

6.2(viii) Joel Hughes, 267 Beach Blvd, respecting Proposed Zoning By-law Amendment (ZAC-15-036) and Draft Plan of Condominium (Common

Element) (25CDM-201510) for Property Located at 271 Beach Boulevard, Hamilton (PED16115) (Ward 5)

- 6.2(ix) Bill Smith. 129 Beach Blvd, respecting Proposed Zoning By-law Amendment (ZAC-15-036) and Draft Plan of Condominium (Common Element) (25CDM-201510) for Property Located at 271 Beach Boulevard, Hamilton (PED16115) (Ward 5)
- 6.2(x) Rob Hammond, 417 and 289 Beach Blvd respecting Proposed Zoning By-law Amendment (ZAC-15-036) and Draft Plan of Condominium (Common Element) (25CDM-201510) for Property Located at 271 Beach Boulevard, Hamilton (PED16115) (Ward 5)
- 6.2(xi) Rob Hammond, 417 and 289 Beach Blvd respecting Proposed Zoning By-law Amendment (ZAC-15-036) and Draft Plan of Condominium (Common Element) (25CDM-201510) for Property Located at 271 Beach Boulevard, Hamilton (PED16115) (Ward 5)
- 6.2(xii) Petition submitted by Councillor Collins with approximately 74 signatures from residents in opposition to Proposed Zoning By-law Amendment (ZAC-15-036) and Draft Plan of Condominium (Common Element) (25CDM-201510) for Property Located at 271 Beach Boulevard, Hamilton (PED16115) (Ward 5).

The Minutes will reflect the names on the petition for the Official Record.

- 6.3(i) Heather Ireland, Watershed Planner, Niagara Peninsula Conservation Authority, respecting the Urban Hamilton Official Plan Housekeeping Amendment (PED16060).

ADDED REPORT

8.3 Hamilton Municipal Heritage Committee Report 16-005

- 8.3(a) The Executive Summary of the Cultural Heritage Impact Assessment - The Former Anglican Church of St. Thomas Personage, 18 West Avenue South (respecting Item 1 of Hamilton Municipal Heritage Committee Report 16-005)

Due to bulk the complete document is available for viewing on the City's website or in the City Clerk's Office.

- 8.3(i) Written comments from Joshua Weresch, 36 East 7th Street

- 8.3(ii) Written comments from Lyn Folkes, Ward 8, Hamilton

ADDED DELEGATION REQUESTS

- 4.1 Luke Johns of Tim Welch Consulting, Sacajawea Non-Profit Housing Inc. to express opposition to the designation of 18 West Avenue South. (For today's meeting – Item 8.3)
- 4.2 Alan Whittle, Good Shepherd Non-Profit Homes Inc. respecting the proposed designation of 18 West Avenue South. (For today's meeting – Item 8.3)

The agenda for the May 31, 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 10, 2016 Special Planning Workshop (Item 3.1)

The Minutes of the May 10, 2016 Special Planning Workshop meeting were approved.

(ii) May 17, 2016 (Item 3.2)

The Minutes of the May 17, 2016 meeting were approved.

(d) DELEGATON REQUEST (Item 4):

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

- 4.1 Luke Johns of Tim Welch Consulting, Sacajawea Non-Profit Housing Inc. to express opposition to the designation of 18 West Avenue South. (For today's meeting – Item 8.3)
- 4.2 Alan Whittle, Good Shepherd Non-Profit Homes Inc. respecting the proposed designation of 18 West Avenue South. (For today's meeting – Item 8.3)

(e) DELEGATIONS/PUBLIC HEARING (Item 6)

(i) Applications to Amend the Urban Hamilton Official Plan and City of Hamilton Zoning By-law No(s). 6593 and 05-200, for Lands Located at 1 Redfern Avenue (Hamilton) (PED16124) (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 Urban Hamilton Official Plan and 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 staff presentation was waived.

Matt Johnston of UrbanSolutions, representing the owner, was in attendance and addressed Committee with the aid of a PowerPoint presentation.

His comments included but were not limited to the following:

- The original owner/applicant, Starward Homes (Scenic 2012) has partnered with Effort Trust and is now "Scenic Trail Limited;"
- Outline of the application details;
- Will be building multiple dwelling units not stacked townhouses;
- He requested an amendment to allow the protruding parapets on the proposed building to encroach into the yard.

The agent's presentation was received.

Staff indicated that they do not object to the requested amendment.

Ward Councillor Whitehead was in attendance and advised the he is in support of the application.

The public meeting was closed.

Committee approved the following amendment:

That the site specific zoning by-law referenced in subsection (b) of the staff recommendations be amended to permit the parapets on the proposed building to encroach into a required yard.

For disposition of this matter refer to Item 1.

(ii) Proposed Zoning By-law Amendment (ZAC-15-036) and Draft Plan of Condominium (Common Element) (25CDM-201510) for Property Located at 271 Beach Boulevard, Hamilton (PED16115) (Ward 5) (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 and Draft Plan of Subdivision 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) Brent McFarlen, 1071 Beach Boulevard
- 6.2(ii) Tony Calligaro, 245 Beach Boulevard
- 6.2(iii) Wendy J. Fries, Unit # 8, 150 Gateshead, Stoney Creek
- 6.2(iv) David Will
- 6.2(v) Michael Gagnon, 668 Beach Boulevard
- 6.2(vi) Patty Dean, 10 Locarno Avenue and 260/262 Beach Boulevard
- 6.2(vii) Chris and Rosanne Murray
- 6.2(viii) Joel Hughes, 267 Beach Blvd
- 6.2(ix) Bill Smith, 129 Beach Blvd
- 6.2(x) Rob Hammond, 417 and 289 Beach Blvd
- 6.2(xi) Rob Hammond, 417 and 289 Beach Blvd

6.2(xii) Petition submitted by Councillor Collins with the names of the following residents who oppose this proposal:

1. Erin Yanchis, 366 Beach Boulevard
2. Natalie Anderson, 24 Clare Avenue
3. Ryley Anderson, 24 Clare Avenue
4. Darlene Lorentz, 368 Beach Boulevard
5. Patty Dean, 10 Locarno Avenue
6. Sean William Verbraeken, 9 Grafton Avenue
7. Kimberley, 208 Beach Boulevard
8. Lorraine Apanashk, 174 Beach Boulevard
9. The Santinis, 420 Beach Boulevard
10. Sharon Longboat, 1-1007 Beach Boulevard
11. Steve McCutcheon, 207 Beach Boulevard
12. Susan Jirgens, 337, 51 Beach Boulevard
13. John Jirgens, 337, 51 Beach Boulevard
14. Mardi Vickers, 6 Lakeside Avenue
15. Brian Vickers, 6 Lakeside Avenue
16. Lindy Rogers, 1011 Beach Boulevard
17. Jake Bax, 1011 Beach Boulevard
18. Mike Sisson, 10 Windemere Avenue
19. Katie Bax, 1011 Beach Boulevard
20. Brenda Bax, 1011 Beach Boulevard
21. Peter Bax, 1011 Beach Boulevard
22. Garth Holmes, 438 Beach Boulevard
23. Crynie Holmes, 438 Beach Boulevard
24. Sheree Malmstrom, 32-337 Beach Boulevard
25. Marie Richardson, 6 Knapmans Street
26. Sonja Zijlstra, 957 Beach Boulevard
27. Tom Lytwyn, 6 Clare Avenue
28. Lisa & Dave Storoschuk, 991 Beach Boulevard
29. Richard Normand, 395 Beach Boulevard
30. David Will, 15 Southcreek Drive
31. Jennifer Fowler, 272 Beach Boulevard
32. Mike and Cristina Villemaire, 21 Granville Avenue
33. Alison Murakami, 264 Beach Boulevard
34. Ed Jeige, 363 Beach Boulevard
35. Katherine Day, 860 Beach Boulevard
36. Louise Groleau-O'Neill, 624 Beach Boulevard
37. Joan Fackelmann, 535 Beach Boulevard
38. Teresa Fackelmann, 535 Beach Boulevard
39. Joe Fackelmann, 535 Beach Boulevard
40. Michael and Maria Gagnon, 668 Beach Boulevard
41. Rosanne Murray, 237 Beach Boulevard
42. Christopher Murray, 237 Beach Boulevard
43. Laura Gunter, 125 Beach Boulevard
44. Norah-Lynn McIntyre, 2 Fourth Avenue
44. Dean Oldershaw, 49-337 Beach Boulevard

45. Tony Calligaro, 245 Beach Boulevard
46. Frank Ryan, 785 Upper Wellington
47. Bruce Tibbitts, 470 Beach Boulevard, Unit 43
48. Kathleen Morley, 2 Grafton Avenue
49. Thomas Welsh, 841 Beach Boulevard
50. Lorraine Welsh, 841 Beach Boulevard
51. Heather Robson
52. Mary Farrell, 15 Kirk Road
53. Leslie Horn, 80 Dynes Park
54. Robert Prouse, 175 Beach Boulevard
55. Charles Cole, 404 Beach Boulevard
56. Steve Leach, 573 Beach Boulevard
57. Wei Zhang, 536 Beach Boulevard
58. Bob Kerr, 4 Sierra Lane
59. Julie Leonard, 122 Beach Boulevard
60. David Leonard, 122 Beach Boulevard
61. Grace Fralick, 270 Beach Boulevard
62. Denise Chaston, 590 Beach Boulevard
63. Ty Trepanier, 590 Beach Boulevard
64. Scott Howley, 16 Clare Avenue
65. Marie Watson, Beach Boulevard
66. Janet Stevens, 470 Beach Boulevard, Unit 63
67. Patricia Male, 2 Lagoon Avenue
68. Michelle Notman, 23 Granville Avenue
69. Jim Elliott, 18 Clare Avenue
70. Ann & Jim McDowell, 1073 Beach Boulevard
71. Colin Hay, 990 Beach Boulevard
72. Jack Kemp, 803 Beach Boulevard
73. Pat Hay, 990 Beach Boulevard

The written comments Items 6.2(i) to 6.2(xi) and the petition (added Item 6.2 (xii)) were received.

Cam Thomas, Senior 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 presentation by staff was received.

Arlene Beaumont, of W.E. Oughtred Planning Consultants Ltd., representing the owner Coastal Land Development Inc. addressed Committee with the aid of a PowerPoint presentation.

Her comments included but were not limited to the following:

- Recognizes the City's challenge to balance development and protect the existing neighbourhood;

- The existing building has no historical value but the proposal will retain it;
- The number of detached units was reduced to four units;
- The application has had an evolution from 8 down to six; down to four units with the retention of the existing home;
- The semis will have complementary architectural detail;
- Overgrown vegetation currently hides the dwelling;
- The proposal is to move the building forward to add to the streetscape;
- Believes the proposal is compatible with the Hamilton Beach Neighbourhood Plan, 1992;
- The area is already eclectic – this is a modest proposal for intensification.

The presentation by the agent was received.

Speakers

1. Kristen Ronald, 203 Beach Boulevard

Kristen Ronald addressed Committee and her comments included but were not limited to the following:

- If Committee approves this application, what's going to stop other residents with the same size lot to do the same;
- It is going to snowball;
- She could also build behind her house;
- She was under the impression that their end of the beach would never be developed but would remain single family dwellings.

2. Joel Hughes, 267 Beach Boulevard

Joel Hughes addressed Committee and his comments included but were not limited to the following:

- The homes in the area are on 50 foot lots and some are on 60 foot lots;
- This proposal is over-intensification;
- It allows splitting a lot front to back;
- Almost all of the lots in the area could be developed in this style;
- Concerns with parking - can the public be forced to not park there, like the townhouses on Dynes?

3. Carol Hughes, 283 Beach Boulevard

Carol Hughes addressed Committee and submitted written comments which are part of the public record. A copy is available for viewing on the City's website. Her comments included but were not limited to the following:

- She lives in a little bungalow next to the proposed development;
- Her property will have shadowing;
- She objects to the aesthetics;
- Concerned with impact on parking
- The proposal is for the builder to replace any trees that need to be removed, would he be required to plant mature trees?

4. Bill Smith, 129 Beach Boulevard

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

- Born in 1942 on the beach strip;
- It's a changing area;
- The condo issue is distasteful to the residents;
- The Dynes development isn't bad but it's distasteful to residents;
- The lot currently has a single residence and the proposal is for five residences on the same lot – don't like that;
- This is a case of a big corporation looking to make a profit.

5. Michael Gagnon, 668 Beach Boulevard

Michael Gagnon addressed Committee and his comments included but were not limited to the following:

- He has been a resident on the beach strip for 42 years;
- He's a longstanding member of the Beach Preservation Committee;
- He commends the thorough job done by staff;
- Most important part is to look at the plan – the historical section that's there;
- Would like to bring history back;
- Hard fought battle to come to a compromise;
- Compromise is important;
- Balance what's good for the public is to have access to beach and what's good for the residents;

- Single residences need to be maintained as single residences;
- This will be the beginning of more developers applying to increase density;
- Look at the Neighbourhood Plan again.

6. Lorraine Hughes, 267 Beach Boulevard

Lorraine Hughes addressed Committee and her comments included but were not limited to the following:

- She lives next to the proposed development;
- Concerned there isn't enough parking spots;
- The existing townhouses have overflowed parking onto the side streets;
- The residents don't have anywhere to park if the condo residents use side street
- The proposal is not complementary to the neighbourhood;
- The existing houses are single houses on nice lots with mature trees where families grow;
- Will look like a downtown development where there is no green space and a lot of concrete;
- There's a beautiful tulip tree planted 10 years ago – the tulip tree will be ruined;
- The other condos were built on commercial properties;
- This would be first of its kind on a residential property;
- Will set precedence for other homeowners to do the same;
- This is a great neighbourhood for families;
- The beach strip is a community of people who know each other;
- This proposal will change the whole neighbourhood.

7. Scott Howley, 16 Clare Avenue

Scott Howley addressed Committee and his comments included but were not limited to the following:

- Lived on the beach strip all his life;
- Saw flooding, homes being torn down, etc.
- It's a unique community where everyone knows each other and talks to each other on a constant basis;
- There needs to be a balance with the Neighbourhood Plan – where to put high density and where to maintain low density.

8. Jim Howlett, 1 Sierra Lane

Jim Howlett addressed Committee and his comments included but were not limited to the following:

- He is a long time resident and the president of the Community Council;
- He is a member of the Hamilton Beach Neighbourhood Plan Implementation Committee;
- We have a lot of work for the Plan; there's lots of compromises;
- Still don't have the Plan because the 174 lots owned by the City have not all been sold;
- Would like the Neighbourhood Plan to be implemented;
- The Province requires 25% of development to be affordable housing;
- A condo (actually five of them) sold for \$960,000 recently;
- The Province and the City have not achieved affordable development;
- The developers are only interested in what is the most they can get out of this;
- The developer said his brother-in-law is BMOC (big man on campus) at the OMB;
- We enjoy the increase of interest in our area but the community is important;
- This is the first serious test, let's not set a precedence.

The delegations were received.

The public meeting was closed.

The following motion CARRIED UNANIMOUSLY:

That the application be denied as the form of development being proposed is not consistent with the character of the neighbourhood and the numerous proposed variances are not consistent with the established Neighbourhood Plan and that legal staff retain outside legal or planning professional(s) to support Council's decision should there be an OMB appeal and charge the costs to the Hamilton Beach Reserve.

For disposition of this matter refer to Item 2.

**(iii) Urban Hamilton Official Plan Housekeeping Amendment (PED16060)
(City Wide) (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 Urban Hamilton Official Plan Housekeeping 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.

Shannon Mckie, Senior 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.

Registered Speakers

1. Suzanne Mammel, Hamilton-Halton Home Builders' Association

Suzanne Mammel of the Hamilton-Halton Home Builders' Association addressed Committee and her comments included but are not limited to the following:

- The word "shall" permit vs. the word "may" permit;
- She understands staff's concern but the HHHBA made a suggestion that the first introduction in the Official Plan state that the following uses "shall" be permitted "subject" to the following conditions;
- This is a more effective way to resolve both issues
- Staff's suggestion would force developers to justify the uses every time;
- The consultation process between the City and the industry fell by the wayside;
- The City advised last May that no discussion was required and the May meeting was cancelled – that was a missed opportunity;
- She requests that this report be deferred;
- Has issue with consultative effort;
- Doesn't like the end result and did not like the way the consultative process ended;

- Staff should have met with the HHHBA to discuss their decision to not use the suggestion of the HHHBA.

2. Brenda Khes, Local Professional Planners Advisory Group

Brenda Khes of the Local Professional Planners Advisory Group addressed Committee and provided copies of two hand-outs addressed to the Planning Committee. One is a letter of introduction of the Local Professional Planners Advisory Group and the other is a request from the Group to defer approval of the amendments. Her comments included but are not limited to the following:

- Members of the Local Professional Planners Advisory Group offer a voice as professional planners vs. developers;
- In the future, the Group wishes to be consulted on these matters;
- The word “may” in the by-law is not giving any level of certainty to an applicant;
- The “may” would be subject to the policies of the Plan and the Plan is big;
- For the principal use we need some level of comfort;
- It’s not specific enough;
- We would need to justify the principal use of a significant designation;
- We understand the problem but we need more time to refine the wording a little further;
- Will be arranging to have meetings with staff.

The delegations were received.

The public meeting was closed.

The following motion was approved:

That Item 6.3 respecting Urban Hamilton Official Plan Housekeeping Amendment (PED16060) be TABLED to the July 5, 2016 Planning Committee meeting to allow for further consultation with members of the industry.

(f) PRESENTATIONS (Item 7)

7.1 Massage Parlours - Enforcement of Illegal Businesses – (Outstanding Business List Item) (PED16077) (City Wide)

Ken Leenderste, Director of Licensing and Animal Control provided an overview of the report with the aid of a PowerPoint presentation. A copy is available for viewing on the City's website.

His comments included but were not limited to the following:

- Overview:
 - 3 types of Massage licensed businesses:
 - Bodyrub Parlours
 - Personal Wellness Establishments
 - Personal Services
 - The perception of the public – some are legally operating;
 - Municipal Law Enforcement Officers inspect the premises for compliance with the Licensing By-law and with all other City by-laws;
 - Municipal Law Enforcement Officers are not trained in gaining evidence to prosecute for illegal activity;
 - They work closely with the Police;
 - Change in the Federal Law – only to protect the attendants and to prevent human trafficking;
 - Difficult to prove criminal activity – need concrete evidence;
 - Staff are looking at best practices and are rewriting the Licensing By-law;
 - i.e. – restricting hours of operation

The staff presentation was received.

For disposition of this matter refer to Item 3.

(g) DISCUSSION ITEMS (Item 8)

(i) Hamilton Municipal Heritage Committee Report 16-005 (Added Item 8.3)

Chelsey Tyers provided a brief overview of Recommendation 1 of the Hamilton Municipal Heritage Committee Report.

Delegations

- 1. Luke Johns of Tim Welch Consulting, Sacajawea Non-Profit Housing Inc. (Added 4.1)**

Luke Johns addressed Committee and read from a prepared statement copies of which were distributed and a copy has been retained for the public record. A copy is also available for viewing on the City's website.

Luke Johns requested that the property not be designated in order to allow it to be demolished to make way for the construction of affordable rental housing.

2. Alan Whittle, Good Shepherd Non-Profit Homes Inc. (Added 4.2)

Alan Whittle addressed Committee. His comments included but were not limited to:

- He wishes to address three areas:
 - Cultural Heritage – although the building is well maintained there are no original floor finishes, no original ceiling, and the wood is heavily painted;
 - The interior would need to be removed in order to readapt;
 - Even the original railing would need to be removed due to fire code;
 - It does not have a nice kitchen or bathroom;
 - Could be a family residence but the lane is busy and surrounded by highrises;
 - Could remain as an office for a non-profit – The Good Shepherd has out grown it
 - It needs new roof, etc. a charity wouldn't invest it's money for renovations;
 - Rehabilitation proposals are not feasible;
- Zoning - this site is already zoned for multi-unit residential – even under the Official Plan
- This community has critical shortage of affordable housing
 - Project meets many Provincial policy objectives - well situated near transit
 - The neighbourhood supports this;
 - Complies with OP and zoning
- The church was designated 25 years ago, why did it not include the parsonage at that time?

The delegations were received.

The following motion was approved:

That the Hamilton Municipal Heritage Committee Report 16-005 be received and no action taken due to the need for affordable housing, the lack of support from the Stinson Neighbourhood Association for the designation, and the fact that the parsonage is located on an old native foot path.

Councillor Pearson indicated that she wished to be recorded as OPPOSED to this motion.

For disposition of this matter refer to Item 6.

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

(i) Outstanding Business List (Item 11.1)

(a) The following new due dates were approved:

Item "O" - The Feasibility of Establishing a City Animal Adoption Service in Partnership with the HBSPCA

Due Date: June 14, 2016

New due date: September 20, 2016

Item "P" – Staff to report back on the feasibility of Licensing Cats in the Urban Area

Due Date: May 31, 2016

New due date: August 9, 2016

(b) The following Items were removed:

Item "GG" - Staff to report back on operation of illegal massage parlours in the City, highlight enforcement challenges and impact of recent Federal sex trade laws.

(Item 7.1 on this agenda)

Item "LL" - That staff report back on Food Truck Industry in Hamilton (Item 8.2 on this agenda)

Item "BB" - Staff to report back on feasibility of including ants in the definition of "pest" in the Property Standards By-law (Item 8.1 on this agenda)

(i) ADJOURNMENT (Item 13)

There being no further business, the Planning Committee adjourned at 1:51p.m.

Respectfully submitted,

Councillor B. Johnson
Chair, Planning Committee

Ida Bedioui
Legislative Co-ordinator
Office of the City Clerk

Authority: Item
Planning Committee
Report 16-
(PED16XXX)
CM:

Bill No.

CITY OF HAMILTON

BY-LAW NO. _____

**To Amend Zoning By-law No. 6593 (Hamilton)
Respecting Lands located at 1 Redfern Avenue
(Hamilton)**

WHEREAS the *City of Hamilton Act, 1999*, Statutes of Ontario, 1999 Chap. 14, Sch. C. did incorporate, as of January 1, 2001, the municipality "City of Hamilton";

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former municipality known as the "The Corporation of the City of Hamilton" and is the successor to the former regional municipality, namely, "The Regional Municipality of Hamilton-Wentworth";

AND WHEREAS the *City of Hamilton Act, 1999* provides that the Zoning By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of the City of Hamilton, in adopting Section [REDACTED] of Report 16-[REDACTED] of the Economic Development and Planning Committee at its meeting held on the XX day of May 2016, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided;

AND WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan, upon finalization of Official Plan Amendment No. ____;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

Council – June 8, 2016

1. That Sheet No. W37 of the District maps, appended to and forming part of By-law No. 6593 (Hamilton), is amended as follows:

- (a) By changing the zoning from the "DE-2/S-1654" (Multiple Dwellings) District, Modified, to the "DE-2/S-1734" (Multiple Dwellings) District, Modified;

on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule 'A'.

2. That the "DE-2/S-1654" (Multiple Dwellings) District, regulations as contained in Section 10B of Zoning By-law No. 6593, as amended, be replaced with the following special requirements:

- (a) That notwithstanding Section 10B(1) of Zoning By-law No. 6593, Subject to the applicable provisions of Section 3, 18, 18A, and 19, in a "DE-2" District, no building or structure shall be erected, altered, extended or enlarged, and no building or structure or part thereof shall be used, and no land shall be used, for the following use:

- i) a multiple dwelling.

- (b) That notwithstanding Section 10B(2)(ii) of Zoning By-law No. 6593, no building or structure shall exceed 16.5 m in height;

- (c) That notwithstanding Section 10B(3)(i)(b) of Zoning by-law No. 6593, a front yard of a depth of not more than 4.0m shall be provided and maintained;

- (d) That notwithstanding Section 10B(3)(ii)(b) of Zoning By-law No. 6593:

- (i) a maximum easterly side yard setback from the northeast corner of the principal building to the daylight triangle of no more than 4.5 m; and,

- (ii) a maximum easterly side yard setback from the southeast corner of the principal building to the lot line of no more than 17.0 m.

- (e) That notwithstanding Section 10B(3)(ii)(b) of Zoning By-law No. 6593:

- (i) a minimum easterly side yard setback from the northeast corner of the accessory structure to the lot line of not less than 2.5 m; and,

- (ii) a minimum easterly side yard setback from the southeast corner of the accessory structure to the easterly lot line of not less than 7.0 m.

- (f) That notwithstanding Section 10B(3)(iii)(b) of Zoning By-law No. 6593, a minimum rear yard setback for the principal building of not less than 14.0 m;
 - (g) That notwithstanding Section 10B(3)(iii)(b) of Zoning By-law No. 6593, a minimum rear yard setback for the parking garage of not less than 7.5 m;
 - (h) In addition to Section 10B(3)(iii)(b) of Zoning By-law No. 6593, an accessory structure shall be permitted in a required side yard;
 - (i) In addition to Section 10b(3)(iii)(b) of Zoning By-law No. 6593, a minimum westerly side yard setback of 50 m to the property line, shall be provided and maintained;
 - (j) That notwithstanding Section 10B(4)(iv) of Zoning By-law No. 6593, a maximum of 144 units shall be permitted;
 - (k) That Section 10B(5), Floor Area Ratio, of Zoning By-law No. 6593 shall not apply;
 - (l) That in addition to the requirements of Section 18(3)(vi)(a) of Zoning By-law No. 6593, a parapet may project not more than 0.5 metres (1.64 feet) into a required side yard, and not more than 1.0 metre (3.28 feet) into any other required yard;
 - (m) That notwithstanding Section 18A(1)(c) of Zoning By-law No. 6593, one loading space shall be provided and shall have dimensions not less than 3.7 m wide, 9.0 m long, and 4.3 m high;
 - (n) That notwithstanding Section 18A(7) of Zoning By-law No. 6593:
 - i) every required parking space, other than a parallel parking space, shall have dimensions not less than 2.6 m wide and 5.5 m long for a standard parking space;
 - ii) every required barrier free parking space, other than a parallel parking space, shall have dimensions not less than 4.4 m wide and 5.5 m long; and,
 - iii) three barrier free parking spaces shall be provided.
 - (o) That Section 18A(12) of Zoning By-law No. 6593 shall not apply.
3. That By-law No. 6593 (Hamilton) is amended by adding this By-law to Section 19B as Schedule S-1734.

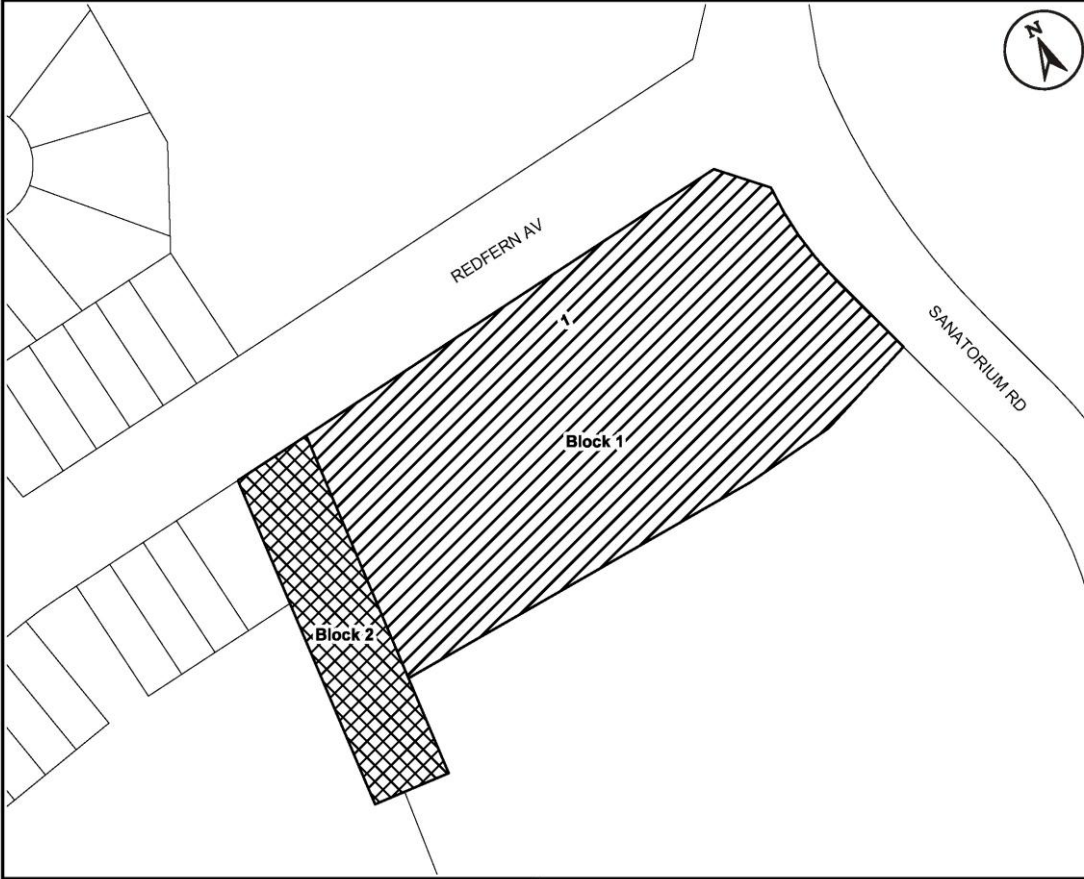



4. That Sheet No. W37 of the District Maps is amended by marking the lands referred to in Section 1 of this By-law as S-1734.
5. That no building or structure shall be erected, altered, extended, or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "DE-2/S-1734" (Multiple Dwellings) District, Modified, subject to the special requirements referred to in Section 2 of this By-law.
6. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law in accordance with the *Planning Act*.

PASSED and ENACTED this ____ day of ____, 2016.

F. Eisenberger
Mayor

R. Caterini
City Clerk

ZAC-15-026

					
<p>This is Schedule "A" to By-law No. 16-</p> <p>Passed the day of, 2016</p>	<p>----- Mayor</p> <p>----- Clerk</p>				
<p style="text-align: center; font-size: 1.2em;">Schedule "A"</p> <p style="text-align: center;">Map Forming Part of By-law No. 16-_____</p> <p style="text-align: center;">to Amend By-law No. 6593</p>	<p>Subject Property</p> <p> Block 1 - Change in zoning from the "DE-2/S-1654" (Multiple Dwellings) District, Modified to the "DE-2/S-1734" (Multiple Dwellings) District, Modified</p> <p> Block 2 - Refer to By-law No. 05-200</p>				
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 2px;"> Scale: N.T.S. </td> <td style="width: 50%; padding: 2px;"> File Name/Number: ZAC-15-026/UHOPA-15-015 </td> </tr> <tr> <td style="padding: 2px;"> Date: April 6, 2016 </td> <td style="padding: 2px;"> Planner/Technician: RC/VS </td> </tr> </table>	Scale: N.T.S.	File Name/Number: ZAC-15-026/UHOPA-15-015	Date: April 6, 2016	Planner/Technician: RC/VS	<div style="text-align: center;">  Hamilton </div>
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<small>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</small>					