



## **PLANNING COMMITTEE**

### **MINUTES 16-015**

**9:30 a.m.**

**Tuesday, September 6, 2016**

**Council Chambers**

**Hamilton City Hall**

**71 Main Street West**

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

**Also Present** Councillor L. Ferguson

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#### **THE FOLLOWING ITEMS WERE REPORTED FOR THE CONSIDERATION OF COUNCIL:**

##### **1. Hamilton Municipal Heritage Committee Report 16-007 (Item 5.2)**

**(Pearson/Partridge)**

**(a) Recommendation to Designate 140 Locke Street South, Hamilton Under Part IV of the Ontario Heritage Act (PED16159) (deferred from the July 28, 2016 meeting)**

- (i) That the designation of 140 Locke Street South, shown in Appendix "A" to Report PED16159, as a property of cultural heritage value pursuant to the provisions of Part IV of the Ontario Heritage Act, be approved;
- (ii) That the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes, attached as Appendix "B" to Report PED16159, which excludes the landscaped (parking) area and the modern addition located on the north side of the original building, be approved; and,
- (iii) That the City Clerk be directed to take appropriate action to designate 140 Locke Street South under Part IV of the Ontario Heritage Act, in accordance with the Notice of Intention to Designate, attached as Appendix "C" to Report PED16159.

**CARRIED**

**2. Appeal to the Ontario Municipal Board (OMB) on the City of Hamilton's Refusal or Neglect to Adopt an Amendment to the Town of Flamborough Zoning By-law No. 90-145-Z for Lands Located at 383 Dundas Street East and 4 First Street (Waterdown) (PED16139) (Ward 15) (Referred from July 5, 2015 meeting.) (Item 8.1)**

**(Partridge/Skelly)**

- (a) That Legal staff be instructed to oppose the Applicant's appeal of the Application to the Ontario Municipal Board (OMB) and to retain outside legal or planning professional(s) for that purpose and charge the costs to the Tax Stabilization Reserve 110046;
- (b) That the (OMB) be advised that the reasons for Council's opposition include but are not limited to:
  - (i) traffic volume and safety;
  - (ii) too high density for size of property;
  - (iii) built form is not compatible with the character of the neighbourhood;
  - (iv) unacceptable adverse impact on privacy of the neighbourhood;
  - (v) possibly insufficient parking and offsite parking impacts;
  - (vi) lack of outdoor amenities (public and private) for the proposed residents of the development; and
  - (vii) does not result in a development that is socially or physically in harmony with the surrounding neighbourhood;
- (c) That the written submissions received from the public be forwarded to the OMB.

**CARRIED**

**3. Urban Hamilton Official Plan Housekeeping Amendment (PED16060) (City Wide) (Item 8.2)**

**(Conley/Pearson)**

- (a) That approval be given to Official Plan Amendment No. XX to the Urban Hamilton Official Plan (UHOP) (CI-16-A) to amend policies, schedules and maps, to implement revised mapping and policies for the Parent Plan contained in Volume 1, Secondary Plans contained in Volume 2 and Area and Site Specifics of Volume 3 of the UHOP, on the following basis:
  - (i) That the **revised** draft Official Plan Amendment (OPA), attached as Appendix "A" to Report PED16060 be adopted by Council;
  - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (PPS) 2014 and conforms to the Growth Plan for the Greater Golden Horseshoe.

- (b) *That the submissions received from the public regarding this matter affected the decision by supporting the approval of the by-law, with amendments.*

**CARRIED**

**4. Improving Planning Application Review (CI-15-E) (PED16040(a)) (City Wide) (Matter referred by Council to the Open for Business Sub-Committee and the HHHBA Liaison Committee on February 24, 2016 for input) (Item 8.3)**

**(Pearson/Partridge)**

(a) That approval be given to Official Plan Amendments:

- (i) No. XX to the Urban Hamilton Official Plan (Appendix “A” to Report PED16040(a)) to:
  - (1) Clarify the circumstances where the City may waive or accept less than the maximum road widening and / or the daylighting triangle requirement established in the Urban Hamilton Official Plan in Section C.4.5.2 or Schedule C-2 – Future Road Widening;
  - (2) Amend Section F.1.19 (Complete Application Requirements and Formal Consultation) to add “Public Consultation Strategy” and “Right of Way Impact Assessment”;
  - (3) Amend Section F.3.2 (Council Adopted Guidelines and Technical Studies) to add implementation requirements for Public Consultation Strategies and Right of Way Impact Assessments;
  - (4) Make administrative changes to correct errors to policy references and policy numbering;
- (ii) No. XX to the Rural Hamilton Official Plan (Appendix “B” to Report PED16040(a)), to:
  - (1) Clarify the circumstances where the City may waive or accept less than the maximum road widening and / or the daylighting triangle requirement established in the Urban Hamilton Official Plan in Section C.4.5.2 or Schedule C-1 – Future Road Widening (Rural);
  - (2) Amend Section F.1.9 (Complete Application Requirements and Formal Consultation) to add “Public Consultation Strategy” and “Right of Way Impact Assessment”;
  - (3) Amend Section F.3.2 (Council Adopted Guidelines and Technical Studies) to add implementation requirements for

Public Consultation Strategies and Right of Way Impact Assessments;

- (4) Make administrative changes to correct errors to policy references and numbering;
- (b) That Council approve the following Guidelines and authorize the Chief Planner to make minor changes as required:
  - (i) “Guidelines for the Preparation of a Planning Justification Report” as set out in Appendix “C” to Report PED16040(a);
  - (ii) “Guidelines for Public Consultation” as set out in Appendix “D” to Report PED16040(a);
  - (iii) “Guidelines for Minor Developments Exempt from Road Widenings” as set out in Appendix “E” to Report PED16040(a).
- (c) ***That the submissions received from the public regarding this matter affected the decision by supporting the granting of the approval of the by-law with amendments.***

**CARRIED**

**5. Coordinated Provincial Plan Review (Growth Plan for the Greater Golden Horseshoe, Greenbelt Plan, Niagara Escarpment Plan) - City of Hamilton Comments on May 2016 Draft Plans (PED15078(b)) (City Wide) (Item 8.4)**

**(Partridge/Pearson)**

- (a) That the City of Hamilton supports the Province’s general directions of the revised Growth Plan for the Greater Golden Horseshoe, the revised Greenbelt Plan, and the revised Niagara Escarpment Plan (NEP) to manage growth by strengthening the economy and population base through complete communities, strong transportation and infrastructure systems, and protecting agricultural lands and natural heritage systems.
- (b) That the City is supportive of the following key updates to the three plans:
  - (i) improved consistency in definitions and terminology (all Plans);
  - (ii) stronger policy linkages between the Growth Plan and the Greenbelt Plan to recognize the inter-relationship between growth management and protecting agricultural and natural heritage resources;
  - (iii) introduction of prime employment area policies, including restriction on institutional uses (Growth Plan);

- (iv) additional exemptions for greenfield density calculations, including transportation and utility corridors and prime employment areas (Growth Plan);
  - (v) identification of *strategic growth areas* as areas to be the focus for accommodating intensification and achievement of the full continuum of public policy goals and investments, rather than encouraging intensification across the entire built-up area (Growth Plan);
  - (vi) expansion of natural heritage policies from the Greenbelt Plan into the 'whitebelt' lands (Growth Plan);
  - (vii) policy direction regarding management of excess soil and fill during the development process (Growth Plan and Greenbelt Plan);
  - (viii) introduction of the Agricultural Support Network, supporting agriculture by planning for economic development, infrastructure and goods movement for agriculture, agri-food strategies, near-urban agriculture, and agri-food and business (Greenbelt Plan);
  - (ix) encouragement of community hubs in rural settlement areas (Greenbelt Plan);
  - (x) clarification in the NEP regarding cultural heritage and existing uses (NEP);
  - (xi) emphasis on low impact development and energy planning, consistent with the City's Community Climate Change Plan (all Plans);
  - (xii) greater recognition of the link between public health and land use planning (all Plans);
- (c) That the City of Hamilton is not in a position to support the increase in the intensification target from 40% to 60%, the increase in the persons and jobs per hectare for greenfield areas from 50 pjh to 80 pjh, and the static built boundary, until such time as the Province evaluates the impact on housing mix and demand in Hamilton, in conjunction with City and Provincial direction to ensure complete communities (Growth Plan);
- (d) That the City of Hamilton provides the following suggestions / revisions regarding the revised Plans / policies:
- (i) Add a statement to the introduction section of the Growth Plan and the Greenbelt Plan to indicate these Plans are not land use plans in their entirety, as certain policies in the revised plans (e.g. agricultural support network, climate change) will require

implementation at both the Provincial and local level through other tools, regulations, policies and guidelines;

- (ii) In the event the Province proceeds with increases to the intensification and density targets (Growth Plan), the following changes are recommended to be undertaken as a package since the targets and built boundary are interrelated:
  - (1) Revise the built boundary to include developed “greenfield areas”, since they are more appropriate to be included within the built-up area;
  - (2) Amend policy 2.2.7.2 of the Growth Plan regarding the increase in the minimum greenfield density target to 80 persons and jobs per hectare (pjh) to indicate that this target shall not apply to greenfield areas which have already been developed, or undeveloped land in a Council-approved Secondary Plan;
  - (3) Amend policy 2.2.7.3 of the Growth Plan to add cemeteries, landfills, infrastructure (stormwater management ponds, roads) and public parks to the features to be excluded from the greenfield density calculation;
- (iii) Revise the Growth Plan Policy requiring adherence to the 2031A forecasts to remove the reference to ‘A’ because the 2031A forecasts are outdated;
- (iv) Add transition regulation policies to all Plans, including a policy to address existing planning matters before the Ontario Municipal Board;
- (v) Amend policy 2.2.4.5 of the Growth Plan to add the words “Municipalities will identify” before the word “major”, to allow the City to identify which *major transit station areas* will be planned at the higher density, as follows:
  - “2.2.4.5 Municipalities will identify *major transit station areas* that will be planned to achieve, by 2041 or earlier, a minimum gross density target of:
    - b) 160 residents and jobs combined per hectare for those that are served by light rail transit or bus rapid transit; or,
    - c) 150 residents and jobs combined per hectare for those that are served by express rail service on the GO Transit network”;

- (vi) Amend the definition of *major transit station area* to provide discretion as to where the additional level of density is appropriate by adding the following text to the end of the second sentence “or an alternate area as defined by the municipality”;
- (vii) Amend the definition of *frequent transit service* to provide greater flexibility to municipalities in how this term should be defined (e.g. daytime only and / or weekday only) and to recognize that frequency of service may evolve as demand increases and to respond to customer needs;
- (viii) Amend the definition of Active Transportation within the Growth Plan to be consistent with the definition from the Provincial Policy Statement (PPS) 2014;
- (ix) Amend policy 2.2.5.5(a) of the Growth Plan to add the word “major” before the word “office”, as follows, so it is clear the prohibition does not apply to small-scale, ancillary office uses:
  - “2.2.5.5 *Prime employment areas* identified in accordance with policies 2.2.5.3 and 2.2.5.4 will be designated in official plans and protected for appropriate employment uses over the long-term by:
    - a) Prohibiting residential and other sensitive land uses, institutional uses, and retail, commercial and major office uses that are not ancillary to the primary employment use”;
- (x) Maintain the definition of *major office* from the current Growth Plan, which refers to freestanding office buildings of 10,000 sq m or greater, which is consistent with the City’s employment area policies of the Urban Hamilton Official Plan (UHOP) and Airport Employment Growth District (AEGD) Secondary Plan;
- (xi) Provide clarity regarding policy 4.2.10 (Climate Change) of the Growth Plan with respect to how these policies can be implemented at the municipal level, including the direction to develop strategies to reduce greenhouse emissions and improve resilience to climate change through land use planning, and the direction to “reflect consideration of the goal of *net-zero communities*” in establishing emission reduction targets;
- (xii) Add policy direction to Section 3.2.2 of the Growth Plan regarding support for electric vehicles and related infrastructure;
- (xiii) Amend policy 2.2.8.2(m) of the Growth Plan to provide guidance on the meaning and subsequent implementation of the term ‘modest’ (e.g. 5% of total land area, lands divided by major roads,

- watercourses, etc.) as it relates to the expansion of Towns/Villages in the Greenbelt Plan area, and the revised policy be incorporated into the Greenbelt Plan to ensure consistency between Plans;
- (xiv) Revise policy 3.4.4.1 of the Greenbelt Plan to indicate that Hamlets shall not be subject to the policies of the Growth Plan regarding complete communities, as rural Hamlets serve a different function in the overall planning structure than urban Towns and Villages, and due to size, population and servicing constraints, will not develop with full community services;
  - (xv) Amend policy 3.2.5.9 of the Greenbelt Plan, which allows for the ability to vary the size of Vegetation Protection Zones (VPZs) for new agricultural buildings adjacent to certain stream types, to apply to all lands within the Protected Countryside and not only the Tender Fruit and Grape Area;
  - (xvi) Amend the definition of *major development* in the Greenbelt Plan as related to development within *key hydrologic areas* to provide an exemption for agricultural buildings, or to increase the minimum ground floor area for agricultural uses;
  - (xvii) Revise policy 3.2.5.6 of the Greenbelt Plan regarding *habitat of endangered species and threatened species* to be consistent with policy 2.1.7 of the PPS 2014;
  - (xviii) That the list of permitted uses within the Escarpment Rural Designation of the Niagara Escarpment Plan be revised to remove Secondary Dwelling Units;
- (e) That the City of Hamilton does not support the creation of provincial mapping of the Agricultural System (LEAR study) for those municipalities that have already completed their own LEAR (Greenbelt Plan);
  - (f) That the City of Hamilton re-affirms its previous recommendations from the June, 2015 Staff Report (Report PED15078), which have not been addressed in the May 2016 Draft revisions:
    - (i) Definitions of climate change and resilient communities should be added to all Plans;
    - (ii) The Growth Plan forecasts should be developed with a range, and not one definitive number, and the forecasts should be updated every 10 years as part of the Plan review;
    - (iii) The future A and T transit lines, in accordance with the directions of The Big Move, should be added to Schedule 5 of the Growth Plan;



- (iv) The minimum lot size for Prime Agricultural areas in the Greenbelt Plan should be reduced to 20 ha, or allow the municipality to identify smaller lot sizes in their Official Plans based on criteria;
  - (v) Rural area policies in the Greenbelt Plan should be broadened to expand the list of uses that may be considered for existing planned highway commercial and industrial areas where the local planning permissions have not been fully implemented and based on site characteristics and other considerations the land will not revert to agricultural uses;
  - (vi) The Greenbelt Plan policies should be amended to allow municipalities the flexibility to alter the size of the Vegetation Protection Zone (VPZ) on the basis of scientific studies;
  - (vii) The definition of intermittent stream in the Greenbelt Plan should be clarified as the current definition is very broad and can include features such as agricultural ditches and swales;
  - (viii) Additional or expanded definitions of natural heritage terms such as core area, linkage area, natural heritage system, vegetation protection zone, urban river valley, natural heritage evaluation and hydrologic evaluation should be added to the Greenbelt Plan to improve clarity and consistency amongst the Plans;
  - (ix) Policy direction regarding severances and/or adaptive re-use of cultural heritage resources should be added to the Greenbelt Plan to provide for alignment between the consent policies of the NEP and the Greenbelt Plan with regard to designated heritage buildings;
  - (x) The conflict between the NEP and the Growth Plan regarding intensification policies versus viewshed protection should be addressed to ensure that not only the policies within individual plans are reviewed, but also the policies between plans, to ensure a balanced approach is achieved;
  - (xi) Clarification should be provided in the NEP regarding the use of landscaping businesses and whether or not this use would be permitted and at what scale;
- (g) That the City of Hamilton re-affirms its previous recommendations on revisions to the Greenbelt boundaries from the December, 2015 Staff Report (Report PED15078(a)), as follows:
- (i) to revise the applicable Greenbelt Plan policies in order to allow municipalities to request changes to Greenbelt Plan designations and boundaries at the conclusion of a municipal comprehensive review, provided the review is completed in accordance with the

Provincial Policy Statement (2014), the Growth Plan for the Greater Golden Horseshoe and meets the goals and objectives of the Provincial Policy Statement and all other applicable Provincial Plans;

- (ii) to defer any decisions on potential changes to the Greenbelt Plan boundaries in the City of Hamilton to allow the City to complete a municipal comprehensive review which will include a full assessment of the opportunities and constraints:
  - (1) to determine the amount and location of land (both non-employment and employment) required to meet the 2031 to 2041 Growth Plan forecasts;
  - (2) to identify appropriate lands to add to the Whitebelt area, in the event that additional land is required for an urban boundary expansion to meet targets and based on the principles of cost effective, complete and healthy communities;
  - (3) to identify appropriate lands to be added to the Greenbelt Plan area;
- (iii) that upon completion of the municipal comprehensive review, City Council request the Province to revise the Greenbelt Plan boundaries prior to the City adopting the Official Plan Amendment relating to Growth Plan conformity and implementation of the Municipal Comprehensive Review;
- (iv) that notwithstanding the above Recommendations, as part of the current Coordinated Provincial Plan Review, the City of Hamilton requests the Province to give consideration to the following modifications to Greenbelt Plan Protected Countryside area as follows:
  - 1. remove the Lower Stoney Creek lands (104 ha) and the lands north of Parkside Drive, east of Centre Road in Waterdown (28 ha) from the Greenbelt Plan, as indicated on Appendix "D" to Report PED15078(b);
- (h) That the City of Hamilton re-affirms its previous recommendations from the Planning Committee and Council meetings of December, 2015 to add the following additional lands to the Greenbelt Plan:
  - (i) south of Twenty Mile Creek, east of Miles Road, north of Airport Road, and west of Trinity Church Road (approximately 430 ha) to the Greenbelt Plan, as identified on Appendix "E" to Report PED15078(b);
  - (ii) Coldwater Creek Urban River Valley;

- (i)** *That the City of Hamilton supports the addition of lands in the vicinity of Book Road, as identified in the May 2016 draft Greenbelt Plan.*
- (j)** That the City of Hamilton re-affirms its previous recommendations from the June, 2015 Staff Report (Report PED15078) and December, 2015 Staff Report (Report PED15078(a)) regarding Niagara Escarpment Plan boundary revisions, as follows:

  - (i)** to redesignate the following lands from “Escarpment Rural” to “Urban Area”, as shown on the attached maps marked as Appendices “F1 to F4”:

    - (1) 385 Jerseyville Road West, Ancaster (Robert E Wade Park);
    - (2) 40 and 70 Olympic Drive, Dundas (Hydro One building and Olympic Park);
    - (3) 345 and 363 Jerseyville Road West, Ancaster;
    - (4) 294 and 296 York Road, Dundas;
  - (ii)** to add the lands located on the Mountain Brow into the Niagara Escarpment Plan Open Space System (NEPOSS), as shown on the attached map marked as Appendix “E5” to Report PED15078(b), which would allow the City to undertake a Management Strategy / Plan for the lands to address maintenance, views from the Brow among other matters;
- (k)** That the City of Hamilton does not support the following requested boundary changes, from private landowners, to the Niagara Escarpment Plan, as identified on Appendices “G1 to G7” to Report PED15078(b):

  - (i)** 658 Highway No. 8, Stoney Creek;
  - (ii)** 1100 Mohawk Road East, Hamilton;
  - (iii)** 513, 531, 537 and 545 Dundas Street East and 518 Parkside Drive, Flamborough;
  - (iv)** 1105 Lower Lions Club Road, Ancaster;
- (l)** That the City of Hamilton encourages the Province to immediately begin, in conjunction with municipalities, the development a land budget methodology with a target completion date of mid-2017;
- (m)** That the Province assists municipalities, both technically and financially, with the implementation of the Provincial Plans by:

  - (i)** reviewing existing mandates of other Ministries to remove any barriers to implementation of the Provincial Plans;
  - (ii)** working with the federal Government to establish long term funding models and investment strategies;

- (n) That the City Clerk's Office be requested to forward Report PED15078(b) to the Ministry of Municipal Affairs and this Report is considered the City of Hamilton's formal comments on the second phase of the Coordinated Provincial Plan Review.

**CARRIED**

**6. Response to the Ministry of Municipal Affairs and Ministry of Housing Consultation Guide on Inclusionary Zoning (PED16176) (City Wide) (Item 8.5)**

**(Green/Pearson)**

- (a) That Council reiterate support of Inclusionary Zoning as a tool to assist with the creation of affordable units within Hamilton, as detailed under previous adopted City Report CES15032 and in the responses to Bill 73 provided to the Province through Report PED15093;
- (b) That Council endorse the comments and recommendations contained in Report PED16176 and that the City Clerk be directed to forward Report PED16176 and Appendix "B" to Report PED16176 to the Ministry of Municipal Affairs and the Ministry of Housing as formal comments in response to the "Inclusionary Zoning – Consultation Discussion Guide, May 2016" and Bill 204, an Act to amend or repeal various Acts with respect to housing and planning related matters;
- (c) That following the proclamation of Bill 204, the *Promoting Affordable Housing Act*, staff be directed to engage with the Province on regulations considered within Appendix "B" to Report PED16176;
- (d) That following the proclamation of Bill 204, the *Promoting Affordable Housing Act*, staff be directed to consult with the community and report back to Planning Committee with a proposed framework for inclusionary zoning in Hamilton.

**CARRIED**

**FOR THE INFORMATION OF COMMITTEE:**

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

The Committee Clerk advised of the following changes:

**ADDED DELEGATION REQUESTS**

- 4.2 Jim Duschl, Waterdown, respecting Item 8.1, Appeal to the Ontario Municipal Board (OMB) on the City of Hamilton's Refusal or Neglect to

Adopt an Amendment to the Town of Flamborough Zoning By-law No. 90-145-Z for Lands Located at 383 Dundas Street East and 4 First Street (Waterdown) (PED16139) (Ward 15) (For today's meeting)

- 4.3 Sarah Knoll, GSP Group Inc., on behalf of Avatar International Holdings, respecting Item 8.4, Coordinated Provincial Plan Review (Growth Plan for the Greater Golden Horseshoe, Greenbelt Plan, Niagara Escarpment Plan) - City of Hamilton Comments on May 2016 Draft Plans (PED15078(b)) (City Wide) (For today's meeting)
- 4.4 Mike Hawkrigg, 4 Balgownie Court Waterdown respecting Item 8.1 Appeal to the Ontario Municipal Board (OMB) on the City of Hamilton's Refusal or Neglect to Adopt an Amendment to the Town of Flamborough Zoning By-law No. 90-145-Z for Lands Located at 383 Dundas Street East and 4 First Street (Waterdown) (PED16139) (Ward 15) (For today's meeting)
- 4.5 Suzanne Mammel of the Hamilton Halton Home Builders Association respecting Items 8.2 through to 8.5 (For today's meeting)

#### **ADDED WRITTEN COMMENTS**

The following added written comments are regarding Item 8.1, Appeal to the Ontario Municipal Board (OMB) on the City of Hamilton's Refusal or Neglect to Adopt an Amendment to the Town of Flamborough Zoning By-law No. 90-145-Z for Lands Located at 383 Dundas Street East and 4 First Street (Waterdown) (PED16139) (Ward 15):

- 8.1(iii) Bonnie & Gordon Robb, 19 Boulding Avenue, Waterdown
- 8.1(iv) Stewart White, 2 Boulding Avenue, Waterdown
- 8.1(v) Marilyn J. Hawkrigg, 10 First Street, Waterdown
- 8.1(vi) Danielle Garrett, 26 Boulding, Waterdown
- 8.1(vii) Jason Merrithew, 43 Milverton Close, Waterdown
- 8.1(viii) Frank Snyder – 6 Boulding Avenue, Waterdown
- 8.1(ix) Brenda & Denis Holmes, Milverton Close, Waterdown
- 8.1(x) Michael and Rosemary Hawkrigg, 4 Balgownie Court, Waterdown
- 8.1(xi) Gayle and Jim Reece, 363 Dundas Street, Waterdown
- 8.1(xii) Marilyn Wilkinson, 50 Hamilton Street South, Unit 26, Waterdown

- 8.1(xiii) David M. Coleman, 8 First Street, Waterdown
- 8.1(xiv) Andy Crawford, 19 Pamela Street, Waterdown
- 8.1(xv) Cheryl Selig, Senior Planner, T. Johns Consulting Group Ltd.
- 8.1(xvi) Garry Coles, 18 Milverton, Waterdown
- 8.1(xvii) Jim Seferiades, 8 Balgownie Court, Waterdown

**(Farr/Collins)**

That the agenda for the September 6, 2016 meeting be approved as amended.

**CARRIED**

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

Councillor Green declared an interest with respect to Item 9.1 as he is the owner of a fitness centre.

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

**(i) August 9, 2016 (Item 3.1)**

**(Farr/Collins)**

That the Minutes of the August 9, 2016 meeting be approved.

**CARRIED**

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

**(Partridge/Pasuta)**

That the following delegation requests be approved to address Committee at today's meeting:

- 4.1 Cindy Mayor, 7 Milverton Close, Waterdown, regarding concerns with the development proposed at 383 Dundas Street East and 4 First Street, Waterdown.
- 4.2 Jim Duschl, Waterdown, respecting Item 8.1, Appeal to the Ontario Municipal Board (OMB) on the City of Hamilton's Refusal or Neglect to Adopt an Amendment to the Town of Flamborough Zoning By-law No. 90-145-Z for Lands Located at 383 Dundas Street East and 4 First Street (Waterdown) (PED16139) (Ward 15)
- 4.3 Sarah Knoll, GSP Group Inc., on behalf of Avatar International Holdings, respecting Item 8.4, Coordinated Provincial Plan Review (Growth Plan for the Greater Golden Horseshoe, Greenbelt Plan, Niagara Escarpment Plan) - City of Hamilton Comments on May 2016 Draft Plans (PED15078(b)) (City Wide)

- 4.4 Mike Hawkrigg, 4 Balgownie Court Waterdown respecting Item 8.1 Appeal to the Ontario Municipal Board (OMB) on the City of Hamilton's Refusal or Neglect to Adopt an Amendment to the Town of Flamborough Zoning By-law No. 90-145-Z for Lands Located at 383 Dundas Street East and 4 First Street (Waterdown) (PED16139) (Ward 15)
- 4.5 Suzanne Mammel of the Hamilton Halton Home Builders Association respecting Items 8.2 through to 8.5

**CARRIED**

**(e) CONSENT ITEMS (Item 5)**

- (i) **Proposal to Proceed with an OMB Appeal for Minor Variance Application, 975 Beach Boulevard, Hamilton (LS16021/PED16148) (Ward 5) (Item 5.1)**  
**(Collins/Farr)**  
That Report LS16021/PED16148 be TABLED until the September 20, 2016 meeting to allow the Ward Councillor to meet with staff and the applicant.

**CARRIED**

**(f) PUBLIC HEARING (Item 6)**

- (i) **Application to Amend the Town of Dundas Zoning By-law No. 3581-86 for Lands Located at 118 Hatt Street (Dundas) (PED16177) (Ward 13) (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 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.

Staff advised that the applicant wishes to have the report referred back for a possible revision to the application.

James Webb, of WEBB Planning Consultants, representing the owner, was in attendance and he confirmed that his client wishes to have the report referred back to staff.

**(Partridge/Farr)**

- (a) That Report PED16177 respecting Application to Amend the Town of Dundas Zoning By-law No. 3581-86 for Lands Located at 118 Hatt Street (Dundas) be referred back to staff to allow the applicant the opportunity to revise his application;
- (b) That the public meeting be continued when the Report is brought back to Committee at a future meeting.

**CARRIED**

**(g) DISCUSSION (Item 8)**

- (i) **Appeal to the Ontario Municipal Board (OMB) on the City of Hamilton's Refusal or Neglect to Adopt an Amendment to the Town of Flamborough Zoning By-law No. 90-145-Z for Lands Located at 383 Dundas Street East and 4 First Street (Waterdown) (PED16139) (Ward 15) (Referred from July 5, 2015 meeting.) (Item 8.1)**

Chair B. Johnson advised those in attendance that this is not a statutory public meeting under the *Planning Act* and, as the application has been appealed, the matter is in the hands of the Ontario Municipal Board and Council is not in a position to make a decision regarding the application.

This Item is on the agenda for Committee to make a recommendation to Council as to what position the City should take on the appeal. The Ward Councillor's motion at the July 5, 2016 Planning Committee meeting referred the matter to this meeting to provide an opportunity to the public to share its views with the Committee Members for their consideration.

Legal staff are in attendance to provide advice regarding the appeal and it is preferable to hear that advice in camera.

**Written Comments**

- 8.1(i) Residents of First Street and James Street, Waterdown
- 8.1(ii) Rena Cornelius, 4 Boulding Avenue, Waterdown
- 8.1(iii) Bonnie & Gordon Robb, 19 Boulding Avenue, Waterdown
- 8.1(iv) Stewart White, 2 Boulding Avenue, Waterdown
- 8.1(v) Marilyn J. Hawkrigg, 10 First Street, Waterdown
- 8.1(vi) Danielle Garrett, 26 Boulding, Waterdown
- 8.1(vii) Jason Merrithew, 43 Milverton Close, Waterdown
- 8.1(viii) Frank Snyder – 6 Boulding Avenue, Waterdown



- 8.1(ix) Brenda & Denis Holmes, Milverton Close, Waterdown
- 8.1(x) Michael and Rosemary Hawkrigg, 4 Balgownie Court, Waterdown
- 8.1(xi) Gayle and Jim Reece, 363 Dundas Street, Waterdown (Copy attached)
- 8.1(xii) Marilyn Wilkinson, 50 Hamilton Street South, Unit 26, Waterdown (Copy attached)
- 8.1(xiii) David M. Coleman, 8 First Street, Waterdown (Copy attached)
- 8.1(xiv) Andy Crawford, 19 Pamela Street, Waterdown (Copy attached)
- 8.1(xv) Cheryl Selig, Senior Planner, T. Johns Consulting Group Ltd. (Copy attached)
- 8.1(xvi) Garry Coles, 18 Milverton, Waterdown (Copy attached)
- 8.1(xvii) Jim Seferiades, 8 Balgownie Court, Waterdown (Copy attached)

**(Partridge/Skelly)**

That the written comments, Items 8.1(i) and 8.1(xvii) be received.

**CARRIED**

**Speakers**

**1. Cindy Mayor, 7 Milverton Close, Waterdown**

Cindy Mayor addressed Committee and read from a prepared statement. Copies were distributed and a copy has been retained for the public record and is available for viewing on the City's website. Some of her concerns include the following:

- Density
- Lack of Green Space
- Conformity with existing neighbourhoods
- Proposed walkways and parking
- Traffic and safety issues

**2. Jim Duschl, 6 First Street, Waterdown**

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

- He has been a Waterdown resident all his life – over 60 years;
- The proposed development doesn't fit into the existing neighbourhood which consists of detached homes;
- There are no nearby parks for kids;
- Parking will be a challenge;
- Danger for pedestrians and cyclists;
- Traffic congestion.

**3. Mike Hawkrigg, 4 Balgownie Court Waterdown)**

Mike Hawkrigg addressed Committee and read from his prepared statement. Copies were distributed (Item 8.1(x)) and a copy has been retained for the public record and is available for viewing on the City's website. His concerns included:

- Not opposed to residential development but is opposed to this proposal;
- 81 townhouses do not conform with the existing single family homes;
- The density;
- Traffic and parking;
- The proposed building height will affect privacy and the daylight;
- Not enough green space;
- Adverse effect on the existing neighbourhood;
- Lack of regard by the developer.

**(Partridge/Pearson**

That the delegations be received.

**CARRIED**

For disposition of this matter refer to Item 2.

**(ii) Urban Hamilton Official Plan Housekeeping Amendment (PED16060) (City Wide) (TABLED May 31, 2016) (Item 8.2)**

**8.2(a) Revised Appendix "A" to Report PED16060.**

**(Pasuta/Green)**

That Report PED160160 be LIFTED from the TABLE.

**CARRIED**

**Speakers**

1. **Suzanne Mammel of the Hamilton Halton Home Builders Association (Added Item 4.5)**

Suzanne Mammel of the Hamilton Halton Home Builders Association addressed Committee and indicated that, as per her previous delegation, the main concern of the Association was the “shall” vs “may” wording and it is her understanding from staff that this has been addressed so she is in support of this Item.

**(Skelly/Collins)**

That the delegation be received.

**CARRIED**

**(Conley/Pearson)**

(a) That the Report, with the revised Appendix “A”, be approved;

(b) That the recommendations be amended to reflect that the comments supported the approval of the Report with amendments.

**Amendment CARRIED**

For disposition of this matter refer to Item 3.

- (iii) **Improving Planning Application Review (CI-15-E) (PED16040(a)) (City Wide) (Matter referred by Council to the Open for Business Sub-Committee and the HHHBA Liaison Committee on February 24, 2016 for input)(Item 8.3)**

Kirsten McCauley, Planner, addressed Committee with the aid of a PowerPoint presentation. A copy is available for viewing on the City’s website. Staff responded to questions from Committee.

**(Pasuta/Skelly)**

That the staff presentation be received.

**CARRIED**

**Speakers**

- (i) **Suzanne Mammel of the Hamilton Halton Home Builders Association (Added Item 4.5)**

Suzanne Mammel of the Hamilton Halton Home Builders Association addressed Committee and indicated that this is a follow-up of her previous delegation. She appreciates having had the opportunity for further consultation. She is in support of the changes. However with respect to the public consultation process, her colleagues have some concerns and have not had the

opportunity to review and provide input. Staff have indicated that they will work with Members of the Association in this regards.

**(Green/Conley)**

That the delegation be received.

**CARRIED**

**(Pearson/Partridge)**

That the recommendations be amended to include that the submissions received affected the approval of the by-law with amendments.

**Amendment CARRIED**

For disposition of this matter refer to Item 4.

- (iv) Coordinated Provincial Plan Review (Growth Plan for the Greater Golden Horseshoe, Greenbelt Plan, Niagara Escarpment Plan) - City of Hamilton Comments on May 2016 Draft Plans(PED15078(b)) (City Wide) (Item 8.4)**

Heather Travis, Senior Planner, addressed Committee with the aid of a PowerPoint presentation. A copy is available for viewing on the City's website. Copies of the hand-out were distributed and a copy has been retained for the public record. Staff responded to questions from Committee.

**(Pearson/Pasuta)**

That the staff presentation be received.

**CARRIED**

### **Speakers**

- 1. Sarah Knoll, GSP Group Inc., on behalf of Avatar International Holdings (Added 4.3)**

Brenda Khes of GSP Group Inc. addressed Committee on behalf of her client Avatar International Holdings and 1800615 Ontario Inc. The owners, Sergio Manchia and Peter DiCenzo were in attendance. She provided a slide of a map showing the lands at the N/W corner of Barton Street and Fifty Road in Stoney Creek. Copies were distributed and a copy has been retained for the public record and is available for viewing on the City's website. Brenda Khes indicated that these lands were initially recommended to be in the urban boundary as part of the Stoney Creek Urban Boundary Expansion (SCUBE) study. Staff have recommend to the Province that theses lands be taken out of the Greenbelt. These lands are an anomaly. It is a small parcel bounded by the urban boundary and two arterial roads. It makes complete sense to remove them from the Greenbelt and put them in the Urban Boundary.

Sergio Manchia of Avatar International addressed Committee. He indicated that the SCUBE process took a long time and it was held up because it was appealed and these lands ended up in the Greenbelt as an error. You can't grow anything on this parcel of land. It is dryer than a dessert. It is going to blow dust. He understands that the General Manager is going to meet with the Ministry to draw this issue to their attention. He asked Committee to give direction that special attention be given to this matter.

**(Pearson/Farr)**

That the delegation be received.

**CARRIED**

**2. Suzanne Mammel of the Hamilton Halton Home Builders Association (Added Item 4.5)**

Suzanne Mammel of the Hamilton Halton Home Builders Association addressed Committee and stated that she is in support of the staff Report. However, she is disappointed that the Report did not request the decoupling of the industrial and residential density requirements.

Many existing City policies will need to be changed and the Association is willing to work with the City. The Association has invited the Committee to attend a breakfast work shop next Friday on how to make this work.

**(Conley/Partridge)**

That the delegation be received.

**CARRIED**

**(Green/Farr)**

That the following be added as subsection (i) and the subsequent subsections be re-lettered accordingly:

- (i) That the City of Hamilton supports the addition of lands in the vicinity of Book Road, as identified in the May 2016 draft Greenbelt Plan.

**Amendment CARRIED**

Councillors Green and B. Johnson indicated that they wished to be recorded as OPPOSED to the balance of this Item.

For disposition of this matter refer to Item 5.

**(v) Response to the Ministry of Municipal Affairs and Ministry of Housing Consultation Guide on Inclusionary Zoning (PED16176) (City Wide) (Item 8.5)**

Edward John, Senior Planner, addressed Committee with the aid of a PowerPoint presentation and a copy is available for viewing on the City's website. Staff responded to questions from Committee.

**(Green/Conley)**

That the staff presentation be received.

**CARRIED**

**Speakers**

**1. Suzanne Mammel of the Hamilton Halton Home Builders Association (Added Item 4.5)**

Suzanne Mammel of the Hamilton Halton Home Builders Association addressed Committee and noted that this whole process regarding inclusionary zoning is very preliminary in nature. The Province is gathering information at this stage. It is important to understand that inclusionary zoning is not about social housing. It is the inclusion of below market value units which will not solve all the problems. The price of housing is increasing faster than incomes. Unless checks and balances are put into place, other homeowners will end up paying the difference. Also, across the board use of cash-in-lieu is not a good idea. The Association wants to work with the City regarding this issue.

**(Conley/Partridge)**

That the delegation be received

**CARRIED**

For disposition of this matter refer to Item 6.

**(h) MOTIONS**

**(i) Appeal to the Ontario Municipal Board (OMB) on the City of Hamilton's Refusal or Neglect to Adopt and Amendment the Urban Hamilton Official Plan and Zoning By-law No. 05-200 for Lands Located at 66 Innovation Drive, Flamborough (Ward 15) (Item 9.1)**

**(Partridge/Pasuta)**

WHEREAS applications have been made by 1592797 Ontario Limited, (the "Applicant") to add a site-specific policy to Volume 3 of the Urban Hamilton Official Plan (UHOP) to permit ancillary uses (a recreation / fitness centre) and to amend the Prestige Business Park (M3) Zone of Zoning By-law No. 05-200 to permit a recreation and fitness centre as a permitted use, to establish parking requirements for a recreation / fitness use; and to

recognize an existing legal non-conforming landscape strip of 3.0 m for lands located at 66 Innovation Drive, Flamborough;

WHEREAS, the Applicant appealed the City of Hamilton's refusal or neglect to approve the Application;

WHEREAS, neighbouring residents have identified concerns regarding overflow parking and the resulting inability for delivery trucks to access the adjacent business but have not had the opportunity to make submissions to City Council regarding their concerns; and

WHEREAS City Council desires to receive the input of the public regarding the Application;

THEREFORE BE IT RESOLVED:

- (a) That staff be directed to prepare a report regarding the Applicant's appeal to the City's Planning Committee at its meeting of September 20<sup>th</sup>, 2016;
- (b) That staff be directed to advise all property owners within 120m of the subject lands of the September 20<sup>th</sup>, 2016 date of Planning Committee's consideration of the appeal of the Application so that members of the public have the opportunity to appear as a delegation before the Planning Committee regarding the proposed development;
- (c) That staff be directed to report back on how to revise Council's current policy respecting OMB appeals for non-decision to ensure the public has the opportunity to provide input.

**CARRIED**

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

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

**(Farr/Skelly)**

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

Item "S" - Staff to report back re: the Business Licensing Audit Review Update PED13037(c) regarding whether the revenues justify the requirement of the FTE

Due Date: September 6, 2016

New Due Date: November 1, 2016

Item "T" – Item 5 of HMHC Report 15-005 re: inclusion of 1021 Garner Rd E on register of properties of cultural heritage value or interest

Due Date: September 6, 2016

New Due Date: January 31, 2017

Item "P" – Staff to report back on Feasibility of Licensing Cats in Urban area

Due Date: October 4, 2016

New Due Date: November 1, 2016

(b) That the following Item be removed:

Item "CC" - Report PED16040 respecting Improving Planning Application Review referred to the Open for Business Committee and HHHBA Liaison for input back to Planning Committee (Item 8.3 on this agenda.)

**CARRIED**

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

**(Green/Pasuta)**

There being no further business, that the Planning Committee be adjourned at 1:17p.m.

**CARRIED**

Respectfully submitted,

Councillor B. Johnson  
Chair, Planning Committee

Ida Bedioui  
Legislative Co-ordinator  
Office of the City Clerk