



PLANNING COMMITTEE

REPORT 16-017

9:30 a.m.

Tuesday, October 4, 2016

Council Chambers

Hamilton City Hall

71 Main Street West

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

Absent with regrets: Councillor A. Johnson (2nd Vice Chair), personal

THE PLANNING COMMITTEE PRESENTS REPORT 16-017 AND RESPECTFULLY RECOMMENDS:

1. Proposal to Proceed with an OMB Appeal for Minor Variance Application, 975 Beach Boulevard, Hamilton (LS16021/PED16148) (Ward 5) (Referred from the September 28, 2016 Council meeting) (Added Item 5.1)

That the following action, as detailed in Report LS16021/PED16148, respecting the appeal of the City of Hamilton Committee of Adjustment Minor Variance Application HM/A-16:36 (Owner/Applicant: Terri Laan), 975 Beach Boulevard (Hamilton), be approved:

- (a) That the City of Hamilton proceed with the appeal to the Ontario Municipal Board (OMB) against the decision of the Committee of Adjustment to approve Application HM/A-16:36;
- (b) That appropriate Legal Services, Growth Management, and Planning staff be directed to attend the future OMB Hearing in opposition to the decision of the Committee of Adjustment to approve Application HM/A-16:36;
- (c) That staff be authorized to enter into settlement discussions with the property owner for the purpose of resolving the City's appeal and to report back to Planning Committee with any proposed settlement.

2. City of Hamilton Comprehensive Zoning By-law: Proposed Transit Oriented Corridor Zones (PED16100(a)) (Wards 1-4) (Item 6.1)

- (a) That approval be given to Official Plan Amendment (OPA) No. XX to the Urban Hamilton Official Plan (UHOP) to amend policies, schedules and maps, to implement up-to-date mapping and policies on the Transit Oriented Corridor located along Main Street from McMaster University to Hwy. 403, King Street from Hwy 403 to the Delta and along Main Street East to the Queenston Traffic Circle on the following basis:
 - (i) That the Draft Official Plan Amendment, attached as Appendix “A” to Report PED16100(a), be adopted by Council; and,
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (PPS) 2014, conforms to Growth Plan for the Greater Golden Horseshoe, 2006 (P2G).
- (b) That approval be given to City Initiative CI-15-F to add three new zones to Zoning By-law 05-200, to add special exceptions, to add and amend definitions, and parking provisions and to amend general provisions, and other administrative sections of the By-law to implement the new zones, on the following basis:
 - (i) That the Draft By-law, attached as Appendix “B” to Report PED16100(a), as amended to reclassify the front lot line of 906 Main Street West to be the lot line abutting Main Street West, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council; and,
 - (ii) That the proposed changes in zoning will be in conformity with the Urban Hamilton Official Plan upon approval of Official Plan Amendment No. .
- (c) That the submissions received from the public supported the approval of the Zoning By-law with amendments;
- (d) That staff be directed to consider extending the microbrewery regulations proposed for the LRT corridor zones to:
 - (i) the Downtown Secondary Plan and associated changes to Zoning By-law No. 05-200; and,
 - (ii) other appropriate commercial areas across the City (urban area) as part of the future commercial/mixed use zoning project.

**3. Elevators in Multi-Storey Residential Buildings (PED16045(b)) (City Wide)
(Outstanding Business List Item) (Item 8.1)**

- (a) That the Property Standards By-law No. 10-221 be amended to specify that an order to maintain an elevator may include the requirement that signs be installed providing the occupants of the building the contact information of the property owner / manager and the City of Hamilton Municipal Law Enforcement Section to call when elevators are inoperative or otherwise not maintained;
- (b) That the draft amending by-law to the Property Standards By-law No. 10-221, attached as Appendix "A" to Report PED16045(b) which has been prepared in a form satisfactory to the City Solicitor, be enacted.

FOR THE INFORMATION OF COMMITTEE:

(a) CHANGES TO THE AGENDA (Item 1)

The Committee Clerk advised of the following changes:

ADDED REPORT

- 5.1 Proposal to Proceed with an OMB Appeal for Minor Variance Application, 975 Beach Boulevard, Hamilton (LS16021/PED16148) (Ward 5)
(Referred from the September 28, 2016 Council meeting)

TYP0 IN BY-LAW AND CHANGE IN ORDER

- 8.1 Elevators in Multi-Storey Residential Buildings (PED16045(b)) (City Wide)
(Outstanding Business List Item)

The By-law attached as Appendix "A" to the above Item has a typographical error. The corrected version has been distributed. Also, for better efficiency this Item will be considered prior to the Public Meeting portion of the agenda.

ADDED NOTICE OF MOTION

- 10.1 Review of the Current By-law Enforcement Service Levels in the McMaster University Neighbourhoods

The agenda for the October 4, 2016 meeting was approved as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

There were none declared.

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

(i) September 20, 2016 (Item 3.1)

The Minutes of the September 20, 2016 meeting were approved.

(d) CONSENT

(i) Proposal to Proceed with an OMB Appeal for Minor Variance Application, 975 Beach Boulevard, Hamilton (LS16021/PED16148) (Ward 5) (Referred from the September 28, 2016 Council meeting) (Added Item 5.1)

The following subsection (c) was added:

- (c) That staff be authorized to enter into settlement discussions with the property owner for the purpose of resolving the City's appeal and to report back to Planning Committee with any proposed settlement.

For disposition of this matter refer to Item 1.

(e) PUBLIC HEARING (Item 6)

(i) City of Hamilton Comprehensive Zoning By-law: Proposed Transit Oriented Corridor Zones (PED16100(a)) (Wards 1-4) (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 Comprehensive Zoning By-law 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.

Diana Yakhni, Planner and Shannon McKie, Senior Planner, provided an overview of the report with the aid of a PowerPoint presentation. Copies of the hand-out were distributed. A copy has been retained for the public record and is available for viewing on the City's website. They covered the following topics:

- Zoning By-law 05-200
- Interim Control By-law
- The Vision for the LRT
- Setting the Stage
- Developing Regulations
- Consultation Strategy
- Transit Oriented Corridor (TOC) Zones

Staff responded to questions from Committee.

The staff presentation was received.

Speakers

1. Steve Fraser of A.J. Clark representing his client, Adorn Investments Limited, 906 Main Street West

Steve Fraser addressed Committee and indicated that he is representing his client Mr. Dan Gabriele who operates Adorn Investments Limited at 906 Main Street West. His comments included but were not limited to the following:

- The lands at 906 Main Street West are defined by a front lot and side lot;
- The lot line on Main Street is the shorter of the two, the longer lot line is on Longwood;
- The westerly lot line abuts the proposed continuation of the “Mixed Use – Medium Density” Designation and it will not meet the 7.5 metre set back;
- He sees two solutions:
 - His preference would be to add the words “abutting a Residential Zone or Institutional Zone” to Subsection 11.1.3 b) of the “Regulations” in the proposed Zoning By-law Amendment;
 - The other option which is preferred by staff is to reclassify the property lot line on Main Street as being the front lot line.

The delegation was received.

2. Valerie Righton, owner of 165 Queenston Road

Valerie Righton addressed Committee and she is the owner of the property at 165 Queenston Road and her son operates a garage at this location. It has a legal non-conforming use as a garage. She asked for reassurance that her son and the other tenants would be able to continue operating their businesses at this location.

Staff confirmed that as of the date of the passing of this by-law, as long as the use doesn't change, even if it is sold to a new operator who continues to operate the same use, the legal non-conforming status would not change.

The delegation was received.

The public meeting was closed.

The proposed Zoning By-law, attached as Appendix "B" to Report PED16100(a) was amended so that the front lot line of the property located at 906 Main West be reclassified as the Main Street lot line.

The staff recommendations were amended by adding the following subsection (c):

- (c) That the submissions received from the public affected the approval of the zoning by-law with amendments.

The staff recommendations were amended by adding the following subsection (d):

- (d) That staff be directed to consider extending the microbrewery regulations proposed for the LRT corridor zones to:
 - (i) the Downtown Secondary Plan and associated changes to Zoning By-law No. 05-200; and,
 - (ii) other appropriate commercial areas across the City (urban area) as part of the future commercial/mixed use zoning project.

For disposition of this matter refer to Item 2.

(f) NOTICES OF MOTION

Councillor Farr presented the following Notice of Motion on behalf of Councillor A. Johnson who was not in attendance:

(i) Review of the Current By-law Enforcement Service Levels in the McMaster University Neighbourhoods (Added Item 10.1)

WHEREAS, there is one full-time Environmental Bylaw officer, assisted by one part-time officer, and student help in the summer assigned to Ward 1 (West Hamilton);

WHEREAS, additional staff resources are assigned to enforce By-law violations during the times when students are moving in and out of rental units (i.e. September and April);

WHEREAS, discussions with the Westdale and Ainslie Wood neighbourhood associations, reveal that one full-time By-law officer is not sufficient to deal with ongoing noise pollution and hygiene problems associated with bad student housing in the community, and;

WHEREAS, the problems with bad student housing in the community are not concentrated in a few particular weeks (i.e. September and April);

THEREFORE, BE IT RESOLVED:

- (a) That staff be directed to review the current By-law Enforcement service levels in the McMaster neighbourhoods, and report back to the Planning Committee before the 2017 budget deliberations begin with:
 - (i) options for increasing the levels of by-law enforcement in the McMaster neighbourhoods including additional staff, re-prioritizing enforcement efforts to allow reassignment of current staff, or any other practical options; and
 - (ii) detailed cost estimates for each of the increased service level options along with possible funding sources for any option which would result in increased expenditures.
- (b) That staff enter into discussions with McMaster University to explore possible cost-sharing arrangements for increasing the levels of by-law enforcement in the McMaster neighbourhoods.

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

(i) Outstanding Business List (Item 11.1)

- (a) The following Item was removed:

Item "BB" - Staff to consult with ACPD on nature and location of signs to be posted in residential buildings having disabled elevator issues and report back to Planning.

(h) ADJOURNMENT (Item 13)

There being no further business, the Planning Committee was adjourned at 11:36 a.m.

Respectfully submitted,

Councillor B. Johnson
Chair, Planning Committee

Ida Bedioui
Legislative Co-ordinator
Office of the City Clerk