



## **PLANNING COMMITTEE**

### **REPORT 16-021**

**9:30 a.m.**

**Tuesday, December 6, 2016**

**Council Chambers**

**Hamilton City Hall**

**71 Main Street West**

---

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

**Also present:** Councillors T. Whitehead and L. Ferguson

---

### **THE PLANNING COMMITTEE PRESENTS REPORT 16-021 AND RESPECTFULLY RECOMMENDS:**

#### **1. CONFIRMATION OF CHAIR AND 1<sup>ST</sup> VICE CHAIR AND APPOINTMENT OF 2<sup>ND</sup> VICE CHAIR FOR 2017**

- (a) That Councillor Maria Pearson be appointed Chair of the Planning Committee for 2017;
- (b) That Councillor Aidan Johnson be appointed 1<sup>st</sup> Vice Chair of the Planning Committee for 2017;
- (c) That Councillor Jason Farr be appointed 2<sup>nd</sup> Vice Chair of the Planning Committee for 2017.

#### **2. Accessible Taxicab Licensing (PED16232) (City Wide) (Item 5.2)**

- (a) That in 2017, six (6) accessible taxicab plates be issued as follows:
  - (i) Firstly, to individuals on the taxicab priority list;
  - (ii) Secondly, to qualified licensed drivers within the Hamilton taxi industry in accordance with the criteria as outlined in Appendix "A" attached to Report PED16232;

- (b) That in each of 2018 and 2019, an additional six (6) accessible taxicab plates be issued in the same manner as outlined in Recommendation (a)(i) and (ii) of Report PED16232 above, for a total complement of eighteen (18) new accessible taxicab plates.

**3. Application for Approval of Draft Plan of Condominium (Common Element), by Mattamy Homes (Waterdown) Inc., for Lands Known as 470 Parkside Drive (Waterdown) (PED16230) (Ward 15) (Item 6.1)**

- (a) That approval be given to Draft Plan of Condominium Application 25CDM-201313, by Mattamy Homes (Waterdown) Inc., Owner, to establish a Draft Plan of Condominium (Common Element) to create a condominium road with manoeuvring area, internal sidewalks, a 1,402 sq m landscaped area, and 17 visitor parking spaces for 38 freehold townhouse units consisting of 27 rear lane townhouse dwelling units and 11 standard condominium townhouse dwelling units, on lands located at 470 Parkside Drive (Waterdown), as shown on Appendix "A" to Report PED16230, subject to the following conditions:
  - (i) That the approval for Draft Plan of Condominium (Common Element) Application 25CDM-201313 applies to the plan prepared by Rady-Pentex & Edward Surveying Ltd., certified by R. Denbroeder, OLS, and dated September 22, 2016, consisting of a condominium road with manoeuvring area, internal sidewalks, a 1,402 sq m landscaped area and 17 visitor parking spaces attached as Appendix "B" to Report PED16230;
  - (ii) That the conditions of Draft Plan of Condominium Approval provided as Appendix "C" to Report PED16230 be received and endorsed by City Council.
- (b) That there were no submissions received from the public regarding this matter.

**4. Application for Approval of Draft Plan of Condominium (Common Element), by Mattamy Homes (Waterdown) Inc., for Lands Known as 493 Dundas Street East (Waterdown) (PED16231) (Ward 15) (Item 6.2)**

- (a) That approval be given to Draft Plan of Condominium Application 25CDM-201314, by Mattamy Homes (Waterdown) Inc., Owner, to establish a Draft Plan of Condominium (Common Element) to create a condominium road with manoeuvring area, internal sidewalks, a 912 sq m landscaped area, and 30 visitor parking spaces for 84 freehold townhouse units consisting of 15 rear lane townhouse dwelling units, 10 live-work units, 34 maisonette dwelling units, and 25 standard condominium townhouse dwelling units,

on lands located at 493 Dundas Street East (Waterdown), as shown on Appendix "A" to Report PED16231, subject to the following conditions:

- (i) That the approval for Draft Plan of Condominium (Common Element) Application 25CDM-201314 applies to the plan prepared by Rady-Pentex & Edward Surveying Ltd., certified by R. Denbroeder, OLS, and dated September 22, 2016, consisting of a condominium road with manoeuvring area, internal sidewalks, a 912 sq m landscaped area and 30 visitor parking spaces attached as Appendix "B" to Report PED16231;
  - (ii) That the conditions of Draft Plan of Condominium Approval provided as Appendix "C" to Report PED16231 be received and endorsed by City Council.
- (b) That there were no submissions received from the public regarding this matter.

**5. Proposed Zoning By-law Amendment for Lands Located at 120 Binbrook Road, Glanbrook (PED16228) (Ward 11) (Item 6.3)**

- (a) That approval be given to Amended Zoning By-law Amendment Application ZAA-16-049, by John and Eva Vuckovic, Owners, for a change in zoning from the Agriculture (A1) Zone and the Conservation / Hazard Land Rural (P6) Zone in the City of Hamilton Zoning By-law No. 05-200 to the Agriculture (A1, 482) Zone, Modified and the Conservation / Hazard Land Rural (P6, 482) Zone, Modified, in order to prohibit the construction of a single detached dwelling and residential care facility, for the lands located at 120 Binbrook Road (Glanbrook), as shown on Appendix "A" to Report PED16228, on the following basis:
- (i) That the draft By-law, attached as Appendix "B" to Report PED16228, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the amending By-law be added to Schedule "C" of Zoning By-law No. 05-200; and,
  - (iii) That the proposed changes in zoning are consistent with the Provincial Policy Statement, conform to the Greenbelt Plan, and comply with the Rural Hamilton Official Plan (RHOP).
- (b) That there were no submissions received from the public regarding this matter.

**6. Application for an Amendment to the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 9196 Dickenson Road West (Glanbrook) (PED16209) (Ward 11) (Item 6.4)**

- (a) That approval be given to Amended Zoning By-law Amendment Application ZAR-16-004, by Peter Braun (owner), for a further modification to the Airport Light Industrial (M10, H37) Zone for a temporary use by-law to permit a Landscape Contractor's Establishment for a three year period, for the lands located at 9196 Dickenson Road West, Glanbrook, as shown on Appendix "A" to Report PED16209, on the following basis:
  - (i) That the draft By-law, attached as Appendix "B" to Report PED16209, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the amending By-law be added to Schedule "A", Map Nos. 1493 and 1494 of Zoning By-law No. 05-200;
  - (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (PPS) and conforms to the Places to Grow Plan; and,
  - (iv) That the proposed change in zoning complies with the Urban Hamilton Official Plan.
- (b) That the submissions received from the public regarding this matter supported the granting of this application.

**7. Application to Amend the Town of Ancaster Zoning By-law No. 87-57 for Lands Located at 21 Panabaker Drive (Ancaster) (PED16227) (Ward 12) (Item 6.5)**

- (a) That approval be given to Amended Zoning By-law Amendment Application ZAC-16-027, by Galli-Morwick Inc., Owner, for a change in zoning from the Neighbourhood Commercial "C1-491" Zone, Modified, to the Neighbourhood Commercial "C1-680" Zone, Modified, to permit an expanded range of commercial uses for the lands located at 21 Panabaker Drive (Ancaster), as shown on the attached map marked as Appendix "A" to Report PED16227, subject to the following conditions:
  - (i) That the draft By-law, attached as Appendix "B" to Report PED16227, 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 “B” to Report PED16227, be added to Map 1 of Schedule “A” of Zoning By-law No. 87-57; and,
  - (iii) That the proposed change in zoning is in conformity with the Urban Hamilton Official Plan.
- (b) That there were no submissions received from the public regarding this matter.

**8. Applications to Amend the Urban Hamilton Official Plan and City of Hamilton Zoning By-law No. 6593, for Lands Located at 55 Rymal Road East (Hamilton) (PED16226) (Ward 7) (Item 6.6)**

- (a) That approval be given to Amended Urban Hamilton Official Plan Amendment Application UHOPA-16-02, by Dalore Holdings Inc., (Owner), for OPA No. XX, to amend Site Specific Policy Area “UH-3” to permit single detached dwellings within the “Mixed Use – Medium Density” Designation, for the lands known as 55 Rymal Road East (Hamilton), as shown on Appendix “A” to Report PED16226, on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED16226, 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) and conforms to the Growth Plan for the Greater Golden Horseshoe.
- (b) That approval be given to Amended Zoning By-law Amendment Application ZAC-16-010 by Dalore Holdings Inc., (Owner), for a change in zoning from the “C/S-980” (Urban Protected Residential, etc.) District, Modified and “C/S-980a” (Urban Protected Residential, etc.) District, Modified to the “R-4/S-1744” (Small Lot Single Family Dwelling) District, Modified (Holding 1), (Holding 2) (Block 2 and Block 3); and from the “HH/S-1398” (Restricted Community Shopping and Commercial) District, Modified to the “HH/S-1398a” (Restricted Community Shopping and Commercial) District, Modified (Block 4), in order to permit the extension of the parking area of the existing automotive dealership, for lands located at 55 Rymal Road East (Hamilton), as shown on Appendix “A” to Report PED16226, on the following basis:
- (i) That staff be directed to revise the draft By-law, attached as Appendix “C” to Report PED16226, to reflect the amended proposal prior to the by-law being enacted by City Council.

- (ii) That the revised amending By-law, be added to Schedule “E-9D” of the City of Hamilton Zoning By-law No. 6593.
- (iii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2014), conform to the Growth Plan for the Greater Golden Horseshoe (Places to Grow), and will comply with the Urban Hamilton Official Plan upon finalization of Urban Hamilton Official Plan Amendment No. \_\_\_;
- (c) That upon finalization of the amendment to the Urban Hamilton Official Plan and the City of Hamilton Zoning By-law No. 6593, that the Ryckmans Neighbourhood Plan be amended to redesignate the northern part of the subject lands from “Single and Double” to “Single and Double – Commercial”.
- (d) That the submissions received from the public regarding this matter affected the decision by granting the application with amendments.

**9. Application for an Amendment to City of Hamilton Zoning By-law No. 6593 and Zoning By-law No. 05-200 for Lands Located at 2750 King Street East (PED16233) (Ward 5) (Item 6.7)**

- (a) That approval be given to Amended Zoning By-law Amendment Application ZAC-15-060 by DeSantis Developments Ltd (c/o Tony DeSantis), applicant, for a change in zoning from the “AA” (Agricultural) District to the “E/S-1741” (Multiple Dwellings, Lodges, Clubs, Etc.) District, Modified to permit the construction of a 116 unit multiple dwelling on lands located at 2750 King Street East, Hamilton, as shown on Appendix “A” to Report PED16233 on the following basis:
  - (i) That the draft By-law, attached as Appendix “A” to Report 16-021, which has been amended to redefine the westerly side yard provision, and prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the amending By-law, attached as Appendix “B” to Report PED16233, be added to District Map No. E98 of Zoning By-law No. 6593; and,
  - (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe, and complies with the Urban Hamilton Official Plan.
- (b) That approval be given to Amended Zoning By-law Amendment Application ZAC-15-060 by DeSantis Developments Ltd (c/o Tony DeSantis) on Behalf of Roger Jackson, for a change in zoning from the

“AA” (Agricultural) District in City of Hamilton Zoning By-law No. 6593 to the Conservation / Hazard Land (P5, 493) Zone, Modified in City of Hamilton Zoning By-law No. 05-200 for the preservation of Core Areas within the Natural Heritage System on lands located at 2750 King Street East, Hamilton, as shown on Appendix “A” to Report PED16233 on the following basis:

- (i) That the draft By-law, attached as Appendix “C” to Report PED16233, 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 PED16233, be added to Map No. 1247 of Zoning By-law No. 05-200; and,
  - (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe, and complies with the Urban Hamilton Official Plan.
- (c) That the Gersholme Neighbourhood Plan be amended by changing the designation on the portion of the subject lands currently designated as “Medium Density Apartments” to “High Density Apartments” to accommodate the proposed residential development.
- (d) That the submissions received from the public regarding this matter resulted in the application being approved with amendments.

**10. Increase to Permit Fees under the Building By-law (PED16214) (City Wide) (Item 7.1)**

- (a) That the By-law, attached as Appendix “A” to Report PED16214, to amend City of Hamilton By-law No. 15-058, the Building By-law, be amended by:
  - (i) Removing the words “and for services related to administering the Act and Building Code such as administering maintenance inspection programs” under the Minimum Fee section of Table 1; and
  - (ii) Adding a fee category entitled “Sewage System Maintenance Inspection Program” to the Sewage System section of Table 1 with the fee set at \$228, and be enacted;
- (b) That the fees prescribed in the By-law, as amended, attached as Appendix “B” to Report 16-021, be included in the User Fees and Charges By-law, replacing the fees listed under the heading “Classes of Permits and Fees under the Hamilton Building By-law”.

**11. Laneway Housing Inventory (PED16200) (City Wide)(Outstanding Business List Item) (Item 8.2)**

That Report PED16200 respecting Laneway Housing Inventory be received.

**12. Provincial Review of the Ontario Municipal Board –proposed submissions from the City of Hamilton (LS16027/PED16237) (Item 8.3)**

- (a) That the City of Hamilton adopts the submissions and recommendations, as provided in Appendix “A” to Report LS16027/PED16237, responding to the October 2016 “Review of the Ontario Municipal Board Public Consultation Document” issued by the Ministry of Municipal Affairs and the Ministry of the Attorney General;
- (b) That the City Clerk be directed to submit Report LS16027/PED16237 and minutes of the December 6, 2016 Planning Committee and the December 14, 2016 Council meeting to the Ministry of Municipal Affairs and the Ministry of the Attorney General by December 19, 2016 and request that this Report be considered the City of Hamilton’s formal comments on the on the Ontario Municipal Board Review.

**13. Hamilton Municipal Heritage Committee Report 16-009 (Item 8.4)**

**(a) Heritage Permit Application HP2016-035, Under Part V of the Ontario Heritage Act, for Demolition of the Existing Detached Garage and Erection of a New Detached Garage at 93 Mill Street North, Flamborough (PED16240) (Ward 15) (Item 8.1)**

That Heritage Permit Application HP2016-035 be **approved** for the demolition of an existing detached garage and erection of a new detached garage at 93 Mill Street North, Flamborough subject to the following conditions:

- (i) That any minor changes to the plans and elevations following approval shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to submission as part of any application for a Building Permit; and,
- (ii) That the proposed construction, in accordance with this approval, shall be completed no later than December 31, 2018. If the construction is not completed by December 31, 2018, then this approval expires as of that date and no construction shall be undertaken without a new approval issued by the City of Hamilton.



**(b) Heritage Permit Application HP2016-041, Under Part IV of the Ontario Heritage Act, for Demolition of the 1908 Lobby of 108-112 James Street North, Hamilton (PED16239) (Ward 2) (Item 8.3)**

That Heritage Permit Application HP2016-041, for demolition of the 1908 lobby of 108-112 James Street North, be **approved**, subject to the following conditions:

- (i) That the applicant provide final details of the hoarding and any structural reinforcement required to secure the opening of the auditorium, to the satisfaction and approval of the Director of Planning and Chief Planner prior to submission as part of any application for a Building Permit and / or the commencement of any alterations;
- (ii) That the following conditions with respect to cost estimates and a Letter of Credit shall be satisfied prior to submission of an application for a Building Permit for the hoarding and any temporary structural reinforcement required to secure the opening of the auditorium:
  - (1) The applicant shall provide cost estimates for 100% of the total cost of securing, protecting and stabilizing the opening to the auditorium and the cost of monitoring and security for a period of three years. Such cost estimates shall be in a form satisfactory to the Director of Planning and Chief Planner.
  - (2) The applicant shall provide a Letter of Credit for 100% of the total estimated cost as per (i) in a form satisfactory to the City's Finance Department (Development Officer, Budget, Taxation and Policy) to be held by the City as security for securing, protecting, stabilizing and monitoring the opening to the auditorium as required by this Heritage Permit.
    - (aa) The Letter of Credit shall be kept in force, whether or not the ownership of 108-112 James Street North and / or 111-113 Hughson Street North changes at any time, until the completion of the required restoration of the auditorium (111-113 Hughson Street North) and the erection of a permanent structure to enclose the auditorium (111-113 Hughson Street North) and / or to otherwise attach the retained portions to a new building in conformity with an approved Site Plan Control Application.
    - (bb) The Letter of Credit may be reduced in accordance with the City's Letter of Credit Policy.

- (cc) If the Letter of Credit is about to expire without renewal thereof and any part of securing, protecting, stabilizing or monitoring the opening to the auditorium has not been completed in conformity with their approved designs, the City may draw all of the Letter of Credit funds and hold them as security to guarantee completion unless the City's Finance Department (Development Officer, Budget, Taxation and Policy) is provided with a renewal of the Letter of Credit forthwith.
  
- (dd) In the event that the Owner fails to complete, to the satisfaction of the Director of Planning and Chief Planner, the required securing, protecting, stabilizing or monitoring of the opening to the auditorium and / or attach to a new building in conformity with an approved Site Plan Control Application within the time required, then the City, in addition to any other remedies that the City may have, may exercise its authority under section 446 of the Municipal Act to have its employees, agents or contractors enter on 108-112 James Street North and 111-113 Hughson Street North to complete any one or more of these requirements. The cost of completion of securing, protection, stabilizing or monitoring of the auditorium opening shall be paid in full by the Owner from the Letter of Credit. In the event that there is a surplus, the City shall return any unrequired funds to the Owner upon completion of the requirement(s), less any administrative processing fees. In the event that there is a deficit, the City may further exercise its authority under section 446 of the Municipal Act including but not limited to adding the deficit to the tax roll and collecting it in the same manner as property taxes.
  
- (iii) That the applicant submit the final documentation and salvage details of any remaining Heritage Attributes in the lobby, including but not limited to the two decorative wall niches, the plaster wall medallions, and the coffered ceilings. The applicant should make explicit how the coffered ceilings will be appropriately salvaged and / or documented and incorporated into the design of the 22 storey mixed-use building addition, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to submission as part of any application for a Building Permit and/or the commencement of any alterations;

- (iv) That any minor changes to the plans and elevations following approval shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to submission as part of any application for a Building Permit and/or the commencement of any alterations; and,
- (v) That should a Building Permit for the proposed demolition, in accordance with this approval, not be obtained and acted upon by December 31, 2020, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

**14. Potential New Parking Revenues for 2017 (Item 9.1)**

- (a) That as part of the 2017 budget deliberations, staff be directed to present to the General Issues Committee a range of potential new parking revenues; including but not limited to on-street parking meter rates, new parking meter locations (in consultation with the Ward Councillor) and off street monthly parking fees; and
- (b) That the report include a review of the current waitlists associated with the City's off street lots and garages, to ascertain whether the potential exists to increase usage (and revenues) by increasing the number of eligible pass holders.

**15. Submission to the Hamilton Port Authority Land Use Update (Added Item 10.1)**

That the City of Hamilton, in consultation with Planning and Economic Development staff, prepare a submission to the Hamilton Port Authority Land Use Update.

**16. Update and instructions regarding Ontario Municipal Board Appeals of Rural and Urban Hamilton Official Plans – Urban Boundary Expansion (LS16029/PED16248)(City Wide) (Item 12.2)**

That the recommendations of Report LS16029/PED16248 respecting Update and instructions regarding Ontario Municipal Board Appeals of Rural and Urban Hamilton Official Plans – Urban Boundary Expansion be approved and remain confidential.

**FOR INFORMATION:**

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

The Committee Clerk advised of the following changes:

**1. ADDED WRITTEN COMMENTS:**

6.6(i) Allan Buist, DiCenzo & Associates Professional Corporation, representing DiCenzo Construction Company Limited respecting Item 6.6 the Applications to Amend the Urban Hamilton Official Plan and City of Hamilton Zoning By-law No. 6593, for Lands Located at 55 Rymal Road East (Hamilton) (PED16226) (Ward 7).

**2. By-law Revised - Appendix "B" to Report PED16227**

Staff noticed a section missing in the By-law attached as Appendix "B" to Item 6.5 respecting Application to Amend the Town of Ancaster Zoning By-law No. 87-57 for Lands Located at 21 Panabaker Drive (Ancaster) (PED16227) (Ward 12). The revised version was distributed.

**3. TIME SCHEDULED FOR ITEM 12.2:**

The following Item will be considered at 12:00 noon to facilitate the outside consultant who will be attending regarding this matter:

12.2 Update and Instructions Regarding Ontario Municipal Board Appeals of Rural and Urban Hamilton Official Plans – Urban Boundary Expansion (LS16029/PED16248) (Distributed under separate cover)

*Pursuant to Section 8.1, Sub-sections (e) and (f) of the City's Procedural By-law 14-300, and Section 239(2), Sub-sections (e) and (f) of the Municipal Act, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the City and the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.*

Also, respecting Private and Confidential Item 12.2, staff noticed that the initial copy of Appendix B to the report that was distributed was missing some information. A revised version was delivered to all members of Council last Friday under separate cover.

The agenda for the December 6, 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) November 15, 2016 (Item 3.1)**

The Minutes of the November 15, 2016 meeting were approved.

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

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

- (i) Suzanne Mammel, Hamilton-Halton Home Builders Association to address Committee respecting Item 8.3 the "Provincial Review of the Ontario Municipal Board - proposed submissions from the City of Hamilton" when Item 8.3 is considered. (Item 4.1)
- (ii) Rolston Planning Team, to support Item 9.2 the proposal to purchase the Mountain Secondary School Lands which will be moved up to be considered prior to the Consent Items. (Item 4.2)

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

**(i) By-law Enforcement Service Levels in the McMaster University Neighbourhoods (Ward 1) (PED16260) (Item 5.1)**

- (a) That one additional full time Municipal Law Enforcement Officer be hired for a one year pilot project to enforce the City's by-laws in the McMaster University Neighbourhoods;
- (b) That the funding to cover the one year salary (\$113,00) plus vehicle (\$26,000) for the additional Municipal Law Enforcement Officer to be charged to the Tax Stabilization Reserve Account #110046 be referred to the 2017 budget process.

The aforementioned motion was TABLED to allow for further consultation to find an appropriate funding source.

Report PED16260 respecting By-law Enforcement Service Levels in the McMaster University Neighbourhoods was TABLED.

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

(i) **Application for Approval of Draft Plan of Condominium (Common Element), by Mattamy Homes (Waterdown) Inc., for Lands Known as 470 Parkside Drive (Waterdown) (PED16230) (Ward 15) (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 Draft Plan of Condominium (Common Element) 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 member of the public came forward.

The staff presentation was waived.

Constance Ratelle of Korziak Land Use Planners, representing the owner, was in attendance and advised they are in support of the staff recommendations.

The public meeting was closed.

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

- (b) That there were no submissions received from the public regarding this matter.

For disposition of this matter refer to Item 3.

(ii) **Application for Approval of Draft Plan of Condominium (Common Element), by Mattamy Homes (Waterdown) Inc., for Lands Known as 493 Dundas Street East (Waterdown) (PED16231) (Ward 15) (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 Draft Plan of Condominium (Common Element) 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 member of the public came forward.

Constance Ratelle of Korziak Land Use Planners, representing the owner, was in attendance and advised they are in support of the staff recommendations.

The public meeting was closed.

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

- (b) That there were no submissions received from the public regarding this matter.

For disposition of this matter refer to Item 4.

**(iii) Proposed Zoning By-law Amendment for Lands Located at 120 Binbrook Road, Glanbrook (PED16228) (Ward 11) (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 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 member of the public came forward.

Chair B. Johnson relinquished the Chair to Vice-Chair Pearson.

The staff presentation was waived.

Michael P. Sabelli representing the owner, and the owner Jim Vuckovic, were in attendance and advised that they are in support of the staff report.

The public meeting was closed.

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

- (b) That there were no submissions received from the public regarding this matter.

For disposition of this matter refer to Item 5.

**(iv) Application for an Amendment to the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 9196 Dickenson Road West (Glanbrook) (PED16209) (Ward 11) (Item 6.4)**

In accordance with the provisions of the *Planning Act*, Vice Chair Pearson advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Zoning By-law amendment the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

No member of the public came forward.

The staff presentation was waived.

Brenda Khes of GSP Group, representing the owner, was in attendance and advised that they are in support of the staff report.

The public meeting was closed.

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

- (b) That the submissions received from the public supported the granting of this application.

For disposition of this matter refer to Item 6.

Chair B. Johnson assumed the Chair.



**(v) Application to Amend the Town of Ancaster Zoning By-law No. 87-57 for Lands Located at 21 Panabaker Drive (Ancaster) (PED16227) (Ward 12) (Item 6.5)**

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 member of the public came forward.

The staff presentation was waived.

Cheryl Selig of T. Johns Consulting Group Ltd., representing the owner, was in attendance and advised that they are in support of the staff report.

The public meeting was closed.

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

- (b) That there were no submissions received from the public regarding this matter.

For disposition of this matter refer to Item 7.

**(vi) Applications to Amend the Urban Hamilton Official Plan and City of Hamilton Zoning By-law No. 6593, for Lands Located at 55 Rymal Road East (Hamilton) (PED16226) (Ward 7) (Item 6.6)**

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 Official Plan and Zoning By-law amendments 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.

### Added Written Comments

**6.6(i)** Allan Buist, DiCenzo & Associates Professional Corporation, representing DiCenzo Construction Company Limited

The added written comments were received.

No member of the public came forward.

The staff presentation was waived.

Matt Johnston of UrbanSolutions Planning and Land Development Consultants Inc., representing the owner, addressed Committee with the aid of a PowerPoint presentation. A copy has been uploaded onto the City's website. In his presentation he requested a modification to the proposed By-law which is quoted below:

- “Modifications to the proposed “C/S-80b” “H1”, “H2” District are requested to accommodate 10.0 metre wide lots together with the corresponding regulations for single detached dwellings on Blocks 2 and 3.
- The proposed lot widths are consistent with the R-4 District which is common to the neighbourhood.”

Mr. Buise and his client Mr. DiCenzo of DiCenzo Construction Company Limited were in attendance. They are owners of the neighbouring property and they advised that they do not oppose this modification.

The agent's presentation was received.

The public meeting was closed.

Committee approved the following amendments:

- (a) That the request for the modification to change to an R-4 District be approved and that staff be directed to revise the by-law to reflect the amended proposal prior to the by-law being enacted by Council;
- (b) That the following subsection (d) be added to the recommendations:
  - (d) That the submissions received from the public regarding this matter affected the decision by granting the application with amendments.

For disposition of this matter refer to Item 8.

(vii) **Application for an Amendment to City of Hamilton Zoning By-law No. 6593 and Zoning By-law No. 05-200 for Lands Located at 2750 King Street East (PED16233) (Ward 5) (Item 6.7)**

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 member of the public came forward.

The staff presentation was waived.

John Ariens of IBI Group Inc. representing the applicant addressed Committee 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:

- His client is requesting a modification to retain the open space lands on the property separate from the condominium development;
- This would simplify matters;
- If the parcel of land is not separate and should a public body wish to attain the open space the Condominium Corporation would need to be consulted;
- Also the Condominium Corporation would assume liability for the open space lands;
- In summary, he requested that the Environmentally Sensitive Area (ESA) lands be separated from the development lands and the by-law be amended to reflect this.

The agent's presentation was received.

The public meeting was closed.

Committee approved the following amendments:

- (a) That the draft by-law attached as Appendix B to Report PED16233 be amended to redefine the westerly side yard provision;
- (b) That the following subsection (d) be added:

- (d) That the submissions received from the public regarding this matter resulted in the application being approved with amendments.

For disposition of this matter refer to Item 9.

**(g) PUBLIC NOTICE (Item 7)**

- (i) Increase to Permit Fees under the Building By-law (PED16214) (City Wide) (Item 7.1)**

The Clerk advised that no one had registered to speak.

No members of the public came forward.

Committee approved the following amendment:

- (a) That the proposed by-law, attached as Appendix “A” to Report PED16214, be amended to remove the words “and for services related to administering the Act and Building Code such as administering maintenance inspection programs” under the Minimum Fee section of Table 1; and
- (b) That a fee category entitled “Sewage System Maintenance Inspection Program” be added to the Sewage System section of Table 1 with the fee set at \$228.

For disposition of this matter refer to Item 10.

**(h) DISCUSSION**

- (i) To Request that Condition No. 56 of the Southcote Woodlands Draft Plan of Subdivision (25T200401) be Cleared to Allow the Development of a Single Detached Dwelling (PED16235) (Ward 12) (Outstanding Business List) (Item 8.1)**

Item 8.1 respecting To Request that Condition No. 56 of the Southcote Woodlands Draft Plan of Subdivision (25T200401) be Cleared to Allow the Development of a Single Detached Dwelling (PED16235) (Ward 12) was deferred to the January 31, 2017 meeting.

**(ii) Laneway Housing Inventory (PED16200) (City Wide)(Outstanding Business List Item) (Item 8.2)**

Edward John provided an overview of the report with the aid of a PowerPoint presentation. A copy has been retained for the official record and is available for viewing on the City's website.

The staff presentation was received.

Planning Staff were requested to report back to the Planning Committee following consultation with the Alleyway Management Strategy Working Group on a process for including appropriate permissions for laneway housing as part of the review and update of the City's Residential Zoning By-law planned for 2017-2018.

For further disposition of this matter refer to Item 11.

**(iii) Provincial Review of the Ontario Municipal Board –proposed submissions from the City of Hamilton (LS16027/PED16237). (Item 8.3)**

Joanna Wice and Joanne Hickey Evans provided an overview of the Report with the aid of a PowerPoint presentation. A copy has been retained for the public record and a copy is available for viewing on the City's website.

Staff responded to questions from Committee.

**Delegation**

**1. Suzanne Mammel, Hamilton-Halton Home Builders Association (HHHBA) (4.1)**

Suzanne Mammel addressed Committee and read from a prepared statement. Her comments included but were not limited to the following:

- A review of the Ontario Municipal Board (OMB) is appropriate;
- The Hamilton-Halton Home Builders Association (HHHBA) believes that the OMB is necessary;
- It ensures decisions are made under planning policies as it is often difficult to balance the policies with the wishes of the residents;
- She is very disappointed that there has been no useful dialogue with staff;

- This issue was considered at the Development Industry Liaison Group meeting but it was not helpful as the Association was not informed of staff's position;
- The Association will be making their own report to the Province;
- A better consultation process is needed on all issues;
- There should be dialogue in advance of the staff reports being finalized;
- Or, the reports should be released earlier.

The delegation was received.

For disposition of this matter refer to Item 12.

**(i) MOTIONS**

**(i) Potential New Parking Revenues for 2017 (Item 9.1)**

Committee approved the following amendment:

That subsection (a) be amended by inserting the words ***in consultation with the Ward Councillor*** after the words "new parking meter locations."

For disposition of this matter refer to Item 14.

**(ii) Surplus Mountain Secondary School Lands (9.2)**

**Delegations (4.2)**

The following members of the Rolston Planning Team addressed Committee:

**1. Monica Mudde**

Monica Mudde addressed Committee with the aid of a PowerPoint presentation. She indicated that the Rolston Planning Team is in support of this motion. They have included the Yeoville Neighbourhood as a partner in their action plan. Her presentation included a description of the neighbourhood and a copy of their letter mailed to the Mayor and the City Councillors. A copy of the presentation has been retained for the public record and is available for viewing on the City's website.

**2. Melissa Elliot**

Melissa Elliot addressed Committee and advised that they have engaged the community and received some feedback. They have focused on park clean ups and they will also clean up the Yeoville green space.

**3. Al Carson**

Al Carson addressed Committee and indicated that he and his wife have been Yeoville residents for the past 20 years. A green space is needed in this area.

Ward Councillor Whitehead was in attendance and spoke in support of this motion.

The delegations be received.

Committee approved the following motion:

WHEREAS, the Mountain Secondary School Lands have recently become surplus;

WHEREAS, there is currently a deficient amount of green space in the Yeoville neighbourhood;

WHEREAS, The Rolston Planning team which spawned out of the Code Red initiative and the Social Planning and Research Council (SPRC) has identified a need in the Rolston/Yeoville neighbourhoods for more green space;

WHEREAS, there is potential for a partnership between the City of Hamilton and other organizations to develop an affordable housing plan for these lands;

**THEREFORE BE IT RESOLVED:**

That staff be directed to investigate the feasibility of the City purchasing the Mountain Secondary School surplus lands to meet the needs of the Rolston/Yeoville neighbourhoods for more green space and report back to the Planning Committee.

**(j) NOTICES OF MOTIONS**

**(i) Submissions to the Hamilton Port Authority Land Use Update (Added Item 10.1)**

Councillor Collins introduced the following notice of motion:

That the City of Hamilton, in consultation with Planning and Economic Development staff, prepare a submission to the Hamilton Port Authority Land Use Update.

The rules of order were waived to allow the introduction of a motion respecting submissions to the Hamilton Port Authority Land Use Update.

For disposition of this matter refer to Item 15.

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

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

(a) The following new due dates were approved:

Item "D" - That staff review and report back on the existing zoning regulations for the area along Mountain Brow Boulevard from 340 Mountain Brow Boulevard to Mohawk Road East.

Due Date: December 6, 2016

Proposed New Due Date: May 2, 2017

Item "F" - Request to Designate 437 Wilson Street East (Ancaster) Under Part IV of the Ontario Heritage Act (PED12166)

Due Date: December 6, 2016

Proposed New Due Date: February 28, 2017

Item "K" - HMHC Report - 14-009 - That the recommendations to include 206, 208 and 210 King Street East in the Register of Property of Cultural Heritage Value or Interest and to staff's designation work program be referred to staff for further consultation with the property owner and the appropriate Councillors prior to reporting back to Planning Committee.

Due Date: December 6, 2016

Proposed New Due Date: January 31, 2017

Item "M" - James Street North Mobility Hub Study – Staff to report back on the Implementation Strategies and Phasing Recommendations

Due Date: December 6, 2016

Proposed New Due Date: January 17, 2017



- (b) The following Items were removed:

Item “II” Review of the Current By-law Enforcement Service Levels in the McMaster University Neighbourhoods (Item 5.1 on this agenda.)

Item “Y” - Staff report and presentation on the City’s current inventory and policies related to ‘Laneway Housing’ (Item 8.2 on this agenda)

**(I) PRIVATE AND CONFIDENTIAL (Item 12)**

Committee approved the following without moving into Closed Session:

**(i) Private and Confidential Minutes of the November 15, 2016 Meeting (Item 12.1)**

- (a) The Private and Confidential Minutes of the November 15, 2016 meeting were approved;
- (b) The Private and Confidential Minutes of the November 15, 2016 meeting are to remain private and confidential and restricted from public disclosure.

Committee moved into Closed Session at 12:30 p.m. respecting Item 12.2, entitled Update and instructions regarding Ontario Municipal Board Appeals of Rural and Urban Hamilton Official Plans – Urban Boundary Expansion (LS16029/PED16248)(City Wide), pursuant to Section 8.1, Sub-sections (e) and (f) of the City's Procedural By-law 14-300, and Section 239(2), Sub-sections (e) and (f) of the Municipal Act, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the City and the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

Committee reconvened in Open Session at 1:20 p.m.

**12.2 Update and instructions regarding Ontario Municipal Board Appeals of Rural and Urban Hamilton Official Plans – Urban Boundary Expansion (LS16029/PED16248)(City Wide)**

For disposition of this matter refer to Item 16.

**(m) ADJOURNMENT (Item 13)**

There being no further business, the Planning Committee adjourned at 1:35 p.m.

Respectfully submitted,

Councillor B. Johnson  
Chair, Planning Committee

Ida Bedioui  
Legislative Co-ordinator  
Office of the City Clerk