



PLANNING COMMITTEE

MINUTES 17-004

9:30 a.m.

Tuesday, February 28, 2017

Council Chambers

Hamilton City Hall

71 Main Street West

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

Absent with regrets Councillor R. Pasuta, Sick Leave

THE FOLLOWING ITEMS WERE REPORTED FOR THE CONSIDERATION OF COUNCIL:

- 1. Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (City Wide) (PED17038) (Item 5.1)**

(Collins/Skelly)

That Report PED17038 respecting Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications, be received.

CARRIED

- 2. Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 325 Highway No. 8 (Stoney Creek) (Ward 10) (PED17034) (Item 6.1)**

(Pearson/Partridge)

- (a) That Amended Urban Hamilton Official Plan Amendment (OPA) Application UHOPA-16-012, by LJM Developments Inc. (Owner), for OPA No. XX, to redesignate the subject lands from "Low Density Residential 3c" to "Medium Density Residential 3" in the Western Development Area Secondary Plan; and to amend Site Specific Policy A of the Western Development Area Secondary Plan to permit a multiple dwelling with a maximum of 93 dwelling units and a maximum height of six storeys within the Medium Density Residential 3 designation, for the lands known as 325 Highway No. 8 (Stoney Creek), as shown on Appendix "A" to Report PED17034, be approved on the following basis:

- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED17034 be adopted by City Council;
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2014) and conforms to the Growth Plan for the Greater Golden Horseshoe;
- (b) That Amended City of Stoney Creek Zoning By-law Amendment Application ZAC-16-030, by LJM Developments Inc. (Owner), for a change in zoning from the General Commercial “GC-13” Zone, Modified to the Multiple Residential “RM4-8” Zone, Modified, in order to permit a six storey multiple dwelling consisting of 93 units with 129 parking spaces, for lands located at 325 Highway No. 8 (Stoney Creek), as shown on Appendix “A” to Report PED17034, be approved on the following basis:
- (i) That the draft By-law, attached as Appendix “C” to Report PED17034, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms 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. XX;
- (c) That the Poplar Park Neighbourhood Plan be amended to redesignate the subject lands from the “Local Commercial” to “Medium Density Residential”, upon final approval of the Zoning By-law Amendment;
- (d) ***That the submissions received regarding this matter supported the approval of the application.***

Main Motion as Amended CARRIED

3. Parkland Dedication Official Plan Policy and By-law Review – Small Scale Redevelopment and Housekeeping Amendments (City Wide) (PED17032) (Item 6.2)

(Skelly/Farr)

- (a) That approval be given to Official Plan Amendment No. XX to the Urban Hamilton Official Plan (UHOP) and No. XX to the Rural Hamilton Official Plan (RHOP) (CI-17-A) to amend the Parkland dedication policies to reflect revised cash-in-lieu of Parkland dedication rates for certain ground related housing and heritage buildings, to ensure consistency between the Official Plans and the Parkland Dedication By-law, and to implement the *Planning Act* changes as a result of Bill 73, on the following basis:

- (i) That the draft Urban Hamilton Official Plan Amendment (OPA), attached as Appendix “A” to Report PED17032, be adopted by Council;
 - (ii) That the draft Rural Hamilton Official Plan Amendment (OPA), attached as Appendix “B” to Report PED17032, be adopted by Council;
 - (iii) That the proposed Official Plan Amendments are consistent with the Provincial Policy Statement (PPS) 2014 and conform to the Growth Plan for the Greater Golden Horseshoe;
- (b) That approval be given to amendments to By-Law 09-124 (Parkland Dedication) to reflect cash-in-lieu of parkland dedication rates for certain ground related housing and heritage buildings and to implement the *Planning Act* changes as a result of Bill 73, attached as Appendix “C” to Report PED17032;
- (c) ***That the submissions received regarding this matter did not affect the approval of the Official Plan amendments.***

Main Motion as Amended CARRIED

4. Permanent On-Street Patio Program (PED16119(a)) (Wards 1, 2, 3, 4, 6, 7, 8, 9, 11, 12, 13 and 15) (Item 7.2)

(Green/Conley)

- (a) That a permanent On-Street Patio Program be approved to operate annually from May 1st to October 31st within all Community Improvement Plan Areas (CIPAs) and Business Improvement Areas (BIAs) in accordance with the criteria and guidelines identified in Appendix “A” to Report PED16119(a);
- (b) That a \$400.00 annual administration fee be approved for on-street patio applications, and added to the City’s User Fee By-law.

CARRIED

5. Seasonal “Pop-up Park” on a portion of the John Rebecca Lands (Added Item 10.1)

(Farr/Skelly)

WHEREAS, the City-owned parking lot and adjacent private properties comprising the block bounded by John Street, Rebecca Street, King William Street and Catherine Street are designated in the current Downtown Hamilton Secondary Plan, adopted in 2001, as General Open Space and have long been intended for future use as a City park;

WHEREAS, the proposed amendments to the Downtown Hamilton Secondary Plan that were presented to the public for comment in February 2017 propose to recognize these lands as “Neighbourhood Park”;

WHEREAS, the City’s Public Works Department prepared a conceptual plan in 2012 with significant community input for a future park on this site;

WHEREAS, the City’s Public Works Department has forecast \$1,758,000 dollars for the future park in its 2018 capital budget for design and land acquisition, with the detailed design work for the park to commence in 2018;

WHEREAS, there is strong community support for moving quickly on the development of a park on these lands;

WHEREAS, the Beasley Neighbourhood Association has been in conversation with the Patrick J McNally Charitable Foundation and has determined that the Foundation may be willing to financially support a temporary, seasonal “pop-up park” on a portion of the John Rebecca lands in 2017 as a demonstration project;

WHEREAS, the Patrick J McNally Charitable Foundation’s was formed with a vision of Hamilton and Burlington with parks, outdoor places and buildings that provide opportunities for our communities to learn about, explore and enjoy nature, and to build community between neighbours; and

WHEREAS, the Beasley Neighbourhood Association would require the City to partner on any application to the Foundation;

THEREFORE BE IT RESOLVED:

- (a) That the appropriate staff from the Planning and Economic Development Department and Public Works Department work with the Beasley Neighbourhood Association to prepare and submit an application for funding to the McNally Foundation to create a temporary, seasonal “pop-up park” using a portion of the City-owned parking lot at John and Rebecca;
- (b) That the project not result in any costs to the City other than the staff resources necessary to coordinate the work;
- (c) That the project not involve any permanent structures or changes to the parking lot that would preclude its continued use as a parking lot after project completion in the short-term or as a park in the long-term;
- (d) That no greater than 18 parking stalls be utilized for this seasonal project;
- (e) That any loss of parking revenue associated with the temporary park be offset with funding from the Ward 2 Area Rating fund.

CARRIED

6. Outstanding Business List (Item 11)

(Skelly/A. Johnson)

That the following Item be referred to the School Board Properties Sub-Committee:

Item "II" Staff to report back on feasibility of purchasing the Mountain Secondary School surplus lands to use for more green space in the Rolston/Yeoville neighbourhoods.

CARRIED

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 1)

The Committee Clerk advised of the following changes:

1. ADDED DELEGATION REQUESTS

- 4.1 David Premi, DPA Architecture Inc. respecting the Design Review Panel (Item 7.1) for today's meeting.
- 4.2 Suzanne Mammel, Hamilton-Halton Home Builders Association respecting the Design Review Panel (Item 7.1) for today's meeting.
- 4.3 Sergio Manchia, UrbanSolutions Planning & Land Development Consultants Inc., respecting the Design Review Panel (Item 7.1) for today's meeting.

2. ADDED CORRESPONDENCE:

- 6.1(i) Daniel Kitching, owner of 15 Ellington Avenue, respecting Item 6.1 Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 325 Highway No. 8 (Stoney Creek) (Ward 10) (PED17034)
- 6.2(i) Mark Giavedoni, ESB Lawyers, representing the Hamilton-Wentworth District School Board, regarding Item 6.2, Parkland Dedication Official Plan Policy and By-law Review – Small Scale Redevelopment and Housekeeping Amendments (City Wide) (PED17032)
- 6.2(ii) Patrick Daly, Chairperson, Hamilton-Wentworth Catholic District School Board regarding Item 6.2, Parkland Dedication Official Plan Policy and By-law Review – Small Scale Redevelopment and Housekeeping Amendments (City Wide) (PED17032)

3. ADDED NOTICE OF MOTION:

10.1 Seasonal “Pop-up Park” on a portion of the John Rebecca Lands

(Collins/B. Johnson)

That the agenda for the February 28, 2017 meeting be approved as amended.

CARRIED

(b) DECLARATIONS OF INTEREST (Item 2)

There were none declared.

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

(i) February 14, 2017 (Item 3.1)

(A. Johnson/Green)

That the Minutes of the February 14, 2017 meeting be approved.

CARRIED

(d) DELEGATION REQUESTS (Item 4)

(Partridge/Skelly)

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

(i) David Premi, DPA Architecture Inc. respecting the Design Review Panel (Item 7.1) for today’s meeting (Added 4.1)

(ii) Suzanne Mammel, Hamilton-Halton Home Builders Association respecting the Design Review Panel (Item 7.1) for today’s meeting. (Added 4.2)

(iii) Sergio Manchia, UrbanSolutions Planning & Land Development Consultants Inc., respecting the Design Review Panel (Item 7.1) for today’s meeting. (Added 4.3)

CARRIED

(e) DELEGATIONS/PUBLIC HEARING (Item 6)

(i) Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 325 Highway No. 8 (Stoney Creek) (Ward 10) (PED17034) (Item 6.1)

Chair Pearson relinquished the Chair to Vice Chair A. Johnson.

In accordance with the provisions of the *Planning Act*, Vice Chair A. 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.

Written comments

6.1(i) Daniel Kitching, owner of 15 Ellington Avenue

(Pearson/Partridge)

That the added written comments be received.

CARRIED

No member of the public came forward.

(Partridge/Pearson)

That the public meeting be closed.

CARRIED

(Pearson/Skelly)

That the staff presentation be waived.

CARRIED

Martin Quarcoopome and Jenna Thibault of Weston Consulting, representing the owner, were in attendance should Committee have any questions.

(Pearson/Partridge)

That the staff recommendations be amended by adding the following subsection (d):

- (d) That the submissions received regarding this matter supported the approval of the application.

Amendment CARRIED

For disposition of this matter refer to Item 2.

Chair Pearson assumed the Chair.

(ii) **Parkland Dedication Official Plan Policy and By-law Review – Small Scale Redevelopment and Housekeeping Amendments (City Wide) (PED17032) (Item 6.2)**

In accordance with the provisions of the *Planning Act*, 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 Official Plan 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.

Written Comments

6.2(i) Mark Giavedoni, ESB Lawyers, representing the Hamilton-Wentworth District School Board,

6.2(ii) Patrick Daly, Chairperson, Hamilton-Wentworth Catholic District School Board

(Farr/Collins)

That the added written comments be received.

CARRIED

Joanne Hickey-Evans, Manager of Planning Policy and Zoning By-law Reform, provided an overview of the report with the aid of a PowerPoint presentation. A copy of the presentation is available for viewing on the City's website.

(Green/Conley)

That the staff presentation be received.

CARRIED

Registered Speaker

1. Flaviano Stanc, 95 Arkell Street

Flaviano Stanc addressed Committee and indicated that he opposes this proposal as it would make it easier for property owners to increase the number of accessory dwelling units in their buildings which will put pressure on the existing infrastructure and destroy the character of the community.

(A. Johnson/Skelly)

That the delegation be received.

CARRIED

(Farr/Collins)

That the public meeting be closed.

CARRIED

(Skelly/Farr)

That the staff recommendations be amended by adding the following subsection (c):

- (c) That the submissions received regarding this matter did not affect the approval of the Official Plan amendments.

Amendment CARRIED

For disposition of this matter refer to Item 3.

(f) PRESENTATIONS (Item 7)

- (i) Design Review Panel - Pilot Project Evaluation and Related Recommendations (PED13137(b)) (City Wide) (Outstanding Business List Item) (Item 7.1)**

Kimberley Harrison-McMillan, Senior Project Manager of the Urban Team, addressed Committee and provided an overview of the report with the aid of a PowerPoint presentation. A copy is available for viewing on the City's website.

(Skelly/Conley)

That the staff presentation be received.

CARRIED

Delegations

- (i) David Premi, DPA Architecture Inc. (Added 4.1)**

David Premi addressed Committee and indicated that he is in support of the establishment of a permanent Design Review Panel.

- (ii) Suzanne Mammel, Hamilton-Halton Home Builders Association (Added 4.2)**

Suzanne Mammel addressed Committee and expressed concerns with recommendation (c) of the report and requested that Committee either modify recommendation (c) or defer it.

(iii) Sergio Manchia, UrbanSolutions Planning & Land Development Consultants Inc. (Added 4.3)

Sergio Manchia addressed Committee and indicated that he is in attendance on behalf of his firm. They are completely in support of the proposed process. However, they are concerned that the members are not selected by Council and of when an application is deemed complete.

(Collins/Skelly)

That the delegations be received.

CARRIED

(Farr/Collins)

That Report PED13137(b) respecting Design Review Panel - Pilot Project Evaluation and Related Recommendations be referred back to staff for further engagement with members of the industry and for report back to Committee as soon as possible.

CARRIED

(ii) Permanent On-Street Patio Program (PED16119(a)) (Wards 1, 2, 3, 4, 6, 7, 8, 9, 11, 12, 13 and 15) (Item 7.2)

Kelly Barnett, Community Liaison Co-ordinator, addressed Committee with the aid of a PowerPoint presentation and provided an overview of the report. A copy of the presentation is available for viewing on the City's website.

(Skelly/Conley)

That the staff presentation be received.

CARRIED

For disposition of this matter refer to Item 4.

(g) DISCUSSION (8)

(i) Hess Village Paid Duty Policing Pilot (PED17033) (Ward 2) (Outstanding Business List Item) (Item 8.1)

(Farr/A. Johnson)

That Report PED17033 respecting Hess Village Paid Duty Policing Pilot be deferred to the next Planning Committee meeting.

CARRIED

(h) NOTICES OF MOTIONS (Item 10)

Councillor Farr presented the following notice of motion:

(i) **Seasonal “Pop-up Park” on a portion of the John Rebecca Lands
(Added Item 10.1)**

WHEREAS, the City-owned parking lot and adjacent private properties comprising the block bounded by John Street, Rebecca Street, King William Street and Catherine Street are designated in the current Downtown Hamilton Secondary Plan, adopted in 2001, as General Open Space and have long been intended for future use as a City park;

WHEREAS, the proposed amendments to the Downtown Hamilton Secondary Plan that were presented to the public for comment in February 2017 propose to recognize these lands as “Neighbourhood Park”;

WHEREAS, the City’s Public Works Department prepared a conceptual plan in 2012 with significant community input for a future park on this site;

WHEREAS, the City’s Public Works Department has forecast \$1,758,000 dollars for the future park in its 2018 capital budget for design and land acquisition, with the detailed design work for the park to commence in 2018;

WHEREAS, there is strong community support for moving quickly on the development of a park on these lands;

WHEREAS, the Beasley Neighbourhood Association has been in conversation with the Patrick J McNally Charitable Foundation and has determined that the Foundation may be willing to financially support a temporary, seasonal “pop-up park” on a portion of the John Rebecca lands in 2017 as a demonstration project;

WHEREAS, the Patrick J McNally Charitable Foundation’s was formed with a vision of Hamilton and Burlington with parks, outdoor places and buildings that provide opportunities for our communities to learn about, explore and enjoy nature, and to build community between neighbours; and

WHEREAS, the Beasley Neighbourhood Association would require the City to partner on any application to the Foundation;

THEREFORE BE IT RESOLVED:

- (a) That the appropriate staff from the Planning and Economic Development Department and Public Works Department work with the Beasley Neighbourhood Association to prepare and submit an application for funding to the McNally Foundation to create a temporary, seasonal “pop-up park” using a portion of the City-owned parking lot at John and Rebecca;

- (b) That the project not result in any costs to the City other than the staff resources necessary to coordinate the work;
- (c) That the project not involve any permanent structures or changes to the parking lot that would preclude its continued use as a parking lot after project completion in the short-term or as a park in the long-term;
- (d) That no greater than 18 parking stalls be utilized for this seasonal project;
- (e) That any loss of parking revenue associated with the temporary park be offset with funding from the Ward 2 Area Rating fund.

(Farr/Skelly)

That the rules of order be waived in order to allow the introduction of a motion regarding Seasonal "Pop-up Park" on a portion of the John Rebecca Lands.

CARRIED

For disposition of this matter refer to Item 5.

Councillor Farr presented the following notice of motion:

(ii) 38 Strachan Street West/ 344 Bay Street North (Added Item 10.2)

WHEREAS, the Official Plan of the former City of Hamilton Official Plan designates the land at 38 Strachan Street West / 344 Bay Street North "Residential";

WHEREAS, Setting Sail: Secondary Plan for the West Harbour, approved by Council, designates the subject land as "Low Density Residential";

WHEREAS, Setting Sail: Secondary Plan for the West Harbour was appealed to the Ontario Municipal and none of the appeals focused on the subject land;

WHEREAS, the Official Plan of the former City of Hamilton Official Plan and the Setting Sail: Secondary Plan for the West Harbour contemplate residential land use;

WHEREAS, Zoning By-law 05-200 zones the subject land "Neighbourhood Park (P1) Zone" to recognize the existing Parkette;

WHEREAS, future redevelopment of nearby City Housing Hamilton (CHH) property may include the need for temporary relocation of current tenants;

many of whom have shared via a CHH survey that they wish to remain in the North End neighbourhood during redevelopment;

WHEREAS, prior to the disposition of city owned land municipally known as 38 Strachan Street West and 344 Bay Street North, in the City of Hamilton, the lands must be declared surplus to the needs of the City of Hamilton in accordance with the City's Procedural By-law for the Sale of Lands, being By-law No. 04-299; and

WHEREAS, currently, a community garden exists on the subject lands;

THEREFORE BE IT RESOLVED:

- (a) That the lands municipally known as 38 Strachan Street West and 344 Bay Street North, in the City of Hamilton be declared surplus to the requirements of the City of Hamilton in accordance with the "Procedural By-law for the Sale of Land", being By-law No. 04-299;
- (b) That the Development Planning Section of the Planning Division of the Planning and Economic Development Department be authorized and directed to initiate a site specific zoning amendment for those lands municipally known as 38 Strachan Street West and 344 Bay Street North, in the City of Hamilton for residential purposes;
- (c) That a formula be devised between Real Estate staff and a successful proponent that contemplates a number of units in the completed development to be temporarily occupied by CHH tenants in order to address community needs respecting temporary relocation and until such time that they may return to their nearby redeveloped property;
- (d) That the manager of the Neighbourhood Action Strategy be requested to meet with representatives of the community garden and assist with, and in conjunction with any other City of Hamilton staff as needed, the relocation of the community garden to an area of similar size at the entrance of Bayfront Park to the west;
- (e) That any proceeds after Legal and Real Estate fees from the sale of 38 Strachan West and 344 Bay Street North be allocated toward road and side-walk rehabilitation in the North End neighbourhood.

Councillor Farr presented the following notice of motion:

(iii) Eastwood Precinct (Added Item 10.3)

WHEREAS, needed upgrades at Eastwood Arena are estimated at an approximate cost of \$3.0 million dollars (design and construction) and a *major* renovation of the facility is estimated to be approximately \$6.5 – \$7.0 million dollars (design and construction);

WHEREAS, future redevelopment of nearby City Housing Hamilton (CHH) property may include the need for temporary relocation of current tenants; many of whom have shared via a CHH survey that they wish to remain in the North End neighbourhood during redevelopment;

WHEREAS, future development on Pier 8 lands may consist of approximately 1500 residential units and parking is desired in the form of a parkade verses surface parking;

WHEREAS, preventing neighbourhood cut-through traffic resulting from new waterfront development is the basis of the North End Traffic Management Plan;

WHEREAS, utilization of two small ball diamonds at Eastwood Park (to the north west of the arena) is very low with use only on Tuesdays throughout the summer and two community events bookings for 2017; and

WHEREAS, the Pier 8 development draft plan includes a 30m wide promenade park along the perimeter (pier) equating to a net gain of new North End parkland adjacent to the Eastwood Arena and Park of approximately 152,500 sq. ft.;

THEREFORE BE IT RESOLVED:

That appropriate staff from Planning and Economic Development be requested to engage with the Ward 2 Councillor and North End Community on what potential may exist that would provide for needed upgrades at Eastwood Arena by contemplating a development partnership that may include the creation of new housing opportunities and a public parkade on the north-westerly portion of Eastwood Park and Arena.

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

(i) Outstanding Business List (Item 11.1)

(Skelly/A. Johnson)

(a) That the following Item be removed:

Item "X" - Pilot Program for the (BIAs) –Establishing Temporary, Seasonal Patios / Seating Areas Utilizing On-Street Parking Spaces (Item 7.2)

CARRIED

For further disposition of this matter refer to Item 6.

(j) PRIVATE AND CONFIDENTIAL (Item 12)

Committee approved the following Item without moving into Closed Session:

(i) Private and Confidential Minutes of the February 14, 2017 Meeting (Distributed under separate cover) (Item 12.1)

(Skelly/Conley)

- (a) That the Closed Session Minutes of the February 14, 2017 meeting be approved;
- (b) That the Closed Session Minutes of the February 14, 2017 meeting remain confidential and restricted from public disclosure.

CARRIED

(k) ADJOURNMENT (Item 13)

(Skelly/Green)

There being no further business, that the Planning Committee be adjourned at 12:55 p.m.

CARRIED

Respectfully submitted,

Councillor M. Pearson
Chair, Planning Committee

Ida Bedioui
Legislative Co-ordinator
Office of the City Clerk