



## **PLANNING COMMITTEE**

### **REPORT 17-008**

**9:30 a.m.**

**Tuesday, May 2, 2017**

**Council Chambers**

**Hamilton City Hall**

**71 Main Street West**

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

**Absent with regrets:** Councillor R. Pasuta, Sick Leave  
Councillors J. Farr (2<sup>nd</sup> Vice-Chair) and B. Johnson, Vacation

### **THE PLANNING COMMITTEE PRESENTS REPORT 17-008 AND RESPECTFULLY RECOMMENDS:**

#### **1. Veteran Parking Permit Program (PED06157(d)) (City Wide) (Item 5.1)**

- (a) That effective June 1, 2017, the Veterans Parking Program be expanded to allow free parking for all vehicles with a valid Ontario Veteran Licence Plate, for a maximum of three (3) hours at all on-street parking meters and in municipal carparks;
- (b) That the draft by-laws to amend By-law No.01-216 Regulation of Municipal Parking Facilities, attached as Appendix "A" to Report PED06157(d), and By-law No. 01-218 Regulation of On-Street Parking, attached as Appendix "B" to Report PED06157(d), which have been prepared in a form satisfactory to the City Solicitor, be enacted.

#### **2. Amendment to By-law 12-031 – For Responsible Animal Ownership – Licensing of Service Dogs In Training (PED17076) (City Wide) (Item 5.2)**

That the draft by-law attached as Appendix "A" to Report PED17076 amending By-law 12-031 (Responsible Animal Ownership By-law), to exempt in-training service dogs from licence fees for a period of up to two years, and which has been prepared in a form satisfactory to the City Solicitor, be approved.

**3. Application for an Amendment to City of Hamilton Zoning By-law No. 6593 for Lands Located at 390 Aberdeen Avenue (PED17063) (Ward 1) (Item 6.1)**

- (a) That Amended Zoning By-law Amendment Application ZAR-16-045 by Andy Stone and Karin Dearness, (Owners), for a modification to the “D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District, to permit the conversion of an existing rear yard accessory building into a second dwelling unit on lands located at 390 Aberdeen Avenue, Hamilton, as shown on Appendix “A” to Report PED17063, be APPROVED on the following basis:
  - (i) That the draft By-law, attached as Appendix “B” to Report PED17063, 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 PED17063, be added to District Map No. W14 of Zoning By-law No. 6593;
  - (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 (Places to Grow), and complies with the Urban Hamilton Official Plan;
- (b) That the submissions received regarding this matter did not affect the decision.

**4. Hamilton Municipal Heritage Committee Report 17-003 – April 13, 2017 (Item 8.1)**

- (a) **Memorandum from the Director of Planning and Chief Planner respecting the Cultural Heritage Resources in the Hamilton Light Rail Transit (LRT) Environmental Project Report (EPR) Addendum (Item 7.1)**

That the Director of Planning and Chief Planner be directed to advise City Council of the heritage resources along the proposed LRT, and in particular the six (6) properties identified for acquisition and possible demolition on pages 3-29 to 3-42 of the Hamilton Light Rail Transit (LRT) Environmental Project Report (EPR) Addendum.

- (b) **Recommendation to Designate 43-51 King Street East (Former Kresge Building) Under Part IV of the Ontario Heritage Act (PED17028a) (Ward 2) (Item 8.1)**
  - (i) That the recommendation to designate of 43-51 King Street East, Hamilton, as shown in Appendix “A” to Report PED17028a, as a

property of cultural heritage value pursuant to the provisions of Part IV of the *Ontario Heritage Act*, **be DENIED**;

- (ii) That the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes, attached as Appendix “A” to Report 17-003, **be RECEIVED**.

**(c) Heritage Recognition Awards Draft List of Nominations from the Education Working Group (Item 11.2)**

That the following Nominations for the Heritage Recognition Awards be approved:

**(i) Heritage Property Recognition Awards**

1. 95, 105 and 105 ½ James St. N., Hamilton, ON
2. 469 Bay St. N., Hamilton, ON
3. 2174 Nebo Road, Glanbrook, ON
4. 15 Church Street, Dundas, ON
5. Customs House (Workers Arts and Heritage Centre), 51 Stuart Street, Hamilton, ON
6. Griffin House National Historic Site, 733 Mineral Springs Road, Dundas, ON

**(ii) Heritage Group, Society of Specialty Team**

1. Westdale Cinema Group

**5. Council approval of Heritage Permit Application HP2017-020 to replace expired Heritage Permit HP2013-037 for 970 Beach Boulevard, Hamilton (Added Item 10.1)**

WHEREAS, 970 Beach Boulevard in Hamilton is located in the Hamilton Beach Heritage Conservation District and is designated under Part V of the *Ontario Heritage Act*;

WHEREAS, the Hamilton Municipal Heritage Committee was consulted on Heritage Permit Application HP2013-037 for the erection of a new single-detached dwelling on September 19, 2013, and advised Council to approve the application, subject to seven conditions lettered (a) through (g);

WHEREAS, Council approved Heritage Permit Application HP2013-037 subject to the six conditions on November 27, 2013;

WHEREAS, Heritage Permit HP2013-037 expired on November 30, 2015 as per condition (g), and;

WHEREAS, Council approval of Heritage Permit Application HP2017-020, which is identical to expired Heritage Permit HP2013-037, except for a new expiry date as per condition (g), is required to facilitate the approval of Site Plan Application

DAB-16-031 and subsequent Building Permit application for the erection of a new single-detached dwelling as originally proposed;

**THEREFORE BE IT RESOLVED:**

That Council issue a new approval, known as Heritage Permit Application HP2017-020, for the erection of a new single-detached dwelling, on the designated property at 970 Beach Boulevard, Hamilton (Hamilton Beach Heritage Conservation District), as shown on Appendix "B" to Planning Committee Report PED13018, subject to the submission of a completed Site Plan and the following conditions:

- (a) That the final design of the attached garage be submitted to the satisfaction and approval of Planning staff prior to submission as part of any application for a Building Permit;
- (b) That the dimensions and surfacing materials for the new driveway and any walkways, patios, or other hard-surface areas, shall be submitted, to the satisfaction and approval of Planning staff, in accordance with the Site Plan approval process and prior to installation;
- (c) That the dimensions, design, and materials for any new fencing and gates shall be submitted, to the satisfaction and approval of Planning staff, prior to installation;
- (d) That as many existing trees as possible shall be retained, and a minimum of one new tree of a minimum caliper of 55mm of a species consistent with the City of Hamilton's Tree Species and Recommended Use Index, shall be planted within one year of occupancy of the new dwelling;
- (e) That a plan depicting the removed, retained and new trees, including the calliper size, locations, and species shall be submitted, to the satisfaction and approval of Planning staff, prior to any grading or tree removals;
- (f) That any minor changes to the plans and elevations following approval shall be submitted, to the satisfaction and approval of Planning staff, prior to submission as part of any application for a Building Permit; and,
- (g) That construction and site alterations, in accordance with this approval, shall be completed no later than April 31, 2019. If the construction and site alterations are not completed by April 31, 2019, then this approval expires as of that date, and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

**FOR INFORMATION:**

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

The Committee Clerk advised of the following change to the agenda:

**Added Notice of Motion**

10.1 Council approval of Heritage Permit Application HP2017-020 to replace expired Heritage Permit HP2013-037 for 970 Beach Boulevard, Hamilton

The agenda for the May 2, 2017 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) April 18, 2017 (Item 3.1)**

The Minutes of the April 18, 2017 meeting were approved.

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

The following delegation request was approved and the rules of order were waived in order to allow the delegation to address Committee at today's meeting:

- (i) Greg Tedesco, South Mountain Planning Team, Social Planning and Research Council of Hamilton to make a presentation to the Planning Committee to educate members of Council about purpose and accomplishments of the South Mountain Planning Team, and well as discuss the neighborhood's needs and priorities. (Item 4.1)

**(e) DELEGATIONS/PUBLIC HEARING (Item 6)**

- (i) **Application for an Amendment to City of Hamilton Zoning By-law No. 6593 for Lands Located at 390 Aberdeen Avenue (PED17063) (Ward 1) (Item 6.1)**

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 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.

No members of the public came forward.

John Ariens of IBI Group and the owner were in attendance and advised that they are in support of the staff report.

The public meeting was closed.

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

***(b) That the submissions received regarding this matter did not affect the decision.***

For disposition of this matter, refer to Item 3.

**(ii) Greg Tedesco, South Mountain Planning Team, Social Planning and Research Council of Hamilton (Item 4.1)**

Greg Tedesco, of the Social Planning and Research Council of Hamilton, addressed Committee with the aid of a PowerPoint presentation. The following members of the Planning Team also addressed Committee individually:

Victoria Kaulback  
Barry Khan  
Eddy Al-Jader  
Anita Joldersma  
Laura Berical  
Teresa Kaulback

Copies of two hand-outs were distributed. Copies of the presentation and the hand-outs have been retained for the official record and are available for viewing on the City's website.

The delegation was received.

**(f) NOTICES OF MOTIONS (Item 10.1)**

Councillor Collins introduced the following Notice of Motion:

**10.1 Council approval of Heritage Permit Application HP2017-020 to replace expired Heritage Permit HP2013-037 for 970 Beach Boulevard, Hamilton**

WHEREAS, 970 Beach Boulevard in Hamilton is located in the Hamilton Beach Heritage Conservation District and is designated under Part V of the *Ontario Heritage Act*;

WHEREAS, the Hamilton Municipal Heritage Committee was consulted on Heritage Permit Application HP2013-037 for the erection of a new single-detached dwelling on September 19, 2013, and advised Council to approve the application, subject to seven conditions lettered (a) through (g).

WHEREAS, Council approved Heritage Permit Application HP2013-037 subject to the six conditions on November 27, 2013.

WHEREAS, Heritage Permit HP2013-037 expired on November 30, 2015 as per condition (g), and;

WHEREAS, Council approval of Heritage Permit Application HP2017-020, which is identical to expired Heritage Permit HP2013-037, except for a new expiry date as per condition (g), is required to facilitate the approval of Site Plan Application DAB-16-031 and subsequent Building Permit application for the erection of a new single-detached dwelling as originally proposed.

THEREFORE BE IT RESOLVED:

That Council issue a new approval, known as Heritage Permit Application HP2017-020, for the erection of a new single-detached dwelling, on the designated property at 970 Beach Boulevard, Hamilton (Hamilton Beach Heritage Conservation District), as shown on Appendix "B" to Planning Committee Report PED13018, subject to the submission of a completed Site Plan and the following conditions:

- (a) That the final design of the attached garage be submitted to the satisfaction and approval of Planning staff prior to submission as part of any application for a Building Permit;
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- (c) That the dimensions, design, and materials for any new fencing and gates shall be submitted, to the satisfaction and approval of Planning staff, prior to installation;

- (d) That as many existing trees as possible shall be retained, and a minimum of one new tree of a minimum caliper of 55mm of a species consistent with the City of Hamilton's Tree Species and Recommended Use Index, shall be planted within one year of occupancy of the new dwelling;
- (e) That a plan depicting the removed, retained and new trees, including the calliper size, locations, and species shall be submitted, to the satisfaction and approval of Planning staff, prior to any grading or tree removals;
- (f) That any minor changes to the plans and elevations following approval shall be submitted, to the satisfaction and approval of Planning staff, prior to submission as part of any application for a Building Permit; and,
- (g) That construction and site alterations, in accordance with this approval, shall be completed no later than April 31, 2019. If the construction and site alterations are not completed by April 31, 2019, then this approval expires as of that date, and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

The rules of order were waived to allow the introduction of a motion respecting Council approval of Heritage Permit Application HP2017-020 to replace expired Heritage Permit HP2013-037 for 970 Beach Boulevard, Hamilton.

For disposition of this matter, refer to Item 5.

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

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

**(a) The following new due dates were approved:**

Item "D" - C.I. to Amend Hamilton Zoning By-law No. 6593 for 118 to 338 Mountain Brow Boulevard (Hamilton) (PED13101)

Due Date: May 2, 2017

New Due Date: October 3, 2017

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

Due Date: May 2, 2017

New Due Date: October 3, 2017

Item "J" - Staff to consult with property owners & Councillors re: HMHC Report 14-009 recommendations to include 206, 208 and 210 King Street East in the Register of Property of Cultural Heritage



Value or Interest and staff's designation work program and report back

Due Date: May 2, 2017

New Due Date: October 3, 2017

Item "N" - Report PED14120(a)- That staff report back on the feasibility of including licensing as part of the Administrative Penalty System as part of annual review of APS

Due Date: May 16, 2017

New Due Date: September 19, 2017

Item "O"- Deferral of Item 5 of HMHC Report 15-005 proposing inclusion of 1021 Garner Rd E on register of properties of cultural heritage value or interest to allow consultation with property owner and to correct wording.

Due Date: May 2, 2017

New Due Date: October 3, 2017

Item "R" - Staff to report back with recommendations to update Discharge of Firearms By-law

Due Date: June 20, 2017

New Due Date: September 19, 2017

Item "X" - Staff to report back after September 15, 2017, on the outcome and ramifications of the revised Hamilton Adequate Heat By-law No. 04-091

Due Date: November 17, 2017

New Due Date: September 5, 2017

(b) The following Items were removed:

Item "I" - Amendments to Licensing By-law, Schedule 25 – Taxicabs (PED14144) (Item 8 GIC Report 17-001, January 25, 2017)

Item "JJ" - Outcome of the 12 Month Pilot Program – Parking Fee Exemption for all Ontario Veteran Licence Plate Holders

(PED06157(c))

(Item 5.1 on this agenda)

**CARRIED**

**(ii) Early Release of the Pier 8 staff report**

The Committee agreed to the General Manager's proposal to release the Pier 8 staff report in advance of the release of the May 18, 2017 Planning Committee agenda due to the nature of the report and the public interest.

**(h) ADJOURNMENT (Item 13)**

There being no further business, the Planning Committee adjourned at 10:21 a.m.

Respectfully submitted,

Councillor M. Pearson  
Chair, Planning Committee

Ida Bedioui  
Legislative Co-ordinator  
Office of the City Clerk