



## **PLANNING COMMITTEE**

### **REPORT 17-009**

**9:30 a.m.**

**Tuesday, May 16, 2017**

**Council Chambers**

**Hamilton City Hall**

**71 Main Street West**

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

**Absent with regrets:** Councillor R. Pasuta, Sick Leave

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

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### **THE PLANNING COMMITTEE PRESENTS REPORT 17-009 AND RESPECTFULLY RECOMMENDS:**

**1. Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED17082) (City Wide) (Item 5.1)**

That Report PED17082 respecting Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications, be received.

**2. Parking Enforcement by the Hamilton Police Service (PED17079) (City Wide) (Item 5.2)**

That Report PED17079 respecting Parking Enforcement by the Hamilton Police Service, be received.

**3. Application for Zoning By-law Amendment for Lands Located at 95 Rymal Road West, Hamilton (PED17083) (Ward 8) (Item 6.1)**

- (a) That Amended Zoning By-law Application ZAR-16-069, by 2508629 Ontario Inc. (Dr. Meet Chande, Owner), for a further modification to the "C/S-706a" (Urban Protected Residential, etc.) District, Modified, in the City of Hamilton Zoning By-law No. 6593, to permit a medical clinic (optometrist) within the existing building subject to the existing requirements that a residential unit be retained, on lands located at 95

Rymal Road West (Hamilton), as shown on Appendix “A” to Report PED17083, be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix “B” to Report PED17083, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
  - (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 complies with the Urban Hamilton Official Plan.
- (b) That the submissions received regarding this matter did not affect the decision.

**4. Applications to Amend City of Hamilton Zoning By-law No. 05-200, Approval of a Draft Plan of Subdivision and Temporary Use By-law for lands located at Pier 8, 65 Guise Street East (PED17074) (Ward 2) (Item 6.2)**

- (a) That Council deem the lands within Pier 8 (as per Schedule “A” attached to Report PED17074) as a Class 4 Area pursuant to the Ministry of the Environment’s Noise Guideline NPC-300 (Stationary and Transportation Sources – Approval and Planning), with the requirement of the following to be secured through the Holding provision attached to the implementing Zoning By-law and through the Conditions of Subdivision Approval as specified below:
- (i) Submission of a noise impact assessment and provision of any recommended control measures, all of which are to be satisfactory to the City of Hamilton;
  - (ii) That as part of the sale of the lands, and secured through the subdivision agreement, any subsequent owner shall agree to provide notice to prospective purchasers that the dwellings are located in a Class 4 area and that the agreements respecting noise mitigation are to be registered on title;
  - (iii) That as part of the sale of the lands, and secured through the subdivision agreement, any subsequent owner shall agree to register any / all warning clauses on title;
  - (iv) The Ministry of the Environment and Climate Change and owners / operators of the neighbouring noise sources are notified by the subsequent owner of the subject lands of the designation and receive a copy of the final approved noise impact assessment;

- (v) That Council direct staff as part of the sale of the subject lands to negotiate and secure as a condition of sale fulfilment of the above requirements.
  
- (b) That Council adopt the Pier 7 Urban Design Guidelines as contained within Appendix “I” to Report PED17074, irrespective of any current or future zoning amendment applications that is approved for lands within Pier 7 and 8, 65 Guise Street East.
  
- (c) That approval be given to Zoning By-law Amendment Application ZAC-16-034, by Waterfront Development Office, City of Hamilton (Owner), for changes in zoning from the “F-4/S-838a” (Waterfront Service) District to the Waterfront Multiple Residential (WF1, H94) Zone (Blocks 1, 2, 5, 10, 11, 12 and 13), the Waterfront Multiple Residential (WF1, 483, H94) Zone (Block 7), the Waterfront Mixed Use (WF2, H94) Zone (Blocks 3 and 6), the Waterfront Prime Retail Streets (WF3, H94) Zone (Blocks 4 and 9), the Waterfront Prime Retail Streets (WF3, 484, H94) Zone (Block 6), the Open Space (P4, 485) Zone (Block 14), the Conservation/Hazard (P5) Zone (Block 15), and the Community Institutional (I2, 486, H94) Zone (Block 16) to permit multiple dwellings of varying densities and building heights, mixed-use buildings with at grade commercial and community uses, public open spaces including a gateway park, waterfront park and greenways for lands municipally known as Pier 8, 65 Guise Street East (Hamilton), as shown on Appendix “A” to Report PED17074, on the following basis:
  - (i) That the draft By-law, attached as Appendix “B” to Report PED17074, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2014), conform to the Places to Grow – Growth Plan and comply with the City of Hamilton Official Plan and West Harbour - Setting Sail Secondary Plan.
  
- (d) That approval be given to City Initiative 16-C (amended) to establish a Temporary Use By-law for a period of 24 months, to allow for commercial entertainment/recreation, including live or recorded music and dance facilities on Outdoor Commercial Patios for the area identified in Appendix “H”, on the following basis:
  - (i) That draft Temporary Use By-law, attached as Appendix “H” to Report PED17074, be approved by City Council;
  - (ii) That the draft Temporary Use By-law is consistent with the Provincial Policy Statement (PPS) 2014, conform to Growth Plan for the Greater Golden Horseshoe, and West Harbour (Setting Sail) Secondary Plan.

- (e) That approval be given to the Red Lined Revised Draft Plan of Subdivision Application 25T-201605, (the "Draft Plan") by Waterfront Development Office, City of Hamilton (Owner), to establish a Plan of Subdivision on lands municipally known as Pier 8, 65 Guise Street East (Hamilton), as shown on Appendix "A" to Report PED17074, subject to the following conditions:
- (i) That this approval apply to "Waterfront Pier 8", 25T-201605, prepared by S. Llewellyn & Associates Limited, and certified by Dasha Page O.L.S., dated June 16, 2016 showing eight (8) development blocks intended for residential and mixed-use development (Blocks 1 to 8); two (2) open space blocks (Blocks 10 and 11); three (3) Utility/SWM blocks (Blocks 12 to 14) one (1) open space / institutional block (Block 15); two (2) blocks for institutional uses (Blocks 16 and 17); and Streets "A" to "D", as attached in Appendix "D" to Report PED17074, if the lands are sold the subsequent owner shall enter into a Standard Form Subdivision Agreement, which shall include the Special Conditions attached as Appendix "C" to Report PED17074; and any further special conditions Council requires prior to final approval of the Draft Plan;
- (ii) Acknowledgement by the City of Hamilton that the sanitary pumping station is identified in the 2014 Development Charges Background study as project CW-20-14. Cost sharing for the pumping station will be in accordance with the City Financial policies;
- (iii) That payment of Cash-in-Lieu or dedication of Parkland will be required, pursuant to Section 51 of the *Planning Act*, prior to the issuance of each building permit. The calculation for the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the day of issuance of each building permit, as follows:

With regard to Blocks 1, 2 and 8, a parkland dedication, at a ratio of 0.5 ha per 500 dwelling units will be required for the proposed multiple dwelling units.

With regard to Blocks 3, 4, 5, 6 and 7 proposed for development for mixed commercial and residential uses, parkland dedication will be required at 2% for the commercial uses, and at a ratio of 0.5 ha per 500 dwelling units will be required for the proposed multiple dwelling units.

Furthermore, with regard to Blocks 16, 17 and portions of Block 15 proposed for development for Institutional uses, a parkland dedication rate of 5% will be required, unless the proposed use is specifically exempt as per Section 11 (6) of the City's Parkland Dedication By-law.

All in accordance with the Financial Policies for Development and the City's Parkland Dedication By-law, as approved by Council.

- (f) That the submissions received regarding this matter did not affect the decision.

**5. Application for Approval of a Draft Plan of Condominium (Common Element), for Lands known as 120 John Fredrick Drive (Ancaster) (PED17018) (Ward 12) (Referred back February 14, 2017) (Item 8.1)**

- (a) That approval be given to Redline Revised Draft Plan of Condominium Application 25CDM-201608, by WEBB Planning Consultants Inc., on behalf of Losani Homes (1998) Limited, owner, to establish a Draft Plan of Condominium (Common Element) to create a condominium road, sidewalks, landscaped areas, 19 visitor parking spaces, centralized mailboxes and exclusive use common element areas, on lands located at 120 John Fredrick Drive (Ancaster), as shown on Appendix "A" to Report PED17018, subject to the following conditions:

- (i) That the approval for Draft Plan of Condominium (Common Element) Application 25CDM-201608 applies to the plan prepared by A.T. McLaren Limited, certified by S. D. McLaren, and dated September 16, 2016, consisting of a condominium road, sidewalks, landscaped areas, 19 visitor parking spaces, centralized mailboxes, an exclusive use common element area identified as E-11 to E-26 and common element – restricted access (limits to be fenced) identified as E-27 and E-28, in favour of 52 semi-detached dwelling units, attached as Appendix "B" to Report PED17018; and,
- (ii) That the following Condition 16 be added to the Recommended Conditions of Draft Plan of Condominium Approval, outlined in Appendix "C" to Report PED17018, respecting Application for Approval of a Draft Plan of Condominium (Common Element), for Lands known as 120 John Fredrick Drive (Ancaster), and the balance be renumbered accordingly:

16. That the owner install the landscape features in accordance with the "Fencing and Columns Layout Plan and Details Plan" (L - 1 and L - 2), dated April 12, 2017, by Adesso Design Inc, which includes fencing and signage, and shall also include entrance gates to the satisfaction of the Director of Planning and Chief Planner,

- (iii) That the conditions of Draft Plan of Condominium Approval 25CDM-201608, attached as Appendix "A" to Report 17-009, be approved, as amended;
- (b) That there were no submissions received regarding this matter.

**6. Housekeeping Amendment to the Regional Municipality of Hamilton-Wentworth Woodland Conservation By-law No. R00-054, Town of Ancaster Tree Protection By-law No. 2000-118, Town of Dundas Tree Protection By-law No. 4513-99, and City of Stoney Creek Tree By-law No. 4401-96 (PED17084) (City Wide) (Added Item 8.2)**

- (a) That the technical and housekeeping changes to the Regional Municipality of Hamilton-Wentworth Woodland Conservation By-law No. R00-054, Town of Ancaster Tree Protection By-law No. 2000-118, Town of Dundas Tree Protection By-law No. 4513-99, and City of Stoney Creek Tree By-law No. 4401-96, detailed in the proposed amending By-law attached as Appendix “A” to Report PED17084 be approved;
- (b) That the amending By-law attached as Appendix “A” to Report PED17084, which has been prepared in a form satisfactory to the City Solicitor be enacted by Council.

**7. Review of Parking Space Dimensions and Associated Standards in the City of Hamilton Zoning By-law No. 05-200 (City Wide) (PED17089) (Item 8.3)**

- (a) That staff be directed and authorized to proceed with an amendment to Zoning By-law No. 05-200 as part of the Commercial and Mixed Use Zoning and Residential Zoning projects that would have the effect of:
  - (i) Increasing the parking stall size to reflect best practice standards and trends in the size and type of private vehicles;
  - (ii) Adding an additional requirement on each side of a parking stall where a stall is obstructed by a wall or support column;
  - (iii) To introduce a minimum drive aisle width for one- and two-way traffic;
  - (iv) To recognize existing legal parking spaces within the vacuum clause;
- (b) That staff be directed to undertake additional research as part of the residential zoning project for on-street parking, ratios for visitor parking, and the feasibility of allowing for “small car” stalls.

**8. Residential Drainage Assistance Program (Added Item 10.1)**

WHEREAS, in October 2011, Council approved staff report PED10091(d) creating Residential Drainage Assistance Program to help facilitate and advance solutions for drainage problems throughout the City;

WHEREAS, the main criteria of the program includes addressing properties that are located in the older areas of the City of Hamilton, where multiple properties are affected, and multiple flood events have occurred with significant drainage issues;

WHEREAS, most of the homes in the Rosedale Neighbourhood were originally constructed in the 1950s, prior to the existence of any formal grading policies;

WHEREAS, there is a history of chronic surface flooding on the properties bordering the homes on Charlotte Street and Erin Avenue during heavy rainfall events; and

WHEREAS, staff have visited the aforementioned properties to verify the associate flooding problems and conclude the homes meet the council adopted criteria of the Residential Drainage Assistance Program;

THEREFORE BE IT RESOLVED:

- (a) That in accordance with the Residential Drainage Assistance Program, Planning and Economic Development – Growth Management staff be directed to retain the services of a private engineering firm to complete a Phase 1 assessment of the drainage situation between the properties on Erin Avenue and Charlotte Street, and report back to committee with recommendations and options that seek to address the chronic flooding at this location;
- (b) That the cost of Phase 1 engineering works be funded from the Ward 5 Area Rating Reserve (Account #108055), at an estimated cost of \$10,000.

**9. Settlement of Ontario Municipal Board Appeal - 231 York Road (LS17017) (Ward 13) (Item 12.1)**

That Report LS17017 respecting Settlement of Ontario Municipal Board Appeal - 231 York Road be approved and remain private and confidential until the matter is before the Ontario Municipal Board for a hearing which is scheduled for June 22, or 23, 2017.

**10. Request for Review of Decision of the Ontario Municipal Board in Case No. PL161144 for Minor Variances for Lands Located at 9163 Twenty Road (Ward 11) (Item 12.2)**

That the resolution respecting Request for Review of Decision of the Ontario Municipal Board in Case No. PL161144 for Minor Variances for Lands Located at 9163 Twenty Road be approved and remain private and confidential until Council approval.

**FOR INFORMATION:**

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

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

**1. ADDED DELEGATION REQUESTS**

- 4.2 William Liske, Losani Homes, wishing to address Committee regarding Item 8.1 respecting Application for Approval of a Draft Plan of Condominium (Common Element), for Lands known as 120 John Fredrick Drive (Ancaster) (PED17018) (Ward 12)
- 4.3 Graham McNally, Hamilton/Burlington Society of Architects, respecting Item 8.3 Review of Parking Space Dimensions and Associated Standards in the City of Hamilton Zoning By-law No. 05-200 (City Wide) (PED17089)

**2. ADDED CORRESPONDENCE**

- 6.1(i) Dr. Kevin Cooke, 79 Rymal Road West, Hamilton, respecting Item 6.1, the Application for Zoning By-law Amendment for Lands Located at 95 Rymal Road West, Hamilton (PED17083)
- 8.1(i) William Liske, General Counsel, Losani Homes respecting Application for Approval of a Draft Plan of Condominium (Common Element), for Lands known as 120 John Fredrick Drive (Ancaster) (PED17018) (Ward 12)
- 8.3(i) Hamilton/Burlington Society of Architects, respecting Item 8.3 Review of Parking Space Dimensions and Associated Standards in the City of Hamilton Zoning By-law No. 05-200 (City Wide) (PED17089)

**3. CHANGES TO ITEM 6.2, THE ZONING BY-LAW AMENDMENT AND DRAFT PLAN OF SUBDIVISION PROPOSALS FOR PIER 8, 65 GUISE STREET EAST (PED17074):**

- (a) Housekeeping amendment to subsection (e) of the staff recommendations.

**ADDED CORRESPONDENCE:**

- 6.2(i) Bryan Ritskes, President, Harbour West Neighbours Inc.
- 6.2(ii) Mark Giavedoni, ESB Lawyers LLP, representing Brewer Marine Supply Limited ("Brewers")



- 6.2(iii) Herman Turkstra, Harbour West Neighbours Inc., Supporting Hamilton's Child and Family Friendly North End Neighbourhood
- 6.2(iv) Carol Hoblyn, North End resident
- 6.2(v) Susan J. Creer, North End resident
- 6.2(vi) Scott Nelles, 1003-600 John Street, North, Hamilton

**REGISTERED SPEAKERS TO ITEM 6.2**

- 1. Pitman Patterson, Borden Ladner Gervais LLP
- 2. Bryan Ritskes, on behalf of the Harbour West Neighbours Inc.
- 3. Herman Turkstra, on behalf of himself as a resident of 500 Bay Street North
- 4. Rob Fiedler, 78 Simcoe Street East, Hamilton
- 5. Keven Piper, North End Neighbours

**4. ADDED NOTICE OF MOTION**

- 10.1 Residential Drainage Assistance Program

**5. ADDED PRIVATE AND CONFIDENTIAL**

- 12.2 Request for Review of Decision of the Ontario Municipal Board in Case No. PL161144 for Minor Variances for Lands Located at 9163 Twenty Road (Ward 11)

*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.*

The agenda for the May 16, 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) May 2, 2017 (Item 3.1)**

The Minutes of the May 2, 2017 meeting were approved.

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

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

- 4.1 Suzanne Mammel, Hamilton-Halton Home Builders Association, respecting proposed changes to parking standards throughout the City. (Item 8.3)
- 4.2 William Liske, Losani Homes, wishing to address Committee regarding Item 8.1 respecting Application for Approval of a Draft Plan of Condominium (Common Element), for Lands known as 120 John Fredrick Drive (Ancaster) (PED17018) (Ward 12)
- 4.3 Graham McNally, Hamilton/Burlington Society of Architects, respecting Item 8.3 Review of Parking Space Dimensions and Associated Standards in the City of Hamilton Zoning By-law No. 05-200 (City Wide) (PED17089)

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

**(i) Application for Zoning By-law Amendment for Lands Located at 95 Rymal Road West, Hamilton (PED17083) (Ward 8) (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 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.

**Written Comments**

6.1(i) Doctor Kevin Cooke, 79 Rymal Road West

The written comments were received.

No members of the public came forward.

The public meeting was closed.

Steve Fraser of A. J. Clarke & Associates and the owner, Dr. Meet Chande were in attendance and indicated that they are in support of the staff report.

The recommendations were amended by adding the following subsection (b) and the balance was re-lettered accordingly:

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

For disposition of this matter refer to Item 3.

**(ii) Applications to Amend City of Hamilton Zoning By-law No. 05-200, Approval of a Draft Plan of Subdivision and Temporary Use By-law for lands located at Pier 8, 65 Guise Street East (PED17074) (Ward 2) (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 Zoning By-law amendment, Draft Plan of Subdivision and Temporary Use 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.

**Written Comments**

- 6.2(i) Bryan Ritskes, President, Harbour West Neighbours Inc.
- 6.2(ii) Mark Giavedoni, ESB Lawyers LLP, representing Brewer Marine Supply Limited ("Brewers")
- 6.2(iii) Herman Turkstra, Harbour West Neighbours Inc., Supporting Hamilton's Child and Family Friendly North End Neighbourhood
- 6.2(iv) Carol Hoblyn, North End resident
- 6.2(v) Susan J. Creer and Craig Burley, North End residents
- 6.2(vi) Scott Nelles, 1003-600 John Street, North, Hamilton

The written comments were received.

Edward John, Senior Project Manager addressed Committee with the aid of a PowerPoint presentation and he provided an overview of the report. A copy of the presentation is available for viewing on the City's website.

The staff presentation was received.

James Webb, of WEBB Planning Consultants, the agent, addressed Committee and introduced the following key staff in the Waterfront Development Office; Chris Phillips, Gavin Norman and Ed English and indicated that representatives of IBI Group, the City's consultants on traffic issues, were also in attendance. He indicated that he has been retained by the Waterfront Development Office as an independent planning consultant and assured Committee that a fulsome analysis of the proposal has been undertaken.

The agent's presentation was received.

### **Registered Speakers**

**1. Pitman Patterson, Borden Ladner Gervais LLP**

Pitman Patterson addressed Committee with the aid of a PowerPoint presentation. He indicated that he has been retained by P&H (Parrish & Heimbecker Flour Mill) a large grain handling and flour facility on Pier 10 facing Pier 8. He asked that approval of the applications be deferred in order to allow further study on the potential adverse effects of noise and dust on the proposed residential development due to the proximity to the P&H facility. A copy of the presentation is available for viewing on the City's website.

**2. Bryan Ritskes, on behalf of the Harbour West Neighbours Inc.**

Bryan Ritskes was in attendance but did not address Committee. He submitted written comments copies of which were distributed. A copy has been retained for the public record and is available for viewing on the City's website.

The written submission was received.

**3. Herman Turkstra, on behalf of himself as a resident of 500 Bay Street North**

Herman Turkstra addressed Committee with the aid of a PowerPoint presentation. Copies of the hand out were distributed and a copy has been retained for the public record. A copy is available for viewing on the City's website. Herman Turkstra outlined his opposition to various aspects of the proposal.

**4. Rob Fiedler, 78 Simcoe Street East, Hamilton**

Rob Fiedler addressed Committee and indicated that he is in attendance as a parent representative for Bennetto School on the West Hamilton City Schools Pupil Accommodation Review. The school closures are in relation to available housing stock which Council can influence through Planning.

**5. Keven Piper, North End Neighbours**

Keven Piper submitted written comments and copies were distributed. A copy has been retained for the public record and is available for viewing on the City's website. He is the president of the North End Neighbours and he expressed concerns that the proposed development will affect the existing community.

**6. Joan Jeffrey, 419 Hughson Street North**

Joan Jeffrey addressed Committee and she expressed her concerns with the proposed development.

The delegations were received.

The public meeting was closed.

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

- (f) That the submissions received regarding this matter did not affect the decision

For disposition of this matter refer to Item 4.

**(f) DISCUSSION (Item 8)**

- (i) Application for Approval of a Draft Plan of Condominium (Common Element), for Lands known as 120 John Fredrick Drive (Ancaster) (PED17018) (Ward 12) (Referred back February 14, 2017) (Item 8.1)**

**Written Comments**

8.1(i) William Liske, Losani Homes

The added written comments from William Liske were received.

### Delegation

#### 1. William Liske, Losani Homes (Added Item 4.2)

William Liske addressed Committee and indicated that he is the solicitor for Losani Homes. He referenced his letter which he submitted to Committee. He indicated that the residents of the condominium are impacted by the delays and will be impacted by any changes that Committee may impose today.

The delegation was received.

The following amendment was approved:

(a) That the following Condition 16 be added to the *Recommended Conditions of Draft Plan of Condominium Approval*, outlined in Appendix "C" to Report PED17018, respecting Application for Approval of a Draft Plan of Condominium (Common Element), for Lands known as 120 John Fredrick Drive (Ancaster), and the balance be renumbered accordingly:

16. That the owner install the landscape features in accordance with the "Fencing and Columns Layout Plan and Details Plan" (L - 1 and L - 2), dated April 12, 2017, by Adesso Design Inc, which includes fencing and signage, and shall also include entrance gates to the satisfaction of the Director of Planning and Chief Planner,

(b) That the following be added as subsection (b):

(b) That there were no submissions received regarding this matter.

Councillors Pearson, Conley and Skelly indicated that they wished to be recorded as OPPOSED to this amendment.

For disposition of this matter refer to Item 5.

#### (ii) Review of Parking Space Dimensions and Associated Standards in the City of Hamilton Zoning By-law No. 05-200 (City Wide) (PED17089) (Item 8.3)

### Written Comments

8.3(i) Graham McNally, Hamilton/Burlington Society of Architects

The added written comments were received.

Madeleine Giroux, Planner, addressed Committee with the aid of a PowerPoint presentation. She provided an overview of the report and a copy of the presentation is available for viewing on the City's website.

The staff presentation was received.

### **Delegations**

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

Suzanne Mammel of the Hamilton-Halton Home Builders Association addressed Committee and she indicated that she does not agree with the dimensions of the parking stalls recommended in the report. She requested to be able to work with staff during the next steps.

**2. Graham McNally, Hamilton/Burlington Society of Architects (Added Item 4.3)**

Graham McNally from the Hamilton/Burlington Society of Architects addressed Committee and indicated that they have reviewed the report and they agree with Suzanne Mammel's comments. This proposal will affect all future developments in the City as the proposed larger stall sizes will result in a decrease the number of parking stalls. He also requested that the Society be allowed to provide their input going forward.

The delegations were received.

For disposition of this matter refer to Item 7.

**(g) NOTICES OF MOTION (tem 10)**

Councillor Collins introduced the following Notice of Motion:

**(i) Residential Drainage Assistance Program (Added Item 10.1)**

The rules of order were waived in allow the introduction of a motion regarding Residential Drainage Assistance Program.

For disposition of this matter refer to Item 8.

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

11.1 Outstanding Business List

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

Item "H" - Redevelopment of a City Owned Surface Parking Lot (PED16205)

Due Date: May 16, 2017

New Due Date: September 19, 2017

Item "Y" - That staff be directed to report back on how to revise Council's current policy respecting OMB appeals for non-decision to ensure the public has the opportunity to provide input

Due Date: May 16, 2017

New Due Date: October 3, 2017

- (b) That the following Item be removed:

Item "L" – Staff to report back on the feasibility of increasing the parking space dimensions (Item 8.3 on this agenda.)

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

Committee moved into Closed Session, respecting Items 12.1 and 12.2 at 2:05 p.m. 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 2:20 p.m.

- (i) Settlement of Ontario Municipal Board Appeal - 231 York Road (LS17017) (Ward 13) (Item 12.1)**

For disposition of this matter refer to Item 9.

- (ii) Request for review of decision of the Ontario Municipal Board in Case No. PL161144 for minor variances for lands located at 9163 Twenty Road (Ward 11) (Item 12.2)**

For disposition of this matter refer to Item 10.



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

There being no further business, the Planning Committee adjourned at 2:20 p.m.

Respectfully submitted,

Councillor M. Pearson  
Chair, Planning Committee

Ida Bedioui  
Legislative Co-ordinator  
Office of the City Clerk

**Recommended Conditions of Draft Plan of Condominium Approval**

That this approval for the **Redline Revised Draft Plan of Condominium Application 25CDM-201608 by WEBB Planning Consultants Inc., on behalf of Losani Homes (1998) Limited**, to establish a Draft Plan of Condominium (Common Element) consisting of a condominium road, sidewalks, landscaped areas, 19 visitor parking spaces, centralized mailboxes and also exclusive use common element area identified as E-11 to E-26 and common element – restricted access (limits to be fenced) area, identified as E-27 and E-28, in favour of 52 semi detached dwelling units on lands located at 120 John Frederick Drive (Ancaster), be received and endorsed by City Council with the following special conditions:

1. That the final Plan of Condominium shall comply with all of the applicable provisions of Hamilton Zoning By-law No. 05-200 as amended by Minor Variance applications AN/A-15:419 and AN/A-16:226, to the satisfaction of the Director of Planning and Chief Planner.
2. That the subject lands be developed in accordance with the final approved Site Plan Application DAR-15-024 and that the final Plan of Condominium complies with the approved Site Plan, to the satisfaction of the Director of Planning and Chief Planner.
3. That the owner provide the letter of approval from the Ministry of Tourism, Culture and Sport addressing the Stage 1-2 Archeological Report to the satisfaction of the Director of Planning and Chief Planner.
4. That the owner shall receive final approval of Part Lot Control Application PLC-16-019, including the enactment and registration on title of the associated Part Lot Control Exemption By-law, to the satisfaction of the Director of Planning and Chief Planner.
5. That the owner shall enter into a Development Agreement to ensure that the tenure of each of the proposed semi detached dwellings having frontage on the condominium road has legal interest, in common, to the common elements condominium, to the satisfaction of the City Solicitor.
6. That the owner shall agree to include the following in all Purchase and Sale Agreements and Rental Leases and in the Condominium Declaration, to the satisfaction of the Director of Planning and Chief Planning:
  - (i) Within the Condominium Declaration, that the owner shall include the following warning clauses in all purchase and sale agreements and any rental or lease agreements required for occupancy:
    - a. Purchasers / tenants are advised that access is restricted to the Southcote Woodland identified as E-27 and E-28 on the Draft Plan of Condominium.

- b. Purchasers / tenants are advised that the erection or use of any building, structures or swimming pools that would require a building permit is prohibited within the area identified as E-11 and E-26 on the Plan of Condominium.
  - c. Purchasers / tenants are advised that the removal of any existing vegetation within E-27 and E-28 on the Plan of Condominium is prohibited without written approval of the City of Hamilton.
  - d. Purchasers / tenants are advised that the removal of native trees and shrubs within E-11 and E-26 on the Plan of Condominium is prohibited without written approval of the City of Hamilton. These plants are to aid in mitigating possible impacts such as encroachment, dumping and invasive species.
  - e. Purchasers / tenants are advised that grading is prohibited within the area identified as E-27 and E-28 on the Plan of Condominium. Also, within the area identified as E-11 and E-26 on the Plan of Condominium, limited grading (i.e. transitional grading) at least 1 m from the drip line of the trees is permitted; however wholesale grading is prohibited.
  - f. A 1.8 metre high black vinyl coated heavy duty chain link fence is to be placed along the drip line of the Southcote Woodland. Purchasers / tenants are advised that removal of this fencing, replacement of this fencing with different material (e.g. wood) and the addition of gates within the fencing is prohibited.
  - g. Purchasers / tenants are advised that the future Condominium Corporation will retain a right of access to the area identified as E-11 and E-26 on the Plan of Condominium for maintenance purposes.
  - h. Purchasers / tenants are advised that removal of the interpretative signage within locations identified as E-11 and E-28 on the Plan of Condominium is prohibited.
  - i. Purchasers / tenants will be provided a Stewardship Brochure that describes the importance of the Significant Woodland and how the homeowner can minimize their impact on this feature.
7. That the owner shall agree to, prior to the commencement of collection service on private property, an "Agreement for on-site Collection of Municipal Solid Waste" must be completed and submitted to the City. A certificate of insurance naming the City as additional insured (in relation to waste collection services) must also be submitted prior to the start of service to the satisfaction of the Manager of Public Works Department (Operations Division).

8. That the owner shall agree to include the following in all Purchase and Sale Agreements and Rental Leases and in the Development Agreement, to the satisfaction of the Senior Director of Growth Management:
  - (i) The City of Hamilton will not be providing maintenance or snow removal service for the private condominium road;
  - (ii) Garages are provided for the purpose of parking a vehicle. It is the responsibility of the owner / tenant to ensure that their parking needs (including those of visitors) can be accommodated onsite. On-street, overflow parking may not be available and cannot be guaranteed in perpetuity; and,
  - (iii) The home mail delivery will be from a Community Mail Box.
9. That the owner will be responsible for officially notifying the purchasers of the exact Community Mail Box locations, to the satisfaction of Senior Director of Growth Management and Canada Post prior to the closing of any home sales.
10. That the owner work with Canada Post to determine and provide temporary suitable Community Mail Box locations, which may be utilized by Canada Post, until the curbs, boulevards, and sidewalks are in place in the remainder of the subdivision, to the satisfaction of the Senior Director of Growth Management.
11. That the owner install a concrete pad in accordance with the requirements of, and in locations to be approved by the Senior Director of Growth Management and Canada Post, to facilitate the placement of Community Mail Boxes.
12. That the owner identify the concrete pads for the Community Mail Boxes on the engineering / servicing drawings. Said pads are to be poured at the time of the sidewalk and / or curb installation within each phase, to the satisfaction of the Senior Director of Growth Management.
13. That the owner determine the location of all mail receiving facilities in co-operation with the Senior Director of Growth Management and Canada Post, and to indicate the location of mail facilities on appropriate maps, information boards, and plans. Maps are also to be prominently displayed in the sales office(s), showing specific mail facility locations.
14. That the owner / developer ensure the following wording is included in the associated Condominium Declaration to the satisfaction of the Senior Director of Growth Management:

The Corporation shall maintain and repair the Common Elements at its own expense. The Corporation shall also maintain and repair all utilities (including without limitation, water mains, storm and sanitary sewers, catch

basins, and fire hydrants) which services more than one Parcel of Tied Land (POTL), whether located within the Common Elements or wholly or partly within the POTL and the Corporation and its designated agents shall have full access to a POTL to carry out its obligation pursuant to this paragraph. If the Corporation is required to maintain or repair any utility or service on a POTL, the Corporation shall only be responsible to return the POTL to its original stage and shall not be responsible to repair or replace, or to correct any upgrade or improvement performed or added to the POTL by the POTL owner.

15. That the owner / developer ensure the following condition be adhered to in the associated Condominium Declaration to the satisfaction of the Senior Director of Growth Management:

#### NOTICE REGARDING PERMEABLE PAVER MAINTENANCE

The primary maintenance requirement for permeable pavers is to clean the surface drainage voids. Fine debris and dirt accumulate in the drainage openings and reduce the pavement's flow capacity. It is natural for clogging to occur over time, but routine maintenance can reduce this problem. A maintenance checklist follows:

- Inspection of the site should occur monthly for the first few months after construction. Then inspections can occur on an annual basis, preferably after rain events when clogging will be obvious.
- Conventional street sweepers equipped with vacuums, water, and brushes can be used to restore permeability. Vacuum sweep ideally four (4) times a year, properly disposing of the removed material. Follow the sweeping with high-pressure hosing of the surface pores. If necessary, add additional aggregate fill material made up of clean gravel.
- Potholes and cracks can be filled with patching mixes, and spot clogging of porous concrete may be fixed by drilling approximately 0.5-inch holes every few feet. Damaged interlocking paving blocks can be replaced.
- An active street sweeping program in the site's drainage area will also help to prolong the functional life of the pavement.

Even though some irreplaceable loss in permeability should be expected over the paver's lifetime, the longevity of the system can be increased by following the maintenance schedule for vacuum sweeping and high pressure washing, restricting the area's use by heavy vehicles, limiting the use of de-icing chemicals and sand, and implementing a stringent sediment control plan.

16. That the owner install the landscape features in accordance with the "Fencing and Columns Layout Plan and Details Plan" (L - 1 and L - 2), dated April 12, 2017, by

Adesso Design Inc, which includes fencing and signage, and shall also include entrance gates to the satisfaction of the Director of Planning and Chief Planner,

17. That the owner shall satisfy all conditions, financial or otherwise, of the City of Hamilton.
18. That the Owner enter and register into a Joint Use Agreement with the City in order to permit the use of shared storm and water services across the future property line(s) and to establish a private sewer and water servicing easement over the adjacent common element private condominium road in addition to easements for vehicular and pedestrian access to the satisfaction of the Senior Director of Growth Management.

That the owner be advised of the following:

#### NOTES TO DRAFT PLAN APPROVAL

- 1) Pursuant to Section 51(32) of the *Planning Act*, draft approval shall lapse if the plan is not given final approval within three years. However, extensions will be considered if a written request is received before the draft approval lapses.