



PLANNING COMMITTEE

REPORT 17-012

9:30 a.m.

Tuesday, July 11, 2017

Council Chambers

Hamilton City Hall

71 Main Street West

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

Also present: Councillor S. Merulla

Absent with regrets: Councillor R. Pasuta, Sick Leave
Councillor A. Johnson (1st Vice Chair), Personal

THE PLANNING COMMITTEE PRESENTS REPORT 17-012 AND RESPECTFULLY RECOMMENDS:

1. Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED17118) (City Wide) (Item 5.1)

That Report PED17118 respecting Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications, be received.

2. Application for Approval of Draft Plan of Condominium (Common Element), for Lands Located at 1169 Garner Road East, Ancaster (PED17119) (Ward 12) (Item 6.1)

(a) That Draft Plan of Condominium Application 25CDM-201617, by Losani Homes (1998) Ltd., (Owner), to establish a Draft Plan of Condominium (Common Element) to create a condominium road network, sidewalks, pedestrian walkway, amenity space, and 46 visitor parking spaces, on lands located at 1169 Garner Road East (Ancaster), as shown on Appendix "A" to Report PED17119, be APPROVED, subject to the following conditions:

(i) That the approval for Draft Plan of Condominium (Common Element) application 25CDM-201617 applies to the plan prepared

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by A.T. McLaren Ltd., certified by S.D. McLaren, dated May 17, 2017, and consisting of a condominium road network, sidewalks, pedestrian walkway, amenity space, and 46 visitor parking spaces attached as Appendix "B" to Report PED17119;

- (ii) That the conditions of Draft Plan of Condominium Approval attached as Appendix "C" to Report PED17119 be endorsed by City Council;
- (b) That the submissions received regarding this matter did not affect the decision.

3. Amendment to Zoning By-law No. 05-200 for Lands Located at 49 Inksetter Road, Flamborough (PED17115) (Ward 14) (Item 6.2)

- (a) That Zoning By-law Amendment Application ZAA-17-026, by Joe Loewith of Joe Loewith & Sons (Owners), for a modification to the Rural (A2) Zone and the Conservation / Hazard Land- Rural (P6) Zone in order to prohibit the construction of a single detached dwelling and residential care facility and to recognize the lot size of the lands to be retained as shown on Appendix "A" to Report PED17115, be APPROVED on the following basis:
 - (i) That the draft By-law, attached as Appendix "B" to Report PED17115, 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;
 - (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Greenbelt Plan (2017), and complies with the Rural Hamilton Official Plan (RHOP);
- (b) That there were no submissions received regarding this matter.

4. Application for Amendment to Zoning By-law No. 05-200 for Lands Located at 1226 Sodom Road (Flamborough) (PED17116) (Ward 14) (Item 6.3)

- (a) That Amended Zoning By-law Amendment Application ZAA-17-012, by Neil Vanderkruk Holdings Inc., (Owner), for a further modification to the Rural (A2) Zone and the Conservation / Hazard Land – Rural (P6) Zone, in order to prohibit the construction of a single detached dwelling and a residential care facility, for the lands located at 1226 Sodom Road (Flamborough), as shown on Appendix "A" to Report (PED17116), be APPROVED on the following basis:

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- (i) That the draft By-law, attached as Appendix "B" to Report PED17116, 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;
 - (iii) That the proposed changes in zoning are consistent with the Provincial Policy Statement, conform to the Greenbelt Plan (2017), and comply with the Rural Hamilton Official Plan (RHOP);
- (b) That there were no submissions received regarding this matter.

5. Application for Amendment to Zoning By-Law No. 90-145-Z for Lands Located at 21 Howard Boulevard (Flamborough) (PED17117) (Ward 15) (Item 6.4)

- (a) That Zoning By-law Amendment Application ZAR-16-067, by Les and Jennifer Szarka, (Owners), for a further modification from the Urban Residential (Single Detached) "R1-6" Zone, Modified, to the Urban Residential (Single Detached) "R1-73", Modified, in order to facilitate severance application FL/B-15:96 to permit the development of two single detached residential lots, on lands located at 21 Howard Boulevard (Flamborough), as shown on Appendix "A" to Report PED17117, be APPROVED, on the following basis:
- (i) That the draft By-law, attached as Appendix "B" to Report PED17117, 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-30 of the Flamborough Zoning By-Law No. 90-145-Z;
 - (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (PPS), conforms to the Growth Plan for the Greater Golden Horseshoe (2017) and complies with the Urban Hamilton Official Plan (UHOP);
- (b) That the submissions received regarding this matter did not affect the decision.

6. Applications to Amend the Urban Hamilton Official Plan and City of Stoney Creek Zoning By-law No. 3692-92, for Lands Located at 26 Upper Mount Albion Road (Stoney Creek) (PED17121) (Ward 9) (Item 6.5)

- (a) That Amended Urban Hamilton Official Plan Amendment Application UHOPA-17-11, by CONNECT Communities (c/o Patti Flaherty, Owner), for OPA No. XX, to create a Site Specific Policy Area “___” within the Trinity West Secondary Plan to permit a multiple dwelling for the purposes of a Residential Care Facility and amend the minimum and maximum density, for the lands known as 26 Upper Mount Albion Road (Stoney Creek), be APPROVED, as shown on Appendix “A” to Report PED17121, on the following basis:
 - (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED17121, 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 (2017);
- (b) That Zoning By-law Amendment Application ZAC-17-023, by CONNECT Communities (c/o Patti Flaherty, Owner), for a change in zoning from the Neighbourhood Development “ND” Zone, in Stoney Creek By-law No. 3692-92 to the Community Institutional (I2, 615) Zone, in Zoning By-law No. 05-200, for the lands located at 26 Upper Mount Albion Road (Stoney Creek), as shown on Appendix “A” to Report PED17121, be APPROVED, on the following basis:
 - (i) That the draft By-law, attached as Appendix “C” to Report PED17121, 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 (PPS) and conforms to the Growth Plan for the Greater Golden Horseshoe (2017);
 - (iii) That the proposed change in zoning complies with the Urban Hamilton Official Plan upon finalization of Urban Hamilton Official Plan Amendment No. ___;
- (c) That the submissions received regarding this matter did not affect the decision.

7. Application for an Amendment to City of Hamilton Zoning By-law No. 6593 for Lands Located at 52 to 64 Ottawa Street North, Hamilton (PED17120) (Ward 4) (Item 6.6)

- (a) That Amended Zoning By-law Amendment Application ZAR-15-062 by YWCA Hamilton, Owner, for a modification to the “H” (Community Shopping and Commercial, etc.) District, to permit a Multiple Dwelling for lands located at 52 to 64 Ottawa Street North, Hamilton, as shown on Appendix “A” to Report PED17120, be APPROVED on the following basis:
 - (i) That the draft By-law, attached as Appendix “B” to Report PED17120, 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 PED17120, be added to District Map No. E54 of Zoning By-law No. 6593;
 - (iii) That the amending By-law apply the Holding provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject lands by introducing the Holding symbol ‘H’ as a suffix to the proposed zoning;

The Holding provision “H/S-1747-‘H’”Holding, District, Modified be removed conditional upon:

- (1.) The Owner entering into a Conditional Building Permit Agreement with respect to completing a Record of Site Condition or a signed Record of Site Condition (RSC) to be submitted to the City of Hamilton and the Ministry of Environment and Climate Change (MOECC) and this RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MOECC and the submission of the City of Hamilton’s current RSC administration fee; and,
- (2.) The Owner submitting a Noise Assessment to address the mitigation of road noise for an arterial road and truck route to the satisfaction of the Director of Planning and Chief Planner;
- (iv) That staff be directed and authorized to incorporate Recommendation (a) of Report PED17120 into the future housekeeping amendment to the Commercial and Mixed Use Zones in accordance with the applicable provisions of the Planning Act;

- (v) That the proposed change in zoning is consistent with the Provincial Policy Statement, conforms to the Growth Plan for the Greater Golden Horseshoe and complies with the Urban Hamilton Official Plan;
 - (b) That the submissions received regarding this matter did not affect the decision.
- 8. Application to Amend the City of Hamilton Zoning By-law No. 6593 for Lands Located at 500, 502, 504, 506, 508, 510 and 512 James Street North, Hamilton (PED17114) (Ward 2) (Item 6.7)**

- (a) That Zoning By-law Amendment Application ZAR-16-071 by Indwell Community Homes, on behalf of Hughson Street Baptist Church, Owner, for a change in zoning from "G" (Neighbourhood Shopping Centre, etc.) District to "H/S-1751-'H'" (Community Shopping and Commercial, etc. - Holding) District, Modified, in order to permit a four storey mixed use building containing a place of worship with accessory uses on the ground floor and basement and a multiple dwelling on the upper three storeys for lands located at 500, 502, 504, 506, 508, 510 and 512 James Street North (Hamilton), as shown on Appendix "A" to Report PED17114, be APPROVED on the following basis:
 - (i) That the draft By-law, attached as Appendix "A" to Report 17-012, as amended to omit the requirement to erect a 1.8 metre high privacy fence in the tapered planting strip along the northerly lot line between the proposed parking area and the adjacent properties, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the amending By-law, as amended, attached as Appendix "A" to Report 17-012, be added to Schedule "E2" of City of Hamilton Zoning By-law No. 6593;
 - (iii) That the amending By-law apply the Holding provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject lands by introducing the Holding symbol 'H' as a suffix to the proposed multiple dwelling use only;

The Holding provision "H/S-1751-'H'" (Community Shopping and Commercial, etc. - Holding) District, Modified, be removed to allow the multiple dwelling, conditional upon:

- (1) The applicant entering into a conditional building permit agreement with respect to completing a Record of Site Condition or a signed Record of Site Condition (RSC) to be

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submitted to the City of Hamilton and the Ministry of the Environment and Climate Change (MOECC) and this RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MOECC, and submission of the City of Hamilton's current RSC administration fee;

- (iv) That staff be directed and authorized to incorporate Recommendation (a) of Report PED17114 into the future housekeeping amendment to the Commercial and Mixed Use Zones in accordance with the applicable provisions of the Planning Act;
- (v) That the proposed change in zoning is consistent with the Provincial Policy Statement (PPS), conforms to the Growth Plan for the Greater Golden Horseshoe (2017) and complies with the Hamilton-Wentworth Official Plan and the City of Hamilton Official Plan;
- (b) That the submissions received affected the decision by supporting the granting of the application with an amendment.

9. Bill 139, *Building Better Communities and Conserving Watersheds Act, 2017* – Ontario Proposed Changes to the Land Use Planning Appeal System (LS16027(a)/PED16237(a)) (City Wide) (Item 7.1, formerly Item 5.2)

- (a) That the submissions and recommendations as provided in Report LS16027(a)/PED16237(a) regarding Schedules 1, 2, 3, and 5 of Bill 139, *Building Better Communities and Conserving Watersheds Act, 2017* be adopted;
- (b) That the Mayor be authorized to sign and City Clerk be directed to submit the letter contained in Appendix "B" of Report 17-012 to Ken Peterson, Manager, Ministry of Municipal Affairs and Housing, to be considered as the City of Hamilton's comments on Schedule 3 of Bill 139;
- (c) That the City Solicitor and the Director of Planning and Chief Planner be authorized to make submissions consistent with the recommendations of Report LS16027(a)/PED1627(a) to the appropriate Standing Committee of Legislative Assembly, including participating as part of a panel with other municipalities who may share similar views;
- (d) That Planning and Legal staff consult with the appropriate and relevant Provincial Ministries to obtain additional information related to how planning applications for waste facilities will be processed should Bill 139 be approved as presented.

10. Staging of Development Report 2017 Update (PED17128) (City Wide) (Item 8.1)

That Report PED17128 respecting Staging of Development Report 2017 Update, be received.

11. Historical Designation of the Vimy Oak Tree Located at 79 Hamilton Street North, Flamborough (Waterdown Legion Branch 551) (Item 9.1)

WHEREAS the Vimy Oak Tree is a direct descendant of English oak trees located at Vimy Ridge during World War I;

WHEREAS the Vimy Oak Tree was planted in commemoration of the 100th anniversary of the Battle of Vimy Ridge (April 9 – 12, 1917); and

WHEREAS the Vimy Oak Tree stands as a living memorial to the Canadian soldiers who served in the First World War and serves a symbolic connection to the most widely-known military engagement in Canadian history;

THEREFORE BE IT RESOLVED:

That staff be directed to add the Vimy Oak Tree, located at 79 Hamilton Street North, Flamborough (Waterdown Legion Branch 551), to staff's designation work plan for completion in 2017 in connection with the 100th anniversary of the Battle of Vimy Ridge.

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 1)

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

1. CHANGE TO AGENDA ORDER

The following Item is moved to the Presentations section of the agenda:

- 5.2 Bill 139, *Building Better Communities and Conserving Watersheds Act, 2017* – Ontario Proposed Changes to the Land Use Planning Appeal System (LS16027(a)/PED16237(a)) (City Wide)

2. ADDED CORRESPONDENCE

- 6.4(i) Jason Rodney and Catherine Donaldson, 7 Howard Boulevard, respecting Item 6.4, Application for Amendment to Zoning By-Law No. 90-145-Z for Lands Located at 21 Howard Boulevard (Flamborough) (PED17117) (Ward 15)
- 6.7(i) Lory James, Glacier Trading Corporation, 66 Fraser Avenue, Toronto respecting Item 6.7, Application to Amend the City of Hamilton Zoning By-law No. 6593 for Lands Located at 500, 502, 504, 506, 508, 510 and 512 James Street North, Hamilton (PED17114) (Ward 2)

The agenda for the July 11, 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) June 20, 2017 (Item 3.1)

The Minutes of the June 20, 2017 meeting were approved.

(d) DELEGATIONS/PUBLIC HEARING (Item 6)

(i) Application for Approval of Draft Plan of Condominium (Common Element), for Lands Located at 1169 Garner Road East, Ancaster (PED17119) (Ward 12) (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 Draft Plan of Condominium (Common Elements) 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.

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The public meeting was closed.

The staff presentation was waived.

James Webb, of WEBB Planning Consultants representing the owner, was in attendance and indicated that they are in support of the staff report.

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

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

For disposition of this matter refer to Item 2.

(ii) Amendment to Zoning By-law No. 05-200 for Lands Located at 49 Inksetter Road, Flamborough (PED17115) (Ward 14) (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 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.

The public meeting was closed.

Ed Fothergill of Fothergill Planning and Development Inc., representing the owner, was in attendance and indicated that they are in support of the staff report.

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

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

For disposition of this matter refer to Item 3.

(iii) Application for Amendment to Zoning By-law No. 05-200 for Lands Located at 1226 Sodom Road (Flamborough) (PED17116) (Ward 14) (Item 6.3)

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.

No members of the public came forward.

The public meeting was closed.

Chris Van Berkel, representing the owner, was in attendance and indicated that they are in support of the staff report.

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

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

For disposition of this matter refer to Item 4.

(iv) Application for Amendment to Zoning By-Law No. 90-145-Z for Lands Located at 21 Howard Boulevard (Flamborough) (PED17117) (Ward 15) (Item 6.4)

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

6.4(i) Jason Rodney and Catherine Donaldson, 7 Howard Boulevard,

The written comments were received.

No members of the public came forward.

The public meeting was closed.

The staff presentation was waived.

Les Szarka, the owner, was in attendance and indicated that he is in support of the staff report.

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

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

For disposition of this matter refer to Item 5.

(v) Applications to Amend the Urban Hamilton Official Plan and City of Stoney Creek Zoning By-law No. 3692-92, for Lands Located at 26 Upper Mount Albion Road (Stoney Creek) (PED17121) (Ward 9) (Item 6.5)

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 Urban Hamilton 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.

No members of the public came forward.

The public meeting was closed.

The staff presentation was waived.

Paul Mallard, of Paul Mallard Consulting, representing the owner, was in attendance and indicated that they are in support of the staff report.

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

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

For disposition of this matter refer to Item 6.

(vi) Application for an Amendment to City of Hamilton Zoning By-law No. 6593 for Lands Located at 52 to 64 Ottawa Street North, Hamilton (PED17120) (Ward 4) (Item 6.6)

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.

No members of the public came forward.

The public meeting was closed.

The staff presentation was waived.

Ward Councillor Merulla was in attendance and spoke in support of this proposal.

Emma Cubitt, of Invizij Architect, and Mylene Vincent from the YWCA, were in attendance and indicated that they are in support of the staff report.

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 7.

(vii) Application to Amend the City of Hamilton Zoning By-law No. 6593 for Lands Located at 500, 502, 504, 506, 508, 510 and 512 James Street North, Hamilton (PED17114) (Ward 2) (Item 6.7)

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

6.7(i) Lory James, Glacier Trading Corporation, 66 Fraser Avenue,
Toronto

The added written comments, Item 6.7(i), were received.

Tiffany Singh, Planner, addressed Committee with the aid of a PowerPoint presentation and provided an overview of the report. A copy of her presentation is available for viewing on the City's website.

The staff presentation was received.

Graham Cubitt of Indwell Community Homes (applicant), addressed Committee and introduced Reverend Dwayne Cline, Pastor of the Hughson Street Baptist Church (owner) and George Zajac of Armstrong Planning and Project Management (agent). His PowerPoint presentation provided an overview of the proposal. A copy of the presentation is available for viewing on the City's website. Handouts were distributed and a copy has been retained for the public record.

The agent's presentation was received.

Registered Speakers

**1. Lory James, Glacier Trading Corporation, 66 Fraser Avenue,
Toronto.**

Lory James addressed Committee and submitted copies of four photographic images of various developments in the Greater Toronto Area (GTA) which she suggested as alternative designs for

this proposal. The copies were distributed and a copy has been retained for the public record.

The delegation was received.

2. Berardo Mascioli, Stratega Consulting Limited, 215 Roncesvalles Avenue, # 200, Toronto

Berardo Mascioli addressed Committee and indicated that he is representing Glacier Trading Corporation, the owner of 520 James Street North. He outlined the comments which are summarized in the submitted correspondence (Item 6.7(i)).

The delegation was received.

3. Rob Fiedler, 78 Simcoe Street East, Hamilton

Rob Fiedler addressed Committee and spoke in support of the application.

The delegation was received.

4. Beatrice Jeffrey, 49 Hughson Street North

Beatrice Jeffrey addressed Committee and indicated that she is opposed to the height of the proposed building as it will obstruct the view of the Bay.

The delegation was received.

5. Justin Abbiss, 1 Picton Street West

Justin Abbiss addressed Committee and spoke in support of this proposal.

The delegation was received.

Committee approved the following amendments:

- (a) That the requirement to erect a 1.8 metre high privacy fence in the tapered planting strip along the northerly lot line between the proposed parking area and the adjacent properties, be omitted;
- (b) That the following subsection (b) be added to the recommendations:

- (b) That the submissions received affected the decision by supporting the granting of the application with an amendment.

For disposition of this matter refer to Item 8.

(e) PRESENTATION (Item 7)

- (i) **Bill 139, *Building Better Communities and Conserving Watersheds Act, 2017* – Ontario Proposed Changes to the Land Use Planning Appeal System (LS16027(a)/PED16237(a)) (City Wide) (Item 7.1, formerly Item 5.2)**

Joanna Wice, Solicitor, 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 and copies of the hand-out were distributed. Anita Fabac, Manager of Development Planning, Heritage and Design, also addressed Committee regarding the contents of the report.

The staff presentation was received.

The following was added as subsection (d) to the recommendations:

- (d) That Planning and Legal staff consult with the appropriate and relevant Provincial Ministries to obtain additional information related to how planning applications for waste facilities will be processed should Bill 139 be approved as presented.

For disposition of this matter refer to Item 9.

(f) DISCUSSION (Item 8)

- (i) **Staging of Development Report 2017 Update (PED17128) (City Wide) (Item 8.1)**

At the request of Committee, Alvin Chan, Senior Project Manager, provided an overview of the report with the aid of a PowerPoint presentation. A copy is available for viewing on the City's website.

The staff presentation was received.

For disposition of this matter refer to Item 10.

(g) MOTIONS (Item 9)

(i) Licensing of Driving Schools

Committee approved the following:

That staff report back to Committee with legislative options and alternatives related to the regulation of driving schools in Hamilton that seeks to address the practice areas utilized by driving schools and individual driving instructors, and that the information contained in the report include, but not be limited to, legislation adopted by neighbouring municipalities who have adopted driving school rules and regulations.

(ii) Licensing of Airbnb Lodgings

Committee approved the following:

That staff report back to Committee on the recent legislation adopted by the City of Toronto related to the operation of Airbnb Lodgings with the goal of adopting local legislation related to the same in Hamilton.

(h) NOTICES OF MOTION (Item 10)

(i) Licensing of Driving Schools (Added Item 10.1)

Councillor Collins introduced a Notice of Motion respecting the Licensing of Driving Schools.

The rules of order were waived to allow the introduction of a motion respecting the Licensing of Driving Schools.

For disposition of this matter refer to Information Item (g)(i).

(ii) Licensing of Airbnb Lodgings (Added Item 10.2)

Councillor Collins introduced a Notice of Motion respecting the Licensing of Airbnb Lodgings.

The rules of order were waived to allow the introduction of a motion respecting the Licensing of Airbnb Lodgings.

For disposition of this matter refer to Information Item (g)(ii).

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

(i) Outstanding Business List (Item 11.1)

(a) The following new due date was approved:

Item "AA" - That Planning Staff 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.

Due Date: July 11, 2017

New Due Date: December 5, 2017

(j) ADJOURNMENT (Item 13)

There being no further business, the Planning Committee adjourned at 1:16 p.m.

Respectfully submitted,

Councillor M. Pearson
Chair, Planning Committee

Ida Bedioui
Legislative Co-ordinator
Office of the City Clerk

Appendix "A" to Item 8(a)(i) and (ii) of Planning Committee Report 17-012

Authority:

Ward: 2

Bill No.

CITY OF HAMILTON

BY-LAW NO.

To Amend Zoning By-law No. 6593 (Hamilton) as amended by By-law No. 74-29,
Respecting Lands Located at 500-512 James Street North (Hamilton)

WHEREAS the *City of Hamilton Act, 1999*, Statutes of Ontario, 1999 Chap. 14, Sch. C. did incorporate, as of January 1, 2001, the municipality "City of Hamilton";

WHEREAS ; and the City of Hamilton is the successor to certain area municipalities, including the former municipality known as the "The Corporation of the City of Hamilton" and is the successor to the former regional municipality, namely, "The Regional Municipality of Hamilton-Wentworth";

WHEREAS ; and the *City of Hamilton Act, 1999* provides that the Zoning By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

WHEREAS ; and the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951 (File No. P.F.C. 3821);

WHEREAS ; and the Council of the City of Hamilton, in adopting Section _____ of Report 17-_____ of the Planning Committee, at its meeting held on the 11th day of July 2017, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided;

WHEREAS this By-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act in June 1, 1982.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Sheet No. E2 of the District Maps appended to and forming part of Zoning By-law No. 6593 (Hamilton) as amended, is further amended by changing from the "G" (Neighbourhood Shopping Centre, etc.) District to "H/S-1751 – 'H'" (Community Shopping and Commercial, etc.) District, Holding, Modified on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".
2. That the "H" (Community Shopping and Commercial, etc.) District provisions, as contained in Section 14 of Zoning By-law No. 6593, be modified with the following special requirements:

Appendix "A" to Item 8(a)(i) and (ii) of Planning Committee Report 17-012

To Amend Zoning By-law No. 6593 (Hamilton) as amended by By-law No. 74-29,
Respecting Lands Located at 500-512 James Street North (Hamilton)

(Page 2 of 4)

- (a) That in addition to Section 14(1) of Zoning By-law No. 6593, the following additional use shall be permitted:
 - (i) A 45 Unit Multiple Dwelling.
- (b) That notwithstanding Section 14(1) of Zoning By-law No. 6593, the following uses shall be prohibited:
 - (i) A automobile service station or other public garage;
 - (ii) A manual or mechanical car wash; and,
 - (iii) An artificial ice plant.
- (c) That notwithstanding Section 14(2)(i) and (ii), the height of a building or structure shall not exceed four storeys or 14.0 metres in height.
- (d) That notwithstanding Section 14(3)(i), a minimum front yard depth of 3.1 metres shall be provided and maintained.
- (e) That notwithstanding Section 14(3)(ii)(a), for a building used wholly or partly for human habitation, a minimum northerly side yard width of 0.0 metres and a minimum southerly side yard width of 1.0 metres shall be provided and maintained.
- (f) That notwithstanding Section 18 (3)(vi)(d), a roofed-over unenclosed one storey porch, including eaves and gutters, may project into a required front yard to a distance of not more than 3.1 metres and every such projecting porch shall be distant at least 0 metres from the front lot line.
- (g) That notwithstanding Section 18 (3)(vi)(e), an uncovered porch, which does not extend more than 1.0 metre above the floor level of the first storey, including eaves and gutters, may project into a required front yard to a distance of not more than 3.1 metres and every such projecting porch shall be distant at least 0.0 metres from the front lot line.
- (h) That notwithstanding Section 18A(1)(a), a residential parking rate of 0.17 parking spaces per dwelling unit shall be provided.
- (i) That notwithstanding Section 18A(1)(b), a visitor parking rate of 0.25 parking spaces per dwelling unit shall be provided.
- (j) Section 18A(1)(c) shall not apply.
- (k) That notwithstanding Section 18A(11)(a), a parking area adjoining a residential district containing five (5) or more parking spaces shall not be located less than 1.3 m from a residential district.

Appendix "A" to Item 8(a)(i) and (ii) of Planning Committee Report 17-012

To Amend Zoning By-law No. 6593 (Hamilton) as amended by By-law No. 74-29,
Respecting Lands Located at 500-512 James Street North (Hamilton)

(Page 3 of 4)

(l) Section 18A(12)(c) shall not apply.

3. That the 'H' symbol applicable to the multiple dwelling use on the subject lands referred to in Section 1 of this By-law, shall be removed conditional upon:
 - (i) the applicant entering into a conditional building permit agreement with respect to completing a Record of Site Condition or a signed Record of Site Condition (RSC) being submitted to the City of Hamilton and the Ministry of the Environment and Climate Change (MOECC). This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MOECC, and submission of the City of Hamilton's current RSC administration fee
4. That no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "H" (Community Shopping and Commercial, etc.) District provisions, subject to the special requirements referred to in Sections 2 and 3.
5. That Sheet No. E2 of the District Maps is amended by marking the lands referred to in Section 1 of the By-law as "H/S-1751".
6. That By-law No. 6593 is amended by adding this By-law to Section 19B as Schedule S-1751.
7. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law in accordance with the *Planning Act*.

PASSED this ____ day of ____, 2017.

Fred Eisenberger
Mayor

Rose Caterini
City Clerk

Appendix "A" to Item 8(a)(i) and (ii) of Planning Committee Report 17-012

To Amend Zoning By-law No. 6593 (Hamilton) as amended by By-law No. 74-29,
Respecting Lands Located at 500-512 James Street North (Hamilton)

(Page 4 of 4)



This is Schedule "A" to By-law No. 17-

Passed the day of, 2017

Mayor

Clerk

Schedule "A"

Map Forming Part of
By-law No. 17-_____

to Amend By-law No. 6593

Subject Property

500 - 512 James Street North



Change in zoning from "G" (Neighbourhood Shopping Centre, etc.) District to "H/S-1751-'H'" (Community Shopping and Commercial, etc. - Holding) District, Modified.

Scale:
N.T.S.

File Name/Number:
ZAC-16-071

Date:
June 9, 2017

Planner/Technician:
TS/VS



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

August XX, 2017

Ken Petersen
Manager
Ministry of Municipal Affairs and Housing
Local Government and Planning Policy Division
Provincial Planning Policy Branch
777 Bay Street
Floor 13
Toronto ON M5G 2E5

Dear Mr. Petersen:

Subject: City of Hamilton Submissions on Bill 139 – *Building Better Communities and Conserving Watersheds Act, 2017*, Schedule 3

On behalf of the City of Hamilton, I am pleased to provide this letter as the Hamilton's submission on Schedule 3 of Bill 139. Please find attached to this letter an outline of the key submissions the City wishes to make on the proposed changes to the land use planning appeals system and other planning changes contained in the Bill.

The Province should be commended for preparing this Bill and consulting with municipalities as key stakeholders. The City is optimistic that once in effect the changes proposed will lead to positive changes for the land use planning appeal system in Ontario. A greater emphasis on local decision-making is welcomed by the City.

We look forward to seeing the results of the consultation on Bill 139. City staff would be pleased to meet with you to discuss these comments in greater detail.

Sincerely,

Mayor Fred Eisenberger

cc: Nicole Auty, City Solicitor
Joanna Wice, Solicitor
Steve Robichaud, Director of Planning and Chief Planner
Anita Fabac, Manager of Development Planning, Heritage& Design

City of Hamilton Submissions on Bill 139

Submissionson Schedule 3 changes to the land use planning appeals system:

- Generally, the City supports Bill 139 and the proposed changes to the land use planning appeals system.
- In particular, the City supports the proposed amendments to the *Planning Act* that would emphasize the importance of local decision-making.
- The City supports the changes proposed that would restrict the breadth of appeals that can be made against municipal decisions, particularly where those decision were approved by the Minister.
- The City supports the proposed requirement to send matters back to the municipality for a second decision where the initial decision was found to be inconsistent or nonconforming with policies or plans.
- The City requests that it be consulted with on any future transition provisions or regulations necessary to give effect to the switch-over from the OMB to LPAT system.
- Generally, the *Planning Act* has become a cumbersome document and could be improved by updating and re-consolidating the Act, streamlining the numerical references and updating the language of the provisions for readability. The City would support a future repeal/replace of the Act with the goal to improve the language and readability of the planning processes.

Submissionson Schedule 3 changes to the land use planning system, as well as other submissions on land use planning provisions:

- The City supports the policy changes relating to climate change and higher order transit but request that the Ministry further refine and narrow the range of appeal permission under the *Planning Act*.
- The City supports the proposed moratorium on appeals to a Secondary Plan before the second anniversary of the first day of any part of the Secondary Plan coming into effect.
- The Bill should be amended to expand the description of a Secondary Plan to include large, individual parcels of land.
- The Bill should be amended to adjust the timeframe to make a decision on a Zoning By-law Amendment and a Plan of Subdivision to 210 days to create one

standard timeframe and expand the one-time extension of 90 days introduced by Bill 73 to Zoning By-law Amendments and Plans of Subdivision.

- Allow for a lengthened timeframe commencing on the day an application is deemed complete for Official Plan Amendments without the need to give notice. This should also be expanded to apply to Zoning By-law Amendments and Plans of Subdivision.
- Remove the ability to terminate the 90 day extension.
- The Bill should provide municipalities with the ability to restart the timeframe if additional information is deemed necessary by the municipality or conversely the application is amended by the applicant which results in a recirculation of the application to the prescribed agencies / bodies for review and comment.
- The Ministry should provide municipalities with the flexibility to determine their own parkland dedication rate and provide municipalities with the ability to defer dedication through registered agreements.
- The Bill should expand the two-year moratorium to amend Official Plans and Zoning By-laws to include all amendments that constitute a new Official Plan and comprehensive Zoning By-law and provide Council with the ability to determine if an amendments is needed in the case of an error.
- The Bill should remove the right to appeal Official Plan Amendments and Zoning By-law Amendments that support matters that are provincially approved.
- That the Ministry meet directly with the City to discuss our experiences with minor variances and what we believe constitutes a minor variance to assist the Ministry with defining what constitutes a minor variance.
- The Act should require, as part of an appeal, demonstration that the appellant has engaged with the municipality in a fulsome way.
- The Ministry should develop clear guidelines that identify the information to be included in a notice of decision and how this information is to be shared.
- That the *Planning Act* should be amended to require the Ministry to align its own policy reviews and increase the mandatory 5-year Official Plan review period to 10-years.
- The Ministry eliminate the right to appeal for non-decision, defer the start time to the date an application is deemed complete (as opposed to accepted), or alternatively, refine the permissions for appeals for non-decision.

- The Ministry is encouraged to develop a regulation for subsection 34(16) of the *Planning Act* (conditional zoning).
- The Ministry should amend the *Planning Act* to make pre-consultation with municipalities mandatory for applications under the *Planning Act*, except minor variance and consent applications, and ensure that an application cannot be deemed complete unless all required applications are submitted as a complete package.
- The Ministry should amend the *Planning Act* to include the requirement/discretion for further consultation with a pause in the timing for review of a *Planning Act* application if there are outstanding issues.
- The Ministry should amend the *Planning Act* to require giving notice through means other than newspapers or mail, and to expand the notification requirements to include tenants.
- The Ministry should make the appropriate legislative changes to allow municipalities to plan for a 50-year planning horizon instead of 20 years.
- The Ministry should make the appropriate legislative changes to give more power to municipalities to protect future employment lands and uses, and make provision for "soft infrastructure" for the long-term benefit of the municipality.
- The Act should be amended such that notices be provided by first class Canada Post mail, that the notification be provided to every resident within 500m of the subject property, and with the additional postage cost be funded by the applicant.
- The Ministry should amend the transportation and land use planning policies to better support the achievement of compact, complete communities with increased active transportation and public transit through changes to the *Planning Act*.
- The Ministry should support a public health perspective on the achievement of healthy, compact, complete communities by actively supporting the involvement of health units in land use planning in municipalities.