



PLANNING COMMITTEE

REPORT 17-020

9:30 a.m.

Tuesday, December 5, 2017

Council Chambers

Hamilton City Hall

71 Main Street West

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

Also Present: Councillor L. Ferguson

THE PLANNING COMMITTEE PRESENTS REPORT 17-020 AND RESPECTFULLY RECOMMENDS:

1. Confirmation of Chair and 1st Vice Chair and appointment of 2nd Vice Chair for 2018

- (a) That Councillor A. Johnson be confirmed as Chair of the Planning Committee for 2018;
- (b) That Councillor J. Farr be confirmed as 1st Vice Chair of the Planning Committee for 2018;
- (c) That Councillor D. Conley be appointed 2nd Vice Chair of the Planning Committee for 2018.

2. Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (City Wide) (PED17208) (Item 5.1)

That Report PED17208 respecting Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications, be received.

3. Appeal to the Ontario Municipal Board (OMB) on the City of Hamilton's Refusal or Neglect to Adopt an Amendment to the Urban Hamilton Official Plan and City of Stoney Creek Zoning By-law No. 3692-92, for Lands

**Located at 157 Upper Centennial Parkway (Stoney Creek) (Ward 9)
(PED17213) (Item 5.2)**

That Report PED17213 respecting Appeal to the Ontario Municipal Board (OMB) on the City of Hamilton's Refusal or Neglect to Adopt an Amendment to the Urban Hamilton Official Plan and City of Stoney Creek Zoning By-law No. 3692-92, for Lands Located at 157 Upper Centennial Parkway (Stoney Creek), be received.

4. Elimination of Paid On-Street Metered Parking on Thursday and Friday Evenings (PED17225) (City Wide) (Item 5.3)

That Report PED17225 respecting Elimination of Paid On-Street Metered Parking on Thursday and Friday Evenings, be received.

5. Applications to Amend the Urban Hamilton Official Plan and Town of Ancaster Zoning By-law No. 87-57 for Lands Located at 558 Golf Links Road (Ancaster) (Ward 12) (PED17226) (Item 6.1)

(a) That Amended Urban Hamilton Official Plan Amendment Application UHOPA-17-02, by Shannex Ontario Ltd. (c/o Daryl Dixon, Applicant), to remove the "Linkage" from Schedule "B" – Natural Heritage System on the subject lands; to identify a portion of the lands as "Core Area" on Schedule "B" – Natural Heritage System; and to establish a Site Specific Policy to restrict uses within the Neighbourhoods designation as it relates to the "Core Area" in order to facilitate the development of a proposed retirement community and to further refine the limits of the Environmentally Sensitive Area on lands located at 558 Golf Links Road, as shown on Appendix "A" to Report PED17226, be APPROVED on the following basis:

- (i) That the draft Official Plan Amendment, attached as Appendix "B" to Report PED17226, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
- (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 Amended Zoning By-law Amendment Application ZAC-17-002, by Shannex Ontario Ltd. (c/o Daryl Dixon, Applicant), for a change in zoning from the Deferred Development "D" Zone, in Ancaster By-law No. 87-57, to the Major Institutional (I3, 659) Zone (Block 1) and the Conservation / Hazard Land (P5, 663) Zone (Block 2), in Zoning By-law No. 05-200, for the lands located at 558 Golf Links Road (Ancaster), as shown on Appendix "A" to Report PED17226, be APPROVED, on the following basis:

- (i) That the draft By-law, attached as Appendix “C” to Report PED17226, 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); and,
 - (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 staff be directed to schedule the Site Plan Meeting according to the availability of the Ward Councillor;
 - (d) That the public submissions received regarding this matter did not affect the decision.

6. Increase to Permit Fees under the Building By-law (PED17200) (City Wide) (Item 7.1)

- (a) That the By-law, attached as Appendix “A” to Report PED17200 to amend City of Hamilton By-law No. 15-058, the Building By-law, be enacted;
- (b) That the fees prescribed in the By-law, attached as Appendix “A” to Report PED17200, be included in the User Fees and Charges By-law, replacing the fees listed under the heading “Classes of Permits and Fees under the Hamilton Building By-law”.

7. EV Charger Stations at Public Parking lots (Item 9.2)

WHEREAS; Downtown Hamilton may be falling behind our neighbouring municipalities like Toronto and Waterloo when it comes to EV Charger Stations at Public Parking lots;

WHEREAS; Toronto has close to 50 and Waterloo close to 20 EV Stations in their downtowns;

WHEREAS; the Province of Ontario is encouraging greater growth of EV stations through the Electric Vehicle Charger Stations Grant program;

WHEREAS; with the Province of Ontario expanding Electric Vehicle Chargers Ontario (EVCO) private /public partnership Grant program, some cities capitalizing at much greater rates than others; and

WHEREAS; it has been reported by various sources that the two EV Charger Stations at the Downtown York Parkade sees the same three cars consistently occupying the two spaces, making it difficult for other electric vehicle owners to get charged during office hours;

THEREFORE BE IT RESOLVED:

- (a) That the appropriate Planning Staff report back to the Planning Committee on increasing the number of EV Charging Stations in our downtown and include how the City will recover costs, how users will pay for current and future facilities and the current plus future demand levels;
- (b) That staff contact the Province of Ontario in an effort to capitalize on the current EVCO Grant Program to assist Hamilton in providing more of this infrastructure;
- (c) That staff from the Parking Division monitor the use at the existing 2 EV Charger Stations at the York Parkade to ensure greater turn-over
- (d) That the City Hall location be included in any future expansions of EV Charging Stations.

8. The Downtown Secondary Plan and Above-Grade or Below-Grade Parking Structures (Item 9.3)

WHEREAS there is merit in shifting more of the city's overall downtown parking supply from less land efficient surface parking lots to more land efficient above-grade or below-grade parking structures;

WHEREAS, some existing downtown developments may have above-grade or below-grade parking structures that are surplus to their needs; and

WHEREAS, future development that incorporates above-grade or below-grade parking may have parking that is surplus to its needs;

THEREFORE BE IT RESOLVED:

That, as part of the Downtown Secondary Plan, Planning staff provide recommendations with respect to commercial parking being permitted as-of-right within above-grade or below-grade parking structures associated with new or existing residential, commercial or mixed use developments.

9. Scottish Rite Parkland Dedication Fees (Item 9.4)

- (a) That The Scottish Rite Charitable Foundation Learning Centre for Hamilton be exempt from the City of Hamilton Parkland Dedication By-law because they are a charitable non-profit use;
- (b) That the Director of Planning be directed and authorized to exempt The Scottish Rite Charitable Foundation Learning Centre for Hamilton from the parkland dedication requirements for the conversion of a portion of the existing building at 148 George St for an educational program for The Scottish Rite Charitable Foundation Learning Centre for Hamilton, in accordance with the City of Hamilton Parkland Dedication By-law; and
- (c) That the costs of the exemption from the parkland dedication requirements of approximately \$11,400, be funded through the Unallocated Capital Reserve.

10. Modifications to Special Provision 640 (Added 12.2)

That the direction to staff respecting Modifications to Special Provision 640 be approved and remain Private and Confidential.

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 1)

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

1. CORRECTION TO APPENDIX “A” of ITEM 7.1, INCREASE TO PERMIT FEES UNDER THE BUILDING BY-LAW (PED17200) (CITY WIDE)

The following corrections have been made to page 9 of Appendix “A”:

- The title “Conditional Permit Agreement/Undertaking” has been changed to “Conditional Permit Fee”.
- The title “Fire Watch/Fire Plan Review” has been changed to “Fire Watch/Fire Plan”.

2. ADDED DELEGATION REQUEST

- 4.1 Donald Thorton, The Scottish Rite Charitable Foundation, Learning Centre for Hamilton, respecting Item 9.4, Scottish Rite Parkland Dedication Fees (for today’s meeting)

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3. ADDED CORRESPONDENCE ITEM

- 6.1(i) Marilyn Daniels regarding concern with Applications to Amend the Urban Hamilton Official Plan and Town of Ancaster Zoning By-law No. 87-57 for Lands Located at 558 Golf Links Road (Ancaster) (Ward 12) (PED17226)
- 6.1(ii) Joe Gauthier, regarding concern with Applications to Amend the Urban Hamilton Official Plan and Town of Ancaster Zoning By-law No. 87-57 for Lands Located at 558 Golf Links Road (Ancaster) (Ward 12) (PED17226)
- 6.1(iii) Heather Simpson, regarding concern with Applications to Amend the Urban Hamilton Official Plan and Town of Ancaster Zoning By-law No. 87-57 for Lands Located at 558 Golf Links Road (Ancaster) (Ward 12) (PED17226)
- 6.1(iv) Kathleen Hutcheson, regarding concern with Applications to Amend the Urban Hamilton Official Plan and Town of Ancaster Zoning By-law No. 87-57 for Lands Located at 558 Golf Links Road (Ancaster) (Ward 12) (PED17226)
- 6.1(v) Solomon Ngan, regarding concern with Applications to Amend the Urban Hamilton Official Plan and Town of Ancaster Zoning By-law No. 87-57 for Lands Located at 558 Golf Links Road (Ancaster) (Ward 12) (PED17226)
- 6.1(vi) Christine Nash, regarding concern with Applications to Amend the Urban Hamilton Official Plan and Town of Ancaster Zoning By-law No. 87-57 for Lands Located at 558 Golf Links Road (Ancaster) (Ward 12) (PED17226)
- 6.1(vii) Dennis and Cleo Ripa, regarding concern with Applications to Amend the Urban Hamilton Official Plan and Town of Ancaster Zoning By-law No. 87-57 for Lands Located at 558 Golf Links Road (Ancaster) (Ward 12) (PED17226)
- 6.1(viii) Andre Van Heerden, regarding concern with Applications to Amend the Urban Hamilton Official Plan and Town of Ancaster Zoning By-law No. 87-57 for Lands Located at 558 Golf Links Road (Ancaster) (Ward 12) (PED17226)
- 6.1(ix) Paul Bihun, regarding concern with Applications to Amend the Urban Hamilton Official Plan and Town of Ancaster Zoning By-law No. 87-57 for Lands Located at 558 Golf Links Road (Ancaster) (Ward 12) (PED17226)

- 6.1(x) Sat Varma, regarding concern with Applications to Amend the Urban Hamilton Official Plan and Town of Ancaster Zoning By-law No. 87-57 for Lands Located at 558 Golf Links Road (Ancaster) (Ward 12) (PED17226)
- 6.1(xi) Laura Brie Dundas, regarding concern with Applications to Amend the Urban Hamilton Official Plan and Town of Ancaster Zoning By-law No. 87-57 for Lands Located at 558 Golf Links Road (Ancaster) (Ward 12) (PED17226)
- 6.1(xii) Chris and Sonia Newhouse, regarding concern with Applications to Amend the Urban Hamilton Official Plan and Town of Ancaster Zoning By-law No. 87-57 for Lands Located at 558 Golf Links Road (Ancaster) (Ward 12) (PED17226)
- 6.1(xiii) Elaine and Barrington Simon, regarding concern with Applications to Amend the Urban Hamilton Official Plan and Town of Ancaster Zoning By-law No. 87-57 for Lands Located at 558 Golf Links Road (Ancaster) (Ward 12) (PED17226)
- 6.1(xiv) Sandra Burgess, regarding concern with Applications to Amend the Urban Hamilton Official Plan and Town of Ancaster Zoning By-law No. 87-57 for Lands Located at 558 Golf Links Road (Ancaster) (Ward 12) (PED17226)
- 6.1(xv) Warner and Roselyn Burwell, regarding concern with Applications to Amend the Urban Hamilton Official Plan and Town of Ancaster Zoning By-law No. 87-57 for Lands Located at 558 Golf Links Road (Ancaster) (Ward 12) (PED17226)
- 6.1(xvi) Mike Sherrard, regarding concern with Applications to Amend the Urban Hamilton Official Plan and Town of Ancaster Zoning By-law No. 87-57 for Lands Located at 558 Golf Links Road (Ancaster) (Ward 12) (PED17226)
- 6.1(xvii) Domenica and Joe Ciallella, regarding concern with Applications to Amend the Urban Hamilton Official Plan and Town of Ancaster Zoning By-law No. 87-57 for Lands Located at 558 Golf Links Road (Ancaster) (Ward 12) (PED17226)

4. ADDED PRIVATE AND CONFIDENTIAL ITEM

- 12.2 Modifications to Special Provision 640 (to be distributed under separate cover)

Pursuant to Section 8.1, Sub-sections (e) and (f) of the City's Procedural By-law 14-300, and Section 239(2), Sub-sections (e) and (f) of the Municipal Act, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals,

affecting the City and the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

5. PRESENTATION FOR DISTRIBUTION

- 6.1 Shannex Inc., Applicant, Presentation respecting Applications to Amend the Urban Hamilton Official Plan and Town of Ancaster Zoning By-law No. 87-57 for Lands Located at 558 Golf Links Road (Ancaster) (Ward 12) (PED17226)

The agenda for the December 5, 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) November 14, 2017 (Item 3.1)

The Minutes of the November 14, 2017 meeting were approved.

(d) DELEGATION REQUESTS (Item 4)

- (i) Donald Thorton, The Scottish Rite Charitable Foundation, Learning Centre for Hamilton, respecting Item 9.4, Scottish Rite Parkland Dedication Fees (Added 4.1)**

The delegation request from Donald Thorton of The Scottish Rite Charitable Foundation, Learning Centre for Hamilton, respecting Item 9.4, Scottish Rite Parkland Dedication Fees was approved to address Committee at today's meeting.

(e) DELEGATIONS/PUBLIC HEARING (Item 6)

- (i) Applications to Amend the Urban Hamilton Official Plan and Town of Ancaster Zoning By-law No. 87-57 for Lands Located at 558 Golf Links Road (Ancaster) (Ward 12) (PED17226) (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 Official Plan and Zoning By-law amendments the person or public

body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

Written Comments

- 6.1(i) Marilyn Daniels regarding concern with Applications to Amend the Urban Hamilton Official Plan and Town of Ancaster Zoning By-law No. 87-57 for Lands Located at 558 Golf Links Road (Ancaster) (Ward 12) (PED17226)
- 6.1(ii) Joe Gauthier, regarding concern with Applications to Amend the Urban Hamilton Official Plan and Town of Ancaster Zoning By-law No. 87-57 for Lands Located at 558 Golf Links Road (Ancaster) (Ward 12) (PED17226)
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- 6.1(xvii) Domenica and Joe Ciallella, regarding concern with Applications to Amend the Urban Hamilton Official Plan and Town of Ancaster Zoning By-law No. 87-57 for Lands

Located at 558 Golf Links Road (Ancaster) (Ward 12)
(PED17226)

The added written comments, Items 6.1(i) to 6.1(xvii) were received.

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

The staff presentation was received.

Terri Johns of T. Johns Consulting Group, representing the applicant addressed Committee with the aid of a PowerPoint presentation and provided an overview of the proposed development. Copies were distributed and a copy is available for viewing on the City's website.

Jason Shannon of Shannex Ontario Limited, the applicant, also addressed Committee regarding the proposal.

The agent's presentation and the applicant's comments were received.

Speakers

1. Louise Lachowsky, 600 Tomahawk Crescent, Ancaster

Louise Lachowsky addressed Committee and indicated that she does not support the development.

2. Henny McNobb, 66 Seneca Drive, Ancaster

Henny McNobb addressed Committee and indicated that she does not support the development.

3. Laura Dundas, 14 Southcote Road, Ancaster

Laura Dundas addressed Committee and expressed her concerns with the process and with the proposal.

4. Leslie Rothenburger, 30 McNiven Road, Ancaster

Leslie Rothenburger addressed Committee and expressed her concerns with the proposal.

5. Heather Simpson, 607 Tomahawk Crescent, Ancaster

Heather Simpson addressed Committee and expressed her concerns with the process and the proposal.

6. Joe Gauthier, 7 McNiven Road, Ancaster

Joe Gauthier addressed Committee and suggested installing an on/off ramp coming off of Golf Links Road to Highway 403 to mitigate traffic congestion.

7. Renata Zavadil, 76 Seneca Drive, Ancaster

Renata Zavadil addressed Committee and asked how the increased noise will be mitigated.

The delegations were received.

The public meeting was closed.

The Ward Councillor was in attendance and expressed why he was in support of the proposal.

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

- (c) That staff be directed to schedule the Site Plan meeting according to the availability of the Ward Councillor.

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

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

For disposition of this matter refer to Item 5.

(f) PUBLIC NOTICE (Item 7)

(i) Increase to Permit Fees under the Building By-law (PED17200) (City Wide) (Item 7.1)

No members of the public came forward regarding this issue.

For disposition of this matter refer to Item 6.

(g) MOTIONS (Item 9)

(i) Community Improvement Plan Incentives (Item 9.1)

The motion regarding Community Improvement Plan Incentives was TABLED to the next meeting.

(ii) Scottish Rite Parkland Dedication Fees (Item 9.4)

Delegation

(i) Donald Thorton, The Scottish Rite Charitable Foundation, Learning Centre for Hamilton

Donald Thornton of The Scottish Rite Charitable Foundation, Learning Centre for Hamilton addressed Committee and read from a prepared statement copies of which were distributed. A copy is available for viewing on the City's website.

Franz Kloibhofer of A.J. Clarke and Associates also addressed Committee and asked that the correct name of the foundation (The Scottish Rite Charitable Foundation, Learning Centre for Hamilton) be reflected in the motion.

For disposition of this matter refer to Item 9.

(h) NOTICES OF MOTION (Item 10)

Councillor A. Johnson introduced the following Notice of Motion:

(i) Exemption of Affordable Housing Projects from Application Fees (Added Item 10.1)

WHEREAS, the City has exempted affordable housing projects from the payment of parkland dedication fees;

WHEREAS, the City has exempted affordable housing projects from the payment of development charges;

WHEREAS, in 2016 Council approved the waiving of several planning fees for affordable housing projects including application fees for rezonings, Official Plan Amendments, Site Plans, and a portion of fees for Plans of Subdivision and Plans of Condominium; and

WHEREAS, for the purposes of this motion, affordable housing includes any project that either has been approved to receive funding from the Government of Canada or the Province of Ontario under an affordable housing program or has been approved by the City of Hamilton or the CityHousing Hamilton Corporation through an affordable housing program;

THEREFORE BE IT RESOLVED:

That staff report back on significant fees and securities related to development approvals that are typically incurred by affordable housing

projects, the estimated cost to the City of waiving or reimbursing these fees, and the potential funding sources for offsetting any lost City revenues.

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

(i) Outstanding Business List (Item 11.1)

The following new due dates were approved:

Item "D" – (OMB) Decision re: 121 Augusta Street, Staff to review the RCF's in the context of the Prov. Policy, as it relates to special needs, and the Human Rights Code and report back.

Due date: December 5, 2017

New due date: February 20, 2018

Item "H" – The Feasibility of Establishing a City Animal Adoption Service in Partnership with the HBSPCA.

Due date: December 5, 2017

New due date: February 20, 2018

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

Due date: December 5, 2017

New due date: March 20, 2018

Item "M" - Staff to report back with periodic updates re: progress on capturing illegal businesses and increase in licensed businesses

Due date: December 5, 2017

New due date: January 16, 2018

Item "N" - ACPD Report 16-002 – Re: financial incentives for taxi operators to make replacement vehicles accessible.

Due date: December 5, 2017

New due date: March 20, 2018

Item "O" - That staff be directed to present to the Planning Committee an updated digital sign by-law

Due date: December 5, 2017

New due date: February 20, 2018

Item "R" - That staff report back on the number of Minor Variance applications in the AEGD with an assessment as to whether or not the refund program should be continued in December, 2017

Due date: December 5, 2017

New due date: February 20, 2018

Item “S” - That staff report to the Planning Committee on a proposed scope and terms of reference for a consultant assignment to undertake the Kirkendall Neighbourhood Strategy in collaboration with the Kirkendall Neighbourhood Association

Due date: December 5, 2017

New due date: April 17, 2018

Item “T”- 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 as part of the review and update of the City’s Residential Zoning By-law planned for 2017-2018.

Due date: December 5, 2017

New due date: April 17, 2018

Item “U” - That staff report back before the end of the 12 month pilot program for enforcement of yard maintenance related by-laws in the McMaster neighbourhoods with the results and recommendations for permanent by-law enforcement resource requirements for the McMaster neighbourhoods

Due date: December 5, 2017

New due date: February 20, 2018

Item “CC” - That Planning staff be directed to report to the Planning Committee about the City’s policies respecting Boulevard Standards and that the report outline the options & alternatives that are available for future designs.

Due date: December 5, 2017

New due date: May 15, 2018

The following Item was removed:

Item “HH” – Staff to report back on implementation of APS

(Addressed as 8.1, Administrative Penalty System Applied to the Responsible Animal Ownership By-Law12-031 and the Feeding of Wildlife By-Law 12-130 (PED17165(a)), October 31, 2017)

(j) PRIVATE AND CONFIDENTIAL (Item 12)

Committee approved the following without moving into Closed Session:

(i) Closed Session Minutes - November 14, 2017 (Item 12.1)

The Closed Session Minutes of the November 14, 2017 meeting were approved.

(ii) Modifications to Special Provision 640 (Item 12.2)

For disposition of the matter refer to Item 10.

(k) ADJOURNMENT (Item 13)

There being no further business, the Planning Committee adjourned at 12:29 p.m.

Respectfully submitted,

Councillor M. Pearson
Chair, Planning Committee

Ida Bedioui
Legislative Co-ordinator
Office of the City Clerk