



## **PLANNING COMMITTEE**

### **REPORT 13-002**

**9:30 am**

**Tuesday, February 5, 2013**

**Council Chambers**

**Hamilton City Hall**

**71 Main Street West**

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**Present:** Councillors J. Farr (Chair), B. Johnson (1<sup>st</sup> Vice Chair), J. Partridge (2<sup>nd</sup> Vice Chair), C. Collins, L. Ferguson, R. Pasuta, T. Whitehead and M. Pearson

**Absent with Regrets:** Councillor B. Clark

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### **THE PLANNING COMMITTEE PRESENTS REPORT 13-002 AND RESPECTFULLY RECOMMENDS:**

- 1. Heritage Conservation Easement Agreement Between the City and the Owner of 397 King Street West (Dundas), the Former Dundas District High School (PED13028) (Ward 13) (Item 5.2)**
  - (a) That the City enter into a Heritage Conservation Easement Agreement with the owner of 397 King Street West (Dundas), the former Dundas District High School;
  - (b) That the Mayor and Clerk be authorized and directed to execute the Heritage Conservation Easement documentation with respect to Recommendation (a) above, in a form satisfactory to the City Solicitor;
  - (c) That the Council-approved "Requests to Designate Properties under Part IV of the Ontario Heritage Act: Priorities" be amended to remove the designation of 397 King Street West (Dundas) from the staff work program, as per Appendix "A" of this Report, upon execution of the Heritage Conservation Easement.

**2. Heritage Permit Application HP2012-058 Under Part V of the Ontario Heritage Act for Erection of Structures at 974 Beach Boulevard (Hamilton) (PED13029) (Ward 5) (Item 5.3)**

That Heritage Permit Application HP2012-058 be approved for the erection of a new single detached residence, including attached garage, on the designated property at 974 Beach Boulevard (Hamilton Beach Heritage Conservation District) (Hamilton), subject to the following conditions:

- (a) That as many existing trees as possible shall be retained, and/or that one to three new trees of a minimum caliper of 55mm and of a species consistent with the City of Hamilton's Tree Species and Recommended Use Index shall be planted within one year of occupancy of the new dwelling;
- (b) That a plan depicting the removed, retained, and new trees, including the caliper size, locations, and species, shall be submitted, to the satisfaction and approval of Planning staff, prior to any grading or tree removals;
- (c) That specifications for the proposed windows, doors, cladding, porch columns, and railings shall be submitted, to the satisfaction and approval of Planning staff, prior to submission as part of any application for a Building Permit;
- (d) That the width of the driveway shall be reduced from the 4.72m (15'-6") width shown on the drawings, and that the width shall be mitigated through the design of the associated walkway and/or the use of alternative paving materials, to the satisfaction and approval of Planning staff, prior to submission as part of any application for a Building Permit;
- (e) That the design of the porch shall be revised, to the satisfaction and approval of Planning staff, prior to submission as part of any application for a Building Permit;
- (f) That any minor changes to the site plan or building plans and elevations following approval shall be submitted, to the satisfaction and approval of Planning staff, prior to submission as part of any application for a Building Permit;
- (g) That construction and site alterations, in accordance with this approval, shall be completed no later than February 28, 2015. If the construction and site alterations are not completed by February 28, 2015, then this approval expires as of that date, and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

**3. Application for Amendment to City of Hamilton Zoning By-law No. 6593 for Lands Located at 489 Concession Street (Hamilton) (PED13021) (Ward 7) (Item 6.3)**

That approval be given to Zoning Application ZAR-12-032, by 1825306 Ontario Limited, Owner, for a change in zoning from the Community Shopping and Commercial “H/S-726” District, Modified, to the Community Shopping and Commercial “H/S-1663” District, Modified, to relocate a commercial unit from the northerly building, at the rear of the property, to the southerly building, at the front of the property; and to relocate 1 residential unit from the southerly building, at the front of the property, to the northerly building at the rear of the property, on lands located at 489 Concession Street (Hamilton), as shown on Appendix “A” to Report PED13021, on the following basis:

- (a) That the draft By-law, attached as Appendix “B” to Report PED13021, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the amending By-law be added to Section 19B of Zoning By-law No 6593 as “H/S-1663”;
- (c) That By-law 81-21 (Site-Specific Zoning “H/S-726”), be Repealed in its entirety;
- (d) That the proposed change in zoning is consistent with the Provincial Policy Statement, conforms to the Places to Grow Plan, and is in conformity with the Hamilton-Wentworth Official Plan, the City of Hamilton Official Plan, and New Urban Hamilton Official Plan.

**4. Application to Amend City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 2 Oceanic Drive (Stoney Creek) (PED13014) (Ward 10) (Item 6.4)**

(a) That approval be given to Amended Zoning Amendment Application ZAC-12-010, by GUJ Holdings Ltd., c/o Jason Guja, (Owner), for a change in zoning from the Local Commercial “LC” Zone to the Multiple Residential “RM2” Zone, in order to permit a future street townhouse development, on the lands known municipally as 2 Oceanic Drive (Stoney Creek), as shown on Appendix “A” to Report PED13014, on the following basis:

- (i) That the draft By-law, attached as Appendix “B” to Report PED13014, 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 Map 1 of Schedule "A" of Zoning By-law No. 3692-92;
    - (iii) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan and City of Stoney Creek Official Plan.
  - (b) That upon finalization of the implementing By-law, the subject lands be identified as "Medium Density Residential" on the Lakeshore Neighbourhood Plan;
  - (c) That a maximum height of 11m and/or 2-storey be implemented.
- 5. Street Name Change for the East Portion of Frances Avenue (Stoney Creek) (PED13023) (Ward 10) (Item 6.5)**
- (a) That a portion of Frances Avenue, in the former City of Stoney Creek, be renamed "Shoreview Place" as identified on Appendix "A" to Report PED13023;
  - (b) That the draft By-law, attached as Appendix "D" to Report PED13023, which has been prepared in a form satisfactory to the City Solicitor, be enacted.
- 6. Amendments to the Downtown and Community Renewal Community Improvement Plan and Project Area (PED13025) (Wards 1, 2, 3, 4, 6, 7, 8, 9, 11, 12, 13 and 15) (Item 6.6)**
- (a) That the Downtown and Community Renewal Community Improvement Project Area By-law be amended as set out in the implementing by-law attached as Appendix "A" to Report PED13025;
  - (b) That the Downtown and Community Renewal Community Improvement Plan be amended as set out in the implementing by-law attached as Appendix "B" to Report PED13025;
  - (c) That subject to the approval of Recommendation (b), Appendix "B" to the Downtown and Community Renewal Community Improvement Plan, being the Program Description and Terms of the Hamilton Downtown Property Improvement Grant Program, be deleted and replaced respectively with the Program Description and Terms of the Hamilton Tax Increment Grant Program attached as Appendix "C" to Report PED13025;

- (d) That subject to the approval of Recommendation (b), Appendix “C” to the Downtown and Community Renewal Community Improvement Plan, being the Program Description and Terms of the Commercial Property Improvement Grant Program, be deleted and replaced respectively with the Program Description and Terms of the Business Improvement Area (BIA) Commercial Property Improvement Grant Program attached as Appendix “D” to Report PED13025;
- (e) That subject to the approval of Recommendation (b), Appendix “D” to the Downtown and Community Renewal Community Improvement Plan, being the Program Description and Terms of the Commercial Corridor Housing Loan and Grant Program, be deleted and replaced respectively with the Program Description and Terms attached as Appendix “E” to Report PED13025;
- (f) That subject to the approval of Recommendation (b), Appendix “E” to the Downtown and Community Renewal Community Improvement Plan, being the Program Description and Terms of the Hamilton Heritage Property Grant Program, be deleted and replaced respectively with the Program Description and Terms attached as Appendix “F” to Report PED13025;
- (g) That subject to the approval of Recommendation (b), Appendix “F” to the Downtown and Community Renewal Community Improvement Plan, being the Program Description and Terms of the Hamilton Downtown Office Tenancy Assistance Program, be deleted and replaced respectively with the Program Description and Terms of the Office Tenancy Assistance Program attached as Appendix “G” to Report PED13025;
- (h) That subject to the approval of Recommendation (b), Appendix “H” to the Downtown and Community Renewal Community Improvement Plan, being the Program Description and Terms of the Hamilton Downtown Commercial Façade Property Improvement Grant Program, be deleted and replaced respectively with the Program Description and Terms of the Commercial Façade Property Improvement Grant Program attached as Appendix “H” to Report PED13025.

**7. Hamilton Municipal Heritage Committee Report 13-001 (Item 8.1)**

**Citizen Forum on Cultural Heritage Protection**

That the Hamilton Municipal Heritage Committee be permitted to hold a forum on Cultural Heritage.

**8. Proposed Amendment No. 2 to the Growth Plan for the Greater Golden Horseshoe - City of Hamilton Comments (City Wide) (PED13022) (Item 8.2)**

- (a) That the Ministry of Infrastructure (MOI) Ontario Growth Section, be advised:
  - (i) That the City of Hamilton recommends the inclusion of transition provisions in Amendment No. 2 to the Growth Plan for the Greater Golden Horseshoe to:
    - (1) Ensure the existing 2031 employment and population forecasts, as contained in Schedule 3 to the 2006 Growth Plan, are the applicable forecasts for the purposes of Ontario Municipal Board (OMB) hearings;
    - (2) Require municipalities to update the population and employment forecasts, as contained in Amendment No. 2, only at the time of the Municipal Official Plan, Five Year Review.
  - (ii) That the City of Hamilton does not support the inclusion of population and employment forecasts for the 2036 time period, since it is inconsistent with the remaining forecasts which are based on decades when full census are undertaken.
- (b) That the City Clerk be requested to forward the recommendations and this staff Report to the Ministry of Infrastructure, Ontario Growth Secretariat.

**9. Memorandum of Agreement with Conservation Authorities (PED13018) (City Wide) (Item 8.3)**

That the General Manager of the Planning and Economic Development Department be authorized and directed to execute, on behalf of the City of Hamilton, the updated Memorandum of Agreement between the Hamilton Region Conservation Authority, Conservation Halton, the Grand River Conservation Authority and the Niagara Region Conservation Authority, attached as Appendix "A" to Report PED13018, which is in a form satisfactory to the City Solicitor.

**10. Reoccurring Flooding in New Subdivisions (Item 9.2)**

That staff be directed to work with Councillors in Wards 8, 9 and 11 to select subject properties with new subdivisions that have reoccurring flooding both overland and by pipe (sewer and storm water) for subsequent peer review on storm water management, drainage, sewers and possible aquifer impacts.

**FOR THE INFORMATION OF COUNCIL:**

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

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

1. DELEGATION REQUESTS

- 4.2 Delegation Request from Michael Barton, HHHBA, respecting item 5.1 Memorandum of Agreement with Conservation Authorities, for today's agenda.

2. PUBLIC HEARINGS AND DELEGATIONS

- 6.4 Application to Amend City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 2 Oceanic Drive (Stoney Creek) (PED13014) (Ward 10)

- (ii) Correspondence from D. Bleakley

The Agenda for the February 5, 2013 meeting of the Planning Committee was approved, as amended.

**(b) DECLARATIONS OF INTEREST (Item 2)**

None.

**(c) APPROVAL OF MINUTES (Item 3)**

**(i) January 15, 2013**

The Minutes of the January 15, 2013 Planning Committee meeting were approved.

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

**(i) Delegation Request from Sid Catalano and Steve McGregor respecting the sign by-law and a digital sign proposal (Item 4.1)**

The delegation request from Sid Catalano and Steve McGregor respecting the sign by-law and a digital sign proposal, was approved for a future meeting.

- (ii) **Delegation Request from Michael Barton, HHHBA, respecting item 5.1 Memorandum of Agreement with Conservation Authorities, for today's agenda (Item 4.2)**

The delegation request from Michael Barton, HHHBA, respecting item 5.1 Memorandum of Agreement with Conservation Authorities, was approved for today's agenda.

**(e) CONSENT ITEMS (Item 5)**

- (i) **Memorandum of Agreement with Conservation Authorities (PED13018) (City Wide) (Item 5.1)**

Report PED13018, Memorandum of Agreement with Conservation Authorities, was moved to the discussion section as item 8.3 of today's meeting.

**(f) PUBLIC HEARINGS AND DELEGATIONS (Item 6)**

- (i) **Delegation from David Almas respecting 11 Springside Drive (Item 6.1)**

David Almas provided a brief history of the property and expressed concerns regarding the refusal of his severance application.

The delegation from David Almas, respecting 11 Springside Drive, was received.

- (ii) **Delegation from Ron and Gayle Sebastian respecting new homes being built in established neighbourhoods (Item 6.2)**

Ron Sebastian present with the aid of a PowerPoint presentation. A copy of the presentation has been included in the public record.

The delegation from Ron Sebastian, respecting new homes being built in established neighbourhoods, was received.

Staff were directed to report back on the Ancaster tree preservation by-law to clarify if a permit is required to remove trees greater than 450 mm in diameter on a lot that is being redeveloped and the tree in inside the proposed new home envelope.



**(iii) Application for Amendment to City of Hamilton Zoning By-law No. 6593 for Lands Located at 489 Concession Street (Hamilton) (PED13021) (Ward 7) (Item 6.3)**

In accordance with the provision of the Planning Act, Chair J. Farr 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 approves 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 public speakers came forward.

The public meeting respecting, Report PED13021, Application for Amendment to City of Hamilton Zoning By-law No. 6593 for Lands Located at 489 Concession Street (Hamilton), was closed.

The staff presentation respecting, Report PED13021, Application for Amendment to City of Hamilton Zoning By-law No. 6593 for Lands Located at 489 Concession Street (Hamilton), was waived.

For disposition on this Item, refer to item 3.

**(iv) Application to Amend City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 2 Oceanic Drive (Stoney Creek) (PED13014) (Ward 10) (Item 6.4)**

- (i) Correspondence from Nancy West**
- (ii) Correspondence from D. Bleakley**

In accordance with the provision of the Planning Act, Chair J. Farr 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 approves 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.

Alvin Chan, Planner, provided an overview of the report with the aid of a PowerPoint presentation. A copy of the presentation has been included in the public record.

The staff presentation respecting Report PED13014, Application to Amend City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 2 Oceanic Drive (Stoney Creek), was received.

Clare Riepma, Planning Consultant, provided an overview of the owners requests with the aid of a PowerPoint presentation. A copy of the presentation has been included in the public record.

The consultant's presentation respecting Report PED13014, Application to Amend City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 2 Oceanic Drive (Stoney Creek), was received.

Public Speakers:

1. Tom Duda – 14 Oceanic Dr., Stoney Creek, ON L8E 4H5

Mr. Duda expressed concerns with parking in the area and indicated that parking is already an issue. He also expressed concerns with the building of multi-unit dwellings.

2. Walter Schaible – 22 Oceanic Dr. Stoney Creek, ON L8E 4H5

Mr. Schaible expressed concerns with the building of multi-unit dwellings and parking concerns.

3. Edward Gibb – 5 Drakes Dr. Stoney Creek, ON L8E 4G4

Mr. Gibb expressed concerns with the building of multi-unit dwellings and parking concerns.

4. Brenda Cran – 12 Drakes Dr. Stoney Creek, ON L8E 4G5

Ms. Cran expressed concerns with the building of multi-unit dwellings and parking concerns. She also expressed concerns with the buildings being three-storeys.

The public presentations and items of correspondence respecting Report PED13014, Application to Amend City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 2 Oceanic Drive (Stoney Creek), were received.

The public meeting respecting Report PED13014, Application to Amend City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 2 Oceanic Drive (Stoney Creek), was closed.

- (a) That approval be given to **Amended Zoning Amendment Application ZAC-12-010, by GUJ Holdings Ltd., c/o Jason Guja, (Owner)**, for a change in zoning from the Local Commercial “LC” Zone to the Multiple Residential “RM2” Zone, in order to permit a future street townhouse development, on the lands known municipally as 2 Oceanic Drive (Stoney Creek), as shown on Appendix “A” to Report PED13014, on the following basis:
  - (i) That the draft By-law, attached as Appendix “B” to Report PED13014, 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 Map 1 of Schedule “A” of Zoning By-law No. 3692-92;
  - (iii) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan and City of Stoney Creek Official Plan.
- (b) That upon finalization of the implementing By-law, the subject lands be identified as “Medium Density Residential” on the Lakeshore Neighbourhood Plan.

The motion CARRIED on the following vote:

Yeas:	J. Farr, R. Pasuta, L. Ferguson and M. Pearson
Total:	4
Nays:	J. Partridge, C. Collins and B. Johnson
Total:	3
Absent:	B. Clark and T. Whitehead
Total:	2

The motion respecting Report PED13014, Application to Amend City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 2 Oceanic Drive (Stoney Creek), was reconsidered.

The recommendations respecting Report PED13014, Application to Amend City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 2 Oceanic Drive (Stoney Creek), were amended by adding a new sub-section (c), to read as follows:

- (c) That a maximum height of 11m and/or 2-storey be implemented.

For disposition on this Item, refer to item 4.

**(v) Street Name Change for the East Portion of Frances Avenue (Stoney Creek) (PED13023) (Ward 10) (Item 6.5)**

In accordance with the provision of the Planning Act, Chair J. Farr 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 approves the street name change, 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 public speakers came forward.

The public meeting respecting, Report PED13023, Street Name Change for the East Portion of Frances Avenue (Stoney Creek), was closed.

The staff presentation respecting, Report PED13023, Street Name Change for the East Portion of Frances Avenue (Stoney Creek), was waived.

For disposition on this Item, refer to item 5.

**(vi) Amendments to the Downtown and Community Renewal Community Improvement Plan and Project Area (PED13025) (Wards 1, 2, 3, 4, 6, 7, 8, 9, 11, 12, 13 and 15) (Item 6.6)**

In accordance with the provision of the Planning Act, Chair J. Farr 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 approves the amendments to the improvement plan and project area, 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 public speakers came forward.

The public meeting respecting, Report PED13025, Amendments to the Downtown and Community Renewal Community Improvement Plan and Project Area, was closed.

Hazel Milsome, Co-ordinator, Urban Renewal Incentives, and Alan Waterfield, Senior Planner, provided an overview of the report with the aid of a PowerPoint Presentation. A copy of the presentation has been included in the public record.

The staff presentation respecting Report PED13025, Amendments to the Downtown and Community Renewal Community Improvement Plan and Project Area, was received.

The main motion CARRIED on the following vote:

Yeas:	J. Farr, R. Pasuta, L. Ferguson, M. Pearson J. Partridge, C. Collins and B. Johnson
Total:	7
Nays:	T. Whitehead
Total:	1
Absent:	B. Clark
Total:	1

For disposition on this Item, refer to item 6.

**(g) DISCUSSION ITEMS (Item 8)**

**(i) Memorandum of Agreement with Conservation Authorities (PED13018) (City Wide) (Item 8.3)**

Michael Barton, Policy Director, Hamilton-Halton Home Builders' Association, expressed concerns with the consultation process in creation of the memorandum.

The public presentation respecting Report PED13018, Memorandum of Agreement with Conservation Authorities, was received.

For disposition on this Item, refer to item 9.

**(h) MOTIONS (Item 9)**

**(i) 1920 Fiddler's Green Road (Item 9.1)**

The motion respecting 1920 Fiddler's Green Road was tabled to a future meeting.

**(ii) Reoccurring Flooding in New Subdivisions (Item 9.2)**

That staff be directed to work with Councillors in Wards 8, 9 and 11 to select subject properties with new subdivisions that have reoccurring flooding both overland and by pipe (sewer and storm water) for subsequent peer review on storm water management, drainage, sewers and possible aquifer impacts.

For disposition on this Item, refer to item 10.

**(i) NOTICES OF MOTION (Item 10)**

Councillor Ferguson introduced the following Notice of Motion:

**(i) Enforcement of Blocked Swales**

Whereas there is an on-going problem in residential areas with standing water resulting from obstructed swales.

And whereas the resolution of this problem has most often been left to property owners.

Therefore be it resolved that:

(a) Staff be directed to undertake a 2-year pilot program, commencing in the Spring of 2013, to enforce the Property Standards By-law to restore swales where there is an easily identifiable obstruction that prevents draining as per the originally approved grading plans, including:

(i) Ensuring that appropriate wording is included in the Property Standards By-law;

(ii) Hiring a temporary grading enforcement officer to be funded from the Parking Reserve.

- (b) Staff be directed to report back with terms of reference including key performance measures and expectations before initiating the pilot;
- (c) Staff be directed to report back at the earliest opportunity on addressing more complex situations related to obstructed swales on properties where there is no previously approved drainage and grading plans, multiple owners are involved and/or extensive work is required.

The rules were waived to hear the notice of motion respecting Enforcement of Blocked Swales as a motion at today's meeting.

Councillor Whitehead introduced the following Notice of Motion:

**(ii) Incentive and Loan Programs**

- (a) That staff be directed to look at exploring incentive and loan programs to the area defined by the Mountain Brow to Fennel on Upper James;
- (b) That staff report back on feasibility and financial implications.

**(j) GENERAL INFORMATION AND OTHER BUSINESS (Item 11)**

**(i) News from the General Manager (Item 11.1)**

The General Manager provided updates of current events and initiatives within the department.

**(k) ADJOURNMENT**

There being no further business, the Planning Committee adjourned at 12:45 p.m.

Respectfully submitted,

Councillor J. Farr  
Chair, Planning Committee

Vanessa Robicheau  
Legislative Coordinator  
Office of the City Clerk