PLANNING COMMITTEE
REPORT 16-002
AS AMENDED BY COUNCIL FEBRUARY 10, 2016
9:30 am
Tuesday, February 2, 2016
Council Chambers
Hamilton City Hall
71 Main Street West

Present: Mayor F. Eisenberger
Councillors M. Pearson (1st Vice-Chair), C. Collins, D. Conley, J. Farr, M. Green, and J. Partridge

Also Present: Councillors L. Ferguson and T. Whitehead

Absent with regrets: Councillors B. Johnson (Chair), A. Johnson (2nd Vice Chair), and R. Pasuta personal

THE PLANNING COMMITTEE PRESENTS REPORT 16-002 AND RESPECTFULLY RECOMMENDS:

1. Animal Services - Dog Licensing Update (PED16024) (City Wide) (Item 5.1)

   That Report PED16024 respecting Animal Services Dog Licensing Update be received.

2. Removal of the Heritage Conservation Easement Agreement from Part of Lots 8, 9 and 10 Plan 62M-1215, City of Hamilton, designated as Part 10, 11 and 13 on Plan 62R-20033, Flamborough (PED16026) (Ward 14) (Item 5.2)

   (a) That the request by Marianne Ramacieri (the property owner) to remove the Heritage Conservation Easement Agreement from Part of Lots 8, 9 and 10 Plan 62M-1215, City of Hamilton, designated as Part 10, 11 and 13 on Plan 62R-20033, in the City of Hamilton be approved;

   (b) That the City Solicitor be authorized and directed to remove the Heritage Conservation Easement Agreement from title of Part of Lots 8, 9 and 10 Plan 62M-1215, City of Hamilton, designated as Part 10, 11 and 13 on Plan 62R-20033, in the City of Hamilton at the expense of the property owner.

COUNCIL – February 10, 2016
3. **Application for Approval of Draft Plan of Condominium (Common Element), for Lands Located at 86 and 90 Raymond Road (Ancaster) (PED16028) (Ward 12) (Item 6.2)**

That approval be given to Draft Plan of Condominium Application 25CDM-201516, by T. Johns Consulting Group Ltd. (c/o Patrick Vusir), Agent, on behalf of Winzen Ancaster Homes (c/o Raymond Zenkovich), Owner, to establish a Draft Plan of Condominium (Common Element) to create a condominium road, a sidewalk on portions of the condominium road, an open space amenity area, and 21 visitor parking spaces, on lands located at 86 and 90 Raymond Road (Ancaster), as shown on Appendix “A” to Report PED16028, subject to the following conditions:

(a) That the approval for Draft Plan of Condominium (Common Element) application 25CDM-201516 applies to the plan prepared by A.T. McLaren Ltd., certified by S.D. McLaren, dated April 23, 2015, and consisting of a condominium road, a sidewalk on portions of the condominium road, an open space amenity area, and 21 visitor parking spaces attached, as Appendix “B” to Report PED16028;

(b) That the conditions of Draft Plan of Condominium Approval provided as Appendix “C” to Report PED16028 be received and endorsed by City Council.

4. **Applications to Amend the Urban Hamilton Official Plan and Ancaster Zoning By-law No. 87-57, and for Approval of a Draft Plan of Subdivision known as “Garner Estates” (Ancaster) (PED16012) (Ward 12) (Item 6.3)**

(a) That approval be given to Urban Hamilton Official Plan Amendment Application UHOPA-15-001, by A. DeSantis Developments Ltd. and 637414 Ontario Inc., Owners, to amend Schedule “B” – Natural Heritage System to delete the Linkage from 1035 Garner Road East and that the Meadowlands Neighbourhood IV Secondary Plan be amended to: redesignate the northerly portion of Block “2”, as shown on Appendix “A” to Report PED16012 from “Low Density Residential 2b” to “Low Density Residential 3b”; delete the proposed southerly road and designate the lands as “Low Density Residential 2b” and “Low Density Residential 3b”, as per the abutting designation; and to establish a Site Specific Area to permit both street townhouse units in the “Low Density Residential 2b” designation and to permit a maximum density of 46 units per net residential hectare, for the lands known as 1001, 1009, and 1035 Garner Road East (Ancaster), as shown on Appendix “A” to Report PED16012, on the following basis:

(i) That the draft Official Plan Amendment (OPA), attached as Appendix “B” to Report PED16012, be adopted by City Council.
(b) That approval be given to Zoning Application ZAC-15-003 by A. DeSantis Developments Ltd. and 637414 Ontario Inc., Owners, for changes in zoning from the Institutional “I” Zone to the Residential Multiple “RM2-667” Zone, Modified (Block 1) and the Residential Multiple “RM5-668” Zone, Modified (Block 2) in the Ancaster Zoning By-law No. 87-57; for lands located at 1001, 1009, and 1035 Garner Road East (Ancaster), as shown on Appendix “A” to Report PED16012, on the following basis:

(i) That the draft By-law, attached as Appendix “C” to Report PED16012, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2014), conform to the Growth Plan for the Greater Golden Horseshoe (Places to Grow), and will comply with the Urban Hamilton Official Plan upon finalization of Urban Hamilton Official Plan Amendment No. _.

(c) That approval be given to Revised Draft Plan of Subdivision Application 25T-201501 by A. DeSantis Developments Ltd. and 637414 Ontario Inc., Owners, to establish a Draft Plan of Subdivision known as “Garner Estates”, on lands known as 1001, 1009, and 1035 Garner Road East (Ancaster), as shown on Appendix “A” to Report PED16012, subject to the following conditions:

(i) That this approval apply to the Draft Plan of Subdivision “Garner Estates”, 25T-201501, as revised, prepared by A.J. Clarke and Associates Ltd., and certified by B.J. Clarke, O.L.S., dated September 10, 2015, showing nine blocks for the purposes of 114 dwelling units, consisting of five blocks for residential purposes (Blocks 1 and 4-7), two blocks for street widenings (Blocks 2 and 3), two blocks for temporary turning circles (Blocks 5 and 7), one block (Block 6) to be developed with the abutting block (Block 5) upon removal of the temporary turning circle and two blocks for 0.30 m reserves (Blocks 8 and 9) subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the Special Conditions attached as Appendix “E” to Report PED16012.

(ii) Acknowledgement by the City of Hamilton of its responsibility for cost-sharing with respect to this development shall be in accordance with the City’s Financial Policies and will be determined at the time of development.

(iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 42 of the Planning Act, prior to the issuance of each building permit.

COUNCIL – February 10, 2016
The calculation for the Cash-in-Lieu payment shall be based on the value of the land on the day prior to the issuance of the first building permit for each said Block.

With regard to Blocks 1, 4, 5, and 6, a parkland dedication, at a ratio of 0.6 ha per 300 dwelling units, will be required for the proposed townhouse dwelling units.

Furthermore, with regard to Blocks 1 and 7, a parkland dedication, at a ratio of 1.0 ha per 300 dwelling units, will be required for the proposed multiplex dwelling units.

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

5. Sign Variance Application SV-15-014 for the Property Known as 766 Burlington Street East, Hamilton, Denied by the Director of Planning and Chief Planner, Planning Division, and Appealed by the Applicant (PED16018) (Ward 3) (Item 8.2)

That the Appeal of Sign Variance Application SV-15-014, by Andre Leblanc (726195 Ontario Inc), Owner, to legalize a digital roof top Billboard Sign that was established without a permit for the property located at 766 Burlington Street East, Hamilton, as shown on Appendix “A” to Report PED16018, be upheld and the application be approved.

6. Hamilton Design Review Panel Pilot Project - Request for Extension (PED13137(a)) (City Wide) (Item 8.3)

That the Design Review Panel – Pilot Project Mandate, attached as Appendix “A” to Report PED13137(a), be extended until December 31, 2016 and that at the conclusion of the pilot project that staff be directed to report back to the Planning Committee on the effectiveness of the Design Review Panel.

7. Hamilton Municipal Heritage Committee Report 16-001 (Item 8.4)

(a) Heritage Permit Application HP2015-041, Under Part V of the Ontario Heritage Act, for the Erection of a Structure at 975 Beach Boulevard, Hamilton (PED16025) (Ward 5)

(i) That Heritage Permit Application HP2015-041 be approved for the erection of a new single detached dwelling on the designated property at 975 Beach Boulevard, Hamilton (Hamilton Beach Heritage Conservation District), as shown in Appendix “A” to
Hamilton Municipal Heritage Report 16-001, subject to the submission and finalization of a Site Plan Control application and the following Heritage Permit conditions:

(1) That the deficient side yard setbacks identified in the Preliminary Site Plan, attached as Appendix “D” to Report PED16025 shall be addressed in accordance with the Site Plan approval process;

(2) That the final design specifications, including windows, railings, columns, doors and downspouts, shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to submission as part of any application for a Building Permit;

(3) That the dimensions and surfacing materials for the new driveway and any walkways, patios or other hard-surface areas, shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, in accordance with the Site Plan approval process and prior to installation;

(4) That the dimensions, design and materials for any new fencing and gates shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, in accordance with the Site Plan approval process and prior to installation;

(5) That a plan depicting the removed, retained and any new trees, of a minimum caliper of 55 mm and of a species consistent with the City of Hamilton’s Tree Species and Recommended Index, shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to planting;

(6) That the applicant / owner demonstrate that the Committee of Adjustment Severance Application HM/B-13:06 has been completed and the new lot created, to the satisfaction of the Director of Planning and Chief Planner, prior to submission of any application for a Building Permit;

(7) That any minor changes to the plans and elevations following approval shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to submission as part of any application for a Building Permit; and,

(8) That construction and site alterations, in accordance with this approval, shall be completed no later than February 28,
2018. If the construction and site alterations are not completed by February 28, 2018, then this approval expires as of that date, and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

(b) Notice of Intention to Designate 1 Jones Street, Stoney Creek

That Council be advised that the Hamilton Municipal Heritage Committee endorses the designation of the property at 1 Jones Street, Stoney Creek, as approved by Council on January 20, 2016, including the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes contained in the Notice of Intention to Designate.

8. ARYZTA Ltd. (formerly Oakrun Bakery) – Municipal Wastewater System (Referred from General Issues Committee on January 13, 2016) (Item 9.1)

That ARYZTA Ltd. (formerly Oakrun Bakery) be permitted to connect to the municipal wastewater system, at their cost, in a manner acceptable to the City of Hamilton.

9. Safer Communities and Neighbourhoods Legislation (Deferred from September 15, 2016 meeting) (Added 9.2)

(a) That Council reaffirm its support for the Safer Communities and Neighbourhoods Act and send correspondence to the Premier Kathleen Wynne and the Minister of Community Safety and Correctional Services the Honourable Yasir Naqvi requesting that the Safer Communities and Neighbourhoods Act be reintroduced as legislation with the provision that the Province adopt Manitoba’s Public Safety Investigation Unit and all related costs;

(b) That correspondence be sent to all municipalities in Ontario, the Association of Municipalities of Ontario (AMO), and the Federation of Canadian Municipalities (FCM) notifying these parties of Council’s position on the Safer Communities and Neighbourhoods Act.

The following recommendation was deleted and replaced as outlined below:


COUNCIL – February 10, 2016
(a) That the proposed settlement by Fern Brook Resort Inc. for its appeal of Zoning By-law 15-173 as set out in Report LS16001/PED16017 be approved;

(b) That the City Solicitor be directed and authorized to take any steps necessary to implement the settlement;


The following Item was lifted from the Information Section and added as amended:

11. Request to Remove 2251 Rymal Road East (Former Elfrida Church) from the Register of Property of Cultural Heritage Value or Interest and from the Workplan for Designation (PED15173) (Ward 9)

WHEREAS it is the intent of Hamilton Council to reschedule 2251 Rymal Road East, Stoney Creek on the workplan for designation under the Ontario Heritage Act to follow connection of the subject property to municipal sewer services, tentatively scheduled for 2018.

THEREFORE BE IT RESOLVED:

(a) That the request to remove 2251 Rymal Road East (Stoney Creek) (former Elfrida Church) from the Register of Property of Cultural Heritage Value or Interest be denied;

(b) That the request to remove 2251 Rymal Road East (Stoney Creek) (former Elfrida Church) from the workplan for designation be denied;

(c) That Council require that any notice of intention to demolish or remove any structure or building on the registered property shown in Appendix “A” of Report PED15173, include a Cultural Heritage Impact Assessment report, to the satisfaction and approval of the Director of Planning and Chief Planner;

(d) That 2251 Rymal Road East (Stoney Creek) (former Elfrida Church) be reassigned to 2020 on the workplan for designation;

(e) That a copy of Report PED15173, be forwarded to the owner of 2251 Rymal Road East (Stoney Creek) (former Elfrida Church) for information.
The following item was lifted from the Information Section and added as amended:

12. Section 30 of the *Expropriations Act* – City purchase of Wedge (vacant parcel) on West Side of Fortissimo Drive, Adjacent To 879 and 885 West 5th Street from 1125814 Ontario Limited – (LS16002/PED16023) (Ward 8) (Item 12.2)

That the recommendations, as amended, of Report LS16002/PED16023 respecting Section 30 of the *Expropriations Act* – City purchase of Wedge (vacant parcel) on West Side of Fortissimo Drive, Adjacent To 879 and 885 West 5th Street from 1125814 Ontario Limited, be approved and remain confidential until completion.

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

The Committee Clerk advised of the following changes:

ADDED DELEGATION REQUEST:

4.2 Glenn Wellings, Wellings Planning Consultants Inc., on behalf of his client Sonoma Homes Inc. to speak to the City Methodology for calculating cash-in-lieu of parkland (For today’s meeting.)

ADDED WRITTEN COMMENTS:

6.3(i) Dave Pitblado, Director, Real Estate Development, 2054971 Ontario Inc., 4480 Paletta Court, Burlington respecting Applications to Amend the Urban Hamilton Official Plan and Ancaster Zoning By-law No. 87-57, and for Approval of a Draft Plan of Subdivision known as “Garner Estates” (Ancaster) (PED16012)

ADDED MOTION:

9.2 Safer Communities and Neighbourhoods Legislation (Deferred from September 15, 2015 meeting)

The Agenda for the February 2, 2016 meeting of the Planning Committee was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

None.
(c) **APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING (Item 3)**

(i) January 12, 2106 Meeting (Item 3.1)

The Minutes of the January 12, 2016 meeting were approved.

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

(a) The following delegation request was approved to address Committee at today’s meeting:

(i) John Ariens, IBI Group, to appeal staff’s denial of the Sign Variance application submitted by Fine Line Signs for the property at 766 Burlington Street East. (For today’s meeting, Item 8.2) (Item 4.1)

(b) The following delegation request was approved and the rules of order were waived in order for the delegation to address Committee at today’s meeting:

(i) Glenn Wellings, Wellings Planning Consultants Inc., on behalf of his client Sonoma Homes Inc. to speak to the City Methodology for calculating cash-in-lieu of parkland (For today’s meeting.) (Added 4.2)

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

(i) Animal Services - Dog Licensing Update (PED16024) (City Wide) (Item 5.1)

Committee commended staff for their work regarding dog licensing and expressed appreciation for the progress made to date.

For disposition of this matter see Item 1.

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

(i) Mike Whaling, Airport Mini Storage, Mount Hope, to follow-up from previous meetings regarding illegal business in the Mount Hope, Binbrook, Ancaster area that is still growing. (Approved December 1, 2015) (No copy) (Deferred from January 12, 2016 meeting) (Item 6.1)

Mike Whaling addressed Committee. His comments included but were not limited to the following:

- There are illegal businesses operating on agricultural lands;
• Enforcement should be proactive rather than complaint based;
• There is a loss of tax revenues for the City;
• This is unfair to the licensed, legally operating businesses;
• Some contractors are violating the City’s by-laws.

The delegation from Mike Whaling was received.

Staff were directed to report back with periodic updates regarding the progress made in terms of capturing illegal businesses and any additional positive measures which have been implemented to increase the number of licensed businesses.

(ii) Application for Approval of Draft Plan of Condominium (Common Element), for Lands Located at 86 and 90 Raymond Road (Ancaster) (PED16028) (Ward 12) (Item 6.2)

In accordance with the provisions of the Planning Act, Vice-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 Element) the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

Written Comments

6.2(i) Christina and Herman Schutten, 11 Fair Street

The written comments from Christina and Herman Schutten were received.

No members of the public came forward.

The staff presentation was waived.

Terri Johns from T. Johns Consulting Group, agent for the applicant was in attendance to assist Committee and indicated that they are in support of the staff report.

The public meeting was closed.

For disposition of this matter refer to Item 3.
(iii) Applications to Amend the Urban Hamilton Official Plan and Ancaster Zoning By-law No. 87-57, and for Approval of a Draft Plan of Subdivision known as “Garner Estates” (Ancaster) (PED16012) (Ward 12) (Item 6.3)

In accordance with the provisions of the Planning Act, Vice-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 amendments to the Urban Hamilton Official Plan and Ancaster Zoning By-law and the application for the Draft Plan of Subdivision 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

6.3(i) Dave Pitblado, Director, Real Estate Development, 2054971 Ontario Inc.,

The written comments submitted by Dave Pitblado, Director, Real Estate Development, 2054971 Ontario Inc. were received.

No members of the public came forward.

The staff presentation was waived.

Stephen Fraser of AJ Clarke and Associates, the agents for the owner was in attendance and indicated that they are in support of the staff report.

The public meeting was closed.

For disposition of this matter refer to Item 4.

(iv) Glenn Wellings, Wellings Planning Consultants Inc., on behalf of his client Sonoma Homes Inc. to speak to City’s Methodology for calculating cash-in-lieu of parkland for today’s meeting. (Added Item 6.4)

Glenn Wellings addressed Committee. His comments included but were not limited to the following:

- The City is permitted to take land or take cash equivalent of land from developers for parkland dedication;
- The Planning Act has recently been amended;

COUNCIL – February 10, 2016
• The Province recognizes there is an issue with the enhanced calculation;
• The City is working from a By-law which is subject to interpretation;
• In the case of the Sonoma development, the City has valued each individual block;
• The City is not considering the cost of construction, the cost of amenities, the cost of providing services, etc.
• There are also costs to upgrade West Fifth Street;
• Sonoma is being penalized for providing the amenities;
• Cash-in-lieu calculated on a block by block basis is a piecemeal method;
• Comparables with other developments show there are inconsistencies;
• This is a bigger issue not only affecting Sonoma;
• The problem is with the City not looking at the entire package.

Mr. Wellings responded to questions from Committee.

The delegation from Glenn Wellings was received.

The question was called

A motion to direct staff to review the medium density issue as it pertains to parkland dedication fees and report back on the feasibility of an interim solution to address these concerns was DEFEATED.

(g) DISCUSSION ITEMS

(i) Hamilton Municipal Heritage Committee Report 15-011, Item 2 respecting Request to Remove 2251 Rymal Road East (Former Elfrida Church) from the Register of Property of Cultural Heritage Value or Interest and from the Workplan for Designation (PED15173) (Ward 9) (Deferred from January 12, 2016 meeting) (Item 8.1)

1. Graeme Tosh, owner of 2251 Rymal Road East (approved January 12, 2016)

Graeme Tosh addressed Committee. His comments included but were not limited to the following:

• He was recently trying to sell the property;
• When he purchased the building in 2007, it was not on the Register of Property of Cultural Heritage Value or Interest;
• The restaurant at this location hasn’t worked out;
• The surrounding commercial establishments don’t consider the property as having any value or importance;

COUNCIL – February 10, 2016
The fact it is now on the Register is not making it possible for him to sell the property at the same price he had paid for it;
- He is losing money every year;
- The building is now landlocked;
- There are no sanitary sewers;
- He is the major investor;
- He has received two awards from the Hamilton Municipal Heritage Committee for other heritage properties he owns;
- A pastor did to look at the property but it is not big enough and does not have enough parking for a congregation;
- His intention is to sell the building not demolish it.

The delegation from Graeme Tosh was received.

The following Item was TABLED to the February 10, 2016 Council meeting in order to prepare an amending motion regarding the Workplan for Designation as it relates to this property:

This Item was LIFTED and added as Item 11 and amended:

8.1 Hamilton Municipal Heritage Committee Report 15-011, Item 2 respecting Request to Remove 2251 Rymal Road East (Former Elfrida Church) from the Register of Property of Cultural Heritage Value or Interest and from the Workplan for Designation (PED15173) (Ward 9) (Deferred from January 12, 2016 meeting)

(a) Request to Remove 2251 Rymal Road East (Former Elfrida Church) from the Register of Property of Cultural Heritage Value or Interest and from the Workplan for Designation (PED15173) (Ward 9)

(i) That the request to remove 2251 Rymal Road East (Stoney Creek) (former Elfrida Church) from the Register of Property of Cultural Heritage Value or Interest be denied;

(ii) That the request to remove 2251 Rymal Road East (Stoney Creek) (former Elfrida Church) from the workplan for designation be denied;

(iii) Pursuant to Section 27(5) of the Ontario Heritage Act, that the Hamilton Municipal Heritage Committee request that Council require that any notice of intention to demolish or remove any structure or building on the registered property shown in Appendix “A” of Report PED15173, include a Cultural Heritage Impact Assessment report, to the satisfaction and
approval of the Director of Planning and Chief Planner; and,

(iv) That Report PED15173, attached hereto as Appendix “A”, be forwarded to the owner of 2251 Rymal Road East (Stoney Creek) (former Elfrida Church) for information.

Vice-Chair Pearson indicated that she wished to be recorded as OPPOSED to the tabling motion.

(ii) Sign Variance Application SV-15-014 for the Property Known as 766 Burlington Street East, Hamilton, Denied by the Director of Planning and Chief Planner, Planning Division, and Appealed by the Applicant (PED16018) (Ward 3) (Item 8.2)

1. John Ariens, IBI Group, to appeal staff’s denial of the Sign Variance application submitted by Fine Line Signs for the property at 766 Burlington Street East (Item 4.1)

John Ariens addressed Committee with the aid of a PowerPoint presentation. A copy has been uploaded onto the City’s website. His comments included but were not limited to the following:

- He argued that adding an LED panel to an existing sign is not a substantial change;
- The static billboard sign on the roof has not been removed;
- It does not increase the non-compliance;
- He disagrees that the intent of the by-law is to make non-conforming signs disappear;
- The application was to go to the 100% sign variance;
- He contested the variances outlined in the report;
- Old technology vs New technology;
- The owner of the sign has the capability to display public announcements;
- Significant precedents exist – four previous applications denied by staff were approved by the Planning Committee;
- Staff are working from an outdated Sign By-law;
- Examples of other signs on major highways that are not detrimental;
- He requested that the staff report be received and the application be approved and that staff be requested to review the sign by-law to better reflect the digital sign industry.
The delegation from John Ariens was received.

Daniel Barnett was requested to provide an overview of the staff report with the aid of a PowerPoint presentation. A copy of the presentation has been uploaded onto the City’s website.

The presentation by staff was received.

Committee approved the sign variance application.

Councillor Green indicated that he wished to be recorded as OPPOSED to the approval of the application.

For disposition of this matter refer to Item 5.

(h) MOTIONS

(i) ARYZTA Ltd. (formerly Oakrun Bakery) – Municipal Wastewater System (Referred from General Issues Committee on January 13, 2016) (Item 9.1)

Councillor L. Ferguson was in attendance and spoke to this matter. He also submitted copies of a Spectator newspaper article which covered this issue and they were distributed to Committee.

Councillor Partridge introduced the following motion:

WHEREAS, ARYZTA Ltd. (formerly Oakrun Bakery) at 58 Carluke Road West is an existing, legally established use;

WHEREAS, City Council approved the expansion of the use and a private water servicing connection in 2005 and 2006;

WHEREAS, ARYZTA Ltd. (formerly Oakrun Bakery) has and continues to invest in their manufacturing operations and servicing; and,

WHEREAS, ARYZTA Ltd. (formerly Oakrun Bakery) has been working with the Ministry of the Environment to ensure that ARYZTA Ltd. (formerly Oakrun Bakery) has a long-term sustainable wastewater servicing strategy, but the current soil characteristics limit the servicing options available to ARYZTA Ltd. (formerly Oakrun Bakery);

THEREFORE BE IT RESOLVED:
That ARYZTA Ltd. (formerly Oakrun Bakery) be permitted to connect to the municipal wastewater system, at their cost, in a manner acceptable to the City of Hamilton.

For disposition of this matter refer to Item 8.

(ii) Safer Communities and Neighbourhoods Legislation (Deferred from September 15, 2016 meeting) (Added 9.2)

Councillor Green presented the following motion with an amendment to subsection (a) as follows:

Whereas, on July 10th 2008 Hamilton City Council approved staff recommendations to support the Ottawa City Council resolution as outlined in Appendix A to Report PED08152 (copy attached hereto); and

Whereas, a number of Provinces have passed Safer Communities and Neighbourhoods Acts; and

Whereas, these Acts provide for the investigation by a Provincial body of public complaints about properties where criminal activities take place which adversely affects the neighbourhood, and

Whereas, the Provincial body may, on the basis of its investigation, apply to a Court for an order enjoining the activities and/or closing a property for a period of time; and

Whereas, the Safer Communities and Neighbourhoods Bill 106 was introduced by the 1st session of the 39th parliament (copy attached hereto as Appendix B), and carried over by prorogation in 2010 into the 2nd session of the 39th parliament as a private members bill put forward by Member of Provincial Parliament (MPP) Yasir Naqvi;

Therefore be it resolved:

(a) That Council reaffirm its support for the Safer Communities and Neighbourhoods Act and send correspondence to the Premier Kathleen Wynne and the Minister of Community Safety and Correctional Services the Honourable Yasir Naqvi requesting that the Safer Communities and Neighbourhoods Act be reintroduced as legislation with the provision that the Province adopt Manitoba’s Public Safety Investigation Unit and all related costs;

(b) That correspondence be sent to all municipalities in Ontario, the Association of Municipalities of Ontario (AMO), and the Federation of Canadian Municipalities (FCM) notifying these parties of
Council’s position on the *Safer Communities and Neighbourhoods Act*.

For disposition of this matter refer to Item 9.

(iii) **Enforcement of illegal LED Signs**

Staff were directed to report back with an enforcement strategy pertaining to illegal LED and electronic signs.

(iv) **Illegal Massage Parlours (Added Item)**

Staff were directed to prepare a report to committee outlining recent changes related to the possible operation of illegal massage parlours in the City, and

The report is to highlight the current challenges of enforcing contraventions to Hamilton’s licensing bylaw, and

The report is to include but not be limited to the impact of recent Federal sex trade laws.

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

Councillor Collins introduced the following Notice of Motion:

(i) **Enforcement of illegal LED Signs (Added Item)**

That staff be directed to report back with an enforcement strategy pertaining to illegal LED and electronic signs.

The rules of order were waived to allow the introduction of a motion respecting illegal LED signs.

For disposition of this matter refer to Information Item (h)(iii).

Councillor Collins introduced the following Notice of Motion:

(ii) **Illegal Massage Parlours (Added Item)**

That staff prepare a report to committee outlining recent changes related to the possible operation of illegal massage parlours in the City, and

That the report highlight the current challenges of enforcing contraventions to Hamilton’s licensing bylaw, and
That the report include but not be limited to the impact of recent Federal sex trade laws.

The rules of order were waived to allow the introduction of a motion respecting illegal massage parlours.

For disposition of this matter refer to Information Item (h)(iv).

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

(i) Outstanding Business List (Item 11.1)

(a) The following new due dates were approved:

Item “C” – Proposed Permanent Closure and Sale of a Portion of the Road Allowance of Limeridge Road
Due Date:  February 2, 2016
Proposed New Due Date: March 1, 2016

Item “J” – Pool Enclosure By-law (PED13126(b)
Due Date:  February 16, 2016
Proposed New Due Date: April 5, 2016

Item “N” - Redevelopment of a City Owned Surface Parking Lot
Due date:  April 5, 2016
Proposed New Due Date:  April 19, 2016

Item “U” - The Feasibility of Establishing a City Animal Adoption Service in Partnership with the HBSPCA
Due date:  April 19, 2016
Proposed New Due Date:  June 14, 2016

Item “Z” - Investigate & report back on how other major cities address outdoor entertainment on restaurant/bar patios in waterfront areas adjacent to residential neighbourhoods.
Due date:  February 2, 2016
Proposed New Due Date:  TBD – Appeal currently before the Courts

Item “AA” - Report PED14120(a)- That staff investigate and report back on the feasibility of including licensing as part of the Administrative Penalty System as part of annual review of APS.
Due date:  August, 2016
Proposed New Due Date:  January, 2017

Item “BB” - Staff to report back re: the Business Licensing Audit Review Update PED13037(c) regarding whether the revenues justify the requirement of the FTE
Due date: June, 2016
Proposed New Due Date: September 6, 2016

Item “JJ” Staff to report back with recommendations to update the City’s Discharge of Firearms By-law
Due date: April 5, 2016
Proposed New Due Date: May 17, 2016

(b) The following Items were removed:

Item “H” – Delegation from Sergio Manchia respecting Dawson Avenue private drainage matter TABLED until resolution has been reached.
(Staff have addressed Mr. Manchia’s concerns.)

Item “K” – Delegation from Anna Roberts and Viv Saunders re: changes to land Use Process and Procedures (TABLED in 2014 for delegation to attend at a future meeting.)

Item “R” - Correspondence from Residents of Mentino Crescent respecting the Installation of Sidewalks and a Boulevard on Mentino Crescent (Sidewalks and boulevard already installed.)

Item “GG” - Report back with terms of reference and funding source for a West Harbour Task Force that will consider possible land use scenarios and the development of a neighbourhood plan for the Stuart Street Rail Yard. (Item dealt with at the General Issues Committee on December 2, 2015 and a Sub-Committee has already been established.)

(k) PRIVATE AND CONFIDENTIAL (Item 12)

Committee move into Closed Session, at 2:00 p.m. respecting the following Items:

12.1 Rural Zoning By-Law Appeals (Official Plan Amendment 9 and Zoning By-Law 15-173) PL150805 –Update and Instructions - (LS16001/PED16017) (City Wide)

12.2 Section 30 of the Expropriations Act – City purchase of Wedge (vacant parcel) on West Side of Fortissimo Drive, Adjacent To 879 and 885 West 5th Street from 1125814 Ontario Limited - LS16002/PED16023) (Ward 8)

Pursuant to Section 8.1, Sub-sections (c), (e) and (f) of the City’s Procedural By-law 14-300, and Section 239(2), Sub-sections (c), (e) and (f) of the Municipal Act, 2001, as amended, as the subject matters pertain to a proposed or pending
acquisition or disposition of land for City purposes, litigation or potential litigation, including matters before administrative tribunals, affecting the City and the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

Committee reconvened in Open Session at 2:53 p.m.

(i) Rural Zoning By-Law Appeals (Official Plan Amendment 9 and Zoning By-Law 15-173) PL150805 –Update and Instructions - (LS16001/PED16017) (City Wide) (Item 12.1)

For disposition of this matter refer to Item 10.

This Item was LIFTED, amended and added as Item 12:

(ii) Section 30 of the Expropriations Act – City purchase of Wedge (vacant parcel) on West Side of Fortissimo Drive, Adjacent To 879 and 885 West 5th Street from 1125814 Ontario Limited - LS16002/PED16023) (Ward 8) (Item 12.2)

Direction was given to staff in Closed Session with nothing to report in Open Session.

(l) ADJOURNMENT (Item 13)

There being no further business, the Planning Committee was adjourned at 2:55 p.m.

Respectfully submitted,

Councillor M. Pearson
Vice-Chair, Planning Committee

Ida Bedioui
Legislative Co-ordinator
Office of the City Clerk