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

THE FOLLOWING ITEMS WERE REPORTED FOR THE CONSIDERATION OF COUNCIL:

1. Contractual Parking Enforcement Services for 2015-2020 (PED08004(b)) (City Wide) (Item 5.1)
   
   (Pearson/Conley)
   That the Director of Municipal Law Enforcement and / or designate be authorized and directed to execute an agreement with the Canadian Corps of Commissionaires and any additional documents, in a form satisfactory to the City Solicitor, for the provision of parking enforcement services for 2015 through 2020, in accordance with billing rates shown in Appendix “A” to Report PED08004(b).

   CARRIED

2. Appointment of Municipal Law Enforcement Officers by By-law for the City of Hamilton (PED15058) (City Wide) (Item 5.2)
   
   (Pearson/Conley)
   That the By-law attached to Report PED15058 to repeal and replace City of Hamilton By-law 10-014, being a By-law to Appoint Municipal Law Enforcement Officers, which has been prepared in a form satisfactory to the City Solicitor, be enacted.

   CARRIED
3. Adjustments to School Crossing Guard Locations (PED15059) (Wards 1, 2, 3 and 8) (Item 5.3)

(Pearson/Conley)

(a) That the revised list of school crossing guard locations resulting from school closures, re-openings and lunch program changes in Wards 1, 2, 3 and 8 as outlined in Appendix “A” attached to Report PED15059, be approved;

(b) That staff be authorized and directed to consult with the affected Ward Councillors and to use delegated authority for adding and/or removing school crossing guards prior to City Council approval for any proposed changes by the Hamilton-Wentworth District School Board and the Hamilton-Wentworth Catholic District School Board for the 2015-2016 school year.

CARRIED

4. Application for an Amendment to the Township of Glanbrook Zoning By-law No. 464 for the Lands Located at 345 Bell Road, Glanbrook (PED15060) (Ward 11) (Item 6.1)

(Pearson/Conley)

(a) That approval be given to Zoning Application ZAA-15-005, by David Earl Barlow, Owner, for a change in zoning from General Agriculture “A1” Zone to the General Agriculture “A1-282” Zone, with a Special Exception, in order to prohibit the construction of a single detached dwelling, for the lands located at 345 Bell Road (Glanbrook), as shown on Appendix “A” to Report PED15060, on the following basis:

(i) That the draft By-law, attached as Appendix “B” to Report PED15060, 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 “D” of Zoning By-law No. 464.

(b) That staff be directed to include the subject lands in the new Rural Zoning By-law, once final and binding, in the appropriate Agriculture (A1) Zone with Special Exception 118.

CARRIED
5. Application for an Urban Hamilton Official Plan Amendment, Zoning By-law Amendment and Approval of a Draft Plan of Subdivision and Draft Plan of Condominium on Lands Located at 157 Parkside Drive, known as “Kaleidoscope Phase 2” (Flamborough) (PED15034) (Ward 15) (Item 6.2)

(Pearson/Pasuta)

(a) That approval be given to Urban Hamilton Official Plan Amendment Application (UHOPA-14-013) by Landmart Realty Corp., Owner, for a change in designation from Low Density Residential 2 to a Low Density Residential 3, a Medium Density Residential 3 and Utility designation within the Waterdown North Secondary Plan, with an Area Specific Policy to permit street and block townhouses at a maximum height of three storeys and a density of 48 units per net hectare, and to make changes to the road pattern, on lands located at 157 Parkside Avenue, as shown on Appendix “A” to Report PED15034, on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED15034, be adopted by City Council.

(b) That approval be given to Amended Zoning Application ZAC-13-012, by Landmart Realty Corp., Owner, for a change in zoning from the “A” (Agricultural) Zone to the “R6-37” (Medium Density Residential) Zone, Modified (Block 1) and “R6-38” (Medium Density Residential) Zone, Modified, (Block 2) and for lands to be added to City of Hamilton Zoning By-law No. 05-200 by placing the Storm Water Management Block in the Conservation/Hazard Land (P5) Zone (Block 3), on lands located at 157 Parkside Drive, as shown on Appendix “A” to Report PED15034, on the following basis:

(i) That the draft By-laws, attached as Appendices “C” and “D” to Report PED15034, which have 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, conform with the Places to Grow – Growth Plan, and upon finalization of Official Plan Amendment No. XX will comply with the Urban Hamilton Official Plan.

(c) That approval be given to Revised Draft Plan of Subdivision Application 25T-201303, by Landmart Realty Corp., Owner, to establish a Draft Plan of Subdivision known as “Kaleidoscope Phase 2”, on lands located at 157 Parkside Avenue, (being Part of Block 149, Block 151, 158, 173 and 175 of Plan 62M-1183, Part of Lot 10, Concession 4), in the former Town of Flamborough, as shown on Appendix “A” to Report PED15034, subject to the following amended conditions:

(i) That this approval apply to the Draft Plan of Subdivision, 25T-201303, prepared by IBI Group, and certified by A.T. McLaren, O.L.S., dated May 22, 2014 (attached as Appendix “E”), showing
69 Lots (Lots 1-69) for Block Townhouses, eight Lots (Lots 70-77) for Street Townhouses, two blocks for a Common Element Condominium road, parking area and access to Storm water Management facility (Blocks 84 and 85), one Block for a Storm water Management facility (Block 86), two Blocks for 0.3 m reserves (Blocks 87 and 88), 6 Blocks for land assembly for three future townhouse units (Blocks 79-83), and the proposed street extension of Mosaic Drive (Street “A”), subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the Special Conditions attached as Appendix “F” to Report PED15034, as amended, by inserting the following additional conditions after condition 39:

40. The Owner shall include in the engineering design drawings and cost estimate schedules provisions for the construction of storm sewers within the East-West Corridor road allowance, from the west limit of the Lands to the SWM facility forebay, to the satisfaction of the Senior Director of Growth Management.

41. The Owner shall convey sufficient lands within the area identified as “ADDITIONAL LANDS OF THE APPLICANT” on the draft approved plan to the City for future arterial roadway (East-West corridor) purposes, at no cost and free of encumbrance with the exception of compensation to be paid by the City for any road width beyond 26 metres in accordance with Council’s approved Financial Policies for New Development, to the satisfaction of the Senior Director of Growth Management.

42. The Owner shall include in the engineering design drawings, plan and profile design for the East-West Corridor in accordance with the approved Environmental Assessment to the satisfaction of the Senior Director of Growth Management.

43. The Owner shall include in the engineering design drawings and shall construct or provide a cost estimate schedules provisions for the looping of the 400mm watermain from the intersection of Mosaic and McArdy, up to the East-West Corridor to the east limit of the Land to the satisfaction of the Senior Director of Growth Management.

44. The Owner shall include in the engineering design drawings and shall construct sanitary sewer trunk on Mosaic from the existing limit of the service to the north limit of the East-West Corridor to the satisfaction of the Senior Director of Growth Management.
(ii) Acknowledgement by the City of Hamilton that there shall be no cost sharing within this development; and,

(ii) Cost-sharing-provisions for this development shall be in accordance with the City’s Financial Policy; and,

(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. The calculation of the Cash-in-Lieu payment shall be based upon the value of the lands on the day prior to the day of issuance of each building permit.

For the proposed block townhouses, dedication of land at a rate of 1.0 hectare of the net land area for each 300 dwelling units shall be provided, whereas a dedication for the street townhouse dwelling units shall be at a land dedication rate of 0.6 hectare of the net land area.

All payment of cash-in-lieu will be in accordance with the financial Policies for Development and the City’s Parkland Dedication By-law, as approved by Council.

(d) That approval be given to Revised Condominium Application 25CDM-201303, LandmartRealty Corp., Owner, to establish a Draft Plan of Condominium (Common Element) to create a Common Element Condominium road, visitor parking area and access to Storm water Management facility on Blocks 84 and 85 of Draft Plan of Subdivision 25T-201303 “Kaleidoscope Phase 2” for 70 freehold townhouse dwelling units, located at 157 Parkside Drive (Flamborough), as shown on the attached map marked as Appendix “A” to Report PED15034, subject to the following conditions:

(i) That this approval applies to the plan prepared by A.T. McLaren Ltd. O.L.S., dated May 22,2014, showing the Common Element Road (to include visitor parking and access to Storm water Management Facility), as shown on Appendix “G” to Report PED15034; and,

(ii) That the conditions of Draft Plan of Condominium approval 25CDM-201303 provided on Appendix “I” be received and endorsed by City Council.

Amendment CARRIED
Motion as Amended CARRIED
6. **Implementation of an Administrative Penalty System (APS) for Parking By-law Infractions (PED14120(a) (City Wide) (Item 7.1)**

(Collins/Conley)

(a) That staff be directed to implement an Administrative Penalty System as per *Ontario Regulation 333/07 of the Municipal Act, 2001* for all parking infractions, except those related to accessible parking, as described in Report PED14120(a);

(b) That the Administrative Penalty By-law, attached as Appendix “A” to Report PED14120(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council, effective August 23, 2015;

(c) That the proposed Administrative Fees for parking infractions within the Administrative Penalty System, attached as Appendix “B” to Report PED14120(a), be included in the City of Hamilton User Fees and Charges By-law.

CARRIED

7. **Amendment to By-law No. 07-170 – Schedule 21 – Food Premises (PED15040) (City Wide) (Outstanding Business List Item) (7.2)**

(Pasuta/Pearson)

That the draft by-law attached as Appendix “A” to Report PED15040, being a by-law to amend Schedule 21 of Licensing By-law No. 07-170, which expands the exemption for the sale of produce by farmers to include Ontario grown produce in addition to their own produce, and which has been prepared in a form satisfactory to the City Solicitor, be passed.

CARRIED

8. **Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 201 Robert Street and 166 Ferguson Avenue North (Hamilton) (PED15044) (Ward 2) (8.1)**

(Collins/Farr)

(a) That the *Official Plan Amendment Application OPA-14-017, by 201 Robert Street Limited, (Owner)*, to amend the West Harbour Secondary Plan with a Site Specific Policy to permit a parking lot for Hamilton Health Sciences Corporation at 201 Robert Street and 166 Ferguson Avenue North (Hamilton), as shown on Appendix “A” to Report PED15044, be DENIED, on the following basis:

(i) The proposal does not maintain the goals and policies of the Official Plan including the Secondary Plan;

(ii) The proposal runs counter to the planned function for these lands;
(iii) The proposal does not contribute to the implementation of the Official Plan vision for these lands and the neighbourhood;

(iv) The proposal is incompatible with surrounding residential land uses;

(v) The proposal does not represent good planning.

(vi) The introduction of asphalt surface parking at this location is disruptive to the existing and planned urban fabric and to the revitalization of the surrounding residential neighbourhood.

(b) That the Zoning By-law Amendment Application ZAR-14-035 by 201 Robert Street Limited, (Owner), for a further modification to the “DE-2-‘H’/S-1569” (Multiple Dwellings – Holding) District, in order to permit a parking lot for Hamilton Health Sciences Corporation at 201 Robert Street and 166 Ferguson Avenue North (Hamilton), as shown on Appendix “A” to Report PED15044, be DENIED, on the following basis:

(i) The proposal does not maintain the goals and policies of the Official Plan including the Secondary Plan;

(ii) The proposal runs counter to the planned function for these lands;

(iii) The proposal does not contribute to the implementation of the Official Plan vision for these lands and the neighbourhood;

(iv) The proposal is incompatible with surrounding residential land uses;

(v) The proposal does not represent good planning.

(vi) The introduction of asphalt surface parking at this location is disruptive to the existing and planned urban fabric and to the revitalization of the surrounding residential neighbourhood.

CARRIED

9. Hamilton Municipal Heritage Committee Report 15-004 (8.2)

(Farr/Pearson)

(a) Policy and Design Subcommittee Meeting, February 9, 2015 with Draft Report – Heritage Impact Assessment of 297 Dundas Street East, Waterdown

(i) That demolition of 297 Dundas Street East, Waterdown be deemed acceptable, as the Cultural Heritage Impact Assessment indicates
that the property does not meet the criteria for protection under Part IV of the *Ontario Heritage Act*; and,

(ii) That the proposed building at 297 Dundas Street East, Waterdown be designed with regard to the surrounding neighbourhood’s character, scale, proportions and building materials.

(b) **Heritage Permit Application HP2015-004, under Part IV of the *Ontario Heritage Act*, for the Repairs and Venting of the Columns at Dundurn Castle (National Historic Site) at 610 York Boulevard, Hamilton (PED15057) (Ward 1)**

That Heritage Permit Application HP2015-004 be approved for the repair and venting of the columns at Dundurn Castle, 610 York Boulevard, Hamilton, in accordance with the submitted application, subject to the following conditions:

(i) That any minor changes to the plans and elevations following approval shall be submitted, to the satisfaction and approval of the Director of Planning, prior to submission as part of any application for a Building Permit and / or the commencement of any alterations; and,

(ii) That implementation of the alterations, in accordance with this approval, shall be completed no later than May 31, 2017. If the alterations are not completed by May 31, 2017, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

(c) **Recommendation to Designate 91 John Street South Under Part IV of the *Ontario Heritage Act* (PED15032) (Ward 2)**

(i) That the designation of 91 John Street South, shown in Appendix “A” of Report PED15032, as a property of cultural heritage value pursuant to the provisions of Part IV of the Ontario Heritage Act, be approved.

(ii) That the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes, attached as Appendix “B” to Report PED15032, be approved.

(iii) That the City Clerk be directed to take appropriate action to designate 91 John Street South under Part IV of the Ontario Heritage Act, in accordance with the Notice of Intention to Designate, attached as Appendix “C” to Report PED15032.

(d) **Ontario Heritage Conference, Niagara-on-the-Lake, April 30 – May 3, 2015**

That approval be given for Kathy Wakeman, of the Hamilton Municipal Heritage Committee to attend the Ontario Heritage Conference, at
Niagara-on-the-Lake, April 30 – May 3, 2015.

(e) Inclusion of 1 Faircourt Drive, Stoney Creek in the City of Hamilton Register of Property of Cultural Heritage Value or Interest

That 1 Faircourt Drive in Stoney Creek be included in the City of Hamilton Register of Property of Cultural Value or Interest

CARRIED

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

The Committee Clerk advised that the following Items were added to the agenda and copies were distributed:

4.1 Delegation request from James Webb, Webb Planning Consultants requesting that Scott Snider address Committee with respect to Item 8.1 on behalf of his client, Hamilton Health Sciences, the applicant for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 201 Robert Street and 166 Ferguson Avenue North.

4.2 Delegation request from John Neary wishing to address Committee on behalf of the Beasley Neighbourhood Association with respect to Item 8.1 Application for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 201 Robert Street and 166 Ferguson Avenue North.

4.3 Delegation request from Victor Veri wishing to address Committee with respect to Item 8.1 Application for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 201 Robert Street and 166 Ferguson Avenue North.

6.2 The following added written comments regarding Item 6.2, Application for an Urban Hamilton Official Plan Amendment, Zoning By-law Amendment and Approval of a Draft Plan of Subdivision and Draft Plan of Condominium on Lands Located at 157 Parkside Drive, known as “Kaleidoscope Phase 2”

Written comments:

6.2(i) Scott Snider of Turkstra Mazza Associates representing his client, MC2 Homes Inc.

6.2(ii) Karl Gonnsen of Metropolitan Consulting Inc., representing his client Silverwood Homes Inc.
6.2 Proposed amendments to the staff recommendations for Item 6.2.

7.2 Added registered speaker regarding Item 7.2 entitled Amendment to By-law No. 07-170 – Schedule 21 – Food Premises (PED15040) (City Wide)

Registered Speaker

7.2 (i) Victor Veri

10.1 Notice of Motion respecting Hess Village Paid Duty Policing Pilot

(Green/A. Johnson)
That the Agenda for the May 5, 2015 meeting of the Planning Committee be approved, as amended.

CARRIED

(b) DECLARATIONS OF INTEREST (Item 2)

None.

(c) APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING (Item 3)

(i) March 31, 2015 Special Meeting

(Conley/Pearson)
That the Minutes of the March 31, 2015 Special meeting be approved.

CARRIED

(ii) April 14, 2015

(Conley/Pearson)
That the Minutes of the April 14, 2015 meeting be approved.

CARRIED

(d) DELEGATION REQUESTS (Item 4)

(Pearson/Pasuta)
That the following delegation requests be approved to address Committee at today’s meeting:

(i) Delegation request from James Webb, Webb Planning Consultants requesting that Scott Snider address Committee with respect to Item 8.1 on behalf of his client, Hamilton Health Sciences, the applicant for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 201 Robert Street and 166 Ferguson Avenue North. (Added Item 4.1)
(ii) Delegation request from John Neary wishing to address Committee on behalf of the Beasley Neighbourhood Association with respect to Item 8.1 Application for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 201 Robert Street and 166 Ferguson Avenue North. (Added Item 4.2)

(iii) Delegation request from Victor Veri wishing to address Committee with respect to Item 8.1 Application for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 201 Robert Street and 166 Ferguson Avenue North. (Added Item 4.3)

CARRIED

(e) DELEGATIONS/PUBLIC HEARINGS (Item 6)

(i) Application for an Amendment to the Township of Glanbrook Zoning By-law No. 464 for the Lands Located at 345 Bell Road, Glanbrook (PED15060) (Ward 11) (Item 6.1)

In accordance with the provisions of the Planning Act, Vice Chair Johnson 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 to address Committee.

The staff presentation respecting Report PED15060 was waived.

The public meeting was closed.

For disposition of this matter refer to Item 4.

(ii) Application for an Urban Hamilton Official Plan Amendment, Zoning By-law Amendment and Approval of a Draft Plan of Subdivision and Draft Plan of Condominium on Lands Located at 157 Parkside Drive, known as “Kaleidoscope Phase 2” (Flamborough) (PED15034) (Ward 15) (Item 6.2)

In accordance with the provisions of the Planning Act, Vice Chair Johnson 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 Amendment, zoning by-law amendment...
and 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.

6.2 Submitted Written Comments

(i) Scott Snider of Turkstra Mazza Associates representing his client, MC2 Homes Inc. (Added Item)

(ii) Karl Gonnsen of Metropolitan Consulting Inc., representing his client Silverwood Homes Inc. (Added Item)

(Pasuta/Pearson)
That the written comments from Scott Snider of Turkstra Mazza Associates on behalf of his client MC2 Homes Inc. respecting Report PED15034 be received.

CARRIED

(Pasuta/Pearson)
That the written comments from Karl Gonnsen of Metropolitan Consulting Inc., representing his client Silverwood Homes Inc. respecting Report PED15034 be received.

CARRIED

No members of the public came forward to address Committee.

(Pearson/Conley)
That the staff presentation respecting Report PED15034 be waived.

CARRIED

John Ariens of IBI Group, the agent for the applicant, indicated that he is in support of the proposed amendments.

(Pearson/Green)
That the public meeting be closed.

CARRIED

(Pearson/Pasuta)
(a) That Recommendation (c) (ii) of Report PED15034, be deleted in its entirety and the following be inserted therein:

“(c) (ii) Cost-sharing-provisions for this development shall be in accordance with the City’s Financial Policy; and,“
(b) That the following Conditions be inserted after condition 39 in Appendix “F” of Report PED15034, known as Kaleidoscope Phase 2, (157 Parkside Drive).

40. The Owner shall include in the engineering design drawings and cost estimate schedules provisions for the construction of storm sewers within the East-West Corridor road allowance, from the west limit of the Lands to the SWM facility forebay, to the satisfaction of the Senior Director of Growth Management.

41. The Owner shall convey sufficient lands within the area identified as “ADDITIONAL LANDS OF THE APPLICANT” on the draft approved plan to the City for future arterial roadway (East-West corridor) purposes, at no cost and free of encumbrance with the exception of compensation to be paid by the City for any road width beyond 26 metres in accordance with Council’s approved Financial Policies for New Development, to the satisfaction of the Senior Director of Growth Management.

42. The Owner shall include in the engineering design drawings, plan and profile design for the East-West Corridor in accordance with the approved Environmental Assessment to the satisfaction of the Senior Director of Growth Management.

43. The Owner shall include in the engineering design drawings and shall construct or provide a cost estimate schedules provisions for the looping of the 400mm watermain from the intersection of Mosaic and McArdy, up to the East-West Corridor to the east limit of the Land to the satisfaction of the Senior Director of Growth Management.

44. The Owner shall include in the engineering design drawings and shall construct sanitary sewer trunk on Mosaic from the existing limit of the service to the north limit of the East-West Corridor to the satisfaction of the Senior Director of Growth Management.

Amendment CARRIED
Main Motion as Amended CARRIED

For disposition of this matter refer to Item 5.

(f) PUBLIC NOTICE/PRESENTATIONS (Item 6)

   (i) Implementation of an Administrative Penalty System (APS) for Parking By-law Infractions (PED14120(a) (City Wide) (Item 7.1)
The Committee Clerk advised that there were no registered speakers regarding this Item.

No speakers came forward.

Kerry Davren addressed Committee with the aid of a PowerPoint presentation. Copies of the presentation were distributed and a copy has been uploaded onto the City’s website.

**(Collins/Farr)**
That the staff presentation respecting Report PED14120(a) be received.  
**CARRIED**

Committee approved the staff report. Afterwards, a member of the public who had just arrived to the meeting requested to address Committee.

**(Pearson/Green)**
That the delegation request to address Committee be approved.  
**CARRIED**

Registered Speakers

1. **Michael Palmer, 222 Concession St**

   Michael Palmer addressed Committee. His comments included but were not limited to the following:

   - This proposal removes his right to due process and law;
   - Freeing up the Courts is the Province’s responsibility, not the City’s;
   - A Council appointed Hearing Officer will not be neutral – the Provincial Courts are neutral;
   - He is protesting his right to challenge his parking tickets;
   - He thanked the Committee for allowing him to speak.

**(Farr/Collins)**
That the delegation from Michael Palmer respecting Report PED14120(a) be received.  
**CARRIED**

Lisa Pasternak, Senior Solicitor, confirmed that it is within the City’s right to implement this system.

Committee approved the staff recommendations including subsection (d) as follows:

**(d)** That staff be directed to investigate the feasibility of including licensing as part of the Administrative Penalty System and report
back to the Planning Committee as part of their one-year operational assessment of the Administrative Penalty System.

For disposition of this matter refer to Item 6.

(ii) Amendment to By-law No. 07-170 – Schedule 21 – Food Premises (PED15040) (City Wide) (Outstanding Business List Item) (7.2)

Registered Speakers

1. Victor Veri (Added Item).

Victor Veri extended his congratulations to the Committee as he is in support of this amendment to the Licensing By-law.

(Pasuta/Pearson)
That the delegations from Victor Veri be received. CARRIED

For disposition of this matter refer to Item 7.

(g) DISCUSSION

(i) Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 201 Robert Street and 166 Ferguson Avenue North (Hamilton) (PED15044) (Ward 2) (8.1)

(Collins/Farr)
That Report PED15044 be lifted from the TABLE. CARRIED

Committee agreed that Scott Snider, the applicant’s representative would address Committee after hearing the other delegations.

(i) Delegation request from John Neary wishing to address Committee on behalf of the Beasley Neighbourhood Association. (Added Item 4.2)

John Neary addressed Committee with the aid of a PowerPoint presentation and copies of his speaking notes were distributed. A copy has also been retained for the public record and has been uploaded onto the City’s website.

He emphasized that the neighbourhood needs buildings and people, not parking lots and empty spaces.
He advised that the Beasley Neighbourhood Association does not support the proposal.

John Neary responded to questions from Committee.

(Farr/Conley)
That the delegation from John Neary be received.

CARRIED

(ii) Delegation request from Victor Veri. (Added Item 4.3)

Victor Veri addressed Committee. His comments included but were not limited to the follow:

- The Executive Summary in the report states that the proposed parking lot will ensure the orderly operation of hospital functions;
- The function of the hospital is to provide health care, not parking;
- The hospital is not in the parking lot business;
- It is the function of the landowner who wishes to provide parking to the hospital;
- He does not support this proposal and hopes that the Committee doesn’t support this proposal.

(Farr/Conley)
That the delegation from Victor Veri be received.

CARRIED

(iii) Delegation request from James Webb, Webb Planning Consultants requesting that Scott Snider address Committee with respect to Item 8.1 on behalf of his client, Hamilton Health Sciences, the applicant. (Added Item 4.1)

Scott Snider from Turkstra Mazza Associates addressed Committee and indicated that he has been retained by Hamilton Health Sciences (HHS) to address the questions and concerns that were raised at the April 14, 2015 meeting.

His comments included but were not limited to the following:

- There is an important misunderstanding on the true nature of the application;
- This is really a $90 Million investment with 300 jobs to provide health care to sick children at the Ron Joyce Children’s Health Centre;
• It is for facilities to be available in the evening and on the weekends;
• Also, it will reduce the surface parking in the area by an acre;
• Did the hospital make a strategic error by not getting site plan approval first?
• This is the right thing to do for everyone including the Beasley Neighbourhood Association;
• Their letter expresses concerns with the surface parking – this proposal reduces the surface parking;
• It is a reduction not an expansion;
• The parking lot is needed to meet the needs of the staff and patients;
• HHS needs to compete to attract the best and brightest;
• The parking rates are the same as at St. Joseph’s Hospital;
• HHS has made efforts to reduce the use of cars and has been awarded the Gold Standard for its efforts;
• Denying this application would not send a good message to the development community.

Scott Snider responded to questions from Committee.

(Pearson/Conley)
That the delegation from Scott Snider be received.

CARRIED

Committee denied the applications. See Item 8.

Councillor Pearson indicated that she wished to be recorded as opposed to the denial.

(h) MOTIONS

(i) Waive Minor Variance Fee for 27 Vanderlip, Ancaster (Item 9.1)

(Farr/Collins)
That the motion to Waive Minor Variance Fee for 27 Vanderlip, Ancaster be deferred to the next Planning Committee meeting in order for staff to provide background information regarding this matter.

CARRIED

(i) NOTICES OF MOTIONS

Councillor Farr presented the following Notice of Motion:

Re: Hess Village Paid Duty Policing Pilot
Whereas, from an Economic Development perspective, Hess Village, Hamilton’s only defined entertainment district, once employed approximately 500, now employs approximately 250 and the average number of patron’s during the patio season has decreased by approximately 65 percent; and

Whereas, Hess Village once accommodated 17 establishments and now only 12 establishments exist; and

Whereas, the turnover of establishments in the last 10 years is approximately 20 that have come and gone resulting in an unpredictable business environment; and

Whereas, in 2010, the City of Hamilton Council amended Schedule 21 of By-law 07-170 by increasing the total number of Paid Duty officers during the patio season to a maximum of 10 officers for Thursday, Friday and Saturday nights; and

Whereas, the owners and operators of existing establishments are united in asserting that the current cost of Paid Duty Policing cannot be absorbed with the current level of business and puts an unsustainable financial pressure on business; and

Whereas, the average cost of Paid Duty Policing over the last four years is approximately $115,000 per year; and

Whereas, there are no other examples of this level of private policing at any other Entertainment District in the country; and

Whereas, other Entertainment Districts in the country being much larger in size and scope rely on regular duty, levy funded policing; and

Whereas, it is clear that the decline in over-all attendance by patrons and number of business establishments in Hamilton’s only Entertainment District has a direct impact on Tourism, Employment Image and Economic Development and that the unsustainable cost of policing to businesses have directly resulted in an inability to market and promote; and

Whereas, it is estimated the $40,000 a year in staff time is sent on the Paid Duty Policing issue;

Therefore be it resolved:

(a) That a four year Hess Village Paid Duty Proportional Fund Sharing Pilot be established at the inception of the 2015 paid duty patio season (commencing the Victoria Day weekend) to cover 65 percent of the cost of Paid Duty Policing through the Tax Stabilization Reserve #110046 and that the City of Hamilton cover
all administrative costs currently estimated at 15 percent of the total Paid Duty bill;

(b) That all businesses in addition to bars and restaurants within Hess Village who chose to remain open during the nightly Paid Duty program shift be included in the By-law to pay into the program based on a percentage devised by the establishment interior/exterior capacity as consistent with the current formula within the By-law and for bars and restaurants;

(c) That Schedule 21 of the Business Licensing By-law be amended to include all of the businesses who choose to remain open and to require that they pay 35% of the Paid Duty Policing cost;

(d) That staff from Urban Renewal assist business owners with the establishment of a BIA for Hess Village and measure results of the pilot annually and report back to the Planning Committee on its effectiveness.

(j) GENERAL INFORMATION/OTHER BUSINESS

(i) Outstanding Business List (Item 11.1)

(Pearson/Pasuta)

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

Item “D”- City of Hamilton Revised Sidewalk Policy for New Development (PED12234) (City Wide)
Due date: April 14, 2015
Proposed New Due Date: October 20, 2015

Item “M” - Pool Enclosure By-law (PED13126(a)) (City Wide)
Due date: April 14, 2015
Proposed New Due Date: September 15, 2015

Item “U” - Former King George School – Heritage Designation
Due date: April 14, 2015
Proposed New Due Date: July 7, 2015

Item “AA” - Lay-by Parking Needs at Upper Paradise Road and Stone Church
Due date: April 14, 2015
Proposed New Due Date: September 15, 2015

(b) That the following Items be removed:

Item “N” – Milkweed and Dog Strangling Vine

Item “X” - Farmer’s Market Zoning (Item 6.1 April 14, 2015 meeting)
Item “KK” - Proposed Licensing Exemption for Farmer’s who sell produce from Ontario Growers (Item 7.2 on this agenda)

CARRIED

(ii) Relaxed Parking Requirements for James Street North and James Street South commercially designated properties (Added Item)

(Farr/Collins)
(a) That staff be directed to report back on zoning by-law amendments to provide for relaxed parking requirements for change of certain commercial use applications in the James Street North and James Street South commercially zoned properties;

(b) That a rebate be considered for fees paid for applications submitted between now and when the staff report respecting the proposed zoning amendments is presented to the Planning Committee.

CARRIED

(k) ADJOURNMENT (Item 13)

(Collins/Pearson)
There being no further business, that the Planning Committee be adjourned at 11:50 a.m.

CARRIED

Respectfully submitted,

Councillor B. Johnson
Vice Chair, Planning Committee

Ida Bedioui
Legislative Co-ordinator
Office of the City Clerk