



PLANNING COMMITTEE

REPORT 11-018

Tuesday, October 18, 2011

9:30 am

Council Chambers

City Hall

71 Main Street West

Hamilton, Ontario

Present: Councillors R. Pasuta (Chair), J. Farr (2nd Vice Chair), C. Collins, L. Ferguson, B. Johnson, J. Partridge, M. Pearson and T. Whitehead

Absent with Regrets: Councillor B. Clark (1st Vice Chair) – personal

Also Present: Councillor B. Morelli
T. McCabe, GM, Planning & Economic Development
M. Hazell, Senior Director, Parking & By-Law Services
T. Sergi, Senior Director, Growth Management
P. Mallard, Director, Planning
B. Janssen, Director, Strategic Services
G. Wide, Manager, Enforcement
S. Robichaud, Manager, Development Planning
M. Sergi, Manager, Community Planning and Design
S. Dickson, City Solicitor
V. Robicheau, Office of the City Clerk

PLANNING COMMITTEE PRESENTS REPORT 11-018 AND RESPECTFULLY RECOMMENDS:

1. **Application for Ministry of Environment Certificate of Approval for a Waste Disposal Site (Paint Recycling Facility), Ministry of Environment Reference #1780-8GANJR, 6 Hillyard Street (Hamilton) (PED11152) (Ward 3) (Item 5.1)**

That the Environmental Assessment and Approvals Branch of the Ontario Ministry of Environment (MOE) be advised that should the Ministry consider approving **Application MOE-CA-11-003, Hotz Environmental Inc., Applicant**, for a new Certificate of Approval for a Waste Disposal Site, MOE Reference #1780-8GANJR, to permit a paint recycling facility on the lands located at 6 Hillyard Street (Hamilton), as shown on Appendix "A" to Report PED11152, that the City of Hamilton requests:

- (a) That, if approved, the Certificate of Approval includes the following requirements:
 - (i) That the Certificate of Approval limit the daily processing of latex paint up to 50 cubic metres per day, and a maximum of 820,000 litres of stored materials (waste and processed) at any time;
 - (ii) That the Spills Prevention and Containment Measures Plan include measures to deal with douse water or fire water in the event of a fire, to the satisfaction of the Chief Fire Official;
 - (iii) That the proponent submits any required amendments to the buildings Fire Safety Plan for approval by the Chief Fire Official. (Plan is presently undergoing final approval by HES-Fire);
 - (iv) That a current copy of the Emergency Response Plan, Spills Containment and Contingency Plan, daily product inventory list, including product quantities and exact location within all facilities, along with the applicable MSDS sheets, be externally stored in a secure location (exterior lock box) on site in a manner such that all noted documents are readily available to Hamilton Emergency Services - Fire, 24 hours a day, 7 days a week, 365 days a year;
 - (v) That waste accepted is limited to waste generated only from within North America;
 - (vi) That the maximum storage amounts proposed for latex paint and/or other materials shall be submitted to Public Health Services and reviewed for best management practices in

order to minimize risk of fires, spills, or other uncontrolled events;

- (vii) That excellent storage and housekeeping practices must be in place to allow ease of access by emergency personnel such as Hamilton Fire and/or other first responders;
 - (viii) That a mitigation plan(s) must be implemented to address any issues dealing with fugitive dusts and/or odours, to the satisfaction of Public Health Services;
 - (ix) That the proponent be required to provide financial assurance to the Ministry of Environment to cover final clean-up of the site, following the cessation of use;
 - (x) That a Ministry of Environment staff person be identified to the City as the contact for all issues and complaints regarding the subject property.
- (b) That a copy of Report PED11152 be forwarded to the Environmental Assessment and Approvals Branch of the Ministry of Environment for their consideration.
- (c) That the Environmental Assessment and Approvals Branch of the Ministry of Environment be requested to forward a copy of its final decision respecting the Certificate of Approval to the Clerk, City of Hamilton.

2. Application for an Amendment to a Ministry of Environment Provisional Certificate of Approval No. 6335-6FBNK7 (Reference No: 0235-8E3NGA) to Operate a Waste Disposal Site (Processing) on Lands Located at 332 Lake Avenue North (Hamilton) (PED11169) (Ward 5) (Item 5.2)

That the Environmental Assessment and Approvals Branch of the Ontario Ministry of Environment (MOE) be advised that should the Ministry consider approving **Application CA-11-004, by 1520818 Ontario Limited (TD Services), Applicant**, for an Amendment to Certificate of Approval No. 6335-6FBNK7, MOE Reference No. 0235-8E3NGA, to permit the addition of electrical and electronic equipment, tires, minor amounts of food waste, and outdoor storage containers to the existing Waste Disposal Site (processing), for the lands located at 332 Lake Avenue North (Hamilton), as shown on Appendix "A" to Report PED11169, that the City of Hamilton requests:

- (a) That, if approved, the Amendment to the Certificate of Approval include the following requirements:
- (i) That the owner/applicant shall obtain a building permit from the City of Hamilton, Building Services Division, for the proposed changes to the existing waste processing facility;
 - (ii) That a current copy of the Emergency Response Plan, Spills Containment and Contingency Plan, and daily product inventory list, including product quantities and exact location within all facilities along with the applicable MSDS sheets, shall be externally stored in a secure location (exterior lock box) on site in a manner such that all noted documents are readily available to Hamilton Emergency Services-Fire, 24-hours a day, 7-days a week, 365-days a year;
 - (iii) That the Certificate of Approval shall limit the maximum daily receipt of waste to the current maximum rate of 200 tonnes per day of solid non-hazardous waste, with a maximum 100 tonnes of waste to be stored on site;
 - (iv) That an inventory of waste types stored on-site should be updated daily, and be provided to the Ministry of the Environment;
 - (v) That the Certificate of Approval shall include strict requirements for excellent on-site housekeeping practices for the approved classes of waste to minimize adverse effects to the surrounding uses;
 - (vi) That the proponent shall implement spills prevention on-site, and containment measures be included in the Certificate of Approval. That the Contingency Plans for spills on-site and clean-up procedures are covered under the Certificate of Approval, and that the City's Spills number (905) 540-5188 is included in the company's on-site Contingency Plan. The Contingency Plan shall also deal with run-off water from any fire fighting activity from the operation. Further, that a copy of the Contingency Plan be forwarded to the Compliance and Regulations Section, Water and Wastewater Division, Public Works Department, City of Hamilton, and be submitted to the satisfaction of the Ministry of the Environment;
 - (vii) That the waste accepted shall be limited to waste generated only from the Province of Ontario;

- (viii) That the proponent shall be required to provide financial assurance to the Ministry of Environment to cover final clean-up of the site following the cessation of use;
 - (ix) That a Ministry of Environment staff person shall be identified to the City as the contact for all issues and complaints regarding the subject property;
 - (x) That effective pest control shall be implemented to address the potential for vermin infestation, to the satisfaction of the Program Manager, Environmental Health Section, Health Division, Public Health Services Department;
 - (xi) That the owner/applicant shall relocate the existing “No Left Turn” sign on the concrete light standard onto private property, to the satisfaction of the Manager of Traffic Engineering;
 - (xii) That the owner/applicant shall remove the short section of the existing retaining wall at the southerly access currently situated within the Lake Avenue road allowance, or provide documentation that an Encroachment Agreement has been obtained, to the satisfaction of the Manager of Traffic Engineering;
 - (xiii) That the owner/applicant shall complete the 2.0 metre widening of the north access approach ramp, as per Access Permit 10-031, to the satisfaction of the Manager of Traffic Engineering;
 - (xiv) That the owner/applicant shall continue on-going compliance with the Ontario Fire Code;
 - (xv) That any outside storage shall be fully enclosed and/or covered at all times;
 - (xvi) That the owner/applicant shall remove any and all materials from the lands under the ownership of the City of Hamilton, to the satisfaction of the Manager of Development Planning.
- (b) That a copy of Report PED11169 be forwarded to the Environmental Assessment and Approvals Branch of the Ministry of Environment for their consideration.
 - (c) That the Environmental Assessment and Approvals Branch of the Ministry of Environment be requested to forward a copy of its final

decision respecting the Certificate of Approval to the Clerk, City of Hamilton.

3. Dog Licensing for Persons in Receipt of Disability Tax Credit (PED11178) (City Wide) (Outstanding Business List Item) (Item 5.3)

That Report PED11178 respecting, Dog Licensing for Persons in Receipt of Disability Tax Credit, be received.

4. Adjustments to School Crossing Guard Locations (PED11179) (Wards 1, 2, 3, 4, 5, 6, 7, 8 and 11) (Item 5.4)

- (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, 4, 5, 6, 7, 8 and 11 as attached in Appendix "A" to Report PED11179, 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 the proposed changes by the Hamilton-Wentworth District School Board and the Hamilton-Wentworth Catholic School Board for the 2011/2012 school year.

5. Municipal Law Enforcement Quarterly Updates (PED11180) (City Wide) (Item 5.5)

- (a) That Council direct staff to carry out a Cultural Heritage Assessment of 4-12 John Street North (Treble Hall) (Hamilton), and 85 King Street East (Pagoda) (Hamilton), to determine whether the property is of cultural heritage value, and worthy of designation under Part IV of the Ontario Heritage Act;
- (b) That Council include 4-12 John Street North (Treble Hall) (Hamilton), and 85 King Street East (Pagoda) (Hamilton), in the Register of Property of Cultural Heritage Value or Interest following consultation with the Hamilton Municipal Heritage Committee, as per the provisions of the Ontario Heritage Act and Recommendation (e) to Report PED11165, and that staff makes appropriate amendments to the Register of Property of Cultural Heritage Value or Interest;
- (c) That if 4-12 John Street North (Treble Hall) (Hamilton), and 85 King Street East (Pagoda) (Hamilton), is determined to be of cultural

heritage value or interest, a Statement of Cultural Heritage Value and Description of Heritage Attributes be prepared by staff for Council's consideration for designation under Part IV of the Ontario Heritage Act;

- (d) That the Cultural Heritage Assessment work be assigned a low priority, and be added to staff's workplan for completion in 2015, as per the attached Appendix "G" to Report PED11165;
- (e) That Report PED11165 be forwarded to the Hamilton Municipal Heritage Committee for information and consultation prior to the Council-approved inclusion of 4-12 John Street North (Treble Hall) (Hamilton), and 85 King Street East (Pagoda) (Hamilton), in the Register of Property of Cultural Heritage Value or Interest;
- (f) That Report PED11165 be forwarded to the owner of 4-12 John Street North (Treble Hall) (Hamilton), and 85 King Street East (Pagoda) (Hamilton), for information.

6. Application for a Change in Zoning for the Lands Located at 75 Queenston Road (Hamilton) (PED11170) (Ward 4) (Item 6.2)

That approval be given to Zoning Application ZAR-11-023, by Inderjit Holdings Inc., Applicant, for a change in zoning from the "C" (Urban Protected Residential, etc.) District, the "G-3" (Public Parking Lot) District, and the "H" (Community Shopping and Commercial, etc.) District to the "H/S-1649" (Community Shopping and Commercial, etc.) District, Modified, in the City of Hamilton Zoning By-law No. 6593, to unify the zoning and to add a flea market as a permitted use, on the lands located at 75 Queenston Road (Hamilton), as shown on Appendix "A" to Report PED11170, on the following basis:

- (a) That the draft By-law, attached as Appendix "B" to Report PED11170, which have been prepared in a form satisfactory to the City Solicitor, be held in abeyance until Site Plan Control Application SPA-11-056 receives approval, with conditions, by the Manager of Development Planning;
- (b) That the proposed modifications in zoning are consistent with the Provincial Policy Statement (PPS), and conform with the Hamilton-Wentworth Official Plan and the City of Hamilton Official Plan.

7. Mediation Services for Municipal Law Enforcement (PED11181) (City Wide) (Item 8.1)

- a) That staff be directed to conduct an informal Request for Information from prospective external mediation services to determine the financial viability of establishing a mediation service for dispute resolution related to neighbourhood conflicts in Municipal Law Enforcement;
- b) That staff be directed to report back to the Planning Committee with a comparative cost-analysis of using an internal versus external mediator for dispute resolution related to neighbourhood conflicts in Municipal Law Enforcement.

8. Lot Grading, Drainage and Site Alteration – Comprehensive Policy Review PED10091(d) (City Wide) (Item 8.2)

- (a) That enhancements to the Grading Policy for Single and Semi-Detached Dwellings Created Through Development Applications, attached hereto as Appendix “A” to Report PC 11-018, be approved and incorporated into the City’s Engineering Guidelines for Development;
- (b) That revisions to By-Law 03-126 as amended by By-Law 05-115, pertaining to Site Alteration, as set out in Report PED10091(d), be approved the draft amending By-Law attached as Appendix “B” to Report PED10091(d), be enacted;
- (c) That By-law 10-182, User Fees be revised as necessary to reflect new fees related to the enhanced grading approval process for new residential development as set out in Report PED10091(d);
- (d) That the General Manager of Planning and Economic Development Department be directed to continue to refine and develop new residential grading standards for multi-unit developments under Site Plan Control, and to incorporate these into the grading policy;
- (e) That three new (3) FTEs be approved for the hiring of one (1) inspector, one (1) administrator, and one (1) project manager, reporting to the Manager of Construction and Inspections as approved as part of the Growth Management Division reorganization. The three (3) new FTEs are as described in staff report, “Lot Grading, Drainage and Site Alteration – Comprehensive Policy Review”, PED10091(d), with an estimated net cost of \$0;

- (f) That \$10,000 be funded in 2011 from the existing operating budget for advertising of homeowners responsibilities as it relates to grading and drainage with future costs for advertising and education being referred to the 2012 budget process for consideration;
- (g) That the General Manager of Planning and Economic Development Department be directed to implement a 2-year pilot Residential Drainage Assistance Program based on the terms of reference attached hereto as Appendix "B" to Report PC 11-018 and that \$300,000 be referred to the 2012 budget process to pay for engineering studies and to front-end costs for works which are deemed cost recoverable and to pay for works deemed to be a benefit to the City;
- (h) That the following staffing enhancement be referred to the 2012 budget process for consideration: That one (1) temporary (2-year) FTE for a Project Manager position be approved reporting to the Manager of Development Engineering to facilitate the Residential Drainage Assistance Program pilot project. The new FTE is described in staff report, "Lot Grading, Drainage and Site Alteration – Comprehensive Policy Review", PED10091(d), with an estimated cost of \$220,000.

9. Airport Employment Growth District - Ontario Municipal Board Appeals (PED11187) (Wards 11 and 12) (Item 12.2)

- (a) That approval be given to the staff recommended Ontario Municipal Board (OMB) settlements, related to the implementation of the new Industrial Zones, as outlined in Report PED11187, and that staff be directed to present these settlements to the OMB regarding the following appellants:

i) Alex Milojevich	550 Glancaster Road
ii) Larry Notarandrea	2826 Upper James Street
iii) Macstar Developments Ltd.	East Side of Upper James, South of Dickenson Road

- (b) That the details of the settlements, as outlined in Report PED11187, remain confidential, until the time of the OMB Hearing into this matter, whereafter they will be released as public information.

10. Ontario Municipal Board Pre-hearing and Hearing for Appeals to Official Plan No. 122 (Town of Flamborough) (Waterdown South Secondary Plan)- PL101149 (Item 12.3)

- (a) In the event a settlement is reached with Waterdown Bay Ltd., that Legal staff be authorized to submit the amended Waterdown South Secondary Plan to the Ontario Municipal Board for approval, in conjunction with support from such City staff and external consultants as may be required;
- (b) That the Report of the City Solicitor respecting Waterdown South Secondary Plan, Official Plan Amendment No. 122 - OMB Appeals, with the exception of Recommendation (a) and (b), not be released as a public document as the information relates to litigation and solicitor-client advice and communication.

11. Correspondence from Donna Marcaccio respecting non-profit agency building experiences and recommendations (Item 6.1)

That the correspondence from Donna Marcaccio, respecting non-profit agency building experiences and recommendations, attached hereto as Appendix "C" to Planning Report 11-018, be received.

FOR THE INFORMATION OF COUNCIL:

a) CEREMONIAL ACTIVITIES

Councillor Pasuta introduced and welcomed a group of students from Mohawk College taking Urban Planning and Design.

b) CHANGES TO THE AGENDA (Item 1)

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

ADDED DELEGATION REQUESTS

- 4.1 Delegation Request by Lawrence Pearce, respecting by-law enforcement for Recreational Vehicle (RV) parking in residential neighbourhoods.

ADDED PRIVATE AND CONFIDENTIAL

12.3 Waterdown South Secondary Plan, Official Plan Amendment No. 122
– OMB Appeals (LS11013) (Ward 15)

The Agenda for the October 18, 2011 meeting of the Planning Committee was approved, as amended.

c) DECLARATIONS OF INTEREST (Item 2)

None.

d) APPROVAL OF MINUTES (Item 3)

The Minutes of the October 4, 2011 Planning Committee meeting were approved.

e) CONSENT

(i) Application for Ministry of Environment Certificate of Approval for a Waste Disposal Site (Paint Recycling Facility), Ministry of Environment Reference #1780-8GANJR, 6 Hillyard Street (Hamilton) (PED11152) (Ward 3) (Item 5.1)

Alexander Thompson, President, Hotz Environmental Services Inc., the applicant, came forward and addressed questions from the Committee.

The recommendations were amended by, in section (a) subsection (v), deleting “Ontario” and replacing that wording with “North America”.

For disposition on this item, refer to Item 1.

(ii) Dog Licensing for Persons in Receipt of Disability Tax Credit (PED11178) (City Wide) (Item 5.3)

The following motion approved at the September 7, 2011 Planning Committee Meeting, was reconsidered:

“(i) Outstanding Business List Amendments (Item 11.1)

- (a) Item I: Harmonised Animal Control By-law
Current Due Date: Special Meeting, September 2011
Proposed New Due Date: Special Meeting, November 2011
- (b) Item J: Reduce Dog Licence Fee for those receiving Disability Tax Credit
Current Due Date: Special Meeting, September 2011
Proposed New Due Date: Special Meeting, November 2011

Staff indicated that both special meetings for Item I and J will be done together, but two meetings will be set up. One for public consultation the other for discussion of the Committee. Staff requested that the report be released earlier than usual. Staff indicated that notice of the meeting will be given to the public through advertisements in the local newspapers.

On a Motion, the public meetings were scheduled in November and that the staff report be released ahead of the guidelines set out in the City's procedural By-law, subject to Planning Committee and Council receiving the report 48 hours prior to public release."

That the following motion be approved:

- (a) That Item "I", Harmonised Animal Control By-law, on the Outstanding Business List, be dealt with at two Special Meetings of the Planning Committee. The first meeting is to be held on November 15, 2011 for public consultation. The second meeting is to be held in January 2012 for discussion;
- (b) That the staff report be released ahead of the guidelines set out in the City's Procedural By-law, subject to Planning Committee and Council receiving the report 48 hours prior to public release;
- (c) That the staff recommendations respecting Report PED11178, Dog Licensing for Persons in Receipt of Disability Tax Credit, be approved.

For disposition on this item, refer to Item 3.

f) DELEGATION REQUESTS (Item 4)**(i) Delegation Request by Lawrence Pearce, respecting by-law enforcement for Recreational Vehicle (RV) parking in residential neighbourhoods. (Item 4.1)**

The delegation request, submitted by Lawrence Pearce, respecting by-law enforcement for Recreational Vehicle (RV) parking in residential neighbourhoods, was approved.

g) PUBLIC HEARINGS AND DELEGATIONS (Item 6)**(i) Delegation by Donna Marcaccio, Executive Director, Rygiel Homes Housing Corporation, respecting non-profit agency building experiences and recommendations (Item 6.1)**

Jill Lyons, Board Member, and Donna Marcaccio, Executive Director, Rygiel Homes Housing Corporation, addressed the Committee respecting non-profit agency building experiences and recommendations. Ms. Marcaccio outlined recommendations which are included in the correspondence. A copy of the correspondence related has been included in the official record.

Tim McCabe expressed that the delegation may meet with the planning department to work through the recommendations and ensure consistency for future applications.

The delegation by Donna Marcaccio, Executive Director, Rygiel Homes Housing Corporation, respecting non-profit agency building experiences and recommendations, was received.

(ii) Application for a Change in Zoning for the Lands Located at 75 Queenston Road (Hamilton) (PED11170) (Ward 4) (Item 6.2)

In accordance with the provision of the Planning Act, Chair Pasuta 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.

- (1) Peter De Iulio, Development Planner, addressed the Committee with the aid of a PowerPoint presentation. A copy of this presentation has been included in the official record. Mr. De Iulio provided a summary of the report with additional information on the esthetics of the area.

The staff presentation respecting, Report PED11170, Application for a Change in Zoning for the Lands Located at 75 Queenston Road, was received.

- (2) Inderjit Saini, the applicant, addressed the Committee with the aid of a PowerPoint Presentation. A copy of this presentation has been included in the official record. Highlights included, but were not limited to:
 - Issues related to the maintenance of the property's esthetics will be solved when the site is occupied;
 - Mr. Saini expressed his interest in working with the City to meet and exceed the esthetic guidelines;
 - Mr. Saini expressed his intent to provide residents with his name and contact information to help address concerns.

The presentation from Inderjit Saini, the applicant, respecting, Report PED11170, Application for a Change in Zoning for the Lands Located at 75 Queenston Road, was received.

The public meeting respecting, Report PED11170, Application for a Change in Zoning for the Lands Located at 75 Queenston Road, was closed.

Report PED11170, Application for a Change in Zoning for the Lands Located at 75 Queenston Road, was approved.

For disposition on this Item, refer to item 6.

h) DISCUSSION ITEMS (Item 8)

(i) Lot Grading, Drainage and Site Alteration – Comprehensive Policy Review PED10091(d) (City Wide) (Item 8.2)

Gavin Norman, Manager - Engineering Design and Construction, addressed the Committee with the aid of a PowerPoint presentation. A copy of this presentation has been included in the official record. Mr. Norman provided a summary of the report with additional details on the background of the report.

The staff presentation respecting, Report PED11170, Application for a Change in Zoning for the Lands Located at 75 Queenston Road, was received.

Councillor Collins expressed his intention to work with staff, prior to Council, to find funding sources to ensure that the funds are available to implement the recommendations in the report, prior to the 2012 budget process.

The staff recommendations respecting Report PED10091 (d), Lot Grading, Drainage and Site Alteration – Comprehensive Policy Review, were approved.

The motion was CARRIED on the following vote:

YEAS: J. Farr, T. Whitehead, R. Pasuta, B. Johnson, J. Partridge,
M. Pearson, C. Collins

TOTAL: 7

NAYS: L. Ferguson

TOTAL: 1

ABSENT: B. Clark

TOTAL: 1

For disposition on this Item, refer to item 8.

i) MOTIONS (Item 9)

(i) Fence By-law (Item 9.1)

Staff was directed to investigate, including consulting with the Agricultural & Rural Affairs Advisory Committee, and to report back on extending the Fence By-law's prohibition on sheet metal or corrugated metal panels in residential zones abutting to lots in rural or agricultural zones.

j) NOTICES OF MOTION (Item 10)

Councillor Ferguson introduced the following Notice of Motion:

(i) Cell Phone Towers (Item 10.1)

That staff report back on our ability to ban the use of lattice towers for cell phone towers.

Councillor Farr introduced the following Notice of Motion:

(ii) Request for sign variance to allow a ground mounted sign to be installed within the visibility triangle at the Church of the Ascension, 64 Forest Avenue, Hamilton. (Item 10.2)

Whereas, Installation of the sign outside the visibility triangle would not benefit the church in any way as the sign would not be visible to the public walking or driving north and south on John Street; and

Whereas, there is an existing 8 feet high wall along John St. and Forest Ave. which blocks any sight lines; and

Whereas, the proposed placement of sign is above this wall at a distance of 7 feet back from property line. This distance is 75% of the total height of the sign which complies with the sign by-law; and

Whereas, Forest Ave. is not a truck route therefore the sign would not obstruct any sight line. Cars and or vans. (Sight line would be obstructed by the wall. The sign will not exasperate the situation).

Therefore, be it resolved that a variance to allow a ground mounted sign to be installed within the visibility triangle be deemed acceptable in this individual and exceptional location.

The rules were waived in order to allow the following Notice of Motion respecting, Request for sign variance to allow a ground mounted sign to be installed within the visibility triangle at the Church of the Ascension, 64 Forest Avenue, Hamilton, to be brought forward as a Motion.

The motion was CARRIED on the following vote:

YEAS: J. Farr, T. Whitehead, R. Pasuta, B. Johnson, J. Partridge,
M. Pearson, C. Collins

TOTAL: 6

NAYS: L. Ferguson

TOTAL: 1

ABSENT: B. Clark

TOTAL: 1

The motion was then subsequently withdrawn.

k) GENERAL INFORMATION (Item 11)**(i) Demolition Permit – 245 Catherine Street North, Hamilton (PED11136) (Ward 2) (Verbal Update) (Item 11.1)**

Staff provided Committee members with an update respecting Report PED11136, Demolition Permit – 245 Catherine Street North, Hamilton. Highlights included but were not limited to the following:

- Research is being conducted on substances contained in the vats on the property;
- Demolition will occur and the contaminants will be extracted shortly.

The staff update respecting, Report PED11136, Demolition Permit – 245 Catherine Street North, Hamilton, was received.

(ii) Outstanding Business List Amendments (Item 11.2)**Items with revised Due Dates**

The due dates of the following outstanding business list Items were amended as outlined below:

- (a) Item G: 17 Ewen Road
Current Due Date: October 18, 2011
Proposed New Due Date: February 14, 2012
- (b) Item M: Dutch Mill Country Market, Millgrove Side Rd.
Current Due Date: October 18, 2011
Proposed New Due Date: February 14, 2012

Items removed

Item “I”, Dog Licensing for Persons in Receipt of Disability Tax Credit, was removed from the Outstanding Business.

Item “H(i)” and “H(ii)”, City response to grading and drainage issues, on the Outstanding Business List, was removed from the Outstanding Business.

Item “Y”, Proactive Property Standards Pilot Project, was removed from the Outstanding Business.

I) PRIVATE AND CONFIDENTIAL (Item 12)**(i) Closed Session Minutes, October 4, 2011 (item 12.1)**

- (a) The Closed Session Minutes of the October 4, 2011, meeting of the Planning Committee were approved, as presented;
- (b) The Closed Session Minutes of the October 4, 2011 meeting of the Planning Committee, are to remain confidential and restricted from public disclosure, in accordance with exemptions provided in the Municipal Freedom of Information and Protection of Privacy Act.

At 12:02 p.m., Committee moved into Closed Session respecting Report PED11187, Airport Employment Growth District - Ontario Municipal Board Appeals, and Report LS11013, Waterdown South Secondary Plan, Official Plan Amendment No. 122 – OMB Appeals, pursuant to Section 8.1, Sub-sections (e) and (f) of the City's Procedural By-law and Section 239, Sub-sections (e) and (f) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and, the receiving of advice that is subject to solicitor-client privilege including communications necessary for that purpose.

The Planning Committee reconvened in Open Session at 12:54 p.m.

(ii) Airport Employment Growth District - Ontario Municipal Board Appeals (PED11187) (Wards 11 and 12) (Item 12.2)

The staff recommendations respecting Report PED 11187, Airport Employment Growth District - Ontario Municipal Board Appeals, as presented in Closed Session, were approved and the report is to remain confidential and restricted from public disclosure, in accordance with exemptions provided in the Municipal Freedom of Information and Protection of Privacy Act.

For disposition on this Item, refer to item 9.

(iii) Waterdown South Secondary Plan, Official Plan Amendment No. 122 – OMB Appeals (LS11013) (Ward 15) (Item 12.3)

The staff recommendations respecting Report LS11013, Waterdown South Secondary Plan, Official Plan Amendment No. 122 – OMB Appeals, as presented in Closed Session, were approved and the report and recommendations (a), (b) and (d) are to remain confidential and restricted from public disclosure, in accordance with exemptions provided in the Municipal Freedom of Information and Protection of Privacy Act.

For disposition on this Item, refer to item 10.

m) ADJOURNMENT (Item 13)

There being no further business, the Planning Committee adjourned at 2:45 p.m.

Respectfully submitted,

Councillor R. Pasuta
Chair, Planning Committee

Vanessa Robicheau
Legislative Assistant
Office of the City Clerk
October 18, 2011

2.5 City of Hamilton Lot Grading Policy, Criteria, and Standards

As per City Council approval on June 12, 2002, Committee of the Whole Report 02-024, specifically Item 21, which references Appendix A attached to Report PD02109: Lot grading for **single detached and semi-detached lots** created through development applications in the City of Hamilton shall be subject to the following policy:

2.5.1 Grading Policy

2.5.1.1 Grading Security for Lots Created Under a Subdivision Agreement

Subdivision agreements will show a line item for:

(a) First Stage Fees: Security Collected under Initial Application Approval Process

(i) Pre-grading of lots

Security for pre-grading will be collected through the City's subdivision agreement based on \$1,000 per lot created by the plan and will be released following receipt of a grading certificate from the developer's ~~consulting~~ engineer certifying that pre-grading has been completed.

(ii) ~~Final Lot Grading~~ Overall Grading and Drainage

A lump sum ~~security~~ deposit will be collected through the City's subdivision agreement to ensure completion of ~~final lot grading~~ overall grading and drainage and sodding; should a problem arise with the overall grading in a development, which cannot be rectified by modification to any single lot within that development.

Security amounts for final lot grading will be based on a sliding scale according to the size of the development as follows:

- \$ 10,000 for plans up to 25 lots
- \$ 15,000 for plans over 25 lots up to 50 lots
- \$ 20,000 for plans over 50 lots up to 100 lots
- \$ 25,000 for plans over 100 lots

The security held by the City under the subdivision agreement for ~~final lot grading the~~ overall grading and drainage will be released upon acceptance of grading certificates by the City for all lots within a plan of subdivision ~~in accordance with the sliding scale~~ amounts indicated above.

Notwithstanding the above, the value secured on any subdivision will not be reduced to less than \$5000 per uncertified lot.

(b) Second Stage Fees: Security Collected under Building Permit Application

A cash security deposit of \$1,500 will be collected as a condition of building permit application from the owner of each lot within a development. The security deposit will be retained by the ~~Director of Building & Licensing~~ City to ensure completion of final lot grading and sodding. The security will **only** be released upon the City's acceptance of a final lot grading certificate, **including an as-built plot plan**, in accordance with the approved **grading and plot plans**. (Refer to Section 2.5.6 for details).

2.5.1.2 Grading Security for Lots Created under Severance Application

(a) First Stage Fees: Security Collected under Initial Application Approval Process

A lump security deposit of \$10,000 will be collected from the developer under the appropriate development agreement (i.e. Consent Agreement).

The security deposit will be retained by the City to ensure completion of final lot grading and sodding and will only be released upon both the City's acceptance of a final lot grading certificate, including an as-built plot plan, in accordance with the approved grading and plot plans and a mandatory grading inspection.

(b) Second Stage Fees: Security Collected under Building Permit Application

A cash security deposit of \$1,500 per lot will be collected from the owner of each lot within a development as a condition of building permit application. The security deposit will be retained by the City to ensure completion of final lot grading and sodding and will only be released upon the City's acceptance of a final lot grading certificate, including an as-built plot plan, in accordance with the approved grading and plot plans. (Refer to Section 2.5.6 for details)

2.5.2 Design Criteria

Design Criteria for grading lots with single detached and semi-detached housing in new developments within the City of Hamilton are as follows:

- a) "Required backyard" shall mean the lesser of the distance regulated by the Zoning By-law or 6.0 metres.
- b) The maximum slope in the backyard adjacent to the building for a distance equal to the required backyard shall be 5% except as set out in Items (c), (d), (f) and (g).
- c) The 5% restriction shall not apply to the sides of a swale along the sides or back of a lot, providing the total width of a swale does not exceed one (1) metre on each lot.
- d) Where the 5% restriction on the backyard's grades results in elevation differences between adjacent properties, retaining wall shall be constructed along the sides and back of the lot.
- e) Generally, slopes shall be placed on the lower lot, whereas retaining walls shall be placed on the higher lands.

- f) The 5% restriction does not preclude retaining walls in the required backyards providing the terraces are maintained to the 5% grade as set out in Item (b). The intention of this provision is to provide for flexibility of house construction.
- g) Guards for retaining walls shall be designed and constructed in accordance with the requirements for exterior guards as contained in the Ontario Building Code.
- h) Slopes of swales for both "back to front" and "split" drainage shall be no less than 2.0% grade and no greater than 33% grade (3:1 slope).
- i) **Back to front drainage shall only be permitted where the combined side yard setback is 2.0m or more, providing a minimum of 2.0m between foundation walls for drainage swales. A 1.2m setback is required on the garage side of the lot.**
- j) When matching to existing properties where 2% slope cannot be achieved, then a 1.5% slope is permitted provided a 150 mm sub-drain is installed below the bottom of the swale and drained to a suitable outlet, with a minimum of 0.30 metre cover over the sub-drain or other mitigation measures. {formerly 'i')}
- k) Minimum slopes for a "wrap around" swale in the back yard shall be 1.0% {formerly 'j')}
- l) Driveway slopes shall not be less than 2.0% and not more than 7%. Reversed sloped driveways in new developments are not permitted. {formerly 'k')}
- m) Each lot is to be independently drained. Drainage to a nearby street through the rear of an adjacent lot is not permitted, unless the adjacent lot is part of the same development. In areas where "zero lot line" zoning is permitted drainage to a nearby street through the rear of an adjacent lot is not allowed. {formerly 'l')} **See Sections 2.5.2.1 and 2.5.2.2 regarding infill and rural lot grading.**
- n) Catch basins in rear yard swales shall be designated as "private" and shall drain not more than:
 - i) **a maximum 50m of a swale measured along the rear property lines, and**
 - ii) **a maximum of four (4) lots on either side of ~~any swale leading into~~ a catchbasin on any side of the catch basin. {formerly 'm')} Collection from both sides of the rear lot line is acceptable, and**
 - iii) **a maximum residential area of 3600 m².**
- o) All slopes shall be 3:1 or flatter. {formerly 'n')}
- p) Provisions shall be made to prevent disruption of the natural surface drainage pattern on lands bordering the development both during and after construction. {formerly 'o')}
- q) If grading is required on lands adjacent to the development, which are not owned by the developer, then the developer must obtain written permission from the adjacent property owner to allow the developer to grade on the adjacent lands, otherwise retaining walls must be used. {formerly 'p')}
- r) Where a lot is lower in the rear than in the front, a split drainage grading design will be used in order to drain a portion of the lot to street catch basins. No front to rear drainage will be permitted. {formerly 'q')}

2.5.2.1 Design Criteria for Infill Developments or Lots of Record

Grading of single or multi-family residential lots that are developed through severance applications shall demonstrate that the proposed development will not adversely affect existing buildings, significantly alter existing drainage patterns, or adversely affect neighbouring properties.

- Positive drainage away from building should be provided at all times.
- Side and rear yard swales to be located entirely within the infill/severed property, unless permission from the adjacent homeowner is granted to improve and modify existing drainage on both lots, i.e.; proposed swales must be contained within the land parcel being developed.
- In some cases, side and rear yard slopes less than 2% may be acceptable, but must be reviewed and approved by City staff on a case-by-case basis.

2.5.2.2 Design Criteria for Low Impact Developments and Rural Lot Grading

Grading for rural estate lots which are part of a Plan of Subdivision, or rural lots created under severance, shall conform to the City of Hamilton design criteria outlined in Section 2.5.2. Every attempt shall be made to implement the grading criteria outlined in this section. Elements which cannot conform to the standard criteria shall be reviewed with the City for agreement on approach; such as, culvert extensions, finished floor elevations that are lower than the existing roadways, and minimum grades that may not be achievable.

If a proper/acceptable outlet cannot be provided due to topographical or other physical constraints, then the proponent is to consider and implement other practices to retain the water on site (ie. infiltration gallery, bioswales, water harvesting, etc.) and ensure that surface runoff does not adversely impact neighbouring properties.

Notwithstanding the above, grading design of low impact developments; such as, rural severances or freehold townhouses fronting a City's right-of-way, should be reviewed on a case-by-case basis with the design engineer and the City's plan reviewer. The proponent would need to demonstrate that alternative grading designs, from urban design requirements, provide a better grading solution to match the existing grading conditions.

2.5.3 Acceptable Lot Grading

Lot grading shall be acceptable to the City if:

- i) No portion of any side swale has a grade of less than 1.5%, unless mitigation measures have been put into place ~~or specified on an approved grading plan.~~
~~the average grade from the high point is not less than 1.8% {formerly item 'ii')}~~
- ii) The "as-built" grading does not impede the intent of the approved overall grading plan. Deviation in excess of ~~200mm~~ 150mm at lot corners will be justified on the final grading certificate. ~~{formerly item 'iii')}~~
- iii) No portion of any backyard has a finished grade of less than 1.0% once the lot has been fully sodded. This includes the rear and side yards as well as the front yard, except for areas designated as a driveway. ~~{former items 'iv' & 'v' were combined & reworded}~~
- iv) ~~A Professional Engineer provides certification, including an as-built plot plan, of lot grading after at least one (1) winter has passed and the sodding of the lots is complete.~~

The subdivision agreement shall remain on title to the lots and blocks within a development in order to ensure that the Developer and subsequent owners of the lots and blocks within a development shall not be released from the restrictive covenants regarding ~~lot grading and~~ discharge of roof leaders onto the ground.

2.5.4 Grading Standards

2.5.4.1 Overall Grading Plan

The overall grading plan shall be prepared on a standard metric A1 size sheet or an Imperial 24" x 36" sheet at a scale of 1:500, stamped and signed by a professional engineer and shall show the following:

- a) All lots and blocks of the lands to be developed as well as adjoining lands for a minimum of 15 metres beyond the limit of the lands to be developed and further if necessary to determine future and proposed drainage patterns.
- b) Existing contours at 0.5 metre intervals over the entire development including sufficient area of adjacent lands to establish the overall drainage pattern. ~~If the parcel is flat or 0.5m contours do not adequately show topography, 0.25m contour spacing should be provided.~~
- c) Proposed elevations at the corners of each lot and block and at intermediate point of change in grade.
- d) Proposed elevations at 15 metre spacing along the frontage of large blocks and at a reasonable spacing along the sides and rear of the block.
- e) Proposed centre line road elevations at:
 - (i) all changes in grade, and
 - (ii) opposite lot corners of the lands to be developed.
- f) The location of all existing trees, septic tanks and tile fields, wells, above ground utility structures (street furniture) and other structures as necessary.
- g) The location of existing and proposed retaining walls with proposed top and bottom elevations at appropriate intervals with sections.
- h) The location of drainage ponds or swales, and direction of surface drainage on each proposed lot and block and on all adjoining lands.
- i) The location of rear yard catch basins and inlets and top of grate elevations.

- j) proposed building envelopes with the following information:
 - (i) front of house apron elevation (garage floor elevation);
 - (ii) back of house apron elevation, if different from front;
 - (iii) minimum basement floor elevation (shall be calculated based on the elevation of the sanitary ~~and/or storm~~ private drains).
- k) ~~where roof leaders are not connected to a storm sewer~~, Roof leaders shall discharge onto splash pads, satisfactory to the City Engineer and then to a grassed or landscaped area at a minimum distance of 0.60 metres away from the building face.
- l) **Adjacent lots having a combined side-yard setback totaling 2.0m or less shall have roof leaders restricted to front or rear yard discharge locations to minimize erosion and ponding.**
{Note: Related Roof Leader requirements in By-Laws 80-245 & 96-137 to be amended to suit new policies}
- m) A key plan showing the proposed development and, for larger subdivisions, the location of the lots on the sheet in relation to the overall development. *{formerly 'l')}*
- n) Description of the nearest geodetic benchmark. *{formerly 'm')}*

2.5.4.2 Grading Plan Objectives

The overall grading plan shall be prepared in accordance with the following objectives:

- a) The whole drainage for the development shall be self contained and directed to a suitable outlet.
- b) The lot grading plan shall accommodate any external drainage, which is tributary to the development and must prevent ponding on adjacent lands bordering the subdivision.
- c) The establishment of independent and adequate drainage for each lot (this can be provided by either "back to front" drainage (recommended) or "split" drainage intercepted by a rear yard swale).
- d) The establishment of lot and house grades which are generally compatible with existing topography and surrounding development, existing trees etc., without steep slopes or abrupt changes in grade with minimum terraces.

2.5.4.3 Plot Plan for Each Lot

The plot plan for each lot shall be stamped and signed by either a Professional Engineer, Ontario Land Surveyor, Architect or Landscape Architect for approval by the Director of Building and Licensing prior to issuing a building permit and shall show the following:

- a) Proposed elevations at the lot corners, which must conform to elevations on the approved grading plan.
- b) Elevations of the proposed sidewalk adjacent to the lot, and where no sidewalk is proposed, then the corresponding **proposed** back of curb elevation and the **proposed** centreline road elevation. **(For infill lots, existing elevations should be provided if no new road-works are proposed.)**
- c) The elevation, design and basis of design of all retaining walls required.
- d) Ground elevations on all sides of the proposed building and the driveway gradient and elevation at the house.

- e) Elevations of all swales on the lot, the gradient of the required backyard apron and arrows showing flow to or from adjacent lands.
- f) Existing and/or proposed private catchbasins, road catchbasins, hydrants, streetlights, hydro transformers, telephone and cable boxes.
- g) Top of footing AND top of foundation wall elevations are to be clearly indicated on each plot plan.
- h) For infill grading plans and plot plans, the following additional information will be provided:
 - (i) Existing elevations, at 5m intervals, shall be indicated for one adjacent lot width or at least 15m beyond the property line boundaries to illustrate the drainage of the lot in relation to the surrounding lands and buildings;
 - (ii) Top of foundation wall and garage floor elevation of adjacent buildings/dwellings;
 - (iii) Additional information may be required depending on the specific characteristics of the site. It is the responsibility of the Designer submitting the plan to ensure that information shown adequately depicts the existing and proposed conditions.
- i) Grading for rural estate lots which are part of a Plan of Subdivision should conform to the City of Hamilton design criteria outlined in Section 2.5.2. In addition, for rural developments, the following shall be shown on the lot grading plans and plot plans (if applicable):
 - (i) Existing elevations, at 5m intervals, shall be indicated at least 30m beyond the property line boundaries to illustrate the drainage of the lot in relation to the surrounding lands and buildings;
 - (ii) Location of private sewage disposal systems;
 - (iii) Location of any private water supply system;
 - (iv) Driveway entrance culverts, including size, length and location;
 - (v) If no positive storm outlet is available, storm runoff retention areas shall be shown;
 - (vi) Ditch elevation details, including bottom of ditch, top of banks, and general flow direction;
 - (vii) Location of existing creeks and watercourses.

2.5.5 Grading Certificate for Lot Grading

A lot grading certificate shall be submitted by a Professional Engineer, on a form acceptable to the City, **including an as-built plot plan**, and shall contain **either of** the following wording:

STANDARD GRADING CERTIFICATE

*We have reviewed the final lot grading for the above mentioned lot and taken elevations where necessary to confirm direction and grade of surface drainage **as shown on the as-built plot plan**. We therefore certify that the works have been completed in the field and that they conform to the approved overall and detailed grading plans for the subdivision and the City's standards.*

GRADING CERTIFICATE – DEVIATION

*This is to certify that we have reviewed the final lot grading for the above mentioned lot and taken elevations where necessary to confirm the direction of surface drainage, **as shown on the as-built plot plan**. While the final lot elevations do not match exactly the proposed lot grading plan, the basic lot drainage pattern has been adhered to and*

the intent of the approved overall grading plan has been met. No drainage problems were evident at the time of inspection.

Lots in which grading certificates are submitted will be eligible for reduction of securities collected under 'First Stage' amounts with the initial application approval process, detailed in Section 2.5.1.

2.5.6 Lot Grading Approval Process

The City's of Hamilton's approval process to achieve final approval and release of securities held for the lot grading involves the following procedures:

- a) Plot Plans are prepared by an Ontario Land Surveyor, Architect, or Engineer in accordance with the approved subdivision grading plan as part of the building permit process.
- b) Once footings have been placed or formed, an Ontario Land Surveyor shall certify in a suitable form, and make available to the City, that:
 - (i) the top of footing elevation(s) conforms with the top of footing elevation(s) shown on the approved Plot Plans;
 - (ii) the foundations are sited entirely on the correct lot;
 - (iii) the building setbacks conform to the zoning by-law.
- c) Foundation elevations will be considered 'non-conforming' if they differ from design elevations by more than 150mm. Non-conforming foundation elevations shall be brought to the attention of the City for further direction/discussion prior to proceeding with any further construction.
- d) After at least one (1) winter has passed and the lots have been sodded, an Engineer shall submit an as-built plot plan and certify in writing, that the lots are in general conformance with the overall grading shown on the approved grading plan, in accordance with Section 2.5.5. Following certification, the City inspector provides new homeowners with an information package including the Lot Grading and Drainage Brochure and the Grading Policy Notification Sticker.
- e) Following certification of all lots, a security reduction request can be submitted for reduction of securities collected under 'First Stage' amounts with the initial application approval process, in accordance with Section 2.5.1.
- f) For Lots which cannot be certified due to poor grading or changes in house style, the Engineer will notify the City, Developer, and Builder in writing. An engineer, on behalf of the developer, will prepare a new over-all grading plan to address the lots which have not been built according to the original plan, and will submit a revised plan to the City with the required review fees.
- g) An Engineer will re-inspect any deficient lots or for those lots which cannot be certified by a visual inspection and prepare a revised as-built grading plan, in order to obtain lot certification. If necessary, the builder will be instructed to address any deficiencies in order to have the particular lots certified. If the builder will not correct the work as instructed by the engineer, this responsibility will fall directly upon the developer.
- h) The 'Stage 2' security deposit will be retained by the City to ensure completion of final lot grading and sodding and will only be released upon the City's acceptance of a final lot grading certificate, including an as-built plot plan, in accordance with the approved grading and plot plans.

- i) Following and/or during the final inspection, the City inspector provides a Final Grading Approval notice to each lot in the development, reminding them of their responsibilities under the City By-Laws.
- j) All remaining grading securities are released in accordance with the conditions of the Development Agreement.

Residential Drainage Assistance (RDA) Program

TERMS OF REFERENCE

1. Introduction

The RDA Program is a new pilot program approved by City Council in October 2011 which is designed to provide assistance to residential property owners regarding drainage issues. A typical RDA program has two phases:

Phase 1 – Engineering Assistance

Phase 2 – Capital Improvements/Implementation (on Public lands)

A typical Phase 1 study includes, for example:

- a) Reviewing neighbourhood and lot drainage in an older area of the City (typically pre 1970) which was developed with less attention to drainage than current standards;
- b) Identifying the cause(s) of the neighbourhood drainage problems;
- c) Identifying possible improvements on private lands to provide for better drainage on private lands.
- d) Identifying possible improvements within the public ROW to allow for better drainage on private lands.

After completion of a Phase 1 study, staff will decide whether a Phase 2 study is required. A Phase 2 is envisioned to be warranted in the event that a Phase 1 study indicates that the City is, for example, contributing in some manner to the drainage problem on private lands, or if significant work is required within a public right-of-way where the City may need to either contribute to the cost or front-end costs that are cost recoverable from benefitting owners. Potential Phase 2 works include:

- Designs for additional storm sewer catchbasins/sewers/ditches on public lands to route storm water away from private lands;
- Designs for storm sewer laterals from the municipal storm sewer system to the property line to allow residents to “tie in” private drainage systems (which could be recommended in a Phase 1 study) to the municipal storm sewer system.

Depending on the acuity of the problem, staff shall engage a licensed professional engineering firm to undertake Phase 1 studies.

Residential Drainage Assistance (RDA) Program

TERMS OF REFERENCE

2. Scope of Work

A Phase 1 study includes, but is not limited to, the following:

- a) Topographic survey and photo inventory of the study area detailing:
 - i. lot grading, low points, etc.;
 - ii. drainage paths including swales, ditches, small watercourses, etc;
 - iii. obstructions to drainage (i.e. sheds, trees, raised gardens, raised tree roots, patios, pools, etc.);
 - iv. roof downspout locations;
 - v. external flow sources;
 - vi. storm sewer catchbasin locations.
- b) Topographic surveys within the public right-of-way to determine major system drainage patterns, catchbasin locations, storm sewer elevations, location of trees, utilities, etc. bordering the study area that may interfere with future drainage works.
- c) Review of existing drainage area plans, topographic maps and subdivision and lot grading plans (if available) to determine drainage patterns;
- d) Site investigations during wet weather to observe drainage patterns, ponding, etc;
- e) Review of historic air photos, flood reports, etc;
- f) Discussions with property owners to determine drainage patterns, drainage history, etc;
- g) Review of engineering plan and profile drawings to determine location, elevation and size of publicly owned drainage features including catchbasins, swales, ditches, storm sewers, etc;
- h) Drainage review to identify extent, type, and cause of drainage obstructions;
- i) Identification and assessment of possible solutions to improve drainage conditions on residential properties including but not limited to:
 - o swale re-instatement;
 - o swale construction;

Residential Drainage Assistance (RDA) Program

TERMS OF REFERENCE

- adjusting lot grades;
- weeping tile installation with possible surface outlets or outlets to the City's storm sewer system;
- altering eavestrough drainage patterns and roof downspout discharge locations to reduce the volume of runoff to rear yards;
- j) Feasibility of installing storm catchbasins and storm sewers;
- k) Identification of possible remedial works on public property in order to provide for better drainage on private lands;
- l) Preparation of conceptual/preliminary designs to improve drainage on private lands;
- m) Preparation of cost estimates to improve drainage on a residential lot(s);
- n) Preparation of conceptual/preliminary designs drainage works within the public right-of-way;
- o) Preparation of preliminary cost estimates to construct drainage works within the public right-of-way;
- p) Meetings with residents as required to discuss problems and potential solutions;
- q) Make recommendations to Council regarding the merits of proceeding with a project including the cost to the City and any cost recoveries.

3. Program Scope and Funding

Through the duration of the pilot program, for funding purposes it is assumed that four projects will be undertaken; two larger projects and two smaller projects.

Properties within Hamilton, in particular within the older areas of the City, where a significant number of drainage issues occur, are generally smaller in overall size having minimal sideyards and/or no side yard whatsoever. Access to properties such as these may be restricted and could result in increased labour costs to implement recommended drainage solutions.

Staff has estimated the costs to deliver this program assuming four projects over two years: two smaller areas (<15 properties) and two larger areas (> 15 properties). Ball park costs to deliver the projects through Phase 1 (engineering study) and Phase 2 (implementation) would be as follows:

Residential Drainage Assistance (RDA) Program

TERMS OF REFERENCE

Phase 1 (all City cost):

- two small projects (\$10-15,000 each)
- two larger projects (\$15-25,000 each)

Phase 2:

- two small projects (\$25-150,000 each); includes City cost of \$15-50,000
- two larger projects (\$100-250,000 each); includes City cost of \$35-100,000

Funding of Work

- Residents are expected to complete and pay for recommended drainage works on private property; however, the City will consider contributing to the capital cost on a project-by-project basis depending on the complexity of the project, the number of properties involved, and the nature of the problem.
- In addition to Phase 1 studies, the City shall pay for any portion of work deemed to be a benefit to the City; e.g. conveyance of drainage from a City park.
- The City will fund required works within the public right-of-way using similar approach to the City's Poor Pressure Program.
- Works within the right-of-way can be undertaken by a resident under the City's permitting system or it could be undertaken by City forces on behalf of property owners.
- Any costs incurred by the City deemed to be cost recoverable from property owners will require the passing of a Municipal Act Cost Recovery By-law in order to charge back residents.
- Any project requiring the expenditure of capital funding shall be approved through Council.

To: Members of the Planning Committee City of Hamilton

From: Board of Directors Rygiel Homes Housing Corporation

Date: September 27, 2011

This memo comes in preparation of our attendance at your meeting of October 4 2011. Rygiel Homes Housing Corporation is a non profit corporation providing accessible, affordable housing for people who have a developmental disability and multiple other handicapping conditions. Most of the individuals who benefit from the housing receive care and support from Rygiel Supports For Community Living. Rygiel Supports For Community Living has served the Hamilton community for more than 43 years.

The reason we are coming forward is to ask the Committee to review our recent experiences and to determine if there can be changes to processes that will prevent the delays and excess costs we experienced.

Background:

Rygiel has more than 16 single family homes in which more than 50 people live and another 30 people receive respite. These are homes which have been purchased and renovated to be barrier free or were purpose built. Rygiel has been acquiring such properties since the late 1970s. We have worked with city staff throughout the years to ensure compliance of all requirements. City staff and Councillors have been supportive and helpful. In years past, there was continuity of staff at both the city and in our agency. This contributed to ongoing knowledge of need and of the service we provided. This was not our experience in the past couple of years. We recognize change has occurred through operational restructuring at the City. This may be in a small way, contribution to the challenges.

Funds to provide the homes come through donations, fundraising, user fee (rent paid by occupants) and in some cases, funds provided by the Ministry of Community and Social Services.

All who live in the homes are people who depend on others for almost all aspects of daily living.

A synopsis of our recent experiences:

Re: Renovation Projects:

We were attempting to renovate a couple of houses for better barrier free design and in a couple of cases, to add means of egress from the basement.

In our efforts to proceed, we met numerous delays in information that was to be forthcoming from the city, we were advised of requirements that had not been needed previously with the explanation that we were now considered Residential Care Facilities. In the 30 plus years of serving this community, the city had never identified our homes in this way.

The costs of responding to the requirements were prohibitive. The delays in communication prevented any modifications to plans and hence, the available funds could not be used in the time required and sadly had to be returned to the Ministry of Community and Social Services. The significant outcome: a number of people in desperate need of specialized housing did not receive what they needed.

Building Project:

Re: Permit Application 09-192150-00 R9

It took almost two years to complete this building from the time we first approached the city. There were significant delays in getting permits. Each time we inquired, it took an excessive amount of time before we got feedback. Throughout the process, we would be advised of a requirement and then later advised that the first information was not correct and changes were needed. This happened on a number of matters. Here is an example: We had approved drawings which included the sprinkler system. In November of 2009, the City Building Services Division had stamped their approval. This house was built accordingly. The drywall and painting were completed. The inspector visits in late September and advises that there are deficiencies including the lack of sprinkler heads in the closets, machine room and at the top of the elevator shaft. The cost of correcting this at this stage was unplanned and added to an overage for the project. This caused yet further delay for the individuals who would be moving to this home. There were additional costs associated with all the delays as a rental unit would be vacated as a result of the move. Not only did the residents have to wait for safer accommodations and new residents wait for desperately needed service, the agency paid rent for a much longer period than anticipated.

We appreciate the opportunity to meet with the Committee and offer to work with staff to find ways that will assist with efficient and effective processes for future projects. All this will contribute to our efforts to be a responsive community to its vulnerable members.