



PLANNING COMMITTEE

REPORT 16-018

9:30 a.m.

Tuesday, October 18, 2016

Council Chambers

Hamilton City Hall

71 Main Street West

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

THE PLANNING COMMITTEE PRESENTS REPORT 16-018 AND RESPECTFULLY RECOMMENDS:

- 1. Hamilton Municipal Heritage Committee Report 16-008 (Item 5.1)**
 - (a) Inventory and Research Working Group Meeting Notes – July 25, 2016 (Item 5.1)**
 - (i) 23 Lake Avenue South, Stoney Creek, (Church of the Redeemer) to the City of Hamilton Register of Property of Cultural Heritage Value or Interest**

That 23 Lake Avenue South, Stoney Creek, (Church of the Redeemer) be added to the City of Hamilton Register of Property of Cultural Heritage Value or Interest, attached as Appendix “A” to Report 16-008.
 - (ii) 50 Sanders Boulevard and 54 Sanders Boulevard, Hamilton, to the City of Hamilton Register of Property of Cultural Heritage Value or Interest**

That 50 Sanders Boulevard and 54 Sanders Boulevard, Hamilton, be added to the City of Hamilton Register of Property of Cultural Heritage Value or Interest, attached as Appendix “B” to Report 16-008.

2. Interim Control By-law Extensions – Certain Lands along James Street North and King Street East - Light Rapid Transit (LRT) Corridor (PED15157(a))(Ward 2) (Item 5.3)

That Section 3 of Interim Control By-laws 15-245 and 15-246 be extended for an additional year not to exceed two years from the date of the passing of the by-laws (October 28, 2015), to allow additional time to complete the planning, for certain lands located on King Street East between West Avenue South and Victoria Avenue South, and both sides of James Street North between Cannon Street to Strachan Street, on the following basis:

- (a) That the Draft Interim Control By-law, attached as Appendix “A” to Report PED15157(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.

3. Application for a Zoning By-law Amendment for Lands Located at 195 Annabelle Street (Hamilton) (PED16198) (Ward 8) (Item 6.1)

That approval be given to Zoning Application ZAR-16-023, by Gino and Lina DiStefano, Owners, for a change in zoning from the “AA” (Agricultural) District to the “C/S-1739” (Urban Protected Residential, etc.) District, Modified, to facilitate a future severance application in order to establish two single detached dwellings on lands located at 195 Annabelle Drive (Hamilton), as shown on Appendix “A” to Report PED16198, on the following basis:

- (a) That the draft By-law, attached as Appendix “B” to Report PED16198, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow), and complies with the Urban Hamilton Official Plan;
- (c) That there were no submissions received from the public.

4. Digital Signage Budget Enhancement Opportunity (FCS16082 / PED16196) (City Wide) (Item 8.1)

- (a) That the amending By-law, attached as Appendix “A” to Report FCS16082 / PED16196, which amends the Sign By-law No. 10-197, attached as Appendix “B” to Report FCS16082 / PED16196, with respect to digital billboards and is in a form satisfactory to the City Solicitor, be approved;
- (b) That a new annual permit fee per sign of \$2,000 for digital billboards be approved and added to the User Fees and Charges By-law;

- (c) That City staff be authorized to negotiate terms and conditions with Outfront Media, for the display of digital billboards and advertising thereon at the 12 signs on municipal properties listed and attached as Appendix “C” to Report FCS16082 / PED16196;
- (d) That the General Manager of Finance and Corporate Services, or approved delegate, be authorized to execute an agreement and all necessary documentation to implement Recommendation (c) of Report FCS16082 / PED16196, all with content acceptable to the General Manager of Finance and Corporate Services, and in a form satisfactory to the City Solicitor;
- (e) That the Sign Variance application, pertaining to the size of one specific sign, attached as Appendix “D” to Report FCS16082 / PED16196, for a Digital Billboard at 1000 Limeridge Road East, be approved upon payment of the Sign Variance application fee;
- (f) That the Sign Variance application pertaining to the size of one sign supplied by Outfront Media (formerly CBS Outdoor) on private property located at Dundurn Street and Main Street, attached as Appendix “E” to Report FCS16082 / PED16196, be approved upon payment of the Sign Variance application fee;
- (g) That the Sign Variance application pertaining to the location of one sign supplied by Outfront Media (formerly CBS Outdoor) on private property located at King Street and Dundurn Street, attached as Appendix “F” to Report FCS16082 / PED16196, be approved upon payment of the Sign Variance application fee.

5. Removal of P7 Designation from 4250 Trimble Road, Binbrook

WHEREAS, 4250 Trimble Road, Binbrook was deemed P7 as part of the Rural Official Plan;

WHEREAS, staff have been onsite and determined that it should not be deemed P7;

WHEREAS, staff advise that the report to Planning Committee to correct this and remove the P7 designation from this property will not be ready until 2017; and

WHEREAS the property owner of 4250 Trimble Road wishes to build an outbuilding and cannot do this until the P7 zone is removed;

THEREFORE BE IT RESOLVED:

That the application fee for a minor variance to remove the P7 designation from 4250 Trimble Road, Binbrook, be waived so that the property owner can proceed with getting a building permit and the costs be funded from the Tax Stabilization Reserve Account #110046.

6. Update and instructions regarding Ontario Municipal Board appeals of Rural Hamilton Official Plan Amendment 9 and Zoning By-law 2015-173 (PL150805) (LS16001(a)) (City Wide) (Item 12.1)

That the recommendations of Report LS16001(a) be approved and remain confidential until Council approval.

FOR THE INFORMATION OF COUNCIL:

Chair B. Johnson acknowledged the recent passing of Jack Beume and Geraldine Copps and offered condolences to their families.

(a) CHANGES TO THE AGENDA (Item 1)

The Committee Clerk advised of the following changes:

1. Changes regarding the following Item:

8.1 Digital Signage Budget Enhancement Opportunity (FCS16082 / PED16196) (City Wide)

- **Added staff presentation**

- **Added written comments:**

8.1(i) Viv Saunders, City of Hamilton resident, Ward 10

8.1(ii) Paul Seaman, Vice President, Real Estate and Public Affairs, Clear Channel Canada

- **Added Registered Speakers:**

1. Jamie Besner of Sussex Strategy Group

2. Michael Binetti of Affleck Greene McMurtry LLP

3. Stephen Gregor and George Jakgi of Outfront Media Canada

2. Added Notices of Motion:

- 10.1 Rezoning of the Lands of the Royal Botanical Gardens
- 10.2 Refund of Minor Variance Application Fees for Residential Properties in the Airport Employment Growth District (AEGD)
- 10.3 Removal of P7 Designation from 4250 Trimble Road, Binbrook

The agenda for the October 18, 2016 meeting was approved as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

Councillor Pearson declared an interest with respect to Item 5.1, Rental Housing Sub-Committee Minutes 16-002, as she owns rental properties.

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

(i) October 4, 2016 (Item 3.1)

The Minutes of the October 4, 2016 meeting were approved.

(d) CONSENT (Item 5)

(i) Rental Housing Sub-Committee Minutes 16-002 (Item 5.1)

The Rental Housing Sub-Committee Minutes 16-002 of the June 23, 2016 meeting, were received.

(e) PUBLIC HEARING (Item 6)

(i) Application for a Zoning By-law Amendment for Lands Located at 195 Annabelle Street (Hamilton) (PED16198) (Ward 8) (Item 6.1)

In accordance with the provisions of the *Planning Act*, Chair B. 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 one from the public came forward.

The staff presentation was waived.

The property owners and their representative, Benjamin Clare of A.J. Clarke and Associates Limited, were in attendance. Mr. Clare indicated that they are in support of the staff report.

The public meeting was closed.

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

(c) That there were no submissions received from the public.

For disposition of this matter refer to Item 3.

(f) DISCUSSION (Item 8)

(i) Digital Signage Budget Enhancement Opportunity (FCS16082 / PED16196) (City Wide) (Item 8.1)

Added Written Comments:

8.1(i) Viv Saunders, City of Hamilton resident, Ward 10

8.1(ii) Paul Seaman, Vice President, Real Estate and Public Affairs, Clear Channel Canada

The added written comments were received.

John Hertel, Director of Enterprise Management and Revenue Generation, introduced the project and provided an overview of the research undertaken by staff which resulted in the proposed recommendations.

Brian MacDonald, Manager of Revenue Generation, provided an overview of the Report with the aid of a PowerPoint presentation. Hard copies of the hand out were distributed. A copy of the presentation is available for viewing on the City's website. He covered the following topics:

- Executive Summary
- Background
- Economic Impacts
- Due Diligence Review
- Establishing Canadian Best Practices
- Site examination / technical review

- Recommendations

Staff responded to questions from Committee.

The staff presentation was received.

Added Registered Speakers:

1. Jamie Besner of Sussex Strategy Group, representing Clear Channel

Jamie Besner addressed Committee. His comments included but were not limited to the following:

- Sussex Strategy Group is a government relations firm;
- He has been working with municipalities across the country on various procurement issues and has been representing Clear Channel for the last 14 years;
- The staff Report presents a great idea from a policy perspective;
- However, there are three issues being co-mingled – the proposed policy and updated by-law, the contract to allow visual billboards on the City's property and Outfront's sign variance applications on land owned by Outfront;
- They are in support of the policy;
- Their concern is that this is not a Request For Proposals (RFP);
- No other municipality would agree to a contract without an RFP;
- This is a \$7 million, 15 year sole source contract;
- This is not a real estate transaction; it's a rental agreement;
- Clear Channel is one of the world's largest media firms;
- Companies in this industry compete;
- The City should test the market;
- Sending a general e-mail to the companies is not sufficient to solicit a response;
- Don't confuse a public consultation process with an RFP process.

The delegation was received.

2. Michael Binetti of Affleck Greene McMurtry LLP

Michael Binetti addressed Committee. He displayed a copy of the City's Procurement By-law from the City's website. He indicated that he is representing Clear Channel. His comments included but were not limited to the following:

- Municipalities have no choice under the *Municipal Act* but to pass a Procurement Policy;
- The By-law provides that the City must receive the best value;
- The proposal is regarding a “revenue generating contract” as per the definition in the By-Law;
- There are two references in the staff Report that this is a contract;
- Only real estate sales are exempt;
- It was always required that an RFP be issued in this case.

The delegation was received.

3. Stephen Gregor and George Jakgi of Outfront Media Canada

Stephen Gregor and George Jakgi of Outfront Media Canada addressed Committee. Stephen Gregor’s comments included but were not limited to:

- They are in support of the staff report;
- They plan to remove some legal non-conforming signs they currently own;
- The process was not faulty despite the complaints received from the other operators;
- We are here for the long haul;
- 50% of our signs in this City are sold to local advertisers not national clients.

George Jakgi’s comments included but were not limited to:

- This is a digital project – 80% to 90% of the revenue will be from local businesses;
- They are committed to Hamilton;
- They have done a lot of work assessing the potential revenue generation per billboard and per project;
- Their proposal is above what the industry actually pays;
- They are the only company that has a local presence.

The delegations were received.

4. Nick DiBona and Sid Catalano, Pattison Outdoor Advertising

Nick DiBona addressed Committee and indicated that he is the Director of Leasing and Development for Pattison Outdoor Advertising. His comments included but were not limited to the following:

- They received a rendering from the City for a proposed revenue generator along the Lincoln Alexander Parkway (The Linc);
- Based on this, his Company submitted a proposal for six locations along The Linc;
- They were not given any indication until the publishing of this Report that other locations were available;
- If they had known, they could have submitted a more competitive proposal;
- Also, no consideration is being given to the resolution of the signs which is a major factor in visibility.

Sid Catalano, Director of Legislation for Pattison Outdoor Advertising, addressed Committee. He advised that they noted in the staff Report that there were two submissions, one of them being their proposal. Had they known the factors they would have submitted a different proposal. This is an unfair comparison.

The delegations were received.

For disposition of this matter refer to the Private and Confidential Section of this Report.

(g) MOTIONS

(i) Review of the Current By-law Enforcement Service Levels in the McMaster University Neighbourhoods

Committee approved the following motion:

WHEREAS, there is one full-time Environmental Bylaw officer, assisted by one part-time officer, and student help in the summer assigned to Ward 1 (West Hamilton);

WHEREAS, additional staff resources are assigned to enforce By-law violations during the times when students are moving in and out of rental units (i.e. September and April);

WHEREAS, discussions with the Westdale and Ainslie Wood neighbourhood associations, reveal that one full-time By-law officer is not sufficient to deal with ongoing noise pollution and hygiene problems associated with bad student housing in the community, and;

WHEREAS, the problems with bad student housing in the community are not concentrated in a few particular weeks (i.e. September and April);

THEREFORE, BE IT RESOLVED:

- (a) That staff be directed to review the current By-law Enforcement service levels in the McMaster neighbourhoods, and report back to the Planning Committee before the 2017 budget deliberations begin with:
 - (i) options for increasing the levels of by-law enforcement in the McMaster neighbourhoods including additional staff, re-prioritizing enforcement efforts to allow reassignment of current staff, or any other practical options; and
 - (ii) detailed cost estimates for each of the increased service level options along with possible funding sources for any option which would result in increased expenditures.
- (b) That staff enter into discussions with McMaster University to explore possible cost-sharing arrangements for increasing the levels of by-law enforcement in the McMaster neighbourhoods.

(h) NOTICES OF MOTION

Councillor A. Johnson presented the following Notice of Motion:

(i) Rezoning of the Lands of the Royal Botanical Gardens (Added 10.1)

WHEREAS, the City of Hamilton adopted new parks and open space zoning in 2006;

WHEREAS, the lands owned by the Royal Botanical Gardens (RBG) are designated as Open Space in the City of Hamilton Urban Official Plan but were not included in the 2006 parks and open space zoning;

WHEREAS, the long term intent is to incorporate the RBG lands into the parks and open space zoning;

WHEREAS, the parks and open space zoning permits a botanical gardens which includes the passive and accessory uses on the RBG lands; and

WHEREAS, it is appropriate to proceed with the inclusion of the RBG lands in the parks and open space zoning to allow for the continued use of the RBG lands for passive and tourism related uses;

THEREFORE BE IT RESOLVED:

- (a) That the City of Hamilton requests the Royal Botanical Gardens (RBG) to submit a rezoning application to incorporate the RBG lands into the parks and open space zoning;
- (b) That the RBG be exempted from the fee for making a rezoning application to implement the new comprehensive zoning work plan applicable to the RBG lands.

Chair B. Johnson relinquished to the Chair to Vice Chair Pearson to introduce the following two Notices of Motion and a Motion to Waive the Rules:

(ii) Refund of Minor Variance Application Fees for Residential Properties in the Airport Employment Growth District (AEGD) (Added 10.2)

WHEREAS, the Airport Employment Growth District (AEGD) converted all existing properties to M11 zoning;

WHEREAS, the area includes a small number of rural residential homes;

WHEREAS, Planning Staff now require all additions, alterations or amenities such as pools, to obtain a variance from the Committee of Adjustment in order to obtain a building permit; and

WHEREAS, this creates an unnecessarily burden on a family, which is the result of a City initiative to bring the AEGD into the urban boundary;

THEREFORE BE IT RESOLVED:

That residents who submit a minor variance application for a residential property inside the Airport Employment Growth District (AEGD) that is supported by City of Hamilton Planning Staff, receive a refund of the application fee, effective June 1st, 2017, to be funded from the Tax Stabilization Reserve Account #110046.

(iii) Removal of P7 Designation from 4250 Trimble Road, Binbrook

WHEREAS, 4250 Trimble Road, Binbrook was deemed P7 as part of the Rural Official Plan;

WHEREAS, staff have been onsite and determined that it should not be deemed P7;

WHEREAS, staff advise that the report to committee to correct this and remove the P7 designation from this property won't be ready until 2017; and

WHEREAS the property owner of 4250 Trimble Road wishes to build an outbuilding and cannot do this until the P7 zone is removed;

THEREFORE BE IT RESOLVED:

That the application fee for a minor variance to remove the P7 designation from 4250 Trimble Road, Binbrook be waived so that the property owner can proceed with getting a building permit and the costs be funded from the tax stabilization reserve.

The rules of order were waived to allow for the introduction of a motion respecting Removal of P7 Designation from 4250 Trimble Road, Binbrook.

For disposition of this matter refer to Item 5.

Chair B. Johnson assumed the Chair.

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

(i) Outstanding Business List (Item 11.1)

(a) The following new due dates were approved, as amended:

Item "I" - Redevelopment of a City Owned Surface Parking Lot Staff to circulate all City-owned surface parking lots identified in Report PED16104 for potential surplus, and report to the Planning Committee.

Due Date: October 18, 2016

Proposed New Due Date: November 1, 2016

Item "U" - Report back with Terms of Reference for Community Energy Plan (i.e. renewable such as solar energy)

Due Date: October 18, 2016

Proposed New Due Date: April 18, 2017

(b) The following Item was removed:

Item "FF" - Staff to investigate modifications to sign by-law with intent of permitting LED signs

(j) PRIVATE AND CONFIDENTIAL (Item 12)

- (i) Digital Signage Budget Enhancement Opportunity (FCS16082 / PED16196) (City Wide) (Item 8.1)**
- (ii) Update and instructions regarding Ontario Municipal Board appeals of Rural Hamilton Official Plan Amendment 9 and Zoning By-law 2015-173 (PL150805) (LS16001(a)) (City Wide) (Item 12.1)**

Committee moved into Closed Session at 11:37 a.m. respecting:

Item 8.1, Digital Signage Budget Enhancement Opportunity (FCS16082 / PED16196) pursuant to Section 8.1, Sub-section (f) of the City's Procedural By-law 14-300, and Section 239(2), Sub-sections (f) of the Municipal Act, 2001, as amended, as the subject matter pertains to the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose,

and;

Item 12.1, Update and instructions regarding Ontario Municipal Board appeals of Rural Hamilton Official Plan Amendment 9 and Zoning By-law 2015-173 (PL150805) (LS16001(a)) pursuant to Section 8.1, Sub-sections (e) and (f) of the City's Procedural By-law 14-300, and Section 239(2), Sub-sections (e) and (f) of the Municipal Act, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the City and the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

Committee reconvened in Open Session at 12:45 p.m.

(i) Digital Signage Budget Enhancement Opportunity (FCS16082 / PED16196) (City Wide) (Item 8.1)

Chair B. Johnson advised that Committee received legal advice related to real estate matters while in Closed Session.

Committee approved the staff recommendations in Open Session.

Chair B. Johnson and Councillor Pasuta indicated that they wished to be recorded as OPPOSED to subsections (c) to (g) of the Report.

For disposition of this matter refer to Item 4.

- (ii) **Update and instructions regarding Ontario Municipal Board appeals of Rural Hamilton Official Plan Amendment 9 and Zoning By-law 2015-173 (PL150805) (LS16001(a)) (City Wide) (Item 12.1)**

For disposition of this matter refer to Item 6.

(k) ADJOURNMENT (Item 13)

There being no further business, the Planning Committee was adjourned at 1:03 p.m.

Respectfully submitted,

Councillor B. Johnson
Chair, Planning Committee

Ida Bedioui
Legislative Co-ordinator
Office of the City Clerk