



Planning Committee
AMENDED REPORT 11-009

Tuesday, May 3, 2011
9:30 am
Council Chambers
City Hall, 71 Main Street West,
Hamilton, Ontario

Present: Chair: Councillor Pasuta
Vice Chair: Councillor B. Clark
Councillors: C. Collins, L. Ferguson, J. Partridge, M. Pearson,
T. Whitehead

Absent: Councillors J. Farr, B. Johnson - vacation

Also Present: T. McCabe, General Manager – Planning and Economic
Development
P. Mallard, M. Hazell, S. Robichaud, T. Lee, J. Spolnik,
A. Fletcher, T. Sergi, D. McPhail, C. Bell, V. Ormond -
Planning and Economic Development
D. Fisher - Legal
A. Rawlings, C. Newman – City Clerk's Office

**AT THEIR MEETING OF MAY 11, 2011, COUNCIL AMENDED THE REPORT, AS
SHOWN BELOW;**

**THE PLANNING COMMITTEE PRESENTS REPORT 11-009 AND RESPECTFULLY
RECOMMENDS:**

- 1. Wrong Way Parking (PED11067) (City Wide) (Outstanding Business List
Item) (Item 5.1)**

That Report PED11067 (Wrong Way Parking) be received for information.

- 2. Carbon Monoxide Detectors (PED11078) (City Wide) (Outstanding Business
List Item) (Item 5.2)**

- (a) That the Council for the City of Hamilton supports Oxford MPP Ernie Hardeman in his efforts to make carbon monoxide detectors mandatory in all residential buildings in Ontario.
- (b) That a copy of this resolution be forwarded to the Honourable Dalton McGuinty, Premier of Ontario, and Ernie Hardeman, MPP Oxford.

3. Application for Approval of a Draft Plan of Condominium Conversion for Lands Located at 47-61 Lilacside Drive (Hamilton) (PED10136(a)) (Ward 7) (Item 6.1)

That approval be given to **Condominium Conversion Application CDM-CONV-09-04, by Parutus Investors Group, Owner**, to establish a Draft Plan of Condominium for 8 existing townhouse units, located at 47-61 Lilacside Drive (Hamilton), as shown on the attached map marked as Appendix "A" to Report PED10136(a), subject to the following:

- (a) That this approval apply to the plan, prepared by A.T. McLaren Limited and certified by S.D. McLaren, O.L.S., dated November 26, 2009, showing a total of 8 residential townhouse dwellings, and 9 vehicular parking spaces, attached as Appendix "B" to Report PED10136(a).
- (b) That the following conditions shall apply to the Draft Plan of Condominium approval:
 - (i) That the Final Plan of Condominium shall comply with all of the applicable provisions of the applicable Zoning By-law, to the satisfaction of the Manager of Development Planning.
 - (ii) That the owner shall satisfy all conditions, financial or otherwise, of the City of Hamilton.
 - (iii) That the owner shall submit a report, in accordance with Section 9 (4) of the Condominium Act, 1998, prepared and certified by a qualified Registered Professional Engineer or Licensed Architect, to the satisfaction of the Chief Building Official of the City of Hamilton, to confirm the structural and mechanical integrity of the building and any owner initiated measures required to correct any deficiencies prior to the release of the final plan for registration.
 - (iv) That the owner shall include the following warning clause in all Development Agreements and Offers of Purchase and Sale or Lease/Rental Agreements:

"Purchasers/tenants are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels may

exceed the Municipality's and the Ministry of the Environment's noise criteria."

- (v) That the owner shall provide the Manager of Design and Construction with evidence that satisfactory arrangements, financial and otherwise, have been made with a telecommunication service provider, approved by the Canadian Radio and Telecommunication Commission (CRTC), that adequate telecommunication service will be provided to the condominium, including 9-1-1 emergency calling service that identifies, at a minimum, the caller's name and location information.

4. Application for Approval of a Draft Plan of Condominium Conversion for Lands Located at 27, 33, 39, 41 and 43 Herkimer Street (Hamilton) (PED11073) (Ward 2) (Item 6.2)

That approval be given to **Condominium Conversion Application CDM-CONV-10-01, by Knightsbridge Properties and Chancery Properties, Owners**, to establish a Draft Plan of Condominium for 5 existing apartment buildings, consisting of a total of 47 dwelling units, located at 27, 33, 39, 41, and 43 Herkimer Street (Hamilton), as shown on the attached map marked as Appendix "A" to Report PED11073, subject to the following:

- (a) That this approval apply to the plan, prepared by A.T. McLaren Limited and certified by S.D. McLaren, O.L.S., dated July 26, 2010, showing a total of 47 residential apartment units and 32 vehicular parking spaces, attached as Appendix "B" to Report PED11073.
- (b) That the following conditions shall apply to the Draft Plan of Condominium approval:
 - (i) That the Final Plan of Condominium shall comply with all of the applicable provisions of the applicable Zoning By-law, to the satisfaction of the Manager of Development Planning.
 - (ii) That the owner shall satisfy all conditions, financial or otherwise, of the City of Hamilton.
 - (iii) That the owner shall submit a report in accordance with Section 9 (4) of The Condominium Act, 1998, prepared and certified by a qualified Registered Professional Engineer or Licensed Architect, to the satisfaction of the Chief Building Official of the City of Hamilton, to confirm the structural and mechanical integrity of the buildings and any owner initiated measures required to correct any deficiencies prior to the release of the final plan for registration.

- (iv) That the owner shall include the following warning clause in all Development Agreements and Offers of Purchase and Sale or Lease/Rental Agreements:

“Purchasers/tenants are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels may exceed the Municipality’s and the Ministry of the Environment’s noise criteria.”

- (v) That the owner shall provide the Manager of Design and Construction with evidence that satisfactory arrangements, financial and otherwise, have been made with a telecommunication services provider, approved by the Canadian Radio and Telecommunication Commission (CRTC), that adequate telecommunication service will be provided to the condominium, including 9-1-1 emergency calling service that identifies, at a minimum, the caller’s name and location information.
- (vi) That if the condominium is registered in phases, then the owner shall prepare and register an easement on title granting reciprocal rights-of-way over all properties to ensure vehicular and pedestrian access, all at his/her own expense, prior to the release of the final plan for registration, to the satisfaction of the City’s Manager of Transportation Planning.

5. Application for Approval of a Draft Plan of Condominium Conversion for Lands Located at 421 Whitney Avenue (Hamilton) (PED11074) (Ward 1) (Item 6.3)

That approval be given to **Condominium Conversion Application CDM-CONV-10-02, by Scenic Investments Limited**, to establish a Draft Plan of Condominium for 50 apartment units, located at 421 Whitney Avenue (Hamilton), as shown on the attached map marked as Appendix “A” to Report PED11074, subject to the following:

- (a) That this approval apply to the plan, as red-lined revised, prepared by A.T. McLaren Limited and certified by S.D. McLaren, O.L.S., dated June 25, 2010, showing a total of 50 residential apartment dwellings and 47 vehicular parking spaces, attached as Appendix “B” to Report PED11074.
- (b) That the following conditions shall apply to the Draft Plan of Condominium approval:
- (i) That the Final Plan of Condominium shall comply with all of the applicable provisions of the applicable Zoning By-law, to the satisfaction of the Manager of Development Planning.

- (ii) That the owner shall satisfy all conditions, financial or otherwise, of the City of Hamilton.
- (iii) That the owner shall submit a report in accordance with 9(4) of the Condominium Act, 1998, prepared and certified by a qualified Registered Professional Engineer or Licensed Architect, to the satisfaction of the Chief Building Official of the City of Hamilton, to confirm the structural and mechanical integrity of the building and any owner initiated measures required to correct any deficiencies prior to the release of the final plan for registration.
- (iv) That the owner shall include the following warning clause in all Development Agreements and Offers of Purchase and Sale or Lease/Rental Agreements:

“Purchasers/tenants are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels may exceed the Municipality’s and the Ministry of the Environment’s noise criteria.”
- (v) That the owner shall provide the Manager of Design and Construction with evidence that satisfactory arrangements, financial and otherwise, have been made with a telecommunications service provider, approved by the Canadian Radio and Telecommunications Commission (CRTC), that adequate telecommunication service will be provided to the condominium, including 9-1-1 emergency calling service that identifies, at a minimum, the caller’s name and location information.

6. Application for Amendments to the Hamilton-Wentworth Official Plan, Town of Ancaster Official Plan and Zoning By-law No. 87-57, for Lands Located at 623 Shaver Road (Ancaster) (PED11075) (Ward 12) (Item 6.4)

That the applications to Amend the Hamilton-Wentworth Official Plan, Ancaster Official Plan and Ancaster Zoning By-law No. 87-57, by Super Sucker Hydrovac Service, Owner, to permit a hydrovac excavation and manure/biosolids and nutrient management business on the subject lands located at 623 Shaver Road (Ancaster) be approved, on the following basis:

- (a) That Council deems the applications to be consistent with the policy statements issued under subsection 3 (1) of the Planning Act, and does not conflict with any applicable provincial plan or plans;
- (b) That Council deems the use to be agriculturally related, supports the agricultural community and is compatible with the surrounding land uses;

- (c) That staff be directed to prepare the appropriate documents for approval by Council; and
- (d) That the Official Plan Amendments and implementing By-law be held in abeyance until the applicant/owner has applied for and received, Site Plan Approval, including securities and details of a concrete containment structure with a collection system for the dewatering area for the hydrovac operations, within six months of the date of Council approval of Planning Committee Report 11-009.

7. Amendments to Schedule 25 (Taxi Cabs) of the Licensing By-law 07-170 (PED10063(c)) (City Wide) (Item 6.5)

- (a) That the annual approval process for new taxi plate owner licences be streamlined by:
 - (i) authorizing and directing staff to annually invite applications for new taxi plate owner licences from the next three persons on the Taxicab Priority List without requiring Council approval; and,
 - (iii) authorizing and directing staff to issue three new taxi plate owner licences annually, in accordance with the May 28, 2003, City Council direction that three new taxi plate owner licences be issued per year for ten years, to applicants who meet the requirements of the Licensing By-law without requiring Council approval.
- (b) That Schedule 25 (Taxi Cabs) of the Licensing By-law No. 07-170 be amended as detailed in the proposed amending by-law attached as Appendix "A" to Report PED10063(c);
- (c) That the item titled "ACPD Proposed Reforms to Taxi Licensing By-law" be removed from the General Issues Committee Outstanding Business List and added to the Planning Committee's Outstanding Business List;
- (d) That staff undertake a review of the accessible taxi service and report back to the Planning Committee; and,
- (e) That the amending by-law attached as Appendix "A" to Report PED10063(c), which has been prepared in a form satisfactory to the City Solicitor, be enacted.

8. Enforcement of the 12 Hour Parking By-law (PED11079) (City Wide) (Outstanding Business List Item) (Item 8.1)

- (a) That Report PED11079 (Enforcement of the 12 Hour Parking By-law) be received.
- (b) That staff be directed to provide a terms of reference for a pilot project which addresses the on-street 12 hour parking rule in Ward 1, and report back to Committee.

9. Community Based By-Law Enforcement Strategy Update (PED08263(a)) (City Wide) (Item 8.2)

That the updated By-law enforcement priority framework outlined in Appendix "A" to Report PED08263(a) be endorsed.

That the following be added as Item 10 to Planning Committee Report 11-009:

10. Ontario Municipal Board Hearing – PL100691 – Deanlee Management Inc./Chedoke Browlands (Item 12.1)

- (a) That the City Solicitor be instructed to appear before the Ontario Municipal Board in the matter of certain applications by Deanlee Management Inc. for the development of lands described as Part 57, Concession 2, City of Hamilton, as set out in report PED10116, and to advance the alternative development proposal prepared by MMM Group dated March 3, 2011;
- (b) That the City Solicitor be authorized to retain such outside expert assistance, including legal counsel, as may be required to implement recommendation (a), with funding for same to come from, firstly, existing budgets; secondly, from any corporate surpluses; and, thirdly, from the Tax Stabilization Reserve Fund;
- (c) That minor modifications to the said alternative plan and supporting planning instruments made or proposed during the hearing process for the purpose of scoping or removing issues from dispute may, where supported by the City's outside experts, be approved by the General Manager of Planning and Economic Development, in consultation with the City Solicitor;
- (d) That the staff information memo, dated May 3, 2011, in its entirety, shall remain confidential, and not be released to the public, with the exception of sheets 12.1(c) 12.1(d), 12.1(e) and 12.1(f).

FOR THE INFORMATION OF COUNCIL:**(a) CHANGES TO THE AGENDA (Item 1)**

The Clerk advised of the following changes to the agenda:

- Revised report 8.1 has been distributed. Revised report contains one additional paragraph on page 4.

On a Motion the agenda was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

Councillor Ferguson declared an interest in Item 6.5, as he is an investor in the taxi industry.

(c) APPROVAL OF MINUTES (Item 3)

The Minutes of the April 19, 2011 Planning Committee meeting were approved, as presented.

(d) DELEGATION REQUESTS (Item 4)

None

(e) Application for Approval of a Draft Plan of Condominium Conversion for Lands Located at 47-61 Lilacside Drive (Hamilton) (PED10136(a)) (Ward 7) (Item 6.1)

Chair Pasuta advised the meeting of the following, in accordance with the provisions of the Planning Act,

- a) 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 draft plan of condominium, 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.

- b) 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 draft plan of condominium 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.

On a Motion (Pearson/Clerk), Committee dispensed with the planner's presentation.

Timothy Lee was present to assist Committee.

The applicant's agent, George Zajac, IBI group, advised that he was in support of the staff recommendation.

No members of the public came forward to address the Committee.

On a Motion, the Public Meeting was closed.

Committee approved the staff recommendation.

(f) Application for Approval of a Draft Plan of Condominium Conversion for Lands Located at 27, 33, 39, 41 and 43 Herkimer Street (Hamilton) (PED11073) (Ward 2) (Item 6.2)

Chair Pasuta advised the meeting of the following, in accordance with the provisions of the Planning Act,

- a) 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 draft plan of condominium 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.
- b) 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 draft plan of condominium 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.

On a Motion (Pearson/Clark), Committee dispensed with the planner's presentation.

Delia McPhail was present to assist Committee.

The applicant's agent, George Zajac, IBI group, advised that he was in support of the staff recommendation.

No members of the public came forward to address the Committee.

On a Motion, the Public Meeting was closed.

Committee approved the staff recommendation.

(g) Application for Approval of a Draft Plan of Condominium Conversion for Lands Located at 421 Whitney Avenue (Hamilton) (PED11074) (Ward 1) (Item 6.3)

Chair Pasuta advised the meeting of the following, in accordance with the provisions of the Planning Act,

- a) 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 draft plan of condominium, 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.
- b) 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 draft plan of condominium 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.

On a Motion (Pearson/Clark), Committee dispensed with the planner's presentation.

Timothy Lee was present to assist Committee.

The applicant's agent, George Zajac, IBI group, advised that he was in support of the staff recommendation.

No members of the public came forward to address the Committee.

On a Motion, the Public Meeting was closed.

Committee approved the staff recommendation.

(h) Application for Amendments to the Hamilton-Wentworth Official Plan, Town of Ancaster Official Plan and Zoning By-law No. 87-57, for Lands Located at 623 Shaver Road (Ancaster) (PED11075) (Ward 12) (Item 6.4)

Chair Pasuta advised the meeting of the following, in accordance with the provisions of the Planning Act,

- a) 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 the official plan amendments are approved and the by-law is passed, 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.
- b) 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 the official plan amendments are approved and the by-law is passed 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.

On a Motion, Committee received the additional communications, from Ed Fothergill, the applicant's agent, and from Bob Lyons, 829 Book Road West, Ancaster.

Chris Bell was present to assist Committee and provided an overview of the application with the aid of a powerpoint presentation. His points included, but were not limited to, the following:

- proposal is for recognition of existing use on site, applications for Regional Official Plan and Ancaster Official Plan made in 2009, following complaint about the use, and visits to site by enforcement staff. Area of application is 2 hectares, total property is 33 hectares
- proposal is for Environmental Services and Super-Sucker
- staff consider that Environmental proposal, to recognize use of manure management, nutrient management, hauling and subsequent spreading of liquids is an acceptable use
- staff consider that Super-Sucker use does not comply with Provincial Policy Statement, intent of Regional or Local Plan, as it is not related to agriculture, not appropriate in prime agricultural area, is primarily an excavation business, appropriate in a Rural Business Park. This part of business has 8 trucks

- in review of application, staff visited the site and had detailed discussions with applicant and agent

The applicant's agent, Ed Fothergill, addressed Committee in support of the application and requested that the application be approved. His points included but were not limited to the following;

- complex application, hard to assess. Planning staff have said that Environmental can be supported, but not Super Sucker. But, business functions as one operation, serves off-site customers both urban and rural, too difficult to separate into two.
- Business started originally in 2000, originally entirely rural, and rural part of business is fastest growing
- Land use implications of both parts of business are the same, if half were stopped, nothing would change on site
- Applicants proposing a new building on site for added storage, trucks to be inside
- Recommended that Committee approve the Official Plan Amendments, then applicant would do a site plan, address landscaping and other issues.

Committee asked a number of questions of staff, and the agent, and additional information was provided, including but not limited to the following:

- no containment on site for water when washing trucks, concern that contaminated water may get to creek at rear of property, may contaminate site
- no biosolids stored on site
- Planning staff has no authority under Planning At to require a Site Plan application, although Committee could withhold planning approvals until applicant applies then receives a Site Plan approval.
- If the excavation part of the business is approved, not possible to regulate the number of trucks, although the specific uses can be specified in the by-law
- One building permit issued in 2001, for a pole barn.

Darren Bartels, owner of the business, addressed Committee. His points included, but were not limited to, the following:

- some slurry from hydraulic drilling is brought back to site, perhaps weekly, spread out to dry, then re-used
- no process for containment, no process for de-salinization of this material
- no Certificate of Approval required by MOE, and MNR has no jurisdiction respecting the use
- no manure storage on site, no mixing of biosolids or soils on site.

With the agreement of Committee, Mr. Fothergill spoke again and provided additional information, including the following:

- while no statutory authority for a site plan, owner would agree to do one, but wants this to be after the approval of the Official Plan Amendments and Zoning By-law.

In response to further questions from Committee, additional information was provided, including the following:

- property presently pays taxes at agricultural tax rates, if approved, would be re-assessed by MPAC
- containment facility, with concrete wall, could be one of conditions of site plan approval, together with leachate collection system.

Hank and Leonie Holzel, 563 Shaver Road, addressed Committee respecting the matter. Their concerns included, but were not limited to, the following:

- twenty year residents on street, have watched business grow from small operation to current size
- main problem is significant noise, day and evening, limits any enjoyment of backyard, no longer can sit in yard, now need to keep windows closed
- devastated by noise produced by business
- noise includes rock sorting into a metal bin, often till 9:00 pm
- too much noise to use their own pool, lights on all night, disturbance, countryside no longer quiet
- idling of trucks while being washed, is frequent, very noisy
- have told Mr. Bartels about noise, disappointed that Council have not taken steps to address problems
- operate own business on their property, but their trucks, vehicles are not noisy, no complaints from neighbours.

Don Lyons, 829 Book Road, Ancaster, addressed Committee. His points included, but were not limited to, the following:

- opposes part of application, has no problem with manure and biosolids part of business
- business has grown since it started, applicants must have known it was non-compliant
- speaker is a construction electrical, WHMIS trained, is concerned about environmental issues on site, particularly washing of trucks on site. Suggested trucks should be washed on site where they had worked
- asked if land could revert to agriculture if and when business ceases
- site has been non-compliant in terms of taxation for 15 years, City losing significant taxes here
- expressed concerns about biosolids as an issue in itself, questioned what was in these materials, they could include numerous harmful bacteria, chemicals, etc.

- noted Campbells, Gerbers do not allow any biosolids on their sites where food products are grown
- need for containment on site.

Greg Males, Bartels Environmental, addressed Committee. His points included, but were not limited to, the following:

- biosolids all come from municipal treatment plants, under Nutrient Management Act
- no mixing of product on site, no Certificate of Approval needed from MOE, no product ever brought to site
- trucks are require to idle when they are being washed down.

Committee agreed to hear from the agent and the applicant again. They provided additional information, including the following:

- have visited the Hanks recently, about the noise concerns, but have received no calls since then
- applicant committed to keep neighbours and neighbourhood happy
- noise issues can be addressed at site plan stage, if new building constructed, will improve the noise issues
- will deal with noise issue due to rocks, but no rock sorting on site
- limitation of hours, through planning approvals, could be difficult.

Wayne Bartels, 3302 Haldimand Road, York, addressed Committee. His points included, but were not limited to, the following:

- farming procedures have changed over the years, liquid manure now a fact of farming
- ran hay operation, has used Super Sucker at his farm numerous times to assist with blockages
- need for Super Sucker in neighbourhood, to assist farms.

On a Motion (Clark/Ferguson), the Public Meeting was closed.

Councillor Ferguson read his proposed Motion to approve the subject application, with an additional condition that the applicant must obtain site plan approval and include a containment structure on the site.

Councillor Ferguson noted that this was a difficult issue, particularly as applicants started out with no City approvals. But letters of support from prominent farmers, Butter and Cranston, received, and considered that approval is appropriate. He would like nothing to be dumped on site, and to control of hours of operation.

Paul Mallard noted that conditions of approval could be revised to include but approval of planning documents be held in abeyance for six months, during which time applicant would need to apply for site plan approval.

Councillor Ferguson requested that he, as Ward Councillor, be involved in the Site Plan process.

Staff agreed that they would consult with Legal Division respecting potential control of operating hours.

On a Motion, Committee approved the approval of the application, subject to specific conditions.

Councillor Clark requested his opposition be recorded.

(i) Amendments to Schedule 25 (Taxi Cabs) of the Licensing By-law 07-170 (PED10063(c)) (City Wide) (Item 6.5)

Chair Pasuta noted that the proposed change to the Licensing By-law had been advertised, as required, in the Hamilton Spectator.

Vince Ormond and Marty Hazell gave an overview of the staff recommendations.

Committee asked various questions of staff, and had further information provided, including but not limited to, the following:

- concern from Committee that staff proposing delegated authority for issuance of taxi licences. What happens if no agreement. Staff explained that applicant could go to Licensing Tribunal
- HST issue previously considered. Committee had directed a report back, but no report forthcoming/staff explained that meter rate in July 2010 was 14% higher than it should have been, situation evened out now
- Concern from Committee that proposal to withhold licences from next three people on list, until accessible taxis provided, but these people never told of accessibility requirements, unfair to change rules in mid-stream
- Recommendations respecting accessible taxis will come to Committee this Fall, prior to 2013, Committee will review how to proceed with accessibility issues
- Cost of conversion of taxis for accessibility is \$4-15,000 for retrofit, \$40-\$60,000 for new, accessible taxi
- Concern from Committee that drivers absorbing HST
- On Taxi Advisory Committee, there are 8 drivers, and 4 representatives from owners/brokers.
- three new taxi plates to be issued per year until 2013, and in early 2012, staff recommendations and strategy to be presented to GIC or Planning Committee

- accessible taxis are not necessarily vans
- other municipalities, such as Ottawa, are moving towards accessible taxis by 2025, Coburg and London are also working on converting their taxis
- Province will probably require accessible taxis, in future, concern that this may increase all rates, as all fares must be same.

Councillor Clark requested that staff provide a breakdown of the Taxi Advisory Committee to the Planning Committee.

The Chair asked the speakers who had registered with the Clerk's Office to come forward and address Committee.

The following persons involved in the taxi industry addressed Committee and expressed concerns about the report and the taxi industry in Hamilton:

- Ejaz Butt, President of Taxi Workers' Union'
- Rafat
- Bhajan Singh – General Secretary of Ontario Taxi Workers' Union
- Kalous Kaloustian
- Dan Ford (his letter read by James MacArthur)
- Larry Roberge

Concerns included, but were not limited to, the following:

- consider scrapping the priority list
- need Provincial assistance to convert cabs
- reasonable timeframe for accessibility is 2020
- should be no increase in fares
- taxi workers want a say in future changes
- rules from City should be fair to brokers/owners/drivers
- need for living wage for drivers
- need to enforce existing by-law
- not all taxis should be vans, difficult for seniors to access
- need to consider issues of accessibility, conversion and plate issuance carefully, to come up with right recommendations
- issue of cost of conversion/provision of new accessible vehicles needs consideration
- want high level of service, and want all drivers to be treated fairly, and to work in safety.

Aznive Mallet addressed Committee, as a user of accessible vehicles. Her points included, but were not limited to, the following:

- uses DARTS, has own van, uses taxis as well
- present system does not meet needs of disabled people
- wants to be able to ride a taxi, pay same rates as other users, now has to book ahead and pay a premium
- suggestion 20% of City taxis should be accessible by 2013, 100% by 2020

- requested delay of 3 licences this year, want a group to review this, need equity as part of overall review, need to ensure that prior to new rules coming into force, industry understands and accepts rules
- asked that City not enforce rules respecting premiums for picking up handicapped passengers, as this will eliminate service. Requested City wait until accessible taxis are available.

Mr. Hazell explained that the proposed staff review would look at all issues, 400 licences cabs, include consideration of DARTS and their financial structure, type of vehicles, fare structure.

No other speakers came forward to address Committee.

On a Motion (Pearson/Whitehead), the public portion of the meeting was closed.

On a Motion (Whitehead/Pearson), Committee approved an amendment to the staff recommendation, in order to permit the issuance of three taxi licences this year.

Committee then approved staff recommendation, as amended.

(j) Enforcement of the 12 Hour Parking By-law (PED11079) (City Wide) (Outstanding Business List Item) (Item 8.1)

Councillor McHattie was present to speak in favour of a pilot project in his Ward, whereby staff would delay responding to 12 hour parking complaints. This would provide additional time for residents wishing to park on-street for longer time periods.

The following amendment was made by Councillor Collins, seconded by Councillor Whitehead:

- (c) That staff and the Ward Councillor work on a pilot project to allow longer on-street parking in Ward 1, and report back to Committee.

The amendment lost on a tie vote.

Committee then approved the staff recommendation.

(k) Community Based By-Law Enforcement Strategy Update (PED08263(a)) (City Wide) (Item 8.2)

Committee discussed the matter, and staff provided further details.

Committee approved the staff recommendation

(l) MOTIONS (Item 9)

None

(m) NOTICES OF MOTION (Item 10)

None

(n) GENERAL INFORMATION (Item 11)

(i) Outstanding Business List Items (Item 11.1)

- (a)** Dutch Mill Country Market, Millgrove Side Road
Due date: April 19 2011
Proposed new date: to be determined at Meeting

On a Motion, Committee agreed that the new Public Meeting would take place on August 8, 2011.

(ii) News from the General Manager (Item 11.2)

Mr. McCabe provided Committee with information, including but not limited to, the following:

- a rezoning will be needed for the rebuilding of Ivor Wynne Stadium, respecting the setbacks and height of the stadium. The Public Meeting is proposed for August 8, 2011
- on June 7, 2011, Planning will bring forward a report respecting appeals on the Urban Official Plan.

(iii) Removal of items from the Outstanding Business List

On a Motion, the following items were removed from the Outstanding Business List;

- (a)** Wrong Way Parking (PED11067) (City Wide) (Outstanding Business List Item) (Item 5.1)

- (b) Carbon Monoxide Detectors (PED11078) (City Wide) (Outstanding Business List Item) (Item 5.2)
- (c) Enforcement of the 12 Hour Parking By-law (PED11079) (City Wide)

(o) PRIVATE AND CONFIDENTIAL (Item 12)

Ontario Municipal Board Hearing – PL100691 – Deanlee Management Inc/Chedoke Browlands (Item 12.1)

That Item (o) respecting Ontario Municipal Board Hearing – PL100691 – Deanlee Management Inc/Chedoke Browlands be lifted from the Information Section of Planning Committee Report, and added as Item 10

On a Motion, Committee moved into Closed Session, at 1:45 pm, to consider one item which is before the OMB and subject to Section 8.1(e) of the City's Procedural By-law and Section 239 of the Ontario Municipal Act as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals affecting the City, with regard to the OMB hearing for Deanlee Management Inc/Chedoke Browlands.

The Chair advised the public that while they were required to leave the Chambers for the consideration of this item, they were welcome to return, when Committee had finished their Closed Session discussions.

On a Motion, Committee reconvened in open session at 2:30 pm.

The Chair advised the audience that Committee had met in Closed Session to receive advice from legal counsel respecting the OMB Hearing on Deanlee Management Inc/Chedoke Browlands. There was nothing further to report at this time.

(p) ADJOURNMENT (Item 13)

On a Motion, the meeting adjourned at 2:45 pm.

Respectfully submitted

Robert Pasuta, Chair
Planning Committee

Alexandra Rawlings
Co-ordinator
May 3, 2011