



PLANNING COMMITTEE

REPORT 12-014

9:30 am

Tuesday, September 18, 2012

Council Chambers

Hamilton City Hall

71 Main Street West

Present: Councillors B. Clark (Chair), J. Farr (1st Vice Chair), B. Johnson (2nd Vice Chair), C. Collins, J. Partridge, R. Pasuta, M. Pearson and T. Whitehead

Absent with Regrets: Councillor L. Ferguson

Also Present: Councillor B. McHattie
Councillor B. Morelli

THE PLANNING COMMITTEE PRESENTS REPORT 12-013 AND RESPECTFULLY RECOMMENDS:

1. Donation Boxes (PED12175) (City Wide) (Item 8.5)

- (a) That the 12 month pilot project approved by City Council on April 25, 2012, to address illegal dumping across the City be expanded to include monitoring and progressive enforcement of illegal dumping around donation boxes;
- (b) That an educational and awareness campaign with respect to donation boxes be approved which includes:
 - (i) development of a webpage and Cable 14 video providing to the public:
 - (1) advice on how to report box locations and illegal dumping around donation boxes;
 - (2) a list of known donation box locations;

- (3) information about donation boxes including that they may not always be operated by charitable organizations and that any/all proceeds from donations may not be going to charities.
 - (ii) delivering letters to all known private property owners who permit donation boxes on their property informing them of possible consequences to them, including charges, for not complying with all applicable by-laws;
 - (iii) delivering letters to all donation box operators informing them of their responsibilities and the consequences, including charges, of not complying with City by-laws.
- (c) That staff report back on the results of the additional monitoring and enforcement of donation boxes as part of the illegal dumping pilot project.

2. Request to Designate 437 Wilson Street East (Ancaster) Under Part IV of the Ontario Heritage Act (PED12166) (Ward 12) (Item 5.1)

- (a) That Council direct staff to carry out a Cultural Heritage Assessment of 437 Wilson Street East (Ancaster) to determine whether the property is of sufficient cultural heritage value or interest to warrant designation under Part IV of the Ontario Heritage Act;
- (b) That Council include 437 Wilson Street East (Ancaster) 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) of Report PED12166; and that staff make appropriate amendments to the Register of Property of Cultural Heritage Value or Interest;
- (c) That if 437 Wilson Street East (Ancaster) 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 high priority, and be added to staff's work plan for completion in 2013, as per Appendix "F" to Report PED12166;
- (e) That Report PED12166 be forwarded to the Hamilton Municipal Heritage Committee for information and consultation prior to the Council approved

inclusion of 437 Wilson Street East (Ancaster) in the Register of Property of Cultural Heritage Value or Interest;

- (f) That Report PED12166 be forwarded to the owner of 437 Wilson Street East (Ancaster) for information.

3. Appeals to the Ontario Municipal Board on the City of Hamilton's Refusal or Neglect to Adopt Amendments to the City of Stoney Creek Official Plan and Zoning By-law and Approve a Draft Plan of Subdivision Known as "Foothills of Winona - Phase 2" for Lands Located at 339 and 347 Fifty Road and 1317 and 1329 Barton Street (Stoney Creek) (PED12170) (Ward 11) (Item 5.2)

That Report PED12170, Appeals to the Ontario Municipal Board on the City of Hamilton's Refusal or Neglect to Adopt Amendments to the City of Stoney Creek Official Plan and Zoning By-law and Approve a Draft Plan of Subdivision Known as "Foothills of Winona - Phase 2" for Lands Located at 339 and 347 Fifty Road and 1317 and 1329 Barton Street (Stoney Creek), be received.

Report PED12169, Application for an Amendment to Stoney Creek Zoning By-law No. 3692-92 for the Property Located at 455 Jones Road, was referred to the September 26, 2012 meeting of Council for consideration, as follows:

4. Application for an Amendment to Stoney Creek Zoning By-law No. 3692-92 for the Property Located at 455 Jones Road (Stoney Creek) (PED12169) (Ward 11) (Item 6.1)

That approval be given to **Amended Zoning Application ZAC-11-022, by 1794757 Ontario Inc., c/o Matthew Manzella, Owner**, for a change in zoning to Stoney Creek Zoning By-law No. 3692-92 from the Single Residential "R1" Zone to the Multiple Residential "RM3-44" Zone, with a Special Exception, in order to permit 6 single detached dwellings on a condominium roadway, as shown on Appendix "A" to Report PED12169, on the following basis:

- (a) That the draft By-law, attached as Appendix "B" to Report PED12169, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the changes in zoning conform to the Hamilton-Wentworth Official Plan and the Stoney Creek Official Plan.

Report PED10063(e), Accessible Taxicab Licensing, was referred to the September 26, 2012 meeting of Council for consideration, as follows:

5. Accessible Taxicab Licensing (PED10063(e)) (City Wide) (Item 8.2)

- (a) That, in addition to issuing three standard taxicab plates in 2012, 2013 and 2014, as required by Schedule 25 of By-law 07-170, the following be approved:
- (i) in 2013, 16 accessible taxicab plates be issued first to individuals on the taxicab priority list and, secondly, if any accessible taxicab licences remain, to members of the public; and,
 - (ii) in 2014, if any accessible taxicab licences remain from 2013, and if the taxicab to population ratio in Schedule 25 of By-law 07-170 continues to warrant the issuance of additional plates, accessible taxicab plates be issued up to the deficiency of the shortfall, first to individuals on the taxicab priority list then to members of the public,
- (b) That vehicles operating, but not licensed, as accessible taxicabs as of the date of Report PED10063(e), be offered a one-time amnesty and be issued a three-year temporary accessible taxicab licence, provided that:
- (i) the owner contacts the Issuer of Licences and confirms the Vehicle Identification Number within 30 days of this recommendation being approved by Council; and,
 - (ii) the owner satisfies the Issuer of Licences that the vehicle complies with the Schedule and By-law within 60 days of this recommendation being approved by Council.
- (c) That staff be directed to prepare a Request For Proposals (RFP) to hire a consultant, to be funded from the Tax Stabilization Reserve (110046) not to exceed \$100,000, to conduct a review of the taxicab industry in Hamilton, including stakeholder consultation and recommended options on:
- (i) complying with the Accessibility for Ontarians with Disabilities Act, 2005 and its regulations;
 - (ii) issuing taxicab plates in 2015, and subsequent years when the current requirement under Schedule 25 of Licensing By-law 07-170 to issue three plates per year expires; and,
 - (iii) taxi trip rates.

- (d) That a by-law amendment to Licensing By-law 07-170, including Schedule 25, be prepared, in a form satisfactory to the City Solicitor, and enacted by Council to:
 - (i) implement recommendations (a) and (b) of Report PED10063(e); and
 - (ii) update the reference to the Provincial regulation setting accessible vehicle standards to Regulation 629 of the Revised Regulations of Ontario, 1990 (Vehicles for the Transportation of Physically Disabled Persons) made under the Highway Traffic Act.
- 6. Request to Designate the Mineral Springs Road Area as a Heritage Conservation District (Ancaster) (PED12149) (Wards 12 and 14) (Item 8.6)**
- (a) That staff be directed to refer the Mineral Springs Road area of the Dundas Valley, as shown on Appendix "A" to Report PED12149, to the Heritage Landscape Study for consideration as a cultural heritage landscape.
 - (b) That the Mineral Springs Road area not be considered for designation as a Heritage Conservation District at this time.

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

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

DELEGATION REQUESTS

- 4.3 Delegation Request from Marc Nanthakumar respecting item 8.5 Donation Boxes (PED12175) (City Wide) (For Today's Meeting)
- 4.4 Delegation Request from Roger Francoeur respecting item 8.2 Accessible Taxicab Licensing (PED10063(e)) (City Wide) (Verbal) (For Today's Meeting)

PUBLIC HEARINGS AND DELEGATIONS

- 6.1 Application for an Amendment to Stoney Creek Zoning By-law No. 3692-92 for the Property Located at 455 Jones Road (Stoney Creek) (PED12169) (Ward 11)

Correspondence

- (i) Al Clark

DISCUSSION ITEMS

8.1 Regulation of Rental Housing (PED10049(h)) (City Wide)

Correspondence

- (i) Russell Adams and Anna Piskorowski-Adams

The Agenda for the September 18, 2012 meeting of the Planning Committee was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

Councillor Pearson declared an interest in item 8.1, Regulation of Rental Housing (PED10049(h)) (City Wide), as she is involved in the rental housing industry.

(c) APPROVAL OF MINUTES (Item 3)

(i) September 5, 2012

The Minutes of the September 5, 2012 Planning Committee meeting were approved.

(d) DELEGATION REQUESTS (Item 4)

(i) Delegation Request from Megan Platts respecting item 8.1, Regulation of Rental Housing (PED10049(h)) (City Wide) (Item 4.1)

The delegation request from Megan Platts on behalf of Cameron Nolan, respecting item 8.1, Regulation of Rental Housing, was approved for today's meeting.

(ii) **Delegation Request from Hamilton Habitat for Humanity respecting Section 37 of the Planning Act – Affordable Housing as a Community Benefit (Item 4.2)**

The delegation request from Hamilton Habitat for Humanity, respecting Section 37 of the Planning Act – Affordable Housing as a Community Benefit, was approved for a future meeting.

(iii) **Delegation Request from Marc Nanthakumar respecting item 8.5 Donation Boxes (PED12175) (City Wide) (Item 4.3)**

The delegation request from Marc Nanthakumar, respecting item 8.5, Donation Boxes, was approved for today's meeting.

(iv) **Delegation Request from Roger Francoeur respecting item 8.2 Accessible Taxicab Licensing (PED10063(e)) (City Wide) (Item 4.4)**

The delegation request from Roger Francoeur, respecting item 8.2, Accessible Taxicab Licensing, was approved for today's meeting.

Item 8.1, Regulation of Rental Housing (PED10049(h)) (City Wide), was brought forward to be dealt with at this time.

Regulation of Rental Housing (PED10049(h)) (City Wide) (Item 8.1)

Marty Hazell, Senior Director, Parking and By-law Services, provided background information respecting the report.

Joe Xamin, Manager, Operational Strategies, provided an overview of the report with the aid of a PowerPoint presentation. A copy of the presentation has been included in the public record.

The staff presentation respecting report PED10049(h), Regulation of Rental Housing, was received.

Public Speakers

(aa) Cameron Nolan

Mr. Nolan, President of the Realtors Association of Hamilton-Burlington, expressed concerns regarding enforcement and compliance.

(bb) Arun Pathak

Mr. Pathak expressed concerns over added fees to renters to cover costs increases caused by licensing fees.

(cc) Ron Tomlin

Mr. Tomlin expressed concerns over safety, property standards and fire codes as well as by-law changes to ensure properties are up to standard which is very expensive and it would be passed on to the tenants.

(dd) Jordan Newman

Mr. Newman expressed concerns that implementing a licensing fee for rental housing would be seen as another form of tax and how this fee would be perceived by outside investors.

(ee) Larry Hulibets

Mr. Hulibets expressed concerns over trying to find balance of rights and responsibilities and where is that line established.

(ff) Paul Martindale

Mr. Martindale expressed concerns over added fees to renters to cover costs increases caused by licensing fees.

(gg) Joseph Sepakowski

Mr. Sepakowski expressed concerns over finding alternative methods to encourage landlords to seek compliance.

(hh) Ruth Lewis

Ms. Lewis expressed concerns over enforcement and cost recovery

(ii) Augie Ammendolia

Mr. Ammendolia expressed concerns over cost recovery and updating to proper standards.

The public presentations and public submissions respecting report PED10049(h), Regulation of Rental Housing, was received.

The recommendations were amended by deleting the words, “the Planning Committee for approval by November 2012” and replacing with “a Special Public Meeting of the Planning Committee to be held before December 15, 2012 and that the report be released to the public one week prior to the public meeting”, and to add a new subsection (d), to read as follows:

- (a) That the concept of licensing rental housing in low-density buildings, as detailed in Report PED10049(h), be received;
- (b) That staff be directed to prepare comprehensive recommendations, a draft by-law amendment and cost-recovery analysis to be presented to a Special Public Meeting of the Planning Committee to be held before December 15, 2012 and that the report be released to the public one week prior to the public meeting;
- (c) That all future reports related to the Vital Services By-law be submitted to the Planning Committee with notification provided to the Emergency and Community Services Committee;
- (d) That staff report back to the Special Public meeting of the Planning committee with a comprehensive report on proactive enforcement:
 - (i) Rentals/Singles;
 - (ii) Any limitations within the Landlord Tenancy Act as to whether or not a landlord can apply licensing and inspection fees to a tenant’s rent;
 - (iii) Does the tribunal have authority to enforce non-compliant landlords to live in non-compliant units;
 - (iv) report on the City of Waterloo’s successes and issues;
 - (v) Reconsider our residential care facilities by-law with rental licensing by-law;
 - (vi) Feasibility of utilizing a longer compliance order;
 - (vii) Review fire codes pursuant to current technology;
 - (viii) Constitutional use of the rental licensing by-laws as means to gain access without search warrant through justice of the peace.

Item 8.5, Donation Boxes (PED12175) (City Wide), be brought forward to be dealt with at this time.

Donation Boxes (PED12175) (City Wide) (Item 8.5)

Marty Hazell, Senior Director, Parking and By-law Services, provided background information respecting the report.

Public Speakers

(aa) Tony Jenco

Mr. Jenco, on behalf of DYN Exports Inc., with the aid of speaking notes. A copy of the speaking notes has been included in the public record.

The public presentation respecting report PED112175, Donation Boxes, was received.

For disposition on this Item, refer to item 1.

(e) PUBLIC HEARINGS AND DELEGATIONS (Item 6)

(i) **Application for an Amendment to Stoney Creek Zoning By-law No. 3692-92 for the Property Located at 455 Jones Road (Stoney Creek) (PED12169) (Ward 11) (Item 6.1)**

(i) **Correspondence from Al Clark**

In accordance with the provision of the Planning Act, Chair B. Clark 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.

Greg Macdonald, Senior Planner, provided an overview with the aid of a PowerPoint presentation. A copy of the presentation has been included in the public record.

The staff presentation respecting PED12169, Application for an Amendment to Stoney Creek Zoning By-law No. 3692-92 for the Property Located at 455 Jones Road, was received.

Public Speakers

(aa) Ken Chartrand – 50 Cove Cr., Hamilton ON L8E 5A4

Mr. Chartrand expressed concerns with the proposed development regarding traffic, the height and the sound barrier (wood fence).

The public hearing respecting PED12169, Application for an Amendment to Stoney Creek Zoning By-law No. 3692-92 for the Property Located at 455 Jones Road, was closed.

The public presentations and public submissions respecting PED12169, Application for an Amendment to Stoney Creek Zoning By-law No. 3692-92 for the Property Located at 455 Jones Road, was received.

Greg Poole, agent, provided an overview of the application.

The agent's presentation respecting PED12169, Application for an Amendment to Stoney Creek Zoning By-law No. 3692-92 for the Property Located at 455 Jones Road, was received.

The following motion was defeated:

That zoning by-law #3692-92 for the property located at 455 Jones Road (Stoney Creek) (PED12169) Ward 11, be denied on the basis of:

- (i) Not compatible;
- (ii) Over intensification;
- (iii) Not orderly development;
- (iv) Safety issues (29 cars).

Report PED12169, Application for an Amendment to Stoney Creek Zoning By-law No. 3692-92 for the Property Located at 455 Jones Road, was tabled to September 26, 2012 meeting of Council.

For disposition on this Item, refer to item 4.

(f) DISCUSSION ITEMS (Item 8)**(i) Accessible Taxicab Licensing (PED10063(e)) (City Wide) (Item 8.2)**

Marty Hazell, Senior Director, Parking and By-law Services, provided background information respecting the report.

Al Fletcher, Manager, Licensing and Permits, provided an overview of the report.

The staff presentation respecting report PED10063(e), Accessible Taxicab Licensing, was received.

Public Speakers**(aa) Roger Francoeur**

Mr. Francoeur expressed concerns over whether or not he would receive his plate.

(bb) Steve Jones

Mr. Jones expressed concerns over equality for accessibility as well as costs of conversion.

(cc) Ejaz Butt

Mr. Butt expressed concerns over the licensing of plates.

(dd) Rifat Dyrnishi

Mr. Dyrnishi expressed concerns over the licensing of plates.

The public presentations and public submissions respecting report PED10063(e), Accessible Taxicab Licensing, was received.

Report PED10063(e), Accessible Taxicab Licensing, was referred to September 26, 2012 meeting of Council.

For disposition on this Item, refer to item 5.

(ii) Review of Denied Application ZAR-11-034 for Lands Known as 121 Augusta Street (Hamilton) (PED12002(a)) (Ward 2) (Item 8.3)

The following motion was defeated:

- (a) That Report PED12002(a) be presented to the Ontario Municipal Board as the City's written recommendations further supporting the Denial of ZAR-11-034 for 121 Augusta Street (Hamilton) given the proposal, as intended, would entrench an undesirable institutional use in an area of Hamilton intended for residential development and, as such, the proposal does not conform to the Hamilton Official Plan and Urban Hamilton Official Plan, and does not represent good planning.
- (b) That the information contained in Report PED12002(a) be endorsed and the City of Hamilton's position on the denied Application ZAR-11-034 for 121 Augusta Street be reaffirmed with respect to its previous decision.

The following motion was defeated:

That Report PED12002(a), Review of Denied Application ZAR-11-034 for Lands Known as 121 Augusta Street (Hamilton), be received.

(iii) Hess Village Paid Duty Program (PED12142) (Ward 2) (Item 8.4)

(aa) Correspondence from the Hamilton Police Service

- (a) The report was referred back for further consultation with the ward Councillor to allow for more time to answer question discussed in Councillor Farr's motion put forward at the December 6, 2011 meeting of the Planning Committee;
- (b) The police are to report back to the Planning Committee on how many charges have been laid by paid duty officers since the program's inception.

(g) GENERAL INFORMATION AND OTHER BUSINESS (Item 11)**(i) Outstanding Business List Amendments (Item 11.1)**

The following Outstanding Business List due dates were revised:

- (aa) Item N: Racing Pigeons
Current Due Date: September 18, 2012
Proposed Due Date: December 4, 2012
- (bb) Item O: Urban Chickens
Current Due Date: September 18, 2012
Proposed Due Date: December 4, 2012

The following item was removed from the Outstanding Business List:

- (a) Item G: Mineral Springs Road

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

The General Manager provided updates of current events and initiatives within the department.

(h) PRIVATE AND CONFIDENTIAL (Item 12)**(i) Closed Session Minutes – September 5, 2012 (Item 12.1)**

The Closed Session Minutes of the June 19, 2012 meeting of the Planning Committee were approved, as presented, and are to remain confidential and restricted from public disclosure.

(ii) Urban Hamilton Official Plan Proposed Settlements and Legal Direction (LS12024) (Item 12.2)

Item 12.2, Urban Hamilton Official Plan Proposed Settlements and Legal Direction (LS12024), was referred to the in camera portion of the September 26, 2012 meeting of Council.

(i) ADJOURNMENT

There being no further business, the Planning Committee adjourned at 7:41 p.m.

Respectfully submitted,

Councillor B. Clark
Chair, Planning Committee

Vanessa Robicheau
Legislative Coordinator
Office of the City Clerk