Present: Chair T. Whitehead  
Councilors: B. Bratina, B. Clark, S. Duvall, L. Ferguson, B. McHattie, D. Mitchell, R. Pasuta M. Pearson,  

Staff Present: T. McCabe, General Manager – Planning and Economic Development 
S. Stewart, General Manager - Public Works 
D. Fisher – Legal Services 
A. Rawlings, Co-ordinator, I. Bediou - City Clerk’s Office 

THE ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE PRESENTS REPORT 08-022 AND RESPECTFULLY RECOMMENDS: 

1. **Demolition Permit – 174 Mountain Park Avenue and 10 Summit Avenue (PD03160(b)) (Ward 7) (Item 5.1)**

   That the conditions for demolition of 174 Mountain Park Avenue and 10 Summit Avenue, as set out in the Council resolutions dated August 13, 2003 and November 28, 2007, be extended for a further one year period such that the requirement to substantially complete the new building be amended from three years to four years in accordance with By-Law 08-226 and pursuant to the authority given to Council for such extensions per Section 33 of The Planning Act as amended.

2. **Contractual Parking Enforcement Billing Rates for 2009-2012 (PED08004(a)) (City Wide) (Item 5.2)**

   That the Director of Parking and By-law Services and/or designate be authorized and directed to execute a new billing rate agreement with the Canadian (Corps) Council – November 26, 2008
of Commissionaires (Hamilton), in a form satisfactory to the City Solicitor, for the
 provision of parking enforcement services for 2009 through 2011, with 2012 as an option year at the City’s discretion, in accordance with Billing Rates shown in Appendix “A” to Report PED08004(a).

3. **Correspondence from Ministry of Municipal Affairs and Housing – Final Criteria for Growing the Greenbelt (PED08108(a)) (Item 5.3)**

(a) That Report PED08108(a), Correspondence from Ministry of Municipal Affairs and Housing – Final Criteria for Growing the Greenbelt, be received for information;

(b) That the relevant item be removed from the Outstanding Business List.

4. **Hamilton Community Heritage Fund Loan Program Application for 153 St. Clair Avenue, Hamilton (St. Clair Avenue Heritage Conservation District) (PED08264) (Ward 3) (Item 5.4)**

That approval be given to **Hamilton Community Heritage Fund Loan Program Application (HCHF 2008-002)**, for property located at 153 St. Clair Avenue, Hamilton, as shown on Appendix “A” to Report PED08264, subject to the following:

(a) That a loan commitment of $15,000 be approved, in accordance with the terms and conditions of the Hamilton Community Heritage Fund Loan Program for structural repairs to the front porch and masonry repointing, as approved under Heritage Permit Applications HP2008-019 and HP2008-028.

(b) That the Mayor and Clerk be authorized and directed to execute the loan agreement and security documentation with respect to (a), in a form satisfactory to the City Solicitor.

(c) That the General Manager of the Planning and Economic Development Department be authorized to amend the loan agreement, provided that the terms and conditions of the Hamilton Community Heritage Fund Loan Program are maintained.

(d) That the applicant shall comply with the conditions of Heritage Permits HP2008-019 and HP2008-028, as approved by the Director of Planning, as advised by the Heritage Permit Review Sub-committee of the Hamilton Municipal Heritage Committee.
5. **Demolition Permit – 23 Province Street North (PED08272) (Ward 4) (Item 5.5)**

That the Director of Building Services be authorized and directed to issue a demolition permit for 23 Province Street North in accordance with By-Law 08-226 pursuant to Section 33 of The Planning Act, as amended, subject to the following conditions:

(a) That the applicant has applied for and received a building permit for a replacement building on this property; and,

(b) That the said building permit specifies that the replacement building be erected within two years of the demolition of the existing building on this property; and,

(c) That the said building permit for the replacement building specifies if such replacement building is not erected within the said two year time limit, that the City be paid the sum of $20,000; and, the applicant be required to register on title to the subject property (prior to issuance of the said demolition permit), notice of these conditions (including the directions to the City Clerk outlined in sub-section (d)) in a form satisfactory to the acting Director of Building and Licensing and to the Director of Legal Services and Corporate Counsel; and,

(d) That the applicant be required to register on title to the subject property (prior to issuance of the said demolition permit), notice of these conditions (including the directions to the City Clerk outlined in sub-section (e)) in a form satisfactory to the Director of Building Services and to the City Solicitor; and,

(e) That if the said replacement building is not erected as required, the City Clerk be authorized to add the said sum, until payment thereof, as a lien or charge upon the property until paid.

6. **Demolition Permit – 20 Trillium Avenue (Stoney Creek) (PED08273) (Ward 11) (Item 5.6)**

That the Director of Building Services be authorized and directed to issue a demolition permit for 20 Trillium Avenue (Stoney Creek) in accordance with By-Law 08-226 pursuant to Section 33 of The Planning Act, as amended, subject to the following conditions:
(a) That the applicant has applied for and received a building permit for a replacement building on this property; and,

(b) That the said building permit specifies that the replacement building be erected within two years of the demolition of the existing building on this property; and,

(c) That the said building permit for the replacement building specifies if such replacement building is not erected within the said two year time limit, that the City be paid the sum of $20,000; and, the applicant be required to register on title to the subject property (prior to issuance of the said demolition permit), notice of these conditions (including the directions to the City Clerk outlined in sub-section (d)) in a form satisfactory to the acting Director of Building and Licensing and to the Director of Legal Services and Corporate Counsel; and,

(d) That the applicant be required to register on title to the subject property (prior to issuance of the said demolition permit), notice of these conditions (including the directions to the City Clerk outlined in sub-section (e)) in a form satisfactory to the Director of Building Services and to the City Solicitor; and,

(e) That if the said replacement building is not erected as required, the City Clerk be authorized to add the said sum, until payment thereof, as a lien or charge upon the property until paid.

7. Demolition Permit – 1094 Wilson Street East (Ancaster) (PED08274) (Ward 12) (Item 5.7)

That Report PED08274 respecting Demolition Permit – 1094 Wilson Street East (Ancaster) be TABLED to allow the applicant to consult with his Ward Councillor.

8. Demolition Permit – 92 Lakeview Drive (Stoney Creek) (PED08275) (Ward 10) (Item 5.8)

That the Director of Building Services be authorized and directed to issue a demolition permit for 92 Lakeview Drive (Stoney Creek) in accordance with By-Law 08-226 pursuant to Section 33 of The Planning Act as amended.
9. Demolition Permit – 94 Lakeview Drive (Stoney Creek) (PED08276) (Ward 10) (Item 5.9)

That the Director of Building Services be authorized and directed to issue a demolition permit for 94 Lakeview Drive (Stoney Creek) in accordance with By-Law 08-226 pursuant to Section 33 of The Planning Act as amended.

10. City of Hamilton Purchase of Block 62, Plan 62M-1002, 0 Braithwaite Avenue, Ancaster, From Edward Young Morwick (PED08281) (Ward 12) (Item 5.10)

(a) That the City purchase of a remnant woodlot within Marshall Estates Subdivision from the property owner, Edward Young Morwick, described as Block 62 of Plan 62M-1002, known municipally as 0 Braithwaite Avenue, in the former Township of Ancaster, as shown on Appendix “A” to Report PED08281, be approved and completed, and the nominal purchase price of $2.00 be charged to Account No. 59259-3560150100 (Property Sales and Purchases).

(b) That as consideration, the amount of $2.00, paid to the owner pursuant to the agreement, be deducted from the purchase price.

(c) That the Mayor and City Clerk be authorized and directed to execute any necessary documents, in a form satisfactory to the City Solicitor, and that any Legal Services expenses or other administrative expenses be charged to Account No. 59259-3560150100 (Property Sales and Purchases).

11. Demolition Permit – 10 Goulding Avenue (PED08300) (Ward 8)(Added Item 5.11))

That the Director of Building Services be authorized and directed to issue a demolition permit for 10 Goulding Avenue in accordance with By-Law 08-226 pursuant to Section 33 of The Planning Act as amended.

12. Lynda Zugec, The Workforce Consultants, respecting future partnerships between Hamilton businesses and graduate students (Item 6.1)

That the presentation be received and that staff be directed to meet with Lynda Zugec of The Workforce Consultants to discuss her proposal respecting future partnerships between Hamilton businesses and graduate students.
13. City Initiative for an Official Plan Amendment to Reduce the Planned Road Width of Trinity Church Road Within the Rymal Road Secondary Plan (PED08250) (Ward 11) (Item 6.2)

That approval be given to City Initiative CI-08-K, for Official Plan Amendment No.____, to permit a reduced planned road width from 36 metres to 26 metres, for the portion of Trinity Church Road that falls within the Rymal Road Secondary Plan Area, as shown on Appendix “A” to Report PED08250, on the following basis:

(a) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED08250, be adopted by City Council.

(b) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement and conforms to the Hamilton-Wentworth Official Plan.

14. Application for a Change in Zoning for the Lands Located at 20 Dundurn Street South (Hamilton) (PED08266) (Ward 1) (Item 6.3)

That approval be given to Zoning Application ZAC-08-035, by Loblaw Properties Limited, Owner, for a change in zoning from the “D” (Urban Protected Residential - One and Two Family Dwellings, etc.) District, to the “G-3” (Public Parking Lots) District, to permit the creation of 9 additional parking spaces to be added to the existing Fortino’s parking lot, for lands located at 20 Dundurn Street South, as shown on Appendix “A” to Report PED08266, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED08266, which has been prepared in a form satisfactory to the City Solicitor, not be forwarded to Council for enactment until the Owner applies for and receives Site Plan approval, to the satisfaction of the Manager of Development Planning.

(b) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan and the Hamilton Official Plan.

15. Application to Amend the Town of Ancaster Zoning By-law No. 87-57 for Property Located at 1194 Scenic Drive (Ancaster) (PED08267) (Ward 12) (Item 6.4)

That Report PED08267 respecting Application to Amend the Town of Ancaster Zoning By-law No. 87-57 for Property Located at 1194 Scenic Drive be TABLED until the next Committee meeting in order to allow the Ward Councillor to meet
with the neighbour whose property is located south of the proposed development, the applicant and staff.

16. **Application to Amend the Hamilton Zoning By-law, for Property Located at 615-647 Rymal Road East to Permit 69 Block Townhouse Units (PED08265) (Ward 7) (Item 6.5)**

That Report PED08265 respecting Application to Amend the Hamilton Zoning By-law, for Property Located at 615-647 Rymal Road East to Permit 69 Block Townhouse Units be TABLED for at least one month in order to allow the Ward Councillor to consult with staff and the applicant.

17. **Building a Creative Catalyst (PED08280) (City Wide) (Item 7.1)**

(a) That staff be authorized and directed to investigate collaborative opportunities with the Imperial Cotton Centre for the Arts for the purpose of identifying Cultural Industry based projects within Arts and Culture development projects in Hamilton.

(b) That staff be authorized to develop a terms of reference to retain a consultant to investigate such opportunities including a needs analysis, potential site locations and analysis of targeted sites, potential uses within the building(s), future funding for the project, best practices, legal structure and management of the facility and the partnership with the Imperial Cotton Centre for the Arts.

(c) That the City’s role in this initiative be led by the Economic Development and Real Estate Division in cooperation with the Portfolio Management Committee.

(d) That $150,000 for the estimated financing of this study be funded from the Economic Development Investment Fund, Account No. 112221.

18. **Environmentally Significant Areas Impact Evaluation Group (ESAIEG) - Revisions to the Terms of Reference and Recommendations to Increase Transparency (PED08268) (City Wide) (Item 8.1)**

(a) That the revised Terms of Reference for the Environmentally Significant Areas Impact Evaluation Group (ESAIEG), attached as Appendix “C” to Report PED08268, be approved.

(b) That an ESAIEG Member Selection Sub-committee be established, consisting of three members of the Economic Development and Planning

Council – November 26, 2008
Committee, including Councillors Ferguson and McHattie and one other Committee member, with the responsibility of selecting members of ESAIEG, for recommendation to Council and direction to the Clerk’s Division.

(c) That staff be directed to take the following actions to increase the transparency of the Environmental Impact Statement (EIS) review process:

(i) Provide a list of Environmental Impact Statement reports with staff contact information on the City of Hamilton’s web site, so the public know who to contact to obtain copies of EIS reports; and,

(ii) Include the Meeting Notes of ESAIEG meetings on the City of Hamilton web site for each Planning Act application, City project and Environmental Assessment, so this information is publicly available.

(d) That the existing ESAIEG members continue in their current role and term, on an interim basis, until the ESAIEG Member Selection Sub-committee is established and existing and/or new members are formally considered and approved.

19. Parking and By-Law Services Division’s Involvement in the Ontario Municipal Benchmarking Initiative (Building and Licensing Division Operational Review Sub-committee Report 08-003) (Item 8.2)

That Report PED08278, attached hereto as Appendix 1, which documents the Parking and By-Law Services Division’s involvement in the Ontario Municipal Benchmarking Initiative, be received.

20. Community Based By-Law Enforcement Strategy (Building and Licensing Division Operational Review Sub-committee Report 08-003) (Item 8.2)

(a) That the by-law enforcement priority framework, outlined in Appendix “A” to Report 08-003, attached hereto as Appendix 2, be endorsed.

(b) That a “zero-tolerance” approach to enforcement of repeat and chronic offenders be endorsed.

(c) That staff be directed to develop a comprehensive public awareness/educational campaign of enforcement policies, procedures, priorities and penalties, including but not limited to:
(i) Informal education as part of routine enforcement efforts;

(ii) The preparation and distribution of information pamphlets and strategic media releases outlining by-law information, complaint procedures, penalties and priorities, etc;

(iii) Hosting and participating in by-law educational sessions for neighbourhood associations, business and community organizations, public and elementary schools, colleges and universities, etc; and,

(iv) Linkages with on-going educational efforts of other Departments.

(d) That staff be directed to investigate the following and report to Building and Licensing Division Operational Review Sub-committee:

(i) With recommendations designed to decrease the amount of Municipal Law Enforcement Officer time spent on non-value work including, but not limited to, neighbour disputes, bogus complaints, repeat complaints, which are not validated and landlord/tenant disputes; and,

(ii) On the feasibility of establishing a mediation service for dispute resolution using existing staff or an outside agency.

(e) That staff be directed to meet with Hamilton Police Service to discuss proactive enforcement of Traffic By-law 01-215, respecting trucks utilizing non-truck routes city-wide, but markedly on rural routes, and report back to the Economic Development & Planning Committee.

21. Dog Licensing and By-law Enforcement (Building and Licensing Division Operational Review Sub-committee Report 08-003) (Item 8.2)

That the staff proposal to revise existing enforcement policies and procedures; whereby administration and enforcement of the dog licensing regulations under the Licensing of Dogs and Kennels By-law No. 01-169 is enhanced by discontinuing the practice of allowing dog owners to purchase licenses “at the door” in order to avoid a penalty, be endorsed.
22. **Timing of decisions for applications considered at Public Meetings – update from Special Public Meeting of September 22, 2008**

(a) That Council amend the Public Participation and Mediation in the Planning Approval Process (PED03105) by adding the following new policies:

(i) That a copy of all correspondence received in response to the preliminary circulation letter be forwarded to the Ward Councillor immediately upon receipt of such correspondence.

(ii) That a Public Information Meeting be held prior to the scheduling of the formal Public Meeting where, in the opinion of the City’s Manager of Development Planning, in consultation with the Ward Councillor, it is seen to be beneficial to address public issues raised in response to the preliminary circulation letter.

(b) that the staff “alternative option” to streamline the process be adopted, such that a monthly separate meeting be convened, when needed, to consider non-public meeting and discussion items (i.e. Consent items, presentations, delegations, and information reports);

(c) While acknowledging the requirement to specify legislated Planning Act language, that clear and “catchy” titles be used for EDP public meetings (i.e. as is done by the Waste Management Committee);

(d) that staff investigate a delivery of a questionnaire to people who have made a delegation to Economic Development and Planning Committee, in order to gain ideas to improve the process;

(e) that the posting of materials to the City website prior to open houses, so citizens are prepared to participate, be approved in principle and remain as an item on the outstanding business list, in order to allow staff sufficient time to address this issue;

(f) that the proposed referral of the Procedural By-law 5 minute speaking rule to the Governance Sub-Committee, be received;

(g) that the current schedule of daytime meetings be maintained;

(h) that Committee continue with the current practice with regard to the holding of special evening meetings concerning significant matters;

(i) that the proposal that all members should receive all correspondence following the preliminary circulation of an application, be received;
(j) that legal items involving the City Solicitor, should continue to be addressed at a set time, being 12 noon;

(k) that the Agenda be re-arranged to place “carry-over” items at the start of the meeting;

(l) that the proposal that the agenda be re-arranged to place Public Meetings ahead of Consent Items, be received;

(m) that the proposal that the issue of decorum and conduct of Councillors at meetings should be considered further, and by the Integrity Commissioner, be received.

23. **Swearing in of New By-law Enforcement Officers**

   That all new by-law enforcement officers be sworn in at the Committee of the Whole

24. **Waiving the development fee for the “H” removal for a doctor's office in Binbrook (Item 10.2)**

   That the planning fee for lifting of the Holding Provision on lands owned by Dr. Juriansz, at 3137 Highway #56, in the Village of Binbrook, be waived in order to remove the last obstacle, thereby allowing this Doctor to recruit a new practitioner to also work in this office.

25. **Proposal respecting a Development Charge Deferral Agreement for the redevelopment at 80 Ewen Rd**

   Whereas the property at 80 Ewen Rd. is a former church and was never required to pay development charges;

   And Whereas the development fees would be a burden to the developer, at this time;

   Therefore be it resolved that the proposed re-development at 80 Ewen Rd. be allowed to enter into a standard Development Charge Deferral Agreement.
FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

The Clerk advised of the following changes:

(i) Added Item 5.11 respecting Demolition Permit – 10 Goulding Avenue (PED08300) (Ward 8). Copies were e-mailed to members yesterday and available in hard copy today.

(ii) Added Notice of Motion, from Councillor McHattie, respecting a Development Charge Deferral Agreement for the redevelopment at 80 Ewen Rd, distributed today and will become Item 10.3

(iii) Added Motion from Councillor Pearson respecting Outstanding Business List Items

The Agenda for the November 18, 2008, meeting of the Economic Development & Planning Committee was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

None

(c) APPROVAL OF MINUTES (Item 3)

The Minutes of the Economic Development and Planning Committee Meeting held on November 4, 2008 were approved, as presented.

(d) Chris Krucker, respecting proposed seniors’ housing proposal in Copetown (Item 4.1)

The Committee approved Mr. Krucker’s delegation request to address Committee at a future date.

(e) Chris Erl, respecting social, economic and political costs of urban sprawl, as part of his involvement in the CBC contest “Canada’s Next Great Prime Minister” (Item 4.2)

The Committee approved Mr. Erl’s delegation request to address Committee at a future date.
(f) Demolition Permit – 1094 Wilson Street East (Ancaster) (PED08274) (Ward 12) (Item 5.7)

Item 5.7 was tabled to allow the applicant to consult with his Ward Councillor.

(g) Demolition Permit – 10 Goulding Avenue (PED08300) (Ward 8) (Added item 5.11)

On a Motion (Pearson/Mitchell), Committee agreed to remove some of the conditions outlined in the staff recommendation. Staff requested clarification on the matter.

On a Motion (Pearson/McHattie), Committee voted unanimously to reconsider the matter.

Committee then approved the demolition permit, without conditions.

(h) Lynda Zugec, The Workforce Consultants, respecting future partnerships between Hamilton businesses and graduate students (Item 6.1)

Lynda Zugec addressed Committee and indicated that requisite skills are required in the workforce. Currently, there is a skills shortage in the workforce, the education system lacks hands-on training, and an aging population gap exists.

She explained that there is a need for businesses, the community and the education system to work together, and that there are many resources available to bridge these gaps such as internship programs. Ms. Zugec noted that the workforce faces such impacts as demographics, globalization and technology, and that she is proposing to develop a network to mobilize the available resources between the businesses, community and the education sector.

On a Motion, Committee received the delegation and directed staff to meet with Ms. Zugec to discuss her proposal.

(i) City Initiative for an Official Plan Amendment to Reduce the Planned Road Width of Trinity Church Road Within the Rymal Road Secondary Plan (PED08250) (Ward 11) (Item 6.2)

Chair Whitehead 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 approval authority gives or refuses to give approval to the Official Plan 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.

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 approval authority gives or refuses to give approval to the official plan 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.

The Chair advised that an added communication from Doctor Peter J. Edmonson, P. Eng and Ms. Marlene Horning, 138 Stone Church Road East, Hamilton Ontario expressing concerns that the road width reduction will impact the parking availability adjacent to the Trinity Church Cemetery, had been distributed this morning.

Chris Bell was present to assist Committee and gave a powerpoint presentation which provided a brief overview of the report.

There was no outside agent to address Committee, as this is a City Initiative.

No members of the public came forward to address Committee on this issue.

Chris Bell asked that the Committee refer the issues raised in the communication from Dr. Edmonson to appropriate staff for review and appropriate action. He noted that the road would be graded properly to allow access to the cemetery.

Tony Sergi advised that the changes in the road would present some challenges, but that the overall situation would be improved.

Committee approved the staff recommendation.

(j) Application for a Change in Zoning for the Lands Located at 20 Dundurn Street South (Hamilton) (PED08266) (Ward 1) (Item 6.3)

Chair Whitehead 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 Zoning 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 Zoning 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 (Pearson/McHattie), Committee agreed to waive the planner’s presentation.

Harry Froussios, from Zelinka Priamo Limited, the applicant’s agent, advised Committee that he supported the staff recommendation.

No members of the public came forward to address Committee on this issue.

Committee discussed the matter and had additional information supplied by staff.

Committee approved the staff recommendation.

(k) Application to Amend the Town of Ancaster Zoning By-law No. 87-57 for Property Located at 1194 Scenic Drive (Ancaster) (PED08267) (Ward 12) (Item 6.4)

Chair Whitehead 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 Zoning 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 Zoning 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.

Daniel Barnett gave an overview of the application, with the aid of a powerpoint presentation. He advised that the property is currently zoned as urban residential. The applicant is requesting a zoning change to a modified residential zone to allow a 68 child day nursery. Staff are recommending a zoning change
for a 38 child day nursery. The staff recommendation is based on the requirements under the Ministry of Children and Youth Services that a sufficient outdoor play area be provided (ie. 1 child per 5.6 square metres of outdoor play area). The reduced number of children will comply with the outdoor play area size requirements for this property and will maintain the residential character of the neighbourhood. Staff is also recommending 5 tandem parking spaces and 6 parking spaces within the front yard. These parking spaces will allow for the drop off of 38 children.

Daniel Barnett advised that in response to the notices circulated by staff, one letter of concern had been received stating that the day nursery will infringe on the privacy of the neighbours.

George Zajac, IBI, the applicant’s agent, addressed Committee on behalf of Kuldip Swan, the applicant.

Mr. Zajac indicated that he had met with staff and hired a traffic consultant. The study found no concerns with the proposal of a nursery for 68 children, which was the original request of the applicant. The applicant has amended the parking proposal and has agreed that there would be no signage. In addition, the application would be subject to a minor site plan process (to address signage, landscaping, and other issues).

Mr. Zajac provided an overview of the parking proposal (2 residential parking spaces and 12 day care parking spaces) and indicated that there would be no impact on neighbours. He believes the site and parking would accommodate 48 to 50 children which is conducive to day care demands and the intensification encouraged by the Province.

Councillor Ferguson asked what type of buffer there will be between the property and the property owner to the south? Mr. Zajac advised that the children’s play area will be fenced in, and that the children will not be able to go into the neighbouring yard.

Dr. Joseph Macri, Scenic Drive, addressed Committee and indicated that he is the neighbour to the south of the property in question. He indicated that he disagrees that the application will not have a great impact on neighbours. Although, in his opinion, the staff report is thorough and written objectively, he does not think the Committee can justify improving one neighbour’s quality of life at the expense of another neighbour’s quality of life. He didn’t buy his property to be next to a business operation, and had no knowledge or expectation of anything other than a continuation of the residential use.

Dr. Macri also pointed out the safety concerns. The road is treacherous and he is concerned that nursery users will be using his driveway.
Committee discussed the matter and had additional information supplied by staff and the applicant.

On a Motion (Ferguson/Clark), Committee tabled the issue to the next Committee meeting in order to allow the Ward Councillor to meet with the neighbour to the south, the applicant and staff.

Chair Whitehead confirmed that the Public Meeting had been concluded.

(Application to Amend the Hamilton Zoning By-law, for Property Located at 615-647 Rymal Road East to Permit 69 Block Townhouse Units (PED08265) (Ward 7) (Item 6.5)

Chair Whitehead 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 Zoning 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 Zoning 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.

Cam Thomas gave an overview of the application, with the aid of a powerpoint presentation. He explained why staff is recommending that the application be refused, and provided a brief overview of the history of previous proposals which have been submitted for the subject lands. The current application is for a change in zoning to allow a Townhouse-Maisonette to allow the construction of 69 townhouse units.

Mr. Thomas indicated that no comments were received in response to the notices which were circulated by City staff.

He explained that the proposal does not meet the intent of the Places to Grow Plan, the Provincial Policy Statement, or the Hamilton-Wentworth Official Plan in terms of encouraging an appropriate range of housing types and densities. It also does not comply with the Hamilton Official Plan, the Butler Neighbourhood Plan and the City Initiatives CI-93-A, the intent of the latter being to preserve designated apartment sites.
For these reasons staff are recommending against this proposal.

Councillor Clark asked if the Province has announced any financial assistance with respect to provision of denser housing in its Places to Grow Plan. Staff responded that it has not been informed of any such move.

Angelo Cameracci, Urbex Management, the applicant’s agent, addressed Committee in support of the application. He indicated that this application raises issues which will appear in future development proposals. While the Provincial policy encourages higher density, there exists an economic disconnect between the policy and the economic feasibility of constructing apartment dwellings. The applicant has owned this land for a number of years. At the present time the viability of developing apartments at this corner is almost impossible, as the financing is more difficult to obtain to build an apartment. A townhouse development is more economically feasible for the developer.

Councillor McHattie indicated that he cannot support the construction of townhouses only. He suggested that financial support from the Province or the Federal Government should be investigated through Chris Murray, the City’s Housing Division Director.

Councillor Duvall asked if the application is denied, what will the applicant do? Mr. Cameracci responded that the land will sit. He noted that neighbouring apartments are vacant and that the other three apartment sites in the area still remain unbuilt.

No members of the public came forward to address Committee on this issue.

Committee discussed the matter and had additional information supplied by staff.

On a Motion (Duvall/Pearson), Committee tabled the item for at least a month to allow the ward councillor to consult with staff and the applicant.

Chair Whitehead noted that the Public Meeting had been concluded.

(m) Building a Creative Catalyst (PED08280) (City Wide) (Item 7.1)

Jackie Norton addressed the Committee and presented Jeremy Freiberger of Imperial Cotton Centre for the Arts.

Jeremy Freiberger made a powerpoint presentation and a hand-out was provided.
- Imperial Cotton Centre for the Arts is a non-profit organization which he founded in 2004
- the organization looks at issues that affect the City and the creative community as a whole, and has developed three properties in the area which were brownfields, being 270 Sherman North, 302 Cumberland Avenue and 468 Cumberland Avenue.
- revenue is generated by the organization, being annual rent to owners of property, property taxes
- the organization commissioned a study on creative industries in Hamilton, and plans to take this model which has proven successful at the local level and compare it with outside models with goal not to depend on government assistance.
- the organization recognizes the need to embrace social enterprise concepts and has researched what has worked at other cities.

Mr. Freiburger outlined for the Committee some successful models in cities in the United States, and asked the City to explore a partnership with the Imperial Cotton Centre for the Arts.

Councillor Bratina asked that he explain his cost estimates. Mr. Freiburger responded that these are hypothetical amounts although these projects exist across the country. He explained that the intent is to build a self-sustaining project that would make sense as an investment.

He further explained that the Province turned down the organization’s request for a grant because it was too premature as they do not have a partnership with the City as yet.

Tim McCabe advised that staff supports this initiative and that it is time to stop looking at the arts as a quality of life issue but as an economic development initiative. He also confirmed that this would be the City’s project and that the Imperial Cotton Centre for the Arts would not have ownership.

The Committee approved the staff recommendation.

Councillor Ferguson requested that his opposition be noted.

Environmentally Significant Areas Impact Evaluation Group (ESAIEG) - Revisions to the Terms of Reference and Recommendations to Increase Transparency (PED08268) (City Wide) (Item 8.1)

On a Motion (Pearson/McHattie), Committee agreed to waive the planner’s presentation.

On a Motion (Pearson/Bratina), Councillors Ferguson and McHattie were recommended for appointment to the Selection Committee.
Committee noted that the third member would be chosen at the next Council meeting.

Committee approved the staff recommendation, as amended.

(o) Building and Licensing Division Operational Review Sub-committee Report 08-003 (Item 8.2)

Committee agreed that as a full presentation on the matter had already been given by staff, there was no further need to discuss the report.

Committee approved the recommendations.

The Chair recognized the leadership of Marty Hazell and his staff. The Committee praised the achievements made by the current staff in the reorganization of this Division.

At 12:15 pm, Committee had a brief recess for lunch.

At 12:50 pm, Committee resumed, with Councillor Pearson in the Chair.

(p) Timing of decisions for applications considered at Public Meetings – update from Special Public Meeting of September 22, 2008

Vice Chair Pearson introduced Item 8.3 and invited Tim McCabe to provide a brief overview of the various proposals. Tim McCabe confirmed support for the original staff recommendations and made comments with respect to the following subsections:

(b) he suggested that a third meeting of the month be scheduled on a *as needed basis.*
(c) Staff support the catchy titles, and this is already being put in place
(d) staff are currently consulting with I.T. on this item
(i) already approved by Committee
(ii) (iii) and (iv) are all OK with staff
(v) supports this suggestion to have “carry-over” items at start of Agenda
(vi) OK to re arrange agenda – would hate to have consent item staff wait around – consent items should move quickly
Committee discussed the various subsections and further information was received from staff, as follows:

- following the preliminary circulation of an application, staff responds to questions and to comments received as appropriate, and will copy Ward Councillor on letter and response
- staff attach petitions to a report (with confidential information removed)
- there is no 5 Minute Rule for public meeting matters, or requirement to register ahead of time, and the Chair can cut people off who are being repetitive

Committee then approved a Motion, with amendments.

(q) **Swearing in of New By-law Enforcement Officers (added Item)**

On a Motion (McHattie/Duvall), the rules of order were waived to introduce a motion concerning the swearing in of new by-law enforcement officers. Committee agreed that this was an important item and passed an appropriate Motion.

(r) **Joint School Closure/Public Acquisition Task Force (Item 10.1)**

Councillor McHattie explained that his Notice of Motion was no longer needed, and therefore, advised that he would not proceed with it.

(s) **Waiving the development fee for the “H” removal for a doctor’s office in Binbrook (Item 10.2)**

Councillor Mitchell introduced his Motion:

WHEREAS, Council, on October 27, 2008, directed staff to review and prepare recommendations to assist in the retention and recruitment of physicians in the City;

AND WHEREAS Dr. Juriansz recently purchased property at 3137 Highway #56, in the Village of Binbrook, in order to relocate his medical office;

AND WHEREAS Dr. Juriansz has complied with all the requests of the City in order to make his medical office fully operational;

THEREFORE, be it resolved, that the planning fee for lifting of the Holding Provision on lands owned by Dr. Juriansz, at 3137 Highway #56, in the Village of Binbrook, be waived in order to remove the last obstacle, thereby allowing this Doctor to recruit a new practitioner to also work in this office.
Committee discussed the matter and agreed that the matter should proceed. Committee approved the Motion.

(t) Proposal respecting a Development Charge Deferral Agreement for the redevelopment at 80 Ewen Rd (added Item)

On a Motion (McHattie/Duvall), Committee agreed that the rules of order be waived to allow the introduction of a motion respecting a development charge deferral agreement for the redevelopment at 80 Ewen Road.

Councillor McHattie provided background on the item.

Tim McCabe advised that Finance staff is not in agreement with the proposed deferral agreement and the precedent being set.

Councillor McHattie explained that this is the site of a former Church and in order to help the developer, the proposal is to defer the development charges, until a later time.

Councillor Mitchell suggested that the addition of some further “whereas” clauses to the Motion would make it more informative and complete.

Councillor McHattie read the revised Motion:

Whereas the property at 80 Ewen Rd. is a former church and was never required to pay development charges;

And Whereas the development fees would be a burden to the developer, at this time;

Therefore be it resolved that the proposed re-development at 80 Ewen Rd. be allowed to enter into a standard Development Charge Deferral Agreement.

Committee approved the revised Motion.

(u) General Information (Item 11)

(i) Implementation of the Sign by-law, possible exemption to Sign By-law for humanitarian reasons and investigation of “Yellow Alert” Programme (Outstanding Business list, due November 18, 2008) (Item 11.1)
Staff explained that the delay was due to issues related to the appeal of the Sign By-law which has been in the court process.

Committee agreed to amend the due date to December 2, 2008.

(ii) **Land uses for feeder areas of Eramosa Karst (Outstanding Business list, due November 18, 2008) (Item 11.2)**

Staff explained that this was being peer reviewed.

Committee agreed to amend the due date to April, 2009.

(iii) **Consultation process for wireless telecommunication facilities (Outstanding Business list, due November 18, 2008) (Item 11.3)**

Staff provided an update.

Committee agreed to amend the due date to April, 2009.

(iv) **Review of charity bingo fees (Outstanding Business list, due November 18, 2008) (Item 11.4)**

Staff provided an update.

Committee agreed to amend the due date to December 2, 2008.

(v) **News from the General Manager (Item 11.5)**

Tim McCabe referred to the hand-out provided respecting proposed increases in user fees for development applications. He explained that it is a copy of the powerpoint presentation slides from the consultant’s draft report, which was presented to yesterday’s Budget Steering Committee. The consultant will be coming back on January 14, 2009 with the final recommendations. Mr. McCabe noted that the Hamilton Halton Home Builders Association were aware of the fee proposals and that the matter would be discussed further with them at a meeting on Thursday.
(vi) **Other Items (Item 11.6)**

On a Motion (Ferguson/Mitchell), Committee approved the following housekeeping item:

(a) That the following two items be removed from the Outstanding Business List as they were both dealt with by the Council approval on October 15, 2008 of the Committee of the Whole recommendation to delete the policy respecting the Use of Animals for Public Entertainment Purposes (PED08238) (City Wide) (Item 6.2)

Item BB  Letter from Sylvia Opl respecting policy to prohibit rodeos in City facilities;

Item CC  Letter from Nancy Jardine-Leygraaf respecting City By-law prohibiting wild or exotic animals.

(v) **Private and Confidential (Item 12)**

None

(w) **ADJOURNMENT (Item 13)**

On a Motion, the Economic Development and Planning Committee adjourned at 1:55 p.m.

Respectfully submitted,

Terry Whitehead, Chair
Economic Development and Planning Committee

Alexandra Rawlings, Co-ordinator
Economic Development and Planning Committee
November 18, 2008
SUBJECT: Parking and By-Law Services Division’s Involvement in the Ontario Municipal Benchmarking Initiative (PED08278) (City Wide)

RECOMMENDATION:

That Report PED08278 which documents the Parking and By-Law Services Division’s involvement in the Ontario Municipal Benchmarking Initiative be received.

EXECUTIVE SUMMARY:

This report documents current efforts towards the Ontario Municipal Benchmarking Initiative by staff of the Parking and By-Law Services Division of the Planning and Economic Development Department.

BACKGROUND:

Since receipt of the internal audit of the (former) Standards and Licensing Section in January 2007, Sub-Committee members have taken an interest in service delivery comparisons with other municipalities for activities under the jurisdiction of the Municipal Law Enforcement Section.
The Ontario Municipal CAO’s Benchmarking Initiative (OMBI) is a partnership project which promotes service excellence in municipal government. Participating municipalities work together to identify and share performance statistics, operational best practices and to network in a spirit of innovation and entrepreneurship to push for even greater successes.

It is staff’s opinion that the annual OMBI exercise serves as a meaningful management tool in providing statistical information about municipal operations across the Province for comparative purposes. The OMBI exercise enables staff to use the readily available comparators to detect potential operational inefficiencies, and as benchmarking guideline to assist with continuous improvement efforts.

Staff of the Hamilton Municipal Parking System has taken an active role in OMBI since it’s inception a few years ago, and in fact, took a leadership role in working with other municipalities to establish meaningful and relevant comparators. Parking measures are now well established for routinely providing good levels of comparison for parking operations and parking enforcement practices.

Animal Control staff has been participating in OMBI for the past few years, although there are very few comparators for this activity and therefore, Animal Control’s efforts and involvement has been limited.

For Municipal Law Enforcement (by-law enforcement and licensing) previous efforts at participation were ad-hoc, inconsistent and half-hearted. However, despite technology “issues” (i.e. Amanda versus Hansen) which make data collection cumbersome, staff can now report that some measures from the 2007 activities were submitted to the Ontario Municipal Benchmarking Institute (OMBI) last Spring, and significant steps were achieved this year to put the Municipal Law Enforcement Section in good shape for future reporting years. These steps include:

- Developing a detailed procedural manual to document how OMBI measures were obtained for 2007. This manual will serve as an important tool for future use to ensure consistency in the collection and compiling of Hamilton statistics.

- Writing software scripts for the Amanda database to allow for the retrieval of statistics for future years on measures that were not available for 2007.

- Establishing networking liaisons, and ongoing dialogue about enforcement and licensing issues with municipal law enforcement staff from the participating OMBI municipalities.

- Assigning the responsibility for gathering and assembling OMBI data to one staff position which will be responsible for leading and coordinating ongoing OMBI participation and efforts for the entire Division.
In summary, staff of the Parking and By-Law Services Division support the Ontario Municipal Benchmarking Initiative for all activities under their jurisdiction and have taken action which demonstrates ongoing commitment. The 2007 comparisons have recently been made available to the public, OMBI information will be used as an additional management tool by providing valuable information which can be used in Council's budget deliberations and the re-engineering and continuous improvement efforts in the Municipal Law Enforcement Section.

**ANALYSIS/RATIONALE:**

Participation in OMBI serves as a meaningful management tool in providing statistical information about municipal operations across the Province for comparative purposes, with no expending of resources other than staff time and effort.

**ALTERNATIVES FOR CONSIDERATION:**

To not participate would mean waiving an opportunity to participate in benchmarking Hamilton’s parking and by-law enforcement operations with other Ontario cities.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

n/a

**POLICIES AFFECTING PROPOSAL:**

n/a

**RELEVANT CONSULTATION:**

n/a

**CITY STRATEGIC COMMITMENT:**

By evaluating the “Triple Bottom Line”, (community, environment, and economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced. ☐ Yes ☑ No

An efficient and effective by-law enforcement program contributes directly to the City’s goals for a healthy and safe community and positively effect quality of life for residents.

Environmental Well-Being is enhanced. ☑ Yes ☐ No
An efficient and effective by-law enforcement program contributes directly to the City’s goals for a healthy and safe community and positively effect quality of life for residents.

Economic Well-Being is enhanced.  ☑ Yes  ☐ No
Efficient and effective parking and licensing programs positively contribute to economic development and business viability.

Does the option you are recommending create value across all three bottom lines?  ☑ Yes  ☐ No

Do the options you are recommending make Hamilton a City of choice for high performance public servants?  ☑ Yes  ☐ No

MBH:dt
Community Based By-law Enforcement Strategy

Environmental Team

7 Officers

<table>
<thead>
<tr>
<th>Top Priority – Proactive and Reactive Enforcement</th>
<th>Lower Priority and/or Reactive - Complaint Driven</th>
<th>Periodic Proactive Enforcement</th>
</tr>
</thead>
<tbody>
<tr>
<td>These by-laws will take precedent due to a potential blatant health and safety/liability issue</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Yard Waste/Maintenance By-law (e.g., long weeds and grass; garbage and debris; inoperable vehicles)</td>
<td>- Parks By-law</td>
<td>- Yard Waste/Maintenance Blitz – Hotspots identified across the City including Downtown Core and BIA</td>
</tr>
<tr>
<td>- Snow and Ice By-law (Winter)</td>
<td>- Forestry – Tree Private and Public Property By-laws (5 By-laws)</td>
<td>- Snow and Ice Clearing Proactive – Based on reactive complaint identify other properties in the vicinity that did not clear snow/ice from sidewalk</td>
</tr>
<tr>
<td>- Solid Waste By-law (2 By-laws) – including illegal dumping</td>
<td>- Anti-Idling By-law</td>
<td>- Anti-Idling Blitz – Schools Zones, Taxi and areas identified across the City</td>
</tr>
<tr>
<td>- Streets/Traffic By-law (5 By-laws) (e.g., mud tracking; road encumbrances; road games)</td>
<td>- Pesticide By-law (2009)</td>
<td>- Water By-law (Summer - as requested by Water/Wastewater during water shortages)</td>
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<td></td>
<td>- Pigeon By-law</td>
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</table>
# Property Standards and Zoning Team

## 8 Officers

<table>
<thead>
<tr>
<th>Top Priority – Proactive and Reactive Enforcement</th>
<th>Lower Priority and/or Reactive - Complaint Driven</th>
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</tr>
</thead>
<tbody>
<tr>
<td>These by-laws will take precedent due to a potential blatant health and safety/liability issue</td>
<td><strong>Graffiti</strong> (part of the Property Standards By-laws)</td>
<td><strong>Property Standards</strong> – Downtown Core and BIA (e.g., Nightwalks)</td>
</tr>
<tr>
<td><strong>Property Standards By-law</strong> (6 By-laws) (illegal use of property)</td>
<td><strong>Fences</strong> (3 By-laws – also part of Zoning By-law)</td>
<td><strong>Property Standards Blitz</strong> – Highly visible areas and hotspots identified across the City</td>
</tr>
</tbody>
</table>
### Licensing and Permits Team

6 Officers and 1 Taxi Inspector

<table>
<thead>
<tr>
<th>Top Priority – Proactive and Reactive Enforcement</th>
<th>Lower Priority and/or Reactive - Complaint Driven</th>
<th>Periodic Proactive Enforcement</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Licensing Activity is Proactive in nature due to the requirements of the Licensing By-law</td>
<td>▪ Lottery Licensing</td>
<td>▪ Business Licensing Proactive – Actively identifying business and verifying licensing</td>
</tr>
<tr>
<td>▪ <strong>Business Licensing</strong> (includes compliance with Property Standards, Zoning and Sign By-law)</td>
<td>▪ Store Hours By-law</td>
<td>▪ <strong>Sign Proactive</strong> – Hotspots across the City based on streets with recurring multiple violations and business signs repeatedly without permits</td>
</tr>
<tr>
<td>▪ <strong>Zoning – Business Zoning</strong> (if a zoning issue relates to a business licence then carried through to completion by Licensing and Permits) (6 By-laws)</td>
<td></td>
<td>▪ <strong>Street Vendors</strong> (e.g., flower vendors, concession stands, special events vendors)</td>
</tr>
<tr>
<td>▪ <strong>Sign Enforcement</strong> (respond to complaints/expired permits) – to be refined by Council at a later date</td>
<td></td>
<td>▪ <strong>Special Events Management</strong> - Attend Community Events/Festivals to educate and gain compliance with Licensing By-law</td>
</tr>
<tr>
<td>▪ <strong>Lodging Homes (Schedule 9 of Licensing By-law)</strong> (at least during Council endorsed pilot program for the next two years)</td>
<td></td>
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</tbody>
</table>

((Appendix ‘A’ to Item 2 of Report 08-003
Page 4 of 7)
| Residential Care Facilities (Schedule 20 of Licensing By-law) | Taxi Inspection (Inspection of vehicles for licensing of vehicles) |
**Special Enforcement Team**

**7 Officers**

- Responsible for enforcement of all By-laws under all team jurisdictions and as assigned by Management during dayshift and after-hours – 4:30 p.m. to 1:30 a.m.

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>These by-laws will take precedent due to a potential blatant health and safety/liability issue</td>
<td>McMaster-Mohawk Proactive (September and April)</td>
</tr>
<tr>
<td></td>
<td>Hess Village Proactive (Spring and Summer)</td>
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<td></td>
<td>Adult Entertainment Blitz – Body Rub Parlours, Adult Entertainment Venues, etc.</td>
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<tr>
<td></td>
<td>Special Events Management - Attend Community Events/Festivals to educate and gain compliance with Licensing By-law</td>
</tr>
<tr>
<td></td>
<td>Roadside Taxi Blitz</td>
</tr>
<tr>
<td></td>
<td>Special Projects with Hamilton Police Services and other Enforcement Agencies</td>
</tr>
</tbody>
</table>

- **Vital Services By-law**
- **Residential Heat By-law** (September 1 to May 31)
- **Noise By-law** (e.g., barking dogs, industrial, loud music, parties, patios, nuisance noise)
- **Multiple By-law Issues** – When a complaint deals with multiple issues or deficiencies with a property and may include but is not limited to property standards, zoning and yard maintenance and waste
- **Multi-Agency Task Force** – Partner with Hamilton Police, Hamilton Fire Prevention, Public Health to address compliance on a variety of City By-laws
Participate in Proactive Periodic Enforcement Initiatives of the three other teams – Property Standards and Zoning, Licensing and Permits, and Environmental