Economic Development and Planning Committee
MINUTES 10-004
Tuesday, February 16, 2010
1.00pm
Albion Room, Convention Centre
1 Summer’s Lane
Hamilton, Ontario

Present: Chair: L. Ferguson
Vice Chairs: Councillor R. Pasuta
Councillors: S. Duvall, B. McHattie, D. Mitchell, M. Pearson

Absent: Councillor B. Bratina – Bereavement
Councillor B. Clark – Personal business
Councillor T. Whitehead - Illness

Staff Present: T. McCabe, General Manager – Planning and Economic
Development
T. Sergi, M. Hazell, B. Janssen, N. Everson, R. Marini, J. Lane,
A. Chan, C. Bell, H. Travis, S. Robichaud – Planning and Economic
Development
R. Hall - Public Health
D. McKinnon - Public Works
A. Rawlings – City Clerk’s Office

THE FOLLOWING ITEMS WERE REPORTED TO COUNCIL:

1. Amendments to Ontario Regulation 153/04, Brownfields Records of Site
Condition (PED09033(a)) (City Wide) (Item 5.1)
(McHattie/Pearson)
That Report PED09033(a), Amendments to Ontario Regulation 153/04, Brownfields
Records of Site Condition (City Wide), be received for information.
CARRIED

2. Name to be displayed on the Water Tower in Waterdown North (PED10024)
(Ward 15) (Item 5.2)
(McHattie/Pearson)
That approval be given for “1878 – Village of Waterdown” as the name to be displayed
on the water tower in Waterdown North on the sides parallel to Parkside Drive and the
future east-west arterial road as per the design shown on Appendix “A” to Report
PED10024.
CARRIED
3. **Main Street Housing Loan and Grant Program -255 West Avenue North, Hamilton – Extension of 60% complete deadline (PED10028) (Item 5.3)**

(McHattie/Pearson)

That the deadline for 60% completion of the conversion of the community centre at 255 West Avenue North to a twenty-seven (27) unit multiple dwelling at 255 West Avenue North under the Main Street Housing Loan and Grant Program be extended to February 28, 2010.

**CARRIED**

4. **Declare Surplus and Sell City Owned Lands Located at 337 York Boulevard, Hamilton (PED10032) (Ward 1) (Item 5.4)**

(McHattie/Pearson)

(a) That the property municipally known as 337 York Boulevard, legally described as Part Lots 5, 6, 7 and 15, Block 5, Range 1, Registered Plan 1435, being composed of Parts 1 to 6 on Plan 62R-14105, comprising an area of 549.4 square metres (5,913.7 square feet) on the southern limit of York Boulevard east of Ray Street North, identified as PIN 17146-0055(R) and Roll Number 25180100601660, subject to a right of way over Part 3, as described in Appendix “A” attached to Report PED10032 be declared surplus to the requirements of the City of Hamilton, in accordance with By-law 04-299, the Procedural By-law for the Sale of Land;

(b) That the Real Estate Section of the Economic Development and Real Estate Division of the Planning and Economic Development Department, be authorized and directed to sell the subject lands at fair market value, in accordance with the “Procedural By-law for the Sale of Land”, being By-Law 04-299.

**CARRIED**

5. **Sale of City Lands, Municipally Known as 240 Helena Avenue, Stoney Creek to Miroslav and Stevan Grkinic (PED10034) (Ward 11) (Item 5.5)**

(McHattie/Pearson)

(a) That an Offer to Purchase executed by Miroslav and Stevan Grkinic on January 18, 2010 and scheduled to close on or before April 30, 2010, for the acquisition of Part of PIN 17365-0273 (LT), being part of Helena Avenue and part of Parcel “B” on Helena Avenue, on Registered Plan 1057 in the City of Hamilton, designated as Parts 1 and 3 on Plan 62R-15918, and all of PIN 17365-0121 (LT), being Lot 17 on Registered Plan 1057 in the City of Hamilton, designated as Parts 2 and 4 on Plan 62R15918, as shown on Appendix “A” attached to Report PED10034, and subject to an easement in favour of Bell Canada over Part 1 on Plan 62R-17975, being a vacant residential parcel with a lot frontage of 29.263 metres (96.0 feet) on the southern limit of Helena Avenue, a depth of 45.72 metres (150.0 feet), containing a lot area of 1,336.9 square metres (14,390 square feet), municipally known as 240 Helena Avenue be approved and completed.
(b) That the deposit of $30,000.00 be held by the General Manager of Finance and Corporate Services pending acceptance of the transaction.

c) That the net proceeds of the sale be deposited in Account No. 47702-3560150200 (Civic Property Purchases and Sales).

d) That the City Clerk be authorized and directed to execute and issue a Certificate of Compliance for this transaction in the form prescribed pursuant to Section 268 of the Municipal Act, incorporating the following, if required:

(i) That on July 10, 2001, City Council approved Item 1 of Report 01-023 of the Committee of the Whole declaring the subject lands surplus to the requirements of the City;

(ii) That according with the approved methods of providing notice in the City of Hamilton By-Law No. 04-299, “Procedural By-Law for the Sale of Lands”, satisfactory notice has been given to the public of the intended sale by posting a City of Hamilton “For Sale” sign on the property on November 26, 2009 and by listing it on Hamilton.ca, the City’s web page;

(iii) That a Real Estate Appraisal of the property was completed on October 28, 2008 and updated on November 10, 2009.

CARRIED

6. Feasibility of Establishing a By-law to Prohibit the Use of Outdoor Cameras Aimed at Neighbours Properties (PED10036) (City Wide) (Item 5.6)

(McHattie/Pearson)

That report PED10036 be received for information.

CARRIED

7. Main Street Housing Loan and Grant Program -1253 Main Street East (PED10037) (Item 5.7)

(McHattie/Pearson)

a) That a loan commitment totalling $80,000 for the renovation of eight (8) residential units at 1253 Main Street East, be approved in accordance with the terms and conditions of the Main Street Housing Loan and Grant Program.

b) That a grant commitment at an upset limit of $5,000 for professional fees related to the renovation of the residential units at 1253 Main Street East, be approved in accordance with the terms and conditions of the Main Street Housing Loan and Grant Program.

c) That the Mayor and City Clerk be authorized and directed to execute the loan agreement and any ancillary security documentation with respect to sub-sections (a) and (b) above in a form satisfactory to the City Solicitor.

e) That the General Manager of the Planning and Economic Development Department be authorized and directed to amend the loan agreement as required
provided that the terms and conditions of the Main Street Housing Loan and Grant Program as approved by City Council are maintained.

f) That a condition of the loan and grant commitment for the project listed in subsections (a) and (b) above be that the project be 60% complete by April 30, 2010 or the loan and grant commitment will be cancelled.

CARRIED

8. Lease Renewal - 120 King Street West (Standard Life Building), Hamilton – Suite Nos. 900, 975, 1165 and 1170; Lessor- Fourth Phase Civic Square Limited (PED10040) (Ward 2) (Item 5.8) (McHattie/Pearson)

(a) That City Council renew an existing lease with Fourth Phase Civic Square Limited Partnership subject to the following terms and conditions in the premises known as 120 King Street West:

(i) Term:

\textit{Ninth Floor}: Five (5) years commencing September 1, 2009 and terminating on August 31, 2014;

\textit{Eleventh Floor}: Continue existing overhold tenure until Waste Management and Human Resources (Return to Work) staff are relocated;

(ii) Property: 120 King Street West, Hamilton comprising 42,469 square feet, distributed as follows:

<table>
<thead>
<tr>
<th>Leased Premises</th>
<th>Total Area (Sq. Ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Suites 900, 975</td>
<td>32,549</td>
</tr>
<tr>
<td>Suites 1165, 1170</td>
<td>9,920</td>
</tr>
<tr>
<td>\textbf{Total Area}</td>
<td>\textbf{42,469}</td>
</tr>
</tbody>
</table>

(iii) Rental Rate: From the date of commencement, meaning from September 1, 2009, the City shall pay rent based on $10.50 per square foot, plus GST/HST, and operating expenses for the area occupied on the ninth floor; the eleventh floor space will continue to be occupied at an overhold rent of $8.92 per square foot, plus GST/HST, and operating expenses;

(iv) Operating Costs: The City shall be responsible for its share of the operating costs, in 2010 projected at $9.53 per square foot, plus GST/HST;
Economic Development & Planning Committee

(b) That all rent and operating costs will be funded from Account No. 55358 and each Lessee’s lease expenses will be paid from their respective Deptid budgetary allocations;

(c) **Special Conditions:**

That the Landlord shall replace the ninth floor carpeting with 28 oz. commercial grade carpet including moving the existing furniture and completing the work after hours, at its own cost;

(d) That the public washrooms on the ninth and eleventh floors be updated by the Landlord to meet current AODA accessibility standards;

(e) That Legal Services be authorized to prepare a by-law under Section 110 of the Municipal Act to propose the leased space become a City Capital Facility, whereby the City would be exempt from paying Realty Taxes at this location;

(f) That the Mayor, General Manager, Finance and Corporate Services and City Clerk be authorized and directed to execute the Lease renewal in a form satisfactory to Corporate Counsel.

CARRIED

9. **Airport Implementation Task Force Report 10-001 (Item 5.9) (McHattie/Pearson)**

That the following recommendations from Airport Implementation Task Force Report 10-001 be approved;

(a) **Confirmation of Chair**

That Councillor L. Ferguson be confirmed as Chair of the Airport Implementation Task Force for 2010.

(b) **Appointment of Vice Chair**

That Councillor D. Mitchell be appointed as Vice Chair of the Airport Implementation Task Force for 2010.

(c) **Community Investment Support Program: The International Air Cargo Association (PED10023) (Item 4.1)**

That Report PED10023 respecting the Community Investment Support Program: The International Air Cargo Association (attached hereto as Appendix “A”), be received.

(d) **Annual Rent Payment Summary from the John C. Munro Hamilton International Airport (PED10035) (City Wide) (Item 4.2)**

That Report PED10035 respecting Annual Rent Payment Summary from the John C. Munro Hamilton International Airport (attached hereto as Appendix “B”) be received.

CARRIED
10. Application to Amend the Former City of Hamilton Official Plan and Zoning By-law for Lands Located at 741 Rymal Road East (Hamilton) (PED09311(a)) (Ward 7) (Item 6.2)

(Duvall/McHattie)

(a) That approval be given to **Amended Official Plan Amendment Application OPA-07-033, by 1694416 Ontario Inc., c/o Benny Bombardieri (Applicant)**, to amend the Official Plan for the City of Hamilton, to permit a 2 storey, mixed-use development, comprised of four ground floor commercial units, and five residential units on the second floor, on the lands known as 741 Rymal Road East, Hamilton, as shown on Appendix “A” to Report PED09311(a), on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED09311(a), be adopted by Council.

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

(b) That approval be given to **Amended Zoning By-law Amendment Application ZAC-07-107, by 1694416 Ontario Inc., c/o Benny Bombardieri (Applicant)**, for a change in zoning from the “C” (Urban Protected Residential, Etc.) District, to a Modified “H/S-1619”- ‘H’ (Community Shopping and Commercial, Etc. - Holding) District, Modified, with a Special Exception and a Holding provision, to permit a 2 storey, mixed-use building, with four ground floor commercial units, and five second floor residential units, on the lands known municipally as 741 Rymal Road East, Hamilton, as shown on Appendix “A” to Report PED09311(a), on the following basis:

(i) That the draft By-law, attached as Appendix “C” to Report PED09311(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(ii) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan, and will be in conformity with the City of Hamilton Official Plan upon approval of Official Plan Amendment No. [__].

(c) That upon finalization of the implementing By-law, the subject lands be identified as “Commercial and Apartments” within the Eleanor Neighbourhood Plan.

(d) That as the changes made to the proposed by-law, attached as Appendix “C” to report PED09311(a), have been made after the holding of the public meeting on December 1, 2009, that Council determine that no further notice be required prior to the passing of the proposed By-law, pursuant to section 34(17) of the Planning Act.

(e) That Report PED09311, attached to Report PED09311(a) as Appendix “E”, be received.
(f) That a 2.1 metre high, wrought iron-type fence be required, as part of the Site Plan approval.

CARRIED

11. Application for Approval of a Draft Plan of Subdivision, “Dussin Estates”, Draft Plan of Condominium and Amendments to the Town of Ancaster Zoning By-law No. 87-57 and City of Hamilton By-law No. 05-200, for Lands Located Within Part of Lot 50, Concession 3, Geographic Township of Ancaster (Ancaster) (PED10030) (Ward 12) (Item 6.3)

(Pearson/Pasuta)

(a) That approval be given to Amended Draft Plan of Subdivision Application 25T-200716, by Antonio and Joel Dussin, 603997 Ontario Ltd. and 766272 Ontario Inc., Owners, to establish a draft plan of subdivision, known as “Dussin Estates”, on the property located at 250, 252, and 270 Springbrook Avenue (Ancaster), as shown on Appendix “A” to Report PED10030, subject to the following conditions:

(i) That this approval apply to Draft Plan of Subdivision 25T-200716, “Dussin Estates”, prepared by Urbex Engineering Limited, and certified by S.D. McLaren, OLS, originally dated February 15, 2008, and amended as Revision 4, dated June 24, 2009, showing 9 single detached dwelling lots (Lots 1 to 9), 4 semi-detached dwellings lots (Lots 10 to 13), 1 development block for semi-detached dwelling lots on a condominium road (Block 14), a Stormwater Management Block (Block 15), and the creation of 1 internal road (Street “A”), attached as Appendix “B” to Report PED10030, subject to the Owner entering into a Standard Form Subdivision Agreement, as approved by City Council and the special conditions attached as Appendix “C” to Report PED10030;

(ii) Acknowledgement by the City of Hamilton of its responsibility for cost-sharing with respect to this development for the following item:

(1) That the City agrees to pay for the stormwater management facility from an approved Capital Budget Source, in accordance with applicable Council policies.

(iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 51 of the Planning Act, prior to the issuance of each building permit. The calculation of the Cash-in-Lieu payment shall be based on 5% of the value of the lands on the day prior to the day of issuance of each building permit.

All in accordance with the Financial Policies for Development and the City’s Parkland Dedication By-law, as approved by Council.

(b) That approval be given to Amended Zoning Application ZAC-07-061, by Antonio and Joel Dussin, 603997 Ontario Ltd. and 766272 Ontario Inc.,
Owners, for changes in zoning from the Agricultural “A” Zone to a Residential “R4-598” Zone, with a Special Exception, for Block 1; to a Residential “H-R4-598” Zone, with a Special Exception and Holding Provision, for Block 2; to a Residential “H-R5-599” Zone, with a Special Exception and Holding Provision, for Blocks 3 and 4; to a Residential “R5-600” Zone, with a Special Exception, for Block 5, all as shown on Appendix “E” to Report PED10030, and a Conservation/Hazard Lands “P5” Zone for Block 1, as shown on Appendix “F” to Report PED10030, to permit the future development of single detached dwellings and semi-detached dwellings on lands located at 250, 252, and 270 Springbrook Avenue (Ancaster), as shown on Appendix “A” to Report PED10030, on the following basis:

(i) That the draft By-law, attached as Appendix “E” to Report PED10030, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(ii) That the amending By-law, attached as Appendix “E”, be added to Schedule “B” of Zoning By-law No. 87-57.

(iii) That the draft By-law, attached as Appendix “F” to Report PED10030, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(iv) That the amending By-law, attached as Appendix “F”, be added to Schedule “1284” of Zoning By-law No. 05-200.

(v) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan; the Official Plan for the Town Ancaster, and the Meadowlands Secondary Plan Neighbourhood IV.

c That approval be given to **Condominium Application 25CDM-200904, by Antonio and Joel Dussin, 603997 Ontario Ltd. and 766272 Ontario Inc., Owners**, to establish a draft plan of condominium (Common Elements Condominium) to create a condominium road for a 26 unit semi-detached development, on lands located within Part of Lot 50, Concession 3, Geographic Town of Ancaster, as shown on Appendix “D” to Report PED10030, subject to the following conditions:

(i) That this approval applies to the plan prepared by A.T. McLaren Ltd., and certified by S.D. McLaren, O.L.S., dated July 2, 2009, showing the condominium road (Block 1), attached as Appendix “D” to Report PED10030.

(ii) That the Final Plan of Condominium complies with all the applicable provisions of Zoning By-law No. 87-57, as amended.

(iii) That the Owner enters into a Development Agreement to ensure that the tenure of each of the proposed 26 freehold units has legal interest, in
common, to the Common Elements Condominium, to the satisfaction of the City Solicitor.

(iv) That the Owner receives final approval of a Part Lot Control Application, and the implementing By-law, to the satisfaction of the Director of Planning.

(v) That the Owner includes the following warning clause in the Development Agreement, all Purchase and Sale Agreements, and any rental or lease agreements required for occupancy:

“Purchasers are advised that the City of Hamilton will not be providing maintenance, garbage collection, or snow removal service for the private condominium road”.

(vi) That the Owner provides the Director of Development Engineering with evidence that satisfactory arrangements, financial or 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.

(vii) That the Owner satisfies any conditions, financial or otherwise, of the City of Hamilton.

CARRIED

12. Telecommunication Tower and Antenna Protocol Follow-Up Report (PED09206(a)) / (PW10016) / (BOH08013(a)) (City Wide) (Outstanding Business List Item) (Item 8.1)

(Ferguson/Pearson)

a) That the 120 metre separation distance for new cell towers from residential areas and schools, be maintained

b) That the following section of the Cell Tower Protocol be maintained;
- a new telecommunication tower, which must be located within 120 metres of a Residential Zone or school, is not required to be designed for future co-location capacity. In all other situations, new towers should be designed to accommodate co-location capacity

c) That the Mayor write to Industry Canada and advise that some cell phone operators are installing cell towers without following Industry Canada Guidelines and without public consultation, and request that Industry Canada take the appropriate actions, and advise the City thereafter

d) That Public Works staff be directed to bring a report back to the Economic Development and Planning Committee, respecting the following items;
- negotiate a more substantial monthly rate for the installation of cell antennas on water towers
- make arrangements for appropriate insurance certificate to hold City harmless for Health and Safety and other claims
- draft agreement that City staff attend water tower locations with cell provider and the cell provider pay the costs of City staff person

e) That Report PED09206(a) / PW10016 / BOH08013(a) be received and that the item “Consultation process for wireless telecommunication facilities” be identified as completed and removed from the Economic Development and Planning Committee Outstanding Business List.

CARRIED

13. Telecommunication Tower and Antenna Protocol
(Pearson/McHattie)
Whereas pre 2008 there was no requirement for public consultation regarding the installation of telecommunications towers in the Province of Ontario

And whereas there has been concerns raised in various areas of the City of Hamilton where towers have been installed without public process and the City of Hamilton communicated their concerns back to Industry Canada.

And whereas effective January 1, 2008 Industry Canada has laid out a consultation procedure: Client Procedure Circular CPC-2-0-0-3.

And whereas after further debate and review City of Hamilton approved a formal process, entitled: Telecommunication Tower and Antenna Protocol on August 13, 2009.

And whereas on continued dialogue with staff regarding ongoing issues with a telecommunication tower located in Ward 10 of the City of Hamilton, Industry Canada has reconfirmed that telecommunication providers do not need a building permit or permission from the City to install a tower on any property because they are Federally regulated.

And whereas Section 6 of Industry Canada’s Client Procedure Circular CPC-2-0-0-3 lists several types of installations which are excluded from the requirement to consult with the City or the public, including an exemption relating to the “Addition or modification of an antenna system (including improving the structural integrity or its integral mast to facilitate sharing)...provided the addition or modification does not result in an overall height increase above the existing structure of 25% of the original structure’s height”.

And whereas the City of Hamilton is concerned that Industry Canada has not demonstrated that there is a reporting mechanism to ensure that the construction of towers meets the specifications set out by the provider.
And whereas Client Procedure Circular CPC-2-0-0-3 allows for modifications and/or additions to existing towers without further consultation with the City thereby leaving the City and neighbourhood affected having no voice and knowledge of compliance with intended modifications or additions.

And whereas it is further understood that Industry Canada may not monitor and enforce modifications or additions to existing towers as long as reported by the provider as meeting the exemptions in Client Procedure Circular CPC-2-0-0-3.

The City of Hamilton requests Industry Canada to amend their Client Procedure Circular to require carriers to consult with the City setting out any changes being proposed and confirm that the initial construction of such towers and any modifications or additions meet the initial site plan and any subsequent site plans submitted.

CARRIED

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

The Clerk advised of the following changes to the agenda:

- added request from Tracey Helwig to speak to Item 6.1, Rymal Road East.

On a Motion (Duvall/Pearson), Committee approved the delegation request.

On a Motion, the agenda for the February 16, 2010 meeting of the Economic Development & Planning Committee was approved, as amended.

The Chair then asked Neil Everson to speak.

Neil Everson explained that his group had recently won first place in the 2009 Economic Development Council of Ontario Awards for a stand alone advertisement for a recent advertisement entitled “Hamilton Calling”. Copies of the advertisement were distributed to members.

Committee congratulated Mr. Everson and Tim McCabe and their staff.

(b) DECLARATIONS OF INTEREST (Item 2)

None
(c) APPROVAL OF MINUTES (Item 3)

The Minutes of the Economic Development and Planning Committee meeting of February 2, 2010 were approved.

(d) Florence Knapp, respecting request to demolish property at 143 Hunter Street, without submitting a building permit application for a new residential unit (Item 4.1)

On a Motion, Committee agreed to hear from Mrs. Knapp, at a future meeting.

(e) Feasibility of Establishing a By-law to Prohibit the Use of Outdoor Cameras Aimed at Neighbours Properties (PED10036) (City Wide) (Item 5.6)

Chair Ferguson stepped out of the Chair to express his concerns respecting this matter. Staff confirmed that any motion to be taken in these circumstances, would require to be civil, in nature. Committee approved the staff recommendation. Councillor Ferguson requested that his opposition be recorded.

Chair Ferguson then resumed the Chair.

(f) Municipal Heritage Committee - December 17, 2009 (Item 5.10(a))

The Minutes of the Municipal Heritage Committee of December 17, 2009, were received as presented.

(g) Matt Jelly, Hamilton, respecting the Century Theatre (Delegation approved by Committee on January 19, 2009) (Item 6.1)

Mr. Jelly addressed Committee with the aid of a powerpoint presentation, and expressed his concerns about how vacant buildings, such as the Century Theatre, are handled by the City. His points included, but were not limited to the following;

- concern that vacant, historical buildings are not being handled by the City in the most effective way
- believes that the City does mean to enforce its protocols and by-laws, needs to do better, we all need to look forward
- recently organized a “By-law Crawl”, invited interested people to visit and review vacant buildings in the Downtown. 75 citizens attended
- group reviewed vacant buildings Downtown, identified infractions including unsecured entrances, broken windows, etc., generated 26 complaints to Property Standards staff
- will do a second crawl on Saturday, March 6, 2010, which will also include a clean-up
- urged people to report infractions on-line at www.bylawcrawl.ca
- asked City to set up an on-line form for people to report problems
- suggested better use of existing enforcement officers, consider use of a student team to identify problems
- suggested review of complaints process, to ensure people know their complaint received and being dealt with
- suggested improvement of Vacant Building Protocol, carry out monthly inspections, and proposed no further demolitions of vacant, historical buildings until they are reviewed by a qualified person.

Councillor McHattie thanked the presenter and requested that the presentation be referred to Marty Hazell and his staff. He offered to facilitate a meeting between Mr. Hazel, the delegation and himself.

On a Motion (McHattie/Duvall), Committee referred the points made by the delegation to Marty Hazell's staff, and that these points be included in the upcoming staff report on improvements to the Vacant Building Protocol.

(h) Application to Amend the Former City of Hamilton Official Plan and Zoning By-law for Lands Located at 741 Rymal Road East (Hamilton) (PED09311(a)) (Ward 7) (Item 6.2)

Chair Ferguson said that this item had been tabled after the completion of the Public Meeting on December 1, 2009, to allow discussions between the parties involved.

Alvin Chan was present to assist Committee and explained what had happened since the matter was tabled at the Public Meeting of December 1, 2009.

Councillor Duvall confirmed that discussions had been held between the parties which had led to agreement respecting revisions to the proposal. Councillor Duvall proposed that a visual barrier of a 2.1 metre high wrought iron-type fence be added to the zoning by-law requirements. Staff suggested that this detail would be handled better at the Site Plan Stage. Councillor Duvall agreed, and on a Motion (Duvall/Mitchell), Committee added this requirement to the staff recommendation.

Tracey Helwig addressed Committee in support of the modifications. She noted that the YWCA had now been given approval for a group home adjacent to the
site, and that she was happy that her concerns, and those of the neighbours, had been addressed.

On a Motion, Committee received the delegation.

Committee approved the revised staff recommendation.

On a Motion (Duvall/McHattie), Committee directed that a 2.1 metre high black wrought iron-type fence should be required as part of the Site Plan Approval for this site, and that this be added to the recommendation.

(i) **Application for Approval of a Draft Plan of Subdivision, “Dussin Estates”, Draft Plan of Condominium and Amendments to the Town of Ancaster Zoning By-law No. 87-57 and City of Hamilton By-law No. 05-200, for Lands Located Within Part of Lot 50, Concession 3, Geographic Township of Ancaster (Ancaster) (PED10030) (Ward 12) (Item 6.3)**

Chair Ferguson 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 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.

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 zoning by-law amendment, 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.

Committee received an additional letter from Al Wood, 5-212 Stonehenge Drive, Ancaster.

Chris Bell was present to assist Committee and gave an overview of the application with the assistance of a powerpoint presentation. He noted points including the following:

- during the progress of the application, various revisions had been made to the application, as a result of public input
- tree management plan will be required
- storm water management plan required
- proposal fits with policies of existing Secondary Plan.

In response to questions from Councillors, Steve Robichaud explained that the proposal to remove most of the forested area was acceptable under the existing Secondary Plan, and that the proposal must be evaluated against the requirements, policies of this Plan. However, a different view of tree retention is now taken by staff respecting new areas.

Chair Ferguson vacated the Chair to Councillor Pasuta, to speak to the issue:

- will Springbrook now be urbanized, will residents be able to hook up to services for $5,000?

Tony Sergi explained that as the market for the new development moves forward, the intent is to urbanize Springbrook.

Angelo Cameracci, agent for the developer, advised that he was in support of the staff recommendation.

Don Campbell, Chair of Condominium Corporation WCC 348, 212 Stonehenge Drive, addressed Committee. His points included but were not limited to the following:

- still some concerns about added traffic flow, and loss of trees, but all major questions have been addressed
- will Springbrook eventually be connected to the roundabout? His corporation likes the present situation, as a connection would increase traffic.

Chair Ferguson explained that a previous decision had been made not to connect Springbrook to the roundabout. He added that in the future, there was always the possibility that this decision could be revisited.

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

Committee approved the staff recommendation.

(j) Application for a Change in Zoning for the Lands Located at 1540 Upper Gage Avenue (Hamilton) (PED10029) (Ward 7) (Item 6.4)

Chair Ferguson 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 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.

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 zoning by-law amendment, 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.

Edward John was present to assist Committee and gave an overview of the
application with the aid of powerpoint presentation. His points included, but were
not limited to, the following:

- following public circulation, 4 letters and a petition were received in opposition
to the proposal
- concerns included over-intensification, traffic and parking impacts, decrease in property values
- Neighbourhood Plan for area in 1970’s approved subject and adjacent sites
  for attached housing. Adjacent sites developed for single detached
  residential following down zoning with one exception. This application meets
  intent of original plan
- Proposal has been reduced from 12 units to 11, requires various reductions to
  the standard by-law setbacks.

Councillor Duvall noted that some of the residents had contacted the City and
had been told, on several occasions, site would not develop as townhouses.
Staff explained there was no formal correspondence in the file on this.

Angelo Cameracci, agent for the applicant, spoke in favour of the staff
recommendation. He noted that should Council refuse the development, his
client’s appeal to the OMB might request a 12 unit development.

Jack Jackson, 8 Farah Court, addressed Committee. His comments included,
but were not limited to, the following:

- development is being squeezed in, backyard of one house will have a
garbage facility in it
- had been told by City that site too small for townhouses
- concern about leaving site vacant, now house torn down
- lot 100 feet wide, having 11 families squeezed in would be too dense
- where will snow storage take place, where will visitors park?
- Request City consider other alternatives for development of the site.

Maureen Vukmanich, 15 Erminia Court, addressed Committee. Her comments included, but were not limited to, the following:

- decks at rear of townhouses will be very close to her rear fence line
- townhouses will be two-storey, her existing house is one storey, so will completely lose privacy
- existing parking in area very tight, many houses on Erminia are 2 unit homes, this will make parking situation worse
- at busy times, people already park in the middle of the court.

Alena Miller, 1576 Upper Gage, addressed Committee. Her points included, but were not limited to, the following:

- also owns 1574 Upper Gage, vacant land, since old house demolished
- explained that City staff told her that 1574 would become landlocked, upon development of Erminia, but chose not to go with development at that time
- townhouses built by this developer are small, and thinks 8 is maximum number for the site
- if this site is approved for townhouses, then she will apply for a similar development.

There were no further speakers.

On a Motion (Pearson/Pasuta), the staff recommendation was placed on the floor.

Committee discussed the issues raised, and noted that it appeared that the residents were not opposed to development per se, but that too high a density was being proposed.

On a Motion (McHattie/Pasuta), Committee tabled the matter, to permit additional discussions with the developer, to consider alternatives to the present density proposed.

Mr. McCabe suggested that staff would be able to report back after approximately one month.
(k) Telecommunication Tower and Antenna Protocol Follow-Up Report (PED09206(a)) / (PW10016) / (BOH08013(a)) (City Wide) (Outstanding Business List Item) (Item 8.1)

On a Motion (Pasuta/Mitchell), the letter from Stephen D’Agostino, Thompson Rogers, was received.

Heather Travis introduced the subject report, with the aid of a powerpoint presentation. The points included but were not limited to the following;

On August 10, 2009, staff was directed to report back to Committee and Council on four issues. The four issues and the staff response on each is summarized as follows;

(i) Change separation for new towers from 120 metres to 400 metres from residential areas and schools (Planning staff)

   Staff is recommending that the 120 metre separation distance be maintained.

(ii) All new towers should be monopoles and not lattice towers with multiple antennae; (Planning staff);

   Staff is of the opinion that restricting the type of tower that can be constructed may not have the desired effect of reducing the visual obtrusiveness of towers. Rather, the focus should be on where it is or is not appropriate to encourage co-location and multiple antennae on a tower.

(iii) The revenue that could be generated, and how water security can be protected if wireless telecommunication devices are installed on City owned water towers (Public Works staff);

   Staff recommends that the prohibition on the installation of telecommunication antenna on water towers be maintained, due to security and operational issues

(iv) The health effects on water towers by wireless telecommunication devices (Medical Officer of Health).

   Staff considers there is no evidence in peer reviewed scientific literature that indicates that water towers hosting RF transmitting equipment are associated with adverse health outcomes in humans. Information about health risks associated with cell phone towers was presented to the Hamilton Board of Health in July, 2008 (see Report BOH08013).

Committee discussed the matter, and noted various comments, including but not limited to the following:
- new towers are being erected with no consultation, no discussion with the City
- concern about lack of building permits for the structures
- need to protect neighbourhoods where these towers are being erected
- should City allow use of water towers, which would reduce number of new structures, this would be a revenue source, subject to appropriate safeguards
- concern that Industry Canada does not need to consult with municipalities
- are locations chosen the best for the service needed
- what are the policies and procedures in other municipalities
- potential safety issue of cell antennas on water towers.

Staff responses included the following:

- construction of towers may be legal, where there are exemption categories under Federal regulations
- where there are no exemptions, may be an enforcement issue
- construction of towers is a Federal concern, little municipal involvement
- where towers not exempt, protocol requires that Industry Canada consult with a municipality
- problems with erection on water towers, respecting security, extra costs to call people in after hours, staff could be under pressure
- are locations chosen the best ones for service
- potential safety issues
- cannot make companies comply with Industry Canada guidelines, but need guidelines to guide the companies which do comply, perhaps the best way is to put pressure on the Federal government
- the main cell providers, Rogers, Telus, Bell, do comply, a new company does not
- there are no known health risks respecting the location of cell towers on water towers.

Committee considered the issues. Chair Ferguson vacated the chair to Councillor Bratina, to speak to the issues.

On a Motion (Pearson/McHattie), Committee endorsed the staff position on maintaining the 120 metre separation between cell towers, and requiring that towers adjacent to sensitive uses remain as monopoles, but that other towers be permitted to have additional installations.

On a Motion (Ferguson/Mitchell), Committee agreed that the Mayor should write to Industry Canada about the problems with some cell providers.

On a Motion (Ferguson/Mitchell), Committee directed that Public Works staff provide a further report to this Committee on the location of cell towers on water towers.
Committee agreed that the item would now be removed from the Outstanding Business List.

Councillor Ferguson resumed the Chair.

(t) **Motions (Item 9)**

None

(u) **Notices of Motion (Item 10)**

None

(v) **GENERAL INFORMATION (Item 11)**

(i) **Regulating Residential Rental Housing-Pilot enforcement programme for Wards 1 and 8 (Item 11.1)**

*Due date:* February 16, 2010  
*Proposed new date:* March 2, 2010

On a Motion (McHattie/Pasuta), Committee approved the new date.

(ii) **Regulating Residential Rental Housing- Potential Service level improvements to transit, garbage pickup etc (Item 11.2)**

*Due date:* February 16, 2010  
*Proposed new date:* March 2, 2010

On a Motion (McHattie/Pasuta), Committee approved the new date.

(iii) **News from the General Manager (Item 11.3)**

- staff will report back respecting the decision of the Ministry on the Urban Official Plan on March 23, 2010  
- next Public Meeting on St. Joseph’s proposal, Governor’s Road, Dundas, will be March 2, 2010  
- City is hosting next Upwind Downwind Conference on February 22, 2010, will have an added day on February 21, 2010.
(w) PRIVATE AND CONFIDENTIAL (Item 12)

None

(x) ADJOURNMENT (Item 13)
(Pearson/Mitchell)
The meeting adjourned at 3:40 pm.

Respectfully submitted

Lloyd Ferguson, Chair
Economic Development & Planning Committee

Alexandra Rawlings
Co-ordinator
February 16, 2010