Present: Councillors J. Farr (Chair), B. Johnson (1st Vice Chair), B. Clark, C. Collins, L. Ferguson, M. Pearson and T. Whitehead

Absent with Regrets: Councillor R. Pasuta – Vacation
Councillor J. Partridge – City Business

Also Present: Councillor B. McHattie

THE PLANNING COMMITTEE PRESENTS REPORT 13-014 AND RESPECTFULLY RECOMMENDS:

1. Application to Amend City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 1297 Baseline Road (Stoney Creek) (PED13150) (Ward 11) (Item 6.2)

That Zoning By-law Amendment Application ZAC-12-048, by Cretaro Homes, (Owner), for a change in zoning from the Neighbourhood Development “ND” Zone (Block 1) and the Single Residential “R1” Zone (Block 2) to a Single Residential “R3” Zone, with a Special Exception, in order to permit the development of 4 single detached dwellings, on the lands located at 1297 Baseline Road (Stoney Creek), as shown on Appendix “A” to Report PED13150, be Denied on the following basis:

(a) That the application is not consistent with policies of the Provincial Policy Statement, as the proposed lot sizes are not consistent with those currently found within the neighbourhood, and are not complementary to the existing streetscape and gradation of density/lot widths along Baseline Road;
(b) That the application does not conform to the Places to Grow Plan, as the proposal is not an appropriate type and scale of intensification for this area, and is not of an appropriate design that will not provide transition of built form to adjacent areas;

(c) That the application does not conform to Policies of Volume 1 of the Urban Hamilton Official Plan, as the proposal does not maintain or enhance the relationship with the existing neighbourhood character and streetscape, and is not compatible with the surrounding area in terms of scale, form, and character, or transition of height and density to adjacent residences;

(d) That the application does not conform with Policy Section D-8, “Lot Severance” policies of the Hamilton-Wentworth Official Plan, as the proposal does not conform to the area municipal Official Plan;

(e) That the application conforms to the Urban Lakeshore Area Secondary Plan, but does not conform with Policies A.1.1.3 and A.1.2.19 of the parent Stoney Creek Official Plan, and by default, does not conform to the Urban Lakeshore Area Secondary Plan, as per Policy Section F.3;

(f) That the application conflicts with the criteria for subdivision of land, Section 51(24) of the Planning Act, as it does not conform to the Official Plan and adjacent plans of subdivision, and proposes lot dimensions and shapes which are not consistent with or harmonious to the existing streetscape and neighbourhood character.

2. **Amendments to the Downtown and Community Renewal Community Improvement Plan (PED13132(a)) (Wards 1, 2, 3, 4, 6, 7, 8, 9, 11, 12, 13 and 15) (Item 6.3)**

(a) That the Downtown and Community Renewal Community Improvement Plan be amended as set out in the implementing by-law attached as Appendix “A” to Report PED13132(a);

(b) That Appendix “F” to the Downtown and Community Renewal Community Improvement Plan, being the Program Description and Terms of the Hamilton Heritage Property Grant Program, be deleted and replaced respectively with the Program Description and Terms of the Hamilton Heritage Property Grant Program, attached hereto as Appendix “A” to Planning Committee Report 13-014;

(c) That Appendix “G” to the Downtown and Community Renewal Community Improvement Plan, being the Program Description and Terms of the GORE Building Improvement Grant Program, be deleted and replaced respectively with the Program Description and Terms of the GORE
3. **Application for Amendments to the Town of Flamborough Zoning By-law No. 90-145-Z for Lands Located at 392, 488, and 530 Dundas Street East (Flamborough) (PED13140) (Ward 15) (Item 6.5)**

(a) That approval be given to Zoning Application ZAC-12-013, by Waterdown Bay Ltd., for a change in zoning to permit a residential, commercial, and mixed-use subdivision, for lands located at 392, 488, and 530 Dundas Street East (Flamborough), as shown on Appendix “A” to Report PED13140, on the following basis:

(i) That the draft By-law, attached as Appendix “B” to Report PED13140, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

(ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement, conform with the Places to Grow Growth Plan, and the Urban Hamilton Official Plan;

(iii) That the proposed development satisfies the intent of the Waterdown South Secondary Plan, providing for a residential, mixed-use, and commercial subdivision that is consistent with existing and planned future developments of the area.

(b) That the Draft Plan of Subdivision conditions, as contained within Appendix “E” to Report PED13140, in addition to the balance of By-law provisions that affect lands formally considered under previous Zoning Application ZAC-05-066, as contained in Appendix “A” of Report PED13140, be endorsed by City Council; and that staff be directed to present these conditions and applicable By-law provisions to the Ontario Municipal Board (OMB) in support of the proposed development, subject to such modifications as staff may identify of a technical or minor nature during the course of the Board proceedings or pertaining to drafting issues.

(c) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 51 of the Planning Act, prior to the Building Permit stage. The calculation for the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the day of issuance of each Building Permit, with the exception of the townhouse and multiple dwelling blocks, to which payment shall be based on the value of the land on the day prior to the issuance of the first Building Permit for each said block.
Parkland credits may be applied on a land value basis to the proposed Draft Plan of Subdivision in the event of any over-dedication of Parkland from the registration of the Draft Plan of Subdivision 25T200513.

All in accordance with the Financial Policies for Development and the City’s Parkland Dedication By-law, as approved by Council, and which is without prejudice to any determination of the implications of the Memorandum of Agreement, dated October 30, 1997.

4. Downtown Parking Study Update (PED12153(a)) (Ward 2) (Item 8.1)

That staff be authorized to issue a Request for Information (RFI) to gauge the level of private sector interest in the development of a parking structure in one of the two Downtown “high demand parking areas” (King and Bay Streets and King William and John Streets).

5. 178 Hixon Road, Hamilton - Slope Stabilization (PED13157/PW13066) (Ward 5) (Item 8.2)

(a) That Report PED13157/PW13066178 Hixon Road, Hamilton - Slope Stabilization, be received;

(b) That staff use area rating funds to source an arrangement to purchase the property (building demolition) and either restore the property for open space use or dispose of the property for redevelopment.

6. Rental Housing Licensing By-law (PED10049(m)) (City Wide) (Item 8.3)

(a) That a permanent Proactive Enforcement Program to enforce rental housing conditions be approved, subject to the approval of items (i) and (ii) below:

   (i) An additional 5 FTEs (4 enforcement officers and 1 support clerk) at an estimated net levy impact of $275,000 annually until 2017 when the levy impact would be reduced to approximately $175,000 annually;

   (ii) A one-time Capital (cost to an upset limit of $160,000) to purchase 4 vehicles funded from Unallocated Capital Reserve Account No. 108020.

(b) That a sub-committee be established to work with interested stakeholders to assist with the implementation of an approach to enforcement and
legalization of appropriate rental housing including, but not limited to, process, fees, and by-law regulations.

7. **Business Licensing Fee Review (PD01104(h)) (City Wide) (Item 8.4)**

   (a) That the comprehensive staff report on business license fees be delayed until such time as the performance audit respecting "License Revenue" approved by Council on April 24, 2013, is complete and dealt with by the Audit, Finance and Administration Committee and Council;

   (b) That the second year of the five-year, cost recovery phase-in strategy for Business License Fees, as contained in Appendix “A” to Report PD01104(h), be approved.

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**FOR THE INFORMATION OF COUNCIL:**

(a) **CHANGES TO THE AGENDA (Item 1)**

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

   1. **DELEGATION REQUESTS**

      4.1 Delegation Request respecting Item 8.3 Rental Housing Licensing By-law (PED10049(m)) (City Wide), for today’s meeting:

      (i) Realtors Association of Hamilton-Burlington
      (ii) Michael Power
      (iii) John Cerino
      (iv) Renee Wetselaar
      (v) Alok Pathak
      (vi) Mike Chopowick and Vincent Brescia
      (vii) Rajan Pathak
      (viii) Arun Pathak
      (ix) Zack Casuccio
      (x) Patricia Cunningham-Ward
      (xi) Patricia Cunningham-Ward (on behalf of Doris Lanigan)
      (xii) Andrew Robertson – Withdrawn --
      (xiii) C. Michael Ollier
      (xiv) Paul Martindale
      (xv) Robert Flis
(xvi) Susan Stewart-Greene  
(xvii) Hank Balfoort  
(xviii) Valerie Pereira  
(xix) Nick Vescio  
(xx) David Horwood  

4.2 Delegation Request from Teresa Hartman from Hamilton Animal Control – Stop the Killings, respecting Item 6.1 Delegation from Gail McGinnis, Kit Cat Club of Hamilton Rescue, respecting animal control, for today’s meeting.  

2. PUBLIC HEARINGS AND DELEGATIONS  

6.4 City Initiative - Amendments to Incorporate Regulations for the Storage of Major Recreational Equipment Within the Former City of Stoney Creek Zoning By-law No. 3692-92 (PED13154) (Wards 9, 10, and 11)  

(i) Correspondence from Carl Hendershot  
(ii) Correspondence from John Millward  
(iii) Correspondence from Bill Sears  

3. DISCUSSION ITEMS  

8.3 Rental Housing Licensing By-law (PED10049(m)) (City Wide)  

(i) Correspondence from Ainslie Wood/Westdale Community Association  
(ii) Correspondence from Malcolm Horsnell and Janet Woodward  
(iii) Correspondence from S.P. Horwood  
(iv) Correspondence from Jason Avery  
(v) Correspondence from Marilyn and Dan Pilling  
(vi) Correspondence from Tibor Bocz  
(vii) Correspondence from David Hitchcock  
(viii) Correspondence from Rachelle Sender  
(ix) Correspondence from Pieter DeJonge  
(x) Correspondence from Danny Davids  
(xi) Correspondence from Ron Lancaster  
(xii) Correspondence from Anita McGowan  
(xiii) Correspondence from Don Woodside  
(xiv) Correspondence from Joseph Day  
(xv) Correspondence from Catherine and David Weir  
(xvi) Correspondence from Karyn Callaghan  
(xvii) Correspondence from Terri Bocz  
(xviii) Correspondence from Linda Bryant  

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(xix) Correspondence from Daniel Coleman
(xx) Correspondence from Klaus Schultes
(xxi) Correspondence from Linda Ellis
(xxii) Correspondence from Kathy Greaves
(xxiii) Correspondence from Stephanie Ounpuu
(xxiv) Correspondence from Nancy Gulliver
(xxv) Correspondence from Karen Bernyak-Bouwman
(xxvi) Correspondence from Betty Bechtel
(xxvii) Correspondence from Helen Silke
(xxviii) Correspondence from McMaster Students Union

The Agenda for the September 17, 2013 meeting of the Planning Committee was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

Councillor Pearson declared a conflict of interest for Item 8.3, Rental Housing Licensing By-law (PED10049(m)) (City Wide), as she is involved in the rental housing industry.

(c) APPROVAL OF MINUTES (Item 3)

(i) September 4, 2013

The Minutes of the September 4, 2013 Planning Committee meeting were approved.

(d) DELEGATION REQUESTS (Item 4)

(i) Delegation Request respecting Item 8.3 Rental Housing Licensing By-law (PED10049(m)) (City Wide), for today’s meeting:

(i) Realtors Association of Hamilton-Burlington
(ii) Michael Power
(iii) John Cerino
(iv) Renee Wetselaar
(v) Alok Pathak
(vi) Mike Chopowick and Vincent Brescia
(vii) Rajan Pathak
(viii) Arun Pathak
(ix) Zack Casuccio
(x) Patricia Cunningham-Ward
(xi) Patricia Cunningham-Ward (on behalf of Doris Lanigan)
(xii) Andrew Robertson – Withdrawn --
(xiii) C. Michael Ollier
(xiv) Paul Martindale
(xv) Robert Flis
(xvi) Susan Stewart-Greene
(xvii) Hank Balfoort
(xviii) Valerie Pereira
(xix) Nick Vescio
(xx) David Horwood

The delegation requests respecting Item 8.3 Rental Housing Licensing By-law (PED10049(m)) (City Wide), were approved.

4.2 Delegation Request from Teresa Hartman from Hamilton Animal Control – Stop the Killings, respecting Item 6.1 Delegation from Gail McGinnis, Kit Cat Club of Hamilton Rescue, respecting animal control, for today’s meeting.

The delegation request from Teresa Hartman from Hamilton Animal Control – Stop the Killings, respecting Item 6.1 Delegation from Gail McGinnis, Kit Cat Club of Hamilton Rescue, respecting animal control, was approved.

(e) PUBLIC HEARINGS AND DELEGATIONS (Item 6)

(i) Delegation from Gail McGinnis, Kit Cat Club of Hamilton Rescue, respecting animal control (Item 6.1)

Gail McGinnis did not attend the meeting.

6.1(i) Delegation from Teresa Hartman

Teresa Hartman expressed concerns to current practices respecting animal control.

The delegation from Teresa Hartman respecting animal control, was received.
(ii) Application to Amend City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 1297 Baseline Road (Stoney Creek) (PED13150) (Ward 11) (Item 6.2)

In accordance with the provision of the Planning Act, Chair J. Farr advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council approves the zoning by-law amendment, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board, and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

No public speakers came forward.

The public meeting, respecting Report PED13150 Application to Amend City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 1297 Baseline Road (Stoney Creek), was closed.

The staff presentation, respecting Report PED13150 Application to Amend City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 1297 Baseline Road (Stoney Creek), was waived.

John Ariens, agent, provided an overview of the proposed changes and expressed concerns with staff recommendations.

The agent’s presentation respecting Report PED13150 Application to Amend City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 1297 Baseline Road (Stoney Creek), was received.

For disposition on this Item, refer to item 1.

(iii) Amendments to the Downtown and Community Renewal Community Improvement Plan (PED13132(a)) (Wards 1, 2, 3, 4, 6, 7, 8, 9, 11, 12, 13 and 15) (Item 6.3)

In accordance with the provision of the Planning Act, Chair J. Farr advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council approves the downtown and community renewal community improvement plan, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board, and the person or public body may not be added as a party to the hearing of an appeal before the
Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

No public speakers came forward.

The public meeting, respecting Report PED13132(a), Amendments to the Downtown and Community Renewal Community Improvement Plan, was closed.

The staff presentation, respecting Report PED13132(a), Amendments to the Downtown and Community Renewal Community Improvement Plan, was waived.

For disposition on this Item, refer to item 2.

(iv) City Initiative - Amendments to Incorporate Regulations for the Storage of Major Recreational Equipment Within the Former City of Stoney Creek Zoning By-law No. 3692-92 (PED13154) (Wards 9, 10, and 11) (Item 6.4)

(i) Correspondence from Carl Hendershot
(ii) Correspondence from John Millward
(iii) Correspondence from Bill Sears

In accordance with the provision of the Planning Act, Chair J. Farr advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council approves the zoning by-law amendment, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board, and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

Peter De Iulio, Senior Project Manager, provided overview of the report with the aid of a PowerPoint presentation. A copy of the presentation has been included in the public record.

The staff presentation respecting Report PED13154, City Initiative - Amendments to Incorporate Regulations for the Storage of Major Recreational Equipment Within the Former City of Stoney Creek Zoning By-law No. 3692-92, was received.

Public Speakers:
1. Larry Pearce – 148 Watercrest Drive, Stoney Creek, ON L8E 5C7

Mr. Pearce expressed concerns with respect to the by-law with the aid of speaking notes. A copy of his speaking notes has been included in the public record.

The public presentations respecting Report PED13154, City Initiative - Amendments to Incorporate Regulations for the Storage of Major Recreational Equipment Within the Former City of Stoney Creek Zoning By-law No. 3692-92, were received.

The items of correspondence respecting Report PED13154, City Initiative - Amendments to Incorporate Regulations for the Storage of Major Recreational Equipment Within the Former City of Stoney Creek Zoning By-law No. 3692-92, were received.

The public meeting respecting Report PED13154, City Initiative - Amendments to Incorporate Regulations for the Storage of Major Recreational Equipment Within the Former City of Stoney Creek Zoning By-law No. 3692-92, was closed.

Report PED13154, City Initiative - Amendments to Incorporate Regulations for the Storage of Major Recreational Equipment Within the Former City of Stoney Creek Zoning By-law No. 3692-92, was referred back to staff for further review with staff, legal and Ward 9, 10 and 11 Councillors.

(v) Application for Amendments to the Town of Flamborough Zoning By-law No. 90-145-Z for Lands Located at 392, 488, and 530 Dundas Street East (Flamborough) (PED13140) (Ward 15) (Item 6.5)

In accordance with the provision of the Planning Act, Chair J. Farr advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council approves the zoning by-law amendment, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board, and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

No public speakers came forward.

The public meeting, respecting Report PED13140 Application for Amendments to the Town of Flamborough Zoning By-law No. 90-145-Z for
Lands Located at 392, 488, and 530 Dundas Street East (Flamborough), was closed.

The staff presentation, respecting Report PED13140 Application for Amendments to the Town of Flamborough Zoning By-law No. 90-145-Z for Lands Located at 392, 488, and 530 Dundas Street East (Flamborough), was waived.

For disposition on this Item, refer to item 3.

(f) DISCUSSION ITEMS (Item 8)

(i) Downtown Parking Study Update (PED12153(a)) (Ward 2) (Item 8.1)

MMM Group, consultants, provided an overview of their findings with the aid of a PowerPoint Presentation. A copy of the presentation has been included as part of the public record.

The consultant’s presentation respecting Report PED12153(a), Downtown Parking Study Update, was received.

The staff recommendations were amended by deleting the words, “participating with the City in”, before the words, “the development of a parking structure”, to read as follows:

That staff be authorized to issue a Request for Information (RFI) to gauge the level of private sector interest in the development of a parking structure in one of the two Downtown “high demand parking areas” (King and Bay Streets and King William and John Streets).

The recommendations were amended by adding a new sub-section (b) to read as follows:

(b) That staff be directed to look at multi-usage along with neighbourhood usages as a portion of the RFI considerations;

The motion was DEFEATED on the following vote:

Yeas:  T. Whitehead, C. Collins, J. Farr
Total:  3
Nays:  B. Johnson, M. Pearson, B. Clark, L. Ferguson
Total:  4
Absent: R. Pasuta, J. Partridge
Total:  2
The main motion, as amended, CARRIED on the following vote:

Yeas:  B. Johnson, M. Pearson, B. Clark, L. Ferguson, C. Collins
Total: 5
Nays:  T. Whitehead, J. Farr
Total: 2
Absent: R. Pasuta, J. Partridge
Total: 2

For disposition on this Item, refer to item 4.

Planning Committee recessed from 1:40 p.m. until 2:05 p.m.

(ii) **Rental Housing Licensing By-law (PED10049(m)) (City Wide) (Item 8.3)**

(i) Correspondence from Ainslie Wood/Westdale Community Association
(ii) Correspondence from Malcolm Horsnell and Janet Woodward
(iii) Correspondence from S.P. Horwood
(iv) Correspondence from Jason Avery
(v) Correspondence from Marilyn and Dan Pilling
(vi) Correspondence from Tibor Bocz
(vii) Correspondence from David Hitchcock
(viii) Correspondence from Rachelle Sender
(ix) Correspondence from Pieter DeJonge
(x) Correspondence from Danny Davids
(xi) Correspondence from Ron Lancaster
(xii) Correspondence from Anita McGowan
(xiii) Correspondence from Don Woodside
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(xviii) Correspondence from Linda Bryant
(xix) Correspondence from Daniel Coleman
(xx) Correspondence from Klaus Schultes
(xxi) Correspondence from Linda Ellis
(xxii) Correspondence from Kathy Greaves
(xxiii) Correspondence from Stephanie Ounpuu
(xxiv) Correspondence from Nancy Gulliver
(xxv) Correspondence from Karen Bernyak-Bouwman
(xxvi) Correspondence from Betty Bechtel
(xxvii) Correspondence from Helen Silke

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Correspondence from McMaster Students Union

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

The staff presentation respecting Report PED10049(m), Rental Housing Licensing By-law, was received.

The correspondence respecting Report PED10049(m), Rental Housing Licensing By-law, was received.

Delegations:
1. Realtors Association of Hamilton-Burlington (RAHB)
   RAHB provided alternative solutions to licensing rental housing.

2. John Cerino
   Mr. Cerino expressed concerns with respect to licensing rental housing due to increased fees.

3. Renee Wetselaar
   Ms. Wetselaar provided a PowerPoint Presentation. A copy of the presentation has been included in the public record.

4. Alok Pathak
   Mr. Pathak expressed concerns with the feasibility of licensing of rental housing.

5. Vincent Brescia
   Mr. Brescia, Federation of Rental Providers, discussed a report written by Michael Fenn, regarding Rental Housing Licensing; noting concerns with licensing rental properties.

6. Rajan Pathak
   Mr. Pathak expressed concerns with the feasibility of licensing of rental housing.
7. Arun Pathak

Mr. Pathak expressed concerns with the feasibility of licensing of rental housing.

8. Zack Casuccio

Mr. Casuccio expressed concerns with the feasibility of licensing of rental housing.

9. Patricia Cunningham-Ward

Ms. Cunningham-Ward expressed concerns with the feasibility of licensing of rental housing.

10. Patricia Cunningham-Ward (on behalf of Doris Lanigan)

Ms. Cunningham-Ward expressed on behalf of Doris Lanigan concerns with the feasibility of licensing of rental housing.

11. C. Michael Ollier

Mr. Ollier expressed on behalf of Doris Lanigan concerns with the feasibility of licensing of rental housing.

12. Paul Martindale

Mr. Martindale expressed concerns with the feasibility of licensing of rental housing.

13. Robert Flis

Mr. Flis expressed concerns with the feasibility of licensing of rental housing.

14. Susan Stewart-Greene

Ms. Steward-Greene expressed concerns with the feasibility of licensing of rental housing.

15. Hank Balfoort

Mr. Balfoort expressed concerns with the feasibility of licensing of rental housing.
16. Valerie Pereira

Ms. Pereira expressed concerns, on behalf of herself and Nick Vescio, with the feasibility of licensing of rental housing.

The delegations respecting Report PED10049(m), Rental Housing Licensing By-law, were received.

The recommendations contained in Report PED10049(m), Rental Housing Licensing By-law, were amended by adding a new sub-section (c) to read as follows:

(c) That a sub-committee be established to work with interested stakeholders to assist with the implementation of the new by-law including, but not limited to, the regulation and conversion of illegal units.

The recommendations contained in Report PED10049(m), Rental Housing Licensing By-law, were amended by tabling recommendation (a), as follows:

“(a) That the Rental Housing Licensing By-law attached as Appendix “A” to Report PED10049(m), which is in a form satisfactory to the City Solicitor, and which would become Schedule (30) Rental Dwelling Units of the Licensing By-law No. 07-170 and come into force on April 10, 2017, be approved subject to the approval of items (i), (ii) and (iii) below:

(i) The creation of a “Manager of Rental Housing” position (1 FTE) effective January 1, 2014 at an annual cost of $135,000 to be fully funded from the Tax Stabilization Reserve for 2014; 1/3 FTE expense to be added to the Levy in each 2015, 2016 and 2017, with offsetting revenues eliminating the Levy impact in 2017 through revenues associated with the Rental Housing Licensing Program;

(ii) An additional 8 FTEs to administer and enforce the Rental Housing Licensing By-law at an estimated net levy impact of $115,000 (effective January 1, 2017) and reduced annually until such time as the Program becomes full cost recovery (estimated at 2020);

(iii) That a $100 per dwelling unit annual rental housing license fee be added to the City's User Fees and Charges By-law effective January 1, 2017"
It is noted that a further amendment to the recommendations will be made at a later date.

For disposition on this Item, refer to item 6.

(g) NOTICES OF MOTION (Item 10)

Councillor Farr introduced the following Notice of Motion:

(i) Downtown Parking

(a) That Planning staff be directed to undergo a comprehensive consultation process with Public Works staff respecting Transportation Demand Management as it relates to the RFI process for the Downtown Parking Study Update (PED12153(a));

(b) That staff be directed to request the Hamilton Police Services Board and representatives of the Wilson Street Hamilton Downtown Mosque work to pursue a temporary agreement for parking usage between the hours of noon and 4:00 p.m. on Friday afternoons at the property at the South side of the Mosque where it is currently located.

(h) GENERAL INFORMATION AND OTHER BUSINESS (Item 11)

(i) Outstanding Business List Amendments (Item 11.1)

The following Outstanding Business List due dates were revised:

(aa) Item D: Protection Measures for Existing Stable Residential Areas (Monster Homes) (PED11196)
Current Date: September 17, 2013
New Date: December 3, 2013

(bb) Item F: By-law 05-200, to Modify General Commercial “C3-116” and “C3-117” Zone and add Site Specific General Commercial “C3-275” Zone to the Glenbrook Zoning By-law No. 464
Current Date: September 17, 2013
New Date: December 3, 2013
(cc) Item G: Municipal Services and Property Taxation on Condo Properties
Current Date: September 17, 2013
New Date: October 1, 2013

(dd) Item Q: Development of an Urban Woodland Conservation By-law
Current Date: September 17, 2013
New Date: November 5, 2013

(ee) Item Y: Fifty Road
Current Date: September 17, 2013
New Date: November 19, 2013

(ff) Item FF: Delegation from Jagtar Singh Chahal respecting challenges in the taxi industry
Current Date: September 17, 2013
New Date: October 15, 2013

The following items were removed from the Outstanding Business List:

(aa) Item EE: Appeal of the City of Hamilton Committee of Adjustment Decision to Approve Severance Application HM/B-13:27, Louis Serafini, Fengate Capital Management Ltd. (Owner), 1400 Upper James Street

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

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

(i) PRIVATE AND CONFIDENTIAL (Item 12)

(i) Closed Session Minutes – September 4, 2013 (delivered under separate cover)

(a) The Closed Session Minutes of the September 4, 2013 meeting of the Planning Committee were approved, as presented.
(b) The Closed Session Minutes of the September 4, 2013 meeting of the Planning Committee, are to remain confidential and restricted from public disclosure.

(j) ADJOURNMENT

There being no further business, the Planning Committee adjourned at 6:19 p.m.

Respectfully submitted,

Councillor J. Farr
Chair, Planning Committee

Vanessa Robicheau
Legislative Coordinator
Office of the City Clerk
HAMILTON HERITAGE PROPERTY
GRANT PROGRAM

Program Description:

The Hamilton Heritage Property Grant Program (HHPGP) is intended to provide financial assistance in the form of a grant for structural/stability work required to conserve and restore heritage features of properties; the conservation and restoration of heritage features of properties; and for heritage studies/reports/assessments for properties that are designated under Parts IV or V of the Ontario Heritage Act. Eligible properties must be located within: Downtown Hamilton; a Community Downtown; an active* Business Improvement Area within the City of Hamilton; or, be designated under Parts IV or V of the Ontario Heritage Act and located within the lower city between Highway 403 and the Red Hill Valley Parkway and used for commercial, institutional or multi-residential purposes.

The objective of the Program is to assist in developing and re-using heritage properties. City Council values heritage properties as important to the urban revitalization and regeneration. Conservation and restorative initiatives must be consistent with the policies, principles and design themes contained within the Downtown Hamilton Secondary Plan, relevant Urban Design Guidelines, regulations contained within applicable Zoning By-laws as well as any other applicable City Council approved policies/regulations.

*An active B.I.A. is not considered dormant as defined in the Dormant Business Improvement Area Status Procedure as approved by City Council at its meeting held November 11, 2009.

Terms of the Program:

1. The applicant must be the property owner of a historically designated property or, any person whom the owner of such property has assigned the right to receive the grant, to be eligible to apply for the program.
2. Grants will be based on municipal addresses, identifying multiple and separate units with ground floor street frontages and entranceways and will be up to a maximum of $150,000 (not including $20,000 for heritage reports/studies/assessments) per municipal address for eligible work.

3. The grant is contingent on properties being designated under Parts IV or V of the Ontario Heritage Act.

4. An application fee of $330 is to accompany the application. The rate of the fee may be changed from time to time as approved by City Council.

5. The grant is conditional upon a Heritage Permit; or easement approval; or other City approval, being issued for the heritage component.

6. The grant is conditional upon all planning and building code approvals required for structural/stability works.

7. Improvements commenced prior to submitting an application are ineligible. Improvements commenced after submitting an application but prior to application approval do so at the applicant’s risk.

8. The Urban Renewal Section reserves the right to recommend works that are integral to the preservation of the building required to preserve/conserve the heritage features.

9. Proposed work is to be completed within two calendar years of the date of approval of the General Manager of the Planning and Economic Development Department to be eligible for payment. A one year extension can be authorized by the Manager of Urban Renewal.

10. Payment will be made by the City upon proof by an architect or engineer confirming the value of the work completed and the compliance with all applicable regulations/legislation or, upon proof satisfactory to the City confirming the value of the work completed.

11. Realty taxes must be paid current and in good standing.

12. Notwithstanding the above, upon completion of the improvements on condominium properties, the Urban Renewal Section will set a deadline to the condominium corporation as to when all taxes on the property are to have been paid as billed and, if on that date 100% of the taxes are not paid, the grant will be advanced proportionately based upon the percentage of paid taxes. The remainder of the grant will be cancelled.

13. For projects valued at $40,000 or less, the grant will be based on 50% of the total project cost to a maximum grant of $20,000 for eligible work under the program. For projects valued over $40,000, the grant will include $20,000 (i.e. 50% of
$40,000), plus an additional grant based on 25% of the total project cost over $40,000, to a maximum additional grant of $130,000. In total, no more than $150,000 will be granted for eligible work under the program.

14. Work completed must comply with estimates, and work proposed and identified within the application unless previously approved by the Urban Renewal Section.

15. At the sole discretion of the Manager of Urban Renewal, partial payments for works completed can be processed consistent with the payment process described above.

16. At the sole discretion of the Manager of Urban Renewal, the grant cheque can be made jointly payable to the applicant and the contractor if such a request has been received from the applicant.

17. The grant is not transferable upon sale of the property.

18. The heritage grants may be received by an owner in conjunction with any other City heritage program available including the Community Heritage Trust Program. Funding under these programs will not fund the same work and will be contingent on total financing under all heritage programs not exceeding 50% of the total cost of the restoration/conservation work.

19. The heritage grant may also be received by an owner in conjunction with any other available City program in support of the redevelopment/development of the property including the City’s Hamilton Downtown Multi Residential Property Investment Program; the Hamilton Tax Increment Grant Program, the Commercial Corridor Housing Loan and Grant Program and the Business Improvement Area Commercial Property Improvement Grant Program. Funding under these programs will not fund the same work.

20. Approval of the grant application is at the absolute discretion of the City and subject to the availability of funds.

21. Without limiting the discretion as set out in paragraph 19 herein, City Council, whether or not an Applicant satisfies the requirements of the Program, may reject any application received from an applicant where, in the opinion of Council, the commercial relationship between the City and the Applicant has been impaired by, but not limited to, the applicant being involved in litigation with the City. Applicants are individuals; corporate entities and individuals behind the corporation (Officers/Directors/Shareholders).

22. Without limiting the discretion as set out in paragraph 19 herein, City Council, whether or not an Applicant satisfies the requirements of the Program, may reject any application received from an applicant where there are property tax arrears owed on the subject property or on other properties owned by the Applicant within the City of Hamilton.
23. A successful applicant will enter into an agreement with the City containing the terms and conditions (but not limited to) set out in the program description.

**Heritage Related Reports/Assessments/Studies Component:**

- The heritage related reports/assessments/studies component provides an additional grant that will fund 100% of the cost of the document(s) to a maximum of $20,000 per application.
- The applicant shall retain a qualified consultant to complete the heritage related reports/assessments/studies, who is acceptable to the City (Urban Renewal Section and Development Planning Heritage and Design Section).
- The final document is to meet the satisfaction of the City (Urban Renewal Section and Development Planning Heritage and Design Section).
- Copies of the final document shall be provided to the City (Urban Renewal Section and Development Planning Heritage and Design Section) and may be used as the basis for future work on the property by a future owner should the ownership of the property change.

**Eligible structural/stability work:**

- Work necessary to restore the building to structural soundness e.g., the correction of serious structural faults that threaten the building's survival; stabilization works to retain portions of the property; underpinning of building structures; repair/new roofs.

**Eligible conservation work:**

- Any work that conserves or enhances elements specified in the *Reasons for Designation, the Statement of Cultural Heritage Value of Interest or, a description of the Heritage Attributes* accompanying the designating by-law under the Ontario Heritage Act (“OHA”).
- The *conservation* of significant architectural features is eligible. This may include the conservation or restoration of: doors, windows, verandahs, cupolas, chimneys, bargeboard or other decorative trim, parapets, cornices, hood mouldings and any other features important to the overall composition of the structure as specified in the *Reasons for Designation, the Statement of Cultural Heritage Value of Interest or, a description of the Heritage Attributes* accompanying the designating by-law under the OHA.
- The *conservation* of fences and outbuildings if specifically referred to in *Reasons for Designation, the Statement of Cultural Heritage Value of Interest or, a description of the Heritage Attributes* accompanying the designating by-law under the OHA.
- The *conservation* or renewal of original siding and roofing materials including repair and replacement where necessary of wood clapboard or board-and-batten, repair and repointing of masonry buildings, stucco repair, repair or replacement of original roofing materials (slate, wood shingles, tile, etc.). Eligible work also includes removal of a modern material (synthetic siding, asphalt shingles, etc.) and replacement with documented original materials.
The reconstruction of former and significant architectural features for which the appearance can be clearly determined from documentary sources (photographs, drawings, etc.) is eligible.

The reconstruction of store fronts which have been altered or replaced. The documentation should be in the form of historic photographs or drawings clearly showing the feature(s) to be reconstructed.

Cleaning of masonry buildings may be eligible if it is necessary for the building's preservation. **Under no circumstances will grants be paid for any form of abrasive cleaning, (e.g., sandblasting or sodablasting) or high-pressure water cleaning. Heritage Staff approval is required as to cleaning method to be employed before work is undertaken.**

Exterior painting in documented original colours. Colours must be documented for the individual building or be proved to have been a common contemporary colour in the area. Painting of unpainted masonry is not eligible.

**Non-eligible works:**

The following works, including repair, maintenance, reconstruction or improvements to the following are ineligible for grant assistance:

- Short-term, routine maintenance. This includes minor repairs (such as repairing a broken step or a broken window); repair of non-original siding or roofing materials (aluminum siding, asphalt shingles, etc.)
- Landscaping
- Work on modern additions
- Work on sheds or outbuildings not specifically referred to in the Reasons for Designation, the Statement of Cultural Heritage Value of Interest or, a description of the Heritage Attributes
- Installation of modern doors and windows unless replicas of the original
- Installation of new storm or screen doors and windows
- Chimney repairs other than restoration of a significant chimney
- Repair of eavestrough unless its nature is such that it is significant to the heritage of the structure
- Repairs to or renewal of modern materials
- Painting previously unpainted masonry
- Interior Work (unless required to stabilize/preserve the property e.g. furnaces)
- Abrasive cleaning (e.g. sandblasting or sodablasting) or high-pressure water cleaning
THE “GORE” BUILDING IMPROVEMENT GRANT PROGRAM

PROGRAM DESCRIPTION

The Gore Building Improvement Grant Program (the “Program”) was developed to support the maintenance, attractiveness, functionality and viability of the historic building stock that fronts on King Street East between James Street and Catharine Street, known as the “Gore”. The Program is intended to provide financial assistance to bring existing properties to present-day Property Standards and Sign By-law requirements and, to improve their accessibility.

The Program supports an objective of the Downtown Secondary Plan: conserve and enhance the Gore as the primary landscaped open space and concentration of heritage buildings in Downtown Hamilton.

Applications under the Program will be accepted to the end of December 2014 (subject to the availability of funding).

PROGRAM TERMS

1. Property owners, and tenants authorized in writing by the owner, are eligible to apply for a grant under the program.

2. Grants will be paid on a matching basis up to a maximum of $50,000 for eligible work under the Program.

3. Grants will be based on municipal addresses, identifying multiple and separate units with ground floor street frontages and entranceways and will be up to a maximum of $50,000 per municipal address for eligible work under the terms of the Program.

4. Two separate cost estimates of the work to be provided by a licensed contractor other than the owner. Owner may present an estimate but is required to have at least two prepared by contractors. The grant will be calculated based upon lowest cost estimate, and is not to address cost...
increases or over runs. In the case where the applicant is the owner of a contracting company and wishes to utilize the company to undertake the improvements, one cost estimate will be required. A Building Inspector will review all estimates provided for the purpose of ensuring competitiveness.

5. Applicants will be required to provide a business case that identifies how the improvements will improve the marketability of the property for prospective tenants and/or improve the business vitality and/or utilize formerly under-utilized upper floors.

6. A building inspector will perform initial inspection relative to the proposed improvements, and subsequent final inspection to assure compliance with Property Standards.

7. Approval of the grant is at the sole discretion of the General Manager of the Planning and Economic Development Department and subject to the availability of funds.

8. Proposed improvements to be completed within one year to be eligible for payment. A one year extension can be authorized by the Manager of Urban Renewal.

9. Work completed must be consistent with estimates, and work proposed and identified within the application unless previously discussed and approved by the Urban Renewal Section.

10. The Applicant shall provide to the City’s Urban Renewal Section copies of paid invoices for all work undertaken on the property for which the grant is applicable. This documentation is to be provided prior to the final inspection.

11. A City Building Inspector’s final inspection report confirming all works have been carried out satisfactorily will be provided prior to release of any grant monies.

12. At the sole discretion of the Manager of Urban Renewal, partial payments for works completed can be processed consistent with the payment process described above.

13. At the sole discretion of the Manager of Urban Renewal, the grant cheque can be made jointly payable to the applicant and the contractor if such a request has been received from the applicant.

14. The grant is not transferable upon sale of the property.
15. The grant may also be received by an owner in conjunction with any other available City program in support of the redevelopment/development of the property with the exception of the Hamilton Downtown Commercial Façade Property Improvement Grant Program.

16. An application fee of $330 is payable upon submission of application. The fee will be authorized through a by-law passed by City Council. The rate of the fee may be changed from time to time as approved by City Council.

17. Without limiting the discretion as set out in paragraph 6 herein, City Council, whether or not an Applicant satisfies the requirements of the Program, may reject any application received from an applicant where, in the opinion of Council, the commercial relationship between the City and the Applicant has been impaired by, but not limited to, the applicant being involved in litigation with the City. Applicants are individuals; corporate entities and individuals behind the corporation (Officers/ Directors/ Shareholders).

18. Without limiting the discretion as set out in paragraph 6 herein, City Council, whether or not an Applicant satisfies the requirements of the Program, may reject any application received from an applicant where there are property tax arrears owed on the subject property or on other properties owned by the Applicant within the City of Hamilton.

19. A successful applicant will enter into an agreement with the City containing the terms and conditions (but not limited to) set out in the program description.

ELIGIBILITY REQUIREMENTS

- Property owners and authorized tenants are eligible.
- Property taxes must be paid current.
- The improvements shall be in accordance with Property Standards and in compliance with all applicable City by-laws, official plans, zoning regulations, design guidelines and site plan approvals.
- Improvements commenced prior to submitting an application are ineligible. Improvements commenced after submitting an application but prior to application approval do so at the applicant’s risk.
- Properties must front on King Street between James Street and Catharine Street.
- Existing use must be in conformity with the applicable Zoning By-law regulations (including the Heritage Character Zone), and other relevant planning controls.
- This program shall not apply to an existing or proposed Adult Entertainment Parlour, Body Rub Establishment as defined in the Zoning By-law.
ELIGIBLE IMPROVEMENTS

- Signage in conformity with the Sign By-law 10-197 as amended. (Note: the eligible grant amount will be increased to 75% of the cost of installing a sign that is in conformity with the Sign By-law and is replacing a legally non-conforming sign).
- Façade improvements.
- Restoration/reconstruction of building facades using existing and/or the site’s previously existing historic facade elements and materials as supported by historical images or other documentation.
- Reinforcement of floors, walls, ceilings and foundations.
- Required improvements to ventilation systems.
- Construction or alteration of stairs, guards, handrails.
- Roofing.
- Installation or repair of central air-conditioning.
- Installation or repair of furnace.
- Installation or alteration of required window openings.
- Installation or alteration of fire protection systems; fire separations; fire doors, fire shutters and other fire protection devices.
- Improvements for barrier-free accessibility including elevators.
- Other improvements related to health and safety issues deemed eligible at the sole discretion of the General Manager of Planning and Economic Development.