Planning Committee
AMENDED REPORT 10-001
Tuesday, December 7, 2010
9:30 am
Council Chambers
City Hall, 71 Main Street West,
Hamilton, Ontario

Present: Mayor B. Bratina
Chair: Councillor R. Pasuta
Vice Chairs: Councillors B. Clark, J. Farr
Councillors: C. Collins, L. Ferguson, B. Johnson, J. Partridge,
M. Pearson, T. Whitehead

Also Present: Councillor S. Merulla

Staff Present: T. McCabe, General Manager – Planning and Economic Development
B. Janssen, M. Hazell, J. Spolnik, S. Robichaud, M. Sergi,
R. Marini, M. Blevins, C. Thomas, P. Mallard, T. Sergi,
G. Paparella, D. Cole, J. Hickey-Evans, D. Ortiz, D. Cuming,
M. House, V. Ormond, C. Vidic - Planning and Economic Development
M. Kovacevic – Legal Services
A. Rawlings, A. Grozelle – City Clerk’s Office

AT THEIR MEETING OF DECEMBER 15, 2010, COUNCIL AMENDED THE REPORT AS NOTED BELOW;

THE PLANNING COMMITTEE PRESENTS REPORT 10-001 AND RESPECTFULLY RECOMMENDS:

1. Appeals to the Ontario Municipal Board on the City of Hamilton’s Refusal or Neglect to Adopt Amendments to the Flamborough Zoning By-law (ZAC-10-011), and a Plan of Subdivision, Known as “Parkside Hills - Phase 2” (25T201003), by Parkside Hills Inc., Located at 619 Centre Road (Waterdown) (PED10241) (Ward 15) (Item 5.1)
That report PED10241, Appeals to the Ontario Municipal Board on the City of Hamilton’s Refusal or Neglect to Adopt Amendments to the Flamborough Zoning By-law (ZAC-10-011), and a Plan of Subdivision, Known as “Parkside Hills - Phase 2” (25T201003), by Parkside Hills Inc., Located at 619 Centre Road (Waterdown) (PED10241) (Ward 15), be received for information.

2. Proposed Niagara Escarpment Plan Amendment PC 183 10-Significant Woodlands (City Wide)(PED10244) (Item 5.2)

That the City of Hamilton supports the proposed Niagara Escarpment Plan (NEP) Amendment 183 10 to add policies for Significant Woodlands to the Niagara Escarpment Plan, subject to consideration of the following suggested changes:

a) modify the introductory paragraph of Part 2.7. New Development Within Wooded Areas-Subsection 4 to read:

“Development and site alteration shall not be permitted within a Significant Woodland, which has been identified using the technical criteria recommended by a municipality and in the absence of such criteria, by the Ministry of Natural Resources, and/or other implementing authorities, such as the Conservation Authority."

b) modify the first sentence of paragraph of Part 2.7. New Development Within Wooded Areas-Subsection 6 to read:

“Development and site alteration proposed adjacent to an identified significant woodland requires an Environmental Impact Study to be undertaken to the satisfaction of the Niagara Escarpment Commission in consultation with the applicable implementing authorities.”

c) modify the second sentence of the “adjacent land” definition to read:

“For the purposes of Policy 2.7.6, adjacent shall be defined by municipal Official Plans or other technical criteria recommended by the Ministry of Natural Resources.”

d) delete the word “protective” in the term ‘vegetation protective zone’ and replace it with “protection” so the term reads “vegetation protection zone”.

3. Ancaster Business Improvement Area (B.I.A.) - Proposed Budget and Schedule of Payment for 2011 (PED10245) (Ward 12) (Item 5.3)

a) That the 2011 Operating Budget for the Ancaster B.I.A. (attached as Appendix “A” to Report PED10245) be approved in the amount of $121,300.00.
b) That the levy portion of the Operating Budget for the Ancaster B.I.A. in the amount of $93,300.00 be approved.

c) That the General Manager of Finance and Corporate Services be hereby authorized and directed to prepare the requisite by-law pursuant to Section 208, The Municipal Act, 2001, to levy the 2011 Budget as referenced in sub-section (b) above.

d) That the following schedule of payments for 2011 be approved:

January $23,325.00
April $23,325.00
July $23,325.00
October $23,325.00

And that assessment appeals may be deducted from the levy payments.

4. Ancaster Business Improvement Area (B.I.A.) Appointment of the 2011-2014 Board of Management (PED10246) (Ward 12) (item 5.4)

That the following individuals be appointed to the Ancaster B.I.A.’s Board of Management for a four (4) year term:

Councillor L. Ferguson, Ward 12
Bob Wilkins
Geoff Walker
Tommy Massey
Mary Lou Ciancone
Paul Ferguson
Doug Kloet
Karen Wilkins
Robert Brownlie
Jim Panoff
Pauline Maue
Dan Faulkner
Ann Cosens

5. Barton Village Business Improvement Area (B.I.A.) - Proposed Budget and Schedule of Payment for 2011 (PED10247) (Ward 2 & 3) (Item 5.5)

a) That the 2011 Operating Budget for the Barton Village B.I.A. (attached as Appendix “A” to Report PED10247) be approved in the amount of $46,630.00.

b) That the levy portion of the Operating Budget for the Barton Village B.I.A. in the amount of $46,630.00 be approved.

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c) That the General Manager of Finance and Corporate Services be hereby authorized and directed to prepare the requisite by-law pursuant to Section 208, The Municipal Act, 2001, to levy the 2011 Budget as referenced in sub-section (b) above.

d) That the following schedule of payments for 2011 be approved:

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<thead>
<tr>
<th>Month</th>
<th>Amount</th>
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<tbody>
<tr>
<td>January</td>
<td>$11,657.50</td>
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<td>April</td>
<td>$11,657.50</td>
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<tr>
<td>July</td>
<td>$11,657.50</td>
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<tr>
<td>October</td>
<td>$11,657.50</td>
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And that assessment appeals may be deducted from the levy payments.

6. Barton Village Business Improvement Area (B.I.A.) Appointment of the 2011-2014 Board of Management (PED10248) (Ward 2 & 3) (Item 5.6)

That the following individuals be appointed to the Barton Village B.I.A.’s Board of Management for a four (4) year term:

Councillor B. Morelli, Ward 3
Councillor J. Farr, Ward 2
Robert Brooker
Bob Boyter
Tanya Sheets
Steven Barber
Greg Ammendolia
Nick LaSala

7. Concession Street Business Improvement Area (B.I.A.) - Proposed Budget and Schedule of Payment for 2011 (PED10249) (Ward 6 & 7) (Item 5.7)

a) That the 2011 Operating Budget for the Concession Street B.I.A. (attached as Appendix ‘A’ to Report PED10249) be approved in the amount of $78,750.00.

b) That the levy portion of the Operating Budget for the Concession Street B.I.A. in the amount of $78,750.00 be approved.

c) That the General Manager of Finance and Corporate Services be hereby authorized and directed to prepare the requisite by-law pursuant to Section 208, The Municipal Act, 2001, to levy the 2011 Budget as referenced in sub-section (b) above.

d) That the following schedule of payments for 2011 be approved:

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<thead>
<tr>
<th>Month</th>
<th>Amount</th>
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<tr>
<td>January</td>
<td>$19,687.50</td>
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Council – December 15, 2010
And that assessment appeals may be deducted from the levy payments.

8. **Concession Street Business Improvement Area (B.I.A.) Appointment of the 2011-2014 Board of Management (PED10250) (Ward 6 & 7) (Item 5.8)**

That the following individuals be appointed to the Concession Street B.I.A.'s Board of Management for a four (4) year term:

Councillor S. Duvall, Ward 7  
Councillor T. Jackson, Ward 6  
Betty Toplack  
Cynthia Pitts  
Ernesto Viquiera  
Denise Armstrong  
Roger Burrough  
Mike Ciardullo  
Mitjan (Meech) Kolic  
Chris Mifsud  
Kim Oblender-Stewart  
Eva Raphael

9. **Downtown Hamilton Business Improvement Area (B.I.A.) - Proposed Budget and Schedule of Payment for 2011 (PED10251) (Ward 2) (Item 5.9)**

a) That the 2011 Operating Budget for the Downtown Hamilton B.I.A. (attached as Appendix “A” to Report PED10251) be approved in the amount of $283,500.00.

b) That the levy portion of the Operating Budget for the Downtown Hamilton B.I.A. in the amount of $238,000.00 be approved.

c) That the General Manager of Finance and Corporate Services be hereby authorized and directed to prepare the requisite by-law pursuant to Section 208, The Municipal Act, 2001, to levy the 2011 Budget as referenced in sub-section (b) above.

d) That the following schedule of payments for 2011 be approved:

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<thead>
<tr>
<th>Month</th>
<th>Amount</th>
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<tbody>
<tr>
<td>January</td>
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<tr>
<td>April</td>
<td>$59,500.00</td>
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<tr>
<td>July</td>
<td>$59,500.00</td>
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<tr>
<td>October</td>
<td>$59,500.00</td>
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And that assessment appeals may be deducted from the levy payments.

10. **Downtown Hamilton Business Improvement Area (B.I.A.) Appointment of the 2011-2014 Board of Management (PED10252) (Ward 2) (Item 5.10)**

That the following individuals be appointed to the Downtown Hamilton B.I.A.’s Board of Management for a four (4) year term:

Councillor J. Farr, Ward 2  
Evan Apostal  
Chad Brownlee  
Mauro Brunetti  
Tim Bullock  
Lillian Cathcart  
Mike Daly  
Drew Mitchell  
John Mokrycke  
Gerard P. Murphy  
Tim Potocic  
Francis Zanetti

11. **International Village Business Improvement Area (B.I.A.) - Proposed Budget and Schedule of Payment for 2011 (PED10253) (Ward 2 & 3) (Item 5.11)**

a) That the 2011 Operating Budget for the International Village B.I.A. (attached as Appendix ‘A’ to Report PED10253) be approved in the amount of $140,000.00.

b) That the levy portion of the Operating Budget for the International Village B.I.A. in the amount of $140,000.00 be approved.

c) That the General Manager of Finance and Corporate Services be hereby authorized and directed to prepare the requisite by-law pursuant to Section 208, *The Municipal Act*, 2001, to levy the 2011 Budget as referenced in sub-section (b) above.

d) That the following schedule of payments for 2011 be approved:

<table>
<thead>
<tr>
<th>Month</th>
<th>Amount</th>
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<tbody>
<tr>
<td>January</td>
<td>$70,000.00</td>
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<tr>
<td>June</td>
<td>$70,000.00</td>
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And that assessment appeals may be deducted from the levy payments.

12. **International Village Business Improvement Area (B.I.A.) Appointment of the 2011-2014 Board of Management (PED10254) (Ward 2 & 3) (Item 5.12)**

Council – December 15, 2010
That the following individuals be appointed to the International Village B.I.A.'s Board of Management for a four (4) year term:

Councillor J. Farr, Ward 2
Councillor B. Morelli, Ward 3
Ruth Lewis
Herb Wodehouse
Frank Lauinger
Peter Quaglia
Shabbir Khan
Stephanie Shuster
Paula DeAngelis
Mark Bowden
Anne Chow-Mungal

13. Ottawa Street Business Improvement Area (B.I.A.) - Proposed Budget and Schedule of Payment for 2011 (PED10255) (Ward 3, 4) (Item 5.13)

a) That the 2011 Operating Budget for the Ottawa Street B.I.A. (attached as Appendix “A” to Report PED10255) be approved in the amount of $138,250.00.

b) That the levy portion of the Operating Budget for the Ottawa Street B.I.A. in the amount of $132,250.00 be approved.

c) That the General Manager of Finance and Corporate Services be hereby authorized and directed to prepare the requisite by-law pursuant to Section 208, *The Municipal Act*, 2001, to levy the 2011 Budget as referenced in sub-section (b) above.

d) That the following schedule of payments for 2011 be approved:

<table>
<thead>
<tr>
<th>Month</th>
<th>Amount</th>
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<tbody>
<tr>
<td>January</td>
<td>$66,125.00</td>
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<tr>
<td>June</td>
<td>$66,125.00</td>
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And that assessment appeals may be deducted from the levy payments.

14. Ottawa Street Business Improvement Area (B.I.A.) Appointment of the 2011-2014 Board of Management (PED10256) (Ward 3, 4) (Item 5.14)

That the following individuals be appointed to the Ottawa Street B.I.A.’s Board of Management for a four (4) year term:

Councillor B. Morelli, Ward 3           Tony Cabral
Councillor S. Merulla, Ward 4           Tony Bifano
Mary Grover                            Nancy Leo

*Council – December 15, 2010*
15. **Stoney Creek Business Improvement Area (B.I.A.) - Proposed Budget and Schedule of Payment for 2011 (PED10257) (Ward 9) (Item 5.15)**

a) That the 2011 Operating Budget for the Stoney Creek B.I.A. (attached as Appendix “A” to Report PED10257) be approved in the amount of $24,300.00.

b) That the levy portion of the Operating Budget for the Stoney Creek B.I.A. in the amount of $14,958.00 be approved.

c) That the General Manager of Finance and Corporate Services be hereby authorized and directed to prepare the requisite by-law pursuant to Section 208, *The Municipal Act*, 2001, to levy the 2011 Budget as referenced in sub-section (b) above.

d) That the following schedule of payments for 2011 be approved:

<table>
<thead>
<tr>
<th>Month</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>January</td>
<td>$3,739.50</td>
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<tr>
<td>April</td>
<td>$3,739.50</td>
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<tr>
<td>July</td>
<td>$3,739.50</td>
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<tr>
<td>October</td>
<td>$3,739.50</td>
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</table>

And that assessment appeals may be deducted from the levy payments.

16. **Stoney Creek Business Improvement Area (B.I.A.) Appointment of the 2011-2014 Board of Management (PED10258) (Ward 9) (Item 5.16)**

That the following individuals be appointed to the Stoney Creek B.I.A.’s Board of Management for a four (4) year term:

- Councillor B. Clark, Ward 9
- Ed Strecker
- Richard Clough
- John Grguric
- Nadia Gigliotti
- Paul Whatmore
- Mary Terziev-Clifford
- George Campanaro

17. **Westdale Village Business Improvement Area (B.I.A.) - Proposed Budget and Schedule of Payment for 2011 (PED10259) (Ward 1) (Item 5.17)**

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**Council – December 15, 2010**
a) That the 2011 Operating Budget for the Westdale Village B.I.A. (attached as Appendix “A” to Report PED10259) be approved in the amount of $122,500.00.

b) That the levy portion of the Operating Budget for the Westdale Village B.I.A. in the amount of $122,500.00 be approved.

c) That the General Manager of Finance and Corporate Services be hereby authorized and directed to prepare the requisite by-law pursuant to Section 208, The Municipal Act, 2001, to levy the 2011 Budget as referenced in sub-section (b) above.

d) That the following schedule of payments for 2011 be approved:

<table>
<thead>
<tr>
<th>Month</th>
<th>Amount</th>
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<tbody>
<tr>
<td>January</td>
<td>$61,250.00</td>
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<tr>
<td>July</td>
<td>$61,250.00</td>
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And that assessment appeals may be deducted from the levy payments.

18. **Westdale Village Business Improvement Area (B.I.A.) Appointment of the 2011-2014 Board of Management (PED10260) (Ward 1) (Item 5.18)**

That the following individuals be appointed to the Westdale Village B.I.A.’s Board of Management for a four (4) year term:

Councillor B. McHattie, Ward 1
Brian Adams
Bill Dawson
Koosh Kahnamou
Allison Liss
Jennifer Rowat
David Simpson
Joe Thivy
Grant Valley
Jennifer Daniel

19. **Animal Control Hours of Operation (PED10264) (City Wide) (Item 5.19)**

That Report PED10264, Animal Control Hours of Operation (PED10264) (City Wide), be received for information.

20. **Amendments to the Sign By-law 10-197 (PED05172(j)) (City Wide) (Item 5.20)**

That the technical and housekeeping changes to the Sign By-law 10-197, detailed in the proposed amending by-law attached as Appendix “A” to Report PED05172(j), which has been prepared in a form satisfactory to the City Solicitor, be passed.

Council – December 15, 2010
21. Parking Payment Options at City Hall Parking Lot (PED10219(a)) (City Wide) (Outstanding Business List) (Item 5.21)

That Item 21 of Planning Report 10-001 be deleted in its entirety and replaced with the following:
Parking Payment Options at City Hall Parking Lot (PED10219(a))
That the direction as outlined in Information Report PED10219(a), Parking Payment Options at City Hall Parking Lot, be approved.

The Main Motion as Amended was DEFEATED

That Report PED10219(a) be received.

22. Request for Extension of Building Covenants from Bernard Hanna (Owner) of 415 Beach Boulevard, Hamilton (PED10266) (Ward 5) (Item 5.22)

(a) That a request to extend building covenants imposed by the City upon Bernard Hanna, owner of 415 Beach Boulevard, a building lot described as Part 1 on Plan 62R-16126, being all of PIN 17570-0113(R) and shown on Appendix “A” attached to Report PED10266, be approved. Mr. Hanna is requesting that the date for commencement of construction be extended from December 11, 2010 to April 30, 2011 and that the date for completion of construction be extended from December 11, 2011 to April 30, 2012.

(b) That the Mayor and Clerk be authorized and directed to execute all necessary documents in a form satisfactory to the City Solicitor.

23. Hamilton Municipal Heritage Committee Report 10-002, respecting request to add 1262 Highway 8, Stoney Creek, to the Register of property of Cultural heritage value or interest (Item 5.23)

That Hamilton Municipal Heritage Committee Report 10-002, respecting request to add 1262 Highway 8, Stoney Creek, to the Register of property of Cultural heritage value or interest, be approved.

24. Appointment By-law under the Building Code Act (PED10224) (City Wide) (Item 5.24)

That the By-law attached to Report PED10224 to amend City of Hamilton By-law 08-223, being a By-law to appoint a Chief Building Official, Deputies and Inspectors under Section 3 of the Building Code Act, 1992, be approved.

Council – December 15, 2010
25. **Applications for Approval of a Draft Plan of Subdivision and an Amendment to the Town of Ancaster Zoning By-law No. 87-57 for Lands Known as 1061 Garner Road East (Ancaster) (PED10177(a)) (Ward 12) (Item 6.3)**

(a) That approval be given to **Amended Zoning Application ZAC-06-02, by Paletta Corporation International, Owner**, for changes in zoning from the Institutional “I” Zone to the Residential “R5-525” Zone, with a Special Exception, to permit 192 single-detached lots (Block “1”); to the Residential Multiple “RM2-615” Zone, with a Special Exception, to permit 156 units for street townhouses on public streets (Block “2”); to the Residential “R5-618” Zone, with a Special Exception, to permit 156 units for street townhouses on window roads (Block “4”); to the Residential Multiple “RM2-617” Zone, with a Special Exception, to permit 78 semi-detached lots (Block “3”); to the Residential Multiple “RM2-616” Zone, with a Special Exception, to permit 70 street townhouses on public streets (Block “5”); and to the Residential “R4” Zone to permit 2 residential blocks for future assembly with adjacent lands (Block “6”), all as shown on Schedule “A” of Appendix “C” to Report PED10177(a); and by incorporating additional lands into By-law 05-200 to be zoned Neighbourhood Park (P1) Zone, to permit a 2 ha. neighbourhood park (Block “1”); to the Institutional (I1) Zone, to permit a public school (Block “2”); and to the Conservation/Hazard Land (P5) Zone, to permit stormwater management facilities, all on lands located at 1061 Garner Road East (former Town of Ancaster), as shown on Schedule “A” of Appendix “D” to Report PED10177(a), on the following basis:

(i) That the draft By-law, attached as Appendix “C” to Report PED10177(a), which has been prepared in a form satisfactory to the City Solicitor, and as amended by Committee on December 7, 2010 respecting minimum side yards for dwellings with a flankage yard, be enacted by Council;

(ii) That the amending By-law, attached as Appendix “C” to Report PED10177(a), be added to Map 1 to Schedule “B” of Zoning By-law No. 87-57;

(iii) That the draft By-law, attached as Appendix “D” to Report PED10177(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;

(iv) That the amending By-law, attached as Appendix “D” to Report PED10177(a), be added to Schedules “1233”, “1285”, “1286”, and “1339” of Zoning By-law No. 05-200; and,

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

Council – December 15, 2010
(b) That approval be given to **Amended Subdivision Application 25T-200601, by Paletta Corporation International, Owner**, to establish a draft plan of subdivision (Ancaster Meadows - Phase 2) on lands located at 1061 Garner Road East, as shown on Appendix "A" to Report PED10177(a), subject to the following conditions, and as amended by Committee on December 7, 2010, to add Condition (iv), below;

(i) That this approval apply to the redline revised Draft Plan of Subdivision, 25T-200601, prepared by Metropolitan Consulting Inc. and certified by Wayne Pearce, Pearce Surveying Inc., dated March, 2010, (revised November 9, 2010) showing 15 blocks for 192 single-detached lots (Blocks 15-26 and 28-30); 3 blocks for 78 semi-detached dwelling units (Blocks 27, 31, and 32); 2 blocks for 70 street townhouse units on "window roads" (Blocks 1 and 7); 10 blocks for 156 street townhouses on public streets (Blocks 2-6 and Blocks 8, 9, 10, 12, and 13); 2 Blocks for 31 street townhouses that would have frontage on future public streets (Blocks 11 and 14); 1 block for a stormwater outlet (Block 33); 1 block for an access to a stormwater management pond (Block 37); 1 block for a drainage easement (Block 36); 2 blocks to be merged with adjacent lands (Blocks 34 and 35); and 5 blocks for 0.3m reserves for future road connections (Blocks “DD”, “EE”, “FF”, “GG”, “HH”, and part of Block 14, attached as Appendix “B” to Report PED10177(a), subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the special conditions attached as Appendix “G” to Report PED10177(a);

(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 installation of chainlink fences adjacent to the Stormwater Management Blocks that abut the subject lands;

(iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 42 of the Planning Act, prior to the building permit stage. Payment of Cash-in-Lieu of Parkland will be calculated in accordance with the City’s Parkland Dedication By-law, currently at a maximum rate of 1 hectare for each 300 dwelling units proposed. The calculation of the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the issuance of each building permit, and in the case of multiple residential blocks, prior to the issuance of the first building permit. 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 "Ancaster Meadows - Phase 1" Draft Plan of Subdivision (25T-200405);

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

**Council – December 15, 2010**
(iv) That prior to registration of the final plan of subdivision, the Owner pay their proportionate share of the actual cost, less over-sizing, for existing sewers, watermains and roads on Vinton Road adjacent to Block 14 of the draft plan, to the satisfaction of the Director of Engineering.


(a) That approval be given to **Amended Regional Official Plan Amendment Application, ROPA-05-003, by Alfonse Cimino and Filippo D’Amico, Owners**, to amend Map “4” to recognize the proposed boundary changes to the Tiffany Creek Environmentally Significant Area (ESA # 46) and the Tiffany Creek Provincially Significant Wetland, as shown on Appendix “A” to Report PED10176 on the following basis:

(i) That the Draft Official Plan Amendment, attached as Appendix “B” to Report PED10176, be adopted;

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

(b) That approval be given to **Amended Official Plan Amendment Application, OPA-05-015 by Alfonse Cimino and Filippo D’Amico, Owners**, to amend Schedule ‘B’, Land Use - Urban Area, from “Open Space and Conservation” to “Residential”, to amend Map “1” Land Use, Ancaster Meadowlands Neighbourhood 4 from “Utility” (Reservoir) to “High Density Residential”, from “Conservation and Open Space” to “Low Density Residential”, and from “Conservation and Open Space to “Stormwater Management Pond”, as shown on Appendix “A” to Report PED10176, and to amend Map “2” Special Policy Areas, Ancaster Meadowlands Neighbourhood to remove Special Policy Area “E”, as shown on Appendix “A” to Report PED10176 on the following basis:

(i) That the Draft Official Plan Amendment, attached as Appendix “C” to Report PED10176, be adopted;

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

(iii) That the proposal is compatible with the existing development of the planned residential development of the Ancaster Meadowlands.

(iv) That the proposal will allow for the continued protection of the Tiffany Creek Headwaters ESA and PSW through the provision of appropriate buffers.
(c) That approval be given to **Official Plan Amendment No.** by **Alfonse Cimino and Filippo D’Amico, Owners**, to the Urban Hamilton Official Plan for the following changes to reduce the natural areas to accommodate the proposed draft plan of subdivision, as provided in Appendix “D” to Report RED10176 to:

(i) Schedule “A” (Schedule “B” - Natural Heritage System);

(ii) Schedule “B” (Schedule “B-4” - Detailed Natural Heritage Features, Key Natural Heritage Features and Key Hydrologic Feature Wetlands);

(iii) Schedule “C” (Schedule “B-6” - Detailed Natural Heritage Features, Local Natural Area, Environmentally Significant Area); and,

(iv) Schedule “D” (Volume 3: Map B.2.6-1 - Meadowlands Neighbourhood IV Secondary Plan - Land Use Plan);

and should Council’s decision on the amendment occur prior to the final decision on the Official Plan by the Province, the City requests the Ministry of Municipal Affairs and Housing to include these amendments in the OP and defer them until the OPA to the City of Hamilton is final and binding.

(d) That approval be given to **Zoning Application ZAC-05-77, by Alfonse Cimino and Filippo D’Amico, Owners**, for changes in zoning from the Agricultural “A” Zone to the Residential “R4” Zone, with a Special Exception, to permit 65 single-detached dwelling lots (Block 1); to the Residential Multiple “RM6” Zone, Modified, to permit up to 117 apartments on 1.67 hectares (Block 2); and to the (P5) Zone to permit conservation lands and stormwater management ponds (Block 3), as shown on Appendix “A” to Report PED10176, on the following basis:

(i) That the Draft By-law, attached as Appendix “E” to Report PED10176, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.

(ii) That the amending By-law, attached as Appendix “E” to Report PED10176, be added to Map 1 to Schedule “B” of Zoning By-law No. 87-57.

(iii) That the Draft By-law, attached as Appendix “F” to Report PED10176, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.

(iv) That the amending By-law, attached as Appendix “F” to Report PED10176, be added to Schedules “1233”, “1286”, and “1339” of Zoning By-law No. 05-200.

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(v) That the proposed change in zoning will be in conformity with the Hamilton-Wentworth Official Plan upon approval of Regional Official Plan Amendment No. [redacted].

(vi) That the proposed changes will be in conformity with the Town of Ancaster Official Plan upon approval of Official Plan Amendment No. [redacted].

(e) That approval be given to Amended Subdivision Application 25T-200518 by Alfonse Cimino and Filippo D’Amico, Owners, to establish a draft plan of subdivision on lands located at 1069 Garner Road East (Ancaster), as shown on Appendix “A” to Report PED10176, subject to the following conditions:

(i) That this approval apply to the Draft Plan of Subdivision, 25T-200518, prepared by Kenneth Youngs Engineering Inc., and certified by A.T. McLaren Surveying Limited, dated May, 2005, and revised March 2, 2010, showing 65 single-detached lots; 1 block for High Density Residential (Block 69); 2 blocks for stormwater management ponds (Blocks 72 and 73); 1 block for an ESA for a woodlot (Block 70); 1 block for an ESA buffer (Block 89); 1 block for an ESA (wetlands) (Block 82); 2 blocks for Provincially Significant Wetlands (Blocks 74 and 75); 2 blocks for wetland buffers (Blocks 76 and 77); 2 blocks for swales (Blocks 78 and 79); 2 blocks for swale buffers (Blocks 80 and 81); 2 blocks for future residential development (Blocks 66 and 67); 1 block for an access road to a stormwater management pond (Block 88); 1 block for sanitary and storm sewers (Block 71); 2 blocks for drainage easements (Blocks 86 and 87); and 5 blocks for 0.3m reserves (Blocks 83, 84, 85, 86, and 87), attached as Appendix “B” to Report PED10176, subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the special conditions attached as Appendix “H” to Report PED10176;

(ii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 42 of the Planning Act, prior to the issuance of building permits. Payment of Cash-in-Lieu of Parkland will be calculated in accordance with the City’s Parkland Dedication By-law, currently at a maximum rate of 1 hectare for each 300 dwelling units proposed. The calculation of the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the 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.

(iii) That the City agrees to pay for the stormwater management facilities from an approved Capital Budget Source. The 2009 Development Charge Background Study identifies a combined value for both facilities to an upset limit of $2,008,731.00, including lands, construction engineering, and

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inspection fees. The City agrees to pay its share of costs for the construction of surface and underground works required along the stormwater management facility frontage, which is greater than 8.0m where the additional frontage beyond 8.0m is mandated by the City. For surface works, the City share shall be based on the New Road Servicing Rate;

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

27. Revised Tree Protection Guidelines for Development Sites (PD02229(f)) (City Wide) (Outstanding Business List Item) (Item 6.5)

(a) That the Tree Protection Guidelines, dated October 2010, attached as Appendix “A” to Report PD02229(f), be adopted by Council. Further, that staff be directed to use these as the new Guidelines for the preparation of Tree Protection Plans (TPPs) associated with the approval of development applications.

(b) That fees for reviews and approvals under the Tree Protection Guidelines be added to the User Fees and Charges By-law and referenced as follows:

Tree Protection

(i) General Vegetation Inventory Review - $300.00
(ii) Tree Protection Plan Review - $500.00

28. Waste Chute Closure Permit Policy (PED09165(c)) (City Wide) (Item 6.6)

That the Waste Chute Closure Permit Policy be referred to the Seniors’ Advisory Committee for comment

(a) That the Waste Chute Closure Permit Policy attached as Appendix “A” to Report PED09165(c) be approved;

(b) That subject to approval of recommendation (a), the amendment to the Property Standards By-law No. 10-221, attached as Appendix “B” to Report PED09165(c), which has been prepared in a form satisfactory to the City Solicitor, be passed; and,

(c) That a $150.00 application fee for a Waste Chute Closure Permit be approved and added to the City’s User Fees and Charges By-law.
29. **Personal Wellness Services Establishments (PED10075(a))(City Wide) (Item 6.7)**

(a) That a Personal Wellness Services Establishment licence category not be established;

(b) That the definition for a Body Rub in Schedule 4 of the Licensing By-law 07-170 remain unchanged.

(a) A Personal Wellness Services Establishment licence category be established subject to approval of items (i), (ii) and (iii) below:

(i) That an annual licence fee of $150.00 be approved and added to the City’s 2011 User Fees and Charges By-law;

(ii) That an additional 0.3 FTE be approved for enforcing and administering the licence category based on 100% cost recovery and no additional levy impact, and;

(iii) That the definition for a Body Rub in Schedule 4 of the Licensing By-law 07-170 be updated to distinguish it from a Personal Wellness Services Establishment.

(b) That the draft By-Law to amend the Licensing By-law 07-170 attached as Appendix “A” to Report No. PED10075(a) which has been prepared in a form satisfactory to the City Solicitor, be assed.

30. **Amendment to the Fence By-law No. 10-142 (PED10084(b))(City Wide) (Item 6.8)**

That the draft amendment to the Fence By-law No. 10-142 attached as Appendix A to Report PED100084(b), to allow maximum fence heights in Ward 12 to be increased by 0.4 meters to prevent deer from entering properties likely to be affected by deer, which has been prepared in a form satisfactory to the City Solicitor, be passed.

31. **Establishing a Bar and Nightclub Licence Category (PED09127(d)) (City Wide) (Item 6.9)**

(a) That Schedule 21 (Restaurant and Food Shops) of the Licence By-Law 07-170 be re-titled Food Premises and be further amended to:

i) create a Bar and Nightclub licence category which would be defined as a food premises which does not provide seating for more than 65% of customers who are served food or drink and where the primary purpose of the food...
premises is any one or more of the following:

a. serving alcohol to customers,

b. entertaining customers by playing live or recorded music,

c. accommodating dancing by customers.

d. requiring that establishments licensed or applying to be licensed under the Bar and Nightclub licence category who employ bouncers, provide confirmation of compliance with the Private Security & Investigative Services Act, 2005.

e. updating terminology and require:

   a. a premises plan for all establishments that sell food and drink,

   b. for any establishment licensed as a Bar and Nightclub, a crowd control plan, a noise control plan and provide the Issuer of Licences with contact information for the person(s) responsible for the operation,

f. That the amending by-law attached as Appendix “A” to Report PED09127(d), which has been prepared in a form satisfactory to the City Solicitor, be passed,

(c) That the annual fee for a Bar and Nightclub licence be the same as the current Eating Establishment license fee ($146.00 for 2010), and;

(d) That the Hess Village Entertainment District boundaries, at this time, not be expanded to include business properties benefiting directly from their proximity to the area in order to share in the cost of Special Duty Police Officers.

32. Request to Waive Fees at 53 Gibson Avenue (PED10263) (Ward 3) (Outstanding Business List Item) (Item 8.1)

That no action be taken with respect to the request from Abba Uno to waive fees associated with the re-use of 53 Gibson Avenue.

33. Committee of Adjustment Minor Variance Application HM/A-10:164 for the Property Located at 601 Barton Street East (Hamilton), Recommended for Tabling by the Planning and Economic Development Department, Approved by the Committee of Adjustment, and Appealed by the Planning and Economic Development Department (PED10261) (Ward 3) (Item 8.2)

That Council agrees to the following actions, as detailed in Report PED10261, respecting the appeal of the City of Hamilton, Committee of Adjustment, Minor Variance Application HM/A-10:164 (Gibson Green Development Inc.), 601 Barton Street East, former City of Hamilton, as shown on Appendix “A” to Report PED10261, approved by the Committee of Adjustment, but recommended to be Tabled by the Planning and Economic Development Department:

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(a) That Council of the City of Hamilton proceed with the appeal to the Ontario Municipal Board (OMB) against the decision of the Committee of Adjustment to approve Application HM/A-10:164.

(b) That Council directs appropriate Legal Services and Planning staff to attend the future Ontario Municipal Board (OMB) Hearing in support of the appeal.

34. Request to Repeal Former Town of Ancaster By-law No. 89-88, Being a By-law to Designate 1051 Old Mohawk Road (Ancaster), Under Part IV of the Ontario Heritage Act (PED10239) (Ward 12) (Item 8.3)

(a) That the application by Ms. Marilyn Steadman, owner of 1051 Old Mohawk Road (Ancaster) City of Hamilton, to repeal the former Town of Ancaster designating By-law 89-88, under Section 32 (1) of the Ontario Heritage Act be refused;

(b) That Report PED10239 be forwarded to the owner of the property for information.

35. Formal Membership of the Heritage Permit Review Subcommittee (City Wide) (PED10262) (City Wide) (Item 8.4)

(a) That the membership of the City of Hamilton Heritage Permit Review Subcommittee, together with the mandate, attached as Appendix “A” to Report PED10262 be formally established;

(b) That a call for applications for citizen appointments on the City of Hamilton Heritage Permit Review Subcommittee be appropriately advertised.

(c) That the Selection Committee includes the Heritage Permit Review Subcommittee within their standard process for the selection of citizens to fill vacancies on various Agencies, Boards, and Committees.

(d) The Selection Committee shall include additional “Members-at-Large” on the City of Hamilton Heritage Permit Review Subcommittee in the event that there are insufficient members from designated Heritage Conservation Districts, with a maximum not to exceed the total membership of ten (10) members.

(e) That Report PED10262 be forwarded to the Hamilton Municipal Heritage Committee for information.

36. Ottawa Street Farmers’ Market Licence Agreement (PED10243) (Ward 4) (Item 8.5)
That, the provisions of the Licence Agreement dated March 6, 2008, between the City of Hamilton and Crown Point Farmers’ Market, of Ottawa Street Association Inc., operating as the Ottawa Street Farmers’ Market, be amended such that the annual licence payments be reduced from $17,000 per annum by an amount not to exceed $5,500, being the costs of snow clearing, and

37. Rural Hamilton Official Plan – Ontario Municipal Board Appeals (Item 12.1)

That in respect of the appeal to the Ontario Municipal Board of the Rural Hamilton Official Plan, the City Solicitor be instructed to advance the following position in front of the Ontario Municipal Board Hearing respecting a portion of the appeals from the Aggregate Industry and Paletta International and P and L Livestock:

That the proposed changes to the Rural Hamilton Official Plan, with the exception of Policies C.1.2.2, C.1.2.4, C.2.2.6 and C.2.2.7, as revised by City Planning Staff and provided to the Planning Committee on December 7, 2010 by the City Solicitor is supported by Council with such minor amendments thereto as the General Manager of Planning and Economic Development Department and City Solicitor deem appropriate.


(a) That in respect of the appeal to the Ontario Municipal Board of the Draft Plan of Subdivision Application 25T-200403 and Zoning By-Law Amendment ZAC-04-021 by Sulphur Springs Development Corp, respecting 237 and 271 Lime Kiln Road (OMB File Numbers PL090665 and PL090707), the City Solicitor be directed to advance the following position before the Ontario Municipal Board:

That the revised Draft Plan of Subdivision, Zoning By-law Amendment and conditions, as outlined in the December 3, 2010 memorandum from Tim McCabe, General Manager, Planning and Economic Development Department to Legal Services, be supported, all as provided by the City Solicitor as Item 12.3 to the Planning Committee on December 7, 2010,. and as amended by Committee on December 7, 2010, as follows:

(i) That the east-west section of High Valley shall have a sidewalk on the South side only;

(i) That a sidewalk be constructed on the north side of High Valley in front of lots 15 to 19 from Lime Kiln Road to Block 20 connecting to the proposed sidewalk in front of the cemetery.

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That the road allowance for the east-west section of High Valley shall be 18 metres, and that the road allowance for the balance of the subdivision shall have the standard 20 metre road allowance.

(b) That the staff memorandum respecting this issue, dated December 3, 2010, remain confidential, except Appendices "A" to "H" which shall be made public as follows:
1. Appendix "A" - Location Map;
2. Appendix "B" - Urban Hamilton Official Plan Amendment;
3. Appendix "C" - Special Conditions of Draft Plan Approval;
4. Appendix "D" - Draft Zoning By-law Amendment for Town of Ancaster Zoning By-law No. 87-57;
5. Appendix "E" - Draft Zoning By-law Amendment for By-law 05-200;
6. Appendix "F" - Revised Draft Plan of Subdivision with Lotting;
7. Appendix "G" - Revised Draft Plan of Subdivision Showing Lotting within Condominium Block; and,

39. **Recommendations for Settlement for Appeal to the Ontario Municipal Board of Draft Plan of Subdivision Application 25T-200904 and Zoning By-law Amendment Application ZAC-09-019, (MC2 Homes, Phase 3), 203 Parkside Drive, Waterdown (Item 12.4)**

That Item 39 be deleted in its entirety and replaced with the following in lieu thereof:

(a) That in respect of the appeal to the Ontario Municipal Board of the Draft Plan of Subdivision Application 25T-200904 and Zoning By-Law amendment ZAC-09-019 by MC2 Homes Inc. for their Phase 3 lands, respecting 203 Parkside Drive (OMB File Numbers PL091174 and PL0100017), the City Solicitor be directed to advance the following position before the Ontario Municipal Board:

That the Draft Plan of Subdivision, Zoning By-law Amendment and conditions, as outlined in the December 7, 2010 memorandum from Tim McCabe, General Manager, Planning and Economic Development Department to Legal Services, be supported, all as provided by the City Solicitor as Item 12.4 to the Planning Committee on December 7, 2010, all as revised by Council at their meeting of December 15, 2010.
(b) That the staff memorandum respecting this issue, dated December 7, 2010, remain confidential, except Appendices "A" to "E", as revised by Council on December 15, 2010, which shall be made public as follows:

- Appendix "A" - Location Map
- Appendix "B" - Special Conditions of Draft Plan Approval
- Appendix "C" - Amending Zoning By-law for Former Town of Flamborough By-law 90-145-Z
- Appendix "D" - Amending Zoning By-law for By-law 05-200
- Appendix "E" - Draft Plan of Subdivision

(c) That the director of Development Engineering, Director of Planning and the City Solicitor be authorized to further negotiate conditions 16.29, Note 8 and the Zoning By-Law to the satisfaction of the City.

(a) That in respect of the appeal to the Ontario Municipal Board of the Draft Plan of Subdivision Application 25T-200904 and Zoning By-Law Amendment ZAC-09-019 by MC2 Homes Inc. for their Phase 3 lands, respecting 203 Parkside Drive (OMB File Numbers PL0914174 and PL0100017), the City Solicitor be directed to advance the following position before the Ontario Municipal Board: that the revised Draft Plan of Subdivision, Zoning By-law Amendment and conditions, as outlined in the December 3, 2010 memorandum from Tim McCabe, General Manager, Planning and Economic Development Department to Legal Services, be supported, all as provided by the City Solicitor as Item 12.4 to the Planning Committee on December 7, 2010.

(b) That the staff memorandum respecting this issue, dated December 3, 2010, remain confidential, except Appendices "A" to "E" which shall be made public as follows:

- Appendix "A" - Location Map
- Appendix "B" - Special Conditions of Draft Plan Approval
- Appendix "C" - Amending Zoning By-law for Former Town of Flamborough
- Appendix "D" - Amending Zoning By-law for By-law 90-145-Z
- Appendix "E" - Revised Draft Plan of Subdivision

40. City of Hamilton Purchase of 5738 Twenty Road, Described as Part of Lot 14, Concession 1 in the Geographic Township of Glanbrook now in the City of Hamilton, being all of PIN 17084-0013, from Arthur Miles and Beverly Miles (PED10265) (Ward 11) (Item 12.5)
Planning Committee  

(a) That an Option to Purchase, between the City of Hamilton and Arthur and Beverly Miles, scheduled to close on or before April 15, 2011, to purchase the land described as Part of Lot 14, Concession 1 in the Geographic Township of Glanbrook, now in the City of Hamilton, being all of PIN 17084-0013(LT) and known municipally as 5738 Twenty Road, shown on attached Appendix “A” to Report PED10265, be approved and completed.

(b) That Legal Services be directed to cease expropriation proceedings of Part 12 on Plan 62R-17987 from Arthur and Beverly Miles.

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

(d) That the Mayor and Clerk be authorized and directed to execute all necessary documents in a form satisfactory to the City Solicitor.

(e) That staff be permitted to lease back the subject property to the owners, Arthur and Beverly Miles for a period of up to twelve (12) months at no lease consideration save for all utilities, water/sewer and other user costs / charges to be paid by the tenants, Arthur and Beverly Miles.

(f) That upon termination of the tenancy, the Director of Fleet and Facilities be authorized and directed to take all the necessary steps for the demolition of the subject buildings, and that the costs for the demolition and any ancillary expenses be funded from NGIBP Reserve Account 108042.

(g) That the financial details/purchase price of the land outlined in Appendix “B” attached to Report PED10265, remain confidential until such time as the transaction has been completed by Council, and that the balance of the Report PED10265 remain confidential and not be released as a public document.

FOR THE INFORMATION OF COUNCIL:

(a) CONFIRMATION OF CHAIR AND VICE-CHAIRS

On a Motion, Committee confirmed Councillor R. Pasuta as Chair of the Planning Committee for 2010-2011, Councillor B. Clark as First Vice-Chair for 2010-2011, and Councillor J. Farr as Second Vice-Chair for 2010-2011.

(b) CHANGES TO THE AGENDA (Item 1)

The Clerk advised of the following changes to the agenda:

- Additional communication from Victor Veri, whose delegation request is listed on the Agenda as Item 4.3. This has been distributed this morning.
- Added delegation requests, from the Jim Stollard, Hamilton Naturalists Club, and from Ed Fothergill, respecting Item 6.4 on today’s Agenda. The requests have been copied and distributed this morning. They will be considered under Section 4 of the Agenda.

- There will be a Special Council meeting at 2.00pm, to consider one of the Closed Session items, relating to the Rural Official Plan. Procedure will be to recess the Committee Meeting, then hold Council at 2.00pm, and then reconvene the Planning Committee Meeting.

On a Motion (Pearson/Johnson) Committee approved the Agenda, as amended.

(c) DECLARATIONS OF INTEREST (Item 2)

None, at the start of the meeting. When Committee proceeded into Closed Session, Councillor Ferguson declared an interest in Item 12.1, Rural Official Plan, as his daughter works for Dufferin Construction. He left the meeting for the duration of the matter.

(d) APPROVAL OF MINUTES (Item 3)

None

(e) DELEGATION REQUESTS (Item 4)

(i) John Ariens, IBI Group, respecting Committee of Adjustment variance HM/A-10:164, 601 Barton Street East, Item 8.2 (Item 4.1)

On a Motion, Committee agreed to hear from Mr Ariens, after the staff overview of the item.

(ii) Gideon (Glen) McGuire Augier, respecting request to waive municipal fees, 53 Gibson Avenue, Item 8.1 (Item 4.2)

On a Motion, Committee agreed to hear from Mr Augier, after the staff overview of the item.

(iii) Victor Veri, respecting application for demolition permit at 78-80 Birge Street, to address Committee when the staff report is on the Agenda (Item 4.3)

On a Motion, Committee agreed to hear from Mr Veri, after Item 6.9
(iv) Jim Stollard, Hamilton Naturalists Club, respecting Item 6.4
Cimino-D’Amico

On a Motion, Committee agreed to hear from Mr Stollard on Item 6.4

(v) Ed Fothergill, agent for the applicant, respecting Item 6.4
Cimino-D’Amico

On a Motion, Committee agreed to hear from Mr Fothergill on Item 6.4

(f) Animal Control Hours of Operation (PED10264) (City Wide) (Item 5.19)

Committee discussed the matter of opening hours and the impact on customers. Staff provided additional information about the process used, and how the automatic telephone answering process worked.

Councillor Pearson requested a log of calls received between 4:30 – 6:00 pm, after the new system has been in place for a year, and Sue O’Dwyer agreed to provide this.

Committee approved the staff report.

(g) Parking Payment Options at City Hall Parking Lot (PED10219(a)) (City Wide) (Outstanding Business List) (Item 5.21)

Committee discussed the information and cost of the options proposed. Staff noted that when the existing City Hall machines are replaced, the old ones will be used elsewhere.

Committee approved the staff recommendation.

Councillors Collins, Johnson and Clark requested their opposition be recorded.

(h) Volunteer / Sub-Committee Minutes

(i) Municipal Heritage Committee August 26, 2010 (Item 5.25(a))

The Minutes of the Municipal Heritage Committee of August 26, 2010 were received.

(ii) Municipal Heritage Committee September 23, 2010 (Item 5.25(b))

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The Minutes of the Municipal Heritage Committee of September 23, 2010 were received.

(iii) Agricultural and Rural Affairs Advisory Committee April 22, 2010 (Item 5.25(c))

The Minutes of the Agricultural and Rural Affairs Advisory Committee of April 22, 2010 were received.

(i) Chris Kwiecen, Hillfield Strathallan College, respecting request to waive the fees for Site Plan approval (Delegation approved by Economic Development and Planning Committee) (Item 6.1)

Chris Kwiecen and Marc Ayotte addressed Committee in support of their request for the waiving of parkland dedication associated with the new building at the College. They explained how the expansion will not increase the number of pupils at Hillfield, but will provide needed extra space. They noted how the existing open space is used by the College and by the public, how there are no fences around the open space, and explained that the expansion will not increase any need for greenspace. They noted that the public is welcome to use the greenspace at the College.

Committee discussed the matter and had further information supplied by staff. Tim McCabe explained the Parkland Dedication By-law, and that all schools are required to pay parkland dedication when they build or expand.

Mr. McCabe provided background including the following:

- matter a huge issue for schools, both Boards
- staff previously recommended that 5% dedication be reduced to 2%. Council, in April 2009, referred matter to Joint City/School Board Liaison Committee, but nothing has come back since
- need to proceed with caution, possible exemptions would create serious issues, need to treat all schools equally
- staff would like to bring back original report

On a Motion (Pearson/Ferguson), the delegation was received.

On a Motion (Collins/Whitehead), staff was directed to meet with the delegation and report back to Committee.

(j) Proposed Official Plan Amendment and Zoning By-law Amendment Affecting Lands Located at 273 Parkside Drive, Waterdown (Flamborough) (PED10240) (Ward 15) (Item 6.2)
Chair Pasuta advised the meeting of the following, in accordance with the provisions of the Planning Act,

a) If a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before the Official Plan Amendment is approved and 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 Official Plan Amendment is approved and 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 was present to assist Committee and gave an overview of the application with the aid of a powerpoint presentation. Staff points included but were not limited to the following:

- organization, Youth for Christ, has been active in the Waterdown area for last 5 years, have 3 youth workers, work with Waterdown District High School, and Hamilton Police Services
- application is in accord with Provincial Policy Statement
- no traffic study required, improvements to Parkside Drive in Capital Budget for next year, reduced parking space number is acceptable, as many kids will walk/bike to centre

Ben VanHoeve, the applicant’s agent, and Mr. Wilk, the designer, addressed Committee in support of the application, with the aid of a powerpoint presentation. Their points included but were not limited to the following:

- proposed centre is grass roots organization, group of citizens have met over past 6 years, worked on provision of youth activities to fill a previous void
- Ward 15 has highest percentage of youth population in 16-24 age range
- Operation will be locally run, non-profitable charitable organization, local chapter of Youth for Christ. Previously all volunteers, now has some paid staff
- Many kids will walk, some drive, pedestrian access paramount importance at Youth for Christ centres
- Youth for Christ has 16 youth centres across south-west Ontario
- Fits in with Hamilton values to be best place to raise a child
- Organization is donor supported
- Parking area will be at lower grade than adjacent residential house, will also have fencing and a landscape strip
- Parking will be a green parking lot, plastic product, environmentally friendly, not good for skateboarding, good for storm water mitigation
- Building will have vegetative roof

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- Questioned sequencing of traffic signals at intersection, safety questioned.

Committee asked various questions and the presenters added further information:

- meetings have been held with public – first about 18 months ago, a second 2 weeks ago, have talked to immediate neighbours, DeCarlos.
- Want to be a part of the community, want to work with all stakeholders.

Orlando DeCarlo, 606 Hamilton Street North, Waterdown, addressed Committee. His points included but were not limited to the following:

- provided a written submission, a separate letter and a petition against the application
- immediate neighbour to north, 15 years in this house, life-long resident of Waterdown
- admires Mr. Barnes and his organization, supports the idea of provision of youth activities, faith-based activities, need for this type of use
- concerns are size of site for all of uses proposed, lack of parking, safety at a busy intersection
- parking and traffic issues identified previously, former Ward Councillor Margaret McCarthy requested a traffic study but was refused by the Traffic Department
- aware the Mr. Barnes owns two adjacent properties, thinks both bought for this use, but using only one. Wants Mr. Barnes to use both properties and then it won’t be a question of shoehorning uses into a small space
- questioned need for recording studio in building
- suggested a one-storey building would fit in better, all uses could fit into one storey building if basement used fully
- questioned staff/student ratio
- 22 parking spaced needed
- questioned many areas of staff report, noted inaccuracies in the report
- concerned about parking, many students do drive
- will create havoc at intersection and parking on street will be a serious problem
- building does not respect design criteria, exceeds envelopes in by-law
- road widening will make lot smaller, by one third
- youth centre needed, but not right location here
- concerned that Public Meeting was to be held in October, was put off, did not understand why.

Councillor Clark cautioned the speaker on his criticism of staff, noting that such comments are inappropriate. He advised that many projects had been delayed as it had not been possible to hear them all in October.

Mr. DeCarlo apologized.
Arlene Reemeyer-Nagy, 65 Segwun Road, addressed Committee. Her points included but were not limited to the following:

- speaking as a neighbour and a representative of Youth for Christ. Presented a letter of support from YMCA and from Deputy Principal of Waterdown District High School
- Youth for Christ focuses on the 14-19 age range, YMCA programs focus on 10-15 year ago group, programs do not compete
- Said youth need a safe place, before, at lunch hour, and after school, many youth suffer from stress and depression, difficulties need to be addressed early
- Alcohol, drugs, self-injury are all serious problems for youth, need to give teens self-worth
- Youth for Christ has lots of volunteers, usual ratio is one volunteer/staff person to 6-8 youth.

Committee discussed the matter and raised the following issues:

- need for this kind of program, but need to put it in the right place
- both neighbours and applicants need to be willing to talk here
- when will road widenings be taken? Staff responded road widenings taken at site plan stage.
- Parking space provision? Staff responded that a daycare had been used as a comparator in assessing parking, that many of youth will walk from the High School, so ratio of spaces is OK
- Proposed zoning is for residential / this use only, no other uses
- Youth for Christ has been active in Waterdown several years, involved in High School music program, will continue to be involved in community.

Councillor Clark assumed Chair to allow Councillor Pasuta to address Committee.

Councillor Pasuta asked about the sign on the property, and when exactly the Public Meeting date had been placed on it.

Paul Mallard explained about the requirements for notification, specifically written notice and notice on a sign on property must be given 17 days prior to the meeting. He noted that the date on the sign on the property had been re-posted when Public Meeting date changed.

Mr. Mallard noted that if the sign on the property had not been changed at least 17 days prior to the Public Meeting, then there could be a problem.

A discussion then took place with Legal staff. Staff advised Committee that the sign on the property had not been in place for the required 17 days prior to the meeting, and that another Public Meeting, with notification would be required.
On a Motion (Pearson/Johnson), the matter was referred to a new Public Meeting.

(k) Applications for Approval of a Draft Plan of Subdivision and an Amendment to the Town of Ancaster Zoning By-law No. 87-57 for Lands Known as 1061 Garner Road East (Ancaster) (PED10177(a)) (Ward 12) (Item 6.3)

Cam Thomas was present to assist Committee.

Councillor Ferguson explained the background to the tabling of the report on September 7, 2010, its consideration by the Ancaster Community Council, and the resulting revisions to the plan. He then noted a request by the applicant respecting changes to four corner lots.

Paul Mallard explained the re-engineering of the plan has reduced the size of four corner lots, and that the applicant has made a last-minute request to have the required flankage reduced. This change is supported by staff.

Steve Robichaud read the amendment to Committee, as follows:

That Section 2(e) of the draft by-law, attached as Appendix “C” to Report PED10177(a) be amended to change the minimum side yard for a dwelling unit abutting a flankage yard from 2.5m to 2.1m.

On a Motion (Ferguson/Clark), Committee approved the amendment respecting the reduction in flankage yards.

Cam Thomas explained a second amendment, as follows;

That prior to registration of the final plan of subdivision, the Owner pay their proportionate share of the actual cost, less over-sizing, for existing sewers, watermains and roads on Vinton Road adjacent to Block 14 of the draft plan, to the satisfaction of the Director of Engineering

On a Motion (Ferguson/Clark), Committee approved the amendment, as outlined by Mr. Thomas.

Committee then approved the staff recommendation, as amended.

(l) Proposed Draft Plan of Subdivision and Zoning By-law Amendment for the Cimino-D’Amico Lands (Ancaster Meadowlands Neighbourhood IV) (PED10176) (Ward 12) (Item 6.4)

Cam Thomas was present to assist Committee and provided an overview of the application with the aid of a powerpoint presentation. He explained that the application had been tabled at the end of the Public Meeting on September 7,
2010, to be considered by the Ancaster Community Council. No changes had been asked for by the Community Council.

Jim Stollard, Hamilton Naturalists’ Club, addressed Committee. His points included but were not limited to the following:

- submitted a letter to the Committee, outlining his concerns
- concern about development as a whole, adjacent to ESA
- main issue, ESA had been removed for agricultural use, should now be restored as ESA
- second issue, Provincial Policy statement should not be used as a tool to justify this
- third concern, Provincially Significant Wetland area being developed here (he noted a typo in his letter)
- fourth concern, insufficient buffers from wetland
- fifth concern, need groundwater study
- sixth concern, location of Storm Water Pond in ESA
- requested Committee to reconsider these issues, and not re-draw boundaries of the ESA.

Committee received the delegation and the letter he had provided.

Ed Fothergill, agent for the applicant, addressed Committee. His points included but were not limited to the following:

- no concerns respecting ESAs raised at Public Meeting in September
- environmental issues were addressed at Secondary Plan Stage, and plan addresses these
- explained how buffers set in place, and how these were satisfactory to all agencies
- have worked with neighbours, have protected environmental features, they will be enhanced.

On a Motion (Ferguson/Pearson), the delegation was received.

Committee discussed the application, and raised points including the following:

- was ground water study done? / Staff responded yes, as part of Secondary Plan
- width of buffers / Staff explained Hamilton Conservation Authority had agreed to width
- use of cul-de-sac design / Staff responded that wetlands accommodated by this design
- loss of ESA could lead to flooding, could lead to precedent / staff responded that development is consistent with Secondary Plan, this completes balance of development in neighbourhood.
On a Motion, Committee approved the staff recommendation. Councillor Johnson requested her opposition be recorded.

(m) Private and Confidential (Item 12)

At 12:20 pm, Chair Pasuta advised that the Committee would now be going into Closed Session to consider five items as listed on the Agenda. He explained to the audience that one of the items we will be considering in Closed Session, the Rural Official Plan appeals, are time sensitive, and will be considered by a Special Meeting of Council today, starting at 2:00 pm.

The Chair explained that the Planning Committee meeting would be recessed to hold Special Council at 2:00 pm, and then would be resumed after that.

He noted that if we have not completed all the Closed Session items before the Special Council, we will need to go back into Closed Session, when the Planning Meeting is reconvened.

The Chair invited members of the public to return to hear any further deliberations when Committee reconvenes in Open Session.

On a Motion, the following was approved:

That Committee move into Closed Session to consider the following 5 items which are before the OMB and subject to Section 8.1(e) of the City’s Procedural By-law and Section 239 of the Ontario Municipal Act as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals affecting the City and are with respect to:

12.1 Rural Hamilton Official Plan – Ontario Municipal Board Appeals

12.2 Urban Hamilton Official Plan – Status of Ministry of Municipal Affairs and Housing Approval

12.3 Recommendations for Settlement for Appeal to the Ontario Municipal Board of Draft Plan of Subdivision Application 25T-200403 and Zoning Amendment Application ZAC-04-021 (Lime Kiln Estates), 237 and 271 Lime Kiln Road, (Ancaster)

12.4 Recommendations for Settlement for Appeal to the Ontario Municipal Board of Draft Plan of Subdivision Application 25T-200904 and Zoning By-law Amendment Application ZAC-09-019, (MC2 Homes, Phase 3), 203 Parkside Drive, Waterdown
12.5 City of Hamilton Purchase of 5738 Twenty Road, Described as Part of Lot 14, Concession 1 in the Geographic Township of Glanbrook now in the City of Hamilton, being all of PIN 17084-0013, from Arthur Miles and Beverly Miles (PED10265) (Ward 11)

On a Motion, Committee reconvened in Open Session, at 2:00 pm.

The Chair advised that the Committee had met in Closed Session and had considered Items 12.1, 12.2 and 12.3.

(n) Rural Hamilton Official Plan (Item 12.1)

The Chair noted that Committee had met in Closed Session to consider legal advice respecting this item.

Committee approved the staff recommendation (see Item 37).

(o) Urban Hamilton Official Plan – Status of Ministry of Municipal Affairs and Housing Approval (Item 12.2)

The Chair advised that Committee met in Closed Session to consider legal advice respecting this matter, and there was nothing further to report.

(p) Recommendations for Settlement for Appeal to the Ontario Municipal Board of Draft Plan of Subdivision Application 25T-200403 and Zoning Amendment Application ZAC-04-021 (Lime Kiln Estates), 237 and 271 Lime Kiln Road, (Ancaster) (Item 12.3)

The Chair noted that Committee had met in Closed Session to consider legal advice respecting this item.

Committee approved the staff recommendation (See Item 38).

On a Motion at 2:05 pm, Committee recessed to allow the Special Meeting of Council to take place.

On a Motion, the Planning Committee reconvened at 2:45 pm.

Chair Pasuta advised the audience that Committee would now be moving into Closed Session again. He advised that the public would be welcome to return after the Closed Session was concluded, for the balance of the meeting.

Council – December 15, 2010
The following Motion was then passed:

That Committee move into Closed Session to consider the following 2 items which are before the OMB and subject to Section 8.1(e) of the City’s Procedural By-law and Section 239 of the Ontario Municipal Act as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals affecting the City and are with respect to:

12.4 Recommendations for Settlement for Appeal to the Ontario Municipal Board of Draft Plan of Subdivision Application 25T-200904 and Zoning By-law Amendment Application ZAC-09-019, (MC2 Homes, Phase 3), 203 Parkside Drive, Waterdown

12.5 City of Hamilton Purchase of 5738 Twenty Road, Described as Part of Lot 14, Concession 1 in the Geographic Township of Glanbrook now in the City of Hamilton, being all of PIN 17084-0013, from Arthur Miles and Beverly Miles (PED10265) (Ward 11)

At 3:15 pm, on a Motion, Committee reconvened in Open Session.

The Chair advised that Committee had met in Closed Session to consider legal advice.

(q) 203 Parkside Drive, Waterdown (Item 12.4)

Committee approved the staff recommendation. (See Item 39).

(r) 5738 Twenty Road (Item 12.5)

Committee approved the staff recommendation (See Item 40).

(s) Revised Tree Protection Guidelines for Development Sites (PD02229(f))a (City Wide) (Outstanding Business List Item) (Item 6.5)

Paul Mallard and Cathy Plosz were present to assist Committee.

Councillor Clark noted that agreement regarding this matter had now been reached between staff and the Hamilton Home Builders’ Association.

Committee approved the staff recommendation.

Paul Mallard thanked Cathy Plosz for her work on the item.
(t) Waste Chute Closure Permit Policy (PED09165(c)) (City Wide) (Item 6.6)

The Chair advised the meeting that the matter had been advertised in the newspapers under the city’s Notice By-law.

Carmela Vidic explained the background and details. The Clerk advised that no-one had registered to speak on the item. No members of the public came forward to address Committee.

Councillor Collins noted his thanks to staff and explained further details of the matter.

On a Motion, Committee approved the staff recommendation.

(u) Personal Wellness Services Establishments (PED10075(a))(City Wide) (Item 6.7)

Additional communications from Rashne Baetz and Lisa Borkovich concerning Reiki, were received. The Chair explained that the matter had been advertised in the newspaper, in accord with the City By-law and that Don Reid, Reflexology Registration Council of Ontario, had registered as a delegation, but was unable to attend due to the snowstorm in Collingwood. On a Motion, Committee received his two letters.

Vince Ormond provided an overview of the staff report, and the proposed new definition of Personal Wellness Services Establishments. A copy of his powerpoint presentation was distributed to Committee.

Committee discussed the matter in detail. Points raised included, but were not limited to the following:

- has consultation taken place with all affected groups/governing bodies such as the Registered Massage Therapists, Transitional college of Chinese Medicine, those mentioned in Regulated Health Professionals Act
- will this eliminate the unlicensed body rub establishments
- have other municipalities asked the Province for help in addressing these problems
- are there other ways of addressing the problems? Staff responded that the matter had been advertised, and while they had not solicited comments from other health providers, various groups had attended the public session. Staff indicated that they had reviewed the motions from Guelph and Ottawa and could provide a written comment to Committee on these.

Councillor Clark expressed concerns that insufficient consultation had taken place, and that perhaps the Province should be lobbied to assist here.

Council – December 15, 2010
On a Motion, Committee refused the staff recommendation.

(v) **Amendment to the Fence By-law No. 10-142 (PED10084(b))(City Wide) (Item 6.8)**

Staff explained that Committee had referred back matter of additional fencing in areas where deer were prevalent. They noted that consultation had taken place with the Agricultural and Rural Affairs Committee.

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

Staff advised that no direct consultation about fence heights had taken place with the Ministry of Natural Resources, but that the Agriculture and Rural Affairs Committee were in support of the staff recommendation.

Committee agreed that the by-law should be amended to apply only to Ward 12, since this was where the most serious deer population problems exist. In addition, staff should report back on the outcome of the by-law amendment, in two years.

Committee approved the staff recommendations, as amended.

(w) **Establishing a Bar and Nightclub Licence Category (PED09127(d)) (City Wide) (Item 6.9)**

Marty Hazell provided an overview of the report.

Committee approved the staff recommendation.

(x) **Victor Veri respecting his application for a demolition permit for property at 78-80 Birge Street (Added Item)**

Victor Veri addressed Committee and explained the background to his application. He explained that he wanted a demolition permit to be issued without any conditions requiring that a new house be constructed on the site within two years. He noted that he wanted to put the site to other uses and explained he would like to use it as a parking lot.

Staff explained that a demolition permit, with conditions, had already been issued for the property, to the previous owner. When an applicant disagrees with the required standard conditions, staff cannot use their delegated authority to approve the permit.
Committee discussed the matter in detail and had further information supplied by staff.

On a Motion, Committee referred the matter to staff, to provide a report on the request for a future Committee meeting, and also directed that the Ward Councillor be consulted.

(y) Request to Waive Fees at 53 Gibson Avenue (PED10263) (Ward 3) (Outstanding Business List Item) (Item 8.1)

Dio Ortiz provided background to the matter.

Committee noted that Abba Uno has not yet been granted charitable status.

Elaine Hutchensen addressed Committee on behalf of Abba Uno, using a powerpoint presentation. Ms. Hutchensen explained the work which Abba Uno is doing, and how the church thought the building work which had been carried out on the site did not need a building permit as it was conversion and not construction. Ms. Hutchensen said that Divisional Court had declared the building was safe.

Committee discussed the matter and had further information supplied by the delegation and by staff. Staff confirmed that no determination of the safety of the building has been made by Divisional Court. Staff confirmed that all of the charitable groups and churches paid for building permits.

On a Motion, Committee approved the staff recommendation.

(z) Committee of Adjustment Minor Variance Application HM/A-10:164 for the Property Located at 601 Barton Street East (Hamilton), Recommended for Tabling by the Planning and Economic Development Department, Approved by the Committee of Adjustment, and Appealed by the Planning and Economic Development Department (PED10261) (Ward 3) (Item 8.2)

Matthew Blevins provided an overview of the staff report.

John Ariens and Mr. Quinn, the owner of the proposed school, address Committee in opposition to the staff position. Mr. Ariens noted that the new school will be recognized by the Province, and will grant diplomas. He explained that the site has 36 parking spaces, which will allow use of six classrooms, and that they wished to use eight classrooms, which would need 48 spaces. He
noted that street parking is available, four municipal parking lots exist in the area, and that the site is on a bus route. Mr. Ariens requested that Committee approve Option 3 in the staff report, and not authorize staff's appeal of the decision by the Committee of Adjustment.

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

Councillor Ferguson, seconded by Councillor Pearson, moved a Motion to refer the matter back to staff to work with the applicants and the Ward Councillor on a parking strategy for the site. The Motion lost on a tie vote.

On a Motion, Committee then approved the staff recommendation.

Councillors Ferguson, Partridge and Pearson requested their opposition be recorded.

On a Motion (Collins/Farr), the delegation was received.

(aa) Request to Repeal Former Town of Ancaster By-law No. 89-88, Being a By-law to Designate 1051 Old Mohawk Road (Ancaster), Under Part IV of the Ontario Heritage Act (PED10239) (Ward 12) (Item 8.3)

Committee approved the staff recommendation.

(bb) Formal Membership of the Heritage Permit Review Subcommittee (City Wide) (PED10262) (City Wide) (Item 8.4)

Councillor Partridge advised she had received a letter from a resident who was requesting that the Mill Street Heritage District Permit Sub-Committee be reinstated.

David Cuming provided details respecting the previous operation of the Mill Street Sub-Committee, how no volunteers had come forward to sit on it in 2006, and how staff had successfully been taken over the task of reviewing heritage permits in the Mill Street Heritage District.

Mr. Cuming gave further details on how the proposed Heritage Permit Review Sub-Committee would operate, and the need for a representative on the Sub-Committee from each Heritage District, including Mill Street.

Committee approved the staff recommendation.

(cc) Ottawa Street Farmers’ Market Licence Agreement (PED10243) (Ward 4) (Item 8.5)

Council – December 15, 2010
Marty Hazell gave an overview of the staff report.

Chair Pasuta relinquished the Chair to Councillor Clark, in order to speak to the matter, and reviewed with staff input, alternatives which might reduce the amount being paid in rent by the Ottawa Street Farmers’ Market.

Committee then approved the new Motion.

Councillor Pearson requested that her opposition be recorded.

Chair Pasuta resumed the Chair.

(dd) MOTIONS (Item 9)

None

(ee) NOTICES OF MOTION (Item 10)

Councillor Collins read the following Notice of Motion:

Locke Street Merchants Association-potential for paid parking revenue sharing

Whereas, Hamilton Business Improvement Areas (BIAs) have recently received the opportunity to share in City of Hamilton paid parking revenues, and;

Whereas, the Locke Street Merchants Association is not a BIA, however exhibits many of the same characteristics as a BIA, and;

Whereas, City staff have indicated that they are willing to review whether the Locke Street Merchants Association would qualify for paid parking revenue sharing.

Therefore:

That staff report back on whether the Locke Street Merchants Association qualifies for paid parking revenue sharing with the City of Hamilton as is the case currently with Business Improvement Area organizations.

(ff) GENERAL INFORMATION/OTHER BUSINESS (Item 11)

(i) Adoption of the Outstanding Business List (Item 11.1)

On a Motion, Committee adopted the Outstanding Business List, as included in the agenda of December 7, 2010.

Council – December 15, 2010
(ii) **Amendments to the Outstanding Business List**

The following was approved for removal from the Outstanding Business List:

(1) Parking Payment Options at City Hall Parking Lot  
(2) Revised Tree Protection Guidelines for Development Sites  
(3) Request to Waive Fees at 53 Gibson Avenue  
(4) Ottawa Street Farmers’ Market Licence Agreement

(iii) **News from the General Manager (Item 11.2)**

Tim McCabe clarified the requirements of the Planning Act, which had been discussed earlier. He explained that in fact a letter received after the Public Meeting has been held, does qualify a person to appeal a decision to the Ontario Municipal Board. Councillor Clark apologized to the Clerk.

Tim McCabe provided information to Committee about the coming year’s Planning Committee agendas.

Mr. McCabe announced that Ron Marini, Director of Downtown Renewal, would be retiring at the end of December.

Councillor Pearson noted a concern raised by one of her constituents, respecting the timing of Public Meetings. She noted that the constituent had attended the previous Committee Meeting at 9:30 am, but that the Public Meeting in which he was involved was not heard until the afternoon. She asked that the circulation letters be amended to advise that while the Committee Meeting starts at 9:30 am, there are normally several public meetings on each agenda.

Chair Pasuta thanked all the Committee members for their diligence during today’s long meeting.

(gg) **ADJOURNMENT (Item 13)**

On a Motion (Pearson/Partridge), the meeting adjourned at 6:45 pm.

Respectfully submitted

Robert Pasuta, Chair  
Planning Committee

Alexandra Rawlings  
Co-ordinator, Planning Committee  
December 7, 2010