



**Economic Development and Planning Committee**  
**REPORT 08-007**  
**April 15, 2008**  
**9:30 a.m.**  
**Albion Room, Hamilton Convention Centre**  
**1 Summer's Lane**  
**Hamilton**

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**Present:** Chair T. Whitehead  
1<sup>st</sup> Vice Chair M. Pearson  
2<sup>nd</sup> Vice Chair L. Ferguson  
Councillors: B. Bratina, S. Duvall, B. McHattie, D. Mitchell,  
R. Pasuta, and C. Collins

**Absent:** Councillor B. Clark – illness

**Staff Present:** T. McCabe, General Manager – Planning and Development  
B. Janssen, P. Mallard, R. Lee, T. Sergi, D. Falletta,  
P. Delulio, B. Montgomery, E. John, T. Arnold, R. Walters,  
J. Spolnik, M. Hazell, D. Cuming, D. Barnett – Planning and  
Economic Development  
A. Rawlings – Co-ordinator, City Clerk's Office

**THE ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE PRESENTS  
REPORT 08-007 AND RESPECTFULLY RECOMMENDS:**

**1. Demolition Permit – 104 East 18<sup>th</sup> Street (PED08101) (Ward 7) (Item 5.1)**

That the Acting Director of Building Services be authorized and directed to issue a demolition permit for 104 East 18<sup>th</sup> Street in accordance with By-Law 74-290 pursuant to the demolition control provisions of Section 33 of The Planning Act, as amended, subject to the following conditions:

- (a) That the applicant has applied for and received a building permit for a replacement building on this property;
- (b) That the said building permit specifies that the replacement building be erected within two years of the demolition of the existing building on this property;

- (c) That the said building permit for the replacement building specifies if such replacement building is not erected within the said two year time limit, that the City be paid the sum of \$20,000;
- (d) That the applicant be required to register on title to the subject property (prior to issuance of the said demolition permit), notice of these conditions (including the directions to the City Clerk outlined in sub-section (e)) in a form satisfactory to the Acting Director of Building Services and to the City Solicitor; and,
- (e) That if the said replacement building is not erected as required, the City Clerk be authorized to add the said sum, until payment thereof, as a lien or charge upon the property until paid.

**2. Hamilton Downtown Residential Loan Program – 47 Caroline Street North – Loan Repayment – RL03/04 (PED08093) (Ward 2) (Item 5.2)**

That Report PED08093, Hamilton Downtown Residential Loan Program – 47 Caroline Street North – Loan Repayment – RL03/04, be received for information.

**3. Hamilton Downtown Residential Loan Program - Cancellation of Loan Commitments for 284 King Street East; 150 Main Street West; 62 King Street East; 212 King William Street; and, 221 York Boulevard (PED08094) (Ward 2) (Item 5.3)**

- (a) That the conditional loan commitment under the Hamilton Downtown Residential Loan Program for 284 King Street East, previously approved in the amount of \$150,000.00 be cancelled due to the owner not moving forward with the residential development project at this time;
- (b) That the conditional loan commitment under the Hamilton Downtown Residential Loan Program for 150 Main Street West, previously approved in the amount of \$4,000,000.00 be cancelled due to the owner not proceeding with the residential development project at this time;
- (c) That the conditional loan commitment under the Hamilton Downtown Residential Loan Program for 62 King Street East, previously approved in the amount of \$156,000.00 be cancelled due to the owner not proceeding with the residential development project at this time;
- (d) That the conditional loan commitment under the Hamilton Downtown Residential Loan Program for 212 King William Street, previously approved in the amount of \$3,600,000.00 be cancelled due to the sale of the property; and,

- (e) That the conditional loan commitment under the Hamilton Downtown Residential Loan Program for 221 York Boulevard, previously approved in the amount of \$2,760,000.00 be cancelled due to the owner not proceeding with the residential development project at this time.

**4. Commercial Heritage Improvement and Restoration Program (CHIRP) Fall 2007 Grant Applications (PED08099) (Wards 2 and 12) (Item 5.4)**

- (a) That a conditional grant agreement be issued within the terms of the Commercial Heritage Improvement and Restoration Program (CHIRP) for two restoration projects identified in Appendix 'A' to Report PED08099.
- (b) That the applicants be notified that their property taxes must be paid in full prior to any grant monies being advanced for completed work, and that no grant funds will be paid out until the condition is met and, if the property taxes are not paid in full within one year of the date of the Letter of Understanding entered into between the City of Hamilton and the applicant, that the grant offer will be considered void and withdrawn.
- (c) That the grant portion for the two projects, in the total amount of \$39,900, be funded from Capital Project Account 58201-812040 (CHIRP Reserve 102047).
- (d) That the Director of Planning be authorized and directed to approve increases/decreases to the individual grant amounts approved as long as the overall grant portion for each individual grant does not exceed \$20,000, and said grant increase/decrease is in accordance with all program requirements.
- (e) That the Director of Planning be authorized to approve a maximum extension period of ninety days to the applicants for the completion of the work, over and above the one year period that the applicants are given, which commences the date Council approves the grant.
- (f) That staff be authorized and directed to prepare and execute a Letter of Understanding with the applicants, with such Letter of Understanding being in a form satisfactory to the City Solicitor.

**5. Summary Report of Real Estate Activity for the City of Hamilton for 2003 – 2007 (PED08100) (City Wide) (Item 5.5)**

That Report PED08100, Summary Report of Real Estate Activity for the City of Hamilton for 2003 – 2007, be received for information.

**6. Hamilton LACAC (Municipal Heritage Committee) Minutes for February 28, 2008 (Item 5.6(a))**

That the Minutes of the February 28, 2008 meeting of the Hamilton LACAC (Municipal Heritage Committee) be received for information

**7. City Initiative for a Change in Zoning for Lands Located at the Northwest Corner of Garth Street and Twenty Road (Glanbrook) (PED08092) (Ward 11) (Item 6.2)**

That approval be given to **City Initiative CI-08-E**, for an amendment to Glanbrook Zoning By-law No. 464, to further modify the Neighbourhood Commercial - Holding "H-C1-196" Zone in order to increase the permitted maximum lot area and to delete the maximum total gross leasable floor area requirement, for lands located at the northwest corner of Garth Street and Twenty Road, as shown on Appendix "A" to Report PED08092, on the following basis:

- (i) That the draft By-law, attached as Appendix "B" to Report PED08092, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
- (ii) That the proposed modification in zoning is in conformity with the Hamilton-Wentworth Official Plan and the Official Plan for the Township of Glanbrook.

**8. Application for Approval of a Draft Plan of Condominium Conversion, for Lands Located at 111 Market Street, (Hamilton) (PED08089) (Ward 2) (Item 6.3)**

- (a) That approval be given to **Condominium Conversion Application CDM-CONV-07-05, by Ringare Investments Limited (c/o Realstar Management, Attention: Martin Zegray), Owner**, to establish a Draft Plan of Condominium for an existing 14-storey, 116 unit multiple dwelling with 96 parking spaces, located at 111 Market Street (Hamilton), as shown on the attached map marked as Appendix "A" to Report PED08089, subject to the following conditions:

- (i) That this approval apply to the plan, prepared by A.T. McLaren Limited and certified by S.D. McLaren, O.L.S., dated November 15, 2007, showing a total of 116 apartment units and 96 parking spaces, attached as Appendix "B" to Report PED08089.
- (ii) That the following conditions shall apply to the Draft Plan of Condominium approval:

Development Planning and Engineering:

1. That the Final Plan of Condominium complies with all of the applicable provisions of the applicable Zoning By-law.
2. That the owner satisfies all conditions, financial or otherwise, of the City of Hamilton.
3. That the Owner shall submit a report in accordance with Section 9(4) of The Ontario Condominium Act, 1998, prepared and certified by a qualified Registered Professional Engineer or Licensed Architect, to the satisfaction of the Chief Building Official of the City of Hamilton, to confirm the structural and mechanical integrity of the building and any Owner initiated measures required to correct any deficiencies prior to the release of the final plan for registration.

Bell Canada:

4. That the Owner covenants and agrees to provide the Manager of Design and Construction with evidence that satisfactory arrangements, financial and otherwise, have been made with a telecommunication service provider approved by the Canadian Radio and Telecommunication Commission (CRTC) to provide adequate telecommunication service to the lands with the approved Draft Plan, including 9-1-1 emergency calling service, that identifies, at a minimum, the callers name and location information.
- (b) That the Director of Strategic Services - Special Projects be directed to include the subject lands in the next Housekeeping Amendment in order to re-designate the property from "Medium Density Residential" to "High Density Residential" in the Downtown Hamilton Secondary Plan to reflect its existing use as a multiple dwelling, and its existing zoning of Downtown Multiple Residential (D6) Zone within Zoning By-law No. 05-200.
- 9. Application to Amend the Town of Dundas Zoning By-law No. 1964 for Property Located at 9 Meadow Lane (Dundas) (PED08097) (Ward 13) (Item 6.4)**

That approval be given to Zoning By-law Amendment Application ZAR-07-055, by Welcan Inc., owner, for a change in zoning from the General Industrial "M3" Zone to the General Industrial "M3-7" Zone, to permit a commercial motor vehicle repair shop, within a portion of the existing industrial building located at 9 Meadow Lane, Dundas, as shown on Appendix "A" to Report PED08097, on the following basis:

- (a) That the Draft By-law, attached as Appendix “B” to Report PED08097, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
- (b) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan and Town of Dundas Official Plan.

**10. Application for a Modification to the City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 348 Fruitland Road (Stoney Creek) (PED08084) (Ward 11) (Item 6.5)**

That approval be given to **Zoning Application ZAR-07-089, by Eventus Group Incorporated, Owner**, for a modification to the General Industrial “MG” Zone in order to permit “Accessory Retail Sales” in conjunction with a wholesale use, on the lands located at 348 Fruitland Road, Stoney Creek, as shown on Appendix “A” to Report PED08084, on the following basis:

- (a) That the draft By-law, attached as Appendix “B” to Report PED08084, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
- (b) That the proposed modification in zoning conforms to the Hamilton-Wentworth Official Plan and the City of Stoney Creek Official Plan.

**11. Private Waste Disposal Sites Study (PED08064) (City Wide) (Item 7.1)**

That Report PED08064, Private Waste Disposal Sites Study, be received for information.

**12. Petition from Residents of Arcade Crescent respecting a Second Driveway for 95 Arcade Crescent (PED08098) (Ward 8) – Referred from Council on November 14, 2007 (Item 8.1)**

- (a) That no action be taken regarding the petition by residents of Arcade Crescent to revoke the approval for a second driveway access to 95 Arcade Crescent.
- (b) That the second driveway for 95 Arcade Crescent item, referred from Council on November 14, 2007, be identified as completed and removed from the Economic Development and Planning Committee’s Outstanding Business List.

**13. Proposed Interim Control By-law respecting Private Waste Disposal Sites**

That an Interim Control By-law to control the establishment of new and/or expanded private waste disposal sites, pending the completion of a Land Use Planning Study for such uses, be prepared for presentation to Council

**FOR THE INFORMATION OF COUNCIL:****(a) CHANGES TO THE AGENDA (Item 1)**

The Clerk advised of the following changes:

- request from Dr. Louisa Gembora to address Committee today respecting Item 8.1, written request previously before Committee on April 1, 2008, but not dealt with then.

On a Motion (Pearson/Duvall), Committee agreed to hear Dr. Gembora.

The Agenda for the April 15, 2008, meeting of the Economic Development & Planning Committee was approved, as amended.

**(b) DECLARATIONS OF INTEREST (Item 2)**

Councillor Ferguson advised that he had a conflict with regard to Item 5.4, respecting the grant application for the Old Mill restaurant, as a family member is one of the owners of the property.

**(c) APPROVAL OF MINUTES (Item 3)**

The April 1, 2008 Minutes of the Economic Development and Planning Committee meeting were approved, as presented

**(d) Pete Wobschall, Green Venture, respecting their Annual report (Item 4.1)**

Committee approved the delegation, to address them at a future meeting.

**(e) Brian McCarry respecting results of Upwind Downwind Conference 2008 (Delegation approved March 18, 2008) (Item 6.1)**

Brian Montgomery introduced Dr. McCarry.

Dr. McCarry gave an overview of the results and findings from the recent conference, using a powerpoint presentation.

Committee discussed the points raised and had further information supplied by the speaker.

Committee discussed the points raised by Dr. McCarry, who provided the following additional information:

- COPD and asthma rates are on the rise, due to poor air quality
- Need to educate public respecting linkage between air quality and climate change
- Use of HOV lanes should be encouraged, as should any transit options that move people out of cars
- LEED is organization which sets construction standards, for greener buildings.

Committee received the presentation and thanked Dr. McCarry.

**(f) City Initiative for a Change in Zoning for Lands Located at the Northwest Corner of Garth Street and Twenty Road (Glanbrook) (PED08092) (Ward 11) (Item 6.2)**

A Public Meeting was held.

Chair Whitehead advised that an added communication, from Lisa Duckers and Terry Dixon, had been distributed this morning.

Chair Whitehead advised the meeting of the following, in accordance with the provisions of the Planning Act,

- a) If a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before the Zoning By-law is passed, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board.
- b) If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Council of the City of Hamilton before the Zoning By-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the



Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

Peter Delulio outlined the report to Committee, with the aid of a powerpoint presentation. He explained that the subject application was required, due to an inadvertent omission from the previous zoning by-law for the site.

Mr. Delulio explained that the concerns raised in the letter from the residents, namely loading, lighting, tree preservation, drainage, fencing and garbage storage would all be addressed through the site plan approval process for the site. He noted that the "H" Holding on the by-law would remain until required traffic improvements in the area had been made.

Chair Whitehead advised that as the subject application was a City Initiative, there was no outside agent to address Committee.

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

Councillor Mitchell raised concerns respecting the general lack of sidewalks in this area, and the safety hazards this produced. Councillor Whitehead, speaking as Ward Councillor for the adjacent Ward, expressed concerns about increases in traffic flow in the surrounding area, particularly along Garth Street.

Tony Sergi explained that the installation of an overall sidewalk system was very complex, and included the requirement of upgrading of rural cross-sections to urban standards. He noted that the South Mountain Transportation Study had recently been updated and addressed the current traffic situation in this area.

Lisa Rao, 25 Whiterock Avenue, addressed Committee and expressed her endorsement of the matters already brought forward by other residents. She noted her opposition to the drive-through and explained the safety hazards particularly for seniors and school students walking in this area, since there are very few sidewalks.

Councillor Mitchell noted that he would work with Planning staff to respond to the concerns raised by the residents.

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

Committee approved the staff recommendation.

**(g) Application for Approval of a Draft Plan of Condominium Conversion, for Lands Located at 111 Market Street, (Hamilton) (PED08089) (Ward 2) (Item 6.3)**

A Public Meeting was held to consider input from anyone who wished to address Committee on this matter.

On a Motion (Pearson/Duvall), Committee agreed to forgo the staff presentation.

Edward John was present to assist Committee with the application.

George Zajac, the applicant's agent, advised that he was in favour of the staff recommendation.

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

Committee approved the staff recommendation.

**(h) Application to Amend the Town of Dundas Zoning By-law No. 1964 for Property Located at 9 Meadow Lane (Dundas) (PED08097) (Ward 13) (Item 6.4)**

A Public Meeting was held.

Chair Whitehead advised the meeting of the following, in accordance with the provisions of the Planning Act,

- a) If a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before the Zoning By-law is passed, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board.
- b) If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Council of the City of Hamilton before the Zoning By-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

On a Motion (Pearson/McHattie), Committee agreed to forgo the staff presentation.

Daniel Barnet was present to assist Committee.

The applicant was not present to address Committee.

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

Committee approved the staff recommendation.

**(i) Application for a Modification to the City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 348 Fruitland Road (Stoney Creek) (PED08084) (Ward 11) (Item 6.5)**

A Public Meeting was held.

Chair Whitehead advised the meeting of the following, in accordance with the provisions of the Planning Act,

- a) If a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before the Zoning By-law is passed, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board.
- b) If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Council of the City of Hamilton before the Zoning By-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

On a Motion (Pearson/Pasuta), Committee agreed to forgo the staff presentation.

David Falletta was present to assist Committee.

The applicant was not present to address Committee.

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

Committee approved the staff recommendation.

**(j) Private Waste Disposal Sites Study (PED08064) (City Wide) (Item 7.1)**

Bill Janssen gave an overview of the report. He explained that the consultant has now been engaged to review how the city should deal with private waste

disposal sites, and that a report to Committee should be presented in September, 2008. Any required amendment to the Official Plan and Zoning By-laws would be addressed thereafter.

Committee discussed the report and had additional information provided by staff.

Councillor Collins expressed concerns that the City currently has no method of evaluation for such uses, that there are social and environmental aspects which should be considered, and that the City is at a saturation level with this kind of facility. He proposed a Moratorium on the approval of such uses, until the study is complete.

Councillor Bratina had questions respecting by-law regulations for the storage of tires in the urban area, and agreed to speak to Tim McCabe later about the matter. Mr. McCabe suggested an Interim Control By-law as the legal means to address the matter raised by Councillor Collins.

Committee approved a Motion on the matter.

Councillor Mitchell requested his opposition be recorded.

**(k) Petition from Residents of Arcade Crescent respecting a Second Driveway for 95 Arcade Crescent (PED08098) (Ward 8) – Referred from Council on November 14, 2007 (Item 5.6)**

Marty Hazell gave an overview of the report and explained that the applicant's request for a second driveway met all the relevant requirements and had therefore been approved by staff.

The applicant was not present to address Committee.

Committee discussed the request. Chair Whitehead relinquished the Chair to Councillor Pearson. Speaking as the Ward Councillor, Councillor Whitehead explained how the second driveway would have a negative impact on the adjacent property owner, and how the zoning by-law regulations permitting home occupations should be revisited for courts as opposed to through streets.

Committee approved the staff report. Councillor Whitehead requested that his opposition be recorded.

Councillor Whitehead took the Chair back from Councillor Pearson.

**(l) Motions (Item 9)**

None.

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

None.

**(n) General Information (Item 11)**

**11.1 Extension of Downtown Hamilton CIP Area (Due date April 15, 2008)**

Tim McCabe explained that staff are arranging a public Open House for May 1, 2008, and that a report would be presented to Committee on June 17, 2008.

**11.2 News from the General Manager (no copy)**

Mr. McCabe noted the following:

- Operational Review of Standards and Licensing now complete, report to Committee in June
- Recent OMB decision has upheld City position refusing the establishment of a dentist office on a residential street in Ancaster
- Draft leaflet on housing intensification in Hamilton distributed.

**11.3 Updates respecting the Outstanding Business List**

On a Motion, Committee referred a letter from the Ontario Heritage Trust, respecting funding for Auchmar, to Emergency and Community Services, for a report back to that Committee.

On a Motion (Pearson/Mitchell), Items EE, respecting the World's Far, and GG, traffic lights in Binbrook, were removed from the Outstanding Business List.

Councillor Pearson assumed the Chair.

Councillor Whitehead explained that Item R, the designation of 397 King Street West, Dundas District High School, had not been considered by the School Board Liaison Committee. On a Motion (Whitehead/McHattie), the Item was lifted and referred back to staff for a report.

Councillor Whitehead resumed the Chair.

Councillor Ferguson gave an update on Item Q, Book House, Ancaster.

Staff explained that a report to address the situations respecting 397 King Street West, Book House, and Smart-Turner, and the designation of such property, is being prepared for Committee, to be presented in June, 2008.

Committee referred all three items to staff for consideration in a report.

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

None.

**(p) ADJOURNMENT (Item 13)**

On a Motion, the Economic Development and Planning Committee adjourned at 11:25 a.m.

Respectfully submitted,

Terry Whitehead, Chair  
Economic Development and Planning Committee

Alexandra Rawlings, Co-ordinator  
Economic Development and Planning Committee  
April 15, 2008