Economic Development and Planning Committee
REPORT 10-010
Tuesday, May 4, 2010
9:30 am
Albion Room, Convention Centre
1 Summer’s Lane
Hamilton, Ontario

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

Absent:  Councillor B. Clark-City Business

Staff Present:  T. McCabe, General Manager – Planning and Economic
Development
T. Sergi, M. Hazell, P. Mallard, J. Spolnik, E. Maloney, A. Chan,
B. Janssen, D. Barnett, P. De Iulio, J. Muller - Planning and
Economic Development
A. Rawlings – City Clerk’s Office

THE ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE PRESENTS
REPORT 10-010 AND RESPECTFULLY RECOMMENDS:

1. Request to Repeal Former City of Stoney Creek By-law No. 5002-99, Being
a By-law to Designate 11 Manor Place, Stoney Creek, under Part IV of the
Ontario Heritage Act (PED10098) (Ward 9) (Item 5.1)

(a) That Council refuse the application by Ms. Kelly Delaney, owner of 11 Manor
Place, Stoney Creek, City of Hamilton, to repeal the former City of Stoney Creek
designating By-law 5002-99, under Section 32 (1) of the Ontario Heritage Act.

(b) That Report PED10098 be forwarded to the owner of the property for
information.

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2. King Street West Business Improvement Area (B.I.A.) - Proposed Budget and Schedule of Payment for 2010 (PED10104) (Item 5.2)

   a) That the 2010 Operating Budget for the King Street West B.I.A. (attached as Appendix ‘A’ to Report PED10104) be approved in the amount of $11,000.00.

   b) That the levy portion of the Operating Budget for the King Street West B.I.A. in the amount of $4,500.00 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 2010 Budget as referenced in sub-section (b) above.

   d) That the following schedule of payments for 2010 be approved:

      May       $2,250.00
      June      $2,250.00

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

3. Notice of Demolition of Buildings at 1000 Main Street East, Hamilton (Gage Park), Being a Property Included in the City’s Register of Property of Cultural Heritage Value or Interest (PED10099) (Ward 3) (Item 5.3)

   That Report PED10009, Notice of Demolition of Buildings at 1000 Main Street East, Hamilton (Gage Park), Being a Property Included in the City’s Register of Property of Cultural Heritage Value or Interest (Ward 3), be received for information.

4. Watermain Replacement on Hillyard Street (Munroe Street to approximately 180 metres southerly (PED10111/PW10047) - (Ward 3) (Item 5.4)

   That the watermain on Hillyard Street from Munroe Street to 180 metres southerly be replaced at an estimated cost of $115,000 and be included in the 2010 Water Program, and that all associated expenditures be charged to Capital Budget Project ID 5141071074 (Annual Contingency for Unscheduled Works).
5. **Incorporation of Pay Assurance Provisions into the City’s Standard Form Subdivision and External Works Agreements (PED10095) (City Wide) (Outstanding Business List Item) (Item 6.2)**

(a) That the City of Hamilton adopt a pay assurance process for a two (2) year trial period for all Subdivision and External Works Agreements executed by the City after September 6, 2010, to administer and facilitate payments to prime contractors in the event of default of payment by a developer for municipal services constructed under development application through the City’s Subdivision and External Works Agreements.

(b) That the Director of Development Engineering be authorized and directed to:

(i) Include the pay assurance provisions in the City’s Standard Form Subdivision and External Works Agreements; and

(ii) Amend such pay assurance provisions in the City’s Standard Form Subdivision and External Works Agreements as may be required from time-to-time,

all in a form and content that is satisfactory to the City Solicitor. Such pay assurance provisions have been generally outlined for information under Appendix “A” to Report PED10095.

(c) That the City Solicitor be authorized and directed to amend and enhance the indemnity clauses under the City’s Subdivision and External Works Agreements, to address any and all liability issues that may arise from the City’s processing and administration of pay assurance claims on behalf of the contractor.

(d) That upon conclusion of a two (2) year trial period, the Director of Development Engineering be authorized and directed to review the need and impact of a pay assurance process and prepare a recommendation report to the Economic Development and Planning Committee, to adopt or reject pay assurance by the City of Hamilton on a permanent basis.

(e) That the City Solicitor be authorized and directed to amend the City’s Fees and Charges By-law, to include a fee of five thousand dollars ($5,000) for the City to process and administer pay assurance claims, which fee shall be paid by the prime contractor at the time it files a claim for pay assurance under the Subdivision or External Works Agreements.

(f) That the Item on the Economic Development and Planning Committee Outstanding Business List regarding ‘OSWC issues respecting subdivision agreement conditions and Pay Assurance’, be considered completed and removed from the list.
6. **Application for Changes in Zoning for the Lands Located at 1146 and 1150 West 5th Street (Hamilton) (PED10094) (Ward 8) (Item 6.3)**

That approval be given to **Zoning Application ZAR-09-056, by Fedele and Filomena Memmolo**, for a change in zoning from the “AA” (Agricultural) District to the “C” (Urban Protected Residential) District (Block 1), the “C/S-1630” (Urban Protected Residential) District, Modified, with a Special Exception (Block 2), and the “R-4(H)” (Small Lot Single Family Detached Holding) District, with a Holding Provision (Block 3), in Zoning By-law No. 6593 (Hamilton), on lands located at 1146 and 1150 West 5th Street (Hamilton), as shown on Appendix “A” to Report PED10094, on the following basis:

(a) That the draft By-law, attached as Appendix "B" to Report PED10094, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(b) That the amending By-law be added to Section 19B of Zoning By-law No 6593.

(c) That the proposed changes in zoning are consistent with the Provincial Policy Statement and Places to Grow Plan, and conform with the Hamilton-Wentworth Official Plan, and the City of Hamilton Official Plan.

7. **Applications for Amendments to the Region of Hamilton-Wentworth Official Plan and Stoney Creek Official Plan for a Portion of the Lands Located at 568 Ridge Road (Stoney Creek) (PED10100) (Ward 11) (Item 6.4)**

(a) That approval be given to **Amended Hamilton-Wentworth Official Plan Amendment Application ROPA-09-003, by IBI Group, c/o John Ariens (Applicant)**, for Regional Official Plan Amendment No.___, to establish Special Policy Area ____, with modifications to Policy C-1.5.2(c), to permit a small scale restaurant in conjunction with a winery, on a portion of the lands known municipally as 568 Ridge Road, as shown on Appendix “A” to Report PED10100, on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix "B" to Report PED10100, be adopted by Council.

(ii) That the proposed Regional Official Plan Amendment is consistent with the Provincial Policy Statement and Greenbelt Plan.

(b) That approval be given to **Amended Official Plan Amendment Application OPA-09-009, by IBI Group, c/o John Ariens (Applicant)**, for Official Plan Amendment No. ____, to establish Special Policy Area ____, and to amend Policy A.9.2.2 to permit a small scale restaurant in conjunction with a winery, on a
portion of the lands known municipally as 568 Ridge Road, as shown on Appendix “A” to Report PED10100, on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED10100, be adopted by Council.

(ii) That the proposed Local Official Plan Amendment is consistent with the Provincial Policy Statement and Greenbelt Plan, and will conform to the Hamilton-Wentworth Official Plan upon finalization of Regional Official Plan Amendment No. 

(c) That approval be given to Modification No. /Official Plan Amendment No. , to modify the Rural Hamilton Official Plan to establish a Site-Specific Area to permit a small scale restaurant in conjunction with a winery, on a portion of the lands known municipally as 568 Ridge Road, as shown on Appendix “A” to Report PED10100, on the following basis:

(i) That the draft Modification/Official Plan Amendment, attached as Appendix “C” to Report PED10100, be adopted by Council;

(ii) That the proposed Modification/Official Plan Amendment is consistent with the Provincial Policy Statement, and conforms to the Greenbelt Plan.

8. Application for a Further Modification in Zoning for Lands Located at 2660-2668 Binbrook Road East and 2651 Regional Road 56 (Glanbrook) (PED10087) (Ward 11)(Added Item 6.5))

That Zoning Application ZAR-09-033, by Christemi Partnership Limited, Owner, for a further modification to the General Commercial “C3-243” Zone, to add a drive-through associated with a fast food restaurant as an additional permitted use, for lands located at 2660-2668 Binbrook Road East and 2651 Regional Road 56 (Glanbrook), as shown on Appendix “A” to Report PED10087, be approved, and that staff be directed to bring forward an appropriate by-law to Council, to address items including, but not limited to the following:

(a) That staff be directed to prepare an appropriate amendment to the new Urban Official Plan;

(b) That the amending By-law include appropriate provisions to ensure that the drive-through facility does not precede the development of the principle building;

(c) That the site plan for the subject site shall address the high quality of design required in the core area of Binbrook, in accord with the Secondary Plan policies and Binbrook Urban Design Guidelines; and,
(d) That the development of the subject site shall incorporate the proper traffic control measures, including signage, to the satisfaction of the Director of Planning.

9. Neighbourhood Residential Rental Housing Community Liaison Committee – Rental Registry Program/Voluntary Certification Program (PED10049(a)) (Wards 1 and 8) (Outstanding Business List Item) (Item 8.1)

(a) That staff be directed to investigate and report back to the Economic Development and Planning Committee with a defined scope, costing and an implementation plan for Wards 1 and 8 for a Voluntary Rental Housing Registry Program requiring the property owners contact information.

(b) That staff be directed to defer any work regarding a formal Rental Housing Registry Program until the conclusion of the 18 month Pilot Proactive By-law Enforcement Program in 2012.

(c) That staff be directed to enter into discussions with the senior administrators of McMaster University and Mohawk College and the respective Councillors of Ward 1 and 8 on the feasibility of creating and hiring a Community Liaison Outreach Coordinator that would be cost-shared between the respective academic institutions and the City of Hamilton.

(d) That Item “L3” respecting “Report 009-001 of the Neighbourhood Residential Rental Housing Community Liaison Committee (Wards 1, 8, 10 & 12)” be identified as completed and removed from the Economic Development and Planning Committee’s Outstanding Business List.

10. Heritage Permit Application (HP2010-030), Under Part V of the Ontario Heritage Act, for the Installation of Parking Meters on Mill Street North, Waterdown (PED10105) (Ward 15) (Item 8.2)

WHEREAS, the Mill Street Heritage Conservation District has clear streetscape guidelines designed to protect the heritage characteristics of the area;

AND WHEREAS, this would be the first Heritage Conservation District in Hamilton to install parking meters;

AND WHEREAS, the loss of revenue from removal of 15 of the 76 meters proposed in Waterdown would be minimal;

NOW THEREFORE BE IT RESOLVED that Heritage Permit Application (HP2010-030), by City of Hamilton Planning and Economic Development, to permit the installation of 15 new parking meters, situated on 9 new posts (6 twinned meters and 3
FOR THE INFORMATION OF COUNCIL;

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

The Clerk advised of the following changes to the agenda:

- two added delegation request, to speak to us today., which will be considered as Items 4.1 and 4.2, copies distributed today.

- Councillor Mitchell has asked that the rezoning application for drive thru at the commercial property in Binbrook, be added to today’s Agenda. Copies of the staff report have been distributed today. We are proposing to add this as item 6.5

- several added letters respecting the Industrial zoning which we considered at the Special Meeting last week. These have been copied and handed out today, and staff is here to give an overview of them. The discussion has been added to the Agenda as Item 8.3

- added Notice of Motion, distributed this morning, will become Item 10.3

Committee approved the Agenda, as amended.

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

Councillor Pearson declared a conflict respecting Item 8.1, as she is the owner of rental property.

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

The Minutes of the Economic Development and Planning Committee meeting of April 20, 2010 were approved.
(d) **Minutes of Municipal Heritage Committee meeting of March 25, 2010 (Item 5.5(a))**

The Minutes of the Municipal Heritage Committee meeting of March 25, 2010 were received, as presented.

(e) **Mario and Angela Giannola, Joseph Giannola, respecting demolition permit for 247 Jones Road (Delegation approved by Committee on April 6, 2010) (Item 6.1)**

Joseph Giannola addressed Committee on behalf of his parents, Mario and Angelo Giannola. Mr. Giannola gave an overview of the situation respecting the previously approved demolition permit and explained how the circumstances had changed since that approval. He requested that the approval of the demolition permit be altered, to remove the conditions respecting the re-building of a new house on the property.

Committee discussed the matter and the Chair noted that since a decision on the matter had already been made by Council, a reconsideration of that decision would be needed to remove the conditions.

On a Motion (Mitchell/Pearson), Committee received the delegation.

On a Motion (Mitchell/Pearson), staff was directed to prepare the required motions to permit a reconsideration of the previous decision and approval of the demolition permit without conditions.

(f) **Incorporation of Pay Assurance Provisions into the City’s Standard Form Subdivision and External Works Agreements (PED10095) (City Wide) (Outstanding Business List Item) (Item 6.2)**

Tony Sergi provided an overview of the staff report and explained the staff review of the issue, the consideration of the approach taken by other municipalities, and the recommendation for a two year trial.

Steve Mahoney, representing Ontario Sewer and Watermain Construction Association, and Hamilton and District Heavy Construction Association, addressed Committee in support of the staff recommendation.

He explained how many other municipalities used the system proposed, and how successful this approach had been.

On a Motion (Bratina/Duvall), the delegation was received.

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Committee approved the staff recommendation.

(g) Application for Changes in Zoning for the Lands Located at 1146 and 1150 West 5th Street (Hamilton) (PED10094) (Ward 8) (Item 6.3)

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

a) If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Council of the City of Hamilton before the approval authority gives or refuses to give approval to the zoning by-law amendment, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board, and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

On a Motion (Pearson/McHattie), Committee dispensed with the planner’s presentation.

Daniel Barnett was present to assist. Committee.

The applicant’s agent, Angelo Cameracci, Urbex Management, advised that he supported the staff recommendation.

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

Committee approved the staff recommendation.

(h) Applications for Amendments to the Region of Hamilton-Wentworth Official Plan and Stoney Creek Official Plan for a Portion of the Lands Located at 568 Ridge Road (Stoney Creek) (PED10100) (Ward 11) (Item 6.4)

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

a) If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Council of the City of Hamilton before the approval authority gives or refuses to give approval to the zoning by-law amendment, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.
On a Motion (Mitchell/Pearson), Committee dispensed with the planner’s presentation.

Alvin Chan was present to assist Committee.

John Ariens, the applicant’s agent, advised that he supported the staff report and recommendation.

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

Committee approved the staff recommendation.

(i) Application for a Further Modification in Zoning for Lands Located at 2660-2668 Binbrook Road East and 2651 Regional Road 56 (Glanbrook) (PED10087) (Ward 11)(Added Item 6.5))

Councillor Mitchell gave an update of the meeting he had held in Binbrook, respecting the proposed Tim Horton’s development and the drive-thru. He said the meeting was well attended, with over 200 people and that of these, in excess of 85% were in favour of the drive-thru. Councillor Mitchell thanked staff for attending the meeting.

Councillor Pearson added that she had also attended the meeting, and that there was standing room only. She confirmed the significant support from the community for a drive-thru.

Councillor Mitchell proposed a Motion to approve the drive-thru, subject to specific conditions. He thanked staff for their assistance with the Motion.

Paul Mallard advised that staff does not support the approval of a drive-thru.

Tim McCabe explained that a housekeeping amendment will be needed to the new Official Plan, to amend the recently-approved policies relating to this site.

Committee approved the Motion.

Councillor McHattie asked that his opposition be recorded.

(j) Neighbourhood Residential Rental Housing Community Liaison Committee – Rental Registry Program/Voluntary Certification Program (PED10049(a)) (Wards 1 and 8) (Outstanding Business List Item) (Item 8.1)

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Joe Xamin gave an overview of the staff report.

Committee asked various questions and had additional information supplied by staff.

Committee thanked staff for all their work on this issue.

Chair Ferguson thanked Councillor McHattie for his outstanding leadership with the group.

Committee approved the staff recommendation.

(k) **Heritage Permit Application (HP2010-030), Under Part V of the Ontario Heritage Act, for the Installation of Parking Meters on Mill Street North, Waterdown (PED10105) (Ward 15) (Item 8.2)**

Joseph Muller provided an overview of the staff report. He noted that the application had been recommended for denial by the Heritage Permit Review Sub-Committee and by the Municipal Heritage Committee. Mr. Muller explained that staff supported the approval of the application, as the result of the installation of the parking meters would not result in any significant displacement or disruption of heritage fabric in the area. He noted that the Waterdown Heritage Conservation District would be the first HCD where parking meters are to be installed, and that the Waterdown HCD is the only one in a downtown and in a commercial area.

Ted Arnold explained that the expected annual revenue from the proposed parking meters in Waterdown would be $50,000, and that the non-installation of the 15 proposed for the HCD would mean a decrease in revenue of $7,500, on an annual basis.

Andy McLaren, 37 Mill Street North, Waterdown, addressed Committee in opposition to the installation of the meters.

Mr. McLaren provided photos of the area which were distributed to Committee.

The delegation explained his concerns, including, but not limited to, the following:

- supports Municipal Heritage Committee in their denial of the application
- attended MHC Meeting April 22, 2010, where he presented a petition in opposition to installation of meters, signed by 406 people.

- has personal knowledge of requirements and reasons for Heritage District Permits, has been through process twice for his own property
- streetscape will be adversely affected, meters will be directly across road from 6 residences, so not just in front of commercial businesses

- of 14 properties in affected area, 9 are in residential use or zoned residential

- asked Committee to uphold the MHC recommendation to refuse meters.

Stan Howarth, 31 Acredale, Carlisle, addressed Committee in opposition to the proposed installation. Mr. Howarth provided copies of his presentation to the Committee. His points included, but were not limited to, the following:

- serious concerns about installation of meters and financial implications, considers installation and operation of meters will be a cost to the City, and not a money-maker
- figures he used were obtained from Parking/By-law staff
- additional staff will be needed for the management of the meters
- no need for meters in Waterdown, as no parking issues now.

Committee discussed the points raised by the delegations and had additional information supplied by staff.

Councillor Pasuta explained why the meters should not be placed in the Heritage Conservation District.

Councillor Duvall noted that where meters are installed in an area, the adjacent streets may then become congested with parking by people who are trying to avoid paying.

On a Motion (McHattie/Bratina), the delegations were received.

Committee continued their discussion on the issue.

Councillor McHattie noted that this installation would set a precedent for other Heritage Conservation Districts.

Staff confirmed that the direction from Council to extend paid parking had been followed, and that significant consultation had taken place with the community, including HABIA.

Councillor Whitehead asked whether the issue could be reviewed again in one year, to see what impacts had resulted.

Marty Hazell said that it is his intent to bring a report back to Council with an update on how paid parking has worked.
On a Motion, Committee passed a Motion to deny the Heritage Permit Application and not permit the installation of the 15 parking meters in the Waterdown Heritage Conservation District.

1. Added letters respecting the proposed Industrial Zoning By-law, received after the Public Meeting (Added item 8.3)

The Chair confirmed that the following list of letters had been distributed this morning. He noted that the letters were received too late to be considered at the Public Meeting.

1. IBI Group respecting 789, 821, 825-853 Woodward Avenue
2. IBI Group respecting 617 Parkdale Avenue North
3. IBI Group respecting 424-428 Rennie Street
4. IBI Group, respecting 80 Brockley Drive
5. IBI Group, respecting 495 Wentworth Street North
6. Frank Corine, respecting 740 Nebo Road
7. IBI Group, respecting 1603 Rymal Road East

Al Fletcher gave an overview of each letter. He noted that the requests in letters 1, 2 and 3 were not appropriate, and could not be recommended.

Letter 4 relates to Brockley Drive, and involves prohibited and noxious uses.

Letter 5 is requesting all commercial and prohibited uses.

Letter 6 has been resolved, to the satisfaction of the writer.

Letter 7 does not relate to the new industrial zoning, as it is designated as commercial.

Mr. Fletcher explained that all the existing, legal non-conforming uses could continue to operate as long as they wished. Staff is not recommending any changes as a result of these letters.

On a Motion (Pearson/Duvall), all the letters were received.
(m) Motions (Item 10)

None

(n) Notices of Motion (Item 11)

Councillor Duvall introduced the Notices of Motion put forward by Councillor McHattie.

(i) Request for an Information Report where an application under the Planning Act has been appealed to the Ontario Municipal Board, based on the lack of a Council decision on the item (Item 10.1)

(ii) Proposed discount on dog license fees for citizens who receive the disability tax credit (Item 10.2)

Chair Ferguson introduced the Notice of Motion put forward by Councillor McHattie

(iii) Greening of Municipal parking lots (Added Item 10.3)

(o) GENERAL INFORMATION (Item 11)

(i) News from the General Manager (Item 11.1)

Mr. McCabe ran over the Strategic Schedule including:

- June 10, 2010 – Special Browlands Public Meeting, at Peoples’ Church, 510 Mohawk Road West
- June 15, 2010 – Airport Report will be considered with a recommendation for public consultation, and then a Special Public Meeting in September
- May 18, 2010 – committee will be at LIUNA Station
- May 10, 2010 – COW – Waterfront Master Plan

(p) PRIVATE AND CONFIDENTIAL (Item 12)

Matter before the OMB, respecting 350 Stonechurch Road West (Item 12.1)

Council – May 12, 2010
At 11.25am, Committee moved into Closed Session to consider an appeal to the OMB respecting 350 Stonechurch Road West, being 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.

On a Motion Committee reconvened in Open Session

The Chair advised that Committee had met in Closed Session to discuss an item which is before the OMB. He noted that direction was given to staff in closed session with respect to Item 12.1, respecting 350 Stone Church Road West, and that there was nothing further to report.

(q) ADJOURNMENT (Item 13)

On a Motion (Pearson/Mitchell), the meeting adjourned at 11:40 am.

Respectfully submitted

Lloyd Ferguson, Chair
Economic Development & Planning Committee

Alexandra Rawlings
Co-ordinator
May 4, 2010