Economic Development and Planning Committee

AMENDED REPORT 09-018
Tuesday, September 22, 2009
9:30 am
Webster Room, Hamilton Convention Centre
1 Summer’s Lane, Hamilton

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

Staff Present:
T. McCabe, General Manager – Planning and Economic Development
R. Rossini, General Manager, Finance and Corporate Services
T. Sergi, M. Hazell, P. Mallard, R. Marini, J. Spolnik,
S. Hamilton, J. Lane, G. Norton, S .Robichaud, J. Xamin, E. John,
A. Fletcher -Planning and Economic Development
D. Fisher, L. Pasternak – Legal Services
A. Rawlings, M. Meyer – City Clerk’s Office

THE ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE PRESENTS REPORT 09-018 AND RESPECTFULLY RECOMMENDS:

1. Removal of Restrictive Covenants – 276 Wellington Street North (PED09231) (Ward 3) (Item 5.1)

That Council’s resolution of March 4, 1999, be rescinded and that the Legal Services Division be authorized and directed to prepare the necessary documents to facilitate the release of the restrictive covenants attached to the property at 276 Wellington Street North.

2. Hamilton Downtown Residential Loan Program – 80 King William Street –RL03/05 PED08297(b) (Ward 2)(To be distributed)

That Item 2 was moved to the Information Section and renumbered Information Item (m)(vi) as this matter was dealt with by a special Committee of the Whole and Council meeting held on September 24, 2009.

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3. **Demolition Permit – 1276 Upper James Street (PED09251) (WARD 8) (Item 5.3)**

That the Director of Building Services be authorized and directed to issue a demolition permit for 1267 Upper James Street in accordance with By-Law 08-226 pursuant to Section 33 of The Planning Act as amended.

4. **Demolition Permit – 250 4th Concession Road West (Flamborough) (PED09253) (Ward 15) (Item 5.4)**

That the Director of Building Services be authorized and directed to issue a demolition permit for 250 4th Concession Road West (Flamborough) in accordance with By-Law 08-226 pursuant to Section 33 of The Planning Act as amended.

5. **Demolition Permit – 62 Worsley Road (Stoney Creek) (PED09254) (Ward 10) (Item 5.5)**

That the Director of Building Services be authorized and directed to issue a demolition permit for 62 Worsley Road (Stoney Creek) in accordance with By-Law 08-226 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 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.
6. Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant Application (ERG-09-02) – Urban Core Developments Inc., 427 Aberdeen Avenue, Hamilton (PED09257) (Ward 1) (Item 5.6)

(a) That Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant Application ERG-09-02, submitted by Urban Core Developments Inc., for the property at 427 Aberdeen Avenue, Hamilton, for an ERASE Redevelopment Grant not to exceed $157,300 payable to Urban Core Developments Inc. over a maximum of ten (10) years, be authorized and approved in accordance with the terms and conditions of the ERASE Redevelopment Agreement.

(b) That the City enter into an ERASE Redevelopment Agreement with Urban Core Developments Inc. regarding the terms and conditions governing the payment of an ERASE Redevelopment Grant for, and redevelopment of, 427 Aberdeen Avenue, Hamilton, with such agreement to be satisfactory to the City Solicitor.

7. Concession Street Business Improvement Area (B.I.A.) Revised Board of Management (PED07104(a)) (Wards 6 & 7) (Item 5.7)

That the following individuals be appointed to the Concession Street B.I.A.s Board of Management:
- Denise Armstrong
- Mauricio Guevara

8. Request to Designate 262 MacNab Street North, Hamilton, Under Part IV of the Ontario Heritage Act (PED09244) (Ward 2) (Item 5.8)

(a) That Council direct staff to carry out a Cultural Heritage Assessment of 262 MacNab Street North, Hamilton, to determine whether the property is of cultural heritage value, and worthy of designation under Part IV of the Ontario Heritage Act.

(b) That Council include 262 MacNab Street North, Hamilton, in the Register of Property of Cultural Heritage Value or Interest following consultation with the Hamilton Municipal Heritage Committee, as per the provisions of the Ontario Heritage Act and Recommendation (e) to Report PED09244, and that staff make appropriate amendments to the Register of Property of Cultural Heritage Value or Interest.

(c) That if 262 MacNab Street North, Hamilton, is determined to be of cultural heritage value or interest, a Statement of Cultural Heritage Value and
Description of Heritage Attributes be prepared by staff for Council’s consideration for designation under Part IV of the Ontario Heritage Act.

(d) That the Cultural Heritage Assessment work be assigned a low priority, and be added to staff’s work plan for completion in 2012, as per the attached Appendix “G” to Report PED09244.

(e) That Report PED09244 be forwarded to the Hamilton Municipal Heritage Committee for information and consultation prior to the Council approved inclusion of 262 MacNab Street North, Hamilton, in the Register of Property of Cultural Heritage Value or Interest.

(f) That Report PED09244 be forwarded to the Owner of 262 MacNab Street North, Hamilton, for information.

9. City Initiative – Amendments for the Regulation of Outdoor Commercial Patios (PED09256) (City Wide) (Item 6.3)

(a) That approval be given to City Initiative CI-09-E for amendments to the City’s Comprehensive Zoning By-law, known as Zoning By-law 05-200, Former City of Hamilton Zoning By-law No. 6593, Former City of Stoney Creek Zoning By-law 3692-92, Former Township of Glanbrook Zoning By-law No. 464, Former Town of Ancaster Zoning By-law No. 87-57, Former Town of Dundas Zoning By-law No. 3581-86, and the Former Town of Flamborough Zoning By-law 90-145-Z with respect to regulations for Outdoor Commercial Patios.

(b) That the draft By-law, included as Appendix ‘A’ to Report PED09256, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

10. Repeal and Replacement of Demolition Control By-law - Delegated Authority and Technical and Housekeeping Changes (City Wide) (PED09258) (Item 8.1)

(a) That approval be given to City Initiative CI-09-G to permit delegation of authority to issue certain demolition permits for residential properties.

(b) That the By-law attached as Appendix A to Report PED09258, which repeals and replaces the existing Demolition Control By-law, delegating certain powers of Council under the Planning Act to issue permits for the demolition of residential properties and making technical and housekeeping changes, be enacted.
(c) That the Chief Building Official, or designate, be required to notify the Ward Councillor upon submission of a residential demolition permit application.

11. Review of Bingo Licensing Fees - Lottery Licensing By-Law No. 04-134 (PED07130(b)) (City Wide) (Item 8.2)

   (a) That the flat rate fee of $165.00 for a bingo licence be maintained; and,

   (b) That the outstanding business item titled “Review of charity bingo fees” be identified as complete and removed from the Economic Development and Planning Committee’s Outstanding Business List.

12. Education City of Hamilton

   Whereas, Hamilton has been designated as Education City, and;

   Whereas, undergraduate university campuses are recognized as a key economic development driver in downtown areas, and;

   Whereas, more universities appear to be seeking campus sites in southern Ontario, and;

   Whereas, the City of Brantford’s downtown has experienced a significant boost from the presence of both Wilfred Laurier University and Nipissing College, with several thousand undergraduate students now present.

   Now therefore Downtown and Community Renewal staff be directed as follows:

   (a) to prepare an information/marketing package outlining opportunities for university and/or college undergraduate campus development in downtown Hamilton, and

   (b) to forward the information package inviting universities/colleges to situate undergraduate campuses in downtown Hamilton at all universities and colleges in Ontario

   (c) And that consideration be given to inviting universities and colleges from out of Province to relocate undergraduate campuses to downtown Hamilton.
FOR THE INFORMATION OF COUNCIL:

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

The Clerk advised the following changes to the agenda:

Added Closed Session item respecting a matter which is currently before the Ontario Municipal Board, will be Item 12.3

Due to full agenda today and the Special Sign Bylaw Meeting at 1:30 p.m., both the Closed Session items will be discussed at the end of the meetings, later in the afternoon.

Added Item, a petition against the proposed St. Joseph’s Villa, signed by over 1200 people, referred to this Committee by Council on September 16, 2009

On a Motion, the agenda for the September 22, 2009, meeting of the Economic Development & Planning Committee was approved, as amended

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

None

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

The Minutes of the Economic Development and Planning Committee meeting of September 8, 2009 were approved.

(d) **DELEGATION REQUESTS** (Item 4)

(i) Tina Agnello, respecting Committee of Adjustment variance application at 10 Houndtrail Drive (Item 4.1)
On a Motion, Committee approved the delegation for the October 6, 2009 meeting, when the staff report on this matter will be coming forward.

(ii) Danielle and Joe Heins, respecting Committee of Adjustment variance application at 10 Houndtrail Drive (Item 4.2)

On a Motion, Committee approved the delegation for the October 6, 2009 meeting, when the staff report on this matter will be coming forward.

(iii) Elise Stainton, respecting Committee of Adjustment variance application at 10 Houndtrail Drive (Item 4.3)

On a Motion, Committee approved the delegation for the October 6, 2009 meeting, when the staff report on this matter will be coming forward.

(e) Hamilton Downtown Residential Loan Program – 80 King William Street –RL03/05 PED08297(b) (Ward 2)(To be distributed)

Ron Marini, Director of Downtown and Community Renewal, and Ron Weston, Solicitor, provided an overview of the matter, including the following:

- The City of Hamilton allocated $1.1 million to 80 King William Street under the Downtown Residential Loan Program.
- In November, the bank sought assignment of a court-appointed receiver
- The receiver seeking approval in commercial court of the sale of the property for $1.2 million
- The chance of recovery under this offer for the City is unlikely

Some discussion ensued, including but not limited to the following:

- With over $6 million invested in the property, the sale price should be higher than $1.2 million.
- The property has to be worth more than the appraisal value.

In response to questions from the Committee, Mr. Weston and Mr. Marini advised of the following:

- He received instructions not to take a position on the sale. The first mortgagor, who has the most to lose, is not opposing the sale.
- The builder ran out of money three-quarters of the way through the project.
- Opposing the sale could yield a lower result, especially in light of the fact that the receiver and the primary lender are supporting the sale.
• Inquiries were made as to whether CityHousing Hamilton was interested in purchasing the property, but they did not have enough money to purchase or finish the property.
• If so instructed by Committee, counsel can take a position that the City does not support the position of the receiver that the offer be accepted.
• Purchasing the property could work against the City and exacerbate losses.
• If the project succeeded, the payback would have been $400,000 over five years and the tax revenue would have been $80,000 per year or more.
• There are currently no outstanding taxes on the property.

Glen Norton, Senior Business Development Consultant, advised that staff will be reviewing the criteria used in the loan approval process to find a way of preventing such situations in the future and to provide a more rigorous review of applicants.

Councillor McHattie advised that, as Chair of CityHousing, he was not aware that CityHousing was approached with respect to purchasing this property. Mr. Marini advised that the project was always intended to be condominiums rather than social housing.

Mr. Weston advised that there may be sufficient evidence to have the matter postponed.

Committee members expressed concerns with respect to the timing of the matter being brought forward to the Committee, as the court hearing was starting that morning as well.

Committee passed a recommendation as outlined in Item 2 above.

Recommendation (a) CARRIED unanimously on a standing recorded vote.

Recommendation (b) CARRIED on a standing recorded vote as follows:
Yeas: Bratina, Clark, Duvall, Ferguson, McHattie, Mitchell, Pasuta, Whitehead
Total: 8
Nays: Pearson
Total: 1

(f) Michael Roche respecting flooding at 3 Newell Court, Waterdown
(Delegation approved by Committee on June 16, 2009) (Item 6.1)

Michael Roche addressed the Committee respecting flooding issues on his property, including but not limited to the following points:
• He resides at 3 Newell Court
• His neighbour at 7 Newell Court raised the grade, causing flooding.
• According to the bylaw, a grade can be raised 20 cm, but this grade was raised 33 cm.
• The building inspector only visited 7 Newell Court
• Met with John Lane and Nick Anastasopoulos from the Building Department
• Currently having a contractor price out a dry well, which will cost between $20,000 to $25,000

In response to questions from the Committee, John Lane, Manager of Building Inspection, advised of the following:

• An inspector attended the property in late October 2008
• The inspector has to find evidence that is recent enough to act on, as the changes have to have taken place no earlier than six months prior to the inspection.
• Mr Roche requested that he be there for the inspection
• According to records, the inspector called Mr. Roche on June 19, 2008 requesting a phone call back and a chance to meet. The meeting didn’t occur until October 31, 2009.
• When the inspector attended, he saw no recent site alteration.
• One can see from the photographs that the grade was raised but an Order would be invalid because the statute of limitations has expired.
• If City of Hamilton staff were subpoenaed to appear in court, they would advise that there was a change to the grading but that they did not have authority to take action under the existing site alteration bylaw.

Committee discussed ways to provide assistance to Mr. Roche and to deal with blockage of swales. Comments included, but were not limited to the following:

• Where swales are blocked, the City should be allowed to do the necessary work and charge it to the property owner’s tax bill.
• Would like to see a self-help package for flooding victims
• Would like to see a report respecting Mr. Roche’s flooding issues, specifically showing where the water is coming from and what has changed.

Mr. McCabe noted that the information to be considered would require detailed work on the part of staff, and would therefore not be available until the New Year, but that staff could review the individual case of Mr. Roche more quickly.

On a Motion, the presentation was received.
Committee passed the following motion:
That staff report review ways in which the City of Hamilton may better manage grading and drainage issues, including blocking of swales, which result in the flooding of neighbouring properties, and to consider the preparation of a “self-help” package for citizens, and report back to Committee.

Committee passed the following motion:
That staff report back to Committee concerning all of the issues surrounding Mr. Roche’s flooding problem.

(g) Applications for Approval of Official Plan Amendment and a Change in Zoning for Lands Located at 56 Governor’s Road (Dundas) (PED09252) (Ward 13) (Item 6.2)

Chair Pearson 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 Official Plan Amendment, and passes the zoning by-law, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board.

(b) If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Council of the City of Hamilton before the approval authority gives or refuses to give approval to the Official Plan Amendment and passes the zoning by-law, 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.

Chair Pearson noted that in addition to the letters printed in the Agenda, staff had forwarded to Committee 13 additional letters by email on Friday. She added that additional communications had been distributed this morning, from Dorothy Holmes and Harriet Sprague, together with a package which had been distributed directly to the Councillors, from the Residents’ Action Committee. Chair Pearson noted that additional letters which were provided today would be listed in the file as part of the public record.

The Chair then noted the petition which had been referred by Council to this meeting.

On a Motion, Committee received the communications and petition.
Edward John was present to assist Committee and gave an overview of the matter, with the help of a PowerPoint presentation. He responded to questions from the Committee, including questions respecting parking, traffic, the buffer zone around the Environmentally Sensitive Area, and intensification.

The applicant’s agent, Sergio Manchia, IBI Group, advised that he was satisfied with the staff recommendation and provided an overview of the proposed condominiums with the help of a PowerPoint presentation.

In response to questions from the Committee respecting the small buffer zone, Brett Woodman, primary ecologist for the project, advised of the following:

- The edge of the Environmentally Sensitive Area (ESA) is defined by an invasive species of trees which are growing almost horizontally.
- Existing land maintenance extends beyond the borderline of the ESA.
- He does not foresee any negative impacts on the ESA since, due to the steep slope, there will be no impacts from pets, dumping of landscape debris, or children playing.
- The Carolina Wren breeding site is not located on the proposed building site.

In response to questions from the Committee, Sergio Manchia advised that the buildings will take up a sodded field area, an unmanicured area, and a small garden.

Chair Pearson advised that a number of people had asked to be placed on a Speakers’ List, and this had been distributed to members this morning. The Chair suggested that these people should speak first, and then the floor would be opened to other speakers. She asked these people to come forward in the following order:

Donald McIntyre  
Shirley Williams  
James Williams  
William Goldberg  
Alan Moffett  
Catherine Duffy  
Dave Allatt  
Gerry Goldberg  
Michael McNamara  
Donald McIntyre  
William Bryans  
Zoë Green  
Jennifer Baker, Hamilton Naturalists’ Club  
Lynda Lukasik, Environment Hamilton  
Stan Nowak
Larry Button

Donald McIntyre addressed Committee with regard to the proposal. His points included, but were not limited to the following:

- He has lived at 150 Ogilvie Street for 13 yrs
- His concerns come from living on property and witnessing development in Dundas – some good, some bad.
- The planner’s statement is too general to be true and not in sync with Province, Hamilton or Dundas.
- Citizens will be presenting a series of papers to make up their argument
- The new buildings will be extremely close to existing buildings.

Shirley Williams addressed Committee with regard to the proposal. Her points included, but were not limited to the following:

- Green space and accessibility
- The flat open green space is where everyone walks, sits on a bench, or goes to read a book in the fresh air
- There are no balconies so residents have go to the open space
- The ravine – not accessible green space
- If two new condominiums are built, there will be little flat space left to walk about in

James Williams addressed Committee with regard to the proposal. His points included, but were not limited to the following:

- Proposed Amendment Conflicts with Public Policy
- Not the concept that is intended in Ontario’s land use planning
- Already has been significant intensification in Dundas
- The villa and green campus should be retained in present form without intrusion of two 10 storey buildings.
- Intensification is not an objective but a strategy adopted by Ontario government to control urban sprawl.
- GRIDS and Urban Structure Report provide a clear understanding of intensification
- Dundas will achieve the density required in Hamilton Region without further government intervention or bylaw changes.
- Public Policy supports Institutional Zoning for St. Joseph’s Villa and its surrounding green space.

William Goldberg addressed Committee with regard to the proposal. His points included, but were not limited to the following:

- Health Issues Pertaining to the Proposed Buildings
• Evidence-based literature strongly supports positive health effects of exposure to green space.
• Green space is more than a luxury. It should be allocated a central position in spatial planning policy.
• Decreased mobility is the main reason why there should be accessible green space in close proximity to the Villa.
• The proposed development would result in no access to green space, compromising both health and quality of life.
• Major cost of healthcare system is directed towards seniors.
• Developer has said that green space planning will be done after rezoning – should have been part of early reports.
• Planner and staff have not paid attention to opinion of health experts to need for early spatial planning in senior’s development.
• The halls in the building are not air-conditioned. This is a problem when it is hot or humid or when there is particulate matter in the air.
• During construction, with all the particulate matter in the air, this will cause a problem for the elderly, especially those with respiratory problems.
• Since one’s home is a major asset, there is a concern if it becomes devalued.
• Orchard area should be zoned as it is for institutional purposes to provide space for future needs of continuing and chronic care.

Alan Moffett addressed Committee with regard to the proposal. His points included, but were not limited to the following:

• Lives at 160 Ogilvie Street
• Dundas has the highest concentration of seniors in City of Hamilton
• Already 59 buildings with 6 or more units and 14 condominium buildings in Dundas
• The new buildings will cause blocked light, loss of privacy, and increased density and all the related problems

Catherine Duffy addressed Committee with regard to the proposal. Her points included, but were not limited to the following:

• Lives at 150 Ogilvie
• Scale of proposed buildings – too large
• Proposed buildings do not conform to the Dundas Official Plan and Urban Hamilton Official Plan
• Proposed building A is out of proportion with the other buildings on the property, as it will be twice the height, causing the following issues:
  o Over-shadowing and over-viewing
  o Quality of life diminished and property value declined
  o Out of character and not harmonious with surrounding area
  o Will tower over historical valley town
• Proposed Building B has other problems
  o Cuts off view of escarpment and historical buildings
  o Further compound errors in this area (i.e., traffic congestion)
• The proposed buildings are in no way compatible or harmonious with scale and structure of buildings on campus and nearby single detached dwellings

Dave Allatt addressed Committee with regard to the proposal. His points included, but were not limited to the following:

• It is already very difficult to get from the subject property to nearby stores due to a difference in grade of 17.5 metres
• 60% of residents will not walk to Metro to buy their groceries because it is too difficult. Only 5-10% does it year-round.
• As people age, fewer are able to go up and down stairs.
• Traffic impact study was done on behalf of St. Joseph’s
• Driveway B carries most of the traffic in and out of the estates, including DARTS, emergency vehicles and tractor trailers making deliveries.
• Only 5-10% of traffic uses Driveway A, the driveway to Governor’s Road, because it is winding, there is a grade difference, and there are visibility problems when turning onto the street.
• Majority of traffic uses driveway B. However, there is a lot of backed up traffic.
• 3000 seniors live in the three block radius of Governor’s Road and Ogilvie Street.
• This intersection will be at capacity in year 2013 or sooner
• The interval delay is 2.5 minutes in the left lane queue during morning rush hour.
• Four specific concerns:
  o Interchanges at Overfield and Main are at capacity
  o Ogilvie Street will be at capacity by 2013 or sooner
  o Traffic growth is greater than 2% per year
    ▪ A count of cars in April 2008 and in April 2009 found a 17% increase in traffic for Driveway A and a 55% increase for Driveway B.
  o Need to make provisions for seniors, as new drivers and seniors have the highest accident rates.
• Governor’s Road Remediation
  o Concerned that funds will be hard to find
  o Concerned that road improvements will be protracted
  o Probable completion 2012 to 2021
• Since traffic is already over capacity and improvements probably not completed before 2021, requesting that no further development on St. Joseph’s property be approved.
Gerry Goldberg addressed Committee with regard to the proposal. Her points included, but were not limited to the following:

- Resident of 160 Ogilvie
- Another point of view – social and humanistic
- Many residents and families are still dedicated and passionate supporters of the Sisters and their mission, but are demoralized by the condominium plans
- The Villa is to be an oasis where souls and spirits are nourished, and contains residents' garden plots and an orchard in which one can walk about, visit, or sit and read.
- The Sisters were committed to care and providing holistic approach to meeting needs of residents
- The Estates were built as a non-profit undertaking
- They were assured at time of purchase that there would be no building in the orchard
- An assisted living facility is more important to future needs of elderly than another high-rise condo.
- Community as a whole is opposing more development on this site. Dundas community council unanimously supports the opposition.
- Residents in surrounding neighbourhoods are concerned and there are over 1200 names on the petition opposing the development.
- Contrary to the planner’s statement, there is no necessity for extra high-rises to give economic boost.
- Opposed to rezoning.
- Buildings will loom over landscape, deprive residents of green space; they will cause dust and traffic during construction; and Dundas will become a victim of strangulation by intensification.

Donald McIntyre addressed Committee with regard to the proposal. His points included, but were not limited to the following:

- He supports the need for ongoing plan development in City of Hamilton, however approving the amendments show a lack of commitment to the Official Plan.
- There is no justification for more standard apartments for seniors housing.
- The proposal does not meet needs of the City of Hamilton and should be rejected.

On a Motion, the meeting was recessed at 1:35 p.m. to convene a Special Meeting respecting the Sign By-Law.

The Special Meeting respecting the Sign By-Law was called to Order.
On a Motion, the Sign By-Law meeting was recessed at 1:35 p.m.

The regular meeting was called back to order.

William Bryans addressed Committee with regard to the proposal. His points included, but were not limited to the following:

- He and his wife have been only owners of 120 Walnut Grove since 1975.
- Closest in the court to the building.
- In the past, they have been assured a third building would not be considered.
- The building would block views, shut out the morning sun, and lower property values.
- Requesting that this application be denied.

Zoë Green addressed Committee with regard to the proposal. Her points included, but were not limited to the following:

- She is a resident of Walnut Grove
- Estimated 3000 apartment/condo units within a few blocks – the planning justification report does not demonstrate need
- Dundas Official Plan and Zoning Bylaws do not permit this
- Encourages intensification within the urban envelop
- Clear policies on how and where intensification should occur
- Gradation between buildings required
- Institutional villa lands not within an area identified for intensification
- Maximum height allowed in any area of Dundas is 16.5 m
  - In the new Urban Hamilton Official Plan, there is no high density development recommended for Dundas
  - Density Target is 100 people and jobs per hectare – already at 90.
  - Other communities in Hamilton have much further to go to reach their density goals.
  - Residential Intensification Study (2006) – “demand is not expected to take up the entire available supply of intensification units” – the subject lands not included in that study and there are still enough units available.
- Environmental Impact Statement
- ESA must be protected
- Species of national, provincial and local status are present
- Two wings have been added to the Villa within the last six years
- Dundas Zoning Bylaw, Exception s-62 states that a maximum of two apartment buildings permitted on subject lands
- Front, side and rear yard privacy would be compromised
• Grade changes cannot mitigate difference between 32 metre building and single storey home
• Sun-shadow study does not contain anything before 10 a.m. or on the north side of property
• Does not understand the use of balconies to control over viewing
• Institutions must provide suitable outdoor spaces
• Construction noise is stressful
• Wondering where mechanical systems would be located
• Traffic concerns include an increased risk to pedestrian safety, increased difficulty merging from side streets, an increased concentration of elderly drivers, and an increased risk to public safety.
• The Community opposes the rezoning
• The character, heritage and small town appeal of Dundas are in jeopardy

It was noted that Jennifer Baker, Hamilton Naturalists' Club, had been present earlier in the meeting, but had left for another appointment.

Lynda Lukasik, Environment Hamilton addressed Committee with regard to the proposal. Her points included, but were not limited to the following:

• Environment Hamilton supports intensification in the urban area, but this is not one of the areas identified in City documents, is not a development node in the OP
• Intensification proposed is in excess of the 6-8 storeys allowed in Dundas Downtown
• The proposal does not meet the approved plans of City of Hamilton and City should stick to its plans, this is the wrong place, pure and simple.

Stan Nowak addressed Committee with regard to the proposal. His points included, but were not limited to the following:

• Orchard is important feature, there since 1870's, 1880's
• Need to maintain heritage features, need to maintain green space

Larry Button, Creekside, addressed Committee with regard to the proposal. His points included, but were not limited to the following:

• Proposal not compatible with existing development in Dundas
• Some of existing apartment buildings in Dundas have already gone beyond the Town’s rules, should not allow exceptions to become the rules against which new developments are measured

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• The report says that a 10 storey building will protect the environment-how can this be?

Chair Pearson then asked other speakers to come forward to address the Committee.

Craig Simpson, Creekside Drive, addressed Committee with regard to the proposal. His points included, but were not limited to the following:

• Concern about existing parking in Dundas, especially when this report recommends a reduction in the parking requirements
• Does not want visitor parking at Creekside to be used by the overflow from these new buildings
• Need for proper garbage storage arrangements, to ensure that the City can pick up the garbage, otherwise the residents are paying twice

Chair Pearson thanked all the speakers and on a Motion, Committee received all the presentations.

Councillor Powers, Ward Councilor, addressed Committee and noted that he had been working on this project since its submission, and had concerns that the development is too intensive and too intrusive for the area, that there are existing problems with traffic and safety on Governors Road, and that he cannot support the application. He confirmed that he would vote against the current application, when it reached Council.

Committee discussed the issues raised by the speakers, and noted the complexities of the applications.

Steve Robichaud agreed to send all members the full comments from the Hamilton Conservation Authority.

Committee passed the following motion:
That Report PED09252 respecting Applications for Approval of Official Plan Amendment and a Change in Zoning for Lands Located at 56 Governor’s Road be tabled until November 2009, to allow the Ward Councillor to discuss the proposal with residents and the developer in an attempt to reach a compromise.

Councillor Clark wished to be recorded opposed.

Chair Pearson noted that the Public Meeting on the matter was now closed and that there will not be another Public Meeting respecting this issue.
City Initiative – Amendments for the Regulation of Outdoor Commercial Patios (PED09256) (City Wide) (Item 6.3)

Chair Pearson 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 passes the zoning by-law, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board.

(b) If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Council of the City of Hamilton before the approval authority passes the zoning by-law, 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, the Committee dispensed with the planner’s presentation.

Shannon Hamilton was present to assist Committee.

The Chair noted that as this was a City initiative, there was no outside agent here to address the Committee. She also noted that Kathy Drewitt from the Downtown Hamilton BIA had asked to speak to the item, but had left, to attend another appointment.

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

Committee discussed the matter and had additional information supplied by staff. In response to questions from the Committee, staff advised that the commercial zoning process will evaluate restaurants, patios and parking and that, through the Hess Village Review, the encroachment agreement process is being reviewed. Public Works is looking at new design regulations for encroachment agreements and a report will be brought forward to the Public Works Committee.

Staff advised that there may be a typographical error in the Bylaw, and that they would double check this before the by-law proceeded to Council.

Committee approved the staff recommendation.
(i) **Repeal and Replacement of Demolition Control By-law - Delegated Authority and Technical and Housekeeping Changes (City Wide) (PED09258) (Item 8.1)**

John Spolnik was present to assist Committee.

Committee approved the staff recommendation.

(j) **Review of Bingo Licensing Fees - Lottery Licensing By-Law No. 04-134 (PED07130(b)) (City Wide) (Item 8.2)**

Mart Hazell was present to assist Committee.

Committee approved the staff recommendation.

(k) **MOTIONS (Item 9)**

(i) **Re-use of Church buildings (Item 9.1)**

Councillor McHattie read his motion as follows:

> Whereas, given the dual dynamic of church congregations shrinking, and churches aging, many churches in Hamilton will become available for re-use and;

> Whereas, many of these churches represent significant cultural heritage resources in Hamilton, and;

> Whereas, recently in Hamilton several churches have been negatively affected in terms of their heritage value, and;

> Whereas, adaptive reuse of churches is occurring in other municipalities

> Therefore:

> That the item be added to the staff work program for 2010, and that a consultant be hired, at an upset cost not to exceed $5,000, to investigate applicable options to achieve adaptive reuse of churches in order to maintain their cultural heritage value.

The Motion LOST on the following standing recorded vote:

- Yeas: Clark, McHattie, Mitchell
- Total: 3
- Nays: Pearson, Bratina, Duvall, Ferguson, Pasuta, Whitehead

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(ii) Hamilton – Education City (Item 9.2)

Councillor McHattie read his Motion.

Tim McCabe, General Manager of Planning and Economic Development, advised that the Downtown Renewal Division will be undertaking this as part of their 2010 marketing plan.

Committee passed the Motion. Councillor Bratina wished to be recorded opposed.

(I) NOTICES OF MOTION (Item 10)

(i) Applying Site Plan Review to Ainslie Wood – Westdale Neighbourhood (Item 10.1)

Councillor McHattie did not read his Notice of Motion in the interests of time.

(m) GENERAL INFORMATION (Item 11)

(i) Urban Braille for New Site Plans- Advisory Committee for Persons with Disabilities Report (Outstanding Business List-due date September 22, 2009) Proposed new date; April 6, 2010 (Item 11.1)

On a Motion, the due date was amended.

(ii) New City Website Section for Public Meetings, Open Houses and other public gatherings (Outstanding Business List-due date September 22, 2009) (Item 11.2)

Tim McCabe, General Manager of Planning and Economic Development, advised that the website has a section for public meetings, notices of complete applications, reports, etc. He further advised that IT is working on links to reports submitted by developers.

On a Motion, this item was considered complete and removed from the Outstanding Business List.
(iii) **Tradeport International Lease Report-proposed release to public** (Outstanding Business List-due date September 22, 2009) Proposed new date; December 1, 2009 (Item 11.3)

Councillor Clark advised that he was going to try to obtain the information through Freedom of Information, as this item is taking too long to complete. He also noted that another similar item had occurred, since the first one.

On a Motion, the due date was amended.

Councillor Clark wished to be recorded opposed.

(iv) **Copetown Lions proposed Seniors’ Housing** (Outstanding Business List-due date September 22, 2009) Proposed new date; March 23, 2010 (Item 11.4)

On a Motion, the due date was amended.

(v) **Carlson Street Temporary turnaround** (Outstanding Business List-due date September 22, 2009) Proposed new date; November 3, 2009 (Item 11.5)

On a Motion, the due date was amended.

(vi) **News from the General Manager** (Item 11.6)

**Hamilton Downtown Residential Loan Program – 80 King William Street –RL03/05 PED08297(b) (Ward 2)(To be distributed)**

(a) That the City of Hamilton seek an adjournment of the matter for 30 days; and

(b) That, should the City’s request be unsuccessful, the City not support the sale of subject property.

**NOTE:** The matter was subsequently dealt with as follows:

The Court gave an adjournment of the matter until September 25, 2009. Special Committee of the Whole and Council Meetings to deal with the matter were held September 24, 2009
Tim McCabe advised that, with respect to 5.2, Hamilton Downtown Residential Loan Program – 80 King William Street – RL03/05 (PED08297(b)), the first item considered today, an adjournment had been granted by the court, but only until Friday.

Committee passed the following motion:
That the Mayor be requested to call a special meeting of Council before Friday, September 25, 2009 to provide direction to the solicitor respecting Hamilton Downtown Residential Loan Program – 80 King William Street.

Councillor Bratina advised that he was not in favour of the Motion.

(n) PRIVATE AND CONFIDENTIAL (Item 12)

(i) Minutes of the Closed Session meeting of September 8, 2009 (Item 12.1)

It was noted that these would be brought forward at the next meeting.

(ii) Proposed City land disposition (Item 12.2)

It was noted that this would be considered at the end of the Special Sign By-Law meeting.

(iii) Matter before the OMB (Added Item 12.3)

It was noted that this would be considered at the end of the Special Sign By-Law meeting.

(o) Adjournment (Item 13)

The meeting adjourned at 4:00 pm.

Respectfully submitted,

Council – September 30, 2009
Maria Pearson, Chair
Economic Development and Planning Committee

Alexandra Rawlings, Co-ordinator
Economic Development and Planning Committee
September 22, 2009