Planning and Economic Development Committee
MINUTES 06-004
March 7, 2006
9:30 a.m.
Council Chambers
Hamilton City Hall

Present: Chair M. Pearson
1st Vice-Chair D. Mitchell
2nd Vice-Chair B. Bratina,
Mayor L. Di Ianni
Councillors: S. Merulla, B. McHattie, T. Whitehead,
B. Kelly

Also Present: Councillor P. Bruckler

Absent: Councillor M. Ferguson – illness

Staff Present: G. Peace, City Manager
R. Marini, Acting General Manager - Planning and Development
T. McCabe, P. Mallard, T. Sergi, C. Thomas, G. Macdonald,
J. Hickey-Evans, P. Delulio, E. John, S. Murray, J. Muto, A.
Fletcher, D. Cuming - Planning and Development
N. Everson, C. Reid – Economic Development
A. Zuidema – Legal
G. Moodie, J. Goodram, H. Milsome – Downtown Renewal
M. Hazell - Parking
A. Rawlings – City Clerk’s Office

THE FOLLOWING ITEMS WERE REPORTED TO COUNCIL:

1. Demolition Permit – 11 Morris Avenue (PED06082) (Ward 3) (Item 5.2)
   (Kelly/Bratina)
   That the Director of Building and Licensing be authorized and directed to issue a
demolition permit for 11 Morris Avenue in accordance with By-Law 74-290 pursuant to
Section 33 of The Planning Act as amended.
   CARRIED

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2. Demolition Permit – 220 Grace Avenue (PED06080) (Ward 4) (Item 5.3) (Kelly/Bratina)
That the Director of Building and Licensing be authorized and directed to issue a demolition permit for 220 Grace Avenue in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act as amended.

CARRIED

3. King Street West Business Improvement Area (B.I.A.) Proposed Budget and Schedule of Payment for 2006 (PED06079) (Ward 2) (Item 5.4) (Kelly/Bratina)
   a) That the 2006 operating budget for the King Street West B.I.A. (attached as Appendix ‘A’ to Report PED06079) be approved in the amount of $14,000;
   b) That the levy portion of the operating budget for the King Street West B.I.A. in the amount of $4,500 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 2006 budget as referenced in sub-section (b) above;
   d) That the following schedule of payments for 2006 be approved:
      
      February  $2,250  
      June      $2,250

CARRIED

4. Commercial Property Improvement Grant Program (C.P.I.G.) Applications (PED06074) (Wards 1, 2, 3, 4, 9, 13) (Item 5.5) (Kelly/Bratina)
   a) That the applications recommended for approval and identified within Appendix ‘A’ to Report PED06074 be approved for funding according to the terms and conditions of the Commercial Property Improvement Grant Program (C.P.I.G.);
   b) That applicants of properties with outstanding taxes be notified that a condition of the grant is 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 (1) year of the date of the Letter of Understanding entered into between the City of Hamilton and the applicant, that the grant will be considered void;
   c) That unallocated grant monies resulting from taxes not being paid or applicants not proceeding with renovation of their properties, be utilized for future loan and

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grant programs administered by the Downtown Renewal Division for Hamilton's Business Improvement Areas;

d) That the grant portion in the total amount of $97,252 be funded by Capital Project 8200503101;

e) That the Director of Downtown Renewal, Planning and Economic Development Department, be authorized and directed to approve increases/decreases to the individual grant amounts approved as long as the overall grant portion referenced in sub-section (d) above is not exceeded and said grant is in accordance with the program rules;

f) That the Director of Downtown Renewal, Planning and Economic Development Department, be authorized to approve a maximum extension period of one year to applicants for the completion of works, over and above the one (1) year period applicants are given that commences the date Council approves their grant; and,

g) That staff be authorized and directed to prepare and execute Letters of Understanding with Council-approved applicants, with such Letter of Understanding being in a form satisfactory to the City Solicitor.

CARRIED

5. Hamilton LACAC (Municipal Heritage Advisory Committee) Meeting of January 26, 2006 (Item 5.6) (Kelly/Bratina)
That the Hamilton LACAC (Municipal Heritage Advisory Committee) Minutes of January 26, 2006, be received.

CARRIED

6. Application for a Modification in Zoning for Lands Located at 1092 Main Street West (PED06075) (Ward 1) (Item 6.3) (McHattie/Kelly)
That approval be given to Zoning Application ZAR-05-110, Geese Developments Ltd. (Michael Schultz), owner, for a further modification to the "G" (Neighbourhood Shopping Centre, etc.) District, Modified, to permit a dance studio as an additional permitted use and one illuminated ground pylon sign in the front yard, for lands located at 1092 Main Street West, as shown on Appendix "A" to Report PED06075, on the following basis:

(a) That the subject lands be rezoned from the "G/S-1361" (Neighbourhood Shopping Centre, etc.) District, Modified to the "G/S-1361a" (Neighbourhood Shopping Centre, etc.) District, Modified.
(b) That the draft By-law, attached as Appendix “B” to Report PED06075, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(c) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan and the City of Hamilton Official Plan.

CARRIED

7. Application for Change in Zoning for Lands Located at 487 Glover Road (Stoney Creek) (PED06066) (Ward 11) (Item 6.4)  
(Kelly/Mitchell)

That approval be given to Zoning Application ZAR-05-112, by P. Ventresca and O. Ciamacco, owners, for a change in zoning from the Rural Residential “RR” Zone to the Single Residential “R3” Zone (Block 1), and the site-specific Single Residential “R3-22” Zone (Block 2), for the lands located at 487 Glover Road (Stoney Creek), as shown on Appendix “A” to Report PED06066, on the following basis:

(a) That “Block 1” be rezoned from the Rural Residential “RR” Zone to the Single Residential “R3” Zone.

(b) That “Block 2” be rezoned from the Rural Residential “RR” Zone to the site-specific Single Residential “R3-22” Zone.

(c) That the draft By-law, attached as Appendix “B” to Report PED06066, which has been prepared in a form satisfactory to the City Solicitor, not be enacted by City Council, until an archaeological assessment has been completed to the satisfaction of the Director, Development and Real Estate, and the Ministry of Culture.

(d) That the amending By-law be added to Schedule “A”, Map No. 2, of Zoning By-law No. 3692-92.

(e) That the proposed change in zoning conforms to the Hamilton-Wentworth Official Plan and the Stoney Creek Official Plan.

CARRIED

8. Applications to Amend the Ancaster Official Plan and Zoning By-law No. 87-57 to Permit a Kennel Located at 1469 Sawmill Road (Ancaster) (PED06072) (Ward 12) (Item 6.5)  
(Kelly/Bratina)

(a) That approval be given to Official Plan Amendment application, OPA-05-18 Jackie Brooks, owner, to add a special policy to permit a kennel, including a boarding facility in the “Agricultural” Land Use Designation for land located at 1469 Sawmill Road (Ancaster), as shown on Appendix “A” to Report PED06072.
(b) That approval be given to amended Zoning By-law Amendment application ZAC-05-89, Jackie Brooks, owner, for a modification to the Agricultural “A” Zone, to permit a kennel, including a boarding facility, for lands located at 1469 Sawmill Road, as shown on Appendix “A” to Report PED06072, on the following basis:

(i) That the zoning of the subject lands be changed from the Agricultural “A” Zone to the Agricultural “A-546” Zone.

(ii) That the attached Draft By-law, shown as Appendix “B” to Report PED06072, which has been prepared in a form satisfactory to the City Solicitor, not be forwarded to City Council for enactment until the owner has applied for, and received, approval for a Site Plan Application, to the satisfaction of the Manager, Development Planning.

(iii) That the proposed change in zoning will be in conformity with the Town of Ancaster Official Plan upon approval of Official Plan Amendment No. __, and is in conformity with the Hamilton-Wentworth Official Plan.

CARRIED

9. Application for a Change in Zoning for the Property Located at 4 Bridgewater Court (Stoney Creek) (PED06070) (Ward 9) (Item 6.6)
(Mitchell/McHattie)
That approval be given to Zoning Application ZAC-05-106, by CityHousing Hamilton, for a change in zoning from the “Multiple Residential “RM5” Zone to the Multiple Residential “RM3-29” Zone, to permit 60 multiple dwelling units and a duplex dwelling on the property located at 4 Bridgewater Court (Stoney Creek), as shown on Appendix “A” to Report PED06070, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED06070, 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 Schedule “A”, Map No. 10, of Zoning By-law No. 3692-92.

(c) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan and the Official Plan of the City of Stoney Creek.

CARRIED

(Whitehead/McHattie)

(a) That Council adopt the Downtown Heritage Character Zone, Design Guidelines, attached as Appendix A to Report PED06076.

(b) That Council direct staff to review all development projects within the Heritage Character Zone for consistency with the attached Design Guidelines.

(c) That staff’s review in recommendations for all applications for City Incentive and Loan Programs for properties located within the Downtown Heritage Character Zone, shown on Figure 1, Page 3, of Appendix “A” to Report PED06076, take into consideration consistency of the development project with the attached Design Guidelines.

(d) That Item “K”, Urban Design Guidelines for Downtown Hamilton, referred from the Planning and Economic Development Committee of February 21, 2006, be identified as completed and removed from the Planning and Economic Development Outstanding Business List.  

CARRIED


(Whitehead/Bratina)

That Report PED06073 respecting “Our Downtowns and BIAs - 2005 Annual Report and 2006 Downtown Renewal Division Work Plan” be received for information and that the relevant contents be made available through appropriate municipally-generated publications.

CARRIED

12. **Hamilton Business Ambassador Program (PED06045) (City Wide) – Referred from Planning and Economic Development Committee on June 7, 2005 (Item 8.1)**

(Whitehead/Merulla)

(a) That the creation and establishment of a Business Ambassador Program be referred to the 2006 Tax Operating Budget process for consideration.

(b) That the Business Ambassador Program item, referred from the Planning and Economic Development Committee on June 7, 2005, be identified as completed and removed from the Planning and Economic Development Committee Outstanding Business List.  

CARRIED
13. Application to Amend City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 341 Regional Road 20 (Stoney Creek) (PED05201) (Ward 11) (Item 8.2)

(Mitchel/Bratina)
That approval be given, in part, to Zoning Application ZAR-05-80, by Domenic Marini, Owner, for a modification to the Agricultural “A” Zone, to allow a Nursery Garden Centre and Home Industries, including Accessory Outdoor Storage as additional permitted uses, for portions of the lands located at 341 Regional Road 20 (Stoney Creek), as shown on Appendix “A” to Report PED05201, on the following basis:

(a) That Block “1” be rezoned from the Agricultural “A” Zone to the modified Agricultural “A-7(H)” Holding Zone.

(b) That Block “2” be rezoned from the Agricultural “A” Zone to the modified Agricultural “A-8(H)” Holding Zone.

(c) That the draft By-law, attached as Appendix “D” to Report PED05201, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(d) That the amending By-law be added to Schedule “A”, Map No. 17, of Zoning By-law No. 3692-92.

(e) That the proposed changes in zoning conform to the Hamilton-Wentworth Official Plan and the Stoney Creek Official Plan.

CARRIED

14. Policy and Guidelines for the Renting and Demolition of Residential Buildings Owned by the City of Hamilton (PED06077) (City Wide) (Item 8.3)

(Merulla/McHattie)
(a) That City Council adopt the Policy and Guidelines, as set out in Appendix “A” attached to Report PED06077, under which the City of Hamilton will consider demolition and leasing of residential buildings, on a short term, lease basis.

(b) That City Council pre-approve the issuance of all demolition permits for residential buildings and structures under the City’s Demolition Control By-law Nos. 3160-80; 89-35; and 79-290, without the need for an application, where:

(i) the property is owned by the City and the demolition is required for the imminent implementation of a City capital works project, previously approved by City Council, or
(ii) the economical life cycle of the asset has come to an end, where the capital costs to retro fit and maintain in a safe, healthy condition for occupants exceeds the benefits/revenue for its continued rental use.

(c) That Council’s pre-approval set out in (b) above shall not apply to properties designated under the Ontario Heritage Act.

(d) That whenever it is necessary to demolish property pursuant to Clause (b), the Director of Building and Licensing shall issue a demolition permit for such property when the demolition work is ready to proceed, subject to a permit being applied for and in conformance with the Building Code Act.

(e) That Council agrees to transfer management of the City residential properties deemed suitable for leasing, in the interim, to CityHousing Hamilton Corporation with revenue from leasing being retained by the Corporation to cover administrative, inspection and capital costs and funds to assist the Corporation in carrying out affordable housing programs.

CARRIED

15. Discontinuance of The Central Hamilton Advisory Committee (Item 9.1) (Bratina/Whitehead)

WHEREAS, the City of Hamilton undertakes extensive public consultation during the development of planning policies and related applications e.g. the Downtown Secondary Plan; the Downtown Transportation Master Plan; the Downtown Mobility Streets Master Plans; and, the Downtown Zoning By-law; and,

WHEREAS, existing groups/associations are consulted by the City on Downtown initiatives e.g. the Downtown Hamilton, International Village and King Street West Business Improvement Areas; the Downtown Cleanliness and Security Task Force; and, the Durand, Central and Beasley Neighbourhood Associations; and,

WHEREAS, the Central Hamilton Advisory Committee (C.H.A.C.) was established to provide a forum for public consultation on downtown planning matters; and,

WHEREAS, comprehensive plans have now been approved for the downtown and implementation of the various plans is occurring; and,

WHEREAS, other associations and groups, e.g. the Downtown Cleanliness and Security Task Force, are available for policy comment and consultation.
NOW, THEREFORE BE IT RESOLVED:

a) That the Central Hamilton Advisory Committee (C.H.A.C.) be discontinued; and,

b) That the City continue to consult with the public and the existing groups/associations on Downtown related initiatives; and,

c) That the members of C.H.A.C. be sent letters of appreciation for their volunteer hours served over the last few years.

CARRIED

16. Stoney Creek Urban Boundary Expansion (Item 12.1) (Bratina/Mitchell)
That the City of Hamilton request the Ontario Municipal Board to further amend Amendment No. 99 to the Stoney Creek Official Plan respecting two areas described as,

(i) north of Barton Street, east of Winona Road, south of the CNR railway tracks, and

(ii) west of Fifty Road and the lands between the CNR railway tracks, Winona Road, the South Service Road of the QEW, and the Hamilton municipal boundary,

to add a new clause, clause (c) to Policy A.12.6 as follows:

c) Notwithstanding Policy A.12.6 a) above, one separate integrated Class Environmental Assessment/Secondary Plan may proceed for all the landholdings in the areas described as north of Barton Street, east of Winona Road, south of the CNR railway tracks and west of Fifty Road and the lands between the CNR railway tracks, Winona Road, the South Service Road of the QEW, and the Hamilton municipal boundary, as identified on Schedule “A”, provided that:

i) a Terms of Reference for the integrated Class Environmental Assessment/Secondary Plan is reviewed and approved by the City prior to commencement; and,

ii) all costs related to the Class Environmental Assessment/Secondary Plan shall be paid for by the proponents.

CARRIED

FOR THE INFORMATION OF COUNCIL:

(a) Changes to the Agenda

At the start of the meeting, the Clerk advised of the following changes to the Agenda:
(i) The delegation listed as Item 6.7 has withdrawn, as the matter has been resolved to his satisfaction

(ii) Item 5.1 Removal of ‘H’ Holding Symbol From Lands Located at 87 Edgehill Drive (PED06067) (Ward 8), has been removed from the Agenda, at the request of staff, pending further review

(iii) Added Delegation request from John Dolbec Chief Executive Officer Hamilton Chamber of Commerce respecting GRIDS, to address Committee when they consider a GRIDS Report

Committee approved the Agenda, as amended.

(b) Declarations of Interest

None

(c) Removal of ‘H’ Holding Symbol From Lands Located at 87 Edgehill Drive (PED06067) (Ward 8) (Item 5.1)

Chair Pearson confirmed that this item has been withdrawn from the Agenda, pending further technical review.

(d) Application for a Change in Zoning for Lands Known as 1053-1055 Barton Street East (Hamilton) (PED06069) (Ward 3) (Item 6.1)

A Public Meeting was held.

Chair Pearson advised the meeting that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at the Public Meeting.

Peter De Iulio outlined the report to Committee.

Mr. Chen, the applicant, confirmed that he supported the staff recommendation.

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

Councillor Merulla advised that the Ward Councillor, Councillor Morelli, wished to have additional time to review the matter.

Committee tabled the report until the next meeting.

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Application for a Change in Zoning for the Property Located at 709-715 Main Street East and 104 Sherman Avenue South (Hamilton) (PED06068) (Ward 3) (Item 6.2)

A Public Meeting was held.

Chair Pearson advised the meeting that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at the Public Meeting.

Shannah Murray outlined the report to Committee and explained that the rezoning was a condition of severance approval, which had created separate lots for the buildings and that there would be no change to the residential use of the structures. She confirmed that while both the existing and proposed zoning permitted a residential care facility, this use was prohibited by the radical separation by-law, due to the existence of other care homes within the neighbourhood.

Jasmine Greenhow, the applicant, advised that she was satisfied with the staff recommendation.

A resident addressed Committee and explained his concerns regarding the previous residential use of the building, the physical state of the building after the fire, the lack of parking for the buildings, and general concern about the quality of life in the area.

Felice Capalongo, 193 Delaware Avenue, addressed Committee and expressed his concerns about the proposal, including the lack of parking, and suggested the possibility of demolishing the fire damaged building to provide on site parking for the other buildings. He suggested the item be held over until a future meeting.

Carl Lowes, 155 Sherman, addressed Committee and explained his concerns regarding the lack of parking, and the missed opportunity to demolish the fire-damaged building and help clean-up the area.

James Greenhow, 76 East 15th Street, one of the applicants, addressed Committee and gave an overview of their plans to rebuild and improve the building. He noted that the rehabilitation and upgrading were completely separate from the severance, that the building was on a bus route and that the long-term plans could include condominium conversion.

Committee discussed the matter and had additional information supplied by staff and the applicant. Staff confirmed that the buildings have legal non-conforming status and were built prior to any requirement for on-site parking provisions.
Paul Mallard explained that the legal non-conforming status had not changed as a result of the fire, and that there was no mechanism for requiring the provision of parking spaces.

Councillor McHattie offered assistance to the applicant, if he wished to consider a future condominium conversion. Councillor McHattie explained that expertise is available through a group named Options for Homes.

Councillor Merulla noted that the Ward Councillor, Councillor Morelli, had spoken to him about the proposal, and suggested a tabling of the recommendation.

On a Motion by Councillor Merulla, seconded by Councillor Whitehead, the matter was tabled pending consultation between the applicants, City staff and appropriate Councillors, to provide a full understanding of the situation, including the matters raised during discussion.

(f) Application for a Modification in Zoning for Lands Located at 1092 Main Street West (PED06075) (Ward 1) (Item 6.3)

A Public Meeting was held.

Chair Pearson advised the meeting that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at the Public Meeting.

Edward John outlined the report to Committee.

The applicant's agent, Manfred Rudolph, confirmed that he was in support of the staff recommendation.

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

Committee approved the staff recommendation.

(g) Application for Change in Zoning for Lands Located at 487 Glover Road (Stoney Creek) (PED06066) (Ward 11) (Item 6.4)

A Public Meeting was held.

Chair Pearson advised the meeting that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at the Public Meeting.
Joe Muto outlined the report to Committee.

Mr. Muto confirmed that the applicant is satisfied with the staff recommendation.

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

Committee approved the staff recommendation.

(h) Applications to Amend the Ancaster Official Plan and Zoning By-law No. 87-57 to Permit a Kennel Located at 1469 Sawmill Road (Ancaster) (PED06072) (Ward 12) (Item 6.5)

A Public Meeting was held.

Chair Pearson advised the meeting that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at the Public Meeting.

Cam Thomas outlined the report to Committee.

Jackie Brooks, the applicant, advised that she supported the staff recommendation.

No members of the public came forward to address Committee.

Committee approved the staff recommendation.

(i) Application for a Change in Zoning for the Property Located at 4 Bridgewater Court (Stoney Creek) (PED06070) (Ward 9) (Item 6.6)

A Public Meeting was held.

Chair Pearson advised the meeting that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at the Public Meeting.

Greg Macdonald outlined the report to Committee and explained that CityHousing Hamilton would be the owners of the proposed residential units, and was in support of the staff recommendation.

Committee discussed the issue, and congratulated staff for their work on the project, which represented a partnership between the Province, the City, and Habitat for Humanity.
No members of the public came forward to address Committee.

Committee approved the staff recommendation.

(j) Hamed Topalovic, Bosnian Islamic Centre of Hamilton, respecting fine for snow clearing at 202 Barton Street East, Stoney Creek (Item 6.7)

Chair Pearson confirmed that Mr. Hamed Topalovic has withdrawn his delegation request, as the snow clearing issue has been resolved.

(k) Pat Harthun respecting parking by-law enforcement on Nellida Crescent (Item 6.8)

Pat Harthun addressed Committee and explained her concerns regarding parking on her street, by-law enforcement, handicapped parking spaces and general safety.

Ms. Harthun provided Committee with a copy of her handout, which will become part of the public record.

Marty Hazell explained that his office has been in contact with Ms. Harthun over an extended period, and that by-law officers have visited Nellida Crescent in excess of sixty times this year. He noted that he is continuing to work on Ms. Harthun’s concerns and explained that a designated on-street handicapped parking space is not provided when an applicant has a driveway.

Committee received the delegation and directed that staff continue to work with Ms. Harthun.

Chair Pearson thanked the delegation.

(l) McMaster Innovation Park Master Site Plan Concept (no copy) (Item 7.1) Presentations from Diamond and Schmitt, Architects, and from representatives from McMaster

Tim McCabe introduced the matter, and explained that the project represented collaboration with McMaster University. He noted that there was no recommendation today, and that recommendations, including a new Business
Park Zoning, would be coming later. Mr. McCabe noted that the City was taking an active role in the project, including using combined advertising and attending relevant conferences. A copy of one of the advertisements was provided to Committee members.

Nick Marketos, from McMaster, addressed Committee and introduced the architects working on the project, Don Schmitt and Robert Graham, from Diamond and Schmitt.

With the aid of a powerpoint presentation, Mr. Schmitt gave an overview of the proposed “Campus Style” development of McMaster’s 37 acre parcel. He explained the overall concept of the proposed “campus style” development, to include different uses to support those who will be working there, including daycare and retail, the incorporation into the design of sustainable urban and green design features, and a safe attractive setting for pedestrians and cyclists. Mr. Schmitt advised Committee that the project was expected to develop in phases over the next twenty years or so.

The delegation confirmed that a Letter of Understanding has been received from Ottawa regarding the relocation of a CANMET facility including 90 staff.

Committee discussed the development and had additional information supplied by the speakers.

Councillor Bratina requested information regarding the use of the rail spur on the site, and requested it not be removed.

Councillor McHattie noted the need for future linkages, access to the rail trail and the gateway aspects.

Mayor Di Ianni congratulated the presenters and noted that the development proposal was good news for the City and demonstrated a positive, on-going partnership between the City and McMaster.

Committee received the presentation and Chair Pearson thanked the presenters.

(m) Hamilton Downtown: Heritage Character Zone, Design Guidelines (PED06076) (Ward 2) (Item 7.2)

Al Fletcher introduced the subject.

David Cuming gave an overview of the proposed design guidelines with the aid of a powerpoint presentation. He explained the importance of encouraging good design, applicability of the Guidelines to a restricted area of the Downtown and
how they were based on an extensive survey of the area. Mr. Cuming explained how the Guidelines would be used and why they could not be included as regulations in the Zoning By-law. He also noted the importance of ensuring that development within this area was sympathetic and complementary to the existing character of the area but that replicating historic styles was discouraged.

Committee discussed the matter and had additional information supplied by staff. Mr. Fletcher advised that while the guidelines are not being included in the by-law, impending changes to the Planning Act could lead to their adoption in future.

Committee approved the staff recommendation.

**Our Downtowns & BIAs - 2005 Annual Report & 2006 Downtown Renewal Division Work Plan (PED06073) (City Wide) (Item 7.3)**

Ron Marini gave an overview of the report with the aid of a powerpoint presentation. He highlighted some of the major successes achieved, including the provision of more than 700 new residential units over the past five years, 565 of which had been assisted by City loans. Mr. Marini noted the success of the Downtown Ambassador Programme, the improvements happening in the other Downtowns, the work of HABIA and the continuing improvement of the Downtowns in general.

Committee thanked Mr. Marini and his staff, and expressed their satisfaction with the positive improvements in the Downtowns.

Councillor McHattie raised the issue of poor lighting on some of the major streets in Downtown Hamilton, including King Street and parts of York Boulevard.

Committee discussed ways in which this issue could be addressed.

On a Motion by Councillor McHattie, seconded by Councillor Whitehead, Committee approved the following Motion:

> That the issue of lighting in the Downtown be referred to the Cleanliness Committee, to prepare a lighting study to address the issues of security and safety, and to report back thereafter.

On a Motion by Councillor Merulla, seconded by Councillor McHattie, Committee approved the following Motion:

> That City staff be directed to investigate the potential of a loitering by-law, to control loitering in public places, and to consult with the City of Toronto regarding their experience with their by-law, and to report back to Committee.
(o) Hamilto Business Ambassador Program (PED06045) (City Wide) – Referred from Planning and Economic Development Committee on June 7, 2005 (Item 8.1)

Neil Everson gave an overview of the report.

Councillor Whitehead explained the background to his original request for a report, noting that the best ambassadors for the City were those who already had successful businesses here. He noted that there were 17,000 businesses in the City.

Committee discussed the matter and then approved the staff recommendation.

(p) Application to Amend City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 341 Regional Road 20 (Stoney Creek) (PED05201) (Ward 11) (Item 8.2)

Councillor Mitchell explained that he had been working with the applicant regarding solving the on-site problems. However, there has not been a resolution, so he proposed that Committee consider a revised staff recommendation, to approve the zoning application subject to the imposition of an 'H' Holding provision.

Committee approved the revised recommendation.

(q) Policy and Guidelines for the Renting and Demolition of Residential Buildings Owned by the City of Hamilton (PED06077) (City Wide) (Item 8.3)

Tim McCabe and Bill Farkas explained the report, and how the new policies would assist in the overall management and ultimate demolition of these properties.

Committee discussed the matter and had additional information supplied by staff. Mr. Farkas confirmed that the term of the leases take into account approved Council projects.

On a Motion by Councillor Merulla, seconded by Councillor Whitehead, staff was directed to discuss with the owners the acquisition of property adjacent to 109 and 113 Graham Street, for the future park.

Committee approved the staff recommendation.
ERASE Redevelopment Grant Application (ERG-05-01) - BIOX Canada Ltd.,
41 Oliver Street (PED06037) - (Ward 3) (Item 8.4) (Tabled for one month by Committee on February 7, 2006)

Carolynn Reid gave an overview of the Information Report which had been prepared following direction from Committee on February 7, 2006.

Al Lehman, 12 Oliver Street, addressed Committee and explained a number of concerns about the BIOX site and proposal. Mr. Lehman explained that these concerns are shared by his neighbours. Mr. Lehman's concerns included, but were not limited to, damage caused by the demolition of two buildings, the adverse impact of BIOX on the neighbourhood and the desire by the neighbours to be bought out. He also expressed concerns about the noise from the cooling tower and noted that this noise impact would be worse in the summer.

Brenda Johnson addressed Committee and explained the need for attention to demolition practices in Hamilton, including the creation of aggregates on site, how damage to homes is addressed and whether performance bonds should be taken.

On a Motion by Councillor McHattie, seconded by Councillor Mitchell, Committee approved the following:

That staff report back with details of existing demolition policies, provide information regarding demolition practices, including but not limited to, the production of aggregate on demolition sites, and consider whether alternate policies and procedures, including the potential of taking performance bonds, should be instituted.

Committee discussed the BIOX issue in detail and had additional information supplied by staff and the two speakers.

Neil Everson was requested to review whether the “enclave policy” of the City buying up homes in industrial areas is still operational and whether it would be applicable to this situation. Mr. Everson agreed to provide this information by Council on March 22, 2006.

Councillor Mitchell, seconded by Councillor Bratina, moved the following Motion:

(r)(i) That the BIOX ERASE Grant application be tabled, until such time as the City Solicitor has given an opinion on whether the City is in a legal position to table the City’s decision on the subject application, pending the report from the 3rd party adjuster regarding the property damage, and the compensation of the residents to the City’s satisfaction.

Council – March 22, 2006
This Motion was lost on a Standing Recorded Vote:

YEAS: Mitchell, Bratina, Pearson
NAYS: Merulla, McHattie, Whitehead

Councillor Merulla, seconded by Councillor McHattie, moved the following Motion:

(r)(ii) That the BIOX ERASE Grant application be tabled until such time as the report is received back from the 3rd party adjuster, and the residents have been appropriately compensated.

This Motion was lost on a Standing Recorded Vote:

YEAS: Merulla, McHattie, Whitehead
NAYS: Mitchell, Bratina, Pearson

No other Motion was placed on the floor.

Chair Pearson asked Committee what they wished to do with the two staff reports.

On a Motion by Councillor Merulla, seconded by Councillor Whitehead, Committee referred both reports regarding BIOX to Council for disposition, as follows:

(r)(iii) ERASE Redevelopment Grant Application (ERG-05-01) - BIOX
Canada Ltd., 41 Oliver Street (PED06037) - (Ward 3) (Item 8.4) (Tabled for one month by Committee on February 7, 2006)

a) That ERASE Redevelopment Grant Application ERG-05-01, submitted by BIOX Canada Ltd, tenant of the property at 41 Oliver Street for an ERASE Redevelopment Grant not to exceed $686,000 payable to BIOX Canada Ltd. over a maximum of 10 years, be authorized and approved in accordance with the terms and conditions of the ERASE Redevelopment Agreement; and,

b) That the City enter into an ERASE Redevelopment Agreement with BIOX Canada Ltd. regarding the terms and conditions governing the payment of an ERASE Redevelopment Grant for, and redevelopment of, 41 Oliver Street, with such agreement to be satisfactory to the City Solicitor.
(r)(iv) ERASE Redevelopment Grant Application (ERG-05-01) – BIOX Canada Ltd. 41 Oliver Street (PED06037(a)) (Ward 3) – Referred from Planning and Economic Development Committee of February 7, 2006 (Item 8.4.1)

That the Information Report be received.

(s) Motions (Item 9)

To discontinue the Central Hamilton Advisory Committee

Councillor Bratina explained his Motion, and it was passed by Committee.

(t) General Information (Item 11)

Councillor Whitehead apologized for his absence from the meeting during the delegation from Pat Harthun. He explained he had been welcoming a group visiting City Hall. Councillor Whitehead thanked staff for their hard work on this complex matter.

Councillor Bruckler raised a question regarding the creation of infill lots and whether this needed a complete subdivision agreement.

Mr. McCabe explained that a modified subdivision agreement, which was essentially a servicing agreement, was needed in these cases and offered to work with the Councillor on this item.

(u) Stoney Creek Urban Boundary Expansion (12.1)

On a Motion by Councillor McHattie, seconded by Councillor Whitehead, Committee moved In-Camera to consider a matter presently before the Ontario Municipal Board.

On a Motion by Councillor Bratina, seconded by Councillor Mitchell, Committee resumed in Open Session.

On a Motion, Committee approved a recommendation to provide a minor modification to OPA 98, Stoney Creek Urban Boundary Expansion.
Adjournment
(McHattie/Bratina)

On a Motion, the Planning and Economic Development Committee adjourned at 1:45 p.m.

Respectfully submitted,

Maria Pearson, Chair
Planning & Economic Development Committee

Alexandra Rawlings, Co-ordinator
Planning and Economic Development Committee
March 7, 2006