Economic Development and Planning Committee
REPORT 07-021
December 4, 2007
9:30 a.m.
Albion Room, Hamilton Convention Centre
1 Summer’s Lane
Hamilton

Present: Chair D. Mitchell
1st Vice Chair T. Whitehead
2nd Vice-Chair M. Pearson
Councillors: B. Bratina, B. Clark, S. Duvall, B. McHattie, and R. Pasuta

Absent with regrets: Councillor - L. Ferguson - Vacation

Staff Present: T. McCabe, General Manager – Planning and Development
B. Janssen, D. Cuming, P. Mallard, R. Lee, R. Marini,
M. Hazell, T. Sergi, J. D’Andrade, A. Waterfield,
T. Horzelenberg, P. Delulio, J. Spolnik and C. Plosz – Planning and Development
L. Pasternak- Legal
A. Rawlings and I. Bedioui– City Clerk’s Office

THE ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE PRESENTS REPORT 07-021 AND RESPECTFULLY RECOMMENDS:

1. Confirmation of Appointment of Chair of the Economic Development and Planning Committee for 2008

That Councillor Terry Whitehead be confirmed as Chair of EDP Committee for 2008.

2. Appointment of Vice Chair of the Economic Development and Planning Committee for 2008

That Councillor Maria Pearson be appointed as Vice Chair of the EDP Committee for 2008.

Council – December 12, 2007
3. Trinity Neighbourhood Secondary Plan and Trinity Neighbourhood Collector Road Class Environmental Assessment (PED07236(a)/PW07112(a)) (Wards 6, 9 and 11) (Item 5.1)

That Report PED07236(a)/PW07112(a) be received for information.

4. International Village Business Improvement Area (B.I.A.) Proposed Budget and Schedule of Payment for 2008 (PED07294) (Wards 2 & 3) (Item 5.2)

(a) That the 2008 operating budget for the International Village B.I.A. (attached as Appendix ‘A’ to Report PED07294) be approved in the amount of $145,000.

(b) 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 2008 budget as referenced in sub-section (a) above.

(c) That the following schedule of payments for 2008 be approved:

<table>
<thead>
<tr>
<th>Month</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>January</td>
<td>$72,500</td>
</tr>
<tr>
<td>June</td>
<td>$72,500</td>
</tr>
</tbody>
</table>

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

5. Downtown Hamilton Heritage Property Grant Program (DHHPGP) (PED07295) (Ward 2) (Item 5.3)

(a) That the Downtown Hamilton Heritage Property Grant Program (DHHPGP) be implemented according to the program guidelines identified as Appendix ‘A’ to Report PED07295;

(b) That the By-law authorizing the municipality to offer loans and grants to owners of a property designated under the Ontario Heritage Act identified as Appendix ‘B’ to Report PED07295 be enacted.

6. Tools for Dealing with Student Housing Licensing (PED07296) (Ward 1, 8 & 10) (Item 5.4)

That Report PED07296 be received for information.
7. **Adjustments to School Crossing Guard Locations Resulting from School Closures and Boundary Changes (PED07298) (Wards 1, 2, 3, 5, 8, 9, 10, 13) (Item 5.5)**

(a) That the revised list of school crossing guard locations resulting from the school closures and boundary changes in Wards 1, 2, 3, 5, 8, 9, 10, and 13 attached hereto as Appendix “A” to Report PED07298 be approved.

(b) That staff be authorized and directed to consult with the affected Ward Councillors and to use delegated authority for assigning/removing school crossing guards prior to City Council approval for the school closure/boundary changes proposed by the Hamilton-Wentworth District School Board and the Hamilton-Wentworth Catholic District School Board for the 2007/2008 school year.

(c) That the delegated authority previously approved by City Council awarded to the Manager of the Hamilton Municipal Parking System be amended in accordance with the recent organizational changes in the Planning and Economic Development Department to place the delegated authority with the Director of Parking and By-law Services.

8. **Hamilton Community Heritage Fund Loan Program Application for a Loan to Install Protective Glazing at 64-70 James Street South, Hamilton (St. Paul’s Presbyterian Church) (Ward 2) (PED07299) (Item 5.6)**

That approval be given to the Hamilton Community Heritage Fund Loan Program Application, for property located at 64-70 James Street South, Hamilton (St. Paul’s Presbyterian Church), as shown on Appendix “A” to Report PED07299, subject to the following:

(a) That a loan commitment of $50,000 be approved in accordance with the terms and conditions of the Hamilton Community Heritage Fund Loan Program for the installation of protective glazing over ten existing stained glass windows.

(b) That the Mayor and City Clerk be authorized and directed to execute the loan agreement and security documentation with respect to (a) in a form satisfactory to the City Solicitor.

(c) That the General Manager of the Planning and Economic Development Department be authorized and directed to amend the loan agreement provided that the terms and conditions of the Hamilton Community Heritage Fund Loan Program are maintained.
9. Main Street Housing Loan and Grant Program 381-383 Barton Street East (PED07301) (Ward 3) (Item 5.7)

(a) That a loan commitment totalling $40,000 for the renovation of four (4) residential units at 381-383 Barton Street East, within the Barton Village B.I.A., be approved in accordance with the terms and conditions of the Main Street Housing Loan and Grant Program.

(b) That a grant commitment, at an upset limit of $5,000 for professional fees related to the renovation of the residential units at 381-383 Barton Street East, be approved in accordance with the terms and conditions of the Main Street Housing Loan and Grant Program.

(c) That the Mayor and City Clerk be authorized and directed to execute the loan agreement and security documentation with respect to sub-sections (a) and (b) above in a form satisfactory to the City Solicitor.

(d) That the General Manager of the Planning and Economic Development Department be authorized and directed to amend the loan agreement as required provided that the terms and conditions of the Main Street Housing Loan and Grant Program as approved by City Council are maintained.

(e) That a condition of the loan and grant commitment for the project listed in sub-sections (a) and (b) above be that the project be 60% complete by December 31, 2008 or the loan and grant commitment will be cancelled.

10. Demolition Permit – 615 Rymal Road East and 647 Rymal Road East (PED07300) (Ward 7) (Item 5.8)

That the Acting Director of Building Services be authorized and directed to issue a demolition permits for 615 Rymal Road East and 647 Rymal Road East in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act as amended.

11. Demolition Permit – 1610 Rymal Road East (PED07302) (Ward 6) (Item 5.9)

That the Acting Director of Building Services be authorized and directed to issue a demolition permit for 1610 Rymal Road East in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act as amended.
12. Demolition Permit – 323 Fennell Avenue East (PED07303) (Ward 7) (Item 5.10)

That the Acting Director of Building Services be authorized and directed to issue a demolition permit for 323 Fennell Avenue East in accordance with By-Law 74-290 pursuant to the demolition control provisions of Section 33 of The Planning Act, as amended, subject to the following conditions:

(a) That the applicant has applied for and received a building permit for a replacement building on this property;

(b) That the said building permit specifies that the replacement building be erected within two years of the demolition of the existing building on this property;

(c) That the said building permit for the replacement building specifies if such replacement building is not erected within the said two year time limit, that the City be paid the sum of $20,000;

(d) That the applicant be required to register on title to the subject property (prior to issuance of the said demolition permit), notice of these conditions (including the directions to the City Clerk outlined in sub-section (e)) in a form satisfactory to the Acting Director of Building Services and to the City Solicitor; and,

(e) That if the said replacement building is not erected as required, the City Clerk be authorized to add the said sum, until payment thereof, as a lien or charge upon the property until paid.

13. Demolition Permit – 542 Scenic Drive (PED07304) (Ward 8) (Item 5.11)

That the Acting Director of Building Services be authorized and directed to issue a demolition permit for 542 Scenic Drive in accordance with By-Law 74-290 pursuant to the demolition control provisions of Section 33 of The Planning Act, as amended, subject to the following conditions:

(a) That the applicant has applied for and received a building permit for a replacement building on this property;

(b) That the said building permit specifies that the replacement building be erected within two years of the demolition of the existing building on this property;
14. Demolition Permit – 54 Tally Ho Drive (Dundas) (PED07305) (Ward 13) (Item 5.12)

That the Acting Director of Building Services be authorized and directed to issue a demolition permit for 54 Tally Ho Drive (Dundas) in accordance with By-Law 3169-80 pursuant to the demolition control provisions of Section 33 of The Planning Act, as amended, subject to the following conditions:

(a) That the applicant has applied for and received a building permit for a replacement building on this property;

(b) That the said building permit specifies that the replacement building be erected within two years of the demolition of the existing building on this property;

(c) That the said building permit for the replacement building specifies if such replacement building is not erected within the said two year time limit, that the City be paid the sum of $20,000;

(d) That the applicant be required to register on title to the subject property (prior to issuance of the said demolition permit), notice of these conditions (including the directions to the City Clerk outlined in sub-section (e)) in a form satisfactory to the Acting Director of Building Services and to the City Solicitor; and,

(e) That if the said replacement building is not erected as required, the City Clerk be authorized to add the said sum, until payment thereof, as a lien or charge upon the property until paid.
15. Application for a Change in Zoning for Lands Located at 3089 Binbrook Road West (Glanbrook) (PED07293) (Ward 11) (Item 6.1)

That approval be given to Zoning Application ZAR-07-063, by Losani Homes, owner, for a change in zoning from the Existing Residential “ER” Zone to the Residential “R4-222” Zone in order to permit the future development of a single detached dwelling on a separate lot, for the southerly portion of the lands located at 3089 Binbrook Road West (Glanbrook), as shown on Appendix “A” to Report PED07293, on the following basis:

(a) That the subject lands be rezoned from the Existing Residential “ER” Zone to the Residential “R4-222” Zone.

(b) That the draft By-law, attached as Appendix “B” to Report PED07293, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(c) That the amending By-law be added to Schedule “H”, of Township of Glanbrook Zoning By-law No. 464.

(d) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan and the Township of Glanbrook Official Plan.

16. Applications for Approval of a Draft Plan of Subdivision, “Valley View 3”, and for Changes in Zoning for Lands Located on the Southwest Corner of Allanbrook Street and Alkin Street, Stoney Creek (PED07297) (Ward 9) (Item 6.2)

(a) That approval be given to Subdivision Application 25T-200705, by 1322285 Ontario Ltd., c/o Paul Silvestri, Owner, to establish a draft plan of subdivision known as “Valley View 3”, on lands located on the southwest corner of Allanbrook Street and Alkin Street, as shown on Appendix “A” to Report PED07297, subject to the following conditions:

(i) That this approval apply to “Valley View 3”, as redline revised, prepared by MTE, and certified by S.J. Balaban, O.L.S., dated April 10, 2007, showing six lots (Lots 1-6) for single detached dwellings, one block (Block 7) for a future single detached dwelling and one block (Block 8) for a 0.3m reserve, attached as Appendix “B” to Report PED07297, subject to the Owner entering into a Standard Form Subdivision Agreement, as approved by City Council and with the Special Conditions attached as Appendix “E” to Report PED07297;
(ii) Acknowledgement that there will be no City share for any municipal works associated with this development; and,

(iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 42 of the Planning Act, prior to the issuance of each building permit for the lots within the plan. The calculation of the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the day of issuance of each building permit;

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

(b) That approval be given to Zoning Application ZAC-06-028, by 1322285 Ontario Ltd., c/o Paul Silvestri, Owner, for changes in zoning from the Single Residential “R2” Zone to the Single Residential “R3” Zone (Block 1), and from the Neighbourhood Development “ND” Zone to the Single Residential “R3” Zone (Block 2) on lands located at the southwest corner of Allanbrook Street and Alkin Street (Stoney Creek), as shown on Appendix “A” to Report PED07297, on the following basis:

(i) That the draft By-law, attached as Appendix “C” to Report PED07297, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(ii) That the amending By-law be added to Schedule “A”, Map No. 10, of Zoning By-law No. 3692-92.

(iii) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan and the City of Stoney Creek Official Plan.

(c) That the Manager, Traffic Engineering & Operations, Public Works Department, be authorized and directed to initiate a By-law to permanently close and sell the remnant section of the old Mud Street road allowance at the rear of No. 38 Allanbrook Street and Nos. 17, 18 and 19 Foxhound Court.

(d) That prior to the sale of the remnant section of Old Mud Street, the City remove the old asphalt walkway and associated curbing.
17. **Amendments to the Downtown Hamilton, Community Downtowns and Business Improvement Areas Community Improvement Plan and Project Area (PED07074(a)) (Wards 1, 2, 3, 4, 7, 8) (Item 6.3)**

   (a) That the Downtown Hamilton, Community Downtowns and Business Improvement Areas Community Improvement Project Area be amended by adding the Main Street Corridors Community Improvement Project Area, as shown on Sheets 1 – 5 attached hereto in Appendix ‘A’, and that the by-law attached to Report PED07074(a) as Appendix ‘A’ be enacted.

   (b) That the Downtown Hamilton, Community Downtowns and Business Improvement Areas Community Improvement Plan be amended as set out in Report PED07074(a), and that the by-law attached to Report PED07074(a) as Appendix ‘B’ be enacted.

   (c) That, upon enactment of the by-laws noted in Recommendations (a) and (b) of Report PED07074(a), the Appendices to the Downtown Hamilton, Community Downtowns and Business Improvement Areas Community Improvement Plan, being the program description and terms for the Hamilton Downtown Residential Loan Program (Appendix A), the Enterprise Zone – Municipal Realty Tax Incentive Grant Program (Appendix B), the Commercial Property Improvement Grant Program (Appendix C), and the Main Street Housing Loan and Grant Program (Appendix D), be deleted and replaced respectively with the program description and terms attached in Appendix ‘C’ to Report PED07074(a).

   (d) That the related item from the Economic Development and Planning Committee Outstanding Business List be removed.

18. **Official Plan and Zoning By-law Amendments for Community Beach Ponds – Lands Located in the Area Between Teal Avenue and Green Road and Between Church Street and Frances Street, Former City of Stoney Creek (PED07129(a)) (Ward 10) (Item 8.1)**

That Report PED07129(a) be received for information.

19. **Official Plan and Zoning By-law Amendments for Community Beach Ponds – Lands Located in the Area Between Teal Avenue and Green Road and Between Church Street and Frances Street, Former City of Stoney Creek – Buffer Zones Around Environmentally Significant Areas (PED07129(b)) (Ward 10) (Item 8.2)**

That Report PED07129(b) be received for information.
20. **2008 Tariff of Fees By-law, Interim Increases (PED07282) (City Wide) (Added Item 8.3)**

Whereas the Hamilton Halton Homebuilders Association has agreed in writing to interim increases in the base fees for the Local Official Plan Amendment application to a total of $8,685.00, the Zoning By-law Amendment application fees to a total of $7,035.00 and Subdivision application fees to $12,660.00, which represents a 50 percent increase, and that these fees will remain fixed until the comprehensive review is completed;

Now therefore approval be given to the proposed Planning Fee increases and new fees, as shown on Appendix “A” to Report PED07282, in the 2008 User Fees and Charges for Services By-law, as amended to increase the fees for Local Official Plan Amendments, major zoning by-law amendments and plans of subdivision to the fee level, as noted above.

21. **Invitation to Environment Commissioner to address Committee of the Whole**

That an invitation be sent to Environment Commissioner Gord Miller to request that he come to address a Committee of the Whole Meeting, respecting various planning issues, including sustainability.

**FOR THE INFORMATION OF COUNCIL:**

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

The Clerk advised of the following changes:

(i) the delegation request from Nick Novakovich, Serbian War Veterans’ Club respecting letters of credit for Site plan approval, Glover Road, Winona, Item 4.1, has been withdrawn, as an agreement has been reached with staff;

(ii) additional delegation requests from the following persons, to speak to Committee on the Turtle Ponds issues, Items 8.1 and 8.2;

Sherry Revesz, Turtle Ponds Association
Brenda Johnson, Environment Hamilton,
Alexandra Bennett
Beverley Corsini
By Motion (Pearson/McHattie) Committee gave approval for the delegations to speak today;

(iii) Tariff of Fees Report referred back to Committee by Council, added as Item 8.3, and copies have been distributed this morning, together with a proposed Motion from Councillor Clark;

(iv) Additional delegation request from Adi Irani, Hamilton Halton Homebuilders Association, to speak today to added Item 8.3.

By Motion (Pearson/Pasuta) Committee gave approval for Adi Irani to speak today;

(v) Notice of Motion from Councillor McHattie, added as Item 10, copies distributed this morning

(vi) Added delegation request to address Committee in January, 2008, from Barbara Milne, respecting waiving of planning application fees for 16 Steven Street.

The Agenda for the December 4, 2007, meeting of the Economic Development & Planning Committee was approved, as amended.

Chair Mitchell thanked everyone for their assistance in making his year as Chair pleasant and productive. He noted that he had enjoyed the year, and extended his thanks to his fellow Committee Members, and to staff, for all their help and hard work.

(b) DECLARATIONS OF INTEREST (Item 2)

None

(c) APPROVAL OF MINUTES (Item 3)

The November 22, 2007 Minutes of the Economic Development and Planning Committee meeting were approved.

(d) Confirmation of Committee Chair for 2008

On a Motion (Pearson/Duvall) the Committee confirmed the appointment of Councillor Whitehead as the Chair for 2008.

Council – December 12, 2007
(e) **Election of Committee Vice Chair for 2008**

On a Motion (McHattie/Duvall) the Committee confirmed the appointment of Councillor Pearson as the Vice-Chair for 2008.

(f) **Election of Second Committee Vice-Chair for 2008**

On a Motion (Pearson/Duvall) the election of the Second Committee Vice-Chair was deferred until the January, 2008 meeting.

(g) **Nick Novakovich, Serbian War Veterans` Club respecting letters of credit for Site plan approval, Glover Road, Winona (Item 4.1)**

Chair Mitchell confirmed that this item had been withdrawn.

(h) **Delegation request from Barbara Milne, respecting waiving of planning application fees for 16 Steven Street (Added Item)**

The Committee approved this delegation to appear at the January meeting.

(i) **Trinity Neighbourhood Secondary Plan and Trinity Neighbourhood Collector Road Class Environmental Assessment (PED07236(a)/PW07112(a)) (Wards 6, 9 and 11) (Item 5.1)**

Councillor Clark thanked staff and noted the public input process on this item.

(j) **Downtown Hamilton Heritage Property Grant Program (DHHPGP) (PED07295) (Ward 2) (Item 5.3)**

Councillor Bratina spoke to this issue advising that this grant program will give Hamilton the tools to protect heritage properties in the downtown.

Ron Marini explained the significance of this grant program and how it will be beneficial to the downtown.

(k) **Tools for Dealing with Student Housing Licensing (PED07296) (Ward 1, 8 & 10) (Item 5.4)**

Councillor McHattie thanked staff for bringing this report forward. He noted that he wished to move ahead with a by-law which addresses the issue of limiting the
maximum number of bedrooms per house. He asked that Lisa Pasternak confirm whether the City could move forward with a five bedroom by-law, as currently exists in the City of London. Lisa Pasternak confirmed that the London by-law has withstood challenges however, the planning process needs to be satisfied first. Tim McCabe expressed concerns about dealing with this matter in a fragmented fashion, and suggested it should be handled as part of the overall new by-law.

(l) Hamilton Community Heritage Fund Loan Program Application for a Loan to Install Protective Glazing at 64-70 James Street South, Hamilton (St. Paul’s Presbyterian Church) (Ward 2) (PED07299) (Item 5.6)

At the request of Councillor Bratina, David Cuming explained the background to the programme and this loan to St. Paul’s Presbyterian Church. He advised that the loan application is for $50,000.

(m) Demolition Permit – 615 Rymal Road East and 647 Rymal Road East (PED07300) (Ward 7) (Item 5.8)

Tim McCabe provided background information respecting the demolition permit reports, and that staff is working on a uniform policy for the City, to be bought forward in 2008.

(n) Demolition Permit – 323 Fennell Avenue East (PED07303) (Ward 7) (Item 5.10)

On a Motion (Whitehead/Pearson) the staff recommendation was amended by adding the special conditions as outlined in the staff report.

(o) Demolition Permit – 542 Scenic Drive (PED07304) (Ward 8) (Item 5.11)

On a Motion (Whitehead/Pearson) the staff recommendation was amended by adding the special conditions as outlined in the staff report

(p) Application for a Change in Zoning for Lands Located at 3089 Binbrook Road West (Glanbrook) (PED07293) (Ward 11) (Item 6.1)

A Public Meeting was held.

Chair Mitchell advised the meeting of the following in accordance with the provisions of the Planning Act:

Council – December 12, 2007
(a) If a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before the Zoning By-law is passed, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board.

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

Jennifer D'Andrade outlined the report to Committee and confirmed that the proposal is consistent with the City’s planning policies.

Paul Moore, Armstrong Hunter, the applicant’s agent, advised that he was satisfied with the staff recommendation.

No members of the public came forward to address Committee.

Committee approved the staff recommendation.

(q) Applications for Approval of a Draft Plan of Subdivision, “Valley View 3”, and for Changes in Zoning for Lands Located on the Southwest Corner of Allanbrook Street and Alkin Street, Stoney Creek (PED07297) (Ward 9) (Item 6.2)

A Public Meeting was held.

Chair Mitchell advised the meeting of the following, in accordance with the requirements 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 draft plan of subdivision 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 in respect of the proposed plan of subdivision before the approval authority gives or refuses to give approval to the draft plan of subdivision 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.
subdivision, or 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.

Trevor Horzelenberg outlined the report to Committee and explained that the purpose of the application is to change the zoning on the subject lands to allow residential development. He indicated the location of the subject lands which have an area of 6.2 hectares and are currently vacant. He explained that the size of the lots is in excess of the requirements. Mr. Horzelenberg advised that 130 notices were mailed and nine responses were received. The concerns which were expressed by the residents included the existing asphalt path, the safety of this area, crime, the remoteness of this area, the potential that it will become a dumping ground and the loss of the access link. He explained that part of the former road allowance had been sold to the adjacent owners and that part is still owned by the City. Staff is recommending selling this portion to the adjacent land owners.

With respect to the residents’ concerns with losing the pedestrian connection, it is staff’s opinion that the loss of this connection will not be detrimental to the neighbourhood as a connection will be included at another location. Mr. Horzelenberg provided an overview of how water flow issues will be addressed, and that respecting the residents’ concern with the density of the development, the lot sizes are compatible with other developments in the area.

Mr. Horzelenberg advised that residents were also concerned with the loss of property values and the loss of trees. He confirmed that this proposal conforms with the relevant policies and that the applicant will be required to pay cash in lieu of parkland.

Councillor Whitehead asked about the pathway and highlighted the fact that staff is taking these issues of sidewalks into consideration.

Councillor Clark asked about the details on the proposed closure of the pathway as the residents have expressed concerns on what will happen to it. He noted that a sidewalk that leads to a dead end can become a hangout area, and asked whether the City will remove the old sidewalk and curb.

Staff explained that the normal procedure is to offer and then sell surplus land to adjacent owners, and that the purchasers choose how to treat the land after that.

James Webb, the applicant’s agent, addressed Committee in support of the staff recommendation. He noted that as this is an in-fill project, the proponents are dealing with the existing neighbours.
Mr. Webb explained the proposed lot sizes, that tree removal and grading concerns will be addressed, and acknowledged the issue of the walkway. He submitted that the approval of this project does not create the problem but may be the solution, as the development will achieve a development with better pedestrian connections.

Councillor Clark suggested that the applicant bring the heavy equipment needed for the development in through the old sidewalk and when the work is done, remove the sidewalk. James Webb indicated the applicant will consider this request.

The following members of the public came forward to address Committee:

(i) Steven White, senior pastor of Paramount Alliance Church, Paramount Drive

Mr. White asked what option the congregation will have in purchasing the road allowance. Staff responded that the Public Works Department will contact all adjacent property owners to advise them of the sale.

He also requested that precautions be taken by the developer to ensure that heavy equipment doesn’t damage church property.

(ii) Rob Ridgewell, 38 Allanbrook Street.

Mr. Ridgewell indicated that he does not object to the lot sizes as long as the size of the homes conform with the lot sizes. With respect to the path being removed, he advised that residents find cases of beer in the field and he is doubtful whether closing the path will deter the teenagers. However, he asked whether it is possible to fast track the closure of road and the pathway.

He indicated that the applicant, Sylvestri Homes, was able to purchase a triangular shaped piece of property behind his property. In his opinion, his lot should go straight back to the berm and he asked why it was sold to the developer. Paul Mallard responded that staff do not have knowledge of these previous real estate matters, but that he would follow-up here.

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

Committee (Clark/Whitehead) amended the staff recommendation by directing that the City remove the asphalt walkway prior to the sale to the adjacent neighbours.

The Committee approved the staff recommendation as amended.
A discussion followed with respect to intensification and infill and educating the public about these issues. First Vice-Chair Whitehead suggested that the benefits to residents, including the use existing services, should be explained to residents, possibly in a mail-out or on the City website.

Bill Janssen explained that the new policies respecting intensification will be included in the new Official Plan, and that these matters will be addressed with the community through the public input process for the new Plan.

Mr. McCabe confirmed that the new Plan will include appropriate policies and that these issues will be the subject of public involvement. He noted that there are still battles to come on this subject. Mr. McCabe thanked First Vice-Chair Whitehead for his suggestions and confirmed that information on intensification would be placed on the City’s website.

Councillor Bratina noted that the report of the Environmental Commissioner, Gord Miller, is due out today, and suggested he be invited to come to address Council.

Committee passed a Motion in this regard.

On a Motion, (Whitehead/Pearson), the following staff direction was given:

That staff develop a draft communication plan and information brochure with respect to intensification and bring these back to the Committee in early 2008 for consideration.

Amendments to the Downtown Hamilton, Community Downtowns and Business Improvement Areas Community Improvement Plan and Project Area (PED07074(a)) (Wards 1, 2, 3, 4, 7, 8) (Item 6.3)

A Public Meeting was held.

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

Alan Waterfield outlined the report to Committee and explained the minor change in the staff recommendation which is to amend the reference to Item S on the Outstanding Business list to Item R.

Copies of the PowerPoint presentation were distributed. Alan Waterfield explained that the three purposes of the report are to add an arts component to the Commercial property improvements grant program; to expand the Main Street Housing Loan and Grant program and to initiate appropriate administrative changes.

Mr. Waterfield provided details respecting the Urban Art Walk, the changes to the Main Street Housing Programme, and the need to address the expansion of this programme to areas across the City, including areas around Mohawk College and McMaster University.

Chair Mitchell advised that as this is a City initiative, there is no outside agent to address Committee.

No members of the public came forward to address Committee.

Committee discussed the matter and had additional information supplied by staff. 1st Vice-Chair Whitehead noted the support of HABIA for the project.

Chair Mitchell vacated the Chair to the 1st Vice-Chair and asked staff about the funding of this program. Ron Marini indicated that reserve funds have been set aside for this project but that the expansion of the areas will mean implications for the budget, and that staff will request additional funds during the budget process.

Chair Mitchell resumed the Chair.

Committee approved the staff recommendation.
Cathy Plosz, Natural Heritage Planner, provided an overview of the information report and summarized staff’s actions as per the Committee’s directions on April 24, 2007.

Ms. Plosz confirmed that, as a result of staff contacting the Ministry of Natural Resources, the MNR has advised that while the site does not meet the size criteria it may qualify under a special category as a Provincially Significant Wetland. However, the MNR has advised that they have insufficient time to conduct the evaluation.

Ms. Plosz suggested that the City’s consultant, Dougan & Associates, have the expertise to carry out the study.

Committee discussed how this matter should be addressed and had information supplied by staff.

The following Motion (Whitehead/Pearson) was then passed:

That staff be directed to write to the Minister of Natural Resources to direct his Ministry to undertake and pay for a study to determine whether the Community Beach Ponds area in Stoney Creek should be designated as Provincial Significant Wetland, in order that the assessment be seen as unbiased and transparent.

Cathy Plosz outlined the report to Committee which explained the proposed buffer sizes being considered for the site and advised that based on the studies, staff support the findings that a minimum 5 metre buffer will be sufficient.

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

On a Motion (Pearson/Clark), Sherry Revesz was allowed to speak for 10 minutes rather than five minutes, to include the time which would have been given to Beverly Corsini.
8.2.1  **Sherry Revesz, Turtle Ponds Association**

Sherry Revesz presented some slide photos of the area, including flooding this past summer, and asked a number of questions and made a number of statements including, but not limited to, the following:

- Who defined the boundaries of the ESA in OPA 97
- Why when they were readopted, were they all adopted except one, the turtle pond area
- lands that are left undisturbed become more environmentally significant not less
- the Environmentally Sensitive Area boundary should be expanded
- quoted from a document from the Conservation Authority which outlined various buffer zone requirements and suggested the buffer zone requirements need to be reconsidered based on the Conservation Authority document
- flooding issues in the neighbourhood are a problem
- concern about salamanders on the site and the need to protect them

Ms Revesz requested a delay in all OMB hearings until all the required studies have been completed.

A copy of her presentation was submitted for the public record.

8.2.2  **Brenda Johnson, Environment Hamilton**

Ms. Johnson suggested that at least part of the area in question was an ESA, and that the Stoney Creek Official Plan policies applied to this area.

Brenda Johnson made a PowerPoint presentation and provided hand-outs, including excerpts from the Stoney Creek Official Plan. She agreed with the request from Ms. Revesz that the OMB Hearing should be delayed until all the required studies are completed.

8.2.3  **Alexandra Bennett**

The Committee was advised that Alexandra Bennett is unable to attend due to a family matter

8.2.4  **Beverley Corsini**

Beverley Corsini was in attendance but did not address the Committee, having given her time to Ms. Revesz.
Committee discussed the matters. Councillor Pearson noted that the flooding illustrated in the presentation by Ms. Revesz was due to an obstructed culvert. Councillor Clark expressed concern that a letter from the Conservation Authority had not been circulated to Council.

Staff was directed to provide the letter from Hamilton Conservation to the members of Committee.

Tim McCabe explained that there is currently an appeal respecting the subject property before the OMB, and that the matter is expected to be considered by Committee, In-Camera, at a future date.

Committee received both staff reports.

(u) 2008 Tariff of Fees By-law, Interim Increases (PED07282) (City Wide) (Referred back to Committee by Council on November 28, 2007) (Added Item 8.3)

Adi Irani, HHHBA, addressed Committee and indicated that while his Association would prefer that the original staff recommendation be approved, the Association’s approach is to work together with staff and try and see both sides of the issue. Mr. Irani said that the Association urges the City to do a full review of the development fees, and noted that he had met with Councillor Brad Clark and Paul Mallard, and that they agree to an interim 50% increase.

The Committee discussed the issue.

Councillor Clark presented a Motion seconded by Councillor McHattie as outlined in Item 20 of this Report

Chair Mitchell relinquished the Chair to 1st Vice-Chair Whitehead to speak to this issue explaining that his concern is to be fair to business people.

Chair Mitchell then resumed the Chair.

(v) Motions (Item 9)

None

(w) Notice of Motions (Item 10)
Councillor McHattie presented the following Notice of Motion:

Review of Potential for a Hamilton Natural Areas Protection Fund

Whereas, other municipalities such as Halton, Niagara and York have established municipal natural areas protection funds, and;

Whereas, there is an on-going need to protect natural areas such as wetlands and forests that provide important ecosystem services to Hamilton such as water storage and filtration, carbon storage, air purification, and biodiversity protection, and

Whereas, the establishment of a natural areas protection fund may provide the City with an opportunity to leverage funds from non-governmental organizations such as the Nature Conservancy of Canada.

Now Therefore Staff be directed to research different municipal models for establishment of a Hamilton Natural Areas Protection Fund and report back to the Economic Development and Planning Committee.

(x) General Information (Item 11.1)

(i) Licence plates for veterans who served in World War II or in Korean War (Due December 4, 2007)

Marty Hazel referred to the proposed parking fee exemption for vehicles with veterans licence plates. The concern is that the criteria is very broad and staff are therefore consulting with the various groups and are waiting to hear back. The report should be ready by the first quarter of 2008.

(ii) Implementation of the Sign by-law -Exemption to Sign By-law for humanitarian reasons-Investigation of “Yellow Alert” Programme (Due December 4, 2007)

Mr. Hazell said that the issue of the “Yellow Alert” is currently being discussed with the Police, and that a report would be made to Committee in June 2008, in conjunction with a general update on how the new Sign By-law has worked in its first year.

(iii) Potential City wide prohibition on drive-throughs (Due Fall, 2007)

Bill Janssen advised Committee that Clean Air Hamilton has undertaken some impact studies and have found no significant negative impact on air
quality down-wind from a drive-through. He suggested that, rather than banning drive-throughs, it would be better to limit them, since good land use rationale on why to restrict them is required. Staff will consult with other cities to see what they are doing to address this concern. Mr. Janssen noted that the target date for staff to report is June 2009, as part of the Comprehensive Zoning By-law.

Councillor McHattie requested to see a copy of the study data of the report prepared by Clean Air Hamilton.

(iv) **Letter from West Grey Centre, respecting amendments to Section 36(8) of the Building Code Act** (Due December 4, 2007)

John Spolnik advised that staff will be supporting the amendment as it will give a longer time frame to bring these infractions before the courts. He noted that a report has been drafted and will be presented to Committee on January 15, 2008.

(v) **Register of Buildings of Cultural Heritage Value or Interest** (Due December 4, 2007)

Paul Mallard advised that staff will meet with LACAC before finalizing the report, and that the report will be coming to Committee on February 19, 2008.

(vi) **City of Ottawa, respecting safer Communities and Neighbourhoods Legislation** (Due December 4, 2007)

Marty Hazell explained that the purpose of this legislation is to seek municipal powers in dealing with problem properties which are involved in criminal activities. He noted that the proposal is to charge costs to the property owners, if there are several calls to a property. Mr. Hazell noted that the charges could be levied on the third or fourth call to a property. He explained that a report would be brought to Committee in May, 2008.

(vii) **Invitation to Hamilton Port Authority to address Committee on shipping container industry** (Due Fall, 2007)

Tim McCabe requested that the due date for this Item be changed to May 2008. He noted that there has been a change in senior management, and the new director needs to become familiar with all the issues, before they address Committee on the matter.
(viii) Operational Review of Standards and Licencing Department

Marty Hazel indicated the report will be going to the Building and Licensing Operational Review Sub-committee.

On a Motion (Pearson/McHattie), this Item was removed from the Outstanding Business List.

(y) News from the General Manager (No copy) (Item 11.2)

Tim McCabe provided copies of three new information brochures, copies of which were distributed. The brochures outlined site plan approval, environmental impact statements, and community planning. He indicated that this format can be used in future, to explain intensification and other issues. These brochures will also be uploaded onto the website.

Committee noted their satisfaction with the documents.

Tim McCabe also provided a brief update on some new OMB appeals, including Losani Homes’ appeal of Council’s decision to put a Holding provision on one of their developments in Binbrook, and an appeal of the Council refusal to allow a trucking operation on Brock Road.

Councillor Whitehead referred to an article in the paper which was critical of staff and indicated that the statements made were not accurate.

Councillor Clark spoke about the issue of bath houses and indicated that although an operator is required to fulfill specific conditions before being granted a licence to operate a massage parlour, there are no specific conditions to be met before the issuance of a licence for a bath house. He requested that staff review the licensing by-law to provide provisions for such a licence.

On a Motion (Clark/Whitehead) staff were directed to review the licensing of bath houses and report back to the Committee with recommendations.

Lisa Pasternak confirmed that the City could not retroactively apply any proposed changes however, in future, the operation could be regulated, if the expected by-law includes regulations.

Councillor Mitchell asked if during the review of this issue if the City could refrain from issuing a licence. Lisa Pasternak responded that the City should not withhold the licence, but that once the by-law is amended, any licence would be subject to the new rules.

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Councillor Clark asked about the timing of the Rural Official Plan, as he has been advised that the Six Nations Clan Mothers, have not been contacted. Bill Janssen explained that the City is still waiting for the Ministry to report back.

(z) ADJOURNMENT (Item 13)

There being no further business, the Economic Development and Planning Committee adjourned at 1:15 p.m.

Respectfully submitted,

David Mitchell, Chair
Economic Development and Planning Committee

Alexandra Rawlings, Co-ordinator
Economic Development and Planning Committee
December 4, 2007