Economic Development and Planning Committee
REPORT 08-004
February 19, 2008
9:30 a.m.
Albion Room, Hamilton Convention Centre
1 Summer’s Lane
Hamilton

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

Staff Present: T. McCabe, General Manager – Planning and Development
B. Janssen, D. Cuming, P. Mallard, R. Lee, M. Hazell,
T. Sergi, J. Thompson, J. Spolnik, M. Lemstra, J. Morgante,
S. Hamilton, K. West, D. Falletta, J. Goodram, N. Everson – Planning and Economic Development
U. Ehrenberg – Public Works
A. Rawlings – City Clerk’s Office

THE ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE PRESENTS REPORT 08-004 AND RESPECTFULLY RECOMMENDS:

1. Commercial Property Improvement Grant Program (C.P.I.G.) Applications (PED08045) (Wards 1, 2, 3, 4, 6, 7, 13) (Item 5.1)

a) That the applications recommended for approval and identified within Appendix ‘A’ to Report PED08045 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.

Council – February 27, 2008
c) That prior unallocated grant monies in the amount of approximately $275,000.00 resulting from applicants not meeting program terms and conditions be transferred to a new Commercial Property Improvement Grant (C.P.I.G.) Reserve to be utilized for future loan and grant programs administered by the Downtown and Community Renewal Division for Hamilton’s Business Improvement Areas.

d) That the grant portion to fund the applications identified in Appendix ‘A’ to Report PED08045 in the total amount of $234,864.30 be funded from the Commercial Property Improvement Grant (C.P.I.G.) Reserve Account.

e) That unallocated grant monies identified in recommendation (d) above that result from taxes not being paid or applicants not proceeding with the renovation of their properties be transferred to the new Commercial Property Improvement Grant (C.P.I.G.) Reserve to be utilized for future loan and grant programs administered by the Downtown and Community Renewal Division for Hamilton’s Business Improvement Areas.

f) That the Director of Downtown and Community 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 recommendation (e) above is not exceeded and said grant is in accordance with the program rules.

g) That the Director of Downtown and Community Renewal, Planning and Economic Development Department, be authorized to approve a maximum extension period of one (1) 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.

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

2. Main Street Housing Loan and Grant Program - 329-333 Barton Street East (PED08051) (Ward 3) (Item 5.2)

a) That a loan commitment totalling $30,000 for the renovation of three (3) residential units at 329-333 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 329-333 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.

3. **Main Street Housing Loan and Grant Program - 335-341 Barton Street East/265-271 Emerald Street North (PED008052) (Ward 3) (Item 5.3)**

a) That a loan commitment totalling $200,000 for the renovation of thirty-three (33) residential units at 335-341 Barton Street East/265-271 Emerald Street North 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 335-342 Barton Street East/265-271 Emerald Street North, 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.
4. **Stoney Creek Business Improvement Area’s (B.I.A.) Proposed Budget and Schedule of Payment for 2008 (PED008055) (Ward 9) (Item 5.4)**

   a) That the 2008 Operating Budget for the Stoney Creek B.I.A. (attached as Appendix ‘A’ to Report PED008055) be approved in the amount of $25,800.00.

   b) That the levy portion of the Operating Budget for the Stoney Creek B.I.A. in the amount of $14,259.07 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 2008 Budget as referenced in sub-section (b) above.

   d) 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>$3,564.77</td>
</tr>
<tr>
<td>April</td>
<td>$3,564.77</td>
</tr>
<tr>
<td>July</td>
<td>$3,564.77</td>
</tr>
<tr>
<td>October</td>
<td>$3,564.76</td>
</tr>
</tbody>
</table>

   e) That assessment appeals may be deducted from the levy payments.

5. **Locke Street Business Improvement Area’s (B.I.A.) Proposed Budget and Schedule of Payment for 2008 (PED08056) (Ward 1) (Item 5.5)**

   a) That the 2008 operating budget for the Locke Street B.I.A. (attached as Appendix ‘A’ to Report PED08056) be approved in the amount of $10,250.00.

   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>February</td>
<td>$2,562.50</td>
</tr>
<tr>
<td>April</td>
<td>$2,562.50</td>
</tr>
<tr>
<td>July</td>
<td>$2,562.50</td>
</tr>
<tr>
<td>October</td>
<td>$2,562.50</td>
</tr>
</tbody>
</table>

   d) That assessment appeals may be deducted from the levy payments.
6. Demolition Permit – 161 James Street North (PED08049) (Ward 2) (Item 5.6)

That the Acting Director of Building Services be authorized and directed to issue a demolition permit for 161 James Street North in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act as amended and that the special conditions regarding demolition control, in the “Central Area”, that requires a building permit to be issued for a replacement dwelling on the property and for reconstruction within a specific time frame in accordance with City Council’s resolution passed on July 26, 1994 not be applied.

7. Application for a Further Modification to the City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at the Northwest Corner of Rymal Road East and Upper Centennial Parkway (Stoney Creek) (PED08042) (Ward 9) (Item 6.1)

That approval be given to Amended Zoning Application ZAR-07-069, by MHBC Planning Limited, Agent for 2257 Rymal Road Development (2005) Corporation, Owner, for a further modification to the Community Shopping Centre “SC2-2” Zone, in order to permit a “Personal Service Shop” on the lands located at the northwest corner of Rymal Road East and Upper Centennial Parkway, as shown on Appendix “A” to Report PED08042, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED08042, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(b) That the proposed modification in zoning conforms to the Hamilton-Wentworth Official Plan and the City of Stoney Creek Official Plan.

8. Application for a Change in Zoning for Lands Located at 55 Rockcliffe Road (Flamborough) (PED08048) (Ward 15) (Item 6.2)

That approval be given to Zoning Application ZAR-07-080, by Steve Kostidis, owner, for a change in zoning from the Parkway Belt Open Space “O1” Zone to a modified Parkway Belt Open Space “O1-2” Zone, in order to permit the future development of one single detached dwelling, for lands located at 55 Rockcliffe Road (Flamborough), shown on Appendix “A” to Report PED08048, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED08048, which has been prepared in a form satisfactory to the City Solicitor, and as amended by
Committee on February 19, 2008, respecting the lot frontage and lot area, be enacted by City Council.

(b) That the amending By-law be added to Schedule A-30, of Zoning By-law No. 90-145-Z.

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


That the applications to Amend the Hamilton-Wentworth Official Plan and Ancaster Official Plan for Lands Located at 630 Trinity Road South (Ancaster) be approved, on the basis that Council deems them to be consistent with the policy statements issued under subsection 3 (1) of the Planning Act, and does not conflict with any applicable provincial plan or plans. Furthermore, Council considers it to be a ‘connection’ to municipal water services which, under the circumstances, is practical for the following reasons:

(a) The lands front onto a rural/urban boundary road containing municipal water services;

(b) The ‘connection’ will not result in any pressure to expand the ‘Urban Area’;

(c) The ‘connection’ will be restricted in size to service only the Fair Grounds so there will be no opportunity for additional development;

(d) The lands to be serviced will remain ‘Rural’ under both the Hamilton-Wentworth and Town of Ancaster Official Plans;

(e) The source of water servicing for the site will be from the municipal system, either as a ‘connection’ or from the water station at the end of Osprey Drive;

(f) It services a use which is agriculturally related, supports the agricultural community, provides the opportunity for agricultural education, and promotes agri-tourism; and

(g) That staff be directed to prepare the appropriate documents for approval by Council.
10. **Applications for an Amendment to the Ancaster Official Plan and a Change in Zoning for Lands Located at 1173 and 1203 Old Golf Links Road (Ancaster) (PED08044) (Ward 12) (Item 6.4)**

(a) That approval be given to **Official Plan Application OPA-06-22, by 2008042 Ontario Inc. (Dennis Vranich and John Bukovac), owners**, for Official Plan Amendment No. _____ to the Official Plan for the former Town of Ancaster, to amend Policy 6.5.5.2.1 of Part B of the Meadowlands Mixed Use Secondary Plan Area, to permit an increase in the maximum height from 3-storeys to 6-storeys, on the lands municipally known as 1173 and 1203 Old Golf Links Road, as shown on Appendix “B” to Report PED08044, on the following basis:

(i) That the subject lands be identified as Special Policy Area _____ on Schedule “F”, Special Policy Areas.

(ii) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED08044, be adopted by Council.

(iii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement, and conforms to the Hamilton-Wentworth Official Plan.

(b) That approval be given to **Zoning Application ZAC-06-47, by 2008042 Ontario Inc. (Dennis Vranich and John Bukovac), owners**, for a change in zoning from the Public “P-242” Zone to the Holding - Shopping Centre Commercial “H-C2-551” Zone, to permit the development of a hotel and office building at a maximum height of 22 metres and 6-storeys, for lands located at 1173 and 1203 Old Golf Links Road (Ancaster), as shown on Appendix “A” to Report PED08044, on the following basis:

(i) That the subject lands be rezoned from the Public “P-242” Zone to the Holding - Shopping Centre Commercial “H-C2-551” Zone.

(ii) That the amending By-law apply the Holding provisions of Section 36 (1) of the Planning Act, R.S.O., 1990, to the subject lands, by introducing the Holding symbol ‘H’ as a prefix to the proposed Zoning. The Holding provision will prohibit the development of the subject lands until such time as:

1. The approval of a servicing study and posting of appropriate securities to ensure implementation of the study’s recommendations, to the satisfaction of the Manager of Engineering Design and Construction.

2. The approval of design drawings for the re-construction of Old Golf Links Road and the posting of appropriate securities to ensure
implementation of the approved drawings, all to the satisfaction of the Manager of Engineering Design and Construction.

3. The owner/applicant conducts an archaeological assessment of the entire development property and mitigates, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading or soil disturbances shall take place on the subject property prior to the approval of the Director of Planning and the Ministry of Culture confirming that all archaeological resource concerns have met licensing and resource conservation requirements.

City Council may remove the ‘H’ symbol and, thereby, give effect to the “C2-551” Zone provisions, by enactment of an amending By-law once the conditions are satisfied.

(iii) That the Draft By-law, attached as Appendix “C” to Report PED08044, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(iv) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan, and will be in conformity with the Ancaster Official Plan upon finalization of Official Plan Amendment No. _____.

(c) (i) That the Ward Councillor be involved in the Site Plan process and be formally invited to attend the Site Plan meeting;

(ii) That the design of the building include a heritage component, including, but not limited to, the use of stone materials and lanterns.

11. Applications to Amend the Ancaster Official Plan and Zoning By-law No. 87-57, for Lands Located at 591 Garner Road West (Ancaster) (PED08047) (Ward 12) (Item 6.5)

(a) That approval be given to Official Plan Amendment Application OPA-06-23, Monterey Heights Development Corp. (Anthony DiCenso), applicant, for a change in designation on Schedule “A” – Land Use Concept of the Ancaster Official Plan, to identify the area as “Specific Policy Area ___” to permit an increase in the maximum density from 62 residential dwelling units per hectare to 105 residential dwelling units per hectare; and an increase in the maximum permitted height from 3 storeys to 4½ storeys, on lands located at 591 Garner Road West (Ancaster), as shown on Appendix “A” to Report PED08047, on the following basis:
That the subject lands be identified as Specific Policy Area ___ on Schedule “F”, Specific Policy Areas.

That the draft Official Plan Amendment, attached as Appendix “D” to Report PED08047, be adopted by Council.

That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement, and conforms to the Hamilton-Wentworth Official Plan.

That approval be given to Zoning By-law Amendment Application ZAC-06-087, Monterey Heights Development Corp. (Anthony DiCenzo), applicant, for a change in zoning from the Agricultural “A-216” Zone and the Rural Commercial “C5-261” Zone to the modified Holding Multiple Residential “H-RM6-570” Zone, to permit two 4½ storey and one 3½ storey apartment buildings for lands located at 591 Garner Road West (Ancaster), as shown on Schedule “A” of Appendix “E” to Report PED08047, on the following basis:

That the draft By-law, attached as Appendix “E” to Report PED08047, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

That the amending By-law apply the Holding provisions of Section 36 (1) of the Planning Act, R.S.O., 1990, to the subject lands, by introducing the Holding symbol 'H' as a prefix to the proposed Zoning. The Holding provision will prohibit the development of the subject lands until such time as:

1. The owner conducting an archaeological assessment of the entire development property and mitigating, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found, to the satisfaction of the Ministry of Culture, and the City of Hamilton, Director, Planning Division.

2. The owner investigating the noise levels on the site and determining the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of the Environment’s recommended sound level limits. An acoustical report, prepared by a qualified Professional Engineer containing the recommended control measures, shall be submitted, to the satisfaction of the City of Hamilton, Director, Planning Division.

3. The owner submitting a signed Record of Site Condition (RSC) to the City of Hamilton and the Ministry of the Environment (MOE). The RSC must be to the satisfaction of the City of Hamilton,
Director, Planning Division, including an acknowledgment of receipt of the RSC by the MOE, and submission of the City of Hamilton's current administration fee.

4. The owner entering into a Development Agreement with the City of Hamilton for the extension of the sanitary sewer at the intersection of Shaver Road and Garner Road West, to the east limit of the lands, to the satisfaction of the City of Hamilton, Director, Development Engineering.

5. The owner paying their fair share for the existing sanitary sewer constructed within the intersection of Garner Road West and Shaver Road, based on as-constructed costs, to the satisfaction of the City of Hamilton, Director, Development Engineering.

6. The owner dedicating to the City by deed, sufficient lands for road allowance widening purposes to establish the property line 18.29m (60 ft) from the centreline of the Garner Road West road allowance, to the satisfaction of the City of Hamilton, Director, Development Engineering.

7. The owner entering into a Development Agreement to allow the temporary connection and provide for future re-routing of the sanitary sewer, to the satisfaction of the City of Hamilton, Director, Development Engineering.

8. The owner verifying the sightlines from all driveways to Garner Road West, looking easterly, to the satisfaction of the City of Hamilton, Manager of Traffic. If acceptable sightlines are not available given the existing road profile, then road elevation modifications may be required at the expense of the applicant.

City Council may remove the ‘H’ symbol and, thereby, give effect to the "RM6-570" Zone provisions, by enactment of an amending By-law once the conditions are satisfied.

(iii) That the amending By-law be added to Map 1 of Schedule “B” of Zoning By-law 87-57.

(iii) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan, and will be in conformity with the Town of Ancaster Official Plan upon finalization of proposed Official Plan Amendment No.____.

(c) (i) That the Ward Councillor be involved in the Site Plan process and be formally invited to attend the Site Plan meeting;
(ii) That the design of the building include a heritage component, including, but not limited to, the use of stone materials and lanterns.

12. **Appeal of the City of Hamilton Committee of Adjustment Decision to Approve Minor Variance Application AN/A-07:317 (1622134 Ontario Ltd. and Klaver & Sons Construction Ltd. - Owners), 522 Book Road East (Former Town of Ancaster) (PED08043) (Ward 12) (Item 8.1)**

That Council agrees to the following actions, as detailed in Report PED08043, respecting the appeal of the City of Hamilton Committee of Adjustment Decision to Approve Minor Variance Application AN/A-07:317 (1622134 Ontario Ltd. and Klaver & Sons Construction Ltd. - Owners), 522 Book Road East, former Town of Ancaster, as shown on Appendix “A” to Report PED08043, approved by the Committee of Adjustment, but recommended for denial by the Planning and Economic Development Department:

(a) That Council of the City of Hamilton proceed with the appeal to the Ontario Municipal Board (OMB) against the decision of the Committee of Adjustment to approve Application AN/A:07-317.

(b) That Council direct appropriate Legal Services and Planning staff to attend the future Ontario Municipal Board (OMB) Hearing.

13. **Register of Properties of Cultural Heritage Value or Interest and the City’s Heritage Inventory (PED08053) (City Wide) (Item 8.2)**

(a) That the City of Hamilton continue to maintain and manage the *Inventory of Buildings of Architectural and/or Historical Interest* as the current data base respecting built heritage properties in the City;

(b) That Council directs staff to prepare a work program detailing a pilot study of inventoried properties in Downtown Hamilton in order to review and update data on these properties contained in the Inventory of Buildings of Architectural and/or Historical Interest including field surveys, data compilation and other appropriate documentation;

(c) That Council directs staff to prepare a budget submission for the work described in Recommendation (b), to be brought forward as part of the 2009 budget deliberations;

(d) That Council directs staff and the Hamilton LACAC (Municipal Heritage Committee) to review the findings of the pilot study described in Recommendation (b) and report back to Council advising on:
(i) Appropriate nominations of non-designated heritage properties to the Register of Properties of Cultural Heritage Value or Interest under the Ontario Heritage Act for short-term protection against demolition;

(ii) Priority properties that may be worthy of designation under the Ontario Heritage Act for long-term conservation purposes;

(iii) Public consultation procedures respecting Recommendations (d)(i) and (d)(ii); and,

(iv) Further actions, programs and initiatives necessary to update data on remaining heritage properties in the Inventory of Buildings of Architectural and/or Historical Interest on a City Wide basis and to establish any priorities for further registering or designating of properties under the Ontario Heritage Act.

(e) That Council directs staff and the Hamilton LACAC (Municipal Heritage Committee) to continue to update the data in the City of Hamilton’s Inventory of Buildings of Architectural and/or Historical Interest on an ongoing basis as time and existing resources permit.

(f) That Council requests the Ontario Minister of Culture to consider extending the time period that non-designated properties are afforded protection from demolition, when included in the register established under Part IV of the Ontario Heritage Act, from 60 days to up to 125 days for the reasons identified in Report PED08053.

(g) That this matter respecting the Register of Buildings of Cultural Heritage Value or Interest be removed from the Outstanding Business list.

14. Hamilton LACAC (Municipal Heritage Committee) Report 08-001 (Item 8.3)
   That Recommendations (1) and (2) of Hamilton LACAC (Municipal Heritage Committee) Report 08-001 be received.

15. Building and Licensing Division Operational Review Sub-committee Report 08-001, dated February 13, 2008 (Item 8.4)
   That Building and Licensing Division Operational Review Sub-committee Report 08-001, dated February 13, 2008 be referred to the Budget process.
(a) Anti-Idling Enforcement

(i) That one time funding, in the amount of $76,000, for an Anti-Idling By-law Enforcement Officer be approved.

(ii) That staff be authorized and directed to lease a hybrid vehicle, for use by the Anti-Idling By-law Enforcement Officer, at a cost yet to be determined.

(b) Costs for Pesticide By-law Enforcement (Item 3.2)

That Item 3.2 – Costs for Pesticide By-law Enforcement be received and no further action taken at this time.

(c) Operational and Financial Process Review of the Building Services Division (PED07071(a)) (City Wide) (Item 5.1)

(i) That the Operational and Financial Process Review of the Building Services Division of the Planning and Economic Development Department submitted by BMA Management Consulting Inc., May 2007, attached as Appendix ‘A’ to Report 08-001, be received.

(ii) That the proposed Operational Review Work Plan attached as Appendix ‘B’ to Report 08-001 be received and that Council endorse thirty-seven (37) of the forty-two (42) Recommendations; being Nos. 1, 2, 4 to 14, 17 to 20, 22, 24 to 26, 28, and 30 to 42, all inclusive.

(iii) That Option Two of Recommendation No. 15 to further explore the support needed to be provided by Corporate Information Technology Services Division to the AMANDA System be referred to the Information Technology Strategy Team for consideration.

(iv) That Recommendation No. 16 requiring an additional $15,180.00 from the City’s levy and $86,000.00 from the Building Services Enterprise System for an additional 1.0 FTE to hire a Co-ordinator Customer Service position in the Customer Service Section be approved. Further, this be implemented by amending the Building Services Division 2008 Operating Budget submission by:

   (i) Increasing the 2008 FTE complement to 86.72.

   (ii) Decreasing the net FTE reduction from 3.18 to 2.18.
(iii) By directing that the additional $15,180.00 budget impact be paid from the Development Fee Stabilization Reserve.

(v) That Recommendation No. 21 regarding the permanent assignment of Customer Service Representatives (Level I) to front counter duties be referred to the Building Services Director for review and implementation as appropriate.

(vi) That Recommendation No. 27 regarding the creation of a dedicated Grading Inspection and Enforcement Team be further investigated with respect to appropriate alignment of responsibilities, staff resources required, budget impact and an implementation strategy, and that staff report back with a recommendation on this matter to the Building Operational Review Sub-Committee in the third quarter of 2008.

(vii) That Recommendation No. 29 regarding the transferring of site plan inspection and enforcement responsibilities from the Building Inspector function be further reviewed in respect to appropriate alignment of responsibilities, staff resources required, budget impact and an implementation strategy, and that staff report back with a recommendation to the Building Operational Review Sub-Committee in the second quarter of 2008.

16. Placement of Cell Phone Towers (Item 9.1)

That Staff in Planning and Economic Development Department provide information to the Environmental Health department, for inclusion in the up-coming report to the Audit and Administration Committee, respecting the current process for locating cell phone towers in the City of Hamilton and provide recommendations for consideration on the placement of future cell phone towers.

17. OMB Decision respecting 125-139 Wilson Street, Ancaster (Added Item)

That the additional funding provided to the City through OMB Order, dated January 31, 2008, be allocated as follows:

(a) That $5000 be given to Fieldcote Memorial Park and Museum

(b) That $5000 be given to Ancaster Heritage Days Committee.
FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

The Clerk advised of the following changes:

- Added delegation request from Grant Head, to be considered under Item 4.1.

The Agenda for the February 5, 2008, meeting of the Economic Development & Planning Committee was approved, as amended.

Chair Whitehead recognized Bob Wade, former Mayor of Ancaster and First Mayor of the new City of Hamilton, to the meeting.

Committee welcomed Mr. Wade.

Tim McCabe introduced Mike Flint, the new General Manager of the Sheraton Hotel. He noted that Mr. Flint had formerly been with the Westin Hotel in Ottawa.

Committee welcomed Mr. Flint.

(b) DECLARATIONS OF INTEREST (Item 2)

Councillor Pearson declared a conflict of interest respecting Item 5.1, as a family member has an interest in one of the businesses concerned, at 310 King Street East.

(c) APPROVAL OF MINUTES (Item 3)

The February 5, 2008 Minutes of the Economic Development and Planning Committee meeting were approved, as presented.

(d) Grant Head, respecting Item 8.3 Report 08-001 from LACAC (Added Item 4.1)

Committee approved the delegation request, to address Committee when Item 8.3 is considered.

Chair Whitehead advised Committee that Bill Manson, a member of LACAC, was present and available to respond to questions or provide clarification on 8.3, if needed.
(e) Application for a Further Modification to the City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at the Northwest Corner of Rymal Road East and Upper Centennial Parkway (Stoney Creek) (PED08042) (Ward 9) (Item 6.1)

A Public Meeting was held.

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

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

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

Melanie Lemstra was present to assist Committee with the report.

Oz Kemal, the applicant’s agent, advised Committee that he was satisfied with the staff recommendation.

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

Committee approved the recommendation from staff.

(f) Application for a Change in Zoning for Lands Located at 55 Rockcliffe Road (Flamborough) (PED08048) (Ward 15) (Item 6.2)

A Public Meeting was held.

Chair Whitehead advised that an additional written comment from Michael and Evelyn Mark had been distributed this morning.

Chair Whitehead advised the meeting of the following, in accordance with the provisions of the Planning Act,
a) If a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before the Zoning By-law is passed, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board.

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

Shannon Hamilton outlined the report to Committee and explained two minor revisions to the by-law, respecting lot width and lot frontage for the subject lot.

Steve Kostidis, the applicant’s agent, advised Committee that he was satisfied with the staff recommendation.

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

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

Committee approved the staff recommendation, including the minor amendments to the by-law.

(g) Applications to Amend the Hamilton-Wentworth Official Plan and Ancaster Official Plan for Lands Located at 630 Trinity Road South (Ancaster) (PED08050) (Ward 12) (Item 6.3)

A Public Meeting was held.

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

a) If a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before the Official Plan Amendments are approved, 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 Official Plan Amendments are approved 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.

Jason Thompson outlined the report to Committee and explained the reasons that the staff report recommends against approval. He noted that the applications do not conform with the Provincial regulations or the local policy requirements.

Ed Fothergill, the applicant’s agent, spoke to Committee in favour of the approval of the application. He noted that the application is for a connection to the water service and not an extension, and that the policies affecting the application should be applied to address the unique situation of the subject site.

Bob Wade, addressed Committee on behalf of the Board of Directors of the Ancaster Fair, in support of the subject application. He provided a brief history of the Ancaster Fair and its importance to the overall community, and requested that Committee approve the application.

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

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

Councillor Ferguson moved a Motion to approve the subject application, and explained the reasoning behind this proposed approval.

Committee approved the Motion to approve the applications.

(h) Applications for an Amendment to the Ancaster Official Plan and a Change in Zoning for Lands Located at 1173 and 1203 Old Golf Links Road (Ancaster) (PED08044) (Ward 12) (Item 6.4)

A Public Meeting was held.

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

a) If a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before the Official Plan Amendment is approved and 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 Official Plan Amendment is approved and 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.

David Falletta outlined the report to Committee and explained the proposed six storey height together with the details of the proposed “H” Holding provision on the by-law.

Sergio Manchia, PEIL, addressed Committee in favour of the approval of the application. Mr. Manchia provided a history of the site, and its place in the overall development of the Meadowlands.

Councillor Ferguson asked whether there was any possibility of the proposed building being used for adult entertainment purposes. Staff confirmed that zoning being applied for does not allow this use.

Sergio Manchia requested that the public record include his statement that there is no business relationship between his client and any owner of an adult entertainment business.

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

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

On a Motion (Ferguson/McHattie), Committee approved an amendment to the staff recommendation to require that the development incorporate heritage features, and that the Ward Councillor be formally invited to be involved in the site plan process.

Committee approved the staff recommendation, as amended.

(i) Applications to Amend the Ancaster Official Plan and Zoning By-law No. 87-57, for Lands Located at 591 Garner Road West (Ancaster) (PED08047) (Ward 12) (Item 6.5)

A Public Meeting was held.

Chair Whitehead advised that an additional written submission had been received from Bruce Allen, and that this had been distributed this morning.

Chair Whitehead advised the meeting of the following, in accordance with the provisions of the Planning Act
a) If a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before the Official Plan Amendment is approved and 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 Official Plan Amendment is approved and 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.

Kristen West outlined the report to Committee and addressed the site specific modifications to the proposed by-law, including increased density and lot coverage, reduced setback, landscape strips and parking, increased height and elimination of children’s play area. She noted that the site plan process would address details including a tree preservation plan and traffic safety issues. Ms. West advised that a Holding “H” designation was included in the by-law, pending the clearance of a number of conditions.

Sergio Manchia, PEIL – IBI, addressed the Committee in support of the applications, as the applicant’s agent. He provided additional background information, and indicated that the proposed residential units are aimed at empty nesters and first time buyers, rather than families with children.

Peter Lindley, Bethesda United Church, addressed Committee and expressed concerns respecting the maintenance of the integrity of the church and its cemetery, both of which had been in existence for more than 180 years. He suggested that the road widening and traffic issues be addressed now, that there could be problems if children from the development played in the cemetery, and in the adjacent Pilgrim United Church grounds, and that any trail to the proposed park would be problematic.

Sheryl Sullivan, 591 Garner Road, addressed Committee and expressed her support for the retention of the trees currently on the site, including 19 mature oaks, 2 maples and numerous other trees. She requested that the onsite trees be retained, maintained and preserved.

Paul Leaker addressed Committee on behalf of the Heritage Baptist Church. While not against the development, he noted concerns respecting current and future road safety, the need for the new residents to be made aware of the active use of the church soccer fields, and potential liability issues if children from the development played on church property.
Chris Allen, 585 Garner Road, addressed Committee and expressed his concerns about the trees, particularly those adjacent to the lot line and how these might be adversely affected by the proposed retaining wall. He also noted concerns respecting the reduction of the planting strips, increase in density and road safety matters. Mr. Allen provided Committee with photos of the property and the trees about which he had concerns, and noted that Ancaster is changing too much.

Staff explained that a tree preservation plan, together with details of the retaining wall and fencing would be required at the site plan stage.

On a Motion (Mitchell/Pearson), Committee agreed to hear from Sergio Manchia for a second time. Councillors Clark, Duvall and McHattie requested that their opposition be recorded.

Mr. Manchia explained that the grading and tree issues would be addressed at the site plan stage and that this development did not need the children’s play area, as it was not aimed at families.

Committee discussed the applications and had additional information supplied by staff. The points discussed included the need to increase density across the city, and the need for a range of residential density, and the appropriateness of the development for Ancaster and the building height.

On a Motion (Ferguson/McHattie), Committee approved an amendment to require that the Ward Councillor be formally invited to attend and be involved in the site plan process and that the design of the building include a heritage component, including the use of stone and lanterns.

Committee then approved the staff recommendation, as amended.

Councillors Pasuta, Mitchell and Ferguson requested that their opposition be recorded.

(j) Appeal of the City of Hamilton Committee of Adjustment Decision to Approve Minor Variance Application AN/A-07:317 (1622134 Ontario Ltd. and Klaver & Sons Construction Ltd. - Owners), 522 Book Road East (Former Town of Ancaster) (PED08043) (Ward 12) (Item 8.1)

Alvin Chan outlined the report to Committee.

Lisa Sheritt addressed Committee in support of the application, and explained some of the background to the existing and proposed uses on the site, and the need for the proposed addition. She requested that the Committee authorize withdrawal of the appeal of the Committee of Adjustment decision.
On a Motion (Clark/Ferguson), Committee agreed to hear an additional delegation from Gordon MacParland, representing the Christadelphians Church.

Mr. McParland advised that the church had outgrown its present site on Ewan Road and that the subject site was ideal for their needs. He explained that the addition is needed for a meeting space and Sunday school, and that the church has no concerns respecting noise from the airport.

Committee received the delegations.

Committee discussed the matter in detail and had further information supplied by staff. Staff explained that the ongoing legal non-conforming use did not raise policy problems, but that the addition cannot be supported, due to policy concerns regarding aircraft noise and the future of the area for industrial purposes.

A Motion (Ferguson/Mitchell) to withdraw the staff appeal was lost.

A Motion (McHattie/Pearson) to authorize continuation of the staff appeal was passed. Councillors Ferguson and Mitchell requested that their opposition be recorded.

Committee briefly recessed for a lunch break.

(k) Register of Properties of Cultural Heritage Value or Interest and the City’s Heritage Inventory (PED08053) (City Wide) (Item 8.2)

David Cuming gave an overview of the report, with the aid of a powerpoint presentation. He explained the function of the Register of properties of heritage interest, the inventory of properties which had been compiled pre-amalgamation and changes in the legislation which allowed municipalities further scope in the protection of heritage buildings. Mr. Cuming noted that the Inventory was a useful heritage tool, but needed updating, and he gave an outline of the staff recommendation to carry out a pilot project to re-evaluate 800 properties within the Downtown of Hamilton.

Committee discussed the staff report and had additional information supplied by staff. Committee discussed the staff recommendation (f) which requested that the Minister consider extending the 60 day period to 180 days.

A Motion (Ferguson/Mitchell) to remove recommendation (f) and to retain the 60 day period presently included in the Act was lost.
A Motion to request the extension of the timeframe in (f) from 60 days to 120 days was lost (Bratina/McHattie).

A Motion (Pearson/McHattie) to request the extension of the time period in recommendation (f) from 60 to 180 days was lost.

A Motion (McHattie/Mitchell) to request the extension of the time period in recommendation (f) from 60 to 125 days was carried.

The staff recommendation, as amended, was approved.

(l) Hamilton LACAC (Municipal Heritage Committee) Report 08-001 (Item 8.3)

Committee discussed the following recommendations from the LACAC Report:

1. **Saving the Lister Block**

   The Hamilton LACAC (Municipal Heritage Committee) requests as follows:

   (a) That Council use the funds granted by the Ministry of Culture in April 2007 for what they were intended which is to appoint a qualified, highly-experienced Heritage Conservation Architect and a similarly experienced cost consultant to safeguard the stewardship of the Lister Block implied by its designation under Part IV of the Ontario Heritage Act;

   (b) That Council make a clear and public commitment to the design guidelines in the *Heritage Report* by Julian Smith & Associates, Architects and Clinton Brown Company Architecture, dated September 23, 2006 which recognized the Provincial Significance of the interior mall and of the James and King William facades of the building;

   (c) That Council ensure that the development of the Lister Block proceed according to the project management plan provided by the said *Heritage Report*, Items 5.16 to 5.20 in order that effective cost control is implemented;

   (d) That a delegation from Hamilton LACAC (Municipal Heritage Committee) be made at the Economic Development and Planning Committee requesting that Council direct staff to investigate the feasibility of designating the buildings adjacent to the Lister Block located at 15-21 King William Street and 45-53 James Street North.
2. **Hamilton Wentworth District School Board Education Centre, 100 Main Street West, Hamilton**

The Hamilton LACAC (Municipal Heritage Committee) requests that Council include consideration of the heritage value in any future deliberations regarding the Hamilton Public School Board property.

Grant Head addressed Committee in support of the LACAC requests, being items (a), (b) and (c) of Item 1 of the LACAC report and asked Committee to support item (d) of the report, respecting the designation of the buildings adjacent to the Lister Block.

Chair Whitehead thanked the delegation.

Councillor McHattie noted that Recommendation 1, subsections (a), (b) and (c) in the LACAC Report had been covered by COW during their meeting last week. He said that subsection (d) respecting designations of adjacent buildings would be a difficult issue to address at the present time, while the Lister Block issue is being addressed.

Councillor McHattie added that he would be happy to meet with Joe Mancinelli about this issue, and could discuss it further with the delegation.

On a Motion, Committee received the presentation.

On a Motion, Committee received the report from LACAC.

(m) **Building and Licensing Division Operational Review Sub-committee Report 08-001, dated February 13, 2008**

Tim McCabe provided an overview.

Committee discussed the report, and referred it to the COW Budget process.

(n) **Motions (Item 9)**

(i) **Placement of Cell Phone Towers (Item 9.1)**

Councillor Duvall spoke to the matter and proposed a number of changes to his original Motion, to reflect the fact that City staff has already been directed to report back to Audit and Administration Committee on the overall issue. Chair Whitehead requested that staff advise Committee when this report is going to the Audit and Administration Committee.
Committee approved the Motion.

(ii) 112 King Street East (former Royal Connaught Hotel) (Item 9.2)

On a Motion (Bratina/Clark), this Motion was tabled for consideration at a future date.

(o) Notice of Motions (Item 10)

None

(p) General Information (Item 11)

(i) Licence plates for veterans who served in World War II or in Korean War (from Outstanding Business list, due February 19, 2008) (Item 11.1)

Marty Hazell gave an overview of the subject and outlined the difficulties respecting the matter. He noted that while the original intent was to provide parking arrangements for veterans of the Second World War and Korean War, it had now been established that over 10,000 people in the City are eligible for veterans’ plates. The extension of year-round, permanent, free parking to all these people could have a significant impact on City parking. He noted that the Ministry of Transportation does not intend to revisit this matter.

On a Motion (Pearson/Pasuta), Committee removed the item from the Outstanding Business List.

Committee continued to discuss this issue.

Councillor Clark explained the situation, regarding the parking arrangements for the Stoney Creek Legion, and Mr. Hazell agreed that he would talk to the Legion prior to a final decision by Council.

(ii) News from the General Manager (no copy) (Item 11.2)

Mr. McCabe advised that Economic Development had won an EDCO award for their 2006 Annual Report. Committee requested that this award be presented at Council.
He explained that the report on the Business Advisory Committee was in its final stages.

Mr. McCabe distributed and explained an OMB Order respecting a Hearing on a Committee of Adjustment Decision on Wilson Street in Ancaster.

This Decision had resulted in money from the developer being given to the City, over and above the normal parkland dedication payment.

Committee passed a Motion to allocate the money.

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

None

(r) **ADJOURNMENT (Item 13)**

There being no further business, the Economic Development and Planning Committee adjourned at 3:30 p.m.

Respectfully submitted,

Terry Whitehead, Chair
Economic Development and Planning Committee

Alexandra Rawlings, Co-ordinator
Economic Development and Planning Committee
February 19, 2008