Present: Chair D. Mitchell
1st Vice-Chair T. Whitehead
Councillors: B. Bratina, B. Clark, L. Ferguson,
R. Pasuta, S. Duvall

Absent with Regrets: Councillors B. McHattie, M. Pearson – Vacation

Staff Present: T. McCabe, General Manager – Planning and Development
T. Sergi, D. Fama, A. Fletcher, D. Falletta, R. Clackett, C. Thomas, B. Young – Planning and Development
S. Vattay D. Cuming – Planning and Development
R. Marini, G. Moodie – Downtown Renewal
J. Spiler, Budgets & Finance
L. Pasternak, Legal Services
A. Rawlings, S. Paparella – City Clerk’s Office

THE ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE PRESENTS
REPORT 07-014 AND RESPECTFULLY RECOMMENDS:

1. Appointment of Municipal Law Enforcement Officers (MLEO) for the
Parking and By-Law Services Division (City Wide) (PED07210) (Item 5.1)

   (a) That individuals employed by the Parking and By-Law Services Division,
as named and specified by position outlined in Appendix A to Report
PED07210, be appointed as Municipal Law Enforcement Officers,
pursuant to Section 15(1) of the Police Services Act, R.S.O. 1990,
Chapter P.15.

   (b) That the By-law attached as Appendix B to Report PED07210 be passed
and enacted.

   (c) That By-law No. 01-084 and By-Law No. 01-068 be repealed.
2. **Recommendation to Designate 1059 Highway 8, Stoney Creek, Under Part IV of the **[Ontario Heritage Act](#) (PED07207) **(Ward 11) **(Item 5.2)**

   (a) That the designation of 1059 Highway 8, Stoney Creek, as a property of cultural heritage value pursuant to the provisions of Part IV of the **Ontario Heritage Act, 1990**, be approved.

   (b) That the Statement of Cultural Heritage Value and Description of the Heritage Attributes, attached as Appendix A to Report PED07207, be approved.

   (c) That the City Solicitor be directed to take appropriate action to designate 1059 Highway 8, Stoney Creek, under Part IV of the **Ontario Heritage Act**, in accordance with the Notice of Intention to Designate, attached as Appendix B to Report PED07207.

3. **Demolition Permit – 735 Brighton Avenue (PED07214) **(Ward 4) **(Item 5.3)**

That the Director of Building Services be authorized and directed to issue a demolition permit for 735 Brighton Avenue in accordance with By-Law 74-290 pursuant to Section 33 of **The Planning Act** as amended.

4. **Demolition Permit – 25 Fraser Avenue (PED07215) **(Ward 4) **(Item 5.4)**

That the Director of Building Services be authorized and directed to issue a demolition permit, for 25 Fraser Avenue, in accordance with By-Law 74-290 pursuant to Section 33 of **The Planning Act** as amended.

5. **Demolition Permit – 996 Barton Street East (PED07216) **(Ward 3) **(Item 5.5)**

That the Director of Building Services be authorized and directed to issue a demolition permit for 996 Barton Street East in accordance with By-Law 74-290 pursuant to Section 33 of **The Planning Act** as amended.

6. **Enterprise Zone Municipal Realty Tax Incentive Grant Program Application for 210 Main Street East, Hamilton EZ07/04 (PED07220) **(Ward 2) **(Item 5.6)**

That Application EZ07/04 for the proposed redevelopment of a vacant two (2) storey building formerly known as the Westgate Ford Car Dealership located at 210 Main Street East, be approved as an eligible project under the 5 Year “Enterprise Zone Municipal Realty Tax Incentive Grant Program”.

**Council – August 8, 2007**
7. Minutes of Hamilton LACAC (Municipal Heritage Committee) Meeting of June 28, 2007 (Item 5.7(a))

That the Minutes of the Hamilton LACAC (Municipal Heritage Committee) meeting of June 28, 2007 be received for information.

8. Application for a Change in Zoning for Lands Located at the Rear of 481 and 483 Glover Road (Stoney Creek) (PED07209) (Ward 11) (Item 6.2)

That approval be given to Amended Zoning Application ZAR-07-015, by Dan Gabriele, owner, for a change in Zoning from the Rural Residential “RR” Zone (Block 1) and the Neighbourhood Development “ND” Zone (Block 2) to the Single Residential “R4-19” Zone, to permit the future development of three single detached dwellings on separate lots for lands located at the rear of 481 and 483 Glover Road (Stoney Creek), as shown on Appendix “A” to Report PED07209, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED07209, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

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

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

9. Application to Amend the Flamborough Zoning By-law No. 90-145-Z for Property Located at 937 Centre Road (Flamborough) (PED07208) (Ward 15) (Item 6.3)

That approval be given to Amended Zoning Application ZAR-07-025, 1582873 Ontario Ltd., (Trevor Babott) owner, to further modify the current Settlement Commercial “SC-17” Zone to add a commercial school as a permitted use and to delete an automobile leasing business as a permitted use, for the property located at 937 Centre Road, as shown on Appendix “A” to Report PED07208, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED07208, 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 Town of Flamborough Official Plan and the Hamilton-Wentworth Official Plan.

Council – August 8, 2007
10. **Application for a Modification in Zoning for the Property Located at 21 Sherman Avenue North (Hamilton) (PED07212) (Ward 3) (Item 6.4)**

That approval be given to **Zoning Application ZAR-06-91, by Louise Kristafor, owner**, for a modification to the “D” (Urban Protected Residential – One and Two Family Dwellings) District in order to permit a General Office (Medical Consulting Business) on the ground floor and one Residential unit on the second floor, of the existing dwelling located at 21 Sherman Avenue North, as shown on Appendix “A” to Report PED07212, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED07212, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

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

11. **Removal of Niagara Escarpment Commission Development Control from Urban Areas of Ancaster and Rezoning of 197 and 205 Lovers Lane (Ancaster) (PED07205) (Ward 12) (Item 6.5)**

That approval be given to **City Initiative CI-07-F** to remove the Niagara Escarpment Development Control Area from a portion of Map 1 to Schedule “B” (Urban Area) and Map 2 to Schedule “B” (Village Core) of the Town of Ancaster Zoning By-law No. 87-57, as shown on Schedules “A” and “A1” of Appendix “A” to Report PED07205, and to change the zoning on the properties located at 197 and 205 Lovers Lane from the Deferred Development “D” Zone to the Residential “R3” Zone, as shown on Schedule “A” of Appendix “B” to Report PED07205, on the following basis:

(a) That the Niagara Escarpment Development Control Area be removed from Map 1 to Schedule “B” (Urban Area) and Map 2 to Schedule “B” (Village Core) of the Town of Ancaster Zoning By-law No. 87-57, for the lands shown on Schedules “A” and “A1” of Appendix “A” to Report PED07205.

(b) That lands shown on Schedule “A” of Appendix “B” to Report PED07205, known as 197 and 205 Lovers Lane, be rezoned from the Deferred Development “D” Zone to the Residential “R3” Zone.

(c) That the draft By-laws, attached as Appendices “A” and “B” to Report PED07205, which have been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
(d) That the proposed changes in zoning are in conformity with the Official Plans for the Region of Hamilton-Wentworth and the City of Hamilton.

12. **City Initiative CI-07-H – New Open Space Zoning for Cemeteries within the Entire Urban Area (PED07206) (City Wide) (Item 6.6)**

(a) That approval be given to **City Initiative CI-07-H**, to amend the City's Comprehensive Zoning By-law, known as Zoning By-law 05-200, to zone all cemeteries (Urban Area Only), Open Space (P4) Zone.

(b) That the draft Zoning By-law, attached as Appendix “A” to Report PED07206, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

13. **City Initiative to Amend Comprehensive Zoning By-law 05-200 and City of Hamilton By-law No. 6593 for Lands Located at 398 King Street West and 42 Pearl Street North (PED06405(b)) (Ward 1) (Item 6.7)**

(a) That approval be given to **City Initiative CI-07-I**, to amend the City's Comprehensive Zoning By-law 05-200 and the former City of Hamilton Zoning By-law 6593, to correct a mapping error and reinstate the zoning that existed prior to the implementation of the new Institutional Zoning for the properties located at 398 King Street West (Good Shepherd) and 42 Pearl Street North, as shown on Schedule “A” of Appendix “A” to Report PED06405(b).

(b) That the draft Zoning By-laws, attached as Appendices “A” and “B” to Report PED06405(b), which have been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

14. **Hamilton Downtown Residential Loan Program (PED07219) (Ward 2) (Item 7.1)**

(a) That conditional loan commitments totaling $8,430,400 for the development/redevelopment of 423 residential units as outlined in Appendix ‘A’ to Report PED07219 be issued for ten (10) development projects listed below, within the terms and conditions of the Hamilton Downtown Residential Loan Program and described within the Analysis/Rationale section of Report PED07219:

(i) 289 Hunter Street East  
(ii) 117 King Street East  
(iii) 170-176 Jackson Street West
(iv)  163 Main Street West
(v)  137-143 Main Street West
(vi) 112 King Street East
(vii) 54 Hess Street South
(viii) 179-187 James Street North
(ix)  120-130 Hunter Street West
(x)  29 Rebecca Street;

(b) That the Mayor and City Clerk be authorized and directed to execute loan agreements and security documentation with respect to sub-section (a) above 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 loan agreements provided that the terms and conditions of the Hamilton Downtown Residential Loan Program as approved by City Council are maintained;

(d) That all projects receiving City loans in excess of $1 million be required to submit a quantity survey by a City approved quantity surveyor to each loan advance to the satisfaction of the General Manager of Finance and Corporate Services;

(e) That a condition of the loan commitment for the development projects listed in sub-section (a) above be that the loan commitment be cancelled if a Building Permit for the project is not issued for the development by December 31, 2009.

15. Expansion of the Main Street Housing Loan and Grant Program (PED07123(c)) (Wards 1, 2, 3, 4, 7, 8) (Item 7.2)

(a) That the areas identified on the maps in Appendix A to Report PED07123(c) be considered for inclusion in an expanded Community Improvement Project Area for the Main Street Housing Loan and Grant Program; and,

(b) That the areas identified on the maps in Appendix A to Report PED07123(c) be presented as part of the consultation required to amend the Downtown Hamilton, Community Downtowns and Business Improvement Areas (BIA) Community Improvement Plan, in accordance with the Planning Act and Section D.2 of the Hamilton-Wentworth Official Plan.
16. Request to Add Properties to the City Register of Properties of Cultural Heritage Value or Interest (Wards 2 and 5) (PED07211) (Item 7.4)

(a) That the property located at 225 James Street South, Hamilton be added to the Register of Properties of Cultural Heritage Value or Interest, as prescribed under the Ontario Heritage Act, as per Report PED07211.

(b) That the details respecting the property located at 337 Beach Boulevard, Hamilton (The Dynes Tavern) and the proposal to include it on the Register of Properties of Cultural Heritage Value or Interest, as prescribed under the Ontario Heritage Act, as per Report PED07211, be received for information, as the building has now been demolished.

17. Applications for Approval of a Draft Plan of Subdivision and Change in Zoning for Lands Located at 887 West 5th Street (Hamilton) (PED07192) (Ward 8) (Item 8.1)

(a) That approval be given to Subdivision Application 25T200618 “West Bloom Estates”, Don Grant on behalf of the Hamilton-Wentworth District School Board and City of Hamilton, Owners, to establish a draft plan of subdivision comprising thirty-five lots for single detached dwellings and two public roads, on lands known municipally as 887 West 5th Street, as shown on Appendix “D” to Report PED07192, subject to the following conditions:

(i) That this approval apply to the revised Draft Plan of Subdivision 25T200618 entitled “West Bloom Estates” prepared by A.T. McLaren Limited., as certified on June 19, 2007, showing thirty-five lots for single detached dwellings (Lots 1-35), two public roads (Streets A and B) and one road widening block (Block 36), attached as Appendix “D” to Report PED07192, 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 PED07192.

(ii) Acknowledgement that there will be no City share for any municipal works associated with this development, in accordance with the City’s Financial Policies for Development.

(b) That approval be given to Zoning Application ZAC-06-84, Don Grant on behalf of the Hamilton-Wentworth District School Board and City of Hamilton, Owners, for a change in zoning from the “AA” (Agricultural) District to the “R-4” (Small Lot Single Family Dwelling) District, to permit the development of thirty-five single detached dwellings on separate lots,
on lands located at 887 West 5th Street (Hamilton), as shown on Appendix “A” to Report PED07192, on the following basis:

(i) That the subject lands be rezoned from the “AA” (Agricultural) District to the “R-4” (Small Lot Single Family Dwelling) District.

(ii) That the draft By-law, attached as Appendix “B” to Report PED07192, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

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

(iv) That upon finalization of the implementing By-law, the Kernighan Neighbourhood Plan be amended by re-designating the subject lands from “Civic and Institutional” to “Single and Double” Residential.

18. **Downtown Projects – Details and Cost Analysis (PED07123(b)/FCS07068) (Wards 1, 2, 3, 4, 5, 6, 7, 8) (Item 8.2)**

(a) That CityHousing Hamilton be directed to acquire property within the Downtown Hamilton Community Improvement Project Area, specifically on King Street between Wellington and James Streets, for the purpose of redeveloping the property for housing purposes.

(b) That an upset limit of $1,000,000 be funded from the Main Street Housing Capital Project IDs 8200603601 ($500,000) and 8200703601 ($500,000) to acquire the property as per sub-section (a) above.

(c) That staff from the Downtown and Community Renewal Division be directed to administer a Grant Program for heritage properties within the Downtown Hamilton Community Improvement Project Area which would cover the costs for technical and historical studies related to the project, including consultant fees for heritage impact assessments, condition assessments, conservation plans, and engineering reports.

(d) That the funding required to administer sub-section (c) above in the amount of $200,000 be funded from the Main Street Program Reserve 102048.

(e) That staff from the Downtown and Community Renewal Division, in consultation with staff from the Community Planning and Design Section, administer a Grant Program that would cover costs directly related to the preservation of heritage properties within the Downtown Hamilton
Community Improvement Project Area to a maximum of 25% of the total cost of the restoration component, to a total maximum grant of $250,000, and that the grant for heritage properties be contingent on an easement being placed on the property prior to grant monies flowing to the property owner, and on the designation of the property under the Ontario Heritage Act.

(f) That the funding required to administer sub-section (e) above in the amount of $1,150,000 be funded from the Main Street Program Reserve 102048.

(g) That staff from the Downtown and Community Renewal Division be directed to administer a pilot project that will expand the existing Commercial Property Improvement Grant Program to include an arts component offering a matching grant, to a maximum of $10,000 per property, for exterior art work for properties along King William Street between James Street North and Ferguson Avenue North that will promote cultural arts along the King William Urban Art Walk and, that staff from Cultural Services be directed to report back on a companion public art project that will transform public space on King William Street into visual art works through a public art process and, support performing and visual arts through temporary public art installments and performances through a variety of special events.

(h) That the funding required for administering sub-section (g) above in the amount of $100,000 be funded from the Main Street Program Reserve 102048.

(i) That staff from the Downtown and Community Renewal Division be directed to expand the Main Street Housing Loan and Grant Program to properties included in the nodes and corridors as contemplated under the Growth Related Integrated Development Strategy (GRIDS) Program.

(j) That an annual operating cost in the amount of $250,000 for interest on $5 million required to expand the Main Street Housing Loan and Grant Program as described in sub-section (i) and the cost to continue administering the program within the Business Improvement Areas and Community Downtowns be referred to the 2008 Operating Budget and that interest for the program in 2007 be funded from the Downtown Residential Loan Program Account 52901–815010.

(k) That an annual operating cost of $100,000 for the grant portion of the Main Street Housing Loan and Grant Program be referred to the 2008 Operating Budget for approval and that the grant monies required for the program in 2007 be funded from the Downtown Residential Loan Program Budget Account 52901–815010.
(l) That staff from the Downtown and Community Renewal Division be directed to report back on details of the location of the nodes and corridors and, for the purpose of amending the Downtown Hamilton, Community Downtowns and Business Improvement Areas Community Improvement Project Area and Community Improvement Plan as required under the Planning Act to authorize the expansion of the Main Street Housing Loan and Grant Program and the Commercial Property Improvement Grant Program.

19. By-law Respecting the Prohibition and Inspection of Marijuana Grow Operations (PED07222) (City Wide) (Item 8.3)

That the By-law, attached as Appendix A to Report PED07222 respecting the Prohibition and Inspection of Marijuana Grow Operations, be approved.

20. Remedies respecting the demolition of properties under the Planning Act and the Building Code Acts

That the City of Hamilton write to the Minister of Municipal Affairs and Housing to request that the fines for the unlawful demolition of buildings, pursuant to the Planning Act and to the Building Code Act be reviewed, with a view to imposing more stringent penalties, more in keeping with the current economy.

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

The Clerk advised of the following changes:

Planning and Economic Development staff has requested that the order of two reports affecting the Downtown issues be changed.

The request is to hear Item 7.2 – Expansion of the Main Street Housing Loan and Grant Program PED07123(c) (Wards 1, 2, 3, 4, 7, 8) after Item 8.2 Downtown Projects – Details and Cost Analysis (PED07123(b) /FCS07068) (Wards 1, 2, 3, 4, 5, 6, 7, 8).

Planning staff has also requested that the order of two reports affecting heritage issues be changed.
The request is to hear Item 7.4 – Request to Add Properties to the City Register of Properties of Cultural Heritage Value or Interest (Wards 2 and 5) (PED07211) before Item 7.3 – Request to Designate 167 Book Road East, Ancaster (Ward 12) (PED07218).

The agenda for the August 7, 2007 meeting of the Economic Development & Planning Committee was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

There were none declared.

(c) APPROVAL OF MINUTES (Item 3)

The July 9, 2007 Minutes of the Economic Development and Planning Committee meeting were approved, as presented.

(d) Mark Kikot respecting new information on Development Applications for 887 West 5th Street, Item 8.1 on this Agenda (Item 4.1)

The request, made by Mark Kikot to speak to the Economic Development & Planning Committee at its meeting of August 7, 2007, respecting Item 8.1 – Application for a Modification in Zoning for Lands Located at 887 West Fifth Street was approved.

(e) Vera Oliveira respecting the pigeons and doves at 94 Emerald Street North (Delegation approved by Committee on July 9, 2007) (Item 6.1)

Ms. Oliveira addressed Committee and explained the following concerns;

- Has spoken with staff from various departments within the City.
- Aware of existing by-law put in place allowing registered owners to keep pigeons.
- Neighbour has over 100 pigeons and mourning doves on site in back yard.
- Smell of feces at her home.
- Noise of birds is very disturbing, and also has a rodent problem.
- Not able to sit in her yard with young nephew due to feces and rancid smell.
- What can be done about this matter?
- Has been trying to remedy the situation for the last year and a half.
- Spoke to neighbour in March regarding feces and noise – neighbour not been cooperative.
Tim McCabe, General Manager of Planning and Economic Development, advised that staff is currently working on amending the existing by-law.

Bill Young advised that the new by-law should be formalized in approximately six (6) months, and will address such matters of the size of a pigeon coop, the number of pigeons permitted in a coop, feces, and other problems.

He noted that the permit to have the noted pigeon coop was issued by the Canadian Racing Pigeon Union.

Mr. McCabe confirmed that staff from Property Standards, Public Health Branch and Animal Control will work together on this matter and will provide an update to Committee.

Councillor Whitehead requested that Clerks advise as to when the Keeping of Pigeons matter came off the Economic Development & Planning Committee Outstanding Business List.

Staff was directed to investigate the matter respecting pigeons and doves at 94 Emerald Street North, Hamilton, and report back to the Economic Development & Planning Committee.

(f) Application for a Change in Zoning for Lands Located at the Rear of 481 and 483 Glover Road (Stoney Creek) (PED07209) (Ward 11) (Item 6.2)

A Public Meeting was held.

David Falletta outlined the report to Committee.

John Ariens addressed Committee in support of the proposal.

Chair Mitchell advised the meeting of the following:

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

Committee approved the staff recommendation.

(g) **Application to Amend the Flamborough Zoning By-law No. 90-145-Z for Property Located at 937 Centre Road (Flamborough) (PED07208) (Ward 15) (Item 6.3)**

A Public Meeting was held.

Cam Thomas outlined the report to Committee.

Trevor Babbot addressed Committee in support of the proposal.

Chair Mitchell advised the meeting of the following:

(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.

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

Committee approved the staff recommendation.

(h) **Application for a Modification in Zoning for the Property Located at 21 Sherman Avenue North (Hamilton) (PED07212) (Ward 3) (Item 6.4)**

A Public Meeting was held.

Danielle Fama outlined the report to Committee.

Nick Hostiuk addressed Committee in support of the proposal.
Chair Mitchell advised the meeting that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at the Public Meeting.

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

Committee approved the staff recommendation.

(i) Removal of Niagara Escarpment Commission Development Control from Urban Areas of Ancaster and Rezoning of 197 and 205 Lovers Lane (Ancaster) (PED07205) (Ward 12) (Item 6.5)

A Public Meeting was held.

Al Fletcher outlined the report to Committee.

Chair Mitchell advised the meeting of the following:

(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.

John Ariens addressed Committee, on behalf of his client, the owners of a 2.72 ha parcel of land municipally known as 256 Lime Kiln Road. He requested clarification respecting the location of the boundary line between the NEC control and the Ancaster Zoning By-law area.

Correspondence, dated August 7, 2007, from George T. Zajac, Planner, PEIL, respecting this matter, was provided to Committee by John Ariens.

Catherine Beattie, 904 Old Dundas Road, Ancaster and member of the Coalition of the Niagara Escarpment, addressed Committee and noted her concerns, which included, but were not limited to, the following;

- Report not detailed enough.
• Would like report to be referred back to staff for more complete explanations.
• Little public consultation.
• Noted that most of the remaining land under development control of the NEC has had controlled lifted, but the report didn’t explain what was not removed and why it was not removed. Requires explanation as to why certain areas were left in.
• Not sure where initiative is coming from.
• How broadly, in advance, was public informed so that they could comment.
• Questioned process if something is being changed - Economic Development & Planning Committee should be informed and should respond.
• Additional cost to the City may be a reason to object.
• Questioned the fairness to an applicant midway through their NEC application process having to stop and make a new application to City.
• Adequate justification for the recommendation is not provided.
• Why wouldn’t one be equally concerned of lands within the urban area that fall within the Niagara Escarpment area.
• Told by member of the Ancaster Village Core Committee that Committee has not seen the current staff report.

Ruth Robertson, 25 Church Street, Ancaster addressed Committee and expressed her concerns, which included, but were not limited to the following;

• At the entrance to Ancaster there is a sign that states “World Biosphere Resource of the Niagara Escarpment” - who put the sign there, what is it and will it change now?
• Ancaster being over developed.
• Road rage due to grid lock.
• Quality of life and safety cannot be compromised.
• Doesn’t want to live in Ancaster anymore – wants to move away.
• Property next door was purchased as a residential property – now wants to develop as a dental office.
• Why would the Minister make such a decision during the summer months when many people are not around and able to speak to the matter?
• Would like reassurance from someone that the public will be involved at every stage, with respect to development in an effort to try to protect the Niagara Escarpment in Ancaster.
• Province is ruining her community, with intensification measures
Councillor Clark advised that this was a designation awarded by the United Nations as a UNESCO site.

Councillor Clark expressed surprise that the Minister put this notice on the Environmental Bill of Rights, not properly notifying either the public or the City of Hamilton or asking the City’s opinion on this issue.

Councillor Clark expressed concern that the Minister has signed off on a regulation that handed over the responsibility to the City of Hamilton, at a time when everyone is away and unable to respond.

He noted that the City of Hamilton will not be able to protect the Niagara Escarpment the same way that the Niagara Escarpment Commission did, as we do not have the same authority to protect the Niagara Escarpment.

Councillor Whitehead noted that under the NEC’s development control, the Escarpment is better protected. He asked if the City would be able to adopt some of the restrictions of the NEC.

Mr. McCabe advised that the City does not have the legislation and authority that the NEC has, and that it had always been expected that the City would take over the urban areas within the NEP. He noted that the other former municipalities had had Development Control lifted before amalgamation.

Councillor Whitehead requested that staff come back to the Economic Development & Planning Committee, at a future meeting, with respect to stricter covenants with respect to redevelopment in Ancaster and protection of the Niagara Escarpment Area. Mr. McCabe explained that new policies would be considered as part of the new Official Plan and Zoning By-law. Mr. McCabe explained that the new Planning Act allows more flexibility in the way municipalities can control development.

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

Committee approved the staff recommendation.

Councillor Whitehead requested to be recorded as opposed.

(j) City Initiative CI-07-H – New Open Space Zoning for Cemeteries within the Entire Urban Area (PED07206) (City Wide) (Item 6.6)

A Public Meeting was held.

Robert Clackett outlined the report to Committee.
Chair Mitchell advised the meeting of the following:

(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.

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

Committee approved the staff recommendation.

(k) City Initiative to Amend Comprehensive Zoning By-law 05-200 and City of Hamilton By-law No. 6593 for Lands Located at 398 King Street West and 42 Pearl Street North (PED06405(b)) (Ward 1) (Item 6.7)

A Public Meeting was held.

Al Fletcher outlined the report to Committee.

Chair Mitchell advised the meeting of the following:

(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.

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

(l) Hamilton Downtown Residential Loan Program (PED07219) (Ward 2) (Item 7.1)

Gord Moodie and Ron Marini outlined the report to Committee.

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

Committee approved the staff recommendation.

(m) Expansion of the Main Street Housing Loan and Grant Program PED07123(c) (Wards 1, 2, 3, 4, 7, 8) (Item 7.2)

Ron Marini provided an overview of the report.

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

Committee approved the staff recommendation.

(n) Request to Designate 167 Book Road East, Ancaster (Ward 12) (PED07218) (Item 7.3)

Sharon Vattay provided an overview of the report.

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

The proposal to designate 167 Book Road East, Ancaster was tabled to a future meeting of the Economic Development & Planning Committee, until such time as the Ward Councillor has had a chance to meet with the Roman Catholic Diocese, owner of the property.

(o) Request to Add Properties to the City Register of Properties of Cultural Heritage Value or Interest (Wards 2 and 5) (PED07211) (Item 7.4)

Tim McCabe gave an overview of the situation respecting the demolition of the Dynes Tavern, and explained that staff intends to prosecute the owner for contraventions under both the Planning Act and the Building Code Act. Mr. McCabe confirmed that Branthaven Homes, the prospective owner at the subject land, is not involved in the demolition issue.

Sharon Vattay provided an overview of the report.
Committee discussed the matter and had additional information supplied by staff.

Committee approved the staff recommendation respecting 225 James Street South, Hamilton, and received the information respecting the Dynes Tavern.

Councillor B. Clark wished to be recorded as opposed.

Committee discussed the adequacy of the fines allowed for contraventions to the two Acts, and agreed that a letter should be sent by the Mayor, to the Minister of Natural Resources, requesting a review of the relevant sections and fines.

Item “O” on the Outstanding Business List, relating to the Dynes Tavern, 337 Beach Boulevard, was removed from the List, as the owner has now demolished the building, without any approvals from the City of Hamilton.

Applications for Approval of a Draft Plan of Subdivision and Change in Zoning for Lands Located at 887 West 5th Street (Hamilton) (PED07192) (Ward 8) (Item 8.1)

Chair Mitchell advised that a decision on this matter had been tabled at the previous meeting, as the Ward Councillor had not been present. The Chair confirmed that the Public meeting had been concluded.

Item 8.1 - Applications for Approval of a Draft Plan of Subdivision and Change in Zoning for Lands Located at 887 West 5th Street (Hamilton) (PED07192) (Ward 8) was lifted from the table.

Committee waived the Rules of Order in order to permit Karl Gonnsen to speak to Committee respecting this item.

Mr. Gonnsen provided further information to the Committee.

Mr. Kikot addressed Committee, on behalf of his parents, whose home is located at 887 West 5th Street, Hamilton. His comments included, but were not limited to the following:

- He had spoken with Daryl Sage at the Hamilton-Wentworth District School Board respecting the wedge of land. Mr. Sage advised that the City did not wish to purchase the wedge of land as it had no use for it.
- The Hamilton-Wentworth District School Board has sold the “wedge” of land to Paul Silvestri, therefore land-locking his parent’s property, reducing both their property value and their ability to sell their existing property.
- When owners of 887 West 5th Street contact the School Board they were told that the sale between the School Board and Paul Silvestri was a done deal.
Requested the City of Hamilton to review the sale in order to determine whether or not it was legal and if the proper process of sale was followed.

Asked Committee to defer their decision until such time as the matter could be resolved by the City or a decision has been made by the Ontario Municipal Board.

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

Tony Sergi confirmed that the ownership of the “wedge” of the property was still under discussion between the parties concerned. Committee agreed that this problem should not hold up the development of the subject proposal.

Committee approved staff’s recommendation. Councillor Whitehead wished to be recorded as opposed.

(q) Downtown Projects – Details and Cost Analysis (PED07123(b)/FCS07068) (Wards 1, 2, 3, 4, 5, 6, 7, 8) (Item 8.2)

Ron Marini provided an overview of the report.

Committee approved the staff recommendation.

(r) By-law Respecting the Prohibition and Inspection of Marijuana Grow Operations (PED07222) (City Wide) (Item 8.3)

Tim McCabe provided an overview of the Report. Lisa Pasternak confirmed that the By-law should operate on a cost recovery basis.

Committee approved staff’s recommendations.

(s) Improper Advertising of Student Houses in Ainslie Wood Westdale Area Near McMaster University (Notice of Motion)

Chair Mitchell advised that in the absence of Councillor McHattie, this Item would remain on the Agenda, and not be discussed today.

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

Tim McCabe provided a copy and an overview of the following articles to Committee for their information:
• Article from Municipal World, dated August 2007, entitled “What Does (or Should) a Council Expect?”
• Ontario Municipal Board Decision, dated July 18, 2007 regarding Landmart Realty Corp. v. City of Hamilton (Decision N. 2034).
• Mr. McCabe suggested that a further discussion could be had on the Municipal World article and that the Landmart decision would require staff to pursue other alternatives in future plans of subdivision.
• Mr. McCabe noted that his Department’s top five (5) priorities are;
  (i) Lister Block and McMaster Health Centre;
  (ii) Recruitment of new staff;
  (iii) Economic Development Governance report in early Fall;
  (iv) Aggressively move forward respecting the new Official Plan and Zoning By-law; and,
  (v) Acquisition of the lands at Dartnell Road.

• Mr. McCabe also proposed the idea of a bus tour to show Committee members different types of housing, examples of adaptive reuse, power centres and other areas of interest. Committee welcomed the idea.

(u) ADJOURNMENT (Item 13)

There being no further business, the Economic Development and Planning Committee adjourned at 2:31 p.m.

Respectfully submitted,

David Mitchell, Chair  
Economic Development and Planning Committee

Alexandra Rawlings, Co-ordinator  
Economic Development and Planning Committee  
August 7, 2007

Council – August 8, 2007