Economic Development and Planning Committee
MINUTES 10-005
Tuesday, March 2, 2010
9:30 am
Albion Room, Convention Centre
1 Summer’s Lane
Hamilton, Ontario

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

Staff Present:   T. McCabe, General Manager – Planning and Economic
                 Development
                 T. Sergi, M. Hazell, P. Mallard, N. Everson, R. Marini,
                                J. Spolnik, M. Blevins, D. Fama, E. John, G. Paparella,
                                H. Milsome, D. Adames, B. Morris - Planning and Economic
                                Development
                                A. Rawlings – City Clerk’s Office

THE FOLLOWING ITEMS WERE REPORTED TO COUNCIL:

1. Request to Designate 104 King Street West, Dundas (Former Dundas Post
   Office) Under Part IV of the Ontario Heritage Act (PED10006) (Ward 13)
   (Item 5.1) (Mitchell/McHattie)
   (a) That Council direct staff to carry out a Cultural Heritage Assessment of 104 King
       Street West, Dundas, to determine whether the property is of cultural heritage
       value, and worthy of designation under Part IV of the Ontario Heritage Act.
   
   (b) That Council include 104 King Street West, Dundas, in the Register of Property
       of Cultural Heritage Value or Interest, following consultation with the Hamilton
       Municipal Heritage Committee, as per Recommendation (e) to Report
       PED10006 and the provisions of the Ontario Heritage Act, and that staff make
       appropriate amendments to the Register of Property of Cultural Heritage Value
       or Interest.

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(c) That if 104 King Street West, Dundas, is determined to be of cultural heritage value or interest, a Statement of Cultural Heritage Value and Description of Heritage Attributes be prepared by staff for Council’s consideration for designation under Part IV of the Ontario Heritage Act.

(d) That the Cultural Heritage Assessment work be assigned a high priority, and be added to staff's work program for completion in 2010, as per the attached Appendix "G" to Report PED10006.

(e) That Report PED10006 be forwarded to the Hamilton Municipal Heritage Committee for information and consultation prior to the Council approved inclusion of 104 King Street West, Dundas, in the Register of Property of Cultural Heritage Value or Interest.

(f) That Report PED10006 be forwarded to the owner of the property for information.

CARRIED

2. 118 Market Street Extension of Loan - Hamilton Downtown Residential Loan Program (PED08132(b)) (Item 5.2)

(Mitchell/McHattie)

That Report PED08132(b), 118 Market Street Extension of Loan - Hamilton Downtown Residential Loan Program, be received for information.

CARRIED

3. Commercial Property Improvement Grant Program (C.P.I.G.) Fall Applications (PED10038) (Item 5.3)

(Mitchell/McHattie)

a) That the applications recommended for approval and identified within Appendix ‘A’ to Report PED10038 be approved for funding according to the terms and conditions of the Commercial Property Improvement Grant Program (C.P.I.G.).

b) That applications relating to properties with outstanding taxes be approved, subject to the condition that no grant monies will be advanced until such time as all outstanding property taxes, including any applicable penalties and interest, have been paid in full, failing which the grant approval shall be cancelled.

c) That the grant portion to fund the applications identified in Appendix ‘A’ to Report PED10038 in the total amount of $202,017 be funded as follows: $107,905 from Commercial Property Improvement Grant (C.P.I.G.) Project ID# 8200903610 and $94,112 be funded from the Commercial Property Improvement Grant Reserve 112229.

d) That unallocated grant monies identified in recommendation (c) above that result from taxes not being paid or applicants not proceeding with renovation of their properties, be transferred to the 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.

e) 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 (c) above is not exceeded and said grant is in accordance with the program rules.

f) 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.

g) 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.

CARRIED

4. Hamilton Heritage Property Grant Program – Amended Program Description (PED10043) (Item 5.4)

(Mitchell/McHattie)
That the amended Program Description of the Hamilton Heritage Property Grant Program attached as Appendix “A” to Report PED10043 be approved.

CARRIED

5. Hamilton Downtown Residential Loan Program – Cancellation of Loan Commitments (PED10047) (Item 5.5)

(Mitchell/McHattie)
That the conditional loan commitments under the Hamilton Downtown Residential Loan Program in the total amount of $4,112,600 for six (6) properties as listed in Appendix ‘A’ to Report PED10047 be cancelled.

CARRIED

6. Demolition Permit - 94 Chatham Street (PED10033) (Ward 1) (Item 5.6)

(Mitchell/McHattie)
That the Director of Building Services be authorized and directed to issue a demolition permit for 94 Chatham Street in accordance with By-Law 08-226 pursuant to Section 33 of The Planning Act, as amended, subject to the following conditions:

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

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

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

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

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

CARRIED

7. Delegated Authority To Incorporate City Reserve Lands into Public Highway (PED10051) (City Wide) (Item 5.7)

(Mitchell/McHattie)
That the General Manager of Public Works be authorized and directed to prepare by-laws under the provisions of subsection 31(2) of the Municipal Act, as amended, and place before Council for enactment, to incorporate City reserve lands into public highway, provided:

(a) The land encumbered by the reserve is under an application to subdivide or develop that has been approved the City;

(b) The incorporating by-laws are in a standard form satisfactory to the City Solicitor;

(c) The General Manager of Planning and Economic Development has confirmed that all outstanding requirements with respect to the reserve lands have been completed to the satisfaction of the City.

CARRIED

8. City of Hamilton Support for Association of Municipalities of Ontario 2010 Urban Symposium and 2011 Counties, Regions and Single Tier Municipalities Conference PED08220(a) (City Wide) (Item 5.8)

(Mitchell/McHattie)
That a hosting grant in the amount of $10,000 be paid to the Association of Municipalities of Ontario for each of the 2010 Urban Symposium and the 2011 Counties, Regions and Single Tier Municipalities Conference, to be funded from the Convention Grants Reserve through Tourism Hamilton.

CARRIED

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9. Establishment of Regional Tourism Organizations (PED10065) (City Wide) (Item 5.9)  
(Mitchell/McHattie)  
a) That Council receive Report PED10065, “Establishment of Regional Tourism Organizations”.  
b) That staff be directed to report back to Council on the next phase of the establishment of the Regional Tourism Organizations.  
CARRIED  

10. Application for Approval of an Amendment to Stoney Creek Zoning By-law No. 3692-92 for Lands Located Within Blocks 75-78, Registered Plan 62M-1057, “Fifty Road Joint Venture - Phase 3” (PED10039) (Ward 11) (Item 6.1)  
(Bratina/Pasuta)  
That approval be given to Zoning Application ZAC-09-044, by Fifty Rose Homes Inc., Owner, for changes in zoning to Stoney Creek Zoning By-law No. 3692-92 from the Multiple Residential “RM2-5” Zone to the Single Residential “R5-6” Zone, with a Special Exception (Block 1), and the Single Residential “R3-31” Zone, with a Special Exception (Block 2), for lands located within Blocks 75-78, Registered Plan 62M-1057, Stoney Creek, as shown on Appendix “A” to Report PED10039, on the following basis:  
(a) That the draft By-law, attached as Appendix “B” to Report PED10039, 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. 4, of Zoning By-law No. 3692-92.  
(c) That the changes in zoning conform with the Hamilton-Wentworth Official Plan and the Stoney Creek Official Plan.  
(d) That upon finalization of the implementing Zoning By-law, the approved Fifty Point Neighbourhood Plan be amended by re-designating the subject lands from “Medium Density Residential” to “Low Density Residential”.  
CARRIED  

11. Application for a Change in Zoning for the Lands Located at 367 Highway No. 8 (Stoney Creek) (PED10041) (Ward 10) (Item 6.2)  
(Pearson/Bratina)  
That approval be given to Zoning Application ZAR-09-047, by 1794656 Ontario Inc., Maria Cipriani, Applicant, for a further modification in zoning to the General Commercial “GC-16” Zone, with a Special Exemption, to add a “Standard Restaurant” as a permitted use, on the lands located at 367 Highway No. 8, Stoney Creek, as shown on Appendix “A” to Report PED10041, on the following basis:
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(a) That the draft By-law, attached as Appendix “B” to Report PED10041, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(b) That the proposed modification in zoning is consistent with the Provincial Policy Statement (PPS), and conforms with the Hamilton-Wentworth Official Plan and the City of Stoney Creek Official Plan.

CARRIED

12. Amendments to the Downtown and Community Renewal Community Improvement Plan and Related Implementation Measures (PED10044) (Item 6.3)

(Bratina/Duvall)

(a) That the Downtown and Community Renewal Community Improvement Plan be amended as set out in Report PED10044 and that the by-law attached to Report PED10044 as Appendix “A” be enacted;

(b) That upon enactment of the by-law noted in Recommendation (a) of Report PED10044, Appendix “A” to the Downtown and Community Renewal Community Improvement Plan, being the program description and terms for the Hamilton Downtown Property Investment Program, be deleted and replaced respectively with the program description and terms of the Hamilton Downtown Multi-Residential Property Investment Program attached as Appendix “B” to Report PED10044;

(c) That upon enactment of the by-law noted in Recommendation (a) of Report PED10044, Appendix “B” to the Downtown and Community Renewal Community Improvement Plan, being the program description and terms of the Enterprise Zone Grant Program, be deleted and replaced respectively with the program description and terms of the Hamilton Downtown Property Improvement Grant Program attached as Appendix “C” to Report PED10044;

(d) That upon enactment of the by-law noted in Recommendation (a) of Report PED10044, Appendix “C” to the Downtown and Community Renewal Community Improvement Plan, being the program description and terms of the Commercial Property Improvement Grant Program, be deleted and replaced respectively with the program description and terms attached as Appendix “D” to Report PED10044;

(e) That upon enactment of the by-law noted in Recommendation (a) of Report PED10044, Appendix “D” to the Downtown and Community Renewal Community Improvement Plan, being the program description and terms of the Main Street Housing Loan and Grant Program, be deleted and replaced respectively with the program description and terms of the Commercial Corridor Housing Loan and Grant Program attached as Appendix “E” to Report PED10044;

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(f) That upon enactment of the by-law noted in Recommendation (a) of Report PED10044, the program description and terms of the Hamilton Downtown Office Tenancy Assistance Program attached to Report PED10044 as Appendix “F” be approved and attached to the Downtown and Community Renewal Community Improvement Plan as Appendix “E”; 

(g) That By-law 07-062 as amended adopting the Downtown and Community Renewal Community Improvement Plan be amended by deleting all appendices; 

(h) That the Dormant Business Improvement Area (B.I.A.) Status Procedure adopted by City Council at its meeting held November 11, 2009 be amended by inserting the word “exclusively” in the first paragraph in order that it reads “Financial incentives exclusively available to active B.I.A.s would not be available to non-active B.I.A.s” in order that the Commercial Corridor Housing Loan and Grant Program can continue to be offered within the Main Street Esplanade Community Improvement Project Area; 

(i) That the by-law delegating authority to the General Manager, Planning and Economic Development for certain grants and loans under the Downtown and Community Renewal Community Improvement Plan attached as Appendix “G” to Report PED10044 be approved; 

(j) That $50,000 from Project ID#8201003803 the Annual Hamilton Heritage Property Grant Program, be reallocated to a Hamilton Downtown Tenancy Assistance Program Reserve Account to fund the foregone interest income in order to administer the Hamilton Downtown Office Tenancy Assistance Program. **CARRIED**

13. **Expansion of the Hamilton LEEDing the Way Community Improvement Plan (PED08169a) (City Wide) (Item 6.4)**  
(Whitehead/McHattie) 

(a) That the Hamilton LEEDing the Way Community Improvement Project Area be expanded as set out in Report PED08169(a), and that the by-law attached to report PED08169(a) to amend the Hamilton LEEDing the Way Community Improvement Project Area as Appendix 'A' be enacted. 

(b) That the amendment to the "Hamilton LEEDing the Way Community Improvement Plan" attached as Appendix 'B' to Report PED08169(a) be approved. 

(c) That the revised LEED Grant Program as described in Appendix ‘C’ to report PED08169(a) be approved. **CARRIED**
14. **Amendments to the Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan (CIP) (March 2010) (ECO05009(a)) (City Wide) (Item 6.5)**

(Whitehead/McHattie)

(a) That the ERASE Community Improvement Project Area as set out in Report ECO05009(a), and that the by-law attached to report ECO05009(a) to amend the ERASE Community Improvement Project Area as Appendix 'A' be enacted;

(b) That the City’s maximum contribution as part of the ERASE Study Grant Program be increased from $15,000 per study and $20,000 per property to $20,000 per study and $25,000 per property be approved;

(c) That additional eligible costs be added to the ERASE Redevelopment Grant Program be approved;

(d) That staff be authorized to implement and administer the ERASE Redevelopment Grant Program including the additional costs once the amendment has come into force and effect;

(e) That staff be authorized to implement and administer the Downtown Hamilton / West Harbourfront Remediation Loan Pilot Program through the ERASE Community Improvement Plan once the amendment has come into force and effect;

(f) That the Community Improvement Plan titled “Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan (March 2010)” as amended and as attached as Appendix ‘B’ to report ECO05009(a) be approved;

(g) That any changes to the program description and terms be by way of Council resolution.

**CARRIED**

15. **Staffing Levels and Building Permit Fee Review of the Building Services Division (PED10050) (City Wide) (Item 7.1)**

(Pearson/Bratina)

(a) That the Staffing Levels and Building Permit Fee Review of the Building Services Division of the Planning and Economic Development Department submitted by BMA Management Consulting Inc., attached as Appendix “A” to Report PED10050, be received.

(b) That staff consult with the Hamilton-Halton Homebuilders’ Association (HHHBA) on the recommendations and content of the review carried out by BMA Management Consulting Inc.

(c) That upon completion of the consultation, identified in (b) above, that a Report be presented to the Economic Development and Planning Committee together with recommendations on staffing and/or fee adjustments.

**CARRIED**

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16. Downtown and Community Renewal Division 2009 Annual Report (PED10046) (Item 7.2)  
(Pearson/Bratina)  
That Report PED10046, respecting the Downtown and Community Renewal Division 2009 Annual Report, attached as Appendix ‘A’ to Report PED10046, be received for information.  
CARRIED

17. Annual Update for the City of Hamilton “Shovel Ready” Employment Land Initiative (PED10048) (City Wide) (Item 8.1)  
(Pearson/Mitchell)  
That Report PED10048, Annual Update for the City of Hamilton “Shovel Ready” Employment Land Initiative (City Wide), be received for information.  
CARRIED

18. Task Force on Cleanliness and Security in the Downtown Core Report 10-001 (Item 8.5)  
(Mitchell/McHattie)  
That Report 10-001 of the Task Force on Cleanliness and Security in the Downtown Core be received.  
CARRIED

19. John C. Munro International Airport – Comparison Highlights 1995 to 2009 (Item 4.1) Report 10-002 of the Airport Implementation Task Force (Item 8.6)  
(Pearson/Pasuta)  
That the information respecting John C. Munro international Airport – Comparison Highlights 1995 to 2009, attached as Appendix “A” to Report 10-002, be received.  
CARRIED

20. Location of Air conditioning units in side yards  
(Pearson/Whitehead)  
That suspension of enforcement of the Zoning By-laws with regards to existing Air Conditioning units in side yard setbacks be implemented until consideration by Council of the new regulations as part of the Comprehensive Zoning By-law in 2011.  
CARRIED

FOR THE INFORMATION OF COUNCIL:  
(a) CHANGES TO THE AGENDA (Item 1)  
The Clerk advised of the following changes to the agenda:  
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- additional delegation request from Don May, on behalf of Jobs Prosperity Collaborative, to speak to Item 8.1

On a Motion (Bratina/Mitchell), Committee approved the delegation.

Complete copies of Item 8.6 have been distributed.

Committee approved the Agenda, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

None

(c) APPROVAL OF MINUTES (Item 3)

The Minutes of the Economic Development and Planning Committee special meeting regarding the Sign By-law of February 16, 2010 were approved.

The Minutes of the Economic Development and Planning Committee regular meeting of February 16, 2010 were approved.

(d) Application for Approval of an Amendment to Stoney Creek Zoning By-law No. 3692-92 for Lands Located Within Blocks 75-78, Registered Plan 62M-1057, “Fifty Road Joint Venture - Phase 3” (PED10039) (Ward 11) (Item 6.1)

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

a) If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Council of the City of Hamilton before the approval authority gives or refuses to give approval to the zoning by-law amendment, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board.

b) If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Council of the City of Hamilton before the approval authority gives or refuses to give approval to the zoning by-law amendment, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.
On a Motion (Mitchell/Pearson), Committee dispensed with the planner’s presentation.

Danielle Fama was present to assist Committee.

Steve Fraser, A.J. Clarke, advised Committee that he was in favour of the staff recommendation.

In response to a question from Councillor McHattie regarding the change from townhouses to single detached homes, the agent responded that this change was market driven, within this overall subdivision.

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

Committee approved the staff recommendation.

Councillor McHattie requested his opposition be recorded.

(e) Application for a Change in Zoning for the Lands Located at 367 Highway No. 8 (Stoney Creek) (PED10041) (Ward 10) (Item 6.2)

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

a) If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Council of the City of Hamilton before the approval authority gives or refuses to give approval to the zoning by-law amendment, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board.

b) If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Council of the City of Hamilton before the approval authority gives or refuses to give approval to the zoning by-law amendment, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

On a Motion (Pearson/Bratina), Committee dispensed with the planner’s presentation.
Mathew Blevins was present to assist Committee and responded to Committee's questions respecting the parking requirements on the site. He explained that the parking on the site is in excess of the number required in the by-law.

Paul Mallard provided additional information on the parking.

Councillor Whitehead expressed concern that the addition of a restaurant into a strip mall would lead to parking problems.

Councillor Pearson, the Ward Councillor, noted that the restaurant in question was a "mom and pop" operation, moving from an existing location elsewhere in her Ward, and that she was pleased to have them locate here. In her opinion, there would be no parking issues.

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

Committee approved the staff recommendation.

Councillor Whitehead requested his opposition be recorded.

(f) Amendments to the Downtown and Community Renewal Community Improvement Plan and Related Implementation Measures (PED10044) (Item 6.3)

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

a) If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Council of the City of Hamilton before the approval authority gives or refuses to give approval to the zoning by-law amendment, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board.

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

Hazel Milsome provided an overview of the report, with the aid of a powerpoint presentation. Copies of the presentation were distributed to Committee.
As this is a City Initiative, the Chair noted that there was no outside agent to address the issue.

Ron Marini explained that one of the aims of the program is to attract all kinds of offices to Hamilton.

No members of the public came forward to address Committee.

Committee approved the staff recommendation.

(g) Expansion of the Hamilton LEEDing the Way Community Improvement Plan (PED08169a) (City Wide) (Item 6.4)

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

a) If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Council of the City of Hamilton before the approval authority gives or refuses to give approval to the zoning by-law amendment, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board.

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

Brian Morris provided an overview of the proposed changes to the plan, with the aid of powerpoint presentation. Copies of the presentation were distributed to Committee.

Mr. Morris explained the financial and environmental benefits of the LEED program and why it is proposed for expansion to cover multi-residential developments.

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

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

Committee approved the staff recommendation.
(h) Amendments to the Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan (CIP) (March 2010) (ECO05009(a)) (City Wide) (Item 6.5)

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

a) If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Council of the City of Hamilton before the approval authority gives or refuses to give approval to the zoning by-law amendment, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board.

b) If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Council of the City of Hamilton before the approval authority gives or refuses to give approval to the zoning by-law amendment, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

On a Motion (McHattie/Pearson), Committee dispensed with the staff presentation.

Brian Morris was present to assist Committee with the report.

Copies of the handout were provided to the Committee.

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

Committee approved the staff recommendation.

(i) Amended Applications for Approval of Official Plan Amendment and a Change in Zoning for Lands Located at 56 Governor's Road (Dundas) (PED09252(a)) (Ward 13) (Item 6.6)

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

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

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Hamilton before the approval authority gives or refuses to give approval to the Official Plan Amendment or passes the zoning by-law, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board.

(b) If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Council of the City of Hamilton before the approval authority gives or refuses to give approval to the Official Plan Amendment or passes the zoning by-law, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

The Chair advised that additional letters had been received and distributed today, as follows;

Jo Anne and Brian Haynes, 24 Walnut Grove, Dundas L9H 3M4
Gerry Goldberg, 604-160 Ogilvie Street, Dundas L9H 7M7
Phyllis Connelly, 22 Pimlico Drive, Dundas L9H 6J5
Bob Craske, 72 South Street West, Dundas L9H 4C6
Lyn Hanna-Folkes, 201 Delmar Drive L9C 1J8
Larry Button, 3000 Creekside Drive Unit 203, Dundas, L9H 7S8
Raymond Braun, 160-104 Ogilvie St, Dundas L8R 2K3
Thelma & Alexander Ball, 20 Dundana Ave, Dundas L9H 4E6
T.J Carlton, 63 Robinhood Drive, Dundas L9H 4G2
Stan Nowak, 125 Park St West, Dundas L9H 1X6
Barbara and Robert Hollenberg, 4 Walnut Grove, Dundas L9H 3M4
Ms. Shasta Gibson, 136 Carluke Road West, Hamilton L9G 3L1
Kevin Hofer and Zoe Green, 12 Walnut Grove, Dundas L9H 3M4
Rob Jameson, 19 Jameson Dr, Dundas L9H 5A1
Drs. Maureen and Alf Cividino, 78 Watson Lane, Dundas L9H 1T3

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On a Motion, Committee received the additional communications.

Edward John was present to assist Committee and gave an overview of the report with the aid of a powerpoint presentation.

Highlights of the points included, but were not limited to, the following:

- further revisions to Building B have been distributed this morning, include elimination of second storey of commercial, increase in residential units from 88 to 100, with associated increase in parking
- buildings are both higher than presently permitted in Dundas By-law
- Building B will be in an “H”-Holding provision, pending completion of an Environmental Assessment Class C, Transportation Study now underway
- Required setback from ESA is 7.5 metres, this has been approved by Conservation Hamilton and City Natural Heritage planner, but need for construction plan to be approved, prior to building
- After last meeting in September 2009, Ward Councillor asked to seek a compromise with proponents and residents. Councillor Powers confirmed that no compromise is possible

Sergio Manchia, agent for the applicant, addressed Committee in favour of the staff recommendation. He noted points including the following:
- at September 2009 meeting, issues raised included ESA, loss of amenity area, loss of greenspace, traffic problems and parking. His team had attempted to address the issues and evolved new plan, new building envelope, bigger in footprint but now building A is stepped, to include a 6 storey portion nearer the single detached residential, with 10 storey portion at back
- building A maintains 30 metre setback from Walnut Grove
- proponent needs to maintain total number of residential units for economic reasons
- roof top gardens now included in Building A, trails now included around Building A, lead to open gardens to be enjoyed by all, these are enhancements
- green roof for condo residents
- parking levels maintained, most below ground
- Building B – 2 levels of commercial not acceptable to last meeting, changed to 1 level
- Design of Building A changed 10 storey at rear, step down to 6 storey, much more pleasing building design
- This type of housing needed, in Hamilton, in Dundas
- While client had opportunity to go to OMB after last meeting when no decision made, did not think this route the right way to go, and did not do this
- Could not understand why anyone would not agree to the revised plans.

Brett Woodman, Natural Resource Solutions, addressed Committee. His points included, but were not limited to, the following:

- 7.5 metre setback from ESA is adequate, dripline of trees is driven by Manitoba Maples which are not upright, 30 degree angle, so actually increase setback as they extend onto the lawn area
- no Butternut trees on site, trees there are a hybrid which is not protected species
- ESA area is at north-east end of large, 2100 hectare Dundas Valley ESA.

Fred Vermuelen, Vermuelen Architects, addressed Committee. His points included, but were not limited to, the following:

- work to date is preliminary, to meet zoning proposals
- open to discussion on final design details
- it is a tight site, narrow footprint, means the need to build higher

Paul O’Krafka, CEO of St. Joseph’s Villa, addressed Committee. His points included, but were not limited to, the following:

- thanked Committee for second public meeting, pleased to have opportunity for extra time to consider project
- Villa has long history, largest long-term care facility in Hamilton, now includes 8 respite beds
- Provided details of vision for St. Joseph’s, buildings constructed over the years, opposition encountered, LOVE-living our values everyday, need to serve seniors and the marginalized
- Need for continuum of care, more life equity units, demographic changing, more seniors in population
- Continued demand for units in the Estates, waiting list is large
- Have used all working capital, made requests to Province for funding
- Consulted existing residents at earliest stages, 120 units is ideal number
- Most of residents do not want any building added, not a question of 6 versus 10 storeys
- Had a consultation group of 4 seniors, 2 of closest neighbours on Walnut Grove
- All people who bought into Villas understood there would be further development on the site, they all signed documents in support.

Chair Ferguson asked all the speakers who had registered with the Clerk to come forward.

Zoe Green, 12 Walnut Grove, addressed Committee. Her comments included, but were not limited to, the following:

- had spoken last time in opposition
- Villa has not shown any appreciation of residents’ concerns, no serious changes to plans have been made
- Buildings are a maximum of 32 metres high, current by-law allows 10 metres
- Reduction of part of building from 10 storeys to 6 storeys does not address concerns, orientation now more troublesome
- Not in accord with Dundas By-law
- No reason presented to build so high, no valid reason to accept this
- Lack of consideration and loss of amenity for Villa residents
- Need to maintain quality of life, maintain greenspace
- Not in area of Official Plan approved for intensification
- Scale, density too high, footprint bigger, does not look any better
- Proposal has not demonstrated need, does not comply with local or Provincial planning documents, does not make sense
- Late changes a problem for residents
- Existing residents not told about future development
- Environmental impacts not acceptable, need for maintenance of open space on the site
- Confusion about amendment proposed to Dundas Official Plan/ new Urban Official Plan

Catherine Duffy, 150 Ogilvie, read a letter from Shirley Williams, 160 Ogilvie #606. Points included, but were not limited to, the following:
- property zoned institutional, Villa will need this institutional land in future, should be maintained
- no justification for buildings
- proposal out of scale with surroundings, not appropriate
- greenspace used extensively, should be maintained for residents’ use
- traffic a problem already at Governor’s / Ogilvie, accidents have happened, this will make it worse

Alan Moffet, 160 Ogilvie #603, addressed Committee on behalf of Jim Williams, who is away on vacation. The points included, but were not limited to, the following:

- too many changes in zoning being requested, excessive number here
- 10.5 metres is maximum height allowed now; front and side yards of building at corner of Ogilvie / Dundas proposed at 0 metres; parking requirements not being followed; visibility triangle being removed, this will be dangerous.

Heather Braun, 160 Ogilvie #104, read a letter from Jim Williams. Highlights included the following:

- new Official Plan does not include this area for intensification
- intensification is not correct here, intensification should be small-scale, or along major corridors, many forms of acceptable intensification, not just a question of proposing tall buildings
- Dundas Official Plan policies specify 3 storey maximum or 10 metres
- OP definition of infill not reflected here.

Donald McIntyre, 150 Ogilvie, spoke on behalf of Dave Allatt. Highlights included:

- St. Joseph’s Residents Action Committee has been formed but although has had concerns since before September 2009, no one called to discuss the proposed development
- Traffic and accessibility are problems now, they will get worse if development proceeds
- Need St. Joe’s to address existing dangerous traffic issues, entering/exiting Estates by car is difficult, especially for the elderly residents
- City conducting Dundas Transportation Master Plan but St. Joe’s development not included in consideration
- Traffic improvements in Master Plan will not be implemented until 2031
- Has been told by staff that it is St. Joe’s responsibility to improve their driveways/access issues
- Concern that both St. Joe’s and Hamilton staff avoiding these safety issues, irresponsible to continue without addressing the issues

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- Request of residents is for Council to reject this proposal.

Catherine Duffy, 150 Ogilvie, addressed Committee. Her points included, but were not limited to, the following:

- residents have worked hard on this proposal, arguments put forward in September against the proposal are still valid
- compromise requested by Committee in September, 2009 but none reached, residents have not heard from St. Joe’s
- development proposal now worse than before, 32 metres high, scale and bulk increased, overshadowing a problem, impact on Walnut Grove, lack of compatibility
- need to maintain existing green space for all residents, rooftop gardens only available for residents of new development
- development not compatible, not appropriate
- will set precedent for future apartment developments.

Donald McIntyre, 150 Ogilvie, addressed Committee. His points included, but were not limited to, the following:

- plans are not easily understood
- concern existing St. Joe’s and new site are being intertwined, across severance line, with regard to services, underground parking, surface parking
- redesign of area, new loading area show lack of understanding of how Villa operates
- parts of new parking area will be impossible to access
- destruction of infrastructure of existing buildings will lead to problems
- with the aid of a powerpoint presentation, the speaker showed how sun shadows would affect the property
- although Mr. Manchia says shade will not affect private property, parts of Walnut Grove will be totally in shade, huge amount of sun shadowing on Walnut Grove and on existing Villa buildings
- pathway proposed around buildings may be used but its use would mean trespassing upon other people’s space around their units
- does not believe that all concerns raised can be addressed at site plan stage, should not wait until then to address the issues
- this is a bad development, too big
- we applaud St. Joe’s for their work but cannot accept this proposal.

Gerard Vallee, 160 Ogilvie, addressed Committee. His points included, but were not limited to, the following:

- residents have same objections as they had in September; the applicant did not properly review or address our concerns

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- our objections are valid, and represent opposition to this plan
- St. Joseph’s did not meet with residents to discuss, no compromise has been sought
- Residents wanted an extension of this Committee date, but request refused
- Building now higher than previously, adjacent to Dundas Valley, now eleven storeys
- High intensification does not fit with new Official Plan policies or locations for intensification
- Cannot understand reasoning in staff report
- All our objections remain unanswered
- Requested Council reject both September plan and this plan.

Brenda Johnson, Environment Hamilton, addressed Committee on behalf of the Goldbergs, 64-160 Ogilvie Street, who are away. The Goldbergs have the same objections to this plan as they did to the last one. They request that Council refuse the application.

Walter Stayshyn, 160 Ogilvie, addressed Committee. He noted points including, but not limited to, the following:

- unable to address Committee in September 2009, as still sitting as a Judge. Now retired, can address issues and voice his ongoing opposition.
- While St. Joe’s always had plans to expand, this type of development never discussed
- Various changes over the years, construction of the two “estates” buildings, additions to the Villa
- Previous changes had eliminated one driveway
- Long-term plan had included remaining as “institutional” zoning, construction of townhouses, all promised within “parkland” setting
- Residents in St. Joe’s do not have an objection to “some residential” but should not be ten storey buildings
- All St. Joe’s residents signed legal documents when they moved in, agreeing to redevelopment within the zoning   - Institutional which allows some residential rights
- St. Joe’s is deserving of its many awards but the Board has strayed from its vision with this proposal.

William Bryans, 20 Walnut Grove, addressed Committee. His points included, but were not limited to, the following:

- Mr. Bryans submitted a letter, indicated his opposition
- Had spoken in opposition at September meeting
- Construction a problem, construction access to site will be difficult

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- Relocation of service access on plans will bring noise, traffic much closer to surrounding residents
- Second proposal no better than first, still objects
- Agreed with points of previous speakers
- Feels betrayed by Villa, proposal will have adverse impact on Walnut Grove
- Requested Committee not to accept proposal

Mr. Bryans submitted a second letter, for the public record. This letter was from St. Joseph’s and dated June, 1995. The letter stated that, as promised in 1991, there would be no building on St. Joe’s site within 150 feet of Mr. Bryans’ property line.

Copies of the letter were made and distributed to Committee, to staff and to the applicants.

Julia Kollek, 90 Victoria Street, addressed Committee. Her points included, but were not limited to, the following:

- concern about environmental impacts of proposal, trees to be cut down in orchard area, and all around property
- need for everyone to have access to greenspace, fresh air, and for seniors in the buildings who can no longer go outside, a view of greenspace is vital
- proposal has elicited strong feelings in Dundas, great concern
- requested a delay, in order to pursue a proper dialogue.

Lynda Lukasik, 148 Oakland Drive, Hamilton, Environment Hamilton, addressed Committee. Her points included, but were not limited to, the following:

- same concerns as last time
- Environment Hamilton a strong proponent of intensification but we need to have it done right
- Provided an overview of meaning of intensification, as stated in the City and Provincial policy documents. Concluded that this site is not where intensification should take place
- Still concerns about height – eight storeys is the maximum in Dundas but this is ten/eleven storeys
- 120 unit count still the same, not a good “step-down” design from 10/11 to 6, too close to existing single family development, adverse impact on escarpment views
- site too small for this proposal, the architect actually said that it is a tight site
- does not address concerns of the residents
- if Council approves this, it will set a bad precedent for apartments adjacent to single detached houses
- requested Council to follow the good policies laid out in new Official Plan, and demonstrate that they can do intensification well.

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Peter Beardwood, 25 Oak Avenue, Dundas, addressed Committee. His points included, but were not limited to, the following:

- Dundas has desperate need for senior housing, he and his wife looking for this type of housing
- Likes possibility of “aging in place” which is afforded by the Villa.

Joan Robertson, 6 Brentwood Drive, Dundas, addressed Committee. Her points included, but were not limited to, the following:

- Dundas resident since 1969, lives within walking distance of Villa
- Speaking on behalf of many people who signed petition in opposition to proposal
- Provided example of how St. Mark’s Church has assisted an adjacent new development, Dundas Living Centre, and how this blends in well with community
- Mission of St. Joe’s is “Living our Values Everyday” but this proposal does not fulfill their Mission Statement or Values. St. Joe’s needs to seriously re-examine this.

Ruth Robertson, 25 Church Street, Ancaster, addressed Committee. Her points included, but were not limited to, the following:

- St. Joseph’s is having an identity crisis, need to examine whether their mission is to the elderly people/disadvantaged or have they become developers. This application does not fit their mission, it is all about development.
- If St. Joe’s needs more beds, residents are willing to help them in this request to the Province
- Provided personal experience of a family member staying at St. Joe’s Villa, and how the steepness of slopes on the site nearly led to a tragedy
- Very busy, dangerous corner at Governor’s/Ogilvie
- Recommended everyone visit the site before making a decision
- Questioned who owned the driveway accesses to the Villa, Overfield is used by many wheelchairs but has no sidewalks
- Attended a meeting of 150-160 residents, serious brainpower, they would do well at OMB if this is where application ends up
- Questioned who will live in the penthouse.

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

The Chair closed off the Public Meeting at 2:40 pm. At 2:40 pm, Committee took a short lunch recess. At 2:50 pm, the Committee was called back to order.

Committee discussed the matter.
On a Motion (Whitehead/Pearson), a deferral of the applications was proposed, to allow staff to bring back answers to the questions which had been raised.

Councillor Clark asked for a clarification of what new information had been received today, which would need staff comment.

Councillor Pearson provided an explanation.

On a Motion (Pearson/Whitehead), Committee deferred the matter to the meeting of March 23, 2010 and directed staff to report back at that meeting on the following items:

- issue of zero setbacks for the building nearest Ogilvie and Governor’s, and how this fits with the Dundas By-law
- issue of severance line through the property, and how surface parking, the underground parking, and services appear to cross this line
- how existing underground servicing will be affected/handled in the new development
- to address the objections and submissions made by the delegations at the meeting
- to clarify Official Plan compliance
- previous assurance by St. Joseph’s that orchard would never be built on previous assurance by St. Joseph’s that planned future development on site would be institutional in nature, and in townhouse form

Councillor Clark then raised concerns respecting the process which has transpired today:

- last minute changes from the applicant, copied and handed out by Clerks this morning, then more last minute changes which superceded the first set, handed out just before meeting
- concern that Committee did not see the changes until today and public did not see them at all.

Mr. McCaabe explained that changes can be made at Committee, according to the Planning Act.

Councillor Clark continued with his concerns:

- changes at last minute do not allow Committee to consider the details ahead of the meeting
- difficult to handle, creates a bad perception
- requested that this should not happen again.
Chair Ferguson expressed serious concerns about the quality of the microphone system. He noted that this on-going problem had been raised many times before but nothing has been done to fix it.

Chair Ferguson relinquished the Chair to Councillor Bratina.

Committee then approved the following Motion:

(Ferguson/McHattie)
That the City Manager be directed to investigate and fix the microphone system in the Albion Room, before the next Standing Committee Meeting.

Chair Ferguson then resumed the Chair.

(j) Staffing Levels and Building Permit Fee Review of the Building Services Division (PED10050) (City Wide) (Item 7.1)

John Spolnik provided an introduction to the review.

Jim Bruzzese, the City’s consultant, gave an overview of the report, with the aid of a powerpoint presentation.

Committee approved the staff recommendation.

(k) Downtown and Community Renewal Division 2009 Annual Report (PED10046) (Item 7.2)

Ron Marini gave an overview of the Annual Report, with the aid of a powerpoint presentation. He highlighted the fact that 2009 had been a great year for Downtown construction, including City Hall, Lister Block, J. Edgar Davey School and the Farmers’ Market/Library Redevelopment, but had been a poor year for residential construction.

Committee discussed aspects of the report and had additional information supplied by staff.

Committee received the staff report.
(l) **Annual Update for the City of Hamilton “Shovel Ready” Employment Land Initiative (PED10048) (City Wide) (Item 8.1)**

Guy Paparella provided an overview of the report, with the aid of a powerpoint presentation. He explained that “shovel ready” land is land where the appropriate Official Plan designation, Zoning regulations, infrastructure and permits are all available.

Don May, representing the Jobs Prosperity Collaborative, addressed Committee in support of the report. He confirmed the importance of shovel ready land to the economy of the City and that JPC endorsed “bundling” of funds.

Committee received the delegation and the staff report.

(m) **Neighbourhood Residential Rental Housing Community Liaison Committee - Proactive By-law Enforcement Pilot Program (PED10049) (Wards 1 and 8) (Outstanding Business List Item) (Item 8.2)**

On a Motion (McHattie/Whitehead), the item was deferred until March 23, 2010, and staff was directed to report back on that date with details and implications of expanding the Pilot Program to include multi-residential dwellings in the lower City.

(n) **Heritage Permit Application (HP2010-011) for Alterations to 71 Main Street West, Hamilton, Hamilton City Hall (To be distributed) (Item 8.3)**

On a Motion (Bratina/Pearson), the staff recommendation was placed on the floor, as follows;

That approval be given to **Heritage Permit Application (HP2010-011) by City of Hamilton Public Works**, to permit the installation of four interactive information kiosks on the ground floor of the designated property at 71 Main Street West, Hamilton (Hamilton City Hall), as shown on Appendix “A” to Report PED10061.

Staff explained that a revision to the proposed kiosks, to make them wheelchair accessible, had been made and copies distributed this morning. On a Motion (Pearson/Bratina), the amendment was moved.

Committee discussed the matter and raised issues including the following;
- why are kiosks being proposed on main floor, when staff available here
- why are these changes being proposed now
- are kiosks needed
- concern about lateness of distribution of report.

Mr. McCabe explained the process for approval of heritage permits and how all previous permits had been approved under delegated authority.

The Motion, as amended, lost on a Standing Recorded vote, as follows;

YEAS: Ferguson, Bratina, Pearson, Whitehead
NAYS: Duvall, McHattie, Mitchell, Pasuta
ABSENT: Clark

(o) Heritage Permit Application (HP2010-012) for Alterations to 71 Main Street West, Hamilton, Hamilton City Hall (To be distributed) (Item 8.4)

On a Motion (Bratina/Pearson), the staff recommendation was placed on the floor, as follows;

That approval be given to Heritage Permit Application (HP2010-012) by City of Hamilton Public Works, to permit the installation of four exterior speakers on the underside of the Council Chambers of the designated property at 71 Main Street West, Hamilton (Hamilton City Hall), as shown on Appendix “A” to Report PED10062.

Committee discussed the matter and raised issues including the following;

- can speakers be smaller, made of less obtrusive materials, placed elsewhere so they are not so visible
- can speakers be kept elsewhere and brought out for use as needed
- portable speakers would maintain heritage integrity
- agreed with staff that permanent installation would disrupt clean lines of building
- concern about lateness of report, inadequate time to review it
- potential of vandalism of speakers if permanently in place
- can they be located elsewhere in forecourt of City Hall
- permanently mounted speakers could lead to more requests for their use, which would have an adverse effect on operation of City Hall business
The Motion lost on a Standing Recorded vote, as follows;

YEAS: Ferguson, Bratina, Pearson, Whitehead  
NAYS: Duvall, McHattie, Mitchell, Pasuta  
ABSENT: Clark

(p) Task Force on Cleanliness and Security in the Downtown Core Report 10-001 (Item 8.5)

In the absence of Councillor Bratina, Committee was advised that his proposal was for the report to be received.

Committee received the report.

(q) Airport Implementation Task Force-Report 10-002 (Item 8.6)

Guy Paparella introduced the first item from the Task Force Report.

Committee approved the first item (See Item 19)

On a Motion at 5.10 pm, (Pearson/Pasuta) Committee moved into Closed Session to consider one item which is subject to Section 8.1, subsection (c) of the City's Procedural By-law and Section 239 of the Ontario Municipal Act as the subject matter pertains to a proposed or pending acquisition or disposition of land by the municipality or local board, respecting land adjacent to the John C. Munro International Airport.

On a Motion (Pearson/Pasuta), at 5.30 pm, Committee resumed in Open Session.

The Chair advised that Committee had met in Closed Session to consider a property issue respecting a potential land acquisition, respecting land adjacent to the John C. Munro International Airport, and had deferred a decision on the matter to Council on March 10, 2010.

(r) Motions (Item 9)

None

(s) Notices of Motion (Item 10)

Councillor Pearson introduced a Notice of Motion respecting enforcement on the location of air conditioners in side yards.

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On a Motion (Mitchell/Pasuta), Committee waived the rules to allow this matter to become a Motion.

Committee passed the Motion (See Item 20).

(t) GENERAL INFORMATION (Item 11)

(i) 955 Regional Road 97, Zoning application (Item 11.1)

Due date; February 16, 2010
Proposed new date April 20, 2010

On a Motion (Pearson/Pasuta), the new date was approved.

(ii) News from the General Manager (Item 11.2)

Mr. McCabe distributed copies of the updated Proposed 2010 Report Calendar/Strategic Schedule

Mr. McCabe distributed a newspaper article commenting on a recent OMB Decision on a by-law respecting group homes in Kitchener/Waterloo.

Mr. McCabe confirmed that the Sign By-law had been referred back to Committee by Council and would be considered on April 6, 2010.

(u) PRIVATE AND CONFIDENTIAL (Item 12)

No further items

(v) ADJOURNMENT (Item 13)

On a Motion (Pearson/Pasuta), the meeting adjourned at 5:50 pm.

Respectfully submitted

Lloyd Ferguson, Chair
Economic Development & Planning Committee

Alexandra Rawlings
Co-ordinator
March 2, 2010

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