Economic Development and Planning Committee

AMENDED REPORT 10-016

Monday, August 9, 2010
9:30 am
Council Chambers
City Hall, 71 Main Street West,
Hamilton, Ontario

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

Staff Present: T. McCabe, General Manager – Planning and Economic Development
B. Janssen, T. Sergi, M. Hazell, J. Spolnik, S. Robichaud, E. John,
T. Lee, C. Bell, J. Thompson, M. Blevins, C. Thomas, D. Barnett
J. Haan, - Planning and Economic Development
L. Pasternak J. Wice – Legal Services
C. Shrive – Public Works
A. Rawlings, C. Biggs – City Clerk’s Office

AT THEIR MEETING OF AUGUST 12, 2010, COUNCIL AMENDED THE REPORT AS NOTED BELOW;

THE ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE PRESENTS REPORT 10-016 AND RESPECTFULLY RECOMMENDS:

1. Appeal of the City of Hamilton Committee of Adjustment Decision to Approve Severance Application AN/B-10:02, John Ross (Owner), 179 Sunnyridge Road (Ancaster) - (PED10157/PW10075) - (Ward 14) (Item 5.1)

   (a) That Council of the City of Hamilton proceed with the appeal to the Ontario Municipal Board (OMB) against the decisions of the Committee of Adjustment to approve Application AN/B-10:02. (John Ross), 179 Sunnyridge Road (Ancaster)

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

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2. **Appeal of the City of Hamilton Committee of Adjustment Decision to Approve Minor Variance Application HM/A-09:318, 1655004 Ontario Inc. (Owner), 244 Kenilworth Avenue North (Hamilton) (PED10179) (Ward 4) (Item 5.2)**

   (a) That Council of the City of Hamilton proceed with the appeal to the Ontario Municipal Board (OMB) against the decision of the Committee of Adjustment to approve Application HM/A-09:318 (1655004 Ontario Inc.), 244 Kenilworth Avenue North (Hamilton)

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

3. **Committee of Adjustment Consent Application HM/B-10:13 and Minor Variance Application HM/A-10:132 for the Property Known as 680 Garth Street (Hamilton) - Supported by the Planning and Economic Development Department but Denied by the Committee of Adjustment (PED10160) (Ward 8) (Item 5.3)**

   (a) That Council proceed with appeal to the Ontario Municipal Board Against the decision of the Committee of Adjustment to approve Application HM/A-10:132, for the property known as 680 Garth Street, Hamilton, Ontario.

   (b) That Legal Services be directed to attend the Ontario Municipal Board and to use Planning staff as personal witnesses.

That Report PED10160, respecting Committee of Adjustment Consent Application HM/B-10:13 and Minor Variance Application HM/A-10:132, for the property known as 680 Garth Street (Hamilton), as shown on Appendix “A” to Report PED10160, supported by the Planning and Economic Development Department, but Denied by the Committee of Adjustment, be received for information.

4. **Appeals to the Ontario Municipal Board on the City of Hamilton’s Refusal or Neglect to Adopt Amendments to the Regional Official Plan, Glenbrook Official Plan, and Glenbrook Zoning By-law No. 464, by Living Word Christian Fellowship (Seventh-Day Adventist Church), 2012 Upper James**

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That Report PED10159, Appeals to the Ontario Municipal Board on the City of Hamilton’s Refusal or Neglect to Adopt Amendments to the Regional Official Plan, Glanbrook Official Plan, and Glanbrook Zoning By-law No. 464, by Living Word Christian Fellowship (Seventh-Day Adventist Church), 2012 Upper James Street (formerly Highway No. 6 South) (Glanbrook) (File Nos. ZAC-08-013 / OPA-08-004 / ROPA-08-001) (PED10159) (Ward 11), be received for information.

5. Appeals to the Ontario Municipal Board on the City of Hamilton’s Refusal or Neglect to Adopt Amendments to the Hamilton Official Plan, Hamilton Zoning By-law No. 6593, Hamilton Zoning By-law 05-200, and a Plan of Subdivision by Deanlee Management Inc., Located at Part of Lot 57, Concession 2, City of Hamilton (PED10182) (Ward 8) (Item 5.5)

That Report PED01082, Appeals to the Ontario Municipal Board on the City of Hamilton’s Refusal or Neglect to Adopt Amendments to the Hamilton Official Plan, Hamilton Zoning By-law No. 6593, Hamilton Zoning By-law 05-200, and a Plan of Subdivision by Deanlee Management Inc., Located at Part of Lot 57, Concession 2, City of Hamilton (PED10182) (Ward 8), be received for information.

6. Proposed Land Exchange on Upper James Street Between City of Hamilton and Orlick Industries Inc. / 1436851 Ontario Inc. (David Braley) - Airport Industrial Business Park, City of Hamilton (PED10162) (Ward 11) (Item 5.6)

(a) That an Option to Purchase agreement for the acquisition of land required for a stormwater pond, executed by 1436851 Ontario Inc. (David Braley) and scheduled to close on or before September 29, 2010, described as Part 10 on Drawing RO710197, prepared by Speight, Van Nostrand & Gibson Limited, as shown on attached Schedule “A” to Report PED10162, being part of PIN 17399-0131 and comprising an area of 1.23 hectares (3.04 acres) more or less, for a purchase price of $395,000 be approved and completed;

(b) That the purchase price of $395,000 be funded from 2008 Capital Account No. 59259-5180097 (Orlick Aeropark);

(c) That a landlocked City parcel described as Parts 3, 4 and 5 on Drawing RO710197, prepared by Speight, Van Nostrand & Gibson Limited, as shown on attached Schedule “B” to Report PED10162, being all of PIN 17399-0278, comprising an area of 2.46 hectares (6.08 acres) more or less be declared surplus to the requirements of the City of Hamilton;
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(d) That an Offer to Purchase agreement, executed by the purchaser 1436851 Ontario Inc. and scheduled to close on or before September 29, 2010 for the lands described in Recommendation (c) at the sale price of $395,000 be approved and completed, and that the sale price be credited to Capital Account No. 47702-3620504502 (Airport Lands Expansion);

(e) That the Option to Purchase described in Recommendation (a) and the Offer to Purchase described in Recommendation (d) shall close contemporaneously with each other, failing which the transfers will become null and void;

(f) That the sale price does not include the Goods and Services Tax (GST) or Harmonized Sales Tax (HST); and should the GST or HST be applicable and collected by the City, that the GST or HST amount be credited to Account No. 22835 009000 (GST) or Account No. 22828 009000 (HST);

(g) That Account No. 45408-3560150200 (Property Purchases & Sales) be credited in the amount of $6,000.00 for Real Estate’s administrative and appraisal costs and be funded from the proceeds of the sale and that any further disbursements (legal costs and expenditure of the Legal Section) also be funded from Capital Account No. 3620504502 (Airport Lands Expansion);

(h) That the City Clerk be authorized and directed to execute and issue a Certificate of Compliance for this transaction in the form prescribed pursuant to Section 268 of the Municipal Act, incorporating the following, if required, before selling any lands:

That Section 8 (b) – Exclusion from Section 3 conditions of By-Law 04-299 being: “Land to be used for the establishment and carrying on of industries and industrial operations and incidental uses” exempts the requirement to declare the subject lands surplus to municipal requirement under Section 3.(a) of City of Hamilton By-Law 04-299; exempts the requirement for an appraisal of the fair market value of the lands as required under Section 3.(b) of City of Hamilton By-Law 04-299; and exempts the requirement for public notice of the intended sale under Section 3.(c) of City of Hamilton By-Law 04-299.

That notwithstanding the exclusions under Section 3, City Council has declared the subject lands surplus to municipal needs, an appraisal of the fair market value of the subject lands has been completed with the sale price being in the range of market value and, public notice was given by the inclusion of the subject land sale in the agenda of the Council meeting at which the intended sale is to be considered by Council;

(i) That the Mayor and Clerk be authorized and directed to execute all necessary documents in a form satisfactory to the City Solicitor.

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7. **Request to Designate 1395-1401 King Street East (Hamilton) Under Part IV of the Ontario Heritage Act (PED10168) (Ward 3) (Item 5.7)**

(a) That Council direct staff to carry out a Cultural Heritage Assessment of 1395-1401 King Street East (Hamilton), 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 1395-1401 King Street East (Hamilton) in the Register of Property of Cultural Heritage Value or Interest following consultation with the Hamilton Municipal Heritage Committee, as per the provisions of the Ontario Heritage Act and Recommendation (e) to Report PED10168, and that staff make appropriate amendments to the Register of Property of Cultural Heritage Value or Interest.

(c) That if 1395-1401 King Street East (Hamilton) 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 medium priority, and be added to staff's workplan for completion in 2013, as per the attached Appendix “G” to Report PED10168.

(e) That Report PED10168 be forwarded to the Hamilton Municipal Heritage Committee for information and consultation prior to the Council-approved inclusion of 1395-1401 King Street East (Hamilton) in the Register of Property of Cultural Heritage Value or Interest.

(f) That Report PED10168 be forwarded to the owner of 1395-1401 King Street East (Hamilton) for information.

8. **Request to Designate 1065 Highway 8 (Stoney Creek) Under Part IV of the Ontario Heritage Act (PED10169) (Ward 11) (Item 5.8)**

(a) That Council direct staff to carry out a Cultural Heritage Assessment of 1065 Highway 8 (Stoney Creek) 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 1065 Highway 8 (Stoney Creek) in the Register of Property of Cultural Heritage Value or Interest following consultation with the Hamilton Municipal Heritage Committee, as per the provisions of the Ontario Heritage Act and Recommendation (e) to Report PED10169, and that staff make appropriate amendments to the Register of Property of Cultural Heritage Value or Interest.
(c) That if 1065 Highway 8 (Stoney Creek) 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 low priority, and be added to staff’s workplan for completion in 2015, as per the attached Appendix “G” to Report PED10169.

(e) That Report PED10169 be forwarded to the Hamilton Municipal Heritage Committee for information and consultation, prior to the Council approved inclusion of 1065 Highway 8 (Stoney Creek) in the Register of Property of Cultural Heritage Value or Interest.

(f) That Report PED10169 be forwarded to the Owner of 1065 Highway 8 (Stoney Creek) for information.

9. Hamilton Community Heritage Fund Loan Program Application (HCHF2009-002) for 35 - 43 Duke Street (Hamilton) (Sandyford Place) (PED10174) (Ward 2) (Item 5.9)

That approval be given to Hamilton Community Heritage Fund Loan Program Application (HCHF2009-002), for property located at 35 - 43 Duke Street (Hamilton), as shown on Appendix “A” to Report PED10174, subject to the following:

(a) That a loan commitment of up to $100,000.00 be approved, in accordance with the terms and conditions of the Hamilton Community Heritage Fund Loan Program, for painting and caulking of wood elements, re-pointing and repair to chimneys, and the repair and reconstruction of four sets of stone stairs.

(b) That the applicant and the City shall enter into a Heritage Conservation Easement Agreement.

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

(d) That the General Manager of the Planning and Economic Development Department be authorized to amend the loan agreement provided that the terms and conditions of the Hamilton Community Heritage Fund Loan Program are maintained.

(e) That the applicant shall obtain an approved Heritage Permit prior to the commencement of any of the proposed improvements.

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(f) That all work shall be completed, in accordance with the requirements of the Ontario Heritage Trust, as easement holders on the property.

(g) That Report PED10174 be forwarded to the Hamilton Municipal Heritage Committee for information.


That approval be given to Heritage Permit Application (HP2010-053), by Anthony (Tony) DePasquale, of Copper Cliff Metals & Wrecking Corp., as Authorized Agent for LIUNA Local 837 Lister Property Corporation, to permit the disassembly, removal, storage, and re-assembly of the front façade of 46 - 52 James Street North (Hamilton) (William Thomas Building), as shown on Appendix “A”, subject to the following conditions:

(a) That the municipal address of the storage location for the removed heritage elements shall be LIUNA Station, 360 James Street North, Hamilton, and if such storage location is to be changed, the new location and address shall be submitted by the applicant, to the satisfaction and approval of staff, prior to the removal of the heritage elements off-site to a new storage facility.

(b) That a schedule for regular inspections of all of the heritage elements in storage be submitted for staff approval, and that this inspection plan shall include provisions for monitoring the condition of the heritage elements, and for remedying any unsatisfactory conditions, such as high humidity, should they develop.

(c) That City staff be allowed reasonable access to inspect the heritage elements in storage, at any time.

(d) That plans and elevations of the new structure and re-assembled front façade at 46 - 52 James Street North, Hamilton, shall be provided, to the satisfaction and approval of the Heritage Permit Review Sub-committee and Planning staff, prior to any new construction or the re-assembly of the heritage elements of the front façade.

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(e) That implementation of the alterations, in accordance with this approval, shall be completed no later than July 31, 2014. If the alterations are not completed by July 31, 2014, then, subject to Condition (f), this approval expires as of that date, and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

(f) That if the alterations are not completed by July 31, 2014:

(i) Conditions (a), (b), and (c) of this approval remain in force until such time as a new approval, with a new completion date, is issued by the City of Hamilton; and,

(ii) LIUNA Local 837 Lister Property Corporation, and/or authorized agent(s) of the Corporation, shall apply for a new approval no later than August 31, 2014, with a new completion date.

11. The Former Royal Connaught Hotel, 82-112 King Street East (Hamilton) (Ward 2) (PED10178) (Item 5.11)

That Report PED01078, The Former Royal Connaught Hotel, 82-112 King Street East (Hamilton) (Ward 2) (PED10178), be received for information.

12. Commercial Heritage Improvement and Restoration Program (CHIRP) Spring 2010 Grant Application, 47 James Street South (Hamilton) (PED10163) (Ward 2) (Item 5.12)

That approval be given to a Conditional Grant Agreement, issued within the terms of the Commercial Heritage Improvement and Restoration Program (CHIRP), for 47 James Street South, for re-pointing and resetting the crown parapet, identified in Appendix “A” to Report PED10163, subject to the following:

(a) That the applicant be notified that their property taxes must be paid in full prior to any grant monies being advanced for completed work, and that no grant funds will be paid out until this condition is met and, if the property taxes are not paid in full within one year of the date of the Letter of Understanding entered into between the City of Hamilton and the applicant, that the grant offer will be considered void and withdrawn.

(b) That the grant portion for the project, in the total amount of $20,000.00, be funded from the CHIRP Reserve 102047.

(c) That the General Manager of the Planning and Economic Development Department be authorized and directed to approve increases/decreases to the
grant amount approved, as long as the overall grant portion for the grant does not exceed $20,000.00, and that any grant increase/decrease is in accordance with all program requirements.

(d) That the General Manager of the Planning and Economic Development Department be authorized to approve a maximum extension period of 90-days to the applicant for the completion of the work, over and above the one-year period that the applicant is given in accordance with the terms and guidelines of the program, which commences the date Council approves the grant.

(e) That staff be authorized and directed to prepare and execute a Letter of Understanding with the applicant, with such Letter of Understanding being in a form satisfactory to the City Solicitor.

(f) That the applicant shall comply with the conditions of Heritage Permit HP2010-034, as approved by the Director of Planning, and advised by the Heritage Permit Review Sub-committee of the Hamilton Municipal Heritage Committee.

(g) That Report PED10163 be forwarded to the Hamilton Municipal Heritage Committee for information.

13. Proposed Amendment to the Downtown and Community Renewal Community Improvement Plan and, Request to the Ministry of Culture to Amend the Ontario Heritage Act. (PED10164) (Item 5.13)

(a) That staff be directed to advertise for a public meeting regarding the proposed amendment to the Downtown and Community Renewal Community Improvement Plan for the purpose of introducing a heritage grant program that would be available to eligible condominium corporations for the restoration/conservation/stabilization of designated properties within the Downtown Core and active Business Improvement Areas.

(b) That the Ministry of Tourism and Culture be requested to amend the Ontario Heritage Act, Sub-Section 39.(1), to allow a municipality to make a loan or grant to any person to whom an owner has assigned the right to receive a grant or loan, including a condominium corporation, for the cost of alterations to designated properties.
14. **Housekeeping Amendments to Delegating Authority By-law 10-052 (PED10167) (Item 5.14)**

(a) That housekeeping amendments to By-law 10-052 which delegates authority of certain loans and grants to the General Manager, Planning and Economic Development be approved.

(b) That the draft by-law, attached as Appendix ‘A’ to Report PED10167, which has been prepared in a form satisfactory to the City Solicitor, be passed and enacted.

15. **Request the Province of Ontario to Contribute to the Hamilton Downtown Property Improvement Grant Program (PED10165) (Item 5.15)**

That the Province of Ontario be requested to contribute to the Hamilton Downtown Property Improvement Grant Program by providing grants equivalent to the increase in the educational portion of property taxes that result from property development/redevelopment.

16. **Neighbourhood Residential Rental Housing Community Liaison Committee – Voluntary Rental Registry Program (PED10185) (Wards 1 and 8) (Outstanding Business List Item) (Item 5.16)**

That staff be directed to implement a Voluntary Rental Housing Registry Program for Wards 1 and 8 requiring property owners provide contact information to the City.

17. **Imperial Parking (Impark) Private Parking Lots (PED10184) (City Wide) (Item 5.17)**

That Report PED10184, Imperial Parking (Impark) Private Parking Lots (PED10184) (City Wide), be received for information.

18. **Lease Agreement for Public Health - 247 Centennial Parkway North, Unit No. 8 Hamilton; Lessor - H.G.H. Developments Ltd. (Tony DeSantis) (PED10183) (Ward 5) (Item 5.18)**

(a) That City Council approve a new lease with H.G.H. Developments Ltd. subject to the following terms and conditions:

(i) **Term:** Ten (10) years commencing October 1, 2010 and terminating on September 30, 2020;
(ii) **Property:** 247 Centennial Parkway North, Unit 8, Hamilton, comprising 2,114 square feet of space within a plaza situated at the north-west corner of Barton Street East and Centennial Parkway North.

(iii) **Rental Rate:** From the date of commencement, meaning from October 1, 2010, the City shall pay rent based on $12.71 per square foot net, plus H.S.T. throughout the 10 year term.

(iv) **Operating Costs:** The operating costs are estimated at $7.50 per square foot for 2010. The landlord recognizes that the premises will become exempt from property taxes. Operating costs less property taxes are estimated at $3.12 per square foot, for an overall rent of $15.83 per square foot, plus H.S.T.

(b) That all rent and operating costs will be funded from Account No. 677500 and any additional tenant improvements, furniture and moving costs be funded from the client department’s Capital Accommodation account up to a maximum of $95,000.00.

(c) That the landlord will provide up to $52,000.00 in tenant improvements based upon the client department’s specifications.

(d) That Legal Services be authorized to prepare a by-law under Section 110 of the Municipal Act to designate the leased space as a Municipal Capital Facility, thereby exempting the City from payment of realty taxes;

(e) That the Mayor, General Manager of Finance, and City Clerk be authorized and directed to execute the Lease in a form satisfactory to Corporate Counsel.

19. **Sale of City Surplus Lands - 4 Fifth Avenue, Hamilton Beach (PED10154) (Ward 5) (Item 6.2)**

(a) That City Council’s approval be given for the sale at fair market value to the adjacent property owners of the City’s surplus lands at 4 Fifth Avenue as a residential building lot, being Parts 2 and 4 on Plan 62R16372, having a combined area of 391.6 square metres (4215.1 square feet) as shown on Appendix “A” and “B” attached to Report PED10154;

(b) The purchaser acknowledges and agrees that the lands being sold pursuant to the Offer shall be registered in the same name and title of the current land holdings municipally known as 831 and 825 Beach Boulevard, Hamilton.

(c) That it is understood and agreed that the closing of the respective Offers to Purchase shall be completed concurrently and contemporaneously with the Offers to Purchase for Parts 3 and 4 on Plan 62R-16372 by the owner of 825 Beach Boulevard, Hamilton.
Beach Boulevard, Hamilton and for Parts 1 and 2 on Plan 62R-16372 by the owner of 831 Beach Boulevard, Hamilton, failing which, the Offers shall be terminated, null and void and of no further force and effect.

(d) That in the event the Offers become terminated, that the Real Estate Section of the Economic Development and Real Estate Division of the Planning and Economic Development Department, be authorized and directed to sell the subject lands on the open market at fair market value as a residential building lot, in accordance with the “Procedural By-law for the Sale of Land”, being By-Law 04-299.

(e) That Subsection (a)(iv) of Item 4 of the Public Works Committee Report 07-002, to permanently close a portion of the public unassumed alley at the rear of 825 and 831 Beach Boulevard, as approved by Council on February 14, 2007, be rescinded;

(f) That Legal Services staff be directed to correct title of the private laneway adjacent to 4 Fifth Avenue by transferring Part 1 on Plan 62R16372, having an area of 15.6 square metres (167.9 square feet) to the owner of 831 Beach Boulevard at no cost and Part 3 on Plan 62R16372, having an area of 48.6 square metres (523.1 square feet) to the owner of 825 Beach Boulevard at no cost.

20. Establishing a “Bars and Nightclubs” Licensing Category (PED09127(c)) (City Wide) (Item 6.3)

(a) That Schedule 21 (Restaurant and Food Shops) of the Licence By-Law 07-170 be re-titled “Food Premises” and be further amended to:

i) exempt any “Food Premises” operated by a farmer, as defined by the by-law, and who is selling primarily produce from his/her agricultural operation, from requiring a business licence;

(b) That the appropriate amending by-law be prepared by staff for presentation to Council.

21. Comprehensive Review of the Sign By-law (PED05172(h)) (City Wide) (Outstanding Business List Item) (Item 6.4)

(a) That the following changes to the City’s approach to dealing with signs be approved:
i) To address concerns of the agricultural community, for lands designated Agricultural or Rural in the City’s Official Plan (non-settlement regulations):

- that A-frame signs (to a maximum of 0.48 m\(^2\)) be allowed on road allowance and not require a permit
- that reactive enforcement of the sign by-law in rural communities be endorsed, provided that such signs do not in any way constitute a safety hazard or visual obstruction to the travelling public;
- That fence banners be permitted in rural areas, provided that such signs do not in any way constitute a safety hazard or visual obstruction to the travelling public, and that staff be directed to report back to the Economic Development Committee with respect the controls for fence banners in rural areas.

ii) To provide for more effective administration and enforcement:

- update various terms, wording and definitions to clarify the by-law intent
- incorporate Schedules A, B and C into the main body of the by-law
- include signs advertising “new commercial developments” (Construction Information Signs) into the ground sign section of the by-law, and require a permit for these signs
- define “brand” type signs in the by-law
- three (3) year permits be allowed for A-frame signs on sidewalks
- permit third party advertising on ground signs and wall signs (except electronic signs) to a maximum amount of 25% of the sign surface with no third party advertising permitted within:
  - Downtown Community Improvement Project Area,
  - Business Improvement Areas
  - Ancaster Village Core Area
  - the Glanbrook Village Core Area;

iii) To address the increased use of corrugated plastic signs:

- establish a “Corrugated Plastic Sign” category in the by-law with a maximum allowed size of 2.2 m\(^2\) ;

iv) To address concerns regarding the regulation of mobile signs:

- increase the number of businesses (tenants) allowed to display on a sign during the permit period (i.e. different tenant on each side or more than one tenant on a single side) as well as allowing a change in tenant during the permit period
- remove the 10 m separation requirement between a mobile and ground sign
- remove the colour restrictions on lettering and business logo size limits;

v) To address concerns about enforcement of banners:

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vi) To further regulate posterizing across the City:

- require a 200 m separation between posters advertising the same activity or event
- allow only one poster per post/utility pole and require that posters be of biodegradable material for ease of removal;

(b) That the amending by-law attached as Appendix “A” to Report PED05172(h) which is in a form satisfactory to the City Solicitor, and which repeals and replaces Sign By-law 06-243 with a by-law that incorporates the changes set out in recommendation (a), and as amended by Committee on August 9, 2010, respecting the placement of banners on boundary fences, and banners in rural areas, be enacted;

(c) That the amending by-law attached as Appendix “B” to Report PED05172(h) which is in a form satisfactory to the City Solicitor, and which repeals and replaces Schedule 26 (Mobile Sign Leasing or Renting) of the Licensing By-law No. 07-170, be enacted;

(d) That the following fees be established in the 2010 User Fees and Charges By-law:

- a $125 yearly fee per location per property for a "Corrugated Plastic Sign" permit
- a $130 permit fee for a three-year period for A-frame signs on sidewalks;

(e) That staff be directed to develop a kiosk pilot program for poster locations in consultation with the Westdale, International Village and Downtown Business Improvement Areas, Public Works and the Wards 1 and 2 City Councillors and report back with a recommended plan to the Economic Development and Planning Committee by January 2011;

(f) That the Item “Review of the City Sign By-law”, be identified as completed and removed from the Economic Development and Planning Committee’s Outstanding Business List.

22. Application for an Amendment to Hamilton Zoning By-law No. 6593 for Lands Located at 16 Strathcona Avenue South (Hamilton) (PED10147) (Ward 1) (Item 6.5)
That Amended Zoning Application ZAC-09-045, by Clark Cerello, Owner, for a change in zoning from the “D” (Urban Protected Residential - One and Two Family Dwellings) to the “DE” (Low Density Multiple Dwellings) District, Modified, for lands located at 16 Strathcona Avenue South (Hamilton), as shown on Appendix “A” to Report PED10147, be approved, and that staff be directed to prepare a by-law for Council fapproval, said by-law to rezone the property under a Site-Specific “DE” (Low Density Multiple Dwellings) District, with special zoning provisions to address minimum lot width, minimum lot area, reduced setbacks, reduced parking, parking space location, and minimum landscaped area that would be required for the proposed development.

23. Application for Approval of an Amendment to the City of Hamilton Zoning By-law No. 6593 for the Lands Located at 200 Stinson Street (Hamilton) (PED10152) (Ward 2) (Item 6.6)

That approval be given to Amended Zoning Application ZAC-09-057, by Stinson School Inc., Owner, for changes in zoning from the Neighbourhood Institutional “I1” Zone to the “E/S-1635” (Multiple Dwellings, Lodges, Clubs) Zone, Modified, to permit the reuse of the former Stinson School as a multiple residential building containing up to 66 dwelling units together with 71 on-site parking spaces, on lands located at 200 Stinson Street (Lots 1 to 6 and 19 to 36, Registered Plan 207, Geographic City of Hamilton), as shown on Appendix “A” to Report PED10152, on the following basis:

(a) That the draft By-laws, attached as Appendices “C” and “D” to Report PED10152, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(b) That the amending By-law, attached as Appendix “C”, be added to Schedule “E-14” of Zoning By-law No. 6593.

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

24. Application for Approval of a Draft Plan of Subdivision, Official Plan Amendment, and Rezoning, for Lands Located at 403 Old Brock Road (Flamborough) (PED10170) (Ward 14) (Item 6.7)

(a) That approval be given to Subdivision Application 25T-200807, by N. Ramacieri, Owner, to establish a draft plan of subdivision on the property located at 403 Old Brock Road (Flamborough), as shown on Appendix “A” to Report PED10170, subject to the following conditions:

(i) That this approval apply to the Draft Plan of Subdivision 25T-200807 - “Spencer Creek Estates - Phase II”, prepared by Barich Grenkie

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Surveying Ltd., and certified by E.J. Grenkie, O.L.S., dated April 1, 2009, showing 13 lots for single-detached dwellings, and the extension of 1 street (Shakespeare Road), attached as Appendix “B” to Report PED10170, subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the special conditions attached as Appendix “F” to Report PED10170, and as amended by Committee on August 9, 2010, respecting the well monitoring programme and appropriate mitigation measures, and subject to the following conditions:

(ii) Acknowledgement that there will be no City share for any municipal works associated with this development;

(iii) That the dedication of Parkland will be required, pursuant to Section 42 of the Planning Act. The conveyance of the required lands will be concurrent with the registration of the Plan for the dedication of the lands prior to registration;

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

(b) That approval be given to Official Plan Amendment Application OPA-08-017, by N. Ramacieri, Owner, to amend Policy B.11.1.10.1 and Schedule B-16 of the Greensville Secondary Plan, in order to permit a subdivision comprising of 13 lots, as shown on Appendix “A” to Report PED10170, on the following basis:

(i) That the Draft Official Plan Amendment, attached as Appendix “B” to Report PED10170, be adopted by Council.

(ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement, and conforms to the Hamilton-Wentworth Official Plan, subject to the introduction of an ‘H’ Holding Symbol as detailed in Recommendation (c).

(c) That approval be given to Zoning Application ZAC-08-075, by N. Ramacieri, Owner, for changes in zoning from the Settlement Residential - Holding “R2-14(H)” Zone to the Settlement Residential “R2-32” Zone for Block 1, and from the Settlement Residential - Holding “R2-14(H)” Zone to the Settlement Residential - Holding “R2-32(H)” Zone for Block 2, as shown on Schedule “A” of Appendix “C” to Report PED10170, for lands located at 403 Old Brock Road, on the following basis:

(i) That the draft By-law, attached as Appendix “C” to Report PED10170, which has been prepared in a form satisfactory to the City Solicitor, and as amended by Committee, on August 9, 2010, respecting changing a Holding provision from Lot 13 to Lot 9, be enacted by City Council.
(ii) That the amending By-law be added to Schedule “A-37” of Zoning By-law No. 90-145-Z.

(iii) That the proposed changes in zoning will be in conformity with the Town of Flamborough Official Plan upon finalization of Official Plan Amendment No. __.

25. Application for Amendments to the Town of Ancaster Official Plan and Zoning By-law No. 87-57, for Lands Located at 713 and Part of 777 Garner Road East (Ancaster) (PED10158) (Ward 12) (Item 6.8)

(a) That approval be given to **Official Plan Amendment Application OPA-10-003, by Stonehenge Development Limited and Redeemer University College, Owners**, for Official Plan Amendment No. __, for a change in designation from “Low Density Residential 1” and “Low Density Residential (Infill)” to “Low Density Residential 4”, and from “Low Density Residential 1” and “Low Density Residential (Infill)” to “Institutional”, on lands located at 713 and Part of 777 Garner Road East (Ancaster), as shown on Schedule “A” of Appendix “C” to Report PED10158, on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “C” to Report PED10158, be adopted by City Council.

(b) That approval be given to **Zoning Application ZAC-10-009, by Stonehenge Development Limited and Redeemer University College, Owners**, for changes in zoning from the Institutional - Holding “I-H” Zone and the Agricultural “A” Zone to the Multiple Residential “RM4-613” Zone, Modified, and from the Agricultural “A” Zone and the Institutional “I” Zone to the Institutional “I-614” Zone, Modified, to permit land use regulations to facilitate a land exchange between Stonehenge Development Limited and Redeemer University College, and allow a bungalow townhouse development, on lands located at 713 and Part of 777 Garner Road East (Ancaster), as shown on Schedule “A” of Appendix “D” to Report PED10158, on the following basis:

(i) That the draft By-law, attached as Appendix “D” to Report PED10158, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

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

(c) That approval be given to Official Plan Amendment No. __ to the Urban Hamilton Official Plan to re-designate portions of the subject lands to “Low
Density Residential 2c” and “Institutional” (see Appendix “F” to Report PED10158), and should Council’s decision on the amendment occur prior to the final decision on the Official Plan by the Province, the City requests the Ministry of Municipal Affairs and Housing to include these amendments in the Official Plan and defer them until the OPA to the Town of Ancaster is final and binding.


That approval be given to Zoning Application ZAC-10-018, by J. Chun and A. DiSilvestro, Owner, for a modification in zoning from the Residential “R4-557” Zone, Modified, and the Residential “R4-549” Zone, Modified, to the Residential “H-R4-619” Holding, Zone, Modified, to permit single-detached dwellings for lands located at 215, 221, 285, 305, and 311 Springbrook Avenue (Ancaster), as shown on Appendix “A” to Report PED10173, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED10173, 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” of Zoning By-law No. 87-57.

(c) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan, the Town of Ancaster Official Plan, and the Ancaster Meadowlands Neighbourhood IV Secondary Plan.

the City’s Parkland Dedication By-law, currently at a rate of 1 hectare for each 300 dwelling units proposed, and shall be based on the value of the lands on the day prior to the issuance of the first building permit;

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

27. Transit Oriented Development Guidelines (City Wide) (PED10181/PW10071) (Item 7.1)

(a) That the Transit Oriented Development (TOD) Guidelines, attached as Appendix “B” to Report PED10181/ PW10071, be adopted and approved for use during the development review process and other land use and transportation/transit initiatives.
(b) That the General Manager, Planning and Economic Development be authorized to amend the TOD Guidelines attached as Appendix “B” to Report PED10181/PW10071 on an on-going basis, as technical initiatives and standards are completed or revised, and other design criteria developed.

28. Task Force on Cleanliness and Security in the Downtown Core Report 10-003 (Item 8.1)

That the following recommendations from the Task Force be approved;

(a) Review of Aerial Encroachment permit application process

That Public Works be directed to review the permit application process for Aerial Encroachments with the intent of introducing a formalized process to help eliminate unnecessary delays.

(b) Lighting Study, In-depth Review of the Consultants Report – Presentation by Don McLean/ Glen O’Connor (Item 6.2)

(i) That staff be directed to report to the Public Works Committee with their recommendations in respect to the Lighting Study;

(ii) That the Task Force’s comments on the consultants recommendations form part of this staff report;

(iii) That staff report back to the Task Force for Cleanliness and Security in the Downtown Core with a Capital Implementation Plan for Lighting that gives options based on different levels of implementation.

(c) Joint proposal from the Downtown BIA and the International Village BIA in regards to the Downtown Ambassador Program 2010 (Added Item 6.5)

That staff be directed to allocate $4,647.00 for the continuation of the Downtown Ambassador Program in 2010, as described in the letter submitted jointly from the Downtown Hamilton BIA and the International Village BIA to the Task Force

29. Appeal to the Ontario Municipal Board of Draft Plan of Subdivision Application 25T-200403 and Zoning By-law Amendment Application

Council – August 12, 2010
ZAC-04-021, Part of Lots 48 and 49, Concession 2, Hamilton (Ancaster) (Item 12.1)

(a) That in the matter of the appeals to the Ontario Municipal Board by Sulphur Springs Development Corp. respecting 237 and 271 Lime Kiln Road (OMB File Numbers PL090665 and PL090707), the City Solicitor be directed to advance the position before the Ontario Municipal Board recommending denial of the subject applications for Draft Plan of Subdivision and Zoning by-law amendment for reasons which include but are not limited to:

(i) The proposal does not address conservation of cultural heritage resources,

(ii) The proposal does not meet the requirements of section 51(24) of the Planning Act,

(iii) The proposal does not implement the objectives of the Niagara Escarpment Plan or Niagara Escarpment Planning and Development Act,

(iv) The proposal does not comply with the Endangered Species Act,

(v) The proposal is not consistent with and does not have regard for the Provincial Policy Statements,

(vi) The proposal does not conform with the policies of the Region of Hamilton-Wentworth Official Plan,

(vii) The proposal does not conform with the policies of the Town of Ancaster Official Plan,

(viii) The proposal does not provide adequate buffering for the nearby Environmentally Sensitive Area, and

(ix) The proposal for land for parkland dedication is not suitable for the City’s Parkland Dedication.

(b) That if the Ontario Municipal Board allows the appeals by Sulphur Springs Development Corp. respecting 237 and 271 Lime Kiln Road (OMB File Numbers PL090665 and PL090707) that the City Solicitor be directed to take a position before the Board that, notwithstanding any provisions of the Cemeteries Act and the negotiation of a site disposition agreement, the appeals be allowed on the following basis:

(i) That approval be provided in respect of the draft plan of subdivision with such conditions to the subdivision approval as the City Solicitor and the Director of Planning deem appropriate; and
(iii) That the zoning by-law be amended in a form and content, including any holding provisions, satisfactory to the City Solicitor and Director of Planning.

(c) That the staff memorandum respecting this issue, dated July 27, 2010, be kept confidential and not be released to the public.

30. Appeal to the Ontario Municipal Board respecting 227 Stonechurch Road East; Minor variance HM/A-09:114 and Consent to sever: HM/B-06:182 & HM/B-06:183(Item 12.2)

That the City Solicitor be directed to take the following position on the appeals by Paletta International Corporation respecting 227 Stonechurch Road (OMB File Numbers PL090538, PL090539 and PL090541):

That the City support the consent and minor variance applications (HM/A-09:114, HM/B-06:182 and HM/B-06:183) subject to the conditions of the May 21st, 2009, Staff Report to the Committee of Adjustment, and subject to the Survey Plan and Driveway and Hammerhead Location Plan, both as presented to Committee on August 9, 2010.

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

The Clerk advised of the following changes to the agenda:

-added delegation request from Nick DeFilippis, distributed this morning and added as Item 4.4

-Brian Otis, Item 4.3 respecting a proposed development in Down Town Hamilton has withdrawn his delegation request.

-added delegation request from John Ross added as Item 4.5

-Item 5.1 has a typo – Sunnyridge is in Ward 14, not Ward 12

On a Motion (Pasuta/Pearson) Committee approved the Agenda, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

Councillor Pearson advised of a conflict respecting Item 5.16 as she is an owner of rental housing
Councillor Ferguson advised of a conflict respecting Item 6.3 as his sister owns a restaurant

(c) APPROVAL OF MINUTES (Item 3)

On a Motion, (Pearson/Pasuta), the Minutes of the Economic Development and Planning Committee meeting on July 5, 2010 were approved.

(d) DELEGATION REQUESTS (Item 4)

(i) Gideon (Glen) McGuireAugier respecting request to waive fees respecting re-use of 53 Gibson Avenue as a multi-faith community church and addiction recovery centre (Item 4.1)

On a Motion (Mitchell/Pearson), Committee approved the delegation to speak at a future meeting.

(ii) Ejaz Butt, President, Ontario Taxi Workers Union, respecting collection of HST in taxi meters from July 1, 2010 (Item 4.2)

On a Motion (Mitchell/Pearson), Committee directed that the delegation should speak to a future meeting of the Taxi Reform Sub-Committee.

(iii) Nick DeFilippis, respecting Item 5.2, 244 Kenilworth Avenue North (Hamilton) (PED10179) (Ward 4)

On a Motion (Mitchell/Pearson), Committee approved the delegation to speak today.

(iv) John Ross verbal request for delegation today re: Item 5.1

On a Motion (Mitchell/Pearson), Committee approved the delegation to speak today.

(e) Appeal of the City of Hamilton Committee of Adjustment Decision to Approve Severance Application AN/B-10:02, John Ross (Owner), 179 Sunnyridge Road (Ancaster) - (PED10157/PW10075) - (Ward 12) (Item 5.1)

Staff presentation was provided by Daniel Barnett and Chris Shrive. Mike Bingham, and Rob Hall were in attendance to address any hydro-geological and public health issues.

Council – August 12, 2010
Daniel Barnett’s presentation included, but was not limited to the following:

- This appeal deals with a matter that was before the Committee of Adjustment for severance of the property. Application was not supported by staff
- Residential property proposed to be severed into two separate lots; however, this severance contradicts a number of policies.

Chris Shrive reported the following:

- The basis for request for denial of this originally is based upon technical items including interpretations of planning policy statements, the Greenbelt Act, Official Plan and Neighbourhood Plan, and reference to the Gartner-Lee report

In response to questions from Committee, the following additional information was supplied:

- issues are water contamination, elevated nitrate levels
- maintenance of any system is very important; but no mechanism to ensure that the system works in perpetuity and maintained in perpetuity
- the owner of the property is Antonio Gumerio and John Ross is the owner’s representative

Councillor Pasuta advised that with respect to tertiary systems, there are many in Ward 14 that create difficult situations

John Ross, the applicant’s solicitor, appeared before the Committee. His comments included, but were not limited to, the following:

- As soon as he was aware of the City’s appeal to the OMB, Mr. Ross attempted to contact the City’s Legal Department in an attempt to resolve issues
- This is an opportunity to have preliminary hearing and to respond to the appeal in two ways – technical grounds and accuracy of water quality and Gartner-Lee report
- Respecting technical grounds, appeal lapsed in November, 2009 when had satisfied numerous conditions; started grading report and agreement with City, made surveys for road widening; however, the application lapsed after one year; concerned that original information was not circulated to Mr. Shrive
- If City appeals and wins, will the City refund all monies paid by the owner in good faith?
Respecting Gartner-Lee, report should be updated, he proposes a Class 4 system, this addresses every concern except nitrate;
Nitrate issue would affect all of Jerseyville, not just one property
City should amend plans to recommend that proper systems be installed
No mechanism for future sustainability – too narrowly defined
Considered that there are three alternatives: approve staff recommendation, abandon appeal or defer the entire issue and allow opportunity for meeting with Legal Department
Undertaking can be registered on title to maintain the quality of the septic system

Tim McCabe, advised that the OMB appeal can continue; while discussions between staff and the developer take place

On a Motion (McHattie/Duvall), the staff recommendations were approved as presented.

Appeal of the City of Hamilton Committee of Adjustment Decision to Approve Minor Variance Application HM/A-09:318, 1655004 Ontario Inc. (Owner), 244 Kenilworth Avenue North (Hamilton) (PED10179) (Ward 4) (Item 5.2)

Staff presentation provided by Matthew Blevins. Mr. Blevins indicated that the applicant has attempted to rent out the ground floor as commercial space, but has been unsuccessful to date.

Nick DeFilippis addressed the Committee on behalf of his client. His comments included, but were not limited to, the following:

Addressed the on-going trend/current state of Kenilworth Avenue between Queenston Road and Barton Street
His clients have owned this property for three years; the residential unit on the ground floor has existed for 15 to 20 years
The Committee of Adjustment realizes the on-going problem and granted a temporary use for four years
The owner has attempted to rent the property for its intended use (commercial), but without success
His client has no intention of wanting to keep this property residential and would prefer commercial
Committee of Adjustment realized that where there were problems with financial hardship cases for some of the owners, they were allowed to continue existing use for a certain amount of time, while not tying hands of the City
• Clients are not averse to being able to rent property as commercial, but there has not been an overwhelming demand for that use; not converted by client; what Committee of Adjustment has done is responsible, rather than leaving these properties abandoned

- Councillor Collins advised that Councillor Merulla, the Ward Councillor, is in the process of addressing a number of illegal conversions and wanted to confirm that others with similar applications have been denied by the Committee of Adjustment.

- Staff responded that there have been applications denied by the Committee of Adjustment, but also some others have been approved.
- The push is to get Kenilworth Avenue to a state comparable to other areas of the City e.g., Locke Street, Ottawa Street; to move towards a positive commercial future

On a Motion (McHattie/Duvall) the recommendations contained in the staff report were approved.

(g) Minutes of the Municipal Heritage Committee Meeting of June 24, 2010 (Item 5.19(a))

The Minutes of the Municipal Heritage Committee meeting of June 24, 2010 were received.

(h) Neighbourhood Residential Rental Housing Community Liaison Committee – Voluntary Rental Registry Program (PED10185) (Wards 1 and 8) (Outstanding Business List Item) (Item 5.16)

That the item Neighbourhood Residential Rental Housing Community Liaison Committee – Voluntary Registry Program be identified as completed and removed from the Outstanding Business List.

(i) Baljit Grewal, requesting a By-law amendment to allow firework sales to coincide with the religious observance of Diwali (Item 6.1)

Budh Dhillon addressed the Committee. His points included, but were not limited to the following;

• fireworks on the occasion of the Diwali festival is essential, Diwali is one of the oldest festivals in the world
• fireworks is embedded in Diwali, Diwali is the festival of light
ever since established in Canada, have been celebrating Diwali in places of worship and have been doing fireworks, not knowing that the by-law does not allow them to do that

now here to appeal to amend by-law to allow fireworks on Diwali

City of Brampton permits residents to celebrate Diwali with fireworks – no reports of added fires

On a Motion (Bratina/Pearson) the request was referred to staff to review the issues raised in this request and report back with proposed amendments to the by-law.

(j) Sale of City Surplus Lands - 4 Fifth Avenue, Hamilton Beach (PED10154) (Ward 5) (Item 6.2)

Councillor Collins noted his concerns about the staff recommendation. His points included the following;

- when staff started the process, agreed to sell property to 2 adjacent landowners to the south
- public laneway closed and then found out publicly owned;
- Council direction to real estate has changed, now looking for best use and highest return on properties;
- residents working with staff are now in a position where they are not being offered the property at market value; but still interested in purchasing lot;

Collins suggesting that alternative recommendations be considered as noted on page 5 of the staff report.

On a Motion (Mitchell/Pearson), Committee approved the alternate recommendations.

(k) Establishing a “Bars and Nightclubs” Licensing Category (PED09127(c)) (City Wide) (Item 6.3)

Councillor Ferguson vacated the Chair for discussion of this issue.

Vince Ormond and Inspector Bill Stewart from Hamilton Police Service were in attendance to assist Committee.
Marty Hazell provided a power point presentation to respond to concerns raised by the Committee in February, 2010.

Councillor Mitchell raised questions respecting Patio licences and when a restaurant kitchen closes, and the issue of private clubs

Staff noted that they are looking at additional categories, including private clubs. Have found out that in recent years, many premises are trying to expand operations and cater to more people; sometimes open to more members of the public. Staff will be coming back with a report; proposing changes from “restaurant” to “restaurant and food services”, and this will impact private clubs.

Staff noted that patio zoning has recently changed respecting seating capacity – could have drink on patio without food, as long as establishment has food service.

Mike Suhanos on behalf of Ron Gillen, Ronny G’s Sports Bar addressed Committee. His points included, but were not limited to, the following:

- Prepared review of the proposed recommended changes, submitted to Vince Ormond, but the items he proposed were not addressed in report
- Material submitted on June 13 but was not distributed; want matter referred back to sub-committee

Vince Ormond advised that does not recall reviewing documentation; notices sent out to 80 bar owners – list from internet and phone book; staff will check mail list;

Ron Gillen, Ronnie G’s advised that his establishment did not receive anything in mail

Committee directed staff to look into matter and respond to Mr. Gillen

Bob Plouffe addressed Committee. His points included, but were not limited to, the following:

- Has 14 years experience as liquor inspector and 12 years as liquor license specialist
- Appreciate concerns the City has, but wondering if Hess Village is the main part of the equation, why are a lot of these classifications being made for other restaurants

 Council – August 12, 2010
• nothing wrong in staff looking at issues, as long as it results in a better situation
• onus is on the owner to maintain business and operate correctly
• application asks if there is admission fee, line-ups, etc.
• here as messenger to hear what direction Council is going in; time to put in a little more work and item should not be voted on today

Eddie Fisher, Fisher’s Pier 4, addressed Committee. His points included, but were not limited to, the following;

• does not know whether this change is strictly for Hess Village district; question is, does this affect 800 other licensees in the City, or specifically for Hess Village at this time
• 800 licensees should not have to be part of changes that are coming from Hess Village and problems that exist there after 10:00 p.m.
• think it unreasonable that four or five businesses in Hess Village now affect 800 other businesses in this community; have employed hundreds of people, have not have any problems with licensing agencies;
• always prepared to work with City, trying to make changes; don’t believe that the 800 licensees need to be tarred and feathered with the 5 nightclubs approved – offended by this approach
• he is in food and beverage business, Council should deal with Hess Village separately
• always available and prepared to sit with City staff to assist; asking that this particular proposal of change be sent back and looked at further
• five problems in Hess Village should not affect changes to entire sector
• Hess Village is a shadow of what it used to be, in terms of liquor sales

Staff responded that proposed changes apply to entire City

Staff anticipate that amendments may only affect 60 establishments in the City; intent of creating a separate licensing category will assist with identifying which establishments will require additional monitoring

Committee discussed the matter and raised issues including the following

• -Is it fair to paint all with the same brush;
• -financial increases, $320 vs $146, large increase, but fee based on cost recovery; pending comprehensive review of fees later this year;
• -restaurant issue affects areas beyond Hess Village including Ainsliewood-Westdale where there are a number of bars and nightclubs which service the student crowd;
• impact on good bars and facilities is minimal beyond the cost issue ($320) and providing the other information (premises plan);
• -if premises fall into more than one category, will they have to pay for each category or are they rolled together
• need for separate vote on farm portion; if whole matter is referred back?
• is it possible to have Hess Village precinct by-law?

Bill Stewart explained high density of nightclubs in Hess Village; in certain parts of the City, there are establishments which do not serve food; difficulty is to come up with threshold of what is a nightclub, what is a bar; from police perspective, should be classification for establishments which do not serve food or are only open 2 or 3 nights a week;

Vince Ormond - will be rolled together by way of multiple establishment license; 60 establishments, maximum, is the number that will fall into this category, staff can provide Committee with updates from time to time

Committee continued their discussion;

• Could noise plans be added to application process?
• Which 60 establishments would be affected by the changes?
• Need data in terms of number of police responses, what extra manpower may be required, need information on how many good businesses may be adversely affected; need consideration of creating a precinct by-law;
• -How does AGCO define nightclubs/bars?

Lisa Pasternak advised that AGCO has only definition of “restaurant”, AGCO used to distinguish between different types of establishment; now uses conditions, takes into consideration what types of business; also establishes high-risk establishments, AGCO has no ratio of food vs liquor

On a Motion (Pasuta/Mitchell) Committee approved the revision to the by-law respecting farm premises.

On a Motion (Pasuta/Mitchell) referred the balance of the item back to staff with direction to maintain the existing price fee, to amend the percentage of seating from 80% to 65%; for staff to investigate letter from Ronny G’s and obtain information from Police Service in terms of number of calls made and to where, and report back to Committee.
On a Motion (Pearson/Pasuta), Committee received additional correspondence from Karyn Oliver.

Marty Hazell and Vince Ormond provided an overview of the staff report. The points included, but were not limited to the following:

- staff has reported on this matter previously; have met with HABIA with respect to fees;
- have letter of support from area car dealerships which allows new types of signs – plastic corrugated;
- provided details on what has changed since last report and what changes to by-law have been made.

Councillor Clark asked how staff address proactive enforcement within the City boundary vs reactive enforcement in the rural areas, who makes decision as to whether or not by-law is enforced, is there an infraction and any fines laid?

Councillor Pasuta expressed concern with respect to agriculture; has to be some acknowledgement to farmers who grow their own produce.

Joe Pouget, Acclaim Signs addressed the Committee. His points included, but were not limited to the following:

- think City has done a good job of listening to members of the Sign Association
- hearing from customers that length of time to advertise is not long enough
- 14-day hiatus; complaint that signs on City property are permitted to stay
- what is difference between bus advertisement, bus shelter advertisement, bench advertising and business which must follow the by-law with new corrugated signs, if same signs used, would that be allowed?
- how many illegal signs are in the court system currently?
- in support of most of the changes made

Staff responded that City has exemptions from the Sign By-law

Evelyn Beck, Wishes and Fine Jewelry, addressed the Committee. Her points included, but were not limited to the following:

- have been sole proprietor for over 22 years;
- in Waterdown and set away from the roadway; when sign is gone, impacts business by 20%; difficult as an independent; is there a way for more time for a mobile sign?
Doug Orr, All Ontario Signs, addressed the Committee. His points included, but were not limited to the following;

- All Ontario Sign Rentals generally positive on By-law
- Have not been made aware of changes for usage of charitable signs, should be no permit for charitable groups or for baseball, soccer, hockey clubs which pay rental fees to the City for the playing fields and arenas
- Illegal signage, including mobile signs and other forms of signage should be removed
- At last count, 23 illegal signs in Stoney Creek alone along a 5 mile stretch
- New sign by-law is very restrictive and expensive
- Have been witness to signs month after month and year after year, some with no permit]
- Requesting six x 28-day permit periods per year for mobile signs

George Langadinos addressed the Committee. His points included, but were not limited to the following;

- Public notice in newspapers was flawed
- Before end of July, given 2 articles respecting public hearing and changes to the sign by-law
- Unable to provide submission as he did not have information in time
- Information should be available at the time the advertisement appears in the paper
- Expressed concern with respect to Part 7 – Penalties and Enforcement
- If the by-law is approved, will hurt many minority groups;
- Checked legal points; personally, believe Council members have been misled

On a Motion, (Pearson/McHattie) the staff Recommendation was placed on the floor.

On a Motion (Pearson/Clark), the following amendment was approved;

That within Section 5.5 of the by-law, a boundary fence shall be defined as a fence between two properties and not one which is fronting on a public road

Councillor Clark requested that the Recommendation be voted on separately (a)(i) sub-section (b)

Committee approved the Motion, as amended.

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Councillor Pasuta requested that his opposition to the By-law be recorded.

Councillor Clark requested that his opposition to a)(i) sub-section (b) be recorded.

Councillor Mitchell requested that staff work further with respect to charity and sports associations, and how they could be exempted from the requirements.

(m) Application for an Amendment to Hamilton Zoning By-law No. 6593 for Lands Located at 16 Strathcona Avenue South (Hamilton) (PED10147) (Ward 1) (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 zoning application is approved and 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 application is approved and 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.

On a Motion, Committee received a petition with 30 signatures, and a letter from Dawn Graham, President, Strathcona Community Council, all supporting the application.

Cam Thomas was present to assist Committee, and provided an overview of the application, with the aid of a powerpoint presentation.

The applicant’s agent, Steve Fraser, AJ Clarke, addressed Committee in support of the application. His points included but were not limited to the following:

- acknowledge area residents in attendance and described the neighbourhood context
- described evolution of project – originally had 6 units, reduced to 5
- application was circulated and part of staff comments included that front yard needed to be softened; therefore, eliminated 1 parking space and extended backyard
- added fully accessible green roof for every resident in the building
community open house meeting – primary concern was access from Edison
final design includes transit initiatives and electric scooters to each of the first owners, no vehicle access from Edison
two main issues – parking issue which is genesis of evolution of project and staff’s opinion of density and scale of project is too large for the neighbourhood; however, every resident abutting the property is in support of this project
- has adequately addressed scale and density of project
study concluded that there is enough parking in the area to facilitate the project, together with transit initiatives – transit passes, provision of scooter
- location supports intensification by its access to existing services
situated in best transportation hub in the City
innovative design and construction techniques – green roof
in terms of scale, evolution of project, ensures that neighbours abutting project have no objections

Clark Cerello, the owner, addressed Committee, in support of the application
- not someone from outside coming into neighbourhood; has resided there for 5 years
- understands fabric of neighbourhood; this project is excellent example of good planning

Stef Banaszak, resident at 9 Edison, addressed Committee. His points included but were not limited to the following;
attended public meeting held by developer and voiced concerns
showed not necessarily after biggest return, but willing to listen to concerns and change
parking is big issue, but wonder in terms of parking how long we should keep catering to cars vs. people in the City and fact that residents support project

Carol Taylor, 37 Strathcona Ave South addressed Committee. Her points included but were not limited to the following;
homeowner for 30 years and have seen ups and downs of neighbourhood
object to plan – home is too big for street; density is too large; initiative for GO transit is very nice, but reality is people will want to have cars
people who are professionals going to Toronto may be travelling to locations that GO Transit does not go to
• issue of parking is huge, when Margaret Street Lofts developed, loft owner purchased parking on street for their residents. And Margaret Street has permit parking;
• if there is potential for 10 tenants and only 1 parking spot, potential for 9 cars to be parked on street;
• One neighbour on street has 5 vehicles for 4 people, these 4 vehicles are parking on street each day

• additional parking will leave no space for visitors;
• Paradigm survey did not include fact that street is used for people who commute
• suggest permit parking on street

Jonathon Therrion, 8 Locke Street South, representing John Graham, addressed Committee. His points included but were not limited to the following;

• have letter submitted to City
• spoke to many people, particularly on Edison;
• a project to be excited about; want to promote neighbourhood that is possible to live in without a vehicle
• will attract buyers interested in a green lifestyle and car free
• feel that this is inventive and beneficial improvement to the neighbourhood
• feel there needs to be a strong parking strategy in this neighbourhood
• want to increase economic development and diversity while still meeting the needs of the people

George Stan, Real Estate Agent, addressed Committee. His points included but were not limited to the following;

• existing building is a lodging house and holds 10 people; therefore, repurposing building to accommodate professional people
• opportunity to have existing building renovated and brought to today’s standards
• pushing for less cars on the road
• owner made modifications to building after listening to people

Committee discussed the matter

Councillor Bratina did not agree that this project does not comply with the Hamilton Official Plan

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Councillor McHattie noted this has been interesting project to be part of; has community-based design with a lot of input from residents; Councillor McHattie offered to meet with Mrs. Taylor and other residents with respect to their parking issues/concerns; he also disagrees with the staff recommendations.

Councillor Clark asked how do we ensure that future homeowners or condo owners are of equal mind with regard to public transit vs the automobile and don’t show up with 2 or 3 cars and look for parking?

Staff noted that there were very limited powers available.

Committee approved the staff recommendation.

On a motion, (Clark/Pearson) Committee directed that staff be directed to include language in the condominium approval to ensure that all future condo owners are made aware of limited parking restrictions, transit pass issue, scooters, etc. which will be part of condominium application.

Councillor Ferguson requested that his opposition be recorded.

(n) Application for Approval of an Amendment to the City of Hamilton Zoning By-law No. 6593 for the Lands Located at 200 Stinson Street (Hamilton) (PED10152) (Ward 2) (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 zoning application is approved and 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 application is approved and 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.

On a Motion, (Whitehead/Duvall) Committee received letters from the following persons, in support of the application,
Brian Goodman, Stinson Community Association, 348 Hunter Street East
Patricia Mehlenbacher
Patricia Cunningham-Ward
Margaret Barsi and Ron Nash
Dale Henry
and a letter from Ron Gavreau, in opposition to the application.

On a Motion (Clark/Pasuta) Committee dispensed with the planner’s presentation

Chris Bell was present to assist Committee.

The applicant’s agent, James Webb, addressed Committee in support of the application. Supportive of staff recommendation

The applicant, Harry Stinson, was present, in support of the application.

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

Committee approved the staff recommendation.

(o) Application for Approval of a Draft Plan of Subdivision, Official Plan Amendment, and Rezoning, for Lands Located at 403 Old Brock Road (Flamborough) (PED10170) (Ward 14) (Item 6.7)

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 Official Plan Amendment is approved, the draft plan conditions approved, and the by-law is passed, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board.

b) If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Council of the City of Hamilton before the Official Plan Amendment is approved, the draft plan conditions approved, and the 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.
On a Motion, Committee received a letter from Jay Miller.

Edward John was present to assist Committee and provided an overview of the application. His points included but were not limited to the following:

- two minor changes proposed by applicant – requesting Lot 9 be subject to holding provision, instead of Lot 13
- secondly, two conditions of draft plan approval in Appendix F are being revised, respecting well water and well monitoring.

The applicant, Nick Ramacieri, addressed Committee in support of the application. His points included but were not limited to the following;

- satisfied with staff recommendation
- noted that he wanted it recorded in the Minutes that nowhere in Greensville Secondary Plan is it mentioned that shallow wells be used for the purpose of monitoring

Albert Faccenda, 37 Christopher Drive, owner of Coral Gable Homes, addressed Committee. His points included but were not limited to the following:

- Own property immediately to the north of Mr. Ramacieri’s property
- have been homebuilder for 25 years and also have application in Greensville area for 12 lots; applying for same lots
- bought property in 2003 and made inquiries at that time as to what can be done with the property; told it was residential with holding pattern and subject to water monitoring process and no developing to be done at that time
- spoke with Jason Thompson, Edward John and Paul Mallard and Ward Councillor; made inquiries as to what would protocol have been to get 6 of 12 lots rather than jumping ahead of his application, discussed with planners and told would support position and take position that lots be equally distributed 6 and 6; so with that assurance, waited until report in play and open to public
- upon finding out of positive report, he also applied; happy with 6 lots; have several proposals
- Greensville is under-developed; many severances have not taken place
- “Places to Grow” mandate echoes provincial mandate
- for planning department to consider further development other than 12 available lots in light of the fact that Greensville did not meet its development targets established in 1999
- lot more area to grow in Greensville; provide taxes, pay for own services and provide revenue to this community
- ask that Council consider equal distribution of six lots equally; above and beyond, there are other development potentials for Mr. Ramacieri to have additional lots; process has to be transparent
Staff clarified that application before the Committee is for Mr. Ramacieri

Lloyd Rapani – business partner with Albert Faccenda – owner of Coral Gable Homes, addressed Committee. His points included but were not limited to the following:

- don’t have any real objection to Mr. Ramacieri’s application
- potential of another way of getting consent for 5 lots – made application to Committee of Adjustment in March 2005 but were refused
- since already been turned down, bit leary of process
- if all allocations given to Mr. Ramacieri., this is unfair; if not given any of the lots, will appeal to OMB
- believed lots were going to be shared

Staff explained that the denial letter the speaker was referring to was a letter from staff, and was in response to land severance inquiry.

On a Motion, (Clark/Pearson) Committee approved the staff recommendation.

Application for Amendments to the Town of Ancaster Official Plan and Zoning By-law No. 87-57, for Lands Located at 713 and Part of 777 Garner Road East (Ancaster) (PED10158) (Ward 12) (Item 6.8)

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 Official Plan Amendment is approved and 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 Official Plan Amendment is approved and 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.
On a Motion (Pearson/Pasuta) Committee dispensed with the planner’s presentation.

Chris Bell was present to assist Committee.

The applicant’s agent, Amanda Ma from Starward Homes, addressed Committee in support of the application.

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

Committee approved the staff recommendation.

(q) Application to Amend Ancaster Zoning By-law 87-57 for the Property Located at 215, 221, 285, 305, and 311 Springbrook Avenue (Ancaster) (PED10173) (Ward 12) (Item 6.9)

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 zoning application is approved and 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 application is approved and 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.

On a Motion (Pearson/Pasuta) Committee dispensed with the planner’s presentation.

Tim Lee was present to assist Committee.

The applicant’s agent, Angelo Cameracci addressed Committee in support of the application.

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

Committee approved the staff recommendation. (Pearson/Mitchell)
COUNCIL ADDED A DATE FOR THE MATTER TO RETURN TO THE COMMITTEE

(r) Application for Approval of a Draft Plan of Subdivision, Official Plan Amendment, and Zoning By-law Amendment for Lands Located at 345 Glancaster Road (Glanbrook) (PED10180) (Ward 11) (Item 6.10)

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 zoning application is approved and 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 application is approved and 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.

On a Motion, Committee received letters from Mike Cole, Kopper Creek Citizens Committee, in opposition to the application, and from Joel Faber, lawyer for the applicant, in opposition to any request to defer the application,

Jennifer Haan was present to assist Committee and provided an overview of the application.

The applicant’s agent, Glen Scheels, GSP Group, addressed Committee in support of the application. His points included but were not limited to the following;

Accompanied today by Angelo Cutaia, Project Engineer and Joel Farber, Solicitor

- Provided the context, policy framework, development proposal; land use compatibility; servicing; drainage and stormwater management
- Project is consistent with provincial and local policies; quality development, fitting in character with neighbourhood;

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• important to look at existing and future needs of the neighbourhood
• size and scale of buildings are appropriate for the site

The following residents addressed the Committee on opposition to the application;

Nan Uzbalis, 22 Kopperfield Lane
Mark Amorosi, 51 Bellstone Lane
Fran Borsellino, 35 Kopperfield Lane
Tom Hopf, 8 Blackburn Lane
Nancy Fleming, 48 Bellstone Lane
Brian, 35 Kopperfield Lane
Mike Cole, 3 Blackburn lane
Sonia Almeida, 5 Idlewilde Lane
Dave Goddard, 27 Bellstone Lane
Kim Hachey, 61 Brookheath Lane
Joe Crozier, 20 Bellstone Lane
Mr. McCabe, 29 Bellstone Lane

On a Motion (Pasuta/Whitehead), the staff recommendation was placed on the floor.

On a Motion (Mitchell/Pasuta), the following amendment was moved;

That the following be added a sub-sections (e),(f) and (g):

(e) That freehold townhouses are to be under a site plan control application along with the condominium application in order to ensure architectural control and integrity of streetscape, including street entrance features and enhanced landscaping along Kopper Creek and Glancaster Road;

(f) That a street tree plan along Glancaster Road and enhanced landscape amenity design along the open space abutting the tree buffer area, be introduced;

(g) That the development be geared to adult lifestyle, therefore no play structure area but rather, street furniture with passive recreational areas.

On a Motion (Duvall/McHattie), Committee approved the following;

That Staff Report PED10180 and the recommendations contained therein, together with the amendments, be referred back to allow the Ward Councillor to meet with residents, developer and staff to address the concerns expressed by the residents at today’s meeting, and through the communications received and
that the matter come back to the Economic Development & Planning Committee on September 21, 2010.

(s) Transit Oriented Development Guidelines (City Wide) (PED10181/PW10071) (Item 7.1)

Ric Martins was present to assist Committee and provided an overview of the report.
Committee approved the staff recommendation.

(t) Task Force on Cleanliness and Security in the Downtown Core Report 10-003 (Item 8.1)

Councillor Bratina explained the recommendations.
Committee approved the recommendations from the Committee.

(u) Request for report respecting bringing illegal operating businesses into compliance with appropriate tax laws (Item 9.1)

Councillor Mitchell confirmed that he wished to withdraw this item

(v) NOTICES OF MOTION (Item 10)

None

(w) GENERAL INFORMATION (Item 11)

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

Revised strategic list distributed - Special Airport Meeting has been scheduled for September 30, 2010

(ii) Item M-Conversion without building permits of single detached houses to student houses

On a Motion (Pearson/Pasuta), Committee removed the Item from the Outstanding Council – August 12, 2010
Business List, as the item has been dealt with.

(iii) **Financial Incentive Programs – Procedure for Applicants in Litigation with the City of Hamilton (PED10003) (Wards 1,2,3,4,6,7,8,9,11,12, 13,15) (Item 8.4)**

On a Motion (Pearson/Mitchell) Committee confirmed that the Item had been dealt with and requested that the Item be removed from the Outstanding Business List of the Committee of the Whole.

(x) **Confidential Items(12.1 and 12.2)**

On a Motion (Clark/Pearson) Committee moved into Closed Session to consider two items which are matters before the OMB and are subject to Section 8.1(e) of the City’s Procedural By-law and Section 239 of the Ontario Municipal Act as the subject matters pertain to litigation or potential litigation, including matters before administrative tribunals affecting the City and are with respect to:

(i) **Appeal to the Ontario Municipal Board of Draft Plan of Subdivision Application 25T-200403 and Zoning By-law Amendment Application ZAC-04-021, Part of Lots 48 and 49, Concession 2, Hamilton (Ancaster) (Item 12.1)**

(ii) **Appeal to the Ontario Municipal Board respecting 227 Stonechurch Road East; Minor variance HM/A-09:114 and Consent to sever: HM/B-06:182 & HM/B-06:183**

On a Motion (Clark/Pearson) Committee resumed in Open Session.

Committee then passed a Motion on each of these Items. (See 29 and 30)

(y) **ADJOURNMENT (Item 13)**

On a Motion (Pearson/Mitchell) the meeting adjourned at 5:47 pm.

Respectfully submitted

Lloyd Ferguson, Chair

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Economic Development & Planning Committee

Alexandra Rawlings
Co-ordinator
August 9, 2010