Economic Development and Planning Committee
REPORT 09-026
Tuesday, December 1, 2009
9:30 a.m.
Albion Room, Hamilton Convention Centre
1 Summer’s Lane, Hamilton

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

Absent with Regrets: Councillor L. Ferguson - Vacation

Staff Present: T. McCabe, General Manager – Planning and Economic
Development
P. Mallard, T. Sergi, M. Hazell, B. Janssen, K. Mihaljevic,
C. Thomas, A. Chan, G. Norton, R. Marini - Planning and Economic
Development
R. Sabo - Legal Services
A. Rawlings – City Clerk’s Office

THE ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE PRESENTS
REPORT 09-026 AND RESPECTFULLY RECOMMENDS:

1. Confirmation of Appointment of Chair of the Economic Development and
Planning Committee for 2010

That Councillor Lloyd Ferguson be confirmed as Chair of Economic Development
and Planning Committee for 2010.

2. Appointment of Vice Chair of the Economic Development and Planning
Committee for 2009

That Councillor Bob Bratina be confirmed as Vice Chair of Economic Development
and Planning Committee for 2010.

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3. **Appointment of Second Vice Chair of the Economic Development and Planning Committee for 2009**

That Councillor Robert Pasuta be appointed as Second Vice-Chair to the Economic Development and Planning Committee for 2010.

4. **Hamilton Community Heritage Fund Loan Program Application (HCHF2009-003) for 108 James Street North, Hamilton (Tivoli Theatre) (PED09298) (Ward 2) (Item 5.1)**

That approval be given to *Hamilton Community Heritage Fund Loan Program Application (HCHF2009-003)*, for property located at 108 James Street North, Hamilton, as shown on Appendix “A” to Report PED09298, subject to the following:

(a) That a loan commitment of $50,000 be approved in accordance with the terms and conditions of the Hamilton Community Heritage Fund Loan Program for retrofit of the roof on the designated building, as approved under Heritage Permit Application HP2009-052.

(b) The property owner 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 comply with the conditions of Heritage Permit HP2008-052, as approved by the Director of Planning, as advised by the Heritage Permit Review Sub-committee of the Hamilton Municipal Heritage Committee.

(f) That Report PED09298 be forwarded to the Hamilton Municipal Heritage Committee for information.

5. **Request to Designate the Desjardins Canal, Dundas, Under Part IV of the Ontario Heritage Act (PED09314) (Ward 13) (Item 5.2)**

(a) That Council direct staff to carry out a Cultural Heritage Assessment of the Desjardins Canal, Dundas, to determine whether the property is of cultural heritage value, and worthy of designation under Part IV of the *Ontario Heritage Act*. 

Council – December 9, 2009
(b) That Council include the Desjardins Canal, 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 PED09314 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.

(c) That if the Desjardins Canal, 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 low priority, and be added to staff’s work plan for completion in 2013, as per the attached Appendix “G” to Report PED09314.

(e) That Report PED09314 be forwarded to the Hamilton Municipal Heritage Committee for information and consultation prior to the Council approved inclusion of the Desjardins Canal, Dundas, in the Register of Property of Cultural Heritage Value or Interest.

(f) That Report PED09314 be forwarded to the Owners of the Desjardins Canal, Dundas, notably the Royal Botanical Gardens and the City of Hamilton Public Works Department (Water and Wastewater and Sustainable Infrastructure Division) for information.

6. Hamilton Heritage Property Grant Program 35 King Street East, The Right House (PED09300) (Ward 2) (Item 5.3)

a) That a grant commitment totalling $25,921.87 for the restoration of the west wall at 35 King Street East, be approved in accordance with the terms and conditions of the Hamilton Heritage Property Grant Program.

b) That staff be authorized and directed to prepare and execute the Letter of Understanding with the applicant with respect to sub-section (a) above, with such Letter of Understanding being in a form satisfactory to the City Solicitor.

c) That the total grant in the amount of $25,921.87 be charged to Dept. ID 58201-815025 with funding coming from the Main Street Program Reserve (102048).

d) That a condition of the grant commitment for the restoration of the west wall be that all building and planning requirements, including a heritage permit if required, be obtained and work undertaken in full compliance with the permits for the work or the grant will be cancelled by the Director of the Downtown and Community Renewal Division.

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e) That the Director of Downtown and Community Renewal, Planning and Economic Development Department, be authorized and directed to approve an increase/decrease to the grant amount approved in sub-section (a) in accordance with the maximum grant dictated by the terms of the program (25% of the cost of regeneration of the property to a maximum of $150,000.00).

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 the applicant for the completion of the works, over and above the two (2) year period the applicant is given that commences the date Council approves the grant.

7. **Declaration of Surplus Property and Sale of City Lands Known As 114 Limeridge Road East, Hamilton, Being Part Lot 13, Concession 7, Township of Barton, Designated As Part(s) 15 and 16, Plan 62R-11737, Together With A Right of Way (PED09316) (Ward 7) (Item 5.4)**

(a) That the subject lands municipally known as 114 Limeridge Road East, being Part of Lot 13, Concession 7, Township of Barton, designated as Part(s) 15 and 16, Plan 62R-11737, together with and subject to a right of way over Part(s) 14,15 and 17, Plan 62R-11737, having approximate dimensions of 20.61 metres (67.63 feet) by 90.1 metres (295.63 feet) and comprising an approximate area of 2,572 square metres (.63 acres) as shown on Appendix “A” attached to Report PED09316, be declared surplus to the requirements of the City of Hamilton in accordance with Procedural By-law for the Sale of Land, being By-law 04-299.

(b) 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, at fair market value, in accordance with the “Procedural By-law for the Sale of Land”, being By-Law 04-299.

8. **Ontario Realty Corporation (ORC) Surplus Land – ORC Project 8027 – Municipally Known as 0 Garner Road West Ancaster, Described as Part 1 on Plan 62R-439, Being Part of Lot 36, Concession 4, Now in the City of Hamilton (PED09328) (Ward 12) (Item 5.5)**

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 advise the Ontario Realty Corporation (ORC) that the City of Hamilton has an interest in acquiring their lands located at 0 Garner Road West, Ancaster, described as Part 1 on Plan 62R-439, being Part of Lot 36, Concession 4, having approximate dimensions of 30.50 metres (100 feet) by 52.00 metres (170.63 feet) and comprising an approximate area of 1,866 square metres (.46 acres) as shown on Appendix “A” attached to Report PED09328, now in the City of Hamilton.

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9. **Ancaster Business Improvement Area (B.I.A.) Proposed Budget and Schedule of Payment for 2010 (PED09318) (Ward 12) (Item 5.6)**

a) That the 2010 Operating Budget for the Ancaster B.I.A. (attached as Appendix 'A' to Report PED09318) be approved in the amount of $93,300.00.

b) That the levy portion of the Operating Budget for the Ancaster B.I.A. in the amount of $93,300.00 be approved.

c) That the General Manager of Finance and Corporate Services be hereby authorized and directed to prepare the requisite by-law pursuant to Section 208, *The Municipal Act*, 2001, to levy the 2010 Budget as referenced in sub-section (b) above.

d) That the following schedule of payments for 2010 be approved:

<table>
<thead>
<tr>
<th>Month</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>January</td>
<td>$23,325.00</td>
</tr>
<tr>
<td>April</td>
<td>$23,325.00</td>
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<td>$23,325.00</td>
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<tr>
<td>October</td>
<td>$23,325.00</td>
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</tbody>
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Assessment appeals may be deducted from the levy payments.

10. **Barton Village Business Improvement Area (B.I.A.) Proposed Budget and Schedule of Payment for 2010 (PED09319) (Wards 2 & 3) (Item 5.7)**

a) That the 2010 operating budget for the Barton Village B.I.A. (attached as Appendix ‘A’ to Report PED09319) be approved in the amount of $46,630.00;

b) That the General Manager of Finance and Corporate Services be hereby authorized and directed to prepare the requisite by-law pursuant to Section 208, *The Municipal Act*, 2001, to levy the 2010 budget as referenced in sub-section (a) above;

c) That the following schedule of payments for 2010 be approved:

<table>
<thead>
<tr>
<th>Month</th>
<th>Amount</th>
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<tbody>
<tr>
<td>January</td>
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<td>$11,657.50</td>
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<tr>
<td>October</td>
<td>$11,657.50</td>
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</tbody>
</table>

Assessment appeals may be deducted from the levy payments.
11. Downtown Hamilton Business Improvement Area (B.I.A.) Proposed Budget and Schedule of Payment for 2010 (PED09320) (Ward 2) (Item 5.8)

a) That the 2010 operating budget for the Downtown Hamilton B.I.A. (attached as Appendix ‘A’ to Report PED09320) be approved in the amount of $282,000.00;

b) That the levy portion of the operating budget for the Downtown Hamilton B.I.A. in the amount of $238,000.00 be approved;

c) That the General Manager of Finance and Corporate Services be hereby authorized and directed to prepare the requisite by-law pursuant to Section 208, The Municipal Act, 2001, to levy the 2010 budget as referenced in sub-section (b) above;

d) That the following schedule of payments for 2010 be approved:

<table>
<thead>
<tr>
<th>Month</th>
<th>Amount</th>
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<tbody>
<tr>
<td>January</td>
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<td>$59,500.00</td>
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<tr>
<td>October</td>
<td>$59,500.00</td>
</tr>
</tbody>
</table>

Assessment appeals may be deducted from the levy payments.

12. Ottawa Street Business Improvement Area (B.I.A.) Proposed Budget and Schedule of Payment for 2010 (PED09321) (Wards 3 & 4) (Item 5.9)

a) That the 2010 operating budget for the Ottawa Street B.I.A. (attached as Appendix ‘A’ to Report PED09321) be approved in the amount of $132,322.00;

b) That the levy portion of the operating budget for the Ottawa Street B.I.A. in the amount of $126,322.00 be approved;

c) That the General Manager of Finance and Corporate Services be hereby authorized and directed to prepare the requisite by-law pursuant to Section 208, The Municipal Act, 2001, to levy the 2010 budget as referenced in sub-section (b) above;

d) That the following schedule of payments for 2010 be approved:

<table>
<thead>
<tr>
<th>Month</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>January</td>
<td>$63,161.00</td>
</tr>
<tr>
<td>June</td>
<td>$63,161.00</td>
</tr>
</tbody>
</table>

Assessment appeals may be deducted from the levy payments.
13. Westdale Village Business Improvement Area (B.I.A.) Proposed Budget and Schedule of Payment for 2010 (PED09323) (Ward 1) (Item 5.10)

a) That the 2010 Operating Budget for the Westdale Village B.I.A. (attached as Appendix ‘A’ to Report PED09323) be approved in the amount of $120,500.00;

b) That the General Manager of Finance and Corporate Services be hereby authorized and directed to prepare the requisite by-law pursuant to Section 208, The Municipal Act, 2001, to levy the 2010 budget as referenced in sub-section (a) above;

c) That the following schedule of payments for 2010 be approved:

<table>
<thead>
<tr>
<th>Month</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>January</td>
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<tr>
<td>July</td>
<td>$60,250.00</td>
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Assessment appeals may be deducted from the levy payments.

14. Stoney Creek Business Improvement Area (B.I.A.) Proposed Budget and Schedule of Payment for 2010 (PED09322) (Ward 9) (Item 5.11)

a) That the 2010 Operating Budget for the Stoney Creek Business Improvement Area (B.I.A.), attached as Appendix ‘A’ to Report PED09322 be approved in the amount of $27,700.00.

b) That the levy portion of the Operating Budget for the Stoney Creek B.I.A. in the amount of $14,591.00 be approved.

c) That the General Manager of Finance and Corporate Services be hereby authorized and directed to prepare the requisite by-law pursuant to Section 208, The Municipal Act, 2001, to levy the 2010 Budget as referenced in sub-section (b) above.

d) That the following schedule of payments for 2010 be approved:

<table>
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<tr>
<th>Month</th>
<th>Amount</th>
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<tbody>
<tr>
<td>January</td>
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<td>$3,647.75</td>
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<tr>
<td>October</td>
<td>$3,647.75</td>
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Assessment appeals may be deducted from the levy payments.
15. **Amendment to By-Law No. 80-183 To Establish the Hess Village Pedestrian Mall Authority (PED09317) (Ward 2) (Item 5.12)**

a) That the By-law amendment to By-law No. 80-183, attached as Appendix “A” to Report PED09317, respecting the establishment of the Hess Village Pedestrian Mall Authority, be enacted by Council.

b) That Item “D” (i) respecting the Hess Village Review be identified as completed and removed from the Economic Development and Planning Committee’s Outstanding Business List.

16. **Westdale Village Business Improvement Area (B.I.A.) Revised Board of Management (PED07010(f)) (Ward 1)**

That the following individual be appointed to the Westdale Village B.I.A.’s Board of Management:

Jen Rowat

17. **Application for a Change in Zoning for Lands Located at 394 Book Road East (Ancaster) (PED09324) (Ward 12) (Item 6.1)**

That approval be given to **Zoning By-law Amendment Application ZAR-09-032, by 829020 Ontario Ltd., c/o John or Ellie Voortman, Owner**, for a change in zoning from the Agricultural “A” Zone, to the Agricultural “A-115” Zone Modified, with a Special Exception, to facilitate the expansion of the existing Pet Cemetery adjacent to 394 Book Road East (Ancaster), as shown on Appendix “A” to Report PED09324, on the following basis;

(a) That the draft By-law, attached as Appendix “B” to Report PED09324, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

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

18. **Application for Changes in Zoning for the Lands Located at 9862 Twenty Road West (Glanbrook) (PED09296) (Ward 11) (Item 6.2)**

That approval be given to **Amended Zoning Application ZAC-08-081, by Carol Ann Blaylock and Gail May Blaylock, Owners**, for changes in zoning from the Existing Residential “ER” Zone to the Residential “R4-258” Zone, with a Special Exception, to facilitate Severance Applications GL/B-08:165 and GL/B-08:166 to create two

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residential building lots fronting onto Kopperfield Lane, on the rear portion of the lands located at 9862 Twenty Road West; and, to the Residential “H-R4-258” Zone, with a Special Exception, and a Holding provision to allow for future residential development on the balance of the subject lands, as shown on Appendix “A” to Report PED09296, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED09296, which has been prepared in a form satisfactory to the City Solicitor, and as amended by Committee on December 1, 2009, respecting increasing the maximum lot coverage to 45%, be enacted by City Council.

(b) That the proposed changes in zoning are consistent with the Provincial Policy Statement (PPS), and in conformity with the Hamilton-Wentworth Official Plan and the Township of Glanbrook Official Plan.

19. Applications for Approval of a Draft Plan of Subdivision and Amendment to the Ancaster Zoning By-law No. 87-57 and City of Hamilton By-law No. 05-200, for Lands Located at Stonehenge Drive/Raymond Road east of Meadowlands Boulevard (Ancaster) (PED09312) (Ward 12) (Item 6.4)

(a) That approval be given to Subdivision Application 25T-200902, by Landmart Homes and the Roman Catholic Episcopal Corporation of the Diocese of Hamilton, Owner(s), to establish a draft plan of subdivision on the property located at Stonehenge Drive/Raymond Road, east of Meadowlands Boulevard (Ancaster), as shown on Appendix “A” to Report PED09312, subject to the following conditions:

(i) That this approval apply to Draft Plan of Subdivision, 25T-200902, prepared by IBI Group, and certified by G.G. Aldworth, O.L.S., dated November 3, 2008, showing 5 lots for single detached dwellings (Lots 1-5); 28 lots for freehold street townhouses (Lots 6-33); 1 Institutional block (Block 38); 1 block for Group Townhouses (Block 37); 2 blocks for a public walkway (Blocks 39 and 40); 3 blocks for common elements (Blocks 34-36); 2 blocks to be developed with adjacent lands (Blocks 41 and 42), and the creation of 1 new street (Street A - Stonehenge Drive), subject to the Owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and the special conditions attached as Appendix “F” to Report PED09312, as amended by Committee on December 1, 2009, respecting maintenance obligations in Condition 13;

(ii) Acknowledgement that there will be no City share for any municipal works associated with this development, save and except for the following:
That the City will cost share for underground oversized watermains, the extra width asphalt pavement, and extra depth asphalt on Stonehenge Drive, in accordance with the City’s financial policies.

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

With regard to Block 37, a parkland dedication at a ratio of 1ha per 300 units pro-rated to account for any previous payments made for Block 146 of 62M-1017, ”Meadowlands - Phase 7B”, will be required.

Additionally, Blocks 41 and 42 will require a parkland dedication of 5%, pro-rated to account for any previous payments made for Lot 14 and Block 155 of 62M-1065, “Meadowlands - Phase 8”.

Lastly, portions of Lots 7-20, and Blocks 34 and 36, shall require a parkland dedication at a ratio of 1ha per 300 units pro-rated to account for any previous payments made for Blocks 156 to 158 of 62M-1065, “Meadowlands - Phase 8” and Block 145 of 62M-1017, “Meadowlands - 7B”.

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

(b) That approval be given to Zoning Application ZAC-008, by Landmart Homes and the Roman Catholic Episcopal Corporation of the Diocese of Hamilton, Owner(s), to provide for changes in zoning from the Agricultural “A” Zone to a Modified - Residential Multiple “RM4-596” Zone with a Special Exception for Block 2; to a Modified - Residential Multiple “RM2-518” Zone with a Special Exception for Block 3; to a Modified - Residential “R4-597” Zone with a Special Exception for Block 4; from the Modified Residential “R4-519” Zone to a Modified Residential “R4-597” Zone with a Special Exception for Blocks 6 and 7; and a further modification to the Modified - Residential Multiple “RM2-518” Zone with a Special Exception for Block 5, and to add Block 1 to Schedule “A” of City of Hamilton By-law 05-200 as a Modified - Community Institutional “I2, 24, H27” Holding Zone with a Special Exception and Holding provision, as shown on Appendix “A” to Report PED09312, for lands located at Stonehenge Drive/Raymond Road, east of Meadowlands Boulevard, on the following basis:

(i) That the draft By-law, attached as Appendix “D” to Report PED09312, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(ii) That the amending By-law be added to Schedule “B” of Zoning By-law No. 87-57.

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(iii) That the draft By-law, attached as Appendix “E” to Report PED09312, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(iv) That the amending By-law be added to Schedule “A”, Map Nos. 1285, 1231, and 1232 of Zoning By-law No. 05-200.

(v) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan; the Town of Ancaster Official Plan; and the Meadowlands Secondary Plan Neighbourhood IV and Meadowlands Secondary Plan Neighbourhood V.

20. Application to Amend the Hamilton Zoning By-law for Property Located at 186 Ferguson Avenue North and 201 Robert Street (Hamilton) (PED09325) (Ward 2) (Item 6.5)

That Zoning Application ZAC-09-029, 1201159 Ontario Limited (Martin Hotz), Owner, for a further modification to the “H-‘H’/S-1569a” (Community Shopping and Commercial, etc. - Holding) District, to permit a “hospital parking facility” both as an additional permitted use, and as a use which would be permitted to operate on the site without requiring the removal of the ‘H’ Holding provision, for property located at 186 Ferguson Avenue North and 201 Robert Street, Hamilton, as shown on Appendix “A” to Report PED09325, be approved on the following basis:

(a) That the Draft By-law, attached as Appendix “B” to Report PED09325, which has been prepared in a form satisfactory to the City Solicitor, and as amended by Committee on December 1, 2009, respecting the provisions of the H Holding section, be enacted by Council; and,

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

21. Downtown Office Strategy (PED09315) (Ward 2) (Item 7.1)

a) That staff be directed to implement the Downtown Office Strategy attached as Appendix A to Report PED09315.

b) That Downtown and Community Renewal Division staff be directed to establish a Terms of Reference to guide the Downtown Office Strategy Stakeholder Implementation Task Force.
c) That Downtown and Community Renewal Division staff report back to the Economic Development and Planning Committee on the outcome of Strategy implementation as part of the Division’s 2010 Annual Report to be presented in Q1 2011.

d) That the item respecting the “Downtown Office Attraction Strategy” be identified as completed and removed from the Economic Development and Planning Committee’s Outstanding Business List.

22. **Subsidiary Development Corporation for City-Owned Employment Lands (PED09326) (City Wide) (Item 8.1)**

(a) That Report PED09326, “Subsidiary Development Corporation for City-Owned Employment Lands” be received.

(b) That the item respecting the establishment of an Employment Land Holding Company be identified as completed and removed from the Economic Development and Planning Committee’s Outstanding Business List.

23. **Conversion without building permits of single detached houses to student houses**

Whereas, houses continue to be converted from traditional single dwelling units to student rental units in the areas around McMaster University and Mohawk College, and;

Whereas, most of this work is undertaken without building permits, and;

Whereas, the City's system of writing an order to comply and/or stop work order, and applying a surcharge when issuing building permits after the fact, is not creating a deterrence to this on-going building activity.

Therefore:

(a) That staff be requested to prepare a report on best practices in other municipalities geared towards creating substantive deterrence when constructing without a building permit (ie., different policies, larger fines, writing tickets);

(b) That staff consider requiring removal of construction work in situations where a building permit has not been obtained, when it is clear that the proponent never intended to obtain said permit
24. City-Wide Rental Housing CLC

Whereas, in light of the recent Public Information Centre (PIC) that were undertaken this past summer to identify issues with city-wide rental housing and given that the themes which emerged from the PICs are similar to concerns and issues identified through the Neighbourhood Community Liaison Committee consultation undertaken this past spring

Therefore:

That the City-wide Residential Rental Housing Community Liaison Committee be deferred until staff has completed its report on the recommendations contained in the report of the Neighbourhood Community Liaison Committee, and that staff continue to monitor how rental housing licensing bylaws are being implemented in the cities of London and Oshawa.

FOR THE INFORMATION OF COUNCIL:

(a) Confirmation of Chair

On a Motion, Councillor Ferguson was confirmed as Chair of the Economic Development and Planning Committee for 2010.

(b) Confirmation of Vice Chair

On a Motion, Councillor Bratina was confirmed as Vice Chair of the Economic Development and Planning Committee for 2010.

(c) Election of Second Vice Chair

Councillor Pasuta was nominated as Second Vice Chair of the Economic Development and Planning Committee for 2010.

There were no other nominations.

Councillor Pasuta was confirmed as Second Vice chair of the Economic Development and Planning Committee for 2010.

Chair Pearson gave an overview of the large volume of work carried out by Committee, over the past year. She noted that the Committee had held 30 meetings and had been successful in completing major tasks such as the new Official Plan. She thanked Committee and staff for all their hard work in 2009.

(d) CHANGES TO THE AGENDA (Item 1)

The Clerk advised of the following changes to the agenda:
• added delegation request, from Gianni Colbertado, to speak at a future meeting, respecting the previous approval of a fencing by-law amendment at 5 Ravina Crescent, Ancaster.

• added late report, respecting Westdale Village Business Improvement Area (B.I.A.) Revised Board of Management, Consent Item 5.14.

On a Motion, the agenda for the December 1, 2009 meeting of the Economic Development & Planning Committee was approved, as amended.

(e) DECLARATIONS OF INTEREST (Item 2)

None at the start of the meeting. Chair Pearson declared a conflict prior to the consideration of Item 9.2, as she has an interest in rental property.

(f) APPROVAL OF MINUTES (Item 3)

(i) Minutes of the Regular Meeting of the Economic Development and Planning Committee on November 17, 2009 were approved, as presented.

(ii) Minutes of the Special Meeting of the Economic Development and Planning Committee respecting the Animal Control Harmonization By-law on November 17, 2009 were approved, as presented.

(g) Delegation request by Gianni Colbertado, respecting a previously approved variance to the Ancaster Fence By-law (added item 4.1)

Staff explained the background to this item, and noted that they had talked to Mr. Colbertado about the issue. Committee approved the delegation request.

(h) Hamilton Community Heritage Fund Loan Program Application (HCHF2009-003) for 108 James Street North, Hamilton (Tivoli Theatre) (PED09298) (Ward 2) (Item 5.1)

Councillor Bratina commented that this loan would enable the roof to be rebuilt for the Tivoli, and confirmed that this is just one example of the City spending money on the Arts in Hamilton.

(i) Hess Village Community Liaison Committee September 21, 2009 (Item 5.13(a))
The Minutes of the Hess Village Community Liaison Committee meeting of September 21, 2009 were received.

(j) Economic Development Advisory Committee, March 26, 2009 (Item 5.13(b))

The Minutes of the Economic Development Advisory Committee meeting of March 26, 2009 were received.

(k) Application for a Change in Zoning for Lands Located at 394 Book Road East (Ancaster) (PED09324) (Ward12) (Item 6.1)

Chair Pearson 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 Moton (Pasuta /Clark), Committee dispensed with the planner's presentation.

Committee received an added communication from Debbie and Mike Whaling.

Kate Mihaljevic was present to assist Committee.

Steve Fraser, A.J. Clarke and Associates, the applicant’s agent, advised that he was satisfied with the staff recommendation.

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

(I) Application for Changes in Zoning for the Lands Located at 9862 Twenty Road West (Glanbrook) (PED09296) (Ward 11) (Item 6.2)

Chair Pearson 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/Bratina), Committee dispensed with the planner’s presentation.

Matthew Blevins was present to assist Committee and explained that the applicant had requested a change to the by-law to permit a maximum lot coverage of 45%. This coverage is permitted by the zoning on the lots to the west, while those to the east have no maximum coverage regulations. Mr. Blevins noted that staff consider this change is reasonable.

Fernando Puga, IBI Group, the applicant’s agent, advised that he was satisfied with the staff recommendation.

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

Committee approved the staff recommendation.

(m) Applications for Official Plan and Zoning By-law Amendments for Lands Located at 741 Rymal Road East (Hamilton) (PED09311) (Ward 7) (Item 6.3)
Chair Pearson 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 Official Plan Amendment and passes the zoning by-law, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board.

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

Alvin Chan was present to assist Committee and provided an overview of the application with the aid of a powerpoint presentation. His highlights included, but were not limited to, the following:

- reduced front yard setback, from 11 metres to 6 metres, to promote pedestrian orientation
- added 3 metre landscape strip required
- use of cellar for storage permitted
- height restricted to maximum of 2 storeys/11 metres
- condition respecting archaeological investigation included
- 5 letters received from public, concerns raised included traffic increases, concern respecting vegetation removal, loss in property values
- Public Works has agreed applicant’s traffic study satisfactory
- New street trees to be planted on Eaglewood and Eva.

On questions from Councillor Duvall, the planner provided additional information, including the following:

- proposed building will be higher than existing houses in area, but their zoning also allows two storeys
- vegetation strip required along west lot line
- known tenants will be a uniform store and a café, two other commercial units not specified yet
- seven parking spaces required for residential apartments, remaining seven on conceptual plan will serve commercial uses
- entrance to site from Rymal only, could be right-in/right out only if a median constructed, entrance fairly near new traffic signals
- zoning requires a mixed use of commercial and residential
- storm water management issues will be handled at Site Plan stage.
Matt Hickey, Two Row Architects, the applicant’s agent, advised that he was satisfied with the staff recommendation. His comments included, but were not limited to, the following:

- total of 40 jobs includes construction phase
- estimate 8-10 employees employed on site after building finished
- students come to site to be measured for uniforms, all schools have own time slot to minimize overcrowding at busy times
- business spread between existing site on Barton and this new site
- no cleaning on this site, some uniforms stored in basement for on-site sales

Andy Boers, 208 Eleanor, addressed Committee. His comments included, but were not limited to, the following:

- former city employee in Public Works, 40 year resident
- gave Clerk photos of floods on Eleanor near site, taken this summer, said problem of flooding going on ever since he has lived there
- application says uniform store is main use but could be other stores
- parking area will be paved so will lead to flooding on Eaglewood, as grade slopes from Rymal to Eaglewood
- loading dock near residential, as one way in/out from Rymal, trucks will need to back up, beeper noise will affect residents
- needs Council to pay attention to existing problems, don’t approve anything new until problems are fixed
- opposed to development

Melanie Marcotte, 644 Eaglewood, addressed Committee. Her comments included, but were not limited to, the following:

- two storey building will overlook existing houses
- flooding issues in neighbourhood
- increased traffic will adversely impact kids in area
- noise will increase, back-up beepers of trucks will be annoying
- inadequate on-site parking will lead to increase in parking on residential streets
- opposed to development.

Emilio de Benedictis, 648 Eleanor, addressed Committee. His comments included, but were not limited to, the following:

- he will be looking into site, concern about noise, beepers of trucks backing up, inadequate on-site parking
users of plaza will park on adjacent, residential streets
- two storey building not compatible with area
- opposed to development
- will increase traffic in area, new entrance too close to lights at Eva
- no sidewalks in area, already access to Rymal is difficult, this will make it worse.

Tracey Helwig, YWCA, addressed Committee. Her comments included, but were not limited to, the following:

- Y owns property at 651 Eaglewood, proposes to build a single residential care facility for 5 people
- Concerns with proposal due to impacts on future Y development, especially noise and additional traffic
- Opposed to development.

Carol Hart, 6 Lister, addressed Committee. Her comments included, but were not limited to, the following:

- concerns respecting impact of this proposal on future Y development, in particular lighting, need for berm to control and reduce impacts of lights and noise
- gave her example of previous experience with approval of a neighbourhood plaza at Upper James/Rymal. While initial approval of this plaza specified no restaurants, later, restaurants were approved for and approved. Her appeal to OMB unsuccessful. Restaurants then want liquor licence.
- Parking at plaza will spill into neighbouring streets
- While street trees and good fencing promised, they are not properly maintained, said could also happen here
- Complained about inadequate notice, received report last Thursday, even though had asked to be kept informed
- Proposal is a big development being shoe-horned into a little site, not good planning
- Hoping Committee will refuse application, and maintain residential zoning.

Staff clarified that where fencing issues are identified, complaints should be forwarded to Property Standards staff.

Councillor Clark questioned the need for added commercial zoning and how the problem of flooding would be addressed.

Staff responded that the Paul Loews study indicated a supply of mostly larger commercial was available until 2031. Staff explained the requirements for storm water would be addressed at site plan approval.
Committee members continued to express concerns respecting the following:

- parking availability and demands for parking by uniform store
- use not complementary to neighbourhood
- flooding issues.

On a Motion (Whitehead/McHattie), the item was tabled, to permit the Ward Councillor to meet with the applicant and staff to review all the issues raised today.

Applications for Approval of a Draft Plan of Subdivision and Amendment to the Ancaster Zoning By-law No. 87-57 and City of Hamilton By-law No. 05-200, for Lands Located at Stonehenge Drive/Raymond Road east of Meadowlands Boulevard (Ancaster) (PED09312) (Ward 12) (Item 6.4)

Chair Pearson 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 draft plan conditions and passes 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 draft plan conditions and passes 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.

Committee received added communications from Aaron Sorley and Sandra D’Alessandro.

Chair Pearson advised that Councillor Ferguson had not taken a position on the application.

Alvin Chan was present to assist Committee and provided an overview of the application with the aid of a powerpoint presentation. The planner explained the proposed changes to one of the conditions of draft plan, respecting the staging of development.
John Ariens, IBI Group, the applicant’s agent, advised that he was satisfied with the revised staff recommendation. He noted a number of points, including, but not limited to, the following:

- had worked on Secondary Plan for area, prior to amalgamation
- church will contribute to completeness of community
- walkway will provide useful route for residents
- happy to include walkway details on title of new houses, information on walkway also available in sales office.

David DiStefano, 52 Chambers, addressed Committee. His comments included, but were not limited to, the following:

- concern that sales people had assured him “no development” would be behind his lot, paid premium for this lot, developer had not told truth
- upset by tree clearance behind Chambers, not informed
- believed the information from sales people, did not check with City on zoning
- concerned about impact of new development of townhouses, and reduction of his property value
- needed information on type of visual barrier proposed.

Staff confirmed the barrier will be a wood board fence.

Doreen Carey, 48 Chambers, addressed Committee. Her comments included, but were not limited to, the following:

- paid premium for her lot, after assurance that no development behind her, her realtor also enquired at City
- concern that mature trees had been removed behind her property, no notification on this, no consultation
- was misinformed by developer, very concerned that inferior townhouses would be built behind her.

Staff provided details respecting the Secondary Plan, that the subject area always intended for residential, that trees had been cut too early in process.

Mr. McCabe noted that City does not yet have a modern approach to tree preservation in planning applications.

Staff confirmed the details of the circulation process, and that standard procedure was followed.

Committee discussed the matter and raised points including the following:
- if residents were misinformed, could pursue action through Realtors Association of Hamilton-Burlington or through HHHBA, also possibility of Class Action against developer, City has no jurisdiction here.

John Ariens stated that the area behind Chambers was intended for residential, in Secondary Plan. Noted Landmart a reputable developer, that premiums are paid for added lot sizes, walkouts, larger windows, etc.

Ms. Carey pointed out she had a bungalow, no walkout, no special lot size.

Mr. Di Stefano noted he had wanted a walkout but this had not been possible, and that he had paid extra for larger windows. He suggested a meeting with the developer.

Chair Pearson explained that the issues raised by the delegations should be taken up with the developer.

Committee approved the staff recommendation.

(o) Application to Amend the Hamilton Zoning By-law for Property Located at 186 Ferguson Avenue North and 201 Robert Street (Hamilton) (PED09325) (Ward 2) (Item 6.5)

Chair Pearson 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.

Committee received added communications from David Sa and Anthony Wellenreiter on behalf of OREV Investments.

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Cam Thomas was present to assist Committee and provided an overview of the application with the aid of a powerpoint presentation. The planner explained the minor change being proposed to the by-law respecting the correct wording of the Holding provision. Points raised by the planner included, but were not limited to, the following:

- 640 space parking lot for hospital employees on former Hotz brownfield site, in Beasley Neighbourhood
- existing hospital parking operates at capacity for most hours of day
- hospital has expanded, has added further regional functions
- a traffic study is needed respecting the use, a tree plan will be required
- several letters from public received, stating concerns about street parking, noise, lights, increase in traffic
- temporary use, hospital will lease from Hotz for 15 years.

James Webb, applicant’s agent, addressed Committee in support of staff recommendation. His points included, but were not limited to, the following:

- proposal is good planning, complies with relevant policies
- demonstrated need for parking, hospital is leasing lot for 15 years, Ministry of Health does not fund parking structures
- site a brownfield, this use will be catalyst to further development in future, will clean up a difficult site
- parking will be one added use to existing zoning
- hospital has expanded buildings and services, needs added spaces, has chosen to expand on edge of downtown
- a pilot project to encourage employees to use public transit tried, not successful
- HHS is largest employer in Hamilton.

Committee raised a number of questions, and concerns including, but not limited to, the following:

- parking lot not in accord with Setting Sail
- what percentage of staff will use this as “base parking” and work elsewhere
- need to encourage transit use, Barton bus one of best services, every 7 minutes
- missing opportunity to get people out of their cars
- does this really comply with relevant, applicable policies
- need to ensure that storm rate flow off parking lot adequately addressed.

Mary Sinclair, 185 Ferguson Avenue North, addressed Committee. Her comments included, but were not limited to, the following:
area has Meridien Co-op and other residential uses where residents receive health care at home. Where do these health care providers park?

Councillor Bratina noted that the new lot should ease street parking problem in area, allowing the home health care people to park on-street.

Kyle Slote, 145 Herkimer Street, addressed Committee. His points included, but were not limited to, the following:

- new resident of Ward 2, in favour of City’s new vision, new OP
- upset by proposal, against a 640 space parking lot, not in accord with Setting Sail, will not strengthen an existing neighbourhood, does not encourage mixed use development
- showed Committee three plans he had drawn up, 1 showing the large amount of surface parking in Downtown, and two showing how site design could be improved
- suggested Cathcart Street should be extended
- in favour of better uses, including future stadium
- City should promote transit use, not accept big parking lot.

Councillor Bratina noted that the Beasley Community favoured the plan, and that the sports stadium was not included in Setting Sail and that a multi-storey parking lot would cost $16 million.

Kirby Buth, 88 Birge Street, addressed Committee. His comments included, but were not limited to, the following:

- presented a petition against the development of the parking lot
- wants “no parking” on east side of Ferguson
- wants a shopping centre, not a parking lot.

Committee received the petition, on a Motion (Bratina/Clark).

Committee continued their discussion. Points raised included the following:

- hospital has a parking problem, need to fix it, needs of the hospital and patient care must be addressed
- parking lots not part of vision of Setting Sail
- can hospital be encouraged to get employees into public transit
- hospital has undergone major expansion, huge investment, this is part of their plan
- development will clean up Hotz brownfield site, site vacant 30 years, this is an improvement and a stepping stone to future use, neighbourhood understands and supports it

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need for City to be serious about transit use, this a a great opportunity to address transit issues, modal split.

Committee approved the staff recommendation.

Councillor McHattie requested his opposition be noted.

**Downtown Office Strategy (PED09315) (Ward 2) (Item 7.1)**

Ron Marini provided an overview of the staff report with the aid of a powerpoint presentation. Copies of the handout were provided to the Committee and to the Clerk for the public record.

Chair Pearson explained the need to recess the meeting, in order to convene the Public Meeting for the Building Permit Fees, which had been advertised for 2:00 pm.

On a Motion (Whitehead/McHattie), the meeting recessed at 2:29 pm.

The meeting reconvened at 2.31pm

Mr. Marini continued his presentation. Mr. Marini explained the following points:

- need to extend existing programs to allow existing tenants to take advantage of them
- need for a Stakeholder Strategy
- Downtown Cleanliness and Security Committee has been successful in getting additional funds allocated to Downtown, need for more work, need improvements to transit and to streetscape
- Possibility of Province assisting in temporary funding of some of loan programs.

Committee discussed the presentation and thanked staff.

Committee approved the staff recommendations.

**Subsidiary Development Corporation for City-Owned Employment Lands (PED09326) (City Wide) (Item 8.1)**

Neil Everson provided an overview of the staff report. He noted that the City does not need a separate corporation for City land-holdings, but that a Waterfront Corporation may be established in future.
Chair Pearson advised that Keith Beck had withdrawn his delegation respecting the subject matter.

On a Motion (Clark/McHattie), Committee received the letter of withdrawal from Mr. Beck.

Mr. Everson noted that a Waterfront Corporation could look after land in strategic locations, such as Pan Am sites.

Committee approved the staff recommendation.

(r) Conversion without building permits of single detached houses to student houses (Item 9.1)

John Spolnik explained some of the legal issues associated with this item.

Councillor McHattie expressed his concern that these issues had not been adequately addressed with him, prior to the meeting. He noted that other municipalities with significant student populations are moving ahead with the issues, unlike Hamilton.

Committee approved the Motion, (See Item 23).

(s) City-Wide Rental Housing CLC (Item 9.2)

Chair Pearson declared a conflict as she has an interest in rental property and Councillor Bratina assumed the Chair.

Committee approved the Motion (see Item 24).

(t) Notice of Motion respecting Regulation of Methadone Clinics (Item 10.1)

Councillor McHattie read his Notice of Motion.

(u) GENERAL INFORMATION (Item 9)

(i) Tow truck Licences - Outstanding Business List, due date December 1, 2009)

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Proposed new date; February 16, 2009 (Item 11.1)

On a Motion (Clark/Bratina), Committee approved the new date.

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

Mr. McCabe explained that Losani Homes has appealed to the OMB the lack of decision by Council respecting 12 Ambrose Avenue. He noted that a compromise between the developer’s plans and the matters raised by Committee on November 17, 2009, looks unlikely.

On a Motion (Clark/McHattie), the item was removed from the Outstanding Business List.

(v) Minutes of the Closed Session meeting of November 17, 2009 (Item 12.1)

Committee approved the Minutes of the Closed Session meeting of November 17, 2009, as presented.

On a Motion, Committee moved into Closed Session to consider one item which is subject to Section 8.1, subsections (e) and (f) of the City’s Procedural By-law and Section 239 of the Ontario Municipal Act as the subject matter pertains to advice to which solicitor-client privilege attaches, including potential litigation or matters potentially before administrative tribunals, respecting the following;

Tradeport International Corporation Lease Compliance Audit and Performance Review, Legal Considerations (LS09017) (City wide) (Item 12.2)

On a Motion Committee reconvened in Open Session at 2:00 pm.

(w) Tradeport International Corporation Lease Compliance Audit and Performance Review, Legal Considerations (LS09017) (City wide) (Item 12.2)

The following Motion (McHattie/Mitchell) was put on the floor;

a) That the staff portion of report PED08142 be available publicly, but the appendixes remain confidential;
b) That report LS09017 remain confidential;

c) That the relevant Item of the Economic Development and Planning Committee’s Outstanding Business List be removed from the list.

Committee discussed the matter. Councillor Clark expressed his concerns about the report which had been presented to Committee. He noted the length of time that the matter had been on the Outstanding Business List, and the fact that the report did not address the original Motion passed by Committee.

The Motion LOST on a Standing Recorded Vote as follows:

YEAS: Pearson

NAYS: Bratina, Duvall, McHattie, Clark, Mitchell, Whitehead

ABSENT: Ferguson, Pasuta

(x) ADJOURNMENT (Item 11)

The meeting adjourned at 3:15 pm.

Respectfully submitted

Maria Pearson, Chair
Economic Development & Planning Committee

Alexandra Rawlings
Co-ordinator
December 1, 2009