



Planning and Economic Development Committee MINUTES

September 7, 2004

9:30 a.m.

Council Chambers
Hamilton City Hall

Present: Councillor B. Kelly – Chair
1st Vice-Chair T. Whitehead, 2nd Vice-Chair D. Mitchell
Councillors S. Merulla, M. Pearson, D. Braden, M. Ferguson
B. McHattie

Also Present: Mayor L. Dilanni, Councillors M. McCarthy, P. Bruckler

Staff Present: J. Rinaldo, General Manager, Finance and Corporate
Services
R. Marini, Acting General Manager, Planning and
Development
T. McCabe, P. Delulio, P. Moore, P. Mason, P. Mallard,
K. West, D. Cuming - Planning and Development
B. Farkas – Real Estate
G. Moodie – Downtown Renewal
M. Gallagher - City Clerk's Office

Chairman Bill Kelly called the meeting to order.

THE FOLLOWING ITEMS WERE REPORTED TO CITY COUNCIL FOR CONSIDERATION:

(Pearson/McHattie) That consent items 6.1 to 6.19 be approved as follows:

1. Demolition Permit – 210 Weir Street North (PD04208) (Ward 4) (Item 6.1)

That the Acting Director of Building and Licensing be authorized and directed to issue a demolition permit for 210 Weir Street North in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act as amended.

2. Demolition Permit – 221 Avondale Street (PD04214) (Ward 3) (Item 6.2)

That the Acting Director of Building and Licensing be authorized and directed to issue a demolition permit for 221 Avondale Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act as amended.

3. Demolition Permit – 224 Avondale Street (PD04215) (Ward 3) (Item 6.3)

That the Acting Director of Building and Licensing be authorized and directed to issue a demolition permit for 224 Avondale Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act as amended.

4. Demolition Permit – 930 Burlington Street East (PD04216) (Ward 3) (Item 6.4)

That the Acting Director of Building and Licensing be authorized and directed to issue a demolition permit for 930 Burlington Street East in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act as amended.

5. Demolition Permit – 328 Victoria Avenue North (PD04217) (Ward 3) (Item 6.5)

That the Acting Director of Building and Licensing be authorized and directed to issue a demolition permit for 328 Victoria Avenue North in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act as amended.

6. Demolition Permit – 1324 Rymal Road East (PD04221) (Ward 6) (Item 6.6)

That the Acting Director of Building and Licensing be authorized and directed to issue a demolition permit for 1324 Rymal Road East in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act as amended.

7. Demolition Permit – 358 Upper Sherman Avenue (PD04232) (Ward 7) (Item 6.7)

That the Acting Director of Building and Licensing be authorized and directed to issue a demolition permit for 358 Upper Sherman Avenue in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act as amended, subject to the lands being merged in and held under one title with the adjoining lands known as 724 Concession Street and subject to the applicant entering into and receiving a Site Plan Agreement approved by the Planning and Development Department.

Councillor McHattie Opposed.

8. Demolition Permit – 362 Upper Sherman Avenue (PD04233) (Ward 7) (Item 6.8)

That the Acting Director of Building and Licensing be authorized and directed to issue a demolition permit for 362 Upper Sherman Avenue in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act as amended, subject to the lands being merged in and held under one title with the adjoining lands known as 724 Concession Street and subject to the applicant entering into and receiving a Site Plan Agreement approved by the Planning and Development Department.

Councillor McHattie Opposed.

9. Demolition Permit – 366 Upper Sherman Avenue (PD04234) (Ward 7) (Item 6.9)

That the Acting Director of Building and Licensing be authorized and directed to issue a demolition permit for 366 Upper Sherman Avenue in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act as amended, subject to the lands being merged in and held under one title with the adjoining lands known as 724 Concession Street and subject to the applicant entering into and receiving a Site Plan Agreement approved by the Planning and Development Department.

Councillor McHattie Opposed.

10. Demolition Permit – 370 Upper Sherman Avenue (PD04235) (Ward 7) (Item 6.10)

That the Acting Director of Building and Licensing be authorized and directed to issue a demolition permit for 370 Upper Sherman Avenue in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act as amended, subject to the lands being merged in and held under one title with the adjoining lands known as 724 Concession Street and subject to the applicant entering into and receiving a Site Plan Agreement approved by the Planning and Development Department.

Councillor McHattie Opposed.

11. Demolition Permit – 374 Upper Sherman Avenue (PD04236) (Ward 7) (Item 6.11)

That the Acting Director of Building and Licensing be authorized and directed to issue a demolition permit for 374 Upper Sherman Avenue in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act as amended, subject to the lands being merged in and held under one title with the adjoining lands known as 724 Concession Street and subject to the applicant entering into and receiving a Site Plan Agreement approved by the Planning and Development Department.

Councillor McHattie Opposed.

12. Demolition Permit – 378 Upper Sherman Avenue (PD04237) (Ward 7) (Item 6.12)

That the Acting Director of Building and Licensing be authorized and directed to issue a demolition permit for 378 Upper Sherman Avenue in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act as amended, subject to the lands being merged in and held under one title with the adjoining lands known as 724 Concession Street and subject to the applicant entering into and receiving a Site Plan Agreement approved by the Planning and Development Department.

Councillor McHattie Opposed.

13. Tree Removal/Replacement, Paradise Gardens Subdivision, 62M-1008 (PD04212) (Ward 8) (Item 6.13)

That the removal and replacement of a Municipal street tree, adjacent to Paradise Gardens, be approved, and that all costs associated with the removal and replacement of the tree by City staff, determined to be \$10,138.12, including GST, be at the sole expense of the developer of Paradise Gardens Subdivision.

14. Request for Removal of the Holding 'H' Provision - Lands Located in Part of Lot 33, Concession 7, in the Former Township of Saltfleet (Hamilton) (PD04227) (Ward 6) (Item 6.14)

That approval be given to Zoning Application ZAR-03-90, Luvale Enterprises Ltd., owner, for removal of the Holding 'H' provision under Section 36(1) of the Planning Act, R.S.O., 1990, to allow the use of the land in accordance with the "RT-20" (Townhouse – Maisonette) District and "C" (Urban Protected Residential, etc.) District, for those lands located in Part of Lot 33, Concession 7 (Saltfleet), shown as Blocks 1 and 2 respectively on Appendix "B" to Report PD04227, on the following basis:

- (a) That Block 1 be rezoned from "RT-20"-‘H’ (Townhouse-Maisonette – Holding) District, to "RT-20" (Townhouse-Maisonette) District.
- (b) That Block 2 be rezoned from "C"-‘H’ (Urban Protected Residential, etc. – Holding) District, to "C" (Urban Protected Residential, etc.) District.
- (c) That the draft By-law, attached as Appendix "C" to Report PD04227, which has been prepared in a form satisfactory to Corporate Counsel, be enacted by City Council.
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

15. Removal of the Holding Symbol from a Portion of the Lands Located at 52 Highway No. 5 East (Flamborough); Embee Properties Limited, Hilite Holdings Limited and Rosart Properties Limited (PD04230) (Ward 15) (Item 6.15)

That approval be given to **Zoning Application ZAH-04-36, Embee Properties Limited, Hilite Holdings Limited and Rosart Properties Limited, owners**, for removal of the Holding provision from a portion of lands zoned Prestige Industrial "M1-11-1(H)" Holding Zone, to permit the construction of a maximum 25,084 square metre commercial development for lands located at 52 Highway No. 5 East (former Town of Flamborough), shown on the attached map marked as Appendix "A" to Report PD04230, on the following basis:

- (a) That Block "1" be rezoned from Prestige Industrial "M1-11-1 (H)" Holding Zone and Prestige Industrial "M1-11-2(H)" Holding Zone to Prestige Industrial "M1-11-1" Zone and Prestige Industrial "M1-11-2(H)" Holding Zone.
- (b) That the draft By-law, included as Appendix "B" to Report PD04230, which has been prepared in a form satisfactory to Corporate Counsel, be enacted by City Council.
- (c) That Schedule "A-29" of Zoning By-law No. 90-145-Z (Flamborough), be amended by marking the lands shown as Block 1 on Appendix "A" as Prestige Industrial "M1-11-1" Zone and Prestige Industrial "M1-11-2(H)" Holding Zone.
- (d) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan and the Flamborough Official Plan.

16. Sign Variance Application SV-04-02 for 1248 Mohawk Road West (Former Town of Ancaster) (PD04238) (Ward 12) (Item 6.16)

That **Sign Variance Application SV-02-04, Mohawk Seniors Inc., owners**, for lands located at 1248 Mohawk Road West, (former Town of Ancaster) to permit two additional ground signs for a two-year period from the date of Council approval, be approved, subject to the condition that the sign located on the municipal road allowance be relocated onto private property.

17. Hamilton Downtown Residential Loan Program (PD04218) (Ward 2) (Item 6.17)

(a) That a conditional loan commitment, outlined as Appendix "A" to Report PD04218, be issued to five (5) development projects within the terms and conditions of the Hamilton Downtown Residential Loan:

(i)	150 Main Street West
(ii)	284 King Street East
(iii)	19 John Street South
(iv)	62 King Street East
(v)	67 Queen Street South

(b) That the remaining projects which applied under the Request for Applications (RFA) be given ninety (90) days to complete the required information in order for Downtown Renewal staff to effectively assess each project. It is noted that 80 James Street North has withdrawn their application and will apply for the next round of funding within the Residential Rehabilitation Assistance Program.

- (i) 275 King Street West
- (ii) 250 Main Street East
- (iii) 12 Ferguson Ave North

18. Various Surplus Project Sites of the Ontario Realty Corporation; Albion Falls Neighbourhood, Hannon North Neighbourhood, Hamilton and Maps 5,10, 15 & 16 of the Stoney Creek Zoning By-law Areas (PD04241) (Wards 6 and 9) (Item 6.18)

(a) That Real Estate staff be authorized and directed to advise the Ontario Realty Corporation (ORC) that the City of Hamilton has no interest in acquiring the parcel known as 130 Mud Street, Upper Mount Albion and 1565 Stone Church Road East, which consists of 4.45 hectares (11 acres). This parcel falls within both the City of Hamilton (Ward 6) and the former City of Stoney Creek (Ward 9).

- (b) That Real Estate staff be authorized and directed to advise the ORC that the City of Hamilton has an interest in acquiring all or part the parcel known as 512 Highland Road West, which consists of 10.4 hectares (25.67 acres). These lands are required for a Neighbourhood Park, Off Street Bikeway and/or Walkway and to meet the requirements of a Class Environmental Assessment Master Plan for the development of the Rymal Road Secondary Planning Area. This parcel is in the former City of Stoney Creek (Ward 9).
 - (c) That Real Estate staff be authorized and directed to advise the ORC that the City of Hamilton has an interest in acquiring all or part of the parcel known as 1831 Rymal Road (including Upper Mount Albion Road). These two parcels combined consist of 38.0 hectares (94.0 acres). Various City Departments and the Hamilton Conservation Authority are interested in these lands to facilitate the Open Space/Parkland Replacement Strategy for the Red Hill Valley Project. In addition, part of these lands may be required to meet the requirements of a Class Environmental Assessment Master Plan for the development of the Rymal Road Secondary Planning Area. This parcel is in the former City of Stoney Creek (Ward 9).
 - (d) That Real Estate staff be authorized and directed to advise the ORC that the City of Hamilton has an interest in acquiring part of the parcel known as Highbury Road (60 Highland Road West). This parcel consists of 28.09 hectares (69.42 acres). The City requires part of this parcel for a Neighbourhood Park. In addition, part of these lands may be required to meet the requirements of a Class Environmental Assessment Master Plan for the development of the Rymal Road Secondary Planning Area. This parcel is in the former City of Stoney Creek (Ward 9).
 - (e) That Real Estate staff be authorized and directed to negotiate with the ORC for the acquisition of the lands as outlined in Recommendations (b, c, d) above.
 - (f) That staff be authorized and directed to advise the ORC of the City of Hamilton requirements relating to the development of the sites.
- 19. Award of Contract C2-18-04 to Sorensen Gravely Lowes Planning Associates for the Commercial Policy Strategy (City-wide) (PD04142) (Item 6.19)**

That a purchase order be issued to Sorensen Gravely Lowes Planning Associates Inc. in the amount of \$199,751 plus applicable taxes for the award of Contract C2-18-04.

CARRIED.

20. Application for an Official Plan Amendment and a City Initiative for a Change in Zoning for Lands Located at Baseline Road and North Service Road (Stoney Creek) (PD04219) (Ward 11) (Item 7.1)

(Mitchell./Pearson)

- (a) That approval be given to **Official Plan Amendment Application OPA-04-09, (City of Hamilton), owner**, for a re-designation of the subject lands from "Rural Lakeshore" to "General Commercial" for lands located at Baseline Road and North Service Road (Stoney Creek), as shown on Appendix "A" to Report PD04219.
- (b) That approval be given to **City Initiative CI-04-F, (City of Hamilton), owner**, for a change in zoning from the Neighbourhood Development "ND" Zone to the General Commercial "GC-45" Zone (Stoney Creek), as shown on Appendix "A" to Report PD04219, on the following basis:
 - (i) That the subject lands be rezoned from the Neighbourhood Development "ND" Zone to the General Commercial "GC-45" Zone.
 - (ii) That the draft By-law, attached as Appendix "B" to Report PD04219, which has been prepared in a form satisfactory to Corporate Counsel, be enacted by City Council.
 - (iii) That the proposed change in zoning will be in conformity with the Stoney Creek Official Plan upon approval of the proposed Official Plan Amendment No. _____. CARRIED.

21. Application for a Change in Zoning for Lands Located at 1400 Upper James Street (Hamilton) (PD04226) (Ward 8) (Item 7.2)

(Whitehead/Merulla)

That approval be given to **Zoning Application ZAR-04-43, Rencoast Holdings Inc., owner**, for a further modification to the "HH" (Restricted Community Shopping & Commercial) District, to permit a hotel and accessory uses as an additional use for lands located at 1400 Upper James Street (Hamilton), as shown on Appendix "A" to Report PD04226, on the following basis:

- (a) That the subject lands be rezoned from the "HH" (Restricted Community Shopping & Commercial) District to an "HH" (Restricted Community Shopping & Commercial) District, Modified.
- (b) That the attached draft By-law, shown as Appendix "C" to Report PD04226, which has been prepared in a form satisfactory to Corporate Counsel, be enacted by City Council.
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

- (d) That the Mewburn Neighbourhood Plan be amended to reflect Schedule B of Zoning By-law No. 89-130. CARRIED.

22. Application for a Change in Zoning for the Property Located at 26 Dennis Avenue (Flamborough) (PD04228) (Ward 15) (Item 7.3)

(Pearson/Ferguson)

That approval be given to Zoning Application ZAR-04-51, Daniel and Esther Ollman, owners, for a change in zoning from the Residential (Single Detached) "R1-6" Zone to the Residential (Single Detached) "R1-3" Zone, to permit a single detached dwelling on a new lot and to permit an existing single detached dwelling to remain on a retained lot, as shown on Appendix "A" to Report PD04228, on the following basis:

- (a) That the subject lands be rezoned from the Residential (Single Detached) "R1-6" Zone to the Residential (Single Detached) "R1-3" Zone.
- (b) That the By-law, included as Appendix "B" to Report PD04228, which has been prepared in a form satisfactory to Corporate Counsel, be enacted by City Council.
- (c) That the amending By-law be added to Schedule "A-30", of Zoning By-law No. 90-145-Z.
- (d) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan and the Town of Flamborough Official Plan.

(Pearson/Ferguson) That the following be added as subsection (e):

- (e) That through council the OMB be requested to include a requirement to have as condition of the consent, a tree preservation plan as part of the agreement.

AMENDMENT CARRIED

MOTION AS AMENDED CARRIED

23. Application for a Change in Zoning for Lands Located at 37 Kilbride Road (Hamilton) (PD04229) (Ward 6) (Item 7.4)

(Ferguson/Pearson)

That approval be given to Zoning Application ZAR-04-41, City of Hamilton, owner, for further modification to the established "M-15" (Prestige Industrial) District, modified, to permit a Second-Hand Merchandise Store as an additional use for lands located at 37 Kilbride Road (Hamilton), as shown on Appendix "A" to Report PD04229, on the following basis:

- (a) That the "M-15" (Prestige Industrial) District regulations, as contained in Section 17G of Zoning By-law 6593, as amended by By-law No. 84-110, applicable to the subject lands, be further modified to the extent only of the special requirement that:

- (i) notwithstanding Section 17G(1) (b) of Zoning By-law No. 6593, a Second Hand Merchandise Store and accessory Retail Sales in conjunction with the Municipal Solid Waste Transfer Station shall be permitted.
 - (b) That the attached draft By-law, shown as Appendix "B" to Report PD04229, which has been prepared in a form satisfactory to Corporate Counsel, be enacted by City Council.
 - (c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-876a, and that the subject lands on Zoning District Map E-59e be noted as S-876a.
 - (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area. CARRIED.
- 24. An Application to Amend Glanbrook Zoning By-law No. 464 for Lands Located on the Southeast Corner of Dickenson Road and Highway No. 6 (Glanbrook) (PD04231) (Ward 11) (Item 7.5)**
(Ferguson/Whitehead)
- That approval be given to Zoning Application ZAC-04-26, Macstar Development Inc., owner, for a change to Zoning By-law No. 464 from the Airport-Related Business "M5" Zone and the General Agricultural "A1" Zone to the site-specific Airport-Related Business "M5-189" Zone, on lands located in Part of Lot 6, Concession 3, in the former Township of Glanbrook, as shown on Appendix "A" to Report PD04231, on the following basis:
- (a) That Block "1" and Block "2" be rezoned from the Airport-Related Business "M5" Zone to the site-specific Airport-Related Business "M5-189" Zone.
 - (b) That Block "3" be rezoned from the General Agricultural "A1" Zone to the site-specific Airport-Related Business "M5-189" Zone.
 - (c) That the draft By-law, as Appendix "C" to Report PD04231, which has been prepared in a form satisfactory to Corporate Counsel, be enacted by City Council.
 - (d) That the amending By-law be added to Schedule "A" of Zoning By-law No. 464.
 - (e) That the proposed changes in zoning conform to the Hamilton-Wentworth Official Plan, and the Glanbrook Official Plan. CARRIED.

- 25. Declaration of Surplus Property: Former Tweedside Church (Stoney Creek) (PD04143) (Ward11) (Item 8.1)**
(Whitehead/Mitchell)
- (a) That the Planning and Development Department, Real Estate Section, be authorized and directed to lease the subject property, marked as Appendix "A" to Report PD04143(a), in accordance with the Real Property Sale Procedural By-law 95-049 and Item 21 of Report 01-029 of the Committee of the Whole, approved by City Council on September 18, 2001, approving the Consolidation of Routine Real Estate Matters.
 - (b) That the Planning and Development Department, Real Estate Section, be authorized and directed that any lease arrangement be at full cost recovery inclusive of any capital requirements to make the property useable.
 - (c) That if no interest has been expressed for the subject property within a six month period, that the City's Fleet and Facilities Division be authorized and directed to proceed with the demolition of the existing church building. In this regard, Council shall be considered as approving the demolition of the building under the City's Demolition Control By-law.
 - (d) That the demolition cost, to an upset limit of \$20,000, be funded from the Capital Projects – Stoney Creek Reserve #108034.
 - (e) That the maintenance costs, in the amount of \$6500 per annum, be budgeted through the Operations and Maintenance Section, Public Works Department, in the 2005 Operating budget.
 - (f) That Tweedside Church item, referred from the Planning and Economic Development Committee on June 8, 2004, be identified as completed and removed from the Planning and Economic Development Outstanding Business List. CARRIED.
- 26. Request for Consent to Demolish the Former Carriage Factory Portion of the Tivoli Theatre (108-112 James Street North) Pursuant to Part IV of the Ontario Heritage Act (PD04204) (Ward 2) (Item 8.2)**
(Pearson/Ferguson)
- That the request to demolish the remnant carriage factory portion of the Tivoli Theatre complex (108-112 James Street North) under Section 34 of the Ontario Heritage Act, excluding the 1908 lobby portion, as requested by the applicant in the amended heritage permit application, be consented to, and appropriate notice served upon the owner and the Ontario Heritage Foundation, as required by the Ontario Heritage Act. CARRIED.

27. Surplus School Site, Le Conseil scolaire public de district du Centre-Sub-Ouest, 10 McMaster Avenue, Dundas (PD04240) (Ward 13) (Item 8.3)

(Ferguson/McHattie)

- (a) That staff be authorized and directed to advise the Le Conseil scolaire public de district du Centre-Sub-Ouest that the City of Hamilton has no interest at this time in acquiring the lands composed of Concession 1, Part Lots 54 and 55, formerly Township of Ancaster as in DN25000; Part of the Road Allowance Between Lots 54 and 55, Concession 1, former Township of Ancaster, as closed by By-law #1769, as in DN251109, Town of Dundas, now in the City of Hamilton, municipally known as 10 McMaster Avenue, Dundas, ON.
- (b) That staff be authorized and directed to advise the Le Conseil scolaire public de district du Centre-Sub-Ouest of the City of Hamilton requirements relating to the development of the site.

(Ferguson/McHattie)

- (c) That subject to the surplus school site being sold by the Le Conseil Scolaire Public de District due Centre-Sub-Ouest, if at some point in the future, some portion of the lands, excluding the school building, are offered for sale, that staff be authorized to negotiate a purchase of these lands at a price equal to or below fair market value.
- (d) That the funding for this potential purchase be capped and not exceed the amount available in the Hamilton Parkland Dedicated Reserve Account 104090.

Amendment CARRIED.

Motion as Amended CARRIED.

28. Ontario Municipal Board (OMB) Reform Response Report (PD04224) (City Wide) (Item 8.4)

(McHattie/Mitchell)

That the Council of the City of Hamilton respond to the June 2004 Planning Act discussion paper on Ontario Municipal Board (OMB) Reform as follows:

- (a) That the OMB Reform be co-ordinated with changes to the Planning Act and Provincial Policy Statement (PPS) to ensure more consistent and adequate evaluation of land use proposals through a legislatively defined, complete application.
- (b) That the OMB procedures be revised to ensure that the Provincial and Municipal policies, which influenced the outcome of a hearing, are explicitly identified in Board decisions.
- (c) That rather than deny the right of appeal to the OMB for certain types of land use decisions, the Planning Act and Ontario Municipal Board Act be amended to eliminate automatic *de novo* hearings. *De novo* hearings should only take place where a Municipal planning decision is found to be

erroneous or inappropriate, based on a complete application. The Planning Act should also permit municipalities to create local appeal bodies for minor variances.

- (d) That the appointment and performance evaluation process for new OMB members should be reformed to establish clear professional qualifications and standards of merit. These should be supervised by a non-partisan, multi-stakeholder screening committee that advises Cabinet on appointments and reappointments. The length of tenure for OMB members should be increased to 5-7 years, and their compensation updated to reflect the unique demands and high public expectations associated with the position.
- (e) That the OMB procedures should be revised to ensure standardized and more transparent hearing conduct and decision writing standards.
- (f) That the OMB should improve its public communications programs and increase its professional case management staff to more proactively inform the public of its rules, procedures and dispute resolution services.

(McHattie/Merulla)

- (g) That the Province be requested to consider introducing intervener provincial funding for citizens at the OMB similar to what is provided at Environmental Assessment Board Hearings. AMENDMENT CARRIED.
Motion as Amended CARRIED.

29. Response to Province of Ontario on Planning Act and Provincial Policy Statement Reforms (PD04239) (City Wide) (Item 8.5)

(Pearson/Whitehead)

That the City of Hamilton respond to the Province of Ontario discussion papers on the Provincial Policy Statement (PPS) and Planning Act reform as follows:

- (a) Planning Act and PPS reforms must focus on clear and pragmatic objectives rather than ideals to ensure municipalities have stable and coherent Provincial direction for long term community planning.
- (b) (i) Section 2 of the Planning Act and relevant sections of the Ontario Municipal Board Act be amended to state that an Official Plan approved by the Minister of Municipal Affairs and Housing (MMAH) to be consistent with the PPS in whole or in part shall thereafter take precedence over the PPS in the review of all applications under Parts V and VI of the Act; and,
 - (ii) Section 17 and 22 of the Planning Act be amended to permit the Minister to approve an Official Plan or amendment to be consistent with the PPS in whole or in part. These sections should be expanded to allow a municipality to request the Minister to re-approve or 'deem' all or part of an

existing Official Plan to be consistent with the PPS and thereby qualify for the consideration outlined in 2a) above.

- (c) The Minister be requested to update regulations under Section 70.1 specifying the content of a complete application as a priority within the next year. Updated regulations should focus on technical matters that enable decision makers to evaluate the basic principles of development, not the conditions or adjustments which make it acceptable once the concept of development has been established.
- (d) The Minister be requested to amend regulations governing the Development Permit System in Section 70.2 to permit the exercise of architectural control governing street face building form, materials, fenestration, signage and roof design in accordance with approved streetscape master plans adopted as Official Plan Amendments (OPAs).
- (e) The Planning Act should authorize the use of conditional zoning through special regulation to be applied on a pilot project basis and directed by approved Official Plan policy. A testing process is required to inform all stakeholders of the implications of conditional zoning powers in different contexts before general legislation is established.
- (f) The Ministry of Municipal Affairs and Housing (MMAH) should conduct further research on the potential use and practical operation of a 'transfer of development right' system before amending the Planning Act to authorize use of such a tool.
- (g) The use and design performance indicators in community planning not be mandatory, but continue to be encouraged through the PPS. Provincial guidance in the design of comparable performance targets and indicators to be used as a 'good practice' would be beneficial.
- (h) PPS requirements on matters which are not significantly influenced by Planning Act decisions should not be mandatory and should be reworded as preferential rather than prescriptive policies.
- (i) Part III on PPS interpretation be expanded to clearly indicate that municipal planning objectives and standards outlined in the Greenbelt and Greater Golden Horseshoe Growth Plan will take precedence over standard planning policies in Part V of the PPS.
- (j) The Province of Ontario, in negotiation with the Federal government, undertake an immediate review of all environmental compatibility separation guidelines and policies to develop realistic standards for urban renewal and intensification within existing urban areas. Cabinet must assign this review to one Ministry or agency which can be given authority

to co-ordinate and reconcile competing agency priorities to achieve workable policy reforms.

- (k) Section 2.3.1 wording must be changed so as not to conflict with the defined term for *prime agricultural area* in the PPS glossary or the Ministry of Agriculture and Food's (OMAF's) Land Evaluation and Area Rating (LEAR) alternative methodology.
- (l) Staff of the MMAH and OMAF be requested to work with City staff to resolve the designation of specialty crop lands in the City of Hamilton prior to final approval of the PPS and Greater Golden Horseshoe Growth Plan.
- (m) Section 1.1.1.4 of the PPS should be expanded to add the following words, designed to protect and comprehensively plan urban industrial land:

"The alteration of all or any part of the boundary of a settlement area or the creation of a new settlement area or the re-designation of industrial land for residential or retail commercial purposes will only be permitted at the time of a comprehensive review and only where...."

- (n) That the last sentence in the definition of *conserved* be deleted, or, the term 'heritage impact assessment' be defined as a technical assessment of heritage resource features and the potential impact of development on such features, including mitigation measures, designed to achieve responsible management where conservation is not an appropriate strategy.

CARRIED.

30. Declaration of Surplus Property/Sale of Part of the Unopened Road Allowance, Between 711 and 723 Ridge Road, Stoney Creek, Designated as Parts 1 & 2, Plan 62R-16479, to Mrs. Edna Chrystian (PD04181) (Ward 11) (Item 8.6) (Mitchell/Pearson)

- (a) That the lands forming the part of the Fifth Road East unopened road allowance, between 711 and 723 Ridge Road, described as Parts 1 & 2 on Reference Plan 62R-16479, be declared surplus to the requirements of the City of Hamilton, in accordance with the former City of Stoney Creek Procedural By-law No. 4206-95.
- (b) That the Planning and Development Department, Real Estate Section, be authorized and directed to sell the subject property in accordance with the Real Property Sales Procedural By-law No. 95-049.
- (c) That the Legal Services Department be authorized to complete a By-law to stop-up, close and sell the subject portion of the unopened road allowance described as Parts 1 & 2 on Plan 62R-16479, as shown on

Appendix "B" to Report PD04181, and that the By-law be passed and enacted.

- (d) That the City Clerk be directed to publish a notice, pursuant to Section 300 of the Municipal Act R.S.O. 1990, as amended of the City's intention to pass the By-law.
- (e) That the Offer to Purchase Agreement, with a consideration of \$19,800, duly executed by Mrs. Edna Chrystian on June 7, 2004 and scheduled to close on or before August 23, 2004, being comprised of Parts 1 & 2 on Reference Plan 62R-16479, be accepted.
- (f) That this sale is conditional upon the City enacting a By-law to authorize the stop-up, closure and sale of Parts 1 & 2 on Plan 62R-16479. This transaction is scheduled to close on or before August 23, 2004. Funds derived from this sale are to be credited to Account No. 47702-3560150100 (Reserve for Property Purchases - Sales).
- (g) That the total sale price of \$19,800 does not include the Goods and Services Tax (GST). Should GST be applicable and be collected by the City, the GST amount is to be credited to Account Number 22835009000 (GST Payable).
- (h) That the required deposit cheque, in the amount of \$1,980, be held by the General Manager of Finance and Corporate Services, pending Council Approval.
- (i) That Corporate Counsel be authorized and directed to prepare the necessary transfer and By-law documents.
- (j) That in accordance with the City's Real Property Sales Procedural By-law No. R95-049 for the Sale of Real Property:
 - (i) That satisfactory notice has been given to the public of the intended sale through advertisements in the Hamilton Spectator on November 8, 15, 22, 29, 2002.
 - (ii) That no appraisal of the fair market value of the real property scheduled to be sold has been obtained as Highway (Public Highway) Closures and Sales are exempt from the appraisal requirements of Section 268 of the Municipal Act, as amended.
 - (iii) That the City Clerk be authorized and directed to execute and issue a Certificate of Compliance in the form prescribed to Section 268 of the Municipal Act, as amended. CARRIED.

FOR THE INFORMATION OF COUNCIL:

(a) Changes to the Agenda (Item 1)

(Pearson/Mitchell)

The clerk noted the changes to the Agenda, and the Agenda was approved as amended CARRIED.

(b) Declarations of Interest (Item 2)

None

(c) Approval of Minutes (Item 3)

(Ferguson/Merulla)

The Minutes of August 3, 2004 were approved, as presented. CARRIED.

(d) Mr. Richard Allen, Executive Director, Industry Education Council respecting their current initiatives and the outcome of the Mayor's Roundtable on Education and the Hamilton Economy (Item 4.1)

Committee approved Mr Allen's request to appear however Mr. Allen was not in attendance for the meeting.

(e) Ms Mary Jane Dolbear, respecting the sale of Ecole la Jeunesse, 10 McMaster Avenue (Item 4.2)

The Committee approved Ms. Dolbear's request to address Committee.

Ms. Dolbear addressed Committee and provided a handout of her presentation which outlines the concerns of the residents in the area, copy of which is attached as Appendix A to this report.

(f) Mr. Tony Evans, Director, Dundas Valley Montessori School, respecting the sale of Ecole la Jeunesse, 10 McMaster Avenue (Item 4.3)

The Committee approved Mr Evans' request to address Committee.

Mr. Evans addressed his concerns with respect to the disposal of the school property and provided information on the potential uses for the school and suggested a partnership arrangement between himself if he were to purchase the school and the City.

(g) Ms. Nancy MacKay regarding Shadowdale Drive, Stoney Creek (Added Item 4.4)

The Committee referred this delegation to the October 5, 2004 Planning and Economic Development Meeting.

Councillor Mitchell recorded his opposition to the referral.

(h) Ms. Mary Flynn Guglietti regarding the Tivoli (Item 4.5)

The Committee approved Ms. Guglietti's` request to address Committee.

Ms. Guglietti addressed Committee. Ms. Guglietti advised Committee that a delegation appeared before the LACAC Committee to address this issue and the applicants agreed to modify to delete the demolition of the lobby in the permit. Councillor Ferguson questioned if the delegation was aware of the penalties under the heritage act if during demolition there is harm done to the theatre. Ms. Guglietti noted that the clients have retained legal counsel and they have been advised of the penalties.

(i) Glanbrook Secondary Plan - Staff presentation (No copy) (Item 5.1)

Staff addressed Committee and presented an overview of the Plan which included: Binbrook Village Existing Development; Binbrook Secondary Plan; Status of Development; Subdivision Servicing; Road needs; asset life cycle analysis, (road, water sanitary and storm sewers)); Financial Issues (including development charges - \$20,000; \$8 million in growth infrastructure);

Committee members following the presentation addressed issues including:

- How best to characterize this development;
- In relation to smart growth – how in this model are we leveraging-addressing vacant lands?
- Is there balance – determine whether or not if we are approaching development in a sustainable way taking into account challenges faced by our city.
- What role did the Halton report play in the decision of the Region back in 2000?
- Does growth pay for itself?
- Affordable housing – endorsement of low density/institutional development should not be viewed as a negative
- With respect to public transit – which should come first – development or transit? Hardship is caused when transit comes last.
- Possibility that as a municipality we can explore public transit to be in place prior to development.
- If we could do this differently in light of smart growth concepts (transit, live, work and play), what would we change?

- Are we happy from a planning perspective with respect to this development?
- Is there anything we could change now given the draft approvals and infrastructure in place to make the village more sustainable (i.e. transit)
- Can we change the densities to bring transit in there quicker and costs for supplying transit.
- Transit makes sense when there is density. 20-30 units per hectare to make transit viable.
- Transit tax pays for the deficit.
- Is there a possibility of providing transcab? – what additional charges/taxes for residents? For future applications within this plan. Staff advised that would be part of budget deliberations. – higher charge on a short term basis until all the development is in place.
- Committee discussed doing a similar study as was done in Halton. Staff cautioned that the results would be subjective. Committee suggested staff investigate using McMaster University's Economics Department to assist with this study.
- Councillor Braden commented that similar studies done in North America on growth (CMHC and Bank of America) have opposite conclusions to the Halton report.
- Nothing sustainable if you don't have jobs. Contribute to pollution and problems that costs us money.
- Bypass road – how much will the non Binbrook residents will be paying? - increase in lanes, bridges etc.
- What will this look like 30 years from now? Need twice as much parking, duplexes
- Can the urban development go beyond the boundary?
- We should learn from this development
- Process dates back 20 years. The need came from local community – could not live in area unless there would be water and sewers. Now they can.
- As it develops is should be self sustaining (seniors facility/nursing home added, fire/police station/short on jobs/need more land area for businesses to locate; golf course zoned into this plan.
- Storm water management pond could be an issue to rent water to the golf course.
- With respect to HSR component – majority of people know there is no service and if there is, they would have to pay for it. Pilot projects have been done to see if they are sustainable. 70% right now.
- Strongly opposed to increased densities as it does create more traffic problems, sewer capacity.

Following discussion on a motion approved, staff were directed to report back on the cost for a study which provides a review and analysis of Binbrook Village including impacts on the broader community for the long term; such a study to be used for future developments.

(j) Demolition Permits

Committee members discussed the current policy for issuing demolition permits. Staff provided information on the Planning Act, and the Demolition Control By-law.

Following discussion by motion approved, staff were directed to report back on expanding the current policy/bylaw from the downtown to the broader community.

Councillor Pearson Opposed.

(k) Application for an Official Plan Amendment and a City Initiative for a Change in Zoning for Lands Located at Baseline Road and North Service Road (Stoney Creek) (PD04219) (Ward 11) (Item 7.1)

A Public Meeting was held.

Committee was advised that as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at the Public Meeting.

David Samis outlined the report to the Committee and the intent of the application.

There were no members of the public in attendance to address this application.

(l) Application for a Change in Zoning for Lands Located at 1400 Upper James Street (Hamilton) (PD04226) (Ward 8) (Item 7.2)

A Public Meeting was held.

The Committee was advised that as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at the Public Meeting.

Paul Moore outlined the report the Committee and the intent of the application.

Committee members addressed issues including: possible effect on downtown conference centers and hotels; tourism. Committee was apprised by staff that there is a shortage of hotel rooms and that additional rooms would be welcome. With respect to downtown core it would be seen as offering a better choice for our city and don't see it as a threat but as an asset.

There were no members of the public in attendance to address this application.

However, the applicant's architect, Mr. Daniel Cuzimano addressed committee and advised that a public meeting was held on August 9th attended by the community and at that time they did not receive any negative responses to the change in zoning.

Councillor Whitehead further addressed that at the public meeting, the major concern of residents was outside patios and noise but as far as the design of the hotel it was very positive. Residents were very complimentary of development.

(m) Application for a Change in Zoning for the Property Located at 26 Dennis Avenue (Flamborough) (PD04228) (Ward 15) (Item 7.3)

A Public Meeting was held.

The committee was advised that as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at the Public Meeting.

Greg MacDonald outlined the report the Committee and the intent of the application.

Members of the Public who spoke to this application included:

Mr. Jim Bester of 135 Rockcliffe Road in Flamborough. Mr. Bester submitted questions, photos and petitions which support his opposition and neighbouring resident's opposition to this application. Copies of which have been circulated to Council and will remain in the Office of the Clerk.

Mr. Douglas Shenton of 54 Waterwheel in Flamborough provided a submission which voiced his opposition to the Application, copy of which is attached as Appendix B to this report.

Mr. Conrad Schmidt, the applicant's agent addressed committee in support of the staff recommendation to approve the application.

Committee members addressed the following issues:

- What are the affects if application was approved today to which staff advised that the OMB will not deal with one application if there are related applications to be addressed. Zoning application made before appeal. We have 120 days to address this application.
- Has site plan been done? Single detached are not subject to site plan control.
- Tree preservation – without tree by-law we would have limited recourse.

(n) **Application for a Change in Zoning for Lands Located at 37 Kilbride Road (Hamilton) (PD04229) (Ward 6) (Item 7.4)**

A Public Meeting was held.

The Committee was advised that as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at the Public Meeting.

Trevor Horzelenberg outlined the report to Committee and the intent of the application.

Staff advised Committee that there was an amendment to the staff report to be noted in Recommendation (a) (i), and is worded as follows:

Notwithstanding Section 17G(1) (b) of Zoning By-law No. 6593, a Second Hand Merchandise Store and accessory Retail Sales in conjunction with the Municipal Solid Waste Transfer Station shall be permitted.

Staff further advised that the change would also be reflected in the by-law.

There were no members of the public present in attendance to address this application.

Committee members addressed the following issues/concerns:

- Clarify use – staff were requested to outline benefits of the waste management aspect of this.
- Staff noted that it would be first of three proposed recycling centers to include household hazardous waste as well as a facility to receive, transfer out and potentially sell on site household and construction items.
- How many tonnes would be kept from landfill.
- Staff were requested to clarify private vs nonprofit organization to operate facility
- Good news story
- With respect to oil from cars – any thought in future to allow citizens to bring oil to facility. CA will be amended to include traffic-related; household materials will be accepted and used motor oil is one of those materials
- Any thought of facility being relocated to higher traffic area? – staff responded that it is proposed that such facilities be located at other transfer stations; however, this area is very good site to integrate plans with existing facility; significant amount of stacking space on this road

(o) An Application to Amend Glanbrook Zoning By-law No. 464 for Lands Located on the Southeast Corner of Dickenson Road and Highway No. 6 (Glanbrook) (PD04231) (Ward 11) (Item 7.5)

A Public Meeting was held.

The Committee was advised that as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at the Public Meeting.

Kristen West outlined the report the Committee and the intent of the application.

There were no members of the public who addressed this application.

Mr. Sergio Manchia, the applicant's agent was satisfied spoke in favour of the staff report. 2 to three years working on this file. Good use planning report with respect to uses. Mr. Manchia addressed the concept plans, encouraged committee to have discussions with MTO with respect to Highway 6. One of the hurdles for development in this area is the acquisition of the section of Whitechurch Road to Upper James.

No intention to apply for any OPA at this particular time.

Committee members addressed the following issues/concerns:

- surface drainage issue – needs to be address for those residents on Dickenson Road. Mr. Manchia advised that he would follow up on this matter for Councillor Mitchell.
- wide setback – makes it unfriendly – can this be altered to make it more palatable? – Mr. Manchia advised that he would follow up on this matter for Councillor McHattie.
- Suggestion to include aerial photographs for applications. Staff will explore this for future reports to committee.
- Stub street – creation – asked staff to expand on comment that they do not support the creation of stub street and would like to note that this street does not predetermine any expansion of the urban area boundary. Staff advised that they would prefer private driveway access rather than to have Stub street extension.
- Concern of a loss for business park industrial lands – this would appear that we are losing some lands in favour of commercial.
- Staff were further requested to advise who owns the lands in the proposed airport industrial business park
- There is a need for signal lights – also need monies from Provincial government for Highway when it is turned over.

- (p) **Declaration of Surplus Property: Former Tweedside Church (Stoney Creek) (PD04143(a)) (Ward 11) - Referred from Planning and Economic Development Committee – June 8, 2004 (Item 8.1)**

Councillor Mitchell advised that residents would like to see the cemetery expanded to where the church was.

The issue of land locking a parcel which was in the previous report is now not an issue.

- (q) **Request for Consent to Demolish the Former Carriage Factory Portion of the Tivoli Theatre (108-112 James Street North) Pursuant to Part IV of the Ontario Heritage Act (PD04204) (Ward 2) (Item 8.2)**

David Cuming provided an update. Staff support the demolition of the former carriage factory. Staff further advised that the lobby portion and auditorium to the rear still has some heritage value.

Councillor Merulla noted that he was concerned that the building is beyond repair.

- (r) **Surplus School Site, Le Conseil scolaire public de district du Centre-Sub-Ouest, 10 McMaster Avenue, Dundas (PD04240) (Ward 13) (Item 8.3)**

Added petition submitted by concerned residents opposed to the disposal of the school property was received by committee.

- (s) **Ontario Municipal Board (OMB) Reform Response Report (PD04224) (City Wide) (Item 8.4)**

Staff provided an overview of the report including Reform Components to date, New Greenbelt Act, Draft and Proposed Planning act Reforms, Draft Provincial Policy Statement, Review of OMB Role and procedures, Greater Golden Horseshoe Growth Plan, Draft Financial Tools for Growth Management, Consolidated Provincial 10 year capital plan.

- (t) **Response to Province of Ontario on Planning Act and Provincial Policy Statement Reforms (PD04239) (City Wide) (Item 8.5)**

Staff provided background to this issue stemming from Bill 26 in December 2003 to the Planning Act Report Paper in June 2004.

Staff addressed the key issues of the planning act reform including: Scope of reform, official plan status.

(u) Motions (Item 9)

None

(v) Notices of Motion (Item 10)

None

(w) General Information (Item 11)

Outstanding Business

Staff provided updates on the following matters and these items were deleted from Outstanding Business:

Item Z – Future Cities Design Charrette

Item Q - Skydragon Community Development Co-operative Proposal

Staff advised that discussions are ongoing with respect to Outstanding Business Item P and will keep council updated on this matter.

Staff will provide an e-mail to update Council on Outstanding Business Item M.

Fire Arms Discharge By-law

Councillor Mitchell addressed the concerns expressed by the rural community respecting the fire arms discharge by-law.

Staff addressed the allowances for the discharging (i.e. in Flamborough general rule is 500 feet from residences and no discharge in the 403 corridor)

The By-law will not be in place for this hunting season which may alleviate some fears of the public.

A public meeting is scheduled for September 16th at the Glanbrook municipal service center and a meeting in Flamborough is being confirmed. Should an additional meeting be required in Glanbrook staff will take that under advisement.

Starlings in Neighbourhoods

Councillor Whitehead addressed the large number of Starlings in neighbourhoods creating concern especially with the large amount of excrement on sidewalks. Staff were directed to explore who can be consulted about this issue.

Filming in the City of Hamilton

Councillor McHattie expressed concern with the recent filming at the Rennie Street Landfill Site. Waste Management staff were not consulted.

Staff were directed to review the situation and come back with a report to committee outlining what happened and specifically what is the process for filming in Hamilton.

Highway #6

Councillor Mitchell requested that staff keep him informed on the discussions respecting Highway 6 so he may update his community.

The Planning & Economic Development Committee adjourned at 3:00 p.m.

Respectfully submitted,

Bill Kelly, Chair
Planning & Economic Development Committee

Mary Gallagher
Co-ordinator, Council, Committee of the Whole, Budgets
September 7, 2004