Planning and Economic Development Committee
REPORT 06-001
January 17, 2006
9:30 a.m.
Council Chambers
Hamilton City Hall

Present: Chair M. Pearson
Mayor L. Di Ianni
1st Vice-Chair D. Mitchell
2nd Vice-Chair B. Bratina,
Councillors: S. Merulla, B. McHattie, T. Whitehead

Also Present: Councillors T. Jackson, M. McCarthy, D. Braden,
P. Bruckler

Absent: Councillor M. Ferguson – illness
Councillor B. Kelly – personal business

Staff Present: G. Peace – City Manager
L. Coveyduck, General Manager - Planning and Development
Hickey-Evans, P. Mason, G. Macdonald, P. Delulio, M.
Sergi, C. Plosz, S. Holiday, B. Farkas – Planning and Development
N. Everson, G. Paparella – Economic Development
N. Smith – Legal
S. Robichaud – City Manager’s Office
A. Rawlings – City Clerk’s Office

THE PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE PRESENTS
REPORT 06-001 AND RESPECTFULLY RECOMMENDS:

1. **Removal of ‘H’ Holding Symbol from Lands Located at 1564 Second Concession Road West (Former Town of Flamborough) (PED06004) (Ward 14) (Item 5.1)**

That approval be given to **Zoning Application ZAH-05-05, Dirk and Carolann Zwart, owners**, for removal of the 'H' Holding symbol, for lands located at 1564 Second Concession Road West (former Town of Flamborough), as shown on Appendix “A” to Report PED06004, on the following basis:

(a) That the subject lands be rezoned from the Settlement Residential Holding “R2(H)” Zone to the Settlement Residential “R2” Zone.

(b) That the Draft By-law, attached as Appendix “B” to Report PED06004, 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 Hamilton-Wentworth Official Plan and the Flamborough Official Plan.

2. **ERASE Redevelopment Grant Application (ERG-05-02) – J. Beume Real Estate Ltd. – 106/127 Burton Street (PED06026) (Ward 3) (Item 5.2)**

a) That ERASE Redevelopment Grant Application ERG-05-02, submitted by J. Beume Real Estate Ltd., owner of the property at 106/127 Burton Street, for an ERASE Redevelopment Grant, not to exceed $470,000 payable to J. Beume Real Estate Ltd. over a maximum of ten (10) years, be authorized and approved in accordance with the terms and conditions of the ERASE Redevelopment Agreement.

b) That the City enter into an ERASE Redevelopment Agreement with J. Beume Real Estate Ltd. regarding the terms and conditions governing the payment of an ERASE Redevelopment Grant for, and redevelopment of, 106/127 Burton Street, with such agreement to be satisfactory to the City Solicitor.

3. **Tree Removal and Replacement, 145, 147, and 149 Green Road (Stoney Creek) (PED06008) (Ward 10) (Item 5.3)**

(a) That the removal and replacement of six Municipal street trees along the west side of Green Road be approved, and that all costs associated with the removal and replacement of the trees by City staff, determined to be $13,074.00, including applicable taxes, be at the sole expense of the owner of the lands known as 145, 147, and 149 Green Road;
(b) That the replacement trees, to the value not to exceed $13,074.00, be planted as park trees within Gage Park; and

(c) That staff be directed to report back to the Public Works, Infrastructure and Environment Committee regarding the use of the $100,000 which was directed from the bridge over the CP Rail Line and was given or directed to Gage Park.

4. **Update on Civic Gateway Design Study (City Wide) (PED06010) (Item 5.4)**

That Report PED06010 respecting the Civic Gateway Design Study be received.

5. **Volunteer Committee Budget - Agricultural and Rural Affairs Advisory Committee (City Wide) (PED06012) (Item 5.5)**

a) That the 2006 Budget submission for the Agricultural and Rural Affairs Advisory Committee be received.

b) That the Budget submission and requested funding for the Agricultural and Rural Affairs Advisory Committee be referred to the 2006 Budget process.

6. **Concession Street Business Improvement Area (B.I.A.) Proposed Budget and Schedule of Payment for 2006 (PED06005) (Wards 6 & 7) (Item 5.6)**

a) That the 2006 operating budget for the Concession Street B.I.A. (attached as Appendix ‘A’ to Report PED06005) be approved in the amount of $59,950;

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 2006 budget as referenced in sub-section (a) above;

c) That the following schedule of payments for 2006 be approved:

<table>
<thead>
<tr>
<th>Month</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>January</td>
<td>$14,987.50</td>
</tr>
<tr>
<td>April</td>
<td>$14,987.50</td>
</tr>
<tr>
<td>July</td>
<td>$14,987.50</td>
</tr>
<tr>
<td>October</td>
<td>$14,987.50</td>
</tr>
</tbody>
</table>
7. **Barton Village Business Improvement Area (B.I.A.) Proposed Budget and Schedule of Payment for 2006 (PED06014) (Ward 3) (Item 5.7)**

a) That the 2006 operating budget for the Barton Village B.I.A. (attached as Appendix ‘A’ to Report PED06014) be approved in the amount of $34,305;

b) That the levy portion of the operating budget for the Barton Village B.I.A. in the amount of $30,000 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 2006 budget as referenced in sub-section (b) above;

d) That the following schedule of payments for 2006 be approved:

<table>
<thead>
<tr>
<th>Month</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>January</td>
<td>$7,500</td>
</tr>
<tr>
<td>April</td>
<td>$7,500</td>
</tr>
<tr>
<td>July</td>
<td>$7,500</td>
</tr>
<tr>
<td>October</td>
<td>$7,500</td>
</tr>
</tbody>
</table>

8. **Main Street West Business Improvement Area (B.I.A.) Proposed Budget and Schedule of Payment for 2006 (PED06015) (Ward 1) (Item 5.8)**

a) That the 2006 operating budget for the Main Street West B.I.A. (attached as Appendix ‘A’ to Report PED06015) be approved in the amount of $14,525;

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 2006 budget as referenced in sub-section (a) above;

c) That the following schedule of payments for 2006 be approved:

<table>
<thead>
<tr>
<th>Month</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>January</td>
<td>$7,262.50</td>
</tr>
<tr>
<td>July</td>
<td>$7,262.50</td>
</tr>
</tbody>
</table>
9. **Downtown Hamilton Business Improvement Area (B.I.A.) Proposed Budget and Schedule of Payment for 2006 (PED06016) (Ward 2) (Item 5.9)**

a) That the 2006 operating budget for the Downtown Hamilton B.I.A. (attached as Appendix ‘A’ to Report PED06016) be approved in the amount of $267,500;

b) That the levy portion of the operating budget for the Downtown Hamilton B.I.A. in the amount of $172,000 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 2006 budget as referenced in sub-section (b) above;

d) That the following schedule of payments for 2006 be approved:

```
January   $43,000
April     $43,000
July      $43,000
October   $43,000
```

10. **Ottawa Street Business Improvement Area (B.I.A.) Proposed Budget and Schedule of Payment for 2006 (PED06020) (Wards 3 & 4) (Item 5.10)**

a) That the 2006 operating budget for the Ottawa Street B.I.A. (attached as Appendix ‘A’ to Report PED06020) be approved in the amount of $120,000;

b) That the levy portion of the operating budget of the Ottawa Street B.I.A. in the amount of $115,000 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 2006 budget as referenced in sub-section (b) above;

d) That the following schedule of payments for 2006 be approved:

```
January   $57,500
June      $57,500
```
11. Downtown Hamilton Business Improvement Area (B.I.A.) Resignations from the Board of Management (Ward 2) (PED06021) (Item 5.11)

That Report PED06021 regarding resignations from the Board of Management of the Downtown BIA be received.

12. Demolition Permit – 190 West Avenue North (PED06017) (Ward 3) (Item 5.12)

That the Director of Building and Licensing be authorized and directed to issue a demolition permit for 190 West Avenue North in accordance with By-Law 74-290 pursuant to the demolition control provisions of Section 33 of The Planning Act, as amended, subject to the following conditions:

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

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

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

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

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

13. Demolition Permit – 188 West Avenue North (PED06018) (Ward 3) (Item 5.13)

That the Director of Building and Licensing be authorized and directed to issue a demolition permit for 188 West Avenue North in accordance with By-Law 74-290 pursuant to the demolition control provisions of Section 33 of The Planning Act, as amended, subject to the following conditions:
(a) That the applicant has applied for and received a building permit for a replacement building on this property;

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

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

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

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

14. Demolition Permit – 5 Munn Street (PED06019) (Ward 6) (Item 5.14)

That the Director of Building and Licensing be authorized and directed to issue a demolition permit for 5 Munn Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act as amended.

15. Transfer of Funds from the 2005 Operating Budget - Data Processing Services (City Wide) (PED06024) (Item 5.15)

That an operating surplus of approximately $8,000 in Account 814020-55720 be transferred to a Capital Work In Process (CWIP) Account which is to be used for data processing consulting services that will be incurred in the 2006 Budget year.

16. Drainage Concerns at 45 Rockhaven Lane (Ward 15) (PED06013) (Item 5.16)

That Report PED06013 respecting drainage concerns at 45 Rockhaven Lane be received.
17. Peer Review of the Environmental Screening Report for Liberty Energy, 675 Strathearne Avenue (Hamilton) (Ward 4) (PED05021(a)) (Item 5.17)

That Report PED05021(a) respecting the Peer Review of the Environmental Screening Report for Liberty Energy, 675 Strathearne Avenue, be received.

18. Advisory Committee Minutes – For Information (Item 5.18)

That the following Minutes of Hamilton LACAC (Municipal Heritage Committee) and the Agriculture and Rural Affairs Advisory Committee be received.

(a) Hamilton LACAC (Municipal Heritage Committee) Meeting of October 27, 2005
(b) Hamilton LACAC (Municipal Heritage Committee) Meeting of November 24, 2005
(c) Agriculture & Rural Affairs Advisory Committee Meeting of January 27, 2005
(d) Agriculture & Rural Affairs Advisory Committee Meeting of February 24, 2005
(e) Agriculture & Rural Affairs Advisory Committee Meeting of March 24, 2005
(f) Agriculture & Rural Affairs Advisory Committee Meeting of June 23, 2005
(g) Agriculture & Rural Affairs Advisory Committee Meeting of August 25, 2005
(h) Agriculture & Rural Affairs Advisory Committee Meeting of October 27, 2005

19. Amended Application for a Change in Zoning for Lands Known as 1809 Rymal Road East (Stoney Creek) (PED06006) (Ward 9) (Item 6.1)

That approval be given to Amended Zoning Application ZAC-05-64, Frendel Kitchens Ltd., Antun Deltin, owner, for an amendment to the Zoning By-law for the former City of Stoney Creek, to change the zoning from the Neighbourhood Development “ND” Zone, to the Service Commercial (Holding) “CS-1(H)” Zone, in order to permit a showroom, warehouse and retail area for kitchens and kitchen related products and accessories, appliance store, electronics store, commercial entertainment centre, including such uses as an arcade, bowling alley, laser tag and mini putt all within an enclosed building, a dance studio, paint store and a carpet and floor finishes store on the lands known as 1809 Rymal Road East, as shown on Appendix “A” to Report PED06006, on the following basis:

(a) That the zoning be changed from the Neighbourhood Development “ND” Zone to the Service Commercial (Holding) “CS-1(H)” Zone.
(b) That the draft By-law, attached as Appendix “B” to Report PED06006, which has been prepared in a form satisfactory to Corporate Counsel, be enacted by City Council.

(c) That the Holding ‘H’ symbol not be removed until such time as the applicant/owner has completed an archaeological study, to the satisfaction of the Ministry of Culture and the City.

(d) That the amending By-law be added to Schedule “A”, Map No. 15, of Zoning By-law No. 3692-92.

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

(f) That upon satisfying the condition of the 'H' symbol and submitting the required fee, the Director of Development and Real Estate be authorized and directed to give the prescribed notice in accordance with the provisions of the Planning Act, and to prepare a By-law, in a form satisfactory to Corporate Counsel, to remove the ‘H’ symbol for presentation to City Council.

20. Applications for an Official Plan Amendment and Change in Zoning for the Properties Located at 106 and 127 Burton Street (Hamilton) (PED06007) (Ward 3) (Item 6.2)

(a) That approval be given to the application by J. Beume Real Estate Ltd., owner, for Official Plan Amendment No.___, for the properties located at 106 and 127 Burton Street (Hamilton), as shown on Appendix “A” to Report PED06007, for a change in designation on Schedule “A” – Land Use Concept, from “Industrial” to “Residential”.

(b) That approval be given to Zoning Application ZAC-05-76, by J. Beume Real Estate Ltd., owner, for a change in zoning from the “J/S-648” (Light and Limited Heavy Industry, Etc.) District to the “RT-20/S-1540” (Townhouse – Maisonette) District, Modified, to permit townhouses on the properties located at 106 and 127 Burton Street (Hamilton), as shown on Appendix “A” to Report PED06007, on the following basis:

(i) That the draft By-law, attached as Appendix “B” to Report PED06007, which has been prepared in a form satisfactory to Corporate Counsel, not be enacted by City Council until the following conditions have been satisfied;
(1) That the applicant submits a signed Record of Site Condition (RSC) to the City of Hamilton and the Ministry of the Environment (MOE). The RSC must be to the satisfaction of the Director of Development and Real Estate, including an acknowledgement of receipt of the RSC by the MOE.

(2) That the owner/applicant shall investigate the noise levels on the site and determine the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of the Environment’s recommended sound level limits. An acoustical report, prepared by a qualified Professional Engineer containing the recommended control measures, shall be submitted to the satisfaction of the Director of Development and Real Estate, and CN Rail.

(ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1540, and that the subject lands on Zoning District Map E-11 be noted as S-1540.

(iii) That upon finalization of the implementing Zoning By-law, the Keith Neighbourhood Plan be amended to reflect the change in designation from “Industrial” to “Attached Housing”.

(iv) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan, and will be in conformity with the Official Plan of the City of Hamilton upon finalization of proposed Official Plan Amendment No.____.

21. Applications to Amend the Town of Flamborough Official Plan and Zoning By-law for Lands Located at 91 Highway No. 5 West, Flamborough (Ward 15) (PED06001) (Item 6.3)

(a) That approval be given to Amended Official Plan Amendment Application OPA-05-16 Coreslab Structures (Ont.) Inc. owner, to the Flamborough Official Plan to extend the northerly limits of the Flamborough Industrial Business Park, to redesignate lands from “Agricultural” to “General Industrial – Business” and to add a “Special Treatment Area” designation, to permit an expansion of Coreslab’s Industrial operation, for lands known municipally as 91 Highway No. 5 West (Flamborough), as shown on Appendix “A” to Report PED06001.

(b) That approval be given to Amended Zoning Application ZAC-05-82, Coreslab Structures (Ont.) Inc. owner, for a change in zoning from Agriculture ‘A’ Zone to General Industrial ‘M2-2’ Zone (Block “1”), from Agriculture ‘A’ Zone to General Industrial Holding ‘M2-2(H)’ Zone (Block “2”) and from General Industrial ‘M2’
Zone to General Industrial ‘M2-2’ Zone (Block “3”), to permit an expansion of Coreslab’s Industrial operation, for lands known municipally as 91 Highway No. 5 West, as shown on Appendix “A” to Report PED06001, on the following basis:

(i) That Block “1” be rezoned from Agriculture ‘A’ Zone to General Industrial ‘M2-2’ Zone.

(ii) That Block “2” be rezoned from Agriculture ‘A’ Zone to General Industrial Holding ‘M2-2(H)’ Zone.

(iii) That Block “3” be rezoned from General Industrial ‘M2’ Zone to General Industrial ‘M2-2’ Zone.

(iv) That the amending By-law apply the Holding provisions of Section 36 (1) of the Planning Act to Block “2” by introducing the Holding symbol ‘H’ as a suffix to the proposed Zone. The Holding provision will prohibit the use of the subject lands until such time that the owner is granted a Certificate of Approval by the Ministry of Environment pursuant to Section 9 of the Environmental Protection Act, for the storage of accessory production related equipment including casting forms, heating pipes, side rails, tarp rollers and similar equipment with restrictions on loading and unloading during non-daytime hours. City Council may remove the ‘H’ symbol and, thereby, give effect to the ‘M2-2’ Zone provisions, by enactment of an amending By-law once the condition is fulfilled.

(v) That upon satisfying the condition of the ‘H’ symbol and submitting the required fee, the General Manager, Planning and Economic Development Department, be authorized and directed to give the prescribed notice in accordance with the provisions of the Planning Act and to prepare a By-law, in a form satisfactory to Corporate Counsel, to remove the ‘H’ symbol for presentation to City Council.

(vi) That the draft By-law, attached as Appendix “F” to Report PED06001, as amended by Committee on January 17, 2006, respecting increasing the maximum permitted percentage of open storage from 55% to 60%, which has been prepared in a form satisfactory to Corporate Counsel, be enacted by City Council.

(vii) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan and will be in conformity with the Flamborough Official Plan upon finalization of the proposed Official Plan Amendment No. ____.
22. Hamilton Idling Control By-law (PD05092(a)) (City Wide) (Item 7.1)

(a) That the hiring of one (1) full-time employee for the Building and Licensing Division to enforce the Idling Control By-law and other Municipal By-laws be referred to the 2006 Budget process for consideration.

(b) That, subject to Budget approval, the Draft By-law, attached as Appendix A to Report PD05092(a) be forwarded to City Council for enactment in June, 2006 after commencement of an Anti-idling Awareness Campaign to be delivered by the Planning and Economic Development Department staff in collaboration with community partners.

(c) That the direction in Report PD05092, April 27, 2005, to develop and implement an Anti-idling Awareness Campaign delivered in partnership with Green Venture and other community partners be expanded to include a campaign that will educate and inform the general public as well as schools.

(d) That HSR buses become subject to the proposed By-law, as and when the technology has sufficiently advanced and appropriate buses are available.

(e) That EMS vehicles become subject to the proposed By-law, as and when the technology, including the hydrogen devices, has sufficiently advanced, and appropriately equipped vehicles are available.

(f) That staff investigate the applicability of the proposed By-law to the operation of boats, including a review of the Toronto experience in this matter, and report back to Committee on this issue.


24. Report to Final Places to Grow Plan (PD04243(b)) (City Wide) (Item 7.3)

a) That the City of Hamilton commends the Province of Ontario for its positive response to issues in the Places to Grow Plan and its commitment to maintaining a proactive working relationship with single and upper tier municipalities in future.

b) That municipal Official Plan and Zoning By-law amendments necessary to address Section 12.2 of the Places to Grow Act be exempted from appeal, or
that current powers of the Ontario Municipal Board (OMB) to dismiss appeals be used more proactively in matters of Places to Grow Plan conformity.

c) That Sub Area assessment studies utilize available information from municipalities on natural heritage and prime agricultural land issues so as to reinforce, not duplicate appropriate municipal practice.

d) That Sub Area Assessment studies and future policy development must place greater emphasis on employment land planning and economic development strategies to reinforce the broader objectives of the Places to Grow Plan.

e) That the Province of Ontario bring forward major reforms to Environmental Assessment procedure, environmental management policies (e.g., D Series Guidelines of Ministry of the Environment), Provincial capital and program planning procedures and municipal financing tools which are required to achieve the objectives of the Places to Grow Plan.

f) That the Minister of Public Infrastructure Renewal amend the draft Places to Grow Plan to include changes to the text of the Plan outlined in Appendix “A” to Report PD04243(b) so as to improve opportunities for municipal councils to reliably and consistently administer the objectives of the Plan.

g) That prior to final approval of the Places to Grow Plan the Minister of Public Infrastructure Renewal issue draft transition regulations as provided for by Section 17 of the Places to Grow Act which ensures:

i) Municipalities which commenced growth and infrastructure planning programs prior to the Places to Grow initiative are exempted from its requirements or permitted to complete those programs in a manner that 'has regard to', rather than 'in conformity with' the Places to Grow Plan;

ii) The approval of all applications made under the Planning Act and municipal undertakings pursuant to Environmental Assessment Act which predated the issuance of the final draft of the Places to Grow Plan be exempt; and,

iii) That implementation of the Plan should not occur until:

1) municipalities are given the financial tools (i.e., reforms to Development Charges Act, Municipal Act): and,

2) the Province has enacted legislation to amend the Planning Act and Environmental Assessment Act

iv) That all local Boards, Conservation Authorities, Provincial agencies and Ministries are directed to not amend or withhold statutory approvals on the basis of the Places to Grow Plan in respect to the matters included by clauses i) and ii).
h) That the Association of Municipalities of Ontario be requested to consider the formation of a special task force of Greater Golden Horseshoe municipalities to engage the Province of Ontario in legislative and Provincial policy reforms that are considered essential for municipalities to implement the Places to Grow Plan.

25. Niko Apparel  (Added Motion)

WHEREAS City Council on September 18, 2001 in adopting Item 21 of the Committee of the Whole Report 01-029 approved the City of Hamilton sale to Niko Apparel Systems of 0 Pritchard Road, Hamilton, being Pt. of Lot 34, Con. 8, Twp. of Saltfleet, designated as Pts. 1, 3, 4 and 6 on Plan 62R-9936, except Pts. 1 and 2 on Plan 62R-16761;

AND WHEREAS the transaction was completed on October 15, 2004 at which time the Transfer/Deed of Land from the City of Hamilton to Niko Apparel Systems was registered electronically as Instrument WE268225;

AND WHEREAS Niko Apparel Systems agreed to proceed to redevelop the property for industrial use(s) and commences construction of a new building(s) within one year of the acceptance of the transaction;

AND WHEREAS in the event that Niko Apparel Systems fail to comply with the time required, the City of Hamilton has the right to enter upon the lands within thirty (30) days notice, and any such entry by the City of Hamilton shall determine the estate of the City in the said lands;

AND WHEREAS upon such entry by the City, Niko Apparel Systems at their own costs shall execute and deliver to the City of Hamilton a transfer of the lands to the City of Hamilton free and clear of all charges, encumbrances, liens, claims, or adverse interests whatsoever, and the City of Hamilton agrees to pay to Niko Apparel Systems the original purchase price for the lands, less the deposit, less the commission paid (if any) by Niko Apparel Systems to a real estate agent; less arrears of realty taxes, penalty and interest (including local improvement charges), less amount required to discharge any mortgages, liens, charges of other encumbrances against the lands and less the costs of the City of Hamilton incurred in entering on the land and retaking and reselling the land without the increase or compensation for any improvements, additions, alterations in, on or under the lands;

AND WHEREAS Niko Apparel Systems is no longer interested in developing the subject lands;

AND WHEREAS Niko Apparel Systems had acquired a property with a suitable building in the immediate vicinity to accommodate their proposed business expansion;
AND WHEREAS Niko Apparel Systems has requested that the City of Hamilton repurchases the land at the original sale price for the lands;
NOW THEREFORE the Council of the City of Hamilton enacts as follows:

a) That Legal Services & Corporate Counsel be directed to notify Niko Apparel Systems to prepare at their own costs, execute and deliver to the City of Hamilton a Transfer/Deed free and clear of all charges, encumbrances, liens, claims, or adverse interests whatsoever in the lands, being Pt. of Lot 34, Con. 8, Twp. of Saltfleet, more particularly described as Pts. 1, 3, 4 and 6 on Plan 62R-9936, except Pts. 1 and 2 on Plan 62R-16761;

b) That Legal Services & Corporate Counsel be directed to pay to Niko Apparel Systems the original purchase price for the lands, less the commission paid (if any) by Niko Apparel Systems to a real estate agent; less arrears of realty taxes, penalty and interest (including local improvement charges), less amount required to discharge any mortgages, liens, charges of other encumbrances against the lands;

c) That the acquisition cost in the amount of $90,000 less the commission paid (if any) by Niko Apparel Systems to a real estate agent; less arrears of realty taxes, penalty and interest (including local improvement charges), less amount required to discharge any mortgages, liens, charges of other encumbrances against the lands be debited from Account 59259-3560150100 (Property Purchase & Sales).

26. Ontario Municipal Board Hearing ROPA 25, OPA 104 (Ancaster) and OPA 50 (Glanbrook) Airport Employment Land Protection Influence Area Update (LS05015 - City Wide)

(a) That the City of Hamilton consent to the settlement of the Capucinello appeal in substantial accordance with the Minutes of Settlement attached as Appendix “D” Report LS05015. Staff is instructed to prepare and sign all necessary documentation to give effect to the settlement.

(b) That staff be directed to work with the Province of Ontario and Hamiltonians for Progressive Development to reach a settlement of all disputed issues.

(c) That, in the event settlement of all disputed issues is not achieved, staff vigorously defend the City’s position to establish an Airport Influence Area around the airport to reflect the most recent federal noise exposure forecast contours.

(d) That, in the event settlement of all disputed issues is not achieved, staff vigorously defend the City’s position to establish a Special Policy Area around the airport to protect lands for employment uses.
(e) That Report LS05015 remain confidential.

FOR THE INFORMATION OF COUNCIL:

(a) Changes to the Agenda

At the start of the meeting, the Clerk advised of the following additions to the Agenda:

- Delegation request from David Hart Dyke to speak regarding Item 5.17, Liberty Energy, 675 Strathearn Avenue, (PED05021(a)).

- Verbal presentation by staff regarding proposed Official Plan policies for the rural area and natural heritage system (Added Item 7.4)

- Request from Councillor Mitchell to postpone consideration of Item 8.3 respecting 341 Regional Road 20 (Stoney Creek) (PE05201) until February.

Committee approved the delegation request from Mr. Hart Dyke, and then approved the Agenda, as amended.

(b) Declarations of Interest

None

(c) ERASE Redevelopment Grant Application (ERG-05-02) – J. Beume Real Estate Ltd. – 106/127 Burton Street (PED06026) (Ward 3) (Item 5.2)

Councillor McHattie praised staff for their work in bringing this site from brownfield to residential use.

(d) Tree Removal and Replacement, 145, 147, and 149 Green Road (Stoney Creek) (PED06008) (Ward 10) (Item 5.3)

Committee discussed this matter and, on a Motion, added two clauses to the staff recommendation.
(e) **Peer Review of the Environmental Screening Report for Liberty Energy, 675 Strathearne Avenue (Hamilton) (Ward 4) (PED05021(a)) (To be distributed) (Item 5.17)**

Peter Delulio gave an overview of the matter and confirmed that Council’s previous request for a “bump-up” to a full Environmental Assessment had been forwarded to the Ministry of Environment.

David Hart Dyke addressed Committee on behalf of the Waste Reduction Task Force. A copy of Mr. Hart Dyke’s presentation was provided to the Clerk for the public record. He explained that the Waste Reduction Task Force supported a full Environmental Assessment of Liberty Energy’s proposal and explained how this proposal could have an effect on the Solid Waste Master Plan’s recommendations (regarding Item 5).

Committee thanked Mr. Hart Dyke and received his presentation.

(f) **Amended Application for a Change in Zoning for Lands Known as 1809 Rymal Road East (Stoney Creek) (PED06006) (Ward 9) (Item 6.1)**

A Public Meeting was held.

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

Paul Moore outlined the report to Committee.

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

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

Committee discussed the matter.

Councillor Bruckler asked about the timing of the required road improvements.

Tony Sergi explained that the subject land will not develop until the Environmental Assessment process has been completed, and the road improvements have been put in place.
Councillor Mitchell also noted concerns regarding the S bend on Trinity Church Road.

Mr. Sergi continued that this intersection would probably be fully signalized, due to the traffic impacts.

Council approved the staff recommendation.

(g) **Applications for an Official Plan Amendment and Change in Zoning for the Properties Located at 106 and 127 Burton Street (Hamilton) (PED06007) (Ward 3) (Item 6.2)**

A Public Meeting was held.

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

Greg Macdonald outlined the report to Committee and explained how the proposal would change an existing brownfield industrial site to residential use.

James Webb, the applicant’s agent, advised Committee that he supported the staff recommendation.

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

Committee discussed the matter. Councillor Merulla asked for details of the future of the alleyway on the south side of Burton, on behalf of Councillor Morelli.

Mr. Macdonald explained that the alleyway was not municipal property but agreed that it would be included in the consideration of the required site plan application.

Councillor Bratina noted that the transformation of an industrial site into a new residential development was a good news story for the City, one of many small improvements which contributed to overall positive improvements.

Committee approved the application.

(h) **Applications to Amend the Town of Flamborough Official Plan and Zoning By-law for Lands Located at 91 Highway No. 5 West, Flamborough (Ward 15) (PED06001) (Item 6.3)**

A Public Meeting was held.

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

Anita Fabac outlined the report to Committee and explained a minor change to the proposed by-law, regarding the increase in permitted outdoor storage from 55% to 60% of the site.

Ms. Fabac explained that the proposed change to part of the site would be subject to an “H” Holding provision until the required Certificate of Approval is received from the Ministry of the Environment. She added that approximately 60 new positions would be created on the site and that noise attenuation features would be incorporated into the development.

James Webb, the applicant’s agent, addressed Committee and noted his support for the staff recommendation. Mr. Webb commended Councillor McCarthy’s work with the public and the developer. He noted that the Ward Councillor’s encouragement of a dialogue between parties had produced positive results, and that Coreslab had resolved to continue this dialogue, through the construction phase, and afterwards.

Councillor McCarthy provided a copy of details from Coreslab confirming Mr. Webb’s remarks and noted her support for the proposal, subject to the on-going dialogue between the parties. Councillor McCarthy thanked Ms. Fabac and Stan Holiday for their work on the project.

Committee approved the staff recommendation.

(i) Hamilton Idling Control By-law (PD05092(a)) (City Wide) (Item 7.1)

Linda Harvey outlined the subject report to Committee with the assistance of Dennis Corr, a member of Clean Air Hamilton. Ms. Harvey provided a copy of a Fact Sheet on Air Quality which could be used by Councillors in their review of future applications.

The presentation explained the negative effects of vehicle idling on human health and highlighted how idling at traffic signals and outside schools produces significant air pollution in terms of particulate matter and nitrogen dioxide.

In addition to reducing pollutants, the presenters explained that the control of idling will reduce adverse health effects and lower fuel costs. Ms. Harvey noted that the staff proposal for an Anti-Idling By-law should be preceded by an awareness campaign and accompanied by enforcement measures.
Committee asked a number of questions and discussed the matter in detail, expressing concerns about the exceptions for buses and other vehicles proposed by the by-law, the cost and implications of enforcement and whether an awareness campaign alone would be sufficient to change the habits of drivers.

Committee approved the staff recommendations, with the addition of four clauses. Councillor Mitchell requested that his opposition to clauses (a) and (b) be recorded.

(j) Westdale Secondary School Economics Students report on the City’s Economic Development Strategy (No copy) (Item 7.2)

Chair Pearson welcomed the group of students and their teacher, Barry Smith, from Westdale Secondary School. She noted that she had graduated from Westdale.

Sean Hayward provided an overview of the Westdale Secondary Students’ report. Copies of the report were provided to members of Committee and to the Clerk.

Mr. Hayward highlighted a number of conclusions which had been reached by different groups of students, each working on specific aspects of the City’s Economic Development Strategy. The students considered that parts of the Strategy were well thought out but that others were not reflective of the specific Hamilton context. The students concluded that the Tourism Strategy did not reflect the economic situation in Hamilton, and that we should not try to be in competition with Toronto and Niagara; that the City should work more closely with the Port of Hamilton; that the City was on track with the Aerotropolis proposals; that the emphasis on the renewal of Downtown Hamilton was commendable, but that there should be better co-ordination between the City Departments involved. The students also concluded that poverty should be identified and addressed as a major issue and, that while their information on the subject was incomplete, that the issue of education should also be addressed particularly to help address the poverty issue.

Committee members commended the students for their extensive work and thanked them for their thoughtful and detailed conclusions.

Councillor Bratina noted that he would like to talk further to their class.

Committee received the students' report.
Report to Final Places to Grow Plan (PD04243(b)) (City Wide) (Item 7.3)

Paul Mason gave Committee an overview of the staff report with the aid of a powerpoint presentation. He explained how the Province is setting mandatory standards for Councils to follow and how these would affect planning policies and practices in the short and long term. He noted that the current document reflects some concerns raised during the previous stages of the subject Provincial initiative. Mr. Mason also noted that there would be Transition Rules, to govern matters and studies already underway or completed, but that these were not yet available. He explained that P2G would have a minor impact on the City’s GRIDS process but potentially significant impacts on other City planning initiatives.

Mr. Mason explained that the staff recommendation includes requests for the Province to make changes but that there is no mechanism for any appeal of the Province’s plans.

Committee had additional information supplied by Mr. Mason, and discussed the matter in detail.

Committee approved the staff recommendations.

Overview of Proposed Official Plan Policies regarding the Rural Area and Natural Heritage (Added Item 7.4)

Joanne Hickey-Evans introduced the subject.

Michelle Sergi and Cathy Plosz gave an overview of the proposed policies.

Ms. Sergi explained the need to harmonize the rural policies contained in the Official Plans of the former municipalities and to conform with the Provincial policies, particularly the Green Belt Plan.

Ms. Plosz advised that there are three Public Open Houses planned for the end of January, 2006, to introduce the proposed policies. She agreed to forward an email with the relevant details to Councillors.

Committee discussed the presentation and expressed some reservations about the impact of Provincial policies on the rural area.

Committee received the staff presentation.
(m) Application to Amend an Existing Provisional Certificate of Approval (Waste Disposal Site,) Ministry of Environment Reference #0897-652R28, PSC Industrial Services Canada Inc., Located at 52 Imperial Street, (Hamilton) (PED06002) (Ward 3) (Item 8.1)

Stan Holiday provided an overview of the staff report to Committee.

Committee discussed the matter and tabled the item for two weeks, to the next Planning and Economic Development Committee Meeting, to allow further discussion between the Ward Councillor and the community.

(n) Building and Licensing Division Operational Review Sub-Committee Report 05-005 (Item 8.2)

Committee considered the report and referred the matter to the General Manager of Human Resources, with direction to come back with a report addressing the issue of police checks, whether these should be required for any other positions and the overall implications of making this a requirement for jobs within the City.

(o) Application to Amend City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 341 Regional Road 20 (Stoney Creek) (PED05201) (Ward 11) (Item 8.3)

As noted above, the Ward Councillor has requested that the subject application be brought to Committee in February.

(p) Niko Apparel (Item 9)

Councillor McHattie introduced his Motion regarding Niko Apparel and provided the background to the matter.

Committee passed the Motion.

(q) Notices of Motion (Item 10)

None
(r)  Urban Design Guidelines for Downtown Hamilton (From Outstanding Business List, due December 6, 2005, no copy) (Held over from December 6, 2005) (Item 11.1)

Lee Ann Coveyduck noted that this report would be on the Committee Agenda on February 21, 2006.

(s)  M and M Tables (From Outstanding Business List, due December 6, 2005, no copy) (Held over from December 6, 2005) (Item 11.2)

Councillor Mitchell advised that this matter has now been finalized.

On a Motion by Councillor Mitchell, seconded by Councillor McHattie, the item was removed from the Outstanding Business List.

(t)  Storm drainage issues in Lochside Drive area (From Outstanding Business List, due December 6, 2005, no copy) (Held over from December 6, 2005) (Item 11.3)

Councillor Mitchell advised that this matter has been addressed.

On a Motion by Councillor Mitchell, seconded by Councillor McHattie, the Item was removed from the Outstanding Business List.

(u)  Clean up of CNR lands (From Outstanding Business List, due December 6, 2005, no copy) (Held over from December 6, 2005) (Item 11.4)

Ms. Coveyduck advised that discussions regarding this item are ongoing and that a report should be available for the March 21, 2006 meeting.

(v)  Business Ambassador Programme (From Outstanding Business List, due December 6, 2005, no copy) (Held over from December 6, 2005) (Item 11.5)

Ms. Coveyduck advised that this report would be on the Committee Agenda of February 7, 2006.
Exemptions to Parkland Dedication By-law relating to new additions to school board facilities and the impact of these exemptions on the Development Charges By-law (From Outstanding Business List, due December 6, 2005, no copy) (Held over from December 6, 2005) (Item 11.6)

Tim McCabe noted that this report had been drafted.

Committee discussed progress and agreed that appropriate wording would be placed on the Outstanding Business List, with no specific timing attached.

Keeping of pigeons in urban areas From Outstanding Business List, due January 2006, no copy) (Item 11.7)

Ms. Coveyduck explained that prior to this report coming forward to the August Committee meeting, consultations with interested citizens and groups needed to be carried out.

Lister Block

Staff provided a brief overview of the current situation at the request of Committee. Committee determined that the matter should be placed on the February 7, 2006 Agenda for a review and update from staff.

Southbrook in Binbrook

Councillor Mitchell explained a problem with sidewalk icing at the above-noted subdivision and expressed concern regarding the difficulties and lengthy time involved in fixing the problem.

Tony Sergi confirmed that the problem would be fixed by the end of January.

Peak Oil Study

Councillors Braden and McHattie asked for an update on the progress of this report. Steve Robichaud explained that a draft had been received from the consultant and that comments had been returned to him.

The two Councillors requested a copy of the report and the staff comments.

Mr. Robichaud agreed to advise the Committee members when the revised report was received, and to supply the staff comments as well.
(bb) New House on Garth Street and Noise Complaints


He also expressed concerns about the timing of by-law officers responding to noise complaints, and provided an example of a noisy gathering at a party in his Ward.

Staff explained that there are limited resources, and that the officers concerned finish an existing call before attending to a new one.

(cc) Ontario Municipal Board Hearing ROPA 25, OPA 104 (Ancaster) and OPA 50 (Glanbrook) Airport Employment Land Protection Influence Area Update (LS05015 - City Wide) (Item 12.1)

On a Motion by Councillor Mitchell, seconded by Councillor McHattie, Committee moved In-Camera to receive legal advice related to an item before the Ontario Municipal Board.

On a Motion by Councillor Mitchell, seconded by Councillor McHattie, Committee resumed in Open Session.

Committee then approved the staff recommendation.

(dd) Adjournment

On a Motion, the Planning and Economic Development Committee adjourned at 2:30 p.m.

Respectfully submitted,

Maria Pearson, Chair
Planning & Economic Development Committee

Alexandra Rawlings, Co-ordinator
Planning and Economic Development Committee
January 17, 2006