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

Staff Present: T. McCabe, General Manager – Planning and Economic Development
T. Sergi, M. Hazell, P. Mallard, D. Cuming, B. Khes, A. Mahood,
B. Janssen, S. Robichaud, K. Mihaljevic, E. John, S. Bailey,
E. Maloney, R. Marini, B. Young - Planning and Economic Development
M. Philip – Public Works
A. Rawlings, A. Davenport – City Clerk’s Office

THE ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE PRESENTS REPORT 10-012 AND RESPECTFULLY RECOMMENDS:

1. Establishing a Fence By-Law for the City of Hamilton (PED10084(a)) (City Wide) (Item 6.1)

(a) That the draft Hamilton Fence By-law, attached as Appendix “B” to Report PED10084(a), and as amended by Committee on June 1, 2010, respecting the definition of hedges, which has been prepared in a form satisfactory to the City Solicitor, be passed.

(b) That, subject to a Hamilton Fence By-law being enacted, the following Municipal Act fence by-laws be repealed: By-law No. 82-82 of the Town of Ancaster, By-law No. 3823-89 of the Town of Dundas, By-law No. 96-27-F of the Town of Flamborough and By-law No. 4054-94 of the City of Stoney Creek.

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(c) That following final approval of the new Hamilton Fence By-law under the Municipal Act, the Department of Planning and Economic Development be directed to arrange for a public meeting under the Planning Act to amend all existing zoning by-laws, as necessary to delete all references to fence regulations contained in such zoning by-laws that are redundant with the new Fence By-law.

(d) That staff be directed to investigate in detail the suggestion to allow higher fences adjacent to open spaces, conservation areas etc. and to again consult with the Agricultural and Rural Affairs Advisory Committee before reporting back to the Economic Development and Planning Committee.

2. Waste/Garbage Chutes Public Consultation Report (PED09165(b)) (City Wide) (Item 6.2)

That staff be directed to explore a Waste Chute Closure Permit Program to allow for the closure of garbage chutes in multi-residential buildings.

3. Application for a Change in Zoning for Lands Located at 11 Carruthers Lane, Flamborough (Ward 14) (PED10122) (Item 6.3)

That approval be given to Zoning Application ZAC-10-014, by Victor Silva and Carolyn Harbour, Applicant, for a change in zoning from the Public Use "P" Zone to the Settlement Commercial "SC-18" Zone, Modified, with a Special Exception, to facilitate the conveyance of the lands located at 11 Carruthers Lane (Flamborough) to the adjoining property at 787 Old Highway 8, as shown on Appendix "A" to Report PED10122, on the following basis:

(a) That the draft By-law, attached as Appendix "B" to Report PED10122, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

(b) That the amending By-law be added to Schedule "A-43" of Zoning By-law No. 90-145-Z; and,

(c) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan and the Town of Flamborough Official Plan.
4. Application for Approval of a Draft Plan of Subdivision and Amendment to Zoning By-law No. 6593 for Lands Located at 10 Abbington Drive (Hamilton) (PED10123) (Ward 8) (Item 6.4)

(a) That approval be given to **Draft Plan of Subdivision Application 25T-200909, by Carl Galli, Owner**, to establish a Draft Plan of Subdivision on lands located at 10 Abbington Drive (Hamilton), as shown on Appendix “B” to Report PED10123, subject to the following conditions:

(i) That this approval apply to “10 Abbington Drive”, prepared by Weslake (Trow Associates), and certified by West & Ruuska Ltd., OLS, dated September 24, 2009, showing forty-eight lots (Lots 1-48) for single detached dwellings, one Block for Parkland Dedication (Block ‘A’) and a new municipal street (Street “A”), attached as Appendix “B” to Report PED10123, subject to the Owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the Special Conditions attached as Appendix “E”.

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

(iii) That pursuant to Section 51 of the Planning Act, 0.15ha, being 5% of the subject lands and known as “Park Block” on the attached Draft Plan (Appendix “B” to Report PED10123), shall be dedicated to the City for Parkland purposes;

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

(b) That approval be given to **Zoning Application ZAC-09-049, by Carl Galli, Owner**, for changes in zoning from the “AA” (Agriculture) District to the “C” (Urban Protected Residential, etc.) District (Block 1), and from the “AA” (Agriculture) District to the Community Park (P2) Zone (Block 2), to permit the future development of a plan of subdivision for 48 single family dwellings, for lands located at 10 Abbington Drive (Hamilton), as shown on Appendix “A” to Report PED10123, on the following basis:

(i) That the draft By-law, attached as Appendix “C” to Report PED10123, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

(ii) That the amending By-law be added to Sheet W-27a of Zoning By-law No. 6593;

(iii) That the draft By-law, attached as Appendix “D” to Report PED10123, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

Council – June 9, 2010
(iv) That the amending By-law be added to Maps 1181 and 1130 of Zoning By-law No. 05-200;

(v) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan and the City of Hamilton Official Plan; and,

That upon finalization of the implementing By-law, the Gilbert Neighbourhood Plan be amended by changing the designation of the subject lands from “Civic and Institutional” to “Single and Double” Residential and “Park and Recreational”.

5. Application for Approval of a Draft Plan of Condominium Conversion (CDM-CONV-09-06) for Lands Located at 123 St. Josephs Drive (Hamilton) (PED10113) (Ward 2) (Item 6.5)

That approval be given to **Condominium Conversion Application CDM-CONV-09-06, by Jameston Construction Ltd., Owner**, to establish a Draft Plan of Condominium for an existing 10 storey apartment building containing a total of 39 dwelling units, located at 123 St. Josephs Drive (Hamilton), as shown on the attached map marked as Appendix “A” to Report PED10113, subject to the following conditions:

(a) That this approval apply to the plan prepared by A.T. McLaren Limited, and certified by S.D. McLaren, O.L.S., dated November 5, 2009, showing a total of 39 residential apartment units, and 37 parking spaces, attached as Appendix “B” to Report PED10113.

(b) That the Final Plan of Condominium complies with all of the applicable provisions of the applicable Zoning By-law.

(c) That the Owner satisfies all conditions, financial or otherwise, of the City of Hamilton.

(d) That the Owner submits a report in accordance with Section 9 (4) of **The Condominium Act, 1998**, prepared and certified by a qualified Registered Professional Engineer or Licensed Architect, to the satisfaction of the Chief Building Official of the City of Hamilton, to confirm the structural and mechanical integrity of the building and any Owner initiated measures required to correct any deficiencies prior to the release of the final plan for registration.

(e) That the owner/applicant includes the following warning clause in all Development Agreements and Offers of Purchase and Sale or Lease/Rental Agreements:

“Purchasers/tenants are advised that sound levels due to increasing road and rail traffic may occasionally interfere with some activities of the dwelling occupants.”
as the sound levels may exceed the Municipality’s and the Ministry of the Environment’s noise criteria.”

(f) That the Owner provides the Manager of Design and Construction with evidence that satisfactory arrangements, financial and otherwise, have been made with a telecommunication service provider, approved by the Canadian Radio and Telecommunication Commission (CRTC), that adequate telecommunication service will be provided to the condominium, including 9-1-1 emergency calling service that identifies, at a minimum, the caller’s name and location information.

(g) That the Owner prepares and registers on the title of lands a Reference Plan to establish a 12.0m wide service easement in favour of the City of Hamilton, centred over the existing sewer, all at his/her sole expense, prior to the release of the final plan for registration, to the satisfaction of the City’s Manager of Engineering Design and Construction.

6. Amendment to the City’s Noise By-Law 03-020 (PED10115) (City Wide) (Item 6.6)

(a) That requests for exemptions to the City’s Noise By-Law 03-020 for activities and events on private property be processed using staff delegated authority, in consultation with the affected Ward Councillor(s).

(b) That the by-law attached as Appendix “A” to Report PED10115 which amends Section 15 of the City’s Noise By-Law 03-020 and which has been prepared in a form satisfactory to the City Solicitor be passed.

(c) That the current application fee of $538 for exemptions to the City’s Noise By-Law 03-020 for activities and events on private property be reduced to $150 for applications received 60 days or more prior to an event and to $225 for applications received less than 60 days prior to an event, and that these fees be added to the City’s User Fees and Charges By-Law be amended accordingly.

7. Trinity West Secondary Plan and Official Plan Amendments (PED07236(d)) (Ward 9) (Item 6.7)

(a) That Official Plan Amendment No. [ ] to the former City of Stoney Creek Official Plan, and Official Plan Amendment No. [ ] to the former City of Hamilton Official Plan, be approved to adopt the Trinity West Secondary Plan, and that the By-law, attached as Appendix “A” to Report PED07236 (d), which has been prepared as a By-law of adoption, in a form satisfactory to the City Solicitor, be approved and forwarded to Council for approval.

(b) That the Official Plan Amendment/Modification No. [ ] to the Urban Hamilton Official Plan be approved to adopt the Trinity West Secondary Plan, attached as
Appendix “B” to Report PED07236(d); and should Council’s decision on these amendments occur prior to the final decision on the Urban Hamilton Official Plan by the Province, the City request the Ministry of Municipal Affairs and Housing to include these amendments in the Urban Hamilton Official Plan and defer it until the Official Plan Amendment to the former City of Stoney Creek is final and binding.

8. Commercial Market Analysis and Action Plan for the Ancaster Business Improvement Area (B.I.A.) (PED10070) (Item 7.1)

That the information contained within Report PED10070 respecting the preparation of Commercial Market Analysis and Action Plan for the Ancaster Business Improvement Area together with Appendix ‘A’ and the “Commercial Market Analysis for Ancaster Heritage Village” be received for information.

9. Trinity East - Future Land Use Options and Transportation Studies (PED07236(c) / PW07112(c)) (Wards 6, 9, and 11) (Outstanding Business List Item) (Item 7.2)

(a) That no development be permitted on the Trinity Neighbourhood lands east of the Eramosa Karst feeder creeks, as illustrated on Appendix “A” to Report PED07236(c) / PW07112(c).

(b) That Planning and Economic Development Department staff be directed to prepare an Official Plan Amendment and Zoning By-law Amendment to redesignate and rezone the land identified in Recommendation (a) as “Open Space” in the Stoney Creek Official Plan, and to prepare an amendment to the new Hamilton Urban Official Plan.

(c) That the General Manager of the Public Works Department be authorized to utilize previously approved funds in the 2008 Capital Budget to review and update the Transportation Master Plan studies for the ROPA 9 and Trinity Neighbourhood areas.

(d) That the subject matter be identified as completed and removed from the Outstanding Business List.
10. **Class Environmental Assessment Notice of Completion of Consultation and Documentation Report Category B from the Ontario Realty Corporation respecting the West 5th Campus, 100 West 5th Street, Hamilton (Item 3.1(a))**

(a) That the Class Environmental Assessment Notice of Completion of Consultation and Documentation Report Category B respecting the West 5th Campus, 100 West 5th Street, Hamilton, attached as Appendix A, be received.

(b) That Council request that the Minister of the Environment make an order that the long term land lease and redevelopment project of the West 5th Campus comply with Part II of the Environmental Assessment Act (referred to as a Part II Order), as outlined in the Notice of Completion of Consultation and Documentation Report, Category B, attached as Appendix A.

11. **Environmental Assessment Completion respecting 100 West 5th Street**

That City of Hamilton write to the Provincial Minister of Culture and Heritage to advise the Province of Council’s concerns regarding the Notice of Completion of Environmental Assessment on Provincial property, the risk to heritage buildings, and request the Ministry to review the Environmental Assessment and the entire proposal at the West 5th Campus, 100 West 5th Street.

**FOR THE INFORMATION OF COUNCIL;**

(a) **CHANGES TO THE AGENDA (Item 1)**

The Clerk advised of the following changes to the agenda:

- Added report from the Municipal Heritage Committee respecting a Class Environmental Assessment at St Joseph’s West 5th Campus, 100 West 5th Street, Hamilton (Item 3.1(a)), which has been added as Item 8.1.

- Following the Minister’s announcement on Sunday, respecting the World Cup and the added opening hours for licenced establishments, matter added as Discussion item 8.2.

Committee approved the Agenda, as amended.

Chair Ferguson welcomed Matt Armstrong, a student working in Downtown Renewal this summer.
(b) DECLARATIONS OF INTEREST (Item 2)

None

(c) APPROVAL OF MINUTES (Item 3)

The Minutes of the Economic Development and Planning Committee meeting of May 18, 2010 were approved, as presented.

(d) Establishing a Fence By-Law for the City of Hamilton (PED10084(a)) (City Wide) (Item 6.1)

Marty Hazell provided an overview of the matter. He noted that the Agricultural and Rural Affairs Sub-Committee had been consulted, and were satisfied with the changes, including raising allowable fence heights in rural areas to 3 metres.

Staff explained that any requests for variances from the fence heights would come to Committee for consideration, and that the Line Fences Act is still operational in the rural area of the City.

Mr. Hazell noted that staff would report back later respecting the possibility of higher fences adjacent to open areas where deer are common. Staff will also discuss these issues with the Agricultural and Rural Affairs Sub-Committee.

Committee approved the staff recommendation, as amended to clarify the definition respecting hedges.

(e) Waste/Garbage Chutes Public Consultation Report (PED09165(b)) (City Wide) (Item 6.2)

Marty Hazell gave an overview of the staff report. He noted points including but not limited to the following:

- matter referred back by Council for added consultation
- over 100 public responses received to staff’s consultation, many of which said closing the chutes would be inconvenient for apartment dwellers
- staff has reviewed practice in other cities, and wants to explore the Toronto permit system, and report back to Committee.

Committee approved the staff recommendation.
Application for a Change in Zoning for Lands Located at 11 Carruthers Lane, Flamborough (Ward 14) (PED10122) (Item 6.3)

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

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

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

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

Kate Mihaljevic was present to assist Committee.

The Chair noted that this is a sale of city property, so there is no outside agent.

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

Committee approved the staff recommendation.

Application for Approval of a Draft Plan of Subdivision and Amendment to Zoning By-law No. 6593 for Lands Located at 10 Abbington Drive (Hamilton) (PED10123) (Ward 8) (Item 6.4)

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

a) If a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before the draft plan conditions are approved and the by-law is passed, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board.
b) If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Council of the City of Hamilton before the draft plan conditions are approved and by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

Chair Ferguson noted that an added communication had been received from Carl Galli, and distributed this morning. Committee received the letter.

Kate Mihaljevic was present to assist Committee and gave an overview of the proposal, with the aid of a powerpoint presentation. Her points included the following:

- former Seneca Elementary School site being redeveloped, in accordance with the existing zoning, for 48 single detached dwellings
- applicant will relocate existing ball diamonds to adjacent park, thus allowing continued use of the diamonds for this season, developer will convey a block .15 hectre in area to be joined to adjacent partk
- existing street trees will be maintained.

Amanda Ma, Starward Homes, addressed Committee in support of the application. She clarified that the owner was NGE Land Holdings Incorporated, of which Carl Galli is a signing officer.

Nathalie Zahoruc, 7 Abbington, addressed Committee and expressed concerns including the following:

- demolition of school lasted two months, very noisy and dusty
- cannot understand how 48 houses will fit on site, too dense
- will design of new units be varied, will design fit with existing area?
- when will units be built, all at same time, price range, will existing property taxes rise as a result?
- will existing street be all torn up to build new houses?
- not happy, as a citizen

Ann Wilson, 36 Purnell Drive, addressed Committee and provided concerns including the following:

- new Street A will have intersection near Bentley Place, will make this intersection more difficult, better to have new street intersect with Clifton or Abbington

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- concern that her light will be diminished by construction of two storey houses, most houses on her street are one storey
- has mobility issues, uses walker and wheelchair, will construction activity impede her access to home.

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

Councillor Whitehead congratulated the applicant on allowing continuation of use of baseball diamonds this season, and for proposal to construct single detached houses to fit into area, not semis or townhouses, in accord with existing zoning.

Councillor Whitehead offered to work with the applicant and the two speakers, to address their issues.

Committee approved the staff recommendation.

(h) Application for Approval of a Draft Plan of Condominium Conversion (CDM-CONV-09-06) for Lands Located at 123 St. Josephs Drive (Hamilton) (PED10113) (Ward 2) (Item 6.5)

Chair Ferguson advised that while the provisions of the Planning Act, do not require a public meeting, this item has been placed here to allow any of the tenants of the building to address Committee.

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

Edward John was present to assist Committee.

George Zajac, IBI Group, the applicant’s agent, advised he supported the staff recommendation.

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

Committee approved the staff recommendation.

(i) Amendment to the City’s Noise By-Law 03-020 (PED10115) (City Wide) (Item 6.6)

Marty Hazell gave an overview of the staff report. His points included, but were not limited to, the following:
- fee for exceptions to Noise By-law currently higher than the fine for breaking the rules, result is that few applications for exemptions received
- proposal to delegate authority for exemption requests to staff, who will consider these in conjunction with the Ward Councillor or Councillors, as required
- fee scale is $150.00 for permits applied for well in advance, or $225.00 for requests with less lead time.

Committee approved the staff recommendation.

(j) Trinity West Secondary Plan and Official Plan Amendments (PED07236(d)) (Ward 9) (Item 6.7)

Alissa Mahood provided an overview of the staff report, with the aid of a powerpoint presentation. Her points included, but were not limited to, the following:

- area originally part of Heritage Green Secondary Plan in 1990’s
- late 1990’s, Eramosa Karst identified, declared an ANSI in 2003, and thus changes needed to Heritage Green Secondary Plan
- study included extensive public involvement, involvement also from HRCA
- area has significant natural heritage features
- area has significant Karst features, special policies will cover these
- Secondary Plan encompasses large open space areas.

Committee asked various questions of staff, and further information was provided as follows:

- Upper Mount Albion will be closed
- Potential of roundabout at Rymal, to be decided through Environmental Assessment process
- Need to ensure that any developments including roundabouts do not result in access to Hamilton of 12 axle trailers with heavy loads being precluded. This can be looked at further through possibility of “opening up” of roundabouts, for heavy, escorted loads
- Completion of Trinity Church Road still not likely this Fall, proposed to occur within next two years, maximum.

Steve Fraser, A.J. Clarke, addressed Committee on behalf of a client who owns 1809 Rymal Road East, in support of proposed amendments.

Eric Saulesleja, on behalf of ORC, addressed Committee, in support of proposed amendments.
No other members of the public came forward to address Committee.

Committee thanked staff for their work on the project.

Committee approved the staff recommendation, as amended, to require a future amendment to the new Urban Official Plan.

(k) Commercial Market Analysis and Action Plan for the Ancaster Business Improvement Area (B.I.A.) (PED10070) (Item 7.1)

Ron Marini introduced John Archer, Urban Marketing Collaborative, the City’s consultant respecting marketing reports for BIA’s.

Mr. Archer addressed Committee and gave an overview of his report, with the aid of a powerpoint presentation. Highlights included the following:

- has completed 18 BIA reports so far
- completed large amount of citizen input/surveys
- 6 million dollars investment, from private sector, shows significant confidence in area
- BIA area well regarded, small town feel, excellent service, “a slice of paradise”
- Report to be used as a marketing framework for BIA and City

Chair Ferguson relinquished the Chair to Councillor Pasuta, to speak in favour of the report.

Committee agreed to hear from Bob Wilkins, new Chair of the Ancaster Heritage BIA.

Mr. Wilkins addressed Committee in support of the report and praised the City for their support of all the BIA’s and City staff and John Archer for their excellent ideas.

On a Motion, Committee received the staff recommendation.

(l) Trinity East - Future Land Use Options and Transportation Studies (PED07236(c) / PW07112(c)) (Wards 6, 9, and 11) (Outstanding Business List Item) (Item 7.2)

Chair Ferguson advised that an additional communication had been received from ORC, and distributed this morning. This letter requests a deferral of the report. On a Motion (Clark/Duvall), Committee received the letter.
Brenda Khes gave an overview of the staff report with the aid of a powerpoint presentation. Her points included, but were not limited to, the following:

- lengthy planning history in area
- 2003 study identified area as ANSI
- 2004 Class Environmental Assessment for Rymal
- staff consider that principle of development not established, to date, while ORC say that principle of development has been established
- ORC did Environmental Assessment in January 2010, staff asked Council to request “bump-up” of the EA
- No decision on “bump-up” as yet
- Staff see need for further studies
- Staff consider that no development should be permitted in the feeder area of the Eramosa Karst

Committee discussed the matter.

Councillor Clark noted that City staff and the Hamilton Region Conservation Authority agree that development of this area would harm Karst lands. If feeder areas, water flow to Karst is lost, Karst will be lost as well.

In addition, he noted that large part of Karst area now conservation area, unique, a tourist attraction for rare Karst features, Cabinet, and not ORC, make decision on selling land. If decision to sell and develop land, City will need to challenge decision at OMB.

Councillor McHattie thanked Councillor Clark for his ongoing work on the Karst area, from the time when he was a Minister in the Ontario Government. He agreed with need to maintain feeder areas, and allow water flow.

Councillor McHattie thanked staff, Hamilton Conservation and Friends of Eramosa Karst.

Kathy Menyes, HRCA, advised that she supported the staff position.

Committee approved the staff recommendation, as amended.

(m) Class Environmental Assessment Notice of Completion of Consultation and Documentation Report Category B from the Ontario Realty Corporation respecting the West 5th Campus, 100 West 5th Street, Hamilton (Added Item)

David Cuming provided background to the Municipal Heritage Committee (MHC) recommendation to Committee. His points included, but were not limited to, the following;

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• report from MHC here today due to a 30 day deadline imposed as part of an ORC Class Environmental Assessment process for the development of a new health facility.

• current facility and site owned by Ontario Realty Corporation, managed by St. Joseph’s Healthcare as the Centre for Mountain Health Services. East portion of site scheduled for redevelopment, including the demolition of all structures, construction of a new mental health care services facility.

• west portion of the property first developed in the 1870s as Hamilton Asylum for the Insane, current site 84 acres, contains a number of heritage buildings and a Cultural Heritage Landscape.

• project been classified as Category B project (Consultation and Documentation Report) under the ORC’s Class Environmental assessment process.

• A Category B project recognizes that for the purposes of environmental assessment there is some potential for adverse effects that are minor in nature.

• Since late 1990s, many cultural heritage assessment studies completed for this site, all identified both lands and buildings as being of undisputed cultural heritage value, City and MHC have maintained a continuing interest in conserving the heritage buildings and landscape on-site, and ORC initiated conservation strategies in 2002.

• redevelopment of the lands is now subject to approvals or planning processes under both the Planning Act and the Environmental Assessment Act under the approved ORC Class EA.

• ORC Class EA states that where an undertaking involves the potential demolition of cultural heritage resources, the process obliges the proponent to examine alternative ways of carrying out the undertaking as well as commit to mitigation measures.

• MHC identified in a list of governments, parties and agencies to be consulted as part of the EA process.

• MHC, independent of staff, has consistently advised ORC that the cultural heritage resources should be conserved as part of the overall development of the site.

• ORC submitted Heritage Impact Assessment in September 2008, another report in January 2010, noted that Hickory House, Grove Hall, Gateview and the landscape were of cultural heritage value, recommended retention and continuing use.
MHC indicated that the reports are inadequate to meet the full requirements of the EA process. Heritage Staff do not fundamentally disagree with the comments expressed by the MHC.

At MHC meeting May 27th, ORC advised that the continuation of a dialogue with their partner St. Joseph’s and the eventual selected design-build team will be sufficient mitigation. Staff advised MHC that dialoguing is not in and of itself a mitigation measure.

ORC appears reluctant to engage MHC in any form of facilitated or mediated solution of issues, as promised by the approved ORC process, and has somewhat forced the issue by now filing its Notice of Completion.

MHC is recommending that Council approve filing a request for an elevated category to an individual environmental assessment., within required time frame.

Committee discussed the matter, and raised points, including, but not limited to, the following:

- is there any opportunity for further mediation or dialogue with ORC?
- Did EA explore alternatives to demolition?
- If ORC did not provide formal examination of options to demolition, then bump-up should proceed, could ensure dialogue continues
- St. Joseph’s have presented detailed plans to community, did not include these heritage issues
- Need to ensure proposed mental health facility on Mountain goes ahead, public interest here, should not be delayed
- Were Mountain Heritage Society involved in process?
- Can negotiations respecting site continue, without a bump-up request?
- Report from MHC is part of their role, appointed by Council to advise Council on heritage issues, named as party by ORC in EA process
- Need to ensure Council follows EA process established by ORC
- If bump-up request made, may encourage dialogue between parties
- Province makes final decision, can speed up process, Minister could issue zoning order for site now, Province should be aware of the actions of their own departments towards historically significant sites.

On a Standing Recorded Vote, Committee approved the report from the Municipal Heritage Committee, as follows:

YEAS: McHattie, Clark, Pearson, Duvall, Pasuta
TOTAL: 5
NAYS: Ferguson, Whitehead, Mitchell
TOTAL: 3
ABSENT: Bratina
Committee then approved Councillor Clark’s Motion that a letter be sent to the Minister of Culture, to advise her of the entire situation.

8.2 Extension of Licensing hours during World Cup

The Clerk updated the Committee on the Minister’s announcement on Sunday, to allow licensed bars and restaurants to open one hour early, during the World Cup. The regulations apply to all municipalities, unless they have an objection.

(n) Motions (Item 9)

None

(o) Notices of Motion (Item 10)

None

(p) GENERAL INFORMATION (Item 11)

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

- Mr. McCabe provided a new update on timing of significant reports
- Sign By-law discussions ongoing with HABIA, earliest report will be back is August.

(q) PRIVATE AND CONFIDENTIAL (Item 12)

None

(r) ADJOURNMENT (Item 13)

On a Motion (Duvall/Pearson), the meeting adjourned at 12:46 pm.

Respectfully submitted

Lloyd Ferguson, Chair
Economic Development & Planning Committee

Alexandra Rawlings
Co-ordinator
June 1, 2010
CLASS ENVIRONMENTAL ASSESSMENT
NOTICE OF COMPLETION OF CONSULTATION AND DOCUMENTATION REPORT
CATEGORY B

West 5th Campus
100 West 5th Street, Hamilton, Ontario

Ontario Realty Corporation (ORC) has now completed the Consultation and Documentation (C&D) Report regarding the proposed long-term land lease of provincial lands to St. Joseph’s Healthcare Hamilton (SJHH) located at 100 West 5th Street, Hamilton, Ontario. This undertaking has been assessed as a Category B, in accordance with the requirements of the Ministry of Energy and Infrastructure Class Environmental Assessment Process for Realty Activities (Non-Electricity Projects). An attached map shows the location of the proposed undertaking.

As described in the C&D Report, ORC is proposing to execute a long-term lease and associated undertakings required in support of the planned redevelopment of the site with a new Hospital by SJHH (please see C&D Report for details and full description of the undertakings). This arrangement will see the Government of Ontario retain ownership of the lands while allowing SJHH to expand and fully operate their program.

This letter is to inform you that the C&D Report is available for review at the following locations:

i) Ontario Realty Corporation
   Suite 2000, 1 Dundas Street West, Toronto, Ontario
   Tel: 416-327-3937
   Fax: 416-212-1131

ii) Ontario Realty Corporation Website
    https://www.classea.ontariorealty.ca

Subject to comments received during the review period and the receipt of necessary approvals, ORC intends to proceed with the proposed undertaking.

Interested persons may provide written comment to: Ontario Realty Corporation, 1 Dundas Street West, 20th Floor, Toronto ON, M5G 2L5 Attention: Katherine Hotrum - Environmental Assessments or by Fax at (416) 212-1131 within 30 calendar days from the date of this Notice.

A person may request that the Minister of the Environment (the Minister) make an order for the project to comply with Part II of the Environmental Assessment Act (referred to as a Part II Order), which addresses individual environmental assessments. Requests must be received by the Minister at the address below within 30 days from the date of this notice.

Minister of the Environment
135 St. Clair Avenue West, 12th Floor
Toronto, Ontario
M4V 1P5

A copy of this request must also be sent to Ontario Realty Corporation, 1 Dundas Street West, 20th Floor, Toronto ON, M5G 2L5 Attention: Katherine Hotrum - Environmental Assessments
If no request is received by June 20, 2010 the proposed undertaking will proceed, as outlined in the C&D Report.

This Notice was issued on May 21, 2010.

Thank you for your interest in this ORC undertaking.

Sincerely,

Katherine Hotrum
Ontario Realty Corporation
Tel: 416-327-3937 or our toll free number 1 877 863 9672
Fax: 416-212-1131

Attachment: Site location map

NOTE:

A copy of this Notice of Completion was also sent to the following:

i) Regional Director
   Ministry of the Environment
   West Central Region

ii) All agencies and parties contacted throughout the consultation on the undertaking.