Economic Development and Planning Committee
MINUTES 10-013
Special Meeting respecting the Brow Lands
Thursday, June 10, 2010
6:00 pm
People’s Church
510 Mohawk Road West
Hamilton, Ontario

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

Absent: Councillor – B. Clark -Illness

Staff Present: T. McCabe, General Manager – Planning and Economic Development
G. Norman, B. Khes, K. McCauley, D. Cuming, P. Mallard,
M. House, B. Janssen, S. Robichaud, - Planning and Economic Development
T. McKenna, L. Stasiuk – Public Works
A. Rawlings, A. Grozelle – City Clerk’s Office

THE FOLLOWING ITEM WAS REPORTED TO COUNCIL FOR INFORMATION PURPOSES:

(a) CHANGES TO THE AGENDA (Item 1)

The Clerk advised of that there were no changes to the Agenda

On a Motion (Whitehead/Pearson) the Committee approved the Agenda, as presented.

(b) DECLARATIONS OF INTEREST (Item 2)

None
(c) Application for Official Plan Amendment (OPA-07-014), Zoning By-law Amendment (ZAC-07-053), and Plan of Subdivision (25T-200712) for the “Brow Lands”, Located at Part Lot 57, Concession 2, City of Hamilton, and Application for Road Closure of a Portion of Sanatorium Road north of Scenic Drive (PED10116) (Ward 8) (Item 3.1)

(i) 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 approval authority gives or refuses to give approval to the Official Plan Amendment, approves the draft plan conditions and passes the zoning by-law, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board.

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

The Chair advised that the meeting is also considering an application to close a portion of a road, within the development, under the terms of the Municipal Act. The closed road would be sold to the proponents. He advised that any person who wishes to be heard on the road closure item may address it within their comments on the overall application.

(ii) Staff Overview (Item 3.1.1)

Kirsten McCauley, Planner, addressed the Committee with the aid of a PowerPoint presentation. Highlights included, but were not limited to, the following;

- The Browlands are a unique area, containing the woodlot and heritage building on site.
- Mentioned the past history as a tuberculosis site
- In 2006 they land was deemed surplus to the Hospital's needs
- An Application was submitted in 2007 for amendment to the Official Plan and Zoning By-Law
- Discussed the numerous public consultations done throughout the process and the five different options identified.
Indicated that the community’s preferred the option of 25 single detached houses which was not supported by staff as it underutilizes the site.

pointed out that the concerns raised in the public consultation have been included in the final recommendations presented by staff

Noted that what was being presented was just a concept at this point however that staff would support a similar concept

Maximum 235 units on the west side of the creek, 365 on the east side of the creek for a total of 600 residential units provisions have been for seniors residents allowing 700 units in total if 200 of them are for seniors.

All 700 units could be made available for seniors

Talked in detail about the height maximums given for each different area of the site.

Indicated the maximum area for each area supported by the staffs Recommendations

Discussed the role of the visual impact studies in deciding if greater heights than 6 storeys with a maximum of 8

Talked how the developers were committed to keeping the Long Bisby Building.

There is an Environmentally Significant Area, a woodlot that would have a 10 meter buffer and that the tennis court would be included in this area.

There is a 30 metre buffer area from the escarpment

Staff has recommended that urban design conditions be included in the agreement

A Holding symbol has been attached to the west side of the creek to keep the buildings to a maximum of 6 storeys unless a visual assessment is done at which point they could be 8

Talked of the road closure application on Sanatorium Drive.

Discussed how there would be an easement along the roadway to allow access to the trail system

The City would maintain easement along a portion of the road, to allow access to trails.

The road closure would allow continued access to the Browland trail

Chedoke Brow Lands Concept plan was shown

Townhouses would be along Scenic drive

Setbacks would be required to ensure views

There is an urban design requirement

There is a 30% green space requirement

Showed examples of terracing and urban design

Talked about how parking per unit ratio is much lower for retirement dwellings

Traffic impacts from a retirement community would be less

Traffic was raised in public consultations
• Traffic studies included eight years of background studies
• Discussed the traffic flows.
• The area road network will operate at the level of services between C or D at many of the peak a.m. and p.m. times
• This is considered acceptable levels under the City’s approved policies
• The Brow Lands also has good access to bus routes and the proposed development fits with the transportation plans of the City heading into the future
• The Niagara Escarpment Commission supports the Official Plan Amendment, however would need to review the building heights once the final building locations are determined
• The woodlot has been designated as natural space and will not be developed
• The woodlot will be retained by the developer and become a common element of the condominium
• Staff has suggest the preservation of the historical features on site, including Long Bisby Building, Moreland Building
• Indicated that the developer has agreed to preserve the Long Bisby Building
• Indicated that previous Parkland credit with Chedoke meant that parkland dedication can only be taken from part of the site, west of Chedoke Creek
• As area available for parkland dedication is smaller than City standard for a park, staff recommend cash in lieu of parkland.
• Indicated that recommendations being made by staff fit with the Places to Grow Policy

Staff were asked about the traffic levels in reference to levels C and D in regards to what levels are unacceptable. Tanya McKenna Project Manager, Traffic Planning West, answered that traffic levels E and F are unacceptable. She indicated that a level of service D is acceptable under the City’s approved policy and indicated that at that range you have a 60% change of making a light. Later traffic issues were raised once again questioning whether speeding would become a bigger factor with increased traffic. The Project Manager indicated that normally when traffic volumes increase there is a decrease in traffic speed.

Committee asked about whether City staff would support the eight storey height in the areas previously identified if a visual impact study was passed. The Planner indicated that they would support the height. On further questioning by staff indicated that similar building heights could be seen on Mohawk Road.

The Committee asked about the fate of the Moreland building and the Infirmary as they are historical buildings. Staff responded that they are working with developers to ensure they try to preserve some of the
buidlings. Staff also indicated that a cultural heritage impact assessment would be done and that there were certainly be an onus on the developer to preserve that area or justify why they cannot preserve or include existing buildings into their new design features.

The Committee made several inquiries about park land dedication in the area and why staff recommended taking cash in lieu of Parkland dedication.

Tim McCabe General Manager, Planning and Economic Development, indicated that the park land dedication was part of a previous development agreement, and that this previous decision could not be revisited.

Committee members asked about the flood management area indicating that Holbrook Park has an issue with flooding.

Staff discussed the past history of flooding of Holbrook Park and the 2008 drainage study of the area. They indicated that they would still want to maintain Holbrook Park as a storm management area. Indicating that it is taken out of functioning use occasionally. Staff indicated that overall the park will benefit from the work being done to assist the drainage in the area. Staff confirmed again for Committee members that there is a pre-existing agreement in terms of Parkland dedication so that the option of pursuing Parkland dedication for this area does not exist.

(iii) Consultant Overview

(aa) Ron Starr, Deanlee Management Inc., the applicant and owner, addressed Committee in support of the application, with the aid of video presentation. His points included, but were not limited to the following;

Video Content
- Related how they became aware of the project
- Indicating the desire to preserve the heritage of the area
- Detail about the development history of Deanlee Management
- Discussed the increased tax base and employment benefits to the area
- Talked about a building height of eight to ten storeys
- Discussed how they have done more studies on this project than any in their thirty year history
- Talked about how they took into consideration the concerns of the community in reference to their concerns about green space, access to the trail systems and preservation of heritage features
- Talked about an Active Lifestyle Environment (for seniors)
• Indicated a desire for having professional services available on site, shops, lawyers, dentists, etc.
• Discussed a project cost of 200 million dollars
• Indicated that the increased tax levy would raise 3 million a year
• Talked about making Chedoke a green community with environmentally friendly and energy efficient buildings.

Podium Address
• Mr Starr advised that this was a unique site, talked of the preservation of the Long Bisby Building and that at the time they had been asked to remove the tennis court despite the heritage nature of it.
• Indicated that they are now planning to remove that tennis court and introduce a passive area
• Mr. Starr invited his planner Wendy Nott to the podium to discuss the other items he wanted to address.

(bb) The applicant’s planner, Wendy Nott, addressed Committee in support of the application. Her points included, but were not limited to the following;

• Talked about the parking requirements for the area and that they would need less parking for those in an Active Living area ie seniors, 1 car per 2 units
• Talked about building height, the Official Plan requires that the height be expressed in storeys, prefer to have height in meters in zoning by-law only
• Deanlee believes that the height can be higher then eight storeys.

Chair Ferguson advised that he had another engagement in Ancaster to attend and apologised for having to leave this meeting. Councillor Bratina assumed the Chair.

(cc) Michael C. Hannay, Zelinka Priamo Ltd, the applicant’s consultant, addressed Committee with regard to a Visual Impact Analysis in support of the application, with the aid of PowerPoint presentation. His points included, but were not limited to the following;

• Discussed the reference points, and discussed height.
• Showed a plan on Power Point with storeys going up to 11 storeys in height.
• Showed pictures taken from the King Road Lookout and computer generated composite to indicate that higher buildings would not have a large impact on the Brow landscape.
• He pointed to the larger apartment buildings on Mohawk Road that are at a higher grade and are noticeable on the visual sight lines.
• Showed various pictures from various locations with various proposed heights of the computer generated testing.
• Indicated that they have had numerous consultations with the Niagara Escarpment Commission on methodology and other aspects of the project.

Committee members questioned whether or not the Developer would deviate from their proposed plan with a mix of housing, and go to an exclusively senior targeted Community. Ron Starr replied that they are marketing towards an Active Lifestyle Community and that they are 80% leaning in that direction. But if it looks like the area could not support an Active Lifestyle Community that they would probably go towards a half and half format.

Questions raised questions as to how much green space the area would have if the woodlot wasn’t included, to which Mr. Starr indicated he did not have an answer. There were also questions raised to what building height did Dean Lee need to make the development profitable. Mr. Starr indicated that it would be workable if they got one 10 story building on the west side of the property.

After the questions ended Mr. Starr indicated that he had some further comments to make.

• This has been a 52 month project, and that they have 26 people from the community that have expressed interest in living in the development.
• Indicated that the hospital had 22 meetings over the years on the topic of selling these lands so the community was well aware in advance of the sale.
• Pointed out that they have been a very willing in the due diligence and public consultation.
• He indicated that they have caught 12 kids who have been breaking the windows on the property and that they all live within a two block radius.

(iv) Public Delegations

The Chair asked the following Speakers who had registered with Clerks to come to the podium in order, and to sign their name, address and their phone number, in the book provided.
(aa) Elizabeth Kurucz and her husband Barry Colbert, 943 Scenic Drive, addressed Committee with the aid of a PowerPoint presentation. Their points included, but were not limited to, the following:

- Talked about sustainable Communities
- A copy of the PowerPoint Presentation was submitted for the Public Record
- Talked about the need for intensification on the site but not at the levels suggested
- Would prefer to see it made into a park however that probably isn’t going to happen
- Indicated that there are other areas that the City could focus on for intensification that don’t contain such a valuable green space
- Fewer units, indicating that the number of units was the main concern
- Adding some shops and stores in the development would be a good idea as there is a deficit in the area.
- Discussed the City’s Residential Intensification Guide and how it outlines what development is appropriate in the surrounding context.
- Used the examples from the City’s Guide to show the differences between development that can go into the area comparing residential and former industrial use.
- Indicating that since the Brow lands is a site that fits under both categories, that the development that would be allowed at the former industry area levels isn’t consistent with the surrounding residential neighborhood
- Green space should be maintained.

- Indicated that the escarpment area is an environmentally significant area.

- Talked about mitigating the impact on environmental areas and that 700 units isn’t an acceptable level of development considering these factors
- Suggested that 35 units per hectare would be acceptable in their opinion
- Talked about increased mixed use for the area to allow for a village atmosphere
- Discussed how this could serve as an example of how things should be done to serve for the future.

(bb) Colleen Morrison, 621 Scenic Drive, addressed Committee. Her points included, but were not limited to, the following;
• read a letter outlining her points. A copy of the letter was submitted for the Public Record
• Talked about the past process and the difficulties she encountered as an activist for this cause.
• Discussed that the proposed development was not respecting the adjacent community.
• Indicated that the building heights were not respectful to the adjacent community.
• Talked about how the decision to close Sanatorium Road was not what was desired by the majority of people in the area.
• Discussed that the owner of the site was in tax arrears since 2007
• Spoke of traffic observations made by people in the area.
• Talked about the problem of mountain access and 403 problems causing overflow and gridlock in the area.
• Indicated that there is no gridlock plan for the 403 as of yet
• Pointed that the volume of residents for the site is simply too much.
• Spoke of the 100-year storm events that seem to be happening more frequently flooding the Holbrook Park
• Talked about trees and that the trees along Scenic were seen as an invasive species in poor condition, by the applicant.
• Pointing to the fact that the trees looked to be in good health.
• Questioned why the proposal by the developer for a private pumping station was not supported by staff and that no explanation was given for this.
• Talked about the base of existing development in the area and that blasting into the area could greater problems.
• Pointed out that there are deficiencies in the area in terms of parkland.
• Discussed the heritage assessment on the site and the significant resources on site and in the area.
• Indicated that the development proposed does not accord with the heritage assessment that was made.
• Said that the recommendations of City Staff do not represent the results of the community consultation.

(cc) John Norris, 105 Lavina Crescent, addressed Committee. His points included, but were not limited to, the following;
• Concerned about losing of Parkland with this development
• Discussed how the City of Hamilton previously sued him for 6 million dollars, hearing at the Ontario Municipal Board
• Indicating that he won and used the small fee they got to start a small non-profit parkland organization that now has raised over $400,000
• After this in 2005 the Council moved the reforms and instituted zoning controls
• Indicated despite discussions with the City they could not have the Brow Lands dedicated as parkland
• Indicated that the developer has worked with him and with the City Of Hamilton
• Suggested that the woodlot be taken into the ownership of the City Of Hamilton
• Save the trails the walking path the central area
• Save the Bisby building for neighborhood usage
• Expressed hope that the City will encourage Brow Lookouts adding that the developer has been very positive about this.
• Expressed excitement about the staff idea to have a bridge over the gorge
• Suggested that old stairs that used to run from the railway station be put back
• Recommended that the developer install at his expense a walking path on the North side of Scenic Drive
• Recommended a tree planting exercise on the sixth floor of the building to create an urban forest on the roof
• Suggested that the gazebo and tennis courts be left for people to access the woodlot without impacting the woodlot area.
• Suggested that the Parkland dedication dollars be spent in the local neighbourhood.
• Raised concerns about the lack of baseball diamonds
• Suggested that better views could be maintained by losing one of the buildings or possibly merging one into the building next to it.
• Indicated that they are trying to work out the best way they can get the development to work for the area.

Councillor Whitehead asked staff why the area doesn't meet the Parkland standards. Staff indicated that the City has a policy predetermining when they can purchase Parklands and that this policy has to work with financing, as well as other areas of the City that may have a deficit. Staff also informed Committee that the neighborhood park would need to be a minimum size of 2 hectares in size under the City’s parkland dedication policy.

(dd) Rod Priel, 611 Scenic Drive, addressed Committee with the aid of a PowerPoint presentation. His points included, but were not limited to, the following;
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• Submitted a copy of a letter for the Public Record
• Showed a video about the area with local floral and fauna
• Highlights included pictures of a chipmunk, wild turkey and turkey vulture
• Showed pictures of stairs and historical buildings
• Showed scenes from James Cameron’s Avatar to illustrate the developer’s vision for the area
• Showed photos he took on the bus trip put on by DeanLee management and indicated that there isn’t a lot of green space around the buildings they were shown

(ee) Darlene McIlveen, 57 West 33rd Street, addressed Committee. Her points included, but were not limited to, the following;

• Indicated that she believes City staff are premature in their recommendations for the following reasons
• There needs to be a full visual impact line of sight study done
• There needs to be further traffic studies done
• The final building heights need to be defined prior to approval
• There needs further definition on the greenspace in the area
• Told the committee that they can not vote approval to staff recommendation as is

(ff) Bruce Whitelaw, 20 Chateau Crescent, addressed Committee. His points included, but were not limited to, the following;

• Said that there are existing sewer problems in the area that will be made worse by hooking more developments to them.
• Questioned how the system will manage the increase to 700 new units.

(gg) Andrew Knowles, 8 Hixon Road, addressed Committee. His points included, but were not limited to, the following;

• Took issue with the developer calling the Browlands Brownfield because that is a area degraded by industry which in his opinion the Brow Lands is not
• The preservation of the green space is an important issue for the area
• Doesn’t want to see ugly plain looking buildings come in and ruin the area
• Raised concerns about increased traffic
• Raised issues about Colombia College related traffic and congestion
• Does not want high rises or live work units
• Indicated that he doesn’t want the development at all
• Wanted to be given definite timelines for the development
• Questioned the introduction of shops and professional services to the development
• Wanted to know how the City of Hamilton allowed the Chedoke hospital to sell this land
• Questioned how the petition submitted on the matter would be dealt with

Chair Bratina spoke indicating that all petitions and correspondence become part of the Public Record of the meeting, and that Committee members take all comments, communications and petitions very seriously in their deliberations. Committee Members posed questions raised by the previous two presentations to staff.

Councillor Whitehead spoke to the fact that the City of Hamilton is entirely separate from the Chedoke Hospital and that although they do work with all organizations in the City they had no control over their decision to sell the land.

Staff indicated that the associated living facilities on the site were for the use of residents suggesting that the professional buildings would also similarly service the residents.

Staff indicated that they could reply as to the maintenance on sewers at a later time. Adding that there would be an upsizing in the sewer system on Scenic Drive fitting with the of needs of the Community.

(hh) Kim Brasseau, 725 Scenic Drive, addressed Committee. Her points included, but were not limited to, the following:

• Felt helpless and patronized by the process and had done another petition for submission that was submitted for the Public Record
• Discussed the vision statement of the City Of Hamilton and how this development did not fit with that statement
• Talked about how she didn’t feel that the public comments were included in the Staff Report
• Read a letter from Debbie Price the letter talked about a Salamander
• Discussed that they already live in a vibrant community and that they don’t need a new one
David Rientie, 181 West 31st Street, addressed Committee. His points included, but were not limited to, the following:

- Talked about closing the road because it was in bad repair could lead to closing a lot of roads
- Discussed the Roundabout and repairing the roads prior to development happening
- Discussed that on Scenic Drive there are no sidewalks
- Would like to see trail uninterrupted during the construction phase of the project
- Concern about Recreational facilities in the areas, two of the local pools were closed

Councillor Whitehead spoke to the pools matter, indicating that they would be reopening in the future. He asked staff why they suggested closing the road.

Staff said they were not recommending that the road be closed because it was in poor maintenance but for the other advantages of closing the road such as increased green area and added walking area.

Fred Witvoet, 298 Upper Paradise, addressed Committee. His points included, but were not limited to, the following:

- Applauded the other speakers
- Discussed how the process is disheartening
- Suggested that Ron Starr should have been upfront about the revenue projections his company stands to make from this project

Sherry Dawson, 72 San Pedro Drive, addressed Committee. Her points included, but were not limited to, the following:

- Niagara Enscarpment is world Biosphere site. How could we allow development there?

Jim Stewart, 150 West 31st Street, addressed Committee. His points included, but were not limited to, the following:

- Concerned about environmental issues
- Got picked up by the police for counting trees, the hospital police who are still patrolling the browlands which the hospital no longer owns
- Chedoke hospital no urgent care they need that more than condos
- It is beautiful piece of land to put houses on, it is a shame
• The City and the Planning department should keep the development as low as possible
• Indicated that there are 210 mature trees
• Indicated that Norway Maple should no longer be viewed as a invasive species and that the City has likely been planting this species in front of peoples houses
• Discussed the importance of protecting the remaining 2% of the Carolinian forest in Southern Ontario
• What happens if something goes wrong with the blasting process
• Oil and other materials draining into the woodland a potential problem

(mm) Earl Cranfield, 543 Scenic Drive, addressed Committee. His points included, but were not limited to, the following;
• Discussed the traffic problems the area already faces
• The proposed development is not in line with the area
• Indicating that the area should be single family homes as they are what surrounds this area

(nn) Roy Wolker, 931 Scenic Drive, addressed Committee in order to maintain his right to appeal the decision at the Ontario Municipal Board

(oo) Brian Borges, 166 Chedmac Drive, addressed Committee in order to maintain his right to appeal the decision at the Ontario Municipal Board

(pp) Shirley Flaucett, 760 Scenic Drive, addressed Committee in order to maintain her right to appeal the decision at the Ontario Municipal Board

(qq) Joe Molnar, 112 West 5th Street, addressed Committee in order to maintain his right to appeal the decision at the Ontario Municipal Board

(rr) Donna Dunlop, 123 San Francisco Street, addressed Committee in order to maintain his right to appeal the decision at the Ontario Municipal Board

(ss) Jay Sengupta, 555 Scenic Drive, addressed Committee in order to maintain her right to appeal the decision at the Ontario Municipal Board
(tt) Jane Morgan, 1097 Scenic Drive, addressed Committee in order to maintain her right to appeal the decision at the Ontario Municipal Board

(uu) Zigmund Zilinskas, 63 San Pedro Drive, addressed Committee in order to maintain his right to appeal the decision at the Ontario Municipal Board

(vv) Andrew Goetz, 104 Redfern Avenue, addressed Committee in order to maintain his right to appeal the decision at the Ontario Municipal Board

(ww) Eric Sosecg, 963 Scenic Drive, addressed Committee in order to maintain his right to appeal the decision at the Ontario Municipal Board

(xx) Judy Tottman, 98 San Francisco Drive, addressed Committee in order to maintain her right to appeal the decision at the Ontario Municipal Board

(zz) Mark Collington, 939 Scenic Drive, addressed Committee in order to maintain his right to appeal the decision at the Ontario Municipal Board

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

Councillor Whitehead read an email from Jennifer Harwood into the record as well as an email from Bob Lloydlangston.

On a Motion (Pearson/Whitehead) the Committee received the presentations and correspondence.

On a Motion (Whitehead/Duvall) the Committee moved that the Application for Official Plan Amendment (OPA-07-014), Zoning By-law Amendment (ZAC-07-053), and Plan of Subdivision (25T-200712) for the “Brow Lands”, Located at Part Lot 57, Concession 2, City of Hamilton, and Application for Road Closure of a Portion of Sanatorium Road north of Scenic Drive (PED10116) be deferred to allow the Ward Councillor time to consult with the community and staff, with the aim of identifying a compromise position and to consider the opportunity to engage an independent planner, all with the intent of reporting back to Committee in late September, 2010.
(d) Notices of Motion (Item 4)

None

(e) GENERAL INFORMATION (Item 5)

Acting Chair Bratina thanked those in attendance

(f) ADJOURNMENT (Item 6)

On a Motion (Pearson/Mitchell), the meeting adjourned at 9:50 p.m.

Respectfully submitted

Lloyd Ferguson, Chair
Economic Development & Planning Committee

Alexandra Rawlings
Co-ordinator
June 10, 2010