1. Committee of Adjustment Minor Variance Application DN/A-10:29 for the Property Known as 10 Rogers Road, Dundas - Supported by the Planning and Economic Development Department but Denied by the Committee of Adjustment (PED10125) (Item 51.)

(Mitchell/Whitehead)

That Report PED10125, respecting Committee of Adjustment Minor Variance Application DN/A-10:29, for the property known as 10 Rogers Road, (Dundas), as shown on Appendix “A” to Report PED10125, supported by the Planning and Economic Development Department, but Denied by the Committee of Adjustment, be received for information.

CARRIED
2. Ancaster Business Improvement Area (B.I.A.) Revised Board of Management (PED09042(b)) (Item 5.2)
(Mitchell/Whitehead)
That the following individual be appointed to the Ancaster B.I.A.'s Board of Management:

Tommy Massey

CARRIED

3. To Incorporate Certain Land Into Various Streets by By-law (PED10120) (Ward 11) (Item 5.3)
(Mitchell/Whitehead)
That By-laws to incorporate Parts 1 and 2, Plan 62R-18589 into Pinehill Drive, Parts 3, 4, 5 and 8, Plan 62R-18589 into Trinity Church Road and Parts 6 and 7, Plan 62R-18589 into Rymal Road East be prepared to the satisfaction of Corporate Counsel and be enacted by Council, and that the General Manager of Public Works be authorized and directed to register the By-laws.

CARRIED

4. Hamilton Downtown Office Tenancy Assistance Program 31 King Street East – OTAP10/01 (PED10124) (Item 5.4)
(Mitchell/Whitehead)
(a) That a loan commitment totalling $169,965 for leasehold improvements at 31 King Street East (former Woolworth's building), be approved in accordance with the terms and conditions of the Hamilton Downtown Office Tenancy Assistance Program.

(b) That the Mayor and City Clerk be authorized and directed to execute the loan agreement and security documentation with respect to sub-section (a) above in a form satisfactory to the City Solicitor.

(c) That the General Manager of the Planning and Economic Development Department be authorized and directed to amend the loan agreement as required provided that the terms and conditions of the Hamilton Downtown Office Tenancy Assistance Program as approved by City Council are maintained.

CARRIED

5. Declaration of Surplus and Sale of Part of 90 Charlton Avenue East (Woolverton Park), Hamilton to 852984 Ontario Inc. (Sam Disanto, in Trust) (PED10128) (Ward 2) (Item 5.5)
(Mitchell/Whitehead)
(a) That the subject land, being part of 90 Charlton Avenue East (Woolverton Park), identified as Parts 2 and 3 on a draft reference plan prepared by A.T. McLaren Limited dated February 25, 2010 (Drawing No. 33014-R) comprising an area of 447.1 square metres (0.1105 acres) more or less and forming Part of PIN 17116-0002 (LT) and Roll No. 251890141065000 (as shown on Appendix “A” attached to Report PED10128), be declared surplus to the requirements of the
City of Hamilton in accordance with Procedural By-law for the Sale of Land, being By-law 04-299.

(b) That an Offer to Purchase executed by 852984 Ontario Inc. (Sam Disanto, in Trust), on May 17, 2010 and scheduled to close on or before July 1, 2011, for lands described in recommendation (a), be approved and completed and the sale price of $170,000 be credited to Account No. 47702-3560150200 (Property Purchases and Sales). The funds will be subsequently transferred to the Parkland Dedication Reserve (108037).

(c) That the following conditions be included in the Offer to Purchase:

(i) The Purchaser, at its sole cost and expense, obtain final approval from all applicable government authorities to the rezoning of the subject lands and the lands known municipally as 121 St. Joseph’s Drive, within 365 days of acceptance of this Offer to Purchase.

(ii) The Purchaser, at its sole cost and expense, obtain final approval from all applicable government authorities for the site plan control conditions on the subject lands and the lands known municipally as 121 St. Joseph’s Drive, within 365 days of acceptance of this Offer to Purchase.

(d) That the required deposit cheque in the amount of $17,000, being 10% of the purchase price be held by the General Manager of Finance pending acceptance of this transaction.

(e) That the sale price of $170,000 does not include the Goods and Service Tax/Harmonized Sales Tax; should the GST/HST be applicable and collected by the City, that the GST/HST amount be credited to Account No. 22835 009000 (GST Payable) or Account No. 22828 009000 (HST Payable).

(f) That the sum of $3,680 (Real Estate administrative costs) be funded from the Parkland Dedication Reserve (108037) and credited to the Capital Project 3560150200 (Property Purchases and Sales);

(g) That the Mayor and Municipal Clerk be authorized and directed to execute and issue a Certificate of Compliance in the form prescribed pursuant to Section 268 of the Municipal Act, incorporating the following:

(i) That as required by Section 3 (a) of By-Law 04-299, the subject lands be declared surplus by inclusion in this report to City Council.

(ii) An internal appraisal of the fair market value of the real property intended to be sold was completed on March 19, 2010 and the sale price falls in the range of value of the appraisal.
(iii) That in accordance with the approved method of providing notice in the City of Hamilton By-Law No. 04-299 “Procedural By-Law for the Sale of Land”, Section 12 (a) (6), notice to the public of the proposed sale of land is given by inclusion of this recommendation to City Council.

CARRIED

6. Declaration of Surplus and Sale of City Owned Land - Part of Block 106 on Plan 62M-1113, Located Next to 278 Valridge Drive, Ancaster (PED10130) (Ward 12) (Item 5.6)
(Mitchell/Whitehead)
(a) That the property known as Part of Block 106 on Plan 62M-1113, depicted as Part 2 on A.T. McLaren Limited Dwg. No. 32579-103SK, located next to 278 Valridge Drive, comprising an area of 154 square metres (1657.64 square feet), as shown in Appendix “A” attached to Report PED10130 be declared surplus to the requirements of the City of Hamilton in accordance with By-law 04-299, the Procedural By-law for the Sale of Land;

(b) That the Real Estate Section of the Economic Development and Real Estate Division of the Planning and Economic Development Department, be authorized and directed to sell the subject lands at fair market value to the abutting owner, in accordance with the “Procedural By-law for the Sale of Land”, being By-Law 04-299.

CARRIED

7. 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))
(Pearson/Whitehead)
Whereas the Hamilton Municipal Heritage Committee has advised Council that the redevelopment of 100 West Fifth Street should be elevated to an individual environmental assessment category as set out in the Ontario Realty Class Environmental Assessment approval process; and

Whereas Council understands that the "undertaking" as prescribed by the Ontario Realty Corporation application comprises the demolition of all buildings on the subject property; and

Whereas Council has included 100 West Fifth Street as a property of cultural heritage and value and interest in the City's Register of Cultural Heritage Value and Interest under Part IV of the Ontario Heritage Act; and

Whereas Council is prohibited by statute from designating and conserving such property owned by the Province of Ontario under Part IV of the Ontario Heritage Act; and
Whereas Council advised ORC in its resolution of January 27th, 2010 of its concern for retaining Gateview, Hickory House and Grove Hall as part of the redevelopment of 100 West Fifth Street; and

Whereas Council supports both the principle of heritage conservation and the redevelopment of 100 West Fifth Street as a strategically important mental health facility supporting a community of two and a half million people outside of the City of Hamilton as expressed in its approval of a preliminary site plan approval under the Planning Act; and

Whereas Council has been advised by the Hamilton Mountain Heritage Society, the Hamilton Municipal Heritage Committee and City’s Planning staff that 100 West Fifth Street contains buildings and features of cultural heritage value and interest;

That Council requires that Ontario Realty Corporation and St. Joseph’s Healthcare Hamilton conduct the redevelopment of 100 West Fifth Street as follows:

Prior to any approval of the final site plan, St. Joseph’s Healthcare Hamilton and Infrastructure Ontario shall complete a comprehensive heritage impact assessment of Gateview, Hickory House and Grove Hall including a clear and thorough evaluation of the potential re-use of these former healthcare facilities for new health, research or learning services including the retention of all external facades, (excluding interior features), as part of the new development to the satisfaction of the Director of Planning.

That Council advise the Province that there is no requirement for the elevation of this Category B undertaking to an individual Environmental Assessment under the Environmental Assessment Act.

CARRIED

8. Application for a Change in Zoning for a Portion of the Lands Located at 1163 2nd Concession Road West and 315 Highway 8 (Flamborough) (PED10118) (Ward 14) (Item 6.2)

(Pasuta/Pearson)

That approval be given to Zoning Application ZAR-10-001, by Thomas Jan Postuma, Owner, for a change in zoning from the “A” Agricultural Zone to the “O3-11” Recreational Open Space Zone, Modified, with a Special Exemption, to facilitate a condition of Severance Application FL/B-10:28, to sever approximately 0.78 ha of land from an existing agricultural property, and add the lands to an abutting golf course, municipally known as 1141 2nd Concession Road West, on lands located at 1163 2nd Concession Road West and 315 Highway 8, (Flamborough), as shown on Appendix “A” to Report PED10118, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED10118, 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 Section 26 of Zoning By-law No. 90-145-Z as “O3-11”.

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

CARRIED

9. Application for Amendments to the City of Hamilton Zoning By-law No. 6593 and Official Plan for Lands Located at 1510 Main Street West (Hamilton) (PED10117) (Ward 1) (Item 6.3)

(Pearson/Whitehead)

(a) That approval be given to Official Plan Amendment Application OPA-10-005, by Kids Care Oncology Central West Ontario, Owner, for Official Plan Amendment No. __, for a change in designation from “Major Institutional” to “Commercial”, on lands located at 1510 Main Street West, Hamilton, as shown on Schedule “A” of Appendix “C” to Report PED10117, on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “C” to Report PED10117, be adopted by City Council.

(b) That approval be given to Zoning Application ZAC-10-012, by Kids Care Oncology Central West Ontario, Owner, for changes in zoning from the “C” (Urban Protected Residential, etc.) District and the “H/S-1256” (Community Shopping and Commercial, etc.) District, Modified, to the “H/S-1633” (Community Shopping and Commercial, etc.) District, Modified, with a Special Exception, to permit up to 37 lodging suites, on lands located at 1510 Main Street West, Hamilton, as shown on Schedule “A” of Appendix “D” to Report PED10117, on the following basis:

(i) That the draft By-law, attached as Appendix “D” to Report PED10117, which has been prepared in a form satisfactory to the City Solicitor, and as amended by Committee on June 15, 2010, respecting a reduction in the minimum sideyard, be enacted by City Council.

(ii) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan, and will be in conformity with the Official Plan for the City of Hamilton upon finalization of Official Plan Amendment No. __.

CARRIED

10. Clean Air Hamilton 2009 Progress Report (PED10119) (City Wide) (Item 7.1)

(Mitchell/Pearson)

(a) That Appendix A attached to Report PED10119 respecting the Clean Air Hamilton 2009 Progress Report be received; and,

(b) That City Staff from Planning & Economic Development, Public Health, and Public Works be directed to consider the recommendations of the Clean Air
Hamilton 2009 Progress Report attached as Appendix A to PED10119 in health, land-use, transportation, and quality of life projects, initiatives and activities that impact local air quality.

(c) That the City of Hamilton partner with Clean Air Hamilton in communicating to the Minister of Transportation to request random regional road truck inspections within urban neighbourhoods and industrial areas.  

CARRIED

11. 2010 Green Venture Base Funding and Authority to Enter Into Agreement (PED10132) (CITY WIDE) (Item 7.2)  
(Mitchell/Pearson)  
(a) That the City of Hamilton renew its agreement to provide base funding for Hamilton-Wentworth Green Venture Incorporated (Green Venture) in the amount of $40,000 per year, for the 2010 budget year; and,

(b) That Planning and Economic Development Department staff be authorized and directed to enter into agreements with Hamilton-Wentworth Green Venture Incorporated (Green Venture), to deliver projects to further Clean Air Hamilton strategic objectives, as outlined in individual project agreements, with each project agreement not to exceed $15,000, and with the total value of the agreements not to exceed the funding approved in the annual budget process.  

CARRIED

12. Business Licensing Category Review (PED10131) (City Wide) (Item 7.3)  
(Whitehead/Pearson)  
(a) That staff be directed to conduct detailed investigations, including consultation with other municipalities and various forms of public consultation, into establishing the following new business licence categories;

- Public Storage
- Driveway Pavers/Sealers
- Street Performers/Buskers
- Fitness Clubs
- Landscaping/Exterior Property Maintenance Businesses
- Driving School Operators & Instructors
- Demolition Companies
- Home-based Businesses
- Designated Driving/Shuttle Services
- Computer Repair Services

(b) That staff be directed to conduct a detailed investigation, including consultation with other municipalities and public consultation, into the need to license Private Clubs once the Economic Development and Planning Committee and Council deal with the recommendation to establish a “Bars & Nightclubs” licence category.
(c) That staff report PED10131 be received.  

CARRIED

13. **Airport Employment Growth District (AEGD) (PED10133 / PW10061) (City Wide) (Item 8.1)**  

(McHattie/Duvall)

(a) That the draft Airport Employment Growth District Secondary Plan (AEGD) Appendix “A” and draft implementing Zoning By-law Appendix “B” both attached to Report PED10133 / PW10061 be received;

(b) That the General Manager of the Planning and Economic Development Department be authorized and directed to release the draft Airport Employment Growth District Secondary Plan, draft implementing Zoning By-law and the supporting studies, as outlined in Appendix “C” to Report PED10133 / PW10061 for public consultation / public feedback.

(c) That, as part of the public consultation process, the General Manager of the Planning and Economic Development Department be authorized and directed to hold a Public Information Centre in September, 2010 to present the draft Airport Employment Growth District Secondary Plan and draft implementing Zoning By-law.

(d) That a special public meeting of the Economic Development and Planning Committee be arranged for January 2011 to consider formal approval of the Secondary Plan and implementing Zoning By-law. Further, that the staff report for this public meeting include all written public comments received during July and August.

CARRIED

14. **St. Joseph’s Villa, Governor’s Road, Dundas**  

Appeals of Official Plan Amendment Application OPA-08-015 and Zoning By-law Amendment Application ZAC-08-069 (Item 12.1)  

(Clark/Pasuta)

(a) That the City Solicitor by authorized to retain such experts as are necessary in respect of the appeals of Official Plan Amendment Application OPA-08-015 and Zoning By-law Amendment Application ZAC-08-069

(b) That the amount required to retain such experts be funded first, through the 2010 Budget, second through year end Corporate Surpluses, and lastly through the Tax Stabilization Reserve.

CARRIED
15. **Proposed Settlement respecting Losani Homes, 1187, 1215, 1217, 1227, 1235 and 1239 Barton Street (Item 12.2)**

*(Mitchell/Pearson)*

(a) That further to Council's acceptance, on April 7, 2008, of a settlement offer from Losani Homes with respect to a comprehensive set of applications that are before the OMB including severance appeals for 1187, 1215, 1217, 1227, 1235 and 1239 Barton Street, that staff be directed to support the implementation of the settlement, before the OMB, on the basis of, Council's previous position on this matter, as follows, and as attached to the staff memo dated June 9, 2010;

(i) Appendix “A”, overall settlement
(ii) Appendix “B”, draft plan
(iii) Appendix “C”, subdivision conditions
(iv) Appendices “D to G” inclusive, Official Plan and Zoning instruments.

(b) That staff be directed and authorized to prepare the applicable changes to the Hamilton Urban Official Plan, as shown on Schedule “A”, “B” and “C”, to Appendix “G” and By-law 05-200, adopted by Council but not yet in effect.

(c) That the staff memo respecting the matter, dated June 9, 2010, remain confidential.

CARRIED

THE FOLLOWING ITEMS WERE REPORTED TO COUNCIL FOR INFORMATION PURPOSES:

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

The Clerk advised of the following changes to the agenda:

Class Environmental Assessment for the St. Joseph’s Mountain facility, referred back by Council on June 9, 2010. Three delegations wish to address Committee, the staff Motion has been distributed.

Additional requests to speak respecting Ewen Road, item 6.1 on the Agenda, these have been distributed and will be considered under Item 4.0.

Additional request from Paul Watkins, respecting the alleyway at Hollywood Road South, will be considered under Item 4.0.
Request from the agent to defer Item 6.5, Application for a Condominium Conversion for 47 - 61 Lilacside Drive, Hamilton (PED10136) (Ward 7), pending receipt of added information.

The Chair noted that a letter about the deferral had been delivered to the tenants, and asked if there was anyone in the audience here for the item. There were no members of the public present.

Committee approved the Agenda, as amended.

The Chair noted his concern with the amount of additional information which had been placed before Committee this morning. The Clerk advised that the majority of this information was from applicants or the public, respecting items which are on the Agenda.

(b) DECLARATIONS OF INTEREST (Item 2)

None

(c) APPROVAL OF MINUTES (Item 3)

The Minutes of the Economic Development and Planning Committee meeting on June 1, 2010 were approved.

(d) DELEGATION REQUESTS (Item 4)

(i) Delegations respecting Item 6.1 Ewen Road

- James Ayres, Paul Chang, John Ariens, representing Cadbury Adams Canada, respecting 17 Ewen Road, Item 6.1 on the Agenda
- Kim Foster
- Mary Kiss
- Monica Watts, on behalf of Subash Dighe, West End Physiotherapy
- Chris Pidgeon from GSP Group, on behalf of the applicant, Auburn Developments

On a Motion, Committee approved these delegations to speak today.
(ii) Paul Watkins, respecting the alleyway at Hollywood Road South

The Chair advised that Mr. Watkins’ matters had already been considered at Public Works Committee, and through the Court system.

On a Motion, Committee denied the delegation request and directed that Clerks advise Mr. Watkins of the denial by Committee.

(iii) Delegations respecting Item 8.1 Airport lands

- Kieran Dickson, Hamiltonians for Progressive Development
- Joe Minor, Environment Hamilton

On a Motion, Committee approved these delegations to speak today.

(e) Hamilton Downtown Office Tenancy Assistance Program 31 King Street East – OTAP10/01 (PED10124) (Item 5.4)

Councillor Bratina noted the success of this programme in bringing a new business, National Academy of Health & Business, to Hamilton.

Ron Marini explained that this commercial school would employ twelve people and occupy 7,100 square feet, on the second floor of the former Woolworth building.

Committee approved the staff recommendation.

(f) Declaration of Surplus and Sale of Part of 90 Charlton Avenue East (Woolverton Park), Hamilton to 852984 Ontario Inc. (Sam Disanto, in Trust) (PED10128) (Ward 2) (Item 5.5)

Councillor Duvall asked whether any of the usable park space was being sold.

Staff explained that the land is part of an embankment, and is not usable park space.

Committee approved the staff recommendation.
(g) **Declaration of Surplus and Sale of City Owned Land - Part of Block 106 on Plan 62M-1113, Located Next to 278 Valridge Drive, Ancaster (PED10130) (Ward 12) (Item 5.6)**

Councillor McHattie asked whether the land was being sold as part of the ESA buffer area.

Staff explained that the report in the Agenda should have been updated. Information received after the report was written confirmed that the area was outside the buffer of the ESA.

Committee approved the staff recommendation.

(h) **Minutes of the Municipal Heritage Committee on April 22, 2010 (Item 5.7(a))**

The Minutes of the Municipal Heritage Committee on April 22, 2010 were received.

(i) **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))**

The Chair advised Committee that this item was referred back by Council, on June 9, 2010.

He explained that staff had been working with the applicants to achieve a solution, and that if Committee favoured the staff Motion which had been distributed previously by e-mail, and in hard copy this morning, that the applicants would not need to do their presentations.

The representatives from St. Joseph’s Hospital, Ontario Realty Corporation, and Infrastructure Ontario confirmed that they were in favour of the staff Motion, and did not need to speak.

Committee approved the Motion.

The Chair thanked everyone for their work on this matter.
Applications for Approval of an Official Plan Amendment and an Amendment to Hamilton Zoning By-law No. 6593 for Lands Known as 17 Ewen Road (Hamilton) (PED09103(a)) (Ward 1) (Item 6.1)

Chair Ferguson advised the meeting that after the Public Meeting had been held on April 21, 2009, this item was deferred by Committee, in order to have a Noise Report completed. The report is an update on the issue.

Edward John was present to assist Committee and gave an overview of the staff report. His points included, but were not limited to, the following:

- additional letter from applicants respecting reflective noise study distributed this morning
- staff has worked with applicants and Cadbury since last meeting, but no resolution of the issues of noise
- comprehensive noise study still needed.

James Ayres, representing Cadbury Adams Canada, addressed Committee. His points included, but were not limited to the following:

- apologized for providing late information to Committee
- Cadbury involved in major expansion of plant on Ewen, intends to stay in the area
- Application represents a threat to continued operation of Cadbury plant, plant operates 24/7, has trucking on regular basis
- Cadbury has engaged Pinchin to conduct studies
- Requested that Committee not approve the subject application in absence of a comprehensive noise study, and not approve the application subject to an “H” removal, where no third party right of appeal
- Considers onus is on applicant to demonstrate that new building will have no adverse impact on Cadbury.

Paul Chang, representing Cadbury Adams Canada, addressed Committee. His points included, but were not limited to the following:

- explained that, as plant manager, main concern is with ongoing plant expansion, 10 million dollar expansion
- need to ensure that plant continues to operate effectively
- Cadbury responds quickly to any complaints, no MOE problems at this time.

John Ariens, IBI, representing Cadbury Adams Canada, addressed Committee. His points included, but were not limited to the following:
- premature to approve Auburn application until approval of new Official Plan policies respecting employment lands
- Cadbury did respond to Auburn on noise study
- Cadbury does not agree with employment lands designation in new Official Plan.

Kim Foster, 96 Ewen Road, addressed Committee. His points included, but were not limited to the following:

- application is for student housing but building is really a high-rise condominium
- violation of planning guidelines
- Auburn proposal will not fit into area, not a good living environment for students, adjacent to Cadbury plant, commercial, fast food and auto repair shops
- Too many variances from by-law being requested.

Mary Kiss, 51 Yarmouth Court, addressed Committee. Her points included, but were not limited to the following:

- read a letter of concern from Dan Levy, United Hebrew Memorial Chapel. Letter provided to Clerk as part of public record.
- Read from a letter from Ainslie Wood concerned citizens. Letter provided to Clerk as part of public record.
- Concerns respecting lack of notification of meeting, no demonstrated need for building, impact on infrastructure, traffic problems, density, inadequate parking
- Supports continuation of Cadbury
- Opposed to Auburn plan.

Monica Watts, 91 Lower Horning, addressed Committee on behalf of Subash Dighe, West End Physiotherapy. The points included, but were not limited to the following:

- concerns about traffic congestion, unsightly building, general problems with student behaviour
- opposed Auburn plan.

Monica Watts then addressed Committee on her own behalf. Her points included, but were not limited to the following:

- McMaster does not consider this building is necessary. Ms. Watts agreed to furnish the name of her McMaster contact to the Clerk
- Building unsightly
- Will not fit into the area.
Chris Pidgeon, from GSP Group, and Jamie Crich, Auburn Developments, the applicant, addressed Committee. Their points included, but were not limited to the following:

- difficulties and delays dealing with Cadbury and the noise study
- no co-operation from Cadbury respecting noise study and the peer review, cannot complete assessment until Cadbury details forthcoming
- experience with building student housing, one of their buildings, in London, next to a concrete plant, no issues
- well run buildings, all amenity space is inside, no balconies, management and security programmes
- near McMaster, as their studies show, students like to live near campus, but would like to develop downtown
- charge market rate for student rentals.

Committee discussed the matter and had additional information supplied by the applicants and staff. Points raised included the following:

- frustration with lack of response from Cadbury, and submission of documents just this morning
- if there are noise/odour complaints from students, and MOE becomes involved, will this affect the Cadbury operation?
- Difficulty in balancing needs of existing major employer and need for student housing.

Councillor McHattie expressed concerns that while purpose built student housing is intended to move students out of residential neighbourhoods, no evidence as yet that this happens. Need for more time to review this.

On a Motion (Pearson/Whitehead), Committee received all the delegations and added communications.

On a Motion (McHattie/Duvall), Committee tabled the report to the July 5, 2010 Committee meeting, to allow time to digest all the additional information received from Cadbury and the residents, to allow the Ward Councillor to meet with Auburn and with Cadbury, and to get staff's opinion on purpose built student housing and its dynamics.
(k) Application for a Change in Zoning for a Portion of the Lands Located at 1163 2nd Concession Road West and 315 Highway 8 (Flamborough) (PED10118) (Ward 14) (Item 6.2)

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 zoning application is approved and 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 (Pasutal/Pearson), Committee dispensed with the planner’s presentation.

Daniel Barnett was present to assist Committee.

The applicant’s agent confirmed that he supported the staff recommendation.

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

Committee approved the staff recommendation.

(l) Application for Amendments to the City of Hamilton Zoning By-law No. 6593 and Official Plan for Lands Located at 1510 Main Street West (Hamilton) (PED10117) (Ward 1) (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 zoning application is approved and 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.

The Chair noted that an additional communication had been received and distributed, from the applicant, requesting a change to the by-law.

On a Motion (Whitehead/Pearson), Committee waived the staff presentation.

Chris Bell was present to assist Committee and gave an overview of the change being proposed by the applicants:

- proposed reduction in sideyard from 1.5 metres to 1.2 metres, along Cootes Drive

Sergio Manchia, IBI, addressed Committee in support of the application. His points included, but were not limited to, the following:

- urgency in approval, since project is getting stimulus funding
- tight site, need reduction in sideyard, need to remove trees to allow construction.

No members of the public came forward to address Committee.

Committee discussed the matter.

Councillor McHattie expressed concerns about the removal of the trees, need for additional information, lack of flexibility exhibited by applicant. Said he was unable to support application today, as further discussion needed.

Committee approved the amendment respecting the sideyard.

Committee approved the recommendation, as amended.

Councillor McHattie requested his opposition be recorded.
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 zoning application is approved and 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.

The Chair suggested that the planner's presentation should be heard, as this is a recommendation for refusal.

Tim Lee was present to assist Committee and gave an overview of the staff report, with the aid of a powerpoint presentation.

- staff recommending refusal as site is too small for proposed use, no parking can be provided, no space for maneuvering on site, unsafe to have cars backing out onto Upper Wentworth
- met several times with applicant, staff suggested various alternatives for site plan, but nothing has worked
- development too intensive for site, would need some kind of land assembly to provide parking
- business has already opened
- development not in conformity with Official Plan or Neighbourhood Plan, development would represent a commerical intrusion into a residential neighbourhood.

Tim Doan, the applicant, addressed Committee and requested that they approve his application. His points included, but were not limited to the following:

- thanked staff for all their help, requested Committee approve application
- noted paid parking exists within 75 metres of site
- site not suitable for residential use
- agreed he knew of potential problems when he opened
- said by-law does not require any on-site parking
- now working with an adjacent landowner to secure added parking area for his use.

No members of the public came forward to address Committee.

Committee discussed the matter and had additional information supplied by staff and the applicant.

- current zoning by-law does not require parking but new zoning by-law will require it
- home occupations have specific requirements attached to them
- no enforcement while application is ongoing.

Committee tabled the item to the October 5, 2010 Committee Meeting to allow the Ward Councillor to work with the applicant and staff.

Mr. Doan agreed that he understood that there would be a planning process, and a fee, to secure additional adjacent parking. Planning staff noted that until an application came in, they could not comment on its potential suitability.

(n) Application for Approval of a Draft Plan of Condominium Conversion for Lands Located at 47 - 61 Lilacside Drive, Hamilton (PED10136) (Ward 7) (Item 6.5)

Chair Ferguson confirmed that this item had been deferred, at the request of the applicant.

(o) Clean Air Hamilton 2009 Progress Report (PED10119) (City Wide) (Item 7.1)

Brian Montgomery introduced the matter.

Dr. Brian McCarry gave an overview of his report, with the aid of a powerpoint presentation. His points included, but were not limited to, the following:

- air quality in Hamilton is improving, actual decrease in emissions apart from ozone
- we are one of few areas that conducts mobile air quality monitoring
- benzene still a problem
- urban planners have a huge impact on air quality issues, through design of urban areas
- fewer emissions when traffic keeps moving
- nitrogen oxides are prevalent along major roadways, but 200 metres away, levels fall right off
- Tree planting is very helpful, particularly in industrial areas, although few industries are doing this
- Dofasco has contributed $50,000 to our study.

The Chair thanked the presented.

Councillor Clark suggested an amendment to the staff recommendation, to ask the Minister of Transportation to do random truck inspections on regional roads.

Committee approved the amendment, and then approved the recommendation, as amended.

(p) 2010 Green Venture Base Funding and Authority to Enter Into Agreement (PED10132) (CITY WIDE) (Item 7.2)

Heather Donison introduced the matter.

Michael Gemmell, Green Venture, provided an overview of the report, with the aid of a powerpoint presentation.

A copy of the presentation was provided to the Committee.

The Chair thanked the presenter.

Committee received the delegation and approved the staff recommendation.

(q) Business Licensing Category Review (PED10131) (City Wide) (Item 7.3)

Marty Hazell provided an overview of the report. He noted that staff had identified a list of businesses where other municipalities are now requiring licenses. He said that staff wished to review these areas, talk to other municipalities, and come up with “best practices” for Hamilton.

Committee discussed the report, and had additional information provided by staff.

- staff advised no intention of duplicating provincial regulations, but look at public interest, e.g. driving schools using same streets all the time.

Councillor Mitchell noted he wanted Fruitland Road taken out of truck training routes.
Mr. Hazell explained that staff wanted to get the review done and include buskers, before the Pam-Am Games.

Councillor Ferguson vacated the Chair to Councillor Bratina.

Councillor Ferguson stated that he did not want any new taxes or charges as a result of the study.

Councillor Duvall noted concerns about charging small home businesses.

Mr. Hazell agreed to look at smokehouses in yards.

Councillor Mitchell suggested that there was a need to look at illegal businesses and how to get them in line, in order to pay their business licenses and business taxes. He agreed this would be a separate motion.

Committee approved the staff recommendation.

Chair Ferguson requested his opposition be recorded.

Airport Employment Growth District (AEGD) (PED10133 / PW10061) (City Wide) (Item 8.1)

Guy Paparella provided an overview of the report with the aid of a powerpoint presentation. His points included, but were not limited to, the following:

- significant, on-going public involvement process
- Secondary Plan includes eco-industrial elements, sustainability
- Intent for financial component of plan to be ready, and released within the next week or so
- Intent is to go out for public consultation in summer, send letters to all property owners, have another CLC meeting, and then bring final report to Special Committee meeting in September
- Format for providing information to approximately 4100 property owners could be disc, insert in newspaper or other method
- Public has seen drafts already
- Intent to get this completed prior to Municipal Election.

Committee discussed the matter and had additional information supplied by staff. Comments included:

- should public consultation be in summer, not usual practice
- can final CLC meeting be in Ancaster
- is area adjacent to Highway 6 already serviced.
The approved delegations then addressed Committee.

Kieran Dickson, Hamiltonians for Progressive Development, addressed Committee. His points included, but were not limited to, the following:

- serious concern that no financials included in Draft Secondary Plan, taxpayers need to know about financial aspects before approval
- Secondary Plan a gross departure from original plan
- CLC has been provided financial details since January, but has not happened, this is outrageous
- When financial details are received, hold another CLC Meeting, still need review and refinement of plan.

Joe Minor, 24 Sterling Street, on behalf of Environment Hamilton, addressed Committee. His points included, but were not limited to, the following:

- agrees with points raised by Mr. Dickson
- staff report shows no influence of last CLC discussion
- unusual Secondary Plan, significant economic plan for 20 plus years
- suggested unwise to consult in the summer
- we submitted lengthy comments, 8500 words, but no response from staff
- a CLC meeting to discuss financial details was promised, has not happened
- recommended that CLC process, as mandated by OMB, be finalized, and then start the public consultation.

On a Motion (Pearson/Mitchell), the delegations were received.

Committee continued their discussion and the following points were raised:

- not usual to have financial details in Secondary Plans
- financial details have been delayed, by consultant, should be ready next week, could be reported to Committee on July 5, 2010
- Secondary Plan being co-ordinated with infrastructure planning
- Majority of Secondary Plan area owned by private individuals/companies, City owns airport
- Development changes will cover some of costs, particularly sewers, others paid by owners.

On a Motion, Committee directed that staff bring a report on the financial information relating to the Secondary Plan to the Committee Meeting of July 5, 2010.
Councillor McHattie, seconded by Councillor Duvall, moved an amendment to the recommendation to change the time frame of the public consultation into September, and have the final Public Meeting in January 2011.

The amended Motion carried on a Standing Recorded Vote.

YEAS: Ferguson, Duvall, McHattie, Whitehead
TOTAL: 4
NAYS: Clark, Mitchell, Pearson
TOTAL: 3
ABSENT: Pasuta, Bratina
TOTAL: 2

(s) Motions (Item 9)

None

(t) Notices of Motion (Item 10)

Councillor Mitchell advised that he wished to introduce the following Notice of Motion:

That staff, including By-law Enforcement, Tax and Legal, be requested to bring back a report on how to have illegal operating businesses come into compliance with appropriate tax laws.

(u) GENERAL INFORMATION (Item 11)

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

- Penady/Walmart OMB, appellants have withdrawn
- Pleasantview proposed development, Minister has refused it
- All parking meters now changed over to $1.00
- On a Motion (Whitehead/Mitchell), the date for the staff report on the Operational Review of Development Engineering was changed to Q2 2011.
- Planning revenues are now increasing.
(v) PRIVATE AND CONFIDENTIAL (Item 12)

(i) St. Joseph’s Villa, Governors Road, Dundas: Update respecting the OMB Appeal (Item 12.1)

(ii) Losani Homes, 1199, 1211 Barton Street, 43, 40 West Avenue, ROPA -05-06, OPA-05-25, ZAC 05-128, 25T 200526. Update respecting OMB Appeal

On a Motion Committee moved into Closed Session to consider the subject two items which are before the OMB, as these are subject to Section 8.1(e) of the City’s Procedural By-law and Section 239 of the Ontario Municipal Act as they pertain to litigation or potential litigation, including matters before administrative tribunals affecting the City.

On a Motion, Committee resumed in Open Session at 1:30 pm.

(w) ADJOURNMENT (Item 13)

On a Motion (Pearson/Pasuta), the meeting adjourned at 4:20 pm.

Respectfully submitted

Lloyd Ferguson, Chair
Economic Development & Planning Committee

Alexandra Rawlings
Co-ordinator
June 15, 2010