THE ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE PRESENTS REPORT 08-014 AND RESPECTFULLY RECOMMENDS:

1. Application for Approval of a Draft Plan of Condominium Conversion for Lands Located at 9 Sherman Avenue South (Hamilton) (PED08148) (Ward 3) (Item 5.1)

That approval be given to Condominium Conversion Application CDM-CONV-08-01, by L.A.C.I. Enterprises Inc. (Luigi Centurami), owner, to establish a Draft Plan of Condominium for eight existing apartment units, located at 9 Sherman Avenue South (Hamilton), as shown on the attached map marked as Appendix “A” to Report PED08148, 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 May 9, 2008 (Revision 2), showing a total of eight residential apartment units and seven vehicular parking spaces, attached as Appendix “B” to Report PED08148.

(b) That the following conditions shall apply to the Draft Plan of Condominium approval:

**Development Planning and Engineering:**

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

(ii) That the owner satisfies all conditions, financial or otherwise, of the City of Hamilton.

(iii) That the Owner shall submit a report in accordance with Section 9 (4) of The Ontario 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.

(iv) That the owner pays all outstanding municipal taxes, to the satisfaction of the Corporate Services Department (Tax Administration/Banking Section).

2. **Correspondence from the City of Ottawa respecting “Safer Communities and Neighbourhoods” Legislation (PED08152) (City Wide) (Item 5.2)**

(a) That the City of Hamilton support the Ottawa City Council resolution approved on July 9, 2007, as outlined in Appendix ‘A’ to Report PED08152.

(b) That the City of Hamilton’s support for “Safer Communities and Neighbourhoods Legislation” be circulated to the Ontario Association of Police Service Boards, the Ontario Association of Chiefs of Police, the Association of Municipalities of Ontario, the Ontario Premier, the Attorney General and the Minister of Community Safety and Correctional Services.

(c) That the “Safer Communities and Neighbourhoods Legislation” item be removed from the Economic Development and Planning Committee’s Outstanding Business List.
3. **Demolition Permit – 1398 Upper Wellington Street (PED08160) (Ward 7) (Item 5.3)**

That the Acting Director of Building Services be authorized and directed to issue a demolition permit for 1398 Upper Wellington Street in accordance with By-Law 74-290 pursuant to the demolition control provisions of Section 33 of The Planning Act, as amended, subject to the following conditions:

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

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

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

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

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

4. **Demolition Permit – 588 Corbett Street (PED08161) (Ward 4) (Item 5.4)**

That the Acting Director of Building Services be authorized and directed to issue a demolition permit for 588 Corbett Street in accordance with By-Law 74-290 pursuant to the demolition control provisions of Section 33 of The Planning Act, as amended, subject to the following conditions:

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

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

(c) That the said building permit for the replacement building specifies if such replacement building is not erected within the said two year time limit, that the City be paid the sum of $20,000;
(d) That the applicant be required to register on title to the subject property (prior to issuance of the said demolition permit), notice of these conditions (including the directions to the City Clerk outlined in sub-section (e)) in a form satisfactory to the Acting Director of Building Services and to the City Solicitor; and,

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

5. Demolition Permit – 203 East Avenue North (PED08162) (Ward 3) (Item 5.5)

That the Acting Director of Building Services be authorized and directed to issue a demolition permit for 203 East Avenue North in accordance with By-Law 74-290 pursuant to the demolition control provisions of Section 33 of The Planning Act, as amended, subject to the following conditions:

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

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

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

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

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

6. Demolition Permit – 10 Harvey Street (PED08163) (Ward 3) (Item 5.6)

That the Acting Director of Building Services be authorized and directed to issue a demolition permit for 10 Harvey Street in accordance with By-Law 74-290 pursuant to the demolition control provisions of Section 33 of The Planning Act, as amended, subject to the following conditions:
(a) That the applicant has applied for and received a building permit for a replacement building on this property;

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

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

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

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

7. Downtown Hamilton Heritage Property Grant Program - 68 King Street East, Victoria Hall (PED08165) (Ward 2) (Item 5.7)

a) That a construction grant commitment totalling $150,000.00 for the restoration of the metal façade; replacement/repair of windows; and, structural work required to reinforce the exterior wall at 68 King Street East, be approved in accordance with the terms and conditions of the Downtown Hamilton Heritage Property Grant Program.

b) That a grant commitment, at an upset limit of $20,000.00 for technical and historical studies of heritage properties, including consultant fees for heritage impact assessments, condition assessments, conservation plans and engineering reports related to the restoration of 68 King Street East, be approved in accordance with the terms and conditions of the Downtown Hamilton Heritage Property Grant Program.

c) That staff be authorized and directed to prepare and execute the Letter of Understanding with the applicant with respect to sub-sections (a) and (b) above, with such Letter of Understanding being in a form satisfactory to the City Solicitor.

d) That the total grant with respect to sub-section (a) in the amount of $150,000.00 be charged to Dept. ID 58201-815025 with funding coming from the Main Street Program Reserve (102048).

e) That the total grant with respect to sub-section (b) at an upset limit of $20,000.00 be funded from Capital Project ID 8200803803.
f) That a condition of the construction grant commitment listed in sub-section (a) for the repair of the windows be that the method in which the windows are repaired is acceptable to the Director of Planning or the grant portion for the restoration of the windows will be cancelled by the Director of Downtown and Community Renewal.

g) That a condition of the construction grant commitment listed in sub-section (a) for the restoration of the metal façade be that all building and planning requirements, including a building and a heritage permit be obtained in advance of the work being undertaken and work be undertaken in full compliance with the permits for the work or the grant will be cancelled by the Director of the Downtown and Community Renewal Division upon the recommendation of the Director of Planning;

h) That a condition of the construction grant commitment listed in sub-section (a) for the necessary structural work be that all building and planning requirements including permits be obtained and work undertaken in full compliance with the permits for the work or the grant will be cancelled by the Director of the Downtown and Community Renewal Division.

i) That the grant commitment in the amount of $20,000.00 previously approved under the Commercial Heritage Improvement and Restoration Program (CHIRP) through Report PED06360 be cancelled.

8. Commercial Property Improvement Grant Program (C.P.I.G.) Applications (PED08166) (Wards 1, 2, 3, 4) (Item 5.8)

a) That the applications recommended for approval and identified within Appendix ‘A’ to Report PED08166 be approved for funding according to the terms and conditions of the Commercial Property Improvement Grant Program (C.P.I.G.).

b) That applicants of properties with outstanding taxes be notified that a condition of the grant is that their property taxes must be paid in full prior to any grant monies being advanced for completed work, and that no grant funds will be paid out until the condition is met and, if the property taxes are not paid in full within one (1) year of the date of the Letter of Understanding entered into between the City of Hamilton and the applicant, that the grant will be cancelled by the Director of Downtown and Community Renewal, Planning and Economic Development Department.

c) That the grant portion to fund the applications identified in Appendix ‘A’ to Report PED08166 in the total amount of $269,174.35 be funded from Project ID# 8600803610.

d) That unallocated grant monies identified in recommendation (c) above that result from taxes not being paid or applicants not proceeding with the renovation of their
properties be transferred to the Commercial Property Improvement Grant (C.P.I.G.) Reserve to be utilized for future loan and grant programs administered by the Downtown and Community Renewal Division for Hamilton’s Business Improvement Areas.

e) That the Director of Downtown and Community Renewal, Planning and Economic Development Department, be authorized and directed to approve increases/decreases to the individual grant amounts approved as long as the overall grant portion referenced in recommendation (c) above is not exceeded and said grant is in accordance with the program rules.

f) That the Director of Downtown and Community Renewal, Planning and Economic Development Department, be authorized to approve a maximum extension period of one (1) year to applicants for the completion of works, over and above the one (1) year period applicants are given that commences the date Council approves their grant.

g) That staff be authorized and directed to prepare and execute Letters of Understanding with Council-approved applicants, with such Letters of Understanding being in a form satisfactory to the City Solicitor.

9) Hamilton Highway Accident Non-Solicitation By-law (PD02234(a)) (City Wide) (Item 5.9)

(a) That the solicitation or making or conveying an offer of business services or goods to the driver of a vehicle involved in an accident or apparent accident, or to any other person involved in a vehicle accident or apparent accident, be prohibited within 200 metres of the scene of the vehicle accident, or apparent accident, or a vehicle involved in an accident, on a highway.

(b) That the solicitation or making or conveying an offer of business services or goods to anyone going to or from, or attending a collision reporting centre to report a vehicle accident, or apparent accident, be prohibited while the person soliciting or making or conveying the offer of business services or goods is within 200 metres of the premises of the collision reporting centre.

(c) That soliciting the hiring of a tow truck, or making or conveying an offer of towing services within 200 metres of the scene of a vehicle accident or apparent accident or of a vehicle involved in an accident on a highway be prohibited.

(d) That soliciting the hiring of a tow truck, or making or conveying an offer of towing services to anyone going to or from or attending a collision reporting centre to report a vehicle accident, or apparent accident, be prohibited while the person
soliciting or making or conveying the offer of towing services is within 200 metres of the premises of the collision reporting centre.

(e) That the parking, stopping or standing of a tow truck on a highway within 200 metres of the scene of a vehicle accident or apparent accident or a vehicle involved in an accident be prohibited.

(f) That the prohibition set out in recommendation (a) above, shall not apply to business services or goods where the person soliciting or making or conveying the offer of business services or goods is within 200 metres of the scene of an accident or a vehicle involved in an accident at the request of emergency personnel, a person engaged in highway maintenance or a person involved in the accident.

(g) That the prohibitions set out in recommendation (b) above, shall not apply to business services or goods where the person soliciting or making or conveying the offer of business services or goods is within 200 metres of a collision reporting centre at the request of emergency personnel, a person engaged in highway maintenance or a person reporting the accident.

(h) That the prohibitions set out in recommendations (c) and (e) above, shall not apply to a person who is within 200 metres of the scene of an accident or a vehicle involved in an accident at the request of emergency personnel, a person engaged in highway maintenance or a person involved in the accident.

(i) That the prohibitions set out in recommendation (d) above, shall not apply to a person who is within 200 metres of a collision reporting centre at the request of emergency personnel, a person engaged in highway maintenance or a person reporting the accident.

(j) That a police officer or a municipal law enforcement officer, upon discovery of any tow truck parked or standing in contravention of recommendation (e) above, be authorized to cause the tow truck to be moved, or taken to and placed or stored in a suitable place, and all costs and charges for the removal, care and storage of the tow truck, if any, shall be a lien upon the tow truck, which may be enforced in the manner provided by the Repair and Storage Liens Act.

(k) That City of Hamilton By-law No. 02-362 be repealed and that a by-law satisfactory to the City Solicitor and in the form attached as Appendix A to Report No. PD02234(a) be passed and enacted.
10. **Heritage Permit Application (HP2008-022) Under Part IV of the Ontario Heritage Act to Demolish the Boiler Plant Infrastructure at 28-44 James Street North (Lister Block), Hamilton (PED08167) (Ward 2) (Item 5.10)**

That Heritage Permit (HP2008-022) for Report PED08167 be approved for the demolition of the boiler plant infrastructure, comprising the remains of the chimney stack, underground boiler-room, and underground storage tank, for the designated property at 28-44 James Street North (Lister Block), Hamilton, subject to the following conditions:

(a) That prior to the issuance of a demolition permit under the Building Code Act for the boiler plant infrastructure for the Lister Block at 28-44 James Street North, and prior to any other demolition activity at 28-44 James Street North, the applicant supply photo-documentation of the:

(i) Interior of the underground bunker, confirming the structural status of the feature as described in the application; and,

(ii) Exterior back east wall of the Lister Block arcade.

(b) That the back wall of the Lister Block arcade be monitored through the demolition of the Boiler Plant Infrastructure by the proponent;

(c) If there are signs of incipient failure in the back wall of the Lister Block arcade during demolition activities, these activities shall cease and City staff (Cultural Heritage Planning and Building Services staff) shall be contacted to advise on any necessary interventions, and that the proponent take measures to immediately rectify the situation; and,

(d) That the back east wall of the Lister Block arcade shall be structurally braced after these demolition activities are complete.

(e) That the owner shall retain the services of a professional engineer, to monitor the contractor’s demolition work, from commencement to completion, for the purposes of ensuring the preservation and structural integrity of the designated building.

11. **Application for Approval of a Draft Plan of Condominium (Common Elements Condominium) for a Portion of Lands Located on Baseline Road (Block 29, Registered Plan 62M-1109) (Stoney Creek) (PED08150) (Ward 11) Item 6.1)**

That approval be given to **Condominium Application 25CDM-200804, “Marina Point at Baseline”, by A. DeSantis Developments Ltd., owner**, to establish a draft plan of...
condominium (Common Elements Condominium) to create a condominium road, storm water drainage channel, visitor parking area, fencing, amenity and landscaped areas, and easements for utility, servicing, access and maintenance, for 73 block townhouse dwellings located on Baseline Road, (Stoney Creek) (Block 29, Registered Plan 62M-1109), as shown on the attached map marked as Appendix “A” to Report PED08150, subject to the following conditions:

(a) That this approval applies to the plan prepared by A. J. Clarke and Associates Limited, dated January, 2008, showing the following condominium elements: a road, storm water drainage channel, 38 visitor parking spaces, amenity areas, landscaped areas, fencing, and easements for utility, servicing, access and maintenance, attached as Appendix “B” to Report PED08150.

(b) That the Final Plan of Condominium complies with all of the applicable provisions of Zoning By-law No. 3692-92.

(c) That the Owner shall enter into a Development Agreement to ensure that the tenure of each of the proposed 73 freehold units has legal interest, in common, to the Common Elements Condominium, to the satisfaction of the City Solicitor.

(d) That the Owner shall receive final approval of Part Lot Control Application PLC-08-007, including the enactment and registration on title of the Part Lot Control Exemption By-law, to the satisfaction of the Manager of Development Planning.

(e) That the Owner shall include the following warning clauses in the Development Agreement and all Purchase and Sale Agreements, and any rental or lease agreements required for occupancy:

“Purchasers are advised that the City of Hamilton will not be providing maintenance or snow removal service for the private condominium road.”

(f) That the Owner shall place adequate signage on the site, in accordance with the requirements of the Hamilton-Wentworth District School Board, advising that:

“Students from this development are likely to be redirected to schools outside of the area with available capacity, and that students may be transported as governed by the Board Transportation Policy.”

(g) 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.

(h) That the final plan of condominium complies, in all respects, with the approved Site Plan (DA-05-177), to the satisfaction of the Director of Planning, Planning and Economic Development Department.

(i) That the Owner shall satisfy any conditions, financial or otherwise, of the City of Hamilton.

12. Application for Approval of a Draft Plan of Condominium (Common Elements Condominium) for Lands Located at the Southwest Corner of Binbrook Road and Bradley Avenue (Block 244, Registered Plan 62M-1061) (Glancbrook) (PED08155) (Ward 11) (Item 6.2)

That approval be given to Condominium Application 25CDM-200805, by Empire Communities, Owner, to establish a draft plan of condominium (Common Elements Condominium) to create a condominium road, 20 visitor parking spaces, and a landscaped amenity area with walkways for a 46 unit townhouse development on lands located at the southwest corner of Binbrook Road and Bradley Avenue (Block 244, Registered Plan 62M-1061) (Glanbrook), as shown on the attached map marked as Appendix “A” to Report PED08155, subject to the following conditions:

(a) That this approval applies to the plan prepared by Bryan Jacobs, Ontario Land Surveyor, dated March 26, 2008, showing the following condominium elements: a road, 20 visitor parking spaces, and a landscaped amenity area with walkways, attached as Appendix “B” to Report PED08155.

(b) That the Final Plan of Condominium complies with all of the applicable provisions of Zoning By-law No. 464.

(c) That the Owner enters into a Development Agreement to ensure that the tenure of each of the proposed 46 freehold units has legal interest, in common, to the Common Elements Condominium, to the satisfaction of the City Solicitor.

(d) That the Owner receives final approval of Part Lot Control Application PLC-08-009, including the enactment and registration on title of the Part Lot Control Exemption By-law, to the satisfaction of the Manager of Development Planning.

(e) That the Owner includes the following warning clauses in the Development Agreement, all Purchase and Sale Agreements, and any rental or lease agreements required for occupancy:

"Purchasers are advised that the City of Hamilton will not be providing maintenance or snow removal service for the private condominium road"; and,

“Students from this development are likely to be redirected to schools outside of the area with available capacity and that students may be transported as governed by the Board Transportation Policy”.

(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 satisfies any conditions, financial or otherwise, of the City of Hamilton.

(h) That the final plan of condominium complies, in all respects, with the approved Site Plan (DA-07-052), to the satisfaction of the Director of Planning, Planning and Economic Development Department.

13. Applications to Amend the Ancaster Official Plan and Zoning By-law No. 87-57 for Property Located at 124 Wilson Street West (Ancaster) (PED08153) (Ward 12) (Item 6.3)

(a) That approval be given to Official Plan Amendment Application, OPA-07-030, by Ingrid Griffett, owner, to amend Policy 5.7.16 of the Town of Ancaster Official Plan, to permit business and professional offices within the existing building on lands located at 124 Wilson Street West (Ancaster), as shown on Appendix “A” to Report PED08153, on the following basis:

(i) That the Draft Official Plan Amendment, attached as Appendix “B” to Report PED08153 be adopted by City Council.

(ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement and conforms to the Hamilton-Wentworth Official Plan.

(b) That approval be given to Zoning By-law Amendment Application ZAR-07-103, by Ingrid Griffett, owner, for a change in zoning from the Residential “R3-294” Zone to a Modified Residential “R3-567” Zone, to permit business and professional offices only within the existing building for lands located at 124 Wilson Street West (Ancaster), as shown on Appendix “A” to Report PED08153, on the following basis:

(i) That the zoning of the subject lands be changed from the Residential “R3-294” Zone to a Modified Residential “R3-567 Zone.

(ii) That the Draft By-law, attached as Appendix “C” to Report PED08153, which has been prepared in a form satisfactory to the City Solicitor, not be forwarded to City Council for enactment until the owner has applied for and received approval of a Site Plan Application, to the satisfaction of the Manager of Development Planning.

(iii) That the amending By-law be added to Map 1 to Schedule “B” of Zoning By-law No. 87-57.

(iv) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan, and will be in conformity with the Town of Ancaster Official Plan upon approval of Official Plan Amendment No. __.

14. Application for an Amendment to Hamilton Zoning By-law No. 05-200, for Lands Located at 460 Wentworth Street North (Hamilton) (PED08151) (Ward 3) (Item 6.4)

That approval be given to amended Zoning Application ZAC-07-100, by the Robert Land Community Association, c/o Don MacVicar, for a change in zoning from the “D/S-647 & D/S-647b” (Urban Protected Residential - One and Two Family Dwellings, Etc.) Districts, Modified, in By-law No. 6593 to the Modified Major Institutional - Holding “H-I3-12” Zone, in By-law No. 05-200, for the lands located at 460 Wentworth Street North (Hamilton), as shown on Appendix “A” to Report PED08151, on the following basis:

(a) That the draft By-law, attached as Appendix “C” to Report PED08151, and as modified by Committee on July 7, 2008, respecting the elimination of the requirement for an archaeological assessment, and which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

(b) That the 'H' Holding Provision may be removed for the development of street townhouse dwellings, at such time as:

(i) A signed Record of Site Condition is submitted with the required administration fee, to the satisfaction of the City of Hamilton’s Director of Planning, including an acknowledgement from the Ministry of Environment; and,
(ii) That an acoustical report is prepared by a qualified Professional Engineer containing the recommended control measures, to the satisfaction of the City of Hamilton’s Director of Planning.

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

15. Amendment to the City of Hamilton Licensing By-law No. 07-170 Schedule 25 – Taxi Meter Fares (PED08154) (City Wide) (Item 8.1)

That approval be given to:

(a) Increasing the Taxi Meter Fare by 22.6% in accordance with the Taxi Cost Index (TCI), to keep up with the increased operating costs of taxicabs and to ensure a sustainable taxicab industry in the City of Hamilton.

(b) That the address for citizen complaints relating to the taxi industry under Schedule 25 of the Licensing Code be changed to reflect the temporary re-location of City Hall.

(c) That the By-law, attached as Appendix ‘A’ to Report PED08154, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.

16. Amendment to the City of Hamilton Licensing By-law No. 07-170 Schedule 25 – Taxi Licensing (PED08157) (City Wide) (Item 8.2)

(a) That approval be given to the incorporation of the revised Taxicab Priority List, as shown in Appendix “A” to Report PED08157, into Schedule 25 – Taxi Licensing which includes approval of the following revisions:

(i) Removal of the names of Ishar Singh, Peter C. Eldrige, Gary A. Vere, John Driscoll and Ken Muschik who each have received one (1) new taxicab owner licence available in 2007 from the 2006 Taxicab Priority List.

(ii) Removal of the names Leopauld G. Beauchamp, John Francis Mooney and Al Arthurs, all deceased in 2007.

(b) That the next two (2) individuals be invited to submit an application for new taxicab owner licences from the 2007 Taxicab Priority List.

17. **Planning for Employment in the Greater Golden Horseshoe (Provincial Background Paper) - Comments from the City of Hamilton (City Wide) (PED08156) (Item 8.3)**

(a) That the City of Hamilton commends the Ontario Growth Secretariat and Ministry of Public Infrastructure Renewal for their proactive approach to Employment Planning and the City recommends the following additions and changes to the proposed strategies contained in the *Planning for Employment in the Greater Golden Horseshoe Background Paper- May 2008*:

(i) The Vision statement in the Background Paper should be amended to add “airports” so the amended Vision Statement reads as follows: “Land for manufacturing and logistics and other industrial activities will be available, where appropriate, along highway and rail corridors, near ports and airports and intermodal facilities.”

(ii) Given the urgency, timing and cost of completing all the strategies identified in the Background Paper, the strategies should be ranked in terms of priority. The recommended ranking is included in Appendix “A” of this Report.

(iii) Staff support the review of the Land Supply Projection Methodologies (Strategy 4.2.2.b) so long as it is done with the concurrence and support of municipalities. If at the conclusion of the review, the Province requires municipalities to use their methodology, then it should not be identified as a guideline.

(iv) The Province, in partnership with municipalities, develops a common data base for an employment survey and provides funding to undertake and maintain an annual employment survey data. Alternatively, the Province could undertake a Greater Golden Horseshoe employment survey.

(v) The Province should start an immediate review to decouple the 50 persons and jobs per ha target between employment lands and other land uses and set a more realistic jobs per hectare target for employment lands.

(vi) The Province should actively pursue the following changes aimed at improving Brownfield redevelopment by:

(1) amending the Income Tax legislation to allow for the expensing of brownfield clean up costs;

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(2) reviewing Provincial funding models, i.e. the Brownfields Financial Tax Incentive Program, to allow for the greatest financial assistance to be awarded to sites that have the greatest public benefit;

(3) establishing a legacy fund which would front end environmental cleanups and pay it back through increased taxes;

(4) reducing or eliminating future liability for landowners after site clean up has been carried with a designated Ministry of the Environment site certificate, and;

(5) reviewing their standards for clean up to reduce the technical requirements for soil remediation without posing undue risk to human health.

(vii) The Province should amend the relevant legislation to grant Education tax increases through the Downtown Tax incentive programs authorized by Section 20 of the Planning Act.

(viii) The Province is encouraged to assist municipalities in funding innovative redevelopment opportunities that support downtown revitalization, intensification, and development around major transit stations.

(ix) In addition to the Downtown, the Province should include both Hamilton Airport and Port as future Provincially significant employment areas.

(x) The Province should develop and include employment strategies that address the challenges faced by agricultural industries as recognition of their importance to the economy and local food supply.

(b) That Report PED08156 and its Appendices be forwarded in their entirety to the Ontario Growth Secretariat and Ministry of Public Infrastructure Renewal as formal comments on Planning for Employment in the Greater Golden Horseshoe Background Paper - May 2008.

18. Tipping Fees for users of Liberty Energy facility, and other similar sites LS08005 (City Wide) – Outstanding Business Item of Economic Development and Planning Committee (Item 8.4)

(a) That Report LS08005 “Tipping Fees for Users of Liberty Energy Facility and other Similar Sites” be received; and

(b) That the relevant Item be removed from the Outstanding Business List.

19. Recommendation to Designate 46-52 James Street North, Hamilton, Under Part IV of the Ontario Heritage Act (Ward 2) (PED08159) (Item 8.5)

(a) That the designation of 46-52 James Street North, as a property of cultural heritage value pursuant to the provisions of Part IV of the Ontario Heritage Act, 1990, be approved.

(b) That the Statement of Cultural Heritage Value and Description of Heritage Attributes, attached as Appendix “A” to Report PED08159, be approved.

(c) That the City Solicitor be directed to take appropriate action to designate 46-52 James Street North, under Part IV of the Ontario Heritage Act, in accordance with the Notice of Intention to Designate, attached as Appendix “B” to Report PED08159.

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

The Clerk advised of the following changes.

-Additional delegation request, added as Item 4.2

-late report for the Building and Licencing Operational Review Sub-Committee has been distributed (Item 8.xx)

The Agenda for the July 7, 2008, meeting of the Economic Development & Planning Committee was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

Councillor Ferguson advised that he had a conflict with respect to Items 8.1 and 8.2, as he is an investor in the taxi industry.

(c) APPROVAL OF MINUTES (Item 3)

(i) The Minutes of the Economic Development and Planning Committee meeting held on June 17, 2008 were approved.
(ii) The Minutes of the Economic Development and Planning Committee meeting held on June 19, 2008 were approved.

(iii) The Minutes of the Economic Development and Planning Committee meeting held on June 23, 2008 were approved.

(d) Joel Farber, representing Trinity Development Group Inc., respecting WHID (West Hamilton Innovation District) (Item 4.1)

Councillor McHattie expressed his concerns that an applicant with a matter presently before the OMB would be speaking to Committee directly.

Staff provided information to Committee respecting the timing of the OMB process.

Committee resolved that the matter should remain at the staff level, and that the delegation would not be heard at Committee.

(e) Eileen Dunsmuir, respecting her request to reduce the Bingo Licence fees (Added Item)

Committee agreed to hear Ms Dunsmuir at a later meeting.

(f) Application for Approval of a Draft Plan of Condominium Conversion for Lands Located at 9 Sherman Avenue South (Hamilton) (PED08148) (Ward 3) (Item 5.1)

Chair Whitehead asked if there were any members of the public in the audience, who wished to speak to Committee about this item.

No-one came forward to address Committee.

Committee approved the staff recommendation.

(g) Heritage Permit Application (HP2008-022) Under Part IV of the Ontario Heritage Act to Demolish the Boiler Plant Infrastructure at 28-44 James Street North (Lister Block), Hamilton (PED08167) (Ward 2) (no copy) (Item 5.11)

Councillor McHattie spoke to his amendment to the staff recommendation, copies of which had been provided to all Committee members. He explained that the
amendment addressed the need to ensure that proper care was taken during demolition, and that he had consulted with Building Services staff, respecting appropriate wording.

Councillor Bratina expressed concerns that there may be industrial heritage material in the building. Staff advised that they would address this issue and follow up with the Councillor.

Committee approved the Amendment.

Committee then approved the staff recommendation as amended.

(h) Application for Approval of a Draft Plan of Condominium (Common Elements Condominium) for a Portion of Lands Located on Baseline Road (Block 29, Registered Plan 62M-1109) (Stoney Creek) (PED08150) (Ward 11) Item 6.1)

A Public Meeting was held.

Chair Whitehead 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 draft plan of condominium, 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 in respect of the proposed plan of condominium before the approval authority gives or refuses to give approval to the draft plan of condominium, 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/Ferguson), Committee agreed to forgo the staff presentation

Melanie Pham was present to assist Committee with the report

The applicant's agent, Steve Fraser, advised that he was satisfied with the staff report.

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

(i) Application for Approval of a Draft Plan of Condominium (Common Elements Condominium) for Lands Located at the Southwest Corner of Binbrook Road and Bradley Avenue (Block 244, Registered Plan 62M-1061) (Glanbrook) (PED08155) (Ward 11) (Item 6.2)

A Public Meeting was held.

Chair Whitehead 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 draft plan of condominium, 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 in respect of the proposed plan of condominium before the approval authority gives or refuses to give approval to the draft plan of condominium, 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/McHattie), Committee agreed to forgo the staff presentation

David Falletta was present to assist Committee with the report

The applicant’s agent, Paul Moore, Armstrong Hunter, advised that he was satisfied with the staff report.

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

Committee approved the staff recommendation.

(j) Applications to Amend the Ancaster Official Plan and Zoning By-law No. 87-57 for Property Located at 124 Wilson Street West (Ancaster) (PED08153) (Ward 12) (Item 6.3)

A Public Meeting was held.
Chair Whitehead 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 and before the Zoning 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 approval authority gives or refuses to give approval to the Official Plan Amendment and before the Zoning 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 (Ferguson/McHattie), Committee agreed to forgo the staff presentation

Cam Thomas was present to assist Committee with the report

The applicant’s agent, Steve Fraser, advised that he was satisfied with the staff report.

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

Committee approved the staff recommendation.

(k) Application for an Amendment to Hamilton Zoning By-law No. 05-200, for Lands Located at 460 Wentworth Street North (Hamilton) (PED08151) (Ward 3) (Item 6.4)

A Public Meeting was held.

Chair Whitehead 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 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 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.

David Falletta outlined the report to Committee and explained that a minor change is being proposed to the by-law. This revision eliminates the need for an archaeological assessment for the site, as preliminary site work has indicated that there is no need for further investigations on the site.

The applicant, John Ariens, advised that he was satisfied with the staff report.

Mr. Ariens explained that he was the applicant for this development application, in his role as Chair of the Board of Habitat for Humanity, and that he was not the planner. He requested that the minutes reflect his position on the application. He advised that the development is a partnership between Habitat and the Robert Land Centre, and noted that Brian Henley, a Director for Robert Land was also present.

He provided additional information respecting the two proposed townhouse blocks for the site, all to be built by Habitat volunteers. Mr. Ariens explained that concerns raised during local Public information centres had been addressed, particularly by including a laneway with additional parking spaces on the site, serving both the townhouses and the community centre. In view of this, there should be no impact on the existing parking situation in the area on Niagara Street.

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

Chair Whitehead relinquished the Chair to Councillor Pearson, and advised that he had spoken to the Ward Councillor, Bernie Morelli, about the application. Councillor Morelli had noted concerns about the local parking situation, and the need to maintain the site in a clean and safe condition at all times.

Mr Ariens explained how the parking was being addressed, and explained that safety was of prime importance for Habitat volunteers. He noted that the Habitat building process would be much longer than that of a traditional developer, with all of the services being installed and the block of 6 units being constructed before the second one is started. He confirmed that a clean and safe site would be maintained during this process.

Chair Whitehead resumed the Chair.

Committee approved the staff recommendation, as amended, with regard to the by-law.

(I) Amendments to the City of Hamilton Licensing Code By-law No. 07-170 – Schedule 25, Taxi Meter Fares (PED08154) (City Wide) (Item 8.1)

Chair Whitehead asked if there were any members of the public who wished to speak on the item. No-one identified themselves as wishing to speak.

Committee reviewed the staff report.

Councillor McHattie expressed concern about the ability to pay for taxi transportation, by some of the users, particularly the elderly. He explained that a more flexible approach to the proposed increases might be appropriate, while still maintaining the overall 22% increase. He suggested that staff should explore other ways of maintaining the overall increase which is based on a formula in the existing by-law, by reviewing different drop and kilometer rates.

Committee continued their discussion, and had additional information supplied by staff. Marty Hazell explained that staff could do some further calculations around the rates being proposed, but suggested that the Taxi Advisory Group should be consulted.

Councillor Bratina suggested that the whole way we currently pay for taxis could be reconsidered, based on the model used in various European countries. He explained that taxis are considered as part of a whole public transportation model, with input and assistance from higher levels of government. Councillor Bratina asked if assistance could be sought from the Provincial and Federal governments and whether the gas tax money could be used to assist here.

Joe Rinaldo explained that the use of gas tax revenues would not be possible, but that staff could pursue discussions with the other levels of government.

Chair Whitehead noted that there had been no increase in taxi fares for several years.

Councillor Clark asked whether we could follow the example of some other jurisdictions, and operate a Fuel Surcharge, since this would give more flexibility than using a set increase approach.

Committee continued their discussion of the matter.
A Motion was put (McHattie/Clark) to refer the matter back to staff with direction to re-work the proposed increases while remaining within the 22.6% overall increase and come back to Committee in August.

The Motion lost on a tie vote.

On a Motion, (Pearson/Duvall) the staff recommendation was approved. Councillors McHattie and Clark requested that their opposition be recorded.

Councillor Pearson noted that the report includes a recommendation that seniors will receive a 10% reduction in the fares.

(m) **Amendment to the City of Hamilton Licensing By-law No. 07-170 Schedule 25 – Taxi Licensing (PED08157) (City Wide) (Item 8.2)**

Chair Whitehead asked if there were any members of the public who wished to speak on the item. No-one identified themselves as wishing to speak.

Committee approved the staff recommendation.

(n) **Planning for Employment in the Greater Golden Horseshoe (Provincial Background Paper) - Comments from the City of Hamilton (City Wide) (PED08156) (Item 8.3)**

Joanne Hickey-Evans provided an overview of the staff report.

Committee reviewed the staff report and asked staff for clarification on some of the content and recommendations.

Councillor Clark suggested that improved wording should be included in subsection (a) (iv) 4, to assist landowners after a clean up of land has been completed to MOE standards. Committee approved this as an amendment.

Councillor McHattie expressed his concerns about subsection (ix), the request to add the port and the Downtown to the Province’s future significant employment areas, if this means that the number of jobs being provided on the land around the airport can be at a lower level than previously expected.

On a Motion (McHattie/Bratina), Committee agreed to hear a delegation from Cathy Drewitt, Downtown BIA.
Ms Drewitt addressed Committee and explained that the Chamber of Commerce and the Downtown BIA both supported the addition of the port and airport to the Province’s future significant employment areas. She noted their wish to have the jobs/residents per hectare figure for the Downtown increased to 250 or 300, since the figure is already at 200. She also expressed concern that the Province should make the Education tax fair across all of Ontario.

Councillor McHattie expressed his concern that he had previously requested that the figure for the Downtown be raised to 300. He noted that he would work with Clerks to track his previous request.

Committee continued their discussion of the issues, and staff confirmed that the figures for the Downtown were already around 200, and so the target in the Official Plan policies would be around 250 jobs/residents per hectare.

Staff provided further clarification respecting the jobs/people figures, and confirmed that there was no differentiation between public and private sector workers. Ms Hickey-Evans agreed to send an e-mail to Chair Whitehead with further information on this topic for the Downtown.

Committee approved the staff recommendation, as amended.

Councillor McHattie requested that his opposition to subsection (ix), be recorded.

(o) Tipping Fees for users of Liberty Energy facility, and other similar sites
LS08005 (City Wide) – Outstanding Business Item of Economic Development and Planning Committee (Item 8.4)

Chair Whitehead explained that this matter had been referred back to staff following the consideration of the application from Liberty Energy. The legal opinion received from staff indicates that Council has no authority under the Municipal Act to charge tipping fees for this kind of operation.

Councillor Clark expressed his concerns that his original amendment to the staff recommendation had been based on the question of whether staff would include such a condition during the negotiations respecting the Certificate of Approval required for the Liberty Energy project, under the Environmental Assessment Act. He asked whether this Certificate had now been issued.

Steve Robichaud responded that while the draft Certificate of Approval had been issued, it might still be possible to request the Ministry to consider further conditions.

Committee received the staff report, and removed the item from the Outstanding Business List.
Sharon Vattay gave an overview of the staff report with the aid of a powerpoint presentation. She noted that the Thomas Building was a rare surviving example of a stone building in the Downtown, and had cultural, historical and architectural merit. Ms Vattay explained that the designation would allow proper management of the heritage resource, and that it would not apply to the back wall or the interior.

Tony De Pasquale addressed Committee as the representative of Joe Mancinelli, LIUNA, the owner of the subject property.

Reading from a prepared statement, Mr. De Pasquale covered a number of points, including but not limited to the following:

- report does not include current physical condition of building
- report written without the benefit of an engineer's study, building is in poor shape
- stone facing on front wall of building is no longer properly tied in to the field stone wall behind it, whole thing needs to be taken down and rebuilt
- all of interior features of the building have been removed
- architectural significance of majority of the building has been lost
- timing of designation report is suspect
- designation would lead to restrictions on use of building
- designation would lead to delays and economic hardship to the owner
- many reasons why building should not be designated
- designation would be an obstacle to the development of Lister Phase 2
- if designated, owner will appeal and will apply for a demolition permit

Committee discussed the points raised by the delegate.
Councillor McHattie expressed concerns respecting the tone and some of the language used by the delegate.

Mr. De Pasquale apologised for the use of the word suspect, in his presentation, but added that the proposed designation comes at the worst possible time for LIUNA.

Committee discussed the matter in detail, and had additional information supplied by staff and by the speaker.

Mr. McCabe added that the designation of this building had previously been discussed with LIUNA, when the Balfour Building collapsed, and that no objections had been made then.

Committee approved the staff recommendation.

(q) **Building and Licensing Division Operational Review Sub-committee Report 08-002** (Item 8.6)

Committee discussed the staff report, which had been distributed this morning.

Councillor Bratina suggested that rather than forming a new Animal Control Advisory Sub-Committee for animal control issues, the existing Sub-Committee should undertake this work, with delegations and input from the public. Councillor Pearson agreed with this approach and recommended that the by-law from Stoney Creek should be reviewed for its content and applicability.

Councillor Ferguson expressed concerns that Committee had not received the report in adequate time to consider all the details within it.

On a Motion, Committee deferred consideration of the staff report to the next meeting, and directed that a staff presentation should be made then.

(r) **Motions** (Item 9)

None

(s) **Notices of Motion** (Item 10)
(t) General Information (Item 11)

(i) Verbal Update from Councillor Bratina, respecting Task Force on Cleanliness and Security in the Downtown

Councillor Bratina provided an overview of the work of the Task Force. He explained that John Kusik, a consultant, had been engaged to do a Safety and Security Audit of the Downtown Improvement Project Area, and that this was currently being worked through by the Committee, with input from the various affected City departments. Councillor Bratina emphasised the importance of the input from and dialogue with various social service agencies, since they were an important element in the Downtown.

Councillor Bratina then invited other members of the Committee to join the Task Force on one of their walkabouts, to see how things are progressing in the Downtown. He noted that one of the most notorious buildings in the Downtown, the Sandbar, now belonged to the City and that its future refurbishment and re-use was of great significance to the Downtown.

On a Motion, Committee received the presentation.

(ii) News from the General Manager (no copy)

Tim McCabe updated Committee on various items of interest, including Economic Development issues, staffing, the newly approved parking fines, the anti-idling message being used on the Enforcement section phone lines, and the great success of the recent gatefold in the Spectator.

Mr. McCabe spoke to the department’s new information binder, copies of which had been distributed to the Committee members and to the press. Mr. McCabe explained that this was essentially a draft document, and contained information on the functions within his department, as well as various sections which explained some of the most common processes and elements handled by his staff. He added that the information sections would eventually be included on the City web site.

Councilor Ferguson requested an update on Key Performance Measures on investment and Mr. McCabe responded that the draft report was ready for further consultation with the Business Advisory Committee. Following further discussion, Mr. McCabe agreed that he would send the draft report to all EDP committee members, for their comment.
On a Motion, Committee received the presentation.

(u) **PRIVATE AND CONFIDENTIAL (Item 12)**

None

(v) **ADJOURNMENT (Item 13)**

On a Motion, the Economic Development and Planning Committee adjourned at 12.55 p.m.

Respectfully submitted,

Terry Whitehead, Chair
Economic Development and Planning Committee

Alexandra Rawlings, Co-ordinator
Economic Development and Planning Committee
July 7, 2008