AT THEIR MEETING OF JUNE 24, 2009, COUNCIL AMENDED THE REPORT, AS NOTED BELOW

THE ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE PRESENTS REPORT 09-014 AND RESPECTFULLY RECOMMENDS:

1. Westdale Village Business Improvement Area (B.I.A.) Revised Board of Management (PED07010(d)) (Ward 1) (Item 5.1)

That the following individuals be appointed to the Westdale Village B.I.A.’s Board of Management:

Grant Valley
Allison Liss
Jim Lyon
Brian Adams

2. Response to the Ontario Human Rights Commission Respecting Rental Housing Licensing By-Law Report (PED07296(d)) (City Wide) (Item 5.2)
(a) That staff be directed to respond to the December 19, 2008 letter from the Ontario Human Rights Commission by outlining the strategic approach being taken by the City of Hamilton to investigate the regulation of residential rental housing.

(b) That the item entitled “Letter from Barbara Hall, Chief Commissioner, Ontario Human Rights Commission respecting Rental Housing Licensing By-law”, referred from Council on January 12, 2009, be identified as complete and removed from the Economic Development and Planning Committee’s Outstanding Business List.

3. **Issuance of Taxicab Owner Licences from the Taxicab Priority List (PED09089(a)) (City Wide) (Item 5.3)**

(a) That Walid Chafic be issued a taxicab owner licence from the approved 2008 Taxicab Priority List.

(b) That Hannibal Rizzuto be issued a taxicab owner licence from the approved 2008 Taxicab Priority List.

(c) That Stan Krok be issued a taxicab owner licence from the approved 2008 Taxicab Priority List.

4. **Amendments to the Property Standards By-law 03-117 to Reflect Current Waste Management Principles (PED09165) (City Wide) (Item 5.4)**

That Item 4 of Economic Development and Planning Committee Report 09-014 respecting Amendments to the Property Standards By-law 03-117 to Reflect Current Waste Management Principles be referred back to the Economic Development and Planning Committee in order to allow consultation with staff on the implications of these amendments.

(a) That the Property Standards By-law No. 03-117 be amended to support and align with the City’s Solid Waste Management Master Plan and the requirements of the City’s Solid Waste Management By-law 09-067, by updating the definitions and requirements for depositing and storing of waste and waste diversion.

(b) That the proposed amending by-law, attached as Appendix “A” to Report PED09165, which has been prepared in a form satisfactory to the City Solicitor be enacted.
5. **Demolition Permit – 14 Lloyminn Avenue (Ancaster) (PED09167) (Ward 12) (Item 5.5)**

That the Director of Building Services be authorized and directed to issue a demolition permit for 14 Lloyminn Avenue (Ancaster) in accordance with By-Law 08-226 pursuant to Section 33 of *The Planning Act*, as amended, subject to the following conditions:

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

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

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

(d) That the applicant be required to register on title to the subject property (prior to issuance of the said demolition permit), notice of these conditions (including the directions to the City Clerk outlined in sub-section (e)) in a form satisfactory to the Director of Building 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 – 161 Terrence Park Drive (Ancaster) (PED09169) (Ward 12) (Item 5.6)**

That the Director of Building Services be authorized and directed to issue a demolition permit for 161 Terrence Park Drive in accordance with By-Law 08-226 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;
(4)

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(d) That the applicant be required to register on title to the subject property (prior to issuance of the said demolition permit), notice of these conditions (including the directions to the City Clerk outlined in sub-section (e)) in a form satisfactory to the Director of Building 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. Demolition Permit – 219 Lovers Lane (Ancaster) (PED09170) (Ward 12) (Item 5.7)

That the Director of Building Services be authorized and directed to issue a demolition permit for 219 Lovers Lane (Ancaster) in accordance with By-Law 08-226 pursuant to Section 33 of The Planning Act, as amended subject to the following conditions:

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

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

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

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

8. Demolition Permit – 338 First Road East (Stoney Creek) (PED09172) (Ward 11) (Item 5.8)

That the Director of Building Services be authorized and directed to issue a demolition permit for 338 First Road East, (Stoney Creek) in accordance with By-Law 08-226 pursuant to Section 33 of The Planning Act, as amended.

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9. **Demolition Permit – 363 Tapleytown Road (Stoney Creek) (PED09175) (Ward 11) (Item 5.9)**

That the Director of Building Services be authorized and directed to issue a demolition permit for 363 Tapleytown Road (Stoney Creek) in accordance with By-Law 08-226 pursuant to Section 33 of The Planning Act, as amended.

10. **Demolition Permit – 47 Church Street (Stoney Creek) (PED09180) (Ward 10) (Item 5.10)**

That the Director of Building Services be authorized and directed to issue a demolition permit for 47 Church Street (Stoney Creek) in accordance with By-Law 08-226 pursuant to Section 33 of The Planning Act, as amended, subject to the following conditions:

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

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

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

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

11. **Request to add 71 Claremont Drive, Hamilton (“Claremont Lodge” or Auchmar Gatehouse) to the Municipal Registry of Properties of Cultural Heritage Value or Interest Hamilton Municipal Heritage Committee Report 09-002) (Item 8.3)**

That the request from the Hamilton Municipal Heritage Committee to recognize 71 Claremont Drive, Hamilton (Claremont Lodge or Auchmar Gatehouse) as
being of cultural heritage value or interest be endorsed, and that the property be included in the Municipal Register of Properties of Cultural Heritage Value or Interest according to the provisions of the Ontario Heritage Act.

12. Demolition Permit – 1078 Garth Street (PED09133) (Ward 8) (Item 6.1)

That the Director of Building Services be authorized and directed to issue a demolition permit for 1078 Garth Street in accordance with By-Law 08-226 pursuant to 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 limit, that the City be paid the sum of $20,000;

(d) That the applicant be required to register on title to the subject property (prior to issuance of the said demolition permit), notice of these conditions including the directions to the City Clerk outlined in sub-section (e) in a form satisfactory to the Director of Building 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 paid, as a lien or charge upon the property until paid.

13. Application for a Modification in Zoning for Lands Located at 55 Unsworth Drive (Hamilton) (PED09171) (Ward 6) (Item 6.2)

That approval be given to Zoning Application ZAR-08-064, by B. K. Graham Limited, Owner, for a modification to the “M-14” (Prestige Industrial) District, to permit offices as an additional use, for the lands located at 55 Unsworth Drive (Hamilton), as shown on Appendix “A” to Report PED09171, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED09171, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(b) That the proposed change in zoning conforms to the Provincial Policy Statement, the Hamilton-Wentworth Official Plan, and the City of Hamilton Official Plan.
14. Applications for Amendments to the Hamilton Official Plan and Hamilton Zoning By-law No. 6593, for Lands Located at 480 and 500 Centennial Parkway North and 20 Warrington Street, in the Former City of Hamilton (PED09166) (Ward 5) (Item 6.3)

(a) That approval be given to amended Official Plan Amendment Application OPA-07-08, by Confederation Park Shopping Centres Limited (Smart Centres Limited), Owners, for Official Plan Amendment No. [ ], to amend Schedule “A” Land Use Concept, of the City of Hamilton Official Plan, for a redesignation from “Industrial” to “Commercial”, and to identify it as Special Policy Area [ ] on Schedule “B” Special Policy Areas, for the lands located at 480 and 500 Centennial Parkway North and 20 Warrington Street, as shown on Appendix “A” to Report PED09166, on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED09166, and as amended by Committee on June 16, 2009, as follows, be adopted by City Council.

That Clause ii) a) on Page 2 of Appendix “B” should be modified to read as follows:

ii) In addition to Section A.2.2.6 – A.2.13, Shopping Centres of this Plan, the following provisions shall apply to Special Policy Area XX:

   a) A maximum total floor area of 45,058 square metres shall be permitted for the entire site, of which, a maximum floor area devoted to retail and service uses shall be 23,226 square metres. However, an additional 1 square metre of retail and services uses shall be permitted for every 1 square metre of non-retail and service uses, as identified in the Zoning By-law, for which construction has substantially COMMENCED on the site. In addition, the maximum floor area for a single retail store shall be 18,581 square metres.

(ii) That the proposed Official Plan Amendment, as amended, is consistent with the Provincial Policy Statement, Growth Plan for the Greater Golden Horseshoe, and conforms to the Hamilton-Wentworth Official Plan.

(b) That approval be given to amended Zoning Application ZAC-07-029, by Confederation Park Shopping Centres Limited (Smart Centres Limited), Owners, for a change in zoning from the “KK” (Restricted Heavy Industrial) District to the “G-1-‘H’/S-1613” (Designed Shopping Centre - Holding) District, Modified, for the lands located at 480 and 500 Centennial Parkway North and 20
Warrington Street, as shown on Appendix “A” to Report PED09166, on the following basis:

(i) That the draft By-law attached as Appendix “C” to Report PED09166, which has been prepared in a form satisfactory to the City Solicitor, and as amended by Committee on June 16, 2009, as follows, be enacted by City Council;

That Section 2(c) of the Draft By-law be revised to read as follows:

“2(c). A maximum gross floor area of 23,226 square metres of retail and service uses shall be permitted, plus an additional 1 square metre of retail and service uses for every 1 square metre of the following non-retail and service uses for which construction has substantially commenced:…”

That Clause 3(a) of the by-law be modified to read as follows:

That the “H” symbol referred to in Section 1 of this By-law shall be removed conditional upon:

a) Completion and implementation of a Traffic Impact Study, which also addresses the access requirements of 21 Warrington Street, to the satisfaction of the Ministry of Transportation, and Manager of Traffic Engineering and Operations, Public Works Department.

(ii) That the proposed changes in zoning conform to the Hamilton-Wentworth Official Plan, and will conform to the City of Hamilton Official Plan upon approval of Official Plan Amendment No. ___.

(c) That the “Urban Design Guidelines”, dated January 2009, and shown on Appendix “D” to Report PED09166, be adopted by Council, subject to the revisions outlined in the report.

(d) That upon finalization of the implementing By-laws, the new Urban Official Plan be modified to incorporate the subject lands as Special Policy Area No. ____.

15. Application for an Amendment to the Township of Glanbrook Official Plan and Zoning By-law No. 464 for the Lands Located at 2100, 2120 and 2190 Rymal Road East (Glanbrook) (PED09145) (Ward 11) (Item 6.4)

(a) That approval be given to amended Official Plan Amendment Application OPA-06-29, by Hamilton Mountain Developments Inc., c/o Smart Centres Inc., for Official Plan Amendment No. ___, to amend Schedules “A” and “I” of the
Township of Glanbrook Official Plan and the Rymal Road Secondary Plan, from “Residential” to “Commercial”, and from “Low to Medium Density Residential” to “General Commercial” and “Medium to High Density Residential”, for the lands located at 2100, 2120 and 2190 Rymal Road East, in the City of Hamilton, as shown on Appendix “A” to Report PED09145 on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED09145, 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 amended Zoning Application ZAC-06-111, by Hamilton Mountain Developments Inc., c/o Smart Centres Inc., for changes in zoning from the General Commercial “C3-175” Modified Zone to the General Commercial “C3-175(A)” Modified Zone (Block 1), from the Residential Multiple - Holding “H-RM3-175” Zone to the General Commercial - Holding “H1-H2-C3-175(A)” Zone (Block 2), from the Residential Multiple “H-RM2-173” Holding Zone to the General Commercial - Holding “H1-H2-C3-175(A)” Zone (Block 3), from the Residential Multiple - Holding “H-RM3-175” Zone to the Residential Multiple Holding “H-RM2-173” Zone to the Residential Multiple Holding “H-RM4-257” Zone (Block 5), for the lands located at 2100, 2120 and 2190 Rymal Road East, in the City of Hamilton, as shown on Appendix “A” to Report PED09145, on the following basis:

(i) That the draft By-law, attached as Appendix “C” to Report PED09145, which has been prepared in a form satisfactory to the City Solicitor, 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 Township of Glanbrook Official Plan upon approval of Official Plan Amendment No. 16.


That Report PED09160 respecting TradePort International Corporation Lease Compliance – Auditor’s Report on the Annual Statement of Percentage Rent Computation, be received for information and not be released as a public document.
Item 17  Proposed Purchase of 9879 Airport Road, Described as Part 1, Plan 62R-18409, in the Former Township of Glanford, now in the City of Hamilton (Chuvalo) (PED09161) (City Wide) (Item 8.1)

That Item 17 of Economic Development & Planning Committee Report 09-014 respecting the above-noted matter be deleted in its entirety and replaced with the following in lieu thereof:

(a) That an Option to Purchase, executed by 1059481 Ontario Limited, scheduled to close on or before August 27, 2009 to purchase the land described as Part of Lot 1, Concession 5, in the Former Township of Glanford, now in the City of Hamilton, more particularly described as all of PIN No. 17400-0005(LT), known municipally as 9879 Airport Road, Hamilton, shown on attached Appendix “A” to Report PED09161, be approved and completed, and the purchase price of $3,163,070.00 be charged to Account No. 3620504502.

(b) That as consideration, the amount of $2.00, paid to the owner pursuant to the agreement, be deducted from the purchase price.

(c) That the Mayor and Clerk be authorized and directed to execute all necessary documents in a form satisfactory to the City Solicitor.

(d) That upon approval of the purchase of 9879 Airport Road, the Director of Fleet and Facilities be authorized and directed to take all necessary steps for the demolition of the subject buildings, and that the cost for the demolition and any additional ancillary expenses be charged to Account No. 3620504502.

(e) That completion of the Option to Purchase document is conditional upon the City of Hamilton being satisfied with the results of an Environmental Site Assessment to be completed on the property prior to the date of closing.

(f) That the sum of $79,500.00 be funded from Account No. 3620504502 and credited to Account No. HAMTN 47702-3560150200 (Capital – Property Purchases and Sales) being the costs incurred for real estate services.

(g) That the property(ies) remain in the ownership of the City and not vested in the Hamilton International Airport at this time;
(h) That Report PED09161 respecting the City of Hamilton purchase of 9879 Airport Road, described as Part 1, Plan 62R-18409, in the former Township of Glanford, now in the City of Hamilton, from 1059481 Ontario Limited (George Chuvalo), be received for information and not be released as a public document.

17. Proposed Purchase of 9879 Airport Road, Described as Part 1, Plan 62R-18409, in the Former Township of Glanford, now in the City of Hamilton (Chuvalo) (PED09161) (City Wide) (Item 8.1)

That the subject report and recommendation be endorsed but remain confidential until final disposition by Council.

Item 18 Proposed Purchase of 1208 Glancaster Road, Described as Part of Lot 48, Concession 5, in the Former Township of Ancaster, now in the City of Hamilton (PED09162) (City Wide) (Item 8.1)

(That Item 18 of Economic Development & Planning Committee Report 09-014 respecting the above-noted matter be deleted in its entirety and replaced with the following in lieu thereof:

(a) That an Option to Purchase, executed by Ezio and Fulvia Acciaroli on March 17, 2009 and scheduled to close on or before August 21, 2009 to purchase the land described as Part of Lot 48, Concession 5, in the Former Township of Ancaster, now in the City of Hamilton, more particularly described as all of PIN No. 17399-0057 (LT), known municipally as 1208 Glancaster Road, Hamilton, shown on attached Appendix “A” to Report PED09162, be approved and completed, and the purchase price of $621,500.00 be charged to Account No. 3620504502.

(b) That as consideration, the amount of $2.00, paid to the owner pursuant to the agreement, be deducted from the purchase price.

(c) That the Mayor and Clerk be authorized and directed to execute all necessary documents in a form satisfactory to the City Solicitor.

(d) That upon approval of the purchase of 1208 Glancaster Road, the Director of Fleet and Facilities be authorized and directed to take all necessary steps for the demolition of the subject buildings, and that the cost for the demolition and any additional ancillary expenses be charged to Account No. 3620504502.
(e) That completion of the Option to Purchase document is conditional upon the City of Hamilton being satisfied with the results of an Environmental Site Assessment to be completed on the property prior to the date of closing.

(f) That the sum of $16,000.00 be funded from Account No. 3620504502 and credited to Account No. HAMTN 47702-3560150200 (Capital – Property Purchases and Sales) being the costs incurred for real estate services.

(g) That the property(ies) remain in the ownership of the City and not vested in the Hamilton International Airport at this time;

(h) That Report PED09162 respecting City of Hamilton purchase of 1208 Glancaster Road, described as Part of Lot 48, Concession 5, in the former Township of Ancaster, now in the City of Hamilton, from Ezio and Fulvia Acciaroli, be received for information and not be released as a public document.

18. Proposed Purchase of 1208 Glancaster Road, Described as Part of Lot 48, Concession 5, in the Former Township of Ancaster, now in the City of Hamilton (PED09162) (City Wide) (Item 8.1)

That the subject report and recommendation be endorsed but remain confidential until final disposition by Council.

Item 19 Proposed Purchase of 1603 Glancaster Road, Described as Part of Lot 1, Concession 4, in the Former Township of Glanbrook, now in the City of Hamilton (PED09163) (City Wide) (Item 8.1)

That Item 19 of Economic Development & Planning Committee Report 09-014 respecting the above-noted matter be deleted in its entirety and replaced with the following in lieu thereof:

(a) That an Option to Purchase, between the City of Hamilton and Cora May Landers, scheduled to close on or before August 27, 2009 to purchase the land described as Part of Lot 1, Concession 1, in the Former Township of Glanbrook, now in the City of Hamilton, more particularly described as all of PIN No. 17399-0215 (LT), known municipally as 1603 Glancaster Road, Hamilton shown on attached Appendix “A” to Report PED09163, be approved and completed, and
the purchase price of $2,338,700.00 be charged to Account No. 3620504502.

(b) That as consideration, the amount of $2.00, paid to the owner pursuant to the agreement, be deducted from the purchase price.

(c) That the Mayor and Clerk be authorized and directed to execute all necessary documents in a form satisfactory to the City Solicitor.

(d) That upon approval of the purchase of 1208 Glancaster Road, the Director of Fleet and Facilities be authorized and directed to take all necessary steps for the demolition of the subject buildings, and that the cost for the demolition and any additional ancillary expenses be charged to Account No. 3620504502.

(e) That completion of the Option to Purchase document is conditional upon the City of Hamilton being satisfied with the results of an Environmental Site Assessment to be completed on the property prior to the date of closing.

(f) That the sum of $58,500.00 be funded from Account No. 3620504502 and credited to Account No. HAMTN 47702-3560150200 (Capital – Property Purchases and Sales) being the costs incurred for real estate services.

(g) That the property(ies) remain in the ownership of the City and not vested in the Hamilton International Airport at this time;

(h) That Report PED09163 respecting the City of Hamilton purchase of 1603 Glancaster Road, described as Part of Lot 1, Concession 4, in the former Township of Glanbrook, now in the City of Hamilton, from Cora May Landers, be received for information and not be released as a public document.

19. Proposed Purchase of 1603 Glancaster Road, Described as Part of Lot 1, Concession 4, in the Former Township of Glanbrook, now in the City of Hamilton (PED09163) (City Wide) (Item 8.1)

That the subject report and recommendation be endorsed but remain confidential until final disposition by Council.
FOR INFORMATION

(a) CHANGES TO THE AGENDA (Item 1)

The Committee Clerk advised the following changes to the agenda:

- Two added delegation requests, which have been added as Items 4.1 and 4.2

- Schedule for Item 8.1 Demolition Permit – 1078 Garth Street (PED09133) (Ward 8), was not included in the printed Agenda has been distributed

- Thirdly, the address which was provided for Item 5.6 was incorrect and should be 161 Terrence Park Drive. All of the conditions remain unchanged.

The agenda for the June 16, 2009, meeting of the Economic Development & Planning Committee was approved, as amended

(b) DECLARATIONS OF INTEREST (Item 2)

Councillor Ferguson declared an interest respecting Item 5.3, as he is an investor in the taxi industry.

(c) APPROVAL OF MINUTES (Item 3)

The Minutes of the June 2, 2009 Economic Development and Planning Committee meeting were approved, as presented.

(d) Demolition Permit – 161 Terrence Park Drive (Ancaster) (PED09169) (Ward 12) (Item 5.6)

John Spolnik explained that an incorrect address has been provided by the applicant for the subject application. Staff have confirmed that all the details of the report, and the recommendations, are satisfactory.

Committee approved the recommendation, as amended respecting the municipal address.
(e) **Agriculture & Rural Affairs Advisory Committee, February 26, 2009 (Item 5.12(a))**

Committee received the Minutes as follows:

That the Agricultural & Rural Affairs Advisory Committee Minutes of February 26, 2009 be received for information.

(f) **Hamilton Municipal Heritage Committee, April 23, 2009 (Item 5.12(b))**

Committee received the Minutes as follows:

That the Hamilton Municipal Heritage Committee Minutes for April 23, 2009 be received for information.

(g) **Neighbourhood Residential Rental Housing (Wards 1, 8, 10 & 12) Community Liaison Committee, January 27, 2009 (Item 5.12(c))**

Committee received the Minutes as follows:

That the Neighbourhood Residential Rental Housing (Wards 1, 8, 10 & 12) Community Liaison Committee Minutes for January 27, 2009 be received for information.

(h) **Neighbourhood Residential Rental Housing (Wards 1, 8, 10 & 12) Community Liaison Committee, February 7, 2009 (Item 5.12(d))**

Committee received the Minutes as follows:

That the Neighbourhood Residential Rental Housing (Wards 1, 8, 10 & 12) Community Liaison Committee Minutes for February 7, 2009 be received for information.

(i) **Neighbourhood Residential Rental Housing (Wards 1, 8, 10 & 12) Community Liaison Committee, March 4, 2009 (Item 5.12(e))**

Committee received the Minutes as follows:
That the Neighbourhood Residential Rental Housing (Wards 1, 8, 10 & 12) Community Liaison Committee Minutes for March 4, 2009 be received for information.

(j) Demolition Permit – 1078 Garth Street (PED09133) (Ward 8) (Item 6.1)

Frank Peter gave an overview of the application, which had been referred back from the previous Council.

A representative from Valeri Homes confirmed that the company is proposing to build a standard semi-detached building and that the company does not build student housing.

Committee approved the staff recommendation.

(k) Application for a Modification in Zoning for Lands Located at 55 Unsworth Drive (Hamilton) (PED09171) (Ward 6) (Item 6.2)

Chair Pearson 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 passes the zoning bylaw 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 passes the zoning by-law the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

Chair Pearson advised that Councillor Jackson, the Ward Councillor, was in favour of the application.

On a Motion (Ferguson/Duvall), Committee agreed to dispense with the planner's presentation.

Melanie Pham was present to assist Committee.
The applicant’s agent, Ben Graham, advised that he was satisfied with the staff recommendation.

No members of the public came forward to address Committee.

Committee approved the staff recommendation.

Applications for Amendments to the Hamilton Official Plan and Hamilton Zoning By-law No. 6593, for Lands Located at 480 and 500 Centennial Parkway North and 20 Warrington Street, in the Former City of Hamilton (PED09166) (Ward 5) (Item 6.3)

Chair Pearson 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 passes the zoning by-law, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board.

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

Peter De Iulio was present to assist Committee and gave an overview of the matter, with the help of a powerpoint presentation. His comments included, but were not limited to, the following:

- original application submitted May 2007, with 250,000 sq. ft. Wal-Mart
- various changes since then, Wal-Mart now proposed 200,000 sq. ft. plus additional retail, hotel and office space
- June 2008, Council approved the conversion of subject lands from employment to commercial
- October 2008, ERASE grant approved for site
- Several studies submitted with application
- Outstanding issues include traffic, MTO and City need extra information Re: Post Redhill full opening; whether Warrington will be extended to connect to South Service Road
- Proposed by-law is site specific, does not allow public uses, includes “H” provision
- New Urban Official Plan has site specific policies for subject site
- Public concerns include:
  - Compatibility issues
  - Extension of Warrington Street
  - Conversion of lands from employment to commercial.

Following questions from Committee, staff provided additional information:

- no peer review of Tate report, due to timing of Council decision on conversion of lands from employment, no alternative uses for site were then considered
- consideration not given to use of site as rail yards, as the new location of Stewart Street yards
- staff recommending minor changes to wording of Official Plan policies, respecting floor area for retail and service uses.

The applicant’s agent, Christine Cote, Confederation Park Shopping Centres, advised that she was satisfied with the staff recommendation.

- Wal-Mart being relocated from Eastgate, where insufficient space for food sales and full array of goods
- Market studies show two Wal-Marts, here and at Fifty Road, can proceed, as they are in different trade areas
- Considers the application is in accord with Sorenson Gravely and Robin Dee Studies
- Traffic Study done, and the site can proceed with/without Warrington Street extension
- Will continue to work with Purolator on access issues, new development may not need full access to South Service Road
- Understands “H” provision, need for RSC
- Approximately 1500 new jobs, including 300 non-retail
- $100 million investment in proposal, high level of urban design, re-development of brownfield site
- request for minor changes in wording of by-law.

Following questions from Committee, Ms. Cote and her team provided additional information:

- proposed development will pay $2.4 million annually in taxes
- will provide in excess of 1450 jobs
- aware of contamination, difficult history of the site
- relocation of store from Eastgate to allow a larger store, with food sales
- not aware of net gain/loss in income between employment versus commercial lands, but will identify the information, and forward it to the Clerk

Staff provided further information, including the following:

- site always proposed for some commercial, some employment lands
- implementation of Council vision for lands entirely as commercial, can be justified by staff
- one of original objections has been withdrawn, from adjacent owners, Alcarb. But Purolator still has concerns.

Jim McLellan, 5995 Avebury Road, Mississauga, Director of Real Estate, Purolator:

- outstanding concern is access to building; if Warrington is extended to South Service Road, office workers, transport trucks will not be able to access building
- Smart Centres is very co-operative, but Purolator needs certainty to permit their continued operation, or will need to object
- Suggested added condition to specify no “H” removal until secure access, to satisfaction of Purolator, is achieved.

Lynda Lukasik, Environment Hamilton, addressed Committee. Her comments included, but were not limited to, the following:

- proposal contrary to Provincial policy, need for conversion must be demonstrated
- ‘need” includes greater good of community, not just individual need of a business

- staff originally recommended 5.9 ha of the site needed for commercial not whole site
- need to follow Nodes and Corridors approach, as per new Official Plan, approach endorsed by MMAH
- Hemson Report said conversion undesirable
- Questioned if Council had right to tell staff these lands to be commercial, in light of Provincial policy and requirement to conform
- Need to demonstrate conversion is needed
- MMAH wants most of urban employment lands to be within Urban Boundary, not all on greenfields
- Contrary to neighbourhood plans in Official Plan
- Concern for pedestrian, cycle access to subject site, Centennial Parkway busy, no sidewalks under narrow railway bridge, unsafe conditions
- Can railway bridge be widened?
- No public transit to development, will affect many people in concentration of apartments near Eastgate who currently walk to the Mall
- Negative impact of added commercial space will be felt elsewhere in the area
- Environment Hamilton does not support proposal.

Ms. Lukasik agreed to provide a written copy of her comments to the Clerk.

Chair Pearson relinquished the Chair to Councillor Ferguson and addressed Committee:

- railway bridge being looked at as part of Transit Review
- Council made decision on conversion last year.

Staff confirmed there was no commitment at this time to add a bus route to the site.

Joe Minor, 24 Sterling Street, Hamilton, addressed Committee. His comments included, but were not limited to, the following:

- member of Environment Hamilton and Hamiltonians for Progressive Development, and both groups reserve right to appeal
- opposed to re-designation of the site from employment to commercial, Council should not have approved this, concern that decision made without any public notice and without a public meeting
- agreed with comments of Lynda Lukasik
- recommended that Committee hold decision until has all information from Smart Centres
- change from employment lands is lost opportunity cost, employment use would be socially better
- jobs on the site are not meaningful employment, low wages, profits go off-site
- site will contribute to global warming, mentioned 3 books everyone should read:
  - Collapse: How Societies Choose to Fail or Succeed by Jared Diamond,
  - Earth in the Balance by Al Gore
  - Out of Gas by David Goodstein
- recommended City not obstruct people who are dealing with the global crisis
- use industrial lands for industrial purposes
- consultants for City said this site only suitable for small area of commercial, majority should be industrial, they should be listened to

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- urged Committee to follow physician’s creed, “first, do no harm”.

Peter Hutton, Hamilton Transport Users Group and Hamilton campaign for adequate welfare and disability benefits, addressed Committee. His comments included, but were not limited to, the following:

- concerns about proposal
- will be loss at Eastgate when Wal-Mart goes
- understands Committee has to deal with proposals but people are affected here and will get lost
- HSR said there could be a bus route to site in future, but HSR stretched, a new route will mean a lost route elsewhere. Need to put in bus route now, not later on.
- Need to consider people in decisions, need to show leadership and build sustainable community, don’t keep avoiding doing the right thing
- People working in Wal-Mart on minimum wage cannot afford rent and a car, same problem with jobs at airport.

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

Chair Pearson advised that additional letters respecting the proposal had been received and distributed as follows:

- Madorin, Snyder, withdrawing the objection previously put forward by Alcarb, and others
- Osler, Haskin, Harcourt, respecting their client, Purolator

The Chair confirmed that the Public Meeting was now concluded.

Committee discussed the amendments proposed by staff, the applicant and by Purolator, and by Motion, approved the following amendments:

That Clause ii) a) on Page 2 of Appendix “B” respecting the Official Plan Amendment, should be modified to read as follows:

iii) In addition to Section A.2.2.6 – A.2.13, Shopping Centres of this Plan, the following provisions shall apply to Special Policy Area XX:

a) A maximum total floor area of 45,058 square metres shall be permitted for the entire site, of which, a maximum floor area devoted to retail and service uses shall be 23,226 square metres.
However, an additional 1 square metre of retail and services uses shall be permitted for every 1 square metre of non-retail and service uses, as identified in the Zoning By-law, for which construction has substantially commercial on the site. In addition, the maximum floor area for a single retail store shall be 18,581 square metres.

That Section 2(c) of the Draft By-law be revised to read as follows:

“2(c). A maximum gross floor area of 23,226 square metres of retail and service uses shall be permitted, plus an additional 1 square metre of retail and service uses for every 1 square metre of the following non-retail and service uses for which construction has substantially commenced: . . . ”

That Clause 3(a) of the by-law be modified to read as follows:

Committee continued their discussion.

Councillor Whitehead expressed his concerns, including:

- continuing concern respecting conversion of employment lands to commercial
- need to ensure long-term vision for employment lands.

Councillor Bratina expressed his concerns, including:

- this proposal should not be approved
- need to consider this site for future railway yard, consider suitability of site regarding access and location, need to relocate Stewart Street yard from present location, as part of City vision for North End

Committee approved the Recommendation, as amended, on a Standing Recorded Vote:

YEAS: Councillors Pearson, Pasuta, Mitchell, Ferguson, Duvall
Total: 5
NAYS: Councillor Whitehead, Bratina
Total: 2
ABSENT: Councillors McHattie, Clark
Total: 2

(m) Application for an Amendment to the Township of Glenbrook Official Plan and Zoning By-law No. 464 for the Lands Located at 2100, 2120 and 2190 Rymal Road East (Glenbrook) (PED09145) (Ward 11) (Item 6.4)

Chair Pearson 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 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 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.

Joe Muto was present to assist Committee and gave an overview of the matter, with the help of a powerpoint presentation. His points included, but were not limited to, the following:

- Wal-Mart is being expanded, to include food uses, previous by-law did not allow food sales, as per agreement as part of OMB Settlement on ROPA 9
- New Canadian Tire proposed, new housing at west end of site
- Explained cap on servicing of the area.

The applicant’s agent, Christine Cote, advised that she was satisfied with the staff recommendation.

Her points included, but were not limited to, the following:

- satisfied with proposed amendments, understands requirement for “H” Holding provisions
- 475 new jobs created, includes 200 at Wal-Mart
- $300,000 tax revenue added
- $80 million investment

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- overall Smart Centres is making ½ billion dollar investment in Hamilton, with their projects.

Anthony Longo addressed Committee. His comments included but were not limited to, the following:

- he and family own Farmer Al’s Supermarket – been there 15 years, blue collar market, affordable food.
- independently owned
- Wal-Mart a devastating blow
- Wal-Mart has lower-end goods, sold more cheaply, will destroy our family business, our family, harm our employees
- Has no problems with Wal-Mart being on Rymal, has problem with their proposed food sales
- No need for another food store
- Concern for little people, small business, will be affected.

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

The Chair confirmed that the Public Meeting was now concluded.

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

- subject site is within a node, appropriate place for expansion
- staff support added food store use
- difficult to address competition between stores.

Committee approved the staff recommendation.

Councillor Bratina asked for his opposition to be recorded.

By Motion, Committee suspended the meeting at 12:15 p.m., to permit the Special Public Meeting on the New Official Plan to take place, as advertised.

Committee resumed at 4:55 p.m.

(n)  Airport Implementation Task Force Report 09-002 (Item 8.1)

On the following Motion, Committee moved into Closed Session;
That Committee move into Closed Session to consider three items pursuant to Section 239 of the Municipal Act, 2001 and Item 8.1(c) of the City’s Procedural By-law as the subject matters pertain to proposed or pending acquisition or disposition of land for municipal or local board purposes.

CARRIED

Committee reconvened in Open Session at 5:05 p.m.

Councillor Mitchell advised that the Committee had met in Closed Session to consider three proposed property acquisitions, and that the matter would now be forwarded to Council for final disposition.

(o) Motions (Item 9)

None.

(p) Notices of Motion (Item 10)

None.

(q) General Information (Item 11)

(i) 108 Creighton Road (Dundas) (Outstanding Business List due date June 16, 2009) (Item 11.1)

Committee, by Motion, agreed with the new date of October 20, 2009, or sooner if possible.

(ii) News from the General Manager (Item 11.2)

Tim McCabe provided an update with respect to the Green Energy and Green Economy Act and the position of the Province with respect to wind turbines, and other renewable energy undertakings.

(r) Private and Confidential (Item 12)

No further items.

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There being no further business, the Economic Development and Planning Committee adjourned at 5:15 p.m.

Respectfully submitted,

Maria Pearson, Chair
Economic Development and Planning Committee

Alexandra Rawlings, Co-ordinator
Economic Development and Planning Committee
June 16, 2009