Economic Development and Planning Committee

AMENDED REPORT 10-002
Tuesday, February 2, 2010
9:30 a.m.
Albion Room, Convention Centre
1 Summer’s Lane
Hamilton, Ontario

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

Staff Present: T. McCabe, General Manager – Planning and Economic
Development
P. Mallard, T. Sergi, M. Hazell, B. Janssen, T. Lee,
D. Falletta, C. Plosz, S. Robichaud – Planning and Economic
Development
R. Sabo, A. Zuidema, J. Wice -Legal Services
A. Rawlings – City Clerk’s Office

AT THEIR MEETING OF FEBRUARY 10, 2010, COUNCIL AMENDED THE REPORT,
RESPECTING ITEMS
THE ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE PRESENTS
REPORT 10-002 AND RESPECTFULLY RECOMMENDS:

1. Barton Village Business Improvement Area (B.I.A.) Revised Board of
Management (PED07029(c)) (Item 5.1)

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

Tanya Sheets
Steven Barber
Greg Ammendolia

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2. **Locke Street Business Improvement Area (B.I.A.) - Proposed Budget and Schedule of Payment for 2010 (PED10027) (Item 5.2)**

a) That the 2010 operating budget for the Locke Street B.I.A. (attached as Appendix ‘A’ to Report PED10027) be approved in the amount of $10,250.00.

b) That the General Manager of Finance and Corporate Services be hereby authorized and directed to prepare the requisite by-law pursuant to Section 208, The Municipal Act, 2001, to levy the 2010 budget as referenced in sub-section (a) above.

c) That the following schedule of payments for 2010 be approved:

   - February $2,562.50
   - April   $2,562.50
   - July    $2,562.50
   - October $2,562.50

   Assessment appeals may be deducted from the levy payments.

3. **Downtown Hamilton Business Improvement Area (B.I.A.) Revised Board of Management (PED07006(e)) (Item 5.3)**

That the following individuals be appointed to the Downtown Hamilton B.I.A.'s Board of Management:

   Emil Fusaro  
   Navid Kichi

4. **Lincoln Alexander Parkway and Redhill Parkway Road Signage Fees (PED10015) (Item 5.4)**

That Council approve the fees for the Logo Program for the Lincoln Alexander Parkway and Redhill Parkway effective January 1, 2010, as follows:

   (a) Annual pricing:

   - (i) Mainlines / Ramps $2,500
   - (ii) Trailblazing    $ 200

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5. **Ontario Realty Corporation (ORC) Surplus Land - Project 8034** - Located at 512 Highland Road West, Described as Part of Lots 33 and 34, Concession 7, Former Township of Saltfleet, now City of Hamilton (PED10025) (Ward 9) (Item 5.5)

(a) That the Real Estate Section of the Economic Development and Real Estate Division of the Planning and Economic Development Department be authorized and directed to advise the Ontario Realty Corporation that the City of Hamilton has no interest in acquiring their land located at the intersection of Upper Mount Albion Road and Stone Church Road, legally described as Part of Lots 33 and 34, Concession 7, in the former Township of Saltfleet, now City of Hamilton, as shown on Appendix “A” to Report PED10025.

(b) That the Real Estate Section of the Economic Development and Real Estate Division of the Planning and Economic Development Department be authorized and directed to advise the Ontario Realty Corporation of the City of Hamilton requirements to the development of the site as contained in the “Relevant Consultation” Section of Report PED10025.

6. **Application for Approval of a Draft Plan of Subdivision, “465 Springbrook Avenue”, and Amendments to Zoning By-law No. 87-57, for Lands Located Within Part of Lot 50, Concession 3, Municipally Known as 465 Springbrook Avenue (Ancaster) (PED10026) (Ward 12) (Item 6.1)**

(a) That approval be given to **Amended Draft Plan of Subdivision Application 25T-200907, by Saddique Khan, Owner**, to establish a Draft Plan of Subdivision, known as “465 Springbrook Avenue”, on lands located within Part of Lot 50, Concession 3, municipally known as 465 Springbrook Avenue (Ancaster), as shown on Appendices “A” and “B” to Report PED10026, subject to the following conditions:

(i) That this approval apply to “465 Springbrook Avenue”, prepared by L.G. Woods Surveying Inc., and certified by E.G. Salzer, OLS, dated January 11, 2010, showing ten lots (Lots 1-10) for single detached dwellings, six blocks (Blocks 11-14, 19, and 20) for future residential development, three blocks (Blocks 15-17) for 0.3 metre reserves along Springbrook Avenue, and the extension of one street (Fair Street), attached as Appendix “B” to Report PED10026, subject to the Owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the Special Conditions attached as Appendix “D”.

(ii) Acknowledgement that there will be no City share for any municipal works associated with this development.
(iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to
Section 51 of the Planning Act, prior to the issuance of each building
permit for the lots (Lots 1-10) and blocks within this plan. The calculation
of the Cash-in-Lieu payment shall be based on the value of the lands on
the day prior to the issuance of each building permit.

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

(b) That approval be given to **Zoning Application ZAC-09-027, by Saddique Khan, Owner**, for changes in zoning from the Agricultural “A” Zone to the Residential “R4-605” Zone, Modified (Block 1), with a Special Exception; to the Residential “R4-606” Zone, Modified (Block 2), with a Special Exception; and to the Residential “R4-563” Zone, Modified (Block 3), with a Special Exception, as shown on Appendix “A” to Report PED10026, for lands located at 465 Springbrook Drive (Ancaster), on the following basis:

(i) That the draft By-law, attached as Appendix “C” to Report PED10026, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

(ii) That the amending By-law be added to Schedule “B” of Zoning By-law No. 87-57; and,

(ii) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan, the Town of Ancaster Official Plan, and the Ancaster Meadowlands Neighbourhood IV Secondary Plan.

7. **Applications for Approval of a Draft Plan of Subdivision, “Green Millen Shore Estates”, and Amendments to the Stoney Creek Official Plan and Zoning By-law No. 3692-92, and City of Hamilton Zoning By-law No. 05-200, for Lands Located at 310, 311, 321, 331, 341, 351, 361, 371, 380 and 381 Frances Avenue, Stoney Creek (PED10017) (Ward 10) (Item 6.2)**

(a) That approval be given to **Amended Draft Plan of Subdivision Application 25T-200809, by LPF Realty Residential Inc., Owner**, to establish a draft plan of subdivision, known as “Green Millen Shore Estates”, on lands located at 310, 311, 321, 331, 341, 351, 361, 371, 380 and 381 Frances Avenue, in the former City of Stoney Creek, as shown on Appendix “A” to Report PED10017, subject to the following conditions:

(i) That this approval apply to “Green Millen Shore Estates”, 25T-200809, as red-line revised, prepared by the IBI Group, and certified by Dan McLaren, OLS, dated May 8, 2009, showing 2 lot-less blocks (Blocks 1 and 5) for single detached dwellings, semi-detached dwellings, and townhouse units; 2 open space blocks (Blocks 2 and 4), 1 municipal storm channel block...
(Block 3), and the extension of Frances Avenue to the North Service Road, attached as Appendix “B” to Report PED10017, subject to the Owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the Special Conditions attached as Appendix “C” to Report PED10017;

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

(iii) That payment of Cash-in-Lieu of Parkland will not be required, pursuant to Section 10 of By-law No. 09-124 (Parkland Dedication By-law), since a 1.344 hectare park was previously dedicated to the City as part of the registration of the “South Shore Estates” plan of subdivision;

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

(b) That approval be given to Amended Official Plan Amendment Application OPA-08-019, by LPF Realty Inc., Owner, for Official Plan Amendment No.____, to amend Schedule “A”, General Land Use Plan, from “Residential” to “Special Policy Area ‘G’”, from “Residential” to “Special Policy Area ‘H’”, from “Shopping Centres” to “Special Policy Area ‘I’”, and from “Residential” to “Open Space”, and to amend Schedule “D”, Functional Road Classification, to remove a section of Frances Road as a designated Collector Road, of the Official Plan for the City of Stoney Creek on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “D” to Report PED10017, be adopted by City Council.

(ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement, Places to Grow: Growth Plan for the Greater Golden Horseshoe (P2G), and conforms to the Hamilton-Wentworth Official Plan.

(c) That approval be given to Amended Zoning Application ZAC-08-079, by LPF Realty Inc., Owner, for changes in zoning to Stoney Creek Zoning By-law No. 3692-92, from the Multiple Residential “RM5-7” Zone to the Mixed Use Commercial “MUC-4” Zone (Block 1), with a Special Exception; from the Neighbourhood Shopping Centre “SC1” Zone to the Mixed Use Commercial “MUC-5” Zone (Block 2), with a Special Exception; from the Multiple Residential “RM5-7” Zone to the Multiple Residential “RM3-40” Zone (Block 3), with a Special Exception; from the Multiple Residential “RM5-7” Zone to the Multiple Residential “RM3-41” Zone (Block 4), with a Special Exception; from the Multiple Residential “RM5-7” Zone to the Residential “R6-5” Zone (Block 5), with a Special Exception; from the Open Space “OS” Zone to the Multiple Residential “RM3-40” Zone (Block 6), with a Special Exception; and to incorporate lands into By-law No. 3692-92 to the Multiple Residential “RM3-40” Zone (Block 7), with a Special Exception.
Exception (see Schedule “A” in Appendix “E”); and to the City of Hamilton Zoning By-law No. 05-200 by adding the Open Space (P4) Zone (Blocks 1 and 2) and the Conservation/Hazard Land (P5) Zone (Blocks 3 and 4) to Maps 1052, 1097, and 1098 of Schedule ‘A’ (see Schedule ‘A’ in Appendix “F”), on the following basis:

(i) That the draft By-laws, attached as Appendices “E” and “F” to Report PED10017, which have been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

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

(d) That upon finalization of Official Plan Amendment No. ___, and the implementing Zoning By-laws, the approved Lakeshore Neighbourhood Plan be amended to reflect the revised designations and road pattern.

(e) That staff be directed to request the Minister of Municipal Affairs and Housing to appropriately modify the Urban Hamilton Official Plan to implement Council’s decision once Official Plan Amendment No. ____ in Recommendation (b) is final and binding.

8. **Cootes to Escarpment Land Management Strategy - Endorsement of Phase 2 Report (PED08009(a)) (Wards 1, 13 and 15) (Item 7.1)**

(a) That Council endorse the Cootes to Escarpment Park System Conservation and Land Management Strategy Phase 2 Report, and the “Cootes to Escarpment Park System: A Conservation Vision”.

(b) That Planning and Economic Development Department staff continue to provide in-kind resources for implementation of the Cootes to Escarpment Park System Conservation and Land Management Strategy.

(c) That the City of Hamilton make a one-time contribution of $2,500 to be used for hiring a part-time Project Manager to continue with implementation of the Cootes to Escarpment Park System Conservation and Land Management Strategy, with this $2,500 contribution to be funded from the Planning Division’s Operating Budget (Account 55801 - Dept. ID 812018).
THE FOLLOWING ITEM WAS REFERRED BACK TO COMMITTEE FOR FURTHER DISCUSSION.

9. Revised Tree Protection Guidelines for Development Sites (PD02229(e)) (City Wide) (Outstanding Business List Item) (Item 8.1)

(a) That the Tree Protection Guidelines, dated December 2009, attached as Appendix “A” to Report PD02229(e), and as amended by Committee, on February 2, 2010, noted below, be adopted by Council;

That compensation and cash-in-lieu be added back into the guidelines; with compensation comprising replanting one tree for every one removed. If there is not room to plant this replacement tree on-site, cash-in-lieu will be provided to the City to plant trees elsewhere.

(b) And further, that staff be directed to use these as the new Guidelines for the preparation of Tree Protection Plans (TPPs) associated with the approval of development applications.

(c) That the fees for reviews and approvals under the Tree Protection Guidelines be added to the User Fees and Charges By-law.

10. North Dufferin Agricultural Community Taskforce – Controversy over Competing Land Uses in North Dufferin where a new quarry may mean the loss of agricultural lands – Referred from Council August 13, 2009 (Agriculture and Rural Affairs Advisory Committee-Report 09-002) (Item 8.2)

That the following recommendation from the Agriculture and Rural Affairs Advisory Committee be approved;

The Agriculture and Rural Affairs Advisory Committee supports the concerns of the North Dufferin Agricultural and Community Taskforce (NDACT) and respectfully requests that City of Hamilton Council endorse this request (attached to this Report as Appendix A) by writing a letter to NDACT indicating the City of Hamilton’s support as it pertains to this item.

11. Update respecting matter before the OMB: Losani Homes, Greenhill Glen, 12 Ambrose Avenue (Item 12.2)

(a) That the two offers of settlement respecting the Greenhill Glen applications, from Losani Homes, as considered in Closed Session by the Committee on February 2, 2010, be rejected, and that Losani Homes be so advised;

(b) And that the two offers remain confidential and not be released publicly.
THE FOLLOWING MATTER WAS LIFTED FROM THE INFORMATION SECTION, (ii)(o) AND THEN APPROVED AS ADDED ITEM 12

12. Confederation Park Shopping Centre (Smartcentres), 400-500 Centennial Parkway North and Warrington Street

(a) That the City of Hamilton support a settlement respecting the appeal presently before the Ontario Municipal Board, Board (Case/File 090764) between Hamiltonians For Progressive Development and Environment Hamilton, as appellants, and Confederation Park Shopping Centre (Smartcentres), the applicant, which secures both employment (industrial) and commercial Official Plan designations and related zoning, for lands fronting on Centennial Parkway, as implemented through revised planning instruments (Official Plan and Zoning) prepared by Hamilton planning staff;

(b) That the Mayor and City Clerk be authorized to execute appropriate Minutes of Settlement with Confederation Park Shopping Centre (Smartcentres) respecting the Official Plan designations of the subject lands in the City’s new Urban Official Plan.

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

The Clerk advised of the following changes to the agenda:

- typographical error in the Consent Section, the final two items should have been listed as Items 5.6(a) and 5.6(b).

On a Motion, the Agenda for the February 2, 2010 meeting of the Economic Development & Planning Committee was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

None at the start of the meeting.

During consideration of Item 6.3, Bars and Nightclubs, Chair Ferguson declared a conflict as his sister owns the Old Mill.
(c) **APPROVAL OF MINUTES (Item 3)**

Minutes of the meeting of the Economic Development and Planning Committee on January 19, 2010 were approved, as presented.

(d) **Minutes of the Agriculture and Rural Affairs Advisory Committee August 27, 2009 (Item 5.7(a)**

The Minutes of the Agriculture and Rural Affairs Advisory Committee August 27, 2009 were received.

(e) **Minutes of the Hess Village Liaison Committee November 16, 2009 (Meeting No. 2) (Item 5.7(b)**

The Minutes of the Hess Village Liaison Committee November 16, 2009 (Meeting No. 2) were received.

(f) **Application for Approval of a Draft Plan of Subdivision, “465 Springbrook Avenue”, and Amendments to Zoning By-law No. 87-57, for Lands Located Within Part of Lot 50, Concession 3, Municipally Known as 465 Springbrook Avenue (Ancaster) (PED10026) (Ward 12) (Item 6.1)**

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

a) If a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before the approval authority approves the draft plan conditions and passes the 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 approves the draft plan conditions and passes the 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.
Timothy Lee was present to assist Committee and gave an overview of the application with the assistance of a powerpoint presentation.

Committee asked questions including, but not limited to, the following:

- discrepancies in the tree protection details, accuracy of tree plan
- removal of large number of trees, many mature, and whether this fits in with relevant policies
- identification of tree species, do the trees include protected species?

The applicant’s agent, Joe Lakatos, advised that he was satisfied with the staff recommendation, and provided further clarification respecting the identification of the trees. His points included the following:

- the report from the second arborist is accurate, this arborist is qualified by Ministry
- trees are bitternut, and not butternut. While butternut is endangered, bitternut is not, problem of identification made when trees identified before fully leafed out.

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

Committee approved the staff recommendation.

(g) Applications for Approval of a Draft Plan of Subdivision, "Green Millen Shore Estates", and Amendments to the Stoney Creek Official Plan and Zoning By-law No. 3692-92, and City of Hamilton Zoning By-law No. 05-200, for Lands Located at 310, 311, 321, 331, 341, 351, 361, 371, 380 and 381 Frances Avenue, Stoney Creek (PED10017) (Ward 10) (Item 6.2)

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

a) If a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before the approval authority gives or refuses to give approval to the Official Plan Amendment, approves the draft plan conditions and passes the zoning by-law, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board.

b) If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Council of the City of Hamilton before the approval authority gives or refuses to give approval to the Official Plan Amendment, approves the draft plan conditions and passes the zoning by-law, the person or public body may not be added as
Chair Ferguson advised that additional communications from the following people had been distributed this morning:

- Vincent Skinner, 1-484 Millen Road, Bal Harbour, Stoney Creek
- Gloria Petitti
- Barbara Joy, 507-500 Green Road, Stoney Creek

Committee received the three letters.

David Falletta was present to assist Committee and explained the applications, with the aid of a powerpoint presentation. Highlights included, but were not limited to, the following:

- area previously approved in 1973 approved as residential, high density only two apartments built, other ten buildings not constructed
- current plan for range of residential, plus a waterfront trail and Environmentally Significant Area (ESA)
- plan has reduced density from 1973 approved plan
- shoreline area to be dedicated to City once wall constructed, ESA studies approved by ESAIEG, traffic study satisfactory
- Ward Councillor had a Neighbourhood meeting, generally positive response

Committee asked various questions and staff responded to those as follows:

- portion of the ESA functions as a migratory bird stopover, particularly in button bush swamp
- ESA will be dedicated to City, following construction of residential
- Waterfront trail and sea wall will be built then dedicated to City
- Frances Avenue will become cul-de-sac
- noise study for noise adjacent to South Service Road will be required
- sea wall will be constructed to current best engineering standards, life expectancy 50-100 years
- City cannot require reserve for failure of wall
- developer does not have to grant wall/trail to City, has agreed to do so
- ESA ownership will be with City, Conservation Authority did not want ownership
- buffer around ESA will include walkway, built by applicant, walkway will help preserve integrity of ESA.

Sergio Manchia, IBI, the applicant's agent, addressed Committee in support of the staff recommendation. He introduced the team working on the proposal:
Mr. Manchia gave an overview of the proposal, with the aid of a powerpoint presentation. His points included, but were not limited to, the following:

- large, significant area, approximately 45 acres, including 2300 linear feet of shoreline
- largest vacant parcel of shoreline land, between Niagara and Oshawa
- proposal complies with all relevant policy documents
- previously approved for high density development in 1973, 2 highrise buildings constructed, remaining 10 were not built
- applicant will spend $2 million on sea wall, then will dedicate wall and trail to City
- design features of development will take advantage of views to water and views to escarpment.

Steven Wimmer, MBTW Group, addressed Committee with points including the following:

- design of townhouses includes laneways with garages, thus no garages on the street
- range of housing types
- roof terraces on highrise buildings will be “green roofs”
- noise attenuation from South Service Road will be handled by building walls, not by noise walls.

Julia Murnaghan, Dougan & Associates, addressed Committee with points including the following:

- ESA will have a 10 metre buffer, this buffer is completely outside the ESA
- Boundaries of ESA are defined topographically, and by occurrence of green ash, which acts as its own “buffer”.

Councillor McHattie requested that consideration be given to extending the buffer around ESA, by 5 metres.

Bob Flemington, 21 – 484 Millen Road, President of Bal Harbour Estates Condominium, addressed Committee. His points included but were not limited to:

- in favour of development, in principle, commended staff for all their work
- key issue is traffic, requested on-going involvement in the plans, wanted to know if roadway at end of Frances planned for extension
- good to build breakwall, to protect site, his condominium corporation having trouble with own sea wall, after 10 years of its life

Ken Thornton, 301 Frances Avenue, addressed Committee. His points included but were not limited to the following:

- concern about sea wall, shoreline protection and erosion issues
- detailed concerns about seawall construction, timing, expected life of wall, issues related to deterioration of existing sea wall structures, impact of new wall on existing sea walks
- concern respecting non native material, concrete and red clay, which now underpin the seawalls – where is real shoreline situated?

Submitted a copy of his comments for the public record.

Chair Ferguson suggested Mr. Thornton should talk to Tony Sergi about these details, after the meeting.

The Ward Councillor, Councillor Pearson, confirmed that existing residents would be involved in on-going design process.

Another resident addressed Committee. His points included but were not limited to the following:

- concerns about spillway, this needs to be re-inforced
- need separation, fences, between existing condominiums and new development
- need adequate off street parking on new development to stop people parking on existing condominium roadways
- will beach area to east of storm channel be accessible by access through existing structures?
- will “window to lake” park have some parking provided, as they do in Burlington?
- thanked David Falletta for all his help over past year
- in favour of development and the shoreline protection, applauded the developer for dedication of shoreline, urged City to accept it.

Dave Bennett, 500 Green Road, addressed Committee. His points included, but were not limited to the following:

- congratulated Sergio Manchia and his group for a great development proposal
- but has concern over life cycle of sea wall, his condo rebuilding and repairing its own sea wall, $450,000 repair in on-going
- need to ensure security of his condominium, need fence.

Bruce Merwant, 485 Green Road, Condo Corporation Wentworth 333, addressed Committee. His points included but were not limited to the following:

- concern about traffic on Green Road/South Service Road
- his condo corporation in favour of the development

Linda Mifflin, 301 Frances, addressed Committee. Her points included but were not limited to the following:

- will apartment building at west side of site be a rental building, this is of concern
- requested apartment building also be a condominium
- wanted details of height of building
- people use existing path along east side of ESA
- requested access be provided to any future beaches.

Rae Wilcox, addressed Committee. Her points included, but were not limited to the following:

- questioned where people would park, if they wanted to access the shoreline, to view lake.

Staff provided the following responses to questions raised by the speakers:

- there will be no individual driveways on the North Service Road
- the future zoning of the blocks outside the subject development includes a school site
- sea wall will be designed to current standards, will be peer reviewed
- Site Plan will address requirement for fences between existing condos and new development
- tenure of building on west side of plan not known yet
- height of this building not known yet
- as shoreline trail part of waterfront trail, idea is that people will access trail at Cherry Beach, and other locations, where parking exists
- MNR and Conservation Authority control shoreline and works, very complex subject, dynamic beach effects.

There were no further public speakers.
On a Motion (Pearson/Whitehead), the staff recommendation was then put on the floor.

Committee asked further questions and made additional comments on the issue.

- cost of wall, repairs and life cycle is an issue
- is greenspace being dedicated a requirement under the Planning Act – no, over and above the requirement
- one of last significant areas for new public ownership of lake shoreline
- can buffer around ESA be extended, by 5 metres or so
- Councillor McHattie questioned if meeting should have been held in Stoney Creek, that he had heard from residents who wanted this.

Councillor Pearson noted her Neighbourhood Meeting on item last year, attended by approximately 50 people. Mr. Manchia attended, good, positive comments received. Residents liked cul-de-sac arrangement for Frances Avenue. Councillor Pearson noted that based on results of that meeting, had concluded there was no need to hold the official Planning Act Public Meeting in Stoney Creek.

Committee approved the staff recommendation.

Chair Ferguson thanked staff for their hard work on the project and acknowledged the work of the Ward Councillor to help bring the development to this stage.

(h) Establishing a “Bars and Nightclubs” Licensing Category (PED09127(b)) (City Wide) (Item 6.3)

The Chair advised that this is a public hearing, pursuant to the Municipal Act, to hear from persons who would like to speak on the proposed changes to the by-law. It has been advertised in the newspapers.

Marty Hazell provided an overview of the proposed changes to the Licensing By-law, with the aid of a powerpoint presentation. Copies of the handout were provided to Committee. Highlights of the presentation included the following:

- subject matter result of Council direction following their consideration of a report respecting Hess Village, in May 2009
- proposal is to change Licensing By-law to establish new category for “nightclubs”, for establishments where entertainment/dancing/serving liquor occurs
- new regulations include specifications on security, provision of crowd control plans, noise control plans, higher license fees
- no expansion to Hess Village Entertainment boundaries at this time

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new process for liquor license application review also to be established
other municipalities, including Burlington and Toronto, have a separate “nightclub” definition.

The Chair advised that as this is a City initiative, there is no outside agent to address Committee.

The Chair then asked the speakers who had registered with the Clerk to come forward.

Greg Cepettelli, Slainte and the Corktown, addressed Committee. His comments included but were not limited to, the following:

- not much notice given of changes, little detail
- proposed terminology of great concern, his business includes music and security but his business is pubs, pubs are not nightclubs
- we are a restaurant in the day, the business transitions at night
- changes would have serious impacts on insurance costs, on mortgages and loans for businesses
- his businesses are in heritage buildings, active areas but not part of Hess
- establishment of Corktown has helped to improve neighbourhood, used to be a drug-based business, made large investment, brought it back
- bars and restaurants are lightning rod for Downtown, need to continue to improve Downtown, to get more people in, allow people to feel safe
- by-law changes talk about traffic and crowds, but we need crowds and traffic, these are positive for businesses and Downtown as a whole
- employs 75 people, have $1m payroll.

Paul Pappas, Smooth Herman’s Sports Diner, addressed Committee. His comments included, but were not limited to, the following:

- in restaurant business, likes idea of ‘nightclub” definition but the definition in by-law flawed, under this all restaurants with a license could be categorized as nightclubs
- all restaurants which have any kind of music, eg. A guitarist with dinner, would become "nightclubs"
- restaurants are different from nightclubs, need specific definition.

Chair Ferguson asked whether all restaurants could fall within the definition of “nightclub”, whether the Old Mill would be included, and noted that staff had previously advised that it would not.

Mr. McCabe explained that it was not the intent of the by-law to include regular restaurants, but there was some doubt, due to the vagueness of the definition.
Chair Ferguson then declared an interest in the matter, as his sister owns the Old Mill Restaurant. He added that his declaration was needed if there was any possibility of this establishment being considered under the new by-law. Councillor Ferguson left the room.

Councillor Bratina assumed the Chair.

Marian Tucker, 110 George Street, addressed Committee. Her points included, but were not limited to, the following:

- representing 17 premises in Hess Village, all of whom have concerns with the proposed changes
- group has hired Turkstra Mazza to represent them
- requested the matter be tabled.

Bob Plouffe, 28 Highbury Drive, Stoney Creek, addressed Committee. His comments included, but were not limited to, the following:

- 26 years experience in entertainment business, including employment as liquor inspector
- wording too loose, too difficult to interpret
- needs further review by staff, police, Council
- offered his assistance to Committee, if they would like.

Wassie Mulugeta, owner of Ethiopian Restaurant, 207 James Street South, addressed Committee. His comments included, but were not limited to, the following:

- concern with information provided
- opened his restaurant 5 months ago
- considering possibility of a nightclub at his premises, needs clarification of by-law
- suggested that "private nightclub" definition could be included in the by-law.

Chair Bratina asked if Ron Gillen or Judy MacDonald would like to come forward to address Committee. They were not present. The Chair then asked if there were any more speakers. None came forward.

Committee discussed the matter. Their points included but were not limited to, the following:

- problem with definition of "nightclub", need to identify differences between bars/restaurants/nightclubs
- letter which was sent out from staff was too vague
- lack of public consultation on item
- proposal to change request for liquor licence review welcomed
- support changes but need a better definition, understood by all.

Staff noted the following points, in response:

- worked with representatives from Hamilton Police Services, other City staff, from Public Health, no real public consultation as this deemed a matter relating to public safety
- interpretation depends on predominant use of premises, if needed, an applicant can go to the Licensing Tribunal.

On a Motion (Whitehead/Pearson), the report was tabled to allow a 60 day public consultation period with the public, following which staff was directed to report back, and propose a better definition of “nightclub”, having taken into account the comments received today, and those from the public consultation, as well as a consideration of the practices of other municipalities who have a separate definition of “nightclub”.

Chair Ferguson re-assumed the Chair.

(i) **Cootes to Escarpment Land Management Strategy - Endorsement of Phase 2 Report (PED08009(a)) (Wards 1, 13 and 15) (Item 7.1)**

A letter from Ken Dakin, on behalf of his client, Doug Hammond, respecting property at 201 King Street East, Dundas, was distributed and received by Committee.

Cathy Plosz was present to assist Committee with the report.

Committee thanked staff for their work on the matter.

Committee approved the staff recommendation.

(j) **Revised Tree Protection Guidelines for Development Sites (PD02229(e)) (City Wide) (Outstanding Business List Item) (Item 8.1)**

A letter from the Hamilton Halton Home Builders Association was distributed to Committee. The letter confirmed the HHHBA support for the staff recommendations. Committee received the letter.

Paul Mallard provided an overview of the report, and explained that consultation had taken place with the HHHBA. Following this, the fee had been reduced to $500 and the need for compensation for trees removed as part of a development
had been removed as well. He explained that the fee was expected to cover staff costs, and that this fee would be reviewed, in due course.

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

On a Motion (McHattie/Bratina), Committee approved an amendment to include the need for compensation for trees removed, into the policy, as noted in Option 2 on page 7 of the staff report.

Councillor Mitchell and Chair Ferguson noted their opposition to the Amendment.

Committee then approved the staff recommendation, as amended.

(k) **Agriculture and Rural Affairs Advisory Committee-Report 09-002 (Item 8.2)**

The recommendation from Report 09-002 of the Agriculture and Rural Affairs Advisory Committee respecting support for the NADACT letter, was approved.

The Chair noted that a letter from an individual person respecting the same proposed quarry expansion had been received by Council on January 27, 2010.

(l) **Motions (Item 9)**

None

(m) **Notices of Motion (Item 10)**

None

(n) **GENERAL INFORMATION (Item 11)**

(i) **Tradeport International Corporation Lease Compliance Audit and Performance Review, Legal Considerations (LS09017) (City wide)-For final disposition of report. (No copy) (Item 11.1)**

Committee discussed the matter and reviewed different ways in which the staff report could be finalized, and removed from the Outstanding Business List.

Councillor Clark, seconded by Councillor Duvall, proposed the following Motion to deal with the matter:

(a) Whereas MFIPPA 1(A)(i) states the principle that information should be available to the public;
(b) Pursuant to section 21(1) Council direct the head of the institution to notify TradePort of the Council’s decision to disclose the Lease Compliance Audits to the public;

(c) Pursuant to section 21(2) TradePort be advised that they have 20 days to indicate any objections to head of the institution. All representations are to be in writing;

(d) Any objections shall be received and a Notice of Intent to disclose the documents shall be issued on the 21st day and Tradeport be advised that they can appeal the Council’s decision to receive within 30 days to the Ontario Privacy Commissioner;

Committee then considered the proposal.

On a Motion (McHattie/Duvall), the Motion was referred to Legal, to review the proposed Motion and report back to Committee.

On a Motion (Clark/Bratina), the item was removed from the Outstanding Business List.

(ii) Land uses for feeder areas of Eramosa Karst (Item 11.2)

Due date: February 2, 2010

Proposed new date: July 5, 2010

Mr. McCabe gave an update on the matter.

On a Motion (Clark/Bratina), Committee approved the new date.

(iii) News from the General Manager (Item 11.3)

-draft decision on Urban Official Plan received from Ministry, staff will report back to Committee on this, March 23, 2010. Province commended City on various aspects of Plan, including increased density

-work on Airport plan on-going, should be to Committee in Spring, 2010.

(o) Private and Confidential (Item 12)

On a Motion, Committee moved into Closed Session at 1:00 pm to consider three items which are subject to Section 8.1, subsections (e) and (f) of the City’s Procedural By-law and Section 239 of the Ontario Municipal Act as the subject matter pertains to advice to which solicitor-client privilege attaches, including
potential litigation or matters potentially before administrative tribunals, respecting the following;

12.1 Update respecting matter before the OMB: Smartcentres, Centennial Parkway/Warrington Street

12.2 Update respecting matter before the OMB: Losani Homes, Greenhill Glen, 12 Ambrose Avenue

12.3 Update respecting matter before the OMB; Empire Nash subdivision and zoning, 22 Green Mountain Road

On a Motion Committee reconvened in Open Session at 1:55 pm.

THE FOLLOWING MATTER WAS LIFTED FROM THE INFORMATION SECTION, (ii)(o) AND THEN APPROVED AS ADDED ITEM 12

(i) Update respecting matter before the OMB: Smartcentres, Centennial Parkway/Warrington Street (Item 12.1)

The Chair advised that Committee had considered the item, that Direction had been given to staff, and that there is nothing further to report.

(ii) Update respecting matter before the OMB: Losani Homes, Greenhill Glen, 12 Ambrose Avenue (Item 12.2)

The Chair advised that Committee had considered the item which relates to an appeal to the OMB by Losani Homes, the applicant for the proposed zoning and plan of subdivision. Losani has appealed based on the lack of a decision by Council on the applications.

In addition, he noted that an offer of settlement regarding the matters before the OMB, has been made to the City by Losani.

Committee then passed a Motion to refuse the offer. (See Item 11)

The Chair noted that further direction had been given to staff, in Closed Session.

(iii) Update respecting matter before the OMB; Empire Nash subdivision and zoning, 22 Green Mountain Road (Item 12.3)

The Chair advised that Committee had considered the item, that Direction had been given to staff, and that there is nothing further to report.
ADJOURNMENT (Item 11)

The meeting adjourned at 2:34 pm.

Respectfully submitted

Lloyd Ferguson, Chair
Economic Development & Planning Committee

Alexandra Rawlings
Co-ordinator
February 2, 2010