AT THEIR MEETING OF APRIL 1, 2009, COUNCIL AMENDED THE REPORT AS FOLLOWS, RESPECTING ITEMS 22 AND 24
AT THEIR MEETING OF APRIL 15, 2009, COUNCIL AMENDED ITEM 26

THE ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE PRESENTS REPORT 09-007 AND RESPECTFULLY RECOMMENDS:

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

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

   Maja Prvanovic
   Joe Thivy

2. Waterdown Business Improvement Area (B.I.A.) Proposed Budget and Schedule of Payment for 2009 (PED09055) (Ward 15) (Item 5.2)
(a) That the 2009 Operating Budget for the Waterdown B.I.A. (attached as Appendix ‘A’ to Report PED09055) be approved in the amount of $66,660.00.

(b) That the levy portion of the Operating Budget for the Waterdown B.I.A. in the amount of $39,730 be approved.

(c) 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 2009 Budget as referenced in sub-section (b) above.

(d) That the following schedule of payments for 2009 be approved:

<table>
<thead>
<tr>
<th>Month</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>April</td>
<td>$19,865.00</td>
</tr>
<tr>
<td>July</td>
<td>$9,932.50</td>
</tr>
<tr>
<td>October</td>
<td>$9,932.50</td>
</tr>
</tbody>
</table>

Assessment appeals may be deducted from the levy payments.

3. **Dundas Business Improvement Area (B.I.A.) Proposed Budget and Schedule of Payment for 2009 (PED09057) (Ward 13) (Item 5.3)**

(a) That the 2009 operating budget for the Dundas B.I.A, (attached as Appendix ‘A’ to Report PED05057) be approved in the amount of $126,000.00

(b) That the levy portion of the operating budget for the Dundas B.I.A. in the amount of $100,000.00 be approved;

(c) 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 2009 budget as referenced in sub-section (b) above;

(d) That the following schedule of payments for 2009 be approved:

<table>
<thead>
<tr>
<th>Month</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>January</td>
<td>$25,000.00</td>
</tr>
<tr>
<td>April</td>
<td>$25,000.00</td>
</tr>
<tr>
<td>July</td>
<td>$25,000.00</td>
</tr>
<tr>
<td>October</td>
<td>$25,000.00</td>
</tr>
</tbody>
</table>

Assessment appeals may be deducted from the levy payments.

4. **Demolition Permit – 54 Seabreeze Crescent (Stoney Creek) (PED09070) (Ward 11) (Item 5.4)**
That the Director of Building Services be authorized and directed to issue a demolition permit for 54 Seabreeze Crescent 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.

5. Demolition Permit – 1545 Upper Sherman Avenue (PED09071) (Ward 7) (Item 5.5)

That the Director of Building Services be authorized and directed to issue a demolition permit for 1545 Upper Sherman Avenue in accordance with By-Law 08-226 pursuant to Section 33 of The Planning Act as amended.

6. Demolition Permit – 190 Millen Road (Stoney Creek) (PED09074) (Ward 10) (Item 5.6)

That the Director of Building Services be authorized and directed to issue a demolition permit for 190 Millen Road (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;

Council – April 1, 2009
(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.

7. Demolition Permit – 21 Wendakee Drive (Stoney Creek) (PED09075) (Ward 11) (Item 5.7)

That the Director of Building Services be authorized and directed to issue a demolition permit for 21 Wendakee Drive (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.

8. Demolition Permit – 561 Quebec Street (PED09076) (Ward 4) (Item 5.8)
That the Director of Building Services be authorized and directed to issue a demolition permit for 561 Quebec 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 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.

9. Demolition Permit – 6355 Regional Road 56 (Glanbrook) (PED09080) (Ward 11) (Item 5.9)

That the Director of Building Services be authorized and directed to issue a demolition permit for 6355 Regional Road 56 (Glanbrook) in accordance with By-Law 08-226 pursuant to Section 33 of The Planning Act, as amended.

10. Demolition Permit – 655 Old Dundas Road (Ancaster) (PED09081) (Ward 12) (Item 5.10)

That the Director of Building Services be authorized and directed to issue a demolition permit for 655 Old Dundas Road (Ancaster) in accordance with By-Law 08-226 pursuant to Section 33 of The Planning Act as amended.

11. Redevelopment Framework For Former Service Stations (PED09090) (City Wide) (Item 5.11)

That Report PED09090, Redevelopment Framework for Former Service Stations, be received for information.
12. **Agriculture & Rural Affairs Advisory Committee - January 12, 2009 (Item 5.12(a))**

That the Minutes of the Agriculture & Rural Affairs Advisory Committee meeting of January 12, 2009 be received.

13. **Application for a Change in Zoning for Lands Located at 182 Parkside Drive (Flamborough) (PED09073) (Ward 15) (Item 6.1)**

That Approval be given to **Zoning Application ZAR-08-056, by Jeff Allen, Mike Bottos, Paul Bottos, Owners**, for a change in zoning from the Urban Residential (Single Detached) “R1-6” Zone Modified, to the Urban Residential (Single Detached) “R1-43” Zone Modified (Block 1) and Urban Residential (Single Detached) “R1-44” Zone Modified (Block 2), in order to recognize the existing single detached dwelling on Block 1 and allow for the construction of a single detached dwelling on Block 2, for lands located at 182 Parkside Drive (Flamborough), as shown on Appendix “A” to Report PED09073, on the following basis:

(a) That the Draft By-law, attached as Appendix “B” to Report PED09073, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

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

14. **Amended Application for a Change in Zoning for Lands Located at 16 Sydenham Street (Dundas) (PED09087) (Ward 13) (Item 6.2)**

That approval be given to **Amended Zoning Application ZAC-08-058, by Georgina Mitropoulos, Owner**, for a change in zoning from the Low Density Residential Zone (R4) to the Low Density Residential Zone (R4/S-116) Modified, to permit a licensed restaurant with a 30-seat outdoor patio, and an accessory dwelling unit, in the existing building, on the lands located at 16 Sydenham Street, as shown on Appendix “A” to Report PED09087, on the following basis:

(a) That the draft By-law, attached as Appendix “C” to Report PED09087, which have been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(b) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan and the Town of Dundas Official Plan.
15. Application for Approval of a Draft Plan of Condominium Conversion, for Lands Located at 129 Rebecca Street (Hamilton) (PED09086) (Ward 2) (Item 6.3)

That approval be given to Condominium Conversion Application CDM-CONV-08-04, by TT Development Inc., Owner, to establish a Draft Plan of Condominium for the building known as “Stone Lofts”, for 19 apartment units located at 129 Rebecca Street (Hamilton), as shown on the attached map marked as Appendix “A” to Report PED09086, subject to the following conditions:

(a) That this approval apply to the plan prepared by MacKay, MacKay and Peters Ltd., and certified by Dasha Page, O.L.S., dated June 17, 2008, showing a 3 storey residential apartment building, attached as Appendix “B” to Report PED09086.

(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 applicable provisions of the applicable Zoning By-law.

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

Public Works:

(iii) That the Owner enters into an Encroachment Agreement with the City of Hamilton for existing landscaping features within the right-of-way.

16. Applications for Approval of a Draft Plan of Subdivision “Dewitt Orchard”, Amendments to the Stoney Creek Official Plan and Zoning By-law No. 3692-92, and Approval of a Draft Plan of Condominium for Lands Located at 568 Highway No. 8, Stoney Creek (PED09078) (Ward 10) (Item 6.4)

(a) That approval be given to Draft Plan of Subdivision Application 25T-200805, by Marz Homes (Highland) Inc., Owner, to establish a draft plan of subdivision known as “Dewitt Orchard”, on lands located at 568 Highway No. 8, (Stoney
Creek), as shown on Appendix “A” to Report PED09078, subject to the following conditions:

(i) That this approval apply to “Dewitt Orchard”, 25T-200805, prepared by A.J. Clarke and Associates Ltd., and certified by B.J. Clarke, O.L.S., dated June 2, 2008, as red-lined revised, showing 1 block for a condominium road (Block 1) and 1 block for 10 street townhouse dwellings (Block 2), attached as Appendix “B” to Report PED09078, subject to the Owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the Special Conditions attached as Appendix “E” to Report PED09078;

(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 be required, pursuant to Section 51 of the Planning Act, and will be calculated in accordance with the City’s Parkland Dedication By-law currently at a rate of 1 hectare for each 300 dwelling units proposed, and shall be based on the value of the lands on the day prior to the issuance of the first 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 Official Plan Amendment Application OPA-08-011, by Marz Homes (Highland) Inc., Owner, for Official Plan Amendment No. to amend Schedule “A1”, Secondary Plan - Western Development Area, from “Low Density Residential” to “Medium Density Residential” of the Stoney Creek Official Plan, for lands located at 568 Highway No. 8 (Stoney Creek), as shown on Appendix “A” to Report PED09078, on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “C” to Report PED09078, 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.

(c) That approval be given to Zoning Amendment Application ZAC-08-047, by Marz Homes (Highland) Inc., Owner, for a change in zoning from the Single Residential “R1” Zone to the Multiple Residential “RM2-17” Zone to permit the development of 10 street townhouse dwellings, for lands located at 568 Highway No. 8, as shown on Appendix “A” to Report PED09078, on the following basis:

(i) That the draft By-law, attached as Appendix “D” to Report PED09078, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

Council – April 1, 2009
(ii) That the amending By-law be added to Schedule “A”, Map No. 7 of Zoning By-law No. 3692-92.

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

(d) That approval be given to **Condominium Application 25CDM-200808, by Marz Homes (Highland) Inc., Owner**, to establish a draft plan of condominium (Common Elements Condominium) to create a condominium road for a 10 unit street townhouse development, on lands located at 568 Highway No. 8 (Stoney Creek), as shown on Appendix “A” to Report PED09078, subject to the following conditions:

(i) That this approval applies to the plan prepared by A.J. Clarke and Associates Ltd., and certified by B.J. Clarke, O.L.S., dated June 2, 2008, as red-lined revised, showing the condominium road (Block 1), attached as Appendix “B” to Report PED09078.

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

(iii) That the Owner enters into a Development Agreement to ensure that the tenure of each of the proposed 10 freehold units has legal interest, in common, to the Common Elements Condominium, to the satisfaction of the City Solicitor.

(iv) That the Owner receives final approval of a Part Lot Control Application, and the implementing By-law, to the satisfaction of the Director of Planning.

(v) That the Owner includes the following warning clause 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”.

(vi) That the Owner provides the Director of Development Engineering with evidence that satisfactory arrangements, financial or 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.

(vii) That the Owner satisfies any conditions, financial or otherwise, of the City of Hamilton.

(e) That upon finalization of Official Plan Amendment No., and the implementing Zoning By-law, the approved Dewitt Neighbourhood Plan be amended to reflect the change in designation from “Low Density Residential” to “Medium Density Residential”.

17. City Initiative for a Change in Zoning for Lands Located at 306 Woodworth Drive - Former Grange Elementary School (Ancaster) (PED09079) (Ward 12) (Item 6.5)

That approval be given to City Initiative CI-06-K, City of Hamilton, Owner, for changes in zoning from the Institutional “I” Zone to the Residential Multiple “RM4” Zone, Modified (see Block 1 on Appendix “A”), Neighbourhood Park (P1) Zone (see Block 2 on Appendix “A”), and the Conservation/Hazard Land (P5) Zone (see Block 3 on Appendix “A”) in order to permit nine single detached dwellings on a private condominium roadway to be developed within Block 1 and the remainder to stay within the City’s ownership as parkland, for lands located at 306 Woodworth Drive - Former Grange Elementary School (Ancaster), as shown on Appendix “A” to Report PED09079, on the following basis:

(a) That the draft By-law, attached as Appendix “C” to Report PED09079, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

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

(c) That the draft By-law, attached as Appendix “D” to Report PED09079, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(d) That the amending By-law be added to Schedule “A”, Map Nos. 1334 and 1335 of Zoning By-law No. 05-200.

(e) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan and the Town of Ancaster Official Plan.

(f) That the lands identified as Block 1, as shown on Appendix “A” to report PED09079, be declared surplus, and that the Economic Development and Real
Estate staff be directed to dispose of the lands in accordance with the City's Procedural By-law 04-499.

18. Amendment to the City of Hamilton Licensing By-law No. 07-170 Schedule 25 – Taxicab Priority List (PED09089) (City Wide) (Item 6.6)

(a) That approval be given to revise the Taxicab Priority List, as shown in Appendix “A” to Report PED09089, of Schedule 25 (Taxi Licensing) by:

(i) Removing the names of June Luke and Daniel Gagnon who each received one new taxicab owner licence in 2008 from the 2007 Taxicab Priority List.

(ii) Removing the names Randall G. Cruden, Farrukh Qureshi and Robert Maschewski, who no longer meet the requirements for issuance of a taxicab owner’s licence from the Taxicab Priority List.

(b) That the next three individuals on the 2008 Taxicab Priority List be invited to submit an application for new taxicab owner licences.

(c) That the by-law attached as Appendix “B” to Report PED09089, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

19. Applications for Amendments to the Flamborough Official Plan and Zoning By-law No. 90-145-Z and By-law 05-200 for Lands Located at 392 Dundas Street East (Flamborough) (PED09088) (Ward 15) (Item 6.7)

(a) That approval be given to amended Official Plan Amendment Application OPA-07-017, by Waterdown Bay Limited, Owner, to amend Schedule ‘A’, Land Use Plan - Waterdown Urban Area from “Urban Residential” to “Urban Institutional”, in order to permit an Elementary School, on lands located at 392 Dundas Street East (Flamborough), as shown on Appendix “A” to Report PED09088, on the following basis:

(i) That the Draft Official Plan Amendment, attached as Appendix “B” to Report PED09088, be adopted by 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 ZAR-07-067, by Waterdown Bay Ltd., Owner, for a change in zoning from the Agriculture “A” Zone in By-law No. 90-145-Z to the Modified Neighbourhood Institutional -
Holding (H-I1-19) Zone in By-law 05-200, in order to permit the development of an Elementary School, on lands located at 392 Dundas Street East (Flamborough), as shown on Appendix “A” to Report PED09088, on the following basis:

(i) That the draft By-law, attached as Appendix “C” to Report PED09088, as modified by Committee on March 24, 209, respecting Schedule A which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(ii) That the amending By-law apply the Holding provisions of Section 36(1) of the Planning Act, R.S.O., 1990, to the subject lands by introducing the Holding symbol (H) as a prefix to the proposed Zone. The Holding provision will prohibit the development of the subject lands until such time as:

1. An Archaeological Assessment for the subject property is completed and approved by the Director of Planning and the Minister of Culture confirming that all archaeological resource concerns have met licensing and resource conservation requirements;

2. A Permit by the Authority under Ontario Regulation 162/06 has been applied for and issued, by Conservation Halton; and,

3. The applicant has satisfied the Director of Water and Wastewater that there is available water storage to supply appropriate volume/flows and provide system security to accommodate the proposed facility on the subject lands.

City Council may remove the (H) symbol and, thereby, give effect to the Modified Neighbourhood Institutional - Holding (H-I1-19) Zone in By-law 05-200, by enactment of an amending By-law once the conditions are satisfied.

(iii) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan, and will be in conformity with the Town of Flamborough Official Plan upon approval of Official Plan Amendment No..

20. Agricultural and Rural Affairs Advisory Committee Report 09-001 (Item 8.1)

That Items (a), (b), and (c) of Report 09-001 of the Agricultural and Rural Affairs Advisory Committee be received, and that Item (d) be approved, as follows;

(a) Municipal Law Enforcement - Rural Area – Sign By-law, Business Licenses, Enforcement Regulations
That all agriculturally related signs erected on public and/or private property by an agricultural farm operation be exempt from the sign by-law and in compliance with the traffic and pedestrian safety standards of the City of Hamilton.

(b) Update Status of Draft Rural Zoning By-law
The Agricultural and Rural Affairs Advisory Committee requests that the Environmentally Sensitive Areas (ESA) identified in the rural areas of the City of Hamilton be subject to requirements and fees that allow for the long term viability of the agricultural community thereby allowing this sector to grow and prosper.

(c) Application for Registered Agricultural Provision for Garbage Container Limits –
The Agricultural and Rural Affairs Advisory Committee supports the "Application for Registered Agricultural Provision for Garbage Container Limits" to be forwarded to registered farm businesses in the City of Hamilton subject to the removal of the following three items currently on the draft application: Acreage, Main Source of Income and Gross Income.

(d) Input regarding the viability of Farmers’ Markets for Ancaster, Dundas West Hamilton, Stoney Creek and Waterdown

   (i) A feasibility study be undertaken to determine if a farmers’ market would be viable at the Ancaster Agricultural Society;

   (ii) That $5,000 be charged to the City of Hamilton Economic Development Division budget along with an application for matching funds to be submitted to the appropriate Province of Ontario funding program lead by Councillor Ferguson.

21. Application for Approval of a Ministry of Environment Provisional Certificate of Approval for a Waste Disposal Site (Processing), Ministry of Environment Reference 6966-7JLK85, 2120 10th Concession Road West, Flamborough (PED09068) (Ward 14) (Item 8.2)

That the Environmental Assessment and Approvals Branch of the Ontario Ministry of Environment (MOE) be advised that should the Ministry consider approving Application CA-008-003, Delft Blue Veal Inc, Applicant, for a Provisional Certificate of Approval for a new waste processing site (anaerobic digester), located at 2120 10th Concession Road West, Flamborough, as shown on Appendix “A” to Report PED09068, that the City of Hamilton requests:

   (a) That prior to the Ministry of Environment issuing any Certificate of Approval for the proposed waste processing site (anaerobic digester), that the Ministry require the applicant to notify all land owners within a 2 kilometre radius of the subject
property about the proposed operation, and to hold a Public Information Session
to provide additional information regarding the proposed operation to members of
the public; and,

(b) That, if approved, the Certificate of Approval include the following requirements:

(i) That prior to receiving any waste materials on site, the proponent obtain a
building permit from the Building Services Division for the new facility, to
the satisfaction of the Director, Building Services, City of Hamilton.

(ii) That the Provisional Certificate of Approval limit the maximum waste
capacity to 15.5 tonnes received daily.

(iii) That the waste streams be limited to non-hazardous and primarily edible
fats, oils, and greases (FOG) food wastes, and that the maximum amount
of fats, oils, and greases (FOG) to be permitted as an input into the
digester shall be no more than 25% of the total digester input.

(iv) That the waste accepted be limited to waste generated only from the
Province of Ontario.

(v) That the Provisional Certificate of Approval include a requirement for an
effective odour/dust mitigation plan for day-to-day activities, and a
requirement that operating controls are adequate in design to mitigate all
potential odour sources.

(vi) That the proponent implements spills prevention on site, and that
containment measures be included in the Provisional Certificate of
Approval to protect local groundwater. That the contingency plans for
spills on site and clean-up procedures be covered under the Provisional
Certificate of Approval, and that the City's Spills number (905) 540-5188
be included in the company's on-site Contingency Plan. Further, that a
copy of the Contingency Plan be forwarded to the Compliance and
Regulations Section, Water and Wastewater Division, Public Works
Department, City of Hamilton.

(vii) That the biogas system (scrubber) be engineered and maintained to
negate fugitive off-gassing. This includes proper handling of methane to
prevent explosive hazards.

(viii) That any waste (organic residuals) be handled in a diligent manner under
Regulation 347 and/or any other applicable legislation, and that strict
adherence to all department-agency requirements, including the Ministry
of Environment, Ontario Ministry of Agriculture, Food and Rural Affairs,
(OMAFRA) and the City of Hamilton, be required.
(15)

Economic Development & Planning Report 09-007
Committee

(ix) That the proponent be required to provide financial assurance to the Ministry of Environment to cover final clean-up of the site, following the cessation of use.

(x) That a Ministry of Environment staff person be identified to the City as the contact for all issues and complaints regarding the subject property.

(c) That a copy of Report PED09068 be forwarded to the Environmental Assessment and Approvals Branch of the Ministry of Environment for their consideration.

(d) That the Environmental Assessment and Approvals Branch of the Ministry of Environment be requested to forward a copy of its final decision respecting the Certificate of Approval to the Clerk, City of Hamilton.

22. Application for an Amendment to a Ministry of Environment Certificate of Approval (3837-5PYQTT) for Expansion to a Waste Disposal Site, Ministry of Environment Reference 0594-7C2JFK, 1650 Upper Ottawa Street, Hamilton (PED09069) (Ward 6) (Item 8.3)

That the Environmental Assessment and Approvals Branch of the Ontario Ministry of Environment (MOE) be advised that should the Ministry consider approving Application CA-008-002, Hazco Environmental Services Inc, Applicant, for an Amendment to a Certificate of Approval (3837-5PYQTT) for an increase in capacity at an existing waste disposal site, located at 1650 Upper Ottawa Street, Hamilton, as shown on Appendix "A" to Report PED09069, that the City of Hamilton requests the following conditions, as amended by Committee on March 24, 2009, respecting (b)(ii) and (b)(x):

(a) That prior to the Ministry of Environment issuing any Certificate of Approval for the increased storage capacity at the existing waste disposal site (transfer station), the following requirements shall first be satisfied:

(i) That a professional evaluation shall be conducted by an Engineer for compliance with Part 4 of the Ontario Fire Code. It is the Owner's responsibility to ensure that their building(s) and operation(s) comply with the Ontario Fire Code. A letter, signed by a professional Engineer, indicating compliance with Part 4 of the Ontario Fire Code as a result of the increased quantities, shall be provided, to the satisfaction of the Chief Fire Prevention Officer, Hamilton Emergency Services.

(ii) That a thorough review of the storage area (Building 3 on Appendix "B" to Report PED09069) be conducted by the Ministry of Environment to ensure that proper storage capacity is available.
(iii) That a thorough review be conducted by the Ministry of Environment for the types of waste classes proposed to be stored/handled at the site for compatibility.

(b) That, if approved, the Amendment to the Certificate of Approval include the following requirements:

(i) That the Certificate of Approval limit the maximum waste capacity to 65,600 litres received daily, and limit the maximum storage volume of waste stored on site at any give time to 65,600 litres.

That Recommendation (b) (ii) be deleted and replaced with the following:

(b) (ii) That the Certificate of Approval limits the maximum storage quantity of flammable and combustible materials to 5,000 litres. An inventory of waste types stored on site should be updated daily, and be provided to the Ministry of Environment.

(ii) That the Certificate of Approval limit the maximum storage quantity of flammable and combustible materials to 5,000 litres. An inventory of waste types stored on site should be updated daily, and be provided to Hamilton Emergency Services daily.

(iii) That waste shall only be permitted to be stored within Building 3, as shown on Appendix “B” to Report PED09069, and that the maximum gross floor area permitted to be used for waste storage be 108 square metres.

(iv) Strict requirements for excellent on-site housekeeping practices for the approved classes of waste to minimize adverse effects to the surrounding uses.

(v) That the waste accepted be limited to waste generated only from the Province of Ontario.

(vi) That the proponent implement spills prevention on site, and containment measures be included in the Certificate of Approval. That the Contingency Plans for spills on site and clean-up procedures are covered under the Certificate of Approval, and that the City’s Spills number (905) 540-5188 is included in the company’s on-site Contingency Plan. That the spill prevention and contingency plan be submitted to the satisfaction of the Ministry of the Environment.
Further, that a copy of the Contingency Plan be forwarded to the Compliance and Regulations Section, Water and Wastewater Division, Public Works Department, City of Hamilton.

(vii) Strict adherence to all department/agency requirements, including those of the Ministry of Environment, Ministry of Labour, and Hamilton Emergency Services- Fire - City of Hamilton Fire Prevention Services.

(viii) That the proponent be required to provide financial assurance to the Ministry of Environment to cover final clean-up of the site, following the cessation of use.

(ix) That a Ministry of Environment staff person be identified to the City as the contact for all issues and complaints regarding the subject property.

(x) That an internal Emergency Response Plan be prepared and sent to Hamilton Emergency Services-Fire for review and comments.

(x) That an Emergency Plan be prepared in conjunction with Hamilton EMS, and that this plan shall include how douse water will be handled in the event of a fire.

That Recommendation (b) be amended by the addition of the following new subsection:

(xi) That a current copy of the Emergency Response Plan, Spills Containment and Contingency Plan, daily product inventory list including product quantities and exact location within all facilities along with the applicable MSDS sheets and be externally stored in a secure location on site in a manner such that all noted documents are readily available to Hamilton Emergency Services-Fire 24/7, 365.

(c) That a copy of Report PED09069 be forwarded to the Environmental Assessment and Approvals Branch of the Ministry of Environment for their consideration.

(d) That the Environmental Assessment and Approvals Branch of the Ministry of Environment be requested to forward a copy of its final decision respecting the Certificate of Approval to the Clerk, City of Hamilton.
23. **Terms of Reference for the Neighbourhood (Wards 1, 8, 10 & 12) Residential Rental Housing Community Liaison Committee (Wards 1, 8, 10, & 12) (PED07296(b)) (Item 8.4)**

(a) That the Terms of Reference for the Neighbourhood (Wards 1, 8, 10 & 12) Residential Rental Housing Community Liaison Committee, attached as Appendix “A” to Report PED07296(b), be approved.

(b) That the Neighbourhood (Wards 1, 8, 10 & 12) Residential Rental Housing Community Liaison Committee Progress/Status Report item on the Outstanding Business List be deferred from June to August 2009.

24. **Public Information Centres & Community Liaison Committee for City-Wide Regulation of Rental Housing (PED07296(c)) (City Wide) (Item 8.5)**

(a) That staff be directed to undertake a City-wide consultation process comprising two (2) Public Information Centres for the purposes of ascertaining the issues relating to the regulation of rental housing on a City-wide basis; and selecting appropriate members of a Community Liaison Committee which will determine the appropriateness, potential effectiveness and the prospective extent of a strategy for regulating rental housing throughout the City.

THAT Item 24 be amended by the deletion of Sub section (b), and the re-numbering of the subsequent subsections, (i) and (ii) to (b) and (c), to read as follows:

(b) That Council receive the draft Terms of Reference for the City-wide Community Liaison Committee for regulating rental housing, attached as Appendix “A” to Report PED07296(c); and direct staff to report back to Council on the recommended final Terms of Reference upon the complete membership of the Community Liaison Committee being finalized.

(c) That three (3) members of City Council be appointed to the City-wide Community Liaison Committee for regulating rental housing.

(c) That the following two items be held in abeyance until such time as the Public Information Centres (PICS) noted in (a) above have been concluded, and their results reported back to Committee:

   (i) That Council receive the draft Terms of Reference for the City-wide Community Liaison Committee for regulating rental housing, attached as Appendix “A” to Report PED07296(c); and direct staff to report back to
Council on the recommended final Terms of Reference upon the complete membership of the Community Liaison Committee being finalized:

(ii) That three (3) members of City Council be appointed to the City-wide Community Liaison Committee for regulating rental housing.

25. Proposed addition of one Councillor to the Selection Sub-Committee for ESAIEG (Item 10.1)

That Councillor Brad Clark be added to the Selection Sub-Committee for the ESAIEG Committee

At their meeting of April 15, 2009, Council amended item 26, as follows;

(Pearson/Mitchell)
That Item 26 of Economic Development and Planning Committee Report 09-007, approved by Council on April 1, 2009, which reads as follows, be reconsidered:

26. Stoney Creek Urban Boundary Expansion (SCUBE) (Item 12.3)

While the City takes a neutral position, City Council has no objection to the inclusion of additional lands in the urban boundary, west of Fifty Road, north of Barton Street and south of CNR railway, not identified in Attachment 1 of OMB Decision 2634.

CARRIED

(Pearson/Mitchell)
That Item 26 of Economic Development and Planning Committee Report 09-007, approved by Council on April 1, 2009, be deleted in its entirety and replaced with the following in lieu thereof:

26. Stoney Creek Urban Boundary Expansion (SCUBE)

Given that the Ministry of Municipal Affairs and Housing objects to the inclusion of additional lands in the urban boundary, west of Fifty Road, north of Barton Street and south of the CNR railway and not identified in Attachment 1 of OMB Decision 2634,

That the City of Hamilton uphold its settlement within the Ministry of Municipal Affairs and Housing, as confirmed in Board Orders 0802, 1562, 2634 and 1202, with regard to the Stoney Creek Urban Boundary Expansion.

CARRIED
26. Stoney Creek Urban Boundary Expansion (SCUBE) (Item 12.3)

While the City takes a neutral position, City Council has no objection to the inclusion of additional lands in the urban boundary, west of Fifty Road, north of Barton Street and south of CNR railway, not identified in Attachment 1 of OMB Decision 2634.

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

The Clerk advised of the following changes:

One Closed Session Item is being withdrawn from the agenda, as staff is still working on the matter;

12.1 Update respecting matter before the OMB: Waterdown Bay Lands School Site Severance Appeal

One added Notice of Motion, from Councillor McHattie, respecting adding one Councillor to the Selection Committee for EASIEG, added as Item 10.1.

The Agenda for the March 24, 2009, meeting of the Economic Development & Planning Committee was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

None

(c) APPROVAL OF MINUTES (Item 3)

The Minutes of the Economic Development and Planning Committee meeting of March 3, 2009, were approved.

(d) Delegation Requests (Item 4)

None
(e) Application for a Change in Zoning for Lands Located at 182 Parkside Drive (Flamborough) (PED09073) (Ward 15) (Item 6.1)

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 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.

Daniel Barnett was present to assist Committee and gave an overview of the matter, with the help of a powerpoint presentation.

The applicant’s agent, Jeff Allen, advised that he was satisfied with the staff recommendation.

No members of the public came forward to address Committee.

Committee approved the staff recommendation.

(f) Amended Application for a Change in Zoning for Lands Located at 16 Sydenham Street (Dundas) (PED09087) (Ward 13) (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 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.

Chair Pearson advised the Committee that an added communication on this Item, a petition signed by 77 people, in support of the application, had been received.

Kate Milhaljevic was present to assist Committee and gave an overview of the matter, with the help of a powerpoint presentation.

The planner noted that the house is designated under the Heritage Act. She noted that 10 letters in support of the application had been received, and 2 letters of opposition.

In response to questions from Committee, staff explained that while the former Town of Dundas did not have regulations respecting distance separations between patios and residential areas, the subject application meets the former City of Hamilton regulations for separation distances.

The applicant’s agent, Ed Fothergill, advised that he was satisfied with the staff recommendation. He noted that the proposal would enhance the Dundas Downtown area and was a good adaptive re-use of a heritage building.

He recognized that a heritage permit would be needed and that the main change to the building would be an exhaust system. He noted that additional people had now signed the petition in support of the application and that this would be provided to the Clerk. Mr. Fothergill explained that the issues respecting the access and driveways to the property had been worked out with the neighbours, and that the building would be a fine dining establishment.

Eric Canton, 90 Park Street, addressed Committee with regard to the proposal. His points included, but were not limited to the following:

- speaking on behalf of his in-laws, who own 90 Park Street
- issues with regard to easement across his family’s property now resolved, will be registered on title as a private easement
- the agent has responded to all the concerns expressed, and has mitigated these, to the satisfaction of his family
- the family is now satisfied with the application.

Nina Chapple, 27 Sydenham, addressed Committee with regard to the proposal. Her points included, but were not limited to the following:
- 40 year resident, former heritage planner with City, does not oppose restaurant, is OK with planning report
- main issue is location, this proposal is to be located on the “residential” side of the line which has always demarcated the division between commercial and residential in downtown Dundas, concerned that the line should not be jumped, may set a bad precedent for future commercial development
- restaurant a major change, contains patio, will be day and evening operation, will use town lot for parking, town lot currently used by visitors in area
- concern that when owners sell, property could become different kind of restaurant, even fast food, suggested when current owners sell, zoning should revert to residential, and require a further rezoning for any further commercial use.

Paul Mallard responded to the matters raised by the speaker:

- zoning once approved stays in place, this is a site specific by-law
- a restaurant not suitable to be zoned under a temporary use by-law, due to significant investment needed
- restaurant can only operate in existing building
- patio is ancillary to restaurant
- boundary between commercial and residential in this area not cut in stone, application deemed to be in conformity with Official Plan.

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

Committee approved the staff recommendation.

(g) Application for Approval of a Draft Plan of Condominium Conversion, for Lands Located at 129 Rebecca Street (Hamilton) (PED09086) (Ward 2) (Item 6.3)

Chair Pearson advised the meeting, this a Public Meeting to hear input respecting a proposed change in the existing tenure of a building, to convert it into a condominium.

On Motion, (Whitehead/Bratina), Committee agreed to dispense with the planner’s presentation.

Kate Mihaljevic was present to assist Committee.

The applicant’s agent was not present to address the Committee.

No members of the public came forward to address Committee.
Committee discussed the matter and had additional information supplied by staff.

Councillor Whitehead expressed concerns respecting the potential loss of residential rental units, in this time of serious economic downturn. He noted that the figures used in the report, regarding residential rental vacancy rates were stale-dated, and that removing rental units in these difficult economic times could be problematic.

Staff explained how condominium conversions are analyzed and how the existing tenants are protected by legislation, and have the right to stay as renters in the building as long as they wish.

Councillor Bratina noted that the building represented a good example of adaptive re-use.

Committee approved the staff recommendation.

Applications for Approval of a Draft Plan of Subdivision "Dewitt Orchard", Amendments to the Stoney Creek Official Plan and Zoning By-law No. 3692-92, and Approval of a Draft Plan of Condominium for Lands Located at 568 Highway No. 8, Stoney Creek (PED09078) (Ward 10) (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 and the draft plan of condominium, 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 the draft plan of condominium, 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.

Chair Pearson stepped out of the Chair and noted that, as Ward Councillor, she supported the subject proposal.
Chair Pearson then resumed the Chair.

On Motion (Whitehead/Clark), Committee agreed to dispense with the planner’s presentation.

Jennifer Haan was present to assist Committee.

The applicant’s agent, Steve Fraser, A.J. Clarke, advised that he was satisfied with the staff recommendation.

No members of the public came forward to address Committee.

Committee approved the staff recommendation.

(i) **City Initiative for a Change in Zoning for Lands Located at 306 Woodworth Drive - Former Grange Elementary School (Ancaster) (PED09079) (Ward 12) (Item 6.5)**

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 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.

Trevor Horzelenberg was present to assist Committee and gave an overview of the matter, with the help of a powerpoint presentation. His highlights included the following:

- application is in response to Council’s 2003 direction to staff to purchase the school site, and use part of land for park to go towards addressing parkland deficiency and to sell part of land for residential, to help defray costs
- school site bought with Town of Ancaster park funds, with balance to be returned to the same fund

Council – April 1, 2009
- proposal is for 2.4 acre park to east side of site, passive park, not for programmable uses, and to develop nine condominium dwellings on west side.

Public comments on proposal include:

- identification of parkland deficiency
- setbacks and site layout
- protection of vegetation
- appropriate setbacks

Chair Pearson advised that as this was a City Initiative, there was no outside agent to address Committee.

Jim Enos, 325 Woodworth Drive, addressed Committee. His comments included, but were not limited to:

- experienced in land development and engineering, born in area
- engineering concerns including drainage and topography, sanitary and storm sewer placement and operation, potential of discharge of storm water for ESA, potential need for pond, where will visitor parking spaces be located
- 2.17ha deficit of parkland in area, inappropriate to use any of land for residential, proposal does not conform with Places to Grow Plan
- should use all of 1.6ha of the subject site for park, 37% of site not enough, justice should be served.

Dave Pentland, Woodworth Drive, addressed Committee. His concerns included, but were not limited to the following:

- long time resident of Ancaster, moved there when Ancaster still rural
- Grange School only area of parkland in the local community
- Places to Grow Plan promotes various aspects of land use and development, concerns about how Places to Grow interpreted in the report
- Considers that site should not be used for any residential development, that construction of 9 homes not significant towards meeting intent of intensification in Places to Grow
- City parkland standard should be followed here, area needs 2.17 ha, subject site is 1.86 ha, should use all of site towards meeting parkland deficit, should not use any for housing
- Requested his questions on the parkland standards not being followed here answered before any decision on application.

Joe Taibi, 275 Robina Road, addressed Committee. His comments included, but were not limited to the following:

- agreed with previous speakers
- also presented a letter from Jason and Tamara Youngberg, 283 Robina, expressing concerns about the need for parkland rather than further development.

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

Committee discussed the report and the comments from the public.

Councillor Ferguson confirmed the history of this proposal, and how both he and his brother, former Councillor Murray Ferguson, had worked for several years with the community on the matter, and that a reasonable compromise had been reached. He noted that the former school building was overdue for demolition.

Councillor McHattie noted that while it would be desirable to use all of site for a park, the recommendation represented a reasonable compromise, based on considerable community input, and that the process followed here, with the City buying and controlling the land, could be used as a model for the future.

Councillor Whitehead expressed concerns that the recommendation deviated from the Council parkland standard, which should apply to the whole City. He noted the need for programmable space, the need to adhere to City standards and that the community was not being fairly treated. Councillor Whitehead also referenced a school/park situation in his Ward, where his community was not well served by the process.

Councillor Bratina noted that the application presented challenging issues, and that the previous and current Ward Councillors, together with the community and staff, had worked diligently on the issue. He said it was not necessary to make up an entire parkland deficit from one site.

Councillor Duvall agreed that the situation was a difficult one, and represented a compromise around tough issues. He noted his reluctant support.

Councillor McHattie added that surplus school situations would often lead to the creation of park sites smaller than the required standard, and that this issue should be considered.

Tim McCabe noted that the issue of parkland standards, and the creation of parkland from surplus school sites were being considered as part of the new Official Plan policies. These policies would include the acceptance of smaller park sites from surplus school properties.

Councillor Mitchell noted that he had a similar situation in Stoney Creek. He thanked the residents for their input and work on this issue, and noted his reluctant support.
The following staff direction was given, by Motion.

(Whitehead/McHattie)
That staff be directed to revisit the minimum parkland standards as part of the Official Plan Review, and to consider, in particular, the size of parkland created as a result of surplus school sites, and the criteria to be used in considering the suitability of the acceptance of smaller park areas.

Committee continued their discussion of the matter, and considered the timing of the sale of the proposed residential portion of the land.

The Motion to approve the staff recommendation was moved.

Committee then approved an amendment, to add a new condition, respecting the declaration of the land as surplus.

Committee then approved the Motion, as amended.

(v) Amendment to the City of Hamilton Licensing By-law No. 07-170 Schedule 25 – Taxicab Priority List (PED09089) (City Wide) (Item 6.6)

Chair Pearson advised that this is a Public meeting, pursuant to the Municipal Act. The meeting and the proposed changes have been advertised in the local newspapers, as required by the City’s By-law.

Marty Hazell and Vince Ormond were present to assist Committee and gave an overview of the matter.

No members of the public came forward to address Committee.

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

Committee approved the staff recommendation.

(w) Applications for Amendments to the Flamborough Official Plan and Zoning By-law No. 90-145-Z and By-law 05-200 for Lands Located at 392 Dundas Street East (Flamborough) (PED09088) (Ward 15) (Item 6.7)

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.

Chair Pearson advised that the Ward Councillor, Councillor Margaret McCarthy, was in support of the application and the staff recommendation.

On Motion (Mchattie/Ferguson) Committee agreed to dispense with the planner’s presentation.

Jason Thompson was present to assist Committee. He explained that there was a minor change to a direction in one of the schedule A.

The applicant’s agent, James Webb, advised that he was satisfied with the staff recommendation, and was in agreement with the minor change in the schedule.

Gerry Aggus, the Hamilton-Wentworth District School Board lawyer, addressed Committee in support of the staff recommendation. He requested that the approval documents be dealt with expeditiously, as the construction of the new school must start this year. Mr. Aggus explained that the school should open in September 2010.

Committee approved the recommendations, as amended.

(x) Agricultural and Rural Affairs Advisory Committee Report 09-001 (Item 8.1)

Report 09-001 of the Agricultural and Rural Affairs Advisory Committee was discussed.

Councillor Ferguson requested that approval be given for the feasibility study funding for the Farmers’ Market in Ancaster.

Neil Everson provided further details on the issue.
Committee discussed the matter of Farmers’ Markets and had additional information supplied by staff.

Staff advised that the issue of signage in rural areas had already been directed by Committee for inclusion in the overall report on the wording of the Sign By-law.

Committee approved the fourth item of the report, respecting Farmers’ Markets and received the balance of the report.

(y) Application for Approval of a Ministry of Environment Provisional Certificate of Approval for a Waste Disposal Site (Processing), Ministry of Environment Reference 6966-7JLK85, 2120 10th Concession Road West, Flamborough (PED09068) (Ward 14) (Item 8.2)

Heather Travis was present to assist Committee with the report.

On a Motion (Ferguson/Whitehead), Committee agreed to hear from the applicant.

John Giles, Delft Blue Farms, addressed Committee and gave an overview of the process being proposed. His points included, but were not limited to, the following:

- spreading of manure strictly regulated by OMAFRA
- fats, oils and greases (FOG) are brought into the site and processed with the farm manure in closed vessels, to eliminate odour issues
- resulting product does not have an offensive smell, product is spread on fields

Committee discussed the item and approved the staff recommendation.

Councillor Clark requested that his opposition to (b)(iv) be recorded.

(z) Application for an Amendment to a Ministry of Environment Certificate of Approval (3837-5PYQTT) for Expansion to a Waste Disposal Site, Ministry of Environment Reference 0594-7C2JFK, 1650 Upper Ottawa Street, Hamilton (PED09069) (Ward 6) (Item 8.3)

Chair Pearson advised that the Ward Councillor, Tom Jackson, had visited the facility and was in favour of the application.
Heather Travis gave an overview of the application with the aid of a powerpoint presentation. She noted that the site and proposal are not affected by the Interim Control By-law.

On a Motion (McHattie/Ferguson), Committee agreed to hear the applicant, Mark Rombough.

Mr. Rombough, Hazco Environmental Services, addressed Committee. His points included, but were not limited to, the following:

- building not connected to drains, so no possibility of contamination of sewers
- emergency plan already in place
- site is a transfer station, request to increase amount of on-site storage will permit business to expand in future, expansion will be slow, MOE process complex and lengthy, so makes business sense to apply for the expansion proposed to take place over the next number of years
- site open days, and evenings/weekends as needed
- Hazco purchased Team 1 a year ago, existing infrastructure in place, Hazco is Canadian company, has facilities across the country, Hamilton is their only transfer station in Southern Ontario
- Hazco not largest facility of this kind, both Newalta and Clean Harbours have larger facilities
- Hamilton site has 40 employees, Kitchener has 20 employees

Staff advised that the City is being asked for comments on the application by MOE, and that we are not the approval authority.

Committee discussed the matter further, and Councillor McHattie proposed an amendment to the conditions, to require that the Hamilton EMS be given a daily roster of the on-site materials, and that an emergency plan be prepared with respect to douse water, in conjunction with Hamilton EMS.

Committee approved the Amendment, then approved the Motion, as amended.

Councillor Whitehead requested his opposition be recorded.

Chair Pearson declared a conflict for Items 8.4 and 8.5 as she has an interest in rental property. Councillor Ferguson assumed the Chair for these two items.

(aa) Terms of Reference for the Neighbourhood (Wards 1, 8, 10 & 12) Residential Rental Housing Community Liaison Committee (Wards 1, 8, 10, & 12) (PED07296(b)) (Item 8.4)

Committee approved the staff recommendation.
Public Information Centres & Community Liaison Committee for City-Wide Regulation of Rental Housing (PED07296(c)) (City Wide) (Item 8.5)

Committee discussed the report.

Councillor McHattie noted that Councillor Collins would like to sit on the Committee.

In response to questions from Committee respecting the potential advantages of using the McMaster/Mohawk/Redeemer Liaison Committee as a pilot project, Marty Hazell explained that Council had directed that both Liaison Committees should operate at the same time. He noted that there would be advantages in operating one Liaison Committee as a pilot project, but that the Human Rights Commission has expressed interest in the City’s study, and that is was important not to show bias towards one group of the population.

Committee agreed that staff should hold the proposed Public Information Centres, and then report back on the results, and that further action on the other two recommendations be held in abeyance until then.

Councillor Whitehead requested his opposition be noted.

Motions (Item 9)

None

Notices of Motion (Item 10)

Councillor McHattie introduced his Notice of Motion respecting the Selection Sub-Committee for ESAIEG, and the addition of one additional member.

On a Motion (Mitchell/Clark), Committee waived the rules, and allowed the matter to proceed as a Motion.

Councillor McHattie proposed that Councillor Clark be added to the Selection Sub-Committee.

Committee approved the Motion.

General Information

Tradeport International Lease Report-proposed release to public (From Outstanding Business List, due date March, 2009) (Item 11.1)
Neil Everson requested that a new date of September, 2009 be placed on this report.

Councillor McHattie asked about a reported reduction in take-offs and landings at the airport. Mr. Everson agreed to provide this information to Councillor McHattie.

(ii) **Prohibition or Regulation of Drive-Through Facilities within the City of Hamilton** (PED09082) (City Wide) (From Outstanding Business List, due date March, 2009) (Suggested new date: April 7, 2009 (Item 11.2)

(iii) **Improvements to the Building Permit Inspection and Enforcement Processes** (PED09083) (City Wide) (From Outstanding Business List, due date March, 2009) (Suggested new date: April 7, 2009) (Item 11.3)

Tim McCabe spoke to both items and noted that both reports were ready, but had been held over in the interests of Agenda planning. He suggested that both reports be considered at the April 7, 2009 Committee meeting.

Committee agreed to the new date for both items.

(iv) **Incentives for physicians to remain in Hamilton** (From Outstanding Business List, due date March 24, 2009) (Item 11.4)

Mr. McCabe noted this was a joint report, as directed by Council, and that Planning staff has completed its work on the issue. He noted that the item would be considered at SMT on April 21, 2009.

(v) **News from the General Manager** (Item 11.5)

Mr. McCabe noted that staff is now looking at report planning from now until the end of the year.

Fixed dates:

- Official Plan meetings and Council approval in June

Proposed dates:

- September 22, 2009 will have regular items in morning, and the afternoon devoted to the Sign By-law

Council – April 1, 2009
- October 20, 2009, regular items in morning, afternoon devoted to Tree By-law

On a Motion (Clark/Pasuta), Committee approved these dates.

Mr. McCabe confirmed that the proposed Mountain Brow development would be an evening meeting, date not yet fixed.

Mr. McCabe noted that staff from Planning, Legal and Clerks had met to review privacy issues and disclosure of personal information.

Additional clauses are being finalized for insertion in all the relevant planning documents, including signage and print ads. Once this work is completed, personal information can be included in planning reports, i.e. names, addresses, phone numbers, e-mails.

Mr. McCabe distributed a recent OMB Decision on the Paletta application in Stoney Creek, where a settlement had been agreed upon.

Mr. McCabe gave an update on the new Green Energy Act, first reading on February 23, 2009. Changes include:

- energy projects including wind turbines will be exempt from Planning process
- mandatory 5 year review of Building Control Act.

He noted that Planning Commissioners all have concerns regarding this new legislation, but will have input in the regulations.

School Sites Issue – Mr. McCabe noted that the City Manager is working on a strategy here.

(ff) Private and Confidential (Item 12)

(i) Update respecting matter before the OMB: Waterdown Bay Lands School Site Severance Appeal (Item 12.1)

Chair Pearson noted that this item had been withdrawn from the Agenda.
On a Motion (Clark/Ferguson) Committee moved into Closed Session at 12.10 to consider 2 items pursuant to Section 239 of the Municipal Act, 2001 as follows;

litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board, respecting two Appeals which are currently before the Ontario Municipal Board, with regard to Setting Sail and SCUBE

On a Motion (Clark/McHattie) Committee resumed in Open Session at 1.00pm.

(ii) Update respecting matter before the OMB: Setting Sail (Item 12.2)

Chair Pearson noted that Committee had met in Closed Session to review this item, and that appropriate staff direction had been given.

(iii) Update respecting matter before the OMB: SCUBE (Item 12.3)

Chair Pearson noted that Committee had met in Closed Session to review this item.
Committee then approved a Motion respecting SCUBE.

(gg) ADJOURNMENT (Item 13)

The Economic Development and Planning Committee adjourned at 2:55 p.m.

Respectfully submitted,

Maria Pearson, Chair
Economic Development and Planning Committee

Alexandra Rawlings, Co-ordinator
Economic Development and Planning Committee
March 24, 2009