Economic Development and Planning Committee
MINUTES 09-002
Wednesday, January 20, 2009
9:30 am
Sheraton Hotel
South and West Ballroom
116 King Street West, Hamilton

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

Staff Present: C. Murray – City Manager
T. McCabe, General Manager – Planning and Economic
Development
P. Mallard, T. Sergi, J. Spolnik, M. Hazell, J. Hickey-Evans,
M. Sergi, B. Janssen, K. Mihaljevic, T. Horzelenberg,
G. MacDonald, C. Plosz - Planning and Economic Development
A. Rawlings, Co-ordinator, Ida Bediou - City Clerk’s Office

THE FOLLOWING ITEMS WERE REPORTED TO COUNCIL:

1. Economic Development Advisory Committee REPORT 08-001 (Item 5.1)
(Mitchell/Bratina)
That Report 08-001, be received for information.

CARRIED

2. Hamilton Community Heritage Fund Loan Program Application
(HCHF2008-003) for 235 Bowman Street, Hamilton (Former Princess
Elizabeth School) (PED09002) (Ward 1) (Item 5.2)
(Mitchell/Bratina)
That approval be given to Hamilton Community Heritage Fund Loan Program
Application (HCHF2008-003), for property located at 235 Bowman Street,
Hamilton, as shown on Appendix “A” to Report PED09002, subject to the
following:

(a) That a loan commitment of $50,000 be approved in accordance with the
terms and conditions of the Hamilton Community Heritage Fund Loan
Program for retrofit of the roof on the designated building, as approved
under Heritage Permit Application HP2008-040.
(b) That the Mayor and Clerk be authorized and directed to execute the loan agreement and security documentation with respect to (a), in a form satisfactory to the City Solicitor.

(c) That the General Manager of the Planning and Economic Development Department be authorized to amend the loan agreement, provided that the terms and conditions of the Hamilton Community Heritage Fund Loan Program are maintained.

(d) That the applicant shall comply with the conditions of Heritage Permit HP2008-040, as approved by the Director of Planning, as advised by the Heritage Permit Review Sub-committee of the Hamilton Municipal Heritage Committee.

(e) That Report PED09002 be forwarded to the Hamilton Municipal Heritage Committee for information.

CARRIED

3. Declaration of Surplus Property of City Owned Lands Described as Part of Lot 83 Plan 223, North of King Street, Municipally Known as 278 Wilson Street, Hamilton (PED09003) (Ward 3) (Item 5.3) (Mitchell/Bratina)

(a) That the subject lands municipally known as 278 Wilson Street, being composed of Part of Lot 83 on Plan 223, north of King Street, City of Hamilton, comprising an approximate area of 256 square metres (2,758 square feet), (as shown on Appendix “A” attached to Report PED09003) except for the front 2.14 metres which is to be retained and incorporated into Wilson Street road allowance, be declared surplus to the requirements of the City of Hamilton, in accordance with Procedural By-law for the Sale of Land, being By-law 04-299.

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

CARRIED

4. Repeal of By-Law No. 99-114, to Establish the Ancaster Village Core Advisory Committee (A.V.C.A.C.), The Corporation of the Town of Ancaster – Enacted and Passed on November 1, 1999 (PED09006) (Ward 12) (Item 5.4) (Mitchell/Bratina)

(a) That the By-Law to repeal By-Law No. 99-114, attached as Appendix “A” to Report PED09006, be enacted by Council.
(b) That $2,500.00 be transferred from surplus in the Operating Budget Dept ID 300383 to the Community Downtown and Business Improvement Areas Project ID 8200803611 as a contribution towards a commemorative feature to be placed in the Ancaster Square.

CARRIED

5. Association of Municipalities of Ontario Comments on the Proposed New Regulations and Standards for Brownfield Remediation (PED09033) (City Wide) (Item 5.5)
   (Mitchell/Bratina)
   (a) That Report PED09033, Association of Municipalities of Ontario Comments on the Proposed New Regulations and Standards for Brownfield Remediation, be received for information.

   (b) That the Province of Ontario be advised that the City of Hamilton endorses the creation of legislation, regulations and standards that will facilitate brownfield remediation while safeguarding public health and the environment.

CARRIED

6. Declaration of Surplus Property of City Owned Lands Described as Part of Lot 1 and Part of Lot 2 Plan 139 as in CD 201045, Municipally Known as 257 Barton Street West, Hamilton (PED09008) (Ward 1) (Item 5.6)
   (Mitchell/Bratina)
   (a) That the subject lands municipally known as 257 Barton Street West, being composed of Part of Lot 1 and Part of Lot 2 on Plan 139, Hamilton, comprising an approximate area of 73.6 square metres (762 sq. ft.) (as shown on Appendix “A” attached to Report PED09008), be declared surplus to the requirements of the City of Hamilton, in accordance with Procedural By-law for the Sale of Land, being By-law 04-299.

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

CARRIED

7. Demolition Permit – 175 Hillcrest Avenue (Flamborough) (PED09009) (Ward 14) (Item 5.7)
   (Mitchell/Bratina)
   That the Director of Building Services be authorized and directed to issue a demolition permit for 175 Hillcrest Avenue (Flamborough) in accordance with By-Law 08-226 pursuant to Section 33 of The Planning Act as amended.

CARRIED
8. **Demolition Permit – 199 Hunter Street West (PED09010) (Ward 2) (Item 5.8)** (Mitchell/Bratina)

That the Director of Building Services be authorized and directed to issue a demolition permit for 199 Hunter Street West 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.

CARRIED

9. **Demolition Permit – 20 Dundurn Street South (PED09011) (Ward 1) (Item 5.9)** (Mitchell/Bratina)

That the Director of Building Services be authorized and directed to issue a demolition permit for 20 Dundurn Street South in accordance with By-Law 08-226 pursuant to Section 33 of *The Planning Act* as amended.

CARRIED

10. **Downtown Hamilton Heritage Property Grant Program - 35 King Street East, The Right House (PED09012) (Ward 2) (Item 5.10)** (Mitchell/Bratina)

(a) That a grant commitment totalling $50,000.00 for the restoration/replacement of the cornice and replacement of the roof-deck at 35 King Street East, be approved in accordance with the terms and conditions of the Downtown Hamilton Heritage Property Grant Program.

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

(c) That the total grant in the amount of $50,000.00 be charged to Dept. ID 58201-815025 with funding coming from the Main Street Program Reserve (102048).

(d) That a condition of the grant commitment for the restoration/replacement of the cornice and replacement of the roof-deck be that all building and planning requirements, including a heritage permit, be obtained and work undertaken in full compliance with the permits for the work or the grant will be cancelled by the Director of the Downtown and Community Renewal Division.

(e) That the Director of Downtown and Community Renewal, Planning and Economic Development Department, be authorized and directed to approve an increase/decrease to the grant amount approved in subsection (a) in accordance with the maximum grant dictated by the terms of the program (25% of the cost of regeneration of the property to a maximum of $150,000.00).

(f) That the Director of Downtown and Community Renewal, Planning and Economic Development Department, be authorized to approve a maximum extension period of one (1) year to the applicant for the completion of the works, over and above the two (2) year period the applicant is given that commences the date Council approves the grant.

CARRIED

11. Enterprise Zone Grant Program - Application for 52 Cannon Street West, Hamilton EZ08/01 (PED09013) (Ward 2) (Item 5.11) (Mitchell/Bratina)
That Application EZ08/01 for 52 Cannon Street West for the development of a two-storey commercial building currently vacant, be approved as an eligible project under the 5 Year “Enterprise Zone Grant Program”.

CARRIED

12. Enterprise Zone Grant Program, 74 Hughson Street South/1 Hunter Street East - Agreement - EZ06/03 (PED09017) (Ward 2) (Item 5.12) (Mitchell/Bratina)
(a) That the Enterprise Zone Grant, as detailed within Report PED09017, be applied to 74 Hughson Street South/1 Hunter Street East, as the redevelopment of the property is complete and the terms and conditions of the program have been satisfied.

(b) That the Mayor and City Clerk be authorized and directed to execute the Agreement attached as Appendix “B” to Report PED09017.

CARRIED
13. **Downtown Hamilton Heritage Property Grant Program - St. Paul's Presbyterian Church – 64 James Street South (PED09027) (Ward 2) (Item 5.13)**
   (Mitchell/Bratina)
   (a) That a grant commitment, at an upset limit of $20,000.00 for a building conditions survey related to the restoration of St. Paul’s Presbyterian Church, 64 James Street South, be approved in accordance with the terms and conditions of the Downtown Hamilton Heritage Property Grant Program.

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

   (c) That the total grant with respect to sub-section (a) at an upset limit of $20,000.00 be funded from Capital Project ID 8200803803.

   (d) That Report PED09027 be forwarded to the Hamilton Municipal Heritage Committee as information.
   
   **CARRIED**

14. **Appointment By-law under the Building Code Act (PED09022) (City Wide) (Item 5.14)**
   (Mitchell/Bratina)
   That the By-law attached to Report PED09022 to amend City of Hamilton By-law 08-223, being a By-law to appoint a Chief Building Official, Deputies and Inspectors under Section 3 of the Building Code Act, 1992, be approved.
   
   **CARRIED**

15. **Licensing of Tow Trucks - Referred from Economic Development and Planning Committee on November 22, 2007 (PED09019) (City Wide) (Item 5.15)**
   (Mitchell/Bratina)
   That Report PED09019 respecting Licensing of Tow Trucks be referred back to staff for a report on a process to undertake a thorough and comprehensive review of the tow truck industry.
   
   **CARRIED**

16. **Adoption of BizPaL (PED09029) (City Wide) (Item 5.16)**
   (Mitchell/Bratina)
   (a) That Report PED09029, “Adoption of BizPaL” be received.

   (b) That the City of Hamilton’s participation in the "BizPal" partnership with the Ministry of Government Services, Service Ontario, be outlined in a letter of
roles and responsibilities to the individual participants and prepared in a form satisfactory to the City Solicitor.

(c) That the City Manager be directed to investigate the feasibility of the City providing some of its services through electronic kiosks. CARRIED

17. Re-establishment of the Taxi Reform Sub-Committee (PED09014) (City Wide) (Item 5.17) (Mitchell/Bratina)
(a) That five members of City Council be appointed to the Taxi Reform Sub-Committee, including three from the Economic Development and Planning Committee and two Councillors from the balance of Council.

(b) That the Terms of Reference for the Taxi Reform Sub-Committee, attached as Appendix “A” to Report PED09014, be approved, as amended to require the five members of Council be appointed to the Sub-Committee, three from the Economic Development and Planning Committee, and two from other members of Council.

(c) That Councillors Whitehead, Bratina and Duvall be appointed as the members from the Economic Development and Planning Committee. CARRIED

18. Volunteer/Sub-Committee Minutes: (Mitchell/Bratina)
(i) Hamilton Municipal Heritage Committee October 23, 2008 (Item 5.18(a))
That the Minutes of the October 23, 2008 meeting of the Hamilton Municipal Heritage Committee be received.

(ii) Hamilton Municipal Heritage Committee November 27, 2008 (Item 5.18(b))
That the Minutes of the November 27, 2008 meeting of the Hamilton Municipal Heritage Committee be received. CARRIED

19. Applications for Approval of a Draft Plan of Subdivision, “Woodland Manor”, and Amendments to the Ancaster Official Plan and Zoning By-law No. 87-57, for Lands Located at 437 Wilson Street East (Ancaster) (PED08306) (Ward 12) (Item 6.2) (Ferguson/Mitchell)
(a) That the recommendations outlined in Report PED08306 be amended by adding subsections (d) and (e) to read as follows:
“(d) That staff be directed to consult with the Ward Councillor when urban design guidelines are submitted with respect to what is proposed, the quality, location of materials and implementation prior to the clearance of any conditions of appeal related to urban design;

(e) That condition 4(c) of Schedule F be amended by adding the following sentence: “Deleting the heritage features outlined in conditions 44 and 45 is not an acceptable solution”.

(Bratina/Clark)
(b) That Report PED08306 respecting Woodland Manor be TABLED, as amended by (a) above, in order for staff to report back, within approximately six months, on the following:

(i) the concerns addressed by Mr. Ruland be addressed, and that staff dialogue with Mr. Ruland
(ii) hydrogeological studies – pumping and domestic impact studies;
(iii) a dye test on the Karst to determine water flow and volume;
(iv) natural heritage:
   (1) determine status of the woodland vis-a-vis “significant woodland” status from a technical point of view
   (2) determine impact downstream on the Niagara Escarpment, specifically seeps, on escarpment biota.

(Clark/Bratina)
(c) That the Economic Development and Planning Committee be provided ahead of the staff report with copies of the following correspondence and information respecting Report PED08306;

(i) Comments from the Hamilton Conservation Authority;
(ii) The April 2006 Scoped Environment Impact Statement
(iii) The July 2007 Scoped Environmental Impact Statement;
(iv) Staff or political comments received from the Ministry of Natural Resources.
(v) Details of the firm who conducted the peer reviews, and whether this firm has an expert in Karst formations.

CARRIED
20. **Amendments to the City of Hamilton Licensing Code By-Law No. 07-170 (PED09030) (City Wide) (Item 6.3)**  
(Whitehead/Bratina)

(a) That the Licensing By-Law requirement that taxicab owners hold a taxicab driver’s licence be rescinded, but that the requirement for Service and Skills Training be maintained.

(b) That the Licensing Code By-Law No. 07-170 be updated and the intent of the By-law clarified through a number of technical and housekeeping changes.

(c) That the By-law, attached as Appendix ‘A’ to Report PED09030, which has been prepared in a form satisfactory to the City Solicitor, and as amended by Committee on January 20, 2009, be enacted by City Council.  

**CARRIED**

21. **Application for a Change in Zoning for Lands Located at 101 Creighton Road (Dundas) (PED09001) (Ward 13) (Item 6.4)**  
(Clark/Pasuta)

That approval be given to **Amended Zoning Application ZAR-08-045, by Blackadar Continuing Care Centre Inc., Owners**, for a change in zoning from the Major Institutional (I3) Zone of the City of Hamilton Zoning By-law 05-200, to the Open Space - Conservation (OS) Zone (Block 1), Single-Detached Residential Flood Plain (R1-FP) Zone (Block 2), and the Single-Detached Residential (R1) Zone (Block 3) of the former Town of Dundas Zoning By-law 3581-86, in order to apply appropriate zoning to a parcel of land resulting from Severance Application DN/B-07:142 at 101 Creighton Road, and lands at 223 Governor’s Road, for existing residential uses, as shown on Appendix “A” to Report PED09001, on the following basis:

(a) That the draft By-laws, attached as Appendix “C” and Appendix “D” to Report PED09001, which have been prepared in a form satisfactory to the City Solicitor, and as amended by Committee on January 20, 2009, respecting a mapping error, be enacted by City Council.

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

**CARRIED**

22. **Application for a Change in Zoning for Lands Located at 75 Overdale Avenue (Flamborough) (PED09020) (Ward 15) (Item 6.5)**  
(Clark/Bratina)

That approval be given to **amended Zoning Application ZAR-08-048, by Sujit and Basanti Majumdar, Owners**, for changes in zoning from the Urban Residential (R1-6) Zone Modified, to the Urban Residential (R1-41) Zone Modified (Block 1), and to the Urban Residential (R1-42) Zone Modified (Block 2), in order to recognize the existing single detached dwelling on Block 1 and
allow for the construction of a two-storey, single detached dwelling on Block 2, for lands located at 75 Overdale Avenue (Flamborough), as shown on Appendix “A” to Report PED09020, on the following basis;

(a) That the draft By-law, attached as Appendix “D” to Report PED09020, which has been prepared in a form satisfactory to the City Solicitor, and as amended by Committee on January 20, 2009, to remove the section which required that the by-law be held, until a tree study had been completed, since this condition has been fulfilled, be forwarded to Council for enactment;

(b) That the amending By-law be added to Schedule A-30 of Zoning By-law No. 90-145-Z;

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

CARRIED

23. City Initiative for an Official Plan Amendment and a Change in Zoning for Lands Located at 163 Dundas Street East (Flamborough Municipal Centre) (Flamborough) (PED09018) (Ward 15) (Item 6.6) (Pasuta/Clark)

(a) That approval be given to City Initiative CI-08-L, City of Hamilton, Owner, for Official Plan Amendment No. ____, to permit office uses within the “Urban Institutional” and “Major Institutional” designations, for the lands located at 163 Dundas Street East (Flamborough Municipal Centre)(Flamborough), as shown on Appendix “A” to Report PED09018, on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED09018, be adopted by City Council.

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

(b) That approval be given to City Initiative CI-08-L, City of Hamilton, Owner, for a modification to the Public Use (P) Zone, in order to permit private professional offices, excluding medical offices, located at 163 Dundas Street East (Flamborough Municipal Centre) (Flamborough), as shown on Appendix “A” to Report PED09018, on the following basis:

(i) That the draft By-law, attached as Appendix “C” to Report PED09018, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
(ii) That the proposed change in zoning is 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.___.

CARRIED

24. Applications for Approval of a Draft Plan of Subdivision, “Parkview Estates”, and an Amendment to Hamilton Zoning By-law No. 6593 for Lands Known as 310-328 Rymal Road West (Hamilton) (PED09005) (Ward 8) (Item 6.7) (Whitehead/Ferguson)

(a) That approval be given to Draft Plan of Subdivision Application 25T-200721, by Frank Spallacci, Spallacci & Sons Limited, Owners, to establish a draft plan of subdivision known as “Parkview Estates”, on lands located at 310-328 Rymal Road West, Hamilton, as shown on Appendix “A” to Report PED09005, subject to the following conditions:

(i) That this approval apply to “Parkview Estates”, 25T-200721, as red-line revised, prepared by Planning and Engineering Initiatives Ltd., and certified by John Nouwens, OLS, dated December 18, 2007, showing 44 lot-less Blocks (Lots 1 - 43 and 58), 3 road widening blocks (Block 57, 60 and 61), 1 block (Block 44) for future development, and the creation of 16 public roads (Streets “A-P”), attached as Appendix “C” to Report PED09005, 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 PED09005, and as amended by Committee on January 20, 2009;

(ii) Acknowledgement by the City of Hamilton of its responsibility for cost-sharing with respect to the oversizing costs for the construction of Streets “A” and “E” and Claudette Gate;

(iii) That payment of Cash-in-Lieu of Parkland will be required for the development prior to the issuance of each building permit for the lots within the plan. The calculation of the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the day of issuance of the 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-07-099, Frank Spallacci and Spallacci & Sons Limited, Owners, for changes in zoning to permit the development of 61 blocks, in order to create a residential subdivision that provides a range of densities in the form of townhouses, semi-detached dwellings and detached dwellings, on lands located at 310-
328 Rymal Road West (Hamilton), as shown on Appendix “A” (Maps 1 and 2) to Report PED09005, on the following basis:

(i) That Block 1 (Map 1) be rezoned from the “AA” (Agricultural) District to the “RT-20” (Townhouse - Maisonette) District, Modified, in order to permit Townhouse and Maisonette units.

(ii) That Block 2 (Map 1) be rezoned from the “RT-20”-‘H’ (Townhouse - Maisonette - Holding) District to the “RT-20” (Townhouse - Maisonette) District, Modified, in order to permit Townhouse and Maisonette units.

(iii) That Block 3 (Map 1) be rezoned from the “DE”-‘H’ (Low Density Multiple Dwellings - ‘Holding’) District, Modified, to the “RT-20” (Townhouse - Maisonette) District, Modified, in order to permit Townhouse and Maisonette units.

(iv) That Block 4 (Map 1) be rezoned from the “DE”-‘H’ (Low Density Multiple Dwellings - ‘Holding’) District, Modified, to the “R-4” (Small Lot Single Family Dwelling) District, Modified, in order to permit Single and Semi-Detached Dwelling units.

(v) That Block 5 (Map 1) be rezoned from the “B-2”-‘H’ (Suburban Residential - ‘Holding’) District to the “R-4” (Small Lot Single Family Dwelling) District, Modified, in order to permit Single and Semi-Detached Dwelling units.

(vi) That Block 6 (Map 1) be rezoned from the “B-2”-‘H’ (Suburban Residential - ‘Holding’) District to the “RT-20” (Townhouse - Maisonette) District, Modified, in order to permit Townhouse and Maisonette units.

(vii) That Block 7 (Map 2) be rezoned from the “AA” (Agricultural) District to the “R-4” (Small Lot Single Family Dwelling) District, Modified, in order to permit Single and Semi-Detached Dwelling units.

(viii) That Block 8 (Map 2) be rezoned from the “AA” (Agricultural) District to the “RT-20” (Townhouse - Maisonette) District, Modified, in order to permit Townhouse and Maisonette units.

(ix) That Block 9 (Map 2) be rezoned from the “DE”-‘H’ (Low Density Multiple Dwellings - ‘Holding’) District, Modified, to the “RT-20” (Townhouse - Maisonette) District, Modified, in order to permit Street Townhouses, Single and Semi-Detached Dwelling units.
(x) That Block 10 (Map 2) be rezoned from the “DE”-’H’ (Low Density Multiple Dwellings - ‘Holding’) District, Modified, to the “RT-20” (Townhouse - Maisonette) District, Modified, in order to permit Townhouse and Maisonette units.

(xi) That Block 11 (Map 2) be rezoned from the “B-2”-’H’ (Suburban Residential - ‘Holding’) District to the “R-4” (Small Lot Single Family Dwelling) District, Modified, in order to permit Single and Semi-Detached Dwelling units

(xii) That the draft By-law, attached as Appendix “B” to Report PED09005, which has been prepared in a form satisfactory to the City Solicitor, and as amended by Committee on January 20, 2009, respecting porch encroachments, be enacted by City Council.

(xiii) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan and the Hamilton Official Plan.

(xiv) That upon finalization of the implementing By-law, the Sheldon Neighbourhood Plan be amended by re-designating the subject lands from “Attached Housing”, “St. Elizabeth’s Retirement Village” and “Single and Double” to “Single and Double” and “Attached Housing” and to show the road pattern.

(c) That staff be directed to initiate discussion with St. Elizabeth Village regarding the mechanisms required to assure for the longterm operation and maintenance of the St. Elizabeth Village’s storm water management ponds and open channel system and report back to the Public Works Committee.

CARRIED

25. Applications for Amendments to the Flamborough Official Plan and Zoning
By-law No. 90-145-Z for Lands Located at 86 Dundas Street East (Flamborough) (PED09004) (Ward 15) (Item 6.8)
(Clark/Bratina)

(a) That approval be given to Official Plan Amendment Application OPA-07-023, by Flamborough Power Centre Inc., Owner, to amend Schedule ‘A-1’, Land Use Plan - Flamborough Business Park Secondary Plan from “General Industrial - Commercial” to “Prestige Industrial - Commercial” (Block “2”), and to denote the subject lands as Site-Specific Area # (Blocks “1” and “2”) in order to permit retail establishments, on lands located at 86 Dundas Street East (Flamborough), as shown on Appendix “A” to Report PED09004, on the following basis:

(i) That the Draft Official Plan Amendment, attached as Appendix “B” to Report PED09004, 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 Zoning Application ZAC-07-088, by Flamborough Power Centre Inc., Owner, for changes in zoning from the General Industrial “M2-1” Zone to the Prestige Industrial “M1-13” Zone (Block “2”) and from the Prestige Industrial “M1-1” Zone to the Prestige Industrial “M1-13” Zone (Block “1”), in order to permit additional commercial uses for lands located at 86 Dundas Street East (Flamborough), as shown on Appendix “A” to Report PED09004, on the following basis:

(i) That the draft By-law, attached as Appendix “C” to Report PED09004, which has been prepared in a form satisfactory to the City Solicitor, not be forwarded to City Council for enactment until such time that a Noise Assessment has been submitted and approved, to the satisfaction of the Director of Planning.

(ii) That the amending By-law be added to Schedule “A-29” of Zoning By-law No. 90-145-Z.

(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. [Redacted].

CARRIED

26. Waiving of Fees for the Proposed Marydale Park by the Catholic Youth Organization, 5999 Chippewa Road East, Glanbrook (Ward 11) (PED08236) (Item 8.1) (Mitchell/Clark)

(a) That Report PED08236 – Waiving of Fees for the Proposed Marydale Park by the Catholic Youth Organization, located at 5999 Chippewa Road East, Glanbrook, be received.

(b) That the use of the land located at 5999 Chippewa Road East, Glanbrook be deemed as charitable and non-profit and that the parkland dedication fee in the amount of $6,207 be exempt;

(c) That the unopened Nebo Road allowance be sold to the Catholic Youth Organisation for the nominal fee of $2.00
(d) That the matter be deemed complete, and removed from the Outstanding Business List

CARRIED

27. Animal Control Advisory Committee - Terms of Reference (PED08147(a)) (City Wide) (Item 8.2)
    (Bratina/Clark)
    (a) That Report PED08147(a), including the Terms of Reference respecting an Animal Control Advisory Committee, attached thereto as Appendix ‘A’ be received.

    (b) That, in view of the current economic situation, the creation of an Animal Control Advisory Committee, and the associated staff position of the Animal Control Community Liaison Officer, not be approved at this time; and,

    (c) That items related to Animal Control issues continue to be dealt with by the Economic Development and Planning Committee, and that special Public Meetings be arranged, as required

CARRIED

28. Hamilton Municipal Heritage Committee Report 08-004 (Item 8.5)
    (Whitehead/Clark)
    That Report 08-004 of the Hamilton Municipal Heritage Committee be received for information.

CARRIED

29. Appeal of the Rural Official Plan (Items 8.6 and 12.1)
    (Clark/Bratina)
    (a) That the City of Hamilton appeal the following modification to the Rural Hamilton Official Plan, identified in the Ministry of Municipal Affairs and Housing Notice of Decision (25-OP-2006 on January 7, 2009), since this modification does not implement the conclusions of background studies and strategies prepared by the City of Hamilton in support of the development of a new Official Plan:

        (i) Modification 33b respecting the land use designations (Ministry modification to redesignation from Rural to Agriculture) on Schedule D – Rural Land Use Designations, identified on Attachment 4 to the Notice of Decision.

    (b) That this resolution be forwarded to a Special Council meeting, following the January 26, 2009, Board of Health meeting.

CARRIED
30. Proposal to Waive Fees Respecting Severance Application (BI/B-08:144) (Item 9.1) 
(Clark/Whitehead)
That staff be directed to prepare a chronology of events surrounding the application, and the chronology and Motion be considered at the February 3, 2009 meeting.
CARRIED

31. 109 George Street, OMB File No.: PL080779, OMB Case No.: PL080779, C of A File No.: A-113/08 
(Whitehead/Ferguson)
(a) That the City Solicitor be directed to accept the proposed settlement of the appeal of the Committee of Adjustment decision in file A-113/08, as follows;

(i) whereby a variance would be granted from By-law No. 05-200 to permit 90 outdoor seats at the patio of 109 George Street, instead of the maximum 50 currently permitted,

(ii) and that the minor variance be conditional on the outdoor patio being developed in accordance with the site plan prepared by Fabiani Architect Limited dated Sept. 22, 2008 (rev. Jan. 06/09) and labelled DWG No. A1”, “PROJ. # 07057”,

(iii) and be further conditional on the property owner obtaining a Liquour Sales Licence from the Alcohol and Gaming Commission of Ontario which would permit 90 persons capacity on the outdoor patio situated on the subject property.

(b) That the City Solicitor be authorized to take all steps, including the drafting or approval of final documentation, to implement the Settlement; and

(c) That the Mayor and Clerk be authorized to execute any documentation necessary to implement the Settlement upon the written recommendation of the City Solicitor.
CARRIED

THE FOLLOWING ITEMS WERE REPORTED TO COUNCIL FOR INFORMATION PURPOSES:

(a) CHANGES TO THE AGENDA (Item 1)

The Clerk advised of the following changes:
(i) The Motion from Councillor Mitchell, which was not dealt with at the meeting of December 2, 2008, was inadvertently omitted from the Agenda. Copies have been distributed today and this will become Item 9.1;

(ii) An added delegation request from Ed Fothergill wishing to speak at the next Economic Development and Planning Committee Budget meeting, which has been distributed and added as Item 4.5;

(iii) The Closed Session items will be discussed at 12 noon, when Legal staff will be present to assist Committee. Lunch will be served at this time. Legal has asked that we also consider a potential property acquisition issue, during the Closed Session which will be added as Item 12.3;

(iv) The Public Meetings, Section 6.0, will start at 10.00am. This is because the meeting location was changed, after the public circulation notifications had been sent out. The Public Meetings were all re-circulated or re-advertised, and in order to give anyone going to the HCC the time to get to the Sheraton Hotel, the start time of the Public Meeting was changed.

The Agenda for the January 20, 2009, meeting of the Economic Development & Planning Committee was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

Councillor Ferguson declared an interest with respect to Items 5.17 and 6.3 as he is an investor in the taxi industry.

(c) APPROVAL OF MINUTES (Item 3)

(i) The Minutes of the Economic Development and Planning Committee meeting of November 27, 2008, were approved as presented.

(ii) The Minutes of the Economic Development and Planning Committee meeting of December 2, 2008, were approved as presented.

(d) Delegation Requests

(i) The following delegation requests were approved to attend at a future meeting:
(1) Steve Mahoney, representing Ontario Sewer and Watermain Construction Association, and a representative from Hamilton and District Heavy Equipment Association, to discuss Subdivision Agreement conditions respecting pay assurance for servicing contractors (Item 4.1)

(2) Gan Cappelletti, respecting property at 5085 Trinity Church Road South, Binbrook (Item 4.2)

(ii) The Chair noted that the following delegation request has been withdrawn:

(1) Hilary Meggison and Douglas Brennan respecting the demolition permit for 199 Hunter Street West –Item 5.8 on Agenda (Item 4.3)

(iii) The following delegation request was approved to address Committee today:

(1) Wilf Ruland respecting Woodland manor, Item 8.2 on Agenda (Item 4.4)

(iv) The following delegation request was approved to address Committee at the next budget meeting:

(1) Ed Fothergill representing the Chamber of Commerce, respecting the Tariff of fees (Added as Item 4.5).

(e) Association of Municipalities of Ontario Comments on the Proposed New Regulations and Standards for Brownfield Remediation (PED09033) (City Wide) (Item 5.5)

Councillor Clark suggested that in addition to the letter sent to the Minister of the Environment, Council should formally ratify its position to the Province by Motion.

Committee approved an amendment regarding this issue.

(f) Licensing of Tow Trucks - Referred from Economic Development and Planning Committee on November 22, 2007 (PED09019) (City Wide) (Item 5.15)

Councillor Mitchell indicated that he is not in favour of removing this item from the outstanding business list as more work needs to be done to protect the legitimate operators.
Staff agreed that there should be a thorough and comprehensive review of the industry and that they are waiting for the enactment of a Private Members Bill currently being considered by the Province.

A debate followed and the Committee agreed that they did not wish to wait until the Province took action, particularly as Private Members’ Bills are frequently unsuccessful.

On a Motion, the item was referred back to staff for a report.

(g) Adoption of BizPaL (PED09029) (City Wide) (Item 5.16)

The Committee discussed the Provincial kiosks and whether there were opportunities for the City to partner with the Province and provide services through these electronic kiosks.

The Committee amended the recommendation by adding a subsection (c) to direct the City Manager to investigate this matter.

(h) Re-establishment of the Taxi Reform Sub-Committee (PED09014) (City Wide) (Item 5.17)

Committee discussed the matter and clarified that there would be five members of Council on the Sub-Committee.

They then amended the Appendix, and appointed Councillors Whitehead, Bratina and Duvall to the Sub-Committee.

Councillor Clark indicated that he wished to be recorded as opposed to this Item.

(i) Aidan Finn, respecting development in Ancaster (Delegation approved by Committee, December 2, 2008) (Item 6.1)

Mr. Finn was not in attendance and the Committee delayed this item until later in the meeting, in the event that he went to the wrong location.

Later in the meeting, Chair Pearson asked again if Mr. Finn was present. As he was not, on a Motion (Bratina/Ferguson), Committee received his added communication.
Applications for Approval of a Draft Plan of Subdivision, “Woodland Manor”, and Amendments to the Ancaster Official Plan and Zoning By-law No. 87-57, for Lands Located at 437 Wilson Street East (Ancaster) (PED08306) (Ward 12) (Item 6.2)

Chair Pearson advised the meeting that this matter had been deferred from the December Meeting, to allow the applicant the opportunity to ensure that the conditions of approval could all be met, and to ensure that the heritage features would be included.

Greg MacDonald provided a brief verbal overview of the meetings and consultation undertaken to date respecting this item. He advised that some outstanding differences still exist between staff and the applicant. With a little more time, it is possible that some of the differences could be resolved, but probably not all of them. He concluded that it would be appropriate for the Committee to refer the item back for further consultation, or approve it with the recommendations as outlined in the report.

He added that the applicant wished to drop some of the conditions.

Councillor McHattie requested clarification of whether the woodland is significant or not. Staff responded that it meets three of the six criteria and it only needs to meet two criteria to be classified as a significant woodland.

Councillor McHattie enquired as to how this would affect the proposal. Greg MacDonald responded that the report indicates that further investigation is required, and that staff has asked for more information. Councillor McHattie asked if Municipalities need to be consistent with Provincial policy, what is Provincial policy for significant woodlands? Staff responded that the Hamilton Conservation Authority is satisfied with this project to move forward based on compensation, respecting tree planting. Paul Mallard explained that this is not Provincial criteria but local draft criteria, and that compensation is being provided.

Councillor Clark requested a copy of the Hamilton Conservation Authority letter which includes its comments with respect to this development.

John Ariens, IBI Group, the applicant’s agent, addressed Committee and advised that many of the conditions that are still being fine tuned are with respect to engineering requirements. He indicated that base conditions are required in order to move forward with the application. With respect to the issue of the “significant” woodland, he advised that the northerly portion of the property abuts the escarpment and is covered with significant deciduous forest, the rest of the property is manicured lawn and a portion used to be farmland. He explained that the conservation issues have been adequately addressed. He requested that Committee approve the staff report with the conditions as outlined in the recommendations.
Committee received the Added Communications from Karen Wilkins and Wilf Ruland (Items 6.2.1 and 6.2.2).

Wilf Ruland, a consultant for the neighbouring owner, indicated that this proposal is premature. The soil is shallow and this will affect water supply. His clients are concerned with their well water supply and the supply of their neighbours.

The proposed engineering systems, including the sump pumps, will need to be operated in perpetuity to prevent basement flooding. Diverting the natural water supply will have many effects on the area including downstream impact on the escarpment. An impact assessment has not been undertaken. He noted that the design of the houses to include basements raised significant problems.

If the City approves the development it could face liability issues. Mr. Ruland referred to his memo which is included in the agenda as Item 6.2.1 which outlines his concerns.

He suggested that the applicant be required to complete a pumping test which is a normal requirement in a hydrogeological report, before giving approval.

Mr. Ruland urged the Committee to defer its decision until the concerns expressed in his memo and in his delegation are addressed.

Councillor Ferguson expressed concerns that conditions to protect the heritage features may be lost if the Committee does not approve the report today and the applicant appeals the delay to the OMB. The Councillor wishes to include amendments to the recommendations to protect the heritage features. His key concerns are that the heritage and engineering issues be addressed.

Councillor McHattie indicated that a complete hydrogeological study, a dye test on the Karst, and a final evaluation of the woodland are required.

Councillor Clark asked who undertook the peer review of the studies which were submitted and whether they had a Karst expert on staff. Staff advised they would provide that information.

Councillor Whitehead asked who picks the peer reviewer, who pays for it and how do we ensure that there is no conflict of interest. Staff responded the developer picks the organization from a City roster and pays for it and there is no way to ensure there’s no conflict of interest.

Committee discussed the matter and had additional information supplied by staff. The issue of exactly what studies are required was debated as was the anticipated effect of this development on the water table. The Committee also questioned the statement in the report that the woodland may be significant and requested confirmation of whether it is significant or not and how this would affect the conditions of approval. Staff explained that the Hamilton Conservation
Authority did not object to mature trees being cut down provided there would be compensation and more trees planted and also explained that the studies requested by staff are the standard.

Councillor Whitehead asked whether grouting is a solution to the water table issue. Also, in his opinion, the fact that part of the property was once farm land is irrelevant. The new natural growth needs to be protected.

Councillor Ferguson asked if the Committee delays approval today and the applicant appeals to the OMB, will there be a risk of losing the heritage conditions which have been negotiated to date?

Staff explained that if the recommendations are not approved today, the applicant will have the opportunity to appeal to the OMB without the City’s position and in that event, the negotiations with the applicant will start from scratch.

The Committee debated the possibility of the applicant going to the OMB, and the timelines and repercussions involved.

Committee added two conditions respecting urban design and heritage features.

Committee then tabled the report, pending the completion of a number of items, including hydrogeological studies, evaluation of the status of the woodland, impact on the downstream areas and tests respecting the Karst area. Committee also directed that staff should dialogue with Mr. Ruland on the matters he raised, and address his concerns in their report back.

Committee acknowledged that the report may take six months or so, due to the type of issues to be addressed.

Committee then provided direction that staff provide them with information on various aspects of the review of the application.

(k) **Private and Confidential (Item 12)**

At 11:55 am, the following Motion was approved;

That Committee move into Closed Session to consider 3 items pursuant to Section 239 of the Municipal Act, 2001 as follows;

(a) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board, respecting the approval of the Rural Official Plan, and an Appeal which is currently before the Ontario Municipal Board, with regard 109 George Street; and,
a proposed or pending acquisition or disposition of land by the municipality or local board

At 2:00 pm, Committee resumed in Open Session.

(i) Rural Official Plan-receipt of legal advice (Item 12.1)

Committee discussed the matter, and the following Motion was put on the floor by Councillor Clark, seconded by Councillor Bratina;

That the City of Hamilton appeal the following modification to the Rural Hamilton Official Plan, identified in the Ministry of Municipal Affairs and Housing Notice of Decision (25-OP-2006 on January 7, 2009), since this modification does not implement the conclusions of background studies and strategies prepared by the City of Hamilton in support of the development of a new Official Plan:

(a) Modification 33b respecting the land use designations (Ministry modification to redesignation from Rural to Agriculture) on Schedule D – Rural Land Use Designations, identified on Attachment 4 to the Notice of Decision.

The Chair relinquished the Chair to the First Vice-chair to second the following amendment, put forward by Councillor Whitehead;

That the following subsection (b) be added to the proposed appeal of the Rural Official Plan;

(b) Modification Nos. 46 and 49 respecting Special Policy Area B (SPA B) – Future Urban Growth Area (Ministry modification to delete SPA B), identified on Attachment 21 to the Notice of Decision.

The amendment LOST on the following standing recorded vote:

Yeas: Pearson, Whitehead, and Ferguson,
Total: 3
Nays: Pasuta, Mitchell, McHattie, Duvall, Clark, and Bratina
Total: 6
Absent: 0

The item then CARRIED unanimously on the following standing recorded vote:
Economic Development & Planning
Committee

Yeas: Pearson, Whitehead, Pasuta, Mitchell, McHattie, Ferguson, Duvall, Clark, and Bratina
Total: 9
Nays: 0
Absent: 0

On a Motion (Clark/Whitehead) Committee agreed that the approved resolution be forwarded for ratification at a Special Council meeting following the January 26, 2009 Board of Health meeting.

(ii) 109 George Street-Proposed settlement of OMB appeal respecting variance for patio seating (Committee of Adjustment Application A-113/08 (Item 12.2))

Councillor Bratina noted that the Committee had met in Closed Session to consider a proposed settlement at a Committee of Adjustment appeal. Committee then passed a Recommendation.

Councillors McHattie and Bratina requested their opposition be noted.

(iii) Potential land acquisition

Councillor Bratina noted that Committee had met in Closes Session and that direction had been given to staff, with nothing to report in Open Session.

(l) Amendments to the City of Hamilton Licensing Code By-Law No. 07-170 (PED09030) (City Wide) (Item 6.3)

A Public Meeting was held.

Chair Pearson advised that the Public Meeting, under the Municipal Act, was being held to consider a change to the Licencing By-law, and that the meeting had been advertised in the local newspapers.

The Chair noted that an added communication from Fred Rudolph had been distributed today. Committee received the communication.

Marty Hazell provided an overview of the matter and addressed the items raised in Mr. Rudolph’s letter respecting the requirement that taxi plate owners hold a valid taxi driver licence. The main issue is that taxi owners be aware of the industry therefore staff are recommending that the requirement for holding a taxi
driver licence be rescinded but the requirement for taxi industry training remain in effect.

Councillor Clark asked what type of consultation has taken place. Marty Hazell advised that extensive consultation was undertaken in 2003. Legal staff have advised that a challenge to the requirement for a licence may not be easily defended and the City would have weak case.

The Chair invited members of the Public to come down to the podium to address the Committee, and requested that the public write their name, address, postal code and telephone number on the sheets provided, prior to speaking.

Ejaz Butt - Cab Drivers Welfare Association of Hamilton, addressed Committee. He is a taxi driver concerned with taxi driver safety.

He indicated that he was the only person who strongly opposed the current taxi licensing by-law because he knew it would cause a lot of problems. Now those members of the taxi industry who initially supported the by-law do not want to comply with it and staff is recommending amendments. He and the 360 members of his organization are opposed to the by-law being amended.

The Chair asked if there were other members of the public who wished to address Committee.

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

The staff recommendation was approved.

(m) Application for a Change in Zoning for Lands Located at 101 Creighton Road (Dundas) (PED09001) (Ward 13) (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 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.

On a Motion (McHattie/Bratina), Committee dispensed with the PowerPoint presentation with the exception of a brief explanation of the mapping change.

CARRIED

Kate Mihaljevic addressed Committee, and with a slide explained the minor changes in the mapping on page 3 of 3 in the agenda. The southerly western portion was removed.

The agent, Gerard Murphy, explained that he supported the staff recommendation.

Councillor Pearson asked if there were any members of the public here to address the issue. None came forward.

Committee approved the staff recommendation, as amended.

(n) Application for a Change in Zoning for Lands Located at 75 Overdale Avenue (Flamborough) (PED09020) (Ward 15) (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.

Kate Mihalevicj addressed Committee, and explained that subsection (a) of the recommendations can be amended as the owner has applied for the tree cutting permit and therefore there is no reason to withhold the draft by-law and it can now be forwarded to Council for approval.
The agents Sujoy and Sampa Majumdar, explained that they supported the staff recommendation.

Councillor Pearson asked if there were any members of the public here to address the issue. None came forward.

Committee approved the staff recommendation, as amended.

(o) City Initiative for an Official Plan Amendment and a Change in Zoning for Lands Located at 163 Dundas Street East (Flamborough Municipal Centre) (Flamborough) (PED09018) (Ward 15) (Item 6.6)

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 there are reasonable grounds to do so.

The Clerk presented a letter which was submitted by the neighbour to the property who was in attendance this morning but had to leave. The neighbour requested that the drain which runs between her property and the subject site not be affected by this application.

Trevor Horzelenburg addressed Committee with respect to a copy of a map which was omitted from the report and copies were distributed. He made a PowerPoint presentation which provided an overview of the report. He advised that no negative comments were received in response to the notices which were mailed, except for the one submitted at today’s meeting.

The Chair noted that as this was a City initiative, there was no applicant to speak to the matter.
Staff provided some additional information in response to questions posed by the Committee. Staff confirmed that there was adequate space for the Chamber of Commerce.

Councillor Pearson asked if there were any members of the public here to address the issue. None came forward.

Committee approved the staff recommendation.

Applications for Approval of a Draft Plan of Subdivision, “Parkview Estates”, and an Amendment to Hamilton Zoning By-law No. 6593 for Lands Known as 310-328 Rymal Road West (Hamilton) (PED09005) (Ward 8) (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 the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board.

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

Greg MacDonald addressed Committee and provided an overview of the minor changes proposed to the by-law and to the draft plan conditions. The purpose of the changes is so that various provisions apply to the single detached dwellings as well. The provisions for an easement will apply to Block 2 as well as Block 7.

The purpose of the applications is to amend the zoning by-law to provide for the development of lands for 44 lot-less blocks. The appropriate studies have been undertaken. There are some additional requirements that need to be satisfied by the applicant in order to address traffic issues. Greg MacDonald outlined the reasons why staff are recommending approval of this application.

Gavin Norman advised that through further discussions with the Niagara Peninsula Conservation Authority, it has been determined that the conditions should be revised by adding a subsection (c) as follows:
that staff be directed to initiate discussion with St. Elizabeth Village regarding the mechanisms required to assure for the longterm operation and maintenance of the St. Elizabeth Village’s storm water management ponds and open channel system and report back to the Public Works Committee.

Councillor Clark inquired what financial impact this application could have with respect to the aforementioned storm water management issues.

Councillor McHattie inquired about the location of the subject property on a “corridor”, and the need to develop with higher densities, with regard to future public transit enhancements.

Councillor Whitehead advised that this is a good representation of mixed density in a development, however, he expressed concerns with respect to the existing traffic problems in the area, particularly at the intersection of Rymal Road and Garth Street. These will be exacerbated with this development. He has received complaints from staff of St. Elizabeth’s Villa. Staff responded that the traffic issues will be flagged through the Class EA process.

Sergio Manchia, the applicant’s agent, advised that he was satisfied with the staff recommendation, as amended. Following questions from Committee, Mr. Manchia agreed to discuss increased density issues with his client.

Jim Lepore, Fisher Court, addressed Committee. He expressed concerns respecting drainage and asked if he could hook up to the subject development, as soon as it is built. He noted that he owned a three acre property and pays his taxes. It was agreed that Councillor Whitehead, Tony Sergi, and the speaker would meet and discuss the issues raised.

It was also agreed that staff and Councillor Whitehead would meet to discuss the traffic situation on Rymal.

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

Committee approved the staff recommendation, as amended.

(q) Applications for Amendments to the Flamborough Official Plan and Zoning By-law No. 90-145-Z for Lands Located at 86 Dundas Street East (Flamborough) (PED09004) (Ward 15) (Item 6.8)

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 there are reasonable grounds to do so.

Greg MacDonald addressed Committee and explained the application with the aid of a powerpoint presentation.

Ed Fothergill, the applicant’s agent, advised that he was satisfied with the staff recommendation, but requested that he be allowed to speak after the neighbours.

Sherry Brennan, 82 Grindstone Way, came forward to address Committee and provided a handout outlining concerns shared by several neighbours. These concerns included, but were not limited to, the following:

- traffic issues now and in the future, after construction of the development
- grading and drainage issues
- security and safety, particularly if there is a walkway or access behind the buildings, need for fencing or other measures
- noise impacts.

Miron Docev, 110 Grindstone Way, addressed Committee. His concerns included, but were not limited to:

- agreed with previous speaker, also signed her letter
- as a professional engineer, working in another municipality, knows that salt management plan needed
- snow storage should be addressed
- need for EIS for impact on escarpment face
- use of fill will change the environmental conditions
- grading must be addressed
- storm water issues, existing pond in Rockcliffe may not be adequate for flows, consideration of 100 year storm needed, existing catch basins could get clogged
- safety and security, congregation of young people
- need Class EA for overall servicing issues.

Mr. Macdonald noted that NEC and Conservation Halton have no issues, development not near ESA, no need for EIS.
Tony Sergi noted that many of concerns already addressed under development to north.

Ed Fothergill, applicant’s agent, addressed Committee in support of the application, and noted points including the following:

- land intended for Industrial Business Park use since 1980’s, various changes to zoning since then, site is a “remnant”
- auto convenience centre is a commercial-type use, not a “Husky”
- applicant has agreed not to have an alleyway between uses, although possibility of a walkway connecting trail system to north and the NEC lands to the south is under review
- fencing being reviewed with neighbours
- many items will be addressed in upcoming site plan process
- no new storm water management facilities needed
- grading and drainage already addressed, all drainage has to go to existing SWM pond, cannot cross the pipeline easement.

Committee directed that staff continue to involve the Ward Councillor and the neighbours in the site plan process.

Committee approved the staff recommendation.

(r) Parkland Dedication / Cash-in-Lieu: Official Plan Amendment, New Implementing By-law and Policy (PED09028) (City Wide) (Item 6.9)

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

a) If a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before the approval authority gives or refuses to give approval to the Official Plan Amendment the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board.

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

Keith Anderson addressed Committee and gave an overview of the staff recommendation, with the aid of a powerpoint presentation. Copies of the presentation were distributed to Committee.
The Chair noted that as this was a City initiative, there was no applicant to speak to the matter.

Chair Pearson noted that it was 5:50 pm, and that there were only five members of Committee still in attendance, with five being quorum.

Chair Pearson asked if there were any members of the public here to address the issue, and whether they wished to speak today.

Several members of the public identified themselves as being present for this public meeting, and wishing to speak today. One member of the audience, John Norris, advised that he would prefer to speak at the next meeting, when more members of Committee are present.

Committee agreed to hear the speakers who wished to address them.

Carlo Gioacchino addressed Committee as a property developer. He noted his concerns with the staff report, including, but not limited to the following:

- he is the author of the Appendix in the report
- has discussed his concerns, as one of the few high density developers currently operating in City, built Main West Student residence, developer of Thistle Club site, but has not made any progress
- his company is largest high density developer in City in recent history, the report and its changes will have severe impacts on his activities
- asked for an extended area for the Downtown CIP, staff has refused
- noted variations between Hamilton condo prices ($200 per square foot) and Burlington ($370 per square foot), but Hamilton proposing to charge a much higher parkland dedication fee
- this charge and increased Development Charges will make City more unattractive for development
- suggested Committee should reject staff recommendations
- recommended a 5% permanent cap or a fixed amount for 2009, 2010 and 2111
- Burlington and Toronto have caps on parkland dedication, Hamilton needs one as well.

Sara Matthews, President of Durand Neighbourhood Association, addressed Committee. A copy of her letter had been distributed to Committee earlier in the meeting. Ms. Matthews agreed with the previous speaker and requested the City to lower the charges. She noted her support for a 5% cap and also for an extension of the Downtown CIP.

Rob Manherz, business partner of Carlo Gioacchino, addressed Committee. His points included the following:
- conflict with City over parkland dedication
- density formula for parkland dedication too onerous – London, Oshawa, Burlington are all lower than Hamilton
- Toronto and Ottawa have a limit on density, both charge less than Hamilton
- Agree with charging fees but need a reasonable, competitive fee.

Committee discussed the issues raised and had additional information supplied by staff.

Committee then discussed the best way to proceed with this report, given the lateness of the hour, the lack of full Committee attendance, the importance of the issue, and the need for a full discussion.

On a Motion (Clark/Whitehead), Committee decided to continue the Public Meeting on February 3, 2009, with the following direction to staff:

- the item will be the first under Heading 6.0
- at the meeting, there will be a re-cap of the report by staff
- John Norris will be the first public speaker
- All Councillors are to be invited
- No formal re-advertising of meeting, but Planning staff will inform interested parties of the situation
- Staff are to place appropriate information on the City website

(s) Waiving of Fees for the Proposed Marydale Park by the Catholic Youth Organization, 5999 Chippewa Road East, Glanbrook (Ward 11) (PED08236) (Item 8.1)

Committee agreed that the item would be heard, as the applicants had been in attendance all day.

James Webb provided an overview of the park situation, the need for access, and the road allowance. He noted the CYO offer to take over the road allowance to provide access, and requested that the cost be less than assessed market value.

John Spatazzo, CYO, addressed Committee and provided further details of the park, proposed to be completely barrier free and thus to be used by potentially 91,000 people from this area.

Staff supplied information on how the matter could proceed. The Clerk explained that while the matter had previously been voted on by COW, the entire matter had been referred by Council to EDP, to allow delegations from CYO. It was therefore necessary for Committee to approve the whole matter.
Committee approved a Motion to waive the parkland dedication fee and to sell the Nebo Road allowance for the nominal fee of $2.00.

(t) Animal Control Advisory Committee - Terms of Reference (PED08147(a)) (City Wide) (Item 8.2)

Committee approved an alternate recommendation put forward by Councillor Bratina. Councillor Bratina noted that Councillor McHattie had reiterated his support for the alternative recommendation, prior to leaving the meeting.

(u) Proposed Natural Areas Acquisition Fund (PED09007) (City Wide) (Item 8.3)

Due to the lateness of the hour, this item was held over until the meeting of February 3, 2009.

(v) Correspondence from Ministry of Municipal Affairs and Housing (June 20, 2008) – Employment Land Budget (PED08066(b)) (Item 8.4)

Due to the lateness of the hour, this item was held over until the meeting of February 3, 2009.

(w) Hamilton Municipal Heritage Committee Report 08-004 (Item 8.5)

Committee received the subject report.

(x) Ministry Approval of the Rural Official Plan, with modifications (no copy) (Item 8.6)

Chair Pearson noted that this item had been addressed in the Closed Session section of the meeting.

(y) Proposal To Waive Fees Respecting Severance Application (GL/B-08:144) (added Item 9.1)

Councillor Mitchell spoke to his Motion and provided an overview of the situation.

Committee discussed the proposal and had added information supplied by staff. Staff was directed to prepare a chronology of the events surrounding the application. Committee directed that the matter, and the chronology, be placed on the Agenda of February 3, 2009, for further review.
Potential Added Intensification to the Downtown Urban Growth Centre (Item 10.1)

Due to the lateness of the hour, this item was put over until February 3, 2009. It was noted that Councillor McHattie had distributed a revised Notice of Motion, respecting the same subject.

General Information

In view of the lateness of the hour, Committee agreed to postpone the balance of the Agenda items until the next meeting. The Clerk was directed to place all of the items under Section 11, General Information, on the Agenda for the February 3, 2009 meeting, as follows:

11.1 Correspondence from Keith Beck, KB Consulting, respecting Unreasonable Timeline for an Economic Development and Planning Report, Referred from Council, November, 2008

11.2 Potential City loans programme for Films made in Hamilton (from Outstanding Business List, due date December 2, 2008)

11.3 Urban Braille for New Site Plans (from Outstanding Business List, due date January, 2009)

11.4 Multiple Licences for Like Businesses Associated with the Same Establishment (from Outstanding Business List, due date January, 2009)

11.5 Correspondence from Michael Desnoyers, Chair, Hamiltonians for Progressive Development, requesting Council suspend the detailed Phase 2 studies of the proposed Airport Employment Growth District (referred from Council, December 10, 2008)

11.6 Correspondence from Susan Rogers, Townsend, Rogers respecting City of Hamilton Urban Structure Plan and Rural Plan (referred from Council, December 10, 2008)

11.7 News from the General Manager

11.8 Appointment of additional member to the Selection Committee for the ESAEIG members
(bb) **ADJOURNMENT (Item 13)**
(Clark/Whitehead)

The Economic Development and Planning Committee adjourned at 7:10 p.m.

Respectfully submitted,

Maria Pearson, Chair
Economic Development and Planning Committee

Alexandra Rawlings, Co-ordinator
Economic Development and Planning Committee
January 20, 2009