



Economic Development and Planning Committee
REPORT 08-005
March 18, 2008
9:30 a.m.
Albion Room, Hamilton Convention Centre
1 Summer's Lane
Hamilton

Present: Chair T. Whitehead
Mayor Eisenberger
1st Vice Chair M. Pearson
2nd Vice Chair L. Ferguson
Councillors: B. Bratina, B. Clark, S. Duvall, B. McHattie,
D. Mitchell, R. Pasuta, T. Jackson

Staff Present: G. Peace – City Manager
T. McCabe, General Manager – Planning and Development
B. Janssen, P. Mallard, R. Lee, G. Paparella, T. Sergi,
J. Hickey-Evans, J. Spolnik, J. Goodram, J. Thompson,
J. D'Andrade, M. Blevins, D. Fama, C. Reid, N. Everson –
Planning and Economic Development
A. Rawlings – City Clerk's Office

**THE ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE PRESENTS
REPORT 08-005 AND RESPECTFULLY RECOMMENDS:**

1. **Declaration of Surplus Property of City Owned Lands Described as Rockton Livery Stable, Part of Lot 20, Concession 4, Plan 335, Lot 7 & Part Lot 6, Municipally Known as 11 Carruthers Lane (PED08071) (Ward 14) (Item 5.1)**
 - (a) That the Rockton Livery Stable be severed from lands municipally known as 11 Carruthers Lane, Rockton; that consists of the former Township of Beverly Hall, Rockton Library, Rockton Fire Hall and old Fire Hall in addition to the Rockton Livery Stable, being composed of Part Lot 20 Concession 4, Lot 7 and Part Lot 6, Plan 335, Village of Rockton Survey in the former Township of Beverly now in the City of Hamilton, and to have an approximate area of 1,408 square metres (15,155 square feet), as depicted in the attached Appendix "A" to Report PED08071 (final property limits to be determined upon completion of survey),

Council – March 26, 2008

together with a Right of Way as detailed in sub-section (e) below, with both the lands and Right of Way being 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.
- (c) That the net proceeds of the sale be deposited in the Account No. 47702 3560150200 (Civic Property Purchases and Sales).
- (d) That as a condition of sale, a Heritage Easement be registered on title.
- (e) That a Right of Way Easement be granted across the driveway between the Rockton Library and 791 Old Highway 8 as depicted in Appendix "A" to provide road frontage off Old Highway 8 to the proposed severed parcel of Rockton Livery Stable, and as a condition of sale, a maintenance agreement be registered for the maintenance of the said Right of Way.
- (f) That as a condition of sale, the Purchaser be required to make application to re-zone the subject parcel to an appropriate zone at the Purchaser's expense.

2. Waterdown Business Improvement Area (B.I.A.) Board of Management Resignations (PED07127(a)) (Item 5.2)

That Report PED07127(a), Waterdown Business Improvement Area (B.I.A.) Board of Management Resignations, be received for information.

3. Barton Village Business Improvement Area (B.I.A.) Proposed Budget and Schedule of Payment for 2008 (PED08054) (Wards 2 & 3) (Item 5.3)

- a) That the 2008 operating budget for the Barton Village B.I.A. (attached as Appendix 'A' to Report PED08054) be approved in the amount of \$40,591.00;
- b) That the levy portion of the operating budget for the Barton Village B.I.A. in the amount of \$38,591.00 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 2008 budget as referenced in sub-section (b) above;

d) That the following schedule of payments for 2008 be approved:

January	\$9,647.75.00
April	\$9,647.75.00
July	\$9,647.75.00
October	\$9,647.75.00

e) And that assessment appeals may be deducted from the levy payments.

4. Dundas Business Improvement Area (B.I.A.) Proposed Budget and Schedule of Payment for 2008 (PED08072) (Ward 13) (Item 5.4)

a) That the 2008 operating budget for the Dundas B.I.A. (attached as Appendix 'A' to Report PED08072) be approved in the amount of \$131,700.00;

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 2008 budget as referenced in sub-section (b) above;

d) That the following schedule of payments for 2008 be approved:

January	\$25,000.00	July	\$25,000.00
April	\$25,000.00	October	\$25,000.00

e) And that Assessment appeals may be deducted from the levy payments.

5. Main West Esplanade Business Improvement Area (B.I.A.) Proposed Budget and Schedule of Payment for 2008 (PED08073) (Ward 1) (Item 5.5)

a) That the 2008 operating budget for the Main West Esplanade B.I.A. (attached as Appendix 'A' to Report PED08073) be approved in the amount of \$24,000.00;

b) That the levy portion of the operating budget for the Main West Esplanade B.I.A. in the amount of \$14,000.00 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 2008 budget as referenced in sub-section (b) above;

- d) That the following schedule of payments for 2008 be approved:

January	\$7,000.00
July	\$7,000.00

- e) And that Assessment appeals may be deducted from the levy payments.

6. Declaration of Surplus Property of City Owned Lands Described as Part of Lot 29, Concession 2, Municipally Known as 000 Pottruff Road North (PED08058) (Item 5.6)

- (a) That the subject lands municipally known as 000 Pottruff Road North, being composed of Part of Lot 29 in Concession 2, comprising an approximate area of 400 square metres (4,300 square feet), outlined in Appendix "A" to Report PED08058, 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.
- (c) That the net proceeds of the sale be deposited in the Account No. 47702 3560150200 (Civic Property Purchases and Sales).

7. Lease Extension and Amending Agreement and an Associated Licence Extension and Amending Agreement, Both for Parts of 45 Main Street East, Hamilton (John Sopinka Court House) Between the City of Hamilton (Lessee/Licensee) and the Ontario Realty Corporation, Acting as Agent on Behalf of Her Majesty The Queen in Right of Ontario as Represented by the Minister of Public Infrastructure Renewal (Lessor/Licensor) (PED08062) (City Wide) (Item 5.7)

- (a) That a Lease Extension and Amending Agreement for part of 45 Main Street East, Hamilton (John Sopinka Court House) (as shown on Appendix "A" to Report PED08062 attached) between the City of Hamilton (Lessee/Licensee) and the Ontario Realty Corporation, Acting as Agent on Behalf of Her Majesty The Queen in Right of Ontario as Represented by the Minister of Public Infrastructure Renewal (Lessor/Licensor) comprising 15,482 rentable square feet, be approved and completed.

- (i) **Term:** Five (5) year term commencing on September 1, 2007 and terminating on August 31, 2012.
 - (ii) **Property:** Leased premise comprises 15,482 square feet of Rentable Area, comprised of administration space and two courtrooms, on the fourth floor of 45 Main Street East, Hamilton.
 - (iii) **Rental Rate:** The City shall pay rent in the amount of \$11.50 (NET) plus G.S.T., per annum, per square foot of Rentable Area, payable in equal monthly instalments of \$14,836.92 plus G.S.T. or \$178,043 plus G.S.T. per year on the first day of each month of the term. All rent to be charged to Account No. 55358-352125.
 - (iv) **Operating Costs:** Shall be covered by an additional rent payment estimated at a rate of \$5.28 per square foot of Rentable Area, as of 2006 and subject to annual adjustments. The monthly payments of the additional rent payment are estimated to be \$6,812.08 (\$81,744.96 per year). All additional rent payments to be charged to Account No. 55358-352125.
 - (v) **Subsequent Five (5) year Extension:** The City is entitled to a further five (5) year lease extension in which the Rentable Area will be adjusted to reflect actual area that the City leases. The Rentable Area in the subsequent five year extension will be increased by 552 square feet to a revised total of 16,034 square feet to reflect the City's lease of Courtroom No. 300 in 2005, which is 552 square feet larger than the previous leased Courtroom No. 308, which was surrendered to the landlord at the landlord's request.
- (b) That a Licence Extension and Amending Agreement for part of 45 Main Street East, Hamilton (John Sopinka Court House) between the City of Hamilton (Lessee/Licensee) and the Ontario Realty Corporation, Acting as Agent on Behalf of Her Majesty The Queen in Right of Ontario as Represented by the Minister of Public Infrastructure Renewal (Lessor/Licensor), also known as Courtroom No. 326 located on the third floor, be approved and completed.
- (i) **Term:** Five (5) year term commencing on September 1, 2007 and terminating on August 31, 2012.
 - (ii) **Property:** Licensed premises are known as Courtroom No. 326, on the third floor of 45 Main Street East, Hamilton.
 - (iii) **Rental Rate:** The City shall pay a Licence Fee in the amount of \$8,187.00 (Gross), plus G.S.T. per annum, in equal monthly instalments of

\$682.25 plus G.S.T. on the first day of each month of the term. The Licence Fee to be charged to Account No. 55358-352125.

- (iv) **Operating Costs:** None
- (v) **Subsequent Five (5) Year Extension:** The City is entitled to a further five (5) year licence extension beyond the term of the current Licence Extension and Amendment.
- (c) That Legal Services be authorized to prepare a by-law under Section 110 of the Municipal Act to propose that this leased area become a City Capital Facility, whereby the City would be exempt from paying realty taxes at this location.
- (d) That the Mayor and City Clerk be authorized and directed to execute both the Lease Extension and Amendment and the associated Licence Extension and Amendment Agreement in a form satisfactory to the City Solicitor.

8. Demolition Permit – 102 East 34th Street (PED08067) (Ward 6) (Item 5.8)

That the Acting Director of Building Services be authorized and directed to issue a demolition permit for 102 East 34th Street in accordance with By-Law 74-290 pursuant to the demolition control provisions of Section 33 of The Planning Act, as amended, subject to the following conditions:

- (a) That the applicant has applied for and received a building permit for a replacement building on this property;
- (b) That the said building permit specifies that the replacement building be erected within two years of the demolition of the existing building on this property;
- (c) That the said building permit for the replacement building specifies if such replacement building is not erected within the said two year time limit, that the City be paid the sum of \$20,000;
- (d) That the applicant be required to register on title to the subject property (prior to issuance of the said demolition permit), notice of these conditions (including the directions to the City Clerk outlined in sub-section (e)) in a form satisfactory to the Acting Director of Building Services and to the City Solicitor; and,
- (e) That if the said replacement building is not erected as required, the City Clerk be authorized to add the said sum, until payment thereof, as a lien or charge upon the property until paid.

9. Demolition Permit – 107 Ferrie Street East (PED08068) (Ward 2) (Item 5.9)

That the Acting Director of Building Services be authorized and directed to issue a demolition permit for 107 Ferrie Street East in accordance with By-Law 74-290 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 for each of the three dwelling units to be demolished;
- (d) That the applicant be required to register on title to the subject property (prior to issuance of the said demolition permit), notice of these conditions (including the directions to the City Clerk outlined in sub-section (e)) in a form satisfactory to the Acting Director of Building Services and to the City Solicitor; and,
- (e) That if the said replacement building is not erected as required, the City Clerk be authorized to add the said sum, until payment thereof, as a lien or charge upon the property until paid.

10. Application for Approval of a Draft Plan of Condominium (Common Elements Condominium) for Lands Located at 191 Pinehill Drive, (Glanbrook) (PED08065) (Ward 11) (Item 6.1)

That approval be given to **Condominium Application 25CDM200717 by Multi-Area Developments Inc., Owner**, to establish a draft plan of condominium (Common Elements Condominium) to create a condominium road, visitor parking area, landscaped amenity area, and fencing for 175 street townhouse dwellings on lands located at 191 Pinehill Drive (Glanbrook), as shown on the attached map marked as Appendix "A" to Report PED08065, subject to the following conditions:

- (a) That this approval applies to the plan prepared by A.J. Clarke and Associates Ltd., dated November 28, 2007, showing the following condominium elements: a road, 58 visitor parking spaces, an amenity area, landscaped areas and fencing, attached as Appendix "B" to Report PED08065.
- (b) That the Final Plan of Condominium complies with all of the applicable provisions of Zoning By-law No. 464.

- (c) That the Owner shall enter into a Development Agreement to ensure that the tenure of each of the proposed 175 freehold units have legal interest, in common, to the Common Elements Condominium, to the satisfaction of the City Solicitor.
- (d) That the Owner shall receive final approval of Part Lot Control Application PLC-07-041, including the enactment and registration on title of the Part Lot Control Exemption By-law, to the satisfaction of the Manager of Development Planning.
- (e) That the Owner shall include the following warning clauses in the Development Agreement, all Purchase and Sale Agreements, and any rental or lease agreements required for occupancy for Units 67 to 72 (inclusive) and Units 28 to 30 (inclusive):
 - (i) Purchasers are advised that garbage pick up for Units 67 to 71 will be on the turf stone between Units 71 and 72; and,
 - (ii) Purchasers are advised that garbage pick up for Units 29 to 30 will be located on the common driveway located adjacent to Unit 28.
- (f) That the Owner shall include the following warning clauses in the Development Agreement, all Purchase and Sale Agreements, and any rental or lease agreements required for occupancy:
 - (i) That the home/business mail delivery will be from a designated Centralized Mail Box; and,
 - (ii) That the developers/owners be responsible for officially notifying the purchasers of the Centralized Mail Box location, prior to the closing of any home sale.
- (g) That the owner shall install a concrete pad in accordance with the requirements of, and in locations to be approved by, Canada Post to facilitate the placement of Community Mail Boxes. The pads are to be shown on the engineering servicing drawings. The pads are to be poured at the time of the sidewalk and/or curb installation. The location of all centralized mail facilities shall be determined in cooperation with Canada Post, and these locations shall be posted on appropriate maps, information boards and plans.
- (h) That the Owner shall include the following warning clause in all Purchase and Sale Agreements, and any rental or lease agreements required for occupancy:
 - (i) That the City of Hamilton will not be providing maintenance or snow removal service for the private condominium road.

- (l) That the Owner provides the Manager of Design and Construction with evidence that satisfactory arrangements, financial and otherwise, have been made with a telecommunication service provider, approved by the Canadian Radio and Telecommunication Commission (CRTC), that adequate telecommunication service will be provided to the condominium, including 9-1-1 emergency calling service that identifies, at a minimum, the caller's name and location information.
- (j) That the Owner shall satisfy any conditions, financial or otherwise, of the City of Hamilton.
- (k) That the final plan of condominium complies, in all respects, with the approved Site Plan (DA-07-074), to the satisfaction of the Director of Planning, Planning and Economic Develop

11. Application for Modifications in Zoning for Lands Located at 594 and 598 Barton Street East and 134 Birch Avenue (Hamilton) (PED08061) (Ward 3) (Item 6.2)

That approval be given to Zoning Application ZAR-07-073, by 698765 Ontario Inc. (Gary Zebroski), owner, for a modification to the "H" (Community Shopping and Commercial, etc.) District (Block "1") to permit seven required parking spaces to be located off-site at 134 Birch Avenue (Block "2"); and for a modification to the "D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District (Block "2") to permit the lands to be used for required parking in conjunction with permitted uses on 594 and 598 Barton Street East (Block "1"), as shown on Appendix "A" to Report PED08061, on the following basis:

- (a) That Block "1" be rezoned from the "H" (Urban Protected Residential, etc.) District to the "H/S-1585" (Community Shopping and Commercial, etc.) District, Modified.
- (b) That Block "2" be rezoned from the "D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District to the "D/S-1585" (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified.
- (c) That the draft By-law, attached as Appendix "B" to Report PED08061, which has been prepared in a form satisfactory to the City Solicitor, not be forwarded to City Council for enactment until the property taxes are brought into good standing, to the satisfaction of the Manager of Development Planning.
- (d) That the amending By-law be added to Sheet No. E-21 of the District maps, appended to and forming part of Zoning By-law No. 6593 (Hamilton).

- (e) That the proposed modifications in zoning are consistent with the Provincial Policy Statement, and conform to the Hamilton-Wentworth Official Plan and the City of Hamilton Official Plan.

12. Application for a Change in Zoning for a Portion of the Lands Located at 27 Oldoakes Place (Ancaster) (PED08069) (Ward 12) (Item 6.3)

That approval be given to **Zoning Application ZAR-06-96, Roselyn Burwell, owner,** for a change in zoning from the Open Space "O2" Zone to the Residential "R2" Zone to permit a proposed one storey, two-car attached garage for an existing single detached dwelling, for a portion of the lands located at 27 Oldoakes Place (Ancaster), as shown on Appendix "A" to Report PED08069 on the following basis:

- (a) That the subject lands be rezoned from the Open Space "O2" Zone to the Residential "R2" Zone.
- (b) That the Draft By-law, attached as Appendix "B" to Report PED08069, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
- (c) That the proposed change in zoning is in conformity with the Hamilton-Wentworth and Ancaster Official Plans.

13. Applications to Amend the Ancaster Official Plan and Zoning By-law No. 87-57, for Lands Located at 894 Golf Links Road (Ancaster) (PED08070) (Ward 12) (Item 6.4)

- (a) That approval be given to **Official Plan Amendment Application OPA-07-20, Elona and Gunther Schneider, applicants,** to add a Specific Policy Area to the "Residential" designation, on Schedule "B", Land Use – Urban Area, of the Ancaster Official Plan, to permit General Business/Professional Offices in the existing building on the lands located at 894 Golf Links Road (Ancaster), as shown on Appendix "A" to Report PED08070, on the following basis:

- (i) That the subject lands be identified as Specific Policy Area on Schedule "F", Specific Policy Areas.
- (ii) That the draft Official Plan Amendment, attached as Appendix "D" to Report PED08070, be adopted by Council.
- (iii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement, and conforms to the Hamilton-Wentworth Official Plan.

- (b) That approval be given to **Zoning By-law Amendment Application ZAC-07-078, Elona and Gunther Schneider, applicants**, for a further modification to the Multiple Residential “RM4-534” Zone to permit General Business/Professional Offices in the existing single detached dwelling for lands located at 894 Golf Links Road (Ancaster), as shown on Appendix “A” of to Report PED08070, on the following basis:
- (i) That the draft By-law, attached as Appendix “E” to Report PED08070, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
 - (ii) That the amending By-law be added to Map 1 of Schedule “B” of Zoning By-law No. 87-57.
 - (iii) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan, and will be in conformity with the Town of Ancaster Official Plan upon finalization of proposed Official Plan Amendment No. .

14. Airport Employment Growth District (AEGD) Community Liaison Committee’s Terms of Reference (PED08057) (City Wide) (Item 7.1)

- a) That approval be given to the Airport Employment Growth District, Community Liaison Committee’s Terms of Reference and membership composition, all attached as Appendix A to Report PED08057.
- b) That Councillor Ferguson and Councillor Mitchell be formally appointed as Council representatives on the Airport Employment Growth District, Community Liaison Committee.
- c) That the Hamilton Naturalists, Poverty Roundtable, Hamilton Port Authority, Hamilton Construction Association, Federation of Agriculture, Business Improvement Areas (BIAS), Labourers International Union of North America (LIUNA), Hamilton Police Association, area Members of Parliament and Members of Provincial Parliament all be formally added to the circulation list for reports / information relating to the AEGD study.

15. Review of Work Program – Official Plan (OP) and Zoning By-law (PED08074) (City Wide) (Item 7.3)

That Report PED08074, Work Program – Official Plan (OP) and Zoning By-law, be received for information.

16. Focusing Efforts on Employment Lands (PED08066) (Item 7.4)

- (a) That Council receive MKI Peer Review – Comprehensive Employment Study (September 2007), attached as Appendix “E” to Report PED08066 for information.
- (b) That Council receive the findings of the *Municipal Comprehensive Review and Conversion Analysis for Employment Lands Study*, attached as Appendices “F” and “G” to Report PED08066 and authorize staff to:
 - (i) consult the public, land owners and various stakeholders on the lands identified for potential conversion from employment to non-employment uses; and,
 - (ii) report back in June 2008 on the outcome of the public input and a final set of recommendations for inclusion in the new Official Plan (OP) policies and designations.
- (c) That Council receive the findings of the draft *Updated Employment Land Supply/Budget* attached as Appendix “H” to Report PED08066 and authorize staff to:
 - (i) consult the public, the Province and various stakeholders on the draft Land Supply/Budget which identifies 1,134 ha of additional land required to meet the 2031 employment targets;
 - (ii) include the north-east quadrant of the Prestige East Mountain Commercial/Industrial Park, located at Pritchard Road and Stone Church Road East, and the north side of Wilson Street between Duffs Corners and Shaver Road, in Ancaster, in the public consultation process as lands to be exempted from the Employment Lands Employment Designation, to allow for development of “Population Related Employment Lands”, at these two locations; and
 - (iii) report back in June 2008 on the outcome of the public input and a final Land Supply/Budget; the results of which will be included in the new Official Plan and the Airport Employment Growth District.
- (d) That a Special Committee of the Whole meeting be arranged for the reporting back, referenced in Recommendation (b) (ii) and (c) (ii) of this Report PED08066 per Council’s direction of May 22, 2007 on decisions regarding the Airport Employment Growth District.
- (e) That Council receive the *Historical Land Use Inventory* for information and authorize staff to use the information gathered for the City’s strategy as well as other appropriate Corporate projects/programs/policies.

17. Appeal of the City of Hamilton Committee of Adjustment Consent/Land Severance Applications SC/B-07:150 to SC/B-07:155, for the Properties Located at 1187, 1215, 1217, 1227 and 1239 Barton Street (Stoney Creek)(Item 12.1)

That Council agree to the following actions, respecting the appeal of the City of Hamilton Committee of Adjustment Consent/Land Severance Applications SC/B-07:150 to SC/B-07:155, for the Properties Located at 1187, 1215, 1217, 1227 and 1239 Barton Street (Stoney Creek), approved by the Committee of Adjustment but recommended for denial by the Planning and Economic Development Department:

- (a) That Council of the City of Hamilton proceed with the appeal to the Ontario Municipal Board (OMB) against the decision of the Committee of Adjustment to approve applications SC/B-07:150 to SC/B-07:155.
- (b) That Council direct appropriate Legal Services and Planning staff to attend the future Ontario Municipal Board (OMB) Hearing.

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

The Clerk advised of the following changes:

- 3 added delegation requests, added as Items 4.4, 4.5 and 4.6
- Item 12.1 respecting an OMB Hearing will be moved up to be heard after Item 7.1

The Agenda for the March 18, 2008, 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 February 19, 2008 Minutes of the Economic Development and Planning Committee meeting were approved, as presented

- (d) **City of Hamilton LACAC (MHC) respecting their request to have a logo (Item 4.1)**

Committee approved the request from Hamilton LACAC (MHC) to speak at the meeting when the staff report is on the agenda.

- (e) **Jared Marcus, PEIL, respecting severance at 41 Inglewood Drive (Item 4.2)**

Committee approved the request from PEIL to speak to Committee on April 1, 2008.

- (f) **Brian McCarry, Clean Air Hamilton, respecting presentation on Upwind Downwind Conference 2008 (Item 4.3)**

Committee approved the request from Brian McCarry, Clean Air Hamilton, to speak to Committee on April 15, 2008.

- (g) **Ed Fothergill respecting severance at 41 Inglewood Drive(Added Item 4.3)**

Committee approved the request from Ed Fothergill to speak on April 1, 2008, when the staff report is considered.

- (h) **Jack Restivo representing Losani Homes respecting Item 12.1 on Agenda(Added Item 4.5)**

Committee considered the request and postponed their decision until later in the meeting, when Legal staff would be present to provide input.

- (i) **George Zajac, PEIL, respecting NEC application at 256 Lime Kiln Road, Ancaster(Added item 4.6)**

Committee considered the request and had information supplied by staff. Staff explained that PEIL did not agree with the staff comments which had already been forwarded to the NEC. Staff added that while Hamilton is a commenting agency, the decision will be made by the NEC, and that the correct place for the delegation is at the NEC.

Committee refused the delegation request.

(j) Application for Approval of a Draft Plan of Condominium (Common Elements Condominium) for Lands Located at 191 Pinehill Drive, (Glanbrook) (PED08065) (Ward 11) (Item 6.1)

A Public Meeting was held.

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

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

On a Motion (Pearson/Mitchell), Committee agreed to proceed without a staff presentation.

Danielle Fama was present to assist the Committee with the application.

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

Committee approved the staff recommendation.

(k) Application for Modifications in Zoning for Lands Located at 594 and 598 Barton Street East and 134 Birch Avenue (Hamilton) (PED08061) (Ward 3) (Item 6.2)

A Public Meeting was held.

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

- a) If a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before the 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 (Pearson/Mitchell), Committee agreed to proceed without the staff presentation.

Jennifer D'Andrade was present to assist Committee with the report.

Gary Zebroski, the applicant's agent, advised that he supported the staff recommendation.

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

Committee approved the staff recommendation.

(I) Application for a Change in Zoning for a Portion of the Lands Located at 27 Oldoakes Place (Ancaster) (PED08069) (Ward 12) (Item 6.3)

A Public Meeting was held.

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

- a) If a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before the 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 (Pearson/Pasuta), Committee agreed to proceed without a staff presentation.

Matthew Blevins was present to assist Committee with the report. It was noted that the applicant is in support of the staff recommendation.

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

Committee approved the staff recommendation.

(m) Applications to Amend the Ancaster Official Plan and Zoning By-law No. 87-57, for Lands Located at 894 Golf Links Road (Ancaster) (PED08070) (Ward 12) (Item 6.4)

A Public Meeting was held.

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

- a) If a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before the Official Plan Amendment and Zoning By-law Amendments are approved, 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 Official Plan Amendment and Zoning By-law Amendments are approved the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

On a Motion (Pearson/Ferguson), Committee decided to proceed without hearing the staff recommendation.

Jason Thompson was present to assist Committee with the report.

Steve Spicer, the applicant's agent, said that he supported the staff recommendation.

No members of the public came forward to address Committee.

Committee approved the staff recommendation.

(n) Airport Employment Growth District (AEGD) Community Liaison Committee's Terms of Reference (PED08057) (City Wide) (Item 7.1)

James Goodram provided an overview of the staff report, with the aid of a powerpoint presentation. Copies of the presentation were distributed to the Committee.

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

Committee raised a number of issues including the following:

- how was composition of CLC decided, why are there only 4 residents, selection process for citizens, selection process for other groups at the table
- how does this differ from other secondary planning processes
- how does Conflict of Interest operate for this type of group
- area around airport is agricultural, not "vacant".

Staff explained that the Airport is one of the major economic development areas for the City, and so is different from other secondary planning processes, that there is good attendance at CLC meetings, and that process is moving forward.

Committee voted separately on the staff recommendations, and approved them.

Councillors McHattie, Pasuta and Clark requested that their opposition to Recommendation (a) be recorded.

(o) Private and Confidential (Item 12)**Ontario Municipal Board Hearing PL070212 respecting Employment Lands in Stoney Creek (Item 12.1)**

Committee approved the delegation request from Jack Restivo, representing Losani Homes.

Mr. Restivo addressed Committee and gave an overview of the severance applications. He explained why the City staff appeal of the severances was not needed, and should not be supported by Council, and noted that his client wished to move ahead with the severance applications.

Chair Whitehead thanked the delegation.

Committee moved into Closed Session at 11:15 am to consider a matter pursuant to Section 239 of the Municipal Act, 2001, respecting the following:

- (a) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board, respecting Ontario Municipal Board Hearing PL070212 respecting Employment Lands in Stoney Creek; and
- (b) advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

On a Motion, Committee reconvened in Open Session at 12:25 pm.

Committee approved a Motion authorizing staff to continue with the appeal of the Losani Homes severance approvals of several properties along Barton Street.

Councillors Mitchell and Clark requested that their opposition be recorded.

On a Motion (Pearson/Pasuta), Committee recessed at 12:30 for a lunch break, and then reconvened at 1:00 pm.

(p) Verbal Introduction from the General Manager (Item 7.2)

Tim McCabe gave an overview of the work on the new Official Plan and the associated timelines. He noted that following the public input process there will be a report back to a Special COW in June, in order to meet the provincial requirements, and that the next report on the Airport would also come to COW.

Mr. McCabe noted that the Ministry is presently consulting with First Nations on our Rural Official Plan, and that Hamilton's entire Official Plan would be finalized by June, 2009.

Councillor Pearson, seconded by Councillor Mitchell, moved that John Kaufman, SmartCentres, be allowed to speak to Committee.

In response, Chair Whitehead advised that today's meeting was intended to hear staff and consultant presentations, and for the Committee to consider the information, and that it had not been advertised as a meeting at which the public would speak.

Committee agreed that no delegations would be heard today and that there will be ample opportunity for public input in the next stages of the process.

The Motion to hear the delegation was defeated.

(q) Review of Work Program – Official Plan (OP) and Zoning By-law (PED08074) (City Wide) (Item 7.3)

Bill Janssen gave an overview of the scope of the work involved in the preparation of the new Official Plan and Zoning By-law, in order to have the Official Plan approved by Council by June 2008. He provided details of the proposed public involvement process, and explained that each distinct policy area would be brought to Committee for endorsement, and then all would be presented at the statutory public meeting for approval. Mr. Janssen explained the timelines were intended to meet the target dates laid out by the Ministry in Places to Grow.

Committee asked questions of staff and had further information provided. The questions raised included:

- will Open Houses and Public Meetings be held around the entire City
- number of Public Meetings
- how would the various policies in the former area municipal Official Plans be harmonized, or would there be different policies in different parts of the City
- is the budget adequate for all the meetings needed.

Staff made a commitment to hold individual public meetings in all the former area municipalities to review housing/residential policies. Mr. Janssen said that the other major policy areas would be considered at meetings distributed around the City but that there would not be individual meetings in the former municipalities for each of these topics.

Staff confirmed that the budget was adequate to cover the public input process but that additional funds would be needed for any OMB appeals after the approvals.

Committee received the staff report.

(r) Focusing Efforts on Employment Lands (PED08066) (Item 7.4)

Joanne Hickey-Evans gave an introduction to the background and purpose of the staff report, with the aid of a powerpoint presentation. Copies of the staff presentation were distributed to members of Committee.

Ms. Hickey-Evans noted the initiatives which had already been completed, including GRIDS, and highlighted the ongoing initiatives, noting that the presentations today would focus on the various employment lands issues and request authorization to consult with the public on the conversion areas of employment lands, and the updated Employment Land Supply/Budget.

Carolynn Reid introduced the Historical Land Use Inventory Study, and noted that the study's conclusion was that there are 91 sites which are classified as brownfields.

Brian Betts and Andrea Ferguson Jones from MMM gave an overview of the study and its detailed conclusions, with the aid of a powerpoint presentation. Mr. Betts explained that the project objective was to develop a GIS-based tool to identify properties of interest. He said that the project had identified 1386 properties of interest, of which 91 have been identified as brownfields. He noted the brownfield definition included the wording "abandoned, vacant, derelict or under-utilized commercial or industrial property".

Committee discussed the presentation and asked questions including the following:

- definition of brownfields/how arrived at
- what is "under-utilized", is this subjective
- could number of brownfields increase over time
- issue of perception of brownfields in Hamilton, surprise that there are so few identified
- do we need more enforcement of Property Standards
- does brownfield number include Port Authority lands

Staff advised that the definition is well accepted; that under-utilized is a subjective word; the number of brownfields may increase over time; Property Standards is currently enforced on a complaint basis but this is under review; that the 91 sites comprise 376 acres, of which 56 are under 1 acre. In addition, some lands and buildings may look abandoned but are actually in use and paying taxes; Port Authority lands are included and that a functioning scrapyards is not a brownfield under this definition.

Councillor McHattie, seconded by Councillor Clark, made a Motion that staff report back on a new definition of brownfields, to include an additional category of employment lands which may become available within the 2031 planning timeframe.

Guy Paprella suggested that the Motion be held until the complete staff presentations had been made, and the Motion was not voted upon.

Joanne Hickey-Evans gave an overview of the peer review of the Hemson Comprehensive Employment Study, by MKI. MKI concluded that major office employment growth of 11,000 jobs to 2031 was optimistic and that a figure of 31 jobs per hectare was more realistic than the Hemson 37 jobs per hectare. Ms Hickey-Evans recommended that the Hemson figures be retained.

Committee discussed the presentation in detail and had additional information supplied by staff. Staff explained the importance of using Provincial targets.

Anthony Lorius, Hemson Consulting, gave an overview of Employment land, retention and conversion criteria with the aid of a powerpoint presentation. He explained the need for municipalities to comply with Provincial legislation and the particular importance of protecting employment land and adding more where possible. Mr. Lorius explained that conversion was possible for some scattered sites.

Committee discussed the presentation in detail and had further information supplied by the speaker.

Joanne Hickey-Evans addressed Committee respecting the proposed conversion sites, with the aid of a powerpoint presentation.

Committee discussed the proposed conversion sites. Councillor Ferguson requested that a site on Wilson Street in Ancaster be added to the list, and developed for commercial retail uses.

Committee discussed the matter and staff explained why this site is not recommended for conversion, how it does not meet the criteria developed by staff for conversion, and that the municipality should conclude its overall study, before considering further conversion sites.

Councillor Jackson suggested that an eleven acre site at the north-east quadrant of Pritchard and Stone Church Road East should also be considered for conversion to commercial use.

Committee discussed the request, and staff explained that further conversions would result in the need for extra employment lands around the airport.

On a Motion, (Mitchell/Pearson), Committee approved an amendment to the staff recommendation (c), to include the Pritchard/Stone Church Road East and Ancaster sites within the public consultation process as potential sites for conversion to commercial uses.

Ron Shishido, Dillon Consulting, gave an overview of the Land Supply / Budget.

Conclusions / Next Steps-City staff

Guy Paparella provided Committee with an overview of the afternoon's presentations and confirmed that staff would be bringing a report, with the outcome of the public input process, to a special COW in June, 2008.

Committee then voted separately on the recommendations in PED08066, as previously amended. Councillor Clark requested his opposition to staff recommendations (a), (d) and (e) be recorded.

Committee agreed that due to the lateness of the hour, the reports on Brownfield Land Banking Study (PED07043(b)) and Private Waste Disposal Sites Study (PED08004), and the Motion respecting the former Royal Connaught Hotel, would be held over until the next meeting.

(s) ADJOURNMENT (Item 13)

There being no further business, the Economic Development and Planning Committee adjourned at 6:05 p.m.

Respectfully submitted,

Terry Whitehead, Chair
Economic Development and Planning Committee

Alexandra Rawlings, Co-ordinator
Economic Development and Planning Committee
March 18, 2008