



**Economic Development and Planning Committee
REPORT 10-001
Tuesday, January 19, 2010
9:30 a.m.
Sheraton Hotel
South-West Ballroom, 116 King Street West
Hamilton, Ontario**

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

Staff Present: T. McCabe, General Manager – Planning and Economic
Development
P. Mallard, T. Sergi, M. Hazell, B. Janssen, N. Everson, J. Spolnik,
C. Thomas, R. Marini, J. Lane, S. Hamilton, J. Hahn, A. Chan,
J. Norton, K. Ahmad, S. Robichaud – Planning and Economic
Development
R. Sabo -Legal Services
A. Rawlings – City Clerk’s Office

**THE ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE PRESENTS
REPORT 10-001 AND RESPECTFULLY RECOMMENDS:**

- 1. Demolition Permit – 968 West 5th Street (PED05202(a)) (Ward 8) (Item 5.1)**
 - (a) That the conditions for demolition of 968 West 5th Street, as set out in the Council resolution dated December 14, 2005, be extended for a further one year period such that the requirement to substantially complete the new dwelling be amended from two years to three years in accordance with By-law 09-208 and pursuant to the authority given to Council for such extensions per Section 33 of the Planning Act as amended; and,
 - (b) That Council accept the notice of application that was not submitted within the minimum required sixty day time limitations as set out in Section 33.(13) of the Planning Act for the relief of conditions imposed on the demolition permit for 968 West 5th Street as specified in Council’s resolution dated December 14, 2005.

Council – January 27, 2010

2. Remediation of 76 John Street North (PED10004) (Ward 2) (Item 5.2)

- (a) That the actual cost to remediate the property for City parkland use at 76 John Street North, Hamilton, currently estimated at \$171,500 be approved for funding and charged to Brownfield Capital Account No. 3620553100 – Brownfield Hazardous Sites Decommissioning Fund.
- (b) That a contingency allowance of 25% of the actual costs referred to in subsection (a) be authorized, if required, for any overages on the actual cost of the remediation project approved by the General Manager of Planning and Economic Development, such contingency allowance to be charged to Brownfield Capital Account No. 3620553100 – Brownfield Hazardous Sites Decommissioning Fund.

3. Sale of two City owned properties known as 445-477 Nash Road North and 490 Nash Road North, Hamilton, to Paling Industries Ltd. (John Evans) and Snave Holdings Ltd. (John Evans) (PED10008) (Ward 5) (Item 5.3)

- (a) That an Offer to Purchase City property known as 445 – 477 Nash Road North, as shown on Appendix “A” to Report PED10008 attached, and described as Parts 1 to 6 on Plan RC-H-661, being 0.4215 ha (1.042 acres), subject to an easement in favour of the City over Part 5, from Paling Industries Ltd. and Snave Holdings Ltd. for the price of \$231,813 be completed on or before April 30, 2010, subject to conditions noted below, be approved by Council.
- (b) That an Offer to Purchase City property known as 490 Nash Road North, as shown on Appendix “A” to Report PED10008 attached, and designated as Parts 9, 10 and 28 on Plan 62R-15125, being 0.819 ha (2.024 acres), from Snave Holdings Ltd. for the price of \$450,277, be completed on or before April 30, 2010, subject to conditions noted below, be approved by Council.
- (c) That the required deposits of \$23,181.27 and \$45,027.70, respectively, being 10% of each purchase price, be held by the General Manager of Finance and Corporate Services pending acceptance and completion of the transaction(s).
- (d) That the proceeds from the transactions totalling \$682,090 be deposited to Account No. 47702-4060087001 (Red Hill Valley Project). That the sum of \$22,052 for general administrative and appraisal costs incurred by the Real Estate Section be funded from Account No. 4060087001 (Red Hill Valley Project) and credited to Account No. 45408-3560150200 (Land Sales and Purchases). Any Legal Services Section expenses are to be funded from Account No. 47702-4060087001 (Red Hill Valley Project).
- (e) That the following conditions be included in the Offer to Purchase for 445 Nash Road North:

- (i) The Purchaser acknowledges and agrees that there shall be no discharging of drainage or any other materials or liquid substances from the subject property off site, and in particular into the Red Hill Valley immediately west of the property municipally known as 445 - 477 Nash Road North;
 - (ii) The Purchaser acknowledges and agrees that the existing Lease of Parts 3 and 4 on Plan 62R-13167 between the former Regional Municipality of Hamilton-Wentworth and Paling Industries Ltd. / Snavé Holdings Ltd., registered as VM210906 on June 1, 1995, amended by an Amending Agreement registered on January 5, 1996 as VM223853, shall expire and merge upon closing of this transaction. The Purchaser further acknowledges and agrees that it will surrender the aforesaid Lease registered as VM210906, as amended by Amending Agreement registered as VM223853, and register a discharge of same on title to the lands set out in the Lease, on or before closing.
 - (iii) That the Purchaser shall have sixty (60) days after the acceptance by the Vendor of the Offer to Purchase, to undertake at its own expense, soil tests and all other environmental examinations and testing to determine that there are no contaminated substances or hazardous conditions in or about the property and that all environmental laws and regulations have been complied with, all to the satisfaction of the Purchaser, in the Purchaser's sole, absolute and unfettered discretion. Unless the Purchaser gives notice in writing, delivered to the Vendor, not later than sixty (60) days after the Vendor has accepted the offer that this condition is fulfilled, this offer shall be null and void and the Purchaser's deposit shall be returned to the Purchaser in full without deduction.
- (f) That the following conditions be included in the Offer to Purchase for 490 Nash Road North:
- (i) The Purchaser acknowledges and agrees that there shall be no discharging of drainage or any other materials or liquid substances from the subject property off site, and in particular into the Red Hill Valley immediately west of 445 - 477 Nash Road North.
 - (ii) The Purchaser acknowledges and agrees that it will surrender the existing lease of the subject lands, and register a discharge of same, if required by the Vendor, on the title to the subject lands on or before closing.
- (g) That each Offer to Purchase shall be conditional upon the City accepting and approving the other Offer to Purchase, and that the closing of both transactions shall be contemporaneous.

- (h) That Section 3 of By-Law 04-299, the Procedural By-law for the Sale of Land, requiring that land be declared surplus, that an appraisal of fair market value be obtained and that notice to the public of the proposed sale be given, does not apply to industrial land, according to Section 8 of By-Law 04-299. The subject properties have been and are intended to be used for industrial purposes. Nevertheless, an internal opinion of value for the subject property was completed in September, 2009 and the selling price of each parcel reflects appraised market value.
- (i) That a land Lease between the Regional Municipality of Hamilton-Wentworth and Paling Industries Ltd. and Snave Holdings Ltd. dated January 10, 1995 and registered as instrument VM210906, regarding property at 445 Nash Road North, provides that if during the term of the Lease and up to two years after termination of the lease, the lands are deemed surplus to the Lessor and not required for the Red Hill Creek Expressway, then the Lessor may grant to the Lessee an option to purchase the lands at fair market value at that time. Since the Lessee currently occupies the premises as an overholding tenant, the City's proposed sale of the surplus portion of the leased lands to the Lessee is in accordance with the option to purchase provided for in the Lease.

4. Appointment of Municipal Law Enforcement Officers by By-Law for the City of Hamilton (PED10010) (City Wide) (Item 5.4)

- (a) That Municipal Law Enforcement Officers be appointed by position rather than employee name.
- (b) That the by-law attached as Appendix "A" to Report PED10010 which repeals and replaces by-law No. 07-243 being a By-law to Appoint Municipal Law Enforcement Officers be enacted.

5. Declaration of Surplus Property and Sale of City Lands Known as 0 Rockcliffe Road, Flamborough (PED10012) (Ward 15) (Item 5.5)

- (a) That a vacant, interior, "L-shaped" parcel of land described as Block 10, Plan 62M-910, having a frontage of 5.0 metres (16.40 feet) along the south side of Rockcliffe Road and a rear width of 24.79 metres (81.33 feet), comprising a total area of 288 square metres (3,100 square feet), identified as PIN 17498-0502, and Roll No. 251830333026645 (as shown on Appendix "A" to Report PED10012) be declared surplus to the requirements of the City of Hamilton in accordance with the "Procedural By-law for the Sale of Land", being By-law No. 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.
- 6. Request to Designate 100 West 5th Street, Hamilton (St. Joseph's Healthcare Hamilton, Mountain Campus) Under Part IV of the Ontario Heritage Act (PED10020) (Ward 8) (Item 5.6)**
- (a) That Council include 100 West 5th Street, Hamilton, in the Register of Property of Cultural Heritage Value or Interest, following consultation with the Hamilton Municipal Heritage Committee, as per Recommendation (b) to Report PED10020 and the provisions of the Ontario Heritage Act.
- (b) That Report PED10020 be forwarded to the Hamilton Municipal Heritage Committee for information and consultation prior to the Council approved inclusion of 100 West 5th Street, Hamilton, in the Register of Property of Cultural Heritage Value or Interest.
- (c) That Report PED10020 be forwarded to the Ontario Realty Corporation and St. Joseph's Healthcare for information.
- (d) That Council advise the Ontario Realty Corporation that the buildings known as Century Manor, Hickory House, Gateview, and Grove Hall, and the character defining features of the cultural heritage landscape, should be considered for retention and re-use as part of the development and redevelopment of the property.
- 7. Committee of Adjustment Minor Variance Application HM/A-09:219 for the Property Known as 1008 King Street West, Hamilton - Supported by the Planning and Economic Development Department but Denied by the Committee of Adjustment (PED10021) (Ward 1) (Item 5.7)**
- (a) That Legal Services staff be directed to attend the Ontario Municipal Board Hearing, in support of the Committee of Adjustment decision to deny the application for variance Application HM/A-09:219 for the Property Known as 1008 King Street West, Hamilton, and to retain outside professional(s);
- (b) And that the amount required to retain outside professional(s) to support the City's position before the Ontario Municipal Board be funded first, through the 2010 Budget, second through year end Corporate Surpluses, and lastly through the Tax Stabilization Reserve.

8. Declaration of Surplus Property and Sale of City Land Described as Parts 1 and 2 on Plan 62R-18547 (Red Hill Valley Land to the Rear of 145 Reid Avenue South - owners Maria and Raffaele Malatesta and 161 Reid Avenue South - owners Carmela and Gaetano Malatesta), (PED10018) (Ward 4) (Item 5.8)

- (a) That two (2) City owned vacant parcels of land at the rear of 145 and 161 Reid Avenue South, Hamilton, legally described as Parts 1 and 2 on Plan 62R-18547, being composed of Part of Lot 31 Concession 3, and together comprising an approximate area of 1,002 square metres (10,785 square feet), shown on attached Appendix "A" to Report PED10018 be declared surplus to the requirements of the City of Hamilton in accordance with the 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 Part 1 on Plan 62R-18547 to Carmela and Gaetano Malatesta of 161 Reid Avenue South for \$15,600 and Part 2 on Plan 62R-18547 to Maria and Raffaele Malatesta of 145 Reid Avenue South for \$16,753, 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 Account No. 47702-4060087001 (Red Hill Expressway – Land Purchases).
- (d) That the sum of \$ 3,000 be charge to Account 4060087001 (Red Hill Expressway – Land Sales) and credit to 45408-3560150200 (Capital – Property Purchases and Sales) for the costs incurred for Real Estate Services.

9. Lease Agreement – Dundas Little Theatre Inc., 37 Market Street, Dundas (PED10019) (Ward 13) (Item 5.9)

- (a) That Council approve the City of Hamilton entering into a new lease agreement with Dundas Little Theatre Inc. (DLT) for the property known as 37 Market Street, Dundas, subject to the following terms:

- (i) **Term:**

The Term of the Lease shall be for a period of ten (10) years, commencing on the 1st day of July 2009.

- (ii) **Property:**

37 Market Street, Dundas, with a total rentable area of 669 square metres (7,202 square feet) more or less as shown on Appendix "A" attached to Report PED10019;

(iii) **Rental Rate:**

Annual rent of \$2.00 to be paid in advance on the first day of each year during the Term and any renewal term, payable to Account No. 46110-792187 (Special Agreement Account).

(iv) **Additional Rent:**

The Tenant will be responsible for any taxes, operating costs, or other additional costs imposed on or incurred by the Landlord or the Leased Premises as a result of the grant of this Lease or as a result of the use by the Tenant of the Leased Premises. It is intended that this Lease and rent are to be completely net and carefree to the Landlord, that the Landlord is not responsible during the term or any renewal term for any costs, charges, expenses and outlays of any nature whatsoever arising from or relating to the use of the Leased Premises.

(v) **Maintenance and Repairs:**

The Tenant shall at its sole cost and expense and at all times throughout the term or any renewal term, keep and maintain the whole of the Leased Premises (including all equipment, machinery and fixtures therein) including repairs or replacements which are interior and exterior, and the Landlord shall not during the term or any renewal of this Lease be called upon to make any repairs or replacements of any nature or kind whatsoever.

(vi) The Tenant shall, at its sole cost and expense and at all times throughout the term or any renewal term, be responsible for:

- (1) providing janitorial services for the Leased Premises including the provision of all the cleaning materials;
- (2) maintain the landscaped grounds of the building, adjoining parking area, adjoining walkways and common areas in good repair and clean condition when DLT is operating or conducting business;
- (3) effecting prompt removal of snow and ice from the sidewalks, steps, roads and parking areas serving the Leased Premises;
- (4) paying all charges for water and electricity supplied to the Leased Premises;
- (5) heating the Leased Premises;
- (6) maintaining a ventilation and air conditioning system for the building;
- (7) cleaning the windows in the Leased Premises;
- (8) performing all Tenants' Work outlined in Schedule "F" of the Lease.

(vii) **Tenant's Work - Schedule "F":**

The Tenant shall be responsible at its sole cost for completing all additional work required to the Leased Premises as outlined in the Condition Assessment, with all capital works and repairs being carried out during "dark" hours, when the theatre is not in session. Prior to each and every renewal period, the Leased Premises shall undergo an updated Condition Assessment, and the Tenant shall be responsible at its sole cost for completing all additional work required to the Leased Premises as outlined in the updated Condition Assessment(s). The Landlord shall allow a six (6) month period of grace for the Tenant to complete capital improvements, and the Tenant shall provide the Landlord with a clear inspection report upon the completion of each project or item undertaken. The Tenant shall also provide for annual inspections (fire safety and electrical components) of the building.

(viii) **Use of Premises:**

The Leased Premises shall be used only for the purpose of operating a centre for the performing and visual arts open to the public, and for no other purpose.

(ix) **Option to Renew:**

Upon six (6) months written notice before expiry of the initial ten (10) year term, the Tenant will have the option to renew the lease for two (2) additional five (5) year terms, on the same terms and conditions as stated herein.

- (b) That the Mayor and City Clerk be authorized and directed to execute the Lease in a form satisfactory to the City Solicitor and subject to all taxes being paid in full unless otherwise directed by the General Manager of Finance and Corporate Services.

10. Applications for Approval of a Revised Draft Plan of Subdivision, "Highgate Meadow", and Amendments to the Stoney Creek Official Plan and Zoning By-law No. 3692-92, for Lands Located Within Part of Lot 25, Concession 8 (Saltfleet), Former City of Stoney Creek (PED10014) (Ward 9) (Item 6.2)

- (a) That approval be given to **Subdivision Application 25T-200801(R), by Black Sail SC Ltd., Owner**, to revise the draft plan of subdivision for "Highgate Meadow", for lands located within Part of Lot 25, Concession 8, on the west side of Upper Centennial Parkway, as shown on Appendix "A" to Report PED10014, subject to the following conditions:

- (i) That this approval apply to the Revised Draft Plan of Subdivision, 25T-200801(R), "Highgate Meadow", prepared by the Odan/Detech Group, and certified by David Wilton, O.L.S., dated November 27, 2009, showing 38 lots (Lots 1 - 38) for single detached dwellings, 8 blocks for 52 street townhouse dwellings (Blocks 39 - 46), 4 blocks (Blocks 47 - 50) for 0.3 metre reserves, the extension of Highgate Drive and the creation of one street (Street "A"), attached as Appendix "B" to Report PED10014, 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 PED10014;
- (ii) Acknowledgement that there will be no City share for any municipal works associated with this development; and,
- (iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 42 of the Planning Act, prior to the issuance of each building permit for the lots within the plan (Lots 1 - 38). The calculation for the Cash-in-Lieu shall be based on the value of the lands on the day prior to the issuance of the building permit. With regard to Blocks 39 - 46, payment of Cash-in-Lieu of Parkland will be calculated in accordance with the City's Parkland Dedication By-law, currently at a rate of 0.6 hectare for each 300 dwelling units proposed. The calculation for the Cash-in-Lieu shall be based on the value of the lands on the day prior to the issuance of the first building permit;

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

- (b) That approval be given to **Official Plan Amendment Application OPA-09-010, by Black Sail SC Ltd., Owner**, for Official Plan Amendment No. [REDACTED] to amend Schedule "A3", Secondary Plan - West Mountain Planning District (Heritage Green), from "Low Density Residential" to "Medium Density Residential" of the Stoney Creek Official Plan, for lands located within Part of Lot 25, Concession 8, on the west side of Upper Centennial Parkway, as shown on Appendix "A" to Report PED10014, on the following basis:
 - (i) That the draft Official Plan Amendment, attached as Appendix "C" to Report PED10014, be adopted by City Council.
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement and conforms to the Hamilton-Wentworth Official Plan.
- (c) That approval be given to **Zoning Amendment Application ZAC-09-037, by Black Sail SC Ltd., Owner**, for a change in zoning from the Single Residential "R4-21" Zone to the Multiple Residential "RM2-22" Zone with a Special Exception, to permit the development of 52 street townhouse dwellings, for lands

located within Part of Lot 25, Concession 8, on the west side of Upper Centennial Parkway, as shown on Appendix "A" to Report PED10014, on the following basis:

- (i) That the draft By-law, attached as Appendix "D" to Report PED10014, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
- (iii) That the amending By-law be added to Schedule "A", Map No. 16 of Zoning By-law No. 3692-92.
- (iv) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan, and will be in conformity with the City of Stoney Creek Official Plan upon finalization of Official Plan Amendment No. [REDACTED].
- (d) That upon finalization of Official Plan Amendment No. [REDACTED], and the implementing Zoning By-law, the approved Highland Neighbourhood Plan be amended to reflect the change in designation from "Low Density Residential" to "Medium Density Residential".
- (e) That staff be directed to request the Minister of Municipal Affairs and Housing to appropriately modify the Urban Hamilton Official Plan to implement Council's decision once Official Plan Amendment No. [REDACTED] in Recommendation (b) is final and binding.

11. Applications for Approval of a Revised Draft Plan of Subdivision, "Binbrook Heights", and Amendments to the Glanbrook Official Plan and Zoning By-law No. 464 for Lands Known as 2490 Regional Road No. 56 in the Former Township of Glanbrook (Binbrook) (PED10007) (Ward 11) (Item 6.3)

- (a) That approval be given to **Revised Draft Plan of Subdivision Application 25T-200005R, by 1080907 Ontario Ltd. (Bruce Robinson), Owner**, to revise the draft approved plan of subdivision for "Binbrook Heights" to amend the street pattern and change the density and form of development of various blocks, as shown on Appendix "B" to Report PED10007, subject to the following conditions:
 - (i) That this approval apply to "Binbrook Heights Revision", 25T-200005R, as red-line revised, prepared by A.J. Clarke and Associates Limited, and certified by Barry J. Clarke, OLS, dated June 3, 2009, showing 68 single detached lots (Lots 1-68), 1 block for street townhouses (Block 69), 4 blocks for commercial purposes (Blocks 70-73), 1 block for block townhouses (Block 74), 2 blocks for street widening purposes (Blocks 75 and 76), and 1 block for a 0.3m reserve (Block 77), attached as Appendix "B" to Report PED10007, subject to the revised conditions attached as Appendix "G" to Report PED10007;

- (ii) Acknowledgement by the City of Hamilton of its responsibility for cost-sharing paid from the City's Development Charge Program with respect to this development for the following item:
 - (1) That the City will cost share for installation of a 400mm diameter watermain, extra asphalt and extra depth asphalt, all on Fall Fair Way; however, temporary works shall not be eligible for cost sharing, and the City shall not cost share for the extra width of sidewalks along Fall Fair Way;
- (iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 42 of the Planning Act, prior to the issuance of each building permit. The calculation for the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the day of issuance of each building permit, with the exception of Townhouse Blocks 74 and 69, to which payment shall be based on the value of the land on the day prior to the issuance of the first building permit for each said Block.

With regard to Block 74 (Block Townhouse), a parkland dedication, at a ratio of 1 ha per 300 dwelling units, will be required.

Furthermore, regarding Block 69 (Street Townhouse), a parkland dedication, at a ratio of 0.6 ha per 300 dwelling units, will be required.

Additionally, Lots 1-68 (Single Family Detached Residential) will require a parkland dedication ratio of 5%.

Lastly, Blocks 70-73 (General Commercial) shall require a parkland dedication ratio of 2%.

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

- (b) That approval be given to **Official Plan Amendment Application OPA-06-18, by 1080907 Ontario Ltd. (Bruce Robinson), Owner**, for Official Plan Amendment No. [REDACTED], to amend Schedule "B", Binbrook Village Secondary Plan Land Use Plan, from "Medium Density Residential" to "Low Density Residential"; from "Low Density Residential" and "Parkette" to "Medium Density Residential"; and, to revise the local road pattern of the Official Plan for the Township of Glanbrook, on lands located at 2490 Regional Road No. 56 (Binbrook), on the following basis:
 - (i) That the draft Official Plan Amendment, attached as Appendix "C" to Report PED10007, be adopted by City Council.

- (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement, and conforms to the Hamilton-Wentworth Official Plan.
- (c) That approval be given to **Zoning Application ZAC-06-62, by 1080907 Ontario Ltd. (Bruce Robinson), Owner**, for changes in zoning from the Residential "R4-167" Zone to the Residential "R4-228" Zone (Block 1) with a Special Exception; from the Residential Multiple "RM3" Zone to the Residential "R4-228" Zone (Block 2) with a Special Exception; from the Residential "R4-167" Zone to the Residential Multiple "RM2-229" Zone (Block 3) with a Special Exception; from the Residential Multiple "RM3" Zone to the Residential Multiple "RM2-229" Zone (Block 4) with a Special Exception; from the General Commercial "C3" Zone to a Holding - General Commercial "H-C3-230" Zone (Block 5) with a Special Exception and Holding provision; from the General Commercial "C3" Zone to the General Commercial "C3-230" Zone (Block 6) with a Special Exception; from the Residential "R4-167" Zone to the Residential Multiple "RM3-231" Zone (Block 7) with a Special Exception; from the Public Open Space "OS2" Zone to the Residential Multiple "RM3-231" Zone (Block 8) with a Special Exception; from the Residential Multiple "RM2" Zone to the Residential Multiple "RM3-231" Zone (Block 9) with a Special Exception; and from the Residential Multiple "RM3" Zone to the Holding - Residential "H-R4-228" Zone (Block 10) with a Special Exception and Holding provision, as shown on Appendix "A" to Report PED10007, on the following basis:
 - (i) That the draft By-law, attached as Appendix "D" to Report PED10007, which has been prepared in a form satisfactory to the City Solicitor, be forwarded to City Council for enactment;
 - (ii) That the amending By-law be added to Schedule "H" of Zoning By-law No. 464; and,
 - (iii) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan and will be in conformity with the Township of Glanbrook Official Plan upon approval of Official Plan Amendment No. [REDACTED].
- (d) That upon finalization of Official Plan Amendment No. [REDACTED], and the implementing Zoning By-law, the approved Binbrook Village Secondary Plan be amended to reflect the changes in designation.
- (e) That staff be directed to request the Minister of Municipal Affairs and Housing to appropriately modify the New Urban Hamilton Official Plan to implement Council's decision once Official Plan Amendment No. [REDACTED] in Recommendation (b) is final and binding.

- 12. York Boulevard Streetscape Master Plan from Bay Street North to James Street North, Hamilton (PED10002) (Ward 2) (Item 7.1)**
- (a) That the York Boulevard Streetscape Master Plan (Bay Street North to James Street North, Hamilton), as described in Report PED10002, be adopted by Council.
 - (b) That Public Works staff be authorized and directed to schedule future York Boulevard streetscape improvement projects, proposed as part of the York Boulevard Streetscape Master Plan described in Report PED10002, notably on the north side of York Boulevard (Bay Street North to James Street North), within the Downtown Secondary Plan area as part of the Public Works 10-year Capital Improvements Budget.
- 13. Building a Creative Catalyst Feasibility Study (PED08280(a)) (City Wide) (Item 7.2)**
- (a) That the Hamilton Creative Catalyst Project Feasibility Study, prepared by N. Barry Lyon Consultants Limited and Consulting Matrix dated October 30, 2009, attached as Appendix A to Report PED08280(a) be received.
 - (b) That staff continue to play a supportive role in the Hamilton Creative Catalyst Project (HCCP).
 - (c) That staff be authorized and directed to continue with the next steps identified in the Hamilton Creative Catalyst Project Feasibility Study including:
 - (i) Performing due diligence on properties that fit the needs of the project.
 - (ii) Pursuing opportunities to raise funds, awareness of the HCCP, and potential tenants and partnerships, including post secondary institutions to fund and facilitate the purchase/lease of a property and renovation budget.
 - (iii) Developing the appropriate marketing and planning frameworks to promote Hamilton as a Creative City including the establishment of a downtown precinct to be the focus for creativity and education.
 - (d) That staff report back to the Economic Development and Planning Committee with further information and recommendations including potential sites and funding opportunities as the project moves forward.

14. City Initiative CI-09-I - City of Hamilton Comprehensive Zoning By-law: New Commercial and Mixed Use Zones and Public Consultation (City Wide) (PED10001) (Item 7.3)

That Report PED10001, City Initiative CI-09-I - City of Hamilton Comprehensive Zoning By-law: New Commercial and Mixed Use Zones and Public Consultation (City Wide) be received.

15. Amendments to Various By-laws Regulating Trees on Private Property in the Former Area Municipalities (PDO02229(d)) (City Wide) (Item 8.1)

- (a) That the Economic Development and Planning Committee be designated as the Hearing Body for appeals respecting tree cutting permits under the various by-laws regulating trees on private property in the former Area Municipalities.
- (b) That the draft By-law to amend the existing By-laws which regulate trees on private property in the former area municipalities (i.e. Ancaster By-Law 2000-118, Dundas By-Law 4513-99, Stoney Creek By-Law 4401-96) and the former regional municipality (i.e. Region of Hamilton-Wentworth By-law R00-054), included as Appendix "A" to Report PDO02229(d), which has been prepared in a form satisfactory to the City Solicitor, be passed and enacted.
- (c) That subject to the approval of sub-section (a), the Agricultural and Rural Affairs Advisory Committee no longer serve as the Tree Committee and that their Terms of Reference be amended accordingly.

16. Licensing of Tow Trucks (PED09019(a)) (City Wide) (Item 8.2)

- (a) That staff be directed to undertake a comprehensive investigation including stakeholder consultation and report back to the Economic Development and Planning Committee respecting the necessity and financial viability of licensing tow trucks and other roadside service providers in the City of Hamilton (City).
- (b) That stakeholder consultation associated with investigating the necessity and financial viability of licensing tow trucks and other roadside service providers include:
 - staff arranged meetings with the Hamilton Police Service, the Collision Repair Trade Association, the Provincial Towing Association of Ontario, the Canadian Automobile Association, the Insurance Industry and individual local owners/operators; and
 - publicizing through advertisements in the Hamilton Spectator, the Brabant Publications and on the City's web site, that the City is accepting public written submissions respecting the need to license tow trucks and other roadside service providers in the City of Hamilton.

17. Delegated Authority – Commercial Property Improvement Grant Program, Hamilton Heritage Property Grant Program and Main Street Housing Loan and Grant Program – (PED10016) (Wards 1,2,3,4,6,7,8,9,11,12, 13,15) (Item 8.3)

- (a) That the General Manager of Planning and Economic Development be authorized to approve loans/grants, to a maximum of \$200,000 per loan/grant, to applicants under the following financial incentive programs administered by the Downtown and Community Renewal Division:
 - i) Commercial Property Improvement Grant Program
 - ii) Hamilton Heritage Property Grant Program
 - iii) Main Street Housing Loan and Grant Program;
- (b) That staff from the Downtown and Community Renewal Division be directed to report back to Council on a quarterly basis on details of the loans/grants that have been approved by the General Manager of Planning and Economic Development;
- (c) That the General Manager of Planning and Economic Development be authorized to sign loan documents for the Main Street Housing Loan and Grant Program and documents ancillary thereto, in a form satisfactory to the City Solicitor;
- (d) 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 applicants under the Commercial Property Improvement Grant Program and Hamilton Heritage Property Grant Program for the completion of works, over and above the one (1) year period applicants are given that will commence the date the General Manager of the Planning and Economic Development approves their grant.
- (e) That the appropriate policy reflecting recommendation (a) be incorporated into the Downtown and Community Renewal Community Improvement Plan.

18. Financial Incentive Programs – Procedure for Applicants in Litigation with the City of Hamilton (PED10003) (Wards 1,2,3,4,6,7,8,9,11,12, 13,15) (Item 8.4)

- (a) Where an application is made for funding under the Hamilton Downtown Property Investment Program, the Enterprise Zone Grant Program, the Main Street Housing Loan and Grant Program, the Commercial Property Improvement Grant Program and the Hamilton Heritage Property Grant Program, pursuant to the City

of Hamilton's approved Downtown and Community Renewal Community Improvement plan, the following be implemented:

- i) that relevant City staff undertake due diligence on the applicant to ascertain whether there is litigation between the applicant and the City of Hamilton and, in the event that there is, staff prepare a report with a recommendation to City Council as to whether the application for financial assistance should be approved; and
 - ii) that the determination for the recommendation be whether or not the nature of the litigation is such that the commercial relationship between the applicant and the City has been, or could be, impaired.
- (b) That the appropriate policy reflecting the above recommendation be incorporated into the Downtown and Community Renewal Community Improvement Plan.

19. Operational Review Sub-Committee Report 09-002 (Item 8.5)

That the following Recommendation from Report 09-002 of the Operational Review Sub-Committee be approved;

That the following three items, which are not yet complete, on the Operational Review Sub-Committee's Outstanding Business List, attached as Appendix A to Report 09-002, be referred to the Economic Development and Planning Committee for staff reports in 2010:

- (i) Item "J" – Aromatherapy Businesses;
- (ii) Item "K" – Categories of Licenses; and,
- (iii) Item "V" – Private Clubs.

20. Hamilton Municipal Heritage Committee Report 09-004 (Item 8.6)

That the following Recommendation from Hamilton Municipal Heritage Committee Report 09-004 (Item 8.6) be received;

- (a) All Saints Church and Rectory, 15 Queen Street South, Hamilton – request to consider the possibilities for adaptive re-uses (Item 8.4)

That the following resolution be forwarded to Council and the Anglican Diocese of Niagara:

Whereas the Hamilton Municipal Heritage Committee recognizes the architectural, cultural and contextual significance of All Saints' Anglican Church, and

Whereas All Saints' Anglican Church, designed by Hamilton architect, William Leith and built in 1872, is a fine example of the late Victorian interpretation of early English Gothic country churches, and

Whereas the Rectory and Sunday School of All Saints' Anglican Church, built in 1891, were designed by Hamilton architect, James Balfour, and

Whereas the stained glass windows of All Saints' Anglican Church were designed by the internationally acclaimed firm of Robert McCausland Company, and

Whereas All Saints' Anglican Church was founded as a mission church of Christ's Church Anglican Cathedral and was the mother church of two churches designated under the Ontario Heritage Act, St. Mark's on Bay St. and St. George's at Tom and Strathcona, and

Whereas All Saints' Anglican Church was the site of the first Synod of the Diocese of Niagara in 1875, and

Whereas All Saints' Anglican Church has unique historical associations with late nineteenth century community builders including Senator Samuel Mills, who financed its construction, Thomas and Helen Leather, and Senator Donald MacInnes, and

Whereas the scale and construction of All Saints' Anglican Church and its related buildings add significant visual and historical interest to its important corner location strategically sited at the intersection of King St. W. and Queen St. S., and

Whereas the All Saints' Anglican Church complex stands as a marker of the later nineteenth century phase of downtown Hamilton development;

Now therefore the Hamilton Municipal Heritage Committee respectfully advises Council and the Anglican Diocese of Niagara of the heritage value of All Saints' Anglican Church;

Further Hamilton City Council has made a commitment to conserve and protect Hamilton's built heritage;

Further in the last decade, a record of ecclesiastical adaptive re-use has developed in major Canadian centres such as Toronto, Brantford and Ottawa, including the Glebe Lofts, formerly Riverdale Presbyterian Church at 660 Pape Ave., Toronto, the Abbey Lofts, formerly Howard Park United Church at 384

Sunnyside Ave., Toronto, and the Church Lofts, formerly Centennial United Church at 701 Dovercourt Rd., Toronto;

Further the American organization, Partners for Sacred Places (www.sacredplaces.org), is an excellent source of practical and imaginative solutions geared towards the preservation of historic churches and the revitalization of congregations;

Further the Hamilton Municipal Heritage Committee would encourage the Anglican Diocese of Niagara and the congregation of All Saints' Anglican Church to fully examine the possibility of adaptive re-use of buildings on the All Saints' Anglican Church site;

Further the Hamilton Municipal Heritage Committee would welcome the opportunity to continue this dialogue with the Anglican Diocese of Niagara and the congregation of All Saints' Anglican Church.

That the following Recommendation from Hamilton Municipal Heritage Committee Report 09-004 (Item 8.6) be approved;

- (b) Correspondence from Linda Muir and Peter Hyland respecting traffic problems on Mill Street, Waterdown, copy hereto attached as Appendix A.) (Added Item 8.7)

That the letter be referred to the Ward Councillor and to Public Works staff for a report to the Public Works Committee.

21. Funding respecting Ancaster Farmers' Market

- a) That a one time Grant in the amount of \$15,000 to cover one time costs for the Ancaster Farmers' Market be approved and forwarded to the Ancaster BIA;
- b) That the \$15,000 Grant to the Ancaster BIA for the Ancaster Farmers' Market be funded from the Economic Development Investment Fund Account #3620908900.

22. Amendments to the Economic Development Advisory Committee Terms of Reference

That the Terms of Reference of the Economic Development Advisory Committee which was established by Council on June 11, 2008 be amended by extending the membership to include the First and Second Vice-Chairs of the Economic Development and Planning Committee.

23. 2010 Tax Supported Operating Budget – Planning & Economic Development (FCS09120d) (City Wide)

- (a) That the 2010 net operating levy for Planning & Economic Development, inclusive of Savings Options per Appendix Two to report FCS09120d, be approved at \$16,346,326;
- (b) And that this recommendation be forwarded to the Committee of the Whole

24. Demolition Permit for 121 St Joseph’s Drive (Added Item)

- (a) That Demolition Control application #10 181542 DP received January 8, 2010 be approved and;
- (b) That the Director of Building Services be authorized and directed to issue a demolition permit, without conditions, for 121 St. Joseph’s Drive.

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

The Clerk advised of the following changes to the agenda:

-Six letters which have been submitted respecting Consent Item 5.7 1008 King Street West, Hamilton, which have been distributed to members this morning.

On a Motion, the agenda for the January 19, 2010 meeting of the Economic Development & Planning Committee was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

None

(c) APPROVAL OF MINUTES (Item 3)

- (i) Minutes of the Regular Meeting of the Economic Development and Planning Committee on December 1, 2009 were approved, as presented.

(ii) Minutes of the Special Meeting of the Economic Development and Planning Committee on December 1, 2009 were approved, as presented.

(d) Delegation request by Matt Jelly, 68 Florence Street, Hamilton, respecting the Century Theatre (Item 4.1)

The delegation request from Matt Jelly, to address the Committee at a later date was approved.

(e) Demolition Permit – 968 West 5th Street (PED05202(a)) (Ward 8) (Item 5.1)

On a Motion, Committee waived the rules to allow the applicant, Mahmood Zakeri, to address them.

Mr. Zakeri addressed Committee and provided background to his application for demolition. He explained that due to a number of financial and procedural problems, he had been unable to commence the construction of the new house. Mr. Zakeri requested an extension to the end of 2011.

Committee discussed the matter and had additional information supplied by staff. Committee approved the staff recommendation and advised the delegation that should further problems arise, he could apply for a further extension.

(f) Committee of Adjustment Minor Variance Application HM/A-09:219 for the Property Known as 1008 King Street West, Hamilton - Supported by the Planning and Economic Development Department but Denied by the Committee of Adjustment (PED10021) (Ward 1) (Item 5.7)

On a Motion, the Committee received letters from the following persons, all in opposition to the use of the subject property as a restaurant with no parking;

Rosemary Squire-Graydon, 48 North Oval

Malcolm Horsnell, 200 Cline Ave. North

Janet Woodward, 200 Cline Ave. North

Katherine Choi, 49 North Oval,

John Wigle, President Ainslie Wood/Westdale, Community Association

Ruth Frager, 53 Marion Ave. North

Councillor McHattie addressed Committee and explained the concerns of the letter-writers and other residents in the area, respecting the opening of a new restaurant with no parking spaces. He noted the difficulties already being experienced in the area with commercial parking spilling into the residential neighbourhood. The Councillor requested that Committee support Option 1, to instruct Legal Services to attend the OMB Hearing, in support of the Committee of Adjustment decision to deny the application.

Committee approved the Motion, as proposed by the Ward Councillor.

(g) Lease Agreement – Dundas Little Theatre Inc., 37 Market Street, Dundas (PED10019) (Ward 13) (Item 5.9)

The Chair advised that the Ward Councillor, Russ Powers is in favour of the staff recommendation.

Committee approved the staff recommendation.

(h) Minutes of the Municipal Heritage Committee of November 26, 2009 (Item 5.10(a))

On a Motion, the Minutes of the Municipal Heritage Committee of November 26, 2009 were received.

(i) Gianni Colbertado, 497 Jerseyville Road, respecting the previously approved fence by-law amendment for 5 Ravina Crescent (Delegation approved by Committee on December 1, 2009) (Item 6.1)

The Chair asked Mr. Colbertado to come forward to address Committee.

Mr. Colbertado was not present.

The Chair noted that discussions respecting the issues raised by Mr. Colbertado were on-going.

(j) Applications for Approval of a Revised Draft Plan of Subdivision, “Highgate Meadow”, and Amendments to the Stoney Creek Official Plan and Zoning By-law No. 3692-92, for Lands Located Within Part of Lot 25, Concession 8 (Saltfleet), Former City of Stoney Creek (PED10014) (Ward 9) (Item 6.2)

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

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

On a Motion (Pearson/Clark), Committee dispensed with the planner's presentation.

Jennifer Hahn was present to assist Committee.

Drago Samardzic, Odan/Detech Group Inc., advised that he was satisfied with the staff recommendation.

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

Committee approved the staff recommendation.

(k) Applications for Approval of a Revised Draft Plan of Subdivision, "Binbrook Heights", and Amendments to the Glanbrook Official Plan and Zoning By-law No. 464 for Lands Known as 2490 Regional Road No. 56 in the Former Township of Glanbrook (Binbrook) (PED10007) (Ward 11) (Item 6.3)

The Chair advised that two additional letters had been received from

Ms .D. Anderson, 2506 56 Highway

Ms B. Wielgosz, 2520 56 Highway.

He noted that these two people already have submitted a joint letter which has been included in the staff report.

On a Motion, Committee received the two letters.

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

- a) If a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton

before the approval authority gives or refuses to give approval to the Official Plan Amendment, approves the draft plan conditions and passes the by-law, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board.

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

Alvin Chan was present to assist Committee and gave an overview of the application with the aid of a powerpoint presentation. He highlighted elements of the proposal including, but not limited to, the following:

- roundabout proposed in accord with Secondary Plan, but cannot be constructed until all required land is assembled, thus possibility of temporary traffic signals
- letters of objection relate to roundabout, staff has talked to the concerned residents, staff consider that "land take" needed under plan is appropriate
- parkette to be removed, due to lack of linkages
- small increase in density over previous plan is proposed, 74 additional townhouse units, not substantive change

Steve Fraser, AJ Clarke Limited, advised that he was satisfied with the staff recommendation. He noted points including, but not limited to, the following:

- lands have been zoned for a decade or so
- the development will connect areas
- development will allow bypass to be built, thereby easing traffic
- townhouses to be marketed to seniors, similar to Southbrook on the Green.
- Access to the parkette cannot be provided, as adjacent lands are owned by pipeline company
- Developer has been unsuccessful in acquiring lands needed for roundabout
- Agrees with Condition 66, respecting easement across Block 74, but requested that timing of clearance of condition be adjusted, to take place after Registration.

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

Committee discussed the matter. Councillor Mitchell raised points including, but not limited to, the following:

- concern about increase in density in the subdivision, and implications
- concern about how long temporary signal lights, instead of roundabout, might last. This is main entrance to Binbrook, roundabout should go in now
- can Condition 66 be changed as requested by applicant?

Staff explained the difficulties respecting the purchase of land for the roundabout and confirmed that the increase in density is slight, and in accord with the relevant City policies.

Staff was directed to review Condition 66, and to provide relevant information to Councillor Mitchell, prior to Council. If an amendment is needed, Councillor Mitchell will then introduce it at Council.

Councillor Mitchell continued to express concerns about an amendment to the conditions, to direct that staff look at reducing density in another plan.

Staff explained the procedural difficulties this would bring about.

Councillor Mitchell withdrew his proposed amendment and noted that he would talk offline with staff.

Committee approved the staff recommendation.

Councillor Bratina requested that his opposition be recorded.

(I) By-law to Prohibit and Regulate Fortification and Protective Elements of Land (PED10011) (City Wide) (Item 6.4)

John Lane provided an overview of the staff report. Highlights included, but were not limited to, the following:

- by-law sets out what may not be used in construction
- not intended to prevent residential use of alarms, bars on basement windows, reasonable level of surveillance
- prohibits use of construction methods and barriers which would prevent police and emergency service personnel from entering a property
- proposes a fee of \$300 where a request for exemption made, such requests to be considered by Chief Building Official, thereafter by Fire Chief, if needed
- commercial uses are exempt.

The Chair advised that this was a City initiative, so there was no outside agent to address us.

The Chair advised that this is a public hearing, pursuant to the Municipal Act, and has been advertised in the newspapers.

The Clerk advised that no-one had registered to speak on the matter.

No members of the public came forward to address Committee.

Committee discussed the matter and raised questions, including, but not limited to, the following:

- are special residential uses such as shelters, or other persons who need protection, specifically exempted from by-law
- are surveillance and electronic devices allowed on homes, under what conditions
- have constitutional issues been examined, security of property issues, has by-law been reviewed by constitutional lawyer
- need balance between EMS needs and people who may need added protection, people who want additional features
- is the normal residential use of steel doors, bars, shutters, "panic rooms" allowable
- are electronic gates around large residences allowed
- is such a wide-ranging by-law needed, or could we just target specific areas, to avoid bunkers
- question of balance between personal freedom/protection of individuals
- freedoms under constitution are at risk
- issue of fairness – a home cannot have a steel shutter, but a commercial business can.

Staff responses included the following:

- non-profit organizations could be exempt from fee
- electronic devices allowed on homes but not to extend beyond perimeter of property
- by-law not reviewed by constitutional lawyer, by-law permitted under Municipal At
- by-law disallows the intent to block access by EMS to a property, by-law targets particular types of fortification
- electronic gates which can be pushed down by EMS vehicles are OK
- will be enforced on a complaint basis
- by-law does not go beyond Building Code, the Code sets out what can be done in residential construction
- normal domestic construction materials, bought at regular home improvement stores are OK.

Committee agreed that many items of concern need to be reviewed and/or addressed, before the by-law proceeds.

On a Motion (Pearson/Whitehead), Committee referred the report and by-law back to staff, for a report back within a month, to address the concerns raised today, including but not limited to, the following:

- enforcement expectations
- exemptions and how they are handled
- review by constitutional lawyer
- review of Chatham by-law
- level of protection and reinforcement which will be permitted, to balance need for protection expressed by homeowners

(m) York Boulevard Streetscape Master Plan from Bay Street North to James Street North, Hamilton (PED10002) (Ward 2) (Item 7.1)

Khaldoon Ahmad provided an overview of the report, with the aid of a powerpoint presentation. Highlights included, but were not limited to, the following:

- o Downtown Hamilton Secondary Plan provides directive to prepare streetscape plans for mobility and traditional streets, current plan includes Bay Street North to James Street North
- o plan is a result of extensive consultation, preparation of alternative design concepts, all led to finalization of this plan
- o aim is to define diameter and identity of “Market Precinct”, and to enhance street presence of Farmers’ Market, Hamilton Pubic Library and Copps Coliseum
- o intent is to co-ordinate with other improvements to area, including renovation of Library, Farmers’ Market, two-way street conversion
- o design includes improvements to street to make it pedestrian oriented, to provide opportunities for market vendors to place stalls on the street, to close street for festivals on special occasions, and to improve lighting and landscaping, and to incorporate Urban Braille.

Committee thanked Mr. Ahmad for his work, and extended their thanks to all the others who had worked on the project.

Committee approved the staff recommendation.

(n) Building a Creative Catalyst Feasibility Study (PED08280(a)) (City Wide) (Item 7.2)

Jacqui Norton gave a brief overview of this report.

Judy Wolfe of N. Barry Lyon Consultants Limited provided a more detailed overview of the report, with the aid of a powerpoint presentation. Copies of the document were distributed to the Committee.

Highlights included, but were not limited to, the following;

- Overall objective is to generate Downtown Employment/Activity
- definition of a Creative Catalyst- A large, iconic building (or buildings) in a precinct) with an educational or cultural institution as an anchor, An active multi-purpose performance and/or rehearsal space Offices for businesses in the creative industries, and space for studios, retail and hospitality
- Music as the driving force for transformation, will complement existing film industry
- Where would the Catalyst building be located-various sites looked at in lower City area, need large building in well served location
- Is such a project feasible in Hamilton? Is it a good investment?
- Who would implement it- Project is led by the Imperial Cotton Centre for the Arts (ICCA) with collaboration from the private, non-profit and education sectors
- What is the City's role – proposed to be as follows
 - Enable Investment and Activity
 - Consider purchase of site
 - Provide Leadership & Vision
 - Provide funding to ICCA to develop the project
 - Develop strategy to support music industry
 - Flexible Approach to Zoning, Site Planning & Urban Design
 - Establish Downtown Precinct as a focus for creativity & education

Jeremy Freiburger of ICCA provided further comments to Committee, in support of the proposal. He noted that the proposal would be a catalyst for positive change which could help rebuild the community, bring Hamilton back to being "The Ambitious City".

He suggested that the City could provide \$200,000.towards the project, possibly as part of the capital Budget

Committee discussed the report and had added information supplied by the presenters and staff. Comments included, but were not limited to the following;

- Ways of assisting the project were identified as a SODA grant, or strategic funds within Economic Development
- good location could be north side of King Street, between John and Hughson
- buildings in a precinct are important
- governance structure included in report
- matter to be discussed further at the COW Budget session on January 20, 2010
- music in Hamilton already important, should be more prominent
- many things competing for budget money, this just one

On a Motion, Committee received the delegations.

Committee approved the staff recommendation.

(o) City Initiative CI-09-I - City of Hamilton Comprehensive Zoning By-law: New Commercial and Mixed Use Zones and Public Consultation (City Wide) (PED10001) (Item 7.3)

Shannon Hamilton, provided an overview of this report, with the aid of a powerpoint presentation.

Highlights included, but were not limited to, the following;

- purpose is to provide update on status of the new Commercial and Mixed Use Zones, prior to its presentation to the Public
- Zones allow for a wide range of commercial, retail, office and service uses coordinating with the locational criteria established through the designations. All of the zones allow for a form of Mixed Use, except for Arterial Commercial. Residential uses are permitted to encourage appropriate intensification in combination with commercial uses
- Zoning By-law Reform Group has also been conducting Neighbourhood walks in preparation for Residential zoning. During these walks many issues concerning commercial and mixed use development have been discussed with residents.
- after meeting today, a direct mailing will be sent to all property owners of Commercially zoned land. This package will consist of a CD containing all the required information, including: the draft Commercial and Mixed Use Zones, the applicable Zone Maps, Parking Regulations, Special Exceptions, Holding Provisions and new General Provisions to Zoning By-law 05-200. Also on the CD is an electronic copy of Zoning By-law 05-200, which is to be used as an additional information source.
- Property owners and interested stakeholders are invited and encouraged to contact staff with any questions or to arrange on-on one meetings to discuss any site specific concerns
- Statutory Public Open Houses will be held in February/March to obtain feedback on the proposed Commercial Zones. Target date to present final Commercial and Mixed Use Zones for Economic Development and Planning Committee is May 2010.

Committee asked questions and had the following additional information supplied by staff.

- Staff will provide coloured copies of the plan shown in the presentation to all councillors
- Adult entertainment zones, body rub parlours are included as the Licencing By-law permits these uses
- Student housing/mixed use area in Westdale along Main street to be reviewed with Ward Councillor
- No change to parking regulations
- Walks with residents and business people have been very successful, requests still coming in
- Places of worship allowed in just the Mixed Use medium zone, but as allowed in OP, may be introduced to other areas subject to a rezoning application

Committee thanked staff for all their work, in particular the “walkabouts”, and approved the staff recommendation.

(p) Amendments to Various By-laws Regulating Trees on Private Property in the Former Area Municipalities (PDO02229(d)) (City Wide) (Item 8.1)

Marty Hazell gave an overview of this report and explained the Committee direction to consider appropriate amendments to the tree by-laws of the former municipalities.

Committee approved the staff recommendation.

(q) Licensing of Tow Trucks (PED09019(a)) (City Wide) (Item 8.2)

Marty Hazell gave an overview of this report and explained the history of the item. He explained that previously it had not been considered appropriate to move forward on this item.

Circumstances have now changed, since the Private Members’ Bill which had been expected to control the activities of tow trucks at accident sites, has now stalled, and the Anti-Solicitation By-law has not been effective. Staff therefore considered it appropriate to carry out a full review of the item and report back to Committee.

Committee approved the staff recommendation.

- (r) **Delegated Authority – Commercial Property Improvement Grant Program, Hamilton Heritage Property Grant Program and Main Street Housing Loan and Grant Program – (PED10016) (Wards 1,2,3,4,6,7,8,9,11,12, 13,15) (Item 8.3)**

Ron Marini gave an overview of this report and explained the staff recommendation to delegate approvals related to three grant programs, to staff. This would be in keeping with the move towards streamlining various planning approval processes, and would ensure a faster turnaround and better customer service to applicants.

Committee approved the staff recommendation.

- (s) **Financial Incentive Programs – Procedure for Applicants in Litigation with the City of Hamilton (PED10003) (Wards 1,2,3,4,6,7,8,9,11,12, 13,15) (Item 8.4)**

Ron Marini gave an overview of this report and explained that the impetus for the proposed policy change was the recent situation respecting the Connaught Hotel. He explained that staff would now review whether future applicants for programs were involved in litigation with the City prior to the finalization of loan applications.

Committee approved the staff recommendation.

- (t) **Operational Review Sub-Committee Report 09-002 (Item 8.5)**

Marty Hazell gave an overview of this report. He noted that while the majority of the original 27 items on the Outstanding Business List had been dealt with, three remained. Due to the nature of these items, the Sub-Committee was recommending that the three items be investigated by staff and reported to the Economic Development and Planning Committee.

Committee approved the Sub-Committee's recommendation.

- (u) **Hamilton Municipal Heritage Committee Report 09-004 (Item 8.6)**

Councillor Bratina explained the background to the first recommendation from the Hamilton Municipal Heritage Committee.

Committee received the first recommendation. Committee then approved the second recommendation of the Hamilton Municipal Heritage Committee, respecting a review of traffic on Mill Street in Waterdown.

(v) Motions (Item 9)**(i) Regulation of methadone clinics (Item 9.1)**

Councillor McHattie explained minor changes to his Motion, respecting the removal of consideration of the matter by zoning staff.

Committee passed the Motion, as amended to increase these revisions as follows:

Whereas, BOH07017 stated that should additional exploration of licensing as a means to regulate the location or nature of services offered by physicians (Methadone clinics) be required, this could be referred to the General Manager of Planning & Economic Development, and;

Whereas, there continue to be a number of community issues around the setup and operation of methadone clinics in the City of Hamilton;

Therefore,

Request that Municipal Law Enforcement staff, in consultation with Legal, Public Health and any other required staff, further investigate the ability to regulate methadone clinics, and report back to the Economic Development and Planning Committee

(ii) Funding respecting Ancaster Farmers' Market (Item 9.2)

Councillor Ferguson explained his Motion, for one-time funding for the market.

Committee passed the Motion.

(iii) Amendments to the Economic Development Advisory Committee Terms of Reference, respecting membership (Item 9.3)

Committee passed the Motion.

(w) Notices of Motion (Item 10)

Councillor Bratina introduced a Notice of Motion respecting the proposed demolition of 121 St. Joseph's Drive.

On a Motion, Committee waived the rules to approve the consideration of the item as a Motion.

Councillor Bratina explained the need to move quickly to ensure the swift demolition of this vacant building. He noted that there were public safety issues involved, particularly as there is a park immediately below the site.

Tim McCabe explained that the site has been bought by a developer who intends to construct a new apartment building. He noted that an application for a demolition permit has now been submitted and that staff support the issuance of the permit, notwithstanding the lack of a building permit application for the site.

Committee passed the Motion.

(x) GENERAL INFORMATION (Item 11)

(i) Tradeport International Corporation Lease Compliance Audit and Performance Review, Legal Considerations (LS09017) (City wide)-For final disposition of report (Item 11.1)

Committee discussed how this item might be dealt with.

The Chair explained that when this report was considered the meeting in December, the staff Recommendation lost, and the matter did not get raised at Council. The staff report has therefore not been finally dealt with, and so a Motion to receive the staff report would be appropriate.

The Clerk added that a motion to remove the matter from the Outstanding Business list would also be appropriate.

Committee discussed the ways in which the matter might be dealt with.

In the absence of Councillor Clark, the mover of the original Motion, Committee directed that the matter be placed back on the next Agenda, for final disposition.

**(ii) OSWC issues respecting Subdivision Agreement conditions and pay assurance. Due date; January 19, 2010 (Item 11.2)
Proposed new date; April 6, 2010**

Committee approved the new date for this report.

(iii) Update respecting Century Theatre and other vacant buildings in Downtown Hamilton (No copy) (Item 11.3)

John Spolnik gave an update on the situation regarding the following vacant buildings:

- Century Theatre, Mary Street
- Connaught Hotel, 112-114 King Street
- Sandbar, 193 King Street East
- Apartment building at King and Hess
- Federal Building, 150 Main Street West
- 133-135 and 153 John Street North
- 249 Hess Street
- 124 Walnut Street
- 129 James Street North
- 48 James Street North
- 322-326 King Street East

Mr. Spolnik explained the protocol respecting the Vacant Building List, and the new property standards for Designated Heritage buildings.

Tim McCabe advised that staff is working on improvements to the process, including a better tie-in with Heritage Permits and that staff would be reporting back to Committee.

Mr. McCabe agreed to talk off-line with Councillor McHattie on this general subject.

(iv) News from the General Manager (Item 11.4)

- by-law for parking lot for Hamilton General Hospital has been appealed to the OMB
- recent Kitchener by-law which restricted location of social housing and other social services has been struck down by OMB. Mr. McCabe will get details for circulation to Committee
- new Report Calendar/Strategic Schedule distributed and discussed.

Several special additional Committee meetings will be needed for:

- commercial/mixed use zones
- rural zones
- animal control
- industrial zones
- brow lands
- industrial/airport

He noted that the Clerk will be polling for these meetings.

Councillor Mitchell raised issue respecting workings of Grading and Drainage By-law.

On a Motion (Mitchell/Whitehead), staff was directed to include consideration of this matter included in the up-coming staff report on drainage issues.

Councillor Whitehead questioned a recent article in Macleans magazine, where outdated information was used, in a manner detrimental to Hamilton.

Mr. McCabe said he would follow up on this with Neil Everson.

On a Motion (Whitehead/Pearson), staff was directed to report back to Committee on the issue of the Macleans article, the information used and the ways in which the mis-information could be corrected.

(v) 2010 Budget

Chair Ferguson advised Committee that the Planning Departmental Budget had not been passed out at the Budget Meeting. He noted that Committee had been moving towards an approval, and outlined the alternatives for proceeding;

-Committee could pass a Motion today, to be forwarded to Committee of the Whole

or

-Committee could have a second budget meeting on January 21, 2010.

Committee passed an appropriate Motion to approve the departmental budget (See item 23).

(y) Minutes of the Closed Session meeting of December 1, 2009 (Item 12.1)

Committee approved the Minutes of the Closed Session meeting of December 1, 2009, as presented.

(z) ADJOURNMENT (Item 11)

The meeting adjourned at 3:30 pm.

Respectfully submitted

Lloyd Ferguson, Chair
Economic Development & Planning Committee

Alexandra Rawlings
Co-ordinator
January 19, 2010