



PLANNING COMMITTEE

MINUTES 11-021

Tuesday, November 22, 2011

9:30 am

Council Chambers

City Hall

71 Main Street West

Hamilton, Ontario

Present: Councillors B. Clark (1st Vice Chair), J. Farr (2nd Vice Chair), C. Collins, J. Partridge, M. Pearson and T. Whitehead

**Absent with
Regrets:** Councillor R. Pasuta (Chair), personal
Councillor L. Ferguson, vacation
Councillor B. Johnson, vacation

Also Present: Councillor T. Jackson
T. McCabe, General Manager, Planning & Economic Development
M. Hazell, Senior Director, Parking & By-Law Services
T. Sergi, Senior Director, Growth Management
P. Mallard, Director, Planning
B. Janssen, Director, Strategic Services
S. Robichaud, Manager, Development Planning
M. Sergi, Manager, Community Planning and Design
L. Pasternak, Senior Solicitor
V. Ormond, Manager, Licensing and Permits
V. Robicheau, Legislative Assistant

THE FOLLOWING ITEMS WERE REPORTED TO COUNCIL FOR CONSIDERATION:

1. Hamilton Municipal Heritage Committee Report 11-004 (Item 5.2)

(Whitehead/Farr)

- (a) That Art French, Ann Charlton, and Sylvia Wray be nominated for the Heritage Community Recognition Program.

- (b) That Spencer McKee be nominated for the Young Heritage Leaders Program.

CARRIED

2. Upgraded Parking Enforcement Management System and Handheld Computerized Issuance Equipment (PED11200) (City Wide) (Item 5.4)

(Collins/Farr)

That the information report PED11200, respecting Upgraded Parking Enforcement Management System and Handheld Computerized Issuance Equipment, be received.

CARRIED

3. Application for an Amendment to Hamilton Zoning By-law No. 05-200 for the Property Located at 260 Nebo Road (Hamilton) (PED11205) (Ward 6) (Item 6.2)

(Pearson/Collins)

That approval be given to Zoning Application ZAR-11-041, by 1794698 Ontario Inc., Owner, for a further modification to the "H/S-1409a" (Community Shopping and Commercial, etc.) District, Modified, to additionally permit a restaurant use in the existing commercial building, on the lands located at 649 Upper James Street (Hamilton), as shown on Appendix "A" to Report PED11185, on the following basis:

- (a) That the draft By-law, attached as Appendix "C" to Report PED11185, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the proposal is consistent with the Provincial Policy Statement and conforms to the Places to Grow Plan;
- (c) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan, the City of Hamilton Official Plan, and the Urban Hamilton Official Plan.

CARRIED

4. Application for Amendment to the City of Hamilton Zoning By-law 05-200 for Lands Located at 70 Innovation Drive (Flamborough) (PED11195) (Ward 15) (Item 6.3)

(Pearson/Partridge)

That approval be given to Zoning Application ZAC-11-045, by Collin Pepper, Owner, for a change in zoning from the Prestige Business Park (M3) Zone to the Prestige Business Park (M3, 44) Zone, with a Special Exception, to permit an Indoor Sports Facility with accessory uses, having a maximum Gross Floor Area

of 1,785 square metres within the existing building, on lands located at 70 Innovation Drive (Flamborough), as shown on Appendix "A" to Report PED11195, on the following basis:

- (a) That the draft By-law, attached as Appendix "B" to Report PED11195, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
- (b) That the proposed Zoning By-law Amendment is consistent with the Provincial Policy Statement, conforms with the Places to Grow Plan, and conforms with the Hamilton-Wentworth and the Town of Flamborough Official Plans.

CARRIED

5. Application for Approval of a Draft Plan of Condominium Conversion for Lands Located at 118 St. Joseph's Drive (Hamilton) (PED11189) (Ward 2) (Item 6.5)

(Pearson/Farr)

That approval be given to Condominium Conversion Application CDM-CONV-10-03, by Centurion Property Associates Inc., Owner, to establish a Draft Plan of Condominium for 30 apartment units, located at 118 St. Joseph's Drive (Hamilton), as shown on the attached map marked as Appendix "A" to Report PED11189, subject to the following:

- (a) That this approval apply to the plan, prepared by Schaeffer Dzaldov Bennett Limited, and certified by Ophir Dzaldov, O.L.S., dated October 7, 2010, showing a total of 30 residential apartment dwellings and 16 vehicular parking spaces, attached as Appendix "B" to Report PED11189;
- (b) That the following conditions shall apply to the Draft Plan of Condominium approval:
 - (i) That the Final Plan of Condominium shall comply with all of the applicable provisions of the applicable Zoning By-law, to the satisfaction of the Manager of Development Planning;
 - (ii) That the owner shall satisfy all conditions, financial or otherwise, of the City of Hamilton;
 - (iii) That the owner shall submit a report in accordance with 9(4) of the Condominium Act, 1998, prepared and certified by a qualified Registered Professional Engineer or Licensed Architect, to the satisfaction of the Chief Building Official of the City of Hamilton, to confirm the structural and mechanical integrity of the building and

any owner initiated measures required to correct any deficiencies prior to the release of the final plan for registration;

- (iv) That the owner shall include the following warning clause in all Development Agreements and Offers of Purchase and Sale or Lease/Rental Agreements:

“Purchasers/tenants are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels may exceed the Municipality’s and the Ministry of the Environment’s noise criteria.”

- (v) That the owner shall provide the Manager of Design and Construction with evidence that satisfactory arrangements, financial and otherwise, have been made with a telecommunications service provider, approved by the Canadian Radio and Telecommunications 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.

CARRIED

6. Application for Amendment to the City of Hamilton Zoning By-law No. 6593 for Lands Located at 252-254 Locke Street South (Hamilton) (PED11147) (Ward 1) (Item 8.1)

(Pearson/Farr)

That approval be given to Zoning Application ZAR-11-003, by Cynthia Bernstein, Owner, for a change in zoning from the Community Shopping and Commercial “H” District and the Urban Protected Residential - 1 and 2 Family Dwelling “D” District to the Community Shopping and Commercial “H/S-1644” District, Modified, with a Special Exception, to permit the establishment of a 42 seat commercial outdoor licensed patio in the rear yard and north-east side yard, accessory to the existing 30 seat restaurant, on lands located at 252-254 Locke Street South (Hamilton), as shown on Appendix “A” to Report PED11147, on the following basis:

- (a) That the draft By-law, attached as Appendix “B” to Report PED11147, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the amending By-law be added to Section 19B of Zoning By-law No 6593 as “S-1644”;

- (c) That the proposed changes in zoning conform to the Places to Grow Plan, is consistent with the Provincial Policy Statement, and is in conformity with the Hamilton-Wentworth Official Plan and the City of Hamilton Official Plan;
- (d) That upon finalization of the implementing By-law, the subject lands be re-designated from "Single & Double" Residential and "Commercial" to Commercial in the Kirkendall North Neighbourhood Plan.

CARRIED

7. Application for Amendment to the City of Hamilton Zoning By-law No. 6593 for Lands Located at 252-254 Locke Street South (Hamilton) (PED11147(a)) (Ward 1) (Item 8.2)

(Pearson/Whitehead)

That approval be given to Amended Zoning Application ZAR-11-003, by Cynthia Bernstein, Owner, for a change in zoning, from the Community Shopping and Commercial "H" District and the Urban Protected Residential - 1 and 2 Family Dwelling "D" District to the Community Shopping and Commercial "H/S-1644" District, Modified, with a Special Exception, and to permit a temporary use for a period of three years, for the establishment of a 36 seat, commercial outdoor licensed patio in the rear yard, to be accessory to the existing 30 seat restaurant, on lands located at 252-254 Locke Street South (Hamilton), as shown on Appendix "A" to Report PED11147(a), on the following basis:

- (a) That the draft By-law, attached as Appendix "B" to Report PED11147(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the amending By-law be added to Section 19B of Zoning By-law No 6593 as "S-1644";
- (c) That the proposed changes in zoning are consistent with the Provincial Policy Statement, and conform to the Places to Grow Plan, the Hamilton-Wentworth Official Plan, and the City of Hamilton Official Plan.

CARRIED

8. Correspondence from Robert Tyrrell respecting, Report PED11147(a), Application for Amendment to the City of Hamilton Zoning By-law No. 6593 for Lands Located at 252-254 Locke Street South (Hamilton)

(Pearson/Whitehead)

That the correspondence from Robert Tyrrell, respecting Report PED11147(a), Application for Amendment to the City of Hamilton Zoning By-law No. 6593 for Lands Located at 252-254 Locke Street South (Hamilton), referred to the Planning Committee by Council on September 28, 2011, be received.

CARRIED

9. Repealing and Replacing the City of Hamilton's Noise By-law (PED10115(a)) (City Wide) (Item 8.4)

(Pearson/Partridge)

That By-law 03-020 being a by-law to Regulate Noise be repealed and replaced with the by-law attached as Revised Appendix "A" to Report PED10115(a) which has been prepared in a form satisfactory to the City Solicitor.

CARRIED

10. Sharing The Names Of Owners Whose Dogs Are Involved In Attacks And Banning Dog Ownership (PED11053(a)) (City Wide)

(Collins/Farr)

(a) That the City Solicitor be directed to submit Report PED11053(a) and the Disclosure Policy attached to Report PED11053(a) as Appendix A to the Information and Privacy Commissioner for comment on its privacy protection implications, in accordance with subsection 46(a) of the *Municipal Freedom of Information and Protection of Privacy Act*;

(b) That the City Solicitor report back to the Planning Committee when the Information and Privacy Commissioner has responded to the submission of the attached Disclosure Policy;

(c) That Council receive the information contained in Report PED11053(a) with respect to banning dog ownership for life for those owners whose dogs have been involved in repeat attacks.

CARRIED

11. Verbal Report - Hamilton Rural Official Plan Severance Policies OMB Hearing (Item 12.2)

(Partridge/Pearson)

(a) That the City Solicitor advance the position before the Ontario Municipal Board, at the hearing of the appeal of the severance policies in the Rural Hamilton Official Plan, that the modifications to the severance policies provided to the Planning Committee on November 22 be approved by the Ontario Municipal Board;

(b) That the verbal report, as presented in closed session, and the document, Proposed Modifications – Select Severance Policies, be received and remain confidential and restricted from public disclosure.

CARRIED

12. Verbal Report - Hamilton Rural Official Plan Modification 33b OMB Hearing (Item 12.3)

(Pearson/Whitehead)

- (a) That the City of Hamilton consents to the settlement with the Minister of Municipal Affairs, respecting the City's appeal of the Minister's modification 33b of the approval of the Rural Hamilton Official Plan, as set out in the Minutes of Settlement provided to the Planning Committee on November 22, 2011 by the City Solicitor;
- (b) That the Minutes of Settlement be in the form as provided to the Planning Committee on November 22, 2011 by the City Solicitor with such minor revisions thereto as the City Solicitor deems appropriate;
- (c) That the City Solicitor or his delegate is hereby authorized to execute the aforesaid Minutes of Settlement;
- (d) That the verbal report, as presented in closed session, the Minutes of Settlement, and maps, be received and remain confidential and restricted from public disclosure.

CARRIED

13. Correspondence from Robert Campbell respecting, Report PED09127(e), Liquor Licence Application Review Update (City Wide)

(Whitehead/Pearson)

That the correspondence from Robert Campbell, respecting report PED09127(e), Liquor Licence Application Review Update, be received.

CARRIED

14. Correspondence from Jim Warren respecting, Report PED09127(e), Liquor Licence Application Review Update (City Wide)

(Whitehead/Pearson)

That the correspondence from Jim Warren respecting report PED09127(e), Liquor Licence Application Review Update, be received.

CARRIED

15. Correspondence from Stephanie Vegh respecting, Report PED09127(e), Liquor Licence Application Review Update (City Wide)

(Whitehead/Pearson)

That the correspondence from Stephanie Vegh, respecting report PED09127(e), Liquor Licence Application Review Update, be received.

CARRIED

FOR THE INFORMATION OF COMMITTEE:

(a) CHANGES TO THE AGENDA

The Committee Clerk advised of the following changes to the Agenda:

DELEGATION REQUEST

- 4.1 Delegation Request from Jim Warren, respecting report PED09127, Liquor Licence Application Review Update. (on the agenda for today)

DISCUSSION ITEMS

- 8.3 Liquor Licence Application Review Update (PED09127(e)) (City Wide)
 - (i) Correspondence from Robert Campbell
 - (ii) Correspondence from Jim Warren
 - (iii) Correspondence from Stephanie Vegh

PRIVATE AND CONFIDENTIAL

- 12.1 Setting Sail - Ontario Municipal Board Hearing
- 12.2 Verbal Report - Hamilton Rural Official Plan Severance Policies OMB Hearing
- 12.3 Verbal Report - Hamilton Rural Official Plan Modification 33b OMB Hearing
- 12.4 Verbal Report - Hamilton Rural Official Plan OMB Appeals Update

That item 7.1, Upgraded Parking Enforcement Management System and Handheld Computerized Issuance Equipment (PED11200) (City Wide), be placed as item 5.4 under the Consent section.

(Collins/Partridge)

That the Agenda for the November 22, 2011 meeting of the Planning Committee be approved, as amended.

CARRIED

(b) DECLARATIONS OF INTEREST

None.

(c) APPROVAL OF MINUTES

(Pearson/Farr)

That the Minutes of the November 8, 2011 Planning Committee meeting be approved.

CARRIED

(d) DELEGATION REQUESTS

- (i) Delegation Request from Jim Warren, respecting report PED09127, Liquor Licence Application Review Update (Item 4.1)**

(Collins/Whitehead)

That the delegation request, submitted by Jim Warren, report PED09127, Liquor Licence Application Review Update, be approved.

CARRIED

(e) CONSENT ITEMS

- (i) Amendments to the Licensing By-law 07-170 respecting Salvage and Second Hand Goods, Pawnbroker and Jewellery and Precious Metals Businesses (PED10063(e)) (City Wide) (Item 5.1)**

(Farr/Whitehead)

That report PED10063(e), respecting, Amendments to the Licensing By-law 07-170 respecting Salvage and Second Hand Goods, Pawnbroker and Jewellery and Precious Metals Businesses, be referred back to staff for consideration of a photo identification requirement for those individuals pawning/selling items.

CARRIED

- (ii) Agriculture & Rural Affairs Advisory Committee Minutes 11-002 (Item 5.3)**

(Collins/Whitehead)

That the Agriculture & Rural Affairs Advisory Committee Minutes 11-002, be received.

CARRIED

(f) PUBLIC HEARINGS AND DELEGATIONS

- (i) Delegation by Dean Collett, respecting the Hess Village Paid Duty Program (Item 6.1)**

(Collins/Whitehead)

That the delegation by Dean Collett, respecting the Hess Village Paid Duty Program, be referred to the December 6, 2011 Planning Committee Meeting.

CARRIED

- (ii) Application for an Amendment to Hamilton Zoning By-law No. 05-200 for the Property Located at 260 Nebo Road (Hamilton) (PED11205) (Ward 6) (Item 6.2)**

In accordance with the provision of the Planning Act, Vice Chair Clark advised those in attendance that 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 Council approves the Zoning By-law amendment the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board and 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.

No public speakers came forward.

(Partridge/Collins)

That the public meeting respecting, Report PED11205, Application for an Amendment to Hamilton Zoning By-law No. 05-200 for the Property Located at 260 Nebo Road (Hamilton), be closed.

CARRIED

Councillor Jackson addressed Committee and expressed his support for this new professional office and services in the community.

(Pearson/Ferguson)

That the staff presentation respecting, Report PED11205, Application for an Amendment to Hamilton Zoning By-law No. 05-200 for the Property Located at 260 Nebo Road (Hamilton), be waived.

CARRIED

For disposition on this Item, refer to item 3.

(iii) Application for Amendment to the City of Hamilton Zoning By-law 05-200 for Lands Located at 70 Innovation Drive (Flamborough) (PED11195) (Ward 15) (Item 6.3)

In accordance with the provision of the Planning Act, Vice Chair Clark advised those in attendance that 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 Council approves the Zoning By-law amendment the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board and 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.

No public speakers came forward.

(Partridge/Collins)

That the public meeting respecting, Report PED11195, Application for Amendment to the City of Hamilton Zoning By-law 05-200 for Lands Located at 70 Innovation Drive (Flamborough), be closed.

CARRIED

- (1) Kate Mihalijevic, Planner, addressed the Committee and provided an overview of the report.

(Pearson/Ferguson)

That the staff presentation respecting, Report PED11195, Application for Amendment to the City of Hamilton Zoning By-law 05-200 for Lands Located at 70 Innovation Drive (Flamborough), be received.

CARRIED

For disposition on this Item, refer to item 4.

(iv) Proposed Zoning By-law Amendment Affecting Lands Located at 587 and 591 Garner Road East (Ancaster) (PED11202) (Ward 12) (Item 6.4)

In accordance with the provision of the Planning Act, Vice Chair Clark advised those in attendance that 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 Council approves the Zoning By-law amendment the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board and 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.

No public speakers came forward.

(Pearson/Collins)

That the public meeting respecting, Report PED11202, Proposed Zoning By-law Amendment Affecting Lands Located at 587 and 591 Garner Road East (Ancaster), be closed.

CARRIED

(Pearson/Farr)

That the staff presentation respecting, Report PED11202, Proposed Zoning By-law Amendment Affecting Lands Located at 587 and 591 Garner Road East (Ancaster), be waived.

CARRIED

(Pearson/Collins)

That Report PED11202, respecting, Proposed Zoning By-law Amendment Affecting Lands Located at 587 and 591 Garner Road East (Ancaster), be amended, due to typographical errors, by replacing Appendix B with a Revised Appendix B.

CARRIED

- (1) James Webb, the agent, addressed the Committee and expressed his support for deferring the report to the Ward Councillor for further discussion.

(Pearson/Collins)

That Report PED11202, respecting, Proposed Zoning By-law Amendment Affecting Lands Located at 587 and 591 Garner Road East (Ancaster), be deferred to the Ward Councillor for meetings with the applicant and staff to manage outstanding issues.

CARRIED

(v) Application for Approval of a Draft Plan of Condominium Conversion for Lands Located at 118 St. Joseph's Drive (Hamilton) (PED11189) (Ward 2) (Item 6.5)

In accordance with the provision of the Planning Act, Vice Chair Clark advised those in attendance that 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 Council approves the draft plan 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 and 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.

No public speakers came forward.

(Partridge/Collins)

That the public meeting respecting, Report PED11189, Application for Approval of a Draft Plan of Condominium Conversion for Lands Located at 118 St. Joseph's Drive (Hamilton), be closed.

CARRIED

(Pearson/Ferguson)

That the staff presentation respecting, Report PED11189, Application for Approval of a Draft Plan of Condominium Conversion for Lands Located at 118 St. Joseph's Drive (Hamilton), be waived.

CARRIED

For disposition on this Item, refer to item 5.

(g) DISCUSSION ITEMS

**(i) Liquor Licence Application Review Update (PED09127(e)) (City Wide)
(Item 8.3)**

(aa) Correspondence from Robert Campbell

(bb) Correspondence from Jim Warren

(cc) Correspondence from Stephanie Vegh

Staff addressed the Committee with the aid of a PowerPoint presentation. A copy of this presentation has been included in the official record.

The Committee asked questions of staff. The discussion included but was not limited to the following:

- Councillor Clark expressed concern over the communication during the process of approving liquor licenses. Often the AGCO receives mixed messages from the City, one comment should be provided to the AGCO;
- Councillor Clark expressed concern over exemptions for non-profit organizations but supports exemptions for agricultural societies;

- Councillor Whitehead expressed concern over the recommendation in the report for approving a new FTE as he feels that the cost may not be recovered should there not be enough liquor licence applications and since the City Clerk's Office currently fulfills the duties of this proposed FTE;
- Councillor Pearson asked that staff forward the legislation from the province that came into place in June 2011 respecting liquor licences as an appendix to the next report in the first quarter of 2012;
- The Committee also expressed concern that the previous direction given was before the current economic challenges.

(Partridge/Pearson)

That staff be directed to review the impact /affect that liquor licence fee increases would have on not-for-profit organizations and agricultural societies in the City of Hamilton.

CARRIED

(Whitehead/Pearson)

That the correspondence from Robert Campbell, Jim Warren and Stephanie Vegh, respecting report PED09127(e), Liquor Licence Application Review Update, be received.

CARRIED

Collins/Partridge

That report PED09127(e), respecting Liquor Licence Application Review Update, be referred back to staff for a report on the discussed concerns and report back to the Planning Committee in the first quarter of 2012.

CARRIED

(ii) Repealing and Replacing the City of Hamilton's Noise By-law (PED10115(a)) (City Wide) (Item 8.4)

The Committee asked questions of staff. The discussion included but was not limited to the following:

- Councillor Clark expressed concern over section 3(f), the use of all-terrain vehicles and other vehicle uses in backyards in areas like Stoney Creek;

- Councillor Collins expressed concern over response time during after-hours and if the revised wording will include sufficient staff to have better response times during these hours;
- Councillor Pearson expressed interest in options to work more cooperatively with the police to manage noise complains;
- Councillor Partridge clarified with staff that the noise monitoring would be on a time and/or cumulative time basis, not on the decibel level. Councillor Partridge also clarified with staff that the bylaw applies to the person making the noise and it can also apply to a person allowing the noise.

(Pearson/Partridge)

That Report PED10115(a), respecting, Repealing and Replacing the City of Hamilton's Noise By-law, be amended, due to typographical errors, by replacing Appendix A with a Revised Appendix A.

CARRIED

2nd Vice Chair Farr assumed the Chair to allow Councillor Clark to put forward the following motion:

(Clark/Collins)

That staff be requested to review and report back on the health and safety protocols for the City of Hamilton By-law Officers with respect to flak jackets.

CARRIED

For disposition on this Item, refer to item 9.

(h) NOTICES OF MOTION

Councillor Collins introduced the following Notice of Motion:

(i) Hamilton Habitat for Humanity

WHEREAS the Municipal Act requires municipalities to enact a by-law pursuant to and in accordance with the requirements of the Act, to establish procedures for the sale of real property owned by the municipality;

AND WHEREAS before selling any land, the Council of the City of Hamilton shall, by by-law or resolution, declare the lands to be surplus;

AND WHEREAS before selling any land, the Council of the City of Hamilton shall obtain at least one appraisal of the fair market value of the land;

AND WHEREAS before selling any land, the Council of the City of Hamilton shall give notice to the public of the intended sale of the real property.

AND WHEREAS City Council on March 6, 2002 in adopting Item 21 of Report 02-008 of the Committee of the Whole, declared Part of Lot 62, on Registered Plan 487, in the City of Hamilton, subject to an Easement over Part 2, on Plan (RC-H-748) together with an Easement over Part 3, on Plan (RC-H-748) on an as is, where is basis, being all of PIN 17569-0049(LT) surplus to the needs of the City of Hamilton;

AND WHEREAS Hamilton Habitat for Humanity, a non-profit organization, has requested the acquisition of Part of Lot 62, on Registered Plan 487, in the City of Hamilton, subject to an Easement over Part 2, on Plan (RC-H-748) together with an Easement over Part 3, on Plan (RC-H-748) on an as is, where is basis, being all of PIN 17569-0049(LT), municipally known as 2 Comet Avenue for a nominal fee of \$2;

AND WHEREAS the deemed offer price of \$2 for the subject property is below the range of the fair market value as determined through an in-house appraisal of the subject's fair market value estimated at \$55,000;

AND WHEREAS the proceeds that were to be realized for the sale of Part of Lot 62, on Registered Plan 487, in the City of Hamilton, subject to an Easement over Part 2, on Plan (RC-H-748) together with an Easement over Part 3, on Plan (RC-H-748) on an as is, where is basis, being all of PIN 17569-0049(LT) were to be credited to the City's Reserve-Hamilton Beach account and that the monetary loss from the sale be reflected within the City's Reserve-Hamilton Beach account.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

- a) That the Real Estate Section be directed to dispose of Part of Lot 62, on Registered Plan 487, in the City of Hamilton, subject to an Easement over Part 2, on Plan (RC-H-748) together with an Easement over Part 3, on Plan (RC-H-748) on an as is, where is basis, being all of PIN 17569-0049(LT), municipally known as 2 Comet Avenue for a nominal fee of \$2;
- b) That the Real Estate Section be directed to prepare an Offer to Purchase for the sale of Part of Lot 62, on Registered Plan 487, in the City of Hamilton, subject to an Easement over Part 2, on Plan

(RC-H-748) together with an Easement over Part 3, on Plan (RC-H-748) on an as is, where is basis, being all of PIN 17569-0049(LT), municipally known as 2 Comet Avenue for a nominal fee of \$2;

- c) That the City Solicitor be directed to complete this real estate transaction on the terms and conditions set out herein.

(i) GENERAL INFORMATION AND OTHER BUSINESS

(i) Outstanding Business List Amendments

(Pearson/Whitehead)

That the due date of the following outstanding business list item be amended, as outlined below:

- (a) Item L: Sidewalk Policy
Current Due Date: November 22, 2011
Proposed New Due Date: March 2012

CARRIED

(j) PRIVATE AND CONFIDENTIAL

(Farr/Pearson)

That the Planning Committee move into Closed Session at 12:05 p.m.

CARRIED

At 12:05 p.m., Committee moved into Closed Session to consider several confidential matters pursuant to Section 8.1, Sub-sections (e) and (f) of the City's Procedural By-law and Section 239, Sub-sections (e) and (f) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and, the receiving of advice that is subject to solicitor-client privilege including communications necessary for that purpose.

(Pearson/Ferguson)

That the Planning Committee reconvene in Open Session at 12:53 p.m.

CARRIED

(i) Setting Sail – Ontario Municipal Board Hearing (Item 12.1)

(Collins/Partridge)

That the verbal update, Setting Sail – Ontario Municipal Board Hearing, as presented in Closed Session, the Confidential Memorandum, Ontario Municipal Board Pre-hearing and Hearing for Appeals to Official Plan

Amendment (H) 198 and Zoning By-law 05-073 (Setting Sail: Secondary Plan for the West Harbour) - PL050408, dated November 22, 2011, including Appendix A and Appendix B, and recommendations (a) and (b), be received and remain confidential and restricted from public disclosure.

CARRIED

**(ii) Verbal Report - Hamilton Rural Official Plan OMB Appeals Update
(Item 12.4)**

(Pearson/Partridge)

That the verbal report, as presented in closed session, be received and remain confidential and restricted from public disclosure.

CARRIED

(k) ADJOURNMENT

(Pearson/Partridge)

That, there being no further business, the Planning Committee be adjourned at 12:57 p.m.

CARRIED

Respectfully submitted,

Councillor B. Clark
Vice Chair, Planning Committee

Vanessa Robicheau
Legislative Assistant
Office of the City Clerk
November 22, 2011