



PLANNING COMMITTEE

MINUTES 15-012

9:30 am

Tuesday, August 11, 2015

Council Chambers

Hamilton City Hall

71 Main Street West

Present: Councillors J. Partridge (Chair), B. Johnson, (1st Vice Chair), M. Pearson (2nd Vice-Chair), C. Collins, D. Conley, J. Farr, A. Johnson, and R. Pasuta

Absent with regrets: Councillor M. Green, vacation

Also present: Councillors T. Jackson, S. Duvall and T. Whitehead

THE FOLLOWING ITEMS WERE REPORTED TO COUNCIL FOR CONSIDERATION:

- 1. Delegation request from Chris Scafer, UBER Canada, to provide a brief presentation respecting UBER and to respond to questions. (Item 4.1)**

(Collins/Farr)

- (a) That the delegation request from Chris Scafer of UBER Canada to provide a brief presentation respecting UBER and to respond to questions be referred to the General Issues Committee; and
- (b) That Clerk's staff provide some clarity with respect to the Lobbyist Registry in regards to this delegation request.

CARRIED

- 2. Community-Based By-law Enforcement Strategy Update (PED08263(b)) (City Wide) (Item 5.1)**

(Farr/Pearson)

That the updated By-law Enforcement Priority Framework outlined in Appendix "A" to Report PED08263(b) be approved.

CARRIED

3. Appeal of the City of Hamilton Committee of Adjustment Decision to Approve Minor Variance Application HM/A-15:83, Trinity Investment Inc. (Owner), for lands located at 554 Main Street East (Hamilton) (PED15092)(Ward 3) (Item 5.2)

(Farr/Pearson)

That Council agrees to the following actions, as detailed in Report PED15092, respecting the appeal of City of Hamilton Committee of Adjustment Minor Variance Application HM/A-15:83 (Trinity Investment Inc.) (Owner), 554 Main Street East (Hamilton), as shown on Appendix "A" to Report PED15092, approved by the Committee of Adjustment but not including a condition ensuring that off-site parking at 7 Myrtle Avenue remains available for the exclusive use of the medical office at 554 Main Street East:

- (a) That Council of the City of Hamilton proceed with the appeal to the Ontario Municipal Board (OMB) against the decision of the Committee of Adjustment to approve Minor Variance Application HM/A-15:83 without an appropriate condition; and,
- (b) That Council directs appropriate Legal Services and Planning staff, to attend the future OMB Hearing in opposition to the decision of the Committee of Adjustment to approve Minor Variance Application HM/A-15:83 without an appropriate condition.

CARRIED

4. 2133 Rymal Road East, Stoney Creek (PED15105) (Ward 9) (Item 5.3)

(Farr/Pearson)

That Report PED15105 respecting 2133 Rymal Road East, Stoney Creek be received.

CARRIED

5. Conditional Permit Agreements under the *Building Code Act, 1992*(PED15122) (City Wide) (5.4)

(Farr/Pearson)

That the By-law attached as Appendix "A" to Report PED15122 to amend City of Hamilton By-law 15-058, granting authority to the Chief Building Official to approve and enter into conditional permit agreements as described in clause 8.(3)(c) of the *Building Code Act, 1992* on behalf of the City, be enacted.

CARRIED

6. Hamilton Municipal Heritage Committee Report 15-005 (Item 5.5)

(Farr/Pearson)

(a) Inventory & Research Working Group Update

(i) Request to designate 183, 187, 189 and 195 Hughson Street South and 39 Charlton Street East, Hamilton

(1) That staff be requested to assess all previously inventoried properties located within the block bounded by Charlton Avenue East, John Street South, Forest Avenue and Hughson Street South, as part of the Preliminary Screening report required to address the request to designate 183, 187, 189 and 195 Hughson Street South/39 Charlton Street East, Hamilton.

(2) That the following properties listed on the City's Inventory be included in the City of Hamilton Register of Properties of Cultural and Heritage Value or Interest as non-designated properties:

- (i) 43 Charlton Avenue East, Hamilton;
- (ii) 49 Charlton Avenue East, Hamilton;
- ~~(iii) 40 Forest Avenue, Hamilton;~~ **TABLED**
- (iv) 50 Forest Avenue, Hamilton;
- (v) 183 Hughson Street South, Hamilton;
- (vi) 187 Hughson Street South, Hamilton;
- (vii) 189 Hughson Street South, Hamilton; and,
- (viii) 195 Hughson Street South/39 Charlton Avenue East, Hamilton

(b) Heritage Permit Application HP2015-028, Under Part V of the Ontario Heritage Act, for the Erection of a Structure at 966 Beach Boulevard, Hamilton (PED15111)

That Heritage Permit Application HP2015-028 be approved for the erection of a new single detached dwelling, with an attached garage, on the designated property at 966 Beach Boulevard, Hamilton (Hamilton Beach Heritage Conservation District), as shown in Appendix "A" to Report PED15111, subject to the submission and finalization of a Site Plan Control application and the following Heritage Permit conditions:

- (i) That the width of the garage opening and door shall be reduced from the width shown in the drawings attached as Appendix "C" to Report PED15111, to the satisfaction and approval of the Director of Planning and Chief Planner, in accordance with the Site Plan approval process;
- (ii) That the specifications for the proposed windows, porch, railings, garage doors, soffits, eaves and downspouts shall be submitted, to

the satisfaction and approval of the Director of Planning and Chief Planner, prior to submission as part of any application for a Building Permit;

- (iii) That the dimensions and surfacing materials for the new driveway and any walkways, patios or other hard-surface areas, shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, in accordance with the Site Plan approval process and prior to installation;
- (iv) That the dimensions, design and materials for any new fencing and gates shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to installation;
- (v) That a plan depicting the planting of any new trees shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to planting;
- (vi) That any minor changes to the plans and elevations following approval shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to submission as part of any application for a Building Permit; and,
- (vii) That construction and site alterations, in accordance with this approval, shall be completed no later than August 31, 2017. If the construction and site alterations are not completed by August 31, 2017, then this approval expires as of that date, and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

**Amendment CARRIED
Motion as Amended CARRIED**

7. Funding of External Consultant(s) for an Ontario Municipal Board Hearing Regarding 228 Seneca Avenue (Glanbrook) -Appeal of Refusal of Rezoning Application - LS15023 (Ward 11) (Item 5.6)

(B. Johnson/Pasuta)

- (a) That the City Solicitor be authorized to retain such External Consultants as may be necessary to provide expert advice and evidence to the Ontario Municipal Board respecting the applicant/owner's appeal to the Ontario Municipal Board of Council's refusal to pass a Zoning By-Law Amendment permitting a second dwelling unit in the accessory garage building on Spalding at 228 Seneca Avenue (Glanbrook);
- (b) That the amount required to retain any such external consultants be funded through the Tax Stabilization Reserve, account 110046.

CARRIED

8. Application for an Amendment to the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 108 James Street North and 111 and 115 Hughson Street North (Hamilton) (PED15029(b)) (Ward 2) (Item 5.7)

(Farr/Pearson)

That in accordance with the Council Motion of March 31, 2015, approval be given to Zoning Application ZAR-15-001, by Diamante Investments Ltd., Owner, for changes in zoning to Hamilton Zoning By-law No. 05-200 from the Downtown Prime Retail Streets (D2) Zone, the Downtown Mixed Use (D3) Zone and the Downtown Multiple Residential (D6) Zone to a modified Downtown Prime Retail Streets (D2, 451, H60) Holding Zone for lands located at 108 James Street North and 111 and 115 Hughson Street North, in order to permit restoration of the existing theatre and a 22-storey mixed-use building, consisting of accessory commercial and residential uses, for the lands shown on Appendix "A" to Report PED15029(b) be approved on the following basis:

- (i) That the draft By-law, attached as Appendix "B" to Report PED15029(b), **with the amended location map**, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That pursuant to Section 34(17) of the Planning Act, Council is satisfied that no further notice and no additional public meeting is required to deal with the implementation of Council's direction in respect of the draft By-law, attached as Appendix "B";
- (iii) That the draft By-law, attached as Appendix "B", is in accordance with the Council adopted Motion of March 31, 2015.

**Amendment CARRIED
Motion as Amended CARRIED**

9. Application for Amendment to the Urban Hamilton Official Plan (UHOP) and Hamilton Zoning By-law No. 05-200 for Land Located at 630 Rymal Road East (Hamilton) (PED15091) (Ward 7) (Item 6.1)

(Pasuta/Pearson)

(a) That approval be given to Urban Hamilton Official Plan Amendment Application UHOPA-14-016, by Sermal Development Inc., Owner, for a change in designation from "Neighbourhoods" to "Institutional" in order to facilitate the development of a proposed secondary school on a portion of the lands located at 630 Rymal Road East (Hamilton), as shown on Appendix "A" to Report PED15091, on the following basis:

- (i) That the draft Official Plan Amendment (OPA), attached as Appendix "B" to Report PED15091, be adopted by City Council.
- (b) That approval be given to Zoning By-law Amendment Application ZAC-14-033 by Sermal Developments Inc., Owner, to remove the subject lands

zoned “C” (Urban Protected Residential, etc.) District and “R-4” (Small Lot Single Family Dwelling) District in the City of Hamilton Zoning By-law No. 6593 and add the subject lands to the Hamilton Zoning By-law 05-200 and zone the lands as Community Institutional, Holding (I2, H57, H59) Zone for a portion of the lands known as 630 Rymal Road East as shown on Appendix “A” to Report PED15091, on the following basis:

- (i) That the draft By-law, attached as Appendix “C” to Report PED15091, **as amended by removing the reference to LEA consulting Ltd. in subsection 2(a)6**, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council; and,
- (ii) That the proposed change in zoning is in conformity with the Urban Hamilton Official Plan upon finalization of Official Plan Amendment No. ___.
- (c) That the Chappel East Neighbourhood Plan be amended by modifying the road network and redesignating the subject lands from “Single and Double” to “Civic and Institutional” upon finalization of the Official Plan and Zoning By-law Amendments as shown on Appendix “A” to Report PED15091.

Amendment CARRIED
Main Motion as Amended CARRIED

10. Application for Amendment to the City of Hamilton Zoning By-law No. 6593 for Land Located at 449 Stone Church Road West (Hamilton) (PED15110) (Ward 8) (Item 6.2)

(Collins/B. Johnson)

- (a) That the Zoning By-law Amendment Application ZAC-15-007 by 1794784 Ontario Inc., Owner, for a change in zoning from the “B” (Suburban Agriculture and Residential, etc.) District to the “DE-3/S-1721” (Multiple Dwellings) District, Modified, for lands known as 449 Stone Church Road West as shown on Appendix “A” to Report PED15110, **BE DENIED** on the following basis:
 - (i) The proposal is not consistent with the Provincial Policy Statement and does not conform with the Growth Plan of the Greater Golden Horseshoe and Urban Hamilton Official Plan as it is overdevelopment on this Site and is therefore intensification which is not appropriate or compatible with its surrounding areas;
 - (ii) The proposal is not in keeping with the character and streetscape of this area in terms of, size, massing, height, setbacks and built form;
 - (iii) The proposal will have adverse impacts on the surrounding area by virtue of the added traffic from such an overdevelopment creating

additional traffic safety and congestion problems which is already a major concern in the surrounding area;

- (iv) The proposal does not have an acceptable housing mix; it is much too oriented to townhouses and should have a much higher proportion of single detached residential units.

CARRIED

11. Application for an Amendment to the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 82 Parkside Drive, Flamborough (ZAR-15-012) (PED15100) (Ward 15) (Item 6.3)

(Partridge/Pearson)

That approval be given to Amended Zoning Application ZAR-15-012 by 1707536 Ontario Inc., Owner, for a modification to the Prestige Business Park (M3) Zone, to permit a motor vehicle washing establishment with accessory vacuum and pet washing bays, on lands located at 82 Parkside Drive, Flamborough, as shown on Appendix "A" to Report PED15100, on the following basis:

- (a) That the Draft By-law, attached as Appendix "B" to Report PED15100, which has been prepared in a form satisfactory to the City Solicitor, be amended by:
 - (i) changing all references in the By-law to Special Exception "467" to Special Exception "469";
 - (ii) deleting subsection 3(i) in its entirety and inserting the following therein:
 - ~~3.(i) The owner has paid all costs associated with the westerly extension and private drain connections of the sanitary sewer, as well as the proportionate share of storm mainline sewers, including private drain connections, from Sadielou Boulevard/Hollybush Drive along Parkside Drive, to the satisfaction of the Senior Director of Growth Management.~~
 - 3(i) The owner has paid all costs associated with the westerly extension of the sanitary sewer from Sadielou Boulevard / Hollybush Drive along Parkside Drive, including the private sanitary drain connection, private storm drainage connection and private water service, to the satisfaction of the Senior Director of Growth Management.

and enacted by City Council;

- (b) That the Amending By-law, attached as Appendix "B" to Report PED15100, **as amended**, be added to Map No. 515 of Zoning By-law No. 05-200; and,

- (c) That the proposal is consistent with the Provincial Policy Statement, it conforms to the Growth Plan for the Greater Golden Horseshoe, and it complies with the Urban Hamilton Official Plan;
- (d) **That mature evergreen trees be planted in the buffer zone as part of site plan approval.**

**Amendment CARRIED
Main Motion as Amended CARRIED**

12. Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 312 and 314 Catharine Street North (Hamilton) (PED15109) (Ward 2) (Item 6.4)

(Farr/Pearson)

- (a) That approval be given to Amended Official Plan Amendment Application OPA-14-015, by Sergio Manuel Ferreira and Fabiana Apolinario Pessoa, (Owners), to amend the West Harbour Secondary Plan with a Site Specific Policy to permit a commercial and wholesale bakery, take-out restaurant, catering establishment and two upper storey dwelling units at 312 and 314 Catharine Street North (Hamilton), as shown on Appendix "A" to Report PED15109, on the following basis:
 - (i) That the draft Official Plan Amendment, attached as Appendix "B" to Report PED15109, be adopted by City Council.
- (b) That approval be given to Amended Zoning By-law Amendment Application ZAR-14-032 by Sergio Manuel Ferreira and Fabiana Apolinario Pessoa, (Owners), for a modification to the "D" (Urban Protected Residential – One and Two Family Dwellings, Etc.) District, to permit a commercial and wholesale bakery, take-out restaurant, catering establishment and two upper storey dwelling units at 312 and 314 Catharine Street North (Hamilton), as shown on Appendix "A" to Report PED15109, on the following basis:
 - (i) That the draft By-law, attached as Appendix "C" to Report PED15109, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
 - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow), and is in conformity with the Hamilton Official Plan upon finalization of Official Plan Amendment No. [REDACTED].

CARRIED

13. Application for a Zoning By-law Amendment for Lands Located at 601 Barton Street East (Hamilton) (PED15112) (Ward 3) (Item 6.5)

(Farr/Pearson)

- (a) That approval be given to Amended Zoning By-law Amendment Application ZAC-14-036 by Gibson Lofts Ltd., for a change in zoning from the “D” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District to the “E/S-1724” (Multiple Dwellings, Lodges, Clubs, Etc.) District, Modified, to permit the conversion of the former Gibson School for a mix of live-work and commercial uses and residential apartments, which include additions to the existing building at 601 Barton Street East (Hamilton), as shown on Appendix “A” to Report PED15112, on the following basis:
- (i) That the draft By-law, attached as Appendix “B” to Report PED15112, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow), and complies with the Urban Hamilton Official Plan.
- (b) That upon finalization of the implementing By-law, the subject lands within the Gibson Neighbourhood Plan be redesignated from “Institutional” to “Commercial and Apartments”.

CARRIED

14. Proposed Urban Hamilton Official Plan (UHOP) Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision for Lands Located at 470 Parkside Drive and 493 Dundas Street East, Flamborough (PED15120) (Ward 15) (Item 6.6)

(Partridge/Farr)

- (a) That approval be given to Urban Hamilton Official Plan (UHOP) Amendment Application UHOPA-15-009 by Mattamy Homes, Owners, to permit the lands located at 470 Parkside Drive and 493 Dundas Street East to be removed from Map F-2 Area Specific Policies of Volume 3, and to permit block and rear lane townhouse units with a density of 37.6 units per net residential hectare within the Neighbourhoods Designation, as shown on Appendix “A” to Report PED15120, on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED15120, be adopted by City Council.
- (b) That approval be given to Amended Zoning Application ZAC-13-055, Mattamy Homes, to amend Town of Flamborough Zoning By-law 90-145-Z

for lands located at 470 Parkside Drive and 493 Dundas Street East, Waterdown, from the Agricultural “A” Zone to the Urban Residential “R1-69” Zone, Modified (Block 1); from the Agricultural “A” Zone to the Urban Residential “R1-70” Zone, Modified (Block 2); from the Agricultural “A” Zone to the Medium Density Residential “R6-39” Zone, Modified (Block 3); from the Agricultural “A” Zone to the Medium Density Residential “R6-40” Zone, Modified (Block 4); from the Agricultural “A” Zone to the Medium Density Residential “R6-41(H)” Zone, Holding, Modified (Block 5); from the Agricultural “A” Zone to the Medium Density Residential “R6-42(H)” Zone, Holding, Modified (Block 6); from the Urban Commercial “UC(H)” Zone, Holding to the Urban Commercial “UC-16” Zone, Modified (Block 7); from the Agricultural “A” Zone to the Urban Commercial “UC-15(H)” Zone, Holding, Modified (Block 8); and, from the Urban Commercial “UC(H)” Zone, Holding to the Medium Density Residential “R6-42 (H)” Zone, Holding, Modified (Block 9), as shown on the Draft By-law, attached as Appendix “C” to Report PED15120 and, to amend Zoning By-law 05-200 to include lands to be zoned Conservation / Open Space “P5” Zone (Block 1) and Neighbourhood Park “P1” Zone (Block 2), as shown on the Draft By-law, attached as Appendix “D” to Report PED15120, and furthermore that the Amending By-law, attached as Appendix “D” to Report PED15120, be approved to revise Map Nos. 383 and 414 of Zoning By-law No. 05-200, on the following basis:

- (i) That the draft By-laws, attached as Appendices “C” and “D” to Report PED15120, which have been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
 - (ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (PPS), conform with the Places to Grow – Growth Plan, and upon finalization of Official Plan Amendment No. XX will comply with the Urban Hamilton Official Plan (UHOP).
- (c) That approval be given to Revised Draft Plan of Subdivision 25T-201308 by Mattamy Homes, to establish a Draft Plan of Subdivision known as “Mattamy Waterdown Phase 2”, on lands located at 470 Parkside Drive and 493 Dundas Street East, Waterdown, as shown on Appendix “A” to Report PED15120, be approved subject to the following conditions:
- (i) That this approval apply to the Draft Plan of Subdivision, 25T-201308, prepared by Korziak Urban Planning, and certified by Ross DenBroeder, O.L.S., dated September 22, 2014, attached as Appendix “E”, consisting of 22 blocks for 220 single detached dwellings (Block 2, 7-25, 33, and 34); six blocks for 58 street townhouses (Blocks 1, 3-6, 36); one block for 38 condominium townhouses (including 27 rear lane townhouses) (Block 26); one block for mixed use medium density development for 67 units consisting of rear lane townhouses, maisonettes and standard townhouses (Block 27); one commercial block (Block 35); one

Neighbourhood Park (Block 28); one block for a floodplain (Block 30); three blocks for buffers and open space (Blocks 29, 31 and 32) subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the special conditions attached as Appendix "F" to Report PED15120;

- (ii) Acknowledgement by the City of Hamilton that there shall be no cost sharing within 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. The calculation of the Cash-in-Lieu payment shall be based upon the value of the lands on the day prior to the day of issuance of each building permit.

All payment of cash-in-lieu will be in accordance with the financial Policies for Development and the City's Parkland Dedication By-law, as approved by Council.

CARRIED

15. Committee of Adjustment Minor Variance Application- HM/A-15:41 (111 Winston Avenue) - Supported by the Planning and Economic Development Department but Denied by the Committee of Adjustment (PED15118)(Ward 1) (8.1)

(A. Johnson/B. Johnson)

- (a) That Legal Services staff be directed to attend the Ontario Municipal Board (OMB) to defend the Committee of Adjustment's decision to deny the Minor Variance application at 111 Winston Avenue which was subsequently appealed to the OMB by the applicant;
- (b) That the City Solicitor be authorized to retain such External Consultants as may be necessary to provide expert advice and evidence to the Ontario Municipal Board respecting the applicant/owner's appeal and the amount required to retain any such external consultants be funded through the Tax Stabilization Reserve, account 110046.

CARRIED

16. School Crossing Guard Program (PED15129) (City Wide) (8.2)

(Pearson/Conley)

- (a) That staff be authorized to hire up to five additional school crossing guards for the 2015/2016 school year (September 2015 to June 2016), and that the required funding (estimated at \$30,000) be funded from within the Parking and By-Law Services Operating Budget;

- (b) That staff be directed to report back to the Planning Committee on possible operational efficiencies with respect to the management of school crossing guard resources before the beginning of the 2016/2017 school year.

CARRIED

17. Temporary Use By-law to Allow for the temporary use of the former Cathedral Boys High School by the St. Leonard's Society of Hamilton (Added 10.4)

(Farr/Pearson)

That staff be directed to schedule a Statutory Public Meeting of the Planning Committee on September 15, 2015 to consider a Temporary Use By-law to allow for the temporary use of the former Cathedral Boys High School located at 378 Main Street East by St. Leonard's Society of Hamilton as a Corrections Residence on a temporary basis until the renovations at their current facility located at 22 to 24 Emerald Street South are completed.

CARRIED

18. 70 Barton St. OMB Appeal RE: Zoning By-law Amendment Application ZAC-13-046 (Flamborough) LS14034(a)/PED14207(a) (Distributed under separate cover.) (Item 12.1)

(Pearson/Conley)

That the recommendations in Report LS14034(a)/PED14207(a) remain confidential until Council approval.

CARRIED

19. OMB Appeal by Nebo Group (2006) Inc. for non-decision of Urban Hamilton Official Plan Amendment UHOPA -14-003 and Zoning By-law Amendment (ZAR-12-071) applications and Legal Direction (LS14002(a)) (Ward 11) (Item 12.2)

(Pearson/Conley)

That the recommendations in Report LS14002(a) remain confidential until Council approval.

CARRIED

FOR THE INFORMATION OF COMMITTEE:

(a) CHANGES TO THE AGENDA (Item 1)

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

DELETED DELEGATION REQUEST:

- 4.2 Terri Bocz, Ainslie Wood Westdale Community Association of Resident Homeowners Inc., respecting Committee of Adjustment Minor Variance Application - HM/A-15:41 (111 Winston Avenue) - Supported by the Planning and Economic Development Department but Denied by the Committee of Adjustment (PED15118) (Ward 1) (Item 8.1 on this agenda)

ADDED WRITTEN COMMENTS:

- 6.2(i) Written comments from Mary Ridler, 33 McIntosh Avenue respecting Application for Amendment to the City of Hamilton Zoning By-law No. 6593 for Land Located at 449 Stone Church Road West (Hamilton) (PED15110) (Ward 8) (Item 6.2 on this agenda) (Copy attached)
- 6.4(i) Written comments from the LoPresti's 104 Murray Street East, respecting Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 312 and 314 Catharine Street North (Hamilton) (PED15109) (Ward 2) (Item 6.4 on this agenda) (Copy attached)
- 6.4(ii) Written comments from Anna Gabriel, 108 Murray Street East, respecting Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 312 and 314 Catharine Street North (Hamilton) (PED15109) (Ward 2) (Item 6.4 on this agenda) (Copy attached)
- 8.1(i) Written comments from Ainslie Wood/Westdale Community Association of Resident Homeowners Inc. respecting Committee of Adjustment Minor Variance Application - HM/A-15:41 (111 Winston Avenue) - Supported by the Planning and Economic Development Department but Denied by the Committee of Adjustment (PED15118) (Ward 1) (Item 8.1 on this agenda) (Copy attached)
- 8.1(ii) Written comments from Ainslie Wood Community Association respecting Committee of Adjustment Minor Variance Application - HM/A-15:41 (111 Winston Avenue) - Supported by the Planning and Economic Development Department but Denied by the Committee of Adjustment (PED15118) (Ward 1) (Item 8.1 on this agenda) (Copy attached)
- 8.1(iii) Petition with Written comments from approximately 56 homeowners respecting Committee of Adjustment Minor Variance Application - HM/A-15:41 (111 Winston Avenue) - Supported by the Planning and Economic

Development Department but Denied by the Committee of Adjustment (PED15118) (Ward 1) (Item 8.1 on this agenda) (Copy attached)

CORRECTION TO DRAFT BY-LAW

Appendix B to Item 6.3 - Application for an Amendment to the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 82 Parkside Drive, Flamborough (ZAR-15-012) (PED15100) (Ward 15) (Item 6.3)

ADDED NOTICES OF MOTION:

- 10.1 Waive the Requirement for a Road Widening for 1685 Main Street West
- 10.2 Waive the Fees for required Minor Variance and/or Consent Applications for lands located at 439 and 447 King Street West and 212 George Street
- 10.3 Parkland Dedication
- 10.4 Temporary Use By-law to Allow for the temporary use of the former Cathedral Boys High School by the St. Leonard's Society of Hamilton

CORRECTION TO REPORT NUMBER AND AMENDED APPENDIX A:

- 12.2 OMB Appeal by Nebo Group (2006) Inc. for non-decision of Urban Hamilton Official Plan Amendment UHOPA –14-003 and Zoning By-law Amendment (ZAR-12-071) applications and Legal Direction (LS14002(a) ~~PED15130~~) (Ward 11) (Distributed under separate cover.)

Amended Appendix "A" to Report LS14002(a) (Distributed under separate cover)

As outside consultants will be attending the Private and Confidential reports will be considered at 2:00 p.m. at which time Committee will move into Closed Session.

(Collins/Conley)

That Items 6.2 and 8.1 be moved up in the agenda at the request of the Ward Councillors – Councillors Terry Whitehead and Aidan. Johnson.

CARRIED

(Collins/Conley)

That the Agenda for the August 11, 2015 meeting of the Planning Committee be approved, as amended.

CARRIED

(b) DECLARATIONS OF INTEREST (Item 2)

None.

(c) APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING (Item 3)

(i) July 7, 2015 Meeting (Item 3.1)

(Green/Pearson)

That the Minutes of the July 7, 2015 meeting be approved.

CARRIED

(d) DELEGATION REQUESTS (Item 4)

The following delegation request was referred to the General Issues Committee.

- 4.1 Chris Scafer, UBER Canada, to provide a brief presentation respecting UBER and to respond to questions (For future meeting)

For disposition of this matter see Item 1.

(e) CONSENT ITEMS (Item 5)

(i) Hamilton Municipal Heritage Committee Report 15-005 (Item 5.5)

(Farr/Pearson)

That subsection (a)(i)(2)(iii) of Hamilton Municipal Heritage Committee Report 15-005 recommending including 40 Forest Avenue, Hamilton on the City's Register of Properties of Cultural and Heritage Value or Interest be TABLED to allow further consultation with the property owner.

CARRIED

For disposition of this matter refer to Item 6.

(ii) Application for an Amendment to the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 108 James Street North and 111 and 115 Hughson Street North (Hamilton) (PED15029(b)) (Ward 2) (Item 5.7)

Staff advised that the map attached to the By-law needed to be amended to show the entire area that would be affected by the approval of this Application for a Zoning By-law Amendment.

The Report was approved with the By-law, as amended.

For disposition of this matter refer to Item 8.

(f) DELEGATIONS/PUBLIC HEARINGS (Item 6)

(i) Application for Amendment to the Urban Hamilton Official Plan (UHOP) and Hamilton Zoning By-law No. 05-200 for Land Located at 630 Rymal Road East (Hamilton) (PED15091) (Ward 7) (Item 6.1)

In accordance with the provisions of the *Planning Act*, Chair Partridge 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 makes a decision regarding the Urban Hamilton Official Plan Amendment and 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 members of the public came forward.

Robert Clackett advised Committee that there is a small amendment to the holding provision included in the By-law. At the request of the applicant, staff agree to remove the reference to a specific consultant to undertake the study.

Brenda Khes of GSP Group representing the applicant, was in attendance to assist Committee.

Councillor Duvall addressed Committee and he said that he is satisfied with the progress made by the applicant to address the concerns with respect to noise and he is in support of this application.

(Conley/Pearson)

That the public meeting be closed.

CARRIED

(Pasuta/Pearson)

That the reference to LEA Consulting Ltd in subsection 2(a)6 of the By-law be removed.

CARRIED

The Report was approved with the By-law as amended.

For disposition of this matter refer to Item 9.

(ii) **Application for Amendment to the City of Hamilton Zoning By-law No. 6593 for Land Located at 449 Stone Church Road West (Hamilton) (PED15110) (Ward 8) (Item 6.2)**

In accordance with the provisions of the *Planning Act*, Chair Partridge 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 makes a decision regarding 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.

Written Comments

6.2(i) Mary Ridler, 33 McIntosh Avenue

(Pearson/Pasuta)

That the written comments from Mary Ridler be received.

CARRIED

Robert Clackett, Planner, provided an overview of the Report with the aid of a PowerPoint presentation. A copy has been uploaded onto the City's website.

Robert Clackett and staff from the Traffic Division responded to questions.

(B. Johnson/Conley)

That the staff presentation be received.

CARRIED

Joe Lakatos of AJ Lakatos Planning Consultant addressed Committee and his comments included but were not limited to the following:

- They have been working with staff since the application has been submitted;
- He has copies of the Traffic and Engineering studies and are available for viewing;
- The design issues can be addressed at the site plan approval stage;
- With respect to the concerns about density, this is a compact form of development;
- The parking will be underground and not seen at grade;
- The elevation will not be an issue as the building will be constructed at a lower level than the existing building;

- The home which the proposed development would replace is an older style home while the rest of the homes are fairly new.

He responded to questions from Committee.

Speakers

1. Felina and Rick Brydges, 451 Stone Church Road West

Feline Brydges addressed Committee and indicated that she is not in support of this proposal for the following reasons:

- Scale and size of the building;
- The slope (elevation of the land) will cause flooding;
- Would there be retaining walls;
- Sidewalk and rooftop snow removal – where will it go?
- Sun shadows – will block the sun from her home and flower garden;
- Lack of privacy as her home will be at a lower level;
- The traffic, it is already a challenge getting in and out of their driveway especially during rush hour.

2. Jeanette McGinty, 21 - 445 Stone Church Road West

Jeannette McGuinty addressed Committee and a copy of her speaking notes has been submitted for the public record and has also been uploaded onto the City's website. She stated that she is opposed to this development for the following reason:

- Objects to the large building and roof top terrace;
- The Staff report indicates the proposal meets minimum code standards but how about the human effect?
- She does not want to face a brick wall and lose her current view ;
- Green space will be lost;
- There will be a loss of privacy
- The proposed frosted windows will be for the benefit of the tenants but not for the neighbouring residents;
- The air conditioning units and the other mechanical and electrical noise;
- The lighting from the building will be intrusive;
- There will be shadow cast on her house and garden;
- This will hurt the market value of her home;
- The traffic congestion, traffic noise and safety problems;
- There will be parking issues;
- The noise, dust and garbage from the construction site,
- This is not compatible with the neighbourhood

- It will be an eye sore.

3. Gordon Hazelwood, 445 Stone Church Road West

Gordon Hazelwood read from a prepared statement. A copy has been submitted for the public record and has also been uploaded onto the City's website. He spoke in opposition of the proposal because the building would be higher than the condominium where he lives and would obstruct his views of the surrounding trees.

4. Wayne Ready, 463 Stone Church Road West

Wayne Ready submitted a copy of his speaking notes which have been retained for the public record and a copy has been uploaded onto the City's website. He spoke in opposition of this development for the following reasons:

- The residents maintain their homes;
- Stone Church Road is very busy and dangerous;
- There is school traffic;
- Concerned with the visitor parking;
- Where would the delivery trucks for the resident of this proposed building park? – in the bus stop? in the bike lane?
- The proposal is not compatible with the neighbourhood but will take away from the views, the sun and the peace;
- Believes the building will be constructed at the current elevation;
- Water drainage problems – flooding will result;
- The area is already saturated with town houses;
- The dangers of a large underground parking (could lead to fire)

(Collins/Farr)

That the delegations be received.

CARRIED

(Conley/Pasuta)

That the public meeting be closed.

CARRIED

Committee denied this application.

For disposition of this matter refer to Item 10.

(iii) Application for an Amendment to the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 82 Parkside Drive, Flamborough (ZAR-15-012) (PED15100) (Ward 15) (Item 6.3)

Chair Partridge relinquished the Chair to Vice-Chair Brenda Johnson.

In accordance with the provisions of the *Planning Act*, Vice Chair B. Johnson 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 makes a decision regarding 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.

Delia McPhail advised Committee of amendments to the by-law and outlined what the applicant will be responsible for.

(Partridge/Farr)

That the staff presentation be waived.

CARRIED

The agent advised they were in support of the application.

(Partridge/Conley)

That the public meeting be closed.

CARRIED

(Partridge/Pearson)

(a) That the by-law be amended by:

- (i) changing all references in the By-law to Special Exception "467" to Special Exception "469";
- (ii) deleting subsection 3(i) in its entirety and inserting the following therein:

~~3.(i) The owner has paid all costs associated with the westerly extension and private drain connections of the sanitary sewer, as well as the proportionate share of storm mainline sewers, including private drain connections, from Sadielou Boulevard/Hollybush Drive along Parkside Drive, to the satisfaction of the Senior Director of Growth Management.~~

3(i) The owner has paid all costs associated with the westerly extension of the sanitary sewer from Sadielou Boulevard / Hollybush Drive along Parkside

Drive, including the private sanitary drain connection, private storm drainage connection and private water service, to the satisfaction of the Senior Director of Growth Management.

- (b) That the recommendations be amended by adding the following subsection (d):
 - (d) That mature evergreen trees be planted in the buffer zone as part of site plan approval.

CARRIED

For disposition of this matter refer to Item 11.

Chair Partridge assumed the Chair.

(iv) Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 312 and 314 Catharine Street North (Hamilton) (PED15109) (Ward 2) (Item 6.4)

In accordance with the provisions of the *Planning Act*, Chair Partridge 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 makes a decision regarding the Official Plan amendment and 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.

WRITTEN COMMENTS

- 6.4(i) The LoPresti's 104 Murray Street East
- 6.4(ii) Anna Gabriel, 108 Murray Street East

(Conley/Farr)

That the written comments be received.

CARRIED

Greg Macdonald provided an overview of the Report with the aid of a PowerPoint presentation. A copy has been uploaded onto the City's website. He suggested amendments to the Holding Provision with respect to Parking.

(Farr/Pearson)

That the staff presentation be received.

CARRIED

John Ariens of IBI Group representing the applicant, addressed Committee with the aid of a PowerPoint presentation. A copy of the hand out was distributed and has been retained for the public record. A copy has also been uploaded onto the City's website.

His comments included but are not limited to the following:

- Bakery History:
- Purpose of Official Plan and Zoning Application
- Previous vs Existing Development
- Planning Issues
- Building & Fire Code
- Traffic
- The Double Drive-Thru
- Parking
- Street Parking Utilization
- Boulevard Parking, Paving & Encroachments
- Nuisance
- Thank you

Speakers

1. David Payne, 105 Murray Street

David Payne address Committee and spoke in opposition to the report for the following reasons:

- The reports are outdated;
- The notices have been distributed in English but the area residents speak Italian or Portuguese and some are seniors;
- The applicant is asking for permission for changes that have already been made;
- Another location is needed for this proposal

2. Tim Lipischuk, 107 Murray Street

Tim Lipischuk spoke in opposition to this proposal for the following reasons:

- He has been a resident for the past 11 years and the previous operator had much less garbage and a smaller menu
- The previous operator picked up garbage around their property and there was not very much traffic;
- The new owners have grown a large business and this is not the area for it;
- He has seen people urinate and defecate on the property;

- The top rail on the deck does not conform to the Building Code.

(Farr/B. Johnson)

That the delegations be received.

CARRIED

(Pearson/Pasuta)

That the public meeting be closed.

CARRIED

For disposition of this matter refer to Item 12.

(v) Application for a Zoning By-law Amendment for Lands Located at 601 Barton Street East (Hamilton) (PED15112) (Ward 3) (Item 6.5)

In accordance with the provisions of the *Planning Act*, Chair Partridge 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 makes a decision regarding 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.

Greg Macdonald provided an overview of the Report with the aid of a PowerPoint presentation. A copy has been uploaded onto the City's website.

(Pearson/Farr)

That the staff presentation be received.

CARRIED

James Webb of Webb Planning Consultants representing the applicant, addressed Committee. His comments included but were not limited to the following:

- This is a good news story respecting the reuse of a heritage property for residential purposes;
- An example of other school retrofits – such as Stinson School and others;
- The Planning Committee and Council had endorsed a study of the Barton Street corridor and this application is here prior to the study being completed;
- It is a mixed use development – combination gymnasium and commercial use at the ground level;

- The building will be an extension to the streetscape;
- A good example of example of intensification;
- The project will improve, repurpose and reanimate the frontage of the building;
- A significant opportunity for a complete retrofit of the building and the existing offices will be re-purposed for commercial use with windows.
- The details will be addressed through site plan approval
- 85 parking spaces are required and there are currently more than that available.

Pearson/Farr

That the agent's presentation be received.

CARRIED

Speakers

1. Gwen Whitelaw, 109 Gibson Avenue

Gwen expressed the following concerns with respect to this proposal:

- She had previous issues with the property before;
- The proposal will cause parking problems;
- The one rental property in the area already has affected the parking;
- People are sometimes blocked in and cannot use their own driveways;
- The sidewalk is needed for the pedestrians;
- Gibson Street should be blocked off and access should be for emergencies only;
- There will be added danger to the kids with the increased traffic;
- The area used to be a farm and there are problems with drainage;
- The snow is pushed up against the fence and when it melts it floods the area;
- The neighbours who are Portuguese are not aware of what is going on;
- She will lose her privacy and will have to put up with the increased garbage problems;
- The problems will escalate.

2. Natasha Martinez, 210 Gibson

Natasha Martinez addressed Committee and her comments included the following:

- She is opposed only to the scale of the property;
- She loves the idea but she lives across the street from where the entrance to the parking lot will be and she will lose the sunlight and will be replaced with head lights;
- The privacy will be gone for their children who play in the backyard and for their day care;
- They enjoy parking on the street so that they can have a garden in their front yard
- They won't be able to if the development is built;
- The City is not promoting transit
- It is already difficult to turn onto Barton Street from Gibson Avenue
- The increased traffic will be a danger to the children;
- There is already a problem with the sewers - they smell after a heavy rain which will get worse with an addition of 100 toilets;
- Let's work together to make it work.

Natasha Martinez submitted a petition with 12 signatures

3. Holly McInnes, 226 Gibson

She read from a letter written by her mother Barbara McInnis. She outlined concerns with parking, traffic, privacy issues, mechanical noises and the bus shelter.

4. Rodrigues Martinez, 210 Gibson

Rodrigues Martinez addressed Committee and his comments included the following:

- He commends what the developer is doing;
- He is also an entrepreneur and also is a family man with two small children and he worries for their future and safety;
- The parking issues – he already must sometimes park a few streets away from his home as there is no parking available;
- He disagrees with the size, he would be okay with a decreased number of units;
- There is an underground water lake in the area which fees their gardens and fruit trees providing them healthy food options;
- He wonders if the development would affect their livelihood;
- There is paid parking in the area but people don't like paying for parking.

(Pearson/Conley)

That the delegations be received.

CARRIED

(Pearson/Collins)

That the public meeting be closed.

CARRIED

For disposition of this matter refer to Item 13.

- (vi) **Proposed Urban Hamilton Official Plan (UHOP) Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision for Lands Located at 470 Parkside Drive and 493 Dundas Street East, Flamborough (PED15120) (Ward 15) (Item 6.6)**

Chair Partridge relinquished the Chair to Vice-Chair Brenda Johnson.

In accordance with the provisions of the *Planning Act*, Vice Chair B. Johnson 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 makes a decision regarding the Urban Hamilton Official Plan Amendment and 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 one came forward.

(Partridge/Farr)

That the staff presentation be waived.

CARRIED

Terry Korsiak of Korsiak Planning representing the applicant advised that they are in support of the staff report.

He responded to questions from Councillor Partridge with respect to the location of the park, when the park will be completed and the construction route.

(Pearson/Pasuta)

That the comments from the Agent be received.

CARRIED

(Partridge/Conley)

That the public meeting be closed.

CARRIED

For disposition of this matter refer to Item 14.

Chair Partridge assumed the Chair.

(g) DISCUSSION (Item 8)

- (i) Committee of Adjustment Minor Variance Application - HM/A-15:41 (111 Winston Avenue) - Supported by the Planning and Economic Development Department but Denied by the Committee of Adjustment (PED15118) (Ward 1) (Item 8.1)**

That the following added written comments be received:

8.1(i) Ainslie Wood/Westdale Community Association of Resident Homeowners Inc.

8.1(ii) Ainslie Wod Community Association

8.1(iii) Petition from the homeowners

CARRIED

Councillor Aidan Johnson moved approval of Alternative Option 1 of the Report.

For disposition of this matter refer to Item 15.

(h) NOTICES OF MOTIONS (Item 10)

Councillor Brenda Johnson introduced the following Notice of Motion on behalf of Councillor A. Johnson who had left the meeting:

- (i) Waive the Requirement for a Road Widening for 1685 Main Street West (Added 10.1)**

Whereas the previous restaurant use located at 1685 Main Street West was destroyed as a result of a fire;

And whereas the Planning Act and the Urban Hamilton Official Plan states that the City shall reserve or obtain road widenings for rights-of-way as described in Schedule C-2 – Future Road Widenings through Site Plan Approval;

And whereas a Site Plan Application (SPA-15-007) has been submitted for 1685 Main Street West for the approval of two new restaurants to replace the restaurant that was destroyed as a result of a fire;

And whereas a road widening has been identified for Main Street West through SPA-15-007 which if taken will undermine the ability to replace the restaurant destroyed by fire with the new restaurants;

Therefore be it resolved

That staff be directed to waive the requirement for a road widening for 1685 Main Street West (Site Plan Application SPA-15-007) in order to facilitate redevelopment of the site for two restaurants to replace the restaurant that was destroyed by fire.

Councillor Brenda Johnson introduced the following Notice of Motion on behalf of Councillor A. Johnson who had left the meeting:

(ii) Waive the Fees for required Minor Variance and/or Consent Applications for lands located at 439 and 447 King Street West and 212 George Street (Added 10.2)

Whereas the lands located at 439 and 447 King Street West and 212 George Street have merged in title and the existing single detached dwelling is in contravention of Section 4(3) of Hamilton Zoning By-law No. 6593 as it is on the same property as another principal use (Gilbert's Big and Tall retail store);

And whereas the property owner applied to the Commercial Façade Property Improvement Grant Program in October 2013 and approved in June 2014 however the funds cannot be released as the uses on the property are in contravention of Zoning By-law No. 6593 and a building permit cannot be issued;

And whereas the property owner has met with City staff in order to determine the required variances to Zoning By-law No. 6593;

Therefore be it resolved

That staff be directed to waive the fee for the required Minor Variance application to allow two principal uses on one property, or waive the fees for a Consent Application to sever the single detached dwelling on 212 George Street from 439 and 447 King Street West plus a required Minor Variance application to recognize zoning deficiencies for the lands located at 439 and 447 King Street West and 212 George Street.

Councillor Pearson introduced the following Notice of Motion:

(iii) Parkland Dedication (Added 10.3)

Whereas, By-law No. 09-124, being a By-law to require the conveyance of land for park or other public recreational purposes as a condition of development or redevelopment or the subdivision of land, was approved on June 10, 2009;

Whereas, Section 12 of By-law No. 09-124 states that Council may, by resolution, vary any of the requirements for parkland dedication or payment in lieu thereof set out in the By-law provided that such variance is:

- (1) less onerous or stringent than the requirement set out herein;
- (2) applicable for a temporary, specified period of time;
- (3) applicable to a specified type or class of development or redevelopment; and,
- (4) applicable to the whole of the City or a specified geographical area thereof.

The period of time specified pursuant to (2) above may be extended once by resolution of Council for an additional period of time not to exceed the period of time specified for the original variance;

Whereas, the City is in the process of undertaking a review of By-law No. 09-124 and associated parkland dedication policies and procedures which process will take approximately 18 months; and,

Whereas, the Downtown Community Improvement Plan boundary was expanded in 2013;

Therefore be it resolved:

- (a) That notwithstanding Section 3.(1)b. ii., iii and iv. of By-law No. 09-124, a maximum land dedication of five percent (5%) of the Net land area, or cash-in-lieu thereof, will apply to developments of single and semi-detached lots, duplexes, a maximum of six (6) apartment dwellings above a commercial use, and row townhouse developments fronting on a public street where such developments are not part of a registered plan of subdivision;
- (b) That where a second dwelling unit is added in an existing single detached dwelling, a flat fee of \$500 applies;
- (c) That where additional dwelling units are created within a building "designated" under the *Ontario Heritage Act*, a flat fee of \$500 applies;
- (d) That Schedule "A" to By-law No. 09-124 be revised to reflect the expanded Downtown Community Improvement Plan boundary; and,
- (e) That items (a), (b) and (c) be in effect for a maximum time period of up to 18 months.

Councillor Jason Farr introduced the following Notice of Motion:

(iv) Temporary Use By-law to Allow for the temporary use of the former Cathedral Boys High School by the St. Leonard's Society of Hamilton (Added 10.4)

Whereas Council passed a site specific Zoning By-law Amendment in 2013 to permit the renovations of the St. Leonard's Society of Hamilton facility located at 22 to 24 Emerald Street South;

And whereas the Planning Act and the Urban Hamilton Official Plan permits Temporary Use By-laws to permit lands to be used for a particular use on a temporary basis even though it may not conform to the Zoning By-law for a period of time which shall not exceed a maximum of three years;

And whereas St. Leonard's Society of Hamilton's current facility located at 22 to 24 Emerald Street South requires renovations and alternate accommodations while the renovations are underway;

And whereas the proposed renovations are consistent with Council's approval of Zoning Application ZAR-12-056 in 2013;

And whereas Planning staff are investigating providing discretion to the General Manager, or designate, to waive applicable planning fees for charities and not-for profit organizations;

Therefore be it resolved

That staff be directed to schedule a Statutory Public Meeting of the Planning Committee on September 15, 2015 to consider a Temporary Use By-law to allow for the temporary use of the former Cathedral Boys High School located at 378 Main Street East by St. Leonard's Society of Hamilton as a Corrections Residence on a temporary basis until the renovations at their current facility located at 22 to 24 Emerald Street South are completed.

(Farr/Pearson)

That the rules of order be waived to introduce a motion respecting Temporary Use By-law to Allow for the temporary use of the former Cathedral Boys High School by the St. Leonard's Society of Hamilton.

CARRIED

For disposition of this matter refer to Item 17.

(i) **PRIVATE AND CONFIDENTIAL (Item 12)**

(B.Johnson/Pausta)

That Committee move into Closed Session at 2:45 p.m. to consider matters pursuant to Sub-sections 8.1 (e) and (f) of the City's Procedural By-law and Section 239.2 of the Ontario Municipal Act, 2001, as amended, as the subject matters pertain 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.

The Committee reconvened in Open Session at 3:43 p.m.

- 12.1 70 Barton St. OMB Appeal RE: Zoning By-law Amendment Application ZAC-13-046 (Flamborough) LS14034(a)/PED14207(a) (Distributed under separate cover.)

For disposition of this matter refer to Item 18.

- 12.2 OMB Appeal by Nebo Group (2006) Inc. for non-decision of Urban Hamilton Official Plan Amendment UHOPA –14-003 and Zoning By-law Amendment (ZAR-12-071) applications and Legal Direction (LS14002(a)) (Ward 11) (Distributed under separate cover.)

For disposition of this matter refer to Item 19.

(k) **ADJOURNMENT (Item 12)**

(Farr/Pasuta)

There being no further business, that the Planning Committee be adjourned at 3:45 p.m.

CARRIED

Respectfully submitted,

Councillor J. Partridge
Chair, Planning Committee

Ida Bedioui
Legislative Co-ordinator
Office of the City Clerk