



## **PLANNING COMMITTEE**

### **REPORT 15-014**

**9:30 am**

**Tuesday, September 15, 2015**

**Council Chambers**

**Hamilton City Hall**

**71 Main Street West**

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

**Also present:** Councillor L. Ferguson

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### **THE PLANNING COMMITTEE PRESENTS REPORT 15-014 AND RESPECTFULLY RECOMMENDS:**

- 1. Council Correspondence from Trent Lakes and Halton Hills – Aggregate Operations and the Planning Process (PED15130) (City Wide) (Outstanding Business List Item) (Item 5.1)**
  - (a)(i) That City Council support the request of the Municipality of Trent Lakes requesting the Province to fund Ontario Municipal Board (OMB) hearings, in cases where a municipality has denied planning applications for a new or expanded mineral aggregate operation if the operation does not conform to the Greenbelt Plan or is not consistent with the Provincial Policy Statement (PPS) (2014). This funding will allow municipalities to defend their position at the OMB without putting the OMB costs on the tax levy;
  - (ii) That the City Clerk be requested to forward this resolution to Kathleen Wynne, Premier of Ontario, the Honourable Ted McMeekin, Minister of Municipal Affairs and Housing, the Honourable Bill Mauro, the Minister of Natural Resources and Forestry and the Municipality of Trent Lakes;
  - (b)(i) That City Council support the request of the Town of Halton Hills to amend the *Aggregate Resources Act* and the PPS (2014) to require

proponents of a new or expanded mineral aggregate operation to demonstrate there is a need of the supply of aggregate resources;

- (ii) That the City Clerk be requested to forward this resolution to Kathleen Wynne, Premier of Ontario, the Honourable Ted McMeekin, Minister of Municipal Affairs and Housing, the Honourable Bill Mauro, the Minister of Natural Resources and Forestry and the Town of Halton Hills.

**2. Mewburn Stormwater Pond – Implementation of Minutes of Settlement (PED15137) (Ward 8) (Item 5.2)**

- (a) That the stormwater management (SWM) resolution as outlined in Section 27 in the Minutes of Settlement dated August 18, 2014, signed by 1804482 Ontario Limited, DiCenzo Construction Company Limited, 1804487 Ontario Inc. and the City of Hamilton, attached to Report 15-014 as Appendix “A”, be endorsed;
- (b) That staff be directed and authorized to proceed with land acquisition, detailed engineering design, and construction of the centralized stormwater management facility to serve the Mewburn Neighbourhood.

**3. Funding of External Planning Consultant for an Ontario Municipal Board Appeal Regarding 201 Robert Street and 166 Ferguson Avenue North (Hamilton) (Ward 2) – LS15026 (Item 5.3)**

- (a) That the City Solicitor be authorized to retain such external consultant(s) as may be necessary to provide expert advice and evidence to the Ontario Municipal Board (“OMB”) respecting the applicant/owner’s appeal to the OMB of Council’s denial to pass an Official Plan Amendment and a Zoning By-Law Amendment permitting a parking lot for Hamilton Health Sciences Corporation (“HHSC”) at 201 Robert Street and 166 Ferguson Avenue North (Hamilton); and
- (b) That the amount required to retain any such external consultant(s) be funded through the Tax Stabilization Reserve, account 110046.

**4. Hamilton Municipal Heritage Committee Report 15-007 (Item 5.4)**

**(a) Inventory & Research Working Group Meeting Notes – April 27, 2015**

**(i) 307 Dundas Street East, Flamborough (Waterdown)**

That the property at 307 Dundas Street. East., Waterdown, which is potentially the subject of a re-development proposal, be added to the City of Hamilton the Register of Property of Cultural Heritage

Value or Interest, to allow for a more thorough investigation of the property through the Flamborough Archives.

**(b) Inventory & Research Working Group Meeting Notes – June 22, 2015**

**(ii) 71 Cross Street, Dundas (Dundas Driving Park)**

That the Dundas Driving Park located at 71 Cross Street, Dundas be included in the Register of Property of Cultural Heritage Value or Interest as a non-designated property.

**5. Application for Zoning By-law Amendment for Lands Located at 212 Glover Road (Glanbrook) (PED15134) (Ward 11) (Item 6.1)**

That approval be given to Zoning By-law Amendment Application ZAR-14-034 by 810306 Ontario Limited, Owner, to remove the subject lands zoned General Commercial “C3” Zone, General Commercial “C3-116” Zone, and General Commercial “C3-117” Zone from the Town of Glanbrook Zoning By-law No. 464 and add the subject lands to the Hamilton Zoning By-law No. 05-200 as General Business Park (M2) Zone for a portion of the lands known as 212 Glover Road, as shown on Appendix “A” to Report PED15134, on the following basis:

- (i) That the draft By-law, attached as Appendix “B” to Report PED15134, 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 consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow) and will comply, once re-designated upon fulfilment of the Minutes of Settlement, with the Urban Hamilton Official Plan.

**6. Application to Amend the City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 1290 South Service Road (Stoney Creek) (PED15141) (Ward 11) (Item 6.3)**

That approval be given to Amended Zoning By-law Amendment Application ZAC-14-040 by 2294643 Ontario Inc., Owner, for a change in zoning from the Agricultural Specialty “AS” Zone to the Community Shopping Centre “SC2-8(H)” Zone, Modified – Holding, in order to permit the development of seven commercial buildings with a minimum of 7,500 sq m gross leasable floor area, with associated surface parking and loading areas, for lands located at 1290 South Service Road (Stoney Creek), as shown on Appendix “A” to Report PED15141, on the following basis:

- (a) That the draft By-law, attached as Appendix “B” to Report PED15141, 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 Map 9 of Schedule “A” of Zoning By-law No. 3692-92;
- (c) That the proposed change in zoning complies with the Urban Hamilton Official Plan;
- (d) **That the Ward Councillor be involved in the Site Plan Control stage.**

**7. Application for an Amendment to the City of Hamilton Zoning By-law No. 6593 for Lands Located at 378 Main Street East (Hamilton) (PED15142) (Ward 2) (Item 6.4)**

That in accordance with the Council Motion of August 14, 2015, approval be given to Zoning Application CI-15-D, by City of Hamilton, for changes in zoning to Hamilton Zoning By-law No. 6593 from the “C” (Urban Protected Residential, etc.) District to the “C” (Urban Protected Residential, etc.) District, modified with a special exemption, in order to permit the use of overnight accommodation of the existing school on a temporary basis, for the lands shown on Appendix “A” to Report PED15142, be approved on the following basis:

- (a) That the draft By-law, attached as Appendix “B” to Report PED15142, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the draft By-law, attached as Appendix “B” to Report PED15142, is in accordance with the Council adopted Motion of August 14, 2015.

**8. Sign Variance Application SV-15-008 for the Property Known as 1775-1801 Stone Church Road East, Hamilton, Denied by the Director of Planning and Chief Planner, Planning Division, and Appealed by the Applicant (PED15140) (Ward 9) (Item 6.5)**

That the Sign Variance Application SV-15-008 dated July 23, 2015, by Matt Johnston of Urban Solutions, to construct a triple-faced sign at the top of the existing telecommunications tower, for the property located at 1775-1801 Stone Church Road East (Hamilton), as shown on Appendix “A” to Report PED15140, be approved subject to the applicant / owner receiving final approval for a Minor Variance Application to the Committee of Adjustment to permit a Ground Sign in a required landscape strip to the satisfaction of the Manager of Development Planning, Heritage and Design.

**9. User Fees for Animal Services (PED15132) (City Wide) (7.1)**

- (a) That the following User Fees (exclusive of HST) for services provided by Animal Services be approved **on a one year trial basis**:

(i)	Special Cremation Fee	\$123.90
(ii)	Clay Paw Print	\$26.55
(iii)	Painted Paw Print	\$41.59
(iv)	Cadaver Surrender - Small Dog	\$49.57 (Seniors \$34.51)
(v)	Animal Assistance Fee	\$44.25 per hour

- (b) That the City's User Fees and Charges By-law be amended accordingly.

**10. Appeal of the City of Hamilton Committee of Adjustment Decision to Approve Minor Variance Application AN/A-15:205, Glendale Services (Owner), for Lands Located at 407 Wilson Street East (Ancaster) (PED15143) (Ward 12) (Item 8.1)**

That staff be directed to withdraw the appeal letter, which was filed by staff to the OMB against the decision of the Committee of Adjustment to Approve Minor Variance Application AN/A-15:205, Glendale Services (Owner), for Lands Located at 407 Wilson Street East (Ancaster).

**11. Conservation Review Board Report CRB1404 Respecting the Notice of Intention to Designate (NOID) 1 St. James Place, Hamilton (PED15133) (Ward 2) (Item 8.3)**

- (a) That the Conservation Review Board Report CRB1404, attached as Appendix "B" to Report PED15133, be received;
- (b) That the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes, attached to Report 15-014 as Appendix "B", be approved;
- (c) That the By-law, attached as Appendix "D" to Report PED15133, to designate 1 St. James Place, Hamilton as a property of cultural heritage value pursuant to the provisions of Part IV of the *Ontario Heritage Act*, be approved;
- (d) That Staff Report PED15133 be forwarded to the Hamilton Municipal Heritage Committee for their information.

**FOR THE INFORMATION OF COMMITTEE:**

**(a) CHANGES TO THE AGENDA (Item 1)**

The Committee Clerk advised of the following changes:

**ADDED WRITTEN COMMENTS:**

- (i) Regarding Item 6.1 Application for Zoning By-law Amendment for Lands Located at 212 Glover Road (Glanbrook) (PED15134) (Ward 11)

**Written Comments**

6.1(i) Sandra Leja, 6044 Twenty Road East, Hannon

- (ii) Regarding Item 6.2 Application for Amendment to the City of Hamilton Official Plan and for Amendment to the City of Hamilton Zoning By-law No. 6593 for Lands Located at 155 Ray Street North, Hamilton (PED15136) (Ward 1)

**Written Comments**

6.2(i)(a) & (b) Shyda Thompson, 155 Ray Street North

6.2(ii) Jason Fiorino, 225 Ray Street North

6.2(iii) Sonia Herrera, 159 Ray Street North

6.2(iv) Ben Walsh, 163 Ray Street North

6.2(v) Dagoberto Herrera, 159 Ray Street North

6.2(vi) Owen Gibbons, 73 Crooks Street

6.2(vii) Elton Herrera, 159 Ray Street North

6.2(viii) Moe Vaz, 145 Ray Street North

6.2(ix) Apostolos Keramidas, 148 Ray Street North

6.2(x) Jeff Lloyd, 157 Ray Street North

6.2(xi) Cadman Robinson, 166 Ray Street

6.2(xii) Giuseppina Sciascetti, 166 Ray Street North

6.2(xiii) Louise Cooper, 166 Ray Street North

- 6.2(xiv) Jamila Bello, 40 Oxford Street #1501
- 6.2(xv) Maureen Bello, 40 Oxford Street #1501
- 6.2(xvi) Michael Whyte, 151 Queen Street North, Apt. 1808
- 6.2(xvii) Marcia Dale-Whyte, 151 Queen Street North, Apt. 1808
- 6.2(xviii) Cerena Robinson, 23 Oxford Street
- 6.2(xix) Judith Powell, 93 Oxford Street
- 6.2(xx) Lorna Powell, 93 Oxford Street
- 6.2(xxi) Stephanie Cobb, 195 Locke Street North
- 6.2(xxii) Allison Platt, 151 Ray Street North
- 6.2(xxiii) Claudia Manley, 147 Ray Street North
- (iii) Regarding Item 6.3 Application to Amend the City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 1290 South Service Road

**Written Comments**

- 6.3(i) David Johnston, on behalf of Penady (Stoney Creek) Ltd.
- (iv) Regarding Item 6.4 Application for an Amendment to the City of Hamilton Zoning By-law No. 6593 for Lands Located at 378 Main Street East (Hamilton) (PED15142)

**Written Comments**

- 6.4(ii) Natasha Murphy
- 6.4(iii) Keith Beck
- 6.4(iv) Writer requested removal of personal information
- 6.4(v) Rosina Lau, owner of 42 Tisdale Street South
- 6.4(vi) David Michal, 37 Tisdale St South
- 6.4(vii) F. A. Bianchi, 702 - 21 East Avenue South, Hamilton
- 6.4(viii) The Gibson-Landsdale Neighbourhood Association (GLNA)

**ADDED NOTICE OF MOTION:**

10.1 Improvements to the City's Discharge of Firearms By-law

Councillor Ferguson requested that Item 8.1 be considered after the Consent Items.

Committee approved moving Item 8.1.

The Agenda for the September 15, 2015 meeting of the Planning Committee was approved, as amended.

**(b) DECLARATIONS OF INTEREST (Item 2)**

None.

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

**(i) September 1, 2015 Meeting (Item 3.1)**

The Minutes of the September 1, 2015 meeting were approved.

**(d) DELEGATION REQUESTS (Item 4)**

The following delegation request to address Committee at today's meeting respecting Item 8.2, was approved:

- (i) Caroline Baker on behalf of New Horizon Development respecting Parkland Dedication Fees. (Item 4.1)

The following delegation requests were approved for a future meeting:

- (ii) Vic Djurdjevic of the Nikola Tesla Educational Corporation wishing to address Committee when the staff report respecting the renaming of part of Burlington Street is on the agenda. (Future meeting) (Item 4.2)
- (iii) Herb Shields, of Enbridge Pipelines, to provide a public presentation regarding the Westover Line 10 Segment Replacement Project. (Future meeting) (Item 4.3)
- (iv) Denis and Sheila Corr, to support Mr. James Perdikoulis' application for a patio use for the Corktown Pub (Future meeting.) (item 4.4)



**(e) DELEGATIONS/PUBLIC HEARING (Item 6)**

**(i) Application for Zoning By-law Amendment for Lands Located at 212 Glover Road (Glanbrook) (PED15134) (Ward 11) (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 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.

6.1(i) Sandra Leja, 6044 Twenty Road East, Hannon

The written comments from Sandra Leja were received.

At the request of Councillor B. Johnson, Robert Clackett, Planner, provided answers to the questions outlined in the aforementioned correspondence.

The public meeting was closed.

For disposition of this matter refer to Item 5.

**(ii) Application for Amendment to the City of Hamilton Official Plan and for Amendment to the City of Hamilton Zoning By-law No. 6593 for Lands Located at 155 Ray Street North, Hamilton (PED15136) (Ward 1) (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 Official Plan 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.

The following written comments were received:

**Written Comments**

- 6.2(i)(a) & (b) Shyda Thompson, 155 Ray Street North
- 6.2(ii) Jason Fiorino, 225 Ray Street North
- 6.2(iii) Sonia Herrera, 159 Ray Street North
- 6.2(iv) Ben Walsh, 163 Ray Street North
- 6.2(v) Dagoberto Herrera, 159 Ray Street North
- 6.2(vi) Owen Gibbons, 73 Crooks Street
- 6.2(vii) Elton Herrera, 159 Ray Street North
- 6.2(viii) Moe Vaz, 145 Ray Street North
- 6.2(ix) Apostolos Keramidas, 148 Ray Street North
- 6.2(x) Jeff Lloyd, 157 Ray Street North
- 6.2(xi) Cadman Robinson, 166 Ray Street
- 6.2(xii) Giuseppina Sciascetti, 166 Ray Street North
- 6.2(xiii) Louise Cooper, 166 Ray Street North
- 6.2(xiv) Jamila Bello, 40 Oxford Street #1501
- 6.2(xv) Maureen Bello, 40 Oxford Street #1501
- 6.2(xvi) Michael Whyte, 151 Queen Street North, Apt. 1808
- 6.2(xvii) Marcia Dale-Whyte, 151 Queen Street North, Apt. 1808
- 6.2(xviii) Cerena Robinson, 23 Oxford Street
- 6.2(xix) Judith Powell, 93 Oxford Street
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- 6.2(xxii) Allison Platt, 151 Ray Street North

6.2(xxiii) Claudia Manley, 147 Ray Street North

6.2(xix) Judith Powell, 93 Oxford Street

6.2(xx) Lorna Powell, 93 Oxford Street

6.2(xxi) Stephanie Cobb, 195 Locke Street North

6.2(xxii) Allison Platt, 151 Ray Street North

6.2(xxiii) Claudia Manley, 147 Ray Street North

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

The staff presentation was received.

Scott Arbuckle of IBI Group addressed Committee on behalf of the applicant with the aid of a PowerPoint presentation. A copy of the presentation has been uploaded onto the City's website and copies of the hand out were distributed and a copy has been retained for the public record.

His comments included but were not limited to the following:

- Location Map;
- Photo of house;
- Interface with lands to the North;
- History:
  - Three parking spaces including tandem and boulevard parking;
  - The owner, Mr. Garcia is in gallery;
  - It has been a multiple dwelling for 50 years – has operated with up to 7 units;
  - No complaints that they are aware of;
- Development Proposal;
  - Legalize four units and permit a fifth;
- Places to Grow & Official Plan Intensification Target;
  - 40% generally throughout the neighbourhoods;
- Development Concerns;
- So many letters of support – highlighted some positive points in letters;
- Asked to defer application and consult with Ward Councillor and residents with respect to number of units.

The presentation from the agent was received.

### **Speakers**

#### **1. Stella Lehto, 207 Ray Street North**

Stella Lehto addressed Committee and her comments included but were not limited to the following:

- She has lived at this address for seven years;
- Her concern is with respect to the parking;
- She referenced the letter she sent to staff which is printed in the agenda;
- She disagrees that there are 8 parking spaces on Ray Street North;
- There are 58 single family households and 12 rental units,
- There is a residence with five units which are currently vacant due to fire damage;
- Five units were therefore not even accounted for in the study;
- She counted a total of 70 residences – 58 family households and 12 rental units;
- Of those, 18 have driveways and 17 have parking pads;
- The remaining 35 houses therefore need to park on the street;
- There are 29 parking spaces available on the street and 4 have permits which leaves a total of 25 available parking spaces on the street;
- There is already a shortage of 10 parking spaces;
- She is not the only resident with concerns'
- Many other residents have concerns but are timid about expressing their opinions.

#### **2. Bruce Doyle, 36 McGill Street**

Bruce Doyle addressed Committee and his comments included but were not limited to the following:

- He has lived at this address for 67 years;
- There has always been problems with parking;
- The majority of the homes now have two cars,
- His street receives the overflow of the parking from Ray Street;
- The study should be undertaken at 6:00 p.m. or 7:00 p.m. when the residents are home;

- He has no concerns with the house itself but with the parking issues;
- Selling permits to park on the street will not create more parking spaces;
- Many other residents oppose this proposal;
- All the letters presented to Committee in support of the application are form letters;
- He didn't receive one;
- There's not one resident expressing opposition on those form letters.

The public meeting was closed.

The application for amendment to the City of Hamilton Official Plan and for amendment to the City of Hamilton Zoning By-law No. 6593 for Lands Located at 155 Ray Street North, Hamilton (PED15136) was referred back to staff for further discussion with the applicant, to consider a possible reduction to the number of units.

**(iii) Application to Amend the City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 1290 South Service Road (Stoney Creek) (PED15141) (Ward 11) (Item 6.3)**

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**

6.3(i) David Johnston, on behalf of Penady (Stoney Creek) Ltd

The written comments were received.

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

Staff responded to questions from Councillor B. Johnson to clarify the concerns expressed in the correspondence from Penady (Stoney Creek) Inc.

The staff presentation was received.

John Ariens of IBI Group addressed Committee and responded to questions from the Ward Councillor. His responses included but were not limited to the following:

- The parking for this application is a reduction in the parking stall size;
- The parking ratio meets the requirements;
- The current standard is the smaller parking stall;
- This is not the same as the Penady approval as they were required to comply with the Zoning By-law in place at the time of their application;
- Penady can apply for a minor variance to have smaller parking stalls;
- With respect to Penady's concern with excess parking spilling over to their property, in 10 years time when developed he see customers using use both sides to park;
- With respect to the landscape buffers, the applicant is following the current urban design guidelines;
- There is no reason for the applicant to arbitrarily adjust to meet older requirements.

The comments from the agent were received.

The public meeting was closed.

The recommendations were amended by adding subsection (d) which reads as follows:

(d) That the Ward Councillor be involved in the Site Plan Control stage.

For disposition of this matter refer to Item 6.

**(iv) Application for an Amendment to the City of Hamilton Zoning By-law No. 6593 for Lands Located at 378 Main Street East (Hamilton) (PED15142) (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 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) Joan Huntley, 432 Main Street East
- 6.4(ii) Natasha Murphy
- 6.4(iii) Keith Beck
- 6.4(iv) Writer requested removal of personal information.
- 6.4(v) Rosina Lau, owner of 42 Tisdale Street South
- 6.4(vi) David Michal, 37 Tisdale St South
- 6.4(vii) F. A. Bianchi, 702 - 21 East Avenue South, Hamilton
- 6.4(viii) The Gibson-Landsdale Neighbourhood Association (GLNA)

The written comments were received.

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

The staff presentation was received.

**Speakers**

**1. Father David Wynen, Hamilton Diocese**

Father Wynen addressed Committee and indicated that he is from the Hamilton Diocese. He is in support of the proposal and the only sore point is that the owner (the Diocese of Hamilton) was not consulted.

**2. Susanne Salmon, 137 Emerald Street South**

Susanne Salmon addressed Committee and advised that she has lived at this address for three years. She submitted a petition "to

stop the temporary zoning change at 380 Main Street East, formally known as Cathedral Boys High School.” The petition has 24 signatures and is available for viewing in the Clerk’s office. Her comments included but were not limited to the following:

- She has lived at this address for three years and had lived here before ;
- The area has more than its fair share of social housing;
- The residents were unaware of the proposal until they saw the sign on the property;
- How can they be sure this use will be temporary?

**3. Gerald Paltridge, 60 Emerald Street South**

Gerald Paltridge addressed Committee and indicated that he and his wife live right across the street from the school. The area has enough lodging houses. His garage has been broken into and he has had to remove graffiti. He read from a letter addressed to Councillor Farr which was prepared by his son. It expressed their opposition to this proposal. A copy of the letter was submitted for the official record.

**4. Sherri Tremblay, 137 East Avenue South**

Sherri Tremblay advised Committee that she lives in the Stinson Neighbourhood and this proposal is too close and will increase the stress of the neighbourhood. There have been violent assaults, in the area, one ending in death and there are problems with prostitution and drug dealings. The rest of the City needs to take its fare share of social housing.

The delegations were received.

The public meeting was closed.

For disposition of this matter refer to Item 7.

- (v) **Sign Variance Application SV-15-008 for the Property Known as 1775-1801 Stone Church Road East, Hamilton, Denied by the Director of Planning and Chief Planner, Planning Division, and Appealed by the Applicant (PED15140) (Ward 9) (Item 6.5)**



- 6.5(i) Letter of appeal from Matt Johnston and Sergio Manchia of Urban Solutions on behalf of the owner, Heritage Green Developments Inc.

The appeal letter was received.

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

The staff presentation was received.

Sergio Manchia of UrbanSolutions addressed Committee with the aid of a PowerPoint presentation. A copy has been retained for the official record and a copy has been uploaded onto the City's website.

The appellant's presentation was received.

Councillor Conley moved approval of the sign and to allow the sign variance which carried.

Staff advised that Committee can approve the proposed sign but not the minor variance which must be approved by the Committee of Adjustment otherwise the sign will not be legal. Option 2 in the Report would be an alternative for Committee's consideration.

Councillor Conley advised that he is not in support of the condition of approval outlined in Option 2 and withdrew his motion.

Committee approved Option 2 of the Report.

Councillor Conley advised that he wished to be recorded as OPPOSED to this item.

For disposition of this matter refer to Item 8.

**(f) Public Notice (Item 7)**

**(i) User Fees for Animal Services (PED15132) (City Wide)**

The Clerk advised there were no registered speakers.

No members of the public came forward

Subsection (a) was amended by inserting the words “on a one year trial basis” after the word “approved”;

And the following subsection was added:

- (c) That staff report back to Committee with the results at the end of the one year trial.

For disposition of this matter refer to Item 9.

**(g) Discussion (Item 8)**

- (i) Appeal of the City of Hamilton Committee of Adjustment Decision to Approve Minor Variance Application AN/A-15:205, Glendale Services (Owner), for Lands Located at 407 Wilson Street East (Ancaster) (PED15143) (Ward 12) (Item 8.1)**

8.1 (i) Written comments from Geoff Walker, President, Ancaster BIA

The written comments were received.

Councillor Ferguson spoke to this matter and indicated that he is in support of the application for the Minor Variance.

Councillor Brenda Johnson moved approval of Alternative Option 2 of the Report.

For disposition of this matter refer to Item 10.

- (ii) Verbal update respecting strategy to address the issue of affordability with respect to Parkland Dedication fees charged to higher density projects (Outstanding Business List Item) (Item 8.2)**

Peter De Iulio, Senior Project Manager, provided the following verbal update;

- There are inequities in the Parkland Dedication By-law which has been in effect since 2009;
- As directed by Committee at the last meeting, staff met with the Parkland Dedication Sub-Committee and worked on various calculations;

- He also met with the Hamilton-Halton Homebuilders' Association as directed and they indicated that they are concerned with ensuring equity for all their members;
- Staff have no recommendations for Committee today but there will be an information report included on the next agenda outlining what was discussed with the Sub-Committee.

The verbal update was received.

- (i) **Caroline Baker, of GSP Group, on behalf of New Horizon Development respecting on-going discussion regarding the Parkland Dedication By-law. (Item 8.2 on this agenda.) (Item 4.1)**

Caroline Baker addressed Committee and advised that she was expecting a verbal update on the proposed caps on the Parkland Dedication fees. She and her clients are in support of the preliminary numbers that they heard.

The delegation was received.

**(h) MOTIONS (Item 9)**

- (i) **Safer Communities and Neighbourhoods Legislation (Item 9.1)**

Councillor Green requested that his motion be deferred to a future meeting.

- (ii) **Improvements to the City's Discharge of Firearms By-law (Added 10.1)**

Councillor B. Johnson presented the following motion:

Whereas, Section 119 of the *Municipal Act*, provides municipalities with specific and limited jurisdiction to prohibit or regulate the discharge of guns or other firearms, airguns, spring-guns, cross-bows, long-bows or any other weapon; and

Whereas, the City of Hamilton enacted the Discharge of Firearms By-law No. 05-114 which prohibits the discharge of firearms within the City limits with exemptions for military and law enforcement purposes and for shooting ranges and gun shops that are federally regulated and for hunting and recreational purposes in certain areas of the City and for the protection of livestock and produce on farmlands; and

Whereas, the City Solicitor, through report LS15020 (Regulating Guns and/or Ammunition) dated August 10, 2015 informed the General Issues Committee that the By-law is in need of updating, for example to improve the maps detailing where the discharge of firearms is permitted for hunting purposes;

Therefore be it resolved:

- (a) That Municipal Law Enforcement staff, in consultation with Legal Services and Planning staff as well as the Hamilton Police Service, undertake a comprehensive review of the Discharge of Firearms By-law No. 05-114, including stakeholder consultation, and
- (b) That staff be directed to report back with recommendations for the most effective Discharge of Firearms By-law including, but not limited to, consideration of where the discharge of firearms is permitted for hunting purposes in view of recent and future development in the City.

**(iii) Review of City's Sign By-law Regarding LED Displays (Added 10.2)**

Councillor Collins presented the following motion:

That staff report back on a process to amend the City's current Sign By-law to permit LED displays.

**(i) NOTICES OF MOTIONS (Item 9)**

Councillor B. Johnson introduced the following Notice of Motion:

**(i) Improvements to the City's Discharge of Firearms By-law (Added 10.1)**

Whereas, Section 119 of the *Municipal Act*, provides municipalities with specific and limited jurisdiction to prohibit or regulate the discharge of guns or other firearms, airguns, spring-guns, cross-bows, long-bows or any other weapon; and

Whereas, the City of Hamilton enacted the Discharge of Firearms By-law No. 05-114 which prohibits the discharge of firearms within the City limits with exemptions for military and law enforcement purposes and for shooting ranges and gun shops that are federally regulated and for

hunting and recreational purposes in certain areas of the City and for the protection of livestock and produce on farmlands; and.

Whereas, the City Solicitor, through report LS15020 (Regulating Guns and/or Ammunition) dated August 10, 2015 informed the General Issues Committee that the By-law is in need of updating, for example to improve the maps detailing where the discharge of firearms is permitted for hunting purposes;

Therefore be it resolved:

- (a) That Municipal Law Enforcement staff, in consultation with Legal Services and Planning staff as well as the Hamilton Police Service, undertake a comprehensive review of the Discharge of Firearms By-law No. 05-114, including stakeholder consultation, and
- (b) That staff be directed to report back with recommendations for the most effective Discharge of Firearms By-law including, but not limited to, consideration of where the discharge of firearms is permitted for hunting purposes in view of recent and future development in the City.

The rules of order were waived in order to introduce a motion respecting Improvements to the City's Discharge of Arms By-law.

For disposition of this matter refer to Information Item (h)(ii) above.

Councillor Collins introduced the following Notice of Motion:

**(ii) Review of City's Sign By-law Regarding LED Displays (Added 10.2)**

That staff report back on a process to amend the City's current Sign By-law to permit LED displays.

The rules of order were waived in order to introduce a motion respecting Review of City's Sign By-law Regarding LED Displays.

For disposition of this matter refer to Information Item (h)(iii) above.

**(j) GENERAL INFORMATION/OTHER BUSINESS**

**(i) Outstanding Business List (Item 11.1)**

- (a) The following new due dates were approved:

Item “F” By-law to Regulate Parking on Boulevards and Front and Side Yard (PED13042)  
Due Date: September 15, 2015  
Proposed New Due Date: November 17, 2015

Item “I” Parked Facing the Wrong Way (PED13109) (City Wide)  
Due Date: September 15, 2015  
Proposed New Due Date: November 17, 2015

Item “M” Pool Enclosure By-law (PED13126(a)) (City Wide)  
Due Date: September 15, 2015  
Proposed New Due Date: November 3, 2015

Item “S” Report PED10075(c), Amendments to Licensing By-law, Schedule 3 (Bed Breakfast, Hotels, Motels)  
Due Date: September 15, 2015  
Proposed New Due Date: October 6, 2015

Item “U” Lay-by Parking Needs at Upper Paradise Road and Stone Church  
Due Date: September 15, 2015  
Proposed New Due Date: October 20, 2015

Item “CC” Planning Application Fees  
Due Date: September 15, 2015  
Proposed New Due Date: January 12, 2016

Item “GG” Report back on feasibility of inclusionary zoning  
Due Date: September 15, 2015  
Proposed New Due Date: March 22, 2016

(b) The following Items were removed:

Item “G” - Municipal Costs for Appeals to the Ontario Municipal Board for Municipal Decision on Mineral Aggregate Resource Developments (Item 5.1 this the agenda)

Item “V” - Delegation from Jeff Paikin and/or Caroline Baker in 2014 respecting City Square Phase 3 respecting the issue of affordability with respect to Parkland Dedication fees charged to higher density projects (Item 8.2 on this agenda.)

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

There being no further business, the Planning Committee adjourned at 1:50 p.m.

Respectfully submitted,

Councillor J. Partridge  
Chair, Planning Committee

Ida Bedioui  
Legislative Co-ordinator  
Office of the City Clerk

## **APPENDIX “A”**

**Excerpt from Minutes of Settlement dated August 18, 2014 between 1804482 Ontario Limited, DiCenzo Construction Company Limited, 1804487 Ontario Inc., and City of Hamilton:**

*”27. The SWM Resolution, as herein and hereinbefore referred to, shall be:*

- a. a resolution of City Council directing and authorizing that:*
  - i. the City will commence construction of the SWM Facility within three years; and*
  - ii. any future reimbursement that may be required from DCCL for a proportionate share of the costs associated with the construction of services within the SWM Facility and the East-West Storm Sewer Corridor shall not in any circumstances to be adjusted to include an increase or component based upon imputed or actual interest charges, inflation or, generally, the passage of time between the costs being incurred and the payment for such costs being made, including, without limiting the generality of the foregoing, that such reimbursements are not be adjusted by the CanaData Construction Cost Index or by any another measure of inflationary or cost trends (such adjustment being referred to in these Minutes as “indexing”, “index” or “indexed” as the context requires); and*
- b. A written undertaking to DCCL binding the City to the resolution described in subparagraph a.”*



1 St. James Place, Hamilton

## **STATEMENT OF CULTURAL HERITAGE VALUE OR INTEREST AND DESCRIPTION OF HERITAGE ATTRIBUTES**

### **Statement of Cultural Heritage Value or Interest**

The two-storey house located at 1 St. James Place was constructed in 1935. The house is a rare example of an innovative building technology and comprises a classically-proportioned residence with a symmetrical arrangement of façade and wings influenced by the Art Moderne use of smooth stucco and the delicate use of Art Deco decorative motifs. The design of the house is likely the work of the Hamilton architectural firm of Hutton and Souter.

The property is located at the corner of St. James Place and James Street South and sited so that it is slightly angled towards James Street South and has generous front and side yards. The property maintains and supports the varied residential character of the Durand Neighbourhood and is physically, functionally, visually and historically linked to its surroundings.

As reported in Canadian Homes and Gardens in 1936, the house was constructed with an innovative composite technology using wood, cork insulation, concrete floor slabs and steel framing, with a stucco cladding. Joseph M. Pigott, President of Pigott Construction Company Ltd., was personally involved in the construction of this experimental housing project. The front façade is symmetrically arranged with three bays on the main façade and a projecting volume on each end – a single bay garage at the east end and a porch at the west end. The façade is adorned by reliefs in the stucco above and around the windows and entrances, over the garage door, and along the top of the porch openings, as well as by metal railings around the porch and in front of the ground floor windows. The shallow hip roof disappears behind a parapet and there is a chimney at each end of the roof.

The original steel casement windows have mostly been replaced with vinyl casement windows, although at least two sets of steel windows remain on the east side façade of the garage. The roof was originally clad with zinc and now has asphalt roofing. The original interior staircase, including its terrazzo steps and metal handrail, remain.

The property has design value as a rare example of a classically proportioned residence with a symmetrical arrangement of façade and wings influenced by the Art Moderne use of smooth stucco and the delicate use of Art Deco decorative motifs within the City of Hamilton. The property has physical value as an example of an innovative composite technology using wood, cork insulation, concrete floor slabs and steel framing, with a stucco cladding and demonstrates a high degree of technical achievement. Technical

achievement is demonstrated in the comprehensive steel framing of the entire residential structure, the use of three inches of insulating cork, a zinc roof, and the use of a pressurised air conditioning system and insulating, double glazing. The zinc roof, air conditioning system and double glazing no longer remain.

The development of the property and its cul-de-sac setting is directly associated with the theme of early- to mid-twentieth century suburban development located outside Hamilton Downtown and immediately below the Escarpment base. The residence demonstrates the work and ideas of Joseph M. Pigott, President of Pigott Construction Company Ltd., and likely the work of the well-known, Hamilton-based architectural firm of Hutton and Souter, in the use of modern construction materials and innovative building practices.

### **Description of Heritage Attributes**

The heritage attributes of the two-storey building are derived from the property’s built heritage value as a rare example of an innovative building technology contained within a classically-proportioned residence with a symmetrical arrangement of façade and wings influenced by the Art Moderne use of smooth stucco and the delicate use of Art Deco decorative motifs, likely designed by Hutton and Souter with personal involvement in the construction of this experimental housing project by Joseph M. Pigott, President of Pigott Construction Company Ltd.

The heritage attributes include, but are not limited to:

- All exterior features of 1 St. James Place, including:
  - All building facades of the existing house, including the side porch and side garage,
  - The cross-hip roof and existing chimneys, including the projecting end volumes; and,
  - All associated construction materials and techniques;
- All steel framing, concrete floor slabs and insulating cork;
- The interior staircase, including its terrazzo steps and metal handrail; and,
- The grassed front and side yards, including:
  - The central pathway; and,
  - The existing driveway.