



CITY COUNCIL MINUTES

Wednesday, June 26, 2002

7:00 p.m.

**Council Chambers, Humber Bay City Hall
71 Main Street West, Humber Bay**

Present: Mayor. R. Wade

Councillors A. Bain, M. Caplan, C. Collins, F. D'Amico,
L. Dilanni, M. Ferguson, A. Horwath, T. Jackson, B. Kelly,
R. Powers, M. McCarthy, S. Merulla

Absent: with regrets: D. Braden, vacation
D. Mitchell, vacation
B. Morelli, City business

Mayor Wade called the meeting to order.

Mayor Wade called upon Reverend Mark Lewis, to lead the Council in prayer.

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| APPROVAL OF THE AGENDA |
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The Clerk advised Council of changes to the agenda, including the addition of an item of communication regarding Airport Transit, a report respecting a Filming Contract Request at Auchmar Estates and a Private and Confidential report respecting Emergency Services.

(Kelly/Ferguson)

That the Agenda for the City Council meeting being held on June 26, 2002, be approved as amended.

CARRIED

DECLARATIONS OF INTEREST

None

CEREMONIAL ACTIVITIES

None

APPROVAL OF MINUTES**(Merulla/Horwath)**

That the Minutes of the City Council Meeting held on June 12, 2002 be approved as circulated. **CARRIED**

COMMUNICATIONS**(Powers/Kelly)**

- a) That Council Communication Item 5.1 be referred to the Agriculture and Rural Affairs Committee;
- b) That Council Communication Items 5.2 and 5.5 be received;
- c) That Council Communication Items 5.3 and 5.4 be referred to Committee of the Whole for discussion; **CARRIED**

(Powers/Kelly)

That Council move into Committee of the Whole for consideration of the Committee of the Whole and the Hearings Sub-Committee Reports. **CARRIED**

COMMITTEE OF THE WHOLE REPORT 02-025**Item 17 – Boating Schools – Humber Bay Port Authority Letters Patent****(Collins/Merulla)**

That subsection b) of Item 17 of Committee of the Whole Report 02-025 respecting Humber Bay Port Authority letters Patent be deleted and replaced by the following:

- b) That staff pursue successful negotiation of the purchasing of the assets of the boating school by the Port Authority.

CARRIED
CARRIED AS AMENDED

Item 27 - Designation of 61 Robinson Street under Part IV of the Ontario Heritage Act (PD02118) (Ward 2) (Item 12.2)

Councillor Caplan indicated that he wished to be recorded as OPPOSED to this item.

Due to the building in question being partially demolished at the time of the Council meeting, it was moved and seconded that this item be received for information. Council

further requested that Planning staff review the existing process for designating a heritage building and how communication between staff and L.A.C.A.C. can be improved and also how preserving heritage buildings can be balanced with the interests of the property owners. Furthermore, staff was requested to investigate the feasibility of setting up a legacy fund and to report back on all of the above noted items.

Item 36 - Chedoke Winter Sports Park

(Caplan/Bain)

That subsection a) of Item 36 of Committee of the Whole Report 02-025 respecting Chedoke Winter Sports Park be amended by adding the following words to the end of the subsection:

"to be charged to the Tax Stabilization Reserve".

**CARRIED
CARRIED AS AMENDED**

(Powers/Kelly)

That the Twenty-fifth Report of the Committee of the Whole be adopted as amended and the information section received.

CARRIED

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| HEARINGS SUB-COMMITTEE REPORT 02-022 |
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Item 3 Smart Growth Strategy to Deal with Urban Expansion Requests (PD02100)(TOE02090) (Item 3.5)

(Jackson/D'Amico)

That subsection a) (i) of Item 3 of the Hearings Sub-Committee Report 02-022 respecting Smart Growth Strategy be deferred until the July 10, 2002, Hearings Sub-Committee Meeting when the Ward Councillor returns.

**CARRIED
CARRIED AS AMENDED**

Councillor Bain indicated that she wished to be recorded as OPPOSED to this deferral.

(Powers/Kelly)

That the Twenty-second Report of the Hearing Sub-Committee be adopted, as amended and the information section received.

CARRIED

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| HEARINGS SUB-COMMITTEE REPORT 02-023 |
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(Powers/Merulla)

That the Twenty-third Report of the Hearing Sub-Committee be adopted and the information section received.

CARRIED

GRANTS SUB-COMMITTEE REPORT 02-007**(Caplan/Dilanni)**

That the Seventh Report of the Grants Sub-Committee be adopted and the information section received. **CARRIED**

MOTIONS**(D'Amico/Dilanni)**

That Rule 13.9 of the City's Procedural By-law be invoked for this meeting of City Council to allow the introduction of a staff report respecting a Filming Contract Request - Auchmar Estate - Brewster Productions Ltd. **CARRIED**

(D'Amico/Dilanni)

- (a) That Staff be authorized and directed to enter into a contract with Brewster (BHH) Productions Inc. for use of the Auchmar Estate located at 88 Fennell Avenue West for the purposes of filming a T.V. series currently entitled "Black Hole High" for a period of time commencing June 27, 2002, and completing October 25, 2002, for a total rental value of \$80,000.;
- (b) That the terms and conditions of this agreement be in a form acceptable to the City Solicitor;
- (c) That utilization of the Auchmar Estate be subject to the terms and conditions of the Ontario Heritage Foundation Easement and any alterations to the property be subject to the prior approval of the City. **CARRIED**

(Merulla/Powers)

That Item 7 of Hearings Sub-Committee Report 02-016 respecting Application for a Change in Zoning for the Property Located at 1500-1502 Main Street East (noted as follows) be reconsidered.

That approval be given to **amended Zoning Application ZAC-01-56, Josip Kozar (c/o Steve Kozar), owner**, for a modification to the established "H" (Community Shopping and Commercial, etc.) District (Block "1") and "C" (Urban Protected Residential, etc.) District (Block "2"), to permit a Retirement Home for Seventy (70) residents within a two (2) to four (4) storey building (Blocks "1" and "2"), for lands located at 1500 & 1502 Main Street East (Humber Bay), as shown on the attached map marked as Appendix "A" to Report PD02039A, on the following basis:

- (a) That the "C" (Urban Protected Residential, etc.) District and the "H" (Community Shopping and Commercial, etc.) District regulations as contained in Section 9. and Section 14. of Zoning By-law No. 6593 (Humber Bay) respectively, applicable to Blocks "1" and "2", be modified to the extent of the following special provisions:

- (i) That notwithstanding Section 3.(3), Section 9.(1) and Section 14.(1) of Zoning By-law No. 6593, only the following use shall be permitted:
 - (1) a "Retirement Home" for a maximum of seventy (70) residents comprised of fifty (50) residents on Block 1 and twenty (20) residents on Block "2";
 - (ii) That in addition to the requirements of Section 9. and notwithstanding Section 14.(5) of Zoning By-law No. 6593, the gross floor area of any building or structure shall not exceed 3,700 m²;
 - (iii) That notwithstanding Section 18A.(1)(a) of Zoning By-law No. 6593, a minimum of 31 parking spaces shall be provided and maintained;
- (b) That the "H" (Community Shopping and Commercial, etc.) District regulations as contained in Section 14. of Zoning By-law No. 6593 (Humber Bay) applicable to Block "1" be modified to the extent of the following special provisions:
- (i) That notwithstanding Section 14.(2) of Zoning By-law No. 6593, the height of any building, structure, or portion of any building or structure within the "H" District shall not exceed four (4) storeys and 16.0 m;
 - (ii) That notwithstanding Section 14.(3)(i) of Zoning By-law No. 6593, a minimum front yard of a depth of at least 6.0 m shall be provided and maintained;
 - (iii) That notwithstanding Section 14.(3)(ii) of Zoning By-law No. 6593, a side yard of a depth of at least 2.7 m shall be provided and maintained;
- (c) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9. of Zoning By-law No. 6593 (Humber Bay) applicable to Block "2" be modified to the extent of the following special provisions:
- (i) That notwithstanding Section 9.(2) of Zoning By-law No. 6593, no building or structure within the "C" District shall exceed two (2) storeys and 8.25 m in height;
 - (ii) That notwithstanding Section 9.(3)(iii) of Zoning By-law No. 6593 a side yard of a depth of at least 2.7 m shall be provided and maintained;

- (iii) That notwithstanding Section 9.(3)(iii) of Zoning By-law No. 6593 a rear yard of a depth of at least 50 m shall be provided and maintained;
 - (iv) That notwithstanding Section 9(1)(viii) of Zoning By-law No. 6593, surface vehicular parking shall not be permitted;
 - (v) That in addition to the requirements of Section 9 of Zoning By-law No. 6593, a minimum landscaped area of 40% of the area within the "C" District shall be provided and maintained;
 - (vi) That in addition to the requirements of Section 9 of Zoning By-law No. 6593, no balcony, sunroom, window or door overlooking a side yard shall be permitted;
- (d) That the amending By-law apply the holding provisions of Section 36 (1) of the Planning Act, R.S.O., 1990, to the subject lands by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until such time as the following has been completed:
- (i) That the applicant/owner has submitted a signed Record of Site Condition (RSC) to the Ministry of Environment (MOE). This RSC must be to the satisfaction of the General Manager, Planning and Development Department, including acknowledgement of receipt of the RSC from the Ministry of Environment;
 - (ii) That the applicant/owner has submitted a noise assessment study prepared by a qualified consultant investigating noise levels effecting the subject lands and recommending noise control measures to the satisfaction of the General Manager, Planning and Development Department; and,
 - (iii) The applicant has applied for and received final approval of a site plan for the subject lands, including the incorporation of any noise control measures, to the satisfaction of the General Manager, Planning and Development Department.

City Council may remove the 'H' symbol, and thereby give effect to the "H" (Restricted Community Shopping and Commercial, etc.) District, modified, and "C" (Urban Protected Residential, etc.) District, modified, as amended by the special requirements of Sections (a)(b) and (c), as

stipulated in this By-law, by enactment of an amending By-law once the above conditions have been fulfilled;

- (e) That the General Manager, Planning and Development Department be authorized and directed to prepare a By-law, in a form satisfactory to Corporate Counsel, for the subject lands to amend Zoning By-law No. 6593, and Zoning District Map E-64 and E-65 for presentation to City Council;
- (f) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S – , and that the subject lands on Zoning District Map E-64 and E-65 be notated as S – ;
- (g) That the proposed change in zoning is in conformity with the Official Plan for the Humber Bay Planning Area;
- (h) That the General Manager, Planning and Development Department be authorized and directed to prepare a By-law, in a form satisfactory to Corporate Counsel, to amend By-law No. 79-150 (Humber Bay) to place the lands identified as Block “2” under site plan control for presentation to City Council; and,
- (i) That as a condition of site plan approval, the applicant be required to provide enhanced landscaping in the side and rear yard areas to the satisfaction of the General Manager, Planning and Development.

RECONSIDERATION CARRIED with 2/3 Majority

(Merulla/Powers)

That Rule 13.9 of the City's Procedural By-law be invoked for this meeting of City Council to allow the introduction of a motion respecting Modification in Zoning for Property Located at 1500-1502 Main Street East.

CARRIED

(Merulla/Powers)

- (a) That Council determine that the proposed change in the Modification in Zoning for Property located at 1500-1502 Main street East does not require further notice, pursuant to Section 34(17) of The Planning Act;
- (b) That Item 7(a)(i)(1) of Hearings Sub-Committee Report 02-016, as amended by City Council on May 15, 2002, be repealed in its entirety and replaced with the following:

a “Retirement Home” for a maximum of seventy (70) residents on Block “1” and Block “2”;

CARRIED

(D'Amico/Dilanni)

That Item 3 of Hearings Sub-Committee Report 02-012 respecting Application for a Change in Zoning for the Property Located at 1588 Upper James Street (former City of Humber Bay) (noted as follows) be reconsidered.

3. That approval be given to **Zoning Application ZAC-02-08, Bank of Montreal, owner**, for a change in zoning from "C" (Urban Protected Residential, etc.) District to "HH"–"H" (Restricted Community Shopping and Commercial - Holding) District, to permit commercial development of the subject lands, known municipally as 1588 Upper James Street, as shown on the attached map marked as Appendix "A", on the following basis:
 - (a) That the amending By-law apply the holding provisions of Section 36 (1) of the Planning Act, R.S.O., 1990, to the subject lands by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until such time as the following has been completed:
 - (i) that the owner or applicant has applied for and received final approval for a Site Plan Control Application incorporating all appropriate site improvements, as identified in the Urban Design Guidelines for the Upper James Street Corridor (Mewburn Section), to the satisfaction of the Planning and Development Department.

City Council may remove the 'H' symbol and, thereby, give effect to the "HH" District, modified provisions as stipulated in this By-law by enactment of an amending By-law once the condition is fulfilled;

- (b) That the subject lands be rezoned from "C" (Urban Protected Residential, etc.) District to "HH"–"H" (Restricted Community Shopping and Commercial – Holding) District;
- (c) That the General Manager, Planning and Development Department, be authorized and directed to prepare a By-law, in a form satisfactory to Corporate Counsel, to amend Zoning By-law No. 6593 and Zoning District Map W-9D; and,
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Humber Bay Planning Area.

RECONSIDERATION CARRIED with 2/3 majority

(D'Amico/Dilanni)

That Rule 13.9 of the City's Procedural By-law be invoked for this meeting of City Council to allow the introduction of a motion respecting Modification in Zoning for property located at 1588 Upper James Street.

CARRIED

(D'Amico/Dilanni)

- (a) That Council determine that the proposed change in the Modification in Zoning for Property located at 1588 Upper James Street does not require further notice, pursuant to Section 34(17) of The Planning Act;
- (b) That Item 3 of Hearings Sub-Committee Report 02-012, be modified by the addition of the following:
The "HH" (Restricted Community Shopping and Commercial) District provisions, as contained in Section 14A of Zoning By-law No. 6593, are amended to the extent only of the special requirement that:
- (a) Section 18.(3)(ivc) and Section 18.(3)(ivd) of Zoning By-law No. 6593 shall not apply.

No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "HH" District provisions, subject to the special requirements referred to in section 3.

By-law No. 6593 (Humber Bay) is amended by adding this by-law to section 19B as Schedule S-1465

Sheet No. W-9D of the District Maps is amended by marking the lands referred in Section 1 of this by-law as S-1465

CARRIED

(Collins/D'Amico)

That Rule 13.9 of the City's Procedural By-law be invoked for this meeting of City Council to allow the introduction of a motion respecting appointments to the Humber Bay Waterfront Trust, the Committee of Adjustment (Rural Area), and the Mill Street District (Waterdown) Heritage Committee.

CARRIED

(Collins/D'Amico)

- (a) That the following citizens be appointed to the Humber Bay Waterfront Trust:
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| E. M. (Ted) Gill | effective May 16, 2002 for a term to expire May 15, 2004 |
| Mark Benassi | effective May 16, 2002 for a term to expire May 15, 2004 |
- (b) That the following citizen be appointed to the Committee of Adjustment (Rural Section):
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| Brad Berry | for a term to expire November 30, 2003 |
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- (c) That the following citizen be appointed to the Mill Street District (Waterdown) Heritage Committee:
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| Sean Crowe | for a term to expire November 30, 2003 |
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CARRIED

(McCarthy/Kelly)

That Rule 13.9 of the City's Procedural By-law be invoked for this meeting of City Council to allow the introduction of a motion respecting Official Plan Amendment 28.

CARRIED

(McCarthy/Kelly)

a) That staff report back with a full report on the implication of the approval of OPA 28 and that the following issues be addressed in that report:

- (i) That a comprehensive analysis be undertaken to evaluate transportation corridors and interconnecting highways be evaluated in conjunction with an Environmental Assessment process for these road connections in order to facilitate both internal traffic patterns and through traffic.

Included in this analysis should be the previously studied "preferred" East-West Five Modified Route (bypass around Waterdown) and the Provincial Mid Peninsula Hwy.

- (ii) Further, that the financing for these corridors be funded by the new development that ensues because of this approved land and not levied off of the general tax base.
- (iii) That staff report back on how all the conditions in the "Memorandum of Agreement" can be implemented.
- (iv) That staff research the subdivision agreement presently employed by the City of Mississauga and other Ontario municipalities and previously endorsed by Flamborough Council that links the creation of new subdivisions with the construction of adequate schooling facilities. Upon completion of research, that staff present a report, exploring the possibility of a policy for all residential draft plans of subdivisions to contain the following condition: "Prior to final approval, the City of Humber Bay shall be satisfied that appropriate arrangements regarding the adequate provision and distribution of educational facilities have been made between the developer/applicant and the School Boards for this plan, after consulting with the School Board (s) and with other agencies as required.

CARRIED

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| NOTICES OF MOTION |
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The following notice of motion was placed by Councillor Collins:

That staff prepare a report that explores opportunities to utilize Centennial Parkway as a pedestrian link to Confederation Park and Humber Bay's lakefront area.

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| GENERAL INFORMATION |
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Members of Council used this opportunity to discuss matters of general interest.

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| IN CAMERA |
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(Merulla/Ferguson)

That Council move in camera to discuss a private and confidential personnel matter.

CARRIED

(Jackson/Dilanni)

That Council reconvene in open session.

CARRIED

(Caplan/Ferguson)

That Report CS02063/HUR02009 regarding the Humber Bay Emergency Services – Assistant Deputy Chiefs be received for information.

CARRIED

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| BY-LAWS |
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(Powers/Kelly)

That Bill Nos. 171 to 190 be passed, that the corporate seal be affixed thereto and the by-laws be signed by the Mayor and the City Clerk, and numbered as 02-171 to 02-190:

- 171 A By-law To Amend By-law No. 01-084, To Appoint Municipal Law Enforcement Officers
- 172 A By-law To Amend Zoning By-law No. 06593 Respecting Lands Located at 601 and 608 Rymal Road East, Owned by Casablanca Properties
- 173 A By-law To Amend Zoning By-law No. 3581-86 (Dundas), as amended, Respecting Lands Located at 341 Park Street West (Dundas), Owned by 892987 Ontario Incorporated
- 174 A By-law To Amend Zoning By-law No. 87-57 (Ancaster), as amended, Respecting Lands Located at 407 Southcote Road (former Town of Ancaster)
- 175 A By-law To Amend By-law No. 01-218, as amended, To Regulate On-Street Parking
- 176 A By-law To Incorporate City Land Designated as Parts 1, 5, 10 and 12 on Plan 62R-16000 into Silverlace Circle
- 177 A By-law To Incorporate City Land Designated at Part 1 on Plan 62R-16003 into Sixth Road East
- 178 A By-law To Amend By-law No. 01-215 To Regulate Traffic
- 179 A By-law To Amend by-law No. 01-215 To Regulate Traffic

- 180 A By-law To Amend by-law No. 01-215 To Regulate Traffic
- 181 A By-law To Amend by-law No. 01-215 To Regulate Traffic
- 182 A By-law To Alter Wilson Street at Meadowbrook Drive and Humber Bay Drive
- 183 A By-law To impose a sewer rate under Section 221 of the Municipal Act, R.S.O. 1990, c M45, as amended, upon owners or occupants of land abutting Lochside Drive, in the City of Humber Bay
- 184 A By-law to Amend Zoning By-law No. 87-57 (Ancaster), as amended, Respecting Lands Located at Stonehenge Drive and Meadowlands Boulevard (former Town of Ancaster)
- 185 A By-law Respecting Removal of Part Lot Control Within a Portion of “Fifty Road Joint Venture – Phase 1” – Plan 62M-950
- 186 A By-law To Amend Zoning By-law No. 3692-92 (Stoney Creek), as amended by By-law 01-141, Respecting Lands Located at 3 to 67 Sonoma Lane, Foothills of Winona, Owned by 1478742 Ontario Inc. (c/o Anthony DiCenzo)
- 187 A By-law To Amend Zoning By-law 90-145-Z (Flamborough), as amended Respecting Lands Located at Part of the southeast corner of Lot 4, Concession 9 (former Township of East Flamborough), Owned by 1167625 Ontario Limited
- 188 A By-law To Amend Zoning By-law No. 6593 Respecting Lands Located at 1588 Upper James Street
- 189 A By-law To Amend Zoning By-law No. 06593 Respecting Lands Located at 1500 – 1502 Main Street East, Owned by J. Kozar
- 190 To Confirm the Proceedings of City Council

CARRIED

The City Council meeting adjourned at 9:05 p.m.

Respectfully submitted,

R. Wade
Mayor

Rose Caterini, B. Comm, A.M.C.T.
Acting City Clerk
June 26, 2002