



# City of Hamilton

## PLANNING COMMITTEE ADDENDUM

**Meeting #:** 18-001  
**Date:** January 16, 2018  
**Time:** 9:30 a.m.  
**Location:** Council Chambers, Hamilton City Hall  
71 Main Street West

### 4. DELEGATION REQUESTS

- \*4.1 Brad Clark, Maple Leaf Strategies, to present a summary of the Hamilton Rental Housing Roundtable discussion paper entitled "Promoting Code Compliant Rental Housing with Safe, Clean and Healthy Dwelling Units." (For February 6, 2018) 4
- \*4.2 Alexander Temporale of ATA Architects Inc. respecting the heritage designation of the property located at 650 Sanatorium Road, Hamilton (Item 8.1) (For today's agenda.) 5

### 5. CONSENT

- \*5.5 Application to Deem 1428 and 14444 Sandhill Drive, Being Lots 8 to 11, Inclusive of Registered Plan No. 62M-630, "Stanlow Industrial Park, Phase 1," Not to be Part of a Registered Plan of Subdivision, for the Purposes of Subsection 50(3) of the *Planning Act* (Ancaster) (PED18041) (Ward 12) 6

### 6. PUBLIC HEARINGS / DELEGATIONS

- 6.2 Centennial Neighbourhoods Secondary Plan and Centennial Neighbourhoods Transportation Management Plan (PED18007) (Wards 5 and 9)
- \*6.2.b Written comments from Ed Fothergill, Fothergill Planning & Development Inc, on behalf of Marfad Holdings, 928 Queenston Road, Stoney Creek 17
- \*6.2.c Written comments from Sarah Knoll, GSP Group, on behalf of SmartREIT, 502-560 Centennial Parkway North 18

*6.2.d	Written comments from Ed Fothergill, Fothergill Planning & Development Inc., on behalf of Parkway Nissan, 191 Centennial Parkway North	21
*6.2.e	Written comments from Catherine Spears, Professional Planner, Spears + Associates on behalf of Bentall Kennedy LP (Canada) Eastgate	23
*6.2.f	Written comments from James Webb of WEBB Planning Consultants, on behalf of The Effort Trust Company	28
*6.2.g	Written comments from Patricia Foran, Aird & Berlis LLP, on behalf of Queenston Road Holdings Inc.	30
*6.2.h	Written comments from Stephen Fraser, A.J. Clarke and Associates Limited, on behalf of A. DeSantis Holding Limited	32
6.3	Proposed Transit Oriented Corridor Zones in Zoning By-law No. 05-200 - LRT Extension and Housekeeping Amendments (PED18012) (Wards 1,3, 4, 5 and 9)	
*6.3.a	Written comments from Valeri Righton, owner of 2358058 Ontario Limited, 165 Queenston Road	34
6.6	Applications to Amend the Urban Hamilton Official Plan, the Rural	
*6.6.a	Written comments from Matt Johnston and Carmela Agro of UrbanSolutions Planning and Land Development Consultants on behalf of Branthaven Mount Hope Inc. (Branthaven)	36

## 12. PRIVATE AND CONFIDENTIAL

- \*12.1 Appeal to the Ontario Municipal Board (OMB) on the City of Hamilton's Refusal or Neglect to Adopt an Amendment to the Urban Hamilton Official Plan and City of Stoney Creek Zoning By-law No. 3692-92, for Lands Located at 157 Upper Centennial Parkway (Stoney Creek (Ward 9) (Distributed under separate cover.)

*Pursuant to Section 8.1, Sub-sections (e) and (f) of the City's Procedural By-law 14-300, and Section 239(2), Sub-sections (e) and (f) of the Municipal Act, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the City and the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.*

**Form: Request to Speak to Committee of Council**

Submitted on Tuesday, January 9, 2018 - 12:20 pm

==Committee Requested==

**Committee:** Planning Committee

==Requestor Information==

**Name of Individual:** Brad Clark

**Name of Organization:** Maple Leaf Strategies

**Contact Number:** 289 684-4363

**Email Address:** [brad@mapleleafstrategies.com](mailto:brad@mapleleafstrategies.com)

**Mailing Address:**

151 Bloor Street West, Suite 810

Toronto, Ontario M5S 1S4

**Reason(s) for delegation request:**

I am requesting to appear before the Planning Committee on February 6 to present a summary of our discussion paper, "Promoting Code Compliant Rental Housing with Safe, Clean and Healthy Dwelling Units" on behalf of the Hamilton Rental Housing Roundtable.

**Will you be requesting funds from the City?** No

**Will you be submitting a formal presentation?** Yes

**Form: Request to Speak to Committee of Council**

Submitted on Thursday, January 11, 2018 - 3:16 pm

==Committee Requested==

**Committee:** Planning Committee

==Requestor Information==

**Name of Individual:** Alexander Temporale

**Name of Organization:** ATA Architects Inc.

**Contact Number:** 905 849 6986

**Email Address:** [alex@ataarchitectsinc.com](mailto:alex@ataarchitectsinc.com)

**Mailing Address:**

211 Lakeshore Road E.

Oakville, Ontario

L6J1H7

**Reason(s) for delegation request:** Regarding the heritage designation of the house sitting at 650 Sanatorium Road, Hamilton

**Will you be requesting funds from the City?** No

**Will you be submitting a formal presentation?** No



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Growth Management Division**

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	January 16, 2018
<b>SUBJECT/REPORT NO:</b>	Application to Deem 1428 and 1444 Sandhill Drive, Being Lots 8 to 11, Inclusive, of Registered Plan No. 62M-630, "Stanlow Industrial Park, Phase 1," Not to be Part of a Registered Plan of Subdivision, for the Purposes of Subsection 50(3) of the <i>Planning Act</i> (Ancaster) (Ward 12) (Ward 12) (PED18041)
<b>WARD(S) AFFECTED:</b>	Ward 12
<b>PREPARED BY:</b>	Alvin Chan (905) 546-2424 Ext 2978
<b>SUBMITTED BY:</b>	Tony Sergi Senior Director, Growth Management Planning and Economic Development Department
<b>SIGNATURE:</b>	

### RECOMMENDATION

That approval be given to deem 1428 and 1444 Sandhill Drive (Ancaster), being Lots 8 to 11, inclusive, of Registered Plan No. 62M-630, "Stanlow Industrial Park, Phase 1," not to be part of a Registered Plan of Subdivision, for the purposes of Subsection 50(3) of the *Planning Act*, as shown on Appendix "A" to Report PED18041, on the following basis:

- (a) That the draft By-law, attached as Appendix "B" to Report PED18041, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the proposal to deem Lots 8 to 11, inclusive, of "Stanlow Industrial Park, Phase 1," Registered Plan 62M-630, not to be part of a registered plan of subdivision, for lands known as 1428 and 1444 Sandhill Drive, is consistent with the Provincial Policy Statement (2014), and complies with the Urban Hamilton Official Plan.

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*OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.*

**SUBJECT: Application to Deem 1428 and 1444 Sandhill Drive, Being Lots 8 to 11, Inclusive, of Registered Plan No. 62M-630, “Stanlow Industrial Park, Phase 1,” Not to be Part of a Registered Plan of Subdivision, for the Purposes of Subsection 50(3) of the *Planning Act* (Ancaster) (Ward 12) (PED18041) – Page 2 of 7**

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## **EXECUTIVE SUMMARY**

The Owner / Applicant has submitted an application for a By-law in order to deem 1428 and 1444 Sandhill Drive, being Lots 8 to 11, inclusive, of Registered Plan of Subdivision 62M-630, “Stanlow Industrial Park, Phase 1,” not to be part of a Registered Plan of Subdivision, for the purposes of Subsection 50(3) of the *Planning Act*.

As prescribed under Subsection 50(4) of the *Planning Act*, the Council of a Municipality may, by By-law, designate any Plan of Subdivision, or part thereof, that has been registered for eight (8) years or more, and deem it not to be a Registered Plan of Subdivision for the purpose of the subdivision control provisions of Subsection 50(3) of the *Planning Act*.

In review, the Plan of Subdivision “Stanlow Industrial Park, Phase 1” was registered on September 21, 1989, being more than the required eight (8) years. Accordingly, the purpose and effect of the application is to allow for the parcels of land 1428 and 1444 Sandhill Drive (being Lots 8 to 11, inclusive of 62M-630) to merge, in order to accommodate proper land titles for these parcels, and their corresponding corporate ownership details. As such, staff is supportive of the proposed By-law.

***Alternatives for Consideration – See Page 7***

## **FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

Legal: Per the *Planning Act*, a Public Meeting is not required to consider a By-law to designate any Plan of Subdivision, or part thereof, that has been registered for eight (8) years or more, and deem it not to be a Registered Plan of Subdivision for the purpose of the subdivision control provisions of Subsection 50(3) of the *Planning Act*.

A copy of this By-law will be lodged with the Minister of Municipal Affairs and Housing.

Additionally, a certified copy or duplicate copy of this deeming By-law will be registered against the title to the lands in the proper registry office, and

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this By-law shall not take effect until this requirement has been complied with.

Lastly, notice of passing of this By-law will be given within thirty (30) days of the date of passing, to each person appearing by the last revised assessment roll to be the owner of land to which this By-law applies, which notice shall be sent to the last known address of each such person, by registered mail.

## **HISTORICAL BACKGROUND**

### **Proposal**

The subject lands, 1428 and 1444 Sandhill Drive, totalling 1.005 hectares, are located on the south side of Sandhill Drive and to the west of Tradewind Drive, as identified on Appendix “A” to Report PED18041.

As prescribed under Subsection 50(4) of the *Planning Act*, the Council of a Municipality may, by By-law, designate any Plan of Subdivision, or part thereof, that has been registered for eight (8) years or more, and deem it not to be a Registered Plan of Subdivision for the purpose of the subdivision control provisions of Subsection 50(3) of the *Planning Act*.

The Owner / Applicant has therefore submitted an application pursuant to Subsection 50(4) of the *Planning Act*, for approval of a By-law to deem Lots 8 to 11, inclusive, of Registered Plan No. 62M-630, “Stanlow Industrial Park, Phase 1,” not to be part of a Registered Plan of Subdivision for the purposes of Subsection 50(3) of the *Planning Act*.

In review, the Plan of Subdivision “Stanlow Industrial Park, Phase 1” was registered on September 21, 1989, being more than the required eight (8) years under Subsection 50(4) of the *Planning Act*.

Accordingly, the purpose and effect of the application is to allow for the parcels of land 1428 and 1444 Sandhill Drive (being Lots 8 to 11, inclusive of 62M-630) to merge, in order to accommodate proper land titles for these parcels, and their corresponding corporate ownership details. As such, staff supports the proposed By-law.

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**Chronology:**

December 13, 2017: Application to deem Lots 8 to 11, inclusive, of Registered Plan No. 62M-630, “Stanlow Industrial Park, Phase 1,” not to be part of a Registered Plan of Subdivision for the purposes of Subsection 50(3) of the *Planning Act* submitted and deemed complete.

**Details of Submitted Application:**

**Location:** 1428 and 1444 Sandhill Drive  
(See Appendix “A” to Report PED18041)

**Owner/Applicant:** 2394690 Ontario Inc.

**Agent:** UrbanSolutions Planning and Land Development  
Consultants Inc. (c/o Matt Johnston)

**Property Description:**

<u>Lot Frontage:</u>	Lot 8	– 50 m
	Lot 9	– 30 m
	Lot 10	– 30 m
	Lot 11	– 31 m
<u>Lot Depth:</u>	Irregular	
	Lot 8	– 83.761 m
	Lot 9	– 81.719 m
	Lot 10	– 85.451 m
	Lot 11	– 85.451 m
<u>Lot Area:</u>	Lot 8	– 1861.097 m <sup>2</sup>
	Lot 9	– 2281.163 m <sup>2</sup>
	Lot 10	– 2444.371 m <sup>2</sup>
	Lot 11	– 3461.353 m <sup>2</sup>
	Total	– 1.005 Ha
<u>Servicing:</u>	Existing Full Municipal Services	

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**EXISTING LAND USE AND ZONING:**

	<b><u>Existing Land Use</u></b>	<b><u>Existing Zoning</u></b>
<b><u>Subject Lands:</u></b>	Industrial Lands	General Business Park (M2) Zone
<b><u>Surrounding Land Uses:</u></b>		
<b>North</b>	Industrial Lands	General Business Park (M2) Zone and Prestige Business Park (M3) Zone
<b>South</b>	Vacant Industrial Lands	General Business Park (M2) Zone and Conservation/Hazard Lands (P5) Zone
<b>East</b>	Industrial Lands	General Business Park (M2) Zone
<b>West</b>	Industrial Lands	General Business Park (M2) Zone

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

**Provincial Policy Statement (2014)**

The application has been reviewed with respect to the Provincial Policy Statement (PPS). Of note, there are no proposed changes to the existing buildings and / or industrial use of the subject lands.

As the proposal is to deem Lots 8 to 11, inclusive, of Draft Plan of Subdivision “Stanlow Industrial Park, Phase 1,” Registered Plan No. 62M-630, not to be part of a Registered Plan for the purposes of Subsection 50(3) of the *Planning Act*, in order to accommodate the merger and proper land titles for these parcels with corresponding corporate ownership details, the proposal is consistent with the Provincial Policy Statement and is supported by staff.

**Urban Hamilton Official Plan**

The subject lands are identified as “Employment Lands” on Schedule “E” – Urban Structure and are designated as “Business Park” on Schedule “E-1” – Urban Land Use Designations of Volume 1 of the Urban Hamilton Official Plan. As noted above, there

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are no proposed changes to the existing building and / or industrial uses of the subject lands.

In review, Policy F.1.14.1.5 of Volume 1 of the Urban Hamilton Official Plan states:

“If a plan of subdivision or part thereof has been registered for eight years or more and does not conform to the policies of this Plan, the City may use its authority under the *Planning Act* to deem it not be a registered plan of subdivision.”

Accordingly, the Registered Plan No. 62M-630, “Stanlow Industrial Park, Phase 1,” was registered on September 21, 1989 and therefore conforms to the requirement of eight (8) years or more of the plan having been registered.

Therefore, the proposal to deem Lots 8 to 11, inclusive, of Registered Plan 62M-630, not to be part of a Registered Plan for the purposes of Subsection 50(3) of the *Planning Act*, in order to accommodate the merger and proper land titles for these parcels with corresponding corporate ownership details, conforms with the Urban Hamilton Official Plan and is supported by staff.

## **RELEVANT CONSULTATION**

Due to the nature of the application, only Legal Services was consulted.

## **PUBLIC CONSULTATION**

Due to the nature of the application and per the *Planning Act*, public notice is not required for the subject application. Notice of the By-law is to be given to the Owner within thirty (30) days of the passing thereof by registered mail as prescribed in the proposed By-law attached as Appendix “B” to Report PED18041. Of note, the By-law will come into force and effect upon registration on title.

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

1. The proposal has merit and can be supported for the following reasons:
  - (i) It is consistent with the Provincial Policy Statement (2014);
  - (ii) It complies with the policies of the Urban Hamilton Official Plan; and,

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- (iii) The proposed By-law will permit the continued use of the parcels for industrial purposes which are compatible with existing land uses in the immediate area and represents good planning.

## **ALTERNATIVES FOR CONSIDERATION**

If the application is denied, the lots would remain within the existing Registered Plan of Subdivision 62M-630, “Stanlow Industrial Park, Phase 1.”

## **ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

### **Community Engagement & Participation**

*Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.*

### **Economic Prosperity and Growth**

*Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.*

### **Clean and Green**

*Hamilton is environmentally sustainable with a healthy balance of natural and urban spaces.*

### **Built Environment and Infrastructure**

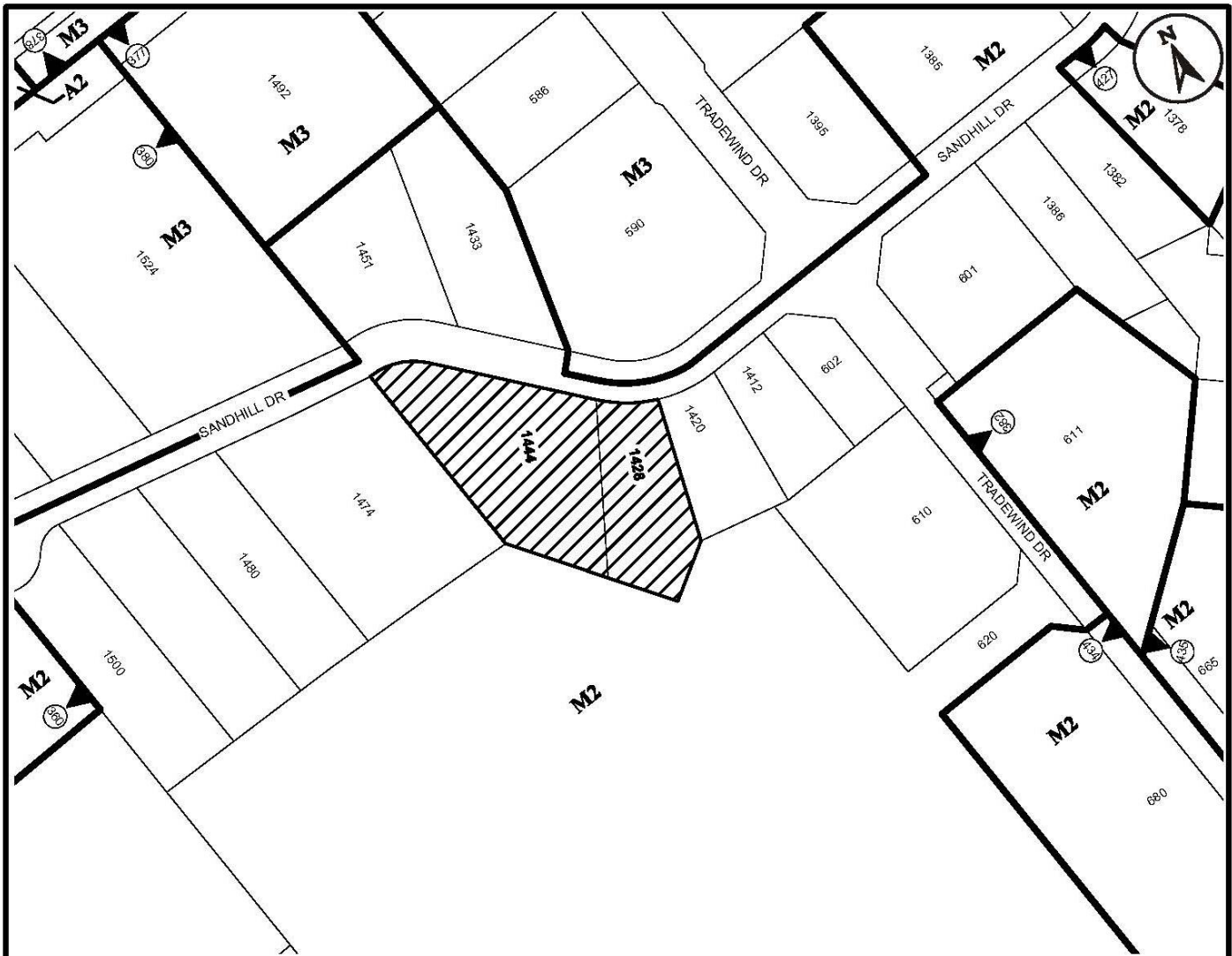
*Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.*

## **APPENDICES AND SCHEDULES ATTACHED**

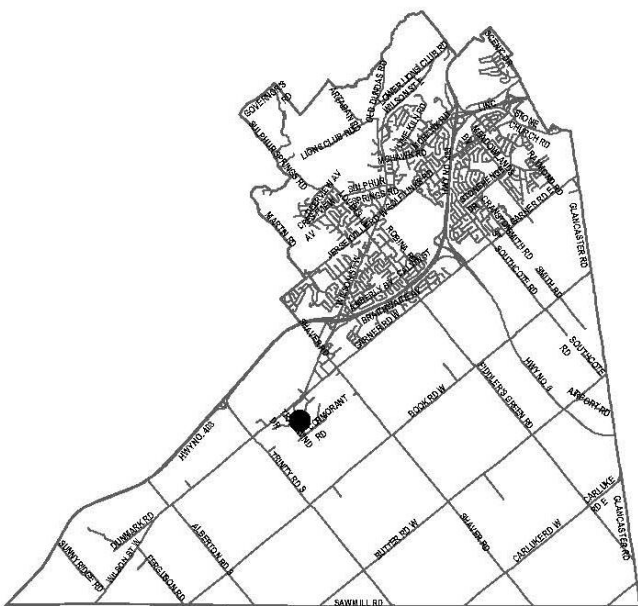
- Appendix “A”: Location Map
- Appendix “B”: By-law

AC/sd

Appendix "A" to Report PED18041  
Page 1 of 1



● Site Location



Key Map - Ward 12

N.T.S.

# Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
1428 & 1444 Sandhill Dr

Date:  
January 4, 2018

Appendix "A"

Scale:  
N.T.S.

Planner/Technician:  
AC/AL

### Subject Property

1428 & 1444 Sandhill Drive  
Lots 8-11, inclusive of Registered Plan 62M-630  
to be Deemed

**Appendix “B” to Report PED18041**  
**Page 1 of 3**

**Authority:** Item [REDACTED], Planning Committee  
 Report: 18-[REDACTED] (PED18\_\_\_\_)  
 CM: [REDACTED]

**Bill No.**

**CITY OF HAMILTON**

**BY-LAW NO. \_\_\_\_\_**

**A By-law to Deem a Part of a Subdivision Not To Be Registered  
 Lots 8 to 11, Inclusive, of Registered Plan No. 62M-630**

**WHEREAS** Subsection 50(4) of the *Planning Act* R.S.O. 1190, Chapter 13, as amended, provides that the Council of a Municipality may, by By-law, designate any Plan of Subdivision, or part thereof, that has been registered for eight (8) years or more, and deem it not to be a Registered Plan of Subdivision for the purpose of the subdivision control provisions of Subsection 50(3) of the *Planning Act*;

**AND WHEREAS** Registered Plan 62M-630 was registered with the Land registry Office on the 21<sup>st</sup> day of September, 1989;

**AND WHEREAS** Lots 8 to 11, inclusive, Registered Plan 62M-630, City of Hamilton are within a Plan of Subdivision registered for more than eight (8) years;

**AND WHEREAS** it is desirable to deem Lots 8 to 11, inclusive, of Registered Plan 62M-630 not be part of a Registered Plan of Subdivision;

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

1. That the following lands are designated and deemed not to be a Registered Plan of Subdivision for the purpose of Subsection 50(3) of the Planning Act:

Lots 8 to 11, inclusive, Registered Plan 62M-630, “Stanlow Industrial Park, Phase 1,” City of Hamilton

2. The City Clerk is hereby authorized and directed to:
  - (a) lodge a copy of this By-law with the Minister of Municipal Affairs and Housing;
  - (b) register a certified copy or duplicate copy of this deeming By-law against the title to the lands in the proper registry office, and this By-law shall not take effect until this requirement has been complied with; and,

**Appendix "B" to Report PED18041**  
**Page 2 of 3**

- (c) send by registered mail, notice of passing of this By-law to be given within thirty (30) days of the date of passing, to each person appearing by the last revised assessment roll to be the owner of land to which this By-law applies, which notice shall be sent to the last known address of each such person.
3. That this By-law No. [REDACTED] shall come into force and take effect when registered in the Land Registry Office by the Clerk of the municipality.

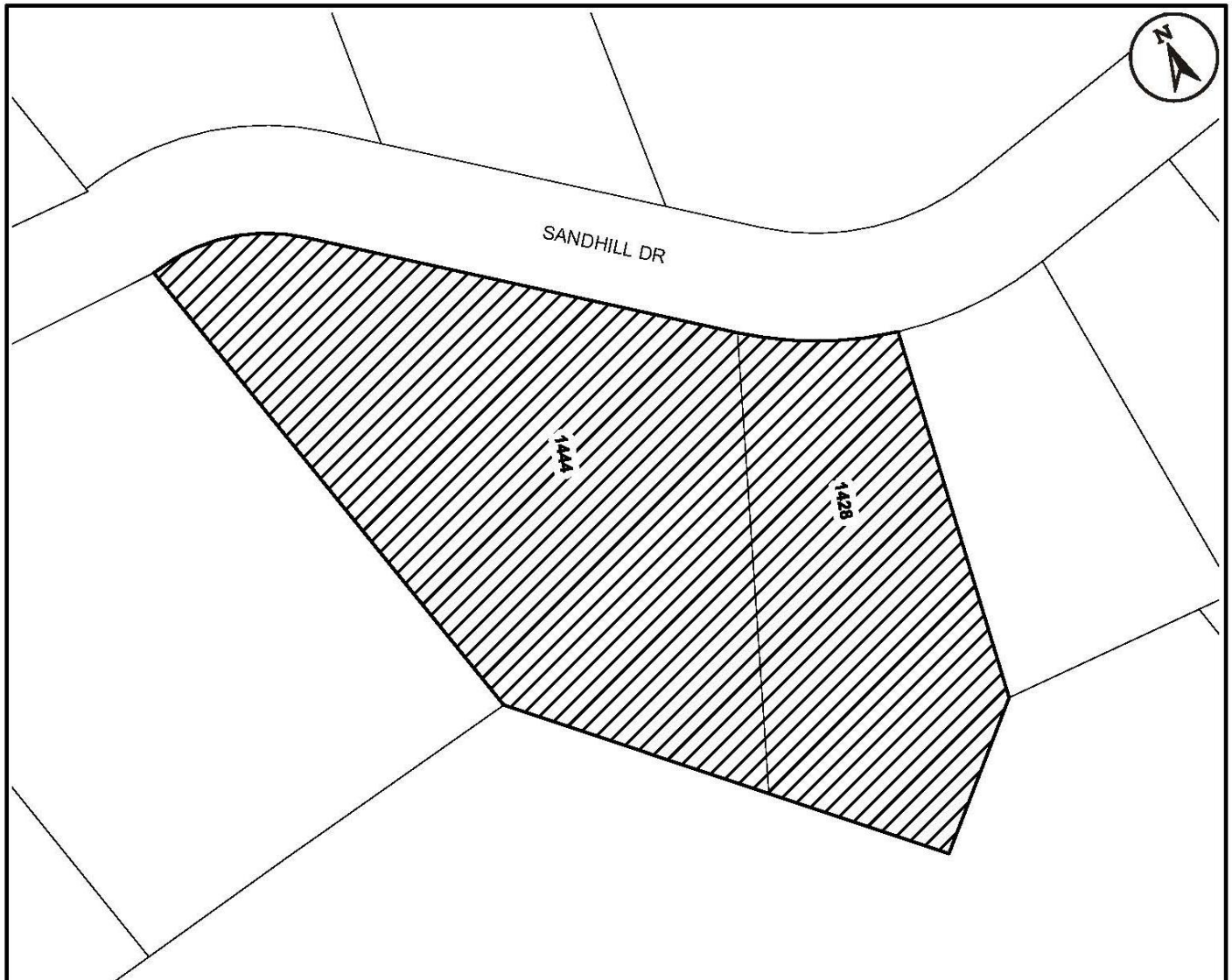
**PASSED and ENACTED** this [REDACTED] day of [REDACTED], 2018.

---

F. Eisenberger  
MAYOR

---

R. Caterini  
CLERK



<p>This is Schedule "A" to By-law No. 18-</p> <p>Passed the ..... day of ....., 2018</p>	<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>
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<h2>Schedule "A"</h2> <p>Map Forming Part of By-law No. 18-_____</p> <p>to Amend By-law No. 6593</p>	<p><b>Subject Property</b></p> <p> 1428 &amp; 1444 Sandhill Drive Lots 8-11, inclusive of Registered Plan 62M-630 to be Deemed</p>
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# FPD

## FOTHERGILL PLANNING & DEVELOPMENT INC.

62 DAFFODIL CRES. • HAMILTON, ON L9K 1E1 • PHONE: (905) 577-1077 • FAX: (905) 546-0545 • E-MAIL: edf@nas.net

January 8, 2018

Ms. Melanie Pham, MCIP, RPP  
 Planner 1, Community Planning  
 Planning and Economic Development Department  
 City of Hamilton  
 71 Main St. W., 6<sup>th</sup> Floor  
 Hamilton, ON L8P 4Y5

Dear Ms. Pham:

**Re: Centennial Neighbourhood Secondary Plan**  
**Marfad Holdings - 928 Queenson Road, Stoney Creek**

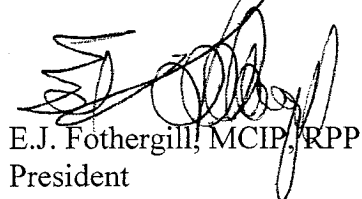
This property is subject to an application for an official plan amendment and rezoning to permit a Mixed Use Commercial and Multiple Residential building at the above location near the intersection of Queenston Road and Lake Avenue. The initial application to permit a 12 storey, 142 unit building has been submitted to the City, and circulated for review and comment.

Based on a review of initial comments prepared by staff, a resubmission is being prepared which will be delivered to the City this week to allow for 149 units within a 14-storey building. We note that the Secondary Plan includes within Schedule B, Land Use Map B.7.2-1 which identifies lands to be deleted from the Old Town Secondary Plan and added to Centennial Neighbourhood Secondary Plan. To ensure that the new Secondary Plan is consistent with the intent of this application, we would ask that a site specific provision be added to the Secondary Plan to permit a 14 storey building comprising 149 residential units for this property.

Alternatively, we would ask that the designation on this site be deferred in the Secondary Plan so as to allow for the continuation of the processing of the current application and ensure that the approval of the new Secondary Plan does not in any way prejudice the outcome of that process. We would be pleased to meet with you to review this matter further and would ask that this correspondence be placed on the agenda for the upcoming Planning Committee meeting scheduled for January 16, 2018.

Sincerely,

**FOTHERGILL PLANNING & DEVELOPMENT INC.**



E.J. Fothergill, MCIP, RPP  
 President

cc. Alissa Mahood, Mario Marrazzo, Rick Lintack, Clayton Payer, Kimberley Harrison-McMillan, Councillor  
 Doug Conley, Ida Bedioui



SHAPING GREAT COMMUNITIES

January 9, 2018

Project No. 16108

City of Hamilton  
 Planning & Economic Development Committee  
 c/o Ms. Ida Bedioui, Planning Coordinator  
 71 Main Street West,  
 Hamilton, ON L8P 4Y5

Attn: Planning and Development Committee Members

**Re: Proposed Urban Hamilton Official Plan Amendment  
 Centennial Neighbourhoods Secondary Plan  
 Policies and Schedules  
 Comments on Behalf of SmartREIT  
 502-560 Centennial Pkwy North**

GSP Group Inc. is planning consultant to SmartREIT, owner of two properties within the Centennial Neighbourhoods Secondary Plan boundary:

- 210 Centennial Parkway North (southeast corner of Barton St E and Centennial Pkwy N); and,
- 502-560 Centennial Parkway North (southeast corner of the QEW and Centennial Pkwy N).

On behalf of our client, we have reviewed and provided comments to the previous Draft polices and schedules of the Centennial Neighbourhoods Secondary Plan.

With respect to the 502-560 Centennial Parkway North Site, we had requested that the gross floor area cap of 45,058 square metres be lifted given the Site's unique characteristics within the Secondary Plan, specifically:

- proximity to the GO Station (i.e. directly across Centennial Parkway from the Station);
- within area identified as Major Transit Station Area in draft Secondary Plan;
- likely transit linkage between the GO Station and future LRT Station;
- large surface parking areas and single storey buildings on the site could be intensified and/or redeveloped for office, employment and commercial use; and,

PLANNING | URBAN DESIGN | LANDSCAPE ARCHITECTURE

72 Victoria Street South, Suite 201, Kitchener, ON N2G 4Y9 519 569 8883  
 162 Locke Street South, Suite 200, Hamilton, ON L8P 4A9 905 572 7477  
 gspgroup.ca

- adjacent access to the Queen Elizabeth Way and Centennial Parkway South.

Removal of this gross floor area cap would allow the Site to further develop and intensify for a mix of permitted commercial and employment uses which would support the significant transit investments being made within the City of Hamilton and the Province.

City Planning Staff replied to this request, stating:

“Policy E.4.2.9 of Volume 1 of the UHOP notes that there are 4 major commercial areas in the City which are not part of Nodes or Corridors and are not anticipated to evolve into mixed use areas over the life of the plan. This site is one of them. The policy notes that the amount and type of retail uses in these locations shall not be expanded without an amendment to the Urban Structure. As Urban Structure Amendments are only permitted to be made through a Municipal Comprehensive Review process, changes to the existing GFA cap cannot be considered as part of the Secondary Plan process.”

Policy E.4.2.9 of the UHOP identifies that: “The amount or type of retail uses in these locations shall not be expanded without an amendment to the Urban Structure.” (underlining added)

We note that Policy E.4.2.9 of the UHOP deals specifically with “amount and type of retail uses”. On this basis, we request that the Site Specific Policy applicable to the Site retain the retail commercial GFA cap of 34,142 square metres, however, the overall GFA cap of 45,058 square metres should be removed.

We request that 6.7.18.4 d) i) of the draft Secondary Plan be modified to read as follows:

“Notwithstanding Policies E.4.7.3 c) and E.4.7.7 – District Commercial and Section E.5.4.6 and E.5.4.7 – Employment Area – Business Park Designation of Volume 1, the following provisions shall apply:

- i) The maximum gross floor area for all retail and service uses shall not exceed 34,142 square metres. No maximum gross floor area applies to all other permitted uses on the site.”

In our view, this policy wording would not require an amendment to the Urban Structure as it would maintain the retail and service commercial gross floor area cap set out in the current policy. The requested policy would allow the Site to develop and intensify for other permitted non-retail uses to recognize the locational characteristics described above and the stated objectives of the recommended Centennial Neighbourhoods

Secondary Plan promoting transit oriented development and providing for intensification in strategic locations.

The gross floor area cap on the Site was a result of a negotiated settlement with the City approximately ten years ago to limit the amount of retail, based in part on market feasibility studies conducted at the time and concern about potential impacts on existing retailers. The intent was not to limit other non-retail uses.

An increase to the retail gross floor area could be considered through the recently commenced Municipal Comprehensive Review process.

Thank you for your consideration of this request. SmartReit and/or GSP Group will be in attendance at the January 16, 2018 Public Meeting to respond to any questions you may have.

Yours truly,

**GSP Group Inc.**

A handwritten signature in black ink, appearing to read 'Eric Saulesleja', with a long, sweeping flourish extending to the right.

Eric Saulesleja, MCIP, RPP  
Senior Associate

cc: Ms. Melanie Pham, Hamilton Planning  
Ms. Emily Roukhkian, SmartREIT  
Ms. Sarah Knoll, GSP Group



F O T H E R G I L L   P L A N N I N G   &   D E V E L O P M E N T   I N C .

62 DAFFODIL CRES. • HAMILTON, ON L9K 1E1 • PHONE: (905) 577-1077 • FAX: (905) 546-0545 • E-MAIL: edf@nas.net

January 11, 2018

Ms. Melanie Pham, MCIP, RPP  
Planner 1, Community Planning  
Planning and Economic Development Department  
City of Hamilton  
71 Main St. W., 6<sup>th</sup> Floor  
Hamilton, ON L8P 4Y5

Dear Ms. Pham:

**Re:   Centennial Neighbourhood Secondary Plan  
Parkway Nissan - 191 Centennial Parkway North**

We have reviewed the draft Secondary Plan for the Centennial Neighbourhood and would first ask for confirmation that the proposed designation in Schedule E-1, Map B.6.7-1 is Mixed Use - Medium Density.

As you may recall, the owner of the property, Mr. Ilya Pinassi previously forwarded a submission to the City requesting that policies in the Secondary Plan not only recognize the existing use, but encourage the use to continue, to grow and to allow for opportunities for expansion.

Given that the Secondary Plan does not contain provisions to achieve that objective, please accept this correspondence as a request to amend the plan by adding a site specific provision which would recognize the existing automobile dealership as a permitted use and allow for an expansion of that use, provided that such expansion is deemed to be compatible with surrounding land uses.

As an alternative, we would request that the Official Plan contain a site specific policy to allow for continuation and expansion of the existing use. We would also ask the policy recognize that the existing non-complying use is not considered to be an interim use. This will still protect the interests of the City and the integrity of the underlying designation, while at the same time making it clear, to both the public and the land owner, that the existing use can continue for an indefinite period of time, and also be allowed to expand on the site. It is understood that if additional lands are required to accommodate future expansion, subsequent approvals will be required to implement that expansion for those other properties.

We would welcome the opportunity of meeting with you in advance of the meeting of Planning Committee on January 16 to review this matter further.

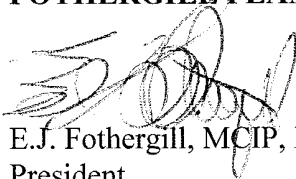
-2-

By way of copying Ms. Bedioui, we would ask that this correspondence be placed on the public record and considered at the upcoming Planning Committee meeting of Tuesday January 16.

Thank you very much.

Sincerely,

**FOTHERGILL PLANNING & DEVELOPMENT INC.**



E.J. Fothergill, MCIP, RPP  
President

cc. Ilya Pinassi, Alissa Mahood, Councillor Chad Collins, Ida Bedioui

C:\WPDOCS\FILES\Parkway Nissan\letter Melanie Pham 1 11 18.wpd



**Spears & Associates Inc.**

PLANNING, REAL ESTATE & DEVELOPMENT COUNSELORS & ANALYSTS

36 Queensbury Avenue  
Scarborough, Ontario  
M1N 2X7  
Telephone (416) 698-3700  
Fax (416) 698-3199

*Eastgate Square Submission  
Planning Committee Meeting January 16, 2018*

January 16, 2018

*Sent by Email*

City of Hamilton  
Planning Committee  
71 Main Street West, 4<sup>th</sup> Floor  
Hamilton, Ontario  
L8P 4Y5

**Attention: Chair Maria Pearson and Members of Committee**

Dear Ms. Pearson and Committee Members

**Subject: Eastgate Square  
75 Centennial Parkway North  
Proposed Centennial Neighbourhood Secondary Plan and  
Draft Zoning By-law Amendment  
Submission on Behalf of Bentall Kennedy (Canada) LP**

On behalf of our client, Bentall Kennedy (Canada) LP, our firm has been retained to provide land use planning services with respect to the Eastgate Square located within the limits of the proposed Centennial Neighbourhood Secondary Plan.

The City of Hamilton Planning Committee will be considering a staff report at their meeting of January 16, 2018 with a recommendation to approve a draft Secondary Plan and implementing Zoning By-law regulations.

Eastgate Square is the major commercial anchor within the Centennial neighbourhood and serves a regional retail function. Council's endorsement of the Hamilton Light Rail Transit (LRT) Environmental Project Report (ERP) Addendum for the B-Line extension from the Queenston Traffic Circle to Eastgate Square, will only strengthen Eastgate Square's importance as a Major Sub-Regional Service Node and Major Transit Station Area along the Centennial and Queenston corridor.

My client has been monitoring the preparation of the Secondary Plan and implementing Zoning By-law regulations since the first Open House in 2016. Since then we have undertaken a comprehensive review of the draft Secondary Plan and implementing Zoning By-law and we have made numerous written submissions and attended several meetings with planning staff.

... continued on Page 2

*Spears + Associates Inc.  
January 2018*

City of Hamilton  
Planning Committee  
Chair Maria Pearson and Committee Members  
January 16, 2018  
Page 2

We recognize the primary objective of the planning exercise is to implement the policies of the Urban Hamilton Official Plan (UHOP) for the Centennial Sub-Regional Service Node, as well as conformity with the Growth Plan with respect to the Major Transit Station Areas. It is this initiative which translates into policies and zoning intended to achieve higher densities for mixed use development within the Node to maximize the public's investment in higher order transit.

The Secondary Plan envisions the transformation of the Centennial Node from its current autocentric character to a more pedestrian focused and transit supportive environment which will take some time to achieve and may continue well beyond the planning horizon of the UHOP. Depending on the property, the Secondary Plan envisions that large scale commercial sites such as Eastgate Square, will evolve over time and therefore it is necessary for these large sites to "transition" gradually over the long term to a more transit-oriented mixed use form of development. The Secondary Plan refers to "major re-development" as the threshold upon which to require the addition of a residential component to the area. Minor re-developments and expansions should be planned for as well.

Based on our review of the Secondary Plan and the implementing Zoning By-law and Site Specific Exemptions, we have expressed our concern to staff that the draft Zoning By-law in particular, does not address the interim period of transitional development as it relates to Eastgate Square's ability to evolve and respond to market conditions in a constantly changing retail environment. My client has expressed their support for the City's long term "vision" as it relates to future redevelopment of the corridor, however, the time horizon for the market to evolve to a point where it can support major development is at best uncertain.

In order to address these concerns, my client would like the opportunity to work with staff to develop site-specific Secondary Plan policies and corresponding Zoning regulations which better capture the interim re-development opportunities offered by this site. In our opinion, planning for an interim condition in this shifting retail market will allow the continued success of Eastgate Square, maintaining its relevance as the terminus node of the new LRT. More refined transition policies should include providing greater flexibility for the existing shopping centre to redeploy existing floor space and/ or expand without unnecessarily restricting new commercial development or commercial redevelopment (additions, alterations or new construction). We believe this interim flexibility can be provided without compromising the City's longer-term "vision" for high-density mixed use and residential intensification on the Eastgate Square site.

... continued on Page 3



*Eastgate Square Submission  
Planning Committee Meeting January 16, 2018*

City of Hamilton  
Planning Committee  
Chair Maria Pearson and Committee Members  
January 16, 2018  
Page 3

As it is currently drafted, there are restrictions on additional commercial gross floor area (Vacuum Clause), restrictive building envelopes (Vacuum Clause) and restrictive height, setback and facade length regulations which would prevent the shopping centre from expanding and responding to the current market in the intermediate term.

There are further areas of concern which we would like an opportunity to work with staff to resolve. For example, revising Schedule G to the Secondary Plan and Figure 11 to the zoning map to permit 20 storey height permissions along the entire frontage of Queenston Road; allowing Block or Stack Townhouses along Kenora and Delawana within Area A to provide a transition adjacent to existing residential homes; introducing a definition of what constitutes “major development”; and including a statement that redevelopment of less than 50% of the Eastgate Square site’s existing floor space would not be subject to height, setback or facade length requirements that are more appropriately intended to apply to the ultimate mixed-use build out of the site in the long-term. These are examples of some of the larger issues and concerns of my client.

Our specific request of Planning Committee today is to provide direction to Planning Staff to prepare the necessary Motion to implement the transitional planning and development framework, working with us in an expeditious manner, to ensure the necessary details are included in the Secondary Plan and implementing Zoning Regulations that are to be adopted by City Council next month.

We will be in attendance at the Planning Committee meeting scheduled for January 16, 2018 to make a brief presentation on behalf of Bentall Kennedy (Canada) LP and outline the details of our request for modifications. Following our presentation we would be pleased to assist the Committee should there be any questions arising from our submissions.

We have been working well with staff and we look forward to resolving these matters collectively.

Yours very truly,  
**Spears + Associates Inc.**



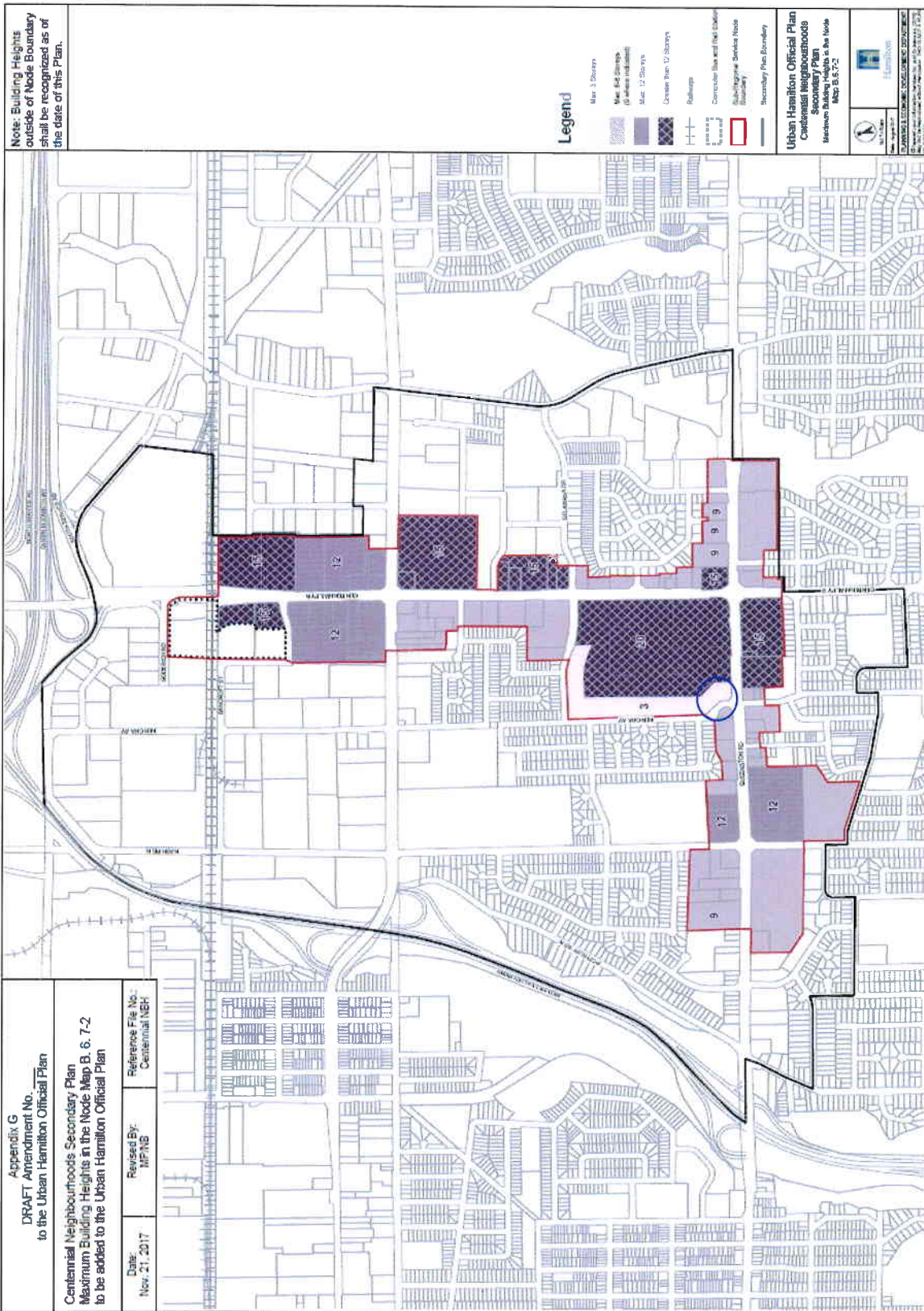
*Catherine A. Spears*

Catherine A. Spears, MCIP, RPP  
Registered Professional Planner  
CAS:

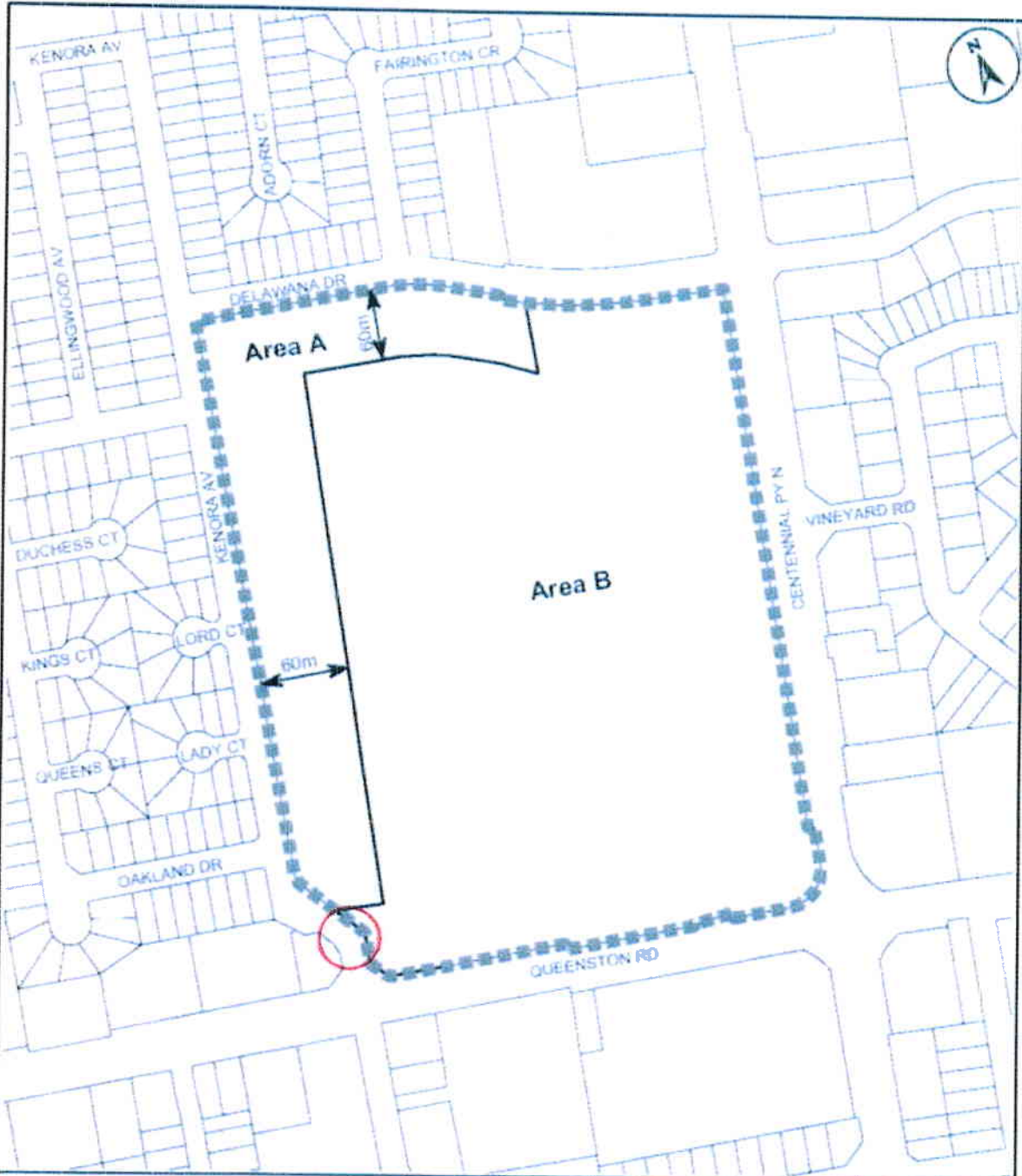
**Attachments**

cc: Bentall Kennedy (Canada) LP  
and Aird & Berlis LP

*Spears + Associates Inc.  
January 2018*



**To Amend Zoning By-law No. 05-200  
To Extend New Transit Oriented Corridor Zones between Jefferson Avenue (Hamilton) and Irene Avenue (Stoney Creek), Create One New Transit Oriented Corridor Zone, and Amend Existing Transit Oriented Corridor Zones**



<p><b>Figure 11: 75 Centennial Parkway North (Eastgate Square)</b></p>		<p>Date January 2, 2019</p>
<p><b>Legend</b></p> <p>■■■■■ Subject Area - Special Exception 633</p>		<p>Hamilton PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>





January 12, 2018

City of Hamilton  
Planning Committee  
71 Main Street West  
Hamilton ON L8P 4Y5

Attention: Chair Maria Pearson and Committee Members

Dear Ms. Pearson and Committee Members,

RE: Proposed Centennial Neighbourhood Secondary Plan and Zoning By-law Amendment  
Submission on behalf of Effort Trust Company

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WEBB Planning Consultants are retained by The Effort Trust Company to provide land use planning services for their landholdings located within the limits of the proposed Centennial Neighbourhood Secondary Plan.

The City of Hamilton Planning Committee will be considering a staff report at their meeting of January 16<sup>th</sup> 2018, with a recommendation to approve a draft Secondary Plan and implementing Zoning By-law Regulations for this area.

As Effort Trust is significant stakeholder within the study area, we have been monitoring the preparation of the Secondary Plan and implementing Zoning By-law, this has included the analysis of the draft materials, input from the landowner, and follow-up meetings with City Planning staff.

Based on our review of the materials, we understand that the primary planning objective is to implement current Policies of the UHOP for the Centennial Sub-Regional Service Node, as well as, conformity with Policies of the Growth Plan with respect to the major transit station areas associated with the LRT and priority transit corridors. This is reflected in a Policy framework with the intent to achieve higher densities of development, the requirement for the area to evolve with a mix of uses, and an emphasis on urban design.

The secondary plan acknowledges that the transformation of the Centennial Node from its current car-centric character to a more pedestrian focused and transit supportive environment will take time and may continue beyond the planning period of the Plan. Specific to large scale commercial sites, such as Queenston Mall, Policy confirms the necessity for these large sites to transition gradually over the long term to a more mixed use form of development and references "major redevelopment" as the threshold to require the addition of a residential component to the area.

In reviewing the materials, including the implementing TOC4 Zoning and site specific Regulations, the concern that we have noted relates to the interim period of transitional development, essentially the period of time for market conditions to evolve and support the

Attn.: City of Hamilton Planning Committee  
Re: Proposed Centennial Secondary Plan & ZBL

January 12, 2018  
Page 2

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major redevelopment of the lands and implementation of the desired built form and mix of uses.

To address these concerns we wish to put forward further site specific Policies and Zoning Regulations that we believe are appropriate and will facilitate the continued commercial function of the lands during the transitional period. Specific examples include recognizing certain uses as being acceptable to remain and evolve such as the existing motor vehicle service station and uses having drive-through facilities. We are also seeking an increased allowance of the gross floor area and form of development that can proceed in the interim, consistent with the intent of the Vacuum Clause which grants relief from the built form Regulations of the draft By-law.

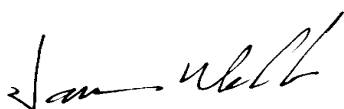
Our specific request of Planning Committee is to provide direction to Planning Staff to prepare the necessary Motion to implement the transitional development framework. We will gladly assist staff in this regard and work expeditiously to ensure these details will be included in the draft OPA and ZBA that is anticipated to be adopted by City Council within the next month.

We will be in attendance at the Planning Committee Meeting scheduled for January 16<sup>th</sup>, 2018, to make a brief presentation on behalf of Effort Trust and outline the details of our request for modifications. Following our submission we will be pleased to assist Committee should there be any questions arising from our submissions.

Thank you for the opportunity to present this submission on behalf of Effort Trust.

Yours truly,

**WEBB Planning Consultants Inc.**



James Webb, MCIP, RPP

cc: The Effort Trust Company  
Turkstra Mazza Associates

<b>AIRD BERLIS</b>
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Patricia A. Foran  
Direct: 416.865.3425  
E-mail: pforan@airdberlis.com

January 15, 2018

Our File No. 136678

BY EMAIL: [Ida.Bedioui@hamilton.ca](mailto:Ida.Bedioui@hamilton.ca)

Planning Committee  
City of Hamilton  
c/o Clerk's Office  
71 Main Street West, 1<sup>st</sup> Floor  
Hamilton, ON L8P 4Y5

Attn: Ida Bedioui, Planning Co-ordinator

Dear Ms. Bedioui:

**Re: Planning Committee Meeting – January 16, 2018**

**Centennial Neighbourhoods Secondary Plan and Centennial  
Neighbourhoods Transportation Management Plan  
Staff Report PED18007**

**Proposed Transit Oriented Corridor Zones in Zoning By-law No. 05-200 –  
LRT Extension and Housekeeping Amendments  
Staff Report PED18012**

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We represent Queenston Road Holdings Inc., owner of the property located at 860 Queenston Road. While our client's lands are located within the Secondary Plan boundary, they are the subject of ongoing appeals relating to private applications to permit high density development, which pre-date the Secondary Plan. The appeals are scheduled for an OMB hearing in March.

While our client's lands and applications are therefore proceeding separately from the City's Secondary Plan and related zoning process, our client nonetheless has commented on drafts of the Secondary Plan from its perspective as a landowner with an interest in the future planning for the area. As such, our client has expressed concern that the overall densities contemplated for lands in the Secondary Plan area are not sufficient to support the significant transit initiatives planned for this important area.

The planning analyses which considered our client's applications recognized the opportunity that our client's lands represent to address the City's goal of encouraging intensification beyond what is currently provided for in the City's Official Plan today. The approval of high density development for the vacant part of their lands represent a strategic opportunity to promote transit-supportive investments in the short term. Given the site's proximity to Eastgate Square, moreover, high density development on our client's lands recognizes and supports the Regional Scale retail opportunities at that site. (We understand that the owner of Eastgate Square is seeking support for continued retail uses on that site and our client's applications are compatible with that objective.)

January 15, 2018

Page 2

Our client is disappointed that the draft Secondary Plan continues to identify many sites, such as our client's, in designations that do not truly represent any meaningful change from the current Official Plan and therefore fail to promote intensification in the Secondary Plan area. Given the substantial analysis that supported our client's applications, they continue to request that this Plan recognize this site for high density development purposes.

In the alternative, and recognizing that our client's applications and appeals pre-date the Secondary Plan, the draft policies propose to recognize the advanced status of the planning for our client's lands through application of a site specific policy 6.7.18.10 that is proposed as follows:

**6.7.18.10 Area Specific Policy – Area J (860 Queenston Road)**

For the lands located at 860 Queenston Road, designated Mixed Use – Medium Density and shown as Area J on Map B.6.7-4 - Centennial Neighbourhoods Secondary Plan – Site Specific Policy Areas, an Ontario Municipal Board appeal is in progress.

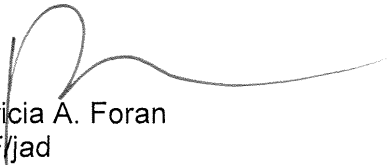
We confirm our understanding that this policy is intended to recognize the decision that will be made by the OMB that will address our client's applications and appeals. In order to make this clear, our client requests that the Staff recommended policy be amended prior to passage of the Secondary Plan as follows:

**6.7.18.10 Area Specific Policy – Area J (860 Queenston Road)**

For the lands located at 860 Queenston Road, designated Mixed Use – Medium Density and shown as Area J on Map B.6.7-4 - Centennial Neighbourhoods Secondary Plan – Site Specific Policy Areas, an Ontario Municipal Board appeal is in progress and, notwithstanding any designation or policies identified elsewhere in the Official Plan, the policies as approved by the Board will continue to apply to the lands.

Yours truly,

AIRD & BERLIS LLP

  
Patricia A. Foran  
PAF/jad

c. Client

31431806.1

AIRD BERLIS



*A. J. Clarke and Associates Ltd.*  
SURVEYORS • PLANNERS • ENGINEERS

January 15<sup>th</sup>, 2018

The City of Hamilton  
Community Planning & Design  
71 Main Street West, 6<sup>th</sup> Floor  
Hamilton, Ontario, L8P 4Y5

Attn: Ms. Melanie Pham, MCIP, RPP  
Planner – Community Planning (Sent via email to [Melanie.Pham@hamilton.ca](mailto:Melanie.Pham@hamilton.ca))

**Re: Comments on the Centennial Neighbourhood Secondary Plan (PED18007) & Proposed Transit Oriented Corridor Zones – LRT Extension (PED18012)**

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Dear Ms. Pham,

I am writing you with regard to the *Centennial Neighbourhood Secondary Plan, and Proposed Transit Oriented Corridor Extension* being brought to Planning Committee on January 16<sup>th</sup>, 2018.

Our client, A. DeSantis Holding Ltd., holds lands within the Plan Area for the proposed Centennial Neighbourhood Secondary Plan. These lands include the properties municipally known as 517 and 523 Queenston Road; both located within Hamilton.

Our office has examined the materials made available to the public on the City's website, and the Staff Reports before Planning Committee. We offer the following comments:

1. The lands at 517 and 523 Queenston Road are proposed to be designated as Medium Density Residential 2 on the Centennial Neighbourhood Secondary Plan – Land Use Plan (Map B.6.7-1). These lands are also proposed to be brought into the City's Transit Oriented Corridor Zoning as a TOC 3 Zone (Transit Oriented Corridor – Residential).
2. Through the proposed designation and zoning mentioned above in item one (1); the subject lands are restricted to a maximum height of 6 storeys, and a maximum residential density of 75 units per hectare.
3. Given the application of both height and density restrictions on the subject lands, the residential density of a future development proposal would be limited and the feasibility of same would be marginal.
4. The subject lands front on Queenston Road, which is the identified route for the City's new Light Rail Transit (LRT) Line. An LRT stop is proposed at the intersection of Queenston Road and Nash Road; within walking distance ( $\pm 450$  metres) of the subject lands.





5. The subject lands are connected via transit to the City's Confederation Go Station, which is estimated for completion in 2019.
6. There is extensive existing high density residential development in the immediate proximity of the subject lands to the south and east.
7. The lands are along the periphery of an existing neighbourhood and have frontage along a Major Arterial.
8. Given the subject lands' location with respect to existing and proposed transit infrastructure and surrounding context; increased residential density and building height on the subject lands is warranted, beyond that proposed through the Centennial Neighbourhood Secondary Plan and Transit Oriented Zoning before Planning Committee.
9. We would request that City Staff consider increased residential density and height for the subject lands, and for the lands municipally known as 505 – 537 Queenston Road, in order to facilitate land assembly and comprehensive development. Even with significant land assembly, the lands designated Medium Density Residential 2 may not be sufficient in size to facilitate appropriate intensification at the densities and height permitted within that designation. For the identified stretch of Queenston Road, consideration should be given to designate the lands High Density Residential 1 for added flexibility, development potential, and most importantly, to maximize the viability and utilization of the future LRT and Confederation Go Station. Subsequent to the lands being redesignated as High Density Residential 1 in the Secondary Plan – the lands could be removed from the TOC Zoning and rezoned in accordance with the comprehensive residential zoning under 05-200 (at the appropriate juncture).
10. The increased height density requested in item nine (9), above, is consistent with the ongoing Municipal and Provincial policy direction, which encourages residential intensification along high order transit corridors in order to support transit viability and encourage ridership.

We would kindly request that City Staff and members of Planning Committee consider the above comments when reviewing the Centennial Neighbourhood Secondary Plan and the Transit Oriented Corridor Zoning (Phase 2). Please do not hesitate to contact us should you have any questions or require further clarification.

Sincerely,

Stephen Fraser, RPP, MCIP  
**A. J. Clarke and Associates Ltd.**

Copy: Mr. Anthony DeSantis Jr. – A. DeSantis Holdings Ltd.

January 12, 2018

Ida Bedioui, Planning Co-ordinator

City Clerks Office, 1<sup>st</sup> Floor, 71 Main Street West

Hamilton, ON L8P 4Y5

Dear Ida Bedioui,

I oppose this Amendment to the rezoning of the property at 165 Queenston Road, Hamilton, ON.

I request a site specific exemption from the change to the Zoning By-Law being proposed.

I would appreciate clarification of the proposed designation, uses for current and long term businesses operating in the area and on this site specifically and assurance of continued use in writing. This proposed change has already affected the business at this site in a negative manner. I attended a meeting October 4, 2016, and expressed my concerns at that time. I purchased this property approximately 5 years ago in order to have assurance that a family business would continue and my zoning verification for use supported it as it has been for many years, Auto Repair, Auto Sales, Auto Rim Sales. The recognized use is a public garage. At the October 2016 meeting, I was given assurance regarding future use, that the present use could continue.

I had been advised by one of the Councillors, immediately following the October 2016 Planning Meeting that a site specific exemption, which I was requesting, should not be a problem. However, a call to me the next morning gave the message from another Councillors office (Councillor Merulla), that he could not support this. I met with Mr. Merulla and Joanne Hickey on October 6, 2016, and they assured me that the legal non-conforming designation would permit the present auto related businesses to continue as they are for as long as the owners or tenants wanted and further that if the tenants moved, I would be able to have new tenants also operating an auto service/repair shop. Also, if the property was sold, the new owner could also operate an auto repair facility. This needs to include parking and access to the building as is with its present use. I asked for assurance in writing of the information I was given at the meeting but to date I have not received this.

Following this I had a conversation with Shannon McKie who told me that my property had been left out of zoning changes.

Now, On December 15, 2017, the Spectator had a Notice of Planning Meeting to change zoning and included my property as it is the first property off Jefferson going East. I request assurance that this change will not impact the status relating to continuous use of business as was confirmed October 2016.

As well as a new proposed zoning change, I have a further concern regarding properties that are vacant, perhaps while recruiting a new tenant and how this zoning change would affect such a situation. Apparently some properties had lower taxes due to vacancies and this By-Law was changed to make new rules around this.

I request a site specific exemption to this proposed Amendment to Hamilton Zoning By-Law 05-200.

Also, clarification around legal non-conforming rules and confirmation of provision for sale of the property for same use and provisions for changes in Tenancy. This site has 4 Tenants and 3 are Auto related businesses and are interdependent. The 4<sup>th</sup> Unit houses offices and storage.

I would appreciate the assurances I was given at the meetings and if there are any new changes to be given in writing and the Notice of Decision to be sent to me.

Respectfully submitted

  
Valerie Righton

Owner of 2358058 Ontario Limited

165 Queenston Road



January 12, 2018

211-17

**Via Delivered & Email**

Ms. Ida Bedioui  
 Planning Committee - Legislative Coordinator

For Circulation to Council Members of Planning Committee

City of Hamilton  
 71 Main Street West  
 Hamilton, ON L8P 4Y5

Dear Ms. Bedioui

**RE: January 16, 2018 Planning Committee – Agenda Item No. 6.6  
 PED18017 - Mountaingate Subdivision – 9255 Airport Road West (Glanbrook)  
 Urban Hamilton Official Plan Amendment Application No. UHOPA-15-03  
 Rural Hamilton Official Plan Amendment Application No. RHOPA-18-002  
 Zoning Bylaw Amendment Application No. ZAC-07-111  
 Draft Plan of Subdivision Application No. 25T-2007-23**

UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions) has been retained to act as the Planner for Branthaven Mount Hope Inc. (Branthaven), who own the lands known municipally as 78 & 80 Marion Street and 3302, 3306 & 3310 Homestead Drive, as well as the lands legally known as PART LOT 5, CONCESSION 5, PARTS 1 AND 2, GLANFORD (PIN 17400-0319 (LT)) in the Mount Hope community of Hamilton. These Branthaven lands abut the Mountaingate lands and are subject to Urban Hamilton Official Plan Amendment Application No. UHOPA-18-01, Zoning Bylaw Amendment Application No. ZAC-18-003 and Draft Plan of Subdivision Application No. 25T-2018-01 wherein 117 lots for detached dwellings are proposed.

To date, the Branthaven and Mountaingate project teams have worked closely with City staff to ensure the necessary coordination between the two proposals was in place. Much of this coordination is related to the stormwater management for both developments. We acknowledge that although conditions 48. ii and 64. have been included to address this, these conditions, as written, do not fully reflect the requirements for Stormwater Management on the Branthaven Lands. In this regard, we note that these two conditions of approval require minor corrections in order to adequately reflect the intended stormwater management design and these two corrections are noted below:



**Condition No. 48ii**

Condition No. 48ii currently reads:

*An adequate storm sewer system on Street B to accommodate 100-year pre-development from EX4 and EX5; and 100-year post-development flows from EX6 and 78 Marion Street.*

Street D, not Street B is the intended and agreed location of the storm water system required to accommodate Branthaven's lands, and the intent is to accommodate all of Branthaven's lands, not just 78 Marion Street.

As such, Branthaven respectfully requests Condition No. 48ii be revised to read:

*An adequate storm sewer system on Street B to accommodate 100-year pre-development from EX4 and EX5; and an adequate storm sewer system on Street D to accommodate 100-year post-development flows from EX6 and 78 & 80 Marion Street and 3302, 3306 & 3310 Homestead Drive and the lands legally known as PART LOT 5, CONCESSION 5, PARTS 1 AND 2, GLANFORD (PIN 17400-0319 (LT)).*

**Condition No. 64**

Condition No. 64 currently states:

*That, prior to servicing, the owner agrees in writing that the lots 350 & 351 on the draft plan shall remain undevelopable until the grading and storm designs demonstrate appropriate minor and major system outlets to accommodate the future developments on the adjacent lands known as 78 Marion Street to the satisfaction of the Senior Director of Growth Management.*

The intent of the condition is to accommodate the future development of all of the Branthaven lands, not just those at 78 Marion Street.

As such, Branthaven respectfully requests Condition No. 64 be revised to read:

*That, prior to servicing, the owner agrees in writing that the lots 350 & 351 on the draft plan shall remain undevelopable until the grading and storm designs demonstrate appropriate minor and major system outlets to accommodate the future developments on the adjacent lands known as 78 & 80 Marion Street and 3302, 3306 & 3310 Homestead Drive and the lands legally known as PART LOT 5, CONCESSION 5, PARTS 1 AND 2, GLANFORD (PIN 17400-0319 (LT)) to the satisfaction of the Senior Director of Growth Management.*

We also note that the storm drainage FSR do not properly reflect future drainage patterns contemplated for our client's land holdings, and the FSR will require minor revisions in the future to correct this.

It is our position that the aforementioned revisions correct the conditions to accurately reflect the intended stormwater management approach between both developments. Accordingly, please revise Condition No. 48ii and 64 as described above. Further, in keeping with the *Planning Act*, please notify the undersigned of any Council decision regarding the subject applications.

I trust the enclosed is in order; however, please feel free to contact me with any questions.

Regards,  
**UrbanSolutions**



Matt Johnston, MCIP, RPP  
*Principal*



Carmela Agro, CPT  
*Planning Technician*

cc: Councilor Brenda Johnson, Ward 11, via email  
Mr. Steve Robichaud, MCIP, RPP, Chief Planner, City of Hamilton, via email  
Ms. Anita Fabac, MCIP, RPP, Manager, Development Planning, Heritage & Design, via email  
Mr. Tony Sergi, P.Eng, Senior Director, Growth Management, City of Hamilton, via email  
Mr. Binu Korah, P.Eng, Manager of Development Approvals, City of Hamilton, via email  
Messrs. Arden Semper and Andrew Eldebs, Branthaven Development Corp., via email  
Mr. Steven Frankovich, P. Eng., Principal, S. Llewellyn & Associates, via email