



City of Hamilton
PLANNING COMMITTEE REVISED

Meeting #: 18-008
Date: May 15, 2018
Time: 9:30 a.m.
Location: Council Chambers, Hamilton City Hall
71 Main Street West

Ida Bedioui, Legislative Coordinator (905) 546-2424 ext. 4605

	Pages
1. APPROVAL OF AGENDA (Added Items, if applicable, will be noted with *)	
2. DECLARATIONS OF INTEREST	
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6. PUBLIC HEARINGS / DELEGATIONS

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7. STAFF PRESENTATIONS**8. DISCUSSION ITEMS**

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9. MOTIONS**10. NOTICES OF MOTION**

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11. GENERAL INFORMATION / OTHER BUSINESS

11.1 Outstanding Business List

11.1.a Items requiring new due dates:

Item “H” – ACPD Report 16-002 – Re: financial incentives for taxi operators to make replacement vehicles accessible.

Due date: May 15, 2018

New due date: June 19, 2018

Item “I” - That staff be directed to present to the Planning Committee an updated digital sign by-law.

Due date: June 5, 2018

New due date: August 14, 2018

Item “M” - Staff to report back on the feasibility of amending the Licensing By-law including comparators across the country, to clearly define adult services in relation to the distinction between strip clubs and other performances, including but not limited to burlesque.

Due date: TBD

New due date: June 19, 2018

Item “O” - That staff monitor the operations of the Personal Transportation Providers (Schedule 24 of the Licensing By-law 17-170) licensing category over the next year to determine if any adjustments are required and report back to Committee.

Due date: May 15, 2018

New due date: June 19, 2018

Item “Q” - That staff report back with legislative options and alternatives to the regulation of driving schools in Hamilton that

seeks to address the practice areas utilized by driving schools and individual driving instructors, and that the information contained in the report include, but not be limited to, legislation adopted by neighbouring municipalities who have adopted driving school rules and regulations.

Due date: May 15, 2018

New due date: June 5, 2018

Item “R” - That Planning staff be directed to report to the Planning Committee about the City’s policies respecting Boulevard Standards and that the report outline the options & alternatives that are available for future designs.

Due date: May 15, 2018

New due date: June 5, 2018

- 11.1.b Item identified as completed to be removed:
Item “F” – Deferral of Item 5 of HMHC Report 15-005 proposing inclusion of 1021 Garner Rd E on register of properties of cultural heritage value or interest to allow consultation with property owner and to correct wording. (Item 8.2 - Hamilton Municipal Heritage Committee Report 18-004 on May 1, 2018 agenda)

12. PRIVATE AND CONFIDENTIAL

- 12.1 Closed Session Minutes of May 1, 2018 meeting. (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.

- 12.2 Update on LPAT Appeals (LPAT File Nos. PL170698, PL170699, PL170700 and PL170743) by Harbour West Neighbours Inc. et al, regarding Temporary Use By-law Nos. 17-082, 17-083, 17-084 and 17-096 (Entertainment on Outdoor Commercial Patios) (LS18018) (City Wide) (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.

13. ADJOURNMENT



PLANNING COMMITTEE

MINUTES 18-007

9:30 a.m.

Tuesday, May 1, 2018

Council Chambers

Hamilton City Hall

71 Main Street West

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

Absent with Regrets: Councillor D. Conley (2nd Vice Chair) illness
Councillor B. Johnson, personal

Also Present: Councillors L. Ferguson, T. Jackson and T. Whitehead

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

1. Adjustments to School Crossing Guard Locations (PED18090) (Wards 2, 4, and 12) (Item 5.1)

(Partridge/Pearson)

- (a) That the revised list of school crossing guard locations resulting from school closures, openings and lunch program changes in Wards 2, 4, and 12 as outlined in Appendix "A" attached to Report PED18090, be approved;
- (b) That staff be authorized and directed to consult with the affected Ward Councillors and to use delegated authority for adding and / or removing school crossing guards prior to City Council approval for any proposed changes by the Hamilton-Wentworth District School Board and the Hamilton-Wentworth Catholic District School Board for the 2018 / 2019 school year.

CARRIED

2. Application for Approval of a Draft Plan of Condominium (Common Element) for Lands Located at 50 John Frederick Drive (Ancaster) (Ward 12) (PED18095) (Item 6.1)

(Collins/Farr)

(a) That Draft Plan of Condominium Application 25CDM-201708, by WEBB Planning Consultants Inc., on behalf of 1541079 Ontario Inc. (Losani Homes Limited), owner, to establish a Draft Plan of Condominium (Common Element) to create a condominium road network, sidewalks, landscaped areas, 12 visitor parking spaces, centralized mailboxes and exclusive use common element areas, on lands located at 50 John Frederick Drive (Ancaster), as shown on Appendix "A" attached to Report PED18095, be APPROVED subject to the following conditions:

- (i) That the approval for Draft Plan of Condominium (Common Element) application 25CDM-201708 applies to the plan prepared by A.T. McLaren Limited, certified by S. D. McLaren, and dated March 12, 2018, consisting of a condominium road network, sidewalks, landscaped areas, 12 visitor parking spaces, centralized mailboxes and exclusive use common element areas, in favour of 21 townhouse dwelling units attached as Appendix "B" to Report PED18095;
- (ii) That the conditions of Draft Plan of Condominium Approval 25CDM-201708, attached as Appendix "C" to Report PED18095, be received and endorsed by City Council;

(b) *That there were no public submissions received regarding this matter.*

Main Motion, as Amended, CARRIED

3. Application to Amend City of Hamilton Zoning By-law No. 05-200 for Lands Located at 240 Butter Road West, Ancaster (Ward 12) (PED18078) (Item 6.2)

(Collins/Partridge)

(a) That Zoning By-law Amendment Application ZAA-18-004, by A.B Ventures Inc. (Owner), for a modification to the Agricultural (A1) Zone and the Conservation / Hazard Land - Rural (P6) Zone in order to prohibit the construction of a single detached dwelling and residential care facility and to recognize the lot size of the lands to be retained as shown on Appendix "A" to Report PED18078, be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix "B" to Report PED18078, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

- (ii) That the amending By-law be added to Schedule “C” of Zoning By-law No. 05-200;
 - (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Greenbelt Plan (2017), and complies with the Rural Hamilton Official Plan (RHOP);
- (b) ***That the public submissions received regarding this matter did not affect the decision.***

Main Motion, as Amended, CARRIED

4. Applications to Amend the Urban Hamilton Official Plan, City of Stoney Creek Zoning By-law No. 3692-92, and City of Hamilton Zoning By-law No. 05-200 for Lands Located at 84, 86, 88, 90, 92, 94, 96 Lakeview Drive (Stoney Creek) (Ward 10) (PED18085) (Item 6.4)

(Pearson/Partridge)

- (a) That Amended Urban Hamilton Official Plan Amendment Application UHOPA-17-009, by DeSantis Rose Joint Venture Inc., Owner, to amend the Urban Hamilton Official Plan to: redesignate the lands from “Arterial Commercial” to “Neighbourhoods” and “Mixed Use – Medium Density”; to add a Site Specific Policy Area for lands designated “Neighbourhoods” to establish a density range of 40 to 100 units per hectare for medium density residential uses; to add ~~a~~ Site Specific Policies for the lands designated “Mixed Use – Medium Density” to prohibit drive-through facilities; ~~and ground related housing forms; to require that permitted residential uses be located within a mixed use building;~~ to permit a residential development consisting of 94 maisonette dwellings and 42 stacked townhouse dwellings for a total of 136 dwelling units on a private road, and a future ***stand-alone residential or*** mixed-use development, for the lands known as 84, 86, 88, 90, 92, 94, 96 Lakeview Drive (Stoney Creek), as shown on Appendix “A” to Report PED18085, be APPROVED on the following basis:
- (i) ***That clauses 1.0 b) and c) be deleted from Section 4.2.1 b) of the draft Official Plan Amendment;***
 - (ii) That the draft Official Plan Amendment, attached to Report PED18085 as Appendix “B”, ***as amended***, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (iii) That the proposed amendment is consistent with the Provincial Policy Statement (2014) and conforms to the Growth Plan for the Greater Golden Horseshoe (2017).

- (b) That Amended Zoning By-law Amendment Application ZAC-17-020, by DeSantis Rose Joint Venture Inc., Owner, for a change in zoning from the Highway Commercial (Holding) “HC(H)” Zone, to the Multiple Residential “RM3-64” Zone, Modified on a portion of the subject lands, and the “Mixed Use Commercial “MUC-10” Zone, Modified, on the remaining portion of the subject lands, in City of Stoney Creek Zoning By-law No. 3692-92, to permit a residential development consisting 94 maisonette dwellings and 42 stacked townhouse dwellings for a total of 136 dwelling units on a private road, and a **future stand-alone residential or** mixed-use development for the lands known as 84, 86, 88, 90, 92, 94, 96 Lakeview Drive (Stoney Creek), as shown on Appendix “C” to Report PED18085, be APPROVED on the following basis:
- ~~(i) That the draft By-law, attached as Appendix “C” to Report PED18085, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;~~
- ~~(ii) That the amending By-law, attached as Appendix “C” to Report PED18085, be added to Map No. 2 of Schedule “A” of By-law No. 3692-92;~~
- (i) **That Apartment Dwellings be added as a permitted use to the modified Mixed Use Commercial “MUC-10” Zone;**
- (ii) **That two separate By-laws be prepared in a form satisfactory to the City Solicitor, to amend the City of Stoney Creek Zoning By-law No. 3692-92; one By-law for a Multiple Residential “RM3-64” Zone, Modified, and one By-law for the Mixed Use Commercial “MUC-10” Zone, Modified; and be enacted by City Council;**
- (iii) **That the amending By-laws be added to Map No. 2 of Schedule “A” of By-law No. 3692-92;**
- ~~(iii)(iv) That the proposed change in zoning complies with the Urban Hamilton Official Plan upon finalization of Urban Hamilton Official Plan Amendment No. ___~~
- (c) That approval be given to add the lands located at 86, 88, 90, 92, and 94 Lakeview Drive and a portion of 84 and 96 Lakeview Drive, Stoney Creek, to Zoning By-law No. 05-200 and zone said lands Mixed Use Medium Density – Pedestrian Focus (C5, 682) Zone in Zoning By-law No. 05-200, subject to the following:
- (i) **That the Mixed Use Medium Density – Pedestrian Focus (C5a, 682) Zone be replaced by the Mixed Use Medium Density (C5, 682) Zone in the Draft By-law;**

- (ii) That the draft By-law, attached as Appendix “D” to Report PED18085, **as amended**, be held in abeyance until such time as the Commercial and Mixed Use Zones are in force and effect; and,
- (iii) That staff be directed to bring forward the draft By-law, attached as Report PED18085, **as amended**, for enactment by City Council, once Zoning By-law No. 17-240, the by-law to establish the Commercial and Mixed Use Zones, is in force and effect.
- (d) That the Bayview Neighbourhood Plan be amended by redesignating the subject lands from “Highway Commercial” to “Medium / High Density Residential” (~~Block 1 of Schedule “A” to the draft By-law attached as Appendix “C” to Report PED18085,~~ and to “General Commercial” (~~Block 2 of Schedule “A” to the draft By-law attached as Appendix “C” to Report PED18085,~~ upon finalization of the Zoning By-law Amendments as shown as Appendix “C”, attached to Report PED18085.
- (e) ***That the public submissions received regarding this matter did not affect the decision.***

Main Motion, as Amended, CARRIED

5. Appeal to the Ontario Municipal Board (OMB) on the City of Hamilton’s Refusal or Neglect to Adopt an Amendment to the City of Hamilton Zoning By-law No. 6593 for Lands Located at 1518, 1530 and 1540 Upper Sherman Avenue, Hamilton (Ward 7) (PED18086) (Item 8.1)

(Skelly/Partridge)

- (a) That Report PED18086 respecting Appeal to the Ontario Municipal Board (OMB) on the City of Hamilton’s Refusal or Neglect to Adopt an Amendment to the City of Hamilton Zoning By-law No. 6593 for Lands Located at 1518, 1530 and 1540 Upper Sherman Avenue, Hamilton be received;
- (b) That the comments from the delegations be received and referred to staff for consideration when they prepare their recommendation report on how to proceed regarding the appeal to the Local Planning Appeals Tribunal.

CARRIED

6. Hamilton Municipal Heritage Committee Report 18-004 (Item 8.2)

(Partridge/Farr)

- (a) **Recommendation to Remove the Property Located at 167 Book Road East, Ancaster from the Register of Properties of Cultural Heritage Value or Interest and Staff’s Work Plan for Designation under Part IV of the Ontario Heritage Act (Ward 12) (PED18083)**

- (1) That the property located at 167 Book Road East, Ancaster, shown on Appendix "A" to Report PED18083, currently included in the City of Hamilton's Register of Properties of Cultural Heritage Value or Interest NOT be designated as a property of cultural value or interest under Part IV of the Ontario Heritage Act;
- (2) That the subject property be removed from staff's designation work plan entitled "Requests to Designate Properties under Part IV of the Ontario Heritage Act: Priorities (as amended by Council on February 28, 2018)", attached as Appendix "E" to Report PED18083;
- (3) That the subject property be removed from the City's Register of Properties of Cultural Heritage Value or Interest as a non-designated property;
- (4) That the Documentation and Salvage Report, to be submitted by the applicant, be circulated to Council, to the Hamilton Municipal Heritage Committee, and to the Hamilton Public Library's Local History & Archives Department for archival purposes; and
- (5) That Planning staff be directed to explore the potential of having an historical interpretive plaque erected on site detailing the history of the Book family.

(b) Recommendation to Designate 111 Kenilworth Access, Hamilton, under Part IV of the Ontario Heritage Act (Ward 4) (PED18088)

- (1) That the designation of 111 Kenilworth Access, Hamilton (Barton and Kenilworth Reservoirs), shown in Appendix "A" to Report PED18088, as a property of cultural heritage value pursuant to the provisions of Part IV of the *Ontario Heritage Act*, be approved;
- (2) That the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes, attached as Appendix "A" to Report 18-004, be approved;
- (3) That the City Clerk be directed to take appropriate action to designate 111 Kenilworth Access, Hamilton (Barton and Kenilworth Reservoirs) under Part IV of the *Ontario Heritage Act*, in accordance with the Notice of Intention to Designate, attached as Appendix "C" to Report PED18088;
- (4) That the Public Works Department be directed to report back to Council on the preparation of a combined heritage conservation plan and management plan in consultation with Development Planning, Heritage and Design, Heritage Resource Management, and Municipal Law Enforcement staff, to guide the short to long

term protection and preferred conservation treatment of the east portion of the property and to explore options for the future use of the property; and

- (5) That Council direct the Tourism and Culture Division of the Planning and Economic Department to include the Barton Reservoir, the Pipeline Trail and the Hamilton Waterworks National Historic Site of Canada in the Cultural Heritage Landscape Assessment Study.

(c) Recommendation to Designate 378 Main Street East, Hamilton under Part IV of the Ontario Heritage Act (Ward 3) (PED18089)

That Report PED18089 respecting a Recommendation to Designate 378 Main Street East, Hamilton under Part IV of the Ontario Heritage Act (Ward 3), be DEFERRED to the May 10, 2018 meeting, to allow for the representative of the property to attend the discussion of the report.

(d) Recommendation to Designate 1021 Garner Road East, Ancaster (Lampman House) Under Part IV of the Ontario Heritage Act (Ward 12) (PED18094)

- (1) That the designation of 1021 Garner Road East, Ancaster, shown in Appendix "A" to Report PED18094, as a property of cultural heritage value pursuant to the provisions of Part IV of the Ontario Heritage Act, be approved;
- (2) That the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes, attached as Appendix "B" to Report 18-004, be approved;
- (3) That the City Clerk be directed to take appropriate action to designate 1021 Garner Road East, Ancaster under Part IV of the Ontario Heritage Act, in accordance with the Notice of Intention to Designate, attached as Appendix "C" to Report PED18094.

CARRIED

7. Appeal of Non-Decision of Proposed Urban Hamilton Official Plan (UHOP) Amendment and Zoning By-Law Amendment for lands located at 1117 Garner Road East, Ancaster (LS17011(a)/PED17066(a)) (Ward 12) (Item 12.1)

(Skelly/Collins)

That Report LS17011(a)/PED17066(a) be approved and remain private and confidential until approved by Council upon which the recommendations will be released.

CARRIED

FOR INFORMATION:

(a) APPROVAL OF THE AGENDA (Item 1)

The Committee Clerk advised of the following changes:

1. ADDED DELEGATION REQUEST

- 4.2 Glen Wellings, Wellings Planning Consultants Inc., respecting Item 8.1 regarding the appeal to the OMB (now LPAT) submitted by Sonoma Homes for 1518, 1530, and 1540 Upper Sherman Avenue. (For today's meeting.)

2. ADDED WRITTEN COMMENTS

- 6.3(a) Steve and Rose Dean, 8404 English Church Road, Mount Hope respecting Item 6.3 Applications for a Rural Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 8475 English Church Road, Glanbrook (Ward 11) (PED18077)

3. CHANGES TO Item 6.4

- Item 6.4 will be considered first under Public Hearings as the Ward Councillor and the agent both have scheduling conflicts;
- The recommendations for Item 6.4 have been revised by staff.

(Farr/Green)

That the agenda for the May 1, 2018 meeting be approved, as amended.

CARRIED

(b) DECLARATIONS OF INTEREST (Item 2)

There were none declared.

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

(i) April 17, 2018 (Item 3.1)

(Pearson/Partridge)

That the Minutes of the April 17, 2018 meeting be approved.

CARRIED

(d) DELEGATION REQUESTS (Item 4)

(Skelly/Green)

- (a) That the following delegation requests be approved to address Committee at today's meeting:
- (i) Scott Gallea, to request deferral of the heritage designation of 1021 Garner Road East, Ancaster (Item 8.2 on this agenda) (Item 4.1);
 - (ii) Glen Wellings, Wellings Planning Consultants Inc., respecting Item 8.1 regarding the appeal to the OMB (now LPAT) submitted by Sonoma Homes for 1518, 1530, and 1540 Upper Sherman Avenue. (Item 4.2.)

CARRIED

(e) DELEGATIONS/PUBLIC HEARING (Item 6)

- (i) Application for Approval of a Draft Plan of Condominium (Common Element) for Lands Located at 50 John Frederick Drive (Ancaster) (Ward 12) (PED18095) (Item 6.1)**

In accordance with the provisions of the *Planning Act*, Chair A. Johnson advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Draft Plan of Condominium (Common Element), the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Local Planning Appeal Tribunal and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

No members of the public came forward.

(Skelly/Collins)

That the public meeting be closed.

CARRIED

James Webb of WEBB Planning Consultants, representing the owner, was in attendance. James Webb advised that the owner is in agreement with the staff report.

(Pasuta/Partridge)

That the staff presentation be waived.

CARRIED

(Collins/Farr)

That the recommendations be amended by adding the following subsection (b) and re-lettering the balance:

(b) That there were no public submissions received regarding this matter.

Amendment CARRIED

For disposition of this matter refer to Item 2.

- (ii) Application to Amend City of Hamilton Zoning By-law No. 05-200 for Lands Located at 240 Butter Road West, Ancaster (Ward 12) (PED18078) (Item 6.2)**

In accordance with the provisions of the *Planning Act*, Chair A. Johnson advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Zoning By-law Amendment, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Local Planning Appeal Tribunal and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

No members of the public came forward.

(Partridge/Collins)

That the public meeting be closed.

CARRIED

Ward Councillor Ferguson was in attendance and indicated that he is in support of the staff report.

(Skelly/Farr)

That the staff presentation be waived.

CARRIED

Matt Johnston of UrbanSolutions Planning and Land Development Consultants Inc. representing the owner, was in attendance. Matt Johnston advised that the owner is in agreement with the staff report.

(Collins/Partridge)

That the recommendations be amended by adding the following subsection (b) and re-lettering the balance:

- (b) *That the public submissions received regarding this matter did not affect the decision.*

Amendment CARRIED

For disposition of this matter refer to Item 3.

- (iii) **Applications for a Rural Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 8475 English Church Road, Glanbrook (Ward 11) (PED18077) (Item 6.3)**

In accordance with the provisions of the *Planning Act*, Chair A. Johnson advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Official Plan and Zoning By-law Amendments, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Local Planning Appeal Tribunal and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

Written Comments

6.3(a) Steve and Rose Dean, 8404 English Church Road, Mount Hope

(Pearson/Partridge)

That the written comments, Item 6.3(a), be received.

CARRIED

No members of the public came forward.

(Pasuta/Skelly)

That the public meeting be closed.

CARRIED

(Partridge/Pearson)

That Report PED18007 respecting Applications for a Rural Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 8475 English Church Road, Glanbrook (Ward 11) be TABLED to a future meeting to allow the Ward Councillor to meet with the applicant.

CARRIED

(Green/Partridge)

That the Statutory Public Meeting be reopened when Report PED18007 respecting Applications for a Rural Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 8475 English Church Road, Glanbrook (Ward 11) is included on a future Planning Committee agenda.

CARRIED

- (iv) **Applications to Amend the Urban Hamilton Official Plan, City of Stoney Creek Zoning By-law No. 3692-92, and City of Hamilton Zoning By-law No. 05-200 for Lands Located at 84, 86, 88, 90, 92, 94, 96 Lakeview Drive (Stoney Creek) (Ward 10) (PED18085) (Item 6.4)**

In accordance with the provisions of the *Planning Act*, Chair A. Johnson advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Official Plan and Zoning By-law Amendments, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Local Planning Appeal Tribunal and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

Written Comments

6.4(a) Eudora Leblanc, 97 Lakeview Drive, Stoney Creek

(Skelly/Green)

That the written comments, Item 6.4(a), be received.

CARRIED

Alana Fulford, Planner, addressed Committee with the aid of a PowerPoint presentation and provided an overview of the report. A copy is available for viewing on the City's website.

(Pearson/Partridge)

That the staff presentation be received.

CARRIED

John Ariens of IBI Group, addressed Committee with the aid of a PowerPoint presentation and requested amendments to the staff recommendations. A copy of the presentation is available for viewing on the City's website.

(Pearson/Skelly)

That the agent's presentation be received.

CARRIED

Speakers

- Rodney Wortley, 9 Thomas Court, Stoney Creek**

Rodney Wood addressed Committee and expressed various concerns with the proposal.

2. Al Cordery, 91 Lakeview Drive, Stoney Creek

Al Cordery addressed Committee and indicated his concerns with the proposal.

(Pearson/Partridge)

That the delegations be received.

CARRIED

(Pearson/Skelly)

That the public meeting be closed.

CARRIED

(Pearson/Partridge)

That the recommendations be amended to add stand-alone residential uses to the Phase Two lands of the applications to permit a future stand-alone residential or mixed use development for the lands known as 86, 88, 90, 92, 94, and a portion of 96 Lakeview Drive (Phase Two lands).

Amendment **CARRIED**

(Pearson/Partridge)

That Planning Department staff be directed to:

- (i) Remove Clause 1.0c) from Section 4.2.1 Chapter C – Urban Site Specific Policies “USCC-XX”;*
- (ii) Prepare two separate By-laws in a form satisfactory to the City Solicitor, to amend the City of Stoney Creek Zoning By-law No. 3692-92; one By-law for a Multiple Residential “RM3-64” Zone, Modified, and one By-law for the Mixed Use Commercial “MUC-10” Zone, Modified; and be enacted by City Council;*
- (iii) Add the permitted use of Apartment Dwelling to the Special Exemption for the Mixed Use Commercial “MUC-10” Zone.*

Amendment CARRIED

(Pearson/Partridge)

That the following subsection (e) be added to the recommendations:

- (e) That the public submissions received regarding this matter did not affect the decision.*

Amendment CARRIED

For disposition of this matter refer to Item 4.

(f) DISCUSSION ITEMS (Item 8)

- (i) Appeal to the Ontario Municipal Board (OMB) on the City of Hamilton's Refusal or Neglect to Adopt an Amendment to the City of Hamilton Zoning By-law No. 6593 for Lands Located at 1518, 1530 and 1540 Upper Sherman Avenue, Hamilton (Ward 7) (PED18086) (Item 8.1)**

Jennifer Roth, Planner, addressed Committee with the aid of a PowerPoint presentation and provided an overview of the report. A copy is available for viewing on the City's website.

Delegations**1. Joe Pyziak, 177 Acadia Drive, Hamilton**

Joe Pyziak addressed Committee and expressed concerns with the proposed development. A copy of his prepared statement has been submitted and a copy is available for viewing on the City's website.

(Skelly/Partridge)

That the five minute time limit be extended for this delegation.

CARRIED

2. Paul Busnello, 126 Cartier Crescent, Hamilton

Paul Busnello addressed Committee and read from a prepared statement and expressed concerns with the proposed development.

3. Helen McKenzie, 91 Carter Crescent, Hamilton

Helen McKenzie addressed Committee with the aid of a PowerPoint presentation and expressed her concerns with the proposal. A copy of her presentation is available for viewing on the City's website.

4. Patricia A. Kay, 39 Halo Street, Hamilton

Patricia Kay was unable to attend.

5. Doug Lockhart, 108 Chamomile Drive, Hamilton

Doug Lockhart addressed Committee with the aid of a PowerPoint presentation. A copy is available for viewing on the City's website. He spoke against the proposal.

6. Bob Huget, 225 Acadia Drive, Hamilton

Bob Huget addressed Committee and expressed concerns with the proposal and especially the lack of public consultation.

7. Kim Zanello, 15 Ridgemount Drive, Hamilton

Kim Zanello addressed Committee and expressed opposition to the proposed by-law amendments. A copy of her written submission is available for viewing on the City's website.

8. Glen Wellings, Wellings Planning Consultants

Glen Wellings addressed Committee and indicated that he is a planning consultant for Sonoma Homes and that they have listened carefully to the delegations and to the submitted written comments. He explained that the appeal was submitted because of the uncertainty due to the transition of the appeal process from the Ontario Municipal Board (OMB) to the Local Planning Appeals Tribunal (LPAT) and the purpose was not to shut down the public consultation.

(Skelly/Partridge)

That the delegations be received and be referred to staff for consideration when preparing their recommendation report regarding this matter.

CARRIED

For further disposition of this matter refer to Item 5.

(ii) Hamilton Municipal Heritage Committee Report 18-004 (Item 8.2)

Jeremy Parsons, Planner, addressed Committee with the aid of a PowerPoint presentation and provided an overview of the proposal to designate 1021 Garner Road East, Ancaster under the Ontario Heritage Act. A copy of his presentation is available for viewing on the City's website.

Ward Councillor Ferguson was in attendance for this Item.

(Pasuta/Partridge)

That the staff presentation be received.

CARRIED

Delegation

1. Scott Gallea, 1021 Garner Road, Ancaster

Scott Gallea addressed Committee and requested that the designation of 1021 Garner Road under the Ontario Heritage Act be deferred to allow him time to investigate the process required for his plans to move his house forward and sell a portion of the back yard for development in order to raise the money he requires to preserve the house.

(Farr/Partridge)

That the delegation be received.

CARRIED

(Farr/Green)

That Scott Gallea be permitted to address Committee a second time.

CARRIED

Scott Gallea assured Committee that he does not intend to demolish his house or his garage.

For disposition of this matter refer to Item 6.

(g) GENERAL INFORMATION/OTHER BUSINESS (Item 11)

Committee did not consider the following Item and it will therefore be included on the next agenda:

(i) OUTSTANDING BUSINESS LIST

(a) That the following Item be identified as completed and be removed:

Item "F" – Deferral of Item 5 of HMHC Report 15-005 proposing inclusion of 1021 Garner Rd E on register of properties of cultural heritage value or interest to allow consultation with property owner and to correct wording. (Item 8.2 on this agenda.)

(h) PRIVATE AND CONFIDENTIAL

- (i) Appeal of Non-Decision of Proposed Urban Hamilton Official Plan (UHOP) Amendment and Zoning By-Law Amendment for lands located at 1117 Garner Road East, Ancaster (LS17011(a)/PED17066(a)) (Ward 12) (Distributed under separate cover.) (Item 12.1)**

(Collins/Farr)

That Committee move into Closed Session at 1:58 p.m. to discuss Item 12.1 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.

CARRIED

Committee reconvened in Open Session at 2:27 p.m.

For disposition of this matter refer to Item 7.

(i) ADJOURNMENT (Item 14)

(Partridge/Green)

That, there being no further business, the Planning Committee be adjourned at 2:30 p.m.

CARRIED

Respectfully submitted,

Councillor A. Johnson
Chair, Planning Committee

Ida Bedioui
Legislative Co-ordinator
Office of the City Clerk

Form: Request to Speak to Committee of Council

Submitted on Thursday, May 10, 2018 - 12:59 pm

==Committee Requested==

Committee: Planning Committee

==Requestor Information==

Name of Individual: Suzanne Mammel

Name of Organization: Hamilton-Halton Home Builders'

Association Contact Number: 905-575-3344

Email Address: smammel@hhhba.ca

Mailing Address:

1112 Rymal Road East

Hamilton ON L8W 3N7

Canada

Reason(s) for delegation request: Speak to Planning Committee, and City staff regarding the Parkland Dedication By-law Review -- Large Scale Intensification, Multi-storey Residential Developments (City-Wide) discussion item on May 15th, 2018. The purpose of our delegation is to speak on the position of the HHHBA and their members with regards to this document.

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? No



INFORMATION REPORT

TO:	Chair and Members Planning Committee
DATE:	May 15, 2018
SUBJECT/REPORT NO:	Review of Problems Associated with Increased Visitors to Waterfalls (PED18011(a)) (Wards 6, 9, 13, 14 and 15)
WARD(S) AFFECTED:	(Wards 6, 9, 13,14 and 15)
PREPARED BY:	Marty Hazell (905) 546-2424 Ext. 4588
SUBMITTED BY:	Marty Hazell Director, Strategic Initiatives Planning and Economic Development Department
SIGNATURE:	

Council Direction:

On April 12, 2017, City Council approved General Issues Committee Report 17-008, resulting in approval of the following:

“WHEREAS, Hamilton has been promoted as “*The Waterfall Capital of the World*” and annual visitors to Webster and Tew Falls and the Dundas Peak continue to increase (84K in 2016, not including annual pass holders or unpaid visitors);

WHEREAS, the increased visitors to Webster and Tew Falls and the Dundas Peak are wreaking havoc on Greensville and Dundas neighbourhoods with serious negative impacts including, but not limited to:

- traffic and parking issues for local residents such as gridlock on local streets, visitors blocking roadways and blocking resident’s driveways;
- nuisance issues such as littering and picnicking on resident’s lawns;
- emergency vehicle access impacts for residents

WHEREAS, measures to combat overcrowding such as the installation of “*No Parking*” signs, extra staff and proactive by-law enforcement on weekends, and the implementation of fees for visitors to Webster and Tew Falls and the Dundas Peak have had no deterrent effect whatsoever;

WHEREAS, increased visitors to Webster and Tew Falls and the Dundas Peak are also having negative effects on the environment including damage from littering and trampled ecosystems, as well as safety issues for people on the narrow trails; and

SUBJECT: Review of Problems Associated with Increased Visitors to Waterfalls (PED18011(a)) (Wards 6, 9, 13,14 and 15) - Page 2 of 3

WHEREAS, regular rescue calls for “*risk takers*” at Webster and Tew Falls and the Dundas Peak is a concern for emergency service providers (i.e. fire, police and paramedics).

THEREFORE BE IT RESOLVED:

- (a) That City staff be directed to form a multi-disciplinary working group to conduct a comprehensive, multi-faceted investigation of public safety and the negative impacts to the Greensville and Dundas neighbourhoods associated with the increase in visitors to Webster and Tew Falls and the Dundas Peak;
- (b) That the Hamilton Conservation Authority, the Hamilton Police Service, EMS, Traffic, Parking, By-law Services, and CN Railway and any other required staff / agency be requested to participate in the review;
- (c) That staff be directed to report back to the three area Councillors and the General Issues Committee, no later than September 2017, with potential solutions to the problems associated with the increase in visitors to Webster and Tew Falls.”

Information:

As directed, a multi-disciplinary working group was formed, consisting of representatives from Planning and Economic Development (General Manager’s Office, Tourism and Culture, Licensing and By-Law Services), Public Works, Legal Services, the Hamilton Conservation Authority (HCA), CN Railway, and the Hamilton Police Service. Staff reported to the Planning Committee on January 16, 2018, through Information Report PED18011, respecting the work and issues addressed by the group in 2017.

Further, various representatives from the multi-disciplinary working group, including City staff, have also been attending other meetings with some Ward Councillors to address similar issues and implement strategies to ensure public safety at Mount Albion and other waterfalls throughout the city.

The HCA and City staff agree that the working group provided an effective mechanism to address on-going issues and concerns associated with increased visitors to Webster and Tew Falls and the Dundas Peak. Therefore, staff intend to reconstitute the working group to meet, as necessary, during the spring, summer and fall annually.

As noted in Report PED18011, the most significant and impactful change was the HCA initiative to pilot a weekend shuttle bus operation, which ran from May 13, 2017 until October 29, 2017, transporting people from Misener’s on Highway 5 to the Spencer Gorge Conservation Area, to Webster and Tew Falls and the Dundas Peak. Attached

**SUBJECT: Review of Problems Associated with Increased Visitors to Waterfalls
(PED18011(a)) (Wards 6, 9, 13,14 and 15) - Page 3 of 3**

hereto, as Appendix “A” to this report, is a copy of the HCA Chief Administrative Officer’s report to the HCA Board respecting the 2018 Shuttle Bus Service – Spencer Gorge Conservation Area.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” – HCA Report, dated February 8, 2018, “2018 Shuttle Bus Service – Spencer Gorge Conservation Area”

MH:lem



Report

TO: Conservation Advisory Board

FROM: Lisa Burnside, Chief Administrative Officer (CAO)

PREPARED BY: Gord Costie, Director of Conservation Area Services

DATE: February 8, 2018

RE: 2018 Shuttle Bus Service - Spencer Gorge Conservation Area

STAFF RECOMMENDATION

THAT the Conservation Advisory Board recommends to the Board of Directors:

THAT the shuttle bus service for the Spencer Gorge Conservation Area be continued in 2018; and

THAT the shuttle bus service operate on weekends and public holidays beginning Saturday May 12 and running until Sunday October 28, 2018 weather pending; and further

THAT the shuttle bus service base be relocated to Christie Lake Conservation Area.

BACKGROUND

The 63.1 hectare (156 acre) Spencer Gorge/Webster Falls Conservation Area was largely acquired by the Hamilton Conservation Authority (HCA) in the 1960's and in 2000, the lands associated with Webster Park, were acquired by the HCA from the Town of Dundas. With this acquisition, the Spencer Gorge Conservation Area was realized.

The Spencer Gorge Conservation Area has traditionally been a very popular conservation area for hiking, nature interpretation and picnics given its proximity to the greater Hamilton/Burlington area and other nearby communities. Over the past number

of years, attendance has increased at the conservation area with people from the greater Toronto Area, Kitchener/Waterloo and the Niagara Region areas visiting the conservation area to view the falls, experience the views from the Dundas Peak and experience the natural beauty of the Spencer Gorge. The estimated attendance in both 2015 and 2016 was in excess of 100,000 and these two years enjoyed spectacular weather. In 2017 attendance was estimated at 95,000 visitors based on paid attendance, wrist bands, pay display parking, and HCA membership sales. It is anticipated that the popularity of this iconic area and high visitation as demonstrated from past years will continue with the growing population in the greater Toronto and Hamilton Area and promotion through social media with visitors posting selfies and photos showcasing the natural beauty of the waterfalls and escarpment vistas.

In February 2016, the Board of Directors approved a pilot Shuttle Bus Service as a direct response to decrease street parking, reduce traffic congestion and improve safety. The shuttle would operate from a private parking lot east of the conservation area with a local Greensville organization (Think Greensville) as the shuttle operator. The pilot operation began in 2017 once assurances were in place for scheduled municipal bylaw enforcement on weekends/holidays within the community.

The Shuttle Bus Service operated from May 13 to October 29, 2017, on weekends and public holidays removing over 16,000 vehicles from the area roads and safely transporting close to 48,000 visitors to the Spencer Gorge Conservation Area attractions – Webster Falls, Tew Falls, and the Dundas Peak.

STAFF COMMENT

Through the operation and completion of this year's pilot shuttle bus operations, staff have had an opportunity to experience all aspects of the service and evaluate what worked appropriately as well as gain perspectives on components that needed to be revisited.

Despite some initial community concern, the shuttle bus service proved to be the most significant and effective operational change in the past five years. HCA and City of Hamilton representatives worked tirelessly in support of this initiative involving Bylaw Enforcement, Hamilton Police Service, and Hamilton Emergency Service, communicating constantly including updating during regular scheduled meetings. The visual and physical improvement to the community as a whole, was the overwhelming sentiment noted. HCA received positive feedback from residents thanking them for returning the area back to a more peaceful and livable place on weekends with shuttle operations and HCA parking lots closed.

One significant aspect of the shuttle service identified as needing refinement involves its base location. With the success of the pilot shuttle operations demonstrating that visitors will park offsite and shuttle to the area and thereby, decrease street parking, reduce traffic congestion and improve safety, it was important that the shuttle be based in an optimal location.

2017 Pilot Private Parking Lot – Key Issues

- Wayfinding to private parking lot
- No turning lanes both east and west bound on Hwy 5
- Site lines identifying parking areas
- Short single lane entry to gatehouse
- Shared parking area with private operator customers
- Small parking lot with no overflow or expansion area
- Lack of washrooms and picnic areas
- Neighbourhood disruption to Mazza Road residents
- Bylaw zoning noncompliance

2018 Christie Lake – Key Attributes

- Superior wayfinding with Christie Lake recognition and current signage
- Turning lanes both east and west bound on Hwy 5
- Dual entry lane of 250 meters to gatehouse
- Dual gatehouse entry terminals
- Dual POS systems, electronic and encrypted transactions
- Largest parking areas – designed gravel and overflow area
- Conservation Area experience with picnic areas, washrooms, waterfront, rentals

Day use admission rates at major HCA Conservation Areas have been harmonized as per the approved 2018 Fee Schedule by the Board of Directors at the December 2017 meeting. The 2018 day entrance to Christie Lake is now equal to fees used at Spencer Gorge for the past two seasons. This harmonized fee strategy in 2018 will allow for uniform transactions at the gate entry while promoting combined visitation to both areas.

Impact on Christie Lake – Special Events

Shuttle Bus operations will potentially impact conservation area operations during peak season use and/or with Special Events such as the Christie Antique and Vintage Show and third party bookings. In response, staff are reviewing a number of options in order to minimize service disruptions to both the shuttle operation and these events as much as possible. One option includes having a dedicated Shuttle Bus exit/entry system to mitigate traffic issues using the Middletown Road gateway when required. A communication plan will also be key to advise visitors that Christie Lake will be extremely busy during peak event times.

Impact of City of Hamilton Bylaw Enforcement

A successful shuttle operation will require ongoing Bylaw Enforcement of No Parking/Stopping within the Greenville vicinity to deter all unauthorized parking. Continued Bylaw Enforcement to shut down unauthorized "pop up" parking lots is also noted as critical to keeping traffic out and away from the hamlet area and eliminate the undue flow of vehicles those lots create.

STRATEGIC PLAN LINKAGE

The initiative refers directly to the HCA Strategic Plan 2014-2018:

- **Strategic Goal #3 – Conservation Area Experience**
 - Strategic Objective – maintain and enhance the financial sustainability of our conservation areas
 - Strategic Objective – develop and explore new revenue generating opportunities.
 - Strategic Objective - Maintain and enhance conservation area infrastructure and natural heritage features within the context of approved master plans.
 - Strategic Objective - Focus marketing activities to attract visitors to conservation areas.

AGENCY COMMENTS

City of Hamilton staff have been formally advised of the HCA proposal to use Christie Lake Conservation Area as the 2018 Shuttle Bus base and have confirmed zoning bylaw compliance.

LEGAL/FINANCIAL IMPLICATIONS

With the confirmation that there is no zoning issue with this location, there is no legal barrier to moving forward with the recommendations as stated.

From a financial perspective, operating a shuttle system out of Christie Lake compared to utilizing the parking lots at Webster and Tew comes with a cost exceeding \$100,000. However, given that the visitor demand has exceeded the capacity of those lots a shuttle operation is needed and the current recommendation is the most cost effective.

CONCLUSION

Without the actual experience of running a shuttle operation, HCA did not want to risk upsetting regular operations at our largest day use park and hence excluded Christie Lake Conservation Area as a possible site for shuttle parking.

Now that staff have the understanding of how it can work and what stressors there will be on the location, staff are prepared to recommend Christie Lake as the shuttle base for 2018. Christie Lake is an ideal conservation area setting as the start and finish point for visitors. The access from the highway, with its existing turning lanes, provide a safer entry and exit. This area has the largest and most expansive parking opportunities in the HCA Conservation Areas that can accommodate and have been designed for large scale use.



INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	May 15, 2018
SUBJECT/REPORT NO:	Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (City Wide) (PED18098)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Joe Gravina (905) 546-2424 Ext. 1284
SUBMITTED BY:	Steve Robichaud Director of Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

Council Direction:

At the June 16, 2015, Planning Committee, staff were “directed to report back to the Planning Committee with a reporting tool that seeks to monitor applications where the 120 or the 180 day statutory timeframe applies”.

This report provides a status of all active Zoning By-law Amendment, Official Plan Amendment and Plan of Subdivision applications relative to the statutory timeframe provisions of the *Planning Act* for non-decision appeals.

Background:

On April 19, 2016, Information Report (PED16096) was forwarded to the Planning Committee, which provided a status of all active Zoning By-law Amendment, Official Plan Amendment and Plan of Subdivision applications relative to the 120 or the 180 statutory timeframe provisions of the *Planning Act* for non-decision appeals and outlined a process for future reporting to the Planning Committee. The report included a table outlining the active applications, sorted by Ward, from oldest application to newest. In addition, the report summarized OMB appeals over the previous five years.

Commencing February 28, 2017, similar Information Reports were forwarded to the Planning Committee on a monthly basis in accordance with the process outlined in Information Report (PED16096). An analysis of the information was also included in the year-end report of December 5, 2017 (PED17208), which included tables that

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SUBJECT: Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (City Wide) (PED18098) - Page 2 of 4

summarized the number of active projects by application type and the number of public meetings by application type.

Policy Implications and Legislative Requirements

Land use planning is guided by the *Planning Act* which sets out how land use decisions are made and when they can be appealed. The *Planning Act* provides for the situations in which an applicant may file an appeal for an Official Plan Amendment, Zoning By-law Amendment or Plan of Subdivision for lack of a decision by Council (otherwise known as a “non-decision appeal”).

With the enactment of Bill 73, *Smart Growth for Our Communities Act, 2015*, changes were made to the *Planning Act*, which allowed municipalities to increase the statutory timeframe for non-decision appeals for Official Plan Amendments by 90 days from 180 to 270 days.

Further, with the enactment of Bill 139, *Building Better Communities and Conserving Watersheds Act, 2017*, changes were again made to the *Planning Act* to amend the timeframes set out for a non-decision appeals for Official Plan Amendment or Zoning By-law Amendment applications.

For Official Plan Amendments, subsection 17(40) of the *Planning Act* states that:

“If the approval authority fails to give notice of a decision in respect of all or part of a plan within 210 days after the day the plan is received by the approval authority, or within the longer period determined under subsection (40.1), any person or public body may appeal to the Local Planning Appeals Tribunal with respect to all or any part of the plan in respect of which no notice of a decision was given by filing a notice of appeal with the approval authority, subject to subsection (41.1).”

In accordance with subsection 17(40.1) of the *Planning Act*, the City of Hamilton extends the approval period of Official Plan Amendment applications from 180 days to 270 days for applications received after July 1, 2016 as prescribed in Bill 73 and from 210 to 300 days for applications received after December 12, 2017 as prescribed in Bill 139. It should be noted that applicants can terminate the 90-day extension period if written notice to the municipality is received prior to the expiration of the 180 day or 210 day statutory timeframes.

For Zoning By-law Amendments, subsection 34(11) of the *Planning Act* states that:

“Where an application to the council for an amendment to a by-law passed under this section or a predecessor of this section is refused or the council fails to make

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SUBJECT: Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (City Wide) (PED18098) - Page 3 of 4

a decision on it within 150 days after the receipt by the clerk of the application, any of the following may appeal to the Tribunal by filing with the clerk of the municipality a notice of appeal, accompanied by the fee charged under the Local Planning Appeal Tribunal Act, 2017:

1. The applicant.”

In addition, Zoning By-law Amendment applications that are submitted together with a required Official Plan Amendment application are also subject to the statutory timeframe of 210 days.

For Plans of Subdivision, subsection 51(34) of the *Planning Act* states that:

“If an application is made for approval of a plan of subdivision and the approval authority fails to make a decision under subsection (31) on it within 180 days after the day the application is received by the approval authority, the applicant may appeal to the Tribunal with respect to the proposed subdivision by filing a notice with the approval authority, accompanied by the fee charged under the *Local Planning Appeal Tribunal Act*.”

Information:

Staff were directed to report back to Planning Committee with a reporting tool that seeks to monitor applications where the applicable statutory timeframes apply. This reporting tool would be used to track the status of all active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications.

For the purposes of this report, the status of all active Zoning By-law Amendment, Official Plan Amendment and Plan of Subdivision applications have been divided, relative to the statutory timeframe provisions of the *Planning Act*, prior to December 12, 2017 and after December 12, 2017.

Applications Deemed Complete Prior to Royal Assent (December 12, 2017)

Attached as Appendix “A” to Report PED18098 is a table outlining the active applications received prior to December 12, 2107 sorted by Ward, from oldest application to newest. As of April 4, 2018 there were:

- 30 active Official Plan Amendment Applications (including 24 applications submitted after July 1, 2016);
- 59 active Zoning By-law Amendment Applications; and,

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- 13 active Plan of Subdivision Applications.

Within 60 to 90 days of May 15, 2018, all 59 development proposals have passed the 120 or 180 day statutory timeframe. However, for those twenty-four (24) Official Plan Amendment Applications received after July 1, 2016, a non-decision appeal cannot be made until 270 days have lapsed (these applications are marked with an asterisk on Appendix "A" to Report PED18098).

Applications Deemed Complete After Royal Assent (December 12, 2017)

Attached as Appendix "B" to Report PED18098 is a table outlining the active applications received after December 12, 2017 sorted by Ward, from oldest application to newest. As of April 4, 2018 there were:

- Eight active Official Plan Amendment Applications, all of which were submitted after December 12, 2017, and therefore subject to the 90 extension to the statutory timeframe from 210 days to 300 days;
- 18 active Zoning By-law Amendment Applications; and,
- Two active Plan of Subdivision Applications.

Within 60 to 90 days of May 15, 2018, 16 applications will be approaching the 150 or the 300 day statutory timeframe and will be eligible for appeal. Two applications have passed the 150 or 300 day statutory timeframe.

Combined to reflect property addresses, this results in 77 active development proposals. Sixteen proposals are 2018 files, while 42 proposals are 2017 files and 19 proposals are pre-2017 files.

Staff are currently working with the AMANDA Implementation Team to add enhancements that will allow for the creation of more detailed reporting. As a result, future tables will include a qualitative analysis of the status of active applications. It is anticipated that these enhancements will be available in Q2 of 2018.

Appendices and Schedules Attached:

- Appendix "A": List of Active Development Applications (Prior to December 12, 2017)
- Appendix "B": List of Active Development Applications (After December 12, 2017)

JG:mo

**Active Development Applications
Deemed Complete Prior to December 12, 2017
(Effective April 4, 2018)**

File	Address	Ward	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	120 day cut off (Zoning Application)	180 day cut off (OPA and/or Subdivision Application)	Applicant/ Agent	Days since Received and/or Deemed Complete as of May 15, 2018
UHOPA-16-11 ZAC-16-029	925 Main St. W. & 150 Longwood Rd. S., Hamilton	1	19-Apr-16	n/a	28-Apr-16	17-Aug-16	16-Oct-16	Urban Solutions Planning & Land Development	756
UHOPA-17-18* ZAC-17-036	644 Main St. W., Hamilton	1	31-Mar-17	n/a	28-Apr-17	29-Jul-17	27-Sep-17*	Urban Solutions Planning & Land Development	410
ZAC-17-008	117 Forest Ave. & 175 Catharine St. S., Hamilton	2	23-Dec-16	n/a	05-Jan-17	22-Apr-17	n/a	Urban Solutions Planning & Land Development	508
ZAC-17-046	206-208 King St. W., Hamilton	2	15-May-17	n/a	19-May-17	12-Sep-17	n/a	A.J. Clarke & Associates Ltd.	365
UHOPA-17-23* ZAC-17-053	71 Rebecca St, Hamilton	2	15-Jun-17	n/a	14-Jul-17	13-Oct-17	12-Dec-17*	Wellings Planning Consultants Inc.	334

**Active Development Applications
Deemed Complete Prior to December 12, 2017
(Effective April 4, 2018)**

File	Address	Ward	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	120 day cut off (Zoning Application)	180 day cut off (OPA and/or Subdivision Application)	Applicant/ Agent	Days since Received and/or Deemed Complete as of May 15, 2018
ZAC-17-074	154 Main St. E., Hamilton	2	11-Oct-17	n/a	06-Nov-17	08-Feb-18	n/a	Urban Solutions Planning & Land Development	216
UHOPA-17-33* ZAC-17-073	125 -129 Robert St., Hamilton	2	06-Oct-17	30-Oct-17	14-Nov-17	03-Feb-18	04-Apr-18*	IBI Group	182
OPA-13-01 ZAC-13-007	100 Cumberland Ave., Hamilton	3	12-Apr-13	n/a	03-May-13	10-Aug-13	09-Oct-13	MHBC Planning Limited	1859
ZAC-17-024	119-123 Princess St., Hamilton	3	08-Feb-17	n/a	27-Mar-17	08-Jun-17	n/a	Metropolitan Consulting Inc.	461
UHOPA-17-17* ZAR-17-034	157 Gibson Ave., Hamilton	3	23-Mar-17	n/a	05-May-17	21-Jul-17	19-Sep-17*	A.J. Clarke & Associates Ltd.	418
ZAR-16-046	121 Vansitmart Ave., Hamilton	4	19-Jul-16	n/a	29-Jul-16	16-Nov-16	n/a	Urban Solutions Planning and Land Development	665

**Active Development Applications
Deemed Complete Prior to December 12, 2017
(Effective April 4, 2018)**

File	Address	Ward	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	120 day cut off (Zoning Application)	180 day cut off (OPA and/or Subdivision Application)	Applicant/ Agent	Days since Received and/or Deemed Complete as of May 15, 2018
ZAC-16-035	865-867 Beach Blvd., Hamilton	5	28-Jun-16	n/a	04-Aug-16	02-Dec-16	n/a	MHBC Planning Limited	686
ZAC-17-057	1221 Limeridge Rd. E., Hamilton	6	07-Jul-17	17-Jul-17	24-Oct-17	04-Nov-17	n/a	IBI Group	203
UHOPA-15-16 ZAC-11-070	1375 Upper James St., Hamilton	7	16-Mar-15	n/a	26-May-15	14-Jul-15	12-Sep-15	WEBB Planning Consultants Inc.	1156
UHOPA-17-31* ZAC-17-071	1625 -1655 Upper James St., Hamilton	7	27-Sep-17	n/a	02-Oct-17	25-Jan-18	26-Mar-18*	MB1 Development Consulting Inc.	230
ZAC-17-089	1351 Upper James St., Hamilton	7	28-Nov-17	n/a	05-Dec-17	28-Mar-18	n/a	Patrick Slattery	168
ZAC-16-075	393 Rymal Rd. W., Hamilton	8	15-Nov-16	n/a	01-Dec-16	15-Mar-17	n/a	GSP Group	546

**Active Development Applications
Deemed Complete Prior to December 12, 2017
(Effective April 4, 2018)**

File	Address	Ward	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	120 day cut off (Zoning Application)	180 day cut off (OPA and/or Subdivision Application)	Applicant/ Agent	Days since Received and/or Deemed Complete as of May 15, 2018
ZAC-17-030	567 Scenic Dr., Hamilton	8	10-Mar-17	n/a	28-Mar-17	08-Jul-17	n/a	A.J. Clarke & Associates Ltd.	431
ZAC-17-061	500 Upper Wellington Street	8	19-Jul-17	n/a	25-Jul-17	16-Nov-17	n/a	A.J. Clarke & Associates Ltd.	300
ZAR-17-075	517 Stone Church Rd. W., Hamilton	8	19-Oct-17	n/a	10-Nov-17	16-Feb-18	n/a	WEBB Planning Consultants Inc.	208
UHOPA-16-13 ZAC-16-033	15 Picardy Dr., Stoney Creek	9	13-May-16	n/a	27-May-16	10-Sep-16	09-Nov-16	IBI Group	732
UHOPA-16-26* ZAC-16-065 25T-201611	478 & 490 First Rd. W., Stoney Creek	9	12-Oct-16	n/a	02-Nov-16	09-Feb-17	10-Apr-17*	T. Johns Consultants Inc.	580
UHOPA-16-27* ZAC-16-066 25T-201612	464 First Rd. W., Stoney Creek,	9	12-Oct-16	n/a	02-Nov-16	09-Feb-17	10-Apr-17*	T. Johns Consultants Inc.	580

**Active Development Applications
Deemed Complete Prior to December 12, 2017
(Effective April 4, 2018)**

File	Address	Ward	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	120 day cut off (Zoning Application)	180 day cut off (OPA and/or Subdivision Application)	Applicant/ Agent	Days since Received and/or Deemed Complete as of May 15, 2018
UHOPA-16-25* ZAC-16-064 25T-201609	1809, 1817, & 1821 Rymal Rd. E., Stoney Creek	9	07-Oct-16	n/a	23-Nov-16	04-Feb-17	05-Apr-17*	WEBB Planning Consultants Inc.	585
UHOPA-17-01* ZAC-17-001 25T-201701	15 Ridgeview Dr., Stoney Creek	9	02-Dec-16	n/a	16-Dec-16	01-Apr-17	31-May-17*	A.J. Clarke & Associates Ltd.	529
UHOPA-16-21* ZAC-16-057 25T-201608	56 Highland Rd. W., Stoney Creek	9	31-Aug-16	29-Sep-16	27-Mar-17	29-Dec-16	27-Feb-17*	Metropolitan Consulting Inc.	414
ZAC-17-044	16 King St. W., Stoney Creek	9	12-May-17	n/a	07-Jun-17	09-Sep-17	n/a	A.J. Clarke & Associates Ltd.	368
UHOPA-17-20* ZAC-17-049	928 Queenston Rd., Stoney Creek	9	01-Jun-17	30-Jun-17	28-Jul-17	29-Sep-17	28-Nov-17*	Fothergill Planning and Development Inc.	291
RHOPA-17-24* ZAC-17-055	138 Upper Centennial Pkwy, Stoney Creek	9	27-Jun-17	n/a	15-Aug-17	25-Oct-17	24-Dec-17*	Brouwer Architecture	322

**Active Development Applications
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(Effective April 4, 2018)**

File	Address	Ward	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	120 day cut off (Zoning Application)	180 day cut off (OPA and/or Subdivision Application)	Applicant/ Agent	Days since Received and/or Deemed Complete as of May 15, 2018
ZAC-17-077	50 Green Mountain Rd., Stoney Creek	9	30-Oct-17	21-Nov-17	22-Nov-17	27-Feb-18	n/a	GSP Group	174
ZAC-17-085	121 Highway 8, Stoney Creek	9	13-Nov-17	n/a	04-Dec-17	13-Mar-18	n/a	A.J. Clarke & Associates Ltd.	183
ZAC-15-040	9 Glencrest Ave., Stoney Creek	10	02-Jul-15	n/a	10-Aug-15	30-Oct-15	n/a	WEBB Planning Consultants Inc.	1048
UHOPA-17-09* ZAC-17-020	84 - 96 Lakeview Dr., Stoney Creek	10	19-Jan-17	n/a	08-Feb-17	19-May-17	18-Jul-17*	IBI Group	481
UHOPA-17-36* ZAC-17-079	514 Barton St. E, Stoney Creek	10	27-Oct-17	n/a	23-Nov-17	24-Feb-18	25-Apr-18*	GSP Group	200
UHOPA-14-16 ZAR-12-058	9388 Twenty Rd. W., Glanbrook	11	20-Dec-12	n/a	18-Jan-13	19-Apr-13	18-Jun-13	A.J. Clarke & Associates Ltd.	1972

**Active Development Applications
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(Effective April 4, 2018)**

File	Address	Ward	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	120 day cut off (Zoning Application)	180 day cut off (OPA and/or Subdivision Application)	Applicant/ Agent	Days since Received and/or Deemed Complete as of May 15, 2018
ZAC-16-016	1313 Baseline Rd., Stoney Creek	11	15-Jan-16	n/a	15-Feb-16	14-May-16	n/a	A.J. Clarke & Associates Ltd.	851
ZAC-17-009	1215 Barton St., Stoney Creek	11	23-Dec-16	n/a	06-Jan-17	22-Apr-17	n/a	WEBB Planning Consultants Inc.	508
UHOPA-17-05* ZAC-17-015 25T-201703	1, 19, 20, 21, 23, 27 & 30 Lakeside Dr. & 81 Waterford Cres., Stoney Creek	11	23-Dec-16	n/a	17-Jan-17	22-Apr-17	21-Jun-17*	IBI Group	508
UHOPA-17-12* ZAC-17-027 25T-210706	2341 & 2365 to 2431 Regional Rd. 56 & Tanglewood Dr., Glanbrook	11	23-Feb-17	n/a	06-Mar-17	23-Jun-17	02-Sep-17*	A.J. Clarke & Associates Ltd.	446
ZAR-17-033	90 Creanona Blvd., Stoney Creek	11	27-Mar-17	n/a	28-Apr-17	25-Jul-17	n/a	A.J. Clarke & Associates Ltd.	414
RHOPA-17-39* ZAC-17-082	8475 English Church Rd., Glanbrook	11	10-Nov-17	n/a	17-Nov-17	10-Mar-18	09-May-18*	Fothergill Planning and Development Inc.	186

**Active Development Applications
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(Effective April 4, 2018)**

File	Address	Ward	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	120 day cut off (Zoning Application)	180 day cut off (OPA and/or Subdivision Application)	Applicant/ Agent	Days since Received and/or Deemed Complete as of May 15, 2018
ZAC-17-076 25T-201711	1216, 1218 and 1226 Barton St. E. and 1219 Hwy. 8, Stoney Creek	11	30-Oct-17	n/a	24-Nov-17	27-Feb-18	28-Apr-18	Glen Schnarr & Associates Inc.	197
OPA-12-23 ZAC-12-065 25T-201206	491 Springbrook Ave, 851 & 875 Garner Rd. E., Ancaster	12	21-Dec-12	n/a	18-Jan-13	20-Apr-13	19-Jun-13	Wellings Planning Consultants Inc.	1971
ZAC-16-006 25T-201602	285, 293 Fiddlers Green Rd., Ancaster	12	23-Dec-15	n/a	06-Jan-16	21-Apr-16	20-Jun-16	Liam Doherty	874
ZAC-16-048 25T-201606	20 Miller Dr., Ancaster	12	22-Jul-16	n/a	05-Aug-16	19-Nov-16	18-Jan-17	GSP Group	662
ZAC-17-062	45 Secinaro Ave., Ancaster	12	28-Jul-17	n/a	01-Aug-17	25-Nov-17	n/a	T. Johns Consultants Inc.	291
UHOPA-17-25* ZAC-17-058	305 Garner Rd. W., Ancaster	12	11-Jul-17	17-Jul-17	08-Aug-17	08-Nov-17	07-Jan-18*	MHBC Planning Limited	308

**Active Development Applications
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(Effective April 4, 2018)**

File	Address	Ward	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	120 day cut off (Zoning Application)	180 day cut off (OPA and/or Subdivision Application)	Applicant/ Agent	Days since Received and/or Deemed Complete as of May 15, 2018
UHOPA-17-22* ZAC-17-051	280 Wilson St. E., Ancaster	12	05-Jun-17	22-Jun-17	23-Aug-17	03-Oct-17	19-Feb-18*	GSP Group	265
ZAC-17-066	1274 Mohawk Rd., Ancaster	12	17-Aug-17	n/a	06-Sep-17	15-Dec-17	n/a	T. Johns Consultants Inc.	271
UHOPA-17-30* ZAC-17-68	70 Garner Rd. E., Ancaster	12	08-Sep-17	n/a	19-Sep-17	06-Jan-18	07-Mar-18*	Fothergill Planning and Development Inc.	249
UHOPA-17-32* ZAC-17-072	35 Londonderry Dr., Ancaster	12	06-Oct-17	n/a	01-Nov-17	03-Feb-18	04-Apr-18*	A.J. Clarke & Associates Ltd.	221
ZAC-17-086	449 Springbrook Ave., Ancaster	12	22-Nov-17	n/a	29-Nov-17	22-Mar-18	n/a	WEBB Planning Consultants Inc.	174
ZAR-15-004	64 Hatt St., Dundas	13	02-Dec-14	n/a	02-Jan-15	01-Apr-15	n/a	336477 Ontario Ltd.	1260

**Active Development Applications
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(Effective April 4, 2018)**

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ZAC-17-060	211 York Road, Dundas	13	14-Jul-17	n/a	02-Aug-17	11-Nov-17	n/a	Wellings Planning Consultants Inc.	305
ZAC-17-064 25T-201710	655 Cramer Rd., Flamborough	14	09-Aug-17	n/a	17-Aug-17	07-Dec-17	n/a	A.J. Clarke & Associates Ltd.	279
RHOPA-17-37* ZAC-17-080	1915 Jerseyville Rd. W., Ancaster	14	06-Nov-17	n/a	20-Nov-17	06-Mar-18	05-May-18*	IBI Group	190
RHOPA-17-38* ZAC-17-081	1633 Highway 6, Flamborough	14	08-Nov-17	n/a	21-Nov-17	08-Mar-18	07-May-18*	1685486 ONTARIO INC.	188
ZAC-15-039 25T-201507	Flamborough Power Centre, Flamborough	15	13-Jul-15	n/a	23-Jul-15	10-Nov-15	09-Jan-16	Fothergill Planning and Development Inc.	1037
UHOPA-17-06* ZAC-17-016	157 Parkside Dr., Flamborough	15	23-Dec-16	n/a	17-Jan-17	22-Apr-17	21-Jun-17*	MHBC Planning Limited	508

**Active Development Applications
Deemed Complete Prior to December 12, 2017
(Effective April 4, 2018)**

Active Development Applications

1. When an application is deemed incomplete, the new deemed complete date is the day the new materials are submitted. In these situations, the 120, 180 & 270 day timeframe commences on the date the new materials were submitted. In all other situations, the 120, 180 & 270 day timeframe commences the day the application was received.
- * In accordance with Section 17 (40.1) of the *Planning Act*, the City of Hamilton has extended the approval period of Official Plan Amendment applications by 90 days from 180 days to 270 days. However, applicants can terminate the 90 day extension if written notice to the Municipality is received prior to the expiration of the 180 statutory timeframe.

**Active Development Applications
Deemed Complete After December 12, 2017
(Effective April 4, 2018)**

	Address	Ward	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	150 day cut off (Zoning Application)	300 day cut off (OPA and/or Subdivision Application)	Applicant/ Agent	Days since Received and/or Deemed Complete as of May 15, 2018
UHOPA-18-05* ZAC-18-012	235 Main St. W., Hamilton	1	22-Dec-17	n/a	19-Jan-18	n/a	20-Jul-18*	Urban Solutions Planning & Land Development	144
UHOPA-17-41* ZAC-17-090	80 and 92 Barton St. E and 215 and 245 Catharine St. N., Hamilton	2	29-Nov-17	n/a	14-Dec-17	n/a	27-Jun-18*	IBI Group	167
UHOPA-18-04* ZAC-18-009	299-307 John St. S., Hamilton	2	22-Dec-17	n/a	19-Jan-18	n/a	20-Jul-18*	Urban Solutions Planning & Land Development	144
ZAC-18-013	122 & 126 Augusta St. & 125 & 127 Young St., Hamilton	2	21-Dec-17	n/a	25-Jan-18	20-May-18	n/a	Urban Solutions Planning & Land Development	145
UHOPA-18-07* ZAC-18-020	468, 470, 474 and 476 James St. N., Hamilton	2	09-Mar-18	n/a	27-Mar-18	n/a	05-Oct-18*	SvN Architects + Planners	67

**Active Development Applications
Deemed Complete After December 12, 2017
(Effective April 4, 2018)**

	Address	Ward	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	150 day cut off (Zoning Application)	300 day cut off (OPA and/or Subdivision Application)	Applicant/ Agent	Days since Received and/or Deemed Complete as of May 15, 2018
UHOPA-18-06 ZAC-18-010 25T-201802	20 Reid Ave. N., Hamilton	4	22-Dec-17	n/a	16-Jan-18	n/a	18-Oct-18	MHBC Planning Limited	144
ZAC-18-008	370 Concession St., Hamilton	7	21-Dec-17	n/a	22-Jan-18	20-May-18	n/a	Urban Solutions Planning & Land Development	145
ZAC-18-017	560 Grays Rd., Stoney Creek	10	18-Jan-18	n/a	26-Jan-18	17-Jun-18	n/a	IBI Group	117
UHOPA-18-01* ZAC-18-003 25T-201801	78 and 80 Marion Street and 3302 and 3306 Homestead Dr., Glanbrook	11	01-Dec-17	n/a	18-Dec-17	n/a	29-Jun-18*	Urban Solutions Planning & Land Development	165
ZAC-18-005	42, 44, 48, 52 and 54 Lakeshore Dr., Stoney Creek	11	15-Dec-17	n/a	16-Jan-18	14-May-18	n/a	A.J. Clarke & Associates Ltd.	151
UHOPA-18-03* ZAC-18-007	3331 Homestead Dr., Glanbrook	11	19-Dec-17	n/a	16-Jan-18	n/a	17-Jul-18*	IBI Group	147

**Active Development Applications
Deemed Complete After December 12, 2017
(Effective April 4, 2018)**

	Address	Ward	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	150 day cut off (Zoning Application)	300 day cut off (OPA and/or Subdivision Application)	Applicant/ Agent	Days since Received and/or Deemed Complete as of May 15, 2018
ZAA-18-006	3600 Guyatt Rd., Glanbrook	11	20-Dec-17	18-Jan-18	24-Jan-18	19-May-18	n/a	Larry Freeman	111
ZAR-18-023	5050 Harrison Rd., Glanbrook	11	23-Mar-18	n/a	04-Apr-18	20-Aug-18	n/a	GSP Group	41
ZAA-18-004	240 Butter Rd. W., Ancaster	12	13-Dec-17	n/a	03-Jan-18	12-May-18	n/a	Urban Solutions Planning & Land Development	153
UHOPA-17-40* ZAC-17-088	264 Governors Rd. Dundas	13	28-Nov-17	n/a	13-Dec-17	n/a	26-Jun-18*	Urban Solutions Planning & Land Development	168
ZAC-18-011	21 Mill St. N., Hamilton	15	22-Dec-17	n/a	18-Jan-18	21-May-18	n/a	A.J. Clarke & Associates Ltd.	144
ZAR-18-015	5 Hamilton St. N., Flamborough	15	16-Jan-18	n/a	24-Jan-18	15-Jun-18	n/a	A.J. Clarke & Associates Ltd.	119

**Active Development Applications
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(Effective April 4, 2018)**

	Address	Ward	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	150 day cut off (Zoning Application)	300 day cut off (OPA and/or Subdivision Application)	Applicant/ Agent	Days since Received and/or Deemed Complete as of May 15, 2018
ZAR-18-019	167 Highway 5 West, Flamborough	15	23-Feb-18	n/a	22-Mar-18	23-Jul-18	n/a	IBI Group	81

Active Development Applications

1. When an application is deemed incomplete, the new deemed complete date is the day the new materials are submitted. In these situations, the 150, 210 & 300 day timeframe commences on the date the new materials were submitted. In all other situations, the 150, 210 & 300 day timeframe commences the day the application was received.
2. In accordance with Section 34 (11.0.0.0.1), of the *Planning Act*, the approval period for Zoning By-law Amendment applications submitted concurrently with an Official Plan Amendments, will be extended to 210 days.
3. In accordance with Section 17 (40.1) of the *Planning Act*, the City of Hamilton has extended the approval period of Official Plan Amendment applications by 90 days from 210 days to 300 days. However, applicants can terminate the 90 day extension if written notice to the Municipality is received prior to the expiration of the 210 statutory timeframe.



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Licensing and By-law Services Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	May 15, 2018
SUBJECT/REPORT NO:	Appointment of Municipal Law Enforcement Officers, Property Standards Officers and Area Weed Inspectors (PED18107) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Robert Ustrzycki (905) 546-2424 Ext. 4721
SUBMITTED BY:	Ken Leendertse Director, Licensing and By-law Services Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That the By-law, attached as Appendix 'A' to Report PED18107, to appoint Municipal Law Enforcement Officers, Property Standards Officers and Area Weed Inspectors and to repeal City of Hamilton By-law 15-131, being a By-law to Appoint Municipal Law Enforcement Officers, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.

EXECUTIVE SUMMARY

Amendments are occasionally required as part of continuous improvement efforts to maintain City By-laws current. The replacement of the City of Hamilton Municipal Law Enforcement Appointment By-law 15-131 is required to reflect recent operational changes. This By-law also appoints Property Standards Officers pursuant to the *Building Code Act* and Area Weed Inspectors pursuant to the *Weed Control Act*.

The proposed By-law addresses changes in assignments or title changes for staff enforcing City of Hamilton By-laws.

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial / Staffing / Legal: N/A

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

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

SUBJECT: Appointment of Municipal Law Enforcement Officers, Property Standards Officers and Area Weed Inspectors (PED18107) (City Wide)
- Page 2 of 3

HISTORICAL BACKGROUND

On May 13, 2015 Council passed By-law 15-131, being a By-law to Appoint Municipal Law Enforcement Officers.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Council is authorized to pass by-laws for appointing certain Officers and employees of the Municipality for enforcement purposes.

RELEVANT CONSULTATION

Legal Services, Parking Services, Environmental Health, Building Services and Waste Management were consulted in preparation of this Report.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

In 2017, Licensing and Municipal Law Enforcement merged into a single Licensing and By-law Services Division responsible for matters relating to licensing, animal services, property standards and by-law services. As part of these implemented cost-containment measures and lateral transfer of duties, it is now necessary to revise the City of Hamilton Appointment By-law 15-131 to reflect the new positions and newly titled positions established.

As a matter of housekeeping, the proposed By-law attached to this Report updates the position / title changes for staff whose responsibilities include the enforcement of a City of Hamilton By-law as a Municipal Law Enforcement Officer, the Property Standards By-law as a Property Standards Officer and / or the *Weed Control Act* as an Area Weed Inspector.

ALTERNATIVES FOR CONSIDERATION

N/A

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Our People and Performance

Hamiltonians have a high level of trust and confidence in their City government.

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

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

SUBJECT: Appointment of Municipal Law Enforcement Officers, Property Standards Officers and Area Weed Inspectors (PED18107) (City Wide)
- Page 3 of 3

APPENDICES AND SCHEDULES ATTACHED

Appendix "A": Draft By-law to Appoint Municipal Law Enforcement Officers, Property Standards Officers and Area Weed Inspectors and to Repeal the City of Hamilton By-law 15-131

OUR Vision: To be the best place to raise a child and age successfully.

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

**Appendix “A” to Report PED18107
Page 1 of 3**

Authority: ,
Report
CM:

Bill No.

**CITY OF HAMILTON
BY-LAW NO.**

Being a By-law to Appoint Municipal Law Enforcement Officers, Property Standard Officers, Area Weed Inspectors and to Repeal By-law No.15-131

WHEREAS Section 15(1) of the *Police Services Act*, R.S.O. 1990, c.P.15, authorizes a municipal council to appoint persons to enforce the by-laws of the municipality; and

WHEREAS the *Building Code Act*, S.O. 1992, c.23 contemplates the appointment of property standards officers who are assigned the responsibility of administering and enforcing by-laws passed under section 15.1 of the *Building Code Act*; and

WHEREAS Subsection 6(1) of the *Weed Control Act*, R.S.O. 1990, c.W.5, requires the council of every single-tier municipality to appoint one or more persons as Area Weed Inspectors to enforce the *Weed Control Act* in the area within the council’s jurisdiction.

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

1. That those persons who are employed or contracted by the City of Hamilton to perform the duties of the following positions, or any successor positions, are appointed as Municipal Law Enforcement Officers, for the purpose of enforcing those City of Hamilton By-laws that fall within the duties of their position:
 - (a) Licensing and By-law Services Division:
 - (i) Director, Licensing and By-law Services
 - (ii) Manager, Municipal Law Enforcement
 - (iii) Manager, Licensing
 - (iv) Manager, Animal Control
 - (v) Supervisor, Operations and Enforcement
 - (vi) Supervisor, Licensing and Administration
 - (vii) Supervisor, Animal Services
 - (viii) Student Co-ordinator, Licensing and By-law
 - (ix) Municipal Law Enforcement Officer
 - (x) Zoning Examiner and Enforcement Officer
 - (xi) Licensing Compliance Officer
 - (xii) Licensing Compliance Officer – Mobile
 - (xiii) Animal Control Officer
 - (xiv) Municipal Law Enforcement Parks Student

Appendix “A” to Report PED18107**Page 2 of 3**

- (xv) Municipal Law Enforcement Officer Student
- (xvi) Student Licensing Officer – Animal Control
- (xvii) Forest Conservation By-law Officer

(b) Transportation, Planning and Parking Division:

- (i) Director, Transportation, Planning and Parking
- (ii) Manager, Parking Enforcement and School Safety
- (iii) Supervisor, Parking Enforcement and School Safety
- (iv) Towing Officer
- (v) Private Property Officer
- (vi) Screening Officer
- (vii) Parking Control Officer

(c) Healthy Environments Division:

- (i) Public Health Inspector

(d) Building Division:

- (i) Director, Building Division / Chief Building Official
- (ii) Manager, Building Inspections
- (iii) Supervisor, Building Inspections
- (iv) Building Inspector / Plans Examiner

2. That those persons who are employed or contracted by the City of Hamilton to perform the duties of the following positions or any successor positions, are appointed as Property Standards Officers, for the purpose of enforcing the City of Hamilton’s Property Standards By-law:

(a) Licensing and By-law Services Division:

- (i) Director, Licensing and By-law Services
- (ii) Manager, Municipal Law Enforcement
- (iii) Manager, Licensing
- (iv) Supervisor, Operations and Enforcement
- (v) Supervisor, Licensing and Administration
- (vi) Student Co-ordinator, Licensing and By-law
- (vii) Municipal Law Enforcement Officer
- (viii) Zoning Examiner and Enforcement Officer
- (ix) Licensing Compliance Officer
- (x) Licensing Compliance Officer – Mobile
- (xi) Forest Conservation By-law Officer

(b) Healthy Environments Division:

- (i) Public Health Inspector

(c) Building Division:

- (i) Director, Building Division/Chief Building Official
- (ii) Manager, Building Inspections

Appendix "A" to Report PED18107

- (iii) Supervisor, Building Inspections
- (iv) Building Inspector / Plans Examiner

3. That those persons who are employed or contracted by the City of Hamilton to perform the duties of the following positions or any successor positions, are appointed as Area Weed Inspectors, for the purpose of enforcing the *Weed Control Act*:

(a) Licensing and By-law Services Division:

- (i) Director, Licensing and By-law Services
- (ii) Manager, Municipal Law Enforcement
- (iii) Supervisor, Operations and Enforcement
- (iv) Municipal Law Enforcement Officer
- (v) Forest Conservation By-law Officer

4. That City of Hamilton By-law No. 15-131 be repealed.

5. That this By-law comes into force on the day it is passed.

PASSED this day of , 2018.

F. Eisenberger
Mayor

City Clerk



X LANDFILL APPROVAL
✓ We Demand the Right

demandtheright.ca



GTA Garbage:

Coming soon to a site near you!



“Businesses, such as factories, restaurants, shopping malls, and property developers, and schools, hospitals and universities, are generating far more waste than they should.”

“They only recycle 15 per cent of their waste and send 6.7 million tonnes to landfill sites each year.”

*Diane Saxe
Ontario’s Environmental Commissioner*

X LANDFILL APPROVAL
✓ We Demand the Right
demandtheright.ca



6.7 Million tonnes a year





**Private
Sector
Managed**

**MOECC
Approval
Process**

**Willing
Host Not
Required**

6.7 Million tonnes a year

Ontario's Demand The Right Coalition

“Municipalities demand the right to approve any proposed landfill sites within or adjacent to their communities.”





**Respect for municipal
rights and authority**

**Municipalities have local approval over
development, casinos, wind farms, and even
nuclear waste disposal sites.**



**We almost got there
will Bill 139**

Today **40**
over
municipalities
have passed
motions to
Demand The
Right.



~~X~~ LANDFILL APPROVAL
✓ We Demand the Right



Please Join Us!

X **LANDFILL APPROVAL**
✓ **We Demand the Right**

demandtheright.ca



6.1

CITY OF HAMILTON SAMPLE RESOLUTION

Committee Date: May 15, 2018

MOVED BY COUNCILLOR

SECONDED BY COUNCILLOR

Municipalities call on the Province for the “Right to Approve” Landfill Developments

WHEREAS municipal governments in Ontario do not have the right to approve landfill projects in their communities, but have authority for making decisions on all other types of development;

WHEREAS, this out-dated policy allows private landfill operators to consult with local residents and municipal Councils, but essentially ignore them;

WHEREAS, proposed Ontario legislation (Bill 139) will grant municipalities additional authority and autonomy to make decisions for their communities;

WHEREAS, municipalities already have exclusive rights for approving casinos and nuclear waste facilities within their communities, and the Province has recognized the value of municipal approval for the siting of power generation facilities;

WHEREAS, the recent report from Ontario’s Environmental Commissioner has found that Ontario has a garbage problem, particularly from Industrial, Commercial and Institutional (ICI) waste generated within the City of Toronto, where diversion rates are as low as 15% and, unless significant efforts are made to increase recycling and diversion rates, a new home for this Toronto garbage will need to be found, as landfill space is filling up quickly;

WHEREAS, municipalities across Ontario are quietly being identified and targeted as potential landfill sites for future Toronto garbage by private landfill operators;

WHEREAS, other communities should not be forced to take Toronto waste, as landfills can contaminate local watersheds, air quality, dramatically increase heavy truck traffic on community roads, and reduce the quality of life for local residents;

WHEREAS, municipalities should be considered experts in waste management, as they are responsible for this within their own communities, and often have decades’ worth of in-house expertise in managing waste, recycling, and diversion programs; and

WHEREAS, municipalities should have the exclusive right to approve or reject these projects, and assess whether the potential economic benefits are of sufficient value to offset any negative impacts and environmental concerns;

THEREFORE, BE IT RESOLVED:

- (a) That the City of Hamilton calls upon the Government of Ontario, and all political parties, to formally grant municipalities the authority to approve landfill projects in, or adjacent to their communities, prior to June 2018;
- (b) That in the case of a two-tier municipality, the approval be required at both the upper-tier and affected lower-tier municipalities;
- (c) That the City of Hamilton encourages all other municipalities in Ontario to consider this motion calling for immediate Provincial action.



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	May 15, 2018
SUBJECT/REPORT NO:	Application for Amendment to the City of Hamilton Zoning By-law No. 6593 for Lands Located at 157 Gibson Avenue, Hamilton (Ward 3) (PED18101)
WARD(S) AFFECTED:	Ward 3
PREPARED BY:	Daniel Barnett (905) 546-2424 Ext. 4445
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That **Amended Zoning By-law Amendment Application ZAR-17-034 by Andrew Stephen Hibrant and Cassandra Raiven Rizzi, Owners**, for a modification to the “D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District, to permit two residential buildings, one containing a duplex and one containing a single detached dwelling on one lot, for lands located at 157 Gibson Avenue, Hamilton, as shown on Appendix “A” to Report PED18101, be **APPROVED** on the following basis:

- (i) That the draft By-law, attached as Appendix “B” to Report PED18101, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the amending By-law attached as Appendix “B” to Report PED18101, be added to District Map No. E21 of Zoning By-law No. 6593;
- (iii) That the amending By-law apply the Holding Provision 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;

The Holding Provision “D/S-1760-‘H’” (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Holding, Modified, be removed conditional upon:

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- (1) That the Owner shall apply for a Building Permit to permit internal renovations to legally establish a duplex and single detached dwelling, to the satisfaction of the City's Chief Building Official;
 - (2) That the Owner shall investigate the noise levels on the site and determine and implement the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of the Environments recommended sound level limits. An acoustical report prepared by a qualified Professional Engineer containing the recommended control measures shall be submitted to the satisfaction of the City of Hamilton, Director of Planning and Chief Planner. Should a peer review of the acoustical report be warranted, all associated costs shall be borne by the owner / applicant and shall be submitted to the satisfaction of the City of Hamilton, Director of Planning and Chief Planner;
 - (3) That the Owner submits and receives approval of a wastewater generation assessment, to the satisfaction of the Senior Director, Growth Management; and,
 - (4) That the Owner enter into an encroachment agreement with the City of Hamilton to permit the existing building at the rear of the property to encroach into the existing alleyway at the rear of the subject property, to the satisfaction of the Director or Engineering Services, Public Works Department.
- (iv) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (2017), and complies with the Urban Hamilton Official Plan.

EXECUTIVE SUMMARY

The subject property consists of an existing three storey building at the front of the property that previously containing an illegal four dwelling units but has since been converted to two dwelling units and a two and a half storey building at the rear of the property containing an illegal one dwelling unit and home based businesses.

The purpose and effect of the proposed Zoning By-law Amendment, as amended, to the City of Hamilton Zoning By-law No. 6593 is for a modification to the "D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District, to permit two residential buildings, one containing a duplex and one containing a single detached dwelling, on one lot.

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Modifications to the Zoning By-law are also required for the following:

- to recognize the existing situation with respect to two principal residential buildings on the same lot;
- to recognize the existing situation respecting setbacks, building height, lot size, eave and gutter encroachments, front yard step encroachment, front yard landscaping, and a fire escape;
- to permit reduced on-site manoeuvring;
- to reduce parking space length for one of the proposed parking spaces;
- to restrict a home occupation to a maximum of one home occupation on-site; and,
- to prohibit residential conversions.

Staff amended the proposal to include an 'H' Holding Provision to ensure that the Owner receives the necessary Building Permits, undertakes a noise study and implements any required mitigation measures, provides a wastewater generation assessment, and enter into an encroachment agreement for the encroachment of the existing carriage house into an assumed alleyway located to the rear of the subject lands. The proposed development will be permitted once the Holding Provision is removed by Council.

The application has merit and can be supported since the proposal is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan and the Greater Golden Horseshoe (2017), and complies with the UHOP.

Alternatives for Consideration – See Page 23

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold at least one Public Meeting to consider an application for amendment to the Zoning By-law.

HISTORICAL BACKGROUND

The subject property is located on the west side of Gibson Avenue, between Cannon Street East and Barton Street East. The property is currently occupied by a residential

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building at the front of the property (easterly building) which previously contained four dwelling units but has subsequently been converted to two dwelling units and was constructed around the 1920's, and a carriage house at the rear of the property (westerly building) which contains one dwelling unit and home based businesses, which include a commercial music school and a workshop for a seamstress, and was constructed prior to 1911. There are four angled parking spaces on-site accessed from Gibson Avenue. There is a publically assumed alleyway located to the rear of the subject property however no access is currently provided from the alleyway.

1.0 Zoning Violation

The last recognized use of the property is a single detached dwelling. On October 5, 2015, City inspectors attended the subject property and on October 29, 2015 issued a Zoning Violation notice respecting an illegal conversion. Subsequent to the October 29, 2015 the applicant reduce the number of dwelling units within the front building from four dwelling units to two dwelling units. The application for Formal Consultation, Official Plan Amendment, and Zoning By-law amendment are seeking to de-convert the illegal conversion and permit a reduced number of dwelling units on-site, no other enforcement action has been taken.

2.0 Official Plan and Zoning Applications

Following the Formal Consultation meeting in March 2016, the applicant applied to amend the UHOP and for a change in Zoning. The applications were seeking the following:

- To amend the UHOP to increase the maximum residential density from 60 units per hectare to 75.3 units per hectare;
- To amend the Zoning By-law in order to permit two dwelling units within the existing easterly building and two dwelling units in the existing westerly building; and,
- The proposal included four on-site angular parking spaces;

The proposal, as originally submitted, is shown on Appendix "C" to Report PED18101.

3.0 Amended Zoning Application

To address staff concerns with the intensity of development on-site, the applicant revised the proposal on March 7, 2018, the proposed revisions are as follows:

- Reduction in the number of units in the westerly building from two to one to permit a total of three dwelling units on-site;

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- Re-orientation of the on-site parking to create three perpendicular parking spaces and one angular parking space;
- Permit the three perpendicular parking spaces to exit on to Gibson Avenue in a forward manner;
- Increase the minimum width of the four parking spaces to conform to the By-law,
- Increase the length of three of the parking spaces to conform to the By-law; and,
- Increase the minimum manoeuvring space depth for three of the parking spaces to conform to the By-law;

The proposal is shown on Appendix “D” to Report PED18101.

The revision from four dwelling units to three dwelling units reduces the maximum residential density of the proposed development from 75.3 units per hectare to 56.4 units per hectare, thereby bringing the proposed development into conformity with the low density residential policies of the UHOP. As a result, an Official Plan Amendment is no longer required and has been withdrawn.

The amended Zoning By-law Amendment will ensure that the subject property can only be used for a duplex and single detached dwelling within the existing buildings along with the range of uses permitted in the “D” (Urban Protected Residential – One and Two Family Dwelling, etc.) District. The proposed Zoning By-law Amendment also includes modifications to the Zoning By-law for the following:

- to recognize the existing situation with respect to two principal residential buildings on the same lot;
- to recognize the existing situation respecting setbacks, building height, lot size, eave and gutter encroachments, front yard step encroachment, front yard landscaping, and a fire escape;
- to permit reduced on-site manoeuvring;
- to reduce parking space length;
- to restrict a home occupation to a maximum of one home occupation on-site; and,
- to prohibit residential conversions under Section 19 of the Zoning By-law.

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Chronology

- March 23, 2017: Applications for Official Plan Amendment UHOPA-17-17 and Zoning By-law Amendment Application ZAR-17-034 were received.
- April 20, 2017: Applications UHOPA-17-17 and ZAR-17-034 deemed complete.
- May 12, 2017: Notice of Complete Application and Preliminary Circulation was sent to 262 property owners within 120 m of the subject lands.
- August 3, 2017: Public Notice Sign posted on the subject lands.
- August 9, 2017: Information letter mailed to all residents within 120 m of the subject property by the applicant.
- March 7, 2018: Revised concept plan submitted by the applicant.
- April 18, 2018: Public Notice Sign updated with Public Meeting date.
- April 27, 2018: Circulation of the Notice of Public Meeting to 262 property owners within 120 m of the subject lands.

Details of Submitted Application:

- Location:** 157 Gibson Avenue, Hamilton
- Owner / Applicant:** Andrew Stephen Hibrant and Cassandra Raiven Rizzi
- Agent:** A.J. Clarke and Associates Ltd. (c/o Franz Kloibhofer)
- Property Description:**
- | | |
|----------------------|----------------------------------|
| <u>Lot Frontage:</u> | 16.9 m |
| <u>Lot Depth:</u> | 31.7 m |
| <u>Lot Area:</u> | 531.6 sq m |
| <u>Servicing:</u> | Existing Full Municipal Services |

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Existing Land Use and Zoning:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Single Detached Dwelling	“D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District

Surrounding Land Uses:

North	Single Detached Dwellings	“D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District
South	Single Detached Dwelling	“D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District
East	Single Detached Dwellings	“D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District
West	Single Detached and Semi Detached Dwellings	“D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Planning Policy Framework

The Provincial Planning Policy Framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (PPS 2014). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS.

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Ontario Municipal Board approval of the City of Hamilton Official Plans, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of provincial interest (e.g. efficiency of land use, balanced growth, environmental protection and sensitive land uses) are reviewed and discussed in the Official Plan analysis provided below.

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Staff note the Cultural Heritage policies have not been updated within the UHOP in accordance with the PPS (2014). The following policy of the PPS (2014) also applies:

“2.6.1 Significant build heritage resources and significant cultural heritage landscapes shall be conserved.”

Although the subject property is not formally recognized under the *Ontario Heritage Act* through registration or designation, the existing easterly building is an Edwardian style dwelling constructed in yellow brick, which is uncommon in respect to Hamilton style of architecture from around 1920, while the existing westerly building is constructed of concrete blocks and predates 1911. Therefore, the property is of potential cultural heritage value. Staff do have an interest in ensuring any proposed changes are sympathetic to the historical character of the building and are contextually appropriate. As the proposal is to permit a duplex and single detached dwelling within the existing buildings with no external changes, staff are satisfied that the heritage attributes of the heritage property are being conserved.

As the application for a change in zoning complies with the Official Plan, it is staff's opinion that the application is:

- Consistent with Section 3 of the *Planning Act*; and,
- Consistent with the Provincial Policy Statement.

Growth Plan for the Greater Golden Horseshoe (2017)

The Growth Plan is focused on accommodating forecasted growth in complete communities and provides policies on managing growth. The following policies, amongst others, apply:

- “2.2.1.2 Forecasted growth to the horizon of this Plan will be allocated based on the following:
- a) The vast majority of growth will be directed to *settlement areas* that:
 - i. have a *delineated built boundary*;
 - ii. have existing or planned *municipal water and wastewater systems*; and,
 - iii. can support the achievement of complete communities.

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- 2.2.1.4 Applying the policies of this Plan will support the achievement of *complete communities* that:
- a) feature a diverse mix of land uses, including residential and employment uses, convenient access to local stores, services, and *public service facilities*;
 - c) provide a diverse range and mix of housing options, including second units and *affordable* housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes; and,
 - d) expand convenient access to:
 - i. a range of transportation options, including options for the safe, comfortable and convenient use of *active transportation*;
- 2.2.2.1 By the year 2031, and for each year thereafter, a minimum of 60% of all residential development occurring annually within each upper- or single-tier municipality will be within the *delineated built-up area*.”

The subject application is to permit two residential buildings on the same lot (a duplex and the conversion of the “coach house” to a dwelling unit) on the same lot within a settlement area. The proposed residential units will enhance the housing options and the proposal is in keeping with the existing residential character of the neighbourhood as no external renovations are proposed. The proposed development supports the achievement of complete communities by proposing a residential development that utilizes existing infrastructure including transit. Also, the subject application contributes to intensification within the delineated built-up area. Therefore, the proposal conforms to the Growth Plan.

Urban Hamilton Official Plan (UHOP)

The subject lands are identified as “Neighbourhoods” on Schedule “E” – Urban Structure and designated “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations. The following policies, amongst others, apply to the proposal.

Function

- “E.3.2.1 Areas designated Neighbourhoods shall function as *complete communities*, including the full range of residential dwelling types and densities as well as supporting uses intended to serve the local residents.

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E.3.2.3 The following uses shall be permitted on lands designated Neighbourhoods on Schedule E -1 – Urban Land Use Designations:

- a) residential dwellings, including second dwelling units and *housing with supports*.

Scale and Design

E.3.2.4 The existing character of established Neighbourhoods designated areas shall be maintained. Residential intensification within these areas shall enhance and be compatible with the scale and character of the existing residential neighbourhood in accordance with Section B.2.4 – Residential Intensification and other applicable policies of this Plan.

E.3.2.13 The City supports *residential intensification* on lands within the Neighbourhoods designation in accordance with Section B.2.4 – Residential Intensification Policies, F.1.14 – Division of Land, and other applicable policies.”

The proposed development is to permit two residential buildings, one containing a duplex and the other a single detached dwelling, within the existing buildings on the same lot. This will form part of the complete community and will contribute to a full range of residential dwelling types and densities (Policies E.3.2.1 and E.3.2.3). As the buildings are existing, the proposal does not change the existing streetscape character of the area and therefore the character of the area is maintained. The existing buildings have a height of three storeys and two and a half storeys, which is similar to the existing two and a half storey buildings to the north and south. Additionally, it is noted that the current zoning provisions of the “D” District permit a height of three storeys and therefore the existing buildings conform the height provisions of the By-law. Therefore, the proposal is compatible with the scale and character of the existing residential neighbourhood (Policy E.3.2.4) and supports appropriate residential intensification from the last recognized use of a single detached dwelling (Policy E.3.2.13) as discussed in greater detail under the Residential Intensification policies below.

Residential Uses – General Policies

“E.3.3.1 Lower density residential uses and building forms shall generally be located in the interior of neighbourhood areas with high density dwelling forms and supporting uses located on the periphery of the neighbourhoods on or in close proximity to major or minor arterial roads.

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E.3.3.2 Development or redevelopment adjacent to areas of lower density shall ensure the height, massing, and arrangement of buildings and structures are compatible with existing and future uses in the surrounding area.”

The subject property is located in the interior of the neighbourhood on a local road and therefore low density residential uses are appropriate for the area. As the proposal is to permit a duplex and single detached dwelling within existing buildings on the same lot, the height, massing and arrangement of the buildings will be maintained and are compatible with existing and future uses in the area.

Low Density Residential

Function

“E.3.4.1 The preferred location for low density residential uses is within the interior of neighbourhoods.

E.3.4.2 Low density residential areas are characterized by lower profile, grade-oriented built forms that generally have direct access to each unit at grade.

E.3.4.3 Uses permitted in low density residential areas include single detached, semi detached, duplex, triplex, and street townhouse dwellings.”

The use of a duplex and a single detached dwelling represent permitted uses for low density residential lands and, as previously noted, the subject property is located within the interior of the neighbourhood. The existing three storey and two and a half storey buildings represent low profile forms of development and all three units have access at grade.

Scale

“E.3.4.4 For low density residential areas the maximum net residential density shall be 60 units per hectare.

E.3.4.5 For low density residential areas, the maximum height shall be three storeys.”

The proposed duplex and single detached dwelling have a residential density of 56.4 units per net hectare and the existing buildings will maintain a height of two and a half storeys and three storeys and comply with policies E.3.4.4 and E.3.4.5.

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Design

“E.3.4.6 Development in areas dominated by low density residential uses shall be designed in accordance with the following criteria:

- a) Direct access from lots to adjacent major or minor arterial roads shall be discouraged.
- c) A mix of lot widths and sizes compatible with streetscape character; and a mix of dwelling unit types and sizes compatible in exterior design, including character, scale, appearance and design features; shall be encouraged. Development shall be subject to the Zoning By-law regulations for appropriate minimum lot widths and areas, yards, heights, and other zoning regulations to ensure compatibility.”

The existing property has access from a local road and therefore does not have direct access to a major or minor arterial road. The subject property is an existing lot of record and therefore the lot size will not be changed by way of this application. Also the exterior design and placement of the buildings will not change as a result of the proposal, and the proposal will contribute to the mix of dwelling unit types in the area. The proposed Zoning By-law Amendment will establish zoning regulations to recognize the two existing buildings which are compatible with the character of the area. Therefore, the proposed development complies with the low density residential policies with respect to design.

Residential Intensification

“B.2.4.1.4 Residential intensification developments shall be evaluated based on the following criteria:

- a) a balanced evaluation of the criteria in b) through g) as follows;
- b) the relationship of the proposal to existing neighbourhood character so that it maintains, and where possible, enhances and builds upon desirable established patterns and built form;
- c) the development’s contribution to maintaining and achieving a range of dwelling types and tenures;
- d) the compatible integration of the development with the surrounding area in terms of use, scale, form and character. In this regard, the City encourages the use of innovative and creative urban design techniques;

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- e) the development's contribution to achieving the planned urban structure as described in Section E.2.0 – Urban Structure;
- f) infrastructure and transportation capacity; and,
- g) the ability of the development to comply with all applicable policies.”

While three units currently exist on the property, this was done illegally. The proposal is to increase the number of units on the site from the last recognized use of a single detached dwelling to three units (Policy B.2.4.1.1). As the proposal is to maintain the existing buildings, the existing pattern and built form will be maintained (Policy B.2.4.1.4 b)). The proposal contributes to achieving a range of dwelling types and tenures in the area (Policy B.2.4.1.4 c)), and the scale, form and character of the existing buildings will remain compatible with the surrounding area (Policy B.2.4.1.4 d)). Also the proposed development is in line with the urban structure for lands identified as Neighbourhoods (Policy B.2.4.1.4 e)) and has adequate infrastructure (subject to a Holding Provision respecting wastewater generation) and transportation capacity to meet the needs of the proposed development (Policy B.2.4.1.4 f)).

“B.2.4.2.2 When considering an application for a residential intensification development within the Neighbourhoods designation, the following matters shall be evaluated:

- a) the matters listed in Policy B.2.4.1.4;
- b) compatibility with adjacent land uses including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects;
- c) the relationship of the proposed building(s) with the height, massing, and scale of nearby residential buildings;
- d) the consideration of transitions in height and density to adjacent residential buildings;
- e) the relationship of the proposed lot(s) with the lot pattern and configuration within the neighbourhood;
- f) the provision of amenity space and the relationship to existing patterns of private and public amenity space;
- g) the ability to respect and maintain or enhance the streetscape patterns including block lengths, setbacks and building separations;

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- h) the ability to complement the existing functions of the neighbourhood;
- i) the conservation of cultural heritage resources; and,
- j) infrastructure and transportation capacity and impacts."

The proposal does not alter the existing streetscape character in respect to height, massing and scale, nor change the existing established pattern and built form as no exterior changes to the existing buildings are proposed (Policies B.2.4.2.2 c) and d)). As a result, there will be no change with respect to shadowing, overlook, noise or lighting, and the two additional dwelling units will not significantly alter the traffic demand for the property (Policy B.2.4.2.2 b)). Based on discussions between staff and the applicant, the parking layout was revised. The revised layout improves the functionality of the parking area by increasing the size of the parking space, and improving the manoeuvrability and having only one parking space reverse onto Gibson Avenue.

The subject property currently maintains amenity space in the form of front and rear porches for the existing easterly building and a second storey deck on the southerly side of the existing westerly building. Also, there is an existing park within 300 m of the subject property, therefore adequate private and public amenity space is being provided (Policy B.2.4.2.2 f)). The proposal does not alter the existing lot pattern, setbacks or building separations (Policy B.2.4.2.2 e) and g)) and adaptively re-uses buildings with potential cultural heritage interest (Policy B.2.4.2.2 i)). Finally the property has access to adequate municipal infrastructure (subject to a Holding Provision respecting wastewater generation) and utilizes existing transportation capacity from Gibson Avenue (Policy B.2.4.2.2 j)).

Noise

"B.3.6.3.1 *Development of noise sensitive land uses*, in the vicinity of provincial highways, parkways, minor or major arterial roads, collector roads, truck routes, railway lines, railway yards, airports, or other uses considered to be noise generators shall comply with all applicable provincial and municipal guidelines and standards.

B.3.6.3.7 A noise feasibility study, or detailed noise study, or both, shall be submitted as determined by the City prior to or at the time of application submission, for development of residential or other noise sensitive land uses on lands in the following locations:

- a) 100 metres of a minor arterial road, as identified on Schedule C – Functional Road Classification."

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The subject property is located approximately 35 m from Birch Avenue and 64 m from Barton Street East, which are both classified as minor arterial roads in the UHOP. While the existing buildings are shielded from these potential noise sources by existing buildings, a noise study should be undertaken in order to identify noise impacts on the subject lands and any mitigation measures, including any required noise warning clauses, to be implemented. In order to ensure that a noise study is undertaken and any required mitigation measures implemented, staff amended the application to include an 'H' Holding Provision as part of the Zoning By-law Amendment, which will include a condition that requires that a noise study be undertaken and that any noise mitigation measures be implemented, to the satisfaction of the Director of Planning and Chief Planner.

Infrastructure

- "C.5.3.5 All new *development* and *redevelopment* within the *urban area* shall be connected to the City's water and wastewater system.
- C.5.3.11 The City shall ensure that any change in density can be accommodated within the municipal water and wastewater system.
- C.5.3.15 The City shall be satisfied that adequate infrastructure services can be provided prior to any *development* or intensification proceeding and, where technically and economically possible, the City shall require such services to be located underground."

There are existing water and wastewater services available to meet the servicing needs and all dwelling units will be connected to the City's water and wastewater system. The applicant is required to provide a wastewater generation assessment for the westerly building to establish an equivalent population density for City records. As a result, staff amended the application to include an 'H' Holding Provision as part of the Zoning By-law Amendment, with a condition that requires that the applicant submit a wastewater generation assessment, to the satisfaction of the Senior Director, Growth Management Division.

Based on the foregoing, the proposal complies with the UHOP.

Gibson Neighbourhood Plan

The subject property is designated "Single and Double" in the Gibson Neighbourhood Plan. The proposed duplex and single detached dwelling are permitted within the "Single and Double" designation, therefore the proposal conforms to the Gibson Neighbourhood Plan.

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City of Hamilton Zoning By-law No. 6593

The subject property is currently zoned “D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District, which permits single detached dwellings, semi-detached dwellings, and duplexes, but does not permit a duplex and a single detached dwelling together on the same lot. The proposal is to modify the “D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District in order to permit a duplex and a single detached dwelling on the same lot within the buildings existing on the date of the passing of the By-law.

The proposed Zoning By-law Amendment also includes modifications to the Zoning By-law for the following:

- to recognize the existing situation with respect to two principal residential buildings on the same lot;
- to recognize the existing situation respecting setbacks, building height, lot size, eave and gutter encroachments, front yard step encroachment, front yard landscaping, and a fire escape;
- to permit reduced on-site manoeuvring for one of the required parking spaces;
- to reduce parking space length for one of the required parking spaces;
- to restrict a home occupation to a maximum of one home occupation on-site; and,
- to prohibit residential conversions under Section 19 of the Zoning By-law.

RELEVANT CONSULTATION

The following Departments and Agencies had no comments or objections to the applications:

- Recreation Division, Community and Emergency Services Department;
- Strategic Planning, Public Works Department;
- Transportation Planning, Public Works Department;
- Operations Division, Public Works Department;
- Hamilton Light Rail Transit; and,
- Alectra Utilities (formerly Horizon Utilities).

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The following Departments and Agencies have provided comments with respect to the proposed application:

Corridor Management, Public Works Department staff advised that there is no encroachment agreement to permit the westerly building to encroach onto the alleyway located to the rear of the subject property, and that an encroachment agreement will need to be completed. Planning staff are addressing the requirement for an encroachment agreement by way of a condition of lifting the 'H' Holding Provision.

Forestry and Horticulture Section, Public Works Department staff noted that there are no municipal tree conflicts, therefore no Tree Management Plan or Landscape Plan is required and Forestry and Horticulture staff have no concerns.

Public Consultation:

In accordance with the provisions of the *Planning Act* and Council's Public Participation Policy, Notice of Complete Application and Preliminary Circulation was circulated to 262 property owners within 120 m of the subject lands on May 12, 2017 requesting public input on the application. A Public Notice sign was also posted on the property on August 3, 2017 and updated on April 18, 2018 with the date of the Public Meeting.

Notice of the Public Meeting was also given in accordance with the requirements of the *Planning Act*, through the circulation to property owners within 120 m of the subject lands. At the time of the writing of this Report, no letters of correspondence have been received.

Public Consultation Strategy

The applicant engaged in a Public Consultation Strategy that consisted of sending a mail-out to residents within 120 m of the subject lands on August 9, 2017 to inform them about the development and to solicit comments from recipients. In response to the mail-out to the residents, one phone call in support was received by the applicant.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

- 1) The proposal as amended, has merit and can be supported for the following reasons:
 - i) It is consistent with the PPS and conforms to the Growth Plan for the Greater Golden Horseshoe (2017);
 - ii) It complies with the policies of the Urban Hamilton Official Plan; and,

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- iii) The existing buildings form part of the existing character of the area, are of a size and scale that is compatible with other buildings in the area, and the proposal represents good planning.

2) **Zoning By-law Amendment**

The application for Zoning By-law Amendment is to modify the zoning from the “D” (Urban Protected Residential – One and Two Family Dwelling, etc.) District, Modified, to the “D/S-1760 – ‘H’” (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Holding, Modified.

It is noted that a duplex is defined as a two family dwelling and a single detached dwelling is defined as a single family dwelling in the City of Hamilton Zoning By-law No. 6593.

Maximum Number of Residential Buildings on One Lot

The intent of the Zoning By-law Amendment is to permit two principal residential buildings on the same property consisting of a duplex within the easterly building, and a single detached dwelling within the westerly building.

The two principal residential buildings on the same property will only be permitted within the buildings existing on the date of the passing of the By-law. By restricting the use of a duplex and single detached dwelling on the same lot to the buildings existing on the date of the passing of the By-law, any future development would continue to be subject to the By-law requirements of the “D” District.

The proposed change in zoning will not permit more than three dwelling units on the subject property and will maintain the existing buildings that form part of the character of the area. The proposal constitutes a reduction in the intensity of the use of the lands from the illegal five dwelling units and home based business that are currently operating on-site. In respect to the last recognized use of a single detached dwelling, the proposed Zoning By-law Amendment represents an increase in the number of dwelling units within the existing buildings and therefore complies with the policies that encourage residential intensification throughout the built-up area.

Therefore, the proposed change in zoning is supported by staff.

Additionally, the following site specific modifications to the Zoning By-law No. 6593 are required to implement the proposal:

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Lot Dimensions, Building Height and Setbacks

The site specific By-law permits a duplex and single detached dwelling on the same lot within the buildings existing on the date of the passing of the By-law.

While a duplex and single detached dwelling are permitted uses within the “D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District, these uses are not permitted together on the same lot and as such, there are no minimum lot width and area requirements that would apply in this instance. Therefore a modification to permit a minimum lot width of 16.9 m and a minimum lot area of 520 sq m in order to recognize the existing lot is required. Furthermore, the proposed duplex and single detached dwelling are restricted to the buildings existing on the date of the passing of the By-law. A modification is also required to recognize the existing height of the buildings as three storey for the easterly building and two and a half storeys for the westerly building.

The existing setbacks of the buildings will be applied. In respect to the setback of the easterly building the existing front yard depth is 3.76 m and southerly side yard width is 0.93 m and do not conform to the setback requirements of the Zoning By-law. The northerly side yard width and rear yard depth conform to the setback requirements of the Zoning By-law. In respect to the westerly building the existing rear yard depth is 0 m and northerly side yard width is 0.1 m and do not conform to the setback requirements of the Zoning By-law. The southerly side yard width and front yard depths conform to the requirements of the Zoning By-law.

Therefore, the site specific Zoning By-law will recognize the existing lot dimensions of the subject property and the building height and setbacks of the existing buildings. Given that the existing buildings will remain unchanged, the existing streetscape character of the area will be maintained. Therefore, the proposed modifications can be supported.

Encroachments

The existing eaves and gutters on the north side of the westerly building (single detached dwelling) do not conform to the maximum side yard encroachment of not more than half the required side yard or 1 m whichever is lesser, nor do the existing eaves and gutters at the rear of the westerly building conform to the maximum rear yard encroachment of not more than 1.5 m.

The existing fire escape on the south side of the easterly building (duplex) does not conform to the maximum side yard encroachment of not more than one-third of its width or 1.0 m whichever is lesser. A modification for a maximum encroachment of 0.9 m for a fire escape will recognize the existing fire escape as

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well as permit the fire escape to be replaced with a new fire escape should the existing fire escape not meet building code requirements.

The existing front stairs of the easterly building (duplex) does not conform to the minimum distance of 1.5 m from the front lot line.

The modifications are to recognize the existing situation with respect to the eaves and gutters for the westerly building which has existed at its current location for over a century and to recognize the existing situation with respect to the steps at the front of the easterly building which have exist for nearly a century.

The modification in respect to the fire escape on the south side of the easterly building is to recognize the existing situation, as well as to permit the fire escape to be replaced with a new fire escape should the existing fire escape not meet building code requirements. The proposed 0.9 m maximum encroachment will permit the existing fire escape to be maintained or allow a new fire escape to be established in its place. As a fire escape has existed on the south side of the building for nearly a century the proposed modification will not change the character of the area or create negative impacts on adjacent lands.

As the modifications are to recognize the existing eaves and gutters and the existing front steps, and as the proposal is to permit a fire escape on the south side of the existing building, the proposed modifications can be supported.

Minimum Front Yard Landscaping

A minimum of 50% of the front yard is required to be landscaped whereas 22% is currently being provided.

A minimum of 50% front yard landscaping is required in order to maintain the streetscape character of the area. The front yard consists of 22% landscaped area, which represents an existing situation that will not change as a result of the proposal. As the proposed modification is to recognize an existing situation, the modification can be supported.

Minimum On-site Manoeuvring Space

A minimum on-site manoeuvring space aisle width of 6.0 m is required whereas 3.0 m is proposed. The proposed modification is in respect to only one of the on-site parking spaces, specifically the parking space that is located closest to Gibson Avenue and would not apply to the remaining three parking spaces which are located towards the rear of the property in front of the westerly building. This

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constitutes an improvement over the existing situation in which all four parking spaces have reduced manoeuvring space.

A minimum manoeuvring space width of 6 m is required in order to access the parking spaces without creating traffic conflicts. The one parking space with a reduced on-site manoeuvring space is an angled parking space located close to Gibson Avenue. Ingress to the parking space will be in a forward manner while egress from the parking space will involve reversing out of the space to Gibson Avenue. A distance of greater than 6 m currently exists between the parking space and the municipal sidewalk and therefore adequate manoeuvring space exists between the parking space and the travelled portion of the City's right-of-way which will maintain public safety. The parking space will, therefore, maintain adequate means of ingress and egress in which to access the parking space without creating traffic conflicts.

Therefore, the proposed modification can be supported.

Minimum Parking Space Size

A minimum parking space of 2.7 m by 5.5 m is proposed for one of the four parking spaces whereas a minimum size of 2.7 m by 6.0 m is required. This constitutes an improvement over the existing situation in which all four parking spaces had deficiencies in respect to both width and length.

A minimum parking space size of 2.7 m by 6.0 m is required in order to ensure that parking is of an adequate size to accommodate a wide variety of different types of vehicles. All the proposed parking spaces conform to the minimum 2.7 m parking space width and therefore no modification is required in respect to parking space width. In respect to length, the majority of the on-site parking spaces will conform to the minimum parking space length of 6.0 m with only one of the spaces having a length of 5.5 m. A parking space with a length of 5.5 m will be able to accommodate a range of smaller types of vehicles while the remaining 6.0 m long parking spaces will be able to accommodate larger vehicles. Therefore, the proposed modification can be supported.

Restriction on Home Occupation

Section 2 (2) (H) iii) of the Zoning By-law outlines the provisions respecting a home occupation. It is noted that previous home occupations were operating in the westerly building. The provisions for home occupation specify that a home occupation can only operate in the dwelling unit however as both the easterly and westerly buildings contain dwelling units, it is possible that a home occupation could operate from both buildings. However, the operation of multiple home

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occupations along with the three dwelling units would represent an over intensification of the site and therefore staff amended the application to limit the number of home occupations to a maximum of one on the subject property. As the modification is to implement the proposal, the proposed modification can be supported.

Prohibit Residential Conversion

Section 19 of Zoning By-law No. 6593 permits the residential conversion of a single detached dwelling to contain not more than two dwelling units. As such if the amending By-law does not prohibit residential conversion then the proposed single detached dwelling could be converted under Section 19 to contain two dwelling units, and thereby establish a total of four dwelling units on the subject property. A modification is therefore required to ensure that additional conversions under Section 19 do not occur. Staff are supportive of the modification.

3. In order to ensure that the four dwelling units within the easterly building and the one dwelling unit and home based business in the westerly building are legally replaced with a duplex and a single detached dwelling respectively, staff are placing an 'H' Holding Provision on the subject lands to ensure that Building Permits are applied for. The Building Permits and subsequent inspection would ensure that the additional dwelling units are removed and ensure that the duplex and single detached dwelling are legally established.

In addition, staff are placing an 'H' Holding Provision on the subject lands to ensure that a noise study is undertaken and that all mitigation measures have been implemented. This is being undertaken in order to ensure that the dwelling units conform to the Municipality's and the Ministry of the Environment and Climate Change noise criteria.

Furthermore, staff are also placing an 'H' Holding Provision on the subject lands to ensure that a wastewater generation assessment is completed. This is being required in order to ensure that wastewater generation in respect to total flows is properly calculated for City records.

Finally, staff are also placing an 'H' Holding Provision on the subject lands to ensure that an encroachment agreement is completed. This is required in order to permit the existing westerly building to be located on the existing alleyway located to the rear of the subject property.

4. Growth Management staff reviewed the Zoning By-law Amendment Application and advised that there is a 150 mm diameter watermain, a 375 mm diameter

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sanitary sewer and 650 mm diameter storm sewer fronting the subject property on Gibson Avenue. Wastewater from the existing residential building with three self-contained units is being collected by the combined sewer on Gibson Avenue dated 1918, which is deemed adequate by virtue of overflows from the combined sewer to a storm relief sewer constructed circa 1982.

The applicant will be required to provide a wastewater generation assessment for the westerly building using Part 8 of the latest edition of the Code and Guide for Sewer Systems to establish an equivalent population density for City records. The submission of the wastewater generation assessment is being undertaken as a condition of lifting the 'H' Holding Provision.

In respect to water servicing based on a review of available flows within the municipal system and the approximate needs for this application, it has been determined that there are sufficient flows available within the municipal system to meet the needs of the proposed development.

As the current proposal does not involve external changes to the building nor any changes in respect to hard servicing, and as existing lateral servicing connections will not be changed as a result of this development, Growth Management staff have no concern with respect to Stormwater Management.

ALTERNATIVES FOR CONSIDERATION

Should the application be denied, the subject property would remain zoned "D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District, in the City of Hamilton By-law No. 6593, and would be subject to the provisions of the "D" District. Furthermore the applicant would be required to bring the subject property into conformity with the provisions of the "D" District and would be required to discontinue the four dwelling units within the easterly building and one dwelling unit in the westerly building, and only use the subject property for the range of uses permitted in the "D" District.

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.

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Healthy and Safe Communities

Hamilton is a safe and supportive city where people are active, healthy, and have a high quality of life.

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.

Culture and Diversity

Hamilton is a thriving, vibrant place for arts, culture, and heritage where diversity and inclusivity are embraced and celebrated.

Our People and Performance

Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

- Appendix "A": Location Map
- Appendix "B": Draft Amendment to Zoning By-law No. 6593
- Appendix "C": Original Concept Plan
- Appendix "D": Revised Concept Plan

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● Site Location



Key Map - Ward 3

N.T.S.

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAR-17-034 & UHOPA-17-17

Date:
March 20, 2018

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
DB/AL

Subject Property

157 Gibson Avenue



Modification in Zoning from the "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District, Modified, to the "D/S-1760-H" (Urban Protected Residential - One and Two Family Dwellings, etc.) District, Holding, Modified

Authority: Item , Planning Committee
Report
CM: May 15, 2018
Ward: 3

Bill No.

CITY OF HAMILTON

BY-LAW NO.

To Amend Zoning By-Law No. 6593 (Hamilton) Respecting Lands Located at 157 Gibson Avenue, Hamilton

WHEREAS the *City of Hamilton Act, 1999*, Statutes of Ontario, 1999 Chap. 14, Sch. C. did incorporate, as of January 1, 2001, the municipality "City of Hamilton";

WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former municipality known as the "The Corporation of the City of Hamilton" and is the successor to the former regional municipality, namely, "The Regional Municipality of Hamilton-Wentworth";

WHEREAS the *City of Hamilton Act, 1999* provides that the Zoning By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

WHEREAS the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

WHEREAS the Council of the City of Hamilton, in adopting Item _____ of Report 18-_____ of the Planning Committee, at its meeting held on the _____ day of _____, 2018, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided;

WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan approved August 16, 2013.

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

1. That Sheet No. E21 of the District Maps, appended to and forming part of Zoning By-law No. 6593 (Hamilton), as amended, is further amended by modifying the "D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified to the "D/S-1760-'H'" (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Holding, Modified on the lands the extent and boundaries of which are shown on plan hereto annexed as Schedule "A".

2. That the "D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District provisions as contained in Section 10 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following special requirements:
 - a) In addition to Section 2 (2) (H) (iii), not more than one (1) home occupation shall be permitted on the subject property.
 - b) Notwithstanding Section 4 (3) (a), a single family dwelling in the westerly building and a two family dwelling in the easterly building shall be permitted within the buildings existing on the date of the passing of this By-law on one lot.
 - c) That in addition to Section 10 (1), a single family dwelling in the westerly building and a two family dwelling in the easterly building shall be permitted within the buildings existing on the date of the passing of this By-law on one lot.
 - d) Notwithstanding Section 10 (2), the building height of the buildings existing on the date of the passing of this By-law shall be permitted.
 - e) Notwithstanding Section 10 (3), the front yard depth, side yard widths, and rear yard depths of the buildings existing on the date of the passing of this By-law shall be permitted.
 - f) Notwithstanding Section 10 (4) (i) and (ii), for a single family dwelling in the westerly building and a two family dwelling in the easterly building within the buildings existing on the date of the passing of this By-law, the existing lot width of at least 16.9 metres and existing lot area of at least 520 square metres shall be permitted.
 - g) Notwithstanding Section 18 (3) (vi) (b) (ii) and (iii), the encroachment of any eaves or gutters on the buildings existing on the date of the passing of this By-law shall be permitted.
 - h) Notwithstanding Section 18 (3) (vi) (c) (ii), an open fire escape or open stairway may project into a required side yard not more than 0.9 metres.
 - i) Notwithstanding Section 18 (3) (vi) (e), a stairway existing on the date of the passing of this By-law shall be permitted.
 - j) Notwithstanding Section 18 (14), for any single family dwelling and two family dwelling not less than 22% of the gross area of the front yard shall be used for a landscaped area excluding concrete, asphalt, gravel, pavers, or other similar materials.
 - k) Notwithstanding Section 18A (1) (f), manoeuvring space abutting upon and accessory to one parking space shall have a minimum aisle width of 3 metres.

- l) Notwithstanding Section 18A (7), one required parking space other than a parallel parking space shall have dimensions not less than 2.7 metres wide and 5.5 metres long.
 - m) Notwithstanding Section 18A (14b) (ii), not less than 22% of the gross area of the front yard shall be used for a landscaped area, excluding concrete, asphalt, gravel, pavers, or other similar materials.
 - n) Section 19 shall not apply.
3. That the 'H' symbol applicable to the lands referred to in Sections 1 shall be removed conditional upon:
- i) That the Owner shall apply for a Building Permit to permit internal renovations to legally establish a two family dwelling and single family dwelling, to the satisfaction of the City's Chief Building Official;
 - ii) That the Owner shall investigate the noise levels on the site and determine and implement the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of the Environment's recommended sound level limits. An acoustical report prepared by a qualified Professional Engineer containing the recommended control measures shall be submitted to the satisfaction of the City of Hamilton, Director of Planning and Chief Planner. Should a peer review of the acoustical report be warranted, all associated costs shall be borne by the owner / applicant and shall be submitted to the satisfaction of the City of Hamilton, Director of Planning and Chief Planner;
 - iii) That the Owner submits and receives approval of a wastewater generation assessment, to the satisfaction of the Senior Director, Growth Management; and,
 - iv) That the Owner enter into an encroachment agreement with the City of Hamilton to permit the existing building at the rear of the property to encroach into the existing alleyway, to the satisfaction of the Director or Engineering Services, Public Works Department.
4. That 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 "D" District provisions, subject to the special requirements in Section 2 of this By-law.
5. That By-law No. 6593 is amended by adding this By-law to Section 19B as Schedule S-1760.
6. That By-law No. 6593 is amended by adding this By-law to Section 19B as Schedule S-1760.
7. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.

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

F. Eisenberger
Mayor

City Clerk

ZAR-17-034



This is Schedule "A" to By-law No. 18- Passed the day of, 2018	----- Mayor ----- Clerk
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<h2 style="margin: 0;">Schedule "A"</h2> <p style="margin: 10px 0 0 0;">Map Forming Part of By-law No. 18-_____</p> <p style="margin: 10px 0 0 0;">to Amend By-law No. 6593</p>	<p>Subject Property 157 Gibson Avenue</p> <p> Modification in Zoning from the "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District, Modified, to the "D/S-1760-'H" (Urban Protected Residential - One and Two Family Dwellings, etc.) District, Holding, Modified</p>
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Scale: N.T.S.	File Name/Number: ZAR-17-034 & UHOPA-17-17	
Date: March 20, 2018	Planner/Technician: DB/AL	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

For Office Use Only, this doesn't appear in the by-law - Clerk's will use this information in the Authority Section of the by-law

Is this by-law derived from the approval of a Committee Report? Yes

Committee: Steve Robichaud

Report No.: PED18XXX

Date: 05/15/2018

Ward(s) or City Wide: Ward: 3

(MM/DD/YYYY)

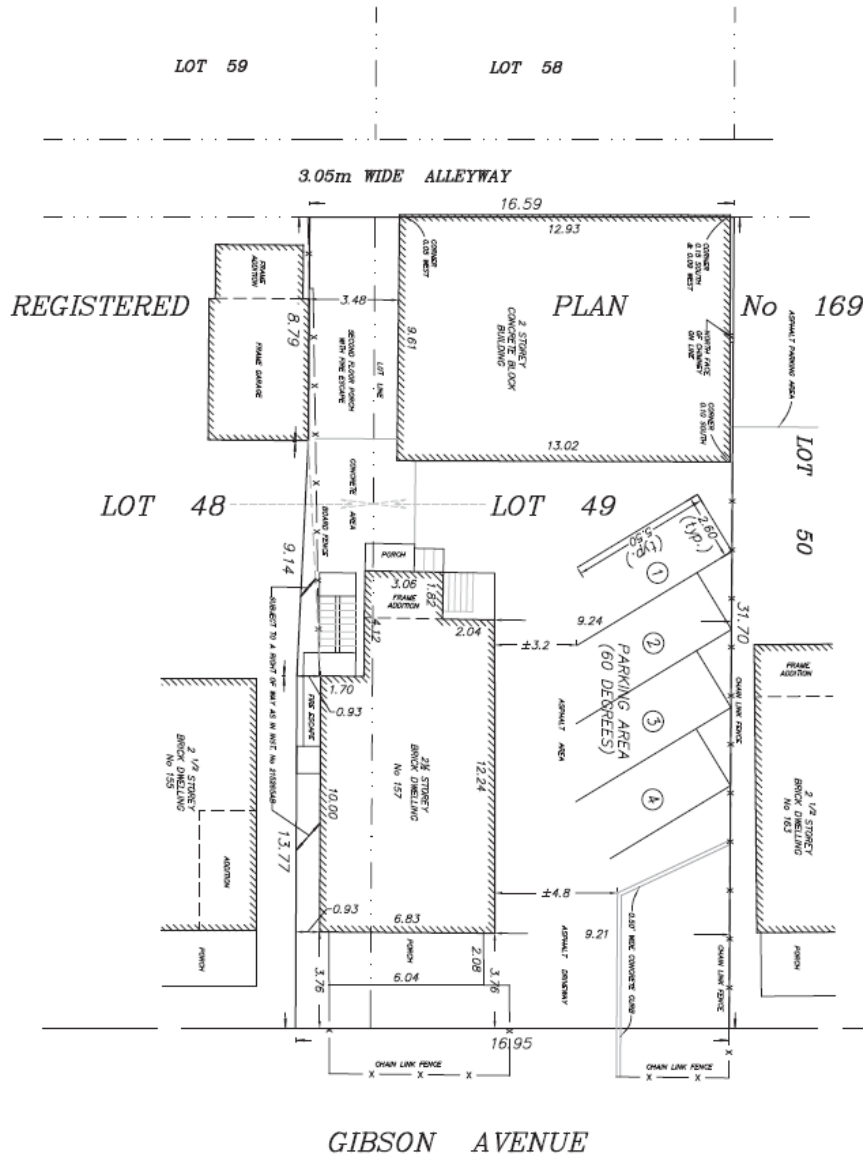
Prepared by: Daniel Barnett

Phone No: 905-546-2424 ext. 4445

For Office Use Only, this doesn't appear in the by-law

VC6281-3

SHEET OF
LOT 49 & PART OF LOT 48
 I. L. KINRADE SURVEY
 REGISTERED PLAN NO 159
 IN THE
CITY OF HAMILTON
 SCALE 1:150
 G. G. ALDORTH O.L.S.



DATE: MARCH 23, 2017

BY: G. G. ALDORTH O.L.S.
 FOR: A. J. CLARKE & ASSOCIATES LTD.
 PROJECT NO. 158120

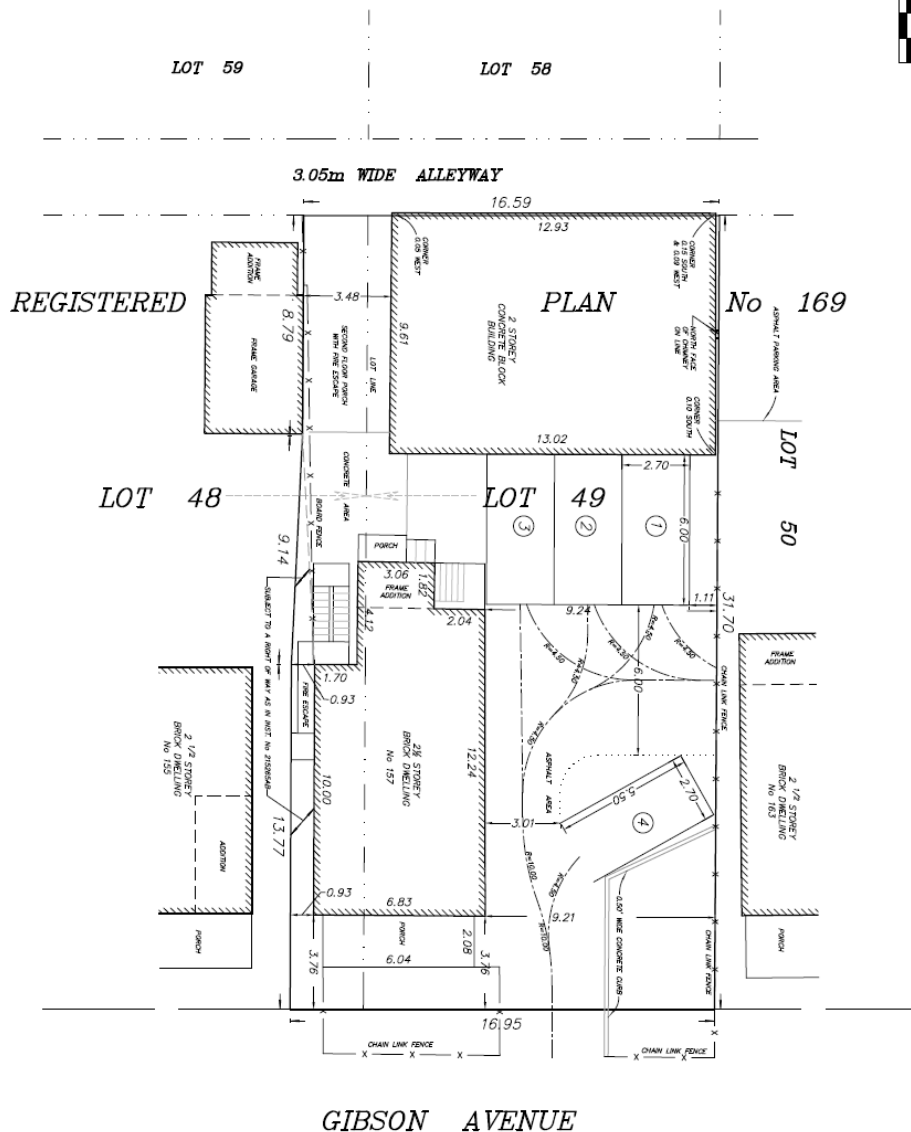
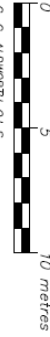
NOTE:
 THIS SURVEY IS BASED ON A
 PLAN OF A. J. CLARKE & ASSOCIATES LTD.
 PROJECT NO. 158120, DATED JAN. 26, 1977

A. J. Clarke and Associates Ltd.
 SURVEYORS • PLANNERS • ENGINEERS
 25 MAIN STREET WEST, SUITE 300
 HAMILTON, ONTARIO, L8P 1H1
 TEL: 905-528-8701 FAX: 905-528-2289
 email: office@ajc.com

E-18249A

E-18249A

SKETCH OF
LOT 49 & PART OF LOT 48
 T. L. KINRADE SURVEY
 REGISTERED PLAN No 169
 IN THE
CITY OF HAMILTON
 SCALE 1:150
 G. G. ALDWINORTH O.L.S.



MARCH 7, 2018
 DATE

NOTE:
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 SURVEY BY A. J. CLARKE &
 ASSOCIATES LTD. DATED
 APRIL 26, 1977

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PROJECT No. 154320

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E-18249A



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
 Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	May 15, 2018
SUBJECT/REPORT NO:	Application for Approval of a Draft Plan of Condominium (Common Element) for Lands Located at 389 Garner Road East (Ancaster) (Ward 12) (PED18112)
WARD(S) AFFECTED:	Ward 12
PREPARED BY:	Melanie Schneider (905) 546 – 2424 Ext. 1224
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That **Draft Plan of Condominium Application 25CDM-201713, by WEBB Planning Consultants Inc., on behalf of 1541079 Ontario Inc. (Losani Homes Limited), owner**, to establish a Draft Plan of Condominium (Common Element) to create a condominium road network, sidewalks, landscaped areas, 62 visitor parking spaces, and centralized mailboxes, on lands located at 389 Garner Road East (Ancaster), as shown on Appendix “A”, attached to Report PED18112, be **APPROVED** subject to the following conditions:

- (a) That the approval for Draft Plan of Condominium (Common Element) application 25CDM-201713 applies to the plan prepared by A.T. McLaren Limited, certified by S. D. McLaren, and dated October 30, 2017, consisting of a condominium road network, sidewalks, landscaped areas, 62 visitor parking spaces, and centralized mailboxes, in favour of 90 maisonette and 45 townhouse dwelling units, attached as Appendix “B” to Report PED18112;
- (b) That the conditions of Draft Plan of Condominium Approval 25CDM-201713, attached as Appendix “C” to Report PED18112, be received and endorsed by City Council.

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SUBJECT: Application for Approval of a Draft Plan of Condominium (Common Element) for Lands Located at 389 Garner Road East (Ancaster) (Ward 12) (PED18112) - Page 2 of 13

EXECUTIVE SUMMARY

The purpose of the application is to establish a Draft Plan of Condominium (Common Element) to create the following common elements: a private condominium road network, sidewalks, landscaped areas, 62 visitor parking spaces, centralized mailboxes in favour of 90 maisonettes and 45 townhouse dwelling units, as approved under final approved Site Plan Control Application DA-16-169. The condominium road will provide access to a public road, Dodman Crescent, and to Farley Lane, Egleston Lane and Whaley Lane, which are all private condominium roads. Access to the abutting private roads is being secured through a Joint Use Agreement and reciprocal easements. The subject lands are to be developed as maisonette and townhouse units fronting onto Garner Road East, Dodman Crescent and onto a private condominium road network, by way of Part Lot Control Application PLC-17-030, currently being processed.

The proposed Draft Plan of Condominium conforms to the Town of Ancaster Zoning By-law No. 87-57, as amended by By-laws No. 16-220 and 14-177. Further, it is consistent with and will implement the final approved Site Plan Control Application DA-16-169.

The proposed Draft Plan of Condominium has merit and can be supported as it is consistent with the Provincial Policy Statement (PPS), conforms to the Growth Plan for the Greater Golden Horseshoe, and complies with the Urban Hamilton Official Plan (UHOP).

Alternatives for Consideration – See Page 12

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold at least one Public Meeting to consider an application for a Draft Plan of Condominium (Common Element).

HISTORICAL BACKGROUND

Proposal:

The purpose of the application is to establish a Draft Plan of Condominium (Common Element) to create the following common elements: a private condominium road network, sidewalks, landscaped areas, 62 visitor parking spaces, and centralized mailboxes in favour of 90 maisonettes and 45 townhouse dwelling units, as approved

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SUBJECT: Application for Approval of a Draft Plan of Condominium (Common Element) for Lands Located at 389 Garner Road East (Ancaster) (Ward 12) (PED18112) - Page 3 of 13

under final approved Site Plan Control Application DA-16-169, attached as Appendix “B” to Report PED18112. The condominium road will provide access to a public road, Dodman Crescent, and to Farley Lane, Egleston Lane and Whaley Lane, which are private condominium roads.

Chronology:

- November 30, 2017: Condominium Application 25CDM-201713 is deemed complete.
- December 18, 2017: Circulation of Notice of Complete Application and Preliminary Circulation for Condominium Application 25CDM-201713 sent to 118 property owners within 120 m of the subject lands.
- December 22, 2017: Public Notice Sign placed on the subject lands.
- April 18, 2018: Public Notice Sign updated to indicate Public Meeting date.
- April 27, 2018: Notice of Public Meeting circulated to 118 property owners within 120 m of the subject lands.

Details of Submitted Application:

- Location:** 389 Garner Road East (Ancaster)
(See Location Map attached as Appendix “A” to Report PED18112)
- Owner / Applicant:** 1541079 Ontario Inc. c/o: Losani Homes Ltd.
- Agent:** WEBB Planning Consultants Inc., c/o: James Webb
- Property Description:**
- | | |
|----------------------|----------------------------|
| <u>Lot Frontage:</u> | 160.35 m (Dodman Crescent) |
| <u>Lot Depth:</u> | 122.44.57 m |
| <u>Lot Area:</u> | 2.33 ha |
- Servicing:** Full Municipal Services

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EXISTING LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Maisonette and Townhouse dwellings under construction	Residential Multiple "RM5-677" Zone, Modified and Residential Multiple "RM5-660" Zone, Modified
<u>Surrounding Lands:</u>		
North	Street townhouse dwellings	Residential Multiple "RM2-661" Zone, Modified
South	Single detached dwellings and vacant farmland	Airport Prestige Business (M11, H37) Zone
East	Maisonette and townhouse dwellings	Residential Multiple "RM5-660" Zone, Modified
West	Single detached dwellings and Highway No. 6	Agricultural "A-216" Zone, Modified

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (PPS 2014):

The Provincial planning policy framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (PPS 2014). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS.

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Ontario Municipal Board approval of the City of Hamilton Official Plans, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework.

As the application for a Draft Plan of Condominium complies with the UHOP, it is staff's opinion that the application is:

- consistent with Section 3 of the *Planning Act*; and,

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SUBJECT: Application for Approval of a Draft Plan of Condominium (Common Element) for Lands Located at 389 Garner Road East (Ancaster) (Ward 12) (PED18112) - Page 5 of 13

- consistent with the Provincial Policy Statement (2014).

Growth Plan for the Greater Golden Horseshoe (2017)

The following policies, amongst others, from the Growth Plan for the Greater Golden Horseshoe are applicable to the proposal.

“2.2.1.2 Forecasted growth to the horizon of this Plan will be allocated based on the following:

- a) the vast majority of growth will be directed to settlement areas that:
 - i. have a delineated built boundary;
 - ii. have existing or planned municipal water and wastewater systems; and,
 - iii. can support the achievement of complete communities.
- c) within settlement areas, growth will be focused in:
 - iii. locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and,
 - iv. areas with existing or planned public service facilities.”

The subject lands are located within a settlement area, outside of the built boundary, as shown on Appendix “G” – Boundaries Map of the Urban Hamilton Official Plan (UHOP). The lands are located on the north side of Garner Road East, east of Highway No. 6. The subject lands are located in the vicinity of existing commercial uses and future employment lands which contribute to a complete community. The lands are also located along the S Line of the BLAST network, which is serviced by HSR Route #44, ensuring that the location is serviced by planned and existing transit. As part of the Registered Plan of Subdivision 62M-1245 and Site Plan Control Application DA-16-169, planned municipal water and wastewater systems were reviewed to ensure that sufficient municipal systems are in place to support the proposal. Accordingly, the proposal conforms to the Growth Plan for the Greater Golden Horseshoe (2017).

Urban Hamilton Official Plan (UHOP):

The subject lands are designated “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations and as “Medium Density 2b, Site Specific Policy – Area C” and “Low

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Density 2c, Site Specific Policy – Area B” on Map B.2.3-1 – Garner Neighbourhood Secondary Plan. The following policies, amongst others, apply to the application.

“B.3.6.3.1 Development of noise sensitive land uses, in the vicinity of provincial highways, parkways, minor or major arterial roads, collector roads, truck routes, railway lines, railway yards, airports, or other uses considered to be noise generators shall comply with all applicable provincial and municipal guidelines and standards.”

The subject lands are adjacent to Garner Road East and Highway No. 6, which are identified as a Major Arterial Road and Provincial Highway (Controlled Access), respectively on Schedule “C” – Functional Road Classification of the UHOP. Accordingly, the applicants have submitted a noise impact study and addendum, “Environmental Noise Assessment, Proposed Residential Development, Ancaster Glen 3B, Highway No 6 and Garner Road, City of Hamilton”, dated November 14, 2016 in support of the application. Condition No. 12 in Appendix “C” to Report PED18112 has been included in order to implement the recommendations for noise warning clauses.

“E.3.5.9 Development within the medium density residential category shall be evaluated on the basis of the following criteria:

- b) Development shall be integrated with other lands in the Neighbourhoods designation with respect to density, design, and physical and functional considerations.
- d) Access to the property shall be designed to minimize conflicts between traffic and pedestrians both on-site and on surrounding streets.”

The proposal includes road access through private lands owned by an existing Condominium Corporation. In particular, the proposed Common Element Road does not extend fully to Unit 111, shown on Appendix “B” to Report PED18112, for the purposes of vehicular access to the unit. Accordingly, the applicant will be required to establish reciprocal Joint Use Agreements between the adjacent Condominium Corporation and this future Corporation (see Condition No. 11 in Appendix “C” to Report PED18112) to ensure conflicts between traffic and pedestrians are minimized, to provide vehicular access and frontage on a private road, and to ensure the development is appropriately integrated with other lands.

Based on the foregoing, the proposal complies with Volume 1 of the Urban Hamilton Official Plan.

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Garner Neighbourhood Secondary Plan

The subject lands are designated “Medium Density Residential 2b”, “Site Specific Policy – Area C” in the Garner Neighbourhood Secondary Plan. In addition, a small portion of the lands are designated “Low Density Residential 2c” and “Site Specific Policy – Area B” in the Garner Neighbourhood Secondary Plan. The following policies, amongst others, apply.

“B.2.3.1.3 Notwithstanding Policies E.3.4.3 and E.3.4.4 of Volume 1, the following policies shall apply to the Low Density Residential designations identified on Map B.2.3-1 – Garner Neighbourhood – Land Use Plan.

e) In the Low Density Residential 2c designation:

- i) the permitted uses shall be street townhouses, block townhouses, courtyard townhouse and other innovative ground-oriented attached housing forms; and,
- ii) the density shall not exceed 37 dwelling units per gross/net residential hectare.

B.2.3.1.4 Notwithstanding Policies E.3.5.2 and E.3.5.7 of Volume 1, the following policies shall apply to the Medium Density Residential designations identified on Map B.2.3-1 – Garner Neighbourhood – Land Use Plan.

a) In the Medium Density Residential 2b designation:

- i) the permitted uses shall be stacked townhouses and low rise apartments; and,
- ii) the density shall not exceed 70 dwelling units per gross/net residential hectare.

B.2.3.6.2 In addition to Section B.2.3.1.3(e), the following policy shall apply to the portion of the lands located at 435 Garner Road East and John Frederick Drive), and identified as Site Specific Policy – Area B on Map B.2.3-1 – Garner Neighbourhood Land Use Plan:

a) Notwithstanding Policy 2.3.1.3(e)(ii) the density shall not exceed 57 dwelling units per gross/net residential hectare.

B.2.3.6.3 That in addition to Section B.2.3.1.4 (i), that block townhouses and maisonettes (back-to-back townhouses) shall also be permitted on the

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lands located at a portion of 435 Garner Road East (lands located at the northeast corner of Highway 6 and Garner Road East), and identified as Site Specific Policy – Area C on Map B.2.3-1 – Garner Neighbourhood Secondary Plan.”

The proposed Draft Plan of Condominium proposes to establish common elements in favour of 90 maisonette and 45 townhouse dwelling units, providing for a density of 57.94 units per hectare on the westerly portion of the lands subject to the maximum density of 70 units per hectare. A portion of the sidewalk common element is located on lands designated “Low Density Residential 2c” and “Site Specific Policy – Area B” which contains townhouse dwellings, providing for a density of 54.96 units per hectare where the maximum density of 57 units per hectare applies.

Based on the foregoing, the proposal complies with the Garner Neighbourhood Secondary Plan.

Ancaster Zoning By-law No. 87-57

The subject lands are zoned Residential Multiple “RM5-677” Zone, Modified and the Residential Multiple “RM5-660” Zone, Modified, in the Town of Ancaster Zoning By-law No. 87-57, as amended by By-laws No. 16-220 and 14-177. By-law No. 16-220 permits multiple dwellings, multi-plex dwellings, stacked townhouses, block townhouses, and maisonettes within the “RM5-677” Zone, Modified. By-law No. 14-177 permits multi-plex dwellings and block townhouses within the “RM5-660” Zone, Modified. Since the proposal is to establish common elements in favour of block townhouses and maisonette dwelling units, the proposal conforms to the Ancaster Zoning By-law No. 87-57, as amended. Site Plan Control Application DA-16-169 was granted Final Approval on December 21, 2017. Condition Nos. 1 and 2 of Appendix “C” to Report PED18112 have been included to ensure the proposal is developed in accordance with these approvals.

RELEVANT CONSULTATION

The following departments and agencies had no comments or objections:

- Forestry and Horticulture Section, Public Works Department;
- HSR;
- Hydro One Inc.;
- LRT Office;
- Recreation Division, Community and Emergency Services Department;
- Recycling and Waste Disposal Section, Public Works Department; and,
- Strategic Planning Division, Public Works Department.

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Vector Borne Disease (Public Health Services) have advised that a Pest Control Plan, focusing on rats and mice, shall be developed and implemented for the demolition, construction / development phase of the project and continue until the project is complete. Staff notes that these comments were addressed through the approved Site Plan Control Application DA-16-169.

Canada Post Corporation noted that mail delivery services will be provided to the condominium through centralized mail facilities (Lock Bock Assembly) to be installed within the common element at the developer's expense. Canada Post requests updates if the project description changes in order to assess if there are any impacts. If the application is approved Canada Post requires notification of the civic address as soon as possible. The centralized mail box location has been determined through the approved Site Plan Control Application DA-16-169. Further, the requested conditions have been addressed through Condition Nos. 5 (iv), and 6 to 10, inclusive in Appendix "C" to Report PED18112.

Transportation Management (Public Works Department) have advised that the development must consider the needs of pedestrians with disabilities, ensure sidewalks are a minimum of 1.5 m and that the Transit Oriented Development (TOD) guidelines be implemented. Staff note that these comments were addressed through Site Plan Control Application DA-16-169, which was granted final approval on December 21, 2017.

Union Gas Ltd. has requested that as a Condition of Draft Approval, the owner / applicant provide the necessary easements and / or agreements required by Union Gas Ltd. for the provision of gas services for this project. Condition No. 14 has been included in Appendix "C" to Report PED18112 to address this requirement.

PUBLIC CONSULTATION

In accordance with the provisions of the *Planning Act* and Council's Public Participation Policy, Notices of Complete Application and Preliminary Circulation were sent to 118 property owners within 120 m of the subject property on December 18, 2017, requesting comments on the application.

Furthermore, a Public Notice Sign was posted on the property on December 22, 2017 and updated on April 18, 2018 with the Public Meeting date. Finally, Notice of the Public Meeting was given on April 27, 2018, in accordance with the requirements of the *Planning Act*.

To date, one public submission has been received. Concerns from the property owner are related to additional traffic on Whaley Lane, location of one unit over two plans of condominium, and location of snow storage traffic flow. The issues and concerns in the

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correspondence are summarized in the Analysis and Rationale for Recommendation Section (see Appendix “E” to Report PED18112).

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 and conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow);
 - (ii) It complies with the policies of the Urban Hamilton Official Plan; and,
 - (iii) The proposal establishes condominium tenure for a form of development permitted under the Town of Ancaster Zoning By-law No. 87-57 as amended by By-law Nos. 16-220 and 14-177. It will implement the approved Site Plan Control Application DA-16-169, which provides for a form of development that is compatible with surrounding land uses.
2. The proposed Draft Plan of Condominium (Common Element) is comprised of the following common elements: a condominium road network, sidewalks, landscaped areas, 62 parking spaces, and centralized mailboxes, as shown on the attached plan, marked as Appendix “B” to Report PED18112. The private condominium road will provide access to a public road, Dodman Crescent, and to Farley Lane, Egleston Lane and Whaley Lane, which are all private condominium roads. Ninety (90) maisonette and 45 block townhouse dwelling units will have access from the private condominium road network and will hold an interest in the Common Element Condominium Corporation.
3. The applicant must ensure that the final Plan of Condominium complies with the final approved Site Plan Control Application DA-16-169, approved on December 21, 2017, to the satisfaction of the Director of Planning and Chief Planner (Condition No. 2 of Appendix “C” to Report PED18112).
4. The land proposed for the common element condominium and the lots for all of the dwelling units will be created through Part Lot Control Application PLC-17-030. In this regard, final approval and registration of the common element condominium cannot occur until such time as the future Part Lot Control Application is approved and the By-law removing the lands from Part Lot Control has been passed by Council (Condition No. 3 of Appendix “C” to Report PED18112). Part Lot Control Application PLC-17-030 is currently under review.
5. The applicant must also enter into a Development Agreement with the City of Hamilton as a condition of Draft Plan of Condominium approval. This Agreement

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- will ensure that the tenure of the proposed common elements (as shown on the Draft Plan of Condominium included in Appendix “B” to Report PED18112) becomes “tied” to the proposed Draft Plan of Condominium. This will have the effect of ensuring that individual townhouse and maisonette lots are not sold until the condominium has been registered as a Common Elements Condominium under the Condominium Act (Condition No. 4 of Appendix “C” to Report PED18112).
6. The proposed condominium road will be privately owned and maintained. As a condition of approval, the applicant must include warning clauses in the Development Agreement and all purchase and sale agreements and rental or lease agreements to advise perspective purchasers that the City of Hamilton will not provide maintenance or snow removal and that the provided garages are for parking (including that on-street, overflow parking may not be available and cannot be guaranteed in perpetuity) (Condition No. 5 (i) and (iii) of Appendix “C” to Report PED18112).
 7. Development Engineering has advised that all issues pertaining to the grading, drainage and servicing have been reviewed as per approved Site Plan Control Application DA-16-169 and are subject to the terms and conditions therein. Furthermore, Development Engineering has advised that it is the responsibility of the Condominium Corporation to ensure that the maintenance and repair of all utilities within the Common Elements be maintained at the Corporations own expense. In addition, the Condominium Corporation will be required to maintain the Common Elements, including all utilities, at their own expense. The above comments have been included as Condition Nos. 5 (ii) and 13 of Appendix “C” to Report PED18112.
 8. Growth Management staff have advised that the following note be added to the Draft Plan of Condominium Conditions as Note 1 (see Appendix “C” to Report PED18112):

“**NOTE:** Pursuant to Section 51(32) of the *Planning Act*, draft approval shall lapse if the plan is not given final approval within three years. However, extensions will be considered if a written request is received before the draft approval lapses.”
 9. The owner shall satisfy all conditions, financial or otherwise, of the City of Hamilton (Condition No.15 in Appendix “C” to Report PED18112).
 10. The circulation of the application for Draft Plan of Condominium has resulted in the submission of correspondence from an adjacent property owner (see Appendix “E” to Report PED18112). The concerns raised by the property owner are summarized as follows.

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Site Design

The property owner identified that existing visitor parking areas within the adjacent Condominium are at capacity and that additional units could create additional traffic and parking conflicts. It was suggested that additional parking be provided on site with the removal of Block C on the subject lands. Further, concerns were raised with snow storage since there appears to be limited room for providing snow storage on site. Lastly, concerns were identified with the narrow width of the roads and that private waste removal is the only option for servicing the site.

Staff note that all the concerns identified above were reviewed through Site Plan Applications DA-14-140 and DA-16-169, in accordance with the Ancaster Zoning By-law No. 87-57, as amended. Further, this Draft Plan of Condominium Application is intended to establish tenure only; maintenance including snow and waste removal will be the responsibility of the future Condominium Corporation as the lands, including roadways, are privately owned.

Site Access from Whaley Lane

The property owner identified that the development of the adjacent lands will result in additional traffic using Whaley Lane, a private road, to access the subject lands. Accordingly, staff have recommended that Condition No. 11 of Appendix "C" be implemented to ensure that the necessary agreements and easements be established in order to allow joint use of the private roadway network.

ALTERNATIVES FOR CONSIDERATION

Should the proposed Plan of Condominium (Common Element) not be approved, the applicant / owner could develop the lands as a standard block condominium development or as a rental development. A change in tenure from the proposed common element condominium to a standard form condominium would require a new Draft Plan of Condominium application.

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.

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OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

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

SUBJECT: Application for Approval of a Draft Plan of Condominium (Common Element) for Lands Located at 389 Garner Road East (Ancaster) (Ward 12) (PED18112) - Page 13 of 13

Healthy and Safe Communities

Hamilton is a safe and supportive city where people are active, healthy, and have a high quality of life.

Our People and Performance

Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

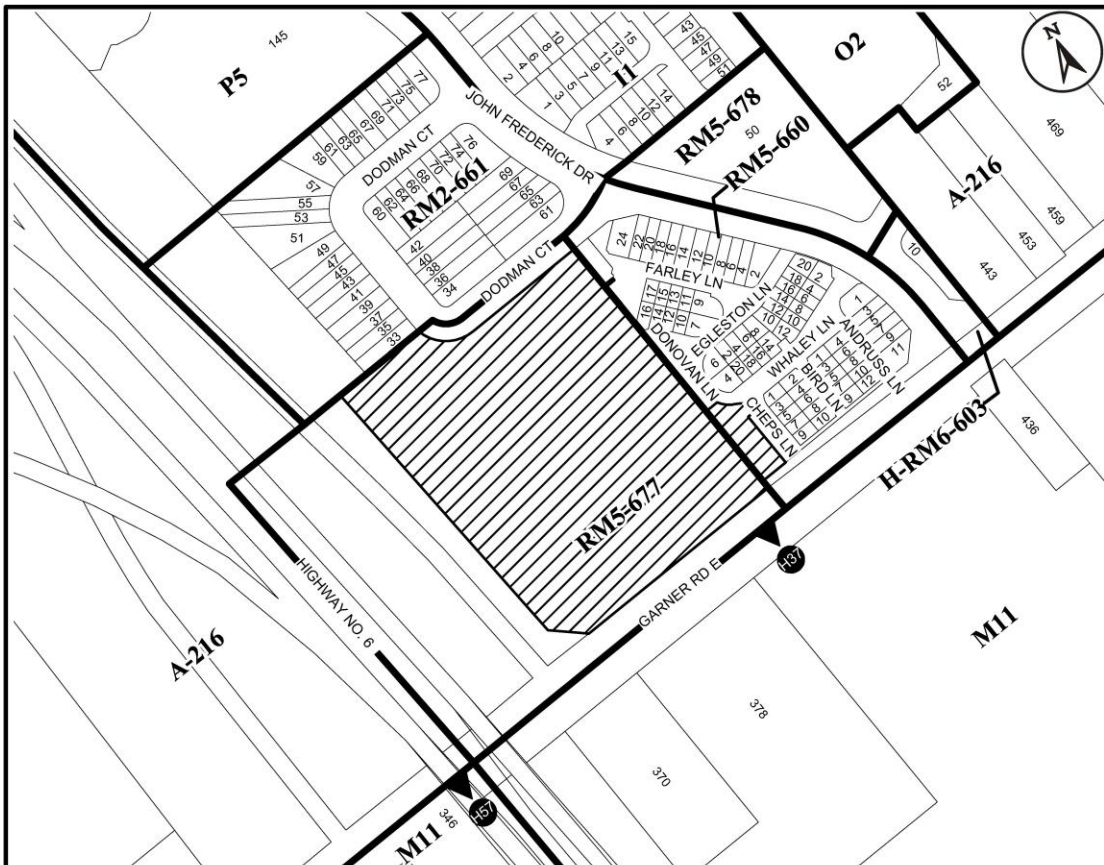
- Appendix "A": Location Map
- Appendix "B": Proposed Draft Plan of Condominium
- Appendix "C": Recommended Conditions of Approval
- Appendix "D": Approved Site Plan Control Application DA-16-169
- Appendix "E": Public Correspondence

MS:mo

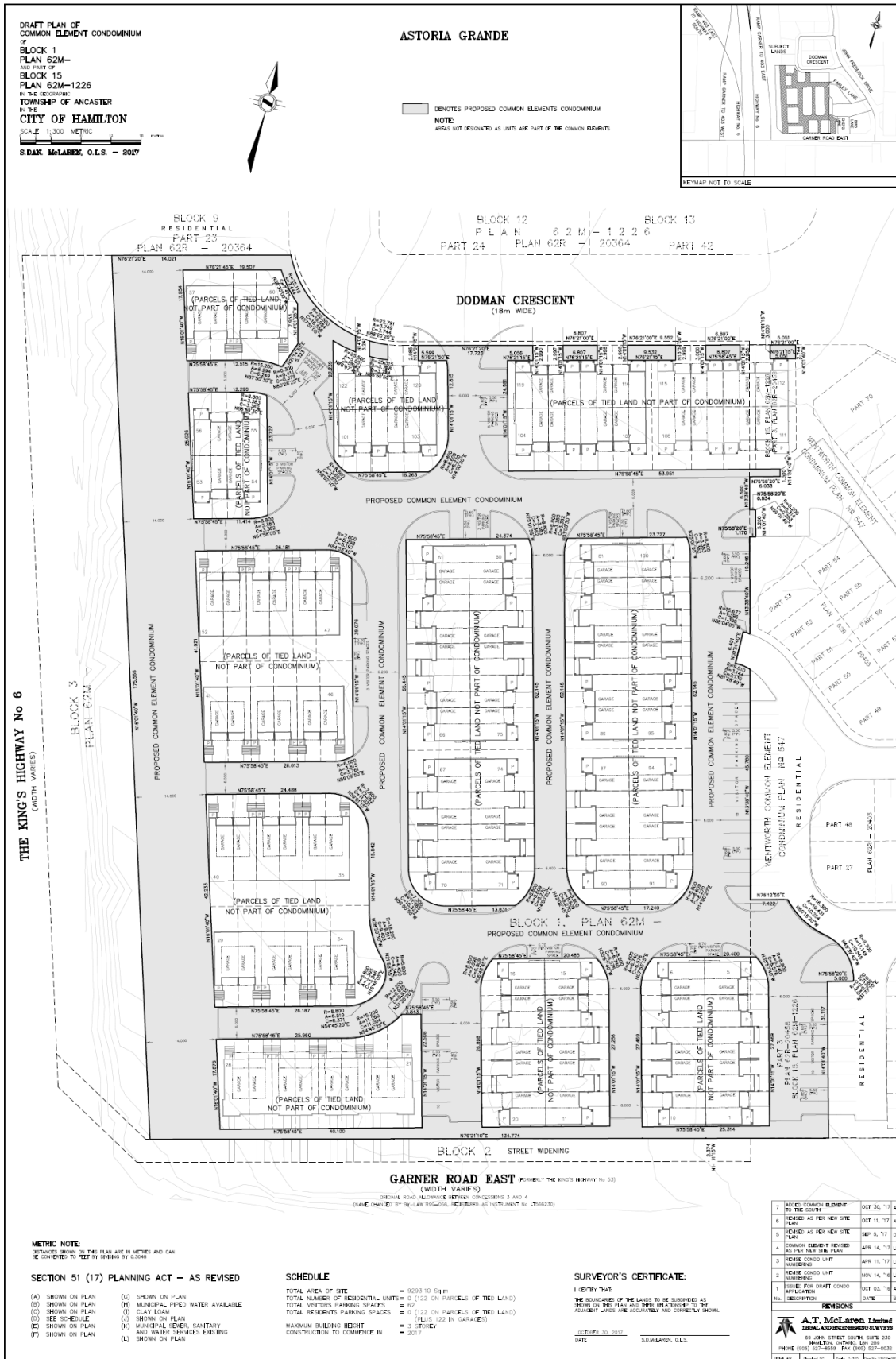
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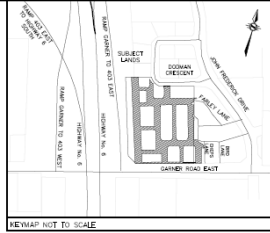
<p>● Site Location</p> <p>Key Map - Ward 12</p>	<h2>Location Map</h2> <p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>	
	<p>File Name/Number: 25CDM-201713 & PLC-17-030</p>	<p>Date: December 5, 2017</p>
<p>Appendix "A"</p>	<p>Scale: N.T.S.</p>	<p>Planner/Technician: MS/S</p>
<p>Subject Property</p> <p> 389 Garner Road East, Ancaster</p>		
<p>Key Map - Ward 12</p>		<p>N.T.S. </p>



DRAFT PLAN OF
COMMON ELEMENT CONDOMINIUM
OF
BLOCK 1
PLAN 62M-
AND PART OF
BLOCK 15
PLAN 62M-1226
IN THE GEOGRAPHIC
TOWNSHIP OF ANCASTER
IN THE
CITY OF HAMILTON
SCALE 1:300 METRIC
S. DAR McLAREN, O.L.S. - 2017

ASTORIA GRANDE

DEVOTES PROPOSED COMMON ELEMENTS CONDOMINIUM
NOTE:
AREAS NOT DESIGNATED AS UNITS ARE PART OF THE COMMON ELEMENTS



THE KING'S HIGHWAY No 6
(WIDTH VARIES)

BLOCK 3
PLAN 62M

BLOCK 12
PLAN 62M-1226
PART 24

BLOCK 13
PART 42

DODMAN CRESCENT
(18m WIDE)

PROPOSED COMMON ELEMENT CONDOMINIUM

BLOCK 4: PLAN 62M -
PROPOSED COMMON ELEMENT CONDOMINIUM

BLOCK 2 STREET WIDENING

GARNER ROAD EAST (PREVIOUSLY THE BRIDGE ROADWAY NO. 53)
(WIDTH VARIES)

METRIC NOTE
DIMENSIONS SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

SECTION 51 (17) PLANNING ACT - AS REVISED

- (A) SHOWN ON PLAN
- (B) SHOWN ON PLAN
- (C) SHOWN ON PLAN
- (D) SEE SCHEDULE
- (E) SHOWN ON PLAN
- (F) SHOWN ON PLAN
- (G) SHOWN ON PLAN
- (H) MUNICIPAL FREQ. WATER AVAILABLE
- (I) CLAY LOAM
- (J) SHOWN ON PLAN
- (K) MUNICIPAL SEWER, SANITARY AND WATER SERVICES EXISTING
- (L) SHOWN ON PLAN

SCHEDULE

- TOTAL AREA OF SITE = 9293.10 SQ.M
- TOTAL NUMBER OF RESIDENTIAL UNITS = 0 (122 ON PARCELS OF TIED LAND)
- TOTAL VISITOR'S PARKING SPACES = 62
- TOTAL RESIDENTS PARKING SPACES = 0 (122 ON PARCELS OF TIED LAND) (122 IN 122 BY GARAGES)
- MAXIMUM BUILDING HEIGHT CONSTRUCTION TO COMMENCE IN = 3 STOREY
- = 2017

SURVEYOR'S CERTIFICATE:

I CERTIFY THAT
THE BOUNDARIES OF THE LANDS TO BE SURVEYED AS SHOWN ON THIS PLAN AND THE RELATIONSHIP TO THE ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN.
DATE: OCTOBER 30, 2017
S. DAR McLAREN, O.L.S.

NO.	DESCRIPTION	DATE	BY
7	REVISED COMMON ELEMENT TO THE SOUTH	OCT 30, 17	AW
6	REVISED 40' PER NEW SITE PLAN	OCT 11, 17	AW
5	REVISED 40' PER NEW SITE PLAN	SEP 5, 17	DD
4	COMMON ELEMENTS REVISION AS PER NEW SITE PLAN	APR 14, 17	DD
3	REVISE CONDO UNIT DIMENSIONS	APR 11, 17	ED
2	REVISE CONDO UNIT DIMENSIONS	NOV 14, 16	ED
1	PROVIDE FOR DRAFT CONDO UNIT DIMENSIONS	OCT 23, 16	AW
NO.	DESCRIPTION	DATE	BY

REVISIONS
A.T. McLaren Limited
LOCAL AND INDUSTRIAL SURVEYORS
65 JANE STREET SOUTH, SUITE 230
HAMILTON, ONTARIO, L8N 2R9
PHONE (905) 527-8059 FAX (905) 527-0032
WWW.ATMCLAREN.COM

Recommended Conditions of Draft Plan of Condominium Approval

That this approval for the **Draft Plan of Condominium Application 25CDM-201713, by WEBB Planning Consultants Inc., on behalf of 1541079 Ontario Inc. (Losani Homes Ltd.), Owner,** to establish a Draft Plan of Condominium (Common Element) to create a condominium road network, sidewalks, landscaped areas, 62 visitor parking spaces, and centralized mailboxes, on lands located at 389 Garner Road East (Ancaster), be received and endorsed by City Council with the following special conditions:

1. That the final Plan of Condominium shall comply with all of the applicable provisions of the Town of Ancaster Zoning By-law No. 87-57, as amended by By-law Nos. 16-220 and 14-177, or in the event the City of Hamilton has repealed and replaced the Town of Ancaster Zoning By-law No. 87-57 with By-law No. 05-200, the final Plan of Condominium shall comply with all of the applicable provisions of the Zoning By-law in force and effect at the time of registration of the Draft Plan of Condominium.
2. That the subject lands be developed in accordance with the approved Site Plan Control Application DA-16-169 and that the final Plan of Condominium complies with the approved Site Plan, to the satisfaction of the Director of Planning and Chief Planner.
3. That the owner shall receive final approval of Part Lot Control Application PLC-17-030, including the enactment and registration on title of the associated Part Lot Control Exemption By-law, to the satisfaction of the Director of Planning and Chief Planner.
4. That the owner shall enter into a Development Agreement to ensure that the tenure of each of the proposed maisonette and townhouse dwellings having frontage on the condominium road has legal interest, in common, to the common elements condominium, to the satisfaction of the City Solicitor.
5. That the owner shall agree to include the following in all Purchase and Sale Agreements and Rental or Lease Agreements and in the Development Agreement, to the satisfaction of the Senior Director of Growth Management:
 - (i) Purchasers are advised that the City of Hamilton will not be providing maintenance or snow removal service for the private condominium road. In addition, City Waste Management services may not be available to residents and that the provision of such services may require agreements with private contractors.
 - (ii) Purchaser are advised that that there is an approved grading plan and that the purchaser agrees not to alter the approved grading plan without approval from the City of Hamilton. Additionally, no grade alteration within 0.45 metres

- of the property line will be permitted including retaining walls, walkways, curbs, etc.
- (iii) Garages are provided for the purpose of parking a vehicle. It is the responsibility of the owner / tenant to ensure that their parking needs (including those of visitors) can be accommodated onsite. On-street, overflow parking may not be available and cannot be guaranteed in perpetuity.
 - (iv) The home mail delivery will be from a Community Mail Box.
6. That the owner will be responsible for officially notifying the purchasers of the exact Community Mail Box locations, to the satisfaction of Senior Director of Growth Management and Canada Post prior to the closing of any home sales.
 7. That the owner work with Canada Post to determine and provide temporary suitable Community Mail Box locations, which may be utilized by Canada Post, until the curbs, boulevards, and sidewalks are in place in the remainder of the subdivision, to the satisfaction of the Senior Director of Growth Management.
 8. That the owner install a concrete pad in accordance with the requirements of, and in locations to be approved by the Senior Director of Growth Management and Canada Post, to facilitate the placement of Community Mail Boxes.
 9. That the owner identify the concrete pads for the Community Mail Boxes on the engineering / servicing drawings. Said pads are to be poured at the time of the sidewalk and / or curb installation within each phase, to the satisfaction of the Senior Director of Growth Management.
 10. That the owner determine the location of all mail receiving facilities in co-operation with the Senior Director of Growth Management and Canada Post, and to indicate the location of mail facilities on appropriate maps, information boards, and plans. Maps are also to be prominently displayed in the sales office(s), showing specific mail facility locations.
 11. That the owner enter into a Joint Use Agreement and register on title with the adjacent land owner of 35 John Frederick Drive in order to permit the use of shared sanitary and water services across the property line and to establish a private sewer and water servicing easement over the adjacent common element private condominium road in addition to easements for vehicular and pedestrian access to the satisfaction of the Senior Director of Growth Management. The Joint Use Agreement fee is \$4,110.00.
 12. That the owner shall agree to include the following in all Purchase and Sale Agreements and Rental or Lease Agreements and in the Condominium Declaration, as described in the report titled "Environmental Noise Assessment, Proposed Residential Development, Ancaster Glen Phase 3B, Highway No. 6 and

Garner Road, City of Hamilton", dated November 14, 2016, to the satisfaction of the Director of Planning and Chief Planning:

- (i) All Blocks/Units:

Warning Clause "A":

"Purchasers / tenants are advised that despite the inclusion of noise control features in the development and within the building units, sound levels due to increasing road traffic on Highway 403, Highway No. 6, the ramp from Garner Road to Highway 403 and Garner Road, may on occasion interfere with some activities of the dwelling occupants as the sound levels exceed the City of Hamilton's and the Ministry of the Environment's noise criteria."

- (ii) Blocks C, D, E, F, G, H and I

Warning Clause "B":

"This dwelling unit has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the Municipality's and the Ministry of the Environment's noise criteria."

- (iii) Blocks A, B, J, K, L, M, N, O and P

Warning Clause "C":

"This dwelling unit has been fitted with a forced air heating system and the ducting, etc. was sized to accommodate central air conditioning. Installation of central air conditioning by the occupant will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the Municipality's and the Ministry of the Environment's noise criteria. (Note: the location and installation of the outdoor air conditioning device should be done so as to comply with the noise criteria of MOE Publication NPC-216, Residential Air Conditioning Devices and thus minimize the noise impacts both on and in the immediate vicinity of the subject property.)"

13. That the owner / developer ensure the following wording is included in the associated Condominium Declaration to the satisfaction of the Senior Director of Growth Management:

- (i) The Corporation shall maintain and repair the Common Elements at its own expense. The Corporation shall also maintain and repair all utilities (including without limitation, water mains, storm and sanitary sewers, catch basins, and fire hydrants) which services more than one Parcel of Tied Land (POTL), whether located within the Common Elements or wholly or partly within the POTL and the Corporation and its designated agents shall have full access to a POTL to carry out its obligation pursuant to this paragraph. If the

Corporation is required to maintain or repair any utility or service on a POTL, the Corporation shall only be responsible to return the POTL to its original stage and shall not be responsible to repair or replace, or to correct any upgrade or improvement performed or added to the POTL by the POTL owner.

14. That the owner / developer provide to Union Gas the necessary easements and / or agreements required by Union Gas for the provision of gas services, in a form satisfactory to Union Gas.
15. That the owner shall satisfy all conditions, financial or otherwise, of the City of Hamilton.

NOTES TO DRAFT PLAN APPROVAL

- 1) Pursuant to Section 51(32) of the *Planning Act*, draft approval shall lapse if the plan is not given final approval within three years. However, extensions will be considered if a written request is received before the draft approval lapses.



Schneider, Melanie

From: Cathy Fulton <cfulton3@cogeco.ca>
Sent: January-14-18 4:14 PM
To: Schneider, Melanie
Cc: jdesantos@cogeco.ca
Subject: File:25CDM-201713 Responce
Attachments: 2018-01-14 15-48 page 1.pdf

We are responding to your letter of December 18, 2017, File:25CDM-201713.

We live at 1 Andruss Lane, Ancaster.

We are objecting to the building permit as it now stands.

Our first objection is to the entry and exits for the proposed new site.

It is our understanding the the new proposed site and our site which is Condominium #547 will be two separate condominium sites.

The proposed site will consist of 122 units. The condominium site #547 has 70 units.

There are only two streets for entry and exit for the combined sites. One (Whaley Lane) is off John Frederick Rd. and the other(unnamed) is off Dodman Crescent.

The map depicts (see attached Map) that approximately 75% (90 assuming one car per unit) of the new proposed site units would most likely enter and exit using Whaley Lane. Whaley Lane is a private road for Condo #547 which the condo residents pay to maintain the road, street lights, sidewalks, and snow shovelling.

The increased traffic utilizing Whaley Lane is not only from 122 new townhouse units but also from visitor parking.

There are approximately 63 visitor parking spaces for the proposed site and 33 visitor parking spaces for Condominium #547. This is a potential of 96 more

vehicles entering and exiting using Whaley Lane. Currently the visitor parking for Condominium #547 is full due to owners parking their extra vehicles there.

The visitor parking space beside Block C of the proposed site could be removed and replaced with another street onto Garner Rd.

Our other concern is snow removal. Currently it is shovelled to the end Andruss, Bird and Cheps Lanes. Pushing the snow to the end of these streets has made it very difficult for the end unit residents of these streets to get in and out of their driveways and front doors! This has resulted in complaints to Shabri Property Management. Also some units have nowhere to put the snow from their driveways and staircases so they push it onto the road as they do not have front lawns. Some residents want the snow removed off site which will increase costs for the condominium. This is poor foresight in planning by Webb Planning Consultants.

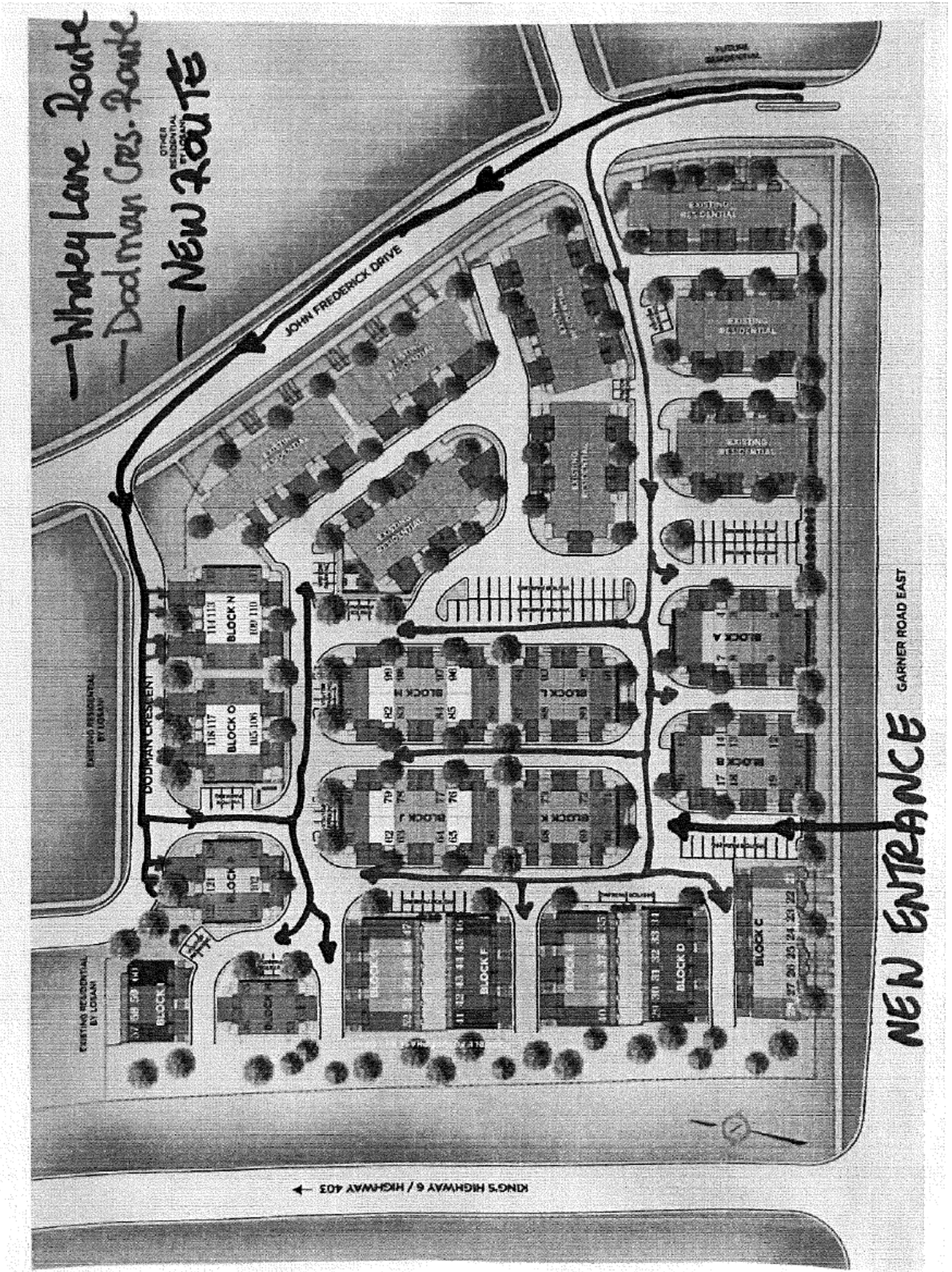
There does not appear to be much room to move the snow in the new site either.

Another concern is that we do not understand why the Hamilton Building Department approved the width of the roads so as not to allow sufficient space for the Hamilton Sanitation trucks to safely pick up our garbage. This also appears to be the case in the proposed site.

Our Condominium #547 has to now pay for every two week pickup and should we request every week like all other Hamiltonians we will have to pay more in our condominium fees.

Our properties are assessed for property taxes like non-condo residences. So we are paying twice for services that are inadequate. This extra cost was not explained when we purchased our homes.

Cathy Fulton and John de Santos
1 Andruss Lane
Ancaster, Ontario
L9G 0G7





CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
 Economic Development Division

TO:	Mayor and Members Planning Committee
COMMITTEE DATE:	May 15, 2018
SUBJECT/REPORT NO:	Parkland Dedication By-law Review – Large Scale Intensification, Multi-storey Residential Developments (PED18105) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Danielle Lapp (905) 546-2424 Ext. 1639
SUBMITTED BY:	Glen Norton Director, Economic Development Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That the Parkland Dedication By-law attached as Appendix “A to Report PED18105 be passed;
- (b) That the Parkland Dedication and Cash-in-Lieu of Parkland Procedure, attached as Appendix “B” to Report PED18105 be adopted and replace Parkland Dedication and Cash-in-Lieu of Parkland Policy.

EXECUTIVE SUMMARY

In September 2015, Council established a temporary reduction of parkland dedication rates for 18 months, expiring in March 2017, for small-scale intensification projects. Phase I of the Parkland Dedication review focused on these small-scale intensification projects. In March 2017, Staff Report PED17032 recommended making the reduced rates for accessory dwelling units, up to six dwelling units above commercial use, street townhouses outside a plan of subdivision, and additional dwelling units within a building designated under the *Ontario Heritage Act* permanent. These reduced rates were approved by Council and were implemented through the Rural Hamilton Official Plan Amendment (RHOPA) 13 and the Urban Hamilton Official Plan Amendment (UHOPA) 73 to the Parkland By-law by By-law 17-039. Bill 73, *Smart Growth for our Cities Act 2015* changes were also included as part of the Phase I review.

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SUBJECT: Parkland Dedication By-law Review – Large Scale Intensification, Multi-storey Residential Developments (PED18105) (City Wide) - Page 2 of 21

In October 2015, Council established a temporary \$7,500 per unit cap on high density residential projects (densities of 300 units per hectare or greater) until such time that staff completed a Parkland Dedication review. Accordingly, Phase II of the Parkland Dedication review has focused on dedication rates for large scale intensification and multi-storey residential development.

The guiding principles established at the outset of the Phase II review were: equity, certainty for the development community, consistency, ease of administration, relationship to market value of land, satisfaction of demand for parkland, and transparency. Analysis of potential alternate dedication rates for townhouse units and multiple dwelling units was undertaken with the goal to achieve a balance of these guiding principles. The recommended changes that are the subject of this Report apply to instances where cash-in-lieu of parkland dedication is required. Where land is conveyed to satisfy parkland dedication requirements, the existing dedication rates are recommended to remain.

Among the alternatives considered, dollar caps per unit and fixed dollar amounts per unit were considered to best achieve a balance of the principles while minimizing any negative impact to the Parkland Reserve.

To account for variations in land values across the City of Hamilton, rates were considered for three separate areas of the City:

- Ancaster, Flamborough, Dundas, Westdale;
- Lower Hamilton (excluding Downtown CIP Area); and,
- Hamilton Mountain, Stoney Creek, Glanbrook.

Townhouse Units

With respect to townhouse units, staff recommend that cash-in-lieu of parkland dedication be calculated based on a maximum dedication rate of 1 hectare for every 500 dwelling units, but subject to the following dollar caps per unit (subject to annual indexing):

Area	Cap per Townhouse Dwelling Unit
Ancaster, Flamborough, Dundas, Westdale	\$10,000
Lower Hamilton (excluding Downtown CIP Area)	\$9,000
Hamilton Mountain, Stoney Creek, Glanbrook	\$8,000

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SUBJECT: Parkland Dedication By-law Review – Large Scale Intensification, Multi-storey Residential Developments (PED18105) (City Wide) - Page 3 of 21

Multiple Dwelling Units

With respect to multiple dwelling units, staff recommend cash-in-lieu of parkland dedication be fixed at the following dollar amounts per unit (subject to annual indexing):

Area	Fixed Rate per Multiple Dwelling Unit
Ancaster, Flamborough, Dundas, Westdale	\$8,000
Lower Hamilton (excluding Downtown CIP Area)	\$7,000
Hamilton Mountain, Stoney Creek, Glanbrook	\$6,000

Downtown Community Improvement Project Area

As part of the Phase II review, staff also analysed the impact of the current parkland dedication reduction in the Downtown Community Improvement Project (CIP) area and considered alternative dedication rates. To reduce the significant loss to the Parkland Reserve, while also support development, staff recommend that the parkland dedication reduction in the Downtown CIP area be phased out over several years. Staff recommended a two-year lead time before any rate changes come into effect, and that the rates are increased each year thereafter, as follows:

Effective Date	Dedication Rate / Flat Fee
Date of Passing of By-law	5% of the Net Land Area
April 1, 2020	\$2,000 per unit
April 1, 2021	\$3,500 per unit
April 1, 2022	\$5,000 per unit
April 1, 2023	To be determined as part of five-year review of all rates

Staff were also directed to ensure that only those portions of a development that do not exceed Schedule F – Figure 1 of Zoning By-law 05-200 Respecting Downtown Zones are eligible for reduced rates. To that end, staff recommended the portion of a development in the Downtown CIP area that exceeds Schedule F – Figure 1 of Zoning By-law 05-200 be subject to a cash-in-lieu of parkland dedication rate of 1 hectare per 500 dwelling units.

Housekeeping Amendments

Additional housekeeping amendments to the Parkland Dedication By-law and accompanying Procedure are recommended to clarify definitions, ensure consistent language, and expand on procedures with respect to calculating parkland requirements.

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SUBJECT: Parkland Dedication By-law Review – Large Scale Intensification, Multi-storey Residential Developments (PED18105) (City Wide) - Page 4 of 21

Alternatives for Consideration – See Page 20

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: The Parkland dedication fund is used to finance the acquisition of parkland under the *Planning Act*. The recommended changes to the parkland dedication will have an impact on the Parkland Reserve fund. As the recommended changes relate to specific development types which may or may not occur with the same frequency from year to year, it is difficult to predict the financial implications with great certainty.

To estimate the impact of the recommended changes on the Parkland Reserve, cash-in-lieu collected from actual projects in 2016 and 2017 were analysed. The impact of the recommended rates for townhouse and multiple dwelling units, on an annual basis is:

- Townhouse units: \$51,000, or a 0.45% reduction in total annual cash-in-lieu; and,
- Multiple dwelling units: \$108,000, or a 0.96% reduction in total annual cash-in-lieu.

While the recommendations have a slight negative impact on the Parkland Reserve, they offer many benefits in terms of creating equity and certainty for the development community, while reducing the administrative burden.

Phasing out the Downtown CIP reduction will have a positive impact on the Parkland Reserve over time as the new rates are phased in. The increases in cash-in-lieu collected in the Downtown CIP compared to what is collected today are estimated as:

- Step 1 (April 2020): \$334,877, or a 3.0% increase in total annual cash-in-lieu.
- Step 2 (April 2021): \$783,877, or a 6.09% increase in total annual cash-in-lieu.
- Step 3 (April 2022): \$1,232,877, or a 10.9% increase in total annual cash-in-lieu.

Staffing: N/A

Legal: N/A

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SUBJECT: Parkland Dedication By-law Review – Large Scale Intensification, Multi-storey Residential Developments (PED18105) (City Wide) - Page 5 of 21

HISTORICAL BACKGROUND

1.0 Council Directions

In June 2015, a Working Group of the Planning Committee was formed to discuss various options regarding Parkland Dedication rates and report back to the next Planning Committee.

1.1 September 2015

At its meeting of September 1, 2015, Planning Committee passed the following Motion (Item 9.3a) which was approved by Council on September 9, 2015:

- (i) the following rates shall apply to a maximum of six apartment dwellings above a commercial use and street townhouses fronting on a public street where such developments are not part of a registered plan of subdivision;
 - (1) That notwithstanding Section 3.(1)b.ii., iii. and iv. of By-law No. 09-124, a maximum land dedication of five percent of the Net Land Area, or cash-in-lieu thereof, will apply.
- (ii) That notwithstanding Section 3.(1)b. where a second dwelling unit is added in an existing single detached dwelling, a cash-in-lieu flat fee of \$500 applies;
- (iii) That notwithstanding Section 3.(1)b. and Sections 5 and 6, where additional dwelling units are created within a building “designated” under the *Ontario Heritage Act*, a cash-in-lieu flat fee of \$500 per unit applies; and,
- (iv) That items (1), (2) and (3) be in effect for a maximum time-period of up to 18 months.

In response to this change, a delegation requested that Planning Committee address the issue of affordability of parkland fees for six units and above.

1.2 October 2015

Staff prepared Report PED15176 which identified the parkland rate of other municipalities as described in the Richmond Hill Ontario Municipal Board (OMB) decision. The staff Report also included an explanation of the rates on the basis of low density development, multiple dwellings between 200 and 299 units per hectare (UPH) and 300 UPH and above. To provide equity amongst the dwelling

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SUBJECT: Parkland Dedication By-law Review – Large Scale Intensification, Multi-storey Residential Developments (PED18105) (City Wide) - Page 6 of 21

types, staff recommended that a cap of \$7,500 per unit be applied to developments with densities of 300 UPH and above.

As a result, Planning Committee at its meeting of October 6, 2015 and ratified by Council on October 14, 2015, approved the following Motion:

“That on an interim basis and until staff complete a Parkland Dedication review (expected in May 2017), a \$7,500 cap be placed on the per-unit Parkland Dedication fee and indexed for inflation as it relates to densities of 300 units per hectare or greater.”

2.0 Bill 73, *Smart Growth for our Communities Act, 2015*

On July 1, 2016 changes were made to the *Planning Act* at subsection 51.1 (3.1) which introduced a cap on the cash-in-lieu of parkland to a rate of 1 hectare for each 500 dwelling units proposed or such lesser rate as may be determined by the municipality.

The City’s Official Plan policies and Parkland Dedication By-law at the time reflected the rate of 300 UPH. Given the *Planning Act* change was immediate, Planning Committee, at its meeting of July 5, 2016 and Council at its July 9, 2016 meeting, approved the following Motion:

“That until the Parkland Dedication By-law is updated, that staff be directed to apply a rate of 1 hectare of Net Land Area for each 500 dwelling units proposed with respect to Section 4. a. ii. of the By-law.”

3.0 Parkland Dedication Review

Staff reviewed the Parkland Dedication By-law and the associated Official Plan policies in two phases:

3.1 Phase I – Small Scale intensification, Ground related Housing Redevelopment, Heritage Buildings

Phase 1 addressed different rates and valuation methods for the following four small scale redevelopment / intensification scenarios.

1. a maximum of six apartment dwellings above a commercial use;
2. street townhouses fronting on a public street outside a plan of subdivision;
3. second dwelling units in an existing detached dwelling; and,
4. additional dwelling units created within a building that is designated under the *Ontario Heritage Act*.

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SUBJECT: Parkland Dedication By-law Review – Large Scale Intensification, Multi-storey Residential Developments (PED18105) (City Wide) - Page 7 of 21

Staff prepared Report PED17032 which recommended the following amendments to the Official Plan policies and Parkland Dedication By-law. The amendments were approved by Council on March 8, 2017, at which time Amending By-law 17-039 was passed.

Rates for Small Scale Re-development / Intensification

Based on a review of other municipalities' rates, the number of units that were built between September 2015 to December 2016 and the potential future losses of the Parkland Reserve and benefits of intensification, the following permanent rate changes were recommended:

Unit Type	Method of Calculation Prior to Temporary Reduction	Proposed Method of Calculation
Street townhouses outside a plan of subdivision	Calculation based on density of development	5% of net land area
Up to six apartments above a commercial use	Calculation based on density of development	5% of net land area
Accessory dwelling unit in a single detached dwelling	5% of net land area	\$750
Additional dwelling units within a building designated under the <i>Ontario Heritage Act</i>	Calculation based on density of development	\$500

Bill 73, *Smart Growth for our Communities Act, 2015*

Changes to the *Planning Act* as a result of Bill 73 required housekeeping changes to the Urban Hamilton Official Plan (UHOP), Rural Hamilton Official Plan (RHOP), and the Parkland Dedication By-Law 09-124 be modified with respect to types of developments contemplated in Sections 3(1)b and 4(1)a to change '1.0 hectare of the Net Land Area for each 300 dwelling units' to '1 hectare of the Net Land Area for each 500 dwelling units' in instances where cash-in-lieu of parkland is required.

3.2 Phase II – Large Scale Intensification, Multi-storey Residential Developments

Phase II of the Parkland Dedication review addresses dedication rates for cash-in-lieu and valuation methods for large scale projects that include medium to high density residential (e.g. townhouses and multiple dwelling units).

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Phase II also reviews the parkland dedication requirements in the Downtown Community Improvement Project area, where there is currently a significant reduction.

Finally, procedures with respect to calculating parkland dedication requirements are reviewed and clarified.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The *Planning Act* provides the legislative authority for municipalities to require the dedication of land for parks or payment of money in lieu of the conveyance as a condition of development or re-development. Subsections 42(1) and 51.1(i) of the Act, provide that the City may require land dedication in an amount not exceeding 2% of the land for commercial or industrial development, and 5% of the land for all other uses. *The Planning Act* also provides the ability to set an alternate rate for parkland, set at the rate of 1 hectare for every 300 units in the proposed development where there will be a conveyance of parkland, or the cash-in-lieu thereof value of 1 hectare for every 500 units. If the alternative requirement for parkland dedication applicable to residential uses is to be used, there must be specific policies dealing with the provision of lands for park or other recreational purposes and the use of the alternative requirement provided in the Official Plan. In this instance, the Urban and Rural Hamilton Official Plans currently contain such policies.

In instances where cash-in-lieu of the land conveyance is required, under Section 42 of the *Planning Act*, the value of the land shall be determined as of the day before the day the building permit is issued, and under Section 51.1 the value of the land shall be determined as of the day before the day of the approval of the draft plan of subdivision.

To implement the recommended rate changes and housekeeping amendments, the existing By-law 09-124 is to be repealed and replaced with the new By-law, attached as Appendix “A”. The Parkland Dedication and Cash-in-lieu of Parkland Policy would also be replaced with the new Parkland Dedication and Cash-in-Lieu of Parkland Procedure, attached as Appendix “B”.

RELEVANT CONSULTATION

Internal Departments

Public Works (Landscape Architectural Services);
 Healthy and Safe Communities (Recreation);
 Planning and Economic Development (Growth Management); and,
 Corporate Services (Finance) and Legal Services.

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External

Development Industry Liaison Group Joint Working Group (March 8, March 30, June 7 and October 4, 2017, and March 14, 2018); and, Development Industry Liaison Group (April 16, 2018).

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1.0 Guiding Principles

In order to appropriately frame and scope Phase II of the Parkland Dedication review, a number of guiding principles were established. Consistent with the intent of the Phase II review, these principles focus on dedication rates for residential uses.

1.1 Equity

The residential dedication rates in By-law 09-124 decrease with increasing density. The intent of the stepped down rates was to ensure equity across development types and to compensate for the increase in land value that occurs as densities increase. Since the current By-law came into effect in 2009, land values have increased significantly and the stepped down approach is no longer equitable in all instances. The higher price of medium to high density land, combined with the higher dedication rate relative to single detached dwellings, creates inequities where the cash-in-lieu of parkland dedication required per townhouse unit or per apartment unit can be well above that required for a single detached dwelling. This principle establishes that the payment in lieu per unit should be equitable in that, on a per unit basis, a townhouse or multiple dwelling unit should not be more than a single detached dwelling.

1.2 Certainty

With land values continuing to increase and current residential dedication rates based on density being quite detailed, it can be difficult for a developer to forecast cash-in-lieu of parkland dedication for their project. This is particularly true since a payment in lieu is based on the market value of the land as of the day before the first building permit is issued. Single detached dwellings are somewhat straightforward to forecast as they are based on 5% of the market value of the land, and lot sales typically provide a good indication of market value. Projects involving townhouses and multiple dwelling units are less certain since the density calculations come into play and land values are less obvious.

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1.3 Consistency

Each project should be treated consistently in terms of valuation methodology and how dedication rates are applied. As well, cash-in-lieu should generally be consistent among residential development types (e.g. single detached dwellings, townhouses, multiple dwellings).

1.4 Ease of Administration

The process of calculating cash-in-lieu should be as streamlined as possible so that amounts can be provided to applicants in a timely manner. Having many different dedication rates or requirements to treat different forms of development differently can increase the burden of administering cash-in-lieu. Clear rules and processes must also be maintained.

1.5 Relationship to Market Value of Land

Per the *Planning Act*, cash-in-lieu of parkland dedication is to be based on the value of the land that would otherwise have had to be conveyed. In exploring and assessing approaches to cash-in-lieu of parkland dedication, any fixed dedication rates or per unit caps should be grounded in the market value of the land.

1.6 Satisfy Demand for Parkland

Notwithstanding principles 1 through 5, the current need for park land as well as future demands need to be considered. Parks are critical elements that define Hamilton's quality of life and contribute to the City's aspiration of "making Hamilton the best place to raise a child". They are gathering places that help to strengthen neighbourhoods and create healthy and complete communities. The Parkland Reserve fund is challenged to meet this demand.

1.7 Transparency

The development community has expressed concern with the lack of public information with respect to the Parkland Reserve fund and how cash-in-lieu is spent. Changes to the *Planning Act* through Bill 73 now require the municipality to report on the status of the Parkland Reserve fund on an annual basis. To that end, staff brought Report FCS17065 "Parkland Dedication Reserve Status Report and Treasurer's Statement as of December 31, 2016" to Council in July 2017. This Report, which will continue on an annual basis, provides information on cash-in-lieu collected and parkland dedication funded projects.

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2.0 Review of Other Municipalities

As part of Phase II of the Parkland Dedication review, cash-in-lieu of parkland dedication rates for different housing types across 14 municipalities were reviewed. A summary of the review is attached as Appendix “C” to this Report. The review found that there is no consistency across municipalities and dedication rates are wide ranging within each housing type. A slight trend was observed that higher density units have a lower dedication rate than lower density units, but this was not the case for all municipalities included in the study.

Cash-in-lieu of parkland dedication methodologies found among the municipalities included percentage of land value, density-based rates such as 1 hectare per 500 dwelling units, fixed rate per unit of land (e.g. per metre of frontage or per hectare), fixed dollar rates per unit, and dollar caps per unit. The majority of the municipalities surveyed use a mix of the above approaches, with different rates applying to different development types or densities. Of the 14 municipalities surveyed, six had fixed dollar amounts or dollar caps for high density developments.

For example, the City of Burlington caps medium density development at \$6,500 per unit and high-density development at \$5,500 per unit. These rates were established in 2005. Other nearby municipalities such as Brantford and Oakville collect the maximum allowable under the *Planning Act*.

3.0 Dedication Rates for Medium and High Density Residential

Parkland dedication for small scale intensification was reviewed and changes were implemented in March 2017 as part of Phase I of the review. In light of the guiding principles of the Phase II review and the issues experienced by staff over the past few years, the analysis and recommendations focus on dedication rates for townhouses and multiple dwelling units.

Staff analyzed parkland dedication rates for townhouses and multiple dwellings through two lenses. The first was to explore alternate dedication rates including a percentage of land value, a rate per unit (1 hectare per 500 units), a fixed dollar amount per unit, a dollar cap per unit, and a percentage of land value cap. Actual projects where cash-in-lieu was paid over the past two years were analyzed to determine the financial impact of each alternate dedication rate. The land values used for these actual projects were inflated so that the analysis was based on current market values.

The second perspective was to evaluate the cash-in-lieu per townhouse and multiple dwelling unit in relation to the typical cash-in-lieu for a single detached dwelling. One way to think about fair and reasonable cash-in-lieu rates is to consider the number of persons per dwelling unit. The figures used for planning and forecasting purposes are

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3.4 persons per single detached dwelling, 2.4 persons per townhouse unit, and 1.7 persons per apartment unit. In other words, townhouses have 25% fewer people, and apartments have 50% fewer people compared to a single detached dwelling. On this basis, it could be argued that the cash-in-lieu per townhouse unit should be 25% less than that of a single detached dwelling, and the cash-in-lieu for a multiple dwelling unit should be 50% less. While this rationale ignores the park and recreation habits of those living in each of the dwelling types, it provides a basis for determining equitable and consistent cash-in-lieu rates across dwelling types.

The recommended rates for townhouses and multiple dwelling units were arrived at by considering both of these perspectives. In addition, consideration was given to the variation in property values across the different parts of the City. For example, land values in Ancaster and Waterdown tend to be well above those in Stoney Creek. To account for this variation, it is recommended that different rates apply to Ancaster, Flamborough, Dundas, Westdale, lower Hamilton, Hamilton Mountain, Stoney Creek and Glanbrook. A map identifying the three areas is provided in Appendix “D” to this Report.

The recommended rates were determined by analyzing typical land values for townhouse and multi-residential developments in the three defined areas of the City, as well as examining the value of a single-detached lot and how this relates to the per-unit cash-in-lieu for townhouses and multiple dwelling units, as described above.

3.1 Townhouses

While alternate dedication rates were analyzed, it was found that a fixed dollar rate per unit or cap on the cash-in-lieu per unit would result in greater equity and consistency across dwelling types. This would also provide greater certainty for the development community by providing a known fixed or maximum amount of cash-in-lieu per unit.

Consideration was also given to the treatment of different forms of townhouses. Currently By-law 09-124 distinguishes between street townhouses and block townhouses within a plan of condominium. In order to be more equitable and consistent, staff recommend that townhouse units be treated equally regardless of tenure (e.g. freehold or condo, etc.). This will also reduce the administrative burden.

Recommendation

Based on the financial analysis completed, a dollar cap per townhouse per unit is recommended rather than a fixed dollar rate. Townhouse land values can vary quite considerably, so to ensure that the cash-in-lieu collected does not exceed the maximum

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allowable under the *Planning Act*, a cap per unit was considered to be more appropriate. Staff recommend that cash-in-lieu of parkland dedication for townhouse units be calculated based on a maximum dedication rate of 1 hectare for every 500 dwelling units, but subject to the following dollar caps per unit (subject to annual indexing):

Area	Cap per Townhouse Dwelling Unit
Ancaster, Flamborough, Dundas, Westdale	\$10,000
Lower Hamilton (excluding Downtown CIP Area)	\$9,000
Hamilton Mountain, Stoney Creek, Glanbrook	\$8,000

These rates shall apply to street townhouses, block townhouses, and maisonettes. The exception is street townhouses fronting on a public street where such developments are not part of a registered plan of subdivision, which are subject to a dedication rate of 5% of the net land area as implemented by By-law 17-039 (Phase I of the review). For clarity, stacked townhouses are included as multiple dwellings.

Financial Impact

While it is difficult to predict the form and number of future townhouse developments, actual projects over the past two years were analyzed to assess the impact of the recommendation. Analysis of cash-in-lieu collected in 2016 and 2017, with land values updated to reflect current values, indicated that the recommended rates would reduce the average cash-in-lieu collected per year by \$51,000. As a percentage of the total cash-in-lieu calculated in 2017, this is a 0.45% reduction in total cash-in-lieu collected.

The following table breaks down the impact of the recommended dedication rate by area.

Impact of Recommended Rates by Area Collected			
Area / Current and Recommended Rates	Total CIL (1 year average)	Impact (1 year average)	% Impact on Total 2017 CIL
Ancaster, Flamborough, Dundas, Westdale			
Current By-law (1 hectare / 500 units)	\$1,164,705		
Recommended Cap Per Unit	\$1,159,608	-\$5,097	-0.04%
Lower Hamilton			
Current By-law (1 hectare / 500 units)	n/a		
Recommended Cap Per Unit	n/a	n/a	n/a
Hamilton Mountain / Stoney Creek / Glanbrook			

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Current By-law (1 hectare / 500 units)	\$1,491,529		
Recommended Cap Per Unit	\$1,445,654	-\$45,875	-0.40%

3.2 Multiple Dwellings

Similar to townhouse dwellings, the analysis found that a fixed dollar amount or dollar cap for multiple dwelling units would improve equity, consistency, and certainty for the development community, and reduce the administrative burden.

Recommendation

Based on the financial analysis completed, a fixed dollar amount per unit is recommended for multiple dwelling units. In contrast to townhouses, a fixed dollar amount per unit was found to achieve a balance between not collecting more than allowable while minimizing the loss of parkland funds. Staff recommend that cash-in-lieu of parkland dedication for multiple dwelling units be fixed at the following dollar amounts per unit (subject to annual indexing):

Area	Fixed Rate per Multiple Dwelling Unit
Ancaster, Flamborough, Dundas, Westdale	\$8,000
Lower Hamilton (excluding Downtown CIP Area)	\$7,000
Hamilton Mountain, Stoney Creek, Glanbrook	\$6,000

These rates do not apply to up to six dwelling units above commercial use in a building that existed as of March 8, 2017, where the dedication rate is 5% of the net land area (as implemented in Phase I).

Financial Impact

Analysis of cash-in-lieu collected in 2016 and 2017, with land values updated to reflect current values, indicated that the recommended rates would reduce the average cash-in-lieu collected per year by \$108,000. As a percentage of the total cash-in-lieu calculated in 2017, this is a 0.96% reduction in total cash-in-lieu collected.

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The following table breaks down the impact of the recommended dedication rate by area.

Impact of Recommended Rates by Area Collected			
Area / Current and Recommended Rates	Total CIL (1 year average)	Impact (1 year average)	% Impact on Total 2017 CIL
Ancaster / Dundas / Flamborough / Westdale			
Current By-law	\$855,314		
Maximum Collectable (1 hectare / 500 units)	\$1,011,932		
Recommended Fixed Rate Per Unit	\$824,000	-\$31,314	-0.28%
Lower Hamilton			
Current By-law	\$749,263		
Maximum Collectable (1 hectare/ 500 units)	\$1,273,470		
Recommended Fixed Rate Per Unit	\$661,500	-\$87,763	-0.77%
Hamilton Mountain / Stoney Creek / Glanbrook Current By-law			
	\$1,042,217		
Maximum Collectable (1 hectare / units 500)	\$1,207,786		
Recommended Fixed Rate Per Unit	\$1,053,000	\$10,783	0.10%

3.3 Indexation of Fixed Rates or Caps

It is recommended that where a fixed rate or cap applies for the payment of cash-in-lieu of parkland dedication, such amounts be adjusted annually on April 1 starting the year following the year the By-law is approved and enacted. The adjustment will be equal to the January year-over-year price increase in Hamilton, as reported by the Teranet and National Bank of Canada House Price Index. Staff also recommend that all fixed rates and caps be reviewed and reset every five years.

4.0 Downtown Community Improvement Project Area Reduction

There is a long-standing deficiency of parkland in established neighbourhoods (largely in Lower Hamilton) and opportunities to acquire land in these areas are infrequent and costly. Reductions to parkland dedication requirements in the Downtown Community Improvement Project (CIP) area, while positive with respect to encouraging redevelopment, result in increasing the shortfall of funding available to acquire additional parkland.

In the current By-law 09-124, the parkland dedication rate for residential development in the Downtown CIP area is 5% of the net land area, regardless of density. Analysis of the cash-in-lieu collected during 2015 through 2017 in the Downtown CIP area indicates

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that the typical loss in cash-in-lieu of parkland dedication resulting from this reduction is approximately 95% compared to the maximum that could be collected.

Recommendation

Staff recommend that the parkland dedication reduction in the Downtown CIP area be phased out. Staff recommend a two-year lead time before any rate changes come into effect. Thereafter, cash-in-lieu of parkland dedication for multiple dwelling units in the Downtown CIP shall be calculated based on a fixed dollar amount per unit, with the rate increasing each year thereafter, as follows:

Effective Date	Dedication Rate / Fixed Rate
Date of Passing of By-law	5% of the Net Land Area
April 1, 2020	\$2,000 per unit
April 1, 2021	\$3,500 per unit
April 1, 2022	\$5,000 per unit
April 1, 2023	To be determined as part of five year review of all rates

In addition, staff were directed to amend the parkland dedication rate to ensure that only those portions of a development that do not exceed Schedule F – Figure 1 of Zoning By-law 05-200 Respecting Downtown Zones are eligible for reduced rates. To that end, staff recommend that for developments or re-developments within the Downtown CIP area, cash-in-lieu of parkland dedication for multiple dwelling units within a portion of a development that exceeds Schedule F – Figure 1 of Zoning By-law 05-200 be calculated at the rate of 1 hectare per 500 dwelling units. It is recommended that the maximum rate of 1 hectare per 500 dwelling units (per the *Planning Act*) be applied rather than a fixed dollar amount per unit due to the significant variation in land values within the Downtown. A fixed rate would result in inequities whereby the cash-in-lieu per unit for would be the same for properties with significantly different land values.

The Downtown rates described above do not apply to up to six dwelling units above commercial use in a building that existed as of March 8, 2017, where the dedication rate is 5% of the Net Land Area. As well, the dedication rate for street townhouses fronting on a public street where such developments are not part of a registered plan of subdivision are subject to a dedication rate of 5% of the Net Land Area, as implemented by By-law 17-039.

Financial Impact

The following graph presents the total cash-in-lieu calculated in 2015, 2016 and 2017 for multi-residential projects that fell within the Downtown CIP area. The graph compares the actual cash-in-lieu based on the 5% Downtown rate to what could have

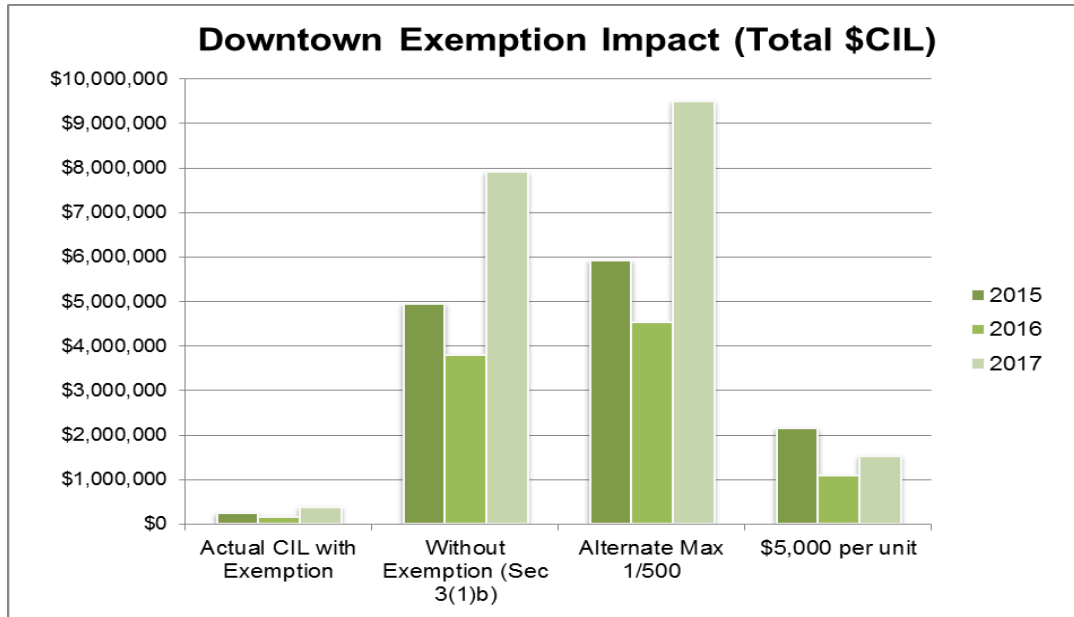
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been collected a) without the exemption, subject to Section 3(1)b of By-law 09-124, b) the maximum that could be collected under the *Planning Act*, and c) based on a fixed rate of \$5,000 per dwelling unit.



Based on analysis of cash-in-lieu collected for actual residential projects in the Downtown CIP since 2015, the City has been collecting, overall, 3.7% of the cash-in-lieu that could be collected using the maximum dedication rate allowed. The recommended rates will increase this ratio to 20.8% by Year 5. It is recognized that the maximum dedication rate of 1 hectare per 500 units would likely discourage development, as the average cash-in-lieu per unit under this scenario is over \$20,000. This would result in total cash-in-lieu for a project being equal or greater to the cost to acquire the land for the development. At the same time, the current dedication rate is too low to keep up with the demand for parkland in the Downtown. As a percentage of the total cash-in-lieu of parkland dedication calculated in 2017, the recommended rates will result in a 10.9% increase in the Parkland Reserve by Year 5.

Dedication Rate	Downtown Cash-in-Lieu (1 year avg.)	Average Per Unit / Fixed Rate Per Unit	% Collecting Compared to Max.	Impact (1 year avg.)	% Impact (1 year)	% Impact on Total 2017 CIL
Current Dedication Rate (5%)	\$263,790	\$1,161	3.7%	-	-	-
Maximum Collectable (1 hectare / 500 units)	\$7,201,794	\$20,689	100.0%	-	-	-
Fixed Rate Per Unit - Step 1	\$598,667	\$2,000	8.3%	\$334,877	127%	3.0%
Fixed Rate Per Unit - Step 2	\$1,047,667	\$3,500	14.5%	\$783,877	297%	6.9%
Fixed Rate Per Unit - Step 3	\$1,496,667	\$5,000	20.8%	\$1,232,877	467%	10.9%

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Note: the % impact of each step is cumulative.

5.0 Housekeeping and Procedural Amendments

Amendments to the Parkland Dedication By-law and Procedure are also recommended to update definitions, clarify staff procedures in determining parkland dedication requirements, and to ensure consistent language within the Parkland Dedication By-law and other relevant By-laws.

5.1 Housekeeping Amendments to Parkland Dedication By-law

The recital section of the By-law has been amended to clarify that provisions under Sections 42 and 51.1 of the *Planning Act* can be used for related building and equipment for park or other public recreational purposes, rather than merely for the acquisition of land. Currently, it is the City's practice to use the Parkland Reserve funds only for the acquisition of land. It is not the intent of this By-law change to indicate that staff recommend that the funds should be used for the erection of buildings or to acquire equipment. The intent is to ensure that the By-law does not restrict the use of the money or land required under these sections of the *Planning Act*.

The definition section of the By-law has been updated to ensure consistency with By-law 05-200 and other By-laws and procedures. The definition of "Agricultural Use", "Block Townhouse Dwelling", "Dwelling Unit", "Maisonette Dwelling", "Multiple Dwelling", "Street Townhouse Dwelling" are stated as "as defined in Zoning By-law 05-200". Any updates to the By-law 05-200 definitions will therefore be reflected in the Parkland Dedication By-law. In addition, "Environmental Lands" are now defined as "Natural Heritage Features" to ensure consistent language. A new definition of "Townhouse Dwelling" has been introduced as: "For the purpose of this By-law, townhouse dwellings shall include block townhouse, maisonette and street townhouse dwelling units but shall not include stacked townhouse dwellings". The recommended dedication rates differentiate between townhouse and multiple dwelling units, therefore this new definition is required for clarity. Stacked townhouse dwellings fall within the definition of Multiple Dwelling.

Throughout the By-law, minor amendments have been made to ensure consistent language between this By-law, and other planning policies and By-laws. Reference to "single detached residence" has been revised to "single detached dwelling".

The current By-law 09-124 contained separate sections for Development and Redevelopment applications and Subdivision and Consent. These sections have been combined into one section for ease of reference. Section 3 of the new By-law presents the dedication rates for land dedication for all forms of development,

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redevelopment, subdivision or consent. Section 4 of the new By-law specifies alternate dedication rates for select development types in instances where *cash-in-lieu* of parkland dedication is required.

For clarity, clause 4(2)(b) now states that “for the purposes of this By-law, the existing use shall be the legally established use as per the City’s Building Division records”. It has been staff’s practice that in instances where the existing use is not the legally recognized use, for example, the building contains illegal dwelling units, for the purposes of calculating parkland dedication, staff rely upon the existing use as determined by the Building Division’s records. For greater clarity, this has been made explicit in the recommended By-law.

The current By-law 09-124 contains examples with respect to offsetting calculations for redevelopments. These examples have been removed from the By-law and added to the accompanying Procedure, in an effort to streamline the By-law itself.

Through Amending By-law 17-039, which came into effect in March 2017, flat rates were implemented for the addition of one dwelling unit in an existing single detached dwelling and for the addition of dwelling units in a building which is designated or located within a heritage district under the *Ontario Heritage Act*. By-law 17-039 specified that these rates were to increase annually on April 1 according to the year-over-year median sale price in Hamilton as reported by the Realtors Association of Hamilton-Burlington. The By-law is updated to reflect the indexed rates for these development types as of April 1, 2018. In addition, a clarification to the clause respecting the flat fee rate apply to the addition of one dwelling unit in an existing single detached dwelling, is required. The flat fee rate should also apply to circumstances where an additional dwelling unit has been created on the same lot as an existing single-detached unit (e.g. coach house converted to a dwelling). At this time, the 5% rate would apply, but this type of development is more akin to an additional dwelling unit in an existing building.

In subsection 10(2) of the new By-law, it has been clarified that for the purposes of timing of payment and the effective date of valuation, the first building permit includes the foundation permit where applicable. This is consistent with historical practice as well as with legal interpretation of the *Planning Act*’s reference to “first building permit”.

Finally, subsection 12(8) has been added to clarify that when a development or redevelopment contains more than one use, some of which are exempt from parkland dedication but some of which are not, parkland dedication will be calculated based on the prorata proportion of the non-exempt floor area to the total floor area of the building. For example, if a commercial day care use forms part of a place of worship

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

SUBJECT: Parkland Dedication By-law Review – Large Scale Intensification, Multi-storey Residential Developments (PED18105) (City Wide) - Page 20 of 21

development, parkland dedication will be required on the portion of the development used for the commercial day care.

5.2 Housekeeping Amendments to Parkland Dedication Procedure

Section 2.c. with respect to determining parkland requirements is amended to clarify the City's requirements when land is conveyed for park purposes. In particular, it is clarified that the site is to be fenced only where the park abuts privately owned land.

Section 4, Parkland Credits, has been amended to minimize the accumulation of park credits that sit as liabilities against the Parkland Reserve fund. Currently, the valuation of park credits increases over time. The new recommended procedure is that any remaining park credits after all phases of a subdivision have been registered shall be paid by the City at the time of registration of the final phase of the plan of subdivision, subject to approval of funding by the City. The Director of Planning shall continue to have authority to allow credits to be used to satisfy other parkland dedication requirements elsewhere in the City.

Section 5.a.ii., the administrative procedure with respect to subdivision plans is also amended by inserting a clause that states that if the number of residential units is unknown for certain Blocks within the plan, densities will be assumed based on minimum densities. If the final number of residential units exceeds the assumed densities, cash-in-lieu for the additional units will be required at building permit stage. If the final number of units is less than the assumed densities, the over dedication will be paid out by the City. The intent of this clause is to ensure that park credits are applied to the entirety of a subdivision before any remaining over dedication is paid out.

Section 5.d., Offsetting Procedure, is inserted to provide examples of the City's procedure for calculating parkland dedication requirements for redevelopments. These examples were previously included in the By-law.

Finally, Section 6.c. has been added to note that the activities and status of the Parkland Reserve Fund shall be reported on annually, in accordance with Section 42 of the *Planning Act*.

ALTERNATIVES FOR CONSIDERATION

There could be numerous alternatives for consideration, however, the recommended revisions represent a balance between maximizing parkland dedication given current park requirements and existing deficiencies in light of population levels, and, treating the development community in a reasonable, consistent and equitable manner.

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SUBJECT: Parkland Dedication By-law Review – Large Scale Intensification, Multi-storey Residential Developments (PED18105) (City Wide) - Page 21 of 21

Alternative methods for calculating cash-in-lieu for townhouses and multiple dwelling units that Council could consider include:

- Apply a flat 5% of land area / value for all forms and densities of development;
- Set a fixed rate per unit for both townhouses and multiple dwelling units;
- Set a dollar cap per unit for both townhouses and multiple dwelling units; and,
- Change the density-based formula (e.g. 1 hectare per 500 dwelling units) to step down with increasing density.

With respect to the recommendation that the Downtown CIP area reduction be phased out, Council could:

- Maintain the 5% dedication rate regardless of density;
- Phase out the reduction at an accelerated rate, by removing the lead time or introducing a fixed amount per unit without phasing it in; and,
- Apply a density-based formula (e.g. 1 hectare per 500 dwelling units).

The recommended approach represents an effort to balance the City's policy objectives respecting affordable housing, intensification of development, and incentivizing downtown development.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Economic Prosperity and Growth

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

Healthy and Safe Communities

Hamilton is a safe and supportive city where people are active, healthy, and have a high quality of life

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" - Parkland Dedication By-law

Appendix "B" - Parkland Dedication Procedure

Appendix "C" - Summary of Parkland Dedication Rates by Other Municipalities

Appendix "D" - Map of Areas for Dedication Rates

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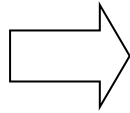
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**Appendix "A" to Report PED18105
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**Authority Section
to be completed
by City Clerks only**



Authority: Item , Planning Committee
Report 18- (Staff report
number)
CM: Date

Bill No.

CITY OF HAMILTON

BY-LAW NO. _____

Being a By-law to Require the Conveyance of Land for Park or Other Public Recreational Purposes as a Condition of Development or Redevelopment or the Subdivision of Land.

WHEREAS sections 42 and 51.1 of the *Planning Act* provide that the Council of a local municipality may by by-law require that land be conveyed to the municipality for park or other public recreational purposes as a condition of development or redevelopment or the subdivision of lands;

AND WHEREAS subsections 42(3) and 51.1(2) of the *Planning Act* provide for an alternate land conveyance rate of one hectare for each three hundred dwelling units proposed for development provided the municipality has an official plan that contains specific policies dealing with the provision of lands for park or other public recreational purposes at such rate;

AND WHEREAS subsection 42(6.0.1) and 51.1(3.1) of the *Planning Act* permit the City to require a payment in lieu of land to be conveyed, calculated by using a rate of one hectare for each 500 dwelling units proposed, or such lesser rate as may be determined by the City;

AND WHEREAS the Council of the City of Hamilton wishes to use these provisions to acquire land and cash to be used for park or other public recreational purposes;

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

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Page 2 of 14

DEFINITIONS

1. In this By-law:

“**Agricultural Use**” as defined in By-law 05-200.

“**Block Townhouse Dwelling**” as defined in By-law 05-200.

“**Consent**” means the process referred to in section 53 of the *Planning Act*.

“**Development**” means the construction, erection, or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability thereof, or the laying out and establishing of a commercial parking lot.

“**Dwelling Unit**” as defined in By-law 05-200.

“**Existing Use**” means the legally established use as per the City’s Building Division records.

“**Gross Land Area**” means the total area of all lands contained in the subdivision plan or development or redevelopment application including lands subject to easements.

“**Industrial Use**” means the use of land, buildings or structures for, or in connection with:

- i. manufacturing, processing, producing, storing or distributing of something;
- ii. research or development in connection with manufacturing, producing or processing something;
- iii. retail sales by a manufacturer, producer or processor of something they manufactured, produced or processed, if the retail sales are at the site which the manufacturing, production or processing takes place;
- iv. offices for administrative purposes, if they are;
 - a. carried out with respect to manufacturing, producing, processing, storage or distributing of something, and,
 - b. in or attached to the building or structure used for that manufacturing, producing or processing, storage or distribution.

“**Maisonette Dwelling**” as defined in By-law 05-200.

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Page 3 of 14

“Multiple Dwelling” as defined in By-law 05-200.

“Natural Heritage Features” includes valley land, being lands located below the “top of bank” as defined by the appropriate Conservation Authority, but does not include any buffer land above the top of bank; Provincially significant lands including Areas of Natural or Scientific Interest (ANSI); Wetlands; Environmentally Significant Areas (ESA); and Woodlands.

“Net Land Area” means the “Gross Land Area” minus any storm water management facilities to be conveyed to the City, major utility corridors and easements and any “Natural Heritage Features”. Notwithstanding the above, where water services, wastewater services, public roads, private roads and/or parking lots are located within the major utility corridor/easement or the “Natural Heritage Features”, the respective portion of the lands where the improvements are located are included as part of the Net Land Area.

“Planning Act” means the *Planning Act*, R.S.O. 1990, c. P.13.

“Redevelopment” means the removal of a building or structure from land and the further development of the land, the substantial renovation of a building or structure, and a change in the use, character or the density of the use in connection therewith.

“Residential” for the purposes of this By-law, residential refers to dwelling units.

“Street Townhouse Dwelling” as defined in By-law 05-200.

“Subdivision” means the process referred to in section 51 of the *Planning Act*.

“Townhouse Dwelling” for the purposes of this By-law, townhouse dwellings includes block townhouse, maisonette and street townhouse dwelling units but does not include stacked townhouse dwellings.

SHORT TITLE

2. This By-law may be cited as the Parkland Dedication By-law.

APPLICATION

3. This By-law shall apply to all lands within the City of Hamilton.

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DEVELOPMENT, REDEVELOPMENT, SUBDIVISION OR CONSENT

4. As a condition of development or redevelopment pursuant to section 42, or as a condition of subdivision plan approval pursuant to section 51.1, or the giving of a provisional Consent pursuant to section 53 of the *Planning Act*, the owner is required to convey to the City land for park or other public recreational purposes as follows:

(1) Development, Subdivision or Consent

- (a) In the case of lands to be developed for an individual single detached dwelling in a rural area, the parkland dedication shall be based on the amount of 2.5% of a 0.405 hectare (1 acre) building lot (this section is not applicable to development within designated Rural Settlement Areas).
- (b) In the case of lands proposed to be developed or redeveloped for residential purposes:
 - (i) at a density less than 20 units per hectare, dedication of land in the amount of 5% of the Net Land Area to be developed or redeveloped;
 - (ii) at a density of 20 units per hectare to 75 units per hectare, dedication of land at a rate of 1.0 hectare of the Net Land Area for each 300 dwelling units proposed;
 - (iii) at a density of 75 units per hectare to 120 units per hectare, dedication of land at a rate of 0.6 hectare of the Net Land Area for each 300 dwelling units proposed;
 - (iv) at a density greater than 120 units per hectare, dedication of land at a rate of 0.5 hectare of the Net Land Area for each 300 dwelling units proposed;
 - (v) notwithstanding subclauses 4(1)(a)(ii), (iii) and (iv), a maximum parkland dedication of 5% of the Net Land Area will apply to developments of single and semi-detached lots, duplexes, street townhouses fronting on a public street where such developments are not part of a registered plan of subdivision, and a maximum of six dwelling units above a commercial use in a building that existed as of March 8, 2017.

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- (c) In the case of lands proposed for development or redevelopment for commercial purposes, including a golf course or driving range, land in the amount of 2% of the Net Land Area to be developed or redeveloped.
- (d) In the case of lands proposed for development or redevelopment for a use other than commercial and residential, land in the amount of 5% of the Net Land Area to be developed or redeveloped.
- (e) In the case of lands proposed for development of more than one use, dwelling type and/or at varying residential densities, a prorating of the dedication rates defined in clauses 4(1)(b), (c) and (d), applicable to the respective use and/or density.

Expansion of Existing Buildings/Uses

- (f) In the case of lands proposed for residential expansion, the parkland dedication calculation shall be based on the additional dwelling units proposed, which shall be the land area to be dedicated calculated under clause 4(1)(b) for the entire development, multiplied by the pro rata proportion of the number of proposed additional dwelling units to the total number of units after development.
- (g) In the case of lands proposed for commercial expansion, including a building addition or construction of additional free standing buildings, where no land has been previously dedicated, the parkland dedication calculation shall be based on 2% of the Net Land Area multiplied by the pro rata proportion of the floor area of the new building addition to the total floor area after development.

(2) Redevelopment

Conversion or Change of Density of an Existing Use and Demolition/New Construction

- (a) Further to the expansions described above, redevelopment may involve a conversion of existing space to another use, a change of density of an Existing Use/space, or the demolition of existing space and construction of new replacement floor space. The same principles apply as noted above with regard to prorating new or converted space or dwelling units to the total floor space or number of dwelling units after construction.

Offsetting

- (b) Where land was not previously dedicated or cash-in-lieu paid and floor space and/or dwelling units have been eliminated through conversion or

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demolition, the parkland dedication for the newly created space and/or units is offset against the parkland dedication that is deemed to apply to the existing floor space and/or dwelling units, respectively, that is/are being eliminated for the same use.

- (c) Where land was previously been dedicated or cash-in-lieu was paid for existing development, then the parkland dedication attributable to the existing space being eliminated through conversion or demolition is offset against the parkland dedication required for the new floor space or dwelling units, regardless of use.
- (d) The offset for demolished buildings only applies if a building permit is issued for the new development or redevelopment within five years from the date the demolition permit was issued.

CASH-IN-LIEU OF PARKLAND DEDICATION

- 5. (1) In lieu of requiring the conveyance referred to in section 4 above, the City may require the payment of money to the value of the lands required to be conveyed.
 - (a) Cash-in-lieu of parkland dedication shall be calculated based on a maximum dedication rate of one hectare for every 500 dwelling units.
- (2) “Development”, “Redevelopment”, “Subdivision” and “Consent” terms apply to the entire Net Land Area of the phase being registered for development proposed within an approved plan of subdivision; and to the entire Net Land Area of a Site Plan application for development proposed as part of an approved Site Plan, notwithstanding that building permits for development within the subdivision phase or site plan area may be issued in stages.
- (3) Notwithstanding subclauses 4(1)(b)(i), (ii), (iii) and (iv), and 5(1)(a), cash-in-lieu of parkland dedication for Townhouse Dwellings shall be capped at the following dollar amounts per unit, subject to annual indexing as described in subsection 5(7):

Area (As outlined in Schedule C)	Cap per Townhouse Dwelling Unit
Ancaster, Flamborough, Dundas, Westdale	\$10,000
Lower Hamilton (excluding Downtown CIP Area – See section 6)	\$9,000
Upper Hamilton, Stoney Creek, Glanbrook	\$8,000

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- (4) Notwithstanding subclauses 4(1)(b)(i), (ii), (iii), (iv), and 5(1)(a), cash-in-lieu of parkland dedication for Multiple Dwelling units shall be fixed at the following dollar amounts per unit, subject to annual indexing as described in subsection 5(7):

Area (As outlined in Schedule C)	Fixed Rate per Multiple Dwelling Unit
Ancaster, Flamborough, Dundas, Westdale	\$8,000
Lower Hamilton (excluding Downtown CIP Area – See section 6)	\$7,000
Upper Hamilton, Stoney Creek, Glanbrook	\$6,000

- (5) Notwithstanding section 4, where one additional dwelling unit is added to a single detached dwelling that existed on March 8, 2017, a cash-in lieu fixed rate of \$869 applies, subject to annual indexing as described in subsection 5(7).
- (6) Notwithstanding section 4, where additional dwelling units are created within a building that existed on March 8, 2017, and that building is designated or located within a heritage district under the *Ontario Heritage Act*, a cash-in lieu fixed rate of \$579 per unit applies, subject to annual indexing as described in subsection 5(7).
- (7) The caps and fixed rates referred to in subsections 5(3), (4), (5), and (6) shall be adjusted annually on April 1 starting the year following the year this By-law is passed, in an amount equal to the January year-over-year price increase in Hamilton, as reported by the Teranet and National Bank of Canada House Price Index.

DOWNTOWN CORE

6. Notwithstanding subclauses 4(1)(b)(i), (ii), (iii), and (iv) for new residential development or redevelopment in the form of Multiple Dwellings located within the Hamilton Downtown Community Improvement Project Area, as shown on Schedule A, cash-in-lieu of parkland dedication shall be calculated as follows:

Effective Date	Dedication Rate / Fixed Rate
Date of Passing of By-law	5% of the Net Land Area
April 1, 2020	\$2,000 per unit
April 1, 2021	\$3,500 per unit
April 1, 2022	\$5,000 per unit

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- (1) Notwithstanding subsection 5(7), the fixed rates in section 6 above shall not be indexed annually.

BROWNFIELD SITES

7. Notwithstanding clause 4(1)(b), for new residential development or redevelopment that qualify for financial incentives under ERASE Community Improvement Plan programs, located within Areas 2 and 3 as shown on Schedule B, land shall be dedicated at a rate of 5% of the Net Land Area regardless of density.

LOCATION OF PARK LAND

8. (1) The location and configuration of land required to be conveyed shall be at the sole discretion of the City and all such conveyances shall be free and clear of all encumbrances.
 - (2) Any conveyance or dedication of Natural Heritage Features, environmental buffer lands, walkways and trails, major utility corridors and easements, floodplain or storm water management facilities are not be considered a conveyance for park or other recreational purpose pursuant to the requirements of sections 4, 6 or 7 above.

VALUATION

9. (1) Where the City requires the payment of money to the value of the land otherwise required to be conveyed, such payments shall be made prior to the issuance of the building permit for the land to be developed or redeveloped.
 - (2) The value of the land shall be determined as of the day before the day of the issuance of the building permit in respect of the development or redevelopment, or, where more than one building permit is required for the development, as of the day before the day of the issuance of the first building permit, which includes the foundation permit where applicable.

PREVIOUS LAND DEDICATION OR CASH-IN-LIEU

10. Land or cash-in-lieu equivalent required to be conveyed to the City for park or other public recreational purposes pursuant to sections 4, 5, 6, and 7 shall be determined having regard to the amount of land conveyed or cash-in-lieu of

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parkland equivalent previously paid to the City pursuant to sections 42, 51.1 or 53 of the *Planning Act* and no additional conveyance or payment in respect of the land subject to the earlier conveyance or payment will be required by the City in respect of subsequent development or redevelopment unless:

- (1) There is a change in the proposed development or redevelopment which would increase the density of development; *or*,
- (2) Land originally proposed for development or redevelopment for Commercial or Industrial purposes or uses exempted from parkland dedication under section 12, is now proposed for development or redevelopment for other purposes.

EXEMPTIONS FROM PARKLAND OR CASH-IN-LIEU REQUIREMENTS

11. Notwithstanding any other provisions of this By-law, the parkland conveyance or cash-in-lieu requirements do not apply where:

- (1) The proposed development or redevelopment is for an Industrial Use or and Agricultural Use .
- (2) The development or redevelopment consists of an addition or alteration to a residential building provided the number of dwelling units within the residential building is not increased.
- (3) The development or redevelopment consists of an addition or alteration to a commercial building and the building continues to be used for that purpose, as follows:
 - (a) If the building was constructed on or prior to July 9, 2003, a net increase of floor area up to a maximum of 50% of the gross floor area existing as of July 9, 2003 is exempt, whether constructed at one time or by cumulative expansions;
 - (b) If the existing building is a mixed-use building (i.e. commercial and residential), an expansion of the commercial portion is exempt if it is no more than 50% of the existing commercial floor area as of July 9, 2003, whether constructed at one time or by cumulative expansions;
 - (c) Where the expansion of the commercial floor area exceeds 50% of the existing floor area as of July 9, 2003, parkland dedication is based on the entire floor area of the addition pro-rated to the total floor area after construction.

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- (4) The development or redevelopment is on a school property, in the form of portable classrooms.
- (5) The development or redevelopment is on an existing golf course and is for continued golf course use.
- (6) The proposed development or redevelopment is for the following Institutional uses:
 - a place of worship, college or university, public hospital, hospice, a non-profit emergency shelter, public library, cemetery, mausoleum, columbarium or crematorium, or other charitable, non-profit uses as may be deemed by Council.
- (7) Development or redevelopment is for eligible affordable housing projects as confirmed by the City of Hamilton Housing Services Division, Healthy and Safe Communities Department. Eligibility will be determined based on final confirmation by the Housing Services Division of funding approval from a Housing Program administered by the City.
- (8) In the case that the development or redevelopment contains more than one use such that subsections 12(1), 12(6) and 12(7) do not apply to a portion of the development or redevelopment, parkland dedication required pursuant to sections 4 and 5 shall be calculated based on the pro rata proportion of the non-exempt gross floor area to the total floor area of the building.

EXCEPTION

- 12.** Council may vary any of the requirements for parkland dedication or payment in lieu thereof set out in this By-law provided that such variance is:
 - (1) less onerous or stringent than the requirement set out herein;
 - (2) applicable for a temporary, specified period of time;
 - (3) applicable to a specified type or class of development or redevelopment;
and,
 - (4) applicable to the whole of the City or a specified geographical area thereof.

The period of time specified pursuant to subsection 12(2) above may be extended once for an additional period of time not to exceed the period of time specified for the original variance.

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BY-LAWS REPEALED

13. The following By-laws are hereby repealed:

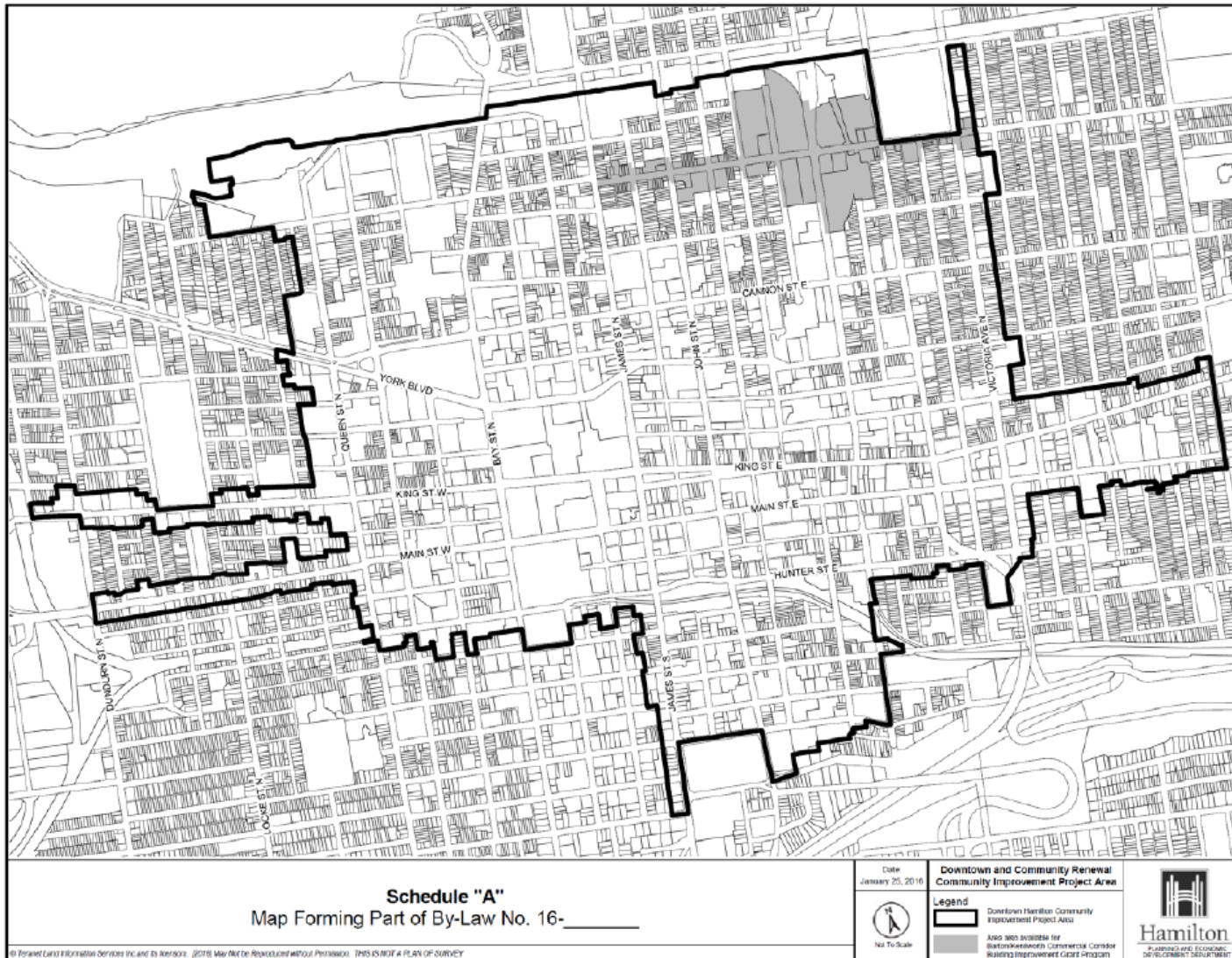
- (1) By-law 17-039;
- (2) By-law 09-124.

PASSED this day of , 2018.

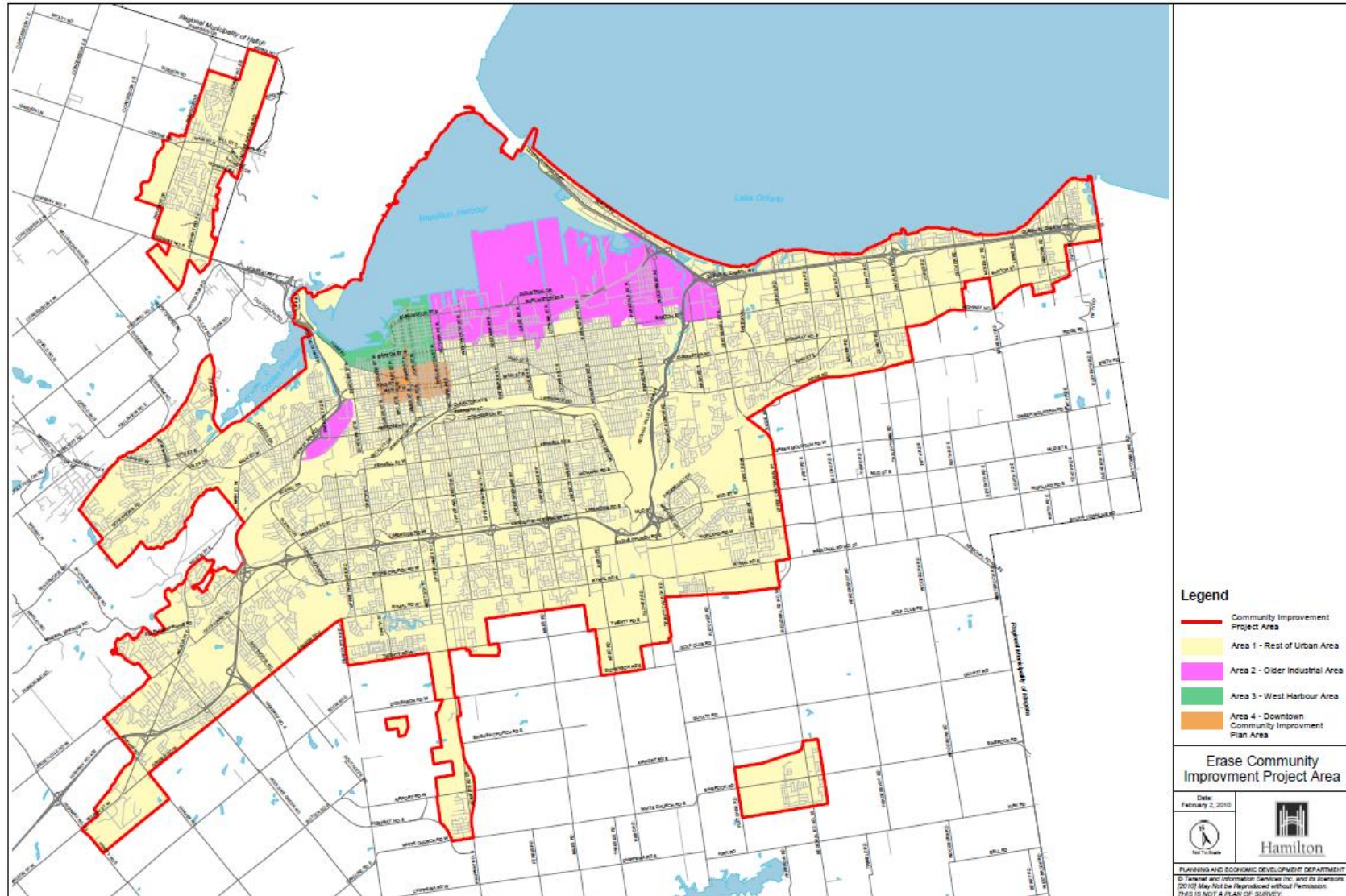
F. Eisenberger
Mayor

City Clerk

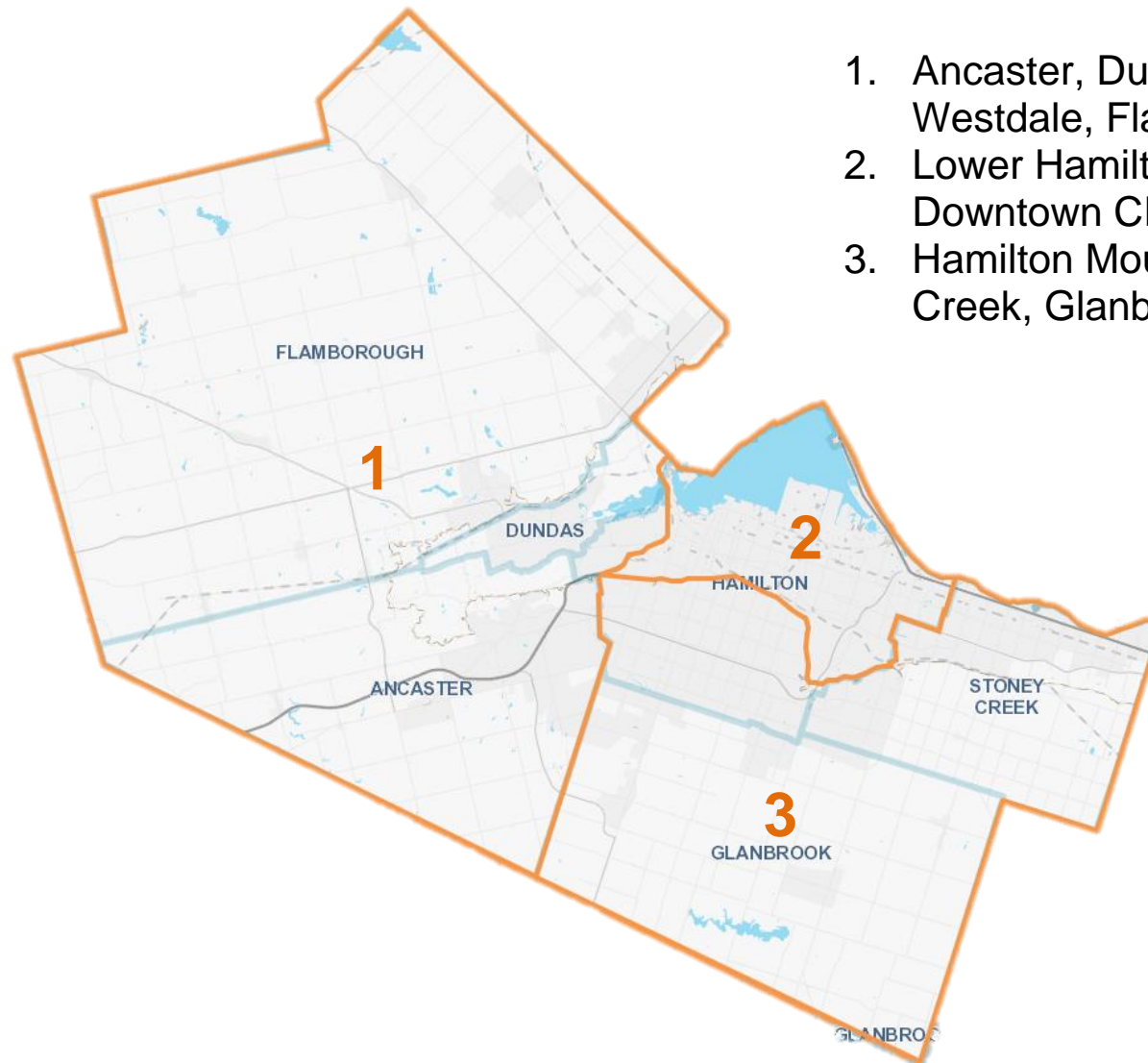
SCHEDULE "A"
Downtown CIP Area



SCHEDULE "B" ERASE CIP Areas 2 and 3



SCHEDULE "C"
Map of Areas for Dedication Rates



1. Ancaster, Dundas, Westdale, Flamborough
2. Lower Hamilton (excluding Downtown CIP)
3. Hamilton Mountain, Stoney Creek, Glanbrook

**CITY OF HAMILTON
PARKLAND DEDICATION AND
CASH-IN-LIEU OF PARKLAND PROCEDURE**

1. PURPOSE

- a. The City of Hamilton requires as a condition of development or redevelopment, the conveyance of land for park or other public recreational purposes, or cash-in-lieu of such parkland or a combination of each. These requirements are pursuant to the *Planning Act* and Parkland Dedication By-law 18-____.
- b. This procedure establishes the framework for the City's determination of the parkland dedication and cash-in-lieu of parkland requirements and the manner in which the City's requirements are to be implemented.

2. DETERMINING PARKLAND REQUIREMENTS

- a. The Planning and Economic Development Department is responsible for reviewing all development proposals and determining, in consultation with other appropriate City Departments, the requirements for parkland within the respective area of the development proposal.
- b. Where parkland is required to be conveyed such land shall be developable tableland and shall be conveyed to the City without charge or encumbrance. The area of land utilized or to be conveyed for storm water management facilities, major utility corridors and easements, floodplain, valleylands, environmental buffer lands, woodlands, walkways and trails or any other non-parkland purpose are not eligible as a credit to satisfy parkland dedication requirements. For clarity, cash-in-lieu of parkland dedication is not collected on such lands.
- c. Where parkland is required to be conveyed, the Planning and Economic Development Department shall, as a condition of development approval:
 - i. Require a Phase 1 Record of Site Condition;
 - ii. Require the site to be fine graded, seeded or sodded, and fenced (where the park abuts privately owned lands), to City specifications;
 - iii. Require the provision of full municipal services to the property line;

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- iv. Require that the park perimeter abuts a public road sufficient to ensure proper access, visibility, safety and functionality for its intended purpose;
- v. Require that land to be dedicated be square, rectangular, or of a similar shape, to the satisfaction of the City; and,
- vi. Ensure that the configuration and specific location of the park is appropriate and conforms with any applicable Neighbourhood or Secondary Plan.

3. EXEMPTIONS

- a. Council may provide for exemptions or reduced parkland dedication rates in the Parkland Dedication By-law for:
 - i. Certain classes of development;
 - ii. Defined geographic areas;
 - iii. Defined time periods; *or*,
 - iv. Any combination of the above.

4. PARKLAND CREDITS

- a. Future parkland over dedication identified on specific plans of subdivision, development or redevelopment applications may be credited/debited against future phases of the same plan of subdivision, development or redevelopment.
- b. Any remaining park credits after all phases of a subdivision have been registered shall be paid by the City at the time of registration of the final phase of the plan of subdivision, subject to approval of funding by the City.
- c. Existing Parkland Credits shall only be applied in strict accordance this procedure and the Parkland Dedication By-law.
- d. Notwithstanding sub-section b. and c. above, the Director of Planning has the authority to vary the application of the parkland credit procedure where it would be fair, reasonable and just to do so and may, where the development has been completed and parkland credits still exist, permit the use of the parkland credits to satisfy other parkland dedication requirements elsewhere in the City.
- e. Valuation of parkland credits shall be based on the market value of the land at the location of the over dedication, as if unserviced draft plan

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approved subdivision land. If the credit is permitted to be applied to satisfy other parkland dedication requirements elsewhere in the City, an adjustment for location will be made to account for varying market values per acre throughout the City. For example, if a credit of 2 ha is to be applied to an area of the City where land values are 20% or 1.2 times higher, then the 2 ha land area where the credit originates is divided by 1.2 to estimate the land area with equivalent value at the other location, which in this example would be $2.0 \text{ ha} / 1.2 = 1.6667 \text{ ha}$.

5. ADMINISTRATIVE PROCEDURES

a. Subdivision Plans

- i. Subdivision Plans for which it is determined that cash-in-lieu of parkland is required to the value of lands otherwise to be conveyed, shall be processed as follows:
 - a. To provide that cash-in-lieu of parkland is valued at the day prior to the issuance of the first building permit, the conditions of draft approval shall not include conditions with respect to cash-in-lieu. Rather a separate recommendation should be approved by Council concurrent with Draft Approval. This recommendation should state that the payment of cash-in-lieu of parkland will be required pursuant to Section 42 of the *Planning Act* and paid prior to the issuance of the building permit for the lots and/or block(s) within the Plan.
 - b. Where a plan of subdivision includes more than one phase, cash-in-lieu of parkland dedication shall be calculated and paid prior to the first building permit within the respective phase.
- ii. Subdivision Plans for which it is determined that land is required or a partial dedication of land and cash-in-lieu is required to be paid, shall be processed as follows:
 - a. A condition of draft approval shall be included which provides for the conveyance of the required lands concurrently with the registration of the Plan for the dedication of the lands prior to registration; *and*,
 - b. Should a partial cash-in-lieu payment be required the cash amount shall be based on the market value of the lands on

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the day prior to the day of draft approval and be paid prior to registration of the plan.

- c. If the number of residential units is unknown for certain Blocks within the plan, minimum densities will be assumed. If the final number of residential units exceeds the assumed densities, cash-in-lieu of parkland dedication for the additional units will be required at building permit stage. If the final number of residential units is less than those assumed, any over dedication shall be paid by the City.

b. Site Plan Applications

- i. Site plan applications for which it is determined cash-in-lieu of parkland is to be paid shall provide in the site plan agreement/approval that the cash-in-lieu payment be made prior to the issuance of the building permit, or first building permit where more than one is required. The cash-in-lieu of parkland amount shall be based upon an estimate prepared by the City’s real estate appraisal staff of the market value of the site undertaken in accordance with the City’s requirements. This estimate shall be determined when the first building permit in respect of the development is submitted to the City. The first building permit for the purposes of valuation and payment of cash-in-lieu shall include the foundation permit.
- ii. Site plan applications for which it is determined parkland dedication is required are to require in the site plan approval the conveyance prior to the issuance of the building permit, or first building permit where more than one is required. The site plan approval shall define the amount and location of the lands to be conveyed.

c. Consents to Sever

- i. Notice of Provisional Consent shall include a “NOTE” stating that cash-in-lieu of parkland shall be paid prior to the issuance of a building permit. The cash-in-lieu amount shall be based upon an estimate prepared by the City’s real estate appraisal staff of the market value of the site undertaken in accordance with the City’s requirements.

d. Offsetting Procedure

- i. Further to clause 3(2)(c) of the Parkland Dedication By-law, the following are examples of offsetting where land was not previously dedicated or cash-in-lieu paid:

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1. parkland dedication attributed to existing commercial floor space that is being converted to a new commercial use (i.e. retail to office) will offset the parkland dedication for the new redevelopment for the same floor area;
 2. an existing single detached dwelling is being converted to a triplex. The parkland dedication attributable to the existing dwelling offsets the parkland dedication for one of the three new dwelling units;
 3. parkland dedication attributed to existing commercial floor space that is being converted to residential space does not offset the parkland dedication required for the new residential units, and vice versa.
- ii. In contrast to Section d.i. above, the following is an example of offsetting where land has been previously dedicated or cash-in-lieu paid:
1. if residential space in the urban area was to be converted to commercial use, regardless of building size, no land needs to be dedicated as the residential rate of 5% or more offsets the commercial rate of 2%. However, there would be no credit given to the owner/developer for the remaining 3%. In the reverse situation, there would be a 2% offset and the developer would be required to dedicate 3% or more land.

e. Appraisal Process

When cash-in-lieu of parkland is required to be paid in accordance with the Parkland Dedication By-Law, the Real Estate section of the Planning and Economic Development Department shall set the amount to be paid. The Real Estate Section shall monitor and analyze market land sales prices for certain standard types of land to provide a basis for estimates of market value used to determine the required cash-in-lieu of parkland payment.

Should the developer disagree with the City's value, then:

- i. The developer may retain an appraiser at his/her expense to undertake the appraisal of land value. The terms of reference and assumptions made with respect to the appraisal shall be consistent with this Parkland Dedication and Cash-in-lieu of Parkland Procedure and the Parkland Dedication By-law.

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- ii. If a developer retains an appraiser the City retains the right to undertake a Peer Review of the appraisal at the developer's expense.
- iii. All appraisals of land value shall be completed by a designated member of the Appraisal Institute of Canada (AIC) in accordance with the Canadian Uniform Standards of Professional Appraisal Practice and shall be submitted to the City within three months from payment date.
- iv. In addition to the process described above, in the event of a dispute between the City and an owner of land on the value of land determined, either party may apply to the Local Planning Appeal Tribunal to have the value determined.

f. Cash-in-Lieu Estimates

- i. “Development” and “Redevelopment” terms apply to: 1) the entire Net Land Area of the phase being registered for development proposed within an approved plan of subdivision; and, 2) to the entire Net Land Area of a Site Plan application for development proposed as part of an approved Site Plan.
- ii. For the purpose of valuation of land as at the day before the day of building permit issuance, it shall be assumed that the site is serviced and physically suitable for the development proposed, interpreted to mean that site remediation, major re-grading and drainage works have been satisfactorily completed.

6. ALLOCATION OF FUNDS

- a. Cash-in-lieu of parkland funds shall be kept in a special account - Parkland Reserve Fund and spent only for the acquisition of land to be used for park or other public recreational purposes; *and*,
- b. All monies which have been collected from January 1st, 2000 will be consolidated without distinguishing monies collected by the former municipalities.
- c. The activities and status of the Parkland Reserve Fund shall be reported on annually. In accordance with section 42 of the *Planning Act*, the treasurer of the municipality shall each year, on or before the date specified by the council, give the council a financial statement relating to

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the special account. The council shall ensure that the statement is made available to the public.

Procedure Dated:

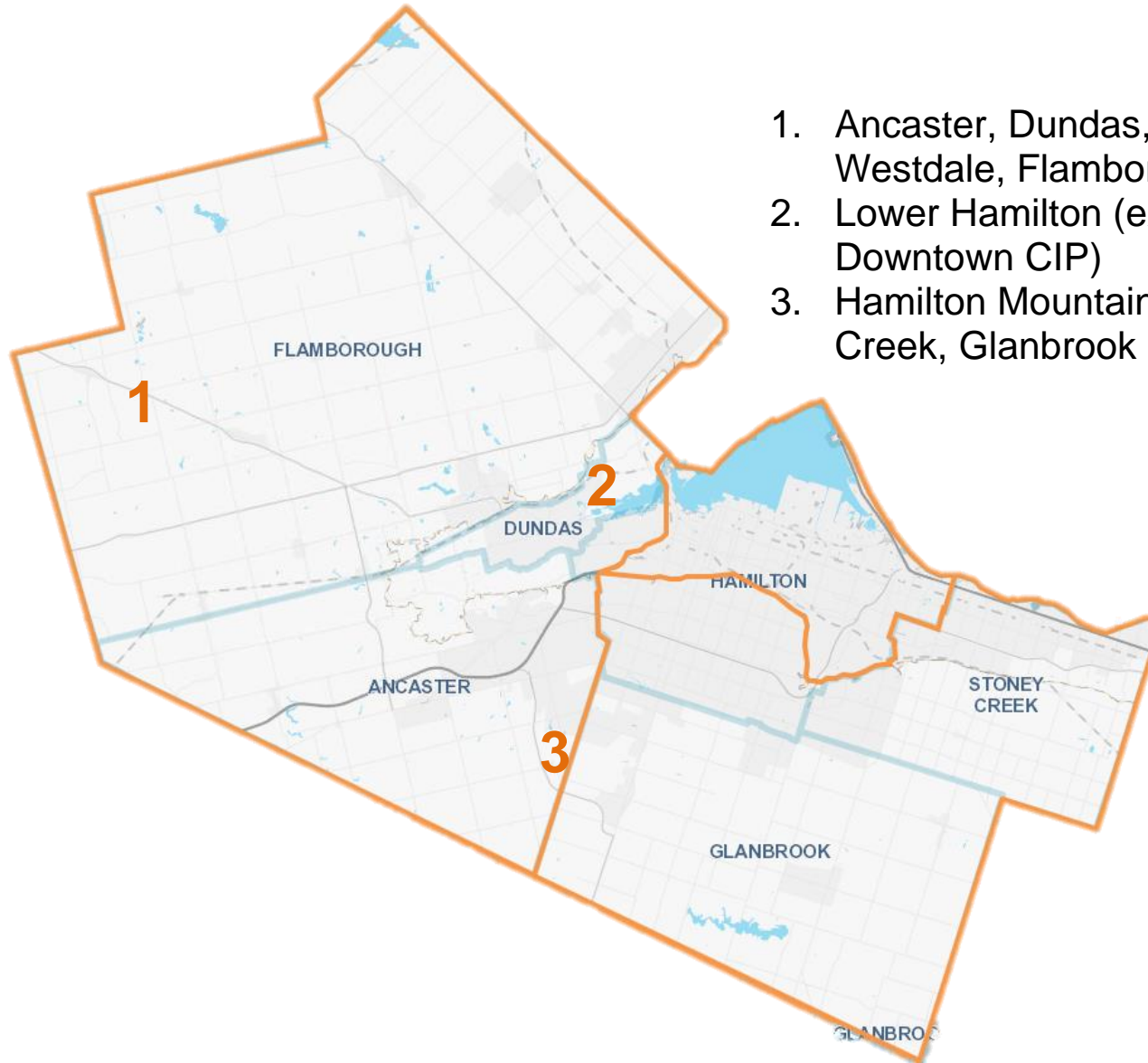
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Summary of Parkland Dedication Rates in Other Municipalities

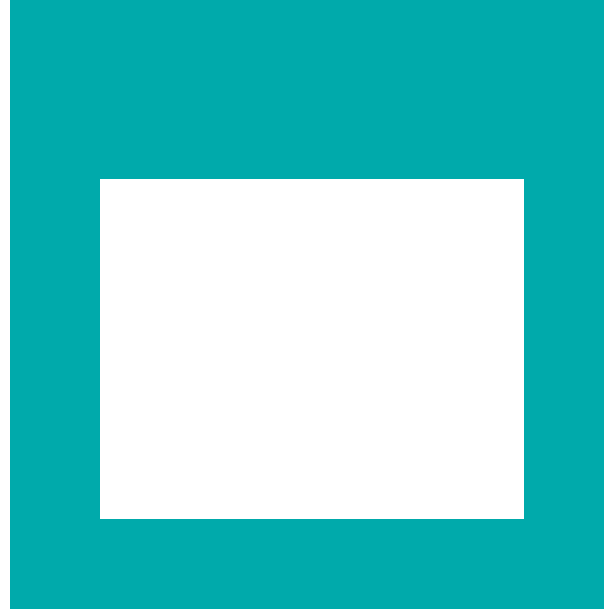
Municipality	Residential Cash-in-lieu of Parkland Dedication Rates
St. Catharines	5% of land
Brantford	Low-medium density: 5% High density: 0.4 ha / 120 units
London	Fixed rate per unit based on 5% of value of land Different rates for singles, towns, apartments
Cambridge	Greater of 5% or 1 ha / 300 units
Kitchener	> 4 ha: greater of 5% or 1 ha / 300 units - based on external appraisal < 4 ha: greater of 5% or 1 ha / 300 units - land values are fixed and outlined in Parkland Policy
Guelph	Singles, semis, 5 units or less, group homes: fixed rate per unit All others based on density, range from 5% to 10% of land
Burlington	Low density: 5% Medium density: 1 ha / 300 units with cap (\$6,500) High density: 1 ha / 300 units with cap (\$5,500)
Milton	Low density: 5% Medium-high density: 1 ha / 300 units
Oakville	Greater of 5% or 1 ha / 300 units
Mississauga	Low density: 5% Medium-high density: fixed rate per unit
Richmond Hill	Greater of 5% of land or 1 ha / 720 residents (based on standard number of persons per unit) Capped at 1 ha / 300 units
Vaughan	Low density: 5% or 1 ha / 300 units Medium-high density: fixed rate per unit
Oshawa	Fixed rate per unit based on unit type
Barrie	Low density: 5% Medium-high density: 1 ha / 300 units

Note: Maximum alternate rate as of July 2016 is 1 ha per 500 units

Map of Areas for Dedication Rates



1. Ancaster, Dundas, Westdale, Flamborough
2. Lower Hamilton (excluding Downtown CIP)
3. Hamilton Mountain, Stoney Creek, Glanbrook



Parkland Dedication By-law Review Large Scale Intensification, Multi-storey Residential Developments

Planning Committee Meeting

May 15, 2018

Item 8.1, PED18105

- Purpose of Review
- Background and Guiding Principles
- Recommended Rates for Residential Uses
- Comparison to Other Municipalities
- Housekeeping Amendments to By-law and Procedure

Purpose

Review of Parkland Dedication rates and associated Official Plan Policy and By-law changes undertaken in two phases:

- Phase I – Ground related housing and heritage buildings and Bill 73 (*Planning Act*) changes
 - Approved by Council March 2017
- **Phase II – Parkland dedication rates for large scale intensification and multi-storey residential**
 - Rates for townhouses and multiple dwellings
 - Downtown Community Improvement Project area
 - Parkland dedication procedures

Background

Current cash-in-lieu of parkland dedication rates for residential uses

Unit Type / Density	Method of Calculation
Singles, semis, duplexes	5% of net land area
Less than 20 units/ha	5% of net land area
20 to 120 units/ha	1 ha per 500 units
Greater than 120 units/ha	0.5 ha per 300 units

Guiding Principles of Phase II Review

1. Equity
2. Certainty
3. Consistency
4. Ease of administration
5. Relationship to market value of land
6. Satisfy demand for parkland
7. Transparency

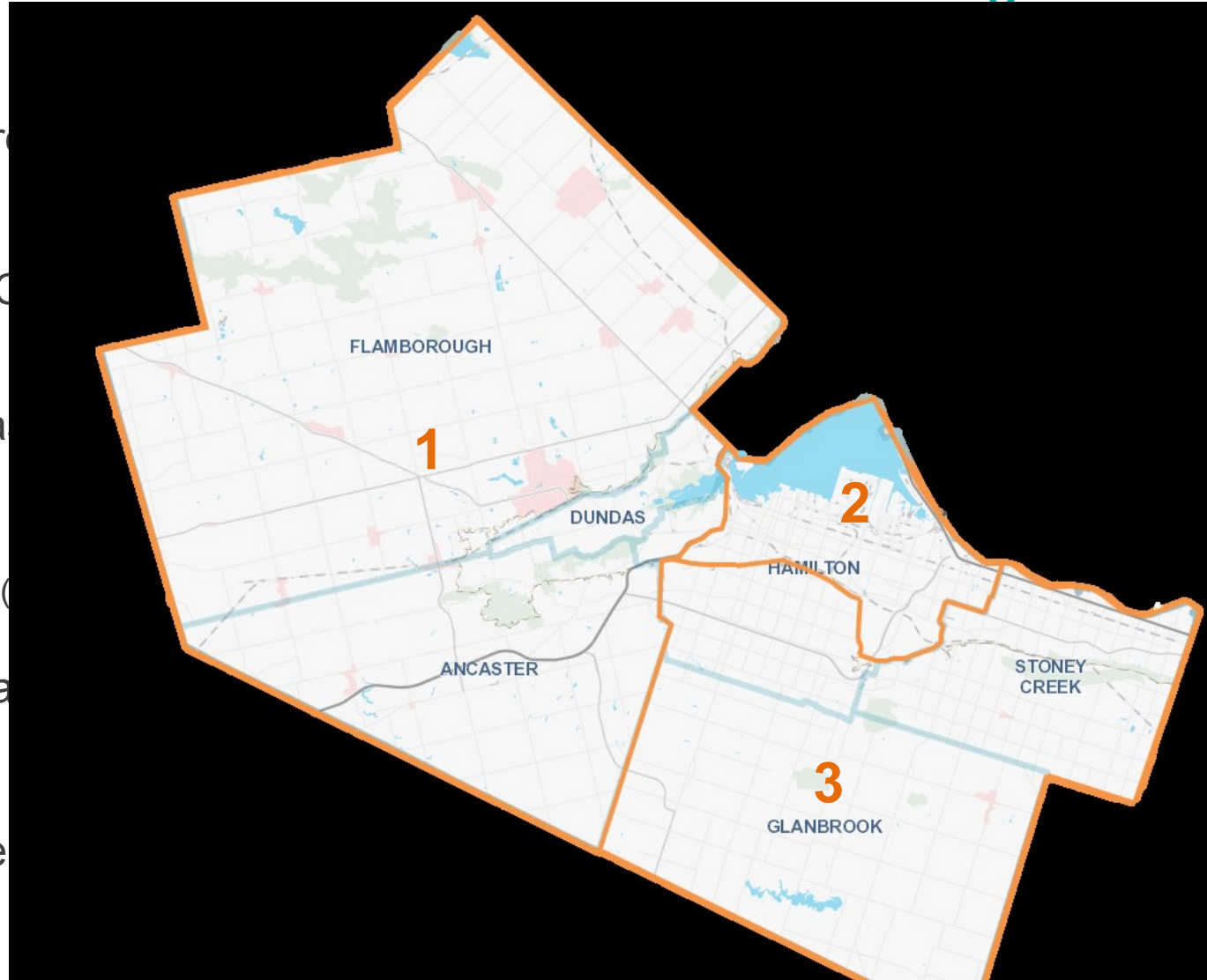
Assessed alternative approaches to cash-in-lieu of parkland dedication for townhouses and multiple dwellings

- Current density-based rates
- Maximum rate allowable (1 ha per 500 units)
- Fixed rate (dollar amount) per unit
- Current density-based rates with cap
- Maximum rate with cap

Background

Rates by Area

- Analyzed three areas to account for variations in land value across the City of Hamilton
1. Ancaster, Dundas, Westdale, Flamborough
 2. Lower Hamilton (Downtown CIPA)
 3. Hamilton Mountain, Stoney Creek, Glanbrook
- Also reviewed the Downtown CIPA



Recommended Rates

Recommendation – Townhouses

- Dedication rate of 1 ha per 500 units (max. per *Planning Act*), subject to the following caps:

Area	Recommended Per Unit Cap	Current Average Per Unit
Ancaster, Flamborough, Dundas, Westdale	\$10,000	\$8,976
Lower Hamilton (outside of Downtown CIPA)	\$9,000	n/a
Hamilton Mountain, Stoney Creek, Glanbrook	\$8,000	\$9,167

- Financial impact:
 - \$51,000 reduction on annual basis
 - 0.45% reduction in CIL collected based on 2017 figures

Recommended Rates

Recommendation – Multiple Dwelling Units

- Fixed dollar amount per unit:

Area	Recommended Fixed Rate Per Unit	Current Average Per Unit
Ancaster, Flamborough, Dundas, Westdale	\$8,000	\$9,733
Lower Hamilton (outside of Downtown CIPA)	\$7,000	\$8,714
Hamilton Mountain, Stoney Creek, Glanbrook	\$6,000	\$6,283

- Financial impact:
 - \$108,000 reduction on annual basis
 - 0.96% reduction in CIL collected based on 2017 figures

Recommended Rates

Recommendation – Downtown CIPA

- Recommend phasing out the Downtown reduction and introducing a fixed rate per unit, as follows:

Effective Date	Dedication Rate / Fixed Rate Per Unit
Date of Passing of By-law	5% of net land area
April 1, 2020	\$2,000
April 1, 2021	\$3,500
April 1, 2022	\$5,000
April 1, 2023	To be determined as part of 5 year review of all rates

Recommended Rates

Downtown CIPA – Financial Impact

Dedication Rate	Downtown Cash-in-Lieu (1 yr avg.)	Average Per Unit / Fixed Rate Per Unit	% Collecting Compared to Max.	% Impact (1 year)	% Impact on Total 2017 CIL
Current Dedication Rate (5%)	\$263,790	\$1,161	3.7%	-	-
Maximum Collectable (1 ha / 500 units)	\$7,201,794	\$20,689	100.0%	-	-
Fixed Rate Per Unit - Step 1	\$598,667	\$2,000	8.3%	127%	3.0%
Fixed Rate Per Unit - Step 2	\$1,047,667	\$3,500	14.5%	297%	6.9%
Fixed Rate Per Unit - Step 3	\$1,496,667	\$5,000	20.8%	467%	10.9%

Recommended Rates

Recommendation – Downtown CIPA Heights Exceeding Zoning By-law

- Cash-in-lieu for multiple dwelling units within a portion of a development that exceeds the heights permitted per Schedule F – Figure 1 of Zoning By-law 05-200 be calculated at the rate of 1 ha per 500 units

Indexing of Fixed Rates or Caps

- Recommend increasing fixed rates and caps annually (with exception of Downtown CIPA rates)
- Teranet-National Bank House Price Index for Hamilton
 - updated monthly and is publicly available
- Values and rates to be comprehensively reviewed every 5 years

Comparison to Other Municipalities

- Burlington
 - Low density: 5% of net land area
 - Medium-high density: 1 ha per 500 units
 - Caps for medium and high density:
 - Medium density: \$6,500 per unit
 - High density: \$5,500 per unit
- Brantford
 - Low/medium density: 5% of net land area
 - High density: 1 ha per 500 units

Comparison to Other Municipalities

- **Waterloo**
 - Less than 100 units/ha: 5% of land
 - Greater than 100 units/ha: 0.15 ha per 300 units
 - Uptown Area, greater than 100 units/ha: 0.1 ha per 300 units with cash-in-lieu capped at 15% of value of land
- **Mississauga**
 - Low density: 5% of net land area
 - Medium/high density: \$8,710 per unit (as of Feb. 2018)
 - Cash-in-lieu policy currently under review

Housekeeping Amendments

Parkland Dedication By-law:

- Updated definitions consistent with Zoning By-law
- Separate sections for land dedication and cash-in-lieu
- Existing use = legally established use per City's Building Division records
- Offsetting (credit) examples moved to Procedure
- Updated rates for accessory/ancillary dwelling units and additional units in heritage designated buildings (indexed as of April 1, 2018)
- First building permit = foundation permit

Housekeeping Amendments

Parkland Dedication Procedure:

- Clarified requirements for conveyance of parkland
- Park credits
 - Remaining park credits after all phases of a subdivision have been registered shall be paid by the City at the time of registration of the final phase (subject to approval of funding)
- Calculating park requirements for subdivisions
 - If the number of residential units is unknown for certain Blocks within the plan, minimum densities will be assumed
- Activities and status of the Parkland Reserve Fund shall be reported on annually

Questions?

10.1

CITY OF HAMILTON NOTICE OF MOTION

Committee Date: May 15, 2018

MOVED BY COUNCILLOR FARR.....

141 Park Street North, Hamilton, Development Application for Building Expansion

WHEREAS, the City of Hamilton currently considers the Fire Underwriters Survey (FUS) as a standard formula to assess adequate fire flow for new developments;

WHEREAS, 141 Park St. North is identified as a site for expansion of the building floor area from 560 m² to 955.5 m² which increases the calculated FUS fire flow rate beyond that which is available at that location;

WHEREAS, the City of Hamilton currently has a programmed watermain replacement project to increase the watermain size from 150 mm to 300 mm scheduled for 2019 and this will improve fire flow availability in this area of Park St North;

WHEREAS, adequate fire flow has been shown to be available at a location 150 m away on the opposite south side of Cannon Street;

WHEREAS, the proposed building expansion will be required to meet the fire flow volumes calculated under the Ontario Building Code for Part 3 buildings (appendix A-3.2.5.7) Water Supply, at time of Building Permit review; and

WHEREAS, the proposed development will be an improved hub for the community and provide positive music and cultural benefits to the Central Neighbourhood;

THEREFORE BE IT RESOLVED:

That the development as currently proposed for 141 Park St. North be accepted, recognizing that fire flow protection may not meet the existing FUS standard for fire flow evaluation, however, with the currently programmed 2019 watermain replacement, the likelihood of building completion at 141 Park St. North before hand is slim.