



City of Hamilton
PLANNING COMMITTEE

Meeting #: 18-009
Date: June 5, 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	
3. APPROVAL OF MINUTES OF PREVIOUS MEETING	
3.1 May 15, 2018	5
4. DELEGATION REQUESTS	
4.1 Glenn Wise, Macassa Bay Year Round Liveaboard Association, to discuss year round liveaboard boat residency. (For future meeting.)	19
5. CONSENT ITEMS	
5.1 Kirkendall Neighbourhood Strategy (PED18099) (Ward 1)	20
6. PUBLIC HEARINGS / DELEGATIONS	
6.1 Application for a Condominium Conversion for lands known as 115 Main Street East, Hamilton (PED18080) (Ward 2)	35
6.2 Application to Amend the Town of Ancaster Zoning By-law No. 87-57 for Lands Located at 449 Springbrook Avenue, Ancaster (Ward 12) (PED18091)	58

6.3	Applications for an Amendment to the Rural Hamilton Official Plan and the City of Hamilton Zoning By-law NO. 05-200 for Lands Located at 1915, 1995, and 1997 Jerseyville Road West, Ancaster (PED18118) (Ward 14)	80
6.4	Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 15 Picardy Drive (Stoney Creek) (PED18114) (Ward 9)	119
6.5	Applications for an Amendment to the Urban Hamilton Official Plan and Zoning By-law for Lands Located at 115 and 121 Vansitmart Avenue, Hamilton (PED18124) (Ward 4)	160
7.	STAFF PRESENTATIONS	
8.	DISCUSSION ITEMS	
8.1	Hamilton Municipal Heritage Committee Report 18-005	229
9.	MOTIONS	
10.	NOTICES OF MOTION	
11.	GENERAL INFORMATION / OTHER BUSINESS	
11.1	Outstanding Business List	

11.1.a Items requiring new due dates:
Item “B” - C.I. to Amend Hamilton Zoning By-law No. 6593 for 118 to 338 Mountain Brow Boulevard (Hamilton) (PED13101).

Due date: June 5, 2018

New due date: January, 2019

Item “P” - 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: June 5, 2018

New due date: August 14, 2018

Item “Q” - 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: June 5, 2018

New due date: September 18, 2018

Item “S” - Family Friendly Housing – staff to conduct feasibility study with appropriate public consultation and report back re: rental units, condos and affordable housing.

Due date: June 5, 2018

New due date: January, 2019

- 11.1.b Item identified as completed to be removed:
Item “J” – That staff report to the Planning Committee on a proposed scope and terms of reference for a consultant assignment to undertake the Kirkendall Neighbourhood Strategy in collaboration with the Kirkendall Neighbourhood Association.

(Item 5.1 on this agenda.)

12. PRIVATE AND CONFIDENTIAL

13. ADJOURNMENT



PLANNING COMMITTEE

MINUTES 18-008

9:30 a.m.

Tuesday, May 15, 2018

Council Chambers

Hamilton City Hall

71 Main Street West

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

Absent with Regrets: Councillor R. Pasuta, personal
Councillors J. Partridge and D. Skelly, personal

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

- 1. Review of Problems Associated with Increased Visitors to Waterfalls (PED18011(a)) (Wards 6, 9, 13, 14 and 15) (Item 5.1)**

(Conley/B. Johnson)

That Report PED18011(a) respecting Review of Problems Associated with Increased Visitors to Waterfalls, be received.

CARRIED

- 2. Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (City Wide) (PED18098) (Item 5.2)**

(Pearson/Conley)

That Report PED18098 respecting Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications, be received.

CARRIED

- 3. Appointment of Municipal Law Enforcement Officers, Property Standards Officers and Area Weed Inspectors (PED18107) (City Wide) (Item 5.3)**

(Farr/Pearson)

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.

CARRIED

4. Municipalities call on the Province for the “Right to Approve” Landfill Developments (Item 6.1)

(Green/B. Johnson)

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.
- (d) That copies of this resolution be forwarded to the Association of Municipalities of Ontario (AMO), the Ontario Good Roads Association and the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA).

CARRIED

5. Application for Amendment to the City of Hamilton Zoning By-law No. 6593 for Lands Located at 157 Gibson Avenue, Hamilton (Ward 3) (PED18101) (Item 6.2)

(Farr/B. Johnson)

- (a) 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:

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

Main Motion, as Amended, CARRIED

6. Application for Approval of a Draft Plan of Condominium (Common Element) for Lands Located at 389 Garner Road East (Ancaster) (Ward 12) (PED18112) (Item 6.3)

(Pearson/Farr)

- (a) 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:

- (i) 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;
- (ii) 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.

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

Main Motion, as Amended, CARRIED

7. Parkland Dedication By-law Review – Large Scale Intensification, Multi-storey Residential Developments (PED18105) (City Wide) (Item 8.1)

(Pearson/B. Johnson)

- (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.

CARRIED

8. 141 Park Street North, Hamilton, Development Application for Building Expansion (Added Item 10.1)

(Farr/Collins)

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 Street 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 Street North;

WHEREAS, adequate fire flow has been shown to be available at a location 150 metres 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 the 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 Street North be accepted, recognizing that fire flow protection may not meet the existing Fire Underwriters Survey (FUS) standard for fire flow evaluation, however, with the currently programmed 2019 watermain replacement, the likelihood of building completion at 141 Park St. North beforehand is slim.

CARRIED

9. An 18-Month Pilot on Patio Encroachment Agreement Amendment to Allow a BBQ and Taps on the Black Forest Inn Seasonal Patio. (Added Item 10.2)

(Farr/Collins)

WHEREAS, the International Village BIA has fully endorsed the permitting of a BBQ and a set of taps for seasonal patio use at the historic Black Forest Restaurant;

WHEREAS, the current by-law, established long ago, does not permit BBQ or taps on patios as part of the standard City encroachment agreement;

WHEREAS, the International Village BIA has had concerns respecting nefarious activities and serious vandalism in the immediate area and strongly feels that the patio and BBQ and tap enhancements would greatly assist in addressing these issues by bringing many more "eyes on the area;" an area that is central to the BIA at Ferguson Avenue and King Street;

WHEREAS, pilots are an effective way to measure ideas that seek to modify or amend dated by-laws;

WHEREAS, the City's newly adopted Downtown Secondary Plan encourages more vibrant streets and places; and

WHEREAS, the City of Hamilton is Open for Business;

THEREFORE, BE IT RESOLVED:

- (a) That the current by-law be amended so as to permit an 18-month seasonal pilot for a BBQ and taps (in conjunction with the approval of the Alcohol and Gaming Commission of Ontario (AGCO)) at the Black Forest Inn Restaurant;
- (b) That any City of Hamilton department stakeholders including Fire, Health, Risk Management, Planning, Municipal Law Enforcement, Public Works, and Legal be requested to monitor the 18-month seasonal pilot for a BBQ and taps on the patio at the historic Black Forest Inn Restaurant.

CARRIED

- 10. 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.) (Item 12.2)**

(Pearson/Collins)

That Report LS18018 respecting 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) 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 REQUESTS

- 4.1 Suzanne Mammel, Hamilton-Halton Home Builders' Association respecting the Parkland Dedication By-law Review (Item 8.1 on this agenda.) (For this meeting.)

2. ADDED SAMPLE RESOLUTION

- 6.1 Sample resolution for Committee's consideration regarding Mayor Ted Chomiskey's presentation on the Demand the Right Campaign.

3. ADDED NOTICE OF MOTION

- 10.1 141 Park Street North, Hamilton, Development Application for Building Expansion

(Green/Farr)

That the agenda for the May 15, 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) May 1, 2018 (Item 3.1)

(Pearson/Conley)

That the Minutes of the May 1, 2018 meeting be approved.

CARRIED

(d) DELEGATION REQUESTS (Item 4)

(Green/Farr)

That the following delegation request be approved to address Committee at today's meeting:

- (i) Suzanne Mammel, Hamilton-Halton Home Builders' Association respecting the Parkland Dedication By-law Review (Item 8.1 on this agenda.) (For this meeting.) (Added Item 4.1)

CARRIED

(e) DELEGATIONS/PUBLIC HEARING (Item 6)

- (i) Mayor Ted Comiskey, Town of Ingersoll, to speak concerning the Demand the Right Campaign which is to promote municipalities gaining the right to say yes or no to proposed landfill projects within their boundaries. (Approved April 17, 2018) (Item 6.1)**

Mayor Ted Comiskey addressed Committee with the aid of a PowerPoint presentation. A copy was printed in the agenda and is available for viewing on the City's website.

(B. Johnson/Pearson)

That the five-minute time limit for delegations be extended.

CARRIED

(Pearson/Conley)

That the delegation be received.

CARRIED

For disposition of this matter refer to Item 4.

(ii) Application for Amendment to the City of Hamilton Zoning By-law No. 6593 for Lands Located at 157 Gibson Avenue, Hamilton (Ward 3) (PED18101) (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.

(Collins/Farr)

That the public meeting be closed.

CARRIED

(Pearson/Conley)

That the staff presentation be waived.

CARRIED

Franz Kloibhofer of A. J. Clarke and Associates. representing the owner, was in attendance. Franz Kloibhofer advised that the owner is in agreement with the staff report.

(Farr/B. Johnson)

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 5.

(iii) Application for Approval of a Draft Plan of Condominium (Common Element) for Lands Located at 389 Garner Road East (Ancaster) (Ward 12) (PED18112) (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 Draft Plan of Condominium, 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.

(Pearson/B. Johnson)

That the public meeting be closed.

CARRIED

(Collins/Farr)

That the staff presentation be waived.

CARRIED

(Pearson/Farr)

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 6.

(f) DISCUSSION ITEMS (Item 8)

(i) Parkland Dedication By-law Review – Large Scale Intensification, Multi-storey Residential Developments (PED18105) (City Wide) (Item 8.1)

Ray Kessler, Manager, Real Estate, provided a brief verbal introduction to Item 8.1 and he recognized the work undertaken by staff on this initiative.

Danielle Lapp, Appraiser Coordinator, addressed Committee with the aid of a PowerPoint presentation and provided an overview of the report. Copies were distributed and a copy is available for viewing on the City's website.

(Conley/B. Johnson)

That the staff presentation be received.

CARRIED

Delegation

1. Suzanne Mammel, Hamilton-Halton Home Builders' Association (Added Item 4.1)

Suzanne Mammel addressed Committee and indicated that this was a collaborative process and thanked staff for seeking the input of the Association on this matter.

She indicated that she is pleased with the report and requested future consideration of the following suggestions:

- Annual reporting on what monies are collected vs what is paid out;
- An innovative approach in the types of parks that are provided;
- That a portion of the fees be used in the Ward where they are collected.

(Pearson/Conley)

That the delegation be received.

CARRIED

For disposition of this matter refer to Item 7.

(g) NOTICES OF MOTION (Item 10)

(i) 141 Park Street North, Hamilton, Development Application for Building Expansion (Item 10.1)

Councillor Farr introduced a Notice of Motion respecting 141 Park Street North, Hamilton, Development Application for Building Expansion.

(Farr/Collins)

That the rules of order be waived to allow the introduction of a Motion respecting 141 Park Street North, Hamilton, Development Application for Building Expansion.

CARRIED

For disposition of this matter refer to Item 8.

(ii) An 18-Month Pilot on Patio Encroachment Agreement Amendment to Allow a BBQ and Taps on the Black Forest Inn Seasonal Patio (Added Item 10.2)

Councillor Farr introduced a Notice of Motion respecting an 18-Month Pilot on Patio Encroachment Agreement Amendment to Allow a BBQ and Taps on the Black Forest Inn Seasonal Patio.

(Farr/Collins)

That the rules of order be waived to allow the introduction of a Motion respecting an 18-Month Pilot on Patio Encroachment Agreement Amendment to Allow a BBQ and Taps on the Black Forest Inn Seasonal Patio.

CARRIED

For disposition of this matter refer to Item 9.

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

(i) Outstanding Business List (Item 11.1)

(Pearson/Johnson)

(a) That the following new due dates be approved:

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

- (b) 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 – Hamilton Municipal Heritage Committee Report 18-004 on May 1, 2018 agenda)

CARRIED

(i) PRIVATE AND CONFIDENTIAL (Item 12)

Committee approved the following Items without moving into Closed Session:

(i) Closed Session Minutes of May 1, 2018 meeting. (Item 12.1)

(B. Johnson/Pearson)

- (a) That the Closed Session Minutes of the May 1, 2018 meeting be approved;
- (b) That the Closed Session Minutes of the May 1, 2018 meeting remain private and confidential and restricted from public disclosure.

CARRIED

(ii) 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) (Item 12.1)

For disposition of this matter refer to Item 10.

(j) ADJOURNMENT (Item 13)

(Farr/Pearson)

That, there being no further business, the Planning Committee be adjourned at 10:40 a.m.

CARRIED

Respectfully submitted,

Councillor A. Johnson
Chair, Planning Committee

Ida Bedioui
Legislative Co-ordinator
Office of the City Clerk

4.1

Form: Request to Speak to Committee of Council

Submitted on Tuesday, May 22, 2018 - 9:10 pm

==Committee Requested==

Committee: Unknown

==Requestor Information==

Name of Individual: Glenn Wise

Name of Organization: Macassa Bay Year Round
Liveaboard Association

Contact Number:

Email Address:

Mailing Address:

Reason(s) for delegation request: To discuss year round
liveaboard boat residency.

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? Yes



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
 Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	June 5, 2018
SUBJECT/REPORT NO:	Kirkendall Neighbourhood Strategy (PED18099) (Ward 1)
WARD(S) AFFECTED:	Ward 1
PREPARED BY:	Shannon McKie (905) 546-2424 Ext. 1288
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That the Kirkendall Neighbourhood Strategy – Terms of Reference (attached as Appendix “A” to Report PED18099) be approved;
- (b) That staff from Healthy and Safe Communities, Healthy and Safe Communities Department, be directed to retain a consultant to assist the neighbourhood in the preparation of a Neighbourhood Strategy for the Kirkendall Neighbourhood;
- (c) That the procurement, budget and payment schedule be overseen and administered by the Children’s Services and Neighbourhood Development Division;
- (d) That the Children’s Services and Neighbourhood Development Division provide ongoing support through the Neighbourhood Strategy process to the Kirkendall Neighbourhood Strategy Steering Committee.

EXECUTIVE SUMMARY

In October, 2016, Council approved funding in the amount of \$125,000 from the Ward 1 2016 Area Rating budget for the preparation of a Neighbourhood Strategy for the Kirkendall neighbourhood. Council directed staff to report back to Planning Committee with a proposed scope and terms of reference for a consultant assignment to undertake the Neighbourhood Strategy.

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: Kirkendall Neighbourhood Strategy (PED18099) (Ward 1) - Page 2 of 5

Staff have worked with members of the Kirkendall Neighbourhood Association (KNA) to draft a terms of reference (attached as Appendix “A” to Report PED18099) for a consultant to undertake the development of a Neighbourhood Strategy.

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Funding has been allocated from the Ward 1 2016 Area Rating fund in the amount of \$125,000.

Staffing: Staff will be required to provide technical assistance and information as needed. Planning staff will provide contract management on the project.

Legal: N/A

HISTORICAL BACKGROUND

General Issues Committee, at its meeting on October 21, 2016, considered a motion regarding funding for the preparation of a Neighbourhood Strategy for the Kirkendall neighbourhood and approved the following:

- “(d) That funding in the amount of \$125,000 from the Ward 1 2016 Area Rating budget be approved for the preparation of a Neighbourhood Strategy for the Kirkendall neighbourhood;
- (e) That Planning staff be directed to report to the Planning Committee on a proposed scope and terms of reference for a consultant assignment to undertake the strategy in collaboration with the Kirkendall Neighbourhood Association.”

The most recent neighbourhood planning occurred in 1974 with the approval of the Kirkendall North and South Neighbourhood Plans. Since 1974, the neighbourhood has experienced change with continual residential, retail, and commercial growth.

The KNA has identified a need for a process that will act as a foundation to acknowledge existing and build new community connections, highlight the strengths of the neighbourhood, and implement community based priorities and actions. The objective of a Neighbourhood Strategy is to provide asset-based, inclusive, and resident-led community development that builds on the skills, strengths, and supports of residents, groups, and institutions to build a stronger community.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**The following Finance/Procurement process is proposed:**

Council authorized \$125,000 for this project. Staff estimate that the cost to develop the strategy will be less than \$100,000 so a Request For Quotation process (three quotes)

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SUBJECT: Kirkendall Neighbourhood Strategy (PED18099) (Ward 1) - Page 3 of 5

will be used for procurement. The remaining funds on the allocation will be available for implementation of the strategy.

For funding between \$10,000 up to but not including \$100,000 and in accordance with Procurement Policy No. 5.2 – Request for Quotations, a Request for Quotations will be sent to more than three qualified vendors for submissions.

RELEVANT CONSULTATION

Children's Services and Neighbourhood Development Division of Healthy and Safe Communities Department and Procurement, Corporate Services were consulted and have no concerns with the recommendation.

Staff have worked with the KNA Planning subcommittee in the development of the terms of referenced (attached as Appendix "A" to Report PED18099).

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The purpose of the terms of reference for a Neighbourhood Strategy for the Kirkendall Neighbourhood is to create an action-based plan for the residents of the Kirkendall neighbourhood by engaging with the neighbourhood, identifying assets, priorities, goals and objectives for maintaining and improving the neighbourhood. While issues relating to land use planning processes and decisions may be identified through this engagement process, the Neighbourhood Strategy does not function as a land use planning document. The Strategy provides a plan to address community goals and objectives to make overall improvements in the Kirkendall Neighbourhood.

The KNA has established the following Project Objectives:

- To develop a Vision Statement for the neighbourhood based on resident values;
- To identify the key assets of the Kirkendall neighbourhood;
- To reach out to all residents, using a variety of methods, to identify strengths and issues;
- To inform residents about best practices related to urban issues;
- To develop recommendations and actions based on resident input;
- To develop a final report that summarizes data and recommendations using clear language; and,
- To communicate the findings to the broader community using a variety of methods.

The Children's Services and Neighbourhood Development Division will provide technical and administrative support throughout the strategy development process.

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SUBJECT: Kirkendall Neighbourhood Strategy (PED18099) (Ward 1) - Page 4 of 5

To address these objectives, the proposed Terms of Reference (attached as Appendix “A” to Report PED18099) sets out the following framework:

1. Study Initiation

Background Review – The Consultant will be required to review the background documents provided by the City and the KNA.

Engagement Strategy – The Consultant is required to develop an Engagement Strategy including a range of engagement methods for reaching the community throughout the process.

2. Engagement

Engage Existing Groups – Prior to starting the formal process the Consultant will need to reach out to existing community leaders and neighbourhood organizations to help champion and participate in the process.

Asset Mapping Engagement – Engaging the larger community in identifying relevant information about the neighbourhood from the perspective of the people who live and work there.

Establish a Steering Committee – The Neighbourhood Steering Committee should be representative of the neighbourhood and inclusive for all. The Planning Team should be built from existing groups, new recruits, service providers and business owners.

Neighbourhood Profile and Vision Statement – The Consultant, in collaboration with the Planning Team and the KNA, will gather as much information as possible to understand the dynamics of the Kirkendall neighbourhood. This data will help understand the neighbourhood and the issues they face as a community.

The Consultant will facilitate a visioning exercise to help the Neighbourhood Strategy Planning Committee form an inspirational and motivational vision that will be the foundation for the objectives, goals, and actions. Additional engagement with the broader community will help endorse and support the Vision Statement.

Develop Neighbourhood Strategy and Implementation Plan – Using the data collected from previous engagement, the Planning Team, with facilitation from the Consultant, will create broad themes. Goals, objectives, and actions will be associated with each theme.

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SUBJECT: Kirkendall Neighbourhood Strategy (PED18099) (Ward 1) - Page 5 of 5**3. Final Neighbourhood Strategy Plan**

The Consultant, in collaboration with the Planning Team, will create draft and final documents that will include the Asset Map, Neighbourhood Profile, Terms of Reference for the Planning Team, Vision, Goals, Objectives and Implementation Plan.

4. Implementation and Monitoring

The Neighbourhood Strategy Workplan will lay out timeframes for the actions. The Consultant will continue to participate for one year, to ensure that the plan is being implemented as planned and updated as required.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**Community Engagement and 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.

Healthy and Safe Communities

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

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” – Kirkendall Neighbourhood Strategy - Terms of Reference

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Kirkendall Neighbourhood Strategy

Terms of Reference

The Kirkendall Neighbourhood Association (KNA) is seeing professional services to assist with the development of a Neighbourhood Strategy. The professional consultant shall have proven expertise in the areas of community development, neighbourhood development, facilitation and community engagement.

1. Introduction

The Kirkendall Neighbourhood Association is pursuing a Neighbourhood Strategy to establish goals, objectives and actions that build on existing assets and that makes the Kirkendall neighbourhood a better and healthier place for all residents. The City of Hamilton is assisting the KNA in the development of the Terms of Reference and procurement of the project.

2. What is a Neighbourhood Strategy

Residents in all of the City of Hamilton neighbourhoods deserve to be healthy and deserve to live in vibrant places. One important way to make this happen is to engage people within neighbourhoods to identify, plan, and lead the changes that they want to see. All neighbourhoods have both strengths and problems. A Neighbourhood Strategy will help residents identify and address problems and enhance strengths by establishing and prioritizing implementable actions.

3. Project Objectives

The purpose of this project is to create an action-based plan for the residents of the Kirkendall neighbourhood by engaging with the neighbourhood, identifying assets, priorities, goals and objectives for maintaining and improving the neighbourhood. The Kirkendall Neighbourhood has identified the following objectives:

- To develop a Vision Statement for the neighbourhood based on resident values;
- To identify the key assets of the Kirkendall neighbourhood;
- To reach out to all residents, using a variety of methods, to identify strengths and issues;
- To inform residents about best practices related to urban issues;
- To develop recommendations and actions based on resident input;
- To prioritize actions and assign responsibilities to the relevant participants;
- To develop a final report that summarizes data and recommendations using clear language; and,
- To communicate the findings to the broader community using a variety of methods.

4. Context and Background

The Kirkendall Neighbourhood is bounded by Highway 403 to the west, Main Street West to the north, Queen Street South the east and Highland Gardens Park to the south. Aberdeen Avenue intersects the Kirkendall neighbourhood as a major arterial road and divides the neighbourhood into Kirkendall North and Kirkendall South. Kirkendall is a stable residential neighbourhood primarily comprised of single detached dwellings in a compact urban fabric. Recent development applications have revealed interest in a variety housing forms including condominium development and the conversion of single detached dwellings. Commercial streets such as Dundurn Street, Locke Street and Main Street help to contribute to the vibrancy of the neighbourhood by supporting the daily and weekly needs of the surrounding community as well as providing regional tourism opportunities. The West Hamilton Innovation District forms part of the western edge of the Kirkendall neighbourhood. The diversity of uses in the area helps to define the Kirkendall neighbourhood as a vibrant community where residents can to live, work, learn and play.

Historical Overview of Development in Kirkendall

The Kirkendall Neighbourhood began as a rural and natural area in Barton Township on the southwestern edge of the Town of Hamilton, framed by the Chedoke Creek to the west and the Niagara Escarpment to the south. Kirkendall North witnessed some of the earliest development in the neighbourhood, specifically in the area north of the Chedoke Creek tributary that ran east-west along what is now known as Bold Street. By the mid-1800s this area was subdivided by the Richard Beasley Survey to the west and the James Mills Survey to the east.

South of the creek, Kirkendall North was a destination for early recreation in Hamilton with the Race Course to the southwest and the Cricket Grounds to the east, which later became the Hamilton Amateur Athletics Association (HAAA) Grounds in 1910. Much of the established character of the neighbourhood resulted from the subdivision of the sizable Race Course lands in 1873 into over 350 developable lots.

Although primarily residential in character, Kirkendall North was also home to early industry including the Commercial Oil Company, the Zimmerman Knitting Factory and the Canadian Westinghouse Company's West Plant. The Toronto, Hamilton & Buffalo Railway defined the border between the main industrial area west of Chedoke Creek, which included the TH&B Roundhouse, and the residential area to the east. The section of the TH&B Railway that travelled east from Dundurn Street to the station at James Street was constructed in 1895, divided the neighbourhood south of Hunter Street and resulted in the construction of bridges over each of the north-south streets.

Kirkendall South, tucked under the edge of the Escarpment, remained largely rural in character until the late-1800s. The section east of Locke Street was the first to

Appendix “A” to Report PED18099**Page 3 of 10**

be subdivided for development in the 1870s, including the Alexander Miller property to the south and later the Mills and Nash estates to the north. On the west side of Locke Street were the Thomas Bush’s estate to the east of Dundurn and W.H. Nicholl’s property to the west. In 1881, the Beulah Plan subdivided the Bush estate and laid out a plan for the first prescribed park, known as Beulah Park. The Pioneer Homestead constructed circa 1847, located on South Street in the Beulah subdivision, is a vestige of the former Thomas Bush Estate.

By the early-1900s Kirkendall was well served by the Hamilton and Dundas Electric Railway and the final western portion of the neighbourhood was annexed into the City of Hamilton. The remaining undeveloped lands in Kirkendall North and South were subdivided by the likes of developer W.D. Flatt and others, offering housing on streets with scenic names like Hillcrest, Hyde Park, Glenside, Spruceside and Mapleside in the West Mount, Aberdeen and Westland Subdivisions. These developments offered close proximity to the Escarpment and the newly incorporated Hamilton Golf and Country Club to the west on the former Paradise Farm property. Kirkendall is considered to be an established historical neighbourhood. Approximately 90% of Kirkendall properties were developed prior to 1950 and the neighbourhood as a whole exhibits a unique character, illustrates historic development patterns and contains a concentration of cultural heritage resources.

The neighbourhood benefits from the following parks and open spaces, institutional and commercial uses:

Open Space and Parks:

- Beulah Park;
- Chedoke Golf Course;
- Chedoke Radial Trail;
- Chedoke Tot lot;
- Jackson Playground;
- Highland Gardens Park;
- Hill Street Park;
- Hill Street Community Garden;
- Hamilton Amateur Athletic Association;
- Mapleside Park; and,
- Radial Park;

Institutional Uses:

- Beth Jacob Synagogue;
- Ryerson Middle School;
- Earl Kitchener Jr. Public School;
- St. Joseph’s Catholic Elementary School;
- St. John Evangelist Church;
- St. Joseph’s Roman Catholic Church;

Appendix “A” to Report PED18099
Page 4 of 10

- Stanley Avenue Baptist Church;
- Melrose United Church;
- Aberdeen Gardens Retirement Residence; and,
- Ryerson Recreation Centre.

Commercial Areas:

Kirkendall is home to some of the City of Hamilton’s vibrant commercial areas. Main Street West, Dundurn Street South and Locke Street Business Improvement Area feature home-grown restaurants and local shops which attract residents, employees and tourists into the Kirkendall Neighbourhood. The unique streetscape and interesting built form create an enjoyable and interesting commercial experience and acts as an incentive for new businesses operate along these streets.

Employment Areas:

The West Hamilton Innovation District (WHID) also falls within the Kirkendall neighbourhood boundaries. As a prominent Business Park, WHID offers employment opportunities to the area as well as brings people in from outside the neighbourhood on a daily basis.

5. Scope of the Neighbourhood Strategy

The purpose of the Neighbourhood Strategy Study is to prepare a resident led action-based plan to ensure that the Kirkendall Neighbourhood is a healthy and vibrant place to live. The Neighbourhood Strategy process will engage the Kirkendall Neighbourhood to create a plan that lays out a clear vision for what the neighbourhood wants to achieve, acknowledge existing assets, identify attainable goals and objectives, as well as, meaningful, measurable action items that can reasonably be implemented by the residents and neighbourhood stakeholders.

Using the Neighbourhood Action Planning Tool Kit as a resource, the successful proponent will assist the neighbourhood to develop a plan that builds on the findings of each stage of the engagement process to establish a framework for implementation of identified actions. It is recognized that the plan may not encompass every situation or address every issue faced throughout the Kirkendall neighbourhood. There could be multiple approaches, including a more scoped issue-based process.

Once the Neighbourhood Strategy is drafted, engage the neighbourhood again to review, provide feedback, and the visions, goals, objectives, actions and quick win(s). Use these opportunities to gather information and test the ideas being discussed to ensure priorities are confirmed and actions are implementable.

Following the Engagement process, all of the information that has been generated should be documented using City of Hamilton’s Neighbourhood Action Plan templates or other templates developed for this project. Documentation should include asset mapping activities and results, neighbourhood profile, vision, goals,

Appendix “A” to Report PED18099
Page 5 of 10

objectives and action plan, terms of reference for a Neighbourhood Action Planning team and a general implementation plan for the action plan. The documentation of these elements together form the Neighbourhood Strategy and Action Plan. The final document should be approved by the Steering Committee and endorsed by the neighbourhood.

The Neighbourhood Strategy Steering Committee should establish a process to monitor and adjust the workplan regularly (e.g every 5 years). This should include a clearly documented transition of responsibility from the Neighbourhood Strategy Steering Committee back to the existing neighbourhood group.

6. Key Tasks, Deliverables, Reporting

The Successful Proponent shall undertake the following:

(a) Development of a Work Plan

Prepare a detailed Work Plan that identifies tasks, timing and deliverables throughout the study.

Deliverable: draft and final Work Plan documents

(b) Context Review

The Successful Proponent is required to familiarize themselves with relevant information pertaining to the study area and planning context. Information sources will include the KNA, and various City of Hamilton staff.

The KNA Context Review will include the following resources and processes:

- April 2018 Annual General Meeting – Minutes;
- April 6, 2017 Annual General Meeting – Minutes;
- Know and Grow your Neighbourhood (2010) Initiative findings; and,
- What We heard (2010) Initiative findings.

In addition, the Context Review will include the following resources and processes from the City of Hamilton:

- Our Future Hamilton Vision (2017);
- Urban Hamilton Official Plan (2013);
- Zoning By-law No. 6593 (relevant zones);
- Zoning By-law 05-200 (relevant zones);
- 2016 Census data for the Kirkendall Neighbourhood;
- GIS Mapping and relevant data sets;
- Kirkendall Neighbourhood Plans (North and South) (1974);
- City of Hamilton Neighbourhood Action Planning Toolkit;
- City of Hamilton Photovoice Toolkit;
- Locke Street BIA Commercial Market Assessment;

Appendix “A” to Report PED18099
Page 6 of 10

- Transportation Master Plan (2017);
- Cycling Master Plan (2009);
- Age Friendly Hamilton Plan (2016);
- Pedestrian Master Plan (2016); and,
- Other relevant documents and initiatives.

(c) Start up Meeting with KNA Executive

The Successful Proponent will be required to meet with the KNA Executive or members of the Executive to discuss work plan, deliverables and the consultation strategy. The KNA will review deliverables and consult with City Staff to determine fulfillment of tasks and deliverables established in the work plan.

(d) Establish a Terms of Reference for a Steering Committee and assist in the formation of the Committee

As a resident-led, asset-based plan, the Neighbourhood Strategy should be led by a group of people that can effectively reach out to the community, talk about the work being done, gather feedback, and help to develop and implement the Neighbourhood Strategy. The successful proponent should assist in the formation of the Steering Committee. The Steering Committee should be made up of residents, members of existing neighbourhood-based groups, service providers, and business owners. Additional resources could include City Staff, educators, and people who have knowledge of the community or a history of involvement.

The Terms of Reference for the Steering Committee should be created outlining the team leadership, practical details, including when the group will meet and where, and how the group will make decisions.

Deliverable: Steering Committee Formation and Terms of Reference

(e) Neighbourhood Engagement and Communication Plan

With input from the KNA, develop a Public Engagement and Communication Plan. The Plan will include innovative and creative ways to consult with the neighbourhood residents, Locke Street Business Improvement Area, commercial business owners, and local institutions. At a minimum, Neighbourhood engagement sessions will be required to undertake the following tasks:

- Develop a draft Vision for the Neighbourhood Strategy;
- Review of Neighbourhood Assets (that is anything that makes a neighbourhood a healthy, vibrant place to live), and Asset mapping;
- Develop Goals, Objectives, Actions /Strategies;
- Prioritize and identify ownership of Actions/Strategies;
- Establish an Implementation Plan for achieving identified actions; and,
- Present final Neighbourhood Strategy to the Neighbourhood and the appropriate committee of Hamilton City Council.

Appendix “A” to Report PED18099
Page 7 of 10

The KNA will play an active role in determining the appropriate method for communication and engagement. The Successful Proponent should prepare a summary of methods and decide with the KNA which will have the broadest reach within the Kirkendall Neighbourhood.

Deliverable: draft and final Engagement and Communications Plan

(f) Carry out Neighbourhood Strategy and Action Planning Process

Carry out the work program and Engagement and Communication Plan. Assist in planning of neighbourhood engagement activities and participate in the neighbourhood engagement activities for the tasks identified in (e) above.

Deliverables include:

- Draft and Final Vision;
- Draft and Final Asset mapping and Asset Report;
- Draft and Final Goals, Objectives, Actions/Strategies;
- Prioritization of Actions/Strategies;
- Draft and Final Implementation Plan; and,
- Draft and Final Neighbourhood Strategy and Action Plan Document.

(g) Conclusions and Presentations

The Successful Proponent will assist the Neighbourhood Strategy Steering Committee in crafting the final document, and prepare the Steering Committee for making presentations. The final Neighbourhood Strategy will be presented to the Kirkendall Neighbourhood Association, and to the City of Hamilton Healthy and safe Communities Committee. The successful proponent will be expected to attend presentations and support the Steering Committee in its presentations and budget for two to three presentations.

7. Roles and Responsibilities

The Successful Proponent will work together with the KNA and Neighbourhood Strategy Steering Committee to create the Neighbourhood Strategy. The following are suggested roles and responsibilities for the Successful Proponent, the KNA, the Neighbourhood Strategy Steering Committee, and the City of Hamilton:

Successful Proponents

The successful proponent may be an individual or a team that can provide the services and roles of a facilitator and a community developer in carrying out the scope of work:

- Facilitator

Appendix “A” to Report PED18099**Page 8 of 10**

- Establish a workplan, schedule and consultation plan;
 - Plan and coordinate all scheduled consultations;
 - Summarize and report back on all consultations;
 - Track and summarize draft documentation of the draft Vision, Asset Mapping, Goals, Objectives, Actions/Strategies, and Prioritization Plan;
 - Create a report of the implementation plan based on the findings of the Vision, Asset Mapping, Goals, Objectives, Actions/Strategies, and Prioritization Plan;
 - Draft and Circulate the Neighbourhood Strategy to the Neighbourhood Strategy Steering Committee and Kirkendall Neighbourhood Association;
 - Present Draft Neighbourhood Strategy to the Kirkendall Neighbourhood;
 - Review Comments on the Draft Neighbourhood Strategy;
 - Prepare Final Neighbourhood Strategy; and,
 - Assist Neighbourhood Strategy Steering Committee in the preparation for presentations of the final Neighbourhood Strategy to the Kirkendall Neighbourhood, the KNA, and the City of Hamilton’s Planning Committee.
- **Community Developer**
 - Support local resident-led Neighbourhood Strategy Steering Committee using an Asset-Based Community Development framework;
 - Provide administrative support to increase the effectiveness and impact of the Neighbourhood Strategy Steering Committee;
 - Ensure that within the community all voices are heard, conflict is dealt with respectfully, and that the Neighbourhood Strategy reflects the residents’ common goals and projected outcomes;
 - Facilitate access to resources such as funding, learning opportunities, municipal departments, and city wide initiatives that encourage neighbourhood development; and,
 - Monitor implementation of the Neighbourhood Strategy and Action Plan for after finalizing the Plan for a defined period (1 year after is suggested).

The KNA

- Approval of the workplan, schedule, and consultation plan;
- Mobilize neighbourhood participation;
- Conduct less structured engagement (festivals/community get-togethers);
- Update the KNA website with information on the engagement stages, draft documentation and development of the Neighbourhood Strategy; and,
- Maintenance of ArcGIS mapping acquired by KNA.

The City of Hamilton

- Resource for census data, mapping, and relevant City of Hamilton reports;
- Contract management; and,

The Neighbourhood Strategy Steering Committee

- Develop Vision for the Neighbourhood Strategy;
- Work with the successful proponent(s) to plan and organize community meetings;
- Work with the community to create a neighbourhood profile, vision, asset mapping; work plan, goals, objectives, actions and strategies, and a priority plan; and,
- On-going implementation and monitoring of the Neighbourhood Strategy.

8. Project Deliverables Summary

- Engagement and Communication Plan;
- Terms of Reference for the Neighbourhood Strategy Steering Committee;
- Draft and Final Vision;
- Draft and Final Asset mapping and Asset Report;
- Draft and Final Goals, Objectives, Actions/Strategies;
- Prioritization of Actions/Strategies;
- Draft and Final Implementation Plan; and,
- Draft and Final Neighbourhood Strategy and Action Plan.

9. Deliverable Details

The Consultant shall provide the following, in addition to the deliverables listed above:

- (a) All electronic information shall be supplied to the Kirkendall Neighbourhood Association on a USB stick or CD-ROM or shared on a mutually agreed upon site, prepared in formats readable on a PC with Windows OP operating system.
 - i) All public communications;
 - ii) Mailing lists;
 - iii) All mapping;
 - iv) All draft documents and reports;
 - v) Neighbourhood Strategy document in a fully editable format
- (b) Detailed Work Plan and Gantt Chart. This shall be a living document that includes timing for each section (please include staff person, rate and hours for each component). It is expected that this Work Plan and Gantt Chart will be continuously updated and provided to the Kirkendall Neighbourhood Association on a monthly basis or upon completion of each phase.
- (c) All information and materials required to complete the deliverables outlined in Section 7.0 of this document.
- (d) All information will be provided to the Kirkendall Neighbourhood Association, for review and comment and will be subject to revisions as necessary.

Appendix “A” to Report PED18099
Page 10 of 10

- (e) All images shall be in JPG format and at a minimum 200dpi.
- (f) All Word Documents shall be provided in Microsoft Word format.
- (g) Cost estimates shall be provided in Microsoft Excel format. This budget shall be updated and when a bill is submitted, an updated Budget shall accompany it, in order to ensure budget forecasts are current and accurate.

10. Budget and Fee Proposal

The fee proposal shall include a detailed breakdown of the fees and disbursements coinciding with the tasks noted above.

11. Schedule

The Successful Proponent is required to begin immediately. A Work Plan and Gantt Chart shall be submitted prior to the commencement of work outlining a 12-15 month schedule of events and deliverables. The Work Plan shall clearly identify the project participants, the project manager from the consultant team, and a timeline including milestones. The following processes should be incorporated into the Work Plan and Gantt Chart and any modifications can be addressed during the process to accommodate any unforeseen circumstances and to adequately achieve the deliverables.

<p>Study Initiation</p> <ul style="list-style-type: none"> • Background Review • Engagement Strategy • Engagement with Existing Groups • Establish a Neighbourhood Strategy Steering Committee
<p>Engagement</p> <ul style="list-style-type: none"> • Visioning, Neighbourhood Profile, Goals and Objectives • Neighbourhood Strategy Workplan • Asset Mapping
<p>Engagement</p> <ul style="list-style-type: none"> • Review of Asset Mapping • Development of Actions
<p>Engagement</p> <ul style="list-style-type: none"> • Prioritization of Actions • Responsibility of Actions
<p>Develop a Draft Neighbourhood Strategy</p>
<p>Engagement</p> <ul style="list-style-type: none"> • Presentation of Draft Neighbourhood Strategy
<p>Conclusions and Presentations</p>



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
 Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	June 5, 2018
SUBJECT/REPORT NO:	Application for a Condominium Conversion for lands known as 115 Main Street East, Hamilton (PED18080) (Ward 2)
WARD(S) AFFECTED:	Ward 2
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 **Condominium Conversion Application CDM-CONV-14-02, by Old Colony Properties Ltd. c/o David Horwood, Owner**, to establish a Draft Plan of Condominium for the existing multiple dwelling, consisting of 128 dwelling units, located at 115 Main Street East (Hamilton), as shown on the attached map marked as Appendix "A" to Report PED18080, be **DENIED** on the following basis:

- (a) That the proposed Draft Plan of Condominium is not consistent with the intent of the Provincial Policy Statement (2014) in respect to maintaining a range and mix of housing types to meet the requirements of current and future residents; and,
- (b) That the effect of the application would be to convert 28 affordable rental dwelling units which would not comply with the Urban Hamilton Official Plan, in that 28 dwelling units have a rent level (approximately 10%) below the average market rent levels, which among other criteria, is a precondition for the conversion of rental housing stock.

EXECUTIVE SUMMARY

The purpose of this application is for a Draft Plan of Condominium (Condominium Conversion) for 128 existing dwelling units located at 115 Main Street East (Hamilton), to allow for the tenure of the units to change from rental to condominium ownership. The existing tenants are protected under the *Residential Tenancies Act*.

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SUBJECT: Application for a Condominium Conversion for Lands Known as 115 Main Street East, Hamilton (PED18080) (Ward 2) - Page 2 of 21

As the proposed Condominium Conversion is not consistent with the intent of the PPS, and does not conform to the policies of the Growth Plan and the Urban Hamilton Official Plan (UHOP) the proposal should be denied.

The proposed Draft Plan of Condominium (Condominium Conversion) cannot be supported as the effect of the application would be the removal of affordable rental units. As such, the application does not comply with the criteria and intent of the Condominium Conversion of Rental Housing Units Policy B.3.2.5.1.

Policy B.3.2.5.1 a) requires that the existing market rent levels for the units proposed to be converted are not below the average market rent levels (approximately 10%) for the City and the respective local housing market zone for rental units of a similar dwelling unit and structure type and size. A total of 28 of the one bedroom units within the building have current rent levels that are more than 10% below the average market rent level for one bedroom units, and therefore does not comply with to Policy B.3.2.5.1 a). Specifically the units rent levels for one bedroom units are \$602 – \$1,898, whereas the average market rent is \$833 in the local housing market zone.

Alternatives for Consideration – See Page 20

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: The *Planning Act* does not require a notice of Public Meeting for an application for Condominium Conversion. However, formal notice was given to all existing residents.

HISTORICAL BACKGROUND

The applicant is seeking approval of a Draft Plan of Condominium (Condominium Conversion) to allow a change in tenure from rental to condominium units for the residential dwelling units that currently exist within the building located at 115 Main Street East, Hamilton. The 16 storey building was constructed in 1968 and contains commercial and office uses on the first, second, and third floors, parking on the fourth floor, and the fifth through sixteenth floors contain 128 dwelling units (34 are bachelor units, 69 one bedroom units, 24 two bedroom units, and one three bedroom unit). The building is known as Effort Square.

The subject property is approximately 0.6 ha (6,300 sq m) in size, and is located at the north east corner of Main Street East and Catharine Street South within the Beasley Neighbourhood. The proposed Draft Plan of Condominium does not include the entire

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SUBJECT: Application for a Condominium Conversion for Lands Known as 115 Main Street East, Hamilton (PED18080) (Ward 2) - Page 3 of 21

property and the applicant is only for the residential uses on the fifth through sixteenth floors. The commercial and offices uses on the first, second, and third floors along with the parking located on the fourth floor do not form part of the proposed Draft Plan of Condominium.

On May 15, 2013, a tenant information meeting was held by the applicant to inform existing tenants of the proposed Condominium Conversion and to provide tenants with an opportunity to ask questions. An information package was delivered to all existing tenants at 115 Main Street East which included a notice of Condominium Conversion, a Memorandum from Effort Trust to tenants, a tenant questionnaire, and a list of frequently asked questions and answers. Sixteen questionnaires were submitted at the meeting. Twelve individuals signed the attendance register and were present at the meeting.

Information respecting vacancy rates was submitted with the application in 2014 for Condominium Conversion to demonstrate conformity with the policies of the UHOP. During the review of the application and prior to the application being heard by Planning Committee, new information became available in 2015 which demonstrated that the vacancy rates had changed and that the vacancy rate for two bedroom units no longer conformed to the policies of the UHOP respecting Condominium Conversions. As the policies of the UHOP require that vacancy rates for all unit types must be above 2% for the past two years, the Condominium Conversion application could therefore not move forward until the vacancy rate remained 2% for two consecutive years for all unit types. In addition, it was noted in 2015 that three, one bedroom units and five, two bedroom units met the affordability criteria being more than 10% below the average market rent level for the housing type and therefore the proposal was contrary to the UHOP.

On July 7, 2017, updated information was provided by the applicant to demonstrate that:

- i) The vacancy rate for 2015 and 2016 exceeded the minimum 2% for all unit types.
- ii) The rent levels of all two bedroom units were identified as being within 10% or higher of the average market rent level in the Downtown Core local housing market zone (Zones 1 - 4).
- iii) The rental rate for 28 of the one bedroom units was more than 10% below the average market rent level in the Downtown Core local housing market zone (Zones 1 - 4).

The 28 one bedroom units with rental rates more than 10% below the average rental rate represent 35% of all the one bedroom units within the existing building. The policies of the UHOP require that both the vacancy rate for all unit types be above 2% and that the rental rate not be significantly below the average market rent levels for all

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SUBJECT: Application for a Condominium Conversion for Lands Known as 115 Main Street East, Hamilton (PED18080) (Ward 2) - Page 4 of 21

unit types. Given that the proposal is seeking to convert 28 rental units that have a rental rate more than 10% below the average market rent level, the proposed Condominium Conversion still does not comply with the policies of the UHOP.

Chronology:

- May 15, 2013: Tenant Information Meeting held.
- July 28, 2014: Application for Condominium Conversion submitted.
- August 22, 2014: Condominium Conversion Application 25CDM-CONV-14-02 deemed complete.
- March 4, 2015: Housing Services staff provided comments, expressing concern with respect to existing vacancy rates being less than 2% for two bedroom units and that a total of eight dwelling units met the criteria for affordability.
- July 7, 2017: The applicant provided staff with updated information demonstrating that vacancy rates are greater than 2% for all unit types in the preceding two years.
- September 20, 2017: Housing Service staff provided additional comments advising that based on revised information that the proposal conformed to the policies respecting vacancy rates but that 28 of the one bedroom units met the criteria for affordability.
- May 18, 2018: Formal Notice of the Condominium Conversion application sent to residents of 115 Main Street East.

Details of Submitted Application:

- Location:** 115 Main Street East (Hamilton)
- Owner / Applicant:** 155 Charlton Avenue East (Hamilton) Limited
- Agent:** Urban Solutions Planning and Land Development Consultants Inc. (c/o Matt Johnston)
- Property Size:**
- Lot Area: 0.6 ha (6,300 sq m)
- Lot Frontage: 84.6 m
- Lot Depth: 88 m Irregular

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**SUBJECT: Application for a Condominium Conversion for Lands Known as 115
Main Street East, Hamilton (PED18080) (Ward 2) - Page 5 of 21**

Servicing: Full Municipal Services Available

Existing Land Use and Zoning:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
Subject Land:	Commercial Uses and Multiple Dwelling	Downtown Prime Retail (D2) Zone and Downtown Mixed Use (D3) Zone
Surrounding Land:		
North:	Commercial Uses	Downtown Prime Retail (D2) Zone
East:	Commercial Uses, Multiple Dwelling and Surface Parking Lot	Downtown Prime Retail (D2) Zone and Downtown Mixed Use (D3) Zone
South:	Commercial Uses and Multiple Dwelling	Downtown Mixed Use (D3) Zone
West:	Surface Parking Lot	Downtown Prime Retail (D2) Zone and Downtown Mixed Use (D3) Zone

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2014):

The following policies, amongst others, apply to the application.

- “1.1.1 Healthy, liveable and safe communities are sustained by:
- b) Accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons).”

As discussed in greater detail in the UHOP policies section of this Report, the proposed is seeking to convert affordable rental housing to condominium ownership. As the proposal would remove affordable units from the long term rental market as reported by the CMHC, the proposal is not consistent with the policies respecting accommodating a range and mix of residential including affordable residential housing.

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SUBJECT: Application for a Condominium Conversion for Lands Known as 115 Main Street East, Hamilton (PED18080) (Ward 2) - Page 6 of 21

- “1.4.3 Planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the *regional market area* by:
- a) establishing and implementing minimum targets for the provision of housing which is *affordable to low and moderate income households*. However, where planning is conducted by an upper-tier municipality, the upper-tier municipality in consultation with the lower-tier municipalities may identify a higher target(s) which shall represent the minimum target(s) for these lower-tier municipalities;
 - b) permitting and facilitating:
 - 1. all forms of housing required to meet the social, health and well-being requirements of current and future residents, including *special needs* requirements.”

The UHOP establishes minimum annual targets for new affordable rental units of 377 units per year. A detailed analysis on the annual targets and supply is found in the UHOP policies section of this Report.

Noise

- “1.2.6.1 *Major facilities and sensitive land uses* should be planned to ensure they are appropriately designed, buffered and / or separated from each other to prevent or mitigate *adverse effects* from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term viability of *major facilities*.”

The subject property is located on Main Street East and within 75 m of King Street East, both potential noise sources which may impact the existing residential dwelling units that are classified as a sensitive land use. Should the application be approved a noise study would be required to be provided and implemented as a condition of approval.

Cultural Heritage

- “2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.
- 2.6.2 Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.”

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SUBJECT: Application for a Condominium Conversion for Lands Known as 115 Main Street East, Hamilton (PED18080) (Ward 2) - Page 7 of 21

The subject property is included on the City's register of buildings of cultural heritage and / or historical interest. As the proposed application is for a conversion in tenure and as the existing building will be maintained, the proposal is consistent with the policies of the Provincial Policy Statement with respect to conserving built heritage resources.

As the proposal results in a loss of affordable rental housing units, which limits housing options for low and moderate income households, the proposed Condominium Conversion application is not consistent with the Provincial Policy Statement.

Growth Plan for the Greater Golden Horseshoe (2017):

The following policies, amongst others, apply to the application.

"2.2.6 Housing

1. Upper- and single-tier municipalities, in consultation with lower-tier municipalities, the Province, and other appropriate stakeholders, will each develop a housing strategy that:
 - a. supports the achievement of the minimum intensification and density targets in this Plan, as well as the other policies of this Plan by:
 - i. identifying a diverse range and mix of housing options and densities, including second units and *affordable* housing to meet projected needs of current and future residents; and
 - ii. establishing targets for *affordable* ownership housing and rental housing;
 - b. identifies mechanisms, including the use of land use planning and financial tools, to support the implementation of Policy 2.2.6.1 a);
 - c. aligns with applicable housing and homelessness plans required under the *Housing Services Act*, 2011; and
 - d. will be implemented through official plan policies and designations and zoning by-laws."

The City of Hamilton has established targets for affordable rental housing in the UHOP. A detailed analysis of whether the targets are being met is provided in the UHOP policies section of this Report.

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SUBJECT: Application for a Condominium Conversion for Lands Known as 115 Main Street East, Hamilton (PED18080) (Ward 2) - Page 8 of 21

As discussed in the UHOP policy section of this Report, the proposed Condominium Conversion does not comply with the policies of the UHOP in respect to Condominium Conversions, therefore, the proposal does not conform to the intent of the Growth Plan.

Urban Hamilton Official Plan:

The subject property is identified as “Downtown Urban Growth Centre” on Schedule “E” - Urban Structure and is designated “Downtown Mixed Use Area” on Schedule “E-1” - Urban Land Use Designations. The following policies, amongst others, apply to the application.

Land Use

“E.4.4.4 The following uses shall be permitted on lands designated Downtown Mixed Use on Schedule E-1 – Urban Land Use Designations:

- a) commercial uses such as retail stores, auto and home centres, home improvement supply stores, offices, including major offices, personal services, live work units, artist studios, financial establishments, and restaurants;
- b) institutional uses such as hospitals, universities, government offices, places of worship, and schools;
- c) arts, cultural entertainment, and recreational uses;
- d) accommodation such as hotels, motels, conference and convention centres; and residential uses; and,
- e) residential uses.

E.4.4.7 Permitted density and heights shall be set out in the secondary plan for the lands designated Downtown Mixed Use.”

The existing building is used for commercial and residential uses both of which are uses permitted in the “Downtown Mixed Use Area” designation. As the proposed application is only for a change to the tenure of the residential dwelling units, the existing use, density and height of the lands will be maintained and therefore the proposal complies with Policies E.4.4.4 and E.4.4.7.

“B.3.2.2 Housing Targets

The housing targets in Table B.3.2.1 – Housing Targets are based on future population growth forecasts to the year 2031 and future housing

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SUBJECT: Application for a Condominium Conversion for Lands Known as 115 Main Street East, Hamilton (PED18080) (Ward 2) - Page 9 of 21

need. Targets for *affordable* rental housing are divided into housing *affordable* for *low and moderate income households*. Meeting the housing targets for housing *affordable* for *low and moderate income households* will require sustainable and predictable funding from senior levels of government.

- B.3.2.2.1 In addition to projected housing needs based on population forecasts in Table B.3.2.1 – Housing Targets, the City has a substantial existing shortage of *affordable* rental housing. In particular, 12,650 renter households (1 in 5) are currently paying more than 50% of their income on rent (2006 Census) and are at risk of homelessness. This need shall be addressed through a target of 1,265 new annual rent supplements / housing allowances, over a period of ten years (2006 to 2016), in addition to the targets for future new rental housing shown in Table B.3.2.1 – Housing Targets. This need will require sustainable and predictable funding from senior levels of government to be met.
- B.3.2.2.2 The City shall monitor the policies of Section B.3.2 – Housing and B.2.2 – Residential Intensification, for progress in achieving the housing targets of Policy B.3.2.2.1 and Tables B.3.2.1 and B.3.2.2 – Housing Targets.”

Based on table B.3.2.2 – Housing Targets – Rental, annual target of 125 new rental housing affordable to moderate income households and 252 new rental housing affordable to low income households has been set by the City of Hamilton for a total of 377 new affordable rental housing units per year. Housing Service Division staff have advised that in 2016, a total of 101 affordable rental housing units were applied for and in 2017 a total of 110 affordable rental housing units were applied. As projects are always in various stages of construction which may occur over multiple years as well as changes in rent levels, the number of units are tracked by Council Approval of funding not by way of built units for each calendar year. As such, the number of affordable rental units created has been significantly below the targets set by the City of Hamilton for the last two years. The policies respecting housing targets pertain to the creation of new affordable rental housing, whereas the proposal is for the conversion of existing rental housing. It is, however, relevant to note that given the fact that the number of new affordable rental housing has been significantly below the targets set by the City of Hamilton for the past two years, and therefore it is even more important to maintain the existing affordable rental housing stock.

Affordable Housing Policies

- “B.3.2.3 Many households in Hamilton cannot obtain housing that is affordable or appropriate to meet their needs. Households and individuals may be at risk of homelessness because of economic and / or personal circumstances where a level of support is required to live independently.

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SUBJECT: Application for a Condominium Conversion for Lands Known as 115 Main Street East, Hamilton (PED18080) (Ward 2) - Page 10 of 21

Hamilton's aging and diversifying population has new and unique housing needs that cannot solely be met through current housing options. The City recognizes the importance of affordable housing and housing with supports in meeting the housing needs of those without the resources to participate in the private housing market.

Rental Housing Protection Policies

B.3.2.5 It is important to maintain a balance of *primary rental* and ownership housing stock. *Primary rental housing* stock lost to condominium conversion or demolition is not being replaced through the building of new units, but condominium conversion and *redevelopment* can meet other City goals such as *affordable* home ownership, neighbourhood revitalization, replacement of aging housing stock and *residential intensification*. The intent of the policies in Section B.3.2.5 is to minimize the loss of *primary rental housing*, particularly *affordable* rental housing, while permitting opportunities for neighbourhood revitalization, *residential intensification*, and *affordable* home ownership when the rental housing market is strong."

The proposal is seeking to convert existing rental units that are considered to be affordable. Policies B.3.2.3 and B.3.2.5 outline the importance of affordable housing and that it is the goal of the City to maintain adequate affordable housing. Therefore, as the proposal is seeking to convert affordable rental units, the proposed Condominium Conversion does not adhere to the goals of minimizing the loss of primary rental housing and in particular affordable rental housing. It has not been demonstrated that the proposed Condominium Conversion application will result in the creation of opportunities for affordable home ownership.

Condominium Conversion of Rental Housing Units

"B.3.2.5.1 To protect the adequate provision of a full range of housing, conversion to condominium of rental apartment or townhouse buildings or groups of buildings comprised of six or more units shall be permitted if any one of three general criteria are met, outlined as a), b) and c) below:

- a) all the following criteria are met:
 - i) the rental vacancy rate by dwelling unit and structure type for the City and the respective local housing market zone, as identified on Schedule G – Local Housing Market Zones and based on CMHC data, has been at or above 2.0% for the preceding twenty-four months; and,

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SUBJECT: Application for a Condominium Conversion for Lands Known as 115 Main Street East, Hamilton (PED18080) (Ward 2) - Page 11 of 21

- ii) the proposed conversion shall not reduce the rental vacancy rate by dwelling unit and structure type to below 2.0% for the City and the respective local housing market zone; and,
 - iii) the existing market rent levels for the units proposed to be converted are not significantly (approximately 10%) below the average market rent levels for the City and the respective local housing market zone for rental units of a similar dwelling unit and structure type and size; and,
 - iv) for vacant rental units, the last market rent levels charged prior to vacancy for the units proposed to be converted were not significantly (approximately 10%) below the average market rent levels at the time for the City and the respective local housing market zone for rental units of a similar dwelling unit and structure type and size; or,
- b) at least 75% of the current tenants support the conversion to condominium, as demonstrated to the satisfaction of the City; or,
 - c) the subject building or group of buildings is a *protected heritage property* on the date of application."

Condominium Conversion allows for rental housing to be converted to condominium tenure and can result in the creation of affordable home ownership. The intent of Policy B.3.2.5.1 a) is to: 1) ensure that conversion to condominium dwelling units does not remove rental housing that is in a limited supply or create a supply limitation that would impact the affordability and availability of rental housing; and 2) to ensure that primary affordable rental housing is not lost due to conversion. The proposal does not comply with Policy B.3.2.5 a) as the conversion includes rental units in which the rental levels are significantly (approximately 10%) below the average market rent level.

The existing building on the subject property is included on the City's register of buildings of cultural heritage and / or historical interest, therefore as the property is not designated under Parts IV, V or VI of the *Ontario Heritage Act*, the subject property is not a protected heritage property. In addition, the applicant has not demonstrated that 75% of current tenants support the proposed conversion to condominium ownership. The applicant is seeking Condominium Conversion on the basis of the criteria set out under Policy B.3.2.5.1 a) which requires that all criteria outlined in i) to iv) are met.

In order to satisfy B.3.2.5.1 a), the applicant is required to demonstrate that the rental vacancy rate by dwelling unit and structure type has been above 2% for the preceding 24 months and that the proposed conversion will not reduce the rental vacancy rate by dwelling unit and structure type below 2%. In addition, the existing market rent levels

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SUBJECT: Application for a Condominium Conversion for Lands Known as 115 Main Street East, Hamilton (PED18080) (Ward 2) - Page 12 of 21

for the units proposed to be converted cannot be significantly below the average market rent levels (approximately 10%) both for the local housing market zone and the City as a whole, and the last rent levels charged before vacancy must also not be significantly below the average market rent levels.

Also, the applicant has not demonstrated that they meet Policies B.3.2.5.1 b) or c). Therefore, the proposed Condominium Conversion does not comply with the Condominium Conversion of Rental Housing Units Policy B.3.2.5.1.

"B.3.2.5.5 A complete application for conversion to condominium of rental apartment or townhouse buildings or groups of buildings comprised of six or more rental units shall include, in a manner acceptable to the City, proof of tenant notification of the conversion proposal and proof of notification of the rights of tenants under provincial residential tenancy legislation."

An information package respecting Condominium Conversion was delivered to all existing residents of the building and a tenant information meeting was held on May 15, 2013, which was attended by twelve individuals who signed the attendance register and were present at the meeting. A copy of the information provided to the tenants was provided to City staff and deemed acceptable. Therefore, the proposed application of Condominium Conversion complies with Policy B.3.2.5.5.

As discussed in greater detail in the Analysis and Rationale for Recommendation Section of this Report, the proposal does not meet the criteria for Condominium Conversion under the UHOP. Therefore, the application does not comply with the policies of the UHOP.

Downtown Hamilton Secondary Plan (In Force and Effect, 2013 U.H.O.P.)

The subject property is within in the Downtown Hamilton Secondary Plan area (2013). The subject property is designated "Central Business District" on Map B.6.1-1, Land Use Plan for the Downtown Hamilton Secondary Plan.

"6.1.8.3 The Central Business District

The Central Business District shall accommodate the highest densities of commercial development within the Downtown. It is the office, cultural and government centre for the entire City and an important retail area for the Downtown and adjacent residential areas. The Central Business District incorporates three distinct commercial areas: the Jackson Square Complex, the Civic Cultural Area and the Main Street Corridor as shown on Map B.6.1-2 - Downtown Hamilton – Downtown Commercial Areas.

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SUBJECT: Application for a Condominium Conversion for Lands Known as 115 Main Street East, Hamilton (PED18080) (Ward 2) - Page 13 of 21

- a) The Central Business District shall be the primary location for new office development in Downtown Hamilton. The construction of buildings whose primary use is commercial offices shall be discouraged elsewhere in the Downtown. Alternatively, mixed use buildings comprising residential and offices and commercial uses shall be encouraged and promoted.

6.1.8.6 Main Street Corridor

The Main Street Corridor describes the north and south sides of Main Street, east of Catharine Street and the area west of Bay Street, as shown on Map B.6.1-2 – Downtown Hamilton - Downtown Commercial Areas. It shall continue to be a mixed-use area containing office, institutional, residential and retail uses."

The existing building is used for commercial and residential uses both of which are uses permitted in the "Central Business District" designation and as the proposed application is only in respect to the tenure of the residential dwelling units, the existing uses, density and height of the lands will be maintained and will continue to comply.

Downtown Hamilton Secondary Plan (Council Adopted, 2018)

The subject property is within in the Downtown Hamilton Secondary Plan area (2018). The subject property is designated "Downtown Mixed Use" on Map B.6.1-1, Land Use Plan for the Downtown Hamilton Secondary Plan.

"6.1.3.3 Create Quality Residential Neighbourhoods

The Downtown Hamilton Secondary Plan supports creating new housing throughout the Downtown as well as improving the quality of the existing residential neighbourhoods. The Secondary Plan policies aim to ensure that new residential areas in the Downtown are compatible with the scale and character of nearby historical neighbourhoods. To achieve these objectives *development* shall:

- b) Create a diversified housing supply in the Downtown geared to the needs of various age groups, household size, and income levels with increased opportunities for affordable housing.

6.1.3.7 Diversity of Housing

Housing is fundamental to the economic, social, and physical well-being of Downtown's residents and neighbourhoods, Housing is a basic human need and is the central place from which people build their lives, nurture

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SUBJECT: Application for a Condominium Conversion for Lands Known as 115 Main Street East, Hamilton (PED18080) (Ward 2) - Page 14 of 21

their families and themselves, and engage in their communities. Downtown's livability and prosperity is connected to the provision of housing that meets the requirements of a diverse population with varying housing needs. Downtown offers various built form housing options, including grade-related, mid-rise, and tall buildings with a variety of ownership and tenancy. Providing housing to a wide range of residents that is affordable, secure, of an appropriate size, and located to meet the needs of people throughout their life is the goal of an inclusive Downtown and essential to the creation of *complete communities*. To achieve these objectives *development* shall:

- a) Provide for a range of housing types, forms, and densities to meet the social, health, and well-being requirements of all current and future residents.

6.1.4.10 The *development* of housing with a full range of tenure, affordability, and support services shall be provided for and promoted throughout the Downtown in a full range of built housing forms in accordance with the policies of Section B.3.2 – Housing Policies of Volume 1.

6.1.6 Downtown Mixed Use Designation

Downtown Hamilton shall continue to maintain its key role as the governmental, institutional, educational, cultural, and residential centre of the City. The Downtown Mixed Use policies of the Secondary Plan are intended to support intensive, urban-scale mixed use *development*.”

The application was submitted prior to the Council adoption of the new Downtown Hamilton Secondary Plan. As such, the 2018 policies are informative and not determinative as the Clergy principle would apply. The existing building is used for commercial and residential uses both of which are uses permitted in the “Downtown Mixed Use” designation. The policies of the Downtown Hamilton Secondary Plan seek the development of housing with a full range of tenures and affordability, as well as create a diversified housing supply geared to the needs of various income levels with increased opportunities for affordable housing. As the proposal is to replace existing affordable rental housing with condominium housing the proposal does not conform to the policies respecting creating a full range of tenures and affordability nor does the proposal create a diversified housing supply with increased opportunities for affordable housing.

City of Hamilton Zoning By-law No. 05-200

The subject property is zoned "D2" Downtown Prime Retail Streets Zone and "D3" Downtown Mixed Use Zone in the City of Hamilton Zoning By-law No. 05-200. The

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**SUBJECT: Application for a Condominium Conversion for Lands Known as 115
Main Street East, Hamilton (PED18080) (Ward 2) - Page 15 of 21**

extent of the proposed Condominium Conversion is located within the portion of the property zoned "D3" Downtown Mixed Use Zone. Furthermore, office and multiple dwelling uses are both permitted within the "D2" Downtown Prime Retail Streets Zone and "D3" Downtown Mixed Use Zone. The proposal to change the tenure from rental to condominium ownership does not change the use of the lands.

RELEVANT CONSULTATION

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

- Alectra Utilities (formerly Horizon Utilities Corporation).

Forestry and Horticulture Section, Public Works Department advised that there are no Municipal Tree Assets located on the road allowance and therefore no Tree Management Plan is required. In addition, no new landscape strips were shown nor are any required by the Forestry and Horticulture Section.

Operations Division, Public Works Department advise that collection of garbage, recycling, organics as well as leaf and yard waste will be status quo. The property will continue to receive municipal waste collection service. However, Operations Division staff note that the frequency of collection along with the amount that is acceptable for collection may change based on the number of occupied units.

Transportation Management, Public Works Department advised that they cannot confirm if there is an existing encroachment agreement registered for the subject property with the City of Hamilton. Staff advised that if there is an existing encroachment agreement then it will need to be determined if the proposed Condominium Conversion will require any modifications to the agreement.

Housing Service Division, Community and Emergency Services Department advised in their comments dated March 4, 2015 that the UHOP sets policies to guide future growth and development of a community which includes fostering a healthy rental housing market. Policy B.3.2.5.1 a) of the UHOP identifies four conditions that must be satisfied in order to recommend condominium conversion approval. Housing Division staff advised that if the above criteria are not met then Policy B.3.2.5.1 b) respecting receiving 75% support from current tenants can be applied.

In 2015, Housing Service Division staff provided analysis as to whether the proposed Condominium Conversion meets the criteria of the UHOP. Vacancy rate data for 2013 demonstrated that the vacancy rate for all dwelling unit types was above 2% and the vacancy rate data for 2014 demonstrated that the vacancy rate for bachelor, one bedroom, and three bedroom units had vacancy rates above 2%. The two bedroom

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**SUBJECT: Application for a Condominium Conversion for Lands Known as 115
Main Street East, Hamilton (PED18080) (Ward 2) - Page 16 of 21**

units had a vacancy rate of 1.6% and therefore below the 2% vacancy rate criteria of the UHOP.

Based on the rent rolls provided by the applicant in 2014 average market rent level data, all of the bachelor and three bedroom units met the average market rent threshold. Three of the one bedroom units, and five of the two bedroom units met the affordability criteria in that they had rent levels that were below the 10% average market rent level for the housing type. Therefore, eight of the dwelling units met the criteria for affordable dwelling units.

Consequently the proposed Condominium Conversion did not comply with to the vacancy rate criteria for two bedroom units and eight dwelling units did not comply with the affordability criteria for Condominium Conversion under the UHOP.

Housing Service Division staff further advised that as the affordability criteria were not met staff reviewed the Condominium Conversion with respect to whether 75% of current tenants support of the conversion to condominium. As only 16 questionnaires were received for 103 occupied units, this policy was not met.

Housing Service Division staff provided revised comments on September 20, 2017 in response to revised information was provided by the applicant respecting CMHC vacancy rates for the past two years and updated rent levels for the existing units to demonstrate conformity with respect to the UHOP criteria. Based on the review of the revised information, Housing Service staff advised that the Condominium Conversion meets the vacancy rate policies of the UHOP as each unit type have had vacancy rates above 2% for the past 24 months and will remain above 2% after the Condominium Conversion. Furthermore, staff advised that all bachelor, two bedroom and three bedroom units have rent levels above the CMHC affordability threshold and are therefore not considered to be affordable. However, in respect to one bedroom units, a total of 28 of the one bedroom units did not meet the affordability criteria as they had rent levels below \$750 per month which constitutes a rent level of 10% below the average market rent level of \$833 per month. The 28 one bedroom units account for 35% of one bedroom units in the building and 22% of all dwelling units in the building.

Housing Service Division staff advised that converting all units to condominiums would mean taking a number of affordable rental units off the market in a climate where conditions are such that there is a limited amount of new affordable rental housing stock being created. Housing Service Division staff, therefore, recommended against the approval of the Condominium Conversion application as it falls short of meeting all of the criteria set out in Policy B.3.2.5.1 a) of the UHOP.

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SUBJECT: Application for a Condominium Conversion for Lands Known as 115 Main Street East, Hamilton (PED18080) (Ward 2) - Page 17 of 21

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposed Condominium Conversion application cannot be supported for the following reasons:
 - (i) That the proposed Draft Plan of Condominium is not consistent with the Provincial Policy Statement (2014) in respect to maintaining a range and mix of residential including affordable housing; and,
 - (ii) That the effect of the application would be to convert 28 affordable rental dwelling units which would not comply with the Urban Hamilton Official Plan, in particular the Condominium Conversion of Rental Housing Units Policy B.3.2.5.1 a) in that 28 dwelling units have a rent level significantly (approximately 10%) below the average market rent levels, which among other criteria, is a precondition for the conversion of rental housing stock.

2. Prior to submission of the application an information package respecting Condominium Conversion was delivered to all existing residents of the building and a tenant information meeting was held on May 15, 2013, which was attended by twelve individuals who signed the attendance register and were present at the meeting. A copy of the information provided to the tenants was provided to City staff and deemed acceptable. Furthermore, staff initially proposed to bring forward a staff report on the application to the April 17, 2018 Planning Committee, however, the agent requested a six week deferral to provide them with additional time to consult with the tenants. As of the time of preparation of this Report, it is staff's understanding that the agent has not been able to secure 75% tenant support for the proposed condominium conversion.

3. All four criteria outlined under Policy B.3.2.5.1 a) must be met in order for a Condominium Conversion to be supported.

Table 1 shows the vacancy rate and average market rent for the whole of the City of Hamilton for bachelor, one bedroom, two bedroom, and three bedroom apartment units.

Table 1: Vacancy Rate and Average Market Rents by Unit Type in City of Hamilton Source: CMHC (2015, 2016)

Unit Type	Vacancy Rate (2015)	Vacancy Rate (2016)	Average Rent (2015)	Average Rent (2016)
Bachelor	6.3%	9.0%	\$604	\$680
One Bedroom	3.4%	4.0%	\$756	\$816
Two Bedroom	4.0%	4.0%	\$920	\$967

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SUBJECT: Application for a Condominium Conversion for Lands Known as 115 Main Street East, Hamilton (PED18080) (Ward 2) - Page 18 of 21

Three Bedroom	4.7%	10.2%	\$1,065	\$1,108
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Table 2 shows the vacancy rate and average market rents for the Downtown Core local housing market zone (Zones 1 - 4), for bachelor, one bedroom, two bedroom, and three bedroom apartment units.

Table 2: Vacancy Rate and Average Market Rents by Unit Type in Local Housing Market (Downtown + Central Core) Source: CMHC (2015, 2016)

Unit Type	Vacancy Rate (2015)	Vacancy Rate (2016)	Average Rent (2015)	Average Rent (2016)
Bachelor	No Data	11.1%	\$609	\$686
One Bedroom	3.6%	4.1%	\$766	\$833
Two Bedroom	4.4%	5.0%	\$960	\$1,030
Three Bedroom	2.8%	2.2%	\$1,179	\$1,234

No Data means that the response rate was too low, making the data unreliable or suppressed to protect privacy.

Table 3 shows the affordable rent threshold of approximately 10% below average market rent level, the lowest and highest rent levels for bachelor, one bedroom, two bedroom, and three bedroom apartment units at 115 Main Street East and the number of units with rent levels below the affordability threshold.

Table 3: Rent Levels and Affordable Rent Threshold by Unit Type

Unit Type	Average Market Rent	Affordable Rent Threshold	Lowest Rent Level (Subject Land)	Highest Rent Level (Subject Lands)	Number of Units Below Rent Threshold
Bachelor	\$686	\$617	\$630	\$1,398	0
One Bedroom	\$833	\$750	\$602	\$1,898	28
Two Bedroom	\$1,030	\$927	\$1,051	\$1,108	0
Three Bedroom	\$1,234	\$1,111	\$1,356	\$1,356	0

As outlined in Tables 1 and 2 the applicant has provided CMHC data that demonstrated that the vacancy rate for all dwelling unit and structure types has been above 2% for the preceding 24 months and will remain above 2% after the Condominium Conversion.

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**SUBJECT: Application for a Condominium Conversion for Lands Known as 115
Main Street East, Hamilton (PED18080) (Ward 2) - Page 19 of 21**

Also, the rent information provided by the applicant, as outlined in Table 3, showed none of the bachelor, two bedroom or three bedroom units have rents below the affordable rent threshold.

However, upon further review by Housing Section staff, 28 of the one bedroom units (35% of all one bedroom units or 22% of all units in the building) have rents below \$750 per month. A rent of \$750 per month represents a rent level that is 10% below the average market rent level of \$833 per month for the Downtown Core local housing market zone (Zones 1 – 4). As a result, the Condominium Conversion does not meet Policy B.3.2.5.1 a) iii) and iv). If any one of the criteria listed under Policy B.3.2.5.1 a) is not satisfied, the proposal cannot be supported.

As demonstrated in Tables 1 and 2 in the UHOP policy section of this Report, the vacancy rate of all dwelling unit types has been above 2% for the last two years. Furthermore, as demonstrated in Table 3 in the UHOP policy section of this Report, the rent level of all bachelor units are greater than \$617, in addition the rent level of all two bedroom units is greater than \$927, and greater than \$1,111 for all three bedroom apartment unit, and therefore all bachelor, two bedroom, and three bedroom units have rents that are greater than the affordable rent threshold. It is, however, noted in Table 3 that the lowest rent level for a one-bedroom apartment unit is \$148 below the affordable rent threshold and that a total of 28 dwelling units have rent levels below \$750.

As 28 of the one bedroom units are considered to be affordable with rent levels more than 10% below the average market rent level, the proposed Condominium Conversion does not comply with the criteria outlined under Policy B.3.2.5.1 a).

Policy B.3.2.5.1 outlines two additional options for Condominium Conversion, which includes, receiving support from 75% of current tenants for the Condominium Conversion or that the subject property is a protected heritage property. The applicant indicated on February 8, 2018 that they intended to pursue receiving support from 75% of current tenants for the Condominium Conversion, however the applicant has not provided staff with supporting documentation to demonstrate that 75% of current tenants support the Condominium Conversion. Also the subject property is not a protected heritage property. Therefore, the proposed Condominium Conversion does not comply with Policies B.3.2.5.1 b) and c).

As such, the proposed Condominium Conversion has not demonstrated conformity to any of the three options for Condominium Conversion outlined under Policy B.3.2.5.1. Therefore, the proposal does not comply with the policies of the UHOP. As such, the application cannot be supported.

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SUBJECT: Application for a Condominium Conversion for Lands Known as 115 Main Street East, Hamilton (PED18080) (Ward 2) - Page 20 of 21

4. There are existing municipal services adjacent to the subject lands to service this site directly. The Owner is advised that vertical multi-unit residential developments (apartments) require a master meter for the entire development. Satellite metres are optional, but subject to the owner entering into an agreement for individual water meters in vertical buildings.
5. No parking is being included in the proposed Condominium Conversion and, therefore, no owner occupied parking is being proposed. There is currently parking within the existing building that can be utilized by the existing residents. As no parking is included in the Draft Plan of Condominium nor are other mechanisms proposed that would guarantee access to parking, staff are therefore concerned that residents would no longer have access to parking. Also, it is noted that a shortage in parking is increasingly becoming a concern in this area. Furthermore, there is already high demand for on-street parking in the area and as such providing zero parking for the condominium units would not be supported.

ALTERNATIVES FOR CONSIDERATION

Alternative 1:

Should the application be approved, staff shall be directed to prepare a list of conditions of Condominium conversion to address matters not limited to: Zoning By-law conformity, reciprocal easements, completing a noise study and including any noise warning clauses, include any warning clauses respecting parking, structural and mechanical integrity, utility and service requirements, master meter requirement, and any other necessary agreements to implement Council's direction.

Alternative 2:

Should the application be denied, the existing dwelling units would remain and the rental tenure of the existing dwelling units will be able to continue.

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

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**SUBJECT: Application for a Condominium Conversion for Lands Known as 115
Main Street East, Hamilton (PED18080) (Ward 2) - Page 21 of 21**

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

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Built Environment and Infrastructure

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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" – Concept Plan

DB:mo

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● Site Location



Key Map - Ward 2

N.T.S.

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
25CDM-CONV-14-02

Date:
February 13, 2018

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
DB/AL

Subject Property



115 Main Street East



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
 Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	June 5, 2018
SUBJECT/REPORT NO:	Application to Amend the Town of Ancaster Zoning By-law No. 87-57 for Lands Located at 449 Springbrook Avenue, Ancaster (Ward 12) (PED18091)
WARD(S) AFFECTED:	Ward 12
PREPARED BY:	Jennifer Roth (905) 546-2424 Ext. 2058
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Amended Zoning By-law Amendment Application ZAC-17-086 by WEBB Planning Consultants Inc., on Behalf of Apollo Custom Builders Inc. (Owner)**, for a change in zoning from the Agricultural "A" Zone to the Residential "R4-692" Zone, Modified in order to permit the development of four lots for single detached dwellings for lands located at 449 Springbrook Avenue (Ancaster), as shown on Appendix "A" to Report PED18091 be **APPROVED**, on the following basis:
- (i) That the draft By-law, attached as Appendix "B" to Report PED18091, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow) and complies with the Urban Hamilton Official Plan.

EXECUTIVE SUMMARY

The applicant has applied for approval of a Zoning By-law Amendment for lands located at the corner of Springbrook Avenue and Lockman Drive, known municipally as 449 Springbrook Avenue in Ancaster. The proposed application is to permit the development of four lots for single detached dwellings which will front onto Lockman

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**SUBJECT: Application to Amend the Town of Ancaster Zoning By-law No. 87-57
for Lands Located at 449 Springbrook Avenue, Ancaster (Ward 12)
(PED18091) - Page 2 of 15**

Drive. The applicant is proposing a site specific Residential “R4” Zone, in the Town of Ancaster Zoning By-law No. 87-57 as shown on Appendix “B” to Report PED18091. The requested modifications include a reduction in minimum lot frontage for a corner lot from 16 m to 14.35 m, an increase in maximum lot coverage from 35% to 40%, a reduction in the daylight triangle from 10 m by 10 m to 4.57 m by 4.57 m and a modification to the definition of “Porch, Unenclosed” to require a second access from the flankage elevation.

The proposal has merit and can be supported since the application is consistent with the Provincial Policy Statement (PPS), conforms to the Growth Plan for the Greater Golden Horseshoe, complies with the Urban Hamilton Official Plan (UHOP) and complies with the Meadowlands Neighbourhood IV Secondary Plan. The proposed development is considered to be compatible with, and complementary to, the existing and planned development in the immediate area.

Alternatives for Consideration – See Page 15

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 an Amendment to the Zoning By-law.

HISTORICAL BACKGROUND

Proposal:

The subject lands are located on the southeast corner of the intersection of Springbrook Avenue and Lockman Drive. The lands which are developed with a single detached dwelling with accessory structures, are rectangular in shape, comprising an area of approximately 0.186 ha, and are legally described as Part of Lot 50, Concession 3, Part 1, 62R-8857. The site is municipally known as 449 Springbrook Avenue (see location map attached as Appendix “A” to Report PED18091).

An application to amend the Town of Ancaster Zoning By-law By-law No. 87-57 is required to rezone the subject lands from the Agricultural “A” Zone to a site specific Residential “R4” Zone, to allow for the development of four single detached dwellings, as shown in Appendix “C” to Report PED18091.

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**SUBJECT: Application to Amend the Town of Ancaster Zoning By-law No. 87-57
for Lands Located at 449 Springbrook Avenue, Ancaster (Ward 12)
(PED18091) - Page 3 of 15**

The applicant requested modifications to permit a reduction in minimum lot frontage for a corner lot from 16 m to 14.35 m and an increase to the maximum lot coverage from 35% to 40% for interior lots. Through the review of the application and in conversations with the applicant, staff have amended the application with support from the applicant. These amendments include a reduced daylight triangle from 10 m by 10 m to 4.57 m by 4.57 m and modifications to the definition of "Porch, Unenclosed" to require a second porch on the flankage side of the corner lot to accommodate a second access to a single detached dwelling.

Access to the proposed development will be via Lockman Drive. The total unit yield will be four single detached dwellings, with individual lots to be created through the severance process. At the time of preparation of the Report, the applicant has applied for the severances (AN/B-18:40 and AN/B-18:41), but they have not yet received approval. Lockman Drive is a fully urbanized road and Springbrook Avenue will be urbanized as part of the subdivision developments to the north. Due to the urbanized nature of Lockman Drive, the moratorium on lot creation within rural cross-sections in Ancaster does not apply to the site.

Chronology:

- November 11, 2017: Zoning By-law Amendment Application ZAC-17-086 received.
- November 27, 2017: Zoning By-law Amendment Application ZAC-17-086 deemed complete.
- December 11, 2017: Notice of Complete Application and Preliminary Circulation mailed to 65 property owners within 120 m of the subject lands.
- December 13, 2017: Public Notice Sign posted on site.
- February 3, 2018: Zoning By-law Amendment Application amended by staff to include modifications to the definition of "Porch, Unenclosed" to require a second access to a dwelling from the flankage yard of the corner lot to provide an enhanced flankage elevation to meet urban design requests and for a reduction in the daylight triangle to accommodate the local road classification of Springbrook Avenue and Lockman Drive.
- May 9, 2018: Public Notice Sign updated with date of Public Meeting.

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**SUBJECT: Application to Amend the Town of Ancaster Zoning By-law No. 87-57
for Lands Located at 449 Springbrook Avenue, Ancaster (Ward 12)
(PED18091) - Page 4 of 15**

May 18, 2018: Circulation of the Notice of Public Meeting to 65 property owners within 120 m of the subject lands.

Details of submitted applications:

Location: Part of Lot 50, Concession 3, Registered Plan 62R8857, Part 1, Ancaster (449 Springbrook Avenue)

Owner: Apollo Custom Builders Inc.

Agent: WEBB Planning Consultants Inc.

Property Description: Lot Area: approx. 0.186 ha
Lot Frontage: 60.9 m (Lockman Drive)
Lot Depth: 30.4 m

Servicing: Full Municipal Services

EXISTING LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Single Detached Dwelling with accessory structures	Agricultural "A" Zone

Surrounding Land Uses:

North:	Single Detached Dwellings	Residential "R4-562" Zone, Modified and Residential "R4-563" Zone, Modified
South:	Single Detached Dwellings with accessory structures	Agricultural "A" Zone
East:	Single Detached Dwellings	Residential "R4-563" Zone, Modified

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**SUBJECT: Application to Amend the Town of Ancaster Zoning By-law No. 87-57
for Lands Located at 449 Springbrook Avenue, Ancaster (Ward 12)
(PED18091) - Page 5 of 15**

West:	Single Detached Dwellings with accessory structures	Residential “R4-555” Zone, Modified and Residential “R4-562” Zone, Modified
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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 that follows.

Archaeology

“2.6.2 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.”

The site contains two of ten criteria used by the City of Hamilton and Ministry of Tourism, Culture and Sport to determine archaeological potential. Staff require that a cautionary note be added to the severance applications (AN/B-18:40 and AN/B-18:41), and as a result, staff concerns have been addressed.

In consideration of the foregoing, staff are of the opinion that the proposal is consistent with the Provincial Policy Statement.

Growth Plan for the Greater Golden Horseshoe (2017)

The following policies, amongst others, are applicable to the proposed development:

“2.1 Better use of land and *infrastructure* can be made by directing growth to *settlement areas* and prioritizing *intensification*, with a focus on *strategic*

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SUBJECT: Application to Amend the Town of Ancaster Zoning By-law No. 87-57 for Lands Located at 449 Springbrook Avenue, Ancaster (Ward 12) (PED18091) - Page 6 of 15

growth areas, including *urban growth centres* and *major transit station areas*, as well as *brownfield sites* and *greyfields*. Concentrating new development in these areas provides a focus for investments in transit as well as other types of infrastructure and public service facilities to support forecasted growth, while also supporting a more diverse range and mix of housing options.

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

- c) within settlement areas, growth will be focused in:
 - i) delineated built-up areas; and,
- d) development will be directed to *settlement areas*, except where the policies of this Plan permit otherwise.”

The development of the subject lands are within the delineated built boundary of the City of Hamilton and will contribute to the achievement of complete communities and supports local infrastructure while contributing to a range of housing forms and tenures.

It is staff's opinion that the application for a change in zoning conforms with the applicable policies of the Growth Plan for the Greater Golden Horseshoe (2017).

Urban Hamilton Official Plan (UHOP)

The subject lands are identified as “Neighbourhoods” on Schedule “E” – Urban Structure, designated as “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations, and shown within the Built Boundary on Appendix “G” – Boundaries Map. The subject lands are further designated as “Low Density Residential 2b” on Map B.2.6-1 in the Meadowlands Neighbourhood IV Secondary Plan.

The following policies, amongst others, are applicable to the subject applications.

Built Form and Compatibility

“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.

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

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SUBJECT: Application to Amend the Town of Ancaster Zoning By-law No. 87-57 for Lands Located at 449 Springbrook Avenue, Ancaster (Ward 12) (PED18091) - Page 7 of 15

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

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

- 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.”

As the proposal is for four single detached dwellings that have been designed to be compatible with the existing streetscape character in terms of lot width, lot size and configuration, the proposal complies with the intent and purpose of the above noted policies.

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;
- 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,

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**SUBJECT: Application to Amend the Town of Ancaster Zoning By-law No. 87-57
for Lands Located at 449 Springbrook Avenue, Ancaster (Ward 12)
(PED18091) - Page 8 of 15**

g) the ability of the development to comply with all applicable policies.

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;
- h) the ability to complement the existing functions of the neighbourhood; and,
- j) infrastructure and transportation capacity and impacts.”

The existing neighbourhood surrounding the site was developed for residential uses with predominately single detached dwellings as Meadowlands Subdivision, Phases 8 and 10 in 2006 and 2008, respectively. Large residential lots have remained in the area and have been slowly redeveloped as infill residential to be in keeping with the character of the Meadowlands Subdivisions. Larger subdivision redevelopment is occurring on the west side of Springbrook Avenue.

The proposed development has been designed to be compatibly integrated with the adjacent low density residential uses in that the permissions relating to height, massing, scale and density are consistent with the existing residential buildings. The proposal increases the density of the subject lands while maintaining the lot pattern and configuration of the adjacent residential lands. The proposal contributes to achieving the planned Urban Structure by being residential and contributes to achieving a range of dwelling types. As well, the proposal for four single detached dwellings will not create nuisance impacts such as overlook, lighting and noise on the existing neighbourhood.

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**SUBJECT: Application to Amend the Town of Ancaster Zoning By-law No. 87-57
for Lands Located at 449 Springbrook Avenue, Ancaster (Ward 12)
(PED18091) - Page 9 of 15**

Through the redevelopment of the subject lands, a 4.57 m by 4.57 m daylight triangle was required by Transportation Planning and Development Engineering and has been provided at the southwest intersection of Springbrook Avenue and Lockman Drive. There are no other transportation impacts that were noted by staff.

Having regard for infrastructure, Development Engineering has stated that the proposed lots have servicing stubs for full municipal services from Lockman Drive. As well, urbanization fees will be paid for the roadway, watermain, stormwater and sanitary sewers as part of the future Consent Agreement which will result from the severance applications required to create the four proposed lots.

Based on the foregoing, the proposal complies with the applicable policies of Volume 1 of the UHOP.

Meadowlands Neighbourhood IV Secondary Plan

The subject lands are designated “Low Density Residential 2b” on Map B.2.6-1–Meadowlands Neighbourhood IV Secondary Plan Land Use Plan. The following policies, amongst others, apply.

“B.2.6.1.3 General Residential Policies

- a) Residential buildings in the Low Density Residential and Medium Density Residential designations shall have no more than three occupied storeys entirely above grade.

B.2.6.1.4 Low Density Residential Designations

Notwithstanding Section 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.2.6-1 – Meadowlands Neighbourhood IV – Land Use Plan:

- a) In the Low Density Residential 2b designation:
 - i) the density shall be approximately 1 to 30 units per net residential hectare;
 - ii) predominantly single detached dwellings, duplex and semi-detached dwellings shall be permitted; and,
 - iii) generally located at the interior of residential neighbourhoods adjacent to local and/or collector roads.”

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**SUBJECT: Application to Amend the Town of Ancaster Zoning By-law No. 87-57
for Lands Located at 449 Springbrook Avenue, Ancaster (Ward 12)
(PED18091) - Page 10 of 15**

The subject application consists of single detached dwellings that will be designed to be compatible with the existing subdivision to the east. The residential density proposed for the subject lands will be approximately 26 units per net residential hectare which is within the density range for the Low Density Residential designation. Lastly, the proposed single detached dwellings are intended to be located within the interior of the residential neighbourhood and fronting onto a Local Road. Therefore, the proposal complies with the Low Density Residential Designation policies.

“B.2.6.5.1 In addition to Section B.3.3 – Urban Design Policies of Volume 1, the following principles and policies should be addressed during the processing of a development application:

- f) Building and site design, setbacks, landscaping, screening and buffering techniques shall be applied to minimise potential conflicts between new and existing uses.”

Staff has requested an enhanced flankage façade for Lot 1 (corner lot) as part of the associated Formal Consultation and as a result, the applicant has provided additional architectural detail, as shown in Appendix “C” to Report PED18091. The enhanced flankage façade assists in the compatible integration of the site with the surrounding neighbourhood. The proposal maintains the required setbacks and landscaping which further contributes to minimizing potential conflicts between new and existing residential uses.

The requested enhanced flankage façade has been designed to include a second entrance and associated unenclosed porch which has triggered a modification to the definition of “Porch, Unenclosed” to require a secondary access and porch on the flankage side. As a result, the proposal is consistent with the applicable urban design policies.

Accordingly, the proposal complies with the Meadowlands Neighbourhood IV Secondary Plan.

Town of Ancaster Zoning By-law No. 87-57

The subject lands are currently zoned Agricultural “A” Zone in the Town of Ancaster Zoning By-law No. 87-57.

The Agricultural “A” Zone permits agricultural uses and accessory uses including one detached dwelling and accessory buildings and structures, a home occupation existing at the date of passing of the By-law, kennels existing at the date of passing of the By-law and wayside pits and buildings.

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SUBJECT: Application to Amend the Town of Ancaster Zoning By-law No. 87-57 for Lands Located at 449 Springbrook Avenue, Ancaster (Ward 12) (PED18091) - Page 11 of 15

The proposed Zoning By-law Amendment is requesting a change in zoning from Agricultural “A” Zone to a site specific Residential “R4” Zone in the Town of Ancaster Zoning By-law 87-57 which will allow for the development of a maximum of four single detached dwellings. The proposed zoning for the subject lands will be discussed in greater detail in the Analysis and Rationale for Recommendation Section of Report PED18091.

RELEVANT CONSULTATION

The following Departments / Agencies have no comments or objections:

- Hydro One;
- Union Gas; and,
- Recreation Planning, Community and Emergency Services Department.

The following Departments / Agencies have provided comments on the application:

Operations Support, Strategic Planning Section, Corporate Assets and Strategic Planning Division (Public Works Department) have noted that the subject lands are eligible for waste collection services and have provided their general standards.

Forestry and Horticulture Section (Public Works Department) staff have advised that there are Municipal Tree Assets located on site and understand that four trees will be removed and, subsequently, that three trees are proposed. As a result, the Tree Management Plan and Landscape Plan are approved subject to the appropriate fees being submitted as a condition of the consent applications.

PUBLIC CONSULTATION

In accordance with the provisions of the *Planning Act* and the Council approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation, the proposal was sent to 65 property owners within 120 m of the subject lands on December 11, 2017. A Public Notice sign was posted on the property on December 13, 2017, and updated with the Public Meeting date on May 9, 2018, 2018. No correspondence was received from the public on the application. Notice of the Public Meeting was given in accordance with the provisions of the *Planning Act*.

Public Consultation Strategy

As required under the *Planning Act*, a Public Consultation Strategy was provided by the applicant which involved the delivery of a detailed letter by the applicant, explaining the proposed development to homeowners within 120 m of the subject lands. Within the letter, the applicant also extended an invitation to the adjacent landowners to hold a

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**SUBJECT: Application to Amend the Town of Ancaster Zoning By-law No. 87-57
for Lands Located at 449 Springbrook Avenue, Ancaster (Ward 12)
(PED18091) - Page 12 of 15**

neighbourhood meeting prior to the Public Meeting, if requested. At the time of preparation of this Report, no correspondence was received from the public asking for a neighbourhood meeting, and as a result, a neighbourhood meeting was not scheduled.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposal has merit and can be supported for the following reasons:
 - (i) It is consistent with the PPS and conforms to Growth Plan for the Greater Golden Horseshoe;
 - (ii) It complies with the UHOP and the Meadowlands Neighbourhood IV Secondary Plan; and,
 - (iii) The proposed development is compatible with existing residential land uses in the immediate area and represents good planning by, among other things, providing for the development of a complete community, while making efficient use of an underutilized parcel of land and existing infrastructure within the urban boundary.

2. The applicant has requested a change in zoning from the Agricultural “A” Zone to the Residential “R4-692” Zone, Modified, to permit the development of four single detached dwellings. Staff support the requested zone change because it promotes residential infill that is respectful of the adjacent existing single detached dwellings, promotes efficient use of land, is located within the Urban Boundary and requires minor modifications to the Residential ‘R4’ Zone.

Two of the requested modifications are considered to be minor in nature in that the increase in lot coverage for the interior lots is consistent with the adjacent single detached dwellings located in Meadowlands Subdivision Phases 8 and 10 and in that the reduced frontage for a corner lot accommodates the required daylight triangle while maintaining the front yard setback. The adjacent subdivision is Residential “R4-563” Zone, Modified, which has a lot coverage of 45% and a corner lot frontage of 15 m. The requested lot frontage for the corner lot is 14.35 m, which is only a minor reduction from the adjacent subdivision that permits corner lot frontages of 15 m and staff are supportive of the modification. Further, the lot frontage for the interior lots of the proposal are the same as the existing frontages of Meadowlands Subdivision Phases 8 and 10, being 12 m. The proposal has a maximum lot coverage of 40% which slightly less than the permitted coverage for the adjacent subdivision, however, the modification is more in keeping with the Residential “R4” Zone and, as a result, staff support the modification.

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**SUBJECT: Application to Amend the Town of Ancaster Zoning By-law No. 87-57
for Lands Located at 449 Springbrook Avenue, Ancaster (Ward 12)
(PED18091) - Page 13 of 15**

The additional modifications were triggered because of requests by staff for a reduced daylight triangle and for an enhanced flankage elevation that created a secondary access to the house from an unenclosed porch, and as a result, staff are supportive of these modifications.

The requested amendment to Town of Ancaster Zoning By-law No. 87-57 includes site specific regulations for the following:

Maximum Lot Coverage:

The applicant is seeking a modification to increase maximum lot coverage from 35% to 40% for the three interior lots to permit the proposed single detached dwelling layouts. The corner lot has been designed with a lot coverage of 28.7% which is within the current maximum lot coverage requirement. All external drainage is to be accommodated on site and contained along the east property line where a proposed swale is located. As the proposed modification accommodates the yard setback requirements of the Residential "R4" Zone and the interior lots have larger lot frontages of 14 m, staff support the requested modification to increase the maximum lot coverage to 40% for the interior lots.

Minimum Lot Frontage

Modifications are required to permit a reduction in minimum lot frontage for a corner lot from 16 m to 14.35 m to accommodate the required 4.57 m by 4.57 m daylight triangle. The proposed modification accommodates the yard setback requirements of the Residential "R4" Zone and is in keeping with existing lots in the surrounding area. Staff support the proposed modification.

Daylight Triangle

Modifications are required to permit a reduced daylight triangle from 10 m by 10 m to 4.57 m by 4.57 m to accommodate the standard requirements of the City for local road intersections. A 4.57 m by 4.57 m daylight triangle has already been secured on the northeast corner of the intersection of Springbrook Avenue and Lockman Drive. An increased daylight triangle, as required by the Zoning By-law, is deemed unnecessary due to the Local Road classification of both Springbrook Avenue and Lockman Drive and staff support the modification.

Definition - Porch, Unenclosed

Modifications are required to the definition of "Porch, Unenclosed" to require a second porch on the flankage side of the single detached dwelling on the corner lot, which will provide a second access to the dwelling. At the request of staff,

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**SUBJECT: Application to Amend the Town of Ancaster Zoning By-law No. 87-57
for Lands Located at 449 Springbrook Avenue, Ancaster (Ward 12)
(PED18091) - Page 14 of 15**

- the applicant has provided the second porch and access to the house as part of an enhanced flankage elevation. Based on the above, staff are supportive of the modification to the definition to require a second access from an unenclosed porch.
3. Severance applications are required to implement the proposal and to create the four residential lots. As part of the severance applications, a Consent Agreement is required for Engineering details. At the time of preparation of this Report, the severance applications AN/B-18:40 and AN/B-18:41 have been submitted but have not yet received approval.
 4. A Tree Protection Plan and Planting Plan were prepared by OMC Landscape Architecture (both dated September 15, 2017) and noted that municipal and private trees would be removed to facilitate the proposed development and that replacement trees will be provided. Since there are trees that will be impacted by this development, a revised Tree Protection Plan (TPP) will be required and incorporated as a Condition in the Consent Applications, including payment of \$613.84 for replacement trees.
 5. The information provided on the Concept Plan indicates that the existing dwelling and accessory structures will be demolished. Staff identified that there are existing servicing stubs for municipal services from Lockman Drive which will be utilized for the proposed development.

Growth Management staff are generally satisfied with the engineering documents that were submitted as part of the Zoning By-law Amendment application. However, as part of the severance application, a number of conditions will be included in the Consent Agreement with the City of Hamilton.

Staff have identified that urbanization fees shall be paid to the City of Hamilton as part of the Consent Agreement, as per new City Road rates. Staff further note that best effort cost recovery fees shall be paid for the roadway, watermain, stormwater and sanitary sewers as part of the Consent Agreement. The applicant is required to dedicate a 4.57 m by 4.57 m daylight triangle at the intersection of Springbrook Avenue and Lockman Drive to the City of Hamilton, as has been illustrated on the Site Plan (Appendix "C" to Report PED18091).

A required fire flow calculation will be needed with the severance applications.

Staff are generally satisfied with the Preliminary Grading and Servicing Plan. However minor revisions are required prior to the formalization of the Consent applications. More detail is required to ensure that external drainage has been accommodated through the site and that drainage is contained along the east

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**SUBJECT: Application to Amend the Town of Ancaster Zoning By-law No. 87-57
for Lands Located at 449 Springbrook Avenue, Ancaster (Ward 12)
(PED18091) - Page 15 of 15**

property line where the swale is proposed. More detailed comments will be provided at the severance stage when Certified Detailed Grading and Servicing plans are provided in accordance with the City of Hamilton Engineering Guidelines. At this time, staff are supportive of the subject application.

6. The Public Works Department has placed a moratorium on severances in all rural cross-sections in Ancaster as a result of the impact of intensification on existing stormwater infrastructure and the natural environment. Lockman Drive has recently been urbanized and Springbrook Avenue will be urbanized as a result of the residential development to the north. As a result, the moratorium on severances does not apply to this site.

ALTERNATIVES FOR CONSIDERATION

Should the applications be denied, the lands could not be developed for the proposed residential dwellings. The lands could be developed in accordance with the Agricultural “A” Zone which permits agricultural uses and accessory uses including one detached dwelling and accessory buildings and structures, a home occupation existing at the date of passing of the By-law, kennels existing at the date of passing of the By-law and wayside pits and buildings.

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.

Built Environment and Infrastructure

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

APPENDICES AND SCHEDULES ATTACHED

- Appendix “A”: Location Map
- Appendix “B”: Zoning By-law Amendment
- Appendix “C”: Site Plan and Elevations

JR:mo

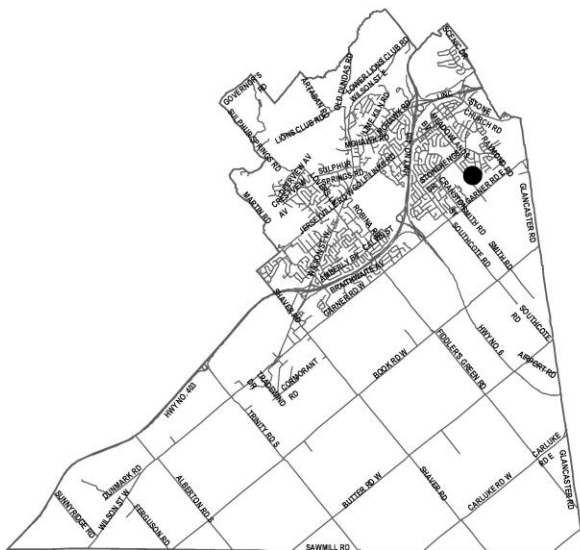
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● Site Location



Key Map - Ward 12

N.T.S.



Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-17-086

Date:
March 27, 2018

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
JR/AL

Subject Property

449 Springbrook Avenue



Change in Zoning from Agricultural "A" Zone
to Residential "R4-692" Zone, Modified

Authority: Item ,
Report
(PED18086)
CM:
Ward: 12

Bill No.

CITY OF HAMILTON

BY-LAW NO. _____

To Amend Zoning By-law No. 87-57 (Ancaster) Respecting lands located at 449 Springbrook Avenue

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

WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as "The Corporation of the Town of Ancaster" 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 Zoning By-law No. 87-57 (Ancaster) was enacted on the on the 22nd day of June, 1987, and approved by the Ontario Municipal Board on the 23rd day of January, 1989;

WHEREAS the Council of the City of Hamilton, in adopting Item _____ of Report PED 18086 of the Planning Committee, at its meeting held on the 15th day of May, 2018, recommended that Zoning By-law No. 87-57 (Ancaster) be amended as hereinafter provided; and

WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan.

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

1. That Map No.1337 of Schedule "A", appended to and forming part of By-law No. 87-57 (Ancaster), is amended as follows:
 - (a) by changing the zoning from the Agricultural "A" Zone to Residential "R4-692" Zone, Modified.
2. That Subsection 34: Exceptions of Zoning By-law 87-57 (Ancaster), as amended, is hereby further amended by adding a new Exception, "R4-692", as follows:

**To Amend Zoning By-law No. 87-57 (Ancaster)
Respecting lands located at 449 Springbrook Avenue**

"R4-692" 449 Springbrook Avenue, Schedule "A", Map No. 1337

Notwithstanding the provisions of Subsection 12.2 (b) and (c) of the Residential "R4" Zone and Subsection 7.13 (a) "Special Setbacks" on those lands zoned "R4-692" by this By-law, the following shall also apply:

- | | |
|--------------------------|--|
| (a) Maximum Lot Coverage | 40% lot coverage for interior lots |
| (b) Minimum Lot Frontage | 12 metres except on corner lots the minimum frontage shall be 14.35 metres |
| (c) Daylight triangle | 4.57 metre x 4.57 metre daylight triangle |

In addition to the definition of Subsection 3.112 "Porch, Unenclosed" on those lands zoned "R4-692" by this By-law, the following shall also apply:

- | | |
|-----------------|---|
| (d) Definitions | "Porch, Unenclosed" – a second unenclosed porch shall be required to provide access to the side entrance of the flankage elevation of a dwelling on a corner lot. |
|-----------------|---|

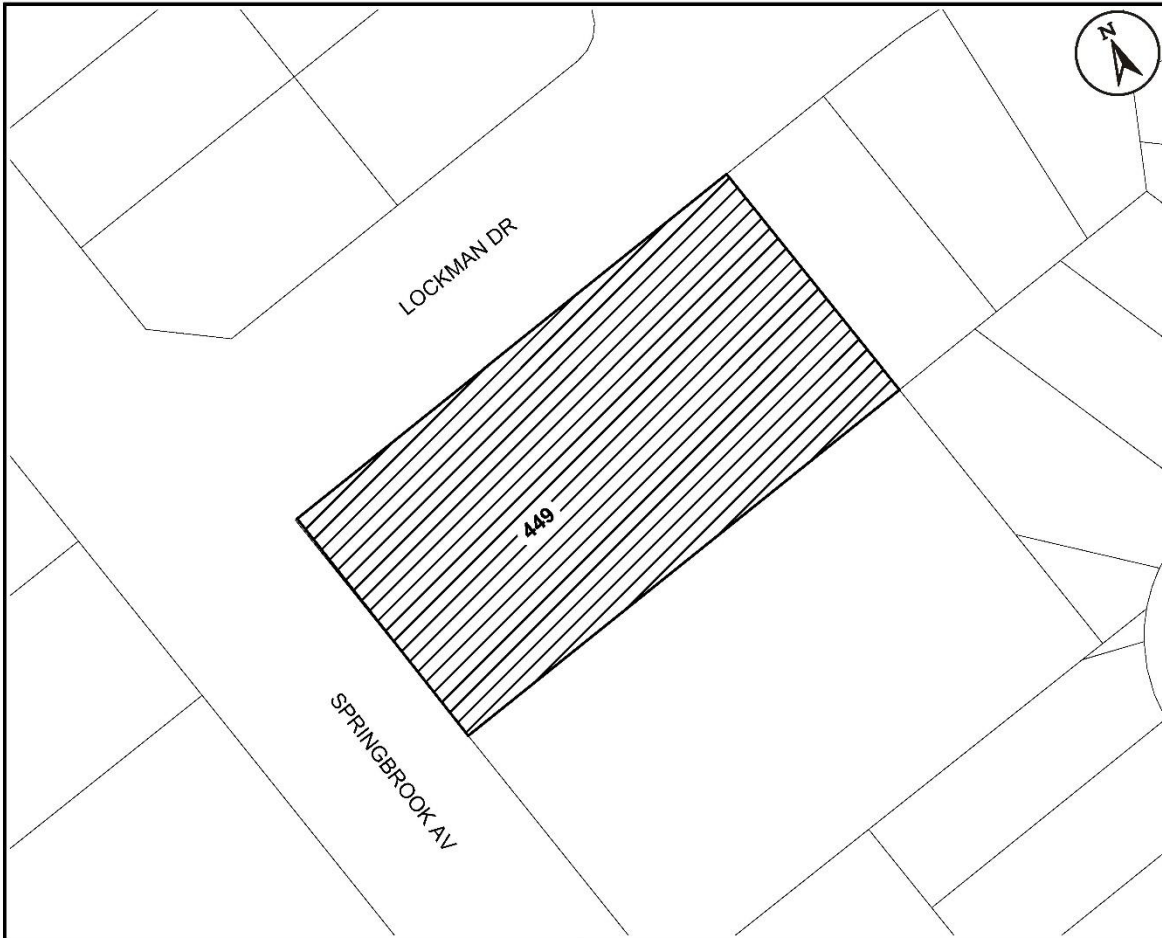
That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.

PASSED this _____, 2018

F. Eisenberger
Mayor

City Clerk

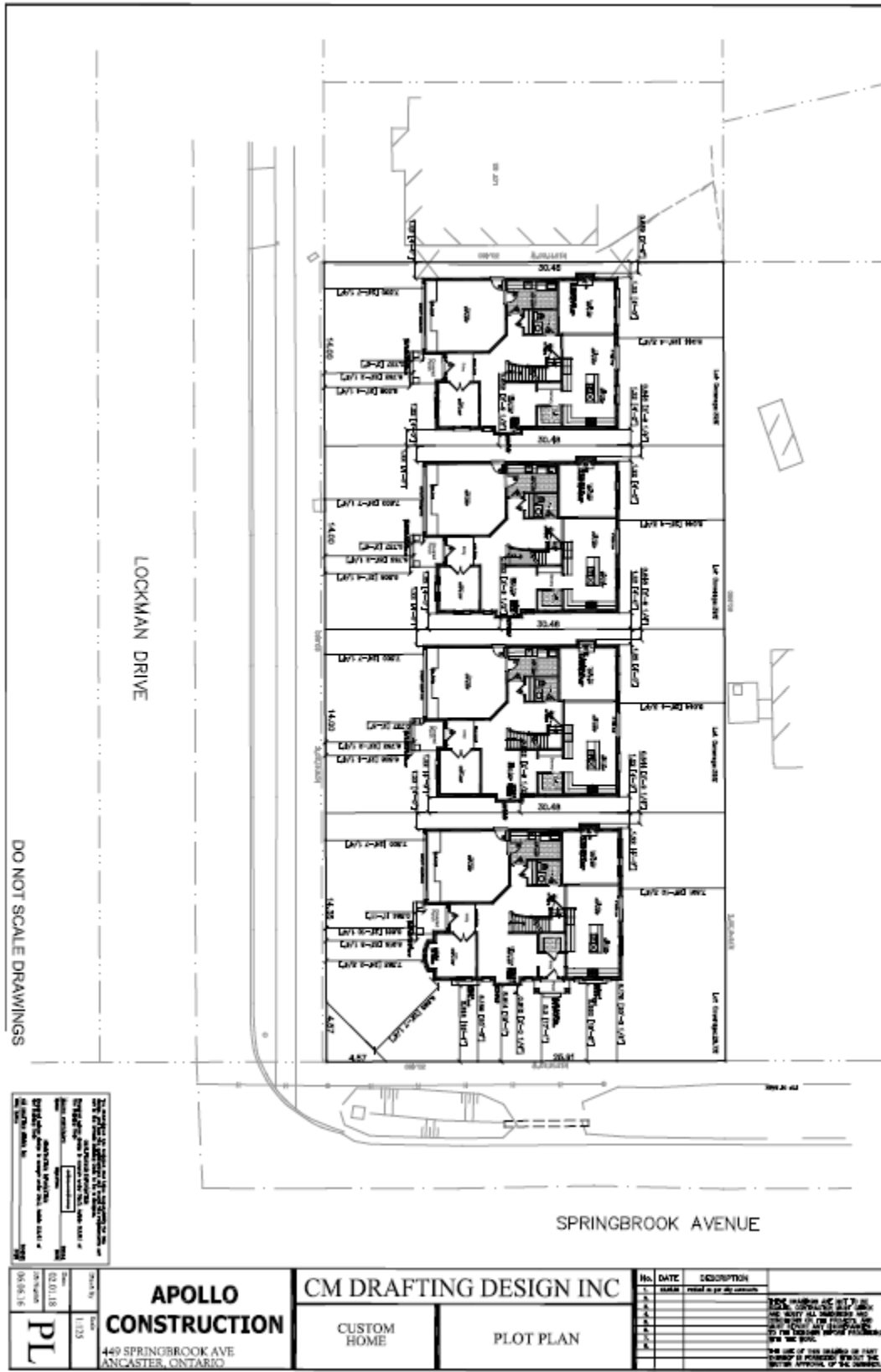
**To Amend Zoning By-law No. 87-57 (Ancaster)
Respecting lands located at 449 Springbrook Avenue**

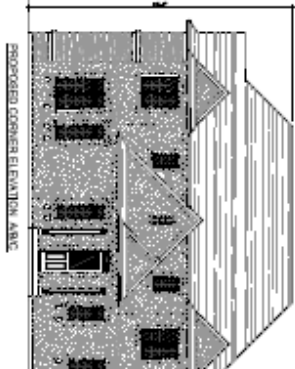
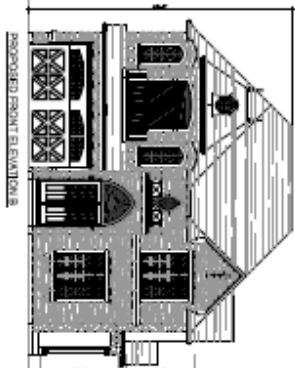
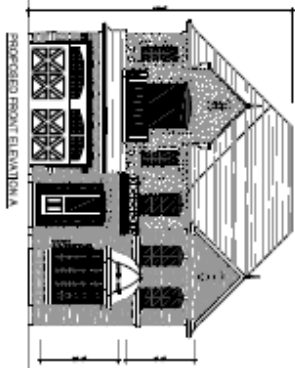
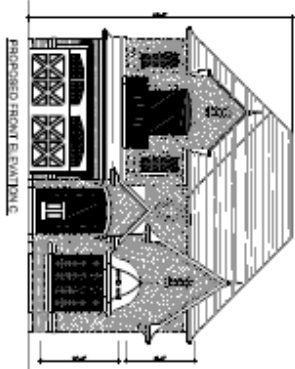


This is Schedule "A" to By-law No. 18- Passed the day of, 2018	----- Mayor ----- Clerk
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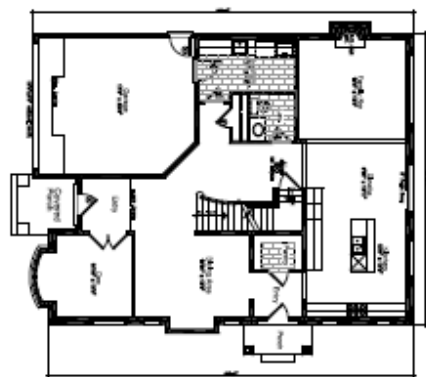
<h2 style="margin: 0;">Schedule "A"</h2> <p style="margin: 10px 0 0 0;">Map Forming Part of By-law No. 18-_____</p> <p style="margin: 10px 0 0 0;">to Amend By-law No. 87-57</p>	<p>Subject Property 449 Springbrook Avenue</p> <p> Change in Zoning from Agricultural "A" Zone to Residential "R4-692" Zone, Modified</p>
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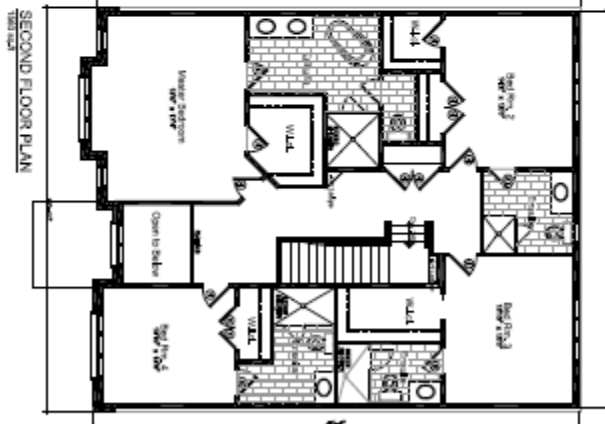
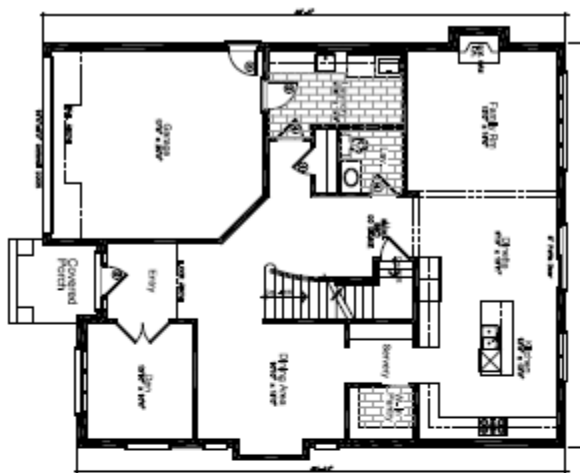
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Date: Feb. 26, 2018	Planner/Technician: JR/AL	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		



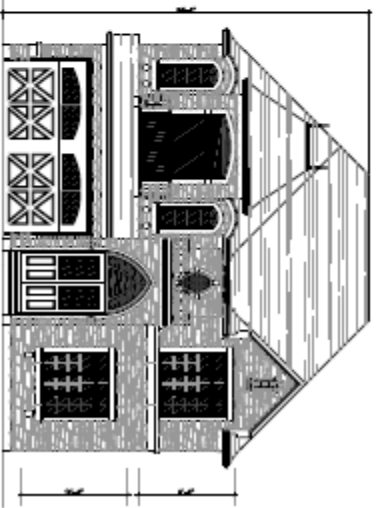
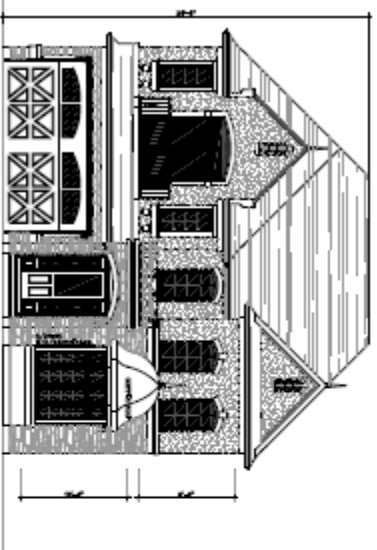


Model #1, 2, 3 — Feb 7, 2018





Model #1, 2, 3 --- Feb 7, 2018





CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
 Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	June 5, 2018
SUBJECT/REPORT NO:	Applications for an Amendment to the Rural Hamilton Official Plan and the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 1915, 1995, and 1997 Jerseyville Road West, Ancaster (PED18118) (Ward 14)
WARD(S) AFFECTED:	Ward 14
PREPARED BY:	Brynn Nheiley (905) 546-2424 Ext. 4283
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Amended Rural Hamilton Official Plan Amendment Application RHOPA-17-037 by The Green Organic Dutchman Holdings Limited (Owner)**, to establish a Site Specific Policy to permit a medical marihuana growing and harvesting facility within a new greenhouse with a maximum area of 13,000 sq m, and medical marihuana growing and harvesting facilities within new buildings with a maximum area of 2,000 sq m per building for portions of the lands located at 1915, 1995, and 1997 Jerseyville Road West, Ancaster, as shown on Appendix "A" to Report PED18118, be **APPROVED** on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix "B" to Report PED18118, be adopted by City Council;
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2014) and conforms to the Greenbelt Plan (2017).
- (b) That **Amended Zoning By-law Amendment Application ZAC-17-080 by The Green Organic Dutchman Holdings Limited (Owner)**, for a modification to the Agriculture (A1) Zone to permit a medical marihuana growing and harvesting facility within one new greenhouse with a maximum area of 13,000 sq m and medical marihuana growing and harvesting facilities within new buildings with a maximum area of 2,000 sq m per building, to a maximum lot coverage of 20%

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SUBJECT: Applications for an Amendment to the Rural Hamilton Official Plan and to the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 1915, 1995, and 1997 Jerseyville Road West, Ancaster (PED18118) (Ward 14) - Page 2 of 25

including all buildings and structures on the combined lots, for portions of the lands located at 1915, 1995, and 1997 Jerseyville Road West, Ancaster, as shown on Appendix “A” to Report PED18118, be **APPROVED** on the following basis:

- (i) That the draft By-law, attached as Appendix “C” to Report PED18118, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Greenbelt Plan (2017), and will comply with the Rural Hamilton Official Plan upon approval of Official Plan Amendment No. ___.

EXECUTIVE SUMMARY

The applicant has applied for an Amendment to the Rural Hamilton Official Plan (RHOP) and City of Hamilton Zoning By-law No. 05-200 for lands located at 1915, 1995 and 1997 Jerseyville Road West, Ancaster, to permit the development of a commercial greenhouse and the use of multiple agriculture buildings for growing and harvesting medical marihuana.

The purpose of the RHOP Amendment Application, as amended, is to permit the growing and harvesting of medical marihuana in the Agriculture Designation within a greenhouse having a maximum gross floor area of 13,000 sq m, and to permit new buildings for medical marihuana having a maximum gross floor area of 2,000 sq m per building, on a portion of the subject lands, as shown on Appendix “A” to Report PED18118.

The purpose of the Zoning By-law Amendment, as amended, is to rezone a portion of the subject lands to a modified Agriculture (A1) Zone. The specific provisions will permit a maximum of one greenhouse having a maximum gross floor area of 13,000 sq m, and to allow additional new buildings for the growing and harvesting of medical marihuana having a maximum gross floor area of 2,000 sq m per building, to a maximum lot coverage of 20% for all buildings and structures on portions of the combined subject lands, as shown on Appendix “A” to Report PED18118.

The applications, as amended, have merit and can be supported as they are consistent with the Provincial Policy Statement (2014) and conform to the Greenbelt Plan (2017). The proposal is considered to be compatible with existing and planned agricultural uses/development in the area and represents good planning by preserving the

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SUBJECT: Applications for an Amendment to the Rural Hamilton Official Plan and to the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 1915, 1995, and 1997 Jerseyville Road West, Ancaster (PED18118) (Ward 14) - Page 3 of 25

Protected Countryside for agricultural use while providing for diversified agricultural economic opportunities.

Alternatives for Consideration – Page 24

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 applications for an Official Plan Amendment and Zoning By-law Amendment.

HISTORICAL BACKGROUND

The subject lands are located on the north side of Jerseyville Road West, at the intersection of Jerseyville Road West and Alberton Road. Combined, the subject lands are rectangular in shape, bisected by a hydro corridor, and are approximately 26.92 ha in size. The properties are municipally known as 1915, 1995, and 1997 Jerseyville Road West.

1915 and 1997 Jerseyville Road West, the northern property of the subject lands, have become merged on title, and are currently in agricultural use by the owner, who is a federally licensed medical marihuana producer. Additionally, these lands contain the following:

- Single detached dwelling;
- Medical marihuana growing and harvesting facility established in 2015, having a gross floor area of 575 sq m;
- Agricultural accessory structure, having a gross floor area of 191 sq m;
- Access from paved private road to the east and from Jerseyville Road West via crossing of the hydro corridor and 1995 Jerseyville Road West; and,
- Agricultural field crops.

1995 Jerseyville Road West – southern property, triangular in shape, contains the following:

- Single detached dwelling to remain;
- Access from Jerseyville Road West; and,

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SUBJECT: Applications for an Amendment to the Rural Hamilton Official Plan and to the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 1915, 1995, and 1997 Jerseyville Road West, Ancaster (PED18118) (Ward 14) - Page 4 of 25

- Agricultural field crops.

These properties are surrounded to the east by the Mystic Golf Club, and to the north, south and west by agricultural uses.

Proposal

The purpose of the RHOP Amendment Application, as submitted, was to permit:

- the growing and harvesting of medical marihuana in the Agriculture Designation within a greenhouse having a maximum lot coverage of 70%;
- new buildings for medical marihuana having a maximum gross floor area of 2,000 sq m per building; and,
- processing of cannabis oil in conjunction with growing and harvesting medical marihuana.

The purpose of the Zoning By-law Amendment Application, as submitted, was to rezone the subject lands to a modified Agriculture (A1) Zone to permit:

- the growing and harvesting of medical marihuana in the Agriculture Designation within a greenhouse having a maximum lot coverage of 70%;
- new buildings for medical marihuana having a maximum gross floor area of 2,000 sq m per building; and,
- processing of cannabis oil in conjunction with growing and harvesting medical marihuana.

The applications indicate that all new structures are targeting achievement of Leadership of Energy and Environmental Design – Silver rating. The Applicant proposes that this development will lead to the employment of 70 individuals. The facilities are proposed to be accessed via the public road access of 1995 Jerseyville Road West, with an easement to cross the hydro corridor that bisects the properties, and to contain 67 parking spaces.

In the original applications, the Applicant submitted a request that the definitions within the Urban and Rural Official Plans and the City of Hamilton Zoning By-law 05-200, related to Marihuana, be amended such that the growing, harvesting and processing of marihuana be “as permitted by the Government of Canada”, within a greenhouse in accordance with Section 12.1.3.1 (e) ii) of the Zoning By-law. This section allows for a greenhouse with a maximum lot coverage of 70%, whereas these Applications are for a greenhouse having a lot coverage of approximately 3.6% of the subject lands, to be located to the south of areas which are regulated by the Grand River Conservation Authority. The Applicant has indicated that they do not agree with the proposed Official

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SUBJECT: Applications for an Amendment to the Rural Hamilton Official Plan and to the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 1915, 1995, and 1997 Jerseyville Road West, Ancaster (PED18118) (Ward 14) - Page 5 of 25

Plan Amendment and Zoning By-law Amendment as recommended by Planning staff. Specifically, the applicant does not concur with retention of the reference to specific federal regulation, currently identified in the Urban and Rural Official Plans and the City of Hamilton Zoning By-law 05-200 as Marihuana for Medical Purposes regulations (MMPR) SOR/2013-119 in the proposed Official Plan Amendment.

Staff have amended the applications by limiting the amendment to a portion of the subject lands and reducing the maximum lot coverage. The applicant has indicated that they do not support the regulations recommended by staff with respect to limiting the maximum gross floor area of a greenhouse for growing and harvesting medical marihuana to 13,000 sq m.

The original application also requested to have processing into cannabis oil added as a permitted use. Staff did not carry through this item of the application because the use is currently permitted by both the Official Plan and Zoning By-law and therefore, additional permissions are not required.

The Applicant has also submitted a Site Plan Amendment Application (DA-17-082) to construct a 1,955 sq m building, and a 12,400 sq m greenhouse. Agricultural processing into cannabis oil as a secondary use is proposed to have a gross floor area of 32.79 sq m.

Chronology

- November 4, 2017: Rural Hamilton Official Plan Amendment RHOPA-17-037 and Zoning By-law Amendment ZAC-17-080 Applications received.
- November 20, 2017: Rural Hamilton Official Plan Amendment RHOPA-17-037 and Zoning By-law Amendment ZAC-17-080 Applications deemed complete.
- November 28, 2017: Notice of Complete Application and Preliminary Circulation sent to 24 property owners within 120 m of the subject lands.
- December 19, 2017: Public Notice sign installed on subject lands.
- May 9, 2018: Public Notice Sign updated with Public Meeting date.
- May 18, 2018: Notice of Public Meeting sent to 24 property owners within 120 m of the subject lands.

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Details of Submitted Applications

Agent: IBI Group (c/o John Ariens)

Owner / Applicant: The Green Organic Dutchman Holdings Limited

Location: 1915, 1995, and 1997 Jerseyville Road West

Property Size:

Frontage: +/- 842.73 m, combined

Depth: +/- 988.61 m

Area: +/- 269,200 sq m (26.92 ha)

Services: Private Services

EXISTING LAND USE AND ZONING

<u>Subject Lands:</u>	<u>Existing Land use</u>	<u>Existing Zoning</u>
1915 and 1997 Jerseyville Road West	Agriculture	Agriculture (A1) Zone; Conservation / Hazard Land – Rural (P7) Zone; Agriculture (A1, 116) Zone;
1995 Jerseyville Road West	Agriculture	Agriculture (A1) Zone.
<u>Surrounding Lands:</u>		
North	Agriculture	Agriculture (A1) Zone; Conservation / Hazard Land – Rural (P7) Zone; Conservation / Hazard Land – Rural (P8) Zone.
East	Commercial Golf Course	Open Space (P4) Zone; Open Space (P4, 253) Zone; Open Space (P4, 285) Zone; Conservation / Hazard Land –

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SUBJECT: Applications for an Amendment to the Rural Hamilton Official Plan and to the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 1915, 1995, and 1997 Jerseyville Road West, Ancaster (PED18118) (Ward 14) - Page 7 of 25

		Rural (P7) Zone; Conservation / Hazard Land – Rural (P8) Zone.
South	Agriculture	Agriculture (A1) Zone.
West	Agriculture	Agriculture (A1) Zone.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2014)

The applications have been reviewed with respect to the Provincial Policy Statement (PPS). The PPS provides policy direction on matters of provincial interest related to land use planning and development.

The following policies, among others, are applicable to the proposal.

- “1.1.4.1 Healthy, integrated and viable rural areas should be supported by:
- f. promoting diversification of the economic base and employment opportunities through goods and services, including value added products and the sustainable management of resources; and,
 - i. providing opportunities for economic activities in *prime agricultural areas*, in accordance with policy 2.3.
- 1.1.5.7 Opportunities to support a diversified rural economy should be promoted by protecting agricultural and other resource-related uses and directing non-related development to areas where it will minimize constraints on these uses.
- 1.1.5.8 *Agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices* should be promoted and protected in accordance with provincial standards.
- 2.3.1 *Prime agricultural areas* shall be protected for long-term use for agriculture.
- Prime agricultural areas* are areas where *prime agricultural lands* predominate. *Specialty crop areas* shall be given the highest priority for protection, followed by Canada Land Inventory Class 1, 2, and 3 lands,

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and any associated Class 4 through 7 lands within the *prime agricultural area*, in this order of priority.

2.3.3.1 In *prime agricultural areas*, permitted uses and activities are: *agricultural uses, agriculture-related uses and on-farm diversified uses*.

2.3.3.2 In *prime agricultural areas*, all types, sizes and intensities of *agricultural uses and normal farm practices* shall be promoted and protected in accordance with provincial standards.

6.0 Definitions

On-farm diversified uses:

means uses that are secondary to the principal agricultural use of the property, and are limited in area. On-farm diversified uses include, but are not limited to, home occupations, home industries, agri-tourism uses, and uses that produce value-added agricultural products.”

The Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) has identified medical marihuana as an agricultural crop (see Appendix “F” to Report PED18118). These applications propose to grow medical marihuana primarily within a greenhouse. Therefore, the applications are consistent with policies that promote and protect areas for agricultural use.

These applications are consistent with the policies that focus on diversifying the activity of on-farm uses as processing medical marihuana into cannabis oils is a value-added agricultural product. These applications propose that the area for the processing of medical marihuana into cannabis oil will be 32.79 sq m, and can therefore be considered secondary, and related to the primary agricultural use of growing and harvesting medical marihuana. Secondary agricultural related processing uses are permitted as-of-right in the RHOP and the Agricultural Zone in Zoning By-law 05-200.

“2.6.2 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.”

City staff identified that the subject lands meet five of the 10 criteria for determining archaeological potential:

- Within 250 m of known archaeological sites;

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SUBJECT: Applications for an Amendment to the Rural Hamilton Official Plan and to the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 1915, 1995, and 1997 Jerseyville Road West, Ancaster (PED18118) (Ward 14) - Page 9 of 25

- Within 300 m of a primary watercourse or permanent waterbody, 200 m of a secondary watercourse or seasonal waterbody, or 300 m of a prehistoric watercourse or permanent waterbody;
- Local knowledge associates areas with historic events / activities / occupations;
- In an area of elevated topography; and,
- Along historic transportation routes.

In addition, the subject lands are adjacent to 2042 Jerseyville Road West, which is designated as “protected heritage property” under the Provincial Policy Statement, and 1911 Jerseyville Road West and 1868 Jerseyville Road West, which are included in the City’s Inventory of Buildings of Architectural and/or Historical Interest. The Applicant has completed a Stage 1 and 2 Archaeological Assessment and submitted a report on the results. The Ministry of Tourism, Culture and Sport have reviewed the Stage 1 and 2 Archaeological Assessment and consider the site to be sufficiently documented. They recommend no further archaeological assessment, have deemed these applications compliant and have entered the assessment report into the Ontario Public Register of Archaeological Reports. They instruct that any deeply buried archaeological resources that are identified during ground disturbance activity be reported to the Ministry.

Based on the Stage 1 and 2 Archaeological Assessment, staff are of the opinion that the heritage value of the area will be conserved.

Therefore, the proposal is consistent with the Provincial Policy Statement (2014).

Greenbelt Plan (2017)

The Greenbelt Plan designates the subject lands as “Protected Countryside” and they are within the “Natural Heritage” system.

The following policies, among others, are applicable to the proposal.

- “3.1.2.1. All types, sizes and intensities of *agricultural uses* and *normal farm practices* shall be promoted and protected and a full range of *agricultural uses*, *agriculture-related uses* and *on-farm diversified uses* are permitted based on the provincial Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas. Proposed *agriculture-related uses* and *on-farm diversified uses* shall be compatible with and shall not hinder surrounding agricultural operations.

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7. Definitions

Agriculture-related Uses

Farm-related commercial and farm-related industrial uses that are directly related to the farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity.

On-farm Diversified Uses

Uses that are secondary to the principal *agricultural use* of the property, and are limited in area. *On-farm diversified uses* include, but are not limited to, home occupations, home industries, agri-tourism uses, and uses that produce value-added agricultural products.”

OMAFRA has recognized the growing and harvesting of medical marihuana as an agricultural use which is permitted and promoted in the Greenbelt Plan. The processing of cannabis oil is considered to be a value-added agricultural product, diversifying the on-farm use of the subject lands. The processing into cannabis oil is conducted within a gross floor area of 32.79 sq m contained entirely within the proposed development and is secondary to the principal agricultural use. Therefore, the use is compatible with and will not hinder the surrounding agricultural uses.

“3.2.2.1. For lands within the Natural Heritage System of the Protected Countryside, the full range of existing and new *agricultural, agriculture-related* and *on-farm diversified uses* and *normal farm practices* are permitted subject to the policies of section 3.2.2.2.

3.2.2 For lands within the Natural Heritage System of the Protected Countryside, the following policies shall apply:

2. New buildings or structures for *agriculture, agriculture-related* and *on-farm diversified uses* are not subject to the policies of section 3.2.2.3, but are subject to the policies of section 3.2.5.

3.2.5 *Key natural heritage features* include:

- *Significant woodlands;*

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SUBJECT: Applications for an Amendment to the Rural Hamilton Official Plan and to the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 1915, 1995, and 1997 Jerseyville Road West, Ancaster (PED18118) (Ward 14) - Page 11 of 25

3.2.5 *Key hydrologic features* include:

- Permanent *and* intermittent streams;
- Wetlands.

3.2.5 For lands within a *key natural heritage feature* or a *key hydrologic feature* in the Protected Countryside, the following policies shall apply:

2. Beyond the Natural Heritage System within the Protected Countryside, *key hydrologic features* are defined by and subject to the policies of section 3.2.5.
3. Beyond the Natural Heritage System within the Protected Countryside, *key natural heritage features* are not subject to the policies of section 3.2.5, but are to be defined pursuant to, and subject to the policies of, the PPS.
4. In the case of wetlands, seepage areas and springs, fish habitat, permanent and *intermittent streams*, *lakes* and *significant woodlands*, the minimum *vegetation protection zone* shall be a minimum of 30 metres measured from the outside boundary of the *key natural heritage feature* or *key hydrologic feature*.”

Significant woodlands and provincially significant wetlands exist along the property boundary and on properties to the north and east of the subject lands. Together with the Grand River Conservation Authority, the City of Hamilton undertook a refinement of boundaries related to unevaluated wetlands. This work informed the Environmental Impact Statement (EIS), submitted with the applications entitled Environmental Impact Study, Jerseyville Road Agricultural Greenhouse Development (October 2017), which also provided evaluation of permanent and intermittent streams and significant woodlands.

The proposed development is located south of, and does not encroach into Key Natural Heritage and Hydrologic features, and protective fencing is proposed to ensure that vegetation outside of the planned construction area is not disturbed. Further, the applications comply with policies related to key natural heritage and hydrologic features by supporting the 30 m vegetation protection zone, providing adequate, self-sustaining vegetated buffers to protect these features within the subject lands such that there are no anticipated negative impacts on the ecological functions of these features. The proposal includes ongoing monitoring of any potential impacts to ground water sources.

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SUBJECT: Applications for an Amendment to the Rural Hamilton Official Plan and to the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 1915, 1995, and 1997 Jerseyville Road West, Ancaster (PED18118) (Ward 14) - Page 12 of 25

These applications conform to the vision and goals of the Greenbelt Plan by continuing to utilize agricultural lands for the growing of crops while adding to the diversity of rural economic activity. The applications propose best management practices for protecting the Natural Heritage Systems on the subject lands, and as they have been proposed, the structures will be resilient to and mitigate climate change.

These applications conform with the policies of protecting the Natural Heritage System of the Protected Countryside, while introducing a greater on-farm diversity of agriculture and agriculture-related uses to rural City of Hamilton.

Therefore, the proposal conforms to the Greenbelt Plan (2017).

Rural Hamilton Official Plan (RHOP)

These lands are designated as “Agriculture” on Schedule ‘D’ – Rural Land Use Designations of the RHOP. Portions of the subject lands contain areas that have been identified as “Core Areas” and “Greenbelt Protected Countryside” on Schedule ‘B’ – Natural Heritage System.

The following policies, among others, are applicable to the proposal.

Energy and Environmental Design

“B.3.7.1 The city shall support energy efficient, low impact, and environmental designed *development* through:

- b) the use of environmental building rating systems such as certification under the Leadership in Energy and Environmental Design (LEED) program or an equivalent rating system for upgrading/retrofitting of existing development and new development;
- j) water and storm water conservation/management practices such as green roofs, water recycling systems, etc.;

The applications support Chapter B - Community policies focused on preserving the environment in that the applicants are intending to achieve a LEED Silver rating and by proposing to recycle water in the operation of the proposed facility.

Natural Heritage System

“C.2.2.3 The boundaries of *Core Areas* are shown on Schedule B - Natural Heritage System and *key natural heritage features, key hydrologic features* and any associated *vegetation protection zones*, provincially significant and *local*

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SUBJECT: Applications for an Amendment to the Rural Hamilton Official Plan and to the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 1915, 1995, and 1997 Jerseyville Road West, Ancaster (PED18118) (Ward 14) - Page 13 of 25

natural areas are shown on Schedules B-1 to B-8 - Detailed Natural Heritage Features. Minor refinements to such boundaries may occur through Environmental Impact Statements, *watershed* studies or other appropriate studies accepted by the City without an amendment to this Plan. Major changes to boundaries, the removal or addition of Core Areas identified on Schedule B - Natural Heritage System, and Schedules B-1 to B-8 – Detailed Natural Heritage Features require an amendment to this Plan.

- C.2.3.3 Any *development* or *site alteration* within or adjacent to *Core Areas* shall not negatively impact their environmental features or *ecological functions*.
- C.2.4.8 Beyond the Greenbelt Natural Heritage System within the Protected Countryside new development and site alteration shall not be permitted within or adjacent to *key natural heritage* features in the Greenbelt Protected Countryside unless it has been evaluated through an Environmental Impact Statement and has been demonstrated that there shall be no *negative impacts* on the natural features or their *ecological functions*.
- C.2.4.10 An Environmental Impact Statement shall also propose a *vegetation protection zone* which:
- a) Has sufficient width to protect the *Core Area* and its *ecological functions* from impacts of the proposed land use or *site alteration* occurring during and after construction, and where possible, restores or enhances the *Core Area* and/or its *ecological functions*; and
 - b) Is established to achieve, and be maintained as *natural self-sustaining vegetation*.
- C.2.4.13 Within the Protected Countryside of the Greenbelt Plan area, new *development* and *site alteration* adjacent to *wetlands, seepage areas, springs, fish habitat, lakes, permanent and intermittent streams* and *significant woodlands* shall maintain a minimum 30-metre *vegetation protection zone* as measured from the outside boundary of the feature. Such a *vegetation protection zone* shall be established with natural, self-sustaining vegetation where the land within the *vegetation protection zone* is not used for agricultural purposes. New agricultural buildings and structures for *agricultural uses* are required to provide a 30-metre *vegetation protection zone* from a *key natural heritage feature* within the Greenbelt Natural Heritage System or a *key hydrologic feature* anywhere in the Protected Countryside but may not be required to establish a condition of *natural self-*

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SUBJECT: Applications for an Amendment to the Rural Hamilton Official Plan and to the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 1915, 1995, and 1997 Jerseyville Road West, Ancaster (PED18118) (Ward 14) - Page 14 of 25

sustaining vegetation, if the land is, and will continue to be, used for agricultural purposes.

- C.2.4.14 Permitted uses in a *vegetation protection zone* shall be limited to low impact uses, such as *passive recreation*, trails, boardwalks, landscaping, vegetation restoration, and resource management and open space. Within the Protected Countryside of the Greenbelt Plan Area permitted uses within *vegetation protection zones* are specified in Section C.2.4.1. New *development* or *site alteration areas* shall be located outside of the vegetation protection zone. Private sewage disposal systems and new impervious surfaces associated with the *development* shall not be permitted within the *vegetation protection zone*.”

The subject lands are identified as “Greenbelt Protected Countryside” on Schedule B – Natural Heritage System. Portions of the site and on properties to the north and east of the subject lands contain Greenbelt Natural Heritage System, and some Core Areas, including significant woodlands and provincially significant wetlands. The proposed development will be limited to portions of the subject lands which are located south of the stream which runs through the subject lands, and includes a 30 m vegetation protection zone and ongoing monitoring of any potential impacts to ground water sources.

During construction, the EIS indicates that timing of activities will avoid removal of vegetation unless a nesting survey has been conducted, and also avoids major noise and vibration levels during the sensitive breeding seasons. A mitigation plan has been developed for the removal and compensation of Barn Swallow habitat, including timing of the removal of a structure to avoid breeding season, and a planned compensation habitat to be constructed within 200 m of the previous location. Construction materials will not be stored near significant woodlands. These measures will be implemented through conditions of Site Plan Approval.

The proposed lighting of the site will be directed so as to avoid glare into adjacent natural features, and sensors will be implemented to limit the use of exterior lighting.

Chapter D – Rural Systems, Designations and Resources of the RHOP speaks of the right-to-farm principle to provide a secure land base for agricultural activities.

Goals

- “D.1.1 Reinforce and support the significant contribution agriculture makes to the lifestyle, environment and economy of the City.

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SUBJECT: Applications for an Amendment to the Rural Hamilton Official Plan and to the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 1915, 1995, and 1997 Jerseyville Road West, Ancaster (PED18118) (Ward 14) - Page 15 of 25

- D.1.6 Recognize the diverse and innovative nature of agriculture by providing opportunities for on-farm diversification.

Agriculture Designation

- D.2.1.1.3 Farm greenhouses are greenhouses used primarily for the growing of crops for off-site wholesale. Farm greenhouses may be permitted provided the following conditions are met:

- b) The gross floor area for a new medical marihuana growing and harvesting facility shall not exceed 2,000 sq m;
- e) The establishment of a new medical marihuana growing and harvesting facility or the expansion of an existing facility shall be subject to Site Plan approval to address the appropriate building size and location, set-backs, drainage and any other matters.

- D.2.1.1.4 Medical marihuana growing and harvesting facilities are permitted in accordance with the regulations set out in the Zoning By-law and provided that the following conditions are met:

- a) A medical marihuana growing and harvesting facility is permitted in buildings existing at the date of the passing of the Zoning By-law;
- b) The gross floor area for a new medical marihuana growing and harvesting facility shall not exceed 2,000 sq m;
- c) No retail sales are permitted;
- d) No outdoor storage is permitted; and,
- e) The establishment of a new medical marihuana growing and harvesting facility or the expansion of an existing facility shall be subject to Site Plan approval to address the appropriate building size and location, set-backs, drainage and any other matters.”

OMAFRA has recognized medical marihuana as an agricultural product, and staff consider it appropriate to give consideration to a limited increase of the maximum gross floor area for medical marihuana growing and harvesting on portions of the subject lands. This will be discussed in greater detail in the Analysis and Rationale section of the Report.

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SUBJECT: Applications for an Amendment to the Rural Hamilton Official Plan and to the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 1915, 1995, and 1997 Jerseyville Road West, Ancaster (PED18118) (Ward 14) - Page 16 of 25

“D.2.1.2 *Agricultural-related uses* are farm-related commercial and farm-related industrial uses that are *small scale*, producing products and services, wholly and directly related to a farming operation and which are required in close proximity to an *agricultural use*. They are uses necessary to support *agricultural uses* and are permitted provided the following conditions are met:

- a) The use must produce products or services directly related to a *farming operation*, and requires a location in close proximity to a *farm operation*. Permitted uses shall be limited to grain dryers, feed mills, grain and seed storage facilities, primary farm produce bulk storage and agricultural processing facilities, farm product supply dealers, livestock assembly points, agricultural research operations, and veterinary services for farm animals;
- b) The use shall be located to minimize the amount of land removed from agricultural production; and,
- d) The use shall not negatively affect environmental features in accordance with section C.2.0, Natural Heritage System of this Plan.

D.2.1.3 To encourage on-farm economic diversification as a means of reinforcing the agricultural economy, limited secondary uses are permitted. On-farm secondary uses are secondary to the primary agricultural use and are limited to agri-tourism uses, farm vacation homes, home industries, kennels, and small scale retailing of agricultural products. On-farm secondary uses shall be permitted provided the following conditions are met in all cases:

- a) The use shall be clearly secondary to the primary agricultural use maintained on the lot;
- b) Any buildings or structures associated with an on-farm secondary use shall allow for ease of conversion to a future agricultural use and be located to form an integral part of the primary farm cluster;
- c) Appropriate development standards shall be established in the Zoning By-law regarding the maximum floor area for such uses, access, parking, outside storage, and any other requirements; and
- d) Site Plan approval may be required.”

As discussed in the Greenbelt Plan analysis, the processing into cannabis oil is related to the farm operation of growing and harvesting medical marihuana. The area for the

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SUBJECT: Applications for an Amendment to the Rural Hamilton Official Plan and to the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 1915, 1995, and 1997 Jerseyville Road West, Ancaster (PED18118) (Ward 14) - Page 17 of 25

processing of cannabis oil will be 32.79 sq m and will be integrated within the new and existing buildings and structures, minimizing land removed from agricultural production. As previously discussed, the Applicant has conducted an EIS that proposes measures to further avoid negatively affecting environmental features of the subject lands, and which staff are satisfied with.

The proposed 1,955 sq m structure which is adjoined to the greenhouse is in addition to the existing medical marihuana facility that is 575 sq m. The building or structure for growing and harvesting medical marihuana located closest to the public right of way is at a distance of 160 m. The proposed development is consistent with multiple farm structures and the range of uses on other agricultural properties in the region. The processing of medical marihuana into cannabis oil is permitted as an on-farm secondary use as described in the RHOP. The proposed development can therefore be supported by staff in that it is supportive of the character of the agricultural landscape in its limited size, in that it is consistent in use and is discretely located from the public right of way.

City of Hamilton Zoning By-law No. 05-200

The subject lands are currently zoned Agriculture (A1) and (A1, 116) Zones. Portions of the subject lands are also zoned Conservation/Hazard Land – Rural (P7) Zone, however, these areas are not impacted by the proposed development. The (A1) Zone permits, among other things:

- Maximum lot coverage of 20% for all agricultural buildings and structures;
- Notwithstanding the maximum lot coverage, Agriculture uses including medical marihuana in new buildings with a total gross floor area not to exceed 2,000 sq m, and in existing buildings;
- Notwithstanding the maximum lot coverage, Greenhouses not used for medical marihuana growing and harvesting to the maximum lot coverage of 70%;
- No outdoor storage of medical marihuana;
- No retail sales;
- A single detached dwelling on a lot;
- Agricultural Research Operation secondary to agriculture; and,

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SUBJECT: Applications for an Amendment to the Rural Hamilton Official Plan and to the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 1915, 1995, and 1997 Jerseyville Road West, Ancaster (PED18118) (Ward 14) - Page 18 of 25

- Agricultural Processing Establishment - Secondary to agriculture and limited to 500 sq m.

The current zoning (A1, 116) recognizes a lot which has no frontage on a public right of way. However, this modification has become obsolete as 1915 and 1997 Jerseyville Road West have become merged on title. Therefore, the subject lands will be removed from the list of properties subject to this site specific By-law.

Both 1915 and 1997 Jerseyville Road West did have single detached dwellings. As a result of the merger on title these subject lands became a single lot containing two single detached dwellings as legal non-conforming. However, applications to develop on the site have required that a minimum of one of the dwellings be demolished. Demolition has occurred since the date that these applications were submitted.

The subject applications require the Agriculture (A1) Zone be modified on portions of the subject lands in order to permit a medical marijuana growing and harvesting facility in a greenhouse with a maximum gross floor area of 13,000 sq m, new buildings with a gross floor area that do not exceed 2,000 sq m per building, a maximum combined lot coverage of 20% for all buildings and structures on the lot. Further, these applications require that the term greenhouse be defined so as to avoid the use taking place in large buildings which are more characteristic of industrial areas.

The modifications to the Zoning By-law are discussed further in the Analysis and Rationale section.

RELEVANT CONSULTATION

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

- Corridor Management, Public Works Department;
- Hamilton Police Service;
- Public Health Services, Healthy Environments Division;
- Recycling & Waste Disposal, Environmental Services Division; and,
- Transportation Management, Public Works Department.

The following Departments and Agencies submitted the following comments:

Transportation Planning (Planning and Economic Development) has advised that Jerseyville Road West is subject to be widened to 26.213 m. They advise that daylight triangles, 1.5 m internal sidewalks and trees within the public boulevard are requirements to be addressed through the Site Plan Application.

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Hamilton Water (Public Works Department) has approved the water and wastewater report that has been submitted, with the condition that an ongoing monitoring and reporting agreement is to be established through the Site Plan Application.

Forestry and Horticulture Section (Public Works Department) has approved the Environmental Impact Statement in relation to municipal tree assets on site, and does not require a Landscape Plan nor a Street Tree Planting Plan.

Grand River Conservation Authority (GRCA) require permits for the development due to the slope of the land, and proximity to nearby watercourse, floodplain, wetlands and adjacent allowances. The Conservation Authority has no objections to the proposed RHOPA and Zoning By-law Amendments as these issues are being addressed through the Site Plan Application.

The Ministry of Environment and Climate Change (MOECC) provides instruction related to stormwater management and rainwater reserve systems, including greenhouses. They indicate the necessity to seek permits if water taking is to exceed 50,000 L/day. These matters are being addressed through the Site Plan Application.

PUBLIC CONSULTATION

In accordance with the provisions of the *Planning Act* and the Council Approved Public Participation Policy, a Notice of Complete Application and Preliminary Circulation was circulated to 24 property owners within 120 m of the subject lands on November 28, 2017. A Public Notice sign was posted on the subject lands on December 19, 2017 and updated on May 9, 2018 with the Public Meeting date. Finally, Notice of the Public Meeting was circulated to 24 property owners on May 18, 2018 in accordance with the requirements of the *Planning Act*. To date, no comments or concerns have been received by staff from the public regarding the proposal.

Public Consultation Strategy

The Applicant submitted a Public Consultation Strategy which noted that a meeting was to take place with the Ward Councillor to determine whether a Neighbourhood Information Meeting would be required, and if so, the implementation and follow-up strategy that would be taken. It was determined at a meeting on March 21, 2018 that a special open house was not warranted.

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The Applicant has undertaken other efforts to consult with the public. These include the following:

- An information meeting for local neighbours took place in August, 2017 to discuss local wells and water concerns;
- Tours were held in November and December, 2017, attended by City staff;
- Hamilton Wentworth Federation of Agriculture and the Ontario Federation of Agriculture Board attended a tour in January, 2018;
- The Applicant presented to the Agricultural and Rural Affairs Advisory Committee on January 29, 2018;
- Members of the Agriculture and Rural Affairs Advisory Committee attended a tour in February, 2018; and,
- The Applicant maintained an open invitation for additional tours and ongoing liaison with local community members, and has continued with meetings occurring as recently as February, 2018.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposed Rural Hamilton Official Plan Amendment and Zoning By-law Amendment, as amended by staff, have merit and can be supported for the following reasons:
 - (i) They are consistent with the Provincial Policy Statement and conform to the Greenbelt Plan (2017);
 - (ii) They comply with the general intent of the RHOP in that they preserve Agriculture Designated lands for agricultural use, while protecting natural heritage features; and,
 - (iii) The proposed development maintains the subject lands in agricultural use within a greenhouse and in small scale structures, and includes small scale processing, all of which is representative features of the agricultural landscape.
2. The Ministry of Municipal Affairs (MMA) and OMAFRA have concluded that the growing of medical cannabis crops qualifies as an agricultural use as per the Greenbelt Plan (see Appendix “F” to Report PED18118). These applications are

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consistent with the PPS and Greenbelt Plan because they propose to protect the continued use of the lands for agriculture and produce value-added agricultural product, diversifying the on-farm use of the subject lands. They propose best management practices for protecting the Natural Heritage Systems and for preservation of resources that have archaeological and heritage value.

The growing and harvesting of medical marihuana is a recognized agricultural use, permitted on the subject lands, as identified on Schedule 'D'. As discussed in the policy section of this Report, a Rural Hamilton Official Plan Amendment is required to permit, on portions of the subject lands, one greenhouse having a maximum gross floor area of 13,000 sq m, to permit new buildings for the growing and harvesting of medical marihuana to a maximum gross floor area of 2,000 sq m and a combined maximum lot coverage of 20% for all buildings and structures on the lot.

The processing of medical marihuana into cannabis oil is a secondary process to the agricultural use of Growing and Harvesting Medical Marihuana and is permitted by the RHOP. Additionally, processing medical marihuana into cannabis oil as a secondary use aligns with the processing as described in Health Canada's *Access to Cannabis for Medical Purposes Regulations (ACMPR)*, which licenses producers of medical marihuana.

Staff are supportive of the Official Plan Amendment as the amended proposal complies with policies of Chapter D – Rural Systems, Designations and Resources. Further, the proposal complies with policies of Chapter B – Communities of the RHOP, in that they propose to construct buildings that are targeting Silver under the Leadership in Energy and Environmental Development (LEED) rating system, and are proposing innovative systems for recycling water used within the facilities. The proposal satisfies the Natural Heritage policies of the RHOP in that they include measures to preserve and protect natural heritage features of the site, avoiding Core Areas on the subject lands, timing work that might cause noise and vibration so as to avoid sensitive breeding seasons, compensating Barn Swallow habitat, establishing 30 m vegetated protection zones, erecting protective fencing to ensure the vegetation outside the planned construction area is not disturbed and storing construction materials away from natural heritage features.

For these reasons staff support the requested RHOPA Amendment, as amended.

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3. Zoning By-law Amendment

The current zoning does not permit multiple new buildings for medical marihuana, or buildings greater than 2,000 sq m. The current zoning does permit a Secondary Agricultural Processing Establishment to a maximum gross floor area of 500 sq m. The application, as amended, is to further modify the Agricultural (A1) Zone to facilitate one new greenhouse having a maximum gross floor area of 13,000 sq m and multiple new buildings having a maximum gross floor area of 2,000 sq m to a maximum combined lot coverage of 20% including all buildings and structures on the combined lot. The rezoning will include defining the term 'Greenhouse', so as to ensure that the proposed larger structure is consistent with other commercial greenhouses that contribute to the rural character, and so as to avoid large buildings which are more characteristic of industrial lands negatively impacting the rural landscape.

The following site specific modifications to the City of Hamilton Zoning By-law No. 05-200 are required to implement the proposal (see Appendix "C" to Report PED18118).

Definition of 'Greenhouse'

Existing regulation for growing and harvesting medical marihuana in rural areas includes a cap of 2,000 sq m for all new buildings. The rationale for the cap is to avoid new structures which are an industrial building type and scale, and are not consistent with the rural area. The greenhouse structure that is proposed with these applications is consistent with the rural area in that it propose the use within a greenhouse. However, where this building type is not currently defined in the Zoning By-law, including a definition in the amendment will provide clarity and certainty in the outcome of the proposed development. It will ensure that a greenhouse structure will be climatically controlled and constructed primarily of translucent material. On this basis, the modification can be supported.

Maximum Gross Floor Area for New Buildings

The Agriculture (A1) Zone permits a maximum total gross floor area of 2,000 sq m for new medical marihuana buildings and structures. The Zoning By-law currently permits greenhouses not used for medical marihuana to have a lot coverage of 70%, without otherwise limiting the total gross floor area.

The proposed site specific amendment is to permit one new medical marihuana greenhouse with a maximum gross floor area of 13,000 sq m, and new buildings and structures with a maximum gross floor area of 2,000 sq m per building to a

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maximum lot coverage of 20% for all buildings and structures on the lot for a portion of the combined subject lands.

Large greenhouses for the use of growing, harvesting and processing other agricultural crops have become typical. Additionally, multiple small-scale buildings for agricultural processing establishments on the same rural lot, each having a gross floor area of 2,000 sq m or less, is a common feature of the agricultural landscape.

Unlike other agricultural products grown in greenhouses and agriculture buildings, medical marihuana continues to be a controlled substance under Health Canada's *ACMPR*, with regulations including separation distances, handling, and security provisions. Further, Health Canada is in the process of amending regulations pertaining to marihuana. Therefore, to permit on portions of the subject lands a medical marihuana facility which has a gross floor area that does not exceed 13,000 sq m meets the objectives of the proposal, while preserving the intent of the City's policies. It is consistent with other larger greenhouses in the region, while maintaining the limitation of a maximum size that does not conflict with the existing *ACMPR*, nor presuppose the evolving federal, provincial and City of Hamilton regulation. Therefore, staff support the modification.

4. Development Engineering and Transportation Planning have provided detailed comments with respect to matters such as the public right of way, and access onto the site. Infrastructure Planning requires more detailed information regarding stormwater management on the site. Hamilton Water requires more detailed information on water taking and discharge of the private systems that have been proposed, and the MOECC will require permits if water taking is to exceed 50,000 L/day.

Staff require that greater diversity in the species be planted, revising of the location of the proposed access driveway to retain a number of mature trees, and that proposed measures of the EIS be implemented through the Site Plan and during construction. The Grand River Conservation Authority is seeking permits due to the slope of the lands and proximity to nearby watercourse, floodplain, wetland and adjacent allowances.

In addition, adjustments to the Site Plan are required, including relocating the parking and loading areas to have a greater visual buffer from public views. Additional detail regarding building materials and a landscape plan will be necessary at the Site Plan Application stage.

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The Applicant has submitted a Site Plan Amendment Application (DA-17-082) to construct a 1,955 sq m building, and a 12,400 sq m greenhouse. These matters will be reviewed in accordance with that application.

ALTERNATIVES FOR CONSIDERATION

Should the applications be denied, the subject lands would remain as the current Agriculture (A1), (A1, 116) Zones and Conservation/Hazard Land – Rural (P7), (P7, 116) Zones in the City of Hamilton Zoning By-law 05-200, which permits, among other things:

- Maximum lot coverage of 20%;
- Agriculture uses including medical marijuana in buildings with a gross floor area not to exceed 2,000 sq m, and in existing buildings;
- Greenhouses not used for medical marijuana growing and harvesting to the maximum lot coverage of 70%;
- A single detached dwelling on a lot;
- Agricultural Research Operation secondary to agriculture; and,
- Agricultural Processing Establishment - Secondary to agriculture and limited to 500 sq m.

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.

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.

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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 Official Plan Amendment

Appendix “C” – Draft Zoning By-law Amendment

Appendix “D” – Proposed Site Plan

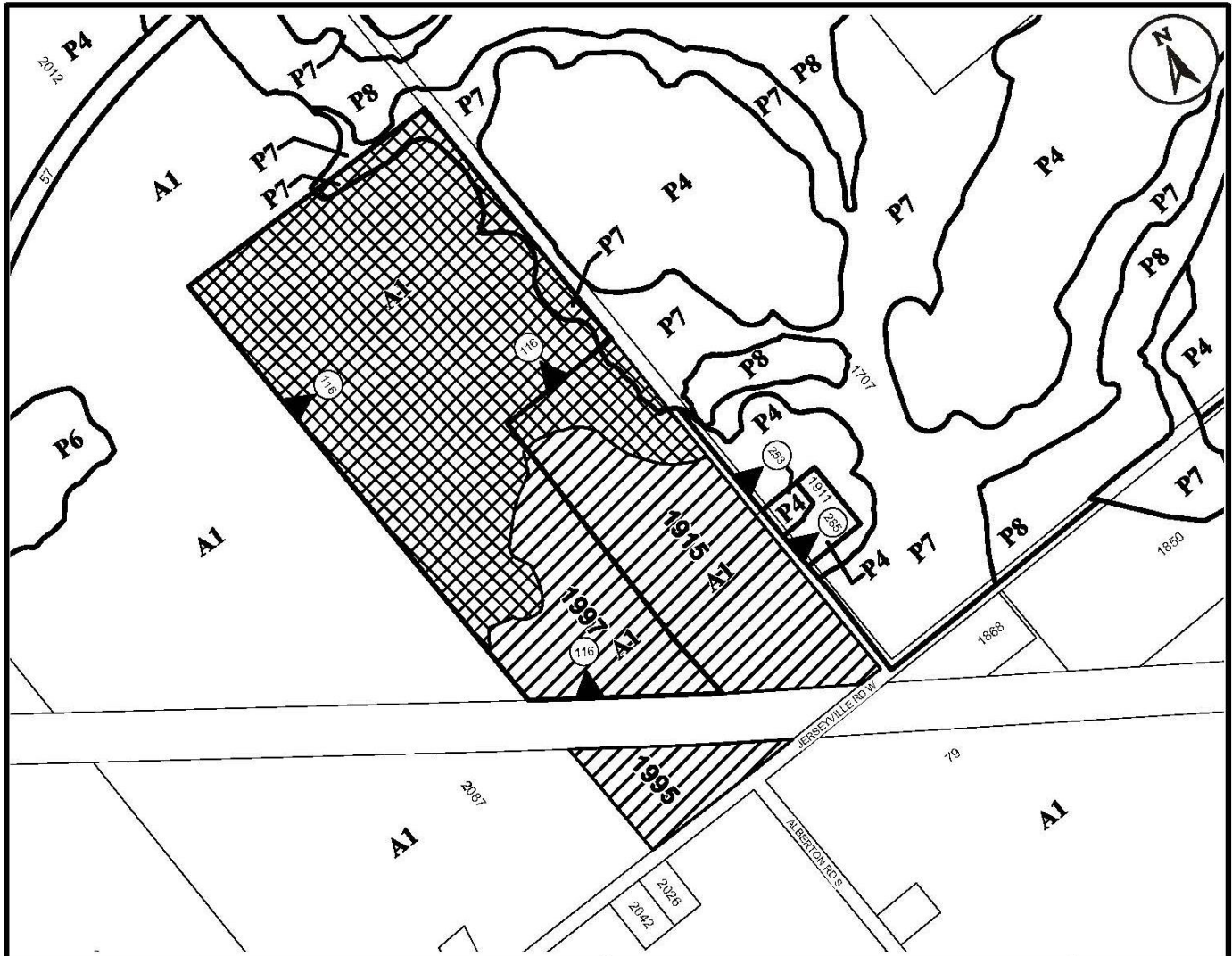
Appendix “E” – Proposed Building Elevations

Appendix “F” – Interpretation of Medical Marihuana Facilities in the Greenbelt Plan

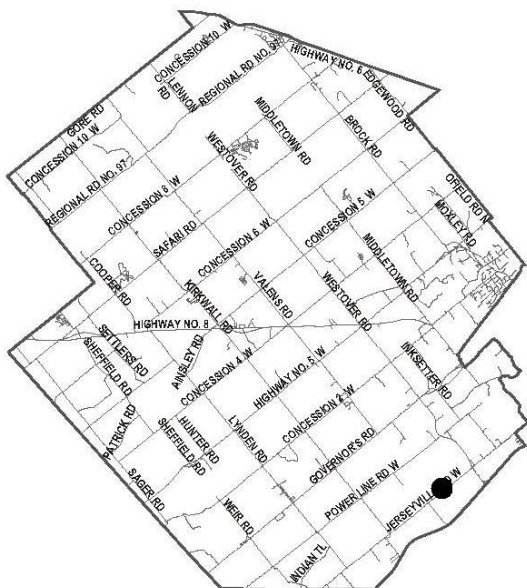
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● Site Location



Key Map - Ward 14

N.T.S. 

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-17-080 & RHOPA-17-037

Date:
May 2, 2018

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
BN/V/S

Subject Property

1915, 1995 & 1997 Jerseyville Road, Flamborough



Change in Zoning from Agriculture (A1), (A1, 116) Zone to Agriculture (A1, 689) Zone



Other Land Owned by Applicant

DRAFT Rural Hamilton Official Plan Amendment No. X

The following text, together with Appendix "A" – Volume 3: Appendix A - Site Specific Key Map, attached hereto, constitutes Official Plan Amendment No. XX to the Rural Hamilton Official Plan.

1.0 Purpose:

The purpose and effect of this Amendment is to establish a Rural Site Specific Policy to permit the growing and harvesting of medical marihuana in facilities having a maximum gross floor area for a single greenhouse which shall not exceed 13,000 square metres, a maximum gross floor area shall not exceed 2,000 square metres for each new medical marihuana building, and all buildings and structures shall not exceed 20% lot coverage.

2.0 Location:

The lands affected by this Amendment are known municipally as 1915, 1995 and 1997 Jerseyville Road West within the City of Hamilton (former Town of Ancaster).

3.0 Basis:

The basis for permitting this Amendment is:

- The proposed Amendment is consistent in that it is an agricultural use and that it recognizes innovative on-farm diversification.
- The proposed Amendment is compatible with existing agricultural and commercial uses in the immediate area.
- The proposed Amendment is compatible with planned agricultural use in the immediate area.
- The proposed amendment is consistent with the Provincial Policy Statement, 2014, and conforms to the Growth Plan for the Greater Golden Horseshoe, 2017.

4.0 Actual Changes:

4.1 Rural Hamilton Official Plan Special Policy and Site Specific Areas

Text

4.1.1 Chapter B – Rural Site Specific Areas

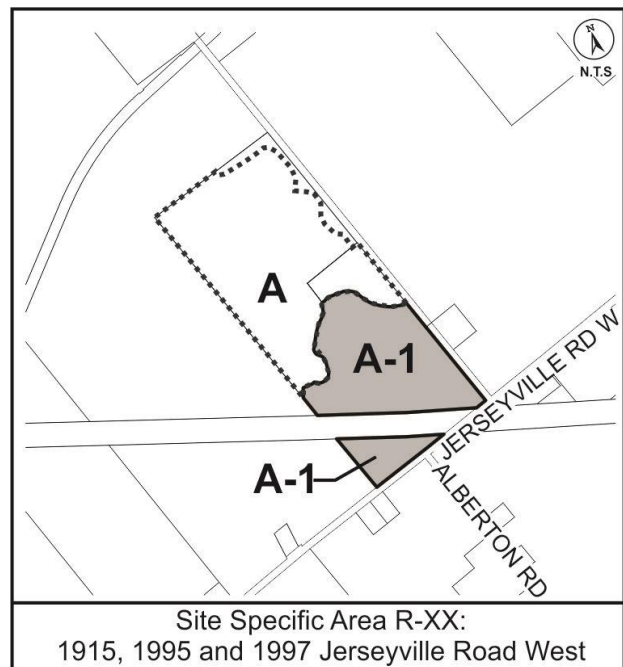
- a. That Volume 3: Chapter B – Rural Site Specific Areas be amended by adding a new Site Specific Policy – R-XX as follows:

"R-XX – Lands known municipally as 1915, 1995 and 1997 Jerseyville Road West former Town of Ancaster.

- 1.0 For the lands known municipally as 1915, 1995 and 1997 Jerseyville Road West, designated Agriculture and identified as Areas A and A-1 in Site Specific Area R-XX, notwithstanding Policy D.2.1.1.4. b) of Volume 1, the following policies shall apply:

- 1.1 For lands in Area A-1:

- a) the gross floor area for any new facility for medical marihuana growing and harvesting shall not exceed 2,000 square metres per building; and,
- b) the maximum gross floor area for a greenhouse containing medical marihuana growing and harvesting shall not exceed 13,000 square metres In Area.



- 1.2 For lands in Area A:

- a) the maximum gross floor area for all new buildings and structures devoted to a Medical Marihuana Growing and Harvesting

Facility shall not exceed 2,000.0 square metres.

1.3 For lands in Area A and Area A-1:

- a) all buildings and structures used for medical marihuana growing and harvesting shall not exceed a combined lot coverage of 20%.

Schedules and Appendices

4.1.2 Volume 3: Appendix A – Site Specific Key Map

- a. Volume 3: Appendix A – Site Specific Key Map be amended by identifying the subject lands as Site Specific Policy R-XX, as shown on Appendix "A" attached to this Amendment.

5.0 Implementation:

An implementing Zoning By-Law Amendment and Site Plan Control Application will give effect to the intended uses on the subject lands.

This Official Plan Amendment is Schedule "1" to By-law No. _____ passed on the ____ of _____, 2018.

**The
City of Hamilton**

Fred Eisenberger
MAYOR

CITY CLERK

Authority:
Ward: 14
Bill No.

CITY OF HAMILTON

BY-LAW NO.

To Amend Zoning By-law 05-200 Respecting Lands Located at 1915, 1995 and 1997 Jerseyville Road West, Ancaster

WHEREAS Council approved Item ___ of Report PED18XXX of the Planning Committee, at its meeting held on May 15, 2018;

WHEREAS this By-law will be in conformity with the Rural Hamilton Official Plan upon approval of Official Plan No. .

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

1. That Map No. RU131 and RU143 of Schedule "A" – Zoning Maps of Zoning By-law No. 05-200 be amended as follows:
 - a) by changing the zoning from the Agriculture (A1) and (A1, 116) Zones to the Agriculture (A1, 689) Zone, to the extent and boundaries of which are shown on Schedule "A" annexed hereto and forming part of this By-law.
2. That Schedule "C" Special Exceptions, Subsection 116 of By-law No. 05-200 is amended by deleting the following:

1997 Jerseyville Road West	Maps 131 and 143
----------------------------	------------------

3. That Schedule "C" – Special Exceptions, of By-law No. 05-200 is hereby amended by adding a special exception as follows:

689. Within those lands zoned Agriculture (A1) Zone, identified on Maps RU131 and RU143, of Schedule "A" – Zoning Maps and described as:

Property address	Map number
1915, 1995 and 1997 Jerseyville Rd W.	RU131 and RU143

The following special provisions shall apply:

- a) In addition to Section 3: Definitions, for the purposes of this By-law, the definition of Greenhouse shall mean a building or structure used for

To Amend Zoning By-law 05-200 Respecting Lands Located at
1915, 1995 and 1997 Jerseyville Road West, Ancaster

Agriculture that is climatically controlled and made primarily of translucent building material.

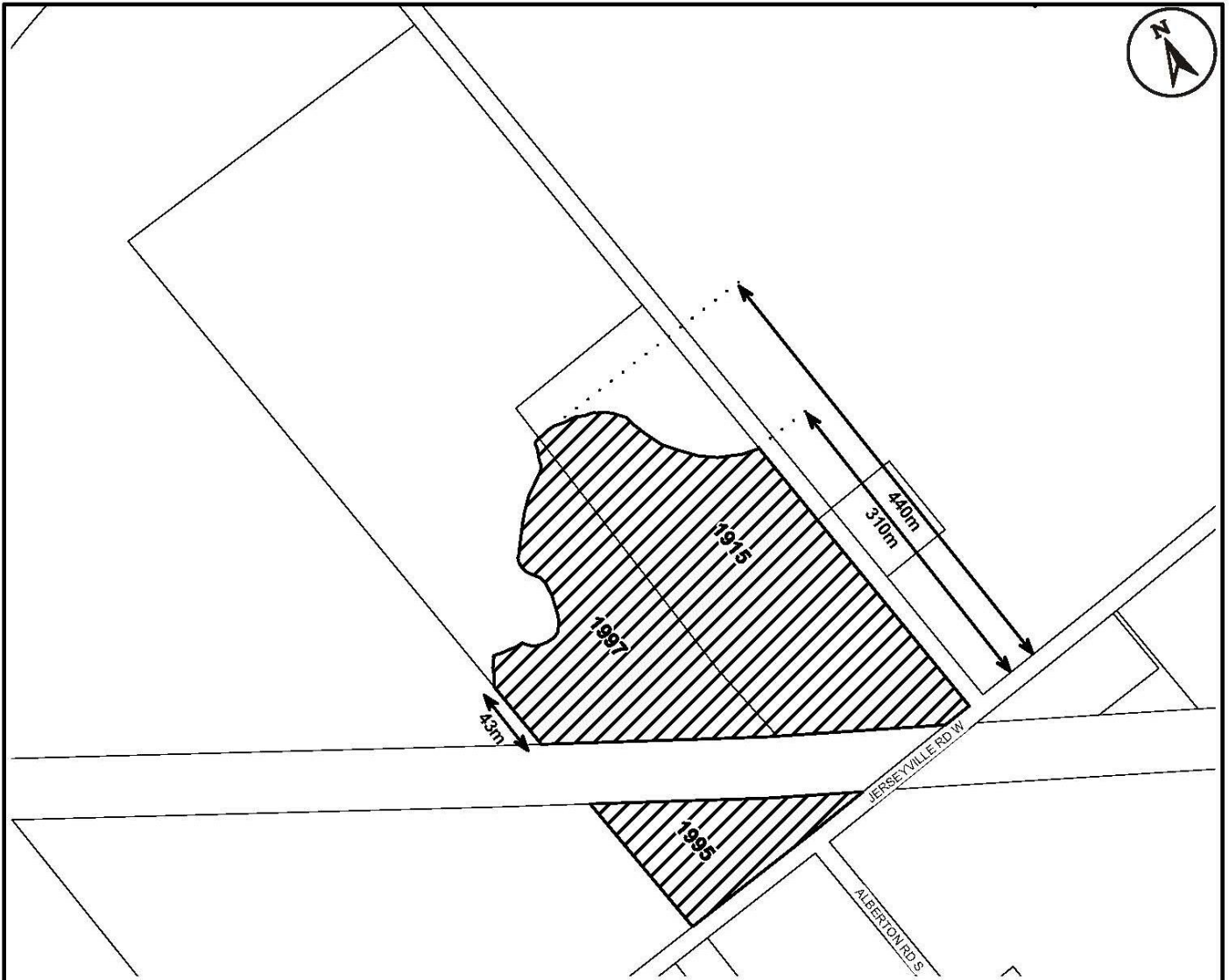
- b) Notwithstanding Subsection 12.1.3.1 m) i), the following applies to the subject lands:
- i) The lands subject to the Agricultural (A1, 689) Zone shall be deemed to be one lot for the purposes of this Site Specific By-law.
 - ii) One greenhouse for a Medical Marihuana Growing and Harvesting Facility shall be permitted and shall not exceed 13,000 square metres of gross floor area.
 - iii) In addition to ii) above, the maximum gross floor area for all new buildings and structures, including greenhouses, devoted to a Medical Marihuana Growing shall not exceed 2,000 square metres of gross floor area per building.
- c) In addition to the requirements of Subsection 12.1.3.1 m) the following applies to the subject lands:
- i) The maximum lot coverage for all buildings and structures, including greenhouses, devoted to a Medical Marihuana Growing and Harvesting Facility shall not exceed 20% of the combined lot area.

4. 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*.
5. That this By-law No. XXX shall come into force and deemed to come into force in accordance with Subsection 34(21) of the *Planning Act*, either upon the date of passage of the By-law or as otherwise provided by the said subsection.

PASSED this day of , 2018.

Fred Eisenberger
Mayor

City Clerk



This is Schedule "A" to By-law No. 18-

Passed the day of, 2018

Mayor

Clerk

Schedule "A"

Map Forming Part of
By-law No. 18-_____

to Amend By-law No. 05-200
Maps RU131 & RU143

Subject Property

1915, 1995 & 1997 Jerseyville Road West, Ancaster



Change in Zoning from Agriculture (A1), (A1, 116)
Zone to Agriculture (A1, 689) Zone

Scale:
N.T.S.

File Name/Number:
ZAC-17-080 & RHOPA-17-037

Date:
May 2, 2018

Planner/Technician:
BN/VS



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

To Amend Zoning By-law 05-200 Respecting Lands Located at
1915, 1995 and 1997 Jerseyville Road West, Ancaster

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: Chair and Members Report No.: 18XXX Date: 06/05/2018

Ward(s) or City Wide: Ward: 14 (MM/DD/YYYY)

Prepared by: Brynn Nheiley Phone No: 4283

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

UNDERTAKING

RE: 1915 Jerseyville Road West, Ancaster
File No. DAR-17-082

I, Lorenzo Piccioni, the owner of the land, hereby undertake and agree without reservation,

(a) to comply with all the content of this plan and drawing and not to vary therefrom;

(b) to perform the facilities, works or matters mentioned in Section 41 (7)(a) of The Planning Act shown on this plan and drawing(s) in accordance with the conditions of approval as set out in the Letter of Approval dated _____ 2017;

(c) to maintain to the satisfaction of the City and at my (our) sole risk and expense, all of the facilities, works or matters mentioned in Section 41(7)(b) of the said Act, shown in this plan and drawing, including removal of snow from access ramps and driveways, parking and loading areas and walkways; and,

(d) in the event that the Owner does not comply with the plan dated _____ 2017, the owner agrees that the City may enter the land and do the required works, and further the Owner authorizes the City to use the security filed to obtain compliance with this plan.

(e) "Acknowledgement: the subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances and the proponent is advised to conduct an archaeological assessment prior to such impacts in order to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario-licensed Archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 site-specific assessment and Stage 4 mitigation of development impacts may be required as determined by the Ontario Ministry of Tourism, Culture and Sport. All archaeological reports shall be submitted to the City of Hamilton for approval concurrent with their submission to the Ministry of Tourism, Culture and Sport.

Should deeply buried archaeological materials be found on the property during any of the above development activities the Ontario Ministry of Tourism, Culture and Sport (MTCS) should be notified immediately (416.314.7143). In the event that human remains are encountered during construction, the proponent should immediately contact both MTCS and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416.326.8392)"

(f) Any development in conjunction with the Site Plan must not block vehicular access to any HONI facilities located on the transmission corridor. During construction, there must be no storage of materials or mounding of earth, snow or other debris on the transmission corridor.

(g) At the developer's expense, temporary fencing must be placed along the transmission corridor during construction, and 1.5 metre permanent fencing must be erected along the common property line after construction is completed.

(h) The costs of any relocations or revisions to HONI facilities which are necessary to accommodate this site plan will be borne by the developer. The developer will be responsible for the restoration of any damage to the transmission corridor or HONI facilities thereon resulting from construction of the site plan.

Dated this _____ day of _____ 2017

Witness (signature) Owner(s) (signature) (seal)

Witness (print) Owner (print)

Address of Witness _____

GENERAL NOTES:

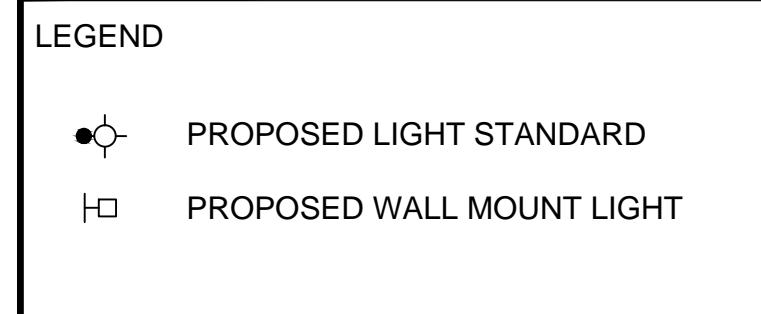
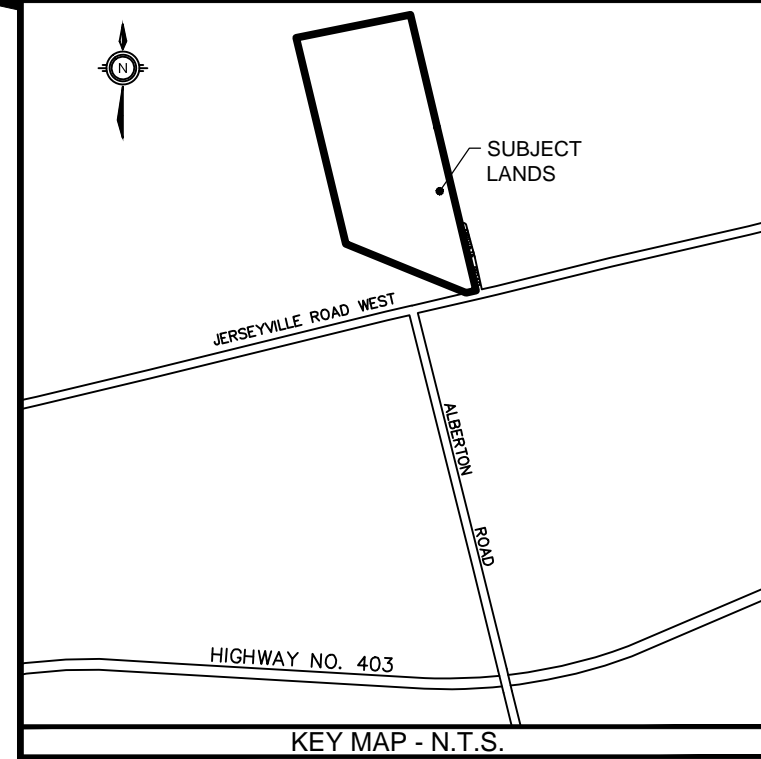
- ALL WORK INVOLVED IN THE CONSTRUCTION, RELOCATION, REPAIR OF MUNICIPAL SERVICES FOR THE PROJECT SHALL BE TO THE SATISFACTION OF THE DIRECTOR OF PLANNING, PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT.
- FIRE ROUTE SIGNS AND 3-WAY FIRE HYDRANTS SHALL BE ESTABLISHED TO THE SATISFACTION OF THE CITY FIRE DEPARTMENT AND AT THE EXPENSE OF THE OWNER.
- MAIN DRIVEWAY DIMENSIONS AT THE PROPERTY LINE BOUNDARIES ARE 7.5m UNLESS OTHERWISE STATED.
- ALL DRIVEWAYS FROM PROPERTY LINES FOR THE FIRST 7.5m SHALL BE WITHIN 5% MAXIMUM GRADE, THEREAFTER, ALL DRIVEWAYS SHALL BE WITHIN 10% MAXIMUM GRADE.
- THE APPROVAL OF THIS PLAN DOES NOT EXEMPT THE OWNER'S BONDED CONTRACTOR FROM THE REQUIREMENTS TO OBTAIN THE VARIOUS PERMITS/APPROVALS NORMALLY REQUIRED TO COMPLETE A CONSTRUCTION PROJECT, SUCH AS, BUT NOT LIMITED TO THE FOLLOWING:
 - ROAD CUT PERMITS
 - APPROACH APPROVAL PERMITS
 - COMMITTEE OF ADJUSTMENT
 - BUILDING PERMITS
 - SEWER PERMITS
 - RELOCATION OF SERVICES
 - ENCROACHMENT AGREEMENTS (IF REQUIRED)
- ABANDONED ACCESSES MUST BE REMOVED AND THE CURB AND BOULEVARD RESTORED WITH SOD AT THE OWNER'S EXPENSE TO THE SATISFACTION OF THE TRAFFIC ENGINEERING SECTION, PUBLIC WORKS DEPARTMENT.
- 5 METRE BY 5 METRE VISIBILITY TRIANGLES IN WHICH THE MAXIMUM HEIGHT OF ANY OBJECTS OR MATURE VEGETATION IS NOT TO EXCEED A HEIGHT OF 0.70 METRES ABOVE THE CORRESPONDING PERPENDICULAR CENTRELINE ELEVATION OF THE ADJACENT STREET.
- COLLECTION OF GARBAGE, RECYCLABLE MATERIAL AND LEAF AND YARD WASTE WILL BE MANAGED THROUGH A PRIVATE COMPANY.

LIGHTING NOTE

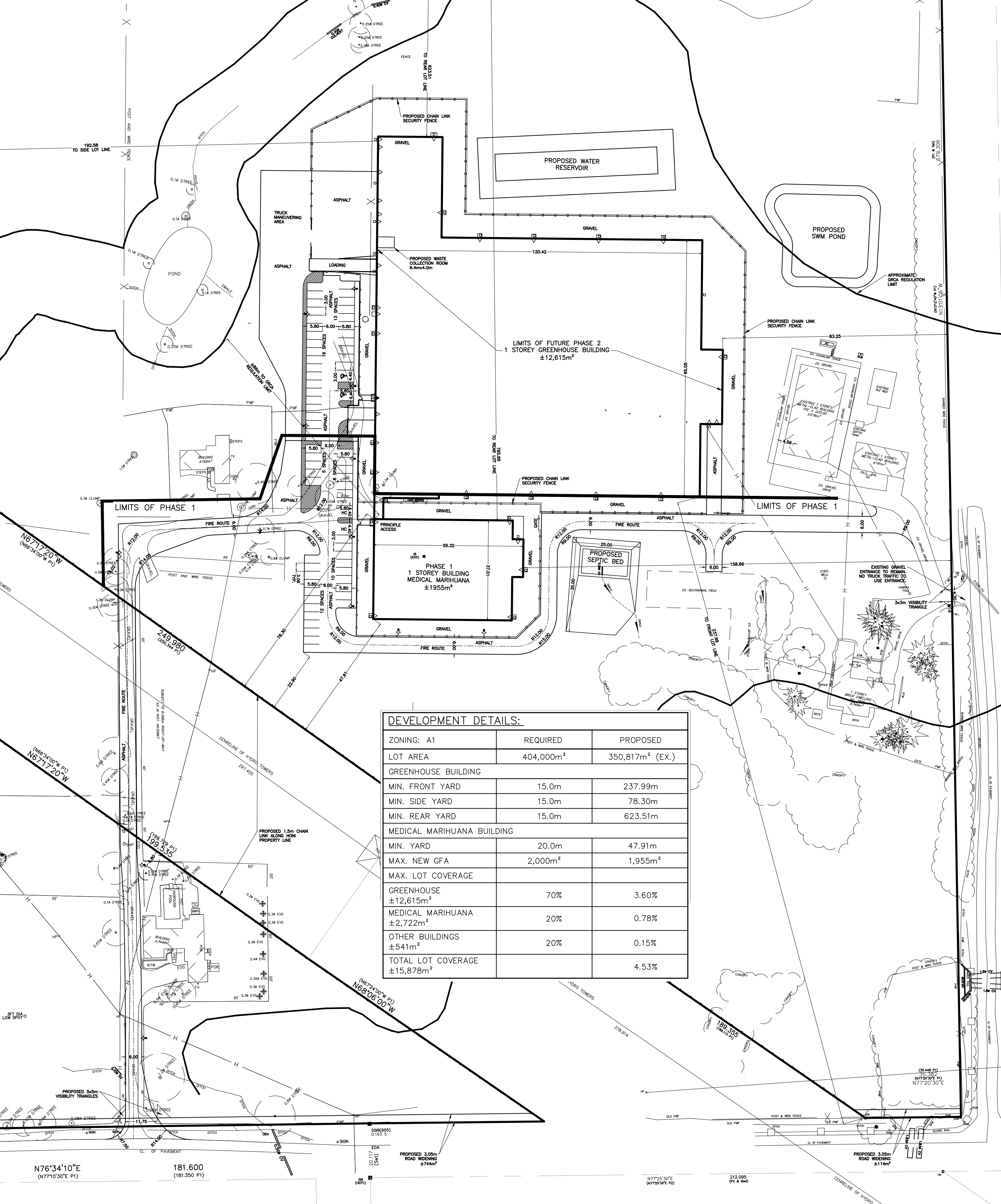
LIGHTING MUST BE DIRECTED ON SITE AND MUST NOT SPILL OVER TO ADJACENT PROPERTIES OR STREETS. MUST PROVIDE "HOUSE SHIELDS" WHERE NEEDED, TO COMPLETELY ELIMINATE GLARE TO ADJACENT PROPERTIES.

NOTE:

ALL SIGNAGE MUST COMPLY WITH THE CITY OF HAMILTON SIGN BY-LAW No. 10-197.



- BEFORE STARTING WORK**
- THE CONTRACTOR SHALL NOTIFY THE CITY OF HAMILTON AND IBI GROUP AT LEAST 48 HOURS PRIOR TO COMMENCING CONSTRUCTION.
 - THE POSITION OF THE POLE LINES, CONDUITS, WATERMANS, SEWERS, AND OTHER UTILITIES AND STRUCTURES ARE NOT NECESSARILY SHOWN ON THE CONTRACT DRAWINGS, AND WHERE SHOWN, THE ACCURACY OF THE POSITION OF SUCH UTILITIES AND STRUCTURES IS NOT GUARANTEED.
 - PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, ALL BENCHMARKS, ELEVATIONS, DIMENSIONS, AND GRADES MUST BE CHECKED BY THE CONTRACTOR AND ANY DISCREPANCIES REPORTED TO THE ENGINEER.
 - ALL EXISTING UNDERGROUND UTILITIES WITHIN THE LIMITS OF CONSTRUCTION SHALL BE LOCATED, MARKED AND PROTECTED. ANY UTILITIES DAMAGED OR DISTURBED DURING CONSTRUCTION SHALL BE REPAIRED OR REPLACED TO THE SATISFACTION OF THE ENGINEER, AT THE CONTRACTOR'S EXPENSE.
 - AT LEAST TWO DIFFERENT BENCHMARKS MUST BE REFERRED TO AT ALL TIMES.



DEVELOPMENT DETAILS:

ZONING:	REQUIRED	PROPOSED
LOT AREA	404,000m ²	350,817m ² (EX.)
GREENHOUSE BUILDING		
MIN. FRONT YARD	15.0m	237.99m
MIN. SIDE YARD	15.0m	78.30m
MIN. REAR YARD	15.0m	623.51m
MEDICAL MARIHUANA BUILDING		
MIN. YARD	20.0m	47.91m
MAX. NEW GFA	2,000m ²	1,955m ²
MAX. LOT COVERAGE		
GREENHOUSE ±12,615m ²	70%	3.60%
MEDICAL MARIHUANA ±2,722m ²	20%	0.78%
OTHER BUILDINGS ±541m ²	20%	0.15%
TOTAL LOT COVERAGE ±15,878m ²		4.53%

NOT FOR CONSTRUCTION

SOURCE: TOPOGRAPHICAL SURVEY INFORMATION OBTAINED FROM A.T. McLAREN LIMITED, DRAWING No. 35233, DATED FEBRUARY 9, 2017.

BENCHMARK: MONUMENT 0011975U167 DEEP BENCH MARK IN MANHOLE AT JERSEYVILLE SCHOOL, 0.2km NORTH OF JERSEYVILLE ROAD ALONG FIELD ROAD, 14.6m EAST OF CENTRE LINE OF ROAD, IN FRONT LAWN, 8.5m WEST OF ENTRANCE DOOR TO SCHOOL, BETWEEN FLAG POLE AND OAK TREE 1.82m WEST OF FLAG POLE, SLIGHTLY BELOW ROAD LEVEL. ELEVATION = 223.053 metres GCVD-1928-1978



DESIGN BY: J. MARCUS CHECKED BY: K. COBBE
DRAWN BY: J. MARCUS DATE: 2017-03-13

NO.	DATE	BY	DESCRIPTION
3	2017-09-14	JM	SUBMISSION TO CLEAR CONDITIONS
2	2017-08-01	JM	SUBMISSION FOR CONDITIONAL APPROVAL
1	2017-07-11	JM	SUBMISSION FOR CONDITIONAL APPROVAL
0	2017-04-02	JM	FIRST SITE PLAN SUBMISSION

DRAWING ISSUE RECORD

APPROVALS

LICENCED PROFESSIONAL ENGINEER
K. G. COBBE
2017.04.02
PROVINCE OF ONTARIO

IBI GROUP
200 East Wing-360 James Street North
Hamilton ON L8L 1H5 Canada
tel 905 546 1010 fax 905 546 1011
ibigroup.com

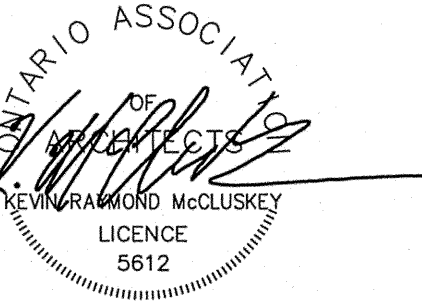
CITY OF HAMILTON
1915 JERSEYVILLE ROAD WEST

THE GREEN ORGANIC
DUTCHMAN HOLDINGS LTD.

SITE PLAN
DAR-17-082

FILE NUMBER: 105485 SHEET NUMBER: SP1

Pearce McCuskey Architects
2203 Durwin Drive • Mississauga, Ontario • L5L 1X2
www.pmaarchitects.ca 1.905.607.2444



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Contractors must verify all dimensions and be responsible for same, report any discrepancies to the architect before commencing the work.
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detail number key to details
sheet number

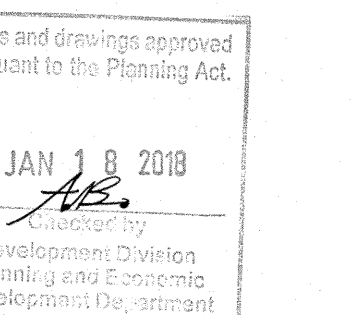


OWNER:
The Green Organic Dutchman
1915 Jerseyville Road, West
Ancaster | Ontario | L9R 1R0



CONSTRUCTION MANAGER:
Ledor Construction Limited
3930 Nashua Drive
Mississauga | Ontario | L4V 1M5

CITY OF HAMILTON FILE NUMBER:
DAR-17-082



ISSUED FOR SPA FINAL 01DEC17
ISSUED FOR PERMIT 16SEP17
BUILDING TENDER 01SEP17
PRE-ENG BLDG TENDER 20JUL17
OWNER REVIEW ISSUE 30JUN17

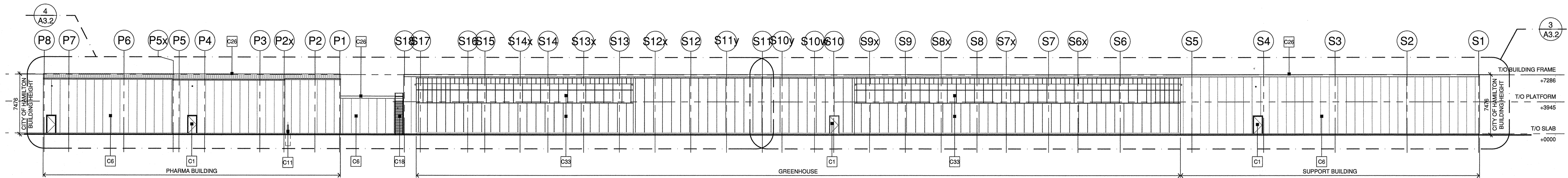
The Green Organic Dutchman
New Facilities
1915 Jerseyville Road, West
Ancaster, Ontario

Overall Building Elevations

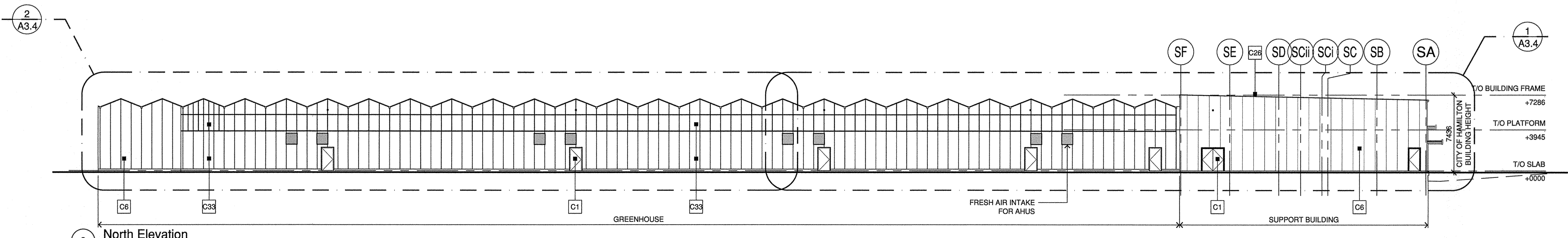
Project Number:
17025

Drawn By: dmks/SP
Checked By: dmks
Date: JUNE 2017
Scale: 1:250
Sheet Number:

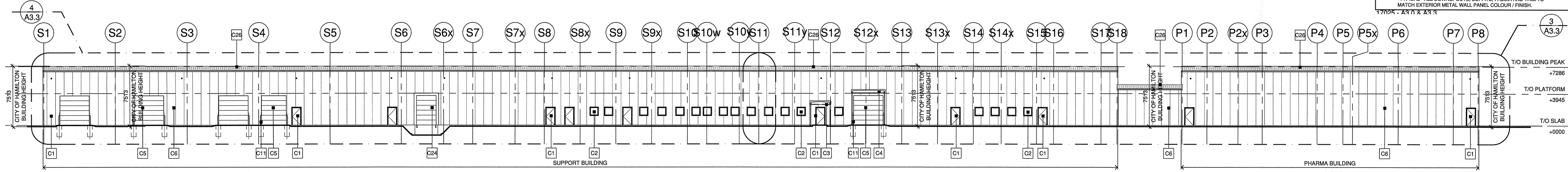
A3.0



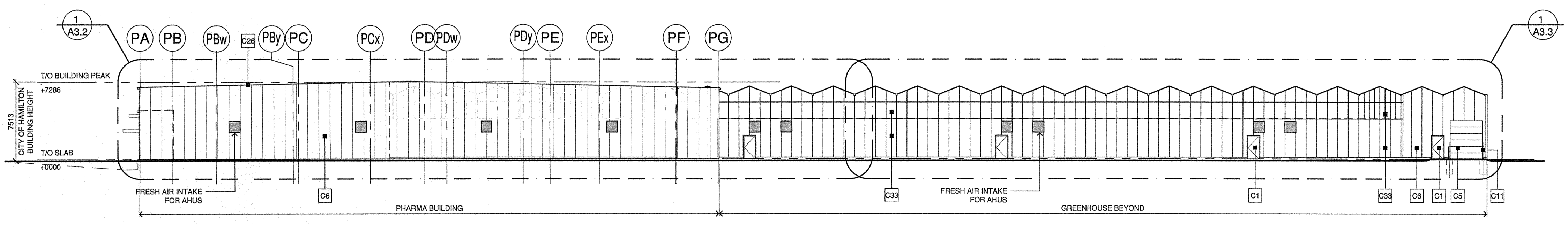
4 East Elevation
SCALE 1:250



3 North Elevation
SCALE 1:250



2 West Elevation
SCALE 1:250



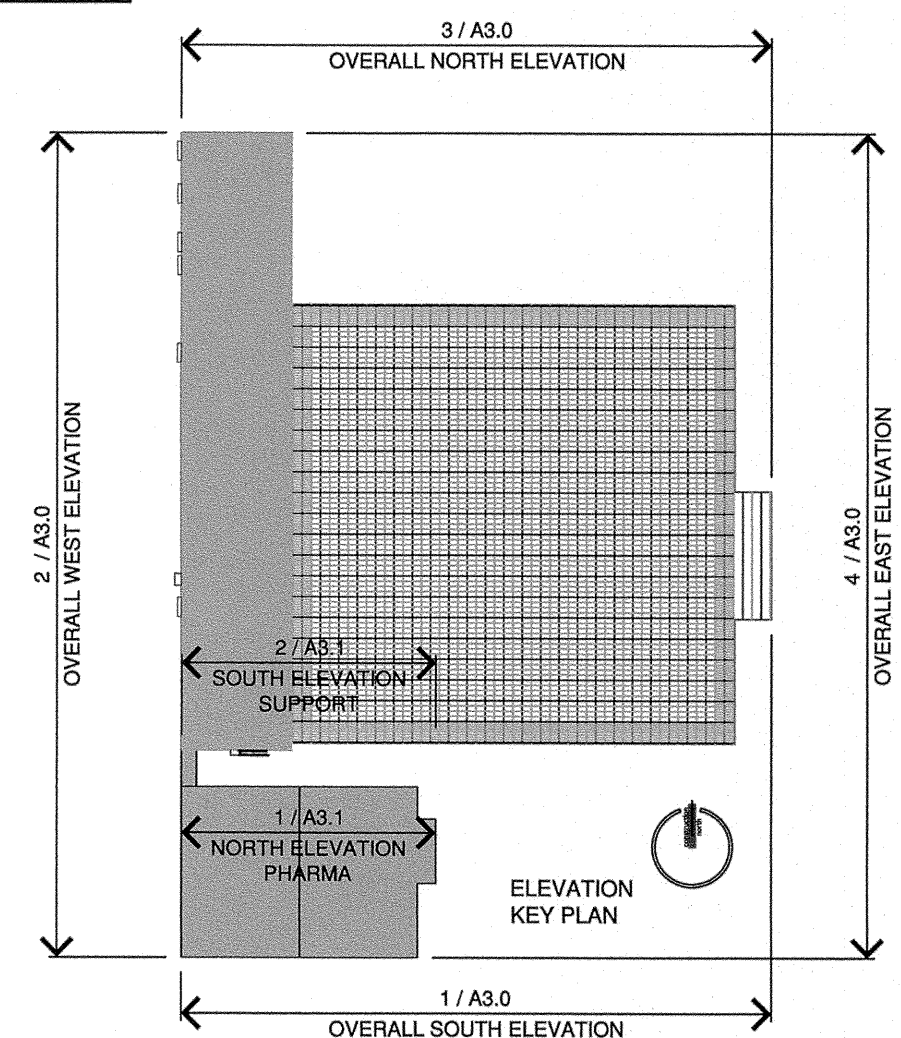
1 South Elevation
SCALE 1:250

MATERIAL / COLOUR SCHEDULE	
C1	DOORS / FRAMES - TYPE: INSULATED HOLLOW METAL FINISH: PAINT COLOUR: WHITE BY:
C2	STOREFRONT FRAMES - TYPE: PRE-FINISHED THERMALLY BROKEN ALUMINUM STOREFRONT FRAMES WITH MIFRAME MOUNTED SEALED, TINTED VISION UNITS FINISH: CLEAR ANODIZED
C3	CANOPY - OUTLINE OF HORIZONTALLY CANOPY OVER MAIN ENTRANCE PROJECTING 1325 FROM BUILDING FACE COLOUR: WHITE
C4	CANOPY - OUTLINE OF HORIZONTALLY CANOPY OVER OVERHEAD DOORS PROJECTING 725 FROM BUILDING FACE COLOUR: WHITE
C5	OVERHEAD SECTIONAL DOORS - TYPE: PRE-FINISHED INSULATED (P8) SIZE: AS PER DRAWING COLOUR: WHITE
C6	METAL PANELS EXTERIOR WALL - TYPE: PRE-FINISHED INSULATED WALL SYSTEM WITH POLYISOCYANURATE INSULATION (P30) COLOUR: WHITE
C11	BOLLARDS - TYPE: CONCRETE FILLED 1500 STEEL PIPE BOLLARDS FINISH: PAINT COLOUR: SAFETY YELLOW BY:
C14	STEEL TREADS - TYPE: OPEN GRATE STEEL TREADS ON STEEL CHANNEL STRINGER (C310 x 31) WITH: 400 STEEL TUBE GUARD HANDRAIL ON 400 STEEL TUBE SUPPORTS AT 1000 O/C ALL GALVANIZED FINISH SHOP APPLIED STAIR #3 (EXTERIOR)
C24	DOCK LEVEL - TYPE: PRE-FINISHED INSULATED (P8) OVERHEAD DOCK LEVEL DOOR WITH 100MM POURED CONCRETE DOCK PROJECTION NEOPRENE FACED DOCK SEALS AND RUBBER DOCK BUMPERS
C26	SEAM ROOF - TYPE: PRE-FINISHED METAL STANDING SEAM ROOF COLOUR: WHITE
C33	GREEN HOUSE EXTERIOR WALL - POLYCARBONATE VISION PANELS IN PRE-FINISHED ALUMINUM GREENHOUSE WINDOW FRAMES ABOVE PRE-FINISHED INSULATED METAL PANEL SYSTEM
	METAL PANELS - SEE [C6] ABOVE
	POLYCARBONATE PANELS - CLEAR
	GREENHOUSE FRAMES - CLEAR

*TYPICAL - ALL DOWNSPOUTS, SOFFITS, FASCIA AND TRIM TO
MATCH EXTERIOR METAL WALL PANEL COLOUR / FINISH.
1770R - 2x 11 x 2x 3

CITY OF HAMILTON BUILDING HEIGHT
DETERMINED USING THE AVERAGE LEVEL OF
THE PROPOSED OR FINISHED GROUND ALONG
THE PERIMETER OF ALL EXTERIOR WALLS TO
THE UPPERMOST POINT OF THE BUILDING.

REFER TO SHEET A0.1 FOR NOTES,
LEGENDS AND SCHEDULES



RECEIVED
JAN 16 2018



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detail number key to details
sheet number

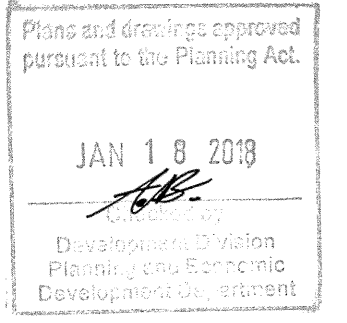


OWNER:
The Green Organic Dutchman
1915 Jerseyville Road, West
Ancaster | Ontario | L9R 1R0



CONSTRUCTION MANAGER:
Ledor Construction Limited
3930 Nashua Drive
Mississauga | Ontario | L4V 1M5

CITY OF HAMILTON FILE NUMBER:
DAR-17-082



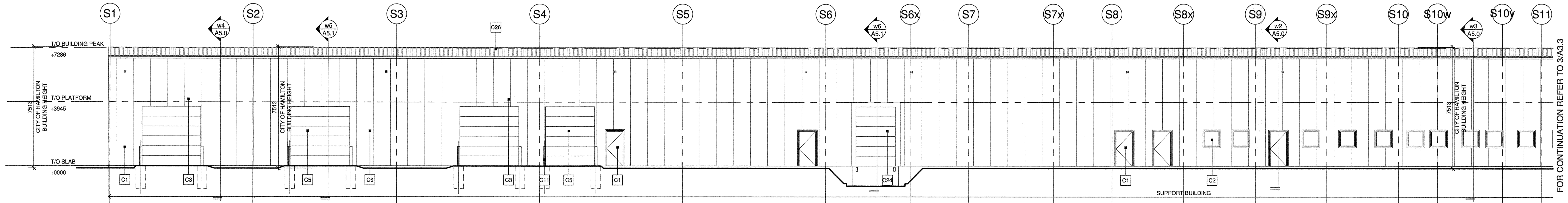
ISSUED FOR SPA FINAL 01DEC17
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ISSUED FOR TENDER 01SEP17
PRE-ENG BLDG TENDER 20JUL17
OWNER REVIEW ISSUE 30JUN17

The Green Organic Dutchman
New Facilities
1915 Jerseyville Road, West
Ancaster, Ontario

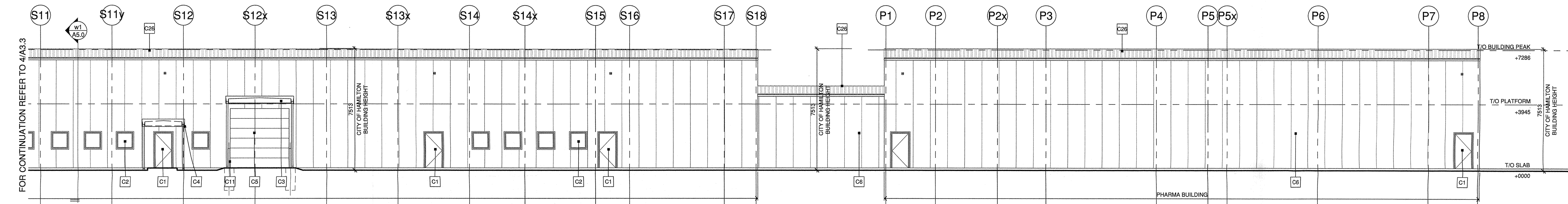
Elevation Enlargements

Project Number:
17025
Drawn By: dmku/SP
Checked By: dmku
Date: JUNE 2017
Scale: 1:100
Sheet Number:

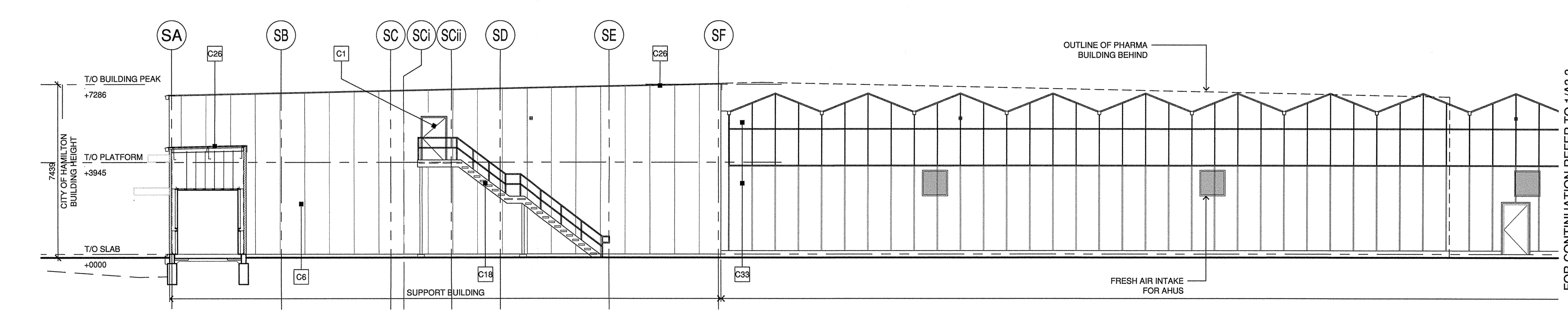
A3.3



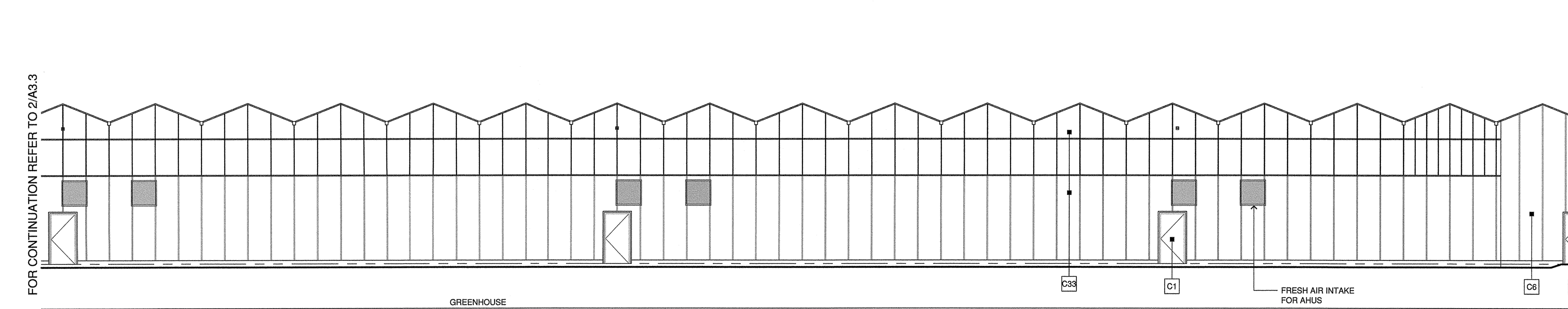
4 Partial West Elevation Enlargement
SCALE 1:125 SUPPORT BUILDING



3 Partial West Elevation Enlargement
SCALE 1:125 SUPPORT BUILDING



2 Partial South Elevation Enlargement
SCALE 1:125 SUPPORT BUILDING/GREENHOUSE



1 Partial South Elevation Enlargement
SCALE 1:125 GREENHOUSE

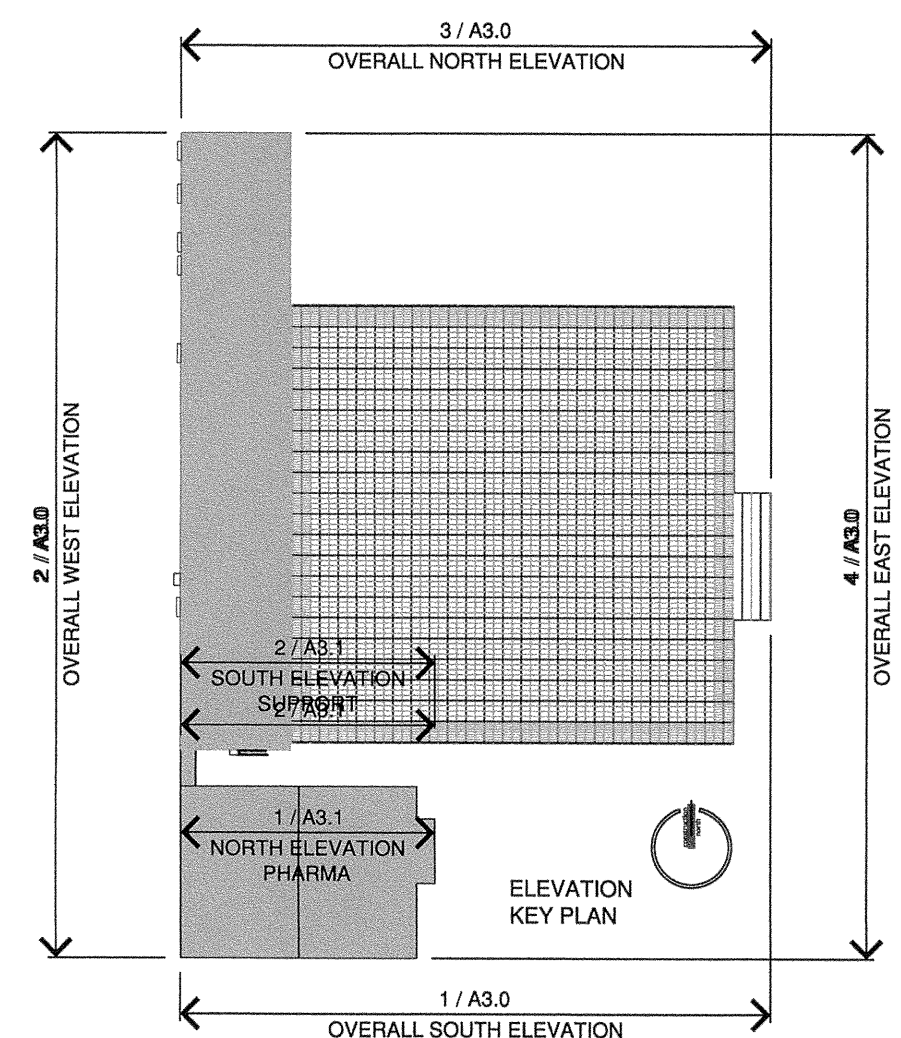
MATERIAL / COLOUR SCHEDULE

DOORS / FRAMES	- TYPE: INSULATED HOLLOW METAL - FINISH: PAINT - COLOUR: WHITE
STOREFRONT FRAMES	- TYPE: PRE-FINISHED THERMALLY - BROKEN ALUMINUM STOREFRONT - FINISH: TYPICAL - COLOUR: WHITE
CANOPY	- OUTLINE OF HORIZONTAL CANOPY - OVER HANG DETACHED PROJECTING - 100 FROM BUILDING FACE - COLOUR: WHITE
CANOPY	- OUTLINE OF HORIZONTAL CANOPY - OVER HANG DETACHED PROJECTING - 100 FROM BUILDING FACE - COLOUR: WHITE
OVERHEAD SECTIONAL DOORS	- TYPE: PRE-FINISHED INSULATED (PI) - INSULATION: POLYURETHANE - COLOUR: WHITE
METAL PANELS EXTERIOR WALL	- TYPE: PRE-FINISHED INSULATED WALL - SYSTEM WITH POLYURETHANE - INSULATION - COLOUR: WHITE
BOLLARDS	- TYPE: CONCRETE FILLED 1000 STEEL - PIPE BOLLARD - COLOUR: SAFETY YELLOW
STEEL TRUSSES	- TYPE: OPEN GRADE STEEL TRUSS ON STEEL - CHANNEL, STIFFENED (C210 x 21) WITH - 400 STEEL TUBE SQUARE BRACING ON - ALL SIZES. USE SUPPLY BY 1000 (D) - (SEE 41 DETAIL)
DOOR LEVEL	- TYPE: PRE-FINISHED INSULATED (PI) - OVERHEAD DOOR LEVEL, DOOR WITH 100MM - POLISHED CONCRETE DOOR PROJECTION - NEOPRENE DOOR SEALS AND RUBBER - DOOR BLAMPERS
SEAM ROOF	- TYPE: PRE-FINISHED METAL STANDING SEAM - ROOF - COLOUR: WHITE
GREENHOUSE EXTERIOR WALL	- PRE-FINISHED INSULATED METAL PANELS IN - PRE-FINISHED ALUMINUM GREENHOUSE - INSULATION - PRE-FINISHED INSULATED METAL PANEL SYSTEM
METAL PANELS	- SEE [C] ABOVE
POLYCARBONATE PANELS	- CLEAR
GREENHOUSE FRAMES	- CLEAR

* FINISH: ALL JOINTS/SEALS: WHITE FINISH AND TRIM TO MATCH EXTERIOR METAL PANEL COLOUR/ FINISH.

CITY OF HAMILTON BUILDING HEIGHT DETERMINED USING THE AVERAGE LEVEL OF THE PROPOSED OR FINISHED GROUND ALONG THE PERIMETER OF ALL EXTERIOR WALLS TO THE UPPERMOST POINT OF THE BUILDING.

REFER TO SHEET A0.1 FOR NOTES, LEGENDS AND SCHEDULES



ELEVATION KEY PLAN

Ministry of
Municipal Affairs

Ministry of Housing
Municipal Services Office
Central Ontario

777 Bay Street, 13th Floor
Toronto ON M5G 2E5
Tel.: 416-585-6226
Fax: 416-585-6882

Ministère des
Affaires municipales

Ministère du Logement
Bureau des services aux municipalités
du Centre de l'Ontario

777, rue Bay, 13^e étage
Toronto ON M5G 2E5
Tél. : 416-585-6226
Télééc. : 416-585-6882



March 12, 2018

Via email only

Joanne Hickey-Evans, MCIP, RPP
Manager, Policy Planning and Zoning By-law Reform
Planning Division
Planning and Economic Development Department
City of Hamilton
71 Main Street West, 4th Floor
Hamilton, Ontario L8P 4Y5

Dear Ms. Hickey-Evans:

**RE: Interpretation of Medical Cannabis / Marihuana Facilities in the Greenbelt Plan
File No 25-OTH-189816**

This letter is in response to your request from February 12, 2018, seeking comments from the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) and the Ministry of Municipal Affairs (MMA) on whether medical cannabis facilities can be considered an agricultural use or agriculture-related use under the Greenbelt Plan, 2017 (Greenbelt Plan). In preparing this response, we have consulted with OMAFRA technical staff. It should be noted that this response is limited to cannabis production for medical purposes. At this time, the Federal government is proposing to legalize recreational cannabis use and production. The Province of Ontario (Ontario) is continuing to consider its response to the anticipated legalization of recreational cannabis in 2018, and will continue to review input from municipalities, Indigenous communities and other stakeholders in this regard. Ontario reserves its right to comment upon cannabis production for recreational purposes as an agricultural use or an agriculture-related use at a later time if the anticipated federal amendments are enacted.

The production of medical cannabis is regulated by the Federal government under the Access to Cannabis for Medical Purposes Regulations (ACMPR). Under the ACMPR, licensed producers are permitted to conduct a number of activities, including the production of the cannabis crop. These activities result in different land uses, which are regulated through the land use planning system. Some of these uses can be considered agricultural uses, while others may be considered agriculture-related uses under the Greenbelt Plan.

As you are aware, the Greenbelt Plan provides specific policy direction to protect the agricultural land base in the long term. This includes specific policies that apply to prime agricultural areas, including specialty crop areas. Policies 3.1.2.1 and 3.1.3.1 of the Greenbelt Plan set out the following for specialty crop areas and prime agricultural areas respectively:

“All types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected and a full range of agricultural uses, agriculture-related uses and on-farm diversified uses are permitted based on the provincial Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas. Proposed agriculture-related uses and on-farm diversified uses shall be compatible with and shall not hinder surrounding agricultural operations.”

The Greenbelt Plan does not set out the crops, specific uses or practices that should be permitted on or in prime agricultural and specialty crop areas. Instead, it defines the terms agricultural uses, normal farm practices, agriculture-related uses, and on-farm diversified uses and provides examples of uses that would meet these definitions.

To provide further guidance on how to interpret provincial land use planning policies related to these uses in prime agricultural areas, OMAFRA developed the [“Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas”](#) (OMAFRA’s Guidelines). These guidelines include criteria and examples of what constitutes agricultural uses and agriculture-related uses.

Agricultural Uses

Related to growing crops, OMAFRA’s Guidelines explain that in order to qualify as an agricultural use, crops should generally produce a harvestable product (e.g. fruit, vegetables, field crops, biomass, nursery crops, medicinal herbs and seeds). These crops may be used for a variety of purposes beyond food production. As outlined in the Provincial Policy Statement, 2014 (PPS) and Greenbelt Plan definition, on-farm buildings and structures associated with growing these crops are also considered agricultural uses. This includes greenhouses or other structures used for growing plants.

Based on this, the growing of medical cannabis crops qualifies as an agricultural use as per the Greenbelt Plan, including the growing of this crop in greenhouses or other structures.

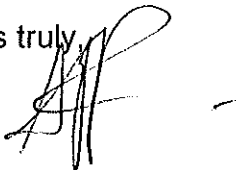
Agriculture-related Uses

Agriculture-related uses are permitted in prime agricultural areas subject to certain conditions. The Greenbelt Plan defines agriculture-related uses as “farm related commercial and industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity”. To be considered an agriculture-related use in prime agricultural areas, all of the foregoing criteria must be met. Moreover, agriculture-related uses shall be compatible with, and shall not hinder surrounding agricultural operations.

As mentioned above, in addition to growing medical cannabis crops, licensed producers are allowed to conduct a number of activities under the ACMPR, which may result in different land uses. In order to determine whether these other land uses can be considered agriculture-related uses, the municipality would need to examine the specifics of an operation against the policies of the Greenbelt Plan and OMAFRA's Guidelines. Section 2.5 (Implementation) of OMAFRA's Guidelines also identifies land use planning tools that the City of Hamilton may want to consider to regulate proposed medical cannabis facilities.

If you have any questions please contact me at Alejandra.Perdomo@ontario.ca or 416-585-6332, or Darryl Lyons, Manager, Community Planning and Development at Darryl.Lyons@ontario.ca or 416-585-6048.

Yours truly,



Alejandra Perdomo, MCIP RPP
Planner, Community Planning and Development (West)
Municipal Services Office

Cc: John Turvey, Policy Advisor, Land Use Policy & Stewardship, OMAFRA
Jackie Van de Valk, Rural Planner, Land Use Policy & Stewardship, OMAFRA



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
 Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	June 5, 2018
SUBJECT/REPORT NO:	Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 15 Picardy Drive (Stoney Creek) (PED18114) (Ward 9)
WARD(S) AFFECTED:	Ward 9
PREPARED BY:	George T. Zajac (905) 546-2424 Ext. 1024
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Amended Urban Hamilton Official Plan Amendment Application UHOPA-16-013, by Trillium Housing Highbury Non-Profit Corporation (owner)**, to re-designate the subject lands from “Low Density Residential 2b” to “Low Density Residential 3c” within the West Mountain Area (Heritage Green) Secondary Plan, to permit 28 maisonettes and 43 street townhouse dwelling units for a total of 71 units on a private (condominium) road for lands located at 15 Picardy Drive, as shown on Appendix “A” to Report PED18114 be **APPROVED**, on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED18114, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) 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-16-033 by Trillium Housing Highbury Non-Profit Corporation (owner)** for a change in zoning from the Neighbourhood Development “ND” Zone to the Multiple Residential (Holding) “RM3-63(H)” Zone, Modified, to permit 28 maisonettes and 43 street townhouse dwelling units for a total of 71 units on a private (condominium) road for lands located at 15 Picardy Drive, as shown on Appendix “A” to Report PED18114, be **APPROVED** on the following basis:

SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 15 Picardy Drive (Stoney Creek) (PED18114) (Ward 9) – Page 2 of 26

- (i) That the draft By-law, attached as Appendix “C” to Report PED18114, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (2017) and will comply with the Urban Hamilton Official Plan upon finalization of Official Plan Amendment No. XX;
- (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 “RM3-63(H)” (Multiple Residential) Zone, Modified, be removed conditional upon:

- (a) The owner demonstrating that the existing sanitary sewer on Lormont Boulevard at Picardy Drive can be adequately upsized to provide sufficient capacity to meet City standards and to share in the upgrade costs for development greater than 40 units, to the satisfaction of the Senior Director, Growth Management.
- (b) City Council may remove the ‘H’ symbol and thereby give effect to the “RM3-63” (Multiple Residential) Zone, as amended by the special requirements of this By-law, by enactment of an amending By-law once the above condition has been fulfilled.

EXECUTIVE SUMMARY

The proposed Official Plan Amendment is to re-designate the subject lands from “Low Density Residential 2b” to “Low Density Residential 3c” within the West Mountain Area (Heritage Green) Secondary Plan of the Urban Hamilton Official Plan to permit 28 maisonette and 43 street townhouse dwelling units on a private (condominium) road with 26 visitor parking spaces and a 618 sq m parkette. In addition, the applicant is proposing this development as an affordable ownership development.

The proposed Zoning By-law Amendment to the former City of Stoney Creek Zoning By-law No. 3692-92 is to change the zoning of the subject lands from the Neighbourhood Development “ND” Zone to a modified Multiple Residential (Holding) “RM3” Zone (with site specific modifications, including to recognize the condominium road, lot area, lot frontage, front, side and rear yard setbacks, minimum privacy area, landscaped open space, visitor parking, dimensions of parking spaces, minimum distance of a parking space to a dwelling unit, location of unitary equipment, maximum lot coverage, density and building height to permit 28 maisonette and 43 street townhouse dwelling units on a

SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 15 Picardy Drive (Stoney Creek) (PED18114) (Ward 9) – Page 3 of 26

private (condominium) road. A Holding provision has also been included to require the owner to demonstrate that the existing sanitary sewer on Lormont Boulevard at Picardy Drive can be adequately upsized to provide sufficient capacity to meet City standards and to share in the upgrade costs for development greater than 40 dwelling units, to the satisfaction of the Senior Director, Growth Management. The proposed Zoning By-law will allow for the development of 31 units while the Holding provision is in place.

The subject development is to be affordable units in accordance with the City of Hamilton's Municipal Housing Facilities By-law No. 16-233, in that the subject units are to be at least 10% below the median resale price for a similar unit in the City. The City of Hamilton will enter into a municipal housing project facility agreement with the applicant and the agreement may provide for assistance as provided for in subsection 110(3) of the *Municipal Act, 2001*, or tax exemptions as provided for in subsection 110(6) of the *Municipal Act, 2001*.

The proposed Official Plan and Zoning By-law Amendments have merit, and can be supported as they are consistent with the Provincial Policy Statement (2014), conform to the Growth Plan for the Greater Golden Horseshoe (2017), and comply with the Urban Hamilton Official Plan, as well as the West Mountain Area (Heritage Green) Secondary Plan, subject to the recommended Amendment.

Alternatives for Consideration – See Page 25

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 applications for amendment to the Official Plan and Zoning By-law.

HISTORICAL BACKGROUND

Proposal

The subject land, 15 Picardy Drive (Stoney Creek), is currently vacant, has an area of approximately 1.2 ha and is bounded by Picardy Drive to the west, existing residential to the south, residential currently under construction to the north and a vacant parcel of land to the east. Further to the west of Picardy Drive is Saltfleet High School. The proposed development is for a total of 71 units consisting of 28 three-storey maisonette units and 43 three-storey street townhouse dwelling units, with 26 visitor parking

SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 15 Picardy Drive (Stoney Creek) (PED18114) (Ward 9) – Page 4 of 26

spaces. Seven of the maisonettes will front onto Picardy Drive, while the remaining units will be on a private (condominium) road.

The proposed amended Official Plan Amendment is to re-designate the subject lands from “Low Density Residential 2b” to “Low Density Residential 3c” within the West Mountain (Heritage Green) Secondary Plan of the Urban Hamilton Official Plan to permit the proposal. The subject proposal has a density of 59 units per net residential hectare. The original application for an Official Plan Amendment was to re-designate the subject lands from “Low Density Residential 2b” to the “Medium Density Residential 3” designation. Staff are of the opinion that the “Low Density Residential 3c” designation is more appropriate for the proposed built form of street townhouses and maisonettes.

The proposed amended Zoning By-law Amendment is to change the zoning of the subject lands from the Neighbourhood Development “ND” Zone to a site specific Multiple Residential “RM3” Zone within the former City of Stoney Creek Zoning By-law No. 3692-92. The original application for a Zoning By-law Amendment was to rezone the subject lands from Neighbourhood Development “ND” Zone to the Multiple Residential “RM2” Zone, however, it is staff’s opinion that the Multiple Residential “RM3” Zone is more appropriate for the proposed built form. In addition, due to sanitary sewer capacity constraints, a Holding Provision is being proposed to preclude 31 units of the subject development until such time as the owner demonstrating that the existing sanitary sewer on Lormont Boulevard at Picardy Drive can be adequately upsized to provide sufficient capacity to meet City standards and to share in the upgrade costs for the additional 31 units, to the satisfaction of the Senior Director, Growth Management.

In addition, site specific modifications are being proposed to accommodate this development, including to recognize the condominium road, lot area, lot frontage, front, side and rear yard setbacks, minimum privacy area, landscaped open space, visitor parking, dimensions of parking spaces, minimum distance of a parking space to a dwelling unit, location of unitary equipment, maximum lot coverage, density and building height to reflect the proposed freehold tenure on a private (condominium) road.

Chronology:

May 13, 2016: Submission of Applications UHOPA-16-013 and ZAC-16-033.

May 27, 2016: Applications UHOPA-16-013 and ZAC-16-033 deemed complete.

June 8, 2016: Circulation of Notice of Complete Application and Preliminary Circulation for Applications UHOPA-16-013 and

SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 15 Picardy Drive (Stoney Creek) (PED18114) (Ward 9) – Page 5 of 26

ZAC-16-033 to 71 property owners within 120 m of the subject lands.

June 13, 2016: Public Notice Sign installed on subject lands.

May 9, 2018: Public Notice Sign updated with Public Meeting Information.

May 18, 2018: Circulation of the Notice of Public Meeting to 71 property owners within 120 m of the subject lands.

Details of Submitted Application:

Location: 15 Picardy Drive (see Appendix “A” to Report PED18114).

Owner/Applicant: Trillium Housing Highbury Non-Profit Corporation

Agent: IBI Group
(c/o: Tracy Tucker)

Property Description:

<u>Lot Frontage:</u>	81.46 m (Picardy Drive)
<u>Lot Depth:</u>	149.27 m
<u>Lot Area:</u>	1.22 ha (approximate)
<u>Servicing:</u>	Planned Full Municipal Services

Existing Land Use and Zoning:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Vacant	Neighbourhood Development “ND” Zone
<u>Surrounding Land Uses:</u>		
North	Townhouse Dwellings (Under Construction)	Multiple Residential “RM2-23” Zone, Modified
South	Single Detached Dwellings	Residential “R3-11” Zone, Modified
East	Vacant	Neighbourhood Development “ND” Zone

SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 15 Picardy Drive (Stoney Creek) (PED18114) (Ward 9) – Page 6 of 26

West

Saltfleet High School

Community Institutional
“I2” Zone

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2014)

The following policies, amongst others, from the Provincial Policy Statement (PPS) are considered to be applicable to the applications.

The proposal provides for an efficient and resilient development and land use pattern that is healthy, liveable and safe as per Policy 1.1 by promoting efficient development and land use patterns, as well as accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons) uses.

“1.1.3.1 *Settlement areas* shall be the focus of growth and development, and their vitality and regeneration shall be promoted.”

The subject lands are located within a settlement area where full municipal services are planned, and will provide for a complete community through a compact design and contributes to a range and mix of housing types.

“2.6.2 *Development and site alteration* shall not be permitted on lands containing *archaeological resources* or *areas of archaeological potential* unless *significant archaeological resources* have been *conserved*.”

In accordance with the above policy, the applicant has submitted an Archaeological Assessment, entitled, Stage 1-2 Archaeological Assessment (P018-071), dated November 4, 2004 and the Ministry of Culture and Tourism clearance letter was provided. Staff are of the opinion that the municipal interest in the archaeology of this portion of the site has been satisfied.

Based on the foregoing, as the subject lands are located within a settlement area, are proposed to be affordable units, and the subject proposal is to be developed with appropriate infrastructure, while also protecting the Provincial interest with respect to cultural heritage resources, the subject proposal is consistent with the PPS.

Growth Plan for the Greater Golden Horseshoe (2017)

The following policies, amongst others, apply to the applications.

The Growth Plan supports intensification within built-up urban areas, particularly in proximity to transit. As noted in Section 2.1 of the Plan.

SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 15 Picardy Drive (Stoney Creek) (PED18114) (Ward 9) – Page 7 of 26

“To support the achievement of *complete communities* that are healthier, safer, and more equitable, choices about where and how growth occurs in the *GGH* need to be made carefully. Better use of land and *infrastructure* can be made by directing growth to *settlement areas* and prioritizing *intensification*, with a focus on *strategic growth areas*, including *urban growth centres* and *major transit station areas*, as well as *brownfield sites* and *greyfields*. Concentrating new development in these areas provides a focus for investments in transit as well as other types of *infrastructure* and *public service facilities* to support forecasted growth, while also supporting a more diverse range and mix of housing options. However, to protect public safety and prevent future flood risks, growth should generally be directed away from hazardous areas, including those that have been identified as Special Policy Areas in accordance with the PPS.”

Furthermore, as noted in Section 2.2.1.2 (d):

“Development will be directed to settlement areas, except where the policies of this Plan permit otherwise.”

In review, the subject lands are located within a settlement area where it will be developed with full municipal services and will provide for a complete community through a compact design that includes an additional housing type and form for the area. Therefore, the proposal conforms to the policies of the Growth Plan for the Greater Golden Horseshoe (2017).

Urban Hamilton Official Plan (UHOP)

The subject property is identified as “Neighbourhoods” on Schedule “E” – Urban Structure and designated as “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations in the UHOP and “Low Density Residential 2b” on Map B.7.6-1 – Land Use Plan – West Mountain Area (Heritage Green) Secondary Plan. The following policies, amongst others, are applicable to the subject applications.

Policy Goals

- “E.3.1.1 Develop compact, mixed use, transit-supportive, and active transportation friendly neighbourhoods.
- E.3.1.2 Develop neighbourhoods as part of a complete community, where people can live, work, shop, learn, and play.
- E.3.1.3 Plan and designate lands for a range of housing types and densities, taking into account affordable housing needs.

SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 15 Picardy Drive (Stoney Creek) (PED18114) (Ward 9) – Page 8 of 26

- E.3.1.4 Promote and support design which enhances and respects the character of existing neighbourhoods while at the same time allowing their ongoing evolution.
- E.3.1.5 Promote and support residential intensification of appropriate scale and in appropriate locations throughout the neighbourhoods.
- 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;”

The proposed development complies with the above-noted policy goals, as the proposed built form contributes to a compact urban form and complete community and contributes to a range of housing types, respects the existing character of the neighbourhood and provides an appropriate scale and location for the development.

Urban Structure

Function

- “E.2.6.2 Neighbourhoods shall primarily consist of residential uses and complementary facilities and services intended to serve the residents. These facilities and services may include parks, schools, trails, recreation centres, places of worship, small retail stores, offices, restaurants, and personal and government services.
- E.2.6.4 The Neighbourhoods element of the urban structure shall permit and provide the opportunity for a full range of housing forms, types and tenure, including *affordable* housing and *housing with supports*.”

The proposed development represents a residential infill development that contributes to the establishment of a range of housing forms, types and tenure by proposing affordable units.

Scale

- “E.2.6.7 Neighbourhoods shall generally be regarded as physically stable areas with each neighbourhood having a unique scale and character. Changes *compatible* with the existing character or function of the neighbourhood shall be permitted. Applications for *development* and *residential intensification* within Neighbourhoods shall be reviewed in consideration of the local context and shall be permitted in accordance with Sections B.2.4

SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 15 Picardy Drive (Stoney Creek) (PED18114) (Ward 9) – Page 9 of 26

– Residential Intensification, E.3.0 – Neighbourhoods Designation, E.4.0 – Commercial and Mixed Use Designations, and E.6.0 – Institutional Designation.

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.

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*.”

The subject proposal is a permitted use in the Neighbourhoods designation. The policies of the Neighbourhoods designation seeks to establish complete communities with a full range of residential types and densities. The proposed development implements this policy direction by establishing a compatible residential development that broadens the range of dwelling types and densities in the area.

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.3.2.7 The City shall require quality urban and architectural design. *Development* of lands within the Neighbourhoods designation shall be designed to be safe, efficient, pedestrian oriented, and attractive, and shall comply with the following criteria:

- b) Garages, parking areas, and driveways along the public street shall not be dominant. Surface parking between a building and a public street (excluding a public alley) shall be minimized.
- d) *Development* shall improve existing landscape features and overall landscape character of the surrounding area.
- e) *Development* shall comply with Section B.3.3 – Urban Design Policies and all other applicable policies.

SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 15 Picardy Drive (Stoney Creek) (PED18114) (Ward 9) – Page 10 of 26

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

Compatibility/Compatible is defined in the Urban Hamilton Official Plan as “means land uses and building forms that are mutually tolerant and capable of existing together in harmony within an area. *Compatibility* or *compatible* should not be narrowly interpreted to mean “the same as” or even as “being similar to””.

On the basis of this definition, compatibility of the proposed development is not reviewed on whether the proposed development is the same as or similar to existing development in the area, but whether the proposed uses, density and massing of the development are mutually tolerant and capable of existing together in harmony within the area.

The subject proposal is located on a collector road (Picardy Drive), as well as in close proximity to a Major Arterial (Upper Centennial Parkway) and therefore, the proposed location is consistent with Policy E.3.3.1. The proposed 71 street townhouse and maisonette dwellings will be of a size and scale that is compatible with the existing and proposed scale of development in the area, which consists of townhouses and single detached dwellings.

In addition, the proposed development is appropriate in respect to the transition in scale to the neighbouring buildings, which range in height from one storey to predominantly two and a half storeys, and massing that respects the existing street proportions and lot patterns. The proposed height of the maisonettes at 12.5 m and proposed height of 12.25 m for the street townhouses is in keeping the surrounding area. Visitor parking is proposed within the development and sufficient amenity area by way of a parkette is also proposed. The massing is also similar to existing and proposed residential development in the area, which includes single detached dwellings and townhouses. The proposed development will provide landscaping and visual barriers that will buffer neighbouring properties, consistent with the amount of landscaping on other properties in the neighbourhood, and eliminate potential privacy concerns for adjoining residents.

SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 15 Picardy Drive (Stoney Creek) (PED18114) (Ward 9) – Page 11 of 26

Urban Design

- “B.3.3.2.6 Where it has been determined through the policies of this Plan that *compatibility* with the surrounding areas is desirable, new *development* and *redevelopment* should enhance the character of the existing environment by:
- a) complementing and animating existing surroundings through building design and placement as well as through placement of pedestrian amenities;
 - b) respecting the existing cultural and natural heritage features of the existing environment by re-using, adapting, and incorporating existing characteristics;
 - c) allowing built form to evolve over time through additions and alterations that are in harmony with existing architectural massing and style;
 - d) complementing the existing massing patterns, rhythm, character, colour, and surrounding context; and,
 - e) encouraging a harmonious and *compatible* approach to infilling by minimizing the impacts of shadowing and maximizing light to adjacent properties and the public realm.”

The subject proposal respects the existing and proposed character of the area, consisting of single detached dwellings and street townhouses, is appropriately designed, and constitutes an evolving built form that is in harmony with the existing architectural massing and style of the area. Based on the size and scale of the proposed dwellings, a sun shadow study is not required as no substantial impact is expected. The subject property is not in or adjacent to a Core Area or Environmentally Significant Area and is within an existing developed area.

Felker Neighbourhood Plan

The subject property is designated “Low Density Residential” and “Medium Density Residential” in the Felker Neighbourhood Plan. The “Low Density Residential” designation does not permit the street townhouses and maisonettes. The Plan also shows a roadway connection through the subject property from east to west and connecting with the lands to the east.

The proposed multiple residential development will provide a variety of housing types while maintaining and enhancing the positive characteristics of the neighbourhood. In

SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 15 Picardy Drive (Stoney Creek) (PED18114) (Ward 9) – Page 12 of 26

addition, the proposed development contributes to the range of residential densities and housing types and is compatible with the character of the neighbourhood. A proposed 6.0 m wide condominium roadway connection is proposed that will connect the lands to the east and thereby, providing the pedestrian and vehicular connectivity to Picardy Drive, as envisioned by the Neighbourhood Plan.

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;
- 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.

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;

SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 15 Picardy Drive (Stoney Creek) (PED18114) (Ward 9) – Page 13 of 26

- 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;
- 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 existing neighbourhood is comprised of single detached dwellings to the south, Picardy Drive and Saltfleet High School to the west, townhouses (under construction) to the north and vacant land to the east that is subject to a recent proposal for residential development still under review. As mentioned, the proposed 71 street townhouse and maisonette dwelling units will be of a size, density and scale that is compatible with the existing and proposed scale of development in the area, which is single detached dwellings to the south, townhouses to the north and the existing Saltfleet High School to the west.

The proposed development is appropriate in respect to the transition in scale to the neighbouring buildings, which range in height from one storey to predominantly two and a half storeys, and massing that respects the existing street proportions and lot patterns. The proposed height of 12.5 m for the maisonettes and 12.25 m for the street townhouses is in keeping the surrounding developments. Visitor parking is proposed within the development and sufficient amenity area by way of a parkette is also proposed.

Adequate servicing will also be made available with sufficient capacity for 40 units currently, while 31 units will be serviced when the sanitary sewer is extended along Upper Centennial Parkway, at which time the “H” Holding Provision applied to this site can be lifted. In addition, there are no anticipated shadowing, overlook, noise, lighting, and traffic issues. Finally, there are no cultural heritage resource concerns.

SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 15 Picardy Drive (Stoney Creek) (PED18114) (Ward 9) – Page 14 of 26

Archaeology

With respect to archaeological concerns, the UHOP identifies the applicable policy under Section B.3.4.4.2:

“B.3.4.4.2 In *areas of archaeological potential* identified on Appendix F-4 – Archaeological Potential, an archaeological assessment shall be required and submitted prior to or at the time of application submission for the following planning matters under the *Planning Act*:

- a) official plan amendment or secondary plan amendment unless the *development* proposed in the application in question or other applications on the same property does not involve any *site alteration* or *soil disturbance*;
- b) zoning by-law amendments unless the *development* proposed in the application in question or other applications on the same property does not involve any site alteration or soil disturbance; and,
- c) plans of subdivision.

B.3.4.4.4 Archaeological assessments shall be prepared in accordance with any applicable guidelines and Policy F.3.2.4 - Archaeological Assessments.”

As noted on page 6 of this Report, an Archaeological Assessment was prepared and Ministry of Culture and Tourism clearance letter was provided. Staff are satisfied that the policies of the UHOP have been met.

West Mountain Area (Heritage Green) Secondary Plan

The subject lands are within the Secondary Plan provided in Volume 2 of the UHOP and are currently designated “Low Density Residential 2b” on Map B.7.6-1 – West Mountain Area (Heritage Green) Secondary Plan – Land Use Plan. The following policies, amongst others, apply to the applications.

“B.7.6.2.2 Notwithstanding Section E.3.4 – Low Density Residential of Volume 1, the following policies shall apply to the lands designated Low Density Residential 2b and Low Density Residential 3c on Map B.7.6-1 – West Mountain Area (Heritage Green) – Land Use Plan:

- a) Low Density Residential 2b designation:
 - i) the permitted uses shall include single detached dwellings, duplex and semi-detached dwellings; and,

SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 15 Picardy Drive (Stoney Creek) (PED18114) (Ward 9) – Page 15 of 26

ii) the density shall not exceed 29 units per net residential hectare.

b) Low Density Residential 3c designation:

i) the permitted uses shall include townhouse dwellings and low rise apartments; and,

ii) the density shall be approximately 30 to 49 units per net residential hectare.

An Amendment to the West Mountain Area (Heritage Green) Secondary Plan is required from the “Low Residential 2b” to the “Low Density Residential 3c” designation to permit the proposed development, as well as the proposed net density of 59 units per hectare.

As the development proposal meets the intent of the policies of Volume 1 of the UHOP regarding intensification and built form and is consistent with the higher densities contemplated in current Provincial policies, the proposed re-designation can be supported. The analysis of the Amendment is discussed in greater detail in the Analysis and Rationale for Recommendations section of this Report.

City of Stoney Creek Zoning By-law No. 3692-92

The subject lands are zoned Neighbourhood Development “ND” within the former City of Stoney Creek Zoning By-law No. 3692-92. The Neighbourhood Development “ND” Zone permits a number of agricultural uses, as well as single detached dwellings and accessory uses thereto. The applicant is proposing a total of seventy-one (71) street townhouse and maisonette dwelling units on a private condominium road and requires an Amendment to the Zoning By-law to change the zoning to a site specific Multiple Residential “RM3” Zone. In addition, a number of site specific modifications are required, including the following to reflect the proposed tenure (i.e. freehold units on a private (condominium) road):

- modification to recognize the condominium road;
- modification to the required lot area;
- modification to the required lot frontage;
- modification to the required side yard;
- modification to the required front yard;

SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 15 Picardy Drive (Stoney Creek) (PED18114) (Ward 9) – Page 16 of 26

- modification to the required rear yard;
- modification to the required privacy area;
- modification to the required visitor parking;
- modification to the maximum density; and,
- modification to the maximum lot coverage.

A number of these modifications are technical to recognize the freehold nature (modification to recognize the condominium road) lot configuration and housing form (modification to the required lot frontage and area, modification to the required front, side and rear yards, modification to the required landscaped open space, modification to the required lot coverage and landscaped open space and privacy area, modification to require a parkette and a modification to the location of unitary equipment), which was never contemplated in the parent by-law.

The following variances to the parent by-law provisions have been requested based on the proposed built form:

- Modification to the required parking space sizes;
- modification to the maximum building height;
- modification to the required landscaped open space;
- modification to the minimum distance of a parking space to a dwelling unit;
- modification to require a parkette of 618 sq m; and,
- modification to the location of unitary equipment

The remaining analysis of the site specific modifications is included in the Analysis and Rationale for Recommendation section of this Report.

RELEVANT CONSULTATION

The following Departments and Agencies have no comments or concerns with the applications:

- Recycling & Waste Disposal, Environmental Services Division, Public Works Department;

SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 15 Picardy Drive (Stoney Creek) (PED18114) (Ward 9) – Page 17 of 26

- Corridor Management, Public Works Department; and,
- Landscape Architectural Services, Public Works Department.

The following Departments and Agencies have provided comments on the applications:

Housing Services Division, Community and Emergency Services Department

notes that the proposed units will be affordable in accordance with the Municipal Housing Facilities By-law No. 16-233; at least 10 % below the median resale price for a similar unit in the City. At the time of sale, the City will provide a threshold home value for the affordable units and the applicant will provide documentation that the sale prices were below the threshold.

Forestry & Horticulture Section, Public Works Department

requires that a detailed Landscape Planting Plan prepared by a Registered Landscape Architect, showing the placement of trees on internal / external City property be provided at the Site Plan Control stage.

Hamilton Conservation Authority noted that they have no objection to the approval of the subject Official Plan and Zoning By-law Amendment applications at this time. HCA staff suggest that the final SWM submission should demonstrate that inspection and maintenance of the system are integral components of the design.

Public Health Services, Health Protection Division requires that a Dust Mitigation Plan, as well as a Pest Control Plan be submitted at the Site Plan Control stage.

Transportation Planning Services, Planning and Economic Development

commented that a TDM Report and sidewalks will be required, as well as consider AODA regulations. These items will be addressed at the Site Plan Control stage.

PUBLIC CONSULTATION

In accordance with the provisions of the *Planning Act* and the Council Approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 71 property owners within 120 m of the subject property on June 8, 2016, for the proposed Official Plan Amendment and Zoning By-law Amendment applications. To date, two submissions have been made to the City regarding the subject proposal attached as Appendix “E” to Report PED18114. These concerns are discussed further in the Analysis and Rationale for Recommendation section.

A Public Notice Sign was posted on the property on June 13, 2016 and updated on May 9, 2018, with the Public Meeting date. Finally, Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act* on May 18, 2018.

SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 15 Picardy Drive (Stoney Creek) (PED18114) (Ward 9) – Page 18 of 26

As this application was submitted prior to July 1, 2016, the applicant is not subject to requirements under the *Planning Act* to provide a Public Consultation Strategy.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposed Official Plan and Zoning By-law Amendments have merit and can be supported for the following reasons:
 - (i) They are consistent with the Provincial Policy Statement and conform to the Growth Plan for the Greater Golden Horseshoe (2017);
 - (ii) The addition of 71 street townhouse and maisonette dwelling units is supportable, as they will permit residential uses that provide an ultimate built form that is compatible with the character of the area; and,
 - (iii) The proposed development represents good planning by, among other things, providing a compact and efficient urban form.

2. **West Mountain Area (Heritage Green) Secondary Plan Amendment**

The subject lands are designated “Low Density Residential 2b” on Map B.7.6-1 – West Mountain Area (Heritage Green) Secondary Plan – Land Use Plan.

An Amendment to the West Mountain Area (Heritage Green) Secondary Plan is required to re-designate the subject lands from the “Low Density Residential 2b” designation to the “Low Density Residential 3c” designation to permit the proposed street townhouse and maisonette development at a density of 59 units per net residential hectare, instead of a maximum 49 units per net residential hectare.

The subject proposal is located on a collector road (Picardy Drive), as well as in close proximity to a Major Arterial (Upper Centennial Parkway). The proposed 71 street townhouse and maisonette dwellings will be of a size and scale that is compatible with the existing and proposed scale of development in the area, which are townhouses and single detached dwellings. In addition, townhouses and maisonettes are also proposed directly north-east of the proposed development.

In addition, the proposed development is appropriate in respect to the transition in scale to the neighbouring buildings, which range in height from one storey to predominantly two and a half storeys, with massing that respects the existing street proportions and lot patterns. The proposed height of 12.5 m for the maisonettes and 12.25 m for the street townhouses is in keeping the surrounding area. Visitor parking is proposed within the development and sufficient amenity

SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 15 Picardy Drive (Stoney Creek) (PED18114) (Ward 9) – Page 19 of 26

area by way of a private internal parkette is also proposed. The massing is also similar to existing and proposed residential development in the area, which is single detached dwelling and townhouses. The proposed development will provide landscaping and visual barriers that will buffer neighbouring properties that will be consistent with the amount of landscaping on other properties in the neighbourhood and eliminate potential privacy concerns for adjoining residents.

As the development proposal meets the intent of the policies of Volume 1 of the UHOP regarding intensification and built form, meets the existing character of the neighbourhood, is compatible with the surrounding uses, and is consistent with the densities contemplated in current Provincial policies, the proposed re-designation and density can be supported.

Based on the foregoing, staff support the proposed Amendment to the West Mountain Area (Heritage Green) Secondary Plan.

3. Zoning By-law Amendment

The applicant has requested an amendment to the former Stoney Creek Zoning By-law No. 3692-92 for a change in zoning from the Neighbourhood Development “ND” Zone to a site specific Multiple Residential “RM3” Zone in order to permit a total of 71 dwellings (maisonettes and street townhouses), fronting on a private condominium road, with the exception of seven maisonette units fronting onto Picardy Drive. Site specific modifications are required in order to permit the following:

- modification to recognize the condominium road;
- modification to the required lot area;
- modification to the required lot frontage;
- modification to the required front yard;
- modification to the required side yard;
- modification to the required rear yard;
- modification to the required privacy area;
- modification to the minimum required landscaped open space;
- modification to the maximum building height;

SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 15 Picardy Drive (Stoney Creek) (PED18114) (Ward 9) – Page 20 of 26

- modification to the maximum density;
- modification to the required visitor parking;
- modification to the minimum dimensions of parking spaces;
- modification to the minimum distance of a parking space to a dwelling unit;
- modification to require a parkette of 618 sq m;
- modification to the location of unitary equipment; and,
- modification to the maximum lot coverage.

A number of these modifications are technical to recognize the freehold nature (modification to recognize the condominium road) lot configuration and housing form (modification to the required lot frontage and area, modification to the required front, side and rear yards, modification to the required landscaped open space, modification to the required lot coverage and landscaped open space and privacy area, modification to require a parkette and a modification to the location of unitary equipment), which was never contemplated in the parent by-law.

Condominium Road and Maisonettes fronting on a Street

A private common element condominium road shall be deemed a street for the purposes of the proposed development, allowing for landscaping and visitor parking within the common element condominium road. In addition, maisonettes may front onto a street. Staff consider these modifications minor and typical for condominium developments. Therefore, these modifications are technical in nature and can be supported by staff.

Minimum Lot Area

The proposed modifications are to reduce the minimum lot area requirements for the street townhouses from 180 sq m (Interior) to 100 sq m (Interior), 270 sq m to 140 sq m (Corner), 240 sq m to 130 sq m (End) for the street townhouses and from 4,000 sq m for the entire lot to 81 sq m (Interior), 105 sq m (Corner) and 105 sq m (End) for the maisonettes. The proposed lot areas will maintain adequate space on site to permit the establishment of appropriately sized dwelling units and amenity space, and are compatible with the adjacent existing townhouse development. The proposed modification has merit and can be supported.

SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 15 Picardy Drive (Stoney Creek) (PED18114) (Ward 9) – Page 21 of 26

Minimum Lot Frontage

The applicant is requesting modifications to reduce the minimum lot frontages for the street townhouses from 6.0 m (Interior), 9.0 m (Corner), 8.0 m (End) to 5.5 m (Interior), 7.5 m (Corner) and 7.1 m (End) and from 50 m for the entire lot to 6.4 m (Interior Unit), 8.25 m (Corner) and 8.25 m (End) for the maisonettes. Staff consider these minor modifications, as they permit a more compact urban form, allow for appropriate amenity space and parking and are consistent with other development in the area. Therefore, staff support the proposed modifications.

Minimum Front Yard

The applicant is requesting modifications to reduce the minimum front yard from 6.0 m to 4.4 m to the dwelling unit, 3.25 m to the dwelling for an end unit and 6.0 m to the attached garage for the proposed street townhouses, as well as 4.0 m to the dwelling unit and 6.0 m to the attached garage for the maisonettes. Staff can support these modifications, as it will still provide adequate parking for the proposed units, allow landscaping in the front yard and is compatible with the neighbourhood. Therefore, staff support the modifications.

Minimum Side Yard

The proposed modifications are to reduce the minimum side yard requirements for the street townhouses from 2.0 m (End) and 3.0 m (Corner) to 1.5 m (End) and 1.5 m (Corner) and from 6.0 m (7.5 m for a flankage yard) to 1.5 m (Corner) and 1.6 m (End) for the proposed maisonettes. Staff note that the proposed side yard to Picardy Drive is 3.1 m. Staff consider these minor modifications, as they are interior to the proposed development and will have no adverse impacts on adjacent properties. In addition, they will permit a more compact urban form. Therefore, staff support the modifications.

Minimum Rear Yard

The applicant has requested a minimum rear yard setback of 6.0 m for street townhouses, whereas the By-law requires a minimum of 7.5 m. Due to their built form, the applicant has also requested a 0.0 m rear yard setback instead of the required 6.0 m for the proposed maisonettes. Staff are satisfied that these are minor modifications in that they are in keeping with the built form for maisonettes in that maisonettes have a common rear wall, and maintain a sufficient amenity space in the rear yard of each unit for the street townhouses. In addition, a 618 sq m parkette is proposed to be located within the development for the exclusive use of the residents. Therefore, staff support the modifications.

SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 15 Picardy Drive (Stoney Creek) (PED18114) (Ward 9) – Page 22 of 26

Maximum Density

The applicant has requested a maximum density of 59 units per net hectare for the proposed street townhouses and maisonettes, whereas the By-law requires a maximum density of 40 units per hectare for the maisonettes. Staff are satisfied that this is a minor modification as it is compatible with the existing and planned development for the area, permits compact urban form and meets the intent of the Secondary Plan. Therefore, the proposed modifications are supported by staff.

Minimum Privacy Area

The applicant has requested 4.0 sq m of privacy area per unit for the proposed maisonettes, whereas the By-law requires a privacy area with a minimum depth of 4.5 m. Due to their built form, the proposed maisonettes are intended to have a balcony amenity area of 4.0 sq m. Maisonettes are back to back units and therefore, a rear yard amenity area does not lend itself to this housing form and is not possible. A modification is also being requested for the proposed street townhouses to have 34 sq m of privacy area per unit, whereas 36 sq m per unit is required. A 618 sq m parkette has been proposed within the development. In addition, a neighbourhood park, Highbury South Meadows, is in close vicinity to the subject lands. Staff consider this a minor modification, as it permits a more compact urban form, while still providing for appropriate amenity areas. Therefore, staff support the modifications.

Minimum Landscaped Open Space

A minimum landscaped open space of 50% of the lot area for the maisonettes, which may include the privacy area, is required. The applicant has proposed that this requirement not apply for the proposed maisonettes. The maisonettes are back to back dwellings and therefore, the housing form does not lend itself to provide open space and the front yard includes the driveway. Instead, a 618 sq m private parkette has been proposed within the development. In addition, a neighbourhood park, Highbury South Meadows, is in close vicinity to the subject lands. Both can be utilized for passive recreation use by the residents of the proposed development and therefore, provides the necessary function of landscaped open space. Staff can support this modification as it permits the built form, maintains the intent of the UHOP and maintains the intent of the By-law.

Maximum Building Height

The maximum height is proposed to be increased from the permitted 11.0 m to 12.25 m for the street townhouses and 12.5 m for the maisonettes to reflect the

SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 15 Picardy Drive (Stoney Creek) (PED18114) (Ward 9) – Page 23 of 26

existing and proposed grading of the site. The proposed development is appropriate in respect to the transition in scale to the neighbouring buildings, which range in height from one storey to predominantly two and a half storeys. There are sufficient setbacks from other existing and proposed developments, including to the north of approximately 6.0 m, to the south of 7.5 m from rear yard to rear yard and 7.5 m to the east and, therefore, the proposed height modification can be supported by staff.

Maximum Lot Coverage

The maximum lot coverage permitted is 50%, however, the applicant has requested that this standard not apply for the maisonettes and that lot coverage for the street townhouses be increased to 55%. The maisonettes are back to back dwellings and the front yard and side yard setbacks establish a building footprint that is appropriate for this form of development. In addition, this is a minor modification for the townhouses and is not impacting the ability to provide sufficient pervious cover for stormwater infiltration. Staff are supportive of this modification.

Minimum Visitor Parking

The minimum number of visitor parking spaces required is 0.5 spaces for each maisonette and townhouse dwelling unit, but would not include street townhouses. Except for seven maisonette units fronting onto Picardy Drive and freehold units fronting onto a public street are generally exempt from visitor parking, the proposed development will be on a condominium roadway and there are a proposed 71 units in total of which 64 front onto the private (condominium) road. Therefore, 32 visitor parking spaces would be typically required. The applicant is providing 26 internal visitor parking spaces. Staff are of the opinion that the combined visitor and on-street parking permitted on Picardy Drive will be sufficient to support the proposal, the modification is minor and therefore, staff can support the modification.

Minimum Dimensions of Parking Spaces

The By-law requires that parking spaces for 90 degree perpendicular parking shall have minimum rectangular dimensions of 2.75 m by 5.8 m, whereas the applicants have proposed dimensions of 2.6 m by 5.5 m. The By-law requires that accessible parking spaces have minimum dimensions of 4.4 m by 5.8 m, whereas dimensions of 2.75 m and 3.4 m by 5.5 m, when adjacent to a 1.5 m access aisle, is proposed. Staff consider these minor modifications, as they permit a more compact urban form, while still providing for appropriate parking space sizes. Therefore, staff support the modifications. The By-law also requires that parking spaces within a private residential garage be 3.0 m by

SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 15 Picardy Drive (Stoney Creek) (PED18114) (Ward 9) – Page 24 of 26

6.0 m, whereas the applicants have proposed dimensions of 2.6 m by 5.5 m. Staff do not support the reduced garage sizes proposed by the applicant as the proposed spaces are too small to properly function as parking spaces within a garage. The minimum proposed front yard setback is 6.0 m to the garage, the driveway will be adequately sized to accommodate one vehicle.

Parking Spaces from a Dwelling Unit

The By-law requires that where the required minimum number of parking spaces is four or more, no parking space shall be provided closer than 3.0 m to any lot line or closer than 5.0 m to any dwelling unit located on a lot other than the said lot except that the provisions of this clause shall not apply to any parking space located within a private garage or underground garage. The applicants are proposing 3.1 m from a dwelling unit for end units adjacent to visitor parking spaces. Staff consider this a minor modification, as it will only impact some of the side yards and appropriate landscaping mitigation can be addressed at the Site Plan Approval stage.

Location of Unitary Equipment

A minimum distance of 2.5 m to any side lot line is required for unitary equipment, whereas a 0.5 m is proposed. Due to the built form and the location of an air conditioning unit, a modification is required. Staff consider this a minor modification and typical for these types of developments and can be supported.

Proposed Parkette

Staff have included, in the amending by-law, the requirement for a parkette with a minimum area of 618 sq m be provided for the subject development to ensure that future residents have an on-site amenity area available.

Engineering

4. The existing sanitary sewers are designed to provide capacity for a population density of only 110 people per hectare (ppha). The proposed density of approximately 232 ppha exceeds this capacity. The existing sanitary system servicing this catchment area does not have sufficient capacity to support the increased population density proposed for this site. With regard to water servicing the applicant needs to demonstrate that the existing distribution system can accommodate water demands (domestic & required fire flows) at the subject property and provide details to support the required fire flow (RFF) calculation such as floor area, type of construction, fire wall location and fire resistance rating, content fire hazard, sprinkler system credit and exposure charges, etc. Please note that fire hydrant flow testing must be performed by a qualified

SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 15 Picardy Drive (Stoney Creek) (PED18114) (Ward 9) – Page 25 of 26

contractor in coordination with the City's Water Distribution Operating staff. Verification that this has been done must be provided.

The lands immediately east of the site (56 Highland Rd. West) were previously expected to have a storm water outlet westerly through a future municipal road according to the approved subdivision design for 198 First Road West. As the municipal road is no longer being considered by the applicant, additional details are required indicating how a suitable sanitary and storm outlet for the 56 Highland Road West lands can be provided. The applicant may be required to provide a servicing easement and enter into a Joint Services Agreement for any shared services. The previous soil investigation for 198 First Road West Subdivision (25T-200908) has identified that karst features could be present within the subject lands. A geotechnical report has not been submitted at this stage, however, the applicant has to submit a Geotechnical Report and Karst Analysis as part of the Site Plan Approval application.

In addition, due to sanitary sewer capacity constraints, a Holding Provision is being proposed to preclude 31 units from developing until appropriate infrastructure is provided at the developers cost, while allowing 40 units to proceed.

5. Concerns were raised by a nearby resident regarding the affordable housing component of the proposal and the depreciation of property value, the height of the proposed development and compatibility. There is no empirical data regarding the depreciation of property value due to the proposed affordability of the units. With respect to the height, the proposed heights are compatible with the adjacent developments and the subject proposal is compatible with the adjacent development with respect to height and massing.

ALTERNATIVES FOR CONSIDERATION

Should the proposed Official Plan and Zoning By-law Amendment Applications be denied, the property could be utilized in accordance with the Neighbourhood Development "ND" Zone.

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.

SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 15 Picardy Drive (Stoney Creek) (PED18114) (Ward 9) – Page 26 of 26

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” – Urban Hamilton Official Plan Amendment

Appendix “C” – Zoning By-law No. 3692-92 Amendment

Appendix “D” – Concept Plan

Appendix “E” – Public Submissions

GZ:mo



● Site Location



Key Map - Ward 9

N.T.S.

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-16-13 & UHOPA-16-13

Date:
April 5, 2018

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
GZ/AL

Subject Property

15 Picardy Drive



Block 1 - Change in zoning from the Neighbourhood Development "ND" Zone to the Multiple Residential (Holding) "RM3-63(H)" Zone, Modified

Schedule 1

**DRAFT Urban Hamilton Official Plan
Amendment No. XX**

The following text, together with Appendix "A", Volume 2 - West Mountain Area (Heritage Green) Secondary Plan – Land Use Plan – Map B.7.6-1, attached hereto, constitutes Official Plan Amendment No. XX to the Urban Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose and effect of this Amendment is to amend the West Mountain Area (Heritage Green) Secondary Plan to permit the development of seventy-one (71) Maisonette and Townhouse Dwellings with a density of 59 units per net residential hectare on the subject lands.

2.0 Location:

The lands affected by this Amendment are known municipally as 15 Picardy Drive, in the former City of Stoney Creek.

3.0 Basis:

The basis for permitting this Amendment is as follows:

- The proposed Amendment is in keeping with the policies of the Urban Hamilton Official Plan and West Mountain Area (Heritage Green) Secondary Plan to provide a diversity of housing opportunities that are suitable for different segments of the population in order to make the best use of urban lands.
- The proposed development is considered to be consistent with, and complimentary to, the planned and existing development in the immediate area.
- The proposed development satisfies the characteristics and requirements of the designation, save and except the prescribed residential density range.
- The proposed Amendment is consistent with the Provincial Policy Statement, 2014 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2017.

4.0 **Actual Changes:**

4.1 **Volume 2 – West Mountain Area (Heritage Green) Secondary Plan**

Text

4.1.1 Volume 2 – Chapter 7.0 – Stoney Creek Secondary Plans – Section B.7.6 – West Mountain Area (Heritage Green) Secondary Plan

- a. That Volume 2 – Chapter 7.0 – Stoney Creek Secondary Plans – Section B.7.6 – West Mountain Area (Heritage Green) Secondary Plan is amended by adding a new Site Specific Policy, as follows:

“Site Specific Policy – Area XX

7.6.8.XX Notwithstanding Policy 7.6.2.2 b) ii) of Volume 2, for the lands located at 15 Picardy Drive, designated “Low Density Residential 3c”, and identified as “Site Specific Policy – Area X” on Map B.7.6-1 – West Mountain Area (Heritage Green) Secondary Plan – Land Use Plan, the density shall range from 30 to 59 units per net residential hectare.”

Schedules and Appendices

4.1.2 Volume 2, Map B.7.6-1 – West Mountain Area (Heritage Green) Secondary Plan – Land Use Plan

- a. That Volume 2, Map B.7.6-1 – West Mountain Area (Heritage Green) Secondary Plan – Land Use Plan is amended by:
 - i) redesignating a portion of the subject lands from “Low Density Residential 2b” to “Low Density Residential 3c”; and,
 - ii) identifying the subject lands as Site Specific Policy - Area “XX”,

as shown on Appendix “A” attached to this Amendment.

5.0 Implementation:

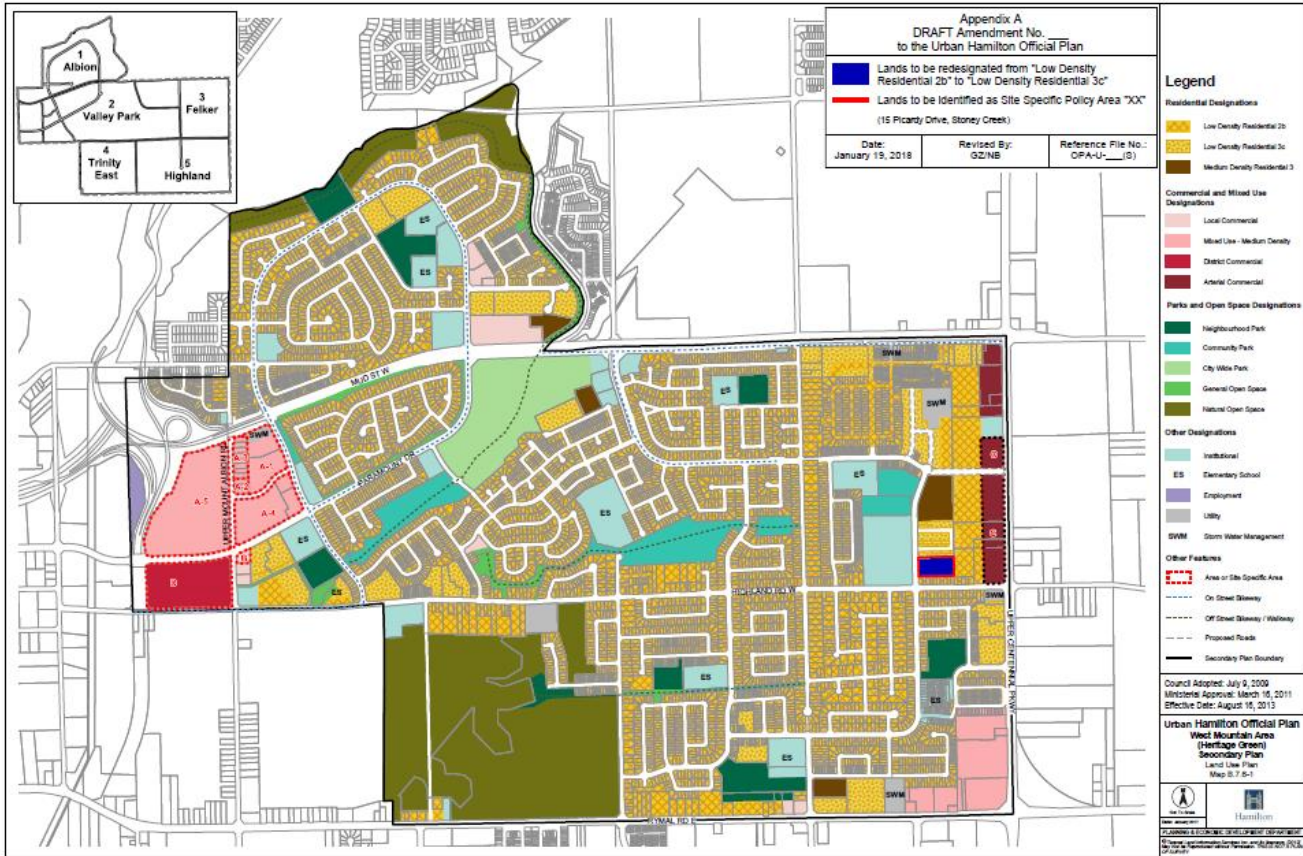
An implementing Zoning By-Law Amendment and Site Plan will give effect to the intended uses on the subject lands.

This Official Plan Amendment is Schedule "1" to By-law No. _____ passed on the day of month, 2018.

**The
City of Hamilton**

Fred Eisenberger
MAYOR

CITY CLERK



Authority: Item XX, Planning Committee
Report 18-XXX
CM: XXXX
Ward: 9
Bill No. XXX

CITY OF HAMILTON

BY-LAW NO. 18-XXX

To Amend Zoning By-law No. 3692-92 Respecting Lands Located at 15 Picardy Drive (Stoney Creek)

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";

AND 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";

AND 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;

AND WHEREAS Zoning By-law No. 3692-92 (Stoney Creek) was enacted on the 8th day of December, 1992, and approved by the Ontario Municipal Board on the 31st day of May, 1994;

AND WHEREAS the Council of the City of Hamilton, in adopting Section _____ of Report 18-_____ of the Planning Committee at its meeting held on the 5th day of June 2018, recommended that Zoning By-law No. 3692-92 (Stoney Creek), be amended as hereinafter provided; and,

AND WHEREAS this By-law will be in conformity with the Urban Hamilton Official Plan upon adoption of UHOPA No. _____;

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

1. That Map No. 4 of Schedule "A", appended to and forming part of By-law No. 3692-92 (Stoney Creek), is amended as follows:
 - (a) by changing the zoning from the Neighbourhood Development "ND" Zone to the Multiple Residential (Holding) "RM3-63 (H)" Zone, Modified.

To Amend Zoning By-law No. 3692-92
Respecting Lands Located at 15 Picardy Drive (Stoney Creek)

2. That Subsection 6.10.7, "Special Exemptions" of Section 6.10 Multiple Residential "RM3" Zone, of Zoning By-law No. 3692-92, be amended by adding a new Special Exemption, "RM3-63 (H)", as follows:

RM3 – 63 (H)

Notwithstanding the provisions of Paragraphs 6.10.3 "Zone Regulations for Maisonettes", Paragraphs (a), (b), (c), (d), (f), (i), (j), (k), (l), (m), 6.10.4 "Zone Regulations for Street Townhouses", Section 6.9.3 "Zone Regulations" (a), (b), (c), (d), (e), (f), (g), (h), (i), Section 4.10.3 a), b), 4.10.4(a), 4.16.1(a), Section 6.1.8 c) and d), and Section 6.10.5 "Regulations for Parking", Paragraph (a):

REGULATIONS

(a)	Minimum Lot Area:	<u>Street Townhouses</u>	<u>Maisonettes</u>
	Interior Unit	100 square metres	81 square metres
	Corner Unit	140 square metres	105 square metres
	End Unit	130 square metres	105 square metres
(b)	Minimum Lot Frontage:	<u>Street Townhouses</u>	<u>Maisonettes</u>
	Interior Unit	5.5 metres	6.4 metres
	Corner Unit	7.5 metres	8.25 metres
	End Unit	7.1 metres	8.25 metres
(c)	Minimum Front Yard:	<u>Street Townhouses</u>	<u>Maisonettes</u>
		4.4 metres to the dwelling unit, 3.25 metres to the dwelling for an end unit on a private road and 6.0 metres to the attached garage	4.0 metres to the dwelling unit and 6.0 metres to the attached garage
(d)	Minimum Side Yard:	<u>Street Townhouses</u>	<u>Maisonettes</u>
	End Unit	1.5 metres	1.6 metres
	Corner Unit	1.5 metres	1.5 metres
(f)	Minimum Rear Yard:	6.0 metres	0.0 metres

To Amend Zoning By-law No. 3692-92
Respecting Lands Located at 15 Picardy Drive (Stoney Creek)

- | | | | |
|-----|--|---|--|
| (i) | Maximum Density: | 59 units per net hectare | |
| (j) | Maximum Building Height: | <u>Street Townhouses</u> | <u>Maisonettes</u> |
| | | 12.25 metres | 12.5 metres |
| (k) | Maximum Lot Coverage: | <u>Street Townhouses</u> | <u>Maisonettes</u> |
| | | 55% | Shall not apply |
| (l) | Minimum Privacy Area: | <u>Street Townhouses</u> | <u>Maisonettes</u> |
| | | 34 square metres | 4.0 square metres
to be located on a
balcony or patio in
the front yard |
| (m) | Minimum Landscaped
Open Space: | Shall not apply to maisonettes | |
| (n) | Minimum Number of
Visitor Parking Spaces: | 26 visitor parking spaces to be
provided | |
| (o) | Notwithstanding Section 4.10.3 a), required parking spaces for 90 degree
perpendicular parking shall have minimum rectangular dimensions of 2.6
metres by 5.5 metres. | | |
| (p) | Notwithstanding Section 4.10.4 (a), a minimum of four (4) designated
parking spaces shall be provided with a minimum rectangular dimension
of 2.75 metres and 3.4 metres by 5.5 metres, when adjacent to a 1.5
metre access aisle. | | |
| (q) | Notwithstanding Section 4.16.1 (a), unitary equipment may be located not
less than 0.5 metres to any side lot line. | | |
| (r) | Notwithstanding Section 6.1.8 c), parking spaces shall be a minimum of
3.1 metres from a dwelling unit. | | |
| (s) | Notwithstanding Section 6.1.8 d), parking spaces shall have a width of not
less than 2.6 metres and a length of not less than 5.5 metres and parking
spaces for physically challenged persons all have a width of not less than
2.75 metres and 3.4 metres when adjacent to a 1.5 metre access aisle
and a length of not less than 5.5 metres, exclusive to any land used to | | |

To Amend Zoning By-law No. 3692-92
Respecting Lands Located at 15 Picardy Drive (Stoney Creek)

permit ingress or egress to said parking spaces, manoeuvring areas, driveways or aisles.

- (t) For the purpose of this By-law, a parkette of 618 square metres shall be provided within the subject development.
 - (u) For the purpose of this By-law, maisonettes may front onto a public street.
 - (v) Notwithstanding any provision to the contrary, prior to the registration of a plan of subdivision or condominium, 28 maisonette units and 43 street townhouse dwelling units, shall be permitted on one parcel of land.
 - (w) For the purpose of this By-law, a Private Common Element Condominium road shall be deemed a street and that landscaping and visitor parking for the dwelling units fronting onto the common element condominium road are permitted within the common element condominium road.
3. Notwithstanding the provisions of Section 3.8 "Holding Zones", on those lands zoned "RM3-63(H)" of this By-law, the Holding Provision "RM3-63(H)" (Multiple Residential) Zone, Modified, be removed conditional upon:
- a) The owner demonstrating that the existing sanitary sewer on Lormont Boulevard at Picardy Drive can be adequately upsized to provide sufficient capacity to meet City standards and to share in the upgrade costs for development greater than 40 dwelling units, to the satisfaction of the Senior Director, Growth Management.
 - b) City Council may remove the 'H' symbol and thereby give effect to the "RM3-63" (Multiple Residential) Zone, as amended by the special requirements of this By-law, by enactment of an amending By-law once the above condition has been fulfilled.
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 Multiple Residential "RM3" Zone provisions, subject to the special requirements referred to in Section 2 of this By-law.
5. 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.

To Amend Zoning By-law No. 3692-92
Respecting Lands Located at 15 Picardy Drive (Stoney Creek)

PASSED this ____ day of _____, 2018.

Fred Eisenberger
Mayor

City Clerk

ZAC-16-033
UHOPA-16-013

To Amend Zoning By-law No. 3692-92
 Respecting Lands Located at 15 Picardy Drive (Stoney Creek)



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> <h3 style="margin: 0;">Map Forming Part of By-law No. 18-_____</h3> to Amend By-law No. 3692-92	Subject Property 15 Picardy Drive, Stoney Creek Change in Zoning from Neighbourhood Development "ND" Zone to the Multiple Residential Holding "RM3-63(H)" Zone, Modified
--	--

Scale: N.T.S.	File Name/Number: ZAC-16-13 & UHOPA-16-13	
Date: Jan. 31, 2018	Planner/Technician: GZ/AL	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

To Amend Zoning By-law No. 3692-92
Respecting Lands Located at 15 Picardy Drive (Stoney Creek)

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? No

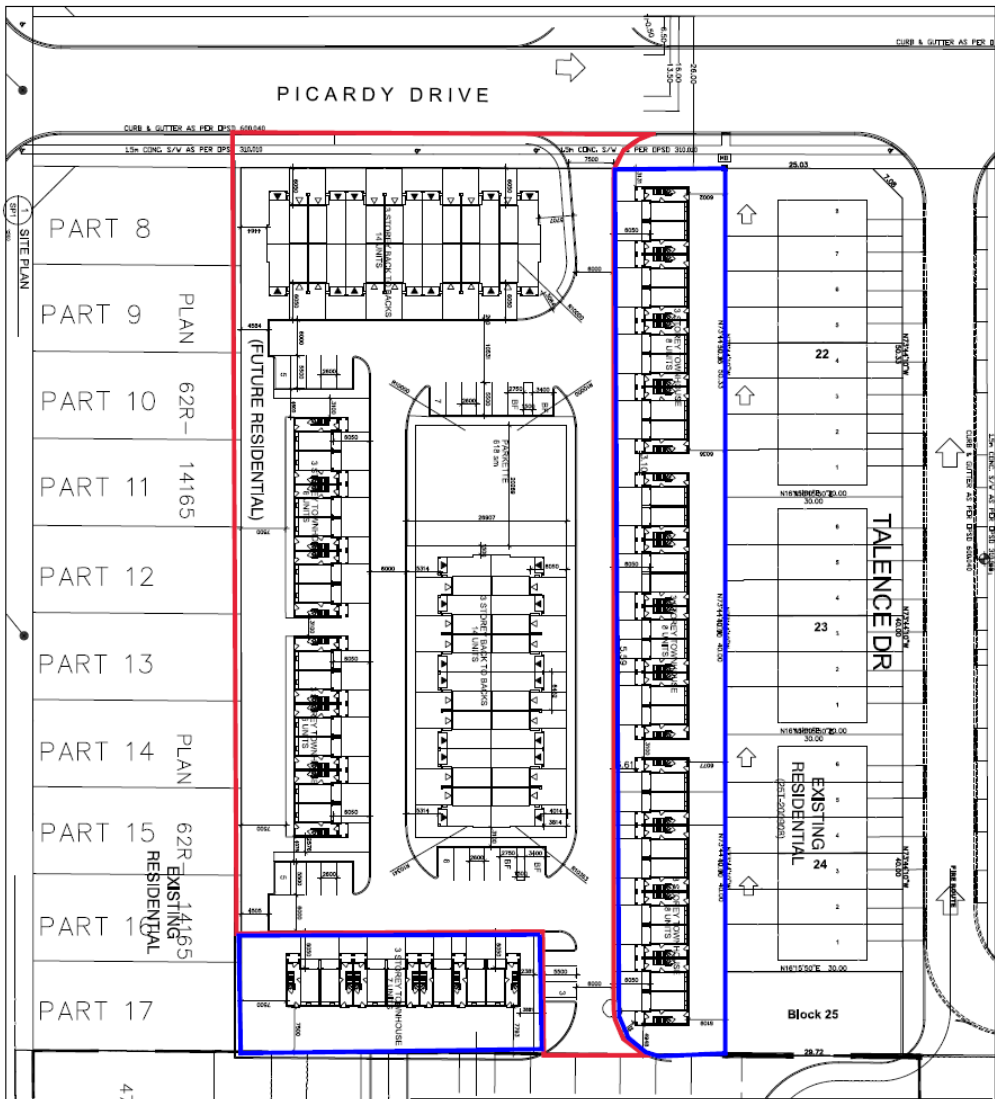
Committee: Chair and Members Report No.: PED18114 Date: 06/05/2018

Ward(s) or City Wide: Ward: 9 (MM/DD/YYYY)

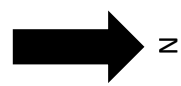
Prepared by: George T. Zajac

Phone No: 905-546-2424, ext. 1024

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



Phase 1 - RED
Phase 2 - BLUE



CONCEPT A
71 UNIT CONCEPT

SP1

TOTAL LOT AREA: 124,428 SQ. FT.	
EXISTING RESIDENTIAL UNITS	
ZONING DIST.	REQUIREMENTS
MIN. LOT AREA	10,000
MIN. LOT FRONTAGE	20.00'
MIN. LOT DEPTH	20.00'
MIN. FRONT YARD SETBACK	5.00'
MIN. SIDE YARD SETBACK	5.00'
MIN. REAR YARD SETBACK	5.00'
MIN. MAXIMUM HEIGHT	35.00'
MIN. MAXIMUM FLOOR AREA	10,000
MIN. MAXIMUM GROUND COVER	10%
MIN. MAXIMUM OPEN SPACE	10%
MIN. MAXIMUM PARKING	1.5 SPACES/UNIT
MIN. MAXIMUM TRAFFIC AREA	500 SQ. FT./UNIT
MIN. MAXIMUM TRAFFIC AREA	500 SQ. FT./UNIT

Maurizio, Valeria

From: Fred Heller <fheller@trilliumhousing.ca>
Sent: June-14-16 8:57 AM
To: Maurizio, Valeria
Subject: Applications for OPA and ZBA: 15 Picardy Drive, Stoney Creek
Attachments: Highbury city notice of applications OPA & ZBA 2016 06 08.pdf

Good morning, Valeria

With reference to your Notice of applications for OPA and ZBA at 15 Picardy Drive, Stoney Creek (attached), please could you advise us by email or mail of the date of the Public Meeting.

Thank you

Fred Heller
VP Development

*Fred Heller
Trillium Housing
7 Labatt Avenue, #209H
Toronto, ON, M5A 1Z1
Phone: (416) 363-3144
Mobile: (416) 891-1529
Email: fheller@trilliumhousing.ca
www.trilliumhousing.ca*



Maurizio, Valeria

From:
Sent: June-29-16 10:50 PM
To: Maurizio, Valeria
Subject: File: UHOPA-16-013&ZAC-16-033

Hi Valeria,

My name is _____ and I reside at Highland Road West, Stoney Creek. My rear yard abuts the proposed development.

I'm emailing you today with respect to the notice I received in the mail, which outlines the proposed development at 15 Picardy Dr.

I have multiple concerns which are listed below:

- 1) Sources have led me to believe the townhouses are being advertised as affordable housing. Will this not depreciate the value of homes in close proximity?
- 2) The current site plan proposes 3 storey townhouses directly adjacent to the existing single family dwellings on Highland Road. Will the overall height of these townhouses exceed the height of the existing residential uses? If so, privacy is a major concern and the ability to continue to enjoy our property (back yard) will be affected.
- 3) I noticed there are 2 storey townhouses proposed along the north east side of the site plan. Would there be any consideration in flipping the 2 storey townhouses with the 3 storey townhouses? Therefore addressing concerns with privacy, and providing a proper transition between existing heights (singles on highland road) and the new development. Compatibility

Ultimately my preference would be to have single family homes abutting our property, but can understand the City's objectives.

Thank you for your time and consideration.

Sincerely,



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
 Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	June 5, 2018
SUBJECT/REPORT NO:	Applications for an Amendment to the Urban Hamilton Official Plan and Zoning By-law for Lands Located at 115 and 121 Vansitmart Avenue, Hamilton (PED18124) (Ward 4)
WARD(S) AFFECTED:	Ward 4
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

- (a) That **Urban Hamilton Official Plan Amendment Application UHOPA-17-026, by 1349010 Ontario Inc., Owner,** to establish a site specific policy area to permit 40 maisonette dwellings on a private condominium road having a minimum net residential density of 48 units per hectare, for lands located at 115 and 121 Vansitmart Avenue, as shown on Appendix "A" to Report PED18124, be **APPROVED**, on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix "B" to Report PED18124, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (PPS) and conforms to the Growth Plan for the Greater Golden Horseshoe.
- (b) That **Amended Zoning By-law Amendment Application ZAC-16-046, by 1349010 Ontario Inc., Owner,** for a change in zoning from the "C" (Urban Protected Residential, etc.) District to the "RT-20/S-1762-'H'" (Townhouse – Maisonette) District, Holding, Modified (Block 1), and "C/S-1762-'H'" (Urban Protected Residential, etc.) District, Holding, Modified (Blocks 2 and 3) in order to permit a maximum of 40 maisonette dwellings, and two single detached

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SUBJECT: Applications for an Amendment to the Urban Hamilton Official Plan and Zoning By-law for Lands Located at 115 and 121 Vansitmart Avenue, Hamilton (PED18124) (Ward 4) - Page 2 of 38

dwellings, for lands located at 115 and 121 Vansitmart Avenue, as shown on Appendix “A” to Report PED18124 be **APPROVED**, on the following basis:

- (i) That the draft By-law, attached as Appendix “C” to Report PED18124 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 Section 19B of Zoning By-law No. 6593 as “RT-20/S-1762-‘H’” and “C/S-1762-‘H’”;
- (iii) That this By-law is in conformity with the Urban Hamilton Official Plan, upon approval of Urban Hamilton Official Plan Amendment No. ; and,
- (iv) That the amending By-law apply the Holding Provision of section 36(1) of the *Planning Act*, R.S.O. 1990 applicable to the subject lands by introducing the Holding symbol ‘H’ as a suffix to the proposed zoning:

The Holding Provision “C/S-1762-‘H’” (Urban Protected Residential, etc.) District, Holding, Modified, and “RT-20/S-1762-‘H’” (Townhouse – Maisonette) District, Holding, Modified, be removed conditional upon:

- (a) The Owner submitting a signed Record of Site Condition (RSC) to the City of Hamilton and the Ministry of the Environment and Climate Change (MOECC). This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MOECC, and submission of the City of Hamilton’s current RSC administration fee.
- (c) That upon finalization of the amending By-law, that Block 1, as shown on Appendix “C” to Report PED18124, be re-designated from "Single and Double" to "Low Density Apartment" in the Homeside Neighbourhood Plan.

EXECUTIVE SUMMARY

The applicant has applied for approval of an Official Plan Amendment and Zoning By-law Amendment for lands located at 115 and 121 Vansitmart Avenue, Hamilton. The applicant is seeking to construct 40 maisonette dwellings on a private condominium road accessed from Vansitmart Avenue and two single detached dwellings, one accessed from Cope Street and the other accessed from Tragina Avenue North.

The proposed Official Plan Amendment is to reduce the minimum net residential density for a medium density residential development from 60 units per hectare to 48 units per hectare.

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SUBJECT: Applications for an Amendment to the Urban Hamilton Official Plan and Zoning By-law for Lands Located at 115 and 121 Vansitmart Avenue, Hamilton (PED18124) (Ward 4) - Page 3 of 38

The proposed Zoning By-law Amendment is for change in zoning from the “C” (Urban Protected Residential, etc.) District to a modified “RT-20” (Townhouse-Maisonette) District, and a modified “C” (Urban Protected Residential, etc.) District, along with site specific modifications to implement the proposed 40 maisonette dwellings and two single detached dwellings.

An ‘H’ Holding Provision has been included for the required Record of Site Condition as the previous use of the subject lands was for an industrial use (contractor’s yard). The proposed development will be permitted once the Holding Provision is removed by Council.

The applications have merit and can be supported as they are consistent with the Provincial Policy Statement (2014), conform to the Growth Plan for the Greater Golden Horseshoe (2017) and comply with the policies of the Urban Hamilton Official Plan (UHOP) subject to the recommended amendment. The proposal is considered to be compatible with the existing development in the area and represents good planning by establishing a compatible infill development.

It is noted that a separate application to establish a standard condominium will be required. This will establish condominium ownership of the individual maisonette dwellings. The two single detached dwellings will be established on separate properties with freehold tenure and will not form part of the proposed condominium.

Alternatives for Consideration – See Page 37

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 applications for an Official Plan Amendment and Zoning By-law Amendment.

HISTORICAL BACKGROUND

The subject lands are located north of Vansitmart Avenue between Cope Street and Tragina Avenue North. There is an existing single detached dwelling and legal non-conforming contractors yard on the subject property which will be demolished in order to facilitate the proposed development.

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SUBJECT: Applications for an Amendment to the Urban Hamilton Official Plan and Zoning By-law for Lands Located at 115 and 121 Vansitmart Avenue, Hamilton (PED18124) (Ward 4) - Page 4 of 38

Original Proposal, July 2016 (See Appendix “D” to Report PED18124)

The original proposal was seeking to establish one single detached dwelling on Cope Street, one single detached dwelling at the corner of Vansitmart Avenue and Tragina Avenue North, and four blocks of stacked townhouse dwellings containing a total of 62 units. The two single detached dwellings would be established on separate lots. The proposed 62 units had a residential density of 76 units per hectare. Also, a total of 24 visitor parking spaces were proposed.

Second Proposal, June 2017 (See Appendix “E” to Report PED18124)

Based on comments received, the applicant revised the proposed development pattern. The applicant was no longer seeking stacked townhouse dwellings and instead proposed to establish maisonette dwellings. The number of dwelling units was reduced from two single detached dwellings to one single detached dwelling on a separate lot, and from 62 stacked townhouse dwellings to 40 maisonette dwellings. The number of visitor parking spaces was increased from 24 spaces to 26 spaces. The proposed maisonette dwellings would have a height of three storeys. A landscaped area would be provided as part of the common elements of the proposed development. Five of the maisonette dwellings would be accessed directly from Vansitmart Avenue while the remaining 35 maisonette dwellings would be accessed internally from a private condominium road. The proposed private road included access from both Vansitmart Avenue and Cope Street where the second detached dwelling was previously proposed. The proposed 40 maisonette dwellings would have a net residential density of approximately 50 units per net hectare. As such an amendment to the Urban Hamilton Official Plan was required as the density proposed was less than the minimum net residential density threshold of 60 units per hectare for medium density residential. The applicant applied for an Official Plan Amendment.

Third Proposal, February 2018 (See Appendix “F” to Report PED18124)

The applicant provided additional revisions to the June, 2017 proposal in response to comments from staff, which included the removal of the second access for the private road to Cope Street and to establish a single detached dwelling in its place. The proposed revisions included a 7.25 sq m second storey balcony to provide private amenity space for each maisonette dwelling unit. The additional revisions also included a further increase in the number of visitor parking spaces from 26 spaces to 28 spaces as well as modifications to the height and location of the proposed maisonette dwellings and to the on-site landscaping in order to improve the compatibility of the proposed development.

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SUBJECT: Applications for an Amendment to the Urban Hamilton Official Plan and Zoning By-law for Lands Located at 115 and 121 Vansitmart Avenue, Hamilton (PED18124) (Ward 4) - Page 5 of 38

The applicant applied for an Official Plan Amendment to reduce the minimum net residential density threshold for Medium Density Residential to permit the 40 maisonette dwellings.

The applicant applied for a Zoning By-law Amendment Application to rezone from the "C" (Urban Protected Residential, etc.) District to a modified "RT-20" (Townhouse Maisonette) District and a modified "C" (Urban Protected Residential, etc.) District to permit 62 stacked townhouse dwellings and two single detached dwellings and was subsequently amended by the applicant for 40 maisonette dwellings and further amended by the applicant to facilitate design improvements to improve the compatibility of the maisonette dwellings.

Chronology

<u>July 19, 2016:</u>	Zoning By-law Amendment Application ZAC-16-046 received.
<u>July 29, 2016:</u>	Zoning By-law Amendment Application ZAC-16-046 deemed complete.
<u>August 15, 2016:</u>	Notice of Complete Application and Preliminary Circulation for Zoning By-law Amendment Application ZAC-16-046 sent to 221 property owners within 120 m of the subject lands.
<u>August 19, 2016:</u>	The public notice sign was posted on the subject property.
<u>February 21, 2017:</u>	Public Information Meeting held by applicant.
<u>June 19, 2017:</u>	Official Plan Amendment Application UHOPA-17-026 received.
<u>July 18, 2017:</u>	Official Plan Amendment Application UHOPA-17-026 deemed complete.
<u>August 11, 2017:</u>	The Public Notice Sign was updated to reflect Official Plan Amendment Application UHOPA-17-026 as well as to note the changes in the proposed development.
<u>August 15, 2017:</u>	Notice of Complete Application and Preliminary Circulation for Official Plan Amendment Application

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SUBJECT: Applications for an Amendment to the Urban Hamilton Official Plan and Zoning By-law for Lands Located at 115 and 121 Vansitmart Avenue, Hamilton (PED18124) (Ward 4) - Page 6 of 38

UHOPA-17-014 sent to 221 property owners within 120 m of the subject lands.

May 9, 2018: The Public Notice Sign was updated to reflect the date and time of the Public Meeting.

May 18, 2018: Notice of Public Meeting was mailed to 221 property owners within 120 m of the subject property.

Existing Land Use and Zoning:

DETAILS OF SUBMITTED APPLICATIONS

Location: 115 and 121 Vansitmart Avenue, Hamilton

Owner: 1349010 Ontario Inc. c/o John Kemp

Agent: Original agent Liam Doherty (prior to October 18, 2016) and changed to Urban Solutions Planning and Land Development Consultants Inc. c/o Sergio Manchia (after October 18, 2016)

Property Size:

<u>Lot Area:</u>	7,625 sq m
<u>Frontage:</u>	122 m
<u>Depth:</u>	62.9 m
<u>Servicing:</u>	Full Municipal Services Available

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Land:</u>	Contractors Yard and a Single Detached Dwelling	“C” (Urban Protected Residential, etc.) District
<u>Surrounding Land:</u>		
North:	Railway Yard	General Industrial (M5, 419) Zone
East:	Single Detached Dwellings	“C” (Urban Protected Residential, etc.) District

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SUBJECT: Applications for an Amendment to the Urban Hamilton Official Plan and Zoning By-law for Lands Located at 115 and 121 Vansitmart Avenue, Hamilton (PED18124) (Ward 4) - Page 7 of 38

South:	Single Detached Dwellings	“C” (Urban Protected Residential, etc.) District
West:	Single Detached Dwellings	“C” (Urban Protected Residential, etc.) District

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (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.

- “1.1.3.1 *Settlement areas* shall be the focus of growth and development, and their vitality and regeneration shall be promoted.
- 1.1.3.2 Land use patterns within settlement areas shall be based on:
- a) densities and a mix of land uses which:
 1. efficiently use land and resources;
 2. are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and / or uneconomical expansion; and,
 5. are *transit-supportive*, where transit is planned, exists or may be developed.
 - b) a range of uses and opportunities for *intensification* and *redevelopment* in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.
- 1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for *intensification* and *redevelopment* where this can be accommodated taking into account existing building stock or areas, including *brownfield sites*, and the availability of suitable existing or planned *infrastructure* and *public service facilities* required to accommodate projected needs.”

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SUBJECT: Applications for an Amendment to the Urban Hamilton Official Plan and Zoning By-law for Lands Located at 115 and 121 Vansitmart Avenue, Hamilton (PED18124) (Ward 4) - Page 8 of 38

The proposed development is located within the Settlement Area and efficiently uses land for new residential development that is compatible with the area. Adequate infrastructures and services are available to service the subject lands and the proposed development will be supported by existing schools and parks in the area as well as transit service along Barton Street East.

“1.6.9.1 Planning for land uses in the vicinity of *airports, rail facilities and marine facilities* shall be undertaken so that:

- a) their long-term operation and economic role is protected; and
- b) *airports, rail facilities and marine facilities and sensitive land uses* are appropriately designed, buffered and / or separated from each other, in accordance with policy 1.2.6.

1.2.6.1 *Major facilities and sensitive land uses* should be planned to ensure they are appropriately designed, buffered and/or separated from each other to prevent or mitigate *adverse effects* from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term viability of *major facilities*.”

As part of the original application for a Zoning By-law Amendment, the applicant submitted a Preliminary Environmental Noise and Vibration Impact Study by dBA Environmental Services Inc. dated May, 2016 and subsequently updated on June, 2017 to reflect the revisions made to the proposal. The noise and vibration study reviewed the potential noise sources that might impact the subject property, which includes a railway line and rail yard to the north of the subject property, and an existing industrial property (Arcelormittal Dofasco Inc.) located north of the railway line and yard. In respect to the existing industrial property, the study noted that noise is contained within the building and is regulated by the MOECC noise guidelines under a Certificate of Approval. The noise study identified the existing railway line and rail yard as the primary noise sources impacting the subject property.

The noise study further identified the requirement for a 2.5 m high safety berm with a wood fence on top to be established between the railway line and the proposed dwellings. The concept plan included as Appendix “F” of Report PED18124 identifies a 1.8 m privacy fence at the rear of the property but does not identify the 2.5 m high safety berm. Instead, the concept plan identifies a landscaping and amenity area. As part of the Site Plan Control Application, the applicant will be required to provide both the 2.5 m high safety berm and the privacy fence. Additionally, the noise study identified requirements for building materials and standards for wall and window construction, mandatory central air conditioning requirements, noise warning clauses, and required vibration control measures. As will be discussed in detail in the Relevant

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SUBJECT: Applications for an Amendment to the Urban Hamilton Official Plan and Zoning By-law for Lands Located at 115 and 121 Vansitmart Avenue, Hamilton (PED18124) (Ward 4) - Page 9 of 38

Consultation section of this Report, comments were also provided by Canadian National Railway (CN) respecting noise and vibration.

Updates to the noise and vibration study will be required and the necessary mitigation measures outlined in the updated noise and vibration study as well as the requirements of CN will need to be designed and implemented as part of the Site Plan Control application and future Plan of Condominium.

“3.2.2 Sites with contaminants in land or water shall be assessed and remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no *adverse effects*.”

The subject property is recognized as a potentially contaminated site due to its use as a contracting yard. As such, the property is subject to environmental review to allow for the proposed single detached dwellings and maisonette dwellings. The applicant has undergone a Phase I and II Environmental Site Assessment, but has not yet submitted their findings to the Ministry of the Environment and Climate Change (MOECC). As such, a Holding Provision is proposed as the provision of a Notice of Acknowledgement letter from the MOECC for the RSC.

Therefore the proposed development is consistent with the policies of the Provincial Policy Statement.

Growth Plan for the Greater Golden Horseshoe (2017):

The policies of the Growth Plan for the Greater Golden Horseshoe (2017) apply to any Planning decision. The following policies, amongst others, apply to the proposal.

The Growth Plan supports intensification within built-up urban areas, particularly in proximity to transit. As noted in Section 2.1 of the Plan:

“To support the achievement of *complete communities* that are healthier, safer, and more equitable, choices about where and how growth occurs in the *GGH* need to be made carefully. Better use of land and *infrastructure* can be made by directing growth to *settlement areas* and prioritizing *intensification*, with a focus on *strategic growth areas*, including *urban growth centres* and *major transit station areas*, as well as *brownfield sites* and *greyfields*. Concentrating new development in these areas provides a focus for investments in transit as well as other types of *infrastructure* and *public service facilities* to support forecasted growth, while also supporting a more diverse range and mix of housing options. However, to protect public safety and prevent future flood risks, growth should generally be directed away from hazardous areas, including those that have been identified as Special Policy Areas in accordance with the PPS.”

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SUBJECT: Applications for an Amendment to the Urban Hamilton Official Plan and Zoning By-law for Lands Located at 115 and 121 Vansitmart Avenue, Hamilton (PED18124) (Ward 4) - Page 10 of 38

Furthermore as noted in Section 2.2.1.2 (d):

“Development will be directed to settlement areas, except where the policies of this Plan permit otherwise.”

The subject property is located within a settlement area and is located in proximity to an existing transit route. The proposal represents a form of intensification that makes use of existing infrastructure and provides a diverse range and mix of housing options. Therefore, the proposal conforms to the policies of the Growth Plan for the Greater Golden Horseshoe subject to the implementation of the proposed site specific zoning requirement, including the Holding Zone Provision.

Urban Hamilton Official Plan (UHOP)

The subject property is identified as “Neighbourhoods” on Schedule “E” – Urban Structure and designated “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations in the UHOP. The following policies, amongst others, apply with respect to the subject applications.

- “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.
- 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*.
- 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.3.2.7 The City shall require quality urban and architectural design. *Development* of lands within the Neighbourhoods designation shall be designed to be safe, efficient, pedestrian oriented, and attractive, and shall comply with the following criteria:
- b) Garages, parking areas, and driveways along the public street shall not be dominant. Surface parking between a building and a public street (excluding a public alley) shall be minimized.

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SUBJECT: Applications for an Amendment to the Urban Hamilton Official Plan and Zoning By-law for Lands Located at 115 and 121 Vansitmart Avenue, Hamilton (PED18124) (Ward 4) - Page 11 of 38

- c) Adequate and direct pedestrian access and linkages to *community facilities / services* and local commercial uses shall be provided.
- d) *Development* shall improve existing landscape features and overall landscape character of the surrounding area.
- e) *Development* shall comply with Section B.3.3 – Urban Design Policies and all other applicable policies.”

The proposed single detached and maisonette dwellings are permitted uses in the Neighbourhoods designation.

Low Density Development

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

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 proposal includes two lots for single detached dwellings, which are considered to be a low density residential use. The proposed single detached dwellings will have a building height of two storeys and will therefore comply with the maximum height of three storeys. The proposed single detached dwellings form part of a larger low density residential area along both Cope Street and Tragina Avenue North. The residential density for the dwellings on Cope Street north of Vansitmart Avenue will be approximately 51 units per hectare and the residential density for the dwellings on Tragina Avenue North, north of Vansitmart Avenue will be approximately 24.7 units per hectare. Therefore the proposed single detached dwellings will form part of a larger low density residential area that complies with the maximum residential density of 60 units per hectare.

“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 adjacent to major or minor arterial roads shall be discouraged.
- b) Backlotting along public streets and in front of parks shall be discouraged. The City supports alternatives to backlotting, such as

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SUBJECT: Applications for an Amendment to the Urban Hamilton Official Plan and Zoning By-law for Lands Located at 115 and 121 Vansitmart Avenue, Hamilton (PED18124) (Ward 4) - Page 12 of 38

laneway housing and window streets, to promote improved streetscapes and public safety, where feasible.

- 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 single detached dwellings are located within the interior of the Homeside Neighbourhood fronting onto local roads. The proposed single detached dwelling at the corner of Tragina Avenue North and Vansitmart Avenue conforms to the front, side, and rear yard setback requirements of the “C” District but does not conform to the lot width and lot area requirements. However, the lot is consistent with the lot pattern along Tragina Avenue North. The proposed single detached dwelling on Cope Street conforms to the side yard setback requirement of the “C” District but does not conform to the lot width, lot area, front yard and rear yard setback requirements but is consistent with the lotting pattern and existing built form along Cope Street. Lastly, the proposed single detached dwellings provide a development pattern that fronts onto the adjoining streets and therefore does not constitute backlotting.

Medium Density Development

- “E.3.5.1 Medium density residential areas are characterized by *multiple dwelling* forms on the periphery of neighbourhoods in proximity to major or minor arterial roads, or within the interior of neighbourhoods fronting on collector roads.
- E.3.5.2 Uses permitted in medium density residential areas include *multiple dwellings* except street townhouses.
- E.3.5.7 For medium density residential uses, the *net residential density* shall be greater than 60 units per hectare and not greater than 100 units per hectare.
- E.3.5.8 For medium density residential uses, the maximum height shall be six storeys.”

The proposed maisonette dwellings are considered to be a multiple dwelling and therefore the proposed form of development is considered to be a medium density residential development.

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SUBJECT: Applications for an Amendment to the Urban Hamilton Official Plan and Zoning By-law for Lands Located at 115 and 121 Vansitmart Avenue, Hamilton (PED18124) (Ward 4) - Page 13 of 38

Medium density residential areas are characterized by multiple dwellings on the periphery of neighbourhoods in proximity to major or minor arterial roads or within the interior of neighbourhoods fronting onto collector roads. The subject property is not located on a major or minor arterial road but is located within one block of Barton Street East (a minor arterial road), and therefore is in proximity to a minor arterial road.

The proposed maisonette dwellings will have a building height of three storeys and therefore complies with the maximum height of six storeys. The proposal will have a net residential density of approximately 50 units per hectare and therefore an amendment to the UHOP is required as the proposed net residential density is less than the minimum 60 units per hectare. The analysis of the amendment is discussed in greater detail in the Analysis and Rationale for Recommendations section of this Report.

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

- a) Developments should have direct access to a collector or major or minor arterial road. If direct access to such a road is not possible, the development may gain access to the collector or major or minor arterial roads from a local road only if a small number of low density residential dwellings are located on that portion of the local road.
- b) *Development* shall be integrated with other lands in the Neighbourhoods designation with respect to density, design, and physical and functional considerations.
- c) *Development* shall be comprised of sites of suitable size and provide adequate landscaping, amenity features, on-site parking, and buffering if required. The height, massing, and arrangement of buildings and structures shall be *compatible* with existing and future uses in the surrounding area.
- d) Access to the property shall be designed to minimize conflicts between traffic and pedestrians both on-site and on surrounding streets.”

The subject property does not have direct access to either a collector road or a major or minor arterial road but is located one block from Barton Street East, a minor arterial road, with between 20 and 23 dwellings via Cope Street and Tragina Avenue North respectively between the subject property and Barton Street East (Policy E.3.5.9 a)).

The proposed three storey maisonettes are compatible in height to the existing one to two storey single detached dwellings that exist in the neighbourhood. Setbacks in the range of 4.2 m to 30 m will be provided between the existing and proposed maisonettes

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SUBJECT: Applications for an Amendment to the Urban Hamilton Official Plan and Zoning By-law for Lands Located at 115 and 121 Vansitmart Avenue, Hamilton (PED18124) (Ward 4) - Page 14 of 38

to provide an appropriate transition in height. The existing construction yard represents an anomaly in the built form along Vansitmart Avenue which is out of character with the neighbourhood. The proposed maisonette dwellings located along Vansitmart Avenue represents an improvement to the existing situation by replacing the existing contractor's yard with a residential built form that is compatible with the character of the area. The maisonettes located to the rear of property will not impact the existing streetscape character of the area and are oriented, designed and setback to minimize the massing and impact of the buildings on existing development adjacent to the site and in the area.

In order to establish the proposed private condominium road as far from Cope Street and Tragina Avenue North as possible, the private condominium road is to be located on the easterly side of the subject lands creating a setback of approximately 33 m from Tragina Avenue North (Policy E.3.5.9 d)). Access for the maisonette dwellings is primarily from the private condominium road and therefore the property is designed to minimize conflicts between traffic and pedestrians. Visual barriers, planting strips, and a minimum 3.0 m setback will provide buffering between the proposed development and the existing residential dwellings to the west. In respect to the existing residential dwellings to the east, visual barriers and a 1.25 m wide planting strip will provide buffering between the 6.0 m access driveway and the existing dwellings to the east. Therefore, adequate buffering will be provided between the proposed development and the adjacent lands to the west and east.

The proposed maisonette dwellings will maintain a residential density of approximately 50 units per hectare which is similar to the residential density of Cope Street to the west which maintains a residential density of approximately 51 units per hectare. Therefore the proposed density for the maisonette dwellings is compatible with the existing densities in the area.

Each maisonette dwelling unit will be provided with a 7.25 sq m second storey balcony which will provide private amenity space for each dwelling unit along with on-site landscaped areas. Also, Fairfield Park is located approximately 120 m to the east of the subject property which will also serve the amenity needs of the residents. Sufficient on-site parking to meet the parking requirements of the By-law for both residents and visitors parking is also provided.

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;

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SUBJECT: Applications for an Amendment to the Urban Hamilton Official Plan and Zoning By-law for Lands Located at 115 and 121 Vansitmart Avenue, Hamilton (PED18124) (Ward 4) - Page 15 of 38

- 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;
- 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.

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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SUBJECT: Applications for an Amendment to the Urban Hamilton Official Plan and Zoning By-law for Lands Located at 115 and 121 Vansitmart Avenue, Hamilton (PED18124) (Ward 4) - Page 16 of 38

- h) the ability to complement the existing functions of the neighbourhood;
- j) infrastructure and transportation capacity and impacts.”

Compatibility/Compatible is defined in the Urban Hamilton Official Plan as “means land uses and building forms that are mutually tolerant and capable of existing together in harmony within an area. *Compatibility* or *compatible* should not be narrowly interpreted to mean “the same as” or even as “being similar to”.

On the basis of the above definition, compatibility of the proposed development is not reviewed on whether the proposed development is the same as or similar to existing development in the area, but whether the proposed uses, density and massing are mutually tolerant and capable of existing together in harmony within the area. The proposed 40 maisonette dwellings represent a residential use that in respect to form is a medium density residential development but in respect to building height and residential density is consistent with low density forms of development. The proposed use is not expected to generate significant noise levels, and the majority of the activity on-site will be contained within dwelling units. The proposed maisonettes will be setback and oriented perpendicular to the adjacent properties which will minimize shadow and overview impacts on the adjacent properties. Lighting will be contained on-site and reviewed as part of the Site Plan Control Application. The proposed development is within close proximity to a minor arterial road and the low density scale of development is not expected to generate significant volumes of traffic. Therefore, the proposed 40 maisonette dwelling will be mutually tolerant and will be capable of existing in harmony with the area (Policy B.2.4.1.4 b) and B.2.4.2.2 b)).

The proposed single detached dwellings will have building heights of two storeys or 11.0 m which will be compatible with the building heights of existing dwellings along Cope Street and Tragina Avenue North, which range in height from one to two storeys. Furthermore it is noted that no modification to the current Zoning By-law in respect to building height is being requested for either of the two single detached dwellings.

The proposed maisonette dwellings will have a height of three storeys or 12.6 m. The majority of the maisonette dwellings are not located along any of the existing streets and will instead be located along a new private condominium road. It is noted that the maisonette dwellings will be setback 3.0 m from the westerly lot line and 9.5 m from the easterly lot line, which will provide an appropriate buffer and transition in scale to the adjacent properties (Policy B.2.4.2.2 c) and d)).

It is further noted that five maisonette dwellings are proposed to be located along Vansitmart Avenue. In respect to the compatibility of these units along the street frontage, Vansitmart Avenue, east of Division Street, is comprised primarily of dwellings that flank onto Vansitmart Avenue and the existing contractor’s yard represents an

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SUBJECT: Applications for an Amendment to the Urban Hamilton Official Plan and Zoning By-law for Lands Located at 115 and 121 Vansitmart Avenue, Hamilton (PED18124) (Ward 4) - Page 17 of 38

anomaly in the built form along Vansitmart Avenue. The proposed maisonette dwellings located along Vansitmart Avenue represents an improvement to the existing situation as it replaces the existing contractor's yard with a residential built form that is compatible in height to the surrounding area, as the height of the buildings flanking Vansitmart Avenue range in height from one to two storeys. Furthermore, the existing dwelling at the corner of Cope Street and Vansitmart Avenue maintains a building height of two storeys and the proposed dwelling at the corner of Tragina Avenue North and Vansitmart Avenue will also have a height of two storeys, and will maintain a setback of 9.0 m from the existing dwelling to the west and 16.5 m from the proposed dwelling to the east.

The proposed setbacks of will maintain a buffer between the existing and proposed buildings. In addition the five maisonette dwellings along Vansitmart Avenue represents a massing, while larger in width than that of the existing dwellings along Vansitmart Avenue, will remain compatible with the area in that the massing will be broken up by way of changes in building material, colour, architectural elements, and balconies. The building height on either side of the maisonette dwellings located along Vansitmart Avenue will maintain a height of two storeys, providing an appropriate transition to the three storeys proposed internal to the site (Policy B.2.4.1.4 d) and B.2.4.2.2 c) and d)).

The lots for the proposed single detached dwellings will be similar in size to the existing lots along Cope Street and Tragina Avenue North and are compatible with the existing lot and development pattern. The maisonette dwellings are to be located on one lot and the size and scale of the lot currently is and will continue to be larger than the existing lot pattern in the area but will facilitate a form of development that will be compatible with the neighbourhood (Policy B.2.4.2.2 e)).

The two single detached dwellings will have private amenity space in the rear yard, while the maisonette dwellings will provide private amenity space in the form of a 7.25 sq m balcony area per unit and on-site landscaped areas. Additionally, the subject property is within 120 m of an existing municipal park (Fairfield Park). Therefore, the amenity needs of the subject property will be met. In respect to the existing pattern of private and public amenity area, the proposal is not immediately adjacent to any public amenity area and appropriate setbacks and privacy screening will be provided on the balconies to buffer the private amenity area to adjacent residential dwellings (Policy B.2.4.2.2 f)).

The proposed single detached dwellings complete the development pattern along Cope Street and Tragina Avenue North and therefore complement the existing function of the neighbourhoods. The maisonette dwellings replace the existing contractors yard with residential development that complements and integrates into the existing residential function of the neighbourhood (Policy B.2.4.2.2 h)).

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SUBJECT: Applications for an Amendment to the Urban Hamilton Official Plan and Zoning By-law for Lands Located at 115 and 121 Vansitmart Avenue, Hamilton (PED18124) (Ward 4) - Page 18 of 38

There are existing municipal services available to service the subject property. Additionally, as part of the Site Plan Control Application the applicant will be required to provide internal servicing connections to the maisonette dwellings (Policy B.2.4.1.4 f) and Policy B.2.4.2.2 j)).

Urban Design

“B.3.3.3.2 *New development* shall be designed to minimize impact on neighbouring buildings and public spaces by:

- a) creating transitions in scale to neighbouring buildings;
- b) ensuring adequate privacy and sunlight to neighbouring properties; and,
- c) minimizing the impacts of shadows and wind conditions.

B.3.3.3.3 *New development* shall be massed to respect existing and planned street proportions.

B.3.3.3.5 Built form shall create comfortable pedestrian environments by:

- a) locating principal façades and primary building entrances parallel to and as close to the street as possible;
- b) including ample glazing on ground floors to create visibility to and from the public sidewalk; and,
- d) locating surface parking to the sides or rear of sites or buildings, where appropriate.”

The proposal will create a transition in scale from the existing one to two storey dwellings that currently exist in the area to the three storey height proposed that is appropriate as it remains within a low rise form (Policy B.3.3.3.2 a)). Adequate setbacks and privacy screening will be provided to ensure privacy and sunlight for neighbouring properties is preserved (Policy B.3.3.3.2 b)). Also given the size and scale of the proposed development, adverse shadow or wind impacts on either the public realm or on neighbouring properties is not anticipated (Policy B.3.3.3.2 c)). Furthermore, the massing of the new development will respect the existing and planned street proportions (Policy B.3.3.3.3). The proposed built form includes maisonettes that will be fronting Vansitmart Avenue with a setback that ranges from 4.2 m to 5.0 m for the dwellings and 6.0 m to 6.6 m for the garage. The new maisonette dwellings therefore represents an improved streetscape condition (Policy B.3.3.3.5 a)).

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SUBJECT: Applications for an Amendment to the Urban Hamilton Official Plan and Zoning By-law for Lands Located at 115 and 121 Vansitmart Avenue, Hamilton (PED18124) (Ward 4) - Page 19 of 38

Visibility to and from the public sidewalks will be achieved through ground floor windows as well as balconies and windows on the second floor from which the primary living area is provided (Policy B.3.3.3.5 b)). All of the visitor parking is located in the interior of the subject property and principal parking is provided with one parking space in the attached garage and one on the driveway in front of the garage. Therefore, surface parking is primarily located to the rear of the site and not located at the front of the buildings (Policy B.3.3.3.5 d)).

The detailed façade treatment and design of the maisonette dwellings, including the pedestrian environment, will be further undertaken and reviewed as part of the Site Plan Control application.

Homeside Neighbourhood Plan

“F.1.2.7 *Neighbourhood plans* are policies adopted by council resolution and do not form part of the Official Plan. Any proposal for *development* or *redevelopment* must conform to the designations, and policies in the Neighbourhood Plan.

F.1.2.8 Any amendment to the *Neighbourhood Plan* must be evaluated using the provisions of Policies F.1.1.3 and F.1.1.4 and shall require a formal Council decision to enact the amendment.”

The subject property is designated “Single and Double” in the Homeside Neighbourhood Plan. The proposed two single detached dwellings represent a use permitted on lands designated “Single and Double”. However, the proposed maisonettes are not permitted for lands designated “Single and Double”. The Homeside Neighbourhood Plan will therefore need to be amended to re-designate the lands shown on Block 1 of Appendix “C” to Report PED18124 from “Single and Double” to “Low Density Apartments”. The policies of the Homeside Neighbourhood Plan state that “Homeside is viewed as a stable low density residential area with commercial and institutional uses located on the arterial roads. Existing low density residential areas are to be retained”. The form of the proposed maisonette dwellings is considered to be a medium density residential use, and is considered to be compatible with the surrounding area. Also the proposal facilitates replacement of an existing contractor’s yard with a residential use thereby bringing the lands in line with the general intent of the neighbourhood plan which is for the area to be residential. The proposed re-designation constitutes good planning as the proposal is an appropriate form of intensification within an existing neighbourhood, and is supported by staff.

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SUBJECT: Applications for an Amendment to the Urban Hamilton Official Plan and Zoning By-law for Lands Located at 115 and 121 Vansitmart Avenue, Hamilton (PED18124) (Ward 4) - Page 20 of 38

City of Hamilton Zoning By-law No. 6593

The subject property is zoned “C” (Urban Protected Residential, etc.) District which permits a single detached dwelling with a minimum lot width of 12 m and lot area of 360 sq m. An amendment to the City of Hamilton Zoning By-law No. 6593 is required to change the zoning to a site specific “RT-20” (Townhouse – Maisonette) District, (Block 1) and site specific “C” (Urban Protected Residential, etc.) District (Blocks 2 and 3) in order to establish 40 maisonettes and two single detached dwellings. Site specific modifications will be required to implement the proposal and are discussed in greater detail in the Analysis and Rationale for Recommendation Section of this Report.

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; and,
- Alectra Utilities (formerly Horizon Utilities).

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

Canadian National Railway (CN), advised of the setbacks, mitigation measures, and requirements of CN, which includes a minimum 30 m setback from the railway right-of-way in conjunction with a safety berm along with a noise attenuation barrier, chain link fencing on the mutual property line, required warning clauses, easements and restrictive covenants, and agreements that will need to be established with CN.

CN identified that any vibrations in excess of 0.14 mm/sec will require isolation measures to be implemented. Additionally, CN provided comments respecting the noise and vibration study and identified areas that need to be updated to ensure that the noise study accurately reflects existing and future noise and vibration levels and that the required mitigation measures meet the requirements of the MOECC and CN.

An updated noise study and vibration study along with the implementation of all noise and vibration mitigation measures will be undertaken as part of the Site Plan Control Application and future Draft Plan of Condominium Application.

Urban Forestry and Horticulture, Public Works Department, identified that there are potential conflicts with publicly owned trees and therefore a Tree Management Plan will be required. A landscape plan will be required for the placement of trees both on the subject property and on the City Boulevard. Urban Forestry and Horticulture staff noted

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SUBJECT: Applications for an Amendment to the Urban Hamilton Official Plan and Zoning By-law for Lands Located at 115 and 121 Vansitmart Avenue, Hamilton (PED18124) (Ward 4) - Page 21 of 38

that new development is required to provide payment for road allowance street trees. The Tree Management Plan, landscape plan and payment for street trees will be reviewed and collected as part of the Site Plan Control Application.

Public Health Services, Health Protection Division, identified a pest control plan focusing on rats and mice be developed and implemented for the construction/development phase. The pest control plan will be required as part of the Site Plan Control Application.

Transportation Management, Public Works Department, identified that the classification of the streets are local roads with an ultimate road allowance width of 20.117 m. The applicant has identified a 1.25 m wide road widening on the concept plan in order to achieve the ultimate road allowance width. Transportation Management staff advise that street trees are to be provided and that a 2.0 m wide sidewalk be provided within the right-of-way and 1.5 m sidewalks through the site. The required road widening, provision for street trees, and implementation of the sidewalks will be undertaken as part of the Site Plan Control Application.

Transportation Management staff reviewed a Transportation Demand Management Option Report (TDM) and advised that the TDM initiatives do not meet the objectives of the City, specifically pedestrian sidewalks should include pedestrian amenities such as benches, landscaping, and lighting. Two to eight short-term exterior bicycle parking will be required and long-term bicycle parking will be provided by the provision of garages for each unit. The updates to the TDM report will be undertaken as part of the Site Plan Control Application.

Operations Division, Public Works Department, advised that the development is eligible for municipal waste collection service subject to meeting the City's requirements. Operation staff noted that the design of the access routes in the development do not meet the City's requirements for curb side collection as it does not allow continuous forward movement. Based on the layout of the development, waste materials will need to be collected from a common collection pad located at the entrance to the property on Vansitmart Avenue. The details in respect to the common collection pad will be addressed as part of the Site Plan Control Application.

Corridor Management, Public Works Department, advised that the applicant will be required to provide adequate visibility triangles and appropriate driveway widths, as well as remove any abandoned access and restore the boulevard. Corridor Management staff also advised that a Traffic Impact Study will not be required and that a Construction Management Plan will be required. The visibility triangles, driveway width, restoration of the abandoned access, and the Construction Management Plan will all be reviewed and addressed as part of the Site Plan Control Application.

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SUBJECT: Applications for an Amendment to the Urban Hamilton Official Plan and Zoning By-law for Lands Located at 115 and 121 Vansitmart Avenue, Hamilton (PED18124) (Ward 4) - Page 22 of 38

Public Consultation

In accordance with Council's Public Participation Policy, the proposal was circulated as part of the Notice of Complete Application to 221 property owners within 120 m of the subject lands on August 15, 2016. A public notice sign was also established on-site on August 19, 2016. An additional Notice of Complete Application respecting the Official Plan Amendment was circulated to 221 property owners within 120 m of the subject lands on August 15, 2017. Lastly, a Notice of Public Meeting was circulated to 221 property owners within 120 m of the subject lands on May 18, 2018. At the time of the writing of this Report, a total of 15 letters of correspondence were received. The issues raised in the letters of correspondence are summarized in the Analysis and Rationale for Recommendation Section of this Report.

Public Consultation Strategy

The applicant engaged in a Public Consultation Strategy that consisted of a Public Information Meeting on February 21, 2017. The Public Information Meeting was attended by 21 area residents and City staff. A number of questions were raised at the Public Information Meeting. The concerns raised are discussed in the Analysis and Rationale for Recommendation Section of this Report.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposed Official Plan Amendment and Zoning By-law Amendment have merit and can be supported for the following reasons:
 - i) They are consistent with the Provincial Policy Statement and conform to the Growth Plan for the Greater Golden Horseshoe;
 - ii) The addition of 40 maisonette dwellings and two single detached dwellings will provide for additional residential uses that are compatible with the character and function of the area; and,
 - iii) The proposal is compatible with the type and form of development in the surrounding neighbourhood.

2. **Official Plan Amendment**

The proposed single detached dwellings comply with the "Low Density Residential" policies of the UHOP.

Maisonette dwellings on a private condominium road are deemed to be multiple dwellings in the UHOP. The use is therefore considered to be "Medium Density

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SUBJECT: Applications for an Amendment to the Urban Hamilton Official Plan and Zoning By-law for Lands Located at 115 and 121 Vansitmart Avenue, Hamilton (PED18124) (Ward 4) - Page 23 of 38

Residential” in the UHOP. The proposed 40 maisonette dwellings have a net residential density of approximately 50 units per net hectare and therefore do not comply with the required residential density range of greater than 60 units per hectare but not more than 100 units per hectare in the UHOP. On this basis, an amendment to the UHOP is required. While the residential density of the maisonette dwellings are 50 units per hectare, the applicant requested a minimum residential density of 48 units per net hectare be established in order to provide some flexibility given the requirement for a road widening which will further reduce the net lot area.

The proposed residential density of 48 units per net hectare allows for the establishment of maisonette dwellings that are of a size and scale that is compatible with the character of the area. In order to achieve the density requirement, a different form of residential development such as stacked townhouses or a low rise apartment building(s) would be required and development of the site is constrained by the 14.0 m setback required by CN rail right-of-way. As the proposed residential density of 48 units per hectare establishes dwellings of an appropriate size and form that integrates into the neighbourhood in respect to building height, massing, and setbacks, and as appropriate on-site landscaping and parking is to be provided, the proposed residential development is compatible with the character of the area. Therefore, the proposed amendment to the UHOP to permit a minimum net residential density of 48 units per hectare has merit and can be supported.

3. Zoning By-law Amendment – RT-20/S-1762 (Block 1)

The proposed application, as amended, is for a change in zoning from the “C” (Urban Protected Residential, etc.) District to the “RT-20/S-1762-‘H’” (Townhouse – Maisonette) District, Holding, Modified (Block 1) and “C/S-1762-‘H’” (Urban Protected Residential, etc.) District, Holding, Modified (Blocks 2 and 3). Site specific modifications are being requested in order to implement the proposal.

Change in Zoning

“RT-20/S-1762-‘H’” District

The proposed change in zoning from the “C” (Urban Protected Residential, etc.) District to the “RT-20/S-1762-‘H’” (Townhouse – Maisonette) District, Holding, Modified will permit a maximum of 40 maisonette dwellings. The scale of the development represents an appropriate level of density within the interior of a neighbourhood in proximity to Barton Street East, a minor arterial road, and will be of a size and form that is compatible with the surrounding area.

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SUBJECT: Applications for an Amendment to the Urban Hamilton Official Plan and Zoning By-law for Lands Located at 115 and 121 Vansitmart Avenue, Hamilton (PED18124) (Ward 4) - Page 24 of 38

The proposed maisonette dwellings will each have two parking spaces that are solely for the use of the individual unit, which exceeds the 1.3 parking spaces per dwelling unit that is required in the Zoning By-law. In addition, the proposed maisonette dwellings will also have access to 28 on-site visitor parking spaces, which is more than double the 12 visitor parking spaces required by the Zoning By-law.

In respect to amenity space, each dwelling will have a second floor balcony and the subject property is within 120 m of an existing municipal park. Therefore, the amenity needs of the proposed development will be met.

With the exception of the density, the proposed 40 maisonette dwellings comply with the policies of the UHOP, including all other Medium Density Residential policies, residential intensification policies and Urban Design policies.

The proposed change in zoning will also prohibit the use of a day nursery on the basis that a day nursery along with the 40 maisonette dwellings would represent an over intensification of the subject lands, and it is unlikely that a day nursery would be able to be established in accordance with Provincial requirements.

Therefore, the proposed change in zoning to permit 40 maisonette dwellings and prohibit a day nursery has merit and can be supported.

Modifications for the “RT-20/S-1762-‘H’” District (Block 1)

Restriction on the Number of Dwelling Units

Staff are including a modification to restrict the number of maisonette dwelling units to a maximum of 40 and to restrict the use to only maisonette dwellings. This modification is to ensure certainty of use and to ensure that the proposed maisonette dwellings remain small in size and scale and are compatible with the character of the area.

Therefore the proposed modification regarding use has merit and can be supported.

Building Height

The proposed modification is to increase the maximum building height from 11.0 m to 12.6 m.

The intent and purpose of requiring a maximum building height of 11.0 m is to maintain a built form that is compatible with the existing built form of the

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SUBJECT: Applications for an Amendment to the Urban Hamilton Official Plan and Zoning By-law for Lands Located at 115 and 121 Vansitmart Avenue, Hamilton (PED18124) (Ward 4) - Page 25 of 38

neighbourhood and to minimize privacy and shadow impacts on adjacent properties.

The proposed modification is for a 1.6 m increase in the maximum building height in order to permit a three storey building with a pitched roof. The height of existing dwellings in the area range from one to two storeys in height. The majority of the proposed maisonettes are located internal to the subject lands. The proposed maisonette dwellings are setback 3.0 m from the westerly lot line and 9.0 m from the existing dwelling to the west and 9.5 m from the easterly lot line and 16.5 m from the proposed dwelling to the east. The buildings are oriented perpendicular to the adjacent residential properties and therefore will be massed in such a way to reduce the massing along the shared lot line with the existing low density residential lots along Cope Street and Tragina Avenue North. Furthermore, the roof is proposed to slope away from the adjacent residential properties, further reducing the massing along the shared lot line with the existing low density residential lots along Cope Street and Tragina Avenue North.

Therefore, the proposed modification can be supported.

Front Yard Setback

The proposed modification is to reduce the minimum depth of a yard abutting a street (front yard) from 6.0 m to 4.3 m for the second and third floor, 5.5 m for the first floor, and 6.0 m for the garage.

The intent and purpose of requiring a minimum front yard setback of 6.0 m is to maintain the streetscape character of the area and to provide adequate space with which to provide adequate driveway access and landscaping.

The proposed reduction in the front yard setback to 4.3 m is in respect to the second and third floors above the garage, while the ground floor will maintain a larger front yard setback of 5.5 m and the garage will conform to the minimum 6.0 m front yard setback. The proposed reduction in the front yard setback will be compatible with the character along the north side of Vansitmart Avenue. Based on the above, the proposed modification can be supported.

Side Yard Setback

The proposed modification is to reduce the minimum width of a yard abutting any other lot (side yard) from 6.0 m to 3.0 m where windows to a habitable room face the yard.

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SUBJECT: Applications for an Amendment to the Urban Hamilton Official Plan and Zoning By-law for Lands Located at 115 and 121 Vansitmart Avenue, Hamilton (PED18124) (Ward 4) - Page 26 of 38

The intent and purpose of requiring a minimum side yard setback of 6.0 m where there are windows is to maintain adequate space for privacy.

It is noted that a setback of 3.0 m is required when there are no windows for a habitable room facing the abutting lot, whereas a setback of 6.0 m is required where there are windows to a habitable room. The applicant is seeking a 3.0 m setback with windows to a habitable room. It is noted that the buildings are oriented so that only the westerly end units face the adjacent property. This limits the number of proposed windows facing the adjacent lots and limits the number of lots facing the window of an end unit. Based on the concept elevation plan provided by the applicant, the number of windows on the side elevation will be limited to one window per floor for each end unit, and the window on the ground floor would not be to a habitable room. A landscaped area and visual barrier will also be provided between the proposed buildings and the adjacent properties to buffer and screen the adjacent properties.

Given the orientation of the buildings, the limited number of windows facing the adjacent properties and the proposed landscaping and visual barrier, the proposed 3.0 m side yard setback will still maintain the privacy of adjacent properties.

Based on the above, the proposed modification can be supported.

Privacy Area Screening

The applicant is proposing to establish second floor balconies with privacy screens in all cases except for when separated from another balcony by a minimum of 3 m, whereas privacy screening is required on two sides of each balcony. A full privacy screening will be provided when two balconies are immediately adjacent to each other, on the easterly side of the balcony for the easterly end units and on the westerly side of the balcony for the westerly end units. For all sides of a balcony that are not mentioned above, partial privacy screening will be provided by the proposed building design.

The intent and purpose of requiring a privacy area to be screened on two sides is to ensure privacy for the occupants of the patio and adjacent residents. The separation between balconies and partial screening created by the building will ensure that the privacy of the balconies for the interior units is protected. In respect to the balconies on the westerly end units, a separation of 3.0 m is provided between the balcony and the rear lot line of the properties on Cope Street and therefore a privacy screen is required to protect the privacy of both the abutting properties and the occupants of the patio. In respect to the balconies for the easterly end units, while the balconies maintain a 9.5 m setback from the

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SUBJECT: Applications for an Amendment to the Urban Hamilton Official Plan and Zoning By-law for Lands Located at 115 and 121 Vansitmart Avenue, Hamilton (PED18124) (Ward 4) - Page 27 of 38

adjacent properties a privacy screen is nonetheless required to protect the privacy of the occupants of the patio.

Therefore, as the proposed modification is only to permit a partial screening for balconies that are non-abutting the proposed modification can be supported.

Landscape Area

The proposed modification is to permit a total of 23% (1,839.4 sq m) of the lot to be comprised of landscaped area instead of the required 40% (3,198.9 sq m).

The intent and purpose of requiring 40% of the lands to be landscaped is to maintain the character of the area and to provide adequate buffering for adjacent land uses. Landscaped area proposed on the site includes:

- A landscaped area of 3.0 m in width along the westerly side of the proposed development and ranges between 3.8 m to 4.7 m in width between the access driveway and parking areas and the adjacent residential district;
- A 1.25 m wide landscaped strip along the easterly lot line between the access driveway and the adjacent lands to the east;
- Landscaping between the two rows of visitor parking in the centre of the proposed development;
- A large landscaped area at the rear of the proposed development adjacent to the existing railway line to the rear; and,
- Landscaping at the front of each dwelling unit including along Vansitmart Avenue.

At 23%, the proposed landscaped area represents an appropriate amount of front yard landscaping for this form of development. The proposed landscaping will provide sufficient buffering for adjacent properties from the activities on-site.

Therefore, the proposed modification can be supported.

Parking Space Length

The proposed modification is to reduce the minimum parking space length for the visitor parking spaces from 6.0 m to 5.8 m. The reduction only applies to the visitor parking spaces.

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The intent and purpose of requiring a minimum parking space length of 6.0 m is to ensure that parking spaces are of a sufficient size to accommodate a wide range of different types of vehicles. The length of the parking spaces in the garage and on the front driveway will meet or exceed the required 6.0 m parking space length. It is noted that the reduction in parking space length is being requested in order to facilitate additional landscaping between the two rows of visitor parking in the centre of the proposed development. The proposed 5.8 m long parking spaces will be of sufficient size to accommodate a wide range of different types of vehicles.

Therefore, the proposed modification can be supported.

Setback of Parking Area from Adjoining Residential District

The proposed modifications are requested in order to reduce the required 1.5 m setback between a parking area and an adjoining residential district and to reduce the required 3.0 m setback between an access driveway and an adjoining residential district. The modifications are as followings:

- To permit a parking area to be setback 1.25 m from an adjoining residential district;
- To permit the proposed access driveway to be setback 0.0 m from an adjoining residential district to the east for the first 8.5 m; and,
- To permit a 1.25 m setback for the remaining portion of an access driveway from an adjoining residential district to the east.

The intent and purpose of requiring a 1.5 m setback for a parking area and 3.0 m for an access driveway from an adjoining residential district is to provide adequate buffering for adjacent land uses.

A 1.25 m landscape area along with a visual barrier will be provided between the parking area at the rear of subject property and the adjoining residential district to the east which will buffer and screen the adjoining residential uses from the parking area. A visual barrier will be provided between the access driveway and adjoining residential district and a 1.25 m landscaped area will be provided along the majority of the easterly side yard between the access driveway and the adjoining residential district. The setback is reduced at the point where the access driveway connects to Vansitmart Avenue in order to accommodate a wider access driveway width. It is noted that the proposed 0.0 m setback is between the access driveway and the proposed single detached dwelling at the corner of Vansitmart Avenue and Tragina Avenue North, and not an existing

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SUBJECT: Applications for an Amendment to the Urban Hamilton Official Plan and Zoning By-law for Lands Located at 115 and 121 Vansitmart Avenue, Hamilton (PED18124) (Ward 4) - Page 29 of 38

dwelling. The site specific By-law will permit a 0.0 m setback for only the first 8.5 m. It is noted that the existing dwellings along Tragina Avenue North maintain large rear yard setbacks of 14 m or larger and therefore significant buffering already exist on the easterly side of the subject property. Based on the above, adequate buffering will be provided between the parking area and access driveway and the adjoining residential use.

The proposed modification can be supported.

4. Zoning By-law Amendment – C/S-1762-‘H’ (Blocks 2 and 3)

Front Yard Setback (Block 3)

The proposed modification is to reduce the front yard setback for the proposed single detached dwelling on Block 3 from 6.0 m to 1.0 m.

The intent and purpose of requiring a minimum 6.0 m front yard setback is to maintain the streetscape character of the area and to provide adequate space with which to provide driveway access and landscaping. The lots along Cope Street are shallow in depth and the dwellings are typically located close to the front lot line. The subject property will maintain more than 50% front yard landscaping on-site. The proposed 1.0 m front yard setback will be consistent with the existing setbacks along Cope Street which range from 0.0 m to 2.8 m. In addition, the proposed 1.0 m front yard setback along with the existing boulevard depth of approximately 3.5 m will maintain approximately 4.5 m of manoeuvring space with which to access the one on-site parking space within the garage. Therefore, the proposed 1.0 m front yard setback will provide adequate landscaping and is consistent with the existing character. Therefore, the proposed modification can be supported.

Rear Yard Setback (Block 3)

The proposed modification is to reduce the rear yard setback for the proposed single detached dwelling on Block 3 from 7.5 m to 6.0 m.

The intent and purpose of requiring a minimum 7.5 m rear yard setback is to maintain adequate private amenity space to meet the amenity needs of the subject property. Due to the shallow depth of the lots on the east side of Cope Street, a 6.0 m rear yard setback or smaller is common. The rear yard setback of the lot to the north is approximately 5.0 m and approximately 5.8 m for the lot to the south, therefore the proposed 6.0 m rear yard setback represents a larger rear yard than the immediately adjacent lots. The proposed 6.0 m rear yard setback will still maintain a 54.6 sq m rear yard private amenity area, which given

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SUBJECT: Applications for an Amendment to the Urban Hamilton Official Plan and Zoning By-law for Lands Located at 115 and 121 Vansitmart Avenue, Hamilton (PED18124) (Ward 4) - Page 30 of 38

the size of the property, is appropriate and will meet the amenity needs of residents. The proposed modification can be supported.

Reduced Lot Width and Lot Area (Blocks 2 and 3)

The proposed modification is to reduce the lot width and lot area for Blocks 2 and 3 from the required 12.0 m width and 360 sq m area, to 10 m in width and 329 sq m in area for Block 2 and 9.1 m in width and 149 sq m in area for Block 3.

The intent and purpose of requiring a minimum lot width of 12 m and lot area of 360 sq m is to ensure that lots are of an appropriate size to be compatible with the character of the neighbourhood and able to accommodate an appropriate sized dwelling unit with adequate parking and amenity space.

For Block 2

A modification for lot width and area is required in order to accommodate a 1.25 m road widening along Vansitmart Avenue. The proposed lot is compatible in size to the existing 12 m, 400 sq m lots that are common along Tragina Avenue North. An appropriate sized dwelling unit with a gross floor area of 264 sq m can be established on site in conformity with the setback requirements of the "C" District. Two on-site parking spaces can be provided along with a minimum 64 sq m rear yard private amenity space. The reduction in lot width and lot area will be compatible with the character of the neighbourhood, will provide an appropriate sized dwelling, and will provide adequate parking and amenity space.

Therefore, the proposed modification can be supported.

For Block 3

The lot for Block 3 represents a remnant parcel located between two existing dwellings and as such there is no opportunity to enlarge the lands. The proposed 9.1 m lot width and 149 sq m lot area represents a typical lot width and lot area for the properties on the east side of Cope Street. A dwelling with a gross floor area of approximately 123.8 sq m can be accommodated on-site with reductions to the front and rear yard setback that are consistent with other dwellings along the east side of Cope Street in terms of placement and dwelling size. A rear yard amenity area that is 54.6 sq m in size can be provided to meet the amenity needs of the subject property. A reduced number of on-site parking spaces is provided however on-site parking spaces are not provided for the majority of dwellings on the east side of Cope Street. The reduction in lot width and lot area will be

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compatible with the character of the neighbourhood, will provide an appropriate sized dwelling and will provide adequate parking and amenity space.

The proposed modification can be supported.

Porch Encroachment (Block 3)

The proposed modification is to permit a front porch to be established at the front of the proposed dwelling with an encroachment of 1.0 m into the required front yard and to be setback 0.0 m from the front lot line, whereas a maximum encroachment of 3.0 m is permitted with a minimum setback of 1.5 m from the front lot line.

The intent and purpose of permitting a maximum encroachment of 3.0 m with a minimum setback of 1.5 m for a roofed-over unenclosed porch is to maintain the streetscape character of the area. The lots along Cope Street are shallow in depth and the dwellings including front porches are typically located close to the front lot line. Therefore a porch with a 0.0 m setback from the front lot line will be in keeping with the streetscape character of the area.

The proposed modification can be supported.

Reduced On-site Parking (Block 3)

The proposed modification is to reduce the number of required on-site parking spaces for the proposed dwelling on Block 3 from two spaces to one space.

The intent and purpose of requiring two parking spaces on-site is to ensure that the parking needs of the subject property are met. The lots on the east side of Cope Street are small in size including the proposed lot, and do not have sufficient lot size in which to provide two parking spaces. The majority of properties on the east side of Cope Street have no on-site parking and the few lots that do only provide one parking space. On-street parking is permitted on Cope Street and there is existing transit available within 200 m along Barton Street East, which will provide alternative parking and transportation options for the residents of the proposed single detached dwelling on Cope Street. The proposed one on-site parking space along with available on-street parking and transit will meet the parking needs of the subject property.

Therefore, the proposed modification can be supported.

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SUBJECT: Applications for an Amendment to the Urban Hamilton Official Plan and Zoning By-law for Lands Located at 115 and 121 Vansitmart Avenue, Hamilton (PED18124) (Ward 4) - Page 32 of 38

Reduced Manoeuvring Space (Block 3)

The proposed modification is to reduce the required manoeuvring space length from 6.0 m to 1.0 m for the dwelling on Block 3.

The intent and purpose of requiring a minimum of 6.0 m of manoeuvring space is to ensure that vehicles can enter into and exit from a parking space safely. As noted above the lots along the east side of Cope Street are small in size and are located in close proximity to the front lot line. The existing properties on Cope Street that have an on-site parking space do not provide 6.0 m of manoeuvring space. It is further noted that Cope Street is a dead end street and therefore traffic is limited in both volume and speed. The one on-site parking space is to be provided in an attached garage which is setback 1.0 m from the front lot line. There is an additional setback of approximately 2.0 m from the sidewalk on the boulevard and a 1.5 m wide sidewalk therefore representing an approximate 3.5 m setback from Cope Street. The 4.5 m setback along with the limited traffic volume and speed of the street will ensure that the one on-site parking space can be entered into and exited safely.

Therefore, the proposed modification can be supported.

5. As discussed in the Policy Implications and Legislated Requirements section of this Report, the subject property has the potential to be a contaminated site due to its previous use as a contracting yard. In addition, it is noted that that applicant has undergone a Phase I and Phase II Environmental Site Assessment but has not submitted their findings to the MOECC. In order to ensure that the applicant submits the findings of the Environmental Site Assessment and receives a Notice of Acknowledgement letter from the MOECC, the proposed By-law will establish a 'H' Holding Provision on the subject property.
6. There is an existing 150 mm watermain fronting the subject lands on Vansitmart Avenue and a 150 mm watermain on both Cope Street and Tragina Avenue North. There is a 300 mm combined storm and sanitary sewer fronting the subject lands on Vansitmart Avenue, 300 mm combined sewers on Cope Street and Tragina Avenue North, and a 450 mm combined sewer to the rear of the subject lands adjacent to the CN rail line. A Functional Servicing Report was submitted and reviewed as part of the applications for Official Plan Amendment and Zoning By-law Amendment (June 28, 2016 and Revised May 16, 2017). In respect to servicing there is not a concern with establishing the principal of the land use. However, it is noted that the applicant will be required to revise the Functional Servicing Report as part of the Site Plan Control Application. The details with respect to servicing and storm water management will be evaluated and implemented as part of the application for Site Plan Control.

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Vansitmart Avenue is classified as a local road with an ultimate road width of 20.1 m. The current road width is 17.6 m. A road widening of approximately 1.25 m dedicated to the City of Hamilton will be required, at the Site Plan Control stage.

7. The subject property is comprised of 115 and 121 Vansitmart Avenue which are both owned by the same Owner but have not yet merged on title. The lands will need to be merged on title in order facilitate the proposed development. Additionally, the lots for the two single detached dwellings will need to be severed through a Consent Application.
8. Following the Notice of Complete Application, staff received 14 letters of correspondence received in response to the first Notice of Complete Application in 2016 in respect to the original proposal and one letter of correspondence received in response to the second Notice of Complete Application in 2017 in response to the second proposal see Appendix “G” to Report PED18124. The letters of correspondence identified a number of concerns with respect to the proposed development and are summarized below:

Over Intensification

A concern was raised that the proposed development represents an over-intensification of the subject lands given the context of the area. The applicant has revised the proposed development reducing the number of dwelling units from 62 stacked townhouse dwellings and two single detached dwellings to 40 maisonette dwellings and two single detached dwellings. As discussed in the Policy Analysis Section of this Report, while the form of the development is considered to be medium density residential, the height and density of the proposed development is compatible with low density residential.

Building Height

A concern was raised that the height of the buildings are not compatible with the area. The area is comprised of buildings that range in height from one to two storeys. The proposed three storey maisonette dwellings will have a height that is greater than the existing buildings but is compatible with the area. Also setbacks of 3.0 m from the westerly side lot line and 9.0 m from the existing dwelling to the west and a setback 9.5 m from the easterly side lot line and 16.5 m from the proposed dwelling to the east will create an appropriate transition in scale.

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Reduction in Property Value

A number of interested parties were concerned that the proposed development would negatively impact the property values of existing properties in the area. Staff are not aware of any supporting information or any empirical data with respect to property devaluation that would substantiate this concern.

Privacy

A concern was raised with respect to the potential impact of the proposed development on the privacy of nearby residential properties. A visual barrier will be established between the proposed development and the adjacent residential properties which will provide screening. The balconies on the west side will be required to provide a privacy screen on the westerly side of the balcony to protect the privacy of the existing single detached dwellings to the west of the subject property. The balconies on the east side will require a privacy screen on the easterly side of the balcony which along with the proposed 9.5 m setback will protect the privacy of the existing single detached dwellings to the east of the subject property. The orientation, setback and the limited number of window openings on the west end of the maisonette dwellings will limit privacy impacts on the adjacent properties.

Noise Impacts

A concern was raised with respect to potential noise impacts caused by the proposed development on nearby residential properties. The proposed development is a residential development that maintains a density consistent with a low density residential area. The majority of the activity on-site will be contained within the dwellings and would therefore not impact nearby residential properties.

Parking and Traffic

A concern was raised that insufficient parking is being provided and that on-street parking is currently a problem. Two parking spaces are being provided for each maisonette dwelling along with 28 visitor parking spaces which exceeds the required 1.3 parking spaces per unit and 12 visitor parking spaces that are required. The single detached dwelling at the corner of Vansitmart Avenue and Tragina Avenue North is providing two required parking spaces. Only the single detached dwelling on Cope Street is seeking a reduction in parking from two parking spaces to one parking space, which represents more parking than most of the dwellings on the east side of Cope Street. Therefore, sufficient parking is being provided.

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A concern was also raised with respect to traffic congestion. It noted that the proposed parking for the maisonette dwellings is accessed from Vansitmart Avenue and not the dead end streets of Cope Street or Tragina Avenue North. On-street parking is limited to one side of Vansitmart Avenue in order to accommodate greater volumes of traffic. Also the proposed development is located within one block of Barton Street East a minor arterial road. Given the density of the proposed development, the function of Vansitmart Avenue, and the proximity to a minor arterial road, the proposed development is not expected to create negative traffic impacts.

Infrastructure Impacts

A concern was raised that the proposed development would impact the aging sewer and water systems in the area. As noted above, a Functional Servicing Report was submitted and reviewed as part of the applications and there is not a concern with establishing the principal of the land use. The details respecting servicing and storm water management will be undertaken as part of the future Site Plan Control Application.

Shadow Impacts

A concern was raised in respect to the impact of the proposed development on sun access and shadow impacts. The perpendicular orientation of the proposed buildings from the adjacent residential properties along with the building height being limited to three storeys and setbacks of 3.0 m from the westerly lot line and 9.5 m from the easterly lot line being maintained will ensure that shadow impacts on the adjacent residential properties will be limited.

Form and Tenure

A concern was raised with the compatibility of the form and tenure of the proposed development, whether the units would be rental or ownership. As mentioned in this Report, a future condominium application will establish condominium ownership, however it is noted that the City cannot regulate the tenure through the Zoning By-law. The maisonette dwellings, are a compatible use, form and density for the area.

Taxes

A concern was raised that the proposed redevelopment of the subject lands would increase the property taxes of neighbouring properties. Staff are not aware of any supporting information or any empirical data with respect to increase in property taxes that would substantiate this concern.

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Limited Consultation

A concern was raised that the neighbours and interested parties were not given adequate time in which to review the proposal and comment. It is noted that notices were sent to the public on August 15, 2016 with comments requested by September 2, 2016, however, comments can continue to be submitted to the City up to the Public Meeting and decision by Council, and that all comments received prior to the writing of this Report are included. It is further noted that there have been two separate notices that have been sent to the public requesting comments: one in August, 2016 and another in August, 2017. Also, there was a public open house held in February, 2017.

Loss of Greenspace and Tree Removal

A concern was raised that the proposed development will result in a loss of greenspace on-site and the removal of existing trees. As noted above, the proposed applications are seeking a reduction in on-site landscaping from 40% to 23%, however, landscaped areas between the development and adjacent lands will be provided as well as landscaping throughout the site. Therefore, sufficient greenspace will be provided on-site. In respect to existing street trees, as part of the Site Plan Control Application a Tree Management Plan will be required.

Snow Removal

A concern was raised with respect to how snow removal will be addressed. Snow removal for the private condominium road will not be undertaken by the City of Hamilton and will be maintained by the condominium corporation. Furthermore, the large landscaped areas at the rear of the property, other landscaped areas throughout the site, and the excess visitor parking spaces will provide sufficient space on-site to accommodate snow storage.

Parking During Construction

A concern was raised with respect to how parking will be accommodate during construction phase. Short term parking can be provided on-site to accommodate parking for works and a Construction Management Plan will be required as part of the Site Plan Control Application.

Assurance that the Revised Proposal will not be Altered

A concern was raised that the applicant would alter the revised proposal following community agreement. The proposed site specific By-law is based on the

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revised proposal and further revision to the proposed development would require additional modifications to the By-law by way of a public process.

Provision of Basement

A question was raised about whether the proposed development would include basements. Based on the plans provided basements are not proposed for the maisonette dwellings.

Setbacks

A concern was raised with respect to the setback of the proposed buildings from the adjacent land. The applicant increased the westerly side yard setback from 1.5 m to 3.0 m and a setback of 9.5 m will be maintained from the easterly lot line.

ALTERNATIVES FOR CONSIDERATION

Should the proposed Official Plan Amendment and Zoning By-law Amendment applications be denied, the subject property could be utilized in accordance with the range of uses and provisions of the “C” (Urban Protected Residential, etc.) District.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and 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.

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

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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.

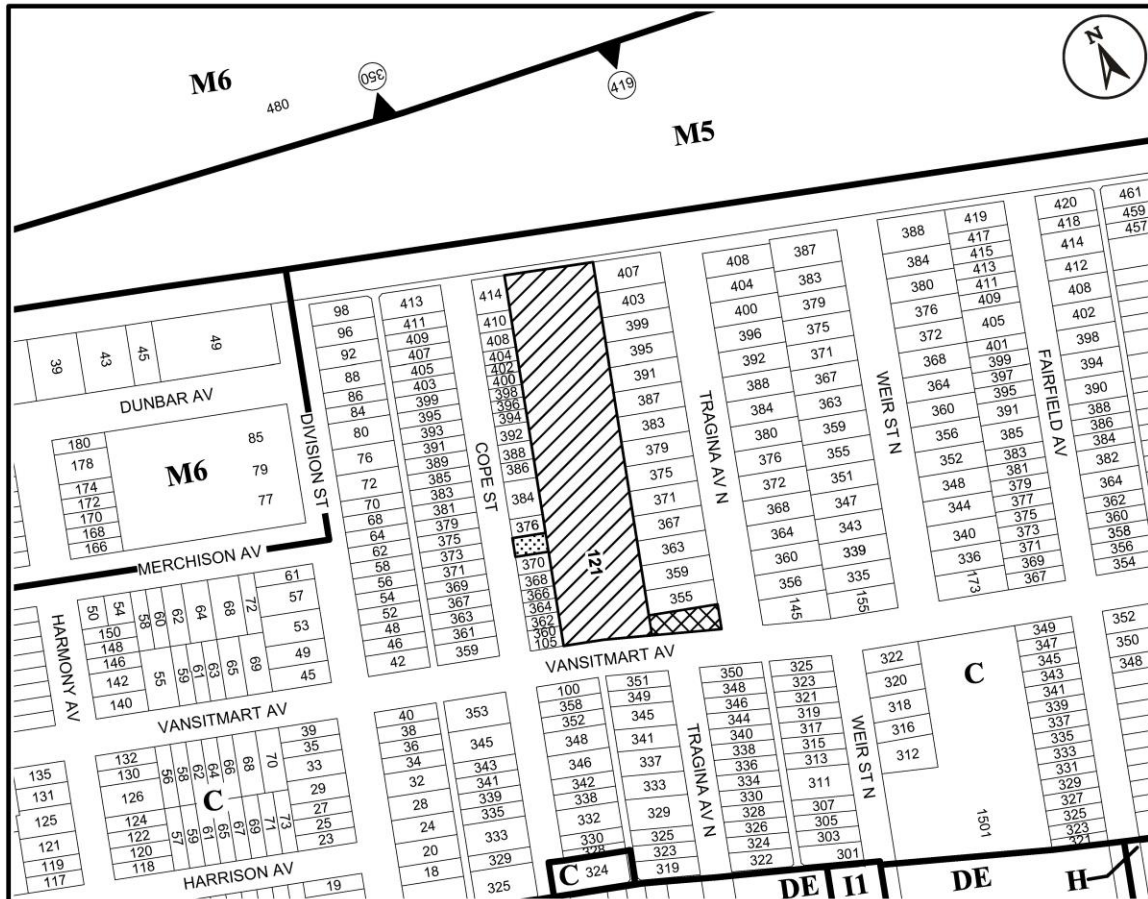
APPENDICES AND SCHEDULES ATTACHED

- Appendix "A" – Location Map
- Appendix "B" – Draft Official Plan Amendment
- Appendix "C" – Draft Amendment to Zoning By-law No. 6593
- Appendix "D" – Original Concept Plan
- Appendix "E" – Revision Concept Plan
- Appendix "F" – Current Concept Plan
- Appendix "G" – Public Comments

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<h2>Location Map</h2>		
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		
File Name/Number: ZAC-16-046 & UHOPA-17-026		Date: April 6, 2018
Appendix "A"	Scale: N.T.S.	Planner/Technician: DB/AL
Subject Property		
115 & 121 Vansitmart Avenue, Hamilton		
	Block 1 - Change in Zoning from the "C" (Urban Protected Residential, etc.) District to the "RT-20/S-1762-'H'" (Townhouse - Maisonette) District, Holding, Modified	
	Block 2 - Modification in Zoning from the "C" (Urban Protected Residential, etc.) District to the "C/S-1762-'H'" (Urban Protected Residential, etc.) District, Modified.	
	Block 3 - Modification in Zoning from the "C" (Urban Protected Residential, etc.) District to the "C/S-1762-'H'" (Urban Protected Residential, etc.) District, Modified.	

DRAFT Urban Hamilton Official Plan Amendment No. XX

The following text, together with Appendix “A” – Urban Site Specific Key Map – Volume 3: Map 2, constitutes Official Plan Amendment No. XX to the Urban Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose and effect of this Amendment is to permit the development of 40 Maisonette Dwellings on a private road with a minimum density of 48 units per hectare within the Neighbourhoods Designation.

2.0 Location:

The lands affected by this Amendment are known municipally as 115 and 121 Vansitmart Avenue, in the former City of Hamilton.

3.0 Basis:

The basis for permitting this Amendment is as follows:

- The proposal satisfies all characteristics and requirements of the medium density residential policies, save and except the prescribed residential density range.
- The proposed Amendment is compatible with the existing and planned development in the immediate area.
- The proposed Amendment is consistent with the Provincial Policy Statement, 2014 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2017.

4.0 Actual Changes:

4.1. Volume 3 – Special Policy Areas, Area Specific and Site Specific Policies

Text

4.1.1 Chapter C – Urban Site Specific Policies

- a. That Volume 3: Chapter C – Urban Site Specific Policies be amended by adding a new Site Specific Policy, as follows:

UHN-X Lands Located at 115 and 121 Vansitmart Avenue, former City of Hamilton

1.0 Notwithstanding Volume 1, Policy E.3.5.7, for lands located at 115 and 121 Vansitmart Avenue, the net residential density for medium density residential uses shall be greater than 48 units per hectare and not greater than 100 units per hectare."

Maps

4.1.2 Maps

a. That Volume C: Map 2 – Urban Site Specific Key Map be amended by identifying the subject lands as UHN-XX, as shown on Appendix "A" to this Amendment.

5.0 Implementation:

An implementing Zoning By-Law Amendment and Site Plan will give effect to the intended uses on the subject lands.

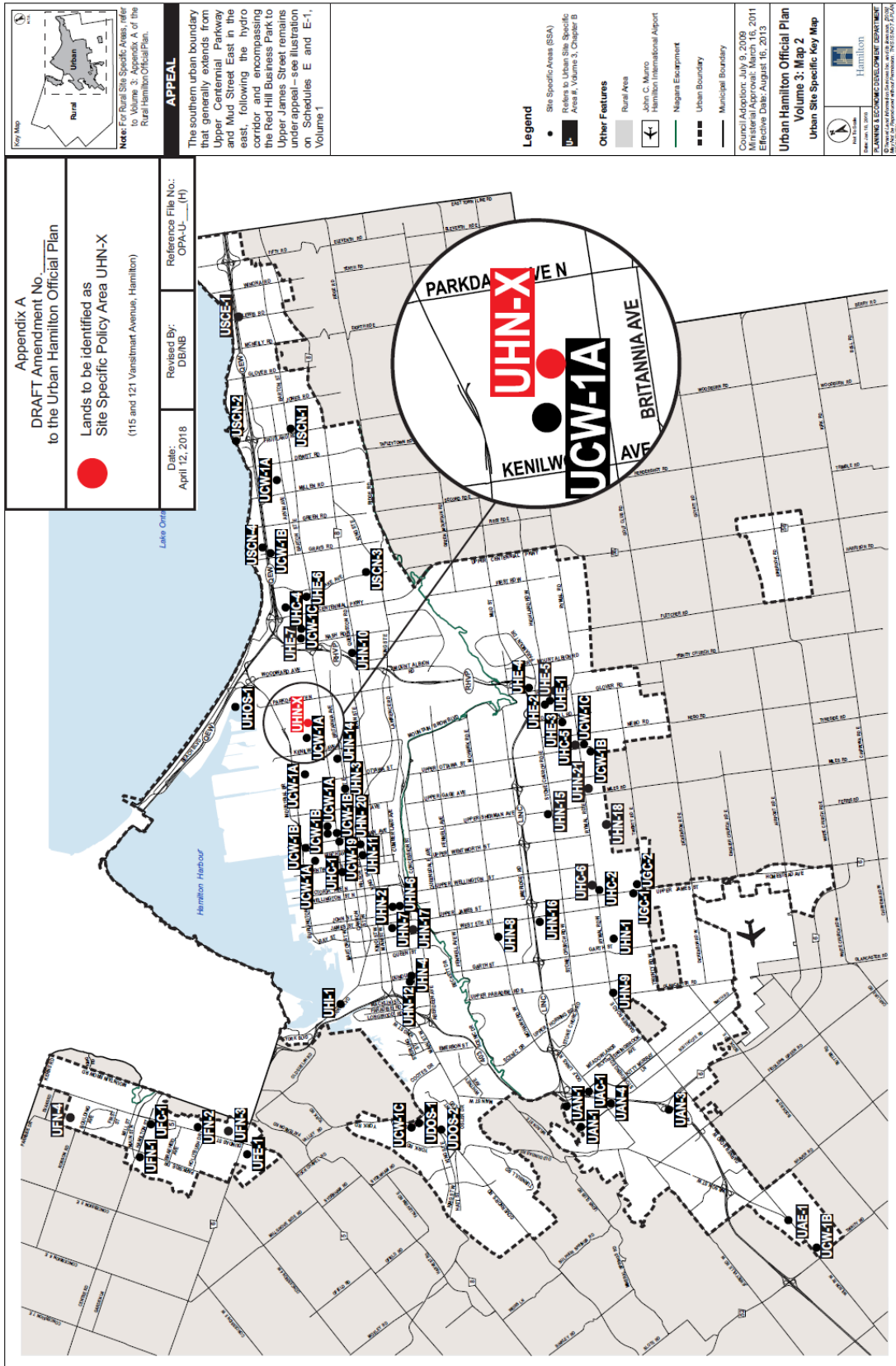
This is Schedule "1" to By-law No. _____ passed on the day of _____, 2018.

The City of Hamilton

Fred Eisenberger
MAYOR

CITY CLERK

Schedule 1



Authority: Item , Planning Committee
Report (PED18XXX)
CM: June 27, 2018
Ward: 4

Bill No.

CITY OF HAMILTON

BY-LAW NO.

To Amend Zoning By-law No. 6593 (Hamilton) Respecting Land Located at 115 and 121 Vansitmart Avenue (Hamilton)

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

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

WHEREAS the *City of Hamilton Act, 1999* provides that the Zoning By-laws and Official Plans of the former area municipalities and the Official Plan of the former regional municipality 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 will be in conformity with the Urban Hamilton Official Plan upon approval of Official Plan Amendment No. _____.

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

1. That Sheet No. E63 of the District Maps, appended to and forming part of Zoning By-law No. 6593 (Hamilton) is amended, by changing from the "C" (Urban Protected Residential, etc.) District to the "RT-20/S-1762-'H'" (Townhouse – Maisonette) District, Holding, Modified (Block 1), and "C/S-1762-'H'" (Urban

Protected Residential, etc.) District, Holding, Modified (Blocks 2 and 3) on lands the extent and boundaries of which are shown on plan hereto annexed as Schedule "A".

2. "RT-20/S-1762-'H'" (Block 1)

That the "RT-20" (Townhouse – Maisonette) District provisions as contained in Section 10E of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following requirements:

- a) Notwithstanding Section 10E (2) (a), a maximum of 40 maisonette dwellings shall be permitted.
- b) Section 10E (2) (b), shall not apply.
- c) Notwithstanding Section 10E (3), no building or structure, within the district shall exceed three storeys and no structure other than a building shall exceed 12.6 metres in height.
- d) Notwithstanding Section 10E (4) (a), where a yard abuts a street, a depth of not less than 5.5 metres for the first storey, 4.3 metres for the second and third storey, and not less than 6.0 metres to a garage.
- e) Notwithstanding Section 10E (4) (b), where a yard abuts any other lot, a width or depth of not less than 3.0 metres, except where there are windows to a habitable room facing the yard, the width or depth of such yard shall not be less than 3.0 metres.
- f) Notwithstanding Section 10E (8) (a), a privacy area for each single family dwelling unit is not required to be screened on two sides by means of a screen that is not less than 1.2 metres and not more than 2.0 metres in height, except:
 - i) Between two (2) privacy areas that are setback less than 3.0 metres;
 - ii) On the westerly side of the privacy area for a westerly end unit; and,
 - iii) On the easterly side of the privacy area for a easterly end unit.
- g) Notwithstanding Section 10E (10), there shall be provided and maintained on the same lot and within the "RT-20" District for one or more buildings or structures, an amount not less than 23% of the area of the lot on which the buildings or structures are situated, as landscaped area.
- h) Notwithstanding Section 18A (7), parking spaces other than a parallel parking space shall have dimensions not less than 3.0 metres wide and 6.0 metres long except for visitor parking spaces which shall have dimensions not less than 3.0 metres wide and 5.8 metres long.

- i) Notwithstanding Section 18A (11) (a), not less than 1.25 metres from the adjoining residential district boundary.
 - j) Notwithstanding Section 18A (25), where a maisonette dwelling is adjacent to a residential district that does not permit such uses every access driveway to the maisonette dwelling shall be located not less than 1.25 metres from the common boundary between the district in which the maisonette dwelling is located and the district that does not permit such uses, except for the first 8.5 metres from the street line where 0 metres shall be provided.
3. That the 'H' symbol applicable to the lands referred to in Section 2 shall be removed conditional upon:
 - (a) The Owner submitting a signed Record of Site Condition (RSC) to the City of Hamilton and the Ministry of the Environment and Climate Change (MOECC). This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MOECC, and submission of the City of Hamilton's current RSC administration fee.
4. "C/S-1762-'H'" (Block 2)

That the "C" (Urban Protected Residential, etc.) District provisions as contained in Section 9 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following requirements:

 - a) Notwithstanding Section 9 (4), every lot or tract of land in a "C" District shall have a width of at least 10 metres and an area of at least 329 square metres within the district.
5. That the 'H' symbol applicable to the lands referred to in Section 4 shall be removed conditional upon:
 - (a) The Owner submitting a signed Record of Site Condition (RSC) to the City of Hamilton and the Ministry of the Environment and Climate Change (MOECC). This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MOECC, and submission of the City of Hamilton's current RSC administration fee.
6. "C/S-1762-'H'" (Block 3)

That the "C" (Urban Protected Residential, etc.) District provisions as contained in Section 9 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following requirements:

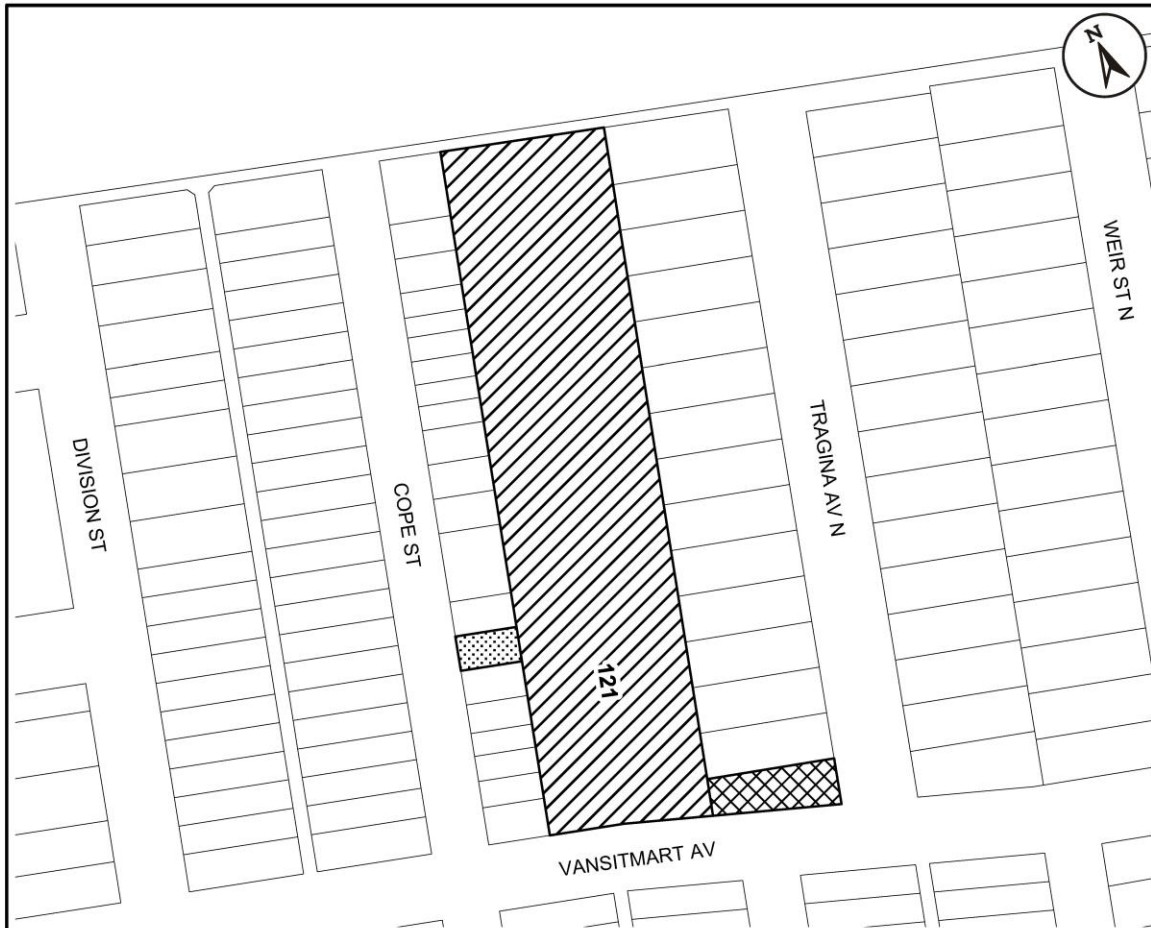
 - a) Notwithstanding Section 9 (3) (i), a front yard of a depth of at least 1.0 metre.
 - b) Notwithstanding Section 9 (3) (iii), a rear yard of a depth of at least 6.0 metres.

- c) Notwithstanding Section 9 (4), every lot or tract of land in a "C" District shall have a width of at least 9.1 metres and an area of at least 149 square metres within the district.
 - d) Notwithstanding Section 18 (3) (vi) (d) a roofed-over or screened but otherwise unenclosed one-storey porch at the first storey level, including eaves and gutters, may project into a required front yard to a distance not more than 1.0 metres and every such projecting porch shall be distant at least 0.0 metres from the front lot line.
 - e) Notwithstanding Section 18A (1) (a) a minimum of one (1) parking space shall be provided and maintained.
 - f) Notwithstanding Section 18 A (1), manoeuvring space abutting upon and accessory to a parking space shall have a minimum aisle width of 1.0 metres.
7. That the 'H' symbol applicable to the lands referred to in Section 6 shall be removed conditional upon:
- (a) The Owner submitting a signed Record of Site Condition (RSC) to the City of Hamilton and the Ministry of the Environment and Climate Change (MOECC). This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MOECC, and submission of the City of Hamilton's current RSC administration fee.
8. That By-law No. 6593 (City of Hamilton) is amended by adding this By-law to Section 19B as Schedule S-1762.
9. That Sheet No. E63 of the District maps is amended by making the lands referred to in Section 1 of this By-law as Schedule S-1762.
10. 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



<p>This is Schedule "A" to By-law No. 18-</p> <p>Passed the day of, 2018</p>	<p style="text-align: center;">-----</p> <p style="text-align: center;">Mayor</p> <p style="text-align: center;">-----</p> <p style="text-align: center;">Clerk</p>
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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: 0 0 0 0;">to Amend By-law No. 6593</p>		<p>Subject Property</p> <p>115 & 121 Vansitmart Avenue, Hamilton</p> <div style="margin-top: 10px;"> Block 1 - Change in Zoning from the "C" (Urban Protected Residential, etc.) District to the "RT-20/S-1762-'H'" (Townhouse - Maisonette) District, Holding, Modified </div> <div style="margin-top: 10px;"> Block 2 - Modification in Zoning from the "C" (Urban Protected Residential, etc.) District to the "C/S-1762-'H'" (Urban Protected Residential, etc.) District, Modified. </div> <div style="margin-top: 10px;"> Block 3 - Modification in Zoning from the "C" (Urban Protected Residential, etc.) District to the "C/S-1762-'H'" (Urban Protected Residential, etc.) District, Modified. </div>
<p>Scale: N.T.S.</p>	<p>File Name/Number: ZAC-16-046 & UHOPA-17-026</p>	
<p>Date: April 6, 2018</p>	<p>Planner/Technician: DB/VS</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		

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: 06/05/2018

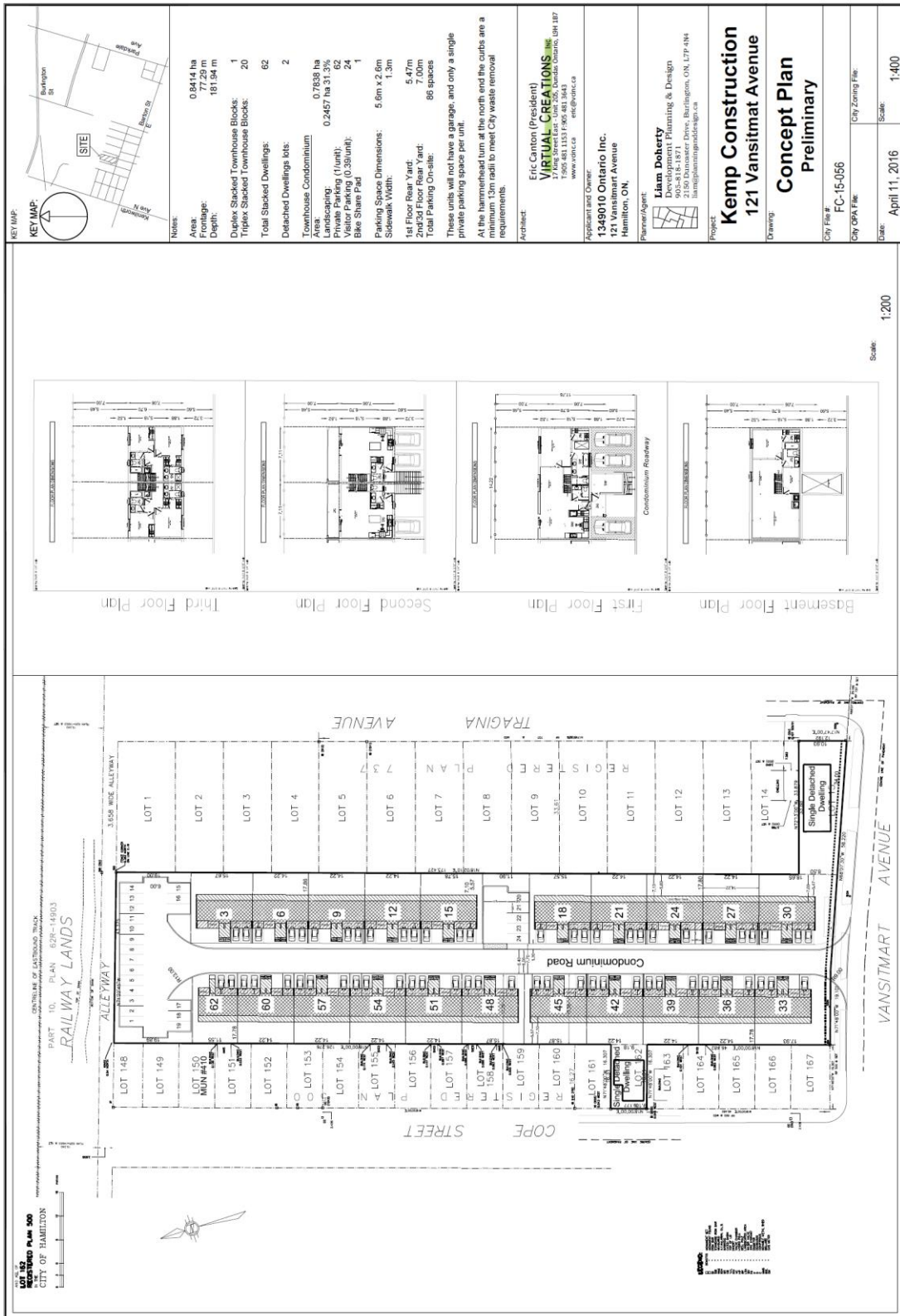
Ward(s) or City Wide: Ward: 4

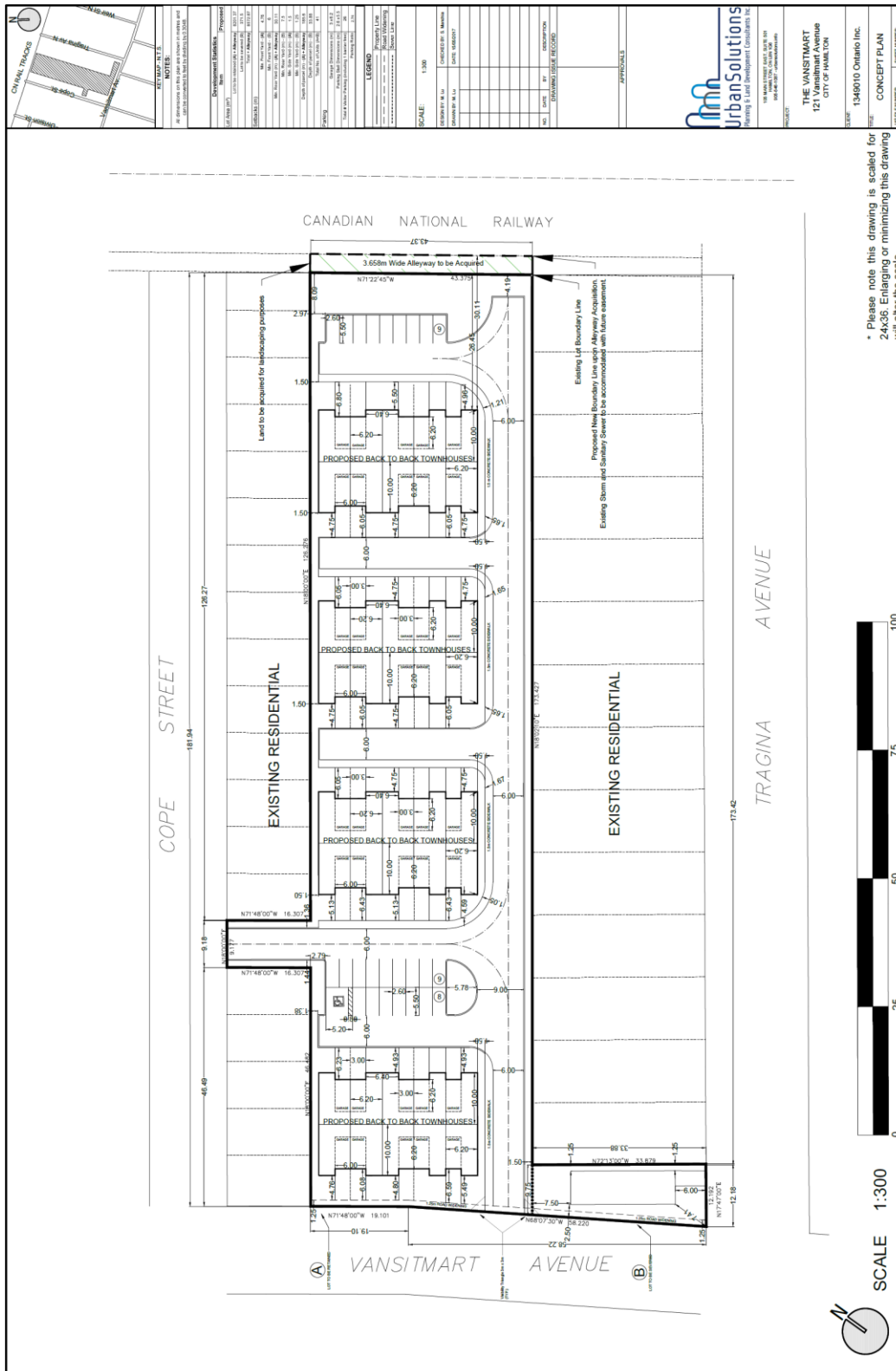
(MM/DD/YYYY)

Prepared by: Daniel Barnett

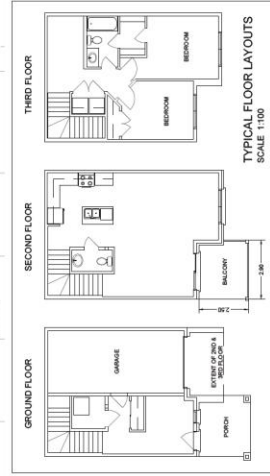
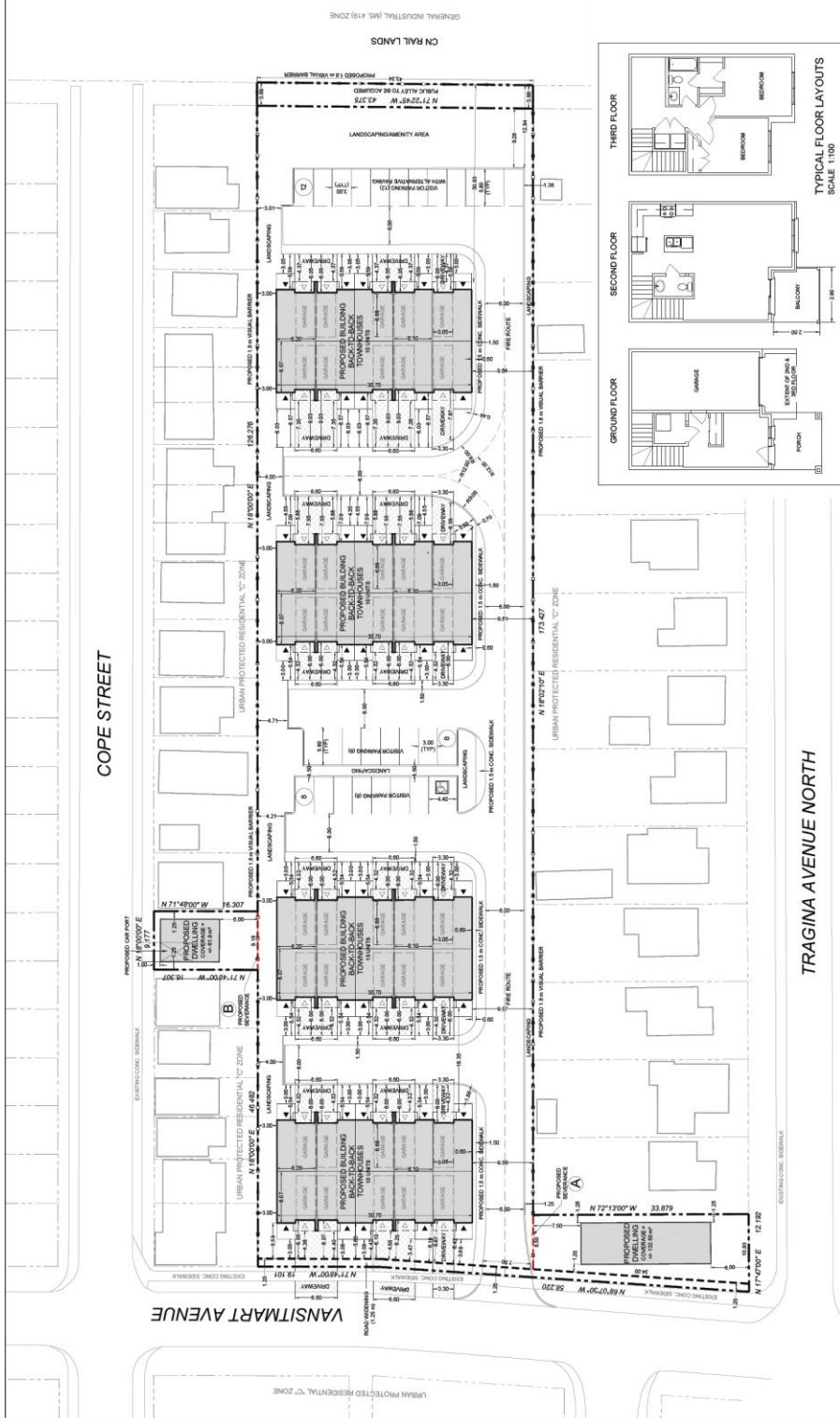
Phone No: 905-546-2424 ext. 4445

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





DEVELOPMENT STATISTICS	
Proposed Back to Back Townhouse Block	
Lot Area	Proposed 7,997.32 m ²
Front Yard	4.38 m
Side Yard (West)	3.00 m
Side Yard (East)	9.56 m
Rear Yard	30.93 m
Max. Building Height	12.00 m
No. of Units	40
Density	50 UPH
Building Separation	18.35 m
Landscaped Area	1,938.59 m ² (24%)
Parking	
No. of Spaces per Unit	2 per unit = 80
No. of Visitor Spaces	28
Parking Stall Size	5.8 m x 3.0 m
No. of Barrier Free Spaces	1
Proposed Severed Lot A	
Lot Area	Proposed 329.28 m ²
Front Yard	6.00 m
Side Yard (North)	1.25 m
Side Yard (South)	1.25 m
Rear Yard	7.50 m
Max. Building Height	11.0 m
No. of Parking Spaces	2
Proposed Severed Lot B	
Lot Area	Proposed 149.94 m ²
Front Yard	1.00 m
Side Yard (North)	1.25 m
Side Yard (South)	1.25 m
Rear Yard	6.00 m
Max. Building Height	11.0 m
No. of Parking Spaces	1



PROJECT			
THE VANSITMART 115 & 121 VANSITMART AVENUE CITY OF HAMILTON			
CUBIC	1349010 ONTARIO INC.		
US FILE NUMBER	197-19		
SHEET NUMBER	1		
NOT FOR CONSTRUCTION			
DESIGNED BY: S. MURPHY DRAWN BY: S. MURPHY CHECKED BY: E. MARCHELA DATE: MAY 10, 2017			
NO.	DATE	BY	DESCRIPTION
1	FEB '18	US	PER CITY COMMENTS
2	MAR '18	US	PER CITY COMMENTS
3	FEB '18	US	PER CITY COMMENTS
4	FEB '18	US	PER CITY COMMENTS
5	FEB '18	US	PER CITY COMMENTS

PREPARED BY:

UrbanSolutions
Planning & Land Development Consultants, Inc.

108 Main Street East, Suite 501
Hamilton, ON L8N 1G2
905-546-1087 - UrbanSolutions info

LEGEND:

- SUBJECT LANDS
- SURROUNDING PROPERTY LINE
- PROPOSED BUILDING
- EXISTING BUILDING
- PROPOSED ROAD WIDENING
- PROPOSED VISUAL BARRIER
- PROPOSED SEVERANCE
- PROPOSED DRIVEWAY
- PROPOSED NO. OF PARKING SPACES (5)
- PROPOSED GARAGE DOOR
- PROPOSED MAN DOOR

SCALE 1:300

0 5 10 15 25 35 METRES

NOTES:
- ALL DIMENSIONS SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

CONCEPT PLAN

LEGAL DESCRIPTION:
PARTS OF LOTS 1 AND 2
CONCESSION 1
GEOGRAPHIC TOWNSHIP OF BARTON
AND ALL OF LOT 15
REGISTERED PLAN 731
AND ALL OF LOT 162
REVISIONS TO PLAN 500
IN THE CITY OF HAMILTON



September 2, 2016

DELIVERED VIA EMAIL: gerry.tchisler@hamilton.ca

Mr. Gerry Tchisler
Planning and Economic Development Department
City of Hamilton
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5

Dear Mr. Tchisler:

Re: ZAC-16-046

I am writing to you today in response to a notice received, regarding a proposal for a new townhome complex development in my neighbourhood. The notice describes a zoning change request and construction pitch which will be directly behind my home on Tragina Avenue North, Hamilton Ontario.

The neighbourhood surrounding Vansitmart Avenue, is currently zoned as a *C Urban Protected Residential* site and the proposal for zoning, if approved, will make it an *E Multiple Dwellings, Lodges, Clubs, etc.* area.

I have many concerns with this application and feel passionately that a townhouse complex will not benefit our neighbourhood:

- Proposed 62 3-story units: There are currently no buildings of this height in the vicinity. There will be major overcrowding, parking and privacy issues, more noise, and traffic in a quiet neighborhood
- The scope and scale of the proposed dwellings may have an impact on the existing property values of the single dwelling homes in the area, possibly resulting in the devaluation for any profitable re-sale in the future
- Tragina Avenue North is in the end stages of road and sidewalk re-construction for sewer work. With the possibility of an additional 62 units, this will definitely have an impact on the sewer system, thus later resulting in more construction work on this road to support the townhomes. This will undoubtedly create more work to re-dig the road and cause more congestion in the area

- The number of new units will have an adverse effect on utilities in the immediate area, more specifically in regards to taxes

In the best interest of our neighbourhood, the property can certainly be redeveloped for residential use - - perhaps to a downscaled version of the *proposed plan*. This will accommodate the current style of the homes in the surrounding area. Changes to the current zoning should be kept within the guidelines and constraints that are in our neighbourhood.

I would like to reiterate that I am writing to you as a concerned resident in this proposed area and as such am requesting that my name and address not be disclosed in any public record at this time. I would however like to be updated on any and all future developments, announcements or public meetings regarding this ZAC-16-046.

Thank you,

A large black rectangular redaction box covering the signature and name of the sender.

Tchisler, Gerry

From: [REDACTED]
Sent: August-19-16 2:51 PM
To: Tchisler, Gerry
Subject: Regarding ZAC-16-046

Hello Gerry

I am resending this email as I seem to be having trouble with the email delivery.

Thanks

[REDACTED]
To:
Mr. Gerry Tchisler, City of Hamilton
Planning and Economic Development Department.

Dear Mr. Tchisler

I recently received notice in the mail regarding a zoning change request & construction proposal for a new townhome complex development in my immediate neighborhood (vicinity of 121 Vansitmart Ave. Hamilton.)

The zoning change proposed going from a "C" Urban Protected Residential to a site specific "E" multiple Dwellings, Lodges, Clubs, etc.

As a homeowner and resident of the area, I am deeply concerned and believe that the rezoning will have a significant negative impact on the neighborhood and surrounding area.

I would like to express my concern/ objection to have the current area zoning changed for the following reasons:

1. The proposed townhome development implies that a 62 unit 3 story town home complex would be constructed which will not be conducive to the current style of the existing residential homes in the area. In my opinion cramming 62 units into an area that would normally only accommodate approximately 15 or 16 single unit houses would certainly result in overcrowding.
2. The increased height of the proposed 3 story dwellings would have a severe & adverse impact on the visible sky line for the homes currently in the neighborhood, resulting in obstructed views and less light during the day, as well as creating privacy issues.
3. The scope & scale of the dwellings proposed may have an adverse effect on existing property values in the area, resulting in significant devaluation of the current home values.
4. The complex would definitely result in greater traffic congestion locally if completed as planned. Parking for 62 additional vehicles in such a small area would undoubtedly lead to spill over onto the adjoining streets resulting in further parking congestion.
5. The number of units proposed may also have an adverse effect on utilities in the immediate area, specifically taxing the current capacity of the older sewer system & possibly the water supply as well.

6. Increased noise pollution in the area.

Although I have no objection to the property being re-developed for residential use, I would strongly suggest that the size & style of the homes proposed for this area should be re-worked to accommodate a downscaled version of the original proposal, that would fit in better with the current style of the homes in the surrounding area.

In short, I would simply re-iterate my concern that there should be no changes / amendments to the current Zoning By-Law, thus ensuring that any future development will take place within the guidelines and constraints that are currently specified for our neighborhood.

I hope that you will forward my comments to the Counsel in your staff report.

Please keep me informed of any further developments, announcements, or public meetings with regard to proposed changes outlined above.

Thank you for your time.

Respectfully yours

[Redacted signature block]

Note: I formally request that my name & address NOT appear on any public records at this time.

Cc: Fred Eisenberger, Sam Merulla

NOTICE: The information contained in this electronic mail transmission is for the use of the individual or entity to which it is addressed or intended and may contain information that is privileged, personal or otherwise confidential. It is not intended for transmission to, or receipt by, any individual or entity other than the named or intended addressee (or a person authorized to deliver it to the named or intended addressee) except as otherwise expressly permitted in this electronic mail transmission. If you have received this electronic transmission in error, please delete it without copying or forwarding it, and notify the sender of the error. Although the sender takes measures to protect its network against viruses, no assurance is given that this transmission is virus-free. Thank you.

Tchisler, Gerry

From: Dorilyn [REDACTED]
Sent: August-19-16 2:07 PM
To: Merulla, Sam; [REDACTED]
Cc: Tchisler, Gerry
Subject: rezoning of John Kemps property to E/S-xxxx

Sept. 17th 2016

Councillor Sam Medulla Ward 4

Dear Sir,

I have received from the city the proposed changes to the zoning bylaw for the Kemp site and a description of the proposed development. I and my neighbours are very disturbed and have many objections to this redevelopment.

I moved to this area a few years ago as a senior. All my life savings are invested in my home. This proposed development will undermine the character of the neighbourhood and subsequently reduce home value. Practically, this plan is not in keeping with the rest of the neighbourhood which consists of single family homes of 2 stories or less. The proposed development has many flaws. The main problem is that the developer wishes to build 3 story, tightly packed triplexes, with absolutely no green space, and not enough parking to accommodate a 2 car family. The infrastructure in this area is also old, the water pressure is very low, and the sewers have been a constant source of problems. It is doubtful they could handle a project of this size. The height of the buildings is also a concern as the third floor would look into the homes on either side. The overflow parking would clog the streets in the area which are already overburdened by parked cars and roads in terrible condition. These are a few of the issues that come to mind at this early stage.

I have no objection to a carefully planned row of single family townhouse condominiums, or single family freehold homes. The space is big enough to build a beautiful complex in keeping with the neighbourhood, and one that no one would object too. This is clearly a case of a developer trying desperately to gain the maximum amount of revenue from the property, without consideration to the nature of the community or to green space.

I would like to know if you are in support of this project, or in support of this community, which has been undergoing rapid renovation and a subsequent increase in property values.

The community, I am sure, would work with the developer to create a beautiful and community enhancing project, that would be in keeping with the neighbourhood and its residents.

Please let me know if you are prepared to help the community you serve to create a beautiful development.

Sincerely

Dorilyn Boutette
372 Tragina Ave. N.
Hamilton, ON
L8H5E5
[REDACTED]

Property owner

Tchisler, Gerry

From: dwaine trowbridge [REDACTED]
Sent: August-27-16 1:52 PM
To: Tchisler, Gerry
Subject: ZAC-16-046

Mr. Tchisler
City of Hamilton
Planning and Economic Development Department.

After receiving and reading the purposed zoning change from "C" Urban Protected Residential to site specific "E " Multiple Dwellings, Lodges, Clubs, etc.

As both a home owner and resident for over 10yrs, I find the purposed rezoning very distasteful and very concerning. I believe that with the purposed changes will cause a very negative impact on the neighbourhood.

I am including a list of items that I believe are of major concern. Both now and in the future.

1. units being 3 storey. that means both no privacy and limited sun.
2. although hard to see on your plans mailed out, I do not see any greenery (trees) or they going to be planted in the 7.00m backyards?
- 3 possible adverse value of our property.
- 4 increased property taxes
- 5 increased traffic in an already congested area.
- 6 purposed 62 units with average of 1.5 cars is 93 parking spots required. Plans only show 86 parking spots. where are they going to park, not to mention if they have visitors?
- 7 increase strain on an already old and week water and sewer supply.

Although I would prefer nothing in that area. I would be open to a re-development of the property to be conducive to the existing neighbourhood.

At this time I would simply like to re-iterate my concern that I would like to see NO changes/amendments to the current Zoning By-law. this will ensure that any future development will take place within the guidelines and constraints that are currently specific for our neighbour hood.

I would like to be informed of any and all further developments, announcements or public meeting with regards to proposed changes outlined above.

I hope you pass on my comments to both your peers and council regarding my concerns.

Dwaine and Candice Trowbridge

367 Tragina Ave N
Hamilton Ont
L8H 5E4

[REDACTED]

***** feel free to put this into any public record**

Tchisler, Gerry

From: Norma Gera - [REDACTED]
Sent: August-29-16 4:57 PM
To: Tchisler, Gerry; Merulla, Sam; [REDACTED]
Subject: Zoning Amendment - 121 Vansitmart Avenue

In our conversation this morning I mentioned that I only learned of the above application from a neighbour who did receive a notice. I also explained to you that it is imperative that everyone in this small but unique community be notified because of the ramifications of the intent to possibly parachute 200 people (62 units x 3 persons, plus plus) into this relatively small area. (Judging from the blueprint, 200 is a conservation figure.)

This is a bound community as Vansitmart ends at Strathearne on the east, Kenilworth on the west and the CNR on the north. There are only eight streets north and south with two blocks each. Please ensure that this notification is distributed to all households in this community

Vansitmart, although a tertiary road, is the main transportation route through this area, offloading traffic from Kenilworth that cannot turn left on Barton, traffic route for citizens' and transportation vehicles to and from both the Strathbarton Mall and Centre Mall. This road is in extreme need of replacement, particularly between Tragina and Kenilworth.

Concerns:

Traffic safety: Additional volume. No two-way stop between Cope St. and Fairfield Ave. Speedster love hill from 121 Vansitmart to Fairfield.

Parking: There is never enough parking in such confined spaces as townhouses/ [REDACTED] apts. Our community is approximately 100 years old with 25 ft lots in most cases and only on-street parking. Very few household today have only one vehicle.

Privacy: The definition of stacked townhouses as I know it is one up and one [REDACTED] down. A three storey building does not fit that term and does not fit the neighbourhood it is encroaching upon in terms of daylight and privacy.

Security: I am a senior whose family has lived in this neighbourhood for almost [REDACTED] eighty years. This a diverse community with many families, seniors and singles of all ages. I cannot tell from the blueprint, the square footage or price point of these suites and that is a concern.

I look forward to the next step in this process. Please keep me informed.

Norma Gera
 367 Fairfield Ave. (cor. Vansitmart)

Tchisler, Gerry

From: Rick DeLaplante [REDACTED]
Sent: August-19-16 3:42 PM
To: Tchisler, Gerry
Subject: Re new zoning of lands at 121 Vansitmart

Hello Jerry

My name is Rick DeLaplante I live at 356 Tragina Ave North, I received a notice about changing the zoning of the property of Kemp at 121 Vansitmart Ave in Hamilton, I talked to you about this and wanted to know the size of these dwellings, from what I see on the notice they sent me on each block they are three storeys high and each storey is a dwelling. They seem very small a one bedroom at best not a family dwelling, they look just like the ones on Barton Street just before Strathern. At those places there seems to be a lot of problems always garbage out on the side walks and the Police are there for problems many times a week, they are not looked after very well by the owners. Also are these new dwellings for sale or are they rentals, from what I understand even if they tell us they are for sale they can change this to rentals after the zone changes are made and it can't be stopped, at that point we have the same as the other buildings on Barton St. , only thing this is much bigger.

I feel this area has enough and we don't want any more problems, please keep me up to date on this and I will pass it on to the neighbours, all the best have a good day Rick

Tchisler, Gerry

From: Rick DeLaplante [REDACTED]
Sent: August-21-16 2:20 PM
To: Tchisler, Gerry
Subject: Zoning By-law File#ZAC-16-046

Gerry I am sending this email for my neighbour,he has no internet

From Sam and Gail Thorogood-355 Tragina Ave North I would like to say that I do not want this type of site on the Kemp property,looking at the info you sent to me the dwellings are stacked three high and it looks as there is also one dwelling in the basement.The size of these apartments are only for one person not a family,they look just like the units on Barton just before Strathern.Those units are not kept very well and the police are there a lot,we don,t need any more like this in this area.I don,t know if these are rentals or for sale,even if they say the are for sale they can change this to rentals at any time I was told and these units would be right in my back yard and I don,t want that,Sam Thorogood

ED BAREY

155 VANSITMART AVE

L8H 3A7

905-543 8651.

OBJECTING TO THIS
TYPING OF HIGH
DENSITY DEVELOPMENT.

1. TRAFFIC CONCERNS.
2. FAIRNESS TO THE
REST OF THE
NEIGHBOURHOOD.

Sept 1st 2016

Edward Barry

John and Sarah Todd

379 Weir St N

Hamilton, On

L8H 5G6

RECEIVED
AUG 26 2016

August 23, 2016

File(s): ZAC-16-046

City of Hamilton

Planning and Economic Development Department

Development Planning, Heritage and Design-Urban Team

71 Main St. West, 5th Floor

Hamilton, On

L8P 4Y5

In response to the letter we received re the proposed zoning by-law amendment for lands at 121 Vansitmart Avenue, Hamilton. We feel the proposed amendment should not be approved. One parking spot per unit and 24 visitor spots is not enough. Street parking is already a problem as is the amount of traffic and vehicle speeds on Vansitmart.

John and Sarah Todd

cc: Councillor Sam Merulla, Ward 4

August 25, 2016

Gerry Tchisler
City of Hamilton Planning and Economic
Development Department
71 Main st West 5th floor
Hamilton ON L8P 4Y5

RECEIVED

AUG 29 2016

ZAC-16-046

I'm writing with regards to development of town houses in the area. However, some questions come to mind.

Is each unit going to be individually up for sale? Or is all units going to be owned by one person / company with the intent to rent out all units?

One concern is three level units does not fit the look of the existing neighbourhood, as majority of houses are 2 level / 1 level. As well, 2 rows of three levels units will block the view of sun and other views for existing units on Cope and Tragina St.

So I'm **only in favour** of this plan if **each unit is up for sale for individuals, and not for a cooperation renting out all units**. As well, **make each unit to be 2 levels to fit the look of existing neighbourhood**, and to respect the view for existing units on Cope and Tragina Street.

Sincerely



NOTE: I request that my personal information be removed from general public view.



August 30, 2016.

To:
Gerry Tchisler
City of Hamilton
Planning and Economic Development Department
71 Main St W.
5th Floor,
Hamilton, ON L8P 4Y%

cc: Sam Merulla, Councillor, Ward 4

RE: ZAC-16-046


Dear Sir

We do not support the Application for By-law Amendment by 1349010 Ontario Inc (c/o John Kemp) for Lands Located at 121 Vansitmart Ave for a number of reasons, including but not limited to the following.

- 1.) The number of units is too much for the proposed area to be developed. Adding 60 units will make this area too dense.
- 2.) Parking. There is not enough parking at present and by bring this many units into the mix it will create undo hardships for the surrounding area especially persons who work nights.
- 3.) We don't believe that the infrastructure of the neighbourhood can support this many units. We hold our breath every torrential rainstorm.
- 4.) Traffic will be a problem with adding another street mid block. Tragina and Vanistmart is already a short cut to the Centre Mall.
- 5.) The timing of this notice is dated August 15, with submissions requested by September 2. This does not give adequate time to study or reach a neighbourhood consensus on the matter. It seems this item is being rammed through without proper consultation. We can say that the consensus on Tragina IS NOT SUPPORTIVE OF THIS MOTION. A petition is in the works to be presented at a later date.
- 6.) We have a lot of questions that are not answered in this application. For example, are these units owned or rented, are pets going to be allowed, or children, is any part or all low income housing etc. There doesn't seem to be a lot of information being offered to the neighbourhood.

We would like answers to the above before giving any support of this project.

Sincerely

Douglas Scott
Lorraine Van Zee
344 Tragina Ave N
Hamilton, ON
L8H 5E3


This submission sent August 30/16

RECEIVED Aug 23/16
AUG 26 2016

% Gary Schuler.

My name is [REDACTED] I reside at [REDACTED]. I oppose this development. This is a relatively quiet neighborhood. There will be more traffic in this area if this happens. The traffic of the construction is also another concern. I feel this is all to do with greed, keep making more money as if they don't have enough. There greed at our expense. Who wants to look at 3 story 62 unit building, when it is quite new. I totally oppose this development and hope it doesn't happen.

Thank you for your time
I do not wish this to be put
public.

Tchisler, Gerry

From: [REDACTED]
Sent: September-01-16 9:57 PM
To: Tchisler, Gerry
Cc: smeurella@hamilton.ca
Subject: Zoning By-law application for 121 vansitmart

Hello Gerry,

We are writing to you to voice our concerns about the application for a zoning By-law change at 121 Vansitmart.

My wife and I are very concerned about the possible reconfiguration of our neighborhood. The concerns we have are as follows.

- Loss of Privacy
 - Infrastructure can't handle 60 units (200+ people)
 - excessive noise during and after construction of proposed multi townhouse complex
 - limited parking on streets that are already scarce using tragina and other streets for overflow from the complex.
 - Loss of green space (mature trees along the property lines on both sides of proposed lot.
- These are a few of our concerns we hope to bring forward in all up coming meetings regarding this application for the zoning By-law change.

Regards,

Kim and Paul Klanjscek

Barnett, Daniel

From: PAUL KLANJSCEK [REDACTED]
Sent: September-01-17 10:39 PM
To: Barnett, Daniel
Subject: UHOPA-17-026

Hello Daniel,

We are writing to you to voice our concerns about the application for a zoning By-law change at 121 Vansitmart.

My wife and I are very concerned about the possible reconfiguration of our neighborhood. The concerns we have are as follows.

- Loss of Privacy
 - Infrastructure can't handle 40units 1 separate dwelling(200+ people)
 - excessive noise during and after construction and the possibility of property damage (foundation issues) of proposed multi townhouse complex
 - We were informed that it would be condominiums that are privately owned and not a townhouse complex run by Hamilton housing but yet to have confirmation on this.
 - limited parking on streets that are already scarce using Tragina and other streets for overflow from the complex.
 - Loss of green space (mature trees along the property lines on both sides of proposed lot.
- These are a few of our concerns we hope to bring forward in all up coming meetings regarding this application for the zoning By-law change.

Regards,
Paul and Kim Klanjscek



Hamilton

**HAMILTON MUNICIPAL HERITAGE COMMITTEE
REPORT 18-005
12:00 p.m.
May 10, 2018
Room 264, 2nd Floor
Hamilton City Hall
71 Main Street West**

Present: Councillors A. Johnson and M. Pearson
A. Denham-Robinson (Chair), W. Arndt, D. Beland, G. Carroll,
K. Garay, M. McGaw, T. Ritchie, and K. Stacey

**Absent with
Regrets:** Councillors J. Partridge – Personal, R. Sinclair and T. Wallis

**THE HAMILTON MUNICIPAL HERITAGE COMMITTEE PRESENTS REPORT 18-005
AND RESPECTFULLY RECOMMENDS:**

1. **Recommendation to Designate 378 Main Street East, Hamilton under Part IV of the Ontario Heritage Act (Ward 3) (PED18089) (Item 8.1)**
 - (a) That the designation of 378 Main Street East, Hamilton (Former Cathedral Boys' High School), shown in Appendix "A" to Report PED18089, as a property of cultural heritage value pursuant to the provisions of Part IV of the Ontario Heritage Act, be approved;
 - (b) That the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes, attached as Appendix "A" to Report 18-005, be approved;
 - (c) That the City Clerk be directed to take appropriate action to designate 378 Main Street East, Hamilton (Former Cathedral Boys' High School) under Part IV of the Ontario Heritage Act, in accordance with the Notice of Intention to Designate, attached as Appendix "C" to Report PED18089.
2. **Policy and Design Working Group Meeting Notes - March 19, 2018 (Item 8.2)**
(Stacey/Ritchie)
That the Policy and Design Working Group Meeting Notes of March 19, 2018, be received, and no action taken.

3. Inventory & Research Working Group Meeting Notes - March 26, 2018 (Item 8.3)

(a) 170 Longwood Road North, Hamilton

- (i) That property at 170 Longwood Road North, Hamilton, be designated under Part IV of the Ontario Heritage Act; and
- (ii) That the designation include glass structures at the rear of the building and on the second floor as well as make specific reference to the interior features of the property outlined in the Cultural Heritage Assessment.

(b) 1401 King Street East, Hamilton (Grace Anglican Church)

That the property known as Grace Anglican Church, located at 1401 King Street East, Hamilton, be designated under Part IV of the Ontario Heritage Act.

(c) 224 Robina Road, Ancaster

That the property located at 224 Robina Road, Ancaster, be added to the City's Register of Properties of Cultural Heritage Value or Interest as it represents an excellent example of a mid-century modern residence designed and owned by Stanley Roscoe who was architect for the Hamilton City Hall.

(d) 2235 Upper James Street, Glanbrook

That the property located at 2235 Upper James Street, Glanbrook, be added to the City's Register of Properties of Cultural Heritage Value or Interest as it represents a scarce example of a pre-Confederation masonry Regency cottage.

(e) 3600 Guyatt Road, Glanbrook

That the property located at 3600 Guyatt Road, Glanbrook be excluded from the City's Register of Properties of Cultural Heritage Value or Interest.

(f) 6 Webster Falls Road, Dundas

That the property known as Springdale and located at 6 Webster Falls Road, Dundas be added to the City's Register of Properties of Cultural Heritage Value or Interest as well as the staff work plan for designation.

4. Policy & Design Working Group Meeting Notes - April 16, 2018 (Added Item 8.5)

That the Policy & Design Working Group Meeting Notes of April 16, 2018, be received.

5. Hamilton Municipal Heritage Committee's involvement in a Places of Faith Resource Event (Item 9.1)

WHEREAS, Hamilton has witnessed the closure and demolition of numerous places of faith (many historic structures) across the city in the past decade;

WHEREAS, places of faith are found to be vulnerable properties as the City of Hamilton witnesses record-setting levels of growth in recent years; and,

WHEREAS, the mandate of the Committee is to advise and assist Council on all matters related to programs and activities to increase public awareness and knowledge of heritage conservation issues and other cultural heritage conservation measures;

THEREFORE, BE IT RESOLVED:

That the Hamilton Municipal Heritage Committee's collaboration on Places of Faith Resource Events in Hamilton, in partnership with the National Trust for Canada, and Faith and the Common Good, be approved.

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 1)

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

1. ADDED DELEGATION REQUESTS

- 4.1 Jim Long, Diocese of Hamilton, respecting Item 8.1 Recommendation to Designate 378 Main Street East, Hamilton (PED18089) (for today's meeting)
- 4.2 Peter Lampman, Good Shepherd, Hamilton, respecting Item 8.1 Recommendation to Designate 378 Main Street East, Hamilton (PED18089) (for today's meeting)
- 4.3 Megan Hobson, Heritage Consultant, respecting Item 8.2, Policy and Design Working Group Notes and the property at 122 Augusta Street, Hamilton (for today's meeting)

2. ADDED DISCUSSION ITEMS

8.5 Policy & Design Meeting Notes - April 16, 2018

The Agenda for the May 10, 2018 Hamilton Municipal Heritage Committee was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

A. Denham-Robinson declared an interest in Item 8.2, Policy and Design Working Group Notes, as she works for the architectural firm involved with the property at 122-126 Augusta Street.

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

(i) April 19, 2018 (Item 3.1)

That the Minutes of the April 19, 2018 meeting of the Hamilton Municipal Heritage Committee were approved, as presented.

(d) DELEGATION REQUEST (Item 4)

(i) **Jim Long, Diocese of Hamilton, respecting Item 8.1 Recommendation to Designate 378 Main Street East, Hamilton (PED18089) (for today's meeting) (Added Item 4.1)**

The delegation request from Jim Long, Diocese of Hamilton, respecting Item 8.1 Recommendation to Designate 378 Main Street East, Hamilton (PED18089), was approved, for today's meeting.

(ii) **Peter Lampman, Good Shepherd, Hamilton, respecting Item 8.1 Recommendation to Designate 378 Main Street East, Hamilton (PED18089) (for today's meeting) (Added Item 4.2)**

The delegation request from Peter Lampman, Good Shepherd, Hamilton, respecting Item 8.1 Recommendation to Designate 378 Main Street East, Hamilton (PED18089), was approved, for today's meeting.

(iii) **Megan Hobson, Heritage Consultant, respecting Item 8.2, Policy and Design Working Group Notes and the property at 122 Augusta Street, Hamilton (for today's meeting) (Added Item 4.3)**

The delegation request from Megan Hobson, Heritage Consultant, respecting Item 8.2, Policy and Design Working Group Notes and the property at 122 Augusta Street, Hamilton, was approved, for today's meeting.

(e) DELEGATIONS (Item 6)

(i) Jim Long, Diocese of Hamilton, respecting Item 8.1 Recommendation to Designate 378 Main Street East, Hamilton (PED18089) (Added Item 6.1)

Jim Long, Diocese of Hamilton, addressed the Committee regarding Item 8.1 Recommendation to Designate 378 Main Street East, Hamilton (PED18089), and expressed concerns regarding the recommendation to designate 378 Main Street East, Hamilton.

The delegation from Jim Long, Diocese of Hamilton, respecting Item 8.1 Recommendation to Designate 378 Main Street East, Hamilton (PED18089) was received.

For further disposition of this matter, refer to Item 1.

(ii) Peter Lampman, Good Shepherd, Hamilton, respecting Item 8.1 Recommendation to Designate 378 Main Street East, Hamilton (PED18089) (Added Item 6.2)

Peter Lampman, Good Shepherd, addressed the Committee regarding Item 8.1 Recommendation to Designate 378 Main Street East, Hamilton (PED18089), and expressed concerns regarding the recommendation to designate 378 Main Street East, Hamilton.

The delegation from Peter Lampman, Good Shepherd, Hamilton, respecting Item 8.1 Recommendation to Designate 378 Main Street East, Hamilton (PED18089), was received.

For further disposition of this matter, refer to Item 1.

(iii) Megan Hobson, Heritage Consultant, respecting Item 8.2, Policy and Design Working Group Notes and the property at 122 Augusta Street, Hamilton (Added Item 6.3)

Ms. Hobson addressed the Committee respecting Item 8.2, Policy and Design Working Group Notes and the property at 122 Augusta Street, Hamilton, and advised that if the Committee determined that she was not required to speak to the item, she would not speak.

The Committee determined that the delegation from Megan Hobson, Heritage Consultant, respecting Item 8.2, Policy and Design Working Group Notes and the property at 122 Augusta Street, Hamilton, was not required.

(f) DISCUSSION ITEM (Item 8)

(i) Recommendation to Designate 378 Main Street East, Hamilton (PED18089) (Item 8.1)

Chelsey Tyers, Cultural Heritage Planner, distributed copies of a presentation and addressed the Committee respecting the Recommendation to Designate 378 Main Street East, Hamilton (PED18089). The presentation has been included in the official record and are available at www.hamilton.ca.

The presentation respecting the Recommendation to Designate 378 Main Street East, Hamilton (PED18089), was received.

A motion was put forward regarding Report PED18089, Recommendation to Designate 378 Main Street East, Hamilton, that it be TABLED, to allow staff to separate the heritage attributes of the 1928 section and 1951 section of the property, and report back to the Hamilton Municipal Heritage Committee.

The motion was DEFEATED on the following Standing Recorded Vote:

Yeas: A. Johnson, K. Garay

Total: 2

Nays: W. Arndt, D. Beland, G. Carroll, A. Denham-Robinson, C. Dmitry,
M. McGaw, T. Ritchie, K. Stacey

Total: 8

Absent: J. Partridge, R. Sinclair, T. Wallis

Total: 3

For further disposition of this matter, refer to Item 1.

(ii) Hamilton Municipal Heritage Committee Terms of Reference Review (Item 8.4)

The discussion respecting the Hamilton Municipal Heritage Committee Terms of Reference Review, was DEFERRED to the June 21, 2018 meeting of the Hamilton Municipal Heritage Committee.

(g) MOTION (Item 9)

(i) Hamilton Municipal Heritage Committee's involvement in a Places of Faith Resource Event (Item 9.1)

A. Denham-Robinson relinquished the Chair to introduce a motion respecting Hamilton Municipal Heritage Committee's involvement in a Places of Faith Resource Event.

For further disposition of this matter, refer to Item 5.

A. Denham-Robinson assumed the Chair.

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

(i) Buildings and Landscapes (Item 11.2)

That the following updates be received:

(a) Endangered Buildings and Landscapes (RED):

(Red = Properties where there is a perceived immediate threat to heritage resources through: demolition; neglect; vacancy; alterations, and/or, redevelopment)

(i) Tivoli, 108 James Street North, Hamilton (D) – A. Johnson

No report.

(ii) Book House, 167 Book Road East, Ancaster (R) – M. McGaw

Staff will be meeting with the Diocese to discuss plaquing of the property.

(iii) Andrew Sloss House, 372 Butter Road West, Ancaster (D) – M. McGaw

No report.

(iv) Century Manor, 100 West 5th Street, Hamilton (D) – K. Garay

Jeremy Parsons provided an update on the status of the property and the recent sale, noting that the new owners intend to maintain and adaptively reuse Century Manor.

(v) Beach Canal Lighthouse (D) – J. Partridge

No report.

(vi) 18-22 King Street East, Hamilton (R)(NOI) – K. Stacey

No report.

(vii) 24-28 King Street East, Hamilton (R)(NOI) – K. Stacey

No report.

(viii) 1 St. James Place, Hamilton (D) – K. Stacey

No report.

- (ix) 2 Hatt Street, Dundas – K. Stacey

No report.

- (x) James Street Baptist Church, 98 James Street South, Hamilton (D) – A. Denham-Robinson

No report.

**(b) Buildings and Landscapes of Interest (YELLOW):
(Yellow = Properties that are undergoing some type of change, such as a change in ownership or use, but are not perceived as being immediately threatened)**

- (i) Delta High School, 1284 Main Street East, Hamilton (D) – D. Beland

No report.

- (ii) St. Giles United Church, 85 Holton Avenue South (L) – D. Beland

No report.

- (iii) 2251 Rymal Road East, Stoney Creek (R) – C. Dimitry

No report.

- (iv) Former Valley City Manufacturing, 64 Hatt Street, Dundas – K. Stacey

No report.

- (v) St. Joseph's Motherhouse, 574 Northcliffe Avenue, Dundas - K. Stacey

The property has been conditionally sold.

- (vi) Copley Building, 104 King Street West; 56 York Blvd., and 63-76 MacNab Street North – G. Carroll

Staff have submitted the a request to MLE.

- (vii) 1021 Garner Road East, Ancaster (Lampman House) – M. McGaw

Jeremy Parsons advised that Council approved the recommendation to designate the property at its meeting on May 9, 2018.

**(c) Heritage Properties Update (GREEN):
(Green = Properties whose status is stable)**

- (i) The Royal Connaught Hotel, 112 King Street East, Hamilton (R) – T. Ritchie

No report.

- (ii) Auchmar, 88 Fennell Avenue West, Hamilton (D) – K. Garay

No report.

- (iii) Jimmy Thompson Pool, 1099 King Street E., Hamilton (R) – T. Ritchie

No report.

- (iv) Treble Hall, 4-12 John Street North, Hamilton (R) – T. Ritchie

No report.

- (v) 104 King Street West, Dundas (Former Post Office) – K. Stacey

Staff have been directed to follow-up with the applicant for a presentation to the Hamilton Municipal Heritage Committee.

**(d) Heritage Properties Update (black):
(Black = Properties that HMHC have no control over and may be demolished)**

- (i) Auchmar Gate House, Claremont Lodge 71 Claremont Drive (R) – K. Garay

No report.

(ii) Verbal Updates respecting the Around the Bay Race: Restoration and Commemoration of Historic Route Markers (no copy) (Item 11.2)

The matter respecting the Verbal Updates respecting the Around the Bay Race: Restoration and Commemoration of Historic Route Markers was deferred to the June 21, 2018 meeting due to time constraints.

(i) ADJOURNMENT (Item 12)

There being no further business, the Hamilton Municipal Heritage Committee, be adjourned at 1:45 p.m.

Respectfully submitted,

Alissa Denham-Robinson, Chair
Hamilton Municipal Heritage Committee

Loren Kolar
Legislative Coordinator
Office of the City Clerk

378 Main Street East, Hamilton (Former Cathedral Boys' School)

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

Description of the Designated Property

The heritage designation applies to the entire roughly L-shaped property at the southeast corner of Main Street East and Emerald Street South. The heritage designation recognizes both the school built in 1928 and the memorial wing built in 1951. The designation focuses on the front, east, and west facades of the 1928 building, the Emerald Street South facade of the 1951 wing and selected interior features.

Statement of Cultural Heritage Value or Interest

The former Cathedral Boys' High School stands as the first purpose-built school for privately funded Catholic high school education in Hamilton. The building of the school in 1928 represents a major accomplishment of the Catholic Diocese of Hamilton, which was established in 1856, and a milestone in the development of separate school education at the secondary level. The school demonstrates the ability of Hamilton's Catholic population in the early twentieth century to fund the building of their own separate high school as beautiful and up-to-date as the publicly funded secondary schools.

For Cathedral Boys' High School, the Diocese chose the same architectural firm who had designed Delta Collegiate Institute for the public school board four (4) years earlier. Cathedral Boys' High School at 378 Main Street East takes its place in a trio of landmark schools built along Main Street East between 1918 and 1928 – Memorial Public School at 1175 Main Street East by Gordon Hutton in 1918, Delta Collegiate Institute at 1284 Main Street East by Gordon Hutton and William Souter in 1923-24, and Cathedral Boys' High School at 378 Main Street East also by Hutton & Souter in 1928. They share similarities in the design of their front facades, but each is unique. All garnered attention in the architectural press.

The front, east, and west facades of the 1928 building epitomize the architectural style frequently labelled Tudor Gothic in the early twentieth century and now known as Modern Gothic, Collegiate Gothic or Neo-Gothic. Over a steel frame, rock-faced Credit Valley sandstone laid in broken courses is used for the body of the facades; and ashlar Indiana limestone provides the trim. The stone carving on the facades, but especially on the front facade, is of the highest order. The stone plaque bearing the name, Cathedral School, and Christian cross carved in stone and called a botonée or cathedral cross identify the school and relate to its origins in a room in St. Mary's Parish School which first offered high school education for boys in 1912. St. Mary's Parish held the cathedral of the Diocese at the time. The exceptional quality of the building's stonework extends

as far as to the facades' uppermost windows whose pointed hood-moulds end in a variety of bosses.

The 1928 building was designed with three (3) entrances – a ceremonial entrance on the front facade and everyday entrances on the east and west facades. The pointed-arched entrances on the east and west are placed in projecting vestibules; and the pointed arch on the front serves as the portal to an entry porch, which is recessed from the front facade and almost wholly enclosed. In addition to the imposing portal, the architects have created a solemn space inside the entry porch by the use of a marble staircase, marble wainscotting, vaulted ceiling, pendant ceiling lamp, and oak-and-glazed double doors at the top of the staircase. Exquisite attention to detail is shown even at the level of the doors' escutcheons whose motifs of pointed arches keep with the school's Modern Gothic style.

The 1951 wing, also built to a high standard, memorializes students who had attended the school and died in the First or Second World War – a poignant tribute to young Canadians whose lives were cut short by war. The west facade of the wing complements the west facade from 1928 by maintaining the same height and perpetuating the rhythm of tripartite windows. The window bays framed in limestone contain window sash consisting of fixed glass block uppers and operable clear glass lowers. The entrance bay is identified in the 1951 facade through its distinctive columnar window filled with glass block, its stone cornice and cross, and its well-detailed entrance. Together, the 1928 west facade in Modern Gothic style and the Modern 1951 west facade make an impressive sweep along Emerald Street South. Commanding the street corner, the school is a landmark in the Stinson neighbourhood.

Inside, the 1951 wing retains its mid-twentieth century character essentially in the stairwell and staircase design, ground-floor lobby whose floor is laid artistically in terrazzo, north-south corridor that organizes internal circulation through the wing, and basement cafeteria-auditorium. The interior of the 1928 building combines features from the original construction, alterations at the time when the wing was added in 1951 and fire safety interventions of unknown date. The early twentieth century character of the 1928 building survives in the stairwell and staircase design, aspects of the east-west corridor, corridor doorways, and basement gymnasium.

Description of Heritage Attributes

Front, East and West Facades of 1928 Building

Heritage attributes are replete on the front (north), east and west facades and include:

- the setback from Main Street East, the terraced rise up from the street and the front entrance walk of flat stone landings and low stone walls;
- rock-faced Credit Valley sandstone walls laid in broken courses, Indiana limestone trim and all stone carvings;

- the symmetrical front facade consisting of an entrance bay in the middle, two (2) windowed bays to either side of the entrance bay and a pedimented blind bay at either end of the building;
- the front entrance pointed-arched portal with its embrasure, carved spandrels and wrought-iron gate;
- the buttresses to either side of the portal and their wall-mounted lamps and carved crests;
- the ceremonial entry porch, recessed from the front facade and almost wholly enclosed, and its marble staircase, marble wainscotting, vaulted ceiling decorated with a plaster relief in a pattern of grape vines and Tudor roses, and pendant ceiling lamp;
- the front entrance doorway composed of oak-and-glazed double doors with their door handles and escutcheons and a border of sidelights and transom light;
- the projecting vestibules on the building's east and west sides with their pointed-arched doorways;
- all window openings on the basement, ground and uppermost floors and original sash where it exists; and,
- the parapets and their battlements at both the main roof line and at the vestibules' roof line.

West Facade of 1951 Wing

Heritage attributes are found across all six bays of the wing's west facade and include:

- the buff brick wall;
- limestone trim expressed as the grid-like frame around windows, stringcourses, the cornice atop each end bay, and roof line coping;
- windows with their fixed glass block uppers and operable clear glass lowers; and,
- the entrance bay at the building's southwest corner, featuring double doors, transom light, embrasure beside the doors, wall-mounted lamps and columnar window filled with glass block.

1928 Building Interior

Heritage attributes that are accessible to visitors and remain from the 1928 construction include:

- the east and west stairwells and staircases (but not the replacement fire doors);
- the terrazzo floor laid in a checkerboard pattern on the ground-floor east-west corridor;
- the front vestibule with its checkerboard terrazzo floor and wood-framed opening into the east-west corridor;
- the wood-framed transom light across the north-south corridor where it meets the east-west corridor;
- five-panelled oak corridor doorways each with a glazed panel and transom light; and,
- the six-panelled double doors to the gymnasium, industrial window sash emitting natural light into the gymnasium, the proscenium arch for the stage and ceiling trusses over the gymnasium space.

1951 Wing Interior

Heritage attributes that are accessible to visitors and capture the mid-twentieth century character of the 1951 construction include:

- the stairwell and staircase in the wing's southwest corner and the entrance to each floor that has double doors in a wall made of glass blocks;
- the ground-floor lobby's terrazzo floor and baseboard, rounded corners, and operable steel sash window with bronze hardware and travertine marble sill;
- the terrazzo floor and baseboard for the ground-floor north-south corridor and the metal-and-glass frame across the corridor; and,
- the cafeteria-auditorium in the basement, featuring a terrazzo floor in a checkerboard pattern, black mastic baseboard, circular posts with black mastic base trim, fixed glass block and operable clear glass windows, an operable steel sash window, and a short staircase in the room's southeast corner leading outdoors to the schoolyard.