



City of Hamilton
PLANNING COMMITTEE ADDENDUM

Meeting #: 18-010
Date: June 19, 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

6. PUBLIC HEARINGS / DELEGATIONS

- 6.1 Glenn Wise, Macassa Bay Year-Round Liveaboard Association, to discuss year-round liveaboard boat residency. (No copy) (Approved June 5, 2018)
 - *6.1.a Delegation deferred to the July 10, 2018 Planning Committee meeting.

- 6.2 Applications to Amend the City of Hamilton Urban Hamilton Official Plan, Zoning By-law No. 05-200 and for Approval of a Draft Plan of Subdivision "Flamborough Power Centre North" for Lands Located at 56, 74, 78, 90, 96, 100 and 566 Parkside Drive,
 - *6.2.a Written comments from Terrance Glover, Urban in Mind, Professional Urban Planning, Land Development & CPTED Consultants on behalf of Vince Ferraiuolo, 32 Parkside Drive, Flamborough 4
 - *6.2.b Agent's presentation 9

- 6.3 Applications to Amend the Town of Ancaster Zoning By-law No. 87-57 and for a Draft Plan of Subdivision for Lands Located at 20 Miller Drive, Ancaster (PED18123) (Ward 12)
 - *6.3.a Staff presentation 19
 - *6.3.b Agent's presentation 36

6.4	Application for an Amendment to City of Hamilton Zoning By-law No. 6593 for Lands Located at 100 Cumberland Avenue (Ward 3) (PED18129)	
*6.4.a	Written comments from Tom Broen, 231 Sherman Avenue South	46
*6.4.b	Written comments from Brian Gilham, 183 Burris Street	47
*6.4.c	Written comments from Ricardo Campos, 137 Gladstone Avenue	48
*6.4.d	Written comments from Andre and Ursula Erasmus, 145 Gladstone Avenue	49
6.5	Amendments to City of Hamilton Zoning By-law No. 6593 to allow secondary dwelling units in detached structures for properties adjoining a laneway ("Laneway Housing") (PED16200(a)) (Parts of Wards 1, 2, 3 and 4)	
*6.5.a	Elizabeth Fleming	
*6.5.b	Emma Cubitt, Associate, Invizij Architects Inc.	50
*6.5.c	Alan H. Bureau, resident of Ward 3, Hamilton	
*6.5.d	Brenda Duke, 28 Fullerton Avenue, Hamilton	
*6.5.e	Staff presentation	54
6.6	Proposed Changes to the Official Plans and Zoning By-law No. 05-200 - Medical Marihuana Growing and Harvesting Facilities, Aquaponics and Greenhouses (PED18120) (City Wide) (CI-18-D)	
*6.6.h	Irene Hauzar, Registered Planner, on behalf of Sasha Pejcic, 284 Green Mountain Road East	
*6.6.h.a	Written submission from Meaghan Barrett, Aird Berlis, on behalf of the owners of 284 and 294 Green Mountain Road East	64
*6.6.h.b	Joint Written Submission from Sasha Pejcic, 284 Green Mountain Road East and Fred Mattiuz, 294 Green Mountain Road East	81
*6.6.i	Fred Mattiuz, 294 Green Mountain Road East	

*6.6.j Dale Biehn, 11 Green Mountain Road

*6.6.k Written Comments

*6.6.k.a Paul Silvestri, President, Silvestri Investments,

87

*6.6.l Jessica Butter, 357 Butter Road West, Ancaster

*6.6.m Tony Gibbings, 309 Green Mountain Road East

*6.6.n Staff presentation

10. NOTICES OF MOTION

*10.1 Alternative Road Allowance Width for the Roxborough Redevelopment Project

88



Professional Urban Planning, Land Development & CPTED Consultants

Date: June 16, 2018

To: Legislative Co-Ordinator, Planning Committee
City of Hamilton
71 Main Street West, 1st Floor
Hamilton, ON L8P 4Y5

RE: Comments in Regards to Planning Applications UHOPA-18-012, ZAC-15-039, & 25T-201507

Dear City Staff, Planning Committee, and Council,

This letter has been developed on behalf of the owner of **32 Parkside Drive** (Mr. Vince Ferraiuolo), to support the future development of the lands known as 32 Parkside Drive, as described to the City in the Formal Consultation Application made June 1, 2018, and previously held Formal Consultation on June 15, 2011.

This letter addresses concerns by the owner of 32 Parkside Drive, as they relate to the subject applications (**25T-201507**, **UHOPA-18-012**, and **ZAC-15-039** for the lands municipally known as 56, 74, 78, 90, 96, 100 and 56 Parkside Drive – Flamborough).

The intent of this letter is to ensure:

- 1) That water, stormwater and waste water services within Parkside Drive are extended to the applicant's property line (i.e. full extent of frontage), so that 32 Parkside may connect to these services without having to construct new infrastructure in front of the applicant's lands. The City's policy of oversizing should provide the framework for this infrastructure.

- 2) That existing drainage rights to the abutting ditch located to the immediate west of 32 Parkside Drive, will continue to remain both functional and available for stormwater discharge of 32 Parkside drive.

This request for the continuation of water, stormwater, and waste water servicing across adjacent subject properties frontage (on Parkside Drive) is in the public interest, allow for orderly development of abutting land and mitigates any adverse impacts on adjacent properties and roadways (of future redevelopment). The infrastructure works are also a necessary component of the current re-construction of Parkside Drive.

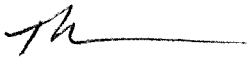
In addition, the property at 32 Parkside Drive currently enjoys 'Riparian Rights' to the existing ditch to the immediate west of the property. Unless suitable drainage can be designed (given the property's elevations and southerly slope) the owner of 32 Parkside Drive would be reluctant to release his current rights for site drainage.

On this basis, we respectfully request that:

- A condition be added to any subdivision agreement requiring the applicant to extend full municipal services westerly, to the full extent of the Parkside Drive frontage; and,
- That the applicant not be permitted to impact or redesign the existing drainage ditch to the immediate west of 32 Parkside Drive, unless suitable and agreeable drainage design can be achieved.

These above requests/concerns are supported by the attached City policies (Items A-E):

Sincerely,



Terrance Wm. Glover, RPP, CPT,
Principal,
Urban in Mind, Professional Urban Planning, Land Development & CPTED Consultants

~ City of Hamilton Policy & Communication Attachments ~

A. City of Hamilton Urban Official Plan

Chapter C – City Wide Systems and Designations

C.5.0 Infrastructure

5.3.12 Water and wastewater systems shall be designed and constructed in accordance with the specifications and standards of the City, provincial guidelines, and other applicable standards, regulations and guidelines.

5.4.9 a) *Development* and/or *redevelopment* shall be connected to, or serviced by, a storm water drainage system or other appropriate system such as ditches, or any other techniques acceptable to the City, Conservation Authorities, or the Province and/or detailed in a Storm Water Master Plan or other relevant study;

Chapter E – Urban Systems and Designations

E.5.0 - Employment Area Designations

5.1.2 Maintain an adequate supply of zoned and serviced employment lands of varying parcel sizes in various locations to meet the City's projected employment growth forecast and to promote economic development and competitiveness.

5.2.7 General Provisions

5.2.7.1 The following provisions apply to all lands designated Employment Area – Industrial Land, Employment Area – Business Park, Employment Area – Airport Employment Growth District, and Employment Area – Shipping and Navigation on Schedule E-1 – Urban Land Use Designations (OPA 35): 5.2.7.1g)

New *development*, including expansion to existing *development*, shall be planned with regard to existing and planned transportation and servicing infrastructure.

Chapter F - Implementation

1.7 Site Plan Control

1.7.1 Site plan control shall be used to achieve the following planning objectives:

a) minimize the impact of development on adjacent properties;

3.1.5 Storm Water Management Plans

3.1.5.1 In cases where a storm water management plan is being prepared for lands within the urban boundary, the following matters shall be addressed to avoid, minimize and/or mitigate storm water volumes, contaminant loads and impacts to receiving water courses:

c) minimizing the disruption of pre-existing natural drainage patterns, wherever possible; and, Engineering Guidelines for Servicing Land Under Development Applications

B. City of Hamilton Engineering Guidelines for Servicing Land Under Development Applications (December 2012)

2.4.1.7 Storm Drainage Area Plan

5. If the external drainage area is large, it may necessitate the preparation of an external drainage area plan. External drainage area plans may be prepared at a smaller scale, but shall show the existing ground contours to beyond the limit of the drainage area. Planned street patterns (if available) shall be shown to determine the route of the future sewers.

2.4.2 Sanitary Sewer Design Criteria

2.4.2.1 General Requirements

The following criteria are recommended minimum requirements for the design of sanitary sewers within the City. Sound engineering judgment of the Engineer shall always prevail in the actual design.

Sanitary sewers shall be designed to service the lands within the subdivision and any external drainage areas as may be required.

2.4.2.2 Location

Municipal sanitary sewers shall be located within the City's public rights-of-way.

2.4.3 Storm Sewer Design Criteria

2.4.3.1 General Requirements

Storm sewer systems in the City of Hamilton shall be designed and constructed in accordance with the City's "Criteria and Guidelines for Stormwater Infrastructure Design, 2007".

Storm sewers shall be designed to service all the lands within a proposed development as well as any external drainage areas that are dependent on the sewers within the proposed development.

C. City of Hamilton Site Plan Guidelines (Sept 2003):

"Comprehensive stormwater management solutions which address multiple properties are encouraged to provide for the efficient use of land resources and to minimize long-term public and private maintenance costs."

D. City of Hamilton Comprehensive Development Guidelines and Financial Policies Manual (2017):

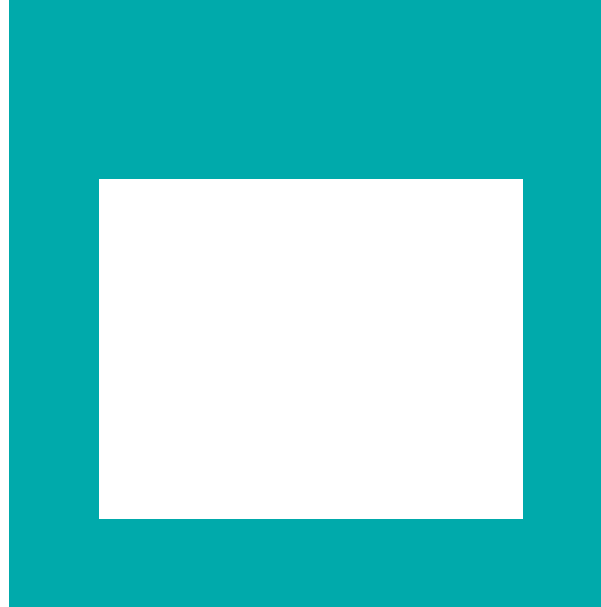
"Site grading must consider relationships with adjacent properties. Changes to site grades must not adversely impact adjacent properties, especially with respect to drainage."

- *Site grading should match the grades of adjacent properties. If grading on adjacent properties is required, consent of that owner is required.*
- *Site grading and drainage should produce zero negative impacts on adjacent properties, roads and ditches.”*

E. City of Hamilton Site Plan Guidelines (Sept. 2003):

“3.6 Proposed site grading must consider relationships with adjacent properties. Changes to site grades must not adversely impact adjacent properties, especially with respect to drainage.”

“4. Existing drainage courses and storm sewers on site should be intercepted and incorporated into the new design.”



WELCOME TO THE CITY OF HAMILTON

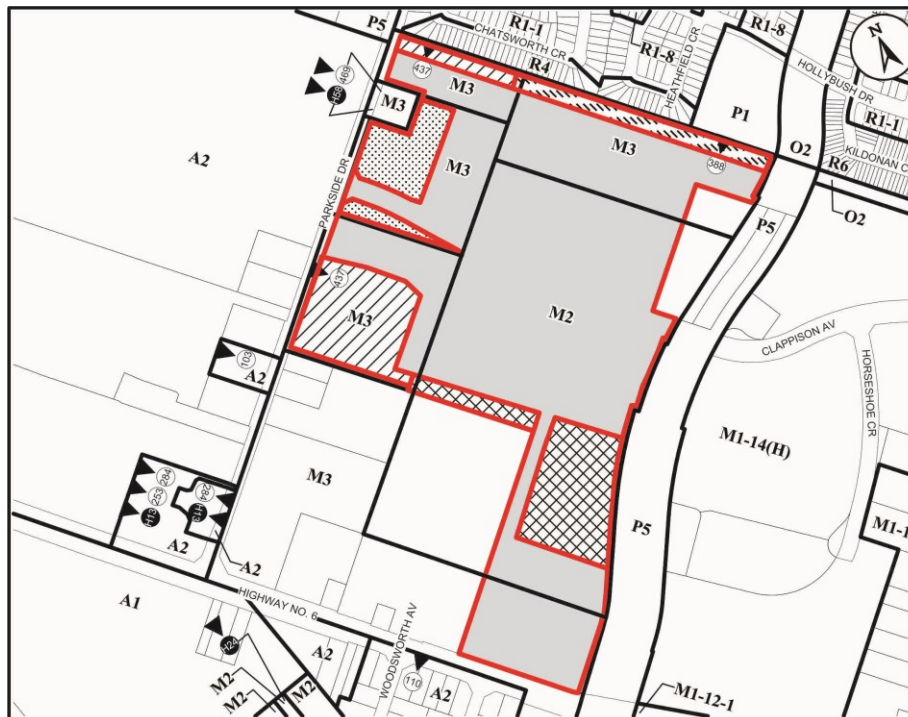
PLANNING COMMITTEE

June 19, 2018

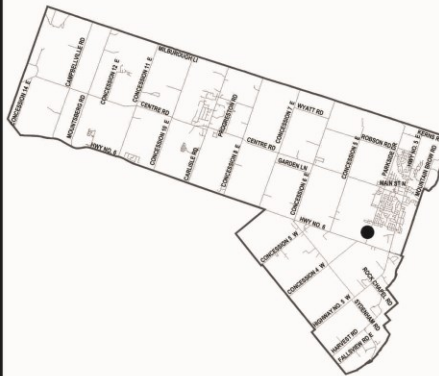
PED18133 – (ZAC-15-039 / 25T-201507)

Applications to Amend the City of Hamilton Urban Hamilton Official Plan, Zoning By-law No. 05-200 and for Approval of a Draft Plan of Subdivision “Flamborough Power Centre North” for Lands Located at 56, 74, 78, 90, 96, 100 and 566 Parkside Drive, Flamborough.

Presented by: Alaina Baldassara



● Site Location



Key Map - Ward 15

N.T.S.

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-15-039 / 25T-201507

Date:
May 11, 2018

Appendix "A"

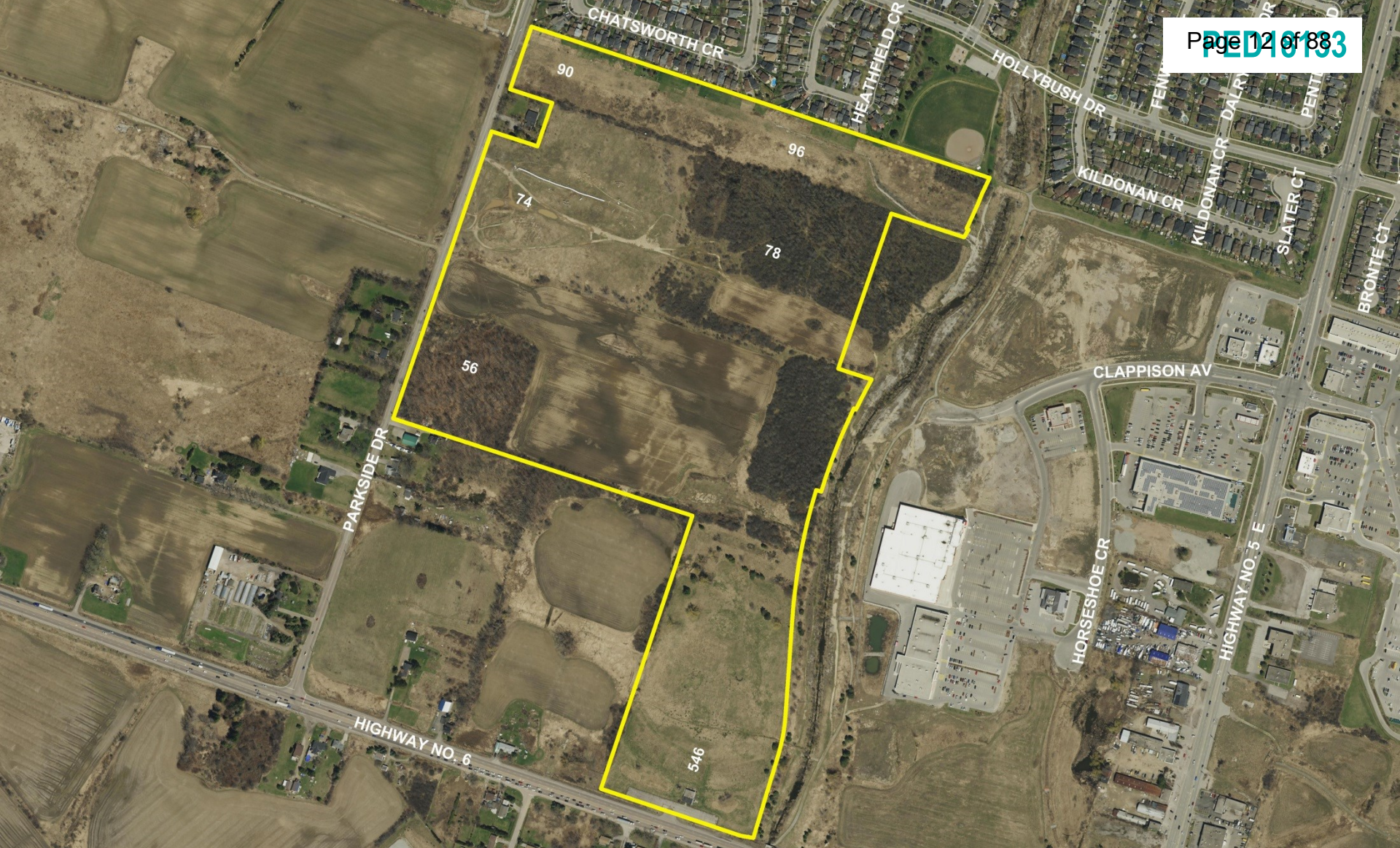
Scale:
N.T.S.

Planner/Technician:
GM/AL

Subject Property

56, 74, 78, 90, 96, 100 & 566 Parkside Drive

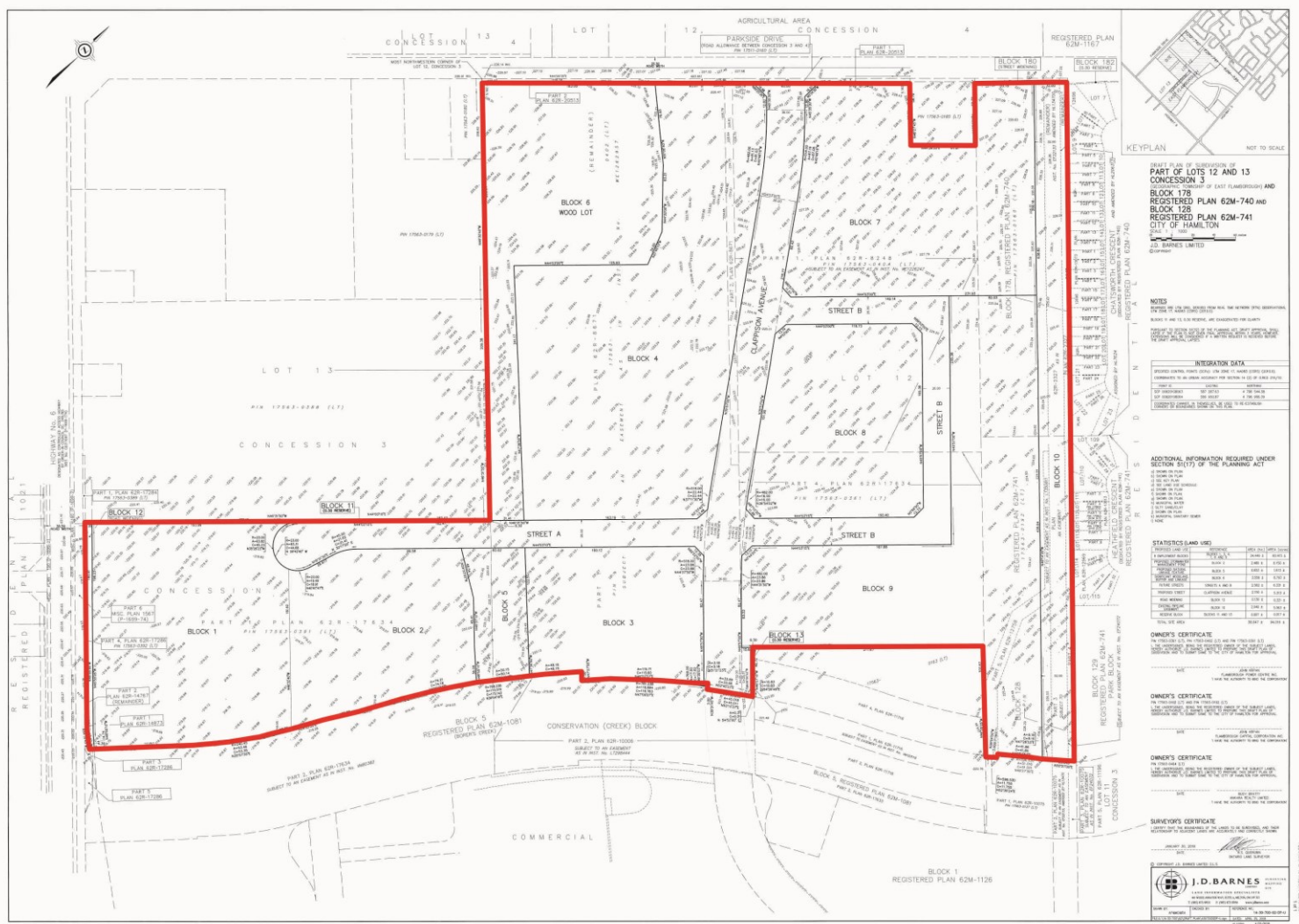
- Block 1** - Change in zoning from Prestige Business Park (M3, 437) Zone to Conservation / Hazard Land (P5) Zone
- Block 2** - Change in zoning from General Business Park (M2) Zone to Conservation / Hazard Land (P5) Zone
- Block 3** - Change in zoning from Prestige Business Park (M3, 388) Zone to Conservation/Hazard Land (P5) Zone
- Block 4** - Change in zoning from Prestige Business Park (M3) Zone to Prestige Business Park (M3, 437) Zone
- Additional Subject Lands



SUBJECT PROPERTY



56, 74, 78, 90, 100 & 566 Parkside Drive, Flamborough



KEYPLAN NOT TO SCALE

DETAILED PLAN OF SUBDIVISION OF PART OF LOTS 12 AND 13 CONCESSION 3 BLOCK 178 REGISTERED PLAN 62M-740 AND BLOCK 128 REGISTERED PLAN 62M-741 CITY OF HAMILTON SCALE: 1" = 100' J.D. BARNES LIMITED

NOTES

1. THIS PLAN IS TO BE CONSIDERED AS A PART OF THE REGISTERED PLAN 62M-740 AND 62M-741.

2. THE LOTS SHOWN ON THIS PLAN ARE TO BE CONSIDERED AS SEVERAL LOTS.

3. THE LOTS SHOWN ON THIS PLAN ARE TO BE CONSIDERED AS SEVERAL LOTS.

INTEGRATION DATA

PROPERTY	OWNER	ADDRESS	AREA (SQ. FT.)	AREA (ACRES)
Block 1
Block 2
Block 3
Block 4
Block 5
Block 6
Block 7
Block 8
Block 9
Block 10
Block 11
Block 12

ADDITIONAL INFORMATION REQUIRED UNDER SECTION 51(17) OF THE PLANNING ACT

1. Name of the owner of the land shown on this plan.

2. Name of the person who prepared this plan.

3. Name of the person who surveyed the land shown on this plan.

STATISTICS (LAND USE)

Category	Area (sq. ft.)	Area (acres)
Residential
Commercial
Industrial
Public
Other

OWNER'S CERTIFICATE

I, the undersigned, being the owner of the land shown on this plan, do hereby certify that the information furnished to me by the person who prepared this plan is true and correct.

DATE: ...

OWNER'S CERTIFICATE

I, the undersigned, being the person who prepared this plan, do hereby certify that the information furnished to me by the owner of the land shown on this plan is true and correct.

DATE: ...

OWNER'S CERTIFICATE

I, the undersigned, being the person who surveyed the land shown on this plan, do hereby certify that the information furnished to me by the owner of the land shown on this plan is true and correct.

DATE: ...

SURVEYOR'S CERTIFICATE

I, the undersigned, being a duly qualified and licensed surveyor, do hereby certify that the information furnished to me by the owner of the land shown on this plan is true and correct.

DATE: ...





View from Parkside Drive



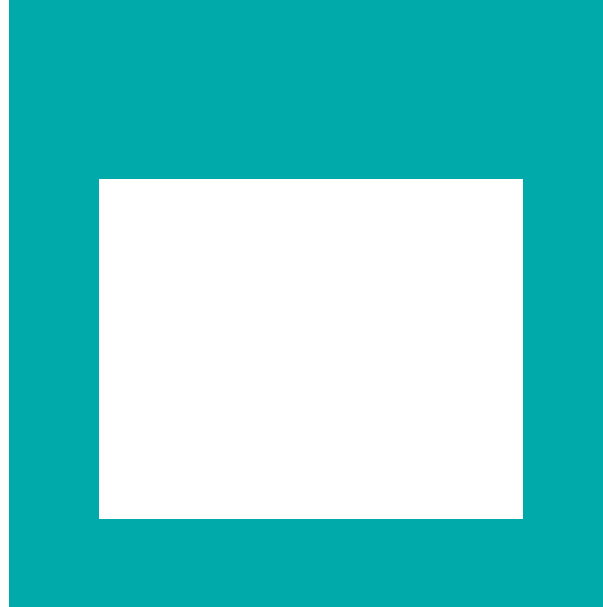
Additional views from Parkside Drive



Sensitive residential uses

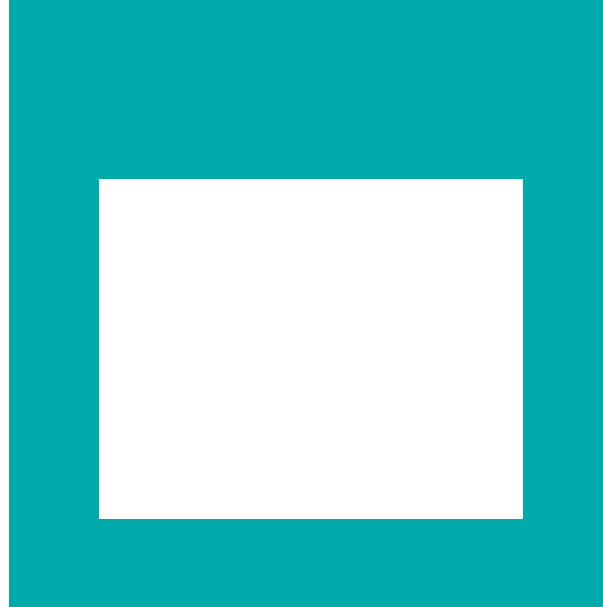


Commercial uses on the south east side of the industrial subdivision



THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE



WELCOME TO THE CITY OF HAMILTON

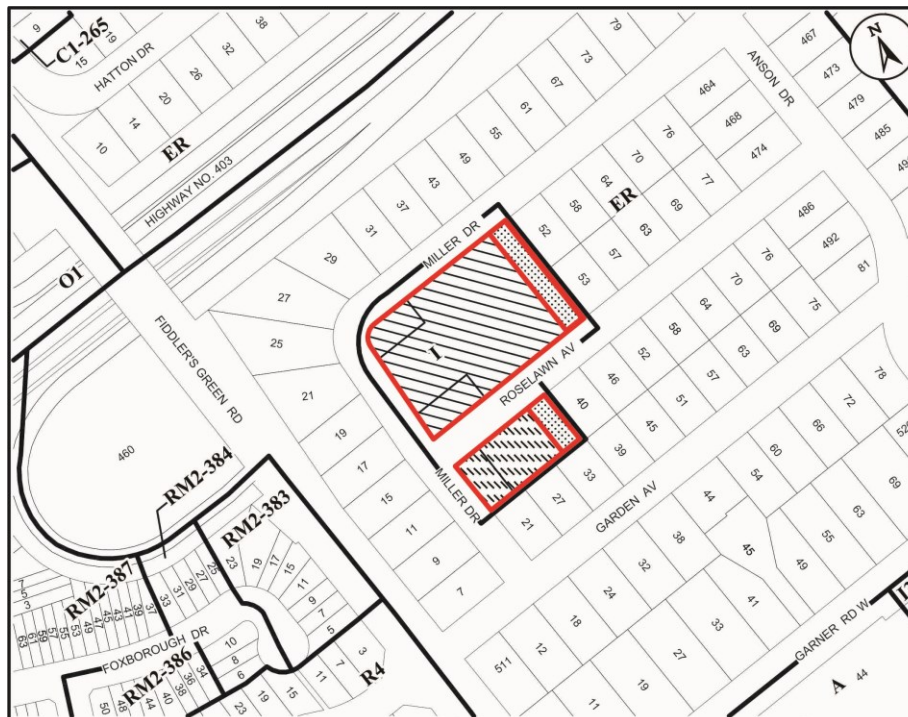
PLANNING COMMITTEE

June 19, 2018

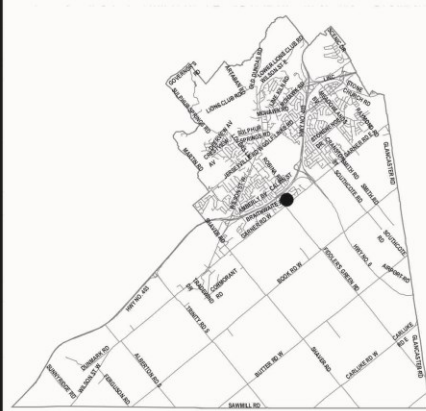
PED18123 – (ZAC-16-048 / 25T-201606)

Applications to Amend the Town of Ancaster Zoning By-law No. 87-57
and for a Draft Plan of Subdivision for Lands Located at 20 Miller Drive,
Ancaster.

Presented by: Melanie Schneider



● Site Location



Key Map - Ward 12

N.T.S.

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
 ZAC-16-048 & 25T-201606

Date:
 May 3, 2018




Appendix "A"

Scale:
 N.T.S.

Planner/Technician:
 VM/AL

Subject Property

20 Miller Drive

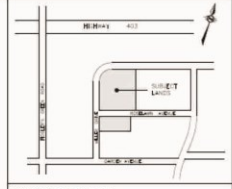
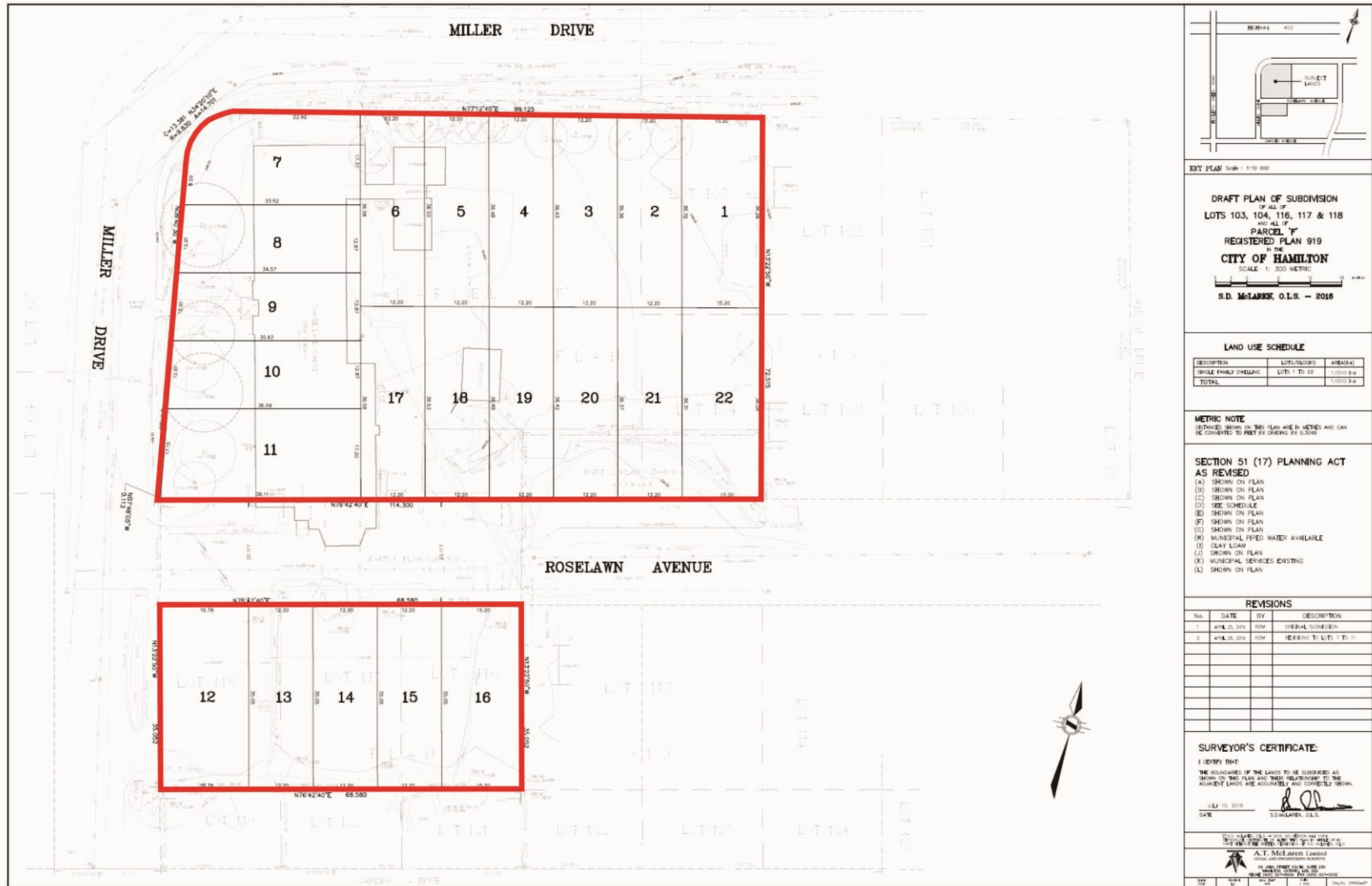
-  **Block 1** - Change in zoning from the Institutional "I" to the Residential "R4-697" Zone, Modified
-  **Block 2** - Change in zoning from the Institutional "I" to the Residential "R4-693" Zone, Modified
-  **Block 3** - Change in zoning from the Institutional "I" to the Residential "R4-694" Zone, Modified



SUBJECT PROPERTY



20 Miller Drive, Ancaster



EXT PLAN Scale: 1:10,000

DRAFT PLAN OF SUBDIVISION
 OF ALL OF
LOTS 103, 104, 116, 117 & 118
 AND ALL OF
PARCEL 'Y'
 REGISTERED PLAN 919
 IN THE
CITY OF HAMILTON
 SCALE: 1:500 METRIC
 S.D. McTARRELL O.L.S. - 2018

LAND USE SCHEDULE

DESCRIPTION	LOTS/BLOCKS	AREA(M ²)
SHRDL FAMILY DWELLING	LOTS 1 TO 22	1,030.0 P.8
TOTAL		1,030.0 P.8

METRIC NOTE
 (DISTANCES SHOWN ON THIS PLAN ARE IN METERS AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048)

SECTION 51 (17) PLANNING ACT AS REVISED

- (A) SHOWN ON PLAN
- (B) SHOWN ON PLAN
- (C) SHOWN ON PLAN
- (D) SEE SCHEDULE
- (E) SHOWN ON PLAN
- (F) SHOWN ON PLAN
- (G) SHOWN ON PLAN
- (H) MUNICIPAL FEED WATER AVAILABLE
- (I) CLAY LAM
- (J) SHOWN ON PLAN
- (K) MUNICIPAL SERVICES EXISTING
- (L) SHOWN ON PLAN

REVISIONS

No.	DATE	BY	DESCRIPTION
1	APRIL 20, 2018	SDM	ORIGINAL SUBMISSION
2	APRIL 20, 2018	SDM	REVISION TO LOT 7 TO 11

SURVEYOR'S CERTIFICATE:

I CERTIFY THAT
 THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN.

DATE: JULY 13, 2018
 S.D. McTARRELL, O.L.S.

A.T. McTARRELL Limited
 1000 SHEPPARD AVENUE EAST
 SUITE 1000 SCARBOROUGH, ONTARIO M1B 2Y4
 TEL: (416) 291-1111 FAX: (416) 291-1112
 www.atmctarrell.com



Subject Lands from Miller Drive



Northerly Block of Subject Lands



Southerly portion of lands



North-south bend of Miller Drive towards Garden Avenue



End of paved portion of Roselawn Avenue



Example of housing stock north of lands



Example of bungalow dwellings west of lands



Example of bungalow and two storey dwellings west of Subject Lands



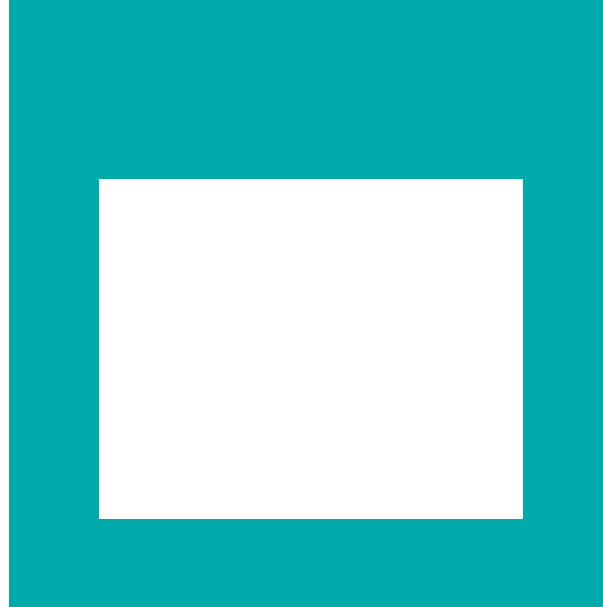
Example of housing stock on Roselawn Avenue



Example of two storey dwelling west of lands



Example of two storey dwelling east of lands

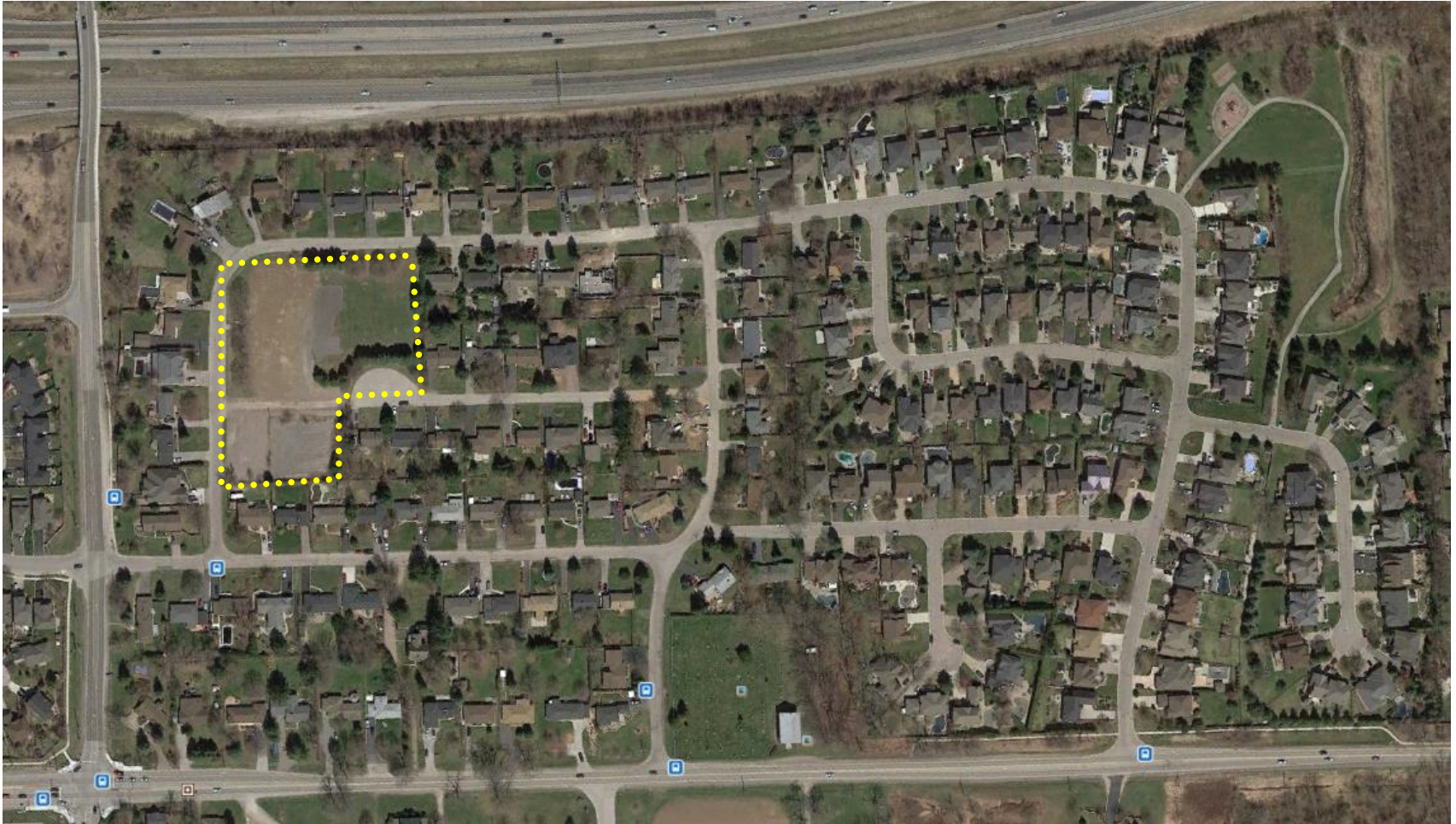


THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE

20 Miller Drive

Planning Committee
June 19th, 2018



Proposal: Low Density Residential

0.81 ha (2 acres)

- Former School Site
- 1.05 ha (2.59 acre) Site
- Infill Development
- Low Density: 21 units/hectare
- 22 single detached lots

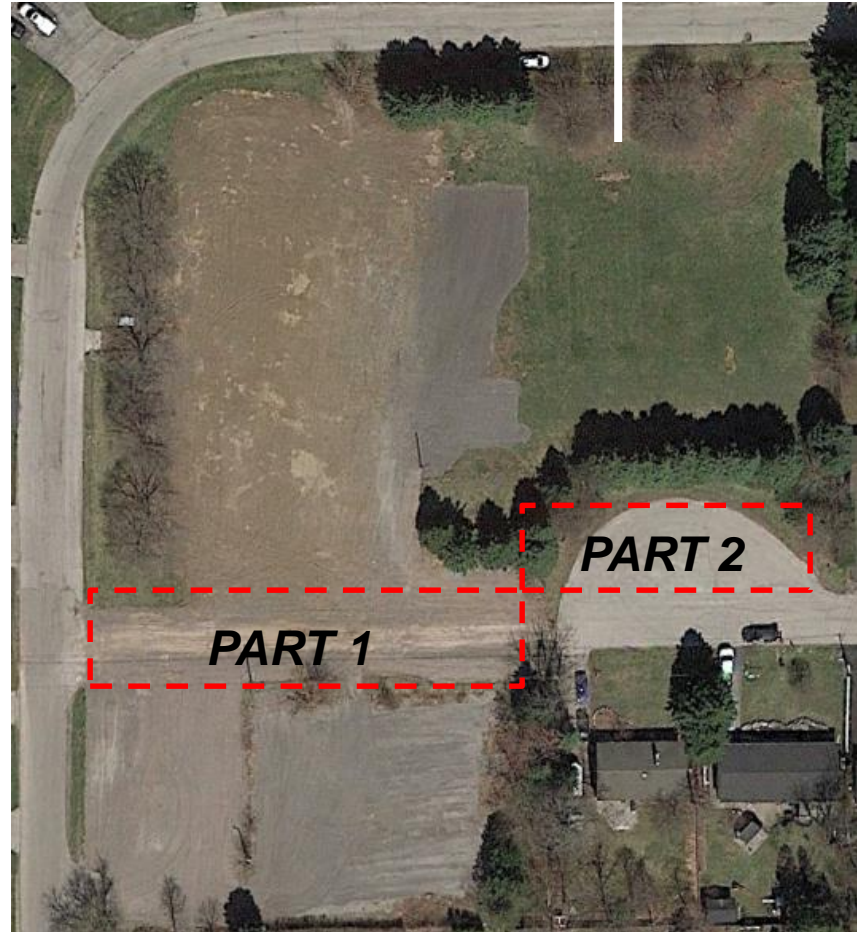
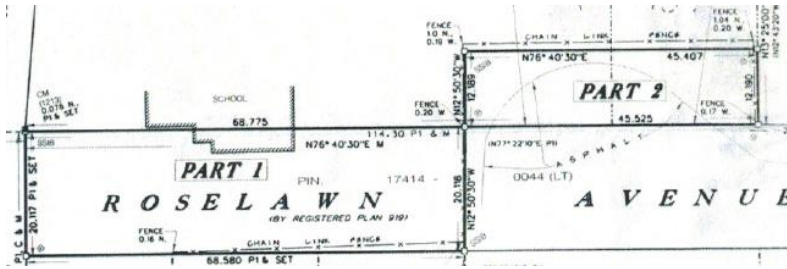


0.24 ha (0.59 acres)

Roselawn Avenue

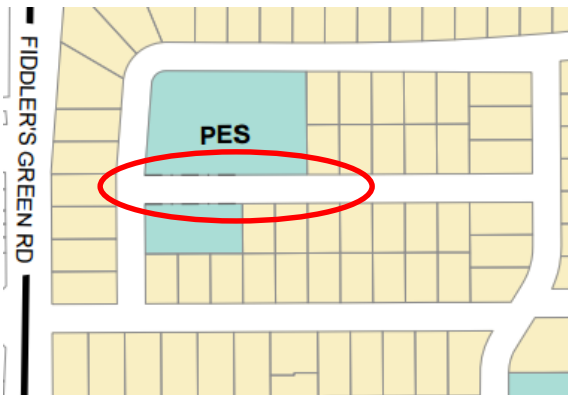
Part 1 – Owned by City. Unopened Roselawn Ave. road allowance.

Part 2 – Owned with 20 Miller Dr.



Opening of Roselawn Ave

- Conforms with Garner Neighbourhood Secondary Plan

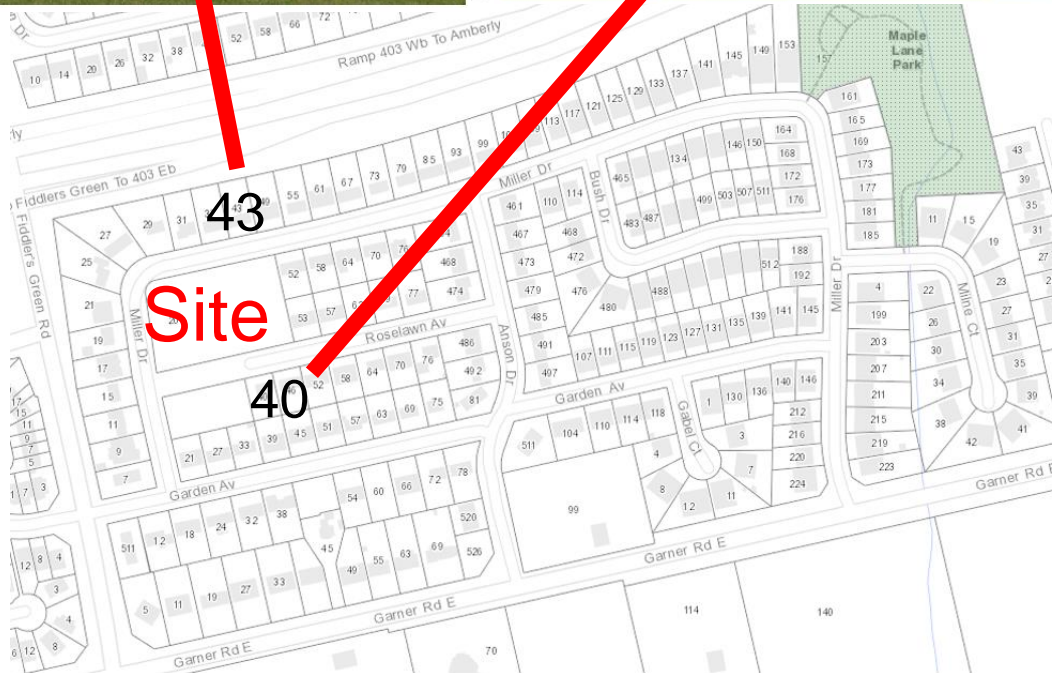


Community Context

Image 4: 43 Miller Drive



Image 5: 40 Roselawn Avenue

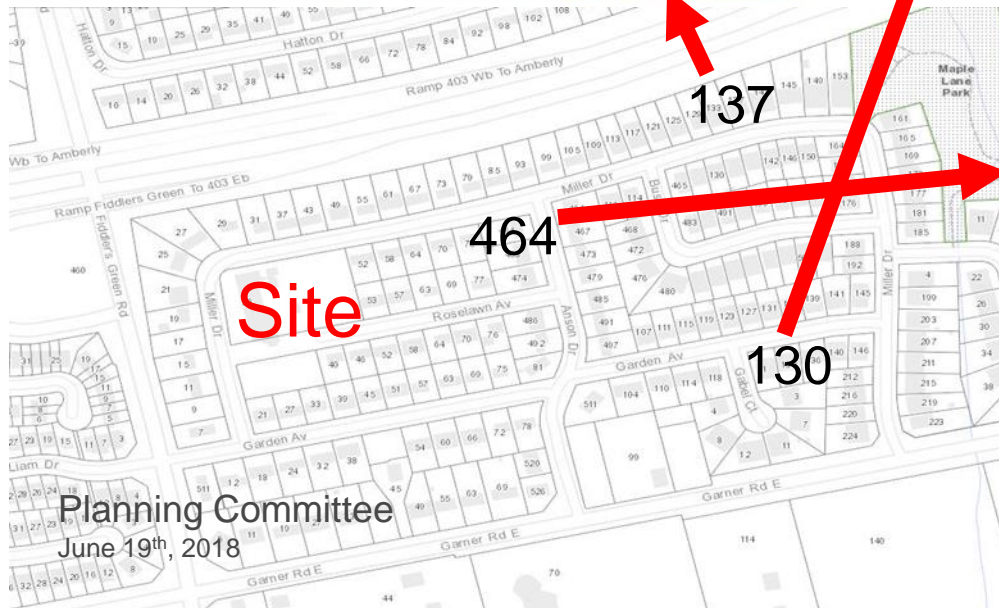


Community Context

Image 6: 137 Miller Drive



Image 7: 130 Garden Avenue



Planning Committee
June 19th, 2018

Community Context

Image



Planning Committee
June 19th, 2018

Garner Neighbourhood Secondary Plan

- Secondary Plan created to “establish land uses and development standards to guide the development/redevelopment of lands.”
- Designated *Institutional*
- *Official Plan Amendment not required based on conformity with policies that:*
 - ✓ *Allow for low density residential uses on institutional lands not needed for institutional use,*
 - ✓ *Limit height to 3 storeys,*
 - ✓ *Require a minimum lot size for ‘transition lots’,*
 - ✓ *Require additional mitigation measures such as setbacks and/or building/site design etc.*

Zoning By-Law Amendment

Amendment from *Institutional* to *Residential R4* with modifications.

Mitigation regulations between development and existing residential.

- ✓ Larger lot area on corner and transition lots
- ✓ Lower lot coverage on corner and transition lots
- ✓ Larger side yard setback on corner and transition lots
- ✓ Larger rear yard setbacks
- ✓ Restriction of balconies
- ✓ Reduction in height



Draft Plan of Subdivision Development Review:

Comprehensive, thorough review by departments and external agencies, including:

- Transportation
- Public Works
- Development Engineering
- Ministry of Transportation Ontario

Required to clear conditions of draft plan approval prior to registration of the draft plan.

Conditions include the requirement to provide sidewalks, street lighting and appropriate storm water management and grading design.

Agree with the staff recommendation and respectfully request Planning Committee to support the recommendation as the development is:

- ✓ Consistent with the PPS (2014), conforms to the Growth Plan (2017), complies with the UHOP and Garner Neighbourhood Secondary Plan.
- ✓ Compatible infill development.
- ✓ Provides mitigation measures.
- ✓ Supported based on a comprehensive and thorough review resulting in infrastructure measures to support the development and utilizing existing infrastructure within the built boundary.
- ✓ Appropriate development of underutilized land.



Proposal on Cumberland

Tom Broen

Sun, Jun 17, 2018 at 6:29 AM

June 16, 2018

Tom Broen
Owner
231 Sherman Ave South
Hamilton, ON

To whom it may concern,

With respect to the proposed new residential development at the former Lifesavers factory on Cumberland Avenue, I would like to note my opposition to the development in its current form. The development's proposed height and density will cause significant traffic and sight line issues for the neighbourhood. I believe that any new development should reflect the neighbourhood's current residential built form.

Sincerely,

Tom Broen

Sent from my iPhone



Brian Gilham

100 Cumberland Avenue development

1 message

Brian Gilham <
To: matthew.green@hamilton.ca

Mon, Jun 11, 2018 at 11:32 PM

Hi Matt,

Thankfully I will be working on June 19 at 9:30...why this is during the work day rather than an evening or weekend is beyond me. (Do folks have to take time off work and lose money to discuss major changes to their neighbourhood?) I do not have that opportunity.

That being said...I can not be at the meeting to discuss Archer Development Corp looking to rezone the old Life Saver Factory at 100 Cumberland Ave.

I live on 184 Burriss Street for the past 12 years.

I have two major concerns:

1: adding three more stories is not good. Thankfully I will not impede my view of the mountain...but it will for many. Much like the Charlton building...where folks have been looking at the mountain for decades and will soon be looking at a condo! Not good.

2: parking around the neighbourhood is bad enough. To add 65 units will make parking a choir to say the least! If they offer tenants 2 parking stops each plus an addition 15% for their visitors than it would not be an issue...but this is not the case.

Are you attending the meeting? If so, please bring up these issues for me. If you are not attending please let me know...I will try to make arrangements to pay someone to work for me that morning.

Thanks,

Brian Gilham

Sent from my iPhone

6.4 (c)

June 17, 2018

Dear Hamilton City Council,

As a concerned member of citizen living close to the proposed 5 Storey, 65 unit condo lot at 100 Cumberland Ave, I am writing in ~~support~~ of the ~~opposed~~ building.

opposition (proposed)
As a community we respectfully ask that the council considers the importance of preserving the historical ambiance of the area and spectacular view of the escarpment landscape. Additionally, the peace and quiet of the area will be threatened by years of heavy construction. We would also like the council to take into consideration that a construction project of this size will increase the extended road closures and traffic delays and volume. Once complete the new condo unit would foreseeably affect the already and increasingly problematic lack of street parking in the surrounding area. There is insufficient road infrastructure as many nearby intersections simply cannot handle the dramatic increase in traffic that will occur if the building is put in place. If completed the surrounding neighbourhoods will potentially witness an increase in traffic in already heavily congested area, which could lead to more accidents, injuries and fatalities.

Overall we as a community feel this building should not be allowed to continue for development due to the above reasons stated and as it is not in the best interest of the citizens of the local surrounding community. I strongly urge council to vote against the proposed building.

Thank you respectfully for your time,



Ricardo Campos,

137 Gladstone Ave. Hamilton

//

Andre and Ursula ERASMUS
145 Gladstone Ave
Hamilton ON

6.4(d)

City of Hamilton

June 14th 2018

To Whom It May Concern:

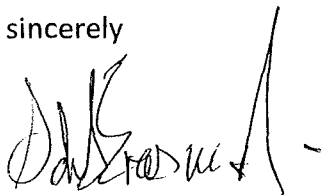
We would like to place on record our opposition the proposal for a 5-storey, 65 unit condominium construction at 100 Cumberland Ave (Life Saver Factory).

Our family resides at 145 Gladstone Ave; from our back and front yards we can see the roof line and chimney stack of the Life Saver Factory. This means that additional storeys of a block of condos will rise up and overlook our garden. We are strongly opposed to this proposal that will change the ambience and privacy of the neighbourhood. In addition, the proposal will block our view of the escarpment, a primary reason we chose to move to this area. We are opposed to this development that will detract from the positive, safe and family-friendly environment.

The construction of such a condominium would mean that the neighbourhood would have to endure years of heavy equipment, noise and air pollution. This will threaten our peaceful, quiet environment.

A condominium complex of 65 units will drastically increase traffic noise and volume, lead to additional street parking congestion and make it more dangerous for all the children who are comfortable walking and cycling to the park, school and other destinations.

Yours sincerely



Andre ERASMUS



Ursula ERASMUS

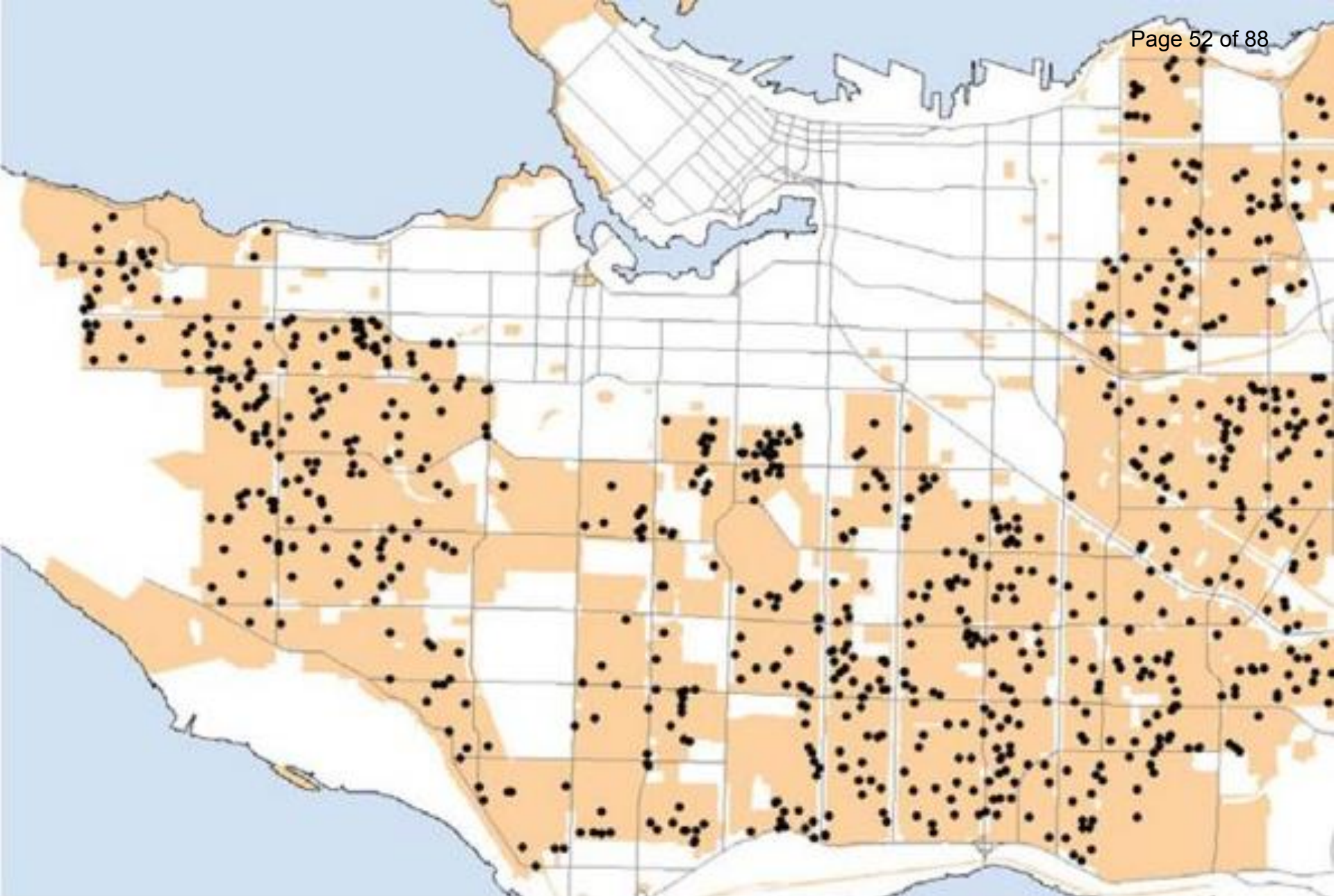


Livable Lanes in Hamilton





Examples of Hamilton laneways and laneway houses

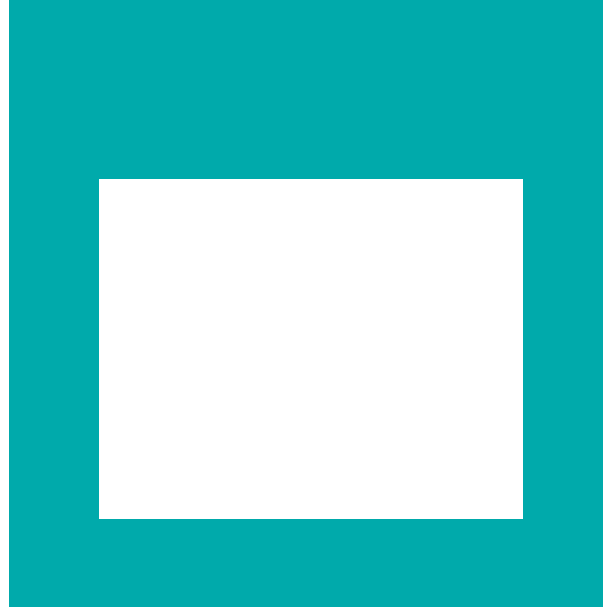


map of Vancouver's laneway houses as of 2013, three years after the first projects were completed (City of Vancouver)



Edmonton examples





WELCOME TO THE CITY OF HAMILTON

PLANNING COMMITTEE

June 19, 2018

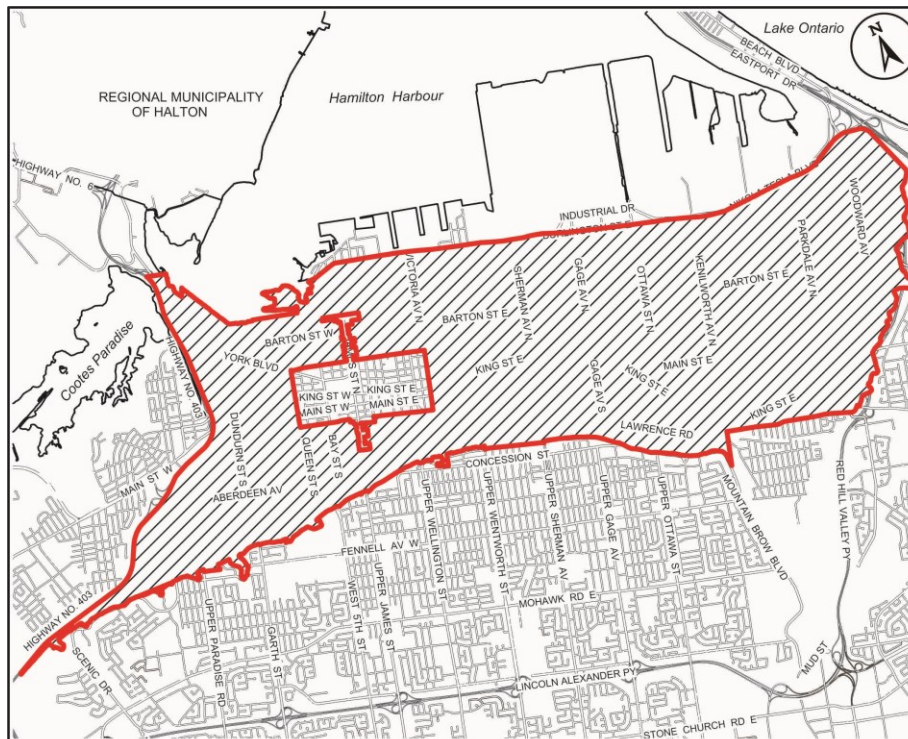
PED16200(a) – (CI-18-F)



Amendments to City of Hamilton Zoning By-law No. 6593 to allow secondary dwelling units in detached structures for properties adjoining a laneway (“Laneway Housing”), Hamilton

Presented by: Edward John

The Proposed Amendment will:

- Permit a secondary dwelling unit within a standalone building on a lot adjoining a laneway;
- Limit the height and size of the dwelling units;
- Restrict the location of windows and doors above 1st floor, and,
- Eliminate required parking for the unit



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. 6593		Add to Section 22 Schedule P  Geographical area where Secondary Dwelling units for properties adjoining a laneway are permitted
Scale: N.T.S.	File Name/Number: CI-18-F	 Hamilton
Date: May 17, 2018	Planner/Technician: EJ/AL	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		



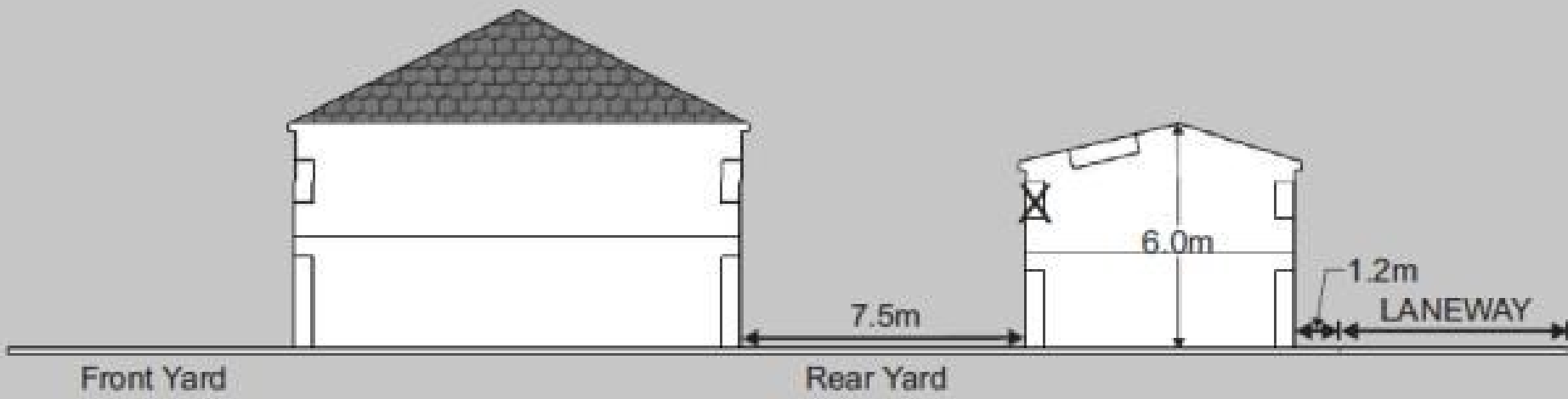
20 and 22 Wheeler Lane, Hamilton

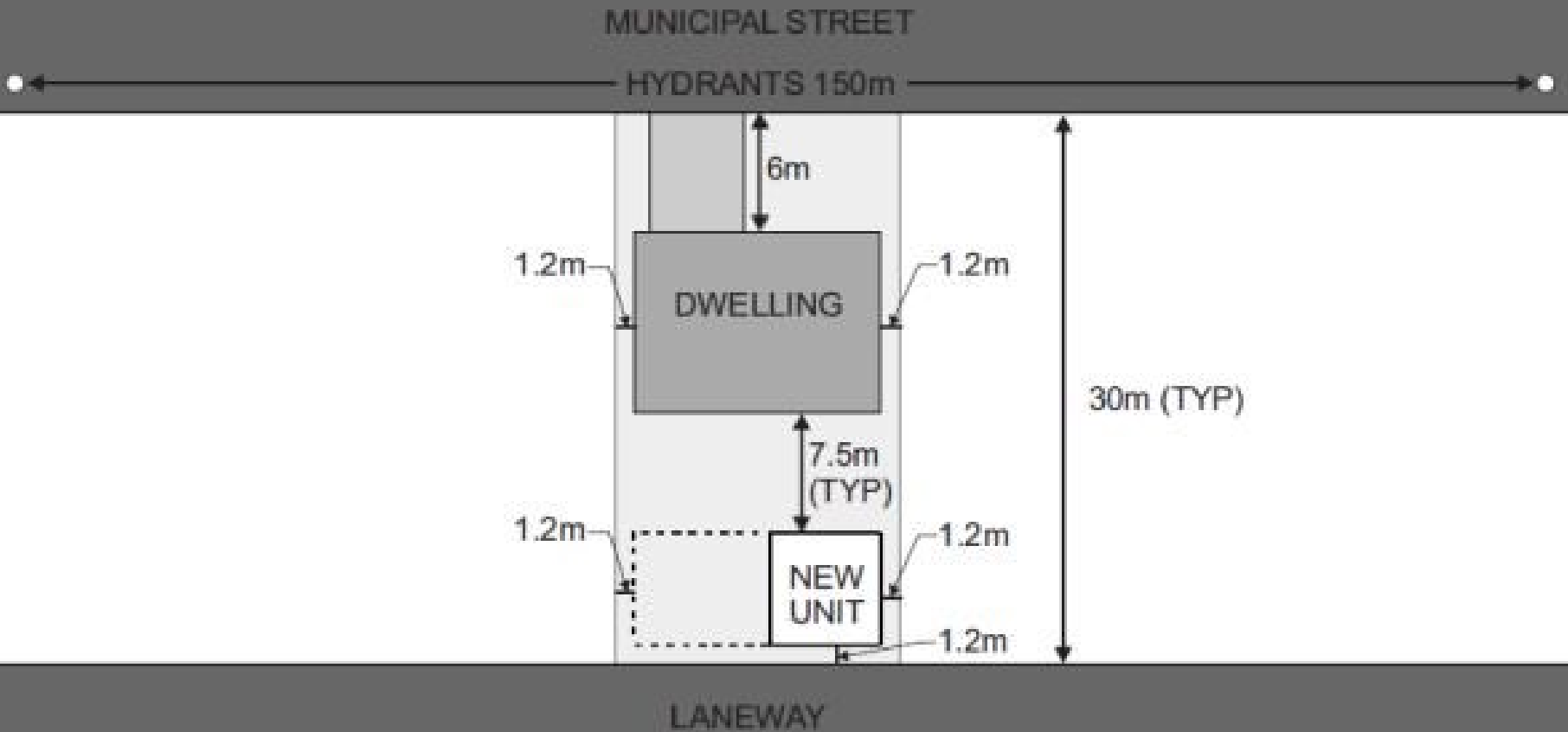


Fanning Street

PRINCIPAL DWELLING

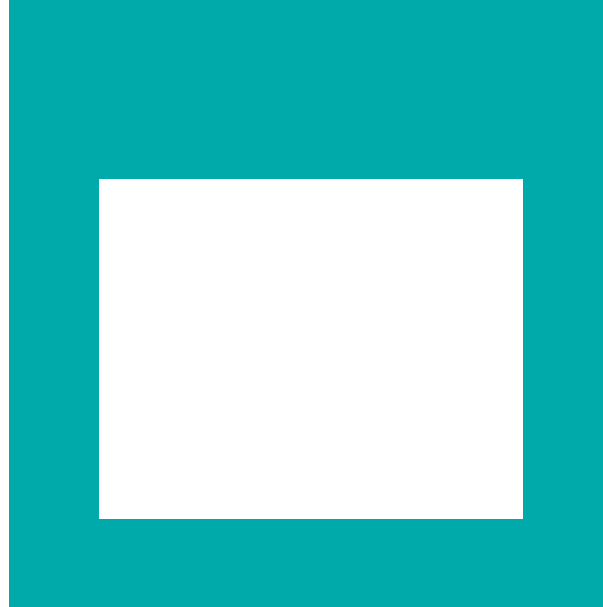
SECONDARY UNIT





The Recommendation Seeks to:

Identify secondary dwelling units within an accessory structure as a separately defined item within the Development Charges by-law. For Parkland Dedication and cash in lieu purposes, treat secondary units within accessory structures equal to that of any other units created through Section 19 conversion provisions



THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE

AIRD BERLIS

Meaghan Barrett
Direct: 416.865.3064
E-mail: mbarrett@airdberlis.com

June 13, 2018

Our File No.: 144890

BY EMAIL

Mr. Stephen Robichaud
Director, Planning & Chief Planner
Hamilton City Hall
71 Main Street West
Hamilton, ON L8P 4Y5

Dear Mr. Robichaud:

**Re: Objection to Proposed New Marihuana Growing and Harvesting Facility
286-288 Green Mountain Road East, Stoney Creek**

We represent the owners of 284 and 294 Green Mountain Road East in the City of Hamilton. Our clients reside immediately adjacent to the new proposed marihuana growing and harvesting facility at 286-288 Green Mountain Road East in Stoney Creek (the "**subject property**").

We are writing to advise City Staff of our clients' concerns regarding the proposal and to formally request that the City require the owner of the subject property to provide detailed evidence to support any claim that the proposed facility as a legal non-conforming use. In our submission, the owner of the subject property should also be subject to the site plan approval process to ensure that the building size, location, setbacks, drainage and other matters are all properly addressed before a building permit is issued for this project.

Background

For years, our clients and their neighbours have faced significant challenges with the subject property's use as an illegal and then later "legalized" facility to grow medical marihuana.

Earlier this year, our clients became aware that the subject property had been acquired by a new owner who intended to grow, harvest and produce marihuana on the site (the "proponent" and the "proposal"). We have been advised that the proponent is of the view that a medical marihuana greenhouse is a legal non-conforming use of the subject property.

In April, our clients contacted the proponent's agent, Mr. John Ariens of IBI Group, to share their concerns about the proposed use of the subject property, including but not limited to:

- odour from production and harvesting;
- noise from generators as well as from the operation of the facility;
- light pollution from general operation of the facility;
- light pollution from outdoor security lighting as required by Health Canada for all licensed medical marijuana production facilities;

June 13, 2018

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- privacy impacts from video surveillance and similar, as required by Health Canada;
- health impacts from use of pesticides; and
- *increased traffic and other related impacts such as the number of access points to the site and parking for employees and other visitors to the facility.*

We have been advised that the proponent will be hosting a community meeting to discuss its proposal following a preliminary discussion with City staff, but no such meeting has yet been scheduled.

Our clients are not the only neighbouring residents voicing concerns about the proposal on the subject property. A petition (attached) evidences the level of concern in this community about the impacts of permitting the proposed facility on this site and about the precedent that it will set in the area.

The existing building is too close to the property line for a medical marihuana facility

As you are aware, medical marihuana growing and harvesting facilities are permitted in the Agricultural (A1) zone under the City's Zoning By-law No. 05-200 (the "**Zoning By-law**"). The subject property and our clients' properties are located within the Agricultural (A1) zone. Agricultural uses are permitted in the Agricultural (A1) zone and agricultural uses are defined in section 3 of the Zoning By-law to include medical marihuana growing and harvesting facilities.

Section 12.1.3.1 of the Zoning By-law sets out regulations applying to agricultural uses, including medical marihuana growing and harvesting facilities. In addition to prohibiting outdoor storage and retail sales, this section sets a maximum gross floor area of 2,000 square metres for facilities (although there is an exception for existing buildings) and requires all buildings and structures to be set back a minimum of 20.0 metres from any lot line:

12.1.3.1 AGRICULTURE AND VETERINARY SERVICE – FARM ANIMAL REGULATIONS

m) Medical Marihuana Growing and Harvesting Facility

- i) 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;
- ii) Notwithstanding Section 12.1.3.1 m) i) above, existing buildings may be used for a Medical Marihuana Growing and Harvesting Facility;
- iii) Notwithstanding Sections 12.1.3.1 b), c) and d) above, all buildings or structures associated with the use shall be set back a minimum of 20.0 metres from any lot line;
- iv) Notwithstanding Sections 12.1.3.1 f) i), ii) and iii) above, outdoor storage shall not be permitted;

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v) Notwithstanding Sections 12.1.3.1 i) i), ii), iii) and iv) above, retail sales shall not be permitted.

Medical marihuana growing and harvesting facilities were added as a permitted use within the Agricultural (A1) zone in 2015 by By-law 15-173. The specific regulations applying to medical marihuana growing and harvesting facilities, including the mandatory 20 metre setback from the property line, were added to the Zoning By-law at the same time.

The attached photographs show the immediate proximity of the subject property to our clients' homes. Photographs 1 and 2 show that the current building on the subject property is setback less than 2 metres from its property line, and is virtually in one client's backyard. The existing condition clearly does not comply with the 20 metre setback required under s. 12.1.3.1(m) of the Zoning By-law.

The Zoning By-law recognizes medical marihuana growing and harvesting facilities as being different from and requiring supplementary regulations as compared to other agricultural uses. On this basis, a facility growing medical marihuana must be treated differently than a facility growing other types of agricultural uses.

The proponent has not established that the proposal is a legal non-conforming use

The proponent has advised our clients that it will proceed as a legal non-conforming use under the general Agricultural (A1) zone and, therefore, that the mandatory 20 metre setback mandated in the Zoning By-law does not apply to the subject property. However, the proponent has provided no evidence to substantiate this claim.

To be a legal non-conforming use, the use at issue must have been legal at the time it commenced. Clause 34(9)(a) of the *Planning Act* provides that a use prohibited under the Zoning By-law may continue as long as the "land, building or structure was lawfully used for such purpose" on the day the by-law was passed:

Excepted lands and buildings

34 (9) No by-law passed under this section applies,

(a) to prevent the use of any land, building or structure for any purpose prohibited by the by-law if such land, building or structure was lawfully used for such purpose on the day of the passing of the by-law, so long as it continues to be used for that purpose; (emphasis added)

Under the *Planning Act*, the proponent bears the burden of establishing that prior to the introduction of medical marihuana growing and harvesting facilities as a permitted use in the Agricultural (A1) zone and corresponding s. 12.1.3.1(m) of the Zoning By-law, that the medical marihuana facility:

- was legal (i.e. all required licenses were in place);
- complied with the applicable zoning regulations in force at the time (including mandatory setbacks); and

June 13, 2018

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- has been continuous.

Additionally, the proponent has provided no information about the scale and intensity of the use proposed on the property, nor information on any increased scale of production anticipated by the proponent.

The proponent is obligated to provide all such information to the City in support of its claim that the proposal is a legal non-conforming use; we ask that we also be provided with this information.

Adverse impacts cannot be sufficiently mitigated in this context

The proposed medical marihuana growing and harvesting facility is too close to our clients lands to allow for any measures to adequately mitigate impacts from the facility.

The new owners have promised to “fully comply” with all regulations and to employ an air lock entry system and pressure system to control odour, but our clients have learned from the experience of others living in close proximity to such a facility (but none as close as our clients) that such measures are not effective.

As stated above, our clients have a number of concerns about the proposal in addition to odour, many of which are linked to the proximity of the subject property to nearby residential homes. Even though the properties along this section of Green Mountain Road East are zoned Agricultural (A1), this area functions as a residential street. Accordingly, what is effectively proposed on the subject property is a medical marihuana facility in the middle of a residential neighbourhood.

Submission

On behalf of our clients, we respectfully request that City Planning carefully scrutinize any assertion that the proposal is a legal non-conforming use. The existing location of the building for the proposed use is unacceptably close to neighbouring residents, which close proximity will result in significant negative impacts on neighbours including but not limited to impacts from odour, light and reduced privacy. Additionally, we ask that the proposal be subject to the City's site plan approval process to address appropriate building size, location and mitigation of impacts.

We are aware that the City is considering amendments to the prevailing zoning regulations and to the Rural Hamilton Official Plan in respect of medical marihuana growing and harvesting facilities. While we have only had the opportunity to briefly review these proposed amendments, our clients are pleased to see that they are proposing to provide greater protection for residents in Hamilton's rural areas, and better address the significant adverse impacts created by the incompatibility of marihuana production facilities next to residential uses. These new policies and standards should be applicable to the facility proposed on the subject property.

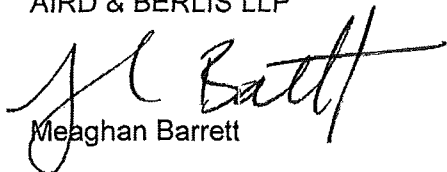
Should you have any questions, please do not hesitate to contact the undersigned.

June 13, 2018

Page 5

Yours truly,

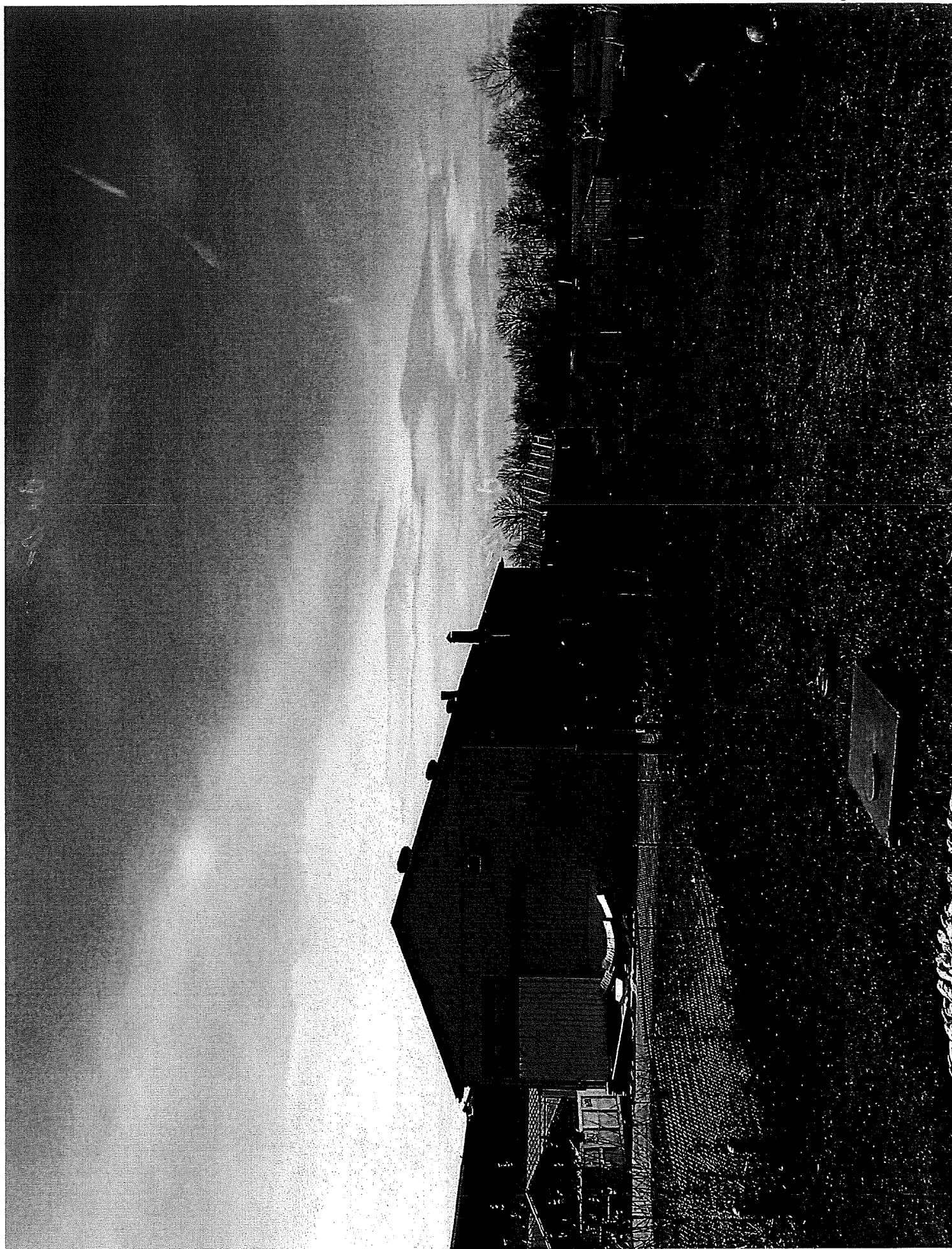
AIRD & BERLIS LLP

A handwritten signature in black ink, appearing to read "Meaghan Barrett". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Meaghan Barrett

MTB

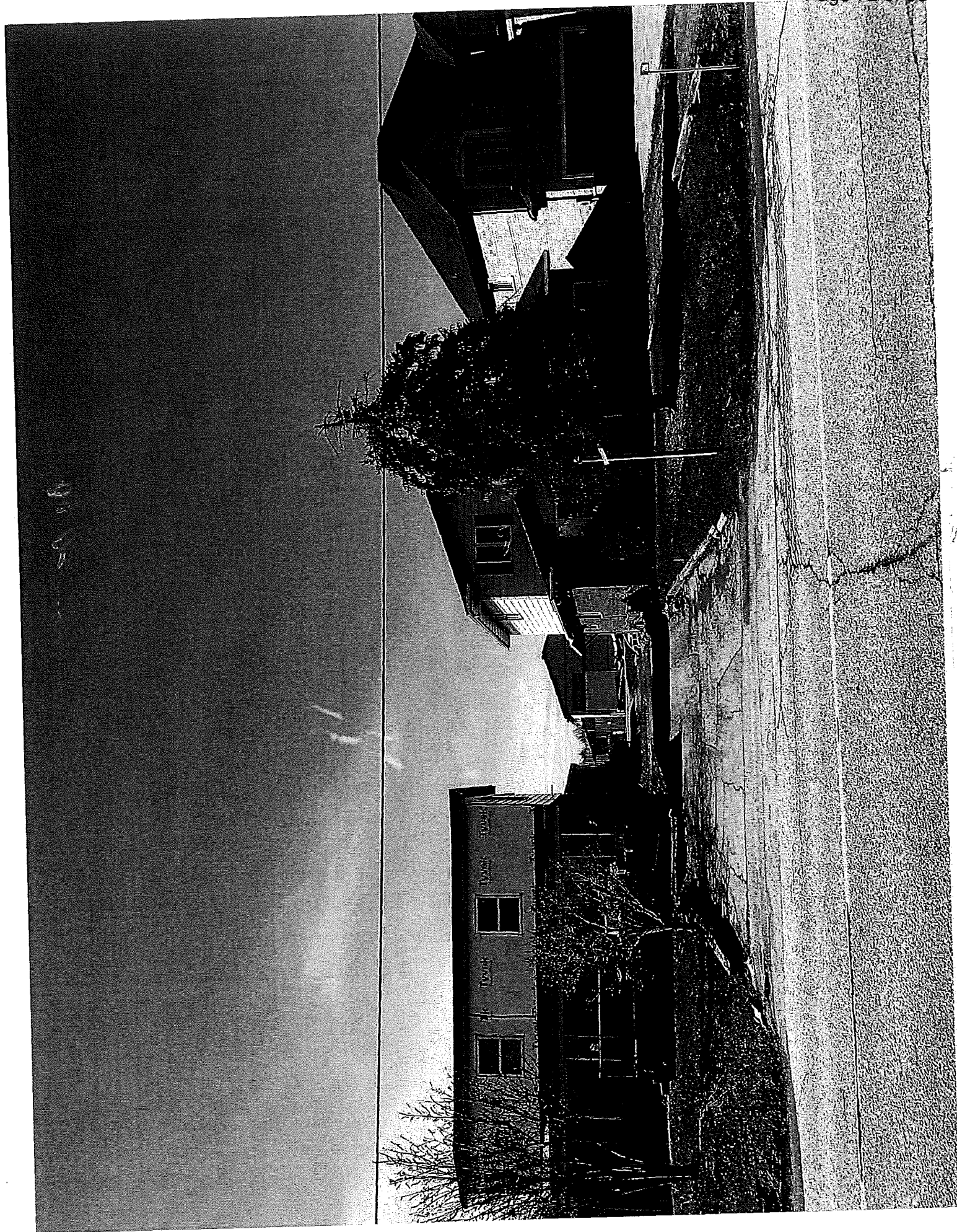
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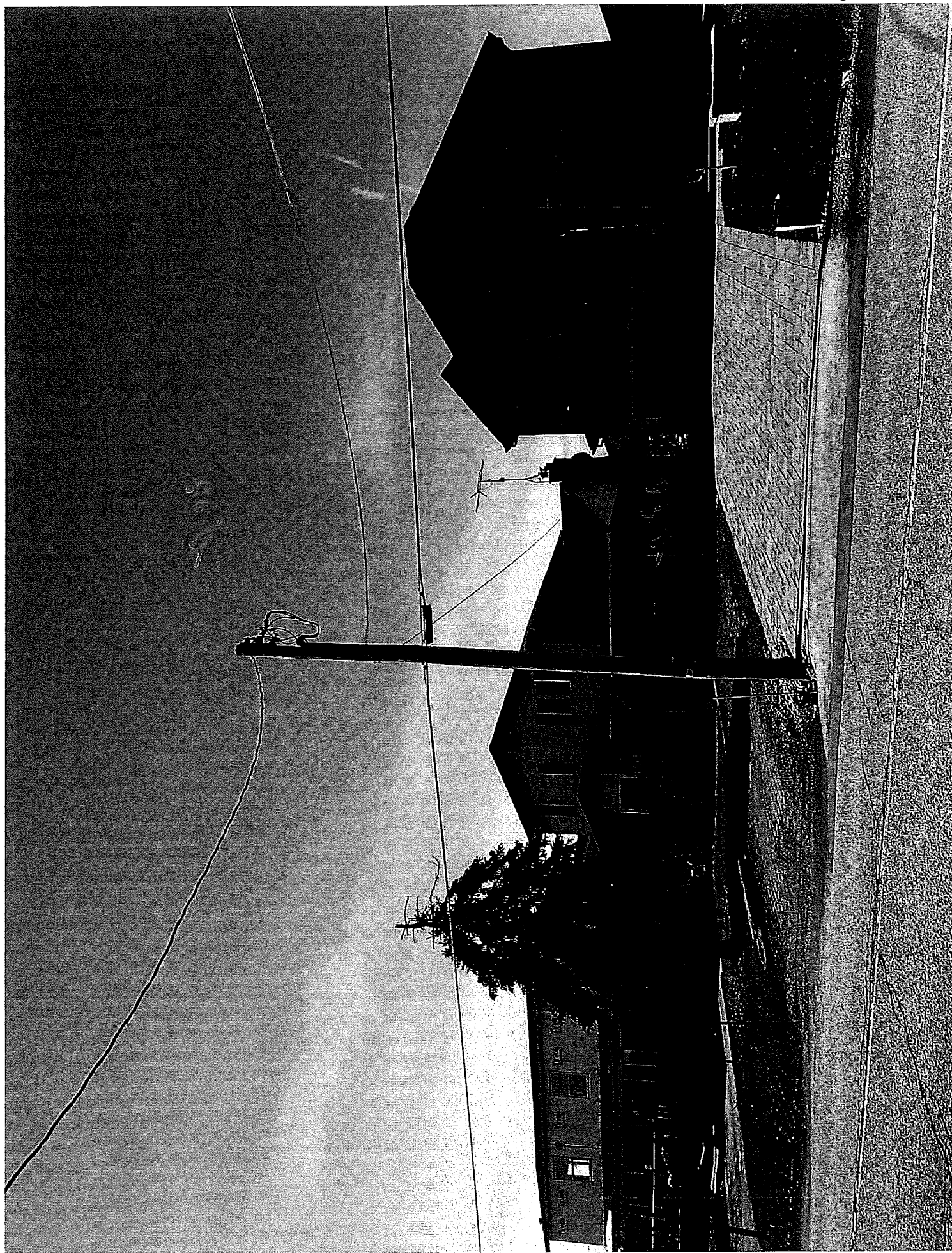




3







From: Lisa & Tony _____
Date: May 11, 2018 at 14:53:17 EDT
To: NoPot286288GMR@gmail.com
Subject: Fwd: Issue with 286 and 288 Green Mountain Road

My wife Lisa and I live at 309 Green Mountain Rd. East Stoney Creek

We moved here Aug 2016 from Heritage Green Area of Upper Stoney Creek . We were excited to have property in the country , as we previously lived in a subdivision .

We had the option to move to Burlington , Waterdown or Grimsby , - as my job and our personal life would allow this.

We chose to stay in the Upper Stoney Creek area . We knew that it was the right area to purchase our final home. It was a big investment at over \$1 million dollars (we also pay \$7656 in taxes)

We were confident the investment would grow based on market activity and our real estate agent feedback. We live in the fastest growing ward in Hamilton , which is one of the fastest growing cities in Ontario.

We saw this as a solid investment , and a quality of life we can enjoy until we cannot maintain the property any longer , which is many years away .

This home allows us the living space and property to entertain family and friends which we enjoy doing .

The peace and quiet I did look forward to as I work long hours and different shifts in a stressful environment managing a multi million dollar business with 275 employees . I also struggle with sleeping disorder affected by any night distractions .

We previously lived on a bus route that had buses run throughout the day and night .

We have two daughters that are 23 and 25 that live in Toronto and do come home frequently. They are planning to have family in the future , which we look forward to having visit and stay .

The neighbors we soon found have lived here for many years and are very respectful and caring .

We do have a "neighbor" at 286 and 288 Green Mountain Road that has shown disrespect to their neighbors and the law . We live Northeast of this address . Many times the wind blows in our direction .

We try to have friends and family over and the smell of marijuana coming from this address is embarrassing and revolting . There are days and nights we need to close the windows to keep the smell out of our home , which it still permeates. Drive down the street with your windows closed and it will come right into your car , as witnessed and communicated to me personally by Brenda Johnston.

This became evident very early when we moved in . The frequency and the height of the odor increased as did the traffic to that address.

While sleeping on April 17 2017 gun shots were heard . This was a result of the illegal activity that was happening at 286 and 288 Green Mountain Road the police personally informed us as they asked for video footage . A search warrant was performed on the two addresses with in a week.

I respect the intention of the Company that wants to set up a Grow Operation as I am sure they are business minded individuals who see a loophole in the agriculture permit to set up a Marijuana Grow Op , but I will not support it be located at 286 and 288 .

The logic is very simple ;

Growing fruits and vegetables does not incite gun violence and turf wars .

Growing fruits and vegetables does not require extensive camera surveillance in order to discourage criminal activity and protect the what is grown .

The result of the marijuana grown at this address also prompted the police to commit to more police presence in our neighborhood . This was a direction and a commitment by the Hamilton police at community meeting on Thursday May 18 . This meeting was a result of community pressure and Brenda Johnson's commitment to do the right thing in addressing an illegal activity for her constituents and her own morals . She grew up in this area.

Growing fruits and vegetables does not require us to avoid entertaining friends and family due to the smell of marijuana .

Growing fruits and vegetables will not impact the value of our home and neighborhood - as much as 20% .

I trust the right decision will be made and there will be no permit issued for this address to be come a Marijuana Grow Operation . This is a residential area with young families and young children .

Tony Gibbings

From: "Tawny Sayegh"
Date: May 18, 2018 at 02:06:10 EDT
To: "nopot286288GMR GMR Neighbours" <nopot286288gmr@gmail.com>
Subject: Re: Petition

I'm over at 298

Sent: Friday, May 18, 2018 at 1:50 AM
From: "nopot286288GMR GMR Neighbours" <nopot286288gmr@gmail.com>
To: "Tawny Saveeh"
Cc: _____ [com](mailto:_____com)
Subject: Re: Petition
Thank you Tawny.

May I ask your house number?

The new owner's consultant is going to be hosting a public meeting at the open house. We will keep you updated on the date and time. Please come and be loud in opposition.

I have cc'd some neighbours who are supporting this cause with us and the "founding members" who delivered the flyers.

Sasha
284 GMR

Sent from my iPhone

On May 18, 2018, at 1:31 AM, Tawny Sayegh

I am firmly against this grow op because of all the trouble and danger this property has already brought to this neighbourhood. I don't need bullets flying at me or my family just because some greedy person thinks a residential neighbourhood is a good place to make a buck. Shootings have already happened because of this grow op, and the wrong houses have already been targeted. This could just as easily be my house. It doesn't matter how "state of the art" they make this building, or even if they hire a small army of security guards, people will still try to break into this grow op to steal weed, and it's very likely they'll be carrying and firing weapons. We don't need this danger and violence here.

I don't know for certain if it's related, but a group of teens ran away from the grow op and through my own property to the street last spring. They turned on our outdoor faucet and left it running on full blast. This is a huge problem not only because this is trespassing, but because we don't have city water here. My family has to pay to have water delivered to our house to fill our cistern. With the cost of water being as high as it is, and the current issues facing this neighbourhood with the problems the water haulage company have been giving us (very long delivery times, people having to go without any water for days, being forced to stay in hotels due to lack of water, etc.), we can't afford to have trespassers wasting our water.

Besides the shootings and trespassing is also the disgusting stench grow ops on that property have forced on us for the past few years. We can't even open our windows without making our house stink like a horde of skunks. Some days it's so bad you can't breathe when you're outside, and you can smell it for a kilometre around.

This is simply the wrong neighbourhood for something like this, and it needs to stop. To allow this grow op to open here is completely unfair to the families who live here, some of whom have small children, others who have lived here for decades, and most of whom can't afford to move to get away from the drugs and violence. Let them find somewhere else to make their money, and leave the dozens of innocent people in this neighbourhood in peace. It's much easier to relocate the grow op than it is to relocate all the families on Green Mountain Road.

From: Agao Robbins
Date: April 30, 2018 at 23:05:23 EDT
To: NoPot286288GMR@gmail.com
Subject: Against Grow-Op

To whom it may concern,

As a mother of two young children, living in close proximity to 286/288 Green Mountain Rd. E., I am completely against this property becoming a legal grow-op. Marijuana grow-ops should never be allowed in residential areas for MANY obvious/common sense reasons. The health and safety of my family is my priority and feel grow-ops should only be located in non-residential areas.

Here are just a few questions I have, which may have already been considered:

If this grow-op is allowed...

1. Will the tax department reduce our property taxes?
2. Will Environment Canada collect air samples on a regular basis to ensure clean air quality?
3. Will Health Canada inspect this grow-op regularly to ensure it functions in accordance with Health Canada regulations?
4. How will Hamilton Police ensure the ongoing safety of residents surrounding this property?
5. Will the City of Hamilton ensure that by-laws are being met (e.g., property not littered by garbage, etc)?

Sincerely,
Agao R.

357 3rd Rd
Stoney Creek

From: "Paul Horn"
Date: May 8, 2018 at 20:57:54 EDT
To: [<NoPot286288GMR@gmail.com>](mailto:NoPot286288GMR@gmail.com)
Subject: no Pot

Yes We would like to like to join the petition to stop the commercial operation of grow op in our residential neighbourhood. This is an extremely bad idea and should be stopped now. Let us know what we can do to help eliminate this situation. We will be contacting our councillor

Thank you for bring this to our attention.

Debbie and Paul Horn
231 Green Mountain Rd East
Stoney Creek

From: don robbins
Date: April 30, 2018 at 22:28:14 EDT
To: "NoPot286288GMR@gmail.com" <NoPot286288GMR@gmail.com>
Subject: No way

This cannot happen in a residential neighbourhood. We've already seen the shady business associated with this place. Government or not this is not a location suitable for this. We have rights and pay a lot of taxes to this city. Thx for getting this info out. How shady is our own local office. Sincerely Don Robbins.
Sent from my iPhone

357 3rd Rd
Stoney Creek

From: days4 days4
Date: May 9, 2018 at 07:30:53 EDT
To: nopot286288GMR GMR Neighbours <nopot286288gmr@gmail.com>
Subject: Re: pot
Reply-To: days4 days4

247 GMR

----- Original Message -----

From: nopot286288GMR GMR Neighbours <nopot286288gmr@gmail.com>
Date: May 8, 2018 at 7:35 PM

Thanks for the response.
Where do you live on GMR?

Sasha

Sent from my iPhone

On May 8, 2018, at 4:54 PM, days4 days4

No I do not want a pot grower on my street

From: Fred Mattiuz _____

Date: May 10, 2018 at 10:16:52 EDT

To: nopot286288GMR GMR Neighbours <nopot286288gmr@gmail.com>

Subject: Just the beginning

By the end of the month there will be a town meeting in regards to the growing of Federally licensed marijuana in our neighbourhood. This will be presented by the IBI business investment group. Be prepared for an outlandish brainwashing of how this project will be good for the neighbourhood. You will be told of how this overwhelming upgrade to this now depleted property will be great for the community and city. Keep in mind, that the investors have already put out a large amount of money on speculation. An unlikely investment for even the most modest businessman. What do they know? What we know is that this property has had a history of neglect. It has caused years of hardships for the surrounding neighbours. It has been a safety risk because of the run down and unhealthy buildings. It has brought crime including violence and gunfire. It has brought empty promises from elected officials to deal with these issues. It has brought a decline in property values.

There is a better way. While many of us are indifferent regarding the legalization of marijuana, and some support it, Why is there a need to use this property that has already caused stress to the residents nearby and create financial hardships to the homeowners in a normal sought after neighbourhood? As homeowners we are investing our lives to provide for our families and live in a community that is safe and comfortable for our families to grow. We have watched a city of factories become barren and unproductive. The following link shows a better way. Everyone is winners. If these investors want to do what is right, perhaps they should have done their research before investing in this property. You will also see that because this industry is growing so fast, there is an immediate need to expand. What does that mean for us? Obviously the size of this property won't accommodate growth for this endeavor. Once they have the go ahead it won't be long before they are applying to expand. Traffic will increase, pollution will increase and they will infringe even closer to our homes.

What can we do?

- Contact our councillor Brenda Johnson brenda.johnson@hamilton.ca

Brenda was onboard with support during the shooting crisis of 2017 but now has reserved her opinion and refuses to get involved.

- Contact the mayors office mayor@hamilton.ca

The mayor unfortunately has had to take a back seat regarding conversations and decisions in this matter

- Contact the Ombudsman for Ontario <https://ombudsman.on.ca/home>

- We have already submitted a formal complaint for the lack of interest by city council to defend our rights. There has been no response as of yet. It is believed there is strength in numbers and the complaint will only be reviewed when there is a volume of complaints.

- Contact the media - several attempts have been made to local reporters to investigate and report, however, only the Stoney Creek news has had the courtesy and interest to get involved.

Follow this link to view the proper way to grow....(for the benefit of the investors, I just googled it. I didn't hire an investment group)

<https://www.theglobeandmail.com/report-on-business/industry-news/property-report/with-the-marijuana-industry-blazing-production-space-is-hard-to-find/article33827458/>

Please contact our councillor and mayor. If you don't get any answers, please file with the Ombudsman. If you are fortunate enough to get any answers, please share using this email.

Lets put a stop to this

#GMRstrong

From: "bonnie" <>
Date: May 9, 2018 at 14:09:24 EDT
To: "NoPot286288GMR2gmail. com" <NoPot286288GMR@gmail.com>

Hello there

I received your letter regarding your petition to prevent grow up in your area.

I totally am on board with the area surrounding this "business".

We are located at 605 Green Mtn. Road so much further east between 5th and 6th but also have a home just west of me that grows marijuana. This is definitely a problem.

How can I sign this petition or be of assistance to you. My neighbor east of me would like to sign as well.

Truly

Bonnie Kesimaat

June 15, 2018

Attention: Mr. Stephen Robichaud

Director, Planning & Chief Planner
Hamilton City Hall
71 Main Street West
Hamilton, ON L6P 4Y5

Dear Mr. Robichaud,

Reference: Proposed Changes to the Official Plans and Zoning By-law No. 05-200 – Medical Marihuana Growing and Harvesting Facilities, Aquaponics and Greenhouses (PED18120) (CI-18-D)

We are the owners of 284 and 294 Green Mountain Road East in the City of Hamilton. We have comments and concerns about the proposed changes to the Official Plans and Zoning By-Law No. 05-200 pertaining to the Medical Marihuana Growing and Harvesting Facilities, Aquaponics and Greenhouses as presented.

Our comments and concerns are as follows:

- The proposed separation distance from sensitive land uses is appropriate and recognizes the inherent impact of marijuana growing and processing facilities;
- The proposed 150 m separation distance from sensitive land uses reflects the fact that the marijuana processing and growing use is more akin to an industrial pig farm or other high impact agricultural use that are subject to OMAFRA's Minimum Distance Separation Guidelines as opposed to a traditional greenhouse use, but should be considered an absolute minimum
- Proposed amendment to policy D.2.1c states that "an appropriate setback between a medical marihuana growing and harvesting facility and a sensitive land use shall be established in the Zoning By-law". We suggest that this reference to "appropriate setback" be strengthened to add a reference to mitigating impacts and addressing incompatibility in respect to sensitive land uses;
- The "Proposed Option for Change 7" under Section 3.5 *Separation Distances from Sensitive Land Uses (Rural and Urban Areas)* in the Staff Report states "in the rural area, the separation distance would be measured from the marijuana facility to the lot line of an existing residential or sensitive institutional use of the zone boundary of the Settlement Zones (S1, S2, or S3)". We ask that you please confirm that the separation distance applies to Settlement Zone boundaries and also sensitive land uses outside of Settlement Zones, for example, residential dwelling units within Agricultural zones.

Our homes are immediately adjacent to the new proposed marijuana growing and harvesting facility at 286-288 Green Mountain Road East in Stoney Creek. As it stands, the property is surrounded by sensitive land uses, specifically single family residences. While we understand that the owner of this property will attempt to argue that the proposed use is a grandfathered use, to permit a marijuana growing operation on this site would be bad planning as it would completely disregard the sensitive nature of the surrounding land uses.

June 14, 2018
Mr. Stephen Robichaud
Page 2 of 2

Reference: Proposed Changes to the Official Plans and Zoning By-law No. 05-200 – Medical Marihuana Growing and Harvesting Facilities, Aquaponics and Greenhouses (PED18120) (CI-18-D)

The existing (20+ year old) greenhouse growing marijuana, illegally than later “legally”, at 286-288 Green Mountain Road East does not meet the current 20 m setback, let alone the new proposed 150 m setback. The proposed 150 m setback would provide better protection from a marijuana growing agricultural use to sensitive land uses, namely single family dwelling units, than the 20 m setback currently required under the Zoning By-law. However, a 150 m separation distance should be considered the minimum separation distance required to adequately buffer the inevitable negative impacts of these inherently incompatible land uses.

Our concerns about the incompatibility of sensitive land uses, such as single family residential dwellings, with medical marijuana growing and harvesting facilities are best demonstrated through the attached article from the Town of Welland in Niagara Region. The residents in this community are living through the exact concerns we are expressing in this letter. Despite the facility in their community being “fully compliant” with Health Canada standards and having setbacks much greater than 150 m, residents of this community endure constant odour, lighting, traffic, and noise impacts, which has led to a significantly diminished quality and enjoyment of life.

We are pleased to see that the City of Hamilton is making changes to strengthen protections for residents from the negative impacts created by commercial marijuana growing and harvesting operations, but we urge the Planning Committee to ensure that the proposed 150 separation distance from residential dwelling units be maintained as the absolute minimum buffer requirement for marijuana growing and harvesting facilities.

Regards,

Sasha Pejic (284 Green Mountain Road East)
Fred Mattiuz (294 Green Mountain Road East)

Attachment: Attachment
c. C.C.

Neighbourhood goes to pot over marijuana odours

News May 30, 2018 by [Allan Benner](#) The St. Catharines Standard



Darryll Godin tries to enjoy the backyard of his Balsam Street home in Welland, despite the odour emanating from a Foss Road medical marijuana greenhouse in neighbouring Pelham. - Allan Benner, The St. Catharines Standard

Darryll Godin has worked hard to make his Balsam Street home an oasis.

He has owned his Welland home for more than 20 years, with a view unencumbered by backyard fences looking across acres of farm fields on the Pelham side of the municipal border.

"This is a neighbourhood unlike any other," Godin said in an interview last week.

"We love it here ... We want to be able to sit out here and enjoy this. This is like being up north. There are no fences. It's beautiful. It's like our own little park back here."

But as the warmth of spring weather returned to the neighbourhood, those residents are loath to even open their windows.

"We can't enjoy it now because it smells like s---."

The "skunky" odour has almost always been present to varying degrees since a medical marijuana greenhouse began operations in Pelham, less than a kilometre west on Foss Road.

At times, the neighbours say the smell can be unbearable.

Norman Guay said the smell is so bad he can't open his windows, and he's worried about turning on his air conditioner on a hot day, fearing it will bring the odour inside.

"I'm 74 years old. I'd like to finish the last 10 or 12 years of my life in peace, where I don't have to smell s--- every day. That's what it's like," Guay said.

"My house didn't smell like that before. It smells and it's not pleasant. You can't open your windows."

He's also concerned about the impact the odour could have on property values.

"I'll have a \$500,000 or \$600,000 house sitting over there and now it's going to be worth \$350,000," he said, adding no one who smells the air would want to buy it.

"It's the quality of life and our property value. Those are the concerns," Guay said. "Enough is enough."

"You want to smell fresh grass and flowers in the spring," said Balsam Street resident Philip Peloquin. "You don't want to smell that."

Meanwhile, neighbours say greenhouse lighting shines brightly throughout the night, casting an un-natural glow into the clouds.

And residents fear the problems will get worse if the greenhouse operation is expanded.

Niagara Centre MP Vance Badawey said he hopes an upcoming unannounced inspection by Health Canada will mean residents will no longer have to tolerate the odour.

Redecan Pharm greenhouse spokesperson Chloe Mills said the company — it has invested more than \$25 million in the greenhouse so far — is taking neighbour's concerns seriously, and is committed to being a responsible member of the community while complying with Health Canada regulations.

"People close to the facility may sometimes experience variations of odours due to the changing weather, humidity or direction of wind," she said in an email.

She said the company uses a "cutting-edge eco odour-management system" that uses essential oils to combat and neutralize cannabis odours.

"What residents may be smelling is not cannabis but, rather, the neutralized version of the cannabis odour," she said. "The ecolo system works with different scent profiles and essential oils to changing the odour profiles."

Mills said the company has taken additional steps to mitigate the impact on residents, since concerns were first raised publicly earlier this year.

"Since February, we are using alternate scent profile in the ecolo system," Mills said. "We have added variable speed motors on the exhaust fans of the greenhouse to reduce intensity of the venting."

She said the company that employs more than 50 people also uses "state-of-the-art, custom designed HVAC systems with carbon filters and the latest venting and odour-control technologies in production areas."

"As with any cannabis-producing operation, there are smells that are produced from time to time at our facility in Fenwick," she added. "Our team has been in compliance with all Health Canada regulations since the beginning."

Regarding the concerns about the lights, Mills said the greenhouse uses 3,000 high-powered 1,000-watt lights in the growing area, but blackout systems are in place to prevent the light from escaping. There is, however, another room with 140 LED lights, each rated at 350 watts, and that room does not have a blackout system — yet.

She said that blackout system is expected to be completed by August.

West Niagara MP Dean Allison said he, too, has reached out to Health Canada, as well as the company itself.

He said it's up to Health Canada to regulate and enforce its regulations, but "not much of that happens."

However, he said Redecan "wants to work with residents."

"I believe they want to be good neighbours. They don't want to have issues all the time, forever," Allison said.

"But obviously if the smell is still there, more needs to be done."

Despite assurances that the greenhouse complies with Health Canada regulations, Pelham Mayor Dave Augustyn disagrees.

Health Canada regulations, he said, say no odours should be emanating from the greenhouse. And that is clearly not the case on Foss Road.

He said town staff have been keeping a record of each of the complaints they receive from residents while also working with Welland Ward 1 Coun. Mark Carl and the neighbouring city, regarding concerns raised by residents on Welland's side of the border.

Those concerns are being passed on to Health Canada, Augustyn added.

"We're on it," Badawey said. "With the completes being made, Health Canada has committed to inspecting the site."

He said there are "very stringent controls" on the commercial production of medical cannabis, as well as ensuring that unannounced inspections do happen.

Badawey said Health Canada has several options when dealing with growers that do not meet controls — including suspending or revoking licences if warranted.

"Of course that includes odour, and odour for the most part is the biggest complaint I've been receiving," he said.

"Under the conditions that they are to operate, there will not be any odours."

Badawey said neighbours of other licensed marijuana growers have shared similar complaints, including neighbours of a greenhouse in Port Colborne.

He advised that anyone with concerns email Health Canada at: hc.cmc.sc@canada.ca.

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by [Allan Benner](#)

Allan Benner is a reporter with the St. Catharines Standard



SILVESTRI INVESTMENTS

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June 15th, 2018

Dear Ida Bedioui,

As the owner of a substantial amount of land in Hamilton's AEGD district, I am in total support of the additional uses in the M10 and M11 zones. I strongly believe that medical marihuana growing and harvesting facilities, aquaponics and greenhouses should be permitted in the light industrial M10 zone and the Prestige Business Park M11 zone. I do not believe the uses should be permitted in the A1 or A2 zones as they are production based and therefore should be restricted to employment zoned lands.

I would not be opposed to my lands, within the AEGD, being the site of medical marihuana growing and harvesting facilities and would be willing to entertain any proposals that are in need of land and have come to the City. I believe this would constitute an efficient use of employment lands as well as provide the City and surrounding area with more jobs.

I wish to be informed of the process and the decisions of the council and if need be a delegation to the planning committee.

Respectfully,

Paul Silvestri
President
SILVESTRI INVESTMENTS
(905) 521-1144
paul.silvestri@silvestri.ca

CC: Steve Robichaud, City of Hamilton
CC: Glen Norton, City of Hamilton



10.1

CITY OF HAMILTON NOTICE OF MOTION

Planning Committee: June 19, 2018

MOVED BY COUNCILLOR C. COLLINS.....

Alternative Road Allowance Width for the Roxborough Redevelopment Project

WHEREAS, applications have been submitted for the redevelopment of the lands located at 20 Reid Avenue North, 22-116 Lang Street, and 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22 and 24 Hayes Avenue, known as the Roxborough redevelopment;

WHEREAS, the Official Plan sets a maximum width for a local street of 20 metres;

WHEREAS, the City’s Engineering Guidelines require that local streets be 20 metres in width;

WHEREAS, a 20 metre road is appropriate in a Greenfield context but the Roxborough redevelopment is an urban infill redevelopment opportunity; and

WHEREAS, it is important that infill redevelopment maintain the character of the community;

NOW THEREFORE BE IT RESOLVED:

That Planning and Economic Development Department staff be authorized to accept an alternative road allowance width of 18.0 metres for the Roxborough redevelopment project.