



**City of Hamilton**  
**PLANNING COMMITTEE**

**Meeting #:** 18-012  
**Date:** August 14, 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

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|  | <b>Pages</b> |
|--|--------------|
| <b>1. APPROVAL OF AGENDA</b><br>(Added Items, if applicable, will be noted with *)   |              |
| <b>2. DECLARATIONS OF INTEREST</b>   |              |
| <b>3. APPROVAL OF MINUTES OF PREVIOUS MEETING</b>  |              |
| 3.1 July 10, 2018  | 6            |
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| 8.1        | Hamilton Municipal Heritage Committee Report 18-007  | 485 |
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| <b>9.</b>  | <b>MOTIONS</b>   |     |
| 9.1        | To Waive Road Widening Requirement for 71 Rebecca Street (TABLED June 19, 2018)  | 501 |
| 9.2        | Terrapure Environmental Stoney Creek Regional Facility 65 Green Mountain Road West - ** this motion will be removed from the agenda.   | 502 |
| 9.3        | Request that Health Canada seek the City of Hamilton's Approval for the Location of any Potential Licensed Producers of Medical Cannabis Prior to Issuing the Licence  | 503 |
| <b>10.</b> | <b>NOTICES OF MOTION</b>   |     |

## 11. GENERAL INFORMATION / OTHER BUSINESS

### 11.1 Outstanding Business List

#### 11.1.a Items requiring new due dates:

Item "G" - That staff be directed to present to the Planning Committee an updated digital sign by-law

Due date: August 14, 2018

New due date: September 18, 2018

Item "N" - Update re: Losani OMB appeal and sign variance application appeal.

Due date: August 14, 2018

New due date: December 11, 2018

Item "P" - That Staff report back to the Planning Committee on increasing the number of EV Charging Stations in our downtown and include how the City will recover costs, how users will pay for current and future facilities and the current plus future demand levels.

Due date: August 14, 2018

New due date: December 11, 2018

Item "T" - Staff to prepare an updated discharge of Firearms by-law

Due date: August 14, 2018

New due date: February 19, 2019

- 11.1.b Items identified as completed to be removed:  
Item "I" - 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.

Item 8.2 on this agenda.

Item "GG(b)" – Staff to report back on August 14, 2018 regarding the existing rules respecting year-round liveaboard accommodations.

Added Item 12.2 on this agenda

## 12. PRIVATE AND CONFIDENTIAL

- 12.1 Instructions - Appeal for Non-Decision to the Local Planning Appeal Tribunal re: Zoning By-law Amendment for lands located at 1518, 1530 and 1540 Upper Sherman Avenue, Hamilton (PL180175) (LS18020/PED18172) (Ward 7) (Distributed under separate cover.)  
***Pursuant to Section 8.1, Sub-sections (e) and (f) of the City's Procedural By-law 14-300, and Section 239(2), Sub-sections (e) and (f) of the Municipal Act, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the City and the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.***

## 13. ADJOURNMENT



## **PLANNING COMMITTEE**

### **MINUTES 18-011**

**9:30 a.m.**

**Tuesday, July 10, 2018**

**Council Chambers**

**Hamilton City Hall**

**71 Main Street West**

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|                                 |  |
|---------------------------------|--|
| <b>Present:</b>                 | Councillors J. Farr (1 <sup>st</sup> Vice-Chair), D. Conley (2 <sup>nd</sup> Vice Chair), C. Collins, M. Pearson, M. Green, B. Johnson, J. Partridge, and R. Pasuta. |
| <b>Also present:</b>            | Councillors S. Merulla and L. Ferguson   |
| <b>Absent with<br/>Regrets:</b> | Councillor A. Johnson (Chair), personal  |

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#### **THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:**

- 1. Giorgio Cotroneo, to provide suggestions on making Hamilton greater. (For next meeting.) (Added Item 4.1)**

**(B. Johnson/Pearson)**

That the delegation request from Giorgio Controneo to provide suggestions on making Hamilton greater, be referred to the General Issues Committee.

**CARRIED**

- 2. Licensing Short Term Rental (STR) Accommodations (PED17203(a)) (City Wide) (Item 5.1)**

**(Collins/Green)**

That Report PED17203(a) respecting Licensing Short Term Rental (STR) Accommodations, be received.

**CARRIED**

3. **Appeal to the Local Planning Appeals Tribunal (LPAT) for Lack of Decision for an Amendment to City of Hamilton Zoning By-law No. 05-200 for Lands Located at 1190 Main Street West, 43, 47, 51 and 55 Forsyth Avenue South, 75, 77, 81, 83, 99, 103, 107, 111 and 115 Traymore Avenue, and 50 Dalewood Avenue, Hamilton (PED18149) (Ward 1) (Item 5.2)**

**(Partridge/B. Johnson)**

That Report PED18149 respecting Appeal to the Local Planning Appeals Tribunal (LPAT) for Lack of Decision for an Amendment to City of Hamilton Zoning By-law No. 05-200 for Lands Located at 1190 Main Street West, 43, 47, 51 and 55 Forsyth Avenue South, 75, 77, 81, 83, 99, 103, 107, 111 and 115 Traymore Avenue, and 50 Dalewood Avenue, Hamilton, be received.

**CARRIED**

4. **Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED18152) (City Wide) (Item 5.3)**

**(B. Johnson/Pearson)**

That Report PED18152 respecting Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications, be received.

**CARRIED**

5. **Quantifying Administrative Penalty System (PED18156) (City Wide) (Item 5.4)**

**(Pearson/Collins)**

That Report PED18156 respecting Quantifying Administrative Penalty System, be received.

**CARRIED**

6. **Expanding Administrative Penalty System (APS) to Include the Yard Maintenance By-law 10-118 (PED18165) (City Wide) (Item 5.5)**

**(Pearson/Conley)**

(a) That the amendment to the Administrative Penalty By-law 17-225 (APS) to include By-law 10-118 being a By-law to Regulate Exterior Property Maintenance Including Vegetation, Waste and Graffiti ("Yard Maintenance By-law") as shown in Appendix "A" to Report PED18165 which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;

(b) ***That the enforcement of Item 26 of Table 13 of the By-law be TABLED until staff review regulation 7.1(b) of the "Yard Maintenance By-law" and report back to Committee on its validity.***

**Main Motion, as Amended, CARRIED**

7. **Agriculture and Rural Affairs Committee Report 18-003 (Item 5.6)**

- (a) **Comments and Feedback on the Motion respecting Opposition to Buy American Policies and the Tariffs Recently Imposed by the Trump Administration (Item 8.2)**

**(Green/Pearson)**

- (i) That the motion respecting Opposition to Buy American Policies and the Tariffs Recently Imposed by the Trump Administration, be endorsed;

- (ii) *That a letter be forwarded to the Chair of the Agriculture and Rural Affairs Committee recognizing and expressing appreciation for his work and contribution and the work and contribution of all the volunteers on this Committee.*

**Main Motion, as Amended, CARRIED**

8. **Hamilton Municipal Heritage Committee Report 18-006 (Item 5.7)**

- (a) **Recommendation to Include the Property Located at 828 Sanatorium Road, Hamilton, in the Register of Property of Cultural Heritage Value or Interest (PED18142) (Ward 8) (Item 7.1)**

**(Pearson/Partridge)**

That the property located at 828 Sanatorium Road, Hamilton (Long & Bisby Building), as shown in Appendix "A" to PED18142, be included in the City's Register of Property of Cultural Heritage Value or Interest under Section 27 of the Ontario Heritage Act.

**CARRIED**

9. **Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 21 Mill Street North, Flamborough (PED18145) (Ward 15) (Item 6.2)**

**(Partridge/Pearson)**

- (a) That Amended Zoning By-law Amendment Application ZAR-18-011 by 2570850 Ontario Inc. c/o Scott Birmingham (Owner), for a modification to the Neighbourhood Institutional (I1) Zone to permit an office use for the lands located at 21 Mill Street North (Flamborough), as shown on Appendix "A" to Report PED18145 be APPROVED on the following basis:
- (i) That the Draft By-law, attached as Appendix "B" to Report PED18145, which has been prepared in a form satisfactory to the City Solicitor, ***as amended by adding the following subsection (f) to Section 2:***



**(f) Notwithstanding Section 5.6(c) a minimum of 19 parking spaces shall be provided.**

be enacted by City Council;

- (ii) That the proposed modification in zoning is consistent with the Provincial Policy Statement (PPS), conforms to the Growth Plan for the Greater Golden Horseshoe (2017) and complies with the Urban Hamilton Official Plan.
- (b) That approval be given for a modification to the Mixed Use Medium Density - Pedestrian Focus (C5a) Zone to the Mixed Use Medium Density – Pedestrian Focus (C5a, 695) Zone, to permit the redevelopment of the existing building for an office use, for the lands located at 21 Mill Street North (Flamborough), as shown on Appendix “A” to Report PED18145 be APPROVED on the following basis:
  - (i) That the Draft By-law, attached as Appendix “C” to Report PED18145, be held in abeyance until such time as By-law 17-240 (Commercial and Mixed Use Zones) is in force and effect; and,
  - (ii) That staff be directed to bring forward the draft By-law, attached as Appendix “C” to Report PED18145, for enactment by City Council, once By-law No. 17-240 is in force and effect;
- (c) ***That there were no public submissions received regarding this matter.***

**Main Motion, as Amended, CARRIED**

**10. Applications for an Urban Hamilton Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision, for Lands Located at 20 Reid Avenue North, 11-17 and 41 Reid Avenue South, 22-116 Lang Street, and 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22 and 24 Hayes Avenue, Hamilton (PED18158) (Ward 4) (Item 6.3)**

**(Collins/Conley)**

- (a) That Amended Urban Hamilton Official Plan Amendment Application UHOPA-18-006 by Roxborough Park Inc., Applicant to establish a site specific policy area to permit residential development having a minimum net residential density of 115 units per hectare and a maximum net residential density of 135 units per hectare for lands located at 20 Reid Avenue North, 11-17 and 41 Reid Avenue South, 22-116 Lang Street, and 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22 and 24 Hayes Avenue, as shown on Appendix “A” to Report PED18158, be APPROVED, on the following basis:

- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED18158, 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 2014 and conforms to the Growth Plan for the Greater Golden Horseshoe.
- (b) That Amended Zoning By-law Amendment Application ZAC-18-010 by Roxborough Park Inc., Applicant, for a change in zoning from the “D” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District in the City of Hamilton Zoning By-law No. 6593 and Neighborhood Institutional (I1) Zone in the City of Hamilton Zoning By-law No. 05-200 to a site specific Downtown Multiple Residential (D6) Zone and Conservation / Hazard Land (P5) Zone in the City of Hamilton Zoning By-law No. 05-200 to permit eight blocks for 36 street townhouse dwellings (Blocks “1” and “3”), 44 block townhouse dwellings (Blocks “2” and “6”), 122 maisonette dwellings (Blocks “4” and “5”), 120 stacked townhouse dwellings (“Block “5”), three multiple dwelling buildings consisting of 365 dwelling units (“Block 7”), and 1 Conservation / Hazard Block (Block “8”) for lands located at 20 Reid Avenue North, 11-17 and 41 Reid Avenue South, 22-116 Lang Street, and 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22 and 24 Hayes Avenue as shown on Appendix “A” to Report PED18158 be APPROVED, on the following basis:
- (i) That the revised draft By-law, attached as Appendix “C” to PED18158, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the revised amending By-law, attached as Appendix “C” to PED18158, be added to Map No. 1092 of the City of Hamilton Zoning By-law No. 05-200;
  - (iii) That Schedule “D” – Holding Provisions, of Zoning By-law No. 05-200, be amended by adding additional Holding provisions as follows:

For the lands identified as Blocks “1” – “3”, on Map No. 1092 on Schedule “A” – Zoning Maps, and described as 20 Reid Avenue North (Hamilton), no development shall proceed until such time as:

- (a) A signed Record of Site Condition (RSC) has been submitted 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.

- (iv) That this By-law will be in conformity with the Urban Hamilton Official Plan, upon approval of Urban Hamilton Official Plan Amendment No. ;
  
- (c) That Draft Plan of Subdivision Application 25T-201802, by MHBC Planning, on behalf of Roxborough Park Inc., Applicant, to establish a Draft Plan of Subdivision for lands located at 20 Reid Avenue North, 11-17 and 41 Reid Avenue South, 22-116 Lang Street, and 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22 and 24 Hayes Avenue as shown on Appendix "A" to Report PED18158, be APPROVED, subject to the following conditions:
  - (i) That this approval apply to Draft Plan of Subdivision 25T-201802, prepared by A.T. McLaren Limited, and certified by S. Dan McLaren, O.L.S, dated November 30, 2017, attached as Appendix "E" to Report PED18158, consisting of 36 Street Townhouse Dwellings (Blocks 1 and 3), 44 Block Townhouse Dwellings (Blocks 2 and 6), 122 Maisonette Dwellings (Blocks 4 and 5), 120 Stacked Townhouse Dwellings (Blocks 4 and 5), and three Multiple Dwelling buildings consisting of 365 dwelling units (Block 7), subject to the Owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the special conditions attached as revised Appendix "D" to Report PED18158;
  
  - (ii) That Payment of Cash-in-Lieu or dedication of Parkland will be required, pursuant to Section 51 of the *Planning Act*, prior to the issuance of each building permit. The calculation for the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the day of issuance of each building permit as follows:
    - (1) For townhouses and maisonettes based on a maximum dedication rate of one hectare for every 500 dwelling units and capped at \$9,000 per townhouse dwelling unit, subject to annual indexing; and,
  
    - (2) For stacked townhouses and multiple dwellings, based on a fixed rate of \$7,000 per unit, subject to annual indexing; and that the affordable housing exemption may apply.
  
  - (iii) In accordance with City financial policies, the City of Hamilton will share costs with the Owner for storm water infrastructure as follows:
    - a. 50% of the cost for the storm water infrastructure including the drop structure and downstream outfall infrastructure from MH 17 to Redhill Creek as shown in Drawing 9 of 14 from the Functional Servicing Report prepared by Amec Foster Wheeler, last revised April, 2018, subject to council approval of funding;

- b. 50% of the cost of storm sewer construction and restoration for the proposed sewers on:
  - i. Reid Avenue North from Main Street East to Ayr Avenue;
  - ii. Bingham Road from Hayes Avenue to Ayr Avenue;
  - iii. Hayes Avenue from Bingham Road to the proposed MH 17;

Other cost sharing provisions for this development shall be in accordance with the City's Financial Policy, if any.

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

**Main Motion, as Amended, CARRIED**

**11. Modifications and Updates to the Urban Hamilton, Rural Hamilton, and Former City of Hamilton Official Plans (PED18148) (City Wide) (Item 6.4)**

**(Pearson/Conley)**

- (a) That approval be given to Official Plan Amendment to the Urban Hamilton Official Plan (UHOP) No. XX (CI-18-E) to amend policies, schedules and maps in Volume 1 – Parent Plan, Volume 2 – Secondary Plans, and Volume 3 - Area and Site Specific Policies of the UHOP, to implement previous planning decisions and correct and clarify policies and mapping, on the following basis:
  - (i) That the draft Urban Hamilton Official Plan Amendment (UHOPA), attached as Appendix “A” to Report PED18148, ***with the amended mapping to reduce the Natural Heritage Feature for the lands located at 40 Parkside Avenue Dundas*** be adopted by Council;
  - (ii) That the proposed UHOPA is consistent with the Provincial Policy Statement (PPS), 2014 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2017.
- (b) That approval be given to Official Plan Amendment to the Rural Hamilton Official Plan (RHOP) No. XX (CI-18-E) to amend policies, schedules and maps, contained in Volume 1 – Parent Plan, Volume 2 – Rural Settlement Areas, and Volume 3 – Area Specific Policies of Volume 3 of the RHOP, to correct and clarify policies and mapping, on the following basis:
  - (i) That the draft Rural Hamilton Official Plan Amendment (RHOPA), attached as Appendix “B” to Report PED18148, be adopted by Council;

- (ii) That the proposed RHOPA is consistent with the Provincial Policy Statement (PPS), 2014 and conforms to the Greenbelt Plan, 2017 and the Growth Plan for the Greater Golden Horseshoe, 2017.
- (c) That approval be given to Official Plan Amendment to the Former City of Hamilton Official Plan No. XX (CI-18-E) to amend Schedule M-2 – General Land Use Plan of the West Harbour (Setting Sail) Secondary Plan to implement a previous planning decision of the Ontario Municipal Board (OMB) for lands located at 366 Bay Street North, on the following basis:
  - (i) That the draft Former City of Hamilton Official Plan Amendment (OPA), attached as Appendix “C” to Report PED18148, be adopted by Council;
  - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (PPS), 2014 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2017.
- (d) That By-law 10-212 respecting 713 and Part of 777 Garner Road East, Ancaster, and By-law 11-252 respecting 460 and 480 Springbrook Avenue, Ancaster, relating to approved but not final and binding UHOPAs (UHOPA No. 3 and UHOPA No. 10, respectively) be repealed in their entirety.
- (e) ***That the public submissions received regarding this matter did not affect the decision.***

**Main Motion, as Amended, CARRIED**

**12. Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200 (PED18147) (City Wide) (Item 6.5)**

**(Pearson/Conley)**

- (a) That approval be given to City Initiative CI-18-G for modifications and updates to the City of Hamilton Zoning By-law No. 05-200 on the following basis:
  - (i) That the Draft By-law, attached as Appendix “A” to Report PED18147, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
  - (ii) That the proposed changes in zoning will be in conformity with the Urban Hamilton Official Plan (UHOP) upon approval of Official Plan Amendment (OPA) No. \_\_\_\_;
  - (iii) That the proposed Zoning By-law Amendment is consistent with the Provincial Policy Statement (PPS), 2014 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2017 and the Greenbelt Plan.

- (b) That approval be given to City Initiative CI-18-G for modifications and updates to the Town of Dundas Zoning By-law No. 3581-86 on the following basis:
  - (i) That the Draft By-law, attached as Appendix “B-1” to Report PED18147, ***as amended to further refine the mapping to reflect the Natural Heritage Feature***, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
  - (ii) That the proposed changes in zoning will be in conformity with the Urban Hamilton Official Plan (UHOP) upon approval of Official Plan Amendment (OPA) No. \_\_\_\_;
  - (iii) That the proposed Zoning By-law Amendment is consistent with the Provincial Policy Statement (PPS), 2014 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2017.
- (c) That approval be given to City Initiative CI-18-G for modifications and updates to the Town of Ancaster Zoning By-law No. 87-57 on the following basis:
  - (i) That the Draft By-law, attached as Appendix “B-2” to Report PED18147, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
  - (ii) That the proposed changes in zoning will be in conformity with the Urban Hamilton Official Plan (UHOP);
  - (iii) That the proposed Zoning By-law Amendment is consistent with the Provincial Policy Statement (PPS), 2014 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2017;
- (d) ***That the public submissions received regarding this matter did not affect the decision.***

**Main Motion, as Amended, CARRIED**

**13. 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) (Deferred June 5, 2018) (Item 6.7)**

**(Pearson/Conley)**

- (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% 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 amended by including the following conditions:**
    - 1. ***close any access to the property from Alberton Road, except for emergency services, and***
    - 2. ***construct a landscaping buffer along Alberton Road.***

***And by including the following section 4:***

- 4. ***That Schedule D – Holding Provisions, of By-law No. 05-200, be amended by adding the additional Holding Provision as follows:***

***Notwithstanding Section 12.1 of this By-law, within the lands zoned Agriculture (A1, 689) Zone, on Maps RU131 and RU143, of Schedule "A" – Zoning Maps, and described as 1915, 1995 and 1997 Jerseyville Road West, the H Symbol applicable to the lands referred to in Section 1 of this By-law shall prohibit development of the lands and shall be removed conditional upon:***

- (i) ***Prior to issuance of a Change of Use Permit to allow the use Medical Marihuana Growing and Harvesting within the greenhouse, the proponent shall:***
1. ***hold a community open house to explain the existing and proposed development;***
  2. ***prepare and implement a Good Neighbours Strategy to the satisfaction of the Director of Planning and Chief Planner;***
  3. ***prepare and submit a Safety Strategy for the operation of the site, in consultation with Hamilton Police Services;***
  4. ***prepare and submit a construction management plan which will assess the existing road conditions to the satisfaction of the Director of Corridor Management and pay for any damage to the road as deemed necessary by the City as a result of the construction on the site;***
  5. ***prepare and submit an odour management strategy to the satisfaction of the Director of Planning and Chief Planner;***

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. \_\_\_;

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

**Main Motion, as Amended, CARRIED**

14. **To Change the Name of Highland Road to Highland Road West Within the Former City of Hamilton (PED18159) (Ward 6) (Added 8.1)**

**(Conley/Pasuta)**

That Highland Road, in the former City of Hamilton, between Pritchard Road and the former Municipal boundary between the City of Hamilton and the City of Stoney Creek, be renamed Highland Road West as identified on Appendix "A" to Report PED18159, in accordance with the draft By-law, attached as Appendix "B" to Report PED18159, which has been prepared in a form satisfactory to the City Solicitor, to be enacted by City Council.

**CARRIED**



**15. Burlesque Entertainment – Amend Business Licensing By-law 07-170 (Schedule 1 Adult Entertainment) (PED18151) (City Wide) (Outstanding Business List Item) (Added 8.2)**

**(Green/Pearson)**

- (a) That Schedule 1 (Adult Entertainment Establishments) of the City of Hamilton's Business Licensing By-law 07-170 be amended to add a definition of "burlesque entertainment" and to amend the definition of "adult services" to create an exemption for burlesque entertainment, as described in Report PED18151;
- (b) The subject to approval of Recommendation (a), the Business Licensing By-law 07-170 be amended and enacted by Council, with content acceptable to the General Manager of Planning and Economic Development and in a form satisfactory to the City Solicitor.

**CARRIED**

**16. By-law to Prohibit Driving School Instruction in Restricted Areas (PED17179(a)) (Ward 5) (Outstanding Business List Item) (Item 8.3)**

**(Collins/Pearson)**

That the By-law, attached as Appendix "A" to Report PED17179(a), prohibiting Provincially Licensed Driving School Instructors from providing driving lessons on Municipal streets used as Drive Test examination routes within the City of Hamilton, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.

**CARRIED**

**17. Cigarette Butt Litter Enforcement (PED18154) (City Wide) (Outstanding Business List Item) (Item 8.4)**

**(B. Johnson/Pearson)**

That Report PED18154 respecting Cigarette Butt Litter Enforcement, be received.

**CARRIED**

**18. Parking Master Plan (PED18155) (City Wide) (Item 8.5)**

**(B. Johnson/Collins)**

- (a) That staff be directed to undertake a process to develop a Parking Master Plan (PMP) in accordance with the Parking Master Plan Terms of Reference (TOR) set out in Appendix "A" to Report PED18155;
- (b) That staff be directed and authorized to prepare a Request for Proposal (RFP) to retain a consultant to prepare a Parking Master Plan (PMP) based on the Terms of Reference (TOR) set out in Appendix "A" to Report PED18155;

- (c) That all costs associated with the development of the Parking Master Plan (PMP) be funded from Parking Reserve No. 108021 with an upset limit of \$200,000.

**CARRIED**

**19. To Designate 679 Main Street East and 85 Holton Avenue South, Hamilton (St. Giles United Church) under Part IV of the *Ontario Heritage Act* (Referred from Council June 27, 2018) (Item 9.2)**

**(Pearson/Partridge)**

- (a) That 679 Main Street East and 85 Holton Avenue South, Hamilton (former St. Giles United Church), not be designated as a property of cultural heritage value pursuant to the provisions of Part IV of the Ontario Heritage Act;
- (b) That the owners of St. Giles United Church be requested to work with heritage staff to preserve, in some form, the history of the building at 679 Main Street East and 85 Holton Avenue South.

**CARRIED**

**20. The Round-About at Maggie Johnson and Tanglewood, Binbrook Village (Added Item 10.3)**

**(B. Johnson/Partridge)**

WHEREAS, the Round-About at Maggie Johnson and Tanglewood, Binbrook Village, has been assumed by the City of Hamilton;

WHEREAS, this Round-About was never completed and planted as part of the Plan of Development and has been left unmaintained and full of weeds for over 2 years;

WHEREAS, the City of Hamilton has now assumed responsibility for this Round-About

WHEREAS, City staff cannot maintain this Round-About until the required work and plantings are completed; and

WHEREAS, City staff have costed the work required and are able to proceed when funds are available;

THEREFORE, BE IT RESOLVED:

- (a) That Development Engineering staff be directed to have the Round-About at Maggie Johnson and Tanglewood, Binbrook Village, brought to City Standard as part of the Plan of Subdivision and the upset amount of \$18,000 be funded from the 2009 City Share Account # 4140946108;

- (b) That \$1,800 be added to the 2019 Public Works Operating Budget for horticultural service related to said roundabout.

**CARRIED**

- 21. Appeal to the Local Planning Appeal Tribunal (LPAT) for Lack of Decision on Urban Hamilton Official Plan Amendment Application, Town of Flamborough Zoning By-law No. 90-145-Z Amendment Application and Draft Plan of Subdivision for Lands Located at 609 and 615 Hamilton Street North, 3 Nisbet Boulevard and 129-137 Truedell Circle (Flamborough) (LS18007/PED18051) (Ward 15) (Distributed under separate cover.) (Item 12.1)**

**(Partridge/B. Johnson)**

That the recommendations of Report LS18007/PED18051 respecting Flamborough Zoning By-law No. 90-145-Z Amendment Application and Draft Plan of Subdivision for Lands Located at 609 and 615 Hamilton Street North, 3 Nisbet Boulevard and 129-137 Truedell Circle (Flamborough) be approved and remain private and confidential until Council approval.

**CARRIED**

**FOR INFORMATION:**

- (a) APPROVAL OF THE AGENDA (Item 1)**

The Committee Clerk advised of the following changes:

**1. ADDED DELEGATION REQUESTS**

- 4.1 Giorgio Cotroneo, to provide suggestions on making Hamilton greater. (For next meeting.)
- 4.2 Reverend Ian Sloan, New Vision United Church, to speak regarding the motion to designate 85 Holton Avenue South under Part IV of the Ontario Heritage Act. (Item 9.2) (For today's meeting)
- 4.3 Daniel Peace, Chair of the Board of Trustees of New Vision United Church to present their position that the properties at 679 Main Street East and 85 Holton Avenue South not be designated. (Item 9.2) (For today's meeting.)
- 4.4 Dixon Challoner regarding the proposed heritage designation of 85 Holton Street South (Item 9.2) (For today's meeting.)
- 4.5 Victor Mejia, Church of Christ, regarding the proposed heritage designation of 85 Holton Street South (Item 9.2) (For today's meeting.)

## 2. ADDED WRITTEN COMMENTS/REGISTERED SPEAKERS

- 6.4 Modifications and Updates to the Urban Hamilton, Rural Hamilton and Former City of Hamilton Official Plans (PED18148) (City Wide)

### Added Written Comments

- 6.4 (a) Marco Marchionda

### Added Registered Speakers

1. Amber Lindsay, UrbanSolutions Planning & Land Development Consultants Inc. respecting 40 Parkside Avenue, Dundas
- 6.7 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) (DEFERRED June 5, 2018)

### Added Written Comments

- 6.7(d) Susan Creer, referred from the June 27, 2018 Council agenda
- 6.7(e) Signe Leisk, Cassels Brock & Blackwell LLP, on behalf of their client, The Green Organic Dutchman.
- 9.2 To Designate 679 Main Street East and 85 Holton Avenue South, Hamilton (St. Giles United Church) under part IV of the Ontario Heritage Act (Referred from Council June 27, 2018)

### Added Written Comments

- 9.2(a) Daniel Peace, referred from the June 27, 2018 Council agenda
- 9.2(b) Marie Sharp, referred from the June 27, 2018 Council agenda.

## 4. REPLACED APPENDICES

- (i) Appendix "C" to Item 6.3 is replaced as staff have made some modifications to the draft by-law
- (ii) Page 13 of Appendix "D" to Item 6.3 is replaced as it now includes an additional draft plan condition requested by Union Gas.
- (iii) Appendix "B" to Item 6.7 is replaced as the original version was missing the Site Specific Key Map.

**5. ADDED NOTICE OF MOTION**

- 10.1 Commemorative Designation of the 400 Block of Wentworth Street North
- 10.2 Ancaster High School, 374 Jerseyville Road West, Ancaster, to be considered for Heritage Designation.

**6. OUTSTANDING BUSINESS LIST DUE DATES:**

11.1 Outstanding Business List

(a) Items requiring new due dates (update):

Item "D" - Request to Designate 437 Wilson Street East (Ancaster) Under Part IV of the Ontario Heritage Act (PED12166)

Due date: July 10, 2018

New due date: September 18, 2018

Item "E" - Staff to consult with property owners & Councillor re: HMHC Report 14-009 recommendations to include 206, 208 and 210 King Street East in the Register of Property of Cultural Heritage Value or Interest and staff's designation work program and report back

Due date: July 10, 2018

New due date: January 15, 2019

**(B. Johnson/Green)**

That Item 10.1 be withdrawn.

**CARRIED**

**(B. Johnson/Pearson)**

- (a) That Item 6.6, Report PED18007, respecting Applications for a Rural Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 8475 English Church Road, Glanbrook (Ward 11) which was TABLED on May 1, 2018 remain TABLED to allow for discussion between the applicant and staff;
- (b) That the Statutory Public Meeting be reopened when Report PED18007 respecting Applications for a Rural Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 8475 English Church Road, Glanbrook (Ward 11) is included on a future Planning Committee agenda.

**CARRIED**

**(Pearson/Conley)**

That the agenda for the July 10, 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) June 19, 2018 (Item 3.1)**

**(Partridge/B. Johnson)**

That the Minutes of the June 19, 2018 meeting be approved.

**CARRIED**

**d) DELEGATION REQUESTS**

**(B. Johnson/Pearson)**

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

- 4.2 Reverend Ian Sloan, New Vision United Church, to speak regarding the motion to designate 85 Holton Avenue South under Part IV of the Ontario Heritage Act. (Item 9.2)
- 4.3 Daniel Peace, Chair of the Board of Trustees of New Vision United Church to present their position that the properties at 679 Main Street East and 85 Holton Avenue South not be designated. (Item 9.2)
- 4.4 Dixon Challoner regarding the proposed heritage designation of 85 Holton Street South (Item 9.2);
- 4.5 Victor Mejia, Church of Christ, regarding the proposed heritage designation of 85 Holton Street South (Item 9.2) (For today's meeting.)

**CARRIED**

**(Green/Collins)**

That Item 9.2 be considered after the Public Meeting Section (after Item 6.7.)

**CARRIED**

**(e) DELEGATIONS/PUBLIC HEARING (Item 6)**

- (i) Glenn Wise, Macassa Bay Year-Round Liveaboard Association, to discuss year-round liveaboard boat residency. (No copy) (Approved June 5, 2018.) (Item 6.1)**

Raymond DiGregorio of Camporese, Sullivan DiGregorio addressed Committee, on behalf of his client Mr. Wise, with the aid of a PowerPoint presentation. Copies of the hand-out were distributed. Mr. Wise also addressed Committee requesting that the City permit liveaboard boat residency at least for this winter season until a permanent solution is

reached. A copy of his presentation is available for viewing on the City's website.

**(Collins/Conley)**

- (a) That the delegations be received;
- (b) That Planning staff be directed to meet with the delegation from the Macassa Bay Year-Round Liveaboard Association and their representatives to discuss an accommodation plan for the 2018/2019 winter season within the parameters of the existing zoning and other City by-laws;
- (c) That staff report back at the August 14, 2018 meeting with an outline of the existing rules regarding the proposal for liveaboard boat residency;
- (d) That staff provide an update to the Planning Committee in September 2018 regarding the result of the negotiations with the representatives of the Macassa Bay Year-Round Liveaboard Association.

**CARRIED**

**(ii) Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 21 Mill Street North, Flamborough (PED18145) (Ward 15) (Item 6.2)**

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

No members of the public came forward

**(Partridge/Pasuta)**

That the staff presentation be waived.

**CARRIED**

Stephen Fraser of A.J. Clarke and Associates, was in attendance representing the owner. Mr. Fraser indicated that the owner is in support of the staff report.

**(Conley/Pearson)**

That the public meeting be closed.

**CARRIED**

**(Partridge/Pearson)**

**(a) That the by-law attached as Appendix B to the Report be amended by adding the following subsection (f) to Section 2:**

**(f) Notwithstanding Section 5.6(c) a minimum of 19 parking spaces shall be provided.**

**(b) That the recommendations be amended by adding the following subsection (c):**

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

**Amendment CARRIED**

For disposition of this matter refer to Item 9.

- (iii) Applications for an Urban Hamilton Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision, for Lands Located at 20 Reid Avenue North, 11-17 and 41 Reid Avenue South, 22-116 Lang Street, and 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22 and 24 Hayes Avenue, Hamilton (PED18158) (Ward 4) (Item 6.3)**

In accordance with the provisions of the *Planning Act*, Vice Chair Farr advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Official Plan and Zoning By-law Amendments and Draft Plan of Subdivision, 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.

Adam Lucas, Planner, addressed Committee with the aid of a PowerPoint presentation and provided an overview of the report and the changes to the draft by-law (appendix C to the report) and the draft plan conditions (Appendix D to the report). A copy is available for viewing on the City's website.

**(Partridge/B. Johnson)**

That the staff presentation be received.

**CARRIED**



Ward Councillor Merulla was in attendance and spoke in support of the proposal.

Dana Anderson and Kelly Martel of MHBC Planning were in attendance representing the owner. Dana Anderson addressed Committee with the aid of a PowerPoint presentation and a copy is available for viewing on the City's website. She indicated that the owner is in support of the staff report and provided an overview of the proposal.

**(Collins/Green)**

That the agent's presentation be received.

**CARRIED**

**Speakers**

**1. Sylvia Perrone, 42 Reid Avenue South**

Sylvia Perrone expressed concerns with the proposal.

**2. June Noonan, 41 Reid Avenue South**

June Noonan addressed Committee and expressed concerns that the current residents, who are mostly seniors, will need to be moved twice by CityHousing Hamilton.

**(Conley/Pearson)**

That the public meeting be closed.

**CARRIED**

**(Collins/Pearson)**

***That the recommendations be amended by adding the following subsection (d):***

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

**CARRIED**

For disposition of this matter refer to Item 10.

- (iv) Modifications and Updates to the Urban Hamilton, Rural Hamilton, and Former City of Hamilton Official Plans (PED18148) (City Wide) (Item 6.4)**

**AND**

- (v) Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200 (PED18147) (City Wide) (Item 6.5)**

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

**Added Written Comments**

6.4 (a) Marco Marchionda

**(Conley/Pearson)**

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

**CARRIED**

**Registered Speaker**

**1. Amber Lindsay, UrbanSolutions Planning & Land Development Consultants Inc., respecting 40 Parkside Avenue, Dundas**

Matt Johnston of UrbanSolutions Planning & Land Development Consultants Inc. addressed Committee with the aid of a PowerPoint presentation respecting his clients who are building a home at 40 Parkside Avenue, Dundas. He requested an amendment which affects Item 6.4 (the Urban Hamilton Official Plan) and Item 6.5 the zoning by-law.

**(Pearson/B. Johnson)**

That the delegations be received.

**CARRIED**

**(Pearson/Conley)**

That the public meeting be closed.

**CARRIED**

**(Collins/Pearson)**

***That the Urban Hamilton Official Plan and Zoning By-law 3581-86 (Items 6.4 and 6.5) be amended for the lands located at 40 Parkside Avenue as follows:***

- (a) ***That the mapping of the draft Urban Hamilton Official Plan Amendment (UHOPA), attached as Appendix "A" to Report PED18148, be amended to reduce the Natural Heritage Feature, for lands located at 40 Parkside Avenue Dundas;***

- (b) *That the Draft By-law, attached as Appendix “B-1” to Report PED18147 be amended to further refine the mapping to reflect the Natural Heritage Feature.*

**CARRIED**

**Pearson/Conley)**

*That the recommendations of Item 6.4 be further amended by adding the following subsection (e):*

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

**CARRIED**

For disposition of this matter refer to Item 11

**(Pearson/Conley)**

That the recommendations of Item 6.5 be further amended by adding the following subsection (d):

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

**CARRIED**

For disposition of this matter refer to Item 12

- (vi) **Applications for a Rural Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 8475 English Church Road, Glanbrook (Ward 11) (PED18077) (TABLED May 1, 2018) (Item 6.6)**

This Item was TABLED under Changes to the Agenda.

- (vii) **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) (Deferred June 5, 2018) (Item 6.7)**

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

Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

**Written Comments**

6.7(a) Larry Jones

6.7(b) Hermann and Christa Koeppe, referred from Council June 27, 2018

6.7(c) Karl and Isolde Koeppe, referred from Council June 27, 2018

6.7(d) Susan Creer, referred from the June 27, 2018 Council agenda

6.7(e) Signe Leisk, Cassels Brock & Blackwell LLP, on behalf of their client, The Green Organic Dutchman.

**(Collins/Conley)**

That the written comments, Items 6.7(a) to 6.7(e) be received.

**CARRIED**

**(B. Johnson/Pearson)**

That the staff presentation be waived.

**CARRIED**

**(Conley/Pearson)**

That Committee hear from the public prior to hearing from the applicant's agents.

**This motion LOST on a tie vote.**

John Ariens of IBI Group, the applicant's agent and Mary-Lynne Howell, an employee of the applicant addressed Committee with the aid of a PowerPoint presentation. Mary-Lynne Howell read from correspondence received from the Hamilton-Wentworth Federation of Agriculture. Copies were distributed.

**(B. Johnson/Partridge)**

That the agents' presentation be received.

**CARRIED**

**Registered Speakers**

**1. Scott Herring, 1911 Jerseyville Road**

Scott Herring addressed Committee indicating that he and his family live across the road and he expressed his concerns with the affects this proposal may have on his property and quality of life.

**2. Joanne Turnell, 176 Taylor Road, Ancaster**

Joanne Turnell, addressed Committee and spoke about the cannabis plant as food and spoke in support of the applicant.

**3. Larry Jones, 2625 Jerseyville Road**

Larry Jones addressed Committee and expressed concerns with the size and scope of this facility.

**4. Agnes Menyhart, 2026 Jerseyville Road West**

Agnes Menyhart advised Committee that she lives across from the operation and indicated that the applicant was very approachable.

**5. John Plas, 2254 Jerseyville Road West**

John Plas addressed Committee and expressed concerns with the proposal.

**6. Kim VanSicke, 1140 Butter Road, Ancaster**

Kim VanSickle addressed Committee and expressed her concerns with marihuana grow operations.

**(Partridge/B. Johnson)**

That the delegations be received.

**(Pearson/B. Johnson)**

That the public meeting be closed.

**CARRIED**

**(Pasuta/Partridge)**

***That the following conditions be added to the zoning by-law:***

- 1. close any access to the property from Alberton Road, except for emergency services, and***
- 2. construct a landscaping buffer along Alberton Road.***

***That the following Section 4 be added to the zoning by-law:***

- 4. That Schedule D – Holding Provisions, of By-law No. 05-200, be amended by adding the additional Holding Provision as follows:***

***Notwithstanding Section 12.1 of this By-law, within the lands zoned Agriculture (A1, 689) Zone, on Maps RU131 and RU143, of Schedule “A” – Zoning Maps, and described as 1915, 1995 and 1997 Jerseyville Road West, the H Symbol applicable to***

*the lands referred to in Section 1 of this By-law shall prohibit development of the lands and shall be removed conditional upon:*

*(i) Prior to issuance of a Change of Use Permit to allow the use Medical Marihuana Growing and Harvesting within the greenhouse, the proponent shall:*

- 1. hold a community open house to explain the existing and proposed development;*
- 2. prepare and implement a Good Neighbours Strategy to the satisfaction of the Director of Planning and Chief Planner;*
- 3. prepare and submit a Safety Strategy for the operation of the site, in consultation with Hamilton Police Services;*
- 4. prepare and submit a construction management plan which will assess the existing road conditions to the satisfaction of the Director of Corridor Management and pay for any damage to the road as deemed necessary by the City as a result of the construction on the site;*
- 5. prepare and submit an odour management strategy to the satisfaction of the Director of Planning and Chief Planner;*

**CARRIED**

Councillors B. Johnson and Collins indicated that they wished to be recorded as OPPOSED to this motion.

**(Pearson/Conley)**

That the recommendations be further amended by adding the following subsection (c):

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

**CARRIED**

The main motion, as amended, CARRIED on the following standing recorded vote:

|        |   |
|--------|---|
| Yeas:  | Conley, Pearson, Pasuta, Partridge, Green |
| Total: | 5   |
| Nays:  | B. Johnson, Farr, Collins                 |
| Total: | 3   |

Absent: A. Johnson  
Total: 1

For disposition of this matter refer to Item 13

**(f) DISCUSSION ITEMS (Item 8)**

- (i) To Change the Name of Highland Road to Highland Road West Within the Former City of Hamilton (PED18159) (Ward 6) (Item 8.1)**

No members of the public spoke to this issue.

For disposition of this matter refer to Item 14

- (ii) Burlesque Entertainment – Amend Business Licensing By-law 07-170 (Schedule 1 Adult Entertainment) (PED18151) (City Wide) (Outstanding Business List Item) (Item 8.2)**

**Registered Speaker**

**1. Cadence Machry**

Cadence Machry addressed Committee and spoke in support of the proposed by-law changes and thanked Municipal Law Enforcement staff.

**(Green/Pearson)**

That the delegation be received.

**CARRIED**

For disposition of this matter refer to Item 15.

- (iii) By-law to Prohibit Driving School Instruction in Restricted Areas (PED17179(a)) (Ward 5) (Outstanding Business List Item) (Item 8.3)**

**(Collins/Green)**

(a) That staff be directed to report back after one year's time regarding the effectiveness of the by-law;

(b) That staff report back on whether the problem has moved to another area.

**CARRIED**

For disposition of this matter refer to Item 16.

**(iv) Cigarette Butt Litter Enforcement (PED18154) (City Wide)  
(Outstanding Business List Item) (Item 8.4)**

Vice Chair Farr relinquished the Chair to Councillor B. Johnson to move the following motion:

**(Farr/Collins)**

- (a) That staff be directed to report back regarding the feasibility of utilizing 10 to 20 % of existing staff time respecting cigarette litter enforcement;
- (b) That any cost (cost recovery) elements be included in the report;
- (c) That the report also include the statistical accounts of the enforcement success from the two Heath Department officials who enforced cigarette smoking on parks and recreational grounds.

**CARRIED**

Vice Chair Farr assumed the Chair.

For further disposition of this matter refer to Item 17.

**(g) MOTIONS (Item 9)**

**(i) To Waive the Road Widening Requirement for 71 Rebecca Street (Item 9.1)**

Councillor Farr requested that the motion To Waive the Road Widening Requirement for 71 Rebecca Street remain TABLED.

**(ii) To Designate 679 Main Street East and 85 Holton Avenue South, Hamilton (St. Giles United Church) under Part IV of the *Ontario Heritage Act* (Referred from Council June 27, 2018) (9.2)**

**Added Written Comments**

9.2(a) Daniel Peace, referred from the June 27, 2018 Council agenda

9.2(b) Marie Sharp, referred from the June 27, 2018 Council agenda.

**(Partridge/Pearson)**

That written comments Items 9.2(a) and 9.2(b) be received.

**CARRIED**



Chelsea Tyers, Cultural Heritage Planner, provided a verbal overview of the reasons for the staff's recommendations to designate St. Giles United Church.

### **Delegations**

**1. Reverend Ian Sloan, New Vision United Church (Added 4.2)**

Reverend Sloan addressed Committee and spoke against designation of the Church at 85 Holton Avenue South which is too expensive to maintain for the owner, the New Vision United Church.

**(Conley/Partridge)**

That the delegation be received.

**CARRIED**

**2. Daniel Peace, Chair of the Board of Trustees of New Vision United Church (Added 4.3)**

Daniel Peace addressed Committee and provided a history of St. Giles and he indicated that the values to focus on helping people are still in practice today. He spoke against designation.

**(Pearson/Partridge)**

That the delegation be received.

**CARRIED**

**3. Dixon Challoner (Added 4.4)**

Dixon Challoner addressed Committee with the aid of photographic images and a video and explained why St. Giles should not be designated under Part IV of the *Ontario Heritage Act*.

**(Green/Collins)**

That the delegation be received.

**CARRIED**

**4 Victor Mejia, Church of Christ (Added 4.5)**

Victor Mejia addressed Committee and indicated that his congregation is in the market for churches with available parking. He noted that although St. Giles is beautiful and has a lot of history, it would be very expensive to repair.

**(Green/Pearson)**

That the delegations be received.

**CARRIED**

For disposition of this matter refer to Item 19.

(iii) **Interim Plans for Pier 7**

**(Collins/Green)**

That staff, in consultation with the Ward Councillor, report back with suggestions on using Pier 7 as a “people place” in the interim period prior to the lands being sold.

**CARRIED**

(h) **NOTICES OF MOTION (Item 10)**

(i) **Commemorative Designation of the 400 Block of Wentworth Street North (Added Item 10.1)**

This Notice of Motion was withdrawn under changes to the agenda.

Councillor Collins introduced the following Notice of Motion on behalf of Councillor Ferguson who is not on the Committee:

(ii) **Ancaster High School, 374 Jerseyville Road West, Ancaster, to be considered for Heritage Designation (Added 10.2)**

**WHEREAS** the Chair of the Hamilton Wentworth District School Board (HWDSB) advised Council on June 20<sup>th</sup> that their intent was to sever 11 acres of land from the campus of Ancaster High School at 374 Jerseyville Road West;

**WHEREAS** the HWDSB has advised the City that they could purchase the 11 acres of land from the Board to keep it in public use for a price of “highest and best use” which means residential development or one to one and a half million dollars per acre or 11 to 13 million dollars;

**WHEREAS** in the June 28<sup>th</sup> Ancaster News story, the Board Chair states that “There is no threat to the use of this property”, the same article quotes the local trustee as saying their desire is to get the property in the hands of the City and this means at highest and best use or residential development price, not the cost of parkland;

**WHEREAS** the City currently has an infrastructure deficit of \$3.5 billion dollars and therefore unlikely to afford to purchase the 11 acres at highest and best use prices or 11 to 13 million dollars;

**WHEREAS** the taxpayers of Ancaster have already paid for the site once;

**WHEREAS** the Town of Oakville recently put a heritage designation on Glen Abby Golf Club as it formed an integral part of the Town’s Culture and Heritage;

**WHEREAS** in the 1950's the Ancaster High School Board, in conjunction with the Town of Ancaster, decided to jointly purchase the existing High School Campus with the novel idea that the school would use the site during the day and community would use the site in the evening and on weekends; and

**WHEREAS** the Ancaster High School with some 40 acres, form an integral part of the community for the past 60 years and the Town has invested in a pool at this site with the similar novel idea that the school would use it during the day and the community could use the pool in the evenings and on weekends;

**THEREFORE, BE IT RESOLVED:**

That staff be directed to start the process of designating the campus of Ancaster High School site as a site of historical significance and report back to the Heritage Committee on providing the property with a Heritage designation.

**(iii) The Round-About at Maggie Johnson and Tanglewood, Binbrook Village (Added Item 10.3)**

Councillor B. Johnson introduced a Notice of Motion respecting The Round-About at Maggie Johnson and Tanglewood, Binbrook Village.

**(B. Johnson/Partridge)**

That the rules of order be waived to allow for the introduction of a motion respecting The Round-About at Maggie Johnson and Tanglewood, Binbrook Village.

**CARRIED**

For disposition of this matter refer to Item 20.

**(iv) Interim Plans for Pier 7 (Added Item 10.4)**

Councillor Collins introduced a Notice of Motion respecting Interim Plans for Pier 7.

**(Collins/Green)**

That the rules of order be waived to allow for the introduction of a motion respecting Interim Plans for Pier 7.

**CARRIED**

For disposition of this matter refer to Information Item (g)(iii).

**(i) GENERAL INFORMATION/OTHER BUSINESS (Item 11)****(i) Outstanding Business List (Item 11.1)****(Partridge/Pearson)****(a) That the following new due dates be approved:**

Item "D" - Request to Designate 437 Wilson Street East (Ancaster)  
Under Part IV of the Ontario Heritage Act (PED12166)

Due date: July 10, 2018

New due date: September 18, 2018

Item "E" - Staff to consult with property owners & Councillor re:  
HMHC Report 14-009 recommendations to include 206, 208 and  
210 King Street East in the Register of Property of Cultural Heritage  
Value or Interest and staff's designation work program and report  
back

Due date: July 10, 2018

New due date: January 15, 2019

Item "J" 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: July 10, 2018

New due date: August 14, 2018

**(b) That the following Items be identified as completed and removed:**

Item "H" - 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.

(Item 8.2 on this agenda.)

Item "L" - 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

(Item 8.4 on this agenda)

Item "BB" - That staff be directed to investigate the feasibility, costs  
and other considerations (i.e. besides educational program) of

targeted enforcement measures to address cigarette butt litter and report back to the Planning Committee.  
(Item 8.5 on this agenda.)

Item "EE" - That Report PED18118 be deferred until after the June public meeting on marihuana growing facilities  
(Item 6.7 on this agenda)

**CARRIED**

**(j) PRIVATE AND CONFIDENTIAL (Item 12)**

**12.1 Appeal to the Local Planning Appeal Tribunal (LPAT) for Lack of Decision on Urban Hamilton Official Plan Amendment Application, Town of Flamborough Zoning By-law No. 90-145-Z Amendment Application and Draft Plan of Subdivision for Lands Located at 609 and 615 Hamilton Street North, 3 Nisbet Boulevard and 129-137 Truedell Circle (Flamborough) (LS18007/PED18051) (Ward 15) (Distributed under separate cover.)**

Committee approved Item 12.1 without moving into Closed Session.

For disposition of this matter refer to Item 21

**(k) ADJOURNMENT (Item 13)**

**(Pearson/B Johnson)**

That, there being no further business, the Planning Committee be adjourned at 6:07 p.m.

**CARRIED**

Respectfully submitted,

Councillor J. Farr  
Vice Chair, Planning Committee

Ida Bedioui  
Legislative Co-ordinator  
Office of the City Clerk



# INFORMATION REPORT

|                           |   |
|---------------------------|---|
| <b>TO:</b>                | Chair and Members<br>Planning Committee   |
| <b>COMMITTEE DATE:</b>    | August 14, 2018   |
| <b>SUBJECT/REPORT NO:</b> | Illegal Businesses on Agricultural Areas Pilot Project Final Report (PED16207(c)) (Ward 11)               |
| <b>WARD(S) AFFECTED:</b>  | Ward 11   |
| <b>PREPARED BY:</b>       | Robert Ustrzycki (905) 546-2424 Ext. 4721   |
| <b>SUBMITTED BY:</b>      | Ken Leendertse<br>Director, Licensing and By-law Services<br>Planning and Economic Development Department |
| <b>SIGNATURE:</b>         |   |

## Council Direction:

City Council, at its meeting held on June 22, 2016, approved Item 9 of Planning Committee Report 16-012, as amended, which directed staff to undertake an 18 month pilot program, including hiring a temporary Zoning Enforcement Officer, to address complaints regarding alleged illegal businesses in the agricultural area of Ward 11.

Council's resolution also directed staff to report back with terms of reference, including key performance measures and expectations, before initiating the pilot program, and directed staff to report back with the results of the pilot project. The pilot project is set to expire in September 2018.

## Information:

On June 14, 2016, the Planning Committee adopted a motion by Councillor B. Johnson for establishing a pilot project to address a growing list of complaints regarding the alleged illegal businesses in Ward 11. On November 1, 2016 staff Report PED16207 was approved to establish a pilot project regarding Illegal Businesses in the Rural Area of Ward 11 including key performance measures and a requirement to provide to the Planning Committee Interim Information Reports at six month intervals from the commencement of the project.

The pilot project commenced in March, 2017 is approaching its 18 month completion date. Information Reports providing interim results for the pilot project were presented to the Planning Committee on September 19, 2017 (Report PED16207(a) Planning

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**SUBJECT: Illegal Businesses on Agricultural Areas Pilot Project Final Report  
(PED16207(c)) (Ward 11) - Page 2 of 4**

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Committee Report 17-015) and February 6, 2018 (Report PED 16207(b) Planning Committee Report 18-002).

To summarize the pilot project, the scope of the program acknowledges that all businesses need to operate on a level playing field, and recognizes that education and enforcement are important components to ultimately gain compliance with the City's Zoning By-laws. The pilot project appointed a temporary Zoning Examiner/Enforcement Officer dedicated to inspect and enforce the reported illegal businesses in Ward 11.

The primary objectives of the pilot project are to:

- effectively respond and investigate public complaints of businesses operating from agricultural properties in contravention of the City's By-laws in an expeditious manner;
- increase public awareness and understanding of the regulatory by-law requirements for operating a business from agricultural lands;
- gain compliance of the businesses identified as operating illegally from agricultural lands in Ward 11; and,
- increase community confidence and reduce the identified contraventions to provide a level commercial playing field.

The pilot project commenced on March 6, 2017 providing a concentrated enforcement effort to address illegal businesses operating from lands zoned "Agricultural" in Ward 11. Efforts were made to seek voluntary compliance to remedy any zoning and/or licensing contravention, commencing legal action where there was no diligent effort to comply.

Zoning investigations represent approximately 5% of Municipal Law Enforcement (MLE) calls for service. Zoning complaints relating to illegal businesses are generally lengthy and complicated investigations that utilize every enforcement tool available for the Officer to achieve compliance.

The Zoning Examiner/Enforcement Officer responded to a total of 74 complaints, concluding that 14% of the properties were operating in contravention of the City Zoning By-laws. Businesses not conforming to the City's Zoning By-laws were required to cease and desist operations, or apply for a Minor Variance or Re-Zoning. Necessary measures were also taken to correct other contraventions identified as a result of the Officer's inspection.

The following details summarize the enforcement actions from the March 6, 2017 start date of the project to July 1, 2018:

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**SUBJECT: Illegal Businesses on Agricultural Areas Pilot Project Final Report  
(PED16207(c)) (Ward 11) - Page 3 of 4**

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|     |  |
|-----|--|
| 182 | inspections/visits                                 |
| 8   | warnings issued                                    |
| 15  | voluntary compliance                               |
| 4   | legal action                                       |
| 43  | no violation (determined no contravention existed) |
| 7   | referred to other department/agency                |

The staff dedicated specifically to this project eliminated the backlog in calls for service in Ward 11 within the first four months of operation for an initial response within 72 hours. In addition to responding to complaints that otherwise may not have been recognized, the pilot project also had other positive effects such as addressing:

- accumulation of garbage and debris;
- identifying illegal cannabis grow operations;
- discovering stolen vehicles; and,
- generating annual cost recovery through business taxes.

The cost recovery for this enforcement initiative/action is largely realized over time by any increase in the property tax from agricultural to commercial/industrial use. Municipal Property Assessment Corporation (MPAC) determines Current Value Assessments and classifications for all properties in Ontario to prepare an annual assessment roll for each municipality. Every four years the assessed values of every property is updated. Under the phase-in provisions in the *Assessment Act*, an increase in assessed value is introduced gradually over four years. The current valuation day of January 1, 2016, is in effect for the 2017-2020 property tax years. Property assessments are also continually updated resulting from Building/Change of Use Permits or requests for consideration, but are not generally realized until the calendar year following. Although the gap is not immediately captured, the tax increase resulting from the enforcement action is realized annually thereafter.

The amount of tax increase varies in each instance depending on the scale of the change of use following assessment of the property. City staff consulted with MPAC to gain a better understanding of the assessment process. Calculations are based upon the type of use or enterprise, type/condition/size of buildings, and the square footage of the varied uses when apportioned to the remaining land/building uses (i.e. residential/agricultural use). Considering the complexity of property assessments and the gap in property assessments, staff is not able to provide a fixed or weighted average to determine an appropriate cost recovery analysis to the pilot project. To assist Committee Members, the following calculation provides an illustration of the annual tax increase for the introduction of an industrial business for a property in an agricultural zone:

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**SUBJECT: Illegal Businesses on Agricultural Areas Pilot Project Final Report  
(PED16207(c)) (Ward 11) - Page 4 of 4**

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An agricultural property 67 acres in size, with a single family dwelling and accessory farm buildings, is assessed at \$8,200 for the 2018 property tax year. The occupants convert a farm building 3,300 square feet in size to introduce a manufacturing use. This change in use, following assessment, may result in a 74% property tax increase to \$14,260 indexed annually.

Conclusion

Staff completed the project, analyzed the data, and evaluated the results to determine if the actions and initiatives met the goals and objectives of the project. In summary, the Council approved project, in the opinion of staff, provided an immediate and effective response to complaints of illegal businesses operating in agricultural areas, eliminating the backlog of zoning calls for Ward 11.

**APPENDICES AND SCHEDULES ATTACHED**

N/A

KL:RU:st



# INFORMATION REPORT

|                           |   |
|---------------------------|---|
| <b>TO:</b>                | Chair and Members<br>Planning Committee   |
| <b>COMMITTEE DATE:</b>    | August 14, 2018   |
| <b>SUBJECT/REPORT NO:</b> | Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED18160) (City Wide) |
| <b>WARD(S) AFFECTED:</b>  | City Wide   |
| <b>PREPARED BY:</b>       | Joe Gravina (905) 546-2424 Ext. 1284  |
| <b>SUBMITTED BY:</b>      | Steve Robichaud<br>Director of Planning and Chief Planner<br>Planning and Economic Development Department           |
| <b>SIGNATURE:</b>         |   |

## **Council Direction:**

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

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

## **Background:**

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

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

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**SUBJECT: Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (City Wide) (PED18160) - Page 2 of 4**

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

**Policy Implications and Legislative Requirements**

In accordance with the *Planning Act*, an applicant may appeal an Official Plan Amendment application after 210 days (17 (40)), Zoning By-law Amendment application after 150 days (34 (11)) and a Plan of Subdivision after 180 days (51 (34)).

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

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

**Information:**

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

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

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

Attached as Appendix "A" to Report PED18160 is a table outlining the active applications received prior to December 12, 2107 sorted by Ward, from oldest application to newest. As of June 25, 2018 there were:

- 24 active Official Plan Amendment Applications (including 20 applications submitted after July 1, 2016);
- 45 active Zoning By-law Amendment Applications; and,

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**SUBJECT: Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (City Wide) (PED18160) - Page 3 of 4**

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- 11 active Plan of Subdivision Applications.

Within 60 to 90 days of July 10, 2018, all 45 development proposals have passed the 120 or 180 day statutory timeframe, including 20 Official Plan Amendment Applications received after July 1, 2016 that are subject to the 270 statutory timeframe. These applications are marked with an asterisk on Appendix "A" to Report PED18160).

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

Attached as Appendix "B" to Report PED18160 is a table outlining the active applications received after December 12, 2017 sorted by Ward, from oldest application to newest. As of June 25, 2018 there were:

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

Within 60 to 90 days of July 10, 2018, 15 applications will be approaching the 150 or the 300 day statutory timeframe and will be eligible for appeal. Nine applications have passed the 150 or 300 day statutory timeframe.

**Summary:**

Based on Appendices "A" and "B" to Report PED18160, there were a total of:

- 35 active Official Plan Amendments;
- 69 active Zoning By-law Amendments; and,
- 14 active Plan of Subdivision Applications.

Combined to reflect property addresses, this results in 69 active development proposals. Twenty-two proposals are 2018 files, while 34 proposals are 2017 files and 13 proposals are pre-2017 files.

Staff are currently working with the AMANDA Implementation Team to add enhancements that will allow for the creation of more detailed reporting. As a result, future tables will include a qualitative analysis of the status of active applications. It is anticipated that these enhancements will be available in Q3 of 2018.

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**SUBJECT: Active Official Plan Amendment, Zoning By-law Amendment and Plan  
of Subdivision Applications (City Wide) (PED18160) - Page 4 of 4**

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**APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" – List of Active Development Applications (Prior to December 12, 2017)

Appendix "B" – List of Active Development Applications (After December 12, 2017)

JG:mo

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**Active Development Applications  
Deemed Complete Prior to December 12, 2017  
(Effective June 25, 2018)**

| File                       | Address  | Date Received | Date <sup>1</sup> Deemed Incomplete | Date <sup>1</sup> Deemed Complete | 120 day cut off (Zoning Application) | 180 day cut off (OPA and/or Subdivision Application) | Applicant/ Agent                            | Days since Received and/or Deemed Complete as of August 14, 2018 |
|----------------------------|--|---------------|-------------------------------------|-----------------------------------|--------------------------------------|--|---|--|
| <b>Ward 1</b>              |  |               |                                     |                                   |                                      |  |   |  |
| UHOPA-16-11<br>ZAC-16-029  | 925 Main St. W. &<br>150 Longwood Rd.<br>S., Hamilton  | 19-Apr-16     | n/a                                 | 28-Apr-16                         | 17-Aug-16                            | 16-Oct-16  | Urban Solutions Planning & Land Development | 847  |
| UHOPA-17-18*<br>ZAC-17-036 | 644 Main St. W.,<br>Hamilton                           | 31-Mar-17     | n/a                                 | 28-Apr-17                         | 29-Jul-17                            | 27-Sep-17*   | Urban Solutions Planning & Land Development | 501  |
| <b>Ward 2</b>              |  |               |                                     |                                   |                                      |  |   |  |
| ZAC-17-008                 | 117 Forest Ave. &<br>175 Catharine St.<br>S., Hamilton | 23-Dec-16     | n/a                                 | 05-Jan-17                         | 22-Apr-17                            | n/a  | Urban Solutions Planning & Land Development | 599  |
| UHOPA-17-23*<br>ZAC-17-053 | 71 Rebecca St.,<br>Hamilton                            | 15-Jun-17     | n/a                                 | 14-Jul-17                         | 13-Oct-17                            | 12-Dec-17*   | Wellings Planning Consultants Inc.          | 425  |
| ZAC-17-074                 | 154 Main St. E.,<br>Hamilton                           | 11-Oct-17     | n/a                                 | 06-Nov-17                         | 08-Feb-18                            | n/a  | Urban Solutions Planning & Land Development | 307  |

**Active Development Applications  
Deemed Complete Prior to December 12, 2017  
(Effective June 25, 2018)**

| File                       | Address                             | Date Received | Date <sup>1</sup> Deemed Incomplete | Date <sup>1</sup> Deemed Complete | 120 day cut off (Zoning Application) | 180 day cut off (OPA and/or Subdivision Application) | Applicant/ Agent                | Days since Received and/or Deemed Complete as of August 14, 2018 |
|----------------------------|-------------------------------------|---------------|-------------------------------------|-----------------------------------|--------------------------------------|--|---------------------------------|--|
| <b>Ward 2 cont'd</b>       |                                     |               |                                     |                                   |                                      |  |                                 |  |
| UHOPA-17-33*<br>ZAC-17-073 | 125-129 Robert St., Hamilton        | 06-Oct-17     | 30-Oct-17                           | 14-Nov-17                         | 03-Feb-18                            | 04-Apr-18*   | IBI Group                       | 273  |
| <b>Ward 3</b>              |                                     |               |                                     |                                   |                                      |  |                                 |  |
| ZAC-17-024                 | 119-123 Princess St., Hamilton      | 08-Feb-17     | n/a                                 | 27-Mar-17                         | 08-Jun-17                            | n/a  | Metropolitan Consulting Inc.    | 522  |
| <b>Ward 6</b>              |                                     |               |                                     |                                   |                                      |  |                                 |  |
| ZAC-17-057                 | 1221 Limeridge Rd. E., Hamilton     | 07-Jul-17     | 17-Jul-17                           | 24-Oct-17                         | 04-Nov-17                            | n/a  | IBI Group                       | 294  |
| <b>Ward 7</b>              |                                     |               |                                     |                                   |                                      |  |                                 |  |
| UHOPA-15-16<br>ZAC-11-070  | 1375 Upper James St., Hamilton      | 16-Mar-15     | n/a                                 | 26-May-15                         | 14-Jul-15                            | 12-Sep-15  | WEBB Planning Consultants Inc.  | 1247   |
| UHOPA-17-31*<br>ZAC-17-071 | 1625-1655 Upper James St., Hamilton | 27-Sep-17     | n/a                                 | 02-Oct-17                         | 25-Jan-18                            | 26-Mar-18*   | MB1 Development Consulting Inc. | 321  |
| ZAC-17-089                 | 1351 Upper James St., Hamilton      | 28-Nov-17     | n/a                                 | 05-Dec-17                         | 28-Mar-18                            | n/a  | Patrick Slattery                | 259  |

**Active Development Applications  
Deemed Complete Prior to December 12, 2017  
(Effective June 25, 2018)**

| File                                     | Address                                      | Date Received | Date <sup>1</sup> Deemed Incomplete | Date <sup>1</sup> Deemed Complete | 120 day cut off (Zoning Application) | 180 day cut off (OPA and/or Subdivision Application) | Applicant/ Agent               | Days since Received and/or Deemed Complete as of August 14, 2018 |
|--|--|---------------|-------------------------------------|-----------------------------------|--------------------------------------|--|--------------------------------|--|
| <b>Ward 8</b>                            |  |               |                                     |                                   |                                      |  |                                |  |
| ZAC-16-075                               | 393 Rymal Rd. W., Hamilton                   | 15-Nov-16     | n/a                                 | 01-Dec-16                         | 15-Mar-17                            | n/a  | GSP Group                      | 637  |
| ZAC-17-030                               | 567 Scenic Dr., Hamilton                     | 10-Mar-17     | n/a                                 | 28-Mar-17                         | 08-Jul-17                            | n/a  | A.J. Clarke & Associates Ltd.  | 522  |
| ZAR-17-075                               | 517 Stone Church Rd. W., Hamilton            | 19-Oct-17     | n/a                                 | 10-Nov-17                         | 16-Feb-18                            | n/a  | WEBB Planning Consultants Inc. | 299  |
| <b>Ward 9</b>                            |  |               |                                     |                                   |                                      |  |                                |  |
| UHOPA-16-26*<br>ZAC-16-065<br>25T-201611 | 478 & 490 First Rd. W., Stoney Creek         | 12-Oct-16     | n/a                                 | 02-Nov-16                         | 09-Feb-17                            | 10-Apr-17*   | T. Johns Consultants Inc.      | 671  |
| UHOPA-16-27*<br>ZAC-16-066<br>25T-201612 | 464 First Rd. W., Stoney Creek,              | 12-Oct-16     | n/a                                 | 02-Nov-16                         | 09-Feb-17                            | 10-Apr-17*   | T. Johns Consultants Inc.      | 671  |
| UHOPA-16-25*<br>ZAC-16-064<br>25T-201609 | 1809, 1817 & 1821 Rymal Rd. E., Stoney Creek | 07-Oct-16     | n/a                                 | 23-Nov-16                         | 04-Feb-17                            | 05-Apr-17*   | WEBB Planning Consultants Inc. | 676  |
| UHOPA-17-01*<br>ZAC-17-001<br>25T-201701 | 15 Ridgeview Dr., Stoney Creek               | 02-Dec-16     | n/a                                 | 16-Dec-16                         | 01-Apr-17                            | 31-May-17*   | A.J. Clarke & Associates Ltd.  | 620  |



**Active Development Applications  
Deemed Complete Prior to December 12, 2017  
(Effective June 25, 2018)**

| File                                     | Address                                    | Date Received | Date <sup>1</sup> Deemed Incomplete | Date <sup>1</sup> Deemed Complete | 120 day cut off (Zoning Application) | 180 day cut off (OPA and/or Subdivision Application) | Applicant/ Agent                         | Days since Received and/or Deemed Complete as of August 14, 2018 |
|--|--|---------------|-------------------------------------|-----------------------------------|--------------------------------------|--|--|--|
| <b>Ward 9 cont'd</b>                     |  |               |                                     |                                   |                                      |  |  |  |
| UHOPA-16-21*<br>ZAC-16-057<br>25T-201608 | 56 Highland Rd.<br>W., Stoney Creek        | 31-Aug-16     | 29-Sep-16                           | 27-Mar-17                         | 29-Dec-16                            | 27-Feb-17*   | Metropolitan Consulting Inc.             | 505  |
| UHOPA-17-20*<br>ZAC-17-049               | 928 Queenston Rd., Stoney Creek            | 01-Jun-17     | 30-Jun-17                           | 28-Jul-17                         | 29-Sep-17                            | 28-Nov-17*   | Fothergill Planning and Development Inc. | 382  |
| RHOPA-17-24*<br>ZAC-17-055               | 138 Upper Centennial Pkwy,<br>Stoney Creek | 27-Jun-17     | n/a                                 | 15-Aug-17                         | 25-Oct-17                            | 24-Dec-17*   | Brouwer Architecture                     | 413  |
| ZAC-17-077                               | 50 Green Mountain Rd.,<br>Stoney Creek     | 30-Oct-17     | 21-Nov-17                           | 22-Nov-17                         | 27-Feb-18                            | n/a  | GSP Group                                | 265  |
| ZAC-17-085                               | 121 Highway 8,<br>Stoney Creek             | 13-Nov-17     | n/a                                 | 04-Dec-17                         | 13-Mar-18                            | n/a  | A.J. Clarke & Associates Ltd.            | 274  |
| <b>Ward 10</b>                           |  |               |                                     |                                   |                                      |  |  |  |
| ZAC-15-040                               | 9 Glencrest Ave.,<br>Stoney Creek          | 02-Jul-15     | n/a                                 | 10-Aug-15                         | 30-Oct-15                            | n/a  | WEBB Planning Consultants Inc.           | 1139   |
| UHOPA-17-36*<br>ZAC-17-079               | 514 Barton St. E,<br>Stoney Creek          | 27-Oct-17     | n/a                                 | 23-Nov-17                         | 24-Feb-18                            | 25-Apr-18*   | GSP Group                                | 291  |

**Active Development Applications  
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| File                                     | Address  | Date Received | Date <sup>1</sup> Deemed Incomplete | Date <sup>1</sup> Deemed Complete | 120 day cut off (Zoning Application) | 180 day cut off (OPA and/or Subdivision Application) | Applicant/ Agent               | Days since Received and/or Deemed Complete as of August 14, 2018 |
|--|--|---------------|-------------------------------------|-----------------------------------|--------------------------------------|--|--------------------------------|--|
| <b>Ward 11</b>                           |  |               |                                     |                                   |                                      |  |                                |  |
| UHOPA-14-16<br>ZAR-12-058                | 9388 Twenty Rd. W., Glanbrook  | 20-Dec-12     | n/a                                 | 18-Jan-13                         | 19-Apr-13                            | 18-Jun-13  | A.J. Clarke & Associates Ltd.  | 2063   |
| ZAC-16-016                               | 1313 Baseline Rd., Stoney Creek  | 15-Jan-16     | n/a                                 | 15-Feb-16                         | 14-May-16                            | n/a  | A.J. Clarke & Associates Ltd.  | 942  |
| ZAC-17-009                               | 1215 Barton St., Stoney Creek  | 23-Dec-16     | n/a                                 | 06-Jan-17                         | 22-Apr-17                            | n/a  | WEBB Planning Consultants Inc. | 599  |
| UHOPA-17-05*<br>ZAC-17-015<br>25T-201703 | 1, 19, 20, 21, 23, 27 & 30 Lakeside Dr. & 81 Waterford Cres., Stoney Creek | 23-Dec-16     | n/a                                 | 17-Jan-17                         | 22-Apr-17                            | 21-Jun-17*   | IBI Group                      | 599  |
| UHOPA-17-12*<br>ZAC-17-027<br>25T-210706 | 2341 & 2365 to 2431 Regional Rd. 56 & Tanglewood Dr., Glanbrook            | 23-Feb-17     | n/a                                 | 06-Mar-17                         | 23-Jun-17                            | 02-Sep-17*   | A.J. Clarke & Associates Ltd.  | 537  |
| ZAR-17-033                               | 90 Creanona Blvd., Stoney Creek  | 27-Mar-17     | n/a                                 | 28-Apr-17                         | 25-Jul-17                            | n/a  | A.J. Clarke & Associates Ltd.  | 505  |

**Active Development Applications  
Deemed Complete Prior to December 12, 2017  
(Effective June 25, 2018)**

| File                                  | Address   | Date Received | Date <sup>1</sup> Deemed Incomplete | Date <sup>1</sup> Deemed Complete | 120 day cut off (Zoning Application) | 180 day cut off (OPA and/or Subdivision Application) | Applicant/ Agent                   | Days since Received and/or Deemed Complete as of August 14, 2018 |
|---------------------------------------|---|---------------|-------------------------------------|-----------------------------------|--------------------------------------|--|------------------------------------|--|
| <b>Ward 11 cont'd</b>                 |   |               |                                     |                                   |                                      |  |                                    |  |
| ZAC-17-076<br>25T-201711              | 1216, 1218 and 1226 Barton St. E. and 1219 Hwy. 8, Stoney Creek | 30-Oct-17     | n/a                                 | 24-Nov-17                         | 27-Feb-18                            | 28-Apr-18  | Glen Schnarr & Associates Inc.     | 288  |
| <b>Ward 12</b>                        |   |               |                                     |                                   |                                      |  |                                    |  |
| OPA-12-23<br>ZAC-12-065<br>25T-201206 | 491 Springbrook Ave, 851 & 875 Garner Rd. E., Ancaster          | 21-Dec-12     | n/a                                 | 18-Jan-13                         | 20-Apr-13                            | 19-Jun-13  | Wellings Planning Consultants Inc. | 2062   |
| ZAC-16-006<br>25T-201602              | 285, 293 Fiddlers Green Rd., Ancaster                           | 23-Dec-15     | n/a                                 | 06-Jan-16                         | 21-Apr-16                            | 20-Jun-16  | Liam Doherty                       | 965  |
| ZAC-17-062                            | 45 Secinaro Ave., Ancaster                                      | 28-Jul-17     | n/a                                 | 01-Aug-17                         | 25-Nov-17                            | n/a  | T. Johns Consultants Inc.          | 382  |
| UHOPA-17-25*<br>ZAC-17-058            | 305 Garner Rd. W., Ancaster                                     | 11-Jul-17     | 17-Jul-17                           | 08-Aug-17                         | 08-Nov-17                            | 07-Jan-18*   | MHBC Planning Limited              | 399  |
| UHOPA-17-22*<br>ZAC-17-051            | 280 Wilson St. E., Ancaster                                     | 05-Jun-17     | 22-Jun-17                           | 23-Aug-17                         | 03-Oct-17                            | 19-Feb-18*   | GSP Group                          | 356  |
| ZAC-17-066                            | 1274 Mohawk Rd., Ancaster                                       | 17-Aug-17     | n/a                                 | 06-Sep-17                         | 15-Dec-17                            | n/a  | T. Johns Consultants Inc.          | 362  |

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|----------------------------|---------------------------------|---------------|-------------------------------------|-----------------------------------|--------------------------------------|--|---|--|
| <b>Ward 12 cont'd</b>      |                                 |               |                                     |                                   |                                      |  |   |  |
| UHOPA-17-30*<br>ZAC-17-68  | 70 Garner Rd. E.,<br>Ancaster   | 08-Sep-17     | n/a                                 | 19-Sep-17                         | 06-Jan-18                            | 07-Mar-18*   | Fothergill<br>Planning and<br>Development<br>Inc. | 340  |
| UHOPA-17-32*<br>ZAC-17-072 | 35 Londonderry<br>Dr., Ancaster | 06-Oct-17     | n/a                                 | 01-Nov-17                         | 03-Feb-18                            | 04-Apr-18*   | A.J. Clarke &<br>Associates<br>Ltd.               | 312  |
| <b>Ward 13</b>             |                                 |               |                                     |                                   |                                      |  |   |  |
| ZAR-15-004                 | 64 Hatt St.,<br>Dundas          | 02-Dec-14     | n/a                                 | 02-Jan-15                         | 01-Apr-15                            | n/a  | 336477<br>Ontario Ltd.                            | 1351   |
| ZAC-17-060                 | 211 York Rd.,<br>Dundas         | 14-Jul-17     | n/a                                 | 02-Aug-17                         | 11-Nov-17                            | n/a  | Wellings<br>Planning<br>Consultants<br>Inc.       | 396  |
| <b>Ward 14</b>             |                                 |               |                                     |                                   |                                      |  |   |  |
| ZAC-17-064<br>25T-201710   | 655 Cramer Rd.,<br>Flamborough  | 09-Aug-17     | n/a                                 | 17-Aug-17                         | 07-Dec-17                            | n/a  | A.J. Clarke &<br>Associates<br>Ltd.               | 370  |
| RHOPA-17-38*<br>ZAC-17-081 | 1633 Highway 6,<br>Flamborough  | 08-Nov-17     | n/a                                 | 21-Nov-17                         | 08-Mar-18                            | 07-May-18*   | 1685486<br>ONTARIO<br>INC.                        | 279  |

**Active Development Applications  
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|----------------------------|----------------------------------|---------------|-------------------------------------|-----------------------------------|--------------------------------------|--|-----------------------------|--|
| <b>Ward 15</b>             |                                  |               |                                     |                                   |                                      |  |                             |  |
| UHOPA-17-06*<br>ZAC-17-016 | 157 Parkside Dr.,<br>Flamborough | 23-Dec-16     | n/a                                 | 17-Jan-17                         | 22-Apr-17                            | 21-Jun-17*   | MHBC<br>Planning<br>Limited | 564  |

Active Development Applications

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

**Active Development Applications  
Deemed Complete After December 12, 2017  
(Effective June 25, 2018)**

| File                        | Address   | Date Received | Date <sup>1</sup> Deemed Incomplete | Date <sup>1</sup> Deemed Complete | 150 day cut off (Rezoning) | 180 day cut off (Plan of Sub.) | 300 day cut off (OPA) | Applicant/ Agent                            | Days since Received and/or Deemed Complete as of August 14, 2018 |
|-----------------------------|---|---------------|-------------------------------------|-----------------------------------|----------------------------|--------------------------------|-----------------------|---|--|
| <b>Ward 1</b>               |   |               |                                     |                                   |                            |                                |                       |   |  |
| UHOPA-18-005*<br>ZAC-18-012 | 235 Main St. W.,<br>Hamilton                                      | 22-Dec-17     | n/a                                 | 19-Jan-18                         | n/a                        | n/a                            | 20-Jul-18*            | Urban Solutions Planning & Land Development | 235  |
| <b>Ward 2</b>               |   |               |                                     |                                   |                            |                                |                       |   |  |
| UHOPA-17-041*<br>ZAC-17-090 | 80 and 92 Barton St. E and 215 and 245 Catharine St. N., Hamilton | 29-Nov-17     | n/a                                 | 14-Dec-17                         | n/a                        | n/a                            | 27-Jun-18*            | IBI Group                                   | 258  |
| UHOPA-18-004*<br>ZAC-18-009 | 299-307 John St. S., Hamilton                                     | 22-Dec-17     | n/a                                 | 19-Jan-18                         | n/a                        | n/a                            | 20-Jul-18*            | Urban Solutions Planning & Land Development | 235  |
| ZAC-18-013                  | 122 & 126 Augusta St. & 125 & 127 Young St., Hamilton             | 21-Dec-17     | n/a                                 | 25-Jan-18                         | 20-May-18                  | n/a                            | n/a                   | Urban Solutions Planning & Land Development | 236  |
| UHOPA-18-007*<br>ZAC-18-020 | 468, 470, 474 and 476 James St. N., Hamilton                      | 09-Mar-18     | n/a                                 | 27-Mar-18                         | n/a                        | n/a                            | 05-Oct-18*            | SvN Architects + Planners                   | 158  |

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|---|--|---------------|-------------------------------------|-----------------------------------|----------------------------|--------------------------------|-----------------------|---|--|
| <b>Ward 2 cont'd</b>                      |  |               |                                     |                                   |                            |                                |                       |   |  |
| UHOPA-18-008*<br>ZAC-18-024               | 600 James St. N.,<br>Hamilton                    | 29-Mar-18     | n/a                                 | 23-Apr-18                         | n/a                        | n/a                            | 23-Jan-19*            | Bousfields Inc.                             | 138  |
| <b>Ward 4</b>                             |  |               |                                     |                                   |                            |                                |                       |   |  |
| UHOPA-18-006*<br>ZAC-18-010<br>25T-201802 | 20 Reid Ave. N.,<br>Hamilton                     | 22-Dec-17     | n/a                                 | 16-Jan-18                         | n/a                        | 20-Jun-18                      | 18-Oct-18*            | MHBC Planning Limited                       | 235  |
| ZAC-18-027                                | 256 Parkdale Ave. N., Hamilton                   | 24-Apr-18     | n/a                                 | 24-May-18                         | 21-Sep-18                  | n/a                            | n/a                   | T. Johns Consultants Inc.                   | 112  |
| <b>Ward 7</b>                             |  |               |                                     |                                   |                            |                                |                       |   |  |
| ZAC-18-008                                | 370 Concession St., Hamilton                     | 21-Dec-17     | n/a                                 | 22-Jan-18                         | 20-May-18                  | n/a                            | n/a                   | Urban Solutions Planning & Land Development | 236  |
| UHOPA-18-010*<br>ZAC-18-025<br>25T-201803 | 221 Genoa Dr. and 1477 Upper James St., Hamilton | 12-Apr-18     | n/a                                 | 10-May-18                         | n/a                        | 09-Sep-18                      | 09-Oct-18*            | MHBC Planning Limited                       | 124  |

**Active Development Applications  
Deemed Complete After December 12, 2017  
(Effective June 25, 2018)**

| File                                      | Address   | Date Received | Date <sup>1</sup> Deemed Incomplete | Date <sup>1</sup> Deemed Complete | 150 day cut off (Rezoning) | 180 day cut off (Plan of Sub.) | 300 day cut off (OPA) | Applicant/ Agent                            | Days since Received and/or Deemed Complete as of August 14, 2018 |
|---|---|---------------|-------------------------------------|-----------------------------------|----------------------------|--------------------------------|-----------------------|---|--|
| <b>Ward 8</b>                             |   |               |                                     |                                   |                            |                                |                       |   |  |
| ZAC-18-022                                | 35 Sabrina Blvd., Hamilton                                      | 15-Mar-18     | n/a                                 | 09-Apr-18                         | 12-Aug-18                  | n/a                            | n/a                   | Urban Solutions Planning & Land Development | 152  |
| ZAR-18-026                                | 865 West 5 <sup>th</sup> St., Hamilton                          | 13-Apr-18     | n/a                                 | 27-Apr-18                         | 10-Sep-18                  | n/a                            | n/a                   | WEBB Planning Consultants Inc.              | 123  |
| <b>Ward 9</b>                             |   |               |                                     |                                   |                            |                                |                       |   |  |
| ZAR-18-030                                | 222 First Rd. Stoney Creek                                      | 04-May-18     | n/a                                 | 05-Jun-18                         | 01-Oct-18                  | n/a                            | n/a                   | IBI Group                                   | 102  |
| <b>Ward 10</b>                            |   |               |                                     |                                   |                            |                                |                       |   |  |
| ZAC-18-017                                | 560 Grays Rd., Stoney Creek                                     | 18-Jan-18     | n/a                                 | 26-Jan-18                         | 17-Jun-18                  | n/a                            | n/a                   | IBI Group                                   | 208  |
| <b>Ward 11</b>                            |   |               |                                     |                                   |                            |                                |                       |   |  |
| UHOPA-18-001*<br>ZAC-18-003<br>25T-201801 | 78 and 80 Marion St. and 3302 and 3306 Homestead Dr., Glanbrook | 01-Dec-17     | n/a                                 | 18-Dec-17                         | n/a                        | 30-May-18                      | 29-Jun-18*            | Urban Solutions Planning & Land Development | 256  |



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|-----------------------------|---|---------------|-------------------------------------|-----------------------------------|----------------------------|--------------------------------|-----------------------|---|--|
| <b>Ward 11 cont'd</b>       |   |               |                                     |                                   |                            |                                |                       |   |  |
| ZAC-18-005                  | 42, 44, 48, 52 and 54 Lakeshore Dr., Stoney Creek | 15-Dec-17     | n/a                                 | 16-Jan-18                         | 14-May-18                  | n/a                            | n/a                   | A.J. Clarke & Associates Ltd.               | 242  |
| UHOPA-18-003*<br>ZAC-18-007 | 3331 Homestead Dr., Glanbrook                     | 19-Dec-17     | n/a                                 | 16-Jan-18                         | n/a                        | n/a                            | 17-Jul-18*            | IBI Group                                   | 238  |
| ZAA-18-006                  | 3600 Guyatt Rd., Glanbrook                        | 20-Dec-17     | 18-Jan-18                           | 24-Jan-18                         | 19-May-18                  | n/a                            | n/a                   | Larry Freeman                               | 202  |
| ZAR-18-023                  | 5050 Harrison Rd., Glanbrook                      | 23-Mar-18     | n/a                                 | 04-Apr-18                         | 20-Aug-18                  | n/a                            | n/a                   | GSP Group                                   | 132  |
| UHOPA-18-011*<br>ZAC-17-088 | 1912 Rymal Rd. E., Glanbrook                      | 04-May-18     | n/a                                 | 22-May-18                         | n/a                        | n/a                            | 28-Feb-18*            | Wellings Planning Consultants Inc.          | 84   |
| <b>Ward 13</b>              |   |               |                                     |                                   |                            |                                |                       |   |  |
| UHOPA-17-040*<br>ZAC-17-088 | 264 Governors Rd. Dundas                          | 28-Nov-17     | n/a                                 | 13-Dec-17                         | n/a                        | n/a                            | 26-Jun-18*            | Urban Solutions Planning & Land Development | 259  |

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|----------------|---------------------------------------|---------------|-------------------------------------|-----------------------------------|----------------------------|--------------------------------|-----------------------|-------------------------------|--|
| <b>Ward 15</b> |                                       |               |                                     |                                   |                            |                                |                       |                               |  |
| ZAC-18-011     | 21 Mill St. N.,<br>Hamilton           | 22-Dec-17     | n/a                                 | 18-Jan-18                         | 21-May-18                  | n/a                            | n/a                   | A.J. Clarke & Associates Ltd. | 235  |
| ZAR-18-015     | 5 Hamilton St. N.,<br>Flamborough     | 16-Jan-18     | n/a                                 | 24-Jan-18                         | 15-Jun-18                  | n/a                            | n/a                   | A.J. Clarke & Associates Ltd. | 210  |
| ZAR-18-019     | 167 Highway 5<br>West,<br>Flamborough | 23-Feb-18     | n/a                                 | 22-Mar-18                         | 23-Jul-18                  | n/a                            | n/a                   | IBI Group                     | 172  |

Active Development Applications

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2. In accordance with Section 34 (11.0.0.0.1), of the *Planning Act*, the approval period for Zoning By-law Amendment applications submitted concurrently with an Official Plan Amendments, will be extended to 210 days.
3. In accordance with Section 17 (40.1) of the *Planning Act*, the City of Hamilton has extended the approval period of Official Plan Amendment applications by 90 days from 210 days to 300 days. However, applicants can terminate the 90 day extension if written notice to the Municipality is received prior to the expiration of the 210 statutory timeframe.



# INFORMATION REPORT

|                           |  |
|---------------------------|--|
| <b>TO:</b>                | Chair and Members<br>Planning Committee  |
| <b>COMMITTEE DATE:</b>    | August 14, 2018  |
| <b>SUBJECT/REPORT NO:</b> | Appeal to the Local Planning Appeals Tribunal (LPAT) for Lack of Decision for an Amendment to City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 16 and 18 King Street West, Stoney Creek (PED18143) (Ward 9) |
| <b>WARD(S) AFFECTED:</b>  | Ward 9   |
| <b>PREPARED BY:</b>       | Daniel Barnett (905) 546-2424 Ext. 4445  |
| <b>SUBMITTED BY:</b>      | Steve Robichaud<br>Director, Planning and Chief Planner<br>Planning and Economic Development Department  |
| <b>SIGNATURE:</b>         |  |

## Council Direction:

Pre Bill 139, in accordance with subsection 34(11) of the *Planning Act*, a Zoning By-law Amendment Application may be appealed to the Local Planning Appeals Tribunal (LPAT) (formerly known as the “OMB”) after 120 days if Council has not made a decision on the application.

A motion to direct staff to advise the Planning Committee on matters relating to appeals regarding lack of decision by Council, pursuant to the *Planning Act* was passed by City Council on May 18, 2010. This Information Report has been prepared in accordance with Council’s policy for staff to advise the Planning Committee and City Council of appeals for non-decision to the LPAT.

The following information is provided for Planning Committee’s information with regards to Zoning By-law Amendment Application ZAC-17-044 which has been appealed to the LPAT for lack of decision.

## Information:

The subject lands municipally known as 16 and 18 King Street West, Stoney Creek, are located on the north side of King Street West, east of Second Street North and west of Lake Avenue Drive (see location map attached as Appendix “A” to Report PED18143).

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*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: Appeal to the Local Planning Appeals Tribunal (LPAT) for Lack of Decision for an Amendment to City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 16 and 18 King Street West, Stoney Creek (PED18143) (Ward 9) - Page 2 of 4**

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The subject lands are surrounded to the north and east by existing three storey multiple dwellings; to the south by two storey commercial buildings; and to the west by a one storey medical clinic. The subject lands are currently vacant.

**Application:**

The purpose of Zoning By-law Amendment Application ZAC-17-044 is to change the zoning of the subject lands from “CA1-1” (Central Area Commercial – One) Zone to a site specific “CA1” (Central Area Commercial – One) Zone in the City of Stoney Creek Zoning By-law No. 3692-92, in order to permit an eight storey mixed use building, with a maximum of 62 dwelling units and 221.9 sq m of at grade commercial floor area. A total of 66 parking spaces are proposed within two levels of underground parking. The Zoning By-law Amendment Application was submitted on May 12, 2017 and deemed to be complete on June 7, 2017.

The subject lands are identified as “Community Node” on Schedule “E” – Urban Structure and designated “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations of the Urban Hamilton Official Plan (UHOP).

The subject lands are designated “Mixed Use – Medium Density Pedestrian Predominant” on Map B.7.2-1 in the Old Town Secondary Plan.

The subject lands are currently zoned “CA1-1” (Central Area Commercial – One) Zone in the City of Stoney Creek Zoning By-law No. 3692-92. This zoning permits a range of commercial uses and dwelling units. The zoning also restricts the maximum building height to 11 m. An amendment to the City of Stoney Creek Zoning By-law No. 3692-92 is required in order to increase the maximum permitted height, reduce the minimum number of on-site parking spaces, and to permit a number of other site specific modifications as necessary to accommodate the proposal.

The subject lands are also subject to the Council adopted Commercial and Mixed Use (CMU) Zoning, which is currently under appeal, and zoned Mixed Use Medium Density – Pedestrian Focus (C5a) Zone in the City of Hamilton Zoning By-law No. 05-200. The (C5a) Zone permits a range of commercial and dwelling units in conjunction with commercial uses. A minimum building height of 7.5 m and a maximum building height of 22.0 m is permitted in the C5a Zone. An amendment to the City of Hamilton Zoning By-law No. 05-200 is required to increase the maximum building height from 22.0 m to 31.25 m.

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**SUBJECT: Appeal to the Local Planning Appeals Tribunal (LPAT) for Lack of Decision for an Amendment to City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 16 and 18 King Street West, Stoney Creek (PED18143) (Ward 9) - Page 3 of 4**

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**Public Consultation:**

Nine pieces of correspondence were received from interested parties as a result of the public circulation of the application. Additionally, two public open houses were held by the applicant on September 26, 2017 and November 21, 2017. The interested parties identified a number of areas of concern including:

- Traffic congestion;
- Access point visibility and pedestrian safety;
- Air quality;
- Height, scale and massing of the proposed development;
- Setback from adjacent properties and the street;
- Impact on historic character of the area;
- Compatibility of design;
- Loss of greenspace and limited landscaping;
- Noise impacts;
- Limited visitor parking and no commercial parking; and,
- Site drainage.

On February 9, 2018, City staff met with the applicant to discuss changes to the proposed design in order to improve the transition in scale between the proposed built form and the existing low rise residential and commercial buildings. It was agreed that a partial step back of the front portion of the seventh and eighth storeys would improve the integration and transition in scale between the proposed development and the existing built form. Additionally, the size of the underground parking spaces and reductions to the required road widening were discussed. The applicant agreed to explore whether an increase in parking space size could be provided but required clarification in respect to the road widening before proceeding. A revised submission addressing the design changes, parking space size and road widening has not been submitted.

A road widening of approximately 3.0 m is required along King Street West in order to meet the prescribed road width requirements identified in the UHOP Volume 1 Chapter C. Further comments respecting the Right-of-Way Impact Assessment were provided on March 22, 2018 outlining that a reduction in the required road widening was not supported by Transportation Planning staff, and that the road widening of approximately 3.0 m is required at the front of the property along King Street West. This requirement is consistent with Schedule C-2 of the UHOP as well as other developments in the area specifically 13-15 King Street West to provide for the ability to enhance the streetscape, including street trees and street furniture in accordance with complete street principles.

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**SUBJECT: Appeal to the Local Planning Appeals Tribunal (LPAT) for Lack of Decision for an Amendment to City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 16 and 18 King Street West, Stoney Creek (PED18143) (Ward 9) - Page 4 of 4**

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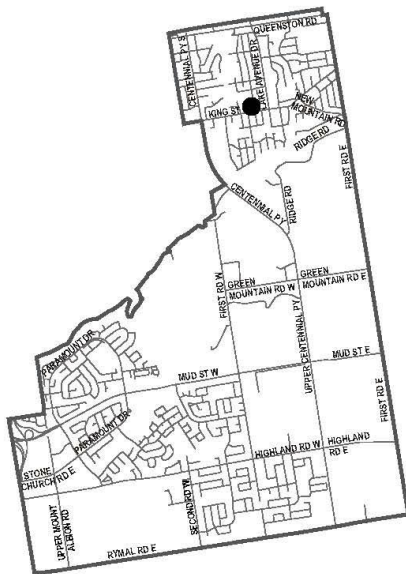
The appeal to the LPAT was received by the Clerk's Office on March 29, 2018, which is 312 days after receipt of the initial application.

**APPENCIES AND SCHEDULES ATTACHED**

Appendix "A" – Location Map  
Appendix "B" – Concept Plan  
Appendix "C" – Appeal Letter



● Site Location



Key Map - Ward 9

N.T.S.

## Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
ZAC-17-044

Date:  
June 2, 2017

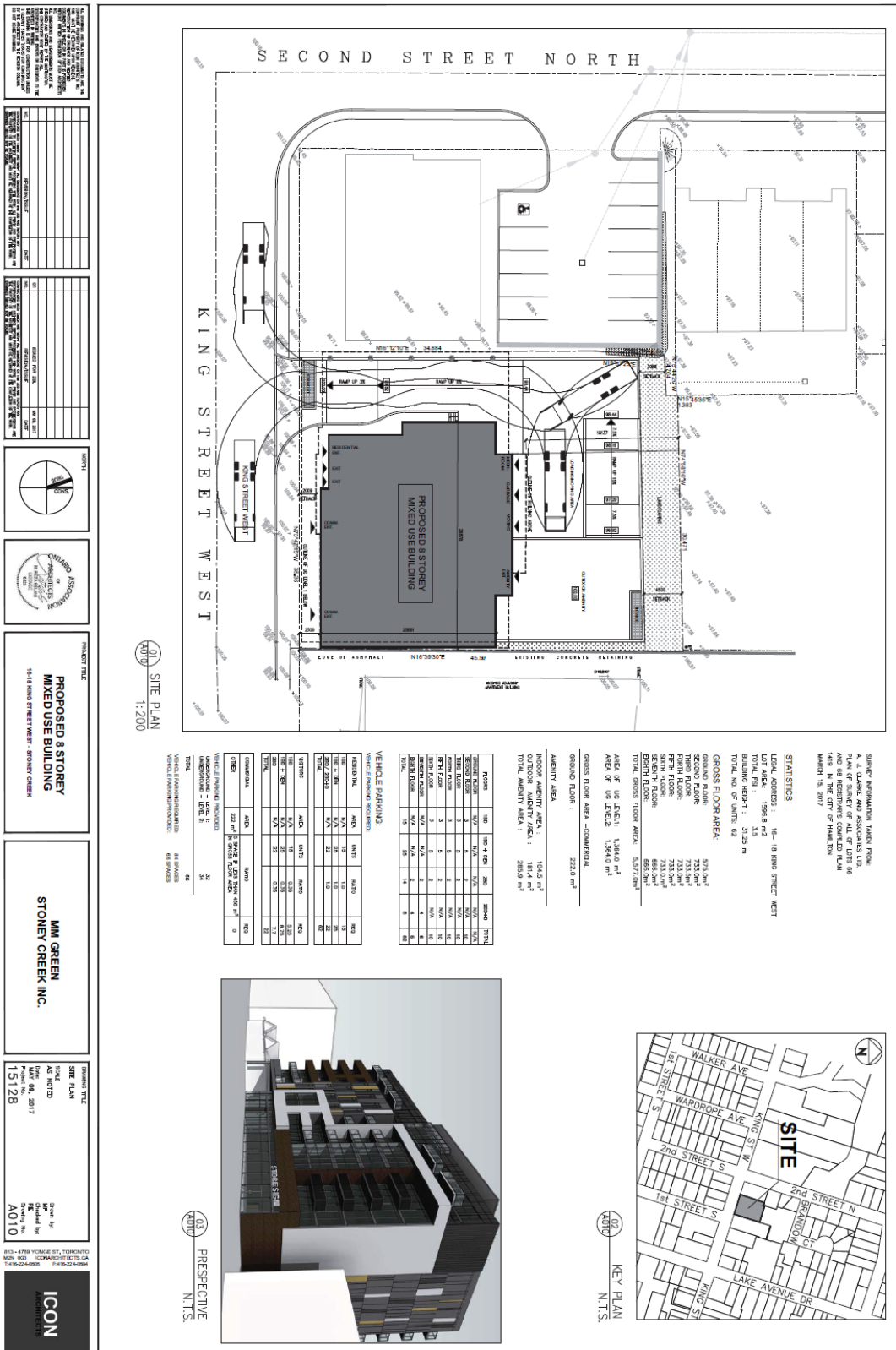
Appendix "A"

Scale:  
N.T.S.

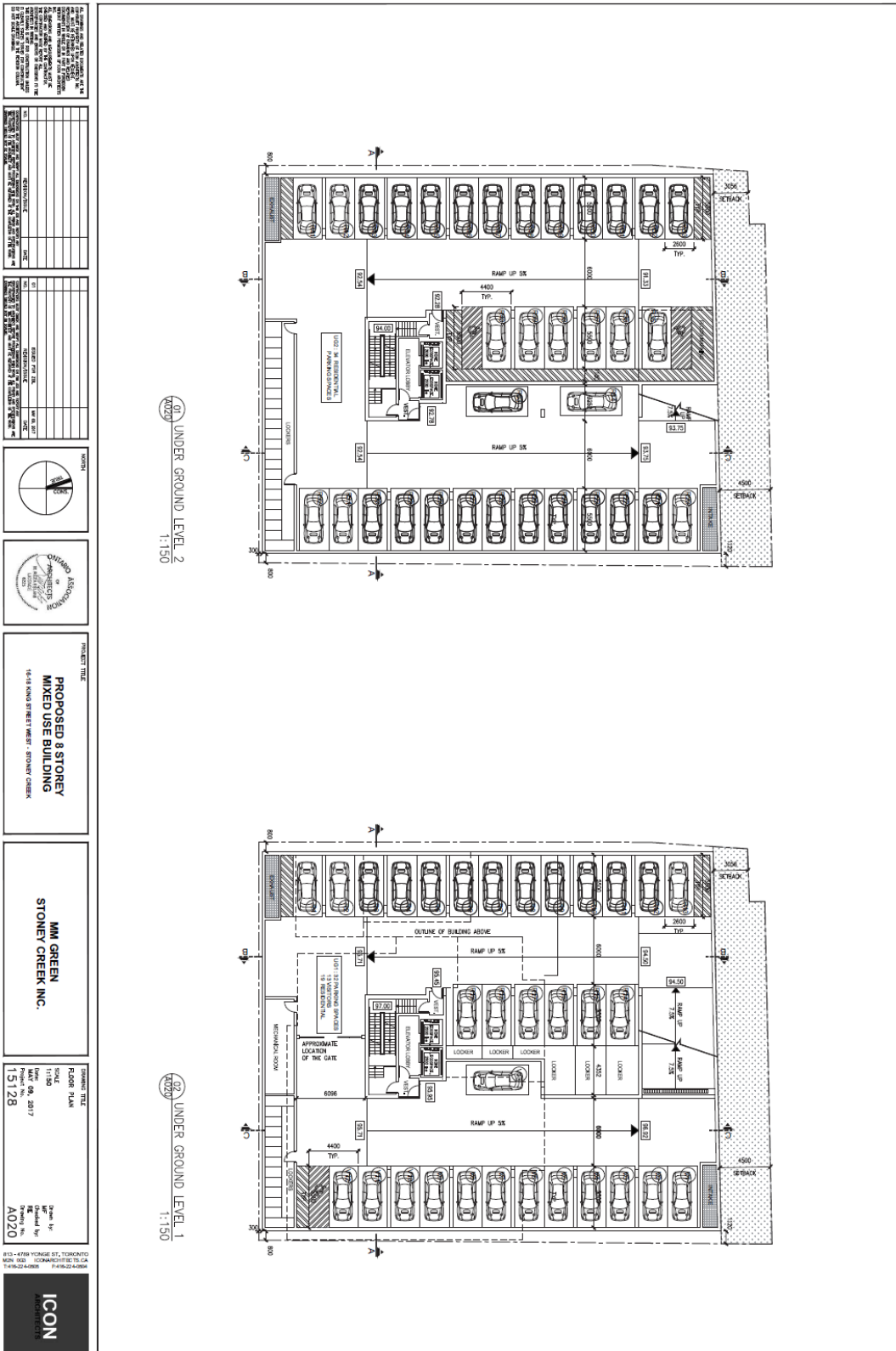
Planner/Technician:  
DB/AL

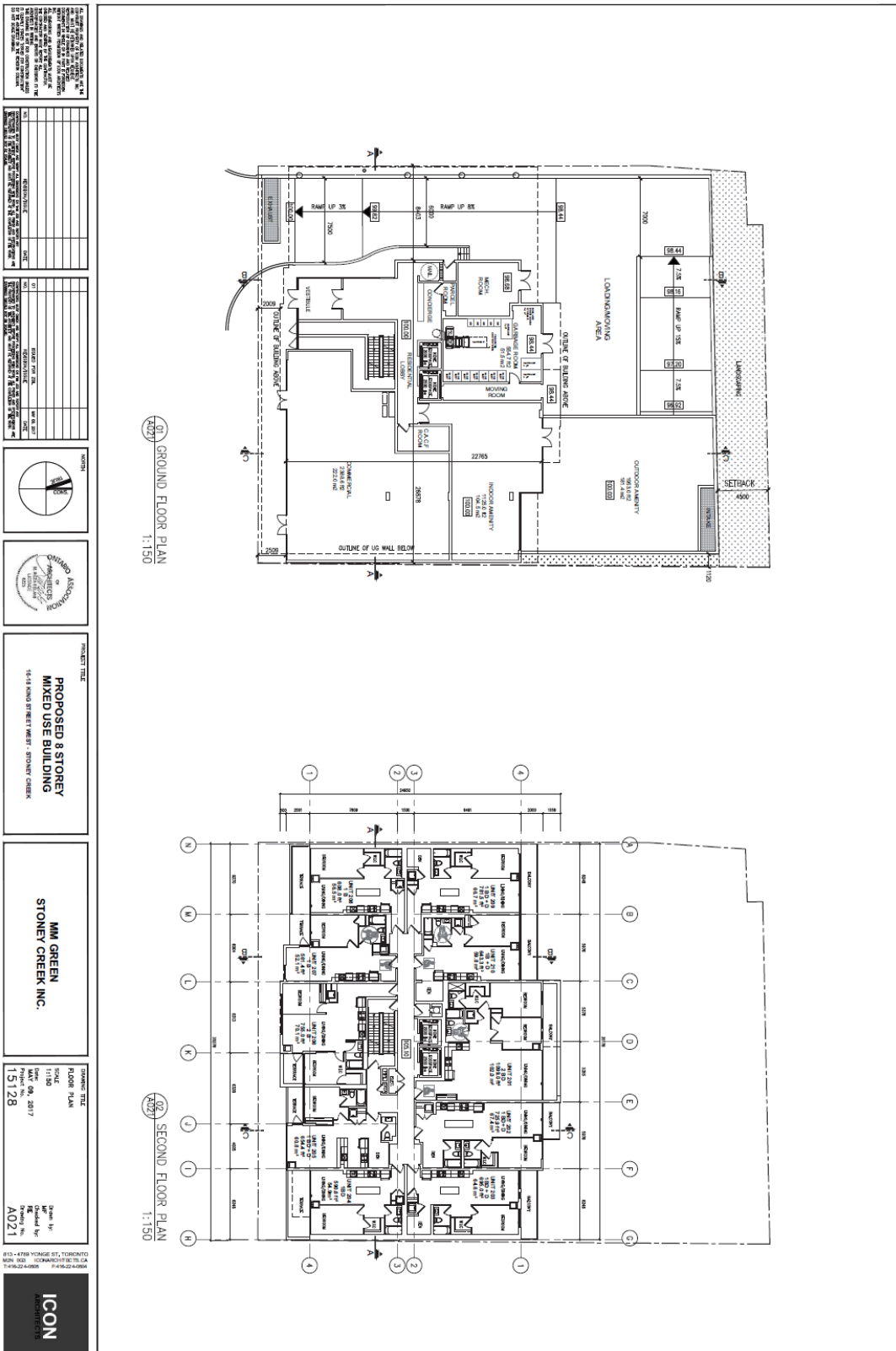
### Subject Property

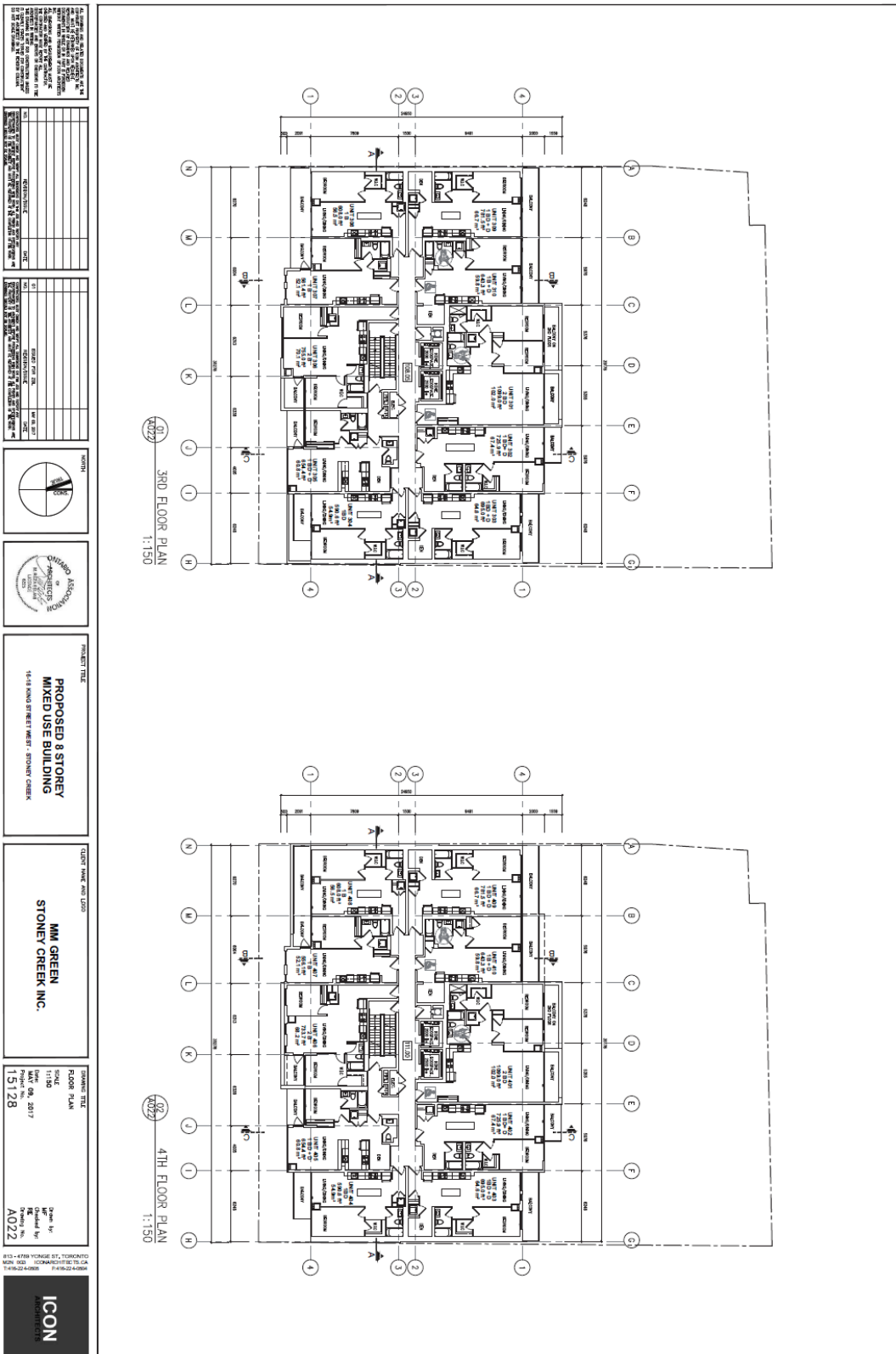
 16 - 18 King Street West

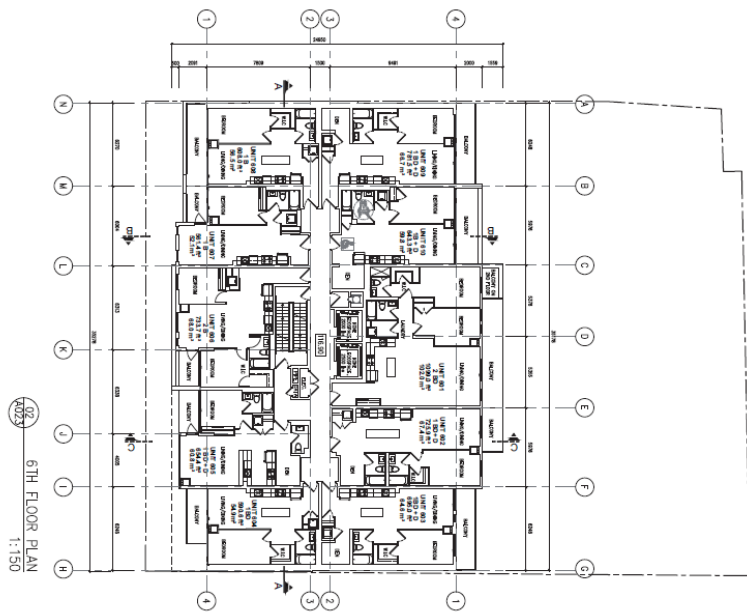
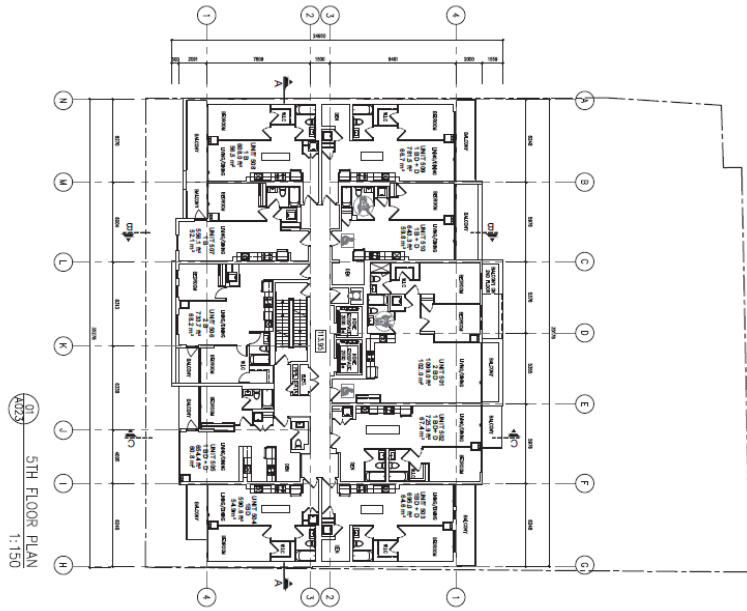












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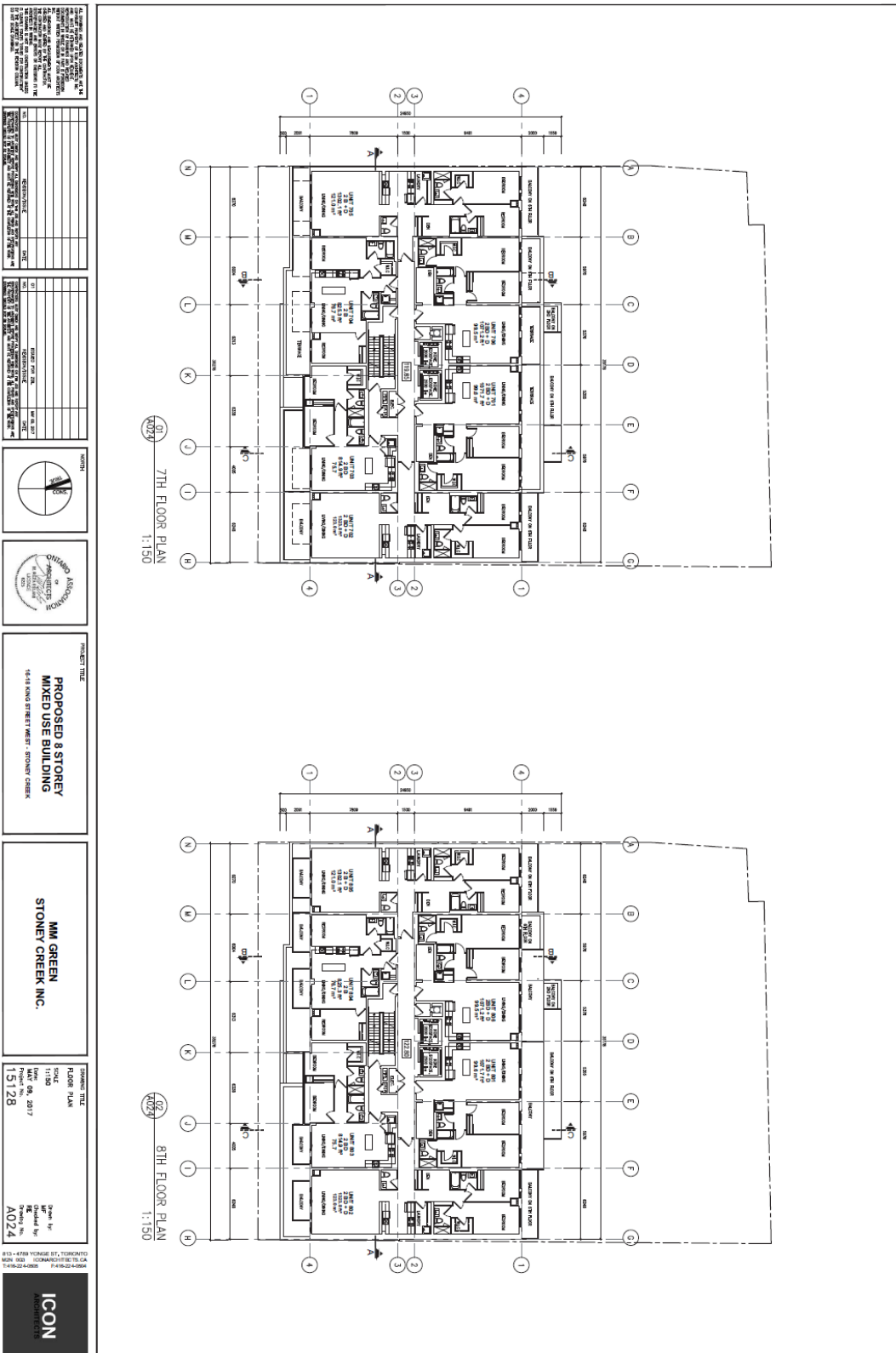
**PROJECT TITLE**  
**PROPOSED 8 STOREY MIXED USE BUILDING**  
 16-18 HOWLAND STREET WEST - JARDINE CORNER

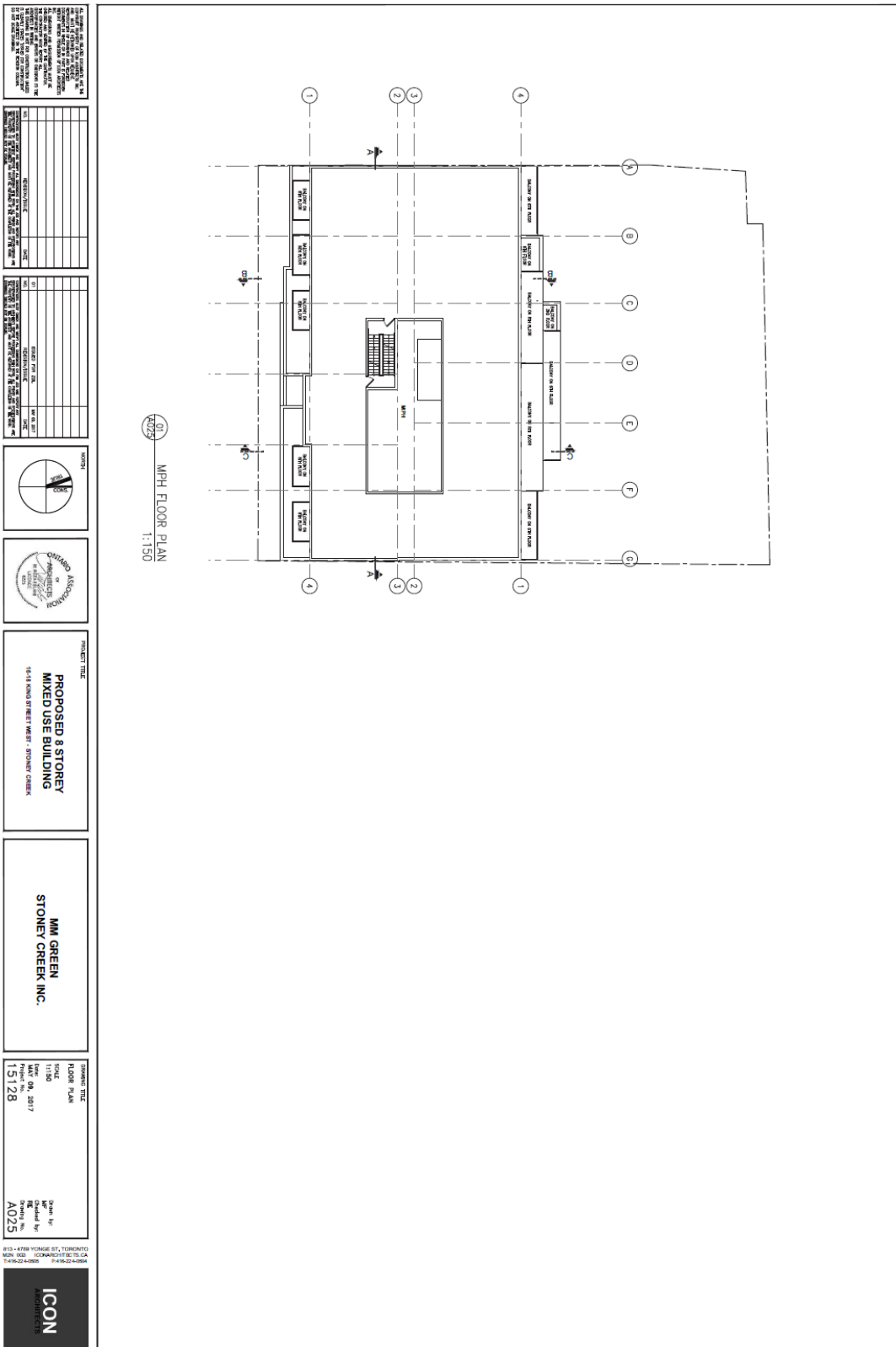
**CLIENT NAME AND LOGO**  
**MM GREEN**  
**STONEY CREEK INC.**

**ISSUING TITLE**  
**FLOOR PLAN**  
 Issue No. 2027  
 Project No. 15128

Drawn by: [Name]  
 Checked by: [Name]  
 Project No. 15128  
 Issue No. A023



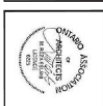




1. THE ARCHITECT HAS PREPARED THIS PLAN IN ACCORDANCE WITH THE REQUIREMENTS OF THE BUILDING ACT AND THE BUILDING REGULATIONS. THE ARCHITECT HAS CONDUCTED VISUAL VERIFICATION OF THE SITE AND THE EXISTING BUILDING. THE ARCHITECT HAS CONDUCTED VISUAL VERIFICATION OF THE SITE AND THE EXISTING BUILDING. THE ARCHITECT HAS CONDUCTED VISUAL VERIFICATION OF THE SITE AND THE EXISTING BUILDING.

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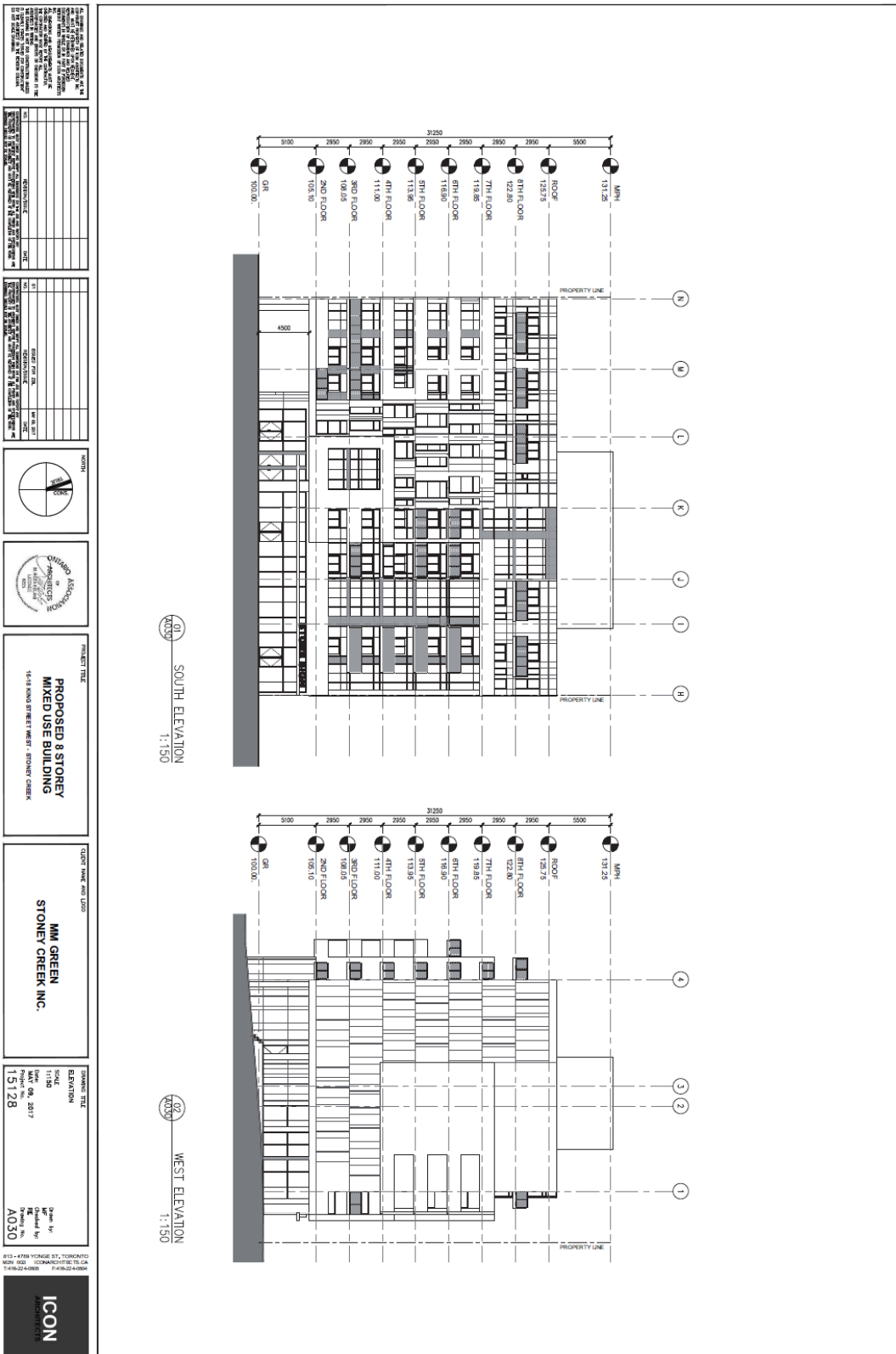
**PROJECT TITLE**  
**PROPOSED 8 STOREY MIXED USE BUILDING**  
 45-47 KINGS STREET WEST - STONEY CREEK

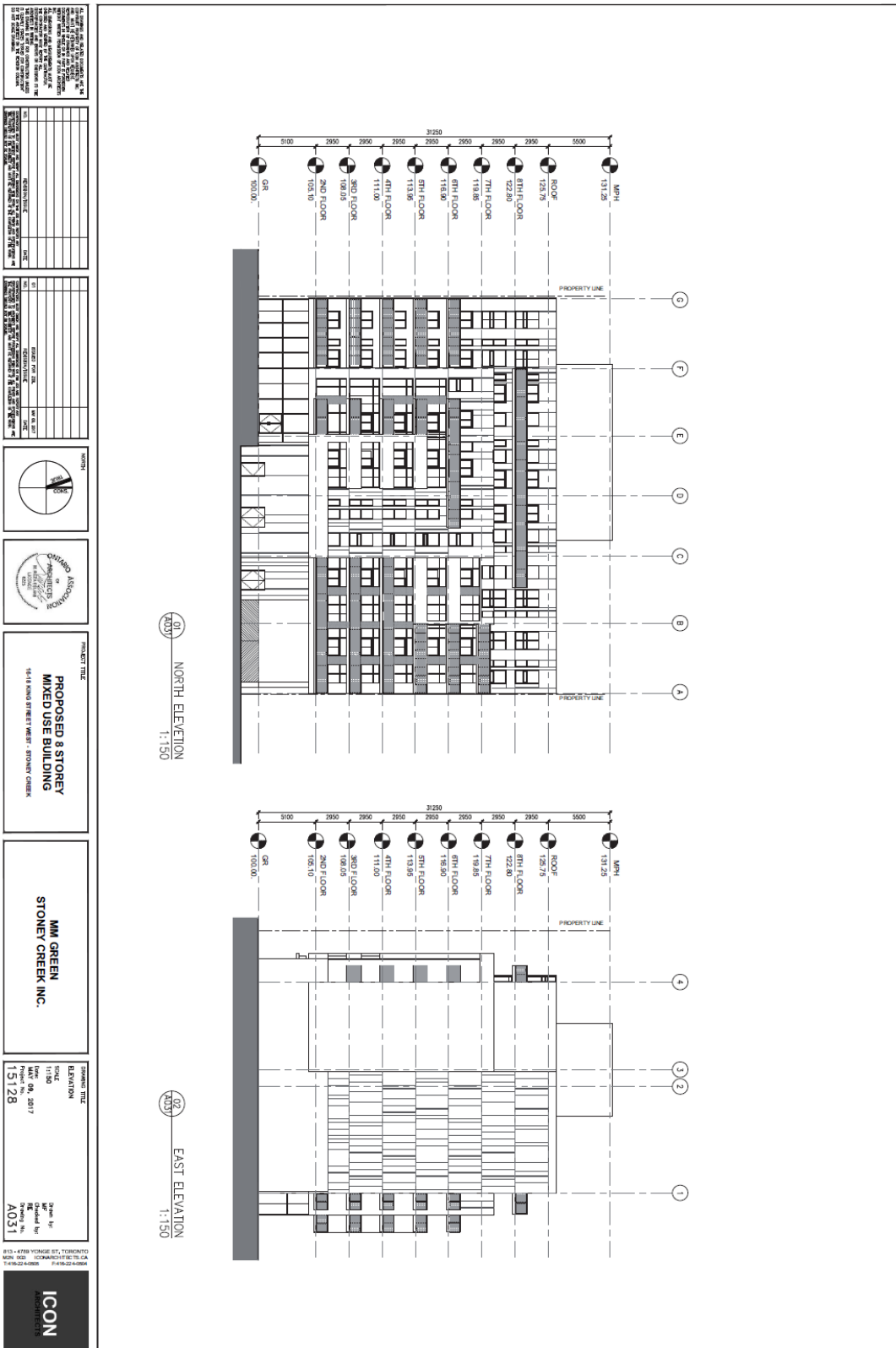
**MM GREEN STONEY CREEK INC.**

**OWNER TITLE**  
 FLOOR PLAN  
 SCALE: 1:150  
 DATE: 09, 2017  
 15128

Drawn by: [Name]  
 Checked by: [Name]  
 No. of Sheets: 2  
 A025











Hamilton London Toronto

**Nancy Smith**  
15 Bold Street  
Hamilton Ontario Canada L8P 1T3  
Receptionist 905 529 3476 (905 LAW-FIRM)  
Facsimile 905 529 3663  
nsmith@tmalaw.ca

**VIA PERSONAL DELIVERY**

March 29, 2018

The City of Hamilton  
Attn: Rose Caterini, City Clerk  
City Clerk's Office  
71 Main Street West, 1st Floor  
Hamilton, Ontario  
L8P 4Y5

Dear Madam:

**Re: APPEAL LETTER**  
**MM Green Developments (Stoney Creek) Inc. - 16 and 18 King Street, Stoney Creek (Hamilton)**  
**City of Hamilton File: ZAC-17-044**  
**Appeal Pursuant to Section 34(11) of the *Planning Act***

**THE APPEAL**

We represent MM Green Developments (Stoney Creek) Inc. ("MM Green"), owner of 16-18 King Street, Stoney Creek (the "Subject Lands"). The Subject Lands, which are currently vacant, have a frontage along King Street West and were previously used for residential purposes. Through its planning consultants, A. J. Clarke and Associates Ltd., MM Green submitted an application to amend the Stoney Creek Zoning By-Law 3692-92 on May 12, 2017. The City of Hamilton deemed the application complete on June 7, 2017. It has been more than 120 days since municipal receipt of all material and the City of Hamilton has made no decision. MM Green appeals to the Ontario Municipal Board.

**THE PROPOSAL**

The proposed development is an 8 storey residential/commercial building. The residential component will consist of 62 multiple dwelling units and 221.9 square metres of commercial space on the ground floor, fronting onto King Street West. The subject lands are located within Stoney Creek's Old Downtown Core and the proposed development will contribute to the revitalization and redevelopment of Stoney Creek's Downtown.

NANCY SMITH PROFESSIONAL CORPORATION  
TURKSTRA MAZZA ASSOCIATES, LAWYERS



Environment and Land Tribunals Ontario  
**Ontario Municipal Board**  
 655 Bay Street, Suite 1500  
 Toronto ON M5G 1E5  
 Telephone: 416-212-6349  
 Toll Free: 1-866-448-2248  
 Fax: 416-326-5370  
 Website: [www.elto.gov.on.ca](http://www.elto.gov.on.ca)

## Appellant Form (A1)

### Instructions for preparing and submitting the Appellant Form (A1)

- **Important: Do not send your appeal directly to the Ontario Municipal Board (OMB).**  
 Submit your completed appeal form(s) and filing fee(s) by the filing deadline to either the Municipality or the Approval Authority/School Board, as applicable. The notice of decision provided by the municipality/approval authority will tell you where to send the form and appeal fee.
- The Municipality/Approval Authority/School Board will forward your appeal(s) and fee(s) to the OMB.
- We are committed to providing services as set out in the *Accessibility for Ontarians with Disabilities Act, 2005*. If you have any accessibility needs, please contact our Accessibility Coordinator as soon as possible at:  
 Toll free: 1-866-448-2248; or  
 TTY: 1-800-855-1155 via Bell relay
- E-mail is the primary form of communication used by the OMB. Providing an e-mail address ensures prompt delivery/receipt of documents and information. Please ensure to include your e-mail address in the space provided on the appeal form.
- A filing fee of \$300 is required for each type of appeal you are filing.  
 Example: An appeal of an official plan and a zoning by-law would be \$300 + \$300 for a total fee of \$600.
- To view the Fee Schedule, visit the OMB's website [<http://elto.gov.on.ca/omb/fee-chart/>].
- The filing fee **must** be paid by certified cheque or money order, in Canadian funds, payable to the **Minister of Finance**. Do not send cash.
- If you are represented by a solicitor the filing fee may be paid by a solicitor's general or trust account cheque.
- Professional representation is not required but please advise the OMB if you retain a representative after the submission of this form.
- The *Planning Act*, *Development Charges Act*, *Education Act* and *Ontario Municipal Board Act* are available on the OMB's website [<http://elto.gov.on.ca/omb/legislation-and-regulations/>].
- Fields marked with an asterisk (\*) are mandatory.



Ontario

Environment and Land Tribunals Ontario  
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 Toll Free: 1-866-448-2248  
 Fax: 416-326-5370  
 Website: [www.elto.gov.on.ca](http://www.elto.gov.on.ca)

**Appellant Form (A1)**

Receipt Number (OMB Office Use Only)

Date Stamp - Appeal Received by Municipality

OFFICE OF THE CITY CLERK

MAR 29 2018

**1. Appeal Type** (Please check all applicable boxes) \*

| Subject of Appeal                               | Type of Appeal   | Act Reference (Section) |
|---|--|-------------------------|
| <b>Planning Act Matters</b>                     |  |                         |
| <b>Official Plan or Official Plan Amendment</b> | <input type="checkbox"/> Appeal a decision by local council that adopted an OP or OPA (exempt from approval by Minister or Approval Authority)         | 17(24)                  |
|   | <input type="checkbox"/> Appeal a decision of an Approval Authority that approved or did not approve all or part of a plan or amendment                | 17(36)                  |
|   | <input type="checkbox"/> Approval Authority failed to make a decision on the plan within 180 days  | 17(40)                  |
|   | <input type="checkbox"/> Council failed to adopt the requested amendment within 180 days   | 22(7)                   |
|   | <input type="checkbox"/> Council refused the requested amendment   |                         |
| <b>Zoning By-law or Zoning By-law Amendment</b> | <input type="checkbox"/> Appeal the passing of a Zoning By-law   | 34(19)                  |
|   | <input checked="" type="checkbox"/> Application for an amendment to the Zoning By-law – failed to make a decision on the application within 120 days   | 34(11)                  |
|   | <input type="checkbox"/> Application for an amendment to the Zoning By-law – refused by the municipality   |                         |
| <b>Interim Control Zoning By-law</b>            | <input type="checkbox"/> Appeal the passing of an Interim Control By-law   | 38(4)                   |
| <b>Minor Variance</b>                           | <input type="checkbox"/> Appeal a decision of the Committee of Adjustment that approved or refused the application                                     | 45(12)                  |
| <b>Consent/Severance</b>                        | <input type="checkbox"/> Appeal a decision that approved or refused the application  |                         |
|   | <input type="checkbox"/> Appeal conditions imposed   | 53(19)                  |
|   | <input type="checkbox"/> Appeal changed conditions   | 53(27)                  |
|   | <input type="checkbox"/> Application for consent – Approval Authority failed to make a decision on the application within 90 days                      | 53(14)                  |
| <b>Plan of Subdivision</b>                      | <input type="checkbox"/> Application for a plan of subdivision – Approval Authority failed to make a decision on the plan within 180 days              | 51(34)                  |
|   | <input type="checkbox"/> Appeal a decision of an Approval Authority that <b>approved</b> a plan of subdivision   |                         |
|   | <input type="checkbox"/> Appeal a decision of an Approval Authority that did <b>not approve</b> a plan of subdivision                                  | 51(39)                  |
|   | <input type="checkbox"/> Appeal a lapsing provision imposed by an Approval Authority   |                         |
|   | <input type="checkbox"/> Appeal conditions imposed by an Approval Authority  |                         |
|   | <input type="checkbox"/> Appeal conditions - after expiry of 20 day appeal period but before final approval (only applicant or public body may appeal) | 51(43)                  |
|   | <input type="checkbox"/> Appeal changed conditions   | 51(48)                  |

| <b>Subject of Appeal</b>                       | <b>Type of Appeal</b>  | <b>Act Reference (Section)</b> |
|--|--|--------------------------------|
| <b>Development Charges Act Matters</b>         |  |                                |
| <b>Development Charge By-law</b>               | <input type="checkbox"/> Appeal a Development Charge By-law  | 14                             |
|  | <input type="checkbox"/> Appeal an amendment to a Development Charge By-law  | 19(1)                          |
| <b>Development Charge Complaint</b>            | <input type="checkbox"/> Appeal municipality's decision regarding a complaint  | 22(1)                          |
|  | <input type="checkbox"/> Failed to make a decision on the complaint within 60 days   | 22(2)                          |
| <b>Front-ending Agreement</b>                  | <input type="checkbox"/> Objection to a front-ending agreement   | 47                             |
|  | <input type="checkbox"/> Objection to an amendment to a front-ending agreement   | 50                             |
| <b>Education Act Matters</b>                   |  |                                |
| <b>Education Development Charge By-law</b>     | <input type="checkbox"/> Appeal an Education Development Charge By-law   | 257.65                         |
|  | <input type="checkbox"/> Appeal an amendment to an Education Development Charge By-law   | 257.74(1)                      |
| <b>Education Development Charge Complaint</b>  | <input type="checkbox"/> Appeal approval authority's decision regarding a complaint  | 257.87(1)                      |
|  | <input type="checkbox"/> Failed to make a decision on the complaint within 60 days   | 257.87(2)                      |
| <b>Aggregate Resources Act Matters</b>         |  |                                |
| <b>Aggregate Removal Licence</b>               | <input type="checkbox"/> One or more objections against an application for a 'Class A' aggregate removal licence                       | 11(5)                          |
|  | <input type="checkbox"/> One or more objections against an application for a 'Class B' aggregate removal licence                       |                                |
|  | <input type="checkbox"/> Application for a 'Class A' licence – refused by Minister   | 11(11)                         |
|  | <input type="checkbox"/> Application for a 'Class B' licence – refused by Minister   |                                |
|  | <input type="checkbox"/> Changes to conditions to a licence  | 13(6)                          |
|  | <input type="checkbox"/> Amendment of site plans   | 16(8)                          |
|  | <input type="checkbox"/> Minister proposes to transfer the licence – applicant does not have licensee's consent                        | 18(5)                          |
|  | <input type="checkbox"/> Minister proposes to refuse transfer of licence – applicant is licensee or has licensee's consent to transfer |                                |
|  | <input type="checkbox"/> Minister proposes to refuse transfer of licence – applicant does not have licensee's consent to transfer      |                                |
| <input type="checkbox"/> Revocation of licence | 20(4)  |                                |
| <b>Municipal Act Matters</b>                   |  |                                |
| <b>Ward Boundary By-law</b>                    | <input type="checkbox"/> Appeal the passing of a by-law to divide the municipality into wards  | 222(4)                         |
|  | <input type="checkbox"/> Appeal the passing of a by-law to redivide the municipality into wards  |                                |
|  | <input type="checkbox"/> Appeal the passing of a by-law to dissolve the existing wards   |                                |
| <b>Ontario Heritage Act Matters</b>            |  |                                |
| <b>Heritage Conservation District</b>          | <input type="checkbox"/> Appeal the passing of a by-law designating a heritage conservation study area                                 | 40.1(4)                        |
|  | <input type="checkbox"/> Appeal the passing of a by-law designating a heritage conservation district                                   | 41(4)                          |

| Other Matters  |                      |                            |               |
|--|----------------------|----------------------------|---------------|
| Subject of Appeal  | Act/Legislation Name | Section Number             |               |
| <b>2. Location Information</b>   |                      |                            |               |
| Address and/or Legal Description of property subject to the appeal *   |                      |                            |               |
| 16 and 18 King Street, Stoney Creek  |                      |                            |               |
| Municipality *   |                      |                            |               |
| City of Hamilton   |                      |                            |               |
| Upper Tier (Example: county, district, region)   |                      |                            |               |
| <b>3. Appellant/Objector Information</b>   |                      |                            |               |
| <b>Note:</b> You must notify the OMB of any change of address or telephone number in writing. Please quote your OMB Case/File Number(s) after they have been assigned. |                      |                            |               |
| Last Name  |                      | First Name                 |               |
| Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation) *  |                      |                            |               |
| MM Green Developments (Stoney Creek) Inc.  |                      |                            |               |
| Professional Title   |                      |                            |               |
| Email Address  |                      |                            |               |
| Daytime Telephone Number *   |                      | Alternate Telephone Number | Fax Number    |
| 905-777-1136 ext.  |                      | 905-541-9399               | 905-777-1140  |
| <b>Mailing Address</b>   |                      |                            |               |
| Unit Number  | Street Number *      | Street Name *              | PO Box        |
|  | 69                   | Markland Street            |               |
| City/Town *  |                      | Province *                 | Country *     |
| Hamilton   |                      | ON                         | Canada        |
|  |                      |                            | Postal Code * |
|  |                      |                            | L8P 2J8       |
| <b>4. Representative Information</b>   |                      |                            |               |
| <input checked="" type="checkbox"/> I hereby authorize the named company and/or individual(s) to represent me  |                      |                            |               |
| Last Name  |                      | First Name                 |               |
| Smith  |                      | Nancy                      |               |
| Company Name   |                      |                            |               |
| Turkstra Mazza Associates  |                      |                            |               |
| Professional Title   |                      |                            |               |
| Lawyer   |                      |                            |               |
| Email Address  |                      |                            |               |
| nsmith@tmalaw.ca   |                      |                            |               |
| Daytime Telephone Number   |                      | Alternate Telephone Number | Fax Number    |
| 905-529-3476 ext.  |                      |                            | 905-529-3663  |
| <b>Mailing Address</b>   |                      |                            |               |
| Unit Number  | Street Number        | Street Name                | PO Box        |
|  | 15                   | Bold Street                |               |
| City/Town  |                      | Province                   | Country       |
| Hamilton   |                      | ON                         | Canada        |
|  |                      |                            | Postal Code   |
|  |                      |                            | L8P 1T3       |

**Note:** If you are representing the appellant and are **not** a solicitor, please confirm that you have written authorization, as required by the OMB's Rules of Practice and Procedure, to act on behalf of the appellant. Please confirm this by checking the box below.

- I certify that I have written authorization from the appellant to act as a representative with respect to this appeal on his or her behalf and I understand that I may be asked to produce this authorization at any time.

### 5. Appeal Specific Information

Municipal Reference Number(s)  
ZAC-17-044

Outline the nature of your appeal and the reasons for your appeal \*

Please see appeal letter attached

### Oral/written submissions to council

Did you make your opinions regarding this matter known to council?

- Oral submissions at a public meeting     Written submissions to council

### Planning Act matters only

Applicable only to official plans/amendments, zoning by-laws/amendments and minor variances that came into effect/were passed on or after July 1, 2016 (Bill 73)

Is the 2-year no application restriction under section 22(2.2) or 34(10.0.0.2) or 45(1.4) applicable?

- Yes     No

### 6. Related Matters

Are there other appeals not yet filed with the Municipality?

- Yes     No

Are there other matters related to this appeal? (For example: A consent application connected to a variance application)

- Yes     No    ▼

If yes, please provide OMB Reference Number(s) and/or Municipal File Number(s)  
Zoning By-law Appeal - OMB Case No. PL171450

### 7. Scheduling Information

How many days do you estimate are needed for hearing this appeal?

- 1 day     2 days     3 days     4 days     1 week  
 More than 1 week

How many expert witnesses and other witnesses do you expect to have at the hearing providing evidence/testimony?  
Two (2)

Describe expert witness(es)' area of expertise (For example: land use planner, architect, engineer, etc.)  
Land Use Planner and Engineer

Do you believe this matter would benefit from mediation?  
(Prior to scheduling a matter for mediation, the OMB will conduct an assessment to determine its suitability for mediation)

Yes  No

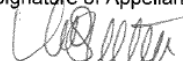
#### 8. Required Fee

Total Fee Submitted \* \$ 300

Payment Method \* ►  Certified cheque  Money Order  Solicitor's general or trust account cheque

#### 9. Declaration

I solemnly declare that all of the statements and the information provided, as well as any supporting documents are true, correct and complete.

| Name of Appellant/Representative | Signature of Appellant/Representative   | Date (yyyy/mm/dd) |
|----------------------------------|---|-------------------|
| Nancy Smith                      |  | 2018/03/29        |

Personal information requested on this form is collected under the provisions of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, and the *Ontario Municipal Board Act*, R.S.O. 1990, c. O. 28 as amended. After an appeal is filed, all information relating to this appeal may become available to the public.



# Hamilton

## **RENTAL HOUSING SUB-COMMITTEE**

### **REPORT 18-001**

**Tuesday, April 24, 2018**

**3:00 p.m.**

**Room 264, 2<sup>nd</sup> Floor**

**Hamilton City Hall**

---

**Present:** T. Whitehead (Chair)  
Councillor A. Johnson

**Also Present:** J. Hawker, Citizen-At-Large  
L. Huibers, Housing Help Centre  
P. Martindale, Independent Member  
C. Michael Ollier, Hamilton Community Legal Clinic  
A. Pathak, Hamilton & District Apartment Association  
J. Stewart, Realtors Association of Hamilton-Burlington  
N. Warren, Citizen-At-Large

**Absent with  
Regrets:** Councillor D. Conley – Personal, R. Wetselaar, Social Planning  
and Research Council of Hamilton

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### **THE RENTAL HOUSING SUB-COMMITTEE PRESENTS REPORT 18-001 AND RESPECTFULLY RECOMMENDS:**

**1. Licensing of Rental Housing (PED10049(x)) (Item 5.1)**

That Report PED10049(x), respecting Licensing of Rental Housing, be received.



**FOR INFORMATION:**

**(a) APPROVAL OF THE AGENDA (Item 1)**

The Clerk advised the Committee of the following changes:

**1. DELEGATION REQUESTS (Item 4)**

4.2 Alvin Ward, respecting concerns with licensing (for today's meeting)

4.3 Mike Wood, ACORN Hamilton, respecting Item 5.2, Hamilton Rental Housing Roundtable discussion paper entitled "Promoting Code Compliant Rental Housing with Safe, Clean and Healthy Dwelling Units" (for today's meeting)

The agenda for the April 24, 2018 meeting was approved, as amended.

**(b) DECLARATIONS OF INTEREST (Item 2)**

There were no declarations of interest.

**(c) APPROVAL OF MINUTES (Item 3)**

**(i) July 18, 2017 (Item 3.1)**

The Minutes of July 18, 2017 meeting were approved, as presented.

**(d) DELEGATION REQUESTS (Item 4)**

**(i) Brad Clark, Maple Leaf Strategies, respecting Item 5.2, Hamilton Rental Housing Roundtable discussion paper entitled "Promoting Code Compliant Rental Housing with Safe, Clean and Healthy Dwelling Units" (for today's meeting) (Item 4.1)**

The delegation request from Brad Clark, Maple Leaf Strategies, respecting Item 5.2, Hamilton Rental Housing Roundtable discussion paper entitled "Promoting Code Compliant Rental Housing with Safe, Clean and Healthy Dwelling Units", be approved, for the April 24, 2018 meeting.

- (ii) **Alvin Ward, respecting concerns with licensing (for today's meeting) (Added Item 4.2)**

The delegation request from Alvin Ward, respecting concerns with licensing, was approved, for the April 24, 2018 meeting.

- (iii) **Mike Wood, ACORN Hamilton, respecting Item 5.2, Hamilton Rental Housing Roundtable discussion paper entitled "Promoting Code Compliant Rental Housing with Safe, Clean and Healthy Dwelling Units" (for today's meeting) (Added Item 4.3)**

The delegation request from Mike Wood, ACORN Hamilton, respecting Item 5.2, Hamilton Rental Housing Roundtable discussion paper entitled "Promoting Code Compliant Rental Housing with Safe, Clean and Healthy Dwelling Units", be approved, for the April 24, 2018 meeting.

**(e) CONSENT ITEMS (Item 5)**

- (i) **Hamilton Rental Housing Roundtable discussion paper entitled "Promoting Code Compliant Rental Housing with Safe, Clean and Healthy Dwelling Units" presented by Brad Clark of Maple Leaf Strategies (Item 5.2)**

The Hamilton Rental Housing Roundtable discussion paper entitled "Promoting Code Compliant Rental Housing with Safe, Clean and Healthy Dwelling Units" presented by Brad Clark of Maple Leaf Strategies, be received.

**(f) DELEGATIONS (Item 6)**

- (i) **Brad Clark, Maple Leaf Strategies, respecting Item 5.2, Hamilton Rental Housing Roundtable discussion paper entitled "Promoting Code Compliant Rental Housing with Safe, Clean and Healthy Dwelling Units" (Added Item 6.1)**

Brad Clark, Maple Leaf Strategies, addressed the Committee respecting the Hamilton Rental Housing Roundtable discussion paper entitled "Promoting Code Compliant Rental Housing with Safe, Clean and Healthy Dwelling Units", with the aid of a PowerPoint presentation. A copy of that presentation has been included in the official record.

The delegation from Brad Clark, Maple Leaf Strategies, respecting Item 5.2, Hamilton Rental Housing Roundtable discussion paper entitled "Promoting Code Compliant Rental Housing with Safe, Clean and Healthy Dwelling Units", was received.

A copy of the presentation can be viewed as part of this meeting at [www.hamilton.ca](http://www.hamilton.ca)

**(ii) Alvin Ward, respecting concerns with licensing (Added Item 6.2)**

Alvin Ward addressed the Committee with his concerns respecting rental housing and licensing.

The delegation Alvin Ward, respecting concerns with licensing, was received.

**(iii) Mike Wood, ACORN Hamilton, respecting Item 5.2, Hamilton Rental Housing Roundtable discussion paper entitled "Promoting Code Compliant Rental Housing with Safe, Clean and Healthy Dwelling Units" (Added Item 6.3)**

Mike Wood, ACORN Hamilton, addressed the Committee respecting Item 5.2, Hamilton Rental Housing Roundtable discussion paper entitled "Promoting Code Compliant Rental Housing with Safe, Clean and Healthy Dwelling Units", with the aid of photographic images.

The delegation from Mike Wood, ACORN Hamilton, respecting Item 5.2, Hamilton Rental Housing Roundtable discussion paper entitled "Promoting Code Compliant Rental Housing with Safe, Clean and Healthy Dwelling Units", was received.

The photographic images can be viewed as part of this meeting at [www.hamilton.ca](http://www.hamilton.ca)

**(g) ADJOURNMENT (Item 13)**

There being no further business, the meeting be adjourned at 5:47 p.m.

Respectfully submitted,

Councillor T. Whitehead, Chair  
Rental Housing Sub-Committee

Loren Kolar  
Legislative Coordinator  
Office of the City Clerk



Hamilton

**RENTAL HOUSING SUB-COMMITTEE**

**REPORT 18-002**

**Tuesday, June 26, 2018**

**9:30 a.m.**

**Room 264, 2<sup>nd</sup> Floor**

**Hamilton City Hall**

---

**Present:** T. Whitehead (Chair)

**Also Present:** J. Aird, Citizen-At-Large  
S. Bertolo, McMaster University Students Union  
J. Hawker, Citizen-At-Large  
L. Huibers, Housing Help Centre  
D. Jaffray, Social Planning and Research Council of Hamilton  
P. Martindale, Independent Member  
C. Michael Ollier, Hamilton Community Legal Clinic  
A. Pathak, Hamilton & District Apartment Association  
J. Stewart, Realtors Association of Hamilton-Burlington  
N. Warren, Citizen-At-Large

**Absent with Regrets:** Councillors D. Conley and A. Johnson – City Business

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**THE RENTAL HOUSING SUB-COMMITTEE PRESENTS REPORT 18-002 AND RESPECTFULLY RECOMMENDS:**

**1. Rental Housing Best Practices Tour (PED10049(y)) (City Wide) (Item 5.1)**

That Report PED10049(y), respecting the Rental Housing Best Practices Tour, be received.

**2. Rental Housing Municipality Comparison 2013 - Present (PED10049(z)) (City Wide) (Item 5.2)**

That Report PED10049(z) respecting a Rental Housing Municipality Comparison, 2013 - Present, be received.

**FOR INFORMATION:**

**(a) APPROVAL OF THE AGENDA (Item 1)**

The Clerk advised the Committee that there were no changes to the agenda.

The agenda for the June 26, 2018 meeting was approved, as presented.

**(b) DECLARATIONS OF INTEREST (Item 2)**

There were no declarations of interest.

**(c) APPROVAL OF MINUTES (Item 3)**

**(i) April 24, 2018 (Item 3.1)**

The Minutes of the April 24, 2018 meeting were approved, as presented.

**(d) DELEGATION REQUESTS (Item 4)**

**(i) Mike Wood, Hamilton ACORN, respecting ACORN Rent Safe-Landlord Licensing Program (for a future meeting) (Item 4.1)**

The Chair asked the Committee if they wished to have the delegation from Mike Wood of Hamilton ACORN, delegate at today's meeting, given that he was present at the meeting.

The delegation request from Mike Wood, Hamilton ACORN, respecting ACORN Rent Safe-Landlord Licensing Program was approved, for the June 26, 2018 meeting.

**(e) DELEGATIONS (Item 6)**

**(i) Mike Wood, Hamilton ACORN, respecting ACORN Rent Safe-Landlord Licensing Program (Added Item 6.1)**

Mike Wood, Hamilton ACORN, addressed the Committee respecting ACORN Rent Safe-Landlord Licensing Program, with the aid of a handout. A copy of the handout has been included in the official record.

The delegation from Mike Wood, Hamilton ACORN, respecting ACORN Rent Safe-Landlord Licensing Program, was received.

A copy of the presentation can be viewed as part of this meeting at [www.hamilton.ca](http://www.hamilton.ca)

**(f) ADJOURNMENT (Item13)**

There being no further business, the meeting be adjourned at 11:34 a.m.

Respectfully submitted,

Councillor T. Whitehead, Chair  
Rental Housing Sub-Committee

Loren Kolar  
Legislative Coordinator  
Office of the City Clerk



**CITY OF HAMILTON**  
**CORPORATE SERVICES DEPARTMENT**  
*Legal Services Division*  
 and  
*Financial Planning, Administration and Planning Division*

|                           |   |
|---------------------------|---|
| <b>TO:</b>                | Chair and Members<br>Planning Committee   |
| <b>COMMITTEE DATE:</b>    | August 14, 2018   |
| <b>SUBJECT/REPORT NO:</b> | Terrapure Stoney Creek Regional Facility EA –<br>Compensation Agreement (LS18045 / FCS18072) (Ward 9) |
| <b>WARD(S) AFFECTED:</b>  | Ward 9  |
| <b>PREPARED BY:</b>       | Justyna Hidalgo (905) 546-2424, Ext. 2023<br>Samantha Blackley (905) 546-2424, Ext. 2132              |
| <b>SUBMITTED BY:</b>      | Nicole Auty<br>City Solicitor, Legal Services   |
| <b>SIGNATURES:</b>        |   |
| <b>SUBMITTED BY:</b>      | Brian McMullen<br>Director, Financial Planning, Administration and Policy                             |
| <b>SIGNATURES:</b>        |   |

### RECOMMENDATIONS

- (a) That staff be authorized and directed to negotiate and enter into, on behalf of the City of Hamilton, a compensation agreement with the owner and operator of the Stoney Creek Regional Facility, currently known as Terrapure Environmental Ltd., on such other terms and conditions as deemed appropriate by the General Manager of Finance and Corporate Services, General Manager of Public Works, and General Manager of Planning and Economic Development, as applicable;
- (b) That the Mayor and City Clerk be authorized and directed to execute, on behalf of the City of Hamilton, all necessary documentation to implement recommendation (a) In Report LS18045 / FCS18072, all with content acceptable to the General Manager of Finance and Corporate Services, General Manager of Public Works, and General Manager of Planning and Economic Development, as applicable, and in a form satisfactory to the City Solicitor.

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**SUBJECT: Terrapure Stoney Creek Regional Facility EA – Compensation Agreement (LS18045 / FCS18072) (Ward 9) – Page 2 of 6**

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**EXECUTIVE SUMMARY**

This Report seeks authority to negotiate and enter into an updated compensation agreement with the owner, currently known as Terrapure Environmental Ltd. (Terrapure), of the Stoney Creek Regional Facility (SCRF), a landfill located at the northwest corner of Mud Street and Upper Centennial Parkway (Highway 20) in the former City of Stoney Creek (Ward 9).

SCRF is a landfill approved under the *Environmental Protection Act* (“EPA”), to receive 2,000,000 cubic metres (m<sup>3</sup>) of industrial fill / soils and 6,320,000 m<sup>3</sup> of solid, non-hazardous residual materials from commercial, industrial and institutional sources (that have exhausted all recycling options) for a total approved site capacity of 8,320,000 m<sup>3</sup> and an approved maximum annual volume of 750,000 tonnes of fill material per year.

Terrapure is currently undergoing an Environmental Assessment (EA) process with the Ministry of the Environment, Conservation and Parks (MOECP) where it is proposing to increase the approved capacity of non-hazardous industrial residual material by 3,680,000 m<sup>3</sup>, so that it can receive post-diversion solid, non-hazardous residual material beyond its currently approved capacity. If approved, the SCRF facility would have a total site capacity of 10,000,000 m<sup>3</sup> of solid, non-hazardous residual materials.

SCRF operates under Environmental Certificate of Approval No. A181008 (ECA), as amended, initially obtained from the Ministry of Environment (MOE) in 1996 by Terrapure’s predecessor in title, Taro Aggregates Limited (Taro). In accordance with one of the conditions of approval of the ECA, compensation agreements were entered into between Taro (as later assumed by Terrapure), the former City of Stoney Creek (now City of Hamilton), and a community group (now known as the Heritage Green Community Trust) (the “Compensation Agreements”). Royalties are paid annually by Terrapure to each group based upon the tonnages of waste received at the landfill and the formula set out in the respective Compensation Agreements.

Given the proposed reconfiguration and increased capacity of the SCRF landfill being considered by the MOECP under the EA process, and the fact that the compensation payable to the City has not been reviewed or updated since its execution in February of 1997, except for the additional payment negotiated in 2001, staff seek approval from Council to negotiate an updated compensation agreement with Terrapure. If the reconfiguration and increased capacity for the SCRF is approved by MOECP despite Council’s stated opposition, the updated terms of the compensation agreement will be considered by the Ministry as part of the EA process.

***Alternatives for Consideration – See Page 5***

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**SUBJECT: Terrapure Stoney Creek Regional Facility EA – Compensation Agreement (LS18045 / FCS18072) (Ward 9) – Page 3 of 6**

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**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

**Financial:** By negotiating an updated compensation agreement with Terrapure, the City will ensure that the compensation terms are current and up to date securing revenue for the City's local infrastructure projects and charitable initiatives.

**Staffing:** There are no impacts to current staffing levels.

**Legal:** By negotiating an updated compensation agreement with Terrapure, the City will ensure that the compensation terms are current and up to date.

**HISTORICAL BACKGROUND**

Terrapure SCRF is owned and operated by Terrapure. The facility is located at the northwest corner of Mud Street and Upper Centennial Parkway (Highway 20) in the community of Stoney Creek (Ward 9).

Terrapure currently operates the SCRF under ECA No. A181008, as amended, initially obtained from the MOE in 1996 by Terrapure's predecessor in title, Taro. The ECA allows the facility to have a total disposal capacity of 6,320,000 m<sup>3</sup> for residual materials, with an additional allowance for acceptance of 2,000,000 m<sup>3</sup> of industrial fill / soils, for a site total of 8,320,000 m<sup>3</sup>. The annual maximum approved fill rate for the site is 750,000 tonnes per year.

The conditions of approval of the 1996 Environmental Assessment approval required Taro to enter into Compensation Agreements with the former City of Stoney Creek (now City of Hamilton) and Heritage Green Community Trust. The City's Compensation Agreement with Taro was signed in February of 1997, which was later assumed by Philip Services Corporation, Newalta Corporation and now, by the current operator, Terrapure. The key elements of the City's Compensation Agreement included:

- A payment to the City totalling \$3M in three instalments which were used for the purchase of lands, which are now part of the Heritage Green Sports Park;
- Annual payments to the City, for the life of the waste disposal site (as defined in the agreement), of compensation/royalties calculated on the following basis:
  - Royalties based on tipping fees charged per tonne of waste received on the site in the preceding calendar year based on the following formula:

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**SUBJECT: Terrapure Stoney Creek Regional Facility EA – Compensation Agreement (LS18045 / FCS18072) (Ward 9) – Page 4 of 6**

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| Tipping Fee     | Royalty |
|-----------------|---------|
| \$0-\$35        | \$1.00  |
| \$35.01-\$40    | \$1.50  |
| \$40.01-\$50    | \$2.00  |
| \$50.01 & above | \$3.00  |

- Tipping fees are to be calculated based on the weighted average for the year for which royalties are calculated for wastes generated within the Region of Hamilton-Wentworth [now City of Hamilton] and moved directly to the waste site for disposal and, according to the agreement, are exclusive of those wastes which pass through Philip Environmental [ now Terrapure] processing facilities elsewhere in the Region [ City]
- As part of Minutes of Settlement reached with Philip Services and approved by Council, the City Compensation Agreement was amended in December 2001 (LS01031 / TOE01215)
  - The amending agreement stated that Philip would pay the City an additional royalty of \$.50 per tonne on the first 2.8 million tonnes of waste deposited to a value of \$1.4M, which was fulfilled in 2007.

Royalties are paid annually by Terrapure to the City and to the Heritage Green Community Trust based upon the tonnages of waste received at the landfill and the formula set out in the respective Compensation Agreements. Terrapure has provided over \$11M to the City for local infrastructure projects and charitable initiatives over the history of the SCRF.

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

### ***Environmental Assessment Act***

Changes to the Terrapure SCRF footprint require the preparation of an individual EA. The Terms of Reference filed by Terrapure and approved by the MOECP (first step of a two-step approval process) set out the proposed framework that will be followed during the preparation of the SCRF EA. Terrapure is currently preparing a draft EA which is expected to be released publically by September 2018 for comment. Final EA is expected to be filed in the period of January 4 to February 22, 2019.

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**SUBJECT: Terrapure Stoney Creek Regional Facility EA – Compensation Agreement (LS18045 / FCS18072) (Ward 9) – Page 5 of 6**

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## **RELEVANT CONSULTATION**

Planning and Economic Development – Community Planning and GIS has been consulted and supports the recommendations.

## **ANALYSIS AND RATIONALE FOR RECOMMENDATIONS**

Staff are seeking authority from Council to negotiate an updated compensation agreement with the intent of reviewing the existing compensation terms outlined in the City's February 1997 Compensation Agreement. The current terms have not been reviewed or updated since the execution of the Agreement, apart from the additional payment negotiated in 2001. Staff proposes that the negotiations commence immediately, with the intent of reaching an agreement on the compensation terms with Terrapure during the allotted commenting period to ensure the terms can be considered by the MOECP under the EA process currently under way.

A separate report will be brought to Committee and Council in September, 2018 by Planning and Economic Development Department staff with an update on all steps taken by Terrapure since the Terms of Reference was approved by MOECC on November 9, 2017 and a review of the next steps. The City and other stakeholders, including the public, will be provided an opportunity to comment on the EA submission material at the following upcoming milestone points:

- Pre-Submission of the Draft EA Report
- Final EA submission to MOECC
- Public Inspection of the Ministry Review

## **ALTERNATIVES FOR CONSIDERATION**

The negotiation of the compensation agreement between Terrapure and the City of Hamilton may be delayed until after the completion of the EA process. If the negotiations are delayed, the terms of compensation will not be considered by the MOECP as part of the EA process.

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

### **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.*

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**SUBJECT: Terrapure Stoney Creek Regional Facility EA – Compensation Agreement (LS18045 / FCS18072) (Ward 9) – Page 6 of 6**

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**Built Environment and Infrastructure**

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

**Our People and Performance**

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

**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.*

**APPENDICES AND SCHEDULES ATTACHED**

N/A

JH/SB/dt



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
 Planning Division

|                          |  |
|--------------------------|--|
| <b>TO:</b>               | Chair and Members<br>Planning Committee  |
| <b>COMMITTEE DATE:</b>   | June 19, 2018  |
| <b>SUBJECT:</b>          | Application for an Amendment to City of Hamilton Zoning By-law No. 6593 for Lands Located at 100 Cumberland Avenue (Ward 3) (PED18129) |
| <b>WARD(S) AFFECTED:</b> | Ward 3   |
| <b>PREPARED BY:</b>      | Daniel Barnett (905) 546-2424 Ext. 4445  |
| <b>SUBMITTED BY:</b>     | Steve Robichaud<br>Director, Planning and Chief Planner<br>Planning and Economic Development Department                                |
| <b>SIGNATURE:</b>        |  |

#### RECOMMENDATION

- (a) That **Amended Zoning By-law Amendment Application ZAC-13-007 by MacNaughton Hermesen Britton Clarkson Planning Limited (c/o Eldon Theodore) on behalf of Archer Developments Corporation, Owner**, for a change in zoning from the “JJ” (Restricted Light Industrial) District to the “DE-2/S-1763-‘H’” (Multiple Dwellings) District, Holding, Modified to permit the construction of a five storey, 65 unit multiple dwelling on lands located at 100 Cumberland Avenue, Hamilton, as shown on Appendix “A” to Report PED18129, be **APPROVED** on the following basis:
- (i) That the draft By-law, attached as Appendix “B” to Report PED18129, 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 PED18129, be added to District Map No. E23 of Zoning By-law No. 6593;
  - (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (PPS), conforms to the Growth Plan for the Greater Golden Horseshoe (2017), and complies with the Urban Hamilton Official Plan;
  - (iv) 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.

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**SUBJECT: Application for an Amendment to City of Hamilton Zoning By-law No. 6593 for Lands Located at 100 Cumberland Avenue (PED18129) (Ward 3) - Page 2 of 33**

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The Holding Provision “DE-2/S-1763-‘H” (Multiple Dwellings) District, Holding, Modified, be removed conditional upon:

- (a) The Owner submit 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.
- (b) That the St. Clair Neighbourhood Plan be amended by changing the designation of the subject lands currently designated as “Industrial” to “High Density Apartments” to accommodate the proposed residential development.

### **EXECUTIVE SUMMARY**

The applicant is proposing to redevelop the existing industrial building, formerly the Lifesaver Candy Factory, into a five storey, 65 unit multiple dwelling with a total height of 20.4 m. The proposal includes a three storey addition onto the existing two storey building with step backs along the front façade and portions of the side façades. The proposal includes 85 parking spaces, a parking space for a car share vehicle and 70 indoor bicycle parking spaces and six outdoor bicycle parking spaces.

The proposed Zoning By-law Amendment is to change the zoning on the subject lands from the “JJ” (Restricted Light Industrial) District to “DE-2/S-1763-‘H” (Multiple Dwellings) District, Holding, along with modifications to implement the proposal. A Holding Provision will also be applied to the subject lands to secure a Record of Site Condition.

The application can be supported as it is consistent with Provincial Policy Statement (PPS), conforms to the Growth Plan for the Greater Golden Horseshoe (2017) and implements the key policies of the UHOP with respect to the Neighbourhoods designation and Residential Intensification. It is an appropriately scaled use representing a compatible form of intensification that will diversify the range of dwelling types, tenures and densities in the St. Clair neighbourhood while respecting its existing built character.

***Alternatives for Consideration – See Page 32***

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

Financial: N/A

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**SUBJECT: Application for an Amendment to City of Hamilton Zoning By-law No. 6593 for Lands Located at 100 Cumberland Avenue (PED18129) (Ward 3) - Page 3 of 33**

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Staffing: N/A

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

## **HISTORICAL BACKGROUND**

### **Proposal:**

The applicant is proposing to redevelop the former industrial building, formerly the Lifesaver Candy Factory, into a five storey, 65 unit multiple dwelling with a total height of 20.4 m and 85 parking spaces plus one car share parking space. The proposal includes a three storey addition onto the existing two storey building, which will be stepped back 6.0 m from the front façade and 3.0 m from the side façades for a portion of the addition. Three units will also be located partially below grade with direct access and amenity areas fronting Cumberland Avenue. The existing paved storage area on the west side of the building will be converted into surface parking for 39 vehicles. An additional 30 parking spaces will be accommodated in a new one storey above ground separate parking structure that will be constructed along the rear lot line, with the remaining 18 parking spaces being accommodated in an underground parking area located underneath the existing building. One additional parking space for a car share vehicle will be provided and the applicant will be required to enter into an agreement with a car share provider. The one storey parking structure at the rear lot line will also be integrated with a crash barrier to buffer the development from the rail line. A total of 76 bicycle parking spaces are proposed consisting of six short-term spaces outside of the building and 70 secure spaces located in the underground parking garage. The site will continue to have vehicular access from both Cumberland Avenue and Burris Street.

The proposed Zoning By-law Amendment is to change the zoning on the subject lands from the “JJ” (Restricted Light Industrial) District to a site specific “DE-2” (Multiple Dwellings) District. The proposed modifications are for building height, front, side and rear yard setbacks, balcony projections, parking area location, loading and parking space dimensions, minimum bicycle parking requirements and the location of the parking garage. A Holding Provision will also be applied to the subject lands to secure a Record of Site Condition. Staff have provided additional amendments to the Zoning By-law application to accommodate the required road widening and daylight triangle.

### **Chronology:**

April 12, 2013: Zoning By-law Amendment Application ZAC-13-007 and Official Plan Amendment Application OPA-13-001 received.

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**SUBJECT: Application for an Amendment to City of Hamilton Zoning By-law No. 6593 for Lands Located at 100 Cumberland Avenue (PED18129) (Ward 3) - Page 4 of 33**

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- May 8, 2013: Zoning By-law Amendment Application ZAC-13-007 and Official Plan Amendment Application OPA-13-001 are deemed complete.
- May 14, 2013: Notice of Complete Application and Preliminary Circulation was sent to 199 property owners within 120 m of the subject lands, and the Public Notice sign posted on the property.
- April 20, 2018: Official Plan Amendment Application withdrawn at the recommendation of staff.
- May 23, 2018: Public Notice sign updated with Public Meeting date.
- June 1, 2018: Circulation of Public Meeting Notice for Zoning By-law Amendment Application ZAC-13-007 to 199 property owners within 120 m of the subject lands.

**Details of Submitted Application:**

- Location:** 100 Cumberland Avenue, Hamilton
- Owner:** Archer Developments Corporation
- Applicant / Agent:** MacNaughton Hermsen Britton Clarkson (MHBC) Planning Limited (c/o Eldon Theodore)
- Property Description:**
- |                      |            |
|----------------------|------------|
| <u>Lot Area:</u>     | 5,951 sq m |
| <u>Lot Frontage:</u> | 97.99 m    |
| <u>Lot Depth:</u>    | 60.58 m    |

**EXISTING LAND USE AND ZONING:**

|                                  | <b><u>Existing Land Use</u></b> | <b><u>Existing Zoning</u></b>                    |
|----------------------------------|---------------------------------|--|
| <b><u>Subject Lands:</u></b>     | Vacant Industrial Building      | “JJ” (Restricted Light Industrial) District      |
| <b><u>Surrounding Lands:</u></b> |                                 |  |
| <b>North</b>                     | Single Detached Dwellings       | “C” (Urban Protected Residential, Etc.) District |

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**SUBJECT: Application for an Amendment to City of Hamilton Zoning By-law No. 6593 for Lands Located at 100 Cumberland Avenue (PED18129) (Ward 3) - Page 5 of 33**

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|              |   |   |
|--------------|---|---|
| <b>South</b> | Canada Pacific Railway Right-of -Way and Niagara Escarpment | “J” (Light and Limited Heavy Industry, Etc.) District |
| <b>East</b>  | Single Detached Dwellings and Commercial Retail             | “C” (Urban Protected Residential, Etc.) District      |
| <b>West</b>  | Public Park   | “JJ” (Restricted Light Industrial) District           |

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

### **Provincial Planning Policy Framework**

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

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

### **Noise and Vibration**

“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 application for a Zoning By-law Amendment, the applicant submitted an Environmental Noise Assessment prepared by Valcoustics Canada Ltd. and a Railway Vibration Analysis by Valcoustics Canada Ltd. both dated January 8, 2013. The noise and vibration studies reviewed the potential noise and vibration sources that might impact the subject property, and specifically identified an existing railway line located to the south of the subject property as the primary source of noise and vibration impacting the subject property.

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**SUBJECT: Application for an Amendment to City of Hamilton Zoning By-law No. 6593 for Lands Located at 100 Cumberland Avenue (PED18129) (Ward 3) - Page 6 of 33**

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The noise and vibration studies identified mitigation measures to address noise and vibration impacts that exceed the guideline limit of the Canadian Pacific Railway (CPR) and noise level requirements of the Ministry of Environment and Climate Change (MOECC). Vibration mitigation measures recommended that below grade foundation be isolated from the surrounding soil with insulation material. Noise mitigation measures were identified including noise warning clauses, a 1.3 m high parapet sound barrier to protect the outdoor living area, exterior walls with a Sound Transmission Class (STC) rating of 54 and windows with a STC rating of 38, mandatory air conditioning, and a 2.5 m crash barrier.

CPR rail comments advised that they are not in favour of residential development in proximity to the CPR rail line but support the mitigation measures identified in the noise and vibration studies. The applicant, in consultation with CPR, will also be constructing a crash wall which will be integrated with the one storey parking garage located along the rear lot line. More detailed comments from CPR are addressed in the Relevant Consultation Section of this Report.

The necessary mitigation measures will be further reviewed and implemented as part of the Site Plan Control Application.

### Cultural Heritage

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

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

Although the subject property is not protected under the *Ontario Heritage Act* through registration or designation, the property is included in the City’s Inventory of Buildings of Architectural and/or Historical Interest. The building has been part of the built fabric of the neighbourhood since the 1930s.

The retention of the existing building will contribute to maintaining the historical character of the neighbourhood. Additionally, staff note that the stone veneer and brick cladding proposed for the three storey addition are sympathetic to the existing built fabric and historical context of the property. The setback of the addition on the front façade provides an appropriate transition between old and new architecture. Detailed

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**SUBJECT: Application for an Amendment to City of Hamilton Zoning By-law No. 6593 for Lands Located at 100 Cumberland Avenue (PED18129) (Ward 3) - Page 7 of 33**

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review and approval of the building elevation drawings and proposed materials will be done as part of the Site Plan Control Application.

Also the subject property meets four of the ten criteria used by the City of Hamilton and the Ministry of Tourism, Culture and Sport for determining archaeological potential. A written caution will be required to be included as part of the Site Plan Control Application requiring the Owner to acknowledge the archaeological potential of the subject property and that the Owner is required to contact the Ministry of Tourism, Culture and Sport should archaeological material or human remains be encountered during construction.

### Environmental Remediation

“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 former industrial (Lifesaver Candy Factory) building. As such, the property is subject to environmental review to allow for the proposed multiple dwelling. The applicant has undergone a Phase I and II Environmental Site Assessment, but has not yet submitted their findings to the MOECC. As such, a Holding Provision is proposed as the provision of a Notice of Acknowledgement letter from the MOECC for the RSC is a requirement.

Based on the foregoing, the proposed development is consistent with the policies of the PPS.

### 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

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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.”

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 contributes to a diverse range and mix of housing options. Therefore, the proposal conforms to the policies of the Growth Plan for the Greater Golden Horseshoe.

### **Urban Hamilton Official Plan**

There are several policies that specifically relate to this development proposal; namely, permitted uses, compatibility (scale, urban design, and residential intensification policies).

#### **1.0 Neighbourhoods Designation and High Density Residential Policies**

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

##### *Neighbourhoods Designation*

- “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.3.2.4 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.3.2.15 The City shall encourage the adaptive reuse of the existing building stock for appropriate land uses. Rezoning applications for new uses shall be evaluated to ensure compatibility with surrounding land uses.”

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*High Density Residential*

- “E.3.6.1 High density residential areas are characterized by multiple dwelling forms on the periphery of neighbourhoods in proximity to major or minor arterial roads.
- E.3.6.2 Uses permitted in high density residential areas include multiple dwellings, except street townhouses.
- E.3.6.4 High density residential uses shall be located within safe and convenient walking distance of existing or planned community facilities / services, including public transit, schools, and active or passive recreational facilities.
- E.3.6.5 Proximity to the Downtown Urban Growth Centre, Sub-Regional Nodes or Community Nodes, and designated Employment Areas shall be considered desirable for high density residential uses.
- E.3.6.6 In high density residential areas, the permitted net residential densities, identified on Appendix G – Boundaries Map shall be:
- b) greater than 100 units per hectare and not greater than 200 units per hectare in all other Neighbourhoods designation areas.”

The proposed five storey, 65 unit multiple dwelling conforms to the above noted policies, as follows:

- The adaptive reuse and the addition to the former Lifesaver Candy Factory for a multiple dwelling will add to the mix of housing types in the St. Clair neighbourhood which predominantly consists of single detached dwellings;
- It is located on the southern periphery of the neighbourhood, adjacent to the Escarpment and located on a collector road (Cumberland Avenue) and within 60 m of minor arterial road (Sanford Avenue South);
- It abuts a public park and is in close proximity to community facilities and services including a number of schools, municipal parks, the Escarpment Rail Trail as well as a number of bus routes;
- It is located 2.6 km from Downtown (Urban Growth Centre), which is a 8 minute car ride, 10 minute bike ride or a 30 minute walk; and,

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- The density of development is 109 units per hectare before the road widening and approximately 117 units per hectare after the road widening.

## 2.0 Design Policies

Compatibility and design are addressed in the following sections on the UHOP.

### *High Density Residential*

“E.3.6.7 Development within the high density residential category shall be evaluated on the basis of the following criteria:

- a) Development should have direct access to a collector or major or minor arterial road.
- b) High profile multiple dwellings shall not generally be permitted immediately adjacent to low profile residential uses. A separation distance shall generally be required and may be in the form of a suitable intervening land use, such as a medium density residential use. Where such separations cannot be achieved, transitional features such as effective screening and/or design features shall be incorporated into the design of the high density development to mitigate adverse impact on adjacent low profile residential uses.
- c) High profile development may be considered appropriate, subject to the other policies of this Plan, where it would result in the preservation of natural heritage system features or public view corridors which may otherwise be compromised by more dispersed, lower profile development.
- d) Development shall:
  - i) provide adequate landscaping, amenity features, on-site parking, and buffering where required;
  - ii) be compatible with existing and future uses in the surrounding area in terms of heights, massing, and an arrangement of buildings and structures; and,
  - iii) provide adequate access to the property, designed to minimize conflicts between traffic and pedestrians both on-site and on surrounding streets.

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- e) In accordance with the policies of Section B.3.3 – Urban Design Policies, development shall contribute to an attractive public realm by minimizing the view of the following elements from the abutting public streets (excluding public alleys):
  - i) surface parking areas;
  - ii) parking structures;
  - iii) utility and service structures such as garbage enclosures; and,
  - iv) expanses of blank walls.
- f) The City may require studies, in accordance with Chapter F - Implementation Policies, completed to the satisfaction of the City, to demonstrate that the height, orientation, design and massing of a building or structure shall not unduly overshadow, block light, or result in the loss of privacy of adjacent residential uses.
- g) The orientation, design, and massing of a building or structure higher than six storeys shall take into account the impact on public view corridors and general public views of the area of the Niagara Escarpment, waterfront, and other parts of the City as identified through secondary plans or other studies.”

*Urban Design Policies*

“B.3.3.2.3 Urban design should foster a sense of community pride and identity by:

- a) respecting existing character, development patterns, built form, and landscape;
- b) promoting quality design consistent with the locale and surrounding environment;
- c) recognizing and protecting the cultural history of the City and its communities;
- d) conserving and respecting the existing built heritage features of the City and its communities;
- e) conserving, maintaining, and enhancing the natural heritage and topographic features of the City and its communities;

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- f) demonstrating sensitivity toward community identity through an understanding of the character of a place, context and setting in both the public and private realm;
- g) contributing to the character and ambiance of the community through appropriate design of streetscapes and amenity areas;
- h) respecting prominent sites, views, and vistas in the City; and,

**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.

**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.

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- 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;
  - c) including a quality landscape edge along frontages where buildings are set back from the street;
  - d) locating surface parking to the sides or rear of sites or buildings, where appropriate; and,
  - e) using design techniques, such as building step-backs, to maximize sunlight to pedestrian areas.”

There are several design requirements, as noted above, that have been addressed in this development. More specifically:

- Transition of higher profile / higher density multiple dwelling adjacent to low density residential uses – A five-storey building is not considered to be a high profile building. To address the transition and massing of the building, the three storey addition on top of the existing two storey building will be stepped back 6 m from the front façade and 3 m for the front portions of the side facades.
- Amenity Areas – the amenity areas of the four units proposed to be located below grade will have direct access to Cumberland Avenue which will address the street. Windows on all facades and balconies for units above the second storey will animate the street by reduce large expanses of blank walls, provide eyes on the street, and promote safety both on and off of the property. The proposed balconies, along with an indoor multi-purpose room and existing municipal parks, will meet the amenity needs of the residents of the proposed development.
- Access, Parking, Loading - Four dwelling units will have direct access at the front of the building and three entrances will be provided for the remaining units of which two entrances will be provided parallel to the street. Separate pedestrian and vehicular access will be provided to the existing street and sidewalks and adequate visibility will be provided for points of access to ensure that conflicts between traffic and pedestrians are minimized. The existing paved area on the western portion of the property will be converted into a surface parking lot while a one-storey garage will be constructed along the rear lot line. The remainder of the parking will be accommodated underground. The building and parking area will be landscaped to screen views from the street. The loading and garbage pick-up area will also be

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located at the rear of the building. These matters will be further reviewed at the Site Plan Control Application stage.

- Sun/Shadow Impacts – the applicant conducted a Sun Shadow Study to determine the shadow impacts of the proposed building. The test points were 9:00 a.m., 12:00 p.m. and 3:00 p.m. on March 21<sup>st</sup> (which also represents conditions for September 21<sup>st</sup>), June 21<sup>st</sup> and December 21<sup>st</sup>.

Results for March 21<sup>st</sup> and June 21<sup>st</sup> showed that shadowing would be minimal and contained largely on the subject lands and portions of the sidewalks and municipal road. The shadow impacts on the public realm are limited the south side of Cumberland Avenue and the west side of Burris Street at 3 p.m. between March 21<sup>st</sup> and September 21<sup>st</sup>.

The shadow study also identified a small amount of shadowing on the existing municipal park only at 9 a.m. on March 21<sup>st</sup> and September 21<sup>st</sup>. Therefore, as the sun shadow impacts are limited to the south side of the street later in the day, and limited in respect to the existing municipal park, the proposed sun shadow impacts are appropriate.

Larger impacts were observed on December 21<sup>st</sup> at 9:00 a.m. and 3:00 p.m. when the public park and properties to the north, respectively, would experience some shadowing. The purpose of determining shadow impacts is to minimize the shadowing on public and private outdoor amenity spaces. Given that outdoor amenity areas are used less during the winter, these impacts are considered tolerable.

- Public views corridors and the Niagara Escarpment – Buildings greater than six storeys take into account the impact on public views corridors and general public views of the Niagara Escarpment. The applicant worked with the Niagara Escarpment Commission (NEC) to investigate potential view impacts on the Niagara Escarpment from the public realm. Based on the investigation the NEC concluded that the proposed five storey multiple dwelling will not have a net negative impact on the public views of the Niagara Escarpment.

### 3.0 Residential Intensification/Compatibility

“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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- 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.

*Residential Intensification in the Neighbourhoods Designation*

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;
- 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.

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*Residential Intensification and Cultural Heritage Resources*

- B.2.4.3.1 Residential intensification involving cultural heritage resources shall be in accordance with Section B.3.4 – Cultural Heritage Resources Policies.
- B.2.4.3.2 Residential intensification in established historical neighbourhoods shall be in accordance with Policy B.3.4.3.6 and Policy B.3.4.3.7.
- B.3.4.3.6 The City shall protect *established historical neighbourhoods*, as identified in the cultural heritage landscape inventory, secondary plans and other City initiatives, by ensuring that new construction and *development* are sympathetic and complementary to existing cultural *heritage attributes* of the neighbourhood, including lotting and street patterns, building setbacks and building mass, height, and materials.
- B.3.4.3.7 *Intensification* through conversion of existing *built heritage resources* shall be encouraged only where original building fabric and architectural features are retained and where any new additions, including garages or car ports, are no higher than the existing building and are placed to the rear of the lot or set back substantially from the principal façade. Alterations to principal façades and the paving of front yards shall be avoided.”

The issues of compatibility and residential intensification have been addressed in the previous two sections as well as the PPS review; more specifically, the design of the building to reduce massing, establish a transition to lower density uses, creation of apartment units, addressing noise, overlook/privacy, retention of the public view and amenity spaces for the residents.

In terms of cultural heritage and residential intensification, Cultural Heritage staff have determined that the proposal is consistent with the historical context of the property and that the heritage attributes of the property will be conserved. The building is not protected under the *Ontario Heritage Act* through the registry or designation; however, the property is included in the City’s Inventory of Buildings of Architectural and/or Historical Interest. The shell of the existing Lifesavers Candy Factory will be retained for its historic association with the surrounding neighbourhood since the 1930s. The upper floors are setback from the principle facades. Sympathetic materials will be utilized for the proposed addition to reflect the existing building fabric and historical context of the area. Windows and balconies will provide eyes on both the street and on the site. Surface parking area will be located primarily to the side and rear of the building and will be buffered and screened from the street.

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In terms of servicing, there is adequate infrastructure and transportation capacity to support the proposed multiple dwelling. A Functional Servicing and Stormwater Management Report, and Water Servicing Analysis dated January 2013, and subsequently updated on December 2015, June 2016 and March 2018 have been reviewed by Development Engineering staff. Low water pressure was identified as an issue in the neighbourhood. A hydraulic analysis was conducted by Cole Engineering which showed that the water supply distribution system is capable of providing adequate flows and pressure to support the proposed multiple dwelling. Development Engineering staff have determined that the proposal can be adequately serviced however the detailed review in respect to servicing and storm water management will be undertaken as part of the Site Plan Control Application.

Based on the foregoing, staff are of the opinion that the proposal complies with the UHOP.

#### 4.0 Neighbourhood Plan – St. Clair Neighbourhood Plan

The subject lands are designated “Industrial” in the St. Clair Neighbourhood Plan. Although the St. Clair Neighbourhood Plan does not have policies associated with land use designations, a Neighbourhood Plan Amendment is required to change the designation on the subject lands from “Industrial” to “High Density Apartments” to more accurately reflect the proposed use and the current Neighbourhoods designation in the UHOP.

“High Density Apartments” is an appropriate designation of the subject lands as it allows for the development which complies with all other policies of the UHOP while maximizing the use of a currently underutilized piece of land. The proposal represents a form of residential intensification that is appropriately scaled and will strengthen the range of dwelling types, tenures and densities in the area while allowing for the adaptive reuse of an existing industrial building.

#### **City of Hamilton Zoning By-law No. 6593**

The subject property is zoned “JJ” (Restricted Light Industrial) District, which permits a range of industrial uses but does not permit a multiple dwelling. An amendment to the City of Hamilton Zoning By-law No. 6593 is required to change the zoning to a site specific “DE-2” (Multiple Dwellings) District. Site specific modifications are also required to implement the proposal and are discussed in greater detail in the Analysis and Rationale for Recommendation Section of this Report. Staff have included additional amendments to the Zoning By-law Application in order to accommodate the required road widening and daylight triangle requirement.

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## RELEVANT CONSULTATION

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

- Horizon Utilities; and,
- Recreation Division (Community and Emergency Services Department).
- Hamilton Conservation Authority

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

**Canada Pacific Railway (CPR)** is not in favour of new residential developments near its right-of-ways. However, CPR has reviewed the submitted documents, including among other things, the Environmental Noise Study, Railway Vibration Assessment, Functional Servicing and Stormwater Management Report. They support the implementation of the mitigative measures proposed in the Railway Vibration Assessment and confirmed that their drainage will not be negatively impacted. Additionally, further consultation will be required during the detailed design stage of the crash wall to determine appropriate setbacks and designs standards which will be undertaken as part of the Site Plan Control Application.

**Corridor Management Section, Public Works Department** has requested that the existing driveway on Cumberland Avenue be aligned with Gladstone Avenue in order to reduce pedestrian and vehicle conflicts. This has been addressed by the applicant and is now complying. Additionally, they have requested that a Construction Management Plan be prepared at the Site Plan Control stage and that the applicant will be required to provide 5 m by 5 m visibility triangles at all driveway entrances, close any unused driveways and restore all curbing and sidewalks abutting the subject lands.

**Transportation Planning, Public Works Department** supports the provision of a car share space and recommends that it be located in the surface parking lot. This will be secured through a future Site Plan Control Application. Transportation Planning staff also recommend that the developer provide subsidized car share and/or bike share passes to future owners / tenants. This recommendation has been agreed to by the applicant and is addressed in the site specific By-law.

**Forestry and Horticulture Section, Public Works Department** has advised that municipal tree assets may be affected by this proposal; therefore a Tree Protection Plan (TPP) is required. Additionally, boulevard trees have been requested requiring a Landscape Plan. The applicant has provided both plans for comment which have been approved with revisions that will take place during the Site Plan Control stage when a detailed design and review of the site landscaping will occur.

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**Urban Renewal Section** has advised the applicant that the development may be eligible for the ERASE incentive program.

**Bell Canada** has advised that an easement may be required to service the proposed development. They will provide a more detailed review of the proposal through a future application for Plan of Condominium or Site Plan Control Application.

**Budgets and Finance Section, Corporate Services Department** staff have indicated that the property has an outstanding balance of \$3,522.70, which has since paid.

**Niagara Escarpment Commission** staff have indicated that there is no net visual impact of the proposal as submitted on the views of the Niagara Escarpment and that the proposal meets the Urban Area policies of the Niagara Escarpment Plan. The Commission will further comment on any barriers erected along the rail corridor during the Site Plan Control Application.

**Public Health Services, Health Protection Division** have indicated that there is potential for the presence of lead and mercury containing substances and asbestos-containing material within the building. Therefore, a proper abatement plan should be put into effect. Additionally, waste paints and other waste products being stored onsite in large plastic and steel containers should be removed from the property. As per the recommendations of the Phase 2 Environmental Site Assessment, the top layer of contaminated soil on the property should be removed and properly disposed of off-site. New uncontaminated soil should be brought in to fill the site.

All recommendations and mitigation measures coming from the Environmental Noise Assessment and the Railway Vibration Analysis requirements are to be followed and implemented at the Site Plan Control Application. Pest Control and Dust Mitigation Plans are to be formulated and will be reviewed and addressed at the Site Plan Control Application.

**Operation Support Section, Public Works Department** has indicated that the subject lands are eligible for municipal waste collection subject to the City's design and performance specifications. It will be up to the applicant to accommodate these specifications to receive municipal waste collection or arrange for a private collection service as an alternative.

### **Public Consultation**

In accordance with the provisions of the *Planning Act* and Council's Public Participation Policy, a Notice of Complete Application and Preliminary Circulation was circulated to 199 property owners within 120 m of the subject property on May 14, 2013, requesting public input on the application. A Public Notice sign was also posted on the property

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on May 14, 2013 and updated on May 23, 2018 with the date of the Public Meeting. Notice of the Public Meeting was given, in accordance with the requirements of the *Planning Act* on June 1, 2018. At the time of the writing of this Report staff received a total of nine submissions from the public including a joint letter with 31 signatures.

The issues raised in the letters of correspondence are summarized in the Analysis and Rationale for Recommendation Section of this Report.

### **Public Consultation Strategy**

As the application for the Zoning By-law Amendment was submitted prior to July 1, 2016, the application pre-dated the requirement for a public consultation strategy to be undertaken. As such a Public Consultation Strategy was not required. However an information open house was held by the applicant on October 29<sup>th</sup>, 2013 and was attended by 25 interested parties. A number of questions were raised at the Public Information Meeting and the concerns raised are discussed in the Analysis and Rationale for Recommendation Section of this Report.

### **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

- 1) The proposed Zoning By-law Amendment has merit and can be supported for the following reasons:
  - i) It is consistent with the PPS and conforms to the Growth Plan;
  - ii) It complies with key policies of the UHOP with respect to the Neighbourhoods designation and Residential Intensification; and,
  - iii) It is an appropriately scaled use that will diversify the range of dwelling types, tenures and densities in the St. Clair neighbourhood while respecting its existing character.
- 2) The proposed Zoning By-law Amendment is to change the zoning on the subject lands from the “JJ” (Restricted Light Industrial) District to the a site specific “DE-2” (Multiple Dwellings) District with modifications to height, front, side and rear yard setbacks, balcony projections, parking area location, loading and parking space dimensions, minimum bicycle parking requirements and the location of the parking garage. A Holding Provision will also be applied to the subject lands to secure a Record of Site Condition.
- 3) The applicant has requested the following site specific amendments to Zoning By-law No. 6593 to implement the proposal:

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Change in Zone

The change in zoning from the “JJ” (Restricted Light Industrial) District to the “DE-2” (Multiple Dwellings) District will permit the property to be used for a multiple dwelling. As discussed in the UHOP policy review section above, the proposed residential use implements the policies of the Neighbourhoods designation and maintains the residential function of the St. Clair neighbourhood while increasing the diversity of using types, tenures and densities available, and is compatible with the existing character of neighbourhood.

Therefore, staff support the proposed zoning change.

Restriction on Number of Dwelling Units

Staff are including a modification to restrict the number of dwelling units to a maximum of 65 dwelling units. This modification is to ensure that the proposed multiple dwelling remains small in size and scale and is compatible with the character of the area.

Therefore, staff support the proposed modification.

Restriction on Institutional Uses

The “DE-2” (Multiple Dwellings) District permits a long-term care facility and day nursery. Neither a long-term care facility or day nursery is being proposed as part of the proposed development nor have the impacts of day nursery or long-term care facility been reviewed as part of the proposed application. In order to ensure neither a long-term care facility or day nursery are not established on-site a modification is proposed to not permit the uses as part of the site specific By-law.

Therefore, staff support the proposed modification.

Reduction in Maximum Permitted Height

The current “JJ” (Restricted Light Industrial) District permits a maximum height of four storeys and 17.0 m. The proposed “DE-2” (Multiple Dwellings) District permits a maximum height of eight storeys and 26.0 m for multiple dwellings. The proposed modification is to reduce the maximum permitted height to five storeys and 22.0 m. This is the height of the multiple dwelling as proposed by the applicant. As discussed in the UHOP policy review section, this height complies with the relevant policies. It respects the character of the existing neighbourhood while not causing any undue nuisance impacts like excessive shadowing or overlook. The three

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storey addition is also stepped back from the front façade and portions of the side facades to further reduce its appearance with respect to its surroundings.

Therefore, staff support this modification.

Modifications to Required Yards

The “DE-2” (Multiple Dwellings) District requires a minimum required front yard depth of 7.5 m, minimum required side yard width of 9.0 m and a minimum required rear yard depth of 13.5 m. Modifications to the required yards provisions are proposed to recognize the location of the existing two storey building and to implement the step backs of the three storey addition.

It is noted that for the third to fifth storeys the required easterly and westerly side yard setback is greater for the front (north) portion of building while the rear portion (south) of the building aligns with the easterly and westerly setback of the existing two storey building. The transition between the front and rear portions of the third to fifth storeys occurs at 22.5 m from the front lot line.

| <b>Setback</b>   | <b>Required Setback</b> | <b>1<sup>st</sup> and 2<sup>nd</sup> Storey (Existing)</b> | <b>3<sup>rd</sup> to 5<sup>th</sup> Storey (New Addition)</b> |
|--|-------------------------|--|---|
| Front Yard   | 7.5 m                   | 6.5 m  | 12.5 m  |
| Easterly Side Yard (Less than 22.5 m from the front lot line)    | 9.0 m                   | 2.4 m  | 5.4 m   |
| Easterly Side Yard (Greater than 22.5 m from the front lot line) | 9.0 m                   | 2.4 m  | 2.4 m   |
| Westerly Side Yard (Less than 22.5 m from the front lot line)    | 9.0 m                   | 36.4 m   | 39.4 m  |
| Westerly Side Yard (Greater than 22.5 m from the front lot line) | 9.0 m                   | 36.4 m   | 36.4 m  |
| Rear Yard  | 13.5 m                  | 14.9 m   | 14.9 m  |

For the first two storeys, a front yard depth of 6.5 m, easterly side yard width of 2.4 m and westerly side yard width of 36.4 m are proposed. The proposed setbacks are considered appropriate as they represent the original location of the former industrial building, which has been part of the built fabric of the community since the 1930s, and ensures that the building can be retained and adaptively reused.

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For the remaining three storey addition, a front yard depth of 12.5 m, easterly side yard width of 5.4 m and westerly side yard width of 39.4 m are proposed. These modifications implement the step backs for the three storey building addition in the amount of 6.0 m for the front façade and 3.0 m for the front 10 m deep portion of the addition on the side façades. The step backs are important design features which reduce the appearance of the massing of the addition, allowing for a transition to the surrounding single detached dwellings. They also reduce the amount of shadowing and overlook onto surrounding properties.

A 14.9 m rear yard depth is proposed for all floors of the proposed multiple dwelling. This depth is more than is required by the Zoning By-law but is necessary in order to recognize the existing distance to the CP rail corridor, which ensures that no potential future additions are permitted closer than the location of the existing building.

Staff support the modifications in yard requirements as they recognize the location of the existing building and implement the step backs of the three storey addition above, which ensures that an appropriate transition in building height is achieved, reduces the overall massing of the building, and reduces sun shadow impacts on adjacent properties and the public realm.

Therefore, staff support these modifications.

Setback from Hypotenuse of Daylight Triangle

A 3.9 m road widening and 9.14 m by 9.14 m daylight triangle is required in order to meet the requirements of the UHOP.

The required road widening and daylight triangle requirements will result in the daylight triangle being located in close proximity to the existing building. As a result, a modification to permit a 0 m setback from the hypotenuse of the daylight triangle is required. As the proposed modification is to facilitate the road widening and daylight triangle dedications and the existing building location, the proposed modification can be supported.

Reduced Landscaping

A modification is required in order to reduce the landscaped area from 25% to 20%. A total of 26.67% landscaping would be provided on-site based on the size of the lot before the required road widening and daylight triangle dedications are taken and therefore would have conformed to the minimum 25% landscape area requirement. However, due to the fact that approximately 475 sq m of land is to be dedicated for the required road widening and daylight triangle, the landscaped area is to be

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reduced as the majority of the area to be dedicated would have been intended for landscaped area. It is noted that the 445 sq m that is to be included within the municipal boulevard is intended to be sodded and landscaped and therefore will contribute to the streetscape character of the area. As the streetscape character of the area will be maintained and the proposed modification is to facilitate the required road widening and daylight triangle dedications, the proposed modification can be supported.

#### Encroachments into Required Yards

Modifications are required to permit certain encroachments into required yards.

#### Below Grade Patio and Associated Open Stairs

A below grade patio providing access and amenity space for the four units located below the first storey is permitted to encroach 4.0 m into the front yard with an additional encroachment for an open stairway which is permitted to encroach up to the front lot line, instead of a maximum encroachment of 3.0 m with a minimum setback of 1.5 m. The existing front yard depth before the required road widening is greater than what is required by the "DE-2" (Multiple Dwellings) District. After the road widening is taken, 6.5 m will be maintained providing ample room to accommodate this feature. Additionally, since the patio is located below grade, it will not add to the massing of the building and therefore will not create negative visual impacts.

The proposed modification can be supported.

#### Balconies

Section 18(3)(vi)(cc) of Zoning By-law No. 6593 permits balconies to encroach 1.0 m into the required front yard but not closer than 1.5 m to the street line; and 1.0 m into the required rear yard and 1.0 m or one third of its width (whichever is lesser) into the required side yard. As such, a modification is required to permit the encroachment of balconies 1.8 m into the required rear and westerly side yard. These yards abut the CP railway corridor and a public park, respectively. This increase is appropriate as these yards do not abut any sensitive lands uses which could potentially be impacted by effects like overlook and loss of privacy.

An encroachment of 1.8 m into the front and easterly side yard is also requested but only for balconies located above the second storey. These yards abut Cumberland Avenue and Burris Street (respectively) and therefore have the potential to impact the appearance of the massing and height of the building. In response the current design only proposes balconies above the second storey on the front and easterly

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façade. The proposed encroachments will be contained fully within the step backs that are proposed for these storeys. Staff are of the opinion that the proposed encroachments will not have a negative visual impact on the street and will not detract from the function of the step backs to reduce visual impact of the height and massing of the building.

Staff are of the opinion that the proposed encroachments will not cause a negative visual impact on the surrounding properties and support the modifications.

#### Removal of Floor Area Ratio Limit

The “DE-2” (Multiple Dwellings) District permits a maximum floor area ratio of 0.90. Based on a lot area of 5,951.7 sq m, a maximum of 5,356.5 sq m of gross floor area would be permitted. Upon the dedication of the road widening and daylight triangle, the lot area is further reduced to approximately 5,476 sq m and therefore the maximum gross floor area would be further reduced to approximately 4,928 sq m. The proposed multiple dwelling will have a gross floor area of 8,004.4 sq m. The intent of the floor area ratio (FAR) provision is to control massing and density. The proposed modification is to remove the FAR requirement. The proposed multiple dwelling has been reviewed in detail through the Zoning By-law Amendment application. The massing and density of the proposed multiple dwelling is specifically regulated by the proposed by-law requirements for maximum height, encroachments, and, number of units, as well as by-law requirements for minimum setbacks and parking.

Therefore the intent of the FAR is still being achieved and the proposed modification can be supported.

#### Minimum Parking Space Requirements

The applicant is providing a number of measures to assist in mitigating the on-street parking availability issues in the surrounding neighbourhood. Zoning By-law No. 6593 requires that parking be provided at a rate of 1.25 spaces per dwelling unit, resulting in 82 required spaces for a 65 unit multiple dwelling. The applicant is proposing 85 parking spaces which represents a rate of 1.3 spaces per unit, of which 68 parking spaces will be provided for residents and 17 parking spaces will be provided for visitor parking. In addition to this, one space will be maintained for the sole use of a car share vehicle and a minimum of 70 secure bicycle parking spaces and six outdoor bicycle parking spaces, a ratio of 1.16 bicycle parking spaces per unit, are required to be provided on site. Since Zoning By-law No. 6593 does not contain any provisions requiring car share or bicycle parking, all of the modifications to minimum parking requirements discussed above represent the implementation of measures that are over and above the minimum requirements of

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Zoning By-law No. 6593. Staff support these modifications as they increase the minimum number of parking spaces required in an area with on-street parking capacity issues while giving future residents the option of switching to cycling as an alternative to the automobile.

Modifications for Accessory Building (Parking Garage)

The applicant is proposing a one storey 549.36 sq m parking garage for 30 parking spaces each accessed at grade located along the rear lot line of the subject lands. Zoning By-law No. 6593 permits accessory structures only in the rear yard provided that they are a minimum of 0.45 m from any lot line and do not occupy an area greater than one third of the area of the required rear yard and side yards combined. These provisions of the By-law are proposed to be replaced with a 0.0 m set back from the rear lot line, a 5.7 m set back from the side lot and a maximum area of 600 sq m. The modifications are needed in order to locate the structure at the rear lot line and within the westerly side yard which already contains the surface parking area. The garage will also incorporate a crash wall associated with the CP rail corridor to the south which will separate the proposed multiple dwelling from the existing CP rail corridor.

Therefore, staff support these modifications.

Parking and Loading Space Size

Zoning By-law No. 6593 requires that one loading space be provided that is a minimum of 18.0 m (length) by 3.7 m (width) with a vertical clearance of 4.3 m. The applicant is providing a loading space with a reduced length of 10.5 m. It is noted that the width and vehicle clearance height requirements are being met. The proposed 10.5 m loading space length will be sufficient to accommodate small cube trucks that would typically be utilized in respect to the loading and unloading activities of residents moving in and out. Therefore, staff support this reduction as it allows for the appropriate location of the loading area at the rear of the building between the easterly façade and the garbage area.

Zoning By-law No. 6593 requires that parking spaces be provided that are a minimum of 6.0 m by 2.7 m. The applicant is providing two parking spaces with a reduced width of 2.6 m in the underground parking garage. Staff support this reduction as it only affects two spaces on a site that are already exceeding its minimum parking requirement count. This reduction is appropriate as it allows the full utilization of the underground parking garage to accommodate vehicles.

Therefore, staff support these modifications.

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Parking within the Front Yard

The proposed surface parking area located within the westerly side yard extends approximately 4.0 m into the front yard and would be setback from the front lot line approximately 2.6 m, and as such four on-site parking space are proposed within the required front yard. Therefore a modification is required in order to permit parking within the required front yard.

As there is an excess of on-site parking and in order to permit the establishment of a large landscape buffer, staff are recommending that the two proposed parking spaces that are located entirely within the front yard be removed and replaced with landscaping. Based on the modification by staff the projection of parking to the front yard along Cumberland Avenue would be reduced from approximately 4.0 m to 1.3 m and would result in a landscape buffer area of approximately 5.6 m wide between the parking area and the front lot line. The amendment to the proposed modification results in a reduction in the number of parking space located within the front yard from four to two parking spaces.

Currently, the westerly side of the subject property is paved and being used for parking and storage, and is encroaching closer than 5.6 m to the front lot line. As part of the proposed redevelopment, the parking lot will be pulled away from the front lot line and landscaping will be added to screen it from street view. Staff support this modification as it allows for an appropriate amount of parking to be provided on site and will greatly improve the existing conditions with the addition of landscaping and moving the limits of the existing paved area further from the front lot line.

- 4) A Holding Provision will be applied to the subject lands which restricts any development until such time that a RSC is approved by the MOECC. This ensures that any site contamination is documented and remediated where necessary prior to development and occupancy by future residents.
- 5) There are public watermains and combined storm and sanitary sewers fronting and flanking the property on Cumberland Avenue and Burris Street. A storm relief sewer is located at the intersection of Cumberland Avenue and Burris Street.

Due to the reported water pressure issues in the neighbourhood, Development Engineering staff requested that the applicant conduct a hydraulic analysis to investigate the issue further and determine the potential impact of the proposed multiple dwelling. The analysis was conducted by Cole Engineering and showed that the water supply distribution system is capable of providing adequate flows and pressure to support the proposed multiple dwelling. Additionally, through the review of a Functional Servicing and Stormwater Management Report, Development

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Engineering staff are satisfied that the stormwater management and wastewater generation can be accommodated. The details of design in respect to site servicing, storm water management, erosion and siltation control, and grading and drainage will be undertaken as part of the Site Plan Control Application.

Also Cumberland Avenue is classified as a collector road in the UHOP. Collector roads have a designated width of 26.213 m, whereas Cumberland Avenue currently has a width of 18.29 m. A 3.96 m road widening is required in order to achieve the designated width of 26.213 m and a daylight triangle of 9.14 m by 9.14 m is required from the widened limit of Cumberland Avenue and Burris Street. The required dedications will be taken as part of the Site Plan Control Application.

- 6) The Public Consultation Section of this Report noted that staff received a total of nine submissions from the public including a joint letter with 31 signatures in Appendix "E" to Report PED18129 and summary of resident comments from the Public Open House in Appendix "F" to Report PED18129. The concerns were mainly centred on the issues of traffic, parking, height, public views, servicing infrastructure capacity, road widenings, conversion of one way streets, traffic calming measures, cost of units, length of construction, continuity of design, design and materials, landscaping, provision of commercial, and barrier to railway. These concerns are summarized below:

Traffic and Parking

Area residents were concerned about the potential for an increase in traffic as a result of the development. Corridor Management staff have not identified a potential traffic issue for the proposed 65 unit multiple dwelling and a Traffic Impact Study was not requested. It was requested that the driveway access on Cumberland Avenue be shifted west in order to line up with the centreline of Gladstone Avenue to reduce vehicle and pedestrian conflicts. The applicant has provided this modification.

Area residents also identified on-street parking availability as an issue in the neighbourhood. The multiple dwelling will be providing parking at a rate of 1.3 parking spaces per dwelling unit for a total of 85 parking spaces of which 68 spaces will be for residents along with 17 visitor parking spaces. This is above the minimum requirement in Zoning By-law No. 6593 which is a rate of 1.25 parking spaces per dwelling unit, resulting in 82 spaces. Additionally, 70 secure bicycle parking spaces, six outdoor bicycle parking and a car share space are proposed. The bicycle parking and car share parking space promote modal shift from the personal automobile to more sustainable alternatives and may further reduce the parking needs of the existing neighbourhood residents and future residents of the multiple dwelling.

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### Height and Public Views

Some residents were concerned with the height of the building, particularly with respect to their view of the escarpment. The existing “JJ” (Restricted Light Industrial) District permits a maximum height of four storeys and 17.0 m while the proposed modified “DE-2” (Multiple Dwellings) District will permit a height of five storeys and 22.0 m. The applicant has included building step backs for the three storey addition of 6.0 m from the front façade and 3.0 m for portions of the side facades. The step backs reduce the visual impact of the massing from street view and reducing overlook and shadowing impacts. Additionally, the NEC has determined that there would not be a net negative impact on the views of the Niagara Escarpment and that the proposal complies with the Urban Area policies of the Niagara Escarpment Plan. Staff are of the opinion that the proposed increase of one storey and 5.0 m from what the current zoning allows is an appropriate modification as the proposed three storey addition includes step backs, which will improve the transition in building height and reduces the massing of the building.

### Servicing Infrastructure Capacity

Area residents have identified that low water pressure is an issue in the neighbourhood. As discussed in the report Development Engineering staff have determined that there is existing capacity in the municipal servicing infrastructure to accommodate the proposed multiple dwelling while maintaining service levels within City standards. Also a detailed design review will be undertaken as part of the Site Plan Control Application.

### Road Widening

A concern was raised about road widening dedication being required from the lands of neighbouring property owners. Required road widening dedications associated with the proposed development will only be taken from the subject property and will not be taken from any neighbouring properties.

### Conversion of One Way Street to Two Way Streets, and Traffic Calming Measures

A request was made with respect to converting existing one way streets in the area to two way streets to improve traffic flow and to establish traffic calming measures (speed bumps) along the street to improve traffic safety. These measures cannot be undertaken as part of the scope of this development and would instead require a comprehensive review of the area by Public Works staff.

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Cost of Units

A question was raised in respect to the cost of dwelling units. The applicant identified an approximate cost of \$250,000. The City cannot regulate the cost of market units but policies of the UHOP support a range of housing types and tenures, and encourage housing for a range of income levels.

Tenure

A question was raised in respect to whether the proposed dwelling units would be rental or condominium units. The City cannot regulate the tenure through the Zoning By-law.

Length of Construction

A concern was raised in respect to the length of the construction and the impacts associated with respect to construction. The applicant identified a construction period of 12 to 14 months. There is sufficient space on site at the rear and westerly side of the existing building in which to provide storage of equipment and material, and to load and unload equipment and material. Therefore, building construction should not require the road closure for material and equipment storage. In addition, the applicant will be required to prepare a Construction Management Plan as part of the Site Plan Control Application.

Impact on Lifesaver Park

A question was raised in respect to whether the proposed development of the subject property will include Lifesaver Park located to the west of the subject property. Lifesaver Park is owned by the City of Hamilton and is not included as part of the proposed development. Additionally the proposed multiple dwelling is setback 36 m from Lifesaver Park and the proposed garage along the rear lot line will be setback 6 m from the park. Therefore the proposed development neither includes Lifesaver Park nor will the development impact Lifesaver Park.

Continuity of Design

A question was raised about whether the design will change after the approval. The proposed site specific By-law is based on the proposal for a five storey 65 unit multiple dwelling, and includes provision for minimum setbacks for both the lower and upper levels. Significant changes in design would not conform to the site specific By-law and therefore would require further public consultation and review to further modify the proposed design. In addition the details of the design of the

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building including the building materials for the proposed development will be evaluated as part of the Site Plan Control Application.

Design and Materials

A concern was raised that design and materials proposed are not in keeping with the character of the area. The proposed design utilizes setbacks in order to transition the design from the existing two storey building to the proposed five storey building. The proposed materials are intended to reflect the historical character of the existing 1930's building. The detailed design and specific materials will be determined as part of the Site Plan Control Application.

Landscaping

A concern was raised with respect to landscaping and greenspace. Landscaping is proposed along both Cumberland Avenue and Burris Street and additional landscaping will be provided through the site. Detailed landscape plans will be reviewed as part of the Site Plan Control Application.

Provision of Commercial

A question was raised with respect to providing commercial uses as part of the proposed development. The proposed development is seeking to maintain the existing two storey building. The design of the existing two storey building would not adequate support commercial street frontage that would facilitate a viable commercial use on site. Furthermore local commercial uses within the Neighbourhoods designation are required to be clustered with other local commercial use. As there are no existing local commercial uses adjacent to the subject lands the inclusion of local commercial uses would not comply with the policies of the UHOP.

Barrier to the Railway

A question was raised with respect to whether a barrier is to be provided between the proposed development and the railway line to the rear. An above ground parking structure along the rear lot line is proposed in conjunction with a crash barrier and noise barrier as part of the parking structure which will be reviewed as part of the Site Plan Control Application.

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## **ALTERNATIVES FOR CONSIDERATION**

Council may decide to deny the application as submitted by the applicant. The property may continue to be used for light industrial purposes as per the provisions of Zoning By-law No. 6593 and the “JJ” (Restricted Light Industrial) District.

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

### **Community Engagement & Participation**

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

### **Economic Prosperity and Growth**

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

### **Healthy and Safe Communities**

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

### **Clean and Green**

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

### **Built Environment and Infrastructure**

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

### **Culture and Diversity**

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

### **Our People and Performance**

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

## **APPENDICES AND SCHEDULES ATTACHED**

- Appendix “A” – Location Map
- Appendix “B” – Draft Zoning By-law Amendment
- Appendix “C” – Concept Plan
- Appendix “D” – Concept Plan with Road Widening
- Appendix “E” – Public Correspondence

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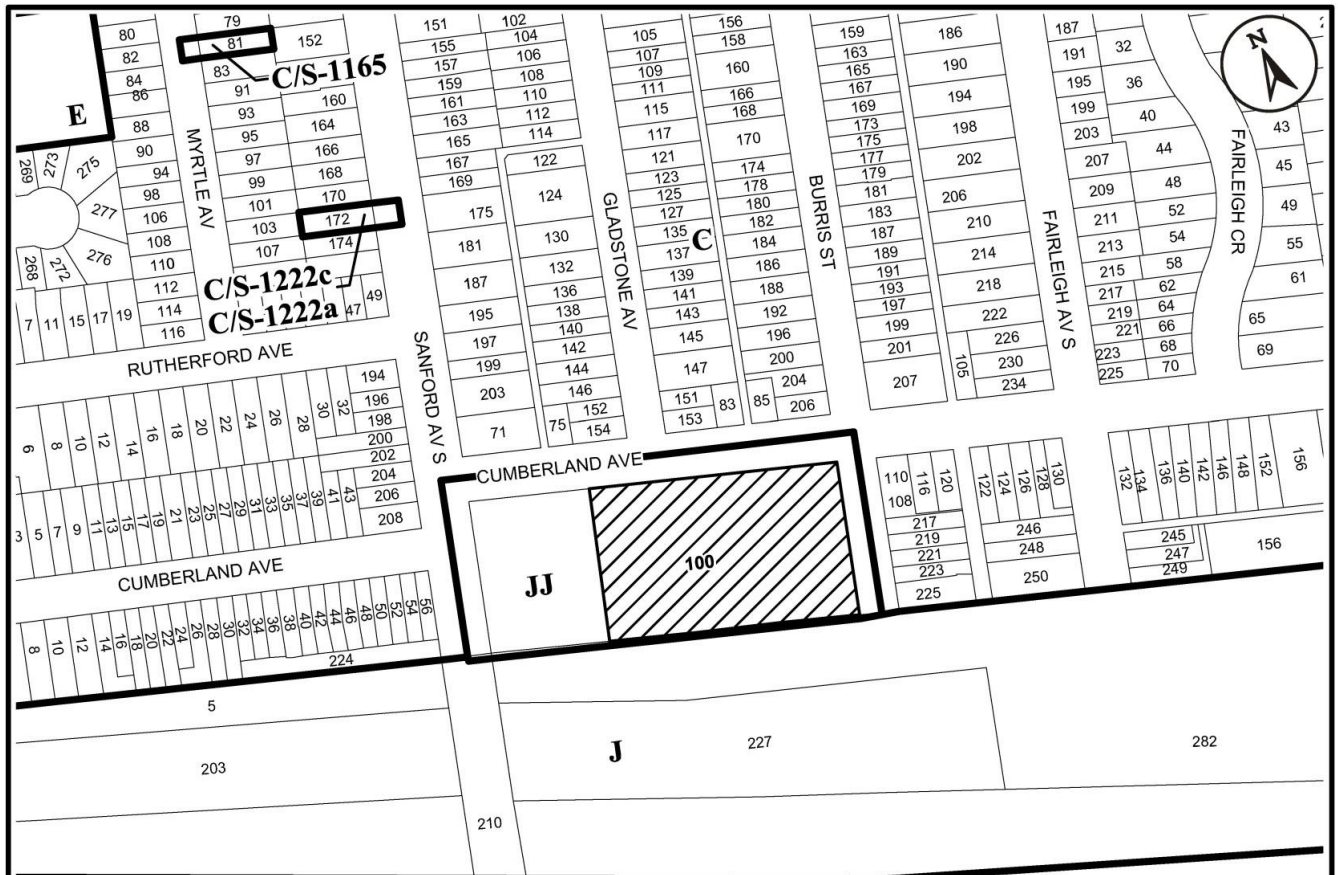
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Appendix "F" – Summary of Resident Comments and Concerns from Public Open House

DB:mo



A

● Site of the Application



Ward 3 Key Map

N.T.S.



# Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
ZAC-13-007 & OPA-13-001

Date:  
April 24, 2018

Appendix "A"

Scale:  
N.T.S.

Planner/Technician:  
DB/AL

## Subject Property

100 Cumberland Avenue



Change in Zoning from the "JJ" (Restricted Light Industrial) District to the "DE-2/S-1763-'H'" (Multiple Dwellings) District, Holding, Modified

**Authority:** Item [REDACTED]  
 Planning Committee  
 Report: 18-[REDACTED] (PED18XXX)  
 CM: [REDACTED]

**Bill No.**

## CITY OF HAMILTON

### BY-LAW NO. [REDACTED]

#### **To Amend Zoning By-law No. 6593 (Hamilton) Respecting the Lands Located at 100 Cumberland 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 25<sup>th</sup> day of July 1950, which By-law was approved by the Ontario Municipal Board by Order, dated the 7<sup>th</sup> day of December 1951, (File No. P.F.C. 3821);

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

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

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

1. The Sheet No. E23 of the District Maps, appended to and forming part of Zoning By-law No. 6593 (Hamilton), as amended, is further amended by changing from "JJ" (Restricted Light Industrial) District to the "DE-2/S-1763-'H'"



(Multiple Dwellings) District, Holding, Modified, on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. That the "DE-2" (Multiple Dwellings) District provisions, as contained in Section 10B of Zoning By-law No. 6593, be modified to include the following special requirements:
  - a) Notwithstanding Section 10B(1)(vi), a multiple dwelling with a maximum of 65 dwelling units shall be permitted.
  - b) Sections 10B(1)(vii) and (viii) shall not apply.
  - c) Notwithstanding Section 10B(2)(ii), no building or structure for any other use shall exceed five storeys or 22.0 m in height.
  - d) Notwithstanding Section 10B(3)(i)(b), for every other building or structure a front yard of a depth of at least 6.5 m for the first two storeys and 12.5 m for all storeys above the second storey.
  - e) Notwithstanding Section 10B(3)(ii)(b):
    - i) an easterly side yard of a width of at least 2.4 m; except for the portion of the building above the second storey that is setback less than 22.5 m from the front lot line, than a side yard of a width of at least 5.4 m;
    - ii) a westerly side yard of a width of at least 36.4 m; except for the portion of the building above the second storey that is setback less than 22.5 m from the front lot line, than a side yard of a width of at least 39.4 m; and,
    - iii) A minimum width of 0.0 m from the easterly side lot line of the hypotenuse to the daylight triangle.
  - f) Notwithstanding Section 10B(3)(iii)(b), a rear yard of a depth of at least 14.9 m.
  - g) Section 10B(5) shall not apply.
  - h) Notwithstanding Section 10B(6), there shall be provided and maintained on the lot and within the district, at least 20% of the area of the lot on which it is situate, as landscaped area, unused for access or manoeuvring space or parking or any other purpose other than landscaped area including a playground.
  - i) Notwithstanding Section 18(3)(vi)(cc)(i), a balcony may project:
    - i) into a required front yard not more than 1.8 m above the second storey, provided that no such project shall be closer to a street line than 1.5 m;
    - ii) into a required rear yard not more than 1.8 m;

- iii) into a required easterly side yard not more than 1.8 m above the second storey; and,
  - iv) into a required westerly side yard not more than 1.8 m.
  - j) Notwithstanding Section 18(3)(d), a below grade porch providing access and amenity area to the units located below the first storey may project into a required front yard to a distance of not more than 4.0 m and every open stairway associated with the below grade porch shall be distant at least 0.0 m from the front lot line.
  - k) Notwithstanding Subsection 18(4)(iv), an accessory building shall:
    - i) not be located in a front yard or required side yard;
    - ii) be distant at least 0.0 m from the rear lot line;
    - iii) be distant a least 5.5 m from the side lot line;
    - iv) have maximum gross floor area of 600 sq m;
  - l) Notwithstanding Section 18A(1)(a) and (b), the following provisions shall apply:
    - i) A multiple dwelling is required to provide not less than 1.3 parking spaces per dwelling unit, 0.25 of which will be reserved for visitors.
    - ii) In addition to i) above, one parking space shall be provided on a surface parking area for the exclusive purpose of accommodating a car share vehicle.
    - iii) A multiple dwelling is required to provide not less than 1.16 bicycle parking spaces per dwelling unit of which six bicycle parking spaces shall be short term bicycle parking spaces and 70 bicycle parking space shall be secure long term bicycle parking spaces.
  - m) That in addition to Section 18A(1)(c), the required loading space may have a minimum length of 10.5 m.
  - n) That in addition to Section 18A(7), two parking spaces located within the underground parking garage may have a minimum width of 2.6 m.
  - o) Notwithstanding Subsection 18A(14g), a parking area shall not be located within a front yard except for a maximum 35.0 m wide portion which may not be any closer than 5.6 m to the front lot line.
3. That the 'H' Holding symbol, applicable to the lands zoned "DE-2/S-1763-'H'" (Multiple Dwellings) District, Holding, Modified, may be removed by further amendment to this By-law at such time as:

- 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. 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 "DE-2" (Multiple Dwellings) District, provisions, subject to the special requirements referred to in Section 2 of this By-law.
5. That Sheet No. E23 of the District Maps is amended by marking the lands referred to in Section 1 of this By-law as "DE-2/S-1763-'H'".
6. That By-law No. 6593 (Hamilton) is amended by adding this By-law to Section 19B as Schedule S-1763.
7. 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.

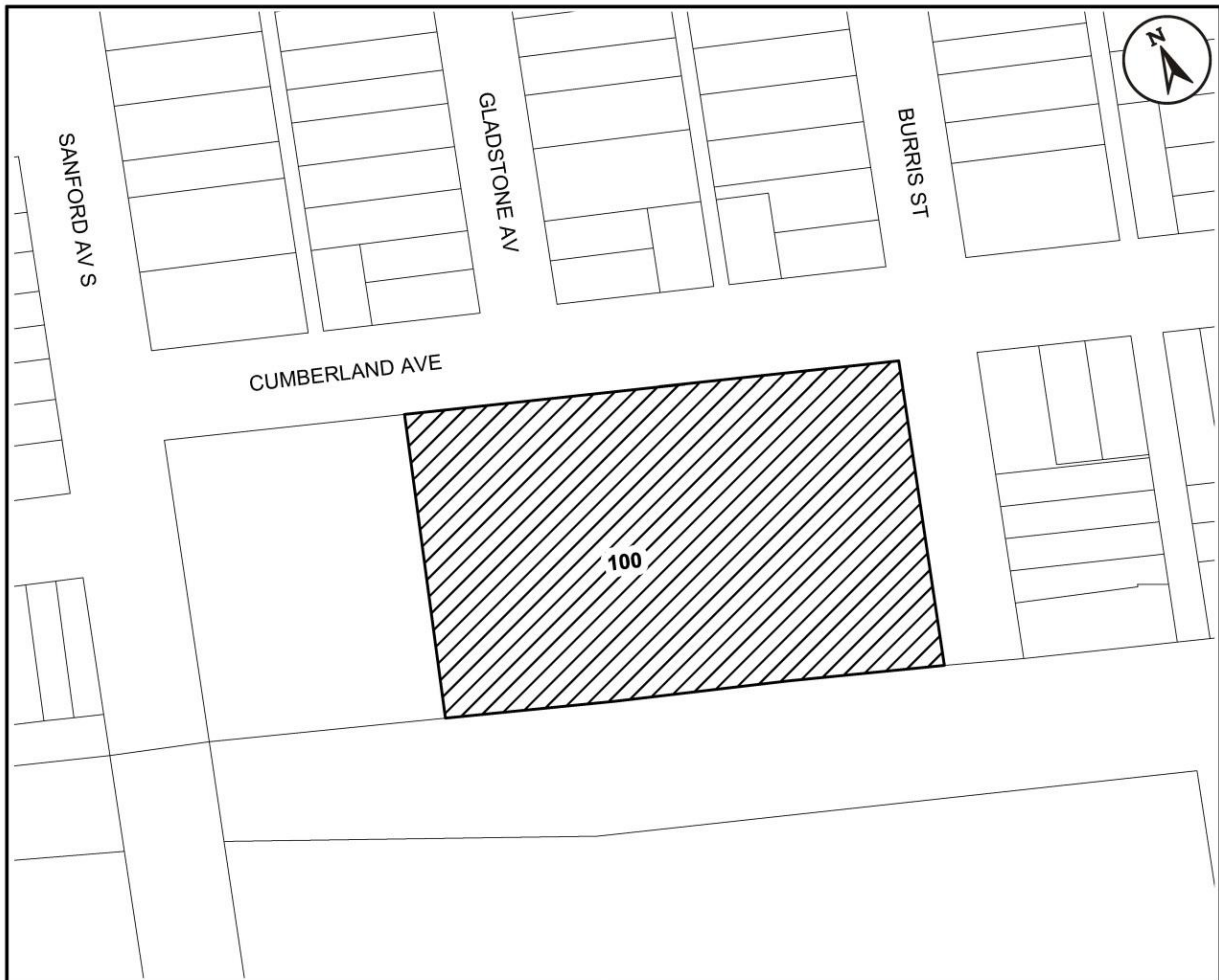
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F. Eisenberger  
Mayor

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R. Caterini  
Clerk

ZAC-13-007



|   |                                      |
|---|--------------------------------------|
| This is Schedule "A" to By-Law No. 18-<br><br>Passed the ..... day of ....., 2018 | -----<br>Mayor<br><br>-----<br>Clerk |
|---|--------------------------------------|

|   |   |
|---|---|
| <h2 style="margin: 0;">Schedule "A"</h2><br><br><h3 style="margin: 0;">Map Forming Part of<br/>By-Law No. 18-_____</h3><br><br><h3 style="margin: 0;">to Amend By-law No. 6593</h3> | <b>Subject Property</b><br>100 Cumberland Avenue<br>Change in Zoning from the<br>"JJ" (Restricted Light Industrial) District to the<br>"DE-2/S-1763-'H" (Multiple Dwellings) District,<br>Holding, Modified |
|---|---|

|  |   |  |
|--|---|--|
| <b>Scale:</b><br>N.T.S.                      | <b>File Name/Number:</b><br>ZAC-13-007 / OPA-13-001 |  |
| <b>Date:</b><br>April 24, 2018               | <b>Planner/Technician:</b><br>DB/AL                 |  |
| PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT |   |  |

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

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

Committee: Steve Robichaud

Report No.: PED18129

Date: 06/19/2018

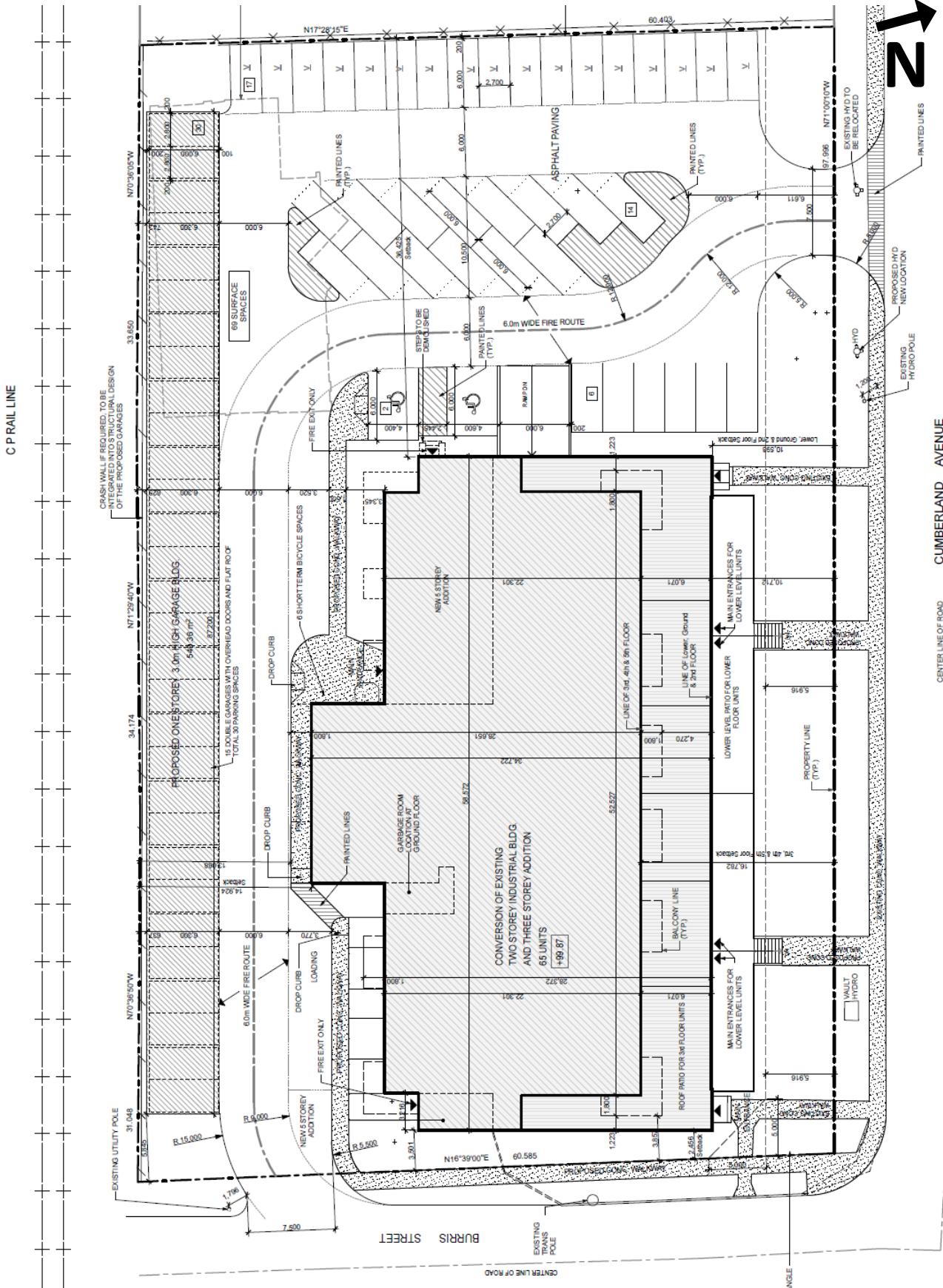
Ward: 3

(MM/DD/YYYY)

Prepared by: Daniel Barnett

Phone No: 905-546-2424 ext. 4445

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



CUMBERLAND AVENUE

CENTER LINE OF ROAD



C RAIL LINE

BURRIS STREET

ANGLE

CENTER LINE OF ROAD

CRASH WALL IF REQUIRED TO BE INTEGRATED INTO STRUCTURAL DESIGN OF THE PROPOSED GARAGES

PROPOSED ONE STOREY 3.0m HIGH GARAGE BLDG. 5-48.39 (M<sup>2</sup>) 47700

15 DOUBLE GARAGES WITH OVERHEAD DOORS AND FLAT ROOF TOTAL PARKING SPACES

6 SHORT TERM BICYCLE SPACES

6.0m WIDE FIRE ROUTE

6.0m WIDE BICYCLE LANE

6.0m WIDE FIRE ROUTE

6.0m WIDE FIRE ROUTE

6.0m WIDE FIRE ROUTE

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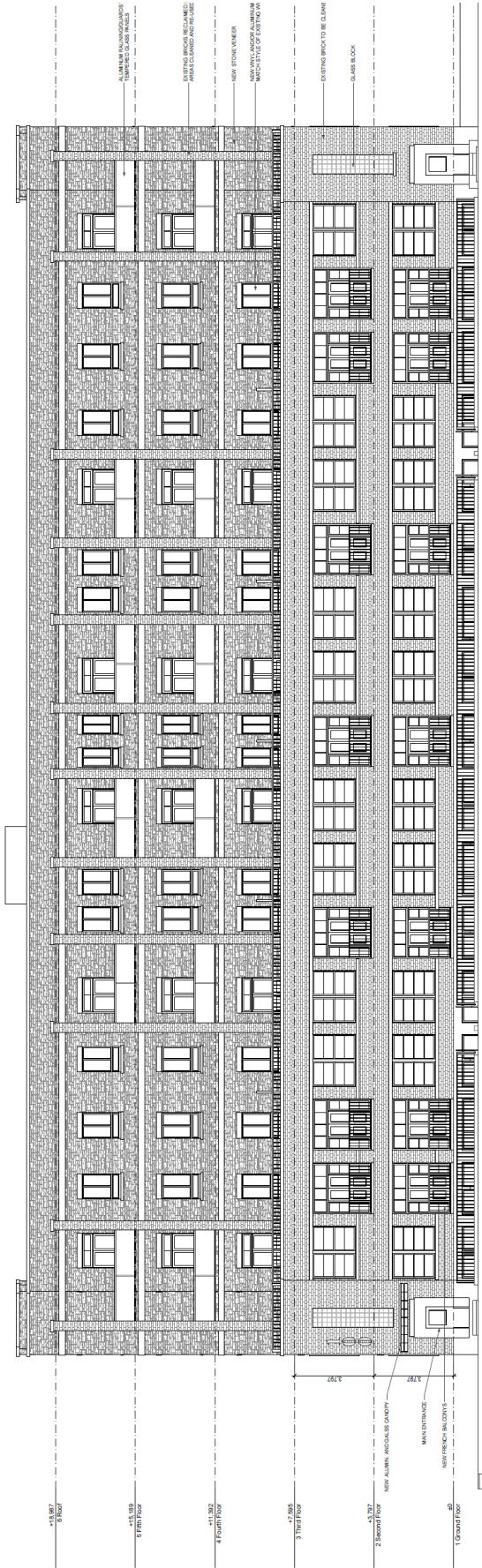
6.0m WIDE FIRE ROUTE

6.0m WIDE FIRE ROUTE

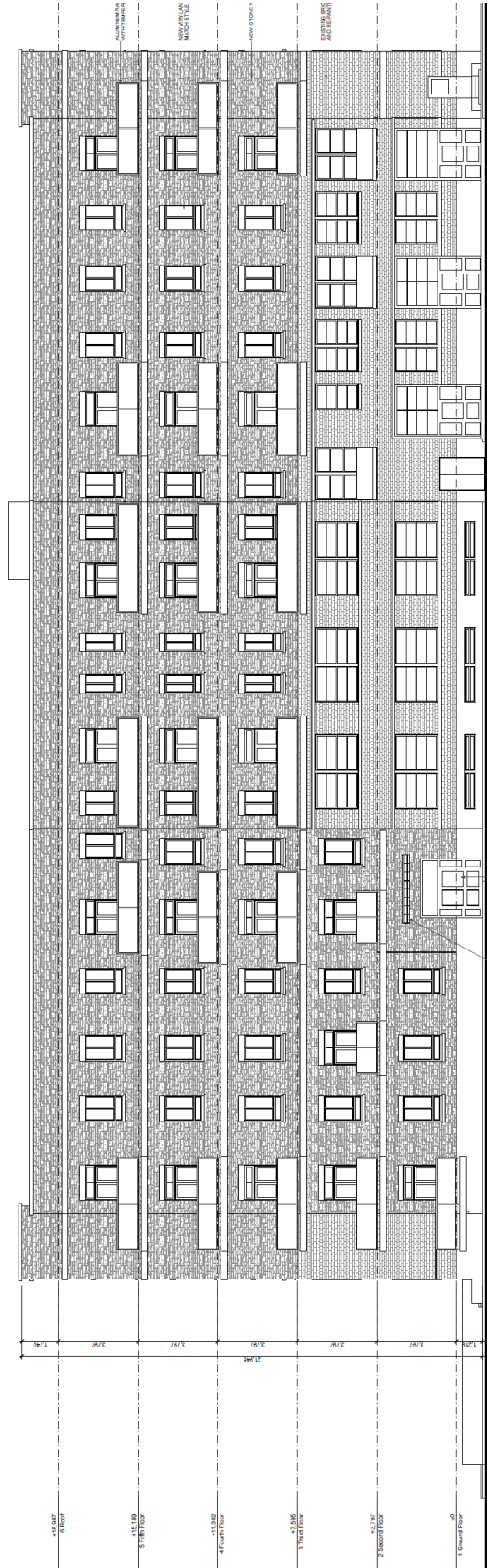
6.0m WIDE FIRE ROUTE

6.0m WIDE FIRE ROUTE

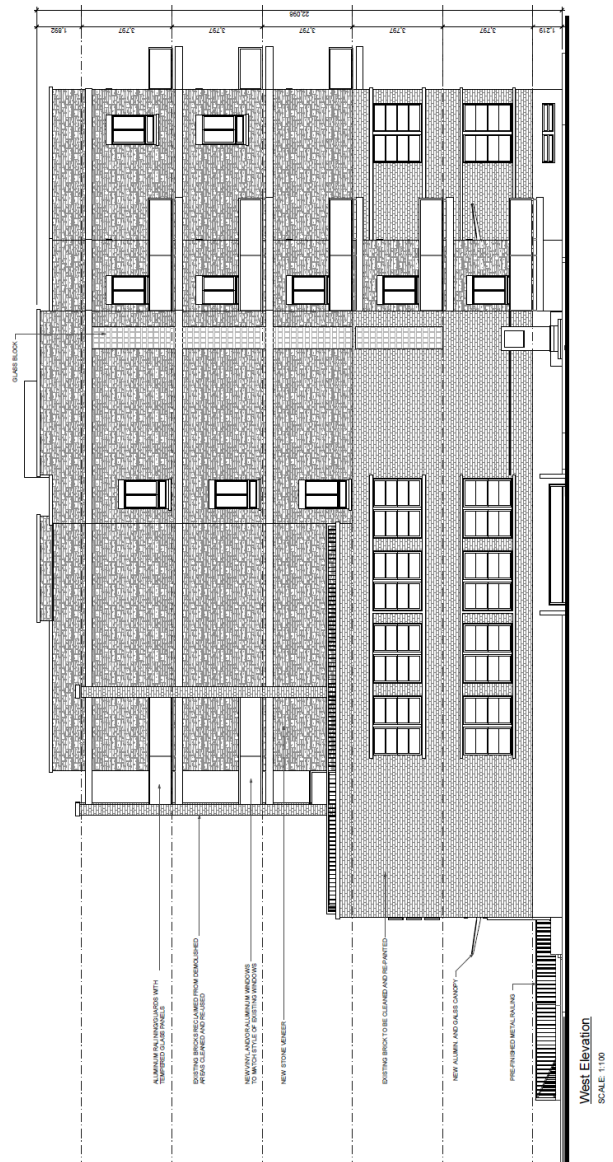
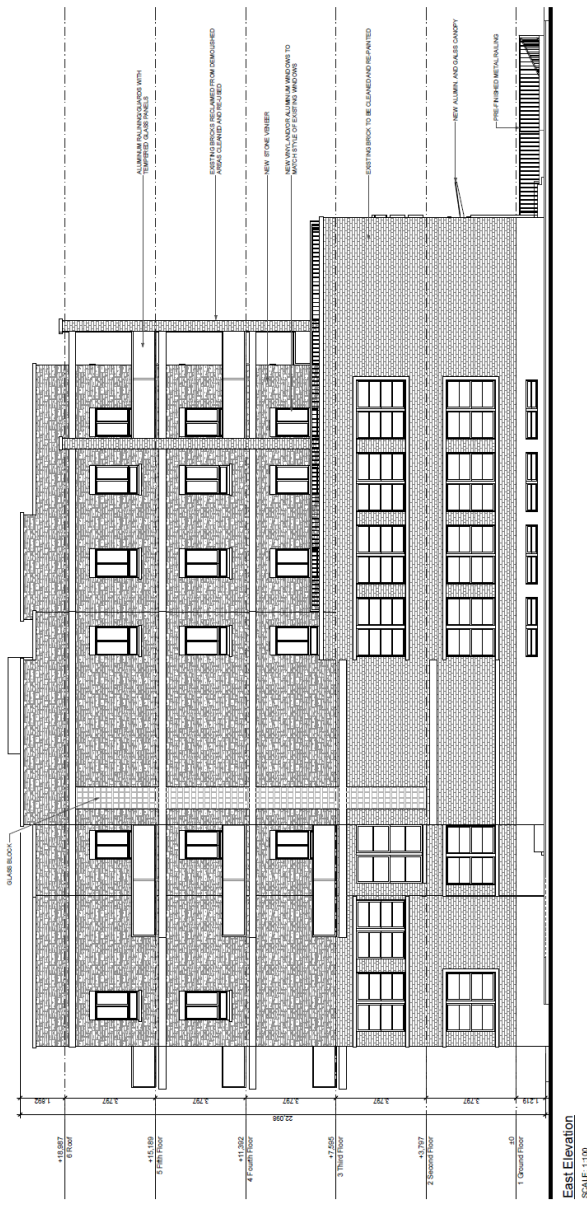
6.0m WIDE FIRE ROUTE



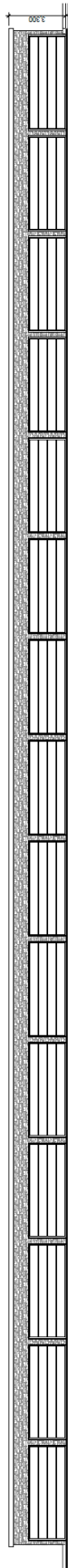
North Elevation  
SCALE: 1/100



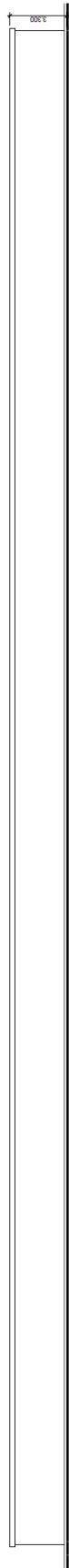
South Elevation  
SCALE: 1/100



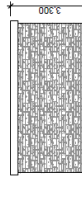




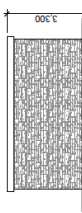
Garage North Elevation  
SCALE: 1/125



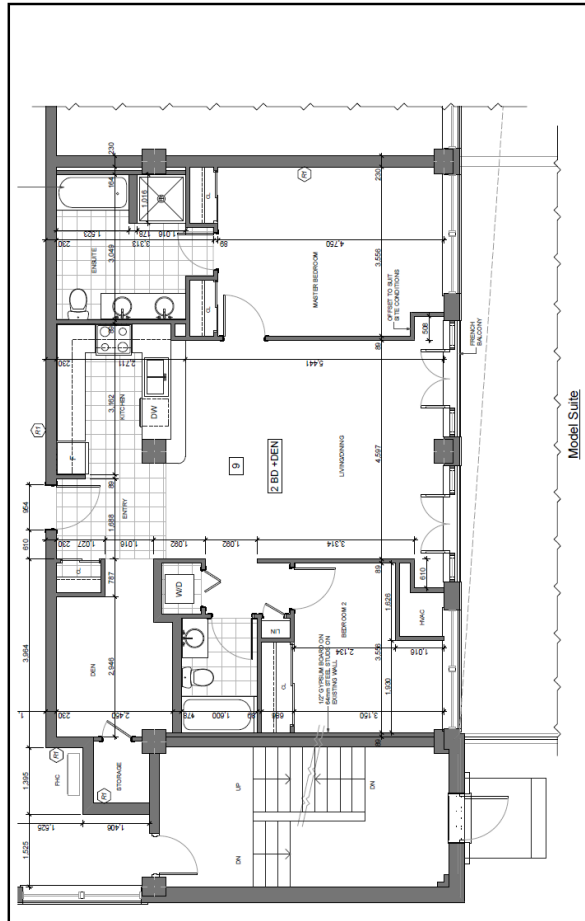
Garage South Elevation  
SCALE: 1/125



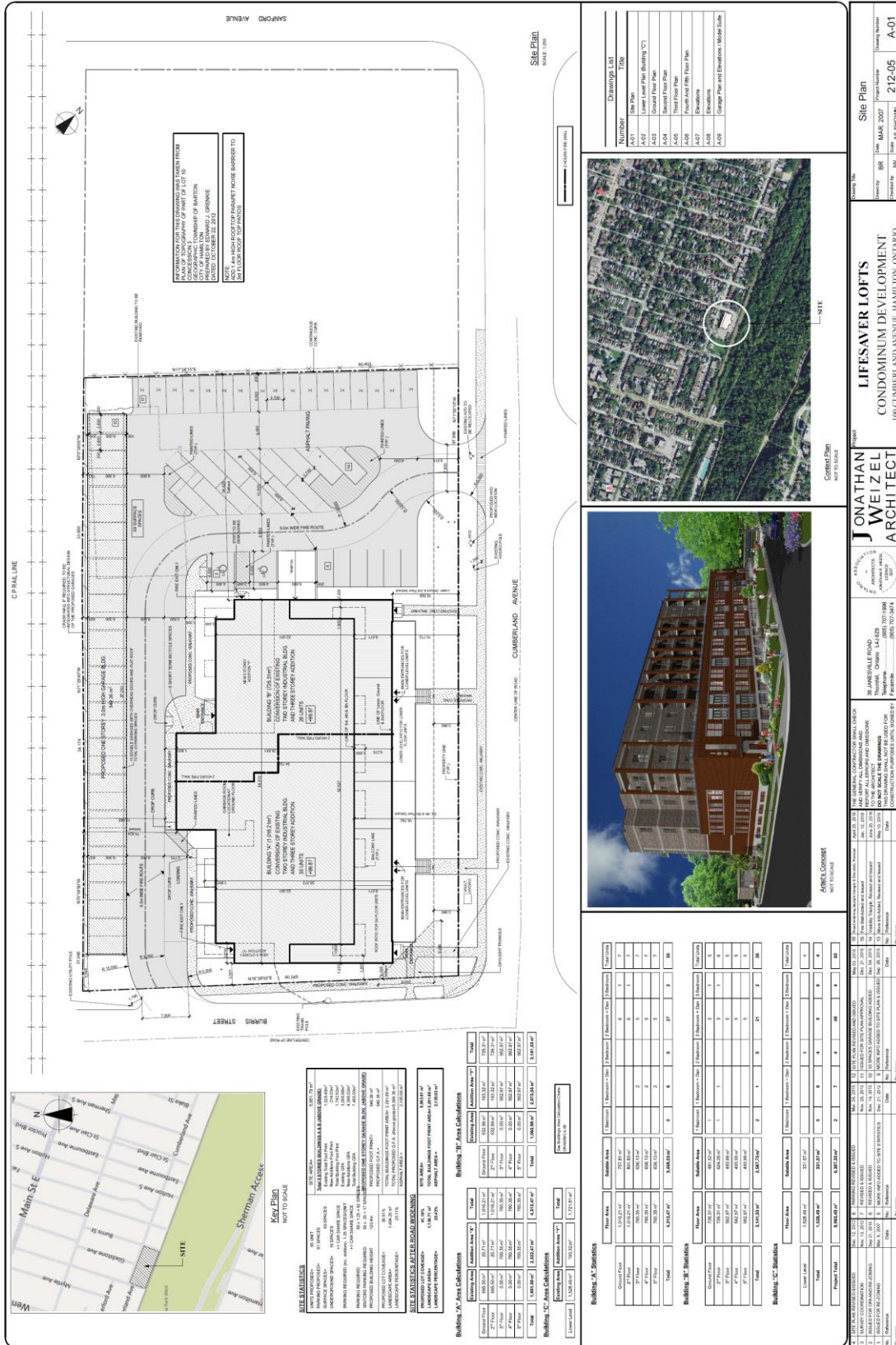
Garage West Elevation  
SCALE: 1/100



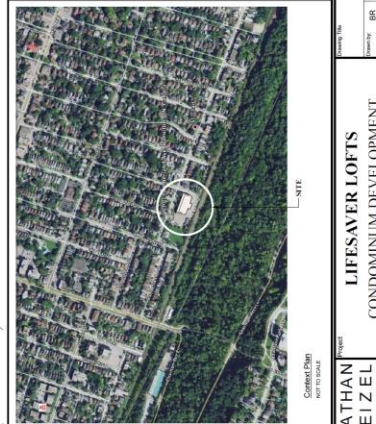
Garage East Elevation  
SCALE: 1/100



Model Suite  
SCALE: 1/50



**NOTES:**  
 1. ALL DIMENSIONS ARE UNLESS OTHERWISE SPECIFIED TO THE CONTRARY.  
 2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.  
 3. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE SPECIFIED.  
 4. ALL DIMENSIONS ARE TO THE OUTER EDGE UNLESS OTHERWISE SPECIFIED.  
 5. ALL DIMENSIONS ARE TO THE INNER EDGE UNLESS OTHERWISE SPECIFIED.  
 6. ALL DIMENSIONS ARE TO THE CENTERLINE UNLESS OTHERWISE SPECIFIED.



| Building               | Area         | Count | Dimensions | Area      |
|------------------------|--------------|-------|------------|-----------|
| Building 'A' Staircase | Overall Foot | 1     | 20' x 10'  | 200.00 SF |
|                        | F1 Floor     | 1     | 10' x 10'  | 100.00 SF |
|                        | F2 Floor     | 1     | 10' x 10'  | 100.00 SF |
|                        | F3 Floor     | 1     | 10' x 10'  | 100.00 SF |
|                        | F4 Floor     | 1     | 10' x 10'  | 100.00 SF |
| Building 'B' Staircase | Overall Foot | 1     | 20' x 10'  | 200.00 SF |
|                        | F1 Floor     | 1     | 10' x 10'  | 100.00 SF |
|                        | F2 Floor     | 1     | 10' x 10'  | 100.00 SF |
|                        | F3 Floor     | 1     | 10' x 10'  | 100.00 SF |
|                        | F4 Floor     | 1     | 10' x 10'  | 100.00 SF |
| Building 'C' Staircase | Overall Foot | 1     | 20' x 10'  | 200.00 SF |
|                        | F1 Floor     | 1     | 10' x 10'  | 100.00 SF |
|                        | F2 Floor     | 1     | 10' x 10'  | 100.00 SF |
|                        | F3 Floor     | 1     | 10' x 10'  | 100.00 SF |
|                        | F4 Floor     | 1     | 10' x 10'  | 100.00 SF |

**Site Plan**  
 Date: MAR 2022  
 Project Number: 212-05  
 Drawing Number: A-01  
 Client: JONATHAN WEIZEL ARCHITECT

**CONDOMINIUM DEVELOPMENT**  
 100 CUMBERLAND AVENUE, HAMILTON, ONTARIO

**CONTRACT PLAN**  
 NOT TO SCALE

**JONATHAN WEIZEL ARCHITECT**  
 50 JAMESVILLE ROAD  
 HAMILTON, ONTARIO L4M 1A2  
 PHONE: (905) 707-1908  
 FAX: (905) 707-1904

RECEIVED

JUN 7 - 2013

June 7, 2013

Danielle Fama  
City of Hamilton  
Planning and Economic Development Department  
Development Planning, Heritage and Design – East Section  
71 Main Street West, 5<sup>th</sup> Floor, Hamilton ON L8P 4T5

Re: Official Plan Amendment Application (File OPA-13-001) and Zoning By-Law Amendment Application (File No. ZAC-13-007), 100 Cumberland Avenue

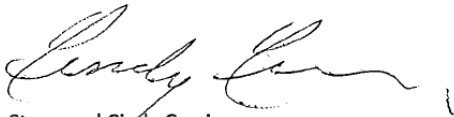
Dear Ms. Fama:

We the undersigned have received the Notice of Application for the above file numbers and would like to address our concerns on record. For expediency and reference the concerns will be listed by number.

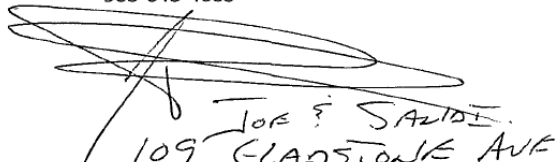
- 1) Does the proposed rezoning and accompanying construction include the property currently known as Lifesaver Park?
- 2) Will the 65 Unit Complex be available for purchase or as rental units?
- 3) Is the rezoning directly tied to the current plan as laid out or will the Builder have leeway to change the plan after the zoning has been changed?
- 4) Will the city and or the builder perform environmental testing prior to the application being approved?
- 5) Will a study of the sewage and water infrastructure in the area be conducted to determine if the current system is capable of sustaining the new additions?
- 6) Will traffic calming measures be put in place to protect the safety of the residents and children already living in the area?
- 7) Will the Builder agree to provide a signed contract to the surrounding residents agreeing to a specific completion date with a compensation package for any extensions and additional inconvenience that the extension may cause? And will the builder also compensate the residents for the loss of enjoyment of our nearby properties from noise, air and debris pollution?
- 8) Will the Builder agree to compensate the surrounding home owners for any reduction of property value directly caused by the addition of the Complex and its subsequent maintenance and use?
- 9) Parking in the area is already an issue. Will the city ensure that the Builder and/or the Unit Residents do not further contribute to the problem?
- 10) Further to Concern #9, will the Builder expropriate the street side parking on Cumberland for the duration of the project or for additional Unit parking afterward?

- 11) Will the building materials and equipment be contained within the property perimeter or will the Builder infringe on surrounding area (i.e. the adjacent park)?
- 12) The CP railway runs very close to the property. The trains idle daily in the area creating air and noise pollution. Is the builder aware that this will reduce the desirability of any units in that area and if so does the builder plan to sell or rent at a reduced price?
- 13) If the Units are rentals, can the residents expect that the City will remove all illegal apartments in the area to balance the rental properties against the single family owned homes?
- 14) There is another site located on Charleton which is proposing the building of Condominiums. Is there a restriction in the number of units being built at any one time in any one area?
- 15) Does the building contain any harmful materials that would require specialized removal that could put the neighborhood at risk?
- 16) Has any part of the building ever been or should be considered historical?


Sincerely,



Steve and Cindy Currie  
143 Gladstone Avenue  
905-645-4663



Joe Savide  
109 GLADSTONE AVE  
289 389 2162



Lois E. Hughes-Cole  
James Cole  
111 Gladstone Ave  
905-528-386

Danielle Dingle & Matron Deskiw  
105 Gladstone Ave Hamilton ON L8M 2K5  
905-540-8838

**Fama, Danielle**

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**From:** Bruno Moos [brunofmoos@gmail.com]

**Sent:** Sunday, June 09, 2013 8:21 PM

**To:** Fama, Danielle

**Subject:** Plan Amendment Application, file number OPA13-001

Late but just an encouragement to go ahead with the approval of the proposed project. Although it is not a very "colourful" design, it is definitely acceptable and will bring quality life into a nice neighbourhood.

Thank you to give us the opportunity to respond to your planning request.

Elyane Grenier  
226 Fairleigh Av. S  
Hamilton, ON  
L8M 2K5

**Fama, Danielle**

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**From:** Danielle Dingle [danielle.dingle@sympatico.ca]  
**Sent:** Friday, June 07, 2013 8:15 PM  
**To:** Fama, Danielle  
**Subject:** Official Plan amendment Application (File OPA-13-001) and Zoning By-Law Amendment Application (File No. ZAC-13-007), 100 Cumberland Ave

June 7, 2013

Danielle Fama  
 City of Hamilton  
 Planning and Economic Development Department  
 Development Planning, Heritage and Design – East Section  
 71 Main Street West, 5<sup>th</sup> Floor, Hamilton ON, L8P 4T5

Re: Official Plan amendment Application (File OPA-13-001) and Zoning By-Law Amendment Application (File No. ZAC-13-007), 100 Cumberland Ave

Dear Ms. Fama

I wish to express my concern over the proposed zoning change at 100 Cumberland Ave Hamilton ON. I would like to go on record that I oppose the proposed zoning change on the basis that there is not enough information available to residents make an informed decision as of yet.

That being said, I have the following concerns:

- <!--[if !supportLists]-->1. <!--[endif]-->The current plans state that condo units are being built. Does the rezoning apply directly to the proposed plan or can the plans change once the residential status is in place?
- <!--[if !supportLists]-->2. <!--[endif]-->Limited parking is already a problem. How can we be assured that the population increase of a 5 storey unit will not negatively impact what is already a problem.
- <!--[if !supportLists]-->3. <!--[endif]-->Is Lifesaver Park subject to this rezoning?
- <!--[if !supportLists]-->4. <!--[endif]-->Will Lifesaver Park be open during construction?
- <!--[if !supportLists]-->5. <!--[endif]-->Will traffic calming measures be implemented to protect the safety of the residents and children?
- <!--[if !supportLists]-->6. <!--[endif]-->Can the current water and sewage system manage the increase volume created by the new building?

If you would be so kind as to include me on your mail/email list about the above rezoning it would be much appreciated. In the meantime, if you have any questions please do not hesitate to contact me.

Kindest Regards,

Danielle Dingle  
 105 Gladstone Ave  
 Hamilton, ON L8M 2H8  
 905-540-8838

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**From:** Cindy Currie [mailto:cindy.currie@sympatico.ca]

**Sent:** Monday, June 10, 2013 5:01 PM

**To:** Ariane Terveld; danielle.dingle@sympatico.ca; jah67@hotmail.com; keith\_hopkins\_@hotmail.com; spetrie4@cogeco.ca; shelleycox@sympatico.ca; jpaquette21@cogeco.ca; flashback7@hotmail.com; thebinns@sympatico.ca

**Cc:** Morelli, Bernie

**Subject:** Lifesavers Rezoning

Looking at the proposed plans with a magnifying glass I have noticed a few items right off the bat that are going to be an issue in the neighbourhood.

- 1) 22 of the proposed parking spaces will be underground.
- 2) There will still be an entrance directly across from Gladstone which will create traffic nightmares for the residents and children.
- 3) The smaller building will be demolished for parking – I have issues with this. The building could have historical significance.
- 4) The residents of Gladstone and Burris will be losing our view of the escarpment. I can't speak for all of you but that was one of the factors we considered when buying this house. If we are going to be inconvenienced for this building to go in, it really irks me that the new condo owners will take my view without paying me for it.
- 5) We need to be very vigilant about perusing the drawings and documents. It's not clear on the copies we were provided but in one of the smaller scale drawings, the subject property goes all the way to Sanford.

Did anyone find the name of the builder? I'd like to do a background check on other projects to see what type of corporate mind we are dealing with. I'd love for this corporation to be courteous and cooperative but I'm not holding my breath.

Also, if there are any names of others you have spoken too, can you send them on to me so that everyone can have a copy of the information we receive and or dig up.

Cindy

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From: grantleyherbert58@hotmail.com  
To: info@hamilton.ca  
CC: danielle.farma@hamilton.ca  
Subject: 100 Cumberland Avenue  
Date: Tue, 28 May 2013 17:31:18 +0000

I am opposing this plan. The reason I am opposing it is that the City has done nothing about this low water pressure we are having. Mr. Morelli was supposed to fix it but it has not been done and we have low water pressure. With the addition of more residents we would have less water pressure.

Also this land should be used for park space not housing.

There are vacant lots in the City that need this housing not an area that is developed.

Grantley Howell,  
39 Cumberland Avenue, Hamilton, ON L8M 1Y6, 905-577-0089



## Appendix "E" to Report PED18129

Page 7 of 14

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

From: ejnewman@nfap.ca [mailto:ejnewman@nfap.ca]  
Sent: Wednesday, May 15, 2013 1:09 PM  
To: Fama, Danielle  
Cc: Morelli, Bernie  
Subject: Lifesaver lofts

We just received information about the official plan and zoning applications regarding Lifesaver Lofts. As a 37 year resident of Fairleigh Avenue (between Cumberland and Delaware), I personally feel this development is a vast improvement over a deteriorating, half empty industrial building with junk piling up in the yard. My concern is about the parking - 104 spots for 65 units is 1.6 spaces per unit - does this meet standard city planning guidelines for a new building in a residential neighbourhood?

We have a double garage, and driveway space 3 or 4 cars, but many houses around us have no parking and multiple vehicles. Street parking is very tight. As just one example, a neighbour across the street had 2 vehicles and one parking spot when they moved in. A son returned home adding both his car and a work van, meaning 3 vehicles to be parked on the street every night. The van often sits for several days without moving.

This development cannot be allowed to add to the current parking issues in the area.

Joyce Newman  
218 Fairleigh Ave. S  
Hamilton L8M 2K5

**From:** Ariane Terveld [aterveld@gmail.com]  
**Sent:** Friday, June 07, 2013 4:36 PM  
**To:** Fama, Danielle  
**Cc:** Morelli, Bernie; cindy.currie@sympatico.ca  
**Subject:** Lifesaver Lofts File #OPA-13-001 & ZAC-13-007

Hi Danielle

Sorry to send this in so late but I wanted to officially present some concerns that the homeowners on Gladstone Avenue have discussed and that I have regarding the proposed Lifesaver Factory Lofts.

First off, I personally think that the Architect has done a great job and that the building itself will be lovely. I wish it wasn't 5 stories high as it obliterates our view of the mountain, which is one of the reasons that we bought downtown, but I understand that the higher it is the more likely that the developer will make a profit on his time and investment.

Here are my concerns and suggestions for workarounds:

- **Close the entrance/exit off Cumberland** across from Gladstone Avenue. Our street has become very dangerous in the past few years, with cars using it as a quick access from Cumberland up to Main and back down again. We have a lot of children in the neighbourhood (20 on Gladstone between Cumberland and Delaware and 2 of which are hearing impaired). If you open up the driveway facing onto Cumberland then we have the potential for an additional 104 cars to rush up and down our street. I feel that using the existing street access on Burris, with a stop sign at Cumberland and Burris, will slow the traffic down.
- If you cannot get everyone to agree to doing this, then I would suggest taking the **East/West stop sign** at Gladstone and Delaware and moving it one block west to Sanford & Delaware. Where the current Stop sign is now there is no clear 4 way stop, as Gladstone jogs to the west a bit as you cross Delaware, and it is very awkward. There have been a few near misses as motorists are not aware of "who's turn it is". This would create a clear 4 way stop at the Sanford and Delaware intersection and increased safety for the bus riders who exit at the Sanford/Delaware stop. It would also work to create a longer wait for northbound/southbound cars trying to cross Delaware and use Gladstone as a "through traffic" street.
- Ultimately I would like to see the Lofts be limited to 4 floors so that they don't completely obstruct the view of the mountain and ruin the look of the neighbourhood.

Thank you for the opportunity to express my concerns.

I am happy that the development of the site is happening and I know, with a little compromise from all parties, that it will be something we can all look forward to being proud of!

--

thx  
ariane

"And those who were seen dancing were thought to be insane by those that could not hear the music."  
— Friedrich Nietzsche

Re: Lifesaver Lofts  
 File No: OPA-13-001  
 File No: ZAC-13-007

Page 1

JUN 7 - 2013

Danielle Fama, City of Hamilton  
 Planning and Economic Development Department

As "near downtown" residents, we generally support the conversion of unused and/or underused industrial buildings bordering residential areas. By creating more variety in inner city housing choices, we can reduce urban sprawl and the resulting loss of farmland.

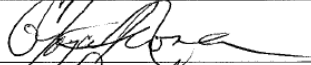


Conversions can be an asset to the neighbourhood:

- by visually improving the building and landscape, and turning a property that is currently a negative to potential buyers into an plus.
- by introducing young couples who may not have previously considered "downtown" living to lower city neighbourhoods.
- by providing smaller and more maintainable housing to ageing residents who can no longer manage a house, but want to stay in the area.

We are not opposed to the Lifesaver Lofts Condominium Development, but we want assurances that any development at 100 Cumberland Ave. will be an asset to our neighbourhood:

- The proposal we received for Lifesaver Lofts is for 65 condominium apartments. The Hamilton zoning by-law requires a minimum of 1.25 parking spaces per dwelling unit. Based on the 65 proposed units, a total of 82 parking spaces are required, 65 parking spaces for the 65 dwelling units and 17 parking spaces exclusively for visitor parking. The proposal is for 104 parking spots, 22 underground, 82 surface. In a 100 year old neighbourhood with limited parking and many multi-car households, parking is an issue. Those extra 22 parking spots for condo residents are essential, both for the condo owners and for the existing neighbourhood.
- Project architect Jonathan Weizel's website, under projects, lists "Lifesaver Lofts, 80 units, Hamilton". Is the development plan for 65 apartments? Or is it for 80? Legally, 104 parking spots could support 80 apartments.
- Will the building grow once the new zoning has been achieved? Could more floors be added? This is a neighbourhood of 2½ storey houses on narrow lots. Through landscaping and fencing, most of us have created reasonable privacy in our yards. The proposal presented, with a total of 5 stories across the back of the existing factory building, should maintain that sense of privacy and the character of the neighbourhood. Taller will not.

Is the proposal sent to neighbours what will be actually be built? Or is it simply an idea being presented for the purposes of getting the necessary regulatory changes?

| Name            | Address               | Signature   |
|-----------------|-----------------------|---|
| E. Joyce Newman | 218 FAIRLEIGH AVE S   |  |
| Don Newman      | 218 FAIRLEIGH AVE S   |  |
| Sandra Madson   | 214 FAIRLEIGH AVE. S. |  |

Re: Lifesaver Lofts  
 File No: OPA-13-001  
 File No: ZAC-13-007

Page 2

| Name            | Address               | Signature       |
|-----------------|-----------------------|-----------------|
| Julio Ramirez   | 221 FAIRLEIGH AVE. S  | Julio Ramirez   |
| R JOHNSON       | 25 FAIRLEIGH AVE      | R Johnson       |
| R Flock         | 65 Fairleigh cres     | R Flock         |
| Kim Kippen      | 230 Fairleigh Ave S.  | Kim Kippen      |
| Randall Watson  | 230 Fairleigh Ave. S. | Randall Watson  |
| SARAH DEBOER    | 234 Fairleigh Ave. S  | Sarah DeBoer    |
| Michelle Digout | 223 Fairleigh Ave S   | Michelle Digout |
| Nick Muth       | 223 Fairleigh Ave S   | Nick Muth       |
| Ron ETTY        | 206 FAIRLEIGH AVE. S. | Ronald ETTY     |
| LINDA ETTY      | 206 FAIRLEIGH AVE. S. | Linda ETTY      |
| Karen Low       | 210 Fairleigh Ave S.  | Karen Low       |
| ROBERT LOW      | 210 Fairleigh Ave S.  | Robert Low      |
| AGNES BOBERSKI  | 213 Fairleigh Ave. S  | Agnes Boberski  |
| John Gelder     | 215 Fairleigh Ave. S. | John Gelder     |
| JEREMY MORROW   | 213 Fairleigh Ave. S. | Jeremy Morrow   |
| David Mills     | 222 Fairleigh Ave S.  | David Mills     |
| Jane Lebeau     | 222 Fairleigh Ave S   | Jane Lebeau     |
| Krishn Roe      | 222 Fairleigh Ave S   | Krishn Roe      |
| JONET RYDING    | 249 FAIRLEIGH AVE. S. | Jonet Ryding    |
| DOVSKARRATT     | 217 FAIRLEIGH AVE S   | Dovskarratt     |
| Judith Skarratt | 217 Fairleigh Ave S   | Judith Skarratt |



RECEIVED

JUN - 3 2013

Sunday, June 2, 2013

Page 1

Danielle Fama  
City of Hamilton  
Planning + Economic Development Department  
Development Planning, Heritage + Design  
- East Section  
71 Main Street West, 5th Floor  
Hamilton, ON  
L8P 4Y5

WITHOUT PREJUDICE

Re-Official Plan amendment  
(File # OPA-13-001)

Dear Danielle:

This letter is in regards to our concerns to the building of a 5-storey - 65 unit residential building with 104 parking spaces at 100 Cumberland Avenue - Hamilton - (Ward 3)

Our first concern is in regards to the preservation of the mature trees at the front of the building. In the past, the owner cut some of the mature trees down. The remaining trees will ensure some privacy to the residents adjacent to the building.

The next concern is if this, we hope, will be an adult building. This is a neighbourhood of mature residents. We would prefer that this neighbourhood remain the same.

Page 2

will these units be purchased & owner occupied or will they be geared to income/market residents? The parking that will be assigned is for 104 spaces. Will some of these spaces be assigned for visitor parking? There are already parking issues on Cumberland & Burris streets. Many of the residents on these streets do not have driveways, therefore causing a parking shortage. Where do you intend to place the large garbage and recycling bins? We do not want these bins placed anywhere at the front of the building causing an eye sore. The garbage bins should be placed inside the loading area of the building. The recycling bins, if placed outside, should be in an enclosed area at the rear of the building.

Will each unit have individual washers & dryers with individual venting for these? When washers & dryers are running and venting to the outside there is a musty odour that comes out into the air.

Is the building going to use the existing City water pressure or will the building have its own pumping system? Our concern is water pressure loss in our home.

Will there be a designated on site superintendent or property managers? Will there be a Board of Directors assigned to this building?

How will the roof top air conditioning units operate to ensure a minimum of noise pollution?

Page 3

I would to thank you at this time for addressing my issues in this letter.  
I look forward to hearing from you in the near future.

Your truly,

horetta Sargent Latta M Sargent  
alvin Goodson J Goodson  
Deborah Ramsbottom, Deborah Ramsbottom  
of 207 Broad St. corner of Broad &  
Cumberland

Hand Delivered - MONDAY, JUNE 3, 2013

Also what is the completion date for project.





# MEMO



KITCHENER  
WOODBRIDGE  
LONDON  
KINGSTON  
BARRIE

|                 |   |
|-----------------|---|
| <b>To:</b>      | <b>Peter De Iulio</b>   |
| <b>From:</b>    | <b>Eldon Theodore</b>   |
| <b>Date:</b>    | <b>October 31, 2013</b>   |
| <b>File:</b>    | <b>1214A</b>  |
| <b>Subject:</b> | <b>100 CUMBERLAND AVE, HAMILTON –<br/>SUMMARY OF RESIDENT COMMENTS AND CONCERNS</b> |

The following is a summary of the comments received at the Open House on October 29<sup>th</sup>, 2013

**Resident:** Sharon Johnston

**Address:** 47 Rutherford Avenue

**Comment:** Overall thinks the development and proposal is great. One concern she has is 108+ cars being added to the area, concern is to do with the increased traffic with the park beside the development. Feels as though City needs to place large speed bumps or other traffic calming measures because drivers already drive poorly through the neighbourhood, mainly down Cumberland.

**Response:** City's responsibility to provide initiatives if there is an existing concern, however we will take this concern seriously and discuss it with the City.

**Resident:** Patricia Stevenson

**Address:** 71 Cumberland Avenue

**Comment:** Residence is located across the street from the park. Concern is regarding an apparent 12 m road widening on their side of the street, taking away from their property.

**Response:** Any landscaping for this proposal will be located on the south side of Cumberland on the 100 Cumberland property. Any road widening is up to the discretion of the City, which we are looking into to determine if it is necessary.

**Resident:** Danny Gaisin

**Address:** 138 Gladstone Avenue

**Comment:** Local streets within the immediate area are a maze of one way streets, with this proposal is there any hope that the City may change any of the streets to two way streets?

**Response:** Cannot comment for the city as to the history or need for one-way streets as the surrounding streets are their responsibility. You should speak with the City or local councilor to discuss any desired changes to the overall transportation network for the neighbourhood.

**Resident:** David Mills

**Address:** 222 Fairleigh Ave S

**Comment:** Would a potential road widening be a result of the function of traffic or something else? What would the price range be for these units? Price per square foot? Concern that development will be higher than five storeys.

**Response:** A road widening is a result of the New Official Plan street hierarchy with regards to desired roadway width for Cumberland Ave. We are investigating the need. Have not determined what the price will be, potential to start at approximately \$250,000.00. Number of levels has been cut back significantly since original proposals, will not be higher than what is currently proposed.

**Resident:** Patricia Stevenson

**Address:** 71 Cumberland Avenue

**Comment:** Concern with limited number of visitor parking spaces (17 on site), worried about overflow onto streets.

**Response:** 17 visitor parking spaces is as per the by-law; a lot compared to other municipalities.

**Resident:** Barry Duchesne

**Address:** 194 Sanford Street

**Comment:** How many people worked at the Life Saver factory when it was in full operation?

**Response:** Approximately 57 employees (Lee Whitely - Owner)

**Resident:** Ariana

**Address:** Gladstone Avenue

**Comment:** How long will construction take – 18 months? What is the plan for the excavation and how to get the construction vehicles through the community – Concern for noise within community? Will we know in advance who the general construction company is? Concern for work in regards to park. Potential to have driveways and site to be one way in one way out? Concern about blocking view of the escarpment. Why is the property still listed on the commercial real estate site?

**Response:** Construction will take between 12-14 months. Construction measure not known at the moment, work will begin at time when by-law states work is allowed to begin. Community will know who the construction company is in advance of construction, measures will be taken to ensure construction does not overflow onto park as per City requirements. We will consider the potential of one way in one way out, drive aisles will still need to be the width of two ways for the fire route. Five storey building is better than a ten storey building in terms of blocking the view of the escarpment. It is still listed on the commercial real estate site because they are still looking for investors, it is also listed on the residential real estate site.

**Resident:** Matthew Green

**Address:** 232 Holton Avenue South

**Comment:** What is the ongoing nature of the design? Will the design change again in six months?

**Response:** This proposal and design is already formally submitted, the only changes to the plan going forward will be as a result of comments received by the City.

**Resident:** Nick Muth

**Address:** 223 Fairleigh Avenue S

**Comment:** The whole timeline in terms of construction seems to be way off. Does timeline include cleanup of site? Is construction not based on percentage of sales of units? Will the existing servicing on the road or lot be dug up? Will additional parking be provided in front of the development on the street?

**Response:** We are anticipating Site Plan approval by spring 2014, construction to begin later next year. Unknown whether percentage of sales is actually required in order to proceed. Servicing on the road is

sufficient, servicing on site will need to be dug up and improved. Parking on street will be determined by the City but we anticipate it will remain.

**Resident:** Bruno Moos

**Address:** 226 Fairleigh Avenue S

**Comment:** Units seem to be geared towards older people due to the smaller units, not geared towards family units? If older people were to buy these units, many may not need cars, could walk to amenities and maybe traffic concerns could diminish. Is there potential for a store within the development?

**Response:** Units range in size with a lot being over 1,600 square feet with two or three bedroom. Substantial room for families. We looked into the potential for live/work units as ceilings are high, City was not keen with commercial.

**Resident:** Stacey Allen-Cillis

**Address:** 128 Cumberland Avenue

**Comment:** Serious concern is the traffic, big concern is the Burriss/Cumberland intersection. Is there is potential to revitalize the park as part of the development? Is there any green space on the property for the residents? Balcony gardening or green roof? Is there any known asbestos in the building?

**Response:** We will take into serious consideration the traffic and City needs to be made well aware of traffic concerns. Some of the units have large balconies and patios, no green roof on development. No asbestos on property, Phase I and II confirmed this.

**Resident:** Nick Vander Vliet

**Address:** 221 Burriss Street

**Comment:** Has a barrier between the railway and the development been contemplated?

**Response:** Yes a barrier has been contemplated. The full design of the barrier has not been determined but it will be a full noise barrier and extend to Burriss Street.

**Resident:** Susannah Bleasby and many others

**Address:** 103 Eastbourne Avenue

**Comment:** The coloured Life Savers on the building look cheesy, perhaps change them to stainless steel or various types of metals (could represent Hamilton with various steels). Fear that they will become outdated very quickly, red railings are also a visual concern. Does not fit into the existing heritage community. Where will the cash in lieu of parkland money go?

**Response:** We will look into changing the Life Savers and various colouring, perhaps add some stone etc. The cash in lieu of parkland money will be dealt with by the City, it is their responsibility, but can be used to upgrade the existing Lifesavers park.

**Resident:** Julio Ramirel

**Address:** 221 Fairleigh Avenue S

**Comment:** The design is completely out of character of the surrounding community. Is there potential to soften the walls? Existing proposed glass does not complement heritage character. Not completely opposing it like I was originally planning on doing. Concerned about only 17 visitor spaces as finding parking on streets in already very difficult in the neighbourhood. If the financing doesn't go through, is there the potential to make the units rental units (concerned).

**Response:** We can reexamine current design and see if there is anything that can be done to make it more appealing. It will remain a condo development, it is not within our control if units are then rented out by owners of the unit.

**Comments by Lee Whitley (Owner):** He has given the community the park, any revitalization is now the City's responsibility. City will get Cash-in-Lieu for parkland. The units will range from approximately \$250,000 - \$500,000+ and will be quality built and one of the nicest buildings in Hamilton. There will be a range of unit sizes, many that are very large in size to accommodate families. There will be no rentals within the unit, strictly condo sales. I will help public push the City for speed controls within the surrounding neighbourhood.

Open House comes to a close.

6.1(a)



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## Proposal on Cumberland

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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

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**Brian Gilham** <

Mon, Jun 11, 2018 at 11:32 PM

To: matthew.green@hamilton.ca

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

# 6.1(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 proposed 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

6.1(d)

City of Hamilton

June 14<sup>th</sup> 2018

To Whom It May Concern:

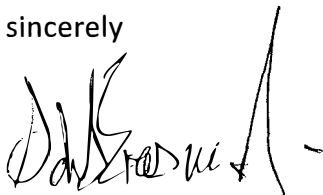
We would like to place on record our opposition the proposal for a 5-storey, 65 unit condominium construction at 100 Cumberland Ave (Life Saver Factory).

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



## 6.1(e)

**From:** Sean House  
**Sent:** August 11, 2018 8:43 AM  
**To:** Bedioui, Ida <Ida.Bedioui@hamilton.ca>  
**Cc:** Pilon, Janet <Janet.Pilon@hamilton.ca>; Barnett, Daniel <Daniel.Barnett@hamilton.ca>; Green, Matthew <Matthew.Green@hamilton.ca>  
**Subject:** Re: 100 Cumberland rezoning

Hi Ida,

Just following up on this item going to Planning Committee on August 14th. We would like to retract our previous correspondence with regards to the rezoning at 100 Cumberland Street and replace it with the following:

Dear Daniel and Matthew,

Thank you for deferring the rezoning application at 100 Cumberland Street originally scheduled for June and hosting the open house on July 18th. We know it was not mandatory but it was great to have our questions answered about this proposal. We're hoping that going forward other applications similar to this can provide this level of public consultation.

In terms of the application itself, we are generally supportive and appreciate the re-use of the former lifesavers factory. There are a few minor tweaks to the project which we feel would improve the proposal:

- 1) We like the idea to include a commercial use to the site that would allow for additional services and amenities within the neighbourhood, such as a coffee shop or small grocer.
- 2) We are supportive of the proposed residential use and infill development, but realize that the increased density will place greater demand on neighbourhood resources such as park space and on-street parking. We feel that the Applicant should provide at minimum a new Sobi Station complete with bikes in Lifesaver Park to help reduce parking impacts. The Applicant may also want to help revitalize and upgrade Lifesaver Park, to address the increased demand on park space.
- 3) We will be losing the escarpment views from our backyard as a result of this development. Has the Applicant or Planning Committee considered rearranging the height layout to minimize view impacts?

I hope these considerations are helpful in making your decision.

Sincerely,

Sean House and Chelsea Woods

To Whom It May Concern;

July 16 2018

Some of the residents of Ward 3 are having a very difficult time having our voices heard in regards to the proposed development at 100 Cumberland Ave. Many of us feel this is due in large part, to a deliberate and continued effort by Councillor Mathew Green in order to advance the project in question.

He has accomplished this by directly misleading those who oppose the project \*and by poorly informing area residence of any developments\*\*.

Several of us in opposition (to the development as proposed) attended the city hall meeting on June 19<sup>th</sup> with the intention of speaking to the full council. Councillor Green clearly expressed his disagreement with us and his support of the proposed project but reassured us, that he would make sure our concerns were heard. He then proceeded to have the meeting tabled until August. \*When I expressed my frustration over not having a chance to speak, he told me we would all have another chance in August.

That same afternoon I emailed him directly and asked to be notified immediately of any changes/new developments. He never returned my email. This also happened to several other area residents who disagreed with him on this issue and subsequently followed up with emails. He simply failed to respond or update those who opposed. This is not right.

\*\*Last night (Sun July 15) fliers were quietly (no knock or bell) placed in some of the houses in the area declaring a public meeting this Wed July 18<sup>th</sup> regarding 100 Cumberland. The majority will only discover these Monday evening after the post arrives and have 48 hours notice at best. This is a meeting which we were previously told was scheduled to be happening in Aug.

When I contacted Councillor Green expressing my confusion, he replied that the Aug date is now a planning meeting. In effect, he has already scheduled meetings to proceed and we have still yet to be heard by anyone at City Hall (other than him). This is not right.

While Councillor Green has acknowledged that many of the area residents are new to the area, he has failed to provide any adequate information on an ongoing basis. Many of whom I have spoken with were completely unaware of this project, let alone any relevant details. It is our belief that he has intentionally kept us in the dark in order to promote his own agenda with minimal opposition. This is failing the very Hamiltonians he is elected to represent. This is not right!

**In Regards to the development in question at 100 Cumberland**

This development has been debated for over 5 years now. Petitions and letters have been filed in opposition for many years. Several past residents have sold their homes and left the area since then and due to lack of information, many of the new owners have no idea this is happening.

I have canvassed door to door and have spoken to many of my surrounding neighbours. The main concern across the board seems to be the height increase (the current two story building is planned to be transformed into a towering 5 storey building which will completely block the escarpment view for many of the adjoining properties. For many, this view is one of the main reasons people have purchased property in this area.

In a written statement/report submitted to city council (which I obtained independently through dedicated research), this issue is touched on briefly with the following statement on pg 25 of 33-

“Staff are of the opinion that the proposed encroachments will not cause a negative visual impact on the surrounding properties and support modifications”.

Area residents strongly disagree with this and insist that the issue be re-addressed to include the legitimate concerns and opinions of current ward 3 constituents.

Please refer to the photo below. It was taken from my backyard. I am the third house from the north-east corner of Gladstone Ave & Cumberland. It is clear to see that our escarpment view (along with several others) will be totally obstructed and there will be an indisputable negative impact if this development proceeds as proposed. What good is additional housing if comes at the cost of an extremely negative and unwanted impact to current homeowners? These issues have in no way been solved by city staff. Supporters of the project have simply stated they disagree with the current local land owners and have presented this as a final conclusion in order to close the matter. This is only their opinion and for it to be accepted as the final word is completely unacceptable and undemocratic.

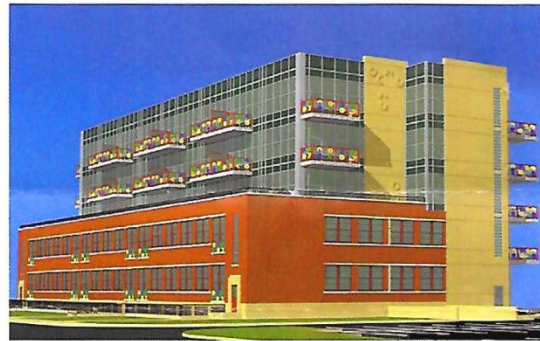
Please feel free to contact me for further information. I sincerely hope you are able to attend the public meeting this Wed. I have included a copy of the distributed flyer below.

Thank you kindly for your time, CJ Urech.



# PUBLIC MEETING

## PROPOSED ZONING BY-LAW AMENDMENT FOR 100 CUMBERLAND



**WHEN:** 7:00 - 8:30 PM

WEDNESDAY, JULY 18

**WHERE:** ST. PETER'S HARRRP

705 MAIN ST E

For more information  
please contact our office  
905-546-2702 or by email  
[Matthew.Green@Hamilton.ca](mailto:Matthew.Green@Hamilton.ca)

— MATTHEW —  
**GREEN**  
CITY COUNCIL | WARD 3



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
 Planning Division

|                           |  |
|---------------------------|--|
| <b>TO:</b>                | Chair and Members<br>Planning Committee  |
| <b>COMMITTEE DATE:</b>    | August 14, 2018  |
| <b>SUBJECT/REPORT NO:</b> | Applications to Amend the Urban Hamilton Official Plan and the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 70 Garner Road East, Ancaster (PED18185) (Ward 12) |
| <b>WARD(S) AFFECTED:</b>  | Ward 12  |
| <b>PREPARED BY:</b>       | Melanie Schneider (905) 546-2424 Ext. 1224   |
| <b>SUBMITTED BY:</b>      | Steve Robichaud<br>Director, Planning and Chief Planner<br>Planning and Economic Development Department  |
| <b>SIGNATURE:</b>         |  |

### RECOMMENDATION

- (a) That **Amended Urban Hamilton Official Plan Amendment Application UHOPA-17-30 by Ancaster Reformed Church (Jim Bezemer, Owner)**, to redesignate a portion of the subject lands from “Institutional” to “Airport Employment Growth District” in the Urban Hamilton Official Plan, and to redesignate a portion of the lands from “Institutional, Special Policy Area B” to “Airport Prestige Business” and establish a site specific policy area to permit a funeral home in the Airport Employment Growth District Secondary Plan for a portion of lands located at 70 Garner Road East, as shown on Appendix “A” to Report PED18185, be **APPROVED** on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED18185, which has been prepared in a form satisfactory to the City Solicitor, be enacted by 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) (Places to Grow).
- (b) That **Amended Zoning By-law Amendment Application ZAC-17-068 by Ancaster Reformed Church (Jim Bezemer, Owner)**, for a change in zoning from

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*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: Applications to Amend the Urban Hamilton Official Plan and the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 70 Garner Road East, Ancaster (PED18185) (Ward 12) - Page 2 of 22**

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the Major Institutional (I3, 39, H37) Zone to the Airport Prestige Business (M11, 697, H37, H104) Zone for a portion of lands located at 70 Garner Road East (Ancaster), as shown on Appendix “A” to Report PED18185, be **APPROVED** on the following basis:

- (i) That the draft By-law, attached as Appendix “C” to Report PED18185, 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 complies with the Urban Hamilton Official Plan upon finalization of Official Plan Amendment No. XX.

### **EXECUTIVE SUMMARY**

The purpose of these applications is to amend the Urban Hamilton Official Plan and City of Hamilton Zoning By-law No. 05-200 for a portion of the lands located at 70 Garner Road East. By way of these applications, the applicant is seeking to establish a funeral home in conjunction with employment uses adjacent to an existing place of worship. Modifications to the Zoning By-law regarding uses, parking requirements, and requirements for visual barriers are also required to implement the proposal.

The proposal has merit and can be supported since the applications are consistent with the Provincial Policy Statement (PPS), conform to the Growth Plan for the Greater Golden Horseshoe, and comply with the Urban Hamilton Official Plan (UHOP) as amended. 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 22***

### **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 Amendments to the Urban Hamilton Official Plan and to the Zoning By-law.

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**SUBJECT: Applications to Amend the Urban Hamilton Official Plan and the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 70 Garner Road East, Ancaster (PED18185) (Ward 12) - Page 3 of 22**

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## **HISTORICAL BACKGROUND**

### **Proposal**

The subject lands are located on the south side of Garner Road East with frontage on the east side of Fiddler's Green Road, south of Highway No. 403 (see Appendix "A" to Report PED18185).

The applicant proposes to develop a portion of the lands for a 1,557.63 sq m funeral home in conjunction with employment uses, being: motor vehicle service station; motor vehicle collision repair; convention centre; catering and food services; and, office, on lands adjacent to an existing place of worship. A parking area accommodating 208 spaces at the rear of the building is also proposed in support of the proposal (see Appendix "C" to Report PED18185). A future Consent Application is anticipated to sever the future funeral home from the place of worship.

### **Urban Hamilton Official Plan Amendment (UHOPA)**

The original application was to establish a site specific policy area for a portion of the lands to add a funeral home as an accessory use to the existing place of worship. Based on review of the application by staff, the proposed UHOPA has been amended to redesignate a portion of the subject lands from "Institutional" to "Airport Employment Growth District" on Schedule E-1 - Land Use Map, and to redesignate a portion of the lands from "Institutional, Site Specific Policy - Area B" to "Airport Prestige Business", and establish a new site specific policy area on Map B.8-1 in the Airport Employment Growth District Secondary Plan to permit a funeral home as a principal use in conjunction with employment related uses.

### **Zoning By-law Amendment**

The original application was for a change in zoning from the Major Institutional (I3, 39, H37) Zone to a modified Major Institutional (I3) Zone to permit the funeral home as an accessory use to the existing place of worship. Based on review of the application by staff, the proposed Zoning By-law Amendment Application has been amended for a change in zoning from the Major Institutional (I3, 39, H37) Zone to a site specific Airport Prestige Business (M11) Zone for a portion of the subject lands. Modifications to the (M11) Zone have been requested to add a funeral home as a permitted use that must operate in conjunction with employment related uses, to establish a site specific required parking ratio, and to modify the requirements for visual barriers.

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**Chronology**

|                            |  |
|----------------------------|--|
| <u>March 29, 2017:</u>     | Open House held at the Ancaster Christian Reformed Church.   |
| <u>September 8, 2017:</u>  | Applications UHOPA-17-30 and ZAC-17-068 received.  |
| <u>September 19, 2017:</u> | Applications UHOPA-17-30 and ZAC-17-068 deemed complete.   |
| <u>October 3, 2017:</u>    | Public Notice Sign installed on subject lands.   |
| <u>October 4, 2017:</u>    | Circulation of Notice of Complete Application and Preliminary Circulation for Applications UHOPA-17-30 and ZAC-17-068 to 43 property owners within 120 m of the subject lands. |
| <u>July 18, 2018:</u>      | Public Notice Sign updated with Public Meeting Information.  |
| <u>July 27, 2018:</u>      | Circulation of the Notice of Public Meeting to 43 property owners within 120 m of the subject lands.   |

**Details of Submitted Application**

|                                     |   |
|-------------------------------------|---|
| <b><u>Location:</u></b>             | 70 Garner Road East, Ancaster (see Appendix “A” to Report PED18185)                               |
| <b><u>Owner:</u></b>                | Ancaster Christian Reformed Church c/o Jim Bezemer  |
| <b><u>Applicant:</u></b>            | Fothergill Planning & Development c/o Ed Fothergill   |
| <b><u>Property Description:</u></b> |   |
| <u>Lot Frontage:</u>                | 181.1 m (Garner Road East), 72.6 m (Fiddler’s Green Road)   |
| <u>Lot Depth:</u>                   | 377.2 m   |
| <u>Lot Area:</u>                    | 9.1 ha  |
| <u>Servicing:</u>                   | Municipal Piped Water and Municipal Sanitary Sewer System. Existing Storm Drainage is by Ditches. |

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**Existing Land Use and Zoning**

|                             | <b><u>Existing Land Use</u></b>    | <b><u>Existing Zoning</u></b>          |
|-----------------------------|------------------------------------|--|
| <b><u>Subject Lands</u></b> | Ancaster Christian Reformed Church | Major Institutional (I3, 39, H37) Zone |

**Surrounding Land Uses**

|              |  |   |
|--------------|--|---|
| <b>North</b> | Single Detached Dwellings and White Brick Cemetery   | Existing Residential “ER” Zone and Neighbourhood Institutional (I1) Zone                    |
| <b>East</b>  | Single Detached Dwellings  | Rural (A2) Zone   |
| <b>South</b> | Agricultural farmland  | Rural (A2) Zone   |
| <b>West</b>  | Plant Nursery, outdoor storage business, landscape contracting establishment, agricultural | Rural (A2) Zone, Agricultural (A1, 253) Zone, Rural (A2, 276) Zone and Rural (A2, 277) Zone |

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

**Provincial Policy Statement**

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 following policies, amongst others, apply.

- “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 applicants submitted a noise study by SS Wilson and Associates, dated August 15, 2017 in support of the applications. Staff concur with the recommendations of the noise study report indicating that at the Site Plan Control stage, a detailed Noise Impact Study will be required. The detailed study will evaluate airport noise as the lands are located within the 25 NEF Contour, as shown on Appendix “D” - Noise Exposure Forecast Contours and Primary Zoning Regulation Area of the UHOP.

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“1.3.2 Employment Areas

- 1.3.2.1 Planning authorities shall plan for, protect and preserve employment areas for current and future uses and ensure that the necessary infrastructure is provided to support current and projected needs.
- 1.3.2.2 Planning authorities may permit conversion of lands within employment areas to non-employment uses through a comprehensive review, only where it has been demonstrated that the land is not required for employment purposes over the long term and that there is a need for the conversion.
- 1.3.2.3 Planning authorities shall protect employment areas in proximity to major goods movement facilities and corridors for employment uses that require those locations.”

The subject lands are identified as “Employment Area” on Schedule “E” - Urban Structure in the UHOP, while the current use of the subject lands is a place of worship. Further, the subject lands are located approximately 390 m from Highway No. 403 and are located within the Airport Employment Growth District, which are both considered major goods movement facilities and corridors. Uses to be permitted in conjunction with the funeral home identified by the applicant include motor vehicle service station, motor vehicle collision repair, conference or convention centre, catering and food service, and office space. These proposed uses will be developed as an integrated development with the funeral home use to function as one comprehensive facility that will benefit from being located close to Highway No. 403 and the Hamilton Airport. By doing so, convenient access to major goods movement facilities and corridors will be provided. Since the proposal is to add the funeral home and related uses as one comprehensive development, staff are satisfied that the proposal does not result in the conversion of lands to a non-employment use. Currently, only a portion of the subject lands have access to an existing municipal watermain and sanitary sewer; no storm sewers are available to the subject lands. The applicant must demonstrate through a detailed engineering design that stormwater management can appropriately be managed on site and that the necessary infrastructure is provided to support the proposed use, as required by the proposed Holding Provisions H37 and H104.

- “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 subject property meets three of the ten criteria for Archaeological potential and the policies found in Subsection 2.6.2 do not permit development on land in which there is archaeological potential unless the archaeological resources have been conserved. A

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Stage 1-2 archaeological report (P018-0861-2017) for the lands was submitted to the Ministry of Tourism, Culture and Sport and the City of Hamilton. Staff concur with the recommendations made in the Report, and the archaeology condition for the subject application has been met to the satisfaction of staff.

Based on the foregoing, the proposal is consistent with the Provincial Policy Statement (2014).

**Growth Plan for the Greater Golden Horseshoe (2017)**

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

- “2.2.5.1 Economic development and competitiveness in the GGH will be promoted by:
- a) making more efficient use of existing employment areas and vacant and underutilized employment lands and increasing employment densities;
  - b) ensuring the availability of sufficient land, in appropriate locations, for a variety of employment to accommodate forecasted employment growth to the horizon of this Plan;
- 2.2.5.6. Upper- and single-tier municipalities, in consultation with lower-tier municipalities, will designate all employment areas, including any prime employment areas, in official plans and protect them for appropriate employment uses over the long-term.
- 2.2.5.7. Municipalities will plan for all employment areas within settlement areas, with the exception of any prime employment areas, by:
- c) integrating employment areas with adjacent non-employment areas and developing vibrant, mixed-use areas and innovation hubs, where appropriate.
- 2.2.5.8. Municipalities may identify employment areas located adjacent to or near major goods movement facilities and corridors, including major highway interchanges, as prime employment areas and plan for their protection for appropriate employment uses over the long-term by:
- a) prohibiting residential, institutional, and other sensitive land uses;

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- b) prohibiting retail and office uses that are not associated with or ancillary to the primary employment use;”

The proposal provides for an employment use within an employment area, as shown on Schedule “E” - Urban Structure of the UHOP. The proposed development will be located on a portion of subject lands that are currently vacant and underutilized, that are located adjacent to both a place of worship and cemetery, which are complementary uses to the proposed funeral home and employment uses. Policy 2.2.5.1 has been addressed by providing additional employment opportunities, thereby increasing employment density for the area. The subject lands are also adjacent to existing residential and agricultural uses. Based on the nature of the proposed use, this proposal will be an appropriate integration with and will be complementary to the surrounding non-employment uses. The proposed uses will also ensure that the function of the lands will continue to protect for employment uses over the long term. The removal of the “Institutional” Designation on the subject lands will prohibit additional sensitive land uses on the subject lands in the future.

“4.2.6.3. Where agricultural uses and non-agricultural uses interface outside of settlement areas, land use compatibility will be achieved by avoiding or where avoidance is not possible, minimizing and mitigating adverse impacts on the Agricultural System. Where mitigation is required, measures should be incorporated as part of the non-agricultural uses, as appropriate, within the area being developed.”

The subject lands are located directly adjacent to agricultural and related uses to the east and west. Adverse impacts (referred to as “adverse effects” in the PPS) are defined in the PPS as the following:

“means one or more of:

- a) Impairment of the quality of the natural environment for any use that can be made of it;
- b) Injury or damage to property or plant or animal life;
- c) Harm or material discomfort to any person;
- d) An adverse effect on the health of any person;
- e) Impairment of the safety of any person;
- f) Rendering any property or plant or animal life unfit for human use;
- g) Loss of enjoyment of normal use of property; and,
- h) Interference with normal conduct of business.”

The proposal will be located entirely within the subject lands and will not include a crematorium or other heavy industrial related uses on site. Therefore, the proposal is not anticipated to create adverse impacts on the Agricultural System as defined above.

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Based on the foregoing, the proposal complies with the Growth Plan for the Greater Golden Horseshoe (2017).

**Urban Hamilton Official Plan (UHOP)**

The subject lands are identified as “Employment Areas” on Schedule “E” - Urban Structure and designated as “Institutional” on Schedule “E-1” – Urban Land Use Designations in the UHOP. The lands are also designated “Institutional, Site Specific Policy - Area B” in the Airport Employment Growth District Secondary Plan. The following policies, amongst others, are applicable to the subject applications.

**Employment Areas**

- “E.2.7.2      Employment Areas shall provide employment through a broad range of uses, including traditional industrial uses, research and development uses, and other uses. Uses which support the businesses and employees of the employment area shall be permitted. Major retail uses or residential uses shall not be permitted. The permitted uses shall be described in more detail in Section E.5.0 – Employment Area Designations.
- E.2.7.3      Employment Areas shall provide for a diverse range of employment opportunities in proximity to the City’s major infrastructure including the Port, the Airport, and the highway and transit network. It is important to provide a range of opportunities in order to meet the varying locational and market requirements for businesses including regionally significant industries.”

The proposed funeral home is intended to service a range of communities and the proposed zoning will provide for additional employment uses on site, including a motor vehicle service station, motor vehicle collision repair, conference or convention centre, catering and food service, and office on the subject lands. These uses are intended to service Hamilton and surrounding municipalities. Accordingly, the proposal will provide for a diverse range of employment opportunities in close proximity to Highway No. 403, Highway No. 6, and the Hamilton Airport.

**Institutional**

- “E.6.1.3      Ensure the integration and harmonious relationship between institutional areas and adjacent land use designations, particularly from a transportation and urban design perspective.
- E.6.2.2      The following uses shall be permitted on lands designated Institutional on Schedule E-1 – Urban Land Use Designations:

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- b) religious facilities;”

As the proposal is for a funeral home in conjunction with employment uses, an amendment to redesignate the subject lands is required. Policy E.4.8.2 of the UHOP was amended by OPA No. 69, which added funeral homes as a permitted use to the Arterial Commercial designation. However, this Amendment has been appealed to the Local Planning Appeal Tribunal (LPAT, formerly the Ontario Municipal Board) and is currently not in force and effect. Policy E.4.8 of the Arterial Commercial designation provides the following direction in terms of function.

“E.4.8 Arterial Commercial Designation

The Arterial Commercial designation is intended to provide for a range of uses catering to the traveling or drive-by consumer as well as retail stores, which are land extensive and require outdoor storage or sales and cannot be appropriately accommodated in the other designations.”

This proposal includes a funeral home in conjunction with several related employment uses as one comprehensive development, whose scope and scale make it appropriate for a business park designation.

Employment Area - Airport Employment Growth District

“E.5.5.1 The following uses shall be permitted on lands designated Employment Area – Airport Employment Growth District on Schedule E-1 – Urban Land Use Designations and in accordance with the Airport Employment Growth District Secondary Plan:

- a) manufacturing, warehousing, repair service, transportation terminals, research and development, high technology industry, fuel storage, communication establishments, and private power generation. Salvage yards and other uses which are unsightly or otherwise incompatible with the design policies and image for business parks shall be prohibited;
- b) airport-related industrial uses, including airport transportation and cargo services, benefiting from proximity to airport services;
- c) airport-related business uses, including hotels and motels, convention and exposition centres, labour association halls, trade schools, restaurants, catering services, commercial motor vehicle and equipment sales, and commercial rental establishments,

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automobile rental, leasing and servicing, taxi terminals, commercial parking facilities and financial institutions;

- d) office;
- e) post-secondary school;
- f) accessory uses, such as restaurants and office; and,
- g) ancillary uses which primarily support businesses and employees within business parks, including, hotels, fitness and health facilities, financial establishments, restaurants, personal services, and gas bar, car washes commercial parking facilities.”

The proposed zoning for the funeral home will include related uses, being motor vehicle service station, motor vehicle collision repair, conference or convention centre, catering and food services; and, and office space within one building. The addition of these uses ensures that the funeral home does not operate solely as a commercial use, but provides for a greater range of activities that are well suited to an Employment area, acting similarly to a labour association hall, automobile servicing, and office space uses that are already permitted in Employment areas. The proposed location adjacent to the existing place of worship will allow for an appropriate transition from institutional to a more business related operation. The applicant proposes to change the designation from “Institutional” to “Airport Employment Growth District” on Schedule “E-1” – Urban Land Use Designations in Volume 1 of the UHOP to support the proposal. An analysis of the Amendment is discussed in greater detail in the Analysis and Rationale for Recommendations section of this Report.

### Noise

- “B.3.6.3.6 Development within the vicinity of John C. Munro International Airport shall be in accordance with Section C.4.8 – Airport.
- C.4.8.10 Any permitted development, redevelopment or infill development at or above 25 NEF or within the Airport Influence Area shall be required to submit a detailed noise study, implement noise mitigative measures in accordance with provincial and federal guidelines/standards or municipal approaches that achieve the same objective, and include appropriate warning clauses in lease or rental agreements, agreements of purchase and sale, and within development agreements.
- B.3.6.3.18 The City shall ensure that all development or redevelopment with the potential to create conflicts between sensitive land uses and point source

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or fugitive air emissions such as noise, vibration, odour, dust, and other emissions complies with all applicable provincial legislation, provincial and municipal standards, and provincial guidelines, and shall have regard to municipal guidelines. The City may require proponents of such proposals to submit studies prior to or at the time of application submission, including the following: noise feasibility study; detailed noise study; air quality study; odour, dust and light assessment; and any other information and materials identified in Section F.1.19 – Complete Application Requirements and Formal Consultation.”

As discussed previously, noise concerns have been satisfactorily addressed and will be implemented at the Site Plan Control stage.

### Natural Heritage

“C.2.11.1 The City recognizes the importance of trees and woodlands to the health and quality of life in our community. The City shall encourage sustainable forestry practices and the protection and restoration of trees and forests.”

A Tree Protection Plan (TPP) prepared by Seferian Design Group, dated September 5, 2017, has been prepared in support of this proposal. While revisions to the TPP are required, staff are of the opinion that these revisions can be accommodated through the future Site Plan Control process.

### Road Network

“C.4.5.2 The road network shall be planned and implemented according to the following functional classifications and right-of-way widths:

- c) Major arterial roads, subject to the following policies:
  - i) The primary function of a major arterial road shall be to carry relatively high volumes of intra-municipal and inter-regional traffic through the City in association with other types of roads.
  - ii) Although land accesses are permitted, they shall generally be controlled / restricted.
  - iii) The basic maximum right-of-way widths for major arterial roads shall be 45.720 metres unless otherwise specifically described in Schedule C-2 – Future Road Widening.”

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Schedule “C-2” - Future Road Widening of the UHOP identifies this portion of Garner Road East as having an ultimate width of 36.576 m. Since the current width is approximately 12.7 m to the centreline of the road (25.4 m in total), a road widening of approximately 5.58 m would be required to be dedicated to the City in order to bring the width of the right of way up to 18.28 m at the centreline. The applicant will be required to accommodate this road widening into their design of the subject lands and dedicate the lands either at the future Consent or Site Plan Control Applications.

Based on the foregoing, the proposal complies with the UHOP, subject to the OPA.

Airport Employment Growth District Secondary Plan

The subject lands are designated “Institutional Site Specific Policy - Area B” in the Airport Employment Growth District Secondary Plan.

“B.8.2.8 Relationships with Surrounding Land Uses Principles

There is a seamless transition from surrounding residential and agricultural areas to the employment district. The entire district functions as a single community. The intent is to:

- a) Ensure that employment uses and design at the edge of the AEGD transitions to residential and agricultural areas in a respectful and complementary manner, and consider how agricultural areas within the Greenbelt can continue to function;
- e) Ensure businesses provided in the employment district are complementary to services available in the surrounding community;

B.8.3.4 All development applications within the Airport Employment Growth District shall be subject to review to ensure a high quality of development in accordance with this Secondary Plan and the Airport Employment Growth District Eco-industrial Design Guidelines and Urban Design Guidelines.

B.8.3.5 All development within the Secondary Plan Area shall be planned on a comprehensive basis, avoid where possible impacts on natural features, and effectively integrate with adjacent development and future development. The implementing zoning by-law shall incorporate provisions relating to the height, density and design of development based on the provisions of this Secondary Plan and the Airport Employment Growth District Eco-industrial Design Guidelines and Urban Design Guidelines.”

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The applicant proposes to construct a funeral home in conjunction with related employment uses. The proposed funeral home is intended to be complementary to the existing place of worship on site and will provide a transition from the adjacent residential and agricultural uses to employment uses. At the Site Plan Control stage, further review of the Eco-Industrial Guidelines and Urban Design Guidelines will be conducted to ensure the proposal is developed in accordance with these documents.

**“B.8.7 Institutional**

The Airport Employment Growth District recognizes a number of existing and planned institutional uses with the Secondary Plan Area. The existing institutional uses, including the Hamilton District Christian High school, and the Providence Canadian Reformed Church, have been recognized to protect their existing use. The lands on the south-east corner of Garner Road and Smith Road are intended to be used for the expansion of Redeemer University College. These Institutional uses are shown on Map B.8-1 – Airport Employment Growth District Land Use Plan and are subject to the following policies:

- B.8.7.1** Section B.3.5 – Community Facilities / Services, Section E.6.0 – Institutional Designation of Volume 1, and Sections B.8.17.2, B.8.17.3, and B.8.17.4 of this Secondary Plan.
- B.8.7.2** Notwithstanding Section B.8.7.1, if the institutional uses on lands designated “Institutional” and identified as Site Specific Policy – Areas B, C, and D, on Map B.8-1 – Airport Employment Growth District Land Use Plan, cease to exist or are not developed for the proposed institutional uses, then Section B.8.4.5 shall apply.
- B.8.17.2** Notwithstanding Policy B.8.4.5.1 – Permitted Uses, the lands designated Institutional located at 70 Garner Road East, and identified on Map B.8-1 – Airport Employment Growth District Land Use Plan as Site Specific Policy – Area B, may permit the following uses in conjunction with the place of worship:
- a. offices for a religious organization;
  - b. convention and conference centre;
  - c. educational establishment for a religious organization;
  - d. lodging home for short term accommodation in conjunction with the educational establishment; and,

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- e. sports facilities.”

The subject lands currently contain a place of worship, being the Ancaster Christian Reformed Church. At the time of developing the AEGD Secondary Plan, it was anticipated that the church would partner with surrounding community groups to develop the lands for the accessory uses as noted in Policy B.8.17.2. However, the current proposal seeks to establish an independent funeral home in conjunction with related employment uses, including motor vehicle service station, motor vehicle collision repair, conference or convention centre, catering service, and office space. A future Consent Application to sever the place of worship from the subject lands is anticipated as part of the proposal. Since the proposed development will not be subordinate to the existing place of worship, an Amendment to the AEGD Secondary Plan is required to redesignate the lands from “Institutional” to “Airport Prestige Business” to reflect their proposed use, which was not anticipated through the development of the AEGD Secondary Plan.

“B.8.4.5.1 Notwithstanding Section E.5.5– Employment Area – Airport Employment Growth District of Volume 1, the following policies shall apply to the lands designated Airport Prestige Business on Map B.8-1 – Airport Employment Growth District Land Use Plan:

- a. The Airport Prestige Business designation shall permit manufacturing, assembly, warehousing, repair service, transportation terminals, research and development, office, communication establishment, private power generation, and high technology industry.
- b. The Airport Prestige Business designation shall also permit uses which primarily support industry including labour association halls, hotels, trade schools, training facilities, commercial motor vehicle and equipment sales, commercial rental establishments, and utility activities benefiting from proximity to airport services.”

The proposed development seeks to permit uses identified in Policy B.8.4.5.1, being repair service, office, and training facilities, in conjunction with the proposed funeral home. An amendment is required to redesignate a portion of the lands from “Institutional” to “Airport Prestige Business” and to identify the same portion of the lands as a new site specific policy area. The amendment is further discussed in the Analysis and Rationale for Recommendation Section of this Report.

“B.8.4.5.7 Employment development that effectively integrates with nearby residential uses, by minimizing and / or mitigating potential impacts

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**SUBJECT: Applications to Amend the Urban Hamilton Official Plan and the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 70 Garner Road East, Ancaster (PED18185) (Ward 12) - Page 16 of 22**

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through specific urban design, is encouraged. The following policies apply to Airport Prestige Business uses:

- i. Development abutting Garner Road shall have limited access to Garner Road which shall be achieved through a minimum frontage requirement in the zoning by-law;
- j. Development abutting Garner Road shall have parking and loading spaces oriented to the side or rear yards, and away from adjacent residential uses;
- k. Development fronting Garner Road shall be low rise building forms and incorporate a landscaped area in the front yard as specified in the zoning by-law;
- l. Development abutting Garner Road shall ensure all lighting and neon signs be directed away from the abutting Garner Road lands;
- m. The Airport Employment Growth District Urban Design Guidelines should be referred to for guidance on building orientation, landscape treatment, building materials, illumination, and location of parking and loading spaces to achieve an appropriate transition between the residential development fronting Twenty Road / Glancaster Road / Garner Road and the nonresidential development in the interior of the Airport Employment Growth District;"

The applicant proposes a frontage of approximately 95 metres, which conforms to the minimum required lot frontage of 60 metres in the proposed Airport Prestige Business (M11, 697) Zone. The site layout will be reviewed against the AEGD Secondary Plan Urban Design Guidelines in further detail at the Site Plan Control stage.

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

The subject lands are currently zoned Major Institutional (I3, 39, H37) Zone in the City of Hamilton Zoning By-law No. 05-200. The (I3, 39, H37) Zone permits only a place of worship and may be developed in the future only with offices for a religious group, conference and convention centre, lodging house for short term accommodation in conjunction with an education establishment, recreation, and an education establishment for a religious organization. The Zoning By-law Amendment proposes a change in zoning to a site specific Airport Prestige Business (M11) Zone to permit a funeral home in conjunction with a motor vehicle service station, motor vehicle collision repair, conference or convention centre, catering service, and office. Modifications to

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the (M11) Zone include requiring the funeral home to be developed in conjunction with employment uses, parking requirements for a funeral home, and location of visual barriers adjacent to Institutional Zones. The modifications are discussed in greater detail in the Analysis and Rationale for Recommendation Section of this Report.

## **RELEVANT CONSULTATION**

The following Department / Agency has no comments or objections:

- Strategic Planning, Public Works Department.

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

**Forestry and Horticulture Section, Public Works Department** has reviewed the submitted materials for these applications and requires that a Landscape Plan be submitted for review and approval at the Site Plan Control stage.

The **Hamilton Conservation Authority (HCA)** has reviewed the proposal and has no objection. The HCA has identified that additional comments must be addressed at the Site Plan Control stage with regards to the Stormwater Management scheme.

**Recycling and Waste Disposal Section, Public Works Department** staff have reviewed the application and note that the lands are eligible for municipal waste collection. However, this may be reviewed further at the Site Plan Control stage should it be determined that the proposal is considered an Employment use.

**Public Health Services Division, Healthy and Safe Communities Department** has requested the submission of a Pest Control Plan prior to any development and construction activity on site. This will be required as a Special Condition of the future Site Plan Control Application.

**Transportation Planning Section, Planning and Economic Development Department** have reviewed the Traffic Impact Study (TIS) prepared by Paradigm Transportation Solutions Ltd., dated August, 2017. Amendments to the TIS are required, including the evaluation of the easterly driveway as a right-in / right-out only access. Further, the applicant will be required to establish both a westbound left turn lane and an eastbound right turn lane within the right of way in order to support the development. These details must be included in the revised TIS, as required within the proposed Holding Provision H104 (see Appendix "C" to Report PED18185).

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## **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 of the proposal was sent to 43 property owners within 120 metres of the subject lands on October 4, 2017. A Public Notice Sign was posted on the property on October 3, 2017, and updated with the Public Meeting date on July 27, 2018. The Notice of Public Meeting was given in accordance with the provisions of the *Planning Act*. No written submissions were received as a result of the circulation.

### **Public Consultation Strategy**

As part of the applicant's Public Consultation Strategy, the applicant hosted an open house on the subject lands on March 29, 2017. A total of 19 attendees, including staff, attended the open house. A summary of comments received by the applicant was included in the Planning Justification Report, titled "Planning Justification Report, Application for Official Plan Amendment & Rezoning" prepared by Fothergill Planning & Development Inc., dated September 5, 2017. An excerpt of the summary has been included as Appendix "E" to Report PED18185.

## **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 PPS and conform to the Growth Plan for the Greater Golden Horseshoe (Places to Grow);
  - (ii) The proposed funeral home to be developed in conjunction with employment uses comply with the general intent of the UHOP and the Airport Employment Growth District Secondary Plan in terms of preserving employment areas; and,
  - (iii) The proposed development is compatible with the existing place of worship to the west, residential uses to the north, and the planned intent of the Airport Employment Growth District Secondary Plan.

2. **Official Plan Amendment**

The applicant has requested an amendment to the Urban Hamilton Official Plan to redesignate a portion of the lands from "Institutional" to "Airport Employment Growth District" on Schedule "E-1" - Urban Land Use Designations, and to

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redesignate a portion of the lands from “Institutional, Site Specific Policy - Area B” to “Airport Prestige Business” and establish a new site specific policy area in the Airport Employment Growth District Secondary Plan.

Currently, a funeral home is not identified specifically as a permitted use within the Urban Hamilton Official Plan. OPA No. 69, as adopted by Council through By-law No. 17-239, added this use to the UHOP under the “Arterial Commercial” Designation. This By-law has been appealed to the LPAT and is currently not in force and effect. The original proposal submitted by the applicant proposed to add the funeral home as an accessory use to the Ancaster Christian Reformed Church. However, the applicant also proposed no limits to the size to ensure that the use remained accessory to the place of worship, and proposed that the two uses be established on separate properties. Since it could not be demonstrated that the funeral home would remain accessory to the place of worship, the applicant amended their proposal to consider the funeral home as a principal use.

The proposal now seeks to designate the lands “Airport Prestige Business” and require the funeral home to be developed in conjunction with a motor vehicle service station, motor vehicle collision repair, conference or convention centre, catering service and office as one integrated development. The proposed uses generally reflect the form and function of the AEGD Secondary Plan, which is geared towards employment uses that require large land areas that are not well suited for commercial or downtown areas. The proposed uses provide an appropriate integration between the adjacent residential uses to the north and east and the agricultural uses to the west and south since the uses will not provide a negative impact in terms of noise, light, or odour when compared to other employment uses. Since the development will be developed as its own principal use and not accessory to the place of worship, a redesignation to “Airport Prestige Business” is appropriate. This amended designation will further allow the applicant to sever the place of worship from the subject lands as the uses will not be tied to each other from a policy or operational perspective.

A site specific policy area is also required to add the funeral home as a permitted use within the “Airport Prestige Business” designation. In order to ensure that the form and function meets the intent of the AEGD, the funeral home will be tied to the uses listed above and the funeral home must operate in conjunction with these uses (see Appendix “B” to Report PED18185).

Since the lands are located on the periphery of the AEGD Secondary Plan, traffic associated with the proposed use will not be entering the interior of the AEGD, ensuring future employment uses and the airport will not be impacted by the traffic. Further, there is adequate access to the site from Garner Road East to

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**SUBJECT: Applications to Amend the Urban Hamilton Official Plan and the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 70 Garner Road East, Ancaster (PED18185) (Ward 12) - Page 20 of 22**

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both Highway No. 403 and Highway No. 6. The funeral home will also be well integrated with the adjacent place of worship by providing services that can coordinate with each other, including funeral services and providing space for community groups. As such, the funeral home use will be compatible with existing and planned uses in the AEGD Secondary Plan. Based on the foregoing, the proposed Official Plan Amendment is supported by staff.

3. **Zoning By-law Amendment to Hamilton Zoning By-law No. 05-200**

A change in zoning from the Major Institutional (I3, 39, H37) Zone to the Airport Prestige Business (M11, 697, H37, H104) Zone is required to implement the proposal. Modifications requested to the (M11) Zone include adding the funeral home and catering service as permitted uses, establishing parking requirements for the funeral home, and modifying visual barrier requirements adjacent to an Institutional Zone.

**Permitted Uses**

The applicant proposes to add a funeral home and catering service as permitted uses to the Airport Prestige Business (M11) Zone. As noted above, the funeral home will provide for a suitable transition from the adjacent agricultural and residential uses to the surrounding AEGD lands. The catering service is permitted in other Airport related zones, such as (M10), (M8), and (M7) Zones, as a related service to the business park, and will provide a service to the funeral home, the adjacent place of worship, and the surrounding AEGD. To ensure that the use functions under the intent of the Secondary Plan as an employment use, the funeral home must be developed in conjunction with the uses noted previously in the report, being motor vehicle service station, motor vehicle collision repair, convention centre, catering service, and office. The funeral home must operate with all uses noted above to ensure the intent of the Official Plan Amendment and Zoning By-law Amendment are maintained, as a standalone the funeral home cannot be considered an employment use and would not be permitted under the (M11) Zone. Based on the foregoing, the modification is reasonable and supported by staff.

**Parking**

Staff have included a modification to the By-law to provide a parking ratio of one space for every 20 sq m of gross floor area which accommodates the use. Based on the GFA proposed, a total of 78 parking spaces is required, whereas the applicant proposes 212 parking spaces on site. This parking requirement is consistent with the requirements for funeral homes, as introduced into the Hamilton Zoning By-law No. 05-200 by amending By-law No. 17-240. While this

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**SUBJECT: Applications to Amend the Urban Hamilton Official Plan and the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 70 Garner Road East, Ancaster (PED18185) (Ward 12) - Page 21 of 22**

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by-law has been appealed to the LPAT and is not currently in force and effect, the proposed parking ratio is consistent with Council direction. All other uses proposed on site require less restrictive parking requirements, ranging from a minimum one space for every 30 sq m to one space for every 115 sq m. Accordingly, staff are satisfied that sufficient parking will be provided on site for all uses. Based on the foregoing, the modification is reasonable and supported by staff.

Visual Barrier

Staff have included a modification to the By-law to not require a visual barrier for a funeral home adjacent to an Institutional Zone. The intent of this provision in the By-law is to provide screening for sensitive land uses from industrial uses. Since this proposal includes connections to the existing place of worship to the west, and is a complementary use, a visual barrier would not encourage synergies between the two uses. Based on the foregoing, the modification is reasonable and supported by staff.

4. Holding Provision

The subject lands are currently subject to the Holding Provision No. 37, which applies to all undeveloped land within the AEGD Secondary Plan. The H37 provision requires that full municipal services and adequate transportation infrastructure be available for proposed developments prior to any development activity. Staff have reviewed the proposal and conclude that the H37 shall remain in place since adequate infrastructure is not yet available.

Growth Management staff requested the submission of the following studies / reports prior to the approval of the Official Plan Amendment and Zoning By-law Amendment applications:

- Functional Servicing Report;
- Preliminary Grading and Servicing Plan; and,
- Notes and Details Plan.

To ensure these studies and plans are reviewed and any necessary upgrades are addressed, Growth Management staff have requested that a Holding Provision be added to the amending Zoning By-law. Accordingly, Holding Provision H104 has been proposed which requires the completion of Functional Servicing, and Stormwater Management, and Traffic Impact reports, to the satisfaction of the City (see Appendix "C" to Report PED18185).

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The proposed H104 identifies further detailed requirements than currently outlined in H37, such as the provisions of Low Impact Development for stormwater management purposes. Further, the applicant will be required to seek a legal opinion on the riparian rights for the subject lands to ensure a suitable drainage outlet is available for the development. Finally, the H104 requires that the TIS titled “50 & 70 Garner Road East, Ancaster Transportation Impact Study”, prepared by Paradigm Transportation Solutions Limited, and dated August 2017 is to be revised in order to address Transportation Planning comments.

## **ALTERNATIVES FOR CONSIDERATION**

Should the applications be denied, the lands could not be developed for the proposed funeral home. The lands could only be developed in accordance with the Major Institutional (I3, 39, H37) Zone which permits institutional uses.

## **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.*

### **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.*

### **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” – Draft Official Plan Amendment
- Appendix “C” – Draft Zoning By-laws
- Appendix “D” – Concept Plan
- Appendix “E” – Public Consultation

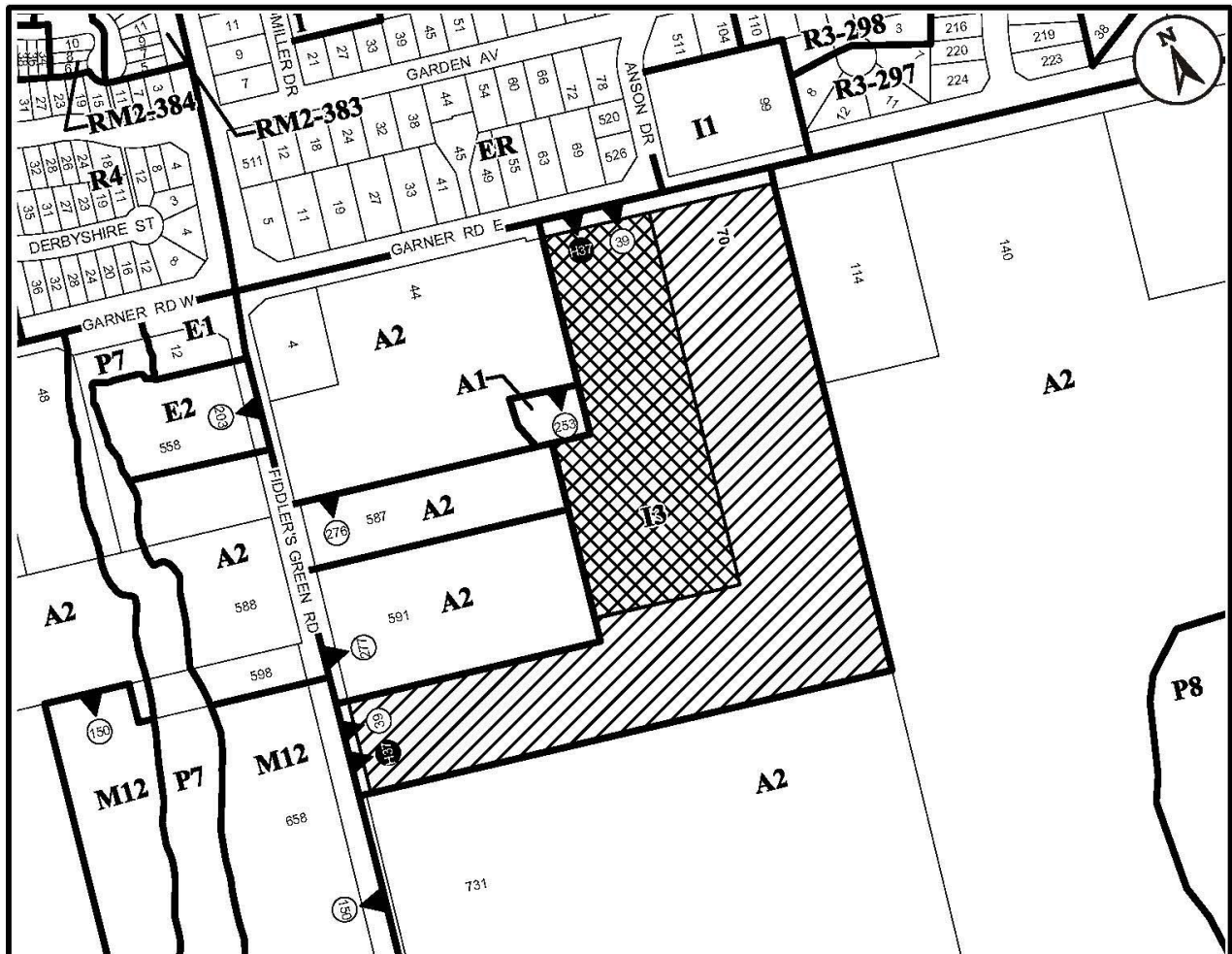
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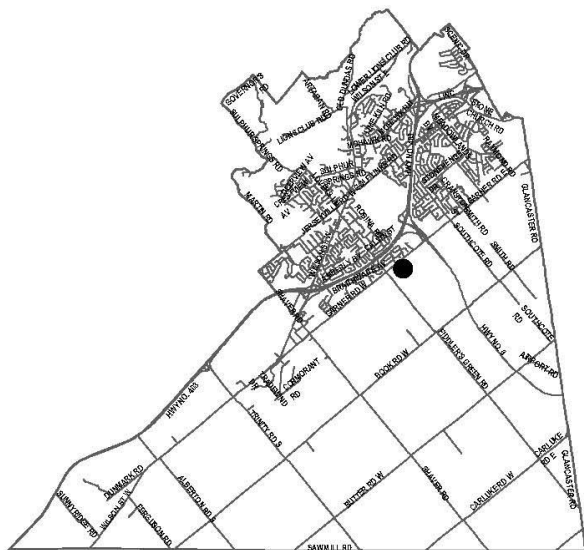
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● Site Location



Key Map - Ward 12

N.T.S. 

## Location Map



**Hamilton**

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

**File Name/Number:**  
ZAC-17-068/ZAH-17-069/JHOPA-17-030

**Date:**  
July 13, 2018


**Appendix "A"**

**Scale:**  
N.T.S.

**Planner/Technician:**  
MS/NB

### Subject Property

70 Garner Road East

 **Block 1** - Change in zoning from Major Institutional (I3, 39, H37) Zone to Airport Prestige Business (M11, 697, H37, H104) Zone

 **Block 2** - Lands to remain under Major Institutional (I3, 39, H37) Zone

## **DRAFT Urban Hamilton Official Plan Amendment No. X**

The following text, together with:

|              |  |
|--------------|--|
| Appendix “A” | Volume 1, Schedule E – Urban Land Use Designations   |
| Appendix “B” | Volume 2, Map B.8-1 – Airport Employment Growth District<br>Secondary Plan – Land Use Plan |

attached hereto, constitutes Official Plan Amendment No. X to the Urban Hamilton Official Plan.

### **1.0 Purpose and Effect:**

The purpose and effect of this Amendment is to redesignate a portion of the lands to “Airport Employment Growth District” from “Institutional” and to establish a Site Specific Policy Area to permit a funeral home in conjunction with employment related uses.

### **2.0 Location:**

The lands affected by this Amendment are known municipally as 70 Garner Road East, in the former Town of Ancaster.

### **3.0 Basis:**

The basis for permitting this Amendment is:

- The proposed Amendment is in keeping with the policies of the Airport Employment Growth District by providing a development complementary to the surrounding agricultural and residential uses.
- The proposed Amendment is in keeping with the policies of the Urban Hamilton Official Plan by providing a range of Employment uses within the community.
- The proposed development will complement the surrounding residential, institutional, and agricultural uses.
- 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 1 – Parent Plan**

##### ***Schedules and Appendices***

##### **4.1.1 Schedule**

- a. That Volume 1, Schedule E-1 – Urban Land Use Designations be amended by redesignating the subject lands from "Institutional" to "Airport Employment Growth District", as shown on Appendix "A", attached to this Amendment.

#### **4.2 Volume 2 – Secondary Plans**

##### **4.2.1 Chapter B.8 – Airport Employment Growth District Secondary Plan**

- a. That Volume 2, Chapter B.8 – Airport Employment Growth District Secondary Plan, Section 8.17 – Site Specific Policies be amended by adding a new Site Specific Policy, as follows:

##### **"Site Specific Policy – Area X**

B.8.17.X The following policies apply to the easterly portion of the lands located at 70 Garner Road East, designated Airport Prestige Business and identified as Site Specific Policy – Area X on Map B.8-1 – Airport Employment Growth District Secondary Plan – Land Use Plan:

- a) In addition to Policy E.5.5.1 a) of Volume 1 and Policy B.8.4.5.1 a) of Volume 2, a funeral home shall also be permitted.
- b) In addition to Policy E.5.5.1 f) of Volume 1 and Policy B.8.4.5.1 d) of Volume 2, the permitted funeral home shall include the following uses:
- (i) Repair service;
  - (ii) training facility;
  - (iii) Catering and food service; and,
  - (iv) Office."

**Maps**4.2.2 Map

a. That Volume 2, Map B.8-1 – Airport Employment Growth District Secondary Plan – Land Use Map be amended by:

- i) redesignating lands from "Institutional" to "Airport Prestige Business"; and,
- ii) changing the identification of lands from "Site Specific Policy – Area B" to Site Specific Policy – Area "X",

as shown on Appendix "B", attached to this Amendment.

**5.0 Implementation:**

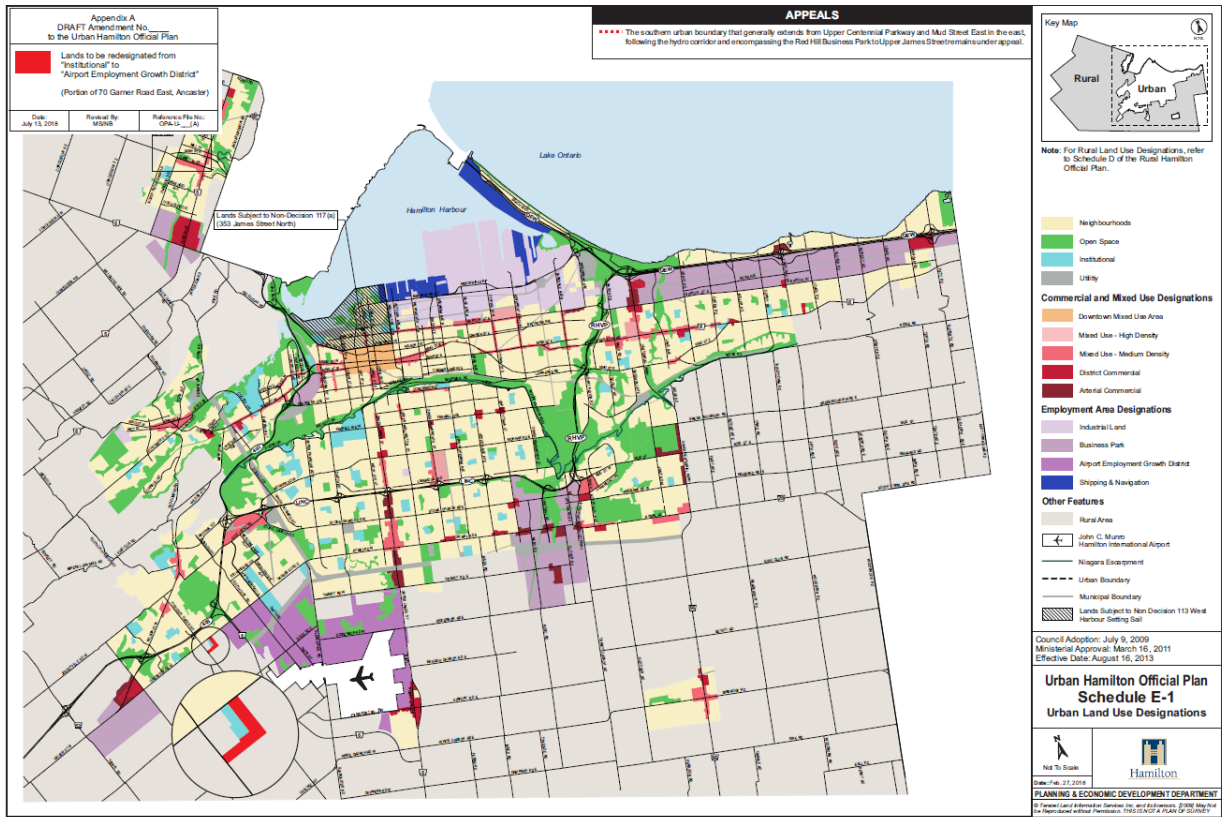
An implementing Zoning By-Law Amendment and Site Plan will give effect to the intended uses on the subject lands.

This Official Plan Amendment is Schedule "1" to By-law No. \_\_\_\_\_ passed on the \_\_\_<sup>th</sup> day of \_\_\_, 201X.

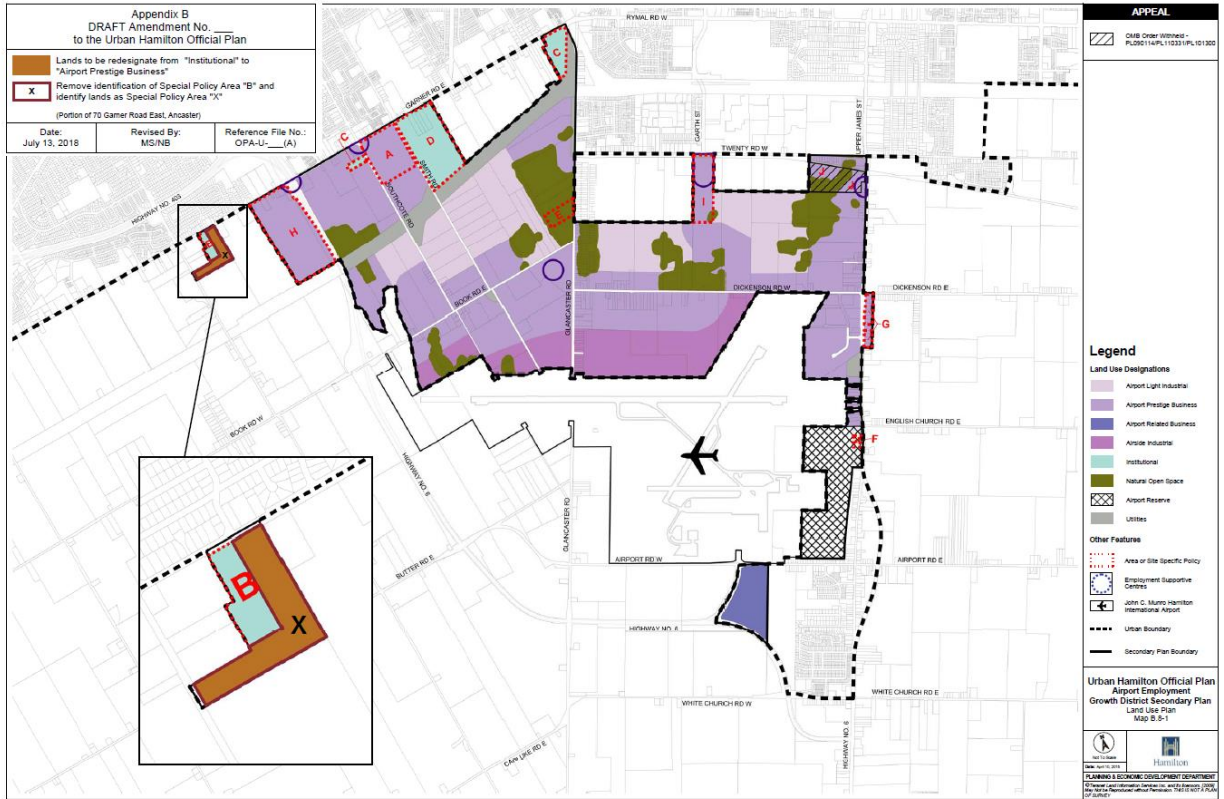
**The  
City of Hamilton**

\_\_\_\_\_  
Fred Eisenberger  
MAYOR

\_\_\_\_\_  
Janet Pilon  
ACTING CITY CLERK







**Authority:** Item ,  
Report (PED18XXX)  
CM:  
Ward: 12

**Bill No.**

## **CITY OF HAMILTON**

### **BY-LAW NO.**

#### **To Amend Zoning By-law No. 05-200 Respecting Lands Located at 70 Garner Road East (Ancaster)**

**WHEREAS** Council approved Item \_\_\_ of Report \_\_\_\_\_ of the Planning Committee, at the meeting held on Month Day, 2018;

**AND WHEREAS** this By-law is in conformity with the Urban Hamilton Official Plan, upon finalization of Official Plan Amendment No. \_\_\_.

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

1. That Maps 1386, 1387, 1437, and 1438 of Schedule "A" – Zoning Maps to Zoning By-law No. 05-200 are amended by:

(a) For a change in zoning from the Major Institutional (I3, 39, H37) Zone to Airport Prestige Business (M11, 697, H37, H104) Zone on lands described as Block 1, boundaries for the applicable lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. That Schedule "C" - Special Exceptions of Zoning By-law No. 05-200, is hereby amended by passing the following site specific Airport Prestige Business (M11, 697) Zone:

"697. Within the lands zoned Airport Prestige Business (M11, 697) Zone, identified on Maps 1386, 1387, 1437 and 1438 of Schedule "A" – Zoning Maps and described as 70 Garner Road East, the following special provisions shall apply:

a) In addition to the uses permitted in Section 9.11.1, the following uses shall be permitted:

Funeral Home only in conjunction with all of the following uses:

- i) Motor vehicle service station;
- ii) Motor vehicle collision repair;
- iii) Conference or convention centre;

**To Amend Zoning By-law No. 05-200  
Respecting Lands Located at 70 Garner Road East (Ancaster)**

- iv) Catering service; and,
- v) Office.

**REGULATIONS**

- l) Visual Barrier For the purposes of this By-law, a visual barrier will not be required for a funeral home abutting an Institutional Zone property line.

In addition to Section 5.6 c)iv) the following special provision shall also apply:

- Funeral Home 1 for each 20.0 metres of gross floor area with accommodates such use.

3. That Schedule "D" – Holding Provisions of By-law No. 05-200, be amended by adding an additional Holding Provision as follows:

(a) Notwithstanding Section 9.11 of this By-law, within the lands zoned Airport Prestige Business (M11, 697, H104) Zone identified on Maps 1386, 1387, 1437, and 1438 of Schedule "A" and described as 70 Garner Road East, the (H104) symbol may be removed by further amendment to this By-law at such time as the following conditions have been satisfied:

- i) The applicant completes an updated Functional Servicing Report (FSR) with Storm Water Management, to the satisfaction of the Manager of Development Approvals which outlines:
  - o Pre and post development conditions;
  - o Low impact developments (LID's);
  - o Drainage Area Plan which also includes external drainage areas;
  - o On site grading control;
  - o Self-contained drainage control of the subject property;
  - o Stormwater quality and quantity control to pre-development conditions; and,
  - o A suitable storm outlet.
- ii) The applicant provides a professional Legal opinion on the riparian rights for the drainage outlet through the culvert on private property. The opinion must conclude that the owner has rights to use the private culvert as a formal outlet for the development, in accordance with common drainage law / *Drainage Act*, to the satisfaction of the Manager of Development Approvals.

**To Amend Zoning By-law No. 05-200  
Respecting Lands Located at 70 Garner Road East (Ancaster)**

- iii) The applicant addresses comments from the Development Engineering Section, outlined in the memorandum dated November 17, 2017, to the satisfaction of the Manager of Development Approvals.
- iv) The applicant completes a Transportation Impact Study to the satisfaction of the Manager of Transportation Planning.

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

**PASSED** this \_\_\_\_\_ , \_\_\_\_\_

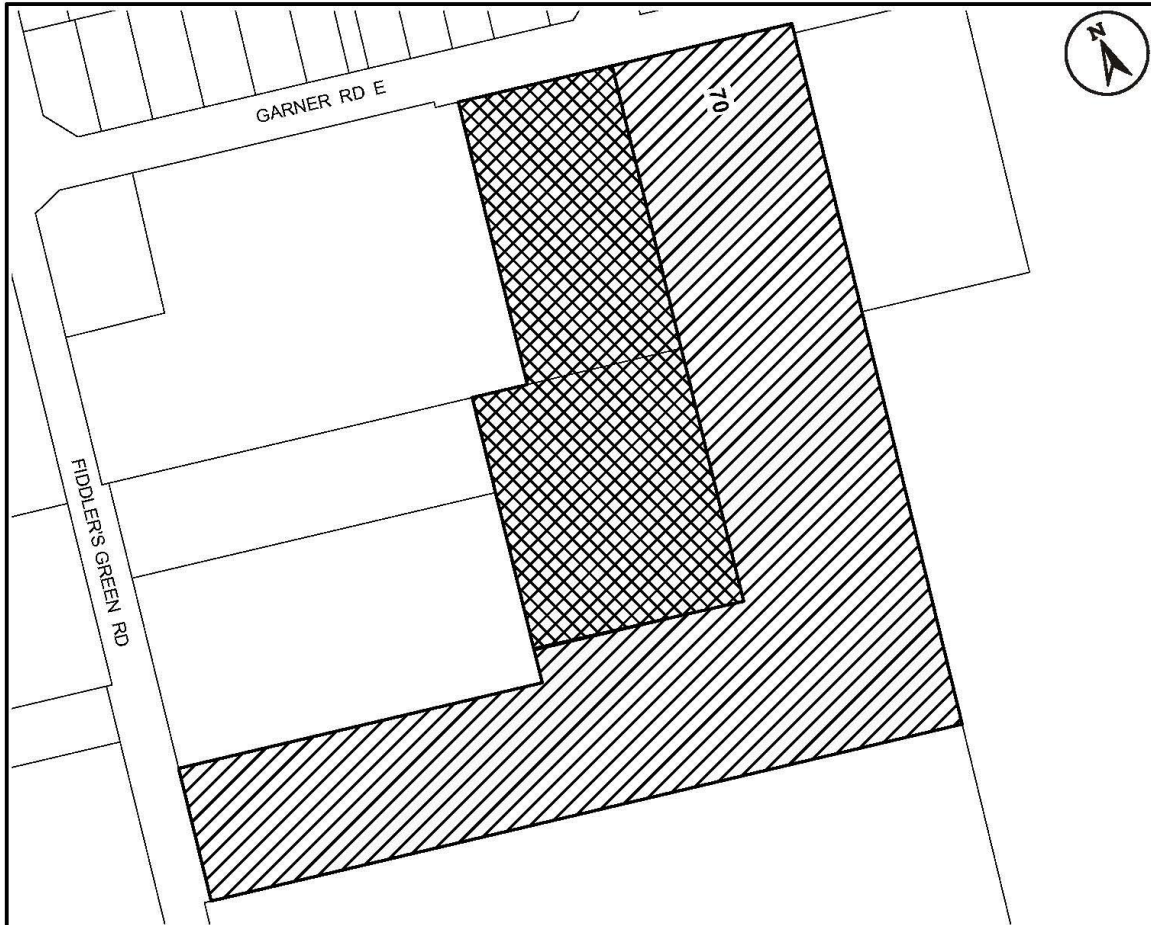
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F. Eisenberger  
Mayor

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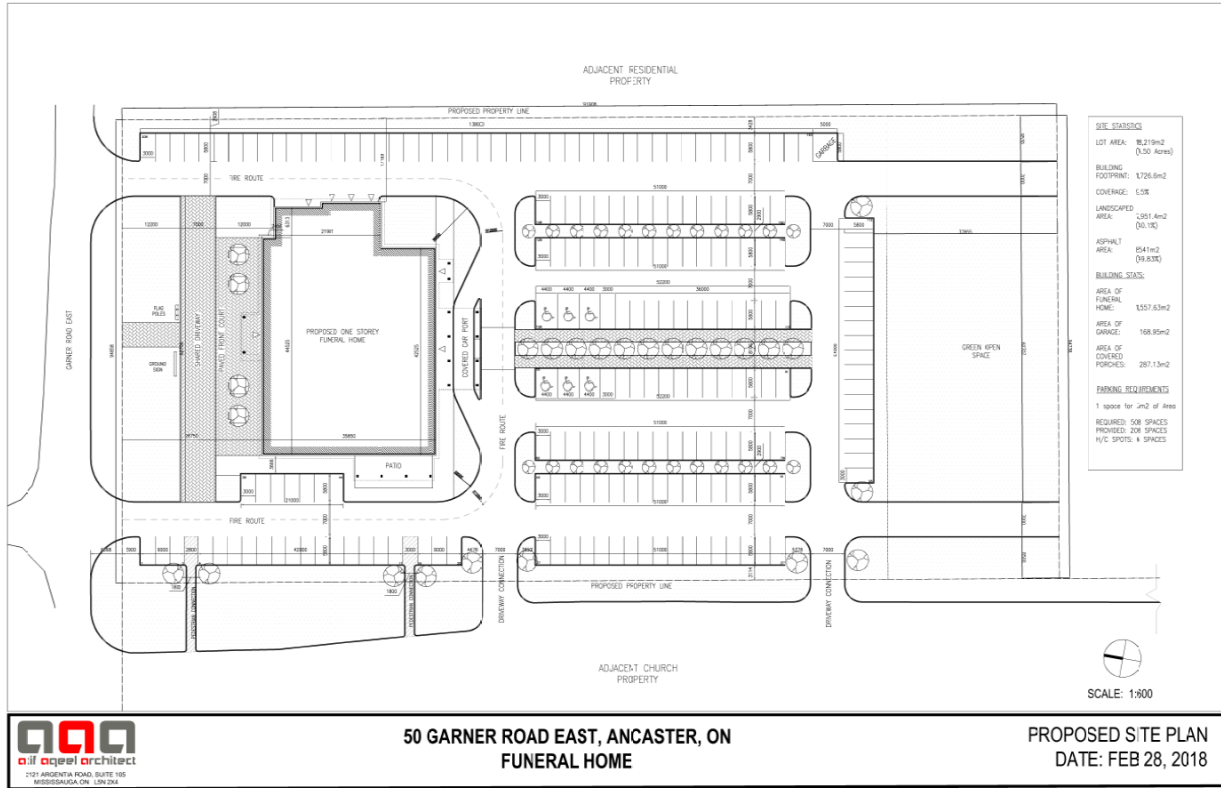
J. Pilon  
Acting City Clerk

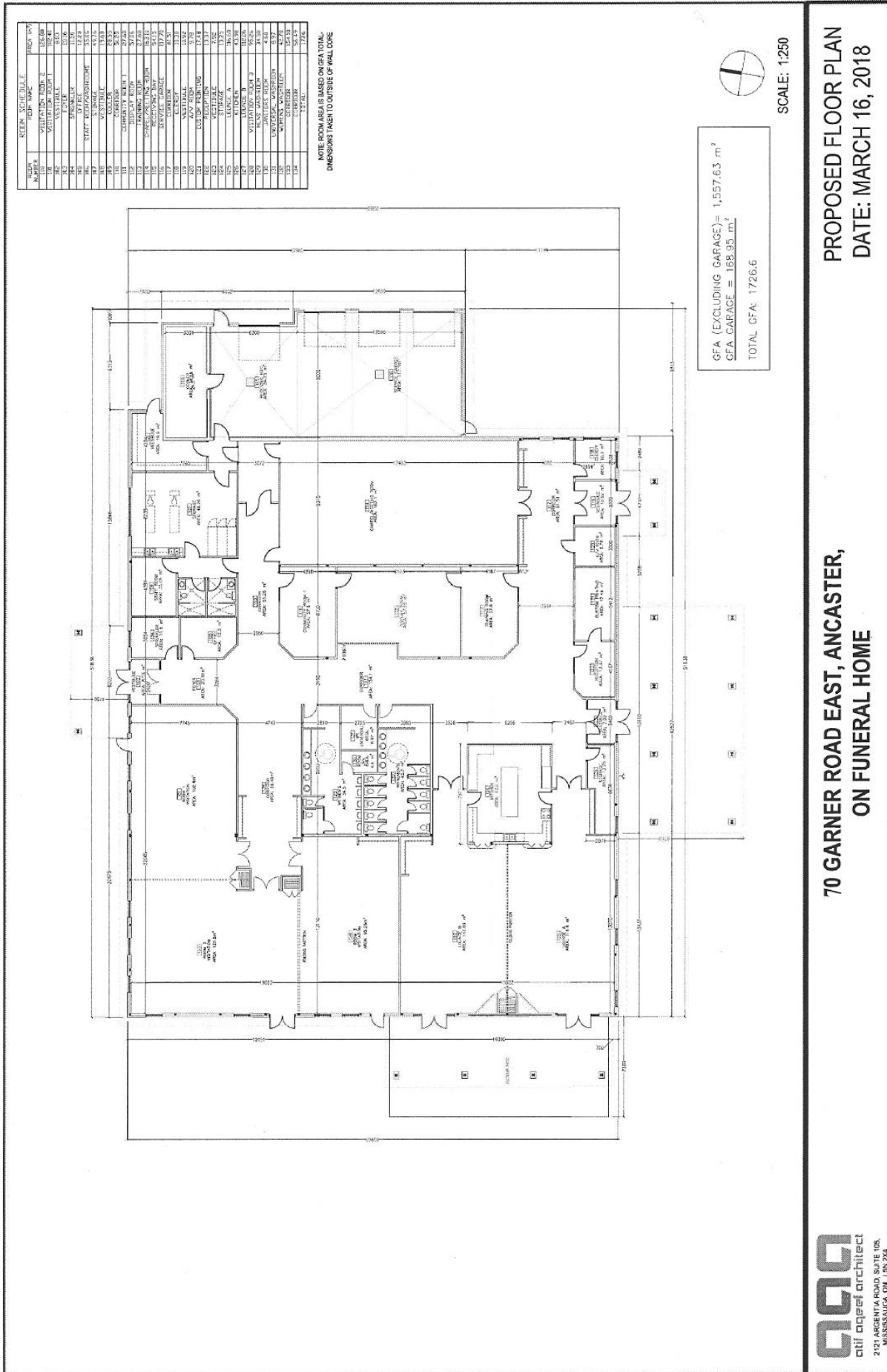
**To Amend Zoning By-law No. 05-200  
Respecting Lands Located at 70 Garner Road East (Ancaster)**



|  |   |
|--|---|
| <p>This is Schedule "A" to By-law No. 18-</p> <p>Passed the ..... day of ....., 2018</p> | <p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p> |
|--|---|

|  |  |  |
|--|--|--|
| <h2 style="margin: 0;">Schedule "A"</h2> <p style="margin: 10px 0 0 0;">Map Forming Part of<br/>By-law No. 18-_____</p> <p style="margin: 10px 0 0 0;">to Amend By-law No. 05-200<br/>Maps 1386, 1387, 1437 &amp; 1438</p> |  | <p><b>Subject Property</b><br/>70 Garner Road East</p> <p> <b>Block 1</b> - Change in zoning from Major Institutional (I3, 39, H37) Zone to Airport Prestige Business (M11, 697, H37, H104) Zone</p> <p> <b>Block 2</b> - Lands to remain under Major Institutional (I3, 39, H37) Zone</p> |
| <p><b>Scale:</b><br/>N.T.S.</p>  | <p><b>File Name/Number:</b><br/>ZAC-17-068/ZAH-17-069/UHOPA-17-030</p> | <p><b>Hamilton</b></p>   |
| <p><b>Date:</b><br/>July 13, 2018</p>  | <p><b>Planner/Technician:</b><br/>MS/NB</p>                            |  |
| <p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>  |  |  |





Notices for an Open House were distributed to all dwellings within 150 metres of the property. At the Open House of March 29, 2017, approximately 21 people were in attendance, most of whom attended the church and were supportive of the project.

Of the neighbours who did attend, the only concern about the proposal came from the owners of the property at 33 Garner Road East, who expressed concerns about existing traffic on Garner Road and the impact this additional use would have on increasing traffic on Garner Road. In addition to those who attended, a call was received from a neighbour who did not attend the Open House but did not have any concerns with the proposal as long as a crematorium was not part of the use for the site.

Following the public meeting, I received a call from the owner of the home at the northwest corner of Anson Drive and Garner Road, the only dwelling on the north side of Garner Road which is directly across from the portion of the property which will be developed. The neighbour had questions about the timing of the project but did not have any concerns with the proposal and was pleased to confirm that the building will be of high quality design with appropriate landscaping features being placed along Garner Road.

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FOTHERGILL PLANNING & DEVELOPMENT INC.  
62 Daffodil Crescent, Ancaster, Ontario L9K 1E1  
Phone: 905-577-1077/Fax: 905-546-0545 [edf@nas.net](mailto:edf@nas.net)  
September 5, 2017 - Page 13

**Planning Justification Report**  
*Application for Official Plan Amendment & Rezoning*  
**Ancaster Christian Reformed Church Site**  
**70 Garner Road East, Town of Ancaster**

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A copy of the Open House Notice, distribution area, sign-in sheet, typed names and addresses, and follow-up correspondence are included in Schedule 9 to this report.





**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
 Planning Division

|                           |  |
|---------------------------|--|
| <b>TO:</b>                | Chair and Members<br>Planning Committee  |
| <b>COMMITTEE DATE:</b>    | August 14, 2018  |
| <b>SUBJECT/REPORT NO:</b> | Applications to Amend the Urban Hamilton Official Plan and Zoning By-law No. 05-200 and for Approval of a Draft Plan of Subdivision for Lands Located at 620 Tradewind Drive (Ancaster) (PED18150) (Ward 12) |
| <b>WARD(S) AFFECTED:</b>  | Ward 12  |
| <b>PREPARED BY:</b>       | Alvin Chan (905) 546-2424 Ext. 2978  |
| <b>SUBMITTED BY:</b>      | Steve Robichaud<br>Director, Planning and Chief Planner<br>Planning and Economic Development Department  |
| <b>SIGNATURE:</b>         |  |

### RECOMMENDATION

- (a) That **Urban Hamilton Official Plan Amendment Application UHOPA-17-016, by 1932376 Ontario Inc., c/o Ted Valeri, (Owner)**, to remove the “Core Areas” and “Linkages” designation on Schedule B – Natural Heritage System; and, to remove the “Key Natural Heritage and Key Hydrologic Feature Wetlands” designation on Schedule B-4 – Detailed Natural Heritage Features Wetlands; and, to permit the requested permitted uses on a local road, for the lands known as 620 Tradewind Drive (Ancaster), as shown on Appendix “A” to Report PED18150, be **APPROVED** on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED18150, 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 (2014) and conforms to the Growth Plan for the Greater Golden Horseshoe (2017);
- (b) That **Amended Zoning By-Law Amendment Application ZAC-05-063, 1932376 Ontario Inc., c/o Ted Valeri, (Owner)**, for changes in zoning from General Business Park (M2) Zone to Conservation / Hazard Lands (P5) Zone

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**SUBJECT: Applications to Amend the Urban Hamilton Official Plan and Zoning By-law No. 05-200 and for Approval of a Draft Plan of Subdivision for Lands Located at 620 Tradewind Drive (Ancaster) (PED18150) (Ward 12) - Page 2 of 31**

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and General Business Park (M2, 611) Zone (Block 1); and from Conservation / Hazard Lands (P5) Zone to General Business Park (M2, 611) Zone (Block 2), in order to permit additional uses, and the removal of a portion of a natural heritage feature, for lands known as 620 Tradewind Drive (Ancaster), as shown on Appendix "A" to Report PED18150, be **APPROVED** on the following basis:

- (i) That the draft By-law, attached as Appendix "C" to Report PED18150, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2014), conform to the Growth Plan for the Greater Golden Horseshoe and comply with the Region of Hamilton-Wentworth Official Plan and the Former Town of Ancaster Official Plan; and, will comply with the Urban Hamilton Official Plan, upon finalization of Urban Hamilton Official Plan Amendment No.\_\_\_\_;
- (c) That **Amended Draft Plan of Subdivision Application 25T-200512, by 1932376 Ontario Inc., c/o Ted Valeri, (Owner)**, to establish a Draft Plan of Subdivision on lands known as 620 Tradewind Drive (Ancaster), as shown on Appendix "A" to Report PED18150, be **APPROVED** subject to the following conditions:
- (i) That this approval apply to "Valery Ancaster Business Park", 25T-200512, prepared by UrbanSolutions Planning and Land Development Consultants Inc., and certified by B.J. Clarke, O.L.S., dated February 27, 2017, showing 11 Blocks for Industrial development (Blocks 1-7 and Blocks 9-12), one block for stormwater management purposes (Block 8), one block for a one-foot reserve (Block 13), two proposed streets (Streets "A" and "B"), and the extension of Cormorant Road, attached as Appendix "F" to Report PED18150, subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the Conditions attached as Appendix "D" to Report PED18150;
  - (ii) Acknowledgement by the City of Hamilton of its responsibility for cost-sharing with respect to this development for the following items:
    - (a) There is a City share for the proposed SWM facility for the land cost which is set at \$250K per acre with an upset limit of 60% for the land and construction costs, including soft costs; and,

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**SUBJECT: Applications to Amend the Urban Hamilton Official Plan and Zoning By-law No. 05-200 and for Approval of a Draft Plan of Subdivision for Lands Located at 620 Tradewind Drive (Ancaster) (PED18150) (Ward 12) - Page 3 of 31**

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- (b) There is a City share for the installation of the extension of Cormorant Road from the west limits of the subject lands to the east limit to Trinity Road South, at 100% cost of servicing works, excluding culvert design and installation costs.

## **EXECUTIVE SUMMARY**

On June 10, 2005, the owner / applicant submitted applications for a Zoning By-law Amendment (ZAC-05-063) and for approval of a Draft Plan of Subdivision (25T-200512), for lands located at 620 Tradewind Drive, within the Former Town of Ancaster, which were deemed complete on June 28, 2005.

The applications were put on hold, pending completion of a Municipal Class Environmental Assessment for the extension of Cormorant Road, which was filed by the City on February, 2015, and revised in October, 2015. The owner / applicant has subsequently amended the applications for a Draft Plan of Subdivision and Zoning By-law Amendment, and incorporated the established alignment of the extension of Cormorant Road into the Draft Plan.

As the applications were submitted prior to the Council adoption and subsequent OMB approval of the Urban Hamilton Official Plan, the owner / applicant has also asserted the “Clergy” principle, whereby the application is to be reviewed against the policy documents applicable at the time of submission of a complete application, being the Provincial Policy Statement (2014); Region of Hamilton-Wentworth Official Plan and the Town of Ancaster Official Plan.

To reflect the outcome of the evaluation of the current proposal and associated studies, an Urban Hamilton Official Plan Amendment is required to remove reference to natural heritage features identified on the subject lands; and, to permit the requested additional supporting ancillary uses on a local road.

In review of the amended applications, staff have requested further amendments to the Zoning By-law Amendment Application with respect to requested additional uses. In particular, the request for stand-alone retail has been removed, and restrictions to “Restaurants” and “Motor Vehicle Service Stations” have been included.

In addition, the owner / applicant has further amended the Draft Plan of Subdivision to remove a landlocked block and has merged it with an adjacent development block.

The proposed Urban Hamilton Official Plan and Zoning By-law Amendment and Draft Plan of Subdivision have merit and can be supported, since the proposal is consistent with the PPS (2014), and the Growth Plan for the Greater Golden Horseshoe, and will

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**SUBJECT: Applications to Amend the Urban Hamilton Official Plan and Zoning By-law No. 05-200 and for Approval of a Draft Plan of Subdivision for Lands Located at 620 Tradewind Drive (Ancaster) (PED18150) (Ward 12) - Page 4 of 31**

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comply with the Urban Hamilton Official Plan, subject to the approval of the proposed Official Plan Amendment.

***Alternatives for Consideration – See Page 31***

**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 application for approval of an Official Plan and Zoning By-law Amendment and for approval of a Draft Plan of Subdivision.

**HISTORICAL BACKGROUND**

**Proposal**

The subject lands, 620 Tradewind Drive, totalling approximately 19.88 ha, are located west of Tradewind Drive, north of the current terminus of Cormorant Road, south of Sandhill Drive, and east of Trinity Road South.

The original applications dating from 2005, proposed a change in zoning to the Ancaster Zoning By-law No. 87-57, from the “M3” (Light Industrial) and “M4” (General Industrial) Zones to a site specific “M4” (General Industrial) Zone, in order to allow for additional uses. In 2010, the lands were rezoned to the General Business Park (M2) Zone under Zoning By-law No. 05-200. In June 14, 2006, the Conservation / Hazard Lands (P5) Zone was applied to a proportion of the subject lands. The proposed Draft Plan of Subdivision was comprised of three blocks for General Industrial purposes, a proposed street (Street “A”) and the extension of Cormorant Road, attached as Appendix “E” to Report PED18150.

The applications were put on hold pending completion of a Municipal Class Environmental Assessment for the extension of Cormorant Road, which was subsequently completed by the City in February, 2015 and revised in October, 2015.

Accordingly, the owner / applicant has amended the applications for Amendment to the Zoning By-law to reflect the current and proposed zoning, and for approval of a Draft Plan of Subdivision, to reflect the alignment of the extension of Cormorant Road.

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**SUBJECT: Applications to Amend the Urban Hamilton Official Plan and Zoning By-law No. 05-200 and for Approval of a Draft Plan of Subdivision for Lands Located at 620 Tradewind Drive (Ancaster) (PED18150) (Ward 12) - Page 5 of 31**

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The amended application for a Draft Plan of Subdivision is to establish 11 Blocks for Industrial development (Blocks 1-7 and Blocks 9-12), one block for stormwater management purposes (Block 8), a one foot reserve (Block 13), two proposed streets (Streets "A" and "B"), and the extension of Cormorant Road, as shown on Appendix "F" to Report PED18150.

The amended Zoning By-law Amendment Application is for changes in zoning for a portion of lands within the Conservation / Hazard Lands (P5) Zone and from the General Business Park (M2) Zone to a site specific General Business Park (M2) Zone, in order to recognize the removal of a portion of a natural heritage feature, based on the submitted supporting studies, and to add the following uses: Restaurant, Office, Retail, Medical Clinic and Motor Vehicle Service Station. Through review and in discussion with the applicant, the owner / applicant has agreed to maintain the current permissions under the General Business Park (M2) Zone with respect to "Retail".

With respect to a "Restaurant," the owner / applicant has agreed to a "Restaurant within a multi-unit building and the prohibition of any stand-alone restaurants".

Finally, with respect to a "Motor Vehicle Service Station," the owner / applicant has also agreed to modifications to the definition to limit the scope of the requested "Motor Vehicle Service Station" to repairs and replacements for motor vehicles, without the sale of fuels, automotive accessories and / or convenience goods.

Notwithstanding the above, the Urban Hamilton Official Plan currently identifies natural heritage features on the subject lands, per Urban Hamilton Official Plan Schedule "B" – Natural Heritage System and Schedule "B-4" – Detailed Natural Heritage Features Wetlands. Based on the review of the supporting studies and Species at Risk Assessments undertaken in review of this proposal as well as the City's Municipal Class Environmental Assessment, it was determined that an amendment to the Urban Hamilton Official Plan to remove these features can be supported.

**Chronology:**

- June 10, 2005: Applications ZAC-05-063 and 25T-200512 submitted.
- June 28, 2005: Applications ZAC-05-063 and 25T-200512 deemed complete.
- July 14, 2005: Public Notice Sign erected on the subject lands.

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**SUBJECT: Applications to Amend the Urban Hamilton Official Plan and Zoning By-law No. 05-200 and for Approval of a Draft Plan of Subdivision for Lands Located at 620 Tradewind Drive (Ancaster) (PED18150) (Ward 12) - Page 6 of 31**

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|                            |   |
|----------------------------|---|
| <u>August 2, 2005:</u>     | Notice of Complete Applications and Preliminary Circulation for Applications ZAC-05-063 and 25T-200512 to 26 property owners within 120 m of the subject lands.   |
| <u>June 14, 2006:</u>      | Effective date of Conservation / Hazard Lands (P5) Zone for the Urban Area under Zoning By-law No. 05-200.  |
| <u>June 28, 2011:</u>      | Effective date of the General Business Park (M2) Zone for the Urban Area under Zoning By-law No. 05-200.  |
| <u>August 16, 2013:</u>    | Effective date of the Urban Hamilton Official Plan.   |
| <u>February 28, 2017:</u>  | Amended Applications ZAC-05-063 and 25T-200512 submitted.   |
| <u>March 2, 2017:</u>      | Amended Applications ZAC-05-063 and 25T-200512 deemed complete.   |
| <u>March 10, 2017:</u>     | Notice of Complete Applications and Preliminary Circulation for Amended Applications ZAC-05-063 and 25T-200512 to 53 property owners within 120 m of the subject lands.   |
| <u>March 15, 2017:</u>     | Urban Hamilton Official Plan Amendment Application UHOPA-17-016 submitted and deemed complete.  |
| <u>March 21, 2017:</u>     | Amended Public Notice Sign erected on the subject lands.  |
| <u>September 11, 2017:</u> | Outstanding studies and requirements received (Geotechnical Report; Planning Justification Report; Woodlot Assessment Compensation Report; Watermain Hydraulic Analysis Report; and, Species at Risk – Bat Survey). |
| <u>October 23, 2017:</u>   | Revised Hydrogeological Report received.  |
| <u>November 11, 2017:</u>  | Ministry of Natural Resources and Forestry Species At Risk Details received.  |
| <u>December 20, 2017:</u>  | Revised Planning Justification Report received.   |
| <u>February 14, 2018:</u>  | Revised Draft Plan of Subdivision received.   |

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**SUBJECT: Applications to Amend the Urban Hamilton Official Plan and Zoning By-law No. 05-200 and for Approval of a Draft Plan of Subdivision for Lands Located at 620 Tradewind Drive (Ancaster) (PED18150) (Ward 12) - Page 7 of 31**

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April 6, 2018: Transportation Demand Management Report and Planning Justification Report Addendum received.

April 24, 2018: Revised Draft Plan of Subdivision received.

July 18, 2018: Public Notice Sign updated with Public Meeting Information.

July 27, 2018: Notice of Public Meeting sent to 53 property owners within 120 m of the subject lands.

**Details of Submitted Application:**

**Location:** 620 Tradewind Drive  
(See Appendix "A" to Report PED18150)

**Owner/Applicant:** 1932376 Ontario Inc., (c/o Ted Valeri)

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

**Property Description:**

|                      |                                      |          |
|----------------------|--------------------------------------|----------|
| <u>Lot Frontage:</u> | Cormorant Road                       | 26.4 m   |
|                      | Tradewind Drive                      | 50.0 m   |
| <u>Lot Depth:</u>    | Irregular<br>(West property line)    | 596.5 m  |
| <u>Lot Area:</u>     |                                      | 19.10 Ha |
| <u>Servicing:</u>    | Extension of Full Municipal Services |          |

**EXISTING LAND USE AND ZONING:**

|                              | <b><u>Existing Land Use</u></b> | <b><u>Existing Zoning</u></b>   |
|------------------------------|---------------------------------|---|
| <b><u>Subject Lands:</u></b> | Vacant Industrial Lands         | General Business Park (M2) Zone and Conservation / Hazard Lands (P5) Zone |

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**Surrounding Land Uses:**

|              |   |  |
|--------------|---|--|
| <b>North</b> | Industrial and Vacant<br>Industrial Lands | General Business Park (M2) Zone  |
| <b>South</b> | Hydro Corridor                            | Conservation / Hazard Land - Rural (P6)<br>Zone and Agriculture (A1) Zone  |
| <b>East</b>  | Industrial and Vacant<br>Industrial Lands | General Business Park (M2) Zone,<br>General Business Park (M2, 382) Zone,<br>General Business Park (M2, 434) Zone,<br>and Conservation / Hazard Lands (P5)<br>Zone |
| <b>West</b>  | Industrial and Vacant<br>Industrial Lands | General Business Park (M2) Zone and<br>Conservation/Hazard Lands (P5) Zone   |

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

**Provincial Policy Statement (2014)**

The applications have been reviewed with respect to the Provincial Policy Statement (PPS). The Provincial Planning Policy Framework is established through the *Planning Act* (Section 3), and the Provincial Policy Statement (2014). The application was reviewed against the Provincial Policy Statement 2014, and is consistent with the following policies, amongst others.

The proposal provides for an efficient and resilient development and land use pattern that is healthy, liveable and safe, as per Policy 1.1.

Additionally, the proposal is consistent with the Employment Area Policies of Policy Section 1.3, in that it will provide for an appropriate mix and range of employment to meet long-term needs and opportunities for a diversified economic base, with a range and choice of suitable sites for employment uses that support a wide range of economic activities and ancillary uses. The development will protect and preserve employment areas for current and future uses while ensuring the necessary infrastructure to support current and projected needs is available.

The proposed uses are appropriate for Employment Areas and are of a service nature that will not adversely affect established and / or approved retail areas and supports the business park and surrounding area.

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**SUBJECT: Applications to Amend the Urban Hamilton Official Plan and Zoning By-law No. 05-200 and for Approval of a Draft Plan of Subdivision for Lands Located at 620 Tradewind Drive (Ancaster) (PED18150) (Ward 12) - Page 9 of 31**

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Although the Town of Ancaster Official Plan did not identify any natural heritage features on the subject lands, in review of the Urban Hamilton Official Plan, a wetland is identified on Schedule “B” – Natural Heritage System and Schedule “B-4” – Detailed Natural Heritage Features Wetlands. Based on the review of the supporting studies, including Natural Heritage Species at Risk Assessments by the City and the Grand River Conservation Authority, an amendment is proposed to remove the wetland from the applicable schedules.

As part of Species at Risk screening that was completed as part of the amended applications, habitats for both the Eastern Meadowlark and Bobolink were identified and are recommended by the Ministry of Natural Resources and Forestry (MNR) for project registration, following the rules in regulation S.23.6 of Ont. Reg. 242 / 08. Upon further review, additional investigations were requested for potential bat habitat.

Subsequently, an Information Gathering Form (IGF) was submitted to the Ministry and deemed satisfactory, subject to compensation through the identified project registration. A map snag and acoustical survey were completed in June, 2017, and subsequently submitted via an additional IGF to the Ministry for review, who determined potential habitat for Little Brown Myotis.

In response, the owner / applicant has submitted the necessary materials to the Ministry, who have requested project registration following the rules in regulation S.23.6 of Ont. Reg. 242 / 08 and a permit under Section 17(2)(c) of the ESA.

Condition Nos. 26 and 27, of Appendix “D” to Report PED18150, have been included to address Species at Risk requirements.

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

**Region of Hamilton-Wentworth Official Plan**

The owner / applicant has also asserted the “Clergy” principle, whereby the application is to be reviewed against the policy documents applicable at the time of submission of a complete application, being the Provincial Policy Statement (2005); Region of Hamilton-Wentworth Official Plan and the Town of Ancaster Official Plan.

The subject lands are designated as “Business Parks” as per Map 1 – Regional Development Pattern. As per Policy C.3.1.3.1, designated Business Parks on Map No. 1 shall accommodate:

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**SUBJECT: Applications to Amend the Urban Hamilton Official Plan and Zoning By-law No. 05-200 and for Approval of a Draft Plan of Subdivision for Lands Located at 620 Tradewind Drive (Ancaster) (PED18150) (Ward 12) - Page 10 of 31**

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- “a) a full range of manufacturing, construction, wholesale establishments, truck terminals, research and development uses and office development associated with these uses;
- b) service type uses, including hotels, banquet centres and recreational facilities, and land extensive warehouse retail – wholesale uses requiring site and building specifications similar to industrial uses (excluding operations such as department stores, grocery stores and automobile dealerships).

Additionally, Policy C.3.1.3.2 identifies that the Region will:

“Permit in business parks grouped commercial uses of a retail or service nature such as banks, restaurants and professional offices that will not adversely affect established and / or approved retail areas. Such uses will be directed to locations along major roads or in designated commercial nodes within the business parks.”

This is further supported by Policy C.3.1.3.3, whereby the Region will:

“Require Area Municipality Official Plans to contain detailed policies that identify the type and locational criteria for permitted commercial uses.”

In review of the application, the Town of Ancaster Official Plan permits commercial uses such as ancillary and service type uses supporting the primary activities, and limited office development associated with the primary uses, which may be permitted within the Industrial designation.

With respect to a Medical Clinic and Motor Vehicle Service Station as amended, based on the applicant’s planning and spatial analysis of Section 4.4, provided within the Planning Justification Report addendum, dated December, 2017, there are no full service Medical Clinics and two Motor Vehicle Service Stations within five hundred metres of the Business Park.

To ensure no adverse impacts on established retail areas, the use of a Motor Vehicle Service Station will be limited to repairs and replacements for motor vehicles, while prohibiting the sale of fuels, automotive accessories and / or convenience goods. Similarly, the proposed additional use of a “Restaurant” has been limited to “within a multi-unit building and the prohibition of any stand-alone restaurants” to ensure the same.

Accordingly, the above noted proposed uses would provide a service that will not adversely affect established and / or approved retail areas and would also support the Business Park and the surrounding area beyond the Business Park.

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Moreover, “Offices” would be consistent with the current uses contained in of the Business Park and would be compatible with both the existing and proposed developments.

Lastly, the owner / applicant has agreed to the existing retail permissions being Accessory Retail and Showroom Area per Regulation 9.2.3(h) of the General Business Park (M2) Zone, and has therefore removed the request for stand-alone retail.

Based on the foregoing, staff support the additional uses of: Medical Clinic; Offices; Restaurant within a multi-unit building, but not a stand-alone restaurant; and, a Motor Vehicle Service Station, subject to removal of the permission for the sale of fuels, automotive accessories and / or convenience goods, as they comply with the Region of Hamilton-Wentworth Official Plan.

Lastly, with respect to Natural Heritage, no natural heritage features were identified on Map No. 4 – Environmentally Significant Areas; however, staff note that through the review of the Environmental Assessment for the Extension of Cormorant Road by the Ministry of Natural Resources and Forestry (MNR), and the submitted supporting materials, being the Species at Risk inventories, a recommendation for project registration following the rules in regulation S.23.6 of Ont. Reg. 242 / 08 and a permit under Section 17(2)(c) of the ESA is required.

Accordingly, staff have included Condition Nos. 26 and 27, of Appendix “D” to Report PED18150. Based on the foregoing, the proposal complies with the Region of Hamilton-Wentworth Official Plan.

### **Ancaster Official Plan**

The subject lands are designated “Industrial” on Schedule “B” – Land Use Urban Area; as “Grand River Conservation Authority Designated Lands” on Schedule “C” – Hazard Lands; and, as Specific Policy Area “2” on Schedule “F” – Specific Policy Area.

Policy 4.6.1 identifies that the:

“predominant use of lands designated Industrial on Schedule B shall be for enclosed warehousing, offices, limited product distribution services, product showroom and display centres, research and development facilities.

In addition, such manufacturing or processing operations free from emissions of dust, odour, fumes, particulate matters, noise and excessive vibrations may be permitted.”

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**SUBJECT: Applications to Amend the Urban Hamilton Official Plan and Zoning By-law No. 05-200 and for Approval of a Draft Plan of Subdivision for Lands Located at 620 Tradewind Drive (Ancaster) (PED18150) (Ward 12) - Page 12 of 31**

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Policy 4.6.3, states that:

“Ancillary and service type uses supporting the primary activities as well as recreational facilities and limited office development associated with the primary uses may be permitted.”

As the owner / applicant has agreed to the existing retail permissions, being Accessory Retail and Showroom Area per Regulation 9.2.3(h) of the General Business Park (M2) Zone, retail will only be permitted with an associated primary permitted use.

Staff are supportive of a “Medical Clinic;” an “Office;” a “Restaurant within a multi-unit building, but not a stand-alone restaurant;” and, a “Motor Vehicle Service Station, but not including the sale of fuels, automotive accessories and / or convenience goods,” as the proposed uses, as amended, would support businesses and employees within the Business Park, would be appropriate for the subject lands and surrounding area, and have minimal impact on the existing established retail function of, and are complementary to, the existing uses within the Ancaster Business Park.

In review of Policy Section 5.1 – Hazard Lands, staff note that the policies have been deferred under Section 17(10) of the *Planning Act* and are therefore not applicable. Notwithstanding, the Grand River Conservation Authority has reviewed the proposal and have no concerns with the proposed development, subject to the requested condition, being Condition No. 25 of Appendix “D” to Report PED18150.

Lastly, with respect to Special Policy Area “2”, Policy Section 5.5, “Duff’s Corner Area” policies apply. In particular, Policy 5.5.2 states that:

“In order to promote the orderly and comprehensive development of the Industrial area in Duffs Corners, the subdivision of land shall be by Registered Plan as provided for under the *Planning Act*. The division of land by 'metes and bounds' conveyances may be permitted on a limited basis providing the intent of this Plan is maintained. In developing these lands Policy 4.6.1 and the following sub-policies, amongst others, shall apply:

- ii) To promote the visual aesthetics of the area industrial uses within 152.4 metres of and exposed to view from the major peripheral and internal roads, shall be subject to site plan controls, including the following:
  - (a) The location of all vehicular parking, including the outdoor storage of vehicles used in conjunction with industries. Generally, employees and visitors parking shall be restricted to the side, or rear yard, but parking for vehicles used in any business operation shall be restricted to the rear

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yard. In all cases, parking areas are to be screened from view from roads by appropriate planting strips, berms, decorative walls or fencing;

- (b) The prohibiting of outdoor storage. Generally, outdoor storage will be prohibited, except in special instances deemed warranted by Council;
  - (c) The provision of loading facilities. Such facilities shall also be restricted to rear yard locations only and when visible from any road, they shall be screened appropriately;
  - (d) The prohibiting of all outdoor operations. All operations necessary as part of any industry, shall take place within fully enclosed buildings;
  - (e) Adequate landscaped open space to be provided on site;. This includes the provision of lawns, planting strips and other vegetative cover deemed desirable; and,
  - (f) The type of surface treatment to be provided for all areas, exclusive of buildings and landscaping. Within such areas, only asphalt, concrete or other permanent surfaces shall be permitted.
- iii) The lands without major road exposure shall be subject to site plan controls. Due to the buffering effect provided by the development intended on lands abutting major roads, site plan controls, somewhat less stringent than those imposed for lands with major road exposure will be required. Such site plan controls may include:
- (a) The provision of visitor and employee parking in front, side and rear yards, subject to required screening;
  - (b) Increased area for outdoor storage, subject to appropriate screening;
  - (c) Controls over the location of parking and loading facilities for vehicles used in conjunction with industries;
  - (d) Reduction of the amount of landscaped area to be provided on site; and,
  - (e) Control over the surface treatment of areas not covered by buildings or landscaped.
- iv) It is intended that the proposed development of the lands designated Industrial in Duff's Corners will be undertaken in full accordance with the legislation and regulations of the Ministry of the Environment and Energy and its various

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branches, including, but not restricted to Air Management, Sanitary Engineering and Industrial Wastes. The provision of sanitary sewers, storm drainage facilities and watermains will be in accordance with a servicing programme to be undertaken by both the Regional and Town Councils;

- v) The provision of storm drainage will be provided through the lands in question, possibly by means of open channel storm drainage facilities. Because of the necessity of providing setbacks from such drainage channels, the Grand River Conservation Authority will be requested to conduct an on-site inspection of the lands designated Industrial by this Plan to determine the extent of any Hazard Area and advise the Municipality regarding the limits of any Hazard Area so the boundary may be accurately set out in the implementing Zoning By-law of the Town of Ancaster. It is intended that such areas be maintained as open space corridors through the Industrial area for purposes of enhancing the visual amenities of the lands;
- vi) Because the lands designated Industrial in Duff's Corners will be provided with full municipal services, including municipal sanitary sewers and watermains, storm drainage facilities and paved roads, it will be necessary that Council undertake a staging programme for the sequential development of lands designated Industrial in Duff's Corners which will allow for flexibility and control in releasing land for development. Such a staging programme will be based on servicing considerations such as the ease of connecting sanitary sewerage facilities, as well as, the direction Council may wish to take in regards to the amount of land to be released within each stage as well as, the intended use of land. Council shall not initiate the development of lands within the stages subsequent to Stage I until evidence has been provided to the satisfaction of Council as to the adequacy of the road system and the sanitary sewage, storm drainage and water facilities to serve the land within the subsequent stages. In this regard, such a staging programme shall be prepared in conjunction with the Region;
- vii) A Secondary Plan will be prepared for lands designated Industrial in Duff's Corners in order to assure the orderly development of lands so designated. Such a plan must be endorsed by the Region and should:
  - (a) Indicate specific intersections with Highways 2 and/or 53 because of the nature of road intersections at Duff's Corners;
  - (b) Provide a system of roads designed in such a manner as to facilitate the easy movement of large commercial vehicles through the area;

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- (c) Arrange internal roads in such a manner as to facilitate the design provisions provided in this Section of the Plan; and,
- (d) Arrange for permanent open space areas throughout the development to promote the visual aesthetics of the area. Such open space areas may be achieved by incorporating existing lands used for utilities and by maintaining existing major drainage facilities where necessary as open areas for storm drainage purposes.”

In review, the proposed development complies with the design policies of Section 5.5.2 and will be developed under the subject Draft Plan of Subdivision with full municipal services, and subject to a future Site Plan Control Application(s) for further refinement of the site design. Of note, a secondary plan was never established for “Duffs Corners” and all remaining policies under Policy Section 5.5 pertain to site specific properties or “Commercial” designations, which are not applicable to the subject lands.

Therefore, the proposal complies with the Town of Ancaster Official Plan policies that were in effect.

**Urban Hamilton Official Plan**

The subject applications are subject to the “Clergy” principle for review, as they predate the adoption of the Urban Hamilton Official Plan which is therefore not applicable for this application, with respect to the natural heritage system and designation applicable to the subject lands. However, as all Zoning By-laws must comply with the in force Official Plan at the time of passage of said By-law, an amendment to the Urban Hamilton Official Plan is required.

In particular, as the subject lands were not previously identified as containing Natural Heritage features under the Hamilton-Wentworth Official Plan or the Town of Ancaster Official Plan, an amendment to the Urban Hamilton Official Plan Schedule “B” – Natural Heritage System and Schedule “B-4” – Detailed Natural Heritage Features Wetlands, are required to remove reference to the natural heritage features identified under these schedules.

The Grand River Conservation Authority who regulates the wetland feature has reviewed the subject applications and supporting studies. In review they have identified no comments or concerns with the removal of the wetland, subject to Condition No. 25 of Appendix “D” to Report PED18150.

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In addition, any Species at Risk concerns have been reviewed by the Ministry of Natural Resources and Forestry who have recommend project registration following the rules in regulation S.23.6 of Ont. Reg. 242 / 08 and a permit to be issued under Section 17(2)(c) of the ESA. Accordingly, staff have included Condition Nos. 26 and 27 of Appendix “D” to Report PED18150, to address these concerns.

Lastly, in review of the proposed uses, Policy E.5.2.4 states that:

“Uses permitted in the Employment Area designations shall include clusters of business and economic activities such as, manufacturing, research and development, transport terminal, *building or contracting supply establishment*, tradesperson’s shop, warehousing, *waste management facilities*, private power generation, limited agricultural uses, office, and *accessory* uses. *Ancillary* uses which primarily support businesses and employees within the Employment Area shall also be permitted. Permitted uses specific to the four Employment Area designations are contained in Policies E.5.3.2, E.5.4.3, E.5.5.1, E.5.5.2 and E.5.6.1.”

Additionally, policy E.5.4.5 provides further direction with respect to “Offices”, whereby:

“Offices within the Employment Area – Business Park designation shall comply with the following criteria:

- (a) Offices, excluding industrial administrative offices and consulting offices related to land development services, such as surveying, engineering, planning or design, shall be permitted where prestige uses for a business park are permitted by Policy E.5.4.7 c), and where the *ancillary* uses which serve the businesses and employees of the business park are permitted by Policy E.5.4.4.”

Accordingly, Policy E.5.4.4 states that:

“*Ancillary* uses which serve the businesses and employees of the business park as described in Policy E.5.4.3 c), shall only be permitted at locations fronting arterial roads or collector roads into the business parks.”

Staff note that Cormorant Road is identified as Collector Roads on Schedule C – Functional Road Classification of Volume 1 of the Urban Hamilton Official Plan. However, as Lots 1 to 6, inclusive, will front the proposed local Street “A”, a modification to Policy E.5.4.4 is required to permit the requested uses on a local road.

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In review, a “Medical Clinic;” an “Office;” a “Restaurant within a multi-unit building, but not a stand-alone restaurant;” and, a “Motor Vehicle Service Station, but not including the sale of fuels, automotive accessories and / or convenience goods,” are supportable on a local road, as the proposed uses, as amended, would support businesses and employees within the Business Park, would be appropriate for the subject lands and surrounding area, and have minimal impact on the existing established retail function of, and are complementary to, the existing uses within the Ancaster Business Park.

Based on the foregoing, staff support the amendment to permit the ancillary commercial and supporting uses on a local road, as identified within the amending Zoning By-law attached as Appendix “C” to Report PED18150.

**Ancaster Tree Protection By-law (2000-118) and Urban Woodland Conservation By-law (14-212)**

Notwithstanding that the subject lands were not identified as containing Natural Heritage features under the former Town of Ancaster Official Plan, staff note that both the Ancaster Tree Protection By-law and Urban Woodland Conservation By-law apply.

However, subject to the submission and approval of a Tree Protection Plan, the proposed development is exempt from these By-laws.

Accordingly, staff have requested Condition No. 1 of Appendix “D” to Report PED18150, to address this requirement.

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

The subject lands are currently zoned General Business Park (M2) Zone and Conservation / Hazard Lands (P5) Zone. The General Business Park (M2) Zone permits employment uses including, but not limited to, Building and Lumber Supply Establishment, Commercial Motor Vehicle Sales, Rental and Service Establishment, Contracting Establishment, Manufacturing, Repair Service and Research and Development Establishment.

The Conservation / Hazard Lands (P5) Zone permits Conservation; Flood and Erosion Control Facilities; and, Recreation, Passive uses.

The applicant is requesting modifications to the Zoning By-law for a portion of the subject lands:

- The first modification is to change the zoning from the General Business Park (M2) Zone to the General Business Park (M2, 611) Zone, to permit a Medical Clinic;

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Office; Restaurant within a multi-unit building, but not a stand-alone restaurant; and, a Motor Vehicle Service Station, as amended to remove the sale of fuels, automotive accessories and / or convenience goods (Block 1);

- The second modification is to change the zoning from Conservation / Hazard Lands (P5) Zone to the General Business Park (M2, 611) Zone, in order to develop a portion of the natural heritage lands within a future industrial development in accordance with the General Business Park (M2) Zone, to allow for the additional uses noted above (Block 2); and,
- The last modification is to change the zoning from the General Business Park (M2) Zone to the Conservation / Hazard Lands (P5) Zone, in order to recognize the proposed stormwater management facility (Block 3).

The proposed zoning will be 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:

- Ministry of the Environment, Conservation and Parks (formerly Ministry of the Environment and Climate Change); and,
- Recycling and Waste Disposal, Public Works Department.

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

**Hamilton Street Railway** have advised that Route #44 Rymal services this site with no planned changes in service. The street orientation and pedestrian entrances for development are important in providing direct short walking distances between dwellings and transit service. Development shall include high quality pedestrian amenities such as walkways, lighting, etc. Lastly, the reuse and intensification of sites with mixed uses and higher densities immediately adjacent to transit routes is encouraging. This will be addressed through the future required Site Plan Control applications for the development of the individual industrial block(s).

**Public Health Services** have advised that any proposed permanent or temporary irrigation / storm water management pond(s) or any existing oversized irrigation / storm water management pond(s) should be designed, constructed, or modified and maintained to control mosquitoes / WNV and comply with all aspects of By-law

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No. 03-173, A By-Law to Prohibit and Regulate the Accumulation of Standing Water at Specified Times of the Year.

Additionally, a pest control plan, focusing on rats and mice, shall be developed and implemented for the construction / development phase of the project and continue until the project is complete. The plan must outline steps involved in the potential control of vermin during all of development / construction and must employ integrated pest management practices. The plan must be formulated by a professional exterminator licensed by the MOECC and shall include monitoring, removing potential food and water sources, and eliminating or preventing areas for harbourage. The plan can include trapping and / or baiting but special consideration should be aimed at ensuring any / all bait stations are tamper-resistant and deceased rats are removed to prevent secondary poisoning of other animals. The plan is to be implemented when work activity at the site begins including but not limited to demolition, bush clearing, grading, etc. This requirement is made under Section 26 of the Hamilton Property Standards By-law, No. 10-221.

The applicant has been advised of By-law No. 03-173 and will account for the requirements in the design of any storm water management systems. With respect to the request for a pest control plan, staff have included Condition No. 24 of Appendix "D" to Report PED18150, to address this requirement.

**Geomatics and Corridor Management, Public Works Department** have advised that there are no comments or concerns with the proposed development, subject to the extension of Cormorant Road. As the application will facilitate the extension of Cormorant Road, the above concern has been satisfied.

**Forestry and Horticulture, Public Works Department** have advised that there are no municipal tree assets on site; however, per the standard for a subdivision agreement, a landscape plan shall be prepared with respect to street tree plantings. As mentioned above, this requirement is addressed under Section 2.08 of the Standard Form Subdivision Agreement.

**Hamilton Water, Public Works Department** have reviewed the proposal and advise that, given the lack of seasonal groundwater level data in the applicant's Hydrogeological Assessment report, it is unclear whether proposed construction activities would negatively impact neighbouring groundwater users. Additional details were provided by the applicant's consultant Landtek Limited Consulting Engineers, dated June 5, 2018, which was reviewed and deemed satisfactory by Hamilton Water.

**Ministry of Natural Resources and Forestry** have been working with the applicant's natural heritage consultant as it pertains to Species at Risk (SAR). In review of the

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proposed development and the existing approved Municipal Class Environmental Assessments, Eastern Meadowlark, Bobolinks and Little Brown Myotis (a bat species) were identified as species of concern.

With respect to the Eastern Meadowlark and Bobolinks, an Information Gathering Form (IGF) was submitted to the Ministry and deemed satisfactory, subject to compensation through the requested project registration.

Lastly, with respect to the Little Brown Myotis, the Ministry has recommend project registration following the rules in regulation S.23.6 of Ont. Reg. 242 / 08 and a permit under section 17(2)(c) of the ESA is required.

Accordingly, staff have included Condition Nos. 26 and 27, of Appendix “D” to Report PED18150, to address these concerns.

**Grand River Conservation Authority** have reviewed the supporting studies and advised that the GRCA has no objections to the approval of the Zoning By-law Amendment and issuance of Draft Plan Conditions for the Plan of Subdivision. In particular:

- “(1) Prior to any grading or construction on the site and prior to registration of the plan, the owners or their agents submit the following plans and reports to the satisfaction of the Grand River Conservation Authority:
- (a) A detailed Stormwater Management Report in accordance with the 2003 Ministry of the Environment Report entitled “Stormwater Management Practices Planning and Design Manual” and in keeping with the Functional Servicing & Stormwater Management Report (dated August 2017 and revised March 2018, A.J. Clarke and Associates Ltd.).
  - (b) Detailed Lot Grading and Drainage Plan show existing and proposed grades.
  - (c) An Erosion and Siltation Control Plan in accordance with the Grand River Conservation Authority’s guidelines for sediment and erosion control, indicating the means whereby erosion will be minimized and silt maintained on-site throughout all phases of the grading and construction.
  - (d) The submission and approval of a Development, Interference with Wetlands and Alterations to Shorelines and Watercourses permit from the GRCA prior to any grading within the regulated area.”

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Accordingly, the above requirements have been included as Condition No. 25, of Appendix "D" to Report PED18150.

**Union Gas Limited** have requested that the owner / developer provide to Union the necessary easements and / or agreements required by Union for the provision of gas services for this project, in a form satisfactory to Union. This requirement is addressed under Section 1.21 of the Standard Form Subdivision Agreement.

**Canada Post** have advised that:

This Draft Plan of Subdivision will receive mail service to centralized mail facilities provided through our Community Mailbox program. The following conditions of approval have been requested to the satisfaction of the City of Hamilton and Canada Post:

"That the owner shall:

- a) include on all offers of purchase and sale, a statement that advises the prospective purchaser:
  - i) that the home / business mail delivery will be from a designated Centralized Mail Box.
  - ii) that the developers / owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.
- b) the owner further agrees to:
  - i) work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision.
  - ii) install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes.
  - iii) identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and / or curb installation within each phase of the plan of subdivision.

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- iv) determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans.
- v) Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.
- c) Canada Post's multi-unit policy, which requires that the owner / developer provide the centralized mail facility (Lock Box Assembly) at their own expense (less than 100 units will require a front loading Lock Box Assembly & more than 100 units will require a rear loading Lock Box Assembly which will require a mail room) will be in affect for buildings and complexes with a common lobby, common indoor or sheltered space."

Lastly, Canada Post have requested that should the description of the project change, that they be updated to assess the impact of the change on mail service. Accordingly, staff have included Condition No. 36 of Appendix "D" to Report PED18150, to address the above matters.

**Hydro One Networks Inc.** have advised that:

Upon a cursory review of the materials / plans provided, Hydro One Networks Inc. have requested Conditions of Draft Approval and notations to be applied to the approval of the proposed development applications. Accordingly, staff have included Condition Nos. 28 to 35, inclusive, of Appendix "D" to Report PED18150, along with the requested notation.

**TransCanada Pipelines Limited** have identified two high pressure natural gas pipelines within 200 m of the subject property within the abutting Hydro Corridor. One of the pipelines is within 30 m. Accordingly, they have requested that the following development and regulatory requirements be included as conditions of Draft Plan approval:

- "(1) Written consent must be obtained from TransCanada prior to undertaking the following activities:
  - (a) constructing or installing a facility across, on, along or under a TransCanada pipeline right-of-way. A facility may include, but is not limited to: driveways, roads, access ramps, trails, pathways, utilities, berms, fences / fence posts;

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- (b) conducting a ground disturbance (excavation or digging) on TransCanada's pipeline right-of-way or within 30 m of centreline of TransCanada's pipe (the "Prescribed Area");
  - (c) driving a vehicle, mobile equipment or machinery across a TransCanada pipeline right-of-way outside the travelled portion of a highway or public road; and,
  - (d) using any explosives within 300 m of TransCanada's pipeline right-of-way.
- (2) In addition to the written consent noted above, a locate request to the local one-call notification centre ("One-Call Centre") a minimum of three business days in advance of the construction, ground disturbance, or vehicle or mobile equipment crossing. The One-Call Centre will notify TransCanada to send a representative to mark the facilities, explain the significance of the markings and provide you with a copy of the locate report. TransCanada requests a minimum five business days' notice for any work involving explosives.
- (3) Storage of materials and / or equipment on TransCanada's right-of-way is not permitted.
- (4) The owner shall ensure through all contracts entered into, that all contractors and subcontractors are aware of and observe the foregoing terms and conditions."

Accordingly, staff have included Condition Nos. 37 to 40, inclusive, of Appendix "D" to Report PED18150, to address the above matters.

## **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 26 property owners within 120 m of the subject property on August 2, 2005, and a Public Notice Sign erected on July 14, 2005.

In addition a notice of the Amended Zoning By-law Amendment and Draft Plan of Subdivision applications were sent to 53 property owners within 120 m of the subject property on June 23, 2017, with an updated Public Notice Sign posted on the property on March 21, 2017.

Two submissions were received identifying potential downstream drainage concerns and Species at Risk concerns, attached as Appendix "G" to Report PED18150. These

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submissions have been reviewed in detail under the Analysis and Rationale for Recommendation Section below.

Of additional note, one other public submission was received requesting notice of decision with no identified comments or concerns. Staff will ensure that this individual is provided the notice of decision in the normal manner.

Finally, the Public Notice Sign was updated on July 18, 2018, with the Public Meeting date, and Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act* on July 27, 2018.

### **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

1. The proposal has merit and can be supported for the following reasons:
  - (i) It is consistent with the Provincial Policy Statement (2014);
  - (ii) It complies with the policies of the Former Region of Hamilton-Wentworth and Town of Ancaster Official Plan; and,
  - (iii) The proposal will permit industrial development which is compatible with existing land uses in the immediate area and represents good planning by, among other things, providing for the development of a complete community and employment lands, while enhancing and establishing streetscapes for the industrial park that make efficient use of a vacant parcel of land with existing infrastructure.
  
2. As result of review of the supporting studies and Species at Risk Assessments for the proposal under the “Clergy” principle, whereby the application is to be reviewed against the policy documents applicable at the time of submission of a complete application, being the Provincial Policy Statement (2014); Region of Hamilton-Wentworth Official Plan and the Town of Ancaster Official Plan, an administrative Urban Hamilton Official Plan Amendment is required with respect to the Natural Heritage Features identified on the subject lands.

In particular, the amendment will remove the “Core Areas” and “Linkages” designation on Schedule B – Natural Heritage System; and, to remove the “Key Natural Heritage and Key Hydrologic Feature Wetlands” designation on Schedule B-4 – Detailed Natural Heritage Features Wetlands. The administrative amendment can be supported based on the submitted supporting studies and review by City of Hamilton and the Grand River Conservation Authority.

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**SUBJECT: Applications to Amend the Urban Hamilton Official Plan and Zoning By-law No. 05-200 and for Approval of a Draft Plan of Subdivision for Lands Located at 620 Tradewind Drive (Ancaster) (PED18150) (Ward 12) - Page 25 of 31**

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Additionally, as referenced above in the “Policy Implications and Legislated Requirements” section, an additional amendment is required in order to permit the requested ancillary commercial and supportive uses on a local road. In review, the proposed uses, as amended, would support businesses and employees within the Business Park, would be appropriate for the subject lands and surrounding area, and have minimal impact on the existing established retail function of, and are complementary to, the existing uses within the Ancaster Business Park.

3. The application for a Draft Plan of Subdivision seeks approval to establish an Industrial Plan of Subdivision to create 11 Blocks for Industrial development (Blocks 1-7 and Blocks 9-12), one block for stormwater management purposes (Block 8), one block for a one-foot reserve (Block 13), two proposed streets (Streets “A” and “B”), and, the extension of Cormorant Road, as shown on Appendix “F” to Report PED18150.

In review of Sub-section 51(24) of the *Planning Act*, to assess the appropriateness of the proposed subdivision, staff advise that:

- (a) It is consistent with the Provincial Policy Statement, the Growth Plan and the Urban Hamilton Official Plan;
- (b) Through the subdivision staging plan the draft plan was identified as an area of priority and represents a logical and timely expansion of existing development;
- (c) The proposed roads will adequately service the proposed subdivision and can connect to the current road system;
- (d) The proposed Draft Plan of Subdivision can be appropriately subdivided and is determined to not negatively impact the existing road network and will not have a negative impact on the natural heritage features subject to the approval of the Official Plan Amendment and Zoning By-law Amendment;
- (e) The proposed subdivision will be compatible with the existing road network and block pattern of the surrounding neighbourhood; and,
- (f) The applications do not have any negative impact on the city’s finances.

Therefore, staff are supportive of the Draft Plan of Subdivision and recommend its approval.

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**SUBJECT: Applications to Amend the Urban Hamilton Official Plan and Zoning By-law No. 05-200 and for Approval of a Draft Plan of Subdivision for Lands Located at 620 Tradewind Drive (Ancaster) (PED18150) (Ward 12) - Page 26 of 31**

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4. The applicant has requested a Zoning By-law Amendment to City of Hamilton Zoning By-law No. 05-200 for the following:
- a change in zoning from the General Business Park (M2) Zone to the General Business Park (M2, 611) Zone, a Medical Clinic; Office; Restaurant within a multi-unit building, but not a stand-alone restaurant; and, a Motor Vehicle Service Station, as amended to remove the sale of fuels, automotive accessories and / or convenience goods (Block 1);
  - a change in zoning from Conservation / Hazard Lands (P5) Zone to the General Business Park (M2, 611) Zone, in order to develop a portion of the natural heritage lands within a future industrial development in accordance with the General Business Park (M2) Zone, to allow for the additional uses noted above (Block 2); and,
  - a change in zoning from the General Business Park (M2) Zone to the Conservation / Hazard Lands (P5) Zone, in order to recognize the proposed stormwater management facility (Block 3).

General Business Park (M2) Zone to the General Business Park (M2, 611) Zone, (Block 1):

The applicant, along with modifications proposed by staff, has requested the additional following uses: an accessory Restaurant within the same building as a permitted use; Medical Clinic; Office; and, Motor Vehicle Service Station with an amendment to remove the sale of fuels, automotive accessories and / or convenience goods.

As noted previously in the report, staff are supportive of the requested additional uses of Medical Clinic; Office; Restaurant within a multi-unit building, but not a stand-alone restaurant; and, a Motor Vehicle Service Station, subject to the exclusion of the sale of fuels, automotive accessories and / or convenience goods, based on the applicant's Planning and Spatial Analysis provided in the Planning Justification Report addendum.

In particular, these uses provide a service that will not adversely affect established and / or approved retail areas and would also support the Business Park and the surrounding community beyond the Business Park.

Based on the foregoing, staff are supportive of the additional uses.

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**SUBJECT: Applications to Amend the Urban Hamilton Official Plan and Zoning By-law No. 05-200 and for Approval of a Draft Plan of Subdivision for Lands Located at 620 Tradewind Drive (Ancaster) (PED18150) (Ward 12) - Page 27 of 31**

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Conservation / Hazard Lands (P5) Zone to the General Business Park (M2, 611) Zone (Block 2):

The applicant proposes a change in zoning to recognize the development of a portion of the natural heritage feature(s) for future industrial development with additional uses of an Medical Clinic; Office; Restaurant within a multi-unit building, but not a stand-alone restaurant; and, a Motor Vehicle Service Station, as amended.

In review of the change in zoning from the Conservation / Hazard (P5) Zone, staff note that natural heritage features were not identified in the Region of Hamilton-Wentworth Official Plan, or the Town of Ancaster Official Plan.

Based on a review completed of the supporting studies and Species at Risk Assessments, by City of Hamilton, Grand River Conservation Authority, and Ministry of Natural Resources and Forestry staff, staff support the proposed change in zoning.

General Business Park (M2) Zone to the Conservation / Hazard Lands (P5) Zone (Block 3):

In order to service the subject lands and proposed development, a stormwater management facility is required within Block "8" of the Draft Plan of Subdivision, shown as Block 3 of the Schedule "A" attached as Appendix "C" to Report PED18150.

As the proposed change in zoning provides for necessary infrastructure, staff support the change in zoning to permit a Flood and Erosion Control Facility, being the stormwater management facility.

5. Engineering Approvals staff have reviewed the following supporting documents in support of the development applications:
- Revised Draft Plan of Subdivision, prepared by UrbanSolutions Planning & Land Development Consultants, Revision 1, dated January 2018;
  - Revised Functional Servicing & Stormwater Management Report (FSR), dated March 2018; and,
  - Response Letter on the previous comments provided by Engineering Approvals and Infrastructure Planning Section, submitted by AJ Clarke and Associates Ltd. dated March 28, 2018.

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**SUBJECT: Applications to Amend the Urban Hamilton Official Plan and Zoning By-law No. 05-200 and for Approval of a Draft Plan of Subdivision for Lands Located at 620 Tradewind Drive (Ancaster) (PED18150) (Ward 12) - Page 28 of 31**

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The following comments regarding the Draft Plan of Subdivision approval are applicable:

**Comments:**

- The Consultant (A.J. Clarke & Associates Ltd.) has indicated in their response letter that most of the previous comments provided on the Functional Servicing and Stormwater Management Report in support of the above noted applications will be dealt with at the detailed design stage. Our opinion is that the comments below may have significant impact on the detailed Engineering design and would like to bring them to the proponent's attention at the draft plan approval stage.
- It appears that the existing 375 mm sanitary sewer on Tradewind Drive, downstream of Street 'A' has sufficient capacity to service Blocks 1 to 6 inclusive, as well as the adjacent lands to the west fronting Claybar Road. This issue shall be resolved at the detailed design stage and may require amendment to the existing MOECC approval. An adequately sized easement, from Street 'A' to the west limit of the subject lands will be required for a future municipal main(s).
- The existing 1050 mm trunk sanitary sewer on Cormorant Road shall be extended westerly to the proposed intersection with Trinity Road as a condition of approval for the development of the subject lands.
- The approval of watermains within the draft plan of subdivision is subject to the Form 1 approval process by the City. An adequately sized easement, along the south side of Block 4, for future municipal main(s) will be required as a condition of approval for the development of the subject lands.
- The proposed watermain on Cormorant Road is required to be extended westerly to connect to the existing 300 mm dia. watermain on Trinity Road and subject to a Form 1 approval process by the City, as a condition of approval for the development of the subject lands.
- Hamilton Water has identified that there is insufficient water supply for the subject lands at this time. The Watermain Hydraulic Analysis for the subject lands submitted by AJ Clarke and Associates Ltd. did not address this issue to date. Therefore, as a condition of the Draft Plan approval, the owner / developer is required to include a note in all purchase and sale and / or lease agreements to advise the future purchasers or tenants that the building size, building material and the intended use may be restricted to the available

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**SUBJECT: Applications to Amend the Urban Hamilton Official Plan and Zoning By-law No. 05-200 and for Approval of a Draft Plan of Subdivision for Lands Located at 620 Tradewind Drive (Ancaster) (PED18150) (Ward 12) - Page 29 of 31**

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water supply at the street line, at the time of issuance of the building or occupancy permit for the subject property.

- The information provided on the preliminary grading plan, sheet 4, in the Functional Servicing Report suggests significant grading issues for the proposed development i.e. existing topography adjacent to the existing pond block, Hydro One lands, floodplain, encroachments on the lands outside of the draft plan lands, grading works within the lands that could be contaminated, etc. We note that all of these issues will be assessed by City staff at the detailed Engineering design stage. The City may require additional studies to be completed, if deemed necessary, at that stage.
- It appears that the bank of the proposed channel is going to block the drainage on the adjacent lands. We note that this proposal has significant impact on the existing floodplain with unknown impacts to downstream lands at this time. These issues shall be addressed by the proponent at the detailed design stage.
- It appears that the Erosion Assessment completed by GeoProcess Research Associates, dated December 20, 2017, included in Appendix “D” of the FSR did not assess the impact from the existing SWM facility on the recommended release rate from the proposed facility with respect from the erosion protection perspective. Therefore, additional information shall be provided by the proponent to address this issue. In addition the proponent will be required to establish three monitoring stations at the following nodes: stn. 0+500, north limit of Hydro corridor, stn. 1+400, existing culvert on Trinity Road, the east side, and st. 2+000, existing culvert on Book Road, the north side, as per Figure 01 prepared by the Consultant. The monitoring period shall be for two full seasons after substantial completion of the proposed development. All cost associated with the monitoring is to be borne by the Owner / Developer.
- An adequately sized inlet structure is required at the low point on Tradewind Drive, just north of the proposed intersection with Street ‘A’, in order to convey major flows from upstream lands to the proposed SWM facility.
- A minimum of 15.0 m inside curb radius is required at the 90 degree bend on Street ‘A’. In addition, at the detailed design stage the proponent shall demonstrate sufficient pavement width to ensure that turning radius of the design vehicle does not cross the proposed centre line of the street.
- There is no discussion in Section 2.6 of the FSR to provide reference to the EA Study completed for extension of Cormorant Road. We would like to

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**SUBJECT: Applications to Amend the Urban Hamilton Official Plan and Zoning By-law No. 05-200 and for Approval of a Draft Plan of Subdivision for Lands Located at 620 Tradewind Drive (Ancaster) (PED18150) (Ward 12) - Page 30 of 31**

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advise that the proponent will be required to extend Cormorant Road from the east limit of the subject lands to Trinity Road and implement the recommendations of the EA Study as a condition of approval of the proposed development.

- We note that the Owner has accepted the City's offer to purchase land described as Parts 1, 2 and 3 on 62R-20075 to provide for the extension of Cormorant Road to the west limit of the draft plan lands.

In addition, Engineering Approvals and Public Works Staff have requested conditions of Draft Plan Approval, which have been included as Condition Nos. 2 to 23, inclusive, of Appendix "D" to Report PED18150.

6. Two submissions were received identifying potential downstream drainage concerns and Species at Risk concerns, attached as Appendix "G" to Report PED18150.

Downstream Drainage:

City of Hamilton staff and Grand River Conservation Authority staff have reviewed the various studies and have ensured that the Stormwater Management design has demonstrated that the release rate as a result of the extension of Cormorant Road, will match the required Environmental Assessment (EA) Approved release rate, thereby complying with the approved EA and response from the Ministry pertaining to the decision regarding the Part II order(s).

Species at Risk – Little Brown Myotis (Little Brown Bat):

In review of the proposed development and the existing approved Municipal Class Environmental Assessments, Eastern Meadowlark, Bobolink and Little Brown Myotis were identified as Species of Concern.

With respect to the Eastern Meadowlark and Bobolink, the Owner / Developer shall prepare a Development Plan and Compensatory lands for habitat creation for the Eastern Meadowlark and Bobolink species, in accordance with Ont. Reg. 242 / 08. The compensatory lands will utilize the stormwater management facility with the design to be determined through the respective conditions of approval requested below.

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**SUBJECT: Applications to Amend the Urban Hamilton Official Plan and Zoning By-law No. 05-200 and for Approval of a Draft Plan of Subdivision for Lands Located at 620 Tradewind Drive (Ancaster) (PED18150) (Ward 12) - Page 31 of 31**

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Lastly, with respect to the Little Brown Myotis, the Ministry has recommend project registration following the rules in regulation S.23.6 of Ont. Reg. 242 / 08 and a permit under Section 17(2)(c) of the ESA is required.

Staff have included Condition Nos. 26 and 27, inclusive, of Appendix “D” to Report PED18150 that the owner will need to fulfill with respect to Species at Risk.

## **ALTERNATIVES FOR CONSIDERATION**

If the applications are denied, the applicant would be able to develop the subject lands as a single parcel for development in accordance with the existing zoning, General Business Park (M2) Zone and Conservation / Hazard Lands (P5) Zone, under Zoning By-law No. 05-200.

## **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.*

### **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” – Urban Hamilton Official Plan Amendment

Appendix “C” – Zoning By-law No. 05-200 Amendment

Appendix “D” – Draft Plan of Subdivision Conditions

Appendix “E” – Original Draft Plan of Subdivision

Appendix “F” – Amended Draft Plan of Subdivision

Appendix “G” – Public Submissions

AC:mo

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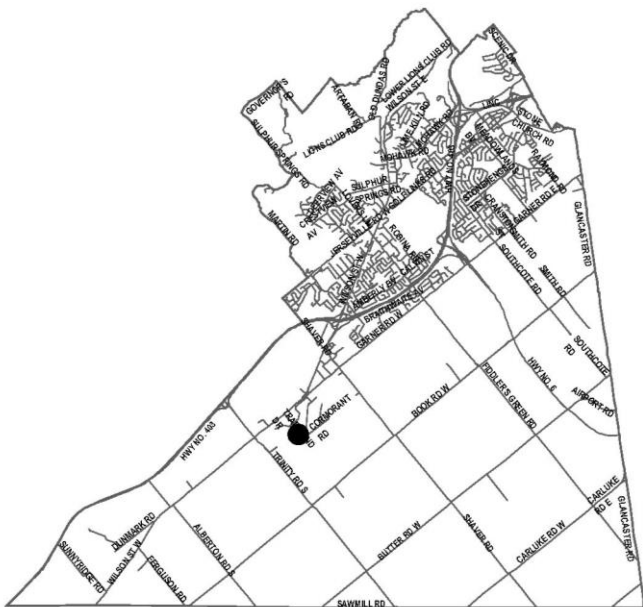
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● Site Location



Key Map - Ward 12

N.T.S.

# Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
ZAC-05-063 / 25T-200512

Date:  
June 19, 2018

Appendix "A"

Scale:  
N.T.S.

Planner/Technician:  
AC/AL

### Subject Property

620 Tradewind Drive



**Block 1** - Change in zoning from General Business Park (M2) Zone to the General Business Park (M2, 611) Zone



**Block 2** - Change in zoning from Conservation / Hazard Lands (P5) Zone to the General Business Park (M2, 611) Zone



**Block 3** - Change in zoning from the General Business Park (M2) Zone to the Conservation / Hazard Lands (P5) Zone



**Schedule “1”****Urban Hamilton Official Plan  
Amendment No.**

The following text, together with:

|              |  |
|--------------|--|
| Appendix “A” | Volume 1, Schedule B – Natural Heritage System   |
| Appendix “B” | Volume 1, Schedule B-4 – Detailed Natural Heritage Features – Key Natural Heritage Features and Key Hydrologic Features Wetlands |
| Appendix “C” | Volume 3, Map 2 – Urban Site Specific Key Map  |

attached hereto, constitute Official Plan Amendment No. \_\_\_\_\_ to the Urban Hamilton Official Plan.

**1.0 Purpose and Effect:**

The purpose and effect of this Amendment is to remove natural feature identifications and establish a Site Specific Policy to permit the development of the lands for employment and limited ancillary uses.

**2.0 Location:**

The lands affected by this Amendment are known municipally as 620 Tradewind Drive, in the former Town of Ancaster.

**3.0 Basis:**

The basis for permitting this Amendment is as follows:

- The basis of the amendment for the removal of the natural heritage features is supportable as its removal has been justified through review of the submitted supporting studies and Species at Risk Assessments by both the City of Hamilton and the Grand River Conservation Authority.
- The proposed amendment will permit industrial development which is compatible with existing land uses in the immediate area and represents good planning by, among other things, providing for the development of a complete community and employment, while enhancing and establishing streetscapes for the industrial park and making efficient use of a vacant parcel of land with existing infrastructure.

- The proposed amendment is consistent with the Provincial Policy Statement, 2005 and 2014, and conforms to the Growth Plan for the Greater Golden Horseshoe, 2017 as it protects and preserves employment areas for current and future uses while ensuring that the necessary infrastructure is provided to support current and projected needs.

#### **4.0 Actual Changes:**

#### **4.1 Volume 1 – Parent Plan**

##### ***Schedules and Appendices***

##### **4.1.1 Schedules**

- a. That Volume 1, Schedule B – Natural Heritage System be amended by deleting the “Core Areas” and “Linkages” identifications on the subject lands, as shown on Appendix “A” attached to this Amendment.
- b. That Volume 1, Schedule B-4 – Detailed Natural Heritage Features – Key Natural Heritage Feature and Key Hydrologic Feature Wetlands, be amended by deleting the “Key Natural Heritage and Key Hydrologic Feature Wetlands” identification on the subject lands, as shown on Appendix “B” attached to this Amendment.

#### **4.2 Volume 3 – Special Policy Areas, Area Specific and Site Specific Policies**

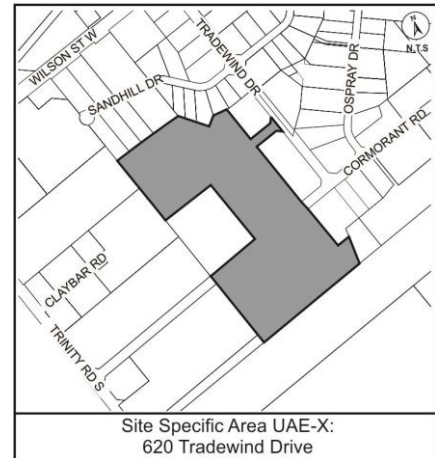
##### ***Text Changes***

##### **Volume 3 – Chapter C – Urban Site Specific Policies**

- 4.2.1 Urban Hamilton Official Plan Volume 3 – Chapter C – Urban Site Specific Policies – Ancaster be amended by adding a new Site Specific Policy, as follows:

**“UAE-X 620 Tradewind Drive, former Town of Ancaster**

**1.0** Notwithstanding Section E.5.4 – Employment Area – Business Park Designation, Policy E.5.4.4 of Volume 1, lands designated “Employment Area – Business Park”, located at 620 Tradewind Drive and identified as Site Specific Policy Area UAE-X, may also be used for limited *ancillary commercial and supporting uses*, in accordance with Policy E.5.4.3 c) and the Zoning By-law.”

***Schedule and Map Changes***Volume 3 – Chapter C – Urban Site Specific Key Map

4.2.2 Urban Hamilton Official Plan Volume 3 – Chapter C – Urban Site Specific Policies Key Map be amended by adding “UAE-X” to a portion of the subject lands, as shown on Appendix “C”, attached to this Amendment.

**5.0 Implementation:**

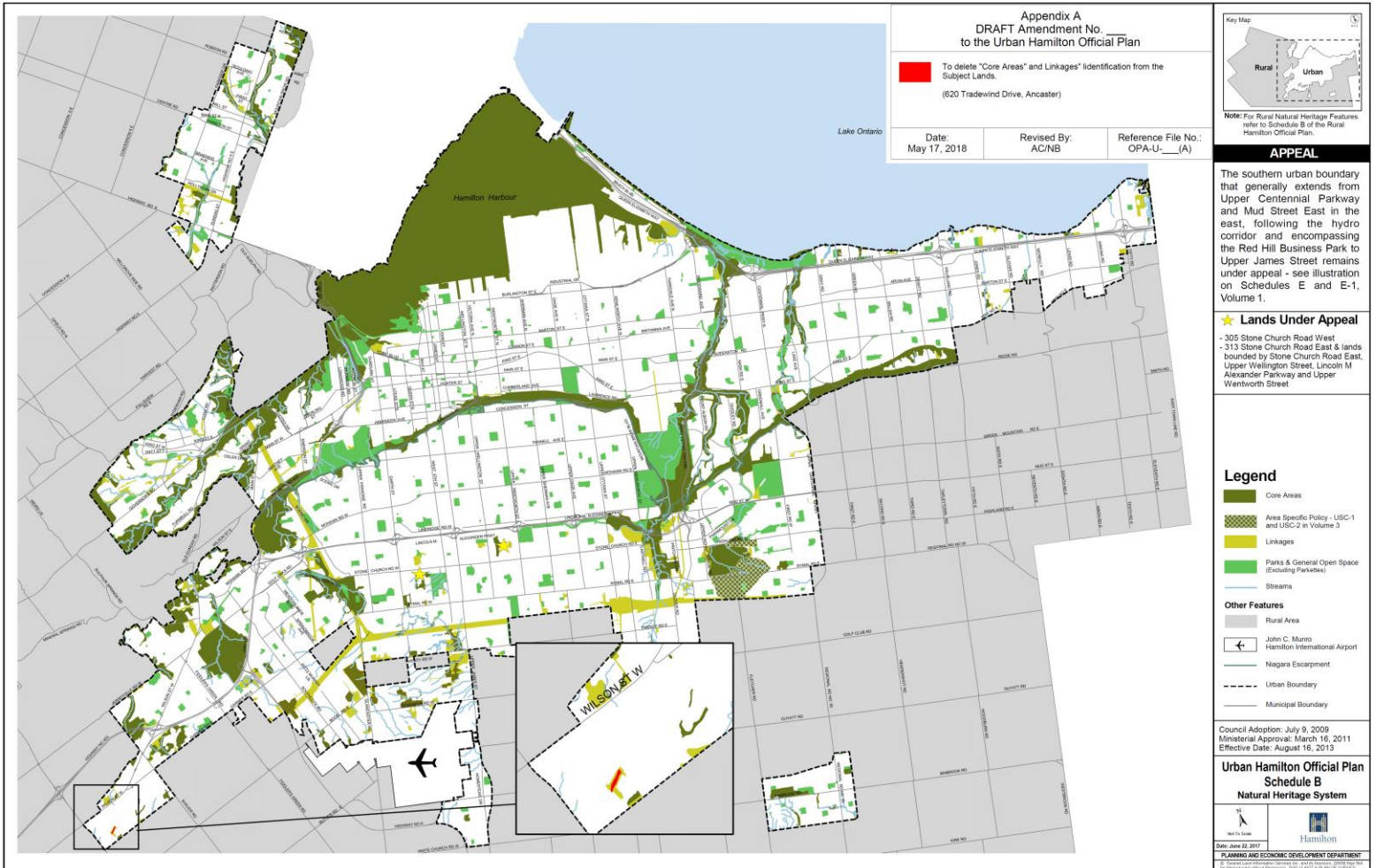
An implementing Zoning By-Law Amendment and Draft Plan of Subdivision will give effect to the intended uses on the subject lands.

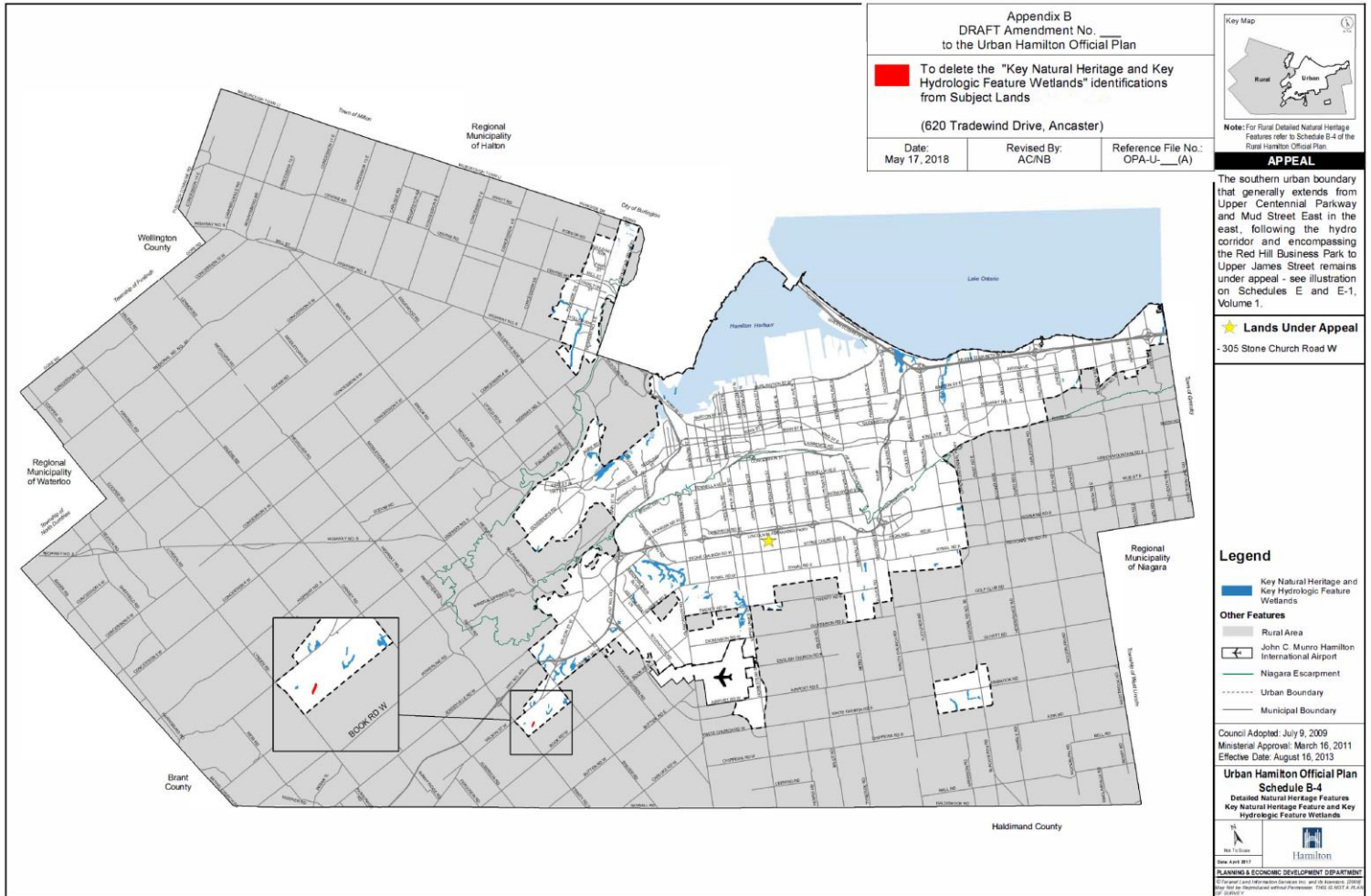
This is Schedule “1” to By-law No. \_\_\_\_\_ passed on the day of \_\_\_\_\_, 2018.

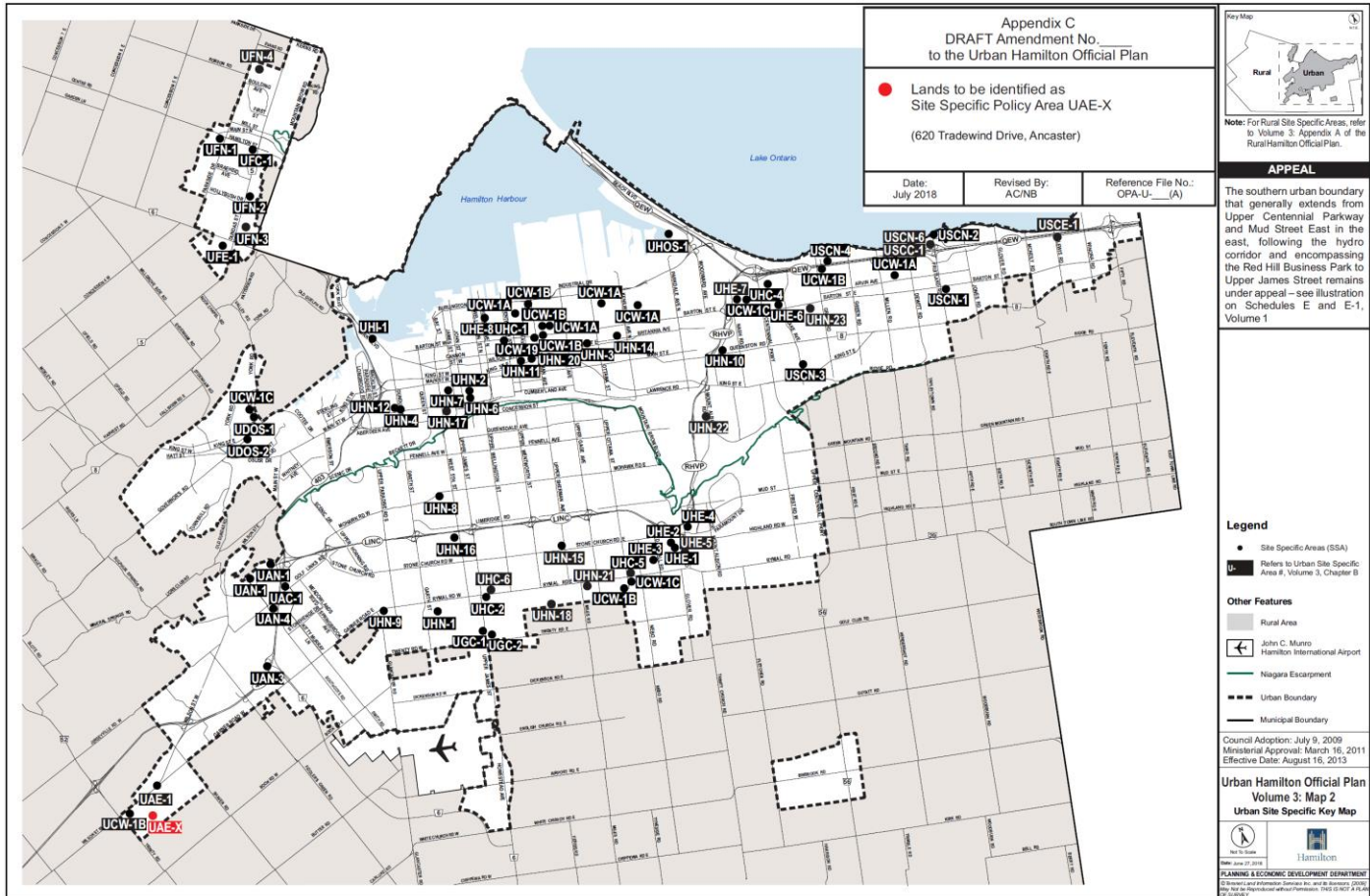
**The  
City of Hamilton**

\_\_\_\_\_  
F. Eisenberger  
MAYOR

\_\_\_\_\_  
J. Pilon  
ACTING CITY CLERK







Appendix C  
 DRAFT Amendment No. \_\_\_\_\_  
 to the Urban Hamilton Official Plan

● Lands to be identified as  
 Site Specific Policy Area UAE-X  
 (620 Tradewind Drive, Ancaster)

Date: July 2018      Revised By: AC/NB      Reference File No.: OPA-U-\_\_\_\_(A)



**APPEAL**

The southern urban boundary that generally extends from Upper Centennial Parkway and Mud Street East in the east, following the hydro corridor and encompassing the Red Hill Business Park to Upper James Street remains under appeal – see illustration on Schedules E and E-1, Volume 1

- Legend**
- Site Specific Areas (SSA)
  - Refers to Urban Site Specific Area #, Volume 3, Chapter B
- Other Features**
- Rural Area
  - ✈ John C. Munro Hamilton International Airport
  - Niagara Escarpment
  - - - Urban Boundary
  - Municipal Boundary

Council Adoption: July 9, 2009  
 Ministerial Approval: March 16, 2011  
 Effective Date: August 16, 2013

Urban Hamilton Official Plan  
 Volume 3: Map 2  
 Urban Site Specific Key Map

**Authority:** Item ,  
Report (PED18XXX)  
CM:  
Ward: 12

**Bill No.**

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

**To Amend Zoning By-law No. 05-200  
Respecting Lands Located at 620 Tradewind Drive (Ancaster)**

**WHEREAS** Council approved Item \_\_ of Report \_\_\_\_\_ of the Planning Committee, at its meeting held on XXX, 2018;

**AND WHEREAS** this By-law conforms to the Urban Hamilton Official Plan;

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

1. That Map No. 1528 and 1529 of Schedule "A" – Zoning Maps, of Zoning By-law No. 05-200 be amended as follows:
  - a) from the General Business Park (M2) Zone to the General Business Park (M2, 611) Zone;
  - b) from the General Business Park (M2) Zone to the Conservation / Hazard Lands (P5) Zone; and,
  - c) from the Conservation / Hazard Lands (P5) Zone to the General Business Park (M2, 611) Zone,

the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A" to this By-law.

2. That Schedule "C": Special Exemptions of Zoning By-law No. 05-200, as amended, is hereby further amended by passing the following site specific General Business Park (M2, 611) Zone:

"611. Within the lands zoned General Business Park (M2, 611) Zone, identified on Map No. 1528 and 1529 of Schedule "A" and described as 620 Tradewind Drive, the following special provisions shall apply:

**SPECIAL PROVISIONS FOR "M2, 611" ZONE**

In addition to  
Subsection 9.2.1

The following uses shall also be  
permitted:

- Office;

- Restaurant contained within a multi-unit building; however a stand-alone restaurant shall be prohibited;
- Medical Office; and,
- Motor Vehicle Service Station excluding the sale of fuel, automotive accessories and / or convenience goods.

3. 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*.
4. That this By-law No. 18-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 \_\_\_\_\_ , \_\_\_\_\_

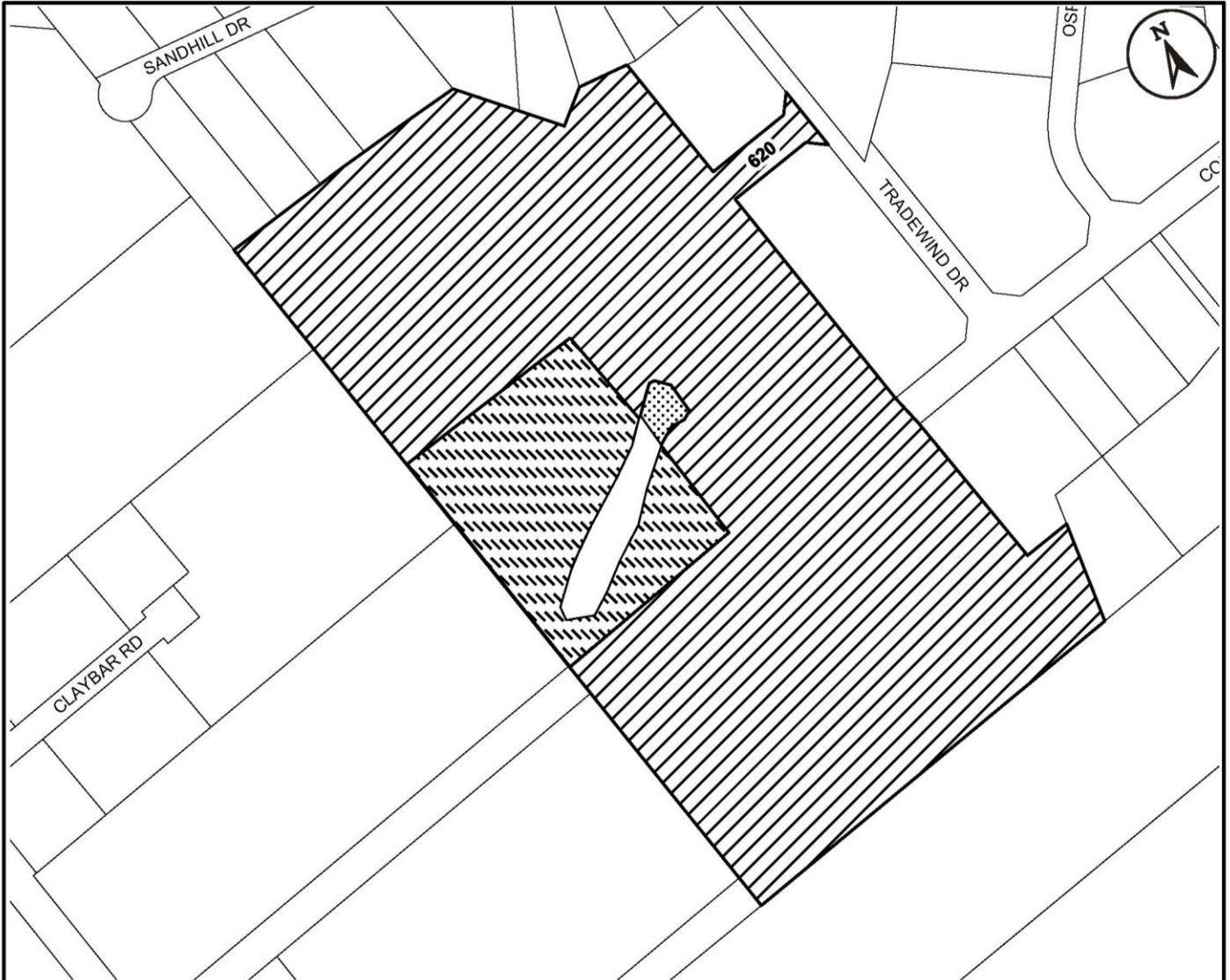
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F. Eisenberger  
Mayor

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Janet Pilon  
Acting City Clerk





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

Passed the ..... day of ....., 2018

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Mayor

-----  
Clerk

## Schedule "A"

Map Forming Part of  
By-law No. 18-\_\_\_\_\_

to Amend By-law No. 05-200  
Maps 1528 & 1529

### Subject Property

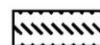
620 Tradewind Drive



**Block 1** - Change in zoning from  
General Business Park (M2) Zone to the  
General Business Park (M2, 611) Zone



**Block 2** - Change in zoning from  
Conservation / Hazard Lands (P5) Zone to the  
General Business Park (M2, 611) Zone



**Block 3** - Change in zoning from the  
General Business Park (M2) Zone to the  
Conservation / Hazard Lands (P5) Zone

Scale:  
N.T.S.

File Name/Number:  
ZAC-05-063/25T-2005012

Date:  
June 19, 2018

Planner/Technician:  
AC/AL



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

Recommended Conditions of Draft Plan Approval for  
Amended Draft Plan of Subdivision 25T-200512

That this approval apply to "Part of Lot 32 – Concession 4", 25T-200512, as Amended, and as prepared by UrbanSolutions Planning & Land Development Consultants, and certified by B.J. Clarke, O.L.S., dated February 27, 2017, showing 11 Blocks for Industrial development (Blocks 1-7 and Blocks 9-12), one block for stormwater management purposes (Block 8), one block for the purpose of a one-foot reserve (Block 13), two proposed streets (Streets "A" and "B"), and, the extension of Cormorant Road, be received and endorsed by City Council with the following special conditions:

**City of Hamilton Planning**

1. That, prior to preliminary grading or servicing, the Owner / Developer shall submit a Tree Protection Plan (TPP) prepared by a tree management professional (i.e. certified arborist, registered professional forester or landscape architect) showing the location of drip lines, edges of existing plantings, the location of all existing trees and the methods to be employed in retaining trees to be protected to the satisfaction of the Director of Planning and Chief Planner. The TPP is to be prepared in accordance with the City's Tree Protection Guidelines (revised October 2010)

**City of Hamilton Engineering Approvals**

2. That, prior to registration of the final plan of subdivision, the Owner / Developer shall submit the necessary transfer deeds to the City's Legal Department to convey Block 8, and any additional lands, as required, within the draft plan, to the City for a storm water management pond.
3. That, prior to registration of the final plan of subdivision, the Owner / Developer shall acquire additional lands from the adjacent property to the west, 735 Trinity Road South, for the purpose of installing the proposed SWM facility. The Owner / Developer may be required to complete the necessary transfer deeds to the City's Legal Department to convey the said lands to the City of Hamilton, all of which shall be at their cost, to the satisfaction of the Senior Director, Growth Management Division.
4. That, prior to registration the Owner / Developer agrees in writing to declare Blocks 6 and 7 on the Draft Plan, as undevelopable until such time as the SWM facility has been designed and approved in accordance with the City's current Comprehensive Development Guidelines and Financial Policies Manual, to the satisfaction of the Senior Director, Growth Management Division.

5. That, prior to registration of the final plan of subdivision, the Owner / Developer shall include a block adjacent to the west side of proposed Blocks 9 & 11 on the draft plan, in order to provide for the installation of SWM facility outfall channel c/w access road, which shall be of a sufficient size and location, and will include the completion of the necessary transfer deeds to the City's Legal Department to convey said lands to the City of Hamilton, with all cost to be borne by the Owner / Developer, to the satisfaction of the Senior Director of Growth Management.
6. That, prior to registration of the final plan of subdivision, the Owner / Developer shall acquire additional lands from the adjacent property to the west, 769 Trinity Road South, in order to provide for the installation of the SWM facility outfall channel c/w access road along the eastern and southern limits of 769 Trinity Road South. In addition, the Owner / Developer shall complete the necessary transfer deeds to the City's Legal Department to convey the said lands to the City of Hamilton, all of which shall be at their cost, to the satisfaction of the Senior Director, Growth Management Division.
7. That, prior to registration of the final plan of subdivision, the Owner / Developer shall demonstrate that the proposed road width at the 90 degree bend on Street 'A' provides for the installation of a sufficient pavement width and adequate boulevard to facilitate turning of the design vehicle, to the satisfaction of the Senior Director, Growth Management Division.
8. That, prior to registration, the Owner / Developer shall agree in writing to register a 4.5m wide servicing easement, adjacent to the west side of Blocks 1 and 4, in favour of the City, in order to provide for the installation of a storm sewer to accommodate an outlet for the external drainage areas from the west, to the stormwater management facility, to the satisfaction of the Senior Director, Growth Management Division.
9. That, prior to registration, the Owner / Developer shall agree in writing to register a 10.0m wide servicing easement, adjacent to the west side of Blocks 6 and 7, in favour of the City, in order to provide for the installation of a sanitary sewer and watermain, if required, to the satisfaction of the Senior Director, Growth Management Division.
10. That, the Owner / Developer agrees in writing to include a note in all purchase and sale and / or lease agreements to advise the future purchasers or tenants that the building size, building material and the intended use may be restricted by the available water supply at the street line at the time of issuance of the building or occupancy permit for the draft plan lands, to the satisfaction of the Senior Director, Growth Management Division.

11. That, prior to preliminary grading, the owner shall obtain approval from all relevant approval agencies, including but not limited to, the Grand River Conservation Authority; and, the City of Hamilton, for the design and construction of the storm outfall channel up to the north limit of the Hydro corridor at a 40% cost to the Owner / Developer. The design of the aforementioned storm outfall channel shall match the flood stage, flow velocity and flow rate of predevelopment conditions at the location where the outlet meets the existing watercourse (i.e. north limit of the Hydro lands), to the satisfaction of the Senior Director, Growth Management Division.
12. That, prior to servicing, the Owner / Developer acknowledges and agrees that the servicing of the draft plan lands shall not commence until the SWM facility outfall channel is completed and operational, as per the design approved by the Grand River Conservation Authority and the City of Hamilton, exclusive of Cormorant Road, to the satisfaction of the Senior Director, Growth Management Division.
13. That prior to preliminary grading, the Owner / Developer shall obtain the necessary permission / consent from the affected land owners of the surrounding lands, in order to accommodate the grading encroachment on their properties required for the construction of the Draft Plan of Subdivision, exclusive of the proposed extension of Cormorant Road from the west limit of the subject lands to the east limit of Trinity Road South, to the satisfaction of the Senior Director, Growth Management Division.
14. That prior to preliminary grading, in the event that the stormwater management facility and outfall channel cannot be constructed concurrently with the Cormorant Road Extension works, the Owner / Developer shall provide an adequate easement over the required interim channel from the end of the proposed Cormorant Road Culvert (South) to the existing watercourse on 769 Trinity Road South, in order to maintain the storm conveyances for upstream lands, to the satisfaction of the Senior Director, Growth Management Division.
15. That, prior to servicing, the Owner / Developer shall design and construct a culvert on the Cormorant Road extension to convey the greater of the two, Hurricane Hazel or the 100 year predevelopment flow, from the proposed SWM facility, with 40% of the cost to be borne by the Owner / Developer, to the satisfaction of the Senior Director, Growth Management Division.
16. That, the Owner / Developer shall design and construct storm conveyance and SWM systems for the Cormorant Road Extension, in accordance with the approved Cormorant Road Extension Schedule "B" Environmental Assessment, dated October 2015, to the satisfaction of the Senior Director, Growth Management Division. In addition, the owner shall obtain all necessary approvals from the Ministry of the Environment and Climate Change, for the installation of SWM infrastructures on the Cormorant Road Extension.

17. That, prior to preliminary grading, the Owner / Developer agrees at their cost, to implement a monitoring plan for the Big Creek tributary, based on the terms of reference established by the Grand River Conservation Authority and the City of Hamilton, in order to demonstrate that the proposed facility performs as designed and that there are no erosion issues downstream of the proposed SWM facility.

The monitoring plan shall be in place throughout the construction of the subdivision and for a period of not less than 2 years after all blocks within the draft approved plan (25T-200512(R)) are fully developed, with no reductions to the security amount held by the City of Hamilton below \$200,000.00, for said downstream monitoring and potential downstream remedial works from the pond outfall to Book Road. In the event that a problem arises, the Owner further agrees to complete the necessary remedial works at their cost, to the satisfaction of the Senior Director of Growth Management Division.

18. That, prior to preliminary grading, the Owner / Developer shall agree:
- a) To submit a detailed stormwater management (SWM) report prepared by a qualified professional engineer to demonstrate how quality and quantity control including the downstream erosion, will be handled in accordance with the approved Ancaster Industrial Park Master Drainage Study, 2002 prepared by AJ Clarke, and as further refined in the updated hydrologic model, 2005, verified and prepared by Aquafor Beech in accordance with the City of Hamilton Drainage Policy and Current Comprehensive Development Guidelines.
  - b) Identify and establish a suitable storm outfall channel for the proposed SWM facility, in order to convey controlled and uncontrolled flows for all storm events, including Regional storm flows, through the future Cormorant Road culvert to the Big Creek tributary, being the north limit of Hydro corridor land.
  - c) Demonstrate that the hydraulic grade line (HGL) for the post development 100-Year storm event is at, or below the top of grate elevation at all inlet locations.
  - d) Verify that the proposed SWM Facility, Block 8, is of a sufficient size, shape and depth to adequately accommodate the ultimate SWM facility, including an adequate decanting area as per City standards. Until such time as the size and shape are confirmed, the adjacent Blocks 6 and 7 shall be considered, as undevelopable.

The SWM facility design geometry shall be as per current City of Hamilton Comprehensive Development Guidelines and the associated facility landscaping per the current City of Hamilton Landscape Design Guidelines for SWM facilities (2009).

- e) Demonstrate that the proposed SWM facility rating curve including pond outflows are consistent with allowable rates approved by the Ministry of the Environment and Climate Change.
- f) Confirm erosion flow exceedance analysis per the Functional Servicing Report dated March 2018, to determine allowable flow rates and flow duration for the pond, so that the erosion exceedance frequency in the proposed condition, is same or close to that of the existing condition.
- g) Demonstrate that there will be no increase in flooding on downstream land during all ranges of storm events, including a Regional Storm.
- h) Consider a suitable pond inlet for the external drainage from the west of the subject development.
- i) Consider an appropriate pond liner in accordance with the Geotechnical / Hydrogeological recommendation(s).

to the satisfaction of the Senior Director of Growth Management.

19. That, prior to assumption of the stormwater management facilities, the Owner / Developer agrees in writing with the following requirements:

- a) To submit an operation and maintenance manual, as per the City of Hamilton Operation and Maintenance Report for Stormwater Management Facilities (May 2009), for approval by the Senior Director of Growth Management, and to inspect and monitor the stormwater management facility upon commencement of construction or pre-grading of the subject lands through to the assumption of the facility, in accordance with the conditions of ECA issued by the Ministry of the Environment and Climate Change.
- b) To keep detailed logs concerning stormwater management facility performance and maintenance, including costs for cleaning and removal of sediment, and to submit said logs to the City during any pre-grading and construction activities, in accordance with the operation manual.
- c) To construct, operate and maintain at the Owner / Developer's expense, the stormwater management facility, in a manner acceptable to the City, including any changes to conditions of the Ministry of the Environment and Climate Change's approval, throughout servicing of all stages of draft plan

registration and development of all registered blocks, or until such time as determined by the Senior Director of Growth Management Division.

- d) To remove sediment from the stormwater management facility attributed to development, carry out a bathymetric survey and verify volumetric capacity of the stormwater management facility, prior to release of the Owner / Developer's operation and maintenance responsibilities for the stormwater management facility;

all to the satisfaction of the Senior Director, Growth Management Division.

20. That, prior to servicing, the Owner / Developer agrees to include in the engineering design and cost estimate schedule, provisions to construct Cormorant Road from the east limit of the draft plan lands to Trinity Road South, all to the satisfaction of the Senior Director, Growth Management Division.
21. That, prior to servicing, the Owner / Developer agrees to include in the engineering design and cost estimate schedule, provision to convey the major flows from the existing low point on Tradewind Drive, just north of the intersection with Street 'A', to the proposed SWM facility at their cost and to the satisfaction of the Senior Director, Growth Management Division.
22. That, prior to servicing, the Owner / Developer agrees to include in the cost estimate schedule provision, identification of their share of the construction cost, including the soft cost, and the land costs which will be set at \$250,000.00 an acre, for the installation of the SWM facility under the assumption that the City share will be limited to the upset amount at 60% of the construction cost, including soft cost and land costs, based on the required volume, all to the satisfaction of the Senior Director, Growth Management Division.
23. That, prior to servicing, the Owner / Developer agrees to \$250,000.00 an acre for the SWM Block, with the City Share limited to the upset limit (60%), and as prepared by a qualified professional, for review and approval by the City's Real Estate Division, to the satisfaction of the Senior Director, Growth Management Division.

### **City of Hamilton Public Health Services**

24. That a pest control plan, focusing on rats and mice, shall be developed and implemented for the construction / development phase of the project and shall continue until the project is complete to the satisfaction of the Medical Officer of Health.

- a. The plan must outline steps involved in the potential control of vermin during all of development / construction and must employ integrated pest management practices. The plan must be formulated by a professional exterminator licensed by the MOECC and shall include monitoring, removing potential food and water sources, and eliminating or preventing areas for harbourage. The plan can include trapping and / or baiting but special consideration should be aimed at ensuring any / all bait stations are tamper-resistant and deceased rats are removed to prevent secondary poisoning of other animals. The plan is to be implemented when work activity at the site begins including but not limited to demolition, bush clearing, grading, etc. This requirement is made under Section 26 of the Hamilton Property Standards By-law, No. 10-221.

### **Grand River Conservation Authority**

25. Prior to any grading or construction on the site and prior to registration of the plan, the owners or their agents submit the following plans and reports to the satisfaction of the Grand River Conservation Authority:
  - a. A detailed Stormwater Management Report in accordance with the 2003 Ministry of the Environment Report entitled "Stormwater Management Practices Planning and Design Manual" and in keeping with the Functional Servicing & Stormwater Management Report (dated August 2017 and revised March 2018, A.J. Clarke and Associates Ltd.).
  - b. Detailed Lot Grading and Drainage Plan show existing and proposed grades.
  - c. An Erosion and Siltation Control Plan in accordance with the Grand River Conservation Authority's guidelines for sediment and erosion control, indicating the means whereby erosion will be minimized and silt maintained on-site throughout all phases of the grading and construction.
  - d. The submission and approval of a Development, Interference with Wetlands and Alterations to Shorelines and Watercourses permit from the GRCA prior to any grading within the regulated area.

### **Ministry of Natural Resources and Forestry**

26. That prior to any site works, the Owner / Developer shall prepare a Development Plan and Compensatory lands for habitat creation for the Eastern Meadowlark and Bobolink species, in accordance with Ont. Reg. 242 / 08, to the satisfaction of the Ministry of Natural Resources and Forestry, and the Senior Director of Growth Management



27. That prior to any site works, the Owner / Developer shall complete a project registration and obtain a permit under section 17(2)(c) of the ESA, which will require the Owner / Developer to compile and submit an Alternatives Assessment (AAF) and C Permit Application Form (C-PAF) for this project, to the satisfaction of the Ministry of Natural Resources and Forestry, and the Senior Director of Growth Management.

### **Hydro One Networks Inc.**

28. That prior to final approval, copies of the lot grading and drainage plan, showing existing and final grades, must be submitted to HONI in triplicate for review and approval. Drainage must be controlled and directed away from OILC/HONI transmission corridor to the satisfaction of Hydro One Networks Inc.
29. That temporary fencing be installed along the edge of the transmission corridor prior to the start of construction at the developer's expense to the satisfaction of Hydro One Networks Inc.
30. That a permanent 1.5 metre fence be installed along the mutual property line after construction is completed at the developer's expense to the satisfaction of Hydro One Networks Inc.
31. OILC / HONI transmission corridor is not to be used without the express written permission of Hydro One Networks Inc. on behalf of OILC. During construction there will be no storage of materials or mounding of earth, snow or other debris on the transmission corridor. The proponent will be responsible for restoration of any damage to the transmission corridor or HONI facilities thereon resulting from construction of the subdivision to the satisfaction of Hydro One Networks Inc.
32. This letter and the conditions contained therein should in no way be construed as permission for or an endorsement of proposed location(s) for any road crossing(s) contemplated for the proposed development. This permission may be specifically granted by OILC under separate agreement(s). Proposals for any secondary land use including road crossings on the transmission corridor are processed through the Provincial Secondary Land Use Program (PSLUP). HONI, as OILC's Service Provider, will review detailed engineering plans for such proposals separately, in order to obtain final approval. Should approval for a road crossing be granted, the subdivider shall then make arrangements satisfactory to OILC / HONI for the dedication and transfer of the proposed road allowance directly to the City of Hamilton. Access to, and road construction on the OILC / HONI transmission corridor is not to occur until the legal transfer(s) of lands or interests are completed to the satisfaction of Hydro One Networks Inc.

33. The costs of any relocations or revisions to HONI facilities that are necessary to accommodate this subdivision will be borne by the developer to the satisfaction of Hydro One Networks Inc.

34. If the proposed development is within close proximity to a Transmission or Distribution station the following applies:

That the Developer hereby confirms and agrees that every agreement of purchase and sale heretofore and hereafter entered into by the Developer with any purchaser(s) of any unit or proposed unit in the Development contains the following notice/ warning provisions (or clauses substantially similar thereto in all respects), namely:

- a. Each unit purchaser and / or lessee specifically acknowledges and agrees that the development of the Lands upon which this Development is being (or has been) constructed, will be (or has been) undertaken and completed in accordance with any requirements that may be imposed from time to time by any Governmental Authorities, and that the proximity of this Development to facilities, installations and/or equipment owned and / or operated by HONI may result in noise, vibration, electro-magnetic interference and stray current transmissions (hereinafter collectively referred to as the "Interferences") to this Development, and despite the inclusion of control features within this Development, Interferences from the aforementioned sources may, occasionally interfere with some activities of the occupants in this Development. Notwithstanding the above, each unit purchaser and / or lessee agrees to indemnify and save HONI and harmless, from and against all claims, losses, judgments or actions arising or resulting from any and all of the Interferences. In addition, it is expressly acknowledged and agreed that HONI does not, and will not, accept any responsibility or liability for any of the Interferences in respect of this Development and / or its occupants. Furthermore, there may be alterations and / or expansions by HONI to its facilities and / or transformer station which may temporarily affect the living environment of the residents notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the Development. HONI will not be responsible for any complaints or claims or any kind howsoever arising from use, expansion and / or alterations of such facilities and / or operations on, over or under its transformer station. Furthermore, each unit purchaser and / or lessee acknowledges and agrees that an electro-magnetic, stray current and noise-warning / vibration clause similar to the foregoing shall be inserted into any succeeding or subsequent sales agreement, lease or sublease, and that this requirement shall be binding not only on the Purchaser hereunder but also upon the Purchaser's respective heirs, estate trustees, successors and permitted assigns, and shall not cease or terminate on the closing of this purchase and sale transaction with the Vendor / Declarant.

35. That the Developer covenants and agrees that so long as the City does not object thereto, the language set out in Section 7(a) hereof (or language substantially similar thereto) shall also be included in the Site Plan Agreement entered into by the Developer with the City of Hamilton to be registered on title to the Development.

**Canada Post:**

36. That the owner shall complete to the satisfaction of the Senior Director of Growth Management of the City of Hamilton and Canada Post:

- a) include on all offers of purchase and sale, a statement that advises the prospective purchaser:
  - i) that the home / business mail delivery will be from a designated Centralized Mail Box.
  - ii) that the developers / owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.
- b) the owner further agrees to:
  - i) work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision.
  - ii) install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes.
  - iii) identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and / or curb installation within each phase of the plan of subdivision.
  - iv) determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans.
  - v) Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.

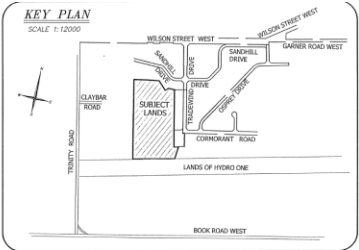
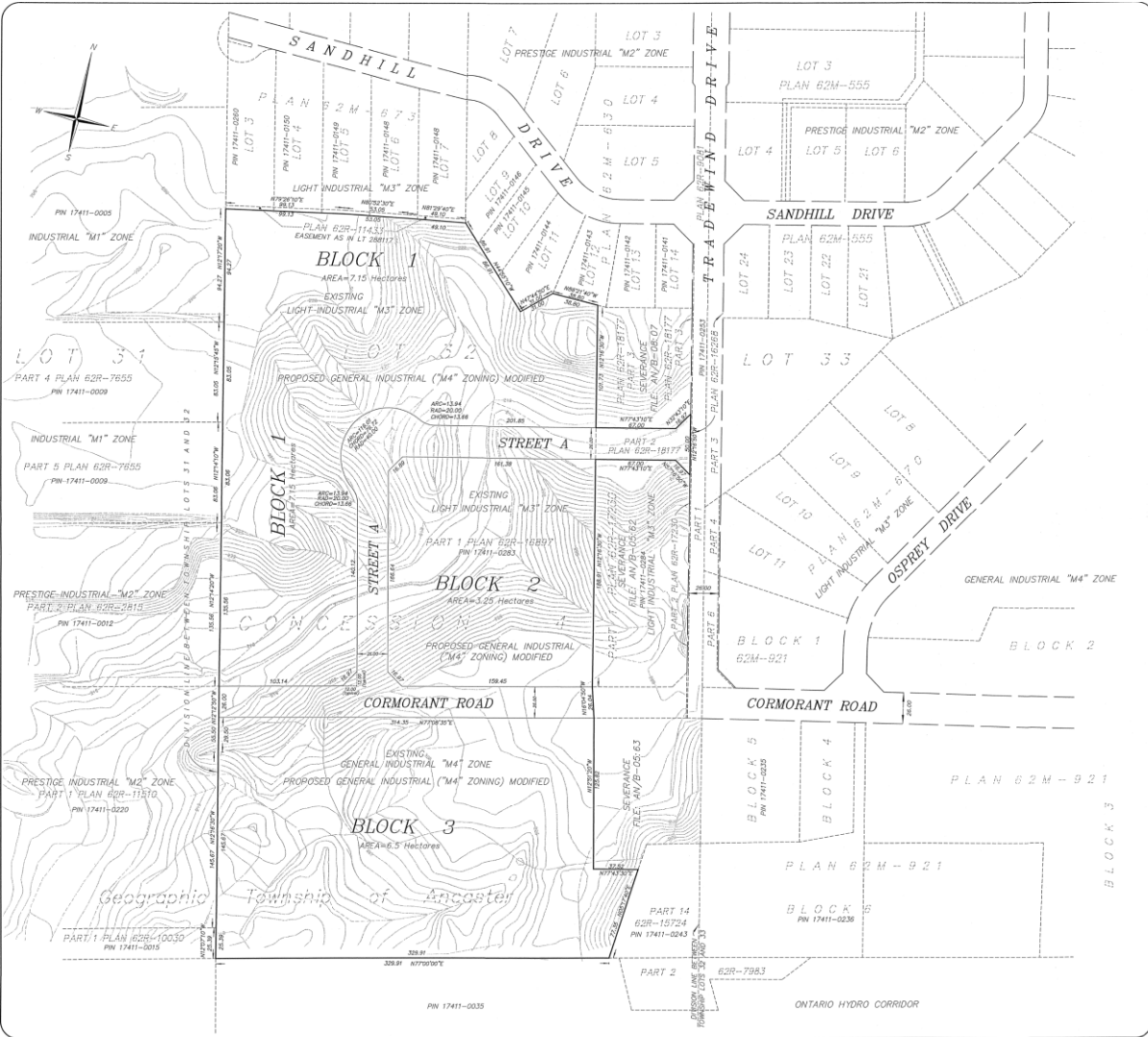
- c) Canada Post's multi-unit policy, which requires that the owner / developer provide the centralized mail facility (Lock Box Assembly) at their own expense (less than 100 units will require a front loading Lock Box Assembly & more than 100 units will require a rear loading Lock Box Assembly which will require a mail room) will be in affect for buildings and complexes with a common lobby, common indoor or sheltered space.

### **TransCanada Pipelines Limited**

- 37. That written consent must be obtained from TransCanada prior to undertaking the following activities:
  - b. constructing or installing a facility across, on, along or under a TransCanada pipeline right-of-way. A facility may include, but is not limited to: driveways, roads, access ramps, trails, pathways, utilities, berms, fences / fence posts;
  - c. conducting a ground disturbance (excavation or digging) on TransCanada's pipeline right-of-way or within 30 metres of centreline of TransCanada's pipe (the "Prescribed Area");
  - d. driving a vehicle, mobile equipment or machinery across a TransCanada pipeline right-of-way outside the travelled portion of a highway or public road; and
  - e. using any explosives within 300 metres of TransCanada's pipeline right-of-way.
- 38. That in addition to the written consent noted above, a locate request must be made to the local one-call notification centre ("One-Call Centre"), a minimum of three business days in advance of the construction, ground disturbance, or vehicle or mobile equipment crossing. The One-Call Centre will notify TransCanada to send a representative to mark the facilities, explain the significance of the markings and provide you with a copy of the locate report. TransCanda requests a minimum five business days' notice for any work involving explosives.
- 39. That storage of materials and / or equipment on TransCanada's right-of-way is not permitted.
- 40. That the owner shall ensure all contracts entered into, that all contractors and subcontractors are aware of and observe the foregoing terms and conditions.

## NOTES TO DRAFT PLAN APPROVAL

- a) The transmission lines abutting this subdivision operate at 500,000, 230,000 or 115,000 volts. Section 188 – Proximity – of the Regulations for Construction Projects in the *Occupational Health and Safety Act*, require that no object be brought closer than 6 metres (20 feet) to an energized 500 kV conductor. The distance for 230 kV conductors is 4.5 metres (15 feet), and for 115 kV conductors it is 3 metres (10 feet). It is the proponent's responsibility to be aware, and to make all personnel on site aware, that all equipment and personnel must come no closer than the distance specified in the *Act*. They should also be aware that the conductors can raise and lower without warning, depending on the electrical demand placed on the line.
- b) Pursuant to Section 51(32) of the *Planning Act*, draft approval shall lapse if the plan is not given final approval within 3 years. However, extensions will be considered if a written request is received before the draft approval lapses.



**DRAFT PLAN OF  
"VALERI BUSINESS PARK"**

BEING A PROPOSED SUBDIVISION OF  
**PART OF LOT 32 - CONCESSION 4**  
GEOGRAPHIC TOWNSHIP OF ANCASTER  
CITY OF HAMILTON

SCALE 1:1500

B. J. CLARKE O.L.S.

**NOTE:** THIS IS A DRAFT PLAN ONLY AND IS SUBJECT TO REVISION AND AMENDMENT.

**METRIC:** DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

**RE: CHAPTER P. 13 R.S.O. 1990 SECTION 51(17)  
THE PLANNING ACT**

|                          |   |
|--------------------------|---|
| A. SHOWN ON PLAN         | G. SHOWN ON PLAN                                    |
| B. SHOWN ON PLAN         | H. MUNICIPAL PAVED WATER AVAILABLE                  |
| C. SHOWN ON PLAN         | I. CLAY LOAM  |
| D. SEE LAND USE SCHEDULE | J. SHOWN ON PLAN                                    |
| E. SHOWN ON PLAN         | K. MUNICIPAL SERVICES TO BE INSTALLED BY SUBDIVIDER |
| F. SHOWN ON PLAN         | L. NONE   |

**SURVEYOR'S CERTIFICATE:**  
I CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN.

MARCH 27, 2008  
DATE

*B. J. Clarke*  
B. J. CLARKE  
ONTARIO LAND SURVEYOR

**LAND USE SCHEDULE:**  
AREA OF SUBDIVISION = 19.10 ha (47.20 acres)  
BLOCKS 1, 2 AND 3 - PROPOSED GENERAL INDUSTRIAL ("M4" ZONING) MODIFIED

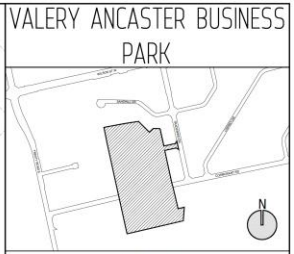
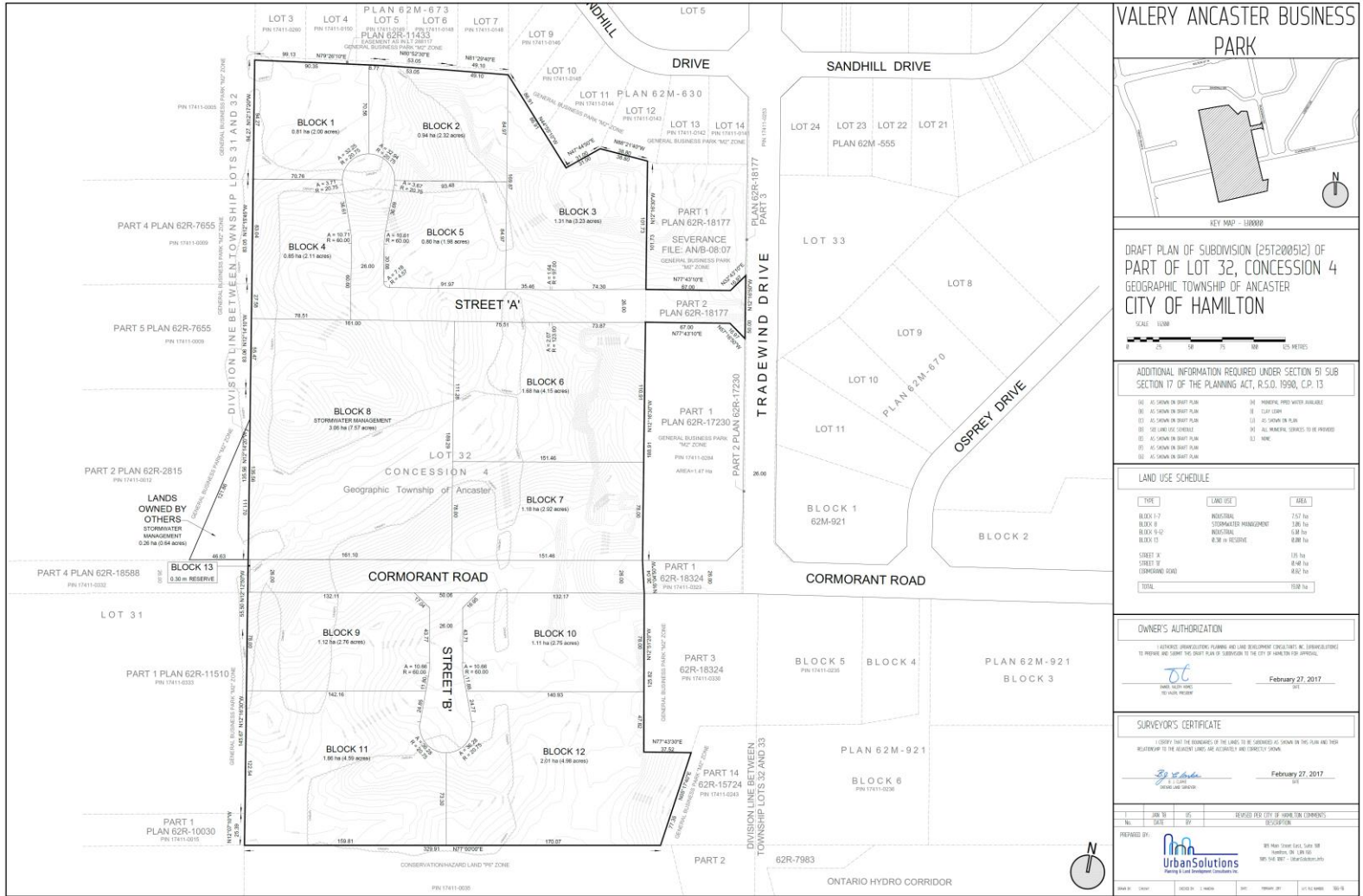
**SUBDIVISION DRAFT APPROVAL:**  
APPROVED UNDER SECTION 51 OF THE PLANNING ACT, R.S.O. 1990, P.13, AS AMENDED, BY THE GENERAL MANAGER OF THE PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT OF THE CITY OF HAMILTON UNDER THE AUTHORITY OF BY-LAW 87-323.

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2008

GENERAL MANAGER, PLANNING AND ECONOMIC DEVELOPMENT  
CITY OF HAMILTON

**A. J. Clarke and Associates Ltd.**  
SURVEYORS • PLANNERS • ENGINEERS  
25 MAIN STREET WEST, SUITE 300  
HAMILTON, ONTARIO, L8P 1K1  
TEL. 905-528-8761 FAX 905-528-2289  
www.ajclarke.com

© Laska (1-10-2) Valeri Business Park Survey/Draft (MARCH 27 2008).dwg



DRAFT PLAN OF SUBDIVISION (25T200512) OF PART OF LOT 32, CONCESSION 4 GEOGRAPHIC TOWNSHIP OF ANCASTER CITY OF HAMILTON

SCALE: 1:5000

ADDITIONAL INFORMATION REQUIRED UNDER SECTION 51 SUB SECTION 17 OF THE PLANNING ACT, R.S.O. 1990, C.P. 13

|                            |   |
|----------------------------|---|
| (1) AS SHOWN ON DRAFT PLAN | (14) HOUSING PROPOSALS SUBMITTED        |
| (2) AS SHOWN ON DRAFT PLAN | (15) CLAY LOAM                          |
| (3) AS SHOWN ON DRAFT PLAN | (16) AS SHOWN ON PLAN                   |
| (4) AS SHOWN ON DRAFT PLAN | (17) ALL MATERIALS SHOWN TO BE PROVIDED |
| (5) AS SHOWN ON DRAFT PLAN | (18) NONE                               |
| (6) AS SHOWN ON DRAFT PLAN |   |

LAND USE SCHEDULE

| TYPE       | LAND USE              | AREA     |
|------------|-----------------------|----------|
| BLOCK 1-7  | INDUSTRIAL            | 7,517 ha |
| BLOCK 8-12 | STORMWATER MANAGEMENT | 2,300 ha |
| BLOCK 13   | RESIDENTIAL           | 0.88 ha  |
|            | 62M OR RESERVE        | 0.80 ha  |
| STREET 10  |                       | 1.55 ha  |
| STREET 11  |                       | 0.40 ha  |
| STREET 12  |                       | 0.42 ha  |
| TOTAL      |                       | 12.88 ha |

OWNER'S AUTHORIZATION

I HEREBY AUTHORIZE THE PLANNING AND LAND DEVELOPMENT (CIRCULAR) NO. 18/000 (FORM) TO PREPARE AND SUBMIT THE DRAFT PLAN OF SUBDIVISION TO THE CITY OF HAMILTON FOR APPROVAL.

*[Signature]* February 27, 2017

SURVEYOR'S CERTIFICATE

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

*[Signature]* February 27, 2017

PREPARED BY:

| No. | Date | By             | Description                           |
|-----|------|----------------|---------------------------------------|
| 1   | 2017 | UrbanSolutions | PREPARED FOR CITY OF HAMILTON (FORMS) |

UrbanSolutions  
Planning and Development Consultants Inc.

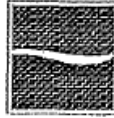
185 Main Street East, Suite 108  
Hamilton, ON L8N 1G5  
905.546.9877 • info@urbansolutions.ca

759 8360

Waterous Holden Amy Hitchen

02:19:42 p.m. 09-18-2017

1 / 6



WATEROUS HOLDEN AMEY HITCHON <sup>LLP</sup>  
LAWYERS

Received

SEP 19 2017

Growth Management  
Construction

20 Wellington Street, P.O. Box 1510, Brantford, ON N3T 5V6 T: 519.759.6220 F: 519.759.8360

**FACSIMILE TRANSMISSION COVER PAGE**

| TO:  | PHONE:              | FAX:           |
|--|---------------------|----------------|
| City of Hamilton<br>Developmental Planning | (905) 546-2720      | (905) 546-2764 |
| FROM:                                      | PHONE:              | FAX:           |
| John G. Morrissey                          | (519) 759-6220 x327 | (519) 759-8360 |

September 18, 2017

**RE: Drainage Issues**  
**Our File No. 522030-116234**

Total number of pages being transmitted, including this page is 6. If transmittal is not complete, please contact Patrick Benton-Roy at Ext. 375.

**Message:**

Please find enclosed a letter dated September 18, 2017

Doc ID: 1932407

**This facsimile is solicitor-client privileged and contains confidential information intended only for the person(s) named above. Any other distribution, copying or disclosure is strictly prohibited. If you have received this facsimile in error, please notify us immediately by telephone and return the original transmission to us by mail without making a copy.**

|                 |                      |                   |                   |                |                                |                           |
|-----------------|----------------------|-------------------|-------------------|----------------|--------------------------------|---------------------------|
| Patrick Corless | Deborah Ditchfield * | Sharon Binning    | Allan Lovell *    | Edward Vance   | Clark Holden* <i>Retired</i>   | Richard Walcott 1995-2012 |
| James Hitchon * | Brian Finnigan       | Sтивен Portelli * | Heather Hall      | Jamie Hitchon  | Peter Forbes <i>Retired</i>    | Paul Amey * 1974-2017     |
| Peter Quinlan   | David Clement        | Cannis Toussard * | Stephanie Hermans | John Morrissey | Lorne Parkhill <i>Retired</i>  |                           |
| Kevin Davis *   | Sandra Gibbons       | Andrew Nicholls   | Heather Alexander |                | Timothy Sheldon <i>Retired</i> |                           |

\* Professional Corporation

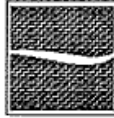


519 759 8360

Waterous Holden Amy Hitchon

02:19:54 p.m. 09-18-2017

2 / 6



WATEROUS HOLDEN AMEY HITCHON<sup>LLP</sup>  
LAWYERS

September 18, 2017

VIA FACSIMILE: 905-546-2764

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

P.O. Box 1510  
20 Wellington Street,  
Brantford, ON N3T 5V6  
t. (519) 759-6220  
f. (519) 759-8360  
www.waterousholden.com

Dear Sirs/Mesdames:

**RE: Part of Lot(s) 31, 32, Concession 4  
Township of Ancaster, City of Hamilton  
Our File No. 522030-116234**

We have been retained by Marshall Thomas with respect to drainage issues that he has been experiencing at his property, located at 919 Trinity Road, Jerseyville, Ontario (the "Property").

Our client's Property is located to the southwest of the Ancaster Industrial Park. As you are aware, the Ancaster Industrial Park is located within the City of Hamilton and is generally bounded by Wilson Street West and Garner Road West to the north, a Hydro One Corridor to the South, Shaver Road to the east and Trinity Road to the west. Drainage of this site is via two (2) small intermittent tributaries (being Drainage Area #1 and Drainage Area #2) which drain southwest to the Grand River. Both tributaries drain from north of Wilson Street West across the Ancaster Industrial Park to the existing Hydro One Corridor.

As a result of the development of the Ancaster Industrial Park, in or about 2004, our client expressed concern to the City of Hamilton and to the Ministry of the Environment ("MOE") with respect to flooding at his Property. Our client requested that the MOE compel the City of Hamilton to conduct an Individual Environmental Assessment in relation to the development at the Ancaster Industrial Park.

In a letter from Leona Dombrowsky of the MOE, Ms. Dombrowsky indicated that an Individual Environmental Assessment was not required, but that the Ministry did require a hydrologic study to be completed to define the existing drainage conditions in drainage areas #1 and #2. In or about 2004, a Municipal Class Environmental Assessment was completed for the Ancaster Industrial Park and Tradewind drive in support of further future development of the area, including the associated road network. We are in receipt of Aquafor Beech Limited's Final Report (the "Report"), dated July 25, 2005, relating to the Hydrology Study ("the Study").

|                 |                      |                    |                   |                |                                |                            |
|-----------------|----------------------|--------------------|-------------------|----------------|--------------------------------|----------------------------|
| Patrick Corless | Deborah Ditchfield * | Sharon Binning     | Allan Lovell *    | Edward Veece   | Clark Holden* <i>Retired</i>   | Richard Waterous 1955-2012 |
| James Hitchon * | Brian Finnigan       | Steven Portelli *  | Heather Hall      | Janis Hitchon  | Peter Forbes <i>Retired</i>    | Paul Arney * 1971-2017     |
| Peter Quinlan   | David Clemon         | Darvin Toussaint * | Stephanie Hermans | John Morrissey | Lorne Parrhill <i>Retired</i>  |                            |
| Kevin Davis *   | Sandra Gibbons       | Andrew Nicholls    | Heather Alexander |                | Timothy Sheldon <i>Retired</i> |                            |

\* Professional Corporation

### **Drainage Area #1 and Pond #1**

As outlined in the Report, Drainage Area #1 was partially developed at the time, and drained uncontrolled into the lands south of the Hydro One Corridor. A storm water management pond was planned to accommodate the ultimate development within the Ancaster Industrial Park (Pond #1) and was to be located at the base of the Ancaster Industrial Park. Pond #1 was to be designed to control the post-development flows associated with full ultimate development. We understand that Pond #1 has not been constructed, but that developer Ted Valery is set to construct Pond #1 in the near future. We understand that the preliminary work relating to the environmental assessment is underway.

### **Drainage Area #2 and Pond #2**

Drainage Area #2 was also partially developed at the time of the Study, and drained into an existing storm water management pond located immediately upstream of the Hydro One Corridor. Pond #2 was supposedly designed to control the ultimate post-development peak flows to pre-development rates for all storms up to the 100-year event.

A.J. Clarke and Associates' original design of Pond #2 included approximately 65,000 m<sup>3</sup> of storage and an outlet structure consisting of a 525mm diameter pipe (approximately 20 inches) and broad crested 1.5 meter wide rectangular weir. The Report revealed that a field investigation and survey were undertaken to confirm the characteristics of Pond #2. The investigation revealed that the 1.5 meter rectangular overflow weir did not exist. Instead, the overflow section of the pond consisted of a 20-30m wide gentle depression over the 525mm outlet pipe. Significant backwater was also noted at the outlet from pond #2. At the time of the field investigation, the 525mm pond outlet was completely submerged. Furthermore, a survey of the channel immediately downstream of Pond #2 revealed that the outlet channel was on a negative slope for approximately 60 meters downstream of Pond #2, which would result in standing water at the outlet. The Study also revealed that the overflow weir at the pond outlet structure was much wider than the original design.

The Report indicates that at outlet #1, existing outflow rates for the Ancaster Industrial Park were higher than pre-development flows. The authors of the Report indicate that once Pond #1 is constructed, the outflows from drainage area #1 are expected to be reduced to pre-development rates or less. Furthermore, the existing flow durations for outlet #1 were higher than the pre-development scenario, which was attributed to the higher runoff volumes associated with the existing partially-developed land use scenario.

### **Drainage Issues**

Since the extension of Tradewinds Drive, and the increase in the outlet pipe at Pond #2 from 20 inches to 30 inches in or about 2005, our client has experienced flooding at his Property. Our client has discussed this issue with a civil engineer who advises that the

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02:20:39 p.m. 09-18-2017

4 / 6

Increase in size of the outlet pipe from 20 inches to 30 inches at Pond #2 has resulted in an increased flow of water that the current drainage system including the swales and ditches located on our client's Property, is not capable of managing. Furthermore, the civil engineer advises that there is no proper control release from Watercourse #1. Accordingly, our client's Property is subjected to consistent flooding. Prior to the development of the Ancaster Industrial Park in the early 2000's, our client did not experience flooding on his Property. The current drainage system is not sufficient and as a result of the consistent flooding, our client is unable to use his Property for agricultural purposes. This issue must be addressed.

Our client advises that Fred Natolochny, supervisor of Resources Planning at the Grand River Conservation Authority, has also confirmed that the flow rate should be reduced. We note that in a letter from Mr. Natolochny to Mr. Robert Walters, Senior Project Manager with the Development Planning department of the City of Hamilton, Mr. Natolochny opines that the area immediately downstream from the area proposed for Pond #1 was not a natural watercourse, as defined in the *Conservation Authorities Act*. We have attached a copy of same for your review.

We kindly ask that the City of Hamilton advise what steps will be taken to ensure that the flow of water from the soon to be constructed Pond #1, which will ultimately drain across our client's land and into the Grand River, will not result in further flooding at our client's Property. We also ask that the City takes steps to address the current drainage issues caused by Pond #2. Our client is adamant that the flooding on his Property stop. Should the City of Hamilton be unwilling to assist our client with this issue, our client will exercise his rights and remedies pursuant to the *Drainage Act*.

We look forward to hearing from you shortly.

Yours truly,  
**WATEROUS HOLDEN AMEY HITCHON LLP**  
Per:



John G. Morrissey  
JGM/jgm  
Email: jmorrissey@waterousholden.com  
Direct: (519) 759-6220 x327

Encl. Letter

Doc ID: 1931685

519.759 8360.

Waterous Holden Amy Hitchen

02:20:57 p.m.

09-18-2017

5 / 6

06/10/2005 FRI 14:24 FAX 905 546 2870 public works

002/005

REC'D DEC 20 2004

Ministry  
of the  
Environment

Ministère  
de  
l'Environnement

Office of the Minister

Bureau du ministre

185 St. Clair Ave. West  
12th Floor  
Toronto ON M4V 1P6  
Tel (416) 314-6780  
Fax (416) 314-6748

135, avenue St. Clair ouest  
12<sup>e</sup> étage  
Toronto ON M4V 1P6  
Tél (416) 314-6780  
Téléco (416) 314-6748



Ontario

ENV1283MC-2004-6735

DEC 08 2004

Mr. Marshall Thomas  
919 Trinity Road  
Jerseyville ON L0R 1R0

Dear Mr. Thomas:

Thank you for your interest in the City of Hamilton's (City) proposed Ancaster Industrial Park Outlet No. 1 and No. 2 (Project). I welcome your comments on this Project.

On March 24, 2004, you requested that the City be required to prepare an individual environmental assessment for the Project. I am taking this opportunity to inform you that a conditional decision has been made that an individual environmental assessment is not required. In making this decision, I have given careful consideration to the Project documentation, the provisions of the *Municipal Engineers Association Municipal Class Environmental Assessment, June 2000* (Class EA), the issues raised in your request, and relevant matters to be considered under section 16 of the *Environmental Assessment Act* (EAA). The reasons for my decision are discussed below.

The City indicates that the stormwater management ponds are designed to maintain pre-development peak flow levels by controlling run-off from the Ancaster Industrial Park for rainfall events up to and including the 100 year storm. In order to identify any issues that may arise following construction, the City has proposed a monitoring program to monitor stormwater quality and quantity at the outlets of the stormwater management ponds. The City has committed to implementing remedial measures should the stormwater management ponds not operate properly.

In order to identify the current conditions before construction takes place, I am requiring the City conduct a study to determine the current pre-development drainage conditions in drainage areas 1 and 2. The purpose of this study is to ensure that after the Project has been implemented any increase in flooding and/or duration of flow could be identified. The study must be designed and prepared in consultation with the ministry's West Central Regional Office. I am satisfied that this measure will ensure that your property is protected.

COPY



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02:21:22 p.m. 09-18-2017

6 / 6

06/10/2005 FRI 14:25 FAX 905 546 2870 public works

003/005

Mr. Marshall Thomas:

Page 2

The issues and concerns raised by yourself were extensively reviewed. I am satisfied that the issues and concerns have been addressed by the work done to date by the City, or will be addressed in future work that I am requiring the City to carry out.

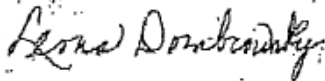
The Class EA is a process by which proponents plan and develop projects of this type, including evaluating alternatives, assessing environmental effects, developing mitigation measures, and consulting with the public, without having to obtain approval from me and the Lieutenant Governor in Council for each individual project.

The Class EA has itself been subject to review and approval under the EAA, which determined, in part, that the application of the Class EA process would enable proponents to meet the intent and purpose of the EAA. The City has demonstrated that it has planned and developed this Project in accordance with the provisions of the Class EA. I am satisfied therefore that the purpose of the EAA, "*the betterment of the people of the whole or any part of Ontario by providing for the protection, conservation and wise management in Ontario of the environment*", has been met for this Project.

With this decision having been made, the City can now proceed with the Project, subject to my condition and to any other permits or approvals required. The City must implement the Project in the manner it was developed and designed, as set out in the Project File, and inclusive of all commitments made during the Class EA process, mitigating measures, and environmental and other provisions therein.

Again, I would like to thank you for participating in the Class EA process and for bringing your concerns to my attention.

Sincerely,



Leona Dombrowsky  
Minister of the Environment

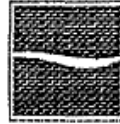
c: Ms. Lorissa Skrypnjak, Public Works, City of Hamilton



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03:17:01 p.m. 09-19-2017

1/2

**WATEROUS HOLDEN AMEY HITCHON**  
LAWYERS**Received**

SEP 18 2017

Growth Management  
Construction

20 Wellington Street, P.O. Box 1510, Brantford, ON N3T 5V6 T: 519.759.6220 F: 519.759.8360

**FACSIMILE TRANSMISSION COVER PAGE**

| TO:                                  | PHONE:              | FAX:           |
|--------------------------------------|---------------------|----------------|
| Carlo Ammendolia<br>City of Hamilton | (905) 546-2720      | (905) 540-6142 |
| FROM:                                | PHONE:              | FAX:           |
| John G. Morrissey                    | (519) 759-6220 x327 | (519) 759-8360 |

September 19, 2017

**RE: Drainage Issues  
Our File No. 522030-116234**

Total number of pages being transmitted, including this page is 2. If transmittal is not complete, please contact Patrick Benton-Roy at Ext. 375.

**Message:**

Please find enclosed a letter from Fred Natolochmy to Robert Walters dated October 24, 2006.

**This facsimile is solicitor-client privileged and contains confidential information intended only for the person(s) named above. Any other distribution, copying or disclosure is strictly prohibited. If you have received this facsimile in error, please notify us immediately by telephone and return the original transmission to us by mail without making a copy.**

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Waterous Holden Amey Hitcho

03:17:11 p.m. 09-19-2017

2 / 2



## Grand River Conservation Authority

400 Clyde Road, P.O. Box 729  
Cambridge, Ontario N1R 5W6

Telephone (519) 621-2751

Fax (519) 621-4844

Internet: <http://www.grandriver.ca>

October 24, 2006

Mr. Robert Walters  
Senior Project Manager  
Development Planning, City of Hamilton  
City Hall, 71 Main Street West  
Hamilton, Ontario, L8P 4Y5

Dear Mr. Walters:

**Re: Duffs Corners Corporate Business Park (25T-91005R)  
Lot 34, Conc. 3 Ancaster, City of Hamilton**

On September 28<sup>th</sup> 2006, Grand River Conservation Authority staff conducted an on site review of the lands downstream of the business park at the request of the landowner. During the site inspection, it appeared that the area immediately downstream from, and including the area proposed for "Pond 1" did not have defined bed and bank directing flow, and so would not be considered a watercourse on the day of our inspection, as defined under the Conservation Authorities Act. We bring this to your attention as the previous comments from this office, and references in the file have identified the area as containing a watercourse. This may impact on the issue of adequate outlet for the proposed storm water management pond.

In discussion with the land owner it appears that a tile drain and grass waterway/swale was installed in the early 1970's. The exact location and capacity of the tile was not established. The state of conveyance prior to the works was also not clearly established (was there a pre-existing watercourse that was eliminated by the works).

While we can not determine if adequate outlet is available for the proposed Pond 1, we are identifying the issue for your consideration. We would be available to discuss this matter further if you believe it would be of assistance.

Yours truly

Fred Natolochny  
Supervisor of Resources Planning  
Resources Planning

cc. John Morgante, Senior Project Manager, Development Engineering  
Marshall Thomas

4893 #



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**Chan, Alvin**

---

**From:** Bishop, Kathy  
**Sent:** June-14-17 4:02 PM  
**To:** 'Paul'  
**Cc:** Chan, Alvin  
**Subject:** RE: Ancaster road project and Confederation park project: Paul Glendenning

Good Afternoon Paul,

I have copied your message to Alvin Chan, planner from the City, in the hopes that he can provide you with the information you are requesting regarding the Ancaster road project in the Industrial Park. Thanks.

*Kathy Bishop*

*Executive Assistant to Councillor Ferguson, Ward 12 - Ancaster*

*Phone 905-546-3196 Fax 905-546-3137*



Hamilton [www.hamilton.ca](http://www.hamilton.ca)

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**From:** Wojewoda, Nikola  
**Sent:** June-08-17 11:43 AM  
**To:** 'Paul'  
**Cc:** Bishop, Kathy; Finelli, Lucy  
**Subject:** Ancaster road project and Confederation park project: Paul Glendenning

Hello Paul,

As both of these locations are not in Ward , the information would best be provided through respective offices, for your convenience they are cc'd here.

(Ward 12)

Councillor Ferguson's Admin, Kathy Bishop 905-546-2424 ext 3196

[Kathy.Bishop@hamilton.ca](mailto:Kathy.Bishop@hamilton.ca)

(Ward 5)

Councillor Collin's Admin, Lucy Finelli 905-546-2424 ext 4679

[Lucy.Finelli@hamilton.ca](mailto:Lucy.Finelli@hamilton.ca)

Thank you,

Nikola

Nikola Wojewoda (prn: Voy-e-Voda)

Administrative & Constituency Assistant

Councillor Aidan Johnson

Ward 1 – Chedoke-Cootes

Phone: 905-546-4528

[Nikola.Wojewoda@hamilton.ca](mailto:Nikola.Wojewoda@hamilton.ca)

Please Sign up for Ward 1's E-Newsletter <http://www.aidanjohnson.ca/join>



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**From:** Paul  
**Sent:** June-08-17 10:34 AM  
**To:** Wojewoda, Nikola  
**Subject:** [\*\*\*\*POSSIBLE SPAM]Status of bat issues and ancaster road project and Confederation park project

Hello Nikola,

On a road extension to be built off an Ancaster industrial park as well as the facility building projects at Confederation park, there were notices sent by I guess the MNRA, because they both impacted local bat habitat.

So I am wondering if 1. I can find out the current status of this issue at each project and 2. be kept up to date so I don't have to keep asking on these two issues?

Thank you,  
Paul Glendenning

**Chan, Alvin**

---

**From:** John Bar  
**Sent:** March-31-17 8:36 AM  
**To:** Chan, Alvin  
**Subject:** RE: ZAC-05-063 / 25T-200512

Private citizen request. I'd like the Notice of complete application to see where they want to do retail in an Industrial park.

Thanks, Alvin.

John M. Bar

---

**From:** Chan, Alvin [<mailto:Alvin.Chan@hamilton.ca>]  
**Sent:** Friday, March 31, 2017 8:12 AM  
**To:** .....  
**Subject:** RE: ZAC-05-063 / 25T-200512

Hi John,

What information exactly are you seeking? Also are you representing someone or is this a private citizen request? Please advise and I would be more than happy to provide details upon my return to the office on Monday.

Sincerely,  
Alvin

---

**From:** John Bar  
**Sent:** March-30-17 8:02 PM  
**To:** Chan, Alvin  
**Subject:** ZAC-05-063 / 25T-200512

Can you please send me information regarding this application to rezone.

Best Regards,

John Bar



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
 Planning Division

|                           |   |
|---------------------------|---|
| <b>TO:</b>                | Chair and Members<br>Planning Committee   |
| <b>COMMITTEE DATE:</b>    | August 14, 2018   |
| <b>SUBJECT/REPORT NO:</b> | Application for a Zoning By-law Amendment for Lands Located at 1221 Limeridge Road East, Hamilton (PED18170) (Ward 6) |
| <b>WARD(S) AFFECTED:</b>  | Ward 6  |
| <b>PREPARED BY:</b>       | Jennifer Roth (905) 546-2424 Ext. 2058  |
| <b>SUBMITTED BY:</b>      | Steve Robichaud<br>Director of Planning and Chief Planner<br>Planning and Economic Development Department             |
| <b>SIGNATURE:</b>         |   |

## RECOMMENDATION

- (a) That **Amended Zoning By-law Amendment Application ZAC-17-057, by 1221 Limeridge Inc., Owner**, for further modification to the “DE-3/S-1427” (Multiple Dwellings) District, Modified, in City of Hamilton Zoning By-law No. 6593 to permit an expansion of the existing Residential Care Facility / Retirement Home for services and additional ancillary uses on the lands located at 1221 Limeridge Road East, Hamilton, as shown on Appendix “A” to Report PED18170, be **APPROVED** on the following basis:
- (i) That the draft By-law, attached as Appendix “B” to Report PED18170, 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 proposed Zoning By-law Amendment to the City of Hamilton Zoning By-law No. 6593 is for further modification to the “DE-3/S-1427” (Multiple Dwellings) District, Modified in order to permit the development of a one storey, 325.5 sq m expansion to

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**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 1221 Limeridge Road East, Hamilton (PED18170) (Ward 6) - Page 2 of 19**

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the existing Retirement Home component, previously termed a Residential Care Facility, of an existing mixed use building to permit a maximum of 42 residents, and to permit additional uses, an increase in the combined gross floor area for office and commercial uses, an increase in the maximum gross floor area for a commercial retail store, a reduced southerly (front) yard setback, to permit a reduction in parking and a reduction in parking stall size. As the Residential Care Facility provides accommodation for residents generally who are 65 years of age or older, it has been determined that the use is more accurately categorized as a Retirement Home to be consistent with the Zoning By-law changes in 2001 that occurred after the 1999 adoption of the site specific by-law applicable to these lands.

The proposed Zoning By-law Amendment has merit, and can be supported, as it 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. 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 18***

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

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

**HISTORICAL BACKGROUND**

**Proposal**

The subject lands, totalling approximately 5,570 sq m in area, are located at the northeast intersection of Limeridge Road East and Lennox Avenue, with a frontage of 48.79 m along Lennox Avenue and a depth of 81.53 m along Limeridge Road East. The subject lands are currently occupied by the existing 32 resident Community and Residential Care Access Centre, Kingsbury Place, being 1673.12 sq m in area, and other commercial and office uses being 776.78 sq m in area, including Mac's Convenience, a massage therapist, a family health clinic, a dentist and a hair salon located in a "strip plaza", which will all remain on site, as shown as Appendix "A" to Report PED18170.

The current zoning on the property was passed on August 11, 1999 under By-law No.99-114 which implements the site specific zone, being "DE-3/S-1427" (Multiple

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**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 1221 Limeridge Road East, Hamilton (PED18170) (Ward 6) - Page 3 of 19**

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Dwellings) District, Modified. This zone permits the development of the Community and Residential Care Access Centre having a maximum of 40 residents in addition to commercial retail and medical office and related service uses. As the current facility houses 32 residents, the site was never built out to full capacity.

The proposed 325.5 sq m expansion is a rectangular addition to the existing Residential Care Facility. This expansion will permit a maximum of 42 residents. The initial submission provided for a 343.5 sq m expansion, with a 0 m setback from Limeridge Road East. In consultation with staff, the applicant has proposed a 1 m setback from Limeridge Road East (see Site Plan and Elevations attached as Appendix “C” to Report PED18170). To accommodate the setback, a minor decrease in the proposed building expansion was required from 343.5 sq m to 325.5 sq m. The proposed building expansion will result in the loss of 13 on-site parking spaces with a total of 29 parking spaces now being proposed instead of the required 60 parking spaces.

The applicant originally applied to rezone the site to the Major Institutional (I3) Zone in Hamilton Zoning By-law No. 05-200 with site specific modifications. In consultation with the applicant, staff have recommended that further modifying the existing site specific zoning is appropriate for the site given the unique character of the uses and the built form. The zoning of the subject lands will be reviewed as part of the comprehensive residential zoning work program.

The Zoning By-law Amendment Application is to further modify the “DE-3/S-1427” (Multiple Dwellings) District, Modified in City of Hamilton Zoning By-law No. 6593 to permit a one storey, 325.5 sq m expansion to the Retirement Home, previously considered a Residential Care Facility, to permit a maximum of 42 residents. Through the review, it has been determined that the function of the facility is more reflective of a Retirement Home due to the age of residents being generally over 65 years old. The proposed additional modifications to the zoning regulations include permitting additional uses being, a barber shop, hairdressing establishment, beauty parlour, a business or professional person’s office, a laundry or dry cleaning establishment using non-flammable solvents only, and offices for Social Service Practitioners, to permit a combined gross floor area expansion for the commercial and office uses of 950 sq m from the current 776.78 sq m. The proposal is also for an increase in the gross floor area for the Retirement Home from 1673.12 sq m to 2048 sq m, an increase in the maximum gross floor area for an individual commercial retail store from 207 sq m to 345 sq m, to permit a reduced southerly (front) yard setback, a reduction in parking and a reduction in parking stall size.

### **Chronology**

July 7, 2017: Application ZAC-17-057 received.

July 17, 2017: Application ZAC-17-057 deemed incomplete.

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**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 1221 Limeridge Road East, Hamilton (PED18170) (Ward 6) - Page 4 of 19**

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|                           |  |
|---------------------------|--|
| <u>October 24, 2017:</u>  | Application ZAC-17-057 deemed complete.  |
| <u>November 16, 2017:</u> | Circulation of Notice of Complete Application and Preliminary Circulation for Application ZAC-17-057 to 235 property owners within 120 m of the subject lands. |
| <u>December 1, 2017:</u>  | Public Notice Sign installed on subject lands.   |
| <u>February 7, 2018:</u>  | Neighbourhood Information Meeting.   |
| <u>July 18, 2018:</u>     | Public Notice Sign updated with Public Meeting Information.  |
| <u>July 27, 2018:</u>     | Circulation of the Notice of Public Meeting to 235 property owners within 120 m of the subject lands.  |

**Details of Submitted Applications:**

|                                     |                                    |                               |
|-------------------------------------|------------------------------------|-------------------------------|
| <b><u>Location:</u></b>             | 1221 Limeridge Road East, Hamilton |                               |
| <b><u>Owner / Applicant:</u></b>    | Domenic Rosati                     |                               |
| <b><u>Agent:</u></b>                | IBI Group (c/o Mike Crough)        |                               |
| <b><u>Property Description:</u></b> | <b><u>Lot Frontage:</u></b>        | 48.79 m (Lennox Street)       |
|                                     | <b><u>Lot Depth:</u></b>           | 81.53 m (Limeridge Road East) |
|                                     | <b><u>Lot Area:</u></b>            | 5,570.7 sq m (0.557 ha)       |
|                                     | <b><u>Servicing:</u></b>           | Existing Municipal Services   |

**Existing Land Use and Zoning**

|                                     | <b><u>Existing Land Use</u></b> | <b><u>Existing Zoning</u></b>   |
|-------------------------------------|---------------------------------|---|
| <b><u>Subject Lands</u></b>         | Retirement Home                 | “DE-3/S-1427” (Multiple Dwelling) District, Modified  |
| <b><u>Surrounding Land Uses</u></b> |                                 |   |
| <b>North</b>                        | Single Detached Dwellings       | “D/S-464” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District, Modified, “C/S-346” (Urban Protected |

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**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 1221 Limeridge Road East, Hamilton (PED18170) (Ward 6) - Page 5 of 19**

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|              |                           |  |
|--------------|---------------------------|--|
|              |                           | Residential, Ect.), District, Modified and “C/S-346a” (Urban Protected Residential, Ect.), District, Modified                              |
| <b>East</b>  | Single Detached Dwellings | “D/S-464” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District and “C” (Urban Protected Residential, Etc.) District |
| <b>South</b> | Townhouses                | “RT-10/S-367” (Townhouse) District, Modified   |
| <b>West</b>  | Single Detached Dwelling  | “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.

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, now known as LPAT, 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 and balanced growth) are reviewed and discussed in the Official Plan analysis that follows.

“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 proposal is consistent with the Land Use Compatibility policies of the Provincial Policy Statement. The PPS requires sensitive land uses to be appropriately separated from adverse effects of noise. An Environmental Noise Impact Study was prepared by dBA Acoustical Consultants Inc., and submitted by the applicant. The study reviewed the acoustic requirements for this development with respect to traffic on Limeridge Road

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East. The Noise Report found that the noise control measures can be incorporated into building plans and must be certified by Qualified Acoustical Consultants. Staff concur with the findings of the Report and as a result, municipal interest regarding noise has been addressed.

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

“2.6.2 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.”

There are no cultural heritage resources on the property and therefore the proposal is consistent with the Cultural Heritage policies in the PPS.

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

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

**Growth Plan for the Greater Golden Horseshoe (2017)**

The proposal conforms to the Guiding Principles, Section 1.2.1 of the Growth Plan, as it is designed to support healthy and active living and meet people's needs for daily living. It also provides for a range and mix of housing options to serve varying sizes, incomes, and ages of households. Finally, it improves the integration of land use planning with planning and investment in *infrastructure* and *public service facilities*.

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

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

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

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- 2.2.1.4 Applying the policies of this Plan will support the achievement of *complete communities* that:
- a) feature a diverse mix of land uses, including residential and employment uses, convenient access to local stores, services, and *public service facilities*;
  - b) improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes; and,
  - c) provide a diverse range and mix of housing options, including second units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes.”

The subject lands are located within the Urban Boundary, in a settlement area where full municipal services are available, and will provide for a complete community through a compact design that expands a form of residential development with growing importance within an established neighbourhood. In addition, the proposed development contributes to the established long term health care services within the Hamilton East Mountain community and contributes to the achievement of a complete community by providing a range of services.

Based on the foregoing, the proposal conforms to the policies of the Growth Plan for the Greater Golden Horseshoe (2017).

**Urban Hamilton Official Plan (UHOP)**

The UHOP recognizes that there are some previously existing land uses that do not comply with the goals and objectives set out in the Plan. It is recognized that these uses may have been established for a number of years and the following policies provide guidance on expanding Existing, Non-Complying and Non-Conforming Uses:

“F.1.12.7 Legally existing land uses which do not comply with the land use designations shown on Schedule E-1 - Urban land Use Designations or their related policies should cease to exist over time. Accordingly, such uses shall be deemed as legal non complying.

F.1.12.8 Where appropriate, the City may amend the Zoning By-law to recognize the legal non-complying use as an existing use provided that all the following criteria shall be met:

- a) the Zoning By-law shall permit only the existing use and the associated performance standards;

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- b) the use does not constitute a danger to surrounding uses and persons by virtue of their hazardous nature or by the traffic generated; and,
- c) the use is in compliance with appropriate provincial and municipal regulations.

F.1.12.9 The expansion or enlargement or change in legal non-complying uses shall be permitted provided they maintain the intent and purpose of this Plan and the Zoning By-law.”

The existing uses of the site have been determined to be Legal Non-Complying since they were established prior to the UHOP coming into effect. The proposal is for an expansion of the existing use that has been deemed Legal Non-Complying. The expansion maintains the intent and purpose of the UHOP by contributing to compact and healthy urban communities through the intensification of the site that does not have negative impacts on the surrounding neighbourhood. The expansion supports the intent and purpose of the UHOP in that it contributes to providing housing for an aging and diverse population and continues to provide local commercial needs for the surrounding neighbourhood. The proposed expansion balances the community's social needs and directs growth and development on an already developed parcel of land with access to services and infrastructure.

The use of the site for a Residential Care Facility, which functions as a Retirement Home, and associated commercial uses is currently permitted within the “DE-3/S-1427” (Multiple Dwellings) District, Modified. The proposed expansion is triggering several additional technical modifications, however it maintains the general intent of the site specific zoning by-law in that the predominate use of the site, being the Retirement Home, will continue and the expansion is to increase the maximum capacity permitted to 42 residents instead of 40. Through the modification, the distinction between short and long term beds and the age requirement of being over 65 years is being eliminated to provide for flexibility in occupancy. The increase in gross floor area of the Retirement Home permits the development of 10 additional units and will meet the Provincial requirements for room and hallway sizes. The proposed gross floor area increase within the commercial component of the building does not alter any of the site conditions and is accommodated within the existing building footprint. As well, the proposed expansion maintains adequate setbacks and landscaping along the street and provides a separation distance and a landscaped buffer to Limeridge Road East and the existing townhouse dwellings on the south side of the road. Overall, the proposed expansion meets the general intent and purpose of the Zoning By-law by permitting a minor increase to the number of residents permitted in the Retirement Home, continues to support commercial development on site and provides for compatible integration of the uses and built form with adjacent lands.

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Transportation Planning staff reviewed the site and did not express concern that the expansion of the Legal Non-Complying use would generate traffic and as a result, there is no concern that the use would constitute a danger to surrounding uses and persons.

Urban Design

“B.3.3.2.5 Places that are safe, accessible, connected and easy to navigate shall be created by using the following design applications, where appropriate:

- a) connecting buildings and spaces through an efficient, intuitive, and safe network of streets, roads, alleys, lanes, sidewalks, and pathways; and,
- b) providing connections and access to all buildings and places for all users, regardless of age and physical ability.”

The proposed expansion includes new safe pedestrian access internal to the site that will connect with the existing surrounding public sidewalks, which will create full pedestrian connectivity on site. The design of the building expansion and the altered site accesses are intended to accommodate users of all ages and physical ability as the main use on the site is a Retirement Home with the associated commercial and medical office components. HSR service will continue to be available on Upper Ottawa Street and Upper Kenilworth Street.

“B.3.3.2.5 Places that are safe, accessible, connected and easy to navigate shall be created by using the following design applications, where appropriate:

- a) connecting buildings and spaces through an efficient, intuitive, and safe network of streets, roads, alleys, lanes, sidewalks, and pathways;
- b) providing connections and access to all buildings and places for all users, regardless of age and physical ability;
- c) ensuring building entrances are visible from the street and promoting shelter at entrance ways.

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:

- c) allowing built form to evolve over time through additions and alterations that are in harmony with existing architectural massing and style; and,

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- d) complementing the existing massing patterns, rhythm, character, colour, and surrounding context.”

The altered vehicular and pedestrian accesses provide connection to and from the proposed expansion and existing building on site that are accessible for the public, regardless of age and physical ability. As well, a new building entrance to the Retirement Home is proposed with additional landscaping. The commercial component of the building will not be altered from the exterior, but internally the additional space will be accommodated. Further evaluation will also be undertaken at the Site Plan Control stage to finalize the details of pedestrian access and landscaping.

The design of the proposed expansion is in harmony with the existing architectural massing and style of the existing building. The continuation of the single storey building mass, building character and style will ensure that the redevelopment of the site will be compatible with the surrounding area. Final details regarding the compatible integration of the building materials with the existing structure will be determined at the Site Plan Control stage.

### Noise

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

- a) 100 metres of a minor arterial road, as identified on Schedule C – Functional Road Classification;
- b) 400 metres of a major arterial road, as identified on Schedule C – Functional Road Classification.”

As previously discussed, the municipal interest in noise has been satisfactorily addressed.

Therefore, the proposal complies with the Urban Hamilton Official Plan.

### Lisgar Neighbourhood Plan

The site is located within the Lisgar Neighbourhood Plan, which was Council approved on November 14, 1967 and designates the site “Commercial”. No amendments are required since the site contains a mix of commercial uses and Retirement Home and the use is not proposed to change. The proposal is to also expand the range of commercial uses on site which supports the ongoing Commercial designation within the

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Neighbourhood Plan. Therefore, the proposed expansion to the Retirement Home and the ongoing commercial uses conforms to the general intent of the Neighbourhood Plan.

**Hamilton Zoning By-law No. 6593**

The subject lands are currently zoned “DE-3/S-1427” (Multiple Dwellings) District, Modified in the former City of Hamilton Zoning By-law No. 6593 (By-law No. 99-114), as shown on Appendix “A” to Report PED18170. The site specific zone permits the development of a commercial plaza in conjunction with the Community and Residential Care Access Centre as:

“a building in which residential care and short-term care facilities are provided in conjunction with medical offices and related services, subject to the following provisions:

- i) a Residential Care Facility for the accommodation of a maximum of 24 residents of at least 65 years of age;
- ii) a Short-Term Care Facility for the accommodation of a maximum of 16 residents of at least 65 years of age;
- iii) an accessory dining room which shall only be used in conjunction with the Residential Care and Short-Term Care Facilities; and,
- iv) offices for medical or dental practitioners, osteopaths or drugless practitioners, physiotherapists, optometrists, and shall include medical related services such as reception areas, examination rooms, x-ray, ultra sound, a medical laboratory, and a drug store.”

A Zoning By-law Amendment is required to facilitate the proposed expansion, the increase in the maximum number of residents permitted and additional uses being a barber shop, hairdressing establishment, beauty parlour, a business or professional person’s office, a laundry or dry cleaning establishment using non-inflammable solvents only, and offices for Social Service Practitioners. The applicant has also requested an increase from 1673.12 sq m to 2048.45 sq m for the residential component, from 776.78 sq m to 950 sq m combined for the commercial and office uses and from 207 sq m to 345 sq m for an individual commercial retail store.

It should be noted that while the applicant is proposing 10 additional units, for a total of 42 units with a maximum capacity of 42 residents and to no longer require a combination of long and short term care or age requirements, the current permissions allow for a maximum of 40 residents in a combination of long and short term care units provided they are over the age of 65. Further, it has been determined that the function

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of the residential component is more accurately categorized as a Retirement Home, instead of a Residential Care Facility and Short-Term Care Facility.

The site specific modifications are further discussed in the Analysis and Rationale for Recommendation section of Report PED18170.

## **RELEVANT CONSULTATION**

The following internal departments and external agencies had no comments or objections to the applications:

- Landscape Architectural Services (Public Works Department).

The following Departments and Agencies submitted the following comments:

**Transportation Planning (Planning and Economic Development Department)** has advised that a Transportation Demand Management Memo is required which can be secured as a Special Condition as part of the Site Plan Control process. Transportation Planning require 2 m sidewalks along the right of way and 1.5 m sidewalks through the site. As well, provisions for bike lanes along Limeridge Road East are required. Transportation Planning had no concern in recommending the Zoning By-law Amendment for approval.

**Forestry and Horticulture (Public Works Department)** advised that there are municipal tree assets on site and will require a Tree Management Plan to confirm the impact on trees, including the applicable review fee. To confirm adequate compensation for any lost trees, a Landscape Plan is required along with the required tree planting fee for any proposed municipal trees, which can be secured as Standard and Special Conditions as part of the Site Plan Control process. Forestry had no concern in supporting the Zoning By-law Amendment for approval.

**Public Health Services (Healthy Environments)** requires a Pest Control Plan to be secured as part of the future Site Plan Control application. The Retirement Home will require a licence from the City of Hamilton. As well, to meet the requirements of Ontario Food Premises Regulation 562, Public Health Services will require the floor plans for the kitchen area. Public Health Services had no concern in recommending the Zoning By-law Amendment for approval.

**Recycling and Waste Disposal (Environmental Services Division)** commented that the site is ineligible for municipal waste collection and that all waste materials will be required to be collected by a private waste hauler. A note will be required on the future site plan as part of the Site Plan Control process and as a result Recycling and Waste Disposal had no concern in recommending the Zoning By-law Amendment for approval.

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## **PUBLIC CONSULTATION**

In accordance with the provisions of the *Planning Act* and Council's Public Participation Policy, Notice of Complete Application and Preliminary Circulation was circulated to 235 property owners within 120 m of the subject lands on November 16, 2017. A Public Notice sign was also posted on the property on December 1, 2017 and updated with the Notice of the Public Meeting on July 18, 2018 with the Public Meeting date.

To date, one public submission has been received in support of the proposal. In addition, one call was received where a neighbour expressed several concerns regarding the proposed development, including: the proposal would impede the view from across the street and any additions and increases in density to existing buildings should be restricted to buildings located downtown; concern regarding increased noise from ambulances/fire trucks; concern regarding inadequate parking and concerns with noise and parking during construction. The written submission is appended as Appendix "D" to Report PED18170. A review of the concerns raised, including those raised in the neighbourhood information meeting, are contained in the Analysis and Rationale for Recommendation section of this Report.

### Public Consultation Strategy

In accordance with the provisions of the *Planning Act*, the applicant has submitted a Public Consultation Strategy, dated July 6, 2017. This strategy includes a neighbourhood meeting, attended by the local Ward Councillor and staff, held on February 7, 2018. Notification was sent to residents within 120 m of the subject lands and based on the sign-in sheets, three people attended the information meeting. In addition to this meeting, the strategy identified existing requirements under the *Planning Act*, including the installation of a public notice sign on the property and circulation of a notification letter to property owners within 120 m of the property boundary.

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

1. The amended proposal has merit and can be supported for the following reasons:
  - (i) It is consistent with the Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe; and,
  - (ii) It is a Legal Non-Complying Use and the proposal implements the intent and purpose of the Urban Hamilton Official Plan and site specific Zoning By-law and is considered to be compatible with the existing and planned neighbourhood.
2. The proposed Zoning By-law Amendment is required in order to implement the proposed one storey, 325.5 sq m expansion to the Retirement Home and

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additional uses including a barber shop, hairdressing establishment, beauty parlour, a business or professional person's office, a laundry or dry cleaning establishment using non-inflammable solvents only, and offices for Social Service Practitioners. As part of this proposed site specific amendment, modifications to the zoning regulations are also proposed in order to permit the concept as revised and to repeal the components of By-law No. 99-114 that are now regulated through Sign By-law 10-197. The following modifications to the "DE-3/S-1427" (Multiple Dwellings) District, Modified are proposed:

Permitted Uses

The applicant has applied for an expansion to the existing Residential Care Facility, which functions as a Retirement Home, to permit an increase in the maximum number of residents who can be accommodated from 40 to 42 residents and originally requested that the following uses be permitted:

- Residential Care Facility,
- Retirement Home,
- Long Term Care Facility,
- Social Services Establishment,
- Retail,
- Personal Services, and
- Office and Medical Office.

The current zoning permits a Community and Residential Care Access Centre with a maximum of 40 residents, Medical Offices and commercial retail stores and the amending by-law will include the following additional uses: a barber shop, hairdressing establishment, beauty parlour, a business or professional person's office, a laundry or dry cleaning establishment using non-inflammable solvents only, and offices for Social Service Practitioners. The requested uses are complimentary to the existing and ongoing use of the site in that they will provide services to the residents of the Retirement Home and the surrounding neighbourhood and can be accommodated within the existing built form without creating nuisance impacts on the adjacent properties. The increase in resident capacity from 40 to 42, is minor and will utilize the internal communal services and the municipal infrastructure in a more efficient way without negatively impacting the surrounding neighbourhood. The removal of the age requirement, combination of short and long term care and categorization as a Retirement Home is supported

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by staff because the maximum capacity is being regulated, and these restrictions are monitored through Provincial regulation, they reflect the current use of the site and is consistent with the current requirements of Zoning By-law No. 6593. This modification is deemed to be reasonable and is supported by staff.

#### Minimum Front Yard

Based on the proposed building design of the original submission, the applicant initially requested a 0 m southerly yard setback along Limeridge Road East, which is interpreted as the front yard in the applicable site specific zone. Through discussions with staff, an increased southerly (front) yard setback of 1 m has been established on the Concept Plan, as illustrated in Appendix "C" to Report PED18170. The 1 m setback maintains the streetwall along Limeridge Road East, providing a landscaped area and a buffer between the sidewalk and the building. The reduced southerly (front) yard setback has no impact on adjacent properties since it is a flankage yard along Limeridge Road East but maintains adequate visibility for vehicular and pedestrian safety. As well, it brings the building closer to the street, screens the parking, animates the streetscape and provides a pedestrian focus. This modification is deemed to be reasonable and is supported by staff.

#### Parking

The applicant's Parking Justification Report for a decrease in the required number of parking stalls from 39 to 29 parking spaces (including three barrier free spaces), as per City of Hamilton Zoning By-law No. 6593, has been evaluated and has resulted in the applicant providing an Addendum Parking Justification Report. The Addendum provides details of peak parking lot usage and incorporates the proposed expansion. During peak parking lot usage, 25 spaces were observed as being used during parking surveys. The proposed expansion to accommodate 10 additional residents requires four additional spaces to meet the zoning requirements. As a result, the provision of 29 spaces meets peak parking demand requirements. Therefore, staff support the parking reduction.

#### Parking Stall Size

A modification to the parking stall size for standard and barrier free spaces are required to recognize the existing site condition. The parking stall size of 2.6 m by 5.5 m currently exists and will be recognized by the further modified site specific by-law. It is recognizing an existing site condition and will allow for safe drive aisle widths for full site maneuverability. The reduced barrier free size is for length from 6 m to 5.5 m, however it still meets the requirements of the *Ontario Accessibility Act*. Further, the Formal Consultation and subject applications were submitted prior to the changes to Zoning By-law 05-200 with regards to parking stall size and

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being consistent with transition best practice changes, it has been deemed appropriate to use the proposed parking stall sizes. Staff support the modification to parking stall size.

Combined Gross Floor Area for Commercial and Retirement Home

The applicant is proposing that the maximum gross floor area of the commercial uses be increased to 950 sq m instead of the currently permitted 776.78 sq m. This additional gross floor area is a reflection of existing site conditions.

The applicant is proposing that the Retirement Home area be increased from 1673.12 sq m to 2048 sq m to permit a maximum of 42 residents. The increase in gross floor area will accommodate 10 additional units and will allow the facility to meet current Provincial requirements for rooms and hallways. To provide flexibility, staff have rounded up to 2049 sq m in the implementing by-law. The modifications are appropriate given the overall reduction in required parking spaces and, as a result, staff support the modification.

Maximum Gross Floor Area for an Individual Commercial Retail Store

The applicant is proposing to increase the maximum gross floor area for an individual commercial retail store from 207 sq m to 345 sq m. The increase in gross floor area is considered to be minor given that it is regulated by the maximum gross floor area for commercial and office uses being 950 sq m. The proposed modification provides flexibility and it does not impact the built form of the development and therefore, staff support the modification.

3. Development Engineering Staff have requested the submission of a Wastewater Generation Assessment prior to the approval of the Zoning By-law Amendment Application to ensure adequate sanitary infrastructure is available to accommodate the proposal. As a result, a Water & Wastewater Brief was submitted. Upon reviewing the submission, Development Engineering has advised that the site has access to full municipal services, with public watermains, separate storm and sanitary sewers on Limeridge Road East and Lennox Avenue and a watermain on Locheed Drive. Development Engineering staff note that no right of way widenings are anticipated.

Further, Development Engineering has indicated that there is a minimal increase in the impervious cover of the site as a result of the proposal, and as such, the proposed expansion will not negatively impact the post development run off of the site. As such, Development Engineering agrees with the findings of the Report with regards to stormwater management.

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Development Engineering has also commented that this site has been allocated a density of 250 person per hectare, as such staff are satisfied with sanitary sewer servicing permissions. Development Engineering staff has commented that further details were required to demonstrate sufficient infrastructure to accommodate water servicing and upon a subsequent submission, staff agree with the findings of the Report with regards to water servicing.

A Storm Drainage Area Plan, Site Servicing and Grading Plans will also be required as part of the future Site Plan Control Application. Also, any outstanding servicing, stormwater management, grading, and municipal road improvements will be reviewed at the detailed design stage of development through the Site Plan Control process.

4. One letter received in support of the proposal provides additional landscaping enhancement ideas (see Appendix "D" to Report PED18170). Concerns expressed at the Neighbourhood Meeting and through a telephone call are summarized below:

Site Lighting and Security

One resident has expressed concerns with the existing operation on site, including a lack of lighting and security cameras on the east side of the building. There is concern that children typically play in this location and are not monitored. While site lighting will be addressed at the Site Plan Control Stage, the provision of security cameras is beyond the scope of this application.

Noise

There is concern that the proposed expansion would increase the noise from emergency vehicles entering and exiting the site. Staff note that a noise study has been completed, however it focuses on the impacts of the road noise from Limeridge Road East on the proposed expansion and not the potential noise generated from the expansion. Staff note that since the use is already permitted, a slight increase in the density may generate additional emergency vehicles attending to the site but the increase is not anticipated to have a significant impact on the surrounding residential area.

Views

One resident expressed concerns that their view of the plaza would be blocked by the proposed expansion. Staff note there are no policies within the Urban Hamilton Official Plan to protect views of commercial buildings.

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Parking

One resident was concerned with the loss of parking provided on site due to the proposed expansion. Based on staff's review of the applicant's Parking Justification Report, staff are satisfied that the maximum parking usage on site, including the parking required for the proposed expansion can be accommodated within the provided 29 parking spaces.

Construction

Resident concern with noise and parking during the construction process was expressed and can be addressed through a Construction Management Plan during the Site Plan Control stage.

**ALTERNATIVES FOR CONSIDERATION**

Should the applications be denied, the subject lands could be developed in accordance with the "DE-3/S-1427" (Multiple Dwellings) District, Modified which permits a Residential Care Facility and associated commercial and medical office uses.

**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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**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 1221  
Limeridge Road East, Hamilton (PED18170) (Ward 6) - Page 19 of 19**

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**APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" – Location Map

Appendix "B" – Draft Zoning By-law Amendment for Hamilton Zoning By-law No. 6593

Appendix "C" – Concept Site Plan and Elevations

Appendix "D" – Public Submissions

JR:mo

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● Site Location



Key Map - Ward 6

N.T.S.

## Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
ZAC-17-057

Date:  
November 10, 2017

Appendix "A"

Scale:  
N.T.S.

Planner/Technician:  
JL/AL

### Subject Property

1221 Limeridge Road East



Change in zoning from "DE-3/S-1427" (Multiple Dwelling) District, Modified to "DE-3/S-1427a" (Multiple Dwelling) District, Modified.

**Authority:** Item ,  
Report (PED18XXX)  
CM:  
Ward: 6

**Bill No.**

## **CITY OF HAMILTON**

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

### **To Amend Zoning By-law No. 6593, as amended by By-law 99 - 114 Respecting lands located at 1221 Limeridge Road East, Hamilton**

**WHEREAS** the City of Hamilton Act, 199, Statues of Ontario, 1999 Chapter 14, Schedule C did incorporate, as of January 1<sup>st</sup>, 2001, the municipality "City of Hamilton";

**AND WHEREAS** the City of Hamilton is the lawful successor to certain area municipalities, including the former area municipality known as the "the Corporation of the city of Hamilton" and is the successor of 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 and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in full force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

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

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item \_\_\_\_\_ of Report PED18\_\_\_ of the Planning Committee, at its meeting held on the 14th day of August 2018, which recommended that Zoning By-law No. 6593 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 Sheet No. E7 of the District Maps, appended to and forming part of Zoning By-law No. 6593 (Hamilton) as amended, is further amended by modifying the "DE-3/S-1427" (Multiple Dwellings), District, Modified to the "DE-3/S-1427a" (Multiple Dwellings), District, Modified on the lands the extent and boundaries of which are shown on plan hereto annexed as Schedule "A".

**To Amend Zoning By-law No. 6593 (Hamilton)  
Respecting lands located at 1221 Limeridge Road East, Hamilton**

2. That Subsection 2(a)(ii) of By-law No. 99-114 be repealed and replaced with:
  - (ii) a commercial retail store with a maximum gross floor area of 345 square metres;
3. That Subsection 2(a)(iii) of By-law No. 99-114 be repealed and replaced with:
  - i) barber shop;
  - ii) hairdressing establishment;
  - iii) beauty parlour;
  - iv) a business or professional person's office;
  - v) a laundry or dry cleaning establishment using non-inflammable solvents only; and,
  - vi) offices for social service practitioners.
4. That Subsection 2(b) of By-law No. 99-114 be repealed and replaced with:
  - b) For the purpose of this by-law, a "Community and Residential Care Access Centre" shall mean a building in which a residential care facility is provided in conjunction with medical offices and related services, subject to the following provisions:
    - i) a Retirement Home for the accommodation of a maximum of 42 residents;
    - ii) an accessory dining room which shall only be used in conjunction with the Retirement Home; and,
    - iii) offices for medical or dental practitioners, osteopaths or drugless practitioners, physiotherapists, optometrists, and shall include medical related services such as reception areas, examination rooms, x-ray, ultra sound, a medical laboratory, and a drugstore.
5. That Subsection 2(d)(i) of By-law No. 99-114 be repealed and replaced with:
  - a) a minimum front yard depth of 1 metre from Limeridge Road East.
6. That Subsection 2(e) of By-law No. 99-114 be repealed and replaced with:
  - a) Notwithstanding Section 10C.5, a maximum gross floor area of 2049 square metres for the Retirement Home and 950 square metres for the combined medical offices and commercial uses permitted by this By-law, including hallways and common amenity areas shall be permitted.
7. That Subsection 2(f) of By-law No. 99-114 be deleted in its entirety.



**To Amend Zoning By-law No. 6593 (Hamilton)  
Respecting lands located at 1221 Limeridge Road East, Hamilton**

8. That the "DE-3" (Multiple Dwellings) District provisions, as contained in Section 10C of Zoning By-law No. 6593, as amended by By-law No. 99-114, applicable to the lands, are further amended to include the following special requirements:
  - a) Notwithstanding Section 18A(7) the required parking space, other than parallel parking spaces, shall have dimensions not less than 2.6 metres wide and 5.5 metres long and every required barrier free parking stall dimensions shall have dimensions not less than 4.4 metres wide and 5.5 metres long.
  - b) Notwithstanding Section 18A Table 1, the required minimum number of parking spaces shall be 29, including 3 barrier free spaces.
9. 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 "DE-3" (Multiple Dwellings) District provisions, subject to the special requirements as referred to in Section 1 of this By-law.
10. That By-law No. 6593 is further amended by adding this By-law to Section 19B as Schedule S-1427a.
11. That Sheet No. E7 of the district Maps is amended by marking the lands referred to in Section 1 of this by-law S-1427a.
12. That the City 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 \_\_\_\_\_ day of \_\_\_\_\_, 2018

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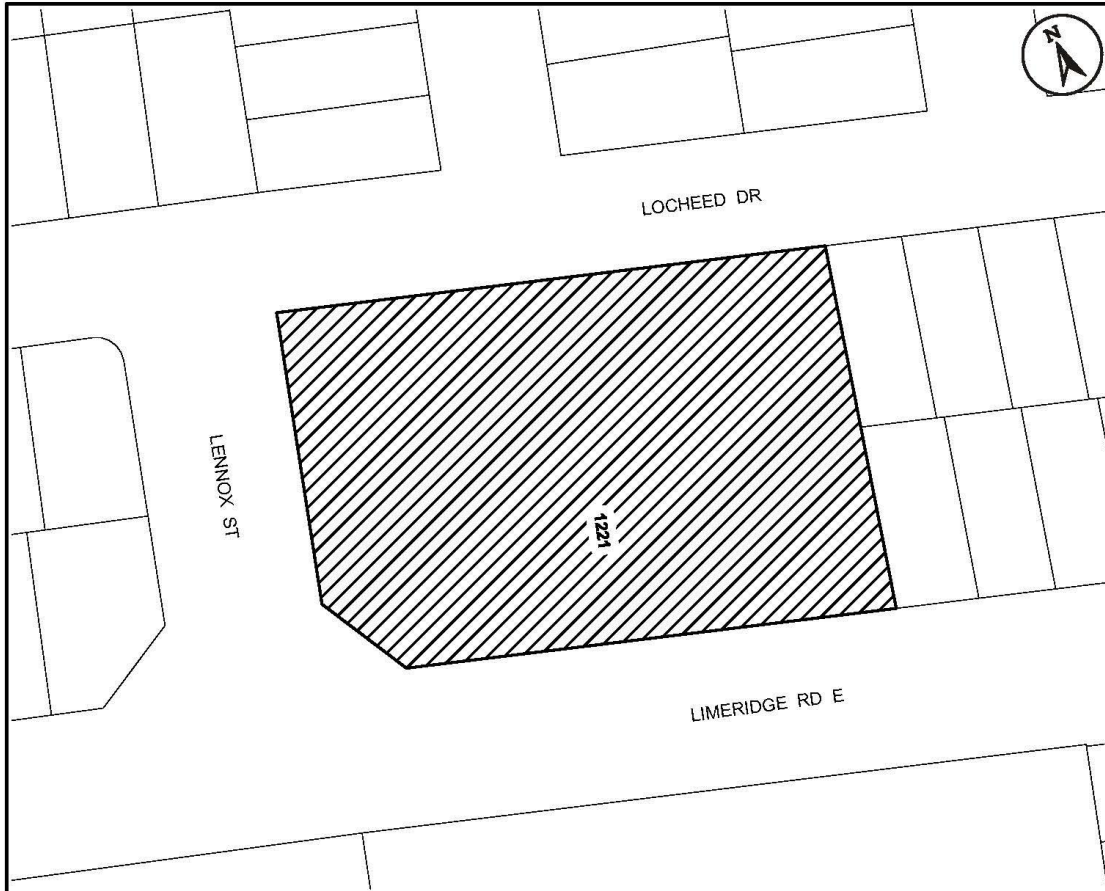
F. Eisenberger  
Mayor

---

J. Pilon  
Acting City Clerk

ZAC-17-057

**To Amend Zoning By-law No. 6593 (Hamilton)  
Respecting lands located at 1221 Limeridge Road East, Hamilton**



|   |                                      |
|---|--------------------------------------|
| This is Schedule "A" to By-law No. 17-<br><br>Passed the ..... day of ....., 2017 | -----<br>Mayor<br><br>-----<br>Clerk |
|---|--------------------------------------|

|   |   |
|---|---|
| <h2 style="margin: 0;">Schedule "A"</h2><br><br><h3 style="margin: 0;">Map Forming Part of<br/>By-law No. 18- ____</h3><br><br><h3 style="margin: 0;">to Amend By-law No. 6593</h3> | <b>Subject Property</b><br>1221 Limeridge Road East<br><br>Lands to be zoned "DE-3/S-1427a-"<br>(Multiple Dwellings) District |
|---|---|

|  |                                 |  |  |
|--|---------------------------------|--|--|
| Scale:<br>N.T.S.                             | File Name/Number:<br>ZAC-17-057 |  |  |
| Date:<br>May 30, 2018                        | Planner/Technician:<br>JR/VS    |  |  |
| PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT |                                 |  |  |





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

From: Doug Booth [<mailto:dougrbooth@gmail.com>]

Sent: Friday, February 09, 2018 4:00 PM

To: Mike Crough <[mike.crough@ibigroup.com](mailto:mike.crough@ibigroup.com)>

Subject: 1221 Limeridge Road E

Mike,

Thanks for the detail on the addition to the retirement home that is in my neighbourhood. I think it is great to have a facility that meets the needs of seniors and provides a family type atmosphere to the specific residents. I have no problem whatsoever with the addition since it continues to be one floor and though limits parking, there should be minor impact on street parking if additional parking is needed on occasion for the businesses and facility.

One suggestion would be to beautify the entrance for both the residents and visitors and as discussed the other evening - patio with gardens/artificial grass etc.

Sincerely,

Doug Booth



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
 Planning Division

|                           |   |
|---------------------------|---|
| <b>TO:</b>                | Chair and Members<br>Planning Committee   |
| <b>COMMITTEE DATE:</b>    | August 14, 2018   |
| <b>SUBJECT/REPORT NO:</b> | Application for Amendment to the City of Hamilton Zoning By-law No. 6593, for Lands Located at 393 Rymal Road West (Hamilton) (PED18183) (Ward 8) |
| <b>WARD(S) AFFECTED:</b>  | Ward 8  |
| <b>PREPARED BY:</b>       | Michael Fiorino (905) 546-2424 Ext. 4424  |
| <b>SUBMITTED BY:</b>      | Steve Robichaud<br>Director, Planning and Chief Planner<br>Planning and Economic Development Department   |
| <b>SIGNATURE:</b>         |   |

## RECOMMENDATION

That **Amended Zoning By-law Amendment Application ZAC-16-075, (Zest Communities, Owner)**, for further modification to the “DE/S-664”, “DE/S-664a”, “DE/S-664b” and “DE/S-664c” (Low Density Multiple Dwellings) District, Modified, to permit a 157 unit multiple dwelling, on lands located at 393 Rymal Road West (Hamilton), as shown on Appendix “A” to Report PED18183, be APPROVED, on the following basis:

- i) That the draft By-law, attached as Appendix “B” to Report PED18183, 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 PED18183, be added to sheet W17e of the District Maps of the City of Hamilton Zoning By-law No. 6593;
- iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (PPS), conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow), and complies with the Urban Hamilton Official Plan.

## EXECUTIVE SUMMARY

The proposed Zoning By-law Amendment is to permit the development of a 157 residential unit multiple dwelling proposal with a maximum height of six storeys and

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**SUBJECT: Application for Amendment to the City of Hamilton Zoning By-law No. 6593, for Lands Located at 393 Rymal Road West (Hamilton) (PED18183) (Ward 8) - Page 2 of 26**

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24 m in height, along with a club house (including a pool, fitness centre, yoga, dance centre and multi purpose room) on a portion of the subject lands.

This proposal is the first phase of the redevelopment of St. Elizabeth's Village and includes an area of 1.61 ha (3.97 ac). It is the intent of the applicant to redevelop the lands as a resort style village for mature adults and the seniors community.

The Zoning By-law Amendment will further amend the site specific "DE/S-664", "DE/S-664a", "DE/S-664b" and "DE/S-664c" (Low Density Multiple Dwellings) District, Modified zoning with site specific provisions to address the maximum height of a multiple dwelling, the number of residential units, front and side yard setbacks, setbacks to the established floodline, the required number of visitor parking spaces and loading space size.

The proposed Zoning By-law Amendment has merit and can be supported since the proposal 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.

***Alternatives for Consideration – See Page 26***

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

**Financial:** N/A

**Staffing:** N/A

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

**HISTORICAL BACKGROUND**

St. Elizabeth's Village has a total area of 46.1 ha and is comprised of an existing private road network servicing commercial/office, institutional, residential and accessory uses. The lands subject to this application, as shown in Appendix "B" to Report PED18183, have a total area of 1.61 ha with street frontage on Garth Street containing three existing townhouse dwellings and the clubhouse which are all to be demolished in order to construct the multiple dwelling. Staff note that the proposed zoning boundary will also function as lot lines to facilitate a future severance of the subject lands for financial purposes.

St. Elizabeth's Village was developed in the early 1980's and numerous Zoning By-law Amendments have occurred as the lands evolved over time (By-laws 79-226, 81-235,

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**SUBJECT: Application for Amendment to the City of Hamilton Zoning By-law No. 6593, for Lands Located at 393 Rymal Road West (Hamilton) (PED18183) (Ward 8) - Page 3 of 26**

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83-221 and 85-165) as follows:

- By-law 79-226: permitted a six storey residential care facility (nursing home) having 150 beds, commercial uses within a building not exceeding four storeys and a gross floor area of 35,600 sq ft (3,307 sq m) and a club house and cafeteria with a maximum combined gross floor area of 17,000 sq ft (1,625 sq m). In addition, modifications to setbacks and parking standards were also established;
- Amending By-law 81-235: deleted the requirement for the lands to be developed in accordance with a registered plan of subdivision;
- Amending By-law 83-221: permitted a Place of Assembly being a banquet hall with a seating capacity not exceeding 1,000 persons; and,
- Amending By-law 85-165: regulated signage requirements for commercial uses.

The applicant's original submission concept was for two multiple dwellings, one building being a four and a half storey building and the other being a five and a half storey building. The applicant amended the proposal to one multiple dwelling with 157 residential dwelling units which is located outside of the Vegetation Protection Zone (VPZ). The proposal also includes a 902 sq m clubhouse within the new multiple dwelling which include a pool, fitness centre, yoga dance centre and multi-purpose room. The height and number of storeys of the building vary from four to six storeys with a maximum permitted height of 24 m. The multiple dwelling has proposed a total of 157 dwelling units, with 158 underground parking spaces and 30 surface parking spaces for a total of 153 parking spaces including five barrier free spaces. The multiple dwelling will be accessed from Sister Varga Terrace using the existing private road system. The proposal will also recognize three existing townhouse dwellings located adjacent to Garth Street.

Staff also amended the application to address additional zoning requirements related to parking requirements.

**Chronology:**

November 15, 2016: Application ZAC-16-075 received.

December 1, 2016: Applications ZAC-16-075 deemed complete.

December 8, 2016: Circulation of Notice of Complete Application and Preliminary Circulation for Applications ZAC-16-075 to 800 property owners within 120 m of the subject lands.

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**SUBJECT: Application for Amendment to the City of Hamilton Zoning By-law No. 6593, for Lands Located at 393 Rymal Road West (Hamilton) (PED18183) (Ward 8) - Page 4 of 26**

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December 20, 2016: Public Notice sign installed on the property.

June 13, 2018: Public Notice sign updated with Public Meeting information.

June 22, 2018: Circulation of the Notice of Public Meeting to 801 property owners within 120 m of the subject lands.

**Details of Submitted Application**

**Location:** 393 Rymal Road West (Hamilton)

**Owner:** Zest Communities Inc.

**Agent:** GSP Group Inc.

**Property Description:**

|                   |                          |
|-------------------|--------------------------|
| <u>Frontage:</u>  | ± 640.0 m (Garth Street) |
| <u>Lot Depth:</u> | ± 345.0 m                |
| <u>Area:</u>      | ± 46.1 ha                |

**Services:** Municipal Piped Water System  
Municipal Sanitary Sewer System

**EXISTING LAND USE AND ZONING:**

|                                  | <b><u>Existing Land Use</u></b>   | <b><u>Existing Zoning</u></b>  |
|----------------------------------|---|--|
| <b><u>Subject Lands:</u></b>     | Townhouses,<br>Clubhouse  | “DE/S-664”, “DE/S-664a”, “DE/S-664b” and “DE/S-664c” (Low Density Multiple Dwellings) District, Modified |
| <b><u>Surrounding Lands:</u></b> |   |  |
| <b>North</b>                     | Townhouses,<br>Apartments, Multiple Dwelling (for assisted living), and a commercial / retail building (Village Centre) | “DE/S-664”, “DE/S-664a”, “DE/S-664b” and “DE/S-664c” (Low Density Multiple Dwellings) District, Modified |
| <b>East</b>                      | Townhouses,<br>Apartments, Multiple Dwelling (for assisted  | “DE/S-664”, “DE/S-664a”, “DE/S-664b” and “DE/S-664c” (Low Density Multiple Dwellings)                    |

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**SUBJECT: Application for Amendment to the City of Hamilton Zoning By-law No. 6593, for Lands Located at 393 Rymal Road West (Hamilton) (PED18183) (Ward 8) - Page 5 of 26**

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|              |  |  |
|--------------|--|--|
|              | living), and a commercial / retail building (Village Centre) | District, Modified   |
| <b>South</b> | Townhouses and Apartments                                    | “DE/S-664”, “DE/S-664a”, “DE/S-664b” and “DE/S-664c” (Low Density Multiple Dwellings) District, Modified |
| <b>West</b>  | Vacant lands and a Single Detached Dwelling                  | “AA” Agricultural District   |
|              | Stormwater Management Pond / Open Space                      | Conservation / Hazard Land (P5) Zone   |
|              | Vacant   | “E-H/S-1701” (Multiple Dwellings, Lodges, Clubs etc.) District, Modified                                 |

## **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.

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. However, the UHOP has not been updated with respect to the cultural heritage policies of the Provincial Policy Statement. The following policies amongst others, apply:

“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.*”

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**SUBJECT: Application for Amendment to the City of Hamilton Zoning By-law No. 6593, for Lands Located at 393 Rymal Road West (Hamilton) (PED18183) (Ward 8) - Page 6 of 26**

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The subject property meets five of the ten criteria used by the City of Hamilton and Ministry of Tourism, Culture and Sport for determining archaeological potential:

1. Within 250 m of known archaeological sites;
2. 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;
3. Local knowledge associates areas with historic events / activities / occupations;
4. In the vicinity of distinctive or unusual landforms; and,
5. Along historic transportation routes.

These criteria define the property as having archaeological potential. Stage 1 and 2 Archaeological Reports (P018-0778-2016 and P018-0795-2016) dated June 14, 2016 and July 26, 2016 have been submitted to the City of Hamilton and Ministry of Tourism, Culture and Sport which concluded that the subject lands do not hold any cultural heritage value or interest. The Province signed off on the reports for compliance with licensing requirements in a letter dated August 4, 2016. Staff are of the opinion that the municipal interest in the archaeology for the lands subject of this rezoning application have been satisfied.

In concurrence with the recommendations of the Archaeological Report, staff advise that future development within the remainder of the village lands will require further archaeological assessment.

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

**Growth Plan for the Greater Golden Horseshoe (2017)**

The subject lands are located within the built up area as defined by the Growth Plan. The proposal conforms to the Guiding Principles of Section 2.2.1.4 which provides direction on managing growth whereby population and employment growth will:

- “2.4.1.4 a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;
- b) improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes; and,

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**SUBJECT: Application for Amendment to the City of Hamilton Zoning By-law No. 6593, for Lands Located at 393 Rymal Road West (Hamilton) (PED18183) (Ward 8) - Page 7 of 26**

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- c) provide a diverse range and mix of housing options, including second units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;”

In review, the subject lands are located within the Urban Boundary, in a settlement area where full municipal services are available, and will provide for a complete community through a compact design that includes a mix of dwelling units for mature adults and seniors within easy access to local stores and services in the area.

Based on the foregoing, the proposal conforms to the 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 and designated “Neighbourhoods” and “Open Space” on Schedule “E-1” – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP). The following policies amongst others apply to the application.

#### Natural Heritage System

- “B.2.3 It is the intent of this policy to preserve and enhance Core Areas and to ensure that any development or site alteration within or adjacent to them shall not negatively impact their natural features or their ecological functions.
- B.2.3.1 In accordance with the policies of this Plan, Schedule B – Natural Heritage System, identifies *Core Areas* to include *key natural heritage features* and *key hydrological features*. *Core Areas* of the City’s Natural Heritage System also include other locally and provincially significant natural areas. Schedule B – Natural Heritage System shall be amended when new *Core Areas* are identified.
- B.2.3.2 *Core Areas* include *key natural heritage features*, *key hydrological features* and provincially significant and *local natural areas* that are more specifically identified by Schedule B-1-8 – Detailed Natural Heritage Features. *Core Areas* are the most important components in terms of biodiversity, productivity, and ecological and hydrological functions.
- B.2.3.3 The natural features and ecological functions of *Core Areas* shall be protected and where possible and deemed feasible to the satisfaction of the City enhanced. To accomplish this protection and enhancement, vegetation removal and encroachment into *Core Areas* shall generally not be permitted,

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**SUBJECT: Application for Amendment to the City of Hamilton Zoning By-law No. 6593, for Lands Located at 393 Rymal Road West (Hamilton) (PED18183) (Ward 8) - Page 8 of 26**

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and appropriate *vegetation protection zones* shall be applied to all *Core Areas*.”

A tributary of Twenty Mile Creek (identified as Type 2 Important Fish Habitat) and a series of lakes (ponds) are located to the south of the proposed development within the subject lands. The tributary is identified as a locally significant wetland, known as the Rymal Road Wetland Complex. An Environmental Impact Study (EIS) was submitted and revised to the satisfaction of the Niagara Peninsula Conservation Authority (NPCA) and Planning staff. The proposal has been revised to ensure the ecological preservation and function of the ponds. An appropriate Vegetative Protection Zone (VPZ) has been established from the ponds and the Zoning boundary will act as the limit of the VPZ along the southerly portion of this proposal. The ponds will function as passive amenity and recreation space for the residents in addition to its Stormwater Management functionality. The EIS was brought before the Environmentally Significant Areas Impact Evaluation Group (ESAIEG) and it was determined that the revised EIS was satisfactory.

A Site Plan Control Application is required to implement the proposal. Staff note that an Erosion and Siltation Plan, Stormwater Management as well as a Landscape Plan, Tree Protection and Restoration Planting Plans will be required to be submitted with the future Site Plan Control Application. Furthermore, the applicant will be required to demonstrate that Stormwater Management quality controls will preserve the ecological function of the watercourse feature.

#### Residential Intensification

“B.2.4.1.1 *Residential intensification* shall be encouraged throughout the entire *built-up area*, in accordance with the policies of Chapter E – Urban Systems and Designations and Chapter F – Implementation.

B.2.4.1.2 The City’s primary *intensification areas* shall be the *Urban Nodes* and *Urban Corridors* as illustrated on Schedule E – Urban Structure and as further defined in secondary plans and corridor studies for these areas, included in Volume 2.

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;

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**SUBJECT: Application for Amendment to the City of Hamilton Zoning By-law No. 6593, for Lands Located at 393 Rymal Road West (Hamilton) (PED18183) (Ward 8) - Page 9 of 26**

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- 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;
- h) the ability to complement the existing functions of the neighbourhood;

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- i) the conservation of *cultural heritage resources*; and,
- j) infrastructure and transportation capacity and impacts.”

In review of the residential intensification policies above, a comprehensive review of policies B.2.4.1.4 a) to g) must be evaluated to ensure the intent of all polices are achieved. Staff note that the subject lands in their entirety are approximately 46 ha in size and the existing character of the neighbourhood is a mix of residential forms with townhouse dwellings immediately surrounding the existing area of development. Staff note that within the Village there are also commercial, professional offices and residential uses in multiple dwellings including a six storey residential care facility. The meandering road pattern will remain within the Village development, and the proposal will contribute to the existing varied forms of development in the community by adding additional dwelling units in the form of a multiple dwelling.

The proposed multiple dwelling is compatible with the existing neighbourhood as it has been designed to take into consideration the existing surrounding residential development through the use of varying storeys as well as incorporating the existing grading and landscape. The height of the building varies from four to six storeys with a maximum permitted height of 24 m. Of note, the grade decreases to the south, near the ponds and the scale and massing of the building has been minimized through the design of the building shape, orientation, façade detailing and building materials. The building is four storeys along Jaczenko Terrace and transitions from four to six storeys to the rear of the adjacent townhouse dwellings as the grade decreases, approximately 20 m from Jazcenko Terrace.

The building has been positioned to respect the rear yards of abutting residential buildings as well as provide a balance between street presence along Jaczenko Terrace and sufficient space for landscaping treatment. Although, the proposed building is taller in height and greater in mass and scale than directly adjacent residential properties, the proposed form exists within the neighbourhood and within the Village as there is an existing six storey residential care facility located to the north of the proposed multiple dwelling. As such, it is the intent of this proposal to enhance and build upon the established pattern and existing built form of the Village.

In support of the proposal, the applicant has completed a Sun Shadow Study to the satisfaction of Planning staff. The Sun Shadow Study suggested shadow impacts onto the north-eastern residential properties during the afternoon in the spring, summer, and fall and that sun shadows will have a larger impact during the winter months. As a result, staff recommended slight adjustments to the site design, as well as to the building footprint and massing to address these concerns. The applicant revised the concept plan and elevations, demonstrating that the revised sun shadow impact on adjacent residential properties will be minimal.

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Furthermore, amenity space will be provided within the residential building and exterior to the building. Balconies are proposed but have been recessed within the building, limiting direct overlook to adjacent residences. The proposal includes surrounding ground level outdoor space, allowing for connections to the existing ponds. In addition, the redesigned clubhouse space provides further amenity space.

Transportation

On Schedule “C” - Functional Road Classification Plan, Rymal Road West is classified as a “Major Arterial Road”, and Garth Street is classified as a “Collector Road”.

“C.4.5.2 The road network shall be planned and implemented according to the following functional classifications and right-of-way widths:

- c) Major arterial roads, subject to the following policies:
  - iii) The basic maximum right-of-way widths for major arterial roads shall be 45.720 metres unless otherwise specifically described in Schedule C-2 – Future Road Widening.
- e) Collector roads, subject to the following policies:
  - ii) The basic maximum right-of-way widths for urban collector roads shall be 30.480 metres in designated Employment Areas and 26.213 metres in all other areas, unless specifically described otherwise in Schedule C-2 – Future Road Widening.”

In accordance with the Urban Hamilton Official Plan, Rymal Road West is designated a “Major Arterial Road” with an ultimate width of 45.720 m. In addition, the S line of the future BLAST network is along Rymal Road West. The subject section of Rymal Road West currently does not meet this designated width and a road widening will be requested with the future Site Plan Control Application along this frontage. Garth Street, which flanks the subject lands, is designated a “Collector” road and currently meets the required width of 36.576 m; as such, no widenings are required along this frontage. Staff note that at the time of the submission of the Zoning By-law Amendment, the reconstruction of Rymal Road West was temporarily postponed to allow for coordination with surrounding development approvals to ensure road and servicing needs were met. The reconstruction of Rymal Road West from Garth Street to West 5<sup>th</sup> Street is now been completed.

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### Medium Density Designation

The proposed development is for a mid-rise multiple residential building which is greater than three storeys and has been reviewed against the Medium Density designation.

- “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.3.5.5 Medium density residential uses shall be located within safe and convenient walking distance of existing or planned *community facilities*, public transit, schools, active or passive recreational facilities, and local or District Commercial uses.
- E.3.5.6 Medium density residential built forms may function as transitions between high and low profile residential uses.”

The subject lands are located at the southeast corner of Rymal Road West and Garth Street. The subject lands are approximately 46 ha in size and the proposed development is located within the interior of St. Elizabeth’s Village, which does have access to an arterial and collector road. Rymal Road West is a major arterial road which is along the Hamilton Street Railway (HSR) transit routes (Routes No. 35 and 44) and is also identified as the S line for the future BLAST network. Of note, the HSR Route enters the St. Elizabeth’s lands, providing residents with convenient access to public transportation. In addition, the subject lands function as a village for mature adults, where many of the amenities required for the residents are provided on the subject lands.

The applicant has proposed a multiple dwelling which complies with the above policy E.3.5.2. The applicant has proposed a clubhouse, which is intended to serve the residents of the Village, and is not open to the general public. Staff are of the opinion the proposed multiple dwelling and clubhouse provide amenity area and private community facilities for the residents, thereby complying with the above policy as the proposal provides a safe and convenient access to services.

The proposal has considered the adjacent land uses by designing the building to take into consideration the existing elevations and grades to ensure the impact of height and massing on the adjacent one and one and a half storey townhouse dwellings is minimal.

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As well, the building has been designed with an architectural style and building materials to further minimize the potential impacts of the height and massing.

“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.

Staff note that subject lands are approximately 46 ha in size and the existing character of the neighbourhood as a whole is a mix of residential forms, with townhouse dwellings immediately surrounding the existing development. The proposed area for the development is 1.61 ha, which results in a net residential density of 99 units per hectare.

The height and number of storeys of the building varies from four to six storeys with a maximum height of 24 m. As previously noted, the building has been designed with an architectural style including recessed unit balcony spaces that minimize the field of vision and building materials to minimize the potential impacts of the height and massing. The scale is also mitigated as the building is stepped back from Jaczenko Terrace. The proposal complements the existing, predominately residential function of the Village with a new, purpose-built building catering to the lifestyle needs and interests of an adult and senior population.

“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.

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- d) Access to the property shall be designed to minimize conflicts between traffic and pedestrians both on-site and on surrounding streets.
- e) The City may require studies, in accordance with Chapter F – Implementation Policies, completed to the satisfaction of the City, to demonstrate that the height, orientation, design, and massing of a building or structure shall not unduly overshadow, block light, or result in the loss of privacy of adjacent residential uses.”

The proposal builds upon the existing patterns and built form by providing additional and alternate forms of dwelling units within the neighbourhood. The proposed multiple dwelling is compatible with the existing neighbourhood as it has been designed to complement the design of the surrounding neighbourhood and also incorporates the existing grades and landscape. The site is located within a development that has direct access to both a collector road (Garth Street) and a Major Arterial Road (Rymal Road West). The private roads that directly abut the site contain a small number of townhouse dwellings.

The site has been designed to minimize surface parking areas, with the majority of the parking provided in a below grade parking structure. Each unit has been provided an appropriate number of parking spaces complying with the Zoning By-law. The site is also conveniently located on transit routes (Routes No. 35 and 44) with a transit stop located within the St. Elizabeth’s Village.

An Urban Design Report and Sun Shadow Study in support of the proposal have been prepared to the satisfaction of Planning staff, demonstrating compatibility and minimal shadowing and overlook on adjacent lands.

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

**Kennedy East and West Neighbourhood Plan**

The subject property is designated “Residential - ‘St. Elizabeth Retirement Village’” within the Kennedy East and Kennedy West Neighbourhood Plans. The following policies apply:

“This plan has defined a series of goals and objectives related to public and private use of land within a planning time frame of the Official Plan. Some goals have to be viewed within the context of demographic and societal changes, particularly the aging population.

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These goals are as follows:

- a) Protection of residential values in the existing built up area such as the neighbourhood character densities and landscaping.
- c) The provision of convenient, safe and visually pleasing living environment.

Objective 1:

The existing built-up area of the Neighbourhood will retain its residential character.

Policies:

- 1) Limited infill development will be allowed as long as it is compatible with the existing land use pattern and densities.
- 2) The replacement of existing old houses with new, one and two-storey ones will be encouraged.

Objective 2:

St. Elizabeth Retirement Village expansion will provide housing for the specific needs of senior citizens.

Policies:

- 2) All residential units shall be single storey, ground related and attached in groupings specifically designated for the use of senior citizens.

Objective 3:

The total Retirement Village development will aim at a large degree to self-sufficiency.

Policies:

- 2) Existing barn in the expanded areas should be used for a Club House. Existing house (no. 255 Rymal Road West), should be retained.

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Objective 4:

Expansion of the Village and future residential development should not adversely affect the existing built-up areas within the Neighbourhood or adjacent Neighbourhoods.

Policies:

- 2) New development adjacent to dwelling units in the existing built-up area should be similar in character.”

St. Elizabeth’s Village is entirely within the Kennedy East and West Neighbourhood Plans. The intent of the Neighbourhood Plan is to ensure the seniors residence is maintained for the needs of an aging population. The proposal intends to provide adults and seniors with an opportunity to live in a self-sufficient manner in which amenities such as a pool, fitness centre, yoga, dance centre and multi-purpose room are provided. The proposed multiple dwelling is compatible with the existing neighbourhood as it provides a housing form designed to take into consideration the existing neighbourhood, the existing grades and landscape as there is an existing six storey residential care facility located to the north of the proposed multiple dwelling. The current grade decreases to the south, near the ponds, and the scale and massing of the building has been minimized through the design of the building shape, orientation, façade detailing and building materials to incorporate this existing grade change. The proposal maintains the intent of the above neighbourhood policies as the development will continue to cater to the needs of the adult population while providing a compact efficient form of development.

**Hamilton Zoning By-law No. 6593**

The subject lands are currently zoned “DE/S-664”, “DE/S-664a”, “DE/S-664b” and “DE/S-664c” (Low Density Multiple Dwellings) District, Modified, in the Hamilton Zoning By-law No. 6593, as shown on Appendix “A” to Report PED18183. The applicant has requested a modification to the DE/S-664”, “DE/S-664a”, “DE/S-664b” and “DE/S-664c” (Low Density Multiple Dwellings) District, Modified in the City of Hamilton Zoning By-law No. 6593. Further evaluation of the proposed modifications are included in the Analysis and Rationale for Recommendation section of Report PED18183.

**RELEVANT CONSULTATION**

The following departments and agencies had no comments or objections:

- Recycling and Waste Disposal (Public Works Department).

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**Landscape Architectural Services (Public Works Department)** have advised that staff support the inclusion of outdoor private recreation amenity space.

**Forestry & Horticulture (Public Works Department)** have advised that due to the location of the proposal to the interior of the subject lands, there are no adverse effects expected to any municipal assets and therefore Tree Management and Landscape Plans will not be required.

**Transportation Management (Public Works Department)** have reviewed the Traffic Impact Study (TIS) and the Transportation Demand Management Options Report (TDM) submitted in support of the application and advise that prior to the approval of the application, coordination with Public Works and Development Engineering should occur in order to ensure that road and servicing needs are met. The Traffic Impact Study reviewed the subject lands in its entirety, reviewing the needs for this current proposal as well as identified future redevelopment proposals, being Phases 3, 4 and 5. Staff concurred with the signalization of Rymal Road West and Hazelton Drive / Bishop Ryan Way. Transportation Planning does not support the additional traffic signal at the intersection of Street "A" and Rymal Road West or any additional turn lanes at this new Street as the location does not meet proximity standards to other intersections. Transportation staff recommended that should this intersection still be required, that the intersection be a right-in, right-out only.

The TIS identifies that the majority of the capacity issues are mitigated with the planned infrastructure improvements to the Rymal Road West and Garth Street corridors. Minor capacity issues and queuing issues are anticipated to occur which are fairly typical for arterial roadway intersections. A revised Traffic Impact Study may be required as future phases proceed.

The development must consider the needs of pedestrians with disabilities, ensure sidewalks are a minimum of 1.5 m and that the Transit Oriented Development (TOD) guidelines be implemented. As well, Transportation Planning have advised that in addition to the requirement for a 12.19 m by 12.19 m daylighting triangle to be dedicated to the City, Rymal Road West is also along the future BLAST network system and the maximum right-of-way should be protected for the future rapid transit system. The Daylighting Triangle and Road Widening as well as a Transportation Demand Management Options Report will be requested as a condition of the future Site Plan Control Application.

**Transit Planning (Public Works Department)** have advised that the subject lands are served by HSR routes #35 and #44, operating daily along the future S Line rapid transit corridor. HSR supports the inclusion of high quality pedestrian amenities at this development such as walkways, lighting, etc. and is willing to work with the developer on various bus stop amenities. Staff note that there is a transit stop located within the

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subject lands which will provide opportunity for residents to utilize planned public transportation along Garth Street and Rymal Road West. Pedestrian sidewalks are provided throughout the subject lands to allow residents to access the bus stop. Further details with regards to pedestrian amenities will be addressed through a future Site Plan Control Application.

**Niagara Peninsula Conservation Authority (NPCA)** have advised that the ponds directly south of the redeveloping lands are regulated by the Conservation Authority. The applicant has submitted an Environmental Impact Study (EIS) and an addendum that satisfies the NPCA that the development will not result in any negative impacts to the ecological function of the watercourse feature. Furthermore, the applicant has provided a Cut / Fill Analysis demonstrating a net cut of 4.91 cubic metres which the NPCA has reviewed and has no objection. The applicant will be required to obtain a NPCA work permit prior to the completion of this work. The NPCA will also require the submission of the following plans, being an Erosion and Siltation Control Plan, a Landscape Plan, Restoration Planting Plan (RPP) and Stormwater Management Report with the future Site Plan Control Application to ensure the preservation of the ecological function of the watercourse and surrounding vegetation. The applicant will also need to provide confirmation of the pond system's ability to provide adequate stormwater quality control for the Southwest Mountain without negatively affecting the ecological function of the ponds.

### **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 800 property owners within 120 m of the subject property on December 8, 2016 for the proposed Zoning By-law Amendment Application.

To date, two submissions were received in opposition attached as Appendix "E" to Report PED18183. The concerns are summarized in the Analysis and Rationale Section.

A Public Notice Sign was posted on the property on December 20, 2016, and updated on June 13, 2018, with the Public Meeting date. Finally, Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act* on June 22, 2018.

### **Public Consultation Strategy**

The Public Consultation Strategy identified that resident briefs were held with the entire St. Elizabeth's Village population on April 19<sup>th</sup> and 21<sup>st</sup>, 2016 and additional meetings with the residents of St. Elizabeth's occurred on May 10, 2016, and June 28, 2016 prior to the submission of the application. A number of questions with regards to the

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development were raised, as shown in Appendix “F” to Report PED18183. A summary of the questions / comments received are outlined in the Analysis and Rationale for Recommendation section of this Report. Staff note that there have been additional meetings that have occurred with the applicant and the residents throughout the Zoning By-law Amendment process, updating the residents of the revised proposal.

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

1. The proposal has merit and can be supported for the following reasons:
  - (i) It is consistent with the Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe (2017);
  - (ii) It complies with the general intent and purpose of the Urban Hamilton Official Plan;
  - (iii) The proposed development is considered to be compatible with the existing and planned development in the immediate area; and,
  - (iv) The proposed development represents good planning by, among other things, providing housing opportunities to meet the social and health needs of the community.
  
2. The lands subject to this rezoning application are currently zoned “DE/S-664”, “DE/S-664a”, “DE/S-664b” and “DE/S-664c” (Low Density Multiple Dwellings) District, Modified within the City of Hamilton Zoning By-law No. 6593, permitting various uses including residential townhouses and maisonettes, a residential care facility, place of worship as well as commercial uses in accordance with the “G” (Neighbourhood Shopping Centre, Etc.) District.

Amendments to By-laws 79-226 and 85-165 are required to address the proposed modifications. Staff note that the deletion of sections of By-law 79-226 are replaced with the modifications in Appendix “B” of Report PED18183. By-law 85-165 has been deleted in its entirety as the By-law refers to regulations for ground signs in which the City of Hamilton currently regulates the erection of ground signs through the City of Hamilton Sign By-law 10-197. With respect to By-law 79-266, regulations for front and side yard setbacks have been removed as they relate to the existing setbacks of the existing development of St. Elizabeth’s Village. In addition, height and the size of a cafeteria have been deleted and replaced with the modifications in Appendix “B” to Report PED18183. The proposed By-law modifications are intended to delete redundancies and provide clarity as there have been a number of amendments throughout St. Elizabeth’s Village.

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3. The applicant has requested further modifications to the “DE” (Low Density Multiple Dwellings) District, to address height, a reduction in visitor parking, loading space size, no visual barrier adjacent to a residential district and to permit a clubhouse and cafeteria as accessory uses. Staff note that additional modifications to address the front and side yard setbacks are required to recognize the existing situation related to the three existing townhouses.

The specific modifications to the By-law are as follows:

Number of Units

The proposal is for a 157 unit multiple dwelling being six storeys and a maximum of 24 m in height, along with a clubhouse including a pool, fitness centre, yoga, dance centre and multi-purpose room on a portion of the subject lands. The maximum density of the Medium Density Residential designation is 100 units per hectare. The proposal is currently at 99 units per hectare. Staff note that this calculation also includes the three existing townhouse dwelling units along Garth Street which will be contained within the new lot boundaries. In addition, the clubhouse and cafeteria are proposed within the multiple dwelling as accessory uses to the residential multiple dwelling for the exclusive use of the residents. These uses will serve the needs of the residents and help to provide a complete community within St. Elizabeth’s Village. The amending By-law includes a cap of 160 units (to reflect the proposed multiple dwelling and the three existing townhouse dwellings) and will permit the clubhouse and cafeteria as accessory uses. Furthermore, the existing Trillium clubhouse has been included as a permitted use as the multiple dwelling will be constructed in phases to avoid disruption in service and care for the residents of St. Elizabeth’s. The existing Trillium clubhouse will ultimately be demolished with the construction of the multiple dwelling. The inclusion of the provision is considered minor and will not ultimately the overall functionality of the proposal and therefore, staff support the proposed modifications.

Height

As previously discussed in the report, the proposed development is for a maximum six storey, 157 unit multiple dwelling. The height and number of storeys of the building varies from four to six storeys, with a maximum permitted height of 24 m. The maximum permitted height is currently 11.0 m. Of note, the grade decreases to the south, near the ponds, and the scale and massing of the building has been minimized through the design of the building shape, orientation, façade detailing and building materials. The building meets the Official Plan policy for height regarding Medium Density Residential as the building is a maximum of six storeys. In addition, the building has been

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positioned to respect the rear yards of abutting residential townhouses utilizing design techniques such as recessed balconies to help mitigate massing, scale and overlook as well as provide a balance between street presence and sufficient space for landscaping treatment. Although, the proposed building is higher than directly adjacent residential properties, the proposed form already exists within the neighbourhood and this proposal is compatible with the current character of the Village. In addition, within St. Elizabeth's itself there is an existing six storey Residential Care Facility. As such, it is the intent of this proposal to enhance and build upon the established pattern and existing built form. On this basis, Staff support the increase in height.

Setbacks

*Front Yard Setback of Existing Townhouse Dwelling*

The applicant is proposing to recognize the setback of 6.9 m from Garth Street for the existing townhouse dwelling containing three dwelling units, whereas the By-law requires a minimum front yard setback of 12.19 m from Garth Street. Staff advise that these townhouses are existing and no alteration or construction will occur as a result of this proposal. Furthermore, Garth Street was originally considered as the side yard and would have complied with the setback requirement; however, due to the zoning boundary also functioning as the future lot boundary, Garth Street is now considered the front lot line. Staff are in support of the requested modification to the By-law to recognize the existing situation.

*Side Yard Setback of Existing Townhouse Dwelling*

The applicant is proposing to recognize the side yard setback of 3.0 m, whereas the By-law requires a minimum side yard setback of 7.62 m for the existing townhouse dwelling located along Garth Street. Staff advise that these townhouses are existing and no alteration or construction will occur as a result of this proposal. Furthermore, the existing townhouse dwelling would have complied with the original amending By-law 79-226, however, due to the zoning boundary also functioning as the future lot boundary a deficiency has occurred. Staff support of the requested modification to the By-law to recognize the existing situation.

*Southerly Zone Boundary Setback for Multiple Dwelling*

The applicant is proposing a setback of 4.7 m from the multiple dwelling to the southern zoning boundary line. The reduction in the southerly side yard setback is due to the meandering floodline and Vegetative Protection Zone which form

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the extent of the zoning boundary. The 4.7 m reduction is the smallest setback requested and is only for a portion of the southerly side of the multiple dwelling as the setback increases to 9.0 m. Staff support the requested modification to the By-law for a reduction in the southerly side yard setback as the reduction is an appropriate distance from the established floodline.

In addition, a 10 m at grade setback from the established floodline is provided to ensure a safe distance and that the ponds and natural features surrounding the ponds are preserved. Therefore, staff support the requested modification to the By-law to require a 10 m setback from the established floodline.

#### Loading Spaces

The proposed development required two loading spaces to be provided, with one loading space having a minimum size of 9.0 m by 3.7 m by 4.3 m; and the second loading space requiring a minimum size of 18.0 m by 3.7 m by 4.3 m. The applicant has provided two loading spaces however, each space is 9.0 m by 3.7 m by 4.3 m. Staff are of the opinion that since the required number of loading spaces are being provided in appropriate locations which are easily accessible to the building, a reduction in size is acceptable. Staff note that a residential development does not typically receive shipments from large transport trucks. Furthermore, the design of the St. Elizabeth's Village has been constructed with interior roads which are approximately 11.0 m in width and large transport trucks would have difficulty travelling throughout St. Elizabeth's Village. Staff are in support of the requested modification to the By-law to permit a reduction in loading space size.

#### Parking

No modification is being requested with regards to the number of parking spaces for every Class A dwelling unit as defined in Hamilton Zoning By-law No. 6593. Parking for the residents will be provided underground while visitor parking is proposed to be provided at grade. The required parking for the residential units is 126 parking spaces and 40 parking spaces for visitor parking for a total parking requirement of 166 parking spaces. Staff note that the applicant is providing 188 parking spaces. The applicant has requested that the 30 at grade parking spaces be allocated solely for visitor parking and the underground parking will be solely dedicated to resident parking (156 spaces). This will result in a technical deficiency of ten visitor parking spaces.

On street parking is permitted within the St. Elizabeth's Village and the site is located along the Hamilton Street Railway (HSR) transit routes (Routes No. 35 and 44). Of note, the HSR Route enters the St. Elizabeth's lands, providing

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**SUBJECT: Application for Amendment to the City of Hamilton Zoning By-law No. 6593, for Lands Located at 393 Rymal Road West (Hamilton) (PED18183) (Ward 8) - Page 23 of 26**

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residents and visitors with convenient access to public transportation. Staff are in support of the requested modification to permit the reduction in ten visitor parking spaces for the proposed development.

Visual Barrier and Location of Existing Parking

The proposed development does not provide visual barriers between the surface parking spaces and the adjacent residential townhouse dwellings. While generous setbacks from the multiple dwelling to the existing townhouses has been provided, it is the intent of the applicant to build upon the natural landscape and character of the retirement community and maintain an open concept having walking trails to and around the proposed building. The majority of the parking is located below grade, allowing for the 30 visitor parking spaces to be located at grade. The applicant has identified that the retirement community wishes to resemble a resort style retirement community, and the inclusion of fencing would segregate the development from the existing townhouse dwellings, losing the views and vistas of the surrounding enhanced natural landscape.

In addition, there are existing parking spaces associated with the existing Trillium Clubhouse which are within 1.5 m of the proposed zoning boundary line. Staff note that the parking location is existing and the modification to the amending by-law is to recognize the existing location of the parking spaces in relation to the zone boundary line. The overall function of the subject lands will not be altered and no negative impacts will occur. Furthermore, the Site Plan Control Application will provide staff a further opportunity to review details of development regarding landscaping to ensure the parking spaces at grade are appropriately buffered.

Therefore, staff support the proposed modifications.

Location of Access Driveway

An amendment to the by-law is required to permit an access driveway to be 0 m from the common zone boundary as this boundary will function as the future lot line. Staff note that the amendment is technical in nature and no further alteration to the site will occur. Staff support the required modification to permit an access driveway to be 0 m from the common zone boundary.

3. Growth Management staff requested the submission of the following studies / reports prior to the approval of the Zoning By-law Amendment application:
  - A detailed Functional Servicing Report (FSR);
  - Water Servicing Study; and,

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**SUBJECT: Application for Amendment to the City of Hamilton Zoning By-law No. 6593, for Lands Located at 393 Rymal Road West (Hamilton) (PED18183) (Ward 8) - Page 24 of 26**

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- A detailed Stormwater Management Report.

Upon review of the above noted reports and studies, the Development Engineering Approvals Section has advised of the following.

At the Site Plan Control stage easements for access and maintenance for the ponds will be required as a condition of Site Plan Approval. This is to allow for cleaning and dredging to ensure the ponds are maintained and continue to properly function with the adjacent City owned Stormwater Management ponds.

The applicant is proposing a retaining wall along the northern side of the existing pond No. 11 abutting Sister Varga Terrace in order to facilitate the development. The applicant has provided a Cut / Fill Analysis demonstrating the addition of 18 cubic metres on the north side of the existing pond and a 23 cubic metre cut has been proposed on the west side of the existing pond to recover the flood storage volume and compensate for the flood plain reduction. The applicant has provided a revised rendering demonstrating only a small portion of the retaining wall be below the floodline, as such Growth Management staff has indicated that the construction of the retaining wall should be pre-fabrication block / cast - in place having consideration of the soil bearing capacity and long-term consolidation.

As a condition of development approval the applicant shall submit a cash amount for the future urbanization of Rymal Road West adjacent to the subject lands, in accordance with the City's current financial policies at the Site Plan Control stage.

Also, any outstanding servicing, stormwater management, grading, and municipal road improvements will be reviewed at the detailed design stage of development through the Site Plan Control process.

4. The applicant held meetings with the residents of St. Elizabeth's on May 10, 2016, and June 28, 2016 advising the residents of the proposed development. In addition, the applicant has advised that resident briefs were held with the entire St. Elizabeth's Village populations on April 19 and 21, 2016.

Questions raised by the residents of the village pertain to the services and location of services being provided. For example, the size of the new change rooms, and whether a physiotherapist will be located in the building.

### Construction

Concerns regarding timing and construction of the multiple dwelling were expressed. These concerns focused on the potential for dust and debris in

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**SUBJECT: Application for Amendment to the City of Hamilton Zoning By-law No. 6593, for Lands Located at 393 Rymal Road West (Hamilton) (PED18183) (Ward 8) - Page 25 of 26**

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addition to concerns with the digging for underground parking. Staff note that details such as a Dust Mitigation Plan and an Erosion and Siltation Control Plan will be conditions of the Site Plan Control to ensure that the areas surrounding the development are maintained. With regards to the timing of the construction, staff advise that further details of development will be undertaken through the submission and implementation of a Construction Management Plan as part of the Site Plan Control Application.

#### Parking

Clarification was requested with regards to the location of parking. Resident parking will be provided underground and visitor parking will be provided at the surface. As well, staff note that applicant is meeting the parking requirements for the residential dwelling units but has requested that the visitor parking for the residents and the clubhouse be combined. In addition, on street parking is permitted within the St. Elizabeth's Village to service the clubhouse and residents. Staff are of the opinion that the proposed reduction in visitor parking will provide adequate parking for both the visitors of the multiple dwelling and the residents of St. Elizabeth's Village.

#### Privacy

Concerns were raised with regards to the potential loss of privacy. Staff note that the building has been positioned to respect the rear yards of abutting buildings as well as provide a balance between street presence and sufficient space for landscaping treatment. Furthermore, amenity space as a result of the development will be provided within the residential building and away from existing buildings. The height and number of storeys of the building varies from four to six storeys with a maximum permitted height of 24 m. Finally, the grade differential has been utilized to minimize impact on adjacent dwellings.

#### Tenure

The applicant has advised that the proposed development will be for life lease. The applicant will be required to submit an application for a Standard Draft Plan of Condominium or a Consent Application in order to establish tenure for the dwelling units.

#### Height

Concern was raised with regards to a "multilevel development" adjacent to the housing along Westlawn Drive (housing abutting the subject lands to the east),

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**SUBJECT: Application for Amendment to the City of Hamilton Zoning By-law No. 6593, for Lands Located at 393 Rymal Road West (Hamilton) (PED18183) (Ward 8) - Page 26 of 26**

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as shown on Appendix “E” of Report PED18183. The proposed development will provide a setback of approximately 325 m (1066 ft) to these dwellings.

### Traffic

In addition, comments were made with regards to the traffic along Rymal Road West and the deteriorating condition of Rymal Road West. Staff note that during the review of application, the reconstruction of Rymal Road West has occurred and the right-of-way has expanded from two to four lanes.

## **ALTERNATIVES FOR CONSIDERATION**

Should the applications be denied, the lands could continue to be used in accordance with the “DE/S-664”, “DE/S-664a”, “DE/S-664b” and “DE/S-664c” (Low Density Multiple Dwellings) District, modified, permitting the existing uses on the subject lands.

## **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.

### **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 to By-law No. 6593

Appendix “C” – Concept Plan

Appendix “D” – Grading Plan

Appendix “E” – Public Submission

Appendix “F” – Notice Public Consultation with St. Elizabeth Village Residents

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● Site Location



Key Map - Ward 8

N.T.S.

## Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
ZAC-16-075

Date:  
May 25, 2018

Appendix "A"

Scale:  
N.T.S.

Planner/Technician:  
MF/VS

### Subject Property

393 Rymal Road West



Change in zoning from the "DE/S-664", "DE/S-664a", "DE/S-664b" and "DE/S-664c" (Low Density Multiple Dwellings) District, Modified to the "DE/S-664d" (Low Density Multiple Dwellings) District, Modified



**Authority:** Item ,  
Report (PED18XXX)  
CM:  
Ward: 8

**Bill No.**

## **CITY OF HAMILTON**

### **BY-LAW NO.**

**To Amend Zoning By-law No. 6593,  
as amended by By-law Nos. 79-226, 81-235, 83-221 and 85-165  
Respecting Lands Located at 393 Rymal Road West, Hamilton**

**WHEREAS** the *City of Hamilton Act, 1999*, Statutes of Ontario, 1999 Chap. 14, Schedule 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 and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in full force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

**AND 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);

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item \_\_\_\_\_ of Report 18-\_\_\_\_\_ of the Planning Committee, at its meeting held on the 14<sup>th</sup> day of August 2018, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided; and,

**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 paragraph 2 of Section 2 of By-law No. 79-226 is deleted in its entirety.
2. That paragraph 6 of Section 2 of By-law No. 79-226 is deleted in its entirety.
3. That paragraph 7 of Section 2 of By-law No. 79-226 is deleted in its entirety.
4. That paragraph 8 of Section 2 of By-law No. 79-226 is deleted in its entirety.

**To Amend Zoning By-law No. 6593,  
as amended by By-law Nos. 79-226, 81-235, 83-221 and 85-165  
Respecting Lands Located at 393 Rymal Road West, Hamilton**

5. That By-law No. 85-165 is deleted in its entirety.
6. That Sheet No. W17e of the District Maps appended to and forming part of Zoning By-law No. 6593 (Hamilton), is further amended by changing the zoning from DE/S-664", "DE/S-664a", "DE/S-664b" and "DE/S-664c" (Low Density Multiple Dwellings) District, Modified to the "DE/S-664d" (Low Density Multiple Dwellings) District, Modified; the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".
7. That the DE (Low Density Multiple Dwellings) District, provisions as contained within Section 10A of Zoning By-law No. 6593 and further amended by DE/S-664", "DE/S-664a" "DE/S-664b" "DE/S-664c" (Low Density Multiple Dwellings) District, Modified applicable to the subject lands, be further modified to include the following special requirements:
  - a) The townhouse dwelling, containing three dwelling units existing on the date of the passing of the By-law shall be permitted.
  - d) A clubhouse use and cafeteria shall be permitted as an accessory use within a multiple dwelling for the exclusive use of the residents of St. Elizabeth's Village.
  - c) A maximum of 160 dwelling units shall be permitted being a townhouse dwelling containing three dwelling units and a multiple dwelling contain a maximum 157 dwelling units.
  - d) Notwithstanding Section 10A(2), a multiple dwelling shall not exceed six storeys and 24.0 metres in height.
  - e) Notwithstanding Section 10A(3)(i), a front yard of a depth of at least 6.9 metres from Garth Street the existing townhouse dwelling existing at the date of the passing of this By-law.
  - f) Notwithstanding Section 10A(3)(ii)(c), a side yard setback of 3.0 metres shall be provided for the existing townhouse dwelling existing at the date of the passing of this By-law.
  - g) The Trillium Clubhouse, associated uses and parking existing on the date of the passing of the By-law shall be permitted.
  - h) Notwithstanding Section 10A(3)(ii)(c), a minimum setback of 4.7 metres shall be provided to the southerly limits of the "DE/S-664d" zone boundary.

**To Amend Zoning By-law No. 6593,  
as amended by By-law Nos. 79-226, 81-235, 83-221 and 85-165  
Respecting Lands Located at 393 Rymal Road West, Hamilton**

- i) In addition to Section 10A(4), a minimum at grade building setback of 10 metres shall be provided from the established flood line to the multiple dwelling, not including retaining walls, pathways, patios and similar uses.
  - j) Notwithstanding Section 18A Subsection 1b, Table 2 and Section 18(16), a minimum of 30 visitor parking spaces shall be provided at grade.
  - k) Notwithstanding Section 18A Subsection 1c) and table 3, a minimum of two (2) loading spaces shall be provided having a minimum size of 3.7 m by 9.0 m by 4.3 m.
  - l) That Section 18(A)(11) shall not apply.
  - m) That Section 18(A)(12) shall not apply.
  - n) That Section 18(A)(25) shall not apply.
8. 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 "DE-S/664d" (Low Density Multiple Dwellings) District, Modified provisions, subject to the special requirements referred to in Section 7.
9. That Sheet No. W17e of the District Maps is amended by marking the lands referred to in Section 6 of the By-law as "DE-S/664d".
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** this \_\_\_\_\_, 2018.

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F. Eisenberger  
Mayor

---

J. Pilon  
Acting City Clerk

**To Amend Zoning By-law No. 6593,  
as amended by By-law Nos. 79-226, 81-235, 83-221 and 85-165  
Respecting Lands Located at 393 Rymal Road West, Hamilton**



|   |   |  |
|---|---|--|
| <p>This is Schedule "A" to By-law No. 18-</p> <p>Passed the ..... day of ....., 2018</p>                      |   | <p>-----</p> <p>Mayor</p> <p>-----</p> <p>Clerk</p>  |
| <p><b>Schedule "A"</b></p> <p>Map Forming Part of<br/>By-law No. 18-_____</p> <p>to Amend By-law No. 6593</p> |   | <p><b>Subject Property</b><br/>393 Rymal Road West</p> <p> Change in zoning from the "DE/S-664", "DE/S-664a", "DE/S-664b" and "DE/S-664c" (Low Density Multiple Dwellings) District, Modified to the "DE/S-664d" (Low Density Multiple Dwellings) District, Modified</p> <p> Zoning of the lands to remain unchanged</p> |
| <p>Scale:<br/>N.T.S.</p>  | <p>File Name/Number:<br/>ZAC-16-075</p> | <br>Hamilton  |
| <p>Date:<br/>May 25, 2018</p>   | <p>Planner/Technician:<br/>MF/VS</p>    |  |
| <p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>   |   |  |





**Fiorino, Michael**

---

**From:** Gord Veldstra <veldstra@sympatico.ca>  
**Sent:** December-22-16 9:56 AM  
**To:** Rybensky, Yvette  
**Cc:** Fiorino, Michael  
**Subject:** File ZAC-16-075

Good day Yvette,

I am writing regarding the letter dated December 8<sup>th</sup> regarding the above subject file.

While this proposal details the addition of two large units, one consisting of 57 residential(4 ½ storey unit) and one with 89 residential (5 storey unit), we would like to see these buildings no higher than 3 storey units which would be far more appealing to the neighbourhood.

This letter also does not address the much needed roadwork to accommodate the addition traffic. With the addition of the town houses, duplexes and the seniors home on the corner of Garth and Rymal, the volume of traffic has increased and the state of the road as decreased. Before any additional expansions are approved and zoning changes made, we would like to see how the city is planning to accommodate this additional traffic and plans to address the deteriorating road conditions.

Lastly talking to many of our neighbours, they have not received this letter. Would it be possible to reissue this letter and postpone the planning meeting until they have received and are able to respond to this letter?

Yours Truly  
Gord & Sylvia Veldstra  
47 Westlawn Drive  
Hamilton, Ontario

**Fiorino, Michael**

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**From:** Neil Anderson <Anderson\_769@sourcecable.net>  
**Sent:** December-20-16 8:31 AM  
**To:** Rybensky, Yvette; Fiorino, Michael  
**Cc:** Neil Anderson  
**Subject:** ZAC-16-075

**Importance:** High

Hello

I need some clarification on this issue as the mapping is confusing, small print and difficult to read.

1. I oppose any multilevel development in this area which is adjacent to housing along Westlawn Drive.
2. If a multilevel building is to be erected on lands within this project I propose a maximum of 2 floors and that the Building are in an area farthest from residential single family homes.

Please forward appropriate mapping to:

Neil Anderson  
75 Westlawn Drive  
Hamilton, On  
L9B2K9

Thank you,

Merry Christmas

Neil Anderson



## LETTER #1

May 2, 2016

**NOTICES TO: Residents of 7A to 7H, 9A to 9H & 11A to 11H Father Biro Trail****FROM: South Mountain Inc. & NovaCare Retirement Communities Association****SUBJECT: INFORMATION MEETING – PROPOSED REDEVELOPMENT**

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Further to the Resident Briefings held on April 19 and April 21, 2016, we would like to schedule an initial meeting with residents who will be impacted by the proposed redevelopment of St. Elizabeth Village. This meeting has been scheduled for:

**Tuesday May 10, 2016  
10:30 a.m.  
Trillium Clubhouse**

**Although the first phase of the proposed development is still 18 months to two (2) years away**, we would like to open-up discussions with you now in order to ensure full and open communication throughout the process. We are very sensitive to your needs and understand that change is often not welcome. However, we will be structuring a relocation option and are determined to find a new location within the Village for each and every resident affected by the redevelopment. As stated at the Resident Briefings, our goal is to be as transparent and communicative as possible, and make any relocation feel like the best move you ever made!

The main purpose of this initial meeting is to:

- a) further explain the redevelopment plans proposed for your specific area;
- b) outline our ideas on how to make your relocation as easy as possible; and,
- c) receive your input on what issues you feel need to be addressed.

Subsequent to this meeting, we will meet with you again to outline a formal transition plan and to receive further feedback. **Please do not be concerned if you are unable to attend this initial meeting as we will keep you informed of our progress and be conducting future meetings with you.**

We look forward to meeting with you on May 10<sup>th</sup> and invite you to bring any questions which you may have with you for discussion.

Thank you.



Gary Zock  
Project Manager

## LETTER #2

May 2, 2016

**NOTICES TO:** Residents of:  
 2, 4, 6, 8, 11, 12, 14, 16, 18, 20 and 22 Archdeacon Clark Trail  
 1, 3, 5, 7 9, 11, 15, 17 Gates Lane  
 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27 Jaczenko Terrace  
 25, 27, 29, 31, 33, 35 Sister Varga Trail  
 36, 38, 40 Father Biro Trail

**FROM:** South Mountain Inc. & NovaCare Retirement Communities Association

**SUBJECT:** INFORMATION MEETING – PROPOSED REDEVELOPMENT

Further to the Resident Briefings held on April 19 and April 21, 2016, we would like to schedule an initial meeting with residents who will live in the immediate vicinity of the various redevelopment areas proposed for St. Elizabeth Village. This meeting has been scheduled for:

**Tuesday May 10, 2016  
 1:30 p.m.  
 Trillium Clubhouse**

**Although the proposed development is still 18 months to two (2) years away,** we would like to open-up discussions with you now in order to ensure full and open communication throughout the process. We are very sensitive to your needs and understand that change is often not welcome. However, as stated at the Resident Briefings, our goal is to be as transparent and communicative as possible and ensure the redevelopment benefits all residents of St. Elizabeth Village.

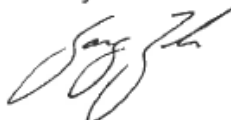
The main purpose of this initial meeting is to:

- a) further explain the redevelopment plans proposed for your specific area;
- b) outline our ideas on how to minimize the impact of any construction; and,
- c) receive your input on what issues you feel need to be addressed.

Subsequent to this meeting, we will meet with you again to outline a formal construction plan and to receive further feedback. **Please do not be concerned if you are unable to attend this initial meeting as we will keep you informed of our progress and be conducting future meetings with you.**

We look forward to meeting with you on May 10<sup>th</sup> and invite you to bring any questions which you may have with you for discussion.

Thank you.



Gary Zock  
 Project Manager



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
 Planning Division

|                           |   |
|---------------------------|---|
| <b>TO:</b>                | Chair and Members<br>Planning Committee   |
| <b>COMMITTEE DATE:</b>    | August 14, 2018   |
| <b>SUBJECT/REPORT NO:</b> | Application for an Amendment to the City of Hamilton Zoning By-law No. 6593 for Lands Located at 517 Stone Church Road West, Hamilton (PED18188) (Ward 8) |
| <b>WARD(S) AFFECTED:</b>  | Ward 8  |
| <b>PREPARED BY:</b>       | Anthony Cicchi (905) 546-2424 Ext. 2266   |
| <b>SUBMITTED BY:</b>      | Steve Robichaud<br>Director, Planning and Chief Planner<br>Planning and Economic Development Department   |
| <b>SIGNATURE:</b>         |   |

### RECOMMENDATION

- (a) That **Zoning By-law Amendment Application ZAR-17-075 by Nicholas Legault and Josee Pregent, Owners**, for a further modification to the “D/S-198” (Urban Protected Residential – One and Two Family Dwellings, etc.) District, in the City of Hamilton Zoning By-law No. 6593 to permit an accessory unit (second dwelling unit) within an existing semi detached dwelling, on lands located at 517 Stone Church Road West, Hamilton, as shown on Appendix “A” to Report PED18188, be **APPROVED** on the following basis:
- (i) That the draft By-law, attached as Appendix “B” to Report PED18188, 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 PED18188, be added to District Map No. W27c of Zoning By-law No. 6593;
  - (iii) 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.

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**SUBJECT: Application for an Amendment to the City of Hamilton Zoning By-law No. 6593 for Lands Located at 517 Stone Church Road West, Hamilton (PED18188) (Ward 8) - Page 2 of 14**

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## **EXECUTIVE SUMMARY**

The proposed Zoning By-law Amendment to the City of Hamilton Zoning By-law No. 6593 is for a further modification to the “D/S-198” (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified, in order to legalize an existing second dwelling unit within one half of the existing one storey semi detached dwelling.

Modifications to the Zoning By-law are also required to allow for a reduction in the number of required on site parking spaces to recognize an existing situation. In addition, the site specific amending by-law will apply performance standards for floor area, building setbacks and height to ensure that the second dwelling unit is permitted in the existing building only.

The Application has merit and can be supported since the proposal 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.

***Alternatives for Consideration – See Page 13***

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

Financial: N/A

Staffing: N/A

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

## **HISTORICAL BACKGROUND**

The subject property is located on the south side of Stone Church Road West, east of Courtland Avenue, and is occupied by one half of an existing one storey, semi detached dwelling, along with one parking space within the front yard, accessed from Stone Church Road West. The proposed second unit to be legalized is located in the basement of the existing building, with access being given at the rear of the dwelling.

The last recognized use of the property is as a semi detached dwelling. On March 3, 2016, the owner attempted to legalize the second dwelling unit through an Application to the Committee of Adjustment (HM/A-16:77). The Application was not supported by Planning staff as the scope of the variances, including physical alterations to add additional front yard parking, were deemed not to be consistent with the established surrounding character and streetscape. The Application was denied by the Committee.

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**SUBJECT: Application for an Amendment to the City of Hamilton Zoning By-law No. 6593 for Lands Located at 517 Stone Church Road West, Hamilton (PED18188) (Ward 8) - Page 3 of 14**

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As noted in the decision, the reason for the denial was that the proposal would be more appropriately addressed through an Application for a Zoning By-law Amendment.

On October 23, 2017, the applicant applied for a Zoning By-law Amendment in order to legalize the second dwelling unit within the existing building, with site specific modifications.

**Chronology**

|                           |   |
|---------------------------|---|
| <u>October 23, 2017:</u>  | Zoning By-law Amendment Application ZAR-17-075 was received.  |
| <u>November 10, 2017:</u> | Application ZAR-17-075 deemed complete.   |
| <u>November 24, 2017:</u> | Notice of Complete Application and Preliminary Circulation was sent to 209 property owners within 120 m of the subject lands. |
| <u>December 15, 2017:</u> | Public Notice Sign posted on the subject lands.   |
| <u>July 18, 2018:</u>     | Public Notice Sign updated with Public Meeting date.  |
| <u>July 27, 2018:</u>     | Circulation of the Notice of Public Meeting to 209 property owners within 120 m of the subject lands.                         |

**Details of Submitted Application:**

|                                     |  |   |
|-------------------------------------|--|---|
| <b><u>Location:</u></b>             | 517 Stone Church Road West, Hamilton     |   |
| <b><u>Owner / Applicant:</u></b>    | Nicholas Legault and Josee Pregent       |   |
| <b><u>Agent:</u></b>                | Webb Planning Consultants c/o James Webb |   |
| <b><u>Property Description:</u></b> | <b><u>Lot Frontage:</u></b>              | 9.1 m (517 Stone Church Road West, 18.2 m for 515-517 Stone Church Road West) |
|                                     | <b><u>Lot Depth:</u></b>                 | 36.7 m  |
|                                     | <b><u>Lot Area:</u></b>                  | 339 sq m  |
|                                     | <b><u>Servicing:</u></b>                 | Existing Full Municipal Services  |

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**Existing Land Use and Zoning:**

|                              | <b><u>Existing Land Use</u></b> | <b><u>Existing Zoning</u></b>   |
|------------------------------|---------------------------------|---|
| <b><u>Subject Lands:</u></b> | Single Detached Dwelling        | "D/S-198" (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified |

**Surrounding Land Uses:**

|              |                          |   |
|--------------|--------------------------|---|
| <b>North</b> | Townhouses               | "DE/S-231" (Low Density Multiple Dwellings) District, Modified                                  |
| <b>South</b> | Single Detached Dwelling | "B-2" (Suburban Residential) District   |
| <b>East</b>  | Semi Detached Dwelling   | "D/S-198" (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified |
| <b>West</b>  | Semi Detached Dwelling   | "D/S-198" (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified |

**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.

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

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

**Growth Plan for the Greater Golden Horseshoe (2017)**

As of July 1, 2017, the policies of the Growth Plan for the Greater Golden Horseshoe, 2017 apply to any Planning decision.

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

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

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

2.2.1.4 Applying the policies of this Plan will support the achievement of *complete communities* that:

- c) provide a diverse range and mix of housing options, including second units and *affordable* housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes.”

The proposal is to legalize an existing second dwelling unit within one half of a semi detached dwelling within a settlement area. The proposed additional residential unit will enhance the housing options and the proposal is in keeping with the existing residential character of the neighbourhood as no external renovations are proposed. The proposed development supports the achievement of complete communities by proposing a residential development that utilizes existing infrastructure, including transit. Also, the subject application contributes to intensification within the delineated built-up area. Therefore, the proposal conforms to the Growth Plan.

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**Urban Hamilton Official Plan (UHOP)**

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

- “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*.
- B.3.2.4.4 Second dwelling units shall be permitted within single and semi detached dwellings in all Institutional, Neighbourhoods, Commercial and Mixed Use designations, as shown on Schedule E-1 – Urban Land Use Designations, and shall be subject to zoning regulations.”

The UHOP permits second dwelling units within semi detached dwellings subject to appropriate zoning regulations in areas designated Neighbourhoods, therefore, Policy B.3.2.4.4 supports the proposal.

Low Density Residential

- “E.3.4.1 The preferred location for low density residential uses is within the interior of neighbourhoods.
- E.3.4.2 Low Density residential areas are characterized by lower profile, grade-oriented built forms that generally have direct access to each unit at grade.
- E.3.4.3 Uses permitted in low density residential areas include single detached, semi detached, duplex, triplex, and street townhouse dwellings.”

The addition of a secondary unit within a semi detached dwelling represents a permitted use for low density residential lands. The existing one storey dwelling represents a low profile form of development with both units having access by way of separate direct access on the north and west sides of the building at grade. No external renovations are proposed for this property to facilitate the second dwelling unit. Therefore, the proposed

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development complies with the low density residential policies with respect to function and is supported under policy B.3.2.4.4.

#### 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,
- g) the ability of the development to comply with all applicable policies."

As the proposal is to legalize an existing second dwelling unit within an existing semi detached dwelling, the existing pattern and built form will be maintained (Policy B.2.4.1.4 b)). The proposed second dwelling unit represents a use that is compatible with the other residential uses in the area which are also developed with semi detached units. The proposal contributes to maintaining and achieving a range of dwelling types and tenures in the area through an additional unit (Policy B.2.4.1.4 c)), and as the external appearance will remain unchanged, the scale, form and character of the existing building will remain compatible with the surrounding area (Policy B.2.4.1.4 d)). Also, the proposed development is in line with the planned urban structure for lands identified as Neighbourhoods (Policy B.2.4.1.4 e)) and has adequate infrastructure and transportation capacity to meet the needs of the proposed development (Policy B.2.4.1.4 f)).

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

The proposal does not alter the existing streetscape in respect to height, massing and scale nor change the existing established pattern and built form as no exterior changes to the existing building are proposed (Policy B.2.4.2.2 c)). As a result, there will be no change with respect to shadowing, overlook, noise or lighting (Policy B.2.4.2.2 b)). The proposal does not alter the existing lot pattern, and the existing streetscape will be maintained (Policy B.2.4.2.2 e) and g)). Finally, the property has access to adequate municipal infrastructure and utilizes existing transportation capacity (Policy B.2.4.2.2 j)).

Therefore, based on the above, the proposal to legalize an existing second dwelling unit within an existing semi detached dwelling complies with the policies of the UHOP.

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Falkirk East 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 Falkirk East Neighbourhood Plan. The proposed additional unit is a conversion of an existing semi detached unit and maintains the primary use of the dwelling. As such, the proposal complies with the Neighbourhood Plan.

**City of Hamilton Zoning By-law No. 6593**

The subject property is currently zoned “D/S-198” (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified, which permits single detached dwellings, semi detached dwellings, duplexes, and includes a site specific By-law provision that prohibits row dwellings. The proposal requires further modification to the existing site specific “D” (Urban Protected Residential – One and Two Family Dwelling, etc.) District.

Modifications to the Zoning By-law are also required to implement the proposal. An analysis of the site specific modifications is included in the Analysis and Rationale for Recommendation section below.

**RELEVANT CONSULTATION**

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

- Forestry and Horticulture, Public Works Department

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

**Operations Division, Public Works Department** note that the development is eligible for municipal waste collection services, subject to meeting the City's requirements.

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**Transportation Planning, Planning and Economic Development Department** note that Stone Church Road West is classified as a Minor Arterial Road with an anticipated road allowance width of 30.48 m. As the current road allowance width is 30.60 m, a road widening is not needed. Transportation Planning also noted that the sidewalks within the municipal right-of-way should have a minimum width of 1.5 m. Planning staff note there are existing sidewalks along Stone Church Road West which are not being altered as part of the Zoning By-law Amendment Application.

**Public Consultation:**

In accordance with the provisions of the *Planning Act* and Council's Public Participation Policy, Notice of Complete Application and Preliminary Circulation was circulated to 209 property owners within 120 m of the subject lands on November 24, 2017 requesting public input on the Application. A Public Notice sign was also posted on the property on December 15, 2017 and updated on July 18, 2018 with the date of the Public Meeting.

Notice of the Public Meeting was also given in accordance with the requirements of the *Planning Act*, through the circulation to property owners within 120 m of the subject lands. At the time of the writing of this Report, one letter of correspondence has been received (Appendix "C" to Report PED18188) and is discussed in the Analysis and Rationale for Recommendation section.

**Public Consultation Strategy**

The applicant engaged in a Public Consultation Strategy that consisted of providing a written summary of the proposal to the adjacent landowners. Through discussion with the applicant regarding their public consultation strategy and given the nature of the Application, this level of consultation is considered to be adequate.

**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 the Growth Plan for the Greater Golden Horseshoe (2017);
  - ii) It complies with the policies of the Urban Hamilton Official Plan; and,
  - iii) The proposal maintains the existing character of the area, is compatible with the surrounding area, and represents good planning.

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**SUBJECT: Application for an Amendment to the City of Hamilton Zoning By-law No. 6593 for Lands Located at 517 Stone Church Road West, Hamilton (PED18188) (Ward 8) - Page 11 of 14**

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2. **Zoning By-law Amendment**

The Application for a Zoning By-law Amendment is to change the zoning from the “D/S-198” (Urban Protected Residential – One and Two Family Dwelling, etc.) District, Modified to the “D/S-198a” (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified to legalize an existing second dwelling unit within one half of an existing semi detached dwelling. The Zoning By-law will restrict the use to the building existing on the day of the passing of the By-law and to a maximum of two units. By restricting the use to no more than two units and to the existing building, any future redevelopment would continue to be subject to the By-law requirements of the “D” District.

The proposed change in zoning will maintain the existing building while increasing the number of permitted dwelling units within an existing building. The proposal complies with the policies that promote intensification on the interior of neighbourhoods along major transportation routes and supports policy B.3.2.4.4 of the UHOP which permits second dwelling units in semi detached dwellings.

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

**Section 19 Conversion**

The direction of the UHOP is to permit second dwelling units in single detached and semi detached dwellings subject to zoning regulations. Section 19 of the City of Hamilton Zoning By-law currently permits the conversion of any single detached dwelling to contain not more than two dwelling units subject to specific requirements, but does not allow the conversion of a semi detached dwelling. These zoning regulations pre-date the policies of the UHOP, and the UHOP policies permit the conversion of single detached and semi detached dwelling units to contain second dwelling units and that through the residential zoning project, appropriate zoning regulations will be developed to permit accessory units / secondary suites throughout the entire urban area. The site-specific modification to modify Section 19 in order to permit the conversion of a semi detached dwelling unit to contain not more than two dwelling units is therefore consistent with the policy direction envisioned in the UHOP.

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In order to convert the existing semi detached dwelling under Section 19 of the City of Hamilton Zoning By-law, the following modifications to the Section 19 requirements will be required:

Exterior Changes

The requirements of Section 19 do not permit any external change other than an exterior exit. The second dwelling unit in the basement has an exterior exit on the ground floor and a stairway that permits access to this exterior exit. Both the exterior exit and access stairway were established illegally when the dwelling was converted to a two unit dwelling without a building permit and in contravention of the Zoning By-law. A modification is required to permit the exterior change. The intent of the by-law regulations is to maintain the character of the neighbourhood and minimize external modifications such as access doors, balconies / fire escapes, etc. that would provide visual indicators that the dwelling had been converted. The exterior change is located to the south side of the existing building and as such will not alter the streetscape character of the area. On this basis staff consider that the modification has merit and can be supported.

Building Area, Height and Setbacks

As a secondary dwelling unit is not a use permitted within the “D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District, there are no minimum gross floor area, building height, front yard setback, side yard setback, or rear yard setback requirements that would apply to the proposed use. Therefore, the site specific Zoning By-law will recognize the existing gross floor area, the building height and setbacks of the existing building. Given that the existing condition of the building would remain unchanged, the streetscape character of the area will be maintained. Therefore, the proposed modification can be supported.

Required Parking Spaces

One parking space is to be provided within the required front yard.

The current Zoning By-law requires that one parking space is to be provided for each dwelling unit on the lands. The Zoning By-law amendment aims to eliminate the requirement for parking for the secondary unit. The existing parking situation on the subject property provides one parking space in the front yard. There is not sufficient space to provide the required parking for the second unit without having the parked vehicle encroach on the sidewalks and City right of way. As the proposal will be unable to meet the requirement for one parking space per unit, a site specific amendment is being proposed to recognize the

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deficiency of one parking space for additional parking per unit. In lieu of the required second parking space, on street parking is available on both McIntosh Avenue and Courtland Avenue to the east and west of the subject lands, respectively. In addition, a reduction in parking can be supported due to the subject lands being located on a transit route. The existing parking situation will not alter the exterior of the site, therefore maintaining the existing built form and character of the area. As the proposed modification is to recognize the existing situation with respect to parking space requirements, the proposed modification can be supported.

### **Correspondence Received from Property Owners**

Following the notice of Complete Application, staff received one letter of objection (see Appendix “E” to Report PED18188). The interested party noted that the neighbourhood where the subject property is located has had issues with respect to traffic from existing residents. The interested party raised concern that the proposed rezoning to establish two dwelling units within a semi detached dwelling would place additional constraints on the servicing of the area.

The proposed additional dwelling unit is to be located within the existing semi detached dwelling unit and will not impact the existing servicing of the neighbourhood. In addition, on street parking is available on both McIntosh Avenue and Courtland Avenue.

### **ALTERNATIVES FOR CONSIDERATION**

Should the Application be denied, the subject property would remain zoned “D/S-198” (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified, in the City of Hamilton By-law No. 6593, and would be subject to the provisions of the site specific zoning. Furthermore the applicant would be required to adhere to the Order to Comply and would be required to discontinue the use of the existing building as a triplex.

### **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.*

#### **Healthy and Safe Communities**

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

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**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.*

**Our People and Performance**

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

**APPENDICES AND SCHEDULES ATTACHED**

- Appendix "A": Location Map
- Appendix "B": Draft Amendment to Zoning By-law No. 6593
- Appendix "C": Correspondence Received from Property Owners
- Appendix "D": Concept Plan

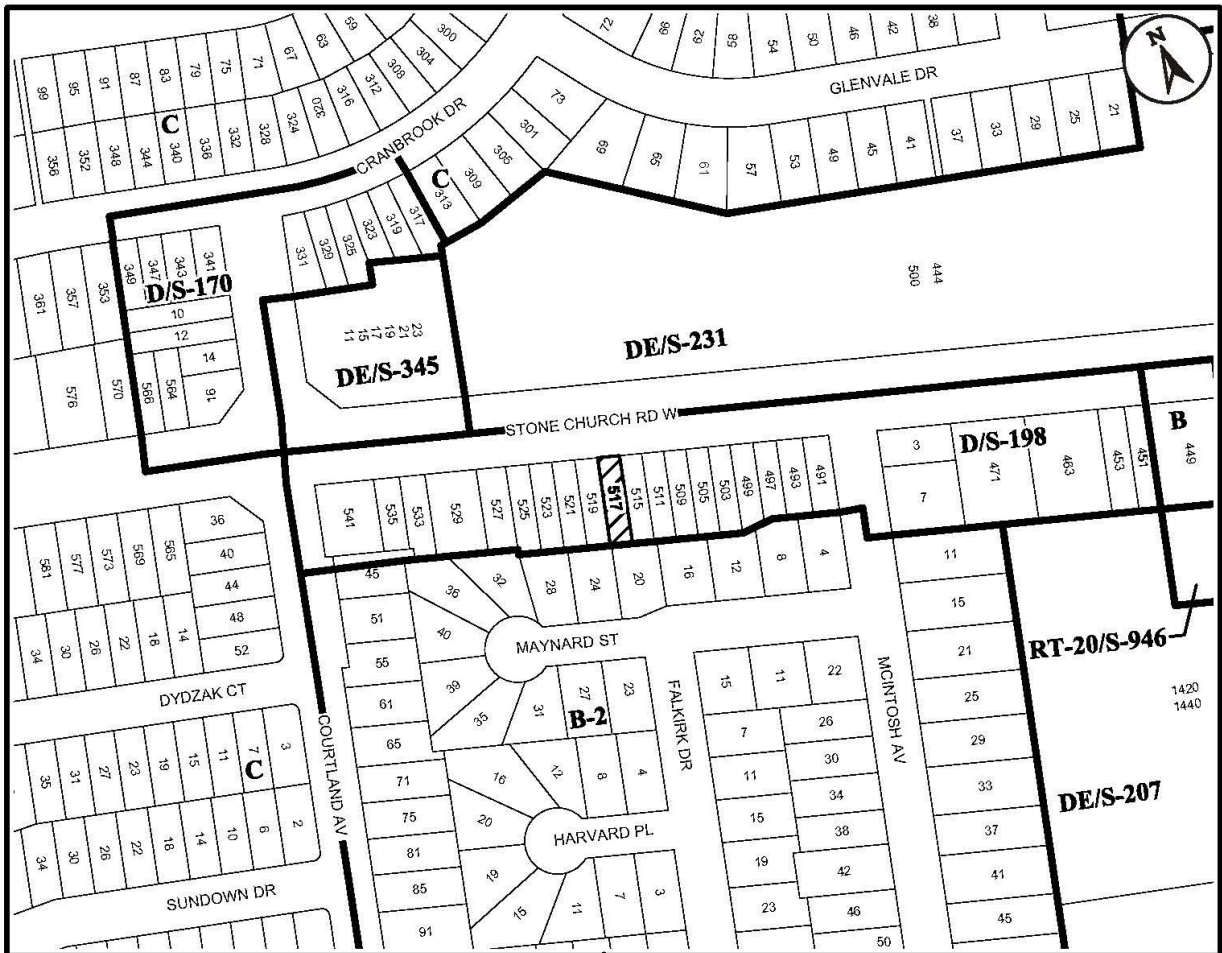
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● Site Location



Key Map - Ward 8

N.T.S.

## Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
ZAR-17-075

Date:  
November 15, 2017

Appendix "A"

Scale:  
N.T.S.

Planner/Technician:  
AC/AL

### Subject Property



517 Stone Church Road West  
Change in zoning from the "D/S-198"  
(Urban Protected Residential – One and  
Two Family Dwelling, Etc.) District,  
Modified to the "D/S-198a" (Urban  
Protected Residential – One and Two  
Family Dwelling, Etc.) District, Modified.

**Authority:** Item , Planning Committee  
Report (PED18188)  
CM: August 14, 2018  
Ward: 8

**Bill No.**

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

**To Amend Zoning By-law No. 6593 (Hamilton)  
Respecting Land Located at 517 Stone Church Road West (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 25<sup>th</sup> day of July 1950, which By-law was approved by the Ontario Municipal Board by Order, dated the 7<sup>th</sup> day of December 1951, (File No. P.F.C. 3821);

**WHEREAS** the Council of the City of Hamilton, in adopting Item of Report 18 - 188 of the Planning Committee, at its meeting held on the 14th day of August, 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 approved August 16, 2013.

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

1. That Sheet No. W-27c of the District Maps, appended to and forming part of Zoning By-law No. 6593 (Hamilton) is amended, by changing from the "D/S-198" (Urban Protected Residential – One and Two Family Dwellings, Etc.) District, Modified to the "D/S-198a" (Urban Protected Residential – One and Two Family

Dwellings, Etc.) District, Modified, on lands the extent and boundaries of which are shown on plan hereto annexed as Schedule "A".

2. That the "D" (Urban Protected Residential – One and Two Family Dwelling, Etc.) District regulations, as contained in Section 10 of Zoning By-law No. 6593, the Supplementary Requirements and Modification of Zoning By-law No. 6593, the Parking and Loading Requirements, as contained in Section 18A of Zoning By-law No. 6593, and the Residential Conversion Requirements, as contained in Section 19 of Zoning By-law No. 6593, be modified to include the following special requirements:
  - a) Notwithstanding Section 10 (2) no building shall exceed two storeys, no structure shall exceed 9 metres in height.
  - b) Notwithstanding Section 10 (3) (i) a front yard of a depth of at least 6.0 metres.
  - c) Notwithstanding Section 10 (3) (ii) for a building or structure not over two and a half storeys or 11.0 metres in height, a side yard along each side lot line, of a width of at least 1.2 metres.
  - d) Notwithstanding Section 10 (3) (iii) a rear yard of a depth of at least 7.5 metres.
  - e) Notwithstanding Section 10 (4) (ii) for a two family dwelling a lot width of at least 9.0 metres and a lot area of at least 325 square metres.
  - f) Notwithstanding Section 18A (1) (a) no parking shall be required for a second dwelling unit.
  - g) Notwithstanding Section 19 (1) any semi-detached dwelling in a "D/S-198a" (Urban Protected Residential – One and Two Family Dwellings, Etc.) District, Modified may be converted to contain not more than two dwelling units.
  - h) Notwithstanding Section 19 (1) (i) two dwelling units shall have a combined maximum gross floor area of 1948.26 square metres.
  - i) Notwithstanding Section 19 (1) (iv) an exterior stairway and exterior exit shall be permitted.
3. That By-law No. 6593 (City of Hamilton) is amended by adding this By-law to Section 19B as Schedule S-198a.
4. That Sheet No. W-27c of the District maps is amended by making the lands referred to in Section 1 of this By-law as Schedule S-198a.
5. That no building or structure shall be erected, altered, extended, or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "D" (Urban Protected Residential – One and Two Family Dwelling, Etc.) District provisions, Modified, subject to the special requirements referred to in Section 2 of this By-law.

6. 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 \_\_\_\_ day of \_\_\_\_\_, 2018.

---

F. Eisenberger  
Mayor

---

J. Pilon  
Acting City Clerk

ZAR-17-075



|   |                                      |
|---|--------------------------------------|
| This is Schedule "A" to By-law No. 18-<br><br>Passed the ..... day of ....., 2018 | -----<br>Mayor<br><br>-----<br>Clerk |
|---|--------------------------------------|

|  |   |
|--|---|
| <h2 style="margin: 0;">Schedule "A"</h2> <p style="margin: 10px 0 0 0;">Map Forming Part of<br/>By-law No. 18-_____</p> <p style="margin: 0 0 0 0;">to Amend By-law No. 6593</p> | <p><b>Subject Property</b></p> <p> 517 Stone Church Road West</p> <p>Change in Zoning from the "D/S-198" (Urban Protected Residential – One and Two Family Dwellings, Etc.) District, Modified to the "D/S-198a" (Urban Protected Residential – One and Two Family Dwellings, Etc.) District, Modified.</p> |
|--|---|

|  |  |  |
|--|--|--|
| <b>Scale:</b><br>N.T.S.                      | <b>File Name/Number:</b><br>ZAR-17-075 |  |
| <b>Date:</b><br>July 13, 2018                | <b>Planner/Technician:</b><br>ACJAL    |  |
| PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT |  |  |

**7 McIntosh Ave  
Hamilton, Ont  
L9B 1J3  
905-388-4348**

December 12, 2017

City of Hamilton  
Planning & Economic Development Dept.  
71 Main Street West, 5th Floor  
Hamilton, Ontario, L8P 4Y5

Attention – Anthony Cicchiu, City of Hamilton

RE: **ZAR-17 075 Zoning ByLaw Amendment**  
**517 Stone Church Road West**

We already have illegal basement rental in this area and it causes several issues. Therefore I clearly oppose the re-zoning of a residential lot to a multiple “D/S-198” Urban Protected Residential - One & two Family Dwellings”.

Has the all the City of Hamilton department affected has a chance to review the infrastructure in this area, at what point are the services overloaded. Items such as

1. Sewers, both storm and sanity sewers. I know for a fact that there has been issues of basement flooding due to back up of storm sewer in the area in the past. With the addition of a legal (or even illegal) duplex in a semi detached home, it will have a negative impact. You would not believe the number of times that I have personally been out in the middle of a heavy summer rainfall to clear off the catch basin covers due to high volume of run off. It has been so bad that the whole road has been covered in water. At least 1” at the center of the road to overflowing the curbs. Then you have the idiots that drive through this water a 50 km/h and watch a spray of water go 10’ in the air and about 20’ wide. So now you add more hard surfaces uphill from these catch basins, how is this being considered into the design? When is something going to be done about this present condition, never mind future conditions?
2. What about traffic issues, We already see many of the “semi’s” that have a second (or even a third car) parked in the boulevard that restrict view of eastbound at the corner of McIntosh Ave and Stonechurch Road. I expect that someday there will be an collision at this corner, especially during the morning and evening volume coming from St Thomas More High School.
3. I am trying to write this letter for the community, but personally my biggest issue is parking. We already have an issue with vehicles parked in front of our house from those home on Stonechurch, bot from the “semi’s” and townhouse. Nowadays,

each household has at least (2) cars each, that is potentially (4) more to add to this "semi". Where do these people park their extra cars? I tell you, on McIntosh Ave. Even with the present townhouses on the north side of Stone Church, I already have issues with cars parked in front of my house. It is a common occurrence to have (10) cars parked on McIntosh Ave from tenants in the existing townhouses. Now you are going to allow few more??? It is already an issue of safety backing out of my driveway, with cars speeding from the top of McIntosh to Stone Church. Never mind the issues of accessibility during the winter months, such as we are presently experiencing. Snow plowing is another issue that that is a result of the parking.

4. I can appreciate that a developer wants to purchase this lot and renovate in order to generate some profit. But I feel that this developer does not care about the neighbours, he just wants to stuff his pockets with as much cash as he can. Especially since he is not living in the neighborhood.

I am sending this letter initially on behalf of my wife and I, however I will be asking other neighbors to support my views and express their own concerns.

I would hope that Councillor Terry Whitehead can understand my concerns and back me up, since he lives on McIntosh Ave, he must see it first hand himself on a regular basis.

Please advise me when there will be a meeting of the community to allow all to express their concerns and discuss the issue further.

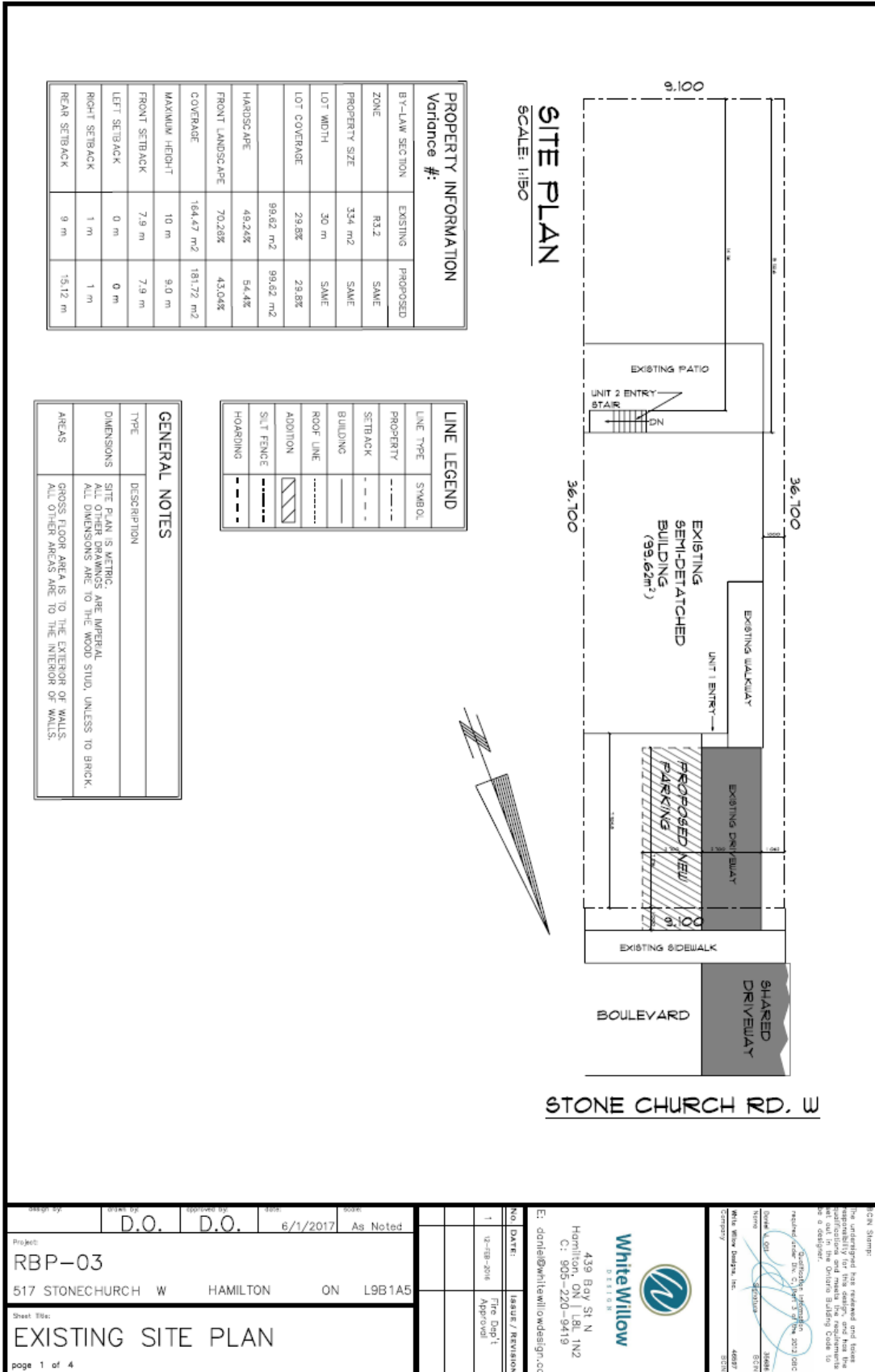
Again, I oppose this amendment as outlined, I don't feel that it is necessary in this area for multiple families in a unit, legal or otherwise.

Thanks

Yours truly

David & Cathy Bellingham

cc. Terry Whitehead



**SITE PLAN**

SCALE: 1:150

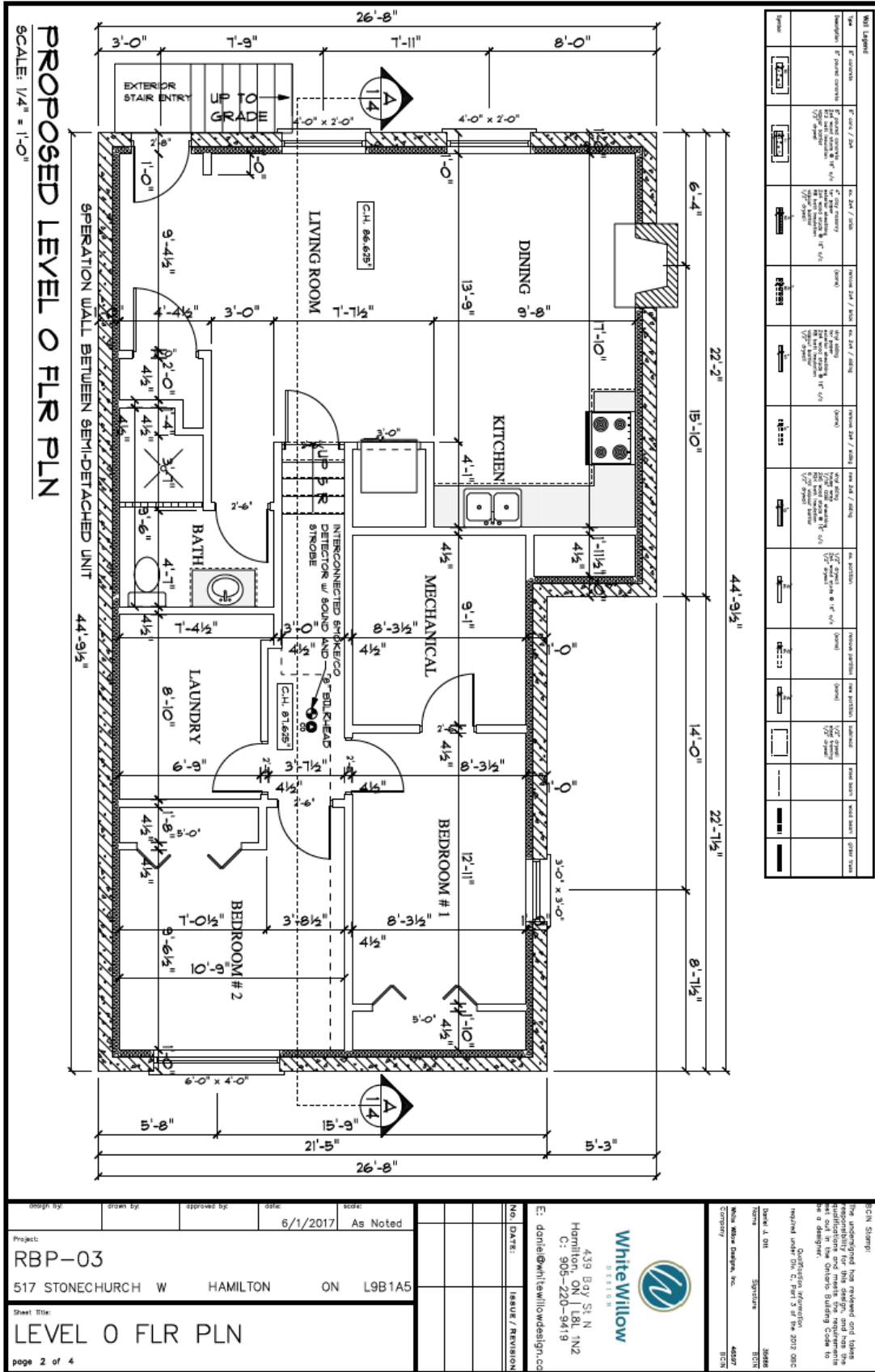
| PROPERTY INFORMATION |                       |
|----------------------|-----------------------|
| Variance #:          |                       |
| B-Y-LAW SECTION      | EXISTING              |
| ZONE                 | R3.2                  |
| PROPERTY SIZE        | 334 m <sup>2</sup>    |
| LOT WIDTH            | 30 m                  |
| LOT DEPTH            | 29.8%                 |
| LOT COVERAGE         | 99.62 m <sup>2</sup>  |
| HARDSCAPE            | 49.24%                |
| FRONT LANDSCAPE      | 70.28%                |
| COVERAGE             | 164.47 m <sup>2</sup> |
| MAXIMUM HEIGHT       | 10 m                  |
| FRONT SETBACK        | 7.9 m                 |
| LEFT SETBACK         | 0 m                   |
| RIGHT SETBACK        | 1 m                   |
| REAR SETBACK         | 9 m                   |

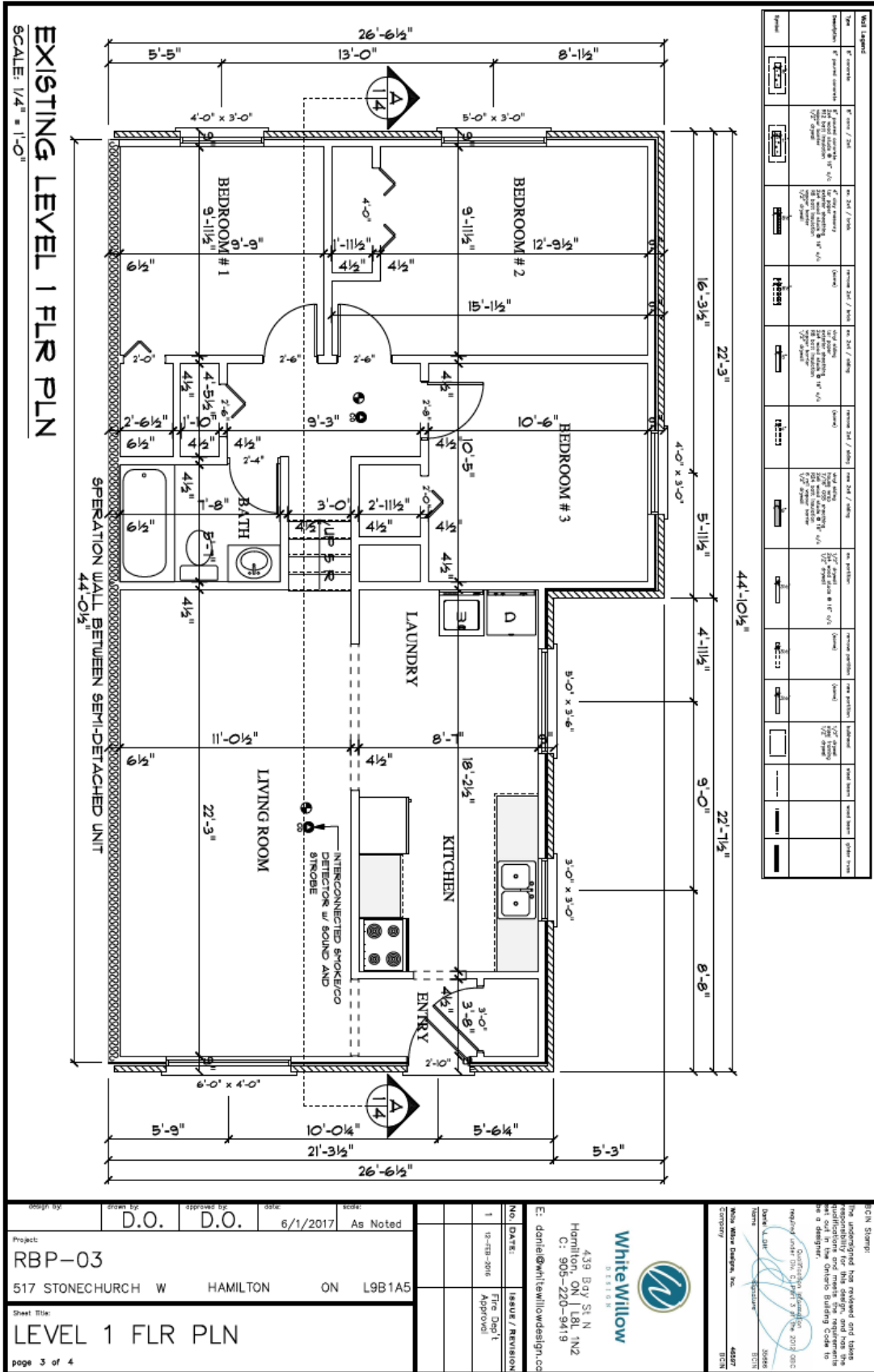
| LINE LEGEND |         |
|-------------|---------|
| LINE TYPE   | SYMBOL  |
| PROPERTY    | ---     |
| SETBACK     | - - - - |
| BUILDING    | ▬▬▬▬    |
| ROOF LINE   | .....   |
| ADDITION    | ▨▨▨▨    |
| SILT FENCE  | ----    |
| HOARDING    | ----    |

| GENERAL NOTES |   |
|---------------|---|
| TYPE          | DESCRIPTION   |
| DIMENSIONS    | SITE PLAN IS METRIC. ALL OTHER DRAWINGS ARE IMPERIAL.   |
| AREAS         | ALL DIMENSIONS ARE TO THE WOOD STUD, UNLESS TO BRICK. GROSS FLOOR AREA IS TO THE EXTERIOR OF WALLS. ALL OTHER AREAS ARE TO THE INTERIOR OF WALLS. |

|   |                                      |             |      |      |          |       |          |
|---|--------------------------------------|-------------|------|------|----------|-------|----------|
| DESIGN BY   | D.O.                                 | APPROVED BY | D.O. | DATE | 6/1/2017 | SCALE | As Noted |
| PROJECT   | RBP-03                               |             |      |      |          |       |          |
| ADDRESS   | 517 STONECHURCH W HAMILTON ON L9B1A5 |             |      |      |          |       |          |
| SHEET TITLE   | EXISTING SITE PLAN                   |             |      |      |          |       |          |
| <p>White Willow DESIGN</p> <p>439 Bay St N<br/>Hamilton, ON L8L 1N2<br/>C: 905-220-9419<br/>E: donald@whitewillowdesign.ca</p> <p>Professional Engineer<br/>Ontario Professional Engineer<br/>No. 40204<br/>Name: Donal O'Sullivan<br/>White Willow Design, Inc.<br/>Company: 4897<br/>City: 8302</p> <p>ICEN Stamp:<br/>The undersigned has reviewed and taken responsibility for this design, and has the authority to seal and sign this design as set out in the Ontario Building Code as a designer.</p> |                                      |             |      |      |          |       |          |







| NO | DATE       | ISSUE / REVISION     |
|----|------------|----------------------|
| 1  | 15-03-2016 | Fire Dept 1 Approval |

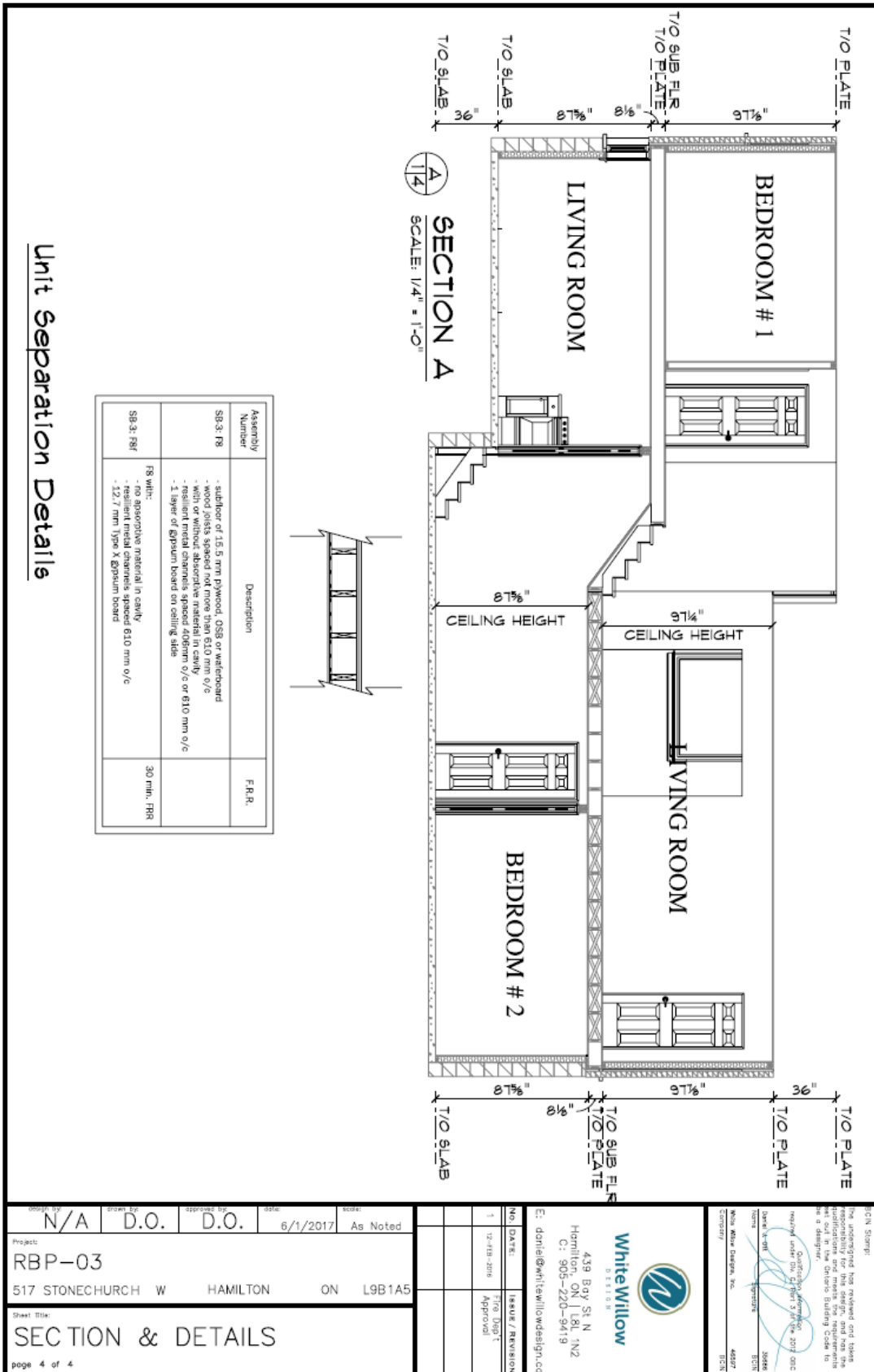
White Willow  
DESIGN INC.  
439 Bay St. N  
Hamilton, ON L8L 1N2  
C: 905-220-9419  
E: donnie@whitewillowdesign.ca



Project: RBP-03  
517 STONECHURCH W HAMILTON ON L9B1A5

Drawn by: D.O.  
Approved by: D.O.  
Date: 6/1/2017  
Notes: As Noted


Sheet Title: LEVEL 1 FLR PLAN  
Page 3 of 4



| Assembly Number       | Description  | F.R.R.      |
|-----------------------|--|-------------|
| SB-3- R8              | - subfloor of 15.5 mm plywood, OSB or waterboard<br>- wood joists spaced not more than 610 mm o/c<br>- with or without absorptive material in cavity<br>- resilient metal channels spaced 400mm o/c or 610 mm o/c<br>- 1 layer of Gypsum board on ceiling side |             |
| RS with:<br>SB-3- R8/ | - no absorptive material in cavity<br>- resilient metal channels spaced 610 mm o/c<br>- 12.7 mm Type X Gypsum board  | 30 min. FRR |

Unit Separation Details

|   |                |                   |                |                |
|---|----------------|-------------------|----------------|----------------|
| Drawn by: N/A   | Drawn by: D.O. | Approved by: D.O. | Date: 6/1/2017 | Note: As Noted |
| Project:<br><b>BBP-03</b><br>517 STONECHURCH W HAMILTON ON L9B1A5 |                |                   |                |                |
| Sheet Title:<br><b>SECTION &amp; DETAILS</b>                      |                |                   |                |                |
| page 4 of 4   |                |                   |                |                |



**White Willow**  
DESIGN

439 Bay St. N  
Hamilton, ON L8L 1N2  
C: 905-220-9419  
E: ddaniel@whitewillowdesign.ca

NOTED Stamp:

I, the undersigned, have prepared and taken responsibility for this design, and am the author of the design, and I am the designer of a design.

Signature: [Signature]  
Name: [Name]  
Title: [Title]  
Company: [Company]

DATE: 4/26/17



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
 Planning Division

|                           |  |
|---------------------------|--|
| <b>TO:</b>                | Chair and Members<br>Planning Committee  |
| <b>COMMITTEE DATE:</b>    | August 14, 2018  |
| <b>SUBJECT/REPORT NO:</b> | Applications to Amend Zoning By-law No. 05-200, Approval of a Draft Plan of Subdivision "Butternut Hill" and Draft Plan of Condominium (Common Element) for Lands Located at 706 Highway No. 8, Flamborough (PED18144) (Ward 14) |
| <b>WARD(S) AFFECTED:</b>  | Ward 14  |
| <b>PREPARED BY:</b>       | Brynn Nheiley (905) 546-2424 Ext. 4283   |
| <b>SUBMITTED BY:</b>      | Steve Robichaud<br>Director, Planning and Chief Planner<br>Planning and Economic Development Department  |
| <b>SIGNATURE:</b>         |  |

#### RECOMMENDATION

- (a) That **Amended Zoning By-law Amendment Application ZAC-15-028 by Don and Susan Pede (Owners)**, for a change in zoning from Settlement Residential (S1, 60) Zone to Conservation / Hazard Land Rural (P7) Zone (Block 1); from Conservation / Hazard Land (P7) Zone to Settlement Residential (S1, 23) Zone (Block 2), and from Settlement Residential (S1, 60) Zone to Settlement Residential (S1, 23) Zone (Block 3), for lands located at 706 Highway No. 8 Flamborough, as shown on Appendix "A" to Report PED18144, be **APPROVED** on the following basis:
- (i) That the draft By-law, attached as Appendix "B" to Report PED18144, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the amending By-law be added to Schedule C – Special Exceptions of Zoning By-law No. 05-200.
- (b) That **Revised Draft Plan of Subdivision Application 25T-201506 by Don and Susan Pede (Owners)**, to establish a Draft Plan of Subdivision known as "Butternut Hill", on lands located as 706 Highway No. 8 Flamborough, as shown on Appendix "C" to Report PED18144, be **APPROVED** subject to the following:

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**SUBJECT: Applications to Amend the Zoning By-law No. 05-200, Approval of a Draft Plan of Subdivision "Butternut Hill" and Draft Plan of Condominium for Lands Located at 706 Highway No. 8, Flamborough (PED18144) (Ward 14) - Page 2 of 32**

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- (i) That this approval apply to the Draft Plan of Subdivision "Butternut Hill", 25T-201506, prepared by IBI Group and certified by D. McLaren, O.L.S., dated, June 22, 2018, consisting of six blocks for up to 6 single detached dwellings (Blocks 1 to 6), one block for a private road and stormwater management dry pond (Block 7) and one block for an Environmentally Significant Area and Vegetation Protection Zone (Block 8); subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the Special Conditions attached as Appendix "D" to Report PED18144.
- (c) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 42 of the *Planning Act* and By-law No. 18-126, prior to the issuance of each building permit. The calculation for the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the day of issuance of each building permit, in accordance with the Financial Policies for Development and the City's Parkland Dedication By-law, as approved by Council.
- (d) That **Amended Draft Plan of Condominium Application 25CDM-201507, by Don and Susan Pede (Owners)**, to establish a Draft Plan of Condominium (Common Element) to create a condominium road, stormwater management dry pond, and Environmentally Sensitive Area and Vegetation Protection Zone, on lands located at 706 Highway No. 8 Flamborough, as shown on Appendix "E" to Report PED18144 be **APPROVED**, subject to special conditions:
  - (i) That the approval for Draft Plan of Condominium (Common Element) Application 25CDM-201507, applies to the plan prepared by IBI Group and certified by D. McLaren, O.L.S., dated, June 22, 2018, consisting of a condominium road, stormwater management dry pond, and Environmentally Sensitive Area and Vegetation Protection Zone, attached as Appendix "E" to Report PED18144;
  - (ii) That the conditions of Draft Plan of Condominium Approval 25CDM-201507, attached as Appendix "F" to Report PED18144, be received and endorsed by City Council.

## **EXECUTIVE SUMMARY**

The purpose of the Zoning By-law Amendment is for a change in zoning from the current Site Specific Settlement Residential (S1) Zone to a modified Site Specific Settlement Residential (S1) Zone which allows for residential lots having a minimum area of 0.42 ha and permits a maximum of three bedrooms per dwelling. This

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**SUBJECT: Applications to Amend the Zoning By-law No. 05-200, Approval of a Draft Plan of Subdivision "Butternut Hill" and Draft Plan of Condominium for Lands Located at 706 Highway No. 8, Flamborough (PED18144) (Ward 14) - Page 3 of 32**

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Amendment will also modify the boundaries of the Conservation / Hazard Land – Rural (P7) Zone to reflect and provide protection for the existing natural heritage features.

The purpose and effect of the Draft Plan of Subdivision Application “Butternut Hill” is to permit the development of:

- Six blocks for single detached dwellings;
- One block for a Common Element Condominium road and stormwater management (SWM) facilities; and,
- One block for an Environmentally Sensitive Area (ESA) and Vegetation Protection Zone (VPZ).

The purpose and effect of the Draft Plan of Condominium Application is to establish a common element condominium consisting of:

- Common Element Condominium road and stormwater management (SWM) facilities; and,
- Common Element Environmentally Sensitive Area (ESA) and Vegetation Protection Zone (VPZ).

The applications have merit and can be supported as they are consistent with the Provincial Policy Statement (PPS) (2014), conform to the Greenbelt Plan (2017) and the Growth Plan for the Greater Golden Horseshoe (2017), and comply with the policies of the Rural Hamilton Official Plan (RHOP).

***Alternatives for Consideration – See Page 31***

**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 Amendment to the Zoning By-law and for approval of a Draft Plan of Subdivision and Draft Plan of Condominium (Common Element).

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**SUBJECT: Applications to Amend the Zoning By-law No. 05-200, Approval of a Draft Plan of Subdivision "Butternut Hill" and Draft Plan of Condominium for Lands Located at 706 Highway No. 8, Flamborough (PED18144) (Ward 14) - Page 4 of 32**

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## **HISTORICAL BACKGROUND**

### **Proposal:**

The subject property is located within the Rockton Rural Settlement Area, on the north side of Highway No. 8, east of the intersection of Highway No. 8 and Old Highway No. 8, and are municipally known as 706 Highway No. 8 (see location map attached as Appendix "A" to Report PED18144). The property includes two existing dwellings to remain, one of which has been identified as having Built Heritage Significance. Provincially Significant Woodlands and Wetlands are also located on the property. The remainder of the subject property is farmed with agricultural crops.

The Draft Plan of Subdivision is for:

- Six blocks for single detached dwellings (Blocks 1-6), containing one existing single detached dwelling to be accessed via a new condominium road (Block 3) and one block (Block 6) containing an existing single detached dwelling to be accessed directly by Highway No. 8 via an existing driveway. Block 6 also contains an agricultural use to the north of the natural heritage feature (Block 8). New single detached dwellings are proposed to be constructed on Blocks 1, 2, 4 and 5;
- One block containing the condominium road and SWM dry pond (Block 7); and,
- One block containing the ESA and VPZ (Block 8).

The Draft Plan of Condominium is for:

- Common Element Condominium Road serving access to Blocks 1-5, and SWM dry pond (Block 7); and,
- Common Element containing an ESA and VPZ (Block 8), accessed via Blocks 1-5.

### **Zoning By-law No. 05-200 Amendment**

At the time that the original application was submitted the Town of Flamborough Zoning By-law No. 90-145-Z was in effect on the subject property. The application proposed changes in zoning, as follows:

- From Agricultural "A" Zone to a Site Specific Residential "R2" Zone to permit a minimum lot area of 0.42 ha and minimum lot frontage of 30 m;
- From Agricultural "A" Zone to the Conservation Management "CM" Zone;
- Site Specific Residential "R2" Zone with a Holding Provision to a Site Specific Residential "R2" Zone to permit a minimum lot area of 0.42 ha and minimum lot frontage of 30 m; and,

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**SUBJECT: Applications to Amend the Zoning By-law No. 05-200, Approval of a Draft Plan of Subdivision "Butternut Hill" and Draft Plan of Condominium for Lands Located at 706 Highway No. 8, Flamborough (PED18144) (Ward 14) - Page 5 of 32**

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- Site Specific Residential "R2" Zone with a Holding Provision to the Conservation Management "CM" Zone.

On July 10, 2015, By-law No. 15-173 came in force and effect, removing the subject property from Town of Flamborough Zoning By-law No. 90-145-Z, adding the subject lands to the City of Hamilton Zoning By-law 05-200, zoned Settlement Residential (S1, 60) Zone, Conservation / Hazard Land – Rural (P7) Zone and Conservation / Hazard Land – Rural (P8) Zone.

In response to comments received on the original application, the Applicant submitted a revised application to rezone the subject property, as shown on Appendix "B" to Report PED18144, from Settlement Residential (S1, 60) Zone to Settlement Residential (S1, 23) Zone, and to permit a minimum residential lot size of 0.42 ha, with the single detached dwellings having a maximum of three bedrooms per dwelling, and to amend the boundaries of the Conservation / Hazard Land – Rural (P7) Zone. No change has been proposed to the Conservation / Hazard Land – Rural (P8) Zone.

Staff amended the application to further revise the boundaries of the Conservation / Hazard Land – Rural (P7) Zone to include the additional lands owned by the Applicant, located north of the natural heritage feature and currently used to grow agricultural crops.

**Draft Plan of Subdivision:**

The original application included a Draft Plan of Subdivision which proposed to create:

- Seven new residential blocks;
- One condominium road including stormwater management (SWM) dry pond; and,
- One block containing the natural features and lands currently in use for agricultural crops.

In response to comments received on the original application, the Applicant submitted a revised Draft Plan of Subdivision, as shown on Appendix "C" to Report PED18144, intended to create:

- Six blocks for up to six single detached dwellings (Blocks 1 to 6), including:
  - One existing dwelling, accessed via the proposed Common Element Condominium Road (Block 3); and,
  - One existing dwelling, accessed via a private road (Block 6);
- One block for a Condominium Road and SWM dry pond (Block 7); and,

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**SUBJECT: Applications to Amend the Zoning By-law No. 05-200, Approval of a Draft Plan of Subdivision "Butternut Hill" and Draft Plan of Condominium for Lands Located at 706 Highway No. 8, Flamborough (PED18144) (Ward 14) - Page 6 of 32**

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- One block for an Environmentally Significant Area and Vegetation Protection Zone (Block 8), having no road frontage, accessed via residential blocks (Blocks 1-5).

**Draft Plan of Condominium (Common Element):**

The original application included a Draft Plan of Condominium which proposed to create one Common Element containing the condominium road and SWM facilities.

The revised Draft Plan of Condominium (Common Element), as shown on Appendix "E" to Report PED18114, is intended to create:

- One common element containing a private road and SWM dry pond; and,
- One common element located north of the residential blocks, containing an Environmentally Sensitive Area and Vegetation Protection Zone.

**Chronology:**

May 8, 2015: Zoning By-law Amendment Application ZAC-15-028, Draft Plan of Subdivision Application 25T-201506 and Draft Plan of Condominium (Common Element) 25CDM-201507 received.

June 3, 2015: Applications deemed to be complete.

June 12, 2015: Notice of Complete Application and Preliminary Circulation was sent to 19 property owners within 120 m of the subject property.

June 23, 2015: Public Notice Sign was posted on the subject property.

July 10, 2015: By-law No. 15-173, removing the subject property from Town of Flamborough Zoning By-law No. 90-145-Z, adding the subject lands to the City of Hamilton Zoning By-law 05-200, in force and effect.

July 18, 2018: Public Notice Sign updated with Public Meeting Date.

July 27, 2018: Circulation of the Notice of Public Meeting was mailed to 19 property owners within 120 m of the subject property.

**DETAILS OF SUBMITTED APPLICATIONS**

**Location:** Municipally known as 706 Highway No. 8 (Flamborough)

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**SUBJECT: Applications to Amend the Zoning By-law No. 05-200, Approval of a Draft Plan of Subdivision "Butternut Hill" and Draft Plan of Condominium for Lands Located at 706 Highway No. 8, Flamborough (PED18144) (Ward 14) - Page 7 of 32**

---

**Owners:** Don and Susan Pede

**Agent:** IBI Group (c/o John Ariens)

**Property Size:**

|                   |                                 |
|-------------------|---------------------------------|
| <u>Lot Area:</u>  | 7.66 ha                         |
| <u>Frontage:</u>  | 218.8 m                         |
| <u>Depth:</u>     | 380 m approximately, varies     |
| <u>Servicing:</u> | No Municipal Services Available |

**EXISTING LAND USE AND ZONING**

|                                  | <b><u>Existing Land Use</u></b>   | <b><u>Existing Zoning</u></b>  |
|----------------------------------|---|--|
| <b>Subject property:</b>         | Two single detached dwellings and Agricultural field crops.                     | Settlement Residential (S1, 60) Zone, Conservation / Hazard Land – Rural (P7) Zone and Conservation / Hazard Land – Rural (P8) Zone. |
| <b><u>Surrounding Lands:</u></b> |   |  |
| <b>North:</b>                    | Agricultural field crops.   | Rural (A2) Zone, Conservation / Hazard Land – Rural (P7) Zone and Conservation / Hazard Land - Rural (P8) Zone.                      |
| <b>East:</b>                     | Beverly Community Park, Beverly Central Elementary School (under construction). | City Wide (P3) Zone.   |
| <b>South:</b>                    | Single detached dwellings, Agricultural field crops.                            | Settlement Residential (S1) Zone and Rural (A2) Zone.  |
| <b>West:</b>                     | Single detached dwelling units.   | Settlement Residential (S1, 60) Zone and Settlement Residential (S1) Zone.   |

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## **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 (2014). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS.

With respect to Cultural Heritage, the PPS states:

“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 subject property meets four of the ten criteria used by the City of Hamilton and Ministry of Tourism, Culture and Sport for determining archaeological potential:

- 1) 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;
- 2) Local knowledge associates areas with historic events / activities / occupations;
- 3) In an area of sandy soil in areas of clay or stone; and,
- 4) Along historic transportation routes.

These criteria define the property as having archaeological potential. A Stage 1-2 Archaeological Assessment report (P384-0164-2014) was submitted to the City of Hamilton and the Ministry of Tourism, Culture and Sport. Staff reviewed the report and concurred with the recommendation that a Stage 3 Site-specific Assessment be conducted for the site identified in the report as the R. Hunter Site (AhHa-311). The subject property is not formally recognized under the *Ontario Heritage Act* through designation or included on the City of Hamilton's Register of Property of Cultural Heritage Value or Interest, but comprises of an historic farmhouse which staff have identified as being of potential cultural heritage value. The farmhouse is believed to be the homestead of R. Hunter, as indicated in the Stage 1-2 Archaeological Assessment submitted and shown on the 1875 Wentworth County Atlas excerpt. The requirement for a Stage 3 Assessment has been addressed as Condition No. 16 of Appendix "D" to Report PED18144. Staff strongly encourage that the existing dwelling be retained and incorporated into the new development.

As the application for a change in zoning complies with the Official Plan and the relevant policies in the PPS, 2014, it is staff's opinion that the application is:

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

### **Greenbelt Plan (2017)**

The applications have been reviewed against the policies of the Greenbelt Plan, 2017. The Greenbelt Plan designates the subject property as being within a Hamlet on Schedule 1 and within the Protected Countryside of Schedule 4: Natural Heritage System. Therefore, the following policies, amongst others, are applicable to the proposal.

#### **“3.2.3 Water Resource System Policies**

1. All planning authorities shall provide for a comprehensive, integrated and long-term approach for the protection, improvement or restoration of the quality and quantity of water. Such an approach shall consider all hydrologic features, areas and functions and include a systems approach to the inter-relationships between and/or amongst *key hydrologic features* and *key hydrologic areas*.”

The subject property is located within the Natural Heritage System of the Protected Countryside of the Greenbelt Plan. Therefore it is necessary that these applications demonstrate no negative impacts to that system.

The Hydrogeological Study that has been submitted by the Applicants indicates that the proposed lot sizes combined with the adjacent Block 8 common element provide sufficient land to each residential lot to effectively treat anticipated added pollutants associated with private residential waste water treatment systems. Further protection will be achieved by limiting future development of detached residential dwelling units to a maximum of three bedrooms, and by prohibiting development of any new buildings or structures in the common element Block 8. These measures will be implemented through the Site Specific By-law, attached as Appendix “B” to Report PED18144. Staff have not yet determined that sufficient water quality and quantity is available for the proposed development and require, as Condition Nos. 23 to 25 of Appendix “D” to Report PED18144, that this be demonstrated prior to final approval. Staff are satisfied that these applications and the conditions to be implemented through the Draft Plan of Subdivision and Draft Plan of Condominium will protect the water resources of the subject property and surrounding lands.

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“3.4.4 Hamlet Policies

1. Hamlets are subject to the policies of the Growth Plan and continue to be governed by official plans and related programs or initiatives and are not subject to the policies of this Plan, save for the policies of sections 3.1.5, 3.2.3, 3.2.6, 3.3 and 3.4.2. Limited growth is permitted through infill and *intensification* of Hamlets subject to appropriate water and sewage services.”

These applications introduce limited intensification development on underutilized land within the Rural Settlement Area of Rockton, which recognizes where a variety of uses have clustered and is intended to be residential and service centres that serve the immediate community and the surrounding rural area. This municipal designation reflects the Greenbelt Plan’s identification of this area as a Hamlet, and has demonstrated that the subject property can sustainably support private water and sewage services.

Therefore, these applications conform with the Greenbelt Plan.

**Growth Plan for the Greater Golden Horseshoe (2017)**

The policies of the Growth Plan for the Greater Golden Horseshoe apply to any planning decision. The subject property is located within a Rural Settlement Area. As such the following policies, amongst others, apply.

“2.2.9 Rural Areas

6. *New multiple lots or units for residential development will be directed to settlement areas, but may be allowed on rural lands in site-specific locations with approved zoning or designation in an official plan that permitted this type of development as of June 16, 2006.”*

These applications conform with the above policy in that residential intensification is within the Rural Settlement Area of Rockton within the UHOP, which recognizes where a variety of uses have clustered and is intended to include residential and service centres that serve the immediate community and the surrounding rural area.

“4.2.2.3 Within the Natural Heritage System:

- a) new development or site alteration will demonstrate that:

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- (i) there are no negative impacts on key natural heritage features or key hydrologic features or their functions;
- (ii) connectivity along the system and between key natural heritage features and key hydrologic features located within 240 m of each other will be maintained or, where possible, enhanced for the movement of native plants and animals across the landscape.

4.2.4 Lands Adjacent to Key Hydrologic Features and Key Natural Heritage Features

4.2.4.2. Evaluations undertaken in accordance with policy 4.2.4.1 will identify any additional restrictions to be applied before, during, and after *development* to protect the *hydrologic functions* and *ecological functions* of the feature.

4.2.4.3. *Development or site alteration* is not permitted in the *vegetation protection zone*, with the exception of that described in policy 4.2.3.1 or shoreline *development* as permitted in accordance with policy 4.2.4.5.”

These applications are consistent with the Growth Plan policies to protect natural heritage features, and sensitive water features located along the northern boundary of the subject property. Together with the Applicant, the Hamilton Conservation Authority and the City of Hamilton undertook a refinement of the southern boundaries related to unevaluated wetlands and significant woodlands located within the subject property. The revised Environmental Impact Study (EIS) indicates that a Vegetation Protection Zone (VPZ) of 30 m or greater will buffer the Provincially Significant Wetland, and minimum 7.5 m VPZ from the woodland. Although the 7.5 m VPZ is below the required 30 m VPZ recommended in the Greenbelt Plan, staff are satisfied that this VPZ will protect the ecological features and functions of the Significant Woodland due to the large lot sizes, the small and disturbed condition of the woodland and its association with the stream and wetland.

These VPZ's satisfy staff that these Natural Heritage Features will be protected from future development. These features and VPZ's are to be implemented as a common condominium element and through appropriate zoning. Through Condition Nos. 17 to 22 of Appendix "D" to Report PED18144, the Applicants will protect or replace trees and other vegetation in accordance with the Tree Protection Plan and the *Migratory Birds Convention Act* and will protect the natural features.

Based on the foregoing, it is staff's opinion that the proposal conforms to the Growth Plan for the Greater Golden Horseshoe (2017).

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**Rural Hamilton Official Plan (RHOP)**

The subject property is identified as a "Rural Settlement Areas" on Schedule "D" – Rural Land Use Designations. They are located within the Rockton Rural Settlement Area of the RHOP.

The following policies, amongst others, apply to the subject property.

Cultural Heritage Resources Policies

- "B.3.4.1.4 Encourage the rehabilitation, renovation, and restoration of built *heritage resources* in order that they remain in active use.
- B.3.4.4.3 In areas of *archaeological potential* identified on Appendix F-2 – Rural Archaeological Potential, an archaeological assessment:
- a) may be required and submitted prior to or at the time of application submission for the following planning matters under the Planning Act when they involve *soil disturbance* or *site alteration*:
    - i) site plan applications; and,
    - ii) plans of condominium."

As previously discussed, a Stage 3 Site-specific Assessment is required and will be addressed as a condition of approval of the Draft Plan of Subdivision.

Hazard Lands

- "B.3.6.5.4 The portion of properties that contain *hazard lands* shall be identified through zoning.
- B.3.6.5.8 *Development* and *site alteration* shall be prohibited in *hazard lands*."

The subject property is affected by flood and erosion hazards associated with West Spencer Creek, which flows through the northern portion of the subject property. The extent of these hazards has been determined through a Meander Belt Assessment. Staff are satisfied that the extent of the flood and erosion hazards is adequately protected through the protected area containing the natural heritage / natural hazard lands and associated VPZ's (Block 8).

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Natural Heritage

Based on mapping within Volume 1 of the RHOP (Schedule "B-2", Schedule "B-4" and Schedule "B-8"), natural heritage features were identified on the subject property. There are key hydraulic features and key natural heritage features including wetlands and woodlands. The subject property is within the Greenbelt Protected Countryside and contains elements of the Greenbelt Natural Heritage System.

"C.2.4.6 New *development* or *site alteration* subject to Sections C.2.4.1, C.2.4.2, C.2.4.3, C.2.4.5, C.2.4.7, C.2.4.8 and C.2.4.9 requires, prior to approval, the submission and acceptance of an Environmental Impact Statement, which demonstrates to the satisfaction of the City in consultation with the relevant Conservation Authority that:

- a) There shall be no *negative impacts* on the *Core Areas* or their *ecological functions*;
- c) The removal of other natural features shall be avoided or minimized by the planning and design of the proposed use or *site alteration* wherever possible; and

C.2.4.7 Where *non-agricultural uses* are proposed within the Greenbelt Natural Heritage System, Applicants shall demonstrate that:

- a) At least 30 percent of the total developable area of the site will remain or be returned to *natural self-sustaining vegetation*;

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.2.4.9 New *development* and *site alteration* within the Protected Countryside of the Greenbelt Plan Area that is proposed to take place within or adjacent to any other *Core Area* identified on Schedule B - Natural Heritage System, through a consent, Plan of Subdivision, Zoning By-law, Site Plan approval, Official Plan amendment or *Site Alteration* By-law permit shall require an Environmental Impact Statement in accordance with Sections C.2.4.6 of this Plan.

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- 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.2.12.3 *Development and site alteration* shall be restricted in or near *sensitive surface water features* and *sensitive ground water features* such that these features and their related hydrologic functions will be protected, improved or restored. Mitigative measures and/or alternative development approaches may be required in order to protect, improve or restore *sensitive surface water features*, *sensitive ground water features*, and their *hydrologic functions*.”

The EIS, prepared by Colville Consulting Inc., dated February 2016, was submitted and was reviewed by City staff and ESAIEG. The EIS demonstrated, to the satisfaction of Staff, that the proposed VPZ's will protect the core areas or their ecological functions from negative impacts. As discussed, impacts to natural features have been minimized through the application to amend Zoning By-law No. 05-200 and conditions to be implemented through the approvals of the Draft Plan of Subdivision and Draft Plan of Condominium. The portion of the subject property that contains the natural features is 1.69 ha in area. This area will be protected through the change in zoning to Conservation / Hazard Land – Rural (P7) Zone (see Appendix “B” to Report PED18144).

#### Integrated Transportation Network

- “C.4.5.2 The road network shall be planned and implemented according to the following functional classifications and right-of-way widths:
- a) Provincial highways, subject to the following general policies:
    - i) There are two primary provincial highways located within the City – Highway 403 and the QEW. Additionally, Highway 6, Highway 8, and Highway 5, are provincially owned facilities and have unique classifications. *Development* which falls

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within the Ministry of Transportation's permit control area is subject to the requirements of the provincial government.

- ii) New entrances or the upgrading of entrances within the Ministry of Transportation's permit control area of a provincial highway shall be subject to the approval of the Ministry of Transportation.

C.4.5.5 A common element condominium road shall be considered as a public road or publicly assumed road for the purposes of the Zoning By-law and this Plan."

These applications propose a common element condominium road (Block 7), by which the proposed Blocks 1-5 will be accessed. The Draft Plan of Subdivision has been revised to incorporate 14 m setback required by the Ministry of Transportation Ontario (MTO). This is addressed as Condition No. 27 of Appendix "D" to Report PED18144. The existing dwelling, located on Block 6, will continue to be accessed directly from Highway No. 8. Additional requirements of the MTO, relating to the entrance to the private road common element (Block 7) will be addressed as Condition Nos. 26 to 30 of Appendix "D" to Report PED18144.

### Infrastructure

"C.5.1.1 No draft, conditional, or final approval of *development* proposals shall be granted by the City for any *development* in the *rural area* that could impact existing *private services* or involves proposed *private services* until the *development* proposal has complied with all of the following:

- a) Prior to or at the time of application for a proposal that could impact existing *private services* or involves proposed *private services*, *development* proponents shall submit complete information regarding existing or proposed private water and wastewater services. This information shall be complete to the satisfaction of the City. Where sufficient information is not available to enable a full assessment of on-site and off-site water supply and/or sewage disposal impacts or if the proponent does not agree with the City's calculations, the proponent shall be required to submit a hydrogeological study report completed in accordance with Section F.3.2.2 – Hydrogeological Studies of this Plan and Hydrogeological Study Guidelines as may be approved or amended from time to time.

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- c) The minimum size for a new lot proposed in an application for a severance or lot addition, with an existing or proposed private water system and/or existing or proposed private sewage disposal system shall be the size required to accommodate the water system and sewage disposal system with no on-site and off-site impacts, and shall include sufficient land for a reserve discharge site or leaching bed, as determined by the requirements in Policies C.5.1.1 a) and b). In no case shall a proposed new lot be less than one acre. The maximum lot size shall be in accordance with Policy F.1.14.2.1 g).
- d) *Development* of a new land use or a new or replacement building on an existing lot that require(s) water and / or sewage servicing, may only be permitted where it has been determined by the requirements of Policies C.5.1.1 a) and b) that the soils and size of the lot size are sufficient to accommodate the water system and sewage disposal system within acceptable levels of on-site or off-site impacts including nitrate impact, and shall include sufficient land for a reserve discharge site or leaching bed. The maximum lot size shall be in accordance with F.1.14.2.1 g).
- e) The private water supply and sewage disposal systems shall be capable of sustaining the proposed and existing uses within acceptable levels of on-site and off-site water quantity and quality impacts, including nitrate impact.
- g) The existing or proposed water supply system shall include a well with sufficient quantity of water to sustain the use. A cistern system that meets current accepted standards, may, to the satisfaction of the City, be an additional component of the water supply system.

C.5.4.1 The location and construction of new storm water management ponds and the expansion, extension and operation of *existing* facilities on lands designated as Agriculture, Specialty Crop, Rural, Utilities and Rural Settlement Area on Schedule D - Rural Land Use Designations shall meet the following conditions:

- a) Storm water management ponds are prohibited within *key natural heritage* and *key hydrologic features* or their *vegetation protection zone*; and,

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- c) Storm water management ponds shall be permitted only for uses that serve the rural area.”

As previously discussed, the submitted Hydrogeological Study indicates that sufficient land and development controls to be implemented through conditions of approval of the Draft Plan of Subdivision, have been proposed to provide sustainable private water and wastewater services. The smallest block proposed is Block 3, having 1.06 ac (0.42 ha).

These applications propose that a storm water management dry pond be included in the common element condominium road (Block 7). Staff find the proposed pond to be an acceptable tool for managing storm water on site. However, the proposed design has not yet been finalized and will be addressed through Condition No. 4 to Appendix “D” to Report PED18144.

Plan of Subdivision

“F.1.14.1.2 Council shall approve only those plans of subdivision that meet the following criteria:

- a) the plan of subdivision conforms to the policies and land use designations of this plan;
- b) the plan of subdivision implements the City’s staging of development program;
- c) the plan of subdivision can be supplied with adequate services and community facilities;
- d) the plan of subdivision shall not adversely impact upon the transportation system and the natural environment;
- e) the plan of subdivision can be integrated with adjacent lands and roadways;
- f) the plan of subdivision shall not adversely impact municipal finances; and,
- g) the plan of subdivision meets all requirements of the Planning Act.”

The proposed Plan of Subdivision has not been identified in the City of Hamilton’s Staging of Development Plan because no municipal water or waste water servicing is available to the subject property.

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The proposal is consistent with the Criteria for Staging of Development in that the subject lands are located with a Rural Settlement Area, and the Applicants have demonstrated, to the satisfaction of staff and subject to the proposed Draft Plan of Subdivision conditions, that adequate conditions will support private water and waste water facilities. As has been previously discussed, and subject to appropriate conditions, the proposed Draft Plan will not adversely impact the natural environment or transportation system, will be integrated with existing lands and roads, and will not adversely impact municipal finances.

**Rockton Rural Settlement Area Plan**

The subject property is designated "Settlement Residential" and "Natural Open Space (Hazard Lands)" in Volume 2 – Secondary Plans and Rural Settlement Area Plans of the RHOP.

- "A.1.2.3 The predominant use of land in Rural Settlement Areas shall be single detached residential development. Small scale commercial uses, parks, institutional uses serving the rural community, such as schools and places of worship, may also be permitted, as set out in the following policies, and Schedules and Maps of Volume 2 of this Plan.
- A.1.2.4 Development in Rural Settlement Areas shall proceed in accordance with the specific policies and designations for each Rural Settlement Area and subject to the following conditions:
- a) Within the Rural Settlement Areas, development shall be of a height, density, area and nature to be compatible with the existing built environment;
  - b) All development shall be required to obtain approval from the City for servicing. Any development shall be serviced in accordance with Section C.5.1 Sustainable Private Water and Wastewater Services of Volume 1 of this Plan; and
  - c) The development shall comply with the Natural Heritage System Policies Section C.2.0, Volume 1 of this Plan.
- A.1.2.6 New residential development which is dependent upon a new public road or extension to an existing public road shall only proceed on the basis of a Plan of Subdivision.

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- A.1.2.8 To maintain and protect the distinct form and historical character of Rural Settlement Areas designated in this Plan, any application pursuant to the Planning Act or other legislation shall seek to conserve *cultural heritage resources, cultural heritage landscapes, areas of archaeological potential, archaeological sites* and the overall settlement character.
- A.1.2.9 To conserve the settlement character, construction of new buildings or renovation of existing buildings shall be sympathetic to and consistent with the existing heritage attributes of the Rural Settlement Area, including, but not limited to, consideration of traditional minimum lot sizes and setbacks in accordance with Section C.5.1 of Volume 1, building massing and orientation, and preservation of views, open spaces, and landmarks.”

Settlement Residential

- “A.1.3.1 On lands designated Settlement Residential, residential uses are limited to single detached dwellings, small scale residential care facilities, and *small scale* institutional uses shall be permitted subject to the following policies:”

The proposed use of single detached dwellings and the block pattern comply with the Rockton Rural Settlement Area policies.

Natural Open Space (Hazard Lands)

- “A.1.7.5 All lots abutting a Natural Open Space (Hazard Lands) which are subject to Conservation Authority regulations shall require specific Zoning By-law regulations regarding lot area and setbacks from the associated hazard. These requirements may be reduced by a Zoning By-law amendment, subject to the requirements of the appropriate Conservation Authority and the City.
- A.1.7.3 No *development*, including the placement or removal of fill, new buildings and structures or other works associated with flood or erosion control, shall be permitted without the written approval of the appropriate Conservation Authority.”

Map 13 depicts the Rockton Rural Settlement Area Plan, effective June 22, 2016. The original applications were submitted under prior Rural Settlement Plan Area mapping. Previous mapping did not identify Natural Open Space (Hazard Lands) on the subject property. However, current mapping identifies the Provincially Significant Wetlands on the subject property as a Natural Open Space (Hazard Lands). As previously discussed, these applications include refinement of the boundary of Natural Heritage Features that

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are located within this designation and the revised Draft Plan of Subdivision, conditions of approval and the Site Specific Zoning include measures to protect these features.

Therefore, the proposal complies with the RHOP.

### **Zoning By-law 05-200**

The subject property is currently zoned Settlement Residential (S1, 60) Zone, Conservation / Hazard Land - Rural (P7) Zone, and Conservation / Hazard Land - Rural (P8) Zone. The following uses are permitted:

- Settlement Residential (S1, 60) Zone permits a Single Detached Dwelling with a minimum lot area of 0.9 ha; and,
- Conservation / Hazard Land - Rural (P7) and (P8) Zones permit the following uses, amongst others:
  - Conservation;
  - Agriculture;
  - Existing Single Detached Dwelling; and,
  - New Buildings and Structures are not permitted.

The Applicants are requesting the following changes in zoning for portions of the subject property (see Appendix "B" to Report PED18144):

- Block 1 is for a change in zoning from Settlement Residential (S1, 60) Zone to the Conservation / Hazard Land - Rural (P7) Zone to preserve natural features and the existing agricultural use located north of the features;
- Block 2 is for a change in zoning from Conservation / Hazard Land - Rural (P7) Zone to the Settlement Residential (S1, 23) Zone to permit a minimum lot size of 0.42 ha;
- Block 3 is for a change in zoning from Settlement Residential (S1, 60) Zone to the Settlement Residential (S1, 23) Zone to permit a minimum lot size of 0.42 ha; and,
- The remaining portion of the subject lands will remain zoned as Conservation / Hazard Land - Rural (P7) and (P8) Zones.

The proposed zoning modification for minimum lot size will be discussed in greater detail in the Analysis and Rationale for Recommendations Section of this Report.

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**SUBJECT: Applications to Amend the Zoning By-law No. 05-200, Approval of a Draft Plan of Subdivision "Butternut Hill" and Draft Plan of Condominium for Lands Located at 706 Highway No. 8, Flamborough (PED18144) (Ward 14) - Page 21 of 32**

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**RELEVANT CONSULTATION**

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

- Hamilton Police Service;
- Recreation Planning, Community and Emergency Services;
- Hamilton Municipal Parking System;
- Hydro One; and,
- Bell Canada.

The following Departments and Agencies submitted the following comments:

**Canada Post Corporation** advised that home / business mail delivery will be from a designated Centralized Mail box and that the developer / owner be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sale. The Owner shall include concrete pads to facilitate the placement of a community mail box in a location approved by Canada Post. The pad is to be poured at the time of the sidewalk and / or curb installation.

This has been addressed through Condition Nos. 8, 34 and 35 in Appendix "D" and Condition No. 4 (c) and (d) in Appendix "F" to Report PED18144.

**Traffic Planning (Planning and Economic Development Department)** advise that Highway No. 8 is under the jurisdiction of the province and so they have no comment.

**Public Health Services (Healthy Environments Division)** does not object to the creation of six residential blocks, provided that the intent of the minimum lot size criteria as recommended in the Rockton Settlement Capability Study is met through the proposed lot sizes combined with the proposed development prohibition on the adjacent natural heritage common element. The proposal implements these requirements.

**Hamilton Water (Public Works Department)** is satisfied that these applications have addressed issues identified in the Rockton Settlement Capability Study, and that the common elements (e.g., Environmentally Sensitive Area and Vegetative Protection Zone) will not develop in the future. The proposed lots are sufficiently sized so that a tertiary treatment system is not required. Conditions of approval for the Draft Plan of Subdivision include the delineation of septic, reserve septic and wells, that a maximum of three bedrooms be permitted per residential unit, and that the Applicants demonstrate sustainable water supply and potable quality for each of the proposed lots.

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The requested conditions have been addressed through Condition Nos. 23 to 25 in Appendix "D" to Report PED18144.

**Forestry and Horticulture Section (Public Works Department)** requires as a condition of approval of the Draft Plan of Subdivision that a Tree Management Plan be submitted to the satisfaction of Forestry and Horticulture staff. The Street Tree Planting condition will be cleared upon receipt of a plan depicting new trees and a cash payment. Staff note that this is addressed in Condition Nos. 32 and 33 in Appendix "D" to Report PED18144.

**Waste Management (Operations Division)** has identified that the proposal is eligible for municipal waste collection services. They require that a turnaround area allowing for a maximum three-point turn of not more than one truck length be provided to the satisfaction of staff.

**Hamilton Conservation Authority (HCA)** do not have concerns with the revised FSR and SWM reports. They recommend that the SWM pond include a treatment train approach including an oil / grit separator and enhanced dry swale and recommend an energy dissipater / splash pad at the pond outlet.

HCA participated in staking the wetland boundary and notes that the subject property is within the West Spencer Creek subwatershed and is traversed by the West Spencer Creek. They note the presence of a hybrid butternut tree, and that the breeding bird survey conducted on July 21, 2012 is not consistent with Ontario Breeding Bird Atlas or Forest Bird Monitoring protocols. However, they are satisfied that no further surveys are required. Additional information is required for at risk or threatened species. They indicate that construction or site alteration is not permitted within or adjacent to the Provincially Significant Wetland or Woodland, and that the VPZ is to be planted with native trees and shrubs. Mitigation measures must outline other potential impacts of residential development such as predation on wildlife by pets, spread of invasive plants, vegetation removal and dumping. Finally, they require a meander belt assessment with hazard limits and wetland water balance as well as a HCA permit prior to development.

These requirements are addressed in Condition Nos. 36 to 38 in Appendix "D" to Report PED18144.

**The Ministry of Transportation (MTO)** is satisfied with the revised Draft Plan of Subdivision in that the common element roadway will not encroach within 14 m of highway right of way. MTO requires permits for the access to the existing residence, on lands owned by the Applicant (Block 6). They also require that the owner enter into legal agreement with MTO whereby the owner agrees to assume financial responsibility for studies and any resulting construction of all associated highway improvements. The

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MTO will require the following to be included as a condition of draft approval for the Draft Plan of Subdivision:

- That prior to registration of the Draft Plan of Subdivision, a Left Turn Lane Warrant Analysis is required for the entrance into the subdivision to determine if any further analysis is required and / or if highway improvements are required to accommodate traffic operations related to the subdivision traffic to the satisfaction of the Ministry of Transportation;
- That, prior to registration of the Draft Plan of Subdivision, the Applicants must demonstrate, to the satisfaction of the Ministry, that land uses and structures that are integral to site operations or are essential to the viability of the site are set back a minimum of 14 m from the Highway 8 Right of Way limits. The "Block 7" – common element provides access to the subdivision, and is essential to the viability of the subdivision and the future sites. The portion of Block 7 that abuts and runs parallel to Highway 8 ROW should therefore be outside the 14 m setback.
- Prior to preliminary grading, detailed design is to be submitted to the satisfaction of the Ministry of Transportation, and entrance permits for the proposed entrance to Block 6 are to be issued by the Ministry of Transportation.
- That prior to final approval, the owner shall submit to the Ministry of Transportation for review and approval, a detailed stormwater management report, in accordance with MTO Stormwater Management Requirements for Land Development Proposals.
- That prior to final approval, a 0.3 m reserve extending across the entire highway frontage, excepting for the common element roadway / driveway entrance, be conveyed by deed to the Ministry of Transportation. All deed must be free of all encumbrances.

These requirements are addressed in Condition Nos. 26 to 30 in Appendix "D" to this Report.

## **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 for the Zoning By-law Amendment, Draft Plan of Subdivision and Draft Plan of Condominium Applications was circulated to 19 property owners within 120 m of the subject property on June 12, 2015. A Public Notice sign was posted on the subject property on June 23, 2015 and updated on July 18, 2018 with the Public Meeting date. Finally, Notice of the Public Meeting was circulated to 19 property owners on July 27, 2018. Two letters were

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received as a result of the circulation attached as Appendix "G" to Report PED18144. The letters identified concerns related to water supply and private waste water treatment, the potential size and location of future residential dwellings, nuisance, increased property taxes, decreased property value and potential loss of farmland. These concerns are discussed in the Analysis and Rationale for Recommendation of this Report.

**Public Consultation Strategy**

These applications were received on May 8, 2015, prior to the requirement for a Public Consultation Strategy.

**ANALYSIS AND RATIONALE FOR RECOMMENDATION**

1. The proposed Zoning By-law Amendment, Draft Plan of Subdivision and Draft Plan of Condominium Applications have merit and can be supported for the following reasons:
  - (i) The applications are consistent with the Provincial Policy Statement (2014), and conform to the Greenbelt Plan (2017) and Growth Plan for the Greater Golden Horseshoe (2017);
  - (ii) The proposal complies with the RHOP in that the proposed single detached dwellings are permitted and the proposal represents good planning by directing growth into existing Rural Settlement Areas, maintaining sustainable private water and wastewater services and protecting natural heritage features.
  
2. The applications for a Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Condominium, known as "Butternut Hill", are to permit the creation six new residential blocks having a minimum lot area of 0.42 ha, and a maximum of three bedrooms per dwelling unit, a common element containing Environmentally Significant Areas and Vegetation Protection Zone, a common element condominium road and storm water management dry pond, and one block for continued agricultural use.
  
3. The Applicant has applied for a Zoning By-law Amendment for the subject property for the following:
  - Block 1 is for a change in zoning from Settlement Residential (S1, 60) Zone to the Conservation / Hazard Land - Rural (P7) Zone to preserve natural features and the existing agricultural use located north of the features;

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- Block 2 is for a change in zoning from Conservation / Hazard Land - Rural (P7) Zone to the Settlement Residential (S1, 23) Zone to permit a minimum block size of 0.42 ha; and,
- Block 3 is for a change in zoning from Settlement Residential (S1, 60) Zone to the Settlement Residential (S1, 23) Zone to permit a minimum block size of 0.42 ha.

The subject property includes provincially significant wetlands and woodlands. The southern boundaries of these natural heritage features have been refined in coordination with the Hamilton Conservation Authority. These applications included the submission of an EIS which recommends a 30 m VPZ along the southern boundary of the wetlands and 7.5 m VPZ along the southern boundary of the woodland, buffering the Natural Heritage Features from the proposed residential blocks. As a condition of the Draft Plan of Subdivision, the Natural Heritage Features and VPZ are to be delineated through informational signage and / or through a planted boundary indicator. As a result of the boundary refinement, staff have determined that portions of the subject property which are currently zoned Conservation / Hazard Land - Rural (P7) Zone are acceptable for limited development without negatively affecting the Natural Heritage Features, and are proposed be rezoned to the Settlement Residential (S1, 23) Zone. Additionally, natural heritage features and VPZ, as well as lands located north of the natural heritage features, to be preserved for agricultural use, are to be entirely encompassed by Conservation / Hazard Land – Rural (P7) and (P8) Zones. These are shown in Appendix “B” to Report PED18144. Therefore, staff support the changes in zoning.

Modification to the minimum lot size and restriction on bedrooms

The function of the minimum lot size in the Rockton Rural Settlement Area is to ensure that adequate and sustainable private water and waste water services are available for proposed blocks, without negatively impacting surrounding existing uses. A Zoning By-law Amendment is required to permit a minimum lot size of 0.42 ha, which is the smallest size of the proposed blocks. Staff have reviewed the Hydrogeological Study submitted by the Applicant, which limits development on the subject property to one residential dwelling per block, having a maximum of three bedrooms per dwelling unit. Staff are satisfied that the proposed lot sizes are sufficient to maintain sustainable water and waste water services for each block in addition to the restriction on the number of bedrooms. Therefore, staff support the modification.

4. The proposed Draft Plan of Subdivision will consist of six blocks, including two existing single detached dwellings, and enabling four new residential dwellings. It

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also includes two blocks, including one block for a private road and storm water management dry pond, one block for an Environmentally Significant Area and Vegetation Protection Zone.

In review of Sub-section 51(24) of the *Planning Act*, to assess the appropriateness of the proposed subdivision, staff advise that:

- (a) It is consistent with the Provincial Policy Statement, the Greenbelt Plan, the Growth Plan and the Rural Hamilton Official Plan including the Rockton Rural Settlement Area Plan;
- (c) The proposed condominium road will adequately service the proposed subdivision and can connect to the current road system;
- (d) The proposed Draft Plan of Subdivision can be appropriately subdivided and is determined to not negatively impact on the natural heritage features subject to approval of the Zoning By-law Amendment;
- (e) The proposed subdivision will be compatible with the existing road network and block pattern of surrounding neighbourhood; and,
- (f) The applications will not have any negative impact on the city's finances.

Therefore, staff are supportive of the Draft Plan of Subdivision and recommend its approval.

5. The proposed Draft Plan of Condominium (Common Element) facilitates the proposed development by establishing a common element condominium for a condominium road, storm water management dry pond, Environmentally Sensitive Area and Vegetative Protection Zone, as shown on the attached plan, marked as Appendix "E" to Report PED18144. All residential properties will have access to the Environmental Sensitive Area, however, development or alteration will be restricted. The private condominium road will provide access to Highway No. 8. Five residential blocks will have access from the private condominium road and will hold an interest in the Common Element Condominium Corporation.
6. Growth Management has provided the following comments:

**General**

- The Owner agrees to remove and dispose of the existing pool, pool deck, fence, etc. generally located south of Block 3. The pool shall be completely

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removed and restored with engineered fill, compacted as recommended by a qualified Geotechnical Engineer, up to finished grade.

- The Owner shall include in the engineering design and cost estimates provision for adequate street lighting for the private road.
- The Owner shall submit a detailed sump pump design. The design shall consider the weeping tile inflow based on ground water and severe wet weather conditions.
- The Owner shall include in the engineering design and cost estimates for removal and replacement of the existing driveway culvert within the Highway No. 8 right of way.
- The Owner shall provide an easement, in favour of the condominium corporation, for the drainage swale between proposed Blocks 2 and 3. The easement width shall be a minimum of 4.5 m, subject to the final design requirements.
- The Owner agrees to submit individual lot grading plans showing the proposed septic systems, wells, soakaway systems, final house footprints and locations.
- The Owner shall fence the property line shared with the adjacent park (Beverly Community Park) to the City's standards if there is no appropriate existing park fencing. The park perimeter fencing will allow for pedestrian walkway connection to the park where required. The proposed location of the fencing and construction shall be indicated on a plan for approval by the Director of Strategic Planning.

### **Maintenance**

- The Owner agrees to include the following warning clause in all agreements of purchase and sale for the Blocks 1, 2, 4, and 5:

“This dwelling unit being serviced by a well, septic disposal system and stormwater soakaway system will require routine maintenance and upkeep and it is the responsibility of the property owners to maintain these systems, in accordance with the guidelines and regulations of the City of Hamilton, Ministry of Environment and Climate Change and Ontario Building Code.”

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- The Owner agrees to advise purchasers through the agreement of purchase and sale of the recommended maintenance responsibilities for the SWM facilities.

### **Water, Wastewater and Sewer Servicing**

These applications propose that six new residential blocks be created. Two of the blocks contain existing single detached dwellings with private services. Each block is proposed to be serviced through private water and waste water systems. The smallest block proposed is 0.42 ha. Each of the new blocks is abutted by a common element which encompasses the Natural Heritage Features of the site, and which is proposed to be zoned so as to prohibit future development on the common element. Staff are satisfied that the combination of the proposed new minimum residential block size and abutting lands (ESA and VPZ area) which prohibit development will maintain sustainable private services for existing and future residents. The following comments, pertaining to these portions of the subject property will be addressed as Draft Plan of Subdivision conditions:

- The existing and proposed wells and existing proposed septic systems on all lots must be clearly shown on all engineering submissions. The removal of the existing septic beds, wells, and any structures that may be required to be removed, shall be done so in accordance with the applicable guidelines (MOECC, City of Hamilton) and at the sole cost to the owner.
- A revised plan must be submitted that delineates the locations of septic system components and wells, ensuring that wastewater effluent will be directed away from any nearby water supply wells. The revised plan should also delineate a reserve area bed as per Rural Hamilton Official Plan requirements.
- The Applicant should demonstrate sustainable water services on site. This would include a pumping test in conformance with MOECC Guideline D-5-5 and the City's Guidelines for Hydrogeological Studies and Technical Standards for Private Services.
- The Applicant shall demonstrate that water quality for each lot is potable. As a result, the Applicant shall test water quality parameters stated in the Technical Support Document for Ontario Drinking Water Standards, Objectives and Guidelines (MOECC 2003) including Tables 1, 2 and 4; the Radiological Parameters to be tested shall be only Gross Alpha and Gross Beta. A copy of the Chain of Custody shall be provided with the sampling results.

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### **Stormwater Management**

These applications propose a common element condominium road and storm water management dry pond (Block 6). Staff find the proposed SWM pond to be an acceptable tool for managing storm water on site. However, the proposed design includes deficiencies that require revision. These deficiencies will be addressed in the conditions of the Draft Plan of Subdivision:

- The storm water management pond must be fully outside of the MTO's 14 m setback requirement.
- That a suitable storm outlet exists for drainage areas No. 300 and No. 400 (as identified on the Storm Drainage Area Plan contained within the December 15, 2017 Functional Servicing Report) should be demonstrated. In the event that a suitable storm outlet is not feasible for these areas, the Owner shall demonstrate that they have riparian rights for the outlet proposed through the adjacent private lands to the south.
- A detailed SWM report must be submitted prior to servicing. The report shall contain sufficient details and information to demonstrate that the proposed location of the SWM Pond will adequately accommodate the proposed facility's design and be in accordance with all current and applicable Storm Water Management Guidelines.
  - a) The post-development flows shall be maintained at the pre-development levels for all storm events up to and including the 100-yr storm event.
  - b) The proposed driveways shall incorporate permeable pavement as part of the overall water balance strategy.
  - c) Soakaway systems shall be designed and constructed at the bottom of the dry pond and bottom of the proposed 2.0 m wide flat bottom vegetative / enhanced swale to provide stormwater quality control for the drainage from the private road. A minimum separation between groundwater elevation and the bottom of any soakaway system would need to be maintained as per MOECC guidelines.
- The Owner agrees in writing to provide "as-built" lot grading plans for each lot showing the location, depth and size of the soakaway systems as part of final grading certification.

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- The Owner agrees in writing to provide certification by a qualified professional engineer that the soakaway systems on each lot has been installed in accordance with the approved plans and that roof leaders have been directed to the soakway systems as required.

These requirements have been addressed as Condition Nos. 1 to 15 and 31 of Appendix "D" to Report PED18144 and as Condition Nos. 4 (e) of Appendix "F" to Report PED18144.

7. Growth Management has required a blanket easement in favour of the Condominium Corporation that covers all shared services on the development over the Storm Water Management facility.

This requirement have been addressed as Condition No. 9 of Appendix "F" to Report PED18144.

8. Two letters were received as a result of the circulation (see Appendix "G" to Report PED18144). The overall issues are generally summarized as follows:

Water supply and private waste water treatment and positioning of private facilities

Adjacent property owners recognize that studies have been undertaken to determine adequate servicing for the proposal. However, they would like to understand how it would be resolved in the event that their wells were to become impacted. They recognize measures to control the size of future development, but have concerns with respect to the location of the private waste water facilities.

The hydrogeological study submitted by the Applicant indicated that, due to local elevations and groundwater flow direction, wastewater effluent will be moved away from neighbouring properties towards the wetland feature and watercourse. All lots are sized appropriately so that wastewater pollution can be entirely managed on a given property. In terms of water quantity, staff note that a pumping test has to be conducted on site and that the Applicant will coordinate with the adjacent residents the monitoring of their wells when this occurs. The required pumping tests will also determine what impacts, if any, would be experienced by adjacent residents in the local aquifer. The pumping test requirement is Condition No. 24 of Appendix "D" to Report PED18144.

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Nuisance

Adjacent property owners have concern that the proposed residential properties would permit uses that are not compatible, including agricultural related uses such as fowl. However, no such uses are permitted in the proposed Site Specific Settlement Residential (S1) Zone, which only permits Residential Care Facilities and Single Detached Dwellings on lots which abut adjacent residential properties. The portion of the subject lands that will be zoned Conservation / Hazard Land – Rural (P7 and P8) Zones prohibit residential development and will serve to protect the natural areas from any negative impacts.

Agricultural landscape and potential loss of farmland

Adjacent property owners have expressed concern that approval of this development will reduce the agricultural landscape which was a contributing factor to their choice to move to the area in 2014. The subject property is located within a Rural Settlement Area which is intended to be residential, in accordance with Section D.5.0 of the RHOP. As such, and where as the Applicant has demonstrated that the subject property will support private services and conserve natural heritage features, staff support the development of these lands for residential use.

Increased property taxes and decreased property value

A concern was raised with respect to the proposal causing a negative impact on property values or increase in taxation of existing properties in the area. Staff are not aware of any supporting information or any empirical data with respect to property devaluation or taxation increase that would substantiate this concern.

**ALTERNATIVES FOR CONSIDERATION**

Should these applications be denied, the lands could not be developed for the proposed residential draft Plan of Subdivision. The lands zoned Settlement Residential (S1, 60) Zone could be developed for residential use in accordance with the Settlement Residential (S1) Zone, to a minimum lot area of 0.9 ha. The lands zoned Conservation / Hazard Land – Rural (P7) Zone, and Conservation / Hazard Land – Rural (P8) Zone will maintain their existing boundaries and continue to prohibit development.

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**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.*

**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.*

**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 By-law and Schedule A Map

Appendix "C" – Revised Draft Plan of Subdivision

Appendix "D" – Draft Plan of Subdivision Conditions

Appendix "E" – Proposed Draft Plan of Condominium

Appendix "F" – Draft Plan of Condominium Conditions

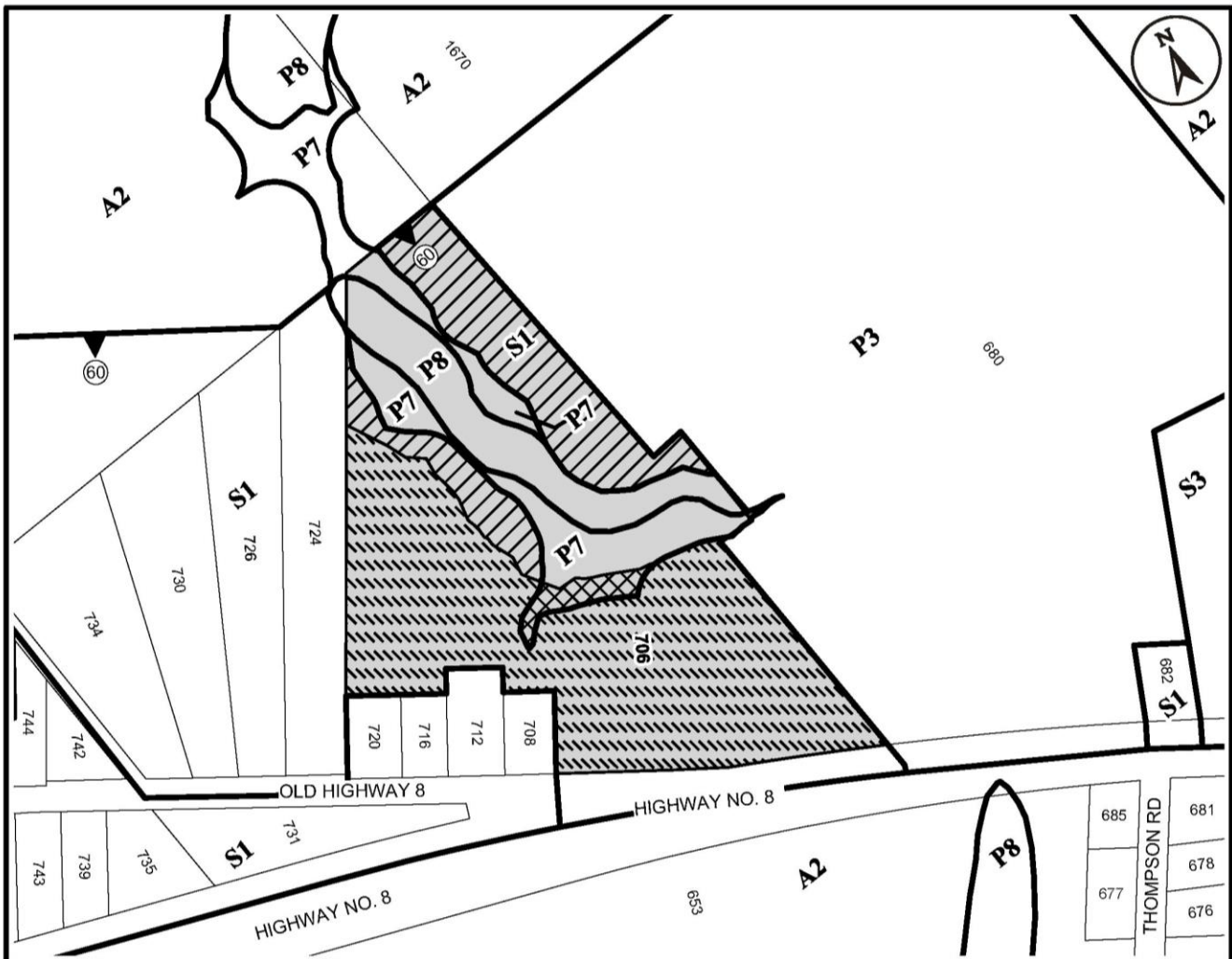
Appendix "G" – Letters from the Public

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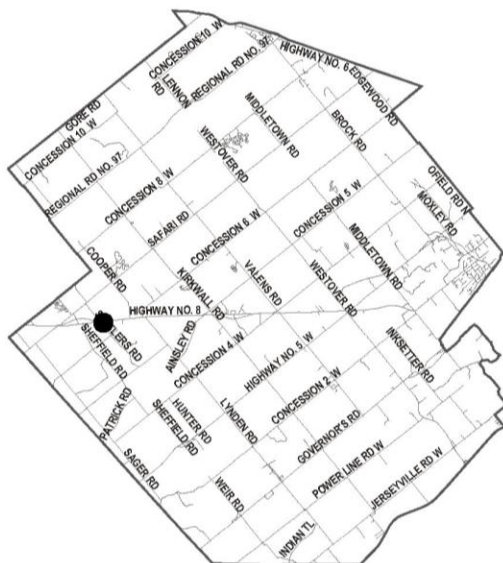
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● Site Location



Key Map - Ward 14

N.T.S.

## Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
ZAC-15-028/25T-201506/25CDM-201507

Date:  
June 22, 2018

Appendix "A"

Scale:  
N.T.S.

Planner/Technician:  
BN/AL

### Subject Property

706 Highway No. 8

**Block 1** - Change in zoning from Settlement Residential (S1, 60) Zone to Conservation / Hazard Lands - Rural (P7) Zone

**Block 2** - Change in zoning from Conservation / Hazard Lands - Rural (P7) Zone to Settlement Residential (S1, 23) Zone

**Block 3** - Change in zoning from Settlement Residential (S1, 60) Zone to Settlement Residential (S1, 23) Zone

Subject Lands

**Authority:** Item ,  
Report (PED18144)  
CM:  
Ward: 14

**Bill No.**

## **CITY OF HAMILTON**

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

### **To Amend Zoning By-law 05-200 Respecting Lands Located at 706 Highway No. 8, Flamborough**

**WHEREAS** Council approved Item \_\_\_ of Report PED18144 of the Planning Committee, at its meeting held on August 14, 2018;

**AND WHEREAS** this By-law conforms to the Rural Hamilton Official Plan;

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

1. That Map No. 80 of Schedule "A" to Zoning By-law No. 05-200 is amended as follows:
  - a) For a change in zoning from the Settlement Residential (S1, 60) Zone to the Conservation / Hazard Land - Rural (P7) Zone on lands described as Block 1.
  - b) For a change in zoning from the Conservation / Hazard Land - Rural (P7) Zone to the Settlement Residential (S1, 23) Zone on lands described as Block 2.
  - c) For a change in zoning from the Settlement Residential (S1, 60) Zone to the Settlement Residential (S1, 23) Zone on lands described as Block 3.
2. That Schedule "C" Special Exceptions, of By-law No. 05-200 is amended by adding an additional exception 23, as follows:
  23. Within those lands zoned Settlement Residential (S1) Zone, identified on Map No. 80, of Schedule "A" – Zoning Maps and described as 706 Highway No. 8, the following special provisions apply:
    - a) In addition to Section 12.3.3, a single detached dwelling shall have a maximum of 3 bedrooms.
    - b) Notwithstanding Section 12.3.3 a), the minimum lot area shall be 0.42 hectares.
3. 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*.

4. 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.

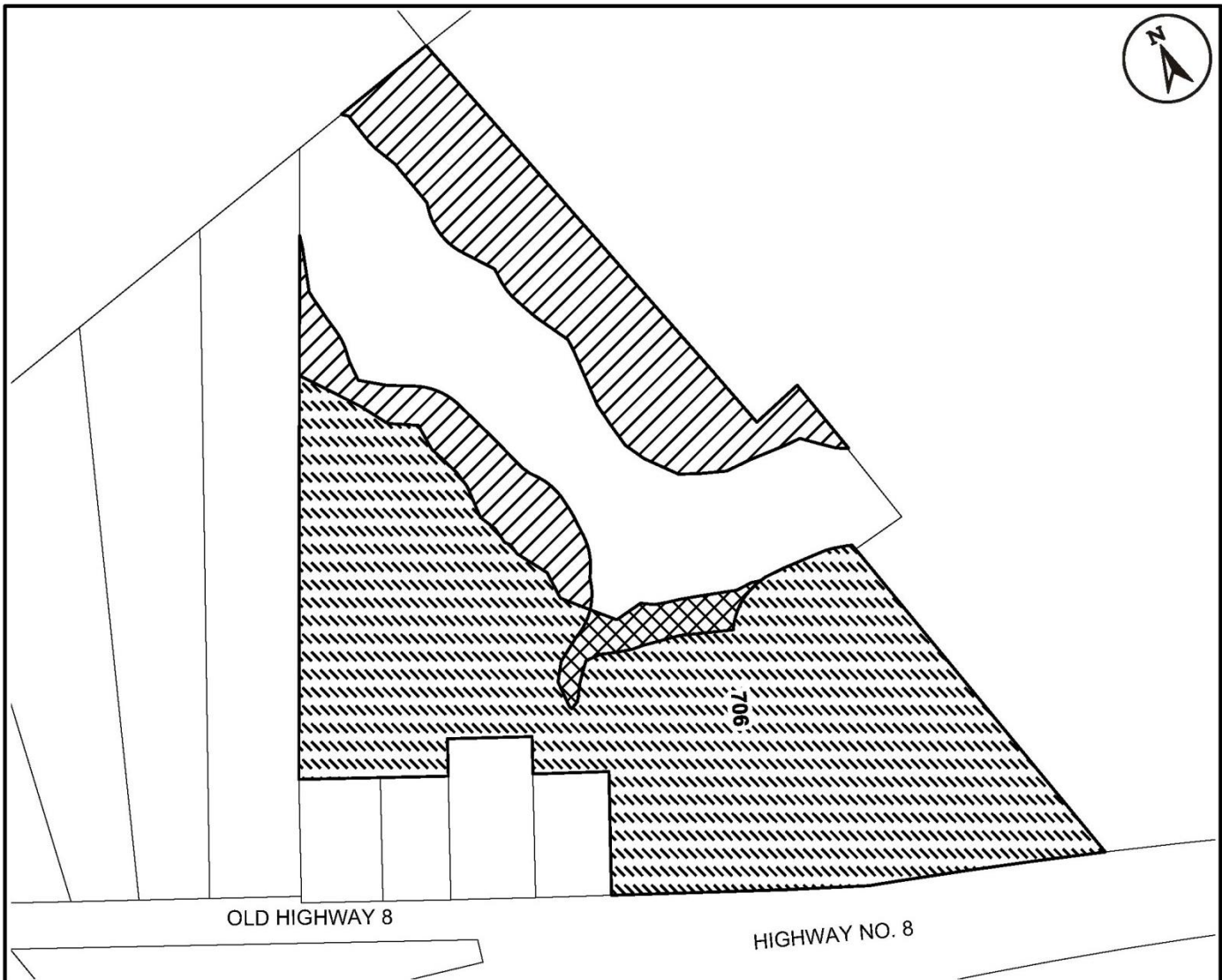
**PASSED** this 14<sup>th</sup> day of August, 2018.

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F. Eisenberger  
Mayor

---

Janet Pilon  
Acting City Clerk



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

Passed the ..... day of ....., 2018

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Mayor

-----  
Clerk

## Schedule "A"

Map Forming Part of  
By-law No. 18-\_\_\_\_\_

to Amend By-law No. 90-145-Z

### Subject Property

706 Highway No. 8



**Block 1** - Change in zoning from  
Settlement Residential (S1, 60) Zone to  
Conservation / Hazard Lands - Rural (P7) Zone



**Block 2** - Change in zoning from  
Conservation / Hazard Lands - Rural (P7) Zone  
to Settlement Residential (S1, 23) Zone



**Block 3** - Change in zoning from  
Settlement Residential (S1, 60) Zone to  
Settlement Residential (S1, 23) Zone

Scale:  
N.T.S.

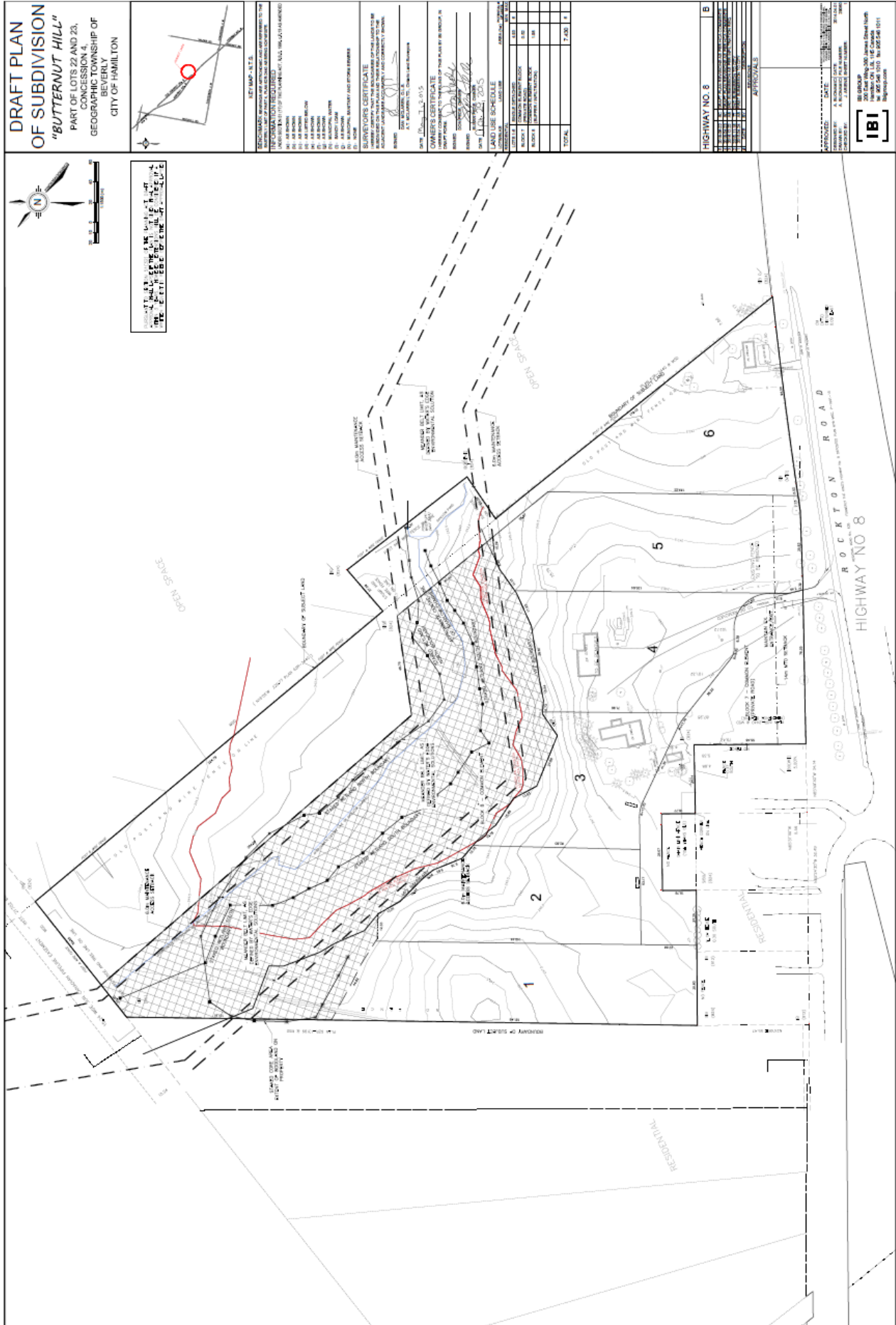
File Name/Number:  
ZAC-15-028 / 25T-201507

Date:  
June 22, 2014

Planner/Technician:  
BN/AL



Hamilton





**Conditions of Draft Plan of Subdivision Approval for  
25T-201506, 706 Highway No. 8**

That this approval apply to the Revised Draft Plan of Subdivision, 25T-201506, 706 Highway No. 8, "Butternut Hill", prepared by IBI Group and certified by D. McLaren, O.L.S., dated, June 22, 2018, consisting of eight blocks for four new single detached dwellings, subject to the owner entering into a standard Form Subdivision Agreement, received, and approved by City Council with the following special conditions.

**Development Engineering**

1. That, **prior to preliminary grading**, the Owner shall clearly demonstrate that the SWM Pond Block is fully outside of the MTO's 14m setback requirement to the satisfaction of the Senior Director of Growth Management.
2. That, **prior to preliminary grading**, the Owner shall locate and clearly show the location of the existing and proposed wells, and existing and proposed septic systems on all lots on all engineering submissions. The removal of existing septic beds, wells, and any structures that may be required to be removed, shall be done so in accordance with the applicable guidelines (MOECC, City of Hamilton, etc.) and at the sole cost to the Owner, to the satisfaction of the Senior Director of Growth Management.
3. That, **prior to preliminary grading**, the Owner shall demonstrate that a suitable storm outlet exists for drainage areas # 300 & # 400 (as identified on the Storm Drainage Area Plan contained within the December 15, 2017 Functional Servicing Report). In the event that a suitable storm outlet is not feasible for these areas, the Owner shall demonstrate that they have riparian rights for the outlet proposed through the adjacent private lands to the south to the satisfaction of the Senior Director of Growth Management.
4. That, **prior to servicing**, the Owner agrees to submit a detailed Stormwater Management report. The report shall contain sufficient details and information to demonstrate that the proposed location of the SWM Pond will adequately accommodate the proposed facility's design and be in accordance with all current and applicable Stormwater Management Guidelines and to the satisfaction of the City's Senior Director of Growth Management;
  - a. The post-development flows shall be maintained at the pre-development levels for all storm events up to and including the 100-yr storm event;
  - b. The proposed driveways shall incorporate permeable pavement as part of the overall water balance strategy; and,
  - c. Soakaway systems shall be designed and constructed at the bottom of the dry pond and bottom of the proposed 2.0m wide flat bottom vegetative /

enhanced swale to provide stormwater quality control for the drainage from the private road. A minimum separation between groundwater elevation and the bottom of any soakaway system would need to be maintained as per MOECC guidelines.

5. That, **prior to servicing**, the Owner agrees to remove and dispose of the existing pool, pool deck, fence, etc. generally located south of Lot 3. The pool shall be completely removed and restored with engineered fill, compacted as recommended by a qualified Geotechnical Engineer, up to finished grade, to the satisfaction of the Senior Director of Growth Management.
6. That, **prior to servicing**, the Owner shall include in the engineering design and cost estimates for the soakaway systems that all new dwellings shall have their roof leaders directly connected to the soakaway system to the satisfaction of the Senior Director of Growth Management.
7. That, **prior to servicing** the Owner agrees in writing to provide "as-built" lot grading plans for each lot showing the location, depth and size of the soakaway systems as part of final grading certification to the satisfaction of the Senior Director of Growth Management.
8. That, **prior to servicing** the Owner shall include in the engineering design and cost estimates, where required, concrete pads to facilitate the placement of a community mail box in a location approved by Canada Post. The pad is to be poured at the time of the sidewalk and / or curb installation to the satisfaction of the Senior Director of Growth Management.
9. That, **prior to occupancy** the Owner agrees in writing to provide certification by a qualified professional engineer that the soakaway systems on each lot has been installed in accordance with the approved plans and that roof leaders have been directed to the soakaway systems as required, all to the satisfaction of the Senior Director of Growth Management.
10. That, **prior to servicing** the Owner shall include in the engineering design and cost estimates provision for adequate street lighting for the private road to the satisfaction of the Senior Director of Growth Management.
11. That, **prior to servicing** the Owner shall submit a detailed sump pump design. The design shall consider the weeping tile inflow based on ground water and severe wet weather conditions, to the satisfaction of the Senior Director of Growth Management.
12. That, **prior to servicing** the Owner shall include in the engineering design and cost estimates provision for removal and replacement of the existing driveway culvert within the Highway #8 right of way to the satisfaction of the Senior Director of Growth Management.

13. That, **prior to registration of the Draft Plan of Subdivision**, the Owner shall provide an easement, in favour of the condominium corporation, for the drainage swale between proposed Block 2 & 3. The easement width shall be a minimum of 4.5m, subject to the final design requirements, to the satisfaction of the Senior Director of Growth Management.
14. That, **prior to registration of the Draft Plan of Subdivision**, the Owner agrees to include the following warning clause in all agreements of purchase and sale for the Blocks 1, 2, 4, and 5;

“This dwelling unit being serviced by a well, septic disposal system and stormwater soakaway system will require routine maintenance and upkeep and it is the responsibility of the property owners to maintain these systems, in accordance with the guidelines and regulations of the City of Hamilton, Ministry of Environment and Climate Change and Ontario Building Code.”

to the satisfaction of the Senior Director of Growth Management.

15. That, **prior to the issuance of Building Permit**, the Owner agrees to submit individual lot grading plans showing the proposed septic systems, wells, soakaway systems, final house footprints and locations, to the satisfaction of the Senior Director of Growth Management.

### **Development Planning**

16. That, **prior to preliminary grading of the final plan of subdivision**, the proponent shall carry out a Stage 3 archaeological assessment of the entire property and if required as part of the Stage 3 archaeological assessment, a Stage 4 archaeological assessment, and mitigate through preservation or resource material removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances shall take place on the subject property prior to the approval of the Director of Planning and Chief Planner and the Ministry of Tourism, Culture and Sport confirming that all archaeological resource concerns have met licensing and conservation requirements. 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.

### **Natural Heritage**

17. That, **prior to pre-grading**, the owner / developer prepare a Tree Protection Plan (TPP) according to the City of Hamilton's Tree Protection Guidelines to the satisfaction of the Director of Planning and Chief Planner.

18. That, **prior to pre-grading**, the tree management professional must provide a Verification of Tree Protection Letter to the Director of Planning and Chief Planner to confirm that all tree protection measures have been installed as shown in the Tree Protection Plan approved by the City of Hamilton.
19. That, **prior to preliminary grading**, the owner is aware of the Migratory Birds Convention Act, 1994 and agrees that removal of any vegetation on the subject lands is to occur outside of the breeding bird season (May 1 to July 31). However, in the event that vegetation removal is proposed during the restricted breeding period, the owner / applicant shall have a qualified biologist conduct a nest search of the vegetated area, prior to any work commencing. Vegetation removal may occur if it is determined that active nests are not present in the removal area, to the satisfaction of the Director of Planning and Chief Planner.
20. That, **prior to registration**, the owner / developer prepare a Landscape Plan prepared by a certified Landscape Architect showing the placement of compensation trees for any tree removals completed in accordance with the Tree Protection Plan, to the satisfaction of the Director of Planning and Chief Planner. The Landscape Plan should also show habitat restoration plantings, including:
  - a. Lands adjacent to the pond and woodland should be planted with native trees and shrubs to enhance ecological conditions.
  - b. That the boundary of the VPZ be planted with native thorny shrubs and plants to discourage encroachment.
21. That **prior to occupancy**, the applicant will prepare a Stewardship Brochure to the satisfaction of the Director of Planning and Chief Planner. The Stewardship Brochure will be distributed to all future homeowners and will describe the importance of the natural feature and its functions and how the homeowner can minimize their impact on this feature.
22. That, **prior to occupancy**, interpretive signs be installed at the rear of each lot at the VPZ boundary, to inform residents about the ecological significance of the area and how to protect it (do not remove vegetation, do not dump compost or other materials, do not build structures, etc.), to the satisfaction of the Director of Planning and Chief Planner.

### **Source Protection Planning**

23. That, **prior to registration of the Draft Plan of Subdivision**, the Applicant shall submit a revised site plan that delineates the locations of septic system components

and wells, ensuring that wastewater effluent will be directed away from any nearby water supply wells. This revised site plan should also delineate a reserve area bed as per Rural Hamilton Official Plan requirements, to the satisfaction of the Director of Hamilton Water.

24. **That, prior to registration of the Draft Plan of Subdivision**, the applicant shall demonstrate sustainable water services on site. This would include a pumping test in conformance with MOECC Guideline D-5-5 and the City's Guidelines for Hydrogeological Studies and Technical Standards for Private Services, to the satisfaction of the Director of Hamilton Water.
25. **That, prior to registration of the Draft Plan of Subdivision**, the applicant shall demonstrate that water quality for each lot is potable. As a result, the applicant shall test water quality parameters stated in the Technical Support Document for Ontario Drinking Water Standards, Objectives and Guidelines (MOECC 2003) including Tables 1, 2 and 4, the Radiological Parameters to be tested shall be only Gross Alpha and Gross Beta. A copy of the Chain of Custody shall be provided with the sampling results, to the satisfaction of the Director of Hamilton Water.

### **Ministry of Transportation**

26. **That, prior to registration of the Draft Plan of Subdivision** a Left Turn Lane Warrant analysis is required for the entrance into the subdivision to determine if any further analysis is required, and / or if any highway improvements are required to accommodate traffic operations related to the subdivision traffic, to the satisfaction of the Ministry of Transportation.
27. **That, prior to registration of the Draft Plan of Subdivision**, the Applicants must demonstrate, to the satisfaction of the Ministry, that land uses and structures that are integral to site operations or are essential to the viability of the site are set back a minimum of 14m from the Highway 8 Right of Way limits. The "Block 7 - common element" provides access to the subdivision, and is essential to the viability of the sub-division and the future sites. The portion of Block 7 that abuts and runs parallel to Highway 8 ROW should therefore be outside the 14m setback.
28. **That, prior to preliminary grading**, detailed design is to be submitted, including the proposed entrance onto Highway No. 8 from the common element "Block 7" to the satisfaction of the Ministry of Transportation, and entrance permits for the proposed entrance to Block 7 and to the most easterly Block 6 from Highway No. 8, to be issued by the Ministry of Transportation.

29. That **prior to final approval**, the owner shall submit to the Ministry of Transportation for review and approval a detailed stormwater management report, in accordance with MTO Stormwater Management Requirements for Land Development Proposals.
30. That, **prior to final approval**, a 0.3m reserve extending across the entire highway frontage, excepting for the common element roadway / driveway entrance, be conveyed by deed to the Ministry of Transportation. All deeds must be free of all encumbrances.

### **Strategic Planning**

31. That **prior to registration of the Draft Plan of Subdivision**, the owner shall fence the property line shared with the adjacent park to the City's standards if there is no appropriate existing park fencing. The park perimeter fencing will allow for pedestrian walkway connections to the park where required. The proposed location of the fencing and construction shall be indicated on a plan for approval by the Director of Strategic Planning.

### **Urban Forestry**

32. That **prior to the registration of the Draft Plan of Subdivision**, the owner shall provide a Tree Management Plan to the satisfaction of the Forestry & Horticulture Section. The Street Tree Planting condition will be cleared upon receipt of a plan depicting new trees and a cash payment as shown in Item 2.8 of the completed Subdivision Agreement.
33. That, **prior to preliminary grading of the final plan of subdivision**, the owner shall provide a Landscape Planting Plan prepared and signed by a certified Landscape Architect. This plan must be submitted for review and comments by the Forestry & Horticulture Section.

### **CANADA POST**

34. That the home / business mail delivery will be from a designated Centralized Mail Box.
35. That the developer / owner be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sale.

**Hamilton Conservation Authority**

36. **That prior to preliminary grading or servicing**, the Owner prepares a stormwater management plan for the property to the satisfaction of the Hamilton Conservation Authority.
37. **That prior to preliminary grading or servicing**, the Owner prepares a grading plan, servicing plan, and an erosion and sediment control plan for the property to the satisfaction of the Hamilton Conservation Authority.
38. **That prior to preliminary grading or servicing**, the Owner prepares a landscape planting plan for the enhancement of the natural heritage feature buffer lands to the satisfaction of the Hamilton Conservation Authority.

**NOTES TO DRAFT PLAN APPROVAL**

The following note should be included in the City's draft plan approval letter:

Pursuant to Section 51(32) of the Planning Act, draft approval shall lapse if the plan is not given final approval within 3 years. However, extensions will be considered if a written request is received before the draft approval lapses.





**Special Conditions of Draft Plan of Condominium Approval for  
25CDM-201507, 706 Highway No. 8**

That this approval for the Draft Plan of Condominium (Common Elements) 25CDM-201507, prepared by IBI Group and certified by Dan McLaren O.L.S, dated June 22, 2018, showing Block 7 for private condominium road and stormwater management dry pond, labelled as "Common Element", and Block 8 containing Core Areas and Vegetation Protection Zone, labeled "Common Element" be received and endorsed by City Council with the following special conditions:

1. That the Final Plan of Condominium shall comply with all of the applicable provisions of the City of Hamilton Zoning By-law No. 05-200, as amended by By-law No. 18-XXX, as in force and effect at the time of the registration of the Draft Plan of Condominium.
2. That the Final Plan of Condominium shall comply with the approved Final Plan of Subdivision, in all respects, to the satisfaction of the Manager of Development Planning, Heritage and Design.
3. That the Owner shall register Draft Plan of Subdivision 25T-201507, "Butternut Hill", to the satisfaction of the Director of Planning and Chief Planner.
4. That the Owner shall include the following warning clauses in the Condominium Approval Agreement and Condominium Agreement and all Purchase and Sale Agreements and any rental or lease agreements required for occupancy:

To the satisfaction of the Director of Planning and Chief Planner:

- (a) Purchasers / Tenants are advised that the City of Hamilton will not be providing maintenance or snow removal service for the private condominium road.
- (b) Purchasers / Tenants are advised of the recommended maintenance responsibilities for the stormwater management quantity control facilities.

To the satisfaction of Canada Post:

- (c) Purchasers / Tenants are advised of the exact Centralized Mail Box locations prior to the closing of any home sale.
- (d) Purchasers / Tenants are advised that home / business mail delivery will be from a designated Centralized Mail Box.

To the satisfaction of the Senior Director, Growth Management

- (e) Purchasers / Tenants are advised that there is a blanket easement in favour of the Condominium Corporation that covers any and all shared services on the development over the Storm Water Management facility.
  - (f) Garages are provided for the purpose of parking a vehicle. It is the responsibility of the owner / tenant to ensure that their parking needs (including those of visitors) can be accommodated onsite. On-street, overflow parking may not be available and cannot be guaranteed in perpetuity.
5. That, prior to occupancy, the owner shall provide Purchasers / Tenants with a Stewardship Brochure that has been prepared by the applicant to the satisfaction of the Manager of Development Planning, Heritage and Design. The Stewardship Brochure will be distributed to all future homeowners and will describe the importance of the natural feature and its functions and how the homeowner can minimize their impact on this feature.
  6. That, prior to occupancy, interpretive signs be installed at the rear of each lot at the VPZ boundary, to inform residents about the ecological significance of the area and how to protect it (do not remove vegetation, do not dump compost or other materials, do not build structures, etc.).
  7. That the Owner shall enter into a Development Agreement to ensure that the tenure of each of the proposed freehold dwellings having frontage on the condominium road has legal interest, in common, to the Common Elements Condominium, to the satisfaction of the City Solicitor.
  8. That the owner shall satisfy all conditions, financial or otherwise, of the City of Hamilton.

### **Growth Management**

9. The following easement is created upon registration of this Declaration and Description pursuant to section 20 of the Condominium Act, 1998 in order to comply with condition (5) attached to the City of Hamilton's final approval of this Declaration and Description:
  - (a) Reserving unto the Condominium Corporation, it assigns, successors, servants, agents and employees, the right in the nature of an easement, to enter without charge in, over and along all of the Units and the Common Elements of the Condominium, for time to time, for the purposes of entering, inspecting and undertaking, at any time, modifications to the surface drainage of the said Units and the Common Elements of the Condominium in

accordance with the Detailed Grading Plan and the Overall Grading Plan approved by the City of Hamilton.

### **Development Engineering**

10. The Owner agrees to advise purchasers through the agreement of purchase and sale of the recommended maintenance responsibilities for the stormwater management facilities to the satisfaction to the City's Senior Director of Growth Management.
  
11. The Owner agrees to advise purchasers through the agreement of purchase and sale of the recommended maintenance responsibilities for the stormwater management facilities to the satisfaction of the City's Senior Director of Growth Management.

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

Jun.-26-15

City of Hamilton

Planning & Economic Development Department

Attn: Greg Macdonald, Senior Planner

Re: Notice of Application for Draft Plan 706 Highway 8 Flamborough

File ZAC-15-028

Greg

We have reviewed the draft application sent to us on the subject application as well have had a positive discussion with Don Pede on the application. Appears that we will be most impacted by the proposed development (724 Old Highway 8). Below are our comments with respect to the application;


1. With the addition of 6 lots we have a concern about the long term impact on our existing well. Recognize there will be hydrogeological studies and reviews performed however would like to understand what happens in the event our well is impacted. Having moved to 724 in May 2015 and have a well test documented so we are fairly current with the capabilities of our well.
  
2. Lots 1 & 2 of the proposed subdivision:
  - a. The lots are very irregular which may pose a challenge as to placement of the structures, wells and septic systems. Although there appears to be some movement to control house size, there is still a potential per city regulations that a 2.5 storey house could still be built per current height restrictions.
  
  - b. Lot #2 has a back lot distance of approx. 155m against our side lot. Human nature being what it is any material, equipment not in regular use generally is stored at the back of the property. The lot line is approx. 6.5m from the edge of our garage. Additionally with the rural settlement rules of the City of Hamilton the adjacent property owner could keep ducks, geese, swans, screamers, pheasants, grouse, guinea fowls, turkeys, chickens and peafowls adjacent to the side lot to our property. Should this occur it would undoubtedly disrupt the privacy we now enjoy and potentially impact the value of our property.

There is however a tree line that is located on the applicant's property that is adjacent to our property line which we currently perform the landscape maintenance (cut grass, etc) under a joint understanding that it is on Mr. Pede's property. Should there be some provision/assurance that the tree line be left in

place and not removed would certainly go a long way to making the application more palatable. We would certainly entertain assisting in providing additional trees on the west side of Lot #2 if some provisions were made that the tree line be left in place.

By copy to Don, thank you for the discussion earlier this week. It's a small community and want to work to come up with the right solution.

Respectfully submitted



Allan & Ann Forth  
724 Old Highway 8  
Rockton

**Nheiley, Brynn**

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**From:** Amber King <amberking@hotmail.ca>  
**Sent:** July-05-15 3:03 PM  
**To:** Macdonald, Greg  
**Subject:** Re: notice of application for Draft plan 706 Highway 8 Flamborough

ATTN: Greg MacDonald, Senior Planner, City of Hamilton  
Planning and Economic Development Department  
Developing Planning, Heritage and Design - Rural Team  
71 Main Street West, 5th floor, Hamilton, ON, L8P 4Y5

File #: ZAC-15-028/25T-201506/25CDM-201507

July 5, 2015

Greg,

Don Pede stopped at our house at 720 Old highway 8 early last month to inform us of his application to build a sub-division behind our house. This came as incredibly unsettling news to us as we just purchased our home in November 2014, after being displaced from our farm in the Greensville area for which its new owners have also applied for re-zoning. Our main reason for purchasing this home was the fact that it backed onto a farm field with the view of a bush lot. We hoped our young daughter could grow up in a rural setting as we had done. We realize that this is the Pede's land and they have the right to do as they will with it, but we also have the right to voice our opinion, as it will definitely have a negative impact on our lives.

We were told by Mr. Pede that we would receive information on the application in the mail, while our neighbours received information, we did not, although two of the proposed properties back onto ours. Luckily a neighbour gave us a copy of his.

We are concerned also about the 2.5 acre properties and large dwellings which in turn will have high water use, we wonder what impact this will have on our well and water supply, and our septic/ grey water tanks.

We worry that this will negatively impact our property value, and raise our property taxes, and our saddened that another piece of viable farmland will have its topsoil scraped away to make room for sprawling properties and the inevitable 'McMansions' that will be built on them.

Thank you,

Amber King and Ryan Davies  
720 Old Highway 8, Rockton



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
 Planning Division

|                           |  |
|---------------------------|--|
| <b>TO:</b>                | Chair and Members<br>Planning Committee  |
| <b>COMMITTEE DATE:</b>    | August 14, 2018  |
| <b>SUBJECT/REPORT NO:</b> | Application to Amend the City of Stoney Creek Zoning By-law No. 3692-92 and the City of Hamilton Zoning By-law No. 6593 for Lands Located at 121 and 125 Highway No. 8, Stoney Creek (PED18180) (Ward 9) |
| <b>WARD(S) AFFECTED:</b>  | Ward 9   |
| <b>PREPARED BY:</b>       | Adam Lucas (905) 546-2424 Ext. 7856  |
| <b>SUBMITTED BY:</b>      | Steve Robichaud<br>Director, Planning and Chief Planner<br>Planning and Economic Development Department  |
| <b>SIGNATURE:</b>         |  |

### RECOMMENDATION

- (a) That **Amended Zoning By-law Amendment Application ZAC-17-085 by Branthaven Marz Inc. (c/o Anthony Girolami), Owner,** to remove the northerly portion of the subject lands at located at 121 and 125 Highway No. 8 from the City of Hamilton Zoning By-law No. 6593 and zoned "H/S-1313" (Community Shopping and Commercial, etc.) District, Modified as shown on the attached map shown as "Block 2" on Appendix "A" to Report PED18180, be **APPROVED** on the following basis:
- (i) That the draft By-law, attached as Appendix "B" to Report PED18180, 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 PED18180, be added to Schedule No. 5 of Zoning By-law No. 3692-92;
- (b) That **Amended Zoning By-law Amendment Application ZAC-17-085 by Branthaven Marz Inc. (c/o Anthony Girolami), Owner,** to add lands shown as "Block 2" on Appendix "A" to Report PED18180 to the City of Stoney Creek Zoning By-law No. 3692-92; to zone lands as shown as "Block 2" on Appendix "A" to Report PED180180 to Multiple Residential "RM4-10" Zone, Modified in the Stoney Creek Zoning By-law No. 3692-92; and, to change the zoning of Block "1" as shown on Appendix "A" to Report PED18180, in the City of Stoney Creek Zoning

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*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: Application to Amend the City of Stoney Creek Zoning By-law No. 3692-92 and the City of Hamilton Zoning By-law No. 6593 for Lands Located at 121 and 125 Highway No. 8, Stoney Creek (PED18180) (Ward 9) - Page 2 of 39**

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By-law No. 3692-92 from General Commercial “GC” Zone to Multiple Residential “RM4-10” Zone, Modified, to permit an eight storey multiple dwelling for lands located at 121 and 125 Highway No. 8, Stoney Creek, as shown on Appendix “A” to Report PED18180, be **APPROVED** on the following basis:

- (i) That the draft By-law, attached as Appendix “C” to Report PED18180, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (iii) That the amending By-law, attached as Appendix “C” to Report PED18180, be added to Schedule No. 5 of Zoning By-law No. 3692-92;
  - (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.
- (c) That approval be given for a modification to the Mixed Use – Medium Density (C5) Zone in the Hamilton Zoning By-law No. 05-200, to permit an eight storey multiple dwelling for lands located at 121 and 125 Highway No. 8, Stoney Creek, as shown on Appendix “A” to Report PED18180, subject to the following:
- (i) That the draft By-law, attached as Appendix “D” to Report PED18180, be held in abeyance until such time as By-law No. 17-240, being a by-law to establish the Commercial and Mixed Use Zones is in force and effect; and,
  - (ii) That staff be directed to being forward the draft By-law, attached as Appendix “D” to Report PED18180, for enactment by City Council, once By-law No. 17-240 is in force and effect.

## **EXECUTIVE SUMMARY**

The Owner, Branthaven Marz Inc., has applied for a Zoning By-law Amendment to permit the redevelopment of lands located at 121 and 125 Highway No. 8 in the former City of Stoney Creek (front portion) and the City of Hamilton (rear portion) (see Appendix “A” to Report PED18180). More specifically, the application proposes to permit an eight storey multiple dwelling consisting of 139 dwelling units. Further, the application proposes to provide 177 vehicular parking spaces of which 91 parking spaces will be surface parking and 86 parking spaces will be located in one level of underground parking.

The application has merit and can be supported as it is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden

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*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: Application to Amend the City of Stoney Creek Zoning By-law No. 3692-92 and the City of Hamilton Zoning By-law No. 6593 for Lands Located at 121 and 125 Highway No. 8, Stoney Creek (PED18180) (Ward 9) - Page 3 of 39**

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Horseshoe (2017) and complies with the policies of the Urban Hamilton Official Plan (UHOP). The proposal is considered to be compatible with the existing development pattern in the area and represents good planning by establishing compatible infill development.

***Alternatives for Consideration – See Page 38***

**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 property is located on the north side of Highway No. 8, west of Grays Road, and is municipally known as 121 and 125 Highway No. 8 (see Appendix “A” to Report PED18180). The property is approximately 6,969.27 sq m (1.72 ac) in size with 82.32 m of lot frontage, and located within the Olde Towne Secondary Plan and the Riverdale East Neighbourhood Plan area. The property is currently vacant of buildings and structures but previously contained a two storey single detached dwelling and a one storey commercial building which contained a bowling alley (i.e. Bowlerama).

The Zoning By-law Amendment is to permit an eight storey multiple dwelling consisting of 139 dwelling units and having a maximum height of 25.5 m. Further, the application proposes to provide 177 vehicular parking spaces of which 91 parking spaces will be surface parking and 86 parking spaces will be located in one level of underground parking. The proposal also includes balconies on all sides of the building, along with an outdoor rooftop amenity area and indoor amenity spaces for the occupants.

In order to implement the proposal, an amendment to the City of Stoney Creek Zoning By-law No. 3692-92 to change the southerly portion of the property from General Commercial “GC” Zone to a site specific Multiple Residential “RM4” Zone is required. Further, an amendment is required to remove the northerly portion of the lands zoned “H/S-1313” (Community Shopping and Commercial, etc.) District, Modified from the City of Hamilton Zoning By-law No. 6593 and rezone the lands to a site specific Multiple

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Residential “RM4” Zone in the City of Stoney Creek Zoning By-law No. 3692-92 to provide a single consolidated site specific Zoning By-law applicable to the subject lands. In addition, site specific modifications are required to the “RM4” Zone to address front and side yard setbacks, maximum density, amenity area, parking space size and number of parking spaces, landscaping, encroachments and underground tenant parking.

Further, once the CMU zoning under the City of Hamilton Zoning By-law No. 05-200 becomes in force and effect, the property will be zoned Mixed Use – Commercial (C5) Zone. Site specific modifications to the C5 Zone are required to address maximum building height, maximum building setback from a street line, maximum finished floor area elevation, minimum front yard setback, maximum height of a building designed to provide access to a rooftop amenity area and minimum landscape area width.

Revised Submission - April 13, 2018

In response to staff’s concerns regarding the design of the proposed building complementing the City-Wide Corridor Planning Principles and Design Guidelines, the applicant provided 45 degree angular build to plane drawings. In addition, as a result of comments from the City’s Transportation Planning Services, a revised concept plan was submitted to increase the driveway width. Further, revised architectural / concept plan drawings were submitted in response to the applicant’s changes which included an increase in the number of parking spaces and number of private lockers, the creation of small car parking spaces, the relocation of a physically challenged parking space, a reduction to the number of dwelling units, and further articulation on the building design.

**Chronology:**

- November 13, 2017: Zoning By-law Amendment Application ZAC-17-085 was received.
- December 4, 2017: Application ZAC-17-085 deemed complete.
- December 11, 2017: Notice of Complete Application and Preliminary Circulation was sent to 160 property owners within 120 m of the subject property.
- December 15, 2017: A Public Notice Sign was posted on site.
- February 6, 2018: Public information meeting held by the Applicant at the Stoney Creek United Church.

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April 13, 2018: Revised Concept plan and Amending Zoning By-laws submitted by the applicant.

July 18, 2018: Public Notice Sign updated with Public Meeting date.

July 27, 2018: Circulation of the Notice of Public Meeting to 160 property owners within 120 m of the subject property.

**Details of Submitted Application:**

**Applicant / Owner:** Branthaven Marz Inc. (c/o Anthony Girolami)

**Agent:** A.J. Clarke and Associates Ltd. (c/o Franz Kloibhofer)

**Location:** 121 and 125 Highway No. 8 (see Appendix “A” to Report PED18180)

**Property Description:** Lot Frontage: 82.32 m (Highway 8)

Lot Depth: 84.95 m

Lot Area: 6,969.27 sq m

Servicing: Existing Full Municipal Services

**Existing Land Use and Zoning:**

|                                 | <b><u>Existing Land Use</u></b> | <b><u>Existing Zoning</u></b>   |
|---------------------------------|---------------------------------|---|
| <b><u>Subject Property:</u></b> | Vacant                          | General Commercial “GC” Zone and “H/S-1313” (Community Shopping and Commercial, etc.) District, Modified. |

**Surrounding Lands:**

|              |                           |   |
|--------------|---------------------------|---|
| <b>North</b> | Single Detached Dwellings | “R-4/S-1313” (Small Lot Single Family Dwelling) District, Modified. |
|--------------|---------------------------|---|

|             |            |                               |
|-------------|------------|-------------------------------|
| <b>East</b> | Restaurant | General Commercial “GC” Zone. |
|-------------|------------|-------------------------------|

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|              |                      |   |
|--------------|----------------------|---|
|              | Vacant               | “H/S-1347” (Community Shopping and Commercial, etc.) District, Modified and “H/S-1347a” (Community Shopping and Commercial, etc.) District, Modified. |
| <b>South</b> | Shopping Centre      | Community Shopping Centre “SC2” Zone.   |
| <b>West</b>  | Professional Offices | General Commercial “GC” Zone and “H/S-1053” (Community Shopping and Commercial, etc.) District, Modified.   |

## **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 (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 of, adoption and subsequent Ontario Municipal Board approval of the Urban Hamilton Official Plan, 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 (i.e. efficiency of land use, balanced growth and environmental protection) are reviewed and discussed in the Official Plan analysis below.

As the application for a change in zoning complies with the Official Plan and the relevant policies in the PPS, 2014, it is staff’s opinion that the application is:

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

### **Growth Plan for the Greater Golden Horseshoe (2017):**

The following policies, amongst others, apply to the proposal:

The subject lands are located within the built-up area, as defined by the Growth Plan. Section 1.2.1 of the Growth Plan outlines a number of Guiding Principles regarding how

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land is developed, resources are managed and protected, and public dollars are invested. The subject proposal conforms to these Guiding Principles in that:

- It supports the achievement of *complete communities* that are designed to support healthy and active living and meeting people's needs for daily living throughout an entire lifetime; and,
- It supports a range and mix of housing options to serve all sizes, incomes, and ages of households.

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

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

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

2.2.1.4 Applying the policies of this Plan will support the achievement of *complete communities* that:

- a) feature a diverse mix of land uses, including residential and employment uses, convenient access to local stores, services, and *public service facilities*;
- c) provide a diverse range and mix of housing options, including second units and *affordable* housing, to accommodate people at all stages of

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life, and to accommodate the needs of all household sizes and incomes; and,

- d) expand convenient access to:
  - i. a range of transportation options, including options for the safe, comfortable and convenient use of *active transportation*;

### 2.2.2 Delineated Built-up Areas

1. By the year 2031, and for each year thereafter, a minimum of 60 percent of all residential development occurring annually within upper- or single-tier municipalities will be within the delineated built-up area.”

The application conforms to the policies of the Growth Plan for the Greater Golden Horseshoe (2017) by focusing growth within the built-up area, contributing to achieving a complete community, utilizing existing and planned municipal infrastructure, and providing for development with access to a range of transportation options.

Based on the foregoing, the proposal conforms to the Growth Plan for the Greater Golden Horseshoe (2017).

### **Urban Hamilton Official Plan**

The subject property is identified as “Secondary Corridor” on Schedule “E” - Urban Structure and designated “Mixed Use – Medium Density” on Schedule “E-1” - Urban Land Use Designations and the front portion of the subject lands are located within the Olde Town Secondary Plan area. The following policies, amongst others, apply to the proposed development:

#### **Urban Structure**

- “E.2.4.3 Urban Corridors shall be the location for a range of higher density land uses along the corridor, including mixed uses where feasible, supported by higher order transit on the primary corridors.
- E.2.4.5 Secondary Corridors shall serve to link two or more nodes and employment areas, or Primary Corridors.
- E.2.4.10 The built form along the *Urban Corridors* shall generally consist of low to mid rise forms, but will vary along the length of the corridors with some areas permitted to accommodate high density and high rise built form.

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The Primary Corridors shall have a greater proportion of the corridor length in retail and mixed use forms, while the Secondary Corridors shall generally accommodate retail and mixed use forms in small clusters along the corridors with medium density housing located between the clusters.

- E.2.4.11 *Urban Corridors* shall be a focus of *intensification* through the Neighbourhoods which they traverse. However, it is anticipated that intensification will also occur within Neighbourhoods, particularly on sites along other arterial roads that are not designated as *Urban Corridors*.
- E.2.4.14 Urban Corridors shall provide a comfortable and attractive pedestrian experience.
- E.2.4.15 New development shall respect the existing built form of adjacent neighbourhoods where appropriate by providing a gradation in building height. New development shall locate and be designed to minimize the effects of shadowing and overview on properties in adjacent neighbourhoods.”

With respect to the above policies, the proposal represents intensification in a form of mid rise residential development which is considered a higher density land use relative to the previous one storey commercial building (Bowlarama) and single detached dwelling on the subject property. The proposed building has been sited 2.7 m from the front lot line, while vehicular parking has been situated to the rear of the building and within one level underground parking. As a result, staff consider that the location of the building and parking areas on the property create a comfortable and attractive pedestrian experience. Further, the proposed development is located between commercial clusters along Queenston Road, a Primary Corridor, as per Policy E.2.4.10.

With respect to shadowing of the building on adjacent neighbourhoods (Policy E.2.4.15), there are existing single detached dwellings located immediately north of the subject lands. In support of the proposed development, the applicants submitted a sun shadow impact analysis within the Urban Design Brief, dated November, 2017. The sun shadow images were taken at 9:18 a.m., 12:18 p.m., 3:18 p.m. and 6:18 p.m. on March 21<sup>st</sup> / September 21<sup>st</sup>, June 21<sup>st</sup> and December 21<sup>st</sup>. These specific dates / times are within the range of industry accepted dates / times to assess sun shadow impacts, while guidance is also provided from the City's Site Plan Guidelines. Staff have reviewed the sun shadow impact and note that the only impact will occur during December 21<sup>st</sup>, when the sun is at its lowest point of the year. More specifically, portions of the low rise residential lots will experience shadowing from 10:18 a.m. to 4:18 p.m. However, it is noted that the shadows pass quickly and not all the residential lots are affected by

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shadowing during the above time period. As a result, staff consider the impacts on the properties in the adjacent neighbourhood to be minimal.

In terms of overview, the applicants have submitted 45 degree angular build to plane illustrations to the rear property line and across the road allowance of Highway No. 8. The illustrations were prepared in keeping with the City-Wide Corridor Planning Principles and Design Guidelines. Staff have reviewed the illustrations and note that the proposed building is complying with the 45 degree angular build to plane guidelines.

### Land Use

- “E.4.6.4 It is also the function of areas designated Mixed Use - Medium Density to serve as vibrant people places with increased day and night activity through the introduction of residential development. Residential development enhances the function of these areas as transit supportive nodes and corridors.
- E.4.6.5 The following uses shall be permitted on lands designated Mixed Use - Medium Density on Schedule E-1 – Urban Land Use Designations:
- f) multiple dwellings
- E.4.6.7 Lands designated Mixed Use - Medium Density shall contain a range of building heights and densities to a maximum height of six storeys, which shall be set out in the implementing zoning by-law. The specific permitted heights and densities shall depend on the area and be established through secondary plans where one exists and the zoning by-law.
- E.4.6.8 Additional height up to a total of eight storeys may be permitted without an amendment to this Plan, provided the applicant demonstrates:
- a) there are no adverse shadow impacts created on existing residential uses within adjacent lands designated Neighbourhoods;
- b) buildings are progressively stepped back from adjacent areas designated Neighbourhoods. The Zoning by-law may include an angular plane requirement to set out an appropriate transition and stepping back of heights; and,
- c) buildings are stepped back from the street to minimize the height appearance from the street, where necessary.”

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The proposal consists of an eight storey mid rise multiple dwelling on the subject lands which is a permitted use within this designation (Policy E.4.6.5). The proposed residential development will also animate this area, as well as the function of this area as being transit supportive (Policy E.4.6.4).

With respect to the criteria provided in Policy E.4.6.8, the applicant submitted a sun shadow impact analysis within the Urban Design Brief, dated November, 2017 and a 45 degree angular build to plane drawing. Staff reviewed the sun shadow impact analysis and as discussed previously, staff are of the opinion that there are no adverse impacts being created on existing residential uses within adjacent lands designated Neighbourhoods (Policy E.4.6.8 a). With respect to the angular build to plane, as discussed previously, the proposed building is complying with the 45 degree angular build to plane. In this regard, staff are of the opinion that the proposed building height and location on the property are appropriate and provides for a sufficient setback (57.9 m) to adjacent properties in the Neighbourhoods designation (Policy E.4.6.8 b)). Also, the building is proposed to be setback 2.7 m from the front lot line. By meeting the angular build to plan across the right-of-way, the building is massed proportionally to the width of the right-of-way of Highway No. 8, which in turn reduces the impact along the streetscape. The proposed density is 220 units per hectare. Given the above information respecting sun shadow impacts and 45 degree angular build to plane, the location of the subject land along a Primary Corridor, the proposal meeting the eight storey height permitted by the UHOPA and the allowance for density to be established in the Zoning By-law, staff are of the opinion that proposed density is appropriate for the area.

- “E.4.6.9      The predominant built form shall be mid rise and low rise buildings. The intent is to increase the proportion of multiple storey, mixed use buildings that have retail and service commercial stores at grade; however, single use commercial buildings and medium density ground related housing forms shall be permitted, except for pedestrian predominant streets as listed by Policy E.4.3.1. (OPA 65).
- E.4.6.10      Permitted uses shall be located in single or mixed use buildings.
- E.4.6.15      Although residential development is permitted and encouraged, it is not the intent of the Plan for the Mixed Use - Medium Density designated areas to lose the planned retail and service commercial function set out in this Plan.
- E.4.6.16      New development shall be designed and oriented to create comfortable, vibrant and stimulating pedestrian oriented streets within each area designated Mixed Use - Medium Density.

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- E.4.6.17 Areas designated Mixed Use - Medium Density are intended to develop in a compact urban form with a streetscape design and building arrangement that supports pedestrian use and circulation and create vibrant people places.
- E.4.6.19 To strengthen the pedestrian focus in areas where it does not currently exist, the City shall require infilling of retail, service commercial, and mixed use buildings in a physical arrangement which assists in creating a vibrant and active street environment. Such buildings shall be located up to the street along a pedestrian predominant street.
- E.4.6.24 New development shall respect the existing built form of adjacent neighbourhoods by providing a gradation in building height and densities, and by locating and designing new development to minimize the effects of shadowing and overview on properties in adjacent neighbourhoods.
- E.4.6.25 Areas designated Mixed Use - Medium Density shall be integrated with the surrounding neighbourhoods through frequent street and pedestrian linkages.
- E.4.6.26 Automobile access shall continue to be an important mode of transportation from the surrounding neighbourhoods, but it shall be balanced with the need to improve pedestrian access and opportunities for active transportation.
- E.4.6.27 Reduced parking requirements shall be considered to encourage a broader range of uses and take advantage of a higher level of transit service.”

The built form consists of an eight storey multiple dwelling which is a mid rise building permitted in this designation of the UHOP (Policies E.4.6.9 and E.4.6.10). While the proposal does not contain any commercial floor space, staff are of the opinion that the planned retail and service commercial function of this area is not compromised given the supply of commercial floor space in the immediate area (Policy E.4.6.15). The applicant has oriented the building close to the streetline (2.7 m away), while the surface parking has been located in behind the building at the rear of the subject property. Although the building is not located along a Pedestrian Predominant Street, the proposed orientation of the building and location of the surface parking assists in creating a comfortable, vibrant and stimulating pedestrian experience along Highway No. 8 within the front yard setback (Policies E.4.6.16, E.4.6.17 and E.4.6.19).

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With respect to gradation in building height, shadowing and overview, as noted above, the applicant submitted sun shadow impact images within the Urban Design Report and 45 degree angular build to plane drawings which demonstrate that the impact of shadowing and overview is minimal (Policy E.4.6.24).

Lastly, in terms of parking, the proposal will provide 177 parking spaces, whereas 241 parking spaces are required in the Zoning By-law for this use. The development is proposing a reduced parking rate of 1.27 parking spaces per unit in recognition of the adjacency to existing public transit. Further, the provision of 24 outdoor short term bicycle parking spaces in the form of outdoor bicycle racks have been provided as part of the proposal, whereas indoor parking spaces have not been provided. Notwithstanding, staff have requested that the applicant provide a sufficient number of indoor parking spaces, which will be addressed at the Site Plan Control stage (Policy E.4.6.27).

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,
- g) The ability of the development to comply with all applicable policies.”

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The subject property is located along Highway No. 8 which is identified as a Secondary Corridor in the UHOP. This particular area of the City has historically been dominated and catered to the automobile, with the existence of large tracts of land, surface parking located close to the road, and buildings being constructed to the rear of properties (i.e. away from the street line). The UHOP policies aim to transform this area to a more pedestrian friendly and transit supportive area. In keeping with the direction of the UHOP, the proposal represents a shift in built form where the building has been located close to the street, while the surface parking has been located in behind the building, to the rear of the subject land, and within one level of underground parking. As a result, staff are of the opinion that the proposal enhances and builds upon the desirable patterns and built form in this area moving forward (Policy B.2.4.1.4 b))

The proposed 139 unit, eight storey multiple dwelling containing balconies contributes to the range of dwelling types and tenures in this area of the City relative to the low rise residential dwellings located in the nearby neighbourhoods (Policy B.2.4.14 c)). With a maximum building height of 25 m, a rear yard setback of 57.9 m, and a rear yard planting strip that is 3 m wide, the proposed height and location of the building and provision of landscaping has been carefully considered to minimize the impact of sun shadows and overview, and provides for an appropriate transition in built form relative to the adjacent residential area to the north. Further, staff are of the opinion that the proposed built form is compatible with the adjacent commercial / office uses to the east, south and west of the subject property (Policy B.2.4.1.4 d) and e)).

With regard to infrastructure and transportation capacity, it is noted that Highway No. 8 is classified as a Major Arterial road on Schedule "C" - Functional Road Classification to the UHOP. In support of the proposal, a Traffic Impact Study (TIS) and a Functional Servicing Report (FSR) was submitted. Transportation Planning Services have reviewed the findings of the TIS and have indicated no concerns from a transportation capacity perspective. Also, Development Engineering reviewed the FSR and have indicated no objection to the approval of this development from a water, sanitary and storm water capacity perspective. Notwithstanding, further details with respect to infrastructure would be dealt with as part of a Site Plan Control Application (Policy B.2.4.1.4 f)).

### 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:

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- a) complementing and animating existing surroundings through building design and placement as well as through placement of pedestrian amenities;
- 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 development proposes to situate the building close to the front lot line while locating the surface parking behind the building and underground. Staff are supportive of this site layout as it will help animate the street through pedestrian activity while reducing the historical dominance of the automobile in this area (Policy B.3.3.2.6a)). The building’s height and location on the lot has minimized the impact of shadowing and maximized light to adjacent properties and the public realm, while accommodating a higher density of development envisioned by the UHOP (Policy B.3.3.2.6 e)). With respect to the surrounding area, staff note that the proposed development is complementing the existing massing patterns and style of the area, which consists of other mid rise buildings to the west (Policies B.3.3.2.6 c) and d)).

### Built Form

“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.3.3.3.4 *New development* shall define the street through consistent setbacks and building elevations. Design directions for setbacks

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and heights are found in Chapter E – Urban Systems and Designations and in the Zoning By-law.

- 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;
  - c) including a quality landscape edge along frontages where buildings are set back from the street;
  - d) locating surface parking to the sides or rear of sites or buildings, where appropriate; and,
  - e) using design techniques, such as building step-backs, to maximize sunlight to pedestrian areas.”

### Transition

The subject land is located in an area that is characterized by commercial / office uses to the east, south and west, with low rise residential lots abutting the subject land to the north. With respect to the adjacent restaurant and commercial / office uses to the east and west, the multiple dwelling is proposed to be setback 4.0 m and 3.0 m from westerly and easterly side lot lines respectively. It is noted that the adjacent lots to the east and west are used for commercial purposes, while the minimum side yards proposed as part of this application would be in excess of the current “GC” zoning of the subject land which is 1.5 m. Further, the westerly property contains a two storey commercial / office building that is setback approximately 5.5 m from the common side lot line, while the easterly property contains a one storey restaurant that is set back approximately 6.4 m from the common side lot line. Also the current zoning of the adjacent lots allows for a maximum building height of 16.5 m (approximately 5 and a half storeys). As such, staff are of the opinion that the proposed building is providing for an adequate transition in scale relative to adjacent properties.

With respect to the low residential uses to the north and commercial uses to the south of the subject land, the applicant has submitted a 45 degree angular build to plane to the front and rear property lines. As previously noted, the proposed building is meeting the build to plane guidelines. As such, staff are of the opinion that the proposed building has been appropriately transitioned and provides adequate privacy relative to

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the residential lots to the north. Further, staff are of the opinion that the proposed building has been massed to respect existing and planned street proportions along Highway No. 8.

Given all the above, staff are of the opinion that adequate transitions and privacy has been achieved (Policy B.3.3.2 a) and b)), while the development has been massed to respect the existing and planning street proportions along Highway No. 8 (Policy B.3.3.3).

Sun Shadow and Wind (Policy B.3.3.2 c))

As previously noted, the sun shadow impact images demonstrate that there are no adverse impacts being created on adjacent properties or the public realm.

With respect to wind conditions, on February 27, 2017 the applicant undertook a formal consultation with City staff to determine what reports / studies would need to be submitted in support of the proposed development. It was determined that a wind study was not required given that the proposal is for a mid rise building being 25 m in height and negative impacts associated with wind are not anticipated.

Pedestrian Environment

The proposed building is to be setback from the front lot line approximately 2.7 m, allowing for a landscaped strip between the building's façade and the front line (see Appendix "B" to Report PED18180), which will provide an enhanced landscape treatment and will be further reviewed at the Site Plan Control stage (Policy B.3.3.3.5 c). The proposed building has incorporated ample glazing on the ground floors and located the primary building entrance parallel and close to the street (Policy B.3.3.3.5 a) and b)), while locating surface parking to the rear of the building and in an underground parking garage (Policy B.3.3.3.5 d). It should be noted that step backs were not required given no sun shadow impacts were identified and compliance with the 45 degree angular build to plane is being achieved (Policy B.3.3.5 e)).

Integrated Transportation Network

"C.4.2.4. Transportation Demand Management measures shall be evaluated in all transportation related studies, master plans, environmental assessments, neighbourhood traffic management plans and new development plans including the degree to which it can help achieve transportation goals in accordance with Section C.4.1 – Policy Goals.

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C.4.2.4.1 Transportation demand management measures may include:

- a) provision of active transportation features including secure bicycle storage facilities and pedestrian and cycling access to the road network;
- b) supporting transit through reduced parking standards for some land uses where appropriate and making provisions for car-sharing spaces through the site plan process where feasible and appropriate; and,
- c) other measures detailed in the Transportation Master Plan and described in Section F.3.1.8 of the Master Transportation Plan.

C4.2.11 The City shall encourage new *development* to be located and designed to minimize walking distances to existing or planned transit and facilitate the efficient movement of goods where feasible.”

The proposal provides Transportation Demand Management (TDM) measures such as well-lit short term visitor bicycle parking on site. The subject property is accessible to public transit (bus) services along Highway No. 8 with an eastbound bus stop located directly across the road and a westbound bus stop approximately 23 m (75.46 ft) west of the subject land. Transportation Planning Staff have reviewed the proposed TDM measures and require revisions as discussed in the Relevant Consultation section of this Report, which will be addressed at the Site Plan Control stage.

### Housing

“B.3.2.1.6 Increase the mix and range of housing types, forms, tenures, densities, affordability levels, and housing with supports throughout the urban area of the City.

B.3.2.4.1 The development of a full range of housing forms, types, and densities shall be provided for and promoted throughout the City of Hamilton through residential intensification and new development. A full range of housing forms, types, and densities means the full spectrum of physical housing types including single detached dwellings, semi-detached dwellings, duplexes, townhouses of various types (street, block, stacked), apartments and other forms of multiple dwellings, and lodging houses, built at a range of densities.”

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The proposed multiple dwelling development would provide a large supply of dwelling units at a higher density that offers urban living close to transit, employment and amenities, and contributes to a range of units, all of which are encouraged in the UHOP.

Environmental Site Conditions

“B.3.6.1.2 Where there is potential for site contamination due to previous uses of a property and a more sensitive land use is proposed, a mandatory filing of a Record of Site Condition is triggered as outlined in provincial guidelines. The Record of Site Condition shall be submitted by the proponent to the City and the Province. The Record of Site Condition shall be to the satisfaction of the City.

B.3.6.1.4 Where there is potential for site contamination due to a previous use or uses on lands subject to development or redevelopment proposals, and a mandatory filing of a Record of Site Condition is triggered, the City shall:

- a) withhold final approval of an application until acceptance of a Record of Site Condition. In the interim, conditional approval may be considered; or,
- b) defer or establish conditions of approval for applications involving official plan amendments, zoning by-law amendments, plans of subdivision, and site plan approvals where a Record of Site Condition is necessary.”

The subject property is recognized as a potentially contaminated site due to the current use of the property for commercial purposes. As a result, the property is subject to environmental review to allow for the residential use. The applicant has undergone a Phase I and II Environmental Site Assessment.

The applicant has submitted their findings to the Ministry of Environment and Climate Change (MOECC), and have received the Notice of Acknowledgement letter confirming a Record of Site Condition (Number 222718). Further, the MOECC has not indicated any concerns with the approval of this application. As such, staff are of the opinion that the proposal complies with the Environmental Policies of the UHOP.

Noise Policies

“B.3.6.3.7 A noise feasibility study, or detailed noise study, or both, shall be submitted as determined by the City prior to or at the time of application submission,

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for development of residential or other noise sensitive land uses on lands in the following locations:

- b) 400 metres of a major arterial road, as identified on Schedule C – Functional Road Classification;
- c) 400 metres of a truck route.”

Staff note that the proposed development is located on a major arterial road (Highway No. 8) and therefore a noise assessment is required. The noise assessment is required to address both indoor noise levels for the arterial roads as well as noise levels on the top floor outdoor rooftop amenity area. It is noted that the proposal includes a 1.6 m parapet acoustical wall surrounding the rooftop amenity area, which will also serve as a screen to minimize overlook onto adjacent properties. In support of the proposal, a Noise Feasibility Study has been completed by HGC Engineering, dated November 9, 2017. Staff have reviewed the assessment and have no objection with the approval of the development as proposed. However, mitigation measures have been recommended to reduce the impact of noise, which will be implemented at the Site Plan Control stage.

#### Old Town Secondary Plan

The subject property is further designated “Mixed-Use Medium Density” on Map. B.7.2-1-Old Town – Land Use Plan. The following policies, amongst others, apply:

#### General Policies

“B.7.2.1.3 The following architectural and landscaping elements shall be encouraged:

- a) landscaped front yards;
- b) prevention of front yard parking;
- c) underground parking, screening; and,
- d) buffering of conflicting uses through overall building and landscaping articulation, fencing.”

As previously noted, the proposal is providing landscaping within the front yard, locating surface parking to the rear of the building and within one level of underground parking. Further, based on the building`s overall height and placement on the property, staff do not anticipate any conflicts with adjacent uses.

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Land Use

“B.7.2.4.2 The following policies shall apply to lands designated Mixed Use – Medium Density on Map B.7.2-1– Old Town – Land Use Plan:

- a) Section E.4.6 – Mixed Use – Medium Density Designation shall apply to the lands designated Mixed Use - Medium Density on Map B.7.2-1 Old Town – Land Use Plan.
- c) Building heights should not generally exceed six stories in height.”

With respect to the above policies, staff note that the proposal has been evaluated against Policy E.4.6 of the UHOP, which also includes criteria for which an eight storey building is to be reviewed against. As noted earlier in this Report, staff are satisfied that the development complies with Policy E.4.6.

Urban Design

B.7.2.7.1 In addition to Section B.3.3 – Urban Design Policies of Volume 1, the following policies shall apply:

- a) The City shall encourage *redevelopment* which enhances and unifies the built form along Queenston Road. Streetscape and urban design improvements for this area shall include the following:
  - i) replacement of the existing asphalt pavement on boulevards with planted material, where appropriate;
  - ii) a street-tree planting program;
  - iii) unified building setbacks to maintain a consistent streetscape as well as a pedestrian-friendly environment; and,
  - iv) emphasis on shared entrances and parking facilities.

With respect to the above policies, the subject property is a redevelopment of an underutilized site that once contained a one storey commercial building (formerly Bowlerama bowling alley) and a two storey single detached dwelling. The redevelopment includes the replacement of landscaped plant material along the front yard where an asphalt parking area once existed. The proposed setback is not in unison with the setbacks of the adjacent buildings; however, in keeping with other

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policies of the UHOP, the building has been sited close to the road to reinforce the pedestrian nature of the area and includes one driveway access.

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

**City of Stoney Creek Zoning By-law No. 3692-92 and City of Hamilton Zoning By-law No. 6593**

The subject property is currently split zoned General Commercial “GC” Zone in Zoning By-law No. 3692-92 (southerly portion), shown as Block 2 on Appendix “A” to Report PED18180 and “H/S-1313” District (Community Shopping and Commercial, etc.) District, Modified in Zoning By-law No. 6593 (northerly portion), shown as Block 1 on Appendix “A” to Report PED18180.

The “GC” Zone permits a variety of commercial uses and limited residential uses (i.e. dwellings in conjunction with a permitted commercial). The “H/S-1313” District permits a variety of uses including a single detached dwelling, nursing home, day nursery and a variety of commercial uses.

In order to permit the multiple dwelling use on the subject land, an amendment to the City of Stoney Creek Zoning By-law No. 3692-92 is required to change the southerly portion of the property from General Commercial “GC” Zone to a site specific Multiple Residential “RM4” Zone. Further, an amendment is required to remove the northerly portion of the lands zoned “H/S-1313” (Community Shopping and Commercial, etc.) District, Modified from the City of Hamilton Zoning By-law No. 6593 and rezone the lands to a site specific Multiple Residential “RM4” Zone in the City of Stoney Creek Zoning By-law No. 3692-92 to provide a single consolidated site specific Zoning By-law applicable to the subject lands. In addition, site specific modifications are required to the “RM4” Zone to address minimum front and side yard setbacks, maximum density, maximum building height, maximum encroachments, minimum loading space length, definitions, minimum parking space size and number of parking spaces, minimum landscaping, and minimum tenant parking.

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

On November 8, 2017, the City of Hamilton approved By-law No. 17-240, being a By-law to establish new Commercial and Mixed Use Zoning in the City of Hamilton Zoning By-law No. 05-200. The subject lands were affected by the new zoning in that the property was rezoned to a Mixed Use – Medium Density (C5) Zone. Council’s approval of the Commercial and Mixed Use Zoning was appealed to the Local Planning Appeals Tribunal (LPAT) by a number of appellants. A hearing date and subsequent decision on the appeals have not occurred as of the writing of this Report. In anticipation of a

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resolution to the Local Planning Appeals Tribunal appeals pertaining to the CMU Zones, a draft amending Zoning By-law to Zoning By-law No. 05-200 has been prepared for this property (see Appendix “F” to Report PED18180). In order for the proposal to proceed under the C5 Zone, site specific modifications are required to address dwelling unit floor elevation, front yard setback, building height, definitions, and setback, height of a building designed to provide access to a rooftop amenity area, and minimum width of landscape areas.

The draft by-law will be held in abeyance until the CMU Zones are in force and effect, as which time the by-law will be brought forward to City Council for enactment. The subject property is to be rezoned to a modified Mixed Use – Medium Density (C5, 687) Zone.

### **RELEVANT CONSULTATION**

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

- Alectra Utilities (formerly Horizon Utilities Corporation);
- Environmental Services Division, Public Works Department;
- Light Rail Transit Office; and,
- Healthy and Safe Communities Department.

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

**Forestry and Horticulture Section, Public Works Department** have indicated no concerns with the subject application. Forestry advised some of the proposed trees within the municipal right-of-way will have to be shifted northerly to accommodate the existing transmission lines centred in the boulevard. Further, the applicant will be required to provide payment for cash-in-lieu of trees and provide a street tree payment. The above matters can be appropriately addressed as part of the Site Plan Control process.

**Hamilton Conservation Authority** staff have indicated that the applicant will need to ensure that the development will not negatively affect the function of the Stoney Creek watercourse. As a result, the following information is being requested of the applicant:

- 1) The capacity of the existing minor and major systems be investigated and target flows associated with the full range of storm events be maintained;

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- 2) The Stormwater Management Report demonstrate that all runoff leaving the site meets the Normal (Level 2) quality control requirement; and,
- 3) At the Site Plan Control Application stage, a full set of engineering drawings, including a Site Grading Plan, a Site Servicing Plan, and an Erosion and Sediment Control Plan be submitted to HCA for review and approval.

The above matter can be appropriately addressed as part of the Site Plan Control Process.

**Healthy Environments Division, Public Works Department** staff have indicated that a Pest Control Plan will be required. This matter can be addressed as part of the Site Plan Control Process.

**Corporate Services Department** staff have has indicated that there is currently \$449.42 in outstanding taxes. This matter can be appropriately addressed as part of the Site Plan Control Process.

**Transportation Planning Services, Public Works Department** staff have requested that the applicant revise the Transportation Demand Management (TDM) initiatives report as it does not meet the objectives of the City. This matter can be addressed as part of a Site Plan Control Application. Further, Transportation Planning Services staff has indicated that there are questions regarding vehicle maneuverability internal to the site. This includes safe truck turning movements to / from the loading bay, ramp to underground parking adjacent to the loading area and surface parking, turning radii within the site, and wrong way vehicle movement to the drop off area. These matters can be addressed as part of the Site Plan Control Process.

## **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 160 property owners and tenants within 120 m of the subject property on December 11, 2017. A Public Notice sign was posted on the property on December 15, 2017 and updated on July 18, 2018 to reflect the Public Meeting date. Finally, Notice of the Public Meeting was circulated on July 27, 2018 in accordance with the requirements of the *Planning Act*.

To date, three pieces of correspondence were received respecting the proposed development (see Appendix "G" to Report PED18180). These items are further summarized in the Analysis and Rationale for Recommendations section of this Report.

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**Public Consultation Strategy**

Pursuant to the City's Public Consultation Strategy Guidelines the applicant prepared a Public Consultation Strategy, which included an applicant held public information meeting at the Stoney Creek United Church on February 6, 2018. The applicant set up easels with various elevation, perspective and site plan drawings. Furthermore, the applicant's agent presented the application to members of the public and addressed questions and concerns associated with the proposal. A notice advising of the public information meeting was sent to all residents within 120 m of the subject land. A total of 18 people including City staff, the applicant and their agent attended the public information meeting.

**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 the Growth Plan for the Greater Golden Horseshoe (2017);
  - ii) It complies with the policies of the UHOP; and,
  - iii) The development is compatible with the type and form of development in the surrounding neighbourhood.
2. The subject lands are partially located in both the City of Hamilton Zoning By-law No. 6593 and the City of Stoney Creek Zoning By-law No. 3692-92. The purpose and effect of this application is twofold.

Firstly, to remove the northerly portion of the subject lands from the City of Hamilton Zoning By-law No. 6593 and to add the said portion of the subject lands to the City of Stoney Creek Zoning By-law No. 3692-92. Secondly, to amend the City of Stoney Creek Zoning By-law No. 3692-92 for the entirety of the property to a site specific "RM4" Zone to permit the development of an eight storey multiple dwelling for 139 dwelling units and associated parking as proposed. Placing the lands in one zone will streamline the administrative zoning review of the subject lands for the future site plan and draft plan of condominium application and any subsequent zoning by-law review.

**City of Hamilton Zoning By-law No. 6593**

A portion of the subject lands are presently zoned "H/S-1313" (Community Shopping and Commercial, etc.) District, Modified in City of Hamilton Zoning By-

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law No. 6593 (see to Appendix “A” to Report PED18180). In the “H” District, permitted residential uses include a lodging house, a single family dwelling, a residential care facility and a corrections residence. As this District does not permit multiple dwellings, an amendment to this District is required. Furthermore, as the subject site is located within two Zoning By-laws, it is not practical nor appropriate to apply the provisions of both Zoning By-laws to the proposed development. As a larger portion of the site is located within the City of Stoney Creek Zoning By-law No. 3692-92, staff recommend that the City of Stoney Creek Zoning By-law apply to the entirety of the site for the purpose of by-law implementation and interpretation. As such, the northerly portion of the subject lands located within the City of Hamilton Zoning By-law No. 6593 are to be removed and added to the City of Stoney Creek Zoning By-law No. 3692-92, and thus the entire site will be rezoned to a site specific Multiple Dwelling “RM4-10” with site specific modifications, as detailed below (see Appendix “B” to Report PED18180).

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

A portion of the subject lands are presently zoned General Commercial “GC” Zone in the City of Stoney Creek Zoning By-law No. 3692-92 (see to Appendix “A” to Report PED18180). A multiple dwelling is not permitted in this Zone. As a result of the above, an amendment to the Zoning By-law is required to change the zoning from the General Commercial “GC” zone to a site specific Multiple Residential “RM4” Zone to permit a multiple dwelling on the property (see Appendix “E” to Report PED18180). Modifications to the Multiple Residential “RM4” Zone are required as follows:

- An amendment to the definition of amenity area to include communal lounges;
- The exclusion of furniture storage area and elevator vestibule within a mechanical garage from the calculation of height;
- The minimum parking space size and number of required parking spaces;
- A reduced loading space length to 9 m;
- A reduced setback of a parking space to a lot line to 1.5 m;
- A minimum front yard of 2.5 m;
- A minimum westerly side yard of 3.7 m and an easterly side yard of 2.7 m;

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- A maximum residential density of 220 dwelling units per hectare;
- A minimum landscaped strip width of 2.5 m adjacent to every portion of any lot that abuts a street;
- A maximum projection of balconies and canopies into a required side yard of 1 m; and,
- A minimum of 45% of the required tenant parking shall be underground and / or within the multiple dwelling.
- Requiring that any at grade residential units have a principal entrance facing the street and be accessible from the building façade with direct access to the street.

#### Amending Definition of Amenity Area

A modification to the definition of amenity area is required to include communal lounges. The intent of this definition is to delineate what areas of a property and / or building would be considered in the calculation of amenity area.

The proposed multiple dwelling contains areas on the first floor which would be considered as communal lounge space. Staff are of the opinion that these areas serve as amenity area for the occupants of the multiple dwelling. Further, staff note that the City of Hamilton Zoning By-law No. 05-200, which the site will later be amended to, contains a definition of amenity area which includes communal lounges.

Given the above, the proposed modification has merit and can be supported by staff.

#### Amending Definition of Height – Building

A modification to the definition of Height – Building is required to exclude furniture storage area and elevator vestibule from the calculation of height for the building. The intent of this definition is to delineate what areas of a building would be considered in the calculation of building height.

The proposed multiple dwelling contains a rooftop outdoor amenity area (see Appendix “F” to Report PED18180). In order to access the rooftop area, there is an elevator and two staircases that provide access. Further, the applicant is proposing a common vestibule to provide access to and between the elevators

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and the mechanical penthouse. Both the elevator bulkhead and staircase towers are exempt from the calculation of building height under Zoning By-law No. 3692-92, whereas the vestibule connected to and providing access to the elevator and mechanical penthouse is not exempted. As a result, relief is required.

Further, a mechanical penthouse is proposed on top of the roof. Within the mechanical penthouse, the applicants are proposing a furniture storage area. This area is intended to house the outdoor furniture for the roof top amenity area during periods of inclement weather or when not in use. The mechanical penthouse is excluded from the calculation of building height, whereas the furniture storage is considered as residential gross floor area. As a result, relief is required.

Staff are of the opinion that the above areas of relief are minor in nature and will be negligible provided they are connected to and forming part of the same structure as the elevator bulkhead and mechanical penthouse as proposed.

Given the above, the proposed modification has merit and can be supported by staff.

#### Minimum Parking Space Size

A modification is required to permit a parking space size of 3.0 m by 5.8 m whereas 2.7 m by 5.8 m is required.

A minimum parking size of 2.75 m by 5.8 m is required in Zoning By-law No. 3692-92, whereas the minimum parking space size in the approved but not in effect CMU zoning is 3.0 m by 5.8 m. Further, the CMU zoning allows up to 10% of required parking spaces to be 2.6 m by 5.5 m provided the said parking spaces are clearly identified as being reserved for small cars only. It should be noted that the proposed concept and underground parking plans are illustrating the provision of 13 small car parking spaces and 164 regular parking spaces. Given that staff have recommended that properties located in the approved CMU zoning be subject to the above minimum parking space size requirements proactively, staff have no objection to the applicant's request.

#### Minimum Number of Parking Spaces

The Multiple Residential "RM4" Zone of Zoning By-law No. 3692-92 requires that parking be provided at a rate of 1.25 parking spaces for each bachelor and one bedroom dwelling unit; 1.5 parking spaces for each two bedroom dwelling unit, and 1.75 parking spaces for each three or more bedroom dwelling unit. Further, visitor parking is to be provided at a rate of 0.35 parking spaces per dwelling unit. The

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**SUBJECT: Application to Amend the City of Stoney Creek Zoning By-law No. 3692-92 and the City of Hamilton Zoning By-law No. 6593 for Lands Located at 121 and 125 Highway No. 8, Stoney Creek (PED18180) (Ward 9) - Page 29 of 39**

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applicant has indicated that there are potential issues with providing parking on the above basis given that the exact size (i.e. number of bedrooms in each dwelling unit) of each dwelling has not been solidified and may change according to market conditions. Further, the applicants wish to provide parking pursuant to the approved CMU zoning, which provides both minimum and maximum parking spaces as follows:

| Dwelling Units | Minimum Number of Parking Spaces | Maximum Number of Parking Spaces |
|----------------|----------------------------------|----------------------------------|
| 1-14           | 0.7 per unit                     | 1.25 per unit                    |
| 15-50          | 0.85 per unit                    | 1.25 per unit                    |
| 51+            | 1 per unit                       | 1.25 per unit                    |

Based on the above provision, the current proposal would require a minimum of 129.4 (rounded to 129) parking spaces and a maximum of 174 parking spaces, whereas the current proposal is providing 177 (91 surface and 86 underground) parking spaces. As a result, the applicant will be required to reduce the number of parking spaces by 3 spaces to achieve the maximum of 174 parking spaces.

With respect to visitor parking, it should be noted that Zoning By-law No. 05-200 does not require the provision of visitor parking spaces. Notwithstanding, given that the applicant has identified 14 visitor parking spaces that will be allocated from the total number of parking spaces, staff will ensure that said spaces are identified as part of a future Site Plan Application.

In consideration that the applicant is seeking to match the parking requirements of the CMU Zoning which was recommended by staff and approved by Council, staff have no objection to this request and the modification can be supported.

#### Minimum Loading Space Length

A modification is required to reduce the minimum loading space length to 9.0 m whereas a minimum length of 10.0 m is required. The intent of this provision is to ensure that a loading space is adequately sized to accommodate the loading and unloading needs of the property.

The multiple dwelling is currently proposed to accommodate dwelling units that are one and two bedrooms in size. Given that the dwelling units will be ranging in sizes of 51.18 sq m (551 sq ft) to 93.07 sq m (1,002 sq ft), staff anticipate that owners / tenants of the building will require modest sized moving trucks for loading and unloading purposes. Further, aside from an 18 wheeler truck and trailer, staff note

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that the largest truck that is typically used for moving is appropriately 7.9 m in length. Given the above, staff are supportive of this modification.

Minimum Setback of a Parking Space to a Lot Line

A modification is required to reduce the minimum setback of a parking space to a lot line to 1.5 m, whereas a minimum setback of 3.0 m is required. The intent of this provision is to ensure that parking spaces are setback adequately from lot lines for buffering purposes.

As shown on the submitted concept plan, the applicant will be providing landscaping around the perimeter of the parking area in the form of landscape strips ranging in width from 1.5 m to 5.6 m. However, in order to account for the minimum setback relating to the parking spaces along the westerly side lot line, a minimum of 1.5 m is being requested. Staff are of the opinion that adequate landscaping along the easterly and westerly side lot lines can be accommodated in a 1.5 m planting strip. As a result, staff are supportive of this modification.

Minimum Front Yard Setback

A modification is required to reduce the front yard setback from 10.72 m to 2.5 m. Further, this modification also seeks to ensure that increased yard requirements shall not apply. In accordance with the City of Stoney Creek Zoning By-law No. 3692-92, the front yard setback in the "RM4" Zone is 7.5 m; however, front yard setbacks shall be increased by 1 m for each 3 m or part thereof by which the building exceeds a height of 15 m. As a result, given the height of the building, the front yard setback requirement increases to 10.72 m. The intent of this provision is to minimize the physical impact of structures and ensure a consistent streetscape along the road allowance. Further, the intent of a front yard setback is to provide adequate space for landscaping. The concept plan provided indicates that the proposed building will be setback 2.7 m from the front lot line, but the applicant has requested a level of flexibility to account for any onsite errors at the time of building construction.

The proposal is in keeping with UHOP policies which promote locating principal façades and primary building entrances parallel to and as close to the street as possible, while providing surface parking to the rear of the properties and / or in underground parking garages. Staff note that as part of the application, City staff have requested a 3.05 m road widening from the subject property. This road widening has put additional constraints on the property's ability to meet the minimum front yard setback of the RM4 Zone.

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Given the above, the proposed modification has merit and can be supported by staff.

Minimum Side Yard Setback

The modification is to reduce the minimum side yard from 10.72 m to 3.7 m along the westerly side lot line and 2.7 m along the easterly side lot line. Further, this modification also seeks to ensure that increased yard requirements shall not apply. In accordance with the City of Stoney Creek Zoning By-law 3692-92, the side yard setback in the "RM4" Zone is 7.5 m; however, side yard setbacks shall be increased by 1 m for each 3 m or part thereof by which the building exceeds a height of 15 m. As a result, given the height of the building, the side yard setback requirement increases to 10.72 m. The intent of this provision is to minimize the physical impact of structures on adjacent properties and to provide adequate space for access, drainage, and privacy.

The concept plan provided indicates that the proposed building will be setback 4 m from the westerly side lot line and 3 m from the easterly side lot line, but the applicant has requested a level of flexibility to account for any onsite errors at the time of building construction.

Also, staff note that the properties adjacent to the subject land to the east and west are commercial uses. The proposed multiple dwelling is cantilevered over the driveway which provides access to the rear parking area. Staff note that Development Engineering staff have not indicated any concerns with the proposal from a drainage perspective. Staff have no concerns with the proposal from a privacy or transition in built form perspective.

Given the above, the proposed modification has merit and can be supported by staff.

Maximum Residential Density

A modification is required to increase the maximum residential density to 220 dwelling units per hectare, whereas a maximum density of 100 dwelling units per hectare is permitted in the Multiple Residential "RM4" Zone. The intent of this provision is to ensure that lands are not overdeveloped and can appropriately accommodate parking and amenity areas while not pose an adverse impact on adjacent properties. Based on the drawings submitted, it should be noted that the proposed density of development is for 207.46 units per hectare. However, to allow a level of flexibility in unit type / size once the development proposal goes to market, the applicant has requested 220 dwelling units per hectare.

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In order to provide adequate parking spaces for the occupants of the multiple dwelling, the applicant is proposing one level of underground parking which is alleviating land requirements and allowing for greater intensification of the property. As a result, adequate parking spaces are being provided for the property. With respect to outdoor amenity area, as shown on Appendix "E" to Report PED18180, each dwelling unit will be provided with an outdoor balcony. Further, a 1,000 sq m rooftop amenity area is being provided for the occupants of the building. As a result, staff are of the opinion that adequate amenity area is being provided. Lastly, the UHOP contains policies which speak to the intensification of underutilized properties, particularly where public transportation exists. This is one such site that is currently underutilized, can accommodate increased density, and contains bus services along Highway 8. Further, the UHOP provides that for the Mixed-use Medium Density designation, the density shall depend on the area and shall be established in the implementing zoning by-law.

Given the above, the proposed modification has merit and can be supported by staff.

#### Minimum Landscaped Strip

A modification is requested to permit a minimum landscaped strip of 2.5 m abutting a street, whereas a minimum landscaped strip of 4.5 m is required. The intent of the above provision is to ensure that there is an adequate balance between built form, hard surface and open space areas on a property. Further the provision is intended to ensure that the front yards provide adequate plantings along the streetline.

In support of the proposal, the applicant has provided a landscape plan which illustrates landscaping along the front yard abutting Highway No. 8. While this will be further reviewed at the Site Plan Control stage, staff are of the opinion that an adequate landscape strip will be provided to accommodate landscaping along the front yard abutting a street.

#### Minimum Landscaped Area

A modification is requested to permit a minimum landscaped area of 25% of the lot area, whereas a minimum landscaped area of 50% of the lot area is required. Further, the applicant has requested that the requirement for 25% of the landscaped area to be in one area which is not in the front yard not apply. The intent of the above provisions is to ensure that there is an adequate balance between built form, hard surface and open space areas on a property.

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In support of the proposal, the applicant has provided a landscape plan which illustrates that 26% of the lot area will be landscaping which includes planting strips around the perimeter of the property and landscaped areas / islands within the surface parking area. It should be noted that the proposed building will be providing a rooftop outdoor amenity area. While this is not considered landscaped area, it does form part of the open space area for the occupants of the multiple dwelling. Staff are of the opinion that an adequate landscaping is provided throughout the site.

Maximum Projection of Balconies and Canopies into a Required Side Yard

This modification proposes to permit a maximum projection of balconies and canopies into a required side yard a maximum of 1.0 m. Under Zoning By-law No. 3692-92, there is not a provision which addresses maximum projections of balconies and canopies into a required side yard.

Staff are of the opinion that this request is minor in nature and will not pose any adverse impact on adjacent properties given that the adjacent properties to the east and west are used for commercial purposes, while a rear yard setback of 57.9 m is being provided to the single detached dwellings to the north. As such, this modification has merit and can be supported by staff.

Minimum Percentage of Tenant Parking Underground

A modification if required to permit a minimum of 45% of the required tenant parking underground and / or within the multiple dwelling, whereas a minimum of 60% is required. The intent of this provision is to ensure that surface parking spaces are minimized and do not occupy the balance of the property nor be located primarily in the front yard.

Staff note that the proposed surface parking area has been located to the rear of the subject property, in behind the building, which reduces the impact of surface parking from a visual perspective along the streetscape. Staff consider the requested relief to be minor.

Given the above, the proposed modification has merit and can be supported by staff.

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At grade residential units

A modification is required to implement that at grade residential units shall have a principle entrance facing the street and be accessible from the building façade with direct access to the street.

The intent of this provision is to ensure that the at grade residential units provide for an attractive façade and contribute to the public realm along Highway No. 8. This requirement will ensure that the grade related residential uses proposed in this development activate the street and contribute to a comfortable pedestrian environment, as required in the UHOP. As such, the proposed modification has merit and can be supported.

3. Commercial and Mixed Use Zoning (City of Hamilton Zoning By-law No. 05-200)

As previously noted, on November 8, 2017, the City of Hamilton approved new Commercial and Mixed Use Zoning in the City of Hamilton Zoning By-law No. 05-200. The subject land was affected by the new zoning in that the property was rezoned to a Mixed Use – Medium Density (C5) Zone. Council's approval of the Commercial and Mixed Use Zoning was appealed to the Local Planning Appeals Tribunal by a number of appellants. A hearing date and subsequent decision on the appeals have not occurred as of the writing of this Report. In anticipation of a resolution to the appeals pertaining to the CMU Zoning, a draft amending Zoning By-law to Zoning By-law No. 05-200 has been prepared for this property (attached as Appendix "D" to Report PED18180). In order for the proposal to proceed under the (C5) Zone, site specific modifications are required to the (C5) Zone, as follows:

Maximum Building Height

Under the proposed (C5) Zone, a maximum building height of 22 m would be permitted, whereas the height of the proposed building is approximately 24.66 m. Relief from the height provisions is required to permit an eight storey building on the subject lands.

The intent of this provision is to minimize the impact of the building with respect to sun shadowing, overlook and ensure an appropriate scale for the area is achieved. The UHOP policies permit a maximum height of six, or eight storeys provided that the height of the building is appropriate for the site and adjacent area and do not propose any adverse impacts with respect to sun shadow and overlook. As previously discussed, staff have no objection with the eight storey building height proposed as no adverse impacts will be created. The 22 m building height reflects a six storey building, whereas an eight storey building requires additional height to

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a maximum of 29 m. The proposed modification to the (C5) Zone to permit a maximum building height of 26 m is appropriate for an eight storey building. Given all the above, the proposed modification has merit and can be supported by staff.

Amending Definition of Building Height

A modification to the definition of Building Height is required to exclude furniture storage area and elevator vestibule from the calculation of height for the building. The intent of this definition is to delineate what areas of a building would be considered in the calculation of building height.

As previously mentioned, the proposed multiple dwelling contains a rooftop outdoor amenity area (see Appendix "F" to Report PED18180). In order to access the rooftop area, there is an elevator and two staircases that provide access. Further, the applicant is proposing a common vestibule to provide access to and between the elevators and the mechanical penthouse. Under Zoning By-law No. 05-200, both the elevator bulkhead and staircase towers are permitted to be 3 m in vertical distance above the uppermost point of the building, whereas the vestibule connected to and providing access to the elevator and mechanical penthouse would not be considered in the calculation of building height. As a result, relief is required.

Further, a mechanical penthouse is proposed on top of the roof. Within the mechanical penthouse, the applicants are proposing a furniture storage area. This area is intended to house the outdoor furniture for the roof top amenity area during periods of inclement weather or when not in use. The mechanical penthouse is excluded from the calculation of building height, whereas the furniture storage is considered as residential gross floor area. As a result, relief is required.

Staff are of the opinion that the above areas of relief are minor in nature provided they are connected to and forming part of the same structure as the elevator bulkhead and mechanical penthouse as proposed. The intent of the By-law definition of building height will be maintained and for the purposes of this By-law can be amended to accommodate design considerations specific to this proposal. Given the above, the proposed modification has merit and can be supported by staff.

Finished Floor Elevation of any Dwelling Unit

In accordance with the provisions of the (C5) Zone, the finished floor elevation of any dwelling unit shall be a minimum of 0.9 m above grade, whereas the finished floor elevation of the dwelling units on the first floor of the multiple dwelling will be

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0.0 m above grade. The intent of this provision is to reduce the impact of activity and vehicles along the streetline and on the proposed dwelling units. The applicant has explained that the proposed building will be generally geared to the elderly population and would like to provide access to the building at grade without the need for a ramp along the frontage of the property. As such, relief from this provision is required. Staff note that the area between the building and the streetline will be landscaped, and staff can ensure that appropriate types of trees can be implemented at the Site Plan Control stage to help minimize the impact of light spray from vehicles along the streetline. Further, the mitigation measures relating to noise can also be provided as part of the Site Plan Control stage. As a result, staff support this modification.

Staff are concerned that removing the requirement for an elevated finished floor will encourage the orientation of residential unit entrances to the rear of the lot to address privacy and noise concerns. In order to ensure that the final building design contributes to the pedestrian realm and meets the design requirements of the Mixed Use – Medium Density designation of the UHOP, staff recommend a requirement be added to the Zoning By-law that any at grade residential units have a principal entrance facing the street and be accessible from the building façade with direct access to the street. This requirement will ensure that the grade related residential uses proposed in this development activate the street and contribute to a comfortable pedestrian environment, as required in the UHOP.

Minimum Building Setback from a Street Line

In accordance with the provisions of the (C5) Zone, a minimum setback of 3.0 m is required for a building with residential units on the ground floor facing a street, whereas a minimum setback of 2.7 m is provided. As previously noted, the concept plan provided indicates that the proposed building will be setback 2.7 m from the front lot line, but the applicant has requested a level of flexibility to account for any onsite errors at the time of building construction. This modification is required to accommodate an architectural feature at the northwest corner of the proposed building. The intent of this provision is to minimize the impact of vehicles on residential dwellings on the ground floor.

As noted above, the area between the building and the streetline will be landscaped, and staff can ensure that appropriate types of trees and other plantings can be implemented to help minimize the impact of light spray from vehicles along the streetline. Further, the mitigation measures relating to noise can also be provided as part of the Site Plan Control stage. As a result, staff support this modification.

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Minimum Landscaped Areas

In accordance with the provisions of the (C5) zone, landscaped areas or landscaped parking islands shall have a minimum width of 2.8 m and a minimum area of 10 sq m, whereas there are landscape areas within the parking area that do not comply with the 2.8 m width requirement. These areas include a landscape strip along the westerly side lot line, a portion of the landscape strip along the easterly side lot line where the 'hammer head' is located, and areas around the underground parking ramp and stairs leading to the underground parking garage (see Appendix "E" of Report PED18180). The intent of the above provision is to ensure that there is an adequate balance between hard surface and open space areas on a parking area. It should be noted that the landscape areas in the parking area vary in width from 1.1 m to 7.5 m, while the proposed parking islands within the parking area are complying with the above provision. Further, staff note that the proposal is exceeding the minimum landscape area requirement of 10% for landscaped areas and landscaped parking islands. Given the above, staff are of the opinion that the areas having a reduced width is minor and appropriate landscaping has been provided within and around the parking area. The amending Zoning By-law has included a reduced rate of 1.1 m to account for the smallest landscaped area.

4. The Growth Management Division has requested updates to the Functional Servicing and Stormwater Management Report and Grading Plan. Further, a hydrogeology / geotechnical report is being requested respecting the proposed underground parking garage. The above matters can be addressed as part of a Site Plan Control Application.
5. Following the Notice of Complete Application, staff received three letters of correspondence (see Appendix "G" of Report PED18180). The letters of correspondence identified areas of concern. The following is a summary of the concerns identified in the correspondence.

Sun Shadow Impacts

A concerned was raised with respect to the sun shadow impacts associated with the proposed multiple dwelling on the adjacent residential dwellings to the north of the subject land. As previously noted, the applicant has provided sun shadow images. Given the height and location of the multiple dwelling on the property, with the exception of December 21<sup>st</sup> for short periods of time when the sun is at its lowest point of the year, the proposal will not have any sun shadow impacts on the adjacent residential properties to the north. As a result, staff are of the opinion that

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the proposal does not pose a concern with respect to sun shadowing on the adjacent residential lands.

Reduction in Property Value

A concern was raised with respect to the proposal causing a negative impact on 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.

Safety

A concern was raised with respect to the presence of the multiple dwelling causing safety concerns with the adjacent residential dwellings to the north. Staff are not aware of any supporting information or any empirical data to support this concern.

Traffic

A concern was raised with respect to the impact of traffic associated with the approval of the proposal. It is noted that a Traffic Impact Study (TIS) was submitted in support of the proposal. The TIS has been reviewed by the City's Transportation Planning staff and no concerns were identified with respect to traffic.

Privacy

A concern was raised with respect to privacy on the adjacent residential dwellings to the north. As previously discussed in this Report, the proposed building is meeting the 45 degree angular build to plane to the rear property lot, while the building is also set back 57.9 m from the rear lot line. As such, staff do not anticipate any adverse impacts with respect to privacy and overlook on the adjacent residential dwellings to the north.

## **ALTERNATIVES FOR CONSIDERATION**

Should the proposed Zoning By-law Amendment application be denied, the subject property could be utilized in accordance with the range of uses and provisions of the General Commercial "GC" Zone and "H/S-1313" (Community Shopping and Commercial, etc.) District, Modified.

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**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.*

**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” – Zoning By-law No. 6593 Amendment

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

Appendix “D” – Zoning By-law No 05-200 Amendment

Appendix “E” – Concept Plan

Appendix “F” – Elevation and Floor Plan Drawings

Appendix “G” – Correspondence From Public

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● Site Location



Key Map - Ward 9

N.T.S.



## Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
ZAC-17-085

Date:  
May 25, 2018

Appendix "A"

Scale:  
N.T.S.

Planner/Technician:  
AL/AL

### Subject Property

121 & 125 Highway No. 8



**Block 1** - Change in Zoning from "H/S-1313" (Community Shopping and Commercial, etc.) District, Modified to Multiple Residential "RM-10" Zone, Modified



**Block 2** - Change in Zoning from General Commercial "GC" to Multiple Residential "RM4-10" Zone, Modified

**Authority:** Item ,  
Report (PED18XXX)  
CM:  
Ward: 9

**Bill No.**

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

**To Amend Zoning By-law No. 6593 (Hamilton) to remove  
Lands located at 121 and 125 Highway No. 8 (Stoney Creek)  
From Zoning By-law No. 6593**

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

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

**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 14<sup>th</sup> day of August 2018, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided;

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

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

1. That Sheet No. E124 of the District maps, appended to and forming part of By-law No. 6593 (Hamilton), is amended as follows:
  - (a) By removing the subject lands from Zoning By-law No. 6593 (Hamilton);

**CITY OF HAMILTON**  
**BY-LAW NO. \_\_\_\_\_**  
**To Amend Zoning By-law No. 6593 (Hamilton)**  
**Respecting lands located at 121 and 125 Highway 8 (Stoney Creek)**

on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. 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 \_\_\_\_\_ of August , 2018

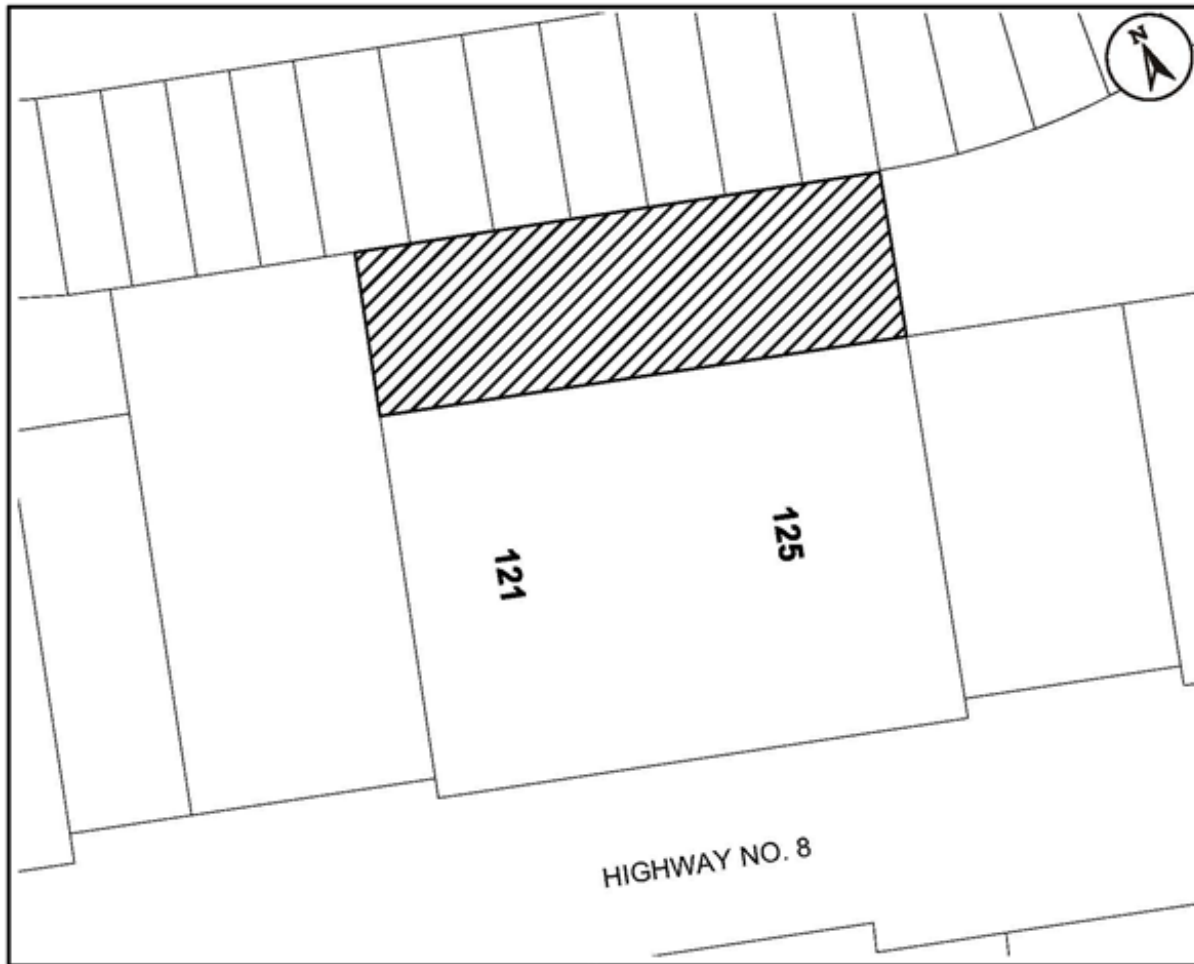
\_\_\_\_\_  
F. Eisenberger  
Mayor

\_\_\_\_\_  
J. Pilon  
Acting City Clerk

ZAC-17-085



**CITY OF HAMILTON**  
**BY-LAW NO. \_\_\_\_\_**  
**To Amend Zoning By-law No. 6593 (Hamilton)**  
**Respecting lands located at 121 and 125 Highway 8 (Stoney Creek)**



|   |                                  |
|---|----------------------------------|
| This is Schedule "A" to By-law No. 18-<br><br>Passed the ..... day of ....., 2018 | -----<br>Mayor<br>-----<br>Clerk |
|---|----------------------------------|

|   |  |
|---|--|
| <h2>Schedule "A"</h2><br><br>Map Forming Part of<br>By-law No. 18-_____<br><br>to Amend By-law No. 6593 | <b>Subject Property</b><br>121 & 125 Highway No. 8<br><br>Lands removed from By-law No. 6593 |
|---|--|

|  |                                 |                     |
|--|---------------------------------|---------------------|
| Scale:<br>N.T.S.                             | File Name/Number:<br>ZAC-17-085 | <br><b>Hamilton</b> |
| Date:<br>March 20, 2018                      | Planner/Technician:<br>ALVS     |                     |
| PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT |                                 |                     |

**Authority:** Item ,  
Report (PED18XXX)  
CM:  
Ward: 9

**Bill No.**

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

**To Amend Zoning By-law No. 3692-92  
Respecting Lands Located at 121 and 125 Highway 8 (Stoney Creek)**

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

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

**WHEREAS**; the *City of Hamilton Act, 1999* provides that the Zoning By-laws of the former 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. 3692-92 (Stoney Creek) was enacted on the 8<sup>th</sup> day of December, 1992, and approved by the Ontario Municipal Board on the 31<sup>st</sup> day of May, 1994; and,

**WHEREAS**; the Council of the City of Hamilton, in adopting item \_\_\_\_\_ of Report PED18-\_\_\_\_\_ of the Planning Committee, at its meeting held on the 14th day of August, 2018, recommended that Zoning By-law No. 3692-92 (Stoney Creek) be amended as hereinafter provided.

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

1. That Map No. 5 of Schedule "A" – appended to and forming part of By-law No. 3692-92 (Stoney Creek) is amended as follows:
  - (a) By adding to the Stoney Creek Zoning By-law No. 3692-92, the lands the extent and boundaries of which are shown as "Block 2" on a plan hereto annexed as Schedule "A";

**CITY OF HAMILTON**  
**BY-LAW NO.**  
**To Amend Zoning By-3692-92**  
**Respecting Lands Located at 121 and 125 Highway 8, Stoney Creek**

- (b) By establishing a Multiple Residential "RM4-10" Zone, Modified, to the lands and extent and boundaries of which are shown on as "Block 2" on a plan hereto annexed as Schedule "A"; and,
- (c) By changing the zoning from the General Commercial "GC" Zone to the Multiple Residential "RM4-10" Zone, Modified, on the lands the extent and boundaries of which are shown as "Block 1" on a plan hereto annexed as Schedule "A".
2. That Subsection 6.11.6 "Special Exceptions", of Section 6.11 Multiple Residential "RM4" Zone, of Zoning By-law 3692-92, be amended by adding a new Special Exception, "RM4-10", as follows:

**"RM4-10"            121 and 125 Highway No. 8, Schedule "A", Map No. 5**

Notwithstanding the provisions of Paragraphs (c), (d), (f), (h), (j) of Subsection 6.11.3 of the Multiple Residential "RM4" Zone, (a), (c) of Subsection 6.11.4, and Subsections 4.7.1, 4.9.1(c), 4.10.3(a), 4.19.1(d) and 6.1.8(c), the following regulations shall apply:

- |     |                               |  |
|-----|-------------------------------|--|
| (c) | Minimum Front Yard            | 2.5 metres                                     |
| (d) | Minimum Side Yard             | 3.7 metres (westerly)<br>2.7 metres (easterly) |
| (f) | Increased Yards               | shall not apply                                |
| (h) | Maximum Residential Density   | 220 dwelling units per hectare                 |
| (j) | Minimum Landscaped Open Space |  |
1. The landscaped areas shall not be less than 25 percent of the lot area of which the requirement for landscaping in one area which is not the front yard shall not apply.
  2. A landscaped strip having a minimum width of 2.5 metres shall be provided and thereafter maintained adjacent to every portion of any lot that abuts a street except for points of ingress and egress.

Notwithstanding the provisions of Subsection 6.11.4 (a), the following number of parking spaces shall apply:

| Dwelling Units | Minimum Number of Parking | Maximum Number of |
|----------------|---------------------------|-------------------|
|----------------|---------------------------|-------------------|

**CITY OF HAMILTON  
BY-LAW NO.  
To Amend Zoning By-3692-92  
Respecting Lands Located at 121 and 125 Highway 8, Stoney Creek**

|       | Spaces        | Parking Spaces |
|-------|---------------|----------------|
| 1-14  | 0.7 per unit  | 1.25 per unit  |
| 15-50 | 0.85 per unit | 1.25 per unit  |
| 51+   | 1 per unit    | 1.25 per unit  |

Notwithstanding the provisions of Subsection 6.11.4 (c), at least 45 percent of the required tenant parking shall be underground and/or within the apartment buildings. Underground parking shall not be bound by setback requirements; however, underground parking above grade shall be setback a minimum of 3 metres from any lot line.

In addition to Part 2 "Definitions", the definition of Amenity Area shall also include communal lounges.

In addition to Subsection 4.7.1, the following shall not be included in the determination of the building height as specified for the zone in which the building is located:

- (t) furniture storage area located within a mechanical penthouse; and,
- (u) vestibule connected and providing access to the elevator bulkhead and mechanical penthouse.

Notwithstanding the provisions of Subsection 4.10.3(a), the following regulations shall apply:

- (a) Required parking spaces for 90 degree perpendicular parking shall have minimum rectangular dimensions of 3.0 metres by 5.8 metres.
- (b) Notwithstanding (a) above, where 10 or more parking spaces are required on a lot, the minimum parking space size of not more than 10% of such required parking spaces for 90 degree perpendicular parking shall have minimum rectangular dimensions of 2.6 metres by 5.5 metres, provided that any such parking space is clearly identified as being reserved for the parking of small cars only.

Notwithstanding the provision of Subsection 4.9.1 (c), each loading space shall not be less than 9 metres long and 3.6 metres wide and have a vertical clearance of not less than 4.3 metres.

In addition to the provisions of Subsection 4.19.1(d), the maximum encroachment for a balcony and canopy into any required side yard shall be 1.0 metres.

**CITY OF HAMILTON**  
**BY-LAW NO.**  
**To Amend Zoning By-3692-92**  
**Respecting Lands Located at 121 and 125 Highway 8, Stoney Creek**

All at grade residential units which front a street shall have a principal entrance facing the street and be accessible from the building façade with direct access from the street.

Notwithstanding the provisions of Subsection 6.1.8 (c), where the required minimum number of parking spaces is four or more, no parking shall be provided closer than 1.5 metres to any lot line.

3. 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 "RM4" Zone provisions, subject to the special requirements referred to in Section 2.
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*.

**PASSED** this \_\_\_\_\_ day of August, 2018

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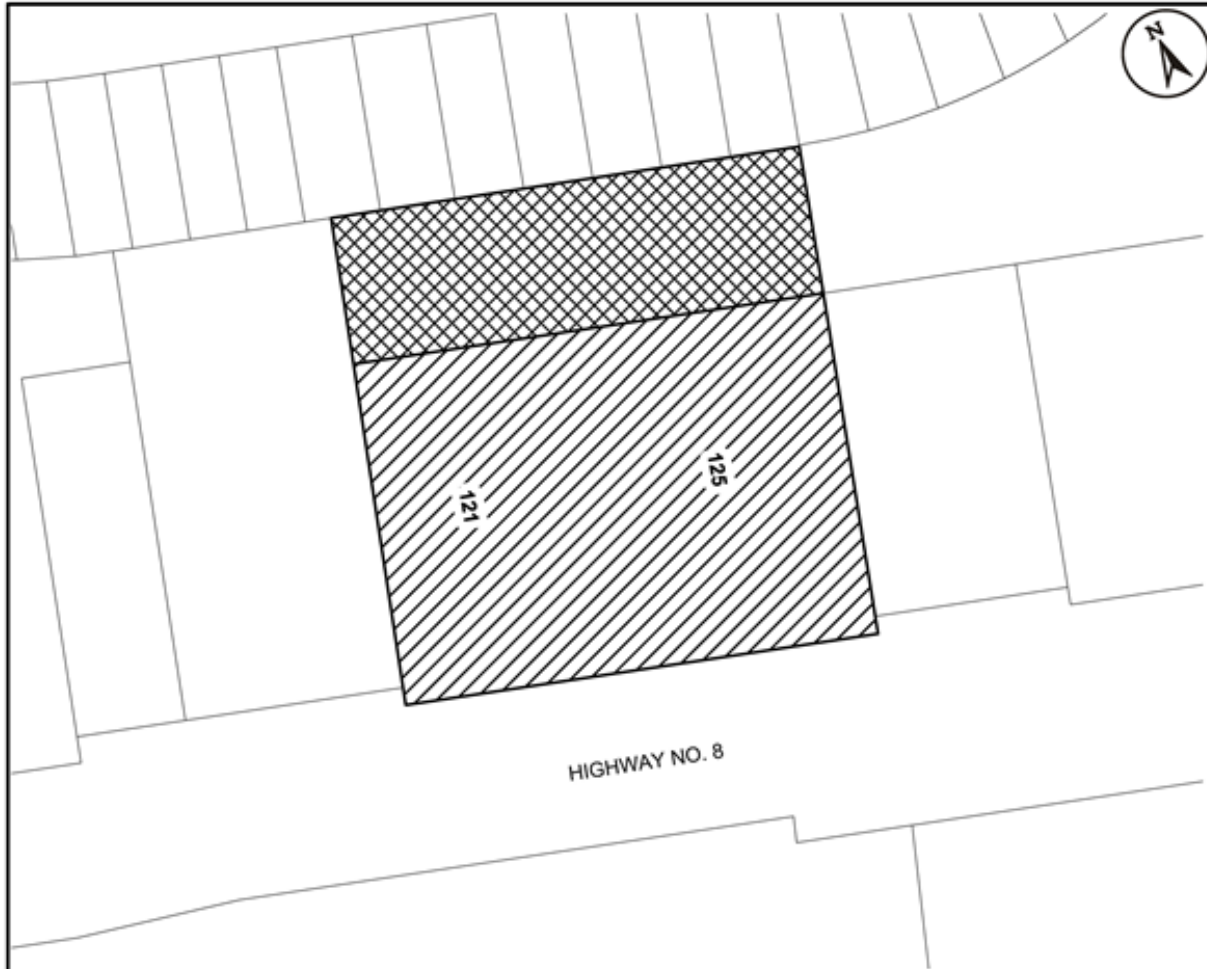
F. Eisenberger  
Mayor

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J. Pilon  
Acting City Clerk

ZAC-17-085

**CITY OF HAMILTON  
BY-LAW NO.  
To Amend Zoning By-3692-92  
Respecting Lands Located at 121 and 125 Highway 8, Stoney Creek**



|   |                                      |
|---|--------------------------------------|
| This is Schedule "A" to By-law No. 18-<br><br>Passed the ..... day of ....., 2018 | -----<br>Mayor<br><br>-----<br>Clerk |
|---|--------------------------------------|

|  |  |
|--|--|
| <h2>Schedule "A"</h2><br><br>Map Forming Part of<br>By-law No. 18-_____<br><br>to Amend By-law No. 3692-92 | <b>Subject Property</b><br>121 & 125 Highway No. 8, Stoney Creek<br><b>Block 1</b> - Change in zoning from the General Commercial "GC" Zone to the Multiple Residential "RM4-10" Zone, Modified<br><br><b>Block 2</b> - Lands added to By-law No. 3692-92 and zoned Multiple Residential "RM4-10" Zone, Modified |
|--|--|

|  |                                 |  |
|--|---------------------------------|--|
| Scale:<br>N.T.S.                             | File Name/Number:<br>ZAC-17-085 |  |
| Date:<br>April 6, 2018                       | Planner/Technician:<br>AL/AL    |  |
| PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT |                                 |  |

**Authority:** Item ,  
Report (PED18079)  
CM:  
Ward: 9

**Bill No.**

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

**To Amend Zoning By-law No. 05-200  
Respecting Lands Located at 121 and 125 Highway No. 8, Stoney Creek**

**WHEREAS** Council approved Item \_\_\_\_\_ of Report PED18-\_\_\_\_\_ of the Planning Committee at its meeting held on the 14<sup>th</sup> day of August, 2018;

**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. 1195 of Schedule "A" – Zoning Maps of Zoning By-law No. 05-200, is amended by changing the zoning from the Mixed Use – Medium Density (C5) Zone to the Mixed Use – Medium Density (C5, 687) Zone, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A" to the By-law.
2. That Schedule "C": Special Exceptions of Zoning By-law No. 05-200, is hereby amended by adding an additional special exception as follows:

"687. Within the lands zoned Mixed Use – Medium Density (C5, 687) Zone, identified on Map No. 1195 of Schedule "A" and described as 121 and 125 Highway No. 8, the following special provisions shall apply:

- a) Notwithstanding Sections 5.2 h) ii), 10.5.1.1 i) 1., 10.5.3 a) i), 10.5.3 d) ii), 10.5.3 d) iv) B. and C., and in addition to Section 3, the following special provisions shall also apply:

b) REGULATIONS

- a) Design Standards

Each Landscaped Area shall have a minimum width of 1.1 metres and a minimum area of 10.0 square metres and each landscape parking island shall have a minimum width of 2.8 metres and a minimum area of 10.0 square metres.

- b) Restriction of Uses

1. The finished floor elevation of

**To Amend Zoning By-law No. 05-200  
Respecting Lands Located at 121 and 125 Highway No. 8 (Stoney Creek)**

within a Building

any dwelling unit shall be a minimum of 0.0 metres above grade.

2. All at grade residential units which front a street shall have a principal entrance facing the street and be accessible from the building façade with direct access from the street.

c) Building Setback  
from a Street Line

i) Minimum 2.5 metres for a building with residential units on the ground floor facing a street.

d) Building Height

ii) Maximum 26.0 metres.

e) Definitions

For the purposes of this By-law, the definition of Building Height shall not include a furniture storage area within a mechanical penthouse and vestibule connected and providing access to the elevator bulkhead and mechanical penthouse.

**PASSED** this \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

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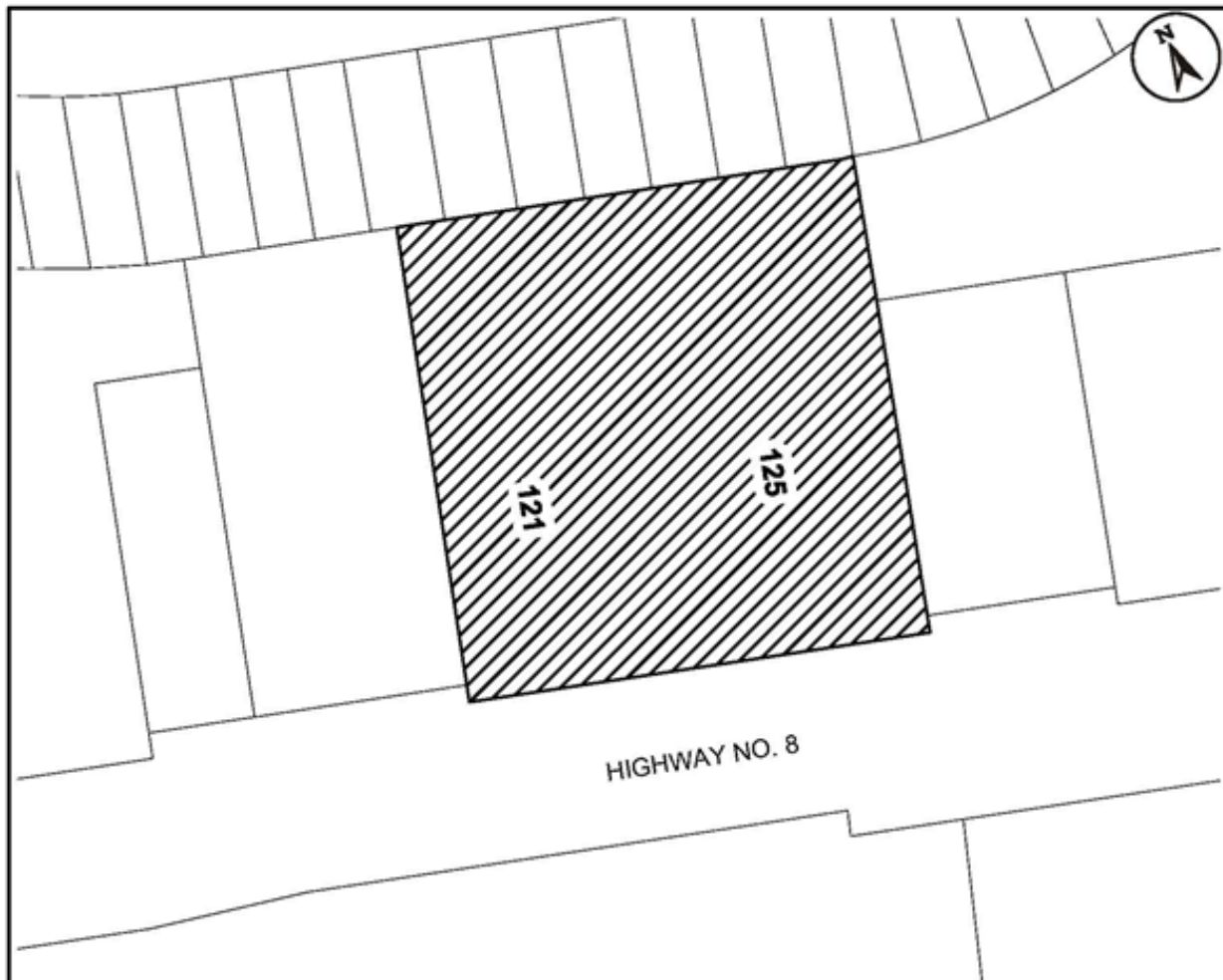
F. Eisenberger  
Mayor

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J. Pilon  
Acting City Clerk



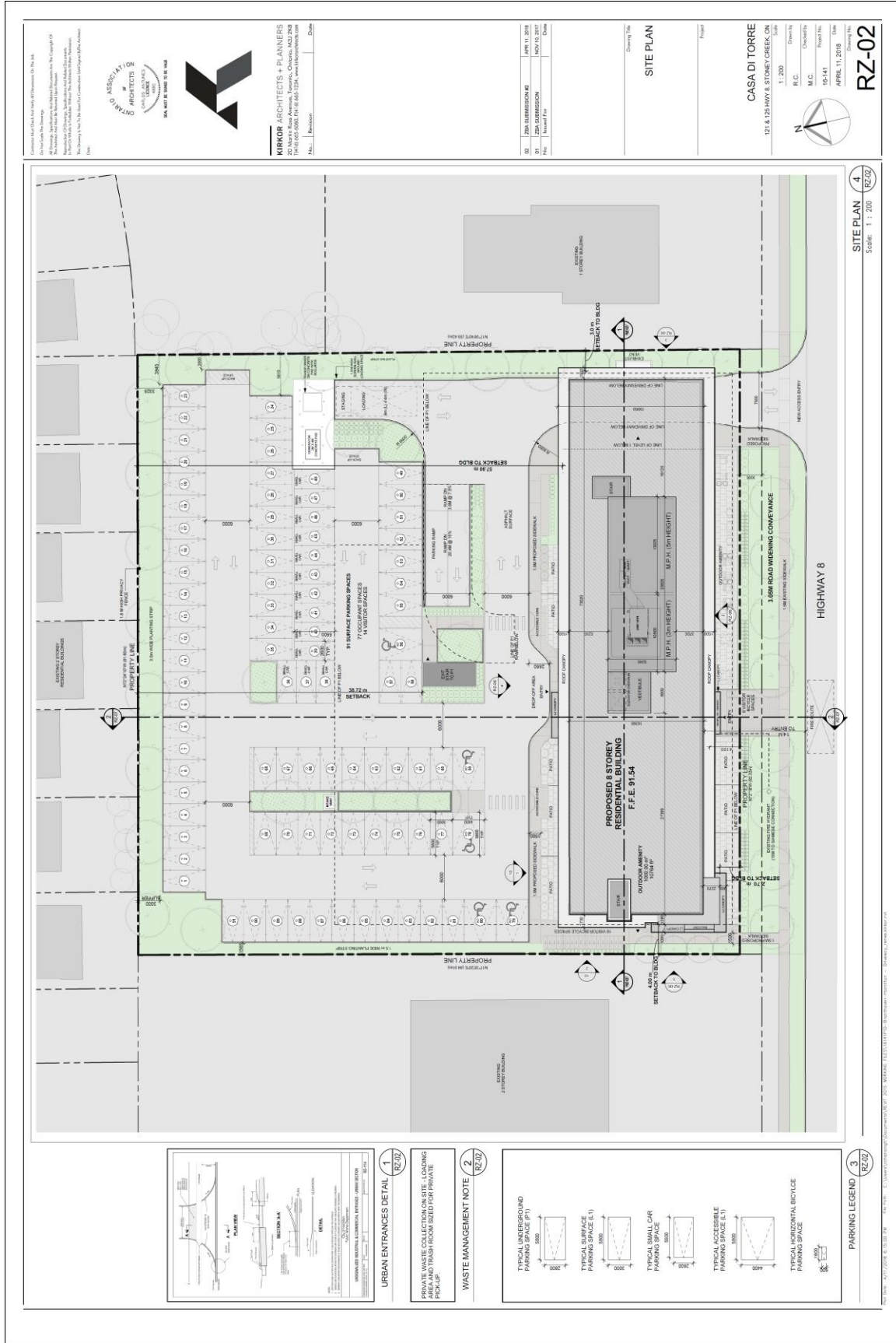
To Amend Zoning By-law No. 05-200  
 Respecting Lands Located at 121 and 125 Highway No. 8 (Stoney Creek)



|   |                                      |
|---|--------------------------------------|
| This is Schedule "A" to By-law No. 18-<br><br>Passed the ..... day of ....., 2018 | -----<br>Mayor<br><br>-----<br>Clerk |
|---|--------------------------------------|

|  |   |
|--|---|
| <h2 style="margin: 0;">Schedule "A"</h2> <p style="margin: 10px 0 0 0;">Map Forming Part of<br/>By-law No. 18-_____</p> <p style="margin: 10px 0 0 0;">to Amend By-law No. 05-200<br/>Map 1195</p> | <p><b>Subject Property</b><br/>121 &amp; 125 Highway No. 8</p> <p> Change in zoning from the Mixed Use - Medium Density (C5) Zone to the Mixed Use - Medium Density (C5,687) Zone</p> |
|--|---|

|  |                                 |  |
|--|---------------------------------|--|
| Scale:<br>N.T.S.                             | File Name/Number:<br>ZAC-17-085 |  |
| Date:<br>March 13, 2018                      | Planner/Technician:<br>AL/VS    |  |
| PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT |                                 |  |



Consent to Construct and/or Amend (Subject to the Act)

All Plans, Specifications, and Attachments to this Certificate of Approval are hereby approved for the purposes of the Act, provided that the Applicant complies with the conditions of the Certificate of Approval and the Act.

**MSBOUTIN ARCHITECTS**  
 1000 BOULEVARD DE LA SAISON  
 SUITE 100  
 MONTRÉAL, QUÉBEC H3A 2R4  
 TEL: 514 392-2222  
 WWW.MSBOUTINARCHITECTS.COM

**KIRKOR ARCHITECTS + PLANNERS**  
 1740 BOULEVARD DE LA SAISON SUITE 100  
 MONTRÉAL, QUÉBEC H3A 2R4  
 TEL: 514 392-2222  
 WWW.KIRKORARCHITECTS.COM

Site: \_\_\_\_\_  
 Revision: \_\_\_\_\_  
 Date: \_\_\_\_\_

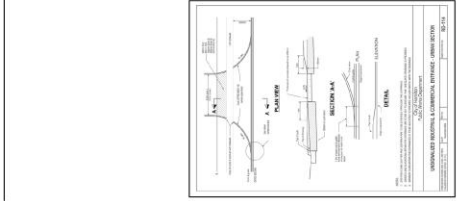
|    |                  |               |
|----|------------------|---------------|
| 02 | FINAL SUBMISSION | DATE: 11/2018 |
| 01 | 20% SUBMISSION   | DATE: 10/2017 |
| 00 | PRELIMINARY      | DATE: 08/2017 |

**SITE PLAN**

CASA DI TORRE  
 121 E. 125 HWY & STOREY CREEK, ONT.  
 1:200

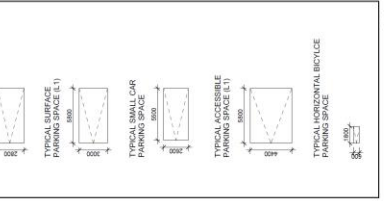
R.C. \_\_\_\_\_  
 Checked by \_\_\_\_\_  
 M.C. \_\_\_\_\_  
 15-141 \_\_\_\_\_  
 APRIL 11, 2018 \_\_\_\_\_

**RZ-02**



**1** PRIVATE WASTE COLLECTION ON SITE - LOADING PICKUP AND TRASH ROOM USED FOR PRIVATE PICKUP

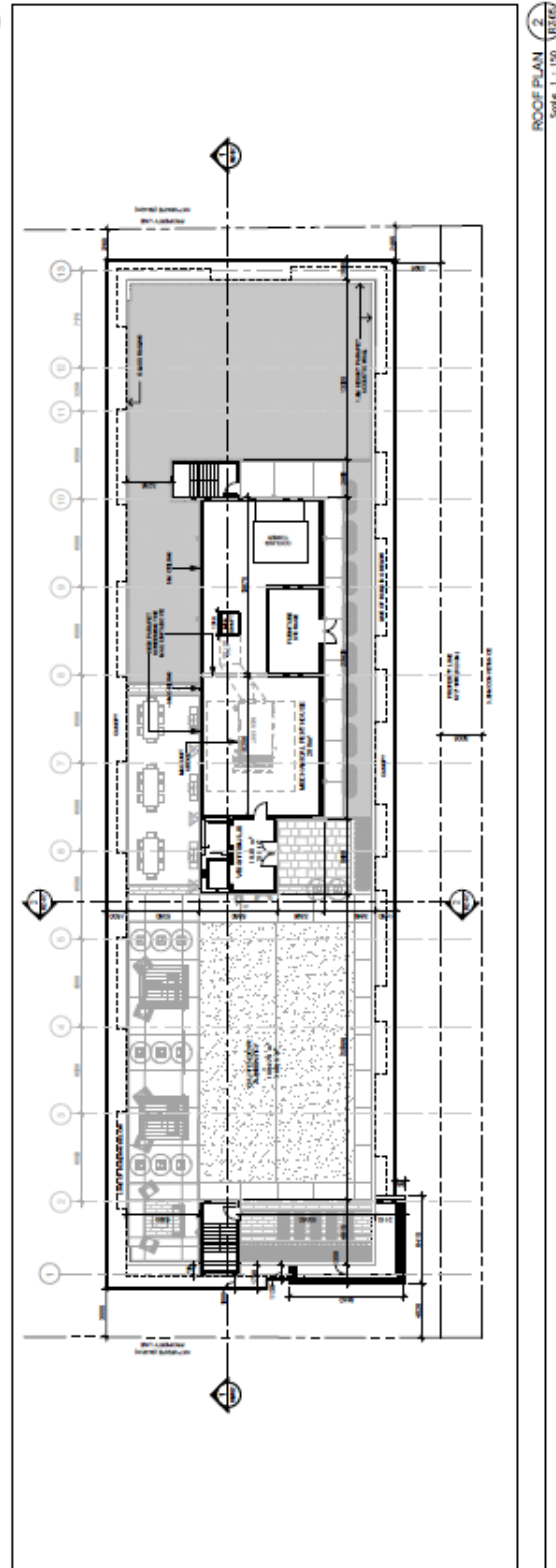
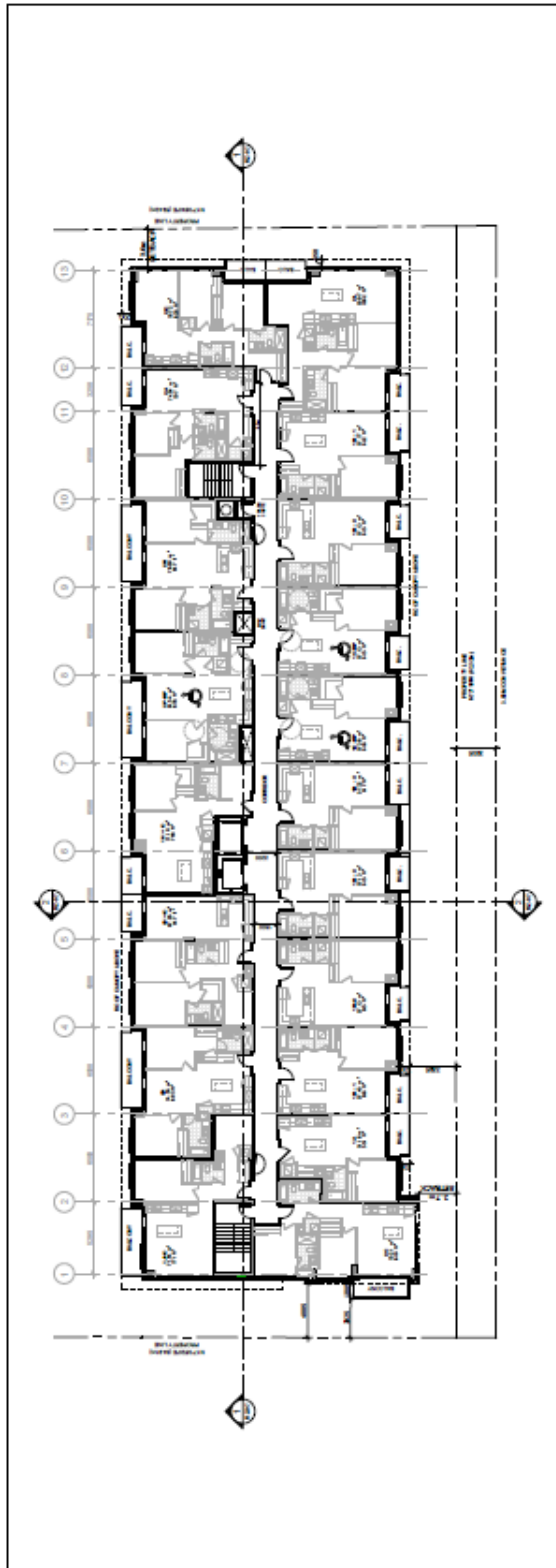
**2** WASTE MANAGEMENT NOTE



**3** PARKING LEGEND

**4** SITE PLAN  
 Scale: 1 : 200  
 RZ-02





Kyle Fleet  
6 Federal St  
Hamilton, Ont  
L8E 4P7

**ZAC-17-085**

Adam Lucas  
City of Hamilton  
71 Main Street West, 5<sup>th</sup> floor  
Hamilton, Ont  
L8P 4Y5  
[Adam.Lucas@hamilton.ca](mailto:Adam.Lucas@hamilton.ca)

Dear Adam Lucas,

I am writing this letter to object the building plans located at 121 & 125 Highway 8, Stoney creek, (Ward 9). I have concerns for our privacy with an eight story building being built so close to my property. Our family has a pool in our backyard and spend the majority of our time swimming and relaxing, we even have a heater to extend the swimming months. We would feel our privacy would be invaded with such a tall building. The building could also cast a shadow certain times of year, causing us to lose sunlight. In closing I am also concerned how this could negatively impact the resale factor of my property. Thank you for your time. Please feel free to contact me at 905-975-5718, or at [kfleet82@gmail.com](mailto:kfleet82@gmail.com).

Sincerely,

Kyle Fleet

**Lucas, Adam**

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**From:** [REDACTED]  
**Sent:** December-22-17 2:06 PM  
**To:** Lucas, Adam  
**Subject:** File ZAC -17-085

Hello Mr. Lucas, I received a document referring to the possible re-zoning by law amendment for lands located at 121 and 125 Highway 8, Stoney Creek Ward 9.

As a home owner who backs onto the site of the proposed 8 story condo I very strongly oppose this project.

Having bought my home 3 years ago, I purposely bought a home that backed onto zoned (general commercial) land. If had had wanted rear neighbours I would have bought a home that had them. I'm very disappointed that I'm now being faced with the possibility of having a 140 unit building in my back yard!

I have huge concerns about this project. Most of which, I worry for the future assessed value of my home being affected by this monster of a condo building towering beyond my backyard. Second, I really really fear for the safety of my family, and for the safety of my home and possessions with 140 units of strangers peering into my backyard. We live in a world where there are sexual predators and people who steal. I make a point to get to know my neighbours, how to do get to know 140 units of people?

Who knows what the construction of such a large building will do to my home's foundation or the air quality during construction of such a big building. With the city warning residents of rats in our ward, disturbing them will surely drive them inside. Great. The sun also shines into my house in the back, and having a back-split I rely on that sunshine. An 8 story condo will all but leave me in darkness.

Not sure where everyone will park, probably on my street, which is already full of people who leave their cars on the street for extended periods of time. Which is already dangerous. Traffic near the intersection of Grays and Highway 8 would be a nightmare and a huge safety concern.

I could go on.....

I seriously hope the city of Hamilton rejects this project. I for one will not be supporting it and will pursue it being rejected.

I am looking forward to receiving a copy of the staff report prior to the public meeting. I also expect to be notified of the public meeting that is to be held.

Thanks you Mr. Lucas for the opportunity to voice my concerns and comments.

**I do ask that my personal information be removed from the city's website being made available to the general public.**

[REDACTED]

Appendix "G" to Report PED18180  
Page 3 of 3

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**From:** Thomas Schilf [<mailto:thomas.schilf@bell.net>]  
**Sent:** Thursday, February 08, 2018 1:06 PM  
**To:** Conley, Doug; Collins, Chad  
**Cc:** Pearson, Maria  
**Subject:** RE: 121 & 125 Highway 8- Development Proposal

Dear Mr. Conley and Mr. Collins,

I am contacting you in order to voice my opposition to the proposed development at 121 & 125 Highway 8.

As the area is already zoned for a 6 story commercial/residential development, stopping the project seems unlikely.

However, allowing the developer a variance to add an additional two stories, can be stopped.

I live within blocks of the area and shop at many of the local businesses. I drive this stretch almost dally as a result. There is already excess traffic for the current roads' capacity. Getting out of my street and making the right tum onto Highway 8 is challenging most of the time, as is making the left tum, either at Gray road or Blenheim.

Please consider this when making your decision.

Thomas Schilf

58 Blenheim Dr.

Stoney Creek.



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
 Planning Division

|                        |   |
|------------------------|---|
| <b>TO:</b>             | Chair and Members<br>Planning Committee   |
| <b>COMMITTEE DATE:</b> | August 14, 2018   |
| <b>SUBJECT:</b>        | Applications for an Amendment to the Rural Hamilton Official Plan and the City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 19 Highland Road East, Stoney Creek (PED18169) (Ward 9) |
| <b>WARD AFFECTED:</b>  | Ward 9  |
| <b>PREPARED BY:</b>    | Alaina Baldassarra (905) 546-2424 Ext. 7421   |
| <b>SUBMITTED BY:</b>   | Steve Robichaud<br>Director, Planning and Chief Planner<br>Planning and Economic Development Department   |
| <b>SIGNATURE:</b>      |   |

**RECOMMENDATION**

- (a) That **Rural Hamilton Official Plan Amendment Application RHOPA-17-024, by Five SAC, (Owner)**, to establish a Site Specific Policy Area in order to permit the development of three self-storage (U-Haul) buildings for lands located at 19 Highland Road East, as shown on Appendix "A" to Report PED18169, be **DENIED** on the following basis:
- (i) That the proposal is not consistent with the Provincial Policy Statement (PPS) and does not conform to the Growth Plan for the Greater Golden Horseshoe (2017);
  - (ii) That the proposal does not comply with the intent of the Rural Hamilton Official Plan.
- (b) That **Zoning By-law Amendment Application ZAC-17-055 by Five SAC, (Owner)**, for a further modification to the Rural Industrial "MR-5" Zone - Holding to permit the development of three self-storage (U-Haul) buildings for lands located at 19 Highland Road East, as shown on Appendix "A" to Report PED18169, be **DENIED** on the following basis:

---

*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: Applications for an Amendment to the Rural Hamilton Official Plan and the City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 19 Highland Road East, Stoney Creek (PED18169) (Ward 9) - Page 2 of 19**

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- (i) That the proposal is not consistent with the Provincial Policy Statement (PPS) and does not conform to the Growth Plan for the Greater Golden Horseshoe (2017);
- (ii) That the proposal does not comply with the intent of the Rural Hamilton Official Plan;
- (iii) The application does not meet the general intent of the Stoney Creek Zoning By-law No. 3692-92 or Hamilton Zoning By-law 05-200.

### **EXECUTIVE SUMMARY**

The applicant has applied for a Rural Hamilton Official Plan (RHOP) Amendment and a Zoning By-law Amendment for lands located at 19 Highland Road East to permit the development of three self-storage (U-Haul) buildings.

The purpose of the RHOP Amendment Application is to permit the self-storage facility on the subject lands whereas currently the RHOP does not permit the use. The Zoning By-law Amendment Application is to rezone the subject lands to include a site specific zoning on the property to permit a self-storage facility and associated accessory uses.

The property is located within the proposed Elfrida Future Growth Area Secondary Plan area, and is currently in the early stages of a Municipal Comprehensive Review to identify the amount of land to be added to the Urban Boundary.

The applications do not have merit and cannot be supported as they are not consistent with the Provincial Policy Statement (2014) and do not conform to the Growth Plan for the Greater Golden Horseshoe (2017). The proposed use is not considered an agricultural use and does not enhance or support the agricultural community. Furthermore, the applications are premature in that the Elfrida Secondary Plan has not been completed. Additionally, the application has not provided sufficient information relating to sustainably servicing the subject lands.

***Alternatives for Consideration – See Page 19***

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

**Financial:** N/A

**Staffing:** N/A

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*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: Applications for an Amendment to the Rural Hamilton Official Plan and the City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 19 Highland Road East, Stoney Creek (PED18169) (Ward 9) - Page 3 of 19**

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

## **HISTORICAL BACKGROUND**

The subject property is located east of Upper Centennial Parkway and on the north side of Highland Road East (see Location Map attached as Appendix “A” to Report PED18169). The property is vacant and comprises an area of approximately 0.8 ha.

The subject lands are located within the Elfrida Growth Plan Study Area, which was identified by Council as the preferred location for an urban expansion area. In 2006, the Elfrida Study Area was included as a Special Policy Area in the RHOP and was adopted by Council to initiate the municipal comprehensive review required prior to any portion of the Study Area being included in the Urban Boundary. The Province removed the Special Policy Area when it approved the RHOP in 2008. The Urban Hamilton Official Plan (UHOP), adopted in 2009, included a policy reference to Elfrida as a future growth area within the Urban Boundary Expansion policies. When the UHOP was approved, the Province removed the references to Elfrida as a growth area but approved the remaining Urban Boundary Expansion policies. That deletion of the Elfrida Study Area in both the Urban and Rural Official Plan was appealed to the OMB (now the LPAT) by the City and land owners in the area.

Although both of these appeals are still before the LPAT, the City is currently in the preliminary stages of a Municipal Comprehensive Review to evaluate the future Urban Growth Area, known as the Elfrida Area.

## **Proposal:**

The applicant, Five SAC (U-Haul), is proposing to construct three single storey self-storage buildings totalling 3,802.42 sq m (refer to Appendix “B” of Report PED18169) to expand the existing use to the subject lands. The subject lands are a separate parcel of land from the existing use located to the west, and therefore is considered to be the establishment of a new use as opposed to the incremental expansion of an existing business use. Building “G” is a climate controlled building with 146 self-storage lockers with customer loading areas and a single universal washroom for public use. Building “H” is a climate controlled building with 101 self-storage lockers and is proposed to share an exterior access and loading zone with Building “I”, which is a non-climate controlled building with 156 storage lockers. In addition, the proposal includes two loading spaces and 22 parking spaces with vehicle access on Highland Road East.

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A new fire route access and a turnaround location for fire and emergency vehicles are proposed for the three self-storage buildings. The area between the existing U-Haul buildings at 130 Upper Centennial Parkway and the three proposed new U-Haul buildings are proposed to be used as driveways for maintenance and customer vehicles. Parking is proposed to be located along one side of Building “H” and at the side and rear of Building “G”. In addition, the current U-Haul facility at 130 Upper Centennial Parkway has a private water service connection and a holding tank for sanitary waste on the property at 130 Upper Centennial Parkway.

A Rural Hamilton Official Plan (RHOP) Amendment and Zoning By-law Amendment were submitted to permit three, one storey self-storage facilities, associated with the existing U-Haul operation at 130 Upper Centennial Parkway, a single universal washroom for public use, 22 parking spaces and two loading spaces with vehicle access on Highland Road East.

**Chronology:**

- June 27, 2017: Rural Hamilton Official Plan Amendment Application RHOPA-17-024 and Zoning By-law Amendment Application ZAC-17-055 were received.
- June 28, 2017: Rural Hamilton Official Plan Amendment Application RHOPA-17-024 and Zoning By-law Amendment Application ZAC-17-055 were deemed incomplete.
- August 15, 2017: Applications RHOPA-17-024 and ZAC-17-055 were deemed complete.
- September 1, 2017: Notice of Complete Applications and Preliminary Circulation were sent to 36 property owners within 120 m of the subject lands.
- September 6, 2017: A Public Notice Sign was posted on the subject lands.
- July 18, 2018: Public Notice Sign updated with Public Meeting date.
- July 27, 2018: Circulation of the Notice of Public Meeting mailed to 36 property owners within 120 m of the subject property.

**Details of Submitted Applications:**

**Owner/Applicant:** Five SAC (c/o John Fisher, MCP, U-Haul International)

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**Agent:** Brower Architecture (Jason Brower, Architect)

**Location:** 19 Highland Road East, Stoney Creek

**Property Description:**

|                   |              |
|-------------------|--------------|
| <u>Frontage:</u>  | 42.84 m      |
| <u>Lot Depth:</u> | 136.9 m      |
| <u>Lot Area:</u>  | 0.8 ha       |
| <u>Servicing:</u> | Not serviced |

**Existing Land Use and Zoning:**

|                                  | <b><u>Existing Land Use</u></b>                                    | <b><u>Existing Zoning</u></b>             |
|----------------------------------|--|---|
| <b><u>Subject Lands:</u></b>     | Vacant land  | Rural Industrial “MR-5(H)” – Holding Zone |
| <b><u>Surrounding Lands:</u></b> |  |   |
| <b>North:</b>                    | Cooper Equipment Rentals<br>Skyway Lawn Equipment<br>Establishment | Rural Industrial “MR-5(H)” Zone – Holding |
| <b>East:</b>                     | Agricultural   | Agricultural “A” Zone                     |
| <b>South:</b>                    | Residential Dwellings  | Rural Residential “RR” Zone               |
| <b>West:</b>                     | U-Haul Self Storage Facility                                       | Rural Industrial “MR-3” Zone              |

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

**Provincial Policy Statement (2014)**

The applications have been reviewed against the policies of the Provincial Policy Statement (PPS, 2014). The subject site is identified as Prime Agricultural Land within the Provincial Policy Statement.

The following applicable policies, amongst others, apply as it relates to the Rural lands:

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- “1.1.4.1 Healthy, integrated and viable *rural areas* should be supported by:
- a) building upon rural character, and leveraging rural amenities and assets;
  - e) using rural *infrastructure* and *public service facilities* efficiently;
  - f) promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources; and,
  - i) providing opportunities for economic activities in *prime agricultural areas*, in accordance with policy 2.3.
- 1.1.5.2 On *rural lands* located in municipalities, permitted uses are:
- a) the management or use of resources;
  - b) resource-based recreational uses (including recreational dwellings);
  - c) limited residential development;
  - d) home occupations and home industries;
  - e) cemeteries; and
  - f) other rural land uses.
- 1.1.5.4 Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.
- 1.1.5.5 Development shall be appropriate to the *infrastructure* which is planned or available, and avoid the need for the unjustified and / or uneconomical expansion of this *infrastructure*.
- 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.
- 2.3.3.1 In *prime agricultural areas*, permitted uses and activities are: *agricultural uses, agriculture-related uses* and *on-farm diversified uses*.

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- 2.3.6.1 Planning authorities may only permit non-agricultural uses in *prime agricultural areas* for:
- a. extraction of *minerals, petroleum resources* and *mineral aggregate resources*, in accordance with policies 2.4 and 2.5; or
  - b. limited non-residential uses, provided that all of the following are demonstrated:
    1. the land does not comprise a *specialty crop area*;
    2. the proposed use complies with the *minimum distance separation formulae*;
    3. there is an identified need within the planning horizon provided for in policy 1.1.2 for additional land to be designated to accommodate the proposed use; and
    4. alternative locations have been evaluated, and
      - i. there are no reasonable alternative locations which avoid *prime agricultural areas*; and
      - ii. there are no reasonable alternative locations in *prime agricultural areas* with lower priority agricultural lands.”

The subject property is located outside of the Urban Boundary and is located within the rural area. The PPS identifies these lands as “Prime Agricultural Land”. The proposed self-storage facility and associated parking is not consistent with the PPS for the following reasons:

- The establishment of the proposed use as a separate parcel of land is not considered a permitted use by provincial policy. The permitted uses include a range of agricultural uses and agricultural supportive uses including, but not limited to, farm product supply dealer and agricultural storage facility. The applicant has not provided evidence that the proposed self-storage facility will be geared towards and support the rural community;
- The subject site does have access to a private water service but does not have access to municipal sewers since the subject lands are outside of the urban boundary. In addition, provincial policy does not support unnecessary expansions of municipal services outside of the urban boundary. Therefore, the applicant would

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need to prove that the proposal would be adequately serviced using rural servicing options. As part of the Zoning By-law Amendment Application submission, the applicants submitted a Sanitary Services Brief and Stormwater Management Brief. The submitted documents have been reviewed by staff and they are not satisfied that the proposed use can be adequately serviced for private sanitary service purposes based on the submitted information; and,

- Staff recognize that the subject site is located within close proximity to the Urban Boundary. However, the site is located outside of the Urban Area and is considered a Prime Agricultural area based on Provincial policy. Provincial policy does provide opportunities for limited non-agricultural uses on prime agricultural lands subject to meeting the required criteria identified in policy 2.3.6.1. Staff are of the opinion that the applicants have not provided sufficient evidence that there are no reasonable alternative locations for the proposed self-storage facility to avoid prime agricultural areas and that the proposed self-storage facility is required to meet the forecasted growth requirements for the City.

#### Wise Use and Management of Resources

The subject property was determined to have archeological potential since it met three of the ten criteria. As such, the following policies apply to the proposal:

“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.*”

Staff do not have any concerns as it relates to archaeological resources for the Official Plan Amendment Application and Zoning By-law Amendment Application but if the applications were approved, a written caution note would be added to the Site Plan to address archaeology.

In summary, the proposal is not consistent with the PPS.

#### Growth Plan for the Greater Golden Horseshoe (2017)

The Growth Plan outlines the following policies, amongst others, for rural lands:

- “2.2.9        3. Subject to the policies in Section 4, *development* outside of *settlement areas* may be permitted on *rural lands* for:
- a. the management or use of resources;

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- b. resource-based recreational uses; and
  - c. other rural land uses that are not appropriate in settlement areas provided they:
    - i. are compatible with the rural landscape and surrounding local land uses;
    - ii. will be sustained by rural service levels; and
    - iii. will not adversely affect the protection of *agricultural* uses and other resource-based uses such as *mineral aggregate operations*.
4. Where permitted on *rural lands*, resource-based recreational uses should be limited to tourism-related and recreational uses that are compatible with the scale, character, and capacity of the resource and the surrounding rural landscape, and may include:
- a. commercial uses to serve the needs of visitors; and
  - b. where appropriate, resource-based recreational dwellings for seasonal accommodation.”

The applicant is proposing to construct three self-storage buildings and associated parking. The proposed self-storage facility and associated parking does not conform with the Growth Plan (2017) for the following reasons:

- The proposed use is not considered a permitted use by Provincial policy. The permitted uses within rural lands include resource management uses, resource-based recreational uses and other rural land uses not appropriate for settlement areas. The proposed use is not a resource based use; and,
- The Growth Plan requires that any rural development be properly sustained with rural service levels. As part of the Official Plan Amendment Application and Zoning By-law Amendment Application submission, the applicants submitted a Sanitary Services Brief and Stormwater Management Brief. The submitted documents have been reviewed by staff and they are not satisfied that the proposed use can be adequately serviced based on the submitted information using current rural services.

Therefore, the proposal does not conform to the Growth Plan (2017).

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**Rural Hamilton Official Plan (RHOP)**

The subject lands are designated “Rural” on Schedule “D” – Rural Land Use Designations. The following policies, amongst others, apply to the proposed development:

“C.3.1.1 The following uses shall be permitted in all land use designations as set out in the policies below:

- a) Conservation use such as forest, wildlife and fisheries management shall be permitted provided it complies with Section C.2.0, Natural Heritage System policies of this Plan;
- b) Transportation facilities and existing electrical facilities used directly for the generation and distribution of electric power, natural gas pipeline and new facilities and approved under the Environmental Assessment Act and other relevant statutes shall be permitted in any land use designation located in Rural Hamilton provided they meet the conditions of this Plan; and,
- c) Municipal infrastructure such as water system facilities, sanitary and storm water facilities, except for sanitary land fill sites, shall be permitted in all land use designations located in Rural Hamilton and shall comply with the policies of Sections C.3.4, Utilities and C.5., Infrastructure of this Plan. Where facilities exist, they shall be designated Utilities on Schedule D - Rural Land Use Designations and the maps for Rural Settlement Areas in Volume 2 of this Plan.

**C.5.3 Lake-Based Municipal Water and Wastewater Systems**

It is the objective of this Plan to prohibit the extension or expansion of all lake-based, municipal water and wastewater services outside the urban area boundary.

C.5.3.2 The City may allow existing lots and existing uses that front on a rural/urban boundary road, to connect to existing municipal water and wastewater systems, provided all the following conditions are met:

- a) the area shall remain outside the urban area and shall be designated Agriculture, Specialty Crop or Rural in the Rural Hamilton Official Plan; and,

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- b) sufficient supply and capacity are available to service the existing development.”

The proposed application would require an amendment to the Rural Hamilton Official Plan to permit commercial self-storage buildings on the subject property. The Rural designation permits a range of conservation uses, municipal infrastructure and transportation facilities. The proposed use is not considered a conservation use or municipal infrastructure as it is a commercial operation.

City staff have advised that there are currently no municipal storm sewers, sanitary sewers or water mains adjacent to the property. The current U-Haul operation at 130 Upper Centennial Parkway is supported with a private water service and a holding tank for sanitary. For information, any proposed servicing upgrades could only be constructed if the lands to the east of Upper Centennial Parkway are incorporated into the City’s Urban Boundary. Currently, the Municipal Comprehensive review being completed for the Elfrida Node is in its preliminary stages. Therefore, the subject lands are within the Rural Area and subject to applicable policy. As identified within the policy, the City will prohibit any municipal expansions of services into the Rural Area. The only opportunity for rural properties to access municipal services is lots that front onto a boundary road. The subject lands front onto Highland Road East which is not considered a Boundary Road. Therefore, based on the information submitted, staff are not satisfied that the applicants have provided adequate information to show how the site would be privately serviced.

“D.2.0        AGRICULTURE DESIGNATION

The Agriculture designation applies to lands designated Agriculture on Schedule D- Rural Land Use Designations. The primary intent of the Agriculture designation is to protect the *prime agricultural areas* for *agricultural use* over the life of this Plan.

These policies provide for a wide range of farm types while preventing further conflicts of use, and ensuring the sustainability of the Natural Heritage System.

D.2.1        Permitted Uses

Uses permitted in the Agriculture designation are limited to *agricultural uses*, *agricultural-related* commercial and *agricultural-related* industrial uses and on-farm secondary uses as set out in the following policies.

D.2.1.1      Agricultural uses are permitted subject to the policies of this Plan.

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- D.2.1.1.1 Mushroom operations, including the growing, harvesting, cleaning, packaging and shipping of mushrooms produced on the site and any other uses directly related to mushroom production including the creation of compost are permitted. The establishment of a new mushroom operation or the expansion of an existing operation shall be subject to Site Plan approval to address the appropriate building location, drainage, and any other matters.
- D.2.1.1.2 Tree farms are permitted, provided that any goods and materials offered for sale are limited to small scale retailing of agricultural products grown and produced primarily on-site in accordance with the policies of Section D.2.1.3.2 c) of this Plan for on-farm secondary uses.
- 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:
- a) Site Plan approval shall be required to address appropriate building location, storm water management and drainage; and
  - b) Any goods or materials offered for sale shall be limited to small scale retailing of products grown and produced primarily on site in accordance with the policies of Section D.2.1.3.2 c) of this Plan for on-farm secondary uses.
- 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 2000 square metres;
  - 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

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subject to Site Plan approval to address the appropriate building size and location, set-backs, drainage and any other matters.

D.2.1.1.5 Aquaponics facilities may be permitted provided the following conditions are met:

- a) Site Plan approval shall be required to address appropriate building location, storm water management and drainage; and
- b) Any goods or materials offered for sale shall be limited to small scale retailing of products grown and produced primarily on site in accordance with the policies of Section D.2.1.3.2 c) of this Plan for on-farm secondary uses.

#### D.4.0 RURAL DESIGNATION

The Rural designation applies to lands designated Rural on Schedule D - Rural Land Use Designations. While these lands are characterized as having lower capability for agriculture due to a range of factors, the intent of this Plan is to protect and maintain *agricultural uses* as the primary and predominant land use and to protect *farm operations* from incompatible forms of *development* so as to preserve these lands for *agricultural use*.

##### D.4.1 Permitted Uses

Uses permitted in the Rural designation are limited to the uses permitted in Section D.2.0, Agriculture Designation of this Plan, other *resource-based* rural uses and institutional uses serving the rural community as follows:

D.4.1.1 Resource-Based Commercial and Resource-Based Industrial Uses are permitted provided the following conditions are met:”

The subject lands are designated Rural in the RHOP. The intent of the Rural Hamilton Official Plan is to encourage industrial, commercial and residential uses to the urban area or rural settlement areas to preserve lands for agricultural use and efficiently use municipal resources. Therefore, as identified through the above-noted policy, the RHOP permits a range of agricultural and rural uses and associated agricultural-related commercial and industrial uses on the subject lands. The Rural designation permits a broader range of resource based rural uses, institutional uses and rural related supportive commercial uses to support the agricultural community. The broader range of rural supportive uses is permitted on rural designated properties because generally the properties are determined to have a possible lower capability for agriculture

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operations. Staff are of the opinion that the proposed commercial storage facility is not an agricultural use or an agricultural supportive use. Therefore, staff do not support the Official Plan Amendment and associated Zoning By-law Amendment because the applicants have not provided evidence that there is no reasonable alternative location for the proposed use, the use is not a permitted use within the Rural and Agriculture designations and the proposal does not meet the general intent of the Rural Hamilton Official Plan.

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

The subject property is currently zoned Rural Industrial “MR-5(H)” Zone – Holding and is subject to a Holding Provision. The MR-5 Zone permits agricultural uses, agricultural research, animal hospitals or shelters and accessory dwelling units, farm implement sales and services, industrial uses pertaining to the manufacturing, processing, wholesaling, warehousing or storage of agricultural products or farm supplies and parking lots. A Zoning By-law Amendment is required to permit the self-storage buildings on the subject lands.

Additionally, the Holding Provision on the property may be removed at such time as:

- “(i) the owner submits a signed Record of Site Condition (RSC) to the City of Hamilton and the Ministry of the Environment (MOE), to the satisfaction of the City's Director of Development and Real Estate, including an acknowledgement of receipt of the RSC by the MOE; and,
- (ii) the owner submits and receives site plan approval including a landscape plan, with securities deposited for the works to be completed, all to the satisfaction of the Manager of Development Planning.”

**Zoning By-law No. 05-200**

The subject property is zoned Existing Industrial (E2, 155) Zone - Holding in Zoning By-law No. 05-200. The zone permits agricultural uses, farm product supply dealer, agricultural storage establishment, kennel and uses existing at the date of the passing of the By-law. In addition, the site specific provision states that a maximum height for outdoor storage and vehicle parking or storage shall be 2.5 m within 15.0 m of any lot line that abuts a street, measured from the average grade along such lot lines. The proposed self-storage facility and associated parking is not a permitted use and would require a Zoning By-law Amendment.

For information purposes, the lands were included in the City-Initiated Rural Zoning. Although the zoning was approved by Council, the zoning was appealed to the Ontario

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Municipal Board (now the LPAT). Therefore, since the City-Initiated Rural Zoning was approved, both zones are in effect and the more restrictive of the two Zoning By-laws apply.

**RELEVANT CONSULTATION**

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

- Forestry and Horticulture Section (Public Works Department);
- Landscape Architectural Services (Public Works Department); and,
- Asset Management (Public Works Department).

The following Departments and Agencies submitted the following comments:

**Hamilton Conservation Authority (HCA)** has indicated that the proposed storage facility expansion will result in a significant increase in the amount of imperviousness on the site. Therefore, appropriate stormwater quantity and quality controls would be required. In this regard, HCA identified that as the site is located within the Upper Stoney Creek subwatershed area, the stormwater management design should include Normal (Level 2) quality control measures and sediment and erosion control measures to prevent the overland migration of sediment into the nearby headwater tributary of Stoney Creek.

HCA has received the Stormwater Management Brief that was submitted with these applications and have no objection to the proposed overall design. However, HCA question the accuracy of the 100 year post-development storage volume used in the proposal, and request that the input and output information supporting the hydrology modelling be submitted.

HCA also requests that the following information be submitted in conjunction with a future Site Plan Control Application:

1. A detailed design of the proposed Triton underground storage system, which demonstrates that the system does not negatively impact the shallow groundwater flow and will not result in groundwater contamination.
2. A detailed Drainage Plan that identifies the extent of the area requiring quality control treatment, and a Site Grading Plan, a Site Servicing Plan, and an Erosion & Sediment Control Plan that identifies that heavy duty silt fencing, silt sacs, and vehicular traction control will be installed on-site.

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HCA staff has also reviewed the Karst Hazard Assessment prepared by Terra-Dynamics Consulting Inc. dated May 9, 2017 and are satisfied with the assessment methods and the conclusion that the site does not contain any macro karst features or karst based hazards. As the site is located in close proximity to a headwater tributary of Stoney Creek, the southerly portion of the property, is subject to HCA's Development, Interference with Wetlands, and Alterations to shorelines and Watercourse Regulation 16 / 106 whereby the written approval (either a Permit OR Letter of Permission) will be required prior to the commencement of any fill placement or removal, grading and construction activities, and watercourse alterations.

**Construction (Capital Budget Projects)** has stated that Contract C15-47-14 (HS) is currently active on Reg. Rd. 56 and Upper Centennial Pkwy. The sanitary manhole located in the north-east corner of Upper Centennial Pkwy. and Highland Rd. is expected to be complete by late fall of 2018.

**Operations Support, Business Program (Public Works Department)** has stated that the property is eligible for municipal waste collection services subject to meeting the City's requirements.

## **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 36 property owners within 120 m of the subject property on September 1, 2017. A Public Notice sign was posted on the property on September 6, 2017. A Notice of Public Meeting was mailed to 36 property owners on March 16, 2018 and the Public Notice sign was updated on March 7, 2018 in accordance with the requirements of the *Planning Act*. To date, only one comment was received in from a neighbouring property where they requested to be informed about any future decisions on the subject land

### **Public Consultation Strategy**

The applicant advised that a Public Open House could be held to display relevant project information if there were any major concerns or comments identified by the public. To date, no public open house has been held. Therefore, no responses were received as a result of the completed circulations.

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

- 1) The proposal does not have merit and cannot be supported for the following reasons:

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- (i) The proposal is not consistent with the Provincial Policy Statement and does not conform to the Growth Plan for the Greater Golden Horseshoe (2017);
- (ii) The proposal does not comply with the policies and intent of the Rural Hamilton Official Plan in regards to the proposed use for the subject lands; and,
- (iii) The proposed development is premature as the Municipal Comprehensive Review for the Elfrida Urban Growth Area has not been completed.

2) Rural Hamilton Official Plan (RHOP)

The subject property is currently designated “Rural” in the Rural Hamilton Official Plan. An Official Plan Amendment is required in order to permit the development of three self-storage buildings. As identified in the Report, the proposal is not consistent with the PPS, does not conform to the Growth Plan and does not comply with the policies of the Official Plan as the use is not permitted on lands designated Rural. The applicants have not provided evidence that the proposed use is agricultural or supports the agricultural community, that the lot can be adequately serviced using rural services or that there is no reasonable alternative location in the City for the proposed use. As such, staff do not support the Rural Hamilton Official Plan Amendment.

3) Zoning By-law Amendment

The proposal is to construct three self-storage buildings and associated parking on the subject property. The use is not permitted in the Stoney Creek Zoning By-law No. 3692-92 or Zoning By-law No. 05-200. When reviewing a Zoning By-law Amendment Application, the proposed amendment must comply with the Rural Hamilton Official Plan. As discussed, the proposed self-storage facility does not meet the intent of the Official Plan. Therefore, Staff do not support the Zoning By-law Amendment to the Stoney Creek Zoning By-law No. 3692-92 and Zoning By-law No. 05-200.

4) Engineering

Growth Management Staff have advised that there are no municipal storm sewers, sanitary sewers or water mains adjacent to the subject property to support the expansion of the existing U-Haul operation onto the subject property at 19 Highland Road East. The current U-Haul operation is supported with a private water service and a holding tank for sanitary.

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*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: Applications for an Amendment to the Rural Hamilton Official Plan and the City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 19 Highland Road East, Stoney Creek (PED18169) (Ward 9) - Page 18 of 19**

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The City's Rural Hamilton Official Plan and Provincial legislation prohibit the extension and expansion of lake-based municipal services outside of urban area boundaries.

#### Source Water Protection

The use of holding tanks for wastewater disposal is permissible provided the applicant demonstrates they will connect to municipal wastewater infrastructure within the permissible timeframe. If a holding tank is permitted we have no further comments.

If holding tanks are not permitted to support wastewater disposal, the applicant shall submit a Scoped Hydrogeological Study as requested in Source Protection Planning's peer reviewer comments. In light of the Functional Servicing Report provided by Haliex Engineering in the most recent submission, they verified that the property utilizes municipal water. As a result, only the requests for information pertaining to sewage disposal would apply.

#### Water Servicing

The applicants provided a Servicing Design Brief New Water and Sanitary Services (Hallex Engineering Ltd., June 26, 2017). The City has requested clarification and updates to the Water Servicing Brief and the City has not received the updated document to date. Additionally, based on the FUS it appears that parts of the proposed site are outside the coverage areas of the municipal fire hydrants located in proximity to the subject site. Hamilton Water is not reviewing the sizing and hydraulic performance of private piping, including number, location and performance of the private fire hydrants.

#### Storm Water Design Brief

The applicants submitted a Stormwater Design Brief but staff require further clarification and amendments to the submitted document. The applicants have not provided any amendments to the submitted documentation.

#### Highland Road Right-of-Way

The current roadway width of Highland Road East is approximately 20.1m +/- at this location according to the City's GIS records. This road is identified in Schedule C – Rural Functional Road Classification of the City's Rural Hamilton Official Plan as being a collector road having a maximum road allowance width of 36.576 m [120 feet] and is subject to a future road widening in accordance with Section

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**SUBJECT: Applications for an Amendment to the Rural Hamilton Official Plan and the City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 19 Highland Road East, Stoney Creek (PED18169) (Ward 9) - Page 19 of 19**

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C.4.5.2 and C.4.5.6 of the Rural Hamilton Official Plan. As a condition of future Site Plan approval, the applicant/owner will be required to dedicate to the City of Hamilton sufficient lands across the southerly limit of 19 Highland Road East.

As noted above, there are substantial engineering servicing, grading, and stormwater constraints related to the proposed development which need to be addressed by the owner/applicant prior to the approval of these applications. These applications are considered to be premature and, therefore, cannot be supported at this time.

### **ALTERNATIVES FOR CONSIDERATION**

If the proposed Official Plan and Zoning By-law Amendments are approved, staff should be directed to prepare a draft Official Plan and draft Zoning By-law Amendments that implement the proposed Concept Plan attached as Appendix “B” to Report PED18169.

If the proposed Official Plan Amendment and Zoning By-law Amendments are denied, the subject lands could be developed in accordance with the Existing Rural Industrial (E2, 155) Zone – Holding, which permits Abattoir, Agricultural Processing Establishment – Stand Alone, Agricultural Storage Establishment, Farm Product Supply Dealer, and any uses existing at the date of the passing of the By-law.

### **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.*

#### **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” – Concept Plan

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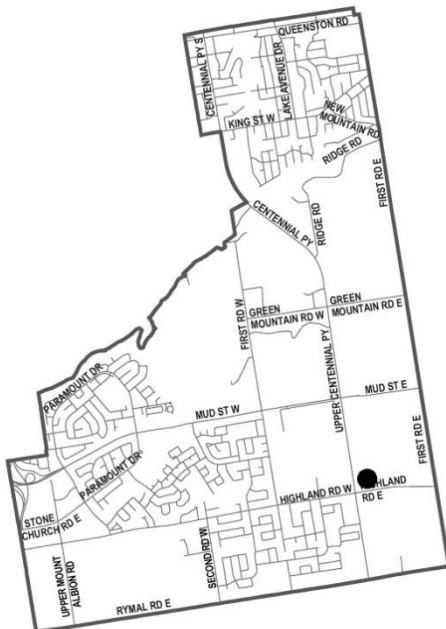
*OUR Vision: To be the best place to raise a child and age successfully.*

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● Site Location



Key Map - Ward 9

N.T.S.



## Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
ZAC-17-055 & RHOPA-17-024

Date:  
February 13, 2017

Appendix "A"

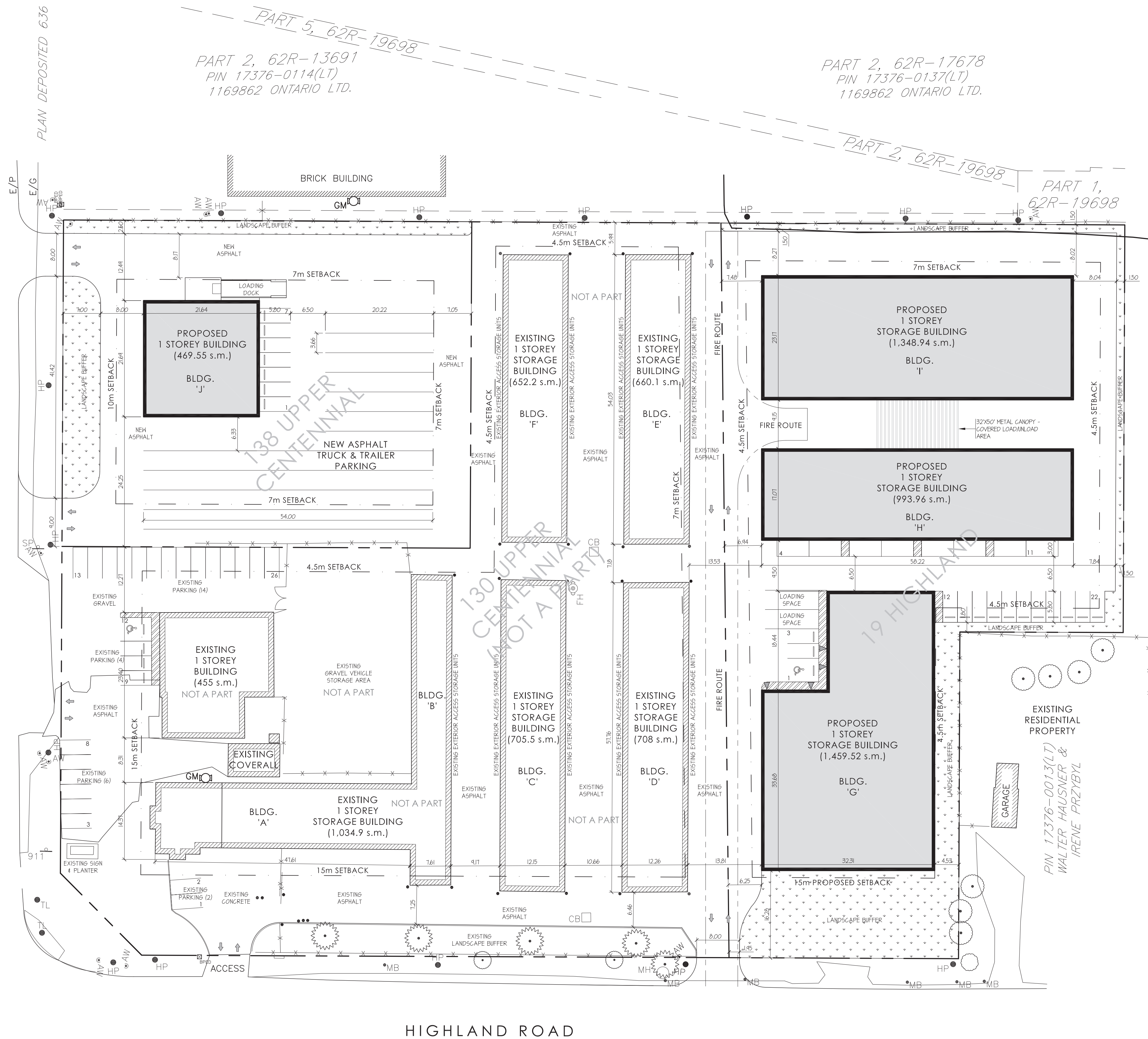
Scale:  
N.T.S.

Planner/Technician:  
AB/AL

### Subject Property



19 Highland Road East



**SITE PLAN**  
SCALE: 1:400



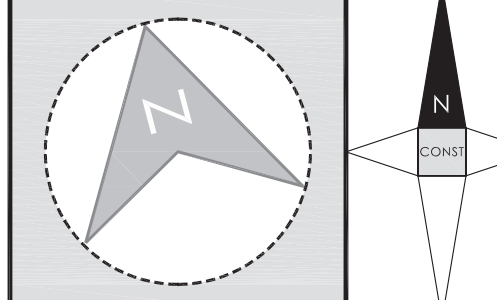
**KEY PLAN**

**Site Statistics: 19 Highland Road**

| Lot Coverage Item                       | Area (metric)                      | Percentage       |
|---|------------------------------------|------------------|
| Total Lot Area:                         | 8,335.7 m <sup>2</sup><br>0.83 ha. |                  |
| <b>Building Coverage</b>                |                                    |                  |
| Building 'G':                           | 1,459.52 m <sup>2</sup>            | 17.5 %           |
| Building 'H':                           | 993.96 m <sup>2</sup>              | 11.9 %           |
| Building 'I':                           | 1,348.94 m <sup>2</sup>            | 16.2 %           |
| <b>Total Building Coverage:</b>         | <b>3,802.42 m<sup>2</sup></b>      | <b>45.6 %</b>    |
| <b>Hard Surfacing Coverage</b>          |                                    |                  |
| Asphalt Area:                           | 3,390.7 m <sup>2</sup>             | 40.7 %           |
| <b>Total Hard Surfacing Coverage:</b>   | <b>3,390.7 m<sup>2</sup></b>       | <b>40.7 %</b>    |
| <b>Landscape Coverage:</b>              |                                    |                  |
| Natural Area:                           | 1,142.6 m <sup>2</sup>             | 13.7 %           |
| <b>Parking</b>                          | Required                           | 38 Spaces        |
| New Standard Spaces                     |                                    | 21 Spaces        |
| New Barrier Free Spaces                 |                                    | 1 Space          |
| <b>TOTAL Amount of Parking Provided</b> |                                    | <b>22 Spaces</b> |

**Site Statistics: 138 Upper Centennial**

| Lot Coverage Item                       | Area (metric)                      | Percentage      |
|---|------------------------------------|-----------------|
| Total Lot Area:                         | 4,641.5 m <sup>2</sup><br>0.46 ha. |                 |
| <b>Building Coverage</b>                |                                    |                 |
| Building 'J':                           | 469.55 m <sup>2</sup>              | 10.1 %          |
| <b>Total Building Coverage:</b>         | <b>469.55 m<sup>2</sup></b>        | <b>10.1 %</b>   |
| <b>Hard Surfacing Coverage</b>          |                                    |                 |
| Asphalt Area:                           | 3,632.85 m <sup>2</sup>            | 78.4 %          |
| Concrete Area:                          | 64.51 m <sup>2</sup>               | 1.5 %           |
| <b>Total Hard Surfacing Coverage:</b>   | <b>3,102.36 m<sup>2</sup></b>      | <b>79.9 %</b>   |
| <b>Landscape Coverage:</b>              |                                    |                 |
| Natural Area:                           | 469.59 m <sup>2</sup>              | 10 %            |
| <b>Parking</b>                          | Required                           | 5 Spaces        |
| New Standard Spaces                     |                                    | 1 Spaces        |
| <b>TOTAL Amount of Parking Provided</b> |                                    | <b>1 Spaces</b> |



All drawings and the information contained therein are the sole property of the Architect and are not to be altered, reproduced, or reconstituted in any way without the express permission of the Architect.

Any discrepancies or inconsistencies contained within the drawings are to be reported to the Architect prior to the commencement of any construction of related work. The contractor is responsible to field verify all dimensions.

Drawings are to be used for construction only when noted as for construction in the Revisions box on each sheet and only if signed and sealed by the Architect.

Drawings are not to be scaled.



PROJECT TITLE:

New Facility for:  
**U-HAUL**  
19 Highland Avenue  
138 Upper Centennial Avenue  
Stoney Creek, ON



REVISIONS:

| No | Drawing Revision               | Date     | By   |
|----|--------------------------------|----------|------|
| 1. | Issued for O.P. & Zoning Amen. | 27-06-17 | J.B. |

DRAWING TITLE:  
**Site Plan  
Key Plan  
Site Statistics**

|                    |                          |
|--------------------|--------------------------|
| DRAWN:<br>J.B.     | DRAWING #:<br><b>A-1</b> |
| CHECKED:<br>J.B.   |                          |
| PROJECT #:<br>1709 |                          |
| DATE:<br>June-2017 | REV #:<br>1              |



Hamilton

**HAMILTON MUNICIPAL HERITAGE COMMITTEE  
REPORT 18-007  
12:00 p.m.  
July 19, 2018  
Room 264, 2<sup>nd</sup> Floor  
Hamilton City Hall  
71 Main Street West**

---

**Present:** Councillor A. Johnson  
A. Denham-Robinson (Chair), W. Arndt, D. Beland, G. Carroll, K. Garay, T. Ritchie, R. Sinclair, K. Stacey and T. Wallis

**Absent with  
Regrets:** Councillors M. Pearson and J. Partridge – Personal, C. Dmitry and M. McGaw

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**THE HAMILTON MUNICIPAL HERITAGE COMMITTEE PRESENTS REPORT 18-007  
AND RESPECTFULLY RECOMMENDS:**

1. **Inventory and Research Working Group Meeting Notes - January 22, 2018  
(Item 5.1)**
  - (a) Stoney Creek United Church, 1 King Street West, Stoney Creek  

That the Stoney Creek United Church be added to the City of Hamilton Register of Properties of Cultural and Heritage Value and/or Interest and that Staff complete a preliminary screening to add the property to the work plan as a candidate for designation.
  - (b) The Powerhouse, 21 Jones Street, Stoney Creek  

That the Powerhouse, Stoney Creek Ontario, be added to the City Register of Properties of Cultural and Heritage Value and/or Interest, and that Staff complete a preliminary screening to add the property to the work plan as a candidate for designation.

**2. Notice of Intention to Demolish the Building at 154 Main Street East, Hamilton (PED18157) (Ward 2) (Item 7.1)**

That 154 Main Street East, Hamilton, be removed from the Register of Property of Cultural Heritage Value or Interest.

**3. Notice of Intention to Demolish Metal Accessory Structure at 64 Hatt Street, Dundas (PED18166) (Ward 13) (Item 7.2)**

(a) That no action be taken in response to the notice of intention to demolish the metal accessory structure at 64 Hatt Street, Dundas, a property included in the City's Register of Property of Cultural Heritage Value or Interest;

(b) That 64 Hatt Street, Dundas remain on the designation work plan for completion of a Cultural Heritage Assessment in 2025.

**4. Recommendation to Designate 270 Sherman Avenue North, Hamilton (Cotton Factory) under Part IV of the *Ontario Heritage Act* (PED18167) (Ward 3) (Item 8.1)**

(a) That the designation of 270 Sherman Avenue North, Hamilton (Cotton Factory), shown in Appendix "A" to Report PED18167, 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 "B" to Report PED18167, be approved;

(c) That the City Clerk be directed to take appropriate action to designate 270 Sherman Avenue North, Hamilton (Cotton Factory) under Part IV of the *Ontario Heritage Act*, in accordance with the Notice of Intention to Designate, attached as Appendix "C" to Report PED18167.

**FOR INFORMATION:**

**(a) CHANGES TO THE AGENDA (Item 1)**

The Clerk advised the Committee of the following changes:

**4. DELEGATION REQUESTS**

- 4.1 Doug Caldwell, Chair of Church Council, Stoney Creek United Church, respecting Item 5.1, Inventory & Research Working Group Notes, January 22, 2018 and the Stoney Creek United Church.
- 4.2 Wayne D. Johnson, Stoney Creek United Church, respecting Item 5.1, Inventory & Research Working Group Notes, January 22, 2018 and the Stoney Creek United Church.
- 4.3 Reverend R. Mark Winger, Stoney Creek United Church, respecting Item 5.1, Inventory & Research Working Group Notes, January 22, 2018 and the Stoney Creek United Church.

**5. CONSENT ITEMS**

- 5.2 Inventory & Research Working Group Meeting Notes - April 23, 2018

**8. DISCUSSION ITEMS**

- 8.2 Hamilton Municipal Heritage Committee Terms of Reference Review (from the June 21, 2018 meeting)

**11. GENERAL INFORMATION / OTHER BUSINESS**

- 11.3 Correspondence from the Minister of Environment and Climate Change respecting the Hamilton Municipal Heritage Committee's Response to the Standing Committee on Environment and Sustainable Development's Report entitled Preserving Canada's Heritage.
- 11.4 Update on 74 St. George Street, Hamilton

The Agenda for the July 19, 2018 Hamilton Municipal Heritage Committee was approved, as amended.

**(b) DECLARATIONS OF INTEREST (Item 2)**

There were no declarations of interest.

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

**(i) June 21, 2018 (Item 3.1)**

The Minutes of the June 21, 2018 meeting of the Hamilton Municipal Heritage Committee were approved, as presented.

**(d) DELEGATION REQUESTS (Item 4)**

**(i) Doug Caldwell, Chair of Church Council, Stoney Creek United Church, respecting Item 5.1, Inventory & Research Working Group Notes, January 22, 2018 and the Stoney Creek United Church (Added Item 4.1)**

The delegation request from Doug Caldwell, Chair of Church Council, Stoney Creek United Church, respecting Item 5.1, Inventory & Research Working Group Notes, January 22, 2018 and the Stoney Creek United Church, was approved, for the July 19, 2018 meeting.

**(ii) Wayne D. Johnson, Stoney Creek United Church, respecting Item 5.1, Inventory & Research Working Group Notes, January 22, 2018 and the Stoney Creek United Church (Added Item 4.2)**

The delegation request from Wayne D. Johnson, Stoney Creek United Church, respecting Item 5.1, Inventory & Research Working Group Notes, January 22, 2018 and the Stoney Creek United Church, was approved, for the July 19, 2018 meeting.

**(iii) Reverend R. Mark Winger, Stoney Creek United Church, respecting Item 5.1, Inventory & Research Working Group Notes, January 22, 2018 and the Stoney Creek United Church (Added Item 4.3)**

The delegation request from Reverend R. Mark Winger, Stoney Creek United Church, respecting Item 5.1, Inventory & Research Working Group Notes, January 22, 2018 and the Stoney Creek United Church, was approved, for the July 19, 2018 meeting.



**(e) CONSENT ITEMS (Item 5)**

**(i) Inventory & Research Working Group Meeting Notes - April 23, 2018  
(Added Item 5.2)**

The Inventory & Research Working Group Meeting Notes of April 23, 2018, was received.

**(f) DELEGATIONS (Item 6)**

**(i) Doug Caldwell, Chair of Church Council, Stoney Creek United Church, respecting Item 5.1, Inventory & Research Working Group Notes, January 22, 2018 and the Stoney Creek United Church (Added Item 6.1)**

Doug Caldwell, Chair of Church Council, Stoney Creek United Church, addressed the Committee respecting Item 5.1, Inventory & Research Working Group Notes, January 22, 2018 and the Stoney Creek United Church.

The delegation from Doug Caldwell, Chair of Church Council, Stoney Creek United Church, respecting Item 5.1, Inventory & Research Working Group Notes, January 22, 2018 and the Stoney Creek United Church, was received.

For further disposition of this matter, refer to Item 1.

**(ii) Wayne D. Johnson, Stoney Creek United Church, respecting Item 5.1, Inventory & Research Working Group Notes, January 22, 2018 and the Stoney Creek United Church (Added Item 6.2)**

Wayne D. Johnson, Stoney Creek United Church, addressed the Committee respecting Item 5.1, Inventory & Research Working Group Notes, January 22, 2018 and the Stoney Creek United Church.

The delegation from Wayne D. Johnson, Stoney Creek United Church, respecting Item 5.1, Inventory & Research Working Group Notes, January 22, 2018 and the Stoney Creek United Church, was received.

For further disposition of this matter, refer to Item 1.

**(iii) Reverend R. Mark Winger, Stoney Creek United Church, respecting Item 5.1, Inventory & Research Working Group Notes, January 22, 2018 and the Stoney Creek United Church (Added Item 6.3)**

Reverend R. Mark Winger, Stoney Creek United Church, addressed the Committee respecting Item 5.1, Inventory & Research Working Group Notes, January 22, 2018 and the Stoney Creek United Church.

The delegation from Reverend R. Mark Winger, Stoney Creek United Church, respecting Item 5.1, Inventory & Research Working Group Notes, January 22, 2018 and the Stoney Creek United Church, was received.

For further disposition of this matter, refer to Item 1.

**(g) STAFF PRESENTATIONS (Item 7)**

**(i) Notice of Intention to Demolish the Building at 154 Main Street East, Hamilton (PED18157) (Ward 2) (Item 7.1)**

Chelsey Tyers, Cultural Heritage Planner, addressed Committee respecting Notice of Intention to Demolish the Building at 154 Main Street East, Hamilton (PED18157) (Ward 2), with the aid of a PowerPoint presentation. A copy of the presentation has been included in the official record. The presentation is available at [www.hamilton.ca](http://www.hamilton.ca)

The presentation respecting Notice of Intention to Demolish the Building at 154 Main Street East, Hamilton (PED18157) (Ward 2), was received.

For disposition of this matter, refer to Item 2.

**(ii) Notice of Intention to Demolish Metal Accessory Structure at 64 Hatt Street, Dundas (PED18166) (Ward 13) (Item 7.2)**

Asiya Patel, Assistant Cultural Heritage Planner, addressed Committee respecting a Notice of Intention to Demolish Metal Accessory Structure at 64 Hatt Street, Dundas (PED18166) (Ward 13), with the aid of a PowerPoint presentation. A copy of the presentation has been included in the official record. The presentation is available at [www.hamilton.ca](http://www.hamilton.ca)

The presentation respecting the Notice of Intention to Demolish Metal Accessory Structure at 64 Hatt Street, Dundas (PED18166) (Ward 13), was received.

For disposition of this matter, refer to Item 3.

**(h) DISCUSSION ITEMS (Item 8)**

**(i) Recommendation to Designate 270 Sherman Avenue North, Hamilton (Cotton Factory) under Part IV of the *Ontario Heritage Act* (PED18167) (Ward 3) (Item 8.1)**

Chelsey Tyers, Cultural Heritage Planner, addressed Committee respecting Recommendation to Designate 270 Sherman Avenue North, Hamilton (Cotton Factory) under Part IV of the *Ontario Heritage Act* (PED18167) (Ward 3), with the aid of a PowerPoint presentation. A copy of the presentation has been included in the official record. The presentation is available at [www.hamilton.ca](http://www.hamilton.ca)

The presentation respecting the Recommendation to Designate 270 Sherman Avenue North, Hamilton (Cotton Factory) under Part IV of the *Ontario Heritage Act* (PED18167) (Ward 3), was received.

For disposition of this matter, refer to Item 4.

**(ii) Hamilton Municipal Heritage Committee Terms of Reference Review (from the June 21, 2018 meeting) (Added Item 8.2)**

The Hamilton Municipal Heritage Committee Terms of Reference Review be DEFERRED to the next meeting to allow the Committee members to give thought to possible changes to the Terms of Reference document.

**(i) GENERAL INFORMATION/OTHER BUSINESS (Item 11)**

**(i) Buildings and Landscapes (Item 11.1)**

The Dunnington-Grubb Gardens, 1000 Main Street East, located within Gage Park, be added to the Buildings and Landscapes of Interest (YELLOW), so that the progress of the Fire Fighters Memorial on the same property can be monitored.

The following updates were 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) Andrew Sloss House, 372 Butter Road West, Ancaster (D) – M. McGaw

No report.

- (iii) Century Manor, 100 West 5th Street, Hamilton (D) – K. Garay

No report

- (iv) Beach Canal Lighthouse (D) – J. Partridge

No report

- (v) 18-22 King Street East, Hamilton (R)(NOI) – K. Stacey

No report.

- (vi) 24-28 King Street East, Hamilton (R)(NOI) – K. Stacey

No report.

- (vii) 1 St. James Place, Hamilton (D) – K. Stacey

No report

- (viii) 2 Hatt Street, Dundas (R) – K. Stacey

No report.

- (ix) James Street Baptist Church, 96 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

Staff provided an update on the recommendation to Designate the Property that went to Council, by motion, and Planning Committee – August 14, 2018

then was referred back to the Planning Committee on July 10, 2018. At that Planning meeting, the Committee voted to deny the designation of the property. That new recommendation was subsequently approved at Council on July 13, 2018.

- (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 (R) (ND) - K. Stacey

Staff report that a request for a formal consultation process has been received. The Sisters of St. Joseph are negotiating with a local private school for adaptive reuse. The Sisters of St. Joseph will continue to reside in a part of the building.

- (vi) Copley Building, 104 King Street West; 56 York Blvd., and 63-76 MacNab Street North (NOI)– G. Carroll

Staff have been directed to follow-up with the Property Standards staff on the current repairs and/or repair plans for the roof.

- (vii) 1021 Garner Road East, Ancaster (Lampman House) (NOI)– M. McGaw

Staff report that Council approved the Notice of Intention to Designate and the owner of the property has objected to that Notice, and the item has been referred to the Conservation Review Board for a hearing. The demolition permit has been voided.

- (viii) Dunnington-Grubb Gardens, 1000 Main Street East (within Gage Park) – D. Beland

Public Works staff brought a report proposing to create a Fire Fighter Memorial in the formal gardens to the Public Works Committee on July 12, 2018, with Council approval of that proposal on July 13, 2018. The gardens are on the City of Hamilton Register of Properties of Cultural and Heritage Value and/or Interest, and in the staff work plan to designate.

**(c) Heritage Properties Update (GREEN):**

Planning Committee – August 14, 2018

**(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

Cultural Heritage staff will follow up with Tourism and Culture staff, to provide an update for a future meeting.

- (iii) Jimmy Thompson Pool, 1099 King Street E., Hamilton (R) – T. Ritchie

A new plaque is now located at the property.

- (iv) Treble Hall, 4-12 John Street North, Hamilton (R) – T. Ritchie

The property is now being rented out as residential units.

- (v) 104 King Street West, Dundas (Former Post Office) – K. Stacey

No report.

**(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

Staff met with the property owners on site. The property owners have indicated that they are not willing to put any funding into the structure. The owners are open to having the City move the gate house to another site, for repair. Staff continue to work on solutions regarding this site.

**(ii) Hamilton Municipal Heritage Recognition Awards (Item 11.2)**

W. Arndt addressed the Committee respecting the Hamilton Municipal Heritage Recognition Awards, held on June 21, 2018 at Waterdown Memorial Hall. The event was well attended. Some of the recipients were not able to attend the event, but they will be invited to an upcoming meeting, to present them with their award.

The information respecting the Hamilton Municipal Heritage Recognition Awards, be received.

- (iii) **Correspondence from the Minister of Environment and Climate Change respecting the Hamilton Municipal Heritage Committee's Response to the Standing Committee on Environment and Sustainable Development's Report entitled Preserving Canada's Heritage (Added Item 11.3)**

The Correspondence from the Minister of Environment and Climate Change respecting the Hamilton Municipal Heritage Committee's Response to the Standing Committee on Environment and Sustainable Development's Report entitled Preserving Canada's Heritage, was received.

- (iv) **Update on 74 George Street, Hamilton (Added Item 11.4)**

A fire at the property located at 74 George Street, Hamilton, was reported in the Hamilton Spectator. Staff advise that it is too early to know the full extent of the damage, but staff will be monitoring the situation.

The Update on 74 George Street, Hamilton, was received.

- (j) **ADJOURNMENT (Item 13)**

There being no further business, the Hamilton Municipal Heritage Committee adjourned at 11:47 a.m.

Respectfully submitted,

Alissa Denham-Robinson, Chair  
Hamilton Municipal Heritage Committee

Loren Kolar  
Legislative Coordinator  
Office of the City Clerk





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

|                           |   |
|---------------------------|---|
| <b>TO:</b>                | Chair and Members<br>Planning Committee   |
| <b>COMMITTEE DATE:</b>    | August 14, 2018   |
| <b>SUBJECT/REPORT NO:</b> | Personal Transportation Provider (PTP) (PED16099(c)) (City Wide) (Outstanding Business List Item)         |
| <b>WARD(S) AFFECTED:</b>  | City Wide   |
| <b>PREPARED BY:</b>       | Dawn Johnson (905) 546-2424 Ext. 5809<br>Luis Ferreira (905) 546-2424 Ext. 3087                           |
| <b>SUBMITTED BY:</b>      | Ken Leendertse<br>Director, Licensing and By-law Services<br>Planning and Economic Development Department |
| <b>SIGNATURE:</b>         |   |

### RECOMMENDATION

- (a) That Schedule 24 and Schedule 25 to the City of Hamilton's Business Licensing By-law 07-170 be amended to increase all taxicab vehicle ages to ten years and to update the term "manufacturing year" to "model year", as described in Report PED16099(c);
- (b) That the appropriate By-law updates be enacted by Council, with content acceptable to the General Manager of Planning and Economic Development and in a form satisfactory to the City Solicitor;
- (c) That the item respecting Personal Transportation Providers be identified as complete and removed from the Planning Committee Outstanding Business List.

### EXECUTIVE SUMMARY

Council approved General Issues Committee Report 17-001, Item 8(c) directing the Licensing Section to monitor the operations of the new Licensing Category Personal Transportation Providers (PTP) (Schedule 24 of the Licensing By-law 07-170) over the next year to determine if any adjustments are required and report back.

The purpose of this Report is to provide an update one year after the creation of Schedule 24 (PTP) and to support the level playing field for taxis with an update to Schedule 25 (Taxi), with recommendations to ensure the effective enforcement and

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**SUBJECT: Personal Transportation Provider (PTP) (PED16099(c)) (City Wide) -  
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monitoring of these licensed categories to ensure public safety and consumer protection.

Both Schedules 24 (PTP) and 25 (Taxi) are responding to the public's request for choice in regulated transportation options, compelling the Licensing Section to shift its role to one of accountability, auditing and proactive enforcement. The Licensing Section continues to support the movement toward the level playing field where possible, due to the competitive market, while simultaneously maintaining the City's regulatory purpose.

***Alternatives for Consideration – N/A***

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial/Staffing/Legal: N/A

**HISTORICAL BACKGROUND**

On January 25, 2017 Council approved a new Licensing Category for Personal Transportation Providers (Schedule 24 of the Licensing By-law 07-170).

Staff was directed to monitor the PTP Schedule and determine if any adjustments are required and report back to Committee.

On April 27, 2016 Council approved General Issues Report 16-011, Item 5, directing staff to develop a Licensing Category that creates a level playing field for the taxi industry while ensuring operators of ridesharing applications (apps) are licensed to ensure consumer protection and public safety.

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

N/A

**RELEVANT CONSULTATION**

Legal Services; Finance and Administration; Hamilton Cab; Blue Line Cab; Uber Canada Inc. and Lyft Inc. were consulted in the preparation of this Report.

**ANALYSIS AND RATIONALE FOR RECOMMENDATION**

Uber was the first PTP licensed in March 2017, followed by Lyft in December 2017. The Licensing Section audits the electronic data received from PTP license holders to determine accuracy and to establish proactive enforcement measures. To date the enforcement staff has completed roadside inspections, call-outs through apps, blitzes and investigated complaints.

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While the taxi industry was originally affected by the creation of Schedule 24, the taxi industry has responded by improving the customer experience, offering alternate payment methods, the creation/improvement of apps to order a taxicab, and improving the fleet.

The presence of smart phone technology and the rising popularity of new rideshare service platforms connecting drivers and passengers on-demand continues to increase. The rideshare service platforms provide an alternative to the traditional transportation network of booking through a dispatch or simply hailing a car on the street. Our taxicab services are also using apps to provide a similar experience for customers.

As of May 2018, Uber and Lyft are the only PTPs currently licensed. Taxify, another PTP, is in the process of licensing and there are others that have expressed direct interest in being licensed by the City.

Enacting the PTP Schedule has enabled the City to enforce effective regulations and ensure the PTP operates in a manner that protects the safety of the public while simultaneously allowing continued innovation in a competitive environment. It is that same competitive environment that prevents the sharing of data or information to ensure there is no breach of confidentiality.

#### Increase Vehicle Age

Currently, taxicab vehicles under three years old are required to have an annual safety inspection, and those over three years old, are required to have a semi-annual safety inspection. At this time, there is no recommendation to change this approach. However, it is being proposed that the age of taxicab vehicles increase by three years to a maximum of ten years old, to include all vehicles regardless of type. This recommendation will allow taxicab vehicle owners to hang on to their vehicles a few more years saving them some money. Current inspection regulations will maintain the health of the fleet while serving to protect public safety by ensuring that only taxicab vehicles deemed fit by a Municipal Officer are permitted to serve passengers in the City. The chart below depicts a municipality comparison as related to vehicle ages, most of which are in a response to the ride share industry and leveling the playing field.

#### Model Year Restrictions

| Vehicle Types | MUNICIPALITIES |          |            |         |          |        |         |         |        |        |         |          | Average |
|---------------|----------------|----------|------------|---------|----------|--------|---------|---------|--------|--------|---------|----------|---------|
|               | Hamilton       | Brampton | Burlington | Calgary | Edmonton | London | Niagara | Orillia | Oshawa | Ottawa | Vaughan | Waterloo |         |
| Accessible    | 7              | 10       | 8          | 10      | 10       | 9      | 10      | 10      | 10     | 10     | 10      | Nil      | 9.7     |
| Regular       | 7              | 9        | 8          | 10      | 10       | 9      | 10      | 10      | 10     | 10     | 10      | Nil      | 9.6     |
| Hybrid        |                |          | 8          | 10      | 10       | 9      | 10      | 10      | 10     | 10     | 10      | Nil      | 9.7     |
| First Time    |                |          | 5          |         |          | 4      | 3       |         | 7      |        |         | Nil      | 4.8     |

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Manufacturing Year vs. Model Year

Throughout Schedule 24 (PTP) and Schedule 25 (Taxi), the use of the term “manufactured year” as related to the vehicle age, will be replaced with “model year”. This change is to bring clarity to the By-law and support to both the Rideshare and Taxi Industries as related to vehicle duration on the road and replacement. This change comes from extensive discussions with both industries and several questions, proving the use of the word “manufactured year” to be outdated and in need of an improvement to “model year”.

Conclusion

The City, as the regulator, is solely charged with establishing regulations that meet the public’s reasonable expectations of consumer protection and public safety. The objective of Schedule 24 is to provide a category that meets the public’s expectations while simultaneously being user friendly, easy to follow for those who need to comply with it, and easy to enforce for those who need to ensure it is followed. The recommendations for Schedule 25 are intended to provide increased independence and flexibility to the taxi industry to ensure it has the opportunity to innovate, thrive and compete.

**ALTERNATIVES FOR CONSIDERATION**

N/A

**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.

**Our People and Performance**

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

**APPENDICES AND SCHEDULES ATTACHED**

N/A

KL:DJ:st

# 9.1

## CITY OF HAMILTON M O T I O N

Planning Committee: August 14, 2018

**MOVED BY COUNCILLOR J. FARR.....**

**SECONDED BY COUNCILLOR .....**

**To Waive Road Widening Requirement for 71 Rebecca Street**

WHEREAS, the Planning Act and the Urban Hamilton Official Plan state that the City shall reserve or obtain road widenings for rights-of-way as described in Schedule C-2 – Future Road Widenings;

WHEREAS, Official Plan Amendment and Zoning By-law Amendment applications (UHOPA-17-023 and ZAC-17-053) have been submitted for 71 Rebecca Street, Hamilton, for the development of a 30 storey, mixed use building; and

WHEREAS, road widenings for Rebecca Street and John Street North have been identified;

THEREFORE, BE IT RESOLVED:

That staff be directed to waive the requirement for road widenings for 71 Rebecca Street, Hamilton (UHOPA-17-023 and ZAC-17-053).

**CITY OF HAMILTON  
M O T I O N**

**Planning Committee: August 14, 2018**

**MOVED BY COUNCILLOR D. CONLEY.....**

**SECONDED BY COUNCILLOR .....**

**Terrapure Environmental Stoney Creek Regional Facility 65 Green Mountain Road West**

WHEREAS, the City of Hamilton is aware that Terrapure Environmental intends on submitting an Environmental Assessment (EA) to the Ministry of Environment, Conservation and Parks (MOECP) in October 2018, seeking an expansion to the Stoney Creek Regional Facility (SCRF) located at 65 Green Mountain Road West;

WHEREAS, the City of Hamilton has identified concern with the timing of this EA submission due to the upcoming Municipal Election and closure of City Council from October 2018 until January 2019; and,

WHEREAS, the City of Hamilton would prefer to delay the EA submission or commenting period until the new City Council has commenced in January 2019, in order to have an adequate opportunity to engage with the public and provide full comments;

**THEREFORE, BE IT RESOLVED:**

- (a) That Terrapure Environmental be requested to consider delaying their submission of their Environmental Assessment (EA) to the Ministry of Environment, Conservation and Parks (MOECP) in good faith until January 2019, after the City of Hamilton 2018 Municipal Election and the new City Council has reconvened, to provide adequate review and commenting time from the new Council;
- (b) That if Terrapure Environmental refuses to delay their submission of their EA to the MOECP in good faith, the City of Hamilton ask that the Minister of Environment and Climate Change, intervene and extend the public and stakeholder commenting period to January 31, 2019, after the City of Hamilton 2018 Municipal Election and the new City Council has reconvened and has the opportunity to review and provide thorough comments.

**CITY OF HAMILTON  
M O T I O N**

**Planning Committee: August 14, 2018**

**MOVED BY COUNCILLOR B. JOHNSON.....**

**SECONDED BY COUNCILLOR .....**

**Request that Health Canada seek the City of Hamilton’s Approval for the Location of any Potential Licensed Producers of Medical Cannabis Prior to Issuing the Licence**

WHEREAS, the City of Hamilton has experienced numerous complaints about the illegal growing of Cannabis in our Community;

WHEREAS, Health Canada has a rigorous vetting process for the issuance of licences to Licenced Producers which includes security checks, and security and storage capacity of the applicant;

WHEREAS, although the applicant must notify the City of its intent to produce, there is no approval process for the City to object to licencing production at a specific location; and

WHEREAS, the odour, property conditions and operations of these Licenced Producers may have a negative impact and affect the quality of life for the local neighbouring residents,

**THEREFORE, BE IT RESOLVED:**

That the Mayor write to Health Canada and request that Health Canada’s approval of any Licence for a Cannabis Producer for Medical Purposes within the City of Hamilton be conditional upon the receipt of written confirmation from the City that the site of the production facility that is the subject of the application for a licence respects nearby sensitive land uses and complies will all zoning and other applicable municipal regulations.