



City of Hamilton
PLANNING COMMITTEE

Meeting #: 18-013
Date: September 4, 2018
Time: 9:30 a.m.
Location: Council Chambers, Hamilton City Hall
71 Main Street West

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

	Pages
1. APPROVAL OF AGENDA (Added Items, if applicable, will be noted with *)	
2. DECLARATIONS OF INTEREST	
3. APPROVAL OF MINUTES OF PREVIOUS MEETING	
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6.4	Applications to Amend the Urban Hamilton Official Plan, the Township of Glanbrook Zoning By-law No. 464 and the City of Hamilton Zoning By-law No. 05-200, for Lands Located at 3331 Homestead Drive, Glanbrook (PED18197) (Ward 11) **This Report is removed from the agenda and will be included on the September 18, 2018 agenda.	
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6.9	Proposed Changes to the Official Plans and Zoning By-law No. 05-200 Relating to Cannabis Growing and Harvesting Facilities, Aquaponics and Greenhouses (CI-18-H) (PED18194) (City Wide) **REVISED Appendix "C"	504
6.10	To Repeal Official Plan Amendment By-law No. 107 and Approve Urban Official Plan Amendment; to Amend Zoning By-law No. 05-200; and to update all materials related to Draft Plan of Subdivision 25T-201507 to Correct Inadvertant Address Numbering Errors for Lands Located at 56, 74, 78, 90, 96, Parkside Drive and 546 Highway No. 6, Flamborough (PED18133(a)) (Ward 15)	542

7. STAFF PRESENTATIONS

8. DISCUSSION ITEMS

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8.2 Fruitland - Winona Secondary Plan – Block Servicing Strategy Completion (Block 2) (PED18203) (Ward 11) 582

9. MOTIONS

9.1 Residential Drainage Assistance Program 600

10. NOTICES OF MOTION

11. GENERAL INFORMATION / OTHER BUSINESS

11.1 Outstanding Business List

11.1.a Item requiring new due date:
Item "I" - That staff report back on any past resolutions or ongoing engagement between the HMHC and the property owners' surrounding the Gore and how these resolutions or ongoing dialogues may be affected as a result of proceeding with a Heritage Conservation District and the merits of a Heritage Conservation District

Due Date: September 4, 2018

New due date: February 5, 2019

12. PRIVATE AND CONFIDENTIAL

12.1 Appeal to the Local Planning Appeal Tribunal (LPAT) on the City of Hamilton's Refusal or Neglect to Adopt an Amendment to the Town of Ancaster Zoning By-law NO. 87-57, for Lands Located at 941 Old Mohawk Road (Ancaster) (LS18004/PED18052) Ward 12
(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 18-012

9:30 a.m.

Tuesday, August 14, 2018

Council Chambers

Hamilton City Hall

71 Main Street West

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

Also present: Councillors L. Ferguson and T. Whitehead

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

1. Illegal Businesses on Agricultural Areas Pilot Project Final Report (PED16207(c)) (Ward 11) (Item 5.1)

(B. Johnson/Pasuta)

WHEREAS, there are on-going, significant problems associated with the large number of illegal businesses operating on agricultural lands in Ward 11;

WHEREAS, illegal businesses operate with unfair advantages over legal businesses including, but not limited to the fact that they do not pay the same property taxes; and

WHEREAS, a concentrated, proactive enforcement effort and a unique enforcement skill set is required to address the significant problem of illegal businesses operating on agricultural lands in Ward 11;

THEREFORE, BE IT RESOLVED:

- (a) That Report PED16207(c) respecting Illegal Businesses on Agricultural Areas Pilot Project Final Report, be received for information;
- (b) That the Council approved Pilot Project regarding Illegal Businesses in the Rural Area of Ward 11 consisting of a temporary Zoning Examiner/Enforcement Officer, to address complaints regarding alleged illegal businesses in the agricultural areas of Ward 11, currently set to expire in September 2018, be extended to the end of the 2019 Budget

process, and continue to be funded through the Tax Stabilization Reserve;
and

- (c) That funding for a permanent Zoning Examiner/Enforcement Officer be referred to the 2019 Budget process.

CARRIED

2. Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED18160) (City Wide) (Item 5.2)

(Pasuta/Conley)

That Report PED18160 respecting Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications, be received.

CARRIED

3. 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) (Item 5.3)

(Conley/Partridge)

That Report PED18143 respecting 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, be received.

CARRIED

4. Rental Housing Sub-Committee Report 18-001 (Item 5.4)

(B. Johnson/Partridge)

(a) Licensing of Rental Housing (PED10049(x)) (Item 5.1)

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

CARRIED

5. Rental Housing Sub-Committee Report 18-002 (Item 5.5)

(Farr/Conley)

(a) 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.

(b) **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.

CARRIED

6. **Application for an Amendment to City of Hamilton Zoning By-law No. 6593 for Lands Located at 100 Cumberland Avenue (Ward 3) (PED18129) (TABLED June 19, 2018) (Item 6.1)**

(Green/Collins)

(a) That Amended Zoning By-law Amendment Application ZAC-13-007 by MacNaughton Hermsen 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, **as amended to allow for a commercial use at grade level not exceeding 80 square metres in gross floor area** 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, **as amended**, 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, **as amended**, apply the Holding Provision of section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject lands by introducing the Holding symbol 'H' as a suffix to the proposed zoning.

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

Main Motion, as Amended, CARRIED

7. 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) (Item 6.2)

(Partridge/Collins)

- (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 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.

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

Main Motion, as Amended, CARRIED

8. 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) (Item 6.3)

(Pearson/Collins)

- (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 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) ***Notwithstanding conditions of approval within Appendix "D" conditions 3, 5 and 15 shall be deemed satisfied upon deed and transfer of the lands required for the extension of Cormorant Road;***
 - (iii) 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,
 - (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.
- (d) ***That public submissions received regarding this matter did not affect the decision.***

Main Motion, as Amended, CARRIED

9. Application for a Zoning By-law Amendment for Lands Located at 1221 Limeridge Road East, Hamilton (PED18170) (Ward 6) (Item 6.4)

(Collins/Conley)

(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.

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

Main Motion, as Amended, CARRIED

10. 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) (Item 6.5)

(B. Johnson/Pearson)

(a) 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.

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

Main Motion, as Amended, CARRIED

11. 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) (Item 6.6)

(Pearson/Conley)

- (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.

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

Main Motion, as Amended, CARRIED

12. 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) (Item 6.7)

(Pasuta/Conley)

- (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, **as amended to require a planting strip and visual barrier**, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the amending By-law, **as amended**, 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:
- (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", **as amended to require a privacy fence and landscaping**, 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.
- (e) ***That the public submissions received regarding this matter did not affect the decision.***

Main Motion, as Amended, CARRIED

13. 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) (Item 6.8)

(Conley/Collins)

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

Main Motion, as Amended, CARRIED

14. 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) (Item 6.9)

(Conley/Pearson)

- (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 APPROVED and staff be directed to prepare the Official Plan Amendment for Council’s approval,
- (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 APPROVED and staff be directed to prepare the amending Zoning By-law for Council's approval.

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

CARRIED

15. Hamilton Municipal Heritage Committee Report 18-007 (Item 8.1)

(Pearson/Partridge)

- (a) Inventory and Research Working Group Meeting Notes - January 22, 2018 (Item 5.1)**

(Pearson/Pasuta)

- (i) Stoney Creek United Church, 1 King Street West, Stoney Creek

That the Stoney Creek United Church *not* 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~~ **be directed to complete an inventory of the heritage features for posterity.**

- (ii) 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.

- (b) 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.

- (c) Notice of Intention to Demolish Metal Accessory Structure at 64 Hatt Street, Dundas (PED18166) (Ward 13) (Item 7.2)**

- (i) 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;

- (ii) That 64 Hatt Street, Dundas remain on the designation work plan for completion of a Cultural Heritage Assessment in 2025.

(d) Recommendation to Designate 270 Sherman Avenue North, Hamilton (Cotton Factory) under Part IV of the *Ontario Heritage Act* (PED18167) (Ward 3) (Item 8.1)

- (i) 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;
- (ii) That the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes, attached as Appendix “B” to Report PED18167, be approved;
- (iii) 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.

Main Motion, as *AMENDED*, CARRIED

16. Personal Transportation Provider (PTP) (PED16099(c)) (City Wide) (Outstanding Business List Item) (Item 8.2)

(Pearson/Pasuta)

- (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.

CARRIED

17. 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 (Item 9.3)

(B. Johnson/Conley)

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 with all zoning and other applicable municipal regulations.

CARRIED

18. Ancaster High School, 374 Jerseyville Road West, Ancaster, to be considered for Heritage Designation (Item 9.4)

(Collins/Farr)

WHEREAS the Chair of the Hamilton Wentworth District School Board (HWDSB) advised Council on June 20th 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 28th 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.

CARRIED

19. Site Plan Application (SPA-18-082) for 2400 Regional Road 56 (Item 10.1)

(B. Johnson/Pasuta)

WHEREAS the District Commercial (C6) Zone does not permit parking in the front yard;

WHEREAS a Site Specific amendment to the District Commercial (C6) Zone was passed by Council for the lands located at 2400 Regional Road 56 to recognize existing uses and to allow for the expansion of the use but did not capture parking in the front yard; and

WHEREAS a Site Plan Application (SPA-18-082) to permit the construction of a two storey commercial addition has been submitted;

THEREFORE, BE IT RESOLVED:

That staff be directed to waive the City of Hamilton fee for the required Minor Variance application for the lands located at 2400 Regional Road 56 and to schedule the hearing for the September 20, 2018 Committee of Adjustment meeting.

CARRIED

20. 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.) (Item 12.1)

(B. Johnson/Pearson)

(a) That the recommendations of Report LS18020/PED18172 respecting 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) be approved and be released to the public following a decision by Council;

- (b) That the remainder of Report LS18020/PED18172 remain private and confidential.

CARRIED

21. Boats Moored on Hamilton Waterfront Used As Residences (“Liveaboards”) (LS18048) (City Wide) (Distributed under separate cover) (Added Item 12.2)

(Farr/Pearson)

- (a) That Report LS18048 respecting Boats Moored on Hamilton Waterfront Used As Residences (“Liveaboards”) be received;
- (b) That Report LS18048 respecting Boats Moored on Hamilton Waterfront Used As Residences (“Liveaboards”) remain confidential and not be released as a public document without the consent of City Council.

CARRIED

FOR INFORMATION:

(a) APPROVAL OF THE AGENDA (Item 1)

The Committee Clerk advised of the following changes:

1. ADDED DELEGATION REQUESTS

- 4.1 Linda Hart, Stoney Creek United Church, respecting Hamilton Municipal Heritage Committee recommendation for heritage designate for the Stoney Creek United Church (Item 8.1) (For today’s meeting)
- 4.2 Doug Caldwell, regarding Stoney Creek United Church, 1 King Street West, and the potential impact of a heritage designation (Item 8.1) (For today's meeting)
- 4.3 Reverend Mark Winger, Stoney Creek United Church, respecting the proposed heritage designation of the Church. (Item 8.1) (For today’s meeting)
- 4.4 Mike Jovanovic, Terrapure Environmental, respecting Item 5.6, the proposed Compensation Agreement with the City. (For today’s meeting.)

2. ADDED WRITTEN COMMENTS

6.5(a) Marjorie McIntyre, 26 Cardinal Mindszenty Blvd, respecting Item 6.5 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)

6.7(a) Al & Ann Forth, 724 Old Highway No. 8 Flamborough respecting Item 6.7 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)

3. MOTIONS

9.2 Terrapure Environmental Stoney Creek Regional Facility 65 Green Mountain Road West – this Item is REMOVED at the request of the Councillor

9.4 Ancaster High School, 374 Jerseyville Road West, Ancaster, to be considered for Heritage Designation (this Item is added as it was a Notice of Motion at the July 10, 2018 Meeting)

4. CHANGE TO THE OUTSTANDING BUSINESS LIST:

11.1 Outstanding Business List

(a) Item identified as completed to be removed:

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)

5. ADDED PRIVATE AND CONFIDENTIAL

12.2 Boats Moored on Hamilton Waterfront Used As Residences ("Liveaboards") (LS18048) (City Wide) (Distributed under separate cover)

Pursuant to Section 8.1, Sub-section (f) of the City's Procedural By-law 14-300, and Section 239(2), Sub-section (f) of the Municipal Act, 2001, as amended, as the subject matter pertains to the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

(Collins/Green)

That the agenda for the August 14, 2018 meeting be approved, as amended.

CARRIED

(b) DECLARATIONS OF INTEREST (Item 2)

Councillor Pearson declared an interest with respect to Items 5.4 and 5.5 as she is the owner of rental properties.

Councillor Green advised that after consulting with the Integrity Commissioner, although he is the owner of a rental property, he has no interest to declare.

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

(i) July 10, 2018 (Item 3.1)

(Partridge/Pasuta)

That the Minutes of the July 10, 2018 meeting be approved.

CARRIED

(d) DELEGATION REQUESTS

(Farr/Pearson)

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

- 4.1 Linda Hart, Stoney Creek United Church, respecting Hamilton Municipal Heritage Committee recommendation for heritage designate for the Stoney Creek United Church (Item 8.1)
- 4.2 Doug Caldwell, regarding Stoney Creek United Church, 1 King Street West, and the potential impact of a heritage designation (Item 8.1)
- 4.3 Reverend Mark Winger, Stoney Creek United Church, respecting the proposed heritage designation of the Church. (Item 8.1)
- 4.4 Mike Jovanovic, Terrapure Environmental, respecting Item 5.6, the proposed Compensation Agreement with the City

CARRIED

(B. Johnson/Pearson)

That Item 5.6 be considered following Item 8.2.

CARRIED

(e) DELEGATIONS/PUBLIC HEARING (Item 6)

- (i) Application for an Amendment to City of Hamilton Zoning By-law No. 6593 for Lands Located at 100 Cumberland Avenue (Ward 3) (PED18129) (TABLED June 19, 2018) (Item 6.1)**

In accordance with the provisions of the *Planning Act*, Chair A. Johnson advised those in attendance that if a person or public body does not make

oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the 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.

Written Comments

6.1(a) Tom Broen, 231 Sherman Avenue South

6.1(b) Brian Gilham, 183 Burris Street

6.1(c) Ricardo Campos, 137 Gladstone Avenue

6.1(d) Andre and Ursula Erasmus, 145 Gladstone Avenue

6.1(e) Chelsea Woods and Sean House, 151 Gladstone Avenue

6.1(f) C.J. Urech, 147 Gladstone Avenue

(Pearson/Pasuta)

That the written comments, Items 6.1(a) to 6.1(f) be received.

CARRIED

Councillor Green submitted to the Committee Clerk copies of correspondence received through his office to be added to the August 17, 2018 Council agenda in the event that this correspondence had not already been entered into the public record.

No members of the public came forward.

(Green/Pearson)

That the public meeting be closed.

CARRIED

(Partridge/Green)

That the staff presentation be waived.

CARRIED

Eldon Theodore of MacNaughton Hermsen Britton Clarkson (MHBC) Planning Limited, agent for the applicant was in attendance and indicated that the applicant is in agreement with the staff report.

(Green/Collins)

That staff be directed to include the appropriate provisions in the amending by-law to allow for a commercial use at grade level not exceeding 80 square metres in gross floor area.

CARRIED

(Green/Collins)

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

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

Amendment CARRIED

For disposition of this matter refer to Item 6.

(ii) 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) (Item 6.2)

In accordance with the provisions of the *Planning Act*, Chair A. Johnson advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the 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.

No members of the public came forward.

(Pearson/B. Johnson)

That the public meeting be closed.

CARRIED

(Pearson/Conley)

That the staff presentation be waived.

CARRIED

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

Ed Fothergill of Fothergill Planning and Development was in attendance representing the applicant. He indicated that the applicant is in support of the staff report.

(Partridge/Collins)

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

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

CARRIED

For disposition of this matter refer to Item 7.

- (iii) 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) (Item 6.3)**

In accordance with the provisions of the *Planning Act*, Chair A. Johnson advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Official Plan Amendments 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.

No members of the public came forward.

(Collins/Pearson)

That the public meeting be closed.

CARRIED

(Farr/Green)

That the staff presentation be waived.

CARRIED

Sergio Manchia of UrbanSolutions Planning and Land Development Consultants Inc was in attendance and addressed committee with a PowerPoint presentation. He presented proposed amendments to the Draft Plan of Subdivision and he provided copies of the proposed amendments which were distributed to the Committee and a copy has been retained for the public record.

Ward Councillor Ferguson was in attendance and spoke in support of the application and asked to be allowed to speak to the applicant, the agent and staff regarding the proposed changes.

(Green/Partridge)

That the agent's presentation be received.

CARRIED

(Green/Partridge)

That the report be referred back to staff to consider the proposed changes and to report to a meeting in September, 2018.

Councillor Partridge withdrew as a seconder.

(Pearson/B. Johnson)

That this Item be TABLED to be considered later on the agenda in order to allow the Ward Councilor to discuss the proposed changes with the applicant, the agent and staff.

CARRIED

Councillor Green indicated that he wished to be recorded as OPPOSED to this motion.

Subsequently, after the discussions between the Ward Councillor, the applicant, the agent and staff, the following amending motion was presented to Committee:

(Pearson/Conley)

That subsection (c) of the recommendations be amended by adding the following subsection (ii) and renumbering the balance:

(c)(ii) Notwithstanding conditions of approval within Appendix D, that conditions 3, 5 and 15 shall be deemed satisfied upon deed and transfer of the lands required for the extension of Cormorant Road.

CARRIED

(Pearson/Collins)

That the recommendations 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 8.

(iv) Application for a Zoning By-law Amendment for Lands Located at 1221 Limeridge Road East, Hamilton (PED18170) (Ward 6) (Item 6.4)

In accordance with the provisions of the *Planning Act*, Chair A. Johnson advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the

Council of the City of Hamilton before Council makes a decision regarding the Zoning By-law Amendment, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Local Planning Appeal Tribunal and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

No members of the public came forward.

(Collins/Conley)

That the public meeting be closed.

CARRIED

(Pasuta/B. Johnson)

That the staff presentation be waived.

CARRIED

Michael Crough of IBI Group was in attendance representing the applicant. He indicated that the applicant is in support of the staff report.

(Collins/Conley)

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

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

CARRIED

For disposition of this matter refer to Item 9.

(v) 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) (Item 6.5)

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

Written Comments

6.5(a) Marjorie McIntyre, 26 Cardinal Mindszenty Blvd

(Green/Pearson)

That the added written comments, Item 6.5(a) be received.

CARRIED

Speakers

1. Marcel Lambert, 23 Bishop Sherlock Lane

Marcel Lambert addressed Committee and expressed concerns that, as per the original contract, the lands were supposed to be used for charitable and not-for-profit purposes.

2. Ruth Chappell, 29 Nolan Trail

Ruth Chappell addressed Committee and expressed concerns that the culverts and stormwater pond are not being properly maintained.

(Pearson/B. Johnson)

That the delegations be received.

CARRIED

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

(Pearson/Partridge)

That the staff presentation be received.

CARRIED

Sarah Knoll of GSP Group was in attendance representing the applicant. Ms. Knoll indicated that the applicant is in agreement with the staff report and she addressed Committee with the aid of a PowerPoint presentation. Gary Zock from Zock and Associates, the Project Manager, explained that the property was sold to Zest Communities Inc. in 2014. Part of the requirement is to have a not-for-profit corporation. Such a corporation has been set up. A copy of the presentation is available for viewing on the City's website.

(B. Johnson/Conley)

That the agent's presentation be received.

CARRIED

(Pasuta/Collins)

That the public meeting be closed.

CARRIED

(B. Johnson/Pearson)

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

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

CARRIED

For disposition of this matter refer to Item 10.

- (vi) 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) (Item 6.6)**

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

No members of the public came forward.

(Pearson/Pasuta)

That the public meeting be closed.

CARRIED

(Pearson/Conley)

That the staff presentation be waived.

CARRIED

James Webb of WEBB Planning Consultants and the owners, Nicholas Legault and Josee Pregent were in attendance. Mr. Webb advised that the owners are in agreement with the staff report.

(Pearson/Conley)

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

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

CARRIED

For disposition of this matter refer to Item 11.

(vii) 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) (Item 6.7)

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

Written Comments

6.7(a) Al & Ann Forth, 724 Old Highway No. 8, Flamborough

(Collins/Partridge)

That the added written comments, Item 6.7(a) be received.

CARRIED

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

(B. Johnson/Pearson)

That the staff presentation be received.

CARRIED

John Ariens of IBI Group was in attendance representing the applicant. Mr. Ariens addressed Committee with the aid of a PowerPoint presentation. A copy of the presentation is available for viewing on the City's website.

(Pearson/Pasuta)

That the agent's presentation be received.

CARRIED

Speakers

1. Don Liske, 701 Old Highway 8

Don Liske addressed Committee and read letters expressing concerns from the following neighbours:

- Dave Bromston, 716 old Highway 8
- Laurene and Orval Quantz, 712 Old Highway 8

He also read a letter from he and his wife expressing their concerns with the proposal.

Copies of the correspondence have been submitted for the public record and are available for viewing on the City's website.

(B. Johnson/Pearson)

That the delegation and written comments be received.

CARRIED

(Partridge/Collins)

That the public meeting be closed.

CARRIED

(Pasuta/B. Johnson)

(a) That Appendix "B" to the report, the Zoning By-law amendment, be amended to require a planting strip and a visual barrier;

(b) That Appendix "D" to the report, the Draft Plan of Subdivision, be amended to require privacy fencing and landscaping.

CARRIED

(Pasuta/Conley)

That the recommendations be 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 12.

- (viii) 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) (Item 6.8)

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

No members of the public came forward.

(Collins/Farr)

That the public meeting be closed.

CARRIED

(Conley/Pearson)

That the staff presentation be waived.

CARRIED

Franz Kloibhofer of A.J. Clarke and Associates Limited was in attendance representing the applicant. He indicated that the applicant is in agreement with the staff report.

(Conley/Collins)

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 13.

- (ix) 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) (Item 6.9)**

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

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

No members of the public came forward.

(Partridge/Pearson)

That the public meeting be closed.

CARRIED

(Green/Farr)

That the staff presentation be waived.

CARRIED

John Fisher, of U-Haul International, the applicant, addressed Committee and spoke about the Company. Jason Brower of Brower Architecture addressed Committee with the aid of a PowerPoint presentation and outlined the merits of the proposal.

(B. Johnson/Conley)

That the agent's presentation be received.

CARRIED

For disposition of this matter refer to Item 14.

Councillor B. Johnson indicated that she wished to be recorded as OPPOSED to the approval of this Item.

(f) DISCUSSION ITEMS (Item 8)

(i) Hamilton Municipal Heritage Committee Report 18-007 (Item 8.1)

Jason Parsons, Cultural Heritage Planner, provided a brief overview of Item 1(a) of the Committee Report regarding the recommendation to designate the Stoney Creek United Church.

(Pearson/Conley)

That the verbal overview from staff be received.

CARRIED

Delegations

1. Linda Hart, Stoney Creek United Church (Item 4.1)

Linda Hart addressed Committee and read from a prepared statement. A copy has been submitted to the Clerk for the official record and is available for viewing on the City's website. She also presented a couple of photographic images.

2. Doug Caldwell (Item 4.2)

Doug Caldwell addressed Committee and read from a prepared statement. He also used the aid of a PowerPoint presentation. Copies of the hand out were distributed and is available for viewing on the City's website.

3. Reverend Mark Winger, Stoney Creek United Church (Item 4.3)

Reverend Mark Winger addressed Committee and read from a prepared statement requesting that Stoney Creek United Church not be designated as a heritage property.

(Farr/Pearson)

That the delegations be received.

CARRIED

(Pearson/Partridge)

That Item 1(a) of the Hamilton Municipal Heritage Committee Report 18-007 be amended by inserting the word "**not**" before the words "**be added**" and by removing the words "**complete a preliminary screening to add the property to the work plan as a candidate for designation**" and inserting the words "**be directed to complete an inventory of the heritage features for posterity**" therein.

Amendment CARRIED

For disposition of this matter refer to Item 15.

(ii) Personal Transportation Provider (PTP) (PED16099(c)) (City Wide) (Outstanding Business List Item) (Item 8.2)

The Clerk advised that no one had registered to speak to this matter.

There was no one in attendance who indicated they wished to address Committee regarding Item 8.2.

For disposition of this matter refer to Item 16.

(iii) Terrapure Stoney Creek Regional Facility EA – Compensation Agreement (LS18045 / FCS18072) (Ward 9) (Item 5.6)

Delegations

1. Mike Jovanovic, Terrapure Environmental (Item 4.4)

Mike Jovanovic of Terrapure Environmental addressed Committee and spoke to the compensation agreement. He affirmed that they are agreeable to a compensation agreement with the City.

(Collins/Conley)

That the delegation be received.

CARRIED

(Conley/Green)

That Report LS18045/FCS18072 respecting Terrapure Stoney Creek Regional Facility EA – Compensation Agreement be TABLED until a decision has been made by the Province respecting Terrapure's Environment Assessment process whereby it is seeking to increase the capacity of the landfill.

CARRIED

(g) MOTIONS (Item 9)

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

(Farr/Collins)

That Item 9.1 regarding To Waive the Road Widening Requirement for 71 Rebecca Street be removed from the agenda.

CARRIED

- (ii) Terrapure Environmental Stoney Creek Regional Facility 65 Green Mountain Road West (Item 9.2)**

This Item was removed under Changes to the agenda.

(h) NOTICES OF MOTION (Item 10)

- (i) Site Plan Application (SPA-18-082) for 2400 Regional Road 56 (Added Item 10.1)**

Councillor B. Johnson introduced a Notice of Motion respecting Site Plan Application (SPA-18-082) for 2400 Regional Road 56.

(B. Johnson/Pasuta)

That the rules of order be waived in order to allow for the introduction of a Motion respecting Site Plan Application (SPA-18-082) for 2400 Regional Road 56.

CARRIED

For disposition of this matter refer to Item 19.

(i) **GENERAL INFORMATION/OTHER BUSINESS (Item 11)**

11.1 Outstanding Business List

(Pearson/Pasuta)

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

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

(b) That the following Items be identified as completed and 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.

CARRIED

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

Committee approved the following Items without moving into Closed Session:

- (i) **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.) (Item 12.1)**

For disposition of the matter refer to Item 20.

- (ii) **Boats Moored on Hamilton Waterfront Used As Residences ("Liveboards") (LS18048) (City Wide) (Distributed under separate cover) (Item 12.2)**

For disposition of the matter refer to Item 21.

(k) ADJOURNMENT (Item 13)

(Pasuta/Green)

That, there being no further business, the Planning Committee be adjourned at 1:47 p.m.

CARRIED

Respectfully submitted,

Councillor A. Johnson
Chair, Planning Committee

Ida Bedioui
Legislative Co-ordinator
Office of the City Clerk



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
 Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	September 4, 2018
SUBJECT/REPORT NO:	Waterdown Community Node Secondary Plan: Background Report (PED18181) (Ward 15)
WARD(S) AFFECTED:	Ward 15
PREPARED BY:	Robert Clackett (905) 546-2424 Ext. 1274 Melanie Pham (905) 546-2424 Ext. 6685
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That the Waterdown Community Node Secondary Plan: Background Report, attached as Appendix "B" to Report PED18181, be **RECEIVED**.

EXECUTIVE SUMMARY

The purpose of this Report is to update Planning Committee with respect to the timing of the Waterdown Community Node Secondary Plan and bring forward the Background Report.

The Secondary Plan study area extends west to east along Dundas Street from the lands across from Redcliff Court to the Canadian Pacific Railway line/Grindstone Creek, and north to south from Nisbet Boulevard to the southerly end of Hamilton Street (see Appendix "A" to Report PED18181). The study area covers approximately 112 hectares of land.

The Waterdown Community Node Secondary Plan is being initiated as a result of being identified in the City Wide Secondary Plan Review as a high priority area for Secondary Plan development. A Secondary Plan is also necessary given current directions for intensification in Provincial land use policies, current direction in the Urban Hamilton Official Plan (UHOP) for the area as a Community Node, market/development pressures, and population growth are which are occurring in Waterdown. It is important that a comprehensive, integrated and up-to-date growth management strategy be in

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**SUBJECT: Waterdown Community Node Secondary Plan: Background Report
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place to manage growth and change within the Waterdown Community Node Secondary Plan Area, otherwise growth-related pressures will result which will bring significant changes to the community that may not be consistent with the City's vision for the Waterdown Community Node.

The Background Report, attached as Appendix "B" to Report PED18181, provides detailed baseline information related to the Waterdown Community Node Secondary Plan area that will assist in the preparation of a Secondary Plan for the area. It includes an analysis of the policy framework for the area, a summary of the historic development of the area and a review of existing conditions, including community demographics and characteristics. The Background Report is the first step in the process of developing the Waterdown Community Node Secondary Plan. It is anticipated that the full Secondary Plan process will be completed by Spring 2020.

Alternatives for Consideration – See Page 10

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Funding is provided through existing approved budgets.

Staffing: Existing staff are being utilized in addition to consultants that will be required for specialized work to support the preparation of the secondary plan.

Legal: N/A

HISTORICAL BACKGROUND

A City Wide Secondary Plan Review was undertaken by the Planning and Economic Development Department in 2009. This was a comprehensive review of the City of Hamilton to determine where and when Secondary Plans and Community Strategies should be prepared. The Report was received by Council in September, 2009 (PED080179(a)), identifying immediate, mid-term, and low priority areas for developing future secondary plans. The Waterdown Community Node area was identified as one of the immediate priorities for developing a Secondary Plan based on a number of factors, including:

- Direction from the Urban Hamilton Official Plan for Secondary Plans to be prepared for all community nodes (identified conceptually on Schedule E-1 -Urban Structure, Urban Hamilton Official Plan);
- a need to protect the heritage characteristics of the historical downtown;
- a need for urban design guidelines for consistent redevelopment;

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**SUBJECT: Waterdown Community Node Secondary Plan: Background Report
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- a need to appropriately integrate older areas of Waterdown with newer developing areas; and,
- the need to address concerns related to traffic and access in the area.

In March, 2014, as part of Report PED14047, Council endorsed a strategy with respect to traffic management and land use for the Waterdown Village Core area which directed that the City:

- initiate the Waterdown Community Node Secondary Plan;
- initiate a Transportation Management Plan for the Waterdown Community Node; and,
- require a Traffic Impact Study for all residential development in the Waterdown Core.

The Waterdown Community Node Secondary Plan is being completed as part of the Planning Division's (Community Planning Section and GIS) current work plan. The workplan reflects the priorities for Secondary Plan development endorsed by Council in the City Wide Secondary Plan Review, and the direction set out in Report PED14047.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2014)

The Provincial Policy Statement (PPS) provides policy direction on matters of Provincial interest related to land use planning and development. The *Planning Act* requires that, in exercising any authority that affects planning matters, planning authorities shall be consistent with policy statements issued under this Act.

The PPS includes three major policy sections: Building Strong Communities; Wise Use and Management of Resources; and, Protecting Public Health and Safety. The PPS recognizes that a community's success in creating strong, liveable and healthy places depends on managing and promoting efficient land use and well-designed development. The Background Report includes a detailed review of the policies of the PPS applicable to the Waterdown Community Secondary Plan. The Secondary Plan will be consistent with the policies of the PPS.

Growth Plan for the Greater Golden Horseshoe (2017)

The Growth Plan for the Greater Golden Horseshoe (the Growth Plan) provides policy direction for municipalities within the Greater Golden Horseshoe (GGH) to build healthy, balanced, and complete communities. The *Places to Grow Act* requires that all decisions under the *Planning Act* conform to the Growth Plan.

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The Growth Plan's policies are based on a number of principles that are relevant to the Waterdown Community Node area:

“1.2.1 Guiding Principles

- Support the achievement of *complete communities* that are designed to support healthy and active living and meet people's needs for daily living throughout an entire lifetime.
- Prioritize *intensification* and higher densities to make efficient use of land and *infrastructure* and support transit viability.
- Support a range and mix of housing options, including second units and *affordable* housing, to serve all sizes, incomes, and ages of households.
- Improve the integration of land use planning with planning and investment in *infrastructure* and *public service facilities*.
- Provide for different approaches to manage growth that recognize the diversity of communities in the *GGH*.
- Protect and enhance natural heritage, hydrologic, and landform systems, features, and functions.
- Conserve and promote *cultural heritage resources*.
- Integrate climate change considerations into planning and managing growth.”

The Background Report includes a review of the Growth Plan policies and their implications for the Waterdown Community Node Secondary Plan. The Waterdown Community Node Secondary Plan will conform to the Growth Plan.

Urban Hamilton Official Plan (UHOP)

One of the UHOP's primary goals is to establish compact, complete communities where citizens can live, work, shop, plan, and learn. One method of achieving this goal is through the development of Secondary Plans.

Secondary Plans are used to provide detailed and community-specific guidance for growth and change within smaller geographic areas of the City. Once a Secondary Plan is completed, it is adopted as an amendment to the UHOP. The UHOP, in Section F.1.2 “Secondary Plans and Neighbourhood Plans”, contains policy direction on when a Secondary Plan may be prepared, and what the Plan should include.

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- “F.1.2.1 Secondary plans may be prepared as needed for planning districts, neighbourhoods, nodes, corridors or any other area of the City, and in particular:
- b) areas undergoing change where general Volume 1 policies are insufficient to guide redevelopment or warrant localized reconsideration, and in particular:
 - i) areas with desirable characteristics or functions such as main streets, heritage areas, the waterfront, etc.; and,
 - ii) areas in need of stability and strengthening such as older residential neighbourhoods, commercial areas and heritage areas.”

The Dundas Street and Hamilton Street area of Waterdown is identified as a “Community Node” on Schedule ‘E’ - Urban Structure of the UHOP, and the UHOP directs that Official Plans be prepared for these Nodes to establish Node boundaries and provide greater direction on mix of uses, heights, densities, built for, and design (Policy E.2.3.3.11, Volume 1).

The Background Report contains a review of the policy direction provided in the UHOP for this area, as well as information about the existing land use designations in the UHOP.

RELEVANT CONSULTATION

The Background Report, attached as Appendix “B” to Report PED18181, was circulated to the City’s internal Technical Advisory Committee for review and comment. The following Divisions provided comments and contributed to the Background Report:

- Recreation Division, Healthy and Safe Communities Department;
- Growth Management Division, Planning and Economic Development Department;
- Tourism and Culture Division, Planning and Economic Development Department;
- Transportation Planning and Parking Division, Planning and Economic Development Department;
- Engineering Services Division, Public Works Department;
- Transit Division, Public Works Department; and,

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**SUBJECT: Waterdown Community Node Secondary Plan: Background Report
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- Healthy Environments Division, Healthy and Safe Communities Department.

Input from various staff within the Planning Division was also used in the development of the Background Report. Information contributed from all areas included information on ongoing City initiatives, and inventories of natural heritage features, cultural heritage features, community services, amenities and existing infrastructure in the area.

Various staff from other Divisions were circulated the preliminary Background Report and did not have formal comments. These Divisions include:

Healthy and Safe Communities Department

- Housing Services Division
- Neighbourhood and Community Initiatives Division
- Hamilton Fire Department

Planning and Economic Development Department

- Economic Development Division
- Building Division
- LRT Division

Public Works Department

- Transportation Division
- Environmental Services Division
- Energy Fleet and Facilities Division
- Hamilton Water Division

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The boundary of the Secondary Plan study area was developed concurrently with the collection of background information on the area. The boundary of the study area is based on the conceptual identification of the Waterdown Community Node on Schedule E-1 – Urban Structure, in the Urban Hamilton Official Plan. It has been further refined based on other specific characteristics and features of the area. The study area

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includes all of the lands which are located within the Waterdown Business Improvement Area, and portions of the older residential neighbourhoods which are adjacent to the Business Improvement Area. Newer low density developments adjacent to commercial areas were not included as these areas have a low probability for change and redevelopment within the time horizon of the Plan. Also, older established residential lands to the northeast of the study area were also excluded as they too are unlikely to change within the time horizon of the Plan. The study area is bounded on the east by a natural feature, Grindstone Creek. The study area lands are located in Ward 15.

The Waterdown area is experiencing a significant amount of growth. Future development planned to the west and east of the Community Node will result in approximately 15,000 additional residents in the Waterdown area over the next 20 years. This growth will ultimately impact the form and function of the Waterdown Community Node and its historical commercial area. A Secondary Plan will guide change and growth in the central Waterdown area as the population of Waterdown grows over time, and will also help tie planning within the historical core to existing Secondary plans which are already in place for adjacent areas, ensuring a comprehensive planning approach is taken.

Secondary Plan Process and Public Engagement Strategy

The development of a Secondary Plan involves a comprehensive background review, creating a vision and goals for the plan, reviewing a variety of land use options, and establishing comprehensive policies and land use designations through a final land use plan for the Waterdown Community Node area.

More specifically, the Secondary Plan process can be divided into 4 phases:

- 1) Background research, project launch and visioning;
- 2) Preliminary information analysis and development of options;
- 3) Determination of preferred land use plan, policy directions and urban design guidelines; and,
- 4) Approval and implementation of Secondary Plan.

Each of these steps will include consultation with stakeholders and the public as an important component to the development and completion of the plan. Consultation with the public will be aligned with the principles of the Council adopted Public Engagement Charter. A variety of engagement tools and strategies will be used to promote public engagement and make it easy for residents and stakeholders to participate.

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A detailed work plan and consultation plan have also been prepared and are attached as Appendix “C” and Appendix “D” to Report PED18181.

The proposed timeline for major Public Consultation meetings is as follows:

- Phase 1 – November, 2018 (Public Information Centre)
- Phase 2 – Spring 2019 (Public Information Centre)
- Phase 3 – November, 2019 (Public Information Centre)
- Phase 4 – Spring 2020 (final Statutory Public Meeting)

In addition, staff will also pursue innovative public consultation and engagement strategies through the process based on best practices used to date and other ideas. For example, as part of the Centennial Secondary Plan and Downtown Secondary Plan staff used a focus group to consult with stakeholders; engaged with school groups; conducted standard public information centre (PIC) meetings; and communicated through a project website.

Staff will also develop and implement a communication strategy for each phase to both build awareness about the Waterdown Community Node Secondary Plan and also the consultation events.

Waterdown Community Node Transportation Management Plan

Council has directed that a Transportation Management Plan (TMP) be completed in conjunction with a Secondary Plan for the Waterdown Community Node. The TMP will review the current transportation system in Waterdown and develop a strategy to address existing issues and future needs based on anticipated growth. The Secondary Plan and the Transportation Management Plan Studies will be conducted concurrently and public meetings and events will be coordinated to include both studies. The Transportation Management Plan will be undertaken by the Transportation Planning and Parking Division of the Planning and Economic Development Department.

Other Supporting Studies

Several other supporting studies will be needed as input to the Secondary Plan process, in addition to the Transportation Management Plan for the Waterdown Community Node.

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1. Urban Design Guidelines

Urban Design Guidelines will be prepared in conjunction with the Secondary Plan to provide direction on the design of infill and redevelopment within the study area. Consultant support will be required to undertake this component of the project as the urban design work is over and above the resources available in-house.

2. Heritage Inventory and Review

Two heritage related work components will be required as inputs into the Secondary Plan process, a built Heritage Inventory and a Cultural Heritage Review. The City's Heritage Resource Management group is responsible for built heritage inventories and will complete an inventory of the study area concurrently with the first stages of the secondary plan process. A Cultural Heritage review is needed to identify and evaluate new cultural heritage landscapes or changes to the existing cultural heritage landscape; to provide heritage related recommendations for Secondary Plan policy, and to provide recommendations for the Urban Design Guidelines. The initial heritage inventory work completed by the Heritage Resource Management Group will be used to inform the subsequent Cultural Heritage Review. Consultant support will be required to undertake the Cultural Heritage Review.

Background Report

The purpose of the Background Report is to detail how the Waterdown Community Node Secondary Plan study area has grown and developed in the past, to review and document existing conditions within the community, including heritage resources, urban design characteristics, housing trends, the natural environment, parks and open space, transportation infrastructure, the economic base, as well as social and community services operating within the study area. The Background Report is the first step that needs to be completed when initiating a Secondary Plan. The Background Report provides baseline information to inform the identification of issues and ultimately land use and policy recommendations for a Secondary Plan.

The Background Report includes the following sections:

- Background: an overview of the area and key neighbourhood demographic characteristics; including population, age distribution, immigrant population, household income, housing and employment;
- Planning Policy Context: a summary of key Provincial and Municipal policies and planning documents;

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- Demographics: a review of demographic information and comparison with City demographics;
- Existing Land Uses: a review of existing land uses;
- Natural Heritage Resources: a summary of natural heritage features;
- Cultural Heritage Resources: a summary of the history of the area and existing cultural heritage resources;
- Urban Design: a summary of Urban Design directions needed for the Secondary Plan;
- Transportation: an overview of existing transportation infrastructure;
- Parks, Open Space and Recreation: an inventory of existing facilities and needs;
- Institutional, Community and Social Services: inventories of existing amenities and services;
- Infrastructure: an overview of current projects, challenges and opportunities;
- Business and Economics: background information on the Business Improvement Association and Community Improvement Plan; and,
- Development Activity: an inventory of recent development activity.

ALTERNATIVES FOR CONSIDERATION

The Waterdown Community Node Secondary Plan is being completed as part of the Community Planning and GIS Section's approved work plan. The Background Report is the first step in the Secondary Plan process, and will provide baseline information to assist in developing and refining a land use plan and policy framework for the Secondary Plan. However, Committee could choose not to receive the Background Report, thereby not formalizing this first step of the Secondary Plan process.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement & Participation

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

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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.

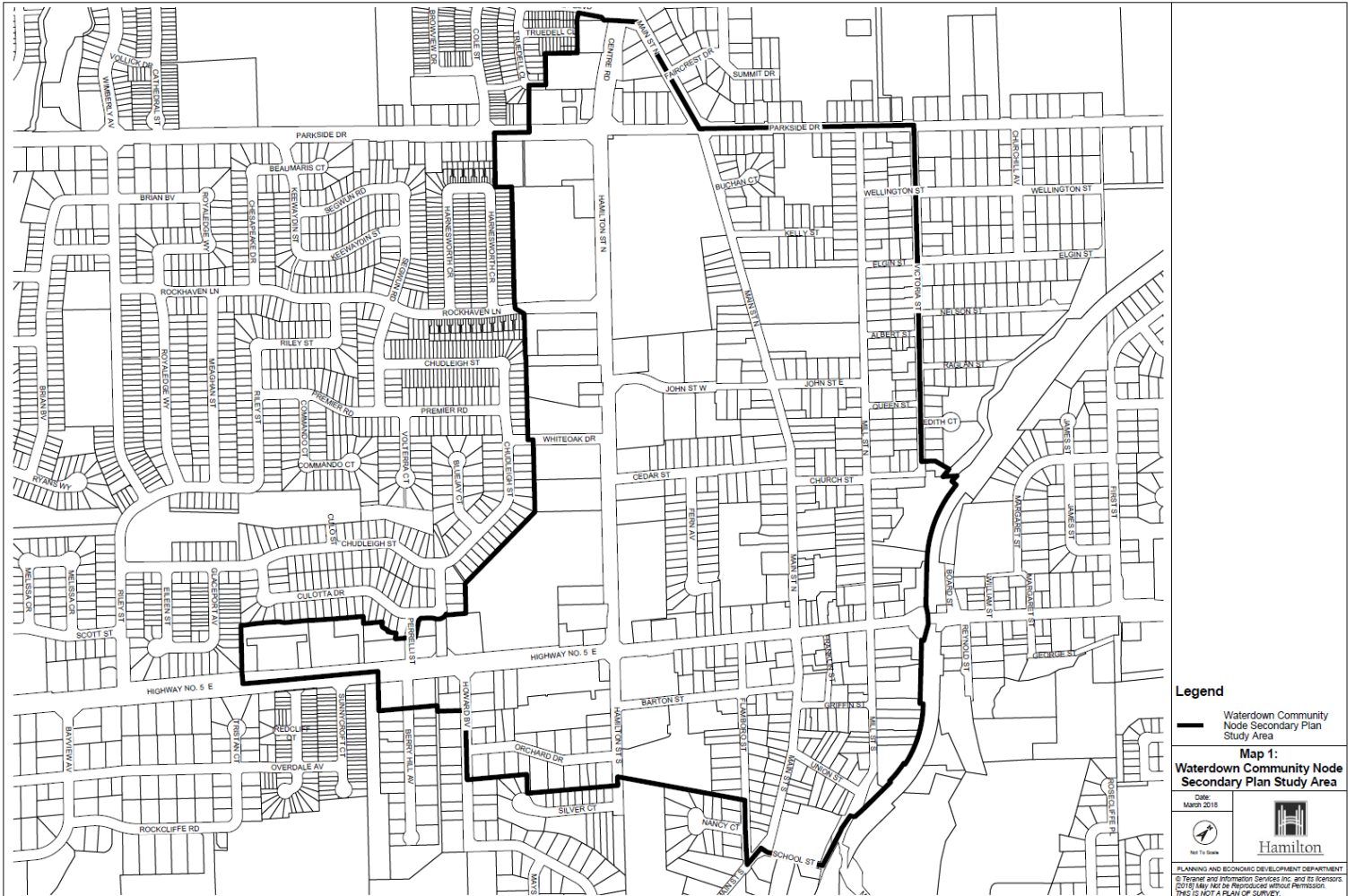
Culture and Diversity

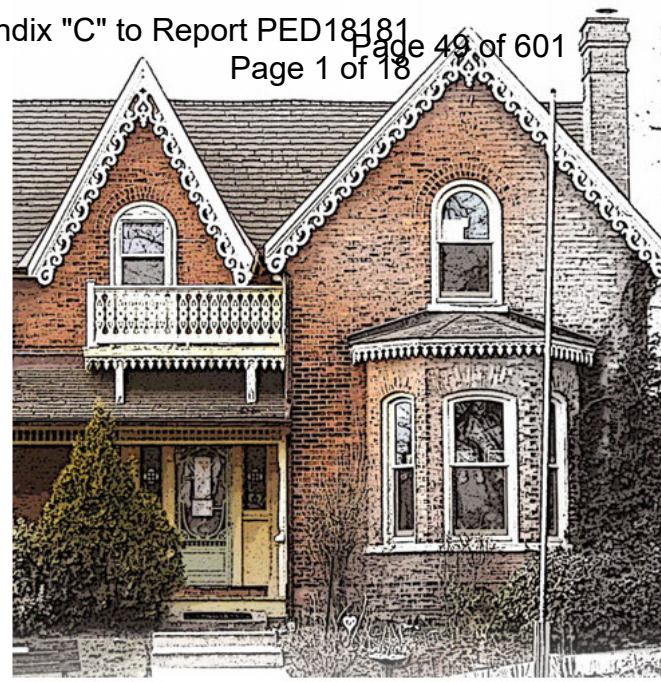
Hamilton is a thriving, vibrant place for arts, culture, and heritage where diversity and inclusivity are embraced and celebrated.

APPENDICES AND SCHEDULES ATTACHED

- Appendix "A" - Map of Study Area
- Appendix "B" - Waterdown Community Node Secondary Plan Background Report
- Appendix "C" - Waterdown Community Node Secondary Plan Work Plan

MP:RC:jp





WATERDOWN

Community Node Secondary Plan Work Plan



Hamilton

PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT
COMMUNITY PLANNING

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1.0 INTRODUCTION

1.1 Background

As part of the City's Building a Strong Foundation initiative, the Growth Related Integrated Development Strategy (GRIDS) and Urban Hamilton Official Plan (UHOP) identified that a significant proportion of growth across the City of Hamilton should be directed to an interconnected urban structure of nodes and corridors. Growth is to be focused based on the principles of higher density and mixed use development that is serviced by various modes of transportation – including higher order transit and active transportation.

The Urban Hamilton Official Plan (UHOP) generally identifies the Waterdown Village Core area and some of the surrounding lands as a Community Node. Section E.2.3.3 of the UHOP outlines the function, scale and design of Community Nodes. Policy E.2.3.3.2 states that “within each Community Node a range of uses shall be provided that allow for access to housing, employment, services, and recreation in close proximity to each other and transit. The Community Nodes shall provide services to residents within the former area municipalities and surrounding neighbourhoods in a mixed use environment”.

The UHOP policies state that Community Nodes shall generally be planned to achieve a target density of 100 persons and jobs per hectare. As well, they shall be planned to accommodate generally between 25,000 and 100,000 square metres of retail floor space. Policy E.2.3.3.11 states that a detailed Secondary Plan shall be undertaken to provide greater direction on the mix of uses, heights, densities, built form, and design. Policy E.2.3.3.13 a) also states that intensification shall not be permitted in the Waterdown Community Node until infrastructure and transportation constraints have been alleviated.

Secondary Plan work was recently completed for new growth areas to the northwest and southeast of the Waterdown Community Node (Waterdown North Secondary Plan and Waterdown South Secondary Plan). Future build out of these areas will result in approximately 15,000 more residents in the Waterdown area. This growth will ultimately impact the form and function of the Waterdown Community Node and its historical commercial area.

As part of the 2009 City Wide Secondary Plan Review (Report PED08017(a)), the Waterdown Community Node was identified as an immediate priority area for future secondary plan work, due to the need to manage redevelopment pressures, protect the heritage characteristics of the historical downtown, integrate old Waterdown with newer developing areas, maintain the viability of the historic commercial downtown area, and to address concerns related to traffic and access.

As part of report PED14047, endorsed by Council in March 2014, a strategy was approved in respect to traffic management and land use for the Waterdown Village Core area which directed that the City do the following:

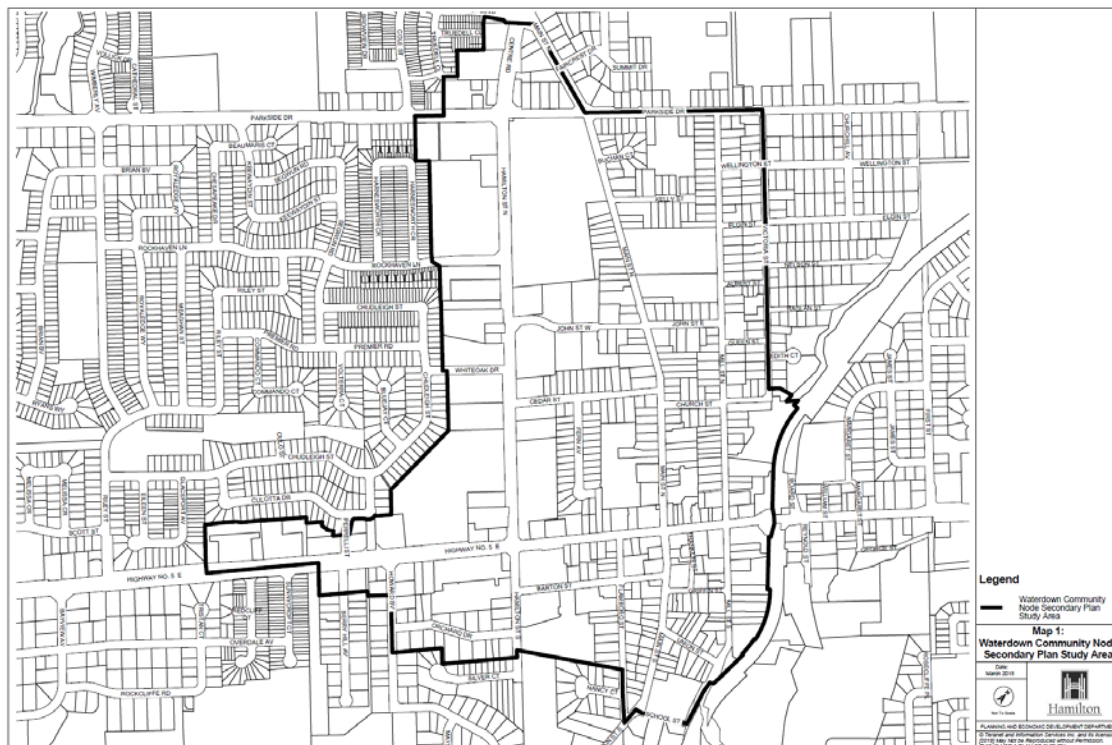
- Initiate the Waterdown Community Node Secondary Plan;
- Initiate a Transportation Management Plan for the Waterdown Community Node; and,
- Require a Traffic Impact Study for all residential development in the Waterdown Core

The Waterdown Community Node Secondary Plan will provide a clear vision for the Node and will manage change by defining appropriate intensification and scale for new development. The Plan will provide direction to maintain the function of the Node as a centre for community scale retail stores and services, within a mixed-use environment. The Plan will also provide design guidance to ensure that new development respects the character of the Node, enhances the public realm, and maintains a strong pedestrian focus. This will ensure that the Node continues to be a thriving, complete community in the future, which provides a central sense of place for the Waterdown community.

1.2 Study Area

The preliminary Secondary Plan study area generally extends west to east along Dundas Street from the lands across from Redcliff Court to the Canadian Pacific Railway line/Grindstone Creek and north to south from Nisbet Boulevard to the southerly end of Hamilton Street (see Map 1). The study area comprises approximately 112 hectares of land. Refinements to the study area may occur as a result of further background information review or as a result of further analysis and consultation in future project phases.

Map 1: Waterdown Community Node Secondary Plan Study Area



1.3 Purpose and Objectives

The purpose of this initiative is to develop a Secondary Plan to guide future redevelopment and intensification within the secondary plan area. This Secondary Plan is necessary given current directions for intensification in Provincial land use policies, current directions in the Urban Hamilton Official Plan for this area as a Community Node and population growth occurring in Waterdown which is bringing significant changes to the community.

The Secondary Plan will need to address a number of key issues which have already been identified, including managing redevelopment pressures, protecting the heritage characteristics of the area, integrating old downtown Waterdown with newer developing areas, maintaining the viability of the historic commercial downtown area, and addressing concerns related to transportation, traffic and access. The Secondary Plan will identify permitted land uses and built form within the study area and will also include policy direction for transportation and servicing, which are key considerations related to land use. Transportation policy in the Secondary Plan will be guided by the results of a Transportation Management Plan that is required in order to comprehensively address transportation issues. Due to the characteristics of the area, the Secondary Plan will also require a strong focus on urban design and place making. Urban Design Guidelines will need to be established in conjunction with the Secondary Plan to support design directions.

The Secondary Plan must conform to the requirements of the Planning Act, the Provincial Policy Statement (2014) and the Places to Grow Growth Plan for the Greater Golden Horseshoe (2017) (P2G). The P2G in particular contains specific directions for built up areas, prioritizing intensification in these areas and providing direction on achieving complete communities. By 2031, a minimum of 60% of all growth within the City of Hamilton must occur within the built up area. Between the time that the City's next Municipal Comprehensive Review is completed (in progress) and 2031, a minimum of 50% of all growth must occur within the built up area. Municipalities are required to develop a strategy to achieve this minimum target, which includes planning strategic areas in more detail to identify the type and scale of development that is appropriate.

The Secondary Plan will review the area comprehensively in line with Provincial planning policy and the City's Urban Hamilton Official Plan, to ensure that the Waterdown Community Node continues to evolve in the future as a complete community with compact development, a variety of housing choices, a variety of land uses, an appropriate transportation system, decreased dependence of the automobile, and development that is in harmony with the natural heritage system and respects cultural heritage. A key objective is to manage future change to create opportunities for live, work and play in a sustainable environment that promotes public health and reduces impacts on climate change.

The Secondary Plan process for this project involves a comprehensive background review, creating a vision and goals for the plan, reviewing a variety of land use options, and establishing comprehensive policies and land use designations through a final land use plan for the Waterdown Community Node area. Public engagement is an important

part of the planning process and each step will include consultation with stakeholders and the public. A variety of engagement opportunities will be used in the development and completion of the Waterdown Community Node Secondary Plan.

1.4 Goals

The detailed goals of the Secondary Plan process are to:

- Review existing land uses, built form, height and densities in the study area;
- Identify opportunities and constraints for land use within the study area;
- Identify a boundary for the Waterdown Community Node;
- Establish a policy framework to direct and accommodate future growth, protect valuable resources and provide direction for infrastructure;
- Identify and resolve specific land use issues;
- Review existing natural heritage resources, and ensure that they are appropriately protected and enhanced;
- Identify policies and land uses that support the commercial function of the Node;
- Review designated/listed and potential cultural heritage resources for the area and ensure that significant resources are protected;
- Prepare a servicing strategy for development/intensification;
- Review the transportation network and address traffic and access issues in the Waterdown Community Node;
- Examine active transportation opportunities within in the study area;
- Prepare associated Urban Design Guidelines to guide the design of infill and redevelopment within the study area; and,
- Establish an implementation strategy.

The goals for associated Urban Design Guidelines are to:

- Provide detailed design guidance for new development and redevelopment;
- Provide direction for integration of new buildings with the existing character of the Waterdown Community Node, including integration with heritage character;
- Provide design guidance for transitioning areas; and,
- Determine potential need for a streetscape master plan in the Village Core and Dundas Street area;

The Secondary Plan should address the following elements:

Policy

- Alignment with the policies of the Urban Hamilton Official Plan, the Provincial Policy Statement, the Places to Grow Growth Plan, and the Niagara Escarpment Plan; and,
- Supporting and implementing the goals/objectives of other City plans and initiatives, such as the Hamilton Transportation Master Plan, the Cycling Master Plan, the Pedestrian Mobility Master Plan, and the Transit Oriented Development Guidelines.

Community and Culture

- Vision and goals/objectives;
- Asset mapping;
- Population projections;
- Compatibility between existing and potential future land uses;
- Development of appropriate range of housing types;
- Commercial Review/Needs Assessment;
- School Board needs;
- Review of human services, current and future needs; and,
- Review of archaeological, built and cultural heritage resources.

Environment

- Review of natural heritage resources;
- Protection of environmental features and functions;
- Review of open space linkages/connections to existing/proposed parks, open spaces; and,
- Review of parkland supply and identification of any deficiencies.

Servicing

- Use of alternative and low impact development standards; and,
- Review of existing infrastructure capacity and constraints to ensure that all municipal infrastructure services, including the road network and stormwater management facilities, are sufficient to accommodate development.

Transportation

- Review opportunities for transportation system improvements, including transit;
- Connectivity to existing and future development;
- Provide transit supportive land uses;
- Review of bike routes and trails and opportunities for improvements;
- Identify opportunities for encouraging active transportation;
- Provide pedestrian friendly streets and connections; and,
- Review of roadway networks and opportunities for traffic calming.

Urban Design

- Develop supportive urban design and architectural controls;
- Ensure design compatibility with adjacent uses;
- Character Road identification and design direction, if required;
- Support Transit oriented design;
- Manage Sun/Shade effects;
- Provide guidance for public realm design;
- Create a unique sense of place; and,
- Respect heritage characteristics and integrate cultural heritage resources.

2.0 CONSULTATION

Engagement and consultation for the project will occur both internally with various city staff, as well as externally with the public. Consultation with the public will be aligned with the principles of the Council adopted Public Engagement Charter. A variety of engagement tools and strategies will be used to promote public engagement and make it easy for residents and stakeholders to participate.

One method of consultation between internal City staff is through the City's Technical Advisory Committee. This is an internal Committee made up of City staff from various departments, divisions and sections, which meets for the purpose of reviewing and commenting on planning projects. This is an important method of consultation with internal staff. Staff also engage other departments and sections within the City through email circulations of information for review, and through individual meetings, to discuss specific issues and access specific knowledge in various areas of expertise.

The key public consultation methods which staff use as part of Secondary Planning processes are consultation through focus groups and through public information meetings or public workshops. These consultations are supplemented by a variety of other strategies such as pop-up events, surveys, and a project web site.

Focus groups are groups of approximately 8-12 members comprised of residents, property owners, business people and other stakeholders in a study area. The purpose of the group is to provide input from a variety of viewpoints at each stage of the Secondary Plan process. These groups help to identify issues, and they also provide valuable local knowledge and expertise. Typically the focus group also acts as a "sounding board" to review materials before they are presented to the general public at public information centres. Focus group members are encouraged to assist with communicating information to other local residents and stakeholders (e.g. if they represent a group such as a neighbourhood association, BIA, school council, etc.).

Public information meetings are larger public meetings where information is provided and input is solicited from the wider public. The format of these meetings can be an open house format with information available for viewing, and can also include presentations, workshops, or other engagement activities for the purpose of collecting input on projects.

These strategies provide staff with a significant amount of detailed input from a variety of different stakeholders and residents. In addition to these methods, a number of other measures are also proposed to ensure that the process is open and transparent, information is clear and easy to access, and that there are a variety of options for people to participate in the process. It is important that the project provide clear and complete documentation of consultations and responses to comments/concerns to provide a traceable decision making process. A detailed consultation plan has been prepared as a companion document to the Work Plan.

3.0 SUPPORTING STUDIES

3.1 Transportation Management Plan

Council has directed that a Transportation Management Plan (TMP) be completed in conjunction with a Secondary Plan for the Waterdown Community Node. The TMP will review the current transportation system in the area and develop a strategy to address existing issues and future needs based on anticipated growth.

The Waterdown Community Node Secondary Plan will be prepared concurrently with the Waterdown Community Node TMP. The Transportation Management Plan will be managed by the Transportation Planning and Parking Division of the Planning and Economic Development Department. All major public consultation events, including Focus Group meetings and Public Information Centres and workshops will combine both projects to achieve cost efficiencies and organizational efficiencies. The final Secondary Plan and final Transportation Management Plan will be presented concurrently to Planning Committee for approval.

3.2 Urban Design Study/Guidelines

Urban Design Guidelines will be prepared in conjunction with the Secondary Plan to provide direction on the design of infill and redevelopment within the study area.

Consultant support will be required to undertake an urban design study of the area and prepare Urban Design Guidelines as the urban design work required for this project will exceed available resources in-house. The City's consultant roster will be used to obtain the consultant services required. City of Hamilton purchasing policy will be adhered to in the procurement of services. A separate Terms of Reference has been prepared for this consultant assignment.

3.3 Heritage Inventory and Review

Waterdown Node has a very rich heritage. There is a designated cultural heritage landscape within the study area, as well as a number of other listed or designated cultural heritage resources. These heritage resources contribute to giving the Waterdown Community Node a unique sense of place.

Two heritage related work components will be required as inputs into the Secondary Plan process, a Built Heritage Inventory and a Cultural Heritage Review. Built Heritage Inventories involve a comprehensive review of all individual buildings in the study area and identification of properties with built heritage that should be added to the City's register and staff's designation work plan. The City's Heritage Resource Management group is responsible for undertaking and maintaining built heritage inventories and is expected to complete a built heritage inventory of the study area concurrently with the secondary process. Public consultation for the inventory process may be combined with Secondary Plan public consultation activities. The second work component is a Cultural Heritage Review. A Cultural Heritage Review is needed for the following purposes:

- To review the identified cultural heritage resources in the area and identify and evaluate any new cultural heritage landscapes or changes to existing cultural heritage landscapes;
- To provide recommendations for Secondary Plan policy to ensure that heritage resources are maintained and protected; and,
- To provide recommendations for the Urban Design Guidelines, to ensure that the design of new development is sensitive to and complementary to the area's cultural heritage resources.

It is anticipated that consultant support will be required to undertake the Cultural Heritage Review, as this work is over and above available resources in-house. The City's consultant roster will be used to obtain the consultant services required. City of Hamilton purchasing policy will be adhered to in the procurement of services. A separate Terms of Reference has been prepared for this consultant assignment.

3.4 Commercial Market Analysis

An extensive commercial market analysis of the Downtown Waterdown Business Improvement Area (BIA) was completed in 2017. The purpose of this analysis was to update and build upon the comprehensive commercial market strategy and action plans that were prepared for Downtown Waterdown BIA in 2003 and again in 2010. A number of strategies and action items are outlined in the study for improving the vitality of the BIA. The Waterdown Community Node Secondary Plan will utilize this information in its review of the area. The secondary plan will support the recommendations of the market analysis where appropriate, to support the continued viability of the BIA area.

4.0 SECONDARY PLAN PROCESS

The Secondary Plan Process will be carried out in four phases:

- 1) Background Research, Project Launch and Visioning;
- 2) Preliminary Information Analysis and Development of Options;
- 3) Determination of Preferred Land Use Plan, Policy Directions and Urban Design Guidelines; and,
- 4) Approval and Implementation of Secondary Plan.

Major tasks and consultations required for each project phase are described in sections 4.1 to 4.4 below. Throughout all phases, the project lead will monitor any ongoing Provincial and City projects and initiatives as it pertains to this project, to ensure that the outcomes of other projects are understood and incorporated into the Secondary Plan as required. Any development activity, including ongoing development and applications for new development will also be monitored throughout all phases to ensure that land use changes are integrated into the process.

☆ Denotes a meeting with the Councillor should occur at this stage to ensure information is shared.

4.1 Phase 1: Background Research, Project Launch and Visioning

Scope of Work	
Task 1:	<p>Prepare Work Plan.</p> <ul style="list-style-type: none"> • Determine key tasks and deliverables for the project • Establish target timelines for completion of each project stage • Develop Terms of Reference for study inputs to be completed by external consultants (Cultural Heritage Review, Urban Design Guidelines)(Note: Waterdown Community Node TMP terms of reference to be completed by the Transportation Planning and Parking Division)
Task 2: ☆	<p>Prepare Consultation Plan.</p> <p>Determine appropriate consultation methods to ensure that:</p> <ul style="list-style-type: none"> • The process is open and transparent • Information is clear and easy to access • Quality input is provided from a variety of sources, ensuring that input is representative of the community.
Task 3:	<p>Review background information.</p> <p>Collect background information on existing and current planned conditions for area, including:</p> <ul style="list-style-type: none"> • Existing planning policy framework (i.e. Provincial policy, Urban Hamilton Official Plan, etc.) • Other existing Council adopted plans, policies and guidelines • Current ongoing City projects (i.e. City-wide Transportation Master Plan, GRIDS 2, Municipal Comprehensive Review) • Recent development activity • Demographic information • Existing infrastructure (Roads, Servicing, etc.) • Existing public services and facilities (Parks, Community Centres, Recreation Facilities) • Existing heritage resources • Existing land uses • Existing Zoning • Other information as relevant

<p>Task 4:</p>	<p>Determine Study Area Boundary. To be determined concurrently with background information review, based on:</p> <ul style="list-style-type: none"> • Existing policies and plans in place in the area • Existing land uses • Existing geographical boundaries • Other existing conditions that provide a rationale for inclusion in study area
<p>Task 5:</p> <p style="text-align: center;">☆</p>	<p>Prepare Background Report.</p> <ul style="list-style-type: none"> • Consolidated report describing study area and review of existing and planned conditions (Tasks 3 and 4). • Consultation: <ol style="list-style-type: none"> a) Review of draft report by City staff Technical Advisory Committee b) Request for comments from TAC on area Strengths, Weaknesses, Opportunities and Threats) c) Meeting with Ward Councillor to discuss draft report and formal project initiation
<p>Task 6:</p>	<p>Submit Background Report to Planning Committee.</p> <ul style="list-style-type: none"> • Provide background report to Council for information • Receive Council direction to proceed with Waterdown Community Node Secondary Plan Study.
<p>Task 7:</p>	<p>Create website and mailing list of contacts for City departments, external agencies and other potential stakeholder groups.</p> <ul style="list-style-type: none"> • As per consultation plan
<p>Task 8:</p>	<p>Create project charter</p> <ul style="list-style-type: none"> • As per consultation plan
<p>Task 9:</p>	<p>Retain external consultants for Study inputs.</p> <ul style="list-style-type: none"> • Cultural Heritage Review • Urban Design Study/Guidelines • Waterdown Community Node TMP <p>Note: The Waterdown Community Node TMP will be managed by the Transportation Planning and Parking Division.</p>
<p>Task 10:</p>	<p>Establish Stakeholder Focus Group.</p> <ul style="list-style-type: none"> • Identify key stakeholders in the community (residents, business owners, community groups) • Prepare Terms of Reference for participation in focus group • Solicit volunteer members for focus group


<p>Task 11:</p>	<p>Conduct Site Visit.</p> <ul style="list-style-type: none"> • Take a walking and driving tour of study area • Visit key locations within study area • Take photos
<p>Task 12:</p> <p>☆</p>	<p>Conduct Consultations (in conjunction with the TMP):</p> <ol style="list-style-type: none"> a) Ward Councillor Meeting b) Focus Group Meeting #1 c) Agency and stakeholder mail circulation d) Public Information Centre/Workshop #1 e) Additional consultations (i.e. survey) and/or pop-up events in community (Minimum of 1) <p>Purpose:</p> <ul style="list-style-type: none"> • Introduce Secondary Plan study • Present summary of background information review to public • Solicit comments on issues, trends and opportunities for improvement in area (SWOT analysis) • Develop a vision and key principles and objectives to lead the development of the Secondary Plan • Introduce other related studies and reviews

Key Outputs:

- ✓ Preparation of Work Plan.
- ✓ Preparation and presentation of Background Report.
- ✓ Develop Terms of Reference for study inputs and retain consultants.
- ✓ Launch Study
- ✓ Begin Public and Stakeholder Consultation

4.2 Phase 2: Preliminary Information Analysis and Development of Options

Scope of Work	
Task 13:	Review and analyze all consultation input. Summarize public input in a document and make available to public.
Task 14:	External Consultants to undertake Cultural Heritage Review and Urban Design Guidelines work and provide preliminary findings and/or directions. Note: Transportation Management Plan analysis and data collection to take place concurrently.
Task 15:	Prepare draft of: <ul style="list-style-type: none"> • Vision for Secondary Plan • Key principles/objectives • SWOT analysis results • Criteria for evaluating options
Task 16: ☆	Conduct Consultations to review draft items from Task 15: <ol style="list-style-type: none"> a) TAC (digital request for comments) b) Meeting with Councillor c) Meeting with Focus Group d) Digital request for comments from PIC #1 attendees and any other interested stakeholders.
Task 17:	Finalize Vision, Principles and Objectives for the Secondary Plan.
Task 18:	Prepare a minimum of three (3) concepts showing options for future land use, building heights, densities, transportation connections, public spaces and open spaces, and development design. Options are to be based on: <ul style="list-style-type: none"> • Background information (i.e. adjacent land use designations, neighbourhood demographics) • Existing planning policy directions and good planning principles • Secondary Plan vision, principles and objectives • SWOT analysis • Preliminary TMP findings and recommendations • Preliminary Cultural Heritage Review findings and recommendations • Preliminary Urban Design Study findings and proposed guidelines • Infrastructure constraints and requirements • Previous consultations and discussions with public, other stakeholders and City staff • Other inputs such as site visits, etc.

Task 19:	Review concepts with TAC, and request feedback based on evaluation criteria. Make refinements based on comments.
Task 20: 	Conduct Consultations: <ul style="list-style-type: none"> a) Ward Councillor Meeting b) Focus Group Meeting #3 c) Agency and stakeholder mail circulation d) Public Information Centre/Workshop #2 e) Additional consultations (i.e. survey) and/or pop-up events in community (Minimum of 1) <p>Purpose:</p> <ul style="list-style-type: none"> • To present various land use options. • To evaluate options based on evaluation criteria. • To review preliminary findings of Cultural Heritage Review and proposed Urban Design Guideline directions. • To determine preliminary key policy directions. <p>Note: Transportation Management Plan options to be presented and feedback to be solicited concurrently with Secondary Plan.</p>
Task 21:	Review and analyze all consultation input. Summarize public input in a document and make available to public.

<u>Key Outputs:</u>	
<ul style="list-style-type: none"> ✓ ✓ ✓ ✓ ✓ ✓ 	<ul style="list-style-type: none"> Determination of Vision, Principles and Objectives of Plan SWOT analysis Preliminary results of Cultural Heritage Review and Urban Design Study Secondary Plan options development and review Determination of preliminary policy directions Public Consultation


4.3 Phase 3: Determination of Preferred Land Use Plan, Policy Directions and Urban Design Guidelines

Scope of Work	
Task 22:	<p>Review evaluations of development options and develop a preferred plan.</p> <p>Develop maps and other visual materials illustrating land uses, building heights, densities, transportation connections, public spaces and open spaces for preferred plan.</p> <p>Prepare a written evaluation document summarizing the results of the evaluation, the rationale for the preferred option, and key policy directions that should accompany the plan.</p>
Task 23:	<p>Receive and review full draft of Cultural Heritage Review and Urban Design Guidelines.</p>
Task 24:	<p>Prepare Draft Secondary Plan policies.</p>
Task 25:	<p>Present Draft Secondary Plan (including draft policies) and Urban Design Guidelines to TAC for review and input.</p> <p>Refine recommended plan and policies based on review.</p>
Task 26: ☆	<p>Conduct Consultations:</p> <ol style="list-style-type: none"> a) Ward Councillor Meeting b) Focus Group Meeting #4 c) Agency and stakeholder mail circulation d) Public Information Centre/Workshop #3 e) Additional consultations in community (optional) <p>Purpose:</p> <ul style="list-style-type: none"> • To provide public with opportunity to review recommended plan and to solicit feedback on plan and policies • To solicit feedback on Urban Design Guidelines <p>Note: Transportation Management Plan recommended solutions to be presented and feedback to be solicited concurrently with Secondary Plan.</p>
Task 27:	<p>Review and analyze all consultation input.</p> <ul style="list-style-type: none"> • Summarize public input in a document and make available to public. • Make refinements to recommended plan, policies and guidelines.

Key Outputs:

- ✓ Draft Land Use Plan
- ✓ Draft Policies
- ✓ Draft Urban Design Guidelines
- ✓ Final Cultural Heritage Review
- ✓ Public Consultations

Phase 4: Approval and Implementation of Secondary Plan

Scope of Work	
Task 28:	<p>Prepare Summary Report outlining:</p> <ul style="list-style-type: none"> • Secondary Plan process • Results and recommendations of other studies • Public Consultation processes • Public Consultation inputs • Final recommended plan • Rationale for final plan
Task 29:	<p>Digitally circulate summary report and recommended plan to TAC for final review. Make corrections and refinements if needed.</p>
Task 30: 	<p>Prepare staff report to Council for approval of the Secondary Plan and Urban Design Guidelines.</p> <ul style="list-style-type: none"> • Meet with Councillor to provide update
Task 31:	<p>Hold Statutory meeting and present final Plan at Planning Committee.</p>
Task 32:	<p>Approval of Implementing By-law at Council.</p>

Key Outputs:

- ✓ Final Secondary Plan
- ✓ Final Urban Design Guidelines
- ✓ Staff Report
- ✓ Statutory Public Meeting

5.0 TIMELINES

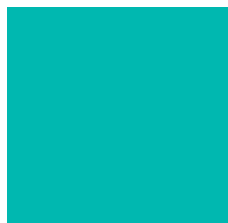
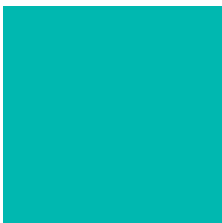
It is anticipated that this project will be completed in the second quarter of 2020. Key milestones for the project are as follows:

Phase 1	
• TAC Consultation #1	May 2018
• Background report completed and project initiation	August 2018
• Focus Group Meeting #1	November 2018
• Phase 1 Public Information Centre/Workshop	November 2018
Phase 2	
• TAC Consultation #2, Draft Vision, Principles and Objectives	January 2019
• Focus Group Meeting #2 - Draft Vision, Principles and Objectives	February 2019
• TAC Consultation #3 - Draft Options	April 2019
• Focus Group Meeting #3 – Draft Options	May 2019
• Phase 2 Public Information Centre	May – June 2019
Phase 3	
• TAC Consultation #4 – Recommended Plan and Policies	September 2019
• Focus Group Meeting #4	November 2019
• Phase 3 Public Information Centre	November 2019
Phase 4	
• TAC Consultation #5 – Final Plan Review	February 2020
• Statutory Public Meeting	May 2020

WATERDOWN COMMUNITY NODE WATERDOWN

WATERDOWN Community Node Secondary Plan Background Report





WATERDOWN
Community Node
Secondary Plan
 Background
 Report



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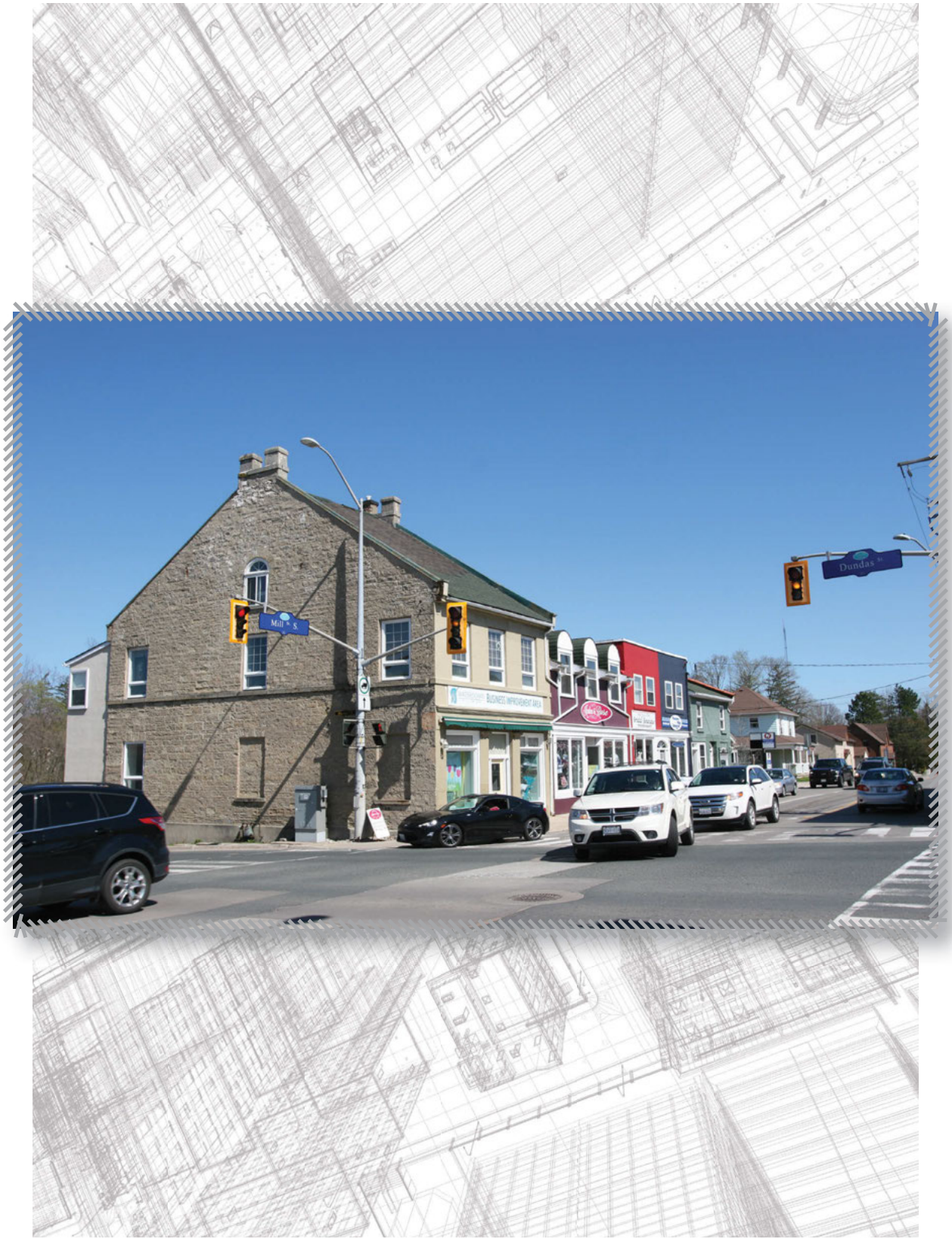
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1.0 INTRODUCTION



1.0 INTRODUCTION

The City of Hamilton's Building a Strong Foundation Initiative, the Growth Related Integrated Development Strategy (GRIDS) and the Urban Hamilton Official Plan (UHOP) have identified that a significant proportion of growth in Hamilton should be directed to the various classifications of nodes and corridors across the City. These nodes and corridors form an interconnected urban structure focusing growth based on the principles of higher density and mixed use development that is served by various modes of transportation, including higher order transit and active transportation. The core area of Waterdown is part of this nodes and corridors structure.

Secondary Plans are used to provide detailed policy direction for growth and change in smaller geographic areas of Hamilton. They identify land uses, densities, design requirements, and other implementing actions appropriate for a community, and are an important tool for managing growth and change. In 2009, the Planning and Economic Development undertook a City Wide Secondary Plan review, identifying where and when Secondary Plans should be prepared. As part of this review, City staff identified priority areas for future Secondary Plans based on a number of different criteria, including:

- conformity with provincial planning documents;
- coordination with other City initiatives and projects;
- the need for detailed planning analysis;
- the desire to create complete and sustainable communities; and,
- the need to protect and revitalize valuable natural and cultural resources.

Secondary Planning for downtown Waterdown was ranked as a priority based on this review, for the following reasons:

- This area is identified as a Community Node in the UHOP, and UHOP policies direct that a secondary plan must be prepared;
- to advance provincial policy direction;
- to work in conjunction with a Transportation Master Plan EA required for the area to address ongoing access and traffic issues;
- to encourage stronger and more comprehensive urban design direction;
- for protection of the heritage character and identity in the core; and,
- to promote and manage appropriate infill development and intensification.

To date, three Secondary Plans have been implemented in Waterdown, for new growth areas to the northwest, west and southeast of downtown Waterdown. Future build-out of these areas will result in approximately 15,000 more residents in the Waterdown area. New commercial areas have also recently been constructed to the west of the community. These changes will ultimately impact the form and function of the area which makes up the Waterdown Community Node.

2.0 BACKGROUND



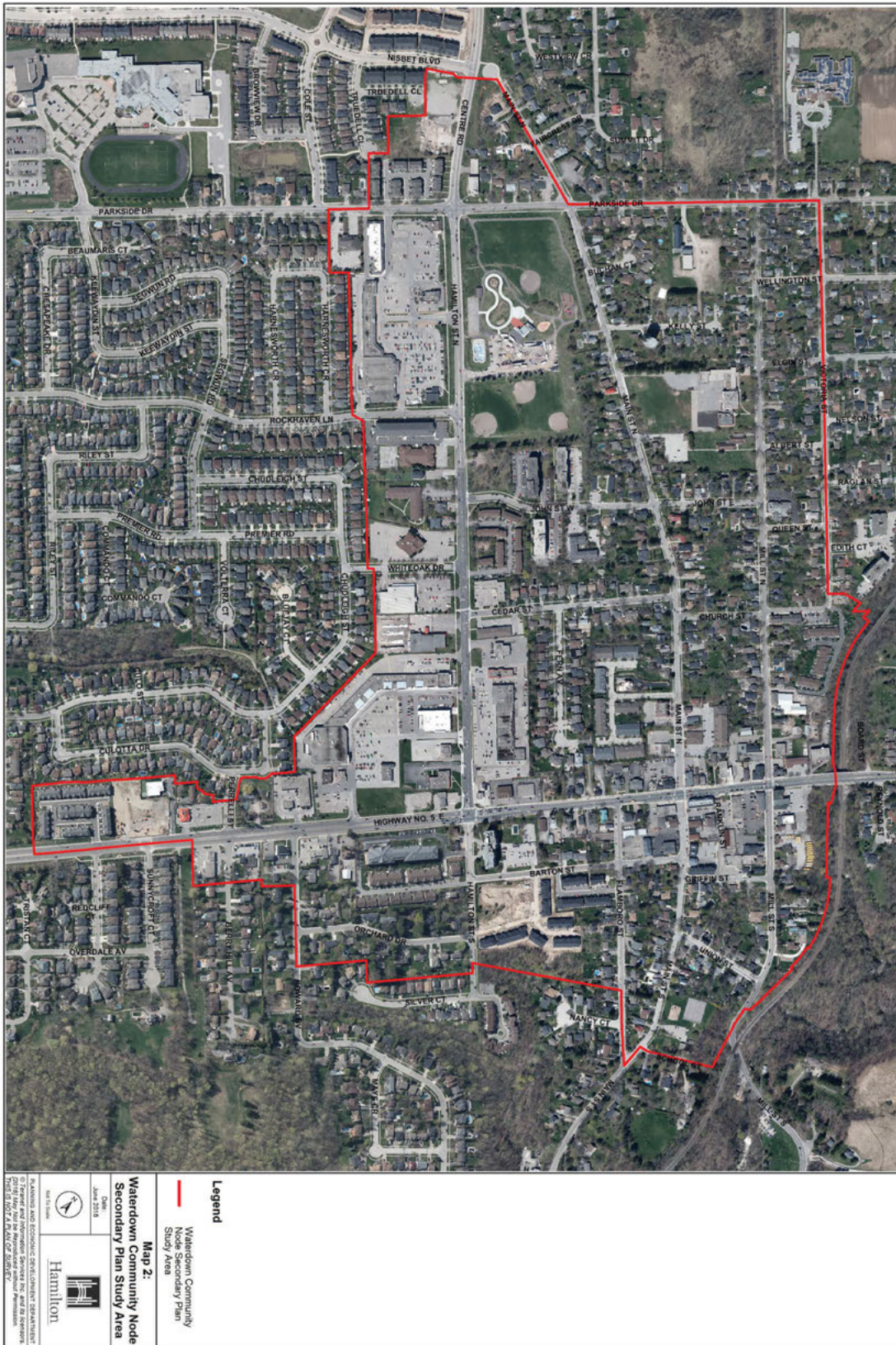
2.0 BACKGROUND

2.1 STUDY AREA

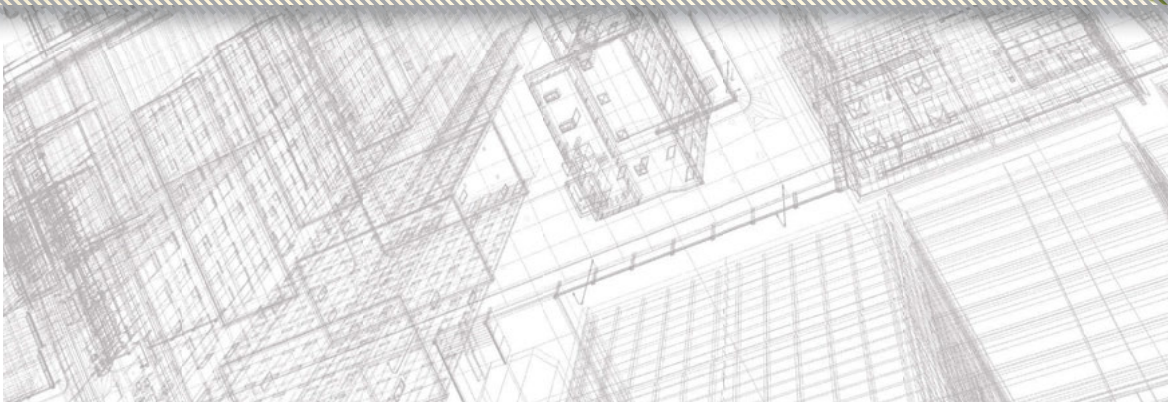
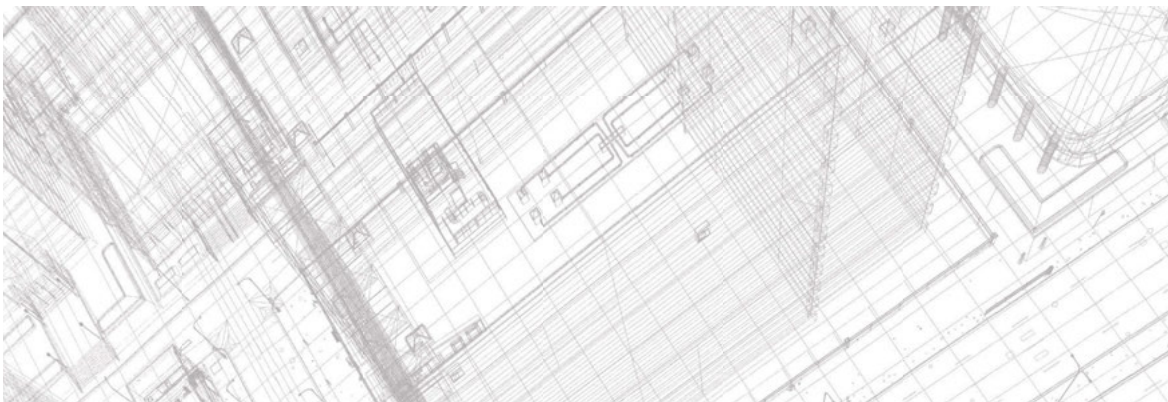
The study area is located within Ward 15 and was part of the former Town of Flamborough. The study area focuses on the historic commercial core of Waterdown, which is the area generally identified as a Community Node in the UHOP, but also includes some adjacent residential neighbourhoods. It extends west to east along Dundas Street East (Highway No. 5) from the lands across from Redcliff Court to the Canadian Pacific Railway/Grindstone Creek, and north to south from Nisbet Boulevard to the southerly end of Hamilton Street. The study area is approximately 112 hectares in size. *Map 1* and *Map 2*, respectively, provide an overview of the street pattern and an aerial view of the study area.

2.2 PURPOSE OF THE SECONDARY PLAN

The secondary planning process provides an opportunity to evaluate a specific area, consult with the public, determine issues, opportunities and constraints in the area, and develop a long term land use strategy for the area. The Waterdown Community Node Secondary Plan will be carried out by the Planning and Economic Development Department in conjunction with a Transportation Management Plan for the area. External consultants will be used for the development of the Transportation Management Plan as well as some supporting components to the Secondary Plan. The Secondary Plan will provide specific policies and detailed direction for land use, heritage conservation, infrastructure, intensification, transportation, environmental protection, urban design, or similar matters building upon the general framework provided by the Official Plan. The policies will implement and complement both Provincial legislation, as well as the City's planning goals and objectives, and will tie together Secondary Planning for adjacent areas with the core to ensure a comprehensive planning approach is taken.



3.0 PLANNING POLICY CONTEXT



3.0 PLANNING POLICY CONTEXT

Land use policy direction is set at both the provincial and local level. The Province provides the overall framework for land use planning at the local level. The local Official Plan is a long range planning policy document which guides and shapes growth and manages development at the local level. Official Plans contain the goals, objectives and policies to guide future physical development of a community while taking into consideration important social, cultural, economic and environmental matters. Other local plans, studies and initiatives provide guidance on specific issues, and are complementary to a local Official Plan. A summary of the relevant Provincial legislation and policies are set out below followed by a summary of the local Official Plan and other relevant planning policy documents.

3.1 PROVINCIAL PLANNING FRAMEWORK

The Province of Ontario has jurisdiction over Provincial planning matters. Planning legislation and regulations mandate the implementation of the Province's goals and objectives for planning, which is strongly focused on ensuring efficient use of land and creating liveable, healthy, sustainable cities and neighbourhoods. Provincial legislation and direction sets the parameters for the planning process and will have a large impact on the Secondary Plan policies for the Waterdown Community Node Secondary Plan.

3.1.1 THE PLANNING ACT

The Planning Act is the primary legislative tool that guides land use planning in Ontario. It provides municipal government with the direction and authority to guide development and land use planning through official plans, secondary plans and zoning by-laws. It also provides direction for processing development applications such as zoning by-law amendments, plans of subdivision, and site plan control.

In addition, the Planning Act outlines procedures to be followed for public notification, public meetings, and the mechanism for appeals to the Local Planning Appeal Tribunal. The Planning Act states the City of Hamilton, in carrying out its responsibilities under the Planning Act, shall be consistent with matters of Provincial interest. The list of Provincial interests in the Planning Act includes:

- the protection of ecological systems, including natural areas, features and functions;
- the protection of the agricultural resources of the Province;
- the conservation and management of natural resources and the mineral resource base;
- the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;
- the supply, efficient use and conservation of energy and water;

- the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- the minimization of waste;
- the orderly development of safe and healthy communities;
- the accessibility for persons with disabilities to all facilities, services and matters;
- the adequate provision and distribution of educational, health, social, cultural and recreational facilities;
- the adequate provision of a full range of housing, including affordable housing;
- the adequate provision of employment opportunities;
- the protection of the financial and economic well-being of the Province and its municipalities;
- the co-ordination of planning activities of public bodies;
- the resolution of planning conflicts involving public and private interests;
- the protection of public health and safety;
- the appropriate location of growth and development;
- the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;
- the promotion of built form that is well-designed; encourages a sense of place; and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant; and,
- the mitigation of greenhouse gas emissions and adaptation to a changing climate.

When an approval authority makes a decision under the Planning Act as it relates to a planning matter, it shall have regard to the list of Provincial interests noted above. The preparation of the Waterdown Community Node Secondary Plan is subject to the requirements of the *Planning Act*.

3.1.2 PROVINCIAL POLICY STATEMENT (2014)

The *Planning Act* also requires that a Council of a municipality, in exercising any authority that affects a planning matter, shall be consistent with policy statements issued under the *Planning Act*. This provision refers to the Provincial Policy Statement (PPS), a document with policies that focus on key provincial interests related to land use planning.

The PPS provides high level policy direction on matters of provincial interest related to land use planning and development. It recognizes the complex interrelationships among and between environmental, economic and social factors in land use planning.

The policies of the PPS are divided into three sections:

- **Building Strong Healthy Communities:** Policies focused on the efficient use of land and development patterns that support sustainability by promoting strong, liveable, healthy and resilient communities.
- **Wise Use and Management of Resources:** Policies addressing the protection of naturwl heritage, cultural heritage and archaeological resources.
- **Protecting Public Health and Safety:** Policies directing development away from areas of natural or human-made hazards.

The PPS directs that settlement areas shall be the focus of growth and development, and directs land use patterns within these areas to be based on densities and a mix of land uses which efficiently use land and resources, which are appropriate for planned or available infrastructure and public service facilities, which minimize negative impacts to air quality and climate change, which support active transportation, which are transit supportive, and which provide a range of opportunities for intensification and redevelopment (*Policies 1.1.3.1 and 1.1.3.2*). Planning authorities are directed to identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated (*Policy 1.1.3.3*). Planning authorities are also directed to promote compact form and a structure of nodes and corridors when planning for development (*Policy 1.8.1a*).

Planning authorities must provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents. This is to be accomplished by permitting and facilitating all forms of housing required to meet the social, health and well-being requirements of current and future residents, and all forms of residential intensification and redevelopment (*Policy 1.4.3 b*), as well as by promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed (*Policy 1.4.3d*).

Transportation and land use considerations are directed to be integrated at all stages of the planning process (*Policy 1.6.7.5*). The PPS states that transportation systems should be provided which are safe, energy efficient, facilitate the movement of people and goods, and are appropriate to address projected needs (*Policy 1.6.7.1*). A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and active transportation (*Policy 1.6.7.4*).

The following additional policies should also be noted:

“1.5.1 Healthy, active communities should be promoted by:

- a) planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity;*
- b) planning and providing for a full range and equitable distribution of publicly-accessible built and natural settings for recreation, including facilities, parklands, public space, open space areas, trails and linkages,*

1.6.1 Planning for infrastructure.....shall be coordinated and integrated with land use planning so that they are:

- a) Financially viable over their life cycle, which may be demonstrated through asset management planning; and*
- b) available to meet current and projected needs.*

1.6.2 Planning authorities should promote green infrastructure to complement infrastructure.

1.7.1 Long-term economic prosperity should be supported by:

- c) Maintaining and, where possible, enhancing the vitality and viability of downtowns and mainstreets;*
- d) encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes;*

2.1.1 Natural features and areas shall be protected for the long term.

2.1.1 The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restore or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.

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

2.6.3 Planning authorities shall not permit development and site alteration on adjacent land to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.

2.6.5 Planning authorities shall consider the interests of Aboriginal communities in conserving cultural heritage and archaeological resources.”

The Waterdown Community Node Secondary Plan land use patterns, density, and uses must be consistent with the policies of the PPS.

3.1.3 PLACES TO GROW: GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE, 2017



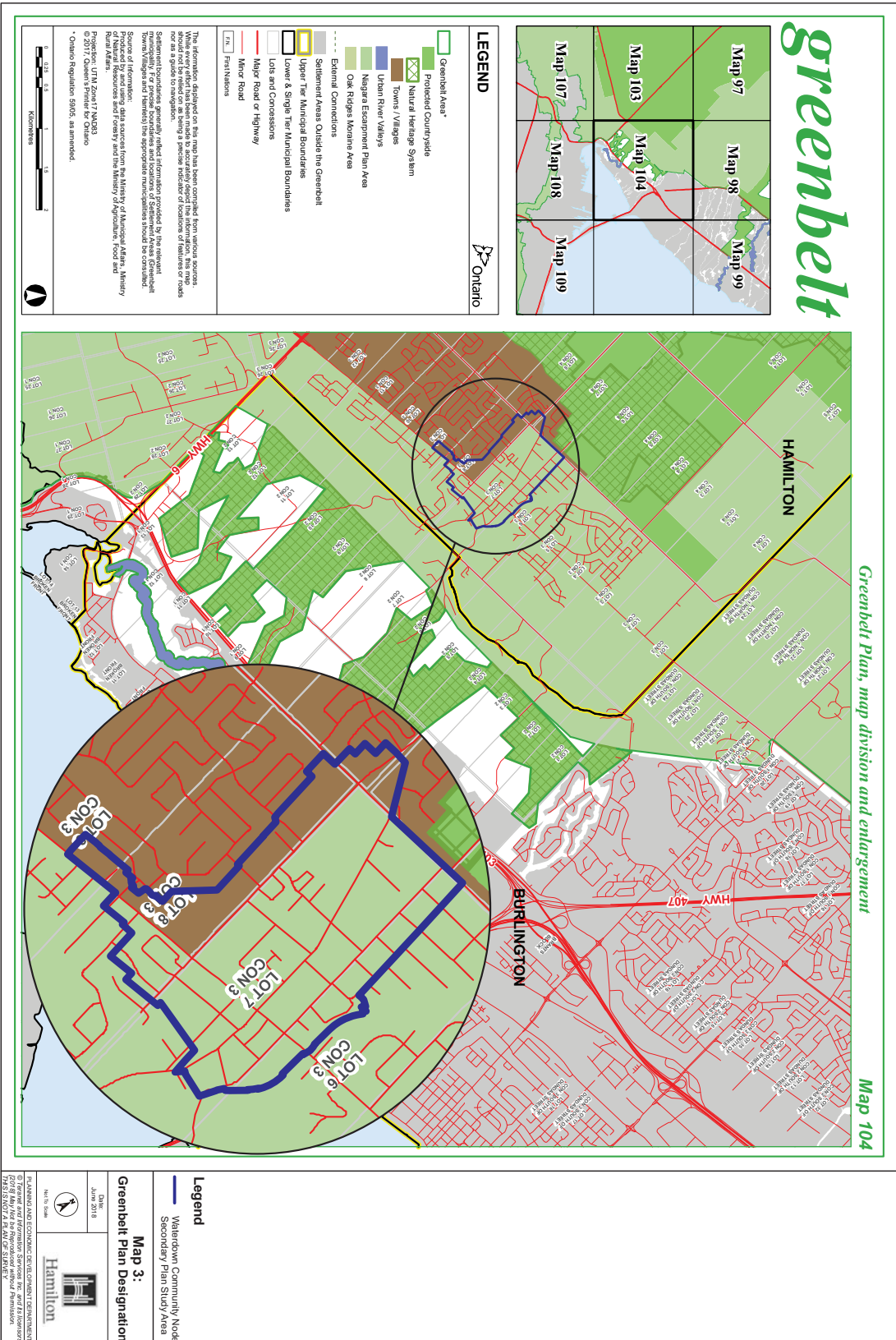
The Places to Grow: Growth Plan for the Greater Golden Horseshoe, 2017 (the Growth Plan) came into effect on July 1, 2017. The original Growth Plan was first enacted in 2006. The Growth Plan is the Ontario government’s plan for managing growth and development in a way that supports economic prosperity, protects the environment, and builds healthy, balanced and complete communities. It establishes a long term framework for where and how the Greater Golden Horseshoe area will grow.

In the Growth Plan, the Waterdown Community Node study area is identified as “Greenbelt Area”. As such, the Growth Plan must be read in conjunction with the Greenbelt Plan and the Niagara Escarpment Plan, as their Plan geographies overlap. Where the same or similar matters overlap in both the Growth Plan and the Greenbelt or Niagara Escarpment Plan, the Growth Plan policies do not apply. The Waterdown Community Node study area is also considered to be a settlement area by the policies of the Plan.

The Growth Plan projects that Hamilton will have a population of 780,000 people and 350,000 jobs by the year 2041. The City is required to plan for the strategic distribution of this growth. The vast majority of growth is directed to settlement areas, and within these areas, to strategic growth areas, built up areas, and locations with existing or planned transit (*Policy 2.2.1.2a) and c)*). The Growth Plan has a strong focus on residential intensification as a means to accommodate growth cost-effectively while also preventing urban sprawl. By the year 2031, and for each year thereafter, a minimum of 60 percent of all residential development in Hamilton must be within the built-up area (*Policy 2.2.2.1*).

Transportation Planning is also an important element of the Growth Plan, to achieve a number of the plan’s objectives for healthy and complete communities. Transportation system planning, land use planning and transportation investment are to be coordinated to implement the Plan (*Policy 3.2.2.1*). The Growth Plan requires transportation planning to offer a balance of transportation choices that reduces reliance on the automobile and promotes transit and active transportation.

In addition to transportation infrastructure, the Growth Plan also addresses planning for other infrastructure, such as water and wastewater systems, stormwater management and public service facilities. Planning and design for water and wastewater systems is intended to serve growth in a manner that supports the achievement of the minimum intensification and density targets in the Growth Plan (*Policy 3.2.6.2 b)*).



New to the Growth Plan are policies which address climate change adaptation goals, aligned with the Ontario Climate Change Strategy (2015) and the Climate Change Action Plan (2016). Municipalities are directed to develop policies in their Official Plans which will help to mitigate the impacts of climate change. Some of these directions include: supporting the achievement of complete communities; reducing dependence on the automobile and supporting existing and planned transit and active transportation; supporting a culture of energy and water conservation; undertaking stormwater management planning that incorporates appropriate green infrastructure and low impact development; and protecting the natural heritage system and water resource systems.

The Waterdown Community Node Study Area Secondary Plan will be formulated to ensure that it meets the principles, policies and targets set out in the Growth Plan. Policies will be implemented to ensure that the Secondary Plan is achieving a ‘complete community’ including more compact development, a variety of housing choices, and land uses that facilitate transit and decrease dependence of the automobile. New development and redevelopment shall be in harmony with the natural heritage system and will provide opportunities for live, work and play.

3.1.4 THE GREENBELT PLAN, 2017



The Greenbelt Plan (2017) came into force and effect on July 1, 2017, and applies to a significant amount of land generally surrounding urban areas within the Greater Golden Horseshoe (GGH). The Greenbelt Plan identifies where urban growth should not occur in order to provide permanent protection of the agricultural land base in this area and the important ecological features and functions of this landscape. It includes lands within, and builds upon the ecological protections provided by, the Niagara Escarpment Plan (NEP). It also builds upon the existing policy framework established in the Provincial Policy Statement (PPS).

The lands north of Dundas Street and west of Hamilton Street in the study area are designated “Towns and Villages” in the Greenbelt Plan (*see Map 3*), which is a type of settlement area within the Greenbelt Protected Countryside. A portion of the Greenbelt Plan’s policies do not apply to lands within the boundaries of Towns and Villages. Instead,

► *The Greenbelt Plan identifies where urban growth should not occur in order to provide permanent protection of the agricultural land base in this area and the important ecological features and functions of this landscape.*

the Plan defers to municipal Official Plans to govern land use within these settlement areas based on policy direction provided by the Provincial Growth Plan. Even though not all of the policies of the Greenbelt Plan apply to the Towns/Villages designation, the Plan does set out some requirements and goals for these areas. *Policy 3.4.1* outlines the following goals for all settlement areas in the Greenbelt Plan:

“Settlement areas within the Greenbelt support and provide significant economic, social and commercial functions to prime agricultural areas and rural lands. They are an integral part of the long-term economic and social sustainability of the Greenbelt and this Plan envisions that they continue to evolve and grow in keeping with their rural and/or existing character. Land use patterns within settlement areas shall support the achievement of complete communities that move towards low-carbon communities, with the long term goal of net-zero communities.

The achievement of complete communities shall in part be supported by facilitating the development of community hubs that involve the co-location of public services to address local community needs in convenient locations that are accessible by active transportation and, where available, transit.”

The following policies apply to the Waterdown Community Node Secondary Plan study area:

“3.1.5.1 Integrated planning for growth management, including goods movement and transportation planning, shall consider opportunities to support and enhance the Agricultural System.

3.2.3.1 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.

3.2.6.2 The river valleys that run through existing or approved urban areas and connect the Greenbelt to inland lakes and the Great Lakes, including areas designated as Urban River Valley, are a key component of the long-term health of the Natural System. In recognition of the function of the urban river valleys, municipalities and conservation authorities should:

- a) Continue with stewardship, remediation and appropriate park and trail initiatives which maintain and, to the extent possible, enhance the ecological features and functions found within these valley systems;*
- b) In considering land conversions or redevelopments in or abutting an urban river valley, strive for planning approaches that:

 - i) Establish or increase the extent or width of vegetation protection zones in natural self-sustaining vegetation, especially in the most ecologically sensitive areas (i.e. near the stream and below the stable top of bank);**

- ii) *Increase or improve fish habitat in streams and in the adjacent riparian lands;*
- iii) *Include landscaping and habitat restoration that increase the ability of native plants and animals to use valley systems as both wildlife habitat and movement corridors; and*
- iv) *Seek to avoid or, if avoidance is not possible, minimize and mitigate adverse impacts associated with the quality and quantity of urban runoff into the valley systems; and*

3.3.3.1 *For all lands falling within the Protected Countryside, municipalities should: Provide for a full range of publicly accessible, built and natural settings for recreation, including facilities, parklands, open space areas, trails and water-based activities.*

3.4.2.2 *Municipalities shall incorporate policies in their official plans to facilitate the development of community hubs that:*

- a) *Enable the co-location of public services to promote cost-effectiveness and service integration;*
- b) *Facilitate access through locations served by a range of transportation options, including active transportation and, where available, transit;*
- c) *Give priority to existing public service facilities within settlement areas as the preferred location, where appropriate; and*
- d) *Enable the adaptive reuse of existing facilities and spaces in settlement areas, where appropriate.*

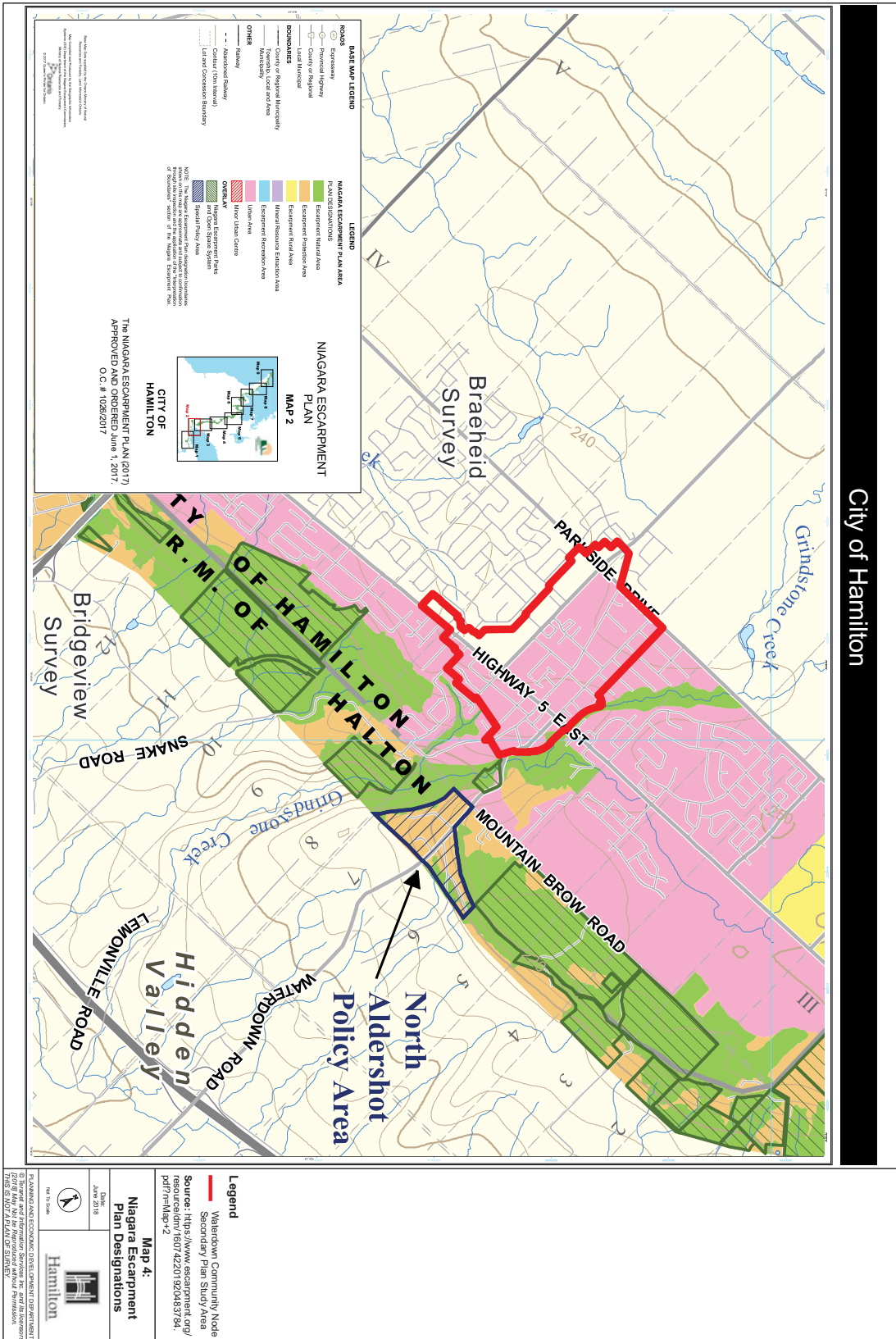
3.4.2.3 *Municipalities shall collaborate and consult with service planning, funding and delivery sectors to facilitate the co-ordination and planning of community hubs and other public service facilities.*

3.4.2.5 *Municipalities shall integrate climate change considerations into planning and managing growth in settlement areas in accordance with the policies in subsection 4.2.10 of the Growth Plan.*

3.4.2.6 *Municipalities should develop excess soil reuse strategies as part of planning for growth and development."*

The southerly and easterly portions of the study area are also identified in the Greenbelt Plan as part of the "Niagara Escarpment Plan Area". According to the Greenbelt Plan, in this area the requirements of the NEP, established under the Niagara Escarpment Planning and Development Act, continue to apply and the Greenbelt Plan's Protected Countryside policies do not apply, with the certain exceptions.

3.0 PLANNING POLICY CONTEXT



3.1.5 NIAGARA ESCARPMENT PLAN

The Niagara Escarpment Plan seeks to protect the geologic feature of the Niagara Escarpment and lands in its vicinity as a continuous natural environment while only allowing for compatible development. The Niagara Escarpment Commission (NEC) is responsible for the implementation of the Niagara Escarpment Plan. Lands north of Dundas Street and west of Hamilton Street are outside of the Niagara Escarpment Plan area, and are only subject to the Growth Plan and the Greenbelt Plan. Lands south of Dundas Street and east of Hamilton Street are designated as “Urban Area” in the Niagara Escarpment Plan. (see *Map 4*). A number of lands just adjacent to the study area, to the south of the study area boundary as well as just east of Mill Street, are designated ‘Natural Area’. The Natural Area designation recognizes various watercourses adjacent to the study area.

The lands identified as “Urban Area” in the NEP generally reflect areas that are identified as urban in municipal official plans and/or secondary plans. The objective of the “Urban Area” designation is to minimize the impact and prevent further encroachment of urban growth on the Escarpment environment. The “Urban Area” designation means that lands may be developed, as long as development is in accordance with specific objectives, including (*Policy 1.7.5*):

- being compatible with the scenic resources of the Escarpment, including providing appropriate maximum heights and adequate setbacks and screening to minimize the visual impact of urban development;
- encouraging reduced energy consumption, improved air quality, reduced greenhouse gas emissions, and working towards the long-term goal of low-carbon communities, including net-zero communities and increased resilience to climate change, including through maximizing opportunities for the use of green infrastructure and appropriate low impact development;
- promoting the co-location of compatible public services; to address local community needs in convenient locations that are accessible by walking, cycling and public transit;
- development, and new lots or expanded lots within Urban Areas shall not encroach into Escarpment Natural, Escarpment Protection, Escarpment Rural or Mineral Resource Extraction Areas;
- Adequate public access to the Escarpment should be provided (i.e. trails, walkways, etc.)
- Growth and development in Urban Areas shall be compatible with and provide for: the protection of natural heritage and hydrologic features and functions; the conservation of cultural heritage resources, consideration for reductions in greenhouse gas emissions and improved resilience to the impacts of a changing climate; and sustainable use of water resources.

A development permit is not required from the NEC for the development or redevelopment of lands within the Waterdown Community Node Secondary Plan study area, as it is not within the NEC's defined Development Control Area (development permit system lands). However, development should address the general development criteria of the NEP which include protecting, restoring and, where possible, enhancing the Escarpment environment and avoiding impacts on the control of natural hazards (*Policy 2.2*). The creation of new lots is permitted, subject to the requirements of applicable official plans and/or secondary plans and as long as they maintain and enhance the existing community character and protect and enhance existing natural heritage and hydrologic features and functions (*Policy 2.4*).

Infrastructure in the NEP must be planned in an integrated fashion, and be sited and designed to minimize negative impacts on the Escarpment environment. Infrastructure must avoid Escarpment Natural Areas (*Policies 2.12 (1), (2), and (5)*).



3.1.6 2041 REGIONAL TRANSPORTATION PLAN: FOR THE GREATER TORONTO AND HAMILTON AREA

In March 2018, Metrolinx, an agency of the Province of Ontario, released the 2041 Regional Transportation Plan: For the Greater Toronto and Hamilton Area. This plan is an update to a previous regional transportation plan, The Big Move: Transforming Transportation in the Greater Toronto and Hamilton Area (GTHA), which was released in 2008. The Plan provides a blueprint for creating an integrated, multi-modal regional transportation system within the GTHA that is efficient, equitable and user-focused. It includes actions, supporting policies and an investment strategy to finance the regional transportation system over the short and long term.

A number of projects are identified in the plan as completed, under development, and in the planning stages. Two of the projects identified as being in the planning stages are a Dundas BRT and a Dundas West Priority Bus. The Dundas BRT is described as a BRT route from Kipling Station in Toronto to Bronte Road in Oakville. The Dundas West Priority Bus is described as a continuation of this route from Oakville to Brant Street in Burlington.

Currently, these projects are in the early planning stages. Metrolinx is completing a business case study which is considering extending this BRT and/or priority bus route through Waterdown and possibly as far as McMaster University. If implemented, this route would travel through the Waterdown Community Node Secondary Plan study area, providing a transit linkage to Burlington and other communities further east, including Toronto. A priority bus between Waterdown and downtown Hamilton is also listed as a future project to occur within the time horizon of the Plan.



3.2 MUNICIPAL PLANNING FRAMEWORK

3.2.1 OUR FUTURE HAMILTON



The City of Hamilton released an updated community vision in the spring of 2016, entitled “Our Future Hamilton”. Our Future Hamilton is a strategic document that defines the expectations of the City’s residents for the next 25 years in 6 priority areas. These priority areas include: Community Engagement and Participation; Economic Prosperity and Growth; Healthy and Safe Communities; Clean and Green; Built Environment and Infrastructure; and Culture and Diversity. The strategy also provides 88 key directions, 226 community-suggested actions, and 57 signs of success to guide long term planning and the City’s decision making and strategic planning processes. The Our Future Hamilton community vision was created using input from over 54,000 people who collectively represented Hamilton’s residents, businesses, institutions and stakeholders. The Waterdown Community Node Secondary Planning process will be consistent with the vision and directions of Our Future Hamilton, and will play a role in achieving the vision over the long term.

3.2.2 CITY OF HAMILTON CORPORATE STRATEGIC PLAN 2016-2025

On June 1, 2016, City of Hamilton Council approved a new corporate Strategic Plan for the City of Hamilton. The themes of the 2016–2025 Strategic Plan align to the priorities identified by the 54,000 citizens that participated in creating Our Future Hamilton, the City’s 25-year community vision. The strategic plan helps the organization envision what the City wants to become, and to define its focus and set a common direction. The City’s Strategic Plan is as follows:

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

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

Our Priorities:

- 1. 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.
- 2. Economic Prosperity and Growth:** Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.
- 3. Healthy and Safe Communities:** Hamilton is a safe and supportive city where people are active, healthy and have a high quality of life.
- 4. Clean and Green:** Hamilton is environmentally sustainable with a healthy balance of natural and urban spaces.
- 5. Built Environment and Infrastructure:** Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.
- 6. Culture and Diversity:** Hamilton is a thriving, vibrant place for arts, culture, and heritage where diversity and inclusivity are embraced and celebrated.
- 7. Our People and Performance:** Hamiltonians have a high level of trust and confidence in their City government.

The Secondary Plan for the Waterdown Community Node will be contribute to achieving the vision of the City's Strategic Plan.

3.2.3 GROWTH RELATED INTEGRATED DEVELOPMENT STRATEGY (GRIDS), 2006

The Growth Related Integrated Development Strategy (GRIDS) was an integrated planning process that determined a land use structure, economic development strategy, and financial strategy for future growth in the City to the year 2031. This strategy integrated land use, transportation, water, wastewater and stormwater planning into one project. The various component studies included:

- A City-Wide Transportation Master Plan
- A Stormwater Management Master Plan
- A Water/Wastewater Master Plan

These studies provided the framework for future land use decision making while considering the interrelationships between various types of infrastructure. The results of the GRIDS process and its supporting studies were used to inform the development of the City's Urban Hamilton Official Plan.

The preferred land use structure identified in GRIDS for the urban area of Hamilton was a nodes and corridors structure. A hierarchy of nodes was identified throughout the City and these nodes were connected by corridors. Node and corridors were identified as strategic areas for intensification within the City. The nodes and corridors were further refined and land use policy direction established in the Urban Hamilton Official Plan. Section 3.2.4 of this report provides further details on land use policy in the Urban Hamilton Official Plan which is relevant to the Waterdown Community Node Secondary Plan study area.

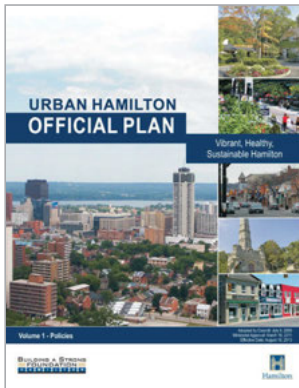
An update to the original GRIDS (GRIDS 2) commenced in 2017 and is currently underway. This update is being completed in conjunction the City's municipal comprehensive review, which is mandated by the provincial Growth Plan. As indicated above, GRIDS identified a growth strategy to allocate forecasted population and employment growth to the year 2031. In the 2017 Growth Plan, the Province released new population and employment forecasts for communities across the Greater Golden Horseshoe to the year 2041. The forecasts for Hamilton project an increase of 40,000 jobs and 100,000 people between 2031 and 2041. As such, GRIDS must be updated to allocate the additional jobs and persons beyond 2031 (to 2041) and to determine the impact on master infrastructure plans.



GRIDS 2, together with the updates to the Transportation and Infrastructure Master Plans, will be a critical input into the Development Charges update in 2019. GRIDS 2 will identify where intensification/redevelopment should be focused, how much growth needs to be accommodated in existing built up areas, such as the Waterdown Community Node area, and future urban boundary expansion areas required to accommodate additional growth. In addition, GRIDS 2 will form the basis for the future Rural and Urban Hamilton Official Plan updates in accordance with Provincial planning requirements.



3.2.4 URBAN HAMILTON OFFICIAL PLAN



In 2009 City Council adopted the Urban Hamilton Official Plan (UHOP). The UHOP is a document which provides direction and guidance on the management of our communities, land use change and physical development to the year 2031. An update to the UHOP to provide guidance to the year 2041 will be developed as part of the City’s next Municipal Comprehensive Review, which is currently underway.

3.2.4.1 VOLUME 1 SCHEDULES AND APPENDICES

The Schedules and Appendices in Volume 1 of the Secondary Plan provide the following information about the Waterdown Community Node Secondary Plan study area:

TABLE 1: VOLUME 1 SCHEDULES AND APPENDICES

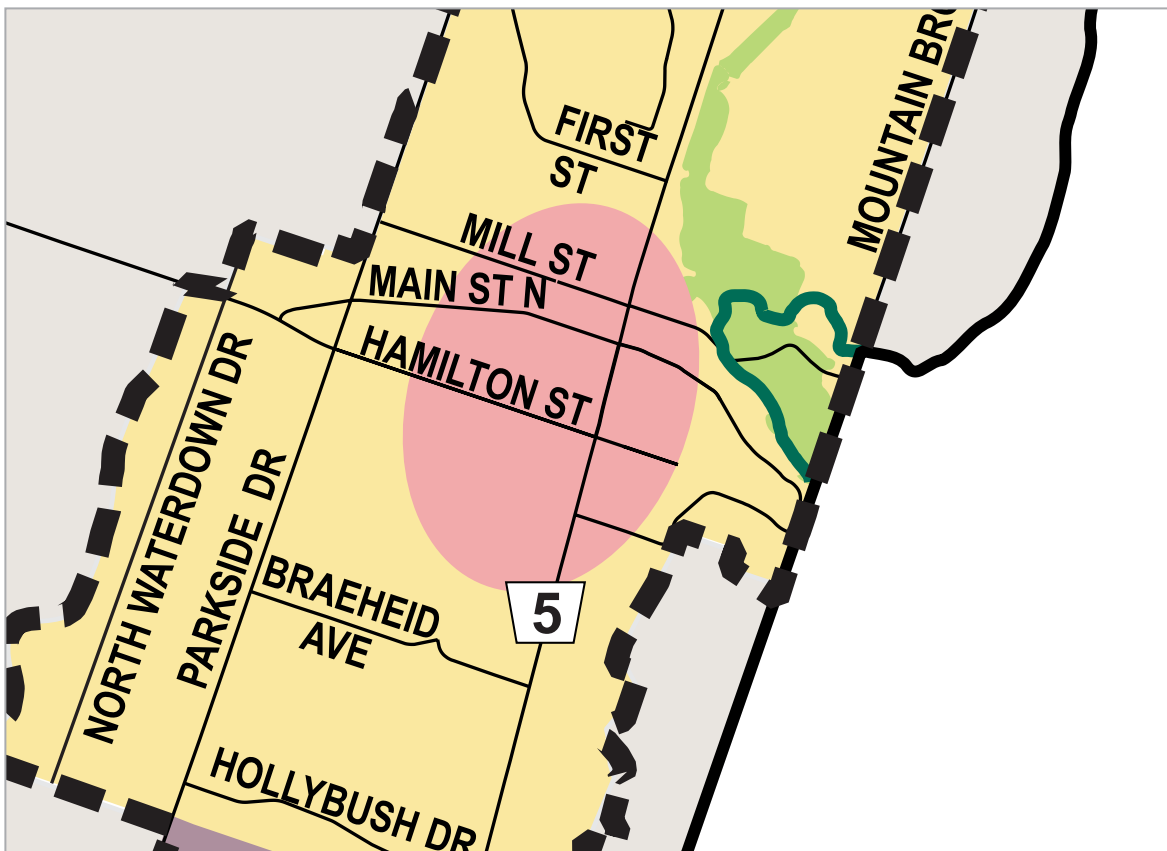
Schedule/Appendix	Title	Details
A	Provincial Plans	Lands east of Hamilton Street and south of Dundas Street are identified as being designated "Urban Area" within the Niagara Escarpment Plan.
B	Natural Heritage System	Waterdown Memorial Park and Sealy Park are identified as Parks and General Open Space. Rockcliffe Gardens is identified as a linkage. One parcel of land at the southerly boundary of the study area, on the east side of Hamilton Street, is identified as a Core Area
B-2	Detailed Natural Heritage Features, Key Natural Heritage Features Significant Woodlands	The parcel of land identified as a Core Area on Schedule B is further identified as a significant woodland.
B-6	Detailed Natural Heritage Features, Local Natural Area Environmentally Significant Areas	The eastern edge of the study are, south of Dundas Street, borders a Local Natural Area Environmentally Significant Area
B-8	Detailed Natural Heritage Features, Key Hydrologic Feature Streams	There are 3 stream features which are not located within the study area, but directly abut the study area boundary. The most significant of these is Grindstone Creek, which runs along the easterly boundary of the study area.

Schedule/Appendix	Title	Details
C	Functional Road Classification	Dundas Street (Hwy 5) is a Major Arterial. Hamilton Street (north of Dundas Street) and Parkside Drive are Minor Arterials. Main Street North is a Collector.
C-2	Future Road Widenings	The following alternative right of way widths are identified: <ul style="list-style-type: none"> Dundas Street (Hwy 5) from Hwy 6 to Hamilton Street: 36.576 to 45.72 metres. Dundas Street (Hwy 5) from Hamilton Street to First Street: 20 to 22 metres. Hamilton Street from Dundas Street to Parkside Drive: 36.576 metres Mill Street from Dundas Street to Mountain Brow Road: 26.213 metres Parkside Drive east of Hamilton Street: 30.48 metres Parkside Drive west of Hamilton Street: 26.213 metres
E	Urban Structure	The study area includes a Community Node and Neighbourhoods. A Major Open Space area and a Niagara Escarpment boundary abut the south-easterly boundary of the study area.
E-1	Urban Land Use Designations	The land use designations in the study area are Neighbourhoods, Mixed Use – Medium Density, and Open Space.
Appendix A	Parks Classification Map	Waterdown Memorial Park is shown as a Community Park, Sealy Park is shown as a Neighbourhood Park
Appendix B	Major Transportation Facilities and Routes	A railway line abuts the easterly boundary of the study area.
Appendix F-1a	Area Specific Cultural Heritage Resources	A number of properties, located approximately on both sides of Mill Street are identified as part of the Mill Street Heritage Conservation District. Four properties are identified as individually designated properties. One property is identified as subject to an Ontario Heritage Trust Easement. <i>(see Section 7.0 for more details)</i>
Appendix F-4	Archaeological Potential	Most of the lands in the study area are identified as having archaeological potential
Appendix G	Boundaries Map	All of the land in the study area are identified as within the Built-up Area

3.2.4.2 URBAN STRUCTURE

Hamilton’s urban structure is a node and corridor structure that builds upon the historic structure of the amalgamated City. Other urban structure elements that are integrated with the nodes and corridors include neighbourhoods, employment areas, major activity centres and opens spaces. The core area of Waterdown around Dundas Street and Hamilton Street is identified as a Community Node in the City’s urban structure . The UHOP establishes a number of principles around the node and corridor urban structure (*Policy E.2.1, Volume 1*):

- Nodes and corridors are the focus of reurbanization activities;
- Nodes and corridors provide focal points of activity for Hamilton’s local communities and neighbourhoods;
- Nodes and corridors are connected to each other and are internally served by various modes of transportation;
- Nodes and corridors provide a vibrant pedestrian environment and facilitate active transportation through careful attention to urban design; and,
- Nodes and corridors evolve with higher residential densities and mixed use developments to achieve their planned functions and support transit.



A Community Node is described in the Official Plan as a mixed use environment providing access to housing, employment, services and recreation in close proximity to each other and transit (*Policy E.2.3.3.2*). Community nodes are intended to have a commercial function, providing community scale retail stores and services to the residents within the Node and surrounding neighbourhoods (*Policy E.2.3.3.3*). They are also intended to provide an employment function consisting primarily of employment in retail, services, local institutions and government services (*Policy E.2.3.3.4*).

Policy E.2.3.3.11 states that: "Detailed secondary plans shall be undertaken for Community Nodes to establish boundaries and provide greater direction on mix of uses, heights, densities, built form and design." This policy requires that a Secondary Plan be created for the Waterdown Community Node area. The development of a Secondary Plan must be consistent with the policies for Community Nodes outlined in the UHOP.

A refinement of the boundaries for the Community Node will be established as part of the Waterdown Community Node Secondary Plan Study. The existing density of the Waterdown Community Node study area is estimated to be approximately 49 persons and jobs per hectare.

Community Nodes are generally planned to achieve a target density of a 100 persons and jobs per hectare (*Policy E.2.3.3.7*). They are planned to accommodate some residential intensification over time, however the location, scale and amount of intensification is to be established through detailed secondary plans (*Policy E.2.3.3.8*). While the Community Node in Waterdown is subject to these policies, *Policy 2.3.3.12* also states that notwithstanding the target of 100 persons and jobs per hectare, some Community Nodes may be developed as lower intensity nodes appropriate to the character of their adjacent neighbourhoods, or to other infrastructure or transportation constraints. Specifically, *Policy E.2.3.3.12 b)* states that intensification shall not be permitted in the Waterdown Community Node until infrastructure and transportation constraints have been alleviated.

The UHOP also provides policy direction for the design of Community Nodes, which will need to be addressed as part of the Waterdown Community Node Secondary Plan. Community Nodes must be planned to have a strong pedestrian focus (*Policy E.2.3.3.13*). Within historic downtown areas, this focus is often already established; however opportunities to enhance the pedestrian focus should be identified (*Policy E.2.3.3.14*). To help achieve a pedestrian supportive environment, "Pedestrian Focus" streets must be identified in each Community Node, where buildings must be built to the street line with store fronts and active uses opening onto the street (*Policy E.2.3.3.16*). The following UHOP policies provide additional design direction for Community Nodes, which should be considered as part of the Waterdown Community Node Secondary Plan Study.

- E.2.3.3.18** *New development shall respect the existing built form of adjacent neighbourhoods by providing a gradation in building heights and by locating and designing new development to minimize the effects of shadowing and overview on properties in adjacent neighbourhoods.*
- E.2.3.3.19** *Streets within the Community Nodes shall be designed to provide strong pedestrian linkages and active transportation opportunities between the surrounding Neighbourhoods and the Nodes.*
- E.2.3.3.20** *Automobile access will continue to be important to Community Nodes but it shall be balanced with the need to improve pedestrian and transit access and opportunities for active transportation.*
- E.2.3.3.21** *Parking shall be provided through on-street parking, in parking structures, and in surface lots to the rear or sides of commercial buildings.*
- E.2.3.3.22** *Reductions in parking requirements shall be considered in order to encourage a broader range of uses and densities to support transit."*

3.2.4.3 LAND USE DESIGNATIONS

Map 5 shows the land use designations for the study area, from Schedule E-1 – Urban Land Use Designations, of the UHOP. Table 2 highlights the specific designations applicable to the Waterdown Community Node area along with their role/function, permitted uses and scale/design. The UHOP provides high-level land use designations for the area. The Secondary Plan study will establish more detailed land use designations.

In addition to the land use designations, there are also two site specific policy areas within the study area:

Site Specific UFN-1, 609 Hamilton Street North:	In addition to the uses permitted in the Neighbourhoods Designation, a bulk petroleum fuel depot with associated office and warehouse facilities and an automobile service station is also permitted.
Site Specific UFC-1, 61 Hamilton Street North:	In addition to the uses permitted in the Mixed Use – Medium Density Designation, the existing building and lumber supply establishment is also permitted.

3.0 PLANNING POLICY CONTEXT

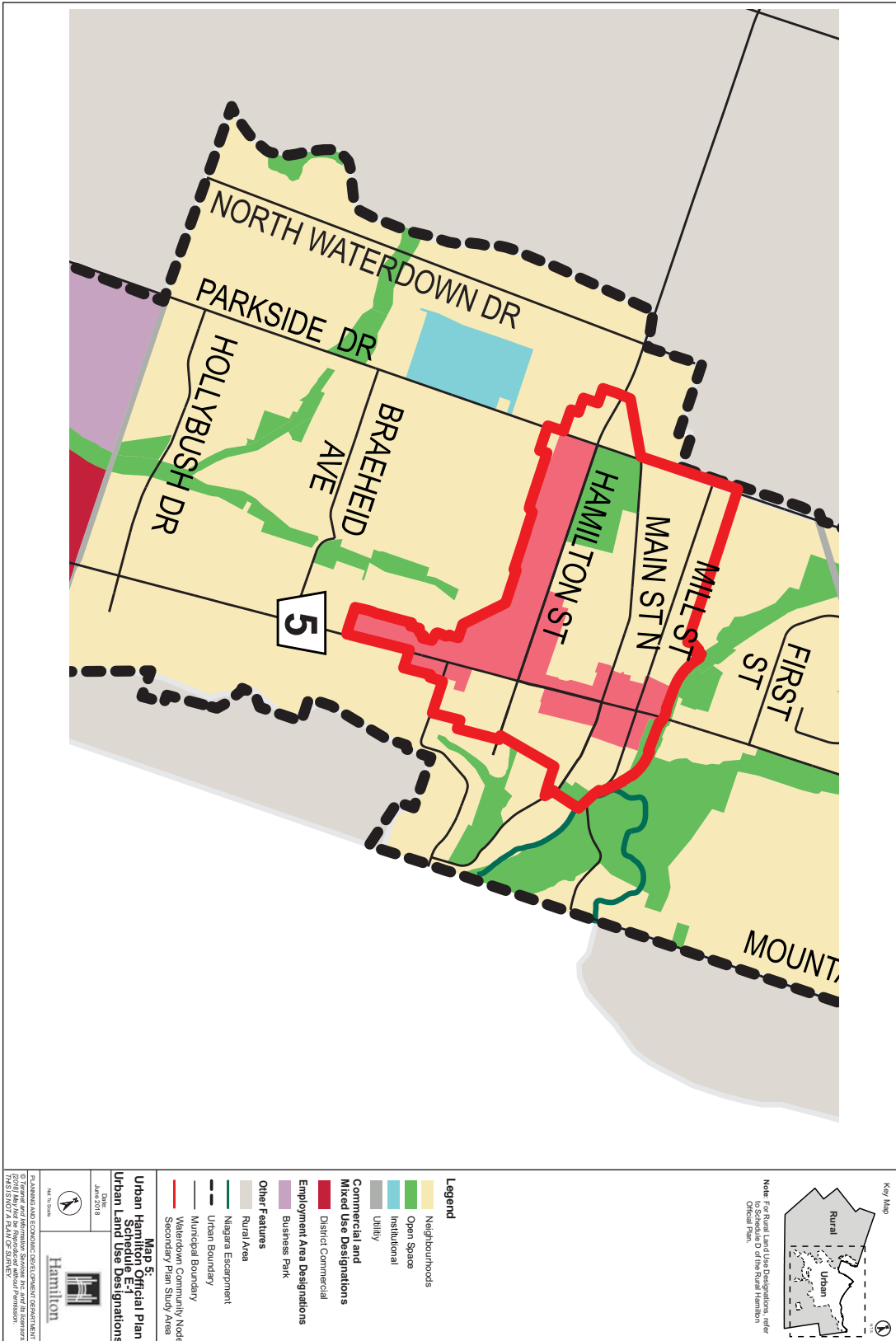
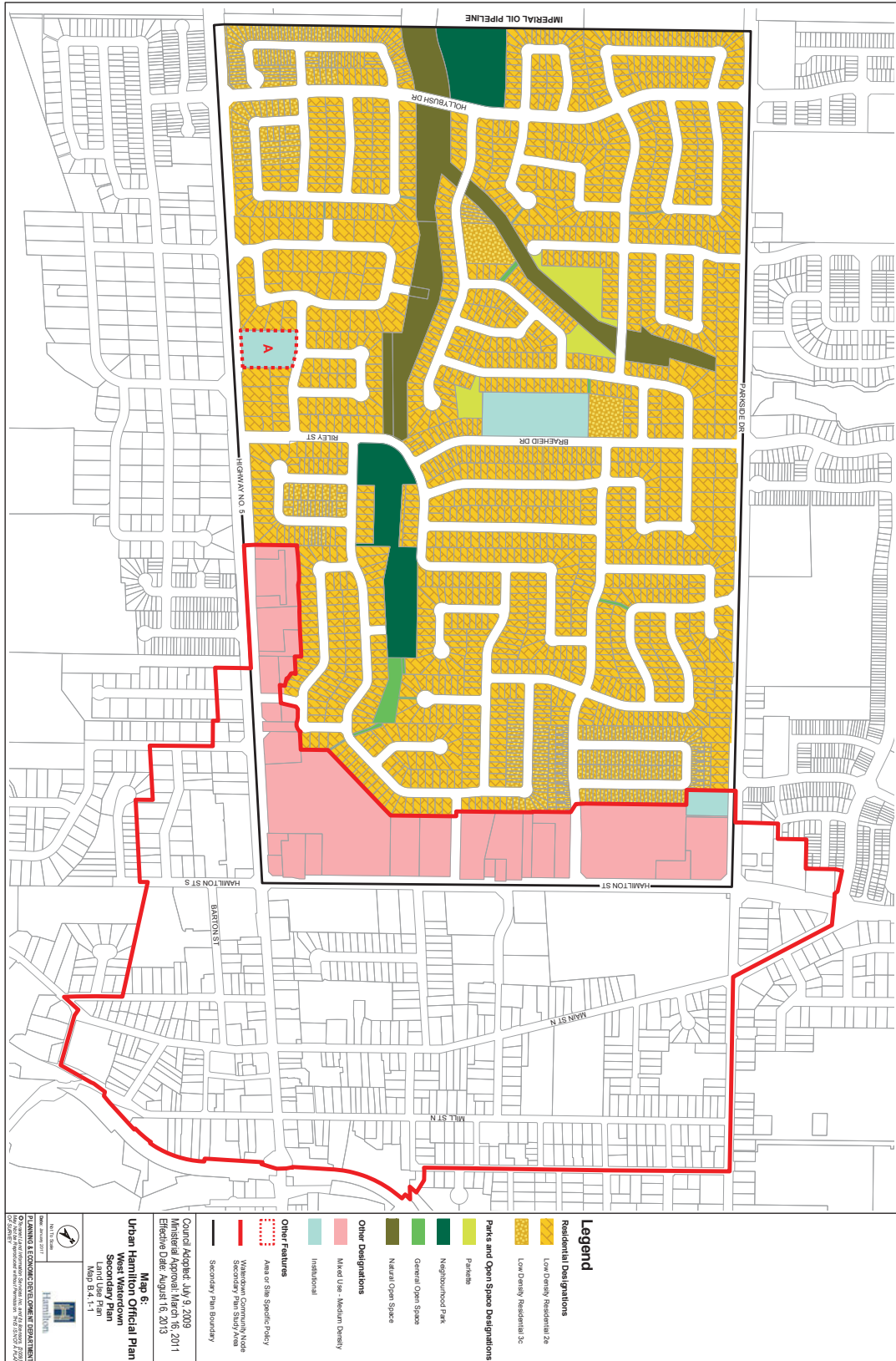


TABLE 2: URBAN HAMILTON OFFICIAL PLAN DESIGNATIONS

Land Use Designation	Role/Function	Permitted Uses	Scale /Design
Neighbourhoods	<ul style="list-style-type: none"> Function as complete communities, all types of residential dwellings with supportive uses 	<ul style="list-style-type: none"> Residential dwellings (all densities and types), open space, local community facilities and local commercial 	<ul style="list-style-type: none"> Applies to areas greater than 4 ha Maintain existing character, intensification must be compatible Supporting uses should be clustered to create a focal point and to facilitate access to transit Areas should be pedestrian oriented
Commercial Mixed Use – Medium Density	<ul style="list-style-type: none"> Serves the surrounding community of neighbourhoods Applied to traditional 'main street' commercial areas Evolve over time to become compact mixed use people places 	<ul style="list-style-type: none"> Commercial uses (retail, office, restaurants live work, personal services etc.) Institutional uses Arts, cultural and entertainment Residential and accommodation Prohibits many auto oriented uses (drive throughs, gas bars and car washes on Pedestrian focus streets, vehicle dealerships) 	<ul style="list-style-type: none"> Applies to areas greater than 4 ha Range of heights and densities with a max of 6 storeys but up to 8 storeys if certain condition are met Predominately low and mid-rise buildings Good integration with existing neighbourhood areas
Open Space	<ul style="list-style-type: none"> Public or private areas intended for conservation recreation or opens space uses 	<ul style="list-style-type: none"> Parks, publicly owned community/rec centres, pedestrian pathways and cemeteries 	<ul style="list-style-type: none"> Applies to lands larger than 4 ha more specific parks designation is detailed in secondary plans and in Appendix A of the UHOP

3.0 PLANNING POLICY CONTEXT

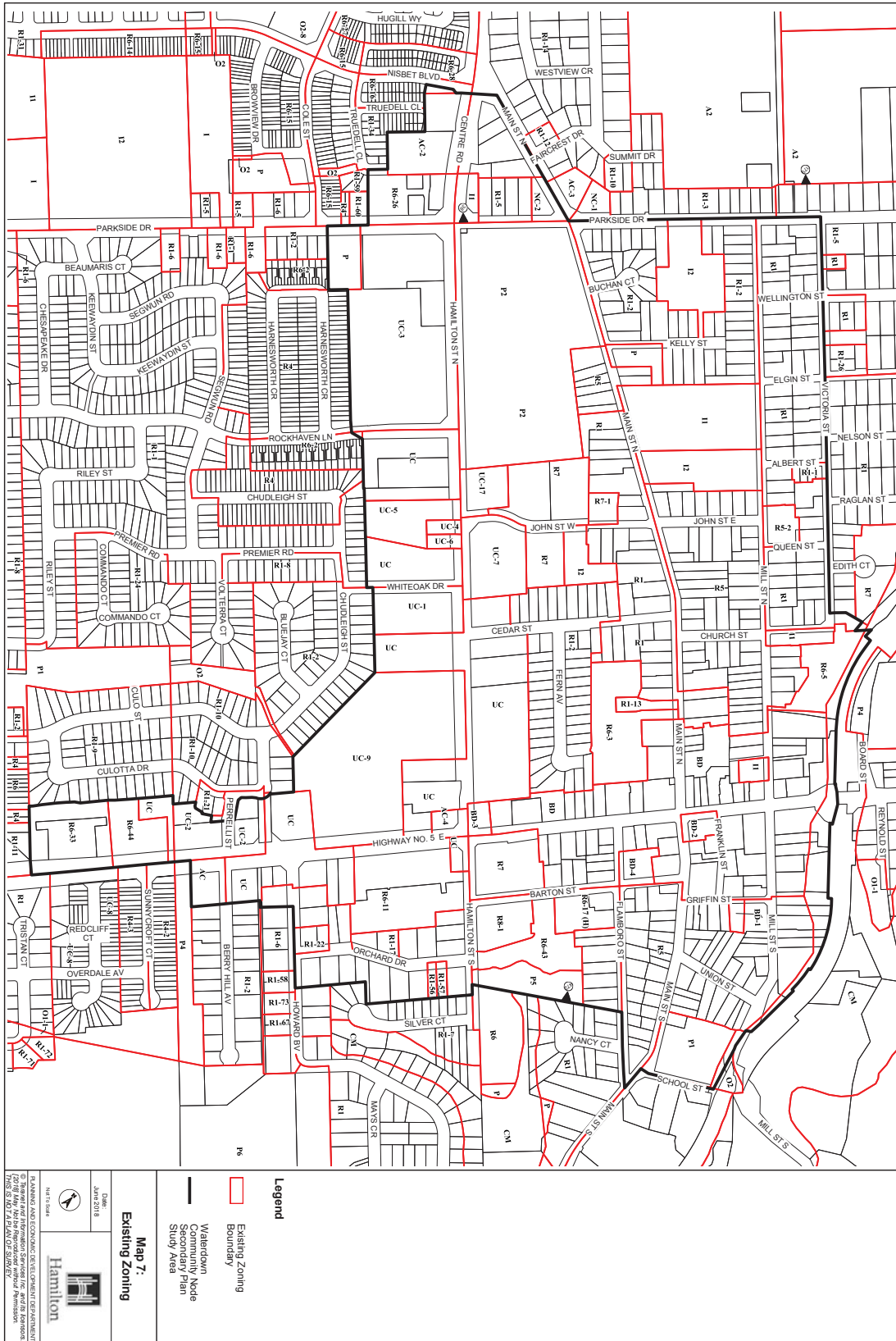


3.2.4.4 WEST WATERDOWN SECONDARY PLAN

The West Waterdown Secondary Plan is bordered by Parkside Drive to the north, an Imperial Oil pipeline to the west, Highway No. 5 to the south, and Hamilton Street to the east. A small portion of the Secondary Plan overlaps with the Waterdown Community Node Secondary Plan study area as shown on *Map 6*. The lands which overlap are primarily designated Mixed Use – Medium Density and form part of the Waterdown Community Node. The Waterdown Community Node Secondary Plan Study will review the lands from the West Waterdown Secondary Plan which are located in the study area. The Study may potentially recommend the removal of lands from the West Waterdown Secondary Plan, if they are proposed to be incorporated into the Waterdown Node Secondary Plan.



3.0 PLANNING POLICY CONTEXT



3.2.5 ZONING BY-LAWS

The land use zoning in the Waterdown Community Node area is a combination of the existing zoning from the former Town of Flamborough Zoning By-law (90-145) and some of the new comprehensive Zoning By-Law (05-200), which applies to parks, open space and institutional uses.

Existing zoning is shown on *Map 7*. In the future, all lands will be zoned under Zoning By-law 05-200, however updated zoning is being implemented in stages based on land use categories, and currently only parks, open space and institutional uses are zoned under the new By-law 05-200. Additional future zoning within the Waterdown Community Node will need to be consistent with the Secondary Plan.



3.2.5.1 COMMERCIAL MIXED USE (CMU) ZONING

To implement the commercial policies of the City's Urban Hamilton Official Plan (UHOP), staff have developed proposed Commercial and Mixed Use (CMU) Zones for all of the urban areas of the City that are outside the downtown Urban Growth Centre. This Zoning has been approved by Council, but is currently under appeal. These zones will be incorporated into Zoning By-law No. 05-200 when they become final.

The proposed zoning applies a Mixed Use Medium Density (C5) Zone to the commercial properties generally located along Hamilton Street, and a Mixed Use Medium Density (C5a) – Pedestrian Focus Zone to the commercial properties in the historic downtown portion of Waterdown.

The proposed CMU Zones support residential and commercial intensification and development, contribute to city building, and remove regulatory barriers for new investment and/or redevelopment opportunities in accordance with the City's Open for Business mandate.

3.3 OTHER CITY PLANS, STUDIES AND INITIATIVES

In addition to the Urban Hamilton Official Plan, several other existing plans, studies and ongoing initiatives in the City are relevant to the study area and may have policy implications for the Waterdown Community Node Secondary Plan. The Secondary Plan will ensure that it aligns with other approved policies and plans in the City, and every effort will be made to align with other ongoing City studies or initiatives that may affect the study area. The following plans and studies are relevant to the Secondary Plan study area:

- Hamilton Transportation Master Plan, 2018
- Rapid Ready: Expanding Mobility Choices in Hamilton, 2013
- Waterdown/Aldershot Transportation Master Plan, 2008
- New Waterdown Transportation Master Plan, ongoing
- Truck Route Master Plan, 2010
- Shifting Gears, 2009 (Cycling Master Plan)
- Transit Oriented Development Guidelines, 2010
- Transforming Hamilton Through Culture: Cultural Plan, 2013
- Step Forward: Hamilton Pedestrian Mobility Plan, 2012
- Hamilton Recreational Trails Master Plan, 2016

3.3.1 HAMILTON TRANSPORTATION MASTER PLAN (2018)

In 2007, the City completed a City Wide Transportation Master Plan, which contains policies and strategies for the City's transportation network over the next 30 years. The transportation network includes roads, transit, cycling, and walking facilities, public parking and the City's connections to marine and aviation facilities. The plan supported the development of the City's Urban and Rural Official Plans and serves as a support document for the City's capital budgeting and its long-range strategic planning. The overriding transportation strategy of the Plan relies on active transportation (walking, cycling, transit etc.) before road expansion to solve transportation problems.



One component of the Transportation Master Plan is a Rapid Transit Plan for the City of Hamilton, which includes 5 routes which are intended for a future rapid transit network (B-line, L-line, A-line, S-line and T-line). This network, named the "BLAST" network, includes Waterdown as a termination point for the L line. The L line will connect downtown Hamilton to the Waterdown commercial centre via a rapid transit system. This rapid transit line is a long term priority beyond the 25 year horizon.

An update to the 2007 Hamilton Transportation Master Plan has been in progress over the last 3 years, to reflect a number of changing conditions and considerations for the transportation network in Hamilton, including a growing population and changing demographics. The final update was presented at the General Issues Committee on June

20, 2018, but has not yet received final approval from Council. The key challenge for the updated TMP is how to accommodate growth while ensuring the transportation system is able to operate efficiently and that the goals for safer roads, environmental protection, economic development and health are met. In many places roads cannot be widened further, so a different approach is needed to manage the transportation system, one that puts a greater emphasis on transit and active transportation.

The updated TMP is built around 3 desired outcomes; a sustainable and balanced transportation system, healthy and safe communities, and economic prosperity and growth. New policy areas in the TMP include connectivity, the role of the built environment (connections between land use and transportation), emerging technologies, a concept of complete livable better streets, and one to two-way street conversions. The updated plan provides a blueprint for making decisions on transportation initiatives, infrastructure investments, and program administrations, and also assists in implementing the City's Official Plan.

3.3.1.1 RAPID READY: EXPANDING MOBILITY CHOICES IN HAMILTON (2013)

Rapid Ready is a five year multi-modal transportation plan approved by Hamilton City Council in 2013. This Plan supports the 2007 City Wide Transportation Master Plan, specifically focusing on supporting the development of rapid transit services in Hamilton. The Plan speaks to improving transit around rapid transit corridors, supportive community planning, and multi-modal integration, to maximize the benefits of rapid transit.



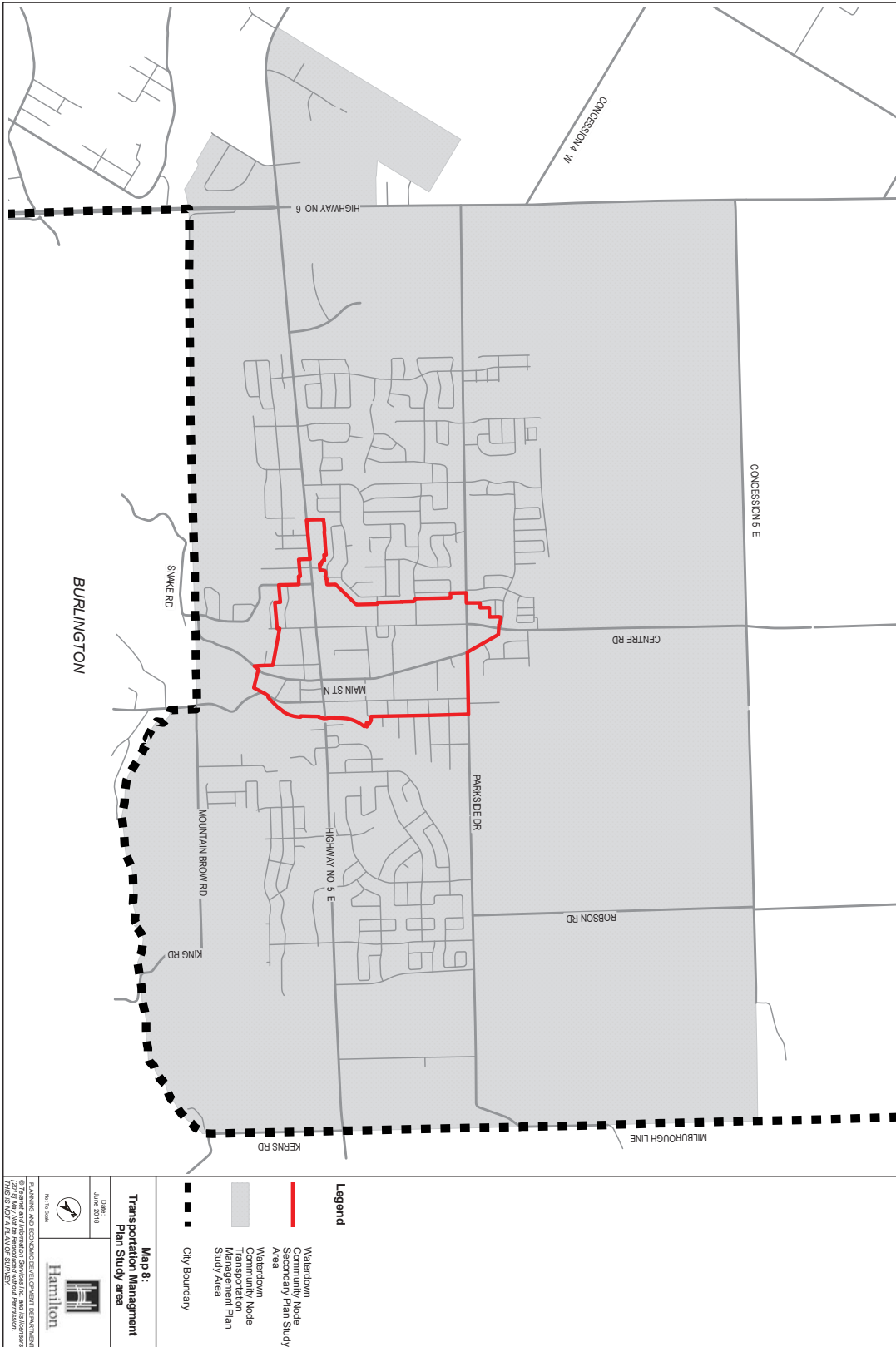
3.3.2 WATERDOWN/ALDRSHOT TRANSPORTATION MASTER PLAN (2008)

In addition to the Hamilton Transportation Master Plan, there is also a local Transportation Master Plan that has been completed for the Waterdown area. The Plan determined that both additional east-west capacity and north-south capacity was required for the area around the Village of Waterdown, to service planned urban development in the community. The Waterdown/Aldershot Transportation Master Plan identifies a more detailed future transportation network for the area and future improvements that must be made to accommodate expected traffic. While these improvements are outside of the study area, when fully implemented, they will change the traffic patterns in the area, particularly the traffic flow through downtown Waterdown.

Major recommended improvements and estimated construction timelines include:

- Widening Parkside Drive to 4 lanes from just east of Highway 6 to Evans Road (in progress, 2018 completion);
- Constructing a new east/west roadway generally between Parkside Drive and the greenbelt boundary. The roadway will start at Highway 6 and drop down to connect to Parkside Drive just west of Robson Road (one portion by developer under construction, other portion 2021 construction);
- Constructing a new north/south roadway along the east boundary of the Upcountry development area between Parkside Drive and Dundas Street (completed);
- Widening of Waterdown Road between Highway 403 and Mountain Brow Road (2020 construction);
- Widening Mountain Brow Road and linking this road with Dundas Street, through a new Road in the Waterdown South Secondary Plan area (timing unconfirmed); and,
- Widening Dundas Street between the new north/south roadway and Brant Street (in Burlington) to a six-lane cross section (construction 2019 or later, portions outside of Hamilton to be completed by City of Burlington).

3.0 PLANNING POLICY CONTEXT



3.3.3 NEW WATERDOWN COMMUNITY NODE TRANSPORTATION MANAGEMENT PLAN

Based on Council direction, a new Transportation Master Plan will be developed concurrently with the Waterdown Community Node Secondary Plan, to address traffic issues in the core area of Waterdown. The study area for this plan is substantially larger than the Waterdown Community Node Secondary Plan study area, to capture the wider transportation network that feeds into central Waterdown (*see Map 8*). The Waterdown/Aldershot Transportation Master Plan will be reviewed in detail as part of the new Waterdown Community Node Transportation Master Plan.

3.3.4 TRUCK ROUTE MASTER PLAN (2010)

The City of Hamilton has prepared a Truck Route Master Plan Study for Highways designated for heavy traffic use. Parkside Drive, Hamilton Street North and Dundas Street East are identified as truck routes in the Plan. This Plan will be reviewed and updated within the next year.



3.3.5 SHIFTING GEARS CYCLING MASTER PLAN (2009)

Shifting Gears 2009 is a Cycling Master Plan for the City of Hamilton, approved by Council in June 2009, to guide the development and operation of its cycling infrastructure for the next twenty years. The Cycling Master Plan is primarily focused on developing new on-road facilities, connecting wherever possible to existing or planned off-road facilities, as identified in the Hamilton Recreational Trails Master Plan (2007).

The Waterdown Community Node Secondary Plan study area includes 7 proposed bike lane priority areas, impacting Parkside Drive, Hwy 5/Dundas Street, Hamilton Street, Main Street, and Mill Street. Further details are outlined in Section 9.4 of this report.

3.3.6 TRANSIT ORIENTED DEVELOPMENT GUIDELINES (2010)

Transit Oriented Development (TOD) is compact, mixed use development near transit facilities with high-quality walking environments. TOD promotes increased access and transit use through mixed use development, clustering of higher densities, and providing a high level of amenities in pleasant, walkable streets. TOD is a form of development that recognizes and facilitates the important relationship between land use and transportation planning. Integrating land use and transportation (especially transit) and clustering density near transit areas are important themes in both the City's Transportation Master Plan and the Urban Hamilton Official Plan.

In August 2010 City Council adopted TOD guidelines which are intended to facilitate the integration of land use and transportation initiatives during the development review process, and when developing new land use policy such as secondary plans and corridor plans. The TOD guidelines support existing Official Plan policy. Ten principles of TOD were developed to guide what makes an area transit and pedestrian supportive. The Ten TOD Principles are:

1. Promote Place Making – Creating a Sense of Place
2. Ensuring a Mix of Uses/Appropriate Land Uses
3. Address Parking Management
4. Focus on Urban Design
5. Create Pedestrian Environments
6. Require density and Compact Urban Form
7. Respect Market Conditions
8. Take a Comprehensive Approach to Planning
9. Plan for Transit and Promote Connections (for all modes)
10. Promote Partnerships and Innovative Implementation

The Waterdown Community Node Secondary Plan will ensure that policy direction meets the intent of the guidelines. Urban Design Guidelines will also be created to support the Secondary Plan, which will complement the Transit Oriented Development Guidelines.

3.3.7 TRANSFORMING HAMILTON THROUGH CULTURE: CULTURAL PLAN (2013)

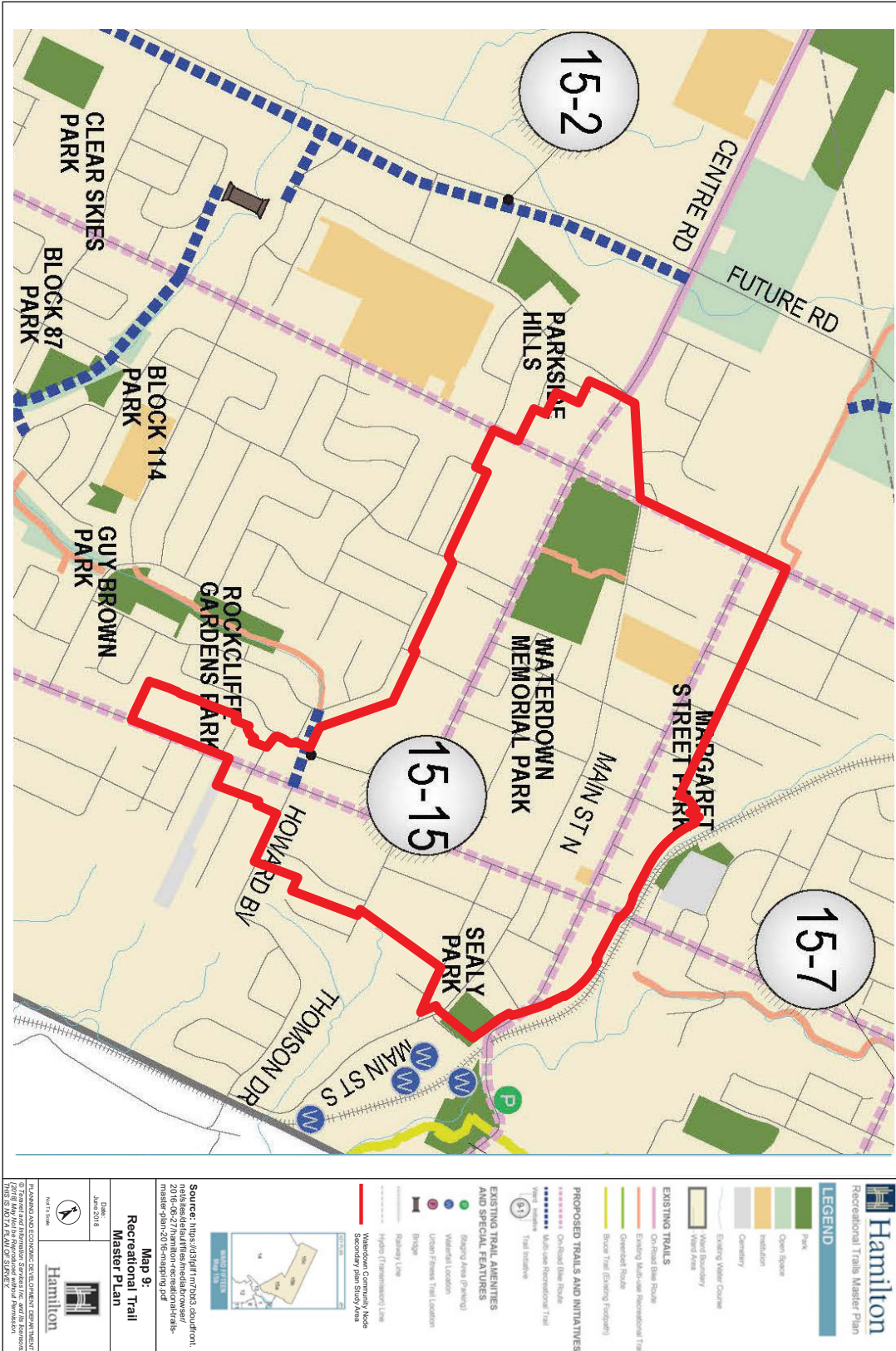
Cultural development is a tool of city-building, and fosters open, tolerant and innovative communities. The Cultural Plan, approved in 2013, has eight transformational Goals: Culture as an Economic Engine; Downtown Renewal; Quality of Life Quality of Place; Build Tourism; Neighbourhood Revitalization; Build Community Identity, Pride and Image; Encourage Welcoming Communities; and Creativity for All.

The eight transformational Goals are founded on best practice research and stakeholder input, and represent the major ways culture impacts community and city-building. Within the Cultural Plan 2013, the eight transformational Goals expand into twelve Recommendations and further into 78 Actions. The goals and recommendations of this plan will be taken into consideration when developing the Waterdown Community Node Secondary Plan.

3.3.8 STEP FORWARD: HAMILTON PEDESTRIAN MOBILITY PLAN (2012)

The Hamilton Pedestrian Mobility Plan was completed in 2012, and establishes a City-wide framework for creating sustainable, complete communities where people choose to walk. The Plan strives to achieve increased inclusive mobility, well designed and managed spaces and places for people, improved integration of networks, supportive land use and spatial planning, reduced road danger, less crime and fear of crime, more supportive site planning and engineering standards and a culture of walking. The Hamilton Pedestrian Mobility Plan has a number of implications for the Waterdown Community Node Secondary Plan process, as well as the Transportation Management Plan, which is being developed concurrently with the Secondary Plan. The Secondary Plan will adhere to the policies of this Plan and strive to be supportive of pedestrian needs through supportive land use planning and creating well designed spaces and places.

3.0 PLANNING POLICY CONTEXT



3.3.9 RECREATIONAL TRAILS MASTER PLAN (2016)

The City of Hamilton’s Recreational Master Plan is a guide for the development of connected, comprehensive, accessible and sustainable multiuse trails network throughout the City and to surrounding communities to improve health and wellness for pedestrians, cyclists and trail users.

The Recreational Trails Master Plan identifies a number of existing trails in the Waterdown Community Node Secondary Plan study area, as well as proposed on-road bike routes, and one proposed multi-use recreational trail providing a connection from Dundas Street (Hwy 5) to an existing trail in Rockcliffe Gardens Park (*see Map 9*).

3.4 KEY POLICY CONSIDERATIONS

The existing policy framework detailed in this report documents existing policy and plan directions for the Waterdown Community Node Secondary Plan Study area. Based on these directions, the following key considerations will be addressed through the Secondary Plan process:

- Alignment with the policies of Provincial Plans, the Urban Hamilton Official Plan, and the goals and objectives of other City initiatives, Plans and standards;
- Provision of a commercially supportive, mixed use environment with access to housing, employment, services and recreation in close proximity to each other;
- Ensuring a coherent and supportive relationship between land uses, building types and the public realm; and,
- Ensuring the transportation system is able to operate efficiently and that the goals for safer roads, environmental protection, economic development and health are met.



4.0 DEMOGRAPHICS



4.0 DEMOGRAPHICS

A demographic profile for Ward 15 was created by Community Services and Geographic Information Staff and includes both the urban and rural area of Flamborough (see *Appendix 1*). This information has been referenced as part of the background research done on the Waterdown Community Node. It is important to consider a larger area when reviewing demographic information related to the project to ensure the best representation of the study area is provided.

The population of Ward 15 is approximately 25,495 (2011, Census), which is approximately 5% of the overall population of the City of Hamilton. Between 2006 and 2011 the Ward experienced a population increase of 1.7%. The population is projected to continue to increase by 15,281 persons between 2011 and 2031 before becoming relatively stable. A few demographic trends in Ward 15 are highlighted below:

- There is a higher proportion of couples (both married and common-law) with children than without children in the Waterdown area, in comparison to the City;
- the most common ancestries in Ward 15 are English, Canadian and Scottish;
- the 2011 unemployment rate in Ward 15 is lower than in Hamilton overall (4.6% vs. 8.7%).
- the most common occupation in Ward 15 is sales and service;
- the population of households in the over \$100,000 income bracket is much higher in Ward 15 than in Hamilton.



In addition to the ward profile, a more detailed review of demographic data was completed specific to the Waterdown Community Node study area (WCNSA). The geography of the proposed Waterdown Community Node is relatively small in comparison to the whole of Ward 15, and the boundary of the Secondary Plan area does not follow boundaries of the Canadian Census geographic units. Therefore, to obtain data for this report, planning unit data has been used to more closely match the boundaries of the study area (see *Map 10* for exact dissemination areas). The data for the tables and figures are an approximation of the profile of the WCNSA.

4.1 POPULATION

Table 3 highlights the population of the WCNSA, in comparison with the Flamborough (Ward 15) and Hamilton areas. The WCNSA has seen a small increase in recent population numbers. The population has increased by a total of 3 percent, which is consistent with the growth rate for the rest of Hamilton.

TABLE 3: POPULATION OF THE WCNSA, FLAMBOROUGH AND HAMILTON

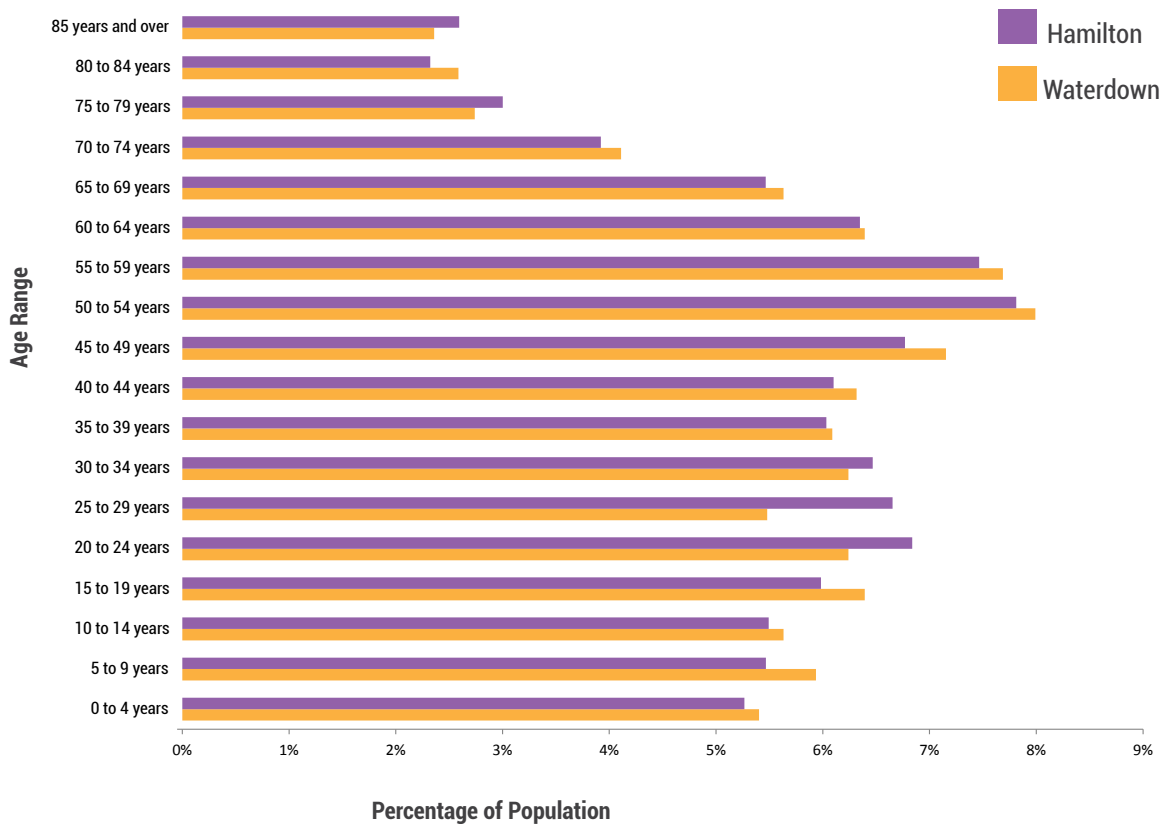
Year	WCNSA	Ward 15 Total	Hamilton Total
2011	6,375	25,945	519,950
2016	6,562	Not available	536,915
Change	+187	Not available	+16,965
%	3%	Not available	3%



4.0 DEMOGRAPHICS

Figure 1 shows the age cohorts of the population in Waterdown compared to the City of Hamilton. There is a slightly higher ratio of females than males in the area, with the median age of the population being 42.3 years, which is slightly higher than the median age of Hamilton of 41.5 years. In the Waterdown Community Node study area, 81.8% of residents are over the age of 15. The age cohort information shows that Waterdown has a greater proportion of people aged 0 to 19 and 35 to 74 than Hamilton, and a lower proportion of people in the 20 to 34 age range and in some of the ages greater than 74 years. This is indicative of a larger number of households with children in the WCNSA. The overall trend is similar to Hamilton, in that there is a large portion of the population in the 45 to 65 year age range.

Figure 1: POPULATION BY AGE GROUP (2016)



4.2 IMMIGRATION

A small but significant portion (approximately 14%) of the population in the WCNSA is comprised of immigrants. Immigrants in the study area are mainly of European descent which is consistent with the overall trend in Hamilton.

The top three ethnicities of immigrants in Ward 15 are English, Canadian and Scottish. *Figure 2* highlights the duration of time immigrants in the study area have been living in Canada.

Figure 2: DURATION OF TIME IMMIGRANT POPULATION HAS BEEN IN CANADA

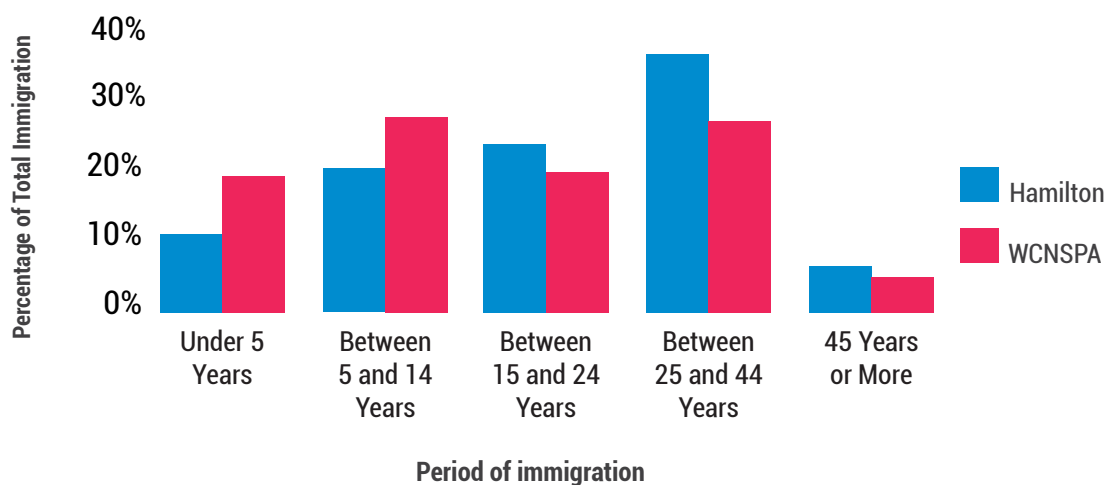


Figure 2 shows that a larger proportion of the total number of immigrants in Waterdown are recent immigrants, in comparison with the rest of Hamilton, indicating that the WCNSA tends to be a strong destination for recent immigrants.



4.3 MIGRATION

The Waterdown Community Node study area has slightly less movement of people in and out of the area than the Hamilton average. Within the area, approximately 66 % of residents have not moved over the last five years.

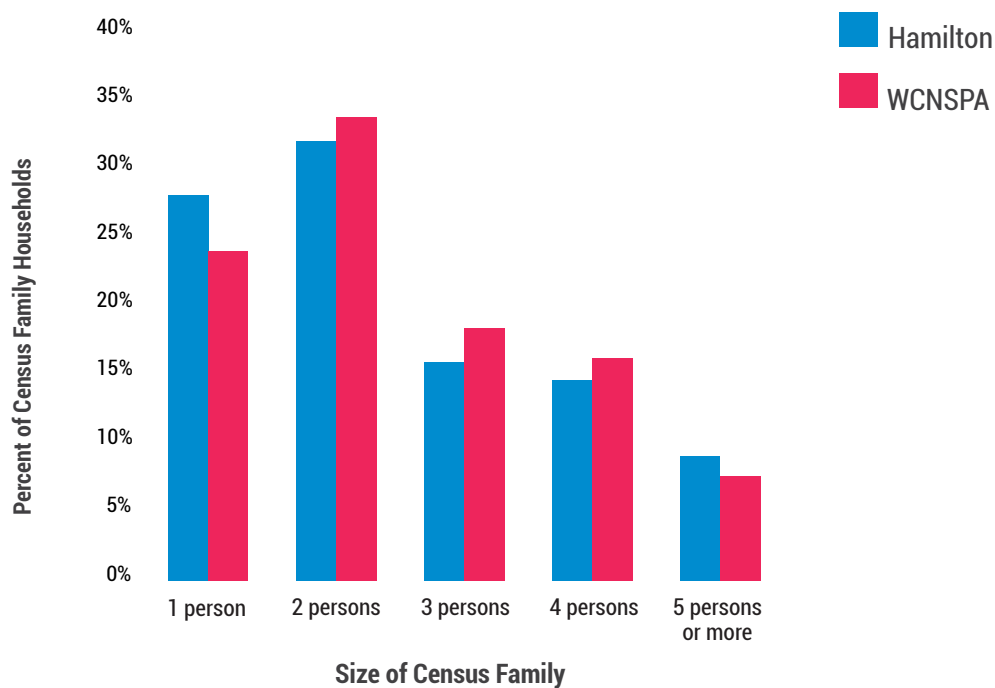
TABLE 4: MOBILITY IN THE LAST 5 YEARS (2016)

Mobility	WCNSA (2016)	Ward 15 (2011)	Hamilton (2016)
Total	6,075	24,050	499, 655
Non-movers	3,995 (65.8%)	16,910 (70.3%)	320, 160 (64.1%)
Movers	2,075 (34.2%)	7,130 (29.6%)	179, 495 (35.9%)

4.4 HOUSEHOLD SIZE

The size of households is detailed in *Figure 3*. One and two person households comprise the largest group in the WCNSA area, at 58% of all households. Households with 2 – 4 people are more common in the WCNSA compared to Hamilton, while single person households and those with 5 or more people are less common.

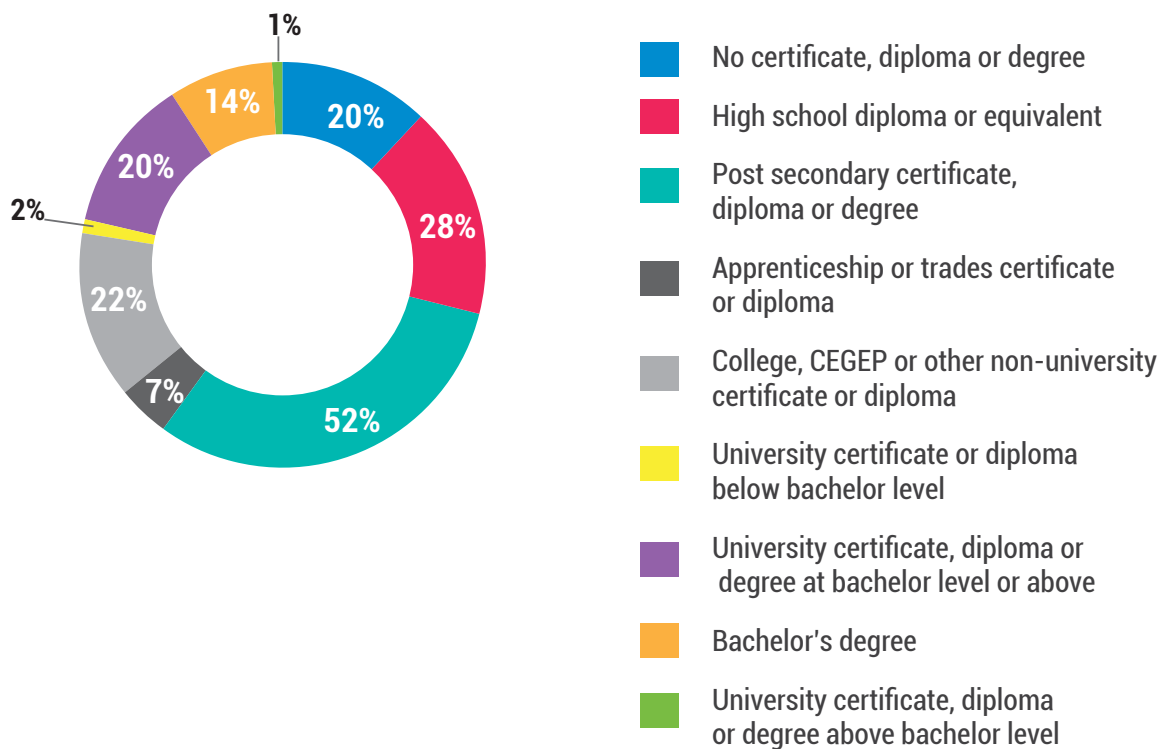
Figure 3: PERSONS PER HOUSEHOLD (2016)



4.5 EDUCATION

The level of education is summarized in *Figure 4*. Overall, the Waterdown Node area is a well-educated population. The proportion of residents who have a college or university certificate, diploma or degree is higher in WCNSA than in the City of Hamilton.

Figure 4: POPULATION BY HIGHEST CERTIFICATE, DIPLOMA OR DEGREE



4.6 INCOME, OCCUPATIONS AND EMPLOYMENT ACTIVITY

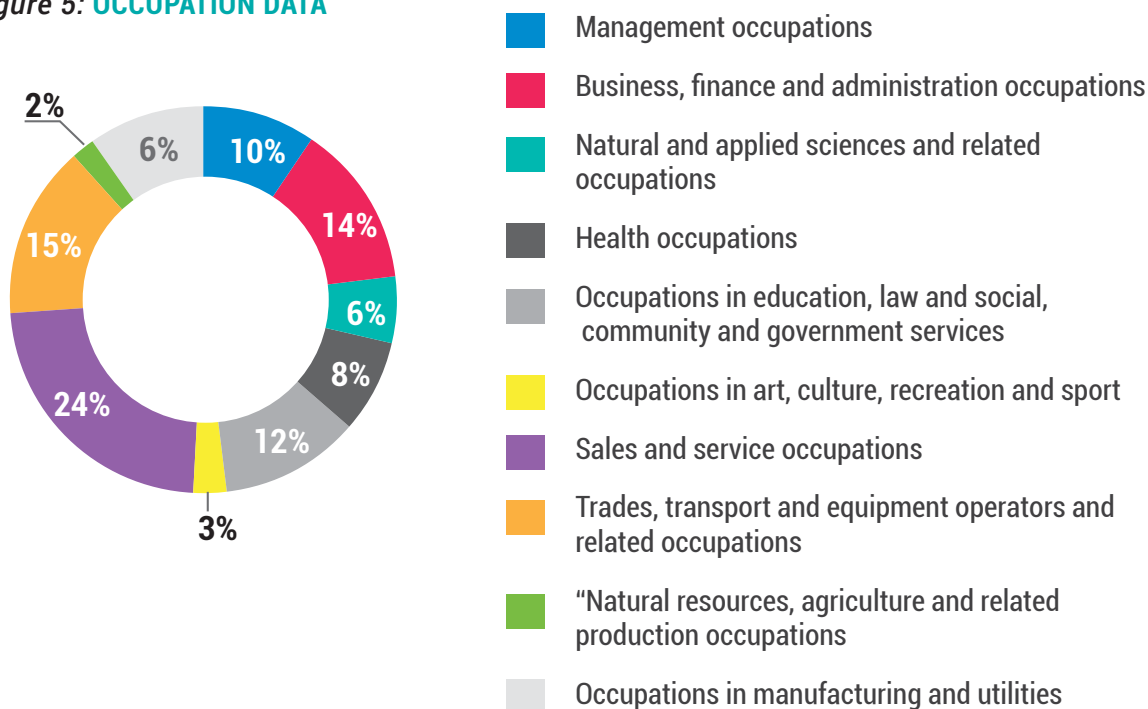
The average household income in the WCNSA is just over \$100,000, higher than average for the City of Hamilton. See *Figure 5* and Tables 5 and 6 for data on Income, Occupation and Employment.

TABLE 5: HOUSEHOLD INCOME DISTRIBUTION

Household Income	WCNSA (2016)	Ward 15 (2011)	Hamilton (2016)
Total	2545 (100%)	8950 (100%)	211,595 (100%)
\$ 0 to \$ 29,999	330 (13%)	755 (9%)	39,530 (19%)
\$ 30,000 to \$ 59,999	475 (18%)	1545 (17%)	52,860 (25%)
\$ 60,000 to \$ 99,999	580 (22%)	2145 (24%)	51,885 (24%)
\$ 100,000 and over	1,195 (47%)	4495 (50%)	67,325 (32%)
Average Household Income	\$118,198	\$118,084	\$87,775

Occupation data for the labour force (aged 15 years and older) tells us that the most common occupation of residents is individuals who work in the sales and service sector, followed by trades, transport and equipment operators; business, finance and administration; and occupations in education, law and social community and government services.

Figure 5: OCCUPATION DATA



The WCNSA area has higher participation and employment rates than that of the City of Hamilton, as well as a lower unemployment rate. Participation is defined as the percentage of the population who are in the labour force. Those who are employed are those who have a job within the labour force. Finally, those who are unemployed are those without work.

TABLE 6: EMPLOYMENT ACTIVITY

Employment Data	WCNSA (2016)	Ward 15 (2011)	Hamilton (2016)
Employed (In the Labour Force)	71%	73%	259,065 (59%)
Unemployed (In the Labour Force)	68%	69%	19,575 (4%)
Not in the Labour Force	3%	4%	162,410 (37%)

4.7 DWELLING TYPE

Figure 6 shows the distribution of dwelling types by household in the study area. The most prevalent type of dwelling in Waterdown is the single detached house. This is similar to the City of Hamilton. The proportion of single detached homes is actually lower in the WCNSA than the rest of the City, however other ground oriented forms of housing such as semi-detached and row housing are slightly more common. Semi-detached dwellings are the second most common dwelling type.

Figure 6: PERCENTAGE OF DWELLING TYPES (2016)

4.8 TENURE TYPE

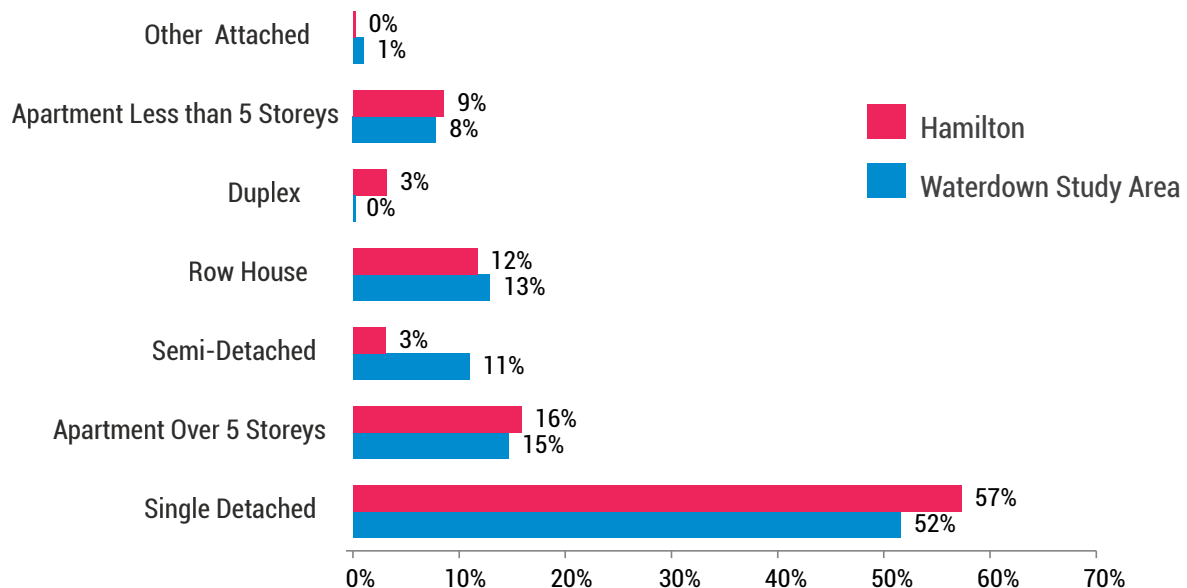


Table 7 shows the housing tenure in the study area, Ward 15 and the City. The study area has a higher percentage of owner occupied dwellings than the rest of the City, yet not as high as Ward 15.

TABLE 7: TENURE TYPE

Tenure Type	WCNSA (2016)	Ward 15 (2011)	Hamilton (2016)
Owner	1,905 (75%)	8,010 (89.5%)	143,055 (68%)
Tenant	655 (25%)	935 (10.5%)	68,545 (32%)
Total	2,550 (100%)	8,950 (100%)	211,595 (100%)

4.9 AGE OF HOUSING STOCK

The age of housing stock in the study area is shown in *Table 8* and *Map 11*. A significant portion of WCNSAs housing was built pre-1980, but not as many buildings compared to Hamilton overall. Compared to Hamilton, the study area has a higher proportion of dwellings that were constructed between 1981 and 2000, and a slightly higher proportion built recently, between 2001 and 2016.

TABLE 8: AGE OF HOUSING STOCK

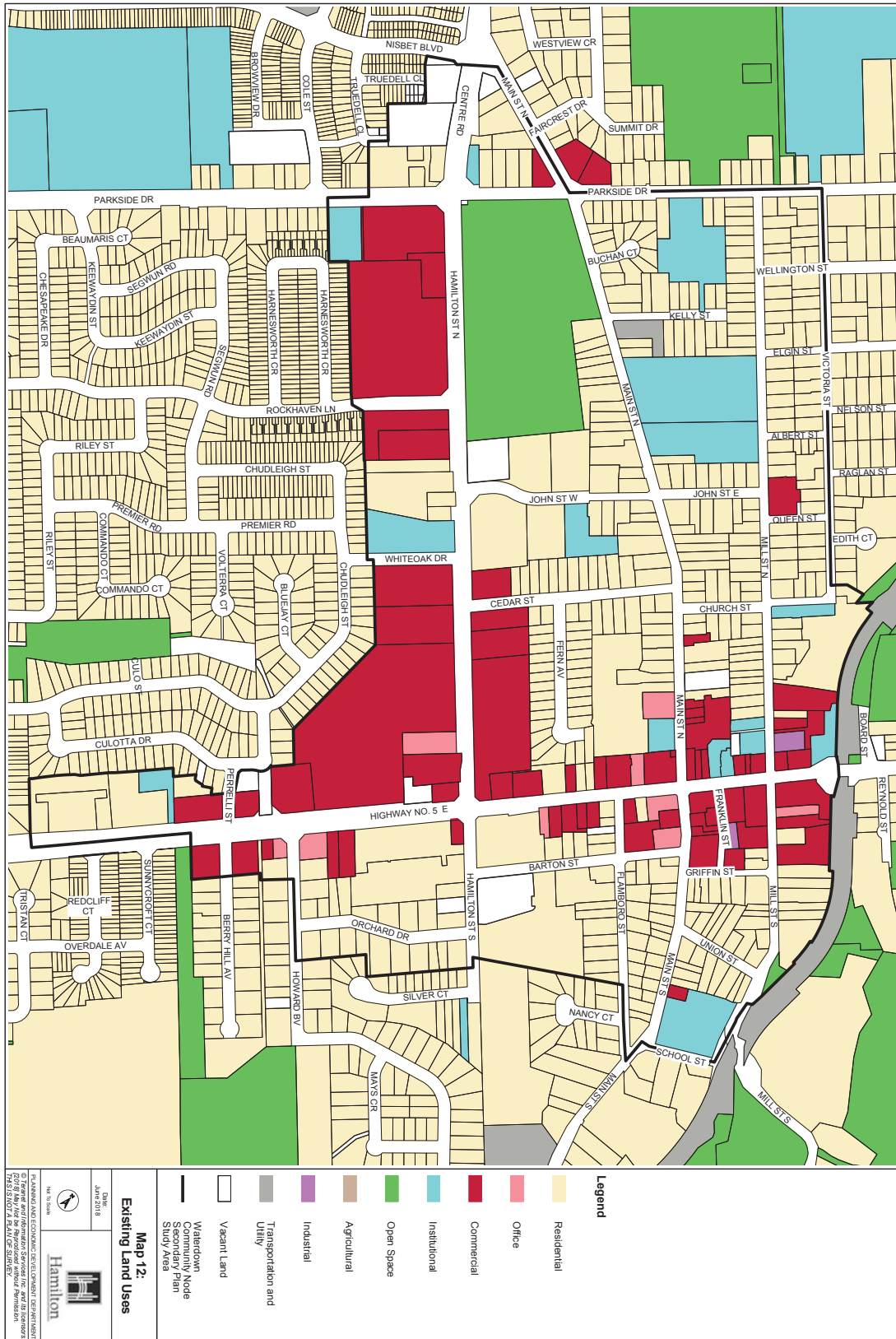
Building Age	WCNSA (2016)	Ward 15 (2011)	Hamilton (2016)
Pre 1960 to 1980	1,130 (44%)	3,920 (44%)	143,055 (68%)
1981 to 2000	975 (38%)	3,855 (43%)	68,545 (32%)
2001 to 2016	450 (18%)	1,175 (13%)	30,150 (14%)
Total	2,550 (100%)	8,950 (100%)	211,595 (100%)

4.10 KEY DEMOGRAPHIC CONSIDERATIONS

Based on the demographic overview that has been produced for the Waterdown Community Node Secondary Plan study area, several important characteristics emerge that provide direction for future Secondary Plan development. A large portion of the population is aging, and within Waterdown there are also many younger families. Population projections show that most of Ward 15’s future growth is expected to occur in the Waterdown settlement area. The following key directions can be identified from the demographic profile:

- There is a need to plan for a variety of housing styles, sizes, and tenure types, to meet the needs of different households and to provide choices for residents who are aging to remain in their community.
- The central node in Waterdown will need to be planned to meet the needs of a significantly expanding population, providing a central focus for retail, services, recreation and culture in the community.

5.0 EXISTING LAND USES



5.0 EXISTING LAND USES

The Waterdown Community Node study area contains a variety of land uses, primarily commercial and residential. The area also contains two parks, Waterdown Memorial Park and Sealy Park, one school, and several other institutional uses. The existing land uses within the study area are shown on *Map 12*.

Surrounding the Waterdown Community Node Secondary Plan Study Area are stable residential neighbourhoods, with newer residential development to the north-west and south-east. A Canadian National Railway line abuts the study area at the eastern edge. This line runs north beyond Parkside Drive and goes southerly out of Waterdown. Highway No. 6 and a series of large format retail outlets and plazas are located to the west, while the Niagara Escarpment and Highway 403 are located to the south. The City of Burlington is located to the east and the greenbelt and agricultural lands are located north of the study area.

5.1 RESIDENTIAL

The majority of the residential sites in the study area contain low density development. Many of the low density sites are older buildings, although there has been some newer infill development occurring in these neighbourhoods (see *Map 11* for age of buildings). Several newer residential townhouse developments have also occurred within the study area. In addition to the low profile built form, the area also has a few larger apartment buildings adjacent to Hamilton Street and Hwy 5/Dundas Street.



5.2 COMMERCIAL

Commercial uses in the study area are generally focused on Hamilton Street, Dundas Street, and Mill Street. Mill Street commercial uses are located primarily in historical buildings and are focused on services, restaurants and specialty retail. Along Hamilton Street, the commercial format is much different, with newer buildings, larger format stores in some locations, and multi-unit plazas.

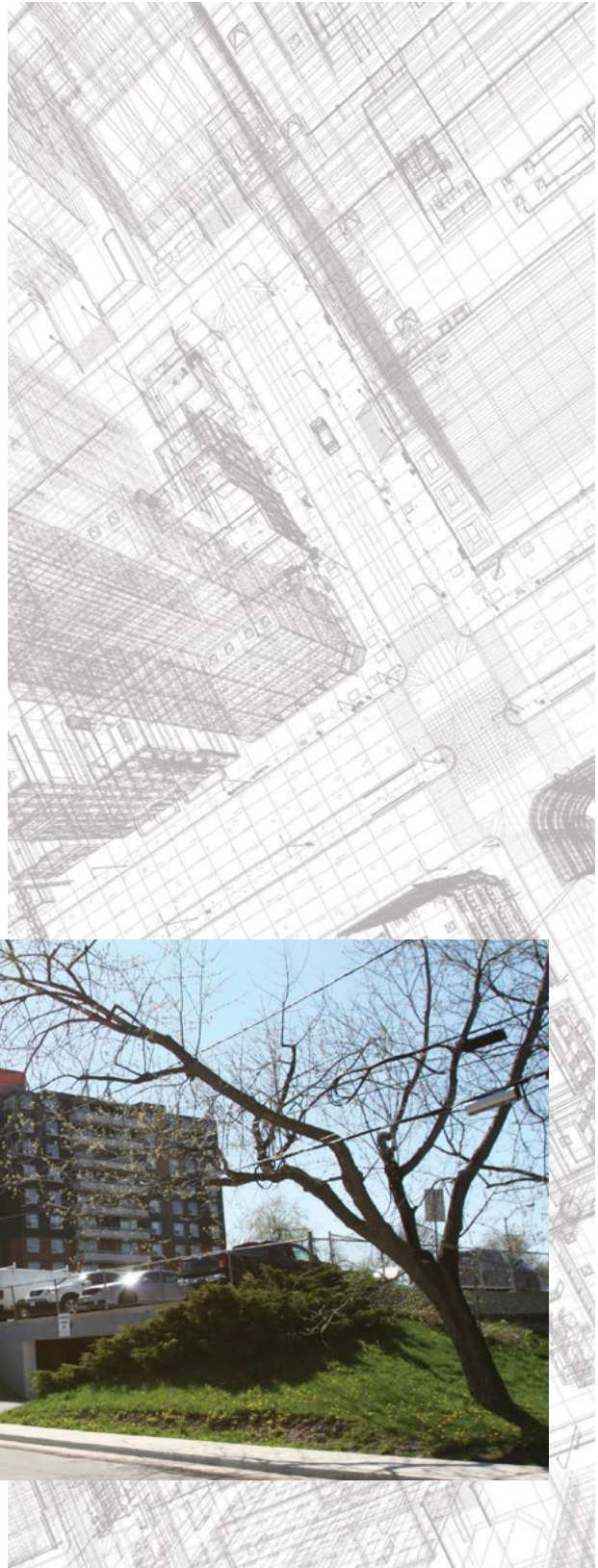


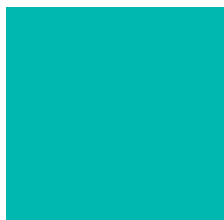
5.3 VACANT LAND

Vacant lands are shown on Map 12. There are 15 properties of varying sizes which are currently recorded as being vacant. The majority of these properties are vacant due to planned development activity, as many have development applications in progress. New development is already under construction on several sites. Development activity is discussed in greater detail in Section 14.

5.4 BUILDING HEIGHTS

The buildings within the study area and along the corridor are generally low profile, ranging from 1 - 2.5 stories. However, some sites do have mid-rise buildings. The tallest building in the study area is an eight storey apartment building located at 1 Hamilton Street South, on the south-east corner of Hamilton Street and Dundas Street.





6.0 NATURAL HERITAGE RESOURCES

Natural areas in the City of Hamilton are protected locally through policies for the Natural Heritage System (NHS). The Waterdown Community Node Secondary Plan will identify detailed boundaries for Core Areas and Linkages in its study area. The purpose of the NHS is to identify and conserve a system of interconnected, protected natural areas so that ecological functions (i.e., improving air and water quality, controlling erosion and flooding, and providing habitat for plants and animals) are maintained and enhanced. The Waterdown Community Node Study Area Core Areas and Linkages are shown on *Map 13*, and include Significant Woodlands. An Environmentally Significant Area (ESA) and streams directly abut the study area.

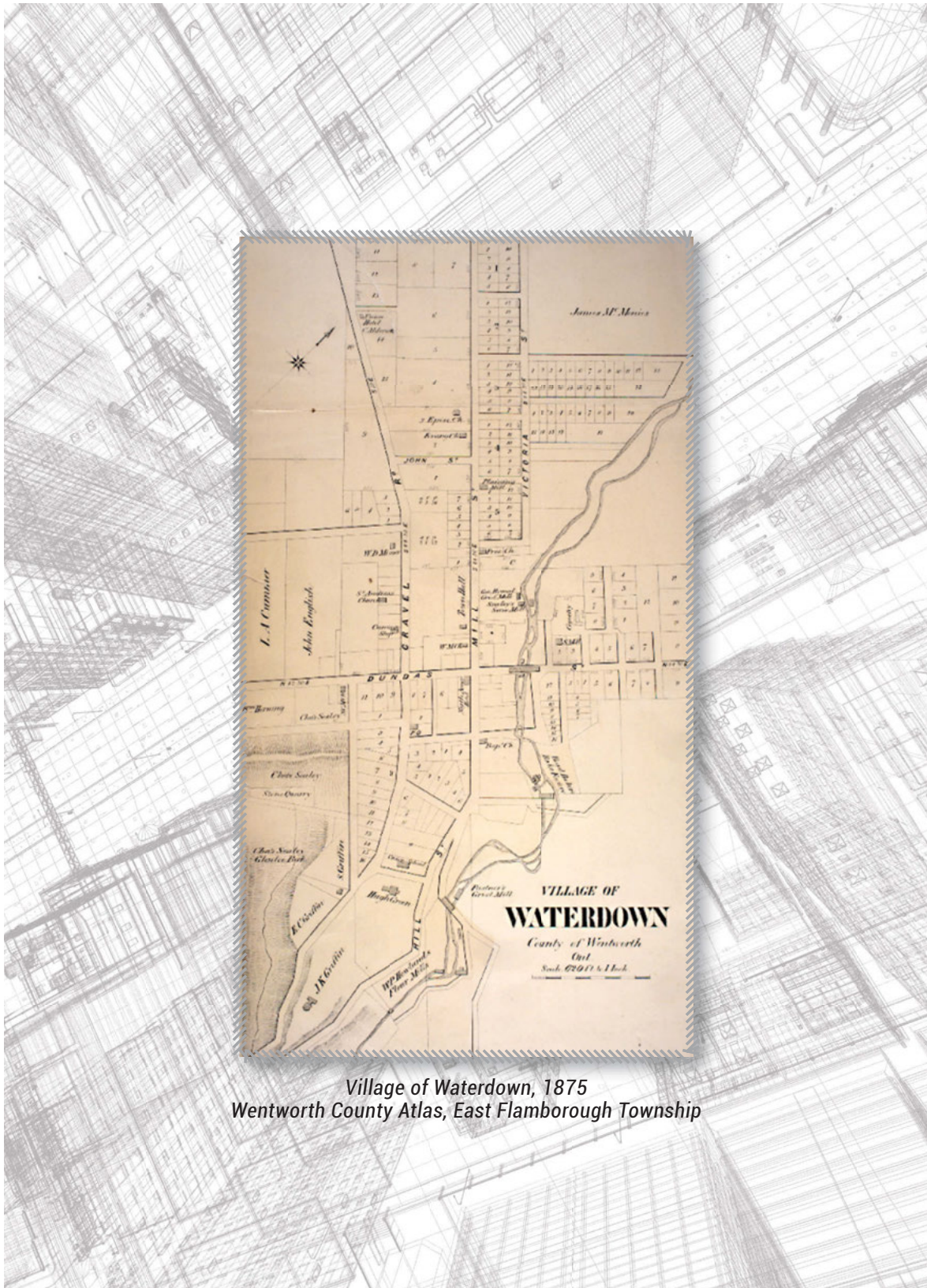
Significant Woodlands are areas which are ecologically important in terms of species composition, age of trees, stand history, of which possess economic importance or functional importance due to their contribution to the broader landscape. ESAs are natural areas that have been identified as unique because they serve important ecological functions, contain rare plant or animal species, contain rare or unique topography or geologic features, or have been designated as an Area of Natural or Scientific Interest or a Provincially Significant Wetland. Natural features and functions will be reviewed and protected as part of the Waterdown Community Node Secondary Plan.

6.1 KEY NATURAL HERITAGE CONSIDERATIONS

Based on this background information, the following key considerations will be addressed through the Secondary Plan process:

- Identify and protect natural features and functions within and adjacent to the study area; and,
- Identify and explore land use design options that enhance or are compatible with the Natural Heritage System.

7.0 CULTURAL HERITAGE



Village of Waterdown, 1875
Wentworth County Atlas, East Flamborough Township

7.0 CULTURAL HERITAGE

7.1 HISTORICAL CONTEXT

There are various understandings of Indigenous presence and stewardship of land in the Waterdown area over time. Historical information indicates that the original inhabitants of the Waterdown area were the Chonnonton Nation (also known as the Neutral Nation). The gap cut by the Grindstone River in the escarpment is believed to have been a key trail route for the early Indigenous peoples which started from Hamilton Bay (Lake Macassa), along what is now Snake Road, across the height of land to the Great Falls, then up the valley to Lake Medad, to an established camp.

The Iroquois Confederacy, or Haudenosaunee invaded the area in the mid-17th century, defeating the Chonnonton in 1649-1650. Those that survived were either captured and assimilated or moved to other adjacent Indigenous groups. The same fate befell the Hurons, who lived in other parts of present day southern Ontario. Other Indigenous groups to the north, the Anishinabe and the Algonquian Nations defended themselves from attacks by the Iroquois and ultimately succeeded in expelling the Iroquois from what is now southern Ontario by 1700. The Anishinabe people settled on the north shore of Lake Ontario and eventually became known as the Mississaugas of the New Credit. After this defeat, the Anishinabe became stewards of much of southern Ontario, or about 3.9 million acres of land. The "Dish with one Spoon" Wampum treaty between the Anishinabe and the Haudenosaunee established peace between these nations. The lands on which Waterdown is located remain the traditional territory of the Mississaugas of the New Credit First Nation and the Haudenosaunee First Nation today.

The EuroCanadian settlement of the Waterdown area started in earnest after the American Revolutionary War (1775-1783). Due to the War, many British loyalists, including some members of the Six Nations Confederacy (Iroquois), who had fought for the British in present day United States of America, became refugees and lost their land. These events pressured the British Crown to acquire lands for the loyalists to resettle on to reward them for their services, and the British Crown negotiated with the Mississaugas to purchase some of their land. In 1792, the Between the Lakes Treaty, No. 3, ceded approximately 3 million acres of land to the British Crown, which includes the lands where Waterdown is now located.

The Waterdown area was noted by Augustus Jones in 1793 while surveying the military road running from York (now Toronto) to Dundas for Lieutenant John Graves Simcoe. Simcoe was cautious of an invasion from recently liberated American colonies and, guided by Indigenous peoples and their trails, concluded that the road, now known as Governor's Road (Dundas Street), was the superior route for a providing inland passage and ensuring safe movement of troops and supplies.

The first of the Crown grants (Lot 7, Concession 3) in what would become the village of Waterdown was patented in 1796 by Alexander McDonnell, soldier from the Butler's Rangers. The land remained undeveloped until 1805 when the second phase of Dundas Street construction commenced and the land was re-granted to Alexander Brown, a retired official of the North West Fur Company. The Escarpment and related creeks created favourable conditions for early EuroCanadian settlement and the establishment of milling sites, from lumber and saw mills to grist and flour mills complimenting agricultural development, in the Grindstone Creek Valley, popularly known as Smokey Hollow.

By the 1830s, the Village of Waterdown had been divided into blocks and lots, with much of the layout initiated by Ebenezer Griffin, who came to the area in the early 1820s. Griffin and his family is largely credited with establishing the village of Waterdown including clearing and farming their property, opening a saw mill, a flour mill and a very early woollen mill, and establishing a toll road with hotel connecting Hamilton to Carlisle. The Village of Waterdown was incorporated in 1878.

The Canadian Pacific Railway corridor, which marks the eastern boarder of the WCNSP area, was constructed between 1911-1912. The railway routing took advantage of the natural path of Grindstone Creek through and down the escarpment and with it came significant changes to the character of the river valley, including rerouting of the river and the elimination of most of the evidence of the former mills and mill raceways.

In 1974, Waterdown was amalgamated with East and West Flamborough and Beverly Township to form the Town of Flamborough in the Regional Municipality of Hamilton-Wentworth. Most recently, Waterdown became a part of the new City of Hamilton when six municipalities, Hamilton, Dundas, Ancaster, Flamborough, Glanbrook and Stoney Creek, were amalgamated in 2001.



Village of Waterdown, 1903 Imperial Atlas, East Flamborough Township

The historic village of Waterdown is an old community; rich with history and heritage. The Indigenous history of the area is embodied in its natural topography, the remaining historic transportation corridors that were based off of early trail routes, and the archaeological resources and sites that have been identified and commemorated, as well as those that have yet to be discovered. EuroCanadian settlement of Waterdown Village is represented by the surviving built heritage and street and lotting patterns, including a significant concentration of pre-Confederation buildings, a variety of historical housing types and other historical buildings built for industrial, institutional and commercial uses.

7.2 CULTURAL HERITAGE RESOURCES

In Ontario, the Ontario Heritage Act is the principal legislation that enables municipalities to conserve, manage and protect heritage resources. The three key parts of the Act that deal with protecting heritage properties include:

- Part IV, which enables a municipality to designate individual properties that have heritage value under Section 29, and list properties of heritage interest on the Municipal Heritage Register under Section 27;
- Part V, which enables a municipality to designate an area or grouping of properties, including buildings and their setting, as a heritage conservation district; and,
- Part VI, which enables the province to license archaeologists and regulate how assessment work is conducted to ensure that archaeological resources are appropriately conserved.

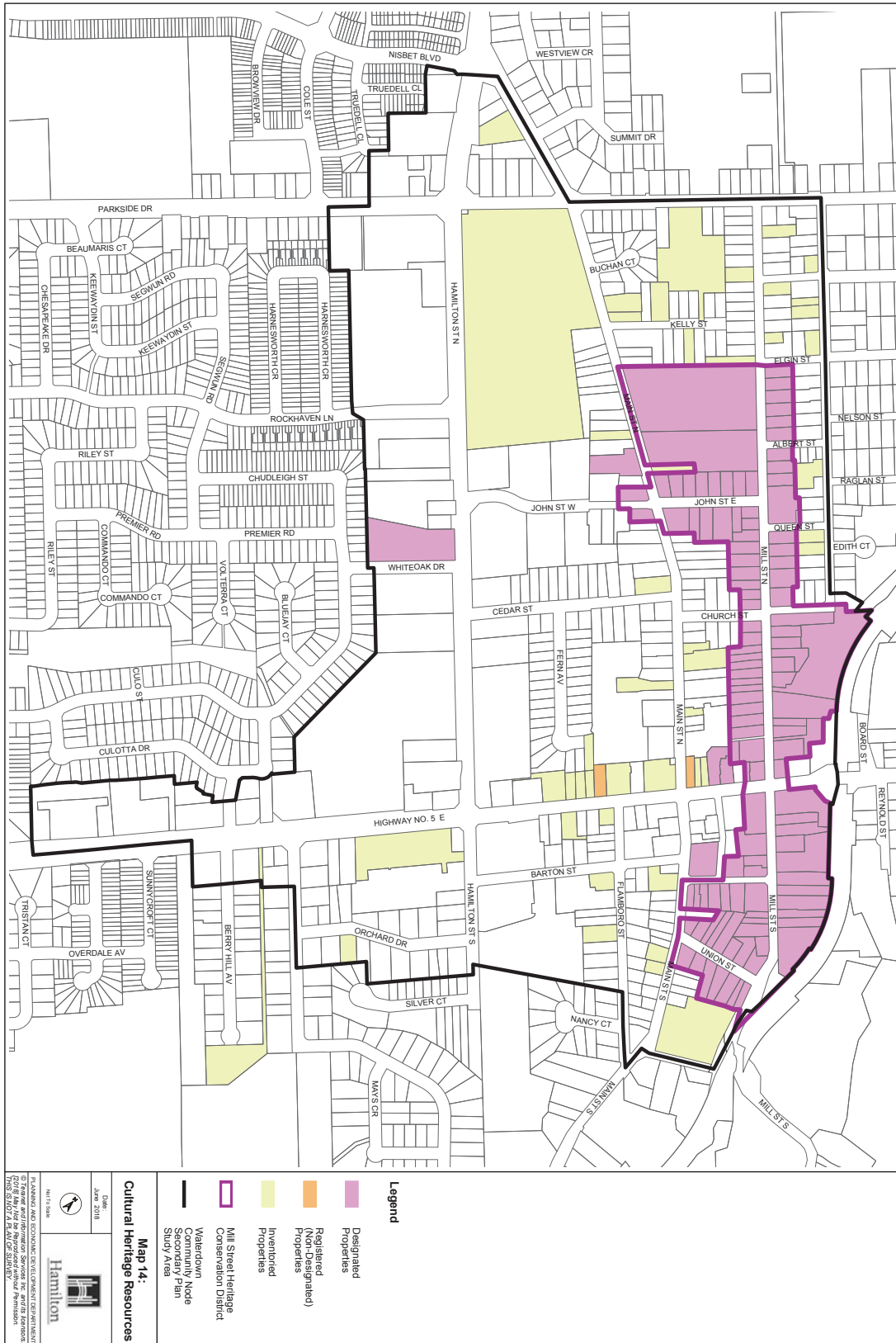
The City of Hamilton's UHOP establishes a number of goals and policies for the conservation of the cultural heritage organized around the three recognized types of resources: archaeology, built heritage, and cultural heritage landscapes. Cultural Heritage policies will be created in the Waterdown Community Node Secondary Plan as the UHOP requires that any residential intensification involving cultural heritage resources shall be done so in accordance with these policies (Section B.3.4 of the UHOP).

7.2.1 ARCHAEOLOGY

Previous assessment work and the record of registered archaeological sites indicate that the Waterdown area has been inhabited by First Nation's peoples for thousands of years, beginning by at least the Early Archaic Period (~7,500 B.C.). The identification of Indigenous campsites, such as Parkside Hills Site I (AiGx-345) indicate that the landscape was excellent for foragers through the provision of water, varied resources such as nuts, deer, small animals, and various types of plants (food, medicine).

The majority of the Waterdown area retains archaeological potential, meeting multiple provincial criteria including proximity to registered archaeological sites, bodies of water, historic transportation routes, unusual landforms and historic EuroCanadian activity, being located within an historic urban boundary and in an area of sandy soil.

7.0 CULTURAL HERITAGE



7.2.2 BUILT HERITAGE

The City's UHOP states that cultural heritage resources shall be identified, evaluated and conserved as part of the Secondary Plan process (Section F.1.2.4 (f) of the UHOP). The identification and protection of cultural heritage resources may be accomplished through the preparation and inclusion of a cultural heritage conservation plan statement within the secondary planning or neighbourhood planning process.

The WCNSP area is currently comprised of inventoried, registered and designated heritage properties, including individually and district designated properties (*see Map 14*). The Mill Street Heritage Conservation District was designated by the former Town of Flamborough by By-law Number 96-34-H and consists of 111 individual properties (see Section 7.2.3 for more information on this significant cultural heritage landscape).

There are five individually designated properties: 315 Dundas Street East (Chestnut Grove), 317 Dundas Street East (Waterdown Memorial Hall), 79 Hamilton Street North (Vimy Memorial Oak Tree) 173 Main Street North (Wallace-Magill House), 31 Main Street South (Former Waterdown Post Office) and 25 Mill Street North (Former East Flamborough Township Hall). The Former Township Hall property is also subject to a heritage conservation easement agreement with the Ontario Heritage Trust.

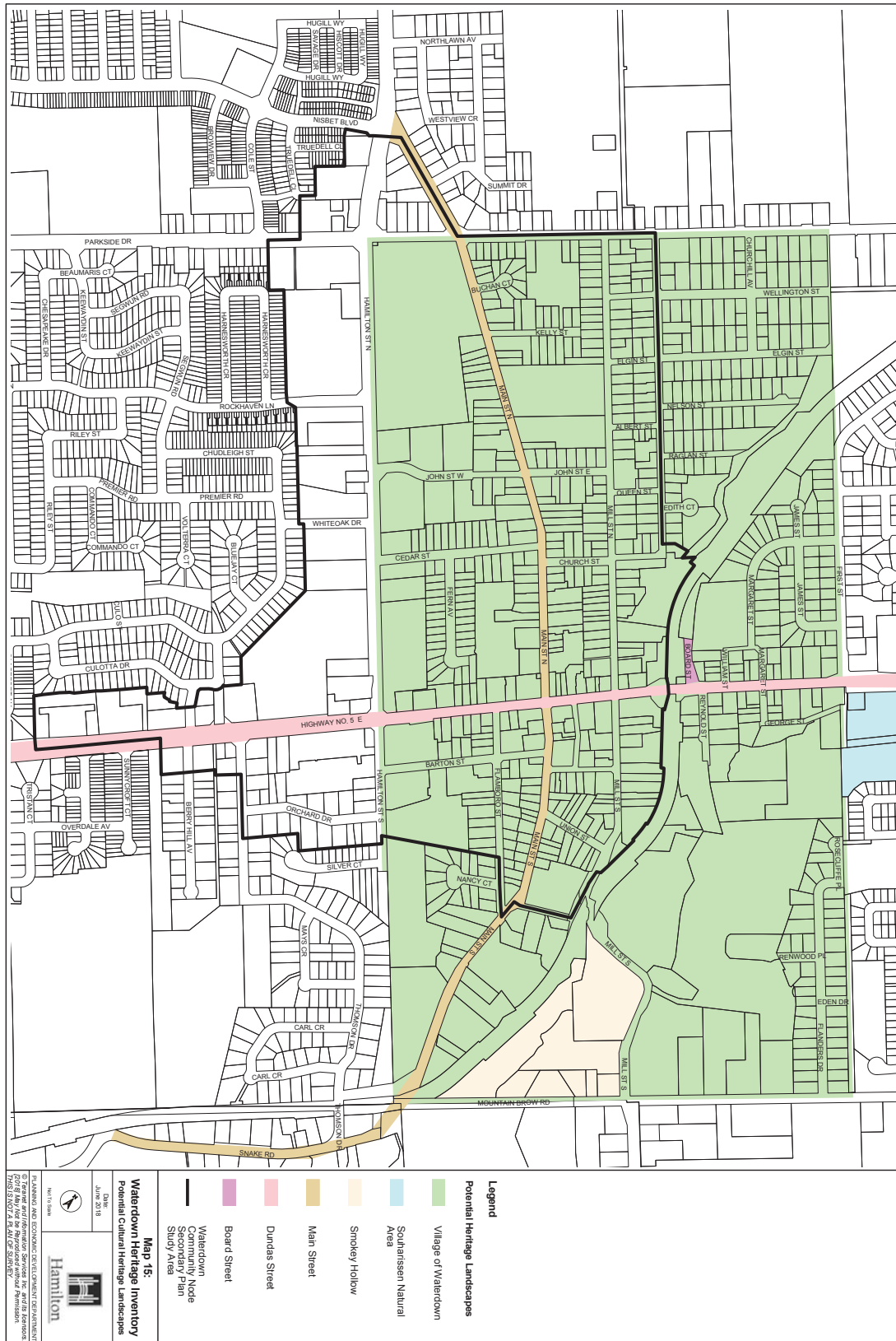
There are two non-designated properties listed on the Municipal Heritage Register under Section 27 of the Ontario Heritage Act: 297 Dundas Street East and 307-309 Dundas Street East. The 46 Inventoried properties in the WCNSP area will be surveyed and evaluated as part of the City's ongoing Built Heritage Inventory.

While a number of built heritage resources have been identified in the Waterdown area, a comprehensive survey of all properties in the study area has not been completed. The City is currently undertaking a Built Heritage Inventory of Waterdown Village, including the WCNSP Study area and adjacent lands that form the historic Village of Waterdown bounded by Parkside Drive, First Street, Mountain Brow Road and Hamilton Street. This work will continue concurrently with the WCNSP study. It is expected to result in recommendations for listing on the Municipal Heritage Register and candidates for designation under the Ontario Heritage Act, and to inform the identification of cultural heritage landscapes worthy of conservation, where applicable.

7.2.3 CULTURAL HERITAGE LANDSCAPES

The Mill Street area has been identified as a significant cultural heritage landscape and is designated as a Heritage Conservation District. The Mill Street Heritage Conservation District Study details the heritage attributes of the area and the rationale for designating the neighbourhood as a conservation district. The District Plan contains the basis for the careful management and protection of the area's heritage features, including buildings, spaces and landscape features. The Plan provides guidance on relevant planning and development matters that may affect the area's unique character.

7.0 CULTURAL HERITAGE



As part of the research conducted for the ongoing Waterdown Village Built Heritage Inventory, a number of potential heritage landscapes have been identified that are located within, or overlap with, the study area. These landscapes, shown on *Map 15*, include the historic Village of Waterdown, the Souharrisen Natural Area, Smokey Hollow, Main Street, Dundas Street, Board Street and Vinegar Hill. These potential landscapes of interest will need to be confirmed and further refined through a Cultural Heritage Review, which will be completed as part of the Waterdown Community Node Secondary Plan Study.

7.3 KEY CULTURAL HERITAGE CONSIDERATIONS

Based on this background information, the following key considerations will be addressed through the Secondary Plan process:

- Protection of archaeological sites and ensuring areas of archaeological potential are properly assessed prior to development taking place;
- Identification and protection of built heritage resources and cultural heritage landscapes, through listing on the Municipal Heritage Register, designation under Part IV or V of the Ontario Heritage Act, drafting of site-specific policies or zoning, or other applicable conservation measures;
- Ensuring that cultural heritage resources and the historic character of the area are conserved and enhanced through the development of appropriate urban design guidelines and / or a Cultural Heritage Conservation Plan Statement to guide development, adaptive reuse and intensification proposals;

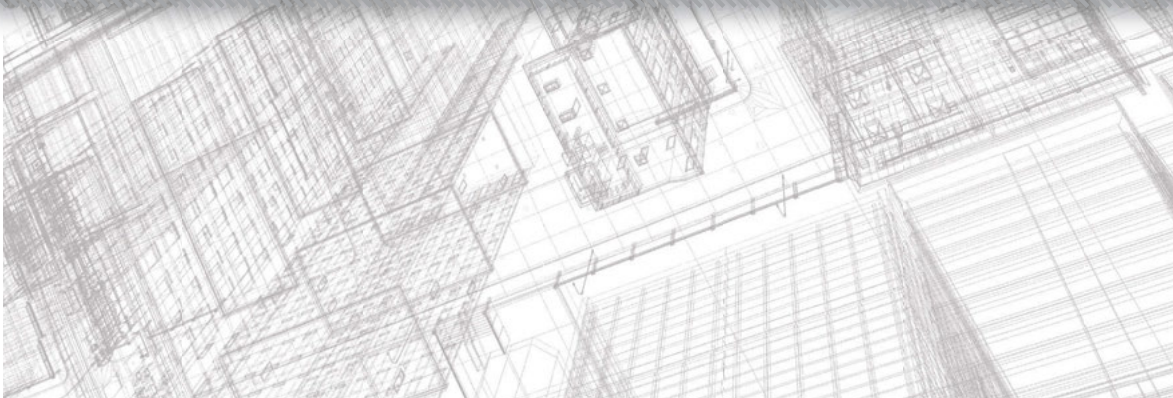
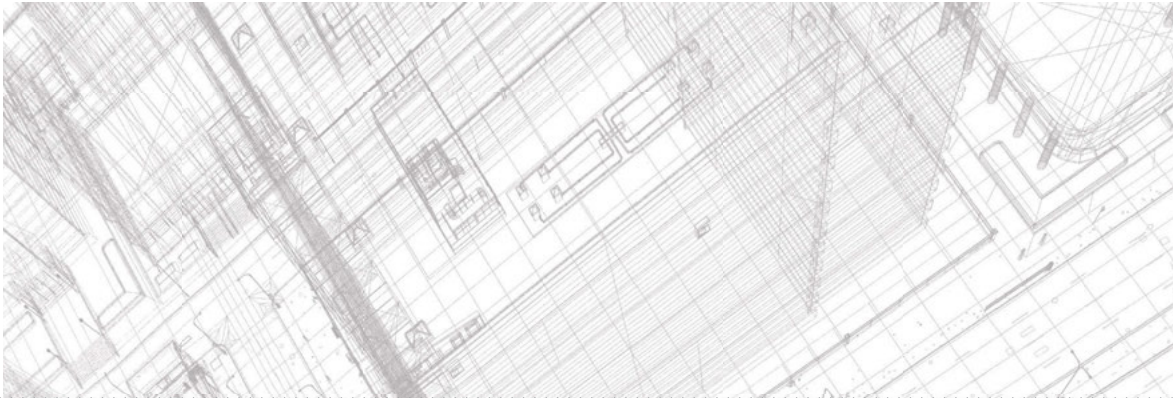


*Waterdown Falls, c. 1890s,
Charles Cochran Album,
Local History & Archives,
Hamilton Public Library*



*Present day shot from
a similar location,
City of Hamilton, May 2018*

8.0 URBAN DESIGN



8.0 URBAN DESIGN

Urban design is directly concerned with shaping the physical form of the urban areas of the City and plays a vital role in upgrading and maintaining a city's civic image, economic potential, and quality of life. Good planning practice recognizes the important role of urban design in providing value and identity to a community. The design and placement of buildings, infrastructure, open spaces, landscaping and other community amenities, as well as how these features are connected and work together, affects how people live and interact with each other. Attention to physical design creates attractive, lively and safe communities where people want to live and visit and where businesses want to establish and grow. A city that values good urban design is a city that is successful socially, economically, and environmentally.

The Waterdown Community Node Secondary Plan will provide direction to create a compact and interconnected, pedestrian oriented, and transit-supportive community within Waterdown, where all people can attain a high quality of life. Achieving this vision requires careful attention to urban design in both the public and private realms with attention to how those realms work together. The public realm is associated with planning and design issues in areas such as roads, sidewalks, plazas, parks, and open space, owned by the City and other public agencies. The private realm includes areas within private property boundaries, which may or may not be open to the public but are physically and visibly connected to the public realm. Specifically, the unique features of the Secondary Plan area which require consideration, from an urban design point of view, are cultural and natural heritage.

- An Urban Design study will be required to inform recommendations for the Secondary Plan and establish design guidelines to guide future growth. Urban design will be a key component of the plan to ensure good urban form as well as a means to facilitate the convenient and safe, pedestrian-friendly streets, transit and active modes of transportation.
- Downtown Waterdown has heritage structures and spaces which provide a physical history of the community. Heritage buildings provide living examples of design elements that can be reflected in new construction that complements rather than diminishes the surrounding streetscape. Conservation and reuse of these buildings not only enhance the area but can serve as a catalyst for other public and private investments. Urban design guidelines can also provide guidance to maintain important heritage character in a community.

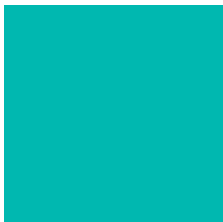
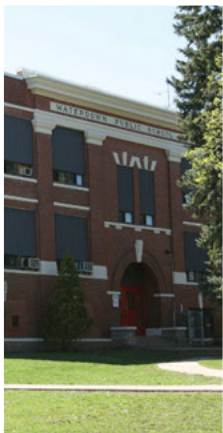
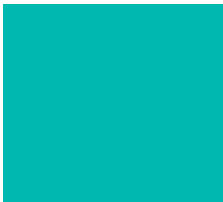
- The urban design policies of the Secondary Plan will be used as an important tool to ensure the development of an attractive, compact, safe, and pedestrian-oriented urban environment for the Waterdown Community Node. Key components of good urban design include quality public spaces, appropriate streetscape standards, the (re)development of attractive buildings and improving direction for intensification opportunities. Parts of the Waterdown Community Node already have a high quality of urban design; this should be maintained and enhanced along with the heritage character of the area.

8.1 KEY URBAN DESIGN CONSIDERATIONS

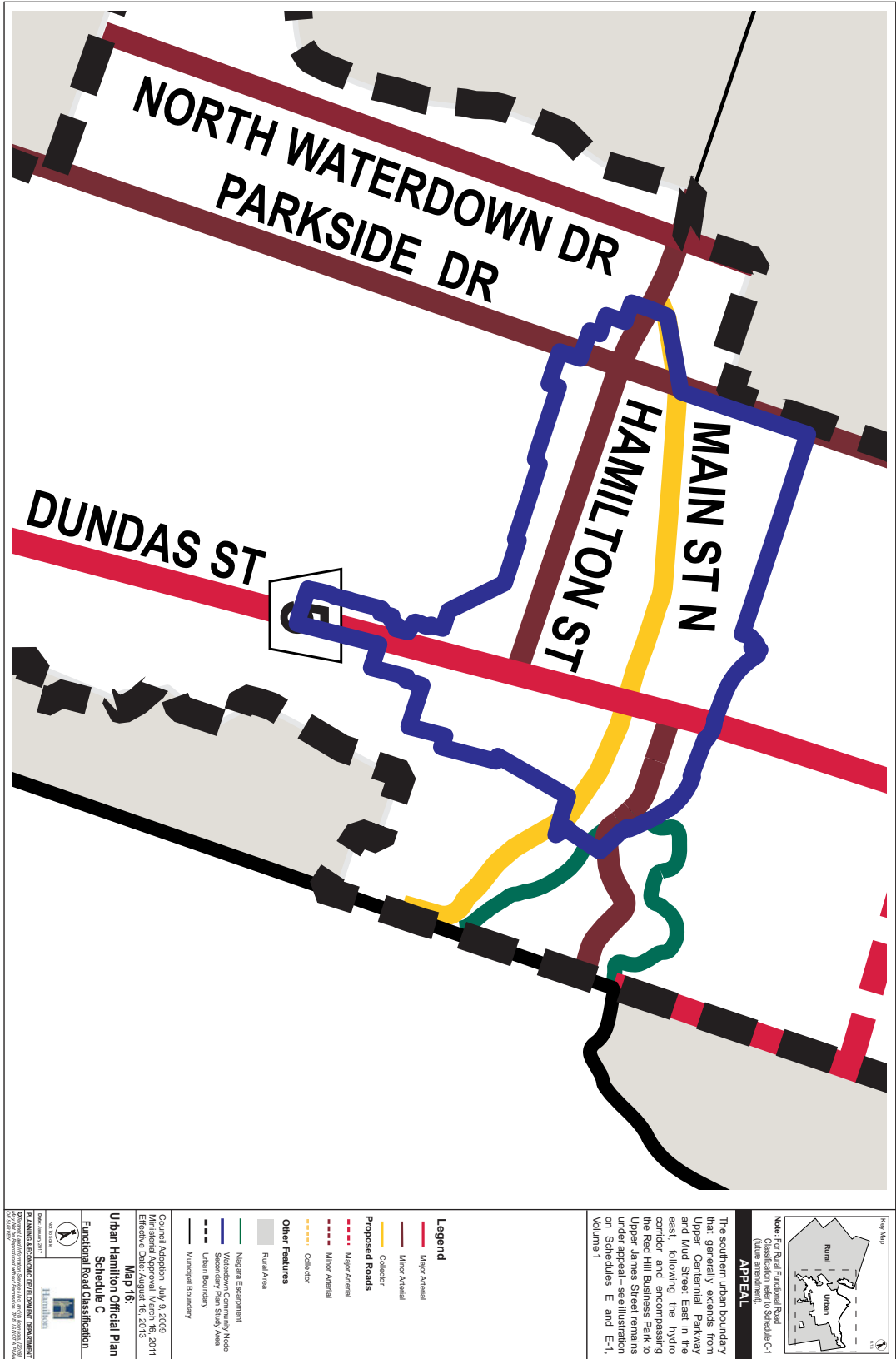
The following key considerations will be addressed through the Secondary Plan process:

- Providing urban design guidance to ensure changes transition meaningfully into their surroundings, creating new connections to public realm amenities, respecting existing built-up areas and maintaining effective relationships with natural areas.
- Providing urban design guidance to enhance the identity of the Waterdown Node, creating places that celebrate local history and culture, natural and built heritage.





9.0 TRANSPORTATION



9.0 TRANSPORTATION

Good transportation infrastructure will provide opportunities for efficient movement of both goods and people throughout the study area. Key existing transportation infrastructure is detailed in the following sections.

9.1 ROADS AND MAJOR TRANSPORTATION ROUTES

Several major transportation routes are located within and connect to the Waterdown Community Node area. The classification of roads, based on function and historical use of the road are shown in the UHOP Schedule C - Functional Road Classification (*see Map 16*).

ARTERIAL ROADS

Arterial roads fall under two categories, major arterials and minor arterials. Major arterial roads carry relative high volumes of intra-municipal and inter-regional traffic; in the Waterdown Community Node area Dundas Street East is designated a major arterial road. Minor arterials carry moderate volumes of inter-regional and intra-municipal traffic through the City; Hamilton Street, Parkside Drive and Mill Street South are designated as minor arterial roads.

COLLECTOR ROADS

Collector roads, which often connect to arterial roads, provide direct land access in addition to moving moderate volumes of traffic. Within the study area, Main Street North and Main Street South classified as collectors.

LOCAL ROADS

Local road are not identified in the UHOP except on Secondary Plan schedules. Local roads have the function of providing direct land access and moving low volumes of traffic to collector roads and arterial roads.

PROVINCIAL HIGHWAY

Provincial highways are under the jurisdiction of the Province and have the key function of moving large volumes of traffic. There are two provincial highways adjacent to Waterdown. Highway 403 is located just south of the study area and Highway 6 is located to the west of the study area.

9.2 RAIL CORRIDOR

A Railway line runs along the eastern edge of the study area from Parkside Drive to south of Dundas Street East. There are no stops within the study area.



9.3 TRANSIT

Public Transit is available in the Waterdown area and is provided by the Hamilton Street Railway (HSR). Route 18 – Waterdown provides a loop around the Waterdown area and connects residents to the Aldershot GO Station in Burlington, south of the study area, as well as the Clappison's Power Centre (major commercial) located to the west of the study area. Riders may connect to downtown Hamilton by transferring to Burlington Transit Route 1x at the Aldershot GO station. There are no other transit routes which take riders from Waterdown into other parts of Hamilton.

9.4 BICYCLE ROUTES

Shifting Gears 2009 is the Cycling Master Plan for the City of Hamilton, approved by Council in June 2009. This plan has recently been updated as part of the City's Transportation Master Plan update in 2018. The Plan is intended to guide the development and operation of Hamilton's cycling infrastructure for the next twenty years. Within the study area bike lanes are proposed (of varying types) for the following streets:



- Dundas Street East (Bike Lane)
- Mill Street North (Bike Lane)
- Mill Street South (Paved Shoulder)
- Hamilton Street North (Bike Lane)
- Parkside Drive (Bike Lane)
- Main Street South/Waterdown Road (Bike Lane)

As per Shifting Gears, there is an existing paved shoulder to the north of the study area on Centre Road and an existing Multi-use Trail that accommodates biking that links Highway No. 6 to the Sobeys plaza on the corner of Hamilton Street and Dundas Street East. In addition to the information available in Shifting Gears, it is also noted that there is a connecting Greenbelt cycling route that runs along Main Street South into Waterdown and continues north on Centre Road.

The Waterdown Community Node Transportation Management Plan will evaluate the opportunities for connections to existing and planned bike lanes and for area enhancements that may support increased bike usage.



9.5 MODE OF TRANSPORTATION

Table 9 shows the breakdown of mode of transportation within the study area. The most common mode of transportation to and from work by employed residents in the study area is by a car, truck or van as a driver. Similar to the City and Ward 15, the modal split is heavily weighted to this mode of transportation. The modal split is better than Ward 15 as a whole, for transit and active transportation use. In addition, walking to work is slightly more common than the City as a whole, indicating strengths in this area. Transit use is likely lower because there are minimal transit services in Waterdown.

TABLE 9: MODAL CHOICE BY TOTAL OF EMPLOYED POPULATION (15 YEARS OF AGE AND OLDER)

Mode of Transportation	Study Area (2016)	Ward 15 (2011)	Hamilton (2016)
Car, Truck or Van - Driver	2,865 (86%)	11,525 (88.4%)	183,830 (76%)
Car, Truck or Van - Passenger	140 (4%)	585 (4.5%)	17,350 (7%)
Public Transit	135 (4%)	380 (2.9%)	25,540 (10%)
Walked	190 (5.7%)	400 (3.1%)	11,210 (5%)
Bicycle	20 (0.6%)	40 (0.3%)	2,245 (0.9%)
Other Methods	20 (0.6%)	100 (0.8%)	2,120 (0.8%)
Total	3,335 (100%)	13,035(100%)	242,295 (100%)



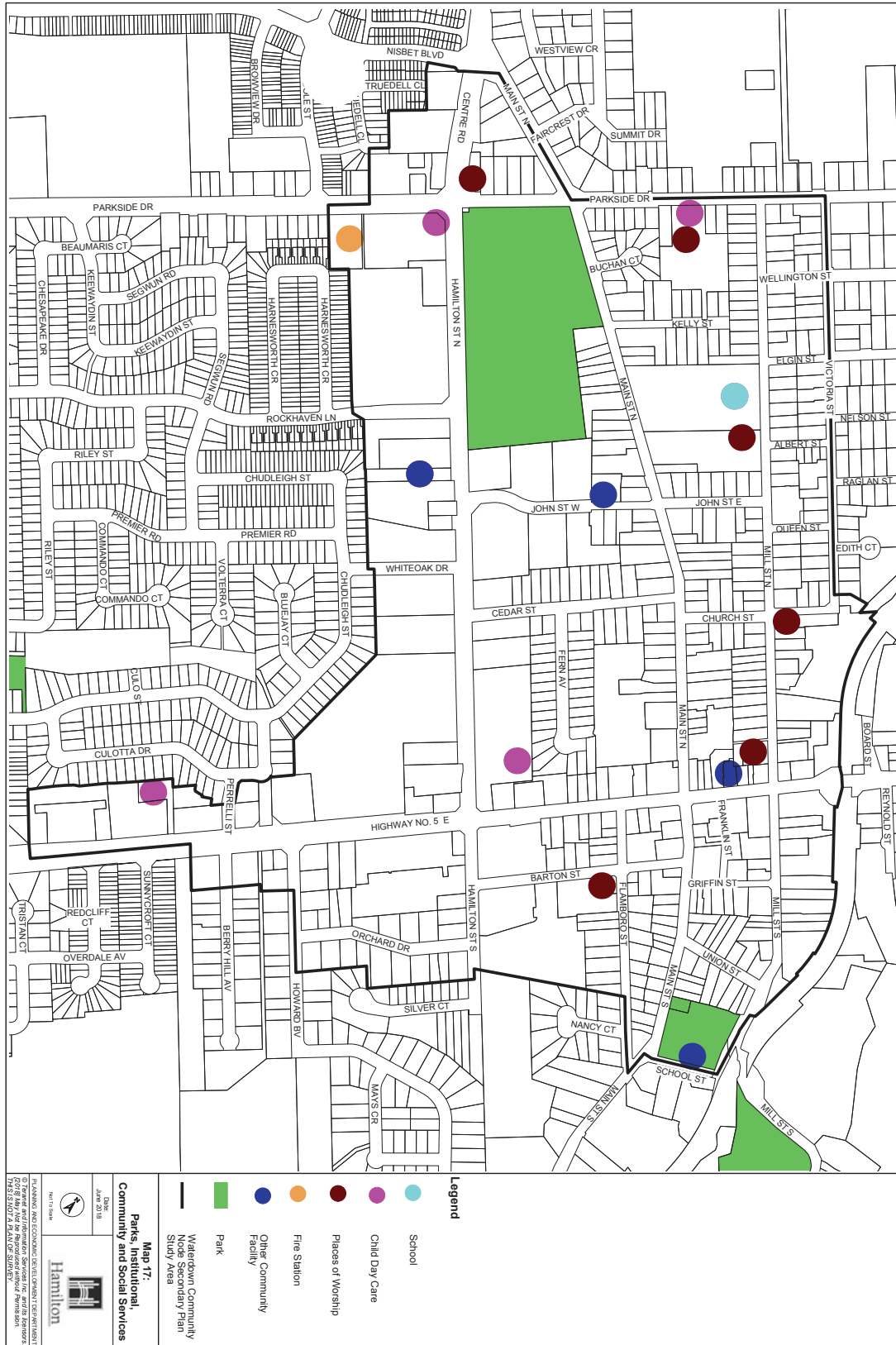
9.6 KEY TRANSPORTATION CONSIDERATIONS

The existing transportation infrastructure in the Waterdown area is undergoing numerous changes. Particularly within the Waterdown Node, a variety of challenges related to traffic and access have been identified. Although a transportation network already exists in the area, there are opportunities for improvement. The transportation network will also need to be designed to meet future needs, as the population of Waterdown will be significantly increasing over the next 20 years, and the Waterdown Commercial Node is a focal point for activity in this area. The following key considerations will be addressed through the Secondary Plan process:

- Identifying traffic and access issues in the Waterdown Node and developing strategies to address the issues
- Creation of a transportation network which promotes health and safety by following “Complete-Livable-Better Streets” practices and design directions, promoting active transportation and age-friendly non-auto networks.
- Fostering a connected and accessible pedestrian path and cycling network which promotes a culture of active transportation.
- Supporting the enhancement of the transit network and providing transit supportive development.



10.0 PARKS, OPEN SPACE AND RECREATION



10.0 PARKS, OPEN SPACE AND RECREATION

Parks, open spaces and community services all contribute to creating complete communities. The presence of such facilities within and near the community node area contribute to making the area more attractive and help to increase the quality of life for community residents.

10.1 EXISTING PARKS

The Waterdown Community Node Secondary Plan Area is an urban neighbourhood that is serviced by one Community Park (Waterdown Memorial Park), one General Open Space area (Rockcliffe Gardens) and one Neighbourhood Park (Sealy Park). *Map 17* identifies each park and Open Space area within the study area limits.

Waterdown Memorial Park, situated in the north end of the Study Area, is designated as a Community Park within the City's Urban Official Plan. As a Community Park it serves a greater population beyond the Study Area. It has intensive recreation facilities such as baseball diamonds, a splash pad, play structures, a skate-park, artificial skating loop, picnic areas and a soccer pitch. This park is intended to serve a population of approximately 20,000 people.

10.2 PARKLAND NEEDS

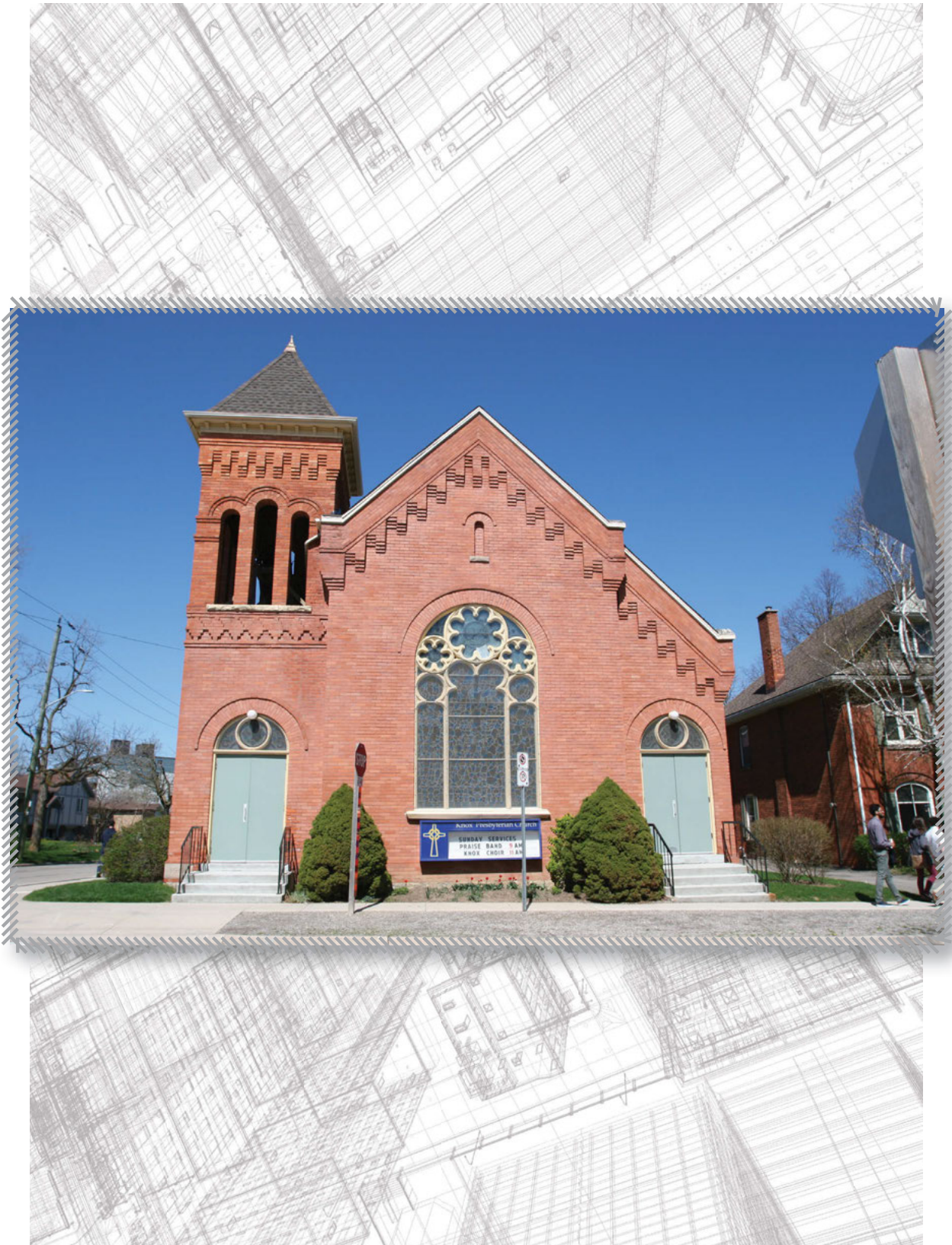
In 2011, Ward 15 had a surplus in neighbourhood parks, both existing and planned. Refer to Appendix 1, page 28 of the City of Hamilton Ward Profile – Ward 15.

10.3 RECREATION

Recreation facilities that are within or in close proximity to the Waterdown Node Study area include (*see Map 17*):

- The Flamborough Seniors Centre is located at 163 Dundas Street East, and recently completed construction in 2015.
- The YMCA facility is located on the north side of Parkside Drive, directly north of Keewaydin Way.
- Sealy Park Scout Hall is located in Sealy Park, however this facility is booked by a user group and there are no public program offerings.

11.0 INSTITUTIONAL, COMMUNITY AND SOCIAL SERVICES



11.0 INSTITUTIONAL, COMMUNITY AND SOCIAL SERVICES

Institutional, Community and Social Services in the Study area are listed below, and are identified on *Map 17*.

11.1 EDUCATIONAL ESTABLISHMENTS

There is one school within the study area. Mary Hopkins Public School is located at 211 Mill Street North. It is one of the original school houses of the historic Waterdown area, built in 1920. The school houses students in kindergarten to grade 5.

11.2 PLACES OF WORSHIP

Places of Worship	Address	Service
Grindstone Church	79 Hamilton St. N	Non-denominational
Knox Presbyterian Church	80 Mill St. N	Presbyterian
Grace Anglican Church	157 Mill St. N	Anglican
St. James United Church	306 Parkside Dr.	United
Youth for Christ Waterdown	273 Parkside Dr.	Non-denominational

11.3 COMMUNITY SERVICES

Community Service	Address	Service
Waterdown Legion Branch	551, 79 Hamilton St. N	Service Club
Ontario Early Years Centre	315 Dundas St. E	Programming for children ages 0-6
Rotary Club of Waterdown	30 John St. W	Service Club
Lions Club of Waterdown	317 Dundas St. E	Service Club

12.0 INFRASTRUCTURE



12.0 INFRASTRUCTURE

As Waterdown is a previously built up urban area, road, water and wastewater infrastructure already exists. However, there are needs for improvement due to the age of existing infrastructure and its designed capacity. There are several challenges related to infrastructure in the area that have been identified:

1. Cross connections of stormwater to sanitary sewers are believed to exist on private property in the Waterdown Community Node study area, which can cause negative environmental impacts during heavy rainfall. The extent of impacts is not known at this time. Future development proposals must ensure stormwater piping is properly connected to storm sewer systems and that all sanitary plumbing is properly connected to a sanitary sewer system.
2. The existing storm drainage system on Dundas Street (Highway 5) was not designed for higher density land uses, only for road drainage. In addition to this, it is the City's design standard that no uncontrolled drainage is permitted on arterial roads. This creates development constraints on Highway 5 unless improvements to stormwater infrastructure are made to increase capacity and/or an alternate design for onsite/individual development is considered. An increase of development along Hamilton Street would result in additional pressures on existing stormwater management facilities as well, some of which are also operating at maximum capacity. Specifically, a large portion of the northerly section of Hamilton Street within the study area drains westerly through an existing neighbourhood to Borers Creek. No additional capacity is available for these lands.
3. The area is not currently identified in the development charges study for any new infrastructure. Staff are currently working on a new Development Charges Background Study for 2019 which will address new infrastructure needs to 2031. A future addendum to this study will be completed in 2021, reviewing needs to 2041. Required upgrades to infrastructure which are needed to support growth will need to be identified once the extent of growth planned for the study area has been determined. If new infrastructure is required to support intensification, it should be included in the development charges study.
4. As there are significant constraints to stormwater run-off in parts of the study area, some new developments will require on-site controls to prevent run-off. Enforcement of these controls will require registration of site plan agreements on title of the properties. As such, policies will be required in the Secondary Plan to address this issue.

There are 2 identified infrastructure projects planned for the Waterdown Community Node study area within the next 10 years. These include:

1. Road widening of Parkside Drive to create 1 lane in each direction, a centre turning lane, and bike lanes in both directions. This project is ongoing; Phase 1 from near Highway 6 to Main Street is scheduled to be completed in August 2018. The bike lanes are identified in the City-Wide Transportation Master Plan, Shifting Gears Cycling Master Plan and Recreational Trails Master Plan. The replacement of an existing culvert on Parkside Drive with a bridge structure is also included in this project. The timing of subsequent phases will depend on future capital budget approvals.
2. Replacement of existing bridge on Dundas Street over Grindstone Creek (5 to 10 years, identified in 10 year Capital Budget Plan for Asset Management). This replacement is based on standard maintenance and is not growth or development driven.

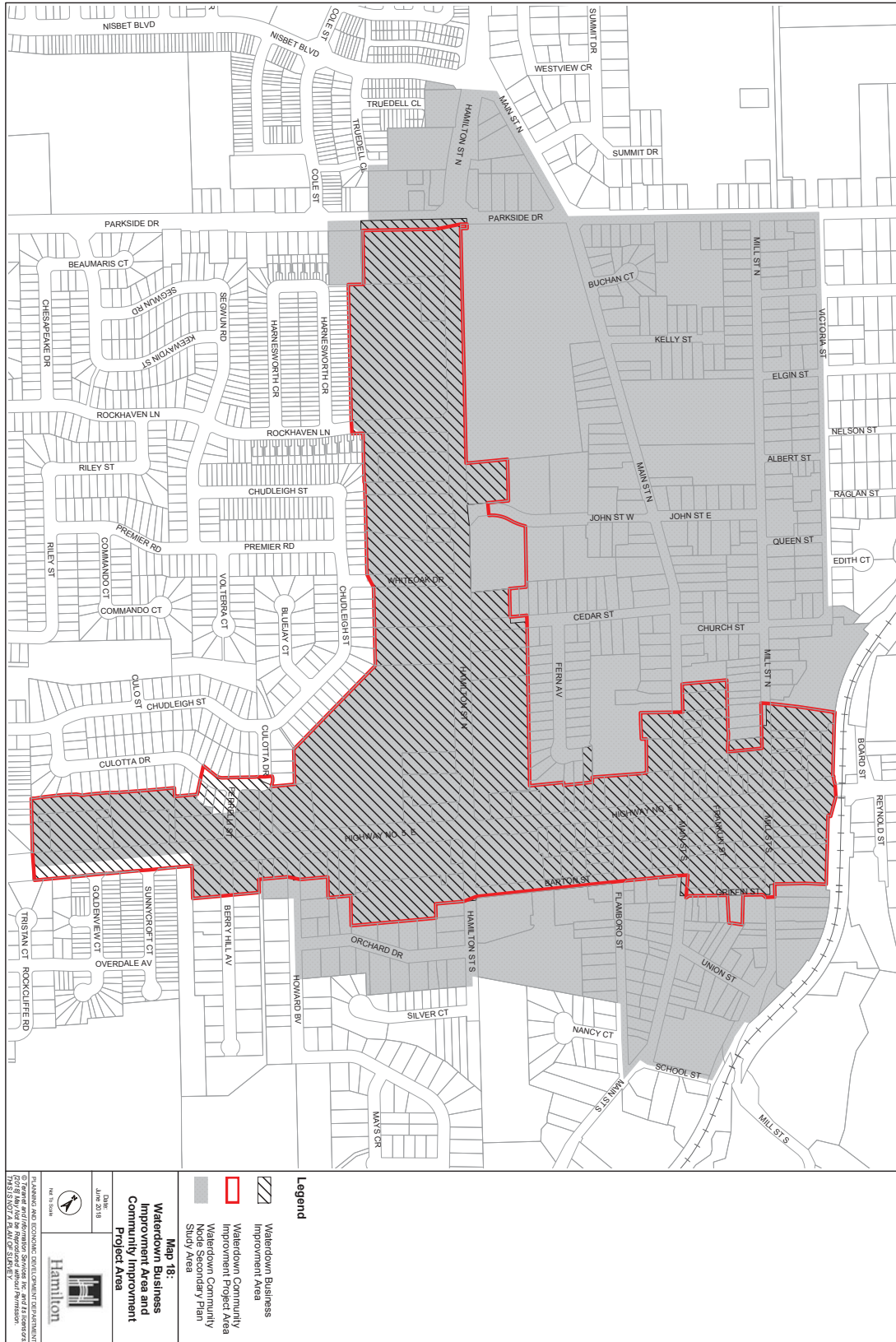
In addition to these projects, there are several road construction projects planned for other areas of Waterdown which will likely have an impact on traffic patterns in downtown Waterdown, particularly along Dundas Street. The most significant project is a new east-west road corridor planned to be built to the north and east of the study area (Waterdown by-pass road). This road corridor is being constructed in 3 stages. Construction is complete on the first stage. Construction on a second stage to be completed by a developer has begun. The final stage is undergoing detailed design and is tentatively expected to begin by 2021.

12.1 KEY INFRASTRUCTURE CONSIDERATIONS

Based on the current infrastructure capacity, the following key considerations are noted for the Secondary Plan process:

- Infrastructure improvements will likely be needed to accommodate intensification opportunities, and should be further identified so they can be funded appropriately through development charges.
- Minimizing the percentage of impervious surfaces as well as adopting green infrastructure techniques and Low Impact Development (LID) standards would reduce infrastructure needs and contribute toward achieving environmental objectives and municipal objectives by reducing rates of surface water flow and runoff, improving water quality, and mitigating erosion downstream.





13.0 BUSINESS & ECONOMICS

13.1 WATERDOWN BUSINESS IMPROVEMENT ASSOCIATION

A Business Improvement Area (BIA) is an association of commercial property owners and tenants within a defined area who work in partnership with the city to create thriving, successful and safe business areas. The mandate of the Waterdown Business Improvement Association (BIA) is to beautify the BIA area and promote business opportunities within the area. All of the Waterdown BIA is located within the Waterdown Community Node Secondary Plan study area, which is focused along the main commercial corridors of Hamilton Street North and Dundas Street East (*see Map 18*).

In 2017, the City completed a Commercial Market Assessment for the Downtown Waterdown BIA. This report shows that downtown Waterdown has a positive economic impact not only in Waterdown but for the City of Hamilton as well. The 2017 report updates previous assessments completed in 2003 and 2010. The report provides important background information on demographics, commercial uses, trends, opportunities and challenges in the BIA, which will help inform the Secondary Plan process. The report stated that the City of Hamilton should consider developing a Secondary Plan for downtown Waterdown that includes consideration of the public realm and retail connectivity along with transportation and parking. Below is a summary of some of the other key findings of the report (based on 2016 data):

VISITATION TO THE BIA

- As many as 17,500 vehicles move through Downtown Waterdown BIA district every day. Businesses in downtown Waterdown are highly dependent on vehicular traffic.
- Overall, pedestrian traffic is relatively low.
- Visitation to Downtown Waterdown BIA has been increasing throughout the 2016 year.

SOCIO-ECONOMIC STATISTICS

- Within a five-minute walking distance of Dundas St. E. and Main St. there are 1,512 residents. This is a relatively low population density area. However, the area continues to grow annually as new townhouses and multi-family housing is built resulting in greater intensification.
- Within Waterdown (and nearby), there are approximately 20,000 residents. Waterdown is transforming from a small village/town, into its own "city" type structure. By 2031, the City of Hamilton has projected the Waterdown population to grow to 39,400. This is twice the current population.
- There is a sizeable workforce in Downtown Waterdown. There are 2,291 workers within five minute walk of Dundas St. E. and Main St. and there are 5,471 workers in the Waterdown area. This includes professional workers, retail workers, and trades/ transportation related workers.

DEMOGRAPHICS AND LABOUR FORCE

- Local Waterdown residents are well educated.
- Waterdown residents do work locally but many commute and work in places such as the Burlington region or in the GTA.
- The labour force participation rate is very high. Local area residents have extremely busy lives working and taking care of their children. Long commutes take away from leisure time. As such, shopping can be either (a) fast and efficient or (b) rooted as a family affair.

COMMERCIAL STATISTICS

- There is approximately 500,000 sq. ft. of retail commercial space in the downtown.
- There are 262 businesses.
- Vacancy rates have increased, however this is due to a number of new live/work units built that have not been leased/sold yet, retailers that have shifted space (e.g., Shoppers Drug Mart), and other medical centres that have not been fully leased at present.
- Services, including personal and professional businesses occupy over 45% of the total available square footage. Within that, medical services are a major component.
- There has been \$20 million invested in downtown Waterdown commercial properties from 2010 to 2015.

RECOMMENDATIONS:

- Increasing residential intensification in the Downtown should continue as a key priority.
- There are redevelopment and infill opportunities throughout Downtown that need to be carefully planned and executed to ensure the commercial areas complement existing areas, add to public realm and place-making including encouraging pedestrian flow patterns throughout all of Downtown, and address parking issues adequately.
- The BIA area should increase the number of public plazas, social gathering spaces, and provide a public realm experience that works to build community and increase retail sales opportunities.
- More mixed use development that includes consideration for parking should occur.
- Increased separation of ground level retail and professional services including encouraging services to locate on upper levels and some side streets should be encouraged.
- Connectivity between Hamilton Street and Dundas St. E. should be improved through the use of retail mix, public realm, and building typology.

13.2 DOWNTOWN AND COMMUNITY RENEWAL COMMUNITY IMPROVEMENT PLAN (2016)

A Community Improvement Plan (CIP) allows a municipality to direct funds and implements policy initiatives in a specifically defined project area. Section 28 of the Planning Act gives municipalities that have enabling policies in their official plans the ability to prepare CIPs. Community Improvement Plans are intended to encourage revitalization initiatives and/or stimulate development and redevelopment. Once implemented, a CIP allows municipalities to provide tax assistance, grants or loans to assist in the revitalization of lands and/or buildings within a defined Community Improvement Project Area. The CIP functions as an implementation tool, meant to encourage development activities that implement the vision and policies established in related plans and strategies.

Through Community Improvement Plans, municipalities can:

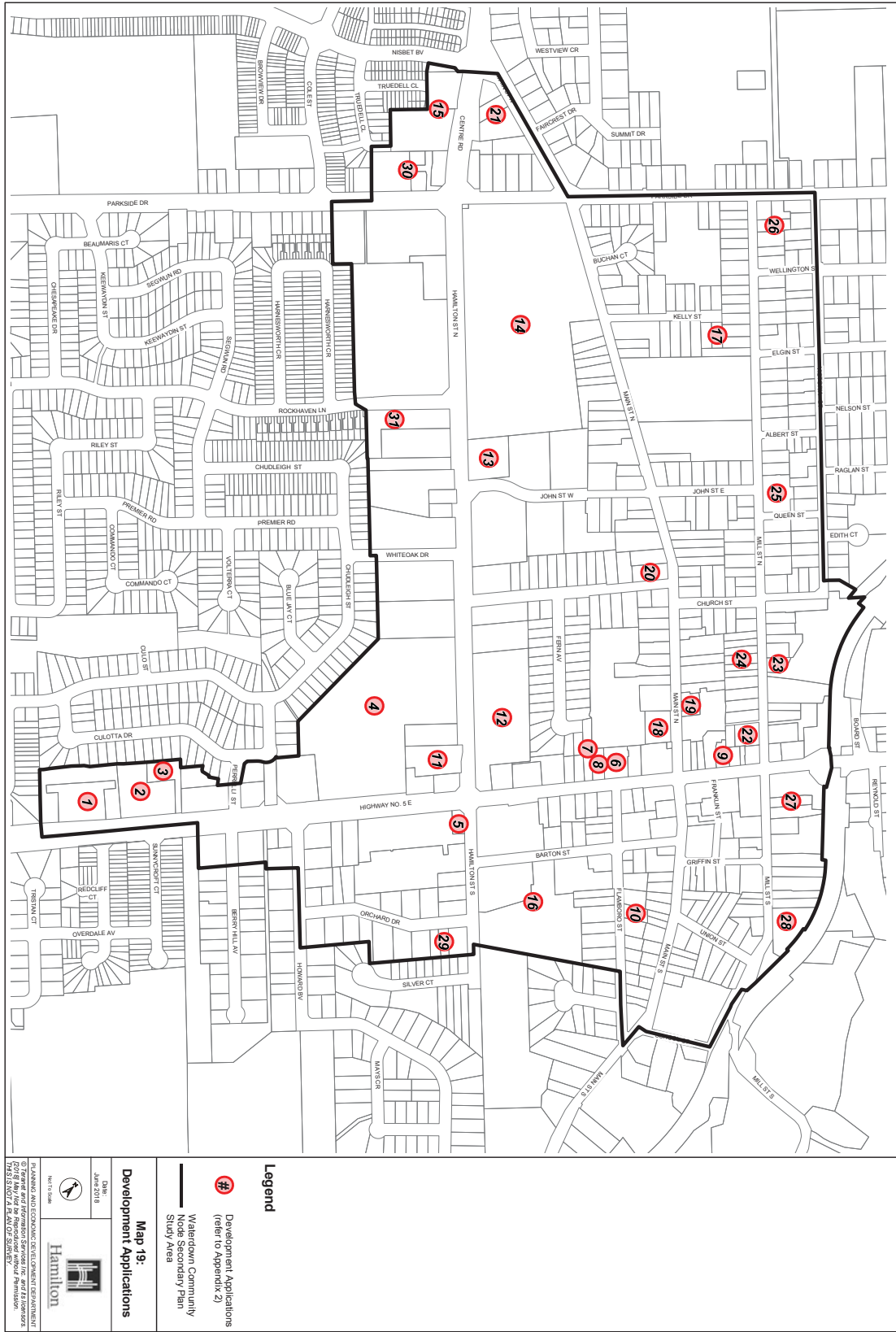
- focus public attention on local priorities and municipal initiatives
- target areas in transition or in need of repair, rehabilitation and redevelopment
- facilitate and encourage community change in a co-ordinated manner
- stimulate private sector investment through municipal incentive-based programs.

A Community Improvement Project Area (CIPA) is located in the historic Downtown of Waterdown and follows a similar boundary as the BIA, along Hamilton Street North and Dundas Street East. The CIPA boundary is shown on *Map 18*.

The following municipal programs are available to the Waterdown CIPA as part of the Community Improvement Plan:

- Hamilton Tax Increment Grant Program
- BIA Commercial Property Improvement Grant Program
- Commercial Corridor Housing Loan and Grant Program
- Hamilton Heritage Property Grant Program
- Office Tenancy Assistance Program
- Commercial Facade Property Improvement Grant Program

14.0 DEVELOPMENT ACTIVITY



14.0 DEVELOPMENT ACTIVITY

Although much of the growth in Waterdown has been occurring in new subdivision development to the east and west of the study area, a number of infill developments and redevelopments have taken place within the study area as well. There are also some developments currently in the application or approval stage which are not yet built. *Appendix 3* lists all major development applications in the study area over the last 5 years (applications requiring site plan approval and land severances for infill development), and *Map 19* shows the location of each of these applications.

Over the last 5 years (2013 to present), a total of 4,400m² of new commercial space has been constructed within the study area, comprised of 4 building additions, 2 new stand-alone commercial buildings, and 13 new commercial units in a mixed use building. Residential development has included 40 apartment units in a mixed use building, 134 townhouse units across 3 different sites, and 3 single detached infill dwellings.

A number of development applications have been made and are either not yet approved or are under construction but not yet completed. These applications, if all approved and constructed, will result in an additional 263 apartment units, 90 townhouse units, 2 semi-detached units, and an estimated 10 new commercial units in the study area.

14.1 KEY DEVELOPMENT CONSIDERATIONS

The overview of development activity in the study area shows that there is continuing interest in intensification and infill development. As changes are made, the Secondary Plan should provide guidance to:

- Ensure that intensification is appropriate to the vision for the Waterdown Community Node, contributes positively to the function of the Node, and is properly integrated into the existing built fabric; and,
- Ensure that necessary infrastructure, transportation networks, parks, and other community facilities are available to support the community.

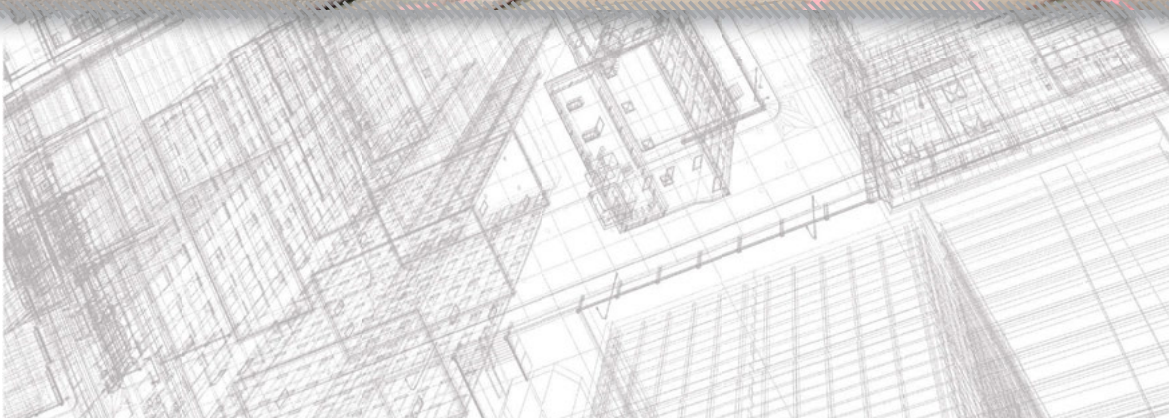
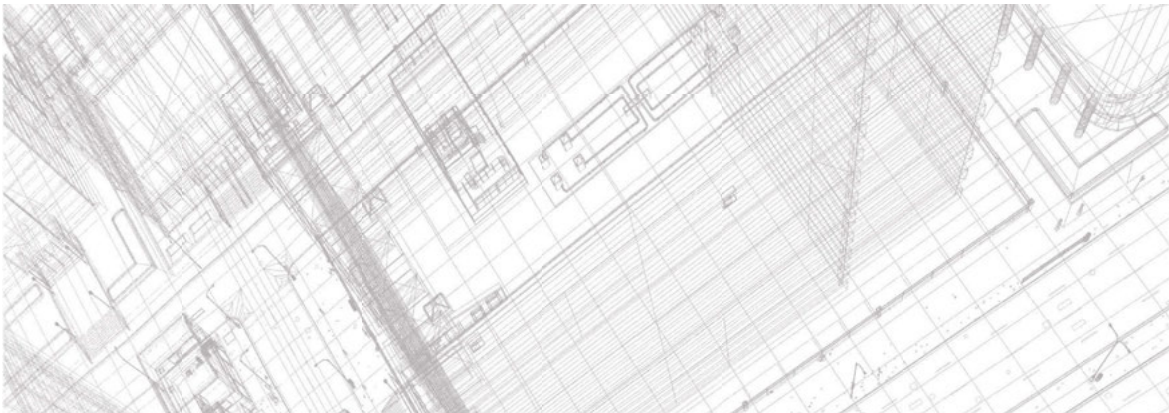
15.0 CONCLUSION



15.0 CONCLUSION

The information contained in this report provides an overview of the most recently documented statistics, features, and land uses in the study area, as well the historical development of the area. An understanding of the changes that have shaped an area and its local context is essential prior to undertaking a Secondary Plan process. The background report highlights policy directions contained in City and Provincial documents, which establish the general parameters for how and where growth and change should occur. The various initiatives and projects that are ongoing will also impact how the area will look and function in the future. All of these are important considerations which form the basis from which to strategically plan for future changes to the Waterdown Community Node area through the secondary planning process. The key considerations outlined in the report will help to guide the Secondary Plan study.

160 REFERENCES

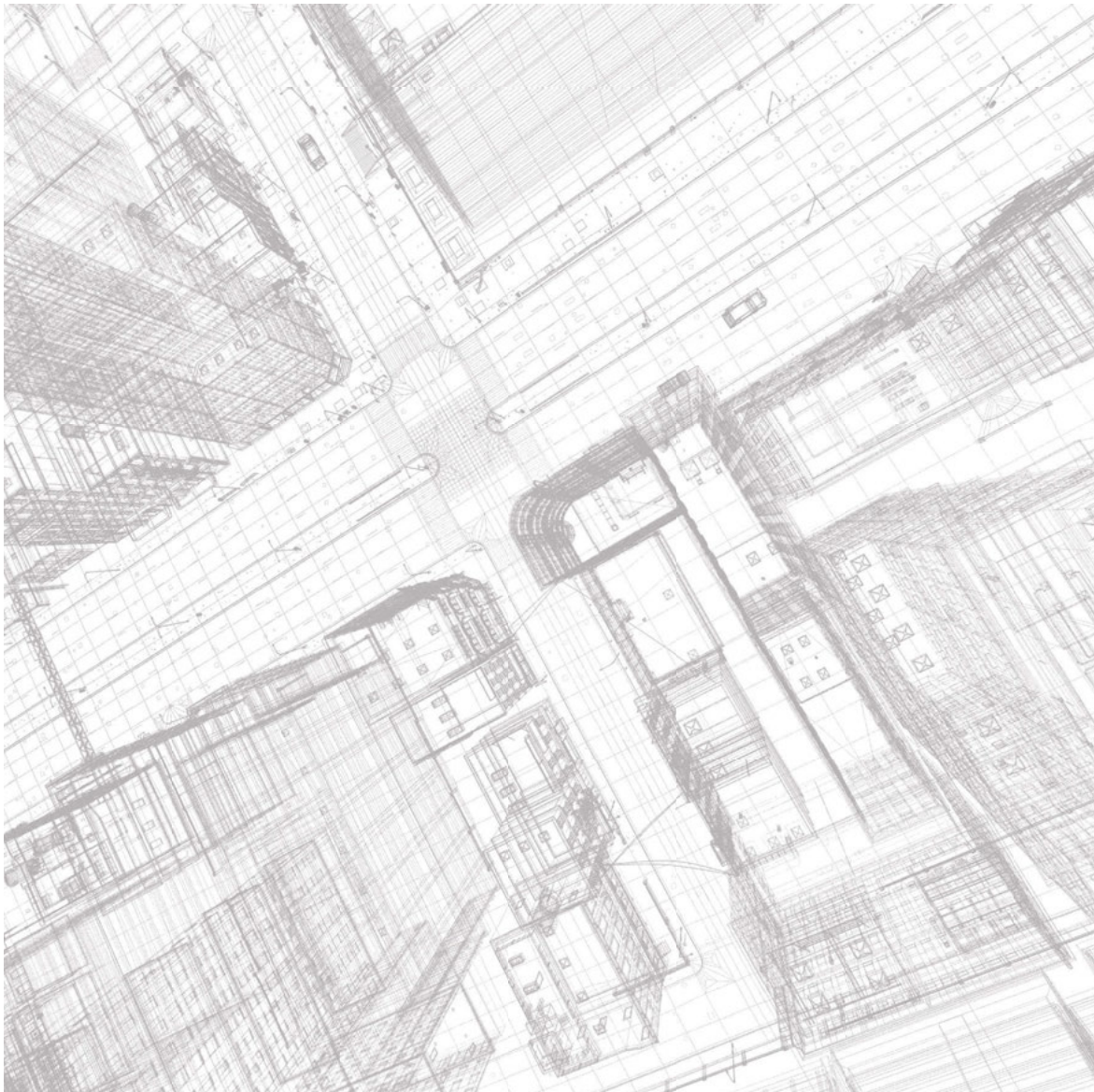


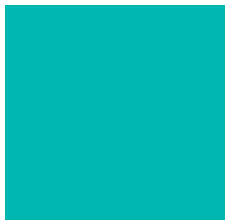
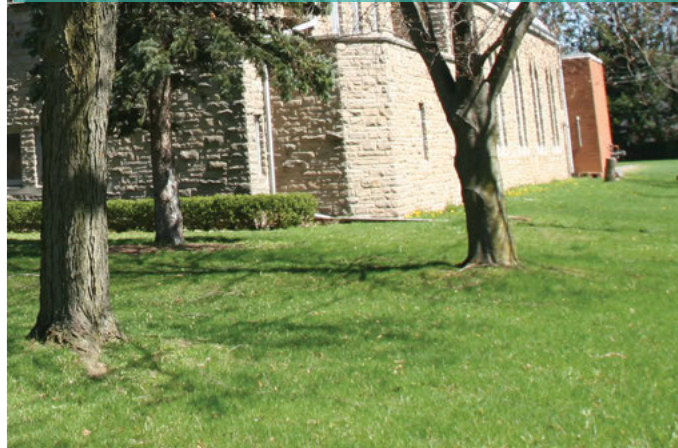
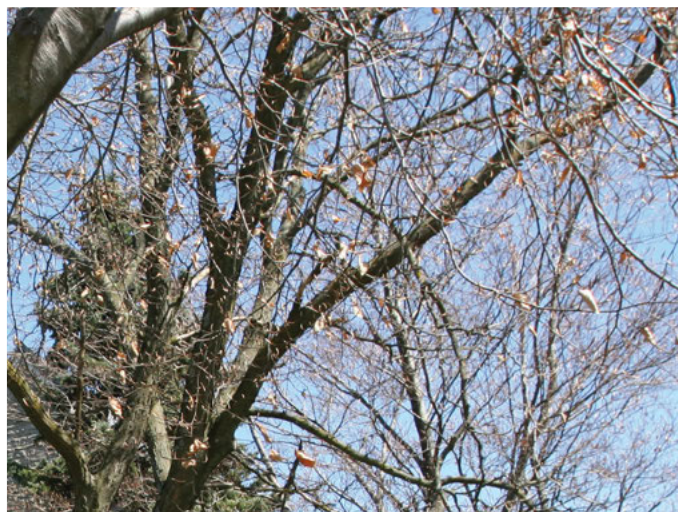
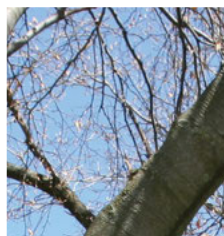
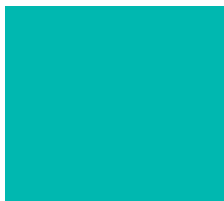
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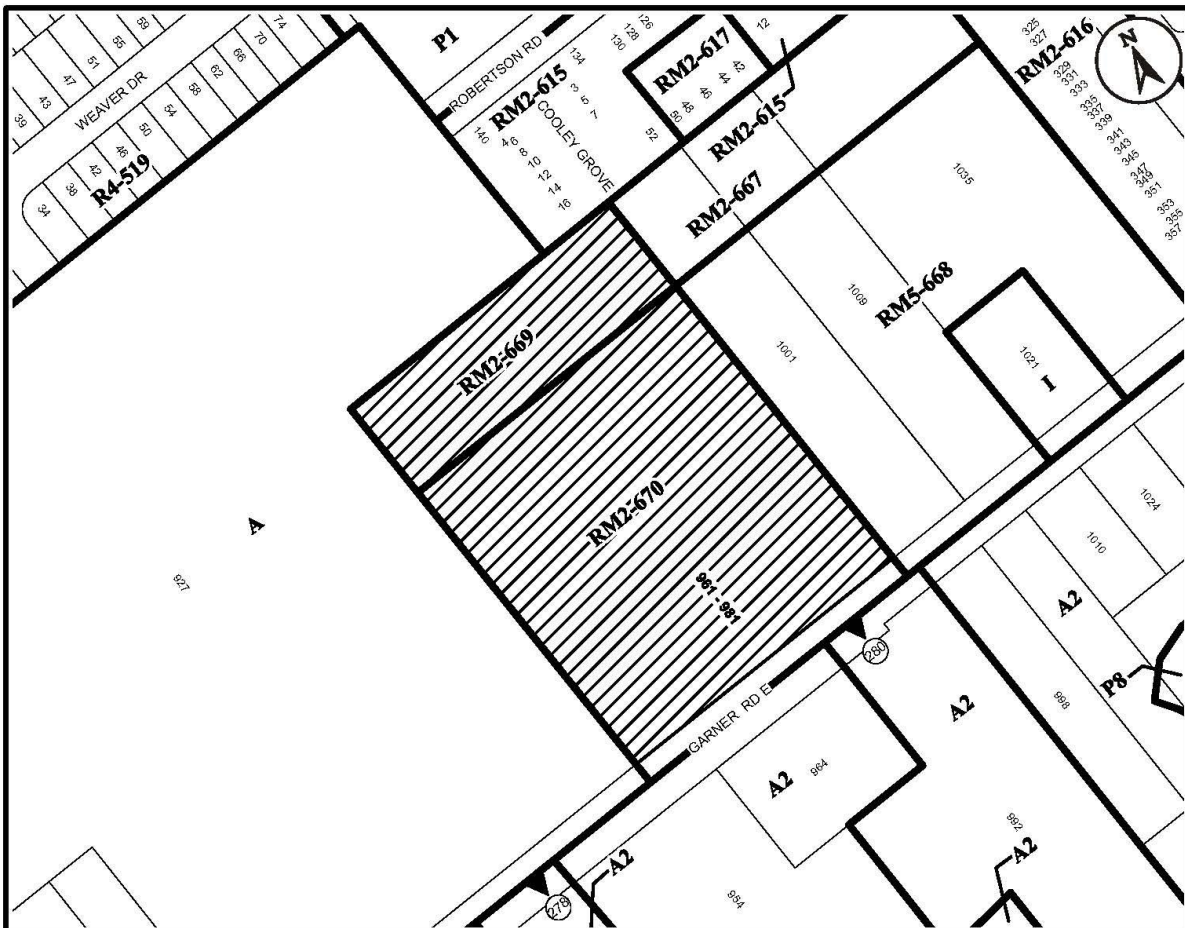


WATERDOWN
Community Node Secondary Plan
Background Report

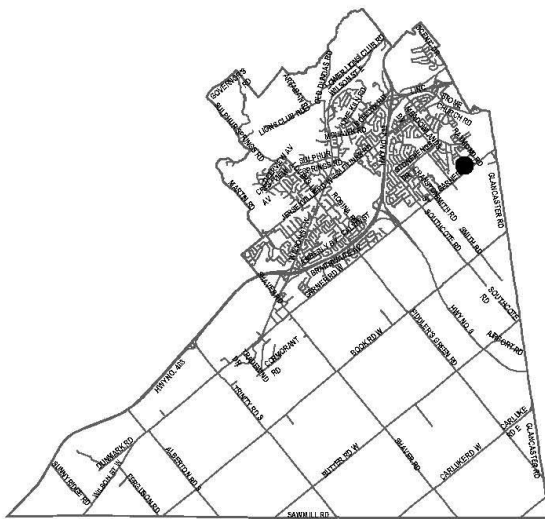


Hamilton

PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT
COMMUNITY PLANNING



● Site Location



Key Map - Ward 12

N.T.S. 

Location Map



Hamilton

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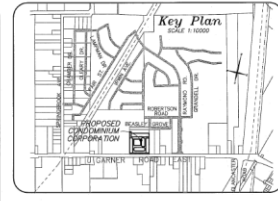
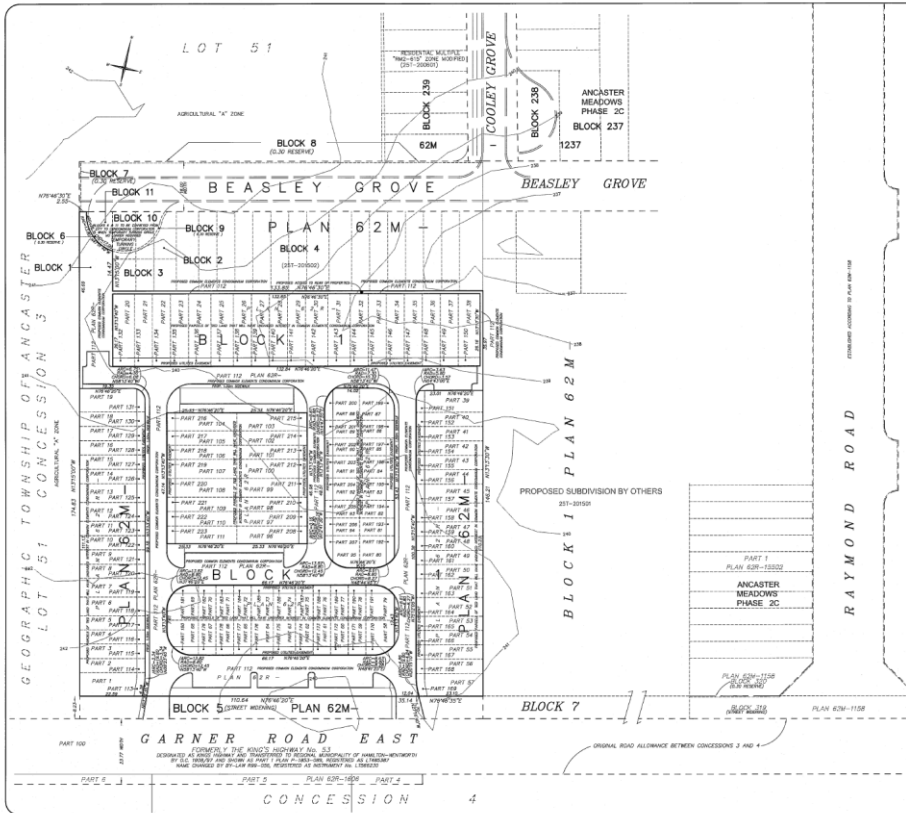
Appendix "A"

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Subject Property

 961 - 981 Garner Road East



**DRAFT PLAN OF
Cortland
condominium**
BEING A PROPOSED COMMON ELEMENTS CONDOMINIUM CORPORATION OF
PART OF BLOCK 1—PLAN 62M—
CITY OF HAMILTON
SCALE 1:500
B. J. CLARKE O.L.S.

NOTE: THIS IS A DRAFT PLAN ONLY AND IS SUBJECT TO REVISION AND AMENDMENT.

NOTICE: DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND SHOULD BE CONSIDERED TO BE IN ACCORDANCE WITH THE METRIC ACT AND SECTION 8 OF THE CONDOMINIUM ACT (1998).

RE: CHAPTER F.13 R.S.O. 1990 SECTION 51(17) OF THE PLANNING ACT AND SECTION 8 OF THE CONDOMINIUM ACT (1998)

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CONDOMINIUM DRAFT APPROVAL:
SUBJECT TO THE CONDITIONS OF ANY LET FORTH IN OUR LETTER DATED 2017
THIS PLAN HAS APPROVED UNDER SECTION 51(17) OF THE PLANNING ACT OF THE
CITY OF HAMILTON UNDER THE AUTHORITY OF BY-LAW 67-2017
THIS DAY OF _____, 2017.

GENERAL MANAGER
PLANNING AND TOWNSHIP DEVELOPMENT
CITY OF HAMILTON

A. J. Clarke and Associates Ltd.
SURVEYORS • ENGINEERS • PLANNERS
28 MARK STREET WEST, SUITE 300
HAMILTON, ONTARIO L8P 4M1
TEL: 905-524-2288 FAX: 905-524-2289
WWW.AJCLARKE.COM

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Recommended Conditions of Draft Plan of Condominium Approval

That this approval for the **Draft Plan of Condominium Application 25CDM-201706, by A.J. Clarke & Associates, on behalf of Marz Homes (Garner) Inc., Owner,** to establish a Draft Plan of Condominium (Common Element) to create a condominium road network, sidewalks and pedestrian pathway, landscaped areas, 56 visitor parking spaces, and centralized mailboxes, on lands located at 961 to 989 Garner Road East (Ancaster), be received and endorsed by City Council with the following special conditions:

1. That the final Plan of Condominium shall comply with all of the applicable provisions of the Town of Ancaster Zoning By-law No. 87-57, as amended by By-law No. 16-068, or in the event the City of Hamilton has repealed and replaced the Town of Ancaster Zoning By-law No. 87-57 with By-law No. 05-200, the final Plan of Condominium shall comply with all of the applicable provisions of the Zoning By-law in force and effect at the time of registration of the Draft Plan of Condominium.
2. That the subject lands be developed in accordance with the approved Site Plan Control Application DA-16-129 and that the final Plan of Condominium complies with the approved Site Plan, to the satisfaction of the Director of Planning and Chief Planner.
3. That the owner shall receive final approval of Part Lot Control Application PLC-18-014, including the enactment and registration on title of the associated Part Lot Control Exemption By-law, to the satisfaction of the Director of Planning and Chief Planner.
4. That the owner shall enter into a Development Agreement to ensure that the tenure of each of the proposed maisonette and townhouse dwellings having frontage on the condominium road has legal interest, in common, to the common elements condominium, to the satisfaction of the City Solicitor.
5. That the owner shall agree to include the following in all Purchase and Sale Agreements and Rental or Lease Agreements and in the Development Agreement, to the satisfaction of the Senior Director of Growth Management:
 - (i) Purchasers are advised that the City of Hamilton will not be providing maintenance or snow removal service for the private condominium road. In addition, City Waste Management services may not be available to residents and that the provision of such services may require agreements with private contractors.
 - (ii) 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.

- (iii) Block 1 shall accept emergency overland flow from Block 4 (freehold townhouses) to the north which front onto Beasley Grove.
 - (iv) Block 1 shall accept the external drainage from the adjacent property to the west including the overland flow route through the condominium roads.
 - (v) The Condo Corporation is responsible for the maintenance of all infrastructures, noise walls, overland flow route, including services within the 12m easement between part 20 and the western property limit.
 - (vi) The home mail delivery will be from a Community Mail Box.
6. That the owner will be responsible for officially notifying the purchasers of the exact Community Mail Box locations, to the satisfaction of Senior Director of Growth Management and Canada Post prior to the closing of any home sales.
 7. That the owner work with Canada Post to determine and provide temporary suitable Community Mail Box locations, which may be utilized by Canada Post, until the curbs, boulevards, and sidewalks are in place in the remainder of the subdivision, to the satisfaction of the Senior Director of Growth Management.
 8. That the owner install a concrete pad in accordance with the requirements of, and in locations to be approved by the Senior Director of Growth Management and Canada Post, to facilitate the placement of Community Mail Boxes.
 9. That the owner identify the concrete pads for the Community Mail Boxes on the engineering / servicing drawings. Said pads are to be poured at the time of the sidewalk and / or curb installation within each phase, to the satisfaction of the Senior Director of Growth Management.
 10. That the owner determine the location of all mail receiving facilities in co-operation with the Senior Director of Growth Management and Canada Post, and to indicate the location of mail facilities on appropriate maps, information boards, and plans. Maps are also to be prominently displayed in the sales office(s), showing specific mail facility locations.
 11. That the owner shall agree to include the following in all Purchase and Sale Agreements and Rental or Lease Agreements and in the Condominium Declaration, as described in the report titled "Noise Feasibility Study, Garner Estate, Hamilton, Ontario, prepared for Marz Homes (Garner) Inc." dated July 24, 2014, and addendum noise impact study titled "Addendum Letter – Noise Feasibility Study, Marz Homes, Cortland, Garner Road East, Hamilton, Ontario" dated November 26, 2015 to the satisfaction of the Director of Planning and Chief Planning:

(i) Buildings 6 and 17:

Warning Clause "B":

"Purchasers / tenants are advised that despite the inclusion of noise control features in the development and within the building units, sound levels due to increasing road traffic may on occasion interfere with some activities of the dwelling occupants as the sound levels exceed the City of Hamilton's and the Ministry of the Environment and Climate Change."

Warning Clause "C"

"This dwelling unit has been designed with the provision for adding central air conditioning at the occupant's discretion. Installation of central air conditioning by the occupant in low and medium density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment and Climate Change."

Warning Clause "E"

"Purchasers / tenants are advised that due to the proximity of the adjacent commercial retail facilities, noise from the facilities may at time be audible."

(ii) Buildings 18 and 19

Warning Clause "A":

"Purchasers / tenants are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Municipality's and the Ministry of the Environment and Climate Change."

Warning Clause "C"

"This dwelling unit has been designed with the provision for adding central air conditioning at the occupant's discretion. Installation of central air conditioning by the occupant in low and medium density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment and Climate Change."

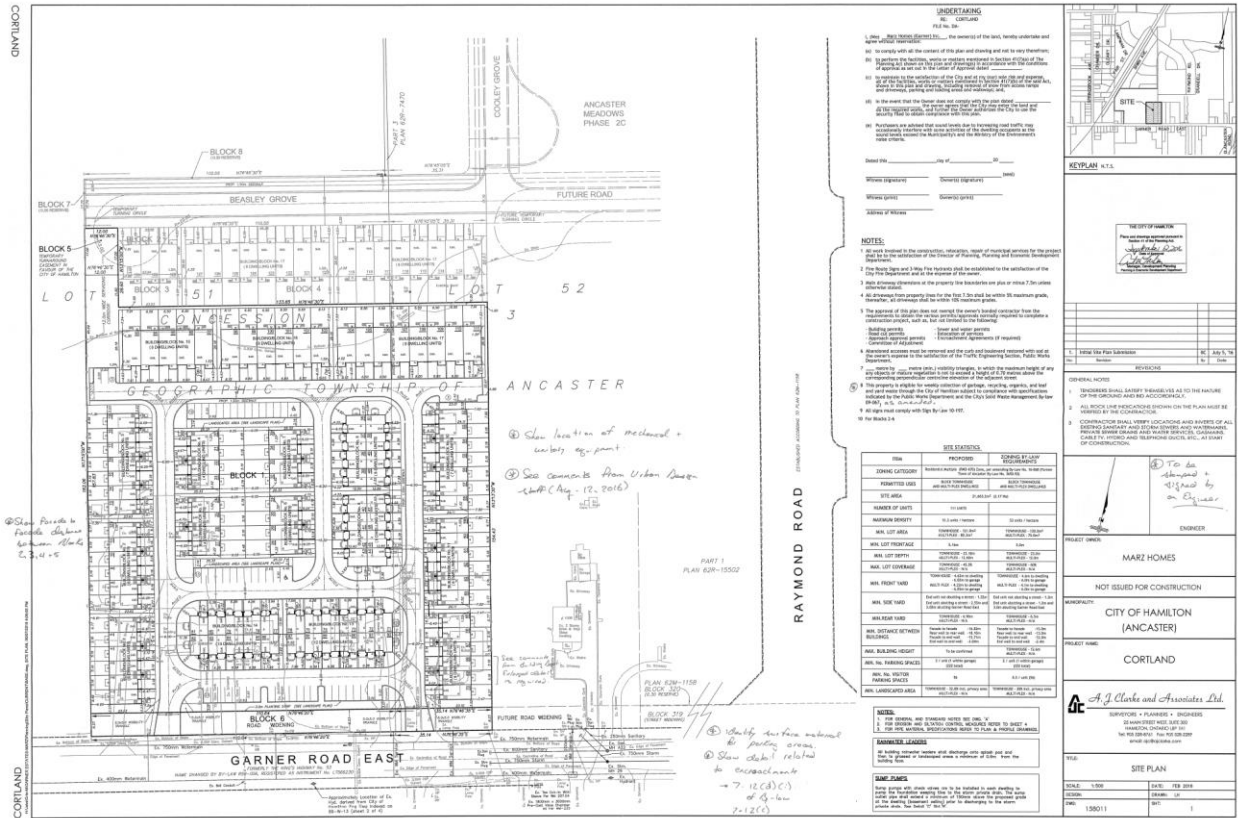
Warning Clause "E"

"Purchasers / tenants are advised that due to the proximity of the adjacent commercial retail facilities, noise from the facilities may at time be audible."

12. That the owner / developer ensure the following wording is included in the associated Condominium Declaration to the satisfaction of the Senior Director of Growth Management:
 - (i) The Corporation shall maintain and repair the Common Elements at its own expense. The Corporation shall also maintain and repair all utilities (including without limitation, water mains, storm and sanitary sewers, catch basins, and fire hydrants) which services more than one Parcel of Tied Land (POTL), whether located within the Common Elements or wholly or partly within the POTL and the Corporation and its designated agents shall have full access to a POTL to carry out its obligation pursuant to this paragraph. If the Corporation is required to maintain or repair any utility or service on a POTL, the Corporation shall only be responsible to return the POTL to its original stage and shall not be responsible to repair or replace, or to correct any upgrade or improvement performed or added to the POTL by the POTL owner.
13. That Blocks 6 and 11 on the future 62M Plan of the Cortland Plan of Subdivision (application 25T-201502 (being the Cortland Plan of Subdivision), which has been dedicated to the City of Hamilton for the purposes of a temporary turning circle, be transferred to the future Common Elements Condominium Corporation as a freehold parcel for the purchase price of \$1.00 (and the future Common Element Condominium Corporation shall be required to purchase said Blocks 6 and 11 on these terms) when the temporary turning circle is no longer required and Beasley Grove can be extended westerly, to the satisfaction of the Senior Director of Growth Management.
14. That the owner shall satisfy all conditions, financial or otherwise, of the City of Hamilton.

NOTES TO DRAFT PLAN APPROVAL

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





CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
 Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	September 4, 2018
SUBJECT/REPORT NO:	Application for Approval of a Draft Plan of Condominium (Common Element) for Lands Located at 961 and 989 Garner Road East (Ancaster) (PED18189) (Ward 12)
WARD(S) AFFECTED:	Ward 12
PREPARED BY:	Melanie Schneider (905) 546 - 2424 Ext. 1224
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That **Draft Plan of Condominium Application 25CDM-201706, by A.J. Clarke & Associates Inc., on behalf of Marz Homes (Garner) Inc., owner**, to establish a Draft Plan of Condominium (Common Element) to create a condominium road network, sidewalks and pedestrian pathway, landscaped areas, 56 visitor parking spaces, and centralized mailboxes, on lands located at 961 and 989 Garner Road East (Ancaster), as shown on Appendix "A", attached to Report PED18189, be **APPROVED** subject to the following conditions:

- (a) That the approval for Draft Plan of Condominium (Common Element) Application 25CDM-201706 applies to the plan prepared by A.J. Clarke & Associates, Ltd., certified by B. J. Clarke, and dated October 13, 2017, consisting of a condominium road network, sidewalks and pedestrian pathway, landscaped areas, 56 visitor parking spaces, and centralized mailboxes, in favour of 38 maisonette and 73 townhouse dwelling units, attached as Appendix "B" to Report PED18189;
- (b) That the conditions of Draft Plan of Condominium Approval 25CDM-201706, attached as Appendix "C" to Report PED18189, be received and endorsed by City Council.

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

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

SUBJECT: Application for Approval of a Draft Plan of Condominium (Common Element) for Lands Located at 961 and 989 Garner Road East (Ancaster) (PED18189) (Ward 12) - Page 2 of 11

EXECUTIVE SUMMARY

The purpose of the application is to establish a Draft Plan of Condominium (Common Element) to create the following common elements: a private condominium road network, sidewalks and pedestrian pathway, landscaped areas, 56 visitor parking spaces, and centralized mailboxes in favour of 38 maisonettes and 73 townhouse dwelling units, as approved under conditionally approved Site Plan Control Application DA-16-129. The condominium road will provide access to Garner Road East. The subject lands are to be developed as maisonette and townhouse units fronting onto a private condominium road network, by way of Part Lot Control Application PLC-18-014, currently being processed.

The proposed Draft Plan of Condominium conforms to the Town of Ancaster Zoning By-law No. 87-57, as amended by By-laws No. 16-068 and Minor Variance Application AN/A-17:78. Further, it is consistent with and will implement the final approved Site Plan Control Application DA-16-129.

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

Alternatives for Consideration – See Page 10

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

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

HISTORICAL BACKGROUND

Proposal:

The purpose of the application is to establish a Draft Plan of Condominium (Common Element) to create the following common elements: a private condominium road network, sidewalks and pedestrian pathway, landscaped areas, 56 visitor parking spaces, and centralized mailboxes in favour of 38 maisonettes and 73 townhouse dwelling units, as approved under conditionally approved Site Plan Control Application

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SUBJECT: Application for Approval of a Draft Plan of Condominium (Common Element) for Lands Located at 961 and 989 Garner Road East (Ancaster) (PED18189) (Ward 12) - Page 3 of 11

DA-16-129, attached as Appendix “B” to Report PED18189. The condominium road will provide access to Garner Road East.

Chronology:

June 5, 2017: Condominium Application 25CDM-201706 is deemed complete.

June 20, 2017: Circulation of Notice of Complete Application and Preliminary Circulation for Condominium Application 25CDM-201706 sent to 25 property owners within 120 m of the subject lands.

June 26, 2017: Public Notice Sign placed on the subject lands.

August 8, 2018: Public Notice Sign updated to indicate Public Meeting date.

August 17, 2018: Notice of Public Meeting circulated to 25 property owners within 120 m of the subject lands.

Details of Submitted Application:

Location: 961 and 989 Garner Road East (Ancaster)
(See Location Map attached as Appendix “A” to Report PED18189)

Owner / Applicant: Marz Homes (Garner) Inc.

Agent: A.J. Clarke & Associates Ltd., c/o Stephen Fraser

Property Description: Lot Frontage: 145.78 m (Garner Road East)

Lot Depth: 183.06 m

Lot Area: 2.33 ha

Servicing: Full Municipal Services

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SUBJECT: Application for Approval of a Draft Plan of Condominium (Common Element) for Lands Located at 961 and 989 Garner Road East (Ancaster) (PED18189) (Ward 12) - Page 4 of 11

EXISTING LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Vacant	Residential Multiple “RM2-670” Zone, Modified and Residential Multiple “RM2-669” Zone, Modified
<u>Surrounding Lands:</u>		
North	Street townhouse dwellings and vacant lands	Residential Multiple “RM2-615” Zone, Modified and Agricultural “A” Zone
South	Landscape Business and a single detached dwelling	Rural (A2, 280) Zone and Rural (A2) Zone
East	Vacant	Residential Multiple “RM5-668” Zone, Modified and Residential Multiple “RM2-667” Zone, Modified
West	Agriculture	Agricultural “A” Zone

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (PPS 2014):

The Provincial planning policy framework is established through the *Planning Act* (Section 3), Provincial Policy Statement (PPS 2014), and the Growth Plan for the Greater Golden Horseshoe (2017). 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.

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SUBJECT: Application for Approval of a Draft Plan of Condominium (Common Element) for Lands Located at 961 and 989 Garner Road East (Ancaster) (PED18189) (Ward 12) - Page 5 of 11

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

- consistent with Section 3 of the *Planning Act*,
- consistent with the Provincial Policy Statement (2014); and,
- conforms to the Growth Plan for the Greater Golden Horseshoe (2017).

Urban Hamilton Official Plan (UHOP):

The subject lands are designated "Neighbourhoods" on Schedule "E-1" – Urban Land Use Designations and as "Low Density Residential 3b" on Map B.2.6-1 – Meadowlands Neighbourhood IV Secondary Plan. A small portion of the lands are designated "Low Density Residential 2b" and "Site Specific Policy – Area I". The following policies, amongst others, apply to the application.

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

The subject lands are adjacent to Garner Road East, which is identified as a Major Arterial Road on Schedule "C" – Functional Road Classification of the UHOP. Accordingly, the applicants have submitted a noise impact study and addendum, titled "Noise Feasibility Study, Garner Estate, Hamilton, Ontario, prepared for Marz Homes (Garner) Inc." dated July 24, 2014, and "Addendum Letter – Noise Feasibility Study, Marz Homes, Cortland, Garner Road East, Hamilton, Ontario" dated November 26, 2015 in support of the application. Condition No. 11 in Appendix "C" to Report PED18189 has been included in order to implement the recommendations for noise warning clauses.

Based on the foregoing and subject to the proposed conditions of Draft Plan Approval, the proposal complies with Volume 1 of the Urban Hamilton Official Plan.

Meadowlands IV Neighbourhood Secondary Plan

The subject lands are designated "Low Density Residential 3b" in the Meadowlands Neighbourhood IV Secondary Plan. In addition, a small portion of the lands are designated "Low Density Residential 2b" and "Site Specific Policy – Area I" in the Meadowlands Neighbourhood IV Secondary Plan. The following policies, amongst others, apply.

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SUBJECT: Application for Approval of a Draft Plan of Condominium (Common Element) for Lands Located at 961 and 989 Garner Road East (Ancaster) (PED18189) (Ward 12) - Page 6 of 11

“B.2.6.1.4 Notwithstanding Section E.3.4.3 and E.3.4.4 of Volume 1, the following policies shall apply to the Low Density Residential designations identified on Map B.2.6-1 – Meadowlands Neighbourhood IV – Land Use Plan:

- a) In the Low Density Residential 2b designation:
 - i) the density shall be approximately 1 to 30 units per net residential hectare;
 - ii) predominantly single detached dwellings, duplex and semi-detached dwellings shall be permitted; and,
 - iii) generally located at the interior of residential neighbourhoods adjacent to local and/or collector roads.
- b) In the Low Density Residential 3b designation:
 - i) the density shall be a maximum of 50 units per net residential hectare;
 - ii) predominantly town house dwellings and innovative attached housing dwelling forms shall be permitted; and,
 - iii) generally located at the periphery of residential neighbourhoods adjacent to or close to arterial and/or collector roads.

B.2.6.8.9 For the lands located at 961 – 989 Garner Road East, and identified on Map B.2.6-1 – Meadow Lands Neighbourhood IV – Land Use Plan as Site Specific Policy – Area I, the following shall apply:

- a) For those lands designated as “Low Density Residential 2b”:
 - i) Street townhouse units shall be permitted; and,
 - ii) The maximum density shall be 50 units per net residential hectare.”

The proposed Draft Plan of Condominium proposes to establish common elements in favour of 38 maisonette and 73 townhouse dwelling units, providing for a density of 46.25 units per hectare on the subject lands, including the proposed walkway connection at the northwest corner of the lands.

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

Ancaster Zoning By-law No. 87-57

The subject lands are zoned Residential Multiple “RM2-669” Zone, Modified and Residential Multiple “RM2-670” Zone, Modified, in the Town of Ancaster Zoning By-law No. 87-57, as amended by By-law No. 16-068 and varied by Minor Variance Application AN/A-17:78.

By-law No. 16-068 permits multi-plex dwellings and block townhouses within the “RM2-670” Zone, Modified and street townhouses within the “RM2-669” Zone, Modified. The portion of lands subject to the “RM2-669” Zone, Modified does not contain any units, but proposes a walkway connection to the public right of way for Beasley Grove.

Minor Variance Application AN/A-17:78 permitted a reduction of front yard setback from 4.5 metres to 3.0 metres, deemed street townhouse dwellings fronting onto a private road to be block townhouse dwellings, deemed private roads to be public streets for the purposes of the Zoning By-law, permitted driveway parking spaces appurtenant to a multi-plex dwelling, and deemed the limits of the whole development as lot lines instead of individual properties fronting onto a private road.

Since the proposal is to establish common elements in favour of block townhouses and maisonette dwelling units, the proposal conforms to the Ancaster Zoning By-law No. 87-57, as amended by By-law No. 16-068 and varied by Minor Variance Application AN/A-17:78.

Site Plan Control Application DA-16-129 was granted Conditional Approval on September 12, 2016 and received an approval extension up to September 18, 2018. Condition Nos. 1 and 2 of Appendix “C” to Report PED18189 have been included to ensure the proposal is developed in accordance with these approvals.

RELEVANT CONSULTATION

The following departments and agencies had no comments or objections:

- Forestry and Horticulture Section, Public Works Department;
- HSR;
- Hydro One Inc.; and,
- Strategic Planning Division, Public Works Department.

Canada Post Corporation noted that mail delivery services will be provided to the condominium through centralized mail facilities (Lock Bock Assembly) to be installed

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within the common element at the developer's expense. Canada Post requests updates if the project description changes in order to assess if there are any impacts. If the application is approved Canada Post requires notification of the civic address as soon as possible. The centralized mail box location has been determined through the approved Site Plan Control Application DA-16-129. Further, the requested conditions have been addressed through Condition Nos. 5 (vi), and 6 to 10, inclusive in Appendix "C" to Report PED18189.

Transportation Planning Section, Planning and Economic Development Department have advised that details including driveway access design, pavement markings, turn lane design, External Works Agreement, roadway widths, and sidewalk designs need to be resolved prior to approval. Staff note that these comments are addressed through Site Plan Control Application DA-16-129 and Draft Plan of Subdivision Application 25T-201502.

Recreation Section, Recreation and Community Services Department have reviewed the application and recommended that a public pedestrian connection be provided from the development to nearby neighbourhood facilities, including the Ancaster Meadows Neighbourhood Park and the public school next door. Staff note that a pedestrian pathway is proposed at the north westerly portion of the lands and forms part of the common element. Details regarding the pathway design are addressed through Site Plan Control Application DA-16-129.

PUBLIC CONSULTATION

In accordance with the provisions of the *Planning Act* and Council's Public Participation Policy, Notices of Complete Application and Preliminary Circulation were sent to 25 property owners within 120 m of the subject property on June 20, 2017, requesting comments on the application.

Furthermore, a Public Notice Sign was posted on the property on June 26, 2017 and updated on August 8, 2018 with the Public Meeting date. Finally, Notice of the Public Meeting was given on August 17, 2018, in accordance with the requirements of the *Planning Act*. To date, no submissions from the public have been received.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

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

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- (iii) The proposal establishes condominium tenure for a form of development permitted under the Town of Ancaster Zoning By-law No. 87-57 as amended by By-law No. 16-068 and varied by Minor Variance Application AN/A-17:78. It will implement the approved Site Plan Control Application DA-16-129, which provides for a form of development that is compatible with surrounding land uses.
2. The proposed Draft Plan of Condominium (Common Element) is comprised of the following common elements: a condominium road network, sidewalks and pedestrian pathway, landscaped areas, 56 parking spaces, and centralized mailboxes, as shown on the attached plan, marked as Appendix “B” to Report PED18189. The private condominium road will provide access to Garner Road East. Thirty-eight (38) maisonette and 73 block townhouse dwelling units will have access from the private condominium road network and will hold an interest in the Common Element Condominium Corporation.
3. The applicant must ensure that the final Plan of Condominium complies with the final approved Site Plan Control Application DA-16-129, conditionally approved on September 12, 2016, to the satisfaction of the Director of Planning and Chief Planner (Condition No. 2 of Appendix “C” to Report PED18189).
4. The land proposed for the common element condominium and the lots for all of the dwelling units will be created through Part Lot Control Application PLC-18-014. In this regard, final approval and registration of the common element condominium cannot occur until such time as the future Part Lot Control Application is approved and the By-law removing the lands from Part Lot Control has been passed by Council (Condition No. 3 of Appendix “C” to Report PED18189). Part Lot Control Application PLC-18-014 is currently under review.
5. The applicant must also enter into a Development Agreement with the City of Hamilton as a condition of Draft Plan of Condominium approval. This Agreement will ensure that the tenure of the proposed common elements (as shown on the Draft Plan of Condominium included in Appendix “B” to Report PED18189) becomes “tied” to the proposed Draft Plan of Condominium. This will have the effect of ensuring that individual townhouse and maisonette lots are not sold until the condominium has been registered as a Common Elements Condominium under the Condominium Act (Condition No. 4 of Appendix “C” to Report PED18189).
6. The proposed condominium road will be privately owned and maintained. As a condition of approval, the applicant must include warning clauses in the Development Agreement and all purchase and sale agreements and rental or lease agreements to advise perspective purchasers that the City of Hamilton will

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- not provide maintenance or snow removal and that the provided garages are for parking (including that on-street, overflow parking may not be available and cannot be guaranteed in perpetuity) (Condition Nos. 5 (i) and (ii) of Appendix “C” to Report PED18189).
7. Development Engineering has advised that all issues pertaining to the grading, drainage and servicing have been reviewed as per conditionally approved Site Plan Control Application DA-16-129 and are subject to the terms and conditions therein. Furthermore, Development Engineering has advised that the subject lands will accept emergency overland stormwater flow from the townhouse units fronting onto Beasley Grove and from the lands to the south, through the private road network. In addition, the Condominium Corporation will be required to maintain the Common Elements, including all utilities and noise walls, at their own expense. The above comments have been included as Condition Nos. 5 (iii) to (v), and 12 of Appendix “C” to Report PED18189.
 8. A portion of the subject lands is identified as a temporary turning circle for Beasley Grove under the associated Draft Plan of Subdivision under application 25T-201502. Accordingly, in order for the Draft Plan of Condominium to move forward as proposed, the turning circle must be decommissioned and the right of way extended westerly. Staff have included Condition No. 13 of Appendix “C” to Report PED18189 to ensure the right of way is extended prior to finalization of the Condominium.
 9. Growth Management staff have advised that the following note be added to the Draft Plan of Condominium Conditions as Note 1 (see Appendix “C” to Report PED18189):

“**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.”
 10. The owner shall satisfy all conditions, financial or otherwise, of the City of Hamilton (Condition No.14 in Appendix “C” to Report PED18189).

ALTERNATIVES FOR CONSIDERATION

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

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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.

Our People and Performance

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

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” – Location Map

Appendix “B” – Proposed Draft Plan of Condominium

Appendix “C” – Recommended Conditions of Approval

Appendix “D” – Conditionally Approved Site Plan Control Application DA-16-129

MS:mo

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CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	September 4, 2018
SUBJECT/REPORT NO:	Applications to Amend the Urban Hamilton Official Plan and City of Hamilton Zoning By-law No. 6593 for Lands Located at 925 Main Street West and 150 Longwood Road South (PED18199) (Ward 1)
WARD(S) AFFECTED:	Ward 1
PREPARED BY:	Adam Lucas (905) 546-2424 Ext. 7856
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Amended Urban Hamilton Official Plan Amendment Application UHOPA-16-11 by Plaza Imports Limited (c/o John Lecluse), Owner**, to re-designate the southerly portion of “Block 1” from “Open Space” to “Neighbourhoods” in Volume 1; and to re-designate lands shown as “Block 1” from “Local Commercial” and “General Open Space” to “High Density Residential 1” and to add a site specific policy to permit a maximum building height of 62.0 metres (18 storeys) and a maximum density of 250 units per gross hectare in the Ainslie Wood Westdale Secondary Plan to permit a mixed use building consisting of commercial uses at grade with a lodging house above in two tower elements having a maximum building height of 62.0 metres (18 storeys) and 56.0 metres (16 storeys), on lands located at 925 Main Street West and 150 Longwood Road South, Hamilton, as shown on Appendix “A” to Report PED18199, be **APPROVED**, on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED18199, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
- (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2014) and conforms to the Places to Grow Plan.

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- (b) That **Amended Zoning By-law Amendment Application ZAC-16-029 by Plaza Imports Limited (c/o John Lecluse), Owner**, for a change in zoning from the “H/S-1361” (Community Shopping and Commercial, Etc.) District, Modified, “H/S-1331” (Community Shopping and Commercial, Etc.) District, Modified and “C/S-1361” (Urban Protected Residential, Etc.) District, Modified to the Transit Oriented Corridor Mixed Use Medium Density (TOC1, 703, H31) Zone and Conservation / Hazard Land (P5) Zone to permit a mixed used building consisting of commercial uses at grade and a lodging house above in two tower elements having a maximum height of 62.0 metres (18 storeys) and 56.0 metres (16 storeys) as shown on Appendix “A” to Report PED18199.
- (i) That the draft By-law, attached as Appendix “C” to Report PED18199 which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the amending By-law, attached as Appendix “C” to Report PED18199, be added to Map No. 949 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 Transit Oriented Corridor Mixed Use Medium Density (TOC1, 703, H31) Zone on Map No. 949 of Schedule A – Zoning Map, and described as 925 Main Street West, development shall not proceed until:

- (a) The Owner enters into a conditional building permit agreement with respect to completing a Record of Site Condition or a signed Record of Site Condition (RSC) being submitted to the City of Hamilton and the Ministry of the Environment, Conservation and Parks (MECP). 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 MECP, and submission of the City of Hamilton’s current RSC administration fee.
- (b) The Owner acquires the lands at 150 Longwood Road South required to implement the proposed development and merges the lands on title with 925 Main Street West, to the satisfaction of the Director of Planning and Chief Planner.

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- (iv) That this By-law is in conformity with the Urban Hamilton Official Plan, upon approval of Urban Hamilton Official Plan Amendment No. .

EXECUTIVE SUMMARY

The Owner, Plaza Imports Limited (c/o John Lecluse), has applied for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment to permit the redevelopment of lands located at 925 Main Street West and 150 Longwood Road South in the former City of Hamilton. The applications propose to permit a mixed use development (student residence) consisting of two tower elements, connected at the base by a four storey podium, having a maximum height of 56.0 metres (16 storeys) for Tower “A” and 62.0 metres (18 storeys) for Tower “B”. The proposal consists of a 1,024 bed (514 unit) lodging house (student residence), 1,420 square metres of commercial floor space at grade, and 156 vehicular parking spaces and 102 bicycle parking spaces located in a two level underground parking garage on the northerly portion of the site. The southerly portion of the land holding will incorporate an improved slope relative to the existing condition and provide for recreation and amenity areas.

The lodging house is intended to accommodate students attending Columbia International College, wherein the suites will be equipped with sleeping, study and bathroom facilities, while residents will be served by a student meal plan within a common kitchen / dining room area. Further, the proposed development includes a multi-purpose gym, cafeteria, common areas, study rooms, lounge areas including an outdoor patio and fitness gyms for the occupants of the student residence.

The applications have merit and can be supported as they are consistent with the Provincial Policy Statement (2014), conform to the Growth Plan for the Greater Golden Horseshoe (2017) and upon finalization of the UHOP Amendment, will comply with the intent of the 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 42

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

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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 Zoning By-law.

HISTORICAL BACKGROUND

The lands subject to these applications consist of two parcels of land, being 925 Main Street West and 150 Longwood Road South.

The land municipally known as 925 Main Street West is approximately 0.51 hectares in size with approximately 123.2 metres of frontage along Main Street West and 35.7 metres of lot frontage along Longwood Road South. The site currently contains two, one storey commercial buildings, which historically contained a motor vehicle sales establishment.

The land municipally known as 150 Longwood Road South is approximately 1.57 hectares in size with approximately 62.3 metres of lot frontage along Longwood Road South. These lands include a treed bank that descends approximately 10 metres southerly to a sloped grass plane. The grass plane area includes an abandoned and overgrown tennis court. These lands are currently owned by the City of Hamilton. However, the City is in the process of disposing these lands to the applicant and they will be included in the overall development of the site.

This proposal provides consolidated accommodations for Columbia International College's (CIC) student population of approximately 2,000 students to address the need for off-site housing.

Proposal:

The Urban Hamilton Official Plan Amendment proposes to re-designate lands shown as Block "1" on Appendix "A" to Report PED18199 from "Open Space" to "Neighbourhoods" in Volume 1. Further, an amendment to the Ainslie Wood Westdale Secondary Plan has been identified by staff to re-designate the lands from "Local Commercial" and "General Open Space" to "High Density Residential 1" and to add a site specific policy in order to permit a maximum net residential density of 250 units per hectare and a maximum building height of 62.0 metres (18 storeys) for Tower "A" and 56.0 metres (16 storeys) for Tower "B".

Originally the applicant proposed to rezone the subject lands from "H/S-1361" (Community Shopping and Commercial, Etc.) District, Modified, "H/S-1331" (Community Shopping and Commercial, Etc.) District, Modified, and "C/S-1361" (Urban Protected Residential, Etc.) District, Modified in Zoning By-law No. 6593 to a site specific "H"

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(Community Shopping and Commercial, Etc.) District, to increase the maximum building height. Staff amended the application to rezone the subject lands to Transit Oriented Corridor Mixed Use Medium Density (TOC1, 703, H31) Zone and Conservation / Hazard Land (P5) Zone in Zoning By-law No. 05-200 in order to permit the proposed commercial uses, increased building height, restrict maximum gross floor area of commercial uses, implement minimum parking size requirements, reduce parking rate requirements and minimum yard setbacks.

First Submission – April 19, 2016

Applications for Official Plan Amendment and Zoning By-law Amendment were submitted seeking to permit the development of two, 15 storey tower elements connected by a four storey podium with commercial uses on the ground level and residential above. The first submission included 456 suites for 910 students, 107 parking spaces and 50 bicycle parking in one level of underground parking, 1,380 square metres of commercial space and a total gross floor area of 30,685 square metres. The lands located at 150 Longwood Road South were intended to be used for passive and active recreation purposes for the students.

As part of the initial circulation of the applications, comments were received from the Hamilton Conservation Authority (HCA) indicating concerns with respect to the placement of fill to increase the tableland by 14 metres southerly and proposed development within the erosion hazard associated with the Chedoke Creek valley system on the subject property. As such, HCA staff recommended denial of the applications. At the request of the applicant's agent, the applications were held in abeyance indefinitely to allow the applicant the opportunity to address HCA's concerns with the proposal.

Further, comments were received from staff indicating concerns with the insufficient number of onsite parking being provided for the staff and students of the development, issues relating to the built form proposed and a requirement for a tree protection plan.

On February 1, 2018 the applicants had a hearing pursuant to the *Conservation Authorities Act*, with the Board of Directors of the HCA. The proposal as submitted was approved by the Board and a permit with conditions was issued by the HCA in order to place fill on the slope of the property in order to level out a portion of the slope on the northerly portion of the property where the building is proposed.

Second Submission – March 29, 2018

In response to the comments noted above, the concept plan was revised to provide the road widenings along Main Street West and Longwood Drive South and a daylight

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triangle at the southwest corner of the property to the satisfaction of the LRT Office. In addition, the following changes were made to the plan:

- a second level of underground parking was provided to increase the number of vehicle parking to 156 spaces and long term bicycle parking to 102;
- the building was increased in height to include towers of 16 storeys and 18 storeys;
- the total gross floor area of the ground floor was increased to 2,565 square metres including 1,420 square metres commercial and 340 square metres residential lobby;
- the total gross floor area of the development was increased to 34,285 square metres;
- the number of units was increased to 514;
- the number of beds was increased to 1,024; and,
- an increased road widening requirement along Main Street West from 1.0 metre to 4.0 metres and along Longwood Road South from 3.0 metres to 9.0 metres – 10.5 metres, as well as an 8.5 metre (along Main Street West) by 20.0 metre (along Longwood Road South) daylight triangle at the southwest corner of the subject land.

Third Submission – June 22, 2018 (see Appendix “E” and “F” to Report PED18199)

In response to concerns from staff regarding the scale of the tower portion of the building along Main Street East, the elevation drawings were revised to increase the tower step-back from the podium to the towers relative to the second submission from 3.6 metres to 6.1 metres. In addition, the following changes were also made to the development:

- the total gross floor area of the ground floor retail was increased to 2,595 square metres including 1,460 square metres commercial and 536 square metres residential lobby;
- the total gross floor area of the development was increased to 34,620 square metres; and,
- the number of beds increased to 1,028.

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Further, the applicants submitted a Tree Protection Plan by Dougan and Associates, dated July 9, 2018.

Chronology

- April 15, 2016: Official Plan Amendment Application UHOPA-16-11 and Zoning By-law Amendment Application ZAC-16-029 were received.
- April 28, 2016: Applications UHOPA-16-11 and ZAC-16-029 were deemed complete.
- May 13, 2016: Notice of Complete Application and Preliminary Circulation was sent to 563 property owners within 120 m of the subject property.
- May 20, 2016: A Public Notice Sign was posted on site.
- September 8, 2016: First Submission presented to Design Review Panel (DRP).
- April 20, 2017: Applications were held in abeyance at the request of the applicant's agent.
- February 1, 2018: Hearing before the Board of Directors of the HCA.
- March 29, 2018: Second submission including a revised concept plan, elevation drawings, sun shadow study, amending zoning by-law, and notice of decision from the HCA board of directors hearing were submitted.
- June 22, 2018: Third submission including a revised concept plan, elevation drawings and sun shadow study were submitted.
- July 10, 2018: Tree Protection Plan was submitted.
- August 8, 2018: Public Notice Sign updated with Public Meeting date.
- August 17, 2018: Circulation of the Notice of Public Meeting to 563 property owners within 120 metres of the subject property.

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SUBJECT: Applications to Amend the Urban Hamilton Official Plan and City of Hamilton Zoning By-law No. 6593 for Lands Located at 925 Main Street West and 150 Longwood Road South (PED18199) (Ward 1) - Page 8 of 44

Details of Submitted Application:

Owner: Plaza Imports Limited (c/o John Lecluse)

Applicant: Columbia International College

Agent: Urban Solutions Planning and Land Development Consultants (c/o Sergio Manchia)

Location: 925 Main Street West and 150 Longwood Road South (see Appendix "A" to Report PED18199)

Property Description:

<u>Lot Frontage:</u>	123.19 metres (Main Street West) 93.7 metres (Longwood Road South)
<u>Lot Depth:</u>	irregular
<u>Lot Area:</u>	2.08 ha (5.14 ac)
<u>Servicing:</u>	Existing Full Municipal Services

Existing Land Use and Zoning:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Property:</u>	Vacant Motor Vehicle Sales Establishment	"H/S-1361" (Community Shopping and Commercial, Etc.) District, Modified, "H/S-1331" (Community Shopping and Commercial, Etc.) District, Modified, and "C/S-1361" (Urban Protected Residential, Etc.), District, Modified

Surrounding Lands:

North	Vacant, Commercial Buildings and Low Rise Residential	Mixed Use (TOC1) Zone
East	Two storey commercial building	Local Commercial (TOC2) Zone

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West	Multiple Dwelling	“E/S-1361” (Multiple Dwellings, Lodges, Clubs, Etc.) District, Modified and “E” (Multiple Dwellings, Lodges, Clubs, Etc.) District
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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. The following policies, amongst others, apply to the proposed development.

Settlement Areas

With respect to Settlement Areas, the PPS provides the following:

- “1.1.3.1 *Settlement areas* shall be the focus of growth and development, and their vitality and regeneration shall be promoted.
- 1.1.3.2 Land use patterns within *settlement areas* shall be based on:
- a) densities and a mix of land uses which:
 1. efficiently use land and resources;
 2. are appropriate for, and efficiently use, the *infrastructure* and *public service facilities* which are planned or available, and avoid the need for their unjustified and / or uneconomical expansion;
 3. minimize negative impacts to air quality and climate change, and promote energy efficiency;
 4. support *active transportation*; and,
 5. are *transit-supportive*, where transit is planned, exists or may be developed.

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- b) a range of uses and opportunities for *intensification* and *redevelopment* in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.

1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for *intensification* and *redevelopment* where this can be accommodated taking into account existing building stock or areas, including *brownfield sites*, and the availability of suitable existing or planned *infrastructure* and *public service facilities* required to accommodate projected needs.”

The subject property is located within a settlement area as defined by the PPS. The proposal is for a mixed use development consisting of a lodging house and commercial floor space. The proposal is contributing to the mix of land uses in the City that efficiently use land and existing infrastructure, and represents a form of intensification. The proposal seeks a reduction in the amount of vehicular parking and is located in close proximity to public transit including current bus services and the future light rail transit line.

Cultural Heritage and Archaeology

With respect to Cultural Heritage and Archaeology, the PPS provides the following:

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

In respect to archaeological potential, the subject properties meet four of the ten criteria used by the City of Hamilton and Ministry of Tourism, Culture and Sport for determining archaeological potential:

- Within 250 metres of known archaeological sites;
- Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody;
- Local knowledge associates areas with historic events / activities / occupations; and,
- Along historic transportation routes.

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Notwithstanding current surface conditions, these criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the Provincial Policy Statement apply to the subject application. At the Site Plan Control stage, a written caution note will be applied to the site plan.

Hazard Lands

With respect to Hazard lands, the PPS provides the following:

- “3.1.2 Development and site alteration shall not be permitted within:
- c) areas that would be rendered inaccessible to people and vehicles during times of flooding hazards, erosion hazards and / or dynamic beach hazards, unless it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazard.
- 3.1.5 Development shall not be permitted to locate in hazardous lands and hazardous sites where the use is:
- a) an institutional use including hospitals, long-term care homes, retirement homes, pre-schools, school nurseries, day cares and schools;
 - b) an essential emergency service such as that provided by fire, police and ambulance stations and electrical substations; or,
 - c) uses associated with the disposal, manufacture, treatment or storage of hazardous substances.”

In accordance with the Memorandum of Agreement between the City and the HCA, the HCA identifies hazard lands as per the UHOP and is the approval authority on development within hazard lands as defined by the PPS. As part of the initial circulation of the applications, comments were received from HCA staff indicating concerns with respect to the placement of fill and proposed development within the erosion hazard associated with the Chedoke Creek valley system. On February 1, 2018 a permit was granted by the Board of the HCA authorizing the placement of fill to level out the slope of the property and to allow the proposed development to proceed (see Appendix “H” to Report PED18199). Subject to the placement of fill and satisfying the conditions of the development permit from the HCA, staff are of the opinion that development will not be occurring within hazard lands. Also, with respect to Policy 3.1.5 above, the uses proposed on the subject property are residential, commercial and recreation uses and

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therefore the PPS prohibition on development in or adjacent to hazardous lands does not apply. While vehicle access would be prohibited from the tableland due to the slope, the lands identified as Block 2 on Appendix "A" to Report PED18199 would not be rendered inaccessible to people as ingress and egress will be provided for pedestrians by way of a staircase to and from the tableland. This staircase access would be further detailed at the Site Plan Control stage and subject to HCA review.

Lastly, matters in relation to environmental site conditions and noise are addressed under the UHOP section of this Report.

In consideration of the foregoing, staff are of the opinion that the proposal is consistent with 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 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 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;

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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 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 applications conform 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 by providing student housing and helping to achieve the intensification targets, utilizing existing and planned municipal infrastructure, and providing for development with access to a range of transportation options including the future LRT line.

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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 “Primary Corridor” and “Neighbourhoods” on Schedule “E” - Urban Structure and designated “Neighbourhoods” and “Open Space” on Schedule “E-1” - Urban Land Use Designations. 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.2.4.10 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. 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 a form of high rise residential development which is a more intensive land use relative to the previous one storey motor vehicle sales establishment on the subject property. The podium of the building is proposed to be setback 0.0 metres from the front lot line, while vehicular

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parking has been located within two levels of underground parking. Further, the proposed mixed use development will include commercial uses at grade which contribute to the creation of a positive pedestrian experience. As a result, staff consider that the location of the building and parking areas on the property create a comfortable and attractive pedestrian experience.

With respect to shadowing and overview, staff note that the subject property is located on the south side of Main Street West and located adjacent to an existing 12 storey multiple dwelling to the west within the “Neighbourhoods” designation. There are no existing residential uses immediately to the north, east and south. The existing multiple dwelling is setback in excess of 25 metres from the common side lot line and is orientated away from the said lot line. As a result, staff are of the opinion that overview associated with the proposal on the adjacent multiple dwelling to the west will be minimal.

In support of the proposal, the applicant submitted a Sun Shadow Impact Analysis by Michael Spaziani Architects Inc. dated June 13, 2018 between 8:00 am and 5:00 pm on March / September 21st. Staff have reviewed the proposed impact of the towers and note there will not be any sun shadow impact on the adjacent property to the west but there is a sun shadow impact on the north side Main Street West along the north side of the sidewalk and the private outdoor amenity areas of the residential uses. However the shadows persist in the range of three to five non - consecutive hours in the day in various locations of the sidewalk, while providing full sun during the remainder of the day. Also it should be noted that the as-of-right zoning permissions provide shadows for two consecutive hours on the north side of the sidewalk from 8:00 am – 10:00 am. With respect to private outdoor amenity spaces, the impact is for no greater than two hours at any time, which staff consider acceptable as it complies with the City-Wide Corridor Planning Principles and Design Guidelines. As a result, staff are of the opinion that the proposal has been designed to minimize the effects of shadowing and overview on properties on adjacent neighbourhoods.

“E.2.6.2 Neighbourhoods shall primarily consist of residential uses and complementary facilities and services intended to serve the residents. These facilities and services may include parks, schools, trails, recreation centres, places of worship, small retail stores, offices, restaurants, and personal and government services.

E.2.6.4 The Neighbourhoods element of the urban structure shall permit and provide the opportunity for a full range of housing forms, types and tenure, including affordable housing and housing with supports.”

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The proposal includes commercial uses at grade and a lodging house (student residence) on the upper floors of the building. The student residences are dorm style suites, which include bathroom facilities and sleeping accommodations, while a common kitchen area is provided for the residents of the building. The proposed student residence meets the definition of a lodging house, which is considered a residential use. The ground floor commercial space will serve as complimentary services for the residential uses in the building and for the surrounding area. Further, the student residence is providing for a housing form that adds to the range of housing forms and types in the area.

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

- b) Garages, parking areas, and driveways along the public street shall not be dominant. Surface parking between a building and a public street (excluding a public alley) shall be minimized.
- c) Adequate and direct pedestrian access and linkages to community facilities / services and local commercial uses shall be provided.
- d) Development shall improve existing landscape features and overall landscape character of the surrounding area.
- e) Development shall comply with Section B.3.3 – Urban Design Policies and all other applicable policies.”

The proposal is providing all the parking for the building within two levels of underground parking, while the building has been located at the street lines of Main Street West and Longwood Road South. Ground related commercial is proposed to have direct pedestrian access from the street. Further, the subject lands are in close proximity to Cathedral Park. As part of the development permit from the HCA to stabilize the slope of the Chedoke Creek valley system, the applicant will be removing trees from the property. However, the applicant will be required to provide compensation at a 1:1 ratio for the removal of any trees and additional landscape treatment will be required at the Site Plan Control stage. This will improve the existing landscape features and overall landscape character of the surrounding area.

With respect to the site itself, the redevelopment of the subject property as proposed will serve as a gateway site to the education uses in this area, which includes McMaster University, the existing CIC school to the west, and Westdale Secondary School to the

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northeast. Given this and the presence of the proposed LRT stop, this site will provide enhanced landscape improvements as a gateway site.

General Policies

“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;
- d) local commercial uses.”

The proposal includes ground floor commercial, a lodging house (student residence) and associated amenities. Staff are of the opinion that the proposal complies with the uses permitted in the Neighbourhoods designation.

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.”

With respect to the above policies, the following is provided:

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- The residential portion of the proposal is considered a lodging house given that common kitchen facilities are provided for the residents of the units as opposed to kitchen facilities being provided within each individual unit. Notwithstanding, the proposed residence is a multiple dwelling form in that there will be individual units as well as common areas (i.e. gym, lobby space, amenity areas, etc.) for the occupants of the building. Further, the proposal includes ground related commercial space. All of these uses are permitted uses in the Neighbourhoods designation (Policy E.3.6.2).
- The subject lands are located along a primary corridor on the periphery of the neighbourhood and adjacent to the future Light Rail Transit corridor. Further, the lands are in close proximity to CIC and the West Hamilton Innovation District (WHID), and will contain passive recreation facilities on site for the occupants of the building (Policies E.3.6.4 and E.3.6.5).
- The proposal includes 514 units having a net residential density of approximately 250 units per hectare. While the use of the land for a multiple dwelling is considered a permitted use in the Neighbourhoods Designation, the density proposed does not comply with the maximum residential density envisioned in this designation of the UHOP (Policy E.3.6.6). As such, an amendment is required to accommodate the proposed density.

“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. If direct access to such a road is not possible, the development may be permitted direct access to a collector or major or minor arterial roads via a local road upon which abut only a small number of low density residential category dwellings.
- 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.
- d) Development shall:

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- 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.
- 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.”

In response to the above policies, the following is provided:

- The subject lands are located on the southwest corner of Main Street West and Longwood Road South. Pursuant to Schedule “C” - Functional Road Classification of the UHOP, Main Street West is considered a Major Arterial Road and Longwood Road South is considered a Collector Road (Policy 3.6.7a)).

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- The subject property is not located adjacent to low profile residential uses (Policy E.3.6.7 b)).
- As previously noted, the HCA conditionally approved the placement of fill on the subject property. One of the conditions includes the submission and approval of a landscape restoration plan. Further, staff will be requiring landscaping on the subject lands as part of a future Site Plan Control Application (Policy 3.6.7 d)i)).
- The subject property is a unique site in that it is located directly on the LRT corridor and there will be a LRT stop at the intersection of Main Street West and Longwood Road South. Staff are of the opinion that higher densities and building height should be considered adjacent to LRT stops, where appropriate. The subject property is also located in close proximity to the WHID, which contains buildings devoted to McMaster University and other employment uses, two 12 storey multiple dwellings to the west, and a two storey commercial building to the east. Directly to the south is Highway 403, however, given the size of the property and proposed location of the building on the lands, the proposed building will be setback over 90 metres from the Highway. The lands to the north contain commercial uses and are zoned TOC1 which allows for redevelopment up to 22 metres (6 storeys) in height, and are permitted up to 8 storeys in height subject to a Zoning By-law Amendment and satisfying a series of criteria. Based on the current Official Plan Designations and Zoning of the lands, it is envisioned that the lands on the north side of Main Street West will be redeveloped over time for higher densities than what currently exists on the lands. Unlike most lands identified on the primary corridor, the subject lands do not form a boundary of a residential subdivision or neighbourhood. Given the site's unique location and surrounding context, staff consider the proposed height of the building to be appropriate and compatible with the surrounding context. Moreover, with respect to massing, the applicant has made attempts to reduce the impact of the tower component of the building by stepping back the towers 6.1 metres at floors five to 14 and 7.6 metres from the 14th floor upwards on both towers relative to the podium. Staff are of the opinion that the site's unique characteristics as previously described and location in the City lend itself to a tall building and is appropriate in this instance. Further, through the Site Plan Control process, staff will be requiring exterior cladding and glazing in the upper storeys to help reduce the massing along the street (Policy E.3.6.7 d) ii)).
- The concept plan illustrates two ingress / egress driveways on Main Street West. The two access points are intended to allow a bus or cars to pull into and exit the site safely while minimizing conflicts between traffic and pedestrians along the street line (Policy E.3.6.7 d) iii)).

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- As previously indicated, the podium portion of the building has been located along the street lines of Main Street West and Longwood Street South, while parking has been provided within two storeys of underground parking. Further, at grade commercial uses are provided, which provides for ample glazing and avoids expanses of blank walls (Policy E.3.6.7 e)).
- As discussed previously, in support of the proposal the applicant submitted a Sun Shadow Impact Analysis. Further, staff have reviewed the proposed development with respect to impact on the views of the Niagara Escarpment. Sun Shadow impacts have determined to be acceptable as impacts have been minimized and staff are of the opinion that the proposal will have a negligible impact on public view corridors and general public views of the Niagara Escarpment (Policies E.3.6.7 f) and g)).

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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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.”

In response to the above policies, the following is provided:

- The proposed lodging house (student residence) is adding to the mix of housing types, tenures and densities offered in the City. As noted, the proposed building is located along the LRT Corridor and more specifically on an LRT stop at the intersection of Main Street South and Longwood Road South. Further, the property is adjacent to Highway No. 403 and will serve as a gateway site to the education uses in this area, and multiple modes of transportation. The tower elements of the building have been stepped-back 6.1 metres at floors five to 14 and 7.6 metres from the 14th floor upwards on both towers relative to the podium to help reduce the

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massing along Main Street West. Further the towers have been stepped back approximately 16.0 metres from the streetline along Longwood Road South. As a result, staff have no objection with the proposal from a massing perspective along Longwood Road South. The properties directly to the north of the subject lands, on the north side of Main Street West, contain commercially used buildings. Staff are of the opinion the proposed uses have demonstrated compatible integration with the surrounding area by matching commercial uses along the ground floor and stepping back to the tower portions of the building (Policy B.2.4.1.4 b) c) and d) and B.2.4.2.2 b)).

- Staff note that the proposed development contributes to achieving the planned urban structure by providing high density development along a primary corridor and on the periphery of the neighbourhood (Policy B.2.4.2.2 b).
- The property is adjacent to two 12 storey multiple dwellings to the west. Given that the buildings are oriented away from the proposed buildings on the subject property, staff are of the opinion that the proposal is compatible with the height, massing and scale of the residential buildings in the area (Policies B.2.4.2.2 c) d) e) and h)).
- The proposed building will contain amenity space on the ground floor, a multi-purpose gym on the second floor, an outdoor patio area on the fifth floor on top of the podium and recreation and amenity opportunities on the southerly portion of the property. Further, the rear of the property is proposed for passive and active recreation activities (Policy B.2.4.2.2 f)).
- The podium portion of the building has been located 0.0 metres from the lot line abutting Main Street West, while the towers are providing a 6.1 metre stepback from floors five to 14 for both towers and 7.6 metres for floors 15 to 16 on Tower “A” and floors 14 to 18 on Tower “B”. Staff are of the opinion that the location of the podium close to the streetline and height of the podium will help animate the street and create a comfortable streetscape (Policy B.2.4.2.2 g)).
- There are no infrastructure and / or transportation capacity issues associated with the proposal (Policies B.2.4.1.4 f) and B.2.4.2.2 j)).

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;
- 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.

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 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,

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- e) using design techniques, such as building step-backs, to maximize sunlight to pedestrian areas.”

In response to the above policies, the following is provided:

- As previously noted, staff are of the opinion that the built form, massing and transition of the proposed development is appropriate within its surrounding context and along the street given the site’s unique characteristics and location (Policies B.3.3.2.6 d) and e), B.3.3.3.2 and B.3.3.3.3).
- Parking areas within the plan have been located within a two level underground parking garage, while the building face has been positioned close to and facing the street. Staff are of the opinion that the tower portions have been appropriately stepped back to create a comfortable pedestrian experience, which also includes ample glazing being provided on the ground floor (Policies B.3.3.2.6 a) and B.3.3.3.5).
- Through the City’s tree compensation policy, at the Site Plan Control stage and as a condition of the HCA permit to permit the placement of fill on the property, landscape treatment will be provided on the subject property, which will provide an enhancement to the public realm along Main Street West and Longwood Road South and the property as a whole. Further, through the Site Plan Control process staff will ensure that the building elevations maintain the proposed massing patterns, rhythm, character, colour, and surrounding context, which are complementary to the existing context (Policy B.3.3.3.5 c)).
- As previously noted, staff have reviewed the sun shadow impact analysis and note the sun shadow impact on the north side of the sidewalk of Main Street West occurs between the hours of 8:00 am and 5:00 pm on March / September 21st, but that the shadows persist in the range of three to five non- consecutive hours in the day in various locations of the sidewalk, while providing full sun during the remainder of the day. It should be noted that the as-of-right zoning permissions provide shadows for two consecutive hours on the north side of the sidewalk from 8:00 am – 10:00 am. Given the above, staff are of the opinion that the proposal is complying with the Policy respecting minimizing the impacts of shadows (Policy B.3.3.3.2 c)).
- With respect to wind impacts, a Pedestrian Wind Assessment was prepared by Novus Environmental dated April 7, 2016 in support of the proposal. Based on the results of the assessment, the following conclusions were reached:

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- The main residential entrance on Main Street West is comfortable for sitting or standing throughout the year. Similar wind conditions occur at the numerous retail entrances. These wind conditions are suitable for the intended usage;
- On the Level 5 patio, wind conditions are generally suitable for the intended usage as amenity area of the students of the residence. Wind control measures such as trellises / canopies or a 2.5 metre wind screen has been suggested to enhance wind conditions in the summer season;
- On the sidewalks surrounding the proposed development, wind conditions are similar to the existing conditions, hence comfortable for the intended usage throughout the year; and,
- The wind safety criterion is met at all locations surrounding the development in both the existing and proposed configuration, at grade. On the northeast patio, there is the potential for exceedance of the wind safety criterion. The Pedestrian Wind Assessment recommends limiting access on windy days.

Staff note that the wind assessment was based on the original proposal as submitted. If approved, the applicant would be expected to update the findings of the wind study and provide mitigating measures, if required, all of which will be reviewed and implemented through the Site Plan Control process.

Open Space Designation

- “C.3.3.1 Lands designated as Open Space are public or private areas where the predominant use of or function of the land is for recreational activities, conservation management and other open space uses.
- C.3.3.4 The following uses shall be permitted on lands designated Open Space on Schedule E-1 – Urban Land Use Designations:
- a) parks for both active and passive recreational activities.”

The southerly portion of the lands is located within the Open Space designation of the UHOP. The applicant is proposing to provide active and passive recreation activities within this area of the subject lands. However, staff have amended the application to introduce a site specific Conservation / Hazard Land (P5) Zone, to allow passive and active recreation activities within this area. This is because the southerly portion of the lands are located within the Chedoke Creek subwatershed, associated with the Chedoke Creek Valley system and are considered hazard lands.

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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.

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;”

The proposal provides Transportation Demand Management (TDM) measures such as large areas for secure bicycle storage within the underground parking garage of building. At the Site Plan Control stage, staff will also be requiring the provision of short term visitor bicycle parking on site. Also, as previously noted, the subject property is accessible to public transit (bus) services along Main Street West with an eastbound bus stop located on the southeast corner of Main Street West and Longwood Road South and a westbound bus stop on the northeast corner of Main Street West and Longwood Road South. Further, the subject lands are located adjacent to the LRT corridor where an LRT stop will also be located.

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:

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- 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. Prior to establishing residential uses on this portion of the subject lands, the owner will be required to complete a Record of Site Condition (RSC) and any necessary remediation to the satisfaction of the Ministry of Environment, Conservation and Parks (MECP). A Holding Provision has been included in the amending Zoning By-law for these lands as the provision of a Notice of Acknowledgment letter from the MECP, or alternatively a conditional building permit agreement for the RSC is a requirement.

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, 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.”

As noted, the proposed development is located on a major arterial road (Main Street West) and adjacent to a Provincial Highway (Highway 403), and is therefore subject to a noise assessment. The noise assessment is required to address both indoor noise levels for the arterial road and provincial highway as well as noise levels on the fifth floor outdoor amenity area. In support of the proposal, an Environmental Noise Report was completed by Novus Environmental, dated April 7, 2016. Staff have reviewed the assessment and have indicated no objection with the approval of the development as proposed. However, mitigation measures have been recommended to reduce the impact of noise. Staff note these mitigation measures will be implemented at the Site Plan Control stage.

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Ainslie Wood Westdale Secondary Plan

The subject property is currently designated “Local Commercial” and “General Open Space” on Map. B.6.2-1 – Land Use Plan to the Ainslie Wood Westdale Secondary Plan.

The amended application is seeking to re-designate Block “1” on Appendix “A” to Report PED18199 from “Local Commercial” and “General Open Space” to “High Density Residential 1”. As such, the proposal is being evaluated against the residential policies of the plan and the following policies, amongst others, apply to the proposal.

“B.6.2.5.3 General Residential Policies

In addition to Section E.3.2 – Neighbourhood Designation – General Policies of Volume 1, the following general policies apply to all residential land use designations identified on Map B.6.2-1 – Ainslie Wood Westdale - Land Use Plan:

- a) A range of residential designations is provided to encourage a variety of housing types, forms and sizes. Rental housing is important in providing a range of housing types.
- b) Higher residential densities are directed to major roads, namely arterial and collector roads, to new or redeveloped residential or mixed commercial / residential developments. Population densities should be reflective of average densities for similar higher density residential uses across the City.
- d) Where there is no consistent style of homes on a street or block to determine the style for infill housing, such infill or renovations shall be encouraged to be compatible with the various housing styles on that street or block, reflecting one style or a suitable combination, rather than being of a height or style not found in the area.
- e) Additional locations suitable for new higher density housing units, including units suitable for student housing, are identified at various locations and densities, to reduce the over-intensification of such housing in some residential areas. Housing forms which shall be encouraged for new rental housing and student units include mixed use commercial / residential on major roads, low rise apartments, medium rise apartments, and rental rooms in owner-occupied houses.

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- h) Other complementary uses to be permitted in the Residential designations, in addition to those specified for each density type, shall include home businesses, accessory uses, home day care, small residential care facilities, and small scale local commercial and small community-based places of worship.”

In response to the above policies, the following is provided:

- As previously noted, the proposal is for a mixed used development with ground floor commercial and a lodging house use above as a rental student residence for CIC, with accessory indoor / outdoor (roof top) amenities and outdoor recreational amenities for the occupants of the residence. The approval of this proposal would help consolidate the student population attending CIC and allow for future growth of the school while alleviating pressure for housing in the surrounding residential area. Also, the proposal is contributing to the range and variety of housing forms in the City (Policies B.6.2.5.3 a) and e)).
- As noted previously, the site is located at the intersection of a major arterial road and a collector road. Also, staff are of the opinion that the population density proposed is in keeping with the average densities for similar higher density residential uses in the City (Policy B.6.2.5.3 b)).
- Main Street East contains a variety of uses, which includes low, medium and high density residential uses, institutional uses and commercial uses. As such, there is not a consistent style of home on the street. As previously discussed earlier in this Report, staff are of the opinion that the proposal is compatible with the various built forms on the street (Policy B.6.2.5.3 d)).
- The proposal includes 1,460.43 square metres of ground floor commercial uses, which are intended to primarily serve the students but will also serve the surrounding area. Relative to the scale of development proposed, staff are of the opinion that the commercial component of the plan is appropriately sized and can be considered small scale local commercial (Policy B.6.2.5.3 h)).

“B.6.2.5.5 High Density Residential Designation

- a) Within High Density Residential 1 designated areas multiple dwellings shall be permitted to a maximum height of 10 storeys, except in the case of existing buildings which may be higher. Additional height shall be permitted for new buildings, provided the height shall not produce any adverse wind impact, or adverse

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shadow impacts on public space and / or private outdoor amenity spaces.

- b) Notwithstanding Policy E.3.6.6 of Volume 1, the residential densities of High Density Residential 1 uses shall generally be 50 –125 units per gross hectare.
- c) High Density Residential 1 designated areas are located along major roads, specifically sections of Main Street West. High Density Residential 1 uses may also be considered on other redevelopment sites where compatibility with adjacent uses can be ensured, in terms of such matters as building height, massing, and preservation of views. Such sites shall require an amendment to Map B.6.2-1 - Ainslie Wood Westdale Land Use Plan.”

The application seeks to permit a building with two tower elements which will be 18 storeys and 16 storeys in height. As previously noted, the towers have been designed to minimize any adverse wind impacts or shadow impacts on public spaces. With respect to private outdoor amenity spaces, there will be sun shadow impact on properties on the north side of Main Street West between the hours of 8:00 am and 5:00 pm on March / September 21st however the impact is for no greater than two hours at any time, which staff consider acceptable as it complies with the City-Wide Corridor Planning Principles and Design Guidelines. As a result, staff are of the opinion that the proposal will not have an adverse impact on private outdoor amenity areas (Policy B.6.2.5.5 a)).

With respect to density, the proposal will result in an overall gross residential density of 250 units per hectare. While the proposal does not comply with the density provided in the High Density Residential 1 designation, given the location of the property, the presence of the future LRT and an LRT stop adjacent to the property, the acceptable sun shadow and wind impacts, appropriate massing and compatibility with adjacent uses, staff are of the opinion that the density of the proposal is appropriate in this context (Policies B.6.2.5.5 b) and c)).

City of Hamilton Zoning By-law No. 6593

The subject lands are currently split zoned “H/S-1361” (Community Shopping and Commercial, Etc.) District, Modified, “H/S-1331” (Community Shopping and Commercial, Etc.) District, Modified, and “C/S-1361” (Urban Protected Residential, Etc.) District, Modified.

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The “H/S-1361” and H/S-1331” Districts permit such uses as a single detached dwelling, a retirement home, a day nursery and a variety of commercial uses. The “C/S-1361” permits such uses as a single detached dwelling, a residential care facility and a day nursery.

An amendment is required to remove the subject lands from the City of Hamilton Zoning By-law No. 6593 and rezone the lands to a site specific Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone and site specific Conservation / Hazard Land (P5) Zone in the City of Hamilton Zoning By-law No. 05-200. In addition, site specific modifications are required to the TOC1 Zone to permit:

- The use of the land for a variety of commercial uses;
- Define Main Street West as the front lot line;
- A reduction to the required increase in parking space size abutting a column in an above ground or underground parking structure;
- A minimum number of bicycle parking spaces;
- Minimum building setbacks from the street and step-backs for the towers;
- Minimum interior side yard;
- A maximum overall height of 62.0 metres;
- A minimum number of required parking spaces; and,
- Two 6.0 metre wide driveway accesses.

Also site specific modifications are required to the (P5) Zone to permit a reduced minimum setback from the (P5) Zone boundary and active recreation uses.

These modifications are further discussed in the Analysis and Rationale for Recommendation section of this Report and Appendices “D” and “D1” to Report PED18199.

RELEVANT CONSULTATION

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

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- Alectra Utilities (formerly Horizon Utilities Corporation);
- Recreation Division, Healthy & Safe Communities Department;
- Ministry of Transportation;
- Environmental Services Division, Public Works Department;
- Hydro One; and,
- Transit Division, Public Works Department.

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

Forestry and Horticulture Division, Public Works Department have indicated that a detailed landscape planting plan showing the placement of trees on internal / external City property be provided. This matter can be addressed as part of the future Site Plan Control process.

Source Water Protection Planning, Public Works Department have indicated that if dewatering is required for construction activities, they will require more information given that this area has sources of subsurface contamination from historic land use activities. The proponent shall confirm whether an Environmental Site Assessment and / or a Record of Site Condition (RSC) is required to proceed with development. Any geotechnical or hydrogeological reports which discuss soil and water conditions as well as dewatering shall be forwarded to Source Protection Planning. Upon installation of dewatering infrastructure, a representative sample of dewatering discharge should be collected and analysed against City of Hamilton Sewer By-law criteria.

As the previous use of the property was a motor vehicle sales establishment, staff note that the requirement for a Record of Site Condition will be required and a Holding Provision symbol will be placed on the property until such time that an RSC or a conditional Building Permit agreement is completed. As such, the matter relating to subsurface contamination can be appropriately addressed as part of the Site Plan Control process.

Hamilton Conservation Authority has advised that after a hearing pursuant to the *Conservation Authorities Act*, the Board of Directors of the Hamilton Conservation Authority have approved an application that permits the proposed development and a permit subject to conditions relating to the submission of a geotechnical report, site

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plan, grading plan, drainage plan, erosion sediment control plan, landscape plan, and fill management plan. See permit attached as Appendix “H” to Report PED18199.

Healthy Environments Division, Public Works Department has indicated that a written dust mitigation plan will be required. This matter can be addressed as part of the future Site Plan Control process.

Transportation Planning Services, Public Works Department has requested that the applicant submit a Transportation Demand Management (TDM) Options report. Further, sidewalks along both sides of the right-of-way need to be a minimum of 2.0 metres wide and a minimum of 1.5 metres wide throughout the site. These matters can be addressed as part of the Site Plan Control process.

Light Rail Transit (LRT) Office has indicated that the two proposed access driveways to Main Street West would function in a right-in, right-out manner. Further, the LRT office has indicated that tie-backs, shoring or foundations cannot encroach into the road allowance and the applicant should consider construction methods that do not result in these issues. Moreover, the original Noise and Vibration Study that was submitted did not include the LRT in its assessment. Further, the LRT office has requested the dedication of a 4.0 metre right-of-way widening along Main Street West and a 9.0 metre – 10.5 metre right-of-way widening along Longwood Road South and a 8.5 metre (along Main Street West) x 20.0 metre (along Longwood Road South) daylight triangle at the intersection of the two streets. The above land dedications have been accommodated into the proposed design, but will be formally dedicated at the Site Plan Control stage. Also an update to the Noise and Vibration Study will be required as part of the Site Plan Control process to include the LRT.

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 563 property owners within 120 m of the subject property on May 13, 2016. A Public Notice sign was posted on the property on May 20, 2017 and updated on August 8, 2018 to reflect the Public Meeting date. Finally, Notice of the Public Meeting was circulated on August 17, 2018 in accordance with the requirements of the *Planning Act*.

To date, 15 pieces of correspondence were received respecting the proposed development (see Appendix “G” to Report PED18199). 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 the following:

- On June 8, 2016, the applicants held a public information meeting with the Ainsle Wood Westdale Community Association at St. George's Church at 134 Emerson Street. Also in attendance was the local Ward 1 Councillor and City staff. The purpose of the meeting was to provide an overview and discuss the proposed development and obtain feedback from the Association. The applicant's agent provided background information on the site, its former uses and the ownership of the land.
- On October 18, 2016, the applicant held a second public information meeting at St. George's Church at 134 Emerson Street. Also in attendance was the local Ward 1 Councillor. The purpose of the meeting was the same as the June 8, 2016 meeting.
- The applicants also set up a microsite in 2016 which provided electronic copies of the reports / drawings submitted in support of the proposed development. Based on the agent's records, 838 people visited the microsite with 451 total downloads occurring respecting the information provided on the microsite.

Design Review Panel

The development proposal was presented to the City's Urban Design Review Panel (DRP) on September 8, 2016, after submission of the Official Plan and Zoning By-law Amendment Applications. The mandate of the DRP is to provide design advice to staff and the proponent.

In terms of their review, the DRP made mention that the proposed land uses would be a welcome addition to this stretch of Main Street West, and that this part of Main Street West really needs attention and that this development, if done well could be a catalyst for the whole area.

The DRP noted a number of comments / recommendations with respect to the proposal, which have been summarized below. The applicant's response to the major areas of concern and comments are also summarized below:

Site Plan and Circulation

- The one way driveway that runs partially under the building will create a very unpleasant space in its current form; and,

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- The bridge between the two parts of the building was too heavy and deep and that the space underneath was not going to be a place where people would want to walk.

The vehicular drive aisle has been revised to allow for a ground floor amenity space with an adjacent outdoor patio. The relocation of the service / loading spaces allowed for additional retail space that faces the covered area (beneath the gym), making this area more inviting and would encourage pedestrian access and activity.

Base Building / Podium

- The scale feels correct in terms of its height and relationship to the street. Vertical rhythm is also good;
- The members liked the idea of animating the street with retail and other active uses; and,
- The podium may “read better” if the towers are set back a metre or two to the south.

The ground floor of the podium is setback 2.6 metres to allow for a wider and functional public realm (second to fifth floor is cantilevered). The current size and depth ensures a large outdoor amenity space and green roof installation on the podium roof. The location and orientation of the gymnasium optimizes natural day lighting, sun exposure (south) and views to encourage and promote healthy living and activity in a sustainable manner. The towers have been setback 6.1 metres which accentuates the podium massing to enhance the public realm.

Towers / Height

- Most felt that the tower floor plates were too large and that they should be lighter (perhaps different materials from the base);
- Towers should be thinner (less than 740 square metres and preferably less than 700 square metres); and,
- Not as tall – and not the same height. Perhaps 14 and 12 storeys – to add visual interest.

The towers heights have been increased to 16 and 18 storey towers. The size of the tower floor plates are dictated by the programmatic requirements for each floor for the specific building use. The apparent size / scale of the towers are mitigated by the change of materiality and the use of overlapping planes along the façade.

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Materials

- Towers could be lighter – perhaps less masonry and more glass; and,
- Base feels too monolithic. Consider changing materials to break up the apparent mass.

Vertical breaks provided at 6.2 metre intervals helps reduce the horizontality of the podium. The bridging element is intentionally clad to function as a visual break which helps reduce the apparent mass / length of the podium.

Dealing with the Southern Slope

- Explore the possibility of using the building as a retaining wall and opening the building up to the south. This would help to both reduce the apparent scale of the building while also making it easier to get the proposed playing fields to the south. The south facing spaces could be things like lecture halls and gyms – i.e. non-living spaces.

The updated design utilizes the building as a retaining wall. The design also takes advantage of the views and southern sun exposure by providing windows and accessible terraces from the P1 level amenity spaces.

Based on the foregoing information, staff are of the opinion that the applicants have considered the opinions / comments of the DRP and have incorporated them into the final design of the building. Furthermore, if approved, given that the applications will proceed through the Site Plan Control process, there will be additional opportunities to further review design elements to the building such as exterior material choices and colour, and glazing.

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 general intent of the Urban Hamilton Official Plan; and,
 - iii) The development is compatible with the type and form of development in the surrounding neighbourhood and provides for a form of student housing that is satisfying a housing need.

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2. The subject property is located at the southwest corner of Main Street East and Longwood Road South. The property currently contains a one storey commercial building which previously contained a motor vehicle sales establishment and will be demolished to allow the proposal. The applicant is proposing to construct a mixed use development consisting of two tower elements, having a maximum height of 62.0 metres (18 storeys) and 56.0 metres (16 storeys), and connected at the base by a four storey podium. The proposal is for a 1,024 bed (514 units) lodging house (student residence), 1,420 square metres of commercial floor space at grade, 156 vehicular parking spaces, and 102 bicycle parking spaces located in a two level underground parking garage. Further, the proposed development includes amenities such as a multi-purpose gym, cafeteria, common areas, study rooms, lounge areas, fitness gyms, roof top patios and passive and active recreational opportunities (see Appendices “E and F” to Report PED18199).

3. **Official Plan Amendment**

The policies of the “Neighbourhoods” Designation permits “High Density Residential” uses. As described in the aforementioned sections of this Report, the proposal has demonstrated that the uses proposed provide for compatible integration with the surrounding neighbourhood, contributes to the range of dwelling types and tenures, efficiently utilizes land and infrastructure and will provide for an appropriate balance of built form, landscape and open space areas on the subject lands. It is on this basis that staff are of the opinion that the UHOP Amendment meets the intent of the policies within Volume 1 of the UHOP. Further, Block “1” on Appendix “A” to Report PED18199 of the subject lands will be re-designated from “Local Commercial” and “General Open Space” to “High Density Residential 1” in the Ainslie Wood Westdale Secondary Plan and a site specific policy has been included to permit a maximum density of 250 units per gross hectare and a maximum building height of 62.0 metres (18 storeys). The subject property is adjacent to Highway 403 and will serve as a gateway site to the education uses in this area. Further, the subject lands are located on the future LRT Corridor and will have an LRT stop located directly in front of the lands.

The proposal has demonstrated that the proposed height, massing and sun shadow impacts associated with the built form are appropriate for the use of the lands. The implementing Zoning By-law will provide provisions to restrict the height and setbacks of the podium and towers on the site purposed by the UHOP Amendment. Further, the proposed built form will be subject to Site Plan Control. Through the Site Plan Control process, staff will ensure that enhanced landscaping occurs throughout the site, and that the buildings are well articulated architecturally and sensitively integrated with the surrounding neighbourhood. Given all the above, staff recommend approval of the UHOP.

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4. Zoning By-law Amendment

Block “1” on Appendix “A” to Report PED18199 of the subject lands is presently zoned “H/S-1361” (Community Shopping and Commercial, Etc.) District, Modified, “H/S-1331” (Community Shopping and Commercial, Etc.) District, Modified, and the southerly portion of the subject lands are zoned “C/S-1361” (Urban Protected Residential, Etc.), Modified in the City of Hamilton Zoning By-law No. 6593. The use of the lands for a lodging house (student residence) is not permitted in the “H/S-1361” and “H/S-1331” Districts, and a lodging house and commercial uses are not permitted in the “C/S-1361” District. As a result, an amendment to the Zoning By-law is required to permit the said uses.

Staff note that at the time the lands along Main Street West were being rezoned to (TOC) zones in Zoning By-law No. 05-200, the subject lands were not included and remained in Zoning By-law No. 6593 given that a development application had been submitted. In consideration that the subject lands are located along the LRT corridor, the application has been amended to rezone the lands to a site specific Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone and a site specific Conservation / Hazard Land (P5) Zone within the City of Hamilton Zoning By-law No. 05-200.

Staff support the rezoning to the TOC1 Zone as the site is along an arterial road and the LRT corridor, adjacent to a proposed station, directly across from other TOC 1 Zone properties and implements the vision along the corridor for mixed use development with ground floor commercial that creates complete streets that are transit supportive and active.

With respect to the lodging house use as permitted by the TOC1 Zone, staff note this use is well served by public transit (bus service and future LRT service), is located in close proximity to the existing CIC School and represents a form of infill development that will be compatible with the adjacent area. Further the commercial uses permitted by the TOC1 Zone will complement the residential use occurring in the upper storeys of the buildings and assist in animating the street and are compatible with adjacent uses.

With respect to the proposed (P5) Zone at the rear (southerly) portion of the property, this area has been identified as part of the Chedoke Creek valley system. Staff consider it appropriate to rezone this portion of the property to a site specific Conservation / Hazard Land (P5) Zone. This area will be protected from development and will allow such uses as Conservation, Flood and Erosion Control Facilities, and Active and Passive Recreation opportunities.

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Site specific modifications to the (TOC1) Zone are required to deem Main Street West the front lot line and to permit an increased building height, implement a reduction to the required increase in parking space size abutting a column and rate requirements, minimum building setbacks from the street and minimum yard setbacks as well as allow two driveway accesses. Also, modifications to the (P5) Zone are required to allow a minimum setback of 3.0 metres for the proposed building and 0.0 metre below grade for the underground garage from the (P5) Zone boundary and to allow active recreation uses. Staff's analysis and recommendation of the requested modifications are provided within Appendices "D" and "D1" to Report PED18199.

5. Holding Provision

An "H" Holding Provision is recommended given that the property is recognized as a potentially contaminated site due to the historical use of the property for commercial purposes, and to ensure that 150 Longwood Road South is acquired and merged with 925 Main Street West.

A Record of Site Condition (RSC) is required given the change from the former commercial use (Motor Vehicle Sale Establishment) on the property to the more sensitive residential land use.

Prior to establishing residential uses on this portion of the subject lands, the applicant will be required to complete a Record of Site Condition (RSC) and any necessary remediation to the satisfaction of the MECP. A Holding Provision has been included in the amending Zoning By-law for these lands as the provision of an acknowledgment letter from the MECP or alternatively a conditional building permit agreement for the RSC is a requirement.

It is noted that a RSC has not yet been filed with the MECP and therefore, this requirement is recommended by staff.

Also, given that the lands at 150 Longwood Road South are required to implement the proposal, finalization of the purchase of 150 Longwood Road South and the merging on title with 925 Main Street West is required. It is noted that as of the writing of this Report, the purchase of 150 Longwood Road South from the City has been initiated and the reference plan has been registered, but the Agreement of Purchase and Sale had not yet been finalized and executed.

6. The Growth Management Division has indicated no objection to approval of the applications. However, they have requested updates to the Functional Servicing Report, completed by S. Llewellyn & Associates Limited dated March 2016, and the

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submission of a wastewater generation assessment and storm drainage area plan. Staff are of the opinion that these matters can be addressed at the Site Plan Control stage.

7. Following the circulation of the notice of complete applications, there were 15 letters received from the public for the proposed planning applications. Five of the letters were in support of the proposal and 10 letters were in objection to the proposal (see Appendix "G" to Report PED18199). Below is a summary of the concerns received to date.

Height

A concern was raised with respect to the height and associated impacts of the student residence. More specifically, there were concerns that the height would have an impact on privacy, sun shadow, and block views of the escarpment. As previously noted, the applicants provided sun shadow impact images that demonstrated that shadows would persist for a maximum of two hours of the day on private amenity spaces to the north, while providing full sun during the remainder of the day. Staff are of the opinion that the sun shadow impacts have been minimized and comply with the UHOP. In terms of privacy, staff note that the subject lands are located on the south side of Main Street West which does not contain any low rise residential adjacent to it. Further, given that Main Street West is the future corridor of the LRT, staff envision lands on either side of Main Street West to be redeveloped for height and densities greater than what is currently developed on the lands today. With respect to views of the escarpment staff have reviewed the impact and are of the opinion that the proposal will not have an adverse impact to the views of the escarpment.

Parking

A concern was raised with respect to the lack of parking for the proposed uses on the property. Staff note that the proposal is providing for 156 parking spaces within two levels of underground parking. The subject property is well serviced by public transit which includes eastbound and westbound bus stops adjacent to the property. Further, Main Street West will accommodate the future LRT with an LRT stop adjacent to the subject lands. Lastly, the student residence is intended to accommodate international high school students attending CIC, which is within walking distance of the subject lands. Further, staff have reviewed the parking supply study provided in support of the development and have indicated no objection with the opinions expressed in the said report. As such, staff are of the opinion that adequate parking spaces are being provided on the property for the proposed uses.

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Traffic

A concern was raised with respect to the amount of traffic being generated as a result of the proposed use. In support of the proposed development, a Traffic Impact Study was not requested by City staff. Further, as part of the circulation of the application, the City's Transportation Planning Services reviewed the proposal and did not indicate any concern from a traffic perspective. The proposed development would be subject to Site Plan Control where such matters as traffic circulation, ingress / egress etc. will be reviewed in greater detail.

Limiting uses within the commercial spaces

A concern was raised with respect to the release of cooking odours should a restaurant locate within part of the commercial space in the building. Staff note that restaurants are already permitted as-of-right in the current "H" District zoning on the subject lands. This permission is being maintained and the applicant would be required to comply with all applicable regulations for this use.

Setbacks from Main Street West and Pedestrian Safety

A concern was raised with respect to the proximity of the podium from Main Street West. Staff note that the subject property is located along the future LRT corridor. Further, the UHOP contains policies that require buildings to be located close to the street line while locating surface parking to the rear and within underground parking. It is the intent that by pushing the building closer to the street, this creates a more animated street line / pedestrian realm.

Reduction to property values

A concern was raised with respect to the proposal causing a negative impact on property values of existing properties in the area given that many of the students that currently reside in existing housing in the City will now relocate to the proposed building, making it difficult for landlords to find renters. Staff are not aware of any supporting information or any empirical data with respect to property devaluation that would substantiate this concern.

ALTERNATIVES FOR CONSIDERATION

Should the proposed Urban Hamilton Official Plan and Zoning By-law Amendment Applications be denied, the subject lands could be utilized in accordance with the range of uses and provisions of the "H/S-1361" (Community Shopping and Commercial, Etc.)

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District, Modified, “H/S-1331” (Community Shopping and Commercial, Etc.) District, Modified, and “C/S-1361” (Urban Protected Residential, Etc.), District, Modified.

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” - Urban Hamilton Official Plan Amendment
- Appendix “C” - Zoning By-law No. 05-200 Amendment
- Appendix “D” - Zoning By-law Amendment Assessment (TOC1) Zone
- Appendix “D1” - Zoning By-law Amendment Assessment (P5) Zone
- Appendix “E” - Concept Plan
- Appendix “F” - Elevation Drawings
- Appendix “G” - Correspondence From Public

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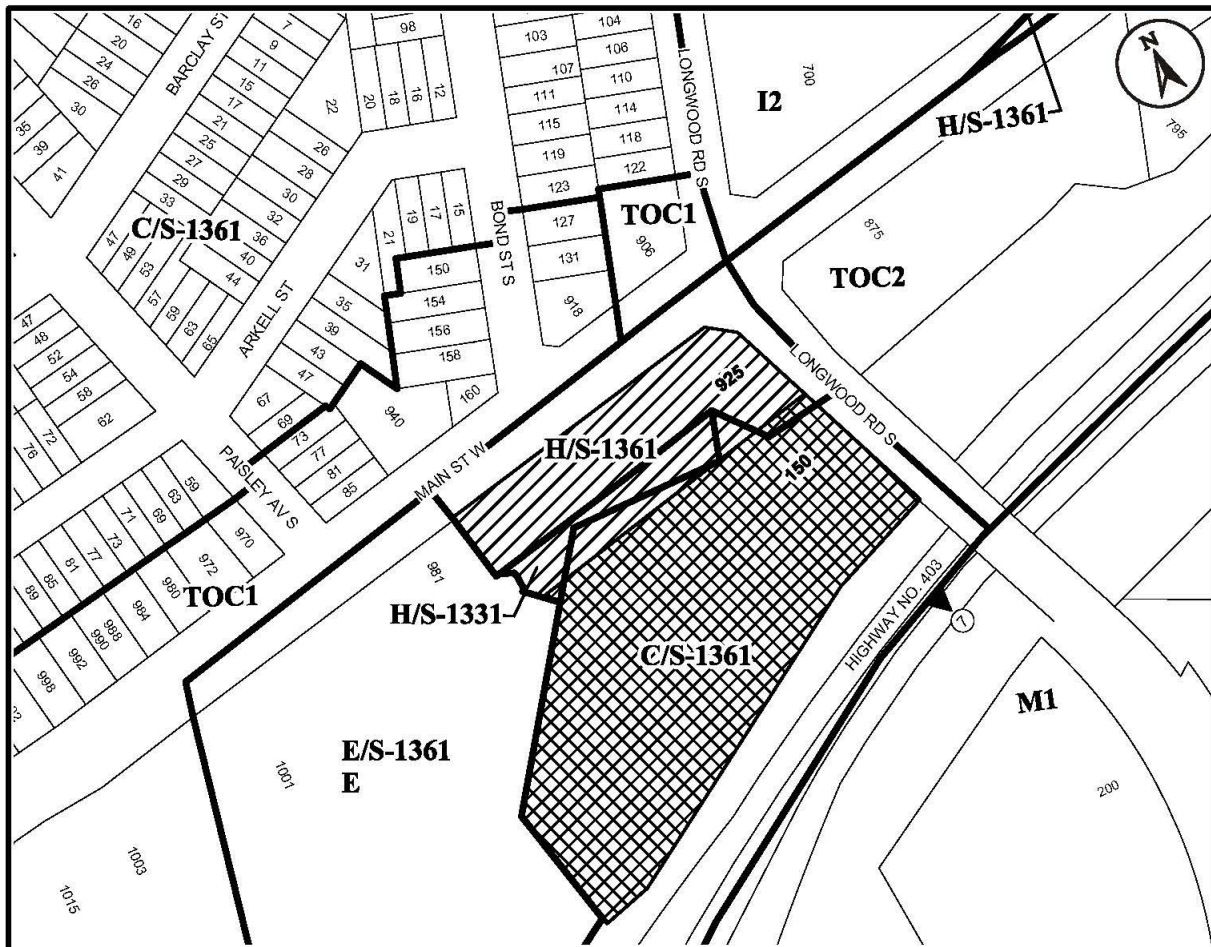
Appendix "H" - HCA Permit

AL:jp

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● Site Location



Key Map - Ward 1

N.T.S.

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-16-029/UHOPA-16-011

Date:
August 9, 2018

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
AL/NB

Subject Property

925 Main Street West & 150 Longwood Road South

Block 1 - Lands to be added to Zoning By-law No. 05-200 and zoned as a Transit Oriented Corridor Mixed Use Medium Density (TOC1, 703, H31) Zone

Block 2 - Lands to be added to Zoning By-law No. 05-200 and zoned as Conservation / Hazard Land (P5, 703) Zone

Schedule "1"

DRAFT Urban Hamilton Official Plan Amendment No. X

The following text, together with:

Appendix "A"	Volume 1, Schedule E-1 – Urban Land Use Designations
Appendix "B"	Volume 2, Map B.6.2-1 – Ainslie Wood Westdale 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 lands and add a Site Specific Policy within the Ainslie Wood Westdale Secondary Plan to permit the redevelopment of the lands for high density residential purposes.

2.0 Location:

The lands affected by this Amendment are known municipally as 925 Main Street West and 150 Longwood Road South, in the former City of Hamilton.

3.0 Basis:

The basis for permitting this Amendment is:

- The proposed development allows for the redevelopment of a site that meets the intent of the Residential Intensification policies of the Urban Hamilton Official Plan.
- The proposal is compatible with the existing and planned development in the immediate area, and is not anticipated to produce any adverse wind impact, or adverse shadow impacts on public space and/or private outdoor amenity spaces.
- The proposed development supports the achievement of complete communities as it is in close proximity to existing or planned community facilities/services, such as existing and planned public transit, schools, and recreational facilities.

- 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 a portion of the subject lands from “Open Space” to “Neighbourhoods”, as shown on Appendix “A”, attached to this Amendment.

4.2 Volume 2 – Secondary Plans

Text

4.2.1 Chapter B.6.0 – Hamilton Secondary Plans – Section B.6.2 – Ainslie Wood Westdale Secondary Plan

- a. That Volume 2, Chapter B.6.0 – Hamilton Secondary Plans, Section B.6.2 – Ainslie Wood Westdale Secondary Plan be amended by adding a new Site Specific Policy, as follows:

“Site Specific Policy – Area X

B.6.2.17.X In addition to Section E.3.6 – High Density Residential of Volume 1, Section B.6.2.5.5 – High Density Residential Designation of Volume 2, and Section B.6.2.10 – Parks and Open Space Designations of Volume 2, for lands located at 925 Main Street West and 150 Longwood Road South, designated “High Density Residential 1” and “Open Space”, and identified as Site Specific Policy – Area X, the following policies shall apply:

- a) Notwithstanding Policy E.3.6.6 b) of Volume 1 and Policy B.6.2.5.5 b) of Volume 2, the maximum residential density for the entire site shall be 250 units per hectare; and,
- b) Notwithstanding Policy B.6.2.5.5 a) of Volume 2, the

maximum building height for the High Density Residential 1 designation shall be 18 storeys."

Maps and Appendices

4.2.2 Map

- a. That Volume 2, Map B.6-2-1 – Ainslie Wood Westdale Secondary Plan – Land Use Plan be amended by:
- i) redesignating a portion of the subject lands from "Local Commercial" to "High Density Residential 1",
 - ii) redesignating a portion of the subject lands from "General Open Space" to "High Density Residential 1"; and,
 - iii) identifying the subject lands as Site Specific Policy Area "X",
- as shown on Appendix "B", attached to this Amendment.

5.0 Implementation:

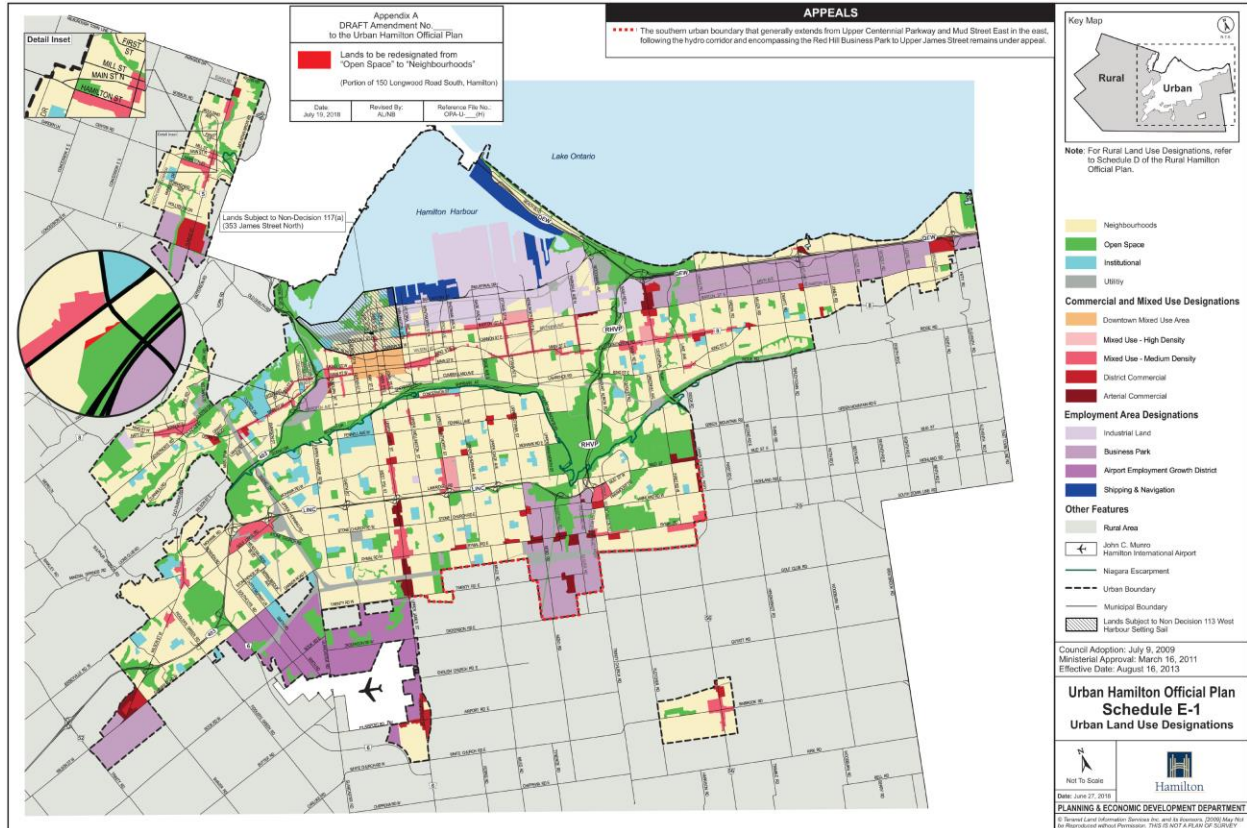
An implementing Zoning By-Law Amendment and Site Plan will give effect to the intended uses on the subject lands.

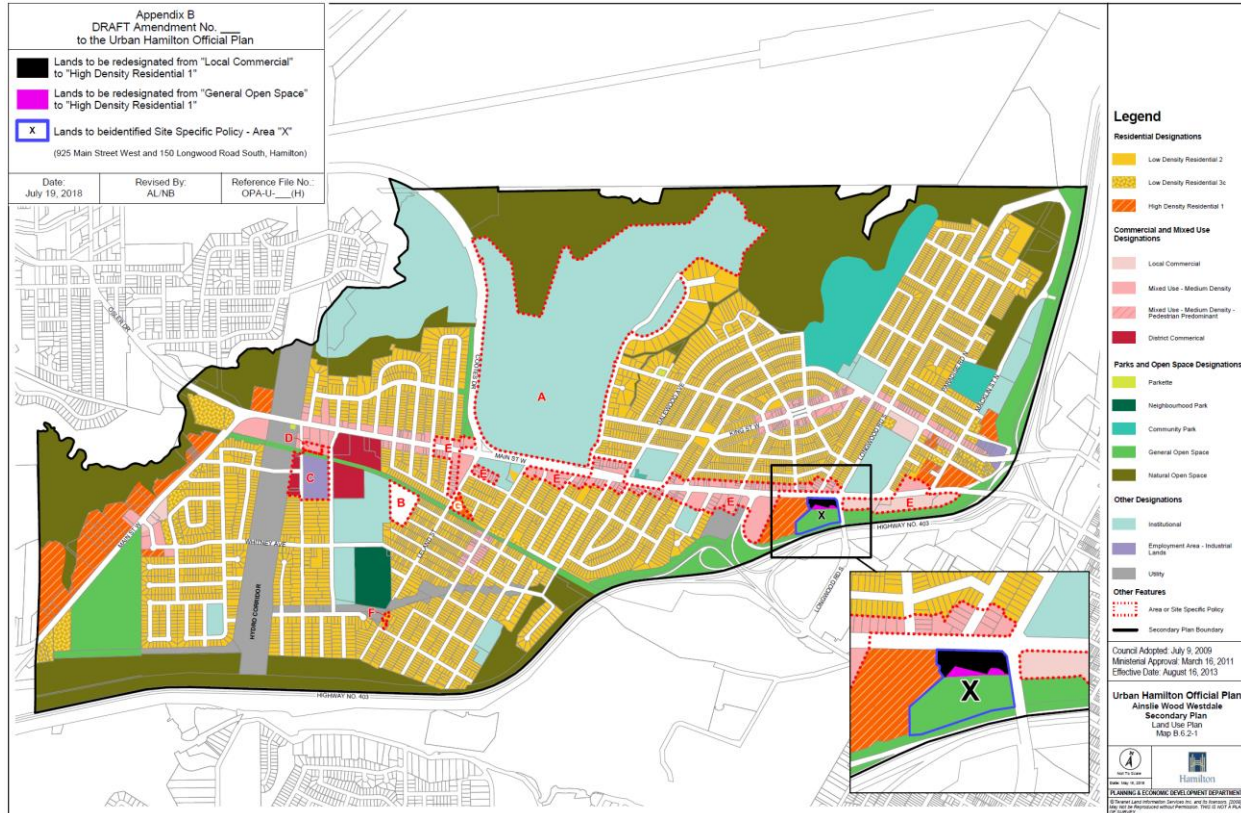
This Official Plan Amendment is Schedule "1" to By-law No. _____ passed on the ____th day of ____, 201X.

The City of Hamilton

Fred Eisenberger
MAYOR

Janet Pilon, CMII, DPA, CMO
Acting CITY CLERK





Authority: Item ,
Report (PED18199)
CM:
Ward: 1

Bill No.

CITY OF HAMILTON

BY-LAW NO.

To Amend Zoning By-law No. 05-200 Respecting Lands Located at 925 Main Street West and 150 Longwood Road South, Hamilton

WHEREAS Council approved Item _____ of Report PED18-_____ of the Planning Committee at its meeting held on the 4th day of September _____ 2018;

AND WHEREAS this By-law conforms with the Urban Hamilton Official Plan upon adoption of Official Plan Amendment No. _____ .

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

1. That Map No. 949 of Schedule "A" – Zoning Maps of Zoning By-law No. 05-200, is amended the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A" to this By-law by:
 - a. Lands to be added to Zoning By-law No. 05-200 as Transit Oriented Corridor Mixed Use Medium Density (TOC1, 703, H31) Zone; and,
 - b. Lands to be added to Zoning By-law No. 05-200 as Conservation / Hazard Lands (P5, 703) Zone.
2. That Schedule "C" – Special Exceptions of Zoning By-law No. 05-200, is hereby amended by adding an additional special exception as follows:

"703. Within the lands zoned Transit Oriented Corridor Mixed Use Medium Density (TOC1, 703, H31) Zone, and Conservation / Hazard Lands (P5, 703) Zone, identified on Map No. 949 of Schedule "A" – Zoning Maps and described as 925 Main Street West and 150 Longwood Road South, Hamilton, the following special provisions shall apply:

 - a) Notwithstanding Section 3: Definitions, Main Street West shall be deemed the Front Lot line.
 - b) Notwithstanding Section 4.23 d), all building and structures located on a property shall be setback a minimum of 3.0 metres from a (P5) Zone boundary, except below grade which shall be setback a minimum of 0.0 metres from the (P5) Zone boundary.

**To Amend Zoning By-law No. 05-200
Respecting Lands Located at 925 Main Street West and 150 Longwood Road South, Hamilton**

- c) Notwithstanding Section 5.2 b) iii), where a wall or any other obstruction is located abutting or within any parking space within an above ground or underground parking structure, the minimum width of a parking space shall be increased by 0.3 metres; except for where a column is located abutting or within any parking space within an above ground or underground parking structure, the minimum width of a parking space shall be increased by 0.1 metres.
- d) Notwithstanding Section 5.6 c) i. and 5.7 c) i. and e), the following shall apply:

Column 1**Column 2****i. Residential Use(s)**

Lodging House

- A) 1 parking space for each 8.3 persons accommodated or designed for accommodation.
- B) A minimum of 5 short term bicycle parking spaces shall be provided.
- C) A minimum of 0.5 long term bicycle parking spaces per unit shall be provided.

- e) In addition to Subsection 7.5.1, the following use shall also be permitted:

i) **PERMITTED USES**

Recreation

- f) Notwithstanding Subsection 11.1.3 a) i) and ii), c), d) ii) and iii), and g) iii) and v), the following special provisions shall apply:

- i) Minimum Building Setback from Main Street West
- A) 0.0 metres for any portion of a building up to 22.0 metres in height, including to the hypotenuse of the daylight triangle.
- B) 6.1 metres for any portion of a building greater than 22.0 metres in height.

**To Amend Zoning By-law No. 05-200
Respecting Lands Located at 925 Main Street West and 150 Longwood Road South, Hamilton**

- | | | | |
|------|---|----|--|
| ii) | Minimum Building Setback from Longwood Road South | A) | 0.0 metres for any portion of a building up to 22.0 metres in height, including to the hypotenuse of the daylight triangle. |
| | | B) | 15.0 metres for any portion of a building greater than 22.0 metres in height, except 8.8 metres to the hypotenuse of the daylight triangle. |
| iii) | Minimum Interior Side Yard | A) | 0.9 metres for any portion of a building up to 22.0 metres in height when abutting a Residential Zone. |
| | | B) | 4.0 metres for any portion of a building greater than 22.0 metres in height when abutting a Residential Zone. |
| iv) | Building Height | A) | Maximum 22.0 metres for the podium; |
| | | B) | Maximum 56.0 metres for "Tower A" as shown on Figure 21 of Schedule F - Special Figures. |
| | | C) | Maximum 62.0 metres for "Tower B" as shown on Figure 21 of Schedule F - Special Figures is 62.0 metres. |
| v) | Built Form for New Development | A) | Maximum of two 6.0 metre wide driveways shall be permitted for ingress and egress. |
| | | B) | For a corner lot the minimum width of the ground floor façade facing the front lot line shall be greater than or equal to 50% of the measurement of the front lot line abutting the street, and the minimum width of the ground floor façade facing the flankage lot line shall be greater than or equal to 25% of the measurement of the flankage lot line abutting the street. |

3. That Schedule "D" – Holding Provisions of By-law No. 05-200 is hereby amended by adding the following Holding Provision:

**To Amend Zoning By-law No. 05-200
Respecting Lands Located at 925 Main Street West and 150 Longwood Road South, Hamilton**

- "31. Within the lands zoned Transit Oriented Corridor Mixed Use Medium Density (TOC1, 703, H31) Zone on Map No. 949 of Schedule "A" – Zoning Maps, and described as 925 Main Street West and 150 Longwood Road South, development shall not proceed until:
- (a) The Owner enters into a conditional building permit agreement with respect to completing a Record of Site Condition or a signed Record of Site Condition (RSC) being submitted to the City of Hamilton and the Ministry of the Environment, Conservation and Parks (MECP) for 925 Main Street West. 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 MECP, and submission of the City of Hamilton's current RSC administration fee.
 - (b) The Owner acquires the lands at 150 Longwood Road South required to implement the proposed development and merges the lands on title with 925 Main Street West, to the satisfaction of the Director of Planning and Chief Planner.
4. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.
5. That for the purposes of the Building Code, this By-law or any part of it is not made until it has actually come into force as provided by Section 34 of the *Planning Act*.
6. That this By-law comes into force in accordance with Section 34 of the *Planning Act*.

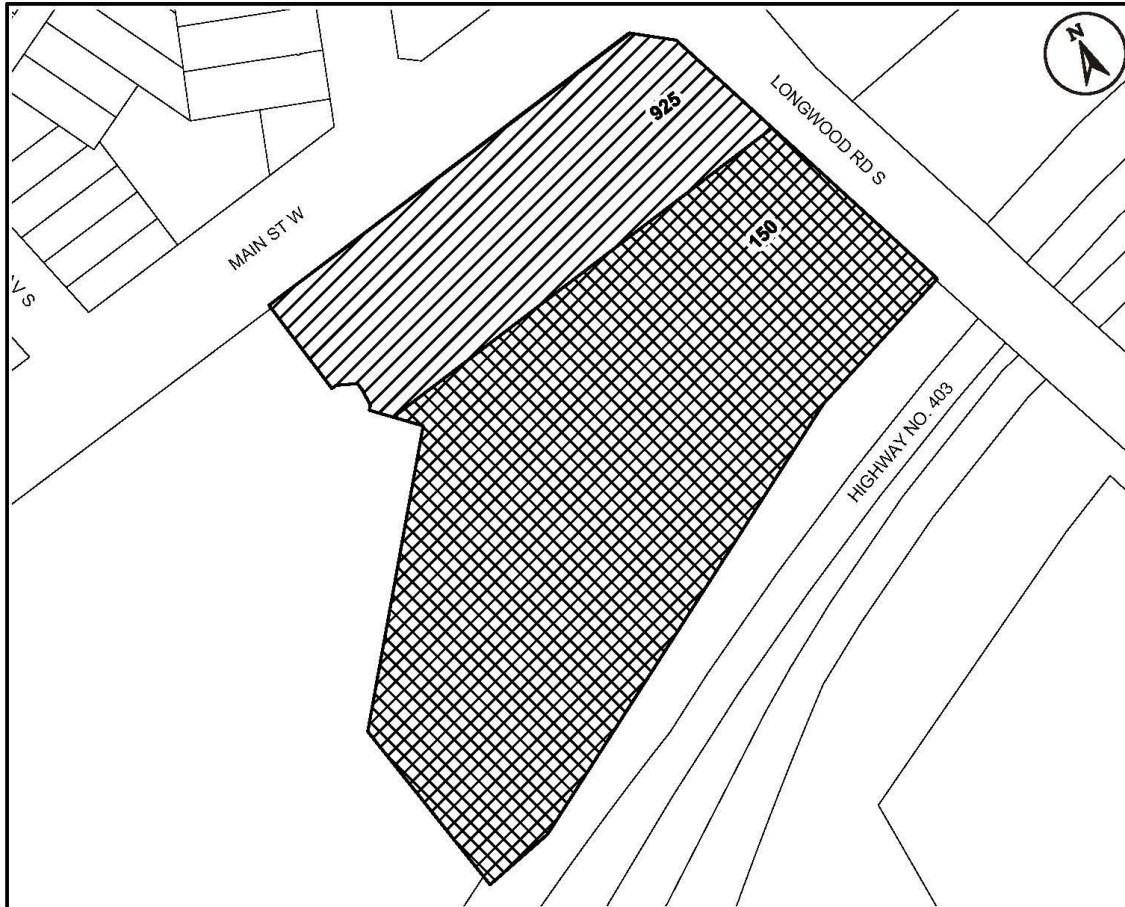
PASSED this _____, 2018

Fred Eisenberger
MAYOR

Janet Pilon, CMII, DPA, CMO
ACTING CITY CLERK

ZAC-16-029

**To Amend Zoning By-law No. 05-200
Respecting Lands Located at 925 Main Street West and 150 Longwood Road South, Hamilton**



This is Schedule "A" to By-law No. 18- Passed the day of, 2018	----- Mayor ----- Clerk
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<h2 style="margin: 0;">Schedule "A"</h2> <h3 style="margin: 0;">Map Forming Part of By-law No. 18-_____</h3> <h3 style="margin: 0;">to Amend By-law No. 05-200 Map 949</h3>	<p>Subject Property 925 Main Street West & 150 Longwood Road South</p> <p> Block 1 - Lands to be added to Zoning By-law No. 05-200 and zoned as a Transit Oriented Corridor Mixed Use Medium Density (TOC1, 703, H31) Zone</p> <p> Block 2 - Lands to be added to Zoning By-law No. 05-200 and zoned as Conservation / Hazard Land (P5, 703) Zone</p>
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Scale: N.T.S.	File Name/Number: ZAC-16-029/UHOPA-16-011	
Date: August 9, 2018	Planner/Technician: AL/NB	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

**To Amend Zoning By-law No. 05-200
Respecting Lands Located at 925 Main Street West and 150 Longwood Road South, Hamilton**

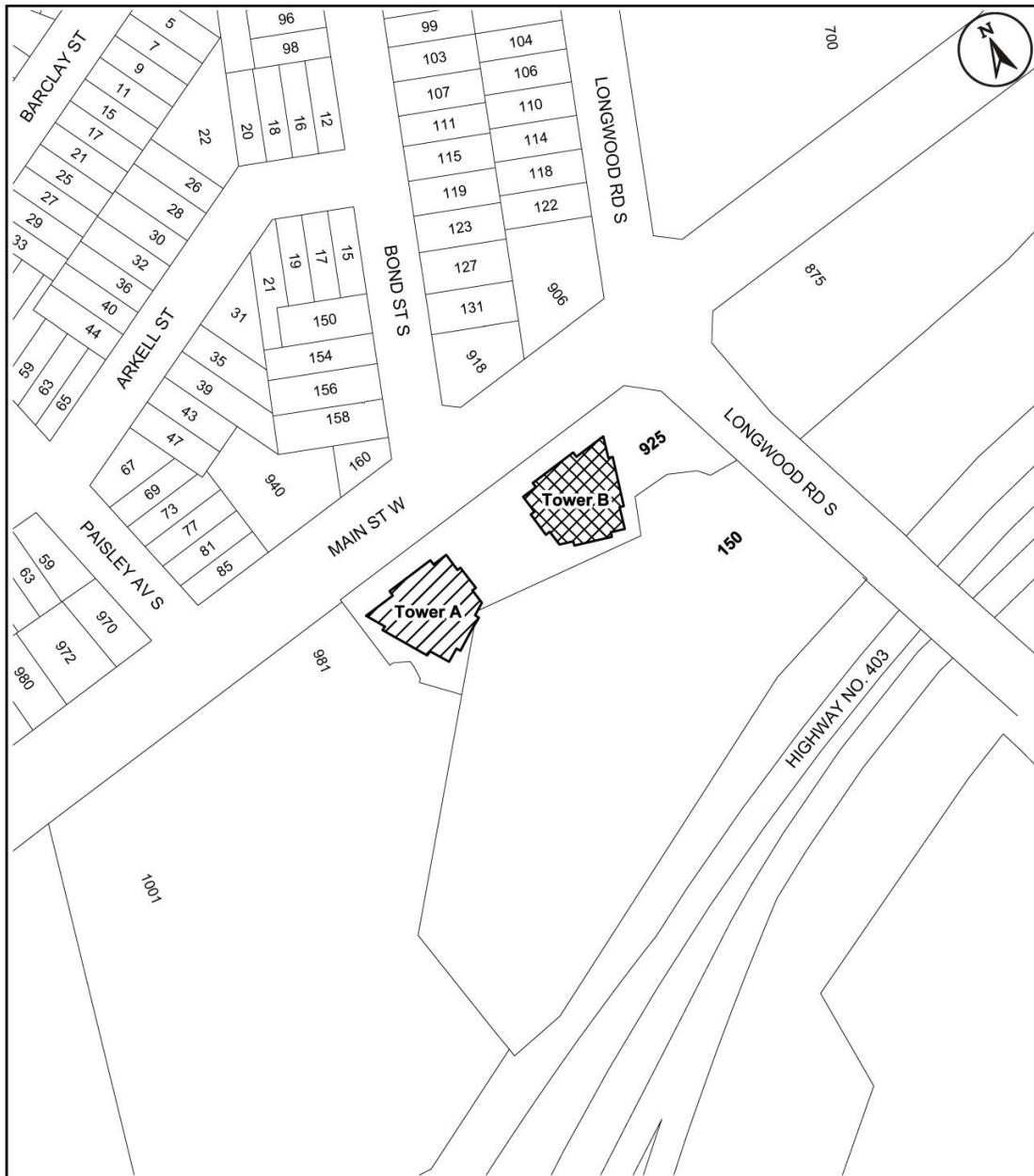


Figure 21 to Schedule F: 925 Main Street West and 150 Longwood Road South

Date:
July 25, 2018

Legend

-  Tower A
-  Tower B



Zoning By-law Site Specific Modifications

Provision	(TOC1) Zone Provision	Requested Amendment	Analysis
Front Lot Line	For a corner lot, shorter of the lot lines abutting a street (Longwood Road South)	Main Street West	The proposed building has been oriented to address Main Street West, which is an arterial road and the future LRT corridor and station. As such, staff are of the opinion that deeming Main Street West the front lot line is appropriate and support this modification.
Design Standard - Increase in Parking Space Size abutting a wall, column, or any other obstruction	0.3 metre	0.3 metre to a wall or any other obstruction 0.1 metre to a column	The intent of this provision is to ensure that motorists can safely enter and exit their vehicles when the parking space is located abutting a wall, column or any other obstruction in an above grade or below grade parking structure. Staff note this requirement has been approved but is not yet in effect but have proactively requested the applicant comply to this requirement. However given the application pre-dates this requirement, staff support a modification only for parking spaces abutting a column to require an additional 0.1 metre.
Maximum Building Height	22.0 metres	56.0 metres (Tower A) 62.0 metres (Tower B)	The intent of this provision is to minimize the physical impact, massing and sun shadow impacts of structures on adjacent property and along the roadway. As noted in this Report, staff are of the opinion that the sun shadow impacts on adjacent properties and abutting streets will be minor. Further, staff note that the podium has been setback 0.0 from the street line of Main Street West and Longwood Road South while the towers have been stepped back significantly from the podium and street line along Main Street West and Longwood Road South. Staff are of the opinion that the proposed step backs will minimize the impact of the proposed massing and create an enhanced pedestrian experience. Given the above, this modification has merit and can be supported.

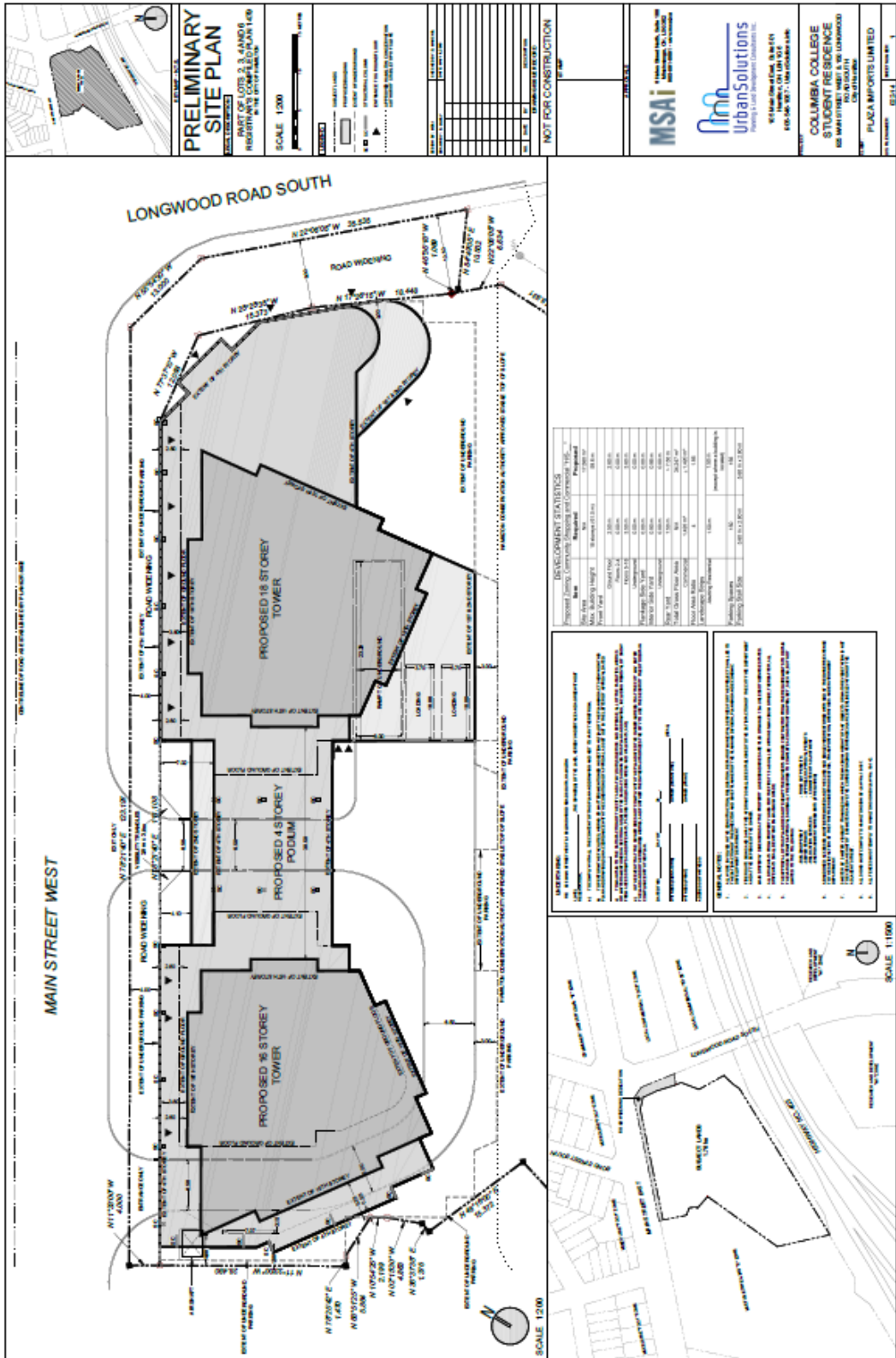
<p>Minimum Building Setback to Street Line</p> <p>Main Street West</p> <p>Longwood Road South</p>	<p>3.0 metres (minimum)</p>	<p>0.0 metres (podium)</p> <p>6.1 metres (above 22.0 metres, floors 5 to 18)</p> <p>0.0 metres (podium), including to the hypotenuse of the daylight triangle</p> <p>15 metres (floors 5 to 18), except 8.8 metres to the hypotenuse of the daylight triangle</p>	<p>The intent of the provision is to minimize the impact of structures along the street, while still creating an animated pedestrian realm. Staff note that floors two to four of the podium have been located 0.0 metres from the lot line, while the first floor is setback 2.6 metres from the streetline abutting Main Street West. Further, the towers are providing a 6.1 metre setback from the fifth floor upwards along Main Street West and in excess of 15 metres from Longwood Road South. Staff are of the opinion that the location of the podium close to the street line in conjunction with the proposed commercial uses, will help animate the street and creates a comfortable streetscape, while the step-backs provided for the tower portion of the building will minimize the impact along the street. The setback to the hypotenuse of the daylight triangle is a technical modification to recognize the requirement for a daylight triangle at the intersection of Main Street West and Longwood Road South. Also the upper floors of the towers will introduce a material and / or colour change to further address the massing, which will be further reviewed at the Site Plan Control stage. Staff note that extensive right-of-way widenings have been provided for the LRT which will contribute to the overall public realm. As such, staff consider the reduced setbacks to be appropriate in this instance in providing a comfortable pedestrian realm. Given the above, this modification has merit and can be supported.</p>
<p>Minimum Interior Side Yard (west)</p>	<p>7.5 metres</p>	<p>0.9 metres (podium) 4.0 metres (tower)</p>	<p>The intent of this provision is to minimize the physical impact of structures on the adjacent properties, while allowing for adequate area for drainage and for maintenance purposes. Staff note that the 0.9 metre setback is required at a pinch point only in the design of the podium while the majority of the podium is providing a setback in excess of 1.8 metres. Also the adjacent property to the west contains a 12 storey multiple dwelling, which is located over 25 metres from the common property line of the subject property and oriented away from the side lot line, which minimizes the</p>

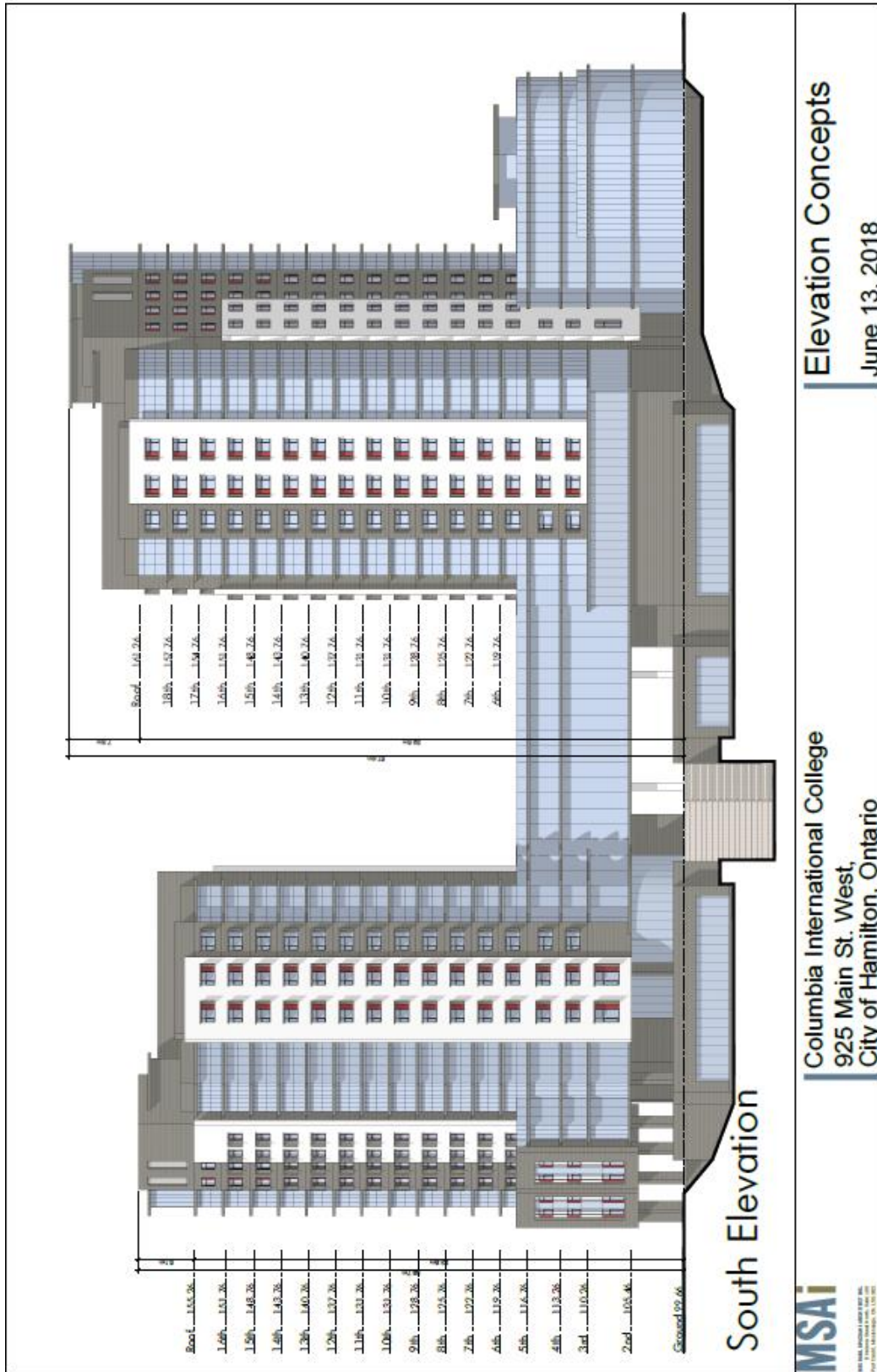
			impact of the proposed building and alleviates concerns regarding privacy. With respect to maintenance of the building, staff are of the opinion that a 0.9 metre setback for the podium will be adequate space between the building and the lot line for this small area of the building. Given the above, this modification has merit and can be supported.
Minimum Number of Parking Spaces (Lodging House)	1 for each 3 persons accommodated or designed for accommodation	1 parking space for each 8.3 persons	The intent of this provision is to ensure that adequate amount of parking is provided for the proposed uses on the property. Staff note that the proposal is providing for 156 parking spaces within two levels of underground parking. The subject property is well serviced by public transit which includes eastbound and westbound bus stops adjacent to the property. Further, Main Street West will accommodate the future LRT with an LRT stop directly in front of the subject lands. Moreover, the lodging house is intended to accommodate international high school students attending CIC and will be within walking distance of the school. Staff have reviewed the parking supply study provided in support of the development and have indicated no objection with the opinions expressed in the report. Given all of the above, staff are of the opinion that adequate parking spaces are being provided on the property for the proposed uses and support the modification.
Bicycle Parking (minimum) for a Lodging House Short Term Long Term	 N/A	5 short term per building 0.5 long term per unit	The intent of this provision is to ensure that proposed developments provide for an adequate amount of bicycle parking, which will promote the use of other modes of transportation aside from the automobile and supplement parking reductions. Staff note that the short term bicycle parking rates have been taken from the new requirements of the Transit Orientated Corridor (TOC) under Zoning By-law 05-200 for a multiple dwelling, which is the only residential use contemplated for bicycle parking in this Zone until the Residential Zoning of Zoning By-law No. 05-200 is completed. With respect to long term bicycle parking spaces, given that there will be 514 units, a total of 257 long term bicycle parking

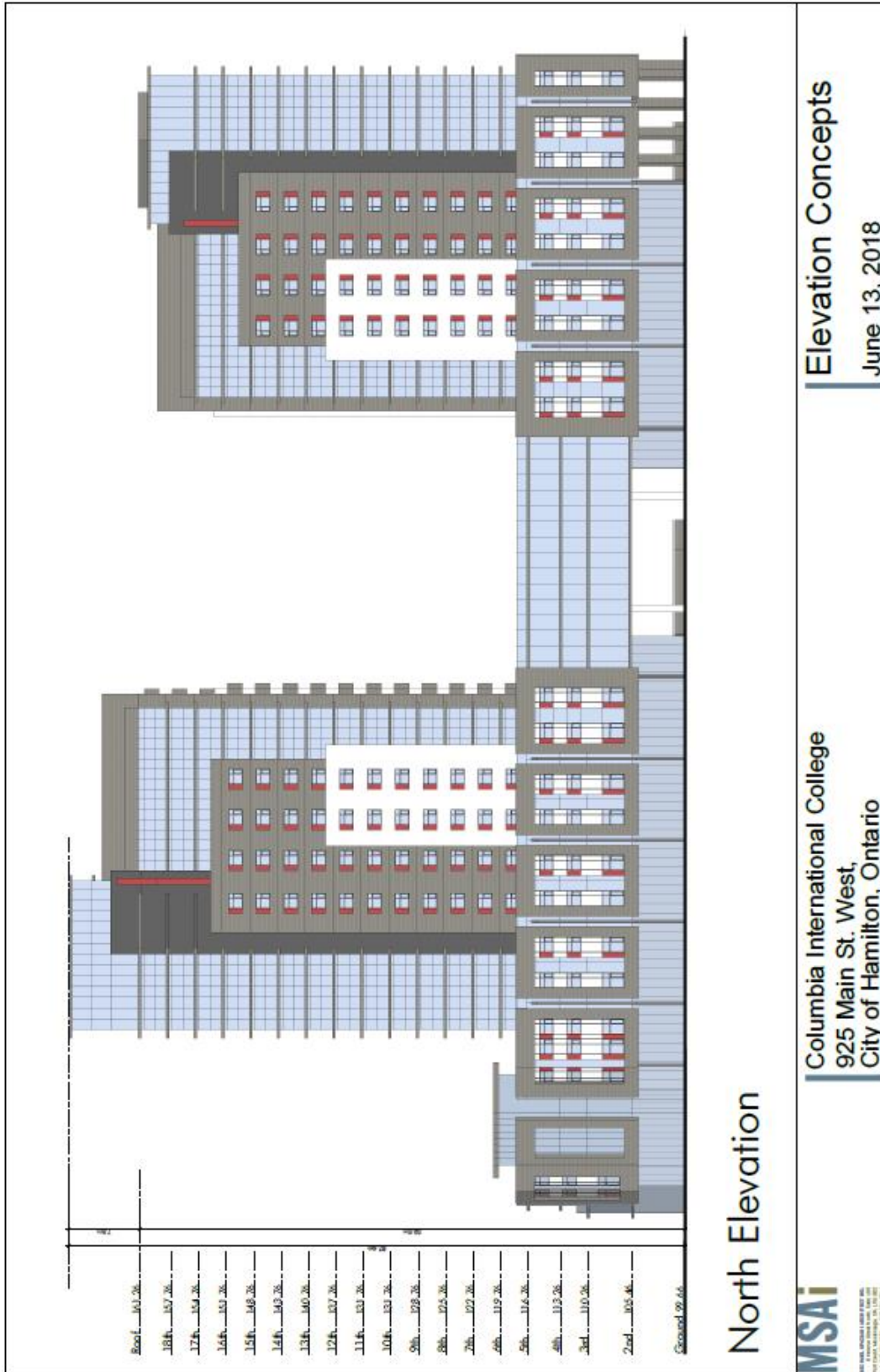
			will be required. The applicant has allocated bicycle parking areas within the two levels of underground parking. Given the above, this modification has merit and can be supported.
Ground Floor Façade	For a corner lot the minimum combined width of the ground floor façade facing the front lot line and flankage lot line shall be greater than or equal to 50% of the measurement of all lot lines abutting the street.	For a corner lot the minimum width of the ground floor façade facing the front lot line shall be greater than or equal to 50% of the measurement of the front lot line abutting the street, and the minimum width of the ground floor façade facing the flankage lot line shall be greater than or equal to 25% of the measurement of the flankage lot line abutting the street.	The intent of this provision is to ensure the building façade encompasses the majority of the lot frontage to achieve an animated street. Given the context of the site, the Longwood Road South frontage is primarily proposed as the P5 Zone and therefore will not have a building or structure. As a result, staff are supportive of a reduction to the ground floor façade facing the flankage lot line to be 25% of the measurement of the flankage lot line, which is reflective of the portion of street frontage that will have the building podium. The ground floor façade facing the front lot line, Main Street West, will remain at a minimum 50% of the measurement of the front lot line. Given the above, this modification has merit and can be supported.
Maximum Number of Driveways	1	2	The intent of this provision is to minimize the amount of access points to / from a property and minimize potential traffic conflicts along a roadway. The proposal is illustrating two driveways which will serve as a turnaround for vehicles coming into and going out of the subject lands. More specifically, one access point will be for entry to the property only and the other is for exit from the property only. Transportation Planning Services have reviewed the proposal and did not indicate any concern with the proposed driveway configuration. Given the above and that this will facilitate appropriate site circulation, this modification has merit and can be supported.

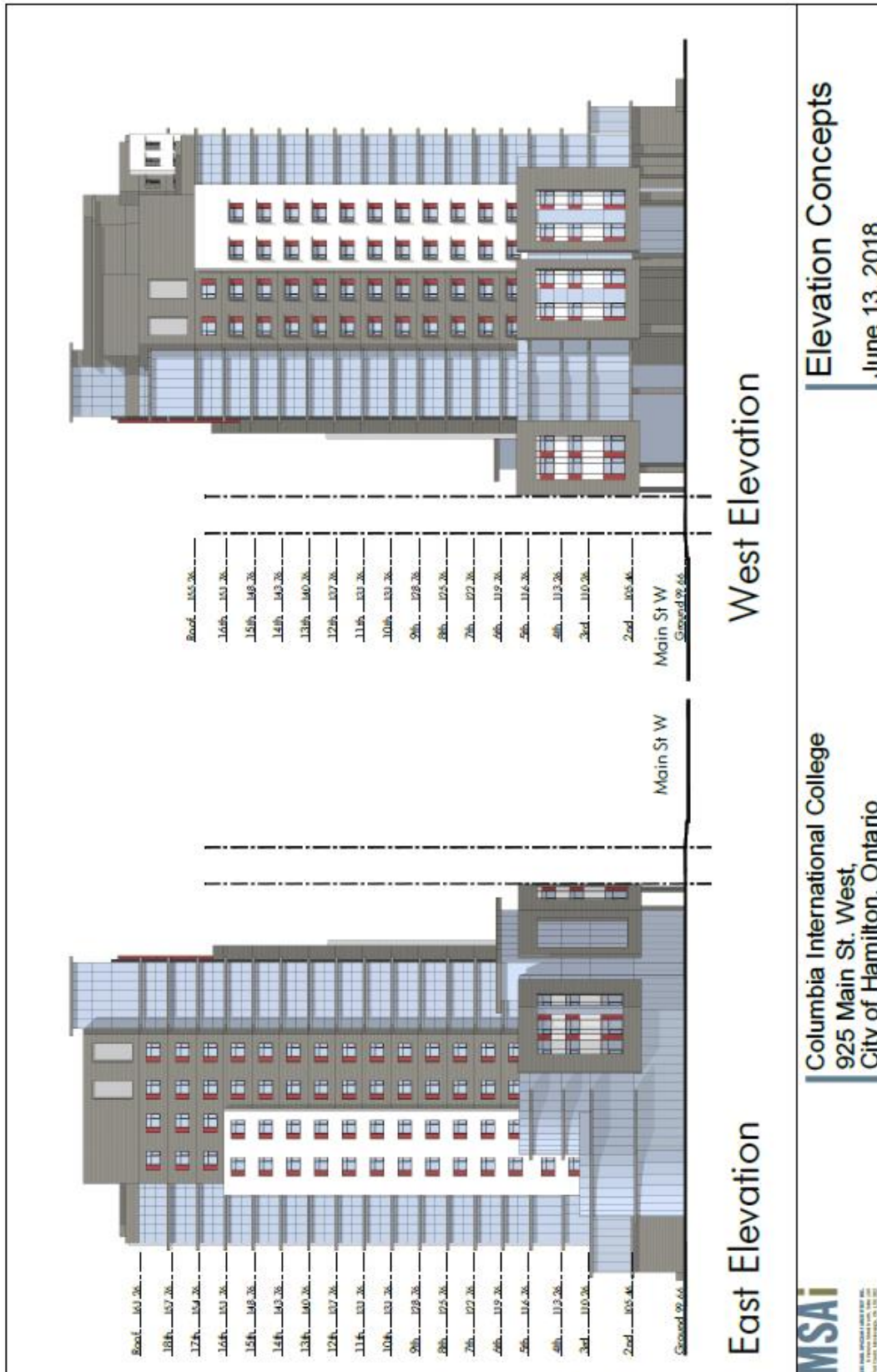
Zoning By-law Site Specific Modifications

Provision	(P5) Zone Provision	Requested Amendment	Analysis
Setback to a (P5) Zone	7.5 metres	3.0 metres, except 0.0 metres below grade	The intent of this provision is to ensure that buildings are adequately setback to a (P5) Zone. Staff note that the (P5) Zone is located in the lower lands and represents the hazard lands. Staff are of the opinion that the proposed setback will be adequate for the construction of the building and no setback is required for the underground parking structure which will be used to create the stable slope. This modification has merit and can be supported.
P5 Zone Uses	Passive Recreation	Recreation	The P5 Zone is intended for the conservation of lands with natural heritage significance or considered hazard lands. As such, passive recreation uses are permitted. Given the approval by the HCA Board regarding development of the lands and that recreational uses are permitted to locate within hazard lands, staff are of the opinion that active recreation uses can also be permitted and support this modification.









Elevation Concepts
June 13, 2018

Columbia International College
925 Main St. West,
City of Hamilton, Ontario



Lucas, Adam

From: Sima A <sima.a55@gmail.com>
Sent: May-19-16 4:13 PM
To: Maurizio, Valeria
Subject: Re: Request for comments by June 3: 925 Main Street West - former Acura site - Proposed Development

I really feel this is a splendid idea. I hope you get more positive feedback.

sima

On Thu, May 19, 2016 at 3:31 PM, Maurizio, Valeria <Valeria.Maurizio@hamilton.ca> wrote:

Thank you for your comments Sima.

Lucas, Adam

From: sharon <glenroadmomma@gmail.com>
Sent: May-18-16 9:27 AM
To: Brown, Dale
Cc: Johnson, Aidan; Wojewoda-Patti, Nikola; Maurizio, Valeria
Subject: FEEDBACK: Request for comments by June 3: 925 Main Street West - former Acura site - Proposed Development

I personally love this idea and I live only a few blocks away. The corner is a mess right now and this building would be a big improvement. The student buildings near Baskin and Robbins in the West End are lovely. Students make the world go around and bring a fresh vibrancy to the community. I hope this goes through and I look forward to seeing a definite improvement in a corner that helps define Westdale as moving forward and not about vacant car dealerships and empty lots.

Sharon Ricci
152 Glen Road

Lucas, Adam

From: innes@interlynx.net
Sent: May-18-16 6:49 AM
To: Brown, Dale
Cc: Johnson, Aidan; Wojewoda-Patti, Nikola; Maurizio, Valeria
Subject: Re: Request for comments by June 3: 925 Main Street West - former Acura site - Proposed Development

Thank you for this opportunity to respond.

This is exactly the kind of development that we need in this area - high intensity, mixed use, some parking and some additional amenities. It replaces a car lot that has been abandoned for many years. And, it is in scale with its surroundings (Camelot Towers)

With immediate access to the proposed LRT stop, HSR access, and access to the 403, this gives the new residents (and their parents) convenient windows on Hamilton and the GTHA.

This development has my whole hearted support.

Scott Innes
30 Whitton Road
Westdale

Lucas, Adam

From: Sima A <sima.a55@gmail.com>
Sent: May-17-16 5:52 PM
To: Brown, Dale
Cc: Johnson, Aidan; Wojewoda-Patti, Nikola; Maurizio, Valeria
Subject: Re: Request for comments by June 3: 925 Main Street West - former Acura site - Proposed Development

Excellent spot for students, away from residential. Great idea!!!!!!!
Sima Skarica

From:
Sent: May-17-16 9:01 PM
To: Brown, Dale
Subject: Re: Request for comments by June 3: 925 Main Street West - former Acura site - Proposed Development

Hello Dale:

I support this development. I will assume that the majority using this development will be those who attend Columbia College which is just meters away but not limited to. The proposed I am hoping will have security on site 24/7 as Leland Ave. development will be having. My biggest concern is enough parking for tenants.

Please do not share my information, only my support for the project.

Thanx

Lucas, Adam

From: -
Sent: May-30-16 1:17 PM
To: Maurizio, Valeria
Subject: 925 Main St W Proposed Development - ZAC-16-029 & UHOPA-16-11

Valeria Maurizio, City of Hamilton
Planning and Economic Development Department
Development Planning, Heritage and Design - Urban Team
71 Main Street West, 5th Floor, Hamilton, ON, L8P 4Y5
Fax: 905-546-4202 - E-Mail: Valeria.Maurizio@hamilton.ca

Please remove any personal information from this communication.

I wish to express my objection to the proposed development at 925 Main St. West. As I understand it, the proposed development is for two 15 storey mixed-use buildings. These buildings will tower above the nearby structures, will strip away the privacy of the neighbourhood homes / backyards, block the sun, and the lights from these behemoths will impact on the enjoyment of the outdoor spaces throughout the neighbourhood. This lofty structure will also block the view of the escarpment currently enjoyed by many. As well, if this development proceeds then it will be the first of many changing the future landscape of Westdale entirely.

Additionally, I believe there are 456 student residence suites with 910 beds and commercial spaces planned for the ground level. Assuming, at a minimum, that each suite requires at least one parking space and the commercial space requires parking for the employees and customers, this will be well over the allotted 107 parking spaces. There is no current parking on Main Street West nor on Longwood Rd. near the proposed development site. Where will the people park? The Westdale area is already challenged for parking without adding another 500 to 800 spaces to the mix.

Even if the proposed renters (students) do not currently own vehicles that does not mean this will always be the case. The future requirements for this building may change. There may be more off-site education requirements and the need for student housing may diminish. The education requirements may change, or this company may no longer be in business. So future planning, use, and parking should be a consideration.

Currently, there are many Westdale homes seeking student rentals as many sit empty especially during this time of year. With an additional 900 students relocating to the proposed structure, the landlords may find it challenging to rent their facilities and decide to sell their houses. This will put a glut on the market and devalue the properties.

Westdale is a unique area but with another 900 students residing in the area along with the current ones, this will cause even more challenges for the long-time residents, resources, and peaceful community.

Lucas, Adam

From: MO BIE <rickymobie@gmail.com>
Sent: October-23-16 10:04 AM
To: Maurizio, Valeria
Subject: 925 Main Street West & 150 Longwood Road South UHOPA-16-11/ZAC-16029

Follow Up Flag: Follow up
Due By: October-24-16 12:00 PM
Flag Status: Flagged

Hi Valeria,

Thanks for coming to the Neighborhood Information Meeting on Oct-18,2016 at St. George's Church. Please refer to the below comments on the Proposed Zoning By-law Amendment to Zoning By-law No.6593:

1. Heights – We object to the development of 15-storey mixed-use buildings (including a shared 4-storey podium). The maximum of heights should be no more than 6-storey;
2. Parking – 450 + units and 30 + commercial retails units should have no less than 300 parking lot for public;
3. Traffic – The Longwood road bridge cross 403 should be expanded and enhanced (particularly in the sidewalk and bicycle line). In addition, the new planed buildings should only have vehicle entrances and exits on the main street not on the longwood road because there is no room on the crowded longwood road south;
4. Zoning Code – The new planed buildings should not covert to public commercial condos in the future, we should keep the existing zonding code in the Ainslie and Westdale;
5. Skyline – We should keep Hamilton Skyline as is and the new high raise condos should be built in downtown not around McMaster;
6. LRT – We should plan the overall development blueprint as a whole package in Hamilton. We are confident the new LRT will enable students commute between CIC/McMaster and Downtown Residence more efficient.

Lucas, Adam

From: David M. Steinberg <DSteinberg@rossmcbride.com>
Sent: May-24-16 6:12 PM
To: Maurizio, Valeria

Re Columbia's plans for the two buildings. I have no problems with the concept but the planned number of students may put a severe strain on the closeby neighborhoods which are primarily residential.

My suggestion is to isolate Bond Street from the project by totally closing off all vehicle access to and from Bond and to and from Main Street and to limit parking on Bond Street to one hour per time except for residents who can be granted full time parking on application.

Extreme concern must be given to not granting licenses for restaurants in the project to avoiding the emanation of cooking odours that have occurred in the past with other restaurants in the area .

David Steinberg 103 Bond Street South

Sent from my BlackBerry 10 smartphone on the Bell network.

Lucas, Adam

From:
Sent: May-18-16 9:50 AM
To: Maurizio, Valeria
Cc: Brown, Dale
Subject: Re: Request for comments 925 Main Street West

Re: ZAC-16-029 & UHOPA-16-11

Dear Mr Maurizio:

I have reviewed the material on the proposed development for student residences for Columbia College at 925 Main Street West.

I have concerns about the proposed setbacks from Main Street and Longwood Road, which are stated in the Planning Justification report to be 3.0 m and 0.2 m, respectively, and believe these should be increased substantially.

When walking, it is very uncomfortable to have buildings abutting the sidewalk. In addition, on Longwood, dedicated bicycle lanes have been promised but not yet implemented. Any new building construction must not prohibit such future implementation, and therefore additional setback should be a requirement.

On Main Street, the future LRT plans are noted, but no mention of bicycle lanes (which may become even more important if LRT is implemented in this area). Three meters along Main Street is considered insufficient, considering the high vehicle and pedestrian traffic, and the closeness to the Main/Longwood intersection. If you walk in downtown Hamilton you will immediately note how uncomfortable it is because of the tall buildings without adequate setback.

Sincerely,

Lucas, Adam

From: Danny Davids <dannydavids1@gmail.com>
Sent: May-16-16 12:22 PM
To: Maurizio, Valeria
Cc: Davids, Carol
Subject: Zoning Amendment for 925 Main St. West etc

Follow Up Flag: Follow up
Due By: May-17-16 1:00 PM
Flag Status: Completed

Dear Ms. Maurizio,

With regard to the above zoning amendment application, Columbia International College has always been a good neighbour and I have no problem with them building on this site, however I am concerned about provision for parking for employees who will be working in the new facility.

Thank for anything that you can tell me.

Danny Davids
107 Bond St. South

dannydavids1@gmail.com

Lucas, Adam

From: Kimberley Seunarine <kimmys@sympatico.ca>
Sent: May-26-16 7:44 AM
To: Maurizio, Valeria
Subject: Residents of Westdale

Hi there myself and our neighbours living close to the proposed development are extremely opposed to this. What can we do to make sure our voice is heard.

Thank you
Kim Seunarine

October 21, 2016

City Councillor Aidan Johnson
Hamilton City Hall
2nd floor - 71 Main Street West
Hamilton, Ontario L8P 4Y5
Phone: 905-546-2416
Fax: 905-546-2535
Email: aidan.johnson@hamilton.ca

Re: 925 Main St W Proposed Development - ZAC-16-029 & UHOPA-16-11.

Please remove any personal information from this communication.

Hello Councillor Johnson:

I recently attended an information session for the proposed development at 925 Main St. West at the corner of Longwood and Main Streets in Hamilton. The developer suggested that if I have concerns that I should express them to you so I am writing this letter to express my objection to the project.

As I understand it, the proposed development is for two 15 storey mixed-use buildings. These buildings will tower above the nearby structures, will strip away the privacy of the neighbourhood homes and backyard enjoyment, block the sun, and the lights from these behemoths will impact on the enjoyment of the outdoor spaces throughout the neighbourhood. The lofty structure will also block the view of the escarpment currently enjoyed by many.

This development is proposed to be the highest structure in the entire Westdale and West Hamilton area which is not in keeping with the other low-rise structures in the area. It will be the first of many as it will open the door for more such structures changing the future landscape of the area entirely and changing the face of the community permanently.

Between the students coming from Westdale high school (across the street) and students exiting from this structure onto the very busy Main Street, safety is a concern. The drawings show that the building does not even sit back from the sidewalk but directly abuts it. Additionally, has a study been conducted regarding the impact of an additional 910 plus students on the Westdale Village community as there are already huge issues with the existing McMaster students and their impact on the area?

Additionally, I believe there are 456 student residence suites with 910 beds and commercial spaces planned for the ground level. Assuming, at a minimum, that each suite requires at least one parking space and the commercial space requires parking for the employees and customers, this will be well over the allotted 107 parking spaces. There is no current parking on Main Street West nor on Longwood Rd. near the proposed development site. Where will the people park? The Westdale area is already challenged for parking without adding another 500 to 800 spaces to the mix.

.....2.....

925 Main Street West Proposed Development
K. Steinberg, October 21, 2016 Letter

Page 2 of 2

Even if the proposed renters (students) do not currently own vehicles that does not mean this will always be the case. The future requirements for this building may change. There may be more off-site education requirements and the need for student housing may diminish. The education requirements may change, or this company may no longer be in business. So future planning, use, and parking of this structure should be a consideration.

Currently, there are many Westdale homes seeking student rentals and many sit empty during the summer. With an additional 900 students relocating to the proposed structure, the landlords may find it challenging to rent their facilities and decide to sell their houses en masse. This will put a glut on the market and devalue the properties and lowering taxes for the city.

As Westdale / West Hamilton is transitioning into a transient community, the impact of these additional students on voting and decision-making for a community that they only reside in temporarily and will then vacate is cause for concern to the long-term residents and should be a consideration.

Westdale is a unique area with a village atmosphere. Can the community really support another influx of students with even more challenges for the long-term residents, resources, and properties?

Thank you for your consideration.

Regards

May 25, 2016

RECEIVED

MAY 26 2016

Valeria Maurizio, City of Hamilton
Planning and Economic Development
Development Planning, Heritage and Design – Urban Team
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5

Re: ZAC-16-029 & UHOPA-16-11

I am a resident of 981 Main Street West and have thoroughly read the recent Notice to Amend the current Zoning By-Law to allow for two fifteen story apartment buildings to be built at 925 Main Street West and 150 Longwood Road South. I strongly oppose this plan for the following reasons:

1. Traffic volume would rise substantially. Access to Main Street West and Longwood Road South would become more challenging than it currently is increasing the likelihood of vehicular accidents also involving pedestrians. As a mother of two young children who attend Cootes Paradise School I am especially concerned about this.
2. The increase in population density and commercial venture will result in a greater need for police presence to ensure criminal activity is kept to a minimum. The city already has challenges in maintaining this commitment to the citizens of Westdale due to higher university student enrolment and the subsequent rise in off-campus housing.
3. The Westdale area is known for its "quaintness" and "uniqueness" within the city of Hamilton. The erection of two fifteen story buildings next to two pre-existing twelve story buildings will effectively destroy this reputation resulting in fewer visitors from out-of-town and a drop in business activity.

I trust this objection will be considered prior to any changes being made to the Zoning By-Law under consideration.

Sincerely,



Melissa L. Charnock (Ms.)

Lucas, Adam

From: Robert Hamilton <rhamilton@woodbridge.com>
Sent: February-14-18 10:22 AM
To: Lucas, Adam
Cc: Fabac, Anita; Thorne, Jason; Harrison-McMillan, Kimberley; Robichaud, Steve
Subject: RE: Columbia College development

Adam,

It might have helped the conversation if you had referred to documents which have already had the City's seal of approval.

I presume that at this stage, one such document might be the one prepared by MSAi - Michael Spaziani Architect Inc., Urban Design Brief 925 Main St. West, Columbia International School Development, Hamilton

<https://cic.urbanshare.info/wp-content/uploads/2017/02/2-Urban-Design-Report.pdf>

My broad concern is the encroachment of tall structures around Westdale, or directly within it, as proposed by McMaster University's ill-advised tall and dense student residence.

To my point specifically with regard to the Columbia College development, the degree of set back is not in keeping with the immediate precinct. Yes, three corners are approved for more intensive uses, but the City has made no effort to depressurise what is recognised by any measure as a MAJOR intersection already. Both visually and physically. Which will only increase with the arrival of the LRT and the planned for Longwood stop.

The land on the north west corner should be acquired by the City and the roadway adjusted to improve vehicular, cycle and pedestrian traffic.

The Columbia College development on the south west corner, directly opposite, should be afforded similar attention.

The MSAi drawings do in fact show an, "**animated street edge and attractive pedestrian experience**", but they also show separate entrance and exits for both cars and school buses.

What I am suggesting is that the traffic patterns of all forms, their intensity, and the visual obstructions that they EACH must contend with by the additions being proposed for this intersection by BOTH the development and the LRT are not being taken into consideration sufficiently.

I do not see a level of attention comparable to City's initiatives which have yet to see the light of day along Longwood.

For example, the Longwood Road Environmental Project Report from 2013, and its recommendations

<https://d3fpllf1m7btt3.cloudfront.net/sites/default/files/media/browser/2015-08-17/longwood-ea-notice-of-completion.pdf>

or the Longwood Road Transportation Review.

http://www2.hamilton.ca/NR/rdonlyres/F66FF789-DA6C-4589-9F05-4D6A1D4B732D/0/May1654_PW13035.pdf

As well, there is the proposed replacement of the Longwood Road Bridge (by Metrolinx??) to accommodate all forms of identified vehicular, bike and pedestrian traffic in their own studies as well as the City's.

Rob



February 12, 2018

File: H/F,C/17/33

BY REGISTERED MAIL & EMAIL

Plaza Imports Ltd.
C/o John Lecluse
1505 Upper James St.
Hamilton, Ontario L9B 1K2

Dear Mr. Lecluse:

Re: NOTICE OF DECISION
Hearing Pursuant to Section 28(12) of the *Conservation Authorities Act*
Plaza Imports Ltd. Application for Development in a Regulated Area of the
Chedoke Creek Valley at 925 Main Street West and 150 Longwood Road
South, City of Hamilton

Please find attached the Notice of Decision from the February 1, 2018 Hearing for the above-noted application.

In accordance with Section 28(15) of the *Conservation Authorities Act*, an applicant who has been refused permission or who objects to conditions imposed on a permission may, within 30 days of receiving the reasons under subsection (14) appeal to the Minister who may refuse the permission, or grant permission, with or without conditions. Should you decide to proceed with an appeal of this decision, please forward your letter of appeal directly to the Honourable Nathalie Des Rosiers, Minister of Natural Resources and Forestry, 99 Wellesley St. W., 6th Floor, Whitney Block, Toronto ON M7A 1W3 within the required 30 day period.

If you do not appeal the decision, the conditions must be implemented within two years of the Hearing Board decision. If the conditions are not implemented, then the permit will be revoked.

Please do not hesitate to contact Mike Stone, Manager, Watershed Planning Services, (905) 525-2181, ext. 133 if you have any questions or require further information regarding this matter.

Yours truly,

Mike Stone MCIP, RPP
Manager, Watershed Planning Services

Enclosures: Notice of Decision, Permit

NOTICE OF DECISION

IN THE MATTER OF

THE *CONSERVATION AUTHORITIES ACT*, R.S.O. 1990, CHAPTER 28 AS AMENDED;

AND IN THE MATTER OF

AN APPLICATION MARKED H/F,C/17/33 BY: Plaza Imports Ltd. FOR THE PERMISSION OF THE HAMILTON REGION CONSERVATION AUTHORITY PURSUANT TO REGULATIONS MADE UNDER SECTION 28 OF THIS SAID ACT FOR THE:

Placement of fill and construction of a two 15-storey student residence, linked via a 4-storey mixed use podium, which will contain 456 suites to accommodate 910 students, 1,380m² of ground floor commercial space, 5,901m² of amenity areas, and a below grade parking garage with 107 vehicle spaces in the regulated area of the Chedoke Creek Valley at 925 Main Street, City of Hamilton.

TAKE NOTICE THAT A HEARING BEFORE THE HAMILTON REGION CONSERVATION AUTHORITY WAS HELD UNDER SECTION 28 (12) OF THE *CONSERVATION AUTHORITIES ACT* AT THE OFFICES OF SAID AUTHORITY AT 838 MINERAL SPRINGS ROAD, ANCASTER, ONTARIO AT THE APPROXIMATE HOUR OF 7 P.M., ON THE 1st DAY OF February, 2018.

MEMBERS OF THE HEARING BOARD PRESENT:

Robert Pasuta
Lloyd Ferguson
Susan Fielding
Kris Brown
Brad Gautreau
Doug Conley
Dan Bowman
Santina Moccio
Chad Collins

HEARING PARTICIPANTS AND INFORMATION SUBMITTED:

1. Mike Stone for the Hamilton Region Conservation Authority.

Mike Stone presented the staff report dated January 12, 2018.

2. The following representatives presented a report on the development proposal on behalf of the applicant:

- Brian Duxbury, Duxbury Law
- Sergio Manchia, Urban Solutions Planning & Land Development Consultants
- Brian Bishop, Amec Foster Wheeler
- James Dann, Landtek Limited
- Michael Spaziani, Michael Spaziani Architects Inc.
- Mary Ann Young, Dougan & Associates

DECISION

THAT the application made by Plaza Imports for the placement of fill and construction of a two 15-storey student residence, linked via a 4-storey mixed use podium, which will contain 456 suites to accommodate 910 students, 1,380m² of ground floor commercial space, 5,901m² of amenity areas, and a below grade parking garage with 107 vehicle spaces in the regulated area of the Chedoke Creek Valley at 925 Main Street, City of Hamilton BE APPROVED as submitted subject to the following conditions:

1. The owner shall retain a copy of the HCA permit and approved plans on-site at all times during construction;
2. The Owner shall adhere to the HCA permit and approved plans, documents and conditions, including HCA redline revisions, herein referred to as the "works", to the satisfaction of HCA. The Owner further acknowledges that all proposed revisions to the design of this project must be submitted for review and approval by HCA prior to implementation of the redesigned works;
3. The Owner shall notify the HCA Watershed Officer 48 hours prior to the commencement of any of the works referred to in this permit and within 48 hours upon completion of the works referred to herein;
4. The Owner shall arrange a final site inspection of the works with the HCA Watershed Officer prior to the expiration date on the permit to ensure compliance with terms and conditions of the permit to the satisfaction of the HCA;
5. The Owner shall submit a detailed Geotechnical Report to document site conditions, assess slope stability, and describe the proposed development and approach to slope reconstruction and stabilization. The report shall be prepared by a qualified geotechnical engineer in accordance with the *Technical Guide for River and Stream Systems: Erosion Hazard Limit* (OMNR, 2002);
6. The Owner shall submit a final detailed Site Plan, Grading Plan, Drainage Plan, Erosion and Sediment Control Plan, and Landscape Restoration Plan;
7. The Owner shall submit a Fill Management Plan, in accordance with HCA's *Application Checklist for Fill Application Submissions*;

8. That landowner authorization for any grading or fill placement work required on adjacent lands be provided to the HCA (City of Hamilton easement and tie-in of the slope face with the westerly neighbor); and
9. The owner shall enter into a Save Harmless Agreement with the Hamilton Conservation Authority regarding the development of a residential and commercial building as submitted on the subject lands.

AND FURTHER TAKE NOTICE THAT UNDER SECTION 28 (15), CONSERVATION AUTHORITIES ACT, R.S.O. 1990, YOU HAVE THIRTY (30) DAYS FROM THE RECEIPT VIA REGISTERED MAIL OF THIS NOTICE TO APPEAL THE ABOVE DECISION TO THE MINISTER OF NATURAL RESOURCES AND FORESTRY.

DATED THE 12th DAY OF February, 2018.

**THE BOARD OF DIRECTORS OF
THE HAMILTON REGION CONSERVATION AUTHORITY**



HCA CHIEF ADMINISTRATIVE OFFICER



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	September 4, 2018
SUBJECT/REPORT NO:	Applications to Amend the City of Hamilton Rural Hamilton Official Plan and Zoning By-law No. 05-200 for Lands Located at 163 and 167 Highway No. 5 West, Flamborough (PED18161) (Ward 15)
WARD AFFECTED:	Ward 15
PREPARED BY:	Ryan Ferrari (905)-546-2424 Ext. 5865
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Rural Hamilton Official Plan Amendment Application RHOPA-18-019 by KENEL INC. (Owner)**, to refine the boundary of the existing Site Specific Area R-4 to reflect the existing use of the lands located at 167 Highway No. 5 West, Flamborough as shown on Appendix “A” to Report PED18161, be **APPROVED** on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED18161 be enacted 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 **Zoning By-law Amendment Application ZAR-18-019, by KENEL INC. (Owner)**, for a change in zoning from the Open Space (P4, 80) Zone to the Rural (A2, 104) Zone and from the Rural (A2, 104) Zone to the Open Space (P4, 80) Zone in order to recognize the locations of the existing Garden Centre and Golf Course for a portion of the lands located at 163 and 167 Highway No. 5 West, in accordance with the conditions of consent approval as shown on Appendix “A” to Report PED18161, be **APPROVED** on the following basis:

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- (i) That the draft By-law, attached as Appendix “C” to Report PED18161, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That this By-law will comply with the Rural Hamilton Official Plan upon approval of Rural Hamilton Official Plan Amendment No. XX.

EXECUTIVE SUMMARY

The purpose of the subject applications are to address the encroachment of the existing Garden Centre onto the adjacent Golf Course lands, as well as address the encroachment of the Golf Course lands onto the north portion of the Garden Centre by refining the boundary in the Rural Hamilton Official Plan (RHOP) of the existing Rural Site Specific Area for the lands located at 167 Highway No. 5 West in the RHOP.

Furthermore, the proposed Zoning By-law Amendment will recognize a minor lot line adjustment as well as the existing conditions of the Garden Centre by modifying the Rural (A2, 104) Zone to add performance standards for setbacks and outdoor storage. No changes are proposed to the Open Space (P4, 80) Zone. Staff note that the amendment is required to satisfy Condition No. 3 of Consent for Severance Approvals FL/B-18:29, FL/B-18:30, FL/B-18:31 and FL/B-18:32 attached as Appendix “E” to Report PED18161, in accordance with the approved lot line adjustment.

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 comply with the policies of the RHOP subject to the required amendment.

Alternatives for Consideration – See Page 15

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold at least one public meeting prior to considering applications for an Official Plan Amendment and Zoning By-law Amendment.

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HISTORICAL BACKGROUND

Proposal

The subject properties are located west of Clappison's Corners along Highway No. 5 West (see Location Map attached as Appendix "A" to Report PED18161). The two properties are owned by the same family and directly abut one another. The Golf Course, known as "Rock Chapel Golf Centre" (167 Highway No. 5 West) is intended to continue to be retained and operated by the family while the lands utilized for the Garden Centre, known as "The Dirt Depot" (163 Highway No. 5 West) is intended to be sold to the current tenant of the Garden Centre.

Over time the land uses have encroached onto one another thereby resulting in some of the structures at 163 Highway No. 5 West (Garden Centre) being constructed on the Golf Course lands and some structures belonging to 167 Highway No. 5 West (Golf Course) being constructed on the Garden Centre lands. Specifically, 167 Highway No. 5 West (Golf Course) has constructed golf nets on the northern part of 163 Highway No. 5 West (Garden Centre). The 163 Highway No. 5 West (Garden Centre) property has constructed various outdoor bulk material storage areas on the east, north and west sides of the property for approximately ±911m² of encroachments onto 167 Highway No. 5 West (Golf Course).

In order to address the ownership on title for the sale of the Garden Centre lands, a Consent Application for a lot line adjustment was submitted and subsequently conditionally approved.

Consent for Severance Applications FL/B-18:29, FL/B-18:30, FL/B-18:31 and FL/B-18:32

On February 21, 2018, four separate applications were submitted to the Committee of Adjustment in order to sever three parcels of land from the Golf Course lands located at 167 Highway No. 5 West for the purposes of merging with the Garden Centre lands located at 163 Highway No. 5 West and one parcel of land from the Garden Centre lands to be merged on title with the Golf Course lands. The applications were heard at the Committee of Adjustment on April 26, 2018 and were approved. The decisions became final and binding on May 24, 2018 with the condition that the applicant received final and binding approval of a Zoning By-law Amendment (attached as Appendix "D" to Report PED18161).

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Rural Hamilton Official Plan Amendment

Upon further review of the initial application, it was determined that a Rural Hamilton Official Plan Amendment was required in order to implement the lot line adjustment. The purpose of the RHOP Amendment is to refine the boundary of the Rural Site Specific Area R-4 in accordance with the newly approved lot line adjustment boundaries as per approved consent applications FL/B-18:29, FL/B-18:30, FL/B-18:31 and FL/B-18:32.

Zoning By-law Amendment

In accordance with the consent approvals, this Zoning By-law Amendment will adjust the zoning boundaries for the respective properties according to the newly approved property lines and satisfy Condition No. 3 of Consent for Severance Applications FL/B-18:29, FL/B-18:30, FL/B-18:31 and FL/B-18:32 respectively. The applicant applied for a change in zoning from Open Space (P4, 80) Zone to Rural (A2, 104) Zone and from Rural (A2, 104) Zone to Open Space (P4, 80) Zone.

No new development is proposed, however, the Amendment will also recognize the existing setbacks of various structures from the proposed new property lines for 163 Highway No. 5 West (Garden Centre). No modifications for 167 Highway No. 5 West (Golf Course) are being requested.

Description of the Subject Lands

Chronology

- February 23, 2018: Application for a Zoning By-law Amendment ZAR-18-019 was received.
- March 23, 2018: Application for Zoning By-law Amendment ZAR-18-019 deemed complete.
- April 3, 2018: Application for Zoning By-law Amendment ZAR-18-019 was circulated to 22 property owners within 120m of the subject lands.
- April 10, 2018: Public Notice sign was installed on the subject lands.

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- April 26, 2018: Consent for Severance applications FL/B-18:29, FL/B-18:30 FL/B-18:31 and FL/B-18:32 were heard at the Committee of Adjustment and approved.
- May 24, 2018: Consent for Severance applications FL/B-18:29, FL/B-18:30 FL/B-18:31 and FL/B-18:32 were final and binding.
- August 1, 2018: Urban Hamilton Official Plan Amendment Application RHOPA-18-019 was received.
- August 8, 2018: Urban Hamilton Official Plan Amendment Application RHOPA-18-019 deemed complete.
- August 8, 2018: Public Notice sign was updated to include Public Meeting Date.
- August 17, 2018: Notice of Complete Application and Preliminary Circulation for Official Plan Amendment Application RHOPA-18-019 and Circulation for the Notice of Public Meeting for Official Plan Amendment Application RHOPA-18-019 and Zoning By-law Amendment Application ZAR-18-019 sent to 22 property owners within 120 m of the subject lands.

DETAILS OF SUBMITTED APPLICATION

- Location:** 163 and 167 Highway No. 5 West, Flamborough (see Appendix "A" to Report PED18161)
- Agent:** IBI Group Inc. c/o Tracy Tucker
- Applicants / Owners:** Paul & Albert Kenel
- Property Description**
(163 Highway No. 5 West)
As shown on Appendix
"E" to Report PED18161
- | | |
|----------------------------|------------------------|
| <u>Total Lot Area:</u> | ± 48.05 ha (118.74 ac) |
| <u>Total Lot Frontage:</u> | 215 m |
| <u>Lot Depth:</u> | 682.51 m |
- Servicing** No Municipal Services

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Property Description

<u>(167 Highway No. 5 West):</u>	<u>Total Lot Area:</u>	0.87 ha (2.15 ac)
As shown on Appendix	<u>Total Lot Frontage:</u>	84 m
“E” to Report PED18161	<u>Total Lot Depth:</u>	983 m

Servicing No Municipal Services

Existing Land Use and Zoning

<u>Subject Lands:</u>	<u>Existing Land Use</u>	<u>Existing Zoning</u>
163 Highway No. 5	Garden Centre	Rural (A2, 104) Zone
167 Highway No. 5	Golf Course	Open Space (P4, 80) Zone

Surrounding Lands:

North:	Golf Course	Open Space (P4, 80) Zone
South:	Agriculture Single Detached Dwellings	Rural (A2) Zone
East:	Golf Course	Open Space (P4, 80) Zone
West:	Agriculture Single Detached Dwellings	Rural (A2) Zone

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.

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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;
- 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;”

The subject lands are located within the rural area as defined in the PPS (2014). Both the Garden Centre and Golf Course provide an opportunity to diversify the rural economic base by providing alternative goods and services to the overall rural community and the applications will permit the continued use of the subject properties.

The purpose of the OPA is to refine the boundaries of the uses, which are permitted. No new services are required in order to permit the uses to continue on their respective properties.

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

Greenbelt Plan (2017)

The *Greenbelt Act* requires that all municipal land use decisions made under the *Planning Act* conform to the Greenbelt Plan (2017). The Greenbelt Plan (2017) designates the subject lands as “Prime Agricultural Area” within the “Protected Countryside”. The following policies, amongst others, apply to the proposal:

“Existing Uses

- a) uses legally established prior to the date that the Greenbelt Plan came into force on December 16, 2004;
- 3.1.3.3 Non-agricultural uses may be permitted subject to the policies of sections 4.2 to 4.6. These uses are generally discouraged in prime agricultural areas and may only be permitted after the completion of an agricultural impact assessment.
- 4.5.1 All existing uses are permitted.
- 4.5.4 Expansions to existing buildings and structures, accessory structures and uses and/or conversions of legally existing uses

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which bring the use more into conformity with this Plan are permitted subject to a demonstration of the following:

- a) Notwithstanding section 4.2.2.2, new municipal services are not required; and
- b) The use does not expand into key natural heritage features or key hydrologic features or their associated vegetation protection zones, unless there is no other alternative, in which case any expansion shall be limited in scope and kept within close geographical proximity to the existing structure.”

The uses contained on the subject lands are Existing Uses as defined in the Greenbelt Plan as they have legally existed since prior to the *Greenbelt Act* (December 16, 2004) and are permitted to continue on the subject lands and can be expanded subject to policy 4.5.4.

In accordance with this policy, the proposal does not require further municipal services and does not impact any key natural heritage or key hydrogeological features.

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

Rural Hamilton Official Plan (RHOP)

The subject properties are designated “Greenbelt Protected Countryside” on Schedule “A”- Provincial Plans of the RHOP. 167 Highway No. 5 West is designated “Open Space” on Schedule “D” – Rural Land Use Designations in the RHOP. Additionally, 167 Highway No. 5 West is designated Rural Site Specific Area “R-4” in Volume 3: Rural Site Specific Areas. 163 Highway No. 5 is designated “Agriculture” on Schedule “D” – Rural Land Use Designations.

163 Highway No. 5 – Garden Centre

Non-Conforming / Non-Complying Uses

- “F.1.12.2 An existing use, identified as Protected Countryside area on Schedule A – Provincial Plans, that does not comply to or conform with the land use designations and policies of this Plan and/or the Zoning By-law, that existed prior to December 16, 2004 or any amendments may continue provided that:

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- a) The non-complying use did not conflict with the Official Plan and Zoning By-law in effect at the time the use was established;
- b) The non-complying use has not been interrupted subsequent to the approval of this Plan; and,
- c) The non-complying use was lawfully existing on or before December 15, 2004.

F.1.12.3 Where appropriate, the City may amend the Zoning By-law to recognize the 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;
- 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 does not pollute the air or water and is in compliance with appropriate provincial and municipal regulations.

F.1.12.4 The expansion or enlargement or change in non-complying uses shall be permitted provided they maintain the intent and purpose of this Plan, in particular Sections C.5.1, Sustainable Private Water and Wastewater Services and C.2.0, Natural Heritage System and any other requirements of the Planning Act.”

The use of the Golf Course and Garden Centre have been established on the subject lands since 1995, when an Official Plan Amendment and Zoning By-law Amendment were adopted by the former Town of Flamborough and became final and binding on September 16, 1991.

With the passing of the RHOP, the Garden Centre is considered Legal Non-Complying as it does not comply with the uses permitted under the “Agriculture” designation. However, since the use was established previously under the Flamborough Official Plan and Former Town of Flamborough Zoning By-law No. 90-145-Z, it is allowed to continue as the use did not conflict with the Official Plan and Zoning By-law in effect at the time.

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The Garden Centre has never ceased operations and it was established prior to December 16, 2004.

As discussed above, the purpose of the Zoning By-law Amendment is to adjust the lot lines and incorporate the new zoning boundaries in order to accommodate for the lot line adjustment approved by the Committee of Adjustment on April 26, 2018 and clear Condition No. 3 of Consent Applications FL/B-18:29, FL/B-18:30, FL/B-18:31 and FL/B-18:32 respectively. Therefore, it is appropriate to amend the Zoning By-law to recognize the proposed boundaries for the Garden Centre as the Garden Centre has operated beyond the property boundaries since at least 1995.

An expansion to a Legal Non-Complying use is permitted if the expansion meets the intent of the RHOP, does not require new municipal services and does not further expand into any natural heritage features. No new services are required to facilitate the expansion and the expansion does not encroach into any natural features. The expansion is a technicality as the purpose of the applications is to recognize an existing situation and therefore meets the intent and purpose of the RHOP as the use does not take any lands away from agricultural production, being that a Golf Course is adjacent to the property. The use has operated continuously since its establishment and was in existence prior to approval of the RHOP.

The Zoning By-law Amendment will recognize the existing use as well as the performance standards associated with the Garden Centre. There is no new development proposed on the site and as such there are no negative impacts to the surrounding uses. Therefore the proposal complies with the RHOP.

167 Highway No. 5 West – Golf Course

Volume 3: Rural Site Specific Areas

“R-4 Lands known municipally as 167 Highway No. 5 West, former Town of Flamborough

- 1.0 Notwithstanding Section C.3.3, Open Space of this Plan, the lands designated Open Space, known municipally as 167 Highway No. 5 West, shall be used for public or private recreation, golf course and agriculture, together with limited commercial uses which are ancillary to, and support the permitted Open Space uses.”

A Golf Course is a permitted use at 167 Highway No. 5 West within the Rural Site Specific “R-4” Designation.

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The proposed Official Plan and Zoning By-law Amendment will recognize a 203m² parcel at the northernmost tip of the Garden Centre lands that is to be severed and merged on title with 167 Highway No. 5 West (Golf Course). The Official Plan Amendment is consistent with the PPS (2014) and conforms to the Greenbelt Plan (2017). Upon approval of the Official Plan Amendment, the proposed rezoning will comply with the RHOP.

With the exception of the boundary adjustment there are no changes to the existing Open Space (P4, 80) Zone that have been requested with this proposed Amendment and no new development is proposed on the 167 Highway No. 5 West (Golf Course) lands.

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

The subject lands municipally known as 167 Highway No. 5 West are currently zoned Open Space (P4, 80) Zone to which the Golf Course is a permitted use. The subject lands municipally known as 163 Highway No. 5 West are zoned Rural (A2, 104) Zone and contains the existing Garden Centre which is a permitted use.

The purpose of Zoning By-law Amendment Application ZAR-18-019 is for a change in Zoning from the Open Space (P4, 80) Zone to the Rural (A2, 104) Zone (Block 1 on Appendix "A" to Report PED18161) and from the Rural (A2, 104) Zone to the Open Space (P4, 80) Zone (Block 2 on Appendix "A" to Report PED18161) in order to recognize the encroachments of the Garden Centre and Golf Course and to implement the conditions of the severances.

The Zoning By-law Amendment will also include site specific performance standards for the Rural (A2, 104) Zone to recognize the existing locations of the outdoor display areas on the Garden Centre lands. No modifications are required to the Open Space (P4, 80) Zone for the Golf Course lands. The proposed amendment to the Zoning By-law is discussed in further detail in the Analysis and Rationale for Recommendation Section below.

RELEVANT CONSULTATION

The following internal Departments and external Agencies have no concerns or objections with respect to the proposed application:

- Infrastructure & Sourcewater Division, Public Works Department;
- Forestry & Horticulture Section, Public Works Department;

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SUBJECT: Applications to Amend the City of Hamilton Rural Hamilton Official Plan and Zoning By-law No. 05-200 for Lands Located at 163 and 167 Highway No. 5 West, Flamborough (PED18161) (Ward 15) - Page 12 of 15

- Hamilton Conservation Authority; and,
- Ministry of Transportation.

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 for the Zoning By-law Amendment Application was circulated to 22 property owners within 120 m of the subject property on April 4, 2018, and on August 17, 2018 for the Official Plan Amendment Application, requesting public input. A Public Notice sign was also posted on the property on April 10, 2018. A Notice of Public Meeting was circulated on August 17, 2018. The public notice sign was updated on August 8, 2017 with the public meeting date.

No correspondence from the public was received on the application.

Public Consultation Strategy:

As per the City's Public Consultation Strategy Guidelines, the applicant proposed a consultation strategy through the notice requirements of the previous Consent to Sever application through which notice was given under Section 53 of the *Planning Act*. Neighbours within 60 m of the subject property were notified of the application. No members of the public attended the Committee of Adjustment hearing.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposed Rural Hamilton Official Plan Amendment and Zoning By-law Amendment applications have merit and can be supported for the following reasons:
 - (i) They are consistent with the Provincial Policy Statement and conform to the Greenbelt Plan (2017);
 - (ii) They comply with the policies of the RHOP, subject to the approval of the amendment; and,
 - (iii) The proposed amendment satisfies Condition No. 3 of Consent for Severance Applications FL/B-18:29, FL/B-18:30, FL/B-18:31 and FL/B-18:32 respectively which were approved by the Committee of Adjustment on April 26, 2018 (see Appendix "D" to Report PED18161).

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SUBJECT: Applications to Amend the City of Hamilton Rural Hamilton Official Plan and Zoning By-law No. 05-200 for Lands Located at 163 and 167 Highway No. 5 West, Flamborough (PED18161) (Ward 15) - Page 13 of 15

2. The proposed Urban Hamilton Official Plan (UHOP) Amendment is required to refine the boundary of the Site Specific Area R-4 for the Golf Course located at 167 Highway No. 5 West in accordance with the approved lot line adjustment. Through the boundary adjustment, the UHOP amendment will remove the permissions for a Golf Course on the lands that are currently being utilized for a Garden Centre in accordance with the approved lot line adjustment.
3. The following additional modifications are necessary for the Rural (A2, 104) Zone to address setbacks and the location of existing accessory structures for the Garden Centre.

Side Yard Setback

The existing structures on the Garden Centre property are subject to the requirements of the Rural (A2) Zone being that all structures must be setback a minimum of 15m from the side yard property line.

In this case a modification is required to the side yard setback provision to recognize a side yard setback of 11m from the side property line (the property line located north of the existing Garden Centre building).

The site has operated with the existing side yard setback and there is a significant buffer between the side yard and the nearest structure on the property to the north. Therefore, staff are supportive of the modification.

Accessory Buildings

The intent of this provision is to recognize the location of all accessory buildings that exist on the site that are located within the required side yard. Due to the irregular shape of the lot, all lot lines other than the front yard abutting Highway No. 5 West and the rear yard at the northernmost lot line of the property are considered side lot lines. Staff recognize that the closest structures are located 0.4m away from the side lot lines and accordingly, the regulation applies to all existing accessory structures on the site. Though the setback is reduced, the modification can be supported for the following reasons:

- The use has existed for some time and the setback recognizes the existing location of accessory structures on the site;
- Due to the long standing nature of the use, an acceptable level of tolerance of the use has been established between the Garden Centre lands and the

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neighbouring single detached dwellings to the west of the property, therefore the setback is not negatively impacting the neighbouring properties; and,

- The setback only applies to accessory structures to the permitted use of a Garden Centre on the subject property.

Staff also note that there is no cap in the size of accessory structures permitted on the subject property, however, the definition of accessory already maintains that any structures must be secondary and subordinate to the primary use being the Garden Centre.

Therefore, staff support the modification.

Outdoor Storage

There are various concrete structures that store bulk landscaping material for pickup that are considered Outdoor Storage for the purposes of the By-law.

Through the City Initiated Rural Zoning exercise, a Site Specific Exception was established that did not include the provision for Outdoor Storage on the property. The intent of including this provision through this Amendment is to recognize the existing Outdoor Storage located on the property as it has been in existence since the establishment of the use while regulating any expansion of new Outdoor Storage in accordance with the current provisions for Outdoor Storage contained in Zoning By-law No. 05-200.

Since the use has long been established there are no perceived impacts to the surrounding properties by permitting existing Outdoor Storage as the provision recognizes the existing location of Outdoor Storage on the subject property. Any new Outdoor Storage areas shall be in accordance with the parent Rural (A2) Zone.

Therefore, staff are supportive of the modification.

4. Staff note that Site Plan Control is not necessary to implement the proposal as there are no plans to further develop the site beyond recognizing the existing uses and their associated performance standards at this time. Should further development be proposed, a Site Plan Control Application may be required.

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SUBJECT: Applications to Amend the City of Hamilton Rural Hamilton Official Plan and Zoning By-law No. 05-200 for Lands Located at 163 and 167 Highway No. 5 West, Flamborough (PED18161) (Ward 15) - Page 15 of 15

ALTERNATIVES FOR CONSIDERATION

Should the application be denied, the conditional approval of Consent Applications FL/B-18:29, FL/B-18:30, FL/B-18:31 and FL/B-18:32 will lapse, and the applicant will not be able to complete the lot line adjustment. The use of the subject properties will continue to be regulated by the current boundaries of the existing Rural (A2, 104) Zone and Open Space (P4, 80) Zone in the City of Hamilton Zoning By-law No. 05-200. The existing encroachments will have to be removed in order to conform to the Zoning By-law.

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.

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 Rural Hamilton Official Plan Amendment

Appendix “C” - Draft Amendment to Zoning By-law No. 05-200

Appendix “D” - Committee of Adjustment Decisions for FL/B-18:29, FL/B-18:30, FL/B-18:31 and FL/B-18:32

Appendix “E” - Proposed Land Severance Sketch

Appendix “F” - Site Plan

RF:jp

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Schedule "1"

**DRAFT Rural Hamilton Official Plan
Amendment No. X**

The following text constitutes Official Plan Amendment No. X to the Rural Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose and effect of this Amendment is to replace the inset map for Rural Site Specific Area R-4 to reflect the extent of the land subject to the policies that permit a Golf Course on 167 Highway No. 5 West.

2.0 Location:

The lands affected by this Amendment are known municipally as 163 and 167 Highway No. 5 West, in the former Town of Flamborough.

3.0 Basis:

The basis for permitting this Amendment is:

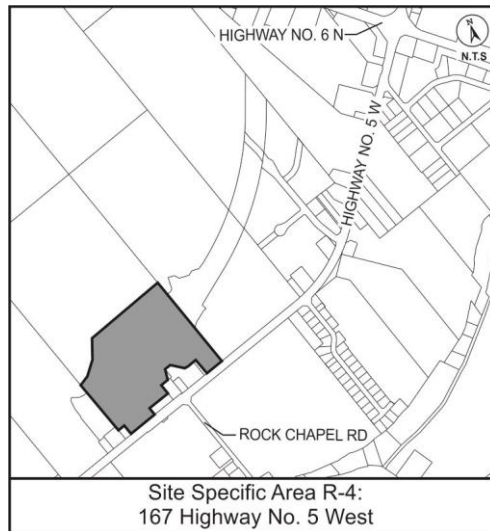
- The lot boundaries of 163 and 167 Highway No. 5 West have changed since the adoption of the Rural Hamilton Official Plan, through the approval of severance applications for minor lot line adjustments.
- The proposed Amendment will permit the continued use of the Golf Course on the lands located at 167 Highway No. 5 West and remove the permissions for a Golf Course on the lands located at 163 Highway No. 5 West that are currently being utilized for a Garden Centre.
- The proposed Amendment is in keeping with the Minor Lot Line Adjustment policies of the Rural Hamilton Official Plan.
- The proposed Amendment is consistent with the Provincial Policy Statement, 2014 and conforms to the Greenbelt Plan, 2017.

4.0 Actual Changes:

4.1 Volume 3 – Special Policy and Site Specific Areas

Map Changes

4.1.1 That the inset map for Site Specific Area R-4, respecting 167 Highway No. 5 West, Flamborough, be deleted and replaced with the following new inset map:



5.0 Implementation:

An implementing Zoning By-Law Amendment will give effect to the intended uses on the subject lands.

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

**The
City of Hamilton**

F. Eisenberger
MAYOR

J. Pilon
ACTING CITY CLERK

Authority: ,
Report
CM:

Bill No.

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

**To Amend Zoning By-law No. 05-200 Respecting Lands Located at 163 & 167
Highway No. 5 West
Formerly in the Town of Flamborough, Now in the City of Hamilton**

WHEREAS Council approved Item ___ of Report _____ of the Planning Committee, at the meeting held on July 10, 2018;

AND WHEREAS this By-law will be in conformity with the Rural Hamilton Official Plan.

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

1. That Map No. 85 of Schedule "A" to Zoning By-law No. 05-200 is amended by changing the zoning from the Open Space (P4, 80) Zone to the Rural (A2, 104) Zone (Block 1) and from the Rural (A2, 104) Zone to the Open Space (P4, 80) Zone (Block 2), to the lands the extent and boundaries of which are shown as Schedule "A" to this By-law.
2. That Schedule "C": Special Exceptions of Zoning By-law No. 05-200, as amended, is hereby further amended by repealing and replacing subsection b) ii) of the site specific Rural (A2, 104) Zone with the following provisions:
 - ii) The Garden Centre located at 163 Highway No. 5 West, the following regulations shall apply:
 1. In accordance with Section 12.2.3.1 b), and d).
 2. Notwithstanding Section 12.3.3.1 c), the minimum side yard setback shall be 11 metres.
 3. Notwithstanding Section 12.2.3.1 f), outdoor storage existing on the date of the passing of this by-law shall be permitted.
 4. Notwithstanding Section 12.2.3.1 g), accessory buildings shall be permitted 0.4 metres from the required side yard.

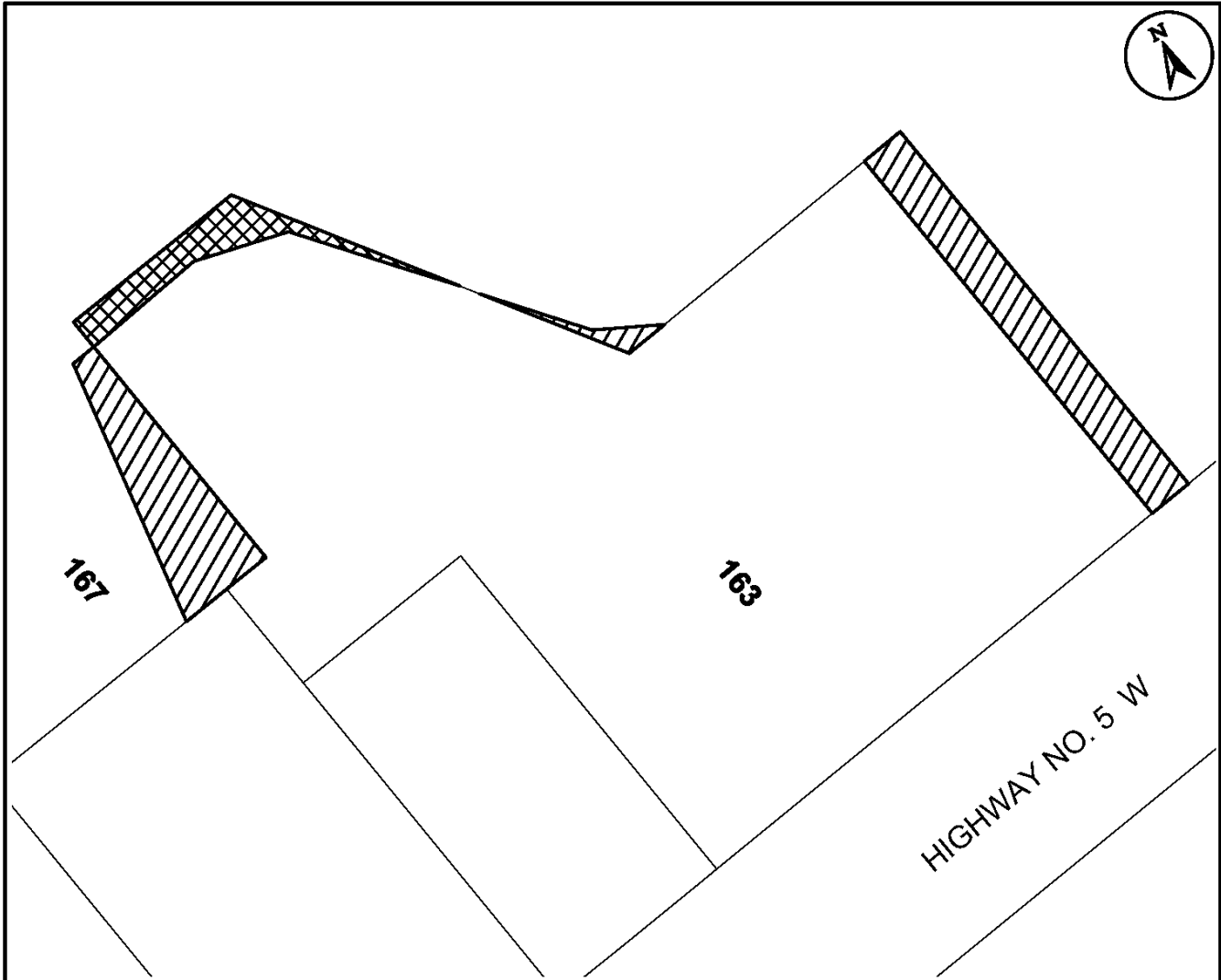
4. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.
5. That this By-law No. XXX shall come into force and deemed to come into force in accordance with Subsection 34(21) of the *Planning Act*, either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

PASSED this September 4, 2018.

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

RHOPA-18-019
ZAC-18-019




This is Schedule "A" to By-law No. 18-
 Passed the day of, 2018


 Mayor

 Clerk

Schedule "A"
 Map Forming Part of
 By-law No. 18-_____
 to Amend By-law No. 05-200
 Map 85

Subject Property
 163 and 167 Highway No. 5 West

 **Block 1** - Change in Zoning from the Open Space (P4, 80) Zone to the Rural (A2, 104) Zone

 **Block 2** - Change in Zoning from the Rural (A2, 104) Zone to the Open Space (P4, 80) Zone

Scale:
 N.T.S.
 Date:
 June 19, 2018

File Name/Number:
 ZAR-18-019
 Planner/Technician:
 RF/NB





Committee of Adjustment
 Hamilton City Hall
 71 Main Street West, 5th floor
 Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221
 Fax (905) 546-4202

COMMITTEE OF ADJUSTMENT
NOTICE OF DECISION

APPLICATION FOR CONSENT\LAND SEVERANCE

APPLICATION NO. FL/B-18:29
SUBMISSION NO. B-29/18

SUBJECT PROPERTY: 167 Highway #5 West, Flamborough

APPLICANT(S): Agent IBI Group (c/o Tracy Tucker) on behalf of the owner Paul Kenel (c/o Michael Kenel).

PURPOSE OF APPLICATION: To sever an irregular shaped rear parcel of land to be added to the adjoining parcel known municipally as 163 Highway #5 West.

Severed lands:
Area 391m^{2±}

Retained lands:
91.5m[±] frontage and an area of 48ha[±]

THE DECISION OF THE COMMITTEE IS:

That the said application, as set out in paragraph three above, **IS APPROVED**, for the following reasons:

1. The proposal does not conflict with the intent of the Rural Hamilton Official Plan.
2. The Committee considers the proposal to be in keeping with development in the area.
3. The Committee is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the lands.

Having regard to the matters under subsection 51(24) of the Planning Act, R.S.O. 1990, c.P. 13, the said application shall be subject to the following conditions:

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in hard copy and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system.
2. The lands to be conveyed shall be registered in the same name and title as the lands known municipally as 163 Highway #5 West.
3. The applicant / proponent shall receive final and binding approval of Zoning By-law Amendment Application ZAR-18-019, to the satisfaction of the Manager, Development Planning, Heritage and Design.
4. That the owner apply for a Change of Address application by contacting Paul Toffoletti at paul.toffoletti@hamilton.ca, to the satisfaction of the Senior Director of Growth Management. Timing of the change will be discussed when the application is submitted.

FL/B-18:29
Decision
Page 2

- 5. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.

DATED AT HAMILTON this 26th day of April, 2018.

M. Dudzic (Chairman)

L. Gaddy

D. Smith

W. Pearce

V. Abraham

P. Mallard

N. Mleczko

M. Smith

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS May 3rd, 2018.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (May 3rd, 2019) OR THE APPLICATION SHALL BE DEEMED TO BE REFUSED (PLANNING ACT, SECTION 53(41)).

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL BOARD MAY BE FILED IS May 23rd, 2018.

NOTE: THIS DECISION IS NOT FINAL AND BINDING UNLESS OTHERWISE NOTED.

The period of appeal has expired and no such appeal has been filed.
 THIS DECISION IS NOW FINAL AND BINDING (s. 53 of The Planning Act).
 CERTIFIED A TRUE COPY. *May 24/18*

m mger
 Secretary-Treasurer



Committee of Adjustment
 Hamilton City Hall
 71 Main Street West, 5th floor
 Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221
 Fax (905) 546-4202

COMMITTEE OF ADJUSTMENT
NOTICE OF DECISION

APPLICATION FOR CONSENT\LAND SEVERANCE

APPLICATION NO. FL/B-18:30
SUBMISSION NO. B-30/18

SUBJECT PROPERTY: 167 Highway #5 West, Flamborough

APPLICANT(S): Agent IBI Group (c/o Tracy Tucker) on behalf of the owner Paul Kenel (c/o Michael Kenel).

PURPOSE OF APPLICATION: To sever an irregular shaped rear parcel of land to be added to the adjoining parcel known municipally as 163 Highway #5 West.

Severed lands:
 Area 40.9m²±

Retained lands:
 91.5m[±] frontage and an area of 48ha[±]

THE DECISION OF THE COMMITTEE IS:

That the said application, as set out in paragraph three above, **IS APPROVED**, for the following reasons:

1. The proposal does not conflict with the intent of the Rural Hamilton Official Plan.
2. The Committee considers the proposal to be in keeping with development in the area.
3. The Committee is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the lands.

Having regard to the matters under subsection 51(24) of the Planning Act, R.S.O. 1990, c.P. 13, the said application shall be subject to the following conditions:

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in hard copy and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system.
2. The lands to be conveyed shall be registered in the same name and title as the lands known municipally as 163 Highway #5 West.
3. The applicant / proponent shall receive final and binding approval of Zoning By-law Amendment Application ZAR-18-019, to the satisfaction of the Manager, Development Planning, Heritage and Design.
4. That the owner apply for a Change of Address application by contacting Paul Toffoletti at paul.toffoletti@hamilton.ca, to the satisfaction of the Senior Director of Growth Management. Timing of the change will be discussed when the application is submitted.

FL/B-18:30
Decision
Page 2

- 5. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.

DATED AT HAMILTON this 26th day of April, 2018.

M. Dudzic (Chairman)

L. Gaddy

D. Smith

W. Pearce

V. Abraham

P. Mallard

N. Mieczko

M. Smith

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS May 3rd, 2018.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (May 3rd, 2019) OR THE APPLICATION SHALL BE DEEMED TO BE REFUSED (PLANNING ACT, SECTION 53(41)).

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL BOARD MAY BE FILED IS May 23rd, 2018.

NOTE: THIS DECISION IS NOT FINAL AND BINDING UNLESS OTHERWISE NOTED.

The period of appeal has expired and no such appeal has been filed.
 THIS DECISION IS NOW FINAL AND BINDING (s. 53 of The Planning Act).
 CERTIFIED A TRUE COPY. *May 24 18*

m. m. m. m.
 Secretary/Treasurer



Committee of Adjustment
 Hamilton City Hall
 71 Main Street West, 5th floor
 Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221
 Fax (905) 546-4202

COMMITTEE OF ADJUSTMENT
NOTICE OF DECISION

APPLICATION FOR CONSENT\LAND SEVERANCE

APPLICATION NO. FL/B-18:31
SUBMISSION NO. B-31/18

SUBJECT PROPERTY: 167 Highway #5 West, Flamborough

APPLICANT(S): Agent IBI Group (c/o Tracy Tucker) on behalf of the owner Paul Kenel (c/o Michael Kenel).

PURPOSE OF APPLICATION: To sever a parcel of land to be added to the adjoining parcel known municipally as 163 Highway #5 West.

Severed lands:
 7.0m± frontage and an area 479.5m²±

Retained lands:
 84.5m± frontage and an area of 48ha±

THE DECISION OF THE COMMITTEE IS:

That the said application, as set out in paragraph three above, **IS APPROVED**, for the following reasons:

1. The proposal does not conflict with the intent of the Rural Hamilton Official Plan.
2. The Committee considers the proposal to be in keeping with development in the area.
3. The Committee is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the lands.

Having regard to the matters under subsection 51(24) of the Planning Act, R.S.O. 1990, c.P. 13, the said application shall be subject to the following conditions:

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in hard copy and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system.
2. The lands to be conveyed shall be registered in the same name and title as the lands known municipally as 163 Highway #5 West.
3. The applicant / proponent shall receive final and binding approval of Zoning By-law Amendment Application ZAR-18-019, to the satisfaction of the Manager, Development Planning, Heritage and Design.
4. That the owner apply for a Change of Address application by contacting Paul Toffoletti at paul.toffoletti@hamilton.ca, to the satisfaction of the Senior Director of Growth Management. Timing of the change will be discussed when the application is submitted.

FL/B-18:31
Decision
Page 2

- 5. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.

DATED AT HAMILTON this 26th day of April, 2018.

M. Dudzic (Chairman)

L. Gaddy

D. Smith

W. Pearce

V. Abraham

P. Mallard

N. Mleczko

M. Smith

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS May 3rd, 2018.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (May 3rd, 2019) OR THE APPLICATION SHALL BE DEEMED TO BE REFUSED (PLANNING ACT, SECTION 53(41)).

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL BOARD MAY BE FILED IS **May 23rd, 2018.**

NOTE: THIS DECISION IS NOT FINAL AND BINDING UNLESS OTHERWISE NOTED.

The period of appeal has expired and no such appeal has been filed.
 THIS DECISION IS NOW FINAL AND BINDING (s. 53 of The Planning Act).
 CERTIFIED A TRUE COPY. *May 24/18*

[Signature]
 Secretary-Treasurer



Committee of Adjustment
 Hamilton City Hall
 71 Main Street West, 5th floor
 Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221
 Fax (905) 546-4202

COMMITTEE OF ADJUSTMENT
NOTICE OF DECISION

APPLICATION FOR CONSENT\LAND SEVERANCE

APPLICATION NO. FL/B-18:32
SUBMISSION NO. B-32/18

SUBJECT PROPERTY: 163 Highway #5 West, Flamborough

APPLICANT(S): Agent IBI Group (c/o Tracy Tucker) on behalf of the owner Albert Kenel (c/o Michael Kenel).

PURPOSE OF APPLICATION: To sever an irregular shaped rear parcel of land to be added to the adjoining parcel known municipally as 167 Highway #5 West.

Severed lands:
 203m²±

Retained lands:
 91.7m[±] frontage and an area of 9,431m²±

THE DECISION OF THE COMMITTEE IS:

That the said application, as set out in paragraph three above, **IS APPROVED**, for the following reasons:

1. The proposal does not conflict with the intent of the Rural Hamilton Official Plan.
2. The Committee considers the proposal to be in keeping with development in the area.
3. The Committee is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the lands.

Having regard to the matters under subsection 51(24) of the Planning Act, R.S.O. 1990, c.P. 13, the said application shall be subject to the following conditions:

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in hard copy and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system.
2. The lands to be conveyed shall be registered in the same name and title as the lands known municipally as 167 Highway #5 West.
3. The applicant / proponent shall receive final and binding approval of Zoning By-law Amendment Application ZAR-18-019, to the satisfaction of the Manager, Development Planning, Heritage and Design.
4. That the owner apply for a Change of Address application by contacting Paul Toffoletti at paul.toffoletti@hamilton.ca, to the satisfaction of the Senior Director of Growth Management. Timing of the change will be discussed when the application is submitted.

FL/B-18:32
Decision
Page 2

- 5. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.
- 6. The owner shall receive final approval of any necessary variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).

DATED AT HAMILTON this 26th day of April, 2018.

M. Dudzic (Chairman)

L. Gaddy

D. Smith

W. Pearce

V. Abraham

P. Mallard

N. Mleczko

M. Smith

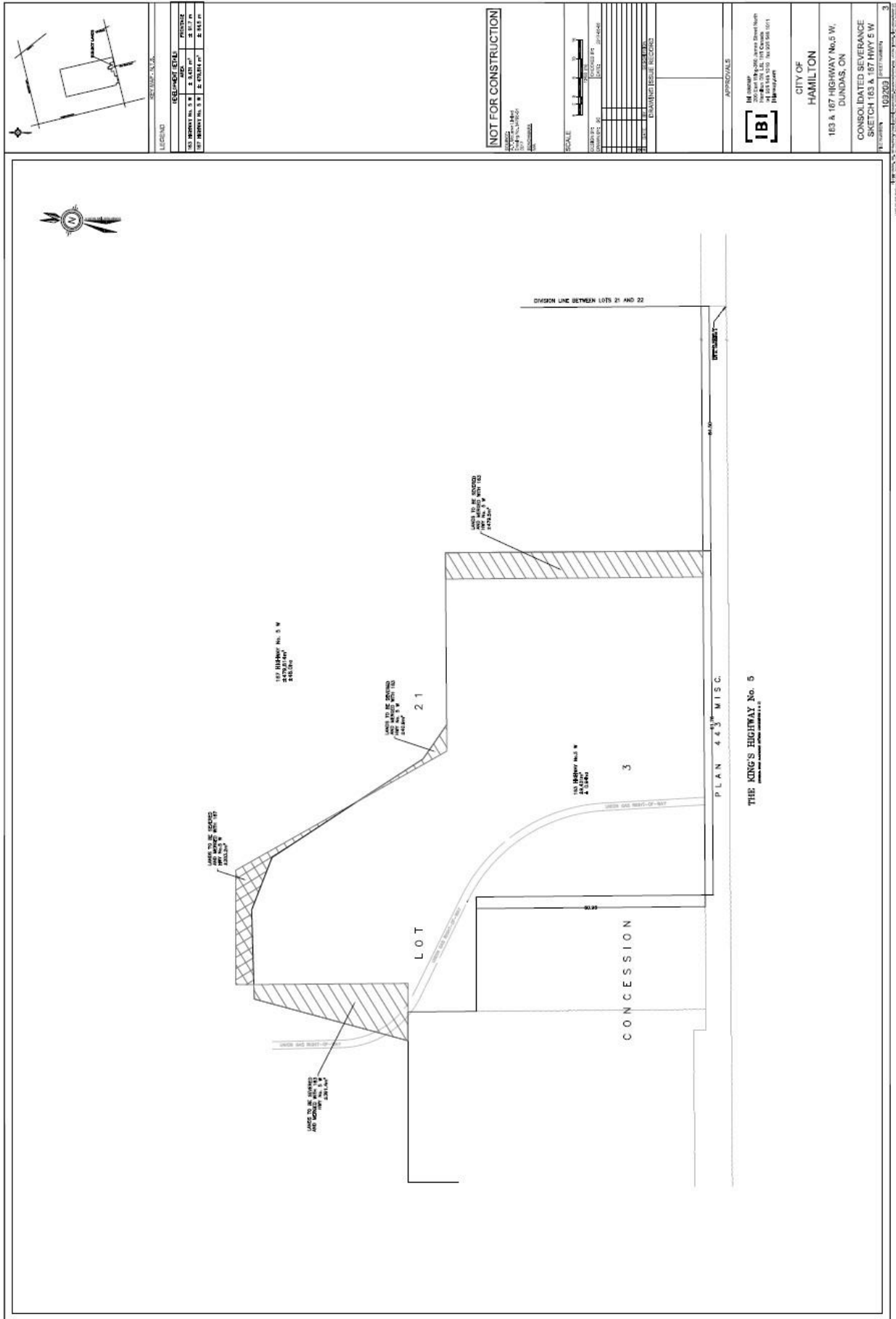
THE DATE OF GIVING OF THIS NOTICE OF DECISION IS May 3rd, 2018.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (May 3rd, 2019) OR THE APPLICATION SHALL BE DEEMED TO BE REFUSED (PLANNING ACT, SECTION 53(41)).

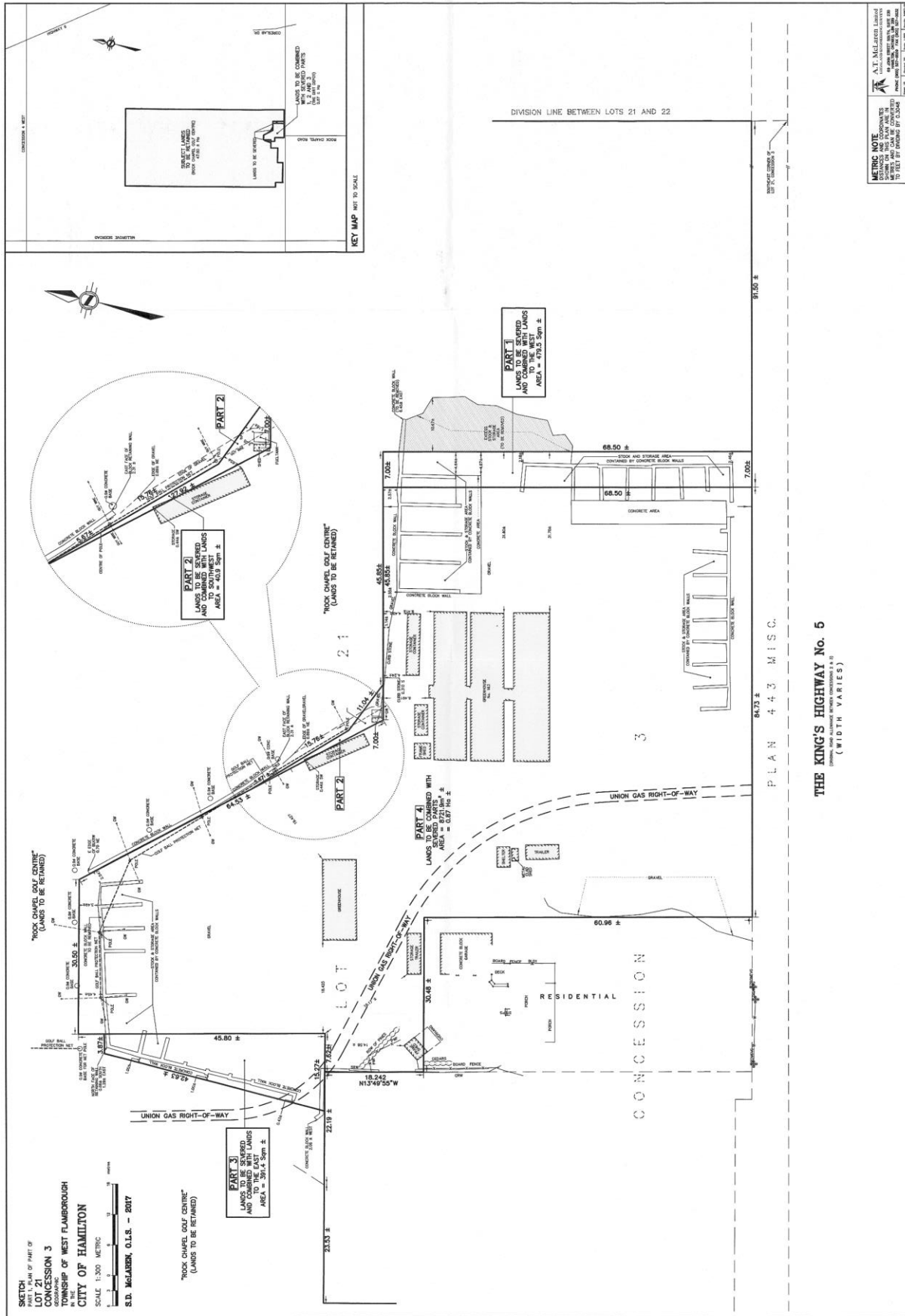
NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL BOARD MAY BE FILED IS May 23rd, 2018.

NOTE: THIS DECISION IS NOT FINAL AND BINDING UNLESS OTHERWISE NOTED.

The period of appeal has expired and no such appeal has been filed.
 THIS DECISION IS NOW FINAL AND BINDING (s. 53 of The Planning Act).
 CERTIFIED A TRUE COPY. *May 24/18*

[Signature]
 Secretary-Treasurer







CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
 Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	September 4, 2018
SUBJECT/REPORT NO:	Application to Amend the Town of Flamborough Zoning By-law No. 90-145-Z for Lands Located at 5 Hamilton Street North, Flamborough (PED18179) (Ward 15)
WARD AFFECTED:	Ward 15
PREPARED BY:	Elyse Meneray 905-546-2424 Ext. 6360
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Amended Zoning By-law Amendment Application ZAR-18-015 by Hawk Ridge Homes Inc. c/o Dinesh Mahabir (Owner)**, for a modification to the Urban Commercial "UC" Zone to permit a six storey, 74 unit mixed use building for lands located at 5 Hamilton Street North (Flamborough), as shown on Appendix "A" to Report PED18179, be **APPROVED** on the following basis:
- (i) That the Draft By-law, attached as Appendix "B" to Report PED18179, which has been prepared in a form satisfactory to the City Solicitor, 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 and West Waterdown Secondary Plan.
- (b) That approval be given for a modification to the Mixed Use – Medium Density (C5, 582) Zone to permit a six storey, 74 unit mixed use building for lands located at 5 Hamilton Street, as shown on Appendix "A" to Report PED18179 be **APPROVED** 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: Application to Amend the Town of Flamborough Zoning By-law No. 90-145-Z for Lands Located at 5 Hamilton Street North, Flamborough (PED18179) (Ward 15) - Page 2 of 19

- (i) That the Draft By-law, attached as Appendix “C” to Report PED18179, be held in abeyance until such time as By-law 17-240 (Commercial and Mixed Use Zones) is in force and effect;
- (ii) That staff be directed to bring forward the draft By-law, attached as Appendix “C” to Report PED18179, for enactment by City Council, once By-law No. 17-240 is in force and effect;
- (iii) That the proposed modification in zoning is consistent with the Provincial Policy Statement (PPS), conforms to the Growth Plan for the Greater Golden Horseshow (2017), and complies with the Urban Hamilton Official Plan and West Waterdown Secondary Plan.

EXECUTIVE SUMMARY

The owner has applied for a Zoning By-law Amendment for a modification to the Urban Commercial “UC” Zone, to permit a six storey mixed use building with 74 residential units and commercial space on the ground floor for lands located at 5 Hamilton Street North as shown on Appendix “A” to Report PED18179. The proposed development will proceed by way of a Draft Plan of Condominium in the future. The proposal will have a total of 119 parking spaces comprised of 49 surface parking spaces and 70 parking spaces below grade. Modifications to the “UC” Zone are required to permit an increase in maximum height, a reduction in the minimum parking space requirement, no minimum parking space for a retail establishment, service shop, personal service establishment, convenience retail store and custom workshop, no minimum parking space requirement for an office, a reduced drive aisle width and a reduced setback from an enclosed parking structure.

A Holding Provision will also be implemented for the subject lands until such time as the applicant has submitted a revised Traffic Impact Study and Transportation Planning comments have been addressed.

The subject lands are included in the City Initiated Commercial and Mixed Use Zoning and are proposed to be zoned in By-law 17-240 as Mixed Use – Medium Density (C5, 582) Zone. A reduction in the minimum required parking, relief from the finished floor elevation and location of the principal commercial entrance has been requested by the applicant. Staff are recommending that the (C5, 582) Zone be amended to implement the proposal because the applicant initiated the Planning process in April, 2017, by way of an Formal Consultation request (FC-17-039) which predates the Council adoption of the new commercial and mixed use zoned into By-law No. 05-200.

The application has merit and can be supported because it is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden

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Horseshoe (2017), complies with the Urban Hamilton Official Plan and complies with the Waterdown North Secondary Plan. The proposal is considered to be compatible with and complementary to the existing and planned development in the immediate area.

Alternatives for Consideration – See Page 19

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

The subject property is located north of the intersection of Dundas Street East and Hamilton Street North, on the west side of Hamilton Street North, and municipally known as 5 Hamilton Street North (see Location Map attached as Appendix “A” to Report PED18179). The subject lands are 0.42 hectares in size and contain an existing one storey commercial and office building with an associated parking area accessed from Hamilton Street North.

The subject lands were included in the new city initiated Commercial and Mixed Use zoning which was passed on November 8, 2017 by Council (By-law 17-240) and are zoned Mixed Use – Medium Density (C5, 582) Zone. The Commercial and Mixed Use Zones were appealed to the Local Planning Approval Tribunal (LPAT), and accordingly, are not final and binding.

The proposal is to modify the Urban Commercial “UC” Zone, to permit a six storey mixed use building with 74 residential units and 120 sq m of commercial space on the ground floor. The applicant has advised that the proposed development will proceed by way of a Draft Plan of Condominium in the future. The proposal will have a total of 119 parking spaces, with 49 surface parking spaces and 70 parking spaces below grade. The proposed concept plan and building elevations are shown in Appendix “D” to Report PED18179. The existing buildings on the subject lands will be demolished to facilitate the construction of the new building.

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The application was amended to reflect the following changes to the Town of Flamborough Zoning By-law 90-145-Z and the City of Hamilton Zoning By-law 05-200:

Town of Flamborough Zoning By-law 90-145-Z

- The application requested a maximum building height of 19 m. This has been changed to 19.5 m to reflect final engineering drawings and elevations for the proposal whereas 10 m is permitted;
- The application requested a minimum parking space requirement of 1.5 spaces per dwelling unit whereas the By-law permits 1.5 spaces per dwelling unit plus 0.25 visitor parking spaces per dwelling unit. This has been changed to a maximum parking space requirement of 1.61 parking spaces per dwelling unit to provide consistency between the old Town of Flamborough Zoning By-law 90-145-Z and the new City of Hamilton 05-200 parking regulations; and,
- A modification for no parking requirement for an office use has been added to the By-law based on gross floor area to allow for consistency between the old Urban Commercial “UC” Zone and new Mixed Use – Medium Density (C5, 582) Zone regulations.

City of Hamilton Zoning By-law 05-200

- The application requested a maximum parking space requirement of 1.7 spaces per dwelling unit whereas the By-law permits a maximum parking space requirement of 1.25 spaces per unit. This has been changed to a maximum parking space requirement of 1.61 parking spaces per dwelling unit to identify a balance between the high demand for parking in Flamborough, transit ridership rates and the intent of the new Commercial Mixed Use zoning, which is to reduce parking requirements and promote alternative modes of transportation such as cycling, public transit and walking;
- The application was amended to reflect a change in the finished floor elevations for the ground floor residential dwelling units from 0.9 m to 0.10 m; and,
- The application was amended to allow the relocation of the principal commercial entrance.

Chronology:

- February 9, 2017: Formal Consultation Application (FC-17-039) received.
- April 5, 2017: Development Review Team Meeting held for Formal Consultation application FC-17-039.
- January 18, 2018: Zoning By-law Amendment Application (ZAR-18-015) received.

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February 5, 2018: Zoning By-law Amendment Application (ZAR-18-015) deemed complete.

March 16, 2018: Notice of Complete Application was sent to 284 property owners within 120 m of the subject lands.

February 14, 2018: Public Notice Sign posted on site.

August 8, 2018 Public Notice Sign updated with date of Public Meeting.

August 17, 2018: Circulation of the Notice of Public Meeting mailed to 284 property owners within 120 m of the subject property.

Details of Submitted Application:

Owner/Applicant: Hawk Ridge Homes Inc. (c/o Dinesh Mahabir)

Agent: IBI Group (c/o Jared Marcus)

Location: 5 Hamilton Street North, Flamborough (see Appendix “A” to Report PED18179)

Property Description:

<u>Lot Frontage:</u>	45.7 m (Hamilton Street North)
<u>Lot Depth:</u>	± 94 m (irregular)
<u>Lot Area:</u>	4,249 sq m
<u>Servicing:</u>	Full Municipal Services

EXISTING LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Property:</u>	Commercial (Old Shoppers Drug Mart, vacant)	Urban Commercial “UC” Zone, Mixed Use – Medium Density (C5, 582) Zone

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Surrounding Land Uses:

North	Commercial (Village Plaza)	Urban Commercial “UC” Zone
South	Commercial	Urban Commercial “UC-9” Zone
East	Commercial (Husky Gas Station), Vacant Land	Automotive Commercial “AC-4” Zone, Urban Commercial “UC” Zone
West	Commercial (CIBC)	Urban Commercial “UC” Zone,

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

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.

As the application for a change in zoning complies with the Official Plan, and based on staff’s review of the proposal, it is staff’s opinion that the application is:

- Consistent with Section 3 of the *Planning Act*;
- Consistent with the Provincial Policy Statement; and,
- Conforms to the Growth Plan for the Greater Golden Horseshow (2017).

Urban Hamilton Official Plan (UHOP)

The subject lands are identified as a “Community Node” on Schedule “E” – Urban Structure and designated “Mixed Use – Medium Density” on Schedule “E-1” – Urban Land Use Designations.

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

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- "B.4.6.1 The range of commercial uses is intended to serve the surrounding community or series of neighbourhoods as well as provide day to day retail facilities and services to residents in the immediate area. These areas shall also serve as a focus for the community, creating a sense of place.
- B.4.6.2 The Mixed Use – Medium Density designation shall be applied to traditional 'main street' commercial areas outside of the area designated Downtown Mixed Use, and to promote the continuation of these areas as pedestrian oriented mixed use areas. Retail and service commercial uses are key elements in maintaining that function and ensuring the continued vibrancy of the pedestrian realm."

The proposal is for a six storey mixed use building with 74 residential units and 120 sq m of commercial space on the ground floor. Although the commercial space is small, it is intended to service the community and the day to day activities of the Hamilton Street North residents. As such the proposal complies with the intent and purpose of the above noted policies.

Scale

- "B.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 in the zoning by-law.
- B.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 focus streets* as listed by Policy E.4.3.1.
- B.4.6.10 Permitted uses shall be located in single or mixed use buildings.
- B.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."

The Mixed Use – Medium Density Designation allows for a range of building heights and densities to a maximum height of six storeys with the predominant built form being

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low and mid-rise buildings. The intent of this designation is to increase the proportion of multiple storey, mixed use buildings that have retail and service commercial stores at grade. Therefore, the proposal complies with these policies in that it meets the intention of the Mixed Use – Medium Density Designation.

Design

- “B.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.
- B.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.
- B.4.6.21 On non-pedestrian focus streets, buildings shall be located close to the street with no parking, drive-throughs, or stacking lanes between the building and the street. Larger single use buildings over 5,000 square metres may be situated in the interior or at the rear of the site with smaller foot print buildings located close to the street. Alternatively, larger stores could be located up to the streetline provided they are lined with smaller stores, multiple entrances, or other similar means to animate the streetscape.
- B.4.6.22 Development applications shall be encouraged to provide a mix of uses on the site.
- B.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.
- B.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 proposed development is situated at an important location in Waterdown at a prominent intersection of two arterial roads. It will be highly visible to both vehicular and pedestrian traffic on Dundas Street East and Hamilton Street North. Staff initially reviewed the proposal and identified several recommendations on how the proposal can better meet the intent of the Mixed Use – Medium Density polices and enhance the overall design of the site. Since the initial review, the applicant has modified the building

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design to improve the overall design of the development. The Urban Design Brief submitted with the application identifies the urban design standards that will be applied to the proposal including building massing and façade, materiality and colour, site design, circulation, parking and loading. The proposal is in compliance with the Mixed Use – Medium Density design policies based on the following:

1. Building Massing and Façade

- The proposal provides a commercial retail space on the main level that integrates the building into the existing context;
- The commercial ground floor component fronting Hamilton Street North proposes large windows that will allow for a direct connection to the public realm creating a vibrant, comfortable and safe environment;
- The building is visually softened by a defined podium base with a horizontal cornice, which is consistent with the appearance of other low rise commercial buildings in the area; and,
- The flat roofline is consistent with many of the commercial buildings in the area and is a common characteristic of multiple dwelling of this scale in the neighbourhood.

2. Materiality and Colour

- Variations in materiality on the exterior façade provide visual interest and soften the overall impression of the building; and,
- The material palette of the exterior façade includes a variety of high quality materials such as brick, stone and glazing which are all complimentary to the surrounding urban character.

3. Site Design and Circulation

- The proposal provides walkways throughout the site and has a safe / functional circulation plan;
- The site is barrier-free and is in conformance with the Accessibility for Ontarians with Disabilities Act (AODA);
- The main residential entrance and lobby area is located on the north side of the building. This will allow for a separate, private entrance for residents to access the site;
- The applicant has provided a second entrance off of Hamilton Street North, which facilitates a convenient entry to and from the building without vehicles having to enter the site;
- Access to the commercial component is located on the north side of the building, below the residential balconies. This location will take advantage of the

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protruding residential balconies above, creating a sheltered entry point and more comfortable condition; and,

- The layout of the site is compatible with neighbouring properties.

4. Parking and Loading

- Both surface and underground parking will be provided on site. Underground parking will occupy the majority of the site, while surface parking has been reduced to allow for more landscaping opportunities;
- Bicycle parking and lockers have been provided on site, which will contribute to residents using alternative modes of transportation to access the site and the surrounding area;
- The loading and waste disposal areas are located towards the rear of the site, and screened with planters to minimize the visibility and any impact of noise or odour;
- Having the parking located at the interior of the site will help screen the views of parking from Hamilton Street North. The site will also incorporate front landscaping strips with robust plantings to provide additional screening for the parking from Hamilton Street North; and,
- The applicant has worked with the City of Hamilton to decrease the amount of on-site parking in favour of increasing landscaping and promoting alternate forms of active transportation such as cycling and walking.

5. Streetscape and Pedestrian Realm

- The building has been located directly at the streetline with no parking spaces, drive-throughs or stacking lanes between the building and the road. This will create a more attractive streetscape for pedestrians allowing pedestrians to easily access the building; and,
- There is a wide public sidewalk allowing for a comfortable pedestrian environment and opportunity for street trees and furniture in the public boulevard.

6. Landscaping

- The proposal includes an outdoor amenity area which will allow residents to enjoy an outdoor manicured space;
- Landscaping has been provided at the northeast side of the building located near the main entrance. This will create a more attractive front entrance for residents, breakup the hardscape features and provide opportunities for storm water control; and,
- The reduction in parking and addition of landscaping on site will reduce the heat island effect mitigating the effects of climate change.

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Therefore, based on the following, the proposal complies with the applicable policies of Volume 1 of the UHOP.

West Waterdown Secondary Plan

The lands are also designated “Mixed Use – Medium Density” on Map B.4.1-1 – West Waterdown Secondary Plan – Land Use Plan. The following policies, amongst others, are applicable to the proposal:

“B.4.1.4 It is the intent of this Secondary Plan that the day-to-day shopping needs of the residents of this community shall be served by the existing and any proposed commercial facilities along Hamilton Street and Dundas Street.

B.4.1.4.1 In addition to Section E.4.6 - Mixed Use – Medium Density designation of Volume 1, the following policies shall apply to the lands designated Mixed Use – Medium Density on Map B.4.1-1 – West Waterdown – Land Use Plan:

- a) Notwithstanding Policy E.4.6.5 of Volume 1, the permitted uses shall include large retail, office, live/work, and medium density residential uses, including townhouses, duplex, triplex, stacked townhouses, and low rise apartments. Detailed permitted uses, appropriate to each location, shall be established in the implementing Zoning By-law.
- b) Commercial development may occur as individual, all of plaza building structures in single use or mixed use projects.
- c) Special consideration shall be given for new development along Highway No. 5 (Dundas Street) and Hamilton Street in terms of providing a contiguous streetscape through consistent setback, signage and landscaping features.”

The proposal will provide 120 sq m of commercial space on the ground floor to serve the day-to-day shopping needs of the residents of the community and the site. The development will also have 74 two bedroom units above the commercial use. The mixed use building will be located close to the property line with landscaping features between the building and the right-of-way.

Accordingly, the proposal complies with the policies of the West Waterdown Secondary Plan.

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Flamborough Zoning By-law 90-145-Z

The subject property is currently zoned Urban Commercial “UC” Zone which permits a range of commercial uses and dwelling unit(s) above the first storey. Permitted commercial uses on the first floor include a medical clinic, office, urban farm, community garden and urban farmers market.

The proposal includes site specific modifications to the “UC” Zone for the following:

- A maximum height of 19.5 m instead of the maximum height of 10 m;
- No parking space required for a Retail Establishment, Service Shop, Personal Service Establishment, Convenience Retail Store and Custom workshop whereas Zoning By-law 90-145-Z requires one parking space per 19 sq m of gross floor area;
- No parking space required for an Office whereas Zoning By-law 90-145-Z requires one parking space per 28 sq m of gross floor area;
- A minimum two-way driveway width of 6.0 m instead of the minimum required two-way driveway width of 6.4 m; and,
- A minimum setback of 0.1 m from each lot line for an enclosed parking structure instead of the required 1.0 m minimum setback from each lot line for an enclosed parking structure.

In addition, and consistent with the CMU Zones in By-law No. 05-200, staff are recommending the following addition special provisions:

- A maximum parking space requirement of 1.61 spaces per unit for a multiple dwelling instead of the minimum parking space requirement of 1.5 parking space per unit;
- A finished floor elevation for ground floor residential dwelling units of 0.10 m instead of the required 0.9 m finished floor elevation for ground floor residential dwelling units; and,
- Relocation of the principal commercial entrance of the building to the east side of the building whereas the By-law requires a minimum of one principal entrance to be provided within the ground floor façade, that is set back closest to a street.

New Commercial and Mixed Use (CMU) Zones

New Commercial and Mixed Use (CMU) Zones in the Zoning By-law 05-200 have been Council adopted but are appealed to the Local Planning Appeal Tribunal. The subject lands are zoned Mixed Use – Medium Density (C5, 582) Zone in the new Commercial and Mixed Use zones. The proposed use is permitted as-of-right in the Mixed Use - Medium Density (C5, 582) Zone. In anticipation of the resolution at the Local Planning Appeal Tribunal, a draft By-law has been prepared with this report (see Appendix “C” to

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Report PED18179) which will be held in abeyance until the CMU Zones are in force and effect, at which time the by-law will be brought forward to City Council for enactment. An analysis of the site specific modifications are included in the Analysis and Rationale for Recommendation section below.

RELEVANT CONSULTATION

The following Departments / Agencies have no comments or objections:

- Alectra Utilities (formerly Horizon Utilities); and,
- Conservation Halton.

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

Operations Support, Strategic Planning Section, Corporate Assets and Strategic Planning Division (Public Works Department) have noted that the subject lands are eligible for waste collection services and have provided their general standards, which will be reviewed at the Site Plan Control stage.

Forestry and Horticulture Section (Public Works Department) staff have advised that there are no municipal tree assets on site; therefore a Tree Management Plan is not required. However, a Landscape Plan with all applicable fees will be required at the Site Plan Control stage, depicting the street tree planting scheme for the proposed development.

Vector Borne Disease Section (Healthy and Safe Communities Department) staff have advised that a Pest Control Plan will be required at the Site Plan Control stage.

Transit Section (Public Works Department) staff have no formal comments on the proposal, but note that overall the proposal looks to be supportive of existing local service and potential future rapid transit.

Transportation Planning Section (Planning and Economic Development Department) have reviewed the Traffic Impact Study (TIS) prepared by Crozier Consulting Engineers, dated December 20 2017. Revisions to the TIS are required, including updating signal times and providing proper analysis of the signal times. These details must be included in a revised TIS, which will be required through the Holding Provision (see Appendix "B" and Appendix "C" to Report PED18179).

Additionally, staff have advised that Hamilton Street from Dundas Street East to Parkside Drive is subject to a future road widening to 36.576 m. A Transportation Demand Management Report will be required for the proposal at the Site Plan Stage. They also note that the applicant should follow the Council Approved Pedestrian

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Mobility Plan, the Waterdown / Aldershot Transportation Master Plan Requirements and the requirements of the West Waterdown Secondary Plan.

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 284 property owners within 120 m of the subject lands on March 16, 2018. A Public Notice sign was also posted on the property on February 14, 2018 and updated on August 8, 2018 with the date of the Public Meeting. Notice of the statutory public meeting was mailed out to 284 property owners on August 17, 2018.

To date, two written submissions and one phone call have been received. The public input is discussed in the Analysis and Rationale for Recommendation Section of this report.

Public Consultation Strategy

As per the statutory requirements of the *Planning Act*, the applicant submitted a Public Consultation Strategy which identified their intention to meet with the Ward Councillor to determine the need for a neighbourhood information meeting. Staff and the applicant met with the Ward Councillor to discuss the proposal, and it was determined that no additional public consultation was necessary.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposed Zoning By-law Amendment Application 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 Vancouver Horseshoe (2017);
 - (ii) It complies with the policies of the Urban Hamilton Official Plan and the West Waterdown Secondary Plan; and,
 - (iii) That the proposed change in zoning is compatible with the character of the surrounding.

2. The subject lands have been incorporated into Zoning By-law No. 05-200 under the Commercial and Mixed Use Zones, which were adopted by Council under By-law No. 17-240, but has been appealed to the Local Planning Appeal Tribunal. As part of the CMU Zones, the subject lands have been placed in the

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Mixed Use – Medium Density (C5, 582) Zone. The following modifications to the (C5, 582) Zone is required:

Required Parking for Dwellings Units greater than 50 sq m

The original proposed amendment would increase the maximum required parking for dwelling units greater than 50 sq m from 1.25 spaces per unit to 1.7 spaces per unit. Under the Commercial and Mixed Use regulations the proposal would require 93 parking spaces whereas the proposed amendment would allow 126 parking spaces for the 74 units. Staff were not supportive of the 1.7 parking spaces per unit as this would allow for an additional 28 parking spaces and the intent of the new Commercial Mixed Use zoning is to reduce parking requirements and promote alternative modes of transportation such as cycling, public transit and walking. Staff have worked with the applicant to modify the proposed amendment to be a maximum of 1.61 parking spaces per unit. The modification to the proposed amendment will decrease the amount of parking spaces and increase landscaping, planting strips and cycling infrastructure on site. Staff note that this building is entirely comprised of two bedroom units, which cause a higher demand for parking and is located in an area with infrequent transit. As such, staff feel that this is an appropriate balance of parking for the proposal and area. Therefore, staff support the modification.

Finished Floor Elevation

The proposed amendment would decrease the minimum finished floor elevation of any dwelling unit from 0.90 m to 0.10 m. The intent of this provision is to reduce the impact of activity and vehicles on street facing dwelling units that would encourage the orientation of unit entrances and amenity to the rear. The ground floor dwelling units are located behind the commercial use and amenity space, which will act as a buffer. The dwelling units located on the west side of the building are screened from the public view by landscaping and a fence. Additionally, the ground floor dwelling units located on the east side of the building are shielded by balconies and natural landscaping along the east of the building. Staff are of the opinion that this mitigation measures will increase privacy for the residents and not have an adverse impact. The intent of the City of Hamilton 05-200 finished floor elevation provision is to avoid “reverse frontage” designs along major streets and ensure that the streetscape is animated. Since the commercial units are fronting onto Hamilton Street North and the ground floor residential units are situated behind the intent of the by-law is met. Therefore, staff are supportive of the modification.

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SUBJECT: Application to Amend the Town of Flamborough Zoning By-law No. 90-145-Z for Lands Located at 5 Hamilton Street North, Flamborough (PED18179) (Ward 15) - Page 16 of 19

Principal Entrance

The proposed amendment would relocate the principal commercial entrance of the building to the east side of the building whereas Zoning By-law 05-200 requires a minimum of one principal entrance to be provided within the ground floor façade, that is set back closest to a street. Staff consider this modification to be minor, as the principal commercial entrance is highly visible from the street and can be easily accessed as it is located directly around the corner. Therefore, staff support the proposed modification.

Existing Site Specific Provisions

The current zone has a site specific to add the following additional uses: duplex, stacked townhouse, townhouse and triplex. The applicant has asked to maintain the existing permissions in the proposed zone. The proposal requires three modifications to the Mixed Use – Medium Density (C5, 582) Zone. As such, staff have opted to remove 5 Hamilton Street North from the 582 site specific provision and create a new site specific provision (C5, 700), which will permit the additional uses, increase the maximum parking requirement for dwelling units greater than 50 sq m, reduce finished floor elevation and relocate the principal commercial entrance. Creating a new site specific for the subject lands will ensure consistency between the zones and make the By-law neater by not having to add to the current 482 site specific exemption.

3. The application for Zoning By-Law Amendment is for a modification to the Urban Commercial “UC” Zone to permit a six storey mixed use building with 74 residential units and commercial uses on the ground floor. The subject lands are located within the Mixed Use – Medium Density designation which supports a range of office, commercial, residential and institutional uses. As well, the proposed use is compatible with the surrounding uses which currently include a range of commercial and residential uses. In addition, the subject lands have been rezoned to Mixed Use – Medium Density (C5, 582) Zone, which would permit the proposal except for a reduction in the required parking, finished floor elevation and location of the principal commercial entrance. Therefore, Staff are supportive of the proposed Zoning By-law Amendment.

Several of the proposed modifications to the Urban Commercial “UC” Zone are consistent with the new regulations of the Commercial and Mixed Use zoning and will be permitted as-of-right. These include:

- Maximum Height;

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SUBJECT: Application to Amend the Town of Flamborough Zoning By-law No. 90-145-Z for Lands Located at 5 Hamilton Street North, Flamborough (PED18179) (Ward 15) - Page 17 of 19

- Minimum Parking Space Requirement for a Retail Establishment, Service Shop, Personal Service Establishment, Convenience Retail Store and Custom Workshop;
- Minimum Parking Space Requirement for an Office;
- Minimum Driveway Aisle Width; and,
- Minimum enclosed parking setback.

However, the following site specific modification is required to implement the proposal:

Modification for Maximum Parking for an Apartment Dwelling

The proposed amendment will identify a maximum parking space requirement for an apartment dwelling of 1.61 parking spaces per unit whereas the by-law permits a minimum parking space requirement for an apartment dwelling of 1.5 parking spaces per dwelling unit plus 0.25 parking spaces per unit for visitor parking. This amendment will remove the visitor parking requirement and limit the total amount of parking allowed on site for the 74 units to 119 parking spaces. Under the Town of Flamborough Zoning By-law 90-145-Z regulations the proposal would require 130 parking spaces. Identifying a maximum parking requirement instead of a minimum parking requirement will ensure that the proposal is consistent with the new parking regulations under the Commercial and Mixed Use zoning. As the proposal will also require an amendment to the City of Hamilton 05-200 By-law for the maximum parking requirement it is appropriate to have the same parking measure per unit for each By-law as this will allow for consistency between the two regulations.

4. As part of the application submission, the applicant submitted a functional servicing report and geotechnical servicing report. Development Engineering staff have advised that the functional servicing report is satisfactory for the purposes of the Zoning By-law Amendment application, however, a revised functional servicing report will be required at the Site Plan Application stage. The City will require a road allowance widening of approximately 12 ft (3.658 m) on Hamilton Street North. The site has an irregular frontage along Hamilton Street North. Due to this irregularity, it was determined that the required road widening along Hamilton Street North would be 8.23 m at its widest point and 3.02 m at its narrowest points as shown on Appendix "D" to Report PED18179).

The applicant will need to submit the following, amongst other requirements, at Site Plan Application stage:

- Detailed Grading and Drainage Control Plan;
- Road Widening;

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SUBJECT: Application to Amend the Town of Flamborough Zoning By-law No. 90-145-Z for Lands Located at 5 Hamilton Street North, Flamborough (PED18179) (Ward 15) - Page 18 of 19

- Stormwater Management Report and Drainage Area Plan;
 - Site Servicing Plan;
 - Water Service Assessment;
 - Wastewater Service Assessment; and,
 - A \$2,000.00 security for the existing municipal curb, boulevard and sidewalk on Hamilton Street North. Should damage be incurred during site redevelopment, the applicant will be responsible to replace the damaged portions at their sole expense.
5. The applicant submitted a Traffic Impact Study as part of the Zoning By-law Amendment Application. Transportation Planning staff have reviewed the Traffic Impact Study (TIS) and have advised that the TIS requires revisions. Therefore, a Holding Provision will be added to both amending Zoning By-laws. The UC-18(H) and H106 require that the TIS titled "Traffic Opinion Letter – 5 Hamilton Street North", prepared by Crozier Consulting Engineers, dated December 20 2017 is to be revised, and implemented, in order to address Transportation Planning comments.
6. The subject application is to permit 74 two bedroom units with 120 sq m of commercial space on the ground floor within a settlement area. The proposed residential units will enhance the housing options of the former Town of Flamborough by offering two bedroom units. The proposed development supports the achievement of complete communities by offering a mix of uses, convenient access to local stores and access to transit and cycling infrastructure. The development will have a compact built form and attractive public realm to enhance the pedestrian experience along Hamilton Street North. Also, the subject application contributes to intensification within the delineated built-up area. Therefore, the proposal conforms to the Growth Plan of the Greater Golden Horseshoe (2017).
7. Since the subject lands were originally developed for commercial purposes, a Record of Site Condition (RSC) with the Ministry of Environment, Conservation and Parks (MOECP) is required. The submission and acknowledgement of the Record of Site Condition can be completed as a future condition of Site Plan Control.
8. To date, two emails and one phone call have been received in response to the public circulation (see Appendix "E" to Report PED18179). The main issue identified from the public circulation was traffic. The proposal is for a mixed use building with 74 units and 120 sq m of ground floor commercial. The proposed development provides access to cycling, public transit, and active transportation modes such as walking and has an appropriate amount of parking for the development. The site is located in a predominately commercial area, which will

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SUBJECT: Application to Amend the Town of Flamborough Zoning By-law No. 90-145-Z for Lands Located at 5 Hamilton Street North, Flamborough (PED18179) (Ward 15) - Page 19 of 19

encourage residents to use alternative modes of transportation, such as walking and cycling to access the various commercial uses and the surrounding neighbourhood. A Holding Provision has been added to the subject lands. This will prohibit any development on site until a revised Traffic Impact Study has been submitted demonstrating that the development will have no adverse effects on traffic and has been approved by Transportation Planning. Therefore, staff are of the opinion that the development will not have an adverse impact on traffic in the area.

ALTERNATIVES FOR CONSIDERATION

Should the application be denied, the subject property would remain Urban Commercial “UC” Zone in the Town of Flamborough Zoning By-law No. 90-145-Z. Depending on the decision of the Local Planning Appeal Tribunal, the property could be rezoned to Mixed Use – Medium Density (C5, 582) Zone which would permit the use.

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.

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 Amendment to By-law No. 90-145-Z

Appendix “C” – Zoning By-law Amendment to By-law No. 05-200

Appendix “D” – Concept Plan and Building Elevations

Appendix “E” – Public Comments

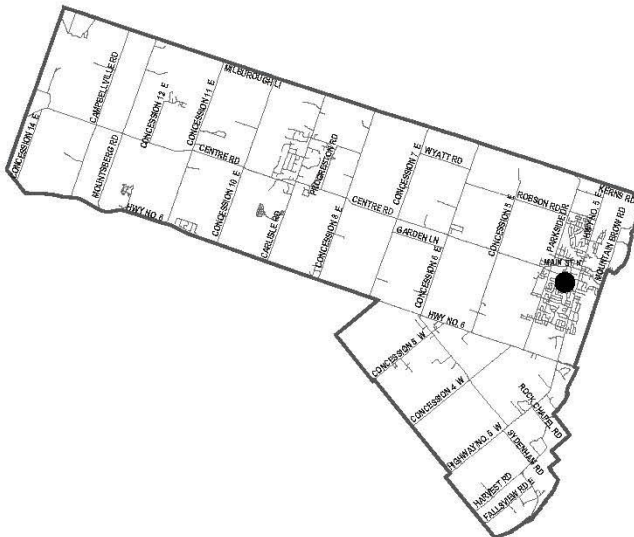
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● Site Location



Key Map - Ward 15

N.T.S.

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAR-18-015

Date:
July 13, 2018

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
EM/NB

Subject Property

5 Hamilton Street North

Change in zoning from "UC" Urban Commercial Zone to "UC-18(H)" Urban Commercial Zone, Holding, Modified

Authority:
Ward: 15
Bill No.

CITY OF HAMILTON
BY-LAW NO.

**To Amend Zoning By-law No. 90-145-Z (Flamborough),
Respecting Lands Located at 100 Hamilton Street North (Flamborough)**

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

WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as "The Corporation of the Town of Flamborough" 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 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 Zoning By-law No. 90-145-Z (Flamborough) was enacted on the 5th day of November 1990, and approved by the Ontario Municipal Board on the 21st day of December, 1992;

WHEREAS the Council of the City of Hamilton, in adopting Item _____ of Report 18-_____ of the Planning Committee, at its meeting held on the _____ day of _____, 2018, recommended that Zoning By-law No. 90-145-Z (Flamborough), 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 Schedule No. "A-30", attached to and forming part of Zoning By-law 90-145-Z (Flamborough), as amended, is hereby amended by changing from the Urban Commercial "UC" Zone to the Urban Commercial "UC-18(H)" Zone, Modified, the extent and boundaries of which are shown on Schedule "A", annexed hereto and forming part of this By-law.
2. That the Urban Commercial "UC" Zone regulations, be modified to include the following special requirements:

"17.3.18 "UC-18(H)" (See Schedule A-30)

- a) Notwithstanding Subsection 17.2(c), the maximum height shall be 19.5 metres.
 - b) Notwithstanding Subsection 5.21.1(c), the maximum parking space requirement for an apartment dwelling shall be 1.61 spaces per unit.
 - c) Notwithstanding Subsection 5.21.1(t), a Retail Establishment, Service Shop, Personal Service Establishment, Convenience Retail Store or Custom Workshop shall not require a minimum parking space.
 - d) Notwithstanding Subsection 5.21.1(r), an Office shall not require a minimum parking space
 - e) Notwithstanding Subsection 5.21.6(b), a driveway with two-way vehicular movement shall have a minimum unobstructed width of 6.0 metres.
 - f) Notwithstanding Subsection 5.21.11(b), an enclosed parking structure shall be setback a minimum of 0.1 metres from any lot line.
 - g) In addition to Subsection 17.3.18 "UC-18(H)", ground floor residential units fronting onto Hamilton Street North, shall be prohibited.
3. That the amending By-law be added to Schedule "A-30" of Flamborough Zoning By-law No. 90-145-Z.
 4. (H) Holding Symbol

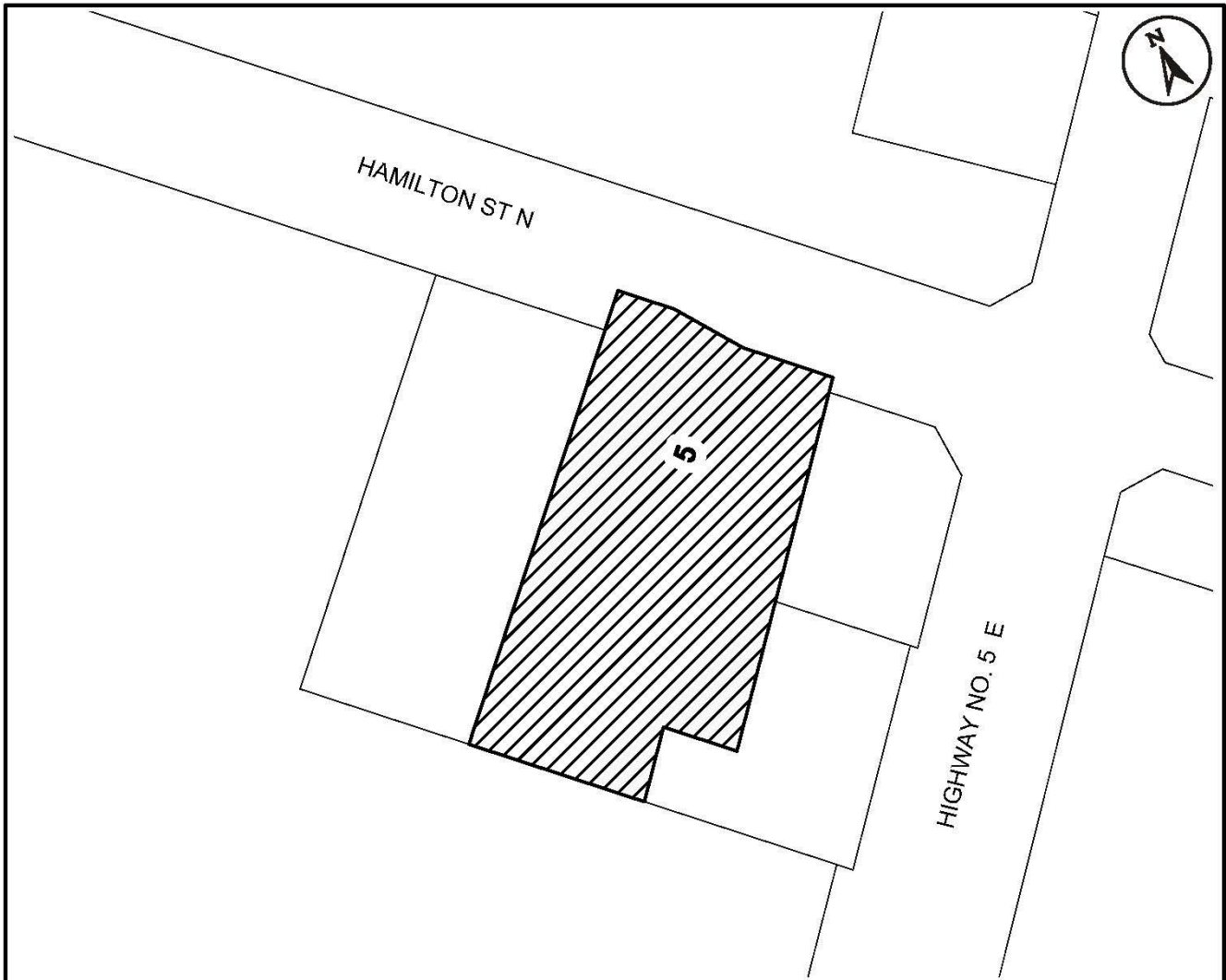
Where an (H) Symbol is prefixed to a Zone identified in Schedule "A", the following condition must be fulfilled, to the satisfaction of the City, prior to the lifting of the (H) provision on any portion of the lands:

 - i) That an updated Traffic Impact Study is submitted, approved, and implemented, to the satisfaction of the Manager, Transportation Planning, Planning and Economic Development Department.
 5. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.

PASSED this ____ day of _____, 2018.

Fred Eisenberger
Mayor

Janet Pilon
Acting City Clerk



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

Passed the day of, 2018

Mayor

Clerk

Schedule "A"

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

to Amend By-law No. 90-145-Z

Subject Property

5 Hamilton Street North



Change in zoning from "UC" Urban Commercial Zone to "UC-18(H)" Urban Commercial Zone, Holding, Modified

Scale:
N.T.S.

File Name/Number:
ZAR-18-015

Date:
July 12, 2018

Planner/Technician:
EM/NB



Hamilton

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: Chair and Members Report No.: PED18179 Date: 06/28/2018

Ward: Ward: 15 (MM/DD/YYYY)

Prepared by: Elyse Meneray

Phone No: 905-546-2424 ext. 6360

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

Authority:

Ward: 15

Bill No.

CITY OF HAMILTON

BY-LAW NO.

To Amend Zoning By-law No. 05-200 Respecting Lands Located at 5 Hamilton Street North (Flamborough)

WHEREAS Council approved Item ___ of Report _____ of the Planning Committee, at the meeting held on September 4, 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. 482 of Schedule "A" of Zoning By-law No. 05-200 be amended as follows:
 - (a) For a change in zoning from the Mixed Use – Medium Density (C5, 582) Zone to the Mixed Use – Medium Density (C5, 700) Zone on lands described in Schedule "A";
2. That Schedule "C" – Special Exemptions, Subsection 582 of By-law No. 05-200 is amended by deleting the following:

5 Hamilton Street North	Map 482
-------------------------	---------

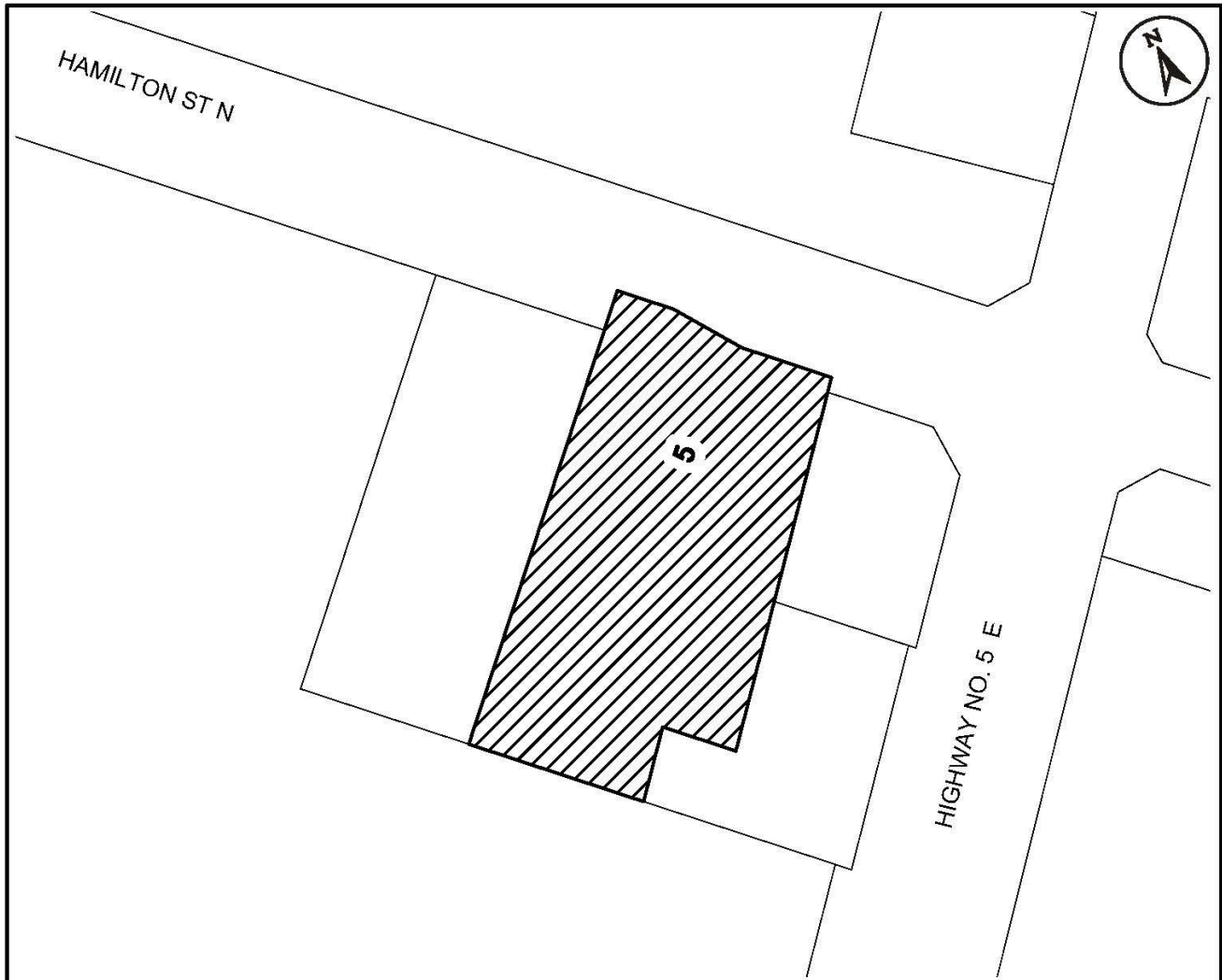
3. That Schedule "C" – Special Exemptions of Zoning By-law No. 05-200, as amended, is hereby further amended by adding the following:
 - 700 Within the lands zoned Mixed Use Medium Density (C5, 700) Zone, identified on Map No. 482 of Schedule "A" and described as 5 Hamilton Street North, the following additional special provisions shall apply:
 - a. In addition to Subsection 10.5.1, the following uses shall also be permitted:
 - i) Duplex
 - ii) Stacked townhouse
 - iii) Townhouse
 - iv) Triplex
 - b. Notwithstanding Section 5.6 (c)(i), the maximum parking for dwelling units greater than 50 m² shall be 1.61 spaces per unit.

- c. Notwithstanding Section 10.5.1.1 (i)(1), the finished floor elevation of any dwelling unit shall be a minimum of 0.10 metres above grade.
 - d. Notwithstanding Section 10.5.3 (g)(vii)(1), the principal commercial entrance within the ground floor façade shall be located on the east side of the building.
 - e. In addition to Section 10.5.2, ground floor residential units fronting onto Hamilton Street North, shall be prohibited.
4. That Schedule "D" – Holding Provisions, of By-law No. 05-200, be amended by adding the additional Holding Provision as follows:
- "106. For the lands zoned Mixed Use – Medium Density (C5,700) Zone on Map 482 on Schedule "A" – Zoning Maps, and described as 5 Hamilton Street North, the (H106) symbol may be removed by further amendment to this By-law at such time as the following condition has been satisfied:
- (i) That an updated Traffic Impact Study is submitted, approved, and implemented to the satisfaction of the Manager, Transportation Planning, Planning and Economic Development.

PASSED this ___ day of _____, 2018.

Fred Eisenberger

Janet Pilon




This is Schedule "A" to By-law No. 18-
 Passed the day of, 2018

 Mayor

 Clerk

Schedule "A"
 Map Forming Part of
 By-law No. 18-_____
 to Amend By-law No. 05-200
 Map 482

Subject Property
 5 Hamilton Street North

 Change in zoning from Mixed Use - Medium Density (C5, 582) Zone to Mixed Use - Medium Density (C5, 700, H106) Zone

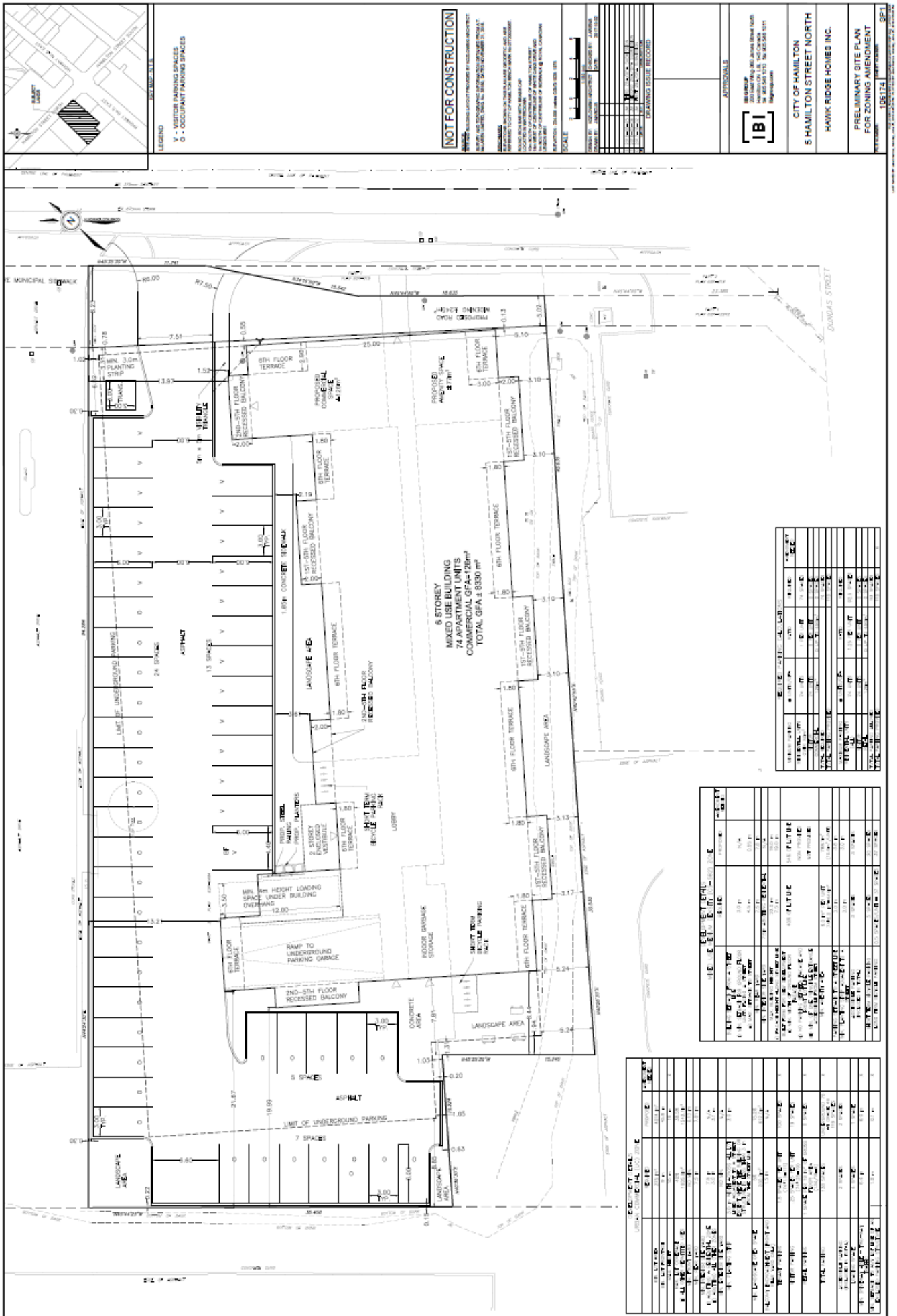
Scale:
 N.T.S.
 Date:
 July 12, 2018

File Name/Number:
 ZAR-18-015
 Planner/Technician:
 EM/NB



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

<i>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</i>		
Is this by-law derived from the approval of a Committee Report? Yes		
Committee: Chair and Members	Report No.: PED18179	Date: 06/29/2018
Ward: Ward: 15		(MM/DD/YYYY)
Prepared by: Elyse Meneray	Phone No: 905-546-2424 ext. 6360	
<i>For Office Use Only, this doesn't appear in the by-law</i>		



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LEGEND
 V - VISITOR PARKING SPACES
 O - OCCUPANT PARKING SPACES

SCALE
 1" = 10'-0"

APPROVALS

DESIGNED BY	DATE
CHECKED BY	DATE
APPROVED BY	DATE

IBI
 INTERNATIONAL BUILDING DESIGN GROUP
 1000 WEST 10TH AVENUE, SUITE 1000
 DENVER, CO 80202
 TEL: 303.733.1111
 WWW.IBIDENVER.COM

CITY OF HAMILTON
 5 HAMILTON STREET NORTH
 HAWK RIDGE HOMES INC.

PRELIMINARY SITE PLAN
 FOR ZONING AMENDMENT
 PROJECT NUMBER: 105174
 SHEET NUMBER: 051

6 STOREY MIXED USE BUILDING
 74 APARTMENT UNITS
 COMMERCIAL GFA = 210m²
 TOTAL GFA = 8530 m²

LEVEL ELEVATION TABLE

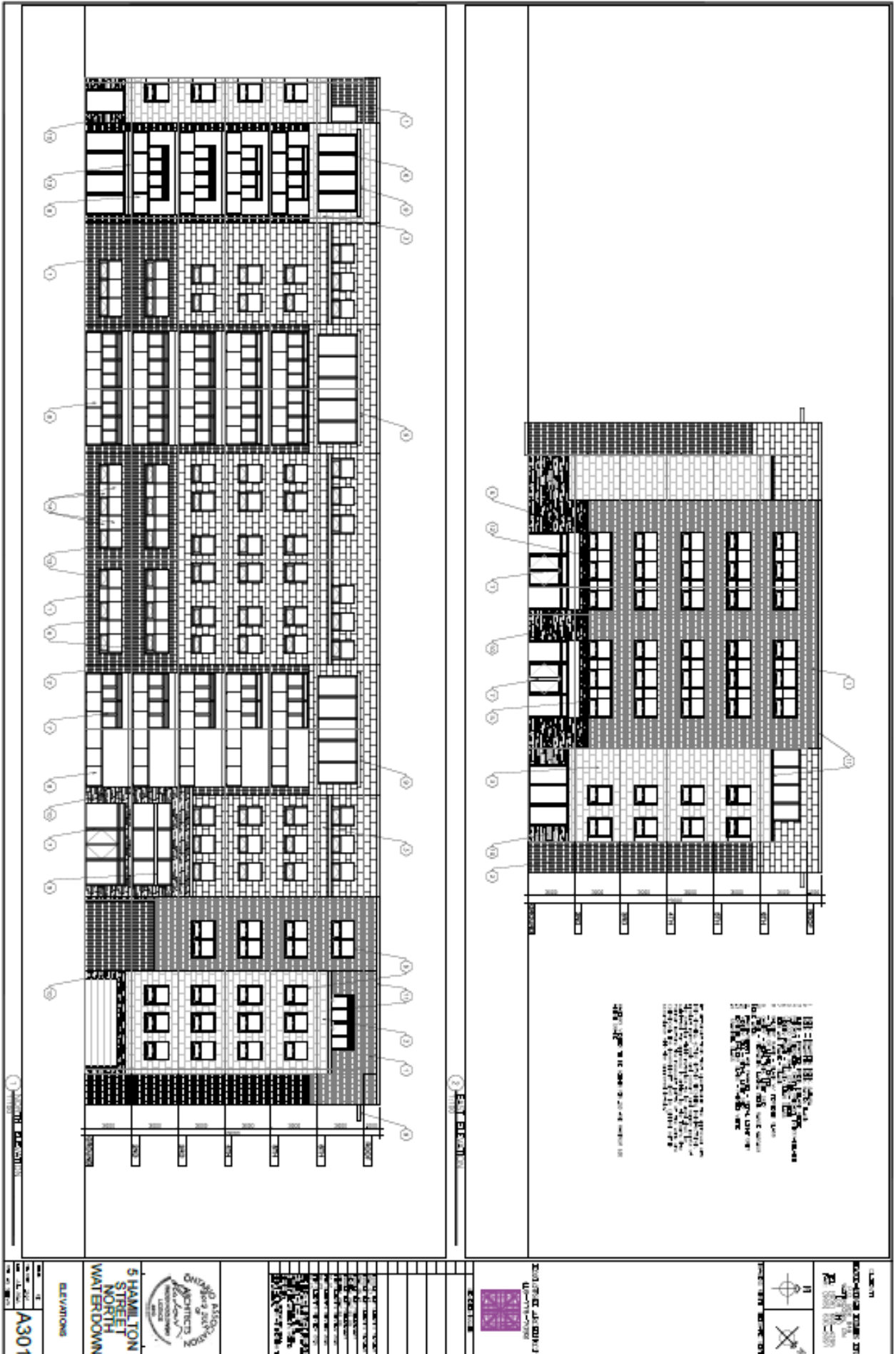
LEVEL	FINISH FLOOR ELEVATION (M)	FINISH FLOOR ELEVATION (FT)
6th Floor	1.80	5.91
5th Floor	0.90	2.95
4th Floor	0.00	0.00
3rd Floor	-0.90	-2.95
2nd Floor	-1.80	-5.91
1st Floor	-2.70	-8.87
Basement	-3.60	-11.83

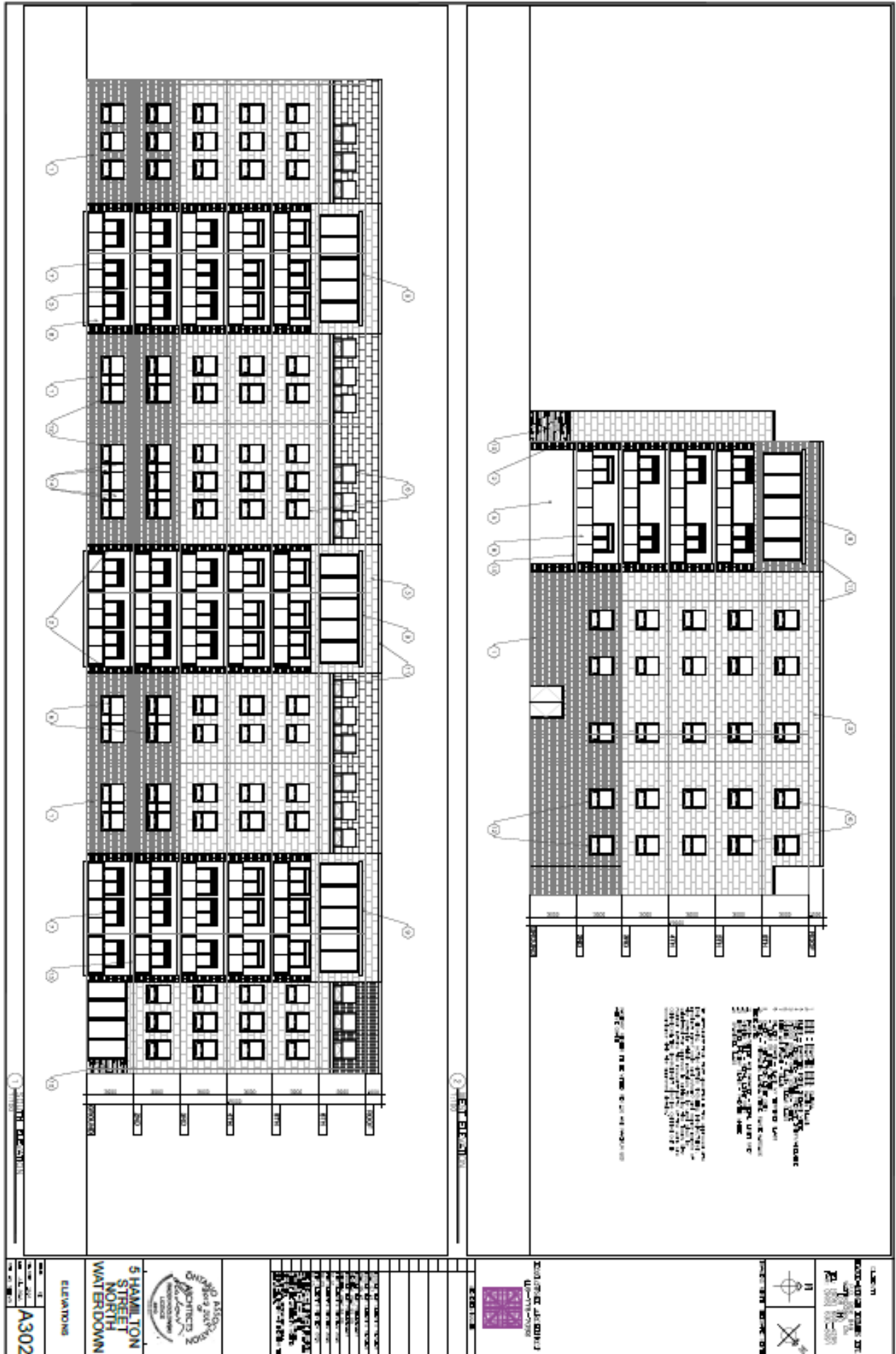
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2nd Floor	-1.80	-5.91
1st Floor	-2.70	-8.87
Basement	-3.60	-11.83





<p>ONTARIO ASSOCIATION OF ARCHITECTS</p>	<p>CITY OF HAMILTON</p>	<p>CITY OF HAMILTON WATERDOWN</p>	<p>5 HAMILTON STREET NORTH</p>	<p>ELEVATIONS</p>	<p>DATE: 11/11/2011</p>	<p>SCALE: 1/8" = 1'-0"</p>	<p>PROJECT: 16379</p>	<p>CLIENT: 601</p>	<p>ARCHITECT: [Signature]</p>
					<p>NO. 1</p>	<p>A302</p>	<p>11/11/2011</p>	<p>1/8" = 1'-0"</p>	<p>16379</p>

From: Hania Moore [<mailto:hania8330@hotmail.com>]
Sent: March-31-18 8:11 PM
To: Nheiley, Brynn
Subject: Zoning By-Law Amendment Application (ZAR-18-015) 5 Hamilton Street, Waterdown

Hello,

I strongly object to the application by IBI Group to put 74 residential homes at 5 Hamilton Street in Waterdown. The traffic at that corner is already horrific, due to all the new homes in Waterdown. We also do not have the infrastructure to support this. I would like to know when this meeting is so that I will be heard, as well as others who live on this congested street. Hope to hear from you soon.

Anne Moore
1 Melanie Crescent, Waterdown, Ontario L0R 2H0

Appendix "E" to Report PED18179
Page 2 of 2

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

From: mylene.vincent@cogeco.ca [<mailto:mylene.vincent@cogeco.ca>]

Sent: April-02-18 7:30 AM

To: Partridge, Judi

Subject: Plans and public meeting for 5 Hamilton St N

Good morning Council. Partridge - through the power of social media it was brought to the community's attention that an application for rezoning of 5 Hamilton St N in Waterdown has been submitted. This is the former Shoppers Drug Mart building where the shared office incubator space is currently located.

The rezoning application requests an allowance for a 19m 6 story building with underground parking. I would like to know if it's possible to obtain a copy of the proposed plan on that site and information on the public meeting. I sense there will be a lot of opposition to this development on the site.

I also wonder if, as developments are proposed on Hamilton Street, consideration can be given to a new traffic study on the street to increase its capacity and therefore road widening allowance? With the development on John/Hamilton coming, circulation on Hamilton Street will only increase. On another note, has Site Plan been granted on this latter project?

The Waterdown community is very much concerned about development, particularly in the Core. As a resident of the Heritage area, I am as well, but believe it is necessary and must be done responsibly. I know you are of the same mind. I look forward to your feedback and assistance in ensuring continued responsible growth in Waterdown.

Cheers,

Mylène Vincent

Owner/ Resident at 7 John St East, Waterdown



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
 Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	September 4, 2018
SUBJECT/REPORT NO:	Application for a Zoning By-law Amendment for Lands Located at 256 Parkdale Avenue North and 205 Melvin Avenue, Hamilton (PED18190) (Ward 4)
WARD(S) AFFECTED:	Ward 4
PREPARED BY:	Mark Kehler (905) 546-2424 Ext. 4148
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That the **Amended Zoning By-law Amendment Application ZAR-18-027, by Indwell Community Homes, Owner**, for a modification to the “H” (Community Shopping and Commercial, Etc.) District to permit a four storey, 50 unit multiple dwelling on the same lot as a three storey 57 unit mixed use building, on lands located at 256 Parkdale Avenue North and 205 Melvin Avenue, Hamilton as shown on Appendix “A” to Report PED18190 be **APPROVED** on the following basis:
- (i) That the draft By-law, attached as Appendix “B” to Report PED18190 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 PED18190 be added to District Map E75 of Zoning By-law No. 6593 as “H/S-1764”;
 - (iii) That the amending By-law apply the Holding Provisions 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 four storey multiple dwelling.

The Holding Provision “H/S-1764-‘H’” (Community Shopping and Commercial, etc.) District, Holding, Modified, be removed to allow the

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SUBJECT: Applications to Amend the City of Hamilton Zoning By-law No. 6593 for Lands Located at 256 Parkdale Avenue North and 205 Melvin Avenue, Hamilton (PED18190) (Ward 4) - Page 2 of 22

multiple dwelling on the same lot as a three storey mixed use building, conditional upon:

- (1) The Owner entering into a conditional building permit agreement with respect to completing a Record of Site Condition; or,
 - (2) A signed Record of Site Condition (RSC) being submitted to the City of Hamilton and the Ministry of the Environment , Conservation and Parks (MOECP). The RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MOECP, and submission of the City of Hamilton's current RSC administration fee.
- (iv) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (2017) and complies with the Urban Hamilton Official Plan.
- (b) That approval be given for a modification to the Mixed Use – Medium Density (C5) Zone to the Mixed Use – Medium Density (C5, 698, H71), to permit a four storey, 50 unit multiple dwelling on the same lot as a 57 unit mixed use building, on lands located at 256 Parkdale Avenue North and 205 Melvin Avenue, as shown on Appendix “A” to Report PED18190, subject to the following.
- (i) That the draft By-law, attached as Appendix “C” to Report PED18190, be held in abeyance until such time as By-law No. 17-240 (Commercial and Mixed Use Zones) is in force and effect;
 - (ii) That staff be directed to bring forward the draft By-law, attached as Appendix “C” to Report PED18190, for enactment by City Council, once By-law No. 17-240 (Commercial and Mixed Use Zones) is in force and effect;
 - (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.

EXECUTIVE SUMMARY

The Owner, Indwell Community Homes, has applied for a Zoning By-law Amendment to permit a four storey, 50 unit multiple dwelling on the same lot as a three storey, 57 unit mixed use building that is currently under construction. A total of 35 at-grade vehicle

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parking spaces are proposed for all uses on site, including 23 vehicle parking spaces designated for residential use.

The purpose of the Zoning By-law Amendment is to modify the “H” (Community Shopping and Commercial, Etc.) District Zoning to permit the proposal. Also, modifications to the By-law have been requested to permit a revised parking space size, reduced vehicle parking rate, the elimination of visitor parking requirements, reduced loading space requirements, reduced minimum side yard setback and reduced landscaping requirements.

On November 8, 2017, Hamilton City Council approved new Commercial and Mixed Use Zoning for inclusion in City of Hamilton Zoning By-law No. 05-200. Under this approval, the subject lands would be 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 Appeal Tribunal (LPAT) by a number of appellants and a decision on the appeals has not occurred as of the writing of this Report. The proposed multiple dwelling conforms to the Council approved (C5) Zone, however the Owner has requested site specific modifications to permit a modified front lot line, eliminating the requirement for a primary entrance accessible from the street, reduced planting strip requirements, a reduced finished floor elevation and a reduced residential vehicle parking rate. The current proposal represents the second phase of the comprehensive redevelopment of the subject lands.

The application has merit and can be supported as 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 (UHOP). The proposed multiple dwelling will provide affordable housing at a location that is well served by transit, services and municipal infrastructure. Also, the proposal represents an appropriate level of intensification at this location and respects and enhances the character of the neighbourhood.

Alternatives for Consideration – See Page 21

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.

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HISTORICAL BACKGROUND

Proposal:

The subject property is located at the northeast corner of Parkdale Avenue North and Melvin Avenue, one block south of the intersection of Parkdale Avenue North and Barton Street East. Indwell Community Homes purchased the lands known as 256 Parkdale Avenue North and 205 Melvin Avenue in 2016 with the intention of developing 107 units of affordable housing in two phases. The lands were previously occupied by George and Mary's Tavern, which included a rooming house, bar and banquet hall that ceased operations in 2012.

As of the writing of this Report, Phase 1 (205 Melvin Avenue) is under construction and involves the renovation of the former rooming house / tavern into a mixed use building with 57 residential dwelling units and approximately 450 sq m of retail and restaurant space at grade. Phase 1 is intended to house individuals requiring a high level of support, including addiction services, social supports and nutritional programming. Minor Variance Applications HM/A-16:359 and HM/A-17:138 were approved by the Committee of Adjustment to facilitate the renovation of Phase 1 and provided relief from the provisions of City of Hamilton Zoning By-law No. 6593 for the number of units within a residential conversion, average floor area of all dwelling units, radial separation distance for a residential conversion and number of parking spaces. In order to maintain the zoning permissions for the mixed use building currently under construction, the proposed Zoning By-law Amendment Application includes Phase 1 along with the proposed Phase 2 multiple dwelling at 256 Parkdale Avenue North located on the same lot. As the Phase 1 mixed use building will be recognized in the proposed site specific exception, the previously approved variances to the residential conversion requirements of By-law No. 6593 will no longer be required.

Phase 2 (256 Parkdale Avenue North) consists of a new four storey, 50 unit multiple dwelling on the north portion of the subject lands, formerly occupied by a banquet hall which has been demolished. The proposed multiple dwelling is intended to house individuals living on low incomes, including Ontario Disability Support Program, Ontario Works or Canada Pension Plan.

On November 8, 2017, Council approved a zone change for the subject lands through the proposed Commercial Mixed Use Zoning in City of Hamilton Zoning By-law 05-200, which is currently under appeal. Under the Council approved Mixed Use – Medium Density (C5) Zone, the proposed Phase 2 multiple dwelling would be a permitted use. Due to the outstanding appeals however, the existing “H” (Community Shopping and Commercial, Etc.) District zoning under City of Hamilton Zoning By-law No. 6593 remains in force. The proposed stand-alone four storey, 50 unit multiple dwelling is not permitted in an “H” District, nor is it permitted on the same lot as the previously

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approved mixed use building. Due to funding timelines, the applicant submitted an application on April 24, 2018 to modify the zoning from the “H” (Community Shopping and Commercial, Etc.) District rather than wait for resolution of outstanding appeals to the Commercial and Mixed Use Zoning.

On June 29, 2018, the applicant submitted a revised concept plan in response to deficiencies that were identified by Zoning staff but not previously identified in the draft Zoning By-law Amendment. In order to avoid a modification to the Council approved Commercial Mixed Use zoning for rear yard setback for an accessory structure, the applicant revised the bicycle storage and recycling storage areas at the northeast corner of the site so that they were no longer roofed-over. Modifications to the planting strip requirements and the definition of front lot line under Zoning By-law 05-200 were also requested. Under By-law No. 6593, the applicant requested modifications to the rear planting strip, landscaped area abutting a street and parking space size requirements that were not included in the original draft Zoning By-law.

Chronology:

<u>April 24, 2018:</u>	Zoning By-law Amendment Application ZAR-18-027 received.
<u>May 24, 2018:</u>	Application ZAR-18-027 deemed complete.
<u>May 24, 2018:</u>	Applicant Public Open House.
<u>June 1, 2018</u>	Notice of Complete Application and Preliminary Circulation was sent to 438 property owners within 120 m of the subject lands.
<u>June 7, 2018:</u>	Public Notice Sign installed on the subject property.
<u>June 29, 2018</u>	Revised concept site plan and draft zoning by-law submitted in response to staff comments.
<u>August 8, 2018:</u>	Public Notice Sign updated with Public Meeting date.
<u>August 17, 2018:</u>	Circulation of Notice of Public Meeting to 438 property owners within 120 m of the subject lands.

Details of Submitted Application:

Applicant / Agent: T. Johns Consulting Group Ltd. (c/o Cheryl Selig)

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Location: 256 Parkdale Avenue North and 205 Melvin Avenue, Hamilton (see Appendix “A” to Report PED18190)

Owner: Indwell Community Homes (c/o Sylvia Harris)

Property Size: Lot Frontage: 68 m (Parkdale Avenue North)

Lot Depth: 66.7 m

Lot Area: 4,687 sq m (0.4687 ha)

Services: Existing Full Municipal Services

Existing Land Use and Zoning:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Property:</u>	Three storey building under renovation (to be maintained)	"H" (Community Shopping and Commercial, Etc.) District and Mixed Use – Medium Density (C5) Zone (under appeal)
<u>Surrounding Land Uses:</u>		
North	One storey commercial buildings	"H" (Community Shopping and Commercial, Etc.) District and Mixed Use – Medium Density (C5) Zone (under appeal)
East	Two storey commercial building with second storey apartment	"H" (Community Shopping and Commercial, Etc.) District
South	One storey place of worship and surface parking lot	"H" (Community Shopping and Commercial, Etc.) District and Mixed Use – Medium Density (C5) Zone (under appeal)
West	One storey commercial building and four storey multiple dwelling	"H" (Community Shopping and Commercial, Etc.) District, "E-2/S-38" (Multiple Dwellings) District, Modified and Mixed Use – Medium Density (C5) Zone (under appeal)

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POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2014):

The Provincial Planning 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 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 based on staff's review of the proposal, it is staff's opinion that the application is:

- Consistent with Section 3 of the *Planning Act*;
- Consistent with the Provincial Policy Statement; and,
- Conforms to the Growth Plan for the Greater Golden Horseshoe (2017).

Urban Hamilton Official Plan

The subject property is identified as "Neighbourhoods" on Schedule "E" – Urban Structure and designated "Mixed Use – Medium Density" on Schedule "E-1" – Urban Land Use Designations of the UHOP. The following policies, amongst others, apply:

Neighbourhoods (Urban Structure)

- "E.2.6.4 The Neighbourhoods element of the urban structure shall permit and provide for a full range of housing forms, types and tenure, including affordable housing and housing with supports.
- E.2.6.7 Neighbourhoods shall generally be regarded as physically stable areas with each neighbourhood having a unique scale and character. Changes compatible with the existing character or function of the neighbourhood shall be permitted. Applications for development and residential intensification within Neighbourhoods shall be reviewed in consideration of the local context and shall be permitted in accordance with Section B.2.4 – Residential Intensification, E.3.0 – Neighbourhoods Designation, E.4.0 –

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Commercial and Mixed Use Designations, and E.6.0 – Institutional Designation.”

Policy E.2.6.4 reinforces the importance of providing a range of residential dwelling types and densities within a neighbourhood, including affordable housing and housing with supports. The neighbourhood context includes a four storey multiple dwelling directly to the west across Parkdale Avenue North and multiple dwellings ranging in height from four to 17 storeys to the east of the subject lands on the north side of Melvin Avenue. As required by Policy E.2.6.7, the proposed building will complement the scale and character of the area that includes multi-storey buildings along Melvin Avenue and Parkdale Avenue North surrounded by a low profile residential neighbourhood consisting primarily of single detached dwellings.

Mixed Use – Medium Density

“E.4.6.1 The Mixed Use – Medium Density designation shall be applied to traditional ‘main street’ commercial areas outside of the area designated Downtown Mixed Use, and to promote the continuation of these areas as pedestrian oriented mixed use areas. Retail and service commercial uses are key elements in maintaining that function and ensuring the continued vibrancy of the pedestrian realm.

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:

a) commercial uses such as retail stores, *auto and home centres*, *home improvement supply stores*, offices, medical clinics, personal services, financial establishments, live-work units, artist studios, restaurants, gas bars, and drive-through facilities; (OPA 64)

f) *multiple dwellings*;

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.

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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.

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.”

Consistent with Policies E.4.6.1, E.4.6.5a) and E.4.6.15, the overall development of the subject lands will maintain the intended commercial function of the Mixed Use – Medium Density designation. The Phase 1 mixed use building will provide retail and restaurant uses at grade that will animate the corner of Melvin Avenue and Parkdale Avenue North and contribute to a vibrant pedestrian realm as required in Policies E.4.6.16 and E.4.6.17. As provided for in Policies E.4.6.4 and E.4.6.5f), the proposed development of residential uses on site will contribute to the vibrancy of the area by increasing day and night activity and supporting local transit ridership.

“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.4.6.9 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.4.6.22 Development applications shall be encouraged to provide a mix of uses on the site.

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.”

The overall development will provide both a mixed use building (Phase 1) and a single use building (Phase 2) as provided for in Policies E.4.6.10 and E.4.6.22. The low rise

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built form with a maximum height of four storeys is permitted in Policies E.4.6.7 and E.4.6.9 and will limit any effects of shadowing and overview on adjacent neighbourhoods as required in Policy E.4.6.24. Concerns related to shadow and overview are further mitigated by the location of the building within the neighbourhood, away from the low profile residential areas and surrounded by a one storey commercial building to the north and a two storey building with commercial uses on the ground floor and a residential dwelling above to the east.

“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.”

Policies E.4.6.26 and E.4.6.27 recognize that automobiles continue to be an important mode of transportation within the Mixed Use – Medium Density designation but that accommodating vehicles should be balanced with the need to improve pedestrian access and encourage transit use. This includes considering reduced parking requirements to encourage a broad range of uses. The applicant has requested a reduced residential parking rate of 0.21 parking spaces per dwelling in recognition of the parking needs specific to this affordable housing development. Previous Committee of Adjustment Applications (HM/A-16:359 and HM/A-17:138) approved a total of 66 parking spaces for the Phase 1 development, including for residents, visitors and commercial uses, instead of the 90 parking spaces that were existing on the effective date of By-law 15-171.

The applicant submitted a Parking Justification Report, including an analysis of parking utilization rates at six similar affordable housing developments managed by Indwell. Based on a survey of these six properties, the report identified a minimum resident utilization rate of 0.0 parking spaces per dwelling unit, a maximum rate of 0.22 parking spaces per dwelling unit and an average rate of 0.10 parking spaces per dwelling unit. In addition, the report notes that 45 long-term bicycle storage spaces will be provided for tenants and that the area is well served by public transit. Staff have reviewed the Parking Justification Report and agree with the recommendation that the required parking rate be reduced to 0.21 parking spaces per dwelling unit to allow for additional affordable housing units to be developed and to encourage active transportation and transit use.

The applicant has also proposed to provide no visitor parking for the residential uses on site. This is consistent with the Council approved (C5) zoning applicable to the site,

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which does not require visitor parking, and recognizes the intended transit supportive development of the area. There is metered on-street parking available to visitors on Parkdale Avenue North and parking is being introduced on the north side of Melvin Avenue through a City initiative to introduce bicycle lanes. In addition, ten short-term bicycle parking spaces will be available for visitors.

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.”

The proposed multiple dwelling contributes to a range of dwelling types and tenures by providing affordable housing in a compact urban form, as per Policy B.2.4.1.4c). The proposal complies with policies B.2.4.1.4b) and d) as the four storey built form is consistent with the existing neighbourhood character that includes low to high rise multiple dwellings along Parkdale Avenue North and on the north side of Melvin Avenue. The overall development has been designed to integrate with the surrounding area by including retail and restaurant uses at the corner of Parkdale Avenue North and Melvin Avenue, and providing glazing along the Parkdale Avenue North and Melvin Avenue frontages to animate the street and contribute to a comfortable pedestrian realm.

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In compliance with Policy B.2.4.1.4f), the property is serviced by municipal infrastructure and is accessible by frequent public transit including HSR Route No. 2 on Melvin Avenue and Route No. 11 on Parkdale Avenue North. As described above, the proposal contributes to achieving the planned Urban Structure (Policy B.2.4.1.4e)) and, as per Policy B.2.4.1.4g), complies with the applicable policies of the UHOP.

Urban Design

“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;
- 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;

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;
- d) locating surface parking to the sides or rear of sites or buildings, where appropriate;”

As per Policy B.3.3.2.3a), the proposed four storey multiple dwelling respects the existing character and development pattern of the area that includes the three storey mixed use building under construction on site, a four storey multiple dwelling to the west and additional multiple dwellings on the north side of Melvin Avenue, east of Parkdale Avenue North. In accordance with Policy B.3.3.2.3g), the overall development provides active retail and restaurant uses and glazing along the streetscape, and an outdoor amenity area at the northeast corner of the site. In addition to the positive design elements noted above, staff will continue to work with the applicant through the Site

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Plan Control process to ensure the final design of the development provides a quality design that is sensitive to the community identity (Policies B.3.3.2.3b) and B.3.3.2.3f)).

Consistent with Policies B.3.3.5a) and b), entrances to the under construction mixed use building (205 Melvin Avenue) and the proposed multiple dwelling (256 Parkdale Avenue North) are located close to the street and ample glazing has been provided along the Parkdale Avenue North and Melvin Avenue frontages. Consistent with Policy B.3.3.4d), parking is proposed at the rear of the site with landscaping to screen the portion of the parking area visible from Melvin Avenue.

Housing Policies

“B.3.2.1.3 Increase Hamilton’s stock of affordable housing of all types, particularly in areas of the City with low levels of affordable housing.

B.3.2.1.4 Increase Hamilton’s stock of housing for those whose needs are inadequately met by existing housing forms or tenure, affordability or support options.

B.3.2.3.1 The City shall endeavour to provide a facilitative land use planning process for development applications for affordable housing and housing with supports.”

Consistent with policies B.3.2.1.3, B.3.2.1.4 and B.3.2.3.1 of the UHOP, the proposed multiple dwelling will increase Hamilton’s stock of affordable housing for low income residents. The development will contribute to the housing targets identified in Table B.3.2.2 of the UHOP that includes an annual goal of 252 new rental housing units affordable to low income households.

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:

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- 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 lands are recognized as a potentially contaminated site due to their former commercial use and are subject to environmental review to allow the proposed multiple dwelling. The applicant commissioned Phase One and Phase Two Environmental Site Assessments (ESAs) which were completed by Peto MacCallum Ltd. Based on the results of the Phase Two ESA, no groundwater contamination was encountered but soil contamination was found to be located in three areas. The soil contamination is required to be removed from the site and a remediation report and Record of Site Condition (RSC) must be submitted to the Ministry of the Environment , Conservation and Parks (MOECP). A Holding Provision has been included in the amending Zoning By-law required pending a conditional building permit agreement with respect to completing an RSC or receipt of a Notice of Acknowledgement letter from the MOECP that the RSC has been filed.

Noise

- “B.3.6.3.1 Development of noise sensitive land uses, in the vicinity of provincial highways, parkways, minor or major arterial roads, collector roads, truck routes, railway lines, railway yards, airports, or other uses considered to be noise generators shall comply with all applicable provincial and municipal guidelines and standards.
- B.3.6.3.7 A noise feasibility study, or detailed noise study, or both, shall be submitted as determined by the City prior to or at the time of application submission, for development of residential or other noise sensitive land uses on lands in the following locations:
- a) 100 metres of a minor arterial road, as identified on Schedule C – Functional Road Classification;
 - c) 400 metres of a truck route;”

The proposed residential development is a noise sensitive use and will be located 0 m from Parkdale Avenue North and approximately 100 m from Barton Street East. Both

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Parkdale Avenue North and Barton Street East are minor arterial roads as identified on Schedule C of the UHOP, and both are also truck routes.

A Noise Impact Study was prepared by HGC Engineering and submitted with the application. The report analysed noise levels in the area and recommended noise control measures including warning clauses, central air conditioning and upgraded glazing for the west façade facing Parkdale Avenue North. Staff are satisfied with the report for rezoning purposes, however an addendum study will be required at the Site Plan Control stage providing further detail on rooftop equipment models and locations and their compliance with MOECP noise criteria. Noise warning clauses will be included in all future lease agreements and noise control measures recommended in the addendum report will be implemented at the Site Plan Control stage.

Therefore, the proposal complies with the UHOP.

City of Hamilton Zoning By-law No. 6593

The subject property is currently zoned “H” (Community Shopping and Commercial, Etc.) District which permits primarily commercial uses with some residential in conjunction with a permitted commercial use. Previous Committee of Adjustment Applications HM/A-16:359 and HM/A-17:138 were approved by the Committee of Adjustment to facilitate the renovation of the existing three storey building (205 Melvin Avenue) into a mixed use residential / commercial building. Relief provided from the provisions of the By-law included number of units within a residential conversion, average floor area of all dwelling units, radial separation distance for a residential conversion and number of parking spaces. The continued use of the approved Phase 1 mixed use building in conjunction with the proposed Phase 2 building on the same lot is incorporated in the proposed Zoning By-law Amendment. Therefore, the variances approved to the residential conversion requirements of By-law No. 6593 will no longer be required.

On November 8, 2017, Council approved a change in zoning for the site to a Mixed Use – Medium Density (C5) Zone under By-law 05-200 through the adoption of new Commercial and Mixed Use Zones. The new zoning permits the proposed four storey multiple dwelling (Phase 2). This Council approved zone change is currently under appeal to the LPAT and a single use multiple dwelling is not a permitted use in an “H” District. In order to proceed with the proposed development prior to resolution of the appeals to the Commercial and Mixed Use zones, the applicant has requested a modification to the “H” (Community Shopping and Commercial, Etc.) District to permit a multiple dwelling with site specific modifications as well as two buildings on one lot and to recognize the Phase 1 mixed use building. An evaluation of the proposed modifications is included in the Analysis and Rationale for Recommendation section of this Report.

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SUBJECT: Applications to Amend the City of Hamilton Zoning By-law No. 6593 for Lands Located at 256 Parkdale Avenue North and 205 Melvin Avenue, Hamilton (PED18190) (Ward 4) - Page 16 of 22

RELEVANT CONSULTATION

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

- Forestry and Horticulture Section, Public Works Department;
- Alectra Utilities;
- Recreation Division, Community & Emergency Services Department; and,
- Hamilton Street Railway (HSR).

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

Public Health Services, Health Protection Division, identified a requirement for a pest control plan focusing on rats and mice, to be addressed at the Site Plan Control stage.

Waste Management Section, Public Works Department, has advised that the site would be eligible for municipal waste pickup with respect to garbage, organics and recyclables. Staff note that the applicant intends to provide an “earth bin” waste storage system adjacent to the proposed loading space at the north edge of the proposed parking area. Waste management details will be reviewed at Site Plan Control stage.

Transportation Planning Services, Planning and Economic Development Department, has advised that the proposed access driveways are acceptable subject to implementation of required standards for visibility triangles, clearance from municipal infrastructure and fire route access. These matters will be reviewed during the Site Plan Control stage.

The applicant has submitted a Transportation Demand Management Report prepared by nexTrans Consulting Engineers. This report will be reviewed by staff and its recommendations will be implemented at the site plan control stage.

PUBLIC CONSULTATION

In accordance with the provisions of the *Planning Act* and the Council Approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 438 property owners within 120 m of the subject property on June 1, 2018. A Public Notice sign was posted on the property on June 7, 2018 and updated with the Public Meeting Date on August 8, 2018. Finally, a Notice of Public Meeting was sent to all 438 property owners within 120 m of the subject property on August 17, 2018. To date, no correspondence has been received.

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SUBJECT: Applications to Amend the City of Hamilton Zoning By-law No. 6593 for Lands Located at 256 Parkdale Avenue North and 205 Melvin Avenue, Hamilton (PED18190) (Ward 4) - Page 17 of 22

Public Consultation Strategy

In accordance with their submitted Public Consultation Strategy, the applicant held a Public Open House on May 24, 2018. Four residents attended the meeting.

The applicant provided mail correspondence to all landowners within 120 m of the subject lands, distributed leaflets and signage in multi-residential buildings and advertised the event on the Indwell Facebook page. The applicant also attended the McQuesten Community Planning Team's May 2018 meeting to distribute invitations to community members.

To date, no submissions have been received by staff as a result of the applicant's Public Consultation Strategy.

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) and conforms to the Growth Plan for the Greater Golden Horseshoe (2017);
 - ii) It complies with the policies of the UHOP, in particular the function, scale and design of the Mixed Use – Medium Density designation and the addition of new affordable housing units; and,
 - iii) It provides appropriately designed and scaled residential intensification at an appropriate location within the neighbourhood and will result in additional affordable housing units, including housing with supports, allowing for a more complete community.

2. **Zoning By-law Amendment**

City of Hamilton Zoning By-law No. 6593

A modification to the "H" (Community Shopping and Commercial, Etc.) District is required to permit the proposed four storey multiple dwelling (Phase 2), permit two buildings on one lot and to recognize the three storey mixed use building under construction (Phase 1). The modifications are required as the Council approved CMU Zones are under appeal. The following site specific amendments to the "H" (Community Shopping and Commercial, Etc.) District of Zoning By-law No. 6593 are required to implement the proposal:

- A modification to allow two buildings containing residential uses on one lot;

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SUBJECT: Applications to Amend the City of Hamilton Zoning By-law No. 6593 for Lands Located at 256 Parkdale Avenue North and 205 Melvin Avenue, Hamilton (PED18190) (Ward 4) - Page 18 of 22

- A modification to allow a multiple dwelling as a single use and as a use in combination with permitted commercial uses;
- A reduced southerly side yard from 2.7 m to 0.0 m;
- A modification to allow bicycle storage, recycling storage and waste storage within a required rear planting strip;
- A modification to allow a hydro transformer within a required landscaped area;
- Revised parking space dimensions from 2.7 m by 6.0 m to 3.0 m by 5.8 m;
- A reduction in required residential parking rate from 1.25 parking spaces per unit to 0.21 parking spaces per unit;
- Elimination of visitor parking requirements; and,
- A reduction in the size and number of loading spaces from two loading spaces with dimensions of 3.7 m by 18.0 m to one loading space with dimensions of 3.7 m by 12.0 m.

These modifications are included in the amended Zoning By-law attached as Appendix “B” to Report PED18190.

Commercial and Mixed Use Zoning (City of Hamilton Zoning By-law No. 05-200)

On November 8, 2018, the City of Hamilton approved new Commercial and Mixed Use Zoning for inclusion in City of Hamilton Zoning By-law No. 05-200. Under the Council approved Zoning, the subject lands would be rezoned to a Mixed Use Medium Density (C5) Zone. Council’s approval of the Commercial and Mixed Use Zones was appealed to the Local Planning Appeal Tribunal by a number of appellants. As of the writing of this Report, the appeals have not been resolved. In anticipation of future implementation of the CMU Zoning, amendments to Zoning By-law 05-200 have been requested and a draft amending By-law prepared (attached as Appendix “C” to Report PED18190). In order for the proposal to proceed under a future C5 Zone, the following site specific modifications are required to facilitate the proposal.

Definition of Front Lot Line

A modification is required to deem the lot line fronting Parkdale Avenue North as the front lot line, whereas the front lot line is defined as the shortest lot line abutting a street (in this case the Melvin Avenue lot line).

The overall development has been designed based on existing site conditions so that the Parkdale Avenue North frontage acts as the front facade for the existing mixed use building and proposed multiple dwelling. Uses generally associated with the rear of a property, including parking, loading and amenity, are located

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**SUBJECT: Applications to Amend the City of Hamilton Zoning By-law No. 6593
for Lands Located at 256 Parkdale Avenue North and 205 Melvin
Avenue, Hamilton (PED18190) (Ward 4) - Page 19 of 22**

towards the east of the site. In this case, staff support the proposed modification that the definition of front lot line be amended to the longer street lot line (Parkdale Avenue North) to reflect the existing and proposed building orientation.

Finished Floor Elevation for any Dwelling Unit

A modification is required to eliminate the requirement that all ground floor dwelling units have a minimum floor elevation of 0.9 m.

In this case, the three storey mixed use building under renovation (205 Melvin Avenue) will have six dwelling units at grade that do not meet the finished floor elevation requirement. The proposed four storey multiple dwelling (256 Parkdale Avenue North) has been designed to accommodate residents with physical disabilities and elevated ground floor units may create design constraints related to unit access. Furthermore, the grading for Phase 2 will match that of Phase 1, which is lower than 0.9 m at the ground floor. The intent of the finished floor elevation requirement is to reduce the impact of activity and vehicles on street facing dwelling units that would encourage the orientation of unit entrances and amenity areas to the rear of the lot. For this development, no ground floor dwelling units within the overall development will face a street. In the case of 205 Melvin Avenue, the ground floor commercial uses will be located between the street and the ground floor residential units, and in the case of 256 Parkdale Avenue North indoor amenity space for residents will be provided between the street and ground floor residential units. The ground floor amenity and commercial uses will animate the adjacent streetscape by providing entrances and ground floor glazing facing the street.

Based on the forgoing, staff support the elimination of the finished floor elevation requirement for ground floor units.

Access to a Primary Entrance from a Public Street

A modification is required to provide a primary entrance within the ground floor façade closest to the street that is not fully accessible from the public sidewalk.

This modification is requested to accommodate a primary entrance within the front façade of Phase 2 that is not fully accessible from the Parkdale Avenue North sidewalk. Due to existing grading constraints from the Phase 1 building, the proposed entrance to Phase 2 facing the public sidewalk will be elevated 0.4 m. The entrance on the front façade will remain and will be oriented to the street, but will not be fully accessible as steps are required to accommodate the grade change. A fully accessible primary entrance will be provided on the south façade with direct access to the public sidewalk via a walkway. Staff are satisfied with

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SUBJECT: Applications to Amend the City of Hamilton Zoning By-law No. 6593 for Lands Located at 256 Parkdale Avenue North and 205 Melvin Avenue, Hamilton (PED18190) (Ward 4) - Page 20 of 22

this solution as an entrance will be provided facing Parkdale Avenue North as recommended in the Urban Design policies of the UHOP, and an additional accessible entrance on the south façade will provide convenient pedestrian access to the public sidewalk via a walkway.

Based on the forgoing, staff support this modification.

Hydro Transformer Within a Required Planting Strip

A modification is required to permit a hydro transformer within the required 3.0 m planting strip between the parking area and Melvin Avenue street line.

As discussed previously, there is an existing hydro transformer within the proposed minimum 3.0 m planting strip in front of the proposed parking area. The current location of this hydro transformer was determined in consultation with Alectra Utilities to meet Electrical Safety Authority regulations. Staff will work with the applicant at the Site Plan Control stage to ensure that adequate landscape screening is provided in front of the existing hydro transformer to maintain a consistent landscape treatment in front of the proposed parking area.

As such, this modification has merit and is supported by staff.

Residential Parking Rate

A modification is required to permit a residential parking rate of 0.21 parking spaces per dwelling unit (23 parking spaces), whereas a residential parking rate of 0.28 parking spaces per unit is required (29 parking spaces). There is no requirement for visitor parking. The proposed parking rate assumes all dwelling units have a floor area less than 50 sq m and that 45 long term bicycle parking spaces will be provided for residents. Any dwelling units over 50 sq m will be required to provide one parking space per unit.

As discussed previously, the applicant has submitted a Parking Justification report demonstrating that the 0.21 parking spaces per unit residential parking rate is sufficient based on parking utilization at similar affordable housing developments and the availability of long term bicycle parking and public transit options.

Staff support this modification.

4. An “H” Holding Provision is recommended to require the Owner to enter into a conditional building permit agreement with respect to completing a Record of Site Condition or a signed Record of Site Condition (RSC) be submitted to the City of

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SUBJECT: Applications to Amend the City of Hamilton Zoning By-law No. 6593 for Lands Located at 256 Parkdale Avenue North and 205 Melvin Avenue, Hamilton (PED18190) (Ward 4) - Page 21 of 22

Hamilton and the Ministry of the Environment, Conservation and Parks (MOECP) for the subject property. 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 MOECP, and submission of the City of Hamilton's current RSC administration fee. This is required to evaluate the impacts of the former commercial uses on the property given the proposed change to include residential uses (a sensitive land use).

5. Development Engineering staff have reviewed the Functional Servicing Report (FSR) dated April 13, 2018 by WalterFedy provided by the applicant and have no concerns with the Rezoning proceeding from a servicing perspective. However, the applicant has to demonstrate during the Site Plan Control application process how the 100 year post development flows from the subject site should be returned to the lesser of the 25 year pre development level or free flow capacity of the existing storm lateral.

As such, during the Site Plan Control process, the applicant will be required to revise the FSR to demonstrate that appropriate sewer servicing, water servicing, stormwater management, grading, and erosion and sediment control requirements can be adequately addressed, to the satisfaction of the Manager of Development Approvals.

ALTERNATIVES FOR CONSIDERATION

Should the proposed Zoning By-law Amendment Application be denied, the property could be utilized in accordance with the existing "H" (Community Shopping and Commercial, Etc.) District zoning and Minor Variance approvals HM/A-16:359 and HM/A-17:138, which would permit completion of the three storey mixed use building with 57 dwelling units and commercial units at grade currently under construction.

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.

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**SUBJECT: Applications to Amend the City of Hamilton Zoning By-law No. 6593
for Lands Located at 256 Parkdale Avenue North and 205 Melvin
Avenue, Hamilton (PED18190) (Ward 4) - Page 22 of 22**

Clean and Green

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

Built Environment and Infrastructure

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

Culture and Diversity

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

Our People and Performance

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

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" – Location Map

Appendix "B" – Draft Amendment to Zoning By-law No. 6593

Appendix "C" – Draft Amendment to Zoning By-law No. 05-200

Appendix "D" – Concept Plan

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Location Map

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

Hamilton

File Name/Number: ZAR-18-027	Date: July 11, 2018
Appendix "A"	Scale: N.T.S.
Planner/Technician: MK/AL	

Subject Property
256 Parkdale Avenue North & 205 Melvin Avenue

"H" (Community Shopping and Commercial, Etc.) District to "H/S-1764-H" (Community Shopping and Commercial, Etc.) District, Holding, Modified

N.T.S.

Authority:
City Wide
Bill No.

CITY OF HAMILTON
BY-LAW NO.

To Amend Zoning By-law No. 6593 Respecting Lands Located at 256 Parkdale Avenue North and 205 Melvin Avenue, 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 4th day of September 2018, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided; and,

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

1. That Sheet No. E75 of the District Maps appended is amended to and forming part of Zoning By-law No. 6593 (Hamilton), is amended by changing the zoning from the "H" (Community Shopping and Commercial, Etc.) District to the "H/S-1764-'H'" (Community Shopping and Commercial, Etc.) District, Holding, Modified; the extent and boundaries of which are shown on a plan here to annexed as Schedule "A".
2. That the "H" (Community Shopping and Commercial, Etc.) District provisions, as contained in Section 14 of Zoning By-law No. 6593, applicable to the subject lands, be further modified to include the following special requirements:

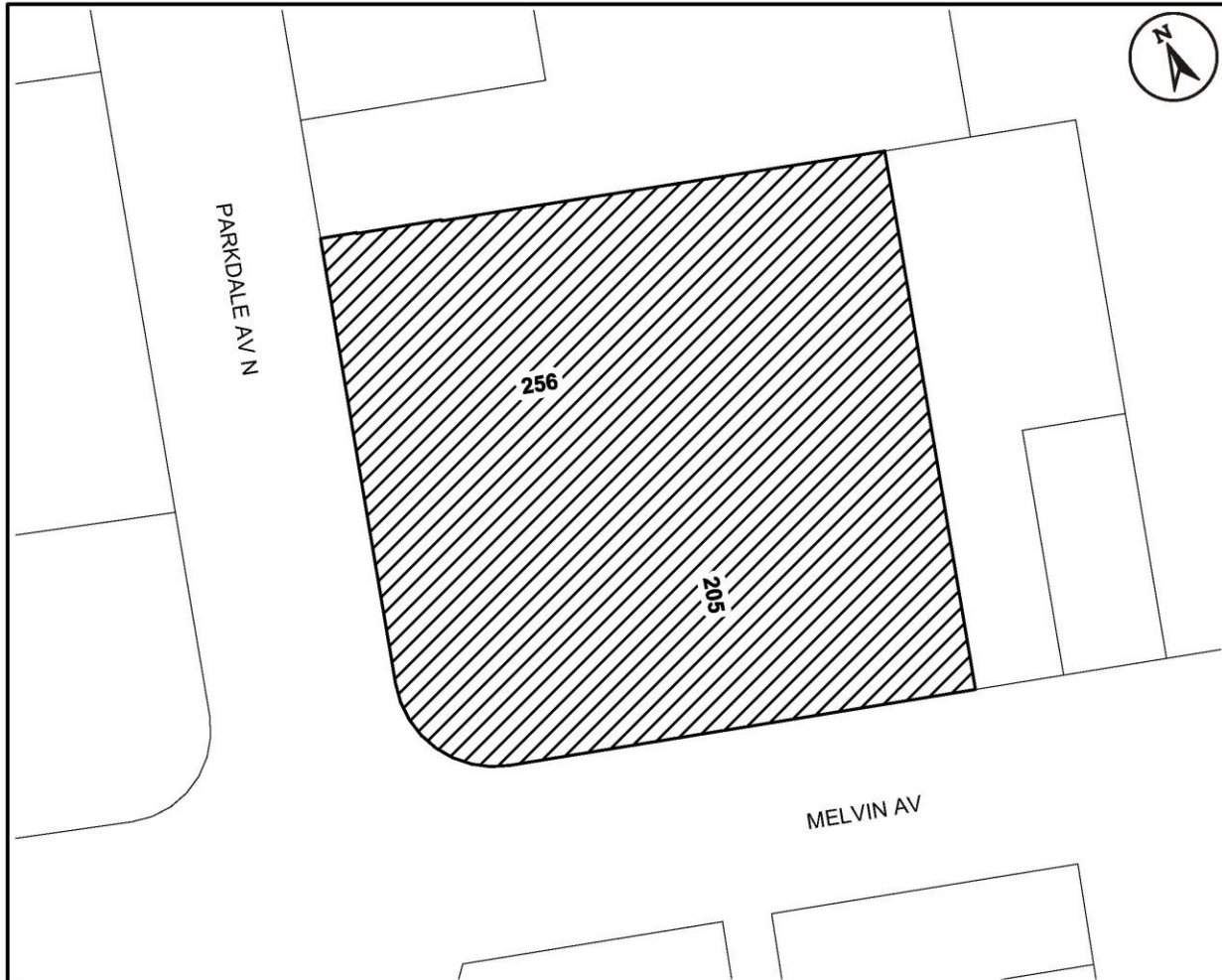
To Amend Zoning By-law No. 6593 Respecting Lands Located at 256 Parkdale Avenue North and 205 Melvin Avenue, Hamilton

- a) That notwithstanding Section 4(3)(a), two buildings used for residential purposes shall be permitted.
 - b) That in addition to Section 14(1) the following uses shall be permitted:
 - i) A Multiple Dwelling in conjunction with the commercial uses permitted in Section 14(1); and,
 - ii) A Multiple Dwelling on a lot on which there is an existing building containing a mix of commercial and residential uses.
 - c) That notwithstanding Section 14(3)(ii)(a), a southerly side yard of width of 0.0 metres.
 - d) That notwithstanding Section 14(9)(i), a planting strip of not less than 1.5 metres in width shall be provided and maintained along the rear lot line, except where a bicycle storage area, recycling storage area or waste storage area is located, which is located a minimum 0.45 metres from the rear lot line.
 - e) That in addition to Section 14(9)(ii), a hydro transformer shall be permitted within the required landscape area.
 - f) That notwithstanding Section 18A(7), every required parking space, other than a parallel parking space, shall have dimensions not less than 3.0 metres wide by 5.8 metres long.
 - g) That notwithstanding Section 18A (Table 1) & (Table 2), a multiple dwelling shall provide 0.21 parking spaces per Class A dwelling unit of which 0.0 spaces per unit shall be allocated for visitor parking.
 - h) That notwithstanding Section 18A (Table 3) one (1) loading space shall be provided for all uses on the lot, with a minimum size of 12.0 metres in length and 3.7 metres in width.
3. That the 'H' symbol applicable to the four storey multiple dwelling use on the lands referred to in Section 1 of this By-law, shall be removed conditional upon:
- (i) The Owner entering into a conditional building permit agreement with respect to completing a Record of Site Condition or 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.

To Amend Zoning By-law No. 6593 Respecting Lands Located at 256 Parkdale Avenue North and 205 Melvin Avenue, Hamilton

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 "H" (Community Shopping and Commercial, Etc.) District provisions, subject to the special requirements referred to in Sections 2 and 3.
5. That Sheet No. E75 of the District Maps is amended by marking the lands referred to in Section 1 of the By-law as "H/S-1764-'H'".
6. That By-law No. 6593 is amended by adding this By-law to Section 19B as Schedule S-1764.
7. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law in accordance with the *Planning Act*.

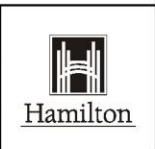
To Amend Zoning By-law No. 6593 Respecting Lands Located at 256 Parkdale Avenue North and 205 Melvin Avenue, Hamilton



This is Schedule "A" to By-law No. 18- Passed the day of, 2018	----- Mayor ----- Clerk
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<h2 style="margin: 0;">Schedule "A"</h2> <p style="margin: 10px 0 0 0;">Map Forming Part of By-law No. 18-_____</p> <p style="margin: 0 0 0 0;">to Amend By-law No. 6593</p>	<p>Subject Property 256 Parkdale Avenue North & 205 Melvin Avenue</p> <p> "H" (Community Shopping and Commercial, Etc.) District to "H/S-1764-H" (Community Shopping and Commercial, Etc.- Holding) District, Modified</p>
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Scale: N.T.S.	File Name/Number: ZAR-18-027
Date: July 11, 2018	Planner/Technician: MKJAL
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	



To Amend Zoning By-law No. 6593 Respecting Lands Located at 256 Parkdale Avenue
North and 205 Melvin Avenue, Hamilton

PASSED this ___ day of _____, 2018.

Fred Eisenberger
Mayor

Janet Pilon
Acting City Clerk

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

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

Committee: Chair and Members Report No.: PED18190 Date:
Ward(s) or City Wide: Ward 4 (MM/DD/YYYY)

Prepared by: Mark Kehler, Planner II Phone No: 905-546-2424 ext. 4148

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

Authority: Item ,
Report (PED18190)
CM:
Ward: 4

Bill No.

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

**To Amend Zoning By-law No. 05-200
Respecting Lands Located at 256 Parkdale Avenue North and 205 Melvin Avenue**

WHEREAS Council approved Item _____ of Report PED18190 of the Planning Committee at its meeting held on the 4th day of September, 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. 1045 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, 698, H71) 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:

"698. Within the lands zoned Mixed Use – Medium Density (C5, 698, H71) Zone, identified on Map No. 1045 of Schedule "A" and described as 256 Parkdale Avenue North and 205 Melvin Avenue, the following special provisions shall apply:

- a) Notwithstanding Sections 5.1 a) v) b), 5.6 c) i., 10.5.1.1 i) 1, 10.5.3 (g) (vii) 2 and in addition to Section 3, the following special provisions shall also apply:

b) REGULATIONS

- a) Planting Strip

v) Unless otherwise regulated in this By-law, parking spaces and aisles giving direct access to abutting parking spaces, excluding driveways extending directly from the street, shall be subject to the following:

- b) Shall provide a 3.0 metre wide planting strip being required and

**To Amend Zoning By-law No. 05-200
Respecting Lands Located at 256 Parkdale Avenue North and 205 Melvin Avenue (Hamilton)**

permanently maintained between the street line and said parking spaces or aisle, except that a hydro transformer shall be permitted within the required planting strip.

- | | |
|--|---|
| b) Residential Parking Rate | Parking for dwelling units less than 50.0 square metres in gross floor area shall be provided at a rate of 0.21 per unit. |
| c) Restriction of Uses Within a Building | 1. That Section 10.5.1.1 i) 1. shall not apply. |
| d) Built form for New Development | vii) A minimum of one principal entrance shall be provided:

2. shall be accessible via a walkway from any building façade directly to a public sidewalk. |
| e) Definitions | For the purposes of this By-law, Parkdale Avenue North shall be deemed the front lot line. |

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

For the lands zoned "Mixed Use – Medium Density (C5, 698, H71) Zone, on Map 1045 of Schedule A – Zoning Maps, and described as 256 Parkdale Avenue North and 205 Melvin Avenue (Hamilton), the H Symbol applicable to the lands referred to in Section 1 of this By-law shall prohibit development of a four storey multiple dwelling and shall be removed conditional upon:

- (a) The Owner entering into a conditional building permit agreement with respect to completing a Record of Site Condition or 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 the Clerk is hereby authorized to proceed with the giving of notice of the passing of this by-law, in accordance with the *Planning Act*.

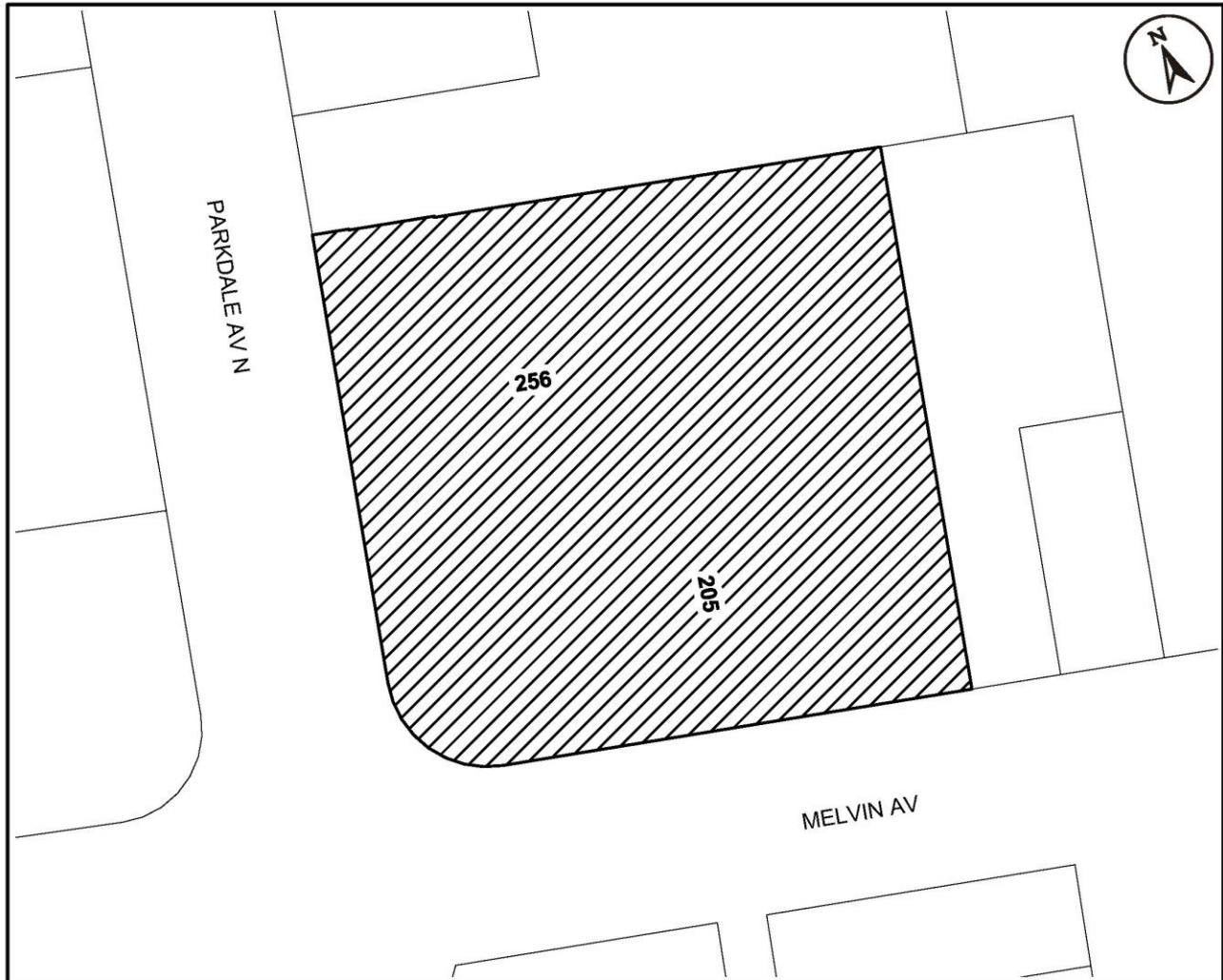
**To Amend Zoning By-law No. 05-200
Respecting Lands Located at 256 Parkdale Avenue North and 205 Melvin Avenue (Hamilton)**

PASSED this _____ , _____

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

To Amend Zoning By-law No. 05-200
 Respecting Lands Located at 256 Parkdale Avenue North and 205 Melvin Avenue (Hamilton)



This is Schedule "A" to By-law No. 18- Passed the day of, 2018	----- Mayor ----- Clerk
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<h2 style="margin: 0;">Schedule "A"</h2> <p style="margin: 10px 0 0 0;">Map Forming Part of By-law No. 18-_____</p> <p style="margin: 10px 0 0 0;">to Amend By-law No. 05-200 Map 1046</p>	<p>Subject Property 256 Parkdale Avenue North & 205 Melvin Avenue</p> <p> Change in zoning from the Mixed Use – Medium Density (C5) Zone to the Mixed Use – Medium Density (C5, 698, H71) Zone</p>
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Scale: N.T.S.	File Name/Number: ZAR-18-027	
Date: June 28, 2018	Planner/Technician: MK/AL	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		



A.	REV.	DATE	BY	CHK.



SCALE: 1/8" = 1'-0"
 DATE: JANUARY 2018
 DRAWN BY: [Name]

PROJECT NAME: INWELL PARKING GARAGE REDEVELOPMENT - PH2	PROJECT ADDRESS: 236 PARKDALE AVE. PARLITON, ONTARIO
PROJECT NO.: 17-03C	DRAWING NO.: A4.0
DRAWING TITLE: EXTERIOR ELEVATIONS	DATE: JANUARY 2018
PROJ. ENG.: 18-44-18	SCALE: 1:1
ARCHT.: EC	DATE: JANUARY 2018
DATE: JANUARY 2018	SCALE: 1:1
DRAWN BY:	SCALE: 1:1





CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
 Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	September 4, 2018
SUBJECT/REPORT NO:	Application to Amend the Urban Hamilton Official Plan and City of Hamilton Zoning By-law No. 05-200 for Lands located at 154 Main Street East and 49 Walnut Street South, Hamilton (PED18196) (Ward 2)
WARD(S) AFFECTED:	Ward 2
PREPARED BY:	Daniel Barnett (905) 546-2424 Ext. 4445
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Urban Hamilton Official Plan Amendment Application UHOPA-18-018, by 1970703 Ontario Inc., Owner**, for a re-designation from “Medium Density Residential” to “Central Business District” to facilitate a 25 storey mixed use building comprised of 267 residential dwelling units, ground floor commercial uses and structured parking for 253 vehicles by permitting a commercial parking facility and commercial uses on the ground floor, for lands located at 49 Walnut Street South, as shown on Appendix “A” to Report PED18196, be **APPROVED**, on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED18196, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (PPS) and conforms to the Growth Plan for the Greater Golden Horseshoe (2017).
- (b) That **Amended Zoning By-law Amendment Application ZAR-17-074 by 1970703 Ontario Inc., Owner**, for a change in zoning from the Downtown Mixed Use (D3) Zone and Downtown Multiple Residential (D6) Zone to the Downtown Central Business District (D1, 702, H107) Zone, to permit a mixed use building

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with a maximum building height of 80.0 m (25 storeys) for lands located at 154 Main Street East, and ground floor commercial and seven storeys of structured parking for 253 vehicles for lands located at 49 Walnut Street South, as shown on Appendix "A" to Report PED18196, be **APPROVED** on the following basis:

- (i) That the Draft By-law, attached as Appendix "C" to Report PED18196, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the amending By-law, attached as Appendix "C" to Report PED18196, be added to Schedules 952 and 953 of Zoning By-law No. 05-200;
- (iii) That Schedule "D" – Holding Provisions, of Zoning By-law No. 05-200, be amended by adding an additional Holding Provision as follows:

For the lands zoned "Downtown Central Business District (D1, 702, H107) Zone, on Maps 952 and 953 of Schedule A – Zoning Maps, and described as 154 Main Street East and 49 Walnut Street South (Hamilton), development shall not proceed unit:

- a. The Owner enters into a conditional building permit agreement with respect to completing a Record of Site Condition or a signed Record of Site Condition (RSC) being submitted to the City of Hamilton and the Ministry of the Environment, Conservation and Parks (MECP). 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 MECP, and submission of the City of Hamilton's current RSC administration fee.
- b. The Owner purchase the alleyway required to implement the proposed development and merge the lands on title with the balance of the lands, to the satisfaction of the Director of Planning and Chief Planner.
- (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 will comply with the Urban Hamilton Official Plan upon approval of Official Plan Amendment No. XX.
- (c) That **Amended Zoning By-law Amendment Application ZAR-17-074 by 1970703 Ontario Inc., Owner,** for a modification to the Downtown Central Business District (D1, H17) Zone, to permit a mixed use building with a maximum building height of 80.0 m (25 storeys) for lands located at 154 Main Street East

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and ground floor commercial and seven storeys of structured parking for 253 vehicles for lands located at 49 Walnut Street South, as shown on Appendix “A” to Report PED18196, be **APPROVED** on the following basis:

- (i) That the Draft By-law, attached as Appendix “D” to Report PED18196, 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 “D” to Report PED18196, be added to Schedules 952 and 953 of Zoning By-law No. 05-200;
- (iii) That Schedule “D” – Holding Provisions, of Zoning By-law No. 05-200, be amended by adding an additional Holding Provision as follows:

For the lands zoned “Downtown Central Business District (D1, 702, H107) Zone, on Maps 952 and 953 of Schedule A – Zoning Maps, and described as 154 Main Street East and 49 Walnut Street South (Hamilton), development shall not proceed unit:

- a. The Owner enters into a conditional building permit agreement with respect to completing a Record of Site Condition or a signed Record of Site Condition (RSC) being submitted to the City of Hamilton and the Ministry of the Environment, Conservation and Parks (MECP). 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 MECP, and submission of the City of Hamilton’s current RSC administration fee.
 - b. The Owner purchase the alleyway required to implement the proposed development and merge the lands on title with the balance of the lands, to the satisfaction of the Director of Planning and Chief Planner.
- (iv) That the Draft By-law, attached as Appendix “D” to Report PED18196, be brought into force and effect once By-law 18-114 (Downtown Zones) is in force and effect;
 - (v) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (2017) and will comply with the Urban Hamilton Official.

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EXECUTIVE SUMMARY

The Owner, 1970703 Ontario Inc., has applied for an Official Plan Amendment to re-designate the lands at 49 Walnut Street South in the (DTSP) from “Medium Density Residential” to “Central Business District” to facilitate a 25 storey mixed use building comprised of 267 residential dwelling units, ground floor commercial uses and structured parking for 253 vehicles by permitting a commercial parking facility and commercial uses on the ground floor. The Zoning By-law Amendment Application is for a change in zoning from the Downtown Mixed Use (D3) Zone and the Downtown Multiple Residential (D6) Zone to a site specific Downtown Central Business District (D1) Zone, to permit the following:

- For the portion of the building contained on the lands municipally known as 154 Main Street East – a mixed use building consisting of a seven storey podium with an 18 storey tower above with a total maximum height of 80.0 m (25 storeys); containing 432.9 sq m of commercial space on the ground floor and a multiple dwelling, on floors 2 to 25, includes for 267 dwelling units; and,
- For the portion of the building contained on the lands municipally known as 49 Walnut Street South - a seven storey podium will be extended southerly and will contain approximately 393 sq m of commercial space at grade and 253 parking spaces located above grade within a parking structure, of which 221 parking spaces will be accessory to 154 Main Street East and 32 spaces will be used for a commercial parking facility.

An ‘H’ Holding Provision has been included for the following:

- For the required Record of Site Condition as the previous use of the subject lands was a commercial office building.
- In order to ensure that the purchase of the alleyway is completed and lands are merged on title.

The proposed development will be permitted once the Holding Provision is removed by Council.

The applications have merit and can be supported because they are consistent with the Provincial Policy Statement (2014), conformity to the Growth Plan for the Greater Golden Horseshoe (2017), and will comply with the Urban Hamilton Official Plan subject to the Official Plan Amendment. The proposal is considered to be compatible with and complementary to the existing and planned development in the immediate area, represents good planning by providing a compact and efficient urban form, provides for

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new commercial uses at grade, and provides increased density that supports public transit investments in the Downtown.

Alternatives for Consideration – See Page 35

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold at least one Public Meeting to consider applications for an Official Plan Amendment and Zoning By-law Amendment.

HISTORICAL BACKGROUND

The subject site is located at the south east corner of Main Street East and Walnut Street South and the north east corner of Walnut Street South and Jackson Street East. The subject site is approximately 0.31 ha (3,089 sq m) in size and is comprised of three assembled properties (154 Main Street East and 49 Walnut Street South) including a portion of the public alleyway that runs between the assembled properties. The subject lands have frontage on Main Street East, Walnut Street South, and Jackson Street East, and are municipally known as 154 Main Street East and 49 Walnut Street South, Hamilton (see Appendix “A” to Report PED18196).

The lands municipally known as 154 Main Street East are currently occupied by a two storey office building. A surface commercial parking lot exists on the lands municipally known as 49 Walnut Street South.

The proposal is for a mixed use development with a seven storey podium that is 24.0 m in height for the northerly portion of the podium and 22.0 m for the southerly portion of the podium and an 18 storey tower above for a total height of 25 storeys on northerly portion of subject lands. The ground floor will contain commercial space of approximately 826 sq m with 267 dwelling units above and 3,020 sq m of amenity area. The seven storey podium will continue south and will contain ground floor commercial along Walnut Street and balance of the building will be comprised of a parking structure with a total of 253 parking spaces. This will provide parking for the mixed use building (221 parking spaces) as well as a commercial parking facility (32 parking spaces). In addition a total of 131 secured bicycle parking spaces and 12 short term bicycle parking spaces to provide alternative transportation options.

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The application for a Zoning By-law Amendment requested a change in zoning from the Downtown Mixed Use (D3) Zone and Downtown Hamilton Multiple Residential (D6) Zone to a modified Downtown Central Business District (D1) Zone for the entire property. The Downtown Central Business District (D1) Zone permits a range of commercial uses however the current DTSP policies do not permit commercial uses on the lands municipally known as 49 Walnut Street South. As a result the proposal did not comply with the policies of the DTSP. An Official Plan Amendment is required to change the designation of the lands municipally known as 49 Walnut Street South from "Medium Density Residential" to "Central Business District" in the DTSP to allow commercial uses on the ground floor and a commercial parking facility in the parking structure.

Subsequent to submission of the Zoning By-law Amendment application, Council approved the new DTSP and implementing Zoning which permit the proposed uses and scale of density. However as both the DTSP and Zoning are under appeal and not in effect, the applicant is seeking to move forward with site specific Official Plan and Zoning By-law Amendments to the current in effect policies and regulations to permit the proposed development. The proposed site specific Zoning will reflect the new Downtown Central Business District Zoning (D1) in the approved implementing zoning with site specific modifications.

Also the Zoning By-law Amendment application was amended to improve the design of the seven storey parking structure by modifying the seventh floor of the parking structure to be uncovered in order to create a better transition to the existing low rise development along Jackson Street East.

On June 4, 2018, Public Works Committee approved the closure and sale of the portion of the alleyway located between 154 Main Street East and 49 Walnut Street South. Council approved the closure and sale on June 13, 2018.

Chronology:

- | | |
|--------------------------|---|
| <u>June 8, 2017:</u> | Preliminary proposal presented to Design Review Panel (DRP). |
| <u>October 11, 2017:</u> | Zoning By-law Amendment Application ZAR-17-074 received. |
| <u>October 31, 2017:</u> | Zoning By-law Amendment Application ZAR-17-074 deemed incomplete. |

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<u>November 6, 2017:</u>	Zoning By-law Amendment Application ZAR-17-074 deemed complete.
<u>November 17, 2017:</u>	Notice of Complete Application and Preliminary Circulation was sent to 95 property owners within 120 m of the subject property.
<u>November 17, 2017:</u>	Public Notice Sign posted on site.
<u>November 17, 2017:</u>	Applicant launched public microsite with application details.
<u>May 9, 2018:</u>	DTSP and implementing Zoning By-law Approved by Council.
<u>June 4, 2018:</u>	Public Works Committee approved the closure and sale of a portion the alleyway.
<u>June 13, 2018:</u>	Council approved the closure and sale of a portion of the alleyway.
<u>July 17, 2018</u>	Official Plan Amendment Application UHOPA-18-018 received.
<u>July 23, 2018</u>	Official Plan Amendment Application UHOPA-18-018 deemed complete.
<u>August 8, 2018:</u>	Public Notice Sign updated with Public Meeting date.
<u>August 17, 2018:</u>	Circulation of the Notice of Public Meeting to 95 property owners within 120 m of the subject property.

Details of Submitted Applications:

Owner:	1970703 Ontario Inc.
Applicant:	Brooklyn Contract Inc.
Agent:	Urban Solutions Planning & Land Development Consultants Inc. (c/o Sergio Manchia)
Location:	154 Main Street East and 49 Walnut Street South

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Property Description:	<u>Lot Frontage:</u>	36.12 m (Main Street East) 88.23 m (Walnut Street South) 34.28 m (Jackson Street East)
	<u>Lot Depth:</u>	88.23 m
	<u>Lot Area:</u>	3,089 sq m (0.31 ha)
	<u>Servicing:</u>	Existing Full Municipal Services

Existing Land Use and Zoning:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Property:</u>	Two Storey Office Building and Surface Commercial Parking Lot	Downtown Mixed Use (D3) Zone (north portion) and Downtown Multiple Residential (D6) Zone (south portion) Downtown Central Business District (D1) Zone (Proposed in By-law 18-114)

Surrounding Land Uses:

North	Retail Commercial and Surface Commercial Parking Lot	Downtown Mixed Use (D3) Zone Downtown Central Business District (D1) Zone (Proposed in By-law 18-114)
East	Mixed Use Commercial and Residential	Downtown Mixed Use (D3) Zone and Downtown Multiple Residential (D6) Zone Downtown Central Business District (D1) Zone (Proposed in By-law 18-114)
South	Residential and Surface Commercial Parking Lot	Downtown Residential (D5) Zone and Downtown Multiple Residential (D6) Zone

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		Downtown Residential (D5) Zone (Proposed in By-law 18-144)
West	Commercial	Downtown Mixed Use (D3) Zone Downtown Central Business District (D1) Zone (Proposed in By-law 18-114)

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

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

- “1.1.3.1 *Settlement areas* shall be the focus of growth and development, and their vitality and regeneration shall be promoted.
- 1.1.3.2 Land use patterns within settlement areas shall be based on:
- a) densities and a mix of land uses which:
 1. efficiently use land and resources;
 2. are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and / or uneconomical expansion; and,
 5. are *transit-supportive*, where transit is planned, exists or may be developed.
 - b) a range of uses and opportunities for *intensification* and *redevelopment* in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.
- 1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for *intensification* and *redevelopment* where this can be accommodated taking into account existing building stock or areas, including *brownfield sites*, and the availability of suitable existing or planned *infrastructure* and *public service facilities* required to accommodate projected needs.”

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The proposed development is located within the Settlement Area and efficiently uses land for new mixed use development that is compatible with the area. Adequate infrastructure and services are available to service the subject lands and the proposed development will be supported by existing schools and parks in the area as well as both existing and proposed transit service along both Main Street East and King Street East.

Cultural Heritage

Staff note the Cultural Heritage policies have not been updated within the UHOP in accordance with the PPS (2014). The following policies 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.”

The subject property meets two of the ten criteria used by the City of Hamilton and Ministry of Tourism, Culture and Sport for determining archaeological potential. Notwithstanding current surface conditions the criteria define the property as having archaeological potential. Staff will require that a written caution note be added to the site plan drawings of a future Site Plan Control Application.

On May 4, 2018 the property owner submitted a Notice of Intention to Demolish the building on the subject property. A Report respecting the Notice of Intention to Demolish was brought before the Hamilton Municipal Heritage Committee on July 19, 2018. Staff concluded that while the building is historically linked with its surroundings it does not have significant cultural heritage value to warrant immediate designation under the *Ontario Heritage Act*. As such, staff recommended that the property be removed from the Register of Property of Cultural Heritage Value or Interest. Subsequent to the July 19, 2018 Hamilton Municipal Heritage Committee (HMHC), the HMHC Report will be brought to the August 14, 2018 Planning Committee meeting and the August 17, 2018 Council meeting for approval.

Noise

- “1.6.9.1 Planning for land uses in the vicinity of *airports, rail facilities and marine facilities* shall be undertaken so that:
- a) their long-term operation and economic role is protected; and,

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- b) *airports, rail facilities and marine facilities and sensitive land uses* are appropriately designed, buffered and / or separated from each other, in accordance with policy 1.2.6.

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

As part of the original application for a Zoning By-law Amendment, the applicant submitted a Preliminary Environmental Noise and Vibration Impact Study by dBA Environmental Services Inc. dated October 5, 2017. The noise and vibration study reviewed the potential noise sources that might impact the subject property. Main Street East was identified as the dominate road traffic source but also considered Walnut Street South. A rail line was identified in the study but was deemed insignificant by the noise consultant in comparison to road traffic noise on Main Street East due to a separation distance of 250 m and buffering of existing buildings. As a result the rail line was not evaluated for its potential noise impacts on the proposed development. While staff concur that Main Street East would constitute the dominate noise source impacting the proposed development, staff are however of the opinion that as the railway line is less than 400 m from the subject property and as the existing building between the subject lands and the railway line are low in height, the noise impacts of the railway line should be evaluated.

Also the noise study further reviewed the noise impacts on the outdoor living area (OLA) located on the south side of the proposed tower, however additional review is required to ensure that the noise impacts on the OLA are evaluated based on the most exposed portion of the OLA and include the noise impacts of the railway line in order to properly evaluate whether mitigation measures are required.

Based on the noise sources that were evaluated it was identified that noise levels for the north façade of the building would exceed noise requirements of the Ministry of the Environment, Conservation and Parks (MECP). In order to mitigate the noise levels the study identified that mandatory noise warning clauses and central air conditioning would be required, but did not identify whether proposed walls and windows would mitigate noise impacts to conform to MECP requirement.

As a result, the noise impact study will need to be updated to ensure that the noise impacts from all potential noise sources have been evaluated and that all required noise mitigation measures are provided in order to meet MECP requirements. The updated

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noise study and mitigation measures will be evaluated and implemented as part of a future Site Plan Control Application.

Environmental Site Conditions

- “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 commercial office. As such, the property is subject to environmental review to allow for the proposed multiple dwelling. The applicant has undergone a Phase 1 Environmental Site Assessment, but has not yet submitted their findings to the MECP. As such, a Holding Provision is required as the provision for a Notice of Acknowledgment letter from the MECP for the RSC is a requirement.

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

Growth Plan for the Greater Golden Horseshoe (2017)

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

“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*....This Plan recognizes transit as a first priority for major transportation investments. It sets out a regional vision for transit, and seeks to align transit with growth by directing growth to *major transit station areas* and other *strategic growth areas*, including *urban growth centres*, and promoting transit investments in these areas.”

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

- “2.2.3.2 Urban growth centres will be planned to achieve, by 2031 or earlier, a minimum density target of:
- b) 200 residents and jobs combined per hectare for each of the... Downtown Hamilton...urban growth centres;

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- 2.2.4.3 Major transit station areas on priority transit corridors or subway lines will be planned for a minimum density target of:
- b) 160 residents and jobs combined per hectare for those that are served by light rail transit or bus rapid transit;
- 2.2.4.9 Within all major transit station areas, development will be supported, where appropriate, by:
- a) planning for a diverse mix of uses, including second units and affordable housing, to support existing and planned transit service levels;
 - b) fostering collaboration between public and private sectors, such as joint development projects;
 - c) providing alternative development standards, such as reduced parking standards; and,
 - d) prohibiting land uses and built form that would adversely affect the achievement of transit-supportive densities.
- 2.2.4.10 Lands adjacent to or near to existing and planned frequent transit should be planned to be transit-supportive and supportive of active transportation and a range and mix of uses and activities.”

The subject site is located in Downtown Hamilton and will contribute to the density target for this identified urban growth centre that is in proximity to major transit corridors (Policies 2.2.3.2 and 2.2.4.3). It should be noted that the Growth Plan defines *major transit station areas* as, “the area including and around any existing or planned *higher order transit* station or stop within a *settlement area*; or the area including and around a major bus depot in an urban core. *Major transit station areas* generally are defined as the area within an approximate 500 m radius of a transit station, representing about a 10-minute walk”.

The subject site would be considered within a “major transit station area” pursuant to the Growth Plan, given that it is located approximately 200 m away from the future Mary Street Light Rail Transit (LRT) stop. Furthermore, the subject property is located along an existing bus route on Main Street East and approximately 100 m from existing bus routes on King Street East. The proposed mix of uses are supported by Policy 2.2.4.9. Lastly, the proposed development is transit-supportive, and the inclusion of 131 secured bicycle parking spaces and 12 short term bicycle parking spaces, supports active transportation (Policy 2.2.4.10).

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The application conforms to the Growth Plan (2017) and, in particular, the policies relating to intensification, mixing of uses, and efficient use of transit infrastructure.

Urban Hamilton Official Plan

The subject lands are identified as “Downtown Urban Growth Centre” on Schedule “E” – Urban Structure and designated “Downtown Mixed Use Area” on Schedule “E-1” – Urban Land Use Designation in the UHOP. The northerly portion of the subject lands are designated “Central Business District” and the southerly portion of the subject lands are designated “Medium Density Residential” in the current DTSP. The lands are designated “Downtown Mixed Use” in the Council Approved DTSP.

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

1.0 Downtown Mixed Use Area

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

- “E.2.3.1.2 The Downtown Urban Growth Centre shall be the pre-eminent node in Hamilton due to its scale, density, range of uses, function and identity by residents of the City as the Downtown and accordingly, it shall be planned for a broad range of uses appropriate to its role as the City’s pre-eminent node.

- E.2.3.1.6 The Downtown Urban Growth Centre shall function as a residential neighbourhood with a large and diverse population. A range of housing types, including affordable housing and housing with supports, shall be encouraged as set out in the Downtown Hamilton Secondary Plan and other associated secondary plans and policies of this Plan.

- E.4.4.2 The area designated Downtown Mixed Use shall also serve as a central focus for the City by creating a sense of place. Retail and service commercial uses are a key element in maintaining that function and ensuring the continued vibrancy of the Downtown. New commercial development shall be designed and oriented to enhance the streetlife of the Downtown.

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- E.4.4.3 Increasing the number of people who work and live in the Downtown shall enhance the day and night activity and contribute to its planned function as a vibrant people place.
- E.4.4.4 The following uses shall be permitted on lands designated Downtown Mixed Use on Schedule E-1 – Urban Land Use Designations:
- a) commercial uses such as retail stores, auto and home centres, home improvement supply stores, offices, including major offices, personal services, live work units, artist studios, financial establishments, and restaurants;
 - e) residential uses.
- E.4.4.5 Notwithstanding Policy E.4.4.4, the full range of uses shall not be permitted throughout the lands designated Downtown Mixed Use. The Downtown Secondary Plan and zoning by-law establish more detailed land use designations and permitted uses which apply to specific areas of the Downtown.
- E.4.4.9 Permitted uses shall be located in both single and mixed use buildings.”

A broad range of uses are permitted for lands identified as “Downtown Urban Growth Centre” given its function as the pre-eminent node for the City of Hamilton, and designation as “Downtown Mixed Use”. These uses include commercial and residential uses in a single or mixed use building. The proposed development shall support the residential function of the Downtown Urban Growth Centre and at grade commercial uses will contribute to the vibrancy of the Downtown.

2.0 Scale and Density

The density and scale of development are addressed in the following UHOP policies:

- “E.2.3.1.9 The Downtown Urban Growth Centre shall generally have the higher density within the City with a minimum overall density of 250 persons and jobs per hectare. Overall density in excess of this target may be achievable and warranted. Increases to this density target shall be considered as part of a review of the Downtown Hamilton Secondary Plan. The density targets shall be evaluated based, in part, on the results of the Downtown Office Strategy and the impacts on existing infrastructure and transportation networks.

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- E.4.4.7 Permitted density and heights shall be set out in the secondary plan for the lands designated Downtown Mixed Use.
- E.4.4.8 Within the area designated Downtown Mixed Use, a higher density form of housing shall be encouraged, including affordable housing that may be integrated with business uses, including retail and service commercial establishments on the ground floor, as further set out in the Downtown Secondary Plan.”

The proposed 267 dwelling units establishes a residential density of approximately 864 units per hectare and therefore will contribute toward achieving the goal of establishing an overall minimum density, measured across the entire Urban Growth Centre, objective of 250 persons per hectare within the Downtown. Higher density forms of housing are encouraged within the area designated Downtown Mixed use and the specific permitted density and height is set out in the Downtown Hamilton Secondary Plan.

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

Downtown Hamilton Secondary Plan Review (Council Approved – May 9, 2018)

The new DTSP was approved by Council on May 9, 2018 and appealed to the Local Planning Appeal Tribunal on June 4, 2018. Within the approved Downtown Hamilton Secondary Plan, the subject property is designated “Downtown Mixed Use” on Land Use Plan Map B.6.1-1 – Land Use Plan, identified as “High-rise 2” on Map B.6.1-2 – Maximum Building Heights, and the height of the escarpment is identified as being 186.2 m above sea level on Appendix D – Draft Niagara Escarpment Height. The following policies amongst others are applicable:

1.0 Land Use

“B.6.1.6 Downtown Mixed Use Designation

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

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B.6.1.4.24 *Development* proposals for tall buildings containing residential units shall be encouraged to provide a range of unit types and unit sizes, including those suitable for larger households, and those with children and seniors.”

The proposed mixed use development with ground floor commercial, commercial parking facility and a multiple dwelling represents uses that are intended for lands designated “Downtown Mixed Use”. The proposed development will contain a mix of residential dwelling unit types including one bedroom, one bedroom plus den, two bedroom, and three bedroom units and therefore will comply with the policies that encourage a range of unit sizes.

It is noted that once the updated DTSP comes into effect commercial uses, including a commercial parking facility, will be permitted for the lands municipally known as 49 Walnut Street South.

2.0 Scale and Density

“B.6.1.4.12 Building heights are identified on Map B.6.1.2 - Downtown Hamilton Building Heights and the maximum heights for each area shall fall into the following categories:

e) High Rise 2 – up to 30 storeys.

B.6.1.4.13 All development in the Downtown shall be a minimum of two storeys in height except for lands identified as Pedestrian Focus Streets which shall be a minimum of three storeys in height.

B.6.1.4.14 Notwithstanding Policy B.6.1.4.12 and Map B.6.1-2 Building Heights, maximum building height within the Downtown Hamilton Secondary Plan area shall be no greater than the height of the top of the Escarpment as measured between Queen Street and Victoria Avenue, identified on Appendix "D – Niagara Escarpment Heights.

B.6.1.4.18 The following policies shall apply to High-rise (tall) buildings:

a) a tall building is any building that is greater than 12 storeys in height;

b) new tall buildings shall be no greater than the height of the top of the Escarpment as measured between Queen Street and Victoria Avenue.

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- c) a tall building is typically defined as having a *building base* component (also known as podium), a *tower* component and *tower top*, however, Policies B.6.1.4.18 through B.6.1.4.24 shall also apply to other typologies of a tall building;
- d) a *building base* is defined as the lower storeys of a tall building which are intended to frame the public realm with good street proportion and pedestrian scale or contains streetwall heights that respect the scale and built form character of the *existing* context through design, articulation, and use of the ground floor;
- e) a *tower* is defined as the storeys above the building base; and,
- f) the *tower top* is defined as the uppermost floors of the building including rooftop mechanical or telecommunications equipment, signage and amenity space. This portion of the building shall have a distinctive presence in Hamilton's skyline by employing interesting architectural features and roof treatments."

The proposed development of a 25 storey building will comply with the maximum building height of 30 storeys. The proposed development will have a maximum building height of 173.85 m above sea level and therefore will be below the 186.2 m height of the Niagara Escarpment. The proposed building height complies with the policies respecting maximum building height in respect to both the number of storeys and not exceeding the height of the Niagara Escarpment, and will also comply with the minimum building height requirement of the approved DTSP. Also the proposed building is designed with a podium (base) which will provide a clear transition to the tower. Also the proposed podium will frame the street with a height that will provide good street proportions. The proposed 24.0 m (northerly) and 22.0 m (southerly) height of the podium generally reflects the intended 22 m height for a podium that is identified in the Council approved Downtown Zoning respecting Main Street East and is compatible in scale to that of existing development along Main Street East. The proposed seven storey podium with a height of 22 m will also be consistent with existing development along Jackson Street East in which there is an existing seven storey building one block to the east and a nine storey building one block to the west.

3.0 Design

"B.6.1.3.1 Respect Design and Heritage

Downtown Hamilton has a rich cultural legacy. The heritage structures and spaces provide a physical history of the community. Conservation and re-

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use of these buildings not only enhances the Downtown but can serve as a catalyst for other public and private investments. Heritage buildings also provide living examples of design elements that can be reflected in new construction that complements rather than diminishes the surrounding streetscape. The Downtown Hamilton Secondary Plan policies call for a greater emphasis on urban design and heritage conservation as critical elements of downtown revitalization. To achieve these objectives development shall:

b) Ensure that new development is compatible with the design of surrounding built heritage resource buildings.

B.6.1.4.15 The siting, massing, height, and design of a building on one site shall not necessarily be a precedent for development on an adjacent or nearby site.

B.6.1.4.19 The Downtown Hamilton Tall Building Guidelines shall apply to tall building *development* and shall be used by City Staff when evaluating tall building *development* proposals.

B.6.1.4.23 All tall buildings shall meet the following requirements:

a) the *building base* shall be designed to:

- i) fit harmoniously within the context of neighbouring street wall heights. Where there is no consistent street wall height context for the area, the street wall height shall be established in a manner that maintains a comfortable pedestrian scale and appropriate street proportion;
- ii) reduce and mitigate wind impacts on the public realm, including streets, sidewalks, parks and open spaces, and privately owned publicly accessible spaces. Pedestrian level wind conditions shall be suitable for sitting and standing, with higher standards applied to parks and open spaces and *Pedestrian Focus Streets*; and,
- iii) minimize shadows, in accordance with Policies B.6.1.4.34 through B.6.1.4.39 of this Plan, to preserve the utility of sidewalks, parks, public and private open spaces, school yards and buildings, childcare centres, playgrounds, sitting areas, patios, and other similar uses.

b) the *building base* may be required to setback at grade to achieve access to sunlight on sidewalks, parks, public and private open spaces,

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schoolyards and buildings, childcare centres, playgrounds, sitting areas, patios, and other similar uses;

- c) tall building *development* shall provide setbacks from the lot line to the building face of the tower and adequate separation distance between towers on the same lot. These lot line tower setbacks shall ensure that individual tall buildings within a city block and the cumulative effect of multiple tall buildings within a block contribute to creating a strong and healthy neighbourhood by fitting in with the *existing* and/or planned context. Providing adequate space between towers shall:
- i) enhance the ability to provide a high-quality, comfortable public realm;
 - ii) protect development potential of other sites within blocks;
 - iii) provide access to sunlight on sidewalks, parks, public and private open spaces, school yards and buildings;
 - iv) provide access to natural light and a reasonable level of privacy for occupants of tall buildings;
 - v) provide pedestrian-level views of the sky between towers particularly as experienced from adjacent streets, parks and open spaces, and views between towers for occupants of tall buildings;
 - vi) limit the impacts of uncomfortable wind conditions on streets, parks, open spaces, and surrounding properties; and,
 - vii) provide appropriate transitions to adjacent lower-scale planned context, *built heritage resources*, and *cultural heritage landscapes*.
- d) as building heights increase, greater setbacks may be required from the tower to the lot line to achieve the requirements of Policy B.6.1.4.23 c); and,
- f) *development* proposals that do not comply with Policy B.6.1.4.23 c), of this Plan present significant concerns for building a strong healthy Downtown and as such shall not be approved for tall building *development*.

B.6.1.4.25 In addition to Section B.3.3 – Urban Design Policies of Volume 1, *development* in the Downtown shall achieve the following:

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- a) eliminating expanses of blank walls;
- b) integrating roof top design and function with the surrounding buildings and public spaces. This shall be achieved through:
 - i) integrating roof design with the building architecture;
 - ii) designing the tower top of tall buildings so that they are a recognizable landmark that contributes to an iconic and distinctive skyline;
 - iii) ensuring that roof top mechanical equipment, as well as stair and elevator towers, are sized and located so that they are screened from view from the street;
 - iv) developing rooftop terraces, gardens, and associated landscape areas for private amenity areas, climate enhancement and for storm water management; and,
 - v) incorporating best practices and appropriate technology to reduce energy consumption and improve air quality.

B.6.1.4.28 All development shall:

- a) be massed to frame streets in a way that respects and supports the adjacent street proportions.

B.6.1.4.29 Residential development shall provide amenity space within new developments in the form of private or semi-private parkettes, rooftop gardens or internalized open spaces within courtyard areas created by new buildings.

B.6.1.4.33 Development shall be required to provide transition in scale, within the development site, as a result of any of the following:

- a) the development is of greater intensity and scale than the adjacent existing scale, or where appropriate, the planned built form context;
- b) the development is adjacent to a cultural heritage resource or a cultural heritage landscape; or,

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c) the development is adjacent to existing or planned parks, or open spaces.

B.6.1.4.34 *Development* shall, to the satisfaction of the City, through building massing and orientation, minimize shadows on public sidewalks, parks, public and private open spaces, school yards and buildings, childcare centres, playgrounds, sitting areas, patios and other similar amenities.

B.6.1.4.35 Proposed *development* shall allow for a minimum of 3 hours of sun coverage between 10:00 a.m. and 4:00 p.m. as measured on March 21st to September 21st on public sidewalks, and public and private outdoor amenity areas such as patios, sitting areas, and other similar areas.

B.6.1.4.37 Downtown Hamilton contains a number of primary gathering spaces where civic life occurs. The quality, image, and amenity of these spaces strongly affect how people perceive the Downtown. Notwithstanding Policy B.6.1.4.35 and Policy B.6.1.4.36, development shall not cast any net new shadow between 10:00 a.m. and 4:00 p.m. as measured from March 21st to September 21st on the following parks, squares, plazas and open spaces areas that serve as Downtown's key civic gathering spaces:

e) Ferguson Station (244, 248 King Street East).

B.6.1.4.40 There shall be no vehicular surface parking along the street frontage.

B.6.1.4.41 Above-ground vehicular parking shall be fronted by permitted uses other than parking at street level and upper storeys shall be screened from view from the street.”

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

- Pedestrian Environment – The proposed development includes at grade commercial uses along Main Street East and Walnut Street South, with ground floor access to the multiple dwelling on Walnut Street South. The ground floor commercial and residential lobby access and street level windows and doorway openings at grade will animate the pedestrian environment with active uses opening onto the sidewalk. Sidewalks, landscaping and street furniture will promote a high level of pedestrian comfort, and the use of podiums and stepbacks will achieve a pedestrian scale of development. Therefore, the proposal provides a comfortable scale of development for pedestrians.

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- Massing and Transition – The proposed building consists of a seven storey podium with an 18 storey tower above. The podium includes setbacks from the property line to the podium and stepbacks from the edge of the podium to the tower to create a transition in massing that responds to the context of the area. These setbacks and stepbacks are summarized from the closest point of the building to the property line as listed below:

Setbacks and Stepbacks for Northerly Portion

Property Line	Setback of Ground Floor from the Property Line	Setback of the Second to Seventh Floors from the Property Line	Stepback above Seventh Floor
Main Street East	2.0 m	1.0 m	3.0 m
Walnut Street South	2.0 m	1.0 m	2.2 m
*Jackson Street East	48.6 m	48.6 m	44.6 m
Easterly Lot Line	1.0 m	1.0 m	3.0 m

*The proposed building is “L” shaped and oriented towards Main Street East. The proposed tower is to be setback 44.6 m from Jackson Street East separated from Jackson Street East by the seven storey parking structure.

The proposed seven storey podium with a height of 24.0 m will be in line with a mid-rise scale of development and represents an appropriate transition between the adjacent low rise development, along Jackson Street East and immediately adjacent to the subject property along Main Street East, and the proposed tower. It is noted that the first two storeys of the tower will be stepped in an additional 1.0 m from the base of the tower along Walnut Street South and 0.8 m from the base of the tower along Main Street East and will be comprised of materials that will be distinct from that of the podium and the balance of the tower. This distinction is to provide a clear separate and transition between the podium and the tower which will have the effect of reducing the overall massing of the building. The use of podiums and stepbacks aligns with the policy direction respecting tall buildings providing distinctive base and tower components. In addition to the proposed stepbacks, other design techniques such as architectural elements, changes in material and colour will reduce the overall massing of the proposed development and improve the transition to adjacent buildings and will eliminate any expanses of blank walls. The massing of the podium will frame the streets of Main Street East,

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Walnut Street South and Jackson Street East and will address the historical context of the Downtown.

Setbacks for Southerly Portion

The proposed parking garage on the southerly portion of the subject lands is incorporated into the podium on the northerly portion of the lands but will maintain a maximum height of 22.0 m. The parking garage includes setbacks to the property line. These setbacks are summarized from the closest point of the building to the property line as listed below:

Property Line	Setback of Ground Floor from the Property Line	Setback of the Second to Seventh Floors from the Property Line
Walnut Street South	2.0 m	1.0 m
Jackson Street East	0.48 m	0.0 m
Easterly Lot Line	0.0 m	0.0 m

In respect to the transition between the proposed seven storey parking garage and the development along Jackson Street East, it is noted that the lands to the south are designated "Downtown Residential" on Map B.6.1-1 - Draft Land Use Plan and classified as Mid-rise on Map B.6.1.2 - Downtown Hamilton Building Heights in the Council Approved DTSP. Also there is a seven storey multiple dwelling located one block to the east at the corner of Jackson Street East and Ferguson Street South and a nine storey multiple dwelling located one block to the west at the corner of Jackson Street East and Catharine Street South. Therefore the proposed building with a height of seven storeys is in keeping with the existing character of Jackson Street East. However the existing buildings immediately to the east, south and west on Jackson Street East range from one to two storeys in height and therefore attention needs to be paid to transition between the parking garage and the existing scale of development on Jackson Street East. To address this transition, the seventh floor is to be uncovered to reduce the massing along Jackson Street East. Furthermore utilization of materials, colours and architectural elements will be incorporated to further break up the massing which will be further reviewed and implemented as part of a future Site Plan Control Application.

- **Amenity Areas** – The amenity needs of the residents for the proposed development will be met through both indoor and outdoor amenity areas. Indoor amenity facilities are provided within the building on the second floor in the form of a small cinema, lounge, fitness room, yoga studio, games room, and party room. Outdoor amenity space is provided in the form of a terrace on the second floor on

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the east side of the building and eighth floor on the south side of the building, and private balconies. Therefore the amenity needs of the residents will be met.

- Sun / Shadow Impacts – The applicant conducted a Sun Shadow Study prepared by SRM Architects Inc. dated December 12, 2017 to determine the shadow impacts of the proposed building. New net shadow impacts are identified on the sidewalks of the immediately adjacent streets of Main Street East, Walnut Street South and Jackson Street East, as well as the sidewalks of nearby streets including Catharine Street South, Ferguson Avenue North, and Bowen Street. However based on the orientation of the building (north / south), the floorplate size of the tower (907 sq m), and the proposed setbacks and stepbacks, the shadows created by the proposed building pass quickly within approximately two to three hours and will permit a minimum of three hours of sun access between 10 a.m. and 4 p.m. at the equinoxes. Also, the proposed development will not create new net shadow impacts on Ferguson Station, a key civic gathering space, between 10 a.m. and 4 p.m. at the equinoxes. As there are no new net shadow impacts on Ferguson Station and three hours of sun access are being provided between 10 a. m. and 4 p.m. at the equinoxes, the proposed development complies with the DTSP policies respecting sun shadow impacts.
- Wind Impacts – The applicant conducted a Pedestrian Level Wind Study prepared by Theakston Environmental dated October 10, 2017 to determine the wind impacts of the proposed building. The Wind Study utilized a physical model of the proposed development and pertinent surroundings to test the potential wind impacts. The study found that ground level winds at many locations will be improved with occasional localized areas of higher pedestrian level winds, resulting in wind conditions that are predicted as windy at times but generally remain comfortable and appropriate to the areas intended purpose throughout the year. The site is identified as being suitable for standing or walking under normal wind conditions. However the wind study did identify that wind conditions at the corner entrance are inappropriate to the area's intended purpose and recommended the entrance be relocated or set into the façade of the building. In respect to the outdoor living area (OLA), the Wind Study noted that the OLA on the model could not accommodate conventional probes and that as a result alternate means of assessing conditions were employed, however the details respecting the alternate means were not provided. Details as to what activities the OLA will be suitable for were not identified in the Wind Study. The Wind Study further advised that the OLA will require wind mitigation measures. Additional testing and information needs to be provided in an updated Wind Study in order to ensure that potential wind impacts are accurately identified and ensure wind mitigation measures will properly address any impacts including the corner entrance and

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OLAs. The updated Wind Study and the implementation of all mitigation measures will be addressed as part of a future Site Plan Control Application.

- **Parking** – The proposed development is seeking to remove existing surface parking and to establish parking in the form of a seven storey parking structure along Jackson Street East and Walnut Street South. The policies of the updated DTSP require above ground parking be fronted by permitted uses other than parking at street levels and that upper storeys be screened from view from the street. The upper floors will be contained within the proposed parking structure and the top floor will be screened from view from the street by a half wall. Ground level commercial is proposed along Walnut Street South and therefore will comply with the design policies respecting providing commercial uses at street level.

Based on the foregoing, staff are of the opinion that the proposal complies with the Council Approved Downtown Hamilton Secondary Plan.

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

The subject property is currently zoned Downtown Mixed Use (D3) Zone for the portion of the lands fronting onto Main Street East (north portion) and Downtown Hamilton Multiple Residential (D6) Zone for the portion of the lands fronting onto Jackson Street East (south portion). The D3 Zone permits a range of commercial uses and multiple dwellings while the D6 Zone permits a multiple dwelling but does not permit commercial uses or a commercial parking facility. The lands zoned D3 are restricted to a maximum building height of 44.5 m and the lands zoned D6 are restricted to a maximum building height of 22 m. 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.

RELEVANT CONSULTATION

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

- Light Rail Transit (LRT);
- Recreation Division (Community and Emergency Services Department); and,
- Alectra Utilities.

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

Forestry and Horticulture Section, Public Works Department has advised that there are no municipal tree assets on site and therefore a Tree Management Plan is not required. A landscape plan is required depicting the street tree planting scheme. The required landscape plan will be required as part of the Site Plan Control Application.

Public Health Services, Health Protection Division has advised that if the development uses a cooling tower for air conditioning or other cooling needs, the owner of the development is required to register their cooling tower with Public Health Services and comply with Hamilton's Cooling Tower Registry By-law.

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. This requirement will be addressed as part of a future Site Plan Control Application.

Metrolinx has advised that the subject site is located within 300 m of CPR's Hamilton Subdivision and Hamilton Layover which carries Lakeshore Go Service. A noise and vibration study is required. A noise warning clause shall be required in all development agreements, offers to purchase and agreements of Purchase and Sale or Lease of each dwelling unit within 300 m of the railway right-of-way to advise of potential or future noise impacts. The required noise warning clause along with other noise mitigation measures will be implemented as part of the Site Plan Control Application.

Transportation Planning, Public Works Department has advised of the ultimate road width of the following streets, Main Street East with a width of 26.22 m and Walnut Street South and Jackson Street East with a width of 15.24 m each. It is noted that based on the existing right of way widths the following dedications would be required to achieve the ultimate road width:

- approximately 2.0 metres is required along Jackson Street East;
- approximately 1.22 m along Walnut Street South; and,
- approximately 3.0 m along Main Street East.

Furthermore a 12.19 m by 12.19 m daylight triangle is required at the corner of Main Street East and Walnut Street South, and a 4.57 m by 4.57 m daylight triangle is required at the corner of Walnut Street South and Jackson Street East.

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Transportation Planning staff reviewed and commented on a Right of Way Impact Assessment provide by the applicant respecting reductions in the required road widening and daylight triangle requirements. Based on the review of the assessment it was determined that the required widenings and daylight triangles are required on the following basis:

- In order to accommodate both existing utilities and expansions of underground and aboveground services and utilities;
- To buffer sidewalks along both sides of the right of way and to provide sidewalks with a minimum width of 3.5 m;
- Future development and implementation of the street master plans for Main Street East and Jackson Street East;
- To provide visibility at intersections; and,
- To accommodate existing transit routes and bicycle routes along Jackson Street East.

Additional discussions were undertaken between Transportation Planning staff and the applicant. Transportation Planning staff provided additional comments confirming the following:

- 3.0 m be dedicated for road allowance along Main Street East;
- 0.6 m be dedicated for road allowance along Walnut Street South;
- 1.3 m be dedicated for road allowance along Jackson Street East;
- Provided the 3.0 m dedication for road allowance along Main Street East is granted, the 12.19 m by 12.19m daylight triangle at Main Street East and Walnut Street South can be waived; and,
- A 4.57 m by 4.57 m daylight triangle be dedicated for road allowance at Jackson Street East and Walnut Street South.

Transportation Planning staff advised that the rationale for the land dedication outlined above is existing 200mm gas main and Bell cables that are located within one metre of the property line on Walnut Street South and Main Street East, and it would be difficult for gas or Bell to maintain the gas main or cables if the building is too close to the property line. The City requires lands within the municipal right-of-way for underground utilities (water mains, storm sewers, combined sewers, sanitary sewers, gas, telecom fibre, cable ductwork, etc.), above ground infrastructure (traffic signal poles, hydro and street lighting poles, traffic signal control boxes) and to create an inviting, friendly and safe pedestrian environment within the public realm including the provision of street trees, bus shelters, and street furniture.

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Transportation Planning staff further advise that a survey be conducted to conform the ultimate road allowance widths to bring the right of way adjacent to the subject site up to the required widths.

It is noted that the proposed design is based on the required road widening and daylight triangles not being included. The proposed site specific By-law modifications include maximum setback which are consistent with the parent By-law and will apply to the ultimate lot lines should the required land dedications be provided. In addition minimum stepback requirements are required between the podium and the building tower. The stepbacks will need to be provided regardless of the road widening dedications to address context, transition and compatibility. Finally there is sufficient additional space within the parking structure in which to accommodate the parking in the event that the required road widening along Walnut Street South is required to be dedicated.

A Traffic Impact Brief prepared by Salvini Consulting Inc. dated September 28, 2017 was submitted which identified 61 new weekday morning peak hour trips and 69 new weekday afternoon peak hour trips. Transportation Planning accepts the findings of this report with respect to the estimated traffic generation.

Also, Transportation Planning staff advised that a Transportation Demand Management (TDM) Options report is required and that TDM initiatives are strongly encouraged. A TDM report and implementation of all TDM initiatives will be required as part of a future Site Plan Control Application.

Transportation Planning staff further advised that sidewalks with a width of 3.5 m should be provided within the right of way and 1.5 m should be provide through the site. Additionally AODA regulations need to be considered along with the provision of Street Trees within the boulevard. These requirements will be addressed as part of a future Site Plan Control Application.

Design Review Panel (DRP)

The applicant attended DRP on June 8, 2017 and received advice and recommendations on the potential physical and aesthetic impacts of the proposed building, as well as advise on improving the quality of design and provide creative design responses.

DRP focused on four areas of design:

- Building Height, Massing and Scale;
- Building Design Elements;
- Access and Circulation; and,

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- Streetscape and Public Realm.

Building Height, Massing and Scale

DRP noted that the building is too broad for its height, the tower proportions along with improvements in sun access would be achieved by reducing the floorplate and perhaps increase the tower height slightly. The applicant has demonstrated through a sun shadow study that the proposed development will not create adverse impact in respect to sun shadow impacts. The applicant has increased the height of the proposed podium from three storeys to seven storeys and has introduced terraces on the second and eighth floors and have reduced the width of the building along Main Street East by increasing the setback to the easterly side lot line. A transition in material is proposed for the eighth and ninth floors that clearly separate the podium from the rest of the building. The floorplate of the tower has however increased in size from approximately 800 sq m to 907 sq m as a result of extending the depth of the tower towards Jackson Street East.

It was recommended that the ground floor be setback further along Main Street East to allow sufficient room in the boulevard for street trees, furniture and a generous sidewalk which has been accommodated in the current design.

Building Design Elements

DRP noted that the outdoor amenity area was too small and heavily shadowed by the proposed building and future development on adjacent properties. The applicant has reduced the width of the proposed tower expanding on the second floor terrace and established an additional terrace on the eighth floor.

Access and Circulation

DRP expressed a concern with respect to vehicular and pedestrian circulation on site and recommended further consideration be made to ensure that it is safe and well designed. The applicant has provided recessing for the ground floor to allow for a wider sidewalk and to provide buffering from the street in the form of landscaping. The residential entrance of the building is to be located on Walnut Street South in order to separate tenants from the heavy traffic on Main Street East. Vehicle traffic into the site will also be separated from the residential entrance of the building on Jackson Street East.

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Streetscape and Public Realm

DRP advised that the building should be setback 5.0 m from the curb to permit street trees, generous sidewalks and other features, and that more detail regarding streetscaping and landscaping of the amenity areas should be provided. The ground floor along Main Street East is setback 2.3 m from the property line which is setback approximately 2.7 m from the curb along Main Street East therefore the ground floor is achieving a setback of approximately 5.0 m.

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 95 property owners within 120 m of the subject property on November 17, 2017. A Public Notice sign was posted on the property on November 17, 2017, and updated on August 8, 2018, with the Public Meeting date. Finally, Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act*.

To date, two letters of correspondence were received respecting the Application. These letters will be further discussed in the Analysis and Rationale for Recommendations section of the Report.

Public Consultation Strategy

The applicant prepared a Public Consultation Strategy. To engage with the public the applicant posted a sign providing the contact information of the agents firm to allow members of the public to call and make inquiries on the proposal. In addition the applicant's agent met with the Corktown Neighbourhood Association in October, 2017. A microsite was also established and became active on November 17, 2017, which included information to members of the public to access the submitted reports, studies and supporting information that was provided to the City. A total of 243 users accessed the micro site.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposed Official Plan Amendment and Zoning By-law Amendment application has merit and can be supported for the following reasons:
 - (i) The application is consistent with the PPS and conforms to the Growth Plan for the Greater Golden Horseshoe (2017), in terms of intensification and the development of complete communities;

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- (ii) The application complies with the Council Approved Downtown Hamilton Secondary Plan; and,
- (iii) The proposed development is compatible with existing land uses and heritage buildings in the immediate area and represents good planning by, among other things, establishing a high-rise building that has been effectively designed and massed to respect the existing predominately low-rise surrounding context, providing for the development of a complete community, and enhancing the commercial environment along Main Street East, making efficient use of existing infrastructure within the urban boundary, and supporting transportation infrastructure investments.

2. Official Plan Amendment

The in force and effect DTSP designates the lands at 49 Walnut Street South as “Medium Density Residential” which does not permit the range of commercial uses intended by the proposal. It is noted that in the Council approved DTSP, the subject lands are designated “Downtown Mixed Use” which permits commercial uses, however the Council approved DTSP is currently under appeal and therefore not in effect. The proposed Official Plan Amendment implements the vision of the Council approved DTSP and is supported by staff.

3. City of Hamilton Zoning By-law No. 05-200 (Council Approved)

The subject lands are zoned Downtown Central Business District (D1) Zone in the Council Approved City of Hamilton Zoning By-law No. 05-200.

A range of commercial uses are permitted along with a multiple dwelling and the maximum permitted building height is restricted to 91 m which is greater than the 80.0 m height that is proposed. The proposal is to establish a site specific Downtown Central Business District (D1) Zone with modifications to implement the proposal. These modifications are identified and discussed in detail within a chart format attached as Appendix “E2” to Report PED18196.

As the Downtown Central Business District (D1) Zone of the Council Approved City of Hamilton Zoning By-law No. 05-200 are not yet in effect modifications to the existing zoning are required in order to implement the proposal. The modifications for the existing City of Hamilton Zoning By-law No. 05-200 are discussed in Section 4 of the Analysis and Ractional below.

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4. City of Hamilton Zoning By-law No. 05-200 (In Force and Effect)

The northerly portion of the subject lands are presently zoned Downtown Mixed Use (D3) Zone in the City of Hamilton Zoning By-law No. 05-200 (see Appendix "A" to Report PED18196). A range of commercial uses are permitted along with a multiple dwelling however the maximum permitted building height is restricted to 44.5 m which is less than the 80.0 m height that is proposed. The southerly portion of the subject lands are presently zoned Downtown Hamilton Multiple Residential (D6) Zone in the City of Hamilton Zoning By-law No. 05-200 (see Appendix "A" to Report PED18196) which permits a multiple dwelling but does not permit commercial uses and restricts the maximum building height to 22 m.

The proposed development will exceed the maximum height requirements outlined in the current DTSP. However, increases in height are permitted provided it can be demonstrated that the proposed increase in height will not create adverse impacts in respect to sun shadow, wind or street views. As was discussed in the DTSP section of this Report, the proposed development will not create adverse sun shadow or wind impacts and that the proposed podium with appropriate setbacks will ensure that the proposed building is massed to protect street views.

In addition the proposed development is in line with the both the scale of development and the intended uses proposed in the Council approved DTSP.

The proposal is to establish a site specific Downtown Central Business District (D1) Zone with modifications to implement the proposal. These modifications are identified and discussed in detail within a chart format attached as Appendix "E1" to Report PED18196.

5. As discussed in the Policy Implications and Legislated Requirements section of this Report, the subject property has the potential to be a contaminated site due to the previous commercial use of the lands and surface commercial parking lot. In addition, it is noted that the applicant has undergone a Phase I Environmental Site Assessment but has not submitted their findings to the MECP. In order to ensure that the applicant submits the findings of the Environmental Site Assessment and receives a Notice of Acknowledgement letter from the MECP, the proposed By-law will establish a 'H' Holding Provision on the subject property.
6. There are existing municipal services along Main Street East, Walnut Street South, and Jackson Street East.

The following road widenings have been identified:

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- approximately 2.0 m is required along Jackson Street East;
- approximately 1.22 m along Walnut Street South; and,
- approximately 3.0 m along Main Street East.

The following daylight triangle requirements have been identified:

- 12.19 m by 12.19 m at the intersection of Main Street East and Walnut Street South; and,
- 4.57 m by 4.57 m at the intersection of Walnut Street South and Jackson Street East.

As outlined in the Relevant Consultation Section of this Report, the proposed design is not based on the required land dedications for road widening and daylight triangles, however the modifications for maximum setback and minimum stepback will apply to the ultimate design. Furthermore as previously outlined the land dedication requirements that are being requested by City staff have been revised.

As part of the review of the Zoning By-law Amendment Application, a Functional Servicing Report was provided and Development Engineering staff are generally satisfied in respect to establishing the principal of the land use. However, at the Site Plan Control stage, an update the Functional Servicing Report including a detailed engineering analysis must be undertaken to demonstrate that servicing requirements have been satisfied. Staff will undertake a detailed review in respect to grading and drainage, stormwater management, and servicing as part of the Site Plan Control Application.

7. On June 4, 2018 the Public Works Committee approved the closure and sale of the portion of the alleyway that is located between 154 Main Street East and 49 Walnut Street South. The decision of the Public Works Committee was approved by Council on June 13, 2018. At the time of the writing of this Report, the sale and transfer of the lands has not yet been finalized and will need to be completed prior to a future Site Plan Control Application. In order to ensure sale and transfer of the lands is completed and the lands merged on title with the balance of the lands the proposed By-law will establish a 'H' Holding Provision on the subject property.
8. Following the Notice of Complete Application, staff received two letters of correspondence (see Appendix "G" to Report PED18196). One letter of correspondence requested information from the City of Hamilton on the application and approval process for Zoning By-law Amendment Application. The second letter of correspondence identified areas of concerns:

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Traffic

A concern was raised with respect to the traffic impacts of the proposed development and particularly the impact of traffic on pedestrians and those with disabilities. The applicant submitted a traffic impact letter that identified a modest increase of 60 to 70 additional peak hour trips in the morning and afternoon. In addition, the proposed development will include the establishment of wider sidewalks and will also include landscaping between the street and the sidewalk in order to separate pedestrians and vehicles. These changes will reduce traffic conflicts between pedestrians and vehicles and will improve the safety of pedestrians.

Pedestrian Study

A question was raised as to whether a pedestrian study of people in the neighbourhood was undertaken specifically with respect to the number of people with mobility issues. Staff informed the interested party that the pedestrian realm is reviewed as part of the Urban Design Brief which includes the functionality of the public realm and pedestrian experience in accordance with AODA requirements but that the Urban Design Brief does not assess the specific needs of people with mobility issues.

ALTERNATIVES FOR CONSIDERATION

Should the proposed Official Plan Amendment and Zoning By-law Amendment Applications be denied, the subject property could be utilized in accordance with the range of uses and provisions of the Downtown Mixed Use (D3) Zone and Downtown Multiple Residential (D6) Zone. Additionally should the Zoning By-law Amendment Application be denied, then upon By-law 18-114 coming into effect the subject property could be utilized in accordance with the range of uses and provisions of the Council Approved Downtown Central Business District (D1) Zone.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement & Participation

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

Economic Prosperity and Growth

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

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Healthy and Safe Communities

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

Clean and Green

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

Built Environment and Infrastructure

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

Culture and Diversity

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

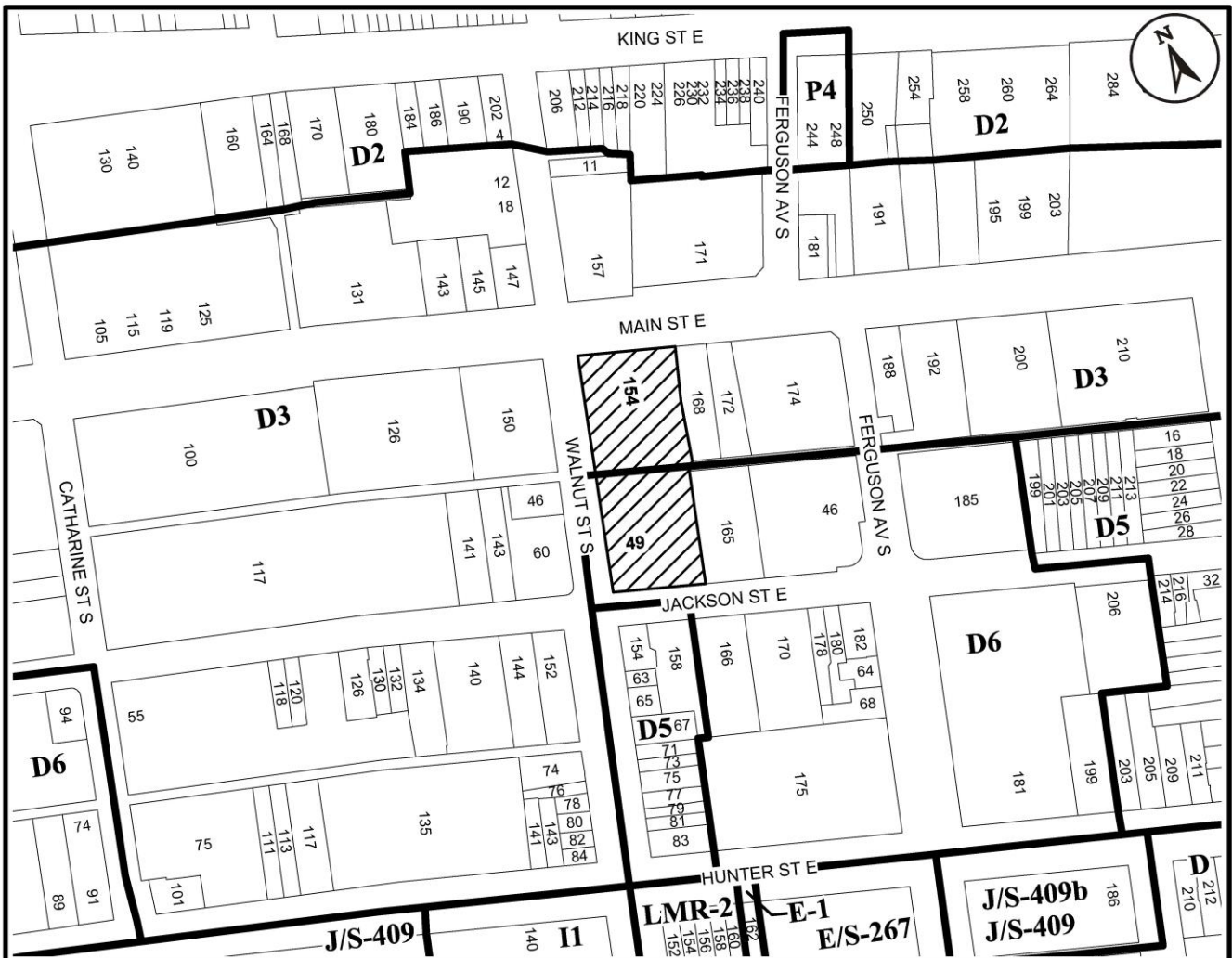
Our People and Performance

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

APPENDICES AND SCHEDULES ATTACHED

- Appendix "A" – Location Map
- Appendix "B" – Draft Official Plan Amendment
- Appendix "C" – Draft Amendment to Zoning By-law No. 05-200
- Appendix "D" – Draft Amendment to Zoning By-law No. 05-200 (Under Appeal)
- Appendix "E1" – Zoning Table (By-law Provisions – Current Zoning)
- Appendix "E2" – Zoning Table (B-law Provisions – Council Adopted)
- Appendix "F" – Revised Concept Plan
- Appendix "G" – Public Comments

DB:mo



● Site Location



Key Map - Ward 2

N.T.S.



Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:

ZAR-17-074 / UHOPA-18-018

Date:

July 13, 2018

Appendix "A"

Scale:
N.T.S.

Planner/Technician:

DB/LAL

Subject Property

154 Main Street East & 49 Walnut Street South



Change in Zoning from the Downtown Mixed (D3) Zone and Downtown Multiple Residential (D6) Zone to the Downtown Central Business District (D1, 702, H107) Zone Holding

Schedule "1"

**DRAFT Urban Hamilton Official Plan
Amendment No. X**

The following text, together with Appendix "A" – Volume 2, Map B.6.1-1 – Downtown Hamilton Secondary Plan – Land Use Plan, constitutes Official Plan Amendment No. XX to the Urban Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose and effect of this Amendment is to amend the Downtown Hamilton Secondary Plan to permit ground floor commercial and a commercial parking facility on the subject lands as part of a larger redevelopment.

2.0 Location:

The lands affected by this Amendment are known municipally as 49 Walnut Street South, in the former City of Hamilton.

3.0 Basis:

The basis for permitting this Amendment is:

- The proposal implements the Council approved Downtown Hamilton Secondary Plan, which designates the lands "Downtown Mixed Use".
- The proposed Amendment is compatible with the existing and planned development in the immediate area.
- The proposed Amendment is consistent with the Provincial Policy Statement, 2014 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2017.

4.0 Actual Changes:

4.1 Volume 2 – Secondary Plans

Maps

4.1.2 Map

- a. That Volume 2, Map B.6.1-1 – Downtown Hamilton Secondary Plan – Land Use Plan be amended by redesignating the subject lands from “Medium Density Residential” to “Central Business District”, as shown on Appendix “A”, attached to this Amendment for 49 Walnut Street South.

5.0 Implementation:

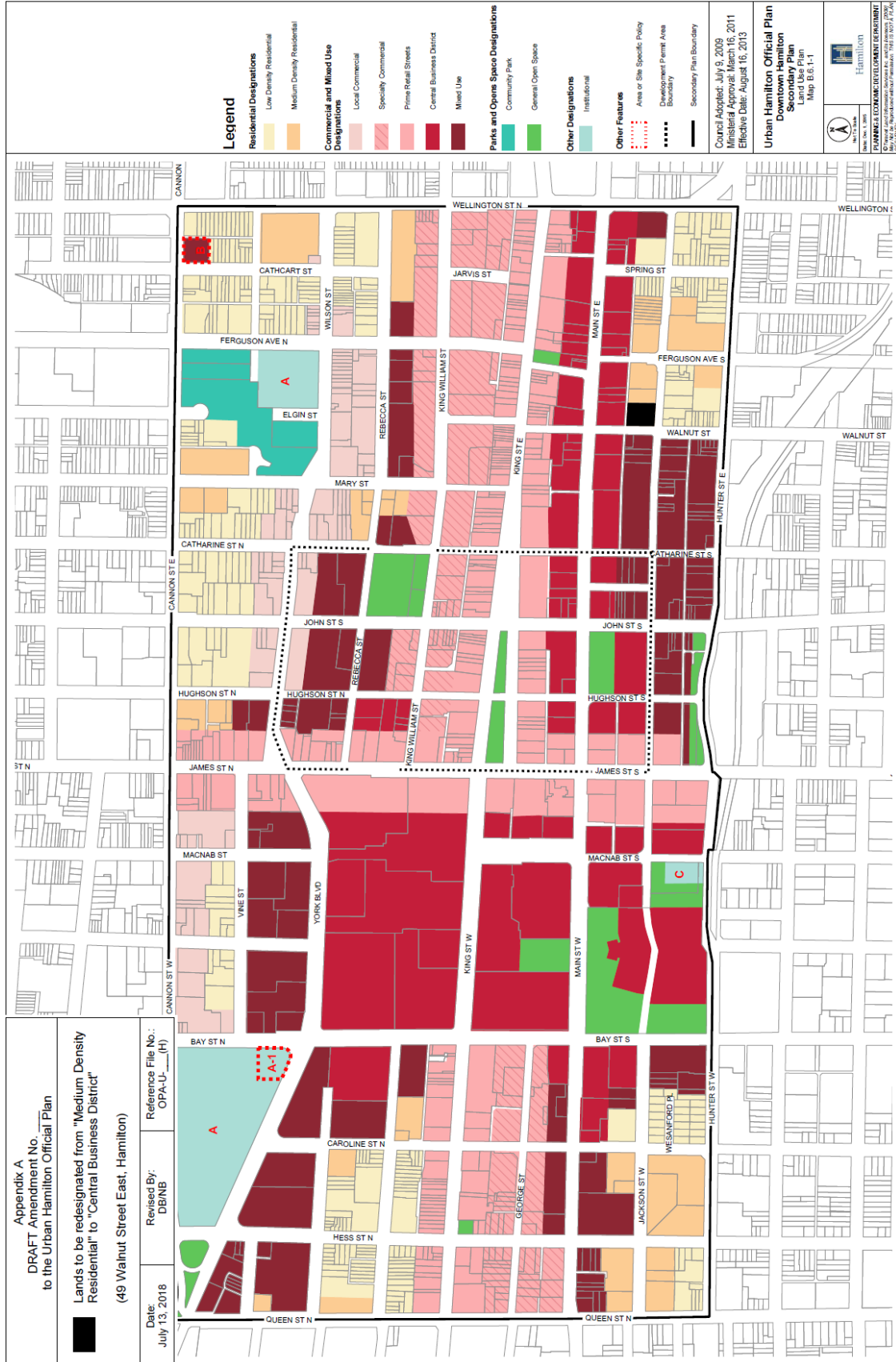
An implementing Zoning By-Law Amendment and Site Plan will give effect to the intended uses on the subject lands.

This Official Plan Amendment is Schedule “1” to By-law No. _____ passed on the ___th day of ___, 2018.

**The
City of Hamilton**

Fred Eisenberger
MAYOR

Janet Pilon, CMII, DPA, CMO
ACTING CITY CLERK



Authority: Item ,
Report (PED18196)
CM:
Ward: 2

Bill No.

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

**To Amend Zoning By-law No. 05-200
Respecting Lands Located at 154 Main Street East and 49 Walnut Street South**

WHEREAS Council approved Item ___ of Report _____ of the Planning Committee, at the meeting held on September 4, 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 952 and 953 of Schedule "A" - Zoning Maps of By-law No. 05-200 be amended by changing the zoning from the Downtown Mixed Use Residential Commercial Office (D3) Zone and Downtown Multiple Residential (D6) Zone to the Downtown Central Business District (D1, 702, H107) Zone, for the lands, the extent and boundaries of which are shown on Schedule "A" annexed hereto and forming part of this By-law.
2. That Schedule "C" Special Exceptions of By-law No.05-200 be amended by adding an additional special exception as follows:
 - "702. Within the lands zoned Downtown Central Business District (D1, 702, H107) Zone, identified on Maps 952 and 953 of Schedule "A" Zoning Maps and described as 154 Main Street East and 49 Walnut Street South the following special provisions shall apply:
 - a) Notwithstanding Sections 5.2 b), 5.7 c) and e), 6.1.2 and 6.1.3 a) ii) and b) ii) the following special provisions shall also apply:
 - b) **PROHIBITED USES**

Notwithstanding Section 6.1.1, the following uses are prohibited, even as an accessory use:

 - Drive-Through Facility
 - Dry Cleaning Plant
 - Printing Establishment
 - Private Club or Lodge
 - Studio

**To Amend Zoning By-law No. 05-200
Respecting Lands Located at 154 Main Street East and 49 Walnut Street South
Owned By 1970703 Ontario Inc.**

c) REGULATIONS

- | | |
|---|---|
| a) Maximum Building Setback from a Street Line (Podium) | ii) 1 metre for the second and third storeys. |
| b) Building Height | ii) Maximum 80.0 metres. |
| c) Minimum Building Stepback above the 7 th Storey | i) 3.0 metres from Main Street East building base façade height, 2.2 metres from the Walnut Street South building base façade height, 44.6 metres from the Jackson Street East base façade height, and 3.0 metres from the easterly side building base façade height. |
| e) Parking | No parking space shall be less than 2.7 metres in width by 6.0 metres in length. |
| f) Bicycle Parking (Long Term) | Bicycle Parking for a Multiple Dwelling within a mixed use building shall be provided on the basis of: |
| | i) 0.0 Bicycle Parking spaces for the first 4 dwelling units. |
| | ii) 0.5 Bicycle Parking spaces per dwelling unit above 4 dwelling units. |
| | Bicycle parking for a commercial use shall be provided on the basis of: |
| | iii) 0 where less than 450.0 square metres of gross floor |

**To Amend Zoning By-law No. 05-200
Respecting Lands Located at 154 Main Street East and 49 Walnut Street South
Owned By 1970703 Ontario Inc.**

area;

iv) 2 per unit for those uses between 450.0 square metres and 1,000 square metres of gross floor area;

v) 5 per unit for those uses between 1,001.0 square metres and 10,000.0 square metres of gross floor area; and,

vi) 7 per unit for those uses in excess of 10,001.0 square metres of gross floor area.

g) Bicycle Parking (Short Term)

i) 12 short term bicycle parking spaces for all uses.

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

For the lands zoned "Downtown Central Business District (D1, 702) Zone, on Maps 952 and 953 of Schedule A – Zoning Maps, and described as 154 Main Street East and 49 Walnut Street South (Hamilton), 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 condition upon:

- (a) The Owner enters into a conditional building permit agreement with respect to completing a Record of Site Condition or a signed Record of Site Condition (RSC) being submitted to the City of Hamilton and the Ministry of the Environment, Conservation and Parks (MECP). 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 MECP, and submission of the City of Hamilton's current RSC administration fee; and,
- (b) The Owner purchase the alleyway required to implement the proposed development and merge the lands on title with the balance of the lands, to the satisfaction of the Director of Planning and Chief Planner.
4. That Schedule F" – Figure 1 of By-law 05-200 be amended by identifying the lands shown in Schedule "A" with a maximum height of 80 metres.

**To Amend Zoning By-law No. 05-200
Respecting Lands Located at 154 Main Street East and 49 Walnut Street South
Owned By 1970703 Ontario Inc.**

5. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of the By-law, in accordance with the Planning Act.
6. That this By-law No. 18_____ shall come into force and be deemed to come into force in accordance with Sub-section 34(21) of the Planning Act, either upon the date of passage of this By-law or as otherwise provided by the said Sub-section.

PASSED this _____ , 2018

F. Eisenberger
Mayor

Janet Pilon
Acting City Clerk

UHOPA-18-018 and ZAR-17-074

**To Amend Zoning By-law No. 05-200
Respecting Lands Located at 154 Main Street East and 49 Walnut Street South**



This is Schedule "A" to By-law No. 18- Passed the day of, 2018	----- Mayor ----- Clerk
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<h2 style="margin: 0;">Schedule "A"</h2> <p style="margin: 10px 0 0 0;">Map Forming Part of By-law No. 18-_____</p> <p style="margin: 10px 0 0 0;">to Amend By-law No. 05-200 Maps 953 & 995</p>	<p>Subject Property 154 Main Street East & 49 Walnut Street South</p> <p> Change in Zoning from the Downtown Mixed (D3) Zone and Downtown Multiple Residential (D6) Zone to the Downtown Central Business District (D1, 702, H107) Zone Holding</p>
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Scale: N.T.S.	File Name/Number: ZAR-17-074/UHOPA-18-018	Hamilton
Date: July 26, 2017	Planner/Technician: DB/AL	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

**To Amend Zoning By-law No. 05-200
Respecting Lands Located at 154 Main Street East and 49 Walnut Street South
Owned By 1970703 Ontario Inc.**

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

Is this by-law derived from the approval of a Committee Report? No

Committee: Chair and Members Report No.: PED18196 Date: 09/04/2018

Ward(s) or City Wide: Ward: 2 (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

Authority: Item ,
Report (PED18196)
CM:
Ward: 2

Bill No.

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

**To Amend Zoning By-law No. 05-200, as amended by By-law 18-114
Respecting Lands Located at 154 Main Street East and 49 Walnut Street South**

WHEREAS Council approved Item ___ of Report _____ of the Planning Committee, at the meeting held on September 4, 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 Maps 952 and 953 of Schedule "A", appended to an forming part of By-law No. 05-200, as amended, is hereby further amended by changing the zoning from the Downtown Central Business District (D1, H17, H19, H20) Zone to the Downtown Central Business District (D1, 702, H17, H107) Zone for the extent and boundaries of which are more particularly shown on Schedule "A" annexed hereto and forming part of this By-law.
2. That Schedule "C" Special Exceptions for Specific Lands of Zoning By-law No.05-200, as amended by By-law 18-114, is hereby further amended by deleting the former Special Exemption 702 and replacing with the following new section:

"702. Within the lands zoned Downtown Central Business District (D1, 702, H17, H107) Zone, identified on Maps 952 and 953 of Schedule "A" Zoning Maps and described as 154 Main Street East and 49 Walnut Street South the following special provisions shall apply:

 - a) Notwithstanding Section 5.2b), 5.7 c), 6.0 c) i), ii) and iii) and e), and 6.1.3 b) ii) the following special provisions shall also apply:
 - b) REGULATIONS

a) Building Height	ii) Maximum 80.0 metres.
b) Minimum Building Stepback from the building base façade	i) 3.0 metres from Main Street East building base façade height, 2.2 metres from the Walnut Street South building base façade height, 44.6 metres from the Jackson Street East

**To Amend Zoning By-law No. 05-200
Respecting Lands Located at 154 Main Street East and 49 Walnut Street South
Owned By 1970703 Ontario Inc.**

- | | |
|-------------------------------------|---|
| above the 7 th
storey | base façade height, and 3.0 metres from the easterly side building base façade height. |
| c) Minimum Stepback | <p>ii) That the building base façade height shall be 24.0 metres, except for that portion of the building that is located within 40.9 metres from the Jackson Street East lot line which shall have a building base façade height of 22.0 metres.</p> <p>The following additional stepback shall be required for any portion of a building exceeding 44.0 metres in height:</p> <p>i) Minimum of 6.5 metres from a lot line abutting a laneway.</p> <p>ii) Minimum of 6.0 metres from all side and rear lot lines except any flankage lot line.</p> |
| d) Maximum Lot Coverage | 87.5% 91.6% |
| e) Parking | No parking space shall be less than 2.7 metres in width by 6.0 metres in length. |
| f) Bicycle Parking | 12 short term bicycle parking spaces for all uses. |
4. That Schedule D – Holding Provisions, of By-law No. 05-200, be amended by adding the additional Holding Provision as follows:

For the lands zoned "Downtown Central Business District (D1, 702, H107) Zone, on Maps 952 and 953 of Schedule A – Zoning Maps, and described as 154 Main Street East and 49 Walnut Street South (Hamilton), 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 condition upon:

- (a) The Owner enters into a conditional building permit agreement with respect to completing a Record of Site Condition or a signed Record of Site Condition (RSC) being submitted to the City of Hamilton and the Ministry of the

**To Amend Zoning By-law No. 05-200
Respecting Lands Located at 154 Main Street East and 49 Walnut Street South
Owned By 1970703 Ontario Inc.**

Environment and Conservation and Parks (MECP). 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 MECP, and submission of the City of Hamilton's current RSC administration fee; and,

- (b) The Owner purchase the alleyway required to implement the proposed development and merge the lands on title with the balance of the lands, to the satisfaction of the Director of Planning and Chief Planner.
5. That Schedule F" – Figure 1 of By-law 05-200 be amended by identifying the lands shown in Schedule "A" with a maximum height of 80 metres.
 6. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of the By-law, in accordance with the Planning Act.
 7. That this By-law No. 18_____ shall come into force and be deemed to come into force in accordance with Sub-section 34(21) of the Planning Act, either upon the date of passage of this By-law or as otherwise provided by the said Sub-section.

PASSED this _____, 2018

F. Eisenberger
Mayor

Janet Pilon
Acting City Clerk

UHOPA-18-018 and ZAR-17-074

**To Amend Zoning By-law No. 05-200
Respecting Lands Located at 154 Main Street East and 49 Walnut Street South
Owned By 1970703 Ontario Inc.**



This is Schedule "A" to By-law No. 18- Passed the day of, 2018	_____ Mayor _____ Clerk
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<h2 style="margin: 0;">Schedule "A"</h2> <h3 style="margin: 0;">Map Forming Part of By-law No. 18-_____</h3> to Amend By-law No. 05-200 Maps 953 & 995	Subject Property 154 Main Street East & 49 Walnut Street South Change in Zoning from the Downtown Central Business District (D1, H17, H18, H20) Zone to the Downtown Central Business District (D1, 702, H17, H107) Zone Holding
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Scale: N.T.S.	File Name/Number: ZAR-17-074/UHOPA-18-018	
Date: July 26, 2017	Planner/Technician: DB/AL	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

**To Amend Zoning By-law No. 05-200
Respecting Lands Located at 154 Main Street East and 49 Walnut Street South
Owned By 1970703 Ontario Inc.**

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

Is this by-law derived from the approval of a Committee Report? No

Committee: Chair and Members Report No.: PED18196 Date: 09/04/2018

Ward(s) or City Wide: Ward: 2 (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

**To Amend Zoning By-law No. 05-200
Respecting Lands Located at 154 Main Street East and 49 Walnut Street South (Hamilton)**

By-law Modifications

By-law Provisions	By-law Requirements			
	Existing Zoning		Current (D1) Zone In Force and Effect	Proposed (D1) Zoning Requirements
	D3	D6	D1	
Maximum Setback from a Street Line (2 nd and 3 rd storey)	0.5 m	N/A	0.5 m	1.0 m
Minimum Tower Stepback from Main Street East	N/A	N/A	N/A	3.0 m (above 7 th storey)
Minimum Tower Stepback from Walnut Street South (above 7 th Floor)	N/A	N/A	N/A	2.2 m (above 7 th storey) 1
Minimum Tower Stepback from Jackson Street East	N/A	N/A	N/A	44.6 m (above 7 th storey)
Minimum Tower Stepback from the Easterly Side Lot Line	N/A	N/A	N/A	3.0 m (above 7 th storey)
Maximum Building Height	44.5 m	22.0 m	44.5 m and 22.0 m	80.0 m
Long Term Bicycle Parking (Multiple Dwelling)	N/A	N/A	N/A	Units 1-4 = 0 per unit Units 5+ = 0.5 per unit
Long Term Bicycle Parking (Commercial)	N/A	N/A	N/A	Less than 450 sq m = 0 per unit Uses between 450 sq m and 1,000 sq m = 2 per unit

**To Amend Zoning By-law No. 05-200
Respecting Lands Located at 154 Main Street East and 49 Walnut Street South (Hamilton)**

	By-law Requirements			
By-law Provisions	Existing Zoning		Current (D1) Zone In Force and Effect	Proposed (D1) Zoning Requirements
	D3	D6	D1	
				Uses between 1,001 sq m and 10,000 sq m = 5 per unit Uses exceeding 10,001 sq m = 7 per unit
Short Term Bicycle Parking	N/A	N/A	N/A	12
Parking Space Size within a Structure	2.6 m in width and 5.5 m in length			2.7 m wide by 6 m in depth

**To Amend Zoning By-law No. 05-200
Respecting Lands Located at 154 Main Street East and 49 Walnut Street South (Hamilton)**

By-law Modifications

By-law Provisions	By-law Requirements		Analysis
	(D1) Zoning Requirements (Council approved Zoning)	Modified (D1) Zoning Requirements	
	D1	D1, 702	
Height of Base Façade along Main Street East	22.0 m	24.0 m	The proposed 24.0 m podium height is for the northerly portion of the proposed building. The small increase in the height of the podium along Main Street East from 22.0 m to 24.0 m will be generally consistent with the massing intended for buildings along Main Street East. The proposed 24.0 m podium height will accommodate a seven storey podium that is less than the typical floor height requirements of 4.5 m for the first floor and 3.5 m for the floors above. The proposed 24.0 m podium would only apply to the northerly portion of the podium as the the southerly portion of the podium which consists of the parking garage which conform to 22.0 m height requirement.
Minimum Tower Stepback from Walnut Street South (above 7 th Floor)	3.0 m from podium which has a height of 11.0 m	2.2 m (above 7 th storey)	<p>A modification is being sought to reduce the depth of the stepback along Walnut Street South.</p> <p>A 2.2 m stepback along with distinctive material for the 8th and 9th floor will provide a clear transition between the podium and the tower.</p> <p>Additionally as noted in the report, the proposed building will not create adverse sun shadow and wind impacts.</p> <p>Therefore the proposed modification to the required stepback can be supported.</p>
Height of Base Façade along Walnut Street South	11.0 m	24.0 m (northerly portion) 22.0 m (southerly portion)	The proposed modification to increase the point of transition from 11.0 m to above the 7 th floor (24.0 m for northerly portion of the proposed building (mixed use building) and 22.0 m for southerly portion (parking structure) of the proposed building. The proposed increase to the point of transition allows for a generally consistent podium height for the

**To Amend Zoning By-law No. 05-200
Respecting Lands Located at 154 Main Street East and 49 Walnut Street South (Hamilton)**

By-law Provisions	By-law Requirements		Analysis
	(D1) Zoning Requirements (Council approved Zoning)	Modified (D1) Zoning Requirements	
	D1	D1, 702	
			development with the top floor of the parking structure being open. It is noted that the transition between the 24.0 m podium height and 22.0 m podium height is between the base of the mixed use building and the parking structure. The 22.0 m open top parking structure will create a transition between the 25 storey mixed use building located on the northerly portion of the property and the existing low rise development along Jackson Street East. The increase in the height of the podium for the northerly portion of the podium along Walnut Street South from 11.0 m to 24.0 m will be consistent with the massing intended for buildings along Main Street East. The proposed 24.0 m podium height will accommodate a seven storey podium that is less than the floor height requirements of 4.5 m for the first floor and 3.5 m for the floors above. Additional architectural elements, material and colour changes can be utilized to reflect the 11.0 m height. These additional design changes will be undertaken as part of a future Site Plan Control Application. Therefore the proposed modification to increase the height of the point of transition can be supported.
Minimum Tower Stepback from Jackson Street East	3.0 m from podium which has a height of 11.0 m	44.6 m (above 7 th storey)	<p>A modification is being sought to increase the depth of the stepback from Jackson Street East.</p> <p>The proposed increase in the depth of the stepback from 3.0 m to 44.6 m facilitates a large transition between the proposed tower and the existing low rise buildings along Jackson Street East and improves the compatibility between the proposed development and the adjacent lands. It is noted that the proposed 44.6 m setback is above and beyond the minimum stepback that is required in the Zoning By-law. In addition the proposed seven storey parking structure is to be located between the proposed tower and Jackson Street East.</p>

**To Amend Zoning By-law No. 05-200
Respecting Lands Located at 154 Main Street East and 49 Walnut Street South (Hamilton)**

By-law Provisions	By-law Requirements		Analysis
	(D1) Zoning Requirements (Council approved Zoning)	Modified (D1) Zoning Requirements	
	D1	D1, 702	
			<p>Additionally as noted in the report, the proposed building will not create adverse sun shadow and wind impacts.</p> <p>Therefore the proposed modification to the required stepback can be supported.</p>
Height of Base Façade along Jackson Street East	11.0 m	22.0 m	<p>The proposed modification to increase the point of transition from 11.0 m to above the 7th floor (22.0 m) allows for a consistent podium height for the development. It is further noted that the proposed seventh storey transition is consistent with the existing building height of the seven storeys for the building located at the corner of Jackson Street East and Ferguson Avenue South located one block to the East. Therefore the proposed modification to increase the height of the point of transition can be supported.</p>
Height of Base Façade along Easterly Side Lot Line	22.0 m	24.0 m (northerly portion) 22.0 m (southerly portion)	<p>The proposed 24.0 m podium height is for the northerly portion of the proposed building (mixed use building) and will maintain the required 22.0 m podium height for the southerly portion (parking structure) of the proposed building, while allowing for a generally consistent podium height for the development with the top floor of the parking structure being open. It is noted that the transition between the 24.0 m podium height and 22.0 m podium height is between the mixed use building and the parking structure. The 22.0 m open top parking structure will create a transition between both the tower and the 24.0 m podium located on the northerly portion of the property and the existing low rise development along Jackson Street East. The small increase in the height of the podium along the northerly portion of the Easterly Side Lot Line from 22.0 m to 24.0 m will be consistent with the massing intended for buildings along Main Street East. The proposed 24.0 m podium height will accommodate a seven storey podium that is less than the floor height requirements of 4.5 m for the first floor and 3.5 m</p>

**To Amend Zoning By-law No. 05-200
Respecting Lands Located at 154 Main Street East and 49 Walnut Street South (Hamilton)**

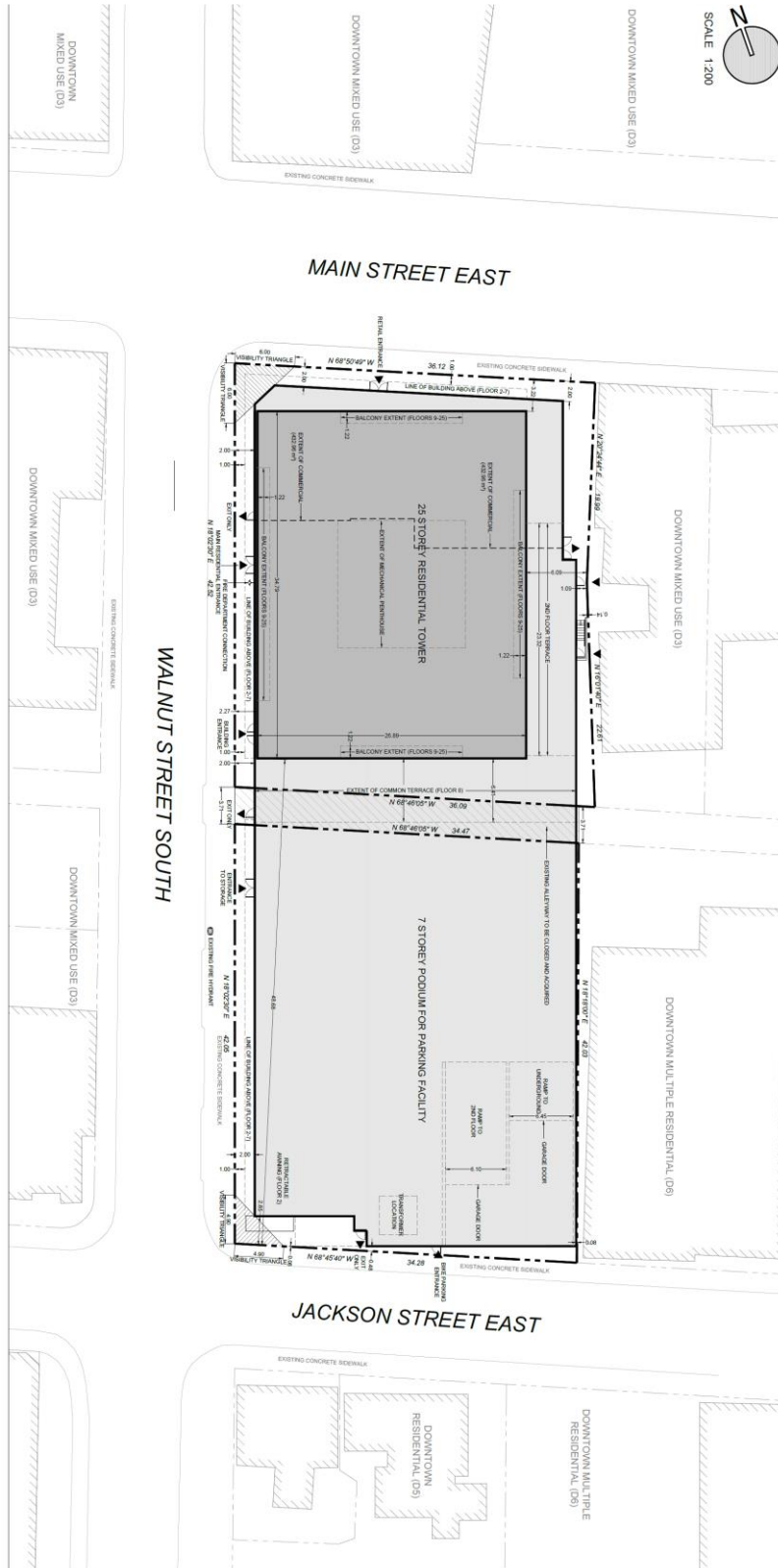
By-law Provisions	By-law Requirements		Analysis
	(D1) Zoning Requirements (Council approved Zoning)	Modified (D1) Zoning Requirements	
	D1	D1, 702	
			for the floors above. The proposed 24.0 m podium would only apply to the northerly portion of the podium and not the southerly portion of the podium which consists of the parking garage.
Maximum Building Height	91.0	80.0 m	The proposed maximum building height is 80.0 m and therefore is less than maximum building height outlined in the Council Approved (D1) Zoning. Therefore staff support the modification.
Maximum Lot Coverage	85%	87.5%	<p>The proposed modification is seeking a 2.5% increase in the maximum lot coverage.</p> <p>It is noted that the 87.5% lot coverage was included in the design of the proposed building prior to the establishment of a maximum lot coverage requirement in the Council Approved Zoning.</p> <p>The intent of restricting development to a maximum 85% lot coverage is to ensure that adequate space is maintained for storm water management. As the applicant will be required to demonstrate that the storm water management can be properly addressed as part of the Site Plan Control Application, therefore staff support the modification.</p>
Minimum setbacks for a tower for any portion of the building exceeding 44.0 m (abutting a laneway)	9.5 m	6.5 m	<p>The required 9.5m setback for a tower abutting a laneway is to ensure adequate tower separation with an existing or future tower on adjacent lands.</p> <p>The south east corner of the proposed tower is setback 6.5 m from the portion of the existing alleyway that is not to be closed. The intent of requiring a 9.5 m setback from a laneway is to ensure that an adequate tower separation is provided the proposed tower and any existing or future tower. Adequate tower separation is required in order avoid privacy impacts between the towers, ensure sufficient natural lighting for the towers, as well as prevent cumulative shadow impacts. The</p>

**To Amend Zoning By-law No. 05-200
Respecting Lands Located at 154 Main Street East and 49 Walnut Street South (Hamilton)**

By-law Provisions	By-law Requirements		Analysis
	(D1) Zoning Requirements (Council approved Zoning)	Modified (D1) Zoning Requirements	
	D1	D1, 702	
			<p>proposed tower is kitty corner to the alleyway and not parallel to it, and any future tower located on the lands to the south east would be kitty corner to the proposed tower. Based on the proposed 6.5 m setback, the existing alleyway width of 3.6 m and a 9.5 m setback provided for a future tower a separation distance of 19.6 m would be provide between the south east corner of the proposed tower and the north west corner of a future tower on the lands to the south east. Based on a separation distance of 19.6 m between the towers and the potential orientation between the towers, the towers would not directly facing each and will therefore not create privacy impacts and will ensure that there is sufficient natural lighting for the towers. The 19.6 m separation between the towers along with the orientation of the towers will reduce the cumulative sun shadow impacts created by the towers on public street and on public and private open spaces.</p> <p>Therefore the proposed modification has merit and can be supported.</p>
Minimum setbacks for a tower from any side and rear lot line exceeding 44.0 m	12.5 m	6.0 m	<p>The required 12.5 m setback for a tower from any side or rear lot line is to ensure adequate tower separation with an existing or future tower on adjacent lands.</p> <p>A setback of 6.0 m is proposed from the easterly side lot line. The two properties located to the east of the subject property have a combined frontage of approximately 20 m and a combined lot area of approximately 900 sq. m. A minimum lot width of 35 m and lot area of 1,575 sq. m. are required in the Council approved Downtown Zoning for a tall building, it is noted that the combined lot size of the properties are not sufficient to meet these By-law requirements to establish a tall building.</p>

**To Amend Zoning By-law No. 05-200
Respecting Lands Located at 154 Main Street East and 49 Walnut Street South (Hamilton)**

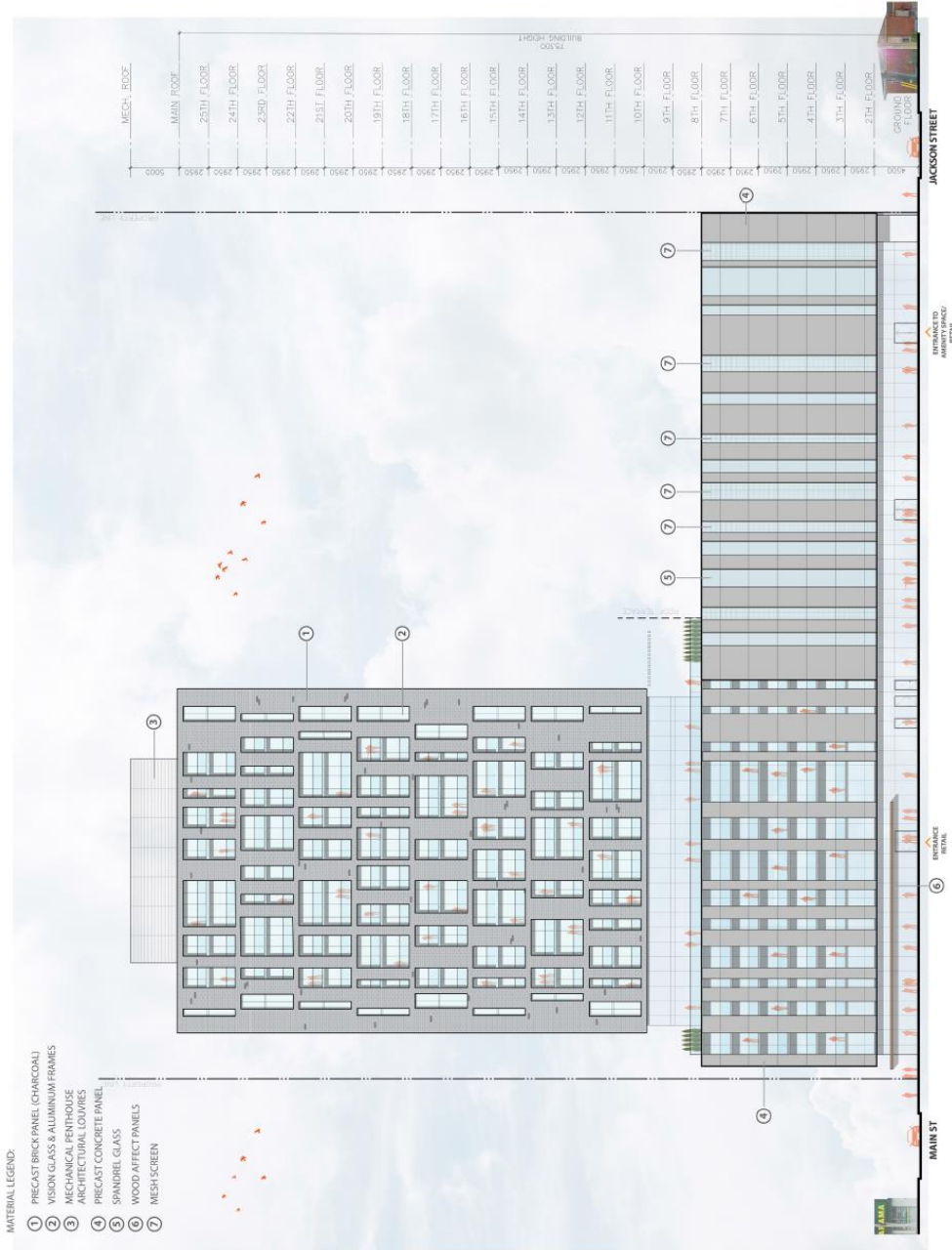
By-law Provisions	By-law Requirements		Analysis
	(D1) Zoning Requirements (Council approved Zoning)	Modified (D1) Zoning Requirements	
	D1	D1, 702	
			<p>Furthermore the two properties to the east are included on the City's Register of Property of Cultural Heritage or Architectural Value. As it is unlikely that a tall building will be established on the lands located to the east a reduced stepback has merit and can be supported.</p> <p>Should all three properties to the east be merged in title there would be sufficient lot width and lot area to permit a tall building, along with sufficient space to adequately separate the proposed tower from a potential tower located towards to corner of Main Street East and Ferguson Avenue South.</p> <p>Therefore the proposed modification has merit and can be supported.</p>
Short Term Bicycle Parking	7	12	A total of 12 short term bicycle parking spaces are to be provided which exceeds the maximum short term bicycle parking requirement of 7 spaces. Therefore staff support the modification.
Parking Space Size within a Structure	2.8 m in width and 5.8 m in length (plus an additional 0.3 m where a wall, column or any other obstruction is located abutting)	2.7 m wide by 6 m in depth	<p>The proposed development was subject to a formal consultation and development application applied for after May 25, 2005 and prior to May 9th, 2018. The proposed parking space width of 2.7 m therefore conforms to the direction of Council as contained in section 4.12 of the City of Hamilton Zoning By-law 05-200.</p> <p>Therefore the proposed modification has merit and can be supported.</p>



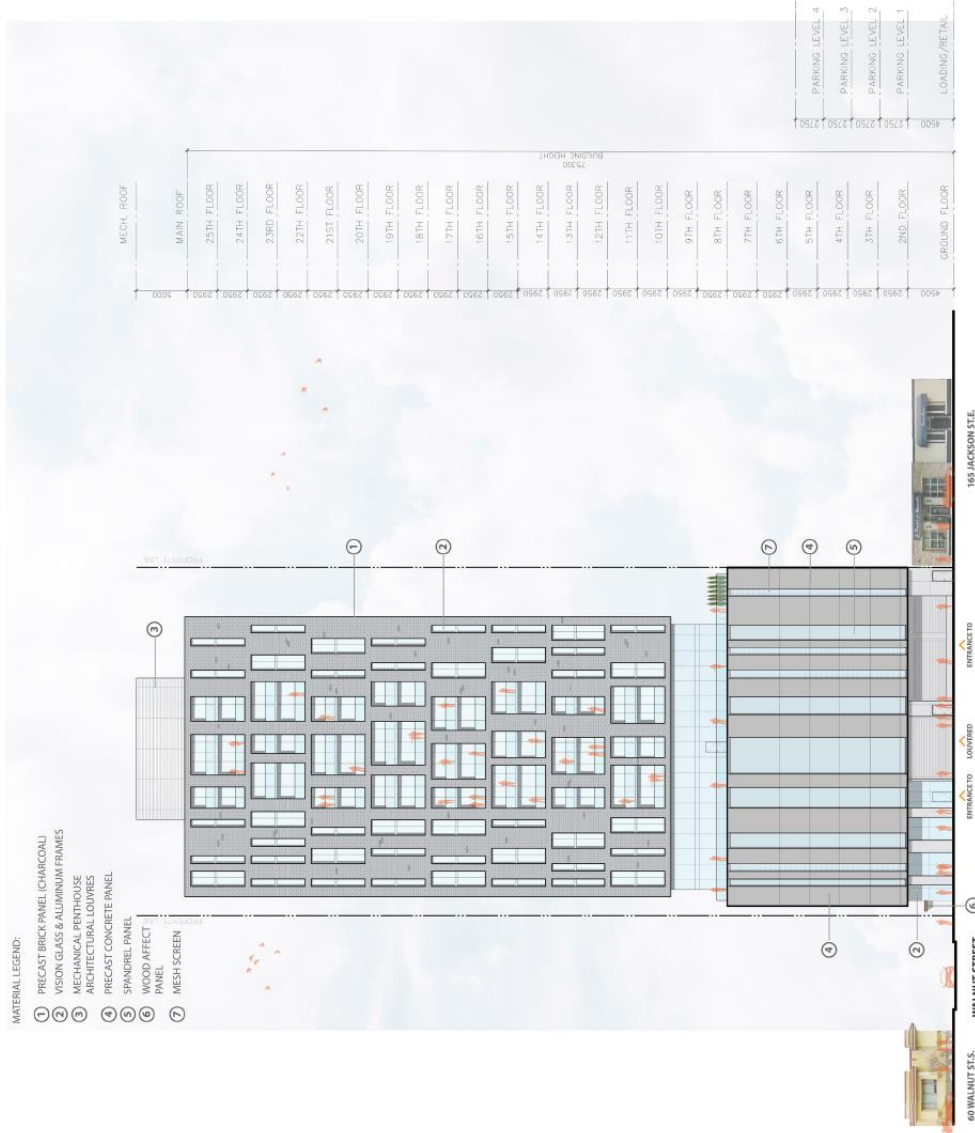
URBAN DESIGN BRIEF
154 MAIN STREET EAST & 49 WALNUT STREET SOUTH HAMILTON



URBAN DESIGN BRIEF
154 MAIN STREET EAST & 49 WALNUT STREET SOUTH HAMILTON

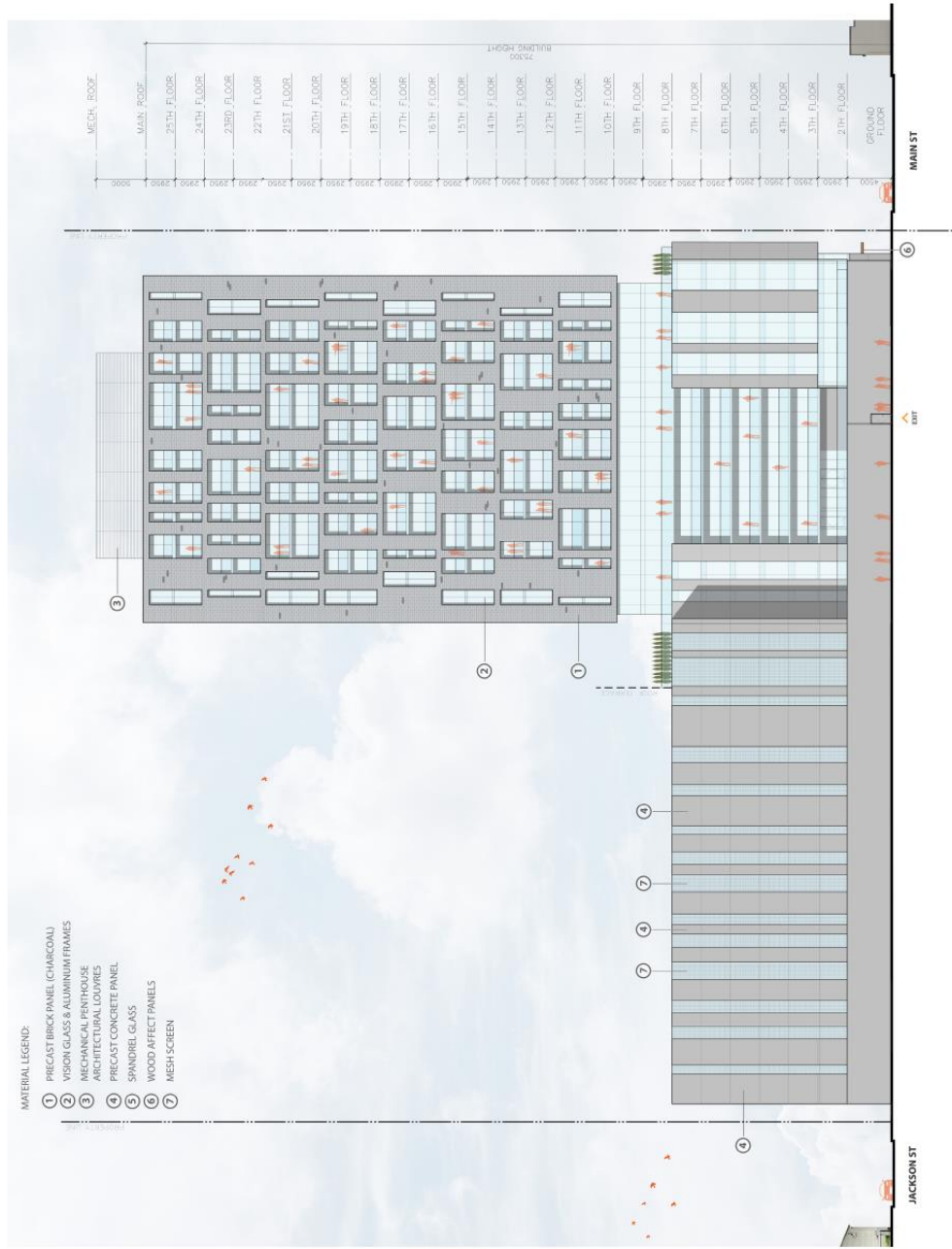


URBAN DESIGN BRIEF
154 MAIN STREET EAST & 49 WALNUT STREET SOUTH HAMILTON



SOUTH ELEVATION

URBAN DESIGN BRIEF
154 MAIN STREET EAST & 49 WALNUT STREET SOUTH HAMILTON



EAST ELEVATION

Barnett, Daniel

From: Lynda Staley
Sent: January-03-18 8:43 AM
To: Barnett, Daniel
Subject: RE: File ZAR17-074

Thank you for the reply. I did have the address incorrect, thanks for the correction. Regards, Lynda Staley

On Jan 2, 2018 1:09 PM, "Barnett, Daniel" <Daniel.Barnett@hamilton.ca> wrote:

Hi Lynda

As staff have not yet drafted our planning report we can still include your correspondence in our report when it is drafted.

I just want to clarify that the address of the site is 154 Main St East with the parking structure at 49 Walnut St South whereas the address you mentioned in your e-mail was 125 Main St E which is located further to the west on the north side of Main St E.

Traffic impacts are reviewed by Transportation staff as part of the review of the Rezoning Application this review is still on-going and I have not yet received the comments in respect to traffic impacts.

In respect to pedestrian access an Urban Design brief was submitted with the application which includes an evaluation of the public realm. The review is made in respect to the functionality of the public realm and pedestrian experience scale, amenities, etc. Urban Design briefs do not get into an assessment of the specific needs of people living in the area, there are however requirements in respect to meeting AODA requirements that will need to be met and pedestrian mobility requirements established by the City. Based on City requirements for the width of sidewalks a sidewalk with a width of 3.5m has been identified in the comments that have been provided to Planning Staff which represents a sidewalk width greater than what is currently being provided.

A second notice will be mailed out a minimum of 17 days prior to the public meeting and the sign will be updated prior to this date. At this point a meeting has not yet been scheduled and based on internal report deadlines a public meeting would not be held until the Spring at the earliest.

Daniel

From: Lynda Staley [mailto:]
Sent: December-17-17 2:41 PM
To: Barnett, Daniel
Subject: File ZAR17-074

Daniel, I am the mother of resident at 185 Jackson St. East. The resident, is brain injured and uses an electric wheelchair for mobility. She has lived in the area more than 10 years. She must have received this notice and not understood the importance of it. I noted the deadline was Dec 8th but here are my concerns anyway. My question regarding this zoning change is: What is the proposed traffic impact on the area? There are several electric wheelchair residents and scooter residents in the area. The apartments at 185 Jackson St. E. rent to many people who have mobility issues and people who may not understand the issues affecting their safety in their neighbourhood. A larger apartment building and parking structure at 125 Main St. East would increase the traffic on both Main Street and Jackson which are the routes for wheelchair people to access the YWCA and YMCA, Jackson Square, Tim Hortons etc.

Another question: Has there been a pedestrian study of the people residing in the neighbourhood? You may have a population count already but not a needs assessment of the people living in the area? Especially a tally of mobility users in the zoning area? Any day of the week you will encounter people using mobility devices in this area.

The winter poses many problems in the area as snow removal is slow/non-existent for mobility users on corners so sidewalks can be accessed. The increase of vehicle use in the area is also an obstacle to mobility users eg. Speed control of the area should be 40km.

I hope you give residents sufficient notice about the public meeting. Regards,

Barnett, Daniel

From: Jan Hanna <
Sent: January-10-18 2:04 PM
To: Barnett, Daniel
Subject: Development at Walnut and Main st. E

Hello,

I am writing with regards to the proposed construction of the mixed residential and commercial building to be located at the intersection of Walnut and Main St. E (154 Main Street East)

Perhaps this is not a Municipally decided matter, but I would like to know the process by which applications, and the subsequent approvals, are made for the commercial permits to be granted in the building.

Thank you kindly for your help
Jan



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
 Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	September 4, 2018
SUBJECT/REPORT NO:	Applications for an Amendment to the Urban Hamilton Official Plan and Zoning By-law No. 05-200 for Lands Located at 71 Rebecca Street, Hamilton (PED18195) (Ward 2)
WARD(S) AFFECTED:	Ward 2
PREPARED BY:	George T. Zajac (905) 546-2424 Ext. 1024
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Amended Urban Hamilton Official Plan Amendment Application UHOPA-17-023, by Sonoma Development Group Inc., Owner** to create a site specific policy area in the DTSP to permit a gross residential density of 1,010 units per net hectare to allow for a mixed use building with a maximum height of 97 m (30 storeys) and to exempt the development from any road widening requirements for lands located at 71 Rebecca Street, as shown on Appendix "A" to Report PED18195 be **APPROVED**, on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix "B" to Report PED18195, 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-17-053 by Sonoma Development Group Inc., Owner** for a change in zoning from the Downtown Mixed Use (D3) Zone to the Central Business District (D1, 701, H105) Zone to permit a mixed use building with a maximum building height of 97 m

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 Urban Hamilton Official Plan and Zoning By-law No. 05-200 for Lands Located at 71 Rebecca Street, Hamilton (PED18195) (Ward 2) – Page 2 of 30

(30 storeys) for lands located at 71 Rebecca Street, as shown on Appendix “A” to Report PED18195, be **APPROVED** on the following basis:

- (i) That the draft By-law, attached as Appendix “C” to Report PED18195, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the amending By-law, attached as Appendix “C” to Report PED18195, be added to Schedule 953 of Zoning By-law No. 05-200;
- (iii) That Schedule “D” – Holding Provisions, of Zoning By-law No. 05-200, be amended by adding an additional Holding Provision as follows:

For the lands zoned Downtown Central Business District (D1, 701, H105) Zone, on Map 953 of Schedule “A” – Zoning Maps and described as 71 Rebecca Street, development shall not proceed until:

- (a) The owner enters into a conditional building permit agreement with respect to completing a Record of Site Condition or a signed Record of Site Condition (RSC) being submitted to the City of Hamilton and the Ministry of the Environment, Conservation and Parks (MOECP). 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 MOECP, and submission of the City of Hamilton’s current RSC administration fee.
 - (iv) That this By-law is in conformity with the Urban Hamilton Official Plan, upon approval of Urban Hamilton Official Plan Amendment No. XX and that the proposed change in zoning is consistent with the Provincial Policy Statement (2014) and conforms to the Growth Plan for the Greater Golden Horseshoe (2017).
- (c) That **Amended Zoning By-law Amendment Application ZAC-17-053 by Sonoma Development Group Inc., Owner**, for a change in zoning from the Central Business District (D1, H17, H19, H20) Zone to the Central Business District (D1, 701, H17, H105) Zone to permit a mixed use building with a maximum building height of 97 m (30 storeys) for lands located at 71 Rebecca Street, as shown on Appendix “A” to Report PED18195, be **APPROVED** on the following basis:
- (i) That the Draft By-law, attached as Appendix “D” to Report PED18195, be held in abeyance until such time as By-law 18-114 (Downtown Zones) is in force and effect;

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- (ii) That the amending By-law, attached as Appendix “D” to Report PED18195, be added to Schedule 953 of Zoning By-law No. 05-200;
 - (iii) That Schedule “D” – Holding Provisions, of Zoning By-law No. 05-200, be amended by adding an additional Holding Provision as follows:

For the lands zoned Downtown Central Business District (D1, 701, H17, H105) Zone, on Map 953 of Schedule “A” – Zoning Maps and described as 71 Rebecca Street, development shall not proceed until:

 - (a) The owner enters into a conditional building permit agreement with respect to completing a Record of Site Condition or a signed Record of Site Condition (RSC) being submitted to the City of Hamilton and the Ministry of the Environment, Conservation and Parks (MOECP). 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 MOECP, and submission of the City of Hamilton’s current RSC administration fee.
 - (iv) That the Draft By-law, attached as Appendix “D” to Report PED18195, be held in abeyance until such time as By-law 18-114 (Downtown Zones) is in force and effect;
 - (v) That staff be directed to bring forward the draft By-law, attached as Appendix “D” to Report PED18195, for enactment by City Council, once By-law No. 18-114 is in full force and effect;
 - (vi) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (2017) and will comply with the Urban Hamilton Official Plan.
- (d) That staff be directed to waive the requirement for the road widenings for 71 Rebecca Street, Hamilton subject to the following:
- (i) That the owner enters into a cost sharing agreement with the City of Hamilton for the construction of Rebecca Street from John Street to Catherine Street as a Woonerf;
 - (ii) That the owner be responsible for all costs for designing the Woonerf to the satisfaction of the Director of Transportation Planning and Parking;

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- (iii) That the owner be responsible for all costs associated with constructing the Woonerf from the building face to the centreline of Rebecca Street, with the exception of any underground utilities or services under the City's sidewalk or roadway that are not associated with the owner's development, which shall be the sole responsibility of the City;
- (iv) That in the event that Planning and Economic Development Department staff are unable to reach a satisfactory cost sharing agreement with the owner that achieves (i) through (iii) above, the owner of the subject lands will be required to equitably dedicate the necessary lands to establish Rebecca Street to a minimum right-of-way width of 15.24 m and 26.22 m for John Street North. All required building setbacks will be required to be met from the new property line and no element of the building shall be permitted to overhang or encroach upon the City right-of-way.

EXECUTIVE SUMMARY

The Owner, Sonoma Development Group Inc., has applied for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for lands located at 71 Rebecca Street.

The proposed Urban Hamilton Official Plan Amendment is to create a site specific policy area to permit a maximum gross residential density of 1,010 units per hectare to allow for a mixed use building with a maximum height of 97 m (30 storeys) and to exempt the development from any road widening requirements for the in force and effect Downtown Secondary Plan.

The proposed Zoning By-law Amendment is for a change in zoning from the Downtown Mixed Use (D3) Zone to a site specific Central Business District (D1) Zone with site specific modifications under Zoning By-law No. 05-200 in order to permit a mixed use building with a maximum building height of 97 m (30 storeys) containing a multiple dwelling with a total of 313 dwelling units, 1,218 sq m of commercial gross floor area on the ground floor and a total of 204 parking spaces (200 underground spaces and four surface level car share spaces). The subject lands are included in the new Downtown Zoning and staff recommend that it be amended to implement the subject proposal.

The proposed applications have merit and can be supported as they are consistent with the Provincial Policy Statement (2014), conform to the Growth Plan for the Greater Golden Horseshoe (2017) and comply with the Urban Hamilton Official Plan, subject to the recommended Amendment.

Alternatives for Consideration – See Page 29

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FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

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

HISTORICAL BACKGROUND

Proposal

The subject lands are located on the north side of Rebecca Street, between John Street North to the west and Catharine Street North to the east. Currently the former Grey Coach Bus Terminal building occupies the subject lands, which since 1996 have been leased by the Hamilton Urban Core Community Healthcare organization and will be demolished in order to facilitate the proposed development. The two storey brick, concrete block and steel structure with a covered loading platform was built in 1955. The exterior has remained as designed, but the interior has undergone extensive renovations.

The subject lands are irregular in shape and approximately 0.316 ha in area. The frontage on Rebecca Street is approximately 95.8 m and the frontages along John Street North and Catharine Street North are approximately 22.5 m and 44.1 m respectively.

Original Submission – June 15, 2017

The applicant's original proposal was for a 40 storey building with a total building height of 121.5 m, 371 dwelling units, 1,210 sq m of ground floor commercial gross floor area, 350 underground parking spaces, two loading spaces, 323 secure bicycle lockers and LED billboard signage facing the proposed John / Rebecca Park.

Amended Submission – April 4, 2018

After multiple meetings and discussions with City staff, the subject proposal was revised to a 30 storey building with a total building height of 97 m, 313 dwelling units, 1,218 sq m of ground floor commercial area, 204 parking spaces (200 underground spaces and four surface level car share spaces), two loading spaces and 162 secure bicycle lockers (Appendix "E" to Report PED18195).

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The proposed amended Official Plan Amendment Application is to create a site specific policy within the in force and effect Downtown Hamilton Secondary Plan (DTSP) to permit an increased gross residential density on the subject lands from 300 units per gross hectare to 1,010 units per gross hectare in order to permit the development of a 30 storey mixed use building.

The proposed amended Zoning By-law Amendment Application is for a change in zoning from the current in force and effect Downtown Mixed Use (D3) Zone to a site specific Central Business District (D1) Zone in order to permit the revised proposal for a 30 storey mixed use building. Modifications for deeming Rebecca Street as the front lot line, an increase in the maximum setback from a street line for the first storey, a reduction in parking, surface parking spaces adjacent to a street line without a planting strip and a reduction in parking stall sizes are required for the subject proposal.

On April 17, 2018, staff presented the new Downtown Hamilton Secondary Plan (DTSP) and implementing Zoning at Planning Committee and the By-laws were approved by Council on May 9, 2018. The new policies for the DTSP eliminates the need for an Official Plan Amendment for the subject proposal and proposes to rezone the subject lands from the Downtown Mixed Use (D3) Zone to the Downtown Central Business District (D1, H17, H19, H20) Zone. The DTSP and Zoning were appealed to the Local Planning Appeal Tribunal (LPAT) on June 4, 2018 and are not final and binding. A By-law has been prepared to modify the (D1) Zone to implement the subject proposal. The draft By-law modifies building setbacks, lot coverage and parking stall sizes previously addressed by Council motion to implement the proposal.

Also, a Community Park is proposed by the City to be located directly across from the subject lands, on the south side of Rebecca Street (76 John Street North). The lands are currently used as a municipal parking lot. As a result, the applicant has also proposed that Rebecca Street (between John Street North and Catharine Street North) be redesigned as a 'Woonerf' (a road with significant traffic calming features, where vehicles are expected to proceed slowly, at a walking pace and typically has no curbing) with one lane of one-way traffic adjacent to the proposed Community Park. The possible 'Woonerf' for Rebecca Street would be implemented at the Site Plan Control Approval stage.

Chronology:

- June 15, 2017: Urban Hamilton Official Plan Amendment Application UHOPA-17-023 and Zoning By-law Amendment Application ZAC-17-053 received.
- July 13, 2017: Proposal presented to the City's Design Review Panel (DRP).

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<u>July 14, 2017:</u>	Applications UHOPA-17-023 and ZAC-17-053 deemed complete.
<u>July 21, 2017:</u>	Circulation of Notice of Complete Application and Preliminary Circulation for Applications UHOPA-17-023 and ZAC-17-053 to 198 property owners within 120 m of the subject lands.
<u>July 29, 2017:</u>	Public Notice Sign installed on subject lands.
<u>November 28, 2017:</u>	Public Information Meeting held by applicant.
<u>April 4, 2018:</u>	Amended Applications UHOPA-17-023 and ZAC-17-053 received.
<u>May 9, 2018:</u>	Downtown Hamilton Secondary Plan Approved by Council.
<u>June 4, 2018:</u>	Downtown Hamilton Secondary Plan appealed to the Local Planning Appeal Tribunal.
<u>August 8, 2018:</u>	Public Notice Sign updated with Public Meeting Information.
<u>August 17, 2018:</u>	Circulation of the Notice of Public Meeting to 198 property owners within 120 m of the subject lands.

Details of Submitted Application:

<u>Location:</u>	71 Rebecca Street (see Appendix “A” to Report PED18195).	
<u>Owner / Applicant:</u>	Sonoma Development Group Inc.	
<u>Agent:</u>	Wellings Planning Consultants Inc. (c/o: Glenn Wellings)	
<u>Property Description:</u>	<u>Lot Frontage:</u>	95.8 m (Rebecca Street)
	<u>Lot Depth:</u>	44.1 m (Catharine Street North)
	<u>Lot Area:</u>	0.316 ha
	<u>Servicing:</u>	Full Municipal Services

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Existing Land Use and Zoning:

<u>Subject Lands:</u>	<u>Existing Land Use</u>	<u>Existing Zoning</u>
	Hamilton Urban Core Healthcare Office	Downtown Mixed Use (D3) Zone Proposed to Central Business District (D1, 701, H105) Zone

Surrounding Land Uses:

North	Impark Parking Lot	Downtown Mixed Use (D3) Zone and Downtown Local Commercial (D4) Zone
South	Municipal Parking Lot	Open Space (P4) Zone
West	Impark Parking Lot	Downtown Mixed Use (D3) Zone and Downtown Local Commercial (D4) Zone
East	Vacant Property (Future Hamilton Police Forensics Facility)	Downtown Multiple Residential (D6) Zone and Downtown Local Commercial (D4) Zone

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 following policies, amongst others, apply to the proposed development.

Settlement Areas

With respect to Settlement Areas, the PPS provides the following:

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

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1.1.3.2 Land use patterns within *settlement areas* shall be based on:

- a) densities and a mix of land uses which:
 - 1. efficiently use land and resources;
 - 2. are appropriate for, and efficiently use, the *infrastructure* and *public service facilities* which are planned or available, and avoid the need for their unjustified and / or uneconomical expansion;
 - 4. support *active transportation*;
 - 5. are *transit-supportive*, where transit is planned, exists or may be developed;
- b) a range of uses and opportunities for *intensification* and *redevelopment* in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.”

The subject property is located within a settlement area and more specifically located within Downtown Hamilton. The proposed mixed use building, consisting of 313 dwelling units and 1,218 sq m commercial floor area at grade would contribute to the mix of land uses in Downtown Hamilton that would efficiently use land and existing infrastructure, and represents a form of intensification. The proposal is transit-supportive by providing intensification in close proximity to the Hunter GO Station (approximately 525 m to the south of the subject lands) and the West Harbour Go Station (approximately 875 m to the north of the subject lands), seeking a reduced parking requirement and providing 162 secure bicycle parking lockers.

Cultural Heritage and Archaeology

With respect to Cultural Heritage and Archaeology, the PPS provides the following:

- “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 area of archaeological potential unless significant archaeological resources have been conserved.
- 2.6.3 Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been

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demonstrated that the heritage attributes of the protected heritage property will be conserved.”

As mentioned, the subject lands are comprised of a two storey building constructed with brick, concrete blocks and steel in 1955 as the regional bus terminal. The property was included in the City’s Register of Property of Cultural Heritage Value or Interest by Council in 2014 through the Downtown Built Heritage Inventory Project. Further, inclusion in the Register requires that Council be given 60 days notice of the intention to demolish or remove any building or structure on the property, prohibiting any demolition and removal during this time period. The subject applications propose to demolish the two storey former bus terminal at 71 Rebecca Street.

The subject property is adjacent to 85, 89, 91, 96 and 97 Catharine Street North, 55 John Street North and 52 Rebecca Street, which are also included in the City’s Register of Property of Cultural Heritage Value or Interest.

A Documentation & Salvage Report for the subject property was completed by Detritus Consulting Ltd. in April, 2017. Staff have reviewed the Cultural Heritage Documentation & Salvage Report submitted with the subject applications and find it to be comprehensive and complete.

The subject property meets two of the ten criteria used by the City of Hamilton and Ministry of Tourism, Culture and Sport for determining archaeological potential:

- 1) In areas of pioneer EuroCanadian settlement; and,
- 2) Along historic transportation routes.

These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the PPS apply to the subject application and will be addressed at the Site Plan Control stage as an acknowledgement note on the plan.

Noise

Regarding noise, the PPS provides the following,

“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.”

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Staff note the proposed development is located within 400 m of a major arterial road (Main Street East) and is within 400 m of a truck route (King Street East). Therefore, a noise assessment is required for the proposal to address both indoor noise levels for the arterial roads as well as noise levels on the podium rooftop amenity area. In support of the proposal, a Noise Impact Study, prepared by MMM Group Limited and dated April, 2017 was prepared and submitted with the subject applications. The Study concludes that outdoor noise control measures are not required for the subject proposal and all units will be provided with air conditioning and therefore, no future ventilation requirements are needed. All dwelling units requiring ventilation provisions must have a warning clause indicating the existence of possible excess noise and the measures provided to deal with that excess, included in all offers of sale and purchase or in the tenancy agreement. Staff are satisfied with the findings of the Study and the proposed warning clauses, which will be addressed through the Site Plan Control process.

Human-Made Hazards

“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 the current and past use of the property for commercial purposes. As a result, the property is subject to environmental review to allow for the proposed multiple dwelling use. The applicant has undergone a Phase I and II Environmental Site Assessment. The Assessments findings state that metals found in the soils, as well as the groundwater would exceed the level of contaminants permitted by the Ministry of the Environment, Conservation and Parks (MOECP). The owner will be responsible for ensuring a Record of Site Condition (RSC) has been filed appropriately satisfying MOECP. As such, a Holding Provision is proposed as the provision of a notice of acknowledgment letter from the MOECP for the RSC is a requirement.

Based on the foregoing, the subject proposal is consistent with 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 mixed use intensification within built-up urban areas, particularly in proximity to transit. As noted in Section 2.1 of the Plan:

“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

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urban growth centres and major transit station areas, as well as brownfield sites and greyfields....This Plan recognizes transit as a first priority for major transportation investments. It sets out a regional vision for transit, and seeks to align transit with growth by directing growth to major transit station areas and other strategic growth areas, including urban growth centres, and promoting transit investments in these areas.”

“2.2.3.2 Urban growth centres will be planned to achieve, by 2031 or earlier, a minimum density target of:

b) 200 residents and jobs combined per hectare for each of the...Downtown Hamilton...urban growth centres;

2.2.4.10 Lands adjacent to or near to existing and planned frequent transit should be planned to be transit-supportive and supportive of active transportation and a range and mix of uses and activities.”

The subject lands are located in Downtown Hamilton, which is a strategic growth area / urban growth centre and therefore, higher densities are directed here. In addition, the subject lands are well served by an existing bus network (HSR) and located in close proximity to King Street West, which will be the future east-west Light Rail Transit (LRT) corridor for this stretch of the Downtown, as well as the West Harbour GO Station and the Hunter GO Station. The proposed development will contribute to the density target for this identified urban growth centre (Policy 2.2.3.2) and is considered a transit supportive development.

Given the above, staff are of the opinion that the proposal conforms to the Growth Plan.

Urban Hamilton Official Plan (UHOP)

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

Integrated Transportation Network

“C.4.2.4. Transportation Demand Management (“TDM”) 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;
 - a. 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,
- b) other measures detailed in the Transportation Master Plan and described in Section F.3.1.8 of the Master Transportation Plan.”

The proposal provides TDM measures such as secure bicycle storage facilities within the building and is accessible to existing and planned LRT public transit facilities along King Street East (“B” Line), the West Harbour GO Station and the Hunter Street GO Station. The proposal also includes four surface car share spaces and a reduced parking rate to support transit usage.

Noise Policies

The following Noise policies are relevant to the proposal:

- “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:
- b) 400 metres of a major arterial road, as identified on Schedule C – Functional Road Classification;
 - c) 400 metres of a truck route.”

As discussed previously in this Report, noise has been satisfactorily addressed.

Downtown Hamilton Secondary Plan (Council Approved May 9, 2018)

The new Downtown Hamilton Secondary Plan (DTSP) was approved by Council on May 9, 2018 and appealed to the Local Planning Appeal Tribunal on June 4, 2018. Within the approved, Downtown Hamilton Secondary Plan, the subject property is designated ‘Downtown Mixed Use’ on Land Use Plan Map B.6.1-1 – Land Use Plan, and identified

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as “High-rise 2” on Map B.6.1-2 – Maximum Building Heights. The following policies amongst others are applicable to the subject proposal.

“B.6.1.4.12 Building heights are identified on Map B.6.1.2 – Downtown Hamilton Building Heights and the maximum heights for each area shall fall into the following categories:

- e) High Rise 2 – up to 30 storeys.

High Rise (Tall) Buildings

B.6.1.4.18 The following policies shall apply to High-rise (tall) buildings:

- a) a tall building is any building that is greater than 12 storeys in height;
- b) new tall buildings shall be no greater than the height of the top of the Escarpment;
- c) a tall building is typically defined as having a building base component (also known as podium), a tower component and tower top, however, Policies B.6.1.4.18 through B.6.1.4.24 shall also apply to other typologies of a tall building;
- d) a building base is defined as the lower storeys of a tall building which are intended to frame the public realm and contains streetwall heights that respect the scale and built form character of the existing context through design, articulation, and use of the ground floor;
- e) a tower is defined as the storeys above the building base; and,
- f) the tower top is defined as the uppermost floors of the building including rooftop mechanical or telecommunications equipment, signage and amenity space. This portion of the building will have a distinctive presence in Hamilton’s skyline by employing interesting architectural features and roof treatments.

B.6.1.4.19 The Downtown Hamilton Tall Building Guidelines shall apply to tall building development and shall be used by City Staff when evaluating tall building development proposals.

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- B.6.1.4.20 In addition to Policy B.6.1.4.14 above, it is not the intent of the Downtown Hamilton Tall Building Guidelines to limit creativity. Where it can be demonstrated that an alternative built form achieves the intent of the Downtown Hamilton Tall Building Guidelines, alternative built forms shall be permitted, subject to demonstrating good planning principles and meeting the intent and vision of the policies of this Plan.
- B.6.1.4.21 Tall building development shall require transition to adjacent existing and planned low-rise and mid-rise buildings through the application of separation distances, setbacks, and stepbacks in accordance with Policies B.6.1.4.31 through B.6.1.4.39 of this Plan and as informed by the Downtown Hamilton Tall Building Guidelines.
- B.6.1.4.22 Not every site in the Downtown identified as High-rise 1 or High-rise 2 can accommodate a tall building or is a suitable site for a tall building. The Tall Building Guidelines and Zoning By-law, shall establish the minimum criteria for assessing the suitability of an individual site for a tall building.
- B.6.1.4.23 All tall buildings shall meet the following requirements:
- a) the building base shall be designed to:
 - i) fit harmoniously within the context of neighbouring street wall heights. Where there is no consistent streetwall height context for the area, the streetwall height shall be established in a manner that maintains a comfortable pedestrian scale and appropriate street proportion;
 - ii) reduce and mitigate wind impacts on the public realm, including streets, sidewalks, parks and open spaces, and privately owned publicly accessible spaces. Pedestrian level wind conditions should be suitable for sitting and standing, with higher standards applied to parks and open spaces and Pedestrian Focus Streets; and,
 - iii) minimize shadows, in accordance with Policies B.6.1.4.34 through B.6.1.4.39 of this Plan, to preserve the utility of sidewalks, parks, public and private open spaces, school yards and buildings, childcare centres, playgrounds, sitting areas, patios and other similar uses.
 - b) the building base may be required to setback at grade to achieve access to sunlight on sidewalks, parks, public and private open

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spaces, schoolyards and buildings, childcare centres, playgrounds, sitting areas, patios and other similar uses;

- c) tall building development shall provide setbacks from the lot line to the building face of the tower and adequate separation distance between towers on the same lot. These lot line tower setbacks shall ensure that individual tall buildings within a city block and the cumulative effect of multiple tall buildings within a block contribute to creating a strong and healthy neighbourhood by fitting in with the existing and/or planned context. Providing adequate space between towers shall:
- i) enhance the ability to provide a high-quality, comfortable public realm;
 - ii) protect development potential of other sites within blocks;
 - iii) provide access to sunlight on sidewalks, parks, public and private open spaces, school yards and buildings;
 - iv) provide access to natural light and a reasonable level of privacy for occupants of tall buildings;
 - v) provide pedestrian-level views of the sky between towers particularly as experienced from adjacent streets, parks and open spaces and views between towers for occupants of tall buildings;
 - vi) limit the impacts of uncomfortable wind conditions on streets, parks, open spaces and surrounding properties; and,
 - vii) provide appropriate transitions to adjacent lower-scale planned context, built heritage resources, and cultural heritage landscapes.
- d) as building heights increase, greater setbacks may be required from the tower to the lot line to achieve the intent of Policy B.6.1.4.23 c);
- e) the following studies may be required, in addition to any other studies identified as part of the Formal Consultation required under Section F – Implementation of Volume 1, for tall building

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development to demonstrate that the proposal meets the applicable design criteria of the Downtown Hamilton Tall Building Guidelines:

- i) Shadow Impact Study;
- ii) Pedestrian Wind Impact Study
- iii) Visual Impact Assessment;
- iv) Transportation Studies, including, but not limited to:
 - 1. Transportation Impact Study;
 - 2. Cycling Route Analysis;
 - 3. Pedestrian Route and Sidewalk Analysis;
 - 4. Neighbourhood Traffic Calming Options Report;
 - 5. Transit Assessment; and,
 - 6. Transportation Demand Management Options Report.
- v) Infrastructure and Servicing Study;
- vi) Cultural Heritage Impact Assessment;
- vii) Urban Design Brief; and,
- viii) Planning Justification Report; and,
- f) development proposals that do not meet the intent of Policy B.6.1.4.17 c), of this Plan, present significant concerns for building a strong healthy Downtown and as such shall not be approved for tall building development.

B.6.1.4.31 Development shall provide built form transition in scale through a variety of design methods including angular planes, location and orientation of the building, and the use of setbacks and stepbacks of building mass.

B.6.1.4.32 Transition between development, and adjacent streets, parks or open spaces shall ensure access to sunlight and sky view.

B.6.1.4.33 Development shall be required to provide transition in scale, within the development site, as a result of any of the following:

- a) the *development* is of greater intensity and scale than the adjacent existing scale, or where appropriate, the planned built form context;
- b) the *development* is *adjacent* to a *cultural heritage resource* or a *cultural heritage landscape*; or,
- c) the *development* is adjacent to *existing* or planned parks, or open spaces.

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B.6.1.4.34 *Development* shall, to the satisfaction of the City, through building massing and orientation, minimize shadows on public sidewalks, parks, public and private open spaces, school yards and buildings, childcare centres, playgrounds, sitting areas, patios and other similar amenities.

B.6.1.4.35 Proposed *development* shall allow for a minimum of three hours of sun coverage between 10:00 a.m. and 4:00 p.m. as measured on March 21st to September 21st on public sidewalks, and public and private outdoor amenity areas such as patios, sitting areas, and other similar areas.

B.6.1.4.36 Proposed *development* shall allow for a minimum of 50% sun coverage at all times of the day as measured on March 21st to September 21st on public plazas, existing and planned parks, and open spaces, school yards, and playgrounds.

B.6.1.6 Downtown Mixed Use Designation

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

B.6.1.6.1 In addition to Section E.4.4 – Downtown Mixed Use Designation of Volume 1, the following policies shall apply to lands designated Downtown Mixed Use:

- c) The following policies shall apply to development fronting onto John Street, King William Street, Catharine Street and Rebecca Street, across from the Community Park:
 - i. buildings shall address and help frame the street and open space with active and accessible uses at grade;
 - ii. the orientation of the building, including windows, entrances, balconies, and other building elements shall be oriented towards the park where possible; and,
 - iii. buildings shall incorporate appropriate stepbacks to provide a human scale podium as well as mitigate potential shadow and wind impacts on the park.”

As identified on proposed Map B.6.1-2, a maximum building height of 30 storeys was applied to this property but this schedule is to be read in conjunction with Policy

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B.6.1.4.18 and the applicable policies including B.6.1.4.1a) that no new building shall be greater in height than the top of the escarpment. However, in order to permit this maximum height, approval of a Zoning By-law Amendment to remove the Holding provision and demonstration of compliance with the criteria provided is required. This includes the completion of studies and reports in support of the proposed development to ensure there are no adverse impacts.

The applicant has submitted a Sun / Shadow analysis which provides illustrations of the new net sun shadow impacts associated with the development at different times and dates of the year. The general intent of a sun shadow impact study is to demonstrate how considerations have been made to the design of the building to minimize the shadow impacts on adjacent properties and public spaces. As mentioned, in reviewing the Sun / Shadow analysis, there are no summer impacts on Beasley Park and minimal impacts during the solstices on the surrounding or nearby sidewalks with impacts no more than 2.5 hours in duration, which complies with the Secondary Plan policies. The subject proposal will cast new shadows on the southwest corner of Beasley Park after 4 p.m. from late September to early April. In addition, there are no impacts on the new John / Rebecca Community Park at any time during the year.

With respect to wind impacts, a Pedestrian Wind Study (PWS) prepared by RWDI and updated on April 5, 2018, was prepared and submitted in support of the subject proposal. Based on the wind tunnel test results, meteorological data analysis of the Hamilton wind climate, and experience with similar developments in Hamilton, it is expected that wind conditions will be acceptable, save and except for the southeast corner which is the result of strong northeasterly prevailing winds downwashing off the tower façade and accelerating around the building corner. To mitigate this, the applicant has proposed a canopy structure to be installed at the southeast corner of the tower, which will reduce the wind speeds to an acceptable level and meet the wind safety criterion. The aforementioned Study also recommends hard and soft landscaping elements, as well as a guardrail height of a minimum of 2 m tall along the amenity level and some of the proposed balconies. These mitigation measures will be implemented through the Site Plan Control process.

Concerning the visual impact of the proposal, the applicants have submitted illustrations within the Urban Design Brief showing views of the Downtown Hamilton Skyline from the north, east, west and south boundaries of the downtown. The Brief concluded that the proposal did not create any unacceptable impacts to the view of the escarpment or any other key views. Staff have reviewed the proposal and are of the opinion that views provided within the Brief are acceptable.

With respect to design considerations of the surrounding urban form, staff are of the opinion that the proposal provides an appropriate transition in built form to its surrounding context, given that the property is located adjacent to surface parking lots,

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a future community park and an existing six storey and four storey building. In reviewing the proposed mixed use building, staff are of the opinion that appropriate transitions in scale relative to the neighbouring area have been applied to the current design, including the proposed podium with appropriate step backs to reflect the existing buildings as well as the planned neighbourhood. The proposed building will front onto and overlook the future John / Rebecca park, providing eyes on the park. In addition, the proposed Woonerf will provide a comfortable pedestrian environment and a complementary buffer to, as well as frame the proposed John / Rebecca park.

The proposed Woonerf and streetscape improvements with window glazed storefronts will provide a comfortable and intimate pedestrian environment at grade, while the building elements provide an interesting backdrop for the park that will be further detailed at the Site Plan Control stage. The proposed podium height is in keeping with the existing surrounding structures and the proposed Woonerf will complement the future John / Rebecca park. The subject proposal has parking in an above and below grade parking structure that will be screened from public view, thereby addressing the removal of street level parking lots. The store fronts on the ground level and the proposed residences will provide additional security for “eyes” on the street and the future park. All proposed building entrances are located parallel and flush with the street to provide barrier free access and all commercial floor area will be visible from all three streets.

With respect to appropriate transition, appropriate use of step backs and terracing of the building have been incorporated in the design of the proposed building to define the base and tower. Further, as previously stated, staff are of the opinion that the proposed design of the building creates a comfortable pedestrian scale and ensures that there are minimal shadowing and wind impacts.

Given the above, the subject proposal complies with the direction of the approved DTSP.

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

The subject property is currently zoned Downtown Mixed Use (D3) Zone which permits a multiple dwelling. In order to implement the proposed development, the applicant has applied to modify the zoning to a site specific Downtown Central Business District (D1) Zone to permit the following:

- Rebecca Street as the Front Lot Line;
- An increase to the maximum setback from a street line for the first storey;
- A reduction in parking of a rate to 0.65;
- An increase in building height;

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- Surface car share parking stalls without a 3 m planting strip to the street line; and,
- A reduction in parking stall sizes.

City of Hamilton Zoning By-law No. 05-200 (Under Appeal)

The subject property is currently zoned Downtown Central Business District (D1, H17, H19, H20) Zone within the implementing Zoning By-law No. 05-200 for Downtown Hamilton, which is under appeal, and, which permits a mixed use building. Holding Provision, H17 relates to height, necessary studies required and Site Plan Approval. Holding Provision, H19 is regarding Section 37 Agreements and H20 is regarding the removal of rental housing. The draft by-law will be held in abeyance until the new Downtown Hamilton Zones are in force and effect, at which time the by-law will be brought forward to City Council for enactment. In order to implement the proposed development, the applicant has applied to modify the existing zoning to a site specific Downtown Central Business District (D1) Zone to permit the following:

- An increase in setback from the building base façade height;
- An increase in the setback for the portion of the building exceeding 44 m;
- An increase in maximum lot coverage; and,
- A reduction in parking stall sizes.

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

RELEVANT CONSULTATION

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

- Light Rail Transit Office;
- Strategic Planning, Capital & Compliance, Public Works Department; and,
- Landscape Architectural Services, Public Works Department.

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

Recycling & Waste Disposal, Environmental Services Division, Public Works Department commented that the proposed development is eligible for municipal waste collection service subject to meeting the City's requirements.

Forestry & Horticulture Section, Public Works Department requires that a detailed Landscape Planting Plan prepared by a Registered Landscape Architect, showing the

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placement of trees on internal / external City property, as well as a Tree Management Plan be provided at the Site Plan Control stage.

Public Health Services, Health Protection Division requires that a Pest Control Plan be submitted as part of the Site Plan Approval process.

Transportation Planning Services, Planning and Economic Development Department noted that they are in agreement with waiving the road widening, provided that the owner enter into a cost sharing agreement with the City of Hamilton for the proposed Woonerf and if staff are unable to reach a satisfactory cost sharing agreement with the owner, then the owner will be required to equitably dedicate the necessary lands to establish Rebecca Street to a minimum right-of-way width of 15.24 m in order to accommodate an appropriate public realm. In addition, the owner will be responsible for all costs for designing the Woonerf and the construction costs between the existing property line and the Woonerf curb face. Also concerns were expressed regarding the Traffic Impact Study (TIS) in particular the data inconsistencies, impact of LRT on conversion of Rebecca Street to one-way traffic and driveway locations. These concerns are to be addressed at the Site Plan Control stage including the applicant's funding of the Woonerf.

Design Review Panel

The development proposal was presented to the City's Design Review Panel (DRP) on July 13, 2017, after the submission of the Official Plan and Zoning By-law Amendment Applications. The mandate of the DRP is to provide design advice to staff and the proponent. The DRP noted concerns with the proposed height of 40 storeys and the LED signage of the original application, and provided a number of recommendations with respect to the design, that were discussed with the applicant and staff which include the following:

Response to Context:

- The panel acknowledges that the immediate context of the site, dominated by surface parking, creates both an opportunity and a responsibility. The applicant and City staff need to consider the potential impacts of the proposed development on future neighbouring developments, as envisaged in the Downtown Secondary Plan, and the precedent it will set. It should be assumed that this development will be the first of many podium-and-tower developments in the area.
- The site is appropriate for a tall building that respects best practices, but the 40 storeys originally proposed is excessive. Reducing the height will result in more acceptable shadow impacts on the existing residential properties, Beasley Park to

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the north, the future amenity space on the block, and fall below the height of the Escarpment.

- The ‘woonerf’ or flexible street concept will require further study in terms of its operation and design but the idea is quite engaging and a very exciting element of the proposal. The way it connects with the future park is successful and it could result in a more usable public space for the larger community.

Built Form and Character:

- The overall design and material use is bold and interesting, but there should be a clearer distinction between the podium and the tower, for example, by breaking the white banding for two storeys rather than one.
- There are concerns that the above ground parking will be too visible, it should be wrapped with active uses and / or better screened. Further explore the opportunity to articulate the podium parking component with a veneer of active or residential uses.
- The podium is a very long building in the context of downtown. Best practices for building design should be reviewed and the podium length should be reduced to 70 m long, where the proposal shows 90 m. The white ‘bands’ should be broken in places, and vertical articulation added, to break up the horizontal massing.
- The height of the podium could be increased to match the height of the kitty-corner Horizon Utilities Building.
- The tower is too ‘chunky’. The lower and middle parts of the tower footprint (floorplates I and II) should be reduced following best practices (750 sq m) to create a more elegant profile and reduce shadow impacts. The tower should endeavour to be less rectangular or “slab like”.
- Since the tower is wrapped with balconies, the balcony materials need to be carefully considered. They must be durable and high-quality. The extent of opaqueness should be maintained as the architecture is refined.

Streetscape and Pedestrian Realm:

- The LED signage is interesting and has a lot of potential, however, advertising should not be permitted and the light levels need to be assessed to ensure they do not dominate the park or greater city.

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Landscape Strategy:

- The design and construction of the ‘woonerf’ or flexible street should be coordinated with the design and construction of the adjacent hardscaped space in the park.
- The amenity space should include a children’s playground.

Applicant’s response to DRP advice:

The applicant has provided a response in the form of a revised submission by lowering the height of the proposed building to 30 storeys, removing the LED signage and adjusted the podium height in keeping with the surrounding buildings, which is all in keeping with the revised Downtown Hamilton Secondary Plan and the Tall Building Guidelines. Additional comments, such as elevations, landscaping and the proposed Woonerf will be addressed through 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 198 property owners within 120 m of the subject property on July 21, 2017, for the proposed Official Plan Amendment and Zoning By-law Amendment Applications. To date, two submissions by the same landowner of the property directly to the north have been made to the City regarding the subject proposal attached as Appendix “E” of Report PED18195. The landowner of 80 John Street North, directly adjacent to the subject lands, through two different agents, expressed concerns in writing with the future built form and development impacting their lands. These concerns are discussed further in the Analysis and Rationale for Recommendation section.

A Public Notice Sign was posted on the property on July 29, 2017 and updated on July 18, 2018, with the Public Meeting date. Finally, Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act* on July 27, 2018.

Public Consultation Strategy

Pursuant to the City’s Public Consultation Strategy Guidelines, the applicant held a public information meeting at 95 King Street East (Mills Hardware) on November 28, 2017. The applicant set up easels with various elevation, perspective and site plan drawings, as well as had a power point presentation. Furthermore, the applicant’s consulting team was in attendance to field any questions and discuss concerns with respect to the proposed development. 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 attended the public information meeting.

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ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposed Official Plan and Zoning By-law Amendments have merit and can be supported for the following reasons:
 - (i) They are consistent with the Provincial Policy Statement, and conform to the Growth Plan for the Greater Golden Horseshoe (2017);
 - (ii) The proposal implements the Council approved DTSP and implementing Zoning By-law; and,
 - (iii) The proposed development represents good planning by, among other things, providing a compact and efficient urban form that is transit supportive in the Downtown Urban Growth Centre.

2. **Downtown Hamilton Secondary Plan Amendment**

The subject lands are designated “Mixed Use” on Map B.6.1-1, Land Use Plan within the Downtown Hamilton Secondary Plan (2001).

The proposed amended Official Plan Amendment is to create a site specific policy within the DTSP to permit an increased height and density on the subject lands from 300 units per hectare to gross residential 1,010 units per hectare.

The Official Plan Amendment is only required to the existing DTSP for the proposed height and density of the subject development, as the subject proposal conforms to the new Council adopted DTSP, however, as the DTSP has been appealed to the LPAT, an Amendment to the old DTSP is required to implement the subject proposal. The applicants have provided the necessary studies showing that there are no adverse impacts and further, the subject proposal meets the height and density requirements of the new DTSP.

Based on the foregoing, staff support the proposed Amendment to the Downtown Hamilton Secondary Plan.

3. **Zoning By-law No. 05-200 Amendment (Under Appeal)**

The subject property is currently zoned Downtown Central Business District (D1, H17, H19, H20) Zone, but this zoning is currently appeal. The subject proposal complies with the new Secondary Plan in terms of overall height and density, as well as implements the Council approved Secondary Plan for the Downtown. In order to implement the proposed development a modification to the Downtown Central Business District (D1) Zone is required to permit the following:

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- Increase in setback from the building base façade height;
- An increase in the setback for the portion of the building exceeding 44 m;
- An increase in maximum lot coverage; and,
- A reduction in parking stall sizes.

Increase in Setback from the Building Base Façade Height

The By-law requires that for any building exceeding 44 m in height, a minimum 3.0 m setback shall be required from the building base façade, as shown in Schedule “F” – Special Figure 15 of the By-law.

In Schedule “F” – Special Figure 15, the subject lands are required to provide a Building Base Façade Height of 7.5 m along Rebecca Street, 15 m along Catharine Street North and 22 m along John Street North. The applicant has requested that the minimum setback along Rebecca Street be at a height of 11 m, instead of 7.5 m. The proposed podium is in keeping with the surrounding buildings, provides a consistent podium height, as well as provides a street presence lending to a comfortable pedestrian environment. Therefore, the proposed modification has merit and can be supported.

Increase in the Setback for the Portion of the Building Exceeding 44 m

The By-law requires that for any portion of the building exceeding 44 m in height, a minimum setback of 12.5 m from any side or rear lot line, except any flankage lot line, is required.

Due to the irregular configuration of the subject lands and it being a corner lot, the rear lot line is the northerly lot line. There is a 90 degree angle along the rear lot line and the proposed residential tower above the podium will be 1.0 m from this angle. Staff are of the opinion that this is a technical variance due to the configuration of the lot and should not hinder any future development of the adjacent property or have any adverse impacts. Therefore, staff are of the opinion that the modification has merit and can be supported.

Maximum Lot Coverage

The By-law permits a maximum lot coverage of 85%. The applicant has requested a maximum lot coverage of 100%. This is in large part due to the design of the proposed covered walkway surrounding the John Street North, Rebecca Street and Catharine Street North facades and which will be integrated with the proposed building. Since the covered walkway is part of the building, staff have interpreted this to be included with the lot coverage. Without the covered walkway included,

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the lot coverage would be approximately 84% and therefore, a modification would not be required.

Since the proposal provides for an integrated canopy that will contribute to an active public realm and pedestrian environment, staff are of the opinion that the modification has merit and can be supported.

Reduction in Parking Stall Size

A revised standard parking stall size from 2.6 m by 5.5 m to 2.8 m by 5.8 m was approved by Council on November 8, 2017, but appealed to the LPAT. As the subject applications were submitted and under review prior to the approval of the revised stall sizes, staff are supportive of the varying stall sizes (36 at 2.6 m by 5.5 m, (17.6%) 93 at 2.6 m by 5.8 m (45.6%), 13 at 2.8 m by 5.5 m (6.4%) and 62 at 2.8 by 5.8 m (30.4%), as the applicant has made an effort of trying to accommodate the new direction taken by Council by providing 30% of the parking spaces at the new stall size. Therefore, staff support the modifications.

Holding Provisions H19 and H20 are proposed to be removed, as H19 is regarding Section 37 Agreements and H20 is regarding the removal of rental housing. These Holding Provisions are not applicable to the subject proposal and applications. Further, the applications pre-date the new Downtown Zoning. Holding Provision, H17, is still applicable as it relates to height, necessary studies required and Site Plan Approval.

4. **Zoning By-law No. 05-200 Amendment (In-Force)**

The new implementing By-law for the Downtown Hamilton Secondary Plan is under appeal to the LPAT. As such, modifications to the old By-law are required to implement the subject proposal, which are as follows:

- Rebecca Street as the Front Lot Line;
- An increase to the maximum setback from a street line for the first storey;
- A reduction in the parking rate;
- An increase in the maximum building height; and,
- Surface car share parking stalls without a 3 m planting strip to the street line.

Staff support the modifications to the old By-law, as they implement the general intent of the new DTSP and implementing By-law for the Downtown.

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5. Engineering

The existing road allowance is 11.9 m along Rebecca Street. The minimum road allowance required for the downtown area is 15.24 m with daylight triangles at intersections. The daylight triangle required for local to local roads is 4.57 m by 4.57 m at the intersection of Rebecca Street and Catherine Street North. Future road widening required along John Street North is 9.30 ft (2.835 m) as per Legal Survey Drawing P-821(A). A 9.14 m by 9.14 m daylight triangle is required at the intersection of John Street North and Rebecca Street. The required daylight triangles have been provided and the required widening for Rebecca Street is recommended to be waived.

The proponent should ensure that the Fire Department / Building Department is satisfied with the hydrant coverage, accessibility and firefighting provisions. The proponent is required to comment on the adequacy of available flow for the proposal. The report must be signed and sealed by a professional engineer licenced to practice in Ontario. Note that based on the size of this development and the potential demand of the municipal water system, a watermain hydraulic analysis, identifying the modelled system pressures at pressure district (PD2) level under various boundary conditions and demand scenarios, may be required to support future applications. The need to provide supporting hydraulic analysis will be evaluated, once the above requested information has been submitted for review. This will be addressed at the Site Plan Control stage.

A functional Site Grading and Servicing Plan and an Erosion and Sediment Control Plan should be provided for the site at the Site Plan Control stage.

6. Concerns were raised by the owners of 80 John Street North, directly abutting the subject lands, about future development implications related to servicing and access to their lands.

A subsequent letter by the owner's new agent also expressed concerns regarding the composition of the proposed residential units (e.g. one, two bedroom, etc.), the proposed parking ratio and the setbacks of the proposed podium and residential tower.

The applicants have indicated that 223 one bedroom, 83 two bedroom and 7 three bedroom units are proposed. In addition, based on the current parking requirements, a maximum of 313 parking spaces are required for the 313 residential dwelling units. A total of 204 parking spaces are being proposed on the subject lands. The subject lands are located within Downtown Hamilton and as mentioned within this Report, are located in close proximity to commercial uses, bus routes, as well the Hunter Street and West Harbour Go Stations and

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four surface car share spaces are proposed. Therefore, staff are of the opinion the proposed modification for the reduced parking rate of 0.65 spaces per dwelling unit has merit and can be supported.

The By-law requires that for any portion of the building exceeding 44 m in height, a minimum setback of 12.5 m from any side or rear lot line, except any flankage lot line, is required. Due to the irregular configuration of the subject lands and it being a corner lot, the rear lot line is the northerly lot line. There is a 90 degree angle along the rear lot line and the proposed residential tower above the podium will be 1.0 m from this angle. As discussed in the Report, staff support the reduced setback.

ALTERNATIVES FOR CONSIDERATION

Should the proposed Official Plan and Zoning By-law Amendment Applications be denied, the property could be utilized in accordance with the current Downtown Mixed Use (D3) Zone and Central Business District (D1, H17, H19, H20) Zone if approved by the LPAT.

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.

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 Urban Hamilton Official Plan and Zoning By-law No. 05-200 for Lands Located at 71 Rebecca Street, Hamilton (PED18195) (Ward 2) – Page 30 of 30

Culture and Diversity

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

Our People and Performance

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

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” – Location Map

Appendix “B” – Urban Hamilton Official Plan Amendment

Appendix “C” – Zoning By-law No. 05-200 Amendment

Appendix “D” – Zoning By-law No. 05-200 (Under Appeal) Amendment

Appendix “E” – Site Plan and Building Elevations

Appendix “F” – Public Submissions

GZ:mo

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.




Location Map


PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT



File Name/Number: ZAC-17-053 & UHOPA-17-023	Date: July 12, 2018
Appendix "A"	Scale: N.T.S.
Planner/Technician: GZ/NB	

Subject Property
71 Rebecca Street

 Change in Zoning from the Downtown Mixed Use (D3) Zone to Downtown Central Business District (D1, 701, H105) Zone

N.T.S. 

DRAFT Urban Hamilton Official Plan Amendment No. XX

The following text, together with Appendix “A” – Volume 2: Map B.6.1-1 – Downtown Hamilton Secondary Plan – Land Use Plan attached hereto, constitutes Official Plan Amendment No. XX to the Urban Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose and effect of this Amendment is to establish a Site Specific Policy Area to permit the construction of a thirty (30) storey mixed use building with a maximum density of 1,010 units per hectare.

2.0 Location:

The lands affected by this Amendment are known municipally as 71 Rebecca Street, in the City of Hamilton.

3.0 Basis:

The basis for permitting this Amendment is as follows:

- The proposal satisfies all characteristics and requirements of the Downtown Mixed Use policies, save and except the prescribed residential range and building height.
- The proposal is compatible with the existing and planned development in the immediate area.
- The proposal implements the Residential Intensification policies of the Urban Hamilton Official Plan.
- The proposed Amendment is consistent with the Provincial Policy Statement, 2014 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2017.

4.0 Actual Changes:**4.1 Volume 2 – Secondary Plans and Rural Settlement Areas****Text****4.1.1 Chapter B.2.0 – Hamilton Secondary Plans, Section B.26 – Downtown Hamilton Secondary Plan**

- a. That Volume 2: Chapter B.2.0 – Hamilton Secondary Plans, Section B.26 – Downtown Hamilton Secondary Plan, Subsection B.6.1.13 – Site Specific Policies be amended by adding a new Site Specific Policy – Area X, as follows:

“Site Specific Policy – Area X

B.6.1.13.X For the lands located at 71 Rebecca Street, designated Mixed Use and identified as Site Specific Policy – Area X on Schedule B.6.1-1 – Downtown Hamilton Secondary Plan – Land Use Plan, the following policies shall apply:

- a) Notwithstanding Policy B.6.1.5.7 b) of Volume 2, a thirty (30) storey mixed use building with a maximum height of 97 m shall be permitted.
- b) Notwithstanding Policy E.3.5.7 of Volume 1 and Policy B.6.1.9.2 b) ii) of Volume 2, a mixed use building having a gross residential density of 1,010 units per net hectare shall be permitted.
- c) Notwithstanding Policy C.4.5.6 of Volume 1 and Policy B.6.1.10.2 q) of Volume 2, where a woonerf road concept has been designed and completed, or secured through the necessary agreements, a road widening required on Rebecca Street and John Street North shall not be required.”

Maps and Appendices**4.1.2 Map**

- a) That Volume 2: Map B.6.1-1 – Downtown Hamilton Secondary Plan – Land Use Plan be amended by identifying the lands known municipally as 71 Rebecca Street as Site Specific Policy – Area X, as shown on Appendix

"A" attached to this Amendment.

5.0 Implementation:

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

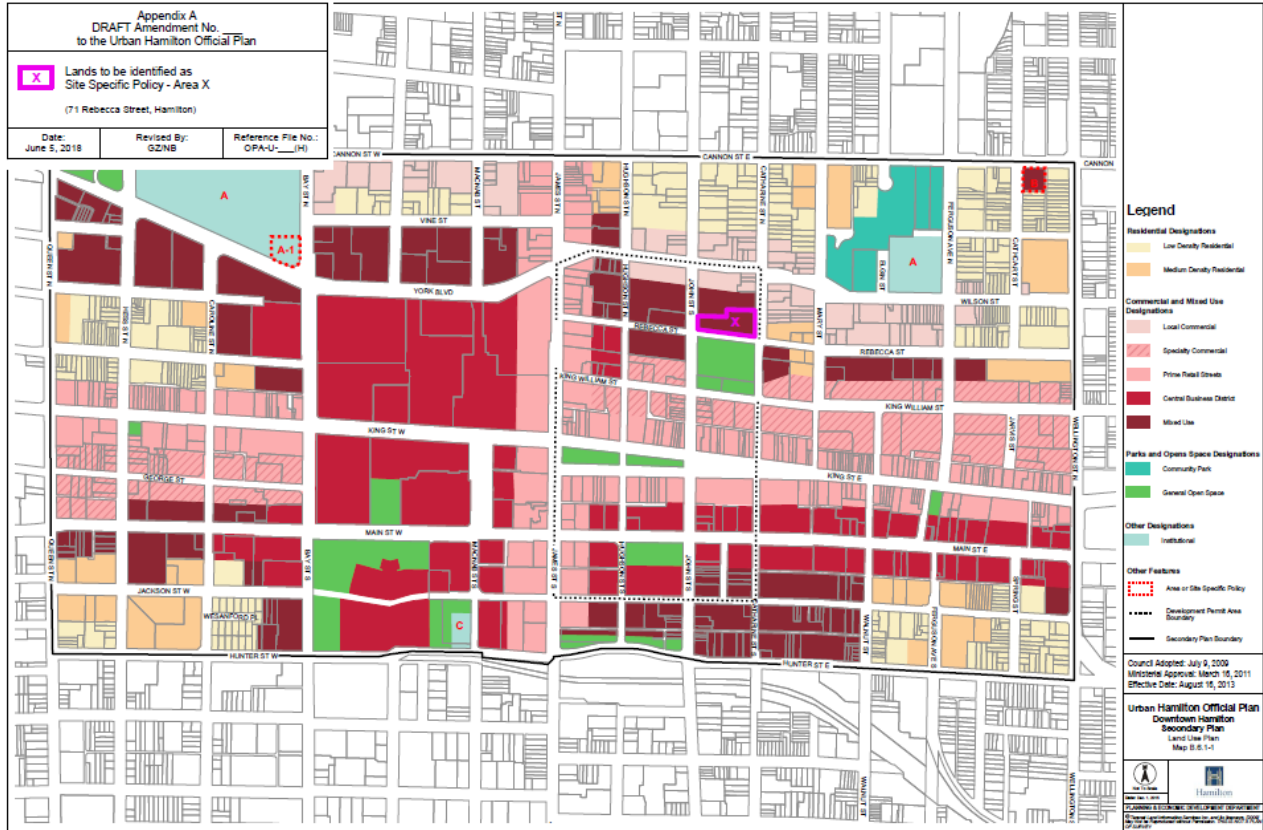
This Official Plan Amendment is Schedule "1" to By-law No. _____ passed on the ___th day of ___, 2018.

**The
City of Hamilton**

Fred Eisenberger
MAYOR

Janet Pilon
ACTING CITY CLERK

Appendix "B" to Report PED18195
Page 4 of 4



Authority: Item XX, Planning Committee

Report 18-XXX

CM: XXXX

Ward: 2

Bill No. XXX

CITY OF HAMILTON

BY-LAW NO. 18-XXX

To Amend Zoning By-law No. 05-200 Respecting Lands Located at 71 Rebecca Street (Hamilton)

WHEREAS Council approved Item ____ of Report ____ of the Planning Committee, at the meeting held on Month Day, 2018;

AND WHEREAS this By-law will be in conformity with the Urban Hamilton Official Plan upon approval of Official Plan Amendment No. XX;

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

1. That Map 953 of Schedule "A", appended to and forming part of By-law No. 05-200, as amended, is hereby further amended by changing the zoning from the Downtown Mixed Use (D3) Zone to the Downtown Central Business District (D1, 701, H105) Zone with a Special Exception on the lands the extent and boundaries of which are more particularly shown on Schedule "A" annexed hereto and forming part of this By-law.
2. That Schedule "C" – Special Exceptions for Specific Lands of Zoning By-law No. 05-200, as amended, is hereby further amended by adding the following new section:
 701. Within the lands zoned Downtown Central Business District (D1, 701, H105) Zone identified on Map 953 of Schedule "A" – Zoning Maps and described as 71 Rebecca Street the following special regulations apply:
 - a) Notwithstanding Sections 3, 5.1 a) v) b), 5.6 a) i), 6.1.3 a) i), and 6.1.3 b) ii), the following special provisions shall also apply:
 - b) REGULATIONS
 - a) Definition of Front Lot Line
 - i) Rebecca Street shall be deemed the Front Lot Line.

To Amend Zoning By-law No. 05-200
Respecting Lands Located at 71 Rebecca Street (Hamilton)

- | | | | |
|----|---|-----|--|
| b) | Maximum Building Setback from a Street Line | i) | 3.6 metres for the first storey and second storey. |
| c) | Maximum Building Height | ii) | 97 metres. |
| d) | Parking | | A 3.0 m wide planting strip between the street and car share parking spaces shall not be required. |

Parking for a Multiple Dwelling within a mixed use building shall be provided on the basis of:

- | | |
|----|---|
| i) | 0.65 spaces per dwelling unit, except where a dwelling is 50 square metres in gross floor area or less, in which case, parking shall be provided at a rate of 0.3 spaces per dwelling unit. |
|----|---|

4. That the following additional Holding Provision be added to Schedule D – Holding Provisions to this By-law for the land described as 71 Rebecca Street:

For the lands zoned Downtown Central Business District (D1, 701, H105) Zone, on Map 953 of Schedule "A" – Zoning Maps and described as 71 Rebecca Street, 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) | That the Owner enters into a conditional building permit agreement with respect to completing a Record of Site Condition or a signed Record of Site Condition (RSC) being submitted to the City of Hamilton and the Ministry of the Environment, Conservation and Parks (MOECP). 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 MOECP, and submission of the City of Hamilton's current RSC administration fee. |
|----|--|
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*.

To Amend Zoning By-law No. 05-200
Respecting Lands Located at 71 Rebecca Street (Hamilton)

PASSED and ENACTED this day of , 2018.

F. Eisenberger
Mayor

Janet Pilon
Acting City Clerk

ZAC-17-053
UHOPA-17-023

To Amend Zoning By-law No. 05-200
Respecting Lands Located at 71 Rebecca Street (Hamilton)



<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>
--	---

<p>Schedule "A"</p> <p>Map Forming Part of By-law No. 18-_____</p> <p>to Amend By-law No. 05-200 Map 953</p>	<p>Subject Property 71 Rebecca Street</p> <p> Change in Zoning from the Downtown Mixed Use (D3) Zone to Downtown Central Business District (D1, 701, H105) Zone</p>
---	--

<p>Scale: N.T.S.</p>	<p>File Name/Number: ZAC-17-053 & UHOPA-17-023</p>	
<p>Date: July 12, 2018</p>	<p>Planner/Technician: GZ/NB</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		

To Amend Zoning By-law No. 05-200
Respecting Lands Located at 71 Rebecca Street (Hamilton)

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

Is this by-law derived from the approval of a Committee Report? No

Committee: Chair and Members Report No.: PED18195 Date: 08/14/2018

Ward(s) or City Wide: Ward: 2 (MM/DD/YYYY)

Prepared by: George T. Zajac

Phone No: 905-546-2424, ext. 1024

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

Authority: Item
Planning Committee
Report: (PED18____)
CM:

Bill No.

CITY OF HAMILTON

BY-LAW NO.

**To Amend Zoning By-law No. 05-200, as Amended
Respecting Lands Located at 71 Rebecca Street in the City of Hamilton**

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 as amended;

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

1. That Map 953 of Schedule "A", appended to and forming part of By-law No. 05-200, as amended, is hereby further amended by changing the zoning from the Downtown Central Business District (D1, H17, H19, H20) Zone to the Downtown Central Business District (D1, 701, H17, H105) Zone for the lands the extent and boundaries of which are more particularly shown on Schedule "A" annexed hereto and forming part of this By-law.
2. That Schedule "C" – Special Exceptions for Specific Lands of Zoning By-law No. 05-200, as amended, is hereby further amended by deleting the former Special Exception 701 and replacing with the following new section:

701. Within the lands zoned Downtown Central Business District (D1, 701, H17, H105) Zone identified on Map 953 of Schedule "A" – Zoning Maps and described as 71 Rebecca Street the following special regulations apply:

a) Notwithstanding Sections 5.2 b), 6.0 c) i), ii) and iii) 2, and 6.1.3 e), the following special provisions shall also apply:

b) REGULATIONS

Appendix "D" to Report PED18195

Page 2 of 5

- | | | | |
|----|---|----|---|
| a) | Stepback from the Building Base Façade Height | i) | A minimum 3.0 metre stepback shall be required from the building base façade height of 11 metres along Rebecca Street. |
| a) | Stepback for the portion of the Building exceeding 22.0 metres, at the southern point of the perpendicular portion of the rear lot line | i) | 1.0 metres |
| b) | Maximum Lot Coverage | | 100% |
| c) | Parking | i) | <p>Parking stall sizes shall be in accordance with the following:</p> <ul style="list-style-type: none"> i. 62 parking stalls at 2.8 m x 5.8 m; ii. 93 parking stalls at 2.6 m x 5.8 m; iii. 36 parking stalls at 2.6 m x 5.5 m; iv. 13 parking stalls at 2.8 m x 5.5 m; v. 3 barrier-free parking stalls at 4.6 m x 5.8 m; vi. 3 barrier-free parking stalls at 4.6 m x 5.5 m; and, vii. 4 car share parking stalls, at grade at 2.6 m x 5.5 m. |

4. That the following additional Holding Provision be added to Schedule D – Holding Provisions to this By-law for the land described as 71 Rebecca Street:

701. That notwithstanding Section 6.1 and Schedule "C" – Special Exceptions, of this By-law, on those lands zoned Downtown Central Business District (D1, 701, H17, H105) Zone, on Map 953 of Schedule "A" – Zoning Maps, described as 71 Rebecca Street, no development shall be permitted until:

- i) The Owner enters into a conditional building permit agreement with respect to completing a Record of Site Condition or a signed Record

of Site Condition (RSC) being submitted to the City of Hamilton and the Ministry of the Environment, Conservation and Parks (MOECP). 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 MOECP, and submission of the City of Hamilton's current RSC administration fee.

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

PASSED and ENACTED this day of , 2018.

F. Eisenberger
Mayor

Janet Pilon
Acting City Clerk

ZAC-17-053
UHOPA-17-023



<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 By-law No. 18-_____</p> <p style="margin: 10px 0 0 0;">to Amend By-law No. 05-200 Map 953</p>	<p>Subject Property 71 Rebecca Street</p> <p> Change in Zoning from the Downtown Mixed Use (D3) Zone to Downtown Central Business District (D1, 701, H17, H105) Zone</p>
---	---

Scale: N.T.S.	File Name/Number: ZAC-17-053 & UHOPA-17-023	
Date: July 17, 2018	Planner/Technician: GZ/NB	
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? No

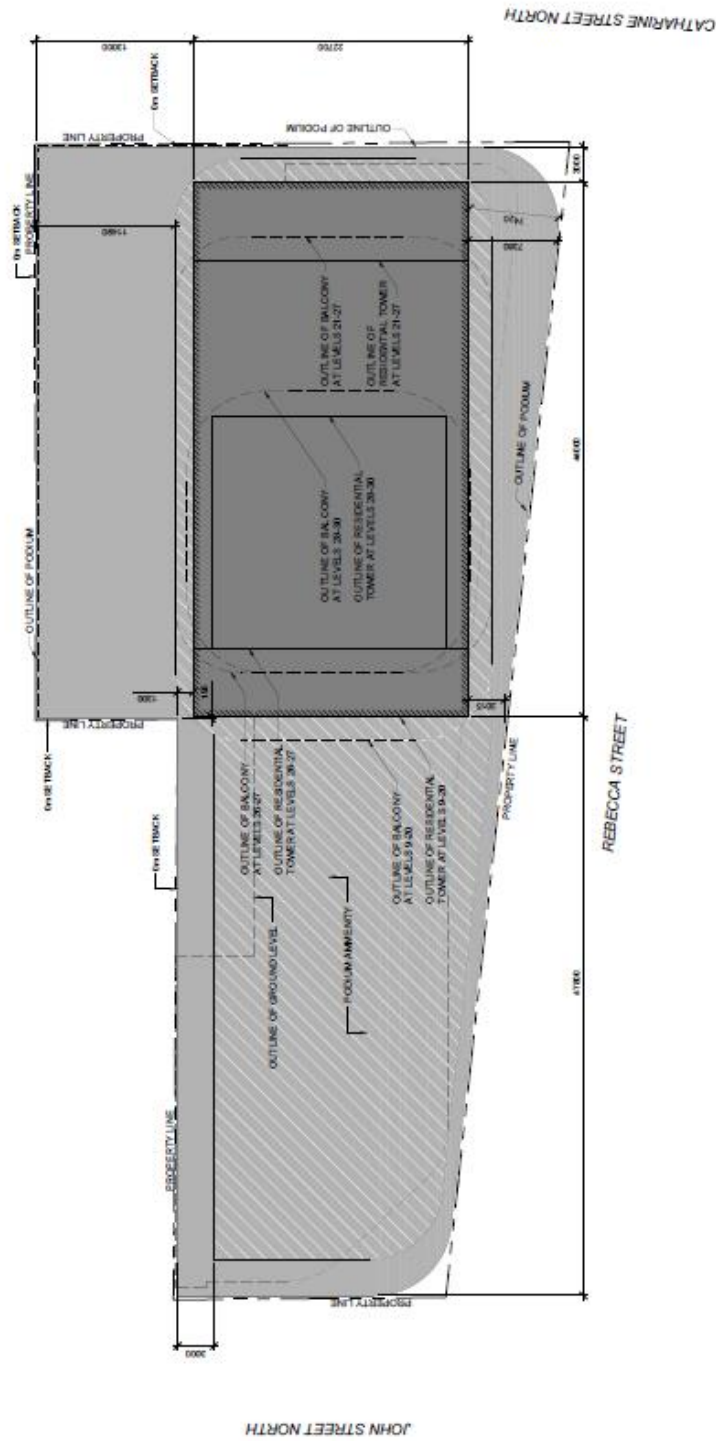
Committee: Chair and Members Report No.: PED18195 Date: 08/14/2018

Ward(s) or City Wide: Ward: 2 (MM/DD/YYYY)

Prepared by: George T. Zajac

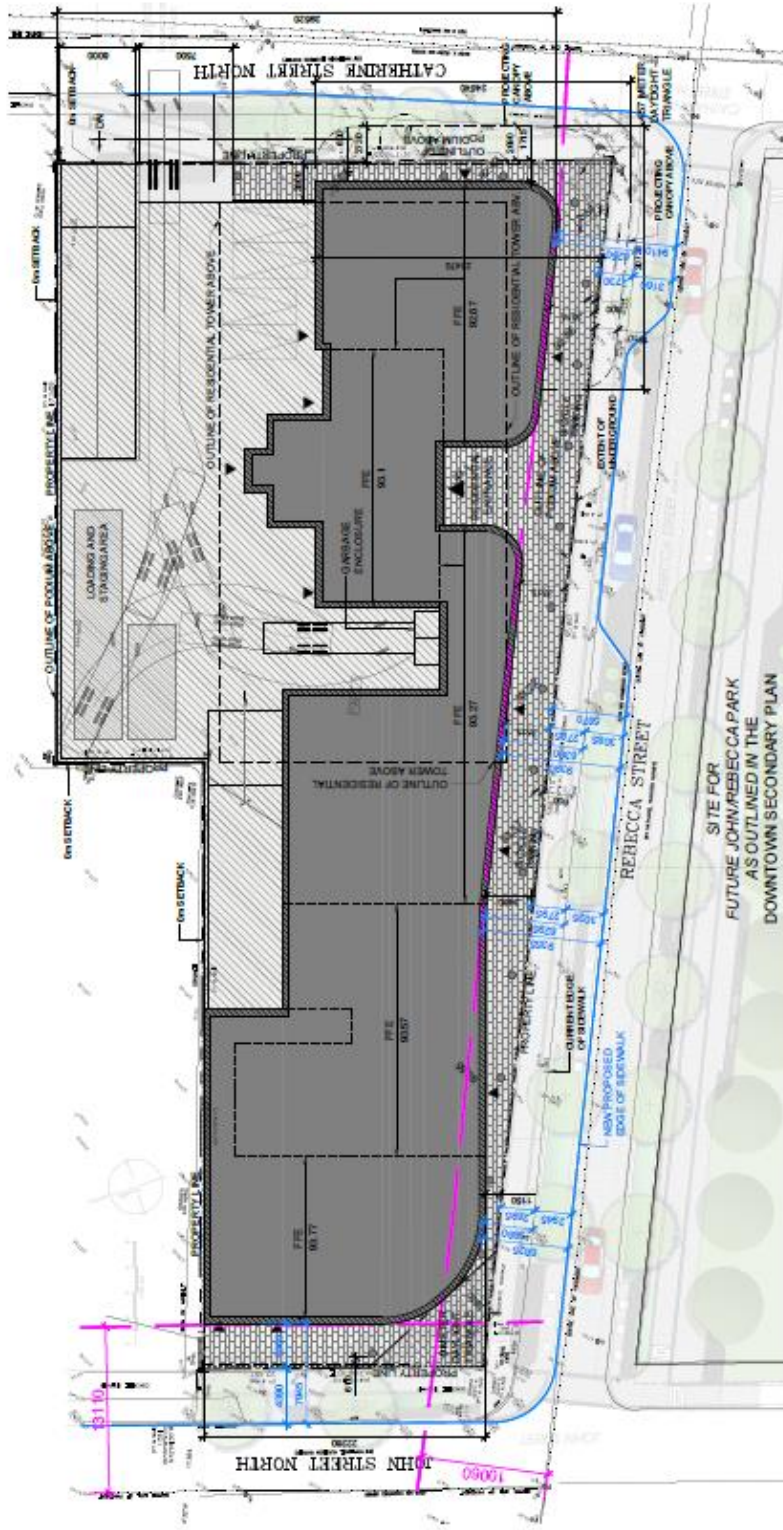
Phone No: 905-546-2424, ext. 1024

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



PROPOSED SITE PLAN - TOWER LEVEL
13000

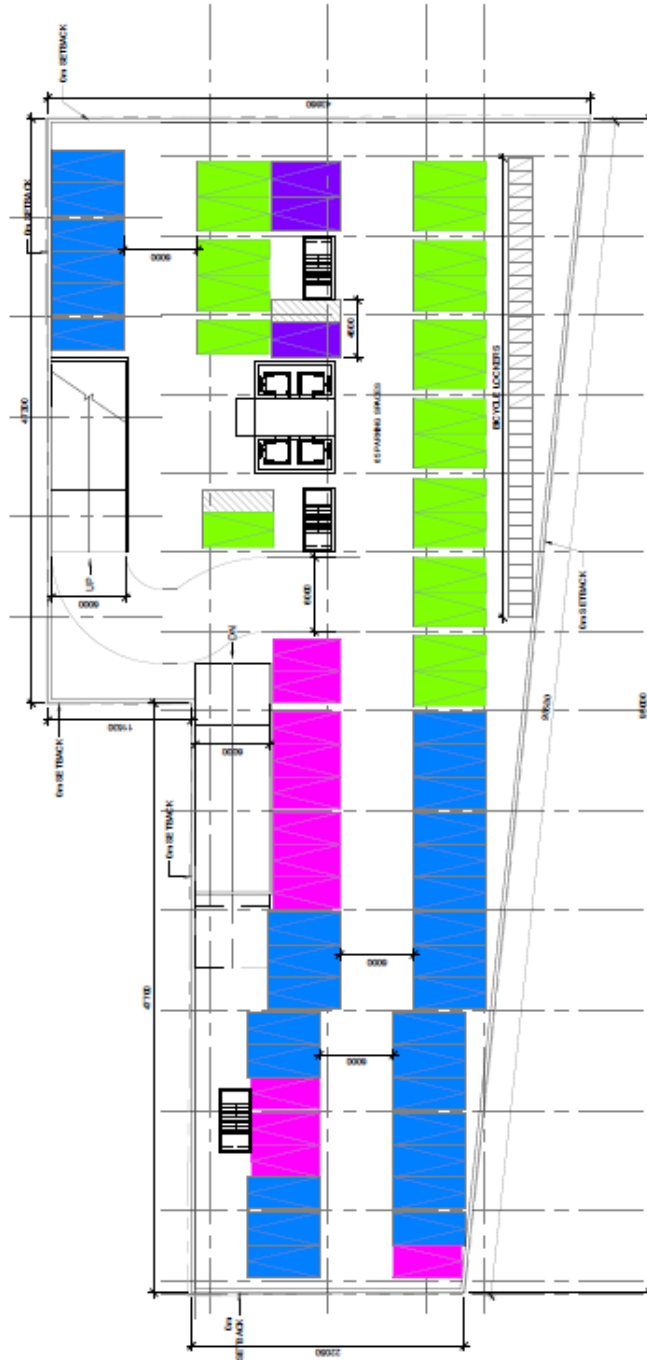
71 REBECCA STREET DEVELOPMENT
HAMILTON, ON




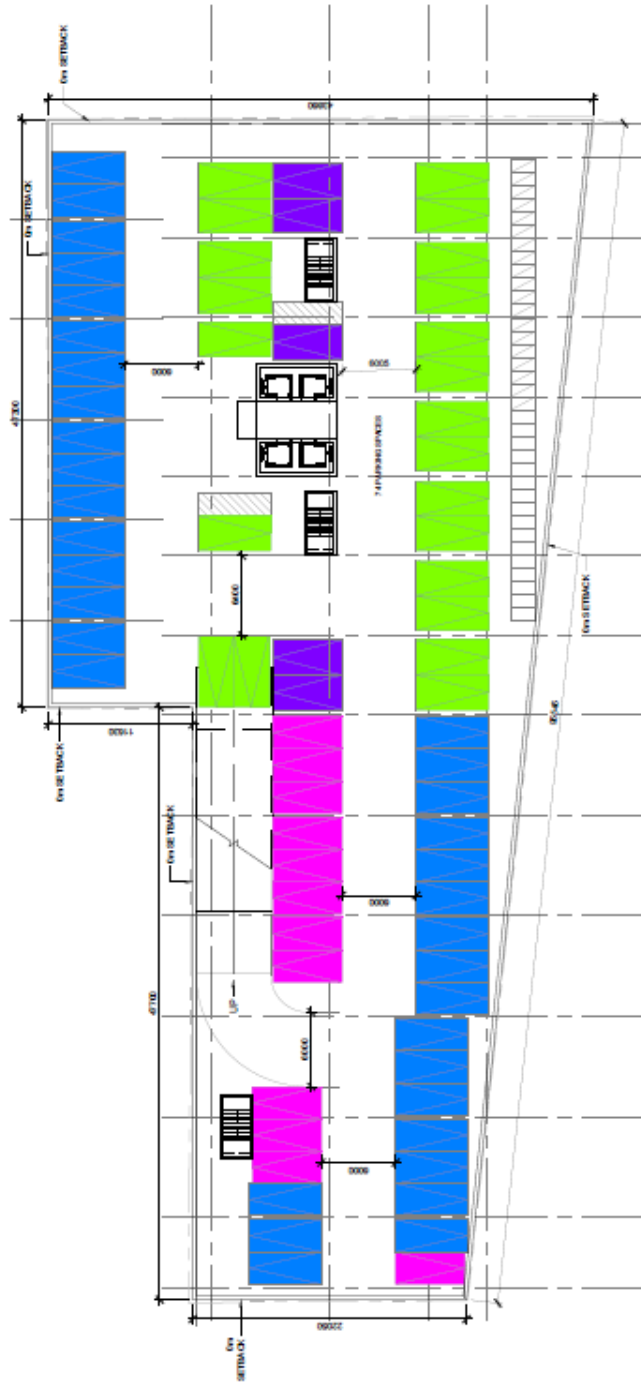
SONOMA DEVELOPMENT GROUP
71 REBECCA STREET MIXED USE
PROPOSED SITE PLAN / W/OWNER




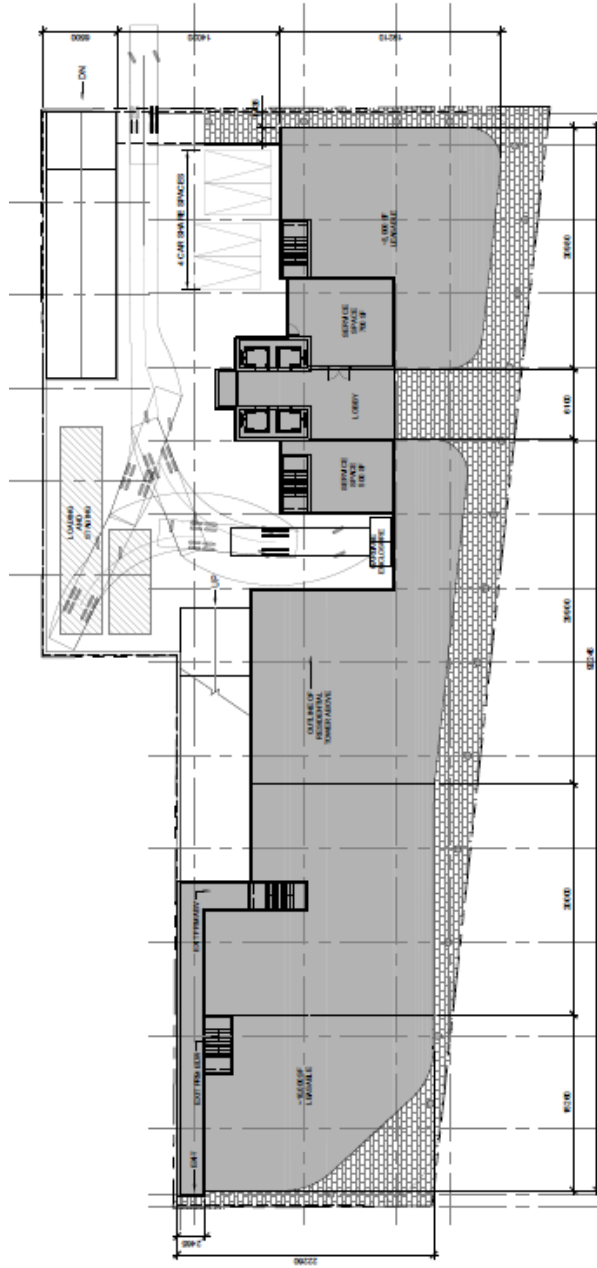
1 1/2\"/>




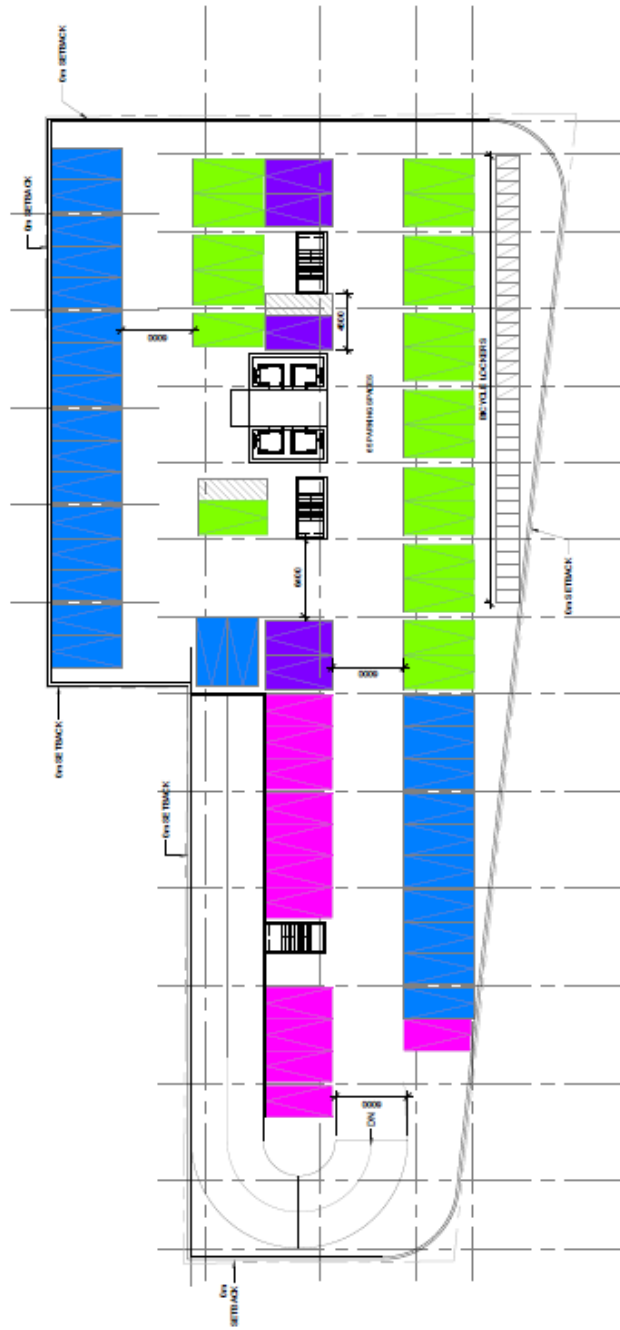
 SONOMA DEVELOPMENT GROUP
71 REBECCA STREET MIXED USE
BASIMENT B1 PLAN
DATE: 1/18/22
DATE: 2/28/2018




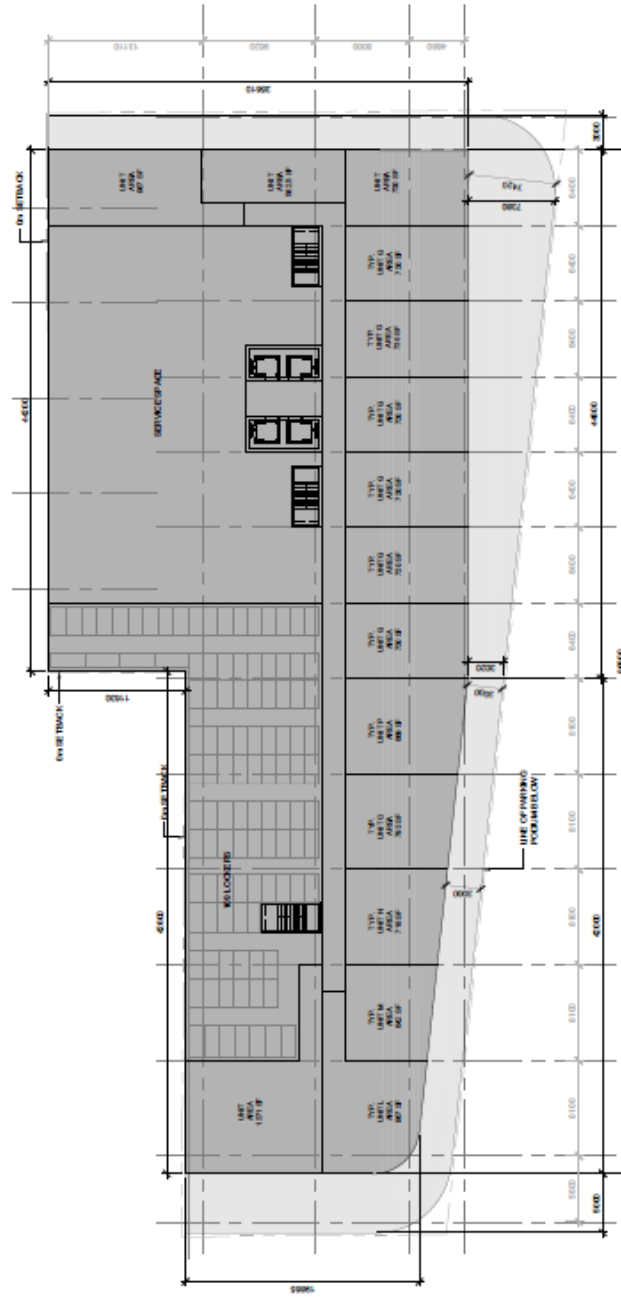
 SONOMA DEVELOPMENT GROUP
71 REBECCA STREET MIXED USE
BASEMENT 1ST PLAN
Scale: 1/8" = 1'-0"
Date: 08/14/18



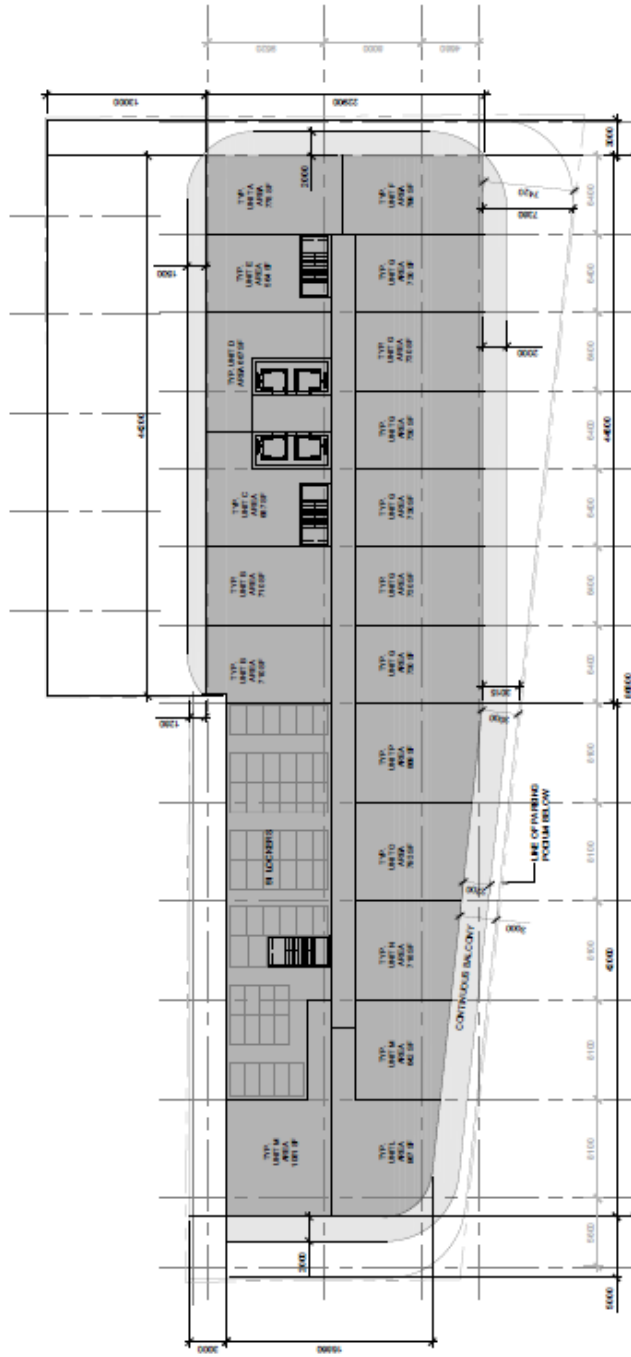

SONOMA DEVELOPMENT GROUP
71 REBECCA STREET MIXED USE
 LEVEL PLAN
 Scale: 1/8" = 1'-0"
 Project No. 110412 Date: 04/27/2012




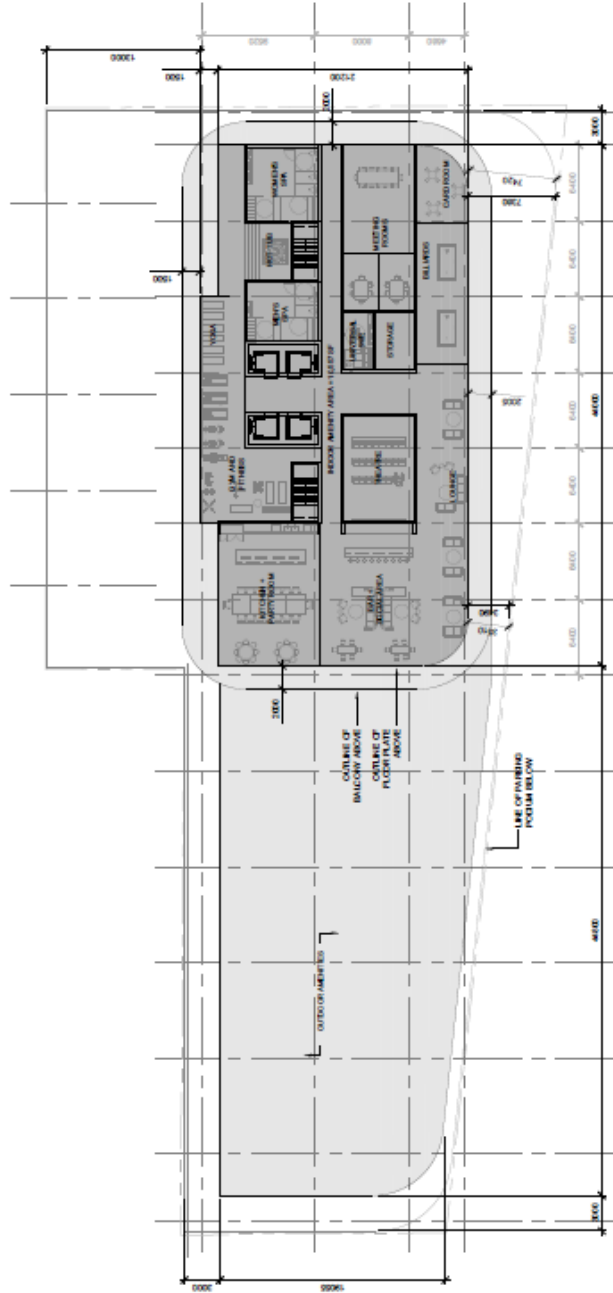
 SONOMA DEVELOPMENT GROUP
71 REBECCA STREET MIXED USE
PARKING LEVEL P1 PLAN
Scale: 1/8" = 1'-0"
11/04/12




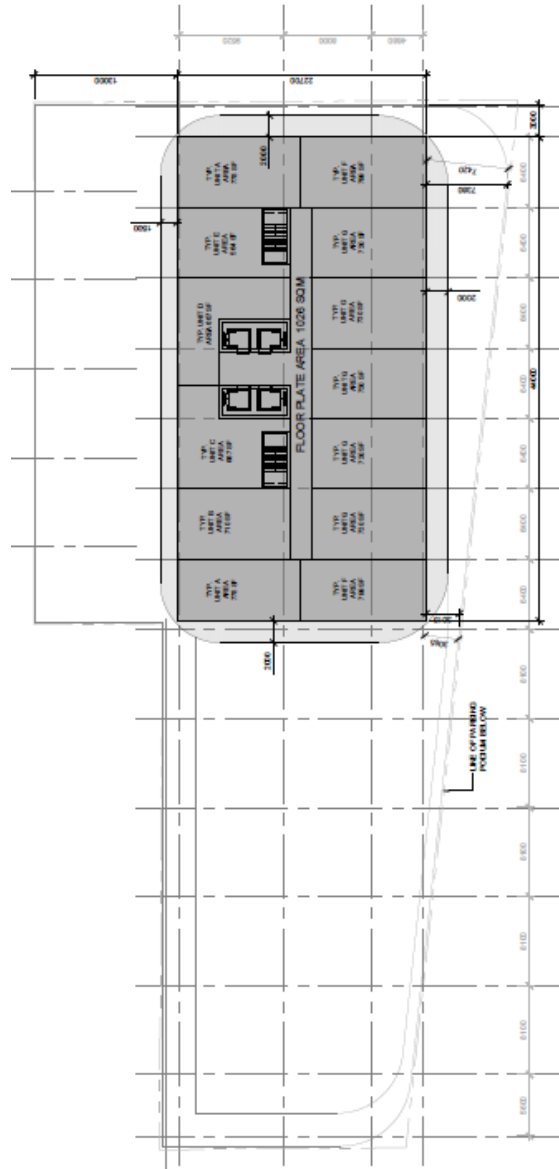
 SONOMA DEVELOPMENT GROUP
71 REBECCA STREET MIXED USE
RESIDENTIAL PODIUM
Scale: 1/8" = 1'-0"
11/16/12 DWG: 201810-02



 SONOMA DEVELOPMENT GROUP
71 REBECCA STREET MIXED USE
RESIDENTIAL PODIUM II
DATE: 10/18/18
DRAWN: 2/18/18



 **SONOMA DEVELOPMENT GROUP**
71 REBECCA STREET MIXED USE
AMENITY LEVEL
Sheet 1008
Date: 08/24/18
11662

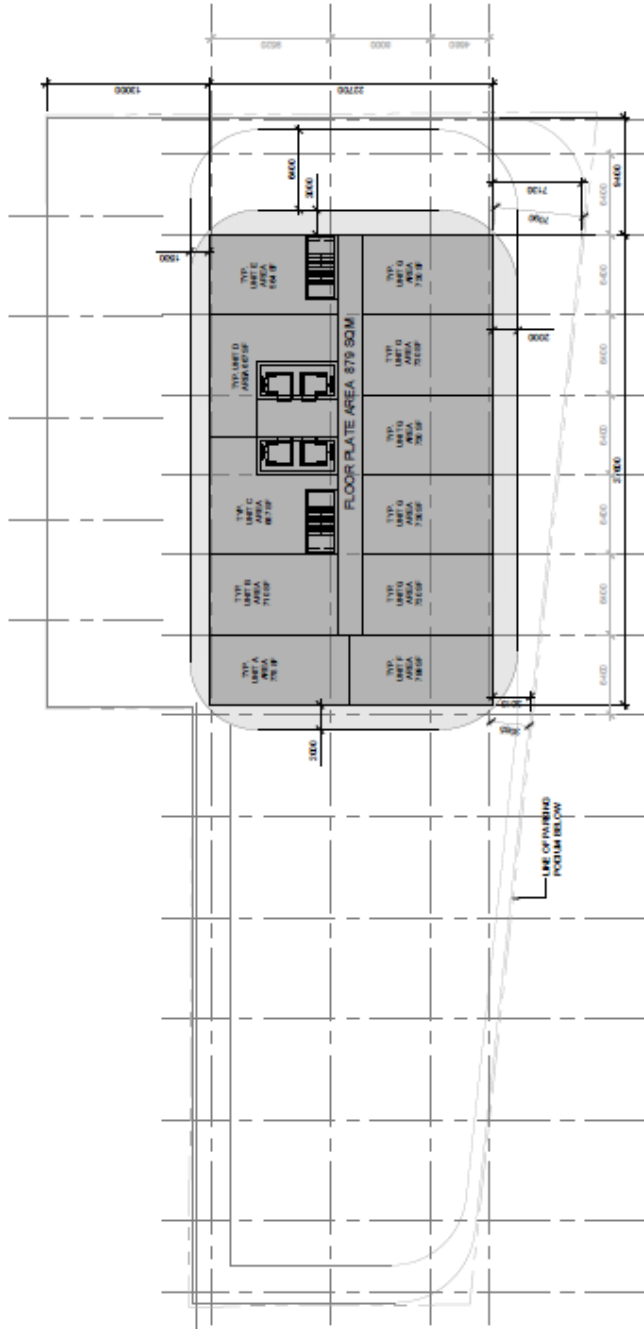


SONOMA DEVELOPMENT GROUP
71 REBECCA STREET MIXED USE
RESIDENTIAL TOWER FLOORPLATE I

Scale: 1/8" = 1'-0"
Date: 08/20/18



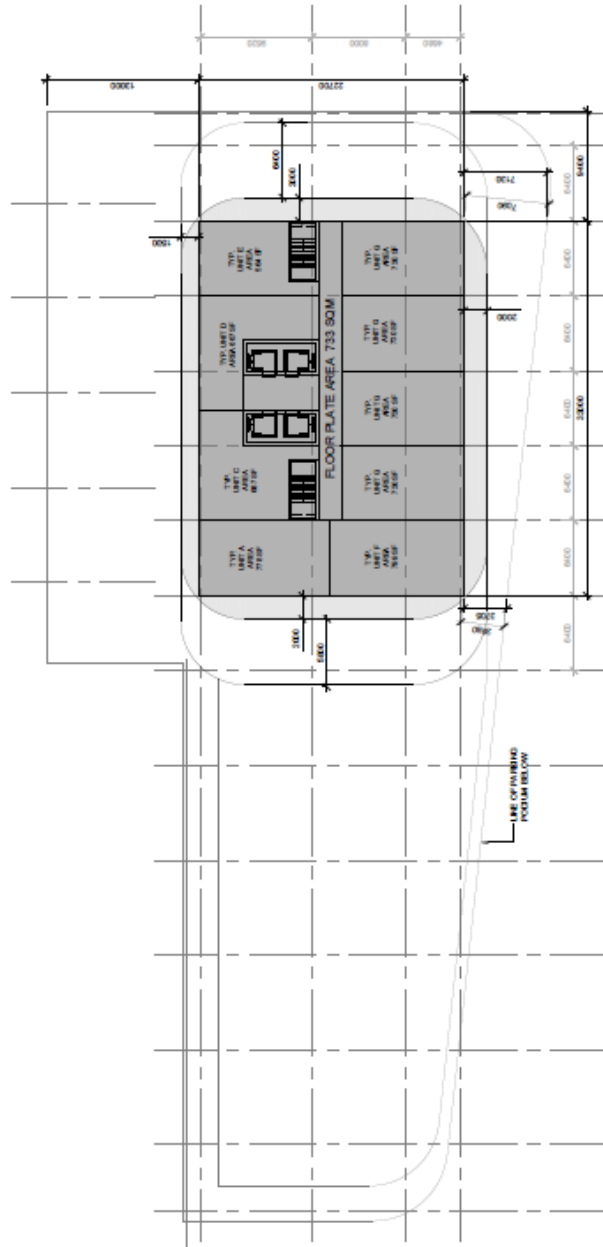
Project No:
116612 Date: 08/20/18




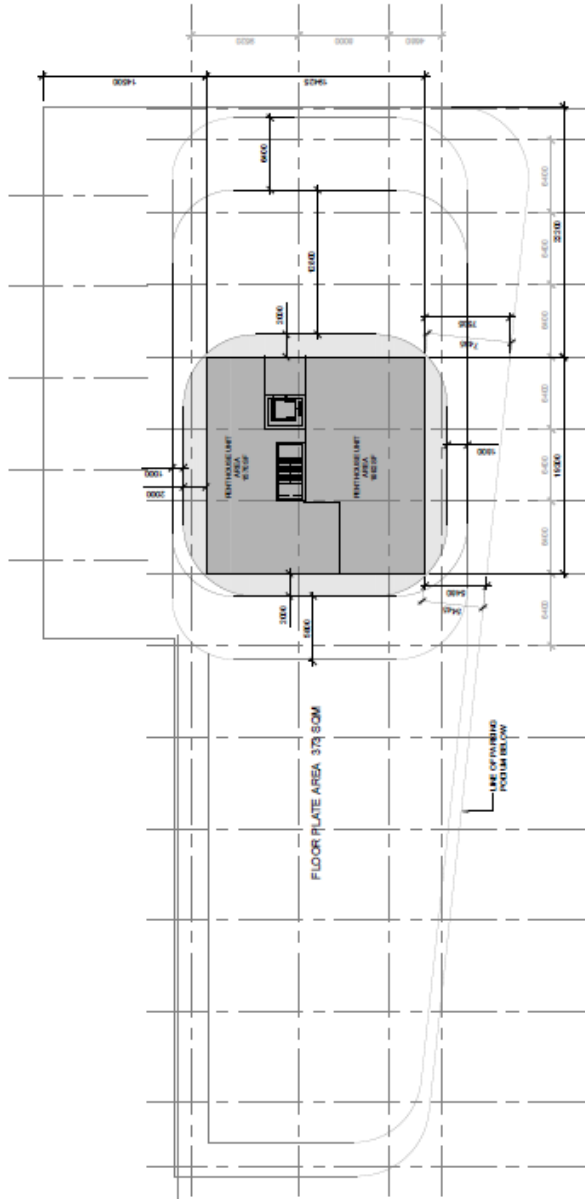
SONOMA DEVELOPMENT GROUP
71 REBECCA STREET MIXED USE
RESIDENTIAL TOWER FLOORPLATE 1



DATE: 1/18/18
PROJECT: 11662
SHEET: 20-20-01-01



 0 5 10 20
SONOMA DEVELOPMENT GROUP
71 REBECCA STREET MIXED USE
RESIDENTIAL TOWER FLOORPLATE II
Scale: 1/8" = 1'-0"
Date: 08/20/18



SONOMA DEVELOPMENT GROUP
 71 REBECCA STREET MIXED USE
 RESIDENTIAL TOWER FLOORPLATE IV
 SCALE: 1/8" = 1'-0"
 DATE: 03/14/18





GLEN SCHNARR & ASSOCIATES INC.
URBAN & REGIONAL PLANNERS, LAND DEVELOPMENT CONSULTANTS

PARTNERS:
GLEN SCHNARR, MCIP, RPP
GLEN BROLL, MCIP, RPP
COLIN CHUNG, MCIP, RPP

ASSOCIATES:
JASON AFRONSO, MCIP, RPP
KAREN BENNETT, MCIP, RPP
CARL BRAWLEY, MCIP, RPP
JIM LEVAC, BAA, MCIP, RPP

August 15, 2017

Refer To File: 001-050

By electronic and regular mail

The City of Hamilton
Planning and Economic Development Department
Development Planning, Heritage and Design
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5

Attention: Tiffany Singh
Development Planning, Heritage and Design – Urban Team

**RE: Comments on Proposed Development Applications
Urban Hamilton OPA and Zoning By-law Amendment
71 Rebecca Street, Sonoma Development Group Inc.
(Your files: UHOPA-17-023 and ZAC-17-053)**

Glen Schnarr & Associates Inc. (GSAI) is acting on behalf of our client Kaneff Properties Limited (KPL), owner of 80 John Street, directly adjacent the subject lands. KPL received the City's Notice of Complete Applications for the above-noted development applications dated July 21, 2017. GSAI has been asked to acquire available information for review as well as provide some preliminary feedback on the development proposal. It should be noted GSAI did attempt to reach you and other staff by telephone recently but to date, did not receive any formal reply.

In the absence of being able to see submitted information by the applicant in support of the development proposal, the following comments are preliminary in nature:

1. Specific Official Plan and Zoning By-law Amendment content: The City's Notice does note the general nature of the submitted development application. However, GSAI would like to see the actual content of the submitted draft implementing Official Plan and Zoning By-law Amendments. These details would better allow us to confirm what provisions of the Official Plan and Zoning By-law are being amended and thus the full extent of the proposed changes to the area vision and as-of-right permissions for the subject lands. It would be valuable to see the agent's planning justification report which supports these details.

10 KINGSBRIDGE GARDEN CIRCLE
SUITE 700
MISSISSAUGA, ONTARIO
L5R 3K6
Tel: (905) 568-8888
Fax: (905) 568-8894
www.gsaic.ca



GLEN SCHNARR & ASSOCIATES INC.
URBAN & REGIONAL PLANNERS, LAND DEVELOPMENT CONSULTANTS

2. **Technical Considerations:** In light of the proposed development as we understand it, GSAI would like to confirm whether the applicant was asked to provide the following information:

- Site Concept Plan
- Sun/Shadow study
- Wind/microclimate assessment
- Landscape Plans with Urban Design Review/Brief
- Traffic Impact Study (traffic/access, and/or parking)
- Functional Servicing Report (and associated engineering drawings/reports)

GSAI is presuming this information was likely submitted in support of the proposal and would like the opportunity to review these materials or any other technical information submitted by the owner's agent.

3. **Overall Block Development:** To fully understand overall site function and potential impacts on overall block development, are there any issues resulting from this development which may impact future development on surrounding parcels of land? For example, are there any impacts resulting from servicing, or access which would impact future development potential (or impose technical constraints) of surrounding lands? Has this application included an overall block plan showing how the entire lands may possibly develop in the future?

Upon further discussions with City staff and a review of the submitted information, GSAI may provide further commentary on the submitted development applications. On a final note, by way of copy of this letter to Ms. I. Bedioui, Committee Co-ordinator, GSAI wishes to be notified of all upcoming meetings, staff reports and decisions of the City of Hamilton regarding both UHOPA-17-023 and ZAC-17-053. Please do not hesitate to call if you require any clarification with respect to our correspondence.

Yours very truly,

GLEN SCHNARR & ASSOCIATES INC.

Maurice Luchich, MCIP, RPP
Senior Planner and Project Manager

- c. Ms. K. Harrison-McMillan, Dev. Plg., Heritage and Design – Urban Team (e-mail only)
Ms. I. Bidioui, Coordinator, Planning Committee, (e-mail only)
Ms. K. Kaneff, Kaneff Properties Limited (e-mail only)



March 2, 2018

258-17

Via Email & Delivered

Kimberley Harrison-McMillan, MCIP, RPP
Senior Project Manager
Development Planning, Heritage & Design – Urban Team

City of Hamilton
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5

Dear Ms. Harrison-McMillan:

**RE: Official Plan Amendment Application No. UHOPA-17-023
Zoning By-law Amendment Application No. ZAC-17-053
71 Rebecca Street, Hamilton**

UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions) is the authorized planning consultant now acting on behalf Kaneff Properties Limited, owner of 80 John Street North, and we are pleased to submit this letter regarding the subject *Planning Act* applications at 71 Rebecca Street in Hamilton.

On November 28, 2017, the undersigned attended the Public Information Meeting hosted by the proponent at 95 King Street East in Hamilton. This was a valuable meeting that provided an opportunity to obtain a better understanding of the development proposal and the nature of the applications.

Since that time, we understand the development proposal has been revised wherein the building height has been reduced to 30 storeys based on DPAI Architecture Inc. plans dated February 22, 2018.

Based on our review of these current plans and the resulting *Planning Act* applications, UrbanSolutions offers the following preliminary comments:

- While the proposed number of units is 313, the composition of these units in relation to the bedroom count is unknown. Clarification is necessary to complete a wholesome evaluation of the proposal.
- The appropriateness of the proposed parking ratio cannot be determined without understanding the composition of the units.
- The 8 storey podium appears to be in conflict with the draft downtown zoning by-law with regards to podium height and setback. Any portion of the building above 11 metres in height is to be setback 12.5 metres from the north property line where no setback is proposed.

- The portions of the proposed building above 44 metres in height appear to be in conflict with the draft downtown zoning by-law with regards to the required setback of 12.5 metres where a setback of 1.5 metres is proposed.

The proposed orientation of the 30 storey building does not appear to respect best practices with regards to tall buildings. As such, the proposal has direct implications on the available built form and development potential of 80 John Street North.

Kaneff Properties Limited requests and insists the aforementioned concerns be addressed in advance of any staff recommendation report or Council decision regarding the proposal.

Please note, additional comments may be provided upon review of the draft Official Plan Amendment and draft Zoning By-law.

Also, on behalf of our client, we respectfully request Sonoma Development Group cease attempts to communicate directly with Kaneff Properties Limited and further, that any necessary communication occur through the applicant's planning consultant and our office.

And finally, in accordance with the *Planning Act*, please provide the undersigned with written copy of any Council decision for this matter.

Regards,

UrbanSolutions



Matt Johnston, MCIP, RPP

Principal



Katie Rauscher

Planner

- cc. Councillor Jason Farr, Ward 2, City of Hamilton (via email)
Mr. Jason Thorne, MCIP, RPP, City of Hamilton (via email)
Mr. Steve Robichaud, MCIP, RPP, City of Hamilton (via email)
Mr. Drew Hauser, McCallumSather (via email)
Mr. Sergio Manchia, MCIP, RPP, UrbanSolutions (via email)
Ms. Anna-Maria Kaneff and Kristina Kaneff, Kaneff Properties Limited (via email)



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
 Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	September 4, 2018
SUBJECT/REPORT NO:	Proposed Changes to the Official Plans and Zoning By-law No. 05-200 Relating to Cannabis Growing and Harvesting Facilities, Aquaponics and Greenhouses (CI-18-H) (PED18194) (City Wide)
WARD(S) AFFECTED:	City wide
PREPARED BY:	Joanne Hickey Evans (905) 546-2424 Ext. 1282
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That approval be given to Official Plan Amendment No. XX to the Rural Hamilton Official Plan (RHOP-Volume 1) to amend the definition and associated regulations for a marihuana growing and harvesting facility to incorporate non-medical cannabis (recreational marihuana) production facilities, on the following basis:
- (i) That the Draft Rural Hamilton Official Plan Amendment, attached as Appendix "A" to Report PED18194 be adopted by Council;
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (PPS) 2014 and conforms to the Greenbelt Plan and the Growth Plan for the Greater Golden Horseshoe, 2017 (P2G).
- (b) That approval be given to Official Plan Amendment No. XX to the Urban Hamilton Official Plan (UHOP-Volume 1) to amend the definition and regulations for medical marihuana growing and harvesting facility to incorporate non-medical cannabis (recreational marihuana) production facilities, on the following basis:
- (i) That the Draft Urban Hamilton Official Plan Amendment, attached as Appendix "B" to Report PED18194, be adopted by Council;

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- (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 (P2G).
- (c) That approval be given to City Initiative CI-18-H to amend the definition and associated regulations for a medical marijuana growing and harvesting facility in Zoning By-law No. 05-200 to incorporate non-medical cannabis (recreational marijuana) production facilities, on the following basis:
 - (i) That the Draft By-law, attached as Appendix “C” to Report PED18194, which have 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 Rural Hamilton Official Plan (RHOP) upon approval of Official Plan Amendment (OPA) No.____;
 - (iii) 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.____; and,
 - (iv) That the proposed Zoning By-law Amendment is consistent with the Provincial Policy Statement (PPS) 2014 and conforms to the Greenbelt Plan and the Growth Plan for the Greater Golden Horseshoe, 2017 (P2G).
- (d) That Item “O” be removed from the Outstanding Business List.

EXECUTIVE SUMMARY

The purpose of this Report is to report back on a direction from City Council which requested staff to review Official Plan (OP) policies and zoning regulations for recreational marijuana growing and harvesting.

The original planning policies and regulations were introduced in 2014/2015 and only referenced medical marijuana growing and harvesting facility. In the absence of specific definitions and regulations for recreational marijuana, this use is considered as an agricultural use. To ensure the same regulations apply to recreational marijuana as medical marijuana amendments to the Official Plans (OP’s) and Zoning By-law No. 05-200 are required.

In addition, changes to the OPs and zoning are also recommended for certain existing regulations to ensure clearer interpretation and to add a new setback provision from a sensitive land use. Further, in 2014, staff recommended that medical marijuana

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growing and harvesting facility, aquaponics and greenhouses be permitted with certain areas of the Airport Employment Growth District (AEGD) after the OMB appeals were resolved.

Based on the above, several changes to the Rural Hamilton and Urban Hamilton Official Plans and Zoning By-law No. 05-200 are being introduced. Specifically:

- Rural Hamilton Official Plan (RHOP) and Urban Hamilton Official Plan (UHOP) Amendments:
 - Updating the definition of Medical Marihuana Growing and Harvesting facility to reflect the new term 'cannabis' and to include references to licences, permits or authorization under federal legislation both Official Plans (both OPs)). This term will include both medical and recreational marihuana;
 - Requiring a 150 m setback from the cannabis production facility to an existing sensitive land use or to a specific zone boundary (both OPs);
 - Including a cross reference to the regulations for a Cannabis Harvesting and Growing facility in the Mineral Extractive Industrial Resource Area policies (RHOP); and,
 - Adding aquaponics, greenhouse and cannabis growing and harvesting facility to the Airport Business Park Designation and the Airport Prestige Industrial and Airport Light Industrial Designations (UHOP).
- Zoning By-law No. 05-200:
 - Updating the definition of Cannabis Growing and Harvesting facility to reflect the new term cannabis and to include references to licences, permits or authorization under federal legislation;
 - Updating the Agricultural Processing Establishment – Stand Alone definition to include cannabis products as agricultural processing;
 - Requiring a 150 m setback from the Cannabis Production Facility to an existing sensitive land use or to a specific zone boundary;
 - Adding Cannabis Growing and Harvesting and facility to the Light Industrial (M10) Zone and the Prestige Business Park (M11) Zone; and,
 - Increase the setback from any lot line from 20 m to 30 m in the A1 (Agricultural) and A2 (Rural) Zones.

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Alternatives for Consideration – See Page 16

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Municipal Properties Assessment Corporation's (MPAC) position was that medical marijuana grow operations are industrial and that they were awaiting further clarification from the Ministry of Finance on this matter. To date, staff have not received any additional information from MPAC. Staff are not aware of any facility in Hamilton (whether it operates in an agricultural area or an industrial park) that has been assessed/reassessed by reflect the use as a medical marijuana growing and harvesting facility to confirm whether or not this use is being assessed as an industrial use.

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 Official Plans and Zoning By-law.

HISTORICAL BACKGROUND

1.0 Federal Legislation

1.1 Cannabis Act, 2018

The *Cannabis Act* received Royal Assent on June 18, 2018. The Act controls the production, distribution, sale and possession of cannabis in Canada. Cannabis includes the plant and any product derived from the plant (e.g. oil, dried etc.). It is a broader term than marijuana.

1.2 Cannabis Regulations SOR 2018-144

On June 27, 2018, the Federal government introduced *Cannabis Regulations SOR 2018-144* which establishes “the rules and standards that will apply to the authorized production, distribution, sale, importation and exportation of cannabis, as well as other related activities respecting the classes of cannabis (i.e. dried, fresh, oil, plants, seeds) that will be permitted to be sold by a person authorized under the Cannabis Act...” (Executive Summary, SOR 2018-144).

These regulations are not yet in effect.

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1.3 Access to Cannabis for Medical Purposes Regulations (ACMPR)

At the time of writing this report, this regulation remains in effect. In addition to this regulation, the Licensee must satisfy other federal land use related requirements. Specifically,

- The facility has to meet the applicable municipal by-laws (e.g. Official Plans and Zoning By-laws). Health Canada does not check to see if municipal by-laws are met but relies on the Licensee to determine compliance and requires the Licensee to operate in accordance with municipal by-laws; and,
- The Federal government undertakes a review of residential uses within 500 m of the site. This review is a “best practice” by the Federal Government to achieve safety, protection, etc., and is not specifically articulated in the Federal Act and/or applicable regulations.

2.0 Provincial Legislation

Provinces and territories are responsible for developing, implementing, maintaining and enforcing systems to oversee the distribution and sale of cannabis. They would also be able to add their own safety measures, such as:

- increasing the minimum age in their province or territory (but not lowering it);
- lowering the personal possession limit in their jurisdiction;
- creating additional rules for growing cannabis at home, such as lowering the number of plants per residence; and,
- restricting where adults can consume cannabis, such as in public or in vehicles.

If there are any other additional directions / regulations from the provincial government, staff would review the existing land use planning policies and regulations.

2.1 Cannabis Act, 2017

Ontario’s *Cannabis Act, 2017* for Ontario, contains regulations among others on the sale, distribution, purchase, possession, cultivation, propagation and harvesting of cannabis for the purposes of:

- protecting human health and safety;
- restricting youth access to cannabis; and,
- allowing for the retail of the product in Ontario Cannabis Stores.

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On August 13, 2018, the Provincial government announced that the *Ontario Cannabis Act* would be revised to change the retail sales model. Under the revised Act, Cannabis may be sold by private retailers but the supply would be controlled by the government. The government would also be responsible for on-line sales. To date the Act is not in effect and no date proclaimed.

3.0 Council Directions

3.1 *City Council, November 8, 2017*

Council, at its meeting of November 8, 2107, passed the following motion:

“WHEREAS in 2014 Council approved amendments to the City’s Official Plan and Zoning By-laws with respect to medical marijuana (cannabis) facilities;

WHEREAS since 2014 the Federal and Provincial regulatory framework regarding marijuana (cannabis) has changed;

WHEREAS the City’s vision for the rural area is a vibrant rural economy focusing on food production and sustainable stewardship of the land base, water resources and compatibility;

WHEREAS, the City encourages marijuana (cannabis) producers to reuse existing buildings within the urban area; and,

WHEREAS, the City has put in place Official Plan policies and zoning regulations to allow limited, small scale production in the rural area;

THEREFORE BE IT IS RESOLVED:

- (a) That Planning staff be directed to consult with Federal and Provincial departments and ministries regarding the regulatory and land use planning framework for the marijuana (cannabis) industry; and,
- (b) That staff review and report back to Planning Committee on the revisions to the Economic Development Strategy, Official Plan Policies and Zoning Regulations with respect to medical and recreational marijuana (cannabis) production, distribution and sales.”

3.2 *City Council, June 25, 2018*

On June 25, 2018, Council received report PED18120, which identified options for changes to the definition and regulations for medical marihuana growing and harvesting facility in the Official Plans and Zoning By-law No. 05-200. Council voted to receive the report and did not direct staff to take any further action.

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The public input received during the public meeting on Report PED18120 (June 19, 2018 Planning Committee) included the following concerns for medical marihuana growing and harvesting facilities in the rural area:

- impacts of odour from medical marihuana growing and harvesting facilities, with specific concerns about a facility on Green Mountain Road;
- light emitted from greenhouses;
- greenhouses being built on agricultural land, in particular prime agriculture;
- traffic from the facility given the potential for a large number of employees; and,
- impacts on adjacent and downstream wells.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

1.0 Federal Regulations

The Federal Government, under the ACMPR, requires producers to receive a licence prior to production. In addition to the ACMPR, the federal government reviews applications to determine if there are any potential public health, safety and security risks including the potential for medical marihuana to be redirected to people not entitled to use medical marihuana. This “best practice” requires applicants to identify residential uses within 500 m of the proposed facility.

All facilities must comply with all provincial and municipal by-laws, including zoning. Municipalities are permitted to include policies/regulations in their planning documents to address land use impacts.

At this point in time, there are no regulations under the *Cannabis Act* or provisions within the Act detailing requirements for a licence.

2.0 Provincial Regulations and Policy

2.1 Greenbelt Plan, Growth Plan for the Greater Golden Horseshoe and Provincial Policy Statement

The Greenbelt Plan 2017, Growth Plan 2017 and the Provincial Policy Statement (PPS) use the same term for agriculture which is from the PPS 2014. It defines agriculture to include the growing of crops. As such, a cannabis growing and harvesting facility is a permitted use within the rural area.

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In the urban area, the Growth Plan definition of 'employment area' is "clusters of business and economic activities". As such, a medical marijuana growing and harvesting facilities would be considered as an economic activity.

2.1.1 Comments from Ministry of Municipal Affairs (MMA) and Ministry of Housing (MAH)

The Ministry of Municipal Affairs (MMA) in their letter dated, March 12, 2018 determined that medical marijuana growing and harvesting facility was an agricultural use. MMA left the decision to the City to determine if cannabis oil and other associated uses are considered as accessory and/or agriculturally-related uses. With respect to recreational marijuana, MMA has advised that no decisions on conformity to provincial documents will be made until the Federal Act and regulations have been approved.

2.2 Niagara Escarpment Plan

In February 2014, the Niagara Escarpment Commission (NEC) identified that a medical marijuana growing and harvesting facility would not be permitted within the Niagara Escarpment Plan since the NEC, in their opinion, does not consider this use as an agricultural or institutional use. At this time, the NEC is reconsidering its previous policy direction.

Notwithstanding the above, staff consider marijuana/cannabis as an agricultural crop.

2.3 Sale of Cannabis

As noted in the Historical Background Section of Report PED18194, on August 13, 2018, the Provincial government announced that Cannabis would be sold by private retailers but the supply would be controlled by the government. The government would also be responsible for on-line sales.

3.0 City of Hamilton OP Policies and Zoning By-law Regulations

At the present time, the Official Plans and Zoning By-law No. 05-200 contains regulations for medical marijuana only. Cannabis is considered as an agricultural use and in the absence of specific policies and regulations for cannabis growing and harvesting, this use would be subject to any policies or regulations related to agriculture.

Report PED18120 provided a detailed analysis of the medical marijuana growing and harvesting facility and related agricultural definitions and regulations. Cannabis production for either a medical or recreational purpose is considered as the same land use.

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Additional RHOP or UHOP policies to Consider

Section F.1.19 - Complete Application Requirements and Formal Consultation identifies studies that may be required as part of various *Planning Act* applications. At the formal consultation stage, staff identify those studies that are required to be submitted before the application is deemed complete. These studies are intended to address land use planning, transportation, servicing/infrastructure, cultural; environmental or financial matters. The intent of these studies is to address a variety of matters that are part of the development of land. The studies inform staff if conditions and requirements should be included prior to or as part of the development. If necessary, each of these studies can be peer reviewed by an outside consultant. Staff can require any appropriate study as part of a *Planning Act* application for a cannabis harvesting and growing facility.

The Analysis and Recommendation Section of the Report details the amendments required to the OP's.

RELEVANT CONSULTATION

- Ministry of Municipal Affairs and Ministry of Housing; and,
- Corporate Services – Finance Department

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1.0 Background

City Council requested staff to report back on potential changes to both medical and recreational marihuana. Report PED18120 addressed potential changes to medical marihuana growing and harvesting facility only since the *Cannabis Act* had not received Royal assent at the time of writing the Report or the holding of the public meeting. PED18120 contained 3 broad options for Council to consider for medical marihuana growing and harvesting facility:

- maintain status quo (no changes to the regulations);
- delete the regulations; or,
- modify the existing regulations. Some of the modifications to the existing regulations were introduced to be clearer, provide consistency between uses as well as implement a previous staff recommendation respecting medical marihuana growing and harvesting facilities, aquaponics and greenhouses in the AEGD area.

Council's decision was to maintain the status quo.

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2.0 Purpose of the Report

The purpose of this Report is to address land use planning changes required to ensure the growing and harvesting of recreational cannabis are subject to the same regulations as medical marijuana growing and harvesting facilities.

Any sale of recreational cannabis is considered as a “retail” use in Zoning By-law No. 05-200. At the time of the writing of the report, the Provincial government has announced that Cannabis may be sold by private retailers but the supply would be controlled by the government. The government would also be responsible for on-line sales. To date the *Cannabis Act* is not in effect and no date proclaimed.

3.0 Land Use Issues – Recreational Cannabis

As noted in the previous report, the growing and harvesting of medical marijuana is considered as an agricultural use. The definition does not describe for what purpose the crop is to be used. By extension, recreational cannabis should also be considered as a crop or agricultural use because the activities are the same as those for medical marijuana. As a result, the policies and regulations in the RHOP, UHOP and Zoning By-law would apply and not the regulations / policies for medical marijuana growing and harvesting facility.

3.1 Definitions – OP’s and Zoning (Rural and Urban Areas)

3.1.1 Medical Marijuana Growing and Harvesting Facility

The current definition, including the reference to the applicable legislation, in the OP’s and Zoning By-law No. 05-200 was based on the previous MMPR regulation and only includes medical marijuana.

Medical Marijuana Growing and Harvesting Facility shall mean a wholly enclosed building or structure used for growing, harvesting, testing, destroying, packaging and shipping of marijuana, for medical purposes as permitted under the Marijuana for Medical Purposes Regulations (MMPR) SOR/2013-119 made under the Controlled Substances Act as the MMPR read on March 31, 2014.

The definition in the RHOP and Zoning By-law No. 05-200 are slightly different as they make a direct reference to accessory uses.

Medical Marijuana Growing and Harvesting Facility shall mean a wholly enclosed building or structure used for growing, harvesting, testing, destroying, packaging and shipping of marijuana, for medical purposes as permitted under the Marijuana for Medical Purposes Regulations (MMPR)

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SOR/2013-119 made under the Controlled Substances Act as the MMPR read on March 31, 2014. The testing, packaging, and shipping shall be accessory to the growing and harvesting of the marihuana for medical purposes.

Recommendation 1:

The Zoning By-law definition for a medical marihuana growing and harvesting facility be amended by deleting the words “The testing, packaging, and shipping shall be accessory to the growing and harvesting of the marihuana for medical purposes” and including as a regulation within the regulations section of the applicable rural zones. The industrial zones would allow testing, shipping, packaging as principle uses within the zones therefore it is not necessary to restrict these uses to accessory.

Rationale: The references to testing etc. are a regulation and more appropriately located within the regulation section of the zone.

Recommendation 2:

Replace the definitions in the Urban Hamilton Official Plan, the Rural Hamilton Official Plan and Zoning By-law No. 05-200 as follows:

Cannabis Growing and Harvesting Facility shall mean a wholly enclosed building or structure used for growing, harvesting, testing, destroying, packaging and shipping of *cannabis*, for a facility where a licence, permit or authorization has been issued under applicable federal law.

Rationale: The references to MMPR are outdated and the definition only addresses medical marihuana.

3.1.2 Agricultural Processing Establishment – Stand Alone (Zoning By-law)

MMA has advised that the City should determine if the other associated uses are considered as accessory or agriculturally related (Agricultural Processing). The Zoning By-law, under the definition of agricultural processing, allows for the transformation of raw agricultural products. Production of cannabis oil is considered as agricultural processing. This processing is permitted as part of the farm cluster (agricultural processing-secondary) or on a separate lot from the crop (agricultural processing-stand alone).

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Recommendation 3:

Update the definition to delete the word “or” and add “or processing of cannabis products” after the words “Agricultural Brewery/Cidery/Winery”.

Agricultural Processing Establishment – Stand Alone Shall mean the use of land, building or structure, or portion thereof, for a stand-alone facility dedicated to the transformation of raw agricultural commodities and may include Accessory Retail, but shall not include an Abattoir, or **Agricultural Brewery/Cidery/Winery or processing of cannabis product.**

Rationale: To ensure the medical marihuana related products is on the same site as the crop, the definition of Agricultural Processing Establishment – Stand Alone should be amended.

3.2 Policies and Regulations

3.2.1 Building Setbacks (Rural Area)

In the rural area, the setbacks from a lot line for any principal use ranges from 15 m (agricultural buildings) to 30 m (agricultural processing establishment). A medical marihuana facility setback requirement is 20 m.

Recommendation 4:

Increase the setback from 20 m to 30 m from any lot line in the A1 (Agricultural) and A2 (Rural) Zones.

Rationale: The production of cannabis oil is considered as agriculturally-related use in the Rural Hamilton Official Plan and agricultural processing in Zoning By-law No. 05-200. Since cannabis oil is often located within the same building as the growing operation, the 20 m setback should be harmonized for all buildings and structure associated with this use.

To maintain consistency with the Industrial Zone regulations, the 20 m setback in the industrial areas would remain unchanged since industrial buildings have a 20 m setback from property line to property line.

3.2.2 Separation Distances from Sensitive Land Uses (Rural and Urban Areas)

The most common sensitive land use in the rural area is residential. The urban area includes additional uses such as schools, places of worship, long term care facilities, parks, etc.

The federal government reviews applications to determine if there are any potential public health, safety and security risks including the potential for medical marihuana to

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be redirected to people not entitled to use medical marihuana. This “best practice” requires applicants to identify residential uses within 500 m of the proposed facility.

Based on a review of other municipalities, there are 7 municipalities (Brant, Cowichan Valley, B.C., Capital Regional District, B.C., Nanaimo, B.C., Norfolk, Ottawa, and Port Colborne) that require these facilities be separated between 50 to 300 m) from certain sensitive land uses; the most common restriction is between 70 and 150 m. The 70 m was applied in some urban areas (Norfolk). The 70 m setback was a recognition this use was considered as light industrial.

Recommendation 5:

Add an additional requirement that a medical marihuana growing and harvesting facility should not be located within 150 m of a sensitive land use (residential uses and some institutional uses) to mitigate any potential impacts from a cannabis production facility on a sensitive land use. In the rural area, the separation distance would be measured from the cannabis production facility to the lot line of an existing residential or sensitive institutional use of the zone boundary of the Settlement Zones (S1, S2 and S3). In the urban area, the cannabis production facility building would not be permitted within 150 m of a residential, institutional and certain commercial mixed use zones and any lot of an existing residential use, measured between the building of the cannabis production facility to the lot line of an existing residential use.

Rationale: To provide a buffer between this use and sensitive land uses is appropriate.

3.2.3 Other Regulations

There are a number of other regulations and site specific exceptions that include the term “medical marihuana growing and harvesting facility” the By-law must be updated to

Recommendation 6:

Replace the term to medical marihuana growing and harvesting facility with cannabis harvesting and growing facility in the definitions of agriculture and urban farm; Section 5: Parking and Special Exceptions 271 and 459

Rationale: These changes are necessary for consistency within the by-law.

3.3 Odour, Traffic and Light Impacts

As part of the June 19, 2018 Planning Committee Public meeting respecting potential OP and Zoning By-law changes to the medical marihuana growing and harvesting facilities, the public identified concerns related to odour, light and traffic. The federal

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government has stringent requirements under ACMPR for odour control. However, recent experiences with certain facilities has shown odour to be an issue.

As part of the review of any development application, staff can require the submission of various studies. Section F.1.19 of the UHOP and RHOP details a list of the studies that may be required. To ensure matters of odour, light and traffic are assessed as part of an OPA and Zoning by-law amendment or Site plan application, these studies should be identified explicitly as part of the development review process.

Recommendation 7:

The RHOP be amended to include specific requirements for the submission and approval of an Odour and Dust Impact Assessment, Light Impact Assessment, Hydrogeological Study, Transportation Impact Study and any other appropriate studies as part of any development application.

Rationale: Including new policy within the RHOP that identifies the required studies for the submission of an OPA/Rezoning or site plan applications makes it clear to the public and applicants what the upfront study requirements are. As part of the review process, the applicant will be required to determine how odour, traffic and light are being addressed, potential impacts and identify mitigation measures.

Recommendation 8:

The UHOP be amended to include specific requirements for the submission and approval of Odour and Dust Impact Assessment as part of any development application.

Rationale: Including new policy within the UHOP that identifies the required studies for the submission of an OPA/Rezoning or site plan applications makes it clear to the public and applicants what the upfront study requirements are. As part of the review process, the applicant will be required to determine how odour and dust are being addressed, identify potential impacts and identify mitigation measures.

As part of the review process, the applicant will be required to address potential odour/dust emissions from the facility. Since cannabis production facilities are only permitted in industrial areas generally traffic and light would not have a significant impact given the surrounding industrial uses. Hydrogeological studies are not required since all developments within the urban area are serviced by municipal sewer and water.

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Subject: Proposed Changes to the Official Plans and Zoning By-law No. 05-200 Relating to Cannabis Growing and Harvesting Facilities, Aquaponics and Greenhouses (CI-18-H) (PED18194) (City Wide) - Page 15 of 17

3.4 Airport Employment Growth District

The medical marihuana growing and harvesting facility use is defined and permitted (with restrictions) within the Employment Area – Industrial Land and Business Park designations. At the time, the amendments were introduced in 2014, the Airport Employment District Secondary Plan (AEGD) was under appeal. In Report PED14037b, one of the recommendations was to include this use, greenhouses and aquaponics facilities within the AEGD once the appeal process has been concluded.

As a result, an amendment to permit this use, with restrictions, in the Airport Business Park and Prestige Industrial and Light Industrial designations in the AEGD Secondary Plan is appropriate.

4.0 Summary of Proposed Changes to the Official Plan and Zoning By-law No. 05-200

4.1 UHOP and RHOP Amendments

1. Update the definition of medical marihuana growing and harvesting facility to reflect the new term cannabis and to include references to licences, permits or authorization under federal legislation (both OP's).
2. Add a new policy to the RHOP to require the submission of an Odour and Dust Impact Assessment, Light Impact Assessment, Hydrogeological Study, and Transportation Impact Study and any other appropriate studies as part of any development application.
3. Add a new policy to the UHOP to require the submission of Odour and Dust and any other appropriate studies as part of a development application.
4. Add a new policy to Section D.6.6 to ensure the regulations for a medical marihuana growing and harvesting facility are the same as the regulations for the other rural zones.
5. Modify the UHOP, including the AEGD Secondary Plan to permit a medical marihuana growing and harvesting facility, aquaponics and greenhouses within the Airport Business Park and the Prestige Industrial and Light Industrial designations in the AEGD Secondary Plan;

4.2 Zoning By-law No. 05-200 Regulations

1. Update the definition of medical marihuana growing and harvesting facility to reflect the new term cannabis and to include references to licences, permits or authorization under federal legislation (both OP's) and to update any reference for

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Subject: Proposed Changes to the Official Plans and Zoning By-law No. 05-200 Relating to Cannabis Growing and Harvesting Facilities, Aquaponics and Greenhouses (CI-18-H) (PED18194) (City Wide) - Page 16 of 17

a medical marihuana growing and harvesting facility to cannabis harvesting and growing facility throughout the by-law.

2. Add the marihuana growing and harvesting facility, aquaponics and greenhouses to the two (2) Airport Industrial Zones – the Light Industrial (M10) Zone and the Prestige Business Park (M11) Zone.
3. Increase the setback from any lot line from 20 m to 30 m in the Extractive Industrial (M12) Zone, A1 (Agricultural) and A2 (Rural) Zones.
4. Update the definitions of Agricultural Processing Establishment – Stand Alone to exclude cannabis products as agricultural processing in a stand-alone establishment.
5. Add new regulations to require a medical marihuana growing and harvesting facility to be setback 150 m from sensitive land uses (residential uses and some institutional uses) and Rural Settlement Areas. The regulation would be measured from the nearest point of the facility to the property line of the sensitive land use. In the urban area, the use would not be permitted within 150 m of a residential, institutional and certain commercial mixed use zones. In the rural area, the separation distance from the property line of a marihuana facility to the lot line of an existing residential or sensitive institutional use. The reason for this approach is that the A1 and A2 zones allow residential uses and the sites are very large.
6. Update other definitions and regulations that use the term medical marihuana growing and harvesting facility.

ALTERNATIVES FOR CONSIDERATION

Committee and Council could add, delete or change any of the proposed regulations for medical marihuana growing and harvesting facilities in the urban or rural areas.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Engagement & Participation

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

Economic Prosperity and Growth

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

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**Subject: Proposed Changes to the Official Plans and Zoning By-law No. 05-200
Relating to Cannabis Growing and Harvesting Facilities, Aquaponics
and Greenhouses (CI-18-H) (PED18194) (City Wide) - Page 17 of 17**

APPENDICES AND SCHEDULES ATTACHED

- Appendix "A" – Draft Amendment to the Urban Hamilton Official Plan
- Appendix "B" – Draft Amendment to the Rural Hamilton Official Plan
- Appendix "C" – Draft Amendment to Zoning By-law No. 05-200
- Appendix "D" – Letter dated March 12, 2018, from Ministry of Municipal Affairs and
Ministry of Housing

JHE:mo

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DRAFT Rural Hamilton Official Plan Amendment No. XX

The following text constitutes Official Plan Amendment No. XX to the Rural Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose and effect of this Amendment is to revise medical marihuana growing and harvesting facility policies to reflect the recent approval of the *Cannabis Act* and to include additional regulations related to the use.

2.0 Location:

Lands affected by this Amendment are located within the Agricultural, Rural and Specialty Crop Land Use Designations, as identified on Volume 1, Schedule D of the RHOP.

3.0 Basis:

The basis for permitting this Amendment is:

- The Federal government introduced the *Cannabis Act* which allows for the growing and harvesting of cannabis for recreational purposes. A consistent policy framework for both medical and recreational marihuana is appropriate;
- The addition of separation distances between sensitive land uses and a cannabis production facility additional regulations to separate a cannabis production facility from sensitive land uses; and,
- 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

Text

4.1.1 Chapter D – Rural Systems/Designations

- a. That Policy D.2.1.1.4 of Section D.2.1 – Permitted Uses, be amended by:
- i) deleting the words "medical marihuana" and replacing them with "cannabis";
 - ii) adding three new policies, as follows:
 - "c) The testing, packaging, and shipping of cannabis shall be accessory to the cannabis production growing and harvesting facility;
 - d) An appropriate setback between a cannabis production growing and harvesting facility and a **sensitive land use** shall be established in the Zoning By-law;
 - g) In accordance with Section F.1.19 – Complete Application Requirements and Formal Consultation, the following studies shall be submitted as part of an official plan amendment, zoning by-law amendment and site plan applications:
 - i) Odour and Dust Impact Assessment;
 - ii) Light Impact Assessment;
 - iii) Transportation Impact Study;
 - iv) Hydrogeological studies; and,
 - v) any other appropriate studies, identified as part of the complete application and formal consultation process; **and,"**
- and renumbering the existing clauses c), d) and e) to clauses e), f) and h).
- b. That renumbered Policy D.2.1.1.4 h) of Section D.2.1 – Permitted Uses, be amended by:
- i) deleting the words "size and" between the words "building" and "location";

- ii) replacing the word “set-backs” with the word “setbacks”; and,
- iii) adding the words “, sustainable private services, odour/dust, traffic” between the words “drainage” and “and”,

so that the policy reads, as follows:

“D.2.1.1.4 h) The establishment of a new *cannabis production growing and harvesting facility* or the expansion of an existing facility shall be subject to Site Plan approval to address the appropriate building location, setbacks, drainage, sustainable private services, odour/dust, traffic and any other matters.”

- c. That Section D.6.6 – Permitted uses be amended by adding a new clause c) as follows:

- c) a cannabis production growing and harvesting facility, in accordance with the regulations in Policy D.2.1.1.4.

and renumbering the subsequent policies.

4.1.2 Chapter G – Glossary

- a. That the definition of Medical Marihuana Growing and Harvesting Facility Production Growing and Harvesting Facility be deleted and replaced with the following new definition:

“**Cannabis Growing and Harvesting Facility:** shall mean a wholly enclosed building or structure used for growing, harvesting, testing, destroying, packaging and shipping of cannabis, for a facility where a licence, permit or authorization has been issued under applicable federal law.”

5.0 Implementation:

An implementing Zoning By-Law Amendment will give effect to the intended uses on the subject lands.

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

**The
City of Hamilton**

Fred Eisenberger
MAYOR

Janet Pilon, CMMIII, DPA, CMO
ACTING CITY CLERK

DRAFT Urban Hamilton Official Plan Amendment No. XX

The following text constitutes Official Plan Amendment No. XX to the Urban Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose and effect of this Amendment is to revise medical marijuana growing and harvesting facility policies to reflect the recent approval of the *Cannabis Act* and to include additional regulations related to the use.

2.0 Location:

The lands affected by this Amendment are located within the Employment Area, specifically, the Industrial Land and Business Park Designations on Volume 1, Schedule E-1 – Urban Land Use Designations, as well as lands designated Airport Prestige Business and Airport Light Industrial Designations on Volume 2, Map B.8-1 – Airport Employment Growth District Secondary Plan, Land Use Plan.

3.0 Basis:

The basis for permitting this Amendment is:

- The Federal government introduced the *Cannabis Act* which allows for the growing and harvesting of cannabis for recreational purposes. A consistent policy framework for both medical and recreational marijuana is appropriate;
- The addition of separation distances between sensitive land uses and a cannabis production facility additional regulations to separate a cannabis production facility from sensitive land uses; and,
- 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****Text****4.1.1 Chapter E – Urban Systems/Designations**

- a. That Section E.5.3 – Employment Area – Industrial Land Designation be amended as follows:
- i) Policy E.5.3.2 d) be amended by deleting the words "medical marihuana" and replacing them with "cannabis"
 - ii) Policy E.5.3.9 be amended by deleting the words "medical marihuana" and replacing them with "cannabis"
 - iii) Policy E.5.3.9 b) be deleted in its entirety and replaced with the following new policy:

"E.5.3.9 b) an appropriate setback between a cannabis growing and harvesting facility and a sensitive land use shall be established in the Zoning By-law;"
 - iii) Policy E.5.3.9 c) be amended by deleting the word "and,";
 - iv) Policy E.5.3.9 d) be amended by replacing the period with a semi colon and adding the word "and," at the end of the clause;
 - v) Section E.5.3.9 be amended by adding a new clause e):
- e) In accordance with Section F.1.19 – Complete Application Requirements and Formal Consultation, the following studies shall be submitted as part of an official plan amendment, zoning by-law amendment and site plan applications:
- i) Odour and Dust Impact Assessment;
 - ii) Light Impact Assessment;
 - iii) Transportation Impact Study;
 - iv) Hydrogeological studies; and,
 - v) any other appropriate studies, identified as part of the complete application and formal consultation process."

- b. That Section E.5.4 – Employment Area – Business Park Designation be amended as follows:
- i) Policy E.5.4.3 d) be amended by deleting the words "medical marihuana" and replacing them with "cannabis";
 - ii) Policy E.5.4.9 be amended by deleting the words "medical marihuana" and replacing them with "cannabis";
 - iii) Policy E.5.4.9 b) be deleted in its entirety and replaced with the following new policy:
 - "E.5.4.9 b) an appropriate setback between a cannabis growing and harvesting facility and a sensitive land use shall be established in the Zoning By-law;"
 - iii) Policy E.5.4.9 c) be amended by deleting the word "and,";
 - iv) Policy E.5.4.9 d) be amended by replacing the period with a semi colon and adding the word "and," at the end of the clause;
 - v) Section E.5.4.9 be amended by adding a new clause e):
 - e) In accordance with Section F.1.19 – Complete Application Requirements and Formal Consultation, the following studies shall be submitted as part of an official plan amendment, zoning by-law amendment and site plan applications:
 - i) Odour and Dust Impact Assessment;
 - ii) Light Impact Assessment;
 - iii) Transportation Impact Study;
 - iv) Hydrogeological studies; and,
 - v) any other appropriate studies, identified as part of the complete application and formal consultation process."
- c. That Section E.5.5 – Employment Area – Airport Employment Growth District Designation be amended as follows:
- i) Policy E.5.5.1 f) be amended by deleting the word "and,";
 - ii) Policy E.5.5.1 g) be amended by replacing the period with a semi colon and adding the word "and," at the end of the clause;

iii) Policy E.5.5.1 be amended by adding a new clause h) as follows:

“h) Limited agricultural uses, including only a *cannabis growing and harvesting facility*, a greenhouse and an aquaponics facility.”

iv) adding the following as Policy E.5.5.10:

“Cannabis Growing and Harvesting Facility

E.5.5.10 In addition to the requirements of Section E.5 – Employment Area-Airport Employment Growth District Designation, the following conditions shall apply to a *cannabis growing and harvesting facility*:

- a) the appropriate locations within the Employment Area – Business Park Designation and regulations for *cannabis growing and harvesting facility* shall be determined in accordance with the Zoning By-law;
- b) an appropriate setback between a cannabis growing and harvesting facility and a sensitive land use shall be established in the Zoning By-law;
- c) notwithstanding E.5.5.1, retail sales shall not be permitted;
- d) no outside storage shall be permitted; and,
- e) In accordance with Section F.1.19 – Complete Application Requirements and Formal Consultation, the following studies shall be submitted as part of an official plan amendment, zoning by-law amendment and site plan applications:
 - i) Odour and Dust Impact Assessment;
 - ii) Light Impact Assessment;
 - iii) Transportation Impact Study;
 - iv) Hydrogeological studies; and,
 - v) any other appropriate studies, identified as part of the complete application and formal consultation process.”

4.1.2 Chapter G – Glossary

- a. That the definition of Medical Marihuana Growing and Harvesting facility Production Growing and Harvesting Facility be deleted and replaced with the following new definition:

“Cannabis Growing and Harvesting Facility: shall mean a wholly enclosed building or structure used for growing, harvesting, testing, destroying, packaging and shipping of cannabis, for a facility where a licence, permit or authorization has been issued under applicable federal law.”

4.2 Volume 2 – Secondary Plans**Text**4.2.1 Chapter B.8.0 – Airport Employment Growth District Secondary Plan

- a. That Policy B.8.2.13 – Agricultural Principles be amended by adding the words “agricultural and” between the words “complements” and “food” so that portion of the policy reads, as follows:

“B.8.2.13 The employment lands shall develop in a manner which complements agricultural and food production operations and minimizes conflict between land uses.”

- b. That Policy B.8.4 – Employment Area Policies be amended by deleting the first sentence of the preamble and replacing it with the following new sentence:

“B.8.4 Employment Area Policies

The Airport Employment Growth District Secondary Plan provides for a wide range of employment, airport-related employment and limited agricultural uses within the Airport Prestige Business, Airport Light Industrial, Airside Industrial, and Airport Related Business Designations.”

- c. That Section B.8.4.5 – Airport Prestige Business be amended by:
- i) adding a new clause as Policy B.8.4.5.2, as follows:

“B.8.4.5.2 Limited agricultural uses including only a *cannabis growing and harvesting facility*, a greenhouse and an aquaponics facility may be permitted in accordance with Policy E.5.5.10 of Volume 1.”; and,

ii) renumbering the subsequent policies.

d. That Section B.8.4.6 – Airport Light Industrial, be amended by:

i) adding a new clause as Policy B.8.4.6.2, as follows:

“B.8.4.6.2 Limited agricultural uses including only a *cannabis growing and harvesting facility*, a greenhouse and an aquaponics facility may be permitted in accordance with Policy E.5.5.10 of Volume 1.”; and,

ii) renumbering the subsequent policies.

5.0 Implementation:

An implementing Zoning By-Law Amendment will give effect to the intended uses on the subject lands.

This Official Plan Amendment is Schedule “1” to By-law No. _____ passed on the day of month, 2018.

The City of Hamilton

Fred Eisenberger
MAYOR

Janet Pilon, CMMIII, DPA, CMO
ACTING CITY CLERK

Authority: Item ,
Report (PED18194)
CM:
Wards: City Wide

Bill No.

CITY OF HAMILTON

BY-LAW NO. 18-____

To Amend Zoning By-law No. 05-200 Respecting General Text for Greenhouses, Aquaponics and Cannabis Growing and Harvesting Facilities

WHEREAS the City of Hamilton has in force several Zoning By-laws which apply to different areas incorporated into the City by virtue of the *City of Hamilton Act, 1999*, S.O. 1999, Chap. 14;

WHEREAS the City of Hamilton is the lawful successor to the former Municipalities identified in Section 1.7 of By-law No. 05-200;

WHEREAS the first stage of the new Zoning By law, being By-law No. 05-200, came into force on the 25th day of May, 2005;

WHEREAS the Council of the City of Hamilton, in adopting Item x of Report PED18194 of the Planning Committee, at its meeting held on the xx day of xx, 2018, recommended that Zoning By-law No. 05-200 be amended as hereinafter provided; and,

WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan, upon approval of Official Plan Amendment No. xx.

WHEREAS this By-law is in conformity with the Rural Hamilton Official Plan, upon approval of Official Plan Amendment No. xx.

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

1. That SECTION 3: DEFINITIONS of By-law No. 05-200 is hereby amended as follows:
 - 1.1 That the definition of **Agricultural Processing Establishment - Stand Alone** be amended by adding the words "or processing of cannabis products" after the words "Agricultural Brewery/Cidery/Winery".
 - 1.2 That the definition of **Agriculture** be amended by deleting the words "medical marihuana" and replacing with "cannabis";

**To Amend Zoning By-law No. 05-200
Respecting General Text for Greenhouses, Aquaponics and Cannabis Growing
and Harvesting Facilities**

- 1.3 That the definition of **Medical Marihuana Growing and Harvesting Facility** be deleted and replaced with the following new definition

"Cannabis Growing and Harvesting Facility shall mean a wholly enclosed building or structure used for growing, harvesting, testing, destroying, packaging and shipping of cannabis, for a facility where a licence, permit or authorization has been issued under applicable federal law. "

- 1.4 That the definition of **Urban Farm** be amended by deleting the words "medical marihuana" and replacing with "cannabis".

2. That SECTION 5: PARKING be amended as follows:

- 2.1. That Subsection 5.6 vi be amended by deleting the words "medical marihuana" and replacing them with "cannabis".

3. That SECTION 9: INDUSTRIAL ZONES be amended as follows:

- 3.1 That Subsection 9.2.1 - PERMITTED USES is amended by deleting the words "medical marihuana" and replacing them with the word "cannabis".

- 3.2 That Subsection 9.2.3 I) - Additional Regulations For Medical Marihuana Growing and Harvesting Facility be amended by:

a) deleting the words "medical marihuana" and replacing them with the word "cannabis";

b) amending clause ii) to delete "h)" and replace it with "i); and,

c) adding the following new clause as iii) :

"iii) Notwithstanding Section 4.12 c), any building or structure used for a Cannabis Growing and Harvesting Facility shall be setback a minimum of 150 metres from any portion of a lot line abutting a Residential, Institutional or Commercial and Mixed Use Zone."

- 3.3 That Subsection 9.3.1 - PERMITTED USES is amended by deleting the words "medical marihuana" and replacing them with the word "cannabis".

- 3.4 That Subsection 9.3.3 s) - Additional Regulations For Medical Marihuana Growing And Harvesting Facility be amended by:

a) deleting the words "medical marihuana" and replacing them with the word "cannabis";

**To Amend Zoning By-law No. 05-200
Respecting General Text for Greenhouses, Aquaponics and Cannabis Growing
and Harvesting Facilities**

- b) amending clause ii) to delete "m)" and replace it with "o); and,
 - c) adding the following new clause as iii) :
 - "iii) Notwithstanding Section 4.12 c), any building or structure used for a Cannabis Growing and Harvesting Facility shall be setback a minimum of 150 metres from any portion of a lot line abutting a Residential, Institutional or Commercial and Mixed Use Zone."
- 3.5 That Subsection 9.5.1 - PERMITTED USES is amended deleting the words "medical marihuana" and replacing it with the word "cannabis".
- 3.6 That Subsection 9.5.3 k) - Additional Regulations For Medical Marihuana Growing And Harvesting Facility be amended by:
- a) deleting the words "medical marihuana" and replacing them with the word "cannabis"; and,
 - b) deleting the existing clause iii) and replacing it with a new clause as iii) :
 - "iii) Notwithstanding Section 4.12 c), any building or structure used for a Cannabis Growing and Harvesting Facility shall be setback a minimum of 150 metres from any portion of a lot line abutting a Residential, Institutional or Commercial and Mixed Use Zone."
- 3.7 That Subsection 9.6.1 – PERMITTED USES is amended by deleting the words "medical marihuana" and replacing them with the word "cannabis".
- 3.8 That Subsection 9.6.3 s) - Additional Regulations for Medical Marihuana Growing and Harvesting Facility be amended by:
- a) deleting the words "medical marihuana" and replacing them with the word "cannabis"; and,
 - b) delete clause iii) and replace it with the following new clause :
 - "iii) Notwithstanding Section 4.12 c), any building or structure used for a Cannabis Growing and Harvesting Facility shall be setback a minimum of 150 metres from any portion of a lot line abutting a Residential, Institutional or Commercial and Mixed Use Zone."
- 3.9. That Subsection 9.10.1– PERMITTED USES be amended by adding the following three new uses alphabetically:

**To Amend Zoning By-law No. 05-200
Respecting General Text for Greenhouses, Aquaponics and Cannabis Growing
and Harvesting Facilities**

- a) Aquaponics;
- b) Greenhouse; and,
- c) Cannabis Growing and Harvesting Facility

3.10 That Subsection 9.10.2 I) – PROHIBITED USES be amended by deleting “agricultural greenhouse”;

3.11. That Subsection 9.10.3 - REGULATIONS be amended by adding the following new provisions and renumbering the subsequent clauses:

m) Additional Regulations for Cannabis Growing and Harvesting Facility	In addition to the regulations of Section 9.10.3, the following additional regulations shall apply:
	i) Notwithstanding Section 9.10.3 g), no outdoor storage or outdoor assembly shall be permitted.
	ii) Notwithstanding Section 9.10.3 I), no retail sales shall be permitted.
	iii) Notwithstanding Section 4.12 c), any building or structure used for a Cannabis Growing and Harvesting Facility shall be setback a minimum of 150 metres from any portion of a lot line abutting a Residential, Institutional or Commercial and Mixed Use Zone.“

3.12. That Subsection 9.11.1- PERMITTED USES be amended by adding the following three new uses alphabetically:

- a) Aquaponics;
- b) Greenhouse; and,
- c) Cannabis Growing and Harvesting Facility

3.13 That Subsection 9.11.2. iii) be deleted in its entirety and renumber the subsequent clause.

3.14. That Subsection 9.11.3 - REGULATIONS be amended by adding the following new provisions and renumbering the subsequent clauses:

**To Amend Zoning By-law No. 05-200
Respecting General Text for Greenhouses, Aquaponics and Cannabis Growing
and Harvesting Facilities**

o) Additional Regulations for Cannabis Growing and Harvesting Facility	In addition to the regulations of Section 9.11.3, the following additional regulations shall apply:
	i) Notwithstanding Section 9.11.3 m), no outdoor storage or outdoor assembly shall be permitted.
	ii) Notwithstanding Section 9.11.3 o), No retail sales shall be permitted.
	iii) Notwithstanding Section 412 c), any building or structure used for a Cannabis Growing and Harvesting Facility shall be setback a minimum of 150 metres from any portion of a lot line abutting a Residential, Institutional or Commercial and Mixed Use Zone. “. ”

3.15 That Subsection 9.12.3.1 m) - Additional Regulations for Medical Marihuana Growing and Harvesting Facility be amended by:

- a) deleting the words “medical marihuana” and replacing them with “cannabis”;
- b) deleting “20” and replacing it with “30” in clause iii);
- c) adding the following two new clauses as iii) and iv) and renumbering the subsequent clauses:

“iii) The testing, packaging, and shipping shall be accessory to the cannabis growing and harvesting facility.

iv) Notwithstanding Section 4.12 c), any building, structure used for a cannabis growing and harvesting facility shall be setback a minimum of 150 metres from:

1. any portion of a lot line abutting a Settlement Residential (S1), Settlement Commercial (S2) or Settlement Institutional (S3) Zones;
or
2. any residential dwelling unit existing at the date of the passing of the by-law, any building used for farm labour residence, mobile home, educational establishment, residential care facility, place of worship, or day care and park.”

**To Amend Zoning By-law No. 05-200
Respecting General Text for Greenhouses, Aquaponics and Cannabis Growing
and Harvesting Facilities**

4. That SECTION 12: RURAL ZONES be amended as follows:
- 4.1 That Subsection 12.1.3.1 m) - Medical Marihuana Growing and Harvesting Facility be amended by:
- a) deleting the words "medical marihuana" and replacing them with "cannabis";
 - b) deleting "20" and replacing it with "30" in clause iii);
 - c) adding the following two new clauses as iii) and iv) and renumbering the subsequent clauses:
 - "iii) The testing, packaging, and shipping shall be accessory to the Cannabis Growing and Harvesting Facility.
 - iv) **Notwithstanding Section 4.12 d), any** building, structure used for a cannabis growing and harvesting facility shall be setback a minimum of 150 metres from:
 - 1. any portion of a lot line abutting a Settlement Residential (S1), Settlement Commercial (S2) or Settlement Institutional (S3) Zone; or,
 - 2. any residential dwelling unit existing at the date of the passing of the by-law, any building used for farm labour residence, mobile home, educational establishment, residential care facility, place of worship, or day care and park."
- 4.2 That Subsection 12.2.3.1 m) - Medical Marihuana Growing and Harvesting Facility be amended by:
- a) deleting the words "medical marihuana" and replacing them with "cannabis";
 - b) deleting "20" and replacing it with "30" in clause iii);
 - c) adding the following two new clauses as iii) and iv) and renumbering the subsequent clauses:
 - "iii) The testing, packaging, and shipping shall be accessory to the Cannabis Growing and Harvesting Facility.

**To Amend Zoning By-law No. 05-200
Respecting General Text for Greenhouses, Aquaponics and Cannabis Growing
and Harvesting Facilities**

- iv) Notwithstanding Section 4.12 d), any building, structure used for a cannabis growing and harvesting facility shall be setback a minimum of 150 metres from:
 - 1. any portion of a lot line abutting a Settlement Residential (S1), Settlement Commercial (S2) or Settlement Institutional (S3) Zone; or,
 - 2. any residential dwelling unit existing at the date of the passing of the by-law, any building used for farm labour residence, mobile home, educational establishment, residential care facility, place of worship, or day care and park.”.

5.0 That Schedule "C" – SPECIAL EXCEPTIONS is amended by:

- a) That Special Exceptions 271 and 459 be amended by deleting the words "medical marihuana" and replacing them with "cannabis";

6.0 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*.

7.0 That this By-law comes into force in accordance with Section 34 of the *Planning Act*.

PASSED this _ day of _____, 2018

F. Eisenberger
Mayor

Janet Pilon
Acting City Clerk

**To Amend Zoning By-law No. 05-200
Respecting General Text for Greenhouses, Aquaponics and Cannabis Growing
and Harvesting Facilities**

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

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

Committee: Chair and Members Report No.: PED18194 Date: 09/04/2018

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

Prepared by: Joanne Hickey Evans Phone No: 905-546-2424 ext.1282

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

Ministry of
Municipal Affairs

Ministry of Housing
Municipal Services Office
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Ministère des
Affaires municipales

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

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Toronto ON M5G 2E5
Tél. : 416-585-6226
Télééc. : 416-585-6882



March 12, 2018

Via email only

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

Dear Ms. Hickey-Evans:

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

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

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

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

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

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

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

Agricultural Uses

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

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

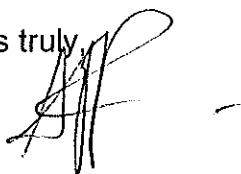
Agriculture-related Uses

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

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

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

Yours truly,



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

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



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
 Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	September 4, 2018
SUBJECT/REPORT NO:	To Repeal Official Plan Amendment By-law No. 107 and Approve Urban Official Plan Amendment; to Amend Zoning by-law No. 05-200; and to update all materials related to Draft Plan of Subdivision 25T-201507 to Correct Inadvertent Address Numbering Errors for Lands Located at 56, 74, 78, 90, 96, Parkside Drive and 546 Highway No. 6, Flamborough (PED18133(a)) (Ward 15)
WARD(S) AFFECTED:	Ward 15
PREPARED BY:	Alaina Baldassarra (905) 546-2424 Ext. 7421
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Urban Hamilton Official Plan Amendment Application UHOPA-18-012 by Flamborough Power Centre Inc., Flamborough Capital Corp. Inc., and Ankara Realty Ltd. (Owners)**, to remove existing Core Areas (Significant Woodlands and Streams) and Linkages and add new Core Areas (Significant Woodlands) and Linkages on Schedules B, B-2 and B-8; designate Clappison Avenue as a Minor Arterial on Schedule C and establish a Site Specific Policy Area to protect the existing Natural Heritage features, as shown on Appendix "B" to Report PED18133, be **APPROVED** on the following basis:
- (i) That By-law No. 18-194, respecting 56, 74, 78, 90, 96, 100 and 566 Parkside Drive, Flamborough, relating to approved and final and binding UHOPA No. 107 be repealed in its entirety;
 - (ii) That Draft Official Plan Amendment, respecting 56, 74, 78, 90, 96 Parkside Drive and 546 Highway No. 6 attached as Appendix "B" to Report PED18133(a) be enacted by City Council; and,

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

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

SUBJECT: To Repeal Official Plan Amendment By-law No. 107 and Approve Urban Official Plan Amendment; to Amend Zoning by-law No. 05-200; and to update Draft Plan of Subdivision to Correct Inadvertent Address Numbering Errors for Lands Located at 56, 74, 78, 90, 96, Parkside Drive and 546 Highway No. 6, Flamborough (PED18133(a)) (Ward 15) - Page 2 of 5

- (iii) 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-15-039 by Flamborough Power Centre Inc., Flamborough Capital Corp. Inc., and Ankara Realty Ltd. (Owners)**, for changes in zoning from the Prestige Business Park (M3, 437) Zone, General Business Park (M2) Zone, and Prestige Business Park (M3, 388) Zone to Conservation / Hazard Land (P5) Zone (Blocks 1, 2, and 3) to protect natural features and from Prestige Business Park (M3) Zone to Prestige Business Park (M3, 437) Zone (Block 5) to permit a Fitness Club and Medical Clinic for lands located at 56, 74, 78, 90, 96, Parkside Drive and 546 Highway No. 6 Flamborough, as shown on Appendix “A” to Report PED18133, be **APPROVED** on the following basis:
- (i) That By-law No. 18-195, respecting 56, 74, 78, 90, 96, 100 and 566 Parkside Drive, Flamborough be amended to cite the correct property addresses of the subject lands;
- (ii) That Amended Draft By-law attached as Appendix “C” to Report PED18133 (a), which cites corrected 56, 74, 78, 90, 96 Parkside Drive and 546 Highway No. 6 and which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (iii) That the amending By-law be added to Schedule C – Special Exceptions of Zoning By-law No. 05-200;
- (iv) That this By-law will comply with the Urban Hamilton Official Plan upon approval of Urban Hamilton Official Plan Amendment No. XX.
- (c) That staff be authorized to update the Notices of Intent and associated Draft Plan Conditions of Approval for Draft Plan of Subdivision Application 25T-201507 by Flamborough Power Centre Inc., Flamborough Capital Corporation Inc., and Ankara Realty Ltd., (Owners) with the correct municipal addresses, that, being the following correct addresses: 56, 74, 78, 90, 96 Parkside Drive and 546 Highway No. 6.

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SUBJECT: To Repeal Official Plan Amendment By-law No. 107 and Approve Urban Official Plan Amendment; to Amend Zoning by-law No. 05-200; and to update Draft Plan of Subdivision to Correct Inadvertent Address Numbering Errors for Lands Located at 56, 74, 78, 90, 96, Parkside Drive and 546 Highway No. 6, Flamborough (PED18133(a)) (Ward 15) - Page 3 of 5

EXECUTIVE SUMMARY

The purpose of this Report is to repeal and replace the approved Urban Official Plan Amendment, amend the approved Zoning By-law Amendment and update all materials associated with Draft Plan of Subdivision Application 25T-201507 known as “Flamborough Power Centre North” to correct inadvertent property address errors.

The original application was heard by Planning Committee on June 19, 2018 and approved by Council on July 13, 2018. After the by-laws were approved, staff found two addressing errors in the approved By-laws. The addresses were previously identified as 56, 74, 78, 90, 96, 100 and 566 Parkside Drive whereas the addresses should be identified as 56, 74, 78, 90, 96, Parkside Drive and 546 Highway No. 6. There are no other revisions to be made to the application or the by-laws... Staff have revised the amended By-laws as attached to Report PED18133(a) in Appendices B and C.

PURPOSE

The purpose of this Report is to repeal approved Urban Official Plan Amendment and Zoning By-law Amendment By-laws and replace with revised By-laws in order to correct inadvertent errors in two addresses of properties within the subject lands that were cited on the approved by-laws. In this Report, staff have brought forward a revised Urban Hamilton Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision Application with the correct addresses.

HISTORICAL BACKGROUND

The applications for an Urban Hamilton Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision Application were submitted for the properties identified as 56, 74, 78, 90, 96, Parkside Drive and 546 Highway No. 6.

The purpose of the subject applications are to amend the Urban Hamilton Official Plan, and Zoning By-law No. 05-200, and for approval of a Draft Plan of Subdivision known as “Flamborough Power Centre North”. The purpose of the subdivision is to create six industrial blocks, three conservation blocks, one stormwater management block and three municipal roads.

The purpose of the Urban Hamilton Official Plan Amendment will remove existing Core Areas, Hydrogeological Feature and Linkages (identified as Significant Woodlands and Streams), new Core Areas and Linkages (identified as Significant Woodlands) and Site

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SUBJECT: To Repeal Official Plan Amendment By-law No. 107 and Approve Urban Official Plan Amendment; to Amend Zoning by-law No. 05-200; and to update Draft Plan of Subdivision to Correct Inadvertent Address Numbering Errors for Lands Located at 56, 74, 78, 90, 96, Parkside Drive and 546 Highway No. 6, Flamborough (PED18133(a)) (Ward 15) - Page 4 of 5

Specific Policy to protect the natural features. In addition, Clappison Avenue will be designated as a Minor Arterial.

The purpose of the Zoning By-law Amendment is to change from the current industrial zone to a conservation zone to protect the existing natural heritage features. As well, the amendment proposes to add a site specific to a portion of the subject lands to permit an ancillary Medical Clinic and Fitness Club.

The effect of the applications are to permit the development of:

- six blocks for employment and limited ancillary uses;
- three blocks for Conservation / Hazard Lands;
- one block for a Stormwater Management Facility;
- three proposed streets (extension of Clappison Avenue, proposed Street “A” and Street “B”);
- one block for a Road Widening; and,
- two blocks for 0.3 m reserves.

The application was originally approved by Planning Committee on June 19, 2018 and approved by Council on July 13, 2018 and became final and binding on XXXX.

However, City staff subsequently identified an inadvertent error with the addresses identified in the Approved By-laws. The address errors were as follows:

- the property at municipal address 100 Parkside Drive was originally included in Report PED18133 and By-laws No. XXXX and XXXX, however is not included in the proposal; and,
- the municipal address of 566 Parkside Drive was included but needs to be removed and replaced with 546 Highway No. 6.

As such, Staff have drafted revised By-laws with the correct addresses.

POLICY REQUIREMENTS

Urban Hamilton Official Plan (UHOP)

The following policies, amongst others apply:

SUBJECT: To Repeal Official Plan Amendment By-law No. 107 and Approve Urban Official Plan Amendment; to Amend Zoning by-law No. 05-200; and to update Draft Plan of Subdivision to Correct Inadvertent Address Numbering Errors for Lands Located at 56, 74, 78, 90, 96, Parkside Drive and 546 Highway No. 6, Flamborough (PED18133(a)) (Ward 15) - Page 5 of 5

“F.1.17.7 Public meetings under the Planning Act, R.S.O., 1990 c. P.13 shall not be required for minor administrative amendments to this Plan such as format changes, typographical errors, grammatical errors and policy number changes.”

Although staff are directing Council to repeal the previously approved By-law and approve the revised By-law, the proposed revised By-law does not require a public meeting because the intent is to correct typographical errors.

In addition, staff advise that since there are no changes to the proposal, the required policy analysis for the applications can be found in Report PED18133 which was presented to Planning Committee of June 19, 2018.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” – Location Map

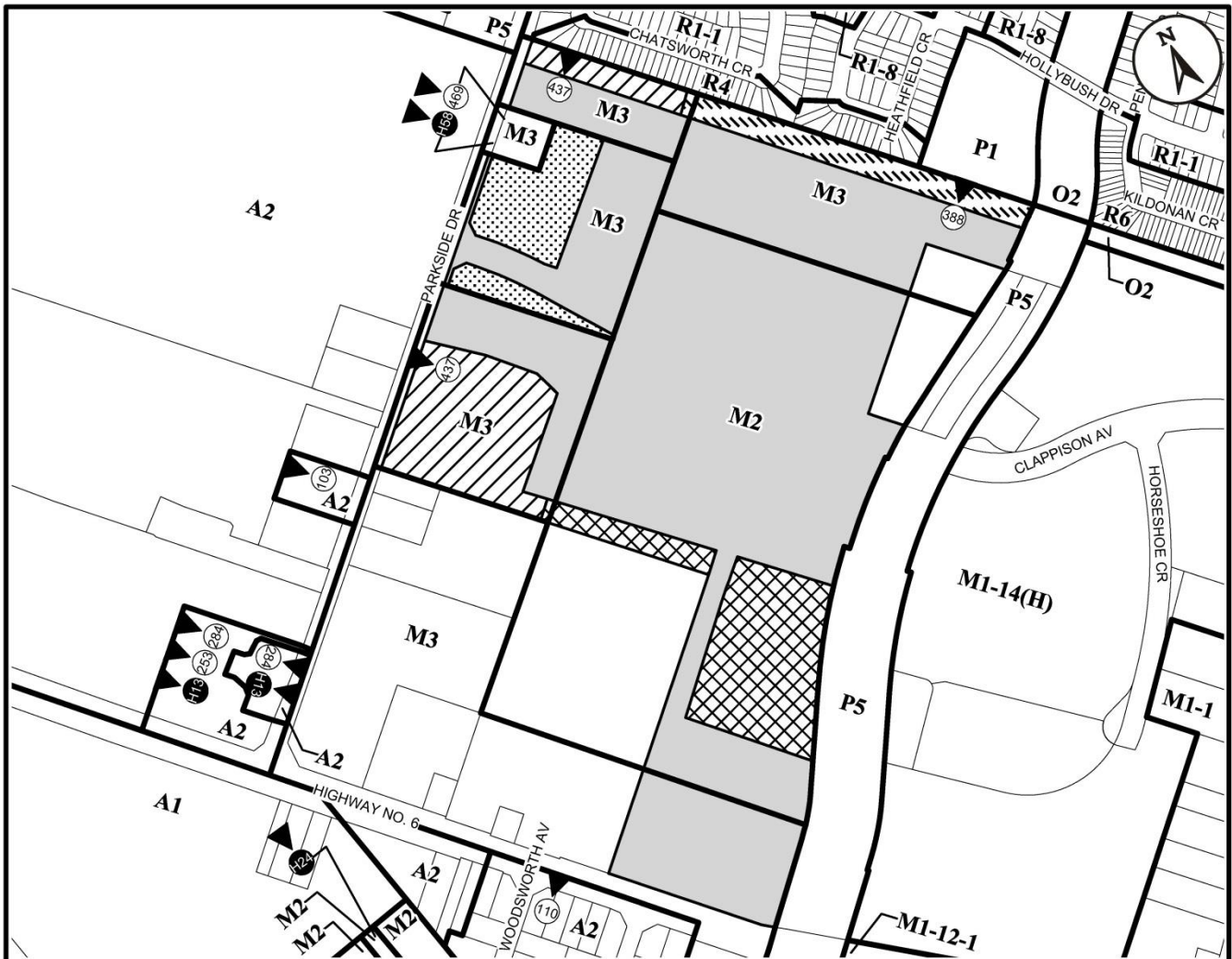
Appendix “B” – Urban Hamilton Official Plan Amendment

Appendix “C” – Zoning By-law No. 05-200 Amendment

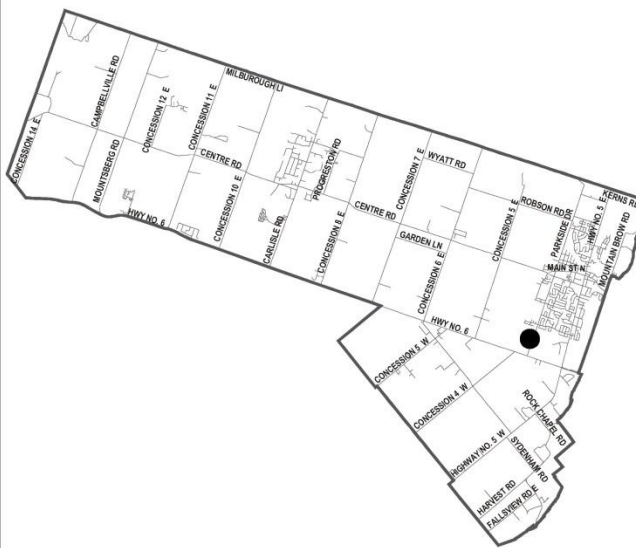
OUR Vision: To be the best place to raise a child and age successfully.

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● Site Location



Key Map - Ward 15

N.T.S.

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

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

Date:
May 11, 2018

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
GM/AL

Subject Property

56, 74, 78, 90, 96 Parkside Drive & 546 Highway No. 6

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

Schedule 1**DRAFT Urban Hamilton Official Plan
Amendment No. X**

The following text, together with:

- Appendix "A" – Urban Hamilton Official Plan Volume 1: Schedule B - Natural Heritage System
- Appendix "B" – Urban Hamilton Official Plan Volume 1: Schedule B-2 - Detailed Natural Heritage Features – Key Natural Heritage Feature – Significant Woodlands
- Appendix "C" – Urban Hamilton Official Plan Volume 1: Schedule B-8 - Detailed Natural Heritage Features – Key Hydrologic Feature – Streams
- Appendix "D" – Urban Hamilton Official Plan Volume 1: Schedule C – Functional Road Classification
- Appendix "E" – Urban Hamilton Official Plan Volume 3: Map 2 – Urban Site Specific Key Map

attached hereto, constitutes Official Plan Amendment No. _X_ to the Urban Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose of this Amendment is to refine the boundaries of the Natural Heritage System features on the subject lands, and to add a Site Specific Policy that restricts the permitted uses on a portion of the subject lands to Natural Open Space. The effect of this Amendment is to ensure the protection of the Core and Linkage features on the subject lands.

2.0 Location:

The lands affected by this Amendment are generally located northeast of Highway 6 and Parkside Drive and known municipally as 56, 74, 78, 90 and 96 Parkside Drive and 546 Highway No. 6, in the former Town of Flamborough.

3.0 Basis:

The basis for permitting this Amendment is:

- The existing Core and Linkage features of the Natural Heritage System will

be appropriately identified and protected in terms of composition and ecological function in accordance with the Environmental Impact Statement, and in compliance with the Natural Heritage System policies of the Urban Hamilton Official Plan.

- The 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:

Schedule Changes

Volume 1 – Schedule B – Natural Heritage System

4.1.1 Urban Hamilton Official Plan Volume 1 – Schedule B – Natural Heritage System be amended by:

- a) Removing the "Core Area" and "Linkage" identifications from the northeasterly portion of the subject lands; and
- b) Adding the "Core Area" and "Linkage" identifications to the southerly portion of the subject lands,

as shown on Appendix "A" attached to this amendment.

Volume 1 – Schedule B-2 – Detailed Natural Heritage Features – Key Natural Heritage Feature – Significant Woodlands

4.1.2 Urban Hamilton Official Plan Volume 1 – Schedule B-2 – Detailed Natural Heritage Features – Key Natural Heritage Feature – Significant Woodlands be amended by:

- a) Removing the "Key Natural Heritage Feature - Significant Woodlands" identification from the northeasterly portion of the subject lands; and
- b) Adding the "Key Natural Heritage Feature - Significant Woodlands" identification on the southwesterly portion of the subject lands,

as shown on Appendix "B" attached to this amendment.

Volume 1 – Schedule B-8 – Detailed Natural Heritage Features – Key Hydrologic Feature – Streams

4.1.3 Urban Hamilton Official Plan Volume 1 – Schedule B-8 – Detailed Natural Heritage Features – Key Hydrologic Feature – Streams be amended by removing the "Key Hydrologic Feature – Streams" identification from the subject lands, as shown on Appendix "C", attached to this Amendment.

Volume 1 – Schedule C – Functional Road Classification

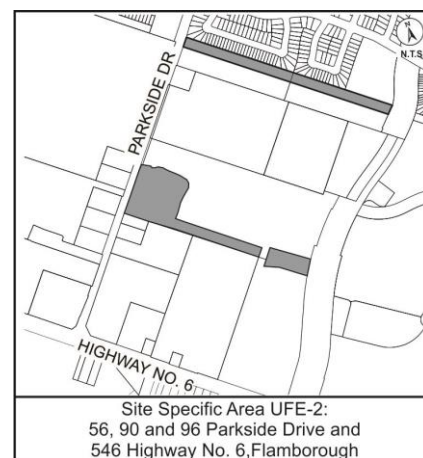
4.1.4 Urban Hamilton Official Plan Volume 1 – Schedule C – Functional Road Classification be amended by classifying Clappison Avenue as a "Minor Arterial" road, as shown on Appendix "D", attached to this Amendment.

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 - Flamborough be amended by adding a new Site Specific Policy, as follows:

"UFE-X A portion of the lands located at 56 Parkside Drive, 90 Parkside Drive and 96 Parkside Drive former Town of Flamborough

1.0 Notwithstanding Section E.5.4 – Employment Area – Business Park Designation of Volume 1, lands designated "Employment Area – Business Park", located on portions of 56, 90, and 96 Parkside Drive and 546 Highway No. 6 identified as Site Specific Policy Area "UFE-X", shall only be used for Natural Open Space."



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 "UFE-X" to a portion of the subject lands, as shown on Appendix "C", attached to this Amendment.

5.0 Implementation:

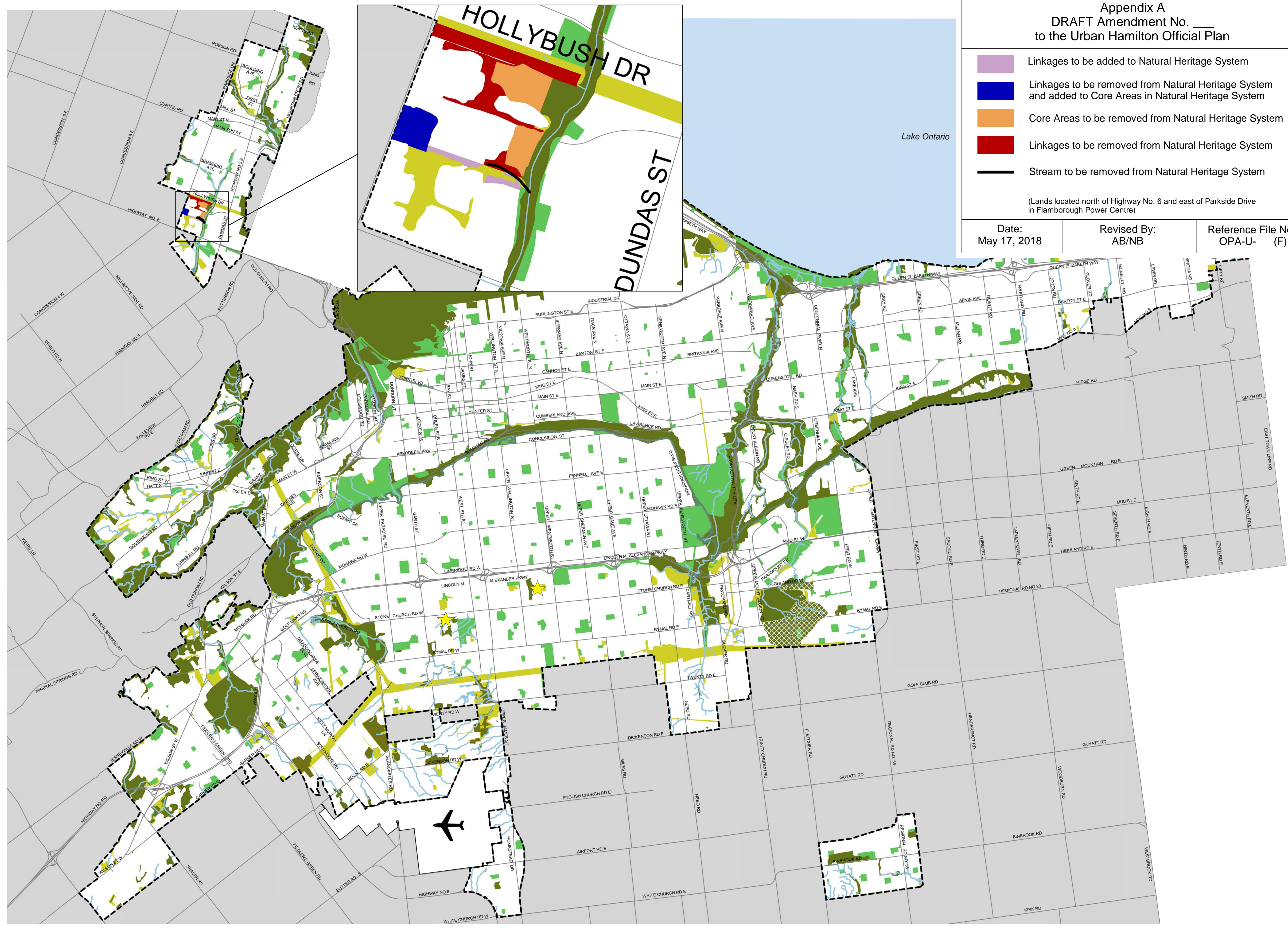
An implementing Zoning By-Law Amendment, Draft Plan of Subdivision and Site Plan will give effect to the intended uses on the subject lands.

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

**The
City of Hamilton**

F. Eisenberger
MAYOR

J. Pilon
ACTING CITY CLERK



Appendix A
DRAFT Amendment No. ____
to the Urban Hamilton Official Plan

- Linkages to be added to Natural Heritage System
- Linkages to be removed from Natural Heritage System and added to Core Areas in Natural Heritage System
- Core Areas to be removed from Natural Heritage System
- Linkages to be removed from Natural Heritage System
- Stream to be removed from Natural Heritage System

(Lands located north of Highway No. 6 and east of Parkside Drive in Flamborough Power Centre)

Date: May 17, 2018	Revised By: AB/NB	Reference File No.: OPA-U-____(F)
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Key Map

Note: For Rural Natural Heritage Features refer to Schedule B of the Rural Hamilton Official Plan.

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.

★ Lands Under Appeal

- 305 Stone Church Road West
- 313 Stone Church Road East & lands bounded by Stone Church Road East, Upper Wellington Street, Lincoln M Alexander Parkway and Upper Wentworth Street

Legend

- Core Areas
- Area Specific Policy - USC-1 and USC-2 in Volume 3
- Linkages
- Parks & General Open Space (Excluding Parkettes)
- Streams

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
Schedule B
Natural Heritage System

Not To Scale

Date: Jan. 18, 2018

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

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Appendix B
 DRAFT Amendment No. ___
 to the Urban Hamilton Official Plan

- Key Natural Heritage Feature Significant Woodlands to be removed from Detailed Natural Heritage Features Significant Woodlands
 - Key Natural Heritage Feature Significant Woodlands to be added to the Detailed Natural Heritage Features Significant Woodlands
- (Lands located north of Highway No. 6 and east of Parkside Drive in Flamborough Power Centre)

Date: April 12, 2018	Revised By: AB/NB	Reference File No.: OPA-U-___(F)
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Key

Rural **Urban**

Note: For Rural Detailed Natural Heritage Features refer to Schedule B-2 of the Rural Hamilton Official Plan.

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.

★ Lands Under Appeal

- 305 Stone Church Road W
- 313 Stone Church Road E & lands bounded by Stone Church Road East, Upper Wellington Street, Lincoln M Alexander Parkway and Upper Wentworth Street

Legend

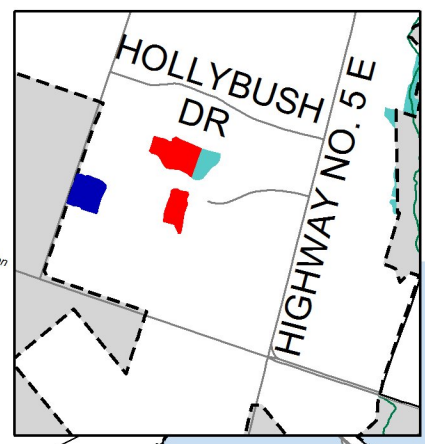
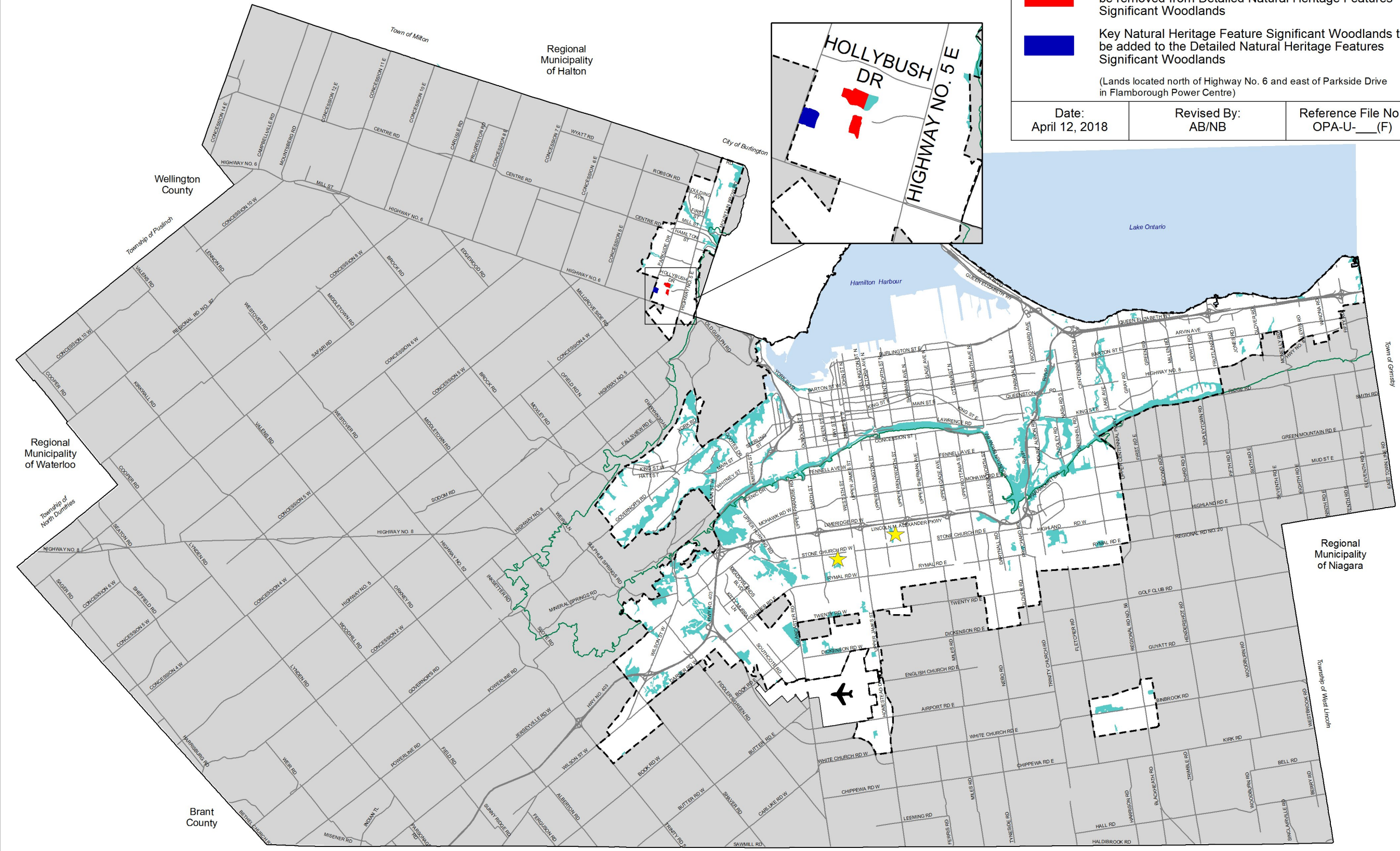
- Key Natural Heritage Feature Significant Woodlands
- Rural Area
- John C. Munro Hamilton International Airport
- Niagara Escarpment
- Urban Boundary
- Municipal Boundary

Council Adopted: July 9, 2009
 Ministerial Approval: March 16, 2011
 Effective Date: August 16, 2013

Urban Hamilton Official Plan
Schedule B-2
 Detailed Natural Heritage Features
 Key Natural Heritage Feature
 Significant Woodlands

Not To Scale

Date: Dec. 1, 2015



Wellington County

Regional Municipality of Halton

City of Burlington

Regional Municipality of Waterloo

Regional Municipality of Niagara

Brant County

Haldimand County

Town of Milton

Township of Pushtich

Township of North Dumfries

Town of Ganaraska

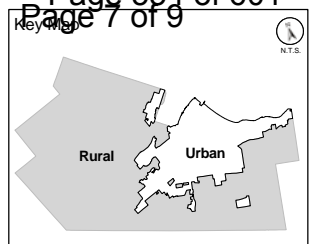
Township of West Lincoln

Appendix C
DRAFT Amendment No. ____
to the Urban Hamilton Official Plan

Key Hydrologic Feature Streams to be removed from Detailed Natural Heritage Features Key Hydrologic Feature Streams

(Lands located north of Highway No. 6 and east of Parkside Drive in Flamborough Power Centre)

Date: April 12, 2018	Revised By: AB/NB	Reference File No.: OPA-U-____(F)
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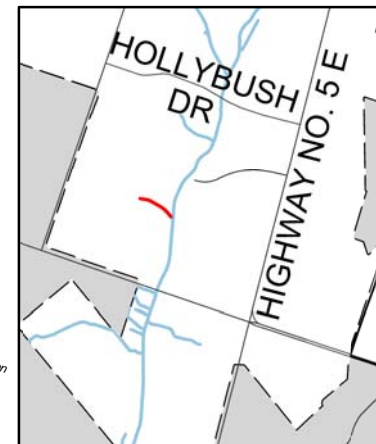
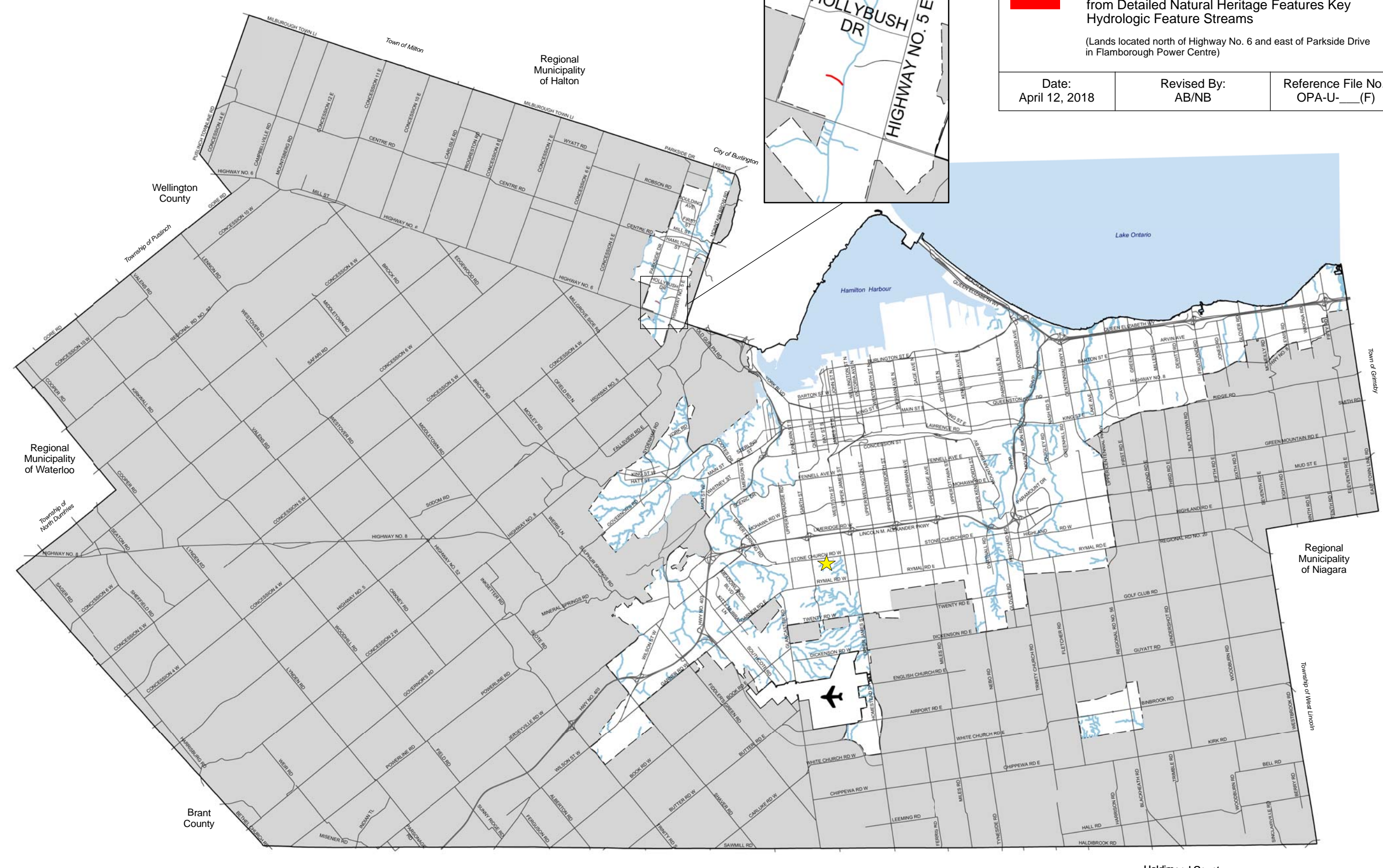
Note: For Rural Detailed Natural Heritage Features refer Schedule B-8 of the Rural Hamilton Official Plan.

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.

★ Lands Under Appeal

- 305 Stone Church Road W



Legend


- Key Hydrologic Feature Streams
- Other Features
 - Rural Area
 - John C. Munro Hamilton International Airport
 - Niagara Escarpment
 - Urban Boundary
 - Municipal Boundary

Council Adopted: July 9, 2009
Ministerial Approval: March 16, 2011
Effective Date: August 16, 2013

Urban Hamilton Official Plan
Schedule B-8
Detailed Natural Heritage Features
Key Hydrologic Feature
Streams



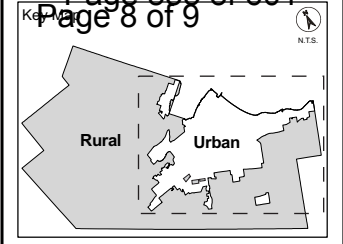
Appendix D
 DRAFT Amendment No. _____
 to the Urban Hamilton Official Plan

 Classify the street identified as Clappison Road as a "Minor Arterial" on the Functional Road Classification
 (Lands located north of Highway No. 6 and east of Parkside Drive Flamborough Power Centre)

Date:
 April 12, 2018

Revised By:
 AB/NB

Reference File No.:
 OPA-U-____(F)









Note: For Rural Functional Road Classification, refer to Schedule C-1 (future amendment).




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

-  Major Arterial
-  Minor Arterial
-  Collector
-  Provincial Highway (Controlled Access)
-  Provincial Highway
-  Parkway

Proposed Roads

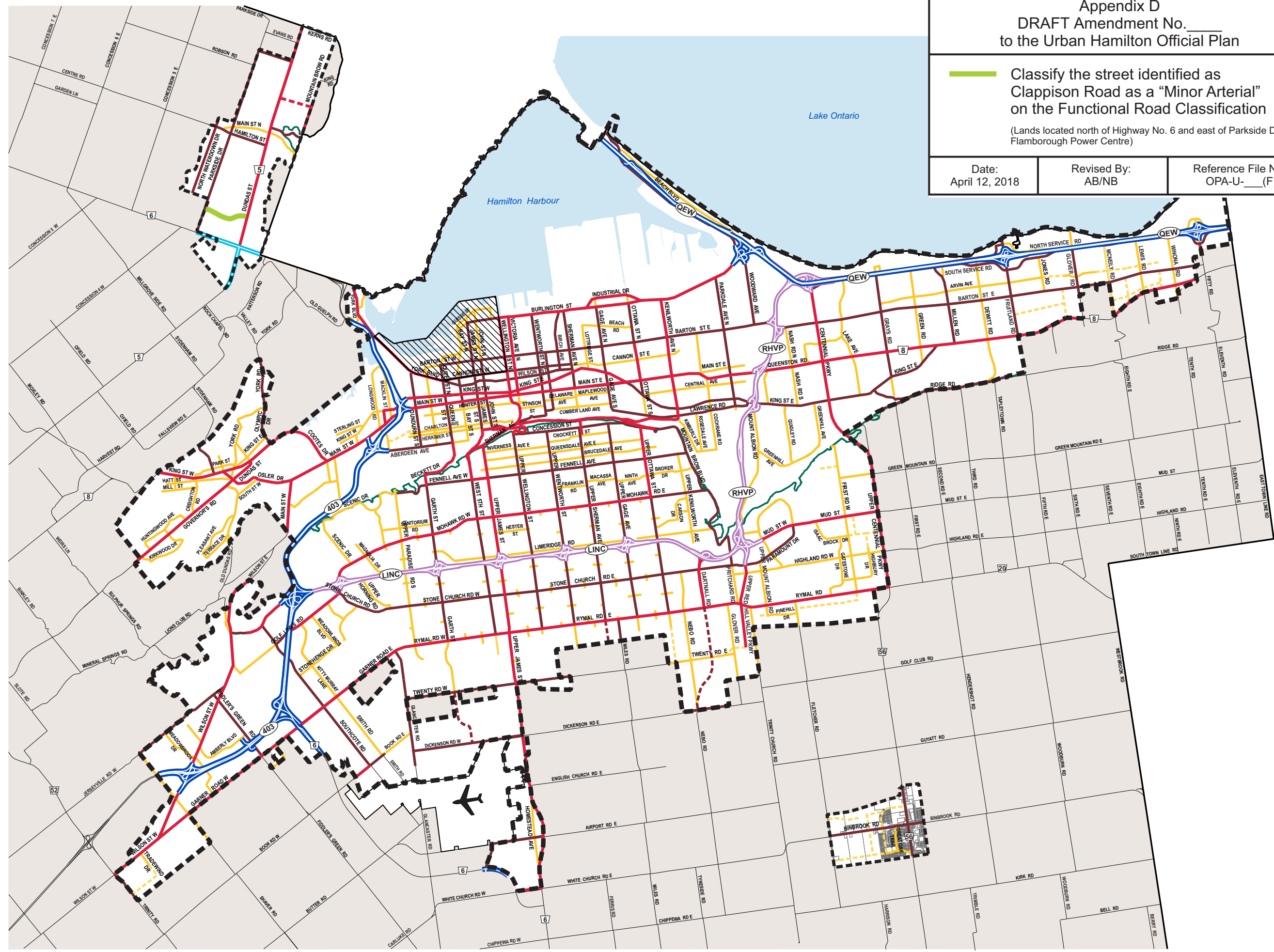
-  Major Arterial
-  Minor Arterial
-  Collector

Other Features


-  Rural Area
-  John C. Munro Hamilton International Airport
-  Niagara Escarpment
-  Urban Boundary
-  Municipal Boundary
-  Lands subject to Non Decision 113 West Harbour Setting Sail

Council Adoption: July 9, 2009
 Ministerial Approval: March 16, 2011
 Effective Date: August 16, 2013

**Urban Hamilton Official Plan
 Schedule C
 Functional Road Classification**

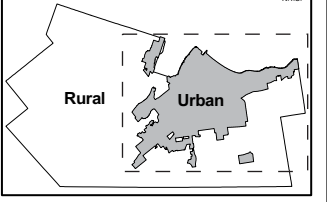


Appendix E
 DRAFT Amendment No. _____
 to the Urban Hamilton Official Plan

 Lands to be identified as
 Site Specific Policy Area UFE-X

(Lands located north of Highway No. 6 and east of Parkside Drive
 Flamborough Power Centre)

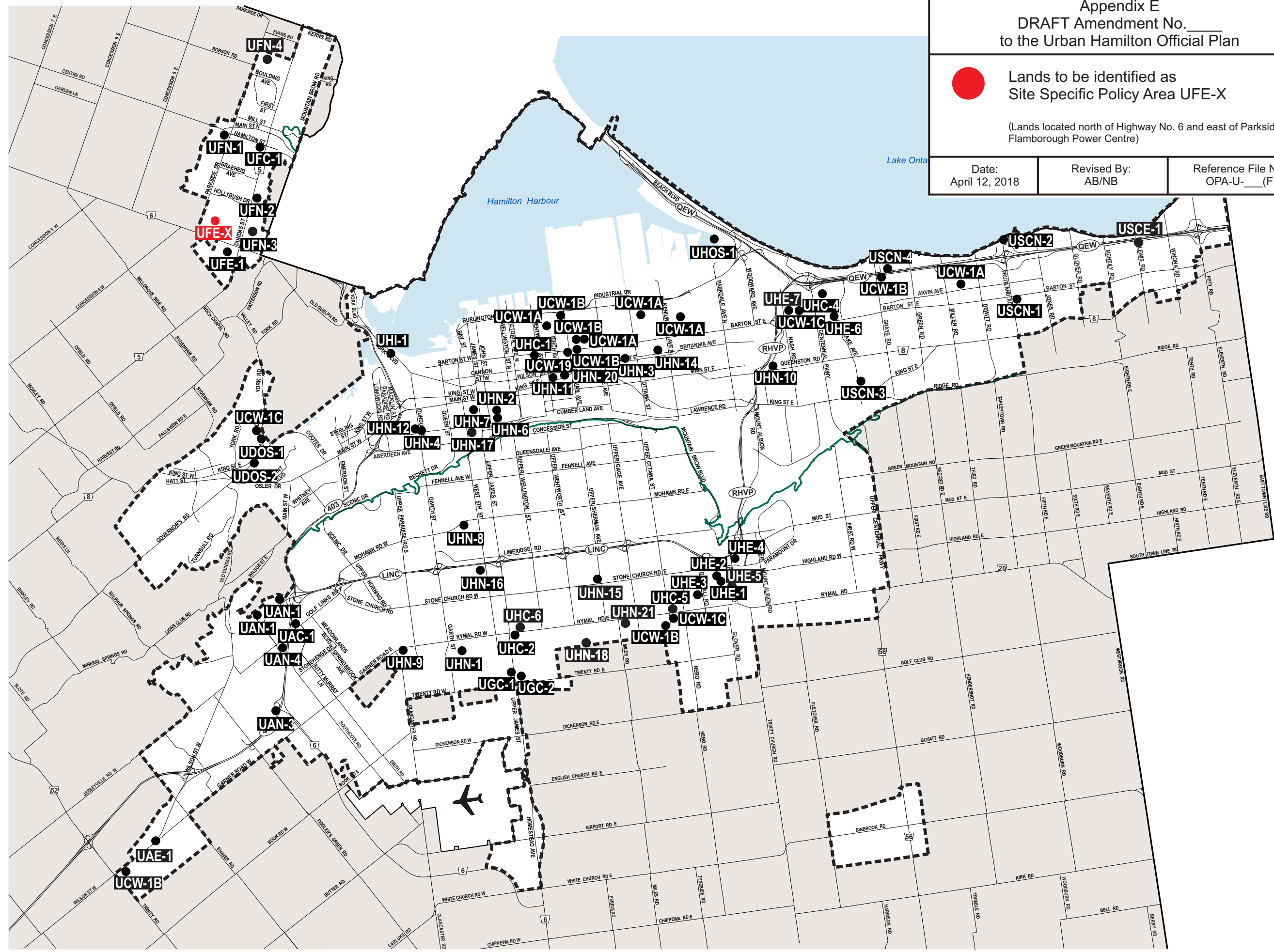
Date: April 12, 2018	Revised By: AB/NB	Reference File No.: OPA-U-____(F)
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



Note: For Rural Site Specific Areas, refer to Volume 3: Appendix A of the Rural Hamilton Official Plan.

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:

Ward: 15

Bill No.

CITY OF HAMILTON

BY-LAW NO.

**To Amend Zoning By-law No. 05-200
Respecting Lands Located at 56, 74, 78, 90, 96, Parkside Drive and 546 Highway
No. 6 (Flamborough)**

WHEREAS Council approved Item ___ of Report _____ of the Planning Committee, at the meeting held on September 4, 2018;

AND WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan, upon finalization of Official Plan Amendment No. ___.

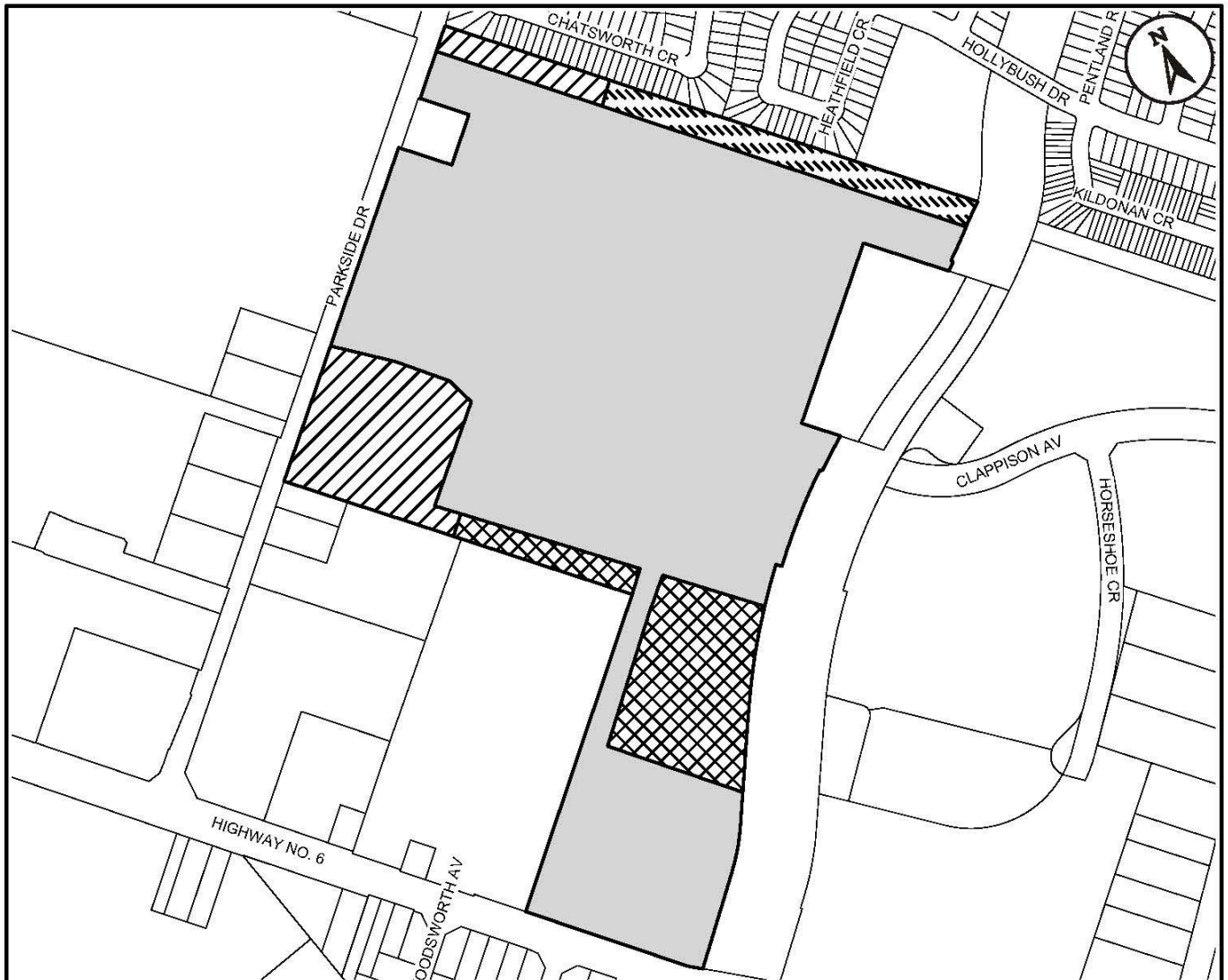
NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Map Nos. 514, 515, 548, 549, 580 and 581 of Schedule "A" to Zoning By-law No. 05-200 are amended by:
 - (a) For a change in zoning from the General Business Park (M2), and Prestige Business Park (M3,437) Zone and Prestige Business Park (M3, 388) Zone to Conservation / Hazard Land (P5) Zone on lands described as Blocks 1, 2 and 3;
 - (b) For a change in zoning from Prestige Business Park (M3) Zones to Prestige Business Park (M3, 437) Zones on lands described as Block 4;

PASSED this ___ day of _____, 2018.

Fred Eisenberger
Mayor

City Clerk



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

Passed the day of, 2018

Mayor

Clerk

Schedule "A"

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

to Amend By-law No. 05-200
Maps 514, 515, 548, 549, 580 & 581

Subject Property

56, 74, 78, 90, and 96 Parkside Drive and
546 Highway No. 6



Block 1 - Change in zoning from
Prestige Business Park (M3, 437) Zone to
Conservation / Hazard Land (P5) Zone



Block 2 - Change in zoning from
General Business Park (M2) Zone to
Conservation / Hazard Land (P5) Zone



Block 3 - Change in zoning from
Prestige Business Park (M3, 388) Zone to
Conservation/Hazard Land (P5) Zone



Block 4 - Change in zoning from
Prestige Business Park (M3) Zone to
Prestige Business Park (M3, 437) Zone



Additional Subject Lands

Scale:
N.T.S.

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

Date:
August 21, 2018

Planner/Technician:
AB/NB



Hamilton

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

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

Committee: Chair and Members Report No.: PED18133(a) Date: 09/25/2017

Ward: Ward: 15 (MM/DD/YYYY)

Prepared by: Alaina Baldassarra

Phone No: 905-546-2424 ext. 7421

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



Hamilton

**HAMILTON MUNICIPAL HERITAGE COMMITTEE
REPORT 18-008
9:30 a.m.
August 16, 2018
Room 264, 2nd Floor
Hamilton City Hall
71 Main Street West**

Present: Councillor A. Johnson, M. Pearson and J. Partridge
A. Denham-Robinson (Chair), W. Arndt, D. Beland, G. Carroll, C.
Dmitry, K. Garay, M. McGaw, T. Ritchie, R. Sinclair, K. Stacey and
T. Wallis

**THE HAMILTON MUNICIPAL HERITAGE COMMITTEE PRESENTS REPORT 18-008,
AND RESPECTFULLY RECOMMENDS:**

1. Inventory & Research Working Group Meeting Notes – June 25, 2018 (Item 8.1)

(a) 1320 Woodburn Road, Glanbrook

That the property at 1320 Woodburn Road, Glanbrook be included in the City of Hamilton's Register of Property of Cultural Heritage Value or Interest and be added to the staff work plan.

2. Hamilton Municipal Heritage Committee Terms of Reference Review (Item 8.2)

WHEREAS, in order to achieve their Council approved mandate, the volunteer work of the Hamilton Municipal Heritage Committee, its Working Groups and Sub-Committees may be more demanding than other municipal committees and boards; and

WHEREAS, it is important to offer transparency during the application process, to provide potential applicants with a better understanding of the scope of work, roles and responsibilities, and to facilitate a more informed decision;

THEREFORE, BE IT RESOLVED:

- (a) That Hamilton Municipal Heritage Committee Terms of Reference, be amended by adding the following sub-sections to read as follows:
- (i) To advise and assist City staff and Council on all matters relating to the designation of property, the review of heritage permit applications and other cultural heritage conservation measures under Parts IV and V of the *Ontario Heritage Act*, R.S.O. 1990, c.O.18.
 - (ii) To advise and assist City staff and Council in the preparation, evaluation and maintenance of a list of properties and areas worthy of conservation.
 - (iii) To advise and assist City staff and Council on any other matters relating to the conservation of listed properties or areas of cultural heritage value or interest.
 - (iv) To advise City staff and Council on programs and activities to increase public awareness and knowledge of heritage conservation issues.
 - (v) To prepare, by the 31st day of January each year, an annual report of the previous year's activities.
 - (vi) ***To participate, where possible, on at least one of the following Working Groups of the Hamilton Municipal Heritage Committee:***
 - ***Inventory and Research (Meets monthly for a minimum of 2 hours)***
 - ***Policy and Design (Meets monthly, or as needed, for a minimum of 2 hours)***
 - ***Education and Communication (Meets monthly or as needed, for a minimum of 2 hours)***
 - ***Heritage Permit Review Sub-Committee (Meets monthly – membership includes selected members of HMHC, but is completed through a separate application process, for a minimum of 2 hours)***
 - (vii) ***To participate, where possible in other external groups and/or stakeholder committees.***
 - (viii) ***To participate, where possible in heritage events and activities, such as the Annual Hamilton Municipal Heritage Recognition Awards.***

- (b) That staff be directed to review the standard meeting times, format and locations of the Hamilton Municipal Heritage Committee to make them inclusive and accessible; and,
- (c) That staff be directed to forward a copy of the Code of Conduct, for signature by each volunteer member of the Hamilton Municipal Heritage Committee's Working Groups.

3. Proposed Amendments to the Hamilton Municipal Terms of Reference and Recruitment Process (Item 8.2(a))

- (a) That the Proposed Amendments to the Hamilton Municipal Heritage Committee Terms of Reference and Recruitment Process, attached hereto as Appendix "A", be approved; and
- (b) That the information found in the Proposed Amendments to the Hamilton Municipal Terms of Reference and Recruitment Process be included in the call for volunteer members of the Hamilton Municipal Heritage Committee; effective for the 2018 application process and future terms.

4. Hamilton Municipal Heritage Committee Masonry Guidelines (Item 8.3)

WHEREAS, the City of Hamilton is home to many historic buildings and structures constructed of masonry;

WHEREAS, the exposure to harsh weather conditions and building construction failure makes masonry susceptible to deterioration, requiring regular maintenance and often the need for alteration and restoration;

WHEREAS, heritage guidelines are useful reference tools for heritage planning staff, the Heritage Permit Review Subcommittee and Hamilton Municipal Heritage Committee (HMHC) for their processes of reviewing applications for alteration under the Ontario Heritage Act;

WHEREAS, these guidelines are an educational resource for heritage property owners, architects and contractors to carry out a successful masonry restoration; fulfilling the HMHC's mandate for public education and community outreach; and

WHEREAS, these guidelines follow the format of a preceding document entitled Heritage Window Guidelines; as approved by Hamilton City Council, on December 17, 2014;

THEREFORE, BE IT RESOLVED:

That the Heritage Masonry Guidelines, produced by the Policy and Design Working Group of the HMHC and attached hereto as Appendix "B", be approved.

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 1)

The Clerk advised the Committee of the following changes:

1. ADDED CEREMONIAL ACTIVITY (Item A)

Hamilton Municipal Heritage Recognition Award – Kyle Slote, Thier + Curran Architects for 7-11 Brock Street, Hamilton

2. ADDED DISCUSSION ITEM (Item 8)

8.2(a) Proposed Revisions and Updates to the Hamilton Municipal Terms of Reference

3. ADDED GENERAL INFORMATION (Item 11)

11.2 Ontario Heritage Conference Update (no copy) (Added Item 11.2)

The Agenda for the August 16, 2018 Hamilton Municipal Heritage Committee was approved, as amended.

(b) CEREMONIAL ACTIVITY (Added Item A)

Kyle Slote from Thier + Curran Architects, on behalf of Bill Curran, Architect, accepted a Hamilton Municipal Heritage Recognition Award for their property at 7-11 Brock Street, Hamilton.

(c) DECLARATIONS OF INTEREST (Item 2)

There were no declarations of interest.

(d) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 3)

(i) July 19, 2018 (Item 3.1)

The Minutes of the July 19, 2018 meeting of the Hamilton Municipal Heritage Committee were approved, as presented.

(e) DISCUSSION ITEM (Item 8)

(i) Hamilton Municipal Heritage Committee Terms of Reference Review (Item 8.2)

A. Denham-Robinson relinquished the Chair to address the Committee respecting the Hamilton Municipal Heritage Committee Terms of Reference Review.

For further disposition of this matter, refer to Item 2.

1. Proposed Amendments to the Hamilton Municipal Terms of Reference and Recruitment Process (Item 8.2(a))

A. Denham-Robinson addressed the Committee respecting the Proposed Revisions and Updates to the Hamilton Municipal Terms of Reference. Copies of the document were distributed at the meeting, and are available at www.hamilton.ca.

For further disposition of this matter, refer to Item 3.

A. Denham-Robinson assumed the Chair.

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

(i) Buildings and Landscapes (Item 11.1)

The Dunnington-Grubb Gardens, 1000 Main Street East (within Gage Park) were moved from the List of Buildings and Landscapes (YELLOW) to the List of Endangered Buildings and Landscapes (RED).

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

- (x) Dunnington-Grubb Gardens, 1000 Main Street East (within Gage Park) – D. Beland

**(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

This property will remain on the list until staff have negotiated the salvage of items from the Church.

- (iii) 2251 Rymal Road East, Stoney Creek (R) – C. Dimitry

No report.

- (iv) Former Valley City Manufacturing, 64 Hatt Street, Dundas – K. Stacey

Staff report that a formal consultation application was received in 2017, and there have not been any development applications for the property since then, but condominium documents are being coordinated.

- (v) St. Joseph's Motherhouse, 574 Northcliffe Avenue, Dundas (R) (ND) - K. Stacey

Staff support the proposed changes that may be made on the property in future.

- (vi) Copley Building, 104 King Street West; 56 York Blvd., and 63-76 MacNab Street North (NOI)– G. Carroll

No report.

- (vii) 1021 Garner Road East, Ancaster (Lampman House) (NOI)– M. McGaw

No report.

**(c) Heritage Properties Update (GREEN):
(Green = Properties whose status is stable)**

- (i) The Royal Connaught Hotel, 112 King Street East, Hamilton (R) – T. Ritchie

M. Pearson advised that she has spoken with the owners of the property, and while the owners are aware of the pending designation, they are not prepared to pursue the designation yet.

- (ii) Auchmar, 88 Fennell Avenue West, Hamilton (D) – K. Garay

No report.

- (iii) Jimmy Thompson Pool, 1099 King Street E., Hamilton (R) – T. Ritchie

No report.

- (iv) Treble Hall, 4-12 John Street North, Hamilton (R) – T. Ritchie

No report.

- (v) 104 King Street West, Dundas (Former Post Office) – K. Stacey

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

No report.

(ii) Ontario Heritage Conference Update (Added Item 11.2)

G. Carroll addressed the Committee respecting his participation in the Ontario Heritage Conference, on June 7-9, 2018 in Sault Ste. Marie. There was great interest in the draft Masonry Guidelines from the Hamilton Municipal Heritage Committee. The City of Hamilton utilizes its Municipal Heritage Register more that most similar and smaller sized municipalities.

The information respecting the Ontario Heritage Conference, was received.

(f) ADJOURNMENT (Item 13)

There being no further business, the Hamilton Municipal Heritage Committee adjourned at 11:10 a.m.

Respectfully submitted,

Alissa Denham-Robinson, Chair
Hamilton Municipal Heritage Committee

Loren Kolar
Legislative Coordinator
Office of the City Clerk

Background

With each new term of Municipal Council, applications are accepted from members of the public, wishing to serve on various municipal Committees and Boards such as the Hamilton Municipal Heritage Committee (HMHC) and Heritage Permit Review (HPR) Sub-committee.

During the typical application process, limited information is provided to individuals interested in volunteering for these particular heritage related groups. Often detailed information is not provided to applicants until the interview process or only once a successful applicant begins their 4-year term when an orientation session is held.

Proposed Recommendations for Amendments to Terms of Reference

WHEREAS, in order to achieve their Council approved mandate(s), the volunteer work of the Hamilton Municipal Heritage Committee, its Working Groups and Sub-Committees may be more demanding than other municipal committees and boards; and

WHEREAS, it is important to offer transparency during the application process, to provide potential applicants with a better understanding of the scope of work, roles and responsibilities, to facilitate a more informed decision;

That the following revisions and updates offered by the Hamilton Municipal Heritage Committee, be approved for inclusion in the HMHC Terms of Reference for the call for volunteer members of municipal Committees and Boards; effective for the 2018 application process and all future terms.

1. Provide the HMHC Mandate

- a) To provide greater transparency, fully describe the mandate of HMHC and the commitment of time required (note standard date and time of monthly meetings).
- b) Define the required role of “Advisor” to City Council on matters related to the Ontario Heritage Act, compared to the definition of “Heritage Advocate”.
- c) Outline the need for representation from Hamilton and each of the former municipalities of Ancaster, Dundas, Flamborough, Glanbrook and Stoney Creek.

2. Provide a Summary of Working Groups and Sub-Committees

- a) To provide greater transparency, briefly describe the existing Working Groups of HMHC - their roles and responsibilities – provide each of their mandates and outline the importance of these working groups
 - Inventory and Research (Meet monthly)
 - Policy and Design (Meet monthly, or as needed)
 - Education and Communication (Meet as needed)

- Heritage Permit Review Sub-Committee (Meet monthly – membership includes selected members of HMHC, but is completed through a separate application process)
- b) As previously approved by Council, the Chair of each Working Group and Sub-Committee must be an active member of HMHC.
- c) Chair (or delegated representative) from each Working Group to provide an update at each monthly HMHC meeting in the form of a verbal update, through minutes of meetings, etc.

3. Provide a Summary of HMHC Representation on External Groups & Stakeholder Committees

To provide greater transparency, briefly describe other external groups / stakeholder committees in which HMHC volunteers may be called to participate. For example:

- Cross-Melville District Heritage Committee (Dundas) (includes 1 elected member of HMHC)
- Joint Plaquing Sub-committee with the former Historical Board (included 2 elected members of HMHC)
- Gore Park Master Plan Stakeholder Group
- Century Manor Focus Group
- Community Enrichment Fund Focus Group
- Special Heritage Event Planning Groups
- Etc.

4. Provide a Summary of HMHC Representation in Heritage Events & Activities

To provide greater transparency, briefly describe other opportunities, heritage events, activities and public outreach, in which HMHC volunteers may be called to participate. For example:

- Hamilton Municipal Heritage Committee Heritage Recognition Awards Event (organized and hosted by HMHC each June)
- Annual Heritage Day Marketplace and Awards (Interactive HMHC Display Table)
- Waterdown East Flamborough Archives & Heritage Society Book Fair (Interactive HMHC Display Table)
- Places of Worship Resource Event
- Heritage related workshops and special presentations
- Ontario Heritage Conference (opportunity for 1-2 HMHC members to attend)
- National Trust Conference
- Etc.

5. Additional Notes

All members are strongly encouraged to participate in working groups and in public outreach opportunities as representatives of HMHC.

Working Groups are an important method of expediting the process of review and recommendation for heritage matters. The work done at the working group level, assists City Staff and HMHC to work more efficiently. This is imperative for the successful operation of the committee.

Should the number of volunteers on a Working Group be so limited that work can no longer continue effectively, then HMHC members will be asked to assist in the search for appropriate heritage volunteers and/or HMHC volunteer nominations will be requested.

If HMHC volunteer nominations are called, and no nominations are received, it may be necessary to assign HMHC members, and/or equally distribute volunteer resources to fulfil each working group's mandate.

Masonry Restoration Guidelines

Hamilton Municipal Heritage Committee

1.0 Purpose

The intent of these Guidelines is to provide guidance in reviewing applications for alteration under the *Ontario Heritage Act* and provide guidance to heritage property owners, architects and contractors to carry out a successful masonry restoration.

2.0 Content:

1.0 Purpose

2.0 Content

3.0 Application

4.0 General Provisions

5.0 Re-pointing

5.1 Guidelines

6.0 Mortar

6.1 Recommended Mortar Specification for Historic Masonry, Stone and Brick

6.2 Recommended Approach to Colour Matching Masonry

6.3 Recommended Curing Approach to New Mortar

7.0 Masonry Cleaning Guidelines

7.1 Water Cleaning

7.2 Chemical Cleaning

7.3 Poultice

7.4 Sandblasting

7.5 Other Methods of Cleaning Such as Soda Blasting, Bead Blasting and Dry Ice Blasting

8.0 Special Masonry Features

9.0 Historic Exterior Stucco

9.1 Inspection and Maintenance

9.2 Repairs and Replacement

10.0 Regulatory Requirements and Financial Incentives

3.0 Application

Masonry Restoration Guidelines

Hamilton Municipal Heritage Committee

The City of Hamilton is home to many historic buildings and structures that represent the City's diverse heritage and contribute to its unique identity. Many of the City of Hamilton's historic buildings are constructed with limestone, clay brick, stone, cast stone, and concrete materials.

The proper conservation of these historic structures is vital in order to preserve these heritage resources. The intent of this policy is to develop sensitivity to the particular needs of historic masonry by providing the best practices for masonry restoration. These guidelines offer helpful advice on the appropriate materials and methods to be used.

4.0 General Provisions

Brick, stone, and concrete are found on the majority of Hamilton's built heritage resources. The exposure to harsh weather conditions and building construction failure makes masonry susceptible to deterioration, especially at the mortar joints. Deterioration is identified by cracks or spalling and is often a result of:

- a) Water penetration from interior or exterior;
- b) Expansion and contraction of materials due to repeated wetting and drying (freezing and thawing);
- c) Stresses caused by the formation of salt crystals beneath the surface, especially common when cement is used as a quick fix to fill a masonry crack;
- d) Material impurities and incompatibility;
- e) Overgrowth of vegetation, (ivy, in particular), will cause severe damage to masonry;
- f) Poor craftsmanship during construction;
- g) Previous poor or incorrect repairs/restoration; and,
- h) Structural settlement shifts.

The decision to repair masonry is often related to some obvious sign of deterioration such as cracks in mortar joints, disintegrating mortar, loose bricks or stones, damp walls, or damaged plasterwork. However, it may be incorrect to assume that repointing the masonry will address the source of the deterioration. Therefore, it is recommended to investigate and understand the causes of deterioration before taking

Masonry Restoration Guidelines

Hamilton Municipal Heritage Committee

action in order to not only direct the repair of the masonry but also address the deficiencies that will potentially result from other problems.

5.0 Re-pointing

The most commonly required repair work undertaken on historic masonry is repointing, also known as “pointing”. It is the process of removing deteriorated mortar from the joints of a masonry wall and replacing it with new mortar.

It should be noted that while the mortar joints themselves are an important part of the building’s historical fabric, they are meant to be a sacrificial element of the wall assembly. In other words, mortar – unlike masonry units – is meant to deteriorate over time. Consequently, it is understood that historical masonry structures will require repointing periodically. It is important that repointing is correctly done since improper repointing can cause physical damage to the masonry units themselves, which are more difficult and expensive to repair.

5.1 Guidelines

The following guidelines provide advice on appropriate materials and methods for repointing historic masonry structures:

- a) *Limit repointing to areas of deterioration.* Only repoint in areas where mortar is loose or crumbling. If the bond is intact on both sides of a joint and the mortar is cohesive and firm, do not repoint as the joint is sound.
- b) *Cut out deteriorated mortar before repointing.* Cutting out must not damage masonry units or widen the joints. Loose and crumbling mortar should be removed prior to repointing to facilitate adhesion between the new and old mortar. All material is to be removed from the side of masonry units to the depth of sound mortar, and all dust and debris is to be removed. As a general rule, mortar removal is done to a depth of 2 to 2 ½ times the width of the joint. In brick buildings, this will usually mean removal to a minimum depth of 25mm when the joints are extremely narrow (3mm) the mortar should be removed to a minimum depth of 10mm. This process should be completed with hand tools rather than power tools. If the mortar deterioration extends deep within the walls, a low-pressure mortar injection may be necessary to reach the appropriate depth.
- c) *Use a mortar mix that is equal, or lower in strength, to the historic mortar.* Do not use modern formulations with ordinary Portland cement. Acceptable mortar mixes vary, depending on the type of masonry used, (i.e. brick, stone, or cement), and on performance expectations. Ideally, a sample of mortar that

Masonry Restoration Guidelines

Hamilton Municipal Heritage Committee

has been identified as original material is extracted and analyzed in a laboratory to obtain the original composition and ratio of ingredients. In the absence of proper testing, an acceptable historical mortar mix should be used and matched closely as possible through visual and physical comparison onsite. **(Refer to 6.1 Recommended Mortar Specification)**

- d) *Point with a porous mortar.* Pointing with a porous mortar allows the wall to breathe by allowing moisture to migrate and evaporate through the mortar instead of the masonry unit. The mortar must match the original in material composition and method of construction and application.
- e) *The repointing should be carried out when the temperature is between 5 and 25 degrees C,* to avoid the possibility of frost or rapid drying of the mortar.

6.0 Mortar

6.1 Recommended Mortar Specification for Historic Masonry

Mortars for repointing historic buildings are typically custom mixed in order to ensure the proper physical and visual qualities. These materials can be combined in varying proportions to create a mortar with the desired performance and durability.

The recommended mortar for historic masonry is the mixture of lime and white non-staining cement, which is different from Portland cement mortar normally used in modern construction.

Mortars for repointing should be softer or more permeable than the masonry units and no harder or more impermeable than the historic mortar to prevent damage to the masonry units. It is a common error to assume that hardness or high strength is a measure of suitability, particularly for lime-based historic mortars. A mortar that is stronger in compressive strength than the masonry units will result in permanent damage to the masonry, such as cracking and spalling.

Permeability of the mortar is very important—if the mortar does not permit moisture to migrate out of the wall and evaporate, it will cause permanent damage to the masonry units. Depending on the application, the mix must be adjusted to suit the masonry material type and exposure.

Masonry Restoration Guidelines

Hamilton Municipal Heritage Committee

6.2 Recommended Approach to Colour Matching Masonry

For aesthetic reasons, it is recommended that the texture and colour of the mortars should match the original historic masonry, which is primarily a result of the type of sand used. Pigments can be used to achieve the desired colour; however, pigments often result in short or long-term spots. A small test patch is recommended to achieve desired mortar outcome.

6.3 Recommended Curing Approach to New Mortar

Repointing should not take place in temperatures near or below freezing (below 5°C), or in hot or direct sunlight. Both cases would not allow the mortar to achieve its desired strength. When the temperature is above 25° C (77° F), newly laid mortar must be protected against rapid drying with damp burlap protection and frequent misting to control drying and shrinkage.

7.0 Masonry Cleaning Guidelines

First, it is important to determine if cleaning the masonry is appropriate. The objective of cleaning a historic masonry building must be considered carefully before arriving at a decision to clean. There are several major reasons for cleaning a historic masonry building: improve the appearance of the building by removing unattractive dirt or soiling materials, or non-historic paint from the masonry; delay deterioration by removing soiling materials that may be damaging the masonry; or provide a clean surface to accurately match repointing mortars or patching compounds, or to conduct a condition survey of the masonry.

It is recommended that cleaning of historic masonry be done with the gentlest means possible. Generally, a gentle pressure wash with water is all historic masonry requires.

The use of abrasive cleaning methods is not recommended on heritage buildings as they operate by wearing down dirt or paint from a masonry surface, which can simultaneously erode the surface of the building material. It is recommended that methods be tested on a small inconspicuous area of the masonry before applying to the larger surface area.

Masonry Restoration Guidelines

Hamilton Municipal Heritage Committee

The following cleaning methods are discussed below for different applications:

1. *Water Cleaning*

Water cleaning is the gentlest means of cleaning to remove dirt from historic masonry. However, it may be detrimental to badly deteriorated masonry or on gypsum. There are four kinds of water-based methods: soaking, pressure water washing, water washing with mild detergents, and steam cleaning. Even water used with high enough pressure can be detrimental, so, high-pressure water washing is strongly discouraged.

2. *Chemical Cleaning*

Chemical cleaners can be used on historic masonry to remove persistent dirt or paint, including graffiti. The chemical cleaning is followed by water cleaning to rinse the chemical off the surface. Acidic cleaners, alkaline cleaners and the organic compound are used to remove dirt on the masonry, while organic solvent and alkaline paint removers are used to remove graffiti. However, **not all chemical cleaners are appropriate for historic masonry**, so, care should be taken to choose an appropriate product.

3. *Poultice*

Poultice cleaning can be an effective way to remove graffiti and stains that already penetrated on the wall. Poultice cleaning is often used for smaller applications often consisting of more delicate and detailed architectural features. Poultice consists of water and a medium to create a paste that is applied to the surface with the intent of drawing out the dirt and stains. The most common medium is clay; however, chemical mediums are at times appropriate. Care should be taken to thoroughly rinse and neutralize the masonry when chemical mediums are used.

4. *Sandblasting*

Sandblasting is not recommended. Bricks develop a protective skin from the firing process. This skin protects the brick from the elements. Without this protective layer, bricks will deteriorate.

Sandblasting historic brick will not only remove paint, dirt and graffiti, but it also removes the protective skin; leaving the brick exposed to the elements and subject to some of the following problems:

Spalling: Sandblasting leaves the brick exposed and weakened. Spalling occurs when the brick begins to deteriorate, turning into a powder and breaking apart. Spalling can also occur from repointing with a mortar that is

Masonry Restoration Guidelines

Hamilton Municipal Heritage Committee

too hard which causes the face of the brick to break off to expose the softer interior.

Weakened Structure: Often people sandblast and then apply a sealer to the face to prevent spalling or other damage. Heritage brick and lime mortar are very breathable building materials. Sealing one side of the material, prevents that natural breathability, causing moisture to build up within the brick on the underside of the sealer. With moisture build-up, minerals will be deposited just below the surface of the sealer; eventually weakening the structure of the masonry unit, causing it to break apart.

Cosmetic Damage: Sandblasted brick will leave the surface uniformly rough, and it will not have the same appearance as the original surface. The brick will lose some of its character and charm.

5. *Other Methods of Cleaning such as Soda Blasting, Bead Blasting and Dry Ice Blasting*

These cleaning methods are not recommended. Similar to sandblasting; these methods are used to remove dirt, paint and graffiti on masonry. However, these methods are often promoted as being more environmentally friendly, less abrasive and less damaging to masonry surfaces.

It is recommended that property owners do their due diligence to investigate the pros and cons of any new methods of cleaning masonry and always test on a small inconspicuous area of the masonry before applying to the larger surface area to ensure the masonry surface is not damaged.

8.0 Special Masonry Features

Beyond the masonry cladding of a building, special masonry features such as stone walls, chimneys, rubble stone foundations, stone buttresses, stone stairs and masonry garden features are all types of building elements a heritage property owner may need to repair over the lifetime of a building.

Wall-capping

Do not use mortar mix to finish the top of a masonry structure, for example, a wall or a chimney. This is not the correct method for finishing these structures. Specific capping stones or capping bricks should be used to finish the top of these assemblies. This will ensure that the water can run off, which will prevent the moisture from entering the structure's core. Allowing water to enter the core of the structure will eventually lead to degradation and failure of the masonry assembly.

Masonry Restoration Guidelines

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A professional should always be consulted where significant deterioration is evident, to ensure the structural integrity of the element has not been compromised and ensure the method of repair is correct.

9.0 Historic Exterior Stucco

Stucco or roughcast cladding is a material that covers the exterior of some historic buildings. It is traditionally placed on lath or directly on masonry producing a uniform finish that is resistant to rain. This process adds a decorative effect to the building surface with its texture, detailing and colour. Early stucco was generally applied in two or three coats for strength and durability. Stucco is a type of external plastering or rendering of lime, or lime and cement mortar with a sharp sand aggregate. Early stucco used animal hair, straw, or other binders. In the late 19th and early 20th century, stucco was made with a small portion of Portland cement and lime. Sand and fine gravel were used to create surface texture.

9.1 *Inspection and Maintenance*

Simple tapping for a hollow sound will sometimes distinguish whether the stucco is applied to a wood frame or masonry. Areas of thin or failing stucco may also reveal the underlying structural system. Stucco is a rigid material and susceptible to cracking and crumbling. Water may enter cracks and rot the underlying lath; structural settlement may cause cracking, and poor original composition may result in poor adhesion to the lath causing cracking and the loss of pieces of stucco. Common failures of stucco include bulging, cracking, and deterioration at the ground line and at the roofline. These areas should be monitored. Maintain eavestroughs and downspouts to eliminate water penetration and damage to the coating and structural damage to the frame. The soil in planting beds should not be banked against a stucco wall.

9.2 *Repairs and Replacement*

Traditionally, stucco was not painted. Its colour was derived from the aggregate, often sand, and any permanent pigment mixed in the finish coat. Normally applied in three coats, the finish coat received different surface treatments depending on the technique that was fashionable at the time. Repairs to stucco should seek to replicate these traditional techniques, avoiding contemporary processes such as blown applications. General guidelines to the repair of stucco cladding are as follows:

1. Accurately record textured or decorated stucco surfaces before repairs begin. Note the thickness of the stucco relative to the wood trim and

Masonry Restoration Guidelines

Hamilton Municipal Heritage Committee

maintain the dimension in order not to hide or destroy the function of detailing (i.e. sill drips, corner boards, window frames).

2. New stucco should never be applied over an existing surface since this can hide damaged surfaces and destroy architectural detailing.
3. Remove unsound stucco to lath or a sound base and duplicate original formulation in strength, composition, and texture.
4. Patching and new stucco surfaces should match the historic finish, colour, texture and any special markings found on original stucco surface. Consider repairing an entire wall surface, particularly if a principal elevation, to maintain consistent colour and texture if most of the surface is failing.
5. Duplicate original method of application (i.e. build up repairs in layers or coats to ensure good bonding and curing). Dampen patches and surrounding area for a couple of days after repair for successful adhesion of patched section to original stucco.
6. Do not paint the stucco surface if it is not already painted.
7. To date, no effective method of cleaning stucco has been developed. Dirt and dust should be rinsed off with water on a yearly basis.

10.0 Regulatory Requirements and Financial Incentive Programs

Consulting with the City's Planning and Economic Development Department is required before proceeding with any work on a structure that is designated under the Ontario Heritage Act or located within one of the seven Heritage Conservation Districts. The proposed work may require a building permit and/or Heritage Permit.

The proposed work may also qualify for funding by the City of Hamilton Financial Incentive Programs. For applicable projects, the City offers the Heritage Property Grant Program as well as the Hamilton Community Heritage Fund (HCHF)

Heritage Property Owners are encouraged to contact the City's Heritage Planning Staff for helpful advice, guidance and assistance with any questions they may have.

Masonry Restoration Guidelines

Hamilton Municipal Heritage Committee

Who to contact:

Cultural Heritage Planner in the Planning and Economic Development Department

Tel: 905-546-2424 ext. 1202 or ext. 1214

Document Prepared by:

*Policy and Design Working Group of the
Hamilton Municipal Heritage Committee*

Dated: July 2018



INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	September 4, 2018
SUBJECT/REPORT NO:	Fruitland - Winona Secondary Plan – Block Servicing Strategy Completion (Block 2) (PED18203) (Ward 11)
WARD(S) AFFECTED:	Ward 11
PREPARED BY:	Margaret Fazio (905) 546-2424 Ext. 2218
SUBMITTED BY:	Tony Sergi Senior Director, Growth Management Division Planning and Economic Development Department
SIGNATURE:	

Information:

This Report is intended to inform Council on the Completion of the Block Servicing Strategy (BSS) for Block 2 lands in the Fruitland - Winona Secondary (FWSP). The Block 2 study area is generally bounded by Barton Street to the north, Highway 8 to the South, Watercourse 6.0 (east of Jones Road) to the West, and Glover Road to the East, as per Appendix “A” to Report PED18203 – Fruitland - Winona Block Plan.

The Fruitland - Winona Secondary Plan section 7.4.13.15 states that: “A Block Servicing Strategy shall be required for the areas identified on Map b.7.4-4 – Fruitland - Winona Secondary Plan – Block Servicing Strategy.” Section 7.4.14.1 includes, under sub-section c) that “All development within the lands identified as the “Servicing Strategy Area” shall conform to the Block Servicing Strategy”.

A Terms of Reference (TOR) for Block Servicing Strategies – as per Appendix “B” to Report PED18203, was developed by City staff, shared and agreed upon by the Hamilton Conservation Authority (HCA). The City project and consultant team followed the TOR, with HCA fully involved in the project process, and providing their approval for the final study report.

The BSS provides a clearer direction and greater certainty with respect to the City’s expectation regarding servicing requirements based on the approved secondary plan. It is also intended to provide a more detailed context within which to co-ordinate the review of development applications. Specifically, the BSS provides a mechanism to

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

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

**SUBJECT: Fruitland - Winona Secondary Plan – Block Servicing Strategy
Completion (Block 2) (PED18203) (Ward 11) - Page 2 of 3**

facilitate the comprehensive co-ordination of roads, municipal infrastructure and stormwater management facilities with adjacent development, the natural heritage system and each other. This is especially important within Block 2, where land is characterized by flat topography, challenging drainage and fragmented ownership.

BSSs for the remaining FWSP lands (Blocks 1 and 3) are currently underway and are expected to be finalized by the end of 2018.

The Block 2 Servicing Strategy adheres to the FWSP policies, approved by Council on May 14, 2014.

It should be noted that while there are currently two (2) specific appeals within the Block 2 lands, the Block 2 Servicing Strategy has been planned to include flexibility which would accommodate for different outcomes of the appeal process.

THE STUDY - PUBLIC CONSULTATION PROCESS

The Study followed the Municipal Class Environmental Assessment process in principal. This means that although the study was a technical exercise in nature, i.e. no public consultation was legally required, public consultation was a large component of the study process, to provide an opportunity for input and transparency to all involved/land owners and stakeholders affected by the process.

A comprehensive public consultation program was incorporated into the study and included the following components:

- Stakeholder List – A mailing list was created and maintained throughout the study. It included local community groups, First Nations, external agencies and neighbourhood associations, among others within the study area, as well as members of the public who requested to be added to the list via telephone, email or comment sheets submitted during public meetings;
- Newspaper Notices – Notices were placed in the Stoney Creek News one and two weeks prior to each public meeting, to announce the Land Owner Meeting (December 2016) and to publicize each public consultation event and Draft Report Completion (April 2017, June 2017, April 2018). The notices provided a description of the study, invited the public to attend the consultation event, and identified ways to obtain more information;
- Direct Mail – Direct mail was used for notification of all those listed on Stakeholder List, except where otherwise indicated/requested (this includes other City Departments);
- Landowner Meeting – Two sessions were available for landowners on December 2 and 7, 2017 to review proposed road concept and servicing plans;

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**SUBJECT: Fruitland - Winona Secondary Plan – Block Servicing Strategy
Completion (Block 2) (PED18203) (Ward 11) - Page 3 of 3**

- Public Information Centres (PICs) – Two (2) PICs were held at the Stoney Creek Municipal Centre on April 4th and June 8th, 2017. The PICs followed an open house format where participants had the opportunity view display boards and speak with members of the project team, Conservation Authority and City staff. Feedback Forms were distributed at each PIC to encourage participants to submit written comments;
- Other Meetings – Numerous meetings were held, and correspondence exchanged, with individuals and various groups of interested land owners/members of the public;
- Project Website – A project website (Hamilton.ca/blockservicingstrategies) was created to serve as a portal for all project information, updates, and consultation materials throughout the study; and,
- Social Media – The City of Hamilton Twitter Account was used to also disseminate notification of all Public Meetings in Stoney Creek area.

IMPLEMENTATION AND BENEFITS OF A BLOCK SERVICING STRATEGY

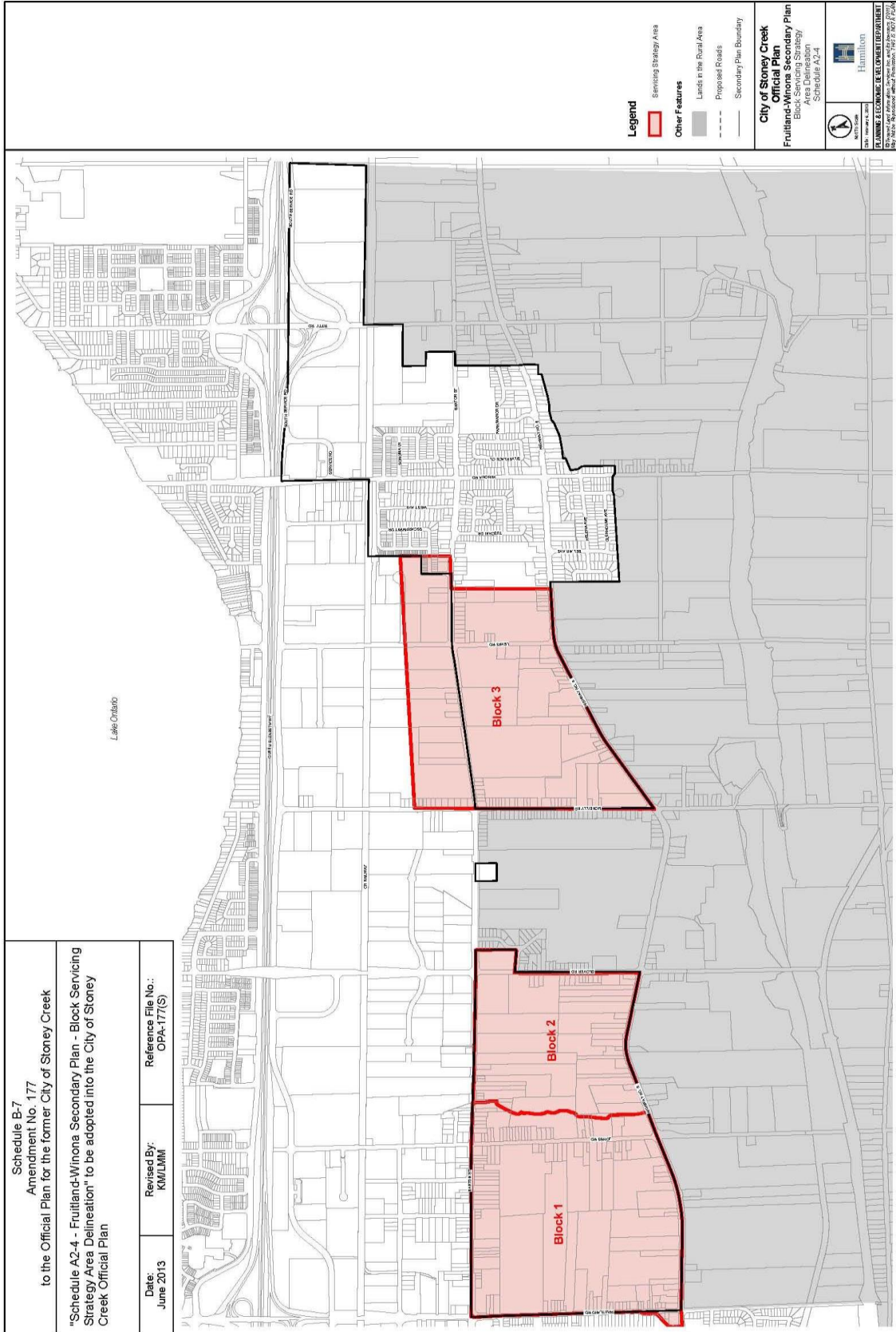
The benefits of having a Servicing Strategy is that it provides a comprehensive view of an entire development block, so that when applications are received they can be examined within a larger context and implemented in a co-ordinated and comprehensive manner.

With the completion of the BSS, development can proceed in the Block 2 lands. The BSS will guide the review and approval of orderly development. This should ultimately expedite the development application process and ensure alignment with municipal infrastructure.

Appendices Attached

Appendix “A” - Fruitland - Winona Secondary Plan Block Plans
Appendix “B” - Block Servicing Strategies Terms of Reference

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Hamilton

Terms of Reference for:

**Fruitland-Winona
Block Servicing Strategy
BLOCK 2**

September 2014 - FINAL

Introduction

The Fruitland-Winona Secondary Plan area is characterized by a relatively flat topography which requires specific grading and detailed servicing provisions to adequately service the future development area so development proceeds in a coordinated and comprehensive manner. The purpose of this study is to develop a Block Servicing Strategy (BSS) for areas identified in the Fruitland-Winona Secondary Plan – Block Servicing Strategy Area Delineation is shown in **Appendix A**.

The Fruitland-Winona Block Servicing Strategy shall be carried out in accordance with the Fruitland-Winona Secondary Plan. Review the Fruitland-Winona Secondary Plan when developing work plan. This Terms of Reference provides an overview of the requirements of the Block Servicing Strategy.

There are three (3) blocks included in the Fruitland-Winona Secondary Plan which require a Block Servicing Strategy:

Block 1: Generally located by Barton Street to the north, Highway 8 to the south, Fruitland Road to the west and east of Jones Road to Stoney Creek numbered watercourse 6. **(NOT TO BE COMPLETED AS PART OF THIS RFP)**

Block 2: Generally located by Barton Street to the north, Highway 8 to the south, watercourse 6 at the west, and Glover Road to the east.

Block 3: Generally located north of Barton Street, Highway 8 to the south, McNeilly Road at the west and east of Lewis Road. **(NOT TO BE COMPLETED AS PART OF THIS RFP)**

The Fruitland-Winona Subwatershed Studies shall form the basis of all Block Servicing Strategies. The BSS shall conform to the vision, objectives and policies of the approved Fruitland-Winona Secondary Plan and shall identify the land use designations, densities and natural heritage features, including Vegetation Protection Zones and Restoration Areas, in accordance with the Secondary Plan. Where it can be achieved, the Block Servicing Strategy shall comply with the Fruitland-Winona Secondary Plan Urban Design Guidelines.

The Block Servicing Strategy shall have regard for existing development in accordance with the Fruitland-Winona Secondary Plan by reflecting the general scale and character of the established development pattern in the surrounding area by taking into consideration lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview. All development within the lands identified as the "Servicing Strategies Area" in the Fruitland-Winona Secondary Plan – Block Servicing Strategy Area Delineation shall conform to the Block Servicing Strategies.

The Block Servicing Strategy will be used in assessing priorities among proposals for development. The preliminary grading plan, layout of local roads, sanitary sewers, storm sewers and stormwater management facilities, watermains shall be defined, together with the phasing of servicing proposed to ensure development is achieved in an efficient and systematic manner within each block area.

The Block Servicing Strategy shall follow the Municipal Class Environmental Assessment Planning process. A public consultation plan shall be developed including the number of meetings to be held with the public and stakeholders.

This Terms of Reference will be for BLOCK 2: Generally located by Barton Street to the north, Highway 8 to the south, watercourse 6 at the west, and Glover Road to the east. SEE APEENDIX A for boundary.

Key Tasks & Deliverables

This study is intended to outline the concepts for the servicing of the Fruitland-Winona lands located south of Barton Street, east of Fruitland Road, west of Fifty Road, and north of Highway No. 8.

The Block Servicing Strategy shall include an integration of a Functional Stormwater Management and Environmental Management Plan, and a Functional Servicing Plan forming one comprehensive document. The Environmental Management Plan shall build on the findings of the final sub-watershed study for Stoney Creek Urban Boundary Expansion (SCUBE) watercourses.

The Block Servicing Strategy shall include the following tasks:

1. Functional Stormwater Management and Environmental Management Plan; and a
2. Functional Servicing Plan

1. Functional Stormwater Management and Environmental Management Plan

The Functional Stormwater Management and Environmental Management Plan is intended to build upon the baseline information contained in the subwatershed study and shall be implemented in support of the secondary plan. This study shall address any gaps identified in the subwatershed plan related to servicing, stormwater management and natural heritage features. The level of study would focus on integrating servicing and stormwater management to a greater level of detail than is normally achieved through the subwatershed study.

Stormwater management facilities shall comply with the City's Criteria and Guidelines for Stormwater Infrastructure Design and Policies, the Fruitland-Winona Sub-watershed Studies. In addition, stormwater management facilities:

- shall be located and designed to maintain ecological functions of the Natural Heritage features;
- shall be located adjacent to the Barton Street Pedestrian Promenade and other Open Space Designations where possible;
- shall be designed to provide visual attraction and passive recreation where possible.

The principle objectives and tasks required for a Functional Stormwater Management and Environmental Management Plan include but not limited to:

- a. Review final sub-watershed study for SCUBE watercourses. Re-running of the models from the sub-watershed study using the proposed level of impervious coverage and stormwater controls to confirm the existing targets are sufficiently robust to control the increased impervious arrears without causing an increase in downstream flooding and erosion and water quality compliance in accordance with MOE guidelines.
- b. Establish basic sub-watershed conditions (peak flows, runoff volumes, and erosion threshold assessment)

- c. Determine the preliminary design of the stormwater management systems including the outlet design at each location. This shall include:
 - i. Volumetric sizing
 - ii. Stage/storage/discharge relationship
 - iii. Volume calculations at various facility stages
 - iv. Outlet control calculations – drawdown time
 - v. Forebay dispersion length
 - vi. Minimum forebay deep zone bottom width
 - vii. Length/width ratios
 - viii. Decanting area
 - ix. Maintenance access route to inlet and outlet structures and forebay
 - x. Overland flow route to main pond
 - xi. Detailed gradients for trunk major and minor system (vertical control)
 - xii. Hydraulic grade line (HGL) assessment for storm sewer system.
- d. Functional grading and drawings (plan and profile) for each stormwater management facility.
- e. Capacity assessment of the receiving system for the proposed storm outlet/SWM facility.
- f. Identify drainage constraints relating to existing and post-development flows
- g. Screen various stormwater management strategies and techniques and evaluate a reasonable range of alternatives in consideration with the treatment train approach.
- h. Recommend stormwater management solutions based on sound evaluations of the natural, social and economic environments of various feasible alternatives.
- i. Prepare general drainage plans, outlining both the major and minor systems along with detailed flow limits at critical points.
- j. Identify opportunities to integrate passive recreation opportunities with stormwater management strategy.
- k. Identify opportunities for phasing of construction of stormwater facilities.
- l. Functional design of proposed realignment of watercourses.
- m. Identify techniques and recommend appropriate options to achieve infiltration targets through Low Impact Development (LID) at source in accordance with the subwatershed recommendation.

The Functional Stormwater Management and Environmental Management Plan shall have regard to ecological, hydrological, air drainage and road geometry assessments.

Ecological Assessment

The components of the ecological studies shall include:

- a. Meander Belt Width Assessments for all watercourses;
- b. The identification and consideration of all areas regulated by the Conservation Authority's Development, Interference with Wetlands; Alterations to Shorelines and Watercourses Regulation or its successor; and,
- c. Scoped Environmental Impact Statement EIS including evaluation of natural areas (Core Areas).
- d. Topographic survey of the lands including the staked limit of wetlands and top of bank of watercourses.
- e. Determination of top of stable slope of watercourses.
- f. Determine limits of buffers to watercourses and wetland.
- g. Hydraulic study of watercourses and determination/verification of flood plain limits.
- h. Geotechnical assessment to determine stable slope of the watercourse.

Hydrogeological Assessment

The stormwater management finding/recommendations from the SCUBE sub-watershed study shall be reviewed and incorporated in the Block Servicing Strategy. In addition, the hydrological investigation shall include:

- a. Water balance study.
- b. Groundwater levels and flow path.
- c. Significant recharge and discharge zones.
- d. An assessment of the impacts of development on the functions of b & c above.
- e. The foundation drain flow rate based on groundwater and severe wet weather conditions.
- f. Recommendation for an appropriate sump pump design.
- g. A contingency plan to ensure that an appropriate mitigation strategy can be implemented where:
 - An aquifer is breached during construction;
 - Groundwater is encountered during construction;
 - Continuous running of sump pump occurs; and,
 - Negative impacts occur on the water supply and sewage disposal system or any surface and groundwater related infrastructure.

Air Drainage Analysis

The Air Drainage Analysis Brief shall include:

- a. A review of the existing conditions, including air photos, topography, thermal conditions, climate and air movement down the Niagara Escarpment and towards Lake Ontario, to evaluate the effects of the proposed Secondary Plan land use on the existing microclimate and airflow; and,
- b. Where appropriate, propose a road layout and development patterns that maximize air drainage in a north/south alignment to minimize potential negative impacts on the tender fruit area to the south.
- c. The Air Drainage Analysis is to be prepared by a qualified environmental engineer with additional information being provided by a climatologist and argologist who are specialized in the field of tender fruit and grape production.

2. Functional Servicing Plan

The Functional Servicing Plan is intended to identify the manner in which water, sanitary and storm servicing is to be provided for. The plan generally includes, but is not limited to

- a. Defining the sanitary and storm drainage area boundaries and confirming capacity of the outlets and conveyance systems
- b. Finalizing the land-use plan through the establishment of local and collector road locations
- c. Functional design of all existing collector roadways within the Block, including potential utility conflicts and horizontal and vertical alignment
- d. Location and preliminary sizing of sanitary sewers
- e. Location and preliminary sizing of storm sewers
- f. Location and preliminary sizing of watermains
- g. Preliminary grading plan based on the proposed road pattern
- h. Location and functional design of stormwater management facilities
- i. Location and preliminary sizing of hydraulic structures (i.e. bridges and culverts)
- j. Preliminary channel grading plans and supporting analyses
- k. Watermain Analysis of Block Plan using City-wide WaterCad Model.
- l. Proposed phasing scheme.

- m. Internal infrastructure design (storm, sanitary and water main) should account for future growth beyond the limits of the study area.

Road Geometry

The Block Servicing Strategy shall include the development of a transportation network for local roads in consideration of the existing and proposed collector roadways identified in the Secondary Plan.

The following shall apply to new road crossings:

- Where possible, road crossings shall avoid significant and/or sensitive natural features;
- Where it is not possible for road crossings to avoid significant and/or sensitive natural features, road crossings may be located in previously disturbed watercourse reaches or in locations where the disturbance or removal of riparian vegetation can be minimized. All watercourses will need to recognize inputs from meander belt analyses, flood plain analyses and fisheries at a minimum;
- New roadway culverts and bridges shall have sufficient conveyance capacity to pass 100 year event to avoid adverse backwater effects. In addition, under Hurricane Hazel event the maximum flooding depth on road shall be in accordance with MNR's technical guidelines;
- Where new roadway culverts and bridges cannot meet the requirements set out above, Regulatory flooding depths on roadways shall be based on the standards within the Ontario Ministry of Natural Resources Natural Hazards Technical Guides, latest version or its successor guideline; and,
- If a minor realignment of the stream channel is necessary to achieve the desired crossing configuration, the new channel should be established using natural channel design principles.

Notes:

The findings and solutions identified in the individual drainage and flooding assessments shall be integrated into the Block Servicing Strategies and subsequent Draft Plan of Subdivision.

ADDITIONAL TASKS:

BLOCK 1(NOT TO BE COMPLETED AS PART OF THIS RFP)

- Include functional design for Jones Road
- Determine the floodplains for:
 - Along Watercourse 5.0, immediately downstream of Fruitland Road (between sections 2221 and 2150); and
 - Along Watercourse 5.0, halfway between Highway No. 8 and Barton Street (between sections 1693.967 and 1537.457)
- Through the Schedule C Class Environmental Assessment process, determine the alignment for the north/south (new Fruitland Road) road between highway No. 8 and Barton Street.
- Local flooding issue remediation required:
 - Local flooding at 688 Barton Street (private property drainage issue).
 - Local flooding at 728 Barton Street (private property drainage).
- Specific natural heritage requirements for the Block Servicing Strategy:
 - Ecological Land Classification and Vegetation Surveys
 - Update SCUBE West Subwatershed Study Phase 1 & 2.
 - Fisheries and Watercourse Assessments on Watercourses 5, 6 & 7
 - Re-alignment of watercourse 5 may require additional studies.
 - Re-alignment and re-construction of Watercourse 5.0 upstream of Barton Street would identify design measures to avoid/mitigate the potential negative effects of the proposed stream relocation on existing natural heritage features and functions; avoid/mitigate the potential negative impacts to wetlands 1 and 4.
 - Define limits of natural heritage feature boundaries.
 - Review the widths of the preliminary vegetation protection zone (VPZ) that have been established within the Subwatershed Study.
 - Drainage and infrastructure improvement works:
 - Identification of design measures to avoid/mitigate the potential negative effects of the proposed channel improvements on

existing natural heritage features and functions.

Block 2

- Include functional design for Glover Road
- Determine the floodplains along Watercourse 6.0, downstream of Highway No. 8 (between sections 2232.182 and 1785.033).
- Local flooding issue remediation required:
 - Local flooding at 808 Barton Street.
- Specific natural heritage requirements for the Block Servicing Strategy:
 - Ecological Land Classification and Vegetation Surveys
 - Update SCUBE West Subwatershed Study Phase 1 & 2.
 - Define limits of natural heritage feature boundaries.
 - Review the widths of the preliminary vegetation protection zone (VPZ) that have been established within the Subwatershed Study.
 - Drainage and infrastructure improvement works:
 - Identification of design measures to avoid/mitigate the potential negative effects of the proposed channel improvements on existing natural heritage features and functions.

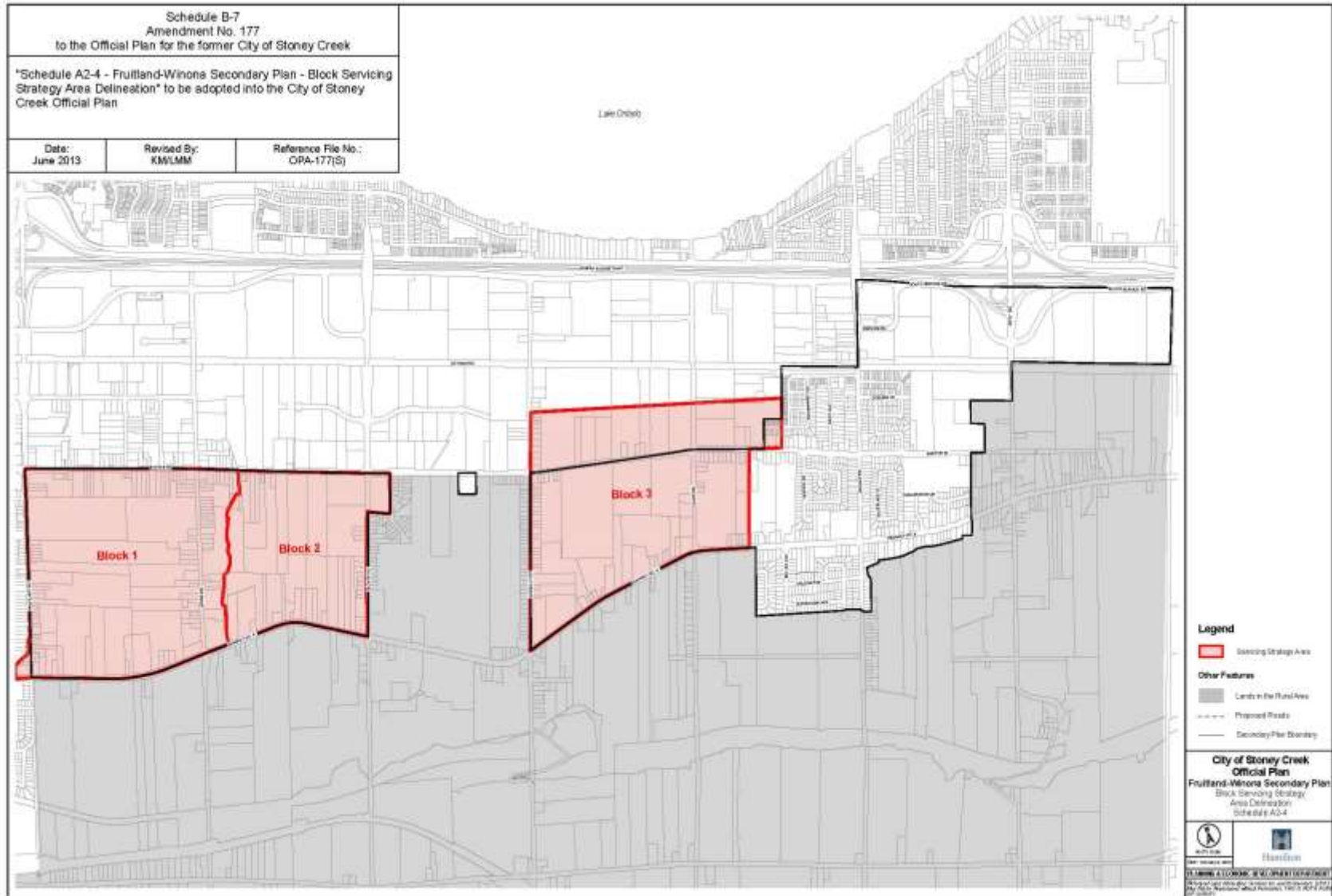
Block 3 (NOT TO BE COMPLETED AS PART OF THIS RFP)

- Include functional design of McNeilly Road and Lewis Road
- Local flooding issue remediation required:
 - Local flooding at 1028 Barton Street (groundwater issue).
- Specific natural heritage requirements for the Block Servicing Strategy:
 - Ecological Land Classification and Vegetation Surveys
 - Update SCUBE East Subwatershed Study Phase 1 & 2.
 - Define limits of natural heritage feature boundaries.
 - Review the widths of the preliminary vegetation protection zone (VPZ) that have been established within the Subwatershed Study.
 - Drainage and infrastructure improvement works:
 - Identification of design measures to avoid/mitigate the potential negative effects of the proposed channel improvements on existing natural heritage features and functions.

Appendices

Appendix 'A'	Fruitland-Winona Secondary Plan – Block Servicing Strategy Area Delineation
Appendix 'B'	Reference Documents

Appendix 'A' Fruitland-Winona Secondary Plan – Block Servicing Strategy Area Delineation



Appendix B – Reference Documents

- Fruitland-Winona Secondary Plan (2014)

http://www.hamilton.ca/CityDepartments/PlanningEcDev/Divisions/Planning/CommunityPlanning/SecondaryPlans/FruitlandWinona/?WT.mc_id=fruitlandwinona&WT.hamilton_redirect_friendly=1

- SCUBE Sub-watershed Studies (2010)

http://www.hamilton.ca/CityDepartments/PlanningEcDev/Divisions/Planning/CommunityPlanning/SecondaryPlans/FruitlandWinona/?WT.mc_id=fruitlandwinona&WT.hamilton_redirect_friendly=1

- Breeding Birds Survey and Species at Risk (2012)
- City of Hamilton Engineering Guidelines for Servicing Land Under Development Applications (December 2012)
- City of Hamilton Storm Drainage Guidelines for Servicing Land Under Development Applications (December 2012)
- City of Hamilton Sewer and Water System Design Requirements (May 29th, 2014)

9.1

CITY OF HAMILTON M O T I O N

Planning Committee: September 4, 2018

MOVED BY COUNCILLOR C. COLLINS.....

SECONDED BY COUNCILLOR

Residential Drainage Assistance Program

WHEREAS, in October 2011, Council approved staff report PED10091(d) creating Residential Drainage Assistance Program to help facilitate and advance solutions for drainage problems throughout the City,

WHEREAS, the main criteria of the program includes addressing properties that are located in the older areas of the City of Hamilton, where multiple properties are affected, and multiple flood events have occurred with significant drainage issues,

WHEREAS, most of the homes in the Rosedale Neighbourhood were originally constructed in the 1950s, prior to the existence of any formal grading policies,

WHEREAS, there is a history of chronic surface flooding on the properties bordering the homes on Charlotte Street and Erin Avenue during heavy rainfall events,

WHEREAS, staff have visited the aforementioned properties to verify the associate flooding problems and conclude the homes meet the council adopted criteria of the Residential Drainage Assistance Program,

WHEREAS, the Planning Committee approved a motion on May 16, 2017 directing staff to retain the services of a private engineering firm to conduct a phase 1 assessment of the drainage patterns between the properties of Charlotte Street and Erin Avenue,

WHEREAS, the study has been completed and recommends the installation of a “below ground runoff storage pit” between the properties of 115 Charlotte, 125 Charlotte, 114 Erin Ave., 120 Erin Ave., and 126 Erin Avenue at an estimated cost of \$35,000,

THEREFORE, BE IT RESOLVED:

- (a) That in accordance with the Residential Drainage Assistance Program, Planning and Economic Development – Growth Management staff be directed to obtain 3 quotes for the installation of a “below ground runoff storage pit” between the properties of 115 Charlotte, 125 Charlotte, 114 Erin Ave., 120 Erin Ave., and 126 Erin Avenue at an estimated cost of \$35,000, coordinate the work with the affected

homeowners, and implement the plan as recommended in the drainage assessment,

- (b) That the works be funded from the Ward 5 Area Rating Reserve (Account #108055);
- (c) That the Mayor and City Clerk be authorized and directed to execute any required agreement(s) and ancillary documents, with such term and conditions in a form satisfactory to the City Solicitor with respect to the improvements outlined in subsection (a).