



City of Hamilton
PLANNING COMMITTEE REVISED

Meeting #: 18-015
Date: December 11, 2018
Time: 9:30 a.m.
Location: Council Chambers, Hamilton City Hall
71 Main Street West

Lisa Chamberlain, Legislative Coordinator (905) 546-2424 ext. 4605

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- 13.1.b Items Requiring New Due Dates:
Item J - Update re: Losani OMB appeal and sign variance application appeal
Current Due Date: August 14, 2018
Proposed New Due Date: February 19, 2019
- Item O - Status of Accessible Taxi Plate Applicants
Current Due Date: December 11, 2018
Proposed New Due Date: January 15, 2019

14. PRIVATE AND CONFIDENTIAL

- 14.1 Local Planning Appeal Tribunal Processes and Issues (LS18058) (City Wide) (Distributed under separate cover)
Pursuant to Section 8.1, Sub-sections (e) and (f) of the City's Procedural By-law 18-270, 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 advice that is subject to solicitor-client privilege, including communications necessary for that purpose.
- *14.2 Closed Session Minutes - September 18, 2018 (Distributed under separate cover)
Pursuant to Section 8.1, Sub-sections (c) and (g) of the City's Procedural By-law 18-270, and Section 239, Sub-sections (c) and (g) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to a proposed or pending acquisition or disposition of land for municipal or local board purposes; and, a matter in respect of which a council, board, committee or other body has authorized a meeting to be closed under another Act.

15. ADJOURNMENT



PLANNING COMMITTEE

MINUTES 18-014

9:30 a.m.

Tuesday, September 18, 2018

Council Chambers

Hamilton City Hall

71 Main Street West

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

Absent with Regrets: Councillor A. Johnson – Personal

Also present: Councillors A. VanderBeek, T. Whitehead and S. Merulla

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

1. Terrapure Stoney Creek Regional Facility EA – Preliminary Draft Environmental Assessment - Staff Comments to Proponent and MECP (PED16184(b)) (Ward 9) (Item 5.1)

(Pearson/Partridge)

- (a) That Council endorse the staff comments submitted to Terrapure Environmental and GHD Pty Ltd. (their consultants) on August 31, 2018 outlining the City's comments respecting the "Stoney Creek Regional Facility Environmental Assessment – Preliminary Draft Environmental Assessment, July 30, 2018", attached as Appendix "A" to Report PED16184(b);
- (b) That Report PED16184(b) be adopted as the City of Hamilton's formal comments on the second phase of the "Stoney Creek Regional Facility Environmental Assessment – Preliminary Draft Environmental Assessment, July 30, 2018";
- (c) That the City Clerk be authorized and directed to forward Report PED16184(b) to the Ministry of Environment, Conservation and Parks (MECP).

CARRIED

2. Cannabis Legislation Update (PED18174) (City Wide) (Item 5.2)**(Collins/Partridge)**

That Report PED18174 respecting Cannabis Legislation Update, be received.

CARRIED**3. Elfrida Growth Area Study - Update (PED18182) (Wards 9 and 11) (Item 5.3)****(B. Johnson/Partridge)**

That the vision, key directions, principles, objectives and preferred community structure for the Elfrida Growth Area Study be received by Council and that public and stakeholder feedback on the vision, key directions, principles, objectives and preferred community structure be incorporated into the next phase of the Elfrida Growth Area Study and GRIDS 2.

CARRIED**4. Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED18192) (City Wide) (Item 5.4)****(Pearson/Collins)**

That Report PED18192 respecting Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications, be received.

CARRIED**5. Committee of Adjustment Consent Application – AN/B-18:27, 28 Maureen Drive, Ancaster - Supported by the Planning and Economic Development Department but Denied by the Committee of Adjustment (PED18202) (Ward 12) (Item 5.5)****(B. Johnson/Anderson)**

That Council take no action with respect to the Local Planning Appeal Tribunal (LPAT), either in support of the Committee's decision or against the decision for Committee of Adjustment Consent Application – AN/B-18:27, 28 Maureen Drive, Ancaster, supported by the Planning and Economic Development Department but denied by the Committee of Adjustment.

CARRIED**6. Expanding Administrative Penalty System (APS) to Include the Property Standards By-Law 10-221 (PED18205) (City Wide) (Item 5.6)****(Pearson/Collins)**

That the Administrative Penalty System By-law 17-225 (APS) be amended to include the Property Standards By-law 10-221 as shown in Appendix "A" to Report PED18205 which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.

CARRIED

7. Demolition Permit for 14 Copes Lane (Stoney Creek) (PED18215) (Ward 11) (Item 5.7)**(B. Johnson/Partridge)**

That the Chief Building Official be authorized and directed to issue a demolition permit for 14 Copes Lane (Stoney Creek) in accordance with By-law 09-208.

CARRIED**8. Enforcement of Section 7.1(b) of the Yard Maintenance By-law Prohibiting Discharging Pool Water to Sewers (PED18216) (City Wide) (Outstanding Business List) (Item 5.8)****(Pearson/Conley)**

(a) That enforcement of section 7.1(b) of the Yard Maintenance By-law (YMBL) 10-118, which prohibits owners or occupants of properties to discharge water from their swimming pools, hot tubs and other chemically treated water features into a sanitary sewer, storm sewer unless it complies with the Sewer Use By-law (SUBL) 14-090, be reinstated;

(b) That section 7.1(b) of the Yard Maintenance By-law 10-118 be included in Table 13 of the Administrative Penalties System (APS) By-law 17-225;

(c) That the item respecting the validity of regulation 7.1(b) of the Yard Maintenance By-law be identified as complete and removed from the Planning Committee Outstanding Business List.

CARRIED**9. Dundas Urban Design Guidelines (PED18217) (Ward 13) (5.9)****(Pearson/Conley)**

(a) That staff be directed to consult with the public and stakeholders on the proposed revisions to the Dundas Urban Design Guidelines for downtown Dundas, and to present the final recommendations on the Dundas Urban Design Guidelines to Planning Committee based on the feedback received;

(b) That staff be directed, if required, to schedule a public meeting of the Planning Committee to consider any necessary policy direction changes within the Urban Hamilton Official Plan to support the implementation of the Dundas Urban Design Guidelines.

CARRIED**10. Expanding Administrative Penalty System (APS) to include the Vacant Building Registry By-law 17-127 (PED18219) (City Wide) (5.10)****(Pearson/Partridge)**

That the Administrative Penalty System By-law 17-225 (APS) be amended to include The Vacant Building Registry By-law 17-127 as shown in Appendix "A" to

Report PED18219 which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.

CARRIED

11. Macassa Bay Year-Round Liveaboard Association 2018/2019 Transition Plan (PED18222) (Ward 2) (Outstanding Business List Item) (5.11)

(Collins/Anderson)

That Report PED18222 respecting Macassa Bay Year-Round Liveaboard Association 2018/2019 Transition Plan, be received.

CARRIED

12. Application to Amend City of Hamilton Zoning By-law No. 05-200 for Lands Located at 5050 Harrison Road, Glanbrook (PED18204) (Ward 11) (Item 6.1)

(Anderson/Pearson)

(a) That Zoning By-law Amendment Application ZAR-18-023, by Niagara Peninsula Conservation Authority (Owner), for a modification to the Open Space (P4) Zone, Conservation / Hazard Land - Rural (P7) Zone and Conservation / Hazard Land - Rural (P8) Zone to permit a Zip Line Adventure Park on a portion of the lands located at 5050 Harrison Road (Glanbrook) as shown on Appendix "A" to Report PED18204, be APPROVED on the following basis:

- (i)** That the draft By-law, attached as Appendix "B" to Report PED18204, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii)** That the amended By-law be added to Schedule C – Special Exceptions of Zoning By-law No. 05-200;
- (iii)** That the proposed Zoning By-law Amendment is consistent with the Provincial Policy Statement (2014), conforms to the Greenbelt Plan and complies with the Rural Hamilton Official Plan;
- (iv)** *That through the site plan process the Niagara Peninsula Conservation Authority (NPCA) enter into a site plan agreement and a monitoring agreement to measure habitat condition (invasive species, tree and understorey health / disturbance, litter) over the first five years of the Adventure Park operation*

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

Main Motion, As Amended, CARRIED

13. 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) (Item 6.2)

(B. Johnson/Pearson)

- (a) That Urban Hamilton Official Plan Amendment Application UHOPA-18-03 by Michael Pejic, (Owner), to create Site Specific Policy Area "X" in the Mount Hope Secondary Plan, to permit the creation of four lots for single detached dwellings for the lands located at 3331 Homestead Drive (Glanbrook), as shown on Appendix "A" to Report PED18197 be APPROVED, on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix "B" to Report PED18197 be adopted by City Council;
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2014) and conforms to the Growth Plan for the Greater Golden Horseshoe.
- (b) That Amended Zoning By-law Amendment Application ZAC-18-007 by Michael Pejic, (Owner), for a change in zoning from the General Commercial "H-C3-050" Zone, Modified to Single Residential (R3-311) Zone in the Glanbrook Zoning By-law No. 464 in order to permit the creation of four lots for single detached dwellings for lands located at 3331 Homestead Drive (Glanbrook), as shown on Appendix "A" to Report PED18197 be APPROVED, on the following basis:
- (i) That the draft By-law, attached as Appendix "C" to Report PED18197, 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), conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow), and will comply with the Urban Hamilton Official Plan, upon finalization of Urban Hamilton Official Plan Amendment No. XXX.
- (c) That approval be given to remove the lands located at 3331 Homestead Drive from Zoning By-law No. 05-200, subject to the following:
- (i) That the draft By-law, attached as Appendix "D" to Report PED18197, 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 in Zoning By-law No. 05-200 is in force and effect;

- (ii) That staff be directed to bring forward the draft By-law, attached as Appendix “D” to PED18197, for enactment by City Council, once By-law No. 17-240 is in force and effect.

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

Main Motion, As Amended, CARRIED

14. Application for Zoning By-law Amendment for Lands Located at 50 Green Mountain Road West (Stoney Creek) (PED18211) (Ward 9) (Item 6.3)

(Conley/Anderson)

- (a) That Zoning By-law Amendment Application ZAC-17-077 by New Horizon Development Group (Green Mountain) Inc., (Owner) for a change in zoning from the Neighbourhood Development “ND” Zone to the Multiple Residential (Holding) “RM3-65(H)” Zone, Modified, to permit 94 maisonettes and 95 townhouse dwellings for a total of 189 units on a private (condominium) road for lands located at 50 Green Mountain West, as shown on Appendix “A” to Report PED18211, be APPROVED on the following basis:
 - (i) That the draft By-law, attached as Appendix “B” to Report PED18211, 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;
 - (iii) That the amending By-law apply the Holding Provision of section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject lands by introducing the Holding symbol ‘H’ as a suffix to the proposed zoning.

The Holding Provision Multiple Residential (Holding) “RM3-65(H)” Zone, Modified, shall be removed conditional upon:

- (1) The Owner entering 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.
- (2) The Owner entering into a Site Plan Agreement with the City to construct the services within the site and complete the flow monitoring

analysis for a period of five years including sufficient securities to the satisfaction of the Manager of Development Approvals.

- (3) The Owner submitting an updated Traffic Impact Study ("TIS") to the satisfaction of the Manager of Transportation Planning.

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

Main Motion, As Amended, CARRIED

15. Application for Amendment to Zoning By-law No. 6593 for Lands Located at 567 Scenic Drive, Hamilton (PED18173) (Ward 8) (Item 6.4)

(Collins/Conley)

- (a) That Amended Zoning By-law Amendment Application ZAC-17-030, by 2434217 Ontario Inc, Owner, for a change in zoning from the "B-1" (Suburban Agriculture and Residential, etc.) District, to the "CR-1/S-1766" (Commercial Residential) District, Modified, to permit the development of a mixed use building with limited commercial uses on the ground floor and two residential dwelling units above on lands located at 567 Scenic Drive (Hamilton), as shown on Appendix "A" to Report PED18173, be APPROVED, on the following basis:
- (i) That the draft By-law, attached as Appendix "B" to Report PED18173, 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 (PPS) and conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow);
 - (iii) That the proposed change in zoning complies with the Urban Hamilton Official Plan.
- (b) That approval be given to add the lands located at 567 Scenic Drive, Hamilton to Zoning By-law No. 05-200 and zone said lands Neighbourhood Commercial (C2) Zone in Zoning By-law No. 05-200, subject to the following:
- (i) That the draft By-law, attached as Appendix "C" to Report PED18173, 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 in Zoning By-law No. 05-200 are in force and effect;
 - (ii) That staff be directed to bring forward the draft By-law, attached as Appendix "C" to Report PED18173, for enactment by City Council, once Zoning By-law No. 17-240, being a By-law to establish new Commercial and Mixed Use Zones, is in force and effect.

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

Main Motion, As Amended, CARRIED

16. Application for Approval of a Draft Plan of Condominium (Common Element) and Draft Plan of Subdivision for Lands Located at 1831 Rymal Road East (Stoney Creek) (PED18218) (Ward 9) (Item 6.5)

(Conley/Collins)

- (a) That Draft Plan of Condominium Application 25CDM-201809, by MHBC Planning, on behalf of 232470 Ontario Inc. (Losani Homes Limited), Owner to establish a Draft Plan of Condominium (Common Element) to create a condominium road network, sidewalks, landscaped areas, 75 visitor parking spaces, and centralized mailboxes, on lands located at 1831 Rymal Road East (Stoney Creek), as shown on Appendix "A", attached to Report PED18218, be APPROVED subject to the following conditions:
- (i) That the approval for Draft Plan of Condominium (Common Element) application 25CDM-201809 applies to the plan prepared by A.T. McLaren Limited, certified by S. D. McLaren, dated August 8, 2018, consisting of a condominium road network, sidewalks, landscaped areas, 75 visitor parking spaces, and centralized mailboxes, in favour of 305 Parcels of Tied Lots (POTL'S), attached as Appendix "C" to Report PED18218;
 - (ii) That the conditions of Draft Plan of Condominium Approval 25CDM-201809, attached as Appendix "D" to Report PED18218, be received and endorsed by City Council;
- (b) That Draft Plan of Subdivision Application 25T-201805, by MHBC Planning, on behalf of 232470 Ontario Inc. (Losani Homes Limited), owner to establish a Draft Plan of Subdivision on lands located at 1831 Rymal Road East (Stoney Creek), as shown on Appendix "B", attached to Report PED18218, be APPROVED subject to the following conditions:
- (i) That this approval apply to the for Draft Plan of Subdivision 25T-201805 prepared by A.T. McLaren Limited and certified by S.D. McLaren, dated November 27, 2017, consisting of five development blocks to add lands to a previously approved Draft Plan of Subdivision, attached as Appendix "E" to Report PED18218;
 - (ii) That the conditions of Draft Plan of Subdivision Approval 25T-201805, attached as Appendix "F" to Report PED18218, be received and endorsed by City Council;
- (c) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 51 of the *Planning Act*, prior to the building permit stage, and the calculation for the payment be based on the value of the lands on the day, prior to the day of issuance of each building permit, to which payment shall

be based on the value of the land on the day, prior to the issuance of the first building permit, for each said Block, with the calculation of the Cash-in-Lieu payment based on the value of the lands on the day prior to the issuance of each building permit, and in the case of multiple residential blocks, prior to the issuance of the first building permit, all in accordance with the Financial Policies for Development and the City's Parkland Dedication By-law, as approved by Council.

(d) The Owner entering into a Standard Form, Subdivision Agreement or an addendum to an existing one, with conditions attached as Appendix "F" to Report PED18218.

(e) ***That there were no public submissions received regarding this matter.
Main Motion, As Amended, CARRIED***

17. Applications for an Amendment to the Urban Hamilton Official Plan and the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 119-123 Princess Street, Hamilton (PED18186) (Ward 3) (Item 6.6)

(Green/Collins)

(a) That Urban Hamilton Official Plan Amendment Application UHOPA-17-034 by ADL Process / FrostMECH Inc., Owner, to establish a site specific policy to permit a Waste Electronics and Electrical Equipment Processing and Transfer Facility within existing buildings on the property located at 119-123 Princess Street, Hamilton, as shown on Appendix "A" to Report PED18186, be DENIED, for the following reasons:

- (i) The proposal is not compatible with the neighbourhood;
- (ii) The proposal will result in an over intensification of industrial uses abutting a residential neighbourhood;
- (iii) The proposal will result in increased truck traffic;
- (iv) The proposed use is obnoxious.

(b) That Amended Zoning By-law Amendment Application ZAC-17-024 by ADL Process / FrostMECH Inc., Owner, for a modification to the Light Industrial (M6) Zone to permit the existing buildings to be used for a Waste Electronics and Electrical Equipment Processing and Transfer Facility, as shown on Appendix "A" to Report PED18186, be DENIED, for the following reasons:

- (i) The proposal is not compatible with the neighbourhood;
- (ii) The proposal will result in an over intensification of industrial uses abutting a residential neighbourhood;
- (iii) The proposal will result in increased truck traffic;

- (iv) The proposed use is obnoxious.
- (c) That the Environmental Approvals Branch of the Ontario Ministry of Environment, Conservation and Parks be advised that the City does not support the approval of Application MOE-CA-18-02, by Recycling 101 Ltd., for an Environmental Compliance Approval (Waste), MECP Reference #1159-AXYPHY, to permit a Waste Electronics and Electrical Equipment Processing and Transfer Facility to operate on the lands located at 119-123 Princess Street, Hamilton, as shown on Appendix "A" to Report PED18186,
- (d) That staff be directed to monitor the site to ensure that no processing operations commence at this location;
- (e) That the public submissions received regarding this matter supported the denial of this application.

Main Motion, CARRIED

18. Applications to Amend the Urban Hamilton Official Plan and City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 928 Queenston Road (PED18221) (Ward 9) (Item 6.7)

(Conley/Anderson)

- (a) That Amended Urban Hamilton Official Plan Amendment Application UHOPA-17-020 by Marfad Holdings Inc. (c/o Mario Marazzo), Owner, to re-designate the subject lands from "Mixed Use – Medium Density" to "Neighbourhoods" in Volume 1; and to re-designate the subject lands from "Mixed Use – Medium Density" to "High Density Residential 1" and establish a site specific policy to permit a maximum net residential density of 290 units per hectare in the Old Town Secondary Plan to permit a mixed use development having a maximum building height of 14 storeys, on lands located at 928 Queenston Road, Stoney Creek, as shown on Appendix "A" to Report PED18221, be APPROVED, on the following basis:
 - (i) That the draft Official Plan Amendment, attached as Appendix "B" to Report PED18221, 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 Places to Grow Plan.
- (b) That Amended Zoning By-law Amendment Application ZAC-17-049 by Marfad Holdings Inc. (c/o Mario Marazzo), Owner, for a modification to the Mixed Use Commercial "MUC" Zone to permit a mixed use building having a maximum height of 49 m (14 storeys) as shown on Appendix "A" to Report PED18221 be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix “C” to Report PED18221 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 PED18221, be added to Map No 5 of the City of Stoney Creek Zoning By-law No. 3692-92;
- (iii) That Schedule “A” of Zoning By-law No. 3692-92, be amended by adding the additional Holding Provision as follows:

For the lands identified as Mixed Use Commercial “MUC-11(H)” Zone on Map No. 5 in the City of Stoney Creek Zoning By-law No. 3692-92, no development shall proceed until such time as:

- (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.
- (iv) That this By-law is in conformity with the Urban Hamilton Official Plan, upon approval of Urban Hamilton Official Plan Amendment No. ;
- (c) That approval be given for a modification to the Mixed Use Medium Density (C5) Zone, to permit a 14 storey multiple dwelling for lands located at 928 Queenston Road, Stoney Creek, as shown on Appendix “A” to Report PED18221, subject to the following:
 - (i) That the draft By-law, attached as Appendix “D” to Report PED18221, be held in abeyance until such time as By-law No. 17-240, being a by-law to establish new Commercial and Mixed Use Zones in Zoning By-law No. 05-200 is in force and effect;
 - (ii) That staff be directed to bring forward the draft By-law, attached as Appendix “D” to Report PED18221, for enactment by City Council, once By-law No. 17-240, being a by-law to establish new Commercial and Mixed Use Zones, is in force and effect.
- (d) ***That the public submissions received regarding this matter did not affect the decision.***

Main Motion, As Amended, CARRIED

19. **City Initiative CI-18-I to Amend the Urban Hamilton Official Plan and City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 1215, 1217, 1219, 1221, 1227, 1229, 1231, 1235, 1239 Barton Street, and 41, 43, 45, 46, 47, 49, 50, 51, 53, 54, 55, 57, 58, 59, 61, 62, 63, 65, 66, 67, 69, 70 Escarpment Drive (Stoney Creek) (PED18198) (Ward 11) (Item 6.8)**

(B. Johnson/Conley)

- (a) That City Initiative CI-18-I, to amend the Fruitland-Winona Secondary Plan to add an Area Specific Policy Area to the lands located at 1215, 1217, 1219, 1221, 1227, 1229, 1231, 1235, and 1239 Barton Street, Stoney Creek, to permit the development of the lands with a net residential density of 0 to 40 units per hectare; and to remove the lands located at 1215, 1217 Barton Street, Stoney Creek, and 41, 43, 45, 46, 47, 49, 50, 51, 53, 54, 55, 57, 58, 59, 61, 62, 63, 65, 66, 67, 69, 70 Escarpment Drive, Stoney Creek, from Block 3 on Map B.7.4-4 Fruitland-Winona Secondary Plan – Block Servicing Strategy Area Delineation, as shown on Appendix “A” to report PED18198, be APPROVED on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED18198, which has been prepared in a form satisfactory to the City Solicitor, be enacted by 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) (Places to Grow).
- (b) That City Initiative CI-18-I, to rezone the lands located at 1215, 1217, 1219, 1221, 1227, 1229, 1231, 1235, and 1239 Barton Street, Stoney Creek, from Neighbourhood Development “ND” Zone to Residential “R6” Zone in the City of Stoney Creek Zoning By-law No. 3692-92, as shown on Appendix “A” to Report PED18198, be APPROVED on the following basis:
- (i) That the draft By-law, attached as Appendix “C” to Report PED18198, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
- (c) ***That there were no public submissions received regarding this matter.***
Main Motion, As Amended, CARRIED

20. **Amendments to City of Hamilton Zoning By-law No. 6593 to allow Secondary Dwelling units in Detached Structures for properties adjoining a laneway (PED16200(b)) (Parts of Wards 1, 2, 3 and 4) (Item 6.9)**

(Green/Farr)

That City Initiative CI-18-F to amend Section 19 regulations of Zoning By-law No. 6593 to allow secondary units within detached structures for those properties within the lower City (parts of Wards 1, 2, 3 and 4) adjoining a laneway, be APPROVED on the following basis:

- (a) That the Draft By-law, attached as Appendix "A" to Report PED16200(b), which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
- (b) That the proposed change in zoning is consistent with the Provincial Policy Statement (PPS) 2014, conforms to the Growth Plan for the Greater Golden Horseshoe, 2017 (P2G), and complies with the Urban Hamilton Official Plan;
- (c) That in accordance with Subsection 34(17) of the *Planning Act*, no additional public meeting notice is required.
- (d) ***That the public submissions received supported the approval of the zoning changes.***

Main Motion, As Amended, CARRIED

21. Community Renewal Community Improvement Project Area Amendment (PED16236(b)) (Ward 4) (Item 6.10)

(Anderson/Pearson)

- (a) That the proposed amendments to the 2016 Community Improvement Project Areas to create the Roxborough Community Revitalization Project Area be APPROVED on the following basis:
 - (i) That the Draft By-law, attached as Appendix "A" to Report PED16236(b) 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 (PPS) 2014, conforms to the Growth Plan for the Greater Golden Horseshoe, 2017 (P2G), and complies with the Urban Hamilton Official Plan;
- (b) That staff be directed to prepare amendments to the 2016 Community Improvement Plan to permit the Roxborough Community Improvement Project Area access to programs and financial incentives geared towards delivering a sustainable, accessible and affordable community, and report back to Planning Committee with the recommended amendments.

- (d) ***That there were no public submissions received regarding this matter.***
Main Motion, As Amended, CARRIED

22. Non-Statutory Public Meeting for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 261 King Street East (Stoney Creek) (PED18209) (Ward 10) (Item 8.1)

(Pearson/Conley)

- (a) That Report PED18209 advising Planning Committee of the scheduling of a Non-Statutory Public Meeting relating to an appeal to the Local Planning

Appeal Tribunal (LPAT- formerly known as OMB) of Urban Hamilton Official Plan Amendment Application UHOPA-16-028 and Zoning By-law Amendment Application ZAC-16-068, be received.

- (b) That Report PED18209, together with any written submissions and input from delegations received at Planning Committee, be referred to staff for consideration and incorporated into a further report for direction to be given to the City Solicitor.

CARRIED

23. Sign Variance Application SV-17-011 for the property known as 272-274 King Street West, Hamilton, Denied by the Director of Planning and Chief Planner, Planning Division, and Appealed by the Applicant (PED18225) (Ward 2) (Item 8.2)

(Farr/Collins)

That Sign Variance Application SV-17-011 for the property known as 272-274 King Street West, Hamilton be approved conditional on the following:

- (a) That a sign weight assessment be undertaken proving that the new sign will have less of a load than the current sign in the same place;
- (b) That a light assessment be undertaken proving that the light from the new sign is less intrusive than the light permitted on the current sign at the current location; and
- (c) That the applicant and the appropriate City staff undertake an agreement that either allows for City of Hamilton and local community not-for-profit organizations promotional advertising and/or a community fund agreement that sees 5% of net sign income donated from the period of installation and activation through to the presentation of the amendment to the sign by-law.

CARRIED

24. Cigarette Butt Litter Enforcement (PED18154(a)) (City Wide) (Outstanding Business List Item) (Item 8.4)

(Farr/Collins)

WHEREAS, throughout the past term of Council, the Cleanliness and Security in the Downtown Core Task Force has actively engaged on the issue of cigarette butt litter respecting awareness and enforcement;

WHEREAS, the Keep Hamilton Clean and Green Committee is beginning an awareness campaign on the issue of cigarette butt litter to be funded \$10k from the Hamilton Water and \$65k from the Main Street Revitalization Initiative;

WHEREAS, the messaging of the education campaign may include warnings of pending enforcement; and,

WHEREAS, the cost of exclusive enforcement of cigarette butt litter on a part time basis for the period for one year would be approximately \$45k;

THEREFORE BE IT RESOLVED:

- (a) That Report PED18154(a) respecting Cigarette Butt Litter Enforcement, be received;
- (b) That the request from the Cleanliness and Security in the Downtown Core Task Force for a one year pilot program, to immediately follow the nine-month awareness campaign, that offers a part time Municipal Law Enforcement Officer dedicated solely to enforcing cigarette butt litter be referred to the 2019 Budget process; and,
- (c) That in the event Council approves this pilot, the awareness campaign include warnings of pending enforcement of cigarette butt littering.

CARRIED

25. Digital Sign Strategy (PED18184) (City Wide) (Outstanding Business List) (Item 8.5)

(Collins/Green)

That funding consideration be referred to the 2019 Capital Budget for Licensing and By-law Services to retain a consultant for research and comparatives for digital signs, including public consultation, and upon approval of the 2019 Capital Budget funding that staff be directed and authorized to prepare a Digital Sign Strategy (DSS) to develop an approach to interface digital technology in the current Sign By-law with a critical path for completion in 2020.

CARRIED

26. Creative Industries and Film Production Studios on the Barton and Tiffany Lands (PED18210) (Ward 2) (Item 8.6)

(Collins/Partridge)

- (a) That Planning staff be directed to undertake a review of the West Harbour (Setting Sail) Secondary Plan, the Barton-Tiffany Urban Design Study, and Hamilton Zoning By-law No. 05-200 to assess the alignment of the use of Barton Tiffany lands for creative industries, including but not limited to a Film Production Studio, with the current approved vision for the Barton Tiffany area;
- (b) That staff be directed to undertake community consultation on the review recommended in Recommendation (a) to Report PED18210;
- (c) That the outcome of the review be presented to Planning Committee in the first quarter of 2019.

CARRIED

27. Dedicated Mohawk College Parking Enforcement (PED18220) (Ward 8) (Item 8.7)**(Conley/B. Johnson)**

That Report PED18220 respecting Dedicated Mohawk College Parking Enforcement, be received.

CARRIED**28 Hamilton Municipal Heritage Committee Report 18-009 (Item 8.8)****(Pearson/Collins)**

That the Hamilton Municipal Heritage Committee Report 18-009 be referred to Council to allow the Ward Councillor the opportunity to discuss recommendation 1 of the Hamilton Municipal Heritage Committee Report with staff.

CARRIED**29. To Extend Paid Parking at Meters on MacNab Street, Park Street and Vine Street to include Saturdays (Added Item 10.1)****(Farr/Green)**

WHEREAS, at its meeting on April 12, 2006 Council approved By-Law No. 06-101 which provides that parking fees are not imposed for on-street metered parking within the Community Improvement Plan Area on Saturdays;

WHEREAS, the Hamilton Farmer's Market Board (HFMB) has officially endorsed paid Saturday parking at the parking meters along MacNab Street North and is also supportive of the addition of paid parking on Park Street and Vine Street;

WHEREAS, the implementation of paid parking is intended to help encourage parking turn-over and will provide for increased parking opportunities for Farmer's Market customers; and

WHEREAS, paid parking is already in place on weekdays and can be extended to Saturdays with simple programming of meters and parking meter signage;

THEREFORE, BE IT RESOLVED:

- (a) That Hamilton Municipal Parking Authority staff be directed to implement paid parking at existing meters on MacNab Street between York Boulevard and Cannon Street, Park Street between York Boulevard and Cannon Street and Vine Street between James Street and Park Street;
- (b) That the changes outlined in subsection (a) take effect on, or prior to October 20, 2018.

CARRIED

30. Cash in Lieu of Parking for 11-15 Cannon Street (Added Item 10.2)**(Farr/Green)**

WHEREAS, Section 40 (1) of *Planning Act* allows an owner or occupant to enter into an agreement exempting the owner or occupant, to the extent specified in the agreement, from the requirement of providing or maintain the parking facilities;

WHEREAS, the Committee of Adjustment, at a meeting held on October 25, 2017, approved Minor Variance Application HM/A-17:334 which established a condition that the Applicant enter into a Cash-in-Lieu of Parking Agreement with the City of Hamilton in lieu of providing eight required parking spaces on-site;

WHEREAS, the valuation for parking spaces located within a parking structure, based on the estimated current rates of construction and the estimated land cost determined by current market value of the property, will be finalized by the Planning and Economic Development Department, in accordance with the Cash-in-Lieu of Parking Policy; and,

WHEREAS, an Agreement between the owner or occupant and the City of Hamilton, payment of not less than 50% of the total cost of parking, registration of the Cash-in-Lieu of Parking Agreement on title, and issuance of Certificate by the City Clerk is required to give effect to the Cash-in-Lieu of Parking Agreement;

THEREFORE BE IT RESOLVED:

That the Mayor and City Clerk shall be authorized to approve the cash payment in lieu of 8 required parking spaces in accordance with the Committee of Adjustment decision in order to enter into a Cash-in-Lieu of Parking Agreement for 11-15 Cannon Street West, prepared in a form satisfactory to the City Solicitor.

CARRIED

31. Review of C6 and C7 Zoning Regulations (Added Item 10.3)**(Partridge/Pearson)**

WHEREAS the larger commercial sites in the City of Hamilton are zoned C6 and C7 Zone;

WHEREAS these sites have the potential to accommodate development at a higher intensity of use in terms of building height; and

WHEREAS the intensification of commercial sites is consistent with Provincial planning policy;

THEREFORE BE IT RESOLVED:

That Planning staff be directed to review the C6 and C7 zoning regulations and report back to Planning Committee on any proposed changes to the zoning by-law regulations, either as a general text amendment or on a site specific basis, identified through the review of the regulation.

CARRIED

32. Future Growth potential that is planned for lands in the Waterdown Urban Area (Added Item 10.4)

(Collins/Green)

WHEREAS, the residents of the City of Hamilton (and the former Region of Hamilton Wentworth) have invested substantial resources into servicing and developing lands in Waterdown (East Flamborough), and

WHEREAS, the lands in Waterdown (East Flamborough) are part of the City of Hamilton's future growth plan, in conformity with the Province of Ontario's Growth Plan, Greenbelt Plan and Provincial Policy Statements; and

WHEREAS, attempts by the City of Burlington to annex all, or a portion of Waterdown (East Flamborough), will have negative financial and growth implications for residents of the City of Hamilton;

THEREFORE BE IT RESOLVED:

That staff provide to Council, through an Information Update, information related to the future growth potential that is planned for lands in the Waterdown Urban Area and the investment that the City of Hamilton has made in infrastructure in Waterdown to benefit both existing and future residents.

CARRIED

33. Process and procedures for appeals filed at the Local Planning Appeal Tribunal (LS18054) (City Wide) (Item 12.1)

(Anderson/Pearson)

That the recommendations of Report LS18054 respecting Process and procedures for appeals filed at the Local Planning Appeal Tribunal be approved and remain confidential pending Council's approval and that the Report and Appendices remain confidential.

CARRIED

**34. Appeal to the Local Planning Appeal Tribunal (LPAT) for Lack of Decision on Urban Hamilton Official Plan Amendment Application and Stoney Creek Zoning By-law 3692-92 Amendment Application for Lands Located at 261 King Street East (Stoney Creek) (Ward 10) (LS18050/PED18212) (Item 12.2)
(Pearson/B. Johnson)**

That the recommendations of Report LS18050/PED18212 respecting Appeal to the Local Planning Appeal Tribunal (LPAT) for Lack of Decision on Urban Hamilton Official Plan Amendment Application and Stoney Creek Zoning By-law 3692-92 Amendment Application for Lands Located at 261 King Street East (Stoney Creek) be approved and remain confidential pending Council's approval and that the Report and Appendices remain confidential.

CARRIED

35. Appeal to the Local Planning Appeal Tribunal (LPAT) for Lack of Decision on Stoney Creek Zoning By-law 3692-92 Amendment Application for Lands Located at 16 and 18 King Street West (Stoney Creek) (Ward 9) (LS18046/PED18193) (Item 12.3)

(Anderson/Pasuta)

That the recommendations of Report LS18046/PED18193 respecting Appeal to the Local Planning Appeal Tribunal (LPAT) for Lack of Decision on Stoney Creek Zoning By-law 3692-92 Amendment Application for Lands Located at 16 and 18 King Street West (Stoney Creek) be approved and remain confidential pending Council's approval and that the Report and Appendices remain confidential.

CARRIED

FOR INFORMATION:

(a) APPROVAL OF THE AGENDA (Item 1)

The Committee Clerk advised of the following changes:

1. ADDED DELEGATION REQUEST:

- 4.2 Blair Shoniker, GHD, respecting Terrapure Stoney Creek Facility EA – Preliminary Draft Environmental Assessment – Staff Comments (For today's meeting.) (Item 5.1)

2. APPENDIX REPLACED

- 6.2 Staff have requested that Appendix "C" to Item 6.2 respecting 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) be replaced with the REVISED Appendix "C".

3. ADDED WRITTEN COMMENTS

- 5.3(a) Joel Farber, Fogler, Rubinoff LLP, on behalf of the Twenty Road West Landowners Group (Copy attached)

- 6.3(a) Michael Auduong, Planner, Armstrong Planning & Project

Management

6.4(a) Erin Shacklette, Hamilton (copy attached)

6.4(b) 54 Form letters from the following clients of the Family Medical Centre: (sample copy attached)

1. Manpreet Bajwa
2. Blake Petrie
3. Lisa VanBelleghem
4. Darin Gifford, Simcoe
5. Anita Seng, Hamilton
6. Narshi Jilka, Brantford
7. Rekha Jilka, Brantford
8. Shamus Van Riezen
9. Nawir Khalil Aziz, Khendu Omarb, Hamilton
10. R. Arthur Murray, Hamilton
11. Lynn Laird, Hamilton
12. Johny Thomas, Hamilton
13. Betty Kurian, Ancaster
14. Binu Baby, Hamilton
15. Marianna Baby, Hamilton
16. Dany Hedama Hathil Baby
17. Sony Poulosc, Ancaster
18. George Ummar
19. Alice Poulosc, Ancaster
20. Marion Kurian, Ancaster
21. Thomas Kurian, Ancaster
22. Jawald Uppal, Ancaster
23. Ramesh Patel Hamilton
24. Christopher Moppatt
25. Frances Petruzzi
26. Adele Arcoleo
27. Domenic Petruzzi
28. Lori Tomalty-Nusca
29. Jay Parekh
30. Adam A
31. M. Zekria Ahmadi
32. Moud Mojib Ahmadi, Hamilton
33. Mahjooba Ahmadi
34. Kyra Jameson, Ancaster
35. Mehria A., Ancaster
36. Lissa S. Mathew, Hamilton
37. Illegible signature
38. Robin Turnbull, Hamilton
39. Abrar Wyne, Stoney Creek
40. Bishan Datt Misra, Hamilton
41. Saroj Misra, Hamilton
42. Heather Wilson, Caledonia

43. Narjot Hansra
44. Marianna Freeborn
45. Bailey Freeborn
46. Maria Ramacieri
47. Sherri Dawson, Hamilton
48. Dora VanPajitn
49. Bob Kosid, Hamilton
50. Valerie Cox, Caledonia
51. Frances Verma, Hamilton
52. Mukesh Grover, Brantford
53. Rashi Grover, Brantford
54. Bernice McRae, Hamilton

6.6(a) Brenda Duke, 28 Fullerton Avenue, Hamilton

8.1(a) Peter and Theresa Farbotko (Copy attached)

8.1(b) Paul Martini (Copy attached)

4. ADDED ITEM

8.8 Hamilton Municipal Heritage Committee Report 18-009 (Copy attached)

8.8(a) Ted Valery President, Valery Homes Property (Copy attached)

5. ADDED NOTICES OF MOTION

10.1 To Extend Paid Parking at Meters on MacNab Street, Park Street and Vine Street to include Saturdays (Copy attached)

10.2 Cash in Lieu of Parking for 11-15 Cannon Street

10.3 Review of C6 and C7 Zoning Regulations

6. CHANGE TO THE OUTSTANDING BUSINESS LIST:

11.1 Outstanding Business List

(a) Items requiring new due date:

Item "D" - Request to Designate 437 Wilson Street East (Ancaster) Under Part IV of the Ontario Heritage Act (PED12166)
Due date: September 18, 2018
New due date: March 19, 2019

Item "J" - That Planning staff be directed to report to the Planning Committee about the City's policies respecting Boulevard

Standards and that the report outline the options & alternatives that are available for future designs.

Due date: September 18, 2018

New due date: February 20, 2019

7. CHANGE TO REPORT NUMBER

12.2 Appeal to the Local Planning Appeal Tribunal (LPAT) for Lack of Decision on Urban Hamilton Official Plan Amendment Application and Stoney Creek Zoning By-law 3692-92 Amendment Application for Lands Located at 261 King Street East (Stoney Creek) (Ward 10) (LS18050/**PED18212**) (Distributed under separate cover.)

8. CHANGE TO REPORT CLASSIFICATION

Item 6.9 respecting Amendments to City of Hamilton Zoning By-law No. 6593 to allow Secondary Dwelling units in Detached Structures for properties adjoining a laneway (PED16200(b)) (Parts of Wards 1, 2, 3 and 4) is not a statutory public meeting.

(Pearson/Conley)

That the agenda for the September 18, 2018 meeting be approved, as amended.

CARRIED

(b) DECLARATIONS OF INTEREST (Item 2)

None declared.

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

(i) September 4, 2018 (Item 3.1)

(Pasuta/Pearson)

That the Minutes of the September 4, 2018 meeting be approved.

CARRIED

(d) DELEGATION REQUESTS (Item 4)

(i) Joe Pyziak, wishing to address the issue of making Cartier Crescent a through street (Item 8.3) (Item 4.1)

(Partridge/Pasuta)

That the delegation request from Joe Pyziak, wishing to address the issue of making Cartier Crescent a through street, be approved for the September 18, 2018 meeting.

CARRIED

- (ii) **Blair Shoniker, GHD, respecting Terrapure Stoney Creek Facility EA – Preliminary Draft Environmental Assessment – Staff Comments (Added Item 4.2)**

(Collins/Anderson)

- (a) That the delegation request from Blair Shoniker, GHD, respecting Terrapure Stoney Creek Facility EA – Preliminary Draft Environmental Assessment – Staff Comments, be approved for the September 18, 2018 meeting; and,
- (b) That Item 5.1 be moved to Discussion Items.

CARRIED

(e) CONSENT ITEMS (Item 5)

- (i) **Terrapure Stoney Creek Regional Facility EA – Preliminary Draft Environmental Assessment - Staff Comments to Proponent and MECP (PED16184(b)) (Ward 9) (Item 5.1)**

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

(Partridge/Pearson)

That the staff presentation be received.

CARRIED

Delegation

1. Blair Shoniker, GHD, Terrapure Environmental (Item 4.2)

Blair Shoniker, GHD, and Mike Jovanovic, Vice President, Environmental Affairs, addressed Committee. Blair Shoniker made a PowerPoint presentation and hand-outs were distributed. A copy of the presentation is available for viewing on the City's website.

(Pearson/Pasuta)

That the delegation be received.

CARRIED

For disposition of this matter, refer to Item 1.

- (ii) **Elfrida Growth Area Study - Update (PED18182) (Wards 9 and 11) (Item 5.3)**

(B. Johnson/Partridge)

That the added written comments be received.

CARRIED

For disposition of this matter, refer to Item 3.

(f) DELEGATIONS/PUBLIC HEARING (Item 6)

(i) Application to Amend City of Hamilton Zoning By-law No. 05-200 for Lands Located at 5050 Harrison Road, Glanbrook (PED18204) (Ward 11) (Item 6.1)

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

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

(B. Johnson/Pearson)

That the staff presentation be received.

CARRIED

Brynne O'Neil of GSP Group Inc., agent for the applicant was in attendance and indicated that the applicant is in agreement with the staff report. She addressed Committee with the aid of a PowerPoint presentation and a copy is available for viewing on the City's website.

(Conley/Pearson)

That the agent's presentation be received.

CARRIED

Delegations

1. Brett Harrington, Chair of the Glanbrook Conservation Committee

Brett Harrington addressed the Committee and expressed concerns with the proposal.

2. Carl Chopp, 5170 Harrison Road

Carl Chopp addressed the Committee and expressed concerns with the proposal.

(B. Johnson/Conley)

That the delegations be received.

CARRIED

(B. Johnson/Pearson)

That the public meeting be closed.

CARRIED

(Anderson/Pearson)

That the recommendations be amended by adding the following sub-sections (a)(iv), and (b) and re-lettering the balance:

(a)(iv) That through the site plan process the Niagara Peninsula Conservation Authority (NPCA) enter into a site plan agreement and a monitoring agreement to measure habitat condition (invasive species, tree and understorey health / disturbance, litter) over the first five years of the Adventure Park operation;

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

Amendment CARRIED

For disposition of this matter, refer to Item 12.

Councillor B. Johnson and Councillor Conley indicated that they wished to be recorded as OPPOSED to this Item.

- (ii) 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) (Item 6.2)**

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

No members of the public came forward.

(B. Johnson/Pearson)

That the public meeting be closed.

CARRIED

(B. Johnson/Pearson)

That the staff presentation be waived.

CARRIED

Angela Buonamici, IBI Group, agent for the applicant was in attendance and indicated that the applicant is in agreement with the staff report.

(B. Johnson/Pearson)

That the recommendations be amended by adding the following sub-section (d):

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

Amendment CARRIED

For disposition of this matter, refer to Item 13.

(iii) Application for Zoning By-law Amendment for Lands Located at 50 Green Mountain Road West (Stoney Creek) (PED18211) (Ward 9) (Item 6.3)

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

Written Comments

6.3(a) Michael Auduong, Planner, Armstrong Planning & Project Management

(Pearson/Conley)

That the added written comments 6.3(a) be received.

CARRIED

No members of the public came forward.

(Pearson/Conley)

That the public meeting be closed.

CARRIED

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

(Conley/Anderson)

That the staff presentation be received.

CARRIED

Sara Knoll of GSP Group Inc., agent for the applicant was in attendance and indicated that the applicant is in agreement with the staff report.

(Conley/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.**

Amendment CARRIED

For disposition of this matter, refer to Item 14.

(iv) Application for Amendment to Zoning By-law No. 6593 for Lands Located at 567 Scenic Drive, Hamilton (PED18173) (Ward 8) (Item 6.4)

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

Written Comments

- 6.4(a) Erin Shacklette, 88 Edgemont Street North
6.4(b) 54 form letters

(B. Johnson/Pearson)

That the added written comments 6.4(a) and 6.4(b) be received.

CARRIED

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

(Pearson/Collins)

That the staff presentation be received.

CARRIED

Michael Barton of MB1 Development Consulting, agent for the applicant was in attendance and indicated that the applicant is in agreement with the staff report. Michael Barton addressed the Committee with the aid of a PowerPoint presentation. A copy is available on the City's website. Michael Barton submitted 146 letters in support of the project.

Registered Speakers**1. Ken Watson, 103 Upper Paradise Road**

Ken Watson addressed Committee and spoke in support of the proposal.

2. Keith Calder, 568 Scenic Drive

Keith Calder addressed Committee and expressed his concerns with the proposal.

3. Sheila Williamson, 11 Upper Paradise Road

Sheila Williamson addressed Committee and expressed her concerns with the proposal.

4. Mike Palma, 85 Upper Paradise Road**5. Diane Hansebout, 589 Scenic Drive**

Diane Hansebout addressed Committee and expressed her concerns with the proposal.

6. Dr. Shalini Sharma, 1269 Mohawk Road

Dr. Sharma addressed Committee and spoke in support of the proposal.

7. Ruth Legere, 82 Elmira Drive

Ruth Legere addressed Committee and spoke in support of the proposal.

8. Earl Cranfield, 543 Scenic Drive

Earl Cranfield addressed Committee and expressed his concerns with the proposal.

9. Kamal Kyera, 770 Mohawk Road West

Kamal Kyera addressed Committee and spoke in support of the proposal.

10. Samuel Sanges, 560 Scenic Drive

Samuel Sanges addressed Committee and asked for some clarification regarding the two-year variance on the property.

11. Tara Chiarot, 559 Scenic Drive

Tara Chiarot addressed Committee and asked for assurances that only one doctor would be allowed to practice at this location.

(Collins/B. Johnson)

That the delegations be received.

CARRIED

(Conley/Pearson)

That the public meeting be closed.

CARRIED

The Ward Councillor was in attendance and spoke in support of the proposal and submitted a petition and numerous letters of support.

(Collins/Conley)

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 15.

(v) Application for Approval of a Draft Plan of Condominium (Common Element) and Draft Plan of Subdivision for Lands Located at 1831 Rymal Road East (Stoney Creek) (PED18218) (Ward 9) (Item 6.5)

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

No members of the public came forward.

(Conley/Pearson)

That the public meeting be closed.

CARRIED

(Conley/Green)

That the staff presentation be received.

CARRIED

David Aston of MHBC Planning, agent for the applicant was in attendance and indicated that the applicant is in agreement with the staff report. He addressed Committee and explained the purpose of the application.

(Conley/Partridge)

That the agent's presentation be received.

CARRIED

(Conley/Collins)

That the recommendations be amended by adding the following sub-section (e):

- (e) *That there were no public submissions received regarding the matter.***

Amendment CARRIED

For disposition of this matter, refer to Item 16.

- (vi) Applications for an Amendment to the Urban Hamilton Official Plan and the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 119-123 Princess Street, Hamilton (PED18186) (Ward 3) (Item 6.6)**

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

Written Comments

6.6(a) Brenda Duke, 28 Fullerton Avenue, Hamilton

(Green/Conley)

That the added written comment 6.6(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 is available for viewing on the City's website.

(Conley/Pearson)

That the staff presentation be received.

CARRIED

Peter De Lulio of Metropolitan Consulting Inc., agent for the applicant was in attendance and indicated that the applicant is in agreement with the staff report.

Registered Speakers

1. Dr. Lynda Lukasik, Environment Hamilton

Dr. Lynda Lukasik addressed the Committee and expressed concerns with the project.

2. Kerry Leclair

Kerry Leclair addressed Committee and expressed concerns with the project.

(Conley/Green)

That the delegations be received.

CARRIED

(Conley/Green)

That the public meeting be closed.

CARRIED

The Committee did not approve the staff recommendation.

(vii) Applications to Amend the Urban Hamilton Official Plan and City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 928 Queenston Road (PED18221) (Ward 9) (Item 6.7)

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

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

(Conley/Pearson)

That the staff presentation be received.

CARRIED

Ed Fothergill of Fothergill Planning & Development Inc., agent for the applicant was in attendance and indicated that the applicant is in agreement with the staff report.

Registered Speakers

1. Elaine Collingwood, 96 Mountain Avenue North

Elaine Collingwood addressed Committee and expressed concerns with the project.

(Conley/Pearson)

That the delegation be received.

CARRIED

(Conley/Pearson)

That the public meeting be closed.

CARRIED

(Conley/Anderson)

That the recommendations be amended by adding the following sub-section (d):

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

Amendment CARRIED

For disposition of this matter, refer to Item 18.

- (viii) City Initiative CI-18-I to Amend the Urban Hamilton Official Plan and City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 1215, 1217, 1219, 1221, 1227, 1229, 1231, 1235, 1239 Barton Street, and 41, 43, 45, 46, 47, 49, 40, 51, 53, 54, 55, 57, 58, 59, 61, 62, 63, 65, 66, 67, 69, 70 Escarpment Drive (Stoney Creek) (PED18198) (Ward 11) (Item 6.8)**

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

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

No members of the public came forward.

(B. Johnson/Conley)

That the public meeting be closed.

CARRIED

(B. Johnson/Conley)

That the staff presentation be waived.

CARRIED

(B. Johnson/Conley)

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

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

Amendment CARRIED

For disposition of this matter, refer to Item 19.

- (ix) Amendments to City of Hamilton Zoning By-law No. 6593 to allow Secondary Dwelling units in Detached Structures for properties adjoining a laneway (PED16200(b)) (Parts of Wards 1, 2, 3 and 4) (Item 6.9)**

Vice Chair Farr advised that this is not a Statutory Public Meeting as the Public meeting was held on June 19, 2018.

(Green/Farr)

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

- (d) *That the public submissions received supported the approval of the zoning changes.***

Amendment CARRIED

For disposition of this matter, refer to Item 20.

(x) Community Renewal Community Improvement Project Area Amendment (PED16236(b)) (Ward 4) (Item 6.10)

In accordance with the provisions of the *Planning Act*, Vice Chair J. Farr advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Community Renewal Community Improvement Project Area 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/Anderson)

That the public meeting be closed.

CARRIED

(Partridge/Pasuta)

That the staff presentation be waived.

CARRIED

(Anderson/Pearson)

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

- (d) *That there were no public submissions received regarding the matter.***

Amendment CARRIED

For disposition of this matter, refer to Item 21.

(g) DISCUSSION ITEMS (Item 8)

- (i) Non-Statutory Public Meeting for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 261 King Street East (Stoney Creek) (PED18209) (Ward 10) (Item 8.1)**

Written Comments

8.1(a) Peter and Theresa Farbotko

8.1(b) Paul Martini

(Pearson/Conley)

That the written comments 8.1(a) and 8.1(b) be received.

CARRIED

Registered Speakers

1. Brenda Khes, GSP Group

Brenda Khes, agent for the proponents addressed Committee with the aid of a PowerPoint presentation. A copy is available for viewing on the City's website.

2. John Waugh, 1 Elvia Court

John Wong addressed Committee and expressed his concerns with the proposal.

3. Boquslov Wilk, 256 Carla Avenue

Boquslv Wilk addressed Committee and expressed concerns with the proposal.

4. Gabriella Visca, 6 Eliva Court

Gabriella Visca addressed Committee and expressed her concerns with the proposal.

5. Suzanne Mallen, 47 Rose Crescent

Suzanne Mallen addressed Committee and expressed her concerns with the proposal.

6. Peter Horman, 2 Elvia Court

Peter Horman addressed Committee and expressed his concerns with the proposal.

(Pearson/Conley)

That the delegations be received.

CARRIED

For disposition of this matter, refer to Item 22

- (ii) **Sign Variance Application SV-17-011 for the property known as 272-274 King Street West, Hamilton, Denied by the Director of Planning and Chief Planner, Planning Division, and Appealed by the Applicant (PED18225) (Ward 2) (Item 8.2)**

Appellant

1. **Vincent R. Formosi, President & CEO Blackfish Investments Incorporated**

John Ariens, IBI Group, was in attendance, representing the appellant, and addressed the Committee with the aid of a PowerPoint presentation. A copy is available on the City's website.

Vice Chair Farr relinquished the Chair to Councillor Partridge to introduce a Motion regarding this matter..

For disposition of this matter, refer to Item 23.

Vice Chair Farr assumed the Chair.

- (iii) **Cartier Crescent Extension – Information Report (PED18206) (Ward 7) (Item 8.3)**

Delegations

1. **Alan Wilson**

Alan Wilson addressed Committee and he indicated that he is opposed to the proposed extension of Cartier Crescent.

2. **Joe Pyziak**

Joe Pyziak addressed Committee and expressed concerns with the proposed Cartier Crescent extension, and submitted a petition.

(Anderson/Pasuta)

That the delegations be received.

CARRIED

(Anderson/Conley)

That Report PED18026 respecting Cartier Crescent Extension – Information Report, be DEFERRED until the issue with Sonoma Homes is resolved.

CARRIED

(iv) Hamilton Municipal Heritage Committee Report 18-009 (Added Item 8.8)

Written Comments

8.8(a) Ted Valery President, Valery Homes Property

(Pearson/Collins)

That the written comments from Ted Valery, President, Valery Homes Property, be received.

CARRIED

For disposition of this matter refer to Item 28.

(h) NOTICES OF MOTION (Item 10)

Vice Chair Farr relinquished the Chair to Councillor Partridge.

(i) To Extend Paid Parking at Meters on MacNab Street, Park Street and Vine Street to include Saturdays (Added Item 10.1)

Councillor Farr introduced a Notice of Motion respecting To Extend Paid Parking at Meters on MacNab Street, Park Street and Vine Street to include Saturdays.

(Farr/Green)

That the rules of order be waived in order to allow for the introduction of a Motion respecting To Extend Paid Parking at Meters on MacNab Street, Park Street and Vine Street to include Saturdays.

CARRIED

For disposition of this matter refer to Information Item 29.

(ii) Cash in Lieu of Parking for 11-15 Cannon Street (Added Item 10.2)

Councillor Farr introduced a Notice of Motion respecting Cash in Lieu of Parking for 11-15 Cannon Street.

(Farr/Green)

That the rules of order be waived in order to allow for the introduction of a Motion respecting Cash in Lieu of Parking for 11-15 Cannon Street.

CARRIED

For disposition of this matter refer to Information Item 30.

Vice Chair Farr assumed the Chair.

(iii) Review of C6 and C7 Zoning Regulations (Added Item 10.3)

Councillor Partridge introduced a Notice of Motion respecting Review of C6 and C7 Zoning Regulations.

(Partridge/Pasuta)

That the rules of order be waived in order to allow for the introduction of a Motion respecting Review of C6 and C7 Zoning Regulations.

CARRIED

For disposition of this matter refer to Information Item 31.

(iv) Future Growth potential that is planned for lands in the Waterdown Urban Area (Added Item 10.4)

Councillor Collins introduced a Notice of Motion respecting Future Growth potential that is planned for lands in the Waterdown Urban Area.

(Collins/Green)

That the rules of order be waived in order to allow for the introduction of a Motion respecting Future Growth potential that is planned for lands in the Waterdown Urban Area.

CARRIED

For disposition of this matter refer to Information Item 32.

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

(i) Outstanding Business List (Item 11.1)

(Partridge/Pasuta)

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

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

Due date: September 18, 2018

New due date: March 19, 2019

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

Due date: September 18, 2018

New due date: February 20, 2019

Item "Q" - Staff to report back in 6 mons on the status of the accessible taxi plate apps including the number applied for and the number in service.

Due date: September 18, 2018

New due date: December 11, 2018

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

Item "G" - That staff be directed to present to the Planning Committee an updated digital sign by-law.
(Item 8.5 on this agenda.)

Item "BB" - Laneway houses report and by-law including 'tiny homes'
(Item 6.9 on this agenda.)

Item "CC" - Staff to review and report back on validity of regulation 7.1(b) of the 'Yard Maintenance By-law'
(Item 5.8 on this agenda.)

Item "EE" – That staff report back on feasibility of assigning 10%-20% of existing staff time to cigarette butt enforcement, any cost recovery and to include stats on PHS staff enforcement at rec grounds
(Item 8.4 on this agenda.)

Item "FF(a)" (a)Staff to meet with the Macassa Bay Year-Round Liveaboard Association reps re: accommodation plan for 2018/2019 winter season within the parameters of the existing zoning and other City by-laws and report in Sept with update.
Item 5.11 on this agenda.

CARRIED

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

(Pearson/Anderson)

That Committee move into Closed Session at 6:26 p.m. respecting Items 12.1 to 12.3, pursuant to Section 8.1, Sub-sections (e) and (f) of the City's Procedural By-law 18-270, and Section 239(2), Sub-sections (e) and (f) of the Municipal Act, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the City and the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

CARRIED

- (i) Process and procedures for appeals filed at the Local Planning Appeal Tribunal, LS18054 (City Wide) (Item 12.1)**

For disposition of the matter refer to Item 33.

- (ii) **Appeal to the Local Planning Appeal Tribunal (LPAT) for Lack of Decision on Urban Hamilton Official Plan Amendment Application and Stoney Creek Zoning By-law 3692-92 Amendment Application for Lands Located at 261 King Street East (Stoney Creek) (Ward 10) (LS18050/PED18212) (Item 12.2)**

For disposition of the matter refer to Item 34.

- (iii) **Appeal to the Local Planning Appeal Tribunal (LPAT) for Lack of Decision on Stoney Creek Zoning By-law 3692-92 Amendment Application for Lands Located at 16 and 18 King Street West (Stoney Creek) (Ward 9) (LS18046/PED18193) (Item 12.3)**

For disposition of the matter refer to Item 35.

(k) ADJOURNMENT (Item 13)

(Pearson/Pasuta)

That, there being no further business, the Planning Committee be adjourned at 6:40 p.m.

CARRIED

Respectfully submitted,

Councillor J. Farr
Vice-Chair, Planning Committee

Ida Bedioui
Legislative Co-ordinator
Office of the City Clerk

December 4th, 2018

Since its inception in 1845, the Hamilton Chamber of Commerce has served as the definitive voice of local business. Throughout its history, the Chamber has played an important role in advocating for policies that enhance the social and economic prosperity of our city.

Under this capacity, the Hamilton Chamber of Commerce is writing to you, on behalf of our members, to recommend courses of action for the Planning Committee.

Municipal red tape issues are a common concern in communities across the world. Every business, before being allowed to operate legally, is required to comply with an extensive set of government bylaws, regulations and licenses based on the nature of their business. Navigating this process creates a natural conflict with the desire for businesses to build, renovate and operate their enterprise in a timely and cost-efficient manner.

While this dialogue can often turn antagonistic in many communities, the Hamilton Chamber of Commerce and the City of Hamilton have maintained a mutually-respectful working relationship to facilitate a constructive dialogue that addresses the concerns of our members and the wider business community.

In our engagement with businesses, several members spoke positively of the City's measurable improvements in response time and customer service within certain processes.

Despite these areas of relative improvement, a recent survey of our members identified the frustrations of dealing with red tape at City Hall as a major concern. We are now in the process of establishing a Task Force and will be canvassing our members to identify specific issues they face and to collaboratively work with the City to investigate improvements that could be implemented.

120 King Street West
Plaza Level
Hamilton, ON L8P 4V2
www.hamiltonchamber.ca

Office: (905) 522-1151
Fax: (905) 522-1154
hcc@hamiltonchamber.ca



In the meantime, based on the input we have received to date, we would suggest the Planning Committee consider the following items:

1. Prioritize the expanded use of AMANDA and Digital Development Applications, in order to expedite the development process;
2. Request additional staff resources within the Planning and Economic Development division, in order to assist development approval reviews, to address increasing demand and improve response times;
3. Establish set timelines for approval reviews and staff comments, where response timelines do not already exist, to create certainty within the process for businesses looking to expand or develop.

We ask that you make these recommendations a priority during your term on council and the Planning Committee.

The Hamilton Chamber of Commerce is pleased to play a leadership role in facilitating a constructive dialogue on critically important municipal issues. I welcome the chance to work with you directly on next steps and I thank you in advance for your contribution to our local governance.

With highest regards,



Keanin Loomis,
President and CEO
Hamilton Chamber of Commerce

Form: Request to Speak to Committee of Council

Submitted on Monday, December 3, 2018 - 8:00 pm

==Committee Requested==

Committee: Planning Committee

==Requestor Information==

Name of Individual: Paul R.J Martindale

Name of Organization: Independent Housing Provider

Contact Number:

Email Address:

Mailing Address: 103-595 King Street West, Hamilton, ON
L8P 1C3

Reason(s) for delegation request: To speak before DEC 11,2018 planning committee, illustrating the problems with and risks associated with commencing a Rental Property Licensing Program

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? No

Form: Request to Speak to Committee of Council

Submitted on Tuesday, December 4, 2018 - 2:34 pm

==Committee Requested==

Committee: Planning Committee

==Requestor Information==

Name of Individual: Margaret Reid

Name of Organization: REALTORS® Association of
Hamilton-Burlington

Contact Number:

Email Address:

Mailing Address:

505 York Blvd.
Hamilton ON
L8R 3K4

Reason(s) for delegation request: To speak to the proposed rental licensing pilot project plan going before the Planning Committee.

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? No

Form: Request to Speak to Committee of Council

Submitted on Wednesday, December 5, 2018 - 1:41 pm

==Committee Requested==

Committee: Planning Committee

==Requestor Information==

Name of Individual: Donna Bacher

Name of Organization:

Contact Number:

Email Address:

Mailing Address:

Ancaster, ON

Reason(s) for delegation request: Would like to speak to the motion for a Rental Licensing By-Law

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? No

Form: Request to Speak to Committee of Council

Submitted on Wednesday, December 5, 2018 - 3:30 pm

==Committee Requested==

Committee: Planning Committee

==Requestor Information==

Name of Individual: Val Vescio

Name of Organization:

Contact Number:

Email Address:

Mailing Address:

Hamilton ON

Reason(s) for delegation request: I would like to speak at the Planning committee meeting this Dec 11 2018 respecting the Rental Property Licensing By-law

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? Yes

Form: Request to Speak to Committee of Council

Submitted on Wednesday, December 5, 2018 - 3:33 pm

==Committee Requested==

Committee: Planning Committee

==Requestor Information==

Name of Individual: John Cerino

Name of Organization:

Contact Number:

Email Address:

Mailing Address:

Reason(s) for delegation request: Against licensing

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? No

Form: Request to Speak to Committee of Council

Submitted on Wednesday, December 5, 2018 - 5:17 pm

==Committee Requested==

Committee: Planning Committee

==Requestor Information==

Name of Individual: Arun Pathak

Name of Organization: Hamilton and District Apartment Association (HDAA)

Contact Number:

Email Address:

Mailing Address:

Reason(s) for delegation request: Rental Housing Subcommittee Report 18-003

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? No

Form: Request to Speak to Committee of Council

Submitted on Wednesday, December 5, 2018 - 5:54 pm

==Committee Requested==

Committee: Planning Committee

==Requestor Information==

Name of Individual: Christopher Priest

Name of Organization:

Contact Number:

Email Address:

Mailing Address:

Reason(s) for delegation request: I wish to present my views on rental licensing.

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? Yes

Form: Request to Speak to Committee of Council

Submitted on Wednesday, December 5, 2018 - 7:35 pm

==Committee Requested==

Committee: Planning Committee

==Requestor Information==

Name of Individual: Adam Kitchener

Name of Organization: UNLIMITED Residential

Contact Number:

Email Address:

Mailing Address:

Reason(s) for delegation request: I am a landlord, property manager and tenant advocate seeking fair housing laws that benefit affordable housing

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? No

Form: Request to Speak to Committee of Council

Submitted on Thursday, December 6, 2018 - 11:26 am

==Committee Requested==

Committee: Planning Committee

==Requestor Information==

Name of Individual: Maria Rekrut

Name of Organization: Canadian Real Estate Investors Association

Contact Number:

Email Address:

Mailing Address:

Niagara on the Lake
Ontario, Canada

Reason(s) for delegation request: The Rental Housing Sub-committee Report #18-003, I'm a landlord and landowner and I would like to share my ideas about the temporary rental housing licensing proposed by-law for Wards 1 and 8.

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? No

Form: Request to Speak to Committee of Council

Submitted Thursday, December 6, 2018 - 4:57 pm

==Committee Requested==

Committee: Planning Committee

==Requestor Information==

Name of Individual: Alex Matheson

Name of Organization:

Contact Number:

Email Address:

Mailing Address:

Mount Hope ON

Reason(s) for delegation request: To represent the landlord interests of our family at Rental Housing Sub-committee Report 18-00 meeting.

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? No

Form: Request to Speak to Committee of Council

Submitted on Thursday, December 6, 2018 - 5:33 pm

==Committee Requested==

Committee: Planning Committee

==Requestor Information==

Name of Individual: Steve Devisser

Name of Organization:

Contact Number:

Email Address:

Mailing Address: Hamilton ON

Reason(s) for delegation request: I would like to voice my opposition to the proposed rental licensing pilot project.

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? No

Form: Request to Speak to Committee of Council

Submitted on Thursday, December 6, 2018 - 8:16 pm

==Committee Requested==

Committee: Planning Committee

==Requestor Information==

Name of Individual: Stephanie Marie Bertolo

Name of Organization: McMaster Students Union

Contact Number:

Email Address:

Mailing Address:

MUSC 201, McMaster University
1280 Main Street West
Hamilton, Ontario L8S 4S4
Canada

Reason(s) for delegation request: To present the McMaster Students Union's stance on Landlord Licensing on behalf of the full-time undergraduate students that we represent and present data related to self-reported rental housing conditions in the McMaster neighbourhoods.

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? Yes

Form: Request to Speak to Committee of Council

Submitted on Friday, December 7, 2018 - 3:45 pm

==Committee Requested==

Committee: Planning Committee

==Requestor Information==

Name of Individual: Robert Flis

Name of Organization:

Contact Number:

Email Address:

Mailing Address:

Hamilton, ON

Reason(s) for delegation request: Rental Housing Subcommittee Report 18-00

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? No

Form: Request to Speak to Committee of Council

Submitted on Saturday, December 8, 2018 - 4:47 pm

==Committee Requested==

Committee: Planning Committee

==Requestor Information==

Name of Individual: Peter Dyakowski

Name of Organization:

Contact Number:

Email Address:

Mailing Address: Hamilton, ON

Reason(s) for delegation request: Rental Housing Subcommittee Report 18-00

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? No

Form: Request to Speak to Committee of Council

Submitted on Sunday, December 9, 2018 - 7:05 pm

==Committee Requested==

Committee: Planning Committee

==Requestor Information==

Name of Individual: Mike Wood

Name of Organization: Hamilton ACORN

Contact Number:

Email Address:

Mailing Address:

Reason(s) for delegation request: Chair Mike Wood of ACORN would like to delegate in regards to Rental Housing Sub-committee Report.

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? No

Form: Request to Speak to Committee of Council

Submitted on Monday, December 10, 2018 - 10:49 am

==Committee Requested==

Committee: Planning Committee

==Requestor Information==

Name of Individual: Lehlia Banting McBeth**Name of Organization:****Contact Number:****Email Address:****Mailing Address:**

Stoney Creek, ON

Reason(s) for delegation request:

I live 4 doors away from the proposed development at 16-18 King St. W. and am a long term resident (family home since my grandparents). I am concerned over the density of the proposed development. Congestion in the area and current lack of street parking will be made worse. Reviewing the zoning bylaws and the development proposal, there is a clear shortfall in the planned parking spots. I don't understand why this is even being considered. There are also infrastructure concerns and the concern that we are destroying the unique Olde Town district by increasing the height of the building and the proposed facade is not keeping to an Olde Town feel.

Will you be requesting funds from the City? No**Will you be submitting a formal presentation? No**

Form: Request to Speak to Committee of Council

Submitted on Monday, December 10, 2018 - 10:56 am

==Committee Requested==

Committee: Advisory/Sub-Committee

Name of Sub-Committee: Rental Housing Sub committee

==Requestor Information==

Name of Individual: Barbara and Khamphoune Khamphoune
Inthavixay

Name of Organization:

Contact Number:

Email Address:

Mailing Address:

Dundas

Reason(s) for delegation request: Address concerns with
proposed landlords licensing.

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? No

Form: Request to Speak to Committee of Council

Submitted on Monday, December 10, 2018 - 11:42 am

==Committee Requested==

Committee: Planning Committee

==Requestor Information==

Name of Individual: Lucie Brusse

Name of Organization:

Contact Number:

Email Address:

Mailing Address:

Hamilton, ON

Reason(s) for delegation request:

I would like to speak regarding the proposed pilot rental licensing project for wards 1 & 8. I am a resident of ward 1, a housing provider in ward 1 and a commercial real estate agent with clients who own property in ward 1.

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? No

Form: Request to Speak to Committee of Council

Submitted on Monday, December 10, 2018 - 11:42 am

==Committee Requested==

Committee: Planning Committee

==Requestor Information==

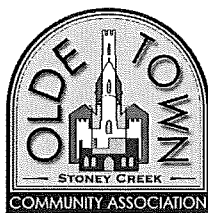
Name of Individual: Jillian Harris**Name of Organization:** Olde Town Stoney Creek Community Association**Contact Number:****Email Address:****Mailing Address:**

Stoney Creek, ON

Reason(s) for delegation request:

I represent the local Community Association and object to the proposed Zoning By-Law Amendment for 16 & 18 King St W (File No. ZAC-17-044) in Stoney Creek. Our Association requests the chance to voice community concerns to the Planning Committee at the Non-Statutory Public Meeting scheduled for December 11, 2018, regarding the proposed condominium development at 16 & 18 King St W. Many residents and business owners do not support an increase in building height on these lots and have major concerns about the building height, traffic congestion, lack of parking and infrastructure, the building facade and the impact this building will have on the Olde Downtown Stoney Creek Community.

Will you be requesting funds from the City? No**Will you be submitting a formal presentation?** Yes



Olde Town Stoney Creek
Community Association
3 First Street South
Stoney Creek, ON
L8G 1P7

December 10, 2018

Lisa Chamberlain
Legislative Coordinator Planning Committee
City of Hamilton
71 Main Street West
Hamilton, ON
L8P4Y5

DELEGATION REQUEST FOR THE PLANNING COMMITTEE MEETING)- DECEMBER
11TH, 2018
RE: ZONING BY-LAW AMENDMENT (FILE NO. ZAC-17-044) 16 & 18 KING ST W

Dear Ms. Lisa Chamberlain,

I am both a home owner in the area, as well as the serving President of Olde Town Stoney Creek Community Association. The proposed Development at 16 & 18 King Street West has been a major topic of interest and concern in our community since it's initial proposal. Many residents have expressed their objections, in person at public meetings, as well as in writing, to our former City Councillor, the project planners and developers, as well as our Community Association, about the impact this development will have on the Olde Downtown Stoney Creek community.

Major concerns for residents and business owners in the area include the proposed height of the building; the increase in traffic- especially so close to a major arterial intersection at 2 single lane streets; the lack of parking and supporting infrastructure in the area; as well as the impact this modern looking condominium will have on the historic Olde Downtown Stoney Creek area.

Many, as well as myself, strongly object to the proposed bylaw zoning change to permit an increased building height on the lot. When this building was initially proposed, the zoning on the lot was only approved for 3 stories. The zoning in the area has been recently updated to permit structures of a height of 6 stories. This is already a major increase in building height in the Olde Town/ Downtown Stoney Creek area. Residents have major concerns with the idea of 6 storey buildings in the area, let alone anything higher, as most buildings along King Street between Centennial Parkway and New Mountain Road stand at 2- 3 stories tall. The tallest building on King Street between Second Street and New Mountain Road stands at 3 stories tall.

As President of the local Community Association I would like to formally request to make a delegation at the December 11th Planning Committee Meeting regarding the Non-Statutory Public Meeting of the Planning Committee for the proposed Zoning By-Law Amendment for (File No. ZAC-17-044) 16 & 18 King Street West.

I can be reached at oldetownstoneycreek@gmail.com or
if you require any further information.

Sincerely,

Jillian Harris- President
Olde Town Stoney Creek Community Association

Form: Request to Speak to Committee of Council

Submitted on Monday, December 10, 2018 - 11:47 am

==Committee Requested==

Committee: Planning Committee

==Requestor Information==

Name of Individual: Ruth Lewis

Name of Organization: Real estate salesrep

Contact Number:

Email Address:

Mailing Address: Hamilton ON

Reason(s) for delegation request: rental licensing

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? No



Hamilton

RENTAL HOUSING SUB-COMMITTEE REPORT 18-003

Thursday September 27, 2018

9:30 a.m.

**Council Chambers, 2nd Floor
Hamilton City Hall**

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

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

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

THE RENTAL HOUSING SUB-COMMITTEE PRESENTS REPORT 18-003 AND RESPECTFULLY RECOMMENDS:

1. Rental Licensing By-Law and Pilot Project (Item 8.1)

- (a) That Licensing and By-law Services staff in consultation with Legal Services, bring forward a Licensing By-law for rental business operators to implement a rental licensing pilot project in Wards 1 and 8,
- (b) That the Licensing By-Law be subject to the approval of staffing levels and that the rental licensing pilot project commence in the first quarter 2019, and for a two year period; and

- (c) That a report respecting the implementation of a rental licensing pilot project in Wards 1 and 8 be brought to a future meeting of the Planning Committee, and include:
 - (i) An education component for landlords and tenants; and
 - (ii) Consideration of financial off-sets for tenants impacted by a rental increase due to the licensing

FOR INFORMATION:

(a) APPROVAL OF THE AGENDA (Item 1)

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

The agenda for the September 27, 2018 meeting was approved, as presented.

(b) DECLARATIONS OF INTEREST (Item 2)

There were no declarations of interest.

(c) APPROVAL OF MINUTES (Item 3)

(i) June 26, 2018 (Item 3.1)

The Minutes of the June 26, 2018 meeting were approved, as presented.

(d) DELEGATION REQUESTS (Item 4)

(i) Mike Wood, Hamilton ACORN, respecting rental housing issues in Hamilton (for today's meeting) (Item 4.1)

The delegation request from Mike Wood, Hamilton ACORN, respecting respecting rental housing issues in Hamilton, was approved, for today's meeting.

(e) DELEGATIONS (Item 6)

(i) Mike Wood, Hamilton ACORN, , respecting rental housing issues in Hamilton (Added Item 6.1)

Mike Wood, Hamilton ACORN, addressed the Committee respecting rental housing issues in Hamilton, with the aid of a handout. A copy of the handout has been included in the official record.

The delegation from Mike Wood, Hamilton ACORN, respecting rental housing issues in Hamilton, was received.

The handout is available at www.hamilton.ca

(f) DISCUSSION ITEMS (Item 8)

(i) Update Rental Housing Licensing Reports and Feasibility of Conducting a Pilot Project Wards 1 and 8 (PED10049(aa)) (City Wide) (Item 8.1)

Jim Gordon, Licensing Compliance Officer, addressed the Committee with an overview of Report PED10049(aa), respecting an Update Rental Housing Licensing Reports and Feasibility of Conducting a Pilot Project Wards 1 and 8, with the aid of a PowerPoint presentation. A copy of the presentation has been included in the official record.

The presentation respecting an Update Rental Housing Licensing Reports and Feasibility of Conducting a Pilot Project Wards 1 and 8 (PED10049(aa)), was received.

Report PED10049(aa), respecting an Update Rental Housing Licensing Reports and Feasibility of Conducting a Pilot Project Wards 1 and 8, was received.

For disposition of this matter, refer to Item 1.

(g) ADJOURNMENT (Item13)

There being no further business, that the Rental Housing Sub-Committee meeting adjourned at 1:10 p.m.

Respectfully submitted,

Councillor T. Whitehead, Chair
Rental Housing Sub-Committee

Loren Kolar
Legislative Coordinator
Office of the City Clerk



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Transportation Planning and Parking Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	December 11, 2018
SUBJECT/REPORT NO:	Adjustments to School Crossing Guard Locations (PED18227) (Wards 3, 7, 9, 10, 12, and 15)
WARD(S) AFFECTED:	Wards 3, 7, 9, 10, 12, and 15
PREPARED BY:	James Buffett (905) 546-2424 Ext. 3177
SUBMITTED BY:	Brian Hollingworth Director, Transportation Planning and Parking Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That the revised list of school crossing guard locations resulting from school closures, openings, construction projects, walking patterns and lunch program changes in Wards 3, 7, 9, 10, 12, and 15 as outlined in Appendix "A" attached to Report PED18227, be approved;
- (b) That staff be authorized and directed to consult with the affected Ward Councillors and to use delegated authority for adding and/or removing school crossing guards prior to City Council approval for any proposed changes by the Hamilton-Wentworth District School Board (HWDSB) and the Hamilton-Wentworth Catholic District School Board (HWDCDSB) for the 2019/2020 school year.

EXECUTIVE SUMMARY

Staff undertakes an annual review of school crossing and potential school crossing locations to ensure the safe crossing of school-aged children on public highways. City Council has delegated authority to staff to assign temporary school crossing guards in emergency situations, until such time as Council approvals can be obtained. In addition, in areas where schools were closed/opened, or where boundaries or lunch programs

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SUBJECT: Adjustments to School Crossing Guard Locations (PED18227) (Wards 3, 7, 9, 10, 12, and 15) - Page 2 of 3

have been adjusted, it was necessary to use staff's delegated authority and to have new guards in place during the beginning of the 2018/2019 school year.

This comprehensive review has identified the need to:

- Remove two locations due to school closures;
- Remove the second guard from two double guard locations; and,
- Add five locations due to an ongoing construction project, new child walking patterns, and a new school opening.

Staff monitored the locations contained in Appendix "A" to Report PED18227 during the last half of the 2017/2018 school year and the beginning of the 2018/2019 school year, and consulted with all affected Ward Councillors prior to making the recommended changes under delegated authority. While staff is confident that the recommended changes are appropriate, on-going monitoring will continue for some time.

Alternatives for Consideration – See Page 3

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial/Staffing: The recommended changes will result in a net neutral of crossing guard FTE's and expenditures within the past and current operating budget.

Legal: N/A

HISTORICAL BACKGROUND

Throughout the 2017/2018 school year, and at the beginning of the 2018/2019 school year, a comprehensive review of school crossing guard locations across the City was undertaken, as a result of school closures/re-openings, walking patterns, boundary changes, and lunch program changes initiated by the HWDSB and the HWCDSB. The purpose of this review was to assess the feasibility of each school crossing location and potential new locations with respect to changes in child walking patterns and to ensure appropriately situated school crossing guards for the safe crossing of children on public highways.

Appendix "A" to Report PED18227 contains a detailed list of the proposed changes to school crossing guard locations in Wards 3, 7, 9, 10, 12, and 15 recommended for the 2018/2019 school year. Staff analysis, prior to the commencement of, and at the beginning of, the 2018/2019 school year confirms that the revised crossing guard locations adequately service the current child walking patterns. However, staff will

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SUBJECT: Adjustments to School Crossing Guard Locations (PED18227) (Wards 3, 7, 9, 10, 12, and 15) - Page 3 of 3

continue to monitor during the 2018/2019 school year, in the event that any conditions change.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

N/A

RELEVANT CONSULTATION

Staff of the HWDSB and the HWCDSB, including various elementary school officials and Parent Councils, were consulted, as well as each affected Ward Councillor.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Prior to a school crossing location being recommended, staff undertakes a comprehensive review, and, in the event that there are no regular gaps in traffic or where unsafe crossing conditions exist, a school crossing guard may be assigned to a location to provide safe crossing opportunities for elementary school children. Conversely, in utilizing staff in the most effective and fiscally responsible manner, in the event that a comprehensive review determines a guard is no longer warranted, a location may be removed and the guard may be re-assigned to another location.

ALTERNATIVES FOR CONSIDERATION

Failure to relocate school crossing guards in accordance with the school closing/re-openings, boundary changes, and lunch program changes, would result in an ineffective school crossing program and could place the safety of elementary school children crossing public highways in jeopardy.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**Healthy and Safe Communities**

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

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” – 2018/2019 Adjustments to School Crossing Guard Locations

JB:cr

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Appendix "A" to Report PED18227

Page 1 of 2

Adjustments to School Crossing Locations
2018 – 2019 School Year

Ward 3					
Intersection Type	Hours Worked	Crossing Location	Status	Comments	School Served
Full Signal	2.75	East Ave & Main St E	School Closure	N/A	St. Patrick
Through Street	2.75	East Ave & King St E	School Closure	N/A	St. Patrick

Ward 7					
Intersection Type	Hours Worked	Crossing Location	Status	Comments	School Served
Full Signal	1.65	Emperor & Upper Wentworth	Removal of 2 nd Guard	Single Guard satisfactory following staff review	Helen Detwiler

Ward 9					
Intersection Type	Hours Worked	Crossing Location	Status	Comments	School Served
Through Street	1.65	Fletcher & Pinehill	New	School Opening	Our Lady of Assumption

Appendix "A" to Report PED18227

Page 2 of 2

Ward 10					
Intersection Type	Hours Worked	Crossing Location	Status	Comments	School Served
Full Signal	1.65	Barton St & Green Rd	New	Principal Requested	Mountainview
All Way Stop	1.65	Killbourn & Royce	New	Principal Requested	Memorial Stoney Creek

Ward 12					
Intersection Type	Hours Worked	Crossing Location	Status	Comments	School Served
Roundabout	1.65	Raymond & Whittington	Removal of 2 nd Guard	Single Guard satisfactory following staff review	Tiffany Falls

Ward 15					
Intersection Type	Hours Worked	Crossing Location	Status	Comments	School Served
Through St	1.65	Braeheid & Parkside	New	Survey Completed, Principal Requested	Allan Greenleaf
All Way Stop	1.65	Duncan & Longyear	New (Temp)	Construction Project	N/A



INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	December 11, 2018
SUBJECT/REPORT NO:	Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED18231) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Joe Gravina (905) 546-2424 Ext. 1284
SUBMITTED BY:	Steve Robichaud Director of Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

Council Direction:

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

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

Background:

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

Commencing February 28, 2017, similar Information Reports were forwarded to the Planning Committee on a monthly basis in accordance with the process outlined in Information Report (PED16096).

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SUBJECT: Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (City Wide) (PED18231) - Page 2 of 4

Policy Implications and Legislative Requirements

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

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

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

Information:

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

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

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

Attached as Appendix "A" to Report PED18231 is a table outlining the active applications received prior to December 12, 2017 sorted by Ward, from oldest application to newest. As of October 15, 2018 there were:

- 18 active Official Plan Amendment Applications (including 17 applications submitted after July 1, 2016);
- 31 active Zoning By-law Amendment Applications; and,
- 10 active Plan of Subdivision Applications.

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SUBJECT: Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (City Wide) (PED18231) - Page 3 of 4

Within 60 to 90 days of December 11, 2018, all 31 development proposals have passed the 120 or 180 day statutory timeframe, including 17 Official Plan Amendment Applications received after July 1, 2016 that are subject to the 270 statutory timeframe. These applications are marked with an asterisk on Appendix “A” to Report PED18231).

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

Attached as Appendix “B” to Report PED18231 is a table outlining the active applications received after December 12, 2017 sorted by Ward, from oldest application to newest. As of October 15, 2018 there were:

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

Within 60 to 90 days of December 11, 2018, 13 applications will be approaching the 150 or the 300 day statutory timeframe and will be eligible for appeal. Thirteen applications have passed the 150 or 300 day statutory timeframe.

Combined to reflect property addresses, this results in 57 active development proposals. Twenty-four proposals are 2018 files, while 24 proposals are 2017 files and nine proposals are pre-2017 files.

Attached as Appendix “C” are charts that illustrate a reduction in the number of pre-2017 active development proposals from 29 in January 2018 to nine in December 2018. In addition, the number of development proposals has decreased from 70 in January 2018 to 57 in December 2018. This is attributed to an increase in development proposals being brought forward to public meetings in 2018; specifically, an increase from an average of four public meetings per month in 2017 to an average of five in 2018.

It should be noted that Appendix “A” and “B” to Report PED18231 do not reflect the new ward boundaries, which will come into effect on December 1, 2018. The appendices in the next Report, which is scheduled for the January 15, 2019 Planning Committee meeting, will be revised to reflect the new ward boundaries.

Staff are currently working with the AMANDA Implementation Team to add enhancements that will allow for the creation of more detailed reporting. As a result,

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SUBJECT: Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (City Wide) (PED18231) - Page 4 of 4

future tables will include a qualitative analysis of the status of active applications. It is anticipated that these enhancements will be available in 2019.

Appendices and Schedules Attached:

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

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

Appendix "C" - Comparison of Active Development Proposals (January 2018 vs. December 2018)

JG:mo

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**Active Development Applications
Deemed Complete Prior to December 12, 2017
(Effective October 15, 2018)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	120 day cut off (Zoning Application)	180 day cut off (OPA and/or Subdivision Application)	Applicant/ Agent	Days since Received and/or Deemed Complete as of December 11, 2018
Ward 1								
UHOPA-17-18* ZAC-17-036	644 Main St. W., Hamilton	31-Mar-17	n/a	28-Apr-17	29-Jul-17	27-Sep-17*	Urban Solutions Planning & Land Development	620
Ward 2								
ZAC-17-008	117 Forest Ave. & 175 Catharine St. S., Hamilton	23-Dec-16	n/a	05-Jan-17	22-Apr-17	n/a	Urban Solutions Planning & Land Development	718
UHOPA-17-33* ZAC-17-073	125 -129 Robert St., Hamilton	06-Oct-17	30-Oct-17	14-Nov-17	03-Feb-18	04-Apr-18*	IBI Group	392
Ward 7								
UHOPA-15-16 ZAC-11-070	1375 Upper James St., Hamilton	16-Mar-15	n/a	26-May-15	14-Jul-15	12-Sep-15	WEBB Planning Consultants Inc.	1366

**Active Development Applications
Deemed Complete Prior to December 12, 2017
(Effective October 15, 2018)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	120 day cut off (Zoning Application)	180 day cut off (OPA and/or Subdivision Application)	Applicant/ Agent	Days since Received and/or Deemed Complete as of December 11, 2018
Ward 7 cont'd								
UHOPA-17-31* ZAC-17-071	1625 -1655 Upper James St., Hamilton	27-Sep-17	n/a	02-Oct-17	25-Jan-18	26-Mar-18*	MB1 Development Consulting Inc.	440
ZAC-17-089	1351 Upper James St., Hamilton	28-Nov-17	n/a	05-Dec-17	28-Mar-18	n/a	Patrick Slattery	378
Ward 9								
UHOPA-16-26* ZAC-16-065 25T-201611	478 & 490 First Rd. W., Stoney Creek	12-Oct-16	n/a	02-Nov-16	09-Feb-17	10-Apr-17*	T. Johns Consultants Inc.	790
UHOPA-16-27* ZAC-16-066 25T-201612	464 First Rd. W., Stoney Creek,	12-Oct-16	n/a	02-Nov-16	09-Feb-17	10-Apr-17*	T. Johns Consultants Inc.	790
UHOPA-16-25* ZAC-16-064 25T-201609	1809, 1817, & 1821 Rymal Rd. E., Stoney Creek	07-Oct-16	n/a	23-Nov-16	04-Feb-17	05-Apr-17*	WEBB Planning Consultants Inc.	795

**Active Development Applications
Deemed Complete Prior to December 12, 2017
(Effective October 15, 2018)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	120 day cut off (Zoning Application)	180 day cut off (OPA and/or Subdivision Application)	Applicant/ Agent	Days since Received and/or Deemed Complete as of December 11, 2018
Ward 9 cont'd								
UHOPA-17-01* ZAC-17-001 25T-201701	15 Ridgeview Dr., Stoney Creek	02-Dec-16	n/a	16-Dec-16	01-Apr-17	31-May-17*	A.J. Clarke & Associates Ltd.	739
UHOPA-16-21* ZAC-16-057 25T-201608	56 Highland Rd. W., Stoney Creek	31-Aug-16	29-Sep-16	27-Mar-17	29-Dec-16	27-Feb-17*	Metropolitan Consulting Inc.	624
RHOPA-17-24* ZAC-17-055	138 Upper Centennial Pkwy, Stoney Creek	27-Jun-17	n/a	15-Aug-17	25-Oct-17	24-Dec-17*	Brouwer Architecture	532
Ward 10								
ZAC-15-040	9 Glencrest Ave., Stoney Creek	02-Jul-15	n/a	10-Aug-15	30-Oct-15	n/a	WEBB Planning Consultants Inc.	1258
UHOPA-17-36* ZAC-17-079	514 Barton St., Stoney Creek	27-Oct-17	n/a	23-Nov-17	24-Feb-18	25-Apr-18*	GSP Group	410

**Active Development Applications
Deemed Complete Prior to December 12, 2017
(Effective October 15, 2018)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	120 day cut off (Zoning Application)	180 day cut off (OPA and/or Subdivision Application)	Applicant/ Agent	Days since Received and/or Deemed Complete as of December 11, 2018
Ward 11								
ZAC-16-016	1313 Baseline Rd., Stoney Creek	15-Jan-16	n/a	15-Feb-16	14-May-16	n/a	A.J. Clarke & Associates Ltd.	1061
ZAC-17-009	1215 Barton St., Stoney Creek	23-Dec-16	n/a	06-Jan-17	22-Apr-17	n/a	WEBB Planning Consultants Inc.	718
UHOPA-17-05* ZAC-17-015 25T-201703	1, 19, 20, 21, 23, 27 & 30 Lakeside Dr. & 81 Waterford Cres., Stoney Creek	23-Dec-16	n/a	17-Jan-17	22-Apr-17	21-Jun-17*	IBI Group	718
ZAR-17-033	90 Creanona Blvd., Stoney Creek	27-Mar-17	n/a	28-Apr-17	25-Jul-17	n/a	A.J. Clarke & Associates Ltd.	624
ZAC-17-076 25T-201711	1216, 1218 and 1226 Barton St. E. and 1219 Hwy. 8, Stoney Creek	30-Oct-17	n/a	24-Nov-17	27-Feb-18	28-Apr-18	Glen Schnarr & Associates Inc.	407

**Active Development Applications
Deemed Complete Prior to December 12, 2017
(Effective October 15, 2018)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	120 day cut off (Zoning Application)	180 day cut off (OPA and/or Subdivision Application)	Applicant/ Agent	Days since Received and/or Deemed Complete as of December 11, 2018
Ward 11 cont'd								
UHOPA-17-12* ZAC-17-027 25T-210706	2341 & 2365 Regional Rd. 56 & Tanglewood Dr., Glanbrook	23-Feb-17	n/a	06-Mar-17	23-Jun-17	02-Sep-17*	A.J. Clarke & Associates Ltd.	656
Ward 12								
ZAC-16-006 25T-201602	285, 293 Fiddlers Green Rd., Ancaster	23-Dec-15	n/a	06-Jan-16	21-Apr-16	20-Jun-16	Liam Doherty	1084
ZAC-17-062	45 Secinaro Ave., Ancaster	28-Jul-17	n/a	01-Aug-17	25-Nov-17	n/a	T. Johns Consultants Inc.	501
UHOPA-17-25* ZAC-17-058	305 Garner Rd. W., Ancaster	11-Jul-17	17-Jul-17	08-Aug-17	08-Nov-17	07-Jan-18*	MHBC Planning Limited	518
UHOPA-17-22* ZAC-17-051	280 Wilson St. E., Ancaster	05-Jun-17	22-Jun-17	23-Aug-17	03-Oct-17	19-Feb-18*	GSP Group	475
ZAC-17-066	1274 Mohawk Rd., Ancaster	17-Aug-17	n/a	06-Sep-17	15-Dec-17	n/a	T. Johns Consultants Inc.	481
UHOPA-17-32* ZAC-17-072	35 Londonderry Dr., Ancaster	06-Oct-17	n/a	01-Nov-17	03-Feb-18	04-Apr-18*	A.J. Clarke & Associates Ltd.	431

**Active Development Applications
Deemed Complete Prior to December 12, 2017
(Effective October 15, 2018)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	120 day cut off (Zoning Application)	180 day cut off (OPA and/or Subdivision Application)	Applicant/ Agent	Days since Received and/or Deemed Complete as of December 11, 2018
Ward 13								
ZAR-15-004	64 Hatt St., Dundas	02-Dec-14	n/a	02-Jan-15	01-Apr-15	n/a	336477 Ontario Ltd.	1470
ZAC-17-060	211 York Rd., Dundas	14-Jul-17	n/a	02-Aug-17	11-Nov-17	n/a	Wellings Planning Consultants Inc.	515
Ward 14								
ZAC-17-064 25T-201710	655 Cramer Rd., Flamborough	09-Aug-17	n/a	17-Aug-17	07-Dec-17	n/a	A.J. Clarke & Associates Ltd.	489
RHOPA-17-38* ZAC-17-081	1633 Highway 6, Flamborough	08-Nov-17	n/a	21-Nov-17	08-Mar-18	07-May-18*	1685486 ONTARIO INC.	398
Ward 15								
UHOPA-17-06* ZAC-17-016	157 Parkside Dr., Flamborough	23-Dec-16	n/a	17-Jan-17	22-Apr-17	21-Jun-17*	MHBC Planning Limited	718

**Active Development Applications
Deemed Complete Prior to December 12, 2017
(Effective October 15, 2018)**

Active Development Applications

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

**Active Development Applications
Deemed Complete After December 12, 2017
(Effective October 15, 2018)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	150 day cut off (Rezoning)	180 day cut off (Plan of Sub.)	300 day cut off (OPA)	Applicant/ Agent	Days since Received and/or Deemed Complete as of December 11, 2018
Ward 1									
UHOPA-18-005* ZAC-18-012	235 Main St. W., Hamilton	22-Dec-17	n/a	19-Jan-18	n/a	n/a	20-Jul-18*	Urban Solutions Planning & Land Development	354
UHOPA-18-015* ZAC-18-035	69 Sanders Blvd., Hamilton	29-Nov-17	n/a	17-Jul-18	n/a	n/a	25-Sep-18*	IBI Group	180
Ward 2									
UHOPA-17-041* ZAC-17-090	80 and 92 Barton St. E and 215 and 245 Catharine St. N., Hamilton	29-Nov-17	n/a	14-Dec-17	n/a	n/a	27-Jun-18*	IBI Group	377
UHOPA-18-004* ZAC-18-009	299-307 John St. S., Hamilton	22-Dec-17	n/a	19-Jan-18	n/a	n/a	20-Jul-18*	Urban Solutions Planning & Land Development	354
ZAC-18-013	122 & 126 Augusta St. & 125 & 127 Young St., Hamilton	21-Dec-17	n/a	25-Jan-18	20-May-18	n/a	n/a	Urban Solutions Planning & Land Development	355

**Active Development Applications
Deemed Complete After December 12, 2017
(Effective October 15, 2018)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	150 day cut off (Rezoning)	180 day cut off (Plan of Sub.)	300 day cut off (OPA)	Applicant/ Agent	Days since Received and/or Deemed Complete as of December 11, 2018
Ward 2 cont'd									
UHOPA-18-007* ZAC-18-020	468, 470, 474 and 476 James St. N., Hamilton	09-Mar-18	n/a	27-Mar-18	n/a	n/a	05-Oct-18*	SvN Architects + Planners	277
UHOPA-18-008* ZAC-18-024	600 James St. N., Hamilton	29-Mar-18	n/a	23-Apr-18	n/a	n/a	23-Jan-19*	Bousfields Inc.	257
UHOPA-18-015* ZAC-18-037	282 MacNab St. N., Hamilton	06-Jul-18	n/a	25-Sep-18	n/a	n/a	02-May-19*	GSP Group	158
UHOPA-18-017* ZAC-18-041	225 John St. S., Hamilton	13-Jul-18	n/a	16-Aug-18	n/a	n/a	09-May-19*	GSP Group	151
Ward 7									
ZAC-18-008	370 Concession St., Hamilton	21-Dec-17	n/a	22-Jan-18	20-May-18	n/a	n/a	Urban Solutions Planning & Land Development	355
UHOPA-18-010* ZAC-18-025 25T-201803	221 Genoa Dr. and 1477 Upper James St., Hamilton	12-Apr-18	n/a	10-May-18	n/a	09-Sep-18	09-Oct-18*	MHBC Planning Limited	243

**Active Development Applications
Deemed Complete After December 12, 2017
(Effective October 15, 2018)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	150 day cut off (Rezoning)	180 day cut off (Plan of Sub.)	300 day cut off (OPA)	Applicant/ Agent	Days since Received and/or Deemed Complete as of December 11, 2018
Ward 8									
ZAC-18-022	35 Sabrina Blvd., Hamilton	15-Mar-18	n/a	09-Apr-18	12-Aug-18	n/a	n/a	Urban Solutions Planning & Land Development	271
ZAR-18-026	865 West 5 th St., Hamilton	13-Apr-18	n/a	27-Apr-18	10-Sep-18	n/a	n/a	WEBB Planning Consultants Inc.	242
ZAC-18-046	360 Mohawk Rd. W., Hamilton	30-Aug-18	n/a	14-Sep-18	27-Jan-19	n/a	n/a	IBI Group	103
Ward 9									
ZAR-18-030	222 First Rd. W., Stoney Creek	04-May-18	n/a	05-Jun-18	01-Oct-18	n/a	n/a	IBI Group	221
Ward 10									
ZAC-18-017	560 Grays Rd., Stoney Creek	18-Jan-18	n/a	26-Jan-18	17-Jun-18	n/a	n/a	IBI Group	327
UHOPA-18-013* ZAC-18-034	461 Green Road, Stoney Creek	8-Jun-18	n/a	18-Jul-18	05-Nov-18	05-Dec-18	04-Apr-19*	IBI Group	186

**Active Development Applications
Deemed Complete After December 12, 2017
(Effective October 15, 2018)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	150 day cut off (Rezoning)	180 day cut off (Plan of Sub.)	300 day cut off (OPA)	Applicant/ Agent	Days since Received and/or Deemed Complete as of December 11, 2018
Ward 11									
ZAC-18-005	42, 44, 48, 52 and 54 Lakeshore Dr., Stoney Creek	15-Dec-17	n/a	16-Jan-18	14-May-18	n/a	n/a	A.J. Clarke & Associates Ltd.	361
ZAA-18-006	3600 Guyatt Rd., Glanbrook	20-Dec-17	18-Jan-18	24-Jan-18	19-May-18	n/a	n/a	Larry Freeman	321
UHOPA-18-011* ZAC-17-029	1912 Rymal Rd. E., Glanbrook	04-May-18	n/a	22-May-18	n/a	n/a	28-Feb-18*	Wellings Planning Consultants Inc.	221
UHOPA-18-016* ZAC-18-040 25T-2018007	9511 Twenty Rd. W., Glanbrook	10-Jul-18	n/a	15-Aug-18	n/a	n/a	06-May-19*	Corbett Land Strategies	154
Ward 12									
ZAC-18-048 25T-2018009	387, 397, 405 and 409 Hamilton Dr., Ancaster	09-Sep-18	n/a	28-Sep-18	06-Feb-19	08-Mar-19	06-Jul-19	Fothergill Planning & Development Inc.	93

**Active Development Applications
Deemed Complete After December 12, 2017
(Effective October 15, 2018)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	150 day cut off (Rezoning)	180 day cut off (Plan of Sub.)	300 day cut off (OPA)	Applicant/ Agent	Days since Received and/or Deemed Complete as of December 11, 2018
Ward 13									
UHOPA-17-040* ZAC-17-088	264 Governors Rd. Dundas	28-Nov-17	n/a	13-Dec-17	n/a	n/a	26-Jun-18*	Urban Solutions Planning & Land Development	387
Ward 15									
ZAR-18-019	167 Highway 5 West, Flamborough	23-Feb-18	n/a	22-Mar-18	23-Jul-18	n/a	n/a	IBI Group	291
ZAR-18-043	119 Highway 5 West, Flamborough	20-Jul-18	n/a	15-Aug-18	17-Dec-18	n/a	n/a	Fothergill Planning & Development Inc.	144
RHOPA-18-020* ZAC-18-045	173 & 177 Dundas St. E., Flamborough	23-Jul-18	n/a	15-Aug-18	n/a	n/a	19-May-19*	MHBC Planning Limited	141

Active Development Applications

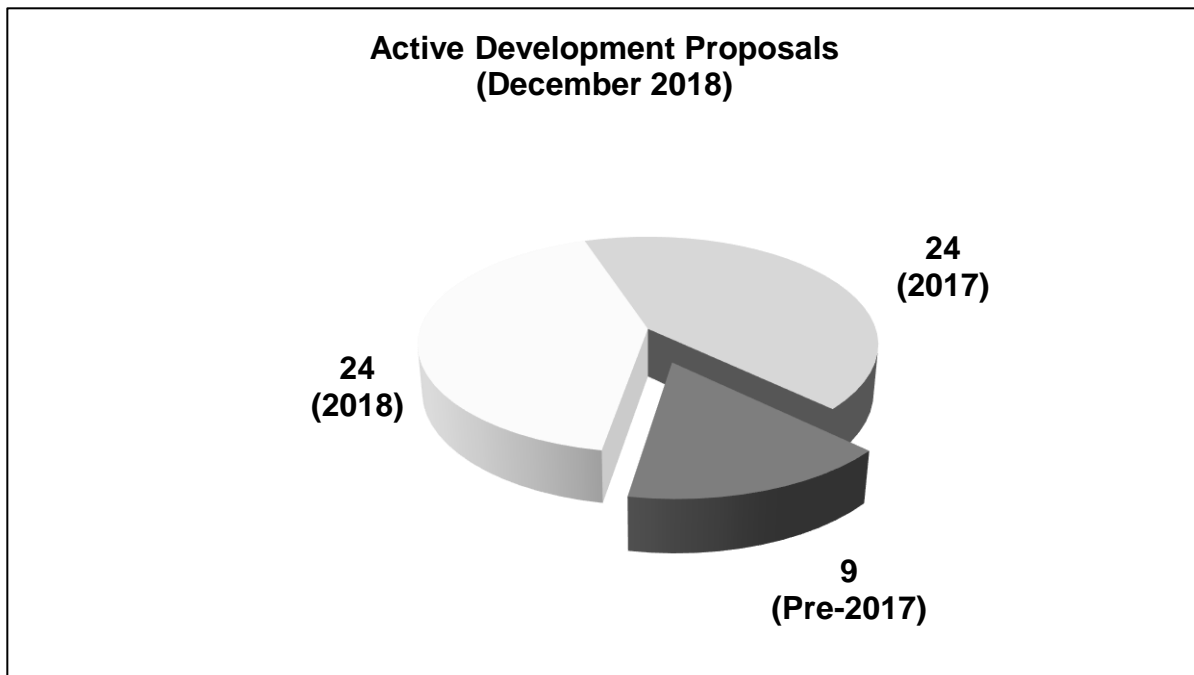
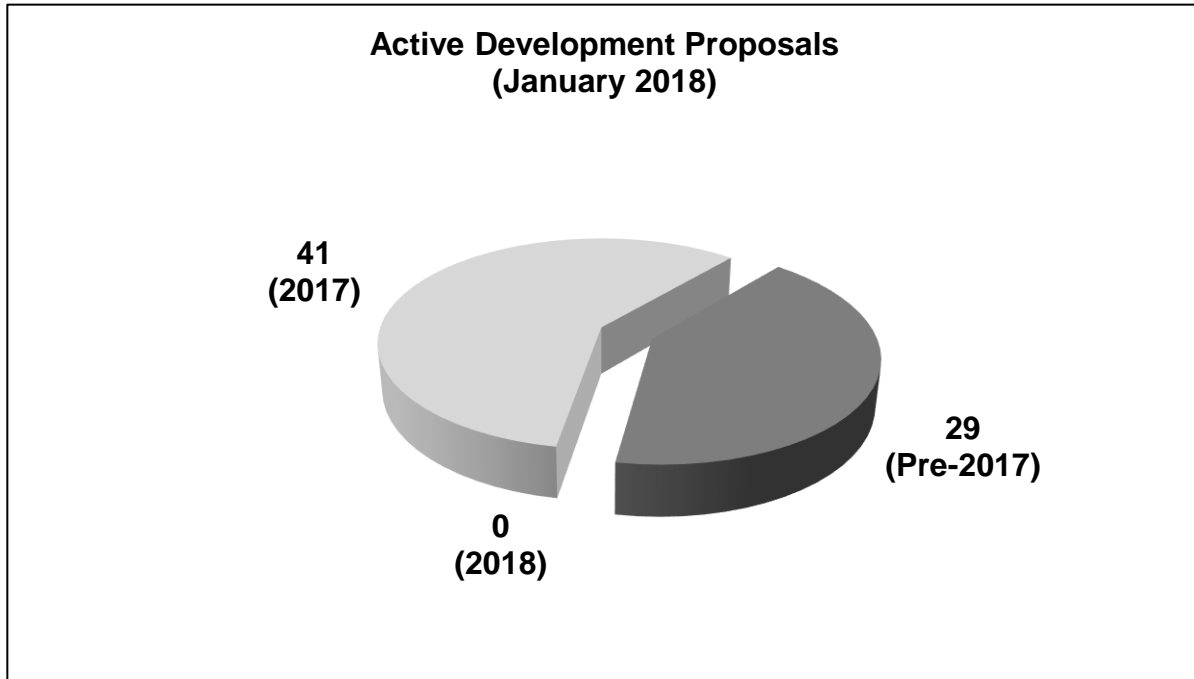
- When an application is deemed incomplete, the new deemed complete date is the day the new materials are submitted. In these situations, the 150, 180, 210 & 300 day timeframe commences on the date the new materials were submitted. In all other situations, the 150, 180, 210 & 300 day timeframe commences the day the application was received.

**Active Development Applications
Deemed Complete After December 12, 2017
(Effective October 15, 2018)**

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

Appendix "C" to Report PED18231
Page 1 of 1

Comparison of Active Development Proposals
(January 2018 vs. December 2018)





CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Building Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	December 11, 2018
SUBJECT/REPORT NO:	Increase to Permit Fees under the Building By-law (PED18247) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Jorge M. Caetano (905) 546-2424 Ext. 3931
SUBMITTED BY:	Ed VanderWindt Director, Building and Chief Building Official Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That the By-law, attached as Appendix "A" to Report PED18247 to amend City of Hamilton By-law No. 15-058, the Building By-law, be enacted;
- (b) That the fees prescribed in the By-law, attached as Appendix "A" to Report PED18247, be included in the User Fees and Charges By-law, replacing the fees listed under the heading "Classes of Permits and Fees under the Hamilton Building By-law".

EXECUTIVE SUMMARY

On May 18, 2010, (Report PED10050(a)), Council directed the Building Division to adjust permit fees in January of every year to reflect budgetary increases. This Report explains the rationale for increasing the permit fees to cover the reasonable and necessary cost increases associated with budgetary increases expected in 2019. Based on projected expenses, the Building Division is proposing an increase of 3.1% for all permit fees.

Alternatives for Consideration – See Page 4

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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: Increase to Permit Fees under the Building By-law (PED18247) (City Wide) - Page 2 of 4

FINANCIAL – STAFFING – LEGAL IMPLICATIONS (for recommendation(s) only)

Financial: Approval of the revised Building Permit Fees will ensure that all direct and indirect costs associated with delivering services related to the administration and enforcement of the *Building Code Act, 1992* are fully recovered.

Staffing: Not applicable.

Legal: The recommendations have no legal implications.

HISTORICAL BACKGROUND

On May 18, 2010, (Report PED10050(a)), Council directed the Building Division to adjust permit fees in January of every year to reflect budgetary increases.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Ontario Building Code and *Building Code Act, 1992*.

RELEVANT CONSULTATION

Legal Services Division has been consulted.

Finance, Administration and Revenue Generation Division has been consulted.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Table 1 below provides a summary of the budgeted expenses under the Building Enterprise Model associated with the administration and enforcement of the *Building Code Act, 1992* for 2018 and 2019.

Building Division		
Statement of Expenses for the Building Enterprise Model		
(Budget)		
	2018 Budget	2019 Draft Budget
Expenses		
Direct Costs	\$10,629,570	\$10,954,520
Indirect Costs	<u>\$ 901,250</u>	<u>\$ 938,330</u>
Total Expenses	<u>\$11,530,820</u>	<u>\$11,892,850</u>

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SUBJECT: Increase to Permit Fees under the Building By-law (PED18247) (City Wide) - Page 3 of 4

Based on budget figures, the Building Division's expenditures for 2019 are expected to increase to \$11.89 million from the 2018 budget expenditures of \$11.53 million. This increase is mainly due to inflationary/cost of living increases from labour and administrative costs including pension and other employee benefits which our Division will incur in 2019. Based on the figures noted in Table 1, the Division's projected increase in expenses from 2018 to 2019 is 3.1%. Accordingly, to meet this expected increase, the Building Division is proposing to increase permit fees by 3.1% (see Appendix "B"). This will ensure that fees cover the expected cost increases associated with budgetary increases in the cost of operations incurred in 2019.

Please note that, in order to simplify fees, the proposed 3.1% permit fee increase shown on the attached Appendices have been rounded off to the nearest full cent for all fees under \$100 and to the nearest full dollar for all fees over \$100.

As additional information, staff undertook a survey of the current permit fees of seven Ontario Municipalities for several different classifications of permits as shown in Appendix "C". The proposed 2019 permit fees for the City of Hamilton in these classifications, with the exception of Group B Institutional and Group C Residential House, are all below the average of the sampled Municipalities. However, it should be noted that the City of Burlington has two permit fees for a residential house. For a house with a total area of 300 m² the fee is \$12.85 per m², for a house over 300 m² the fee is \$16.57 per m². In Appendix "C" the lower fee was used for comparison purposes; if the higher fee had been used then the average for a residential house would have been \$15.53 per m² and would have put Hamilton's proposed 2019 fee of \$15.50 per m² for a residential house below the average of all seven municipalities. Additionally, the permit fees provided for comparison are based on current 2018 rates and do not reflect any proposed fee increase for 2019. All of our current 2018 permit fees are below the average of the seven municipalities surveyed.

Staff are also proposing the following changes to the Building By-law:

- Add two new fee categories for new water service and new sewer service for low density residential for when the water and sewer permit is included with a building permit application for a new building. This fee is lower than a standalone new water and new sewer service permit fee since there is less administrative work in processing these permits when they are included with a building permit for a new building;
- Add a clause to Schedule "A" of By-law No. 05-058 stating that fees in the Schedule are subject to the Harmonized Sales Tax (H.S.T.) where applicable; and
- Several housekeeping amendments in order to clarify the intent of the By-law.

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SUBJECT: Increase to Permit Fees under the Building By-law (PED18247) (City Wide) - Page 4 of 4

Increasing the permit fees to cover the reasonable and necessary costs associated with the expected rise in expenses from 2018 to 2019 will ensure these costs, associated with the administration and enforcement of the *Building Code Act, 1992*, are covered by the users of the system with no reliance placed on the general levy for its operation.

ALTERNATIVES FOR CONSIDERATION

The alternative would be to maintain the current fees, however, this could result in having to transfer additional funds from the Building Stabilization Fund which would go against the Building Division's mandate of administering and enforcing the *Building Code Act, 1992* as a fully cost-recovered and self-funded program within the City. Maintaining the current fees would also go against Council's direction given on May 18, 2010, (Report PED10050(a)) to the Building Division to adjust permit fees in January of every year to reflect budgetary increases in the cost of operations.

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.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" – Proposed Building By-law Amendment

Appendix "B" – Existing and Proposed Fees for 2019

Appendix "C" – Permit Fee Comparison

JMC:ll

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Authority: Item , Planning and
Economic Development
Committee
Report
CM:

Bill No.

CITY OF HAMILTON

BY LAW NO. 18-

To Amend By-law No. 15-058

A By-law respecting Building Permits and Related Matters

WHEREAS Council of the City of Hamilton desires to amend By-law No. 15-058, the Building By-law, to change Building Permit Fees;

AND WHEREAS public notice has been given and a public meeting held as required for this By-law, in addition to other public consultation;

AND WHEREAS section 7 of the *Building Code Act, 1992* authorizes Council of the City of Hamilton to pass by-laws concerning the issuance of permits and related matters;

AND WHEREAS sections 8, 9, and 10 of the *Municipal Act, 2001* authorize the City of Hamilton to pass by-laws necessary or desirable for municipal purposes, and in particular, paragraphs 3, 5, 6 and 8 of subsection 10(2) authorize by-laws respecting the financial management of the municipality, the economic, social, and environmental well-being of the municipality, the health, safety and well-being of persons and the protection of persons and property;

AND WHEREAS section 391 of the *Municipal Act, 2001* authorizes the City of Hamilton to pass by-laws to impose fees or charges on persons for services provided done by or on behalf of the City of Hamilton;

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

1. Schedule "A" of By-law No. 15-058 is deleted and replaced with Schedule "A" attached to and forming part of this By-law.
2. This By-law comes into force on January 1, 2019.

PASSED this day of , 2018.

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

SCHEDULE "A" TO BUILDING BY-LAW NO. 15-058
RESPECTING CLASSES OF PERMITS AND FEES

PERMIT FEES

1. Permit fees shall be calculated based on the formula given below, unless otherwise specified in this schedule:

$$\text{Permit Fee} = \text{SI} \times \text{A}$$

Where SI = Service Index for the applicable Classification under Section 3 below of the work proposed, and A = floor area in m² of work involved.

2. (a) Permit fees shall be rounded off to the nearest full dollar.
- (b) Where the permit fee is in excess of \$50,000 an applicant may elect to pay 55% of the full permit fee at the time of building permit application and the balance at the time of permit issuance.
- (c) Fees noted in this Schedule are subject to Harmonized Sales Tax (H.S.T.) where applicable.

CLASSES OF PERMITS AND FEES

3. Permit fees shall be calculated using the following table:

TABLE 1 – CLASSES OF PERMITS AND FEES

Minimum Fee	
Minimum fee for processing and issuance of permits, except where specifically noted otherwise in this By-law	\$246
Group A (Assembly Occupancies)	Service Index (SI) \$/m ² unless otherwise indicated
All Recreation Facilities, Elementary Schools, Daycare Facilities, Libraries, Places of Worship, Restaurants, Theatres, Arenas, Gymnasiums, Indoor Pools, Secondary Schools and all other Group A Buildings	\$23.02
Portable Classrooms	\$367 (flat fee)
Shell only	\$19.98
Finishing only	\$5.22
Non-Residential – Outdoor Patio	\$185 (flat fee)

Group B (Institutional Occupancies)	Service Index (SI) \$/m ² unless otherwise indicated
Institutional, Hospitals, Medical Care Facilities, Nursing Homes, and other Group B Buildings	\$27.51
Shell only	\$22.00
Finishing only	\$6.08
Group C (Residential Occupancies)	Service Index (SI) \$/m ² unless otherwise indicated
Single Family Dwelling, semi, duplex, row house, townhouse	\$15.50
Apartment buildings	\$15.50
Hotels, Motels	\$20.49
Group D (Business and Personal Services)	Service Index (SI) \$/m ² unless otherwise indicated
Office Buildings (up to 10 storeys) (Shell only)	\$15.47
Office Buildings (up to 10 storeys) (Finishing only)	\$4.95
Office Buildings (up to 10 storeys) (Finished)	\$20.42
Office Buildings (more than 10 storeys) (Shell only)	\$18.70
Office Buildings (more than 10 storeys) (Finishing only)	\$5.25
Office Buildings (more than 10 storeys) (Finished)	\$23.95
Group E (Mercantile)	Service Index (SI) \$/m ² unless otherwise indicated
Retail (Shell only)	\$12.69
Retail (Finishing only)	\$4.29
Retail (Finished)	\$16.98
Group F (Industrial)	Service Index (SI) \$/m ² unless otherwise indicated
Industrial (Shell only)	\$7.70
Industrial (Finishing only)	\$4.21
Industrial (Finished)	\$11.91

Group F (Industrial) (continued)	Service Index (SI) \$/m² unless otherwise indicated
Parking Garages	\$7.02
Gas Stations	\$12.81
Subsurface Works (in addition to the regular permit fee)	Flat Fee Unless otherwise indicated
Foundation Permits	
Residential under Part 9 of Division B of the Building Code	\$383
Residential/Commercial/Industrial/Institutional under Part 3 of Division B of the Building Code (up to 1200 m ²)	\$952
Residential/Commercial/Industrial/Institutional under Part 3 of Division B of the Building Code (greater than 1200 m ²)	\$2,857
Excavation and Shoring	\$10.57 per linear metre
New water service (low density residential only)	\$158
New water service when included with a complete building permit application for a new building (low density residential only)	\$142
New sewer service (low density residential only)	\$158
New sewer service when included with a complete building permit application for a new building (low density residential only)	\$142
Designated Structures	Flat Fee
Communication Tower, Crane Runway, Retaining Wall, Silos	\$442
Exterior Storage Tanks – Above and below ground (except for fire fighting water reservoirs)	\$442
Pedestrian Bridge/Walkway	\$442
Satellite Dish (face area equal to or greater than 5 m ²)	\$442
Outdoor Public Spa	\$906
Outdoor Public Swimming Pool	\$1,794

Fire Protection Systems (stand alone – excludes relocation of components for existing system)	Service Index (SI) \$/m ² unless otherwise indicated
Electromagnetic Locks/Electric Strikes	\$209 each (maximum \$627)
Fire Alarm System	\$367 (flat fee)
Emergency Lighting/Exit Signs	\$367 (flat fee)
Sprinkler System	\$0.61
Standpipe System	\$367 (flat fee)
Combined Sprinkler and Standpipe System	\$0.61 (minimum \$367)
Mechanical Systems (stand alone)	Flat Fee
Commercial Cooking Exhaust System	\$367
Demolition (complete or partial building – not issued under Demolition Control By-law)	Service Index (SI) \$/m ² unless otherwise indicated
Residential – single/two family dwelling and townhouses	\$0.46
Accessory structures to a residential use	\$0.46 (\$158 minimum)
Non-residential and multi residential	\$0.46 (\$393 minimum)
Plumbing Devices (stand alone)	Flat Fee
Backflow Preventer For first premise or zone device	\$246
For each additional premise or zone device	\$158
Backwater Valve	\$246
Grease/Oil Interceptor	\$246

Renewable (Green) Energy Systems	Flat Fee
Geothermal System for a Single/Two Family Dwelling	\$442
Geothermal System for all other Buildings	\$593
Solar Collector for a Single/Two Family Dwelling	\$246
Solar Collector for all other Buildings	\$442
Wind Turbine	\$442
Sewage Systems	Flat Fee
To construct a sewage system pursuant to the provisions of the Act	\$855
To construct a Class 5 sewage systems or to repair a sewage system pursuant to the provisions of the Act	\$523
Sewage System Maintenance Inspection Program	\$240
Signs	Flat Fee
Ground Sign with a sign area of less than or equal to 2.5 m ²	\$220
Ground Sign with a sign area of greater than 2.5 m ² and up to 4.0 m ²	\$388
Ground Sign with a sign area greater than 4.0 m ²	\$775
Awning, Canopy, Marquee, Parapet, Projecting and Wall Signs	\$388
Billboard	\$775
Other Classifications (not previously listed)	Service Index (SI) \$/m² unless otherwise indicated
Accessory structures, garage, storage shed, new basement, cold cellar, unenclosed canopies, air supported structures	\$5.56
Farm Buildings	\$2.84
Greenhouses	\$1.70 (Maximum \$5,600)

Other Classifications (not previously listed) (continued)	Service Index (SI) \$/m ² unless otherwise indicated
Tents	\$1.85 (Maximum \$393)
Temporary Structures	
Sales Offices	\$15.15
Construction Trailers	\$11.98
Stages	\$246 (flat fee)
Other Structures (intended to be used for less than 6 months)	\$246 (flat fee)
Residential greenhouses, deck, balcony, open porch, exterior stair, ramp, open carport	\$4.53
Alterations/partitioning/renovations to existing finished areas (where no building systems are being installed or altered), relocation/moving permits, finishing a basement in a single family dwelling	\$3.43
Exterior barrier free access in existing single and two family dwellings	\$0.00
Re-roofing without any structural changes (except for buildings containing less than 4 dwelling units or townhouses)	\$0.29
Administrative Fees	Flat Fee
Additional Plan Review (Resubmission) Where a non-compliant resubmission is submitted above and beyond the first resubmission	\$158 (per hour of review time)
Additional Permit Fee (Revision) Where an applicant makes a material change to a plan, specification, document, or other information, following the issuance of a building permit (includes first hour of review time)	\$158
For each additional hour, or part thereof, of review time	\$158
Alternative Solution Application for an Alternative Solution under Section 2.1, of Division C, of the Building Code (up to 4 hours review time)	\$572
For each additional hour, or part thereof, of review time	\$158
Applicable Law Review Review and consultation for Applicable Law requirements	\$242

Administrative Fees (continued)	Flat Fee
Building Code Compliance Letters Written requests for information concerning a building's compliance with the current Building Code	\$158 (per hour of review time)
Change of Use Permit Change of use Permit with no construction	\$246
Conditional Permit Fee Review and approval of Conditional Permit Agreements/Undertakings	10% of permit fee (minimum \$1,031, maximum \$3,609)
Fire Watch/Fire Plan Review and approval of Fire Watch/Fire Plans during construction	\$516
Limiting Distance Agreements For Review and approval of Limiting Distance Agreements under the Ontario Building Code	\$558
Occupancy Permit of an Unfinished Building Occupancy inspection prior to completion as per Subsection 1.3.3 of Division C of the Building Code	\$158 (per unit)
Permit or Application Extensions Extension of a building permit or permit application where no revisions are required	\$158
Pre-Consultation Building Code preliminary design consultation/review for proposed designs prior to a complete permit application being submitted	\$158 (per hour of review time)
Premature/Additional Inspections Where an inspection request is premature and the inspector must re-attend the site to complete the necessary inspection, or an additional inspection is requested or required	\$209 (per inspection)
Stock Plans Review of stock plans for new single family dwellings in a Plan of Subdivision prior to a complete permit application being submitted	\$400
Suspended Permit Where an inspection is requested for a Permit that has been suspended	\$209 (per inspection)

Administrative Fees (continued)	Flat Fee
Transfer of Permit Where ownership changes on a property and there are no other changes to the project or the professional services required.	\$158

4. Where no new floor area is created, or where materials, systems or equipment regulated by the Building Code render it impossible to determine the permit fee on the basis of the classifications noted in this Schedule, the permit fee payable shall be 1% of the prescribed value as determined by the Chief Building Official under Subsection 6.1 of this By-law, subject to a minimum fee as per Section 3 of this Schedule.
5. The total fees under this Schedule and Schedule "C" shall be paid prior to the issuance of a permit.
6. **INTERPRETATION**

In addition to referring to the Act and the Building Code in determining the fees under this By-law, the Chief Building Official may have regard to the following explanatory notes as may be needed in the calculation of permit fees:

- (a) Floor area of the proposed work is to be measured to the outer face of exterior walls and to the centre line of party walls or demising walls (but excluding residential garages);
- (b) In the case of interior alterations or renovations, area of proposed work is the actual space receiving the work (e.g. tenant space);
- (c) Mechanical penthouses and floors, mezzanines, lofts, habitable attics and interior balconies are to be included in all floor area calculations;
- (d) Except for interconnected floor spaces, no deduction is made for openings within the floor area (e.g. stairs, elevators, escalators, shafts, ducts, and similar openings);
- (e) Unfinished basements for single family dwellings, semis, duplexes and townhouses are not included in the floor area;
- (f) Attached garages and fireplaces are included in the permit fee for individual dwelling units;
- (g) Where interior alterations and renovations require relocation of sprinkler heads or fire alarm components, no additional charge is applicable;

- (h) Corridors, lobbies, washrooms, lounges, and similar areas are to be included and classified according to the major classification for the floor area on which they are located;
- (i) The occupancy categories in the Schedule correspond with the major occupancy classifications in the Building Code. For mixed occupancy floor areas, the Service Index for each of the applicable occupancy categories shall be used and the floor area associated with the major occupancy;
- (j) For Rack Storage use apply the square footage charge for industrial for the building;
- (k) A temporary building is considered to be a building that will be erected for not more than one year; and,
- (l) Where a change of use permit is subject to a fee based on floor area, "floor area" shall mean the total floor space of all storeys subject to the change of use.

Existing and Proposed Fees for 2019
(\$ per square metre unless otherwise noted)

Classes of Permits and Fees	Existing Fee	Proposed Fee (3.1% Increase)
Minimum Fee	\$239	\$246
Group A (Assembly Occupancies)		
All Recreation Facilities, Elementary Schools, Daycare Facilities, Libraries, Places of Worship, Restaurants, Theatres, Arenas, Gymnasiums, Indoor Pools, Secondary Schools and all other Group A Buildings	\$22.33	\$23.02
Portable Classrooms	\$356 (flat fee)	\$367 (flat fee)
Shell Only	\$19.38	\$19.98
Finishing Only	\$5.06	\$5.22
Non-Residential - Outdoor Patio	\$179 (flat fee)	\$185 (flat fee)
Group B (Institutional Occupancies)		
Institutional, Hospitals, Medical Care Facilities, Nursing Homes, and other Group B Buildings	\$26.68	\$27.51
Shell Only	\$21.34	\$22.00
Finishing Only	\$5.90	\$6.08
Group C (Residential Occupancies)		
Single Family Dwelling, Semi, duplex, row house, townhouse	\$15.03	\$15.50
Apartment Buildings	\$15.03	\$15.50
Hotels, Motels	\$19.87	\$20.49
Group D (Business and Personal Services)		
Office buildings (up to 10 storeys) (Shell only)	\$15.00	\$15.47
Office Buildings (up to 10 storeys) (finishing only)	\$4.80	\$4.95
Office Buildings (up to 10 storeys) (finished)	\$19.79	\$20.42
Office Buildings (more than 10 storeys) (shell only)	\$18.14	\$18.70
Office Buildings (more than 10 storeys) (finishing only)	\$5.09	\$5.25
Office Buildings (more than 10 storeys) (finished)	\$23.23	\$23.95

Classes of Permits and Fees	Existing Fee	Proposed Fee (3.1% Increase)
Group E (Mercantile)		
Retail (Shell only)	\$12.31	\$12.69
Retail (finishing only)	\$4.16	\$4.29
Retail (finished)	\$16.47	\$16.98
Group F (Industrial)		
Industrial (Shell Only)	\$7.47	\$7.70
Industrial (Finishing Only)	\$4.08	\$4.21
Industrial (Finished)	\$11.56	\$11.91
Parking Garages	\$6.81	\$7.02
Gas Stations	\$12.42	\$12.81
Subsurface Works (in addition to the regular permit fee)	Flat Fee	Flat Fee
Foundation Permits		
Residential under Part 9 of Division B of the Building Code	\$371	\$383
Residential/Commercial/Industrial/Institutional under Part 3 of Division B of the Building Code (up to 1 200 m ²)	\$923	\$952
Residential/Commercial/Industrial/Institutional under Part 3 of Division B of the Building Code (greater than 1 200 m ²)	\$2,771	\$2,857
Excavation and Shoring	\$10.25 per linear metre	\$10.57 per linear metre
New water service (low density residential only)	\$153	\$158
New water service when included with a complete building permit application for a new building (low density residential only)	New for 2019	\$142
New Sewer Service (low density residential only)	\$153	\$158
New sewer service when included with a complete building permit application for a new building (low density residential only)	New for 2019	\$142

Classes of Permits and Fees	Existing Fee	Proposed Fee (3.1% Increase)
Designated Structures	Flat Fee	Flat Fee
Communication Tower, Crane Runway, Retaining Wall, Silos	\$429	\$442
Exterior Storage Tanks – Above and below ground (except for fire fighting water reservoirs)	\$429	\$442
Pedestrian Bridge/Walkway	\$429	\$442
Satellite Dish (face area equal to or greater than 5 m ²)	\$429	\$442
Outdoor Public Spa	\$879	\$906
Outdoor Public Swimming Pool	\$1,740	\$1,794
Fire Protection Systems (Stand Alone - excludes relocation of components for an existing system)		
Electromagnetic Locks/Electric Strikes	\$203 each (maximum \$608)	\$209 each (maximum \$627)
Fire Alarm System	\$356 (Flat Fee)	\$367 (Flat Fee)
Emergency Lighting/Exit Signs	\$356 (Flat Fee)	\$367 (Flat Fee)
Sprinkler System	\$0.59	\$0.61
Standpipe System	\$356 (Flat Fee)	\$367 (Flat Fee)
Combined Sprinkler and Standpipe System	\$0.59 (minimum \$356)	\$0.61 (minimum \$367)
Mechanical Systems (Stand Alone)	Flat Fee	Flat Fee
Commercial Cooking Exhaust System	\$356	\$367
Demolition (complete or partial building - not issued under Demolition Control By-law)		
Residential - Single/Two Family Dwelling and Townhouses	\$0.45	\$0.46
Accessory Structure to a Residential Use	\$0.45 (\$153 minimum)	\$0.46 (\$158 minimum)
Non-Residential and Multi-Residential	\$0.45 (\$381 minimum)	\$0.46 (\$393 minimum)

Classes of Permits and Fees	Existing Fee	Proposed Fee (3.1% Increase)
Plumbing Devices (Stand Alone)	Flat Fee	Flat Fee
Backflow Preventer		
For First premise or zone device	\$239	\$246
For each additional premise or zone device	\$153	\$158
Backwater Valve	\$239	\$246
Grease/Oil Interceptor	\$239	\$246
Renewable (Green) Energy Systems	Flat Fee	Flat Fee
Geothermal System for a Single/Two Family Dwelling	\$429	\$442
Geothermal System for all other buildings	\$575	\$593
Solar Collector for a Single/Two Family Dwelling	\$239	\$246
Solar Collector for all other buildings	\$429	\$442
Wind Turbine	\$429	\$442
Sewage Systems	Flat Fee	Flat Fee
To construct a sewage system pursuant to the provisions of the Act	\$829	\$855
To construct a Class 5 sewage system or to repair a sewage system pursuant to the provisions of the Act	\$507	\$523
Sewage System Maintenance Inspection Program	\$233	\$240
Signs	Flat Fee	Flat Fee
Ground Sign with a sign area of less than or equal to 2.5 m ²	\$213	\$220
Ground Sign with a sign area greater than 2.5 m ² and up to 4.0 m ²	\$376	\$388
Ground Sign with a sign area greater than 4.0 m ²	\$752	\$775
Awning, Canopy, Marquee, Parapet, Projecting and Wall Signs	\$376	\$388
Billboard	\$752	\$775

Classes of Permits and Fees	Existing Fee	Proposed Fee (3.1% Increase)
Other Classifications (not previously listed)		
Accessory structures, garage, storage shed, new basement, cold cellar, silo, unenclosed canopies, air supported structures	\$5.39	\$5.56
Farm Buildings	\$2.75	\$2.84
Greenhouses	\$1.65 (maximum \$5,432)	\$1.70 (maximum \$5,600)
Tents	\$1.79 (maximum \$381)	\$1.85 (maximum \$393)
Temporary Structures		
Sales Offices	\$14.69	\$15.15
Construction Trailers	\$11.62	\$11.98
Stages	\$239 (flat fee)	\$246 (flat fee)
Other Structures (intended to be used for less than 6 months)	\$239 (flat fee)	\$246 (flat fee)
Residential Greenhouses, deck, balcony, open porch, exterior stair, ramp, open carport	\$4.39	\$4.53
Alterations/partitioning/renovations to existing finished areas (where no building systems are being installed or altered), relocation/moving permits, finishing a basement in a single family dwelling	\$3.33	\$3.43
Exterior barrier free access in existing single and two family dwellings	\$0.00	\$0.00
Re-roofing without any structural changes	\$0.28	\$0.29

Classes of Permits and Fees	Existing Fee	Proposed Fee (3.1% Increase)
Administrative Fees	Flat Fee	Flat Fee
Additional Plan Review (Resubmission) Where a non-compliant resubmission is submitted above and beyond the first resubmission	\$153 (per hour of review time)	\$158 (per hour of review time)
Additional Permit Fee (Revision) Where an applicant makes a material change to a plan, specification, document, or other information, following the issuance of a building permit (includes first hour of review time)	\$153	\$158
For each additional hour or part thereof of review time	\$153	\$158
Alternative Solution Application for an Alternative Solution under Section 2.1, of Division C, of the Building Code (up to 4 hours review time)	\$555	\$572
For each additional hour or part thereof of review time	\$153	\$158
Applicable Law Review Review and consultation for applicable law requirements	\$235	\$242
Building Code Compliance Letters Written requests for information concerning a building's compliance with the current Building Code	\$153 (per hour of review time)	\$158 (per hour of review time)
Change of Use Permit Change of use Permit with no construction	\$239	\$246
Conditional Permit Agreement/Undertaking Review and approval of Conditional Permit Agreement/Undertaking	10% of permit fee (Minimum \$1,000, Maximum \$3,500)	10% of permit fee (Minimum \$1,031, Maximum \$3,609)
Fire Watch/Fire Plan Review Review and approval of Fire Watch/Fire Plans during construction	\$500	\$516

Classes of Permits and Fees	Existing Fee	Proposed Fee (3.1% Increase)
Administrative Fees (continued)	Flat Fee	Flat Fee
<p>Limiting Distance Agreements For review and approval of Limiting Distance Agreements under Sentence 3.2.3.1.(8), 9.10.14.2.(4) or 9.10.15.2.(4), of Division B, of the Building Code</p> <p>Occupancy Permit of an Unfinished Building Occupancy Inspection prior to completion as per Subsection 1.3.3, Division C of the Building Code</p> <p>Permit or Application Extensions Extension of building permit or permit application where no revisions are required</p> <p>Pre-Consultation Building Code preliminary design consultation/review for proposed designs prior to a complete permit application being submitted</p> <p>Premature/Additional Inspections Where an inspection request is premature and the inspector must re-attend the site to complete the necessary inspection, or an additional inspection is requested or required</p> <p>Stock Plans Review of stock plans for new single family dwellings in a Plan of Subdivision prior to a complete permit application being submitted</p> <p>Suspended Permit Where an inspection is requested for a permit that has been suspended</p> <p>Transfer of Permit Where ownership changes on a property and there are no other changes to the project or the professional services required</p>	<p>\$541</p> <p>\$153 (per unit)</p> <p>\$153</p> <p>\$153 (per hour of review time)</p> <p>\$203 (per inspection)</p> <p>\$388</p> <p>\$203 (per inspection)</p> <p>\$153</p>	<p>\$558</p> <p>\$158 (per unit)</p> <p>\$158</p> <p>\$158 (per hour of review time)</p> <p>\$209 (per inspection)</p> <p>\$400</p> <p>\$209 (per inspection)</p> <p>\$158</p>

Permit Fee Comparison

Municipality ¹	Group A Restaurant	Group B Institutional	Group C Residential House	Group D Offices (2 Storeys)	Group E Retail (Finished)	Group F Industrial Building (3000 m ²) (Finished)
Brampton (2018)	\$16.88	\$21.40	\$14.08	\$16.32	\$16.32	\$10.71
Burlington (2018) ²	\$23.45	\$26.64	\$12.85	\$22.98	\$23.04	\$9.55
Cambridge (2018)	\$27.99	\$29.71	\$15.07	\$23.57	\$16.68	\$10.44
Kitchener (2018)	\$24.76	\$26.37	\$12.81	\$20.99	\$14.75	\$8.40
Mississauga (2018)	\$23.18	\$25.75	\$16.45	\$20.65	\$17.24	\$12.88
Oakville (2018)	\$31.00	\$31.90	\$16.55	\$23.00	\$23.00	\$15.75
Toronto (2018)	\$28.61	\$30.44	\$17.16	\$22.62	\$19.20	\$15.73
Average	\$25.12	\$27.46	\$15.00	\$21.45	\$18.60	\$11.92
Hamilton (Existing 2018 Fees)	\$22.33	\$26.68	\$15.03	\$19.79	\$16.47	\$11.56
Hamilton (Proposed 2019 Fees)	\$23.02	\$27.51	\$15.50	\$20.40	\$16.98	\$11.92

Notes:

1. The permit fees provided for the above noted municipalities are based on 2018 rates and do not reflect any proposed fee increase for 2019.
2. The City of Burlington has two permit fees for a residential house. For a house with a total area of up to 300 square metres the fee is \$12.85 per square metre, for a house over 300 square metres the fee is \$16.57 per square metre. In the table the lower fee was used for comparison purposes, if the higher fee had been used then the average for a residential house would have been \$15.53 which would have put Hamilton's proposed 2019 fee for a residential house below the average of all seven municipalities.



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Building Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	December 11, 2018
SUBJECT/REPORT NO:	Demolition Permit 1796 King Street East (PED18248) (Ward 4)
WARD(S) AFFECTED:	Ward 4
PREPARED BY:	Jorge Caetano (905) 546-2424 Ext. 3931
SUBMITTED BY:	Ed VanderWindt Director, Building and Chief Building Official Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That the Chief Building Official be authorized and directed to issue a demolition permit for 1796 King Street East in accordance with By-law 09-208, as amended by By-law 13-185, pursuant to Section 33 of *The Planning Act*, subject to the following conditions:

- (a) That the applicant has applied for and received a building permit for a replacement building on this property;
- (b) That the said building permit specifies that if the replacement building is not erected within two years of the demolition of the existing building on the property, the City be paid the sum of \$20,000 which sum:
 - (i) the City Clerk is authorized to enter on the collector's roll and collect in like manner as municipal taxes; and
 - (ii) is a lien or charge on the property until paid; and
- (c) That the applicant be required to register on title to the subject property (prior to issuance of the said demolition permit), notice of these conditions in a form satisfactory to the Chief Building Official and the City Solicitor.

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**SUBJECT: Demolition Permit for 1796 King Street East (PED18248) (Ward 4) -
Page 2 of 4**

EXECUTIVE SUMMARY

The owner of this property is proposing to demolish the existing single family dwelling and propose a parking lot to be used in conjunction with the existing retirement home located on the adjacent property known as 1800 King Street East. The required Site Plan Application to permit the parking lot has not been submitted to the Development Planning Section.

Under Section 4 of the Demolition Control By-law 09-208 the Chief Building Official has the delegated authority to issue a demolition permit for residential properties that are considered to be “routine applications”. This application has been deemed a “routine application” as this property is located in the middle of an established neighbourhood and current zoning would permit the replacement residential use. Therefore, the standard conditions required to be registered on title that would require a building permit to be issued in conjunction with the demolition permit and the replacement building to be substantially completed within two years of the date of the demolition would apply in accordance with the By-law.

However, where the owner of the property does not agree with the conditions being imposed, Section 7 of the By-law requires the Chief Building Official to advise Council. Council then retains all power to: issue, including imposing the standard rebuild condition; issue without conditions or refuse to issue the demolition permit.

This Report is presented to Council as the owners are not in agreement with the recommended conditions as set out in the Demolition Control By-law.

Alternatives for Consideration – See Page 3

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Not applicable.

Staffing: Not applicable.

Legal: Not applicable.

HISTORICAL BACKGROUND

PRESENT ZONING: “H” (Community Shopping and Commercial) (Hamilton Zoning By-law 6593). Also note that By-law 17-240 changed the zoning of this property from “H” to “C3” (Community Commercial) under Hamilton Zoning By-law 05-

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**SUBJECT: Demolition Permit for 1796 King Street East (PED18248) (Ward 4) -
Page 3 of 4**

200. However, By-law 17-240 has been appealed and therefore is not yet final.

PRESENT USE: Single Family Dwelling

PROPOSED USE: Vacant/Parking Lot

BRIEF DESCRIPTION: A recent inspection revealed that the one storey single family dwelling at 1796 King Street East is structurally sound and not unsafe. However, the dwelling is in poor condition.

This land is located in Ward 4. Please see Appendix "A" for a location map.

No interest to the Hamilton Municipal Heritage Committee.

Lot size: 10.67 m x 54.76 m and having a lot area of 584.29 m².

The owner of the property, as per the demolition permit application, is:

Mark Smith
1909380 Ontario Limited
14845 Young Street
Aurora, ON
L4G 6H8

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Not applicable.

RELEVANT CONSULTATION

Not applicable.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Not applicable.

ALTERNATIVES FOR CONSIDERATION

Should the Committee wish to approve the demolition without imposing the conditions for a replacement dwelling, then the following recommendation may be appropriate:

**SUBJECT: Demolition Permit for 1796 King Street East (PED18248) (Ward 4) -
Page 4 of 4**

That the Director of Building Division be authorized and directed to issue a demolition permit for 1796 King Street East in accordance with By-law 09-208, as amended by By-law 13-185, pursuant to Section 33 of *The Planning Act* as amended.

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.

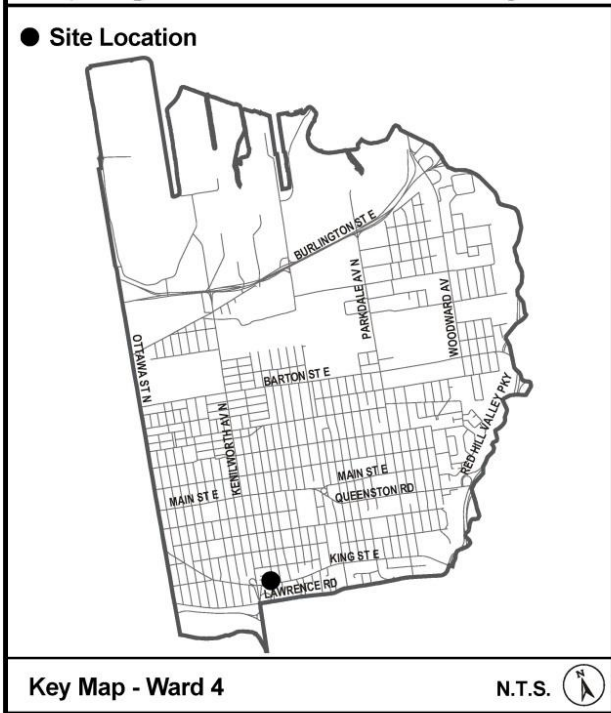
Built Environment and Infrastructure

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

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” – Location Map

JMC:ll



<h2 style="margin: 0;">Location Map</h2>		
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		
File Name/Number: 1796 King St E		Date: Nov. 7, 2018
Appendix "A"	Scale: N.T.S.	Planner/Technician: JG/AL
<p>Subject Property</p> <p> 1796 King Street East</p>		



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
 Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	December 11, 2018
SUBJECT/REPORT NO:	Zoning By-law Amendment for Lands Located at 1215 Barton Street, Stoney Creek (PED18233) (Ward 10)
WARD(S) AFFECTED:	Ward 10
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 **Amended Zoning By-law Amendment Application ZAC-17-009, by Losani Homes, Owner**, for a modification to the Residential "R6" Zone in the Stoney Creek Zoning By-law No. 3692-92, to permit the development of two semi detached dwellings and one single detached dwelling on lands located at 1215 Barton Street (Stoney Creek), as shown on Appendix "A" to Report PED18233, be **APPROVED** on the following basis:

- (a) That the draft By-law, attached as Appendix "B" to Report PED18233, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow), and complies with the Urban Hamilton Official Plan.

EXECUTIVE SUMMARY

The proposed Zoning By-law Amendment is for a modification to the Residential "R6" Zone in the Stoney Creek Zoning By-law No. 3692-92, to permit the development of two semi detached dwellings and one single detached dwelling for a total of five residential units, fronting onto Escarpment Drive. To accommodate the proposal, site specific

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**SUBJECT: Zoning By-law Amendment for Lands Located at 1215 Barton Street,
Stoney Creek (PED18233) (Ward 10) - Page 2 of 12**

modifications are proposed to the lot area, lot coverage and rear and side yard setbacks.

The Application has merit and can be supported because it 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 (UHOP). The proposal is considered to be compatible with existing development in the area and provides for additional residential uses using existing infrastructure.

Alternatives for Consideration – See Page 12

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

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

HISTORICAL BACKGROUND

Chronology:

December 23, 2016: Application ZAC-17-009 received.

January 6, 2017: Application ZAC-17-009 deemed complete.

January 19, 2017: Notice of Complete Application and Pre-Circulation was mailed to 76 property owners within 120 m of the subject property.

February 6, 2017: A Public Notice Sign was established on the property.

July 13, 2018: Revised concept plan submitted proposing semi detached dwellings instead of townhouse dwelling units.

November 14, 2018: Public Notice sign updated to reflect the date of Public Meeting.

November 23, 2018: Circulation of Notice of Public Meeting to 76 property owners within 120 m of the subject property.

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**SUBJECT: Zoning By-law Amendment for Lands Located at 1215 Barton Street,
Stoney Creek (PED18233) (Ward 10) - Page 3 of 12**

Background:

The subject property is located on the northeast corner of the Barton Street / Escarpment Drive intersection and is municipally known as 1215 Barton Street. The subject lands are 0.25 ha in size and contain one single detached dwelling. A Consent Application SC/B-14:28 was submitted in support of this proposal. However, the application was tabled in 2015 since the Fruitland-Winona Secondary Plan had not been adopted by Council at the time.

The initial submission received by the City proposed four townhouse dwelling units and one single detached dwelling on the subject lands. The applicants amended their proposal to propose two semi detached dwellings and one single detached dwelling, thereby changing the built form but not the overall number of units.

Fruitland - Winona Secondary Plan

There are nine residential properties located along the north side of Barton Street, west of Winona Road in Stoney Creek, known municipally as 1215, 1217, 1219, 1221, 1227, 1229, 1231, 1235, and 1239 Barton Street, that are designated “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations, in the Urban Hamilton Official Plan and “Low Density Residential 2” in the Fruitland-Winona Secondary Plan. These lands are remnant lands from a previous Official Plan Amendment and Local Planning Area Tribunal (formerly the Ontario Municipal Board (OMB)) decision, which converted adjoining properties from “Industrial” to “Residential” uses. These properties formed a small, isolated pocket of land that were formerly designated for industrial uses in an area primarily surrounded by lands designated for residential uses. Of the nine properties, only two are vacant and one is occupied by a Bell Canada transformer / utility office. The remaining parcels contain single detached residential dwellings.

These lands, including the lands under the purview of this application, were initially excluded from the original Winona Urban Community Secondary Plan in the former City of Stoney Creek Official Plan. The former City of Stoney Creek Official Plan also contained Special Policy Area “F” (SPA) which required the completion of a Secondary Plan for the Fruitland-Winona area. These lands were also not included in the SPA because they were already in the Urban Area.

On March 20, 2012, a motion was passed by Council, with regards to 1215 - 1239 Barton Street, directing staff to bring forward Official Plan Amendments for the subject lands to re-designate the properties from “Business Park” to “Neighbourhoods” within the Urban Hamilton Official Plan.

Staff were in the process of completing the Secondary Plan for Fruitland-Winona and it was deemed appropriate to include the subject lands within the Secondary Plan rather than carry out a separate amendment to the Urban Hamilton Official Plan at a later date.

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**SUBJECT: Zoning By-law Amendment for Lands Located at 1215 Barton Street,
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The lands are designated “Low Density Residential 2” on Map B.7.4-1 - Land Use Plan, in the Fruitland – Winona Secondary Plan, which was approved by the Local Planning Area Tribunal (LPAT) on June 22, 2018.

City Initiative CI-17-D (November 8, 2017)

On November 8, 2017, City Council approved a City Initiative (CI-17-D) to rezone the lands at 1215 – 1239 Barton Street, from Prestige Business Park “M3” Zone in Zoning By-law No. 05-200, to Neighbourhood Development “ND” Zone, in the City of Stoney Creek Zoning By-law No. 3692-92, to reflect the residential intent of the lands as set out in the Fruitland-Winona Secondary Plan. At the time of the City Initiative, the Fruitland-Winona Secondary Plan was still under appeal, therefore staff recommended the Neighbourhood Development “ND” Zone be applied which essentially represents a holding zone whereby no person shall use any building, structure or land in the “ND” Zone for any purpose other than that for which it was used on the date of passing of the Zoning By-law. The permitted uses in the “ND” Zone are limited in scope and include one single detached dwelling and related accessory buildings and / or uses existing at the date of the passing of the Zoning By-law.

Council Motion (June 27, 2018)

On June 27, 2018, City Council passed the following motion:

“That staff be directed to prepare an Official Plan Amendment and associated Zoning By-law changes for consideration at a public meeting of the Planning Committee no later than September 18, 2018, for the lands located at 1215, 1217, 1219, 1221, 1227, 1231, 1235 and 1239 Barton Street, Stoney Creek, to recognize the existing single family dwellings and to permit the severing of single family lots, which would be in keeping with the existing homes”.

This motion directed staff to complete amendments to the Urban Hamilton Official Plan and to the Stoney Creek Zoning By-law No. 3692-92 now that the Fruitland-Winona Secondary Plan had been approved by the Local Planning Area Tribunal (LPAT). The amendments were approved by Council on September 26, 2018, which established an area-specific policy over the subject lands to permit a density of 0 to 40 units per hectare in the Fruitland-Winona Secondary Plan, and changed the zoning from Neighbourhood Residential “ND” Zone to the Residential “R6” Zone in the Stoney Creek Zoning By-law No. 3692-92.

Zoning By-law Amendment (ZAC-17-009)

The purpose of the Application is for a modification to the Residential “R6” Zone for the development of two semi detached dwellings and one single detached dwelling for a

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**SUBJECT: Zoning By-law Amendment for Lands Located at 1215 Barton Street,
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total of five residential units on the subject lands. Site Specific modifications have been proposed regarding the following:

- Minimum lot area;
- Maximum lot coverage;
- Minimum rear yard; and,
- Minimum side yard.

The details of the proposed modifications are further discussed in Appendix “D” to Report PED18233.

DETAILS OF SUBMITTED APPLICATION:

<u>Owner:</u>	Losani Homes (1998) Ltd.	
<u>Agent:</u>	WEBB Planning Consultants	
<u>Location:</u>	1215 Barton Street (Stoney Creek) (see Appendix “A” to Report PED18233)	
<u>Property Size:</u>	Frontage	52.667 m (Escarpment Drive) 27.1 m (Barton Street)
	Area	0.25 ha
	Depth	52 m
<u>Servicing:</u>	Full Municipal Services	

EXISTING LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Vacant / Single Detached Dwelling	Residential “R6” Zone
<u>Surrounding Lands:</u>		
North	Single Detached Dwellings	Single Residential “R3-30” Zone, Modified
East	Single Detached Dwelling	Residential “R6” Zone
South	Single Detached Dwelling	Rural Residential “RR” Zone

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**SUBJECT: Zoning By-law Amendment for Lands Located at 1215 Barton Street,
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West

Vacant land

Small Scale Industrial “MS”
Zone

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Planning Policy Framework

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

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent LPAT (formerly the OMB) 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 (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. The update to the Growth Plan for the Greater Golden Horseshoe came into effect on July 1, 2017 and as such, is reviewed separately.

As this application complies with the Urban Hamilton Official Plan and the Fruitland-Winona Secondary Plan, the application is therefore:

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

Growth Plan for the Greater Golden Horseshoe (2017)

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 proposed Zoning By-law Amendment conforms to these Guiding Principles in that it supports the achievement of a complete community that is designed to support healthy and active living, meeting people’s needs for daily living throughout an entire lifetime.

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

- “2.2.1.4 Applying the policies of this Plan will support the achievement of complete communities that:

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- a) feature a diverse mix of land uses, including residential and employment uses, convenient access to local stores, services, and public service facilities;”

The Zoning By-law Amendment will implement the residential intent of the lands as set out in the Fruitland-Winona Secondary Plan. The Amendment is in keeping with the Growth Plan’s emphasis on supporting growth towards the achievement of complete communities. The Zoning By-law Amendment will support the Fruitland-Winona Secondary Plan land use objectives towards the development of a complete community that offers a diversity of land uses including residential, and access to a range of commercial, services, and facilities. Therefore, the proposed Amendment conforms to the Growth Plan.

Urban Hamilton Official Plan

The subject lands are designated “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations, in the Urban Hamilton Official Plan. The following policies, amongst others, apply to the proposal:

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 and municipal guidelines and standards.”

The subject lands have direct frontage on Barton Street, which is a designated Major Arterial Road. Accordingly, a Noise Feasibility Study prepared by HGC Engineering Ltd, dated December 22, 2016 and a revised Noise Feasibility Study dated February 9, 2017, were submitted in support of the development. A 2.0 m high acoustical barrier will be required for the single detached dwelling adjacent to Barton Street and warning clauses for each dwelling unit to be included in all future purchase / sale and lease agreements. A final Detailed Noise Study will be required as part of the Consent Applications to finalize the details of the required acoustical barrier.

Low Density Residential

- “E.3.4.1 The preferred location for low density residential uses is within the interior of neighbourhoods.
- E.3.4.3 Uses permitted in low density residential areas include single-detached, semi detached, duplex, triplex, and street townhouse dwellings.

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- E.3.4.5 For low density residential areas, the maximum height shall be three storeys.
- E.3.4.6 Development in areas dominated by low density residential uses shall be designed in accordance with the following criteria:
- a) Direct access from lots to adjacent to major or minor arterial roads shall be discouraged.”

The proposal includes two semi detached dwellings and one single detached dwelling, fronting onto a local road (Escarpment Drive), which are permitted uses, per Policy E.3.4.3. The height of the dwelling units will be restricted to 11.0 m, approximately three storeys, per the “R6” Zone requirements.

Fruitland-Winona Secondary Plan

The subject lands are designated “Low Density Residential 2” in the Fruitland-Winona Secondary Plan, which came into force and effect on June 22, 2018. The following policies, amongst others, apply to the proposal:

- “B.7.4.18.13 For the lands located at 1215, 1217, 1219, 1221, 1227, 1229, 1231, 1235 and 1239 Barton Street and designated Low Density Residential 2, as shown as Area Specific Policy – Area M on Map B.7.4-1 – Fruitland-Winona Secondary Plan – Land Use Plan, the following policies shall apply:
- a) Notwithstanding Policy B.7.4.4 a), the net residential density shall be 0 to 40 units per hectare.”

The applicant proposes two semi-detached dwellings and one single detached dwelling for a total of five residential units. The proposal has a density of 36.9 units per hectare (uph) to ensure density targets in Policy B.7.4.4.4 a) are maintained.

Based on the foregoing, the proposal complies with the Urban Hamilton Official Plan and the Fruitland-Winona Secondary Plan.

Stoney Creek Zoning By-law No. 3692-925

The applicant proposes a modification to the Residential “R6” Zone in support of the proposed development, which permits both semi detached and single detached dwellings. The following modifications are proposed:

- Minimum lot area;
- Maximum lot coverage;

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**SUBJECT: Zoning By-law Amendment for Lands Located at 1215 Barton Street,
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- Minimum rear yard; and,
- Minimum side yard.

An evaluation of the proposed modifications is included in Appendix “D” to Report PED18233.

RELEVANT CONSULTATION

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

- Recreation Division, Community and Emergency Services Department; and,
- Corporate Assets & Strategic Planning Division, Public Works Department.

Corridor Management, Public Works Department provided the following comments:

“Any new or change in a residential access requires an access permit from Parking.

A minimum of 1.2 m separation must be provided within the City’s road allowance area between an access and any utility, fire hydrant, tree, sign, etc. Any costs for traffic sign or utility relocation are the sole responsibility of the applicant / owner. It is the applicant’s responsibility to coordinate with the appropriate departments ahead of time.

During construction, all vehicles, equipment, and materials must be kept on private property and cannot occupy the municipal sidewalk or roadway. Should occupancy be required, a Road Occupancy permit must be obtained from the Corridor Management Section. Should long-term occupancy be required (3 months or more), a Construction Management Site Plan (CMSP) will be required as a condition of Building Permit that illustrates any lane / sidewalk closures, crane locations, and truck haul routes.”

These comments have been forwarded to the applicant for their information and future reference.

Forestry and Horticulture Section, Public Works Department have identified that a Tree Management Plan would be required with future development applications. The applicant will be required to submit a Tree Management Plan in support of future Consent Applications to create each individual lot.

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**SUBJECT: Zoning By-law Amendment for Lands Located at 1215 Barton Street,
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Hamilton Conservation Authority has no concerns with the proposal but note the following:

“Staff have reviewed the revised functional servicing brief and associated grading and erosion control and site servicing plans, prepared by S. Llewellyn and Associates Ltd. and dated July 12, 2018 and July, 2018, respectively, and are satisfied the stormwater management design for the proposed development will effectively mitigate potential impacts of the development associated with drainage from the site. Staff have reviewed the revised functional servicing brief and associated grading and erosion control and site servicing plans, prepared by S. Llewellyn and Associates Ltd. and dated July 12, 2018 and July, 2018, respectively, and are satisfied the stormwater management design for the proposed development will effectively mitigate potential impacts of the development associated with drainage from the site.”

Health Protection Division, Public Health Department have noted that all existing and proposed stormwater management facilities servicing this development shall be constructed to ensure mosquito populations are limited. They have also requested a Pest Control Plan in support of the application, which can be addressed at the future Consent Applications.

PUBLIC CONSULTATION

In accordance with the provisions of the *Planning Act* and the Council approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation of the proposal was sent to 76 property owners within 120 m of the subject lands on January 19, 2017. A Public Notice Sign was posted on the property on February 6, 2017, and updated with the Public Meeting date on November 14, 2018. The Notice of Public Meeting was given in accordance with the provisions of the *Planning Act*. Six submissions were received as a result of the circulation and are discussed in the Analysis and Rationale for Recommendation Section of Report PED18233.

Public Consultation Strategy

As part of the applicant’s Public Consultation Strategy, the applicant proposed to consult with the local Ward Councillor to determine an appropriate meeting format with the public. When the Strategy was initially prepared, the proposal included street townhouses, which were a new dwelling type along Barton Street. Due to the multiple Council Motions to change the land uses on these lands, the proposal now seeks to modify design standards for existing permitted uses, being a single detached dwelling and two semi detached dwellings, for a total of five residential units. Based on the scope of the modifications proposed and involvement of several Council directions, the applicants have amended their Public Consultation Strategy to reach out to members of

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the public directly based on their submissions to the City, via phone calls. To date, no outreach to the public has been warranted due to the scope of public submissions.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposal 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), which encourages the development of compact communities within built-up areas;
 - (ii) It complies with and implements the policies of the Fruitland-Winona Secondary Plan; and,
 - (iii) The proposal represents good planning by providing a compatible development that is in keeping with existing and planned development in the surrounding area and uses existing infrastructure.
2. The applicant will be required to submit Consent Applications in order to facilitate the proposed future residential development. As a condition of approval, the Owner will be required to enter into and register an External Works Agreement (EWA) with the City of Hamilton due to the number of private sewer and water services to be constructed and required asphalt road overlay along the frontage of the lands on Escarpment Drive to the intersection of Barton Street. This is to ensure that the roadway is reinstated to its current condition (full roadway asphalt overlay). This Agreement will also ensure that drainage from this parcel will be contained and directed to the appropriate outlet without affecting adjacent properties. Further, conditions associated with these Consent Applications may include detailed Noise Impact studies and Tree Protection Plans.
3. The proposed modifications to the Residential “R6” Zone are discussed in Appendix “D” to Report PED18233.
4. There are public watermains and sanitary sewers fronting the property on Barton Street and public watermains and both sanitary and storm sewers along the flankage of the lands on Escarpment Drive. There is also an existing 0.3 m reserve along the west limit of the new lot adjacent to Escarpment Drive (Block 91, 62M-1194). The applicant will be required to provide a cash payment towards the existing municipal sewers and watermain located on Escarpment Drive prior to the lifting of this 0.3 m reserve as a condition of future Consent approvals. There are no existing private service connections located on Escarpment Drive to service these lands. New connections will have to be constructed.

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Barton Street is substandard at this location. The applicant will be responsible to provide urbanization costs towards the future upgrades of this roadway in accordance with the City of Hamilton New Roads Servicing Rate Policies.

5. To date, six submissions from the public have been received in response to the public circulation (see Appendix “E” to Report PED18233). The overall issues from the public circulation are generally summarised as follows:

All submissions received by the public have requested that the subject lands be used as a public park instead of the development of residential uses. Staff note that the minimum size of land required for a public park would be approximately 2 ha, whereas the subject lands are approximately 0.25 ha in size. Further, the lands have been specifically designated under the Urban Hamilton Official Plan and the Fruitland-Winona Secondary Plan, and zoned in the Stoney Creek Zoning By-law 3692-92 for residential purposes. The nearest parkland from this property is adjacent to the Winona Elementary Public School, which is approximately 390 m from the subject lands.

ALTERNATIVES FOR CONSIDERATION

Should the proposed Zoning By-law Amendment Application be denied, the property would remain under the Residential “R6” Zone, which would permit either a semi detached or single detached dwelling. The applicant would be required to revise their proposal in order to conform to the regulations of the “R6” 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.

Healthy and Safe Communities

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

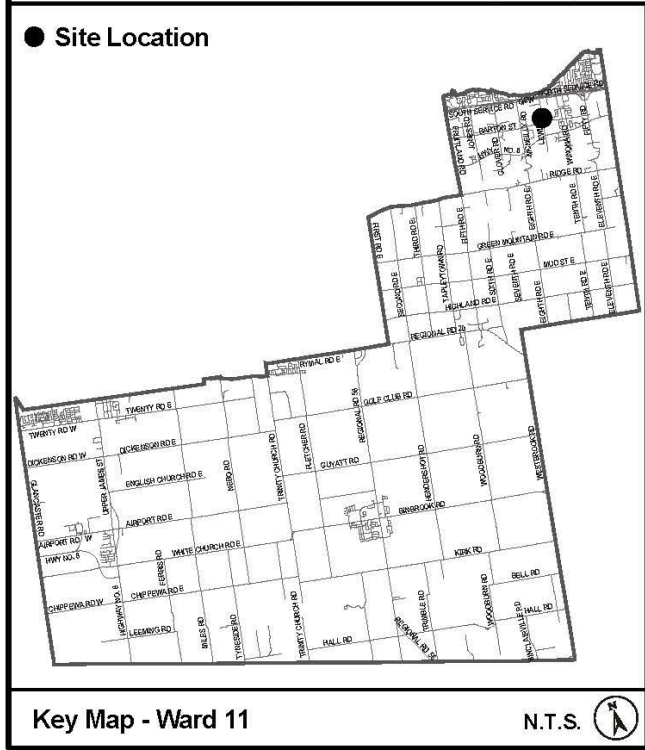
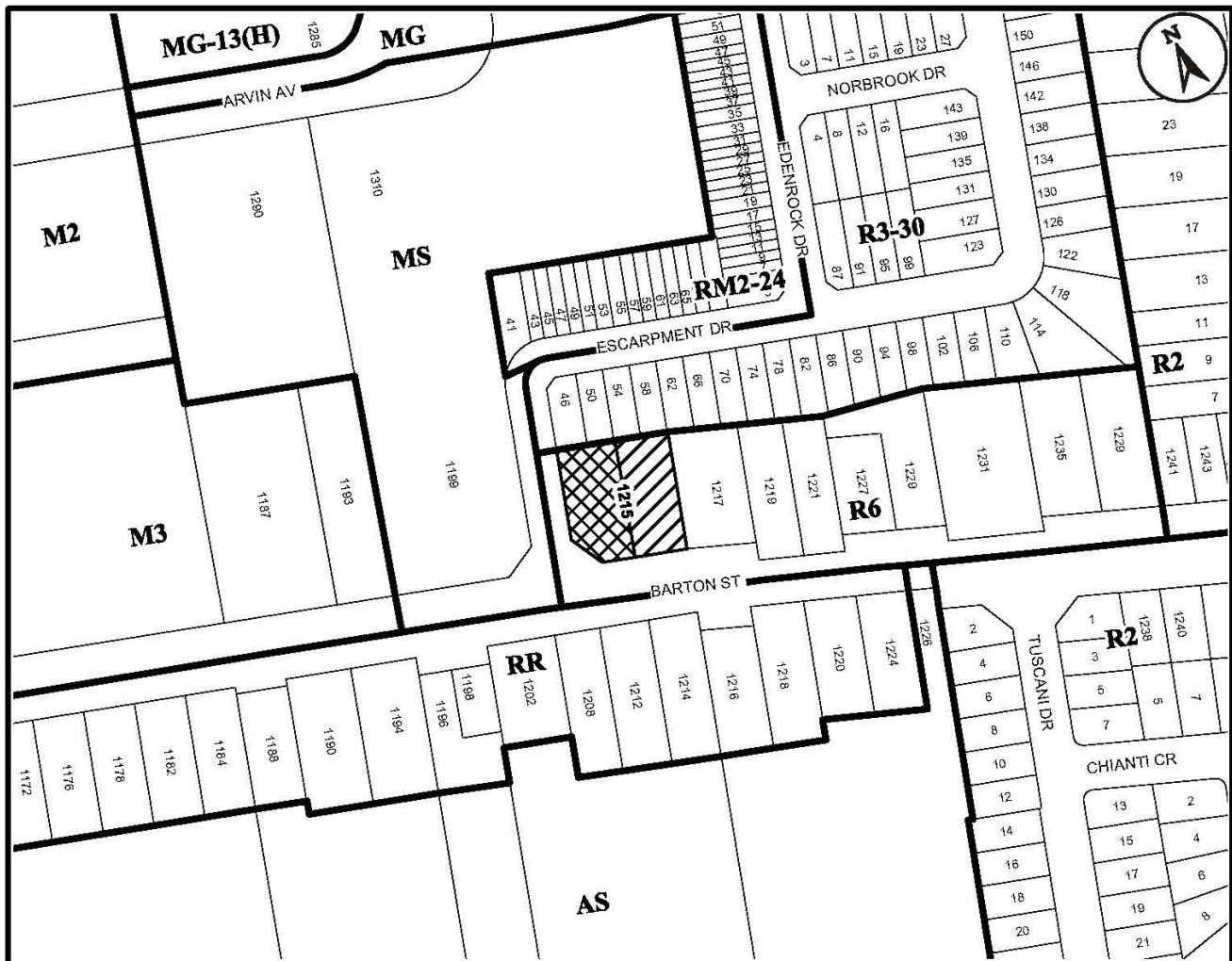
APPENDICES AND SCHEDULES ATTACHED

- Appendix “A” – Location Map
- Appendix “B” – Draft Zoning By-law
- Appendix “C” – Concept Plan
- Appendix “D” – Zoning Modification Chart
- Appendix “E” – Public Input

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Location Map

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-17-009

Date:
October 26, 2018

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
MS/NB

Subject Property
1215 Barton Street, Stoney Creek

- Block 1** - Residential "R6" Zone to remain
- Block 2** - Change in zoning from the Residential "R6" Zone to the Residential "R6-7" Zone, Modified

Authority: Item
Planning Committee
Report: 18-
CM:
Ward: 10

Bill No.

CITY OF HAMILTON

BY-LAW NO. 18-_____

To Amend Zoning By-law No. 3692-92 (Stoney Creek) Respecting Lands Located at 1215 Barton Street

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";

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

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

AND WHEREAS Zoning By-law No. 3692-92 (Stoney Creek) was enacted on the 8th day of December, 1992, and approved by the Ontario Municipal Board on the 31st day of May, 1994;

AND WHEREAS the Council of the City of Hamilton, in adopting Item _____ of Report 18-_____ of the Planning Committee, at its meeting held on the _____ day of _____, 2018, recommended that Zoning By-law No. 3692-92 (Stoney Creek) be amended as hereinafter provided;

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

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

1. That Map No. 3 of Schedule "A", appended to and forming part of By-law No. 3692-92 (Stoney Creek), is amended as follows:
 - a. by changing the zoning from Residential "R6" Zone to the Residential "R6-7" Zone, Modified on the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A";
2. That Subsection 6.7.7, "Special Exemptions" of Section 6.7, Residential "R6" Zone, of Zoning By-law No. 3692-92, be amended by adding a new Special Exemption, "R6-7", as follows:

"R6-7" 1215 Barton Street, Schedule "A" Map No. 3

- (i) Notwithstanding the provisions of Paragraphs 1., 5., and 7., of Subsection 6.7.3 (a) and Paragraphs 1. (ii), 4., 5., and 7., of Subsection 6.7.3 (b) of the Residential "R6" Zone, on those lands zoned "R6-7" by this By-law, the following shall apply:

(a) One Single Detached Dwelling

1. Minimum Lot Area
Corner Lot - 379 sq m
5. Minimum Rear
Yard - 6.4 m
7. Maximum Lot
Coverage - 42%

(b) Semi-Detached Dwelling

1. Minimum Lot Area
(ii) Divided Semi-detached
Interior Lot - 243 sq m
4. Minimum Side
Yard - No part of any dwelling shall be located closer than 1.2 m except as provided in clauses (i), (ii), (iii), and (iv) of Paragraph 4 of Subsection 6.7.3 (b) of By-law No. 3692-92.

- 5. Minimum Rear Yard - 6.4 m
- 7. Maximum Lot Coverage - 46.3%

- 3. That no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the Residential "R6" Zone provisions, subject to the special requirements referred to in Section 2.
- 4. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.

PASSED and ENACTED this _____ day of _____, 2018.

Fred Eisenberger
MAYOR

Janet Pilon
ACTING CITY CLERK

ZAC-17-009



<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. 3692-92</p>	<p>Subject Property</p> <p>1215 Barton Street</p> <p> Block 1 - Residential "R6" Zone to remain</p> <p> Block 2 - Change in zoning from the Residential "R6" Zone to the Residential "R6-7" Zone, Modified</p>
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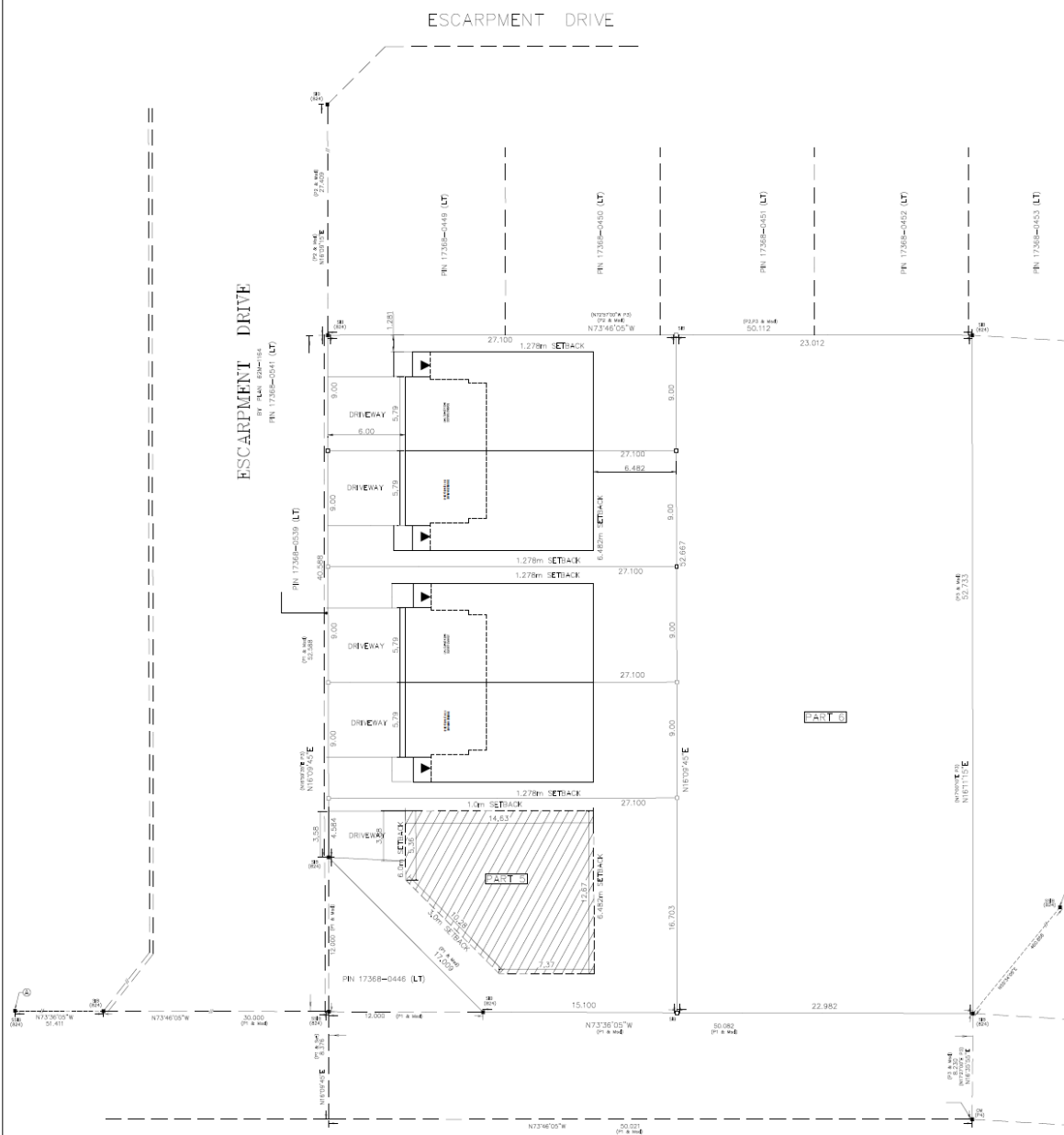
<p>Scale: N.T.S.</p>	<p>File Name/Number: ZAC-17-009</p>	<p>Hamilton</p>
<p>Date: Oct. 18, 2018</p>	<p>Planner/Technician: MSVS</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		

PLAN OF SURVEY
OF PART OF
LOT 6
CONCESSION 1
COURTNEY
TOWNSHIP OF SALTREE
IN THE
CITY OF HAMILTON
SCALE 1:150 METRIC
S.D. McLaren O.L.S. - 2016



SCHEDULE		
PART	LOT	CON.
1		
2		
3		
4	PART OF LOT 4	CONCESSION 1
5		
6		
7		
8		

PLAN 62 R-
REVISED AND DATED
Date _____
PERMITTED FOR LAND ACQUISITION FOR THE LAND VALUE SURVEY OF METROPOLIS (PLN 62)
I HEREBY CERTIFY THAT THE ABOVE PLAN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.
SIGNED AND DATED: _____
S.D. McLaren O.L.S.



BARTON STREET
ORIGINAL ROAD ALLOWANCE BETWEEN CONCESSIONS 1 AND 2

BEARING NOTE
BEARINGS ARE IN QUAD, DERIVED FROM GRID AND
REFERENCE POINTS A AND B, BY REAL-TIME NETWORK
GNSS METHODS, WITH AN RTK CHECK POINT CONTROLLED
NOTE
DIMENSIONS AND COORDINATES CAN BE CONVERSION TO GRID BY
MULTIPLYING BY THE COMBINED SCALE FACTOR OF
0.999738895109

INTERSECTION DATA

LINE	BEARING	DISTANCE	BEARING	DISTANCE
1	N73°36'00"W	30.000	N73°46'00"W	30.000
2	N73°46'00"W	30.000	N73°36'00"W	30.000
3	N73°36'00"W	30.000	N73°46'00"W	30.000
4	N73°46'00"W	30.000	N73°36'00"W	30.000

- LEGEND:
- BEARING
 - DISTANCE
 - POINT
 - BOUNDARY
 - DRIVEWAY
 - SETBACK
 - PART A
 - PART B
 - PART C

METRIC NOTE
DIMENSIONS AND COORDINATES
GIVEN ON THIS
PLAN ARE IN METERS AND
CAN BE CONVERSION TO FEET
BY DIVIDING BY 0.3048

SURVEYOR'S CERTIFICATE
I, S.D. McLaren, O.L.S., hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly qualified Surveyor in the Province of Ontario.
SIGNED AND DATED: _____
Date: _____

A.T. McLaren Limited
LITIAL AND ENGINEERING SERVICES
69 JANA STREET SUITE 200
MILTON, ONTARIO L9T 9R4
PHONE: (905) 875-9933 FAX: (905) 875-9933
WWW.ATMCLAREN.COM

Site Specific Modifications to the “R6” Zone

Single Detached Dwelling

Regulation	Required	Modification	Analysis
Minimum Lot Area Corner Lot	400 sq m	379 sq m	The proposed modification acknowledges the reduced lot area from the dedication of the 12 m by 12 m daylight triangle at the intersection of Barton Street and Escarpment Drive. The proposed modification is minor and will continue to provide for an adequate building envelope for the proposed development. Therefore, the modification is reasonable and supported by staff.
Minimum Rear Yard	7.5 m	6.4 m	The proposed modification is a result of the previous Consent Application, SC/B-14:28 which created the parcel of land under the purview of this application from the lands to the east. The severance line was established in order to retain the existing dwelling on the easterly portion of the lands. As a result, this parcel is slightly undersized and a reduced rear yard is required to facilitate the development. Staff have reviewed the proposal from a stormwater management perspective and concur that the reduction will continue to provide adequate drainage. The existing development to the north includes a reduced rear yard setback of 7.0 m. The minimum rear yard depth will maintain the established pattern and will be compatible with the surrounding area. Therefore, the modification is reasonable and supported by staff.
Maximum Lot Coverage	40%	42%	The proposed modification is required to implement the two modifications noted above. As staff are supportive of the reduced lot area and minimum rear yard setback, the increased lot coverage is reasonable and supported by staff.

Semi Detached Dwellings

Regulation	Required	Modification	Analysis
Minimum Lot Area, Divided Semi-detached, Interior Lot	300 sq m	243 sq m	This form of development will provide for a lot area that is within the average of the existing lot areas along Escarpment Drive, which range from approximately 180 sq m for townhouse units and 379 sq m for single detached dwellings. The concept plan provided by the applicant demonstrates that an adequate built form will continue to be provided with this modification. Therefore, the modification is reasonable and supported by staff.
Minimum Side Yard	1.25 m	1.2 m	The proposed modification is a minor reduction that reflects standard development within the City of Hamilton. The proposed reduction of 0.05m will continue to provide

			adequate space for access, maintenance, and drainage purposes for the development. Therefore, the modification is reasonable and supported by staff.
Maximum Lot Coverage	40%	46.3%	The proposed modification is required to implement the two modifications noted above. As staff are supportive of the reduced lot area and minimum rear yard setback, the increased lot coverage is reasonable and supported by staff.
Rear Yard	7.5 m	6.4 m	The proposed modification is a result of the previous Consent Application, SC/B-14:28 which created the parcel of land under the purview of this application from the lands to the east. The severance line was established in order to retain the existing dwelling on the easterly portion of the lands. As a result, this parcel is slightly undersized and a reduced rear yard is required to facilitate the development. Staff have reviewed the proposal from a stormwater management perspective and concur that the reduction will continue to provide adequate drainage. The existing development to the north includes a reduced rear yard setback of 7.0 m. The minimum rear yard depth will maintain the established pattern and will be compatible with the surrounding area. Therefore, the modification is reasonable and supported by staff.

Schneider, Melanie

From: Michael Matkowsky <matcoreengineer@gmail.com>
Sent: July 31, 2018 8:55 AM
To: Schneider, Melanie
Subject: 1215 Barton Street Stoney Creek

Hi Ms. Schneider

The subject property is behind my house. It is my understanding that Losani Homes intends to build houses on this lot. What they should be doing instead, is fulfilling a promise to people that bought in our subdivision. They had promised a park for our community. They also promised a wall feature at the entrance to Escarpment Drive. This also does not exist.

Our community has many young families with children. There is no green space for them. The nearest, Winona Park is too far away.

In the interim, Losani neglects the property and allows waist high weeds. After many calls to Losani and the city, the weeds were finally cut. There is a long sidewalk along the property which children use to walk to school. There was a report of ticks attaching themselves to a child.

I shall object to any development of this property, other than a park.

Michael Matkowsky

46 Escarpment Drive
Stoney Creek, ON
L8E 0G4

Schneider, Melanie

From: Nevash Parmanand <nevashp07@gmail.com>
Sent: July 30, 2018 9:23 PM
To: Schneider, Melanie
Subject: Escarpment Dr, Stoney Creek - park idea

Follow Up Flag: Follow up
Flag Status: Completed

Hello Melanie,

I am a resident of Escarpment dr. in Stoney Creek. i have recently learned there is a proposed housing at the top of our street where it meets Barton st. ZAC 17 009.

Living in this neighborhood for few years now, there is a number of children including mine that will benefit from a small park and with the growing population i think it would be a great idea to keeps the children from playing on the streets.

please keep in your thoughts for me.

thanks.
Nevash

Schneider, Melanie

From: MaryAnn Saic <maryannsaic@gmail.com>
Sent: July 27, 2018 9:13 PM
To: Schneider, Melanie
Subject: File: ZAC-17-0009 Barton/Escarpment zoning

Dear Ms. Schneider

I am a resident on Escarpment Drive in Stoney Creek where I understand Mr. Losani has placed a proposal to build a few more homes on a vacant lot around the corner from our home at Barton and Escarpment. I am writing to inform you that my husband and I are displeased with the idea of more homes being added in a small space where parking is already an issue. We live in a neighbourhood full of young families with very young children and it is our opinion along with that of our neighbours that this vacant lot could be put to better use as a small park so the children in the neighbourhood would have somewhere safe to play that is close to home. Currently children must play on the street or sidewalk where speeding cars have been an ongoing issue. We are asking you to please consider the idea of a green space or park in this area. We thank you for taking the time to read this letter.

MaryAnn and Tom Saic
78 Escarpment Drive

--

MaryAnn

Schneider, Melanie

From: Dennis Shaw <dennygas54@gmail.com>
Sent: July 13, 2018 7:39 PM
To: Schneider, Melanie
Subject: 1215 Barton ZAC 17-009

Hi Melanie. I was just wondering about the fact that as a home owner impacted by Losani's request to build on this property which adjoins my property, do I have any rights in stopping their proposal from going ahead. Personally, myself and many of the neighbours would like to see this property turned into a City park. Losani got away with building a subdivision without having to keep any land for green space which I believe is important to keep with all the developments proposed around us. I hate to see a builder get away only careing about dollars and ignoring the environment. It's a busy subdivision with no space for the many children to play other than on the roads or driveways. I would appreciate your feedback.

--

Sent from Gmail Mobile

Schneider, Melanie

From: Kamzic, Linda
Sent: August 2, 2018 8:11 PM
To: Schneider, Melanie
Subject: Winona Ridgeview

Hi Melanie,

I live on Escarpment Drive in the Winona Ridgeview Losani community. We would really like a "green space" in the area especially with so many kids and seniors in the area. There is a large space at the entrance of the neighbourhood which would serve as a great park. I hope you will consider this request.

Thanks,

Linda

Schneider, Melanie

From: Vince Rizzotto <vrizzotto@bell.net>
Sent: August 19, 2018 4:25 PM
To: Schneider, Melanie
Cc: Mary Rizzotto; Vince Rizzotto
Subject: ZAC-17-009

Hi Melanie,

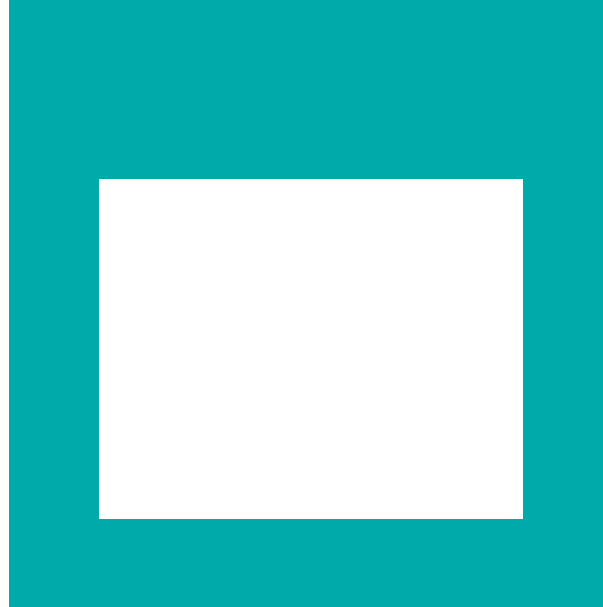
My name is Vince Rizzotto. My wife Mary and I live at 41 Escarpment Dr. in Winona.

My concern is for the property at 1215 Barton St. on the NE corner of Barton St. and Escarpment Dr. Under file ZAC-19-009, it is slated for street townhouses and single detached dwelling. This property can be better used as a green space for the neighborhood. It could be a small park. This property is the entrance to the Losani development built 5 years ago.

As you know, there will be many more new developments in the near future along Barton St. We need to save as many green areas as possible.

Please respond to my email or phone me at (905) 643-9817.

Thank you,
Vince Rizzotto



WELCOME TO THE CITY OF HAMILTON

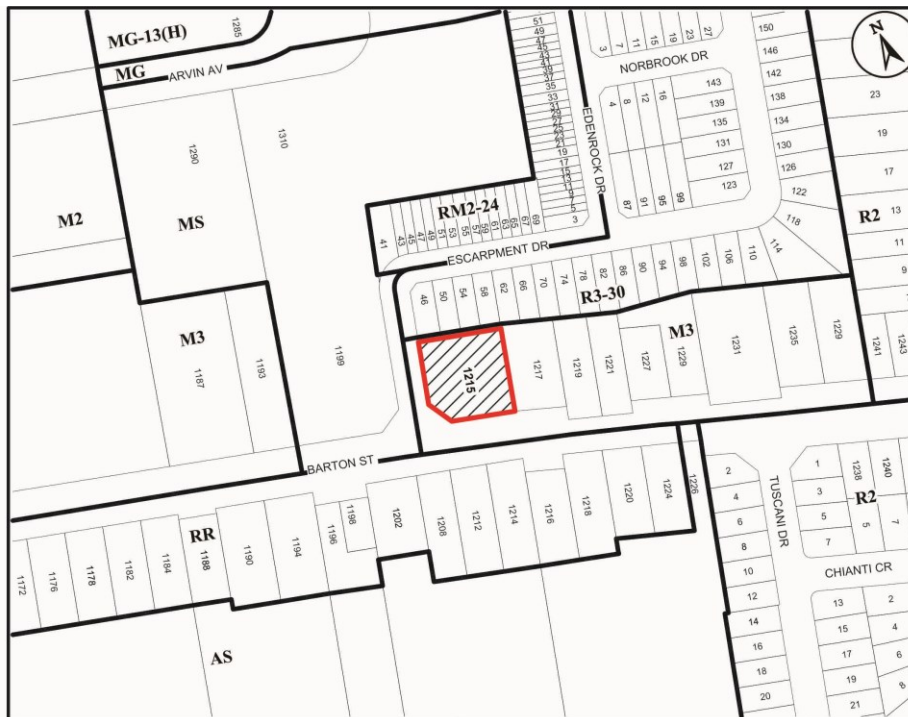
PLANNING COMMITTEE

December 11, 2018

PED18233 – (ZAC-17-009)

Zoning By-law Amendment for Lands Located at 1215 Barton Street,
Stoney Creek.

Presented by: Melanie Schneider



● Site Location



Key Map - Ward 11

N.T.S.

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-17-009

Date:
January 12, 2017

Appendix "A"

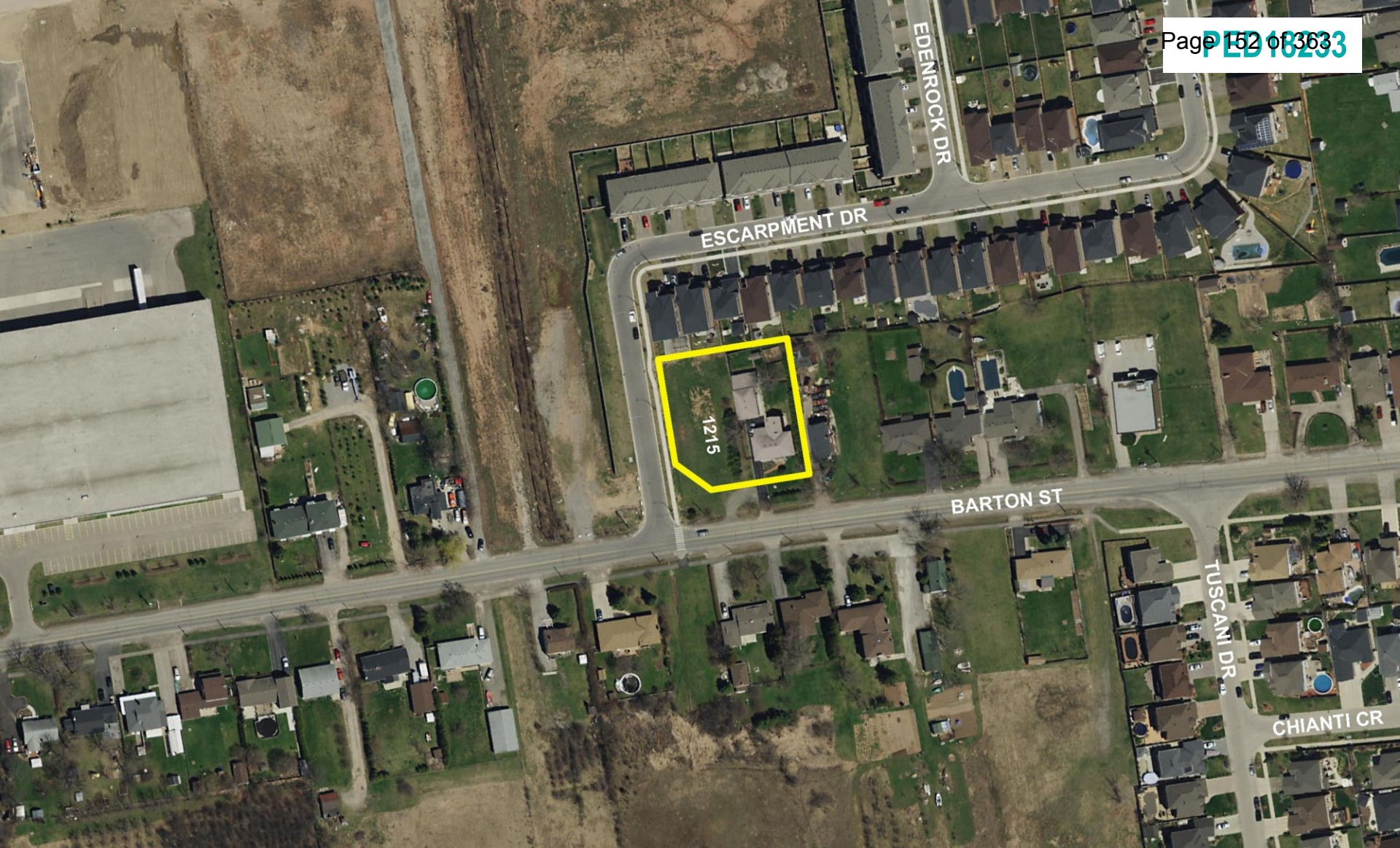
Scale:
N.T.S.

Planner/Technician:
MS/AL

Subject Property



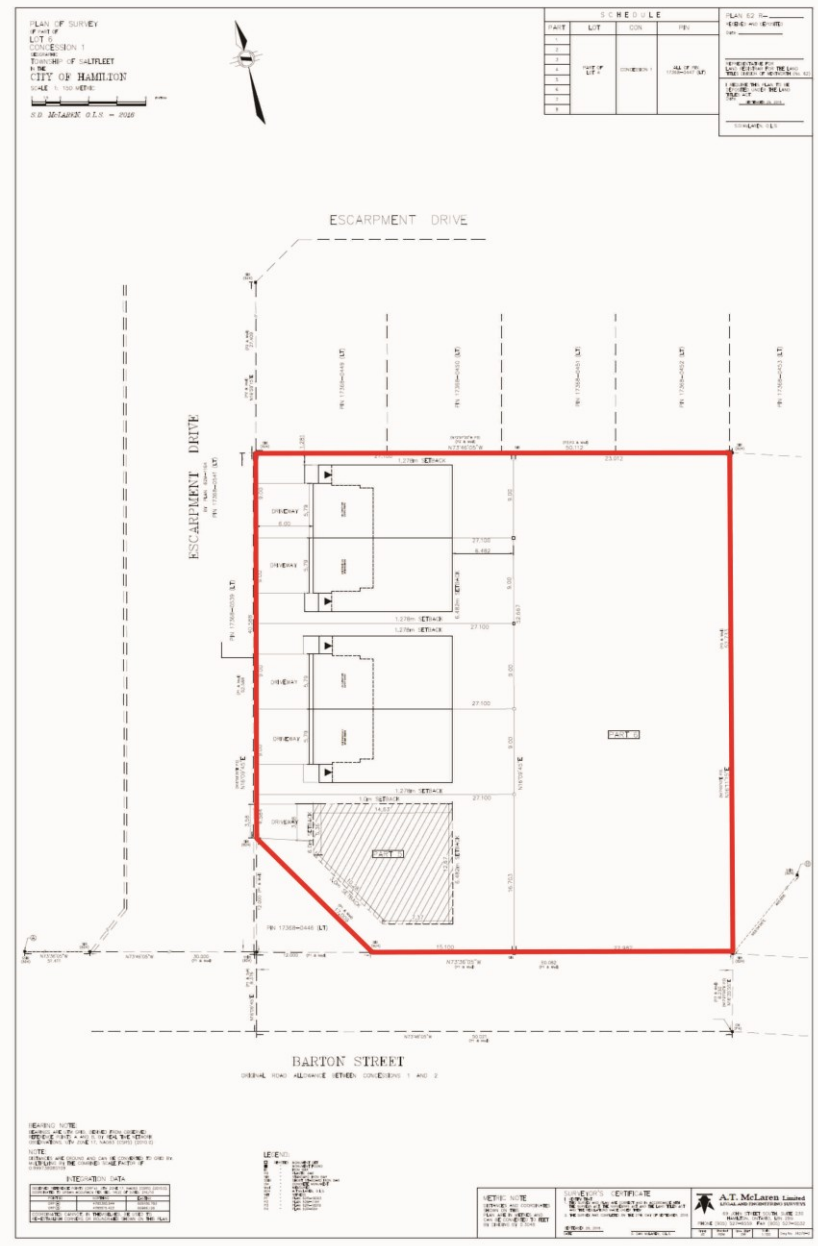
1215 Barton Street



SUBJECT PROPERTY



1215 Barton Street, Stoney Creek





Subject Lands from Escarpment Drive



Easterly portion of Subject Lands



Single detached dwellings south of Subject Lands



Lands to the southwest



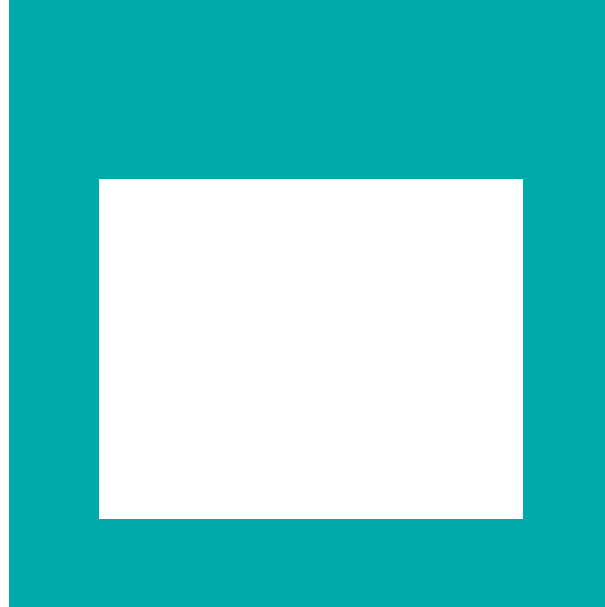
Lands to the West



Single Detached dwellings north of subject lands



Townhouse dwellings to the north



THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
 Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	December 11, 2018
SUBJECT/REPORT NO:	Application to Amend the Town of Ancaster Zoning By-law No. 87-57 for Lands Located at 1274 and 1280 Mohawk Road West (Ancaster) (PED18232) (Ward 14)
WARD(S) AFFECTED:	Ward 14
PREPARED BY:	Anthony Cicchi (905) 546-2424 Ext. 2266
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Amended Zoning By-law Amendment Application ZAC-17-066, by JNKK Management Ltd. (Owner)**, for a change in zoning from the Agricultural “A” Zone to the Neighbourhood Commercial (C2, 713) Zone, for the lands located at 1274 and 1280 Mohawk Road West (Ancaster), as shown on Appendix “A” to Report PED18232, be **APPROVED**, on the following basis:
- (i) That the draft By-law, attached as Appendix “B” to Report PED18232, 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 (PPS) and, conforms to the Growth Plan for the Greater Golden Horseshoe (2017);
 - (iii) That the proposed change in zoning complies with the Urban Hamilton Official Plan.

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**SUBJECT: Application to Amend the Town of Ancaster Zoning By-law No. 87-57
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EXECUTIVE SUMMARY

The proposed Zoning By-law Amendment is to permit the development of a local commercial building with four retail units on the ground floor and two office units on the second floor, having a total gross floor area (GFA) of 1153.3 sq m. A parking area will contain 44 parking spaces, and will be accessed from Mohawk Road West.

The proposed Zoning By-law Amendment will rezone the lands from the Agriculture “A” Zone under the Ancaster Zoning By-law No. 87-57 and place the lands intended for the local commercial building under a site specific Neighbourhood Commercial (C2, 713) Zone. Modifications to the (C2) Zone include a reduction in the front yard setbacks, and both parking and barrier free parking space size dimensions. In addition, the site specific By-law will limit the gross floor area (GFA) of medical uses on the lands.

The proposal has merit and can be supported as it is consistent with the Provincial Policy Statement, conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow) and complies with the Urban Hamilton Official Plan (UHOP). The proposed development is considered to be compatible with and complimentary to the surrounding development in the area.

Alternatives for Consideration – See Page 16

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

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

HISTORICAL BACKGROUND

Proposal

The subject lands, known as 1274 and 1280 Mohawk Road West, totalling 0.29 ha in area, are located on the south side of Mohawk Road West, west of Upper Horning Road and Scenic Drive (see Location Map attached as Appendix “A” to Report PED18232). The lands currently contain two single detached residential dwellings, both slated to be demolished.

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The applicant's original proposal consisted of one, two storey building with a GFA of 1174 sq m and a total of six units (four retail and two offices).

Based on a review of the application by Staff and input from the public, the revised proposal now consists of a two storey building with a reduced GFA of 1153.3 sq m in order to better accommodate building setback and planting strip requirements. A total of 44 at grade parking spaces are proposed on site.

Zoning By-law Amendment:

The Zoning By-law Amendment will rezone the lands from the Agricultural "A" Zone in the Ancaster Zoning By-law No. 87-57 to the Neighbourhood Commercial (C2, 713) Zone with site specific performance standards to permit the proposal including a reduced front yard setback, and reduced parking and barrier free parking space size requirements to accommodate the amended proposal. These modifications are discussed in greater detail in the Zoning Table outlined in Appendix "D" of Report PED18232.

Chronology:

- August 17, 2017: Application ZAC-17-066 received.
- September 7, 2017: Application ZAC-17-066 deemed complete.
- September 7, 2017: Circulation of Notice of Complete Application and Preliminary Circulation for Application ZAC-17-066 to 25 property owners within 120 m of the subject lands.
- October 2, 2017: Public Notice sign installed on the property.
- March 13, 2018: Revised concept submitted to the City of Hamilton for review.
- November 14, 2018: Public Notice sign updated with Public Meeting information.
- November 23, 2018: Circulation of the Notice of Public Meeting to 25 property owners within 120 m of the subject lands.

Details of Submitted Application

- Location:** 1274 and 1280 Mohawk Road West, Ancaster (see Appendix "A" to Report PED18232)
- Owner:** JNKK Management Ltd.

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**SUBJECT: Application to Amend the Town of Ancaster Zoning By-law No. 87-57
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Applicant: T. Johns Consulting Group c/o Jacqueline Svedas

Property Description: Frontage: 54.6 m (Mohawk Road West)
Lot Depth: 54.4 m (approximate)
Area: 0.29 ha

Services: Municipal Piped Water System
Municipal Sanitary Sewer System

EXISTING LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Two Single Detached Dwellings	Agricultural "A" Zone
<u>Surrounding Lands:</u>		
East	One Storey Veterinary Clinic and Utility Corridor	Agricultural "A-253" Zone, Modified, and Agriculture "A" Zone
South	Utility Corridor and Lincoln M. Alexander Parkway	Agricultural "A" Zone
West	Single Detached Dwelling and Four Storey Retirement Facility	Agricultural "A" Zone, and Major Institutional "I3" Zone
North	Single Detached Dwellings, Two Storey Office	Agricultural "A" Zone, and General Commercial "C3-448" Zone, Modified

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2014)

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

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PPS. The applications have been reviewed with respect to the Provincial Policy Statement (PPS).

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Local Planning Appeal Tribunal / LPAT (formerly the Ontario Municipal Board / OMB) 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.

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

Archaeology

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

The site meets two of the ten criteria used by the City of Hamilton and Ministry of Tourism, Culture and Sport to determine archaeological potential. As a result, a Stage 1 and 2 Archeological Assessment was required and has been completed for the site; as a result, this matter has been addressed.

As the application for a change in zoning complies with the Official Plan and relevant policies pertaining to Cultural Heritage in the Provincial Policy Statement 2014, it is staff's opinion that the application is:

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

Growth Plan for the Greater Golden Horseshoe (2017)

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

Policy Section 2.2.2 provides direction for new growth to be in delineated built-up areas of communities through intensification in a manner that is compact and transit-supportive in order to facilitate complete communities which support a variety of built forms and uses, including local commercial uses. The proposal will provide intensification and access to local services, in the form of a local commercial building,

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within an existing delineated built-up area on a secondary transit corridor, without the need to expand public infrastructure.

In addition, the proposed development is in keeping with Sections 3 and 4 as the development does not require the expansion of existing public infrastructure nor will it impact important heritage features.

The subject lands are located within a settlement area where full municipal services are available, and will provide for a complete community through a compact design that integrates a new form of development within an established neighbourhood.

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

Urban Hamilton Official Plan (UHOP)

The subject lands are designated as "Neighbourhoods" on Schedule "E-1" – Urban Land Use Designations and are located on a "Secondary Corridor" on Schedule "E" – Urban Structure. The following policies, amongst other, apply to the proposal.

Urban Corridors

- "E.2.4.6 Urban Corridors shall function as commercial spines providing retail stores and commercial services that cater primarily to the weekly and daily needs of residents within the surrounding neighbourhoods. Small scale retail stores that cater to a broader regional market may be also permitted.
- 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.2.4.12 Secondary Corridors are currently characterized, in large measure, by single use buildings. The intent of this Plan is to evolve the Secondary Corridors to an increasing proportion of multiple storey, mixed use buildings in small cluster locations with at grade retail and service commercial uses.

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- E. 2.4.15 Corridor studies and secondary planning shall make recommendations for active transportation connections including pedestrian improvements to individual sections of a corridor.”

Staff are of the opinion that the proposal is desirable for the area as it will provide commercial uses for the daily needs of residents. When examined in conjunction with the surrounding residential and institutional uses, the proposed development is at an appropriate scale as well as compatible with current and planned development in the vicinity. When considering existing development in the surrounding area, there is a mix of uses, including residential, institutional, general commercial and agricultural. The majority of land is being used for residential or institutional use, while there is minimal general commercial in the area, predominantly being the Tim Hortons and Big Bear Food Mart located at 1005 Mohawk Road West, and the office and Montessori School located across the street from the subject lands. Local Commercial scale land uses are underdeveloped in the area, and the proposed development will aid in achieving the goal of establishing a complete community within the area, while also considering the existing character.

The scale of the buildings has been limited to a maximum of two storeys, with pedestrian connections throughout the site. The buildings have been positioned at the street edge to promote pedestrian activity. The parking facilities will be provided at grade to ensure compatibility with the neighbourhood and to meet all parking requirements on site. The subject lands have direct access to Mohawk Road West, being a major arterial road. Enhanced landscaping is proposed, particularly abutting existing residential development and will be further reviewed through the Site Plan Control process.

“E.3.8 Local Commercial

- E.3.8.1 Local commercial uses that primarily cater to the weekly and daily needs of residents within the surrounding neighbourhood may be permitted within the Neighbourhoods designation.

- E.3.8.2 The following uses shall be permitted:

- a) retail and service uses such as a craftsperson shop, day nursery, commercial school, financial establishment, office, motor vehicle service station, personal service, place of worship, repair service, restaurant, studio, art gallery, tradesperson shop, and veterinary service;
- b) medical offices or clinic, provided it has direct access to an arterial road and is adjacent to other local commercial uses; and,

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c) residential uses, in accordance with Policy E.3.8.10.

E.3.8.4 Local commercial uses may be permitted in the following built forms:

- a) small single-use buildings such as those occupied by a convenience store or a medical office;
- b) a plaza form at varying scales containing multiple commercial uses;
- c) a main street configuration with multiple commercial uses; or,
- d) multiple storey buildings with the local commercial uses on the ground floor and residential units above.

E.3.8.5 The City shall encourage numbers and sizes of local commercial uses to adequately serve local residents.

E.3.8.8 Local commercial uses shall comply with the following provisions:

- a) The gross floor area for any individual office shall not exceed 500 square metres.
- b) The total maximum gross floor area and height for a development located on a particular site shall be determined through secondary plans or corridor studies where applicable, and Zoning By-laws.

E.3.8.9 *Development and redevelopment* of local commercial uses shall:

- a) front and have access to a major arterial, minor arterial, or collector road;
- b) provide safe and convenient access for pedestrians and cyclists; and,
- c) be *compatible* with the surrounding area in terms of design, massing, height, setbacks, on-site parking, noise impact, landscaping, and lighting.

E.3.8.11 New local commercial uses shall be planned and designed to be integrated with and easily accessible from the surrounding neighbourhood.

E.3.8.12 New local commercial uses and properties shall be clustered and generally located at intersections with arterial and collector roads.

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- E.3.8.14 New local commercial buildings or uses in areas other than those referred to in E.3.8.13 shall:
- a) be located close to the street to create a strong pedestrian orientation particularly along adjoining collector roads;
 - b) provide a principal entrance facing the arterial and collector road;
 - c) provide direct access from the sidewalk;
 - d) provide windows and signage facing the street; and,
 - e) provide for a consistent minimum setback.
- E.3.8.17 No parking, drive-throughs, or stacking lanes should be permitted between buildings and the public sidewalk.”

The redevelopment will strengthen the street presence providing an active storefront. Furthermore, through the review of the application, the applicant has come forward with a reduced size and scale of development to be in keeping with the policies and compatible with the surrounding neighbourhood. The proposed uses are permitted on the subject lands while the proposal is configured with multiple commercial units on a main street. Each office space will be limited in size to maximum 500 sq m, with a limit to the building’s overall gfa to 1154 sq m (see Appendix “B” to Report PED18232) in order to address Policy E.3.8.8.

The proposed local commercial uses will be located on a major arterial road, with entrances, windows and signage directly facing the street while providing direct access from the sidewalk and a consistent minimum setback. The proposed local commercial uses will facilitate a compact form of development, which contributes to a complete community, providing supporting uses to serve the local and surrounding residents on a daily basis while promoting active transportation to and from the site. The lands directly to the east have been included in the City’s comprehensive review of Commercial and Mixed Use (CMU) zoning. Further, there is an existing commercial development at the corner of Mohawk Road West and Upper Horning Road, therefore the proposal is clustered with other existing and planned commercial uses, meeting the intent of Policy E.3.8.12.

Urban Design

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

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- a) respecting existing character, development patterns, built form, and landscape;
- b) promoting quality design consistent with the locale and surrounding environment;
- e) conserving, maintaining, and enhancing the natural heritage and topographic features of the City and its communities;
- 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.3.3.2.6 Where it has been determined through the policies of this Plan that compatibility with the surrounding areas is desirable, new development and redevelopment should enhance the character of the existing environment by:

- a) complementing and animating existing surroundings through building design and placement as well as through placement of pedestrian amenities;
- c) allowing built form to evolve over time through additions and alterations that are in harmony with existing architectural massing and style;
- d) complementing the existing massing patterns, rhythm, character, colour, and surrounding context; and,
- e) encouraging a harmonious and compatible approach to infilling by minimizing the impacts of shadowing and maximizing light to adjacent properties and the public realm.

B.3.3.2.7 Places that are adaptable in accommodating future change are desirable and should be created by:

- a) designing buildings, sites, and public spaces that can be used for a variety of uses in the future in response to changing social, economic, and technological conditions;
- b) encouraging design that accommodates the changing physical needs of people and their lifestyles through all stages of their lives; and,

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SUBJECT: Application to Amend the Town of Ancaster Zoning By-law No. 87-57 for Lands Located at 1274 and 1280 Mohawk Road West (Ancaster) (PED18232) (Ward 14) - Page 11 of 16

c) encouraging innovative design of built forms and public spaces.

B.3.3.2.10 Streets shall be designed not only as a transportation network but also as important public spaces and shall include, where appropriate:

a) adequate and accessible space for pedestrians, bicycles as well as transit, other vehicles, and utilities;

b) continuous sidewalks;

c) landscaping such as street trees and landscaped boulevards;”

The proposed two storey office / commercial building has been designed to respect and enhance the existing character, development patterns and built-form of the area. This form is characterized by a mix of one to two storey single detached residential and local commercial uses, as well as surrounding institutional uses ranging in height from two to four storeys, which front onto Mohawk Road West. The proposal provides for an appropriate building typology along a major arterial road, which will contribute to the evolution of the Secondary Corridor into higher order, mixed use buildings. The site is organized so that the building is close to the street and is connected to the public realm via municipal sidewalks and proposed landscaping.

Based on the foregoing, staff are of the opinion that the proposed development complies with the applicable policies of the Urban Hamilton Official Plan.

Ancaster Zoning By-law No. 87-57

The subject lands are currently zoned Agricultural “A” Zone in the Ancaster Zoning By-law No. 87-57, as shown on Appendix “A” to Report PED18232.

The Agricultural “A” Zone permits agricultural uses and one single detached dwelling. The Zoning By-law Amendment proposes to rezone the lands to a site specific Neighbourhood Commercial (C2, 713) Zone, to allow for the development of a local commercial building. In addition, the applicant is proposing modifications to a number of development standards to accommodate the proposal, including a reduced front yard setback, and parking and barrier free parking space size requirements. The proposed zoning modifications for the subject lands will be discussed in greater detail in Appendix “D” to Report PED18232.

Hamilton Zoning By-law No. 05-200

New Commercial and Mixed Use (CMU) Zones in Zoning By-law No. 05-200 have been Council adopted and approved by the LPAT on November 16, 2018. The subject lands

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**SUBJECT: Application to Amend the Town of Ancaster Zoning By-law No. 87-57
for Lands Located at 1274 and 1280 Mohawk Road West (Ancaster)
(PED18232) (Ward 14) - Page 12 of 16**

consisting of 1274 and 1280 Mohawk Road West have not been included in this by-law due to the previous use of the lands (residential). Due to the new scale of the proposed development, staff are of the opinion that the subject lands should be rezoned to the Neighbourhood Commercial (C2) Zone. A draft by-law has been prepared with this report (attached as Appendix "B" to Report PED18232), to include the subject lands, located at 1274 and 1280 Mohawk Road West into Zoning By-law No. 05-200. A number of site specific modifications are proposed to recognize site specific zoning permissions. These modifications are further discussed in Appendix "D" to Report PED18232.

RELEVANT CONSULTATION

The following Departments / Agencies had no comments or objections:

- Strategic Planning, Public Works Department.

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

Corridor Management Section, Public Works Department have noted that the applicant must provide the required road dedication in order to achieve the ultimate road width for Mohawk Road West (30.48 m). The applicant's revised Concept Site Plan (shown in Appendix "C" to Report PED18232) takes this into account and provides 15.24 m to the centreline of Mohawk Road West to achieve the ultimate road width. In addition, the applicant is to prepare and submit a Transportation Demand Management Report at the Site Plan Control Stage.

Forestry and Horticulture Section, Public Works Department have noted that the applicant will be required to prepare and submit a Landscape Plan for Forestry and Horticulture staff and provide payment for all proposed street trees to be planted by the City of Hamilton. These requirements will be addressed at the Site Plan Control stage.

The **Hamilton Conservation Authority** has reviewed the proposal and have provided suggestions relating to Stormwater quantity and quality control measures. These will be addressed at the Site Plan Control stage.

The **Ministry of Transportation** has reviewed the application and has no concerns. The property is within the Ministry's permit control area, however for this case and instance, a Ministry Building and Land Use permit will not be required. All municipal approvals / permits must be acquired prior to construction.

Recycling and Waste Section, Public Works Department have noted that the lands are eligible for municipal waste collection, subject to meeting to City's requirements.

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**SUBJECT: Application to Amend the Town of Ancaster Zoning By-law No. 87-57
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(PED18232) (Ward 14) - Page 13 of 16**

Transportation Planning Section, Public Works Department have noted that a Transportation Demand Management Options Report is to be submitted and reviewed as part of a future Site Plan Control Application.

PUBLIC CONSULTATION

In accordance with the provisions of the *Planning Act* and the Council approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation, the proposal was sent to 25 property owners within 120 m of the subject lands on September 7, 2017. A Public Notice sign was posted on the property on October 7, 2017, and updated with the Public Meeting date on November 14, 2018. Two letters of correspondence were received from the public on the application and have been added as Appendix "E" to Report PED18232. The letters were requesting additional information and to express concerns regarding traffic, noise, height, and the proposed use. These issues are addressed in the Analysis and Rationale for Recommendation Section of Report PED18232. Notice of the Public Meeting was given in accordance with the provisions of the *Planning Act*.

Public Consultation Strategy

As required under the *Planning Act*, a Public Consultation Strategy was provided by the applicant which involved the delivery of a detailed letter by the applicant, explaining the proposed development to homeowners within 120 m of the subject lands. Within the letter, the applicant also indicated that they would be willing to hold a public meeting with concerned parties to discuss the project and how concerns can be met. At the time of preparation of this Report, no correspondence was received, and as a result, a neighbourhood meeting was not scheduled.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposal has merit and can be supported for the following reasons:
 - (i) It is consistent with the Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe (2017);
 - (ii) It complies with the general intent and purpose of the Urban Hamilton Official Plan;
 - (iii) The proposed development is considered to be compatible with the existing and planned development in the immediate area; and,

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**SUBJECT: Application to Amend the Town of Ancaster Zoning By-law No. 87-57
for Lands Located at 1274 and 1280 Mohawk Road West (Ancaster)
(PED18232) (Ward 14) - Page 14 of 16**

- (iv) The proposed development represents good planning by, among other things, providing commercial opportunities to meet the social and health needs of the community.
2. The subject lands are currently zoned Agricultural “A” Zone in the Ancaster Zoning By-law No. 87-57. The applicant has requested that the subject lands be zoned a Neighbourhood Commercial (C2, 713) Zone with site specific performance standards to accommodate a local commercial building. Staff are in support of this change in zoning since the (C2) Zone will fully implement the purpose and effect of the applicable UHOP policies. The proposal is appropriate for the area as it will introduce local commercial uses to the neighbourhood which will assist in achieving a complete community. In addition, the proposal considers the existing character of the area in its design and massing by providing a compatible scale of development. The gross floor area (GFA) for individual offices will be restricted to a maximum of 500 sq m each, with a maximum total GFA of 576 sq m for medical uses, and a total maximum commercial GFA of 1154 sq m. This has been proposed through review and comments from staff on the increased parking requirements that the medical uses would have on the site. Site specific provisions are proposed to ensure the built form is appropriately reflected. Further detail of the site specific regulations are provided in Appendix “D” to Report PED18232.
- The lands are currently two separate lots. In order to meet the requirements of the proposed zoning, such as minimum side yard setbacks, the applicant will be required to merge the properties on title prior to any development activity.
3. The applicant has submitted a Tree Protection Plan in support of this proposal. Of the 65 trees located on site, 62 trees have been identified for removal, including 12 trees that have been identified to be in poor condition. Compensation for removed trees will be provided at the Site Plan Control Stage. There is opportunity for tree compensation to occur in the 3 m landscape buffer along the east, south, and west property lines.
4. Engineering staff requested the submission of a detailed Functional Servicing Report (FSR) prior to the approval of the Zoning By-law Amendment Application. Upon review of the above noted report, Development Engineering has advised that they have no concerns with the proposed Zoning By-law Amendment applications proceeding for approval. Also, any outstanding servicing, stormwater management, grading, external works agreement, and municipal road improvements will be reviewed at the detailed design stage of development through the Site Plan Control process.

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(PED18232) (Ward 14) - Page 15 of 16**

5. As per the *Planning Act* and the Council approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 25 property owners within 120 m of the subject lands on September 7, 2017, and a Public Notice sign was posted on the property on October 2, 2017. In total, two letters were received (see Appendix “E” to Report PED18232). The overall issues from the written submissions are generally summarized as follows:

Traffic

Comments were submitted with regards to traffic in the area; in particular, residents expressed concern that this development will contribute to increased traffic. In addition, questions were raised with regards to safety, and an increase in traffic noise.

The existing traffic is operating at levels anticipated by Corridor Management and there were no concerns raised by Public Works or Transportation Planning staff, given that Mohawk Road is classified as a major arterial road.

Noise

Comments received noted that there are potential noise impacts from this proposal. Staff note that a Noise Impact Study will be required at the Site Plan Control stage to evaluate and mitigate these concerns either through design of the development or through the installation of noise mitigation measures.

Height

One letter suggested that the height and massing of the proposed building should be reduced in order to be compatible with the neighbourhood. The applicant has requested a maximum height of two storeys to ensure that the proposal is in keeping with the established neighbourhood character, thereby ensuring neighbourhood concerns are addressed. In addition, the proposed height complies with UHOP policies.

Commercial Use not Appropriate

A public submission raised concerns with a commercial use in an established residential area. When examining the surrounding context, there are primarily residential and institutional uses, and two commercial uses located on the corner of Upper Horning Road and Mohawk Road West (Tim Hortons and Big Bear Food Mart). The main commercial hub is located in the Meadowlands on Golf Links Road. This proposal will be beneficial to the area by providing local

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(PED18232) (Ward 14) - Page 16 of 16**

commercial uses that are within walking distance. Local commercial uses are permitted as per UHOP policies.

ALTERNATIVES FOR CONSIDERATION

Should the applications be denied, the lands could continue to be used in accordance with the Agricultural “A” Zone, which permits agricultural uses and an existing single detached dwelling.

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.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” – Location Map

Appendix “B” – Draft Zoning By-law No. 05-200 Amendment

Appendix “C” – Concept Site Plan

Appendix “D” – Zoning Table (Site Specific Modifications)

Appendix “E” – Public Submissions

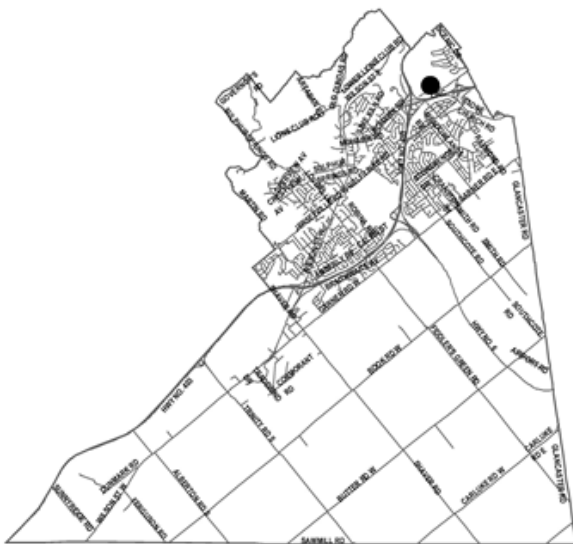
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● Site Location



Key Map - Ward 12

N.T.S. 

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-17-066

Date:
November 20, 2018

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
AC/VS

Subject Property

1274 - 1280 Mohawk Road West



Lands to be added to Zoning By-law No. 05-200 and Zoned as Neighbourhood Commercial (C2, 713) Zone

Authority: Item _____, Planning Committee
 Report Staff Report Number
 CM: Date

Bill No.

CITY OF HAMILTON

BY-LAW NO. _____

A By-law to amend Zoning By-law No. 05-200 on lands located at 1274 and 1280 Mohawk Road (Ancaster)

WHEREAS Council approved item ___ of Report _____ of the Planning Committee, at its meeting held on the 11th day of December, 2018;

AND WHEREAS this By-law conforms to the Urban Hamilton Official Plan;

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

1. That Map No. 1087 to Schedule "A"- Zoning Maps, to Zoning By-law No. 05-200 is amended by incorporating Neighbourhood Commercial (C2, 713) Zone boundaries for the applicable lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".
2. That Schedule "C": Special Exceptions, of Zoning By-law No. 05-200, as amended, is hereby further amended by adding the following site specific Neighbourhood Commercial (C2, 713) Zone:

"713" Within the lands zoned Neighbourhood Commercial (C2, 713) Zone, identified on Map No. 1087 of Schedule "A" – Zoning Maps and described as 1274 and 1280 Mohawk Road West, the following special provisions shall apply:

Regulations

Notwithstanding Subsection 10.2.3a) of the provisions of Subsection 10.2.3 – Regulations of Section 10:

- a) Building Setback from a Street Line i) Minimum 1.4 metres

In addition to the provisions of Subsection 10.2.3 – Regulations of Section 10:

- a) Maximum Gross Floor Area for all medical clinics on a lot 576 square metres

Notwithstanding the provisions of Subsection 5.2(b)(i) and 5.2(f) – Parking Standards of Section 5:

- a) Parking space sizes shall be a minimum of 2.6 metres in width and 5.5 metres in length.
- b) Barrier free parking space sizes shall be a minimum of 3.5 metres in width and 5.5 metres in length.

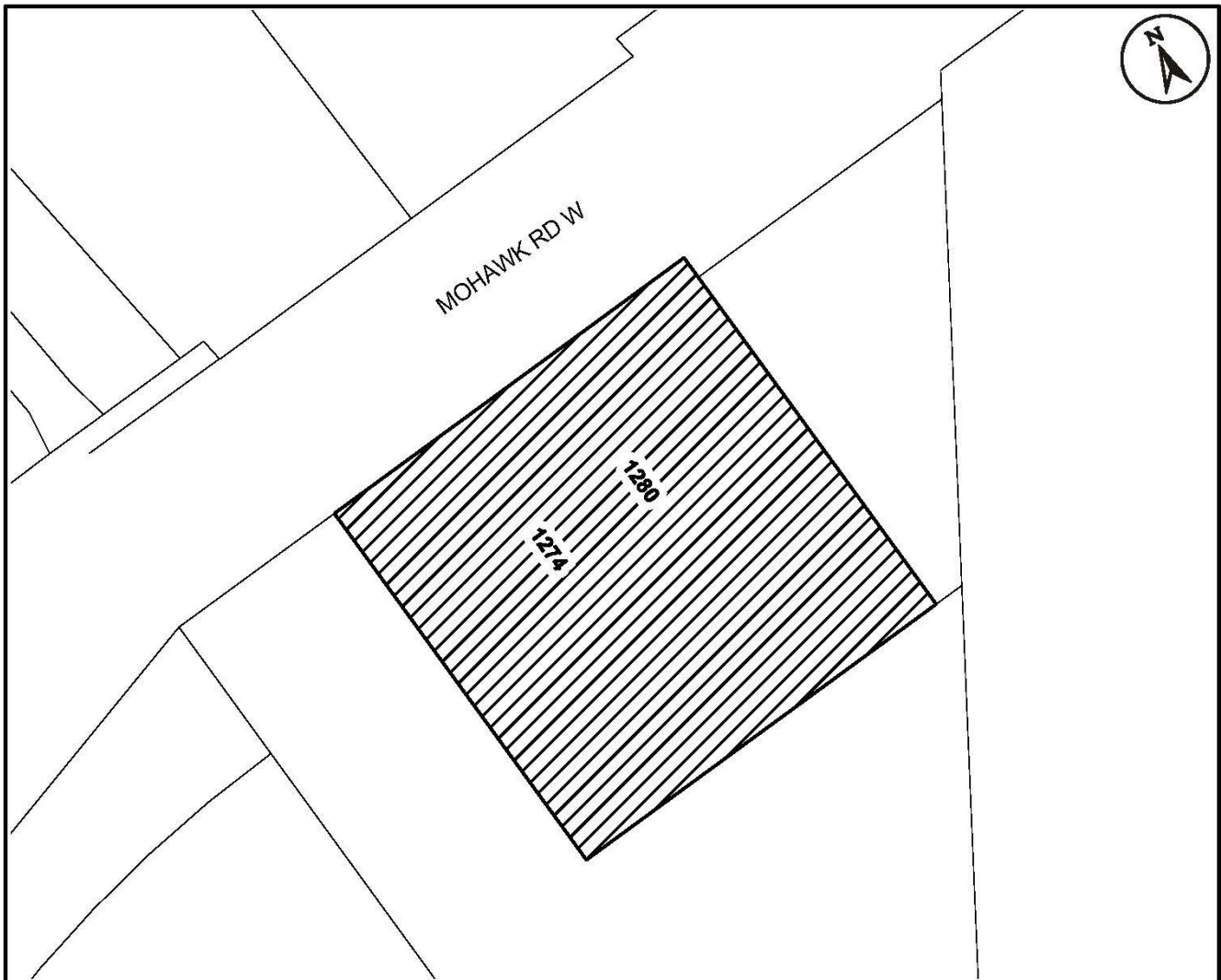
- 3. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law in accordance with the *Planning Act*.
- 4. That no building or structure shall be erected, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the Neighbourhood Commercial (C2) Zone provisions, subject to the special requirements as referred to in Section 2 of this By-law.

PASSED and ENACTED this day of , 2018

Fred Eisenberger
Mayor

J. Pilon
Acting City Clerk

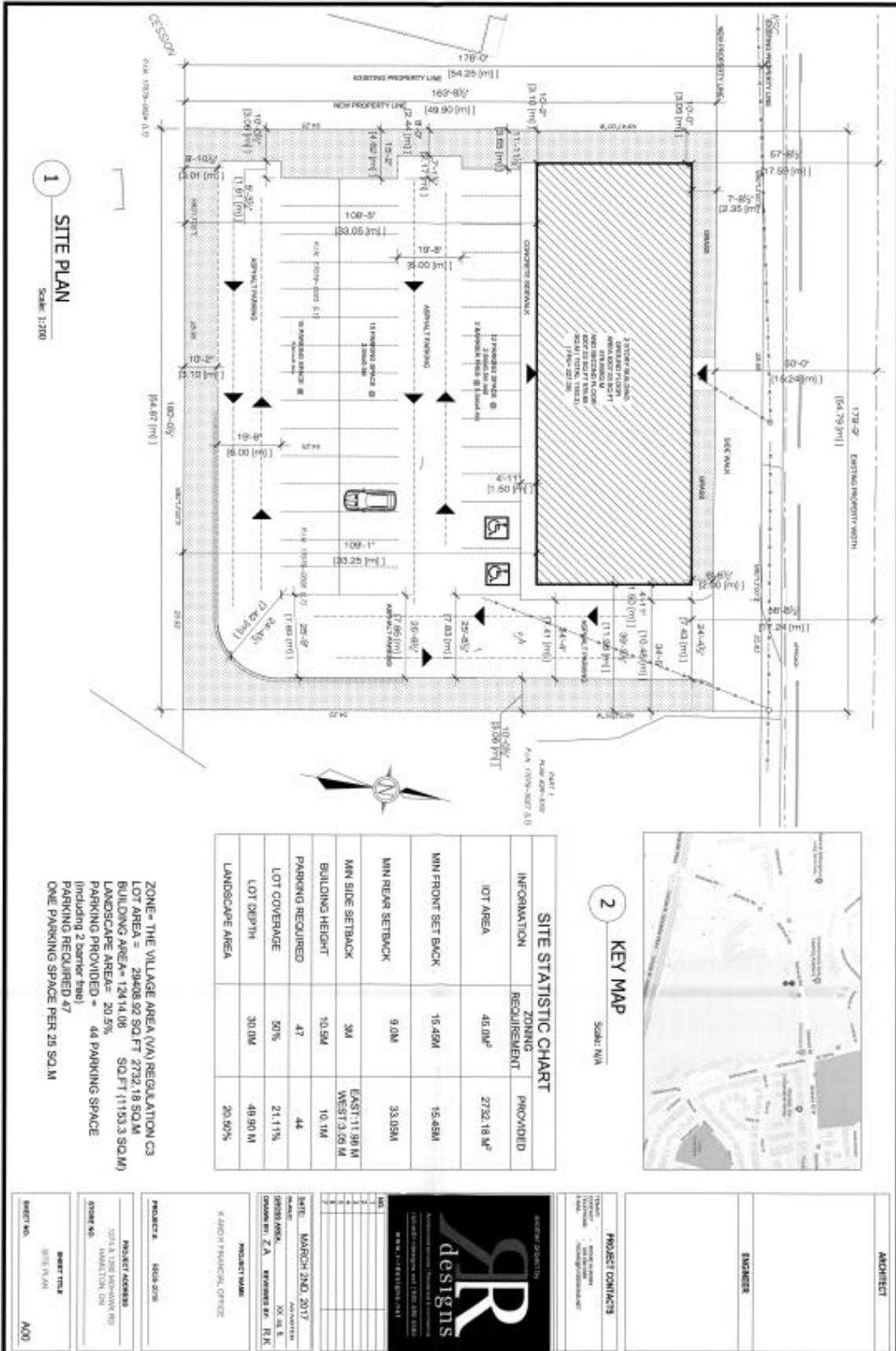
ZAC-17-066



<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</p> <p>By-law No. 18-_____</p> <p>to Amend By-law No. 05-200</p> <p>Map 1128</p>	<p>Subject Property</p> <p>1274 - 1280 Mohawk Road West</p> <p> Lands to be added to Zoning By-law No. 05-200 and Zoned as Neighbourhood Commercial (C2, 713) Zone</p>
--	---

<p>Scale: N.T.S.</p>	<p>File Name/Number: ZAC-17-066</p>	<p>Hamilton</p>
<p>Date: Oct. 30, 2018</p>	<p>Planner/Technician: AC/NB</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		



ARCHITECT

ENGINEER

PROJECT CONTACTS

RR designs

DATE: MARCH 2ND, 2017
 DRAWN BY: Z.A. BRUNNER, R.R. R.K.
 CHECKED BY: J.A. BRUNNER, R.R. R.K.

PROJECT NAME: 4100 W. FINANCIAL OFFICE
 PROJECT ADDRESS: 1808 S.W. 11TH AVE
 PROJECT ADDRESS: 501 S.W. 5TH AVE
 CITY: MIAMI, FL 33135

SHEET NO. 018 PLAN
 A00

Specific Modifications to the (C2) Zone of Zoning By-law No. 05-200

Regulation	Required	Modification	Analysis
Minimum Front Yard	1.5 metres	1.4 metres	The reduction in front yard is being requested to accommodate a building canopy that would encroach into the front yard. As the canopy will not impact the required landscaping as well as other requirements of the by-law, this request is supported by staff.
Permitted Uses		Medical Clinics to be permitted to a maximum Gross Floor Area of 576 square metres.	Through review by City staff, it was determined that limiting the gross floor area for medical uses was appropriate based on the number of parking spaces that can be provided on site. Through discussions between City staff and the agent, it was determined that medical uses, while a permitted use, shall be limited to a total maximum Gross Floor Area of 576 square metres on site. Based on the foregoing, this modification is appropriate and supported by staff.
Parking Stall Size	3.0 metres by 5.8 metres (standard) 4.4 metres by 5.8 metres (barrier free)	2.6 metres by 5.5 metres (standard) 3.5 metres by 5.5 metres (barrier free)	The parking size reduction has been recommended by staff to ensure that parking needs for the site can be met entirely on the subject lands for this development and to ensure appropriate landscape areas are provided. This Zoning By-law Amendment application was submitted on August 17, 2017, prior to the adoption of the CMU Zones under By-law No. 17-240, being November 8, 2017. Therefore, the proposal has been reviewed under the parking stall sizes of the Ancaster Zoning By-law No. 87-57. Requiring the applicant to further modify their proposal in order to meet the new parking stall sizes would result in a reduction in the number of parking spaces and possible reduction in landscape areas. City staff support the functional design of the site's parking and maneuvering with the stall sizes that are permitted under the Ancaster By-law 87-57. Based on the foregoing, this modification is appropriate and supported by staff.

WELLENREITER LLP

LAWYERS

280 PLAINS ROAD WEST
BURLINGTON, ONTARIO
CANADA L7T 1G4

Tel: 905-529-4520
Fax: 905-529-7943

RICHARD A. WELLENREITER, B.A. (Hons.) LL.B.*
WALTER R. WELLENREITER, B.A., LL.B., LL.M.*
JASON J. LITTLE, B.A., LL.B.



rwellenreiter@wellenreiterllp.ca
wwellenreiter@wellenreiterllp.ca
jlittle@wellenreiterllp.ca

October 11, 2017

City of Hamilton
Planning and Economic Development Department
Development Planning, Heritage and Design – Team
71 Main Street West, 5th Floor,
Hamilton, ON L8P 4Y5

**DELIVERED BY EMAIL and
FACSIMILE**

Email: Alicia.West@hamilton.ca
Facsimile: 905-546-4202
Pages: 2
Operator's Name: Laura
This document is confidential and privileged. Disclosure to other than the named recipient may result in breach of certain laws and infringement of third party rights. If you receive this communication in error, contact us immediately.

Attn. Ms Alicia West

Re: Our Clients: Johannes (Hans) van Woudenberg and Adriana van Woudenberg
Our Clients' Address: 1266 Mohawk Road, Ancaster
Your File No.: ZAC-17-066 (1274-1280 Mohawk Road, Ancaster, the "Property")
Application for Zoning By-law Amendment (the "Application")
Our File No.: G-30779

We are the lawyers for Mr. and Mrs. van Woudenberg. They are the owners of 1266 Mohawk Road, Ancaster. This letter is in response to your Notice regarding the above Application dated September 14, 2017. Please file this letter with the comments that you have requested to be received in response to this Application.

Please take note that my clients object to the Application for the following reasons:

- 1) The proposed amendment and development requires a significant change in the use of the Property both in the type of use and the number of units that are being placed upon the Property.
- 2) The proposed development would therefore significantly interfere with our clients' enjoyment and use of their land.
- 3) The Application incorrectly describes my clients' residence as a two-storey dwelling. It is a one-storey dwelling.

- 4) The Application also incorrectly describes 1248 Mohawk Road as a four-storey building. It is a three-storey building.
- 5) The Property (1274-1280 Mohawk Road) is in an elevated position to our clients' land (1266 Mohawk Road) and any greater use on the Property will also cause there to be interference with our clients' land as a result of grade and elevation issues in addition to the other reasons stated and provided.
- 6) This proposed development will be inconsistent with the use of our clients of their land which is residential. This proposed development is commercial and retail with multiple units. The proposed use is incompatible with the existing use by my clients, being the immediate neighbours to the west, of their property.
- 7) The proposed development will cause an increase in the traffic at the entrance of our client's land which will create safety and noise issues.

Our clients reserve the right to supplement the above reasons and to further develop the above as more information and particulars become available.

Please include my clients and our office on all future notices that are to be received with regard to this Application. Thank you.

Yours very truly,

WELLENREITER LLP

Per:

Richard A. Wellenreiter*

RAW/lm
cc. clients

TX Result Report

P 1
 10/11/2017 09:01
 Serial No. A2X1017003018
 TC: 466909

Addressee	Start Time	Time	Prints	Result	Note
9055464202	10-11 09:00	00:00:28	002/002	OK	

Note TMR:Timer TX, POL:Polling, ORG:Original Size Setting, FME:Frame Erase TX,
 DPE:Page Separation TX, MIX:Mix Original TX, CALL:Manual TX, CSAC:CSAC,
 FWD:Forward, PC:PC-FAX, BND:Double-Sided Binding Direction, SP:Special Original,
 FCODE:F-code, RTX:Re-TX, RLY:Relay, MBX:Confidential, BUL:Bulletin, SIP:SIP Fax,
 IPADR:IP Address Fax, I-FAX:Internet Fax

Result OK: Communication OK, S-OK: Stop Communication, PW-OFF: Power Switch OFF,
 TEL:RX From TEL, NG: Other Error, Cont: Continue, No Ans: No Answer
 REFLSI: Receipt Refused, Busy: Busy, W-Full:Memory Full, LOUR:Receiving length over,
 PWR:Receiving page over, FIL:File Error, DC:Decode Error, MDN:MDN Response Error,
 DSN:DSN Response Error, PRINT:Compulsory Memory Document Print,
 DEL:Compulsory Memory Document Delete, SEND:Compulsory Memory Document Send.

WELLENREITER LLP

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 JASON J. LITTLE, B.A., LL.B.



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 wwellenreiter@wellenreiterlp.ca
 jlittle@wellenreiterlp.ca

October 11, 2017

City of Hamilton
 Planning and Economic Development Department
 Development Planning, Heritage and Design – Team
 71 Main Street West, 5th Floor,
 Hamilton, ON L8P 4Y5

DELIVERED BY EMAIL and FACSIMILE
 Email: Alicia.West@hamilton.ca
 Facsimile: 905-546-4202
 Pages: 2
 Operator's Name: Laura
 This document is confidential and privileged. Disclosure to other than the named recipient may result in breach of certain laws and infringement of third party rights. If you receive this communication in error, contact us immediately.

Attn. Ms Alicia West

Re: Our Clients: Johannes (Hans) van Woudenberg and Adriana van Woudenberg
Our Clients' Address: 1266 Mohawk Road, Ancaster
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- 2) The proposed development would therefore significantly interfere with our clients' enjoyment and use of their land.
- 3) The Application incorrectly describes my clients' residence as a two-storey dwelling. It is a one-storey dwelling.

Cicchi, Anthony

From: rspshine <rspshine@gmail.com>
Sent: October-04-17 5:41 PM
To: West, Alicia
Subject: RE: ZAC-17-066

What's the plan for Mohawk road handling this traffic to get in and out?
Thanks

RAJEEV Sharma
SHInE Healthcare
(For Communities)
Cell:905 537 9470
fax 905 667 7002

----- Original message -----

From: "West, Alicia" <Alicia.West@hamilton.ca>
Date: 2017-09-29 1:46 PM (GMT-05:00)
To: 'JMM Rajeev PRINZA' <rspshine@gmail.com>
Subject: RE: ZAC-17-066

Good afternoon Rajeev,

Please find attached digital drawings and elevations of a proposed two storey building. Please be advised that the site plan and elevation drawings are preliminary as the letter you received is for the Zoning By-law Amendment application which is to establish a land use.

If you have any questions please do not hesitate to contact me.

Alicia West,

Planner II, Development Planning, Heritage and Design – Suburban Team

City of Hamilton

71 Main Street West, 5th Floor

Hamilton, ON L8P 4Y5

T - (905) 546-2424 Ext. 4672

F - (905) 546-4202

Email – Alicia.West@hamilton.ca

From: JMM Rajeev PRINZA [<mailto:rspshine@gmail.com>]
Sent: September-29-17 11:27 AM
To: West, Alicia
Subject: ZAC-17-066

Hi

How are you? I got this correspondence from your office regarding ths subject file-ZAC-17-066.

can you please send any site plan or any renderings etc you got on this file? which can help us with more understanding.

RajeeV Sharma

SHInE Family Clinic

Office: 905-667-7001

Fax: 905-667-7002

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**** Defining Health care Concepts ****

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December 10, 2018

City of Hamilton
Planning and Economic Development Department
Development Planning, Heritage and Design
71 Main Street West, 5th Floor,
Hamilton, ON L8P 4Y5

Attn. Mr. Steve Robichaud, MCIP, RPP,
Chief Planner, Director of Planning

Dear Mr. Robichaud:

Re: Our Clients: Johannes (Hans) van Woudenberg and Adriana van Woudenberg
Our Clients' Address: 1266 Mohawk Road, Ancaster
Your File No.: ZAC-17-066 (1274-1280 Mohawk Road, Ancaster, the "Property")
Application for Zoning By-law Amendment (the "Application")
Our File No.: G-30779

**DELIVERED BY EMAIL and
FACSIMILE**

Email: steve.robichaud@hamilton.ca
Facsimile: 905-546-4202

Pages: 3

Operator's Name: Cathy

This document is confidential and privileged. Disclosure to other than the named recipient may result in breach of certain laws and infringement of third party rights. If you receive this communication in error, contact us immediately.

As you are aware, we are the lawyers for Mr. and Mrs. van Woudenberg. They are the owners of 1266 Mohawk Road, Ancaster. This letter is further to my letter of October 11, 2017 which is attached at Appendix E to the City staff report prepared for the City of Hamilton Planning Committee meeting scheduled for December 11, 2018.

In addition to the position of my clients as set out in my letter of October 11, 2017, which concerns remain, the following issues and concerns are to be noted:

1. A. The proposed Zoning By-law as set out at Appendix B of the report does not limit the proposed construction to 2 storeys as recommended. The Neighbourhood Commercial (C2) Zone currently permits 11 metres which could equate to 3 storeys. This must be clarified in the Zoning By-law going forward and must limit this Application and the development, if approved, to 2 storeys.

B. Further, the report, at page 127 next to the "Surrounding Lands", "West" description, continues to incorrectly describe 1248 Mohawk Road as a four-storey building. It is a three-storey building. This was previously noted at paragraph 4 of my letter of October 11, 2017. It is my clients' position that a basement with a walkout facing East is not counted as an

official storey as it is underground on the North, South, and West sides. This needs to be clarified and corrected.

2. A. There has been no effort to address any concerns about tree preservation. Before this Application and development, if approved, can proceed, there must be a more thorough and comprehensive review of tree protection that ensures that tree preservation (an not tree compensation) occurs.

B. At page 137 of the report, paragraph 3 states that the Tree Protection Plan submitted by the Applicant has identified 62 of the 65 trees for removal. 12 trees have been identified in poor condition. It is unclear if any or all of the 65 identified trees are on the property of 1266 Mohawk Road and/or are shared with 1266 Mohawk Road. It is important that any trees on or shared with 1266 Mohawk Road be identified, preserved and protected and this must occur.

C. Further, this paragraph 3 at page 137 of the report notes that “There is opportunity for tree compensation to occur in the 3 m landscape buffer along the east, south, and west property lines”. Confirmation is required that the 3 m landscape buffer is part of the proposed plan for development and that its inclusion is a condition of the Application and development, if approved.

D. It is to be noted that with the development to the west of 1266 Mohawk Road, 80 plus year old trees were lost. The tree compensation with a small tree is not a compensation that is appropriate, and it would make my clients whole or put them in the position that they currently are with fully mature trees.

E. Changes in water flow due to the construction to the West was also a factor in directly killing some of these 80 plus year old mature trees. As such, tree preservation is also directly connected to the storm water removal plan and this too must be addressed if this Application and development is approved.

3. Further, if this Application is approved, there is concern about control and regulation of matters relating to the storm water removal, noise, light, and traffic amongst the other issues that will arise out of the construction and that have not been addressed in the approval of the Application. A particular concern is obstruction of my clients’ driveway as a result of both the development and the construction. My clients’ driveway has in the past has been blocked as a result of the development to the west. This prevented my clients from freely accessing and egressing their property which included medical appointments.

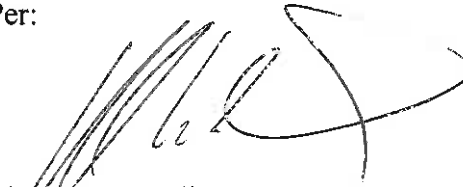
In summary, if this Application is approved, my clients need to know that there is a proper preservation strategy with regard to trees, that there is proper control to ensure that their enjoyment of their property is not interfered with and that the matters set out above are proactively addressed and that they do not merely become part of a compensation strategy.

Our clients reserve the right to supplement the above submissions and to further develop the above as more information and particulars become available.

Please note that I am unable to attend the schedule meeting of December 11, 2018 due to a previous commitment that cannot be changed. As such, Mr. Glenn Wellings, MCIP, RPP of Wellings Planning Consultants Inc. will be attending at the meeting on behalf of my clients.

As well, we again ask that you please ensure that you include my clients and our office on all future notices that are to be received with regard to this Application. Thank you.

Yours very truly,
WELLENREITER LLP
Per:



Richard A. Wellenreiter*

RAW/cll
cc. clients



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
 Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	December 11, 2018
SUBJECT/REPORT NO:	Application for an Amendment to the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 211 York Road, Dundas (PED18226) (Ward 13)
WARD(S) AFFECTED:	Ward 13
PREPARED BY:	Brynn Nheiley (905) 546-2424 Ext. 4283
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That **Amended Zoning By-law Amendment Application ZAC-17-060 by 1830258 Ontario Ltd (c/o Alex Arbab), Owner**, for a change in zoning from Neighbourhood Commercial (CN/S-60) Zone and Public Utilities (U) Zone in the former Town of Dundas Zoning By-law No. 3581-86, to the Community Institutional (I2, 446, H108) Zone to permit an 83 resident Retirement Home and a 17 unit multiple dwelling for lands located at 211 York Road, as shown on Appendix "A" to Report PED18226 be **APPROVED**, on the following basis:

- (a) That the draft By-law, attached as Appendix "B" to Report PED18226, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject property by introducing the Holding symbol 'H108' to the proposed Community Institutional (I2, 446) Zone.

The Holding Provision "H108" is to be removed to allow the 83 resident Retirement Home and 17 unit multiple dwelling, conditional upon:

- (i) The Owner submitting and receiving approval of a revised fire flow calculation based on the detailed building design to demonstrate that the existing watermains can provide for sufficient flows for firefighting for the

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future development on the site all to the satisfaction of the Manager of the Engineering Approvals.

- (c) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (2017) and complies with the Urban Hamilton Official Plan.

EXECUTIVE SUMMARY

The subject property is municipally known as 211 York Road, Dundas. The Owner, 1830258 Ontario Limited, has applied for amendments to the City of Hamilton Zoning By-law No. 05-200 to permit an 83 resident Retirement Home and a 17 unit multiple dwelling on the subject property within the Community Institutional (I2) Zone.

The proposal has merit and can be supported as the application complies with the Urban Hamilton Official Plan in that the proposal does not reduce the availability of rental dwelling units by six or more, it provides for a range of housing types and it contributes to supply of Housing with Supports in the City so that residents of all ages can have their needs met as housing requirements change for aging residents. Further, this application will provide clarity as to the permitted uses and regulations for the entire property, which are consistent with surrounding uses.

Alternatives for Consideration – See Page 17

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

Background:

The subject property is located on the north west corner of the intersection of Watsons Lane and York Road, and is municipally known as 211 York Road. The subject lands are 0.68 ha in size and contain an existing two storey building with ground floor commercial uses and a 16 unit retirement home on the first floor. The second floor has 22 rental dwelling units. Sixty surface parking spaces are provided primarily facing York Road. The east side of the property contains easements AB158141 and AB1473070

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(see Appendix “F” to Report PED18226), in favour of Hydro-Electric Power Commission of Ontario (now Alectra Utilities), United Gas Limited (now Union Gas Limited), and Bell Canada.

The original application was to rezone the subject property from the Neighbourhood Commercial (CN/S-60) Zone in the former Town of Dundas Zoning By-law No. 3581-86, to a site specific Community Institutional (I2) Zone in the City of Hamilton Zoning By-law No. 05-200 to permit a Retirement Home having a total of 100 residents, including the 16 existing retirement home units within the existing building and a two storey addition along the southern boundary of the property, adjoined to the existing building. Twenty-two multiple dwelling rental units were proposed to be removed. The proposal included 16 perpendicular parking spaces located within existing easements on the east side of the subject property, nine perpendicular parking spaces on the west side of the building, and 13 parallel spaces on the north side of the building.

The applicant has revised the application to retain 17 of the existing 22 multiple dwelling rental units, remove five of the residential rental units and three commercial uses, and to reduce the number of Retirement Home residents to 83. The remainder of the application has stayed the same.

Staff revised the application to a change in zoning of the entire property to the Community Institutional (I2, 446, H108) Zone, upon determining that the Public Utilities (U) Zone is unnecessary due to existing easements. The existing easements will preserve the entitlements of Hydro-Electric Power Commission of Ontario (now Alectra Utilities), United Gas Limited (now Union Gas Limited), and Bell Canada to enter the area of easement to conduct work and to occupy this portion of the subject property with their infrastructure. The applicant is in support of this revision.

Chronology:

- July 14, 2017: Application for Zoning By-law Amendment ZAC-17-060 received.
- August 2, 2017: Application ZAC-17-060 deemed complete.
- August 11, 2017: Notice of Complete Application and Pre-Circulation was mailed to 152 property owners within 120 m of the subject property.
- August 17, 2017: A Public Notice sign was established on the property.
- September 5, 2017: Notice of Complete Application and Pre-Circulation was sent to 22 residential units and three commercial units within 211 York Road.

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October 17, 2017: Public Information Meeting hosted by applicant at 60 Main Street, Dundas.

November 14, 2018: Public Notice sign updated to reflect the date of Public Meeting.

November 23, 2018: Circulation of Notice of Public Meeting to 152 property owners, and 22 rental residential units and three commercial units within 211 York Road.

Details Of The Submitted Application:

Owner: 1830258 Ontario Limited (c/o Alex Arbab)

Agent / Applicant: Wellings Planning Consultants Inc. (c/o Glenn Wellings)

Location: 211 York Road, Dundas (see Appendix "A" to Report PED18226)

Property:

Frontage:	101.5 m
Area:	0.6 ha
Depth:	66.5 m

Servicing: Existing Full Municipal Services

EXISTING LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Commercial, Retirement Home and dwelling units; Easement in favour of Alectra and Union Gas	Neighbourhood Commercial (C.N./S-60) Zone, Modified; Public Utilities (U) Zone

Surrounding Lands:

North	Townhouse Dwellings	Low to Medium Density Multiple Dwelling (RM1) Zone
East	Single Detached Dwellings	Low Density Residential (R4) Zone, Modified; Single-Detached Residential (R2) Zone

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South	Lake Jojo and City of Hamilton Public Works Community Recycling Centre	Public Utilities (U-FP) Zone
West	Townhouse Dwellings	Low to Medium Density Multiple Dwelling (RM1) 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) (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 and balanced growth) are reviewed and discussed in the Official Plan analysis below.

As the application for a change in zoning complies with the Official Plan and the relevant policies in the PPS, 2014, it is staff's opinion that the application is:

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

Growth Plan for the Greater Golden Horseshoe (2017):

The Growth Plan supports intensification within built-up urban areas, particularly in proximity to transit. It is focused on accommodating forecasted growth in complete communities and provides policies on managing growth. The following policies, amongst others, apply:

“1.2.1 Guiding Principles

The successful realization of this vision for the GGH centres on effective collaboration amongst the Province, other levels of government, First Nations and Métis communities, residents, private and non-profit sectors across all

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industries, and other stakeholders. The policies of this Plan regarding how land is developed, resources are managed and protected, and public dollars are invested are based on the following 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.

2.1 This Plan is about accommodating forecasted growth in *complete communities*. These are communities that are well designed to meet people's needs for daily living throughout an entire lifetime by providing convenient access to an appropriate mix of jobs, local services, *public service facilities*, and a full range of housing to accommodate a range of incomes and household sizes. *Complete communities* support quality of life and human health by encouraging the use of *active transportation* and providing high quality public open space, adequate parkland, opportunities for recreation, and access to local and healthy food. They also support climate change mitigation by increasing the *modal share* for transit and *active transportation* and by minimizing land consumption through *compact built form*.”

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;
- It provides for intensification to make efficient use of land and infrastructure; and,
- It supports a range and mix of housing options.

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

- a) the vast majority of growth will be directed to *settlement areas* that:
- have a *delineated built boundary*;

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- have existing or planned *municipal water and wastewater* systems; and,
- can support the achievement of *complete communities*;

2.2.1.4 Applying the policies of this Plan will support the achievement of *complete communities* that:

- b) improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes; and,
- e) ensure the development of high quality *compact built form*, an attractive and vibrant *public realm*, including public open spaces, through site design and urban design standards;

2.2.2.1 By the year 2031, and for each year thereafter, a minimum of 60 percent of all residential development occurring annually within upper-tier or single-tier municipalities will be within the delineated built-up area.”

The application conforms to the policies of the Growth Plan by focusing growth within the built-up area, contributing to achieving a complete community including housing for seniors, utilizing existing and planned municipal infrastructure, and providing for development with access to a range of transportation options.

Based on the foregoing, the proposal conforms to the Growth Plan.

Niagara Escarpment Plan (2017)

The subject property is within the Urban Area of the Niagara Escarpment Plan. As such, the following policy applies.

“1.7.5 Development Objectives

All development shall be of an urban design *compatible* with the *scenic* resources of the *Escarpment*. Where appropriate, provision for maximum *heights*, adequate setbacks and screening are required to minimize the visual impact of urban development.”

This application included an Urban Design Brief. The proposed addition does not exceed the height of the existing building, and significant landscaping is proposed along the frontage of the subject property. Therefore, there will be no visual impact to the Niagara Escarpment in terms of height, and the proposed building will be adequately screened by landscaping. NEC staff have no concerns with the approval of this

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05-200 for Lands Located at 211 York Road, Dundas (PED18226)
(Ward 13) - Page 8 of 17**

application and staff are satisfied that the proposal is compatible with the scenic resources of the Escarpment. Therefore, the proposal conforms to the Niagara Escarpment Plan.

Urban Hamilton Official Plan

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

Urban Housing

“B.3.2.4.2 The *development* of housing with a full range of tenure, affordability, and support services shall be provided for and promoted throughout the City. Where there are documented unmet needs for housing tenure, affordability levels or support services, priority shall be given to *development* applications that help meet those needs. Housing with a full range of tenure, affordability and support services in a full range of built housing forms means both ownership and *primary rental housing* with a full range of affordability, *social housing*, rent-geared-to-income housing, lodging houses, shared and/or congregate-living housing arrangements, *housing with supports*, emergency and transitional housing, and housing that meets all needs.

B.3.2.4.3 *Housing with supports*, including residential care facilities, shall be permitted in the Institutional, Neighbourhoods, Commercial and Mixed Use designations, as shown on Schedule E-1 – Urban Land Use Designations, and shall be subject to zoning regulations where applicable.

B.3.2.5.6 To protect the adequate provision of a full range of housing, *development* or *redevelopment* that would have the effect of removing all or part of rental apartment or townhouse buildings or groups of buildings comprised of six or more units, and would result in the loss of six or more rental housing units shall be permitted if any one of two general criteria are met, outlined as a) and b) below:

a) all of the following criteria are met:

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

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- ii) the proposed removal shall not reduce the rental vacancy rate by dwelling unit and structure type to below 2.0% for the City and the respective local housing market zone; and,
 - iii) the existing market rent levels for the units proposed to be removed are not significantly (approximately 10%) below the average market rent levels for the City and the respective local housing market zone for rental units of a similar dwelling unit and structure type and size; and,
 - iv) for vacant rental units, the last market rent levels charged prior to vacancy for the units proposed to be removed were not significantly (approximately 10%) below the average market rent levels at the time for the City and the respective local housing market zone for rental units of a similar dwelling unit and structure type and size; or,
- b) the building (or buildings) is determined to be structurally unsound, confirmed by the submission of a structural audit, prepared by a qualified professional with the conclusions of such audit deemed acceptable by the City.

Neighbourhoods

- 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*.
- E.2.6.7 Neighbourhoods shall generally be regarded as physically stable areas with each neighbourhood having a unique scale and character. Changes *compatible* with the existing character or function of the neighbourhood shall be permitted. Applications for *development* and *residential intensification* within Neighbourhoods shall be reviewed in consideration of the local context and shall be permitted in accordance with Sections B.2.4 – Residential Intensification, E.3.0 – Neighbourhoods Designation, E.4.0 – Commercial and Mixed Use Designations, and, E.6.0 – Institutional Designation.”

This application will contribute to a form of housing that is considered to be “housing with supports”, as well as provide rental multiple dwelling units. These uses are permitted on the subject lands. The proposed development will retain 17 multiple dwelling units, while five of the dwelling units will be removed. Therefore, the proposed development complies with Policy B.3.2.5.6 as less than six units will be removed and the loss of five dwelling units is mitigated by the contribution of additional housing with supports units. The applicant has indicated that housing with supports services will be

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provided on site to support independent living within the community. This proposed development will contribute to housing for all ages within the community, and create the opportunity to remain in the Dundas area as housing requirements change for aging residents.

The physical change to the character is minimal because most adjacent residential units face the existing building which is proposed to remain with minimal improvements to the façade. This application proposes an addition to an existing 9.24 m brick structure that faces York Road, vacant lands, Lake Jojo and the rear of eight townhouse units that currently overlook a surface parking lot of 52 parking spaces. With the proposed development the existing townhouses will back onto a residential addition to the existing building, nine parking spaces, internal vehicular circulation, a loading bay and enhanced landscaping. The overall massing of the building will change minimally. Therefore, this change is anticipated to have limited impacts in terms of the physical character of the area.

Based on the foregoing, this application complies with the UHOP.

Town of Dundas Zoning By-law 3581-86 and City of Hamilton Zoning By-law 05-200

The subject property is currently split zoned with a site specific Neighbourhood Commercial (CN/S-60) Zone (westerly portion) and Public Utilities (U) Zone (easterly portion).

The CN/S-60 Zone permits residential uses provided they are completely separated from any commercial use. The site specific exception permits a 16 unit Retirement Home on the first floor in the east portion of the building, along with off-street parking and loading within the front yard.

The U Zone permits government and public utility installations, maintenance and equipment storage facilities.

The application is for a change in zoning of the entire property to the Community Institutional (I2, 446, H108) Zone in Zoning By-law No. 05-200. The Commercial Institutional (I2) Zone permits a Retirement Home with a maximum capacity of 50 residents, and does not permit a multiple dwelling unit. The maximum building height permitted in the I2 Zone is 10.5 m. This proposal is for an addition to the existing building with a maximum building height of 9.24 m. Special Exception 446 will permit a Retirement Home having a total of 83 residents and a 17 unit multiple dwelling.

Staff are satisfied with the removal of the U Zone as the zone boundaries are matched by easements AB158141 and AB1473070 (see Appendix “F” to Report PED18226), in

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favour of Hydro-Electric Power Commission of Ontario (now Alectra Utilities), United Gas Limited (now Union Gas Limited), and Bell Canada, which preserve the entitlements of these companies to enter the area of easement to conduct work and to occupy this portion of the subject property with their infrastructure. Alectra Utilities, Union Gas Limited, and Bell Canada were notified of the proposed development and did not indicate concern with the removal of the U Zone or with the proposal to locate parking within the easement.

Additionally, Special Exception 446 will include the following modifications:

- The definition of Front Lot Line;
- Separation distance of parking spaces and aisles from a street line and planting strip;
- Location of loading facilities;
- Maximum capacity for a Retirement Home;
- A 17 unit multiple dwelling; and,
- A reduction in the number of parking spaces from 45 to 38.

These modifications are identified and discussed in detail in Appendix “E” to Report PED18226.

RELEVANT CONSULTATION

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

Transportation Planning, Planning and Economic Development staff advise that York Road is intended to have a width of 20.117 m, and that this portion of York Road was widened to 24.0 m through previous applications. Staff have no objection to the proposed Zoning By-law Amendment to facilitate an 83 resident Retirement Home and and a 17 unit multiple dwelling, and will permit one driveway access onto Watsons Lane, and two accesses onto York Road to permit a one-way drop-off area. Details that are to be addressed at the Site Plan Control stage include, but are not limited to:

- Transportation Demand Management Options Report;
- Pedestrian Mobility Plan;
- Access Permits for any new or changes to existing access;

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- The York Road driveway accesses must be reconfigured to deter two-way use;
- Visibility triangles of 5.0 m by 5.0 m at driveway accesses; and,
- Daylight triangle of 9.14 m by 9.14 m at the intersection.

Housing Services, Healthy and Safe Communities staff indicates that there is a need for housing with supports for seniors and also indicates satisfaction with the proposal for an 83 resident Retirement Home and a 17 unit multiple dwelling.

Hamilton Street Railway, Public Works Department identified that route #52A Dundas Local passes the subject property, with a bus stop on York Road at Watsons Lane on the north east corner. There are no planned changes in service, but they would be willing to work with the applicant to relocate the stop to be in front of the proposed development and for any upgrades or amenities that serve the stop.

Hamilton Conservation Authority (HCA) have no concerns, and notes that only a Letter of Permission would be required from HCA at the time of building permit application.

Forestry and Horticulture, Public Works Department acknowledge that all municipal tree assets are to be retained and protected. The Tree Management Plan is approved upon receipt of the per tree fee. The Landscape Plan indicates trees within the municipal right of way, which are to be planted by the City of Hamilton. Amendments are required on the Landscape Plan, including details on the specific plant species, quantities and sizes. Forestry and Horticulture indicates that no species should make up more than 20% of the total tree population, and that no coniferous trees are permitted in the right of way. These issues will be addressed at the Site Plan Control stage.

Healthy Environments Division, Healthy and Safe Communities Department suggests that the overall design of the building should promote physical mobility, including prominently locating stairs and eliminating locking devices to access the stairs. These matters will be addressed at the Site Plan Control stage.

Environmental Services Division, Public Works Department notes that the proposed development is ineligible for municipal waste collection.

Niagara Escarpment Commission advises that the applicants referred to the 2005 Niagara Escarpment Plan, rather than the 2017 Niagara Escarpment Plan. However, the Niagara Escarpment Commission indicates that they have reviewed the Urban Design Brief submitted by the applicant and have no concerns with the approval of this application.

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**SUBJECT: Application for an Amendment to the City of Hamilton Zoning By-law
05-200 for Lands Located at 211 York Road, Dundas (PED18226)
(Ward 13) - Page 13 of 17**

Alectra Utilities advises that they do not have any concerns regarding the removal of the U Zone on the subject lands, and stipulate requirements regarding excavation and clearances of infrastructure owned by Alectra Utilities. These requirements will be addressed at the Site Plan Control stage.

PUBLIC CONSULTATION

In accordance with the provisions of the *Planning Act* and the Council approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 152 property owners and tenants within 120 m of the subject property on August 11, 2017, and to 22 residents and three commercial units of the subject property on September 5, 2017. A Public Notice sign was posted on the property on August 14, 2017 and updated on November 14, 2018 to reflect the Public Meeting date. Finally, notice of the Public Meeting was circulated on November 23, 2018 in accordance with the requirements of the *Planning Act*.

To date, letters have been received from three members of the public respecting the proposed development (see Appendix “G” to Report PED18226). The concerns raised in the letters are further summarized in the Analysis and Rationale for Recommendations section of this Report.

Public Consultation Strategy

In accordance with their submitted Public Consultation Strategy, the applicant hosted a Public Information Meeting on October 17, 2017. The applicant circulated notice of this meeting to 152 residents within 120 m of the subject property and to 22 residents and three commercial units of the subject property. The meeting was attended by 18 members of the public.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposal has merit and can be supported for the following reasons:
 - i) It is consistent with the PPS and conforms to the Growth Plan for the Greater Golden Horseshoe (2017);
 - ii) It complies with the policies of the UHOP; and,
 - iii) The development is compatible with the type and form of development in the surrounding neighbourhood and contributes to the supply of Housing with Supports.

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SUBJECT: Application for an Amendment to the City of Hamilton Zoning By-law 05-200 for Lands Located at 211 York Road, Dundas (PED18226) (Ward 13) - Page 14 of 17

2. The subject lands are subject to the Town of Dundas Zoning By-law No. 3581-86. The purpose and effect of this application is to rezone the subject property from the Neighbourhood Commercial (CN/S-60) Zone and Public Utilities (U) Zone in the former Town of Dundas Zoning By-law No. 3581-86, to the City of Hamilton Zoning By-law No. 05-200 Community Institutional (I2, 446, H108) Zone to permit the expansion and renovation of the existing building for an 83 resident Retirement Home and a 17 unit multiple dwelling.

Town of Dundas Zoning By-law 3581-86

The CN/S-60 Zone permits the residential uses located on the second floor, and requires that they be completely separated from any commercial use. The site specific exception also permits a 16 unit Retirement Home on the first floor in the east portion of the commercial building, along with parking and loading within the front yard.

The U Zone currently allows for government and public utility installations, maintenance and equipment storage facilities. Two existing easements, AB158141 and AB1473070 (see Appendix "F" to Report PED18226), in favour of Hydro-Electric Power Commission of Ontario (now Alectra Utilities), United Gas Limited (now Union Gas Limited), and Bell Canada are registered on title, preserving the entitlements of these companies to enter the area of easement to conduct work and to occupy this portion of the subject property with their infrastructure. These easements make the U Zone redundant and unnecessary, and allows for the I2 Zone to be applied to the entire property.

City of Hamilton Zoning By-law 05-200

The proposal is to rezone the entire subject property to the Community Institutional (I2, 446, H108) Zone in the City of Hamilton Zoning By-law No. 05-200 to allow a Retirement Home having a total of 83 residents and a 17 unit multiple dwelling. It will be compatible with nearby residential uses, Lake Jojo and the City of Hamilton Public Works Community Recycling Centre. The proposal to rezone the entire property to the Community Institutional (I2, 446, H108) Zone in the City of Hamilton Zoning By-law No. 05-200 will eliminate the existing dual zoning on the property and will provide clarity as to the permitted uses and regulations for the entire property. The 17 unit multiple dwelling contributes to the protection of an adequate provision of a full range of housing, while reducing the intensity of the multiple dwelling use which is permitted in the current zoning. A Retirement Home currently operates as part of the community on the subject lands. The expansion of the facility and comprehensive redevelopment of the property will result in an improved built form and provide additional residential opportunities for aging residents within the community.

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(Ward 13) - Page 15 of 17**

Staff are of the opinion that the proposed development will contribute to the community as an added residential service that is compatible with the surrounding neighbourhood, will reduce parking and traffic conflicts and centralize loading facilities, and that the modifications will allow for comprehensive development.

The following modifications to the I2 Zone are proposed as will be reflected in Special Exception 446 to facilitate the proposed development:

- The definition of Front Lot Line;
- Separation distance of parking spaces and aisles from a street line and planting strip;
- Location of loading facilities;
- Maximum capacity for a Retirement Home;
- A 17 unit multiple dwelling; and,
- A reduction in the number of parking spaces from 45 to 38.

These modifications are identified and discussed in detail in Appendix “E” to Report PED18196.

3. Growth Management Division note that the existing watermain system adjacent to the subject lands cannot provide for the estimated fire flows identified in the Functional Servicing Report (FSR) by AMEC Wheeler Foster dated March 2018 submitted in support of the re-zoning application for the subject lands. Growth Management has advised that a revised FSR pertaining to water servicing, sanitary servicing, minor storm sewer servicing, stormwater management, and required fire flow is required. Therefore, Holding Provision 108 will be placed on the subject lands. The Holding Provision can be removed once the owner submits a revised fire flow calculation based on the detailed building design to demonstrate that the existing watermains can provide for sufficient flows for firefighting for the future development on the site. The revised calculations will be to the satisfaction of the Manager of Engineering Approvals.

Staff also require clarification as to how external drainage will be handled. Currently a drainage swale along the south-west side of the property collects external drainage from the adjacent townhouse block. Measures and details regarding these will be addressed at the Site Plan Control stage.

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05-200 for Lands Located at 211 York Road, Dundas (PED18226)
(Ward 13) - Page 16 of 17**

4. Following the Notice of Complete Application, staff received three pieces of correspondence (see Appendix “E” of Report PED18226). Concerns identified in the correspondence are summarized below.

Parking on Watsons Lane

The concern is that Watsons Lane regularly has overflow parking from the existing townhouses in the vicinity of the subject lands, and that removing these on-street parking spaces in favour of an access will result in overflow parking locating on Forestview Drive. There is also concern with the provision of 38 parking spaces. The applicant has revised the proposed development by removing the second access onto Watsons Lane, maintaining the existing access on Watsons Lane. Parking is required for the Retirement Home at a rate of one parking space for each three residents and for multiple dwellings at a rate of one parking space per unit, resulting in a requirement for 45 parking spaces. This application proposes that 17 parking spaces be provided to accommodate 17 dwelling units, and 21 parking spaces be provided for 83 residents of the Retirement Home, totalling 38 parking spaces. The reduction of seven parking spaces is justified because the Housing with Supports use will replace the existing commercial uses, resulting in a decrease in frequency and improvement in consistency of parking demand on the subject property. Therefore, staff are satisfied that sufficient parking is provided on site to accommodate the proposed development, and are satisfied with the proposed single access onto Watsons Lane, in addition to access on York Road. On-street parking is permitted on the west side of Watsons Lane, adjacent to the subject property, and on both sides of Forestview Drive. On-street parking is not permitted on the east side of Watsons Lane. Illegal parking on Watsons Lane that result from other properties should be addressed through Municipal Law Enforcement.

Snow Storage and Vehicular Circulation Within in the Site

The concern is with respect to vehicular circulation in the site, particularly with respect to large vehicles and snow storage. These details will be reviewed at the Site Plan Control stage. However, a preliminary review of these issues indicates limited snow storage potential along the northern and eastern boundaries of the subject property, and that alternative measures for snow management may be necessary. Staff are satisfied with the information that has been provided for the purposes of considering a Zoning By-law Amendment, but will require additional details regarding this matter at the Site Plan Control stage.

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Erosion at the Perimeter of the Site

This concern relates to surface water management and impacts along abutting residential property boundaries. Additional details pertaining to stormwater management will be provided and reviewed at the Site Plan Control stage.

Phasing of Construction

The concern relates to potential impacts to the operators of the Retirement Home in the event that improvements to the existing building façade creates disruption for new and existing occupants. Staff defer to the business operator in making ultimate decisions regarding phasing of construction.

ALTERNATIVES FOR CONSIDERATION

Should the proposed Zoning By-law Amendment application be denied, the subject property could be utilized in accordance with the range of uses and provisions of the Neighbourhood Commercial “NC/S-60” Zone, Modified, and Public Utilities “U” 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.

Healthy and Safe Communities

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

Built Environment and Infrastructure

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

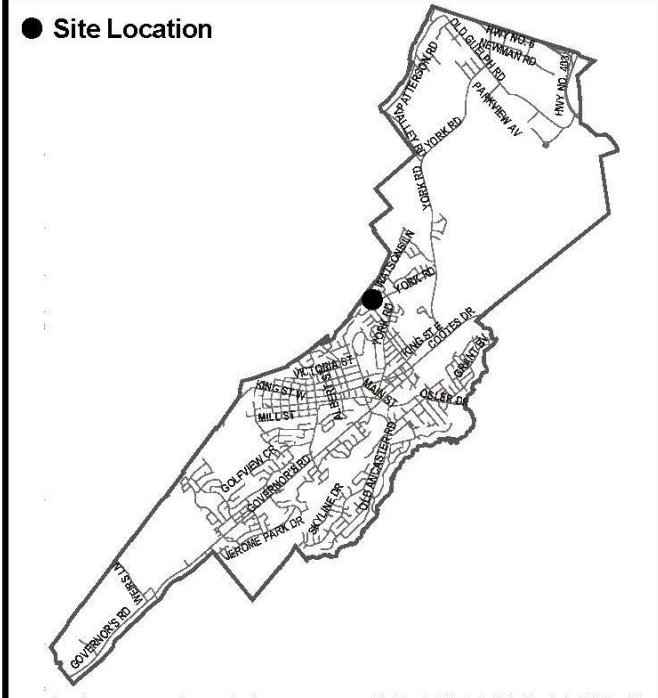
APPENDICES AND SCHEDULES ATTACHED

- Appendix “A” – Location Map
- Appendix “B” – Draft Zoning By-law Amendment
- Appendix “C” – Zoning Table
- Appendix “D” – Proposed Site Plan
- Appendix “E” – Proposed Building Elevations
- Appendix “F” – Survey
- Appendix “G” – Public comment

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Key Map - Ward 13

N.T.S.

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-17-060

Date:
October 10, 2018

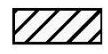
Appendix "A"

Scale:
N.T.S.

Planner/Technician:
BN/AL

Subject Property

211 York Road



Lands to be added to Zoning By-law 05-200 and zoned Community Institutional (I2, 446, H108) Zone.

Authority: Item ,
Report (PED18226)
CM:
Ward: 13

Bill No.

CITY OF HAMILTON

BY-LAW NO.

To Amend Zoning By-law No. 05-200 Respecting Lands Located at 211 York Road, Dundas

WHEREAS Council approved Item _____ of Report PED18-226 of the Planning Committee at its meeting held on the 11th day of December _____ 2018;

AND WHEREAS this By-law conforms with the Urban Hamilton Official Plan.

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

1. That Map No. 820 of Schedule "A" – Zoning Maps of Zoning By-law No. 05-200, is amended by adding lands to Zoning By-law 05-200 as Community Institutional (I2, 446, H108) Zone for the lands located at 211 York Road, the extent and boundaries of which are shown as in Schedule "A" annexed as hereto and forming of this 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:

"446. Within the lands zoned Community Institutional (I2, 446, H108) Zone, identified on Map No. 820 of Schedule "A" – Zoning Maps and described as 211 York Road, the following special provisions shall apply:

a) Notwithstanding Section 3: Definitions of Front Lot Line, York Road shall be deemed the Front Lot Line.

b) Notwithstanding Section 5.1 a) v) a), 5.1 a) v) b), 5.2 b) i) and 5.2.1 c) of this By-law the following special provisions shall apply:

i) Separation Distance of Parking Spaces and Aisles from a Street Line A minimum of 2.2 m shall be provided between the required parking spaces and Watsons Lane.

ii) Planting Strip A) A minimum of 2.2 m wide planting strip is required and shall be permanently maintained between the Watsons Lane streetline

**To Amend Zoning By-law No. 05-200
Respecting Lands Located at 211 York Road (Dundas)**

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

"108. Notwithstanding Section 8.2 of this By-law, within lands zoned Community Institutional (I2, 446) Zone on Map 820 on Schedule "A" – Zoning Maps, and described as 211 York Road (Dundas), no development shall be permitted until such time as:

i) The Owner submits and receives approval of a revised fire flow calculation based on the detailed building design to demonstrate that the existing watermains can provide for sufficient flows for firefighting for the future development on the site all to the satisfaction of the Manager of Engineering Approvals.

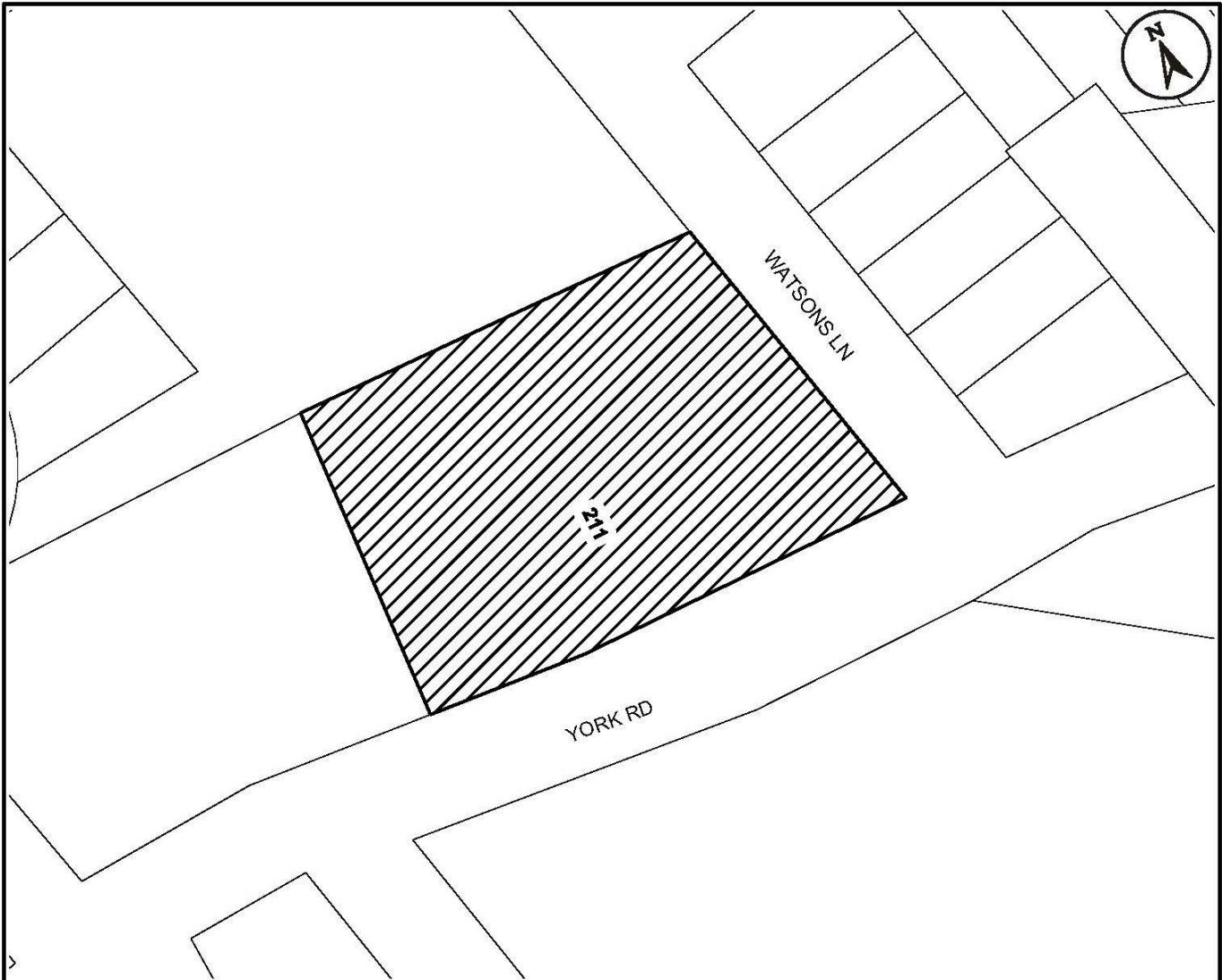
4. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.

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

PASSED this _____ , _____

F. Eisenberger
Mayor

J. 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. 05-200
Map 820

Subject Property

211 York Road



Lands to be added to Zoning By-law 05-200 and zoned Community Institutional (I2, 446, H108) Zone.

Scale:
N.T.S.

File Name/Number:
ZAC-17-060

Date:
October 10, 2018

Planner/Technician:
BN/AL



Hamilton

**To Amend Zoning By-law No. 05-200
Respecting Lands Located at 211 York Road (Dundas)**

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.: PED18226 Date: 12/11/2018

Ward(s) or City Wide: Ward: 13 (MM/DD/YYYY)

Prepared by: Brynn Nheiley

Phone No: 905-546-2424, ext. 4283

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

Site Specific Modifications to the Community Institutional (I2, 446) Zone

Regulation	Required	Modification	Analysis
Section 3: Definitions Front Lot Line	Shall mean any lot line abutting a street, and: a) With reference to a corner lot, shall mean the shorter of the lot lines abutting the streets.	York Road shall be deemed the Front Lot Line.	In accordance with the existing definition in the By-law, the Watsons Lane frontage is considered to be front lot line, as it is the shorter of the two property lines abutting a street line. Historically, York Road has been treated as the front lot line, and as an arterial road, York Road is considered to be the primary road by which this proposed development will be accessed. As such it is appropriate that the property line abutting York Road be considered the Front Lot Line. Further, it is appropriate that the municipal address assigned to the building be on York Road so that those arriving to the proposed development do so via York Road. Therefore, staff support the modification.
Section 5.1 a) v) a) and 5.1 a) v) b) Separation Distance of Parking Spaces and Aisles from a Street Line, and Planting Strip	Parking spaces and aisles, giving direct access to abutting parking spaces, excluding driveways extending directly from the street, shall not be located within 3.0 m of a street line, and shall provide a 3.0 m wide planting strip.	Parking spaces shall not be located within 2.2 m of a street line abutting Watsons Lane. A minimum of 2.2 m wide planting strip. A minimum of 1.1 m wide planting strip between the hypotenuse of	In accordance with the provisions of the Parking Section, parking shall not be located within 3.0 m of a street line and shall provide a 3.0 m wide planting strip between the street line and parking spaces or aisles. This application has proposed a setback of 2.29 m along Watsons Lane. The intent of the provision is to ensure that there is an adequate balance between hard surface and open space areas surrounding a parking area, and to provide a buffer between the street and parking area. A 2.29 m planting strip is proposed along Watsons Lane, and 1.135 m planting strip is proposed at the hypotenuse of the daylight triangle, to be planted with ornamental grasses, perennials, shrubs and small trees to provide a buffer between the street and the parking area. Significant landscaping is proposed in a courtyard that will be created through this development, as well as along the eastern half of the southern boundary of the site to a depth of 6.9 m. Staff are of the opinion that the areas having a reduced width is minor and appropriate landscaping has been provided within and around the parking area.

		the daylight triangle and the required parking spaces or aisle.	Therefore, staff support the modification.
Section 5.2 b) i) Parking Space Sizes	Minimum 3.0 metres in width and 5.8 metres in length.	A minimum 2.7 metres in width and 5.8 metres in length for perpendicular parking spaces.	In accordance with the provision of the Parking Section, parking spaces shall be a minimum size of 3.0 metres in width and 5.8 metres in length. This application has proposed parking spaces that are 2.7 metres in width and 6.0 metres in length. The intent of the provision is to accommodate vehicle sizes based on the current market. Common vehicles on the road currently are smaller in size. One of the primary concerns raised by the public to this application is the potential for overflow parking on adjacent streets. Staff are of the opinion that a minor reduction in parking space widths is appropriate in that it will allow for a greater number of parking spaces, and will accommodate many vehicle that are on the road today. Therefore, staff support the modification.
Section 5.2.1 c) Location and Screening of Loading Facilities	Shall not be permitted in a required yard abutting a Residential Zone or an Institutional Zone and shall be screened from view by a Visual Barrier.	Shall be permitted in a yard abutting a Residential Zone, and shall be screened from view by a Visual Barrier.	Currently loading occurs in several locations around the property to service the existing uses, including a mix of residential and commercial uses, as follows: <ul style="list-style-type: none"> • delivery of supplies to the retirement home on the east end of the north side of the building; • other deliveries for the retirement home at the main entrance of that portion of the building, located on the east side of the building; • deliveries for the commercial tenants through the front entrance of each unit from trucks located in the parking lot facing York Road; and, • residential loading on the north side of the building. The proposal for an 83 resident Retirement Home and a 17 unit multiple dwelling

			<p>on the property will result in a decrease in frequency and improved management of loading vehicles. The proposed development includes a single loading area located along the western property line. The subject property is a corner lot, with residential to the north and west. The proposed location of the loading facility has the best opportunity for visual screening from the abutting residential, and from the public street. The effects of the consolidation of loading operations and management by a single tenant are anticipated to be an improvement for adjacent residential properties.</p> <p>Therefore, staff support the modification.</p>
Section 5.6 c) i) Required Parking for a Retirement Home	1 for each 3 persons accommodated or designed for accommodation.	1 space for each 4 persons accommodated or designed for accommodation.	<p>Zoning By-law No. 05-200 parking requirements result in a calculation of 28 parking spaces the Retirement Home. This application proposes 21 parking spaces for the Use, in addition to 17 parking spaces provided for the 17 Multiple Dwelling units. The reduction of seven parking spaces can be supported because the Housing with Supports use will replace the existing commercial uses, resulting in a decrease in frequency and improvement in consistency of parking demand on the subject property.</p> <p>Therefore, staff support the modification.</p>
Section 8.2.1 Permitted Uses	Multiple Dwellings are not permitted.	A 17 unit Multiple Dwelling.	<p>The existing building contains 22 multiple dwelling units on the second floor. The requirement to retain 17 of the existing multiple dwelling units preserves existing multiple dwelling units approved in accordance with the current zoning of the subject property, and limits the loss of rental units by less than six. The loss of rental units is justified by the development of 83 Retirement Home units. This proposal, including multiple dwelling units and Retirement Home units thereby contributes to the protection of an adequate provision of a full range of housing types.</p> <p>Therefore, staff support the modification.</p>

<p>Section 8.2.3.1 g) Maximum Capacity for Retirement Home</p>	<p>Shall not exceed 50 residents.</p>	<p>Shall not exceed 83 residents.</p>	<p>The overall massing of the building will be changed primarily along York Road and adjacent to eight existing townhouses, and will maintain the height of the existing building. Staff do not anticipate a significant impact to traffic relative to the existing condition of a mix of commercial, residential and Retirement Home uses. Staff are satisfied that this proposed development will create increased opportunity for aging residents to remain in the Dundas area, as their housing requirements change, in a form that is compatible to the surrounding area. The intent of this requirement is to restrict development to be an appropriate size and scale on the exterior of a neighbourhood. Therefore, the additional capacity can be supported.</p>
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211 York Road

Zajac, George

From: Zajac, George
Sent: October-18-17 9:13 AM
To: 'Watsons Lane'
Subject: RE: Thanks!

Thanks again Courtney.

We will review your concerns with the applicant's agent.

If you require anything else, please don't hesitate to contact me.

Regards,

George.

George T. Zajac, CPT, MCIP, RPP
Senior Planner-Suburban
Development Planning, Heritage & Design Section, Planning Division
Planning & Economic Development Department
City of Hamilton, 71 Main St. W, 5th floor, L8P 4Y5
Ph: (905) 546-2424 ext. 1024
Fax: (905) 546-4202
Email: George.Zajac@hamilton.ca

From: Watsons Lane [mailto: [REDACTED]]
Sent: October-17-17 10:12 PM
To: Zajac, George
Subject: Thanks!

Hi George,

It was a pleasure meeting you tonight at the public meeting reviewing the proposal for 211 York Road. I sincerely feel once the nuisances are ironed out, and the redevelopment approach managed accordingly, the updates could be beneficial to our community and overall property value in the area.

A few key items I would like to ensure are captured in your minutes and subsequent follow up community/city meetings:

- Parking spaces versus resident count - it is very difficult to find street parking on Watsons lane. With a proposed resident count of 100, and a minimum 12 on staff at any one time (no idea if that includes roles such as cleaners, cooks, and local volunteers as it wasn't clarified), I'm concerned if 38 proposed parking spaces is actually sufficient. The back parking spots could be compromised in the winter time (with snow), while both side area full of staff, deliveries, visitors, volunteers, and residents whom may drive (most certainly a consideration when folks decide to move here given there is very little near by and minimal bus services). It would be nice to have the traffic study shared with community members at the next meeting update.

- Back laneway usage as a one-way road - I suspect the radius at the corner just meets the requirement for the proposed specialized garbage truck (although an assumption on my part). Once you get snow banks from snow removal activities, or visitors not quite parking 'exactly' in the lines of the proposed spaces at the end (i.e. bumpers partially hanging out past the 'lines' of the space), I suspect a truck (or any traffic for that matter) will be challenged to turn the back corner. I also worry about people entering the laneway (incorrectly in the wrong direction) from Watsons Lane. I realize there should be one-way signs, but experience speaking in our neighbouring condominium complex, which also has a one way system, people ignore it. Between a very tight fit for the garbage truck already, visitors trying to pull their cars in and out of the parking spots, as well as potentially drivers using the laneway as a pass through (in either the right or wrong direction), I foresee traffic challenges behind the building overall. At the next community review, I would like to review the snow removal plans as well as a contingency plan for garbage removal should the truck be blocked or unable to enter (for multiple reasons) to remove the specialized underground bins.
- Rear erosion - along the back fence line the ground is very eroded and unstable. I worry that any work in that area, along with increase traffic (including heavy garbage and delivery trucks using the laneway), will only encourage the erosion. It would be great to see a small retaining wall as well as a fence owned by the retirement home incorporated into any revised plans.
- Phased construction approach - certainly understanding phases occur to manage costs and community impacts, it's extremely concerning that any plans to renovate/upgrade the existing building as proposed to only start once the new addition is filled with residents (completion of phase 1 as per communicated by Alex Arbab). The existing building and surrounding landscaping and roadway is extremely run down and not maintained well today. I worry that will deter potential prospective new residents interest, which could result in 'phase 1' underperforming, which could result in a stoppage of further phases (due to lack of funding). Having an addition without the remaining exterior renovated (nevermind landscaping) will create quite the eye sore in the community, and could negatively impact surrounding property values. I'd like to see a detailed review of the phased approach, including clear funding commitment for all phases (not dependant on resident enrollment) at the next community review.

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Greatly appreciate your time and effort on this project. I would imagine stick handling the numerous challenges highlighted by community members is overwhelming at best! I'm looking forward to seeing how our feedback is incorporated into any updated future proposals.

Many thanks,
 Courtney Burlock
 Member of the Board of Directors @ 23 Watsons Lane.

211 York Road

Zajac, George

From: Penelope Hill [REDACTED]
Sent: September-21-17 2:00 PM
To: Zajac, George
Cc: 'Nancy Frieday'
Subject: Zoning By-Law Amendment File ZAC-17-060

Hello,

We had the meeting of the neighbourhood group, and we decided that we needed to know a little more about other Senior's Residences in the city.
So we are doing some research work on this.
We look forward to the Developer's Public Meeting on the Zoning By-Law Amendment.
I imagine we will have some questions, and we will, as you suggested, direct them to Nancy when we have assembled them.
Thank you, both.

Best Regards,

Penelope Hill
Acting Chair.
The Watson's Lane-York Road Neighbourhood Group.

From: Zajac, George [<mailto:George.Zajac@hamilton.ca>]
Sent: September 12, 2017 3:25 PM
To: 'Penelope Hill'
Cc: 'Nancy Frieday'
Subject: RE: Zoning By-Law Amendment File ZAC-17-060

Penelope,

It was nice to meet with you today.

As discussed, I have copied Nancy Frieday on this e-mail as an introduction. Also, below is Nancy's contact information.

Nancy Frieday, MCIP, RPP
Wellings Planning Consultants Inc.
513 Locust, Unit B
Burlington, ON L7S 1V3
p. 905.681.1769, ext. 2

Let me know if I can be of further assistance.

Regards,

George.

George T. Zajac, CPT, MCIP, RPP
Senior Planner-Suburban

Development Planning, Heritage & Design Section, Planning Division
Planning & Economic Development Department
City of Hamilton, 71 Main St. W, 5th floor, L8P 4Y5
Ph: (905) 546-2424 ext. 1024
Fax: (905) 546-4202
Email: George.Zajac@hamilton.ca

211 York Road

Zajac, George

From: Zajac, George
Sent: August-24-17 3:37 PM
To: 'Penelope Hill'
Cc: Harrison-McMillan, Kimberley; Bedioui, Ida
Subject: RE: Zoning By-Law Amendment File ZAC-17-060

Penelope,

Thank you for your e-mail and comments. We will ensure your comments are taken into consideration and included as part of our Staff Report regarding the subject application and proposal.

I have copied our Clerk's Department on this e-mail to ensure you are notified of any Public Meeting and/or decision of the City's Planning Committee or Council.

If you have any questions or require any clarification, please do not hesitate to contact me.

Regards,

George.

George T. Zajac, CPT, MCIP, RPP
Senior Planner-Suburban
Development Planning, Heritage & Design Section, Planning Division
Planning & Economic Development Department
City of Hamilton, 71 Main St. W, 5th floor, L8P 4Y5
Ph: (905) 546-2424 ext. 1024
Fax: (905) 546-4202
Email: George.Zajac@hamilton.ca

From: Penelope Hill [mailto:████████████████████]
Sent: August-24-17 3:25 PM
To: Zajac, George
Cc: ████████████████████
Subject: Zoning By-Law Amendment File ZAC-17-060

Good Day,

Re: Zoning By-Law Amendment File ZAC-17-060

I received a copy of the notice regarding 211 York Road, Dundas.
I wish to ask to be kept informed on this rezoning and other matters that might be of concern to the neighbours.
I would like to ask that the entrance should be on York Road, not Watson's Lane.
That side of Watsons, where the proposed entrance is situated, has a line of overflow parking from the townhouses most evenings, and the overflow from parking on Watsons is already a problem on Forestview. Preventing the Town House residents from parking around the Seniors entrance will simply push the overflow further up Forestview, exacerbating the problem.
Thank you.
Best Regards,

Penelope Hill
15 Forestview Drive, Dundas, ON
L9H 6M9

Zajac, George

From: Rachel Tamaye [REDACTED]
Sent: August-25-17 11:30 PM
To: Zajac, George
Cc: Harrison-McMillan, Kimberley
Subject: RE: ZAC-17-060

Hello George,

Thank you for getting back to me. This information is helpful.

Rachel

On Aug 25, 2017 3:52 PM, "Zajac, George" <George.Zajac@hamilton.ca> wrote:

Rachel,

Thank you for your e-mail and comments. We will include them as part of our overall review.

Note that the applicant is proposing to remove the apartment component of the existing building and solely provide a retirement home. Per the applicable By-law, the subject proposal would require 34 parking spaces and the applicant is proposing 38 spaces, thereby meeting the By-law requirements.

Hoping this answers your question and provides you the necessary clarification, however, please do not hesitate to contact me if you require any further information.

Regards,

George.

George T. Zajac, CPT, MCIP, RPP

Senior Planner-Suburban

Development Planning, Heritage & Design Section, Planning Division

Planning & Economic Development Department

City of Hamilton, 71 Main St. W, 5th floor, L8P 4Y5

Ph: (905) 546-2424 ext. 1024

Fax: (905) 546-4202

Email: George.Zajac@hamilton.ca

From: Rachel Tamaye [mailto:rachel.tamaye@hamilton.ca]
Sent: August-24-17 7:11 PM
To: Zajac, George
Subject: ZAC-17-060

Hello George,

Thank you for notifying us of the upcoming zoning change proposal for the nearby Condo unit.

The current "Dundas Plaza" location houses both a retirement community as well as apartment buildings on the upper level. There is also a couple of businesses that operate out of this plaza - mainly Dundas Pizza as well as the convenience store.

Often this parking lot is at least half full with vehicles. I suspect that the majority of these vehicles are from the apartment buildings above the plaza as those two business would not generate this many vehicles. Dundas Pizza as well as York Convenience are quick stop businesses and should not fill half a parking lot.

Our largest concern is the lack of parking that would be available for the apartment building as well as the proposed two storey retirement home. Will the retirement home have an adequate amount of parking spaces? Where will the current apartment residence park their vehicles?

We are concerned that the vehicle parking will overflow to street parking and into our neighbourhood.

Would you be able to clarify?

Thank you,

Rachel Onishi

Resident at 6 Watsons Lane

211 York
Road

Zajac, George

From: Penelope Hill [redacted]
Sent: August-25-17 9:55 AM
To: Zajac, George
Subject: RE: Zoning By-Law Amendment File ZAC-17-060

Thank you, we all appreciate this.

Best Regards,

Penelope Hill

From: Zajac, George [mailto:George.Zajac@hamilton.ca]
Sent: August 25, 2017 8:13 AM
To: 'Penelope Hill'
Cc: Harrison-McMillan, Kimberley; Bedioui, Ida
Subject: RE: Zoning By-Law Amendment File ZAC-17-060

Penelope,

Thank you again for your e-mail from The Watson's Lane-York Road Neighbourhood Group.

I have again copied our Clerk's department regarding Notification.

Yes, that is fine to send me your group's comments September 15th after your meeting.

If you have any further questions, please do not hesitate to contact me.

Regards,

George.

George T. Zajac, CPT, MCIP, RPP
Senior Planner-Suburban
Development Planning, Heritage & Design Section, Planning Division
Planning & Economic Development Department
City of Hamilton, 71 Main St. W, 5th floor, L8P 4Y5
Ph: (905) 546-2424 ext. 1024
Fax: (905) 546-4202
Email: George.Zajac@hamilton.ca

From: Penelope Hill [mailto:[redacted]]
Sent: August-24-17 3:41 PM
To: Zajac, George
Cc: [redacted]
Subject: RE: Zoning By-Law Amendment File ZAC-17-060

From: The Watson's Lane-York Road Neighbourhood Group.

c/o [REDACTED]

Good Day George,

Re: Zoning By-Law Amendment File ZAC-17-060

Several neighbours received a copy of the notice regarding 211 York Road, Dundas.

We wish to ask to be kept informed on this rezoning and other matters that might be of concern to the neighbours. Including any decisions.

Many of the neighbours are on vacation at the moment, and also several did not receive notices, as they are outside the mailing distance for notification.

Despite the dating on your letter August 11th, 2017 we have only just received it, a few days ago. We would request an extension for comments from August 31st, to September 15th, to allow those who are away to give this matter their attention.

We have not met to discuss this, but members have informally expressed a concern over parking and the proposed entrance location impacting the present overflow parking from the townhouses

We will have a meeting in early September.

Thank you.

Penelope Hill, Acting Chair
The Watson's Lane-York Road Neighbourhood Group.
15 Forestview Drive, Dundas, ON
L9H 6M9



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
 Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	December 11, 2018
SUBJECT/REPORT NO:	Application for a Condominium Conversion for lands known as 115 Main Street East, Hamilton (PED18080(a)) (Ward 2)
WARD(S) AFFECTED:	Ward 2
PREPARED BY:	Daniel Barnett (905) 546-2424 Ext. 4445
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That **Condominium Conversion Application CDM-CONV-14-02, by Old Colony Properties Ltd. c/o David Horwood, Owner**, to establish a Draft Plan of Condominium (Condominium Conversion) for a portion of the existing multiple dwelling, consisting of 128 dwelling units, on lands located at 115 Main Street East (Hamilton), as shown on Appendix "A" to Report PED18080(a), be **APPROVED** on the following basis:

- (a) That this approval for Draft Plan of Condominium Application 25CDM-CONV-14-02 applies to the Draft Plan, prepared by A.J. Clarke and Associates certified by B.J. Clarke, O.L.S., dated July 7, 2014, showing common element areas which include stairwells, elevators, lobby areas, and hallways, a total of 128 dwelling units attached as Appendix "B" to Report PED18080(a);
- (b) That the conditions of Draft Plan of Condominium Approval attached as Appendix "C" to Report PED18080(a) be received and endorsed by City Council.

EXECUTIVE SUMMARY

The purpose of this application is for a Draft Plan of Condominium (Condominium Conversion) for 128 existing dwelling units located at 115 Main Street East (Hamilton).

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In accordance with the Urban Hamilton Official Plan (UHOP), the owner received over 75% of current tenants in support of the condominium conversion. Therefore, vacancy rate and affordability threshold policies of the UHOP do not apply to this proposal.

The condominium conversion will allow for the tenure of the units to change from rental to condominium ownership. The existing tenants are protected under the *Residential Tenancies Act*.

The proposed Condominium Conversion has merit and can be supported, subject to the recommended draft plan conditions, 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 “Housing” policies of the Urban Hamilton Official Plan (UHOP).

Alternatives for Consideration – See Page 16

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Recent condominium conversions have generally seen a doubling in property value of the lands. The property is currently taxed at the Multi-Residential tax rate. After conversion, the property will be taxed at the Residential tax rate. The Multi-Residential rate is 2.74 times higher than the Residential rate, which may represent a net loss to the City in property taxes. However, the net effect cannot be determined until the Municipal Property Assessment Corporation (MPAC) re-values the building. This is done after the condominium plan is registered.

This property is currently assessed at \$7,504,500 with annual taxes of \$228,620.16 comprised of \$215,862.51 municipal and \$12,757.65 education. If the value doubles, as in past conversions, the assessment will go to \$15,009,000.00 and taxes at the residential tax rate would be \$189,407.58 comprising \$163,892.28 municipal and \$25,515.30 education. This would be a potential loss of tax dollars to the municipality of \$51,970.23. That loss would be higher or lower, depending on the new value created by MPAC.

Staffing: N/A

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

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SUBJECT: Application for a Condominium Conversion for Lands Known as 115 Main Street East, Hamilton (PED18080(a)) (Ward 2) - Page 3 of 17

HISTORICAL BACKGROUND

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

The subject property is approximately 0.6 ha (6,300 sq m) in size, and is located at the north east corner of Main Street East and Catharine Street South within the Beasley Neighbourhood. The proposed Draft Plan of Condominium does not include the entire property and the application is only for the residential uses on the fifth through sixteenth floors (128 dwelling units). The commercial and offices uses on the first, second, and third floors along with the parking located on the fourth floor do not form part of the proposed Draft Plan of Condominium.

On 15th May 2013, a tenant information meeting was held by the applicant to inform existing tenants of the proposed Condominium Conversion and to provide tenants with an opportunity to ask questions. An information package was delivered to all existing tenants at 115 Main Street East which included a notice of Condominium Conversion, a Memorandum from Effort Trust to tenants, a tenant questionnaire, and a list of frequently asked questions and answers. Sixteen questionnaires were submitted at the meeting. Twelve individuals signed the attendance register and were present at the meeting. The notice and minutes of the tenant information meeting and copies of the questionnaires are attached as Appendix "E" to Report PED18080(a).

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

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SUBJECT: Application for a Condominium Conversion for Lands Known as 115 Main Street East, Hamilton (PED18080(a)) (Ward 2) - Page 4 of 17

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

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

The 28 one bedroom units with rental rates more than 10% below the average rental rate represents 35% of all the one bedroom units within the existing building. The policies of the UHOP require that both the vacancy rate for all unit types be above 2% and that the rental rate not be significantly below the average market rent levels for all unit types. Given that the proposal was seeking to convert 28 rental units that had a rental rate more than 10% below the average market rent level, the proposed Condominium Conversion still did not comply with the policies of the UHOP. On this basis, Report PED18080 was brought forward to the June 5, 2018 Planning Committee meeting recommending denial of the proposed Condominium Conversion. As per the Council approved process, the staff report was released approximately one week before the Planning Committee meeting, that being 29th May 2018.

On 30th May 2018, the applicant submitted letters from tenants indicating support for the conversion under UHOP Policy B.3.2.5.1 b) permitting Condominium Conversion based on support from a minimum 75% of tenants, which are attached as Appendix "D" to Report PED18080(a). A preliminary review in advance of the 5th June 2018 Planning Committee Meeting indicated that 75% of tenants supported the Condominium Conversion. Subsequently, at the 5th June 2018 Planning Committee meeting the application was tabled by Planning Committee.

On 18th June 2018, City Housing staff contacted the residents at 115 Main Street East to confirm their support for the Condominium Conversion. Based on this it was determined that support from 75% of tenants was received.

On 2nd August 2018, the applicant submitted additional letters from tenants indicating additional support for the conversion under UHOPA Policy B.3.5.1 b) permitting Condominium Conversion based on support from a minimum of 75% of tenants, which are attached as Appendix "D" to Report PED18080(a).

This revised Report for the Condominium Conversion is based on the 75% concurrence from tenants.

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**SUBJECT: Application for a Condominium Conversion for Lands Known as 115
Main Street East, Hamilton (PED18080(a)) (Ward 2) - Page 5 of 17**

Chronology:

- May 15, 2013: Tenant Information Meeting held.
- July 28, 2014: Application for Condominium Conversion submitted.
- August 22, 2014: Condominium Conversion Application 25CDM-CONV-14-02 deemed complete.
- March 4, 2015: Housing Services staff provided comments expressing concern with respect to existing vacancy rates being less than 2% for two bedroom units, and that a total of eight dwelling units met the criteria for affordability.
- July 7, 2017: The applicant provided staff with updated information demonstrating that vacancy rates are greater than 2% for all unit types in the preceding two years.
- September 20, 2017: Housing Services staff provided additional comments advising that based on revised information, the proposal conformed to the policies respecting vacancy rates but that 28 of the one bedroom units met the criteria for affordability.
- May 18, 2018: Formal Notice of the Condominium Conversion Application sent by the City of Hamilton to residents of 115 Main Street East.
- May 30, 2018: Documentation respecting 75% concurrence from tenants was submitted.
- June 5, 2018: Application tabled by Planning Committee.
- June 19, 2018: Housing Services staff provided comments confirming concurrence from 75% of tenants.
- August 2, 2018: Additional Documentation respecting 75% concurrence from tenants was submitted.
- November 23, 2018: Revised Formal Notice of the Condominium Conversion Application sent by the City of Hamilton to residents of 115 Main Street East.

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SUBJECT: Application for a Condominium Conversion for Lands Known as 115 Main Street East, Hamilton (PED18080(a)) (Ward 2) - Page 6 of 17

Details of Submitted Application:

Location: 115 Main Street East (Hamilton)

Owner / Applicant: Old Colony Properties Ltd. c/o David Horwood

Agent: Urban Solutions Planning and Land Development Consultants Inc. (c/o Matt Johnston)

Property Size:

Lot Area: 0.6 ha (6,300 sq m)

Lot Frontage: 84.6 m

Lot Depth: 88 m Irregular

Servicing: Full Municipal Services Available

Existing Land Use and Zoning:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
Subject Land:	Commercial Uses and Multiple Dwelling	Downtown Prime Retail (D2) Zone and Downtown Mixed Use (D3) Zone Downtown Central Business District (D1) Zone and Downtown Mixed Use – Pedestrian Focus (D2) Zone (Proposed in By-law 18-114)
 <u>Surrounding Land:</u>		
North:	Commercial Uses	Downtown Prime Retail (D2) Zone Downtown Mixed Use – Pedestrian Focus (D2) Zone (Proposed in By-law 18-114)
East:	Commercial Uses, Multiple Dwelling and Surface Parking Lot	Downtown Prime Retail (D2) Zone and Downtown Mixed Use (D3) Zone

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**SUBJECT: Application for a Condominium Conversion for Lands Known as 115
Main Street East, Hamilton (PED18080(a)) (Ward 2) - Page 7 of 17**

		Downtown Central Business District (D1) Zone and Downtown Mixed Use – Pedestrian Focus (D2) Zone (Proposed in By-law 18-114)
South:	Commercial Uses and Multiple Dwelling	Downtown Mixed Use (D3) Zone
		Downtown Central Business District (D1) Zone (Proposed in By-law 18-114)
West:	Surface Parking Lot	Downtown Prime Retail (D2) Zone and Downtown Mixed Use (D3) Zone
		Downtown Central Business District (D1) Zone and Downtown Mixed Use – Pedestrian Focus (D2) Zone (Proposed in By-law 18-114)

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Planning Policy Framework

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

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

Noise

“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

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contaminants, minimize risk to public health and safety, and to ensure the long-term viability of *major facilities*.”

The subject property is located along Main Street East and King Street East, both major arterial roads and potential noise sources. As the proposal is for sensitive land uses in proximity to potential noise sources, a noise study needs to be undertaken to identify the potential noise impacts and identify any required noise mitigation measures.

This has been addressed as Condition No. 7) of Appendix “C” of Report PED18080(a).

Cultural Heritage

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

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

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

Therefore, the proposal is consistent with the PPS.

Growth Plan for the Greater Golden Horseshoe (2017):

The application has been reviewed with respect to the Growth Plan for the Greater Golden Horseshoe. The application is consistent with the guiding principles of Policies 1.2.1, 2.2.6 1) a) and 2.2.6 3) with respect to supporting a range and mix of housing options to accommodate a diverse range of household sizes and incomes (both form and tenure). Since the proposal provides an opportunity for a range of housing types in providing an opportunity for home ownership in an area that does not contain many condominium tenure buildings, the proposal conforms to the Growth Plan.

Urban Hamilton Official Plan:

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

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SUBJECT: Application for a Condominium Conversion for Lands Known as 115 Main Street East, Hamilton (PED18080(a)) (Ward 2) - Page 9 of 17

Land Use

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

- a) commercial uses such as retail stores, auto and home centres, home improvement supply stores, offices, including major offices, personal services, live work units, artist studios, financial establishments, and restaurants;
- e) residential uses.

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

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

Condominium Conversion of Rental Housing Units

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

- a) all the following criteria are met:
 - i) the rental vacancy rate by dwelling unit and structure type for the City and the respective local housing market zone, as identified on Schedule G – Local Housing Market Zones and based on CMHC data, has been at or above 2.0% for the preceding twenty-four months; and,
 - ii) the proposed conversion shall not reduce the rental vacancy rate by dwelling unit and structure type to below 2.0% for the City and the respective local housing market zone; and,
 - iii) the existing market rent levels for the units proposed to be converted are not significantly (approximately 10%) below the average market rent levels for the City and the respective local

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SUBJECT: Application for a Condominium Conversion for Lands Known as 115 Main Street East, Hamilton (PED18080(a)) (Ward 2) - Page 10 of 17

housing market zone for rental units of a similar dwelling unit and structure type and size; and,

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

Policy B.3.2.5.1 permits the conversion to condominium tenure if the proposed Condominium Conversion meets one of the three options under Policy B.3.2.5.1.

Condominium Conversion allows for rental housing to be converted to condominium tenure and can result in the creation of affordable home ownership. The intent of Policy B.3.2.5.1 b) is to permit the conversion to condominium dwelling units if a minimum of 75% of tenants support the Condominium Conversion. The proposal complies with this Policy.

As discussed in greater detail in the Analysis and Rationale for Recommendation Section of this Report, the proposal meets Policy B.3.2.5.1 b) and therefore the criteria for Condominium Conversion under the UHOP have been met. Therefore, the application complies with the policies of the UHOP.

Downtown Hamilton Secondary Plan (In Force and Effect, 2013 UHOP)

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

"B.6.1.8.3 The Central Business District

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

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

B.6.1.8.6 Main Street Corridor

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

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

Downtown Hamilton Secondary Plan (Council Approved, 2018)

The subject property is designated "Downtown Mixed Use" on Map B.6.1-1, Land Use Plan for the DHSP.

"B.6.1.3.3 Create Quality Residential Neighbourhoods

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

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

B.6.1.3.7 Diversity of Housing

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

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SUBJECT: Application for a Condominium Conversion for Lands Known as 115 Main Street East, Hamilton (PED18080(a)) (Ward 2) - Page 12 of 17

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

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

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

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*.”

The application was submitted prior to the Council adoption of the new Downtown Hamilton Secondary Plan. Therefore, the policies and discussion is informative but not determinative for the purpose of assessing the application. The existing building is used for commercial and residential uses both of which are uses permitted in the “Downtown Mixed Use” designation. The policies of the DHSP seek the development of housing with a full range of tenures and affordability, as well as create a diversified housing supply geared to the needs of various income levels with increased opportunities for affordable housing. The proposed Condominium Conversion does not affect the type of housing only the tenure of existing housing units. The proposal provides an opportunity for home ownership in an area that does not contain many condominium tenure buildings. Therefore, the application complies with the policies of the DHSP.

City of Hamilton Zoning By-law No. 05-200 (in effect)

The subject property is presently zoned Downtown Prime Retail Streets (D2) Zone and Downtown Mixed Use (D3) Zone in the City of Hamilton Zoning By-law No. 05-200. The extent of the proposed Condominium Conversion is located within the portion of the

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SUBJECT: Application for a Condominium Conversion for Lands Known as 115 Main Street East, Hamilton (PED18080(a)) (Ward 2) - Page 13 of 17

property zoned Downtown Mixed Use (D3) Zone. Furthermore, office and multiple dwelling uses are both permitted within the (D2) and (D3) Zones.

City of Hamilton Zoning By-law No. 05-200 (Council Approved)

The subject property is zoned Downtown Central Business District (D1, H17, H19, H20) Zone and Downtown Mixed Use – Pedestrian Focus (D2) Zone in the Council Approved City of Hamilton Zoning By-law No. 05-200. The extent of the proposed Condominium Conversion is located within the portion of the property zoned Downtown Central Business District (D1, H17, H19, H20) Zone. Furthermore, office and multiple dwelling uses are both permitted within the (D1) and (D2) Zones.

The proposal to change the tenure from rental to condominium ownership does not change the use of the lands.

The final Plan of Condominium will be required to comply with all of the applicable provisions of the City of Hamilton Zoning By-law No. 05-200 in force and effect at the time of registration of the Draft Plan of Condominium. This requirement is being addressed as Condition No. 1) of Appendix “C” to Report PED18080(a).

RELEVANT CONSULTATION

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

- Alectra Utilities (formerly Horizon Utilities Corporation).

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

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

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

Transportation Management, Public Works Department advised that they cannot confirm if there is an existing encroachment agreement registered for the subject property with the City of Hamilton. Staff advised that if there is an existing

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SUBJECT: Application for a Condominium Conversion for Lands Known as 115 Main Street East, Hamilton (PED18080(a)) (Ward 2) - Page 14 of 17

encroachment agreement then it will need to be determined if the proposed Condominium Conversion will require any modifications to the agreement. This requirement is being addressed as Condition No. 10) of Appendix “C” to Report PED18080(a).

Bell Canada had not yet provided comments at the time of writing this Report, however Condition Nos. 4) and 5) of Appendix “C” to Report PED18080(a) represents standard conditions from Bell Canada and have been included.

Canadian Radio and Telecommunication Commission (CRTC) had not yet provided comments at the time of writing this Report, however Condition No. 3) of Appendix “C” to Report PED18080(a) represents a standard condition from CRTC and has been included.

Union Gas had not yet provided comments at the time of writing this Report, however Condition No. 6) of Appendix “C” to Report PED18080(a) represents a standard condition from Union Gas and has been included.

Canada Post had not yet provided comments at the time of writing this Report, however Condition No. 9) of Appendix “C” to Report PED18080(a) represents standard conditions from Canada Post and have been included.

Housing Services Division, Community and Emergency Services Department

On May 30, 2018, the applicant provided letters of support from the existing tenants of the building in order to demonstrate that 75% of existing tenants supported the proposed Condominium Conversion. Housing Services Division staff reviewed the letters of support and confirmed that support has been provided from the tenants of 96 of the 128 dwelling units representing 75% of the dwelling units. In addition on June 18, 2018 Housing Services Division staff contacted residents of 40 of the units within the building and based on those discussions are satisfied that tenants were aware of what they signed respecting the Condominium Conversion and that they supported the conversion.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposed Condominium Conversion Application can be supported for the following reasons:
 - (i) That the proposed Draft Plan of Condominium is consistent with the PPS and conforms to the Growth Plan; and,
 - (ii) It complies with Residential Condominium Conversion Policy B.3.2.5.1 b) of the UHOP.

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SUBJECT: Application for a Condominium Conversion for Lands Known as 115 Main Street East, Hamilton (PED18080(a)) (Ward 2) - Page 15 of 17

2. Prior to submission of the application an information package respecting Condominium Conversion was delivered to all existing residents of the building and a tenant information meeting was held on May 15, 2013, which was attended by 12 individuals who signed the attendance register and were present at the meeting, attached as Appendix "E" to Report PED18080(a). A copy of the information provided to the tenants was provided to City staff and deemed acceptable.

3. On May 30, 2018, the applicant provided staff with 98 letters of support from tenants in respect to securing support from tenants of 75% of the units within the building for the proposed Condominium Conversion. In addition, there were 11 letters from tenants against the Condominium Conversion and there was no response from 19 units. One additional letter of support for the proposed Condominium Conversion was submitted on June 4, 2018. On August 2, 2018, the applicant provided staff with 11 additional letters of support from tenants for the Condominium Conversion and two additional letters from tenants against the Condominium Conversion. Of the 110 letters of support from tenants, three of the letters represented a second letter for the same unit and two represented a second and third letter for the same unit. As support from the tenants of 75% of the units is required, the total number of units supporting the Condominium Conversion would need to be 96. The 105 letters of support out of 128 dwelling units represents 82% support for the Condominium Conversion.

Based on support from 82% of the 128 units, the proposed Condominium Conversion complies with Policy B.3.2.5.1 b) of the UHOP and therefore the proposed Condominium Conversion conforms to one of the three options for Condominium Conversion in the UHOP. As such, the application can be supported.

4. In accordance with Section 9(4) of the *Condominium Act*, when an application is made to convert a residential building from rental to condominium tenure, the municipality shall require the owner / applicant to retain a qualified professional to inspect the property, and report to the municipality all matters that it considers may be of concern related to structural and mechanical integrity. This requirement is being addressed as Condition No. 2) of Appendix "C" to Report PED18080(a).

5. No parking spaces are included in the proposed Draft Plan of Condominium. In order to ensure that prospective purchasers and tenants are made aware of the limitation in respect to parking for the subject lands, staff require that a warning clause be included in all Development Agreements. This requirement is being addressed as Condition No. 8) of Appendix "C" to Report PED18080(a).

6. The draft approval for the proposed condominium must be given final approval within three years, unless a written request to extend the draft approval is received

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**SUBJECT: Application for a Condominium Conversion for Lands Known as 115
Main Street East, Hamilton (PED18080(a)) (Ward 2) - Page 16 of 17**

before the draft approval lapses. In order to ensure that the Owner is made aware of this, a note has been included to the list of Conditions of Draft Plan of (Standard) Condominium in Appendix “C” to Report PED18080(a).

ALTERNATIVES FOR CONSIDERATION

Should the proposed Condominium Conversion not be approved, the existing units will remain as rental tenure.

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” – Concept Plan

Appendix “C” – Draft Plan of Condominium Conditions

Appendix “D” – Petition of Support by the Tenants

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

Appendix "E" – Notice and Minutes of Tenant "Information Meeting" on May 15, 2013,
and Resident Questionnaires

DB:mo



● Site Location



Key Map - Ward 2

N.T.S.

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

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

Date:
February 13, 2018

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
DB/AL

Subject Property

115 Main Street East

Conditions of Draft Plan of (Standard) Condominium
115 Main Street East, Hamilton
25CDM-CONV-201402

That this approval for Condominium Conversion Application 25CDM-CONV-201402, by Old Colony Properties Ltd., Owner, to establish a Draft Plan of Condominium (Standard) for a portion of the existing multiple dwelling, consisting of 128 dwelling units, located at 115 Main Street East (Hamilton), 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 City of Hamilton Zoning By-law No. 05-200 in force and effect at the time of registration of the Draft Plan of Condominium or to receive additional Minor Variance Approval for any deficiency with respect to the By-law, to the satisfaction of the Director of Planning and Chief Planner.
- 2) That the Owner shall submit a report, in accordance with Section 9 (4) of the *Condominium Act*, 1998, prepared and certified by a qualified Registered Professional Engineer or Licensed Architect, to the satisfaction of the Chief Building Official of the City of Hamilton, to confirm the structural and mechanical integrity of the building and any owner initiated measures required to correct any deficiencies prior to the release of the final plan for registration.
- 3) That the Owner provide the Manager of Development Approvals with evidence that satisfactory arrangements, financial and otherwise, have been made with a telecommunication service provider approved by the Canadian Radio and Telecommunication Commission (CRTC) that adequate telecommunication service will be provided to the condominium including 9-1-1 emergency calling service that identifies, at a minimum, the callers name and location information.
- 4) That the Owner shall agree in the Condominium Approval Agreement, in words satisfactory to Bell Canada, to grant to Bell Canada any easements that may be required for telecommunication services. Easements may be required subject to final servicing decisions. In the event of any conflict with existing Bell Canada facilities or easements, the Owner / Developer shall be responsible for the relocation of such facilities or easements.
- 5) That the Owner provide Bell Canada with one or more conduit or conduits of sufficient size from each unit to the room(s) in which the telecommunication facilities are situated and one or more conduits from the room(s) in which the telecommunication facilities are located to the street line to the satisfaction of Bell Canada.
- 6) That the Owner shall agree in the Condominium Agreement, in words satisfactory to Union Gas Limited, to grant to Union Gas Limited any easements that may be required for gas services. Easements may be required subject to final servicing

decisions. In the event of any conflict with existing Union Gas Limited facilities or easements, the Owner / Developer shall be responsible for the relocation of such facilities or easements.

- 7) That the Owner shall investigate the noise levels on the site to determine potential noise impacts and to implement any noise control measures that are satisfactory to the City of Hamilton in conformity to the Ministry of the Environment, Conservation and Parks recommended sound level limits. An acoustical report prepared by a qualified Professional Engineer containing the recommended noise control measures to the satisfaction of the City of Hamilton, Director of Planning and Chief Planner. Should a peer review of the acoustical report be warranted, all associated costs shall be borne by the owner / applicant and shall be submitted to the satisfaction of the City of Hamilton, Director of Planning and Chief Planner.
- 8) That the Owner shall include the following warning clause in all Development Agreements and agree in writing to include in all Offers of Purchase and Sale or Lease / Rental Agreements, to the satisfaction of the Director of Planning and Chief Planner:
 - (a) Purchasers / tenants are advised of the following: "Parking for this building is not included in the sale of condo units, and it is the responsibility of the property owner / tenant to ensure that their parking needs are being met. On-street, over flow parking may not be available and cannot be guaranteed in perpetuity, on-street parking permits / time limit exemption permits are not available to multi-tenant buildings."
- 9) That the Owner shall complete the following to the satisfaction of Canada Post and the Senior Director of Growth Management:
 - (a) Include in all offers of purchase and sale and rental leases, a statement that advises prospective purchaser / tenants:
 - (aa) That the home / business mail delivery will be from a designated Centralized Mail Box; and,
 - (bb) That the developers / owners be responsible for officially notifying the purchasers / tenants of the exact Centralized Mail Box locations prior to the closing of any home sales.
 - (b) The Owner further agrees to:
 - (aa) Install a centralized lock box assembly within the common element of the Condominium.
- 10) That the Owner confirm if there is an existing encroachment agreement registered for the subject property and if there is an encroachment agreement, the Owner

agrees to undertake any required modifications to the agreement, to the satisfaction of the Director of Engineering Services, Public Works Department;

- 11) That the Owner satisfy all other requirements, financial or otherwise, of the City of Hamilton.
- 12) That the Owner enters into and registers on title the Condominium Approval Agreement incorporating the approved plan of condominium and related conditions.

NOTE: Pursuant to Section 51(32) of the *Planning Act*, draft approval shall lapse if the plan is not given final approval within 3 years. However, extensions will be considered if a written request is received before the draft approval lapses.



Memorandum

From: David Horwood

To: Residents of Kensington Apartments

Date: May 2nd, 2013

Re: Upcoming Meeting

To all residents of Kensington Apartments,

I am pleased to invite you to a meeting scheduled for May 15th.

The purpose of the meeting is to present to all residents our application to the city to change the legal status of the building from "apartment" to "condominium."

Many buildings similar to Kensington Apartments are already condos, even though they are run as rental buildings and are filled with renters, just like the subject building.

There are no "condo fees" that you will be responsible for paying, and no one can force you to leave your unit. As a renter, you are protected by the provincial tenancy law even after we become a condo.

In the future, if we decide to start selling the suites as condo suites, you are welcome to buy your suite or stay as a renter. Again, there will be no change in the way your rental agreement is handled, and you do not need to be on a long term lease. Month to month tenancies are treated the same.

So, although we are starting the application, I wanted to reassure you that if approved, we expect it to be "business as usual" at Kensington Apartments.

Your happiness means the world to us. As our customers, we are eager to provide you with well-managed suites now, and in the future.

Sincerely,

David Horwood
A.V.P. & Officer

SIGN-IN SHEET

115 Main Street East, Hamilton
 Wednesday, May 15th, 2013



NAME(S)	ADDRESS	PHONE
John Dredford	115 Main E. Apt # 1703 Ham.	
CAROL JAMESON	" Apt 1604 "	289 396 3450
CHRIS GROVER	" Apt 704 "	905 525 8567
Lorena Frattura	" " 1602 "	905 523 6794
RONNY GARDIS NASHVILLE	EFFORT TRUST	
Chad Pearce	115 main E apt 1604	289 396 3450
Rhiana Overholstor	" " apt 1501	289 339 2061
SUZANNE TARBUT	115 Main St E Apt 1708	905 393 4643
BILL MELLON	115 Main St E " #806	(905) 522 2367
David Hornwood	Effort Trust	528-8956
David Zajac	181 Group	905 546-1010
William Shucka	115 Main St E. Apt. 144	905 527-3772
Kangyu Zhou	115 Main St E Apt 1403	289-778-5403



IBI Group
200 East Wing-800 James Street North
Hamilton ON L8L 1H5 Canada

tel 905 548 1010
fax 905 548 1011

May 2nd, 2013

Notice to Residents – 115 Main Street East

Dear Neighbour:

RE: Conversion to Condominium Status – Application Process

As part of the application process with the City of Hamilton, we are required to obtain confirmation from each tenant acknowledging that they have been informed of our application and have a clear understanding of how the Ontario *Residential Tenancies Act* specifically provides tenants with "Security of Tenure". Attached is a copy of our Notice of Meeting that was circulated.

Please answer the following questions and kindly submit this sheet at the information meeting or to your Superintendant if you do not plan on attending. Please retain a copy for your records:

- We were notified of the condominium conversion application Yes ___ No ___
- We are aware of "Security of Tenure" rights under the Residential Tenancies Act Yes ___ No ___
- We support the condominium conversion application Yes ___ No ___ NA ___
- We have attached additional comments with respect to this application Yes ___ No ___

Unit No. 806

Name MELLON, Bill

Date MAY 15/13

Signature Wm. Mellon

Phone No. 522-2367

Phone No. not provided _____
Do not wish to be contacted by the City ___

Thank you for your co-operation in providing this information.

Yours very truly,
IBI Group

George T. Zajac, MCIP, RPP

GZ/



IBI Group
200 East Wing-880 James Street North
Hamilton ON L8L 1H5 Canada

tel 905 548 1010
fax 905 548 1011

May 2nd, 2013

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- We were notified of the condominium conversion application Yes No
- We are aware of "Security of Tenure" rights under the Residential Tenancies Act Yes No
- We support the condominium conversion application Yes No N/A
- We have attached additional comments with respect to this application Yes No

Unit No. 1602

Name Lorena Frattura

Date May 15/13

Signature L. Frattura

Phone No. 523-6794

Phone No. not provided
Do not wish to be contacted by the City

Thank you for your co-operation in providing this information.

Yours very truly,
IBI Group

George T. Zajac, MCIP, RPP

GZ/



IBI Group
200 East Wing-880 James Street North
Hamilton ON L8L 1H5 Canada

tel 905 548 1010
fax 905 548 1011

May 2nd, 2013

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- We were notified of the condominium conversion application Yes No
- We are aware of "Security of Tenure" rights under the Residential Tenancies Act Yes No
- We support the condominium conversion application Yes No N/A
- We have attached additional comments with respect to this application Yes No

Unit No. 502

Name Sarah Tuck

Date May 3, 2013

Signature [Signature]

Phone No. 905-870-8798

Phone No. not provided
Do not wish to be contacted by the City

Thank you for your co-operation in providing this information.

Yours very truly,
IBI Group

George T. Zajac, MCIP, RPP

GZ/



IBI Group
200 East Wing-860 James Street North
Hamilton ON L8L 1H5 Canada

tel 905 548 1010
fax 905 548 1011

May 2nd, 2013

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- We were notified of the condominium conversion application Yes No
- We are aware of "Security of Tenure" rights under the Residential Tenancies Act Yes No
- We support the condominium conversion application Yes No N/A
- We have attached additional comments with respect to this application Yes No

Unit No. 1102

Name Paul & Emily Paguntalan

Date May 10, 2013

Signature [Signature]

Phone No. 905-521-9369

Phone No. not provided
Do not wish to be contacted by the City

Thank you for your co-operation in providing this information.

Yours very truly,
IBI Group

George T. Zajac, MCIP, RPP

GZ/



IBI Group
200 East Wing-360 James Street North
Hamilton ON L8L 1H8 Canada

tel 905 548 1010
fax 905 548 1011

May 2nd, 2013

Notice to Residents - 115 Main Street East

Dear Neighbour:

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Please answer the following questions and kindly submit this sheet at the information meeting or to your Superintendent if you do not plan on attending. Please retain a copy for your records:

- We were notified of the condominium conversion application Yes No
- We are aware of "Security of Tenure" rights under the Residential Tenancies Act Yes No
- We support the condominium conversion application Yes No NA
- We have attached additional comments with respect to this application Yes No

Unit No. 1101
Date May 6/2013
Phone No. _____

Name CHRISTOPHER SHANE
Signature [Signature]
Phone No. not provided
Do not wish to be contacted by the City

Thank you for your co-operation in providing this information.

Yours very truly,
IBI Group

George T. Zajac, MCIP, RPP

GZ/



IBI Group
200 East Wing-380 James Street North
Hamilton ON L8L 1H5 Canada

tel 905 548 1010
fax 905 548 1011

May 2nd, 2013

Notice to Residents – 115 Main Street East

Dear Neighbour:

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- We were notified of the condominium conversion application Yes No
- We are aware of "Security of Tenure" rights under the Residential Tenancies Act Yes No
- We support the condominium conversion application Yes No N/A
- We have attached additional comments with respect to this application Yes No

Unit No. 1501

Name Rhiana Overholster

Date May 15/13

Signature Rhiana Overholster

Phone No. 589-339-2601

Phone No. not provided n/a
Do not wish to be contacted by the City

Thank you for your co-operation in providing this information.

Yours very truly,
IBI Group

George T. Zajac, MCIP, RPP

GZ/



IBI Group
200 East Wing-990 James Street North
Hamilton ON L8L 1H5 Canada

tel 905 548 1010
fax 905 548 1011

May 2nd, 2013

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Please answer the following questions and kindly submit this sheet at the information meeting or to your Superintendant if you do not plan on attending. Please retain a copy for your records:

- We were notified of the condominium conversion application Yes No
- We are aware of "Security of Tenure" rights under the Residential Tenancies Act Yes No
- We support the condominium conversion application Yes No N/A
- We have attached additional comments with respect to this application Yes No

Unit No. 1403

Name Rongyu Zhou

Date May 15, 2013

Signature Rongyu Zhou

Phone No. 269-778-5403

Phone No. not provided
Do not wish to be contacted by the City

Thank you for your co-operation in providing this information.

Yours very truly,
IBI Group

George T. Zajac, MCIP, RPP

GZ/



IBI Group
200 East Wing-880 James Street North
Hamilton ON L8L 1H5 Canada

tel 905 548 1010
fax 905 548 1011

May 2nd, 2013

Notice to Residents – 115 Main Street East

Dear Neighbour:

RE: Conversion to Condominium Status – Application Process

As part of the application process with the City of Hamilton, we are required to obtain confirmation from each tenant acknowledging that they have been informed of our application and have a clear understanding of how the Ontario Residential Tenancies Act specifically provides tenants with "Security of Tenure". Attached is a copy of our Notice of Meeting that was circulated.

Please answer the following questions and kindly submit this sheet at the information meeting or to your Superintendent if you do not plan on attending. Please retain a copy for your records:

- We were notified of the condominium conversion application Yes No
- We are aware of "Security of Tenure" rights under the Residential Tenancies Act Yes No
- We support the condominium conversion application Yes No N/A
- We have attached additional comments with respect to this application Yes No

Unit No. 1705

Name Lingona Zhang

Date May 02 2013

Signature [Signature]

Phone No. 905 581 7300
or 905 523 9866

Phone No. not provided
Do not wish to be contacted by the City

Thank you for your co-operation in providing this information.

Yours very truly,
IBI Group

George T. Zajac, MCIP, RPP

GZ/



IBI Group
200 East Wing-880 James Street North
Hamilton ON L8L 1H8 Canada

tel 905 548 1010
fax 905 548 1011

May 2nd, 2013

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- We were notified of the condominium conversion application Yes No
- We are aware of "Security of Tenure" rights under the Residential Tenancies Act Yes No
- We support the condominium conversion application Yes No N/A
- We have attached additional comments with respect to this application Yes No

Unit No. 1006

Name WARREN NEWCOMBE

Date May 2/13

Signature Warren Newcombe

Phone No. (905) 527-5674

Phone No. not provided
Do not wish to be contacted by the City

Thank you for your co-operation in providing this information.

Yours very truly,
IBI Group

George T. Zajac, MCIP, RPP

GZ/



IBI Group
200 East Wing-360 James Street North
Hamilton ON L8L 1H5 Canada

tel 905 548 1010
fax 905 548 1011

May 2nd, 2013

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- We were notified of the condominium conversion application Yes No
- We are aware of "Security of Tenure" rights under the Residential Tenancies Act Yes No
- We support the condominium conversion application Yes No N/A
- We have attached additional comments with respect to this application Yes No

Unit No. 908
Date May 2nd 2013
Phone No. _____

Name Pang Fei Cheong
Signature Pang Fei Cheong
Phone No. not provided
Do not wish to be contacted by the City

Thank you for your co-operation in providing this information.

Yours very truly,
IBI Group


George T. Zajac, MCIP, RPP

GZ/



IBI Group
200 East Wing-880 James Street North
Hamilton ON L8L 1H8 Canada

tel 905 548 1010
fax 905 548 1011

May 2nd, 2013

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- We are aware of "Security of Tenure" rights under the Residential Tenancies Act Yes No
- We support the condominium conversion application Yes No N/A
- We have attached additional comments with respect to this application Yes No

Unit No. 1405
 Date 2013.5.3
 Phone No. _____

Name Guo Jing Jing
 Signature [Signature]
 Phone No. not provided
 Do not wish to be contacted by the City

Thank you for your co-operation in providing this information.

Yours very truly,
IBI Group

George T. Zajac, MCIP, RPP

GZ/



IBI Group
200 East Wing-300 James Street North
Hamilton ON L8L 1H6 Canada

tel 905 548 1010
fax 905 548 1011

May 2nd, 2013

Notice to Residents – 115 Main Street East

Dear Neighbour:

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- We were notified of the condominium conversion application Yes No
- We are aware of "Security of Tenure" rights under the Residential Tenancies Act Yes No
- We support the condominium conversion application Yes No N/A
- We have attached additional comments with respect to this application Yes No

Unit No. 1209
Date May 12/13
Phone No. _____

Name Nichelle Luong
Signature [Signature]
Phone No. not provided
Do not wish to be contacted by the City

Thank you for your co-operation in providing this information.

Yours very truly,
IBI Group

George T. Zajac, MCIP, RPP

GZ/



IBI Group
200 East Wing-880 James Street North
Hamilton ON L8L 1H5 Canada

tel 905 848 1010
fax 905 848 1011

May 2nd, 2013

Notice to Residents – 115 Main Street East

Dear Neighbour:

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- We were notified of the condominium conversion application Yes No
- We are aware of "Security of Tenure" rights under the Residential Tenancies Act Yes No
- We support the condominium conversion application Yes No N/A
- We have attached additional comments with respect to this application Yes No

Unit No. 1703

Name JOHN DREDHART
PATRICIA MARTIN

Date MAY 14, 2013

Signature John Dredhart
Pat Martin

Phone No. _____

Phone No. not provided

Do not wish to be contacted by the City

Thank you for your co-operation in providing this information.

Yours very truly,
IBI Group

George T. Zajac, MCIP, RPP

GZ/



IBI Group
200 East Wing-800 James Street North
Hamilton ON L8L 1H5 Canada

tel 905 546 1010
fax 905 546 1011

May 2nd, 2013

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- We were notified of the condominium conversion application Yes No
- We are aware of "Security of Tenure" rights under the Residential Tenancies Act Yes No
- We support the condominium conversion application Yes No N/A
- We have attached additional comments with respect to this application Yes No

Unit No. 1769 Name SUZANNE PARBUT
 Date March 15/13 Signature Suzanne Parbut
 Phone No. 905-393-4643 Phone No. not provided _____
 Do not wish to be contacted by the City

Thank you for your co-operation in providing this information.

Yours very truly,
IBI Group

George T. Zajac, MCIP, RPP

GZ/



IBI Group
200 East Wing-880 James Street North
Hamilton ON L8L 1H5 Canada

tel 905 546 1010
fax 905 546 1011

May 2nd, 2013

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- We were notified of the condominium conversion application Yes No
- We are aware of "Security of Tenure" rights under the Residential Tenancies Act Yes No
- We support the condominium conversion application Yes No N/A
- We have attached additional comments with respect to this application Yes No

Unit No. 1604
Date May 15, 2013
Phone No. 289 396 3450

Name Chad Petros
Signature Chad Petros
Phone No. not provided
Do not wish to be contacted by the City

Thank you for your co-operation in providing this information.

Yours very truly,
IBI Group

George T. Zajac, MCIP, RPP

GZ/

115 Main Street East Condominium Conversion

Tenant Information Meeting

Crowne Plaza Hotel

Wednesday, May 15, 2013

6:00 pm – 7:00 pm

WELCOME

Please sign in

Project team members are available to discuss the proposal with you.

Please feel free to ask questions.



115 Main Street East Condominium Conversion

Purpose of the tenant information meeting

- Discuss the condominium conversion application process.
- Discuss the rights of the existing tenants.
- Answer any questions or concerns you may have regarding the proposal.

Rights of the Existing Tenant

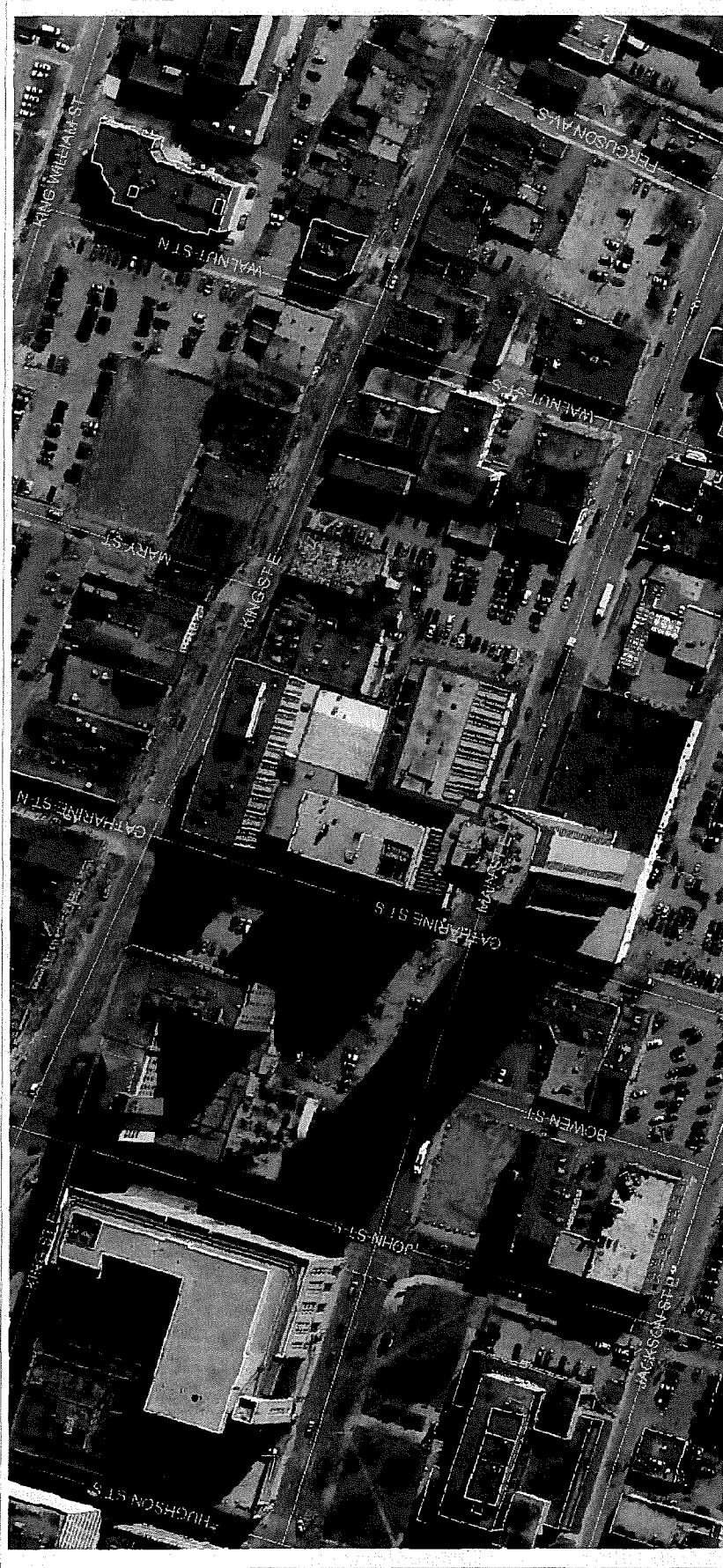
- You cannot be forced to buy your unit or move out only by reason of the proposed condominium conversion. This is known as “security of tenure”.
- You will have a “right of first refusal” to purchase your unit in the event that the owner wishes to sell your unit after condominium conversion, your rights to remain in the unit as tenant will not be affected.





115 Main Street East Condominium Conversion

Subject Property – 115 Main Street East, Hamilton, Ontario

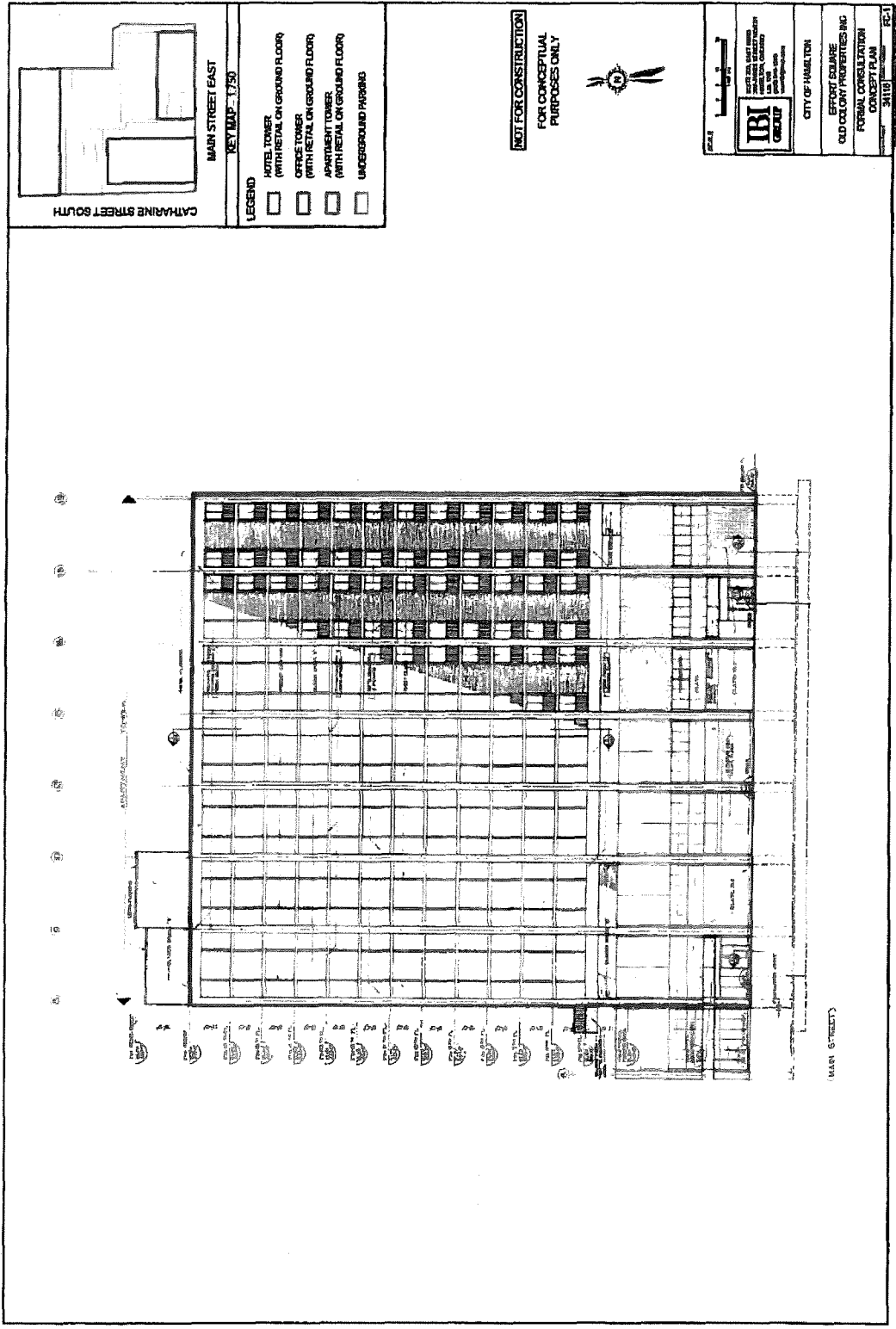




115 Main Street East Condominium Conversion

Next Step

- Proceed with the formal Draft Plan of Condominium application (sample below)



3. TENANT INFORMATION MEETING

The Tenant Information Meeting was held as a question and answer session where project representatives were available to answer questions and address concerns. The session was held as follows:

Date: Wednesday, May 15, 2013
Time: 6:00 PM – 7:00 PM
Location: Crowne Plaza Hotel
150 King Street East, Hamilton

Twelve (12) individuals signed the attendance register (**Appendix B**) and were present at the meeting. The following project representatives were present at the meeting:

Mr. David Horwood, Effort Trust Company
Mr. George T. Zajac, CPT, MCIP, RPP, IBI Group
Mr. Daniel Boric, BURPI, IBI Group

4. INFORMATION PRESENTED

The exhibits listed in **Table 4-1** were on display at the meeting and can be viewed in full under **Appendix D**.

Table 4-1: Display Boards

- | |
|---|
| <ul style="list-style-type: none">i. Welcome Boardii. Purpose of the Meeting and Rights of the Existing Tenantiii. Aerial View of the Subject Propertyiv. Draft Plan of Condominium (sample) |
|---|

5. COMMENTS AND QUESTIONS

The meeting began at 6:00 p.m. George Zajac from the IBI Group and David Horwood opened the meeting with an explanation of condominium ownership. The building will be divided into separate units, however, stairwells, hallways and the laundry room will remain as common areas. This meeting, informing the tenants, is the first stage of the application process and the process will take approximately two to three years.

Discussion Details	
	Answer
<ul style="list-style-type: none"> • What is the reason for this condominium conversion? • Is the only reason for money? 	<ol style="list-style-type: none"> 1) No, the application process is a long expensive process. 2) To change legal classification from Apartment to Condominium. 3) Now is a good opportunity, not sure when laws may change. 4) More flexibility in the future. 5) Possibility of property tax savings (Good investment). 6) Can sell unit by unit, instead of the whole building at once
<ul style="list-style-type: none"> • If the application is approved, who does the renter report unit issues to? 	<ol style="list-style-type: none"> 1) If unit is sold, you would report to the unit owner. 2) For the foreseeable future, the ownership group will own all units and continue to be the Property Manager. 3) Must own 60% of units to become property manager. 4) Most units are sold when they are vacant 5) You will be given the option to buy your unit. You have 72 Hours to decide (Right of First Refusal). 6) If you choose not to buy it, you can remain renter as long as you want to (Lifetime Tenancy).
	Answer
<ul style="list-style-type: none"> • Can the new Unit Owner raise the rent? 	<ol style="list-style-type: none"> 1) No, rent increases are set by the province and are regulated.

IBI GROUP SUMMARY REPORT

Old Colony Properties Inc.
 TENANT INFORMATION MEETING
 SUMMARY REPORT
 115 MAIN STREET EAST CONDOMINIUM CONVERSION

<ul style="list-style-type: none"> • What if we end up with a bad landlord and he tries to push us out? 	<p>Answer</p> <ol style="list-style-type: none"> 1) You have rights as a tenant the owner must follow. 2) No Tenancy can be terminated without a hearing. 3) It is in the owners best interest to be respectful to the tenant. 4) As long as you are a good tenant without violations you have the right to rent your apartment as long as you want. (Lifetime Tenancy Act).
<ul style="list-style-type: none"> • If you wish to renovate, can you force us out of our units if it is turned into a condominium? 	<p>Answer</p> <ol style="list-style-type: none"> 1) As of right, we have the right to repair buildings right now. 2) We would give appropriate notice before we relocate you, and then we have to give you opportunity to move back into your original unit.
<ul style="list-style-type: none"> • Any Renovations planned? 	<p>Answer</p> <ol style="list-style-type: none"> 1) Not at this time, however we are committed to the maintenance of the building.
<ul style="list-style-type: none"> • Are there going to be floor changes, combination of units? 	<p>Answer</p> <ol style="list-style-type: none"> 1) That is an option, however it would be complicated and unlikely. 2) We must honour your tenancy pursuant to the Lifetime Tenancy Act though.
<ul style="list-style-type: none"> • Who pays the condo fees? 	<p>Answer</p> <ol style="list-style-type: none"> 1) The unit owners. 2) A current tenant would not be obligated to pay condo fees, or be subjected to rent increases to cover the cost of the condo fees.

IBI GROUP SUMMARY REPORT

Old Colony Properties Inc.
 TENANT INFORMATION MEETING
 SUMMARY REPORT
 115 MAIN STREET EAST CONDOMINIUM CONVERSION

	Answer
<ul style="list-style-type: none"> Do we have to be present to show the unit? 	<ol style="list-style-type: none"> We can't show the unit unless notice has been given, and unless staff is present. The same rules now would apply.
	Answer
<ul style="list-style-type: none"> What happens if unit owners are being disruptive, do they have more rights than renters? 	<ol style="list-style-type: none"> No. Everyone enjoys the same rights to enjoy their units without disruption.
	Answer
<ul style="list-style-type: none"> Would tenants have a vote on the conversion decision? 	<ol style="list-style-type: none"> No, but the tenants opinion's do matter and the City will review all comments and questions tenants have.

These Minutes were prepared by Daniel Boric, IBI Group.

IBI Group

Daniel Boric, BURPI
 Suite 200, 360 James Street N.
 Hamilton, ON L8L 1H5
 Tel: (905) 546-1010 ext. 2203
 Fax: (905) 546-1111
 Email: daniel.boric@ibigroup.com



Planning Committee

December 11, 2018

Application for a Condominium Conversion (CDM-CONV-14-02) for lands known as 115 Main Street East, Hamilton (PED18080 (a))

Owner/Applicant: Old Colony Properties Ltd. c/o David Horwood

UrbanSolutions Planning & Land Development Consultants Inc., Matt Johnston

Chronology

- May 15, 2013 – Tenant Information Meeting held.
- July 28, 2014 – Application for Condominium Conversion submitted to the City.
- March 24, 2015 – Concerns raised with respect to City’s existing rental vacancy rates being less than 2% for two bedroom units.
- May 30, 2018 – UrbanSolutions provided City Staff tenant questionnaires, resulting in 76% approval for conversion of the existing building to condominium.
- June 5, 2018 – Planning Committee deferred its decision on the application until such time as 76% survey results could be considered by Planning Staff, per UHOP Policy B.3.2.5.1.b.
- June 18, 2018 – City Housing Staff surveyed the tenants to confirm findings of survey.
- July 23, 2018 – Additional Tenant Information drop in session held, with City Housing Staff in attendance.
- August 2, 2018 – UrbanSolutions provide City Staff with additional questionnaire results, bringing the tenant support for the conversion from 76% to 82.9%.
- December 11, 2018 – Planning Committee, Planning Staff recommending approval.

December 11, 2018

urbansolutions.info

UHOP Conformity

Response	Units	% of Units
Support	107	83
Against	13	10
No Response	9	7
Total Building Count	129	100

Condominium Conversion of Rental Housing Units

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

b) At least 75% of the current tenants support the conversion to condominium, as demonstrated to the satisfaction of the City

Residential Tenancies Act

- Security of Tenure
- No Termination of Tenancy
- Right of First Refusal
- All 128 dwelling units will continue to be rented

Proposed Amending Motion

- Noise Study VS Noise Warning Clause

Proposed Amending Motion

8.4 Application for a Condominium Conversion (CDM-CONV-14-02) for lands known as 115 Main Street East, Hamilton (Ward 2) (PED18080 (a))

Whereas staff recommend approval of the aforementioned condominium conversion application subject to the following Condition No. 7:

“That the Owner shall investigate the noise levels on the site to determine potential noise impacts and to implement any noise control measures that are satisfactory to the City of Hamilton in conformity to the Ministry of the Environment, Conservation and Parks recommended sound level limits. An acoustical report prepared by a qualified Professional Engineer containing the recommended noise control measures to the satisfaction of the City of Hamilton, Director of Planning and Chief Planner. Should a peer review of the acoustical report be warranted, all associated costs shall be borne by the owner / applicant and shall be submitted to the satisfaction of the City of Hamilton, Director of Planning and Chief Planner”.

That staff be directed to replace Condition No. 7 with the following:

That the owner shall include the following warning clauses in all Development Agreements and Offers of Purchase and Sales or Lease / Rental Agreements:

- 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 may exceed the Municipality’s and the Ministry of Environment and Climate Change’s noise criteria;*



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
 Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	December 11, 2018
SUBJECT/REPORT NO:	Application for a Condominium Conversion for Lands Known as 220 Dundurn Street South, Hamilton (PED18230) (Ward 1)
WARD(S) AFFECTED:	Ward 1
PREPARED BY:	Daniel Barnett (905) 546-2424 Ext. 4445
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That **Red-Line Revised Condominium Conversion Application CDM-CONV-18-01, by 220 Dundurn Street Inc. c/o Denis Vranich, Owner**, to establish a Draft Plan of Condominium (Condominium Conversion) for an existing multiple dwelling, consisting of 124 dwelling units, 159 resident parking units and 23 locker units, on lands located at 220 Dundurn Street South (Hamilton), as shown on Appendix "A" to Report PED18230, be **APPROVED** on the following basis:

- (a) That this approval for Red-Line Revised Draft Plan of Condominium Application 25CDM-CONV-18-01 applies to the Draft Plan, prepared by A.J. Clarke and Associates certified by B. J. Clarke, O.L.S., dated May 2, 2018, showing common element areas which include stairwells, elevators, hallways, driveway access, visitor parking, landscaped areas, lobby areas, lounges, centralized mail box and fitness room, a total of 124 dwelling units, 159 resident parking units, and 23 locker units, attached as Appendix "B" to Report PED18230;
- (b) That the conditions of Draft Plan of Condominium Approval attached as Appendix "C" to Report PED18230 be received and endorsed by City Council.

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 for a Condominium Conversion for Lands Known as 220 Dundurn Street South, Hamilton (PED18230) (Ward 1) - Page 2 of 13

EXECUTIVE SUMMARY

The purpose of this application is for a Draft Plan of Condominium (Condominium Conversion) for 124 existing dwelling units, 159 resident parking units and 23 locker units located at 220 Dundurn Street South (Hamilton).

In accordance with the Urban Hamilton Official Plan (UHOP), the owner has demonstrated compliance with the Condominium Conversion policies in respect to the vacancy rate requirements and affordable housing requirements.

The Condominium Conversion will allow for the tenure of the units to change from rental to condominium ownership. The existing tenants are protected under the *Residential Tenancies Act*.

The proposed Condominium Conversion has merit and can be supported, subject to the recommended draft plan conditions, 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 “Housing” policies of the UHOP.

Alternatives for Consideration – See Page 12

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Recent condominium conversions have generally seen a doubling in property value. The property is currently taxed at the New Multi-Residential tax rate. After conversion, the property will be taxed at the Residential tax rate. The New Multi-Residential rate is the same as the Residential rate, therefore the condominium conversion may represent a net increase to the City in property taxes. However, the net effect cannot be determined until the Municipal Property Assessment Corporation (MPAC) re-values the building. This is done after the condominium plan is registered.

This property is currently assessed at \$25,539,234 with annual taxes of \$322,294.92 comprised of \$278,878.22 municipal and \$43,416.70 education. If the value doubles, as in past conversions, the assessment will go to \$51,078,000 and taxes at the residential tax rate would be comprised of \$557,751.33 municipal taxes and \$86,832.60 education taxes for a total of \$644,583.93. This would be a potential increase of tax dollars to the municipality of \$278,878.22. That increase would be higher or lower, depending on the new value created by MPAC.

Staffing: N/A

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SUBJECT: Application for a Condominium Conversion for Lands Known as 220 Dundurn Street South, Hamilton (PED18230) (Ward 1) - Page 3 of 13

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

HISTORICAL BACKGROUND

The applicant is seeking approval of a Draft Plan of Condominium (Condominium Conversion) to allow a change in tenure from rental to condominium for the 124 residential dwelling units consisting of 110 bachelor units and 14 one bedroom units, that currently exist within the building located at 220 Dundurn Street South, Hamilton. The three storey building was renovated in 2015 along with a small three storey addition at the rear of the existing building, and also includes 23 locker units and common element areas including stairwells, elevators, hallways, driveway access, landscaped areas, lobby areas, lounges, centralized mail box and fitness room. The subject property also includes 159 surface resident parking spaces and 31 visitor parking spaces.

The subject property is approximately 1.34 ha (13,400 sq m) in size, and is located at the south west corner of Dundurn Street South and Chatham Street within the Kirkendall North Neighbourhood.

The subject property was rezoned from “D” (Urban Protected Residential District – One and Two Family Dwellings, etc.) District to “DE” (Low Density Multiple Dwellings) District in December 1997.

A Site Plan Control Application (DA-13-077) was applied for on May 3, 2013 and was granted final Site Plan Approval on September 23, 2014 for a three storey, 124 unit multiple dwelling.

Information respecting vacancy rates was submitted by the applicant prior to the submission of the application in February, 2018 to demonstrate compliance with the policies of the UHOP with respect to the requirements for vacancy rate and affordable housing requirements.

On August 1, 2018, a tenant information meeting was held by the applicant to inform existing tenants of the proposed Condominium Conversion and provide tenants with an opportunity to ask questions. A notice of the tenant information along with answers to five frequently asked questions was delivered to all existing tenants of 220 Dundurn Street South. Eight individuals signed the attendance register and were present at the meeting. The notice and minutes of the tenant information meeting and copies of the questionnaires are attached as Appendix “D” to Report PED18230.

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

SUBJECT: Application for a Condominium Conversion for Lands Known as 220 Dundurn Street South, Hamilton (PED18230) (Ward 1) - Page 4 of 13

Chronology:

<u>February 28, 2018:</u>	The applicant provided staff with information demonstrating the rent levels of the existing bachelor and one bedroom units.
<u>March 6, 2018:</u>	Housing Services staff provided comments confirming that the Condominium Conversion complies with the vacancy rate and affordable housing requirements.
<u>May 3, 2018:</u>	Application for Condominium Conversion submitted.
<u>May 16, 2018:</u>	Condominium Conversion Application 25CDM-CONV-18-01 deemed complete.
<u>July 17, 2018:</u>	Notice of Tenant Information Meeting delivered to residents of 220 Dundurn Street South (see Appendix “D” to Report PED18230).
<u>August 1, 2018:</u>	Tenant Information Meeting held (see Appendix “D” to Report PED18230).
<u>November 23, 2018:</u>	Formal Notice of the Condominium Conversion Application sent to the residents of 220 Dundurn Street South.

Details of Submitted Application:

Location:	220 Dundurn Street South (Hamilton)
Owner / Applicant:	220 Dundurn Street Inc. c/o Denis Vranich
Agent:	A.J. Clarke and Associates Ltd. c/o Franz Kloibhofer
Property Size:	<u>Lot Area:</u> 1.34 ha (13,400 sq m) <u>Lot Frontage:</u> 76.28 m <u>Lot Depth:</u> 171.21 m Irregular <u>Servicing:</u> Full Municipal Services Available

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**SUBJECT: Application for a Condominium Conversion for Lands Known as 220
Dundurn Street South, Hamilton (PED18230) (Ward 1) - Page 5 of 13**

Existing Land Use and Zoning:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
Subject Land:	Multiple Dwelling	“DE/S-1391” (Low Density Multiple Dwellings) District, Modified and “DE/S-1391a” (Low Density Multiple Dwellings) District, Modified
<u>Surrounding Land:</u>		
North:	Commercial Uses	“K” (Heavy Industrial, Etc.) District District Commercial (C6) Zone and District Commercial (C6, 300) Zone
East:	Commercial Uses	“H” (Community Shopping and Commercial, Etc.) District Neighbourhood Commercial (C2) Zone
South:	Commercial Uses and Single Detached Residential Dwellings	“H” (Community Shopping and Commercial, Etc.) District and “D” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District Neighbourhood Commercial (C2) Zone
West:	CP Rail Line and Industrial Uses	Research and Development (M1, 6) Zone

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SUBJECT: Application for a Condominium Conversion for Lands Known as 220 Dundurn Street South, Hamilton (PED18230) (Ward 1) - Page 6 of 13

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Planning Policy Framework

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

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

Noise

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

The subject property is located along Dundurn Street South a minor arterial road and located adjacent to a railway line, both potential noise sources. A noise study was required through Site Plan Control Application DA-13-077 to identify potential noise sources and to identify any required mitigation measures. Noise warning clauses advising purchasers and tenants about potential noise impacts are required to be included in the Condominium Agreement. This has been addressed as Condition No. 9) of Report PED18230.

Cultural Heritage

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

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

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

Therefore, the proposal is consistent with the PPS.

Growth Plan for the Greater Golden Horseshoe (2017):

The application has been reviewed with respect to the Growth Plan for the Greater Golden Horseshoe. The application conforms with the guiding principles of Policies 1.2.1, 2.2.6 1) a) and 2.2.6 3) with respect to supporting a range and mix of housing options to accommodate a diverse range of household sizes and incomes (both form and tenure). Since the proposal provides an opportunity for a range of housing types in providing an opportunity for home ownership in an area that does not contain many condominium tenure buildings, the proposal conforms to the Growth Plan.

Urban Hamilton Official Plan:

The subject property is identified as "Neighbourhoods" on Schedule "E" - Urban Structure and is designated "Neighbourhoods" on Schedule "E-1" - Urban Land Use Designations. The existing three storey multiple dwelling maintains a density of approximately 92.6 units per hectare therefore the existing use, height and density comply with policies E.3.2.3, E.3.5.2, E.3.5.7 and E.3.5.8.

The proposal to change the tenure from rental to condo ownership does not change the use of the lands, however the change in the tenure does require evaluation against the policies of Section B.3.2.5.1 for Condominium Conversion of Rental Units.

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

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

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SUBJECT: Application for a Condominium Conversion for Lands Known as 220 Dundurn Street South, Hamilton (PED18230) (Ward 1) - Page 8 of 13

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

Policy B.3.2.5.1 permits the conversion to condominium tenure if the proposed Condominium Conversion meets one of the three options under Policy B.3.2.5.1.

As discussed in greater detail in the Housing Servicing Division section of the Relevant Consultation and Section 3 of the Analysis and Rationale for Recommendation Sections of this Report, the proposal meets the criteria of Policy B.3.2.5.1 a) related to vacancy rate and affordable housing threshold requirements.

Therefore, as the application satisfies the criteria of Policy B.3.2.5.1 a), the application complies with the UHOP.

City of Hamilton Zoning By-law No. 6593

The subject property is zoned "DE/S-1391" and "DE/S1391a" (Low Density Multiple Dwellings) District, Modified in the City of Hamilton Zoning By-law No. 6593, which permits the use of a multiple dwelling.

Minor Variance Applications HM/A-13:83 and HM/A-13:173 were approved by the Committee of Adjustment to permit the following:

- i) a lot area of 13,300 sq m instead of 17,029 sq m;

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ii) to reduce the minimum parking space size from 2.7 m wide by 6.0 m long to 2.6 m by 5.5 m; and,

iii) permeable pavers in addition to asphalt.

The proposal to change the tenure from rental to condominium ownership does not change the use of the lands.

The final Plan of Condominium will be required to comply with all of the applicable provisions of the City of Hamilton Zoning By-law No. 6593 in force and effect at the time of registration of the Draft Plan of Condominium. This requirement is being addressed as Condition No. 1) of Appendix "C" to Report PED18230.

RELEVANT CONSULTATION

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

- Hydro One; and,
- Forestry and Horticulture Section, Public Works Department.

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

Transportation Planning, Public Works Department has advised that Dundurn Street South has an ultimate width of 36.576 m and that the existing right of way width is 20 m. It is noted that Site Plan Control Application DA-13-077 was applied for and reviewed prior to the UHOP coming into effect. As the application is to convert the tenure of the existing dwelling units there is no opportunity to require land dedication to achieve the ultimate road allowance width as part of this application. It is however noted that land dedication will be required as part of any future re-development of the subject lands.

Staff advised that Chatham Street is proposed for bicycle lanes and that there are existing bicycle lanes on Dundurn Street South.

Transportation Planning advised that a 5.0 m by 5.0 m visibility triangle is required between the driveway limits and the ultimate property line. Staff also requested that a turning plan be provided on the Site Plan and that a minimum driveway width of 7.5 m be provided at the ultimate property line. Sidewalks with a minimum width of 2.0 m are required within the right of way and 1.5 m are required on-site. A Transportation Demand Management Report (TDM) was also requested.

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As the Draft Plan of Condominium Application is for the establishment of tenure and not the construction of the building, there is not an opportunity to establish a visibility triangle, bicycle lanes, a turning plan, minimum driveway width, sidewalks both within the right of way or on-site and to request a TDM Report.

Growth Planning, Growth Management staff noted that road width of Dundurn Street South is not shown on the Plan nor are the specific municipal services shown on the Plan, as required under Section 51(17)(b) and (k) of the *Planning Act*.

The Draft Plan Condominium has been red-line revised to reflect the changes identified by Growth Planning staff. The Owner will need to update the Draft Plan of Condominium to reflect the red-line revisions. This requirement has been addressed as Condition No. 11) of Report PED18230.

Growth Planning staff require that the Owner submit a list indicating the mail address unit number of each residential unit on each floor. This requirement has been addressed as Condition No. 10) of Appendix “C” to Report PED18230.

Growth Planning staff requested the following note be added to the Draft Approval conditions:

“Note: Pursuant to Section 51(32) of the *Planning Act*, draft approval shall lapse if the plan is not given final approval within 3 years. However, extensions will be considered if a written request is received before the draft approval lapses.”

This note has been addressed at the end of Appendix “C” to Report PED18230.

Canadian Pacific Railway noted that the residential development is located within 300 m of a railway line and within 1,000 m of a railway yard. Canadian Pacific Railway requested that a noise warning clause be included in the Condominium Agreement. This has been addressed as Condition No. 9) of Report PED18230.

Housing Services Division, Community and Emergency Services Department advised in their comments dated March 6, 2018 that the properties were examined with respect to policies B.3.2.5.1 through B.3.2.5.5 of the UHOP. Policy B.3.2.5.1 a) of the UHOP identifies four conditions that must be satisfied in order to recommend Condominium Conversion approval. The four criteria are outlined in detail in the UHOP policy section of Report PED18230. Housing Services staff advised that policies B.3.2.5.1 a) i) and ii) are met in that the vacancy rate has exceeded two percent for both the area and City in respect to each unit type for the past 24 months and will continue to exceed the minimum two percent vacancy rate even after the Condominium Conversion. Additionally with respect to the affordable housing requirement policies of the UHOP (B.3.2.5.1 a) iii) and iv)), all the currently occupied and vacant bachelor units and one bedroom units have or previously had rent levels greater than the CMHC

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affordability threshold of \$597 for a bachelor unit and \$773 for a one bedroom. Therefore, the proposed Condominium Conversion complies with Policy B.3.2.5.1 a) of the UHOP.

Union Gas, Canada Post, Bell Canada, and Canadian Radio and Telecommunication Commission (CRTC) have not yet provided comments at the time of writing Report PED18230, however Condition Nos. 4), 5), 6), 7) and 8) of Appendix “C” to Report PED18230 represent standard conditions from Union Gas, Canada Post, Bell Canada and CRTC, and have been included.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposed Plan of Condominium (Condominium Conversion) Application can be supported for the following reasons:
 - (i) That the proposed Draft Plan of Condominium is consistent with the PPS and conforms to the Growth Plan; and,
 - (ii) It complies with Residential Condominium Conversion Policy B.3.2.5.1 a) of the UHOP.
2. Subsequent to the submission of the application an information package respecting Condominium Conversion was delivered to all existing residents of the building. A tenant information meeting was held on August 1, 2018, which was attended by eight individuals who signed the attendance register (attached as Appendix “D” to Report PED18230) and were present at the meeting. A copy of the information provided to the tenants was provided to City staff and deemed acceptable.
3. The proposed Condominium Conversion meets the Conversion Policy B.3.2.5.1 a). The vacancy rate for both bachelor units and one bedroom units has been consistently above 2% for the past 24 months and the conversion of the 110 bachelor units and 14 one bedroom units will not result in the vacancy rate for these unit types to drop below 2%.

The rental levels for the bachelor units range from \$1,299 to \$2,999 and therefore exceed the CMHC affordable rent threshold of \$597. The rent levels of the one bedroom units range from \$1,499 to \$2,999 and therefore exceed the CMHC affordable rent threshold of \$773.

As the proposed Condominium Conversion meets the vacancy rate and affordable rent threshold requirement, the proposal complies with the policies of the UHOP.

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4. In accordance with Section 9(4) of the *Condominium Act*, when an application is made to convert a residential building from rental to condominium tenure, the municipality shall require the owner / applicant to retain a qualified professional to inspect the property, and report to the municipality all matters that it considers may be of concern related to structural and mechanical integrity. This requirement is being addressed as Condition No. 3) of Appendix “C” to Report PED18230.
5. The Draft Plan of Condominium does not reflect the final Site Plan, as approved on August 18, 2014 with respect to the location of garbage collection. The Owner will be required to revise the Draft Plan of Condominium to reflect the final Site Plan Drawing DA-13-077 or receive approval to amend the final Site Plan Drawings to reflect the change to the location of the garbage collection. In addition, levels two and three on the Draft Plan of Condominium have been identified as not being to scale and the redline revised Draft Plan of Condominium has identified that the plan needs to be scaled. This requirements are addressed through Conditions Nos. 2) and 11) of Appendix “C” to Report PED18230.

ALTERNATIVES FOR CONSIDERATION

Should the proposed Condominium Conversion not be approved, the existing units will remain as rental tenure.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement & Participation

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

Economic Prosperity and Growth

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

Healthy and Safe Communities

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

Clean and Green

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

Built Environment and Infrastructure

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

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**SUBJECT: Application for a Condominium Conversion for Lands Known as 220
Dundurn Street South, Hamilton (PED18230) (Ward 1) - Page 13 of 13**

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 Plan of Condominium

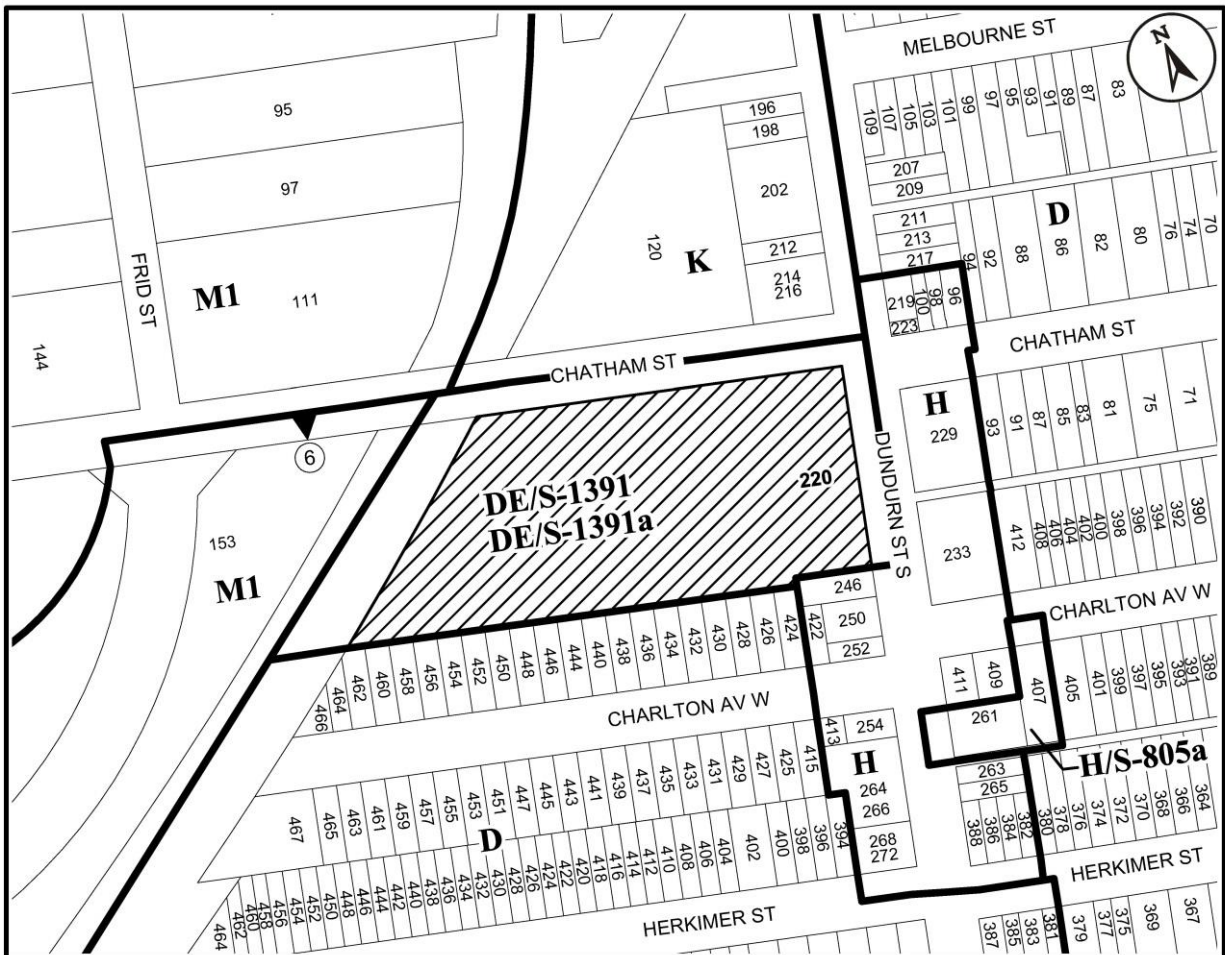
Appendix "C" – Draft Plan of Condominium Conditions

Appendix "D" – Notice and Minutes of Tenant "Information Meeting" on May 15, 2013,
and Resident Questionnaires

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● Site Location



Key Map - Ward 1

N.T.S. 

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
25CDM-CONV-1801

Date:
Sept. 19, 2018

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
DB/AL

Subject Property

 220 Dundurn Street South

Conditions of Draft Plan of (Standard) Condominium
220 Dundurn Street South, Hamilton
25CDM-CONV-201801

That this approval for Red-Line Revision Draft Plan of Condominium Application 25CDM-CONV-18-01 applies to the Draft Plan, prepared by A.J. Clarke and Associates certified by B.J. Clarke, O.L.S., dated May 2, 2018, showing common element areas which include stairwells, elevators, hallways, driveway access, visitor parking, landscaped areas, lobby areas, lounges, centralized mail box and fitness room, a total of 124 dwelling units, 159 resident parking units, and 23 locker units, on lands located at 220 Dundurn Street South (Hamilton) attached as Appendix "B" to Report PED18230, subject to the following special conditions:

- 1) That the final Plan of Condominium shall comply with all of the applicable provisions of City of Hamilton Zoning By-law No. 6593 and Minor Variance Applications HM/A-13:83 and HM/A-13:173 or in the event the City of Hamilton has repealed and replaced the City of Hamilton Zoning By-law No. 6593 with By-law No. 05-200 the final Plan of Condominium shall comply with the applicable provisions of the Zoning By-law in force and effect at the time of the registration of the Draft Plan of Condominium, to the satisfaction of the Director of Planning and Chief Planner.
- 2) That the final Plan of Condominium shall comply, in all respects, with Final Approved Site Plan Control Application DA-13-077, to the satisfaction of the Director of Planning and Chief Planner.
- 3) That the Owner shall submit a report, in accordance with Section 9 (4) of the *Condominium Act*, 1998, prepared and certified by a qualified Registered Professional Engineer or Licensed Architect, to the satisfaction of the Chief Building Official of the City of Hamilton, to confirm the structural and mechanical integrity of the building and any owner initiated measures required to correct any deficiencies prior to the release of the final plan for registration.
- 4) That the Owner provide the Manager of Development Approvals with evidence that satisfactory arrangements, financial and otherwise, have been made with a telecommunication service provider approved by the Canadian Radio and Telecommunication Commission (CRTC) that adequate telecommunication service will be provided to the condominium including 9-1-1 emergency calling service that identifies, at a minimum, the callers name and location information.
- 5) That the Owner shall agree in the Condominium Approval Agreement, in words satisfactory to Bell Canada, to grant to Bell Canada any easements that may be required for telecommunication services. Easements may be required subject to final servicing decisions. In the event of any conflict with existing Bell Canada facilities or easements, the Owner / Developer shall be responsible for the relocation of such facilities or easements.

- 6) That the Owner provide Bell Canada with one or more conduit or conduits of sufficient size from each unit to the room(s) in which the telecommunication facilities are situated and one or more conduits from the room(s) in which the telecommunication facilities are located to the street line to the satisfaction of Bell Canada.
- 7) That the Owner shall agree in the Condominium Agreement, in words satisfactory to Union Gas Limited, to grant to Union Gas Limited any easements that may be required for gas services. Easements may be required subject to final servicing decisions. In the event of any conflict with existing Union Gas Limited facilities or easements, the Owner / Developer shall be responsible for the relocation of such facilities or easements.
- 8) That the Owner shall complete the following to the satisfaction of Canada Post and the Senior Director of Growth Management:
 - (a) Include in all offers of purchase and sale and rental leases, a statement that advises prospective purchaser / tenants:
 - (i) That the home / business mail delivery will be from a designated Centralized Mail Box; and,
 - (ii) That the developers / owners be responsible for officially notifying the purchasers / tenants of the exact Centralized Mail Box locations prior to the closing of any home sales.
 - (b) The Owner further agrees to:
 - (i) Install a centralized lock box assembly within the common element of the Condominium.
- 9) That the Owner shall include the following warning clauses in all Development Agreements and agree in writing to include in all Offers of Purchase and Sale or Lease / Rental Agreements, to the satisfaction of the Director of Planning and Chief Planner:
 - (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 may exceed the Municipality's and the Ministry of Environment, Conservation and Parks noise criteria.
 - (b) Purchasers / tenants are advised that this dwelling unit has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are

within Municipality's and the Ministry of the Environment, Conservation and Parks noise criteria.

- (c) Purchasers / tenants are advised of the following: "Warning: Canadian Pacific Railway or its assigns or successors in interest has or have a railway right-of-way located within 300 metres and a yard within 1,000 metres of the subject site. Operations are conducted 24 hours a day, 7 days a week including the shunting of trains and the idling of locomotives. There may be alterations to or expansions of the railway facilities and / or operations in the future, which alterations or expansions may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuation measures in the design of the development and individual dwellings. CPR will not be responsible for complaints or claims arising from the use of its facilities and / or its operations on, over or under the aforesaid right-of-way and yard.
- 10) That the Owner submit a list, including the mailing address unit number of each residential unit on each floor, to the satisfaction of the Senior Director of Growth Management.
 - 11) That the Owner address all required revisions to the Draft Plan of Condominium (Condominium Conversion), to the satisfaction of the Senior Director of Growth Management and the Director of Planning and Chief Planner.
 - 12) That the Owner satisfy all other requirements, financial or otherwise, of the City of Hamilton.
 - 13) That the Owner enters into and registers on title the Condominium Approval Agreement incorporating the approved plan of condominium and related conditions.
 - 14) That Draft Plan of Condominium Application 25CDM-CONV-18-01 be registered to the satisfaction of the Senior Director of Growth Management.

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

220 DUNDURN

Dear Tenants;

Meeting Invitation

220 Dundurn Street Inc. has applied to the City of Hamilton to convert 220 Dundurn Street South from rental to condominium ownership. You are invited to attend an information session in the Party Room at 220 Dundurn Street South on Wednesday, August 1st, 2018 at 6:30pm to discuss this process. We will have professionals in attendance to answer any questions you may have.

It is important to note that your current lease will remain in effect and that your rights under the Residential Tenancies Act will remain in full force. You will also have the opportunity to purchase a unit should you so choose or you may continue to rent the same unit for as long as you wish.

The attached information sheet outlines frequently asked questions with regard to condominium conversions. We will be available to answer any further questions at the aforementioned information session. We look forward to your attendance on Wednesday, August 1st, 2018.

Thank You,

Deni Jankovic

Director of Construction

220 Dundurn Street Inc.

Ph (416) 671-4384

Fx (905) 546-1890



A. J. Clarke and Associates Ltd.

SURVEYORS • PLANNERS • ENGINEERS

File No.178161

August 8th, 2018

The City of Hamilton
Planning and Economic Development Department
Development Planning, Heritage and Design
71 Main Street West, 5th Floor
Hamilton, Ontario L8P 4Y5

Attn: Mr. Daniel Barnett
Planner II – Development Planning, Heritage & Design (Urban Team)

Re: **220 Dundurn Street South – 25CDM-CONV-18-01**
Tenant Meeting – Summary Report

Dear Sir,

Further to the tenant meeting held on August 1st, 2018, the following is a summary of discussion items and comments received at the tenant meeting. The Meeting Sign-in sheet, Meeting Agenda and Frequently Asked Questions sheet is attached hereto as Appendix A. We received no emails or phone calls from residents prior to the meeting, and no additional comments post-meeting have been received to date.

A tenant meeting was held on August 1st, 2018 between the hours of 6:30 PM and 7:30 PM in the Party Room at 220 Dundurn Street South. Franz Kloibhofer, Senior Planner at A. J. Clarke and Associates Ltd., provided a brief presentation to the attendees and then opened the floor to a Q & A session. The following summarizes the general discussion from the meeting:

1. Greeting and Introductions

- Franz introduced himself, the Owner, and consulting team.
- Attendees were provided with a copy of the Meeting Agenda and Frequently Asked Questions (FAQ) sheet addressing condominium conversions.
- Franz explained the purpose of the meeting, to address any questions current tenants may have about the condominium conversion and how it affects them, and the current status of the condominium conversion application.

2. What is a Condominium Conversion and what does it mean for you as a tenant?

- A condominium conversion is a change in tenure, it is simply changing the existing property from a rental tenure to condominium ownership.
- The condominium conversion will create and define separate unit boundaries for each unit within the building, which will allow for conveyance or sale of each unit independently of the other units. It changes the units from an apartment to a condominium.
- All existing amenities will remain, it has no effect on how you use or live in the building, and no changes to the physical building are proposed.



3. What are the rights of a “standing tenant” during a Condominium Conversion under the Condominium Act and the Residential Tenancies Act (RTA)?

- Franz reviewed the attached FAQ sheet (Appendix A) with the attendees, and explained their rights as standing tenants.

4. Outline of the Planning Process

- Franz described the Planning Process: application for condominium conversion was submitted on April 27th. The City then reviews the application to ensure all required plans and studies are included. The application was deemed complete by the City of Hamilton on May 16th, 2018.
- The owner then holds a tenant meeting to advise the tenants of the condominium conversion application – which we are doing tonight.
- The City of Hamilton’s Planning Committee holds a Public Meeting to hear any concerns and to issue a decision on the application. You will be circulated once the date for this Meeting is confirmed, and are welcome to attend the meeting if you would like.
- If the application is approved, the owner then has 3 years to clear the conditions of approval and register the condominium. It is upon registration that the condominium conversion will be complete. Anticipated timeline to complete the process is Spring 2019.

5. Tenant Questions and Clarifications

- Ron Boers

Q: Can someone change the terms of the lease (ie. increase the rent) if it is a new owner?

A: The new owner would still be required to follow the Residential Tenancies Act. Rent increases are regulated by the Residential Tenancies Act.

- Jillian Lawry

Q: Will the units be inspected by the City?

A: No, however, there may be a Technical Audit, which would require a cursory inspection of each unit and the units would have to be surveyed. The Owner will provide 48 hours notice prior to inspection.

Q: How can the units shown on the plan be sold if the condo is not registered?

A: There can be a signed purchase and sale agreement, however, a real estate transaction for a unit cannot be closed until the condominium is registered.

Q: Can you be evicted?

A: If someone else buys your unit, they can’t evict you because you are a standing tenant. Your existing lease agreement will prevail.



- Aliya Ramjaeen

Q: What are the condo fees?

A: The fees are established and governed by the future Condo board, we aren't sure what they will be right now. The benefit of being in a newer building is that there aren't as many repairs required as compared to an older building.

- Brianne Kay

Q: Do you have to pay condo fees if you continue to rent?

A: Condo fees are the responsibility of the Owner.

- Nishaan Brar

Q: What is the timeline for condo conversion?

A: We are aiming to be registered in Winter 2019.

- Patrick Chalkley

Q: What is the price per unit?

A: We do not know at this point, you are welcome to speak with the owner if you are interested in purchasing a unit at this time.

- Ron Boers

Q: How are condo fees established?

A: The future condo board will set the fees. The condo fees can change based on the majority vote of the board.

- Patrick Chalkley

Q: Do you have to retroactively pay the condo fees if the condo board is not established as soon as the condo is registered?

A: No.

- Jillian Lawry

Q: Will DIV continue to be property managers?

A: DIV currently owns all 124 units. Once the condo is registered, deals will close on the individual units that have agreements of purchase and sale in place. DIV will then continue to own whatever units haven't been sold. DIV will operate the building until the condo corporation is established, and then after that, the members of the condo board will meet to decide who they wish to hire to act as property managers.

6. Adjournment – at 7:30 PM



City of Hamilton, attn: Mr. Daniel Barnett
Re: 220 Dundurn Street South – Tenant Meeting Summary

August 8th, 2018
Page 4 of 5

Please feel free to suggest any comments or feedback you may have noted that are not captured above. Please do not hesitate to contact me if you have any questions or require clarification regarding the above.

Sincerely,

A handwritten signature in blue ink, appearing to read 'F. Kloibhofer'.

Franz Kloibhofer, MCIP, RPP
A. J. Clarke and Associates Ltd.

Encl.

Copy: Mr. Denis Vranich (220 Dundurn St. Inc.)
Mr. Deni Jankovic (220 Dundurn St. Inc.)



City of Hamilton, attn: Mr. Daniel Barnett
Re: 220 Dundurn Street South – Tenant Meeting Summary

August 8th, 2018
Page 5 of 5

Appendix A Meeting Sign-In Sheet, Agenda, and Frequently Asked Questions Sheet

220 DUNDURN

Tenant Meeting

Wednesday, August 1st, 2018

6:30 to 7:30 p.m.

220 Dundurn Street South – Party Room

AGENDA

1. Greeting and Introductions
2. What is a Condominium Conversion and what does it mean for you as a tenant?
3. What are the rights of a "standing tenant" during a Condominium Conversion under the Condominium Act and the Residential Tenancies Act (RTA)?
 - Security of Tenure
 - No Termination of Tenancy
 - Right of First Refusal
4. Outline of the Planning Process
5. Tenant Question and Clarifications
6. Adjournment

Thank You,

220 Dundurn Street Inc., Management.

220 Dundurn Street Inc.
3-35 Stone Church Road, Suite 375
Ancaster, ON L9K 1S4
P: (416) 671 4384
F: (905) 546 1890

220 DUNDURN

FREQUENTLY ASKED QUESTIONS (AND ANSWERS) CONCERNING CONVERSION OF A RENTAL UNITS TO CONDOMINIUM OWNERSHIP

1. **QUESTION:** Does registration of a rental apartment building as a condominium terminate or otherwise affect the rights of a tenant under the Residential Tenancies Act, 2006 (the "RTA")?

ANSWER: No.

Section 4(2) ("Rights of Tenants") of the Condominium Act states registration of an existing residential apartment building does not terminate or otherwise affect the rights under the RTA of a person who, at the time of condominium registration, is a tenant of the property. Therefore, any such person has security of tenure as a tenant.

2. **QUESTION:** When a building is converted to condominium and a residential apartment unit becomes a "condominium unit", does the landlord/owner of such condominium unit have the right to terminate the residential tenancy of the occupant of the unit?

ANSWER: No.

Section 4(3) ("No Termination of Tenancy") of the Condominium Act states that registration of a condominium does not constitute grounds for a landlord to give notice of termination under Part V of the RTA with respect to a tenant who occupied a unit at the time of registration of the condominium. Therefore, such tenant has security of tenure.

3. **QUESTION:** If a tenant occupies a unit at the time the unit is converted and registered as a condominium, can a landlord terminate the tenancy under Section 48(1) of the RTA on the basis that the landlord requires the unit for residential occupation by:

- (a) the landlord;
- (b) the landlord's spouse;
- (c) a child or parent of the landlord or the landlord's spouse; or
- (d) a person who provides or will provide care services to the landlord, the landlord's spouse, or a child or parent of the landlord or the landlord's spouse, if the person receiving the care services resides or will reside in the building?

ANSWER: No.

220 DUNDURN

Section 51(1) ("Conversion to condominium, security of tenure") of the RTA prohibits the landlord from terminating a tenancy being based upon any of the grounds listed as (a) to (d) above.

4. **QUESTION:** If a residential building is to be converted to and registered as a condominium and the landlord signs an agreement of purchase and sale to sell the proposed condominium unit, can the landlord give notice to terminate to the tenant of the rental unit who was the tenant on the date the agreement of purchase and sale was signed, with such notice to terminate based upon the grounds specified in Sections 48 or 49 of the RTA?

ANSWER: No.

Section 51(2) ("Proposed units, security of tenure") of the RTA does not permit a landlord to terminate the tenancy on the basis the landlord has signed an agreement to sell the proposed condominium unit and based upon the reason that the purchaser requires the unit for the following purposes:

- (a) the landlord;
- (b) the landlord's spouse;
- (c) a child or parent of the landlord or the landlord's spouse; or
- (d) a person who provides or will provide care services to the landlord, the landlord's spouse, or a child or parent of the landlord or the landlord's spouse, if the person receiving the care services resides or will reside in the building?

5. **QUESTION:** What rights to purchase a condominium unit does a tenant have who occupied a unit at the time it was registered as a condominium?

ANSWER:

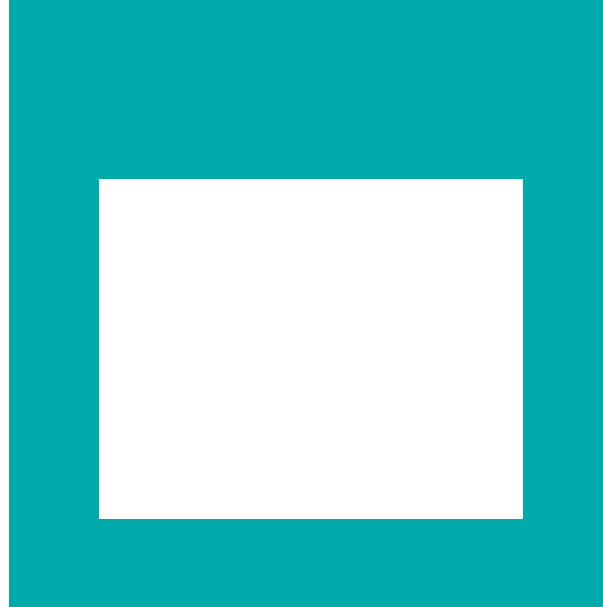
Under Section 51(5) ("Conversion to condominium, right of first refusal") of the RTA, if:

- (a) a landlord/owner of a condominium unit receives an acceptable offer to purchase the condominium unit (converted from rented residential premises) and still occupied by a tenant who was a tenant on the date of registration of the condominium; or
- (b) the landlord receives an acceptable offer to purchase a rental unit intended to be converted to a condominium unit,



then, such tenant has a right of first refusal to purchase the unit at the price and subject to the terms and conditions in the offer to purchase.

220 Dundurn Street Inc.
3-35 Stone Church Road, Suite 375
Ancaster, ON L9K 1S4
P: (416) 671 4384
F: (905) 546 1890



WELCOME TO THE CITY OF HAMILTON

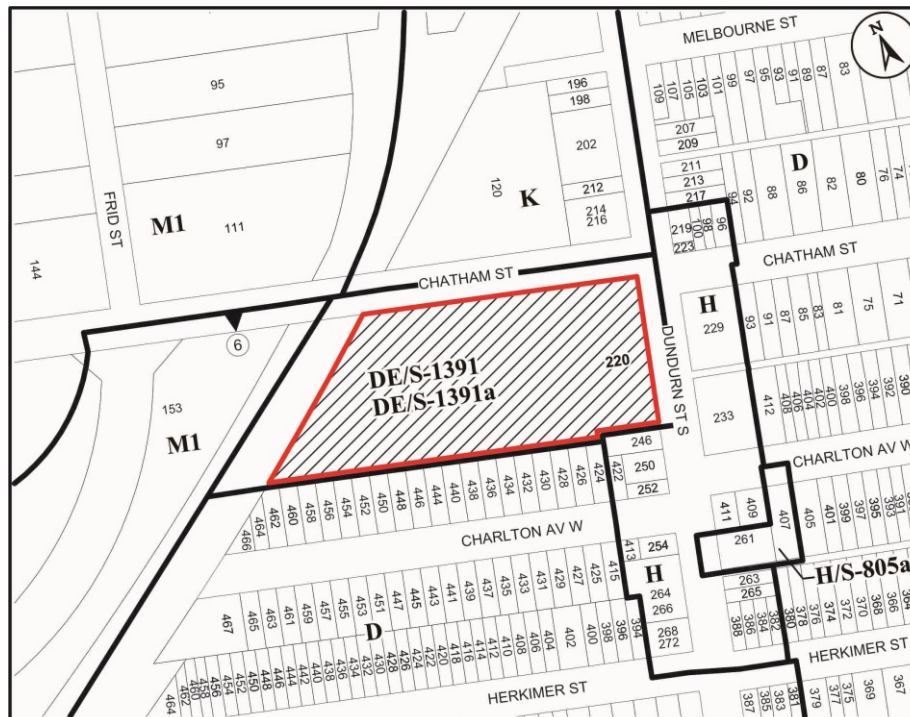
PLANNING COMMITTEE

December 11, 2018

PED18230 – (25CDM-CONV-18-01)

Application for a Condominium Conversion for Lands Known as
220 Dundurn Street South, Hamilton.

Presented by: Daniel Barnett



● Site Location



Key Map - Ward 1

N.T.S.

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
25CDM-CONV-1801

Date:
Sept. 19, 2018

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
DB/AL

Subject Property

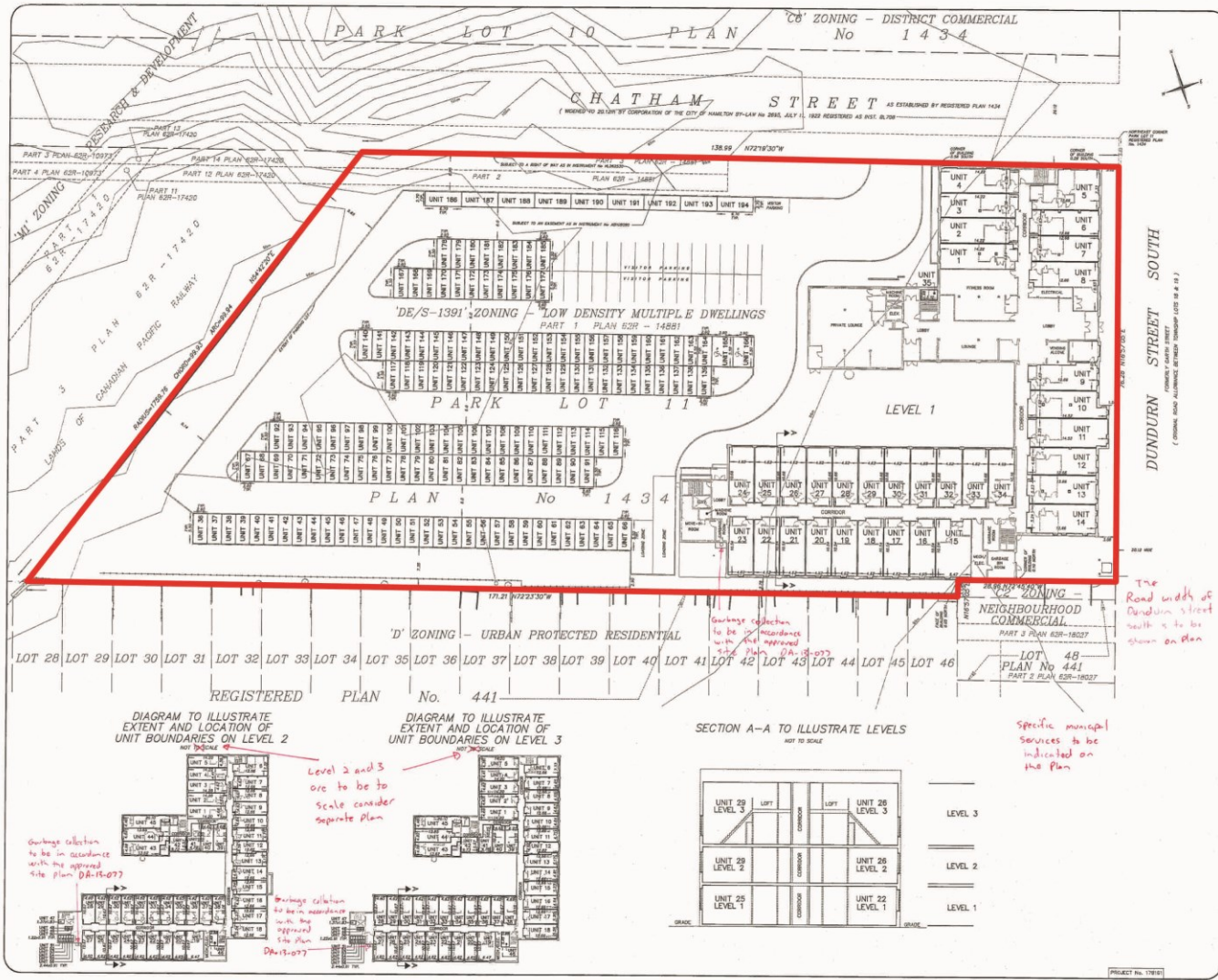
220 Dundurn Street South



SUBJECT PROPERTY



220 Dundurn Street South, Hamilton



DRAFT PLAN of Condominium
220 Dundur Street South
 BEING A PROPOSED STANDARD CONDOMINIUM OF
PART OF PARK LOT 11
PLAN No. 1434
CITY OF HAMILTON

SCALE 1:300

IN 2. CHARLES G.L.E.

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

NOTICE: DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 3.2808.

BY CHAPTER P.13 R.S.O. 1990 SECTION 61(17) OF THE PLANNING ACT AND SECTION 9 OF THE CONDOMINIUM ACT (1980)

A. SHOWN ON PLAN
 B. SHOWN ON PLAN
 C. SHOWN ON PLAN
 D. SEE LAND USE SCHEDULE
 E. SHOWN ON PLAN
 F. SHOWN ON PLAN

G. SHOWN ON PLAN
 H. SHOWN ON PLAN
 I. SEE LAND USE SCHEDULE
 J. SHOWN ON PLAN
 K. EXISTING MUNICIPAL SERVICES
 L. SHOWN ON PLAN

SUBJECTIVE CERTIFICATE

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

DATE: MAY 2, 2018
 BY: J. CLARKE
 CHIEF LAND SURVEYOR

LAND USE SCHEDULE

PROPOSED 3 STOREY BUILDING - 124 RESIDENTIAL UNITS
 UNITS 1 TO 24 INCLUSIVE ON LEVELS 2 & 3
 PROPOSED STORAGE - 23 UNITS
 UNIT 28 ON LEVEL 1
 UNITS 29 TO 34 INCLUSIVE ON LEVELS 2 & 3
 PROPOSED SURFACE PARKING - 130 UNITS
 UNITS 35 TO 38 INCLUSIVE ON LEVEL 1

AREA OF SITE = 4.24 Ha

CONDOMINIUM DRAFT APPROVAL

SUBJECT TO THE CONDITIONS, IF ANY, SET FORTH IN OUR LETTER DATED _____, 2018, AND TO THE EXTENT THAT THIS PLAN IS APPROVED UNDER SECTION 21 OF THE PLANNING ACT AND SECTION 9 OF THE CONDOMINIUM ACT AS AMENDED BY THE GENERAL MANAGER OF PLANNING AND CONDOMINIUM ACT DEVELOPMENT DEPARTMENT OF THE CITY OF HAMILTON UNDER THE AUTHORITY OF BY-LAW 2018-02-022

THIS DAY OF _____, 2018

GENERAL MANAGER
 PLANNING AND ECONOMIC DEVELOPMENT
 CITY OF HAMILTON

A.J. Clarke and Associates Ltd.
 SURVEYORS - PLANNERS - ENGINEERS

28 MAIN STREET WEST, SUITE 300
 MARKHAM, ONTARIO, L3R 0J1
 TEL: 905-477-0000 FAX: 905-477-0099
 www.ajclarke.com



Subject Property (front), as seen from Dundurn Street South looking south west



246 Dundurn Street South located to the south of the Subject Property, as seen from Dundurn Street South looking south west



412 Charlton Avenue West located to the south east of the Subject Property, as seen from Dundurn Street South looking south east



229 Dundurn Street South located to the east of the Subject Property, as seen from Dundurn Street South looking south east



223 Dundurn Street South located to the north east of the Subject Property, as seen from Dundurn Street South looking east



216 Dundurn Street South located to the north of the Subject Property, as seen from Chatham Street looking north east



120 Chatham Street located to the north of the Subject Property, as seen from Chatham Street looking north



Parking lot located at the rear of the Subject Property, as seen from the Subject Property looking west



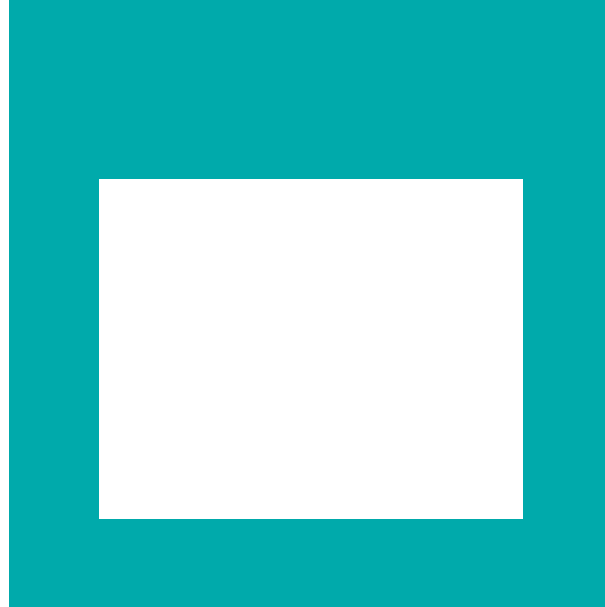
Rear of the subject (south west corner), as seen from the Subject Property looking east



Rear of the Subject Property (middle), as seen from the Subject Property looking east



Rear of the Subject Property (north west corner), as seen from the Subject Property looking east

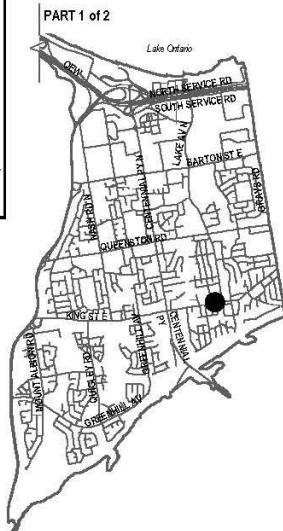
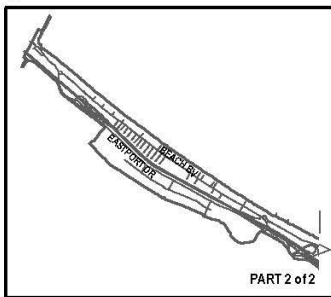


THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE



● Site Location



Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-17-044

Date:
October 4, 2018

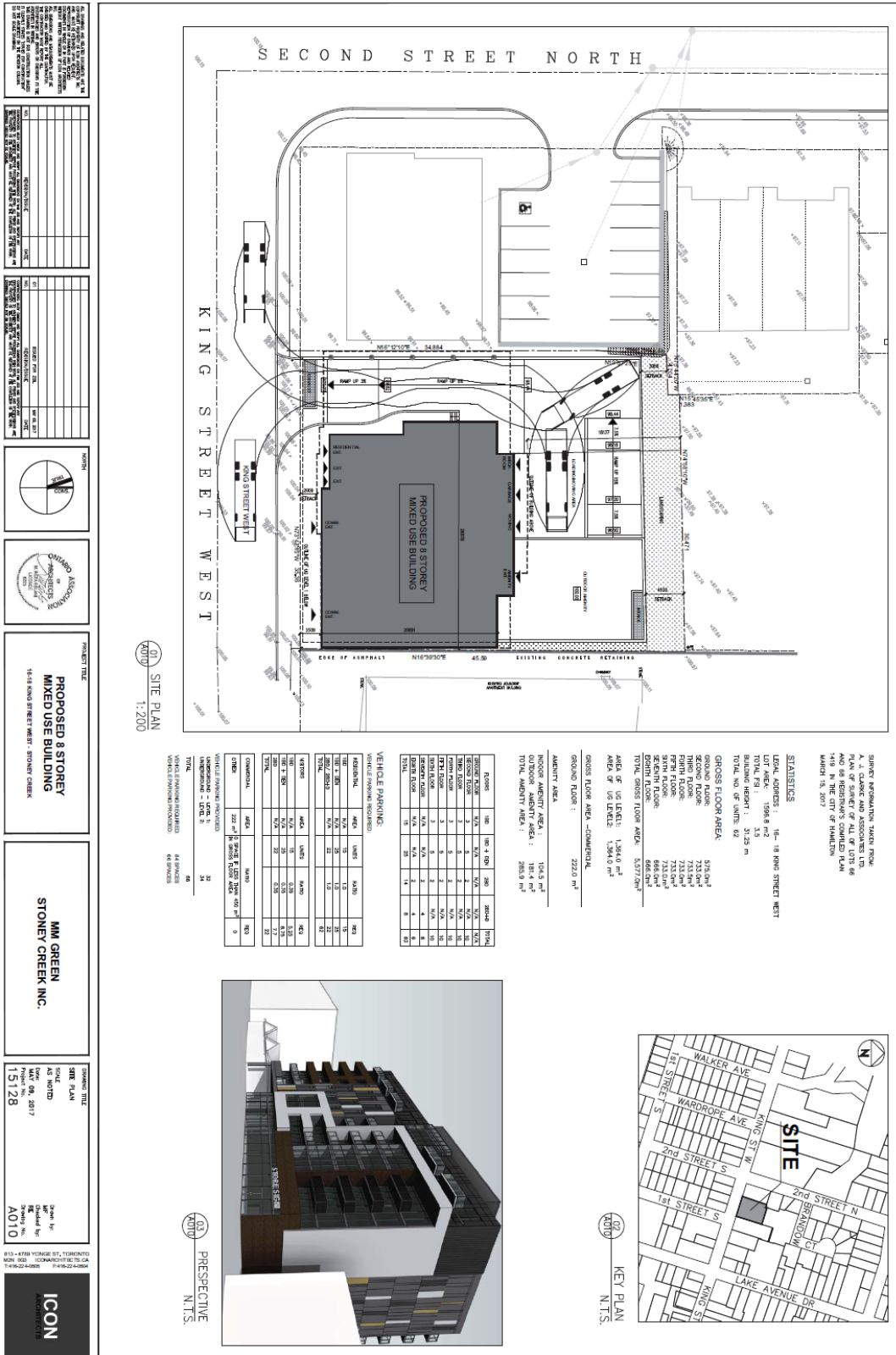
Appendix "A"

Scale:
N.T.S.

Planner/Technician:
DB/VS

Subject Property

 16 - 18 King Street West



1:200 SITE PLAN

PROPOSED 8 STOREY MIXED USE BUILDING

16-14 KING STREET WEST - STONEY CREEK

MM GREEN STONEY CREEK INC.

DATE: 09/20/2017
SCALE: 1:200
PROJECT NO: 15128

ICON ARCHITECTURE

VEHICLE PARKING

VEHICLES PARKING REQUIRED:

VEHICLE TYPE	VEHICLES REQUIRED	VEHICLES PROVIDED	VEHICLES SHORTAGE
TOTAL	44	46	2

VEHICLES PARKING PROVIDED:

VEHICLE TYPE	VEHICLES PROVIDED
TOTAL	46

STATISTICS

LEGAL ADDRESS: 16-18 KING STREET WEST
 TOTAL FSI: 1998.8 m²
 BUILDING HEIGHT: 33.25 m
 TOTAL NO. OF UNITS: 62

GROSS FLOOR AREA:

FLOOR	AREA (m ²)	TOTAL
GROUND FLOOR	515.0m ²	515.0m ²
FIRST FLOOR	213.0m ²	728.0m ²
SECOND FLOOR	213.0m ²	941.0m ²
THIRD FLOOR	213.0m ²	1154.0m ²
FOURTH FLOOR	213.0m ²	1367.0m ²
FIFTH FLOOR	213.0m ²	1580.0m ²
SIXTH FLOOR	213.0m ²	1793.0m ²
SEVENTH FLOOR	213.0m ²	2006.0m ²
EIGHTH FLOOR	213.0m ²	2219.0m ²
TOTAL GROSS FLOOR AREA	1,537.0m ²	2219.0m ²

AREA OF 1ST LEVEL: 1,384.0 m²
 AREA OF 1ST LEVEL: 1,384.0 m²

GROSS FLOOR AREA - COMMERCIAL:

GROUND FLOOR: 222.0 m²

AMENITY AREA:

INDOOR AMENITY AREA: 104.5 m²
 OUTDOOR AMENITY AREA: 181.4 m²
 TOTAL AMENITY AREA: 285.9 m²

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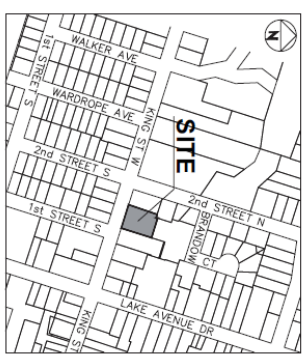
VEHICLE TYPE	VEHICLES REQUIRED	VEHICLES PROVIDED	VEHICLES SHORTAGE
TOTAL	44	46	2

VEHICLES PARKING PROVIDED:

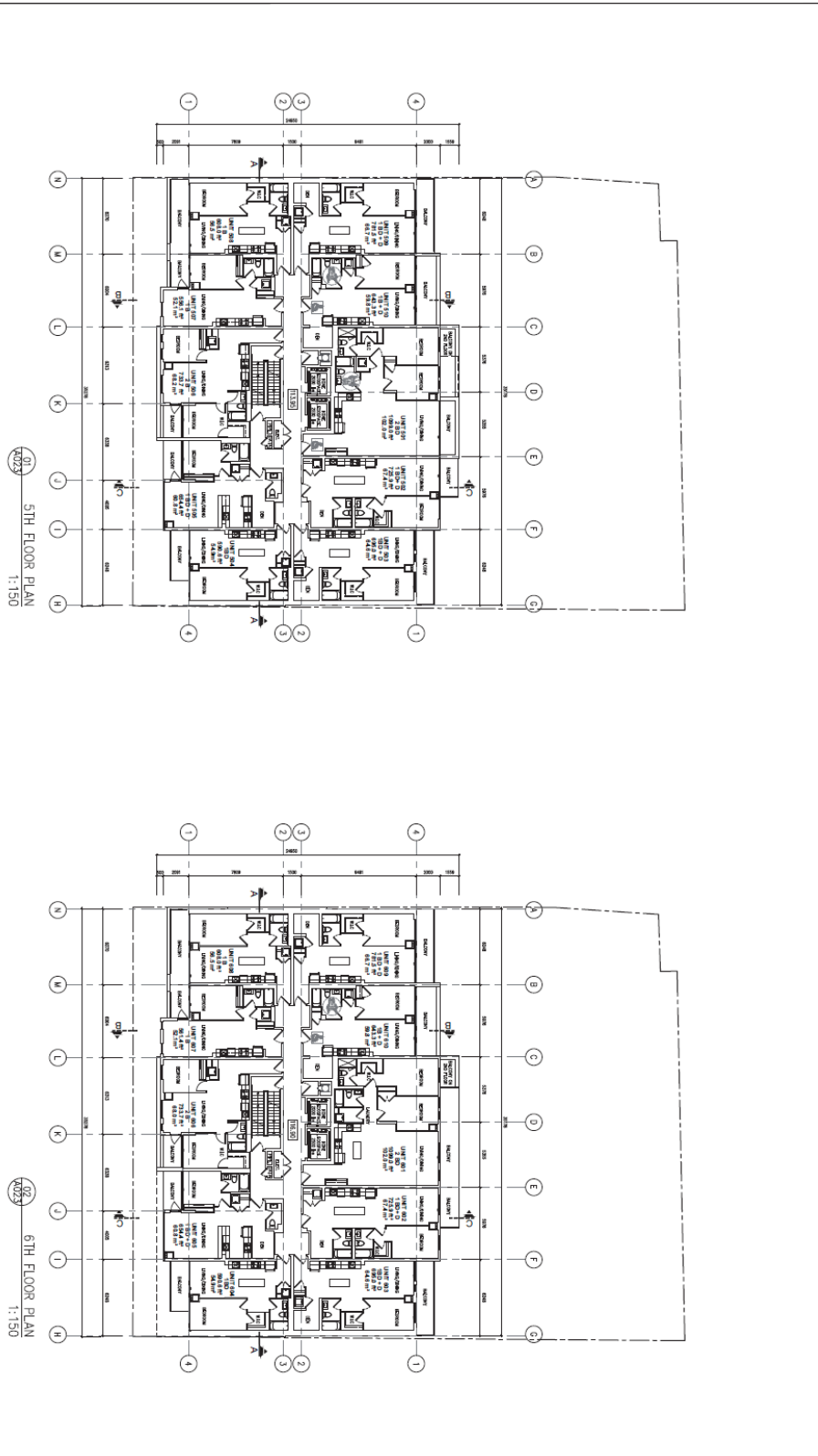
VEHICLE TYPE	VEHICLES PROVIDED
TOTAL	46



PERSPECTIVE N.T.S.

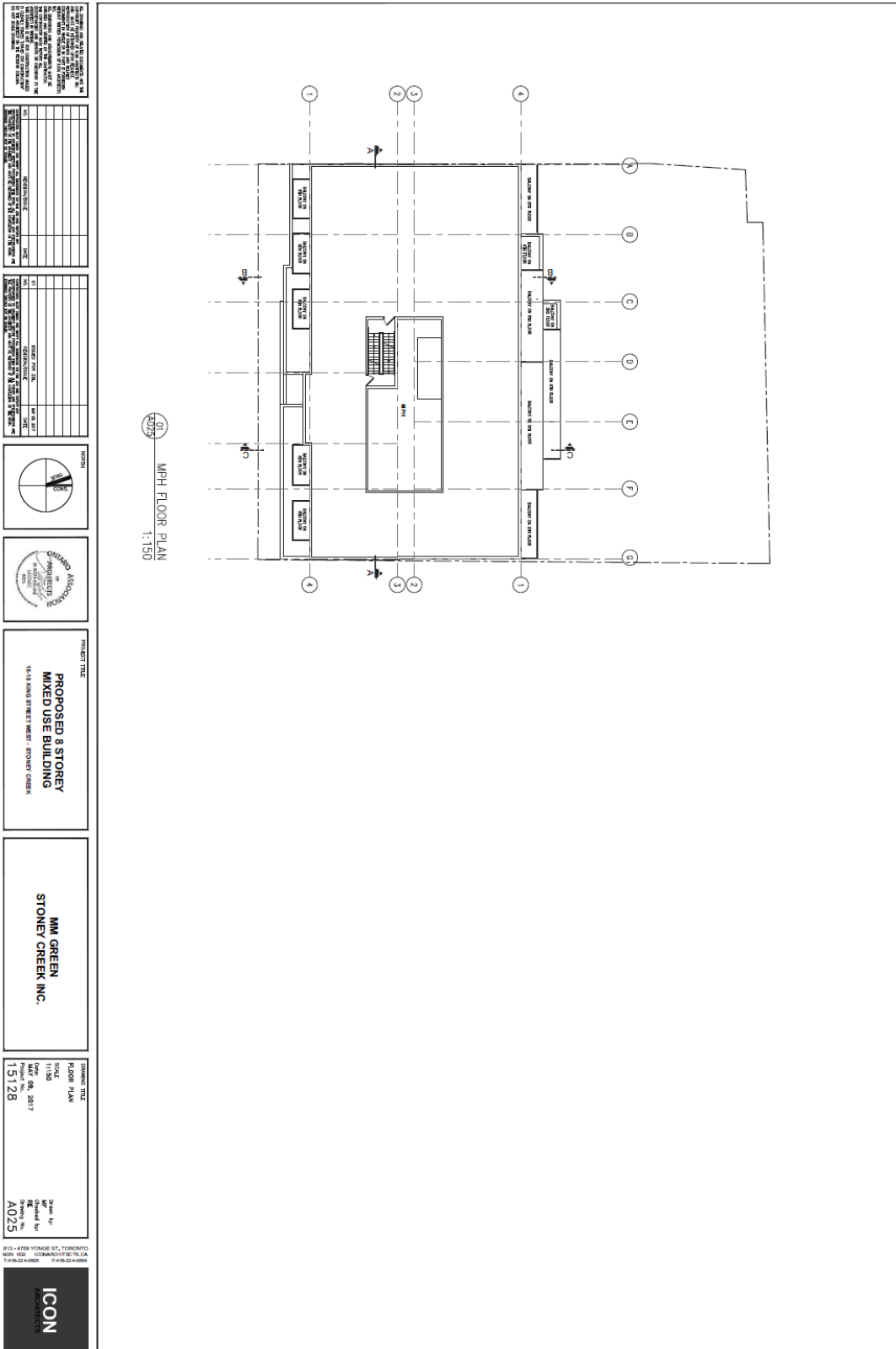


KEY PLAN N.T.S.



<p>PROPOSED 8 STOREY MIXED USE BUILDING 14-18 KING STREET WEST - STONEY CREEK</p>		<p>CLIENT NAME AND LOGO MM GREEN STONEY CREEK INC.</p>	
<p>PROJECT TITLE</p>		<p>ISSUING TITLE</p>	
<p>PROPOSED 8 STOREY MIXED USE BUILDING 14-18 KING STREET WEST - STONEY CREEK</p>		<p>FLOOR PLAN 1:150 Date: 08/20/17 Project No.: 151128</p>	
<p>ARCHITECT ICON ARCHITECTURE INC. 100 BAYVIEW AVE. SUITE 200 SCARBOROUGH, ONTARIO M1S 5B7 TEL: (416) 291-1111 WWW.ICONARCHITECTURE.COM</p>		<p>DESIGNER ICON ARCHITECTURE INC. 100 BAYVIEW AVE. SUITE 200 SCARBOROUGH, ONTARIO M1S 5B7 TEL: (416) 291-1111 WWW.ICONARCHITECTURE.COM</p>	
<p>DATE 08/20/17</p>		<p>SCALE 1:150</p>	
<p>PROJECT NO. 151128</p>		<p>PROJECT TITLE PROPOSED 8 STOREY MIXED USE BUILDING 14-18 KING STREET WEST - STONEY CREEK</p>	
<p>CLIENT NAME AND LOGO MM GREEN STONEY CREEK INC.</p>		<p>ISSUING TITLE FLOOR PLAN 1:150 Date: 08/20/17 Project No.: 151128</p>	
<p>ARCHITECT ICON ARCHITECTURE INC. 100 BAYVIEW AVE. SUITE 200 SCARBOROUGH, ONTARIO M1S 5B7 TEL: (416) 291-1111 WWW.ICONARCHITECTURE.COM</p>		<p>DESIGNER ICON ARCHITECTURE INC. 100 BAYVIEW AVE. SUITE 200 SCARBOROUGH, ONTARIO M1S 5B7 TEL: (416) 291-1111 WWW.ICONARCHITECTURE.COM</p>	

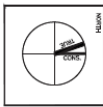




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NO.	REVISION/DATE	BY	CHKD.

NO.	REVISION/DATE	BY	CHKD.



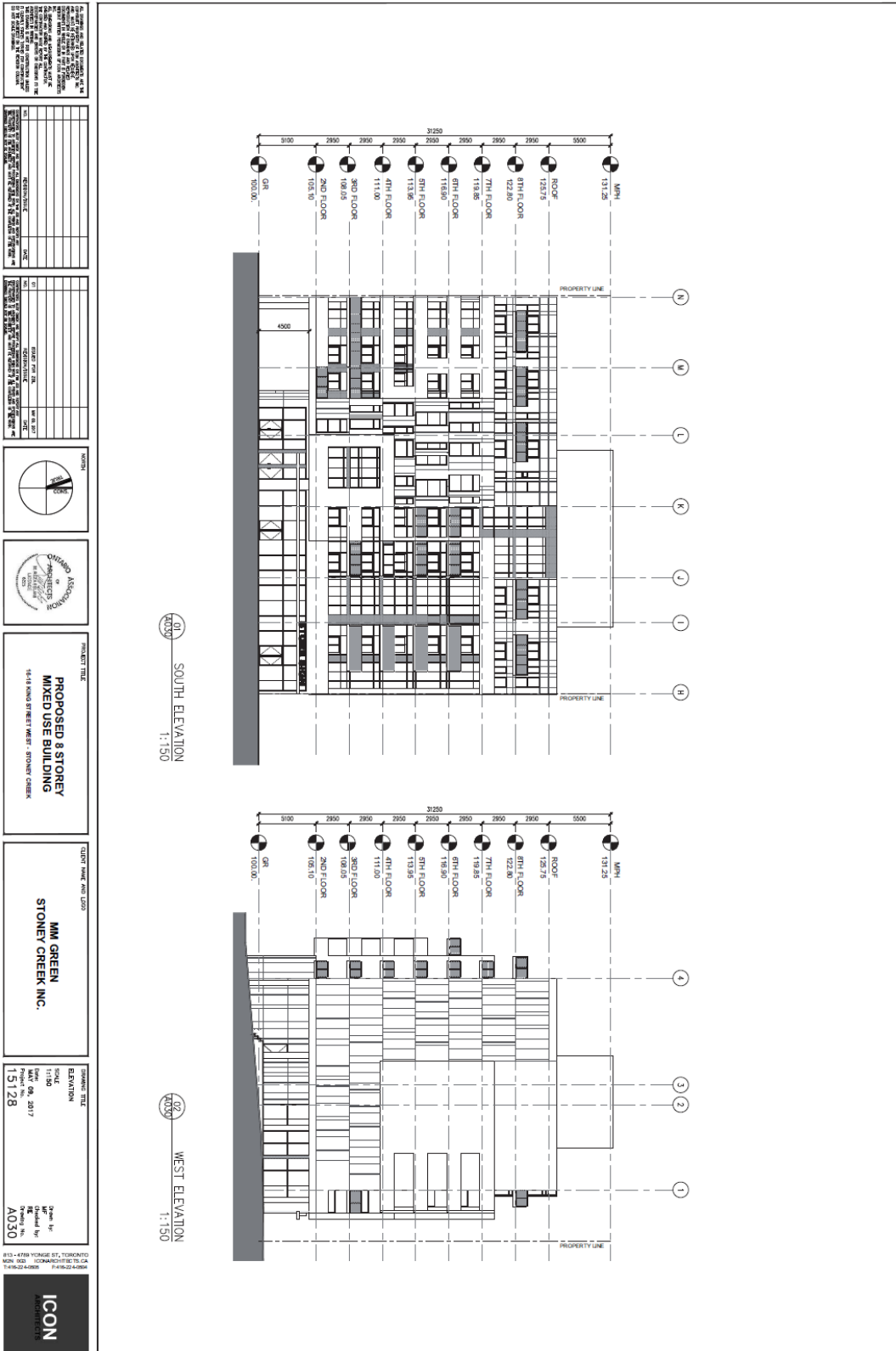
PROJECT TITLE
PROPOSED 8 STOREY MIXED USE BUILDING
 16-18 KING STREET WEST STONEY CREEK

MM GREEN
STONEY CREEK INC.

DRAWING TITLE
 FLOOR PLAN
 SCALE
 DATE: 09, 2017
 15128

Drawn by: [Name]
 Checked by: [Name]
 No. [Number]
 A025







Hamilton London Toronto

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

VIA PERSONAL DELIVERY

March 29, 2018

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

Dear Madam:

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

THE APPEAL

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

THE PROPOSAL

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

NANCY SMITH PROFESSIONAL CORPORATION
TURKSTRA MAZZA ASSOCIATES, LAWYERS



Environment and Land Tribunals Ontario
Ontario Municipal Board

655 Bay Street, Suite 1500
 Toronto ON M5G 1E5

Telephone: 416-212-6349

Toll Free: 1-866-448-2248

Fax: 416-326-5370

Website: www.elto.gov.on.ca

Appellant Form (A1)

Instructions for preparing and submitting the Appellant Form (A1)

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



Ontario

**Environment and Land Tribunals Ontario
Ontario Municipal Board**

 655 Bay Street, Suite 1500
 Toronto ON M5G 1E5

Telephone: 416-212-6349

Toll Free: 1-866-448-2248

Fax: 416-326-5370

Website: www.eltto.gov.on.ca**Appellant Form (A1)**

Receipt Number (OMB Office Use Only)

Date Stamp - Appeal Received by Municipality

OFFICE OF THE CITY CLERK

MAR 29 2018

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

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

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

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

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

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

5. Appeal Specific Information

Municipal Reference Number(s)
ZAC-17-044

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

Please see appeal letter attached

Oral/written submissions to council

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

- Oral submissions at a public meeting Written submissions to council

Planning Act matters only

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

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

- Yes No

6. Related Matters

Are there other appeals not yet filed with the Municipality?

- Yes No

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

- Yes No ▼

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

7. Scheduling Information

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

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

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

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

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

Yes No


8. Required Fee

Total Fee Submitted * \$ 300

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

9. Declaration

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

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

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



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
 Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	December 11, 2018
SUBJECT/REPORT NO:	Non-Statutory Public Meeting for a Zoning By-law Amendment for Lands Located at 16 and 18 King Street West (Stoney Creek) (PED18229) (Ward 5)
WARD(S) AFFECTED:	Ward 5
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 Report PED18229 advising Planning Committee of the scheduling of a Non-Statutory Public Meeting relating to an appeal to the Local Planning Appeal Tribunal (LPAT – formerly known as OMB) of Zoning By-law Amendment Application ZAC-17-044, be received;
- (b) That Report PED18229, together with any written submissions and input from delegations received at Planning Committee, be referred to staff for consideration and incorporated into a further report for direction to be given to the City Solicitor.

EXECUTIVE SUMMARY

Planning Committee was advised on matters relating to an appeal to the Local Planning Appeal Tribunal (LPAT – formerly known as OMB) with regards to Zoning By-law Amendment Application ZAC-17-044, on August 14, 2018, as part of Report PED18143, in accordance with Council's policy for staff to advise the Planning Committee and City Council of appeals for non-decision.

Although the application has been appealed to the Local Planning Appeal Tribunal (LPAT) prior to a Statutory Public Meeting being held, a Non-Statutory Public Meeting has been scheduled as per Council's recently amended Procedures for Appeals adopted February 28, 2018, which, in part, reads:

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SUBJECT: Non-Statutory Public Meeting for a Zoning By-law Amendment for Lands Located at 16 and 18 King Street West (Stoney Creek) (PED18229) (Ward 5) - Page 2 of 4

“(i) Where an appellant has agreed to postpone the scheduling of any hearing event until such time as Planning Committee has had an opportunity to consider the matter and that agreement has been communicated to the Ontario Municipal Board or its successor, that Planning staff be directed to process those matters accordingly and bring those matters to Planning Committee at a non-statutory public meeting for consideration and for direction to be given to the City Solicitor.”

A Non-Statutory Public Meeting has been scheduled for December 11, 2018 to allow residents and neighbours an opportunity to speak to this application. Input received from delegations at Planning Committee, along with any written submissions, will be referred to staff for consideration and incorporated into a further report for direction to the City Solicitor.

Alternatives for Consideration – N/A

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: The appeal to the Local Planning Appeal Tribunal (LPAT) was received by the City Clerk’s Office on March 29, 2018. A Non-Statutory Public Meeting has been scheduled for December 11, 2018 to allow residents and neighbours an opportunity to speak to this application.

HISTORICAL BACKGROUND

The subject lands, municipally known as 16 and 18 King Street West, Stoney Creek, are located on the north side of King Street West between Lake Avenue Drive and Second Street North (refer to Appendix “A” to Report PED18229).

The subject property has a lot frontage of 35.3 m and a lot area of 0.16 ha and is currently vacant.

Application:

Zoning By-law Amendment Application:

An application to amend the Stoney Creek Zoning By-law No. 3692 was submitted on May 12, 2017 and deemed to be complete on June 7, 2017. The application sought to rezone the subject lands from the “CA1-1” (Central Commercial – One) Zone to a site specific “CA1” (Central Area Commercial) Zone to permit an eight storey mixed use

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SUBJECT: Non-Statutory Public Meeting for a Zoning By-law Amendment for Lands Located at 16 and 18 King Street West (Stoney Creek) (PED18229) (Ward 5) - Page 3 of 4

building, with a maximum of 62 dwelling units and 221.9 sq m of at grade commercial floor area, with 66 parking spaces within two levels of underground parking (refer to Appendix “B” to Report PED18229). The proposed density is 389 uph.

To address the comments received on the application, the applicant was required to submit a revised submission addressing the design changes required, parking space size and road widening prior to moving the application forward to Planning Committee. At the time the appeal was filed the revised submission addressing the design changes, parking space size and road widening had not been submitted to the City.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The appeal to the Local Planning Appeal Tribunal (LPAT) was received by the City Clerk’s Office on March 29, 2018; 312 days after receipt of the initial application (refer to Appendix “C” to Report PED18229).

RELEVANT 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 333 property owners within 120 metres of the subject property on June 14, 2018, for the proposed Zoning By-law Amendment Application. In addition, a Public Notice sign was placed on the property on July 13, 2018. Nine written submissions were received in respect to the notice of complete application.

As per the Applicant’s Public Consultation Strategy, an Open House was held on September 26, 2017. Notice of the Open House was mailed to all property owners within 120 metres of the subject lands and the City on September 11, 2018 and 15 people attended the Open House and signed the Open House Sign-In sheet. Notice of a second Open House held on November 21, 2017 was mailed to all property owners within 120 metres of the subject lands, the Ward Councillor, and the City on November 1, 2017 and 13 people attended the Open House and signed the Open House Sign-In sheet.

Notice of the Non-Statutory Public Meeting was sent to 333 property owners within 120 m of the subject property, as well the people who either provided written comments or who attended the two Open House meetings.

Alternatives for Consideration – N/A

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SUBJECT: Non-Statutory Public Meeting for a Zoning By-law Amendment for Lands Located at 16 and 18 King Street West (Stoney Creek) (PED18229) (Ward 5) - Page 4 of 4

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” – Original Concept Plan

Appendix “C” – Appeal Letter

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December 4, 2018

FORWARD

TO: Co-ordinator
Planning Committee,
City of Hamilton,
71 Main St. W., 1st Flr
Hamilton, Ont.
L8P 4Y5

FAX # 905.546.2095

(original copy mailed
5/12/18)

To Whom It May Concern:

Re: Notice of Non-Statutory Public Meeting of the Planning Committee 16-18 King Street W,
Stoney Creek

The letter attached, dated December 5, 2017, was submitted in response to the initial public meeting held for the above-noted property.

As it appears the request by the owner MM Green Development and the applicant/agent A.J. Clarke and Associates has not changed from the original application, my concerns also remain the same. If there have been changes to the application, they have not been made known. There was also no acknowledgement that the concerns outlined below and submitted as required were received. In fact, there has been no correspondence or communication about this site proposal for the past year.

Additionally, I would like to address that there is a significant population of seniors living in the immediate area who use the north sidewalk to walk to the Seniors Centre on King Street. Considering that there is no pedestrian cross between Lake Ave (past the Seniors Centre) and Village Green, crossing King Street to use the sidewalk on the south side of King Street is not an option for anyone with mobility challenges. This needs to be considered as well.

Thank you for your attention,

Vicki MacNaught, Owner

Stoney Creek, Ont.
L8G1Y6

December 5, 2017

Kimberley Harrison-McMillan
Daniel Barnett
City of Hamilton, Planning Department
Via email to Kimberley.harrison-mcmillan@hamilton.ca & daniel.barnett@hamilton.ca

Re: City File # ZAC-17-044 Proposed development at 16 & 18 King Street West, Stoney Creek

Dear Ms. McMillan and Mr. Barnett:

As a property owner in close proximity to the above proposed development (10 Second Street North), I would like to go on record as opposing the development as planned and any corresponding proposed changes to bylaws to accommodate this development..

I feel that as planned, the development is not suitable for many reasons:

- The size and height of the building are too large for the property and proposed setbacks are too close to neighbouring properties and the sidewalk. There are other buildings of similar height as the proposed building in the neighbourhood, but they are on significantly larger pieces of land and do not sit right on the sidewalk or abut neighbouring properties with virtually no clearance at the property line.
- The proposed development does not provide nearly enough parking to accommodate the proposed number of units. Realistically, most households have more than 1 vehicle – to propose 66 spots for 62 units with ZERO spaces proposed for commercial and visitor parking is extremely inadequate.
- Removing further parking on the street is detrimental to downtown businesses.
- Traffic flowing in and out of the building as proposed is too close to the intersection at Second St and King Street. This will make for further dangerous situations at an intersection that is already overburdened with traffic and nearly impossible to navigate.
- Traffic on King Street is often at a dead stop at various times during the day. The potential for many more vehicles to turn into the proposed development will make this situation worse.
- With the proposed structure sitting so close to the sidewalk, pedestrian safety will also be at risk as vehicles will have to pull out onto the sidewalk in order to see as they exit the building, as proposed.
- The structure as proposed makes no attempt to fit in with any architecture in the neighbouring downtown area. Other commercial buildings in the area have been designed to fit aesthetically with neighbouring structures and the streetscape, this proposed development does not.
- No information was provided as to how and where construction vehicles were to be parked during construction.
- No information was provided as to how construction noise and disruption would affect neighbouring businesses or how it would be mitigated.

- No information was provided as to how the proposed development would affect neighbouring properties in terms of water runoff. As there is virtually no green space in the proposal, drainage is a considerable issue.
- No environmental assessment has been provided as to this new proposed development.
- There is no concern by the developer as to how this affects the neighbourhood, either in the short or long-term. The concern seems to only be how to extract as much money from the site as possible while inflicting the most permanent disruption on the neighbourhood as possible.

Developing the site would be beneficial to the neighbourhood, without question, but not as this proposal stands.

Thank you for your consideration.



Vicki MacNaught

Stoney Creek, Ont.

December 9, 2018

Coordinator
Planning Committee
City of Hamilton
71 Main Street West
Hamilton, ON
L8P 4Y5

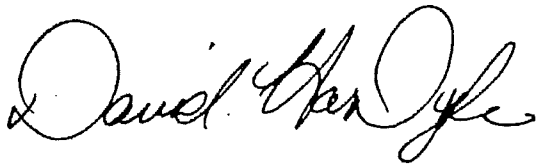
Dear Sir or Madam:

The proposed by-law change must not be allowed. I am currently conducting an air quality study of the proposed development area using equipment that will produce scientifically valid results. Early indications are that air quality is already poor. Allowing this development will very likely make it much, much worse. Both during construction and after, I believe there could be significant health impacts on seniors visiting "Club 60", all residents who attend either of the two churches right across the street, and children walking to R.L. Hyslop School. Changes to the R.L. Hyslop, Green Acres, Collegiate Avenue and Eastdale schools mean there will be very high numbers of students exposed to significant risk due to construction and increased traffic after the proposed building is finished. Consultants' claim that there will be no significant traffic impact are fantasy. Many of the units will be sold to two-car families and only one parking space per unit is being planned. Parking will be a nightmare, and the increased traffic on Second Avenue will present a clear danger to children going to Hopkins Park. It is also an encroachment on the so-called "Olde Town".

Seniors and children are disproportionately affected by poor air quality, especially the kind of particulate matter that is caused by heavy traffic and construction. The proponents clearly don't care that both short-term and long-term air quality challenges will result from their proposed development.

For once, consider the children and older people who will be affected most by this ill-advised scheme. Say no, and defend your actions by documenting air quality impacts.

Sincerely,



David Hart Dyke

Stoney Creek, ON



INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	December 11, 2018
SUBJECT/REPORT NO:	Through Streets (PED18128) (City Wide) (Outstanding Business List Item)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Kerry Davren (905) 546-2424 Ext. 6009 Peter Locs (905) 546-2424 Ext. 5441
SUBMITTED BY:	Brian Hollingworth Director, Transportation Planning and Parking Planning and Economic Development Department
SIGNATURE:	

Council Direction:

At its meeting of February 20, 2018, the Planning Committee directed:

“That staff be directed to review the rationale for overnight parking restrictions on ‘through streets’ and that this review include a review/summary of overnight parking regulations in other large Ontario municipalities and how they inform motorists of such regulations, and report back to the Planning Committee with recommendations to optimize the effectiveness of the through street system.”

Information:

The City of Hamilton designates ‘through highways’ or ‘through streets’ under a by-law to indicate which roadways require stop signs and/or yield signs as per the *Highway Traffic Act*. Without this designation, each intersection with stop or yield signs, would need to be designated by separate by-laws. In the past, many of these streets aligned with overnight parking restrictions so the two designations were merged as one by-law.

Presently, the overnight parking restrictions on ‘through streets’ are signed at City entrances – i.e., ‘no overnight parking on through streets’. There is confusion surrounding this regulation as:

- The term ‘through street’ is not unanimously understood by motorists;

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SUBJECT: Through Streets (PED18128) (City Wide) - Page 2 of 3

- Some 'through streets' do not have an overnight parking restriction under the by-law;
- Many of the 'through streets' also have 'no stopping' or 'no parking' signs which may suggest to motorists that those streets without signs would allow parking overnight;
- In some cases, there are bump-outs or meters on a designated 'through street' which would otherwise suggest to motorists that parking is permitted overnight as they are not blocking a live lane of traffic; and,
- Enforcement of 'through street' parking has been limited in some areas for many years, further confusing motorists as to when and where they can park overnight.

The traditional rationale for overnight parking restrictions is to increase the ease and efficiency of overnight road maintenance activities, such as, snow removal, pot-hole repair, and line painting. Staff conducted a comprehensive review of this rationale consulting with Public Works, Hamilton Street Railway (HSR), Emergency Measures System (EMS), and Fire, noting the following key findings:

- The greatest need for overnight parking restrictions from a maintenance perspective is on arterials in the downtown core commercial areas;
- The biggest driver of the need for restrictions is for snow removal operations;
- Where snow removal is hindered, other Public Works essential services are compromised including, waste pick up, EMS/FIRE response time, HSR service delivery, etc.;
- The overnight parking restrictions include some streets which are not necessary; and,
- The overnight parking restrictions do not capture some critical streets during snow events, such as, subdivisions where parking is permitted on both sides of the street.

Staff compared Hamilton's approach with Barrie, Guelph, Mississauga, Thunder Bay, Toronto, Windsor, Brantford, London, Kitchener, Cambridge, and Ottawa. Most municipalities use City gateway/entrance signs to notify motorists of the overnight parking restrictions, or maximum time limits, with many targeting these restrictions to winter months only. Hamilton appears unique in the approach of using the City entrance signs to post overnight parking restrictions, which do not apply to all streets. When this signing approach is used in other municipalities, it applies to all streets, unless otherwise posted, leaving no room for interpretation by the motorists.

Based on this review, staff is working on the following:

1. Separating the 'through street' from the 'overnight parking ban' designation by creating a 'no overnight parking' schedule in the Parking By-law;

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SUBJECT: Through Streets (PED18128) (City Wide) - Page 3 of 3

2. Investigating the possibility of signing streets which have overnight parking bans. As many of the streets already have signs, it is possible that the costs can be absorbed in the current operating budget for signage. A preliminary review of the downtown indicates signing areas requested by Public Works would be approximately \$15,000, which can be absorbed in the Current HMPS Budget; and,
3. Clarifying, with Public Works, which roadways are in critical need of an overnight parking ban year-round vs only for winter months, and developing a potential plan for creating a parking ban during winter months similar to other municipalities.

CONCLUSION

Staff will continue on the above-noted work plan, consulting appropriately with the public and Ward Councillors, and report back to Council for approval as required. It is understood that certain streets currently have 'through street' designations that have been identified as unnecessary. Operations staff will continue to work with By-law Enforcement to ensure they focus on required streets while the by-law is being updated.

KD:PL:cr



INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	December 11, 2018
SUBJECT/REPORT NO:	EV Chargers in Hamilton Municipal Parking System Lots (PED18250) (City Wide) (Outstanding Business List Item)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Chris King (905) 546-2424 Ext. 5110 Allen Hand (905) 546-2424 Ext. 5441
SUBMITTED BY:	Brian Hollingworth Director, Transportation Planning & Parking Planning and Economic Development Department
SIGNATURE:	

Council Direction:

At its meeting of December 5, 2017, the Planning Committee directed:

- (a) That the appropriate Planning 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;
- (b) That staff contact the Province of Ontario in an effort to capitalize on the current EVCO Grant Program to assist Hamilton in providing more of this infrastructure;
- (c) That staff from the Parking Division monitor the use at the existing two EV Charger Stations at the York Parkade to ensure greater turn-over; and,
- (d) That the City Hall location be included in any future expansions of EV Charging Stations.

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**SUBJECT: EV Chargers in Hamilton Municipal Parking System Lots (PED18250)
(City Wide) - Page 2 of 4**

Information:

Motion items:

(a) *Electric Vehicle Overview*

Current Electric Vehicle (EV) charging technology is classified into the following three levels dependent on their respective maximum electrical output and charging times:

Charger Type	Power Requirement	Approximate Charge Time* (full charge)
Level 1	120 volt	7 - 30+ hours
Level 2	240 volt	2 - 14 hours
Level 3	400+ volt	30 min – 1 hour

*Dependent on Vehicle Battery size/chemistry/temperature

Level two charging stations offer the largest range of vehicle compatibility compared to level three stations.

Depending on the product selected, the estimated hardware and installation costs for one level two EV charging space would range between \$6,000 to \$12,000.

The installation costs are highly variable, depending on the availability of hydro infrastructure and related requirements.

For illustrative purposes, it is estimated that the total capital investment for ten charging spaces distributed between City Hall, the Hamilton Convention Centre, and the York Parkade parking garage would be approximately \$90,000, based on midpoint range of estimated hardware and installation costs.

Cost Recovery

Most municipalities in Ontario that have installed electric charging stations in public facilities have adopted a “no fee” structure (other than paying the applicable parking fees) for a defined timeframe, often as part of a pilot project. The rationale behind providing free charging is to help facilitate the uptake in EVs and the environmental benefits that are realized. A similar approach is used for the two charging stations in the York Parkade where users are not charged any separate fee other than the regular parking rate.

Pay-per-use stations require the EV owner to remit payment based on the fees imposed by the charging station owner. Typically, these fees are set up to recover all or a portion of the costs. An emerging approach is to establish a fee structure that incentivises short

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**SUBJECT: EV Chargers in Hamilton Municipal Parking System Lots (PED18250)
(City Wide) - Page 3 of 4**

term use of the spaces for charging and discourages use for longer term parking. Such fee structures can be built into the charging unit.

Another alternative for reducing initial costs is to take advantage of offers from specific EV manufacturers to install charging stations free of charge. However, the EV stations installed are based on propriety technologies specific to a make of vehicle, and, are therefore, less attractive from a public policy perspective.

Advertising revenues from displays at the charging stations are being considered by some jurisdictions to off-set costs, but it is unclear if spaces in public lots would generate sufficient foot traffic exposure.

(b) Grants

The Ontario Electric and Hydrogen Vehicle Incentive Program, and the Electric Vehicle Charging Incentive Programs were funded through cap-and-trade proceeds. These EV incentive programs were cancelled on July 3, 2018.

Prior to July 3, 2018, staff contacted the Ontario Ministry of Transportation (MTO) to enquire about the availability for funding, and program details. Upon receipt of information from MTO, staff were advised that the application window had closed due to funds being exhausted.

The City will continue to explore any future grants, and partnering opportunities.

(c) York Parkade Parking Garage

The Hamilton Municipal Parking System (HMPS) currently operates two EV charging stations, located within the York Parkade parking garage. No fee is imposed to utilize the charging station but regular parking fees apply.

Staff have received feedback that one or more EVs routinely park at the York Parkade and does not move once charging is complete, thereby, reducing turnover and the opportunity for other vehicles to charge. An audit was completed in October 2018 and found that there is an acceptable level of turnover. Staff will continue to monitor this, as well as future locations, as part of any EV charging implementation plan.

(d) City Hall Car Park

HMPS staff are assessing several locations within downtown City owned car parks and garages, including the City Hall car park. Other potential locations could include surface lots within the Business Improvement Area (BIA) where there is a high turnover of parking

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and presence of drivers from out of the City that may require EV charging during their visit.

At present, funding to purchase additional charging stations is not included in the ten-year capital plan.

Additional information:

- As of 2018, there are approximately 60,000 Electric Vehicles (EVs) in Canada;
- Between 2017 and 2018 the Ontario EV market saw a 273% increase in sales (1,842 vehicles in 2017 vs 6,866 in 2018); and,
- When compared to gasoline vehicles, the share of EVs sold in Ontario in 2018 has tripled over previous years.

One of the major barriers to the adoption of EVs is “range anxiety” due to the availability of charging infrastructure. Compared to 18 area municipalities with a population over 100,000, Hamilton ranks last with respect to the number of EV chargers per capita.

This lack of inventory creates a barrier to the uptake of EVs within the community and may also have an impact on destination choices for potential tourist visitors.

This highlights the opportunity to increase the provision of convenient, accessible and reliable charging options for EV drivers to ensure that Hamilton is well placed to handle the increase in EVs and to become a destination for EV drivers.

Next Steps:

Staff will continue to monitor potential funding programs for EV charging stations and, as part of on-going infrastructure planning, prepare a detailed feasibility assessment to determine capital investment and infrastructure planning requirements.

As this Report addresses the issue of increasing the number of EV charging stations in the downtown, on the Planning Committee Outstanding Business List, it is appropriate to be identified as complete and can be removed from the list.

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