



City of Hamilton
PLANNING COMMITTEE REVISED

Meeting #: 19-002
Date: February 5, 2019
Time: 9:30 a.m.
Location: Council Chambers, Hamilton City Hall
71 Main Street West

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

	Pages
1. CEREMONIAL ACTIVITIES	
2. APPROVAL OF AGENDA (Added Items, if applicable, will be noted with *)	
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13. GENERAL INFORMATION / OTHER BUSINESS

13.1 Changes to the Outstanding Business List

13.1.a Items to be Removed:

Item O - Status of Accessible Taxi Plate applications
(Addressed as Item 7.4 on the January 15, 2019 agenda)

Item S - Overnight Parking Restrictions
(Addressed as Item 10.2 on the December 11, 2018 agenda)

Item W - Report PED18080 Deferred
(Addressed as Item 8.4 on the December 11, 2018 agenda)

Item BB - Terrapure Stoney Creek Regional Facility EA
(Addressed as Item 14.1 on this agenda)

- 13.1.b Items Requiring a New Due Date:
- Item B - C.I. to Amend Hamilton Zoning By-law No. 6593 for 118 to 338 Mountain Brow Boulevard
Current Due Date: January 15, 2019
Proposed New Due Date: July 9, 2019
- Item C - OMB Decision re 121 Augusta St.
Current Due Date: January 15, 2019
Proposed New Due Date: April 16, 2019
- Item E - HMHC Report 14-009 recommendations to included 206, 208 and 210 King St East in the Register of Property of Cultural Heritage Value or Interest
Current Due Date: January 15, 2019
Proposed New Due Date: July 9, 2019
- Item G - Feasibility of By-law to ensure that Tree Removal Contractors have a City Business Licence
Current Due Date: January 15, 2019
Proposed New Due Date: February 19, 2019
- Item I - City's Policies re: Boulevard Standards and options for future designs
Current Due Date: February 19, 2019
Proposed New Due Date: March 19, 2019
- Item J - Sign Variance Appeal - 430 McNeilly Road (Losani Homes)
Current Due Date: February 19, 2019
Proposed New Due Date: March 19, 2019
- Item T - Development Fee Review - Staffing Requirements
Current Due Date: TBD
Proposed New Due Date: April 2, 2019

14. PRIVATE AND CONFIDENTIAL

- 14.1 Terrapure Stoney Creek Regional Facility Environmental Assessment (EA) - Compensation Agreement (LS18045(a) / FCS18072(a)) (Distributed under separate cover)
Pursuant to Section 8.1, Sub-section (f) and (k) of the City's Procedural By-law 18-270, and Section 239(2), Sub-sections (f) and (k) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and, a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.
- 14.2 Local Planning Appeal Tribunal appeals by The Green Organic Dutchman Holdings Limited (PL180732 and PL180818) - settlement proposal (LS19006) (Distributed under separate cover)
Pursuant to Section 8.1, Sub-section (e) and (f) of the City's Procedural By-law 18-270, and Section 239(2), Sub-sections (e) and (f) of the *Ontario 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.

15. ADJOURNMENT



PLANNING COMMITTEE

MINUTES 19-001

9:30 a.m.

Tuesday, January 15, 2019

Council Chambers

Hamilton City Hall

71 Main Street West

Present: Councillors M. Pearson (Chair), M. Wilson, J. Farr (1st Vice Chair), C. Collins, J.P. Danko, B. Clark, B. Johnson (2nd Vice Chair), T. Whitehead, J. Partridge

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

- 1. Early Release of PED19027 respecting Bill 66 – Restoring Ontario’s Competitiveness Act, 2018 (Schedule 10) (Added Item 11.1)**

(Clark/Partridge)

That report PED19027 respecting Bill 66 – Restoring Ontario’s Competitiveness Act, 2018 (Schedule 10), scheduled for the February 5th Planning Committee meeting agenda, be made public on January 16, 2019.

Result: Motion CARRIED by a vote of 9 to 0, as follows:

YES – Ward 1 Councillor Maureen Wilson
YES – Ward 2 Councillor Jason Farr
YES – Ward 5 Councillor Chad Collins
YES – Ward 8 Councillor John-Paul Danko
YES – Ward 9 Councillor Brad Clark
YES – Ward 10 Councillor Maria Pearson
YES – Ward 11 Councillor Brenda Johnson
YES – Ward 14 Councillor Terry Whitehead
YES – Ward 15 Councillor Judi Partridge

- 2. Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED19004) (City Wide) (Item 7.2)**

(Collins/Whitehead)

That Report PED19004 respecting Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications, be received.

CARRIED

3. Housekeeping Amendments to the City of Hamilton Property Standards By-law 10-221 and Yard Maintenance By-law 10-118 (PED19011) (City Wide) (Item 7.3)

(Collins/Clark)

That Report PED19011 respecting Housekeeping Amendments to the City of Hamilton Property Standards By-law 10-221 and Yard Maintenance By-law 10-118, be received, and referred back to staff to include details on the changes being proposed.

Result: Motion CARRIED by a vote of 8 to 0, as follows:

YES – Ward 1 Councillor Maureen Wilson
 YES – Ward 2 Councillor Jason Farr
 YES – Ward 5 Councillor Chad Collins
 NOT PRESENT – Ward 8 Councillor John-Paul Danko
 YES – Ward 9 Councillor Brad Clark
 YES – Ward 10 Councillor Maria Pearson
 YES – Ward 11 Councillor Brenda Johnson
 YES – Ward 14 Councillor Terry Whitehead
 YES – Ward 15 Councillor Judi Partridge

4. Equitable Access to City's Taxi System for All Persons with Disabilities Update (PED16232(c)) (City Wide) (Item 7.4)

(Collins/Farr)

That Report PED16232(c) respecting Equitable Access to City's Taxi System for All Persons with Disabilities Update, be received.

CARRIED

5. To Amend Zoning By-law No. 05-200 to Correct Typographical Errors for Lands Located at 19 Highland Road East, Stoney Creek (PED18169(a)) (Ward 9) (Item 7.5)

(Clark/Johnson)

That Amended Zoning By-law Amendment Application ZAC-17-055 by Five SAC (Owner), for a further modification to the Rural Industrial (E2, 155, H2) Zone - Holding to permit the development of three self-storage (U-Haul) buildings for lands located at 19 Highland Road East (Stoney Creek), as shown on Appendix "A" to Report PED18169(a), be APPROVED on the following basis:

- (a) That By-law No. 18-308, respecting 19 Highland Road East, Stoney Creek be amended to correct the errors in the By-law and in the Schedule "A";
- (b) That the Amended draft By-law attached as Appendix "B" to Report PED18169(a), which corrects the errors in the By-law and in the Schedule "A" which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

- (c) That the amending By-law be added to Schedule C – Special Exceptions of Zoning By-law No. 05-200;
- (d) That this By-law will comply with the Urban Hamilton Official Plan upon approval of Urban Hamilton Official Plan Amendment No. 20; and,
- (e) ***That the errors on page 3 of Appendix B of Report PED18169(a) respecting the Ward number, Report number and date, be corrected.***

Result: Motion, As Amended, CARRIED by a vote of 8 to 0, as follows:

YES – Ward 1 Councillor Maureen Wilson
 YES – Ward 2 Councillor Jason Farr
 YES – Ward 5 Councillor Chad Collins
 NOT PRESENT – Ward 8 Councillor John-Paul Danko
 YES – Ward 9 Councillor Brad Clark
 YES – Ward 10 Councillor Maria Pearson
 YES – Ward 11 Councillor Brenda Johnson
 YES – Ward 14 Councillor Terry Whitehead
 YES – Ward 15 Councillor Judi Partridge

6. Application to Amend the City of Hamilton Zoning By-law No. 6593 for Lands Located at 865 West 5th Street, Hamilton (PED19002) (Ward 8) (Item 8.1)

(Whitehead/Partridge)

That Zoning By-law Amendment Application ZAR-18-026 by William Gordon Prior (Owner), for a change in zoning from the “AA” (Agricultural) District to the “C” (Urban Protected Residential, etc.) District to permit the development of two single detached dwellings fronting onto Fortissimo Drive for lands located at 865 West 5th Street (Hamilton), as shown on Appendix “A” to Report PED19002, be APPROVED on the following basis:

- (a) That the Draft By-law, attached as Appendix “B” to Report PED19002, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the amending By-law, attached as Appendix “B” to Report PED19002 be added to Schedule Zoning Map No. W17c of the City of Hamilton Zoning By-law No. 6593;
- (c) That the proposed modification in zoning is consistent with the Provincial Policy Statement (PPS), conforms to the Growth Plan for the Greater Golden Horseshoe (2017), and complies with the Urban Hamilton Official Plan; and,
- (d) ***That there were no public submissions received regarding this matter.***

Result: Motion, As Amended, CARRIED by a vote of 8 to 0, as follows:

YES – Ward 1 Councillor Maureen Wilson
 YES – Ward 2 Councillor Jason Farr
 YES – Ward 5 Councillor Chad Collins
 NOT PRESENT – Ward 8 Councillor John-Paul Danko
 YES – Ward 9 Councillor Brad Clark
 YES – Ward 10 Councillor Maria Pearson
 YES – Ward 11 Councillor Brenda Johnson
 YES – Ward 14 Councillor Terry Whitehead
 YES – Ward 15 Councillor Judi Partridge

7. Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 119 Highway No. 5 West, Flamborough (PED19003) (Ward 15) (Item 8.2)

(Partridge/Collins)

That Zoning By-law Amendment Application ZAR-18-043 by Richard Dean Raspberry, Kevin Mitchell Raspberry and Lois Leone Worrod (Owners), for a modification to the Rural (A2) Zone to permit a 3,300 sq m farm product supply building for lands located at 119 Highway No. 5 West (Flamborough), as shown on Appendix “A” to Report PED19003, be APPROVED on the following basis:

- (a) That the Draft By-law, attached as Appendix “B” to Report PED19003, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the proposed modification in zoning is consistent with the Provincial Policy Statement (PPS), conforms to the Greenbelt Plan (2017), and complies with the Rural Hamilton Official Plan; and,
- (c) *That there were no public submissions received regarding this matter.*

Result: Motion, As Amended, CARRIED by a vote of 7 to 0, as follows:

YES – Ward 1 Councillor Maureen Wilson
 YES – Ward 2 Councillor Jason Farr
 YES – Ward 5 Councillor Chad Collins
 NOT PRESENT – Ward 8 Councillor John-Paul Danko
 YES – Ward 9 Councillor Brad Clark
 YES – Ward 10 Councillor Maria Pearson
 YES – Ward 11 Councillor Brenda Johnson
 NOT PRESENT – Ward 14 Councillor Terry Whitehead
 YES – Ward 15 Councillor Judi Partridge

8. Application for an Amendment to the City of Stoney Creek Zoning By-law No. 3692-92, for Lands Located at 90 Creanona Boulevard (Stoney Creek) (PED19024) (Ward 10) (Item 8.3)

(Pearson/Johnson)

- (a) That Amended Zoning By-law Amendment Application ZAR-17-033, Frank and Brenda Pyringer, Owners, for a change in zoning from the Neighbourhood Development “ND” Zone and the Single Residential “R2” Zone to the Single Residential “R3-43” Zone, Modified (Block 1) and the Single Residential “R2-65” Zone (Blocks 3 and 4), to permit the development of four lots for single detached dwellings and recognize the existing single detached dwelling and accessory structure, on lands located at 90 Creanona Boulevard (Stoney Creek), as shown on Appendix “A” to Report PED19024, be APPROVED, on the following basis:
- (i) That the draft By-law, attached as Appendix “B” to Report PED19024, 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.
- (b) That Amended Zoning By-law Amendment Application ZAR-17-033, Frank and Brenda Pyringer, Owners, for a change in zoning from the Neighbourhood Development “ND” Zone to the Conservation / Hazard Lands (P5, 717) Zone, on lands located 90 Creanona Boulevard (Stoney Creek) as shown on Appendix “A” to Report PED19024, be APPROVED, on the following basis:
- (i) That the draft By-law, attached as Appendix “C” to Report PED19024, 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.
- (c) ***That the public submissions received regarding this matter did not affect the decision.***

Result: Motion, As Amended, CARRIED by a vote of 9 to 0, as follows:

YES – Ward 1 Councillor Maureen Wilson
YES – Ward 2 Councillor Jason Farr
YES – Ward 5 Councillor Chad Collins
YES – Ward 8 Councillor John-Paul Danko

YES – Ward 9 Councillor Brad Clark
 YES – Ward 10 Councillor Maria Pearson
 YES – Ward 11 Councillor Brenda Johnson
 YES – Ward 14 Councillor Terry Whitehead
 YES – Ward 15 Councillor Judi Partridge

9. Application for Amendment to the City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 560 Grays Road (Hamilton and Stoney Creek) (PED19001) (Ward 10) (Item 8.4)

(Pearson/Clark)

- (a) That Zoning By-law Amendment Application ZAC-18-017, by Silvestri Homes, (Owner) to further amend the Multiple Residential “RM3-58” Zone to permit the development of a six storey multiple dwelling containing 151 dwelling units on the lands known as 560 Grays Road (Hamilton and Stoney Creek), as shown on Appendix “A” to Report PED19001, be APPROVED on the following basis:
- (i) That the draft By-law, attached as Appendix “B” to Report PED19001, 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;
- (b) That upon the finalization of the amending By-law, the subject lands be re-designated from “Medium Density Residential” to “High Density Residential” in the Lakeshore Neighbourhood Plan.
- (c) That in accordance with the City of Hamilton Financial Policies, that there will be no City share for the costs associated with the stormwater management infrastructure upgrades associated with this development.
- (d) *That the public submissions received regarding this matter did not affect the decision.***

Result: Motion, As Amended, CARRIED by a vote of 6 to 2, as follows:

YES – Ward 1 Councillor Maureen Wilson
 YES – Ward 2 Councillor Jason Farr
 NO – Ward 5 Councillor Chad Collins
 YES – Ward 8 Councillor John-Paul Danko
 YES – Ward 9 Councillor Brad Clark
 YES – Ward 10 Councillor Maria Pearson
 NOT PRESENT – Ward 11 Councillor Brenda Johnson
 YES – Ward 14 Councillor Terry Whitehead
 NO – Ward 15 Councillor Judi Partridge

10. **Appeal to LPAT (formerly OMB) for 609 and 615 Hamilton St. N., 3 Nisbet Blvd., 129-137 Truedell Circle (Town Centre) (PL171331) – OPA (UHOPA-17-03), ZBA (ZAC-17-013) and Plan of Subdivision (25T-201702) (LS19005) (Ward 15) (Item 14.1)**

(Partridge/Clark)

- (a) That the recommendations of Report LS19005 be approved;
- (b) That Report LS19005 remain private and confidential; and,
- (c) That the recommendations of Report LS19005 be made public when directed by the City Solicitor.

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES – Ward 1 Councillor Maureen Wilson
 NOT PRESENT – Ward 2 Councillor Jason Farr
 NOT PRESENT – Ward 5 Councillor Chad Collins
 YES – Ward 8 Councillor John-Paul Danko
 YES – Ward 9 Councillor Brad Clark
 YES – Ward 10 Chair Maria Pearson
 NOT PRESENT – Ward 11 Councillor Brenda Johnson
 YES – Ward 14 Councillor Terry Whitehead
 YES – Ward 15 Councillor Judi Partridge

FOR INFORMATION:

(a) APPROVAL OF THE AGENDA (Item 2)

The Committee Clerk advised there were no additions to the agenda, but noted that the title of Item 14.1 had been revised after publishing to: Appeal to LPAT (formerly OMB) for 609 and 615 Hamilton St. N., 3 Nisbet Blvd., 129-137 Truedell Circle (Town Centre) (PL171331) – OPA (UHOPA-17-03), ZBA (ZAC-17-013) and Plan of Subdivision (25T-201702) (LS19005) (Ward 15).

(Johnson/Partridge)

That the agenda for the January 15, 2019 meeting be approved, as presented.

CARRIED

(b) MOTIONS (Item 11)

(i) Early Release of PED19027 respecting Bill 66 – Restoring Ontario’s Competitiveness Act, 2018 (Schedule 10) (Added Item 11.1)

Councillor Clark asked General Manager Jason Thorne to provide the Committee with an update on Bill 66 – Restoring Ontario’s Competitiveness Act, 2018.

Jason Thorne provided an update on the PED Talks and Steve Robichaud provided an update on Planning staffing issues.

For disposition of this matter, refer to Item 1.

(c) DECLARATIONS OF INTEREST (Item 3)

None declared.

(d) APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING (Item 4)

(i) December 11, 2018 (Item 4.1)

(Wilson/Danko)

That the Minutes of the December 11, 2018 meeting be approved, as presented.

Result: Motion CARRIED by a vote of 8 to 0, as follows:

YES – Ward 1 Councillor Maureen Wilson
 YES – Ward 2 Councillor Jason Farr
 YES – Ward 5 Councillor Chad Collins
 YES – Ward 8 Councillor John-Paul Danko
 YES – Ward 9 Councillor Brad Clark
 YES – Ward 10 Chair Maria Pearson
 YES – Ward 11 Councillor Brenda Johnson
 NOT PRESENT – Ward 14 Councillor Terry Whitehead
 YES – Ward 15 Councillor Judi Partridge

(e) CONSENT ITEMS (Item 7)

(i) Amendments to By-law 18-199 Being a By-law to Prohibit Driving School Instructing in the Restricted Areas (PED17179(b)) (Ward 5) (Item 7.1)

(Collins/Farr)

That Report PED17179(b) respecting Amendments to By-law 18-199 Being a By-law to Prohibit Driving School Instructing in the Restricted Areas, be deferred to a future meeting of the Planning Committee.

CARRIED

(ii) To Amend Zoning By-law No. 05-200 to Correct Typographical Errors for Lands Located at 19 Highland Road East, Stoney Creek (PED18169(a)) (Ward 9) (Item 7.5)

(Clark/Patridge)

That the recommendations in Report PED18169(a) be amended to add sub-section (e) as follows:

- (e) ***That the errors on page 3 of Appendix B of Report PED18169(a) respecting the Ward number, Report number and date, be corrected.***

Result: Motion CARRIED by a vote of 8 to 0, as follows:

YES – Ward 1 Councillor Maureen Wilson
 YES – Ward 2 Councillor Jason Farr
 YES – Ward 5 Councillor Chad Collins
 NOT PRESENT – Ward 8 Councillor John-Paul Danko
 YES – Ward 9 Councillor Brad Clark
 YES – Ward 10 Councillor Maria Pearson
 YES – Ward 11 Councillor Brenda Johnson
 YES – Ward 14 Councillor Terry Whitehead
 YES – Ward 15 Councillor Judi Partridge

For disposition of this matter, refer to Item 5.

(f) DELEGATIONS/PUBLIC HEARING (Item 8)

- (i) Application to Amend the City of Hamilton Zoning By-law No. 6593 for Lands Located at 865 West 5th Street, Hamilton (PED19002) (Ward 8) (Item 8.1)**

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

No members of the public came forward.

(Whitehead/Collins)

That the public meeting be closed.

CARRIED

(Whitehead/Collins)

That the staff presentation be waived.

CARRIED

James Webb of WEBB Planning Consultants, agent for the applicant was in attendance and indicated that the applicant is in agreement with the staff report.

(Whitehead/Partridge)

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

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

Result: Amendment CARRIED by a vote of 8 to 0, as follows:

YES – Ward 1 Councillor Maureen Wilson
 YES – Ward 2 Councillor Jason Farr
 YES – Ward 5 Councillor Chad Collins
 NOT PRESENT – Ward 8 Councillor John-Paul Danko
 YES – Ward 9 Councillor Brad Clark
 YES – Ward 10 Councillor Maria Pearson
 YES – Ward 11 Councillor Brenda Johnson
 YES – Ward 14 Councillor Terry Whitehead
 YES – Ward 15 Councillor Judi Partridge

For disposition of this matter, refer to Item 6.

(ii) Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 119 Highway No. 5 West, Flamborough (PED19003) (Ward 15) (Item 8.2)

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

No members of the public came forward.

(Partridge/Collins)

That the public meeting be closed.

CARRIED

(Partridge/Collins)

That the staff presentation be waived.

CARRIED

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

(Partridge/Collins)

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

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

Result: *Amendment CARRIED by a vote of 7 to 0, as follows:*

YES – Ward 1 Councillor Maureen Wilson

YES – Ward 2 Councillor Jason Farr

YES – Ward 5 Councillor Chad Collins

NOT PRESENT – Ward 8 Councillor John-Paul Danko

YES – Ward 9 Councillor Brad Clark

YES – Ward 10 Councillor Maria Pearson

YES – Ward 11 Councillor Brenda Johnson

NOT PRESENT – Ward 14 Councillor Terry Whitehead

YES – Ward 15 Councillor Judi Partridge

For disposition of this matter, refer to Item 7.

Councillor Pearson relinquished the Chair to Councillor Farr.

(iii) Application for an Amendment to the City of Stoney Creek Zoning By-law No. 3692-92, for Lands Located at 90 Creanona Boulevard (Stoney Creek) (PED19024) (Ward 10) (Item 8.3)

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

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/Johnson)

That the staff presentation be received.

CARRIED

Stephen Fraser, A.J. Clarke and Associates Ltd., agent for the applicant was in attendance and indicated that the applicant is in agreement with the staff report.

Delegations

1. Paulette Gillies, 96 Creanona Blvd.

Paulette Gillies addressed the Committee and expressed concerns with the proposal.

(Pearson/Partridge)

That the Delegations be received.

CARRIED

(Pearson/Johnson)

That the public meeting be closed.

CARRIED

(Pearson/Johnson)

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.***

Result: Amendment CARRIED by a vote of 9 to 0, as follows:

YES – Ward 1 Councillor Maureen Wilson
 YES – Ward 2 Councillor Jason Farr
 YES – Ward 5 Councillor Chad Collins
 YES – Ward 8 Councillor John-Paul Danko
 YES – Ward 9 Councillor Brad Clark
 YES – Ward 10 Councillor Maria Pearson
 YES – Ward 11 Councillor Brenda Johnson
 YES – Ward 14 Councillor Terry Whitehead
 YES – Ward 15 Councillor Judi Partridge

For disposition of this matter, refer to Item 8.

- (iv) Application for Amendment to the City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 560 Grays Road (Hamilton and Stoney Creek) (PED19001) (Ward 10) (Item 8.4)**

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

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

Jennifer Roth, 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/Clark)

That the staff presentation be received.

CARRIED

John Ariens, IBI Group, agent for the applicant was in attendance and indicated that the applicant is in agreement with the staff report. John Ariens addressed Committee with the aid of a PowerPoint presentation. A copy is available for viewing on the City's website.

(Pearson/Partridge)

That the agent's presentation be received.

CARRIED

Delegations

1. Trudy and Bill Moffatt, 584 Gray's Road

Trudy and Bill Moffatt addressed the Committee and expressed concerns with the proposal.

(Pearson/Collins)

That the Delegation be received.

CARRIED

(Pearson/Partridge)

That the public meeting be closed.

CARRIED

(Pearson/Clark)

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.*

Result: Amendment CARRIED by a vote of 8 to 0, as follows:

YES – Ward 1 Councillor Maureen Wilson

YES – Ward 2 Councillor Jason Farr

YES – Ward 5 Councillor Chad Collins
 YES – Ward 8 Councillor John-Paul Danko
 YES – Ward 9 Councillor Brad Clark
 YES – Ward 10 Councillor Maria Pearson
 NOT PRESENT – Ward 11 Councillor Brenda Johnson
 YES – Ward 14 Councillor Terry Whitehead
 YES – Ward 15 Councillor Judi Partridge

For disposition of this matter, refer to Item 9.

(Clark/Whitehead)

That staff be directed to report back to the Planning Committee on mechanisms to enforce height restrictions and alternative options at a future meeting.

Result: Motion CARRIED by a vote of 7 to 0, as follows:

YES – Ward 1 Councillor Maureen Wilson
 YES – Ward 2 Councillor Jason Farr
 NOT PRESENT – Ward 5 Councillor Chad Collins
 YES – Ward 8 Councillor John-Paul Danko
 YES – Ward 9 Councillor Brad Clark
 YES – Ward 10 Councillor Maria Pearson
 NOT PRESENT – Ward 11 Councillor Brenda Johnson
 YES – Ward 14 Councillor Terry Whitehead
 YES – Ward 15 Councillor Judi Partridge

Councillor Pearson assumed the Chair.

(g) GENERAL INFORMATION/OTHER BUSINESS (Item 13)

(i) Outstanding Business List (Item 13.1)

(Whitehead/Partridge)

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

Item O - Status of Accessible Taxi Plate Apps (Addressed as Item 7.4 on this agenda)

Item S - Review of Overnight Parking Restrictions on through streets (Addressed as Item 10.2 on the December 11, 2018 agenda)

Item W - Application for Condo Conversion for 115 Main Street East (Addressed as Item 8.4 on the December 11, 2018 agenda)

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

Item C - OMB Decision re 121 Augusta Street

Current Due Date: January 15, 2019
Proposed New Due Date: April 19, 2019

Item G - Tree Cutting Services By-law
Current Due Date: January 15, 2019
Proposed New Due Date: February 19, 2019

Item I - Policies respecting Boulevard Standards
Current Due Date: February 19, 2019
Proposed New Due Date: March 19, 2019

Item J - Sign Variance Appeal, 430 McNeilly Road
Current Due Date: February 19, 2019
Proposed New Due Date: March 19, 2019

Item EE - Community Consultation re: Creative industries and film
productions studios in the Barton & Tiffany lands
Current Due Date: January 15, 2019
Proposed New Due Date: February 19, 2019

Item FF - Update on Statement of Cultural Heritage Value of Interest
re: Item 1 of HMHC Report 18-009
Current Due Date: December 11, 2018
Proposed New Due Date: June 18, 2019

Item HH - Cartier Crescent Extension - Information Report
Current Due Date: TBD
Proposed New Due Date: February 2020

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES – Ward 1 Councillor Maureen Wilson
NOT PRESENT – Ward 2 Councillor Jason Farr
NOT PRESENT – Ward 5 Councillor Chad Collins
YES – Ward 8 Councillor John-Paul Danko
YES – Ward 9 Councillor Brad Clark
YES – Ward 10 Chair Maria Pearson
NOT PRESENT – Ward 11 Councillor Brenda Johnson
YES – Ward 14 Councillor Terry Whitehead
YES – Ward 15 Councillor Judi Partridge

(h) PRIVATE AND CONFIDENTIAL (Item 14)

The Committee determined they did not need to move into Closed Session.

- (i) Appeal to LPAT (formerly OMB) for 609 and 615 Hamilton St. N., 3 Nisbet Blvd., 129-137 Truedell Circle (Town Centre) (PL171331) – OPA (UHOPA-17-03), ZBA (ZAC-17-013) and Plan of Subdivision (25T-201702) (LS19005) (Ward 15) (Item 14.1)**

For disposition of the matter refer to Item 10.

(i) ADJOURNMENT (Item 15)

(Wilson/Danko)

That, there being no further business, the Planning Committee be adjourned at 1:25 p.m.

CARRIED

Respectfully submitted,

Councillor M. Pearson
Chair, Planning Committee

Lisa Chamberlain
Legislative Coordinator
Office of the City Clerk

BEACH CANAL LIGHTHOUSE GROUP

Jan 11/2019

Councillor Chad Collins:
City of Hamilton

Letter of Support: for your offer of Beach Strip dedicated Funds to support the Beach Canal Lighthouse Restoration Project.

On behalf of the Executive Committee of the Beach Canal Lighthouse Group of which I currently chair, I would like to confirm the unanimous support of the Committee for the transfer of funds as discussed in our meeting on Dec 20 2018.

These funds would cover the Engineering Assessment of the structures and development of a scope of work to guide the restoration process. The study would identify any steps that should be taken immediately to arrest denigration of the Light tower and Keeper's Cottage.

We sincerely appreciate your ongoing support and look forward to a positive outcome.

Sincerely,

George Thomson
Chair, Beach Canal Lighthouse group Executive Committee.

George A. Thomson, Chairman, Executive Committee
sandyt@thomson-gordon.com

Form: Request to Speak to Committee of Council

Submitted on Saturday, January 12, 2019 - 8:21 am

==Committee Requested==

Committee: Planning Committee

==Requestor Information==

Name of Individual: Abby Murray Wark

Name of Organization: University Plaza Area Residents Association Incorporated

Contact Number:

Email Address: uparainc@gmail.com

Mailing Address:

Dundas ON

Reason(s) for delegation request:

University Plaza Area Residents Association Incorporated (UPARA) was formed to promote the interests of residents in the area surrounding University Plaza and to advocate for the neighbourhood's livability and general welfare.

On behalf of the Dundas and West Hamilton residents it represents — particularly the seniors, many of whom are frail and do not drive, students, and those living on low or fixed incomes — UPARA opposes converting the existing Metro grocery store space to a Canadian Tire store and automotive centre with ten vehicle repair bays, as proposed in Site Plan File SPA 18-038.

Our opposition rests on the following arguments:

1. Misplacement of the proposed Canadian Tire in a C6 rather than a C7 zoning area
2. Significant gaps between this proposal and requirements clearly outlined in the Urban Hamilton Official Plan, and
3. The objective, documented need for a full-service grocery store in this part of Dundas.

We wish to present our concerns, arguments, and supporting documentation to the Planning and/or General Issues Committee, or such committee as the Clerk deems appropriate. We respectfully ask the City to fully consider these issues before taking any further action that would advance Canadian Tire's proposed move to University Plaza.

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 Thursday, January 17, 2019 - 1:07 pm

==Committee Requested==

Committee: Planning Committee

==Requestor Information==

Name of Individual: Sergio Manchia

Name of Organization: UrbanSolutions Planning & Land
Development Consultants Inc.

Contact Number: 9055461087

Email Address:

Mailing Address:

105 Main Street East, Suite 501
Hamilton, ON
L8N 1G6

Reason(s) for delegation request: To address the
Committee regarding the Demolition Permit applications for
255 and 257 Wellington Street North.

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, January 18, 2019 - 9:43 am

==Committee Requested==

Committee: Planning Committee

==Requestor Information==

Name of Individual: Garth Brown

Name of Organization:

Contact Number:

Email Address:

Mailing Address:

Oakville ON

Reason(s) for delegation request:

The shortage of housing in Hamilton is not a new phenomenon, but affordability and availability of rental units has never been more severe. An immediate solution to create new and affordable housing stock is to amend existing by-laws to compel homeowners and investors to create legal secondary dwelling units in their home. Section 19 (Residential Conversion Requirements (92-281)) currently requires dwelling units to have a minimum floor area of 65 square metres. I will delegate to replace this space requirement with guidelines similar to those existing in the City of Guelph found at:

<https://guelph.ca/city-hall/planning-and-development/community-plans-studies/housing/shared-rental-housing/accessory-apartment-regulations/>

By allowing for this 'size based on use' model, we can quickly generate new inventory of legal affordable homes for family members, caregivers, and for many of the 6,000 individuals and families applying for housing through Hamilton's housing wait list.

I will also propose amendments to ceiling height and parking requirements within the same by-law.

I thank you for the opportunity to speak with the committee regarding the urgent need for new housing stock and look forward to their compassion in considering and implementing these necessary changes.

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, January 18, 2019 - 2:37 pm

==Committee Requested==

Committee: Planning Committee

==Requestor Information==

Name of Individual: Gord McNulty

Name of Organization: Hamilton Naturalists' Club

Contact Number:

Email Address:

Mailing Address:

Hamilton, ON

Reason(s) for delegation request: I would like to outline the views of the Hamilton Naturalists' Club regarding Bill 66, Restoring Ontario's Competitiveness Act, 2018, at the Feb. 5 committee meeting. I will present on behalf of the Club as Director of Conservation & Education.

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, February 1, 2019 - 10:05 am

==Committee Requested==

Committee: Planning Committee

==Requestor Information==

Name of Individual: Lynda Lukasik

Name of Organization: Environment Hamilton

Contact Number: 905-549-0900

Email Address:

Mailing Address:

22 Wilson Street

Suite 4

Reason(s) for delegation request: I would like to speak briefly to Item 10.2 - the city planning staff report in response to Bill 66 - Restoring Ontario's Competitiveness Act, 2018 (Schedule 10) (PED19027) (City Wide).

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, February 3, 2019 - 3:28 pm

==Committee Requested==

Committee: Planning Committee

==Requestor Information==

Name of Individual: Lachlan Holmes

Name of Organization: HamiltonForward

Contact Number:

Email Address:

Mailing Address:

Reason(s) for delegation request: Wish to speak on February 5th on Item 10.1 - Non-Statutory Public Meeting for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 41 Stuart Street, Hamilton (PED19028)

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? No



INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	February 5, 2019
SUBJECT/REPORT NO:	Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED19025) (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). An analysis of the information was also included in the

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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: Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (City Wide) (PED19025) - Page 2 of 3

year-end reports of December 5, 2017 (PED17208), September 18, 2018 (PED18192) and December 11, 2018 (PED18231).

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 PED19025 is a table outlining the active applications received prior to December 12, 2017 sorted by Ward, from oldest application to newest. As of December 14, 2018, there were:

- 17 active Official Plan Amendment Applications, all of which were submitted after July 1, 2016, and therefore subject to the 90 day extension to the statutory timeframe from 180 days to 270 days;

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SUBJECT: Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (City Wide) (PED19025) - Page 3 of 3

- 27 active Zoning By-law Amendment Applications; and,
- 10 active Plan of Subdivision Applications.

Within 60 to 90 days of February 5, 2019, all 27 development proposals have passed the 120, 180 and 270 day statutory timeframes.

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

Attached as Appendix “B” to Report PED19025 is a table outlining the active applications received after December 12, 2017 sorted by Ward, from oldest application to newest. As of December 14, 2018, there were:

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

Within 60 to 90 days of February 5, 2019, 17 applications will be approaching the 150 or the 300 day statutory timeframe and will be eligible for appeal. Seventeen applications have passed the 150 or 300 day statutory timeframe.

Combined to reflect property addresses, there are 61 active development proposals. Two proposals are 2019 files, while 30 proposals are 2018 files and 29 proposals are pre-2018 files.

Staff are currently working with the AMANDA Implementation Team to add enhancements that will allow for the creation of more detailed reporting. As a result, future tables will include a qualitative analysis of the status of active applications. It is anticipated that these enhancements will be available in Q1 of 2019 and this information will be incorporated into the monthly report to Council. Furthermore, the long-term goal of the Planning Division is to make this information available on an interactive map accessed through the City of Hamilton website.

Appendices and Schedules Attached:

Appendix “A” – List of Active Development Applications (Prior to December 12, 2017)
Appendix “B” – List of Active Development Applications (After December 12, 2017)

JG:mo

**Active Development Applications
Deemed Complete Prior to December 12, 2017
(Effective December 14, 2018)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	120 day cut off (Rezoning)	180 day cut off (Plan of Sub)	270 day cut off OPA*	Applicant/ Agent	Days Since Received and/or Deemed Complete as of February 5, 2019
Ward 1									
UHOPA-17-18 ZAC-17-036	644 Main St. W., Hamilton	31-Mar-17	n/a	28-Apr-17	29-Jul-17	n/a	26-Dec-17	Urban Solutions Planning & Land Development	676
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	n/a	Urban Solutions Planning & Land Development	774
UHOPA-17-18 ZAC-17-109	41 Stuart St., Hamilton	20-Jan-17	n/a	01-Feb-17	20-May-17	n/a	17-Oct-17	King Stuart Developments Inc.	746
UHOPA-17-33 ZAC-17-073	125 - 129 Robert St., Hamilton	06-Oct-17	30-Oct-17	14-Nov-17	03-Feb-18	n/a	11-Aug-18	IBI Group	448

**Active Development Applications
Deemed Complete Prior to December 12, 2017
(Effective December 14, 2018)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	120 day cut off (Rezoning)	180 day cut off (Plan of Sub)	270 day cut off OPA*	Applicant/ Agent	Days Since Received and/or Deemed Complete as of February 5, 2019
Ward 7									
UHOPA-17-31 ZAC-17-071	1625 - 1655 Upper James St., Hamilton	27-Sep- 17	n/a	02-Oct-17	25-Jan-18	n/a	24-Jun-18	MB1 Development Consulting Inc.	496
ZAC-17-089	1351 Upper James St., Hamilton	28-Nov- 17	n/a	05-Dec- 17	28-Mar- 18	n/a	n/a	Patrick Slattery	434
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	09-Jul-17	T. Johns Consultants Inc.	846
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	09-Jul-17	T. Johns Consultants Inc.	846
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	04-Jul-17	WEBB Planning Consultants Inc.	851

**Active Development Applications
Deemed Complete Prior to December 12, 2017
(Effective December 14, 2018)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	120 day cut off (Rezoning)	180 day cut off (Plan of Sub)	270 day cut off OPA*	Applicant/ Agent	Days Since Received and/or Deemed Complete as of February 5, 2019
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	29-Aug-17	A.J. Clarke & Associates Ltd.	795
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	22-Dec-17	Metropolitan Consulting Inc.	680
Ward 10									
ZAC-15-040	9 Glencrest Ave., Stoney Creek	02-Jul-15	n/a	10-Aug-15	30-Oct-15	n/a	n/a	WEBB Planning Consultants Inc.	1314
UHOPA-17-36 ZAC-17-079	514 Barton St., Stoney Creek	27-Oct-17	n/a	23-Nov-17	24-Feb-18	n/a	24-Jul-18	GSP Group	466
ZAC-16-016	1313 Baseline Rd., Stoney Creek	15-Jan-16	n/a	15-Feb-16	14-May-16	n/a	n/a	A.J. Clarke & Associates Ltd.	1117

**Active Development Applications
Deemed Complete Prior to December 12, 2017
(Effective December 14, 2018)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	120 day cut off (Rezoning)	180 day cut off (Plan of Sub)	270 day cut off OPA*	Applicant/ Agent	Days Since Received and/or Deemed Complete as of February 5, 2019
Ward 10 cont'd									
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	19-Sep-17	IBI Group	774
ZAR-17-033	90 Creanona Blvd., Stoney Creek	27-Mar- 17	n/a	28-Apr-17	25-Jul-17	n/a	n/a	A.J. Clarke & Associates Ltd.	680
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	n/a	Glen Schnarr & Associates Inc.	463
Ward 11									
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	20-Nov- 17	A.J. Clarke & Associates Ltd.	712

**Active Development Applications
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File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	120 day cut off (Rezoning)	180 day cut off (Plan of Sub)	270 day cut off OPA*	Applicant/ Agent	Days Since Received and/or Deemed Complete as of February 5, 2019
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	n/a	Liam Doherty	1140
ZAC-17-062	45 Secinaro Ave., Ancaster	28-Jul-17	n/a	01-Aug-17	25-Nov-17	n/a	n/a	T. Johns Consultants Inc.	557
UHOPA-17-25 ZAC-17-058	305 Garner Rd. W., Ancaster	11-Jul-17	17-Jul-17	08-Aug-17	08-Nov-17	n/a	05-May-18	MHBC Planning Limited	546
UHOPA-17-22 ZAC-17-051	280 Wilson St. E., Ancaster	05-Jun-17	22-Jun-17	23-Aug-17	03-Oct-17	n/a	20-May-18	GSP Group	531
UHOPA-17-32 ZAC-17-072	35 Londonderry Dr., Ancaster	06-Oct-17	n/a	01-Nov-17	03-Feb-18	n/a	03-Jul-18	A.J. Clarke & Associates Ltd.	487

**Active Development Applications
Deemed Complete Prior to December 12, 2017
(Effective December 14, 2018)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	120 day cut off (Rezoning)	180 day cut off (Plan of Sub)	270 day cut off OPA*	Applicant/ Agent	Days Since Received and/or Deemed Complete as of February 5, 2019
Ward 13									
ZAR-15-004	64 Hatt St., Dundas	02-Dec-14	n/a	02-Jan-15	01-Apr-15	n/a	n/a	336477 Ontario Ltd.	1526
ZAC-17-064 25T-201710	655 Cramer Rd., Flamborough	09-Aug-17	n/a	17-Aug-17	07-Dec-17	05-Feb-18	n/a	A.J. Clarke & Associates Ltd.	545
Ward 15									
UHOPA-17-06 ZAC-17-016	157 Parkside Dr., Flamborough	23-Dec-16	n/a	17-Jan-17	22-Apr-17	n/a	19-Sep-17	MHBC Planning Limited	774
RHOPA-17-38 ZAC-17-081	1633 Highway 6, Flamborough	08-Nov-17	n/a	21-Nov-17	08-Mar-18	n/a	05-Aug-18	1685486 ONTARIO INC.	454

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 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 December 14, 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 February 5, 2019
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	18-Oct-18*	Urban Solutions Planning & Land Development	410
UHOPA-18-015* ZAC-18-035	69 Sanders Blvd. & 1630 Main St. W., Hamilton	18-Jun-18	n/a	13-Jul-18	n/a	n/a	14-Apr-19*	Urban Solutions Planning & Land Development	232
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	25-Sep-18*	IBI Group	433
UHOPA-18-004* ZAC-18-009	299 - 307 John St. S., Hamilton	22-Dec-17	n/a	19-Jan-18	n/a	n/a	18-Oct-18*	Urban Solutions Planning & Land Development	410

**Active Development Applications
Deemed Complete After December 12, 2017
(Effective December 14, 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 February 5, 2019
Ward 2 cont'd									
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	411
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	03-Jan-19*	SvN Architects + Planners	333
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.	313
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	214
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	207

**Active Development Applications
Deemed Complete After December 12, 2017
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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 February 5, 2019
Ward 5									
UHOPA-19-001* ZAC-19-001	2782 Barton St. E., Hamilton	30-Nov-18	n/a	13-Dec-18	n/a	n/a	26-Sep-19	A.J. Clarke & Associates Ltd.	67
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	411
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	327
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	09-Sep-18	09-Oct-18	06-Feb-19*	MHBC Planning Limited	299

**Active Development Applications
Deemed Complete After December 12, 2017
(Effective December 14, 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 February 5, 2019
Ward 8 cont'd									
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.	298
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	159
ZAC-18-055	808 West 5 th St., Hamilton	31-Oct-18	n/a	08-Nov-18	30-Mar-19	n/a	n/a	A.J. Clarke & Associates Ltd.	97
Ward 9									
UHOPA-18-011* ZAC-18-029	1912 Rymal Rd. E., Glanbrook	04-May-18	n/a	22-May-18	n/a	n/a	28-Feb-19*	Wellings Planning Consultants Inc.	277
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	277

**Active Development Applications
Deemed Complete After December 12, 2017
(Effective December 14, 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 February 5, 2019
Ward 10									
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.	417
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	383
UHOPA-18-013* ZAC-18-034	461 Green Road, Stoney Creek	8-Jun-18	n/a	18-Jul-18	n/a	n/a	04-Apr-19*	IBI Group	242
ZAC-18-049	860 and 884 Barton St., Stoney Creek	01-Oct-18	n/a	11-Oct-18	28-Feb-19	n/a	n/a	MHBC Planning Limited	127
Ward 11									
ZAA-18-006	3600 Guyatt Rd., Glanbrook	20-Dec-17	18-Jan-18	24-Jan-18	23-Jun-18	n/a	n/a	Larry Freeman	377
UHOPA-18-016* ZAC-18-040 25T-2018007	9511 Twenty Rd. W., Glanbrook	10-Jul-18	n/a	15-Aug-18	n/a	06-Jan-19	06-May-19*	Corbett Land Strategies	210

**Active Development Applications
Deemed Complete After December 12, 2017
(Effective December 14, 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 February 5, 2019
ZAA-18-053	2282 Westbrook Rd., Glanbrook	23-Oct-18	n/a	14-Nov-18	22-Mar-19	n/a	n/a	IBI Group	105
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	n/a	Fothergill Planning & Development Inc.	149
ZAA-18-052	1557 2 nd Concession Rd. W., Flamborough	16-Oct-18	n/a	22-Oct-18	15-Mar-19	n/a	n/a	Chris Van Berkel	112
UHOPA-18-022* ZAC-18-056 25T-2018010	26 Southcote Rd., Ancaster	05-Nov-18	n/a	15-Nov-18	n/a	04-May-19	01-Sep-19*	A.J. Clarke & Associates Ltd.	92
UHOPA-18-024* ZAC-18-058	154 Wilson St. E., Ancaster	28-Nov-18	n/a	10-Dec-18	n/a	n/a	24-Sep-19*	Urban Solutions Planning & Land Development	69

**Active Development Applications
Deemed Complete After December 12, 2017
(Effective December 14, 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 February 5, 2019
Ward 12 cont'd									
UHOPA-19-002* ZAC-19-002	1173 and 1203 Old Golf Links Rd., Ancaster	03-Dec-18	n/a	01-Dec-18	n/a	n/a	29-Sep-19*	A.J. Clarke & Associates Ltd.	64
Ward 13									
UHOPA-17-040* ZAC-17-088	264 Governors Rd. Dundas	28-Nov-17	n/a	13-Dec-17	n/a	n/a	24-Sep-18*	Urban Solutions Planning & Land Development	434
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	347
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.	200

**Active Development Applications
Deemed Complete After December 12, 2017
(Effective December 14, 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 February 5, 2019
Ward 15 cont'd									
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	197

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 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.
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.



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Building Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	February 5, 2019
SUBJECT/REPORT NO:	Demolition Permit 255 Wellington Street North (PED19044) (Ward 2)
WARD(S) AFFECTED:	Ward 2
PREPARED BY:	Frank Peter 905-546-2424 Ext. 2781
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 255 Wellington Street North 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;
 - (ii) is a lien or charge on the property until paid;
- (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 255 Wellington Street North (PED19044) (Ward 2) -
Page 2 of 4**

EXECUTIVE SUMMARY

The owner of this property is proposing to demolish the existing single family dwelling to facilitate the lot consolidation with the properties known as 257, 261, 263 and 265 Wellington Street North and 222, 226 and 228 Barton Street East. The entire site is proposed to be redeveloped with a mixed-use complex consisting of approximately 65 residential dwelling units and 1,900 square metres of commercial area.

The development requires an Official Plan Amendment, Zoning By-law Amendment and a Site Plan Control Application. To date these applications have 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 4

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Not Applicable.

Staffing: Not Applicable.

Legal: Not Applicable.

**SUBJECT: Demolition Permit 255 Wellington Street North (PED19044) (Ward 2) -
Page 3 of 4**

HISTORICAL BACKGROUND (Chronology of events)

PRESENT ZONING: "D" (Urban Protected Residential) (Hamilton Zoning By-law 6593).

PRESENT USE: Single Family Dwelling

PROPOSED USE: Mixed Use – Multiple Residential with Commercial.

BRIEF DESCRIPTION: A recent inspection revealed that the one storey single family dwelling at 255 Wellington Street North is structurally sound and not unsafe. However, the dwelling is in poor condition and is on the City's Vacant Building Registry.

This land is located in Ward 2. Please see Appendix "A" for a location map.

No interest to the Hamilton Municipal Heritage Committee.

Lot size: 7.80 m x 35.05 m and having a lot area of 273.39 m².

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

Steven Joyce
467052 Ontario Limited
4050 Appleby Line
Burlington, ON L8L 5A7

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Not applicable.

RELEVANT CONSULTATION

Not applicable.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Not applicable.

**SUBJECT: Demolition Permit 255 Wellington Street North (PED19044) (Ward 2) -
Page 4 of 4**

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:

That the Director of Building Division be authorized and directed to issue a demolition permit for 255 Wellington Street North 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 and Participation

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

Economic Prosperity and Growth

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

Healthy and Safe Communities

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

Built Environment and Infrastructure

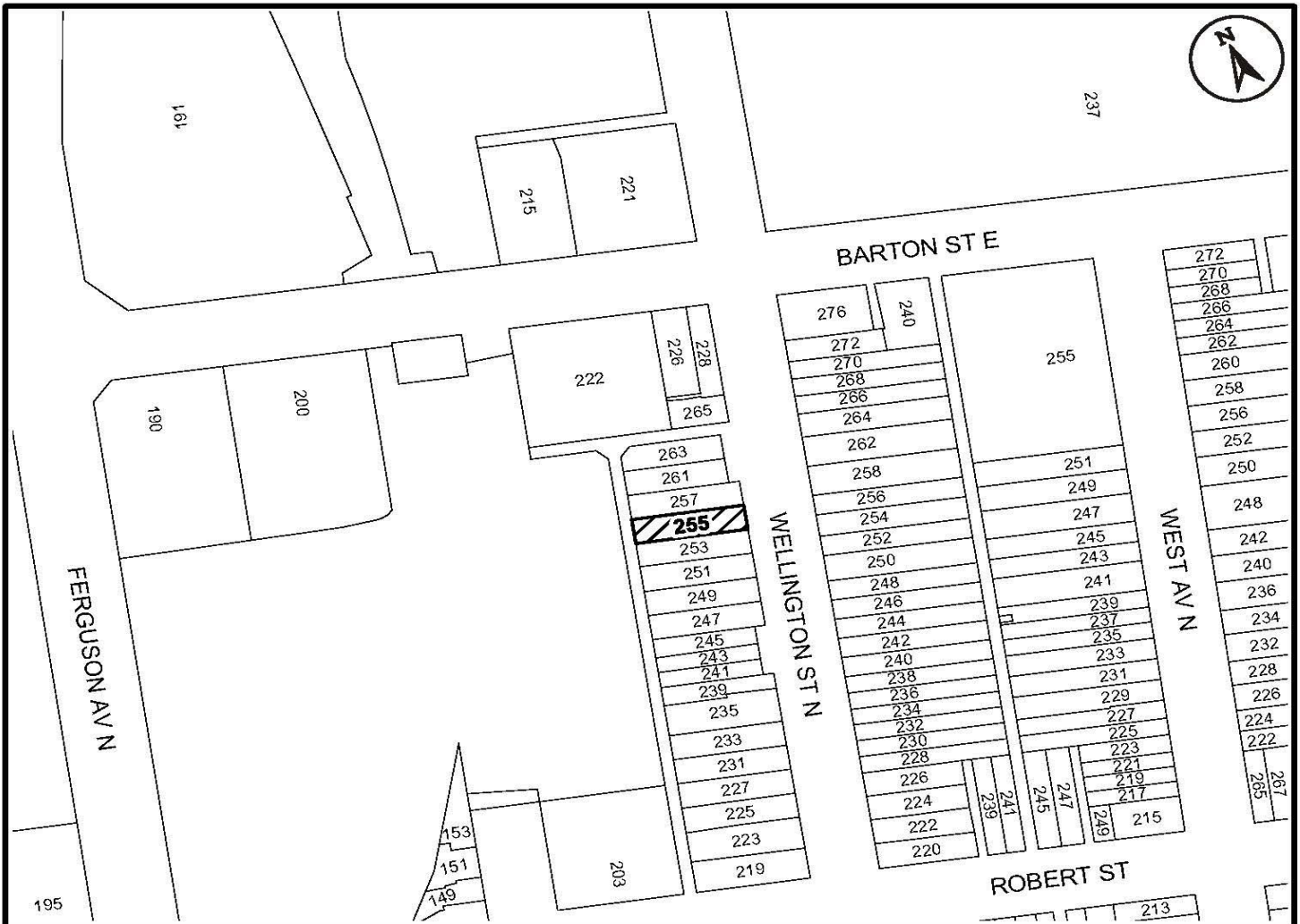
Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

APPENDICES AND SCHEDULES ATTACHED

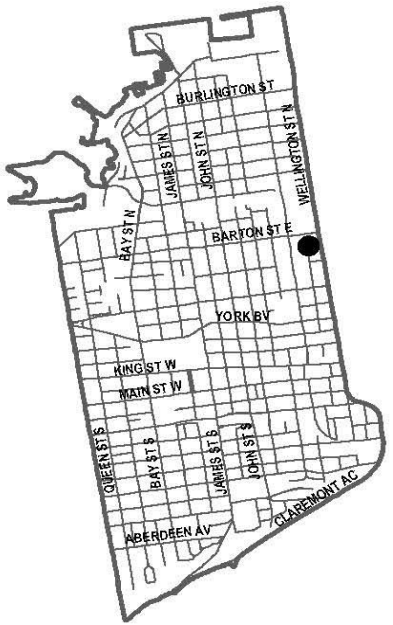
Appendix “A” – Location Map

FP:ll

Appendix "A" to Report PED19044



● Site Location



Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
255 Wellington St N

Date:
January 15, 2019

Appendix "A"


Scale:
N.T.S.

Planner/Technician:
FP/AL

Subject Property

 255 Wellington Street North

Key Map - Ward 2

N.T.S. 



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Building Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	February 5, 2019
SUBJECT/REPORT NO:	Demolition Permit 257 Wellington Street North (PED19045) (Ward 2)
WARD(S) AFFECTED:	Ward 2
PREPARED BY:	Frank Peter 905-546-2424 Ext. 2781
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 257 Wellington Street North 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;
 - (ii) is a lien or charge on the property until paid;
- (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 257 Wellington Street North (PED19045) (Ward 2) -
Page 2 of 4**

EXECUTIVE SUMMARY

The owner of this property is proposing to demolish the existing two family dwelling to facilitate the lot consolidation with the properties known as 255, 261, 263 and 265 Wellington Street North and 222, 226 and 228 Barton Street East. The entire site is proposed to be redeveloped with a mixed-use complex consisting of approximately 65 residential dwelling units and 1,900 square metres of commercial area.

The development requires an Official Plan Amendment, Zoning By-law Amendment and a Site Plan Control Application. To date these applications have 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 4

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Not Applicable.

Staffing: Not Applicable.

Legal: Not Applicable.

**SUBJECT: Demolition Permit 257 Wellington Street North (PED19045) (Ward 2) -
Page 3 of 4**

HISTORICAL BACKGROUND (Chronology of events)

PRESENT ZONING: "D" (Urban Protected Residential) (Hamilton Zoning By-law 6593).

PRESENT USE: Single Family Dwelling

PROPOSED USE: Mixed Use – Multiple Residential with Commercial.

BRIEF DESCRIPTION: A recent inspection revealed that the two storey two family dwelling at 257 Wellington Street North is structurally sound and not unsafe. However, the dwelling is in poor condition and is on the City's Vacant Building Registry.

This land is located in Ward 2. Please see Appendix "A" for a location map.

No interest to the Hamilton Municipal Heritage Committee.

Lot size: 7.32 m x 35.05 m and having a lot area of 256.57 m².

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

Steven Joyce
467052 Ontario Limited
4050 Appleby Line
Burlington, ON L8L 5A7

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Not applicable.

RELEVANT CONSULTATION

Not applicable.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Not applicable.

**SUBJECT: Demolition Permit 257 Wellington Street North (PED19045) (Ward 2) -
Page 4 of 4**

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:

That the Director of Building Division be authorized and directed to issue a demolition permit for 257 Wellington Street North 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

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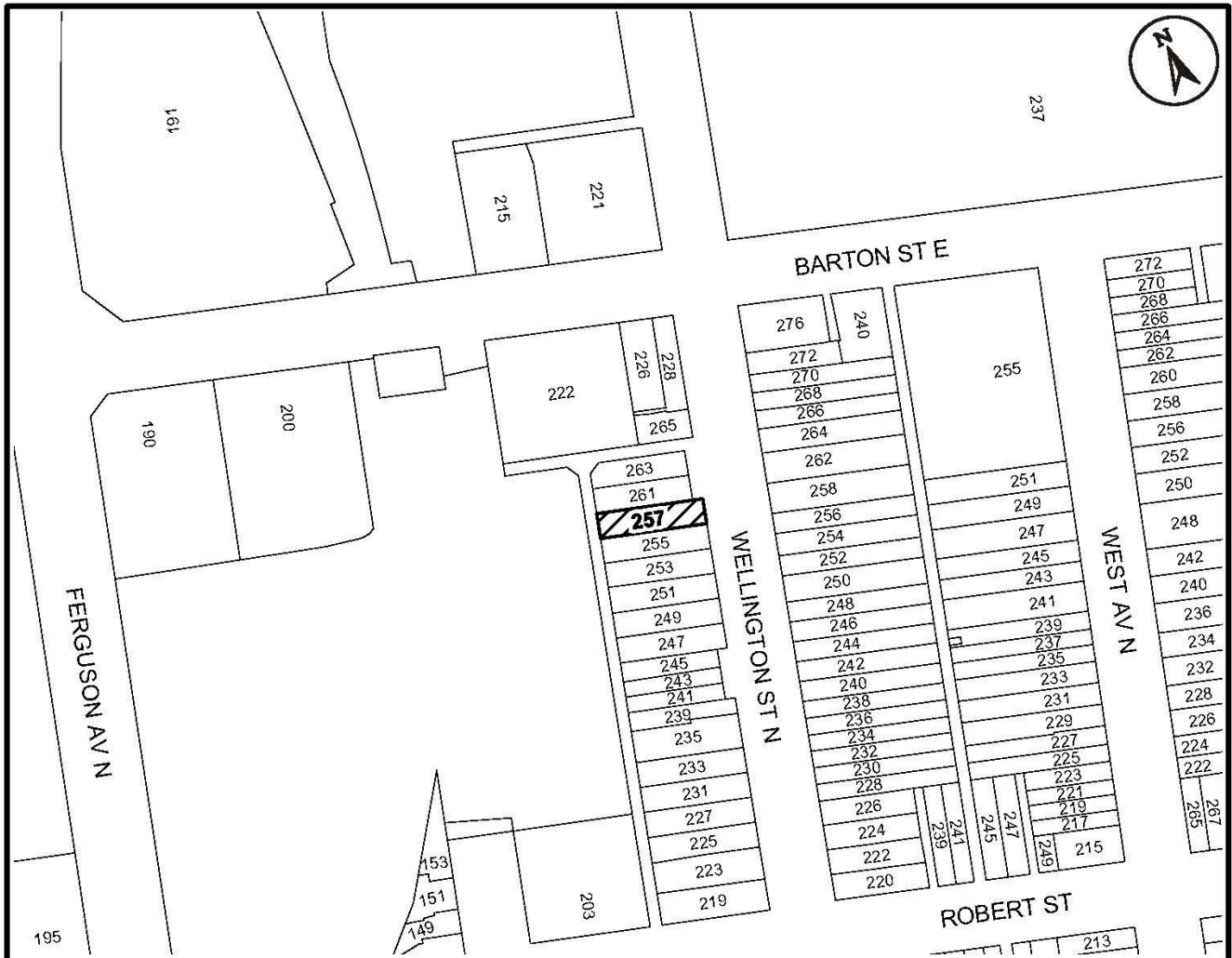
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APPENDICES AND SCHEDULES ATTACHED

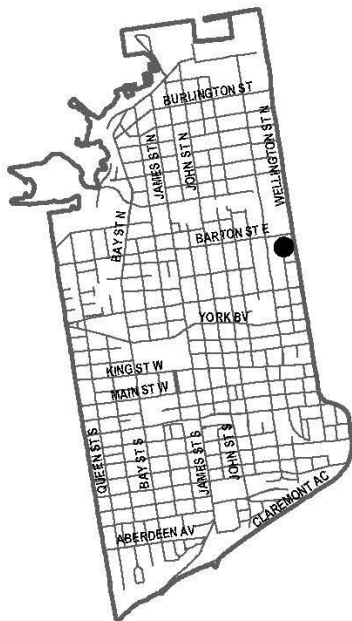
Appendix “A” – Location Map

FP:ll

Appendix "A" to Report PED19045
Page 1 of 1



● Site Location



Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
257 Wellington St N

Date:
January 15, 2019

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
FP/AL

Subject Property

257 Wellington Street North

Key Map - Ward 2

N.T.S.





CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
 Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	February 5, 2019
SUBJECT/REPORT NO:	Application for an Amendment to the City of Stoney Creek Zoning By-law No. 3692-92, for Lands Located at 222 First Road West (Stoney Creek) (PED19026) (Ward 9)
WARD(S) AFFECTED:	Ward 9
PREPARED BY:	Michael Fiorino (905) 546-2424 Ext. 4424
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That **Zoning By-law Amendment Application ZAR-18-030, Parkside Developments Ltd., Owners**, for a change in zoning from the Neighbourhood Development “ND” Zone to the Single Residential “R2” Zone (Block 1) and for a change in zoning from the Single Residential “R4-24” Zone, Modified to the Single Residential “R2” Zone (Block 2), to facilitate the development of a single detached dwelling on lands located at 222 First Road West (Stoney Creek), as shown on Appendix “A” to Report PED19026, be **APPROVED**, on the following basis:

- (i) That the draft By-law, attached as Appendix “B” to Report PED19026, 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.

EXECUTIVE SUMMARY

The purpose of the application is for a change in zoning from the Neighbourhood Development “ND” Zone to the Single Residential “R2” Zone and from the Single Residential “R4-24” Zone, Modified, to the Single Residential “R2” Zone, to facilitate the

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SUBJECT: Application to Amend the City of Stoney Creek Zoning By-law No. 3692, for Lands Located at 222 First Road West (Stoney Creek) (PED19026) (Ward 9) - Page 2 of 10

development of a single detached dwelling fronting onto First Road West. A small portion to the rear of the “L” shaped lands is to remain zoned Single Residential “R4-24” Zone, Modified and will be merged with 88 Bellroyal Crescent. These lands are subject to Consent Application SC/B-18:15, which was approved at the Committee of Adjustment meeting on April 26, 2017 and is subject to the completion of a Zoning By-law Amendment to fulfil the conditions of severance.

The proposed Zoning By-law Amendment has merit and can be supported since the proposal is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (2017), and complies with the Urban Hamilton Official Plan. The proposal is considered to be compatible with existing development in the area and provides for a compact and efficient urban form that uses existing infrastructure while being in keeping with the character of the area.

Alternatives for Consideration – See Page 9

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

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

HISTORICAL BACKGROUND

The subject land, totalling 1,970 sq m in area, is located in the Felker Neighbourhood, bounded by First Road West to the west, Upper Centennial Parkway to the east and south of Mud Street East. Frontage is currently on First Road West and the lands are municipally known as 222 First Road West (see location map attached as Appendix “A” to Report PED19026).

The subject lands are currently vacant. The applicant is proposing to create a lot for one single detached dwelling fronting onto First Road West which will be zoned Single Residential “R2” Zone. A small portion to the rear of the “L” shaped lands is to remain Single Residential “R4-24” Zone, Modified and is to be merged with 88 Bellroyal Crescent, as shown on Appendix “C” to Report PED19026.

Ontario Municipal Board Hearing

Staff note that as part of the Ontario Municipal Board (OMB) hearing, for Penny Lane Estates, the lands to the east were required to be dedicated to the City for future road

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SUBJECT: Application to Amend the City of Stoney Creek Zoning By-law No. 3692, for Lands Located at 222 First Road West (Stoney Creek) (PED19026) (Ward 9) - Page 3 of 10

allowances, in the form of temporary cul-de-sacs, for a period of five years. The five year period was required to by the Ontario Municipal Board to provide time for the applicant to acquire lands fronting onto First Road West in order to redevelop this area comprehensively and provide a public right-of-way to First Road West. The applicant was unable to acquire sufficient lands within the five year time frame to First Road West and is now proceeding to finish off the Penny Lane Estates subdivision and returning the lots to residential albeit large lots.

The applicant is proposing to rezone the existing lot fronting on First Road West back to the Single Residential "R2" Zone, leaving the small portion of the rear of the lot as Single Residential "R4-24" Zone, Modified. This will facilitate the rear portion of the lands being added to 88 Bellroyal Crescent. The redevelopment of the temporary cul-de-sacs in the Penny Lane Subdivision includes nine severances in order to create a total of 12 lots fronting onto Bellroyal Crescent. The applicant submitted Consent Application, SC/B-18:15, which was approved at the Committee of Adjustment meeting on April 26, 2017 and is subject to the completion of a Zoning By-law Amendment to fulfil the conditions of severance.

Chronology:

- May 4, 2018: Application ZAR-18-030 received.
- June 5, 2018: Application ZAR-18-030 deemed complete.
- July 6, 2018: Circulation of Notice of Complete Application and Preliminary Circulation for ZAR-18-030 was mailed to 110 property owners within 120 m of the subject property.
- July 11, 2018: A Public Notice sign was established on the property.
- January 9, 2019: Public Notice sign updated to reflect the date of Public Meeting.
- January 18, 2019: Circulation of Notice of Public Meeting to 110 property owners within 120 m of the subject property.

DETAILS OF SUBMITTED APPLICATION:

- Owner:** Parkside Developments Ltd.
- Applicant:** IBI Group c/o Kristen Boulard

SUBJECT: Application to Amend the City of Stoney Creek Zoning By-law No. 3692, for Lands Located at 222 First Road West (Stoney Creek) (PED19026) (Ward 9) - Page 4 of 10

Location: 222 First Road West (Stoney Creek) (see Appendix “A” to Report PED19026)

Property Description:

Frontage	20.12 m (First Road West)
Area	1,970 sq m
Depth	87.20 m

Services: Municipal piped water system and Sanitary Sewer system

EXISTING LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Vacant	Neighbourhood Development “ND” Zone
<u>Surrounding Lands:</u>		
North	Single Detached Dwelling	Single Residential “R2” Zone
East	Single Detached Dwelling, Future Single Detached Dwelling	Single Residential “R4-24” Zone, Modified
South	Single Detached Dwellings	Single Residential “R2” Zone
West	Single Detached Dwellings	Single Residential “R2” 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 Local Planning Appeal Tribunal (formerly known as the Ontario Municipal Board) approval of the City of Hamilton Official Plan, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of Provincial interest (i.e. efficiency of land use, balanced growth and environmental protection) are reviewed and discussed in the Official Plan analysis below.

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SUBJECT: Application to Amend the City of Stoney Creek Zoning By-law No. 3692, for Lands Located at 222 First Road West (Stoney Creek) (PED19026) (Ward 9) - Page 5 of 10

Staff also note the UHOP has not been updated with respect to Cultural Heritage policies with the PPS. The following policy of the PPS applies:

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

The subject property meets four of the ten criteria used by the City of Hamilton and Ministry of Tourism, Culture and Sport for determining archaeological potential:

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

These criteria define the property as having archaeological potential. Stage 1, 2, 3 and 4 Archaeological Reports (P049-255-2008, P049-302-2008, P049-303-2008, P049-304-2008) have been submitted to the City of Hamilton and Ministry of Tourism, Culture and Sport. The Province signed off on the reports for compliance with licensing requirements in a letter dated January 22, 2010. Staff concur with the recommendations made in the report and are of the opinion that the municipal interests in the archaeology for these lands have been satisfied.

Based on the foregoing, the subject proposal is consistent with the PPS (2014).

Growth Plan for the Greater Golden Horseshoe (2017)

The subject lands are located within the built up area as defined by the Growth Plan. The proposal conforms to the Guiding Principles, Section 1.2.1, as it is designed to support healthy and active living and meet people's needs for daily living. It also provides for a range and mix of housing options to serve varying sizes, incomes, and ages of households.

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Furthermore, Policy Section 2.2.1 provides direction on managing this growth whereby population and employment growth:

- “a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;
- c) provide a diverse range and mix of housing options, including second units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes.”

The subject lands are located within the Urban Boundary and Built Up Area in a settlement area where full municipal services are available. The proposal will provide for a complete community through the addition of a dwelling unit in an area with a diverse range and mix of housing types.

Based on the foregoing, the proposal conforms to the policies of the Growth Plan for the Greater Golden Horseshoe (2017).

Urban Hamilton Official Plan (UHOP)

The subject lands are identified as “Neighbourhoods” on Schedule “E” – Urban Structure and designated as “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations in Volume 1 of the UHOP. Further, the lands are designated “Low Density Residential “2b” in the West Mountain / Heritage Green Secondary Plan of Volume 2.

West Mountain / Heritage Green Secondary Plan

The subject lands are designated “Low Density Residential 2b” on Map B.7.6-1 – West Mountain / Heritage Green Secondary Plan Land Use Plan. The following policies, amongst others apply to this proposal:

“B.7.6.2 Residential Designations

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

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

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

The proposal complies with the above noted policies as single detached dwellings are permitted and is well within the permitted density range of the Low Density Residential 2b designation as it will be a density of 10 units per hectare. Furthermore, as the applicant is requesting the zoning that currently exists on adjacent properties without modifications, the proposed building envelopes are in keeping with the existing character and streetscape of the neighbourhood. The subject lands are located within an existing residential area, bounded by low density residential development to the south, east and west.

Based on the above policies, the proposal complies with the UHOP.

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

The subject lands are currently zoned Neighbourhood Development “ND” Zone and Single Residential “R4-24” Zone, Modified, in Stoney Creek Zoning By-law No. 3692-92, as shown on Appendix “A” to Report PED19026.

The Neighbourhood Development “ND” Zone only permits dwellings existing at the date of the passing of this By-law. The Zoning By-law Amendment application is to rezone the subject lands from the Neighbourhood Development “ND” to the Single Residential “R2” Zone (Block 1) and for a change in zoning from the Single Residential “R4-24” Zone, Modified to the Single Residential “R2” Zone (Block 2), in the City of Stoney Creek Zoning By-law No. 3692, to allow for the development of a single detached dwelling. Staff note that a small portion of the “L” shaped lot, at the rear of the property, is to remain zoned Single Residential “R4-24” Zone, Modified and is to be merged with 88 Bellroyal Crescent as per the Consent Application SC/B-18:15 approved on April 26, 2017. The proposed zoning for the subject lands is discussed in greater detail in the Analysis and Rationale Section.

RELEVANT CONSULTATION

The following Departments / Agencies have no comments or objections:

- Environmental Services Division, Public Works Department.

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

Transportation Planning, Planning and Economic Development Department requested that the proposal provide sidewalks. The request for a sidewalk will be

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addressed through the Consent Agreement which will be a condition of Consent approval.

Forestry and Horticulture Section, Public Works Department have advised that there are no municipal tree assets on site, therefore a Tree Management Plan and Landscape Plan will not be required.

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 110 property owners within 120 m of the subject property on July 6, 2018, for the proposed Zoning By-law Amendment Application. To date there has been one public submission received requesting the Concept Plan for the development.

A Public Notice Sign was posted on the property on July 11, 2018, and updated on January 9, 2019 with the Public Meeting date. Finally, Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act* on January 18, 2019.

Public Consultation Strategy

As per the Applicant's Public Consultation Strategy, the contact information of IBI Group (agent for the Applicant) was posted on the statutory Public Notice sign erected on the subject lands. This information enabled residents to contact the applicant's agent to obtain details and provide feedback.

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) which encourages the development of compact communities within built-up areas;
 - ii) It complies with the Urban Hamilton Official Plan (UHOP) and the West Mountain / Heritage Green 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.
2. The applicant has requested a change in zoning to the Single Residential "R2" Zone (Blocks 1 and 2) to facilitate the development of a single detached dwelling

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fronting onto First Road West. The proposed “R2” Zoning is consistent with the zoning that applies to surrounding properties on First Road West. The proposal complies with the policies of the UHOP, specifically the Low Density Residential 2b designation of the West Mountain / Heritage Green Secondary Plan as single detached dwellings are a permitted use and the proposal is compatible with existing and planned development in the surrounding area. Furthermore, the regulations in the Zoning By-law will ensure compatibility with the surrounding area in terms of built form, setbacks from the street and building separation. As there are no site specific modifications being requested to the Zoning By-law, the proposal will be keeping with the character, as the lot area is consistent with surrounding residential lots and maintains the character of the neighbourhood to align with the existing dwellings First Road West and Bellroyal Crescent. Therefore, staff support the proposed rezoning.

3. This proposal represents an infill development. The lands to the east (abutting the subject lands) were intended for the completion of the cul-de-sacs. The time required for acquiring the lands has expired and the lands to the east will be developed for single detached dwellings to complete the subdivision.
4. The applicant submitted Consent Application, SC/B-18:15, which was approved at the Committee of Adjustment meeting on April 26, 2017 but is subject to conditions which include the completion of a Zoning By-law Amendment. The owner will be required to complete the remainder of the conditions of the Consent Applications in order to proceed with the development.
5. Growth Management have identified that they do not have any concerns with the proposed Zoning By-law Amendment Application proceeding. The required Grading, Servicing, Erosion and Sediment Control Plans, and road widening will be reviewed in detail through the Consent Agreement review process. Staff have advised that they have no further objection to the Zoning By-law Amendment Application.

ALTERNATIVES FOR CONSIDERATION

Should the application be denied, the lands will remain zoned Neighbourhood Development “ND” Zone and Single Residential R4-24” Zone, Modified and could not be developed for the proposed single detached dwelling.

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ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Healthy and Safe Communities

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

Clean and Green

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

Built Environment and Infrastructure

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

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” – Location Map

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

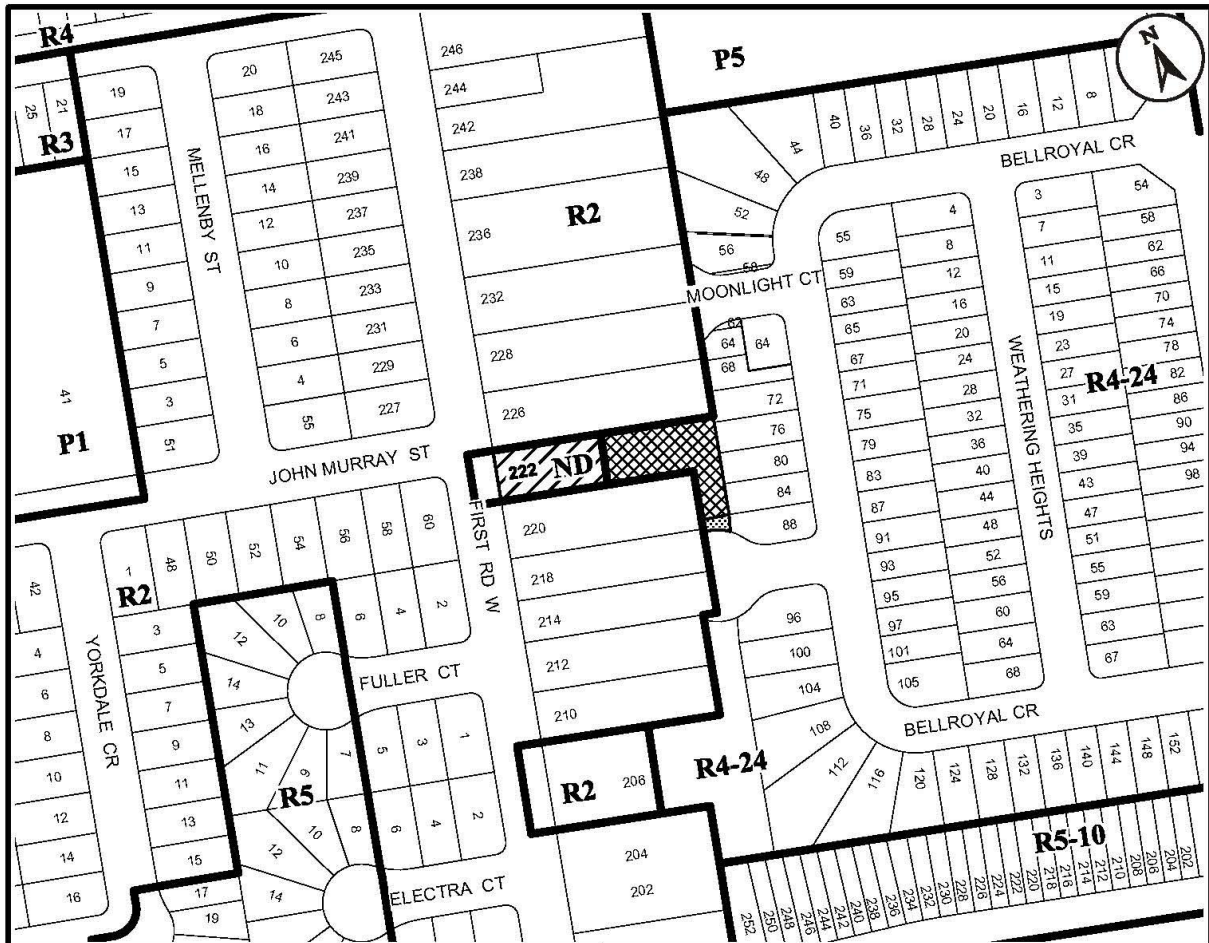
Appendix “C” – Concept Plan

Appendix “D” – Public Submission

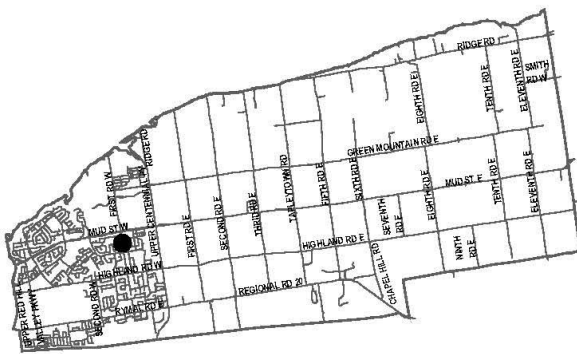
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● Site Location



Key Map - Ward 9

N.T.S.

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-18-030

Date:
December 13, 2018

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
MF/VJS

Subject Property

222 First Road West, Stoney Creek

Block 1 - Change in zoning from the Neighbourhood Development "ND" Zone to the Single Residential "R2" Zone

Block 2 - Change in zoning from the Single Residential "R4-24" Zone, Modified, to the Single Residential "R2" Zone

Block 3 - Lands to remain Single Residential "R4-24" Zone, Modified

Appendix "B" to Report PED19026

Page 1 of 3

Authority: Item,
Report (PED19026)
CM:
Ward: 10

Bill No.

CITY OF HAMILTON

BY-LAW NO.

**To Amend Zoning By-law No. 3692-92 (Stoney Creek)
Respecting Lands Located at 222 First Road West**

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 19-_____ of the Planning Committee, at its meeting held on the 5th day of February, 2019, 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. 1505 of Schedule "A", appended to and forming part of By-law No. 3692-92 (Stoney Creek) is amended, by changing the zoning from Neighbourhood Development "ND" Zone to the Single Residential "R2" Zone (Block 1) and by changing the zoning from Single Residential "R4-24" Zone, Modified, to the Single Residential "R2" Zone (Block 2), on the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

Appendix "B" to Report PED19026

Page 2 of 3

**To Amend Zoning By-law No. 3692-92 (Stoney Creek)
Respecting Lands Located at 222 First Road West**

2. 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 Single Residential "R2" Zone and Single Residential "R4" Zone provisions, subject to the special requirements referred to in Section 1 of this By-law.

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*.

PASSED and ENACTED this _____ day of _____, 2019.

F. Eisenberger
Mayor





J. Pilon
Acting City Clerk

ZAC-18-030

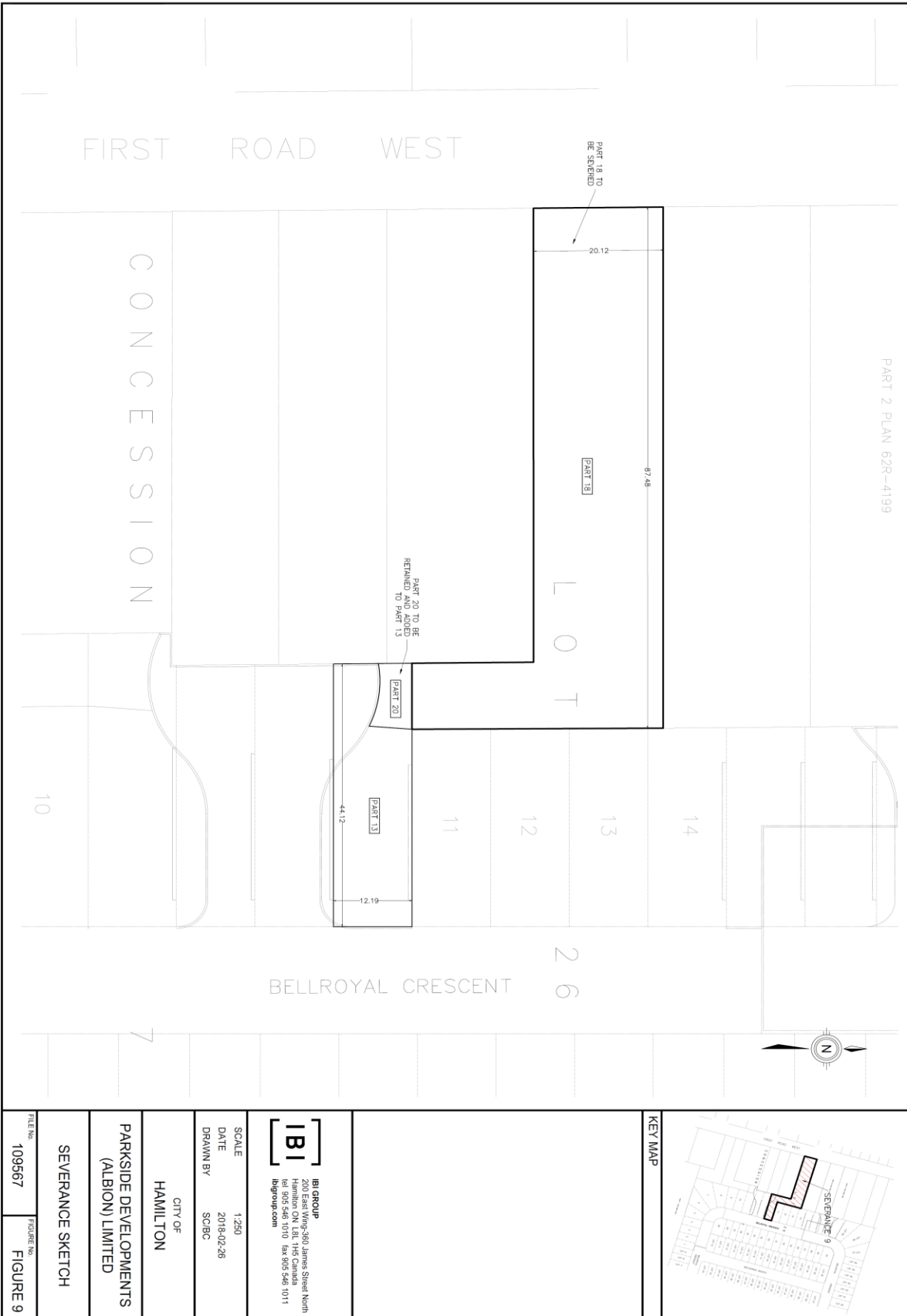
Appendix "B" to Report PED19026
Page 3 of 3

To Amend Zoning By-law No. 3692-92 (Stoney Creek)
Respecting Lands Located at 222 First Road West



<p>This is Schedule "A" to By-law No. 19-</p> <p>Passed the day of, 2019</p>		<p>-----</p> <p>Mayor</p> <p>-----</p> <p>Clerk</p>
<p>Schedule "A"</p> <p>Map Forming Part of By-law No. 19-_____</p> <p>to Amend By-law No. 3692-92</p>		<p>Subject Property</p> <p>222 First Road West, Stoney Creek</p> <p> Block 1 - Change in zoning from the Neighbourhood Development "ND" Zone to the Single Residential "R2" Zone</p> <p> Block 2 - Change in zoning from the Single Residential "R4-24" Zone, Modified, to the Single Residential "R2" Zone</p> <p> Block 3 - Lands to remain Single Residential "R4-24" Zone, Modified</p>
<p>Scale: N.T.S.</p>	<p>File Name/Number: ZAC-18-030</p>	
<p>Date: Dec. 13, 2018</p>	<p>Planner/Technician: MF/AL</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		

Appendix "C" to Report PED19026
Page 1 of 1



FILE: 1109567 - Hamilton - Parkside Developments - Severance Sketch - 13 Lot 13 CON 250
 LAST SAVED BY: Dianne Conner, Monday, February 26, 2016 11:03:50 AM PLOTTED BY: Dianne Conner, Monday, February 26, 2016 11:04:57 AM

Appendix “D” to Report PED19026
Page 1 of 1

Fiorino, Michael

From: IGM HEATING & AIRCONDITIONING <illafgmi@gmail.com>
Sent: July-19-18 12:14 PM
To: Fiorino, Michael
Subject: 222 First Road west stoney creek

Hi Michael,

I am owner of 220 west road , did you mail us Detail Plan for 222 first road west stoney creek?

Thanks.

Mansoor Bhatti



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
 Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	February 5, 2019
SUBJECT/REPORT NO:	Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 41 Stuart Street, Hamilton (PED19028) (Ward 2)
WARD(S) AFFECTED:	Ward 2
PREPARED BY:	Mark Kehler (905) 546-2424 Ext. 4148
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Official Plan Amendment Application OPA-17-008 by King Stuart Developments Inc., Owner**, for a change in designation from “Local Commercial” to “Mixed Use” and to establish a Special Policy Area (on Schedule “M-2” of the West Harbour (Setting Sail) Secondary Plan in the former City of Hamilton Official Plan) to permit the development of an 11 storey mixed use building with ground floor commercial and 76 residential dwelling units, for lands located at 41 Stuart Street, as shown on Appendix “A” to Report PED19028, be **DENIED** on the following basis:
- (i) That the proposed amendment to the West Harbour (Setting Sail) Secondary Plan does not comply with the City of Hamilton Official Plan and the West Harbour (Setting Sail) Secondary Plan, with regards to matters including but not limited to, building height, massing, built form and compatibility with the existing character of the surrounding neighbourhood.
- (b) That **Amended Zoning By-law Amendment Application ZAC-17-019 by King Stuart Developments Inc., Owner**, for a change in zoning from the “J” (Light and Limited Heavy Industry, Etc.) District to the “CR-1” (Commercial – Residential) District, Modified, to permit an 11 storey (34 m) mixed use building with 76 dwelling units, 66.20 sq m of at grade commercial mixed space and 56 underground parking spaces for lands located at 41 Stuart Street, Hamilton, as

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SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 41 Stuart Street, Hamilton (PED19028) (Ward 2) – Page 2 of 29

shown on Appendix “A” to Report PED19028, be **DENIED** on the following basis:

- (i) That the proposed change in zoning does not comply with the City of Hamilton Official Plan and West Harbour (Setting Sail) Secondary Plan, with regards to matters including but not limited to, building height, massing, built form and compatibility with the existing character of the surrounding neighbourhood.

EXECUTIVE SUMMARY

The Owner, King Stuart Developments Inc., has applied for an Official Plan Amendment and Zoning By-law Amendment to permit an 11 storey (34 m) mixed use building with 76 dwelling units, 66.20 sq m of at grade commercial space and 56 underground parking spaces on lands located at 41 Stuart Street, Hamilton.

The subject property is located within the West Harbour (Setting Sail) Secondary Plan approved by the Ontario Municipal Board in August 2013. The purpose of the Official Plan Amendment is to change the designation applicable to the subject lands on Schedule “M-2” of the West Harbour (Setting Sail) Secondary Plan from “Local Commercial” to “Mixed Use.” In addition, a Special Policy Area is proposed to permit a maximum building height of 11 storeys for a mixed use building with 76 dwelling units.

The purpose of the Zoning By-law Amendment is to rezone the subject lands from the “J” (Light and Limited Heavy Industry, Etc.) District to a site specific “CR-1” (Commercial – Residential) District. Modifications to the “CR-1” District have been requested to permit increased maximum total gross floor area and residential gross floor area, reduced setbacks from all street and lot lines, reduced amenity and landscape area requirements, and reduced parking and loading space dimensions, number of parking and loading spaces and access driveway width.

The proposal does not comply with the policies and intent of the West Harbour (Setting Sail) Secondary Plan with respect to building height and compatibility with the character of the surrounding low density residential neighbourhood. The proposed 11 storey (34 m) mixed use building does not comply with the policies applicable to Stable Areas within the Secondary Plan and does not meet the general intent of the recommendations of the Council approved James Street North Mobility Hub Study.

Staff recommend the applications be denied.

Alternatives for Consideration – See Page 28

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SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 41 Stuart Street, Hamilton (PED19028) (Ward 2) – Page 3 of 29

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 Official Plan and Zoning By-law.

HISTORICAL BACKGROUND

Proposal

The subject property is located at the southwest corner of Stuart Street and MacNab Street North, two blocks north and one block west of the intersection of Barton Street West and James Street North. The corner property is rectangular with a partially angled north lot line matching the Stuart Street right of way that extends diagonally northwest from the intersection of Stuart Street and MacNab Street North. It has a lot area of approximately 0.125 ha (1,254.5 m²) and is municipally known as 41 Stuart Street.

The property is currently occupied by a one storey commercial building containing an office and commercial print shop on the westerly portion of the site. The easterly portion of the site contains a fenced and gated parking area accessed from Stuart Street.

On November 8, 2017, Council approved By-law No. 17-240 that, amongst other changes, introduced new Commercial and Mixed Use Zones to City of Hamilton Zoning By-law No. 05-200. By-law No. 17-240 included changes to the parking requirements under Zoning By-law No. 05-200, including an increase in the required standard parking space dimensions from 2.6 m by 5.5 m to 3.0 m by 5.8 m if located within a surface parking lot or 2.8 m by 5.8 m if located underground or in a parking structure. The Owner appealed the changes to the parking stall sizes to the Local Planning Appeal Tribunal. The lands within the West Harbour (Setting Sail) Secondary Plan have not been incorporated into By-law No. 05-200, therefore By-law No. 17-240 does not apply to the subject lands.

Original Submission – January 20, 2017

On January 20, 2017, the applicant submitted an Official Plan Amendment and Zoning By-law Amendment Application to permit an 11 storey (34 m) mixed use building with a four storey (13.4 m) podium, 77 dwelling units, one commercial unit at grade and 43 parking spaces located within two underground parking levels.

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SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 41 Stuart Street, Hamilton (PED19028) (Ward 2) – Page 4 of 29

Second Submission – October 4, 2017

On October 4, 2017, the applicant submitted a revised proposal in response to discussions with City staff. Revisions included a reduction in the number of dwelling units from 77 to 75 and an increase in the number of parking spaces from 43 to 56. Revisions were made in response to staff concerns regarding the compatibility of the proposal with the adjacent Hamilton Customs House, the height of the second storey was reduced from 3.7 m to 3.0 m and the overall podium height was reduced from 13.4 m to 12.7 m to better align with the cornices of the Customs House.

Third Submission - June 29, 2018

Following further discussion with staff, a third revised proposal was submitted on June 29, 2018. Revisions included providing a total of 76 dwelling units instead of 75, an increased setback to the southerly lot line from 1.5 m to 2.6 m and a decreased setback to the westerly lot line from 1.2 m to 0.6 m.

Fourth Submission – December 4, 2018

On December 4, 2018, the applicant submitted an update to their Planning Justification Report providing an analysis of the proposal against the standards of review for privately initiated Official Plan Amendment and Zoning By-law Amendment applications under the rules of Provincial Bill 139. The analysis focuses on the applicant's review of the in-force Official Plan policies applicable to the subject site against the policies of the PPS and Growth Plan.

Applications

The purpose of the proposed Official Plan Amendment and amended Zoning By-law Amendment Applications is to permit the revised proposal for an 11 storey (34 m) mixed use building with 76 dwelling units, 66.20 sq m of commercial space at grade and 56 underground parking spaces. The applicant proposes to re-designate the lands from "Local Commercial" to "Mixed Use" in the West Harbour (Setting Sail) Secondary Plan and to establish a Special Policy Area to permit an 11 storey (34 m) building height. A change in zoning is proposed from the "J" (Light and Limited Heavy Industry, Etc.) District to a site specific "CR-1" (Commercial Residential) District. Proposed modifications to the "CR-1" District include increased maximum total gross floor area and residential gross floor area, reduced setbacks from all street and lot lines, reduced amenity and landscape area requirements, and reduced parking and loading space dimensions, number of parking and loading spaces and access driveway width.

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SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 41 Stuart Street, Hamilton (PED19028) (Ward 2) – Page 5 of 29

Chronology:

<u>July 19, 2015:</u>	First meeting with the Central Neighbourhood Association.
<u>August 13, 2015:</u>	Design Review Panel meeting for the subject proposal.
<u>August 16, 2016:</u>	Second meeting with the Central Neighbourhood Association.
<u>January 20, 2017:</u>	Submission of Official Plan Amendment and Zoning By-law Amendment Applications OPA-17-008 and ZAC-17-019.
<u>February 1, 2017:</u>	Applications OPA-17-008 and ZAC-17-019 deemed complete.
<u>February 14, 2017:</u>	Notice of Complete Applications and Preliminary Circulation was sent to 160 property owners within 120 m of the subject property.
<u>February 15, 2017:</u>	Public Notice Sign installed on the subject lands.
<u>April 13, 2017:</u>	Public Open House held by the applicant and agent.
<u>October 4, 2017:</u>	Revised concept site plan and elevations submitted in response to comments.
<u>June 29, 2018:</u>	Revised concept site plan and elevations submitted in response to comments.
<u>December 4, 2018:</u>	Updated Planning Justification Report submitted.
<u>January 18, 2019:</u>	Public Notice published in the Hamilton Spectator.
<u>January 18, 2019:</u>	Circulation of the Notice of Public Meeting to 160 property owners within 120 m of the subject property.

Details of Submitted Applications:

Owner:	King Stuart Developments Inc.
Applicant:	King Stuart Developments Inc.
Agent:	A.J. Clarke and Associates Ltd. (c/o Franz Kloibhofer)

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SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 41 Stuart Street, Hamilton (PED19028) (Ward 2) – Page 6 of 29

Location:	41 Stuart Street (see Appendix “A” to Report PED19028)	
Property Description:	<u>Lot Frontage:</u>	19.55 m (Stuart Street)
	<u>Lot Depth:</u>	25.7 m (MacNab Street North)
	<u>Lot Area:</u>	1,254.5 sq m (0.125 ha)
	<u>Servicing:</u>	Existing Full Municipal Services

Existing Land Use and Zoning:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Property:</u>	One storey commercial building	“J” (Light and Limited Heavy Industry, Etc.) District

Surrounding Land Uses:

North	Stuart Street and West Harbour Go Station	“G-3-H” (Public Parking Lots) District
East	Industrial operation	“J” (Light and Limited Heavy Industry, Etc.) District
South	Single detached dwellings	“D” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District
West	Workers Arts and Heritage Centre (Hamilton Customs House)	“J” (Light and Limited Heavy Industry, Etc.) District

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2014)

The Provincial Planning Policy framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (2014) (PPS). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS. The following policies, amongst others, apply to the proposed development.

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Settlement Areas

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

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

1.1.3.2 Land use patterns within *settlement areas* shall be based on:

- a) densities and a mix of land uses which:
 1. efficiently use land and resources;
 2. are appropriate for, and efficiently use, the *infrastructure* and *public service facilities* which are planned or available, and avoid the need for their unjustified and / or uneconomical expansion;
 4. *support active transportation*;
 5. are *transit-supportive*, where transit is planned, exists or may be developed;
- b) a range of uses and opportunities for *intensification* and *redevelopment* in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.”

The subject property is located within a settlement area as defined by the PPS. The proposed mixed use building, consisting of 76 dwelling units and 66.20 m² of commercial space at grade, would contribute to the mix of land uses in the area, would efficiently use land and existing infrastructure, and represents a form of intensification. The proposal is transit-supportive by providing intensification in close proximity to the West Harbour Go Station, seeking a reduced parking requirement and providing 25 secure bicycle parking lockers.

Cultural Heritage and Archaeology

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

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

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- 2.6.2 Development and site alteration shall not be permitted on lands containing archaeological resources or area of archaeological potential unless significant archaeological resources have been conserved.
- 2.6.3 Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.”

The subject property meets two of the ten criteria used by the City of Hamilton and Ministry of Tourism, Culture and Sport for determining archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the PPS apply to the lands. Should the applications be approved, an acknowledgement note of the archaeological requirements applicable to the site would be required at the Site Plan Control stage.

A Cultural Heritage Impact Assessment (CHIA) dated July 2016 was completed for the subject property by ASI Archaeological & Cultural Heritage Services. The Report assessed the impact of the proposal on the adjacent Hamilton Customs House (51 Stuart Street). The Customs House is a National Historic Site and is designated as a heritage building under Part IV of the *Ontario Heritage Act*.

The CHIA recommends that the proposal, and in particular the proposed podium, be designed to be sympathetic to the Hamilton Customs House. It recommends that the height of the podium match the eaves line of the Hamilton Customs House and that the proportions of the first and second storeys be consistent between the two buildings. This recommendation has been implemented by the applicant and, should the applications be approved, further design strategies would be requested by staff at the Site Plan Control stage to complement the Hamilton Customs House, including cladding materials and horizontal banding.

Noise

Regarding noise, the PPS provides the following:

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

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The applicant submitted a Noise and Vibration Feasibility Study prepared by HGC Engineering Limited dated November 4, 2016 for the subject proposal. HGC determined that vehicular traffic on MacNab Street North, Bay Street North, James Street North and rail traffic on the railway corridor (Canadian National (CN), Southern Ontario Railway (SOR) and GO Transit) to be the dominant transportation sources of sound affecting the proposed development. The Stuart Street Rail Yard is also a significant stationary noise source. Based on the results of the study and a subsequent Proposed Noise Mitigation Concepts report prepared by Valcoustics Canada Ltd., dated March 14, 2018, mitigation measures including noise buffers, architectural design features and warning clauses would be required to meet MOECP noise criteria. Should the applications be approved, these measures would be implemented at the Site Plan Control stage. The study found that anticipated vibration levels from rail traffic are within the CN / GO guidelines for residential uses, and therefore would not require mitigation.

Human-Made Hazards

“3.2.2 Sites with contaminants in land or water shall be assessed and remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effects.”

The subject property is recognized as a potentially contaminated site due to the current and past use of the property for commercial purposes. As a result, the property is subject to environmental review to allow for the proposed multiple dwelling use. The applicant has undergone a Phase I and II Environmental Site Assessment. The results of the Phase I ESA indicated various contaminants of potential concern within the soil and groundwater on and off-site and determined that a Phase II was necessary. The Phase II ESA found various exceedances and recommended excavation and off-site disposal of materials. The owner will be responsible for ensuring a Record of Site Condition (RSC) has been filed appropriately satisfying the Ministry of the Environment, Conservation and Parks (MECP). Should the applications be approved, staff would request a Holding Provision requiring the provision of a Notice of Acknowledgment letter from the MECP for the RSC.

Based on the foregoing, the subject proposal is consistent with the PPS.

Growth Plan for the Greater Golden Horseshoe (2017)

As of July 1, 2017, the provisions of the Growth Plan for the Greater Golden Horseshoe, 2017 (the Growth Plan) apply to any planning decision.

Policy 2.2.1.2(a) of the Growth Plan directs the majority of growth to settlement areas that have access to municipal water and wastewater systems and can support the achievement of complete communities. Policy 2.2.1.2(c) establishes that locations with

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existing or planned transit will be focus areas for growth within settlement areas and Policy 2.2.1.4 supports the achievement of complete communities through the following measures, amongst others:

- “a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;
- c) provide a diverse range and mix of housing options, including second units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes.”

The subject lands are located within the Hamilton urban boundary and are fully serviced by municipal water and wastewater infrastructure. The proposal would contribute to achieving a complete community by expanding housing options and providing local commercial space within the neighbourhood. The proposed mixed use building would have access to a range of transportation options, including the West Harbour GO train station and future planned A-Line Rapid Transit corridor.

Also, according to Policy 2.2.2.1 of the Growth Plan, by the year 2031, and each year thereafter, a minimum of 60% of all residential development occurring within a municipality must be within the delineated built up area. This proposal represents a form of residential intensification within the built up area, consistent with the growth management policies of the Growth Plan.

Based on the forgoing, the proposal conforms with the policies of the Growth Plan.

Urban Hamilton Official Plan

The Urban Hamilton Official Plan (UHOP) was approved by Council on July 9, 2009 and the Ministry of Municipal Affairs on March 16, 2011.

There was no decision (Non-decision No. 113) made by the Ministry regarding the adoption of the West Harbour (Setting Sail) Secondary Plan into the UHOP because at the time the Ministry was reviewing the UHOP, the Secondary Plan was still under appeal. The lands are currently identified as “Lands Subject to Non Decision 113 West Harbour Setting Sail” on Schedule E-1 of the UHOP, therefore the UHOP policies do not apply. As a result, when the UHOP came into effect on August 16, 2013, it did not affect the West Harbour (Setting Sail) Secondary Plan. Should the applications be approved, staff would request that the proposed Official Plan Amendment be included in the Secondary Plan at the time when the Ministry deals with the non-decision.

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Hamilton-Wentworth Official Plan

The subject lands are not included within the UHOP as they are part of Non-Decision No. 113. As a result, the policies of the Hamilton-Wentworth Official Plan that are applicable to the subject lands remain in effect. In this regard, the subject lands are within the Urban Area of the Hamilton-Wentworth Official Plan and the following policies, amongst other, apply to the proposal.

Urban Area

“C.3.1 A wide range of urban uses, defined through Area Municipal Official Plans and based on full municipal services, will be concentrated in the Urban Areas. These areas are intended to accommodate approximately 96% of new residential housing units in the Region to the year 2020. Accordingly, the Plan establishes a land use strategy for the Urban Area that consists of:

- Compact urban form, including mixed use areas.

C.3.1.1 A compact higher density form, with mixed use development in identified Regional and Municipal centres and along corridors, best meets the environmental, economic principles of sustainable development.

Mixed forms of development within an Urban Area is preferable to widespread, low density residential development and scattered rural development, because:

- Growth can be accommodated by building on vacant or redeveloped land, without taking up agricultural lands or natural areas;
- Higher density development can reduce per capita servicing costs and makes more efficient use of existing services;
- Efficient and affordable public transit systems can be established;
- Effective community design can ensure people are close to recreation, natural areas, shopping and their workplace; and,
- A compact community makes walking and bicycling viable options for movement.”

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The proposal complies with the above policy direction to encourage redevelopment of the subject lands for compact development within the Urban Area. The proposed mixed use building would provide for efficient use of services. As such, the proposal complies with the policies of the Hamilton-Wentworth Official Plan.

City of Hamilton Official Plan

The subject lands are not included within the UHOP as they are part of Non-Decision No. 113. As a result, the policies of the City of Hamilton Official Plan remain in effect. Schedule A of the City of Hamilton Official Plan designates the subject lands “West Harbour.” The policies of the West Harbour (Setting Sail) Secondary Plan provide more detailed designations and policy framework for this area. The following City of Hamilton Official Plan policies, amongst others, apply to the proposal.

“Subsection B.2.1 – Water Distribution

B.2.1.1 In accordance with the Regional Official Plan, Council will encourage the Region to maintain and, where necessary, improve water supply in the City. New development and / or redevelopment will only be permitted where the water supply is deemed to be adequate by the Region.

Subsection B.2.2 – Sewage Disposal

B.2.2.1 Council will encourage the Region to ensure that all new development in the City be effectively serviced by the SEWAGE DISPOSAL System. In this regard, Council will encourage the appropriate agencies to ensure that necessary improvements to, or extension of, the SEWAGE DISPOSAL System, expansions to the capacity of the Woodward Avenue Sewage Treatment Plant, and the monitoring of effluents discharged are undertaken.

Subsection B.2.3 – Storm Drainage

B.2.3.1 Council will require that all new development and / or redevelopment be connected to, and serviced by, a STORM DRAINAGE System or other appropriate system such as ditches, ‘zero run-off’, and any other technique acceptable to Council and the Conservation Authorities. Council will ensure that the extension of the STORM sewer System is at sufficient capacity to support future anticipated growth in the City. In this regard, Council will co-operate with the appropriate Conservation Authorities in any flood management studies or engineering works that may be undertaken from time to time to improve or maintain the DRAINAGE capacity of natural watercourses flowing through the City.”

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There are existing services adjacent to the subject property including sanitary, storm and watermain sewers. Should the applications be approved, stormwater management, geotechnical and hydrogeological studies would be required at the Site Plan Control stage. Also, a Holding Provision would be required for the completion of a watermain hydraulic analysis on the pressure district level to identify the upgrades on the existing watermains required to support the proposed development.

“Subsection 2.4.5- Solid Waste Disposal

B.2.4.5 All uses in the City will be served by a regularly-scheduled SOLID WASTE collection through the municipal DISPOSAL service, or in the case of certain uses, through individually-contracted collection service.”

The proposed mixed use development is eligible for curbside waste collection by City Services subject to the requirements of the City’s Solid Waste Management By-law. Should the applications be approved, waste collection would be examined in greater detail at the Site Plan Control stage.

“Subsection B.3.1 – Road Network:

B.3.1.2 In accordance with the intent of the Regional Official Plan, the ROAD NETWORK will be composed of Inter-Regional Highways, Arterials (which are Regional Roads), Collectors and Local Roads. All Inter-Regional Highways and Arterials are shown on Schedule “F”; in addition, right-of-way requirements are identified for certain Arterials and other roads.

B.3.1.19 In accordance with the *Planning Act*, where a property is located in a Proposed Site Plan control area, as defined in Subsection D.3, the following provisions will apply:

- i) Further to Policy B.3.1.2 above, Council will require as a condition of Site Plan approval, the dedication of property abutting ROADS with future rights-of-way widths in the south mountain and east end areas of the City, as specified on Schedule “F”. In addition, the dedication of property abutting certain ROADS with future rights-of-way widths as defined below will also be required.”

The existing road allowance width of Stuart Street adjacent to the subject property varies between 13.8 m and 19.8 m. The required road allowance width of Stuart Street is 18.0 m to 20.0 m. The applicant has accommodated for the required irregular right of way widening, ranging in width from 0.21 m to 2.05 m.

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“Subsection C.7 – Residential Environmental and Housing Policy

- C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.
- C.7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will:
- iii) Support RESIDENTIAL development such as infilling, redevelopment and the conversion of non-residential structures that makes more efficient use of the existing building stock and / or physical infrastructure that recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;
 - v) Encourage new RESIDENTIAL development that provides a range of dwelling types at densities and scales that recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;
 - ix) Support the concept of a RESIDENTIAL community that provides a diversity of dwelling forms and housing options accessible to all Hamilton residents;
 - xii) Encourage development at densities conducive to efficient operation of Public Transit and which utilizes design or construction techniques that are energy efficient;”

The proposed mixed use building complies with Policies C.7.3 ix) and xii) by increasing the availability of apartment style units in the neighbourhood and increasing residential densities adjacent to the West Harbour GO station.

Staff are concerned that the proposed 11 storey (34 m) building height fails to address the intent of Policies C.7.2 and C.7.3 iii) and v). These policies reinforce the need for new development to recognize and enhance the scale and character of the existing residential area. For reasons to be discussed later in the Secondary Plan and Analysis and Rationale for Recommendation sections of this Report, it is the opinion of staff that

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the proposed 11 storey (34 m) building height is not appropriate given the character of the existing residential area and the policy direction provided in the Official Plan.

Based on the above policy review, the proposal does not meet the intent of the City of Hamilton Official Plan with respect to matters including but not limited to building height, scale, massing, built form and recognizing and enhancing the character of the existing residential area.

West Harbour (Setting Sail) Secondary Plan (OPA No. 198)

The West Harbour (Setting Sail) Secondary Plan was approved by Council in 2005. Due to appeals to the Ontario Municipal Board (OMB), the Secondary Plan was not deemed to be in effect until the OMB issued its final decision in 2012. This decision added the Secondary Plan to the former City of Hamilton Official Plan as that was the Official Plan in effect for the former City of Hamilton at that time.

When the UHOP was brought into effect by the OMB in 2013, all of the lands within the West Harbour (Setting Sail) Secondary Plan area were noted as being subject to Non-Decision No. 113. Therefore, the operable Secondary Plan policies in effect to review against the proposed development are those policies in the West Harbour (Setting Sail) Secondary Plan OPA No. 198 instead of the UHOP (Volume 2).

The subject property is identified as “Stable Areas” on Schedule M-1 – Planning Area and Sub-Areas and is designated “Local Commercial” on Schedule M-2 – General Land Use. The applicant has proposed to re-designate the property to “Mixed Use” on Schedule M-2. The lands are located within the “Zone of Noise Influence” on Schedule M-3 – Zone of Noise Influence. The following policies, amongst others, apply to the proposal.

Planning Principles

“A.6.3.2.2 Strengthen existing neighbourhoods;

- i) ensure new development respects and enhances the character of the neighbourhood;
- ii) relocate heavy industrial uses and clean-up contaminated sites;
- iii) encourage compatible development on abandoned, vacant and under-utilized land;
- v) encourage new commercial uses that cater to the local neighbourhood;

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Stable Areas:

A.6.3.7 Stable Areas

The Stable Areas are identified on Schedule “M-1”. They comprise the generally low density neighbourhoods that define the residential character of West Harbour. Significant physical change is not anticipated in Stable Areas. The intent of the policies in this section is to maintain and reinforce the character of existing neighbourhoods and to encourage the replacement of inappropriate industrial and commercial uses with sensitively-designed residential development.

A.6.3.7.1 Land Use

A.6.3.7.1.1 The predominant land use in Stable Areas shall be Low Density Residential, with detached, semi-detached and street townhouses being the predominant types of housing.”

The West Harbour (Setting Sail) Secondary plan identifies three areas planned for significant land use change – the Waterfront, Barton-Tiffany and the Ferguson-Wellington Corridor. The plan further identifies Corridors of Gradual Change along portions of York Boulevard, Cannon Street, Barton Street and James Street. The remainder of the secondary plan area is identified as Stable Areas, which are generally low density residential character areas in which significant physical change is not anticipated. Policy A.6.3.7.1.1 establishes that housing within Stable Areas is envisioned to consist predominantly of detached, semi-detached and street townhouse dwellings.

The proposed at grade commercial space catering to the needs of the local community meets the intent of Policy A.6.3.2.2 (v). Consistent with Policies A.6.3.2.2 (ii) and A.6.3.7, the proposed development represents an opportunity to redevelop a contaminated commercial site.

Policy A.6.3.3.2 further clarifies that the development of underutilized land should be “compatible.” Policies A.6.3.2.2 (i) and A.6.3.7 require that new development respect and enhance the character of existing neighbourhoods and encourage the replacement of inappropriate industrial and commercial uses with sensitively-designed residential development. The subject site is located at the northern edge of a stable residential area bounded by the CN / GO railway tracks to the north, James Street North to the east, Bay Street North to the west and Cannon Street West to the south. This area is characterized primarily by single detached, semi-detached and street townhouse dwellings together with some low rise multiple dwellings and neighbourhood institutional uses. Primarily low rise mixed use corridors exist along James Street North and

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Cannon Street West and there are light industrial and commercial uses near Bay Street North and Mulberry Street and across from the CN rail tracks along Stuart Street.

The immediate context includes the two storey Hamilton Customs House (a National Historic Site) to the west, the one storey West Harbour GO Station to the northeast, a vacant former industrial site to the east and a place of worship to the southeast. Further to the southeast and immediately to the south, the existing land use consists of one to two and a half storey detached dwellings. To the southwest is a six storey (27.9 m) multiple dwelling at 50 Murray Street (also known as the “Witton Lofts”).

In the opinion of staff, the height, scale and massing of the proposed 11 storey (34 m) mixed use building does not maintain and reinforce the existing and planned low rise residential character of the area nor is it a sensitively-designed residential development given the immediate context. The proposal is taller than any surrounding buildings and its massing includes an almost full lot coverage and limited building step backs above the fifth floor to reduce the visual impact of the development on adjacent low rise residential uses to the south and southeast. In comparison, the adjacent Witton Lofts development features a lower building height and large side and rear setbacks from the primary building to adjacent properties. Overall, the scale of the proposed development is incompatible with the predominant low rise built form of the neighbourhood that forms a key component of its character.

Based on the forgoing, the proposal does not comply with Policies A.6.3.2.2 (i), A.6.3.7 A.6.3.2.2 iii) and A.6.3.3.2. Therefore, the proposal does not align with the “Strengthening existing neighbourhoods” planning principle and the intent of the Stable Areas component of the land use plan that new development respect and enhance the character of existing neighbourhoods.

Local Commercial Designation (Existing)

“A.6.3.3.1.19 In Local Commercial areas:

- i) commercial uses, such as retail stores, restaurants, take-out restaurants, banks, professional offices and personal services, are permitted;
- ii) other uses, including office and residential, are permitted and encouraged above the ground floor;
- v) the maximum height of buildings shall be 4 storeys;
- vi) front yard setbacks shall be consistent with the setbacks of adjacent buildings;

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- vii) for streets where a road allowance widening is required, the setback under the zoning by-law must be taken from the widened road allowance;
- viii) buildings shall be oriented to a public street, with main entrances on a street, with barrier free access at street level;
- ix) parking shall be located at the rear or side of buildings; and,
- x) loading and service areas shall be located at the rear of buildings wherever feasible.”

The proposed mixed use building complies with Policies A.6.3.3.1.19 i) and ii) by providing ground floor commercial with residential uses above. Consistent with Policy A.6.3.3.1.19 vi), the front yard setback for the proposed building steps in towards the west property line to align with the front yard setback of the Hamilton Customs House, and the setback to the easterly lot line abutting MacNab Street North generally aligns with the adjacent residential dwelling to the south (see Appendix “B” to Report PED19028). The proposed underground parking and loading facilities meet the intent of Policies A.6.3.3.1.19 ix) and x) as they will not be visible from the street.

The Local Commercial designation allows for a maximum building height of four storeys. The proposed 11 storey (34 m) mixed use building does not comply with Policy A.6.3.3.1.19 v), therefore an amendment to the West Harbour (Setting Sail) Secondary Plan is required. The intent of the Local Commercial designation is to provide convenient access to commercial uses and a building scale that is compatible with surrounding stable neighbourhoods. In the opinion of staff, the proposal maintains the intended commercial function of the designation however the proposed 11 storey building does not recognize and enhance the scale and character of the existing residential area.

Mixed Use Areas Designation (Proposed):

Should Council approve the proposed Official Plan Amendment, the following policies of the Mixed Use areas designation would apply:

“A.6.3.3.1.17 In Mixed Use areas:

- i) apartment buildings and apartment buildings with ground-floor, street-related commercial and / or community uses are permitted and encouraged;

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- ii) the range of commercial uses permitted on the ground floor shall include retail stores, restaurants, take-out restaurants, business and personal services, and professional offices;
- iii) the range of community uses permitted on the ground floor shall include day nurseries, schools, libraries and places of worship;
- iv) the density and height of development shall be governed by the maximum heights identified on Schedule “M-4”;
- vi) buildings generally shall be built close to or at the front property line, subject to the development satisfying sightline requirements entering the public road allowance;
- vii) for streets where a road allowance widening is required, the setback under the zoning by-law must be taken from the widened road allowance;
- viii) ground-floor uses shall have their main entrances on the street with barrier free access, at grade;
- ix) parking areas shall be provided at the rear of sites, underground and / or in above-grade structures behind buildings, with access from public streets or laneways;
- xii) private amenity space shall be provided on balconies and terraces and / or within internal courtyards outdoors and indoors;
- xiii) common amenity space shall be consolidated to create useable spaces;
- xiv) the design and massing of buildings shall minimize shadow and wind impacts on the public realm; and,
- xv) the design of new developments shall have respect for the light, views and privacy enjoyed by residents in adjacent buildings and areas.”

The proposed development complies with Policies A.6.3.3.1.17 i), ii) and iii), as the proposal is for a mixed use building that includes 66.20 m² of ground floor commercial area.

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The proposed building would be located at the property line along Stuart Street and MacNab Street North and accommodates the required road widenings and daylight triangle as per Policies A.6.3.3.1.17 vi) and vii). In response to Policies A.6.3.3.1.17 viii) and ix), main entrances are proposed on the street with barrier free access at grade and parking is proposed to be underground.

The proposed development meets the intent of Policies A.6.3.3.1.17 xii) and xiii) as the proposal includes private balconies, a common amenity area on the fifth floor, and a fitness and meeting room on the ground floor.

In response to Policies A.6.3.3.1.17 xiv) and xv), the applicant submitted a Sun / Shadow Study prepared by KNYMH Architects Inc., dated July 28th, 2016 as part of an Urban Design Analysis prepared by A.J. Clarke and Associates Ltd. dated December, 2016. The Sun / Shadow Study demonstrates that most of the shadowing cast by the proposed development is to the northeast, north, and northwest, including over industrial lands, the CN Rail Corridor and the West Harbour Go Station. Shadows cast on the public realm would occur on portions of Stuart Street from 10:00 am to 4:00 pm on December 21st and from 12:00 pm to 4:00 pm on March 21st. On December 21st, shadows would be cast on portions of MacNab Street North from 2:00 p.m. to 4:00 p.m. and portions of Strachan Street West and James Street North at 4:00 p.m. The development would result in shadows over the Jamesville Housing Development to the northeast of the site, as measured on December 21st at 4:00 p.m. Partial shadows would occur on the rear amenity area for the Hamilton Customs House as measured on December 21st, March 21st and June 21st at 10:00 a.m.

Staff are satisfied that the shadow impacts of the development would be minimal as they would occur at low usage times during the day, for limited duration, primarily over industrial / railway lands. Limited shadow impacts are expected in the summer months. The Urban Design Analysis identifies measures such as window placement, rear step backs and plantings to mitigate privacy overlook impacts on adjacent detached dwellings to the south. Should the applications be approved, such measures would be requested at Site Plan Control stage. A Wind Study would also be requested at the Site Plan Control stage. Based on the forgoing, staff are of the opinion that Policies A.6.3.3.1.17 xiv) and xv) have been met.

Building height and density for properties designated Mixed Use are governed by Schedule “M-4” of Setting Sail. The height permissions for the subject lands are not identified on Schedule “M-4” as building height is currently governed by the policies of the Local Commercial designation. The Applicant has proposed a Site Specific Policy Area to allow for the proposed 11 storey (34 m) mixed use building with 76 dwelling units. As discussed earlier in this report, staff are of the opinion that the proposed building height is not appropriate given the vision and intent of Setting Sail to recognize and enhance the scale and character of the existing residential area and therefore

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cannot support the proposed change in designation from Local Commercial to Mixed Use.

Urban Design:

The following Urban Design policies, amongst others, apply to the proposal.

- “A.6.3.3.4.1 New development, redevelopment and alterations to existing buildings in West Harbour shall respect, complement and enhance the best attributes of West Harbour and shall adhere to the following urban design principles:
- i) Create a comfortable and interesting pedestrian environment;
 - ii) Respect the design, scale, massing, setbacks, height and use of neighbouring buildings, existing and anticipated by this plan;
 - iii) Generally locate surface parking at the rear or side of buildings;
 - iv) Provide main entrances and windows on the street-facing walls of buildings, with entrances at grade level; and,
 - v) Ensure barrier-free access from grade level in commercial mixed use developments.”

The proposal complies with Policies A.6.3.3.4.1 i) and iv) by providing a street oriented building with ground floor glazing and entrances facing the street, creating a comfortable and interesting pedestrian environment. Parking is provided below grade, out of view from the public realm, and therefore meets the intent of Policy A.6.3.3.4.1 iii).

Staff are of the opinion that the proposed 11 storey (34 m) building does not respect the scale, height and massing anticipated by the Secondary Plan as required by Policy A.6.3.3.4.1 ii) and should therefore be denied.

James Street North Mobility Hub Study

On September 24, 2014, Hamilton City Council adopted the James Street North Mobility Hub Study (the Study). The Study was commissioned by the City of Hamilton to guide future planning and development in the area surrounding the intersection of the now

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constructed West Harbour GO train station and the planned City of Hamilton A-Line rapid transit corridor. This location is identified as a Gateway Hub by Metrolinx in The Big Move transportation plan for the GTHA, as a key intersection in the regional transportation network intended to support transit access and high density development. As of the writing of this report, the recommendations of the James Street North Mobility Hub Study have not been incorporated comprehensively into the Official Plan and Zoning By-law. As a Council adopted document, Staff consider the Study to be informative, but not determinative when considering the proposal.

The following Guiding Principles of the James Street North Mobility Hub Study, amongst others apply to the proposal.

- “3. Walkable & Inviting Streets & Open Spaces – Streets within the Mobility Hub will be pedestrian-oriented, and accessible for people of all ages and abilities. They will be framed by animated building edges with wide sidewalks, weather protection, lighting and way-finding.
4. Protect Existing Neighbourhoods – Stable residential neighbourhoods will be protected from undesirable development and intensification. Taller buildings will be designed and located to minimize shadowing, overlook and other adverse impacts.
5. Develop and Appropriate Scale, Form & Density – Intensification will be encouraged where appropriate through low-impact density and within close proximity to transit. Development will repair gaps in the built environment and be sensitive to community context and character, such as the existing James Street North streetwall.
7. Mix of Uses Within the Primary & Secondary Zones – Development within the Mobility Hub aims to create a vibrant mixed use community that supports existing and new transit infrastructure.”

The proposal is consistent with the recommended Guiding Principles 3 and 7 as it proposes a street-oriented mixed use building adjacent to the West Harbour GO Station.

The subject lands are located within the Primary Zone of the Mobility Hub and within Focus Area C – Station Area. The Primary Zone is the area with the greatest potential for change through redevelopment and includes the lands directly associated with the West Harbour GO Station (Focus Area C). The study further identifies specific opportunity sites throughout the Mobility Hub, including the subject lands, which together with the south abutting property (285 MacNab Street North) are identified as Opportunity Site Four.

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The Study concludes that the Local Commercial designation applicable to Opportunity Site Four under Setting Sail is appropriate but recommends that the maximum allowable building height on site be changed from four storeys to eight storeys (in recognition of the close proximity of the site to the West Harbour GO Station). This recommendation is a departure from the standard recommended elsewhere in the Mobility Hub, where the Study establishes a maximum building height equal to the right-of-way width.

Staff recognize that the recommendations of the Council adopted James Street North Mobility Hub Study support an increase in building height beyond what is provided for Setting Sail. Staff are concerned however, that the proposed 11 storey building height exceeds the maximum eight storey building height recommended in the Study and is a departure from the intended vision for the area. Opportunity Site Four includes land assembly of 41 Stuart Street with the south adjacent property at 285 MacNab Street North. The proposal does not include any land assembly as envisioned by the Study to achieve the eight storeys, limiting opportunities for reduced lot coverage and larger step backs to transition to residential uses to the south. The Study's recommendations were developed to balance the protection of stable residential neighbourhoods with the goal of appropriate intensification within close proximity to transit (Guiding Principles 3 and 4).

City of Hamilton Zoning By-law No. 6593

The subject property is currently zoned "J" (Light and Limited Heavy Industry, Etc.) District. In order to implement the proposed development, the applicant has applied to change the zoning to a site specific "CR-1" (Commercial – Residential) District. The applicant has requested the following site specific modifications to the "CR-1" District zoning:

- Increased maximum total gross floor area;
- Increased maximum residential gross floor area;
- Reduced setbacks from all street and lot lines;
- Reduced landscaped area;
- Reduced amenity area;
- Reduced parking rate;
- Reduced parking space dimensions;
- Reduced loading space dimensions and number of loading spaces; and,
- Reduced access driveway width.

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RELEVANT CONSULTATION

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

- Recycling & Waste Disposal, Operations Division, Public Works Department;
- Recreation Division, Healthy and Safe Communities Department;
- Transit Division, Public Works Department; and,
- Alectra Utilities (formerly Horizon Utilities Corporation).

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

CN Rail advised that Sound Transmission Class (STC) 54 or higher façade building materials (masonry or acoustic equivalent) are required. The proponent must ensure that the project will not result in any adverse drainage impacts to CN lands. Also, an environmental easement with CN and the proponent is to be registered on title. The proponent is to contact CN directly regarding the easement. Should the applications be approved, an updated Noise Study and environmental easement conditions would be requested at the Site Plan Control stage.

Health Hazards Office, Healthy and Safe Communities Department staff have requested that a written dust mitigation plan be formulated and submitted prior to the construction phase. Should the applications be approved, this matter would be a condition at the Site Plan Control stage.

Healthy Environments Division, Public Health Services staff have indicated that a Pest Control Plan will be required. Should the applications be approved, this matter would be a condition at the Site Plan Control stage.

Transportation Planning Services (TPS), Planning and Economic Development Department advised a single access will only be permitted for this development. The driveway access width must be a minimum 7.5 m at the property line and curve radii minimum of 6.0 m and must be identified on the plan. Also required are 5.0 m by 5.0 m visibility triangles between the driveway limits and the road allowance limit in which any objects or mature vegetation cannot exceed a height of 0.7 m. A revised Transportation Demand Management Report will also be required. Should the applications be approved, these items would be addressed at the Site Plan Control stage.

Forestry and Horticulture Section, Public Works Department has no concerns regarding the subject applications, however, noted that there are municipal tree assets on the subject property. Therefore, should the applications be approved, a Tree Management Plan and Landscape Plan would be conditions at the Site Plan Control stage.

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Design Review Panel (DRP)

On August 13, 2015, prior to submission of Official Plan Amendment and Zoning By-law Amendment applications, the applicant presented a concept for a 10 storey mixed use commercial / residential building with two levels of underground parking to the Design Review Panel (DRP). The mandate of the DRP is to provide design advice to staff and the proponent.

The DRP provided a number of design recommendations to staff and the applicant, including the summarized comments below, amongst others:

- Reducing the height of the podium along MacNab Street North to two storeys to be consistent with existing buildings to the south.
- Incorporating a plaza on the subject lands to provide a connection to the GO Station Plaza across the street.
- The parking rate may be an issue as sales at a similar development stopped once all parking spaces were sold.

The above design recommendations to reduce the height of the podium along MacNab Street North to two storeys and to incorporate a plaza in the development have not been implemented by the applicant.

PUBLIC CONSULTATION

In accordance with the provisions of the *Planning Act* and the Council approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 160 property owners within 120 m of the subject property on February 14, 2017. A Public Notice sign was posted on the property on February 15, 2017. Finally, Notice of the Public Meeting was posted in the Hamilton Spectator in accordance with the requirements of the *Planning Act*.

Two separate meetings were held with the Central Neighbourhood Association on July 19, 2015 and August 16, 2016. A Neighbourhood Information Meeting was held on April 13, 2017 at the Hamilton Customs House regarding the subject proposal. There were 33 people in attendance including City staff.

To date, six letters and two petitions (with 17 signatures and 297 signatures) have been submitted expressing concerns with the proposed development (refer to Appendix “C” of Report PED19028).

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ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposed Official Plan and Zoning By-law Amendments cannot be supported for the following reason:
 - (i) The proposal does not comply with the policies of the City of Hamilton Official Plan and West Harbour (Setting Sail) Secondary Plan, with regards to matters including, but not limited to, building height, massing, built form and compatibility with the existing character of the surrounding neighbourhood.
2. Staff are not in support of the proposal for the following reasons:

Building Height and Massing

The West Harbour (Setting Sail) Secondary Plan permits a maximum building height of four storeys for the subject lands. On September 24, 2014, Hamilton City Council approved the James Street North Mobility Hub Study that recommended the maximum permitted building height be increased to eight storeys with the addition of the property to the south (285 MacNab Street North). The proposed 11 storey (34 m) building height does not meet the intent of the West Harbour (Setting Sail) Secondary Plan that envisions building heights that recognize and enhance the scale and character of the existing residential area. The building height would exceed that of buildings existing in the surrounding area and the massing would include almost full lot coverage and limited building step backs to reduce visual impact. The recommendations of the Council approved James Street Mobility Hub Study were developed to balance the desire for development adjacent to transit with the direction to respect existing neighbourhoods and do not support the proposed building height and massing at this location, in particular without additional land assembly.

Compatibility with the Character of the Surrounding Neighbourhood

The subject lands are located at the northern edge of a stable residential area consisting primarily of single detached, semi-detached and townhouse dwellings. The immediate context includes a six storey (27.9 m) multiple dwelling to southwest that incorporates a lower overall building height and larger setbacks to adjacent residential uses. One to two and a half storey detached dwellings exist to the south and southeast of the subject lands, together with the two storey Hamilton Customs House (a National Historic Site) to the west and one storey West Harbour GO Station to the northeast. The proposed 11 storey (34 m) building is not in keeping with the prevailing scale, massing and building heights adjacent to the subject lands in the overall neighbourhood. In staff's opinion, the

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proposal does not recognize and enhance the scale and character of the existing residential area.

Therefore, staff recommend that the applications be denied.

3. Engineering

The existing road allowance width of Stuart Street adjacent to the subject property varies between 13.8 m and 19.8 m. The necessary right of way widening and daylighting triangle have been taken into account for the proposed development.

There is an existing 150 mm to 200 mm diameter watermain, 1650 mm diameter sanitary sewer, 375 mm diameter combined sewer and 825 mm diameter combined sewer on Stuart Street adjacent to the subject property. There is an existing 200 mm diameter watermain, 1650 mm diameter sanitary sewer, 750 mm diameter storm sewer and 450 mm diameter combined sewer on MacNab Street North adjacent to the subject property.

Should the applications be approved, a Holding Provision would be required for the completion of a Watermain Hydraulic Analysis on the Pressure District level to identify the upgrades on the existing watermains required to support the development proposal for the subject lands.

Also, should the applications be approved, geotechnical and hydrogeological studies would be required at the Site Plan Control stage, together with conditions requiring that erosion and sediment control, grading and servicing plans be submitted to the satisfaction of the Manager of Development Approvals, Growth Management Division.

4. In response to the circulation of the applications, correspondence has been received from five area residents and the adjacent Workers Arts and Heritage Centre. Petitions in opposition to the proposal have been received from the residents of 50 Murray Street (17 signatures) and the Romanian Orthodox Church located at 278 MacNab Street North (297 signatures).

Parking – there are concerns that the proposed parking is insufficient to meet the needs of the development and will result in overflow parking onto adjacent residential streets.

Traffic – there are concerns that the development will result in increased vehicle traffic on surrounding streets.

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Infrastructure – there are concerns that existing infrastructure is insufficient to meet the needs of the development.

Building Height / Shadows – there are concerns that the proposed building is too high and will have adverse impacts on adjacent buildings, including shadow impacts.

Views – there are concerns that the proposed building would inhibit views of the waterfront.

Compatibility with Adjacent Neighbourhood – there are concerns that the proposal is not compatible with the prevailing low density residential character of the neighbourhood.

Precedent – there is concern that approval of the proposed 11 storey (34 m) mixed use building would set a precedent leading to the overdevelopment of the West Harbour area.

Construction Vibration – there is concern from members of the adjacent Romanian Orthodox Church that construction vibration will damage their existing building.

ALTERNATIVES FOR CONSIDERATION

- 1) Should the applications be approved, staff be directed to prepare the Official Plan Amendment and amending Zoning By-law consistent with the concept plans proposed with the inclusion of a Holding Provision to address matters, including but not limited to: RSC, Functional Servicing, Watermain Hydraulic Analysis, and any other necessary agreements to implement Council's direction.
- 2) Council could direct staff to negotiate revisions to the proposal with the applicant in response to the issues and concerns identified in this Report and report back to Council on the results of the discussion.
- 3) Should the applications be denied, the lands could be developed in accordance with the "J" (Light and Limited Heavy Industry, Etc.) District.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement & Participation

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

Economic Prosperity and Growth

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

Healthy and Safe Communities

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

Clean and Green

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

Built Environment and Infrastructure

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

Culture and Diversity

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

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” – Location Map

Appendix “B” – Concept Plan

Appendix “C” – Public Submissions

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Appendix "A" to Report PED19028



● Site Location



Key Map - Ward 2

N.T.S.

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-17-019/UHOPA-17-08

Date:
February 2, 2017

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
GT/AL

Subject Property

41 Stuart Street



Mr. Gerry Tchisler, City of Hamilton
 Planning and Economic Development Dept.
 Development Planning
 Heritage and Design – Urban Team
 71 Main Street West, 5th Floor
 Hamilton, ON, L8P 4Y5
 Via Email: gerry.tchisler@hamilton.ca

Dear Mr. Tchisler:

Re: OPA-17-08 and ZAC-17-019

At its meeting of February 25, 2017 the Board of Directors of the Workers Arts and Heritage Centre (WAHC), located at 51 Stuart street, Hamilton approved a motion to file an objection to OPA-17-08 and ZAC-17-019 regarding the property at 41 Stuart Street.

We are located in a designated national historic building, and our property is immediately adjacent to 41 Stuart Street on the west side. The proposed development would require the city of Hamilton to re-haul its planning vision for the area, as stated in the approved Land Use studies for the West Harbour area, which identifies Stuart Street as a "Corridor of Gradual Change" (Fig. 2, Preferred Land Use Strategy Report). These studies involved extensive public consultation, and the intent of the city's land use policies for such corridors is to "strengthen existing uses and encourage redevelopment that complements adjacent neighbourhoods and enhances the character of the street." The city has interpreted this to mean low to mid-rise apartment buildings, as evidenced by the only previous redevelopment in the immediate area – no. 50 Murray Street where the height was limited to six storeys.

The proposed development of 41 Stuart Street with an 11-storey tower is inappropriate for a number of reasons:

- it is contrary to the intent of the city's land use policies of encouraging redevelopment that complements adjacent neighbourhoods;
- it is out of character with the area in terms of scale and height, since an 11-storey tower is twice the prevalent height of any exiting building in the area, and the vast majority of properties are one or two storeys;
- it would have a detrimental impact on the continued enjoyment of programming in the 19th century heritage garden of our property, as well as neighbouring residential homes on Murray Street, due to the excessive shadowing that would result from the height of the building; and
- it would create a dangerous precedent that would encourage high density redevelopment in the future, and negatively impact the continued stability of the nearby low density residential homes.

Further, we feel that the existence of a new GO station nearby should not call into question the city's land use goals and objectives by allowing excessive redevelopment.

W : wahc-museum.ca | T : 905.522.3003 | F: 905.522.5424 | E: staff@wahc-museum.ca
 51 Stuart Street | Hamilton ON | L8L 1B5



While the Workers Arts and Heritage Centre is not opposed to the redevelopment of the application site, in principle, and in fact we would welcome the appropriate redevelopment of underutilized sites in terms of scale and height, this particular application is excessive and not in keeping with the character of the area nor the stated intent of the city's land use policies.

Yours very truly,

A handwritten signature in black ink, appearing to read 'V. Pietropaolo', is written over a light blue horizontal line.

Per: Vince Pietropaolo
Member,
Board of Directors of the Workers Arts and Heritage Centre

Contact person:
Florencia Berinstein
Executive Director,
Workers Arts and Heritage Centre
Email: florencia@wahcmuseum.ca

Appendix "C" to Report PED19028
Page 3 of 18**Tchisler, Gerry**

From: [REDACTED]
Sent: March-05-17 9:07 AM
To: Tchisler, Gerry
Subject: RE: 41 Stuart Street Lands

Regarding OPA-17-08 and ZAC-17-019.

I am opposed to any structures in the West Harbour area being taller than six stories. Toronto's lakefront can't even be seen thanks to the hundreds of tall ugly condos that grow there. Now it the time to plan for Hamilton's future, so that we keep some personality and beauty.

There has been a lot of speculation in the development of condos in the Hamilton area lately. Very few of these projects seem to get beyond the planning stages. Development around the West Harbour GO station seems to be based on GO service making Hamilton right next door to Toronto. However, hourly service is not in the near future plans for GO Transit, which will make condo living undesirable to anyone who does any research into the area.

The existing condos on Murray Street have had a steady turnaround. It seems that once Torontonians realize they can buy homes in Hamilton for much less money, they sell their condos and move out.

I don't think we should be rezoning this area for buildings that will likely not get built, or if built, will likely need to be turning into low-income housing when they can't be kept full. This area already has enough low-income housing, which is another reason people are unlikely to want to part with huge sums to own condos so close to the James Street Mission Services, and the city housing just north of the GO station.

Please keep me informed about future meetings and consultations regarding this project. I would ask that my personal information be withheld in this matter.

[REDACTED]

Appendix "C" to Report PED19028
Page 4 of 18

Tchisler, Gerry

From: [REDACTED]
Sent: March-06-17 3:17 PM
To: Tchisler, Gerry; Robichaud, Steve; a.fabac@hamilton.ca
Subject: Official Plan File OPA-17-08 + Zoning ByLaw File ZAC-17-019

It is encouraging to see the revitalization of the James Street North area and obviously we need more people living downtown. We also need to develop underutilised City and privately owned vacant lots - especially parking lots in the Cannon/ Wilson area East of James Street North.

This particular file deals with a residential neighbourhood - mainly single family homes - either stand alone / attached homes and small condominium building (Witton Lofts).

As a resident and home owner of MacNab Street North - since 1998 I object to an 11 story building at Stuart Street and MacNab North.

Mr. Robichaud you said it well in the Spectator on March 3, 2017 - " If you do things successfully you don't even know the building is there." It will be hard to miss this!

In the same article on height and density in Hamilton you also remarked: " Context is the key when it comes to planning these structures. In which neighbourhood will it be built? What impact will it have on traffic."

An 11 story tower doesn't work on this space. In keeping with the scale, size and appearance of neighbouring buildings on Stuart Street including National Historic Site Workers' Arts and Heritage and Inasmuch House Womens' Shelter. Just south of the proposed site - on both sides of MacNab N are single family homes and a Church.

Other than the height of the proposed building my concern is the traffic on MacNab Street North. Ours is a residential street with two way traffic and parking on one side. We need onstreet parking for our own vehicles and visitors.

Since the opening of the (limited train) West Harbour GO Station automobile traffic has increased - and speeding is a common occurrence on this residential street. Where would the owners of the 43 parking spaces enter and exit the underground parking? And where would the other 35 residents without parking put their cars?

I am sending this via email which I trust is acceptable and hopefully in time to be included in the comments.

I would like to be made aware of the decision made by the City. And receive information on future public meetings.

X For privacy I do not want my personal information included in the public record, on the website nor in communication with the applicant.

Thank you.

[REDACTED]
[REDACTED]

Appendix "C" to Report PED19028
Page 5 of 18**Tchisler, Gerry**

From: [REDACTED]
Sent: March-05-17 11:33 AM
To: Tchisler, Gerry
Subject: Re: OPA-17-08 and ZAC-17-019

I was able to get a copy of the letter, so you don't have to send it to me. Thanks. Please do not use my personal information.

As for the proposed development of 41 Stuart Street, I see several problems with it as it stands.

While I understand that it is likely inevitable that development will occur in the neighbourhood, particularly in close proximity to the GO station, there need to be limitations on size and density set put into place now. If an eleven story building is allowed to go ahead, there will be applications for higher and higher buildings. I do not want to see a row of high rise condos lining the West Harbour. This is. To community-friendly, just developer friendly. If you've ever visited Harbourfront in a Toronto, you will see what I am objecting too. No one now thinks this was a good use of highly prized land.

On top of that, 11 stories is too high and is not at all in keeping with the neighborhood's look and feel. I would suggest that no buildings in this area exceed six. The Witton Lofts is six stories and it blends into the neighbourhood well. Eleven story buildings do nothing to enhance the neighbourhood. As I have mentioned before, they might be developer-friendly but they are not community-friendly.

Others issues that this kind of density will produce include:

- increased level of vehicular traffic potentially creating a less walkable community and potentially creating a more dangerous environment for children and the elderly
- parking issues by way of adding 77 units with only 43 parking spots
- possible issues with sewer capacity and general over-taxing of current infrastructures
- sets a bad precedent for the allowable height for future development
- ruins existing views

Any new development should be kept to a reasonable and sensible height of building. As I have said, six stories should be the maximum allowed. No building should occur until the infrastructure of the area is improved and this includes the sewer system.

I urge the committee to reject this proposal for an 11 story building at 41 Stuart Street and send a clear message to those who wish to develop the West Harbour.

Regards,

[REDACTED]
[REDACTED]
[REDACTED]

Sent from my iPad

Appendix "C" to Report PED19028
Page 6 of 18**Tchisler, Gerry**

From: [REDACTED]
Sent: March-02-17 7:56 PM
To: Tchisler, Gerry
Subject: 41 Stuart Street Lands

Dear Gerry

I am writing to you today regarding OPA-17-08 and ZAC-17-019.

While I am happy to see the rejuvenation of James Street North, I am opposed to the current plan to develop these lands.

Since the opening of the West Harbour GO station the vehicular traffic on MacNab Street North has seen a dramatic increase and that poses a safety threat to the community, and most definitely to the vulnerable members of our neighbourhood... the children and the elderly. Adding a high density building will only increase the traffic and pose an even greater threat to the safety of our community.

I can understand that the developer finds these lands very lucrative due to the proximity of the GO station but if one does any research into the proposed service to and from West Harbour there is no commitment from the province to fund all day service to and from that station until at least 2025. Once the reality of that sets in what we are as a community going to be left with in terms of that building?

I have been an active member of the North End community for the last sixteen years and over that time what I have heard from people is that they want to preserve our neighbourhood and the strong sense of community that has been built here over generations. That does not include developments that will generate a huge property tax base for the city and will add to the growing number of absentee landlords that we are currently seeing and that trend is on the increase all over the North End.

If this project is approved as it stands it is going to make it so much easier for future developers to take advantage of the lands near the West Harbour and over time that will take away from the beauty of our natural waterfront. The waterfront in Toronto can't be seen for the jungle of condos that are in front of it... is that what we want for our waterfront that is surrounded by so much natural beauty?

By submitting my comments I am fully aware that they will be made public but I ask that all of my personal information be removed from the report and only my comments be included. Thank you for respecting my privacy while allowing me to voice my concerns regarding this project.

I ask to be included in future meetings and consultations regarding this project as long as my personal privacy is guaranteed.

Yours,

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Appendix "C" to Report PED19028
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March 6, 2017

Mr. Gerry Tchisler
Development Planning, Heritage & Design – Urban Team
Planning & Economic Development Department
City of Hamilton
71 Main Street West, 5th Floor
Hamilton, ON, L8P 4Y5

Dear Mr. Tchisler:

Re: 41 Stuart Street, Hamilton (File Nos. OPA-17-08 and ZAC-17-019)

I am contacting you to express my concerns about the proposed official plan amendment and zoning by-law amendment for lands located at 41 Stuart Street in Hamilton. I realize that I may be wasting my time, especially since Glen Norton (the city's Manager of Urban Renewal) has already supported the project in the media, but here goes ...

Parking

Per the notice provided the plan is for 77 dwellings and one commercial unit but only provides 43 parking spaces. Where is everyone else going to park? Is Metrolinx going to sell spots to residents at the GO station? Because I can attest to the fact that there isn't any street parking available.

Traffic

As Councillor Farr is aware, there is already uneasiness in the neighbourhood about traffic levels. Our quiet neighbourhood has quite a few young families and safety is becoming a worry. I believe we are getting speed bumps but that won't help with additional congestion. Traffic will just move slower.

Infrastructure

We are regularly hearing about Hamilton's aging infrastructure. Can this area's infrastructure support an additional 77 homes? How will service to existing homes be affected?

[REDACTED]

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Our History

I was at a neighbourhood event last week and it was obvious how proud everyone is of their home, the history of our neighbourhood and our city. While we all support rejuvenation in our neighbourhood, it would be a shame to put a modern high rise amid Victorian homes built in the mid-to-late 1800's. And what about Custom House? How will this new building affect "one of Hamilton's foremost architectural landmarks"?

Mr. Tchisler since the city has not yet provided the proposed architectural plan for this new building it is difficult to speak specifically to it. Worst case scenario (for me personally) is that, in addition to the above concerns, I will lose my gorgeous view of blue skies, mature trees and the harbour (albeit a tiny sliver of it). Instead I will be living in the dark shadow of an 11-storey building and my view will be of junk stored on balconies.

I look forward to receiving notification of the public meeting and both the decision on the proposed Official Plan Amendment and the decision on the proposed Zoning By-law Amendment. As I do not have email coordinates for the Coordinator of the Planning Committee may I ask that you pass this request on to him/her on my behalf? Thank you.

As well make note that I do not want my personal information made available to the applicant or the general public. Please take the appropriate action to keep my contact details confidential. Thanks.

Respectfully submitted,

[Redacted signature]

[Redacted contact information]

Appendix "C" to Report PED19028
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Response to File: OPA-17-08 Planning and Economic Development by neighbours of 50 Murray Street West

March 6, 2017

Kimberley Harrison-McMillian
Senior Project Manager
Development Planning, Heritage and Design – Urban Team
City of Hamilton, ON

MAR 06 2017

Dear Ms. Harrison-McMillian,

In response to the Note of Complete Application by King Stuart Development Inc., for an Official Plan Amendment and Zoning By-law Amendment for lands located at 41 Stuart Street, Hamilton (File No. OPA-17-08), we the neighborhood citizens listed below, have the following comments/concerns:

1. The proposal to permit an 11 storey building with 77 dwelling units does not align with the current architectural design and surpasses current building height of our neighbourhood
2. Many of us who moved to this area based their decision on the recommendations put forth in the Setting Sail Secondary Plan for West Harbour, which favors a maximum height of 4-6 storey development in this neighbourhood
3. The presentence that will be set for future development of medium to large building heights if this amendment is passed
4. The proposed building with 77 units and only 43 parking spaces would compound current demands on limited street parking spots available in our neighborhood

Name	Address	Contact Information	Additional Comments	Consent to publish comments on City's website (Y/N)
1 Steven Thomas	Unit 401 50 Murray St W, Hamilton	thomstom235@gmail.com	Please conform to original setting sail plans	Yes
2 E van Praey	Unit 302 50 Murray St. W. Hamilton	evan.praey@hotmail.com	Some T + Parking	Yes
3 Simon Baruk	305-50 Murray St. W. Hamilton	simon.baruk@gmail.com	Please meet setting sail plans for west harbour	Yes

1 | Page

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Page 10 of 18

Response to File: OPA-17-08 Planning and Economic Development by neighbours of 50 Murray Street West

Name	Address	Contact Information	Additional Comments	Consent to publish comments on City's website (Y/N)
JANE SLOTE	504-50 MURRAY ST. W. HAMILTON	j.as.j.s.lote@msn.com	PLEASE CONFORM WITH WEST HAMILTON PLANS = 6 FLOORS	Y
Murray Slote	504-50 Murray St. W. Hamilton	m_sloate@hotmail.com	Can form to Softing So, 1 6 Floors Max	Y
Lynne Thomas	504-50 Murray St W Hamilton	thomaslynne@rogers.com		Y
Shirley McLaughlin	50 Murray St W #215	shirley.mclaughlin@rogers.com		Y
Christina Slote	50 Murray St W 303	christina.sloate@rogers.com	parking issues already	Y
Deborah Field	306-50 Murray St W Hamilton	fieldandstorie@yahoo.ca	confirm "subsetting soil" left over / parking issues	Y
David Slote	"	"	"	Y
Quincy Speck	504-50 MURRAY ST W HAMILTON	quincy.speck@rogers.com		Y
Patricia Speck	"	"	parking concern + height limit?	Y
Erika Bernèche	302-50 MURRAY ST. W. HAMILTON	e.bernèche@rogers.com	height limit + parking	Y
Austin Lewis / David Lewis	203 Sullivan Street W	akwyzd@rogers.com	parking/height	Y
Amanda Wierzbicki	406 Murray St West	awierzbicki@rogers.com	Parking and influx of area	Yes

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Response to File: OPA-17-08 Planning and Economic Development by neighbours of 50 Murray Street West

	Name	Address	Contact Information	Additional Comments	Consent to publish comments on City's website (Y/N)
16	Marlene Cervino	602-50 Murray St. W. Hamilton ON	765-537-4849		N
17	Barbara Barron by proxy	201-50 Murray St Thorn ON	b.barron@primus.ca	Same as above in 1-4	Y
18					
19					
20					
9					
10					
11					
12					
13					
14					
15					

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OFFICE OF THE CITY CLERK	
NOV 27 2017	
REF'D TO	S. Robichaud
REF'D TO	DAVID ION
REF'D TO	
ACTION _____	
Re: 41 Stuart Street, Hamilton	

ROMANIAN ORTHODOX DIOCESE OF CANADA
THE ROMANIAN ORTHODOX PARISH OF THE HOLY RESURRECTION
 Rev. Fr. Lucian Puscariu - Parish Priest
 278 MacNab Street North Hamilton ON, L8L 1K4
 Telephone (905)529-1663; Mobile (289)237-3940
 www.biserica.ca

October 10, 2017

Official Plan Amendment - File No: OPA-17-08

Zoning By-Law Amendment -File No: ZAC-17-019

Dear Sir/Madam,

The Romanian Orthodox Church of the Holy Resurrection in Hamilton is a center point for the spiritual and social life of the Romanian community in Hamilton, Stoney Creek, Dundas, Burlington, and Oakville of about 8,000 people. In addition to our Sunday services, which gather the congregation to fulfill their religious duties, our Church often organizes social get-togethers, and dinners since 1946.

We are home of the Romanian Heritage School as part of Hamilton-Wentworth District School Board, which uses free of charge the Church's property to teach children the Romanian language and culture. Recently, we reactivated an old folk dance group, who is rehearsing weekly on the Church premises. These are all steps to maintain a respectful community in the area.

The Romanian Canadian population in Hamilton area grew exponentially after 1990, and it is imperative to maintain the good standing of our 100 years old Church.

As any Charity, the members of our Council voluntarily contribute their time, knowledge, and passion to build a stronger community. Unfortunately, the recent development proposal in the immediate neighborhood of our property not only put in danger the structure of our Church, but also negatively impacts our activities. Reducing the number of on-street parking spaces in the area will prevent our community members to attend religious services, to take part of cultural activities, to enroll in the Romanian language school program. That translates into a reduced quality of life for our elderly, and affects the best interest of our children.

The above mentioned plan fails to accommodate the legal number of parking spaces appropriate for the number of residential and commercial units proposed and imposes the risk of structural damage to our property. Granting permit to such development plan will restrict our community rights to enjoy the property.

We respectfully ask you to exercise discretion and reject the development plan File No: OPA-17-08 and File No: ZAC-17-019 taking into account the best interest of our community. In support for our request please see attached petition.

Sincerely



Rev. Fr. Lucian Puscariu - Parish Priest



PETITION

Re: Application for *Official Plan Amendment* and *Zoning By-Law Amendment* for Lands Located at 41 Stuart Street, Hamilton (Ward 2)

To: 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, West, 5th Floor, L8P 4Y5

From:
The Romanian Orthodox Church of the Holy Resurrection
278 Mac Nab Street North, Hamilton, On, L8L 1K4

The issue:

An application has been made by King Stuart Developments Inc to the City of Hamilton for an **Official Plan Amendment (File No. OPA-17-08)** and a **Zoning By-Law Amendment (File No. ZAC -17 -019)** for Lands located at **41 Stuart Street, Hamilton** in order to permit an 11 storey, mixed use building with 77 dwelling units, one at-grade commercial unit and 43 parking spaces located in two underground parking levels.

The concerns:

The congregation of The Romanian Orthodox Church of the Holy Resurrection has the following concerns:

- The proposed development fails to provide the appropriate number of parking facilities in accordance with the current zoning By-Law. This will negatively impact our congregation by reducing the number of available on-street parking spaces in the area and prevent our members to attend religious services and events (i.e. baptism, weddings or funeral ceremonies) as our existing parking lot is very small (only 8 parking spaces) and there are no other off-street parking facilities available nearby.
- The proposed construction is adjacent to our Church and there is a high probability that our building will sustain structural damages caused by vibration during the excavations for the underground parking levels.
- The height of the proposed building (11 storey) is out of keeping with that of the adjacent buildings.

Appendix "C" to Report PED19028

We, the congregation of The Romanian Orthodox Church of The Holy Resurrection, petition the City of Hamilton to deny the request for Official Plan Amendment (File No. OPA -17-08) and Zoning By-Law Amendment (File No. ZAC -17-019) as the proposed development will negatively impact us.

Respectfully submitted on November 22, 2017 by:

Rev. Lucian Puscariu, Parish Priest

Traian Pirvu, Secretary

Maria Nikolica, Councilor

Angela Tanacs, Councilor

Mariana Popa, Councilor

Mitch Holbura, Councilor

Dan Branescu, Councilor

Florin Patrau, Councilor

Nick Bunu, President of Parish Council

Corina Gherghel, Councilor

Traian Nikolica, Councilor

Alexandra Predescu, Councilor

Aurel Cotiga, Councilor

George Flutur, Councilor

Cathy Iuga, Councilor

c.c: Councilor Jason Farr, Ward 2

S. Robichaud, Director of Planning and Chief Planner, Planning Division

A. Fabac, Manager, Development Planning, Heritage and Design

Kimberly Harrison-McMillan, Senior Project Manager, Development Planning, Heritage and Design

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We, the congregation of The Romanian Orthodox Church of the Holy Resurrection, petition the City of Hamilton to deny the request for Official Plan Amendment (File No. OPA -17-08) and Zoning By-Law Amendment (File No. ZAC -17-019) as the proposed development will negatively impact us.

#	Name	Signature	#	Name	Signature
1	Ioana Puscaiu	Ioana	40	MIHAELA OLTEAN	MIHAELA
2	AUREL BOICAN	Aurel	41	Silvia Surugiu	Silvia
3	NEGUTA BOICAN	Boicu	42	MURARU MARIA	Maria
4	DANIELA FASIE	Daniela	43	BEATRICE MASALA	Beatrice
5	CORNELIA HANZEL	Cornelia	44	BOGDAN MASALA	Bogdan
6	PURICA FILIPOVIC	Purica	45	OLTEAN M.	Oltean
7	PURICA POSTELNICU	Purica	46	VIOLA BLUDA	Viola
8	ILEANA CUCOS	Ileana	47	OPRICA LIVIA	Oprița
9	BIANCA BUNU	Bianca	48	Silvia Palcu	Silvia
10	ANARA BUNU	Anara	49	Viorica Peticu	Viorica
11	MONA-LISA BUNU	Mona-Lisa	50	VIORICA PETICU	Viorica
12	STOLERU BOGDAN	Stoleru	51	Mona Ursulea	Mona
13	STOLERU IRINA	Stoleru	52	MIRCEA GEORGESCU	Mircea
14	Florina Pastou	Florina	53	SMARANDA GEORGESCU	Smaranda
15	Alexa Pastou	Alexa	54	YANGETA ANUTA	Yangeta
16	Andrei Pastou	Andrei	55	Cristina Pierce	Cristina
17	Nicholas Talsu	Nicholas	56	William Pierce	William
18	Florina Hogiu	Florina	57	Alexandra Balasa	Alexandra
19	Florina Pal	Florina	58	Raluca Balasa	Raluca
20	DRAGOȘ PREDEȘCU	Dragoș	59	TRISORBA FELICIA	Trisorba
21	ALEXANDRU PREDEȘCU	Alexandru	60	Bianca Hostinec	Bianca
22	CARMEN CIUCEA	Carmen	61	Alina Ciucea	Alina
23	DENISA PREDEȘCU	Denisa	62	Daniela Sucu	Daniela
24	SANDA IANCU	Sanda	63	CLAUDIU ȘTEFU	Claudiu
25	ANA PREDEȘCU	Ana	64	POPA MARIANA	Popa
26	VERONICA PREDEȘCU	Veronica	65	CRISTINA IORDAN	Cristina
27	DAN BRĂNESCU	Dan	66	CRISTINA NICOLICU	Cristina
28	CORINA BRĂNESCU	Corina	67	CRISTIAN NIKOLICU	Cristian
29	ALEX BRĂNESCU	Alex	68	Mia Nicolici	Mia
30	PAUL BRĂNESCU	Paul	69	HONER NICOLITA	Honer
31	MARGA HUTCHINGS	Marga	70	ROSA NICOLITA	Rosa
32	GEORGE FLUTUR	George	71	SOMIA FELICIA	Somia
33	Adriana Suricu	Adriana	72	FLORIN FELICIA	Florin
34	Florina Suricu	Florina	73	NECULAI BUNU	Neculai
35	Adriana Suricu	Adriana	74	MARIANA BOIDA	Mariana
36	George Constantin	George	75	GEORGE BENTICU	George
37	GEORGE GERSĂNESCU	George	76	CRISTIAN TRANDAFIR	Cristian
38	CRISTINA GEORGESCU	Cristina	77	SORINA TRANDAFIR	Sorina
39			78	Dokana Brucano	Dokana

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We, the congregation of Holy Resurrection Romanian Orthodox Church, petition the City of Hamilton to deny the request for Official Plan Amendment (File No. OPA -17-08) and Zoning By-Law Amendment (File No. ZAC -17-019) as the proposed development will negatively impact us.

#	Name	Signature	#	Name	Signature
79	NICOLAE LADANYI	[Signature]	117	SARA POPA	[Signature]
80	APOSTOL GABRIELA	[Signature]	118	George Stan	[Signature]
81	APOSTOL GHEORGHE	[Signature]	119	DECIU VULCU	[Signature]
82	BOGDAN POPAZU	[Signature]	120	ROXANA MARICA	[Signature]
83	NICOLAE JIPA	[Signature]	121	CRISTI MARICA	[Signature]
84	Monique Popazu	[Signature]	122	PETER PAVICI	[Signature]
85	Cornelia Popazu	[Signature]	123	LIGIA GUMA	[Signature]
86	SHARANDA JIPA	[Signature]	124	CORNELIA MIRON	[Signature]
87	Andri Popazu	[Signature]	125	COSTEL MIRON	[Signature]
88	Greta Ladanyj	[Signature]	126	Ana Agachie	[Signature]
89	LAICA DALEHMU	[Signature]	127	Andrei Agachie	[Signature]
90	OCTAV POPESCU	[Signature]	128	Munteanu Ioan	[Signature]
91	RADU BALINT	[Signature]	129	Munteanu Ecaterina	[Signature]
92	MIRELA ROMANESCU	[Signature]	130	Agachie Daniela	[Signature]
93	ENIKO TOMA	[Signature]	131	Agachie Ioli	[Signature]
94	DRAGOS DEMIR	[Signature]	132	Elena Buiuca	[Signature]
95	BAN, CENTEA	[Signature]	133	Adrian Buiuca	[Signature]
96	CRISTINA CENTEA	[Signature]	134	Monica Berle	[Signature]
97	DEMIR ANIA	[Signature]	135	Carol Berle	[Signature]
98	ADAM ELENA	[Signature]	136	Ioana Berle	[Signature]
99	ADAM IORAN	[Signature]	137	Alexandra Henis	[Signature]
100	Stephanie Demir	[Signature]	138	Ana Ivan-Let	[Signature]
101	ANDREEA DEMIR	[Signature]	139	Delia Orucem	[Signature]
102	NICOLETA LADANYI	[Signature]	140	Gabriel Orucem	[Signature]
103	LIDIA ELENA	[Signature]	141	Corina Ghicghel	[Signature]
104	Lidia Cotoi	[Signature]	142	CORINA TITA	[Signature]
105	Chris Cotoi	[Signature]	143	FRATII SLEGHEI	[Signature]
106	Ioana Cociary	[Signature]	144	MARIA TOTI	[Signature]
107	Stelian Cotoi	[Signature]	145	GABI SLEGHEI	[Signature]
108	Teodora Cotoi	[Signature]	146	Satorchel	[Signature]
109	Indonita Patrascu	[Signature]	147	Mihaila Nicolae	[Signature]
110	Silvia Oprca	[Signature]	148	Sorin Nicolae	[Signature]
111	Stamfa Mureca	[Signature]	149	CONCEPȚIA POPESCU	[Signature]
112	Stanila Oana	[Signature]	150	Suzana Cristenco	[Signature]
113	Stanila Mihalache	[Signature]	151	Teodora Cristenco	[Signature]
114	Doina Colaji	[Signature]	152	Viviana Zebin	[Signature]
115	Cristi Colaji	[Signature]	153	MIRIAMIA CALMISE	[Signature]
116	Manuel Popa	[Signature]	154	OVIDIU FILIMON	[Signature]

Appendix "C" to Report PED19028

We, the congregation of Holy Resurrection Romanian Orthodox Church, petition the City of Hamilton to deny the request for Official Plan Amendment (File No. OPA -17-08) and Zoning By-Law Amendment (File No. ZAC -17-019) as the proposed development will negatively impact us.

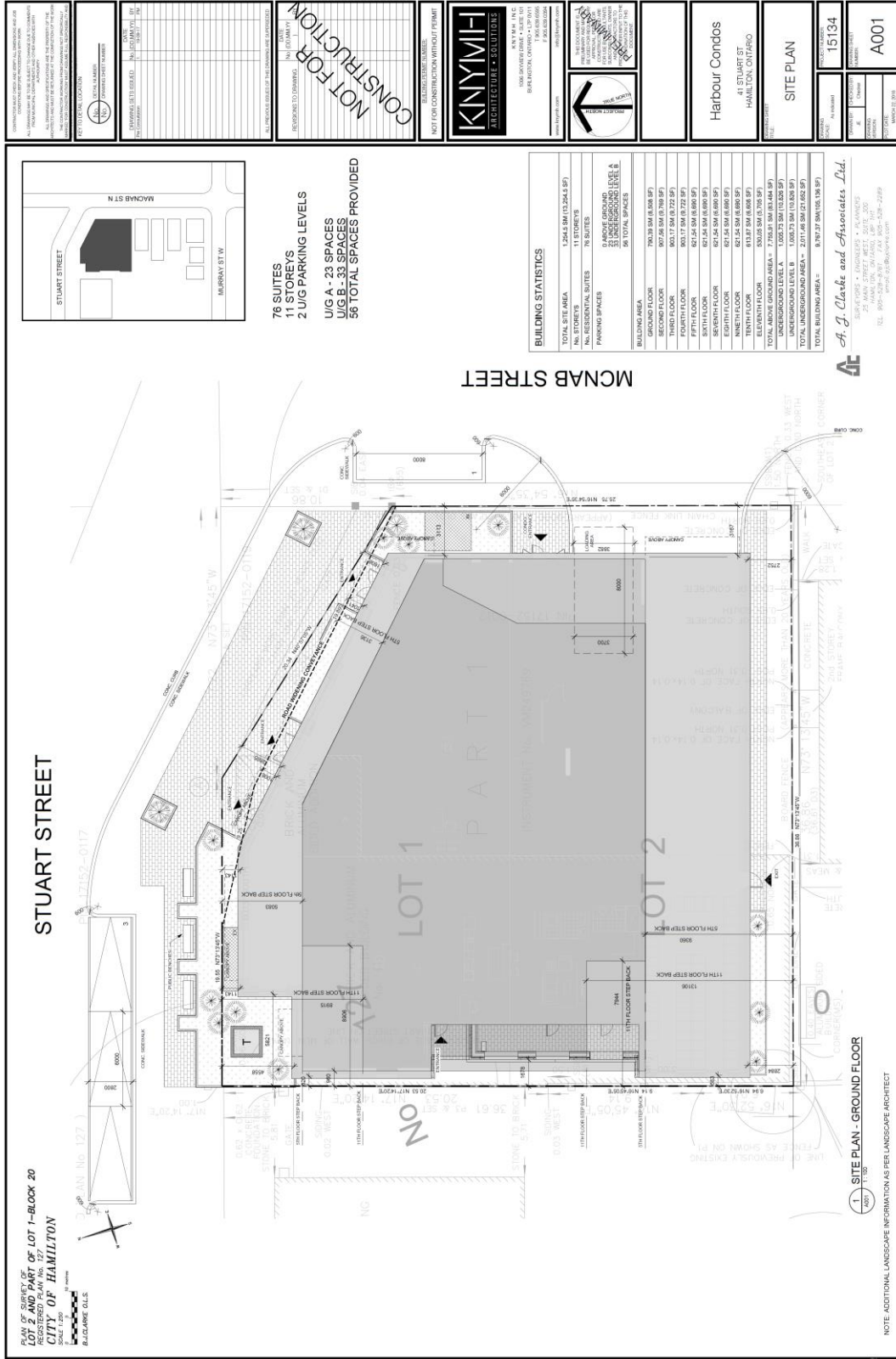
#	Name	Signature	#	Name	Signature
155	MARLENE FILIMON	[Signature]	193	Matei Burlea	[Signature]
156	NATALIA STEPHEN	[Signature]	194	Magda Benita	[Signature]
157	CASIRIA BOGDAN	[Signature]	195	Ana Maria Botic	[Signature]
158	CATALIN BOGDAN	[Signature]	196	Manuel Popa	[Signature]
159	GRACE CERESA	[Signature]	197	ANI AGACHE	[Signature]
160	Albert Fludus	[Signature]	198	CATERINA Munteanu	[Signature]
161	Mirica Fludus	[Signature]	199	Daciana Cimac	[Signature]
162	Anca Fata	[Signature]	200	IOANITA ONETE	[Signature]
163	Fabian Paulus	[Signature]	201	Adela IRENE	[Signature]
164	Anca Rusan	[Signature]	202	Michelle Olga	[Signature]
165	Paul Aragonir	[Signature]	203	Florentina GOSAN	[Signature]
166	Georgeta Monne	[Signature]	204	Colița Iulio	[Signature]
167	Laura Murescu	[Signature]	205	Maria Puiu	[Signature]
168	LANA BRATU	[Signature]	206	STELIAN COJOC	[Signature]
169	SWIZZANU GEORGETA	[Signature]	207	GEORGE CORBEANU	[Signature]
170	MARCEA BEZEGESE	[Signature]	208	George Patila	[Signature]
171	ANIA HOLBURA	[Signature]	209	Nicolete Ionescu	[Signature]
172	FLORENTINA CARASAS	[Signature]	210	ILIEVIC ALEXANDRU	[Signature]
173	Georgeta Cosofrat	[Signature]	211	ILIEVIC ANDRADA	[Signature]
174	Alex Holbură	[Signature]	212	ADRIAN BETIU	[Signature]
175	Daniela Carasas	[Signature]	213	LUCA IOAN	[Signature]
176	CHIS CARASAS	[Signature]	214	LUCA ANA	[Signature]
177	Christina Stoicea	[Signature]	215	HILBERG ANA	[Signature]
178	JOHN CARASAS	[Signature]	216	TIBULEAO MARCEL	[Signature]
179	Michelle Sticea	[Signature]	217	MELT GURUWI	[Signature]
180	Shouchici Justin	[Signature]	218	Mihai GUTU	[Signature]
181	Paula Marius	[Signature]	219	Cristina Paras	[Signature]
182	Rodica Cristina	[Signature]	220	Veronica Mitroi	[Signature]
183	CLAUDIA CHIRIAC	[Signature]	221	Iana Bogdan	[Signature]
184	Nicol SOBRO	[Signature]	222	Paula Bogdan	[Signature]
185	ADRIAN CARASAS	[Signature]	223	Mercea Bogdan	[Signature]
186	Dobresu Nicolae	[Signature]	224	Geto Stou	[Signature]
187	Mirela Bratu	[Signature]	225	Nicu Stou	[Signature]
188	Constantin Orna	[Signature]	226	Mariela Tator	[Signature]
189	CRISTINA IANCU	[Signature]	227	Simona Ghivocel	[Signature]
190	DAN MANULESCU	[Signature]	228	Ion Iqar	[Signature]
191	GEORGETA MORRE	[Signature]	229	Adiana Iqar	[Signature]
192	MOROSAN C-TIN	[Signature]	230	Carmen Tator	[Signature]

Appendix "C" to Report PED19028

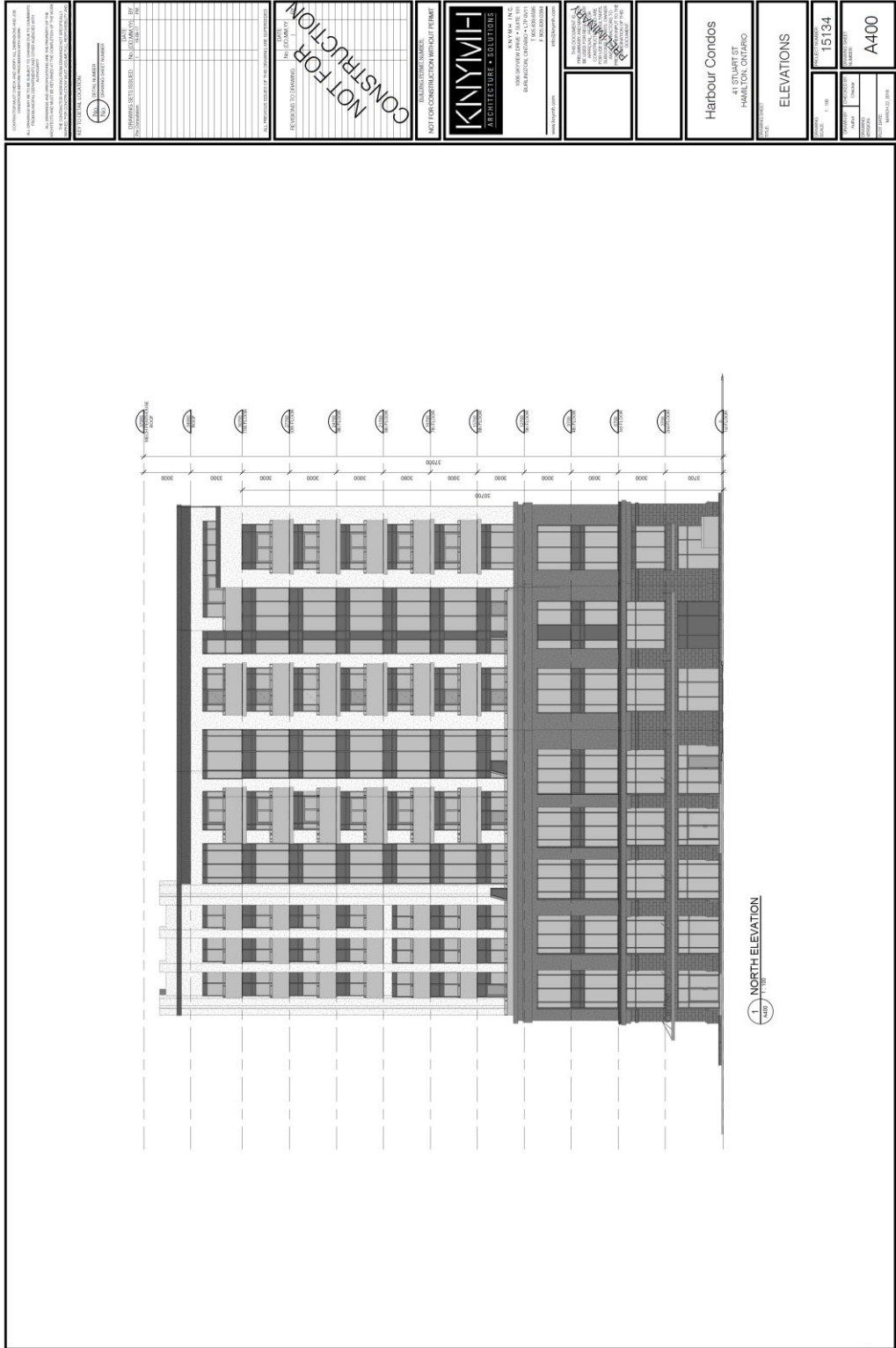
We, the congregation of The Romanian Orthodox Church of the Holy Resurrection, petition the City of Hamilton to deny the request for Official Plan Amendment (File No. OPA -17-08) and Zoning By-Law Amendment (File No. ZAC -17-019) as the proposed development will negatively impact us.

#	Name	Signature	#	Name	Signature
231	Adriana Hrisca	[Signature]	49	Dorin GINSCA	[Signature]
232	Ovidiu Hrisca	[Signature]	4	GABRIEL TANTARU	[Signature]
233	Sorinel Balaban	[Signature]	4	LOREN SIRBU	[Signature]
234	Luminita Balaban	[Signature]	43	RAMONA LACATUS	[Signature]
235	Mariana Cristofor	[Signature]	44	Elvira Lacatus	[Signature]
236	Gheorghe Cristofor	[Signature]	45	Jonel Lacatus	[Signature]
237	Janelella Yazari	[Signature]	46	Dorinel Muresan	[Signature]
238	Serita Yazari	[Signature]	47	Liviu Sas	[Signature]
239	Adina Yazari	[Signature]	48	Vali LAPATINA	[Signature]
240	Violeta Grosel	[Signature]	49	MARIA CIONTEA	[Signature]
241	Elisabeta Ciobanu	[Signature]	0	PETRE CIONTEA	[Signature]
242	Serita Ciobanu	[Signature]	1	FLORINA PREDESCU	[Signature]
243	Elena Turlioc	[Signature]	2	CLAUDIA SAS	[Signature]
244	Elena Ciobanu	[Signature]	3	VERONICA MURESIAN	[Signature]
245	Elena Ciobanu	[Signature]	4	LIUCLA Grosel	[Signature]
246	Tania Andrei	[Signature]	5	MIRABELA DABON	[Signature]
247	Stelica Andrei	[Signature]	6	MICHAEL	[Signature]
248	Fetu Iluto	[Signature]	7	ALEXANDRU COCEANU	[Signature]
249	Jana Iluto	[Signature]	8	Dumitru Rachib	[Signature]
250	IONESCU VERONICA	[Signature]	9	LIVIU DRAGUS	[Signature]
251	ION ION IESCU	[Signature]	0	Olivia Colcenu	[Signature]
252	CALIN NEBRISTEAN	[Signature]	1	Evelia Rachib	[Signature]
253	MIRABELA NEBRISTEAN	[Signature]	2	JALERIU CERCEL	[Signature]
254	Carascia GINSCA	[Signature]	3	Adriana Surin	[Signature]
255	Ioana Popescu	[Signature]	4	Calin Tarabusi	[Signature]
256	DANA TACI	[Signature]	5	Dana Popescu	[Signature]
257	Cornelia Popoviciu	[Signature]	6	LIANA SARANIN	[Signature]
258	Giganta Ciocan	[Signature]	7	Svetlana Cobu	[Signature]
259	Violeta Huber	[Signature]	8	" "	
260	Persida Markovic	[Signature]	9		
261	LI GI VARGA	[Signature]	0		
262	Silvia Alexandra	[Signature]	1		
263	Inna Alexandrescu	[Signature]	2		
264	MIRELA BURBU	[Signature]	3		
265	CORNEL BURBU	[Signature]	4		
266	VIKTOR ARDEJAN	[Signature]	5		
267	NIKOLINA ARDEJAN	[Signature]	6		
268	Coliga CRISTINA	[Signature]	7		
269	Daniela BORDAC	[Signature]	8		
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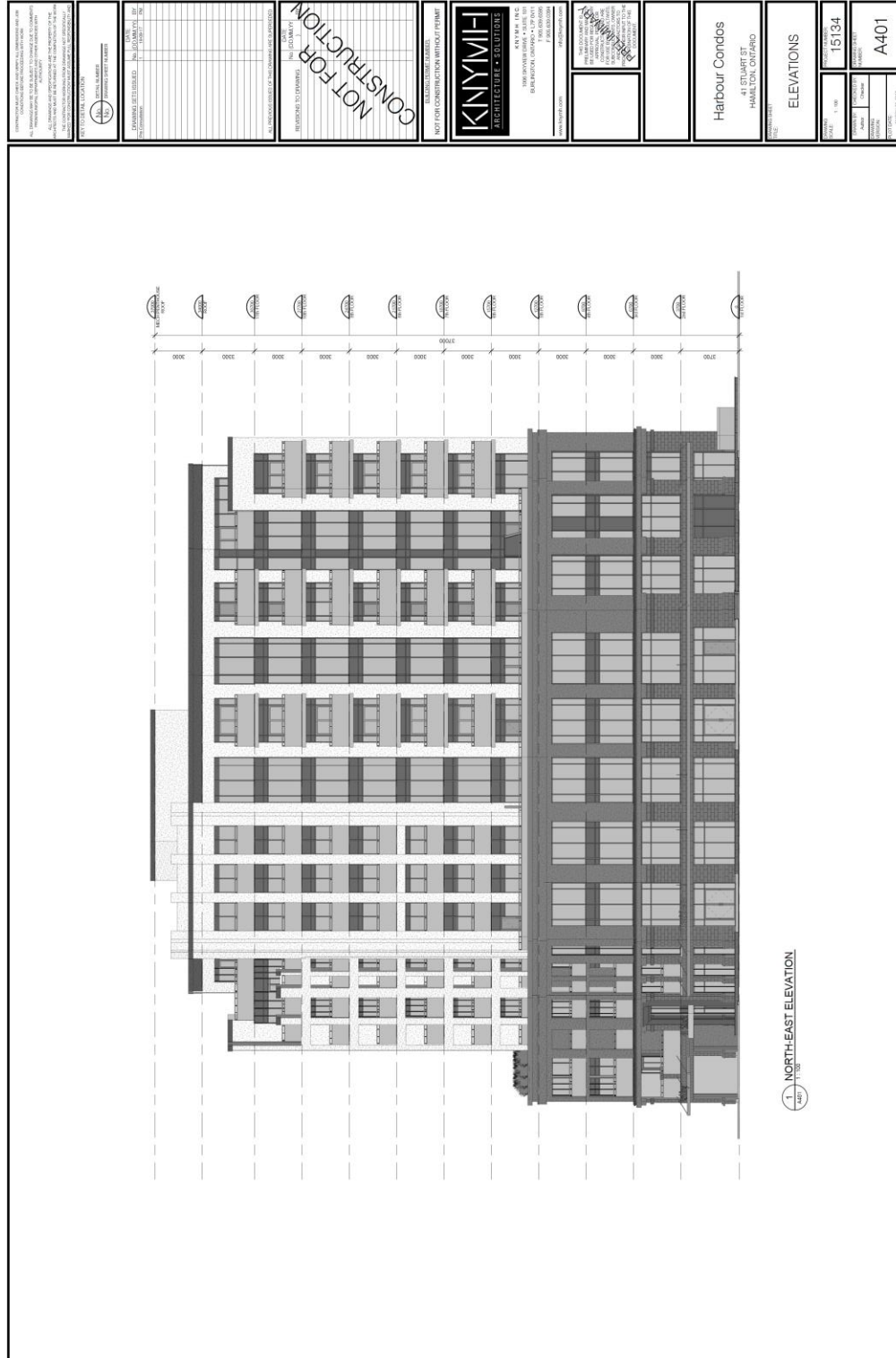
Appendix "B" to Report PED19028



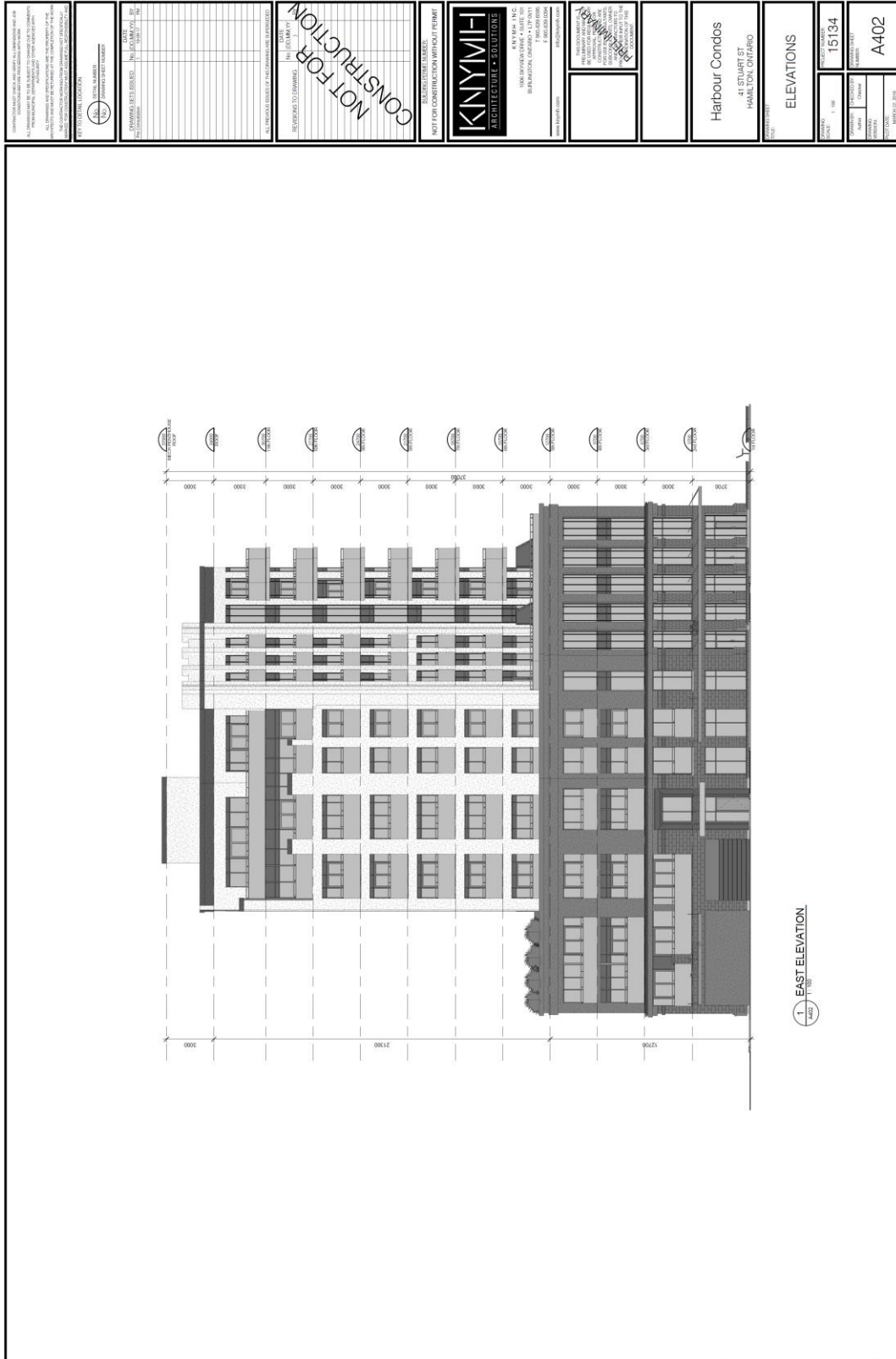
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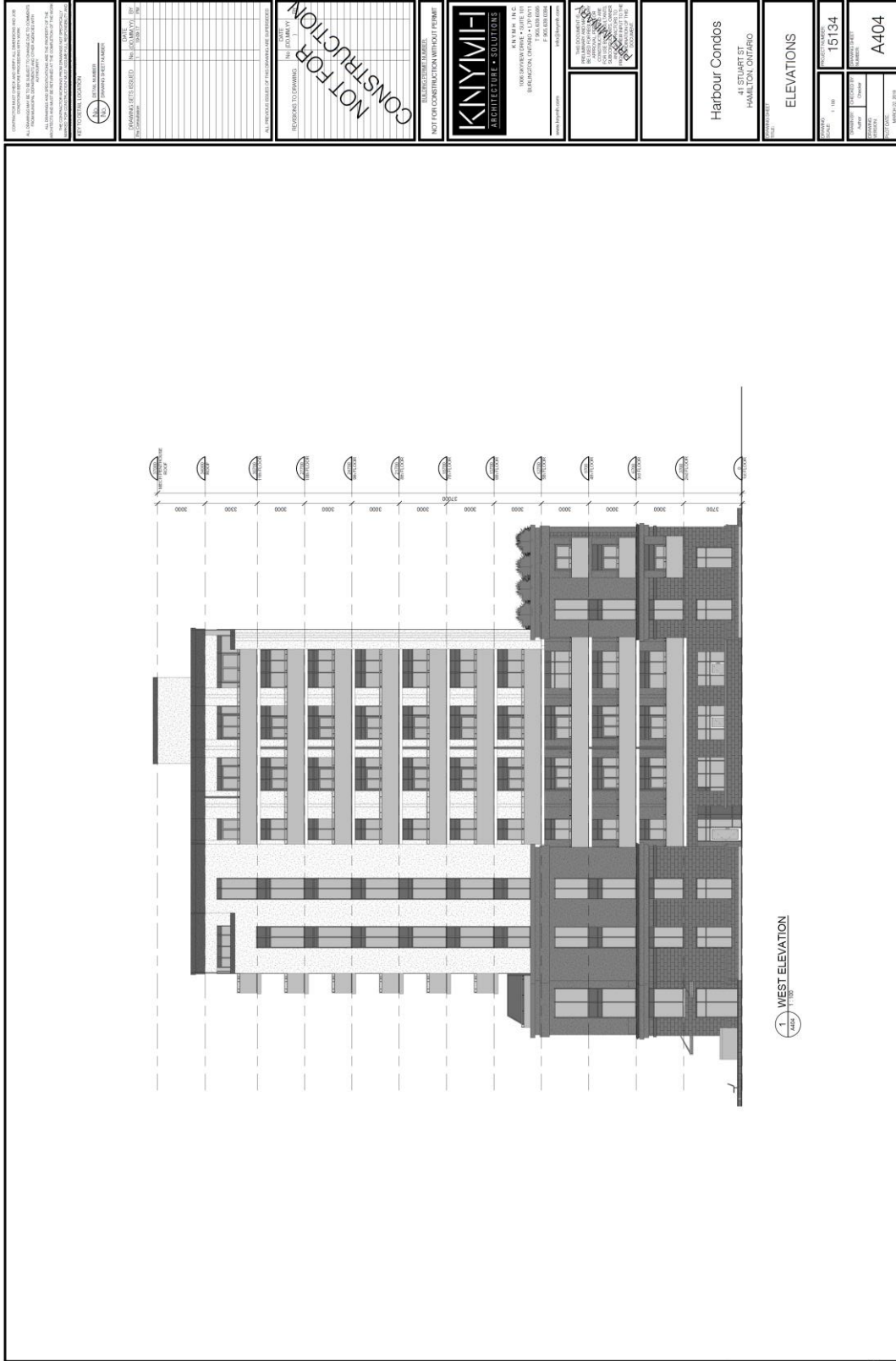
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CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
 Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	February 5, 2019
SUBJECT/REPORT NO:	Bill 66 - Restoring Ontario's Competitiveness Act, 2018 (Schedule 10) (PED19027) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Heather Travis (905) 546-2424 Ext. 4168
SUBMITTED BY:	Jason Thorne General Manager Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That the City of Hamilton does not find that the proposed open-for-business planning by-law as established by the Province in *Bill 66* is a necessary tool for the following reasons, as identified in Appendices "A" and "B" to Report PED19027:
- (i) The City has designated and zoned industrial land available for development.
 - (ii) The City has a streamlined development approvals process.
 - (iii) The proposed by-law could have impacts on employment land values and the City's transportation and infrastructure investments by creating uncertainty as a result of unplanned development.
 - (iv) There is a concern that the proposed by-law under *Bill 66*, which does not contain precise language on its purpose, could potentially be utilized for purposes beyond major employment development, which could undermine the City's planned urban structure and responsible growth strategy.
- (b) That the City of Hamilton recommends that, as an alternative to the proposed open-for-business planning by-law as established by the Province in *Bill 66*, the Province amend Section 47 of the *Planning Act* to remove the allowance for appeal of a Minister's Zoning Order.

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**SUBJECT: Bill 66 - Restoring Ontario's Competitiveness Act, 2018 (Schedule 10)
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- (c) That should the Province move forward with the passage of *Bill 66*, the City of Hamilton has the following suggestions for improvement to the proposed legislation:
- (i) Remove the exemptions to Subsection 3(5) and Section 24 of the *Planning Act*, Section 39 of the *Clean Water Act*, Section 20 of the *Great Lakes Protection Act*, Section 7 of the *Greenbelt Act*, and the exemption to “any prescribed provision”.
 - (ii) Include the prescribed purpose of the proposed open-for-business planning by-law in section 34.1(5) of the draft Bill to restrict the prescribed purpose to major employment uses only.
 - (iii) Prior to passage of the proposed legislation, provide additional information on the prescribed information and prescribed criteria which must accompany a request to use an open-for-business by-law, which is currently referenced in the draft Regulation but without details.
- (d) That the City of Hamilton requests that, when the Province proposes new regulations, the full text be provided to allow for meaningful review and comment.
- (e) That Report PED19027 be forwarded to the Province. This Report, including Appendices “A” and “B” to Report PED19027, is considered the City of Hamilton’s formal comments on ERO Postings 013-4125, 013-4239, and 013-4293.

EXECUTIVE SUMMARY

On December 6, 2018, *Bill 66, Restoring Ontario’s Competitiveness Act, 2018*, received first reading. The Bill and associated Regulation have been posted on the Environmental Registry of Ontario (ERO) for comment. Among the changes included in *Bill 66* are amendments to the *Planning Act* (Schedule 10) to introduce a new planning tool – the “open-for-business planning by-law”. The stated purpose of the legislation is to provide municipalities with an economic development tool allowing municipalities to act quickly to attract new major employment opportunities. Staff have reviewed the proposed legislation and have a number of concerns, including a lack of need for the tool in Hamilton, potential unintended consequences from the tool, concern over potential impacts arising from exemptions to the *Greenbelt Act* and *Clean Water Act*, a lack of information on the proposed Regulation and prescribed purpose, and general questions on implementation. Staff’s concerns have been forwarded to the Province (Appendices “A” and “B” to Report PED19027) in response to the ERO postings and the January 20, 2019 deadline for comments.

Alternatives for Consideration – See Page 13

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FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: N/A

HISTORICAL BACKGROUND

On December 6, 2018, *Bill 66, Restoring Ontario's Competitiveness Act, 2018*, received first reading. *Bill 66* includes amendments to a number of different acts. This Report will focus on the proposed amendments to the *Planning Act* as related to the 'open-for-business planning by-law'. The Bill has been posted for comment on the Environmental Registry of Ontario (ERO #013-4293) until January 20, 2019. Details on the changes proposed through *Bill 66* are summarized in the Analysis and Rationale for Recommendation Section of this Report.

The Province also released two additional related notices for comment: the proposed "open-for-business planning tool" (ERO #013-4125) and the proposed Regulation under the *Planning Act* to facilitate implementation of the open-for-business planning by-law (ERO #013-4239). It is noted that the actual draft Regulation was not released, only a general description of what may be included in the final Regulation. The limited information provided on the draft Regulation is summarized in the Analysis and Rationale for Recommendation Section.

City staff have prepared and submitted comments to the Province in response to the ERO postings in order to meet the deadline of January 20, 2019, attached as Appendices "A" and "B" to Report PED19027. The Council decision on this Report, including any changes requested by Council, will be forwarded to the Province as additional comments, as per Recommendation (e).

This Report will provide an overview of the proposed legislative changes and a summary of staff's comments and concerns.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The following pieces of legislation, amongst others, are impacted by the changes proposed through *Bill 66*:

Planning Act Amendments and Additional Regulation

The *Planning Act*, which establishes the provincial planning framework in Ontario, is one of the Acts amended through *Bill 66* (Schedule 10). In particular, *Bill 66* proposes

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to add a new section 34.1 'open-for-business planning by-law' to the Act. Section 34.1 provides direction on a number of matters, including approval and usage of the by-law, conditions to be applied, notification requirements etc. The section also identifies a number of provisions which will not apply to an open-for-business by-law, including several sections of the *Planning Act* (provincial policy statement, public works, zoning including consultation procedures, holding provisions, and bonusing), a number of other Acts (relevant Acts outlined below), and "any prescribed provision" (which is very broad and could allow any regulation to be overridden by this planning tool).

A new Regulation is also proposed under the *Planning Act* to implement the open-for-business planning by-law, which would be expected to provide details related to the usage and implementation of the by-law. However, the ERO notice lacks detail as the text of the actual Regulation was not released. This concern will be discussed further in the Analysis and Rationale for Recommendation section of the Report.

Provincial Policy Statement (PPS)

The PPS provides policy direction on matters of provincial interest related to land use planning and development, and addresses such matters as efficiency of land use, housing, employment, infrastructure, natural heritage and agricultural protection, cultural heritage and archaeology, and natural and human-made hazards. The *Planning Act* (Section 3(5)) requires that all municipal land use decisions affecting planning matters be consistent with the PPS. For example, an application to amend an Official Plan or Zoning By-law may only be approved if it is consistent with the PPS.

If enacted as currently drafted, *Bill 66* would exempt an open-for-business planning by-law from the requirement to be consistent with the PPS, as Section 3(5) of the *Planning Act* would not apply.

Greenbelt Act, 2005

The *Greenbelt Act, 2005*, established the Greenbelt area and the Greenbelt Plan, with the goal of providing permanent protection to the agricultural land base and ecological and hydrological features of the landscape. Section 7 of the Act states that all municipal land use planning decisions must conform to the Greenbelt Plan.

If enacted as currently drafted, *Bill 66* would exempt an open-for-business planning by-law from the requirement to conform to the Greenbelt Plan, as Section 7 of the *Greenbelt Act* would not apply.

Clean Water Act, 2006

The *Clean Water Act, 2006*, was enacted to protect existing and future sources of drinking water, and established the framework for the creation of Sourcewater Protection Plans. Section 39 of the Act states that all municipal land use planning

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decisions shall conform with significant threat policies and designated Great Lakes policies set out in the source protection plan and have regard for other policies set out in the source protection plan.

If enacted as currently drafted, *Bill 66* would exempt an open-for-business planning by-law from the above requirements, as Section 39 of the *Clean Water Act* would not apply.

Places to Grow Act, 2005

The *Places to Grow Act, 2005*, provides the basis for the establishment of the Places to Grow Plan – the Growth Plan for the Greater Golden Horseshoe. The Growth Plan provides policy direction on matters related to intensification, greenfield development, transit areas, housing, employment and infrastructure. Section 14(1) of the Act states that all municipal land use planning decisions must conform to the Growth Plan.

If enacted as currently drafted, *Bill 66* would exempt an open-for-business planning by-law from the requirement to conform to the Growth Plan, as Section 14(1) of the *Places to Grow Act* would not apply.

Urban and Rural Hamilton Official Plans

The City's Urban and Rural Hamilton Official Plans provide the land use planning framework to guide the growth and development of the City for the next 30 years. The Urban Hamilton Official Plan (UHOP) identifies the City's urban boundary, differentiating between Hamilton's urban and rural area. The UHOP applies to all lands in urban Hamilton, and establishes the City's nodes and corridors urban structure. Land use designations are identified on Schedule E-1 to the UHOP. The Rural Hamilton Official Plan (RHOP) applies to all lands in Rural Hamilton, and applies land use designations on Schedule D. The designations include rural and agricultural designations, open space, and rural settlement areas. Supporting policies address important matters related to each land use designation, housing, urban design, cultural and natural heritage, community facilities, health and safety, transportation and infrastructure.

Chapter F of both Plans provides policies on Implementation, including direction that all municipal by-laws, including Zoning By-laws, must conform to the UHOP/RHOP. Smaller area plans, including Secondary Plans (urban) and Rural Settlement Area Plans (Rural) are found in Volume 2 to both the UHOP and RHOP.

If enacted as currently drafted, *Bill 66* would exempt an open-for-business planning by-law from the requirement to conform to the UHOP and RHOP, as Section (24) of the *Planning Act* (which requires municipal by-laws to conform to the Official Plan) would not apply.

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City of Hamilton Zoning By-law

The City is in the process of updating and consolidating its Zoning by-laws into one new Zoning By-law for the City of Hamilton, thereby replacing the by-laws of the former municipalities. Hamilton Zoning By-law 05-200 includes zones for all land use designations except residential, which is currently in progress and expected for completion in late 2019.

The Zoning By-law is the tool to implement the Official Plan, and identifies permitted uses and regulations (eg. height, setbacks, gross floor area, parking etc) for each zone / use. The *Planning Act* outlines the rules for establishing and amending a zoning by-law (including public consultation and appeal rights) in Section 34.

If enacted as currently drafted, *Bill 66* exempts an open-for-business planning by-law from the majority of the normal requirements applicable to a zoning by-law under section 34 of the *Planning Act*, and instead creates new provisions under section 34.1. The new provisions remove the requirement for public notification and appeal for an open-for-business by-law.

It is not clear at the present time how an open-for-business planning by-law would be implemented by the City and how it would fit within the structure of the City's Zoning By-law. These details would usually be prescribed in the regulations.

RELEVANT CONSULTATION

The following Departments were consulted in the preparation of this Report:

Legal Services Division provided comments and interpretation on the draft legislation, incorporated herein

Hamilton Water, Public Works Department provided comments on the proposed legislation, in particular relation to the exemption from the requirement for the open-for-business planning by-law to conform to the *Clean Water Act*. Hamilton Water note that the Canadian Environmental Law Association has provided comments on this matter and indicated that the exemption from section 39 of the *Clean Water Act* is particularly risk-laden.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The purpose of this Section is to provide an overview of the proposed legislative changes, followed by a summary of staff's comments and concerns on the proposals. The staff comments in this section are echoed in the letters attached as Appendices "A" and "B" to Report PED19027 which were submitted to the ERO in advance of the January 20, 2019 deadline.

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1.0 Overview of Proposed Legislative Changes

The changes to the *Planning Act* under *Bill 66* add a new section to the Act (section 34.1), the open-for-business planning by-law. The legislation allows for an open-for-business planning by-law to be passed by a local municipality if the municipality chooses to use the tool. Municipalities are not required to pass such a by-law. The open-for-business planning by-law:

- Must receive approval of the Minister (Municipal Affairs and Housing). A municipality's request for approval must include 'prescribed information', which is not identified in the draft Bill;
- Shall only be authorized for a 'prescribed purpose', which is not identified in the draft Bill;
- Would allow a municipality to establish specialized zoning that does not need to comply with the Official Plan;
- Would not need to be consistent with the Provincial Policy Statement and would not be subject to sections of a number of Provincial Plans, including the *Greenbelt Act*, *Clean Water Act*, and *Places to Grow Act*.
- Would not require public consultation prior to passage (though a municipality may choose to consult the public);
- Would not be subject to Site Plan Control, though a municipality may impose conditions of approval which are similar to conditions applied through Site Plan Control; and,
- Would not be subject to appeal under the Local Planning Appeal Tribunal.

The City's ERO comments on the draft *Bill 66* are included as Appendix "A" to Report PED19027, and summarized in section 2.0 below.

The Province also released a notice regarding a proposed Regulation under the *Planning Act* to facilitate implementation of the open-for-business planning by-law. It must be noted that the actual draft Regulation was not released, only a general description of what may be included in the final Regulation. The lack of information on the text of the actual Regulation is concerning as key pieces of information are not available for review and comment.

The notice on the Regulation does provide some additional details about the purpose and application of the new tool:

- The tool would be available to all local municipalities, if certain prescribed criteria are met, to ensure the municipality can act quickly to attract employment opportunities (the 'prescribed criteria' has not been indicated);

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- Certain information would need to accompany a request by a municipality to use the by-law, including site and land use planning information and details about the proposed employment opportunity; and,
- The municipality must provide confirmation that the proposal is for a new major employment use which would meet a minimum job creation threshold of 100 jobs for municipalities with a population of more than 250,000 people.

These criteria are contained only in the draft ERO notice. As noted, no actual Regulation has been released, and therefore it cannot be confirmed if these criteria are actual requirements, or what other criteria may be added.

The City's comments on the draft Regulation are included as Appendix "B" to Report PED19027, and summarized in section 2.0 below.

2.0 Comments / Concerns on Proposed Legislation

Staff's comments and concerns related to the proposed open-for-business planning legislation are as follows:

1. Open-for-business planning by-law is not a necessary tool:

Staff note that the stated purpose of the open-for-business planning by-law is to provide municipalities with a tool to remove planning barriers and streamline approvals processes. Further, the ERO Notice for *Bill 66* states that the changes to the *Planning Act* are intended to "speed up approvals by about 2 years". Staff question the validity of this statement. First, the City of Hamilton has already implemented measures to streamline the development approvals process. The City has zoned significant amounts of employment land in the City's Business Parks with up-to-date zoning (2010). A business wishing to locate in these areas should not require a zoning amendment and could proceed straight to site plan control. If an amendment is required, the City has a streamlined development approvals process with zoning amendment applications being approved in under one year, on average. Approval of site plan control applications is a streamlined process with a front-ended conditional approval. Therefore, staff do not see a significant value to the proposed by-law as the City's approval process for new industrial development occurs in a timely manner.

Second, while the purpose of the Bill is to streamline approvals, staff note that there are a number of other provincial requirements that are a normal part of the land use planning approvals process, and which can be quite onerous and time consuming, but were not exempted as part of the open-for-business legislation. Some examples include Ministry of Environment Environmental Compliance Approvals, Ministry of Transportation land use permits, Ministry of Culture archaeological clearances, and Ministry of Natural Resources Species at Risk

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requirements. Staff note that it is often these provincial requirements that delay the issuance of site plan approval and / or building permit issuance, and that *Bill 66* does not address these issues.

Based on the above, it is the opinion of staff that the open-for-business planning by-law is an unnecessary tool, and that, as drafted, it will not fulfil its intended purpose.

2. Potential impacts on employment land values and City's infrastructure and transportation investments:

Staff have a concern about potential unintended consequences of the open-for-business planning by-law, and the impact on the City's employment land market and urban structure. Allowing major employment development to locate in areas that are not designated and planned for such uses, either in Hamilton or in a surrounding municipality, could have an impact on the future viability and economic development potential of the City's already-designated business parks. The City's urban structure is founded on directing employment uses to the City's business parks, which are located in strategic locations with multi-modal access, separation from residential and sensitive uses, and proper servicing. It is good planning to encourage development and redevelopment in the form of intensification of the City's employment areas. This approach is encouraged by the Province in the Growth Plan, which encourages intensification of employment areas, and represents efficient use of land and infrastructure. Allowing major employment uses in other non-designated and non-zoned areas could undermine this planning goal.

Further, there could be an unintended impact on the real estate market and the City's investment in transportation and infrastructure (i.e. development charges). The legislation has the potential to create uncertainty of land value resulting from the ability to locate employment uses in non-designated areas, which could result in a slowing of investment overall, not only in Hamilton but also other Greater Golden Horseshoe municipalities.

3. Need for clarity on the "prescribed purpose" identified in *Bill 66*:

Proposed section 34.1(5) of *Bill 66* states "An open-for-business planning by-law shall not authorize the use of land, buildings or structures except for a prescribed purpose". The use of the language 'prescribed purpose' is not specific, and therefore concerning. While the associated notices for the 'open-for-business planning tool' and the proposed Regulation refer to the proposed by-law being utilized to assist municipalities with attracting major employment and economic growth opportunities, the language in the Bill is vague and refers only to a 'prescribed purpose'. Staff are concerned that the language could allow for the by-

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law to be utilized for other purposes, beyond employment and economic development opportunities, in the future. For example, there has been a suggestion that the by-law could also be used for institutional uses. Further, staff note that one of the *Planning Act* sections exempted in the proposed Bill is Section 37 (bonusing) which raises the question as to future usage of the open-for-business by-law for residential development. Staff suggest adding clarity to the language in the Bill, under section 34.1(5), to state that the prescribed purpose is for major employment uses only.

4. Concerns regarding exemptions identified in subsection 34.1(6) of Schedule 10 to *Bill 66 (Planning Act changes)*:

Staff have concerns over the exemptions cited in the draft Bill which identify certain sections of several Acts which do not apply to an open-for-business planning by-law. The exemptions of concern include:

- *Greenbelt Act, Clean Water Act, and Great Lakes Protection Act.* The exempted sections of these Acts state that any decision made under the *Planning Act* must conform to the Act in question. The effect of these exemptions therefore is to permit development which does not conform to the Acts. Staff have several concerns in this regard. First, although the option to pass the open-for-business by-law is at the discretion of the municipality, there is a concern that allowing for this option in the legislation will create significant pressure on municipal councils to permit development in areas that would normally be protected under provincial legislation.

Second, staff question the rationale for exempting development from these acts for the purpose of promoting economic development. The provincial planning framework identifies the protection of natural areas, water resources, agricultural/rural lands, and public health and safety as priorities. Further, the planning framework lays out a clear methodology for the consideration of new urban development in the rural area, which includes the requirement to undertake an exhaustive municipal comprehensive review to ensure all impacts are understood and mitigated to the greatest extent possible. Staff suggest that the inclusion of these exemptions could undermine protections for valuable areas identified as provincial and local priorities.

Third, staff have a concern that the inclusion of these exemptions may have the impact of 'incentivizing' development in the Greenbelt Plan area, among others. Staff understand that the rationale behind the enactment of this Bill is to allow for more expedient approvals of new major employment uses. Staff raise a concern that *Bill 66* may encourage development in these areas to save time and money on the development process and to take advantage of lower land costs outside of approved urban areas.

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The decision on whether or not to utilize the open-for-business by-law rests with the local municipality. If the City of Hamilton chooses not to utilize the tool, other surrounding municipalities may choose to do so, and the concerns around impacts on natural areas, water resources and rural lands would remain valid.

- Section 3(5) and Section 24 of the *Planning Act*. These exemptions have the effect of permitting development that is not consistent with the Provincial Policy Statement (PPS) and does not conform to the Official Plan. By permitting development that is not consistent with the PPS, it is not clear how the City can ensure that the provincial interest is being met in the decision on a proposed development.

Further, Staff have concerns with allowing development which does not conform to the Official Plan. The City's Urban and Rural Hamilton Official Plans provide the land use planning framework to guide the growth and development of the City for the next 30 years. The groundwork for the UHOP and RHOP is the City's comprehensive growth management strategy (GRIDS) which identified the City's nodes and corridors urban structure, as well as future growth areas for the next 30 years. The Plans are built around principles of intensification, efficiency of land use, concentration of employment uses in designated areas, protection of natural areas and agricultural lands. Allowing new development to proceed which does not conform to the Plans not only undermines the planned urban structure, but staff view it as a slippery slope to opening the door to additional unplanned development.

- Exemption from "Any prescribed provision": this language is very broad, and could allow the Minister the ability to override any law for any reason. Related to the comment in number 3 above about the lack of clarity of the prescribed purpose of the open-for-business planning by-law, this broad language raises a concern about the future use of the by-law for purposes other than major employment development.

5. Requirement for more information on proposed Regulation:

The ERO Notice provides a brief description of the proposed Regulation under the *Planning Act* which will facilitate implementation of the proposed 'open-for-business planning by-law'. However, details of the Regulation have not been provided. To provide informed comments on the Regulation and the related *Bill 66*, municipalities should be provided with greater clarity on the content of the proposed Regulation. This concern relates directly to the comment regarding the vague language utilized in *Bill 66* as related to 'prescribed purpose' of the

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legislation. The lack of detail and specificity in both the Regulation and the Bill is concerning.

Specific areas of concern related to the Regulation are:

- “Prescribed criteria” – the Notice states “The tool would be available to all local municipalities, if certain prescribed criteria are met ...” What is the prescribed criteria that municipalities must meet to request the usage of the by-law?
- “Prescribed information” – the Notice states “A municipality’s request to use an open-for-business planning by-law would need to be accompanied by information that would be prescribed in a proposed new regulation...” The notice goes on to provide examples, but a definitive list should be provided.

It is common practice for the details of a proposed Regulation to be released after the proposal is final. City staff suggest that this practice does not allow for the offering of complete comments. Staff further suggest that any time a Regulation is proposed under the *Planning Act*, the full text of the Regulation should be released for comment on the ERO, rather than a general description.

6. Questions on process and implementation:

There are several process questions surrounding the implementation of the open-for-business planning by-law that are unclear. These questions include:

- How and when are conditions imposed? The draft Bill indicates that Section 41 (Site Plan Control) does not apply to lands subject to an open-for-business by-law. However, municipalities may impose conditions which would normally be imposed through the approval of a site plan control application. In the absence of a site plan approval, how will the conditions be imposed and enforced? To apply the appropriate conditions, plans and studies will need to be circulated to Departments and Agencies for comment, as per the normal course of a site plan control application. Staff question the rationale for exempting section 41 site plan approval, as the timing involved in circulation, application of conditions, and clearance of conditions will be the same process and timing as site plan approval. Further, can the municipality require an undertaking agreement to be signed, and holding of securities?
- What is the timing for ministerial approval? Will there be a prescribed time period within which the minister must provide written approval to pass a by-law?
- How will a municipality implement the open-for-business planning by-law? Staff have questions about how such a by-law would be implemented and how it would fit within the structure of the City’s existing Zoning By-law. Further, will a staff report be required to support the passage of the by-law? The

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**SUBJECT: Bill 66 - Restoring Ontario's Competitiveness Act, 2018 (Schedule 10)
(PED19027) (City Wide) - Page 13 of 14**

Report would slow the process, which seems contrary to the purpose of the Bill.

- Staff require clarification regarding how the open-for-business by-law would be applied – would it be applied on a site specific basis only, or could it be applied to a larger area where a municipality is seeking to promote economic development? The implications of applying the by-law broadly to a larger area could result in pressures on the municipality to pre-approve areas for development which are not currently identified for such in the City's Official Plan (eg. rural and agricultural lands). This action would threaten to undermine the structure of the City's Official Plans and the City's fiscally responsible growth strategy.
- There is a concern that the language in Bill 66 is vague, and that the open-for-business planning by-law could be utilized for purposes other than the stated purpose (major employment uses). As noted above, the language in the draft Bill should be clarified to be specific about the purpose of the by-law. Further, if there is an intention to allow the tool to be used for other uses, this should be explained and be transparent in the draft Bill and Regulation so that the City can properly provide comment.

3.0 Suggested Alternative – Minister's Zoning Order (MZO)

If the goal of the Province is to expedite the approval of major employment uses, staff suggest that a more appropriate tool would be to amend the *Planning Act* to remove the allowance for appeal of a Minister's Zoning Order. The MZO is a tool under section 47 of the *Planning Act* which allows the Minister to impose zoning on a property outside of the municipal approval process. This is a rarely used tool, but because it does not require consultation with the public or municipality, it can be passed expediently by the Minister. Currently it is subject to appeal. If the Minister wishes to expedite new employment development, the MZO tool would allow this development to occur and removing the appeal rights would ensure it occurs in timely fashion. Utilizing this option removes the onus from the municipality of having to undermine its own planning framework, and removes the pressure being put on municipal councils to allow development in locations not deemed appropriate.

ALTERNATIVES FOR CONSIDERATION

If Council directs, the City could send amended comments on the proposed legislation to the Province.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Economic Prosperity and Growth

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

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Healthy and Safe Communities

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

Clean and Green

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

Built Environment and Infrastructure

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

Our People and Performance

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

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" – Comments on ERO Posting #013-4293 "Bill 66, Restoring Ontario's Competitiveness Act, 2018"

Appendix "B" – Comments on ERO Posting #013-4125 "Proposed open-for-business planning tool" and ERO Posting #013-4239 "New Regulation under the Planning Act for open-for-business tool"

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Hamilton

Mailing Address:
Hamilton City Hall
71 Main Street West, 5th Floor
Hamilton, Ontario L8P 4Y5

Planning and Economic Development Department
Planning Division
Phone: 905-546-2424 Ext. 4281 Fax: 905-546-4202

January 16, 2019

Intergovernmental Policy Coordination Unit
c/o Michael Helfinger
900 Bay Street, Hearst Block, 17th floor
Toronto, ON M6H 4L1

Dear Sir,

Re: Comments from the City of Hamilton: ERO posting 013-4293 "Bill 66, Restoring Ontario's Competitiveness Act, 2018"

Thank you for the opportunity to provide comments on ERO posting 013-4293 "Bill 66, Restoring Ontario's Competitiveness Act, 2018". Please find comments from the City of Hamilton below on Schedule 10 changes to the *Planning Act* proposed under *Bill 66*. Please note that additional comments may be forthcoming following the meeting of Hamilton City Council on February 13, 2019.

1. Open-for-business planning by-law is not a necessary tool:

The stated purpose of the open-for-business planning by-law is to provide municipalities with a tool to remove planning barriers and streamline approvals processes. Further, the Notice states that the changes to the *Planning Act* are intended to "speed up approvals by about 2 years". The City questions the validity of this statement. First, the City of Hamilton has already implemented measures to streamline the development approvals process. The City has zoned significant amounts of employment land in the City's Business Parks with up-to-date zoning (2010). A business wishing to locate in these areas should not require a zoning amendment and could proceed straight to site plan control. If an amendment is required, the City has a streamlined development approvals process with zoning amendment applications being approved in under one year, on average. Approval of site plan control applications is a streamlined process with a front-ended conditional approval. Therefore, the City does not see a significant value to the proposed by-law as the City's approval process for new industrial development occurs in a timely manner.

Second, while the purpose of the Bill is to streamline approvals, it is noted that there are a number of other provincial requirements that are a normal part of the land use planning approvals process, and which can be quite onerous and time consuming, but were not exempted as part of the open-for-business legislation. Some examples include Ministry of Environment Environmental Compliance Approvals, Ministry of Transportation land use permits, Ministry of Culture archaeological clearances, and Ministry of Natural Resources Species at Risk

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requirements. It is often these provincial requirements that delay the issuance of site plan approval and / or building permit issuance, and *Bill 66* does not address these issues.

Based on the above, it is the City's opinion that the open-for-business planning by-law is an unnecessary tool, and that, as drafted, it will not fulfil its intended purpose.

2. Potential impacts on employment land values and City's infrastructure and transportation investments:

The City has a concern about potential unintended consequences of the open-for-business planning by-law, and the impact on the City's employment land market and urban structure. Allowing major employment development to locate in areas that are not designated and planned for such uses could have an impact on the future viability and economic development potential of the City's already-designated business parks. The City's urban structure is founded on directing employment uses to the City's business parks, which are located in strategic locations with multi-modal access, separation from residential and sensitive uses, and proper servicing. It is good planning to encourage development and redevelopment in the form of intensification of the City's employment areas. This approach is encouraged by the Province in the Growth Plan, which encourages intensification of employment areas, and represents efficient use of land and infrastructure. Allowing major employment uses in other non-designated and non-zoned areas could undermine this planning goal.

Further, there could be an unintended impact on the real estate market and the City's investment in transportation and infrastructure (i.e. development charges). The legislation has the potential to create uncertainty of land value resulting from the ability to locate employment uses in non-designated areas, which could result in a slowing of investment overall, not only in Hamilton but also other Greater Golden Horseshoe municipalities.

3. Need for clarity on the "prescribed purpose" identified in *Bill 66*:

Proposed section 34.1(5) of *Bill 66* states "An open-for-business planning by-law shall not authorize the use of land, buildings or structures except for a prescribed purpose". The use of the language 'prescribed purpose' is not specific, and therefore concerning. While the associated notices for the 'open-for-business planning tool' and the proposed Regulation refer to the proposed by-law being utilized to assist municipalities with attracting major employment and economic growth opportunities, the language in the Bill is vague and refers only to a 'prescribed purpose'. The City is concerned that the language could allow for the by-law to be utilized for other purposes, beyond employment and economic development opportunities, in the future. For example, there has been a

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suggestion that the by-law could also be used for institutional uses. Further, one of the *Planning Act* sections exempted in the proposed Bill is Section 37 (bonusing) which raises the question as to future usage of the open-for-business by-law for residential development. The City suggests adding clarity to the language in the Bill, under section 34.1(5), to state that the prescribed purpose is for major employment uses only.

4. *Concerns regarding exemptions identified in subsection 34.1(6) of Schedule 10 to Bill 66 (Planning Act changes):*

The City has concerns over the exemptions cited in the draft Bill which identify certain sections of several Acts which do not apply to an open-for-business planning by-law. The exemptions of concern include:

- *Greenbelt Act, Clean Water Act, and Great Lakes Protection Act:* The exempted sections of these Acts state that any decision made under the *Planning Act* must conform to the Act in question. The effect of these exemptions therefore is to permit development which does not conform to the Acts. There are several concerns in this regard. First, although the option to pass the open-for-business by-law is at the discretion of the municipality, there is a concern that allowing for this option in the legislation will create significant pressure on municipal councils to permit development in areas that would normally be protected under provincial legislation.

Second, the rationale for exempting development from these acts for the purpose of promoting economic development is questioned. The provincial planning framework identifies the protection of natural areas, water resources, agricultural/rural lands, and public health and safety as priorities. Further, the planning framework lays out a clear methodology for the consideration of new urban development in the rural area, which includes the requirement to undertake an exhaustive municipal comprehensive review to ensure all impacts are understood and mitigated to the greatest extent possible. The inclusion of these exemptions could undermine protections for valuable areas identified as provincial and local priorities.

Third, there is a concern that the inclusion of these exemptions may have the impact of 'incentivizing' development in the Greenbelt Plan area, among others. The City understands that the rationale behind the enactment of this Bill is to allow for more expedient approvals of new major employment uses. This raises a concern that *Bill 66* may encourage development in these areas to save time and money on the development process and to take advantage of lower land costs outside of approved urban areas.

- *Section 3(5) and Section 24 of the Planning Act:* These exemptions have the effect of permitting development that is not consistent with the Provincial

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Policy Statement (PPS) and does not conform to the Official Plan. By permitting development that is not consistent with the PPS, it is not clear how the City can ensure that the provincial interest is being met in the decision on a proposed development.

Further, the City has concerns with allowing development which does not conform to the Official Plan. The City's Urban and Rural Hamilton Official Plans provide the land use planning framework to guide the growth and development of the City for the next 30 years. The groundwork for the UHOP and RHOP is the City's comprehensive growth management strategy (GRIDS) which identified the City's nodes and corridors urban structure, as well as future growth areas for the next 30 years. The Plans are built around principles of intensification, efficiency of land use, concentration of employment uses in designated areas, protection of natural areas and agricultural lands. Allowing new development to proceed which does not conform to the Plans not only undermines the planned urban structure, but staff view it as a slippery slope to opening the door to additional unplanned development.

- Exemption from "Any prescribed provision": this language is very broad, and could allow the Minister the ability to override any law for any reason. Related to the comment in number 3 above about the lack of clarity of the prescribed purpose of the open-for-business planning by-law, this broad language raises a concern about the future use of the by-law for purposes other than major employment development.

5. Requirement for more information on proposed Regulation:

The ERO Notice provides a brief description of the proposed Regulation under the *Planning Act* which will facilitate implementation of the proposed 'open-for-business planning by-law'. However, details of the Regulation have not been provided. To provide informed comments, municipalities should be provided with greater clarity on the content of the proposed Regulation. This concern relates directly to the comment regarding the vague language utilized in *Bill 66* as related to 'prescribed purpose' of the legislation. The lack of detail and specificity in both the Regulation and the Bill is concerning.

Specific areas of concern related to the Regulation are:

- "Prescribed criteria" – the Notice states "The tool would be available to all local municipalities, if certain prescribed criteria are met ..." What is the prescribed criteria that municipalities must meet in order to request the usage of the by-law?
- "Prescribed information" – the Notice states "A municipality's request to use an open-for-business planning by-law would need to be accompanied by

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information that would be prescribed in a proposed new regulation..." The notice goes on to provide examples, but a definitive list should be provided.

It is common practice for the details of a proposed Regulation to be released after the proposal is final. The City suggests that this practice does not allow for the offering of complete comments. It is further suggested that any time a Regulation is proposed under the *Planning Act*, the full text of the Regulation should be released for comment on the ERO, rather than a general description.

6. Questions on process and implementation:

There are several process questions surrounding the implementation of the open-for-business planning by-law that are unclear. These questions include:

- How and when are conditions imposed? The draft Bill indicates that Section 41 (Site Plan Control) does not apply to lands subject to an open-for-business by-law. However, municipalities may impose conditions which would normally be imposed through the approval of a site plan control application. In the absence of a site plan approval, how will the conditions be imposed and enforced? To apply the appropriate conditions, plans and studies will need to be circulated to Departments and Agencies for comment, as per the normal course of a site plan control application. The City questions the rationale for exempting section 41 site plan approval, as the timing involved in circulation, application of conditions, and clearance of conditions will be the same process and timing as site plan approval. Further, can the municipality require an undertaking agreement to be signed, and holding of securities?
- What is the timing for ministerial approval? Will there be a prescribed time period within which the minister must provide written approval to pass a by-law?
- How will a municipality implement the open-for-business planning by-law? There are questions about how such a by-law would be implemented and how it would fit within the structure of the City's existing Zoning By-law. Further, will a staff report be required to support the passage of the by-law? The report would slow the process, which seems contrary to the purpose of the Bill.
- Clarification is required regarding how the open-for-business by-law would be applied – would it be applied on a site specific basis only, or could it be applied to a larger area where a municipality is seeking to promote economic development? The implications of applying the by-law broadly to a larger area could result in pressures on the municipality to pre-approve areas for development which are not currently identified for such in the City's Official Plan (eg. rural and agricultural lands). This action would threaten to undermine the structure of the City's Official Plans and the City's fiscally responsible growth strategy.
- The City is concerned that the language in Bill 66 is vague, and that the open-for-business planning by-law could be utilized for purposes other than the

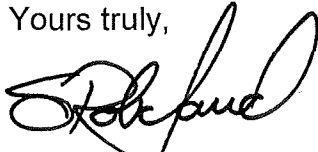
RE: **Comments from the City of Hamilton: ERO posting 013-4293** **January 16, 2019**
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stated purpose (major employment uses). As noted above, the language in the draft Bill should be clarified to be specific about the purpose of the by-law. Further, if there is an intention to allow the tool to be used for other uses, this should be explained and be transparent in the draft Bill and Regulation so that the City can properly provide comment.

7. If the goal of the Province is to expedite the approval of major employment uses, a more appropriate tool would be to amend the *Planning Act* to remove the allowance for appeal of a Minister's Zoning Order. The MZO is a rarely used tool, but because it does not require consultation with the public or municipality, it can be passed expediently by the Minister. Currently it is subject to appeal. If the Minister wishes to expedite new employment development, the MZO tool would allow this development to occur and removing the appeal rights would ensure it occurs in timely fashion. Utilizing this option removes the onus from the municipality of having to undermine its own planning framework, and removes the pressure being put on municipal councils to allow development in locations not deemed appropriate.

Please accept these comments to meet the January 20, 2019 Provincial deadline for the submission of comments on ERO Posting 013-4293: *Bill 66, Restoring Ontario's Competitiveness Act, 2018*. If you have any questions, please feel free to contact Heather Travis at (905) 546-2424, ext. 4168, or by email at Heather.Travis@hamilton.ca.

Yours truly,



Steve Robichaud
Director of Planning and Chief Planner
Planning Division
Planning and Economic Development Department
City of Hamilton

HT:



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Hamilton, Ontario L8P 4Y5

Planning and Economic Development Department
Planning Division
Phone: 905-546-2424 Ext. 4281 Fax: 905-546-4202

Hamilton

January 16, 2019

Provincial Planning Policy Branch
c/o Ken Peterson
Ministry of Municipal Affairs
777 Bay Street, 17th floor
Toronto, ON M5G 2E5

Dear Sir,

Re: Comments from the City of Hamilton: ERO posting 013-4125 "Proposed open-for-business planning tool" and ERO posting 013-4239 "New Regulation under the Planning Act for open-for-business planning tool"

Thank you for the opportunity to provide comments on EBR posting 013-4125 "Proposed open-for-business planning tool; EBR posting 013-4239 "New Regulation under the Planning Act for open-for-business planning tool"; and EBR posting 013-4293 "Bill 66, Restoring Ontario's Competitiveness Act, 2018". City of Hamilton staff have reviewed the documents and have prepared the comments below. Please note that additional comments may be forthcoming following the meeting of Hamilton City Council on February 13, 2019.

1. Open-for-business planning by-law is not a necessary tool:

The stated purpose of the open-for-business planning by-law is to provide municipalities with a tool to remove planning barriers and streamline approvals processes. Further, the Notice states that the changes to the *Planning Act* are intended to "speed up approvals by about 2 years". The City questions the validity of this statement. First, the City of Hamilton has already implemented measures to streamline the development approvals process. The City has zoned significant amounts of employment land in the City's Business Parks with up-to-date zoning (2010). A business wishing to locate in these areas should not require a zoning amendment and could proceed straight to site plan control. If an amendment is required, the City has a streamlined development approvals process with zoning amendment applications being approved in under one year, on average. Approval of site plan control applications is a streamlined process with a front-ended conditional approval. Therefore, the City does not see a significant value to the proposed by-law as the City's approval process for new industrial development occurs in a timely manner.

Second, while the purpose of the Bill is to streamline approvals, it is noted that there are a number of other provincial requirements that are a normal part of the land use planning approvals process, and which can be quite onerous and time

RE: Comments from the City of Hamilton: ERO posting 013-4125 "Proposed open-for-business planning tool" and ERO posting 013-4239 "New Regulation under the Planning Act for open-for-business planning tool" **January 16, 2019**
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consuming, but were not exempted as part of the open-for-business legislation. Some examples include Ministry of Environment Environmental Compliance Approvals, Ministry of Transportation land use permits, Ministry of Culture archaeological clearances, and Ministry of Natural Resources Species at Risk requirements. It is often these provincial requirements that delay the issuance of site plan approval and / or building permit issuance, and *Bill 66* does not address these issues.

Based on the above, it is the City's opinion that the open-for-business planning by-law is an unnecessary tool, and that, as drafted, it will not fulfil its intended purpose.

2. Potential impacts on employment land values and City's infrastructure and transportation investments:

The City has a concern about potential unintended consequences of the open-for-business planning by-law, and the impact on the City's employment land market and urban structure. Allowing major employment development to locate in areas that are not designated and planned for such uses could have an impact on the future viability and economic development potential of the City's already-designated business parks. The City's urban structure is founded on directing employment uses to the City's business parks, which are located in strategic locations with multi-modal access, separation from residential and sensitive uses, and proper servicing. It is good planning to encourage development and redevelopment in the form of intensification of the City's employment areas. This approach is encouraged by the Province in the Growth Plan, which encourages intensification of employment areas, and represents efficient use of land and infrastructure. Allowing major employment uses in other non-designated and non-zoned areas could undermine this planning goal.

Further, there could be an unintended impact on the real estate market and the City's investment in transportation and infrastructure (i.e. development charges). The legislation has the potential to create uncertainty of land value resulting from the ability to locate employment uses in non-designated areas, which could result in a slowing of investment overall, not only in Hamilton but also other Greater Golden Horseshoe municipalities.

3. Need for clarity on the "prescribed purpose" identified in *Bill 66*:

Proposed section 34.1(5) of *Bill 66* states "An open-for-business planning by-law shall not authorize the use of land, buildings or structures except for a prescribed purpose". The use of the language 'prescribed purpose' is not specific, and therefore concerning. While the associated notices for the 'open-for-business

RE: Comments from the City of Hamilton: ERO posting 013-4125 January 16, 2019
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posting 013-4239 “New Regulation under the Planning Act for
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planning tool’ and the proposed Regulation refer to the proposed by-law being utilized to assist municipalities with attracting major employment and economic growth opportunities, the language in the Bill is vague and refers only to a ‘prescribed purpose’. The City is concerned that the language could allow for the by-law to be utilized for other purposes, beyond employment and economic development opportunities, in the future. For example, there has been a suggestion that the by-law could also be used for institutional uses. Further, one of the *Planning Act* sections exempted in the proposed Bill is Section 37 (bonusing) which raises the question as to future usage of the open-for-business by-law for residential development. The City suggests adding clarity to the language in the Bill, under section 34.1(5), to state that the prescribed purpose is for major employment uses only.

4. Concerns regarding exemptions identified in subsection 34.1(6) of Schedule 10 to *Bill 66 (Planning Act changes)*:

The City has concerns over the exemptions cited in the draft Bill which identify certain sections of several Acts which do not apply to an open-for-business planning by-law. The exemptions of concern include:

- *Greenbelt Act, Clean Water Act, and Great Lakes Protection Act*: The exempted sections of these Acts state that any decision made under the *Planning Act* must conform to the Act in question. The effect of these exemptions therefore is to permit development which does not conform to the Acts. There are several concerns in this regard. First, although the option to pass the open-for-business by-law is at the discretion of the municipality, there is a concern that allowing for this option in the legislation will create significant pressure on municipal councils to permit development in areas that would normally be protected under provincial legislation.

Second, the rationale for exempting development from these acts for the purpose of promoting economic development is questioned. The provincial planning framework identifies the protection of natural areas, water resources, agricultural/rural lands, and public health and safety as priorities. Further, the planning framework lays out a clear methodology for the consideration of new urban development in the rural area, which includes the requirement to undertake an exhaustive municipal comprehensive review to ensure all impacts are understood and mitigated to the greatest extent possible. The inclusion of these exemptions could undermine protections for valuable areas identified as provincial and local priorities.

Third, there is a concern that the inclusion of these exemptions may have the impact of ‘incentivizing’ development in the Greenbelt Plan area, among

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others. The City understands that the rationale behind the enactment of this Bill is to allow for more expedient approvals of new major employment uses. This raises a concern that *Bill 66* may encourage development in these areas to save time and money on the development process and to take advantage of lower land costs outside of approved urban areas.

- *Section 3(5) and Section 24 of the Planning Act:* These exemptions have the effect of permitting development that is not consistent with the Provincial Policy Statement (PPS) and does not conform to the Official Plan. By permitting development that is not consistent with the PPS, it is not clear how the City can ensure that the provincial interest is being met in the decision on a proposed development.

Further, the City has concerns with allowing development which does not conform to the Official Plan. The City's Urban and Rural Hamilton Official Plans provide the land use planning framework to guide the growth and development of the City for the next 30 years. The groundwork for the UHOP and RHOP is the City's comprehensive growth management strategy (GRIDS) which identified the City's nodes and corridors urban structure, as well as future growth areas for the next 30 years. The Plans are built around principles of intensification, efficiency of land use, concentration of employment uses in designated areas, protection of natural areas and agricultural lands. Allowing new development to proceed which does not conform to the Plans not only undermines the planned urban structure, but staff view it as a slippery slope to opening the door to additional unplanned development.

- Exemption from "Any prescribed provision": this language is very broad, and could allow the Minister the ability to override any law for any reason. Related to the comment in number 3 above about the lack of clarity of the prescribed purpose of the open-for-business planning by-law, this broad language raises a concern about the future use of the by-law for purposes other than major employment development.

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The ERO Notice provides a brief description of the proposed Regulation under the *Planning Act* which will facilitate implementation of the proposed 'open-for-business planning by-law'. However, details of the Regulation have not been provided. To provide informed comments, municipalities should be provided with greater clarity on the content of the proposed Regulation. This concern relates directly to the comment regarding the vague language utilized in *Bill 66* as related to 'prescribed purpose' of the legislation. The lack of detail and specificity in both the Regulation and the Bill is concerning.

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Specific areas of concern related to the Regulation are:

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It is common practice for the details of a proposed Regulation to be released after the proposal is final. The City suggests that this practice does not allow for the offering of complete comments. It is further suggested that any time a Regulation is proposed under the *Planning Act*, the full text of the Regulation should be released for comment on the ERO, rather than a general description.

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There are several process questions surrounding the implementation of the open-for-business planning by-law that are unclear. These questions include:

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- How will a municipality implement the open-for-business planning by-law? There are questions about how such a by-law would be implemented and how it would fit within the structure of the City's existing Zoning By-law. Further, will a staff report be required to support the passage of the by-law? The report would slow the process, which seems contrary to the purpose of the Bill.

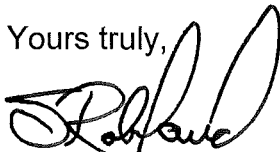
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- Clarification is required regarding how the open-for-business by-law would be applied – would it be applied on a site specific basis only, or could it be applied to a larger area where a municipality is seeking to promote economic development? The implications of applying the by-law broadly to a larger area could result in pressures on the municipality to pre-approve areas for development which are not currently identified for such in the City's Official Plan (eg. rural and agricultural lands). This action would threaten to undermine the structure of the City's Official Plans and the City's fiscally responsible growth strategy.
 - The City is concerned that the language in Bill 66 is vague, and that the open-for-business planning by-law could be utilized for purposes other than the stated purpose (major employment uses). As noted above, the language in the draft Bill should be clarified to be specific about the purpose of the by-law. Further, if there is an intention to allow the tool to be used for other uses, this should be explained and be transparent in the draft Bill and Regulation so that the City can properly provide comment.
7. If the goal of the Province is to expedite the approval of major employment uses, a more appropriate tool would be to amend the *Planning Act* to remove the allowance for appeal of a Minister's Zoning Order. The MZO is a rarely used tool, but because it does not require consultation with the public or municipality, it can be passed expediently by the Minister. Currently it is subject to appeal. If the Minister wishes to expedite new employment development, the MZO tool would allow this development to occur and removing the appeal rights would ensure it occurs in timely fashion. Utilizing this option removes the onus from the municipality of having to undermine its own planning framework, and removes the pressure being put on municipal councils to allow development in locations not deemed appropriate.

Please accept these comments to meet the January 20, 2019 Provincial deadline for the submission of comments on ERO Postings 013-4125 and 013-4239. If you have any questions, please feel free to contact Heather Travis at (905) 546-2424, ext. 4168, or by email at Heather.Travis@hamilton.ca.

Yours truly,



Steve Robichaud
Director of Planning and Chief Planner
Planning Division
Planning and Economic Development Department
City of Hamilton



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

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

RECOMMENDATIONS

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

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EXECUTIVE SUMMARY

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

SCRF is a landfill approved under the *Environmental Protection Act* (“EPA”), to receive 2,000,000 cubic metres (m³) of industrial fill / soils and 6,320,000 m³ of solid, non-hazardous residual materials from commercial, industrial and institutional sources (that have exhausted all recycling options) for a total approved site capacity of 8,320,000 m³ and an approved maximum annual volume of 750,000 tonnes of fill material per year.

Terrapure is currently undergoing an Environmental Assessment (EA) process with the Ministry of the Environment, Conservation and Parks (MOECP) where it is proposing to increase the approved capacity of non-hazardous industrial residual material by 3,680,000 m³, so that it can receive post-diversion solid, non-hazardous residual material beyond its currently approved capacity. If approved, the SCRF facility would have a total site capacity of 10,000,000 m³ of solid, non-hazardous residual materials.

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

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

Alternatives for Consideration – See Page 5

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FINANCIAL – STAFFING – LEGAL IMPLICATIONS

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

Staffing: There are no impacts to current staffing levels.

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

HISTORICAL BACKGROUND

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

Terrapure currently operates the SCRF under ECA No. A181008, as amended, initially obtained from the MOE in 1996 by Terrapure's predecessor in title, Taro. The ECA allows the facility to have a total disposal capacity of 6,320,000 m³ for residual materials, with an additional allowance for acceptance of 2,000,000 m³ of industrial fill / soils, for a site total of 8,320,000 m³. The annual maximum approved fill rate for the site is 750,000 tonnes per year.

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

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

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

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

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

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Environmental Assessment Act

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

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RELEVANT CONSULTATION

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

ANALYSIS AND RATIONALE FOR RECOMMENDATIONS

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

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

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

ALTERNATIVES FOR CONSIDERATION

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

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Healthy and Safe Communities

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

Clean and Green

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

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Built Environment and Infrastructure

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

Our People and Performance

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

Community Engagement & Participation

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

APPENDICES AND SCHEDULES ATTACHED

N/A

JH/SB/dt

CITY OF HAMILTON

NOTICE OF MOTION

Planning Committee Date: February 5, 2019

MOVED BY COUNCILLOR C. COLLINS.....

Support for the Preservation of the Beach Canal Lighthouse and Residence

WHEREAS, the Beach Canal Lighthouse Group (BCLG) is dedicated to preserving and presenting the heritage of the 1858 Beach Canal Lighthouse;

WHEREAS, negotiations continue to transfer ownership of the 1858 Beach Canal Lighthouse and Residence from federal to local agencies;

WHEREAS, an Operations Plan was completed in 2009 with the assistance of and in consultation with City staff, which detailed the restoration needs of the site and provided comprehensive operational plans for several potential development scenarios;

WHEREAS, the City of Hamilton designated the Lighthouse and Residence under *Part IV of the Ontario Heritage Act* in 1996; and,

WHEREAS, an updated analysis of building conditions and restoration priorities is vital to guide the creation of a scope of work and terms of reference for a Re-Development and Long-Term Management Plans for the site by the BCLG.

THEREFORE, BE IT RESOLVED:

That \$25,000, to be funded from the 2018 Beach Park Development Projects (#4401856802), be provided to the Beach Canal Lighthouse Group towards the updating a building condition survey and restoration plan for the 1858 Beach Canal Lighthouse and Residence, as a first phase toward developing a Re-Development and Long Term Management Plan for the site.