City of Hamilton

PLANNING COMMITTEE ADDENDUM

Meeting #: 19-004
Date: March 19, 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

5. COMMUNICATIONS

*5.2 Sue Milling and Jennifer Jonas, FilmOntario, respecting Item 8.2, Official Plan and Zoning By-law Amendment to Add a Production Studio Use Within the Barton and Tiffany Lands — *3*
Recommendation: To be received and referred to the consideration of Item 8.2

*5.3 Stephen Fraser, AJ Clarke and Associates Ltd., respecting Item 10.2, Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200 — *5*
Recommendation: To be received and referred to the consideration of Item 10.2

6. DELEGATION REQUESTS

*6.1 Steven Zakem, Aird & Berlis LLP, respecting Item 14.2, Appeal to LPAT for Lands Located at 3033, 3047, 3055 and 3063 Binbrook Road (for today's meeting) — *12*

*6.2 Matt Johnston, UrbanSolutions, respecting Item 10.2, Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200 (for today's meeting) — *20*

*6.3 Franz Kloibhofer, AJ Clarke and Associates, respecting Item 10.2, Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200 (for today's meeting) — *21*

*6.4 Savan Chandaria, Tibro Group, respecting Item 10.2, Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200 (for today's meeting) *24*

8. PUBLIC HEARINGS / DELEGATIONS

8.1 Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 1557 Concession 2 Road West, Flamborough (PED19042) (Ward 12)

*8.1.a Staff Presentation *25*

8.2 Official Plan and Zoning By-law Amendment to Add a Production Studio Use Within the Barton and Tiffany Lands (PED18210(a)) (Wards 1 and 2)

*8.2.a Staff Presentation *35*

14. PRIVATE AND CONFIDENTIAL

*14.3 Local Planning Appeal Tribunal appeals by Television City Hamilton Inc. (PL180255) - Settlement Proposal (LS19012) (Ward 2) (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.

FILMONTARIO
FILM · TELEVISION · INTERACTIVE

18 March 2019

Lisa Chamberlain
Planning Co-ordinator
City Clerks Office
1st Floor, 71 Main Street West
Hamilton, Ontario
L8P 4Y5

RE: Proposed Zoning By-law Amendment to the City of Hamilton Zoning By-law No. 05-200 for lands located in the Barton Tiffany Lands

Dear Ms. Chamberlain:

We are writing to express support for the proposed zoning by-law amendment to the City of Hamilton Zoning By-law No 05-200 for lands located in the Barton Tiffany Lands, which would add a Production Studio as an additional permitted use.

FilmOntario is a not-for-profit industry consortium representing the approximately 35,000 industry professionals who work in Ontario's screen-based industries. Our members include producers, unions, studios, equipment suppliers and financial and legal service organizations.

Ontario's independent film and television production sector generated $1.6 billion in direct spending in 2017, and this spending takes place all across the province. As you are undoubtedly aware, last year the City of Hamilton hosted a record-breaking 25 concurrent productions, productions that created jobs and generated spending for the local economy.

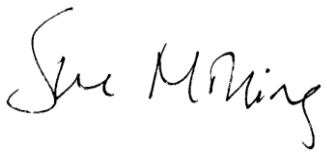
We are currently in a worldwide period of growing demand for screen-based content. Recent announcements of multinational companies bringing business to Ontario, including Netflix in Toronto and CBS in Mississauga, demonstrate that Ontario is a world-class production jurisdiction where studio space is in high demand. We also have a strong domestic production industry, with shows made and owned by Canadians like *Murdoch Mysteries*, *Anne with an "E"*, *Alias Grace* and *Cardinal* shooting all across the province.

By approving the above-noted by-law amendment to allow for a production studio in the Barton Tiffany Lands, you will be laying the groundwork for studio development and the film and TV industry jobs that will come with it. These jobs are high-paying and technologically innovative and attract employees from all age groups and communities.

Thank you very much for taking time to consider this matter. We are sure that, with the adoption of this by-law amendment, the screen-based industries in Hamilton will continue their upward trajectory and ensure that these good jobs remain in the City of Hamilton.

If you have any questions or would like to discuss further, please do not hesitate to contact our Managing Director, Cynthia Lynch, at 416-642-6704 or clynch@filmontario.ca.

Sincerely,



Sue Milling
FilmOntario Co-Chair

Jennifer Jonas
FilmOntario Co-Chair

A. J. Clarke and Associates Ltd.
SURVEYORS • PLANNERS • ENGINEERS

File No. 158007

March 18th, 2019

The City of Hamilton
Office of the City Clerk
71 Main Street West, 1st Floor
Hamilton, Ontario
L8P 4Y5

Attn: Chairman and Members of Planning Committee
c/o Ms. Lisa Chamberlain, Legislative Coordinator

Re: Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200 (PED19029) (City Wide) With Respect to 906 Main Street West

We represent Adorn Investments Limited, who is owner of the lands municipally known as 906 Main Street West, Hamilton ("**Subject Lands**"). The lands are located on the north side of Main Street West, between Longwood Road South and Bond Street South.

Executive Summary and Request

The intent of the letter is to request an amendment to Special Exception 310 of the City of Hamilton Zoning By-law 05-200 in order to remove the minimum interior side yard setback requirement adjacent to an existing residential use that is within the TOC1 Zone. The intent of the TOC1 Zone is to enable these low density residential uses to comprehensively redevelop over time, consistent with Official Plan policy.

Background and Rationale

The Subject Lands have a significant history with respect to the City's ongoing development of Zoning By-law 05-200. A brief summary of activity on the property is included below:

- June, 2015 – The Formal Consultation ("**FC**") Meeting was held for a proposed 543m^2 office building on the subject lands.
- October, 2015 – Council adopts By-law No. 15-245, which enacts an Interim Control By-law to "freeze" development for a period of one year while Staff undertake planning studies associated with the future Light Rail Transit corridor.
- March, 2016 – A revised 4 storey development concept was submitted to the City and an addendum to the June 2015 FC was received to acknowledge new Planning Act submission requirements.
- October, 2016 – Council Approved the Transit Oriented Corridor Zoning for Wards 1-4 (by-law 16-265). The Subject Lands are rezoned to the Transit Oriented Corridor – Mixed Use "**TOC1**" Zone. The interior side yard requirement for a TOC1 Zone within By-law 16-265 is "7.5 metres abutting a Residential or Institutional Zone". Through coordination with Staff and a delegation by our office at the October 4th, 2016 Planning Committee, a site specific was included (Special Exception 310), which recognized that:

"Notwithstanding the definition of Front Lot Line found in Section 3 of this By-law, on those lands zoned Mixed Use (TOC1) Zone, identified on Maps 907 and 949 of Schedule "A" - Zoning Maps and described as 906 Main Street West, the Front Lot Line shall be deemed to be Main Street West"

During our discussion with Staff regarding the above site-specific Special Exception; it was acknowledged that it was not the intent of the zoning to have large setbacks or "gaps" between buildings within the TOC1 Zone. The sole purpose of Special Exception 310 was to deem Main Street West the front lot line to ensure the 7.5m rear yard requirement was applied to the northerly lot line, and not the westerly lot line.

Accordingly, the front lot line was deemed to be Main Street West (southerly lot line), rendering the easterly lot line with frontage along Longwood Road South an exterior side lot line, the northerly lot line the rear lot line, and the westerly lot line an interior side lot line. The lands abutting the Subject Lands to the west were also rezoned as TOC1 through By-law 16-265, and accordingly no interior side yard was required through the provisions of the TOC1 Zone as approved through By-law 16-265 as the lands did not abut a Residential or Institutional Zone to the west. Note that By-law 16-265 was appealed to the Ontario Municipal Board.

- May 2017 – By-law 16-265 was deemed to be in force and effect on the Subject Lands by Order of the Ontario Municipal Board (PL161168).
- February 2018 – Council approved By-law 18-032, which served to extend the TOC Zoning, create a new TOC Zone, and amend the existing TOC Zones. Section 4.7 of by-law 18-265 modified the interior side yard setback requirement [11.1.3 c) i)] as it applies to the Subject Lands by inserting "or a lot contain a residential use". The lands abutting to the west of the Subject Lands (considered the interior side lot line) are within a TOC1 Zone, but are a single detached residential use. Accordingly, by adding the words "or a lot contain a residential use", the 7.5 metre setback would now apply to the subject lands; whereas before the setback did not as the lands are a residential use within a TOC1 zone.

  As previously mentioned above, the intent of the TOC1 zoning was not to create "gaps" in future development along the LRT corridor, but conversely establish a greater density, intensity of use and compactness of built form along the LRT corridor. Establishing a setback to a residential **use** within the TOC1 zoning, as opposed to a residential **zone**, creates zoning that will sterilize future development as the feasibility of development along the corridor will be significantly reduced and/or eliminated in certain locations, including the Subject Lands due to the position of Bond Street South and Longwood Road South. If lands are zoned TOC1 along the LRT corridor, but contain an existing residential use within the TOC1 zoning, the 7.5m setback should **not apply** as the intent of the existing residential use within the TOC1 zone is to redevelop over time to implement the vision of the intensified uses along the LRT corridor.
- April 2018 – The owner submits a proposed development concept for review by the City's Design Review Panel. This proposed development consists of a mixed use, 6 storey building, with professional offices at grade, and residential units above. The panel is very supportive of the proposed design.

- November 2018 – During the discussions surrounding the initial Special Exception 310 relating to the Subject Lands, Staff had expressed that it was not the intent of the by-law to have large setback requirements or "gaps" between development within the TOC1 Zone. Thus, our office requested an interpretation from Staff with respect to the minimum side yard requirement within the TOC 1 Zone, as amended through by-law 18-032. Staff provided the following response (Please refer to the attached correspondence in Appendix A):

  "*The 7.5 metre side yard setback requirement under Subsections 10.4.3 c), 10.5.3 c), 10.5a.3 c), 11.1.3 c) i) shall be applied where new development or redevelopment is proposed adjacent to the following situation:*

  •Lots containing single detached, semi-detached, and duplex dwellings in non-Residential and non-Institutional Zones other than zones within the CMU and TOC Zone Classifications.

  This setback requirement shall not be applied where new development or redevelopment is proposed adjacent to the following situation:

  •Dwelling units contained in multiple dwellings and / or mixed use buildings."

  Staff clarified that the 7.5m interior side yard setback only applied to single detached, semi-detached, and duplex dwellings in non-Residential and non-Institutional Zones other than zones within the CMU and TOC Zone Classifications. The single detached residential development abutting the subject lands to the west is within a TOC1 Zone. Accordingly, based on Staff interpretation, the 7.5m setback did not apply.

- February 2019 – Staff Report PED19029 was brought before Planning Committee, which contained *further* changes to the TOC1 Zone. This includes further amending the minimum side yard requirement [11.1.3 c) i)] as follows:

  "i) A minimum 7.5 metres for lots abutting a ~~Residential Zone or Institutional Zone or lot containing a Residential Use.~~ Single Detached Dwelling, Semi-Detached Dwelling, and Street Townhouse."

  Accordingly, as the Subject Lands abut a single detached residential dwelling to the west, within a TOC1 Zone, a 7.5m setback is once again applicable to the westerly lot line.

Our office is in full support of the minimum interior side yard setback requirement for the TOC1 Zone contained within the initial October 2016 version of the Transit Oriented Corridor Zoning within by-law 16-265. That is why the modification was established in Special Exception 310 so as to protect the interface between the residential zoning to the north by identifying Main Street West as the front lot line. This would ensure that the 7.5m rear yard setback is applied adjacent to the existing residential zoning to the north. Our office is also supportive of the interpretation given by Staff in November of 2018 related to the applicability of the TOC1 interior side yard requirement.

Whereas it is acknowledged that there should be a transition and gradation in height to lower density residential development within a residential zone; applying a 7.5 metre setback to abutting residential development within a TOC1 Zone that is intended for future mixed use, medium density development will not contribute to creating desirable

built form along the LRT corridor. Many other suitable design solutions can be implemented to ensure compatibility with existing adjacent low density residential development within the TOC1 Zone, without compromising the future built form of the area through the implementation of a 7.5 metre setback. These design solutions should be explored on a site specific basis through the Site Plan Control process. It should be noted that a single detached dwelling is not a permitted use within the TOC1 Zone, which provides a clear policy direction that the City is encouraging that these existing low-density residential uses within the TOC1 Zone be redeveloped into a more compact, mixed use, and transit-supportive use, consistent with municipal planning policy.

The intent of the TOC1 Zone is to "*create complete streets that are transit supportive and will provide for active, and pedestrian oriented streets.*" The minimum interior side yard setback requirement for the TOC 1 Zone, as proposed within PED19029 will result in large "gaps" between development within the TOC1 Zone. This built form is considered undesirable, particularly when trying to create pedestrian oriented, animated, and attractive streetscapes.

On behalf of our client, we would kindly request that Special Exception 310, applicable to the subject lands, be modified to include a minimum interior side yard requirement of 0m adjacent to a TOC1 Zone, consistent to what was initially approved through By-law 16-265, Special Exception 310, and as interpreted by Staff in November of 2018.

This correspondence should be considered a written submission to Council under the *Planning Act*. Should Special Exception 310 not be modified as requested above, we object to the above outlined modifications to the TOC1 Zone, on the basis that the resultant built-form will not contribute to creating the transit-oriented, compact, and pedestrian oriented environments envisioned for major transit station areas on priority transit corridors under the Growth Plan.

I trust this is satisfactory and thank you for your cooperation in this matter. If you need additional information or clarification regarding the above, please do not hesitate to contact our office.

Sincerely,

Stephen Fraser, MCIP, RPP
A. J. Clarke and Associates Ltd.

Copy – Adorn Investments Limited - Attn: Mr. Dan Gabriele
Copy – Mr. Steve Robichaud – Director of Planning and Chief Planner (via email)

Appendix A

Spencer Skidmore

From: Gravina, Joe <Joe.Gravina@hamilton.ca>
Sent: Tuesday, November 27, 2018 9:06 AM
To: Spencer Skidmore
Cc: Hickey-Evans, Joanne; Fabac, Anita; Giroux, Madeleine; Steve Fraser
Subject: RE: Zoning Interpretation

Good Morning Spencer,

The 7.5 metre side yard setback requirement under Subsections 10.4.3 c), 10.5.3 c), 10.5a.3 c), 11.1.3 c) i) shall be applied where new development or redevelopment is proposed adjacent to the following situation:

- Lots containing single detached, semi-detached, and duplex dwellings in non-Residential and non-Institutional Zones other than zones within the CMU and TOC Zone Classifications.

This setback requirement shall not be applied where new development or redevelopment is proposed adjacent to the following situation:

- Dwelling units contained in multiple dwellings and / or mixed use buildings.

Regards,

Joe
Joe Gravina, CPT
Coordinator of Business Facilitation
Planning and Economic Devleopment Department
Planning Division

71 Main Street West, 1st Floor
Hamilton, ON L8P 4Y5
Tel. (905) 546-2424 ext. 1284
Fax (905) 546-2139
Email: Joe.Gravina@Hamilton.ca
www.hamilton.ca

From: Spencer Skidmore <spencer.skidmore@ajclarke.com>
Sent: November 26, 2018 3:33 PM
To: Steve Fraser <steve.fraser@ajclarke.com>; Hickey-Evans, Joanne <Joanne.Hickey-Evans@hamilton.ca>; Gravina, Joe <Joe.Gravina@hamilton.ca>
Subject: RE: Zoning Interpretation

Hi All,

Just a kind follow-up to Steve's email below.

Best regards,

Spencer Skidmore M.Pl.,MCIP,RPP
Planner
A. J. Clarke and Associates Ltd.
Tel: 905 528 8761 x275

From: Steve Fraser
Sent: Tuesday, November 20, 2018 3:40 PM
To: Hickey-Evans, Joanne; Gravina, Joe
Cc: Spencer Skidmore
Subject: Zoning Interpretation

Good afternoon all,

Joanne, you recall at last week's PIC meeting at the David Braley Centre that we discussed the situation where two or more abutting properties are within the TOC zoning and one of them contained an existing residential use, that the 7.5m provision below did not apply and that an interpretation memo was prepared to that effect.

c)	Minimum Interior Side Yard	i)	7.5 metres abutting a Residential Zone or Institutional Zone or lot containing a residential use.

Can you please confirm same or send the memo if possible?

Thanks,

Stephen Fraser B.A.(Hons), MCIP, RPP
Principal, Planner

A. J. Clarke and Associates Ltd.
25 Main Street West, Suite 300, Hamilton, ON L8P 1H1
steve.fraser@ajclarke.com | www.ajclarke.com
Tel: 905 528 8761 x242 | Fax: 905 528 2289

Form: Request to Speak to Committee of Council
Submitted on Monday, March 18, 2019 - 9:55 am

==Committee Requested==
Committee: Planning Committee

==Requestor Information==
Name of Individual: Steven Zakem

Name of Organization: Aird & Berlis LLP

Contact Number:

Email Address:
Mailing Address:
Steven A. Zakem
Aird & Berlis LLP
181 Bay Street, Suite 1800
Toronto, ON
M5J 2T9

Reason(s) for delegation request:
Aird & Berlis LLP represents Binbrook Heritage Developments (the “Applicant”), registered owner of the property municipally known as 3033, 3047, 3055 and 3063 Binbrook Road, in the former Township of Glanbrook (City of Hamilton) (the “Subject Lands”).

On March 19, 2019, the Planning Committee is scheduled to discuss our client’s appeals of an Official Plan Amendment and Zoning By-law Amendment Application in camera (item 14.2). We write to request that, along with our client, we be permitted to make a delegation to the Planning Committee before it enters into closed session. We also request that the

members of the committee be provided with a letter our office has prepared which provides the background and basis for our intended presentation. This letter will follow under separate cover.

We look forward to the opportunity to address the committee on Tuesday morning, and await confirmation from your office that our request has been accepted.

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? No

AIRD BERLIS

Steven A. Zakem
Direct: 416.865.3440
E-mail:szakem@airdberlis.com

March 18, 2019

Our File No.: 137843

BY EMAIL

Councillor Maria Pearson
Chair, Planning Committee

and

Ms. Lisa Chamberlain
Legislative Coordinator, Planning Committee

City of Hamilton
71 Main Street West
Hamilton, ON L8P 4Y5

Dear Madam Chair and Members of the Planning Committee:

Re: Local Planning Appeal Tribunal Appeal No. PL170981
3033, 3047, 3055, 3063 Binbrook Road (PED19031/LS19003) (Glanbrook) (Ward 11)

Aird & Berlis LLP represents Binbrook Heritage Developments (the "Applicant"), registered owner of the property municipally known as 3033, 3047, 3055 and 3063 Binbrook Road, in the former Township of Glanbrook (City of Hamilton) (the "Subject Lands").

We were surprised to see that our client's appeal of its Official Plan Amendment application and Zoning By-law Amendment application (the "Applications") are scheduled to be discussed by the Planning Committee ("Committee") in closed session on March 19, 2019. Having recently provided City staff and its outside counsel with a resubmission of the Applications in an effort to resolve this matter without the need for a contested hearing, we were hopeful that our dialogue would continue before the Committee and Council were asked to take a position and provide instructions with respect to the LPAT hearing, currently scheduled for August, 2019. Accordingly, we write to provide the Committee with important background to inform its discussion, and to make submissions in favour of the continued negotiation of a mutually beneficial resolution that would avoid the need for a costly hearing.

Background

More than two and a half years ago, on July 29, 2016, our client submitted an application for an Urban Hamilton Official Plan Amendment ("UHOPA") and Zoning By-law amendment ("ZBA") to permit the construction of a 10-storey mixed use building on the Subject Lands.

In support of its application, our client provided technical reports and a planning justification highlighting that this carefully designed mixed-use project would: (i) provide the opportunity for residential intensification and the provision of rental housing alternatives within the Binbrook community; (ii) increase the supply of both professional and service commercial jobs in the

community; (iii) promote the efficient use of land and infrastructure, and support active transportation; and (iv) retain and repurpose identifiable heritage sites important to the area.

Importantly, the proposed development provides an opportunity for an aging in place facility for seniors who wish to remain in the Binbrook-Glanbrook area, as well as providing rental housing opportunities for all ages in the community.

More than a year later, in August of 2017, we appealed the Applications to the Ontario Municipal Board (now the Local Planning Appeal Tribunal ("LPAT")) on behalf of our client for Council's failure to make a decision. Since that time, two pre-hearing conferences have been held, and a hearing before LPAT has been scheduled for the second week of August, 2019.

In the time since the appeal was filed, our client and City staff have been actively engaged in discussions with respect to the Applications. This has included numerous meetings between our client and planning staff, and discussions between legal counsel, both in-house and with the City's outside counsel. During these conversations, staff identified concerns with the proposed development, in particular the planned density and 10-storey height. These concerns have also been vocalized by the local community, many of whom have attended the pre-hearing conferences at LPAT.

In response to this feedback from the City and the local residents of Binbrook, our client made significant changes to the proposed development. On January 18, 2019, we provided the City's outside legal counsel with a *with prejudice* resubmission of the plans for the proposed development that, among other things, reduced the proposed height to 6 residential floors atop a first floor commercial base.

Our client has been awaiting comments from City staff and its legal counsel since its resubmission two months ago. It was our understanding that, following review of the revised plans, the City would be seeking instructions from this Committee and Council in April, 2019 on a potential settlement of the appeals or, at the very least, seeking a scoped issues list to address those concerns that remain unresolved at the upcoming LPAT hearing. Further, it was our hope that, in advance of seeking instructions from this Committee, the City would provide our client with comments on the revised plans, and to provide an opportunity to continue dialogue between the parties in order to facilitate a resolution. From our review of the Committee's agenda for March 19, 2019, it appears that this is not the case.

The LPAT Hearing

LPAT has scheduled a hearing for 5 days beginning on August 12, 2019. Although the City has yet to provide its issues list for the hearing, it is anticipated that multiple expert witnesses, including experts in land use planning, urban design, and transportation, will be required to provide testimony. Such a contested hearing will undoubtedly cost both parties tens of thousands of dollars, and will require countless hours of staff time and resources to prepare. It is in nobody's interest to litigate this matter if the option of settlement remains a possibility. If a negotiated settlement were reached, the five-day hearing could easily be converted to a one day settlement hearing requiring testimony only from the Applicant's witnesses.

This Committee is likely aware of two recent LPAT decisions in Hamilton approving mid-rise development applications representing significant intensification. The first decision, *Lawson v. Hamilton (City)* was issued in January, 2019 approving a nine-storey apartment building in Dundas. A more recent decision, *Sonoma Homes v. Hamilton (City)*, issued in February, 2019, approved a nine-storey condominium in Ancaster. In that decision, the LPAT member stated:

> ***"… I find that the City has not fully come to grips with the policies contained in this policy document [Growth Plan] and how these policies affect the application of the policy contained in the UHOP and the Secondary Plan."*** *(emphasis added)*

These decisions seem to signal increasing support from LPAT for mid-rise intensification in the boroughs of Hamilton, and reflect a recognition that the in-force secondary-plan policies in the communities surrounding the City centre are no longer consistent with the provincial objectives of growth and intensification mandated by the Provincial Policy Statement, 2014 and the Growth Plan for the Greater Golden Horseshoe, 2017. Both of these decisions are appended to this letter for the Committee's review.

Our client is confident that its proposed development in Binbrook (either as originally proposed, or as revised in its recent resubmission) would similarly be found by LPAT to represent good planning in the public interest. However, and as previously stated, it has no interest in proceeding to a contested hearing if a resolution remains available through a negotiated settlement.

Recommendation

In light of the above, and in recognition of the ongoing efforts by both our client and City staff to reach a resolution, we recommend that this Committee direct the City's outside legal counsel to provide us with City staff comments on the recent resubmission and to convene a meeting between the parties to facilitate a settlement. Should it be apparent following these discussions that a negotiated resolution supported by staff is not possible, then the City's outside counsel should return to the next meeting of this Committee on April 2, 2019 to seek instructions on the hearing scheduled for August.

We thank you for your time and consideration of our submissions on this issue. Despite our surprise and disappointment that this matter has come before this Committee without any notice to us or our client, we remain optimistic that the parties can still find a mutually beneficial solution without the need for a contested hearing later this summer.

Should you have any questions, please contact the undersigned or David Neligan (416-697-8923; dneligan@airdberlis.com).

Yours truly,

AIRD & BERLIS LLP

Steven A. Zakem
SAZ/DPN
Encl.

c. Mayor Fred Eisenberger and Members of the Planning Committee
Steve Robichaud, MCIP RPP, Director of Planning and Chief Planner, City of Hamilton
Anita Fabac, Manager of Development Planning, Heritage and Design, City of Hamilton
Andrew Biggart, Ritchie Ketcheson Hart & Biggart LLP
Brenda Khes, MCIP RPP, GSP Group
Sergio Manchia and David Horwood, Binbrook Heritage Developments

35482025.4

Local Planning Appeal Tribunal
Tribunal d'appel de l'aménagement local

Ontario

ISSUE DATE: January 17, 2019 **CASE NO(S).:** PL160066

The Ontario Municipal Board (the "OMB") is continued under the name Local Planning Appeal Tribunal (the "Tribunal"), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

PROCEEDING COMMENCED UNDER subsection 17(24) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	Greg Lawson
Appellant:	Justin Lewis
Appellant:	Peggy Lewis
Appellant:	D. Scott Munro; and others
Subject:	Proposed Official Plan Amendment No. 43
Municipality:	City of Hamilton
OMB Case No.:	PL160066
OMB File No.:	PL160066
OMB Case Name:	Lawson v. Hamilton (City)

PROCEEDING COMMENCED UNDER subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	Greg Lawson
Appellant:	Justin Lewis
Appellant:	Peggy Lewis
Appellant:	D. Scott Munro; and others
Subject:	By-law No. 15-299
Municipality:	City of Hamilton
OMB Case No.:	PL160066
OMB File No.:	PL160067

Heard: April 3-7 and December 4-8, 2017 in Hamilton, Ontario

Local Planning Appeal Tribunal
Tribunal d'appel de l'aménagement local

Ontario

ISSUE DATE: February 22, 2019 **CASE NO(S).:** PL161240

The Ontario Municipal Board (the "OMB") is continued under the name Local Planning Appeal Tribunal (the "Tribunal"), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	Sonoma Homes Inc.
Subject:	Request to amend the Official Plan - Failure of the City of Hamilton to adopt the requested amendment
Existing Designation:	Medium Density Residential 2C
Proposed Designated:	High Density Residential
Purpose:	To permit the proposed 12-storey residential building on lands
Property Address/Description:	1117 Garner Rd East
Municipality:	City of Hamilton
Approval Authority File No.:	UHOPA-16-010
OMB Case No.:	PL161240
OMB File No.:	PL161240
OMB Case Name:	Sonoma Homes Inc. v. Hamilton (City)

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	Sonoma Homes Inc.
Subject:	Application to amend Zoning By-law No. 87-57 - Neglect of the City of Hamilton to make a decision
Existing Zoning:	H-RM6-658 Zone
Proposed Zoning:	Site specific to permit the proposed development
Purpose:	To permit the proposed 12-storey residential building on lands
Property Address/Description:	1117 Garner Rd East
Municipality:	City of Hamilton

Form: **Request to Speak to Committee of Council**
Submitted on Monday, March 18, 2019 - 10:41 am

==Committee Requested==
Committee: Planning Committee

==Requestor Information==
Name of Individual: Matt Johnston

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

Contact Number:

Email Address:

Mailing Address:

Reason(s) for delegation request: To speak to Committee regarding on March 10, 2019 regarding Agenda Item 10.2 - Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200 (PED19029) as it relates to 43-51 King Street East & 60 King William Street.

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 Monday, March 18, 2019 - 11:51 am

==Committee Requested==
Committee: Planning Committee

==Requestor Information==
Name of Individual: Franz Kloibhofer

Name of Organization: AJ Clarke and Associates

Contact Number: 905-528-8761

Email Address:

Mailing Address: 25 Main Street West, Suite 300, Hamilton, Ontario.

Reason(s) for delegation request: To speak to concerns regarding Item 10.2, the proposed modifications and updates to Zoning By-Law 05-200. Specifically, with respect to proposed side yard setbacks in the CMU and TOC Zones.

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? Yes

A. J. Clarke and Associates Ltd.
SURVEYORS • PLANNERS • ENGINEERS

March 18th, 2019

The City of Hamilton
Planning and Economic Development Department
Planning Division
71 Main Street West, 4th Floor
Hamilton, Ontario
L8P 4Y5

Sent via email: steve.robichaud@hamilton.ca

Attn: Steve Robichaud
Director, Planning and Chief Planner

Re: Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200 City Wide (PED19029)

Dear Sir:

We represent Parkway Motors Hamilton, the owner of the lands municipally known as 999-1031 Upper James Street, Hamilton, herein referred to as the subject lands. The subject lands are located on the east side of Upper James Street, between Hester Street and the Lincoln M. Alexander Parkway. A proposed development consisting of two 8-storey mixed-use buildings with a height of 26.9 m, was heard at a Development Review Team meeting on November 7th, 2018, with comments received from the City and a Formal Consultation Document (FC-18-123) issued on November 15th, 2018.

We are writing to express our concerns and objection to the amendments proposed to Zoning By-law No. 05-200 through PED19029, specifically, its impact on the subject lands. This correspondence should be considered a written submission to Council, per the *Planning Act*. The subject lands are currently zoned "C5" (Mixed Use – Medium Density) in Zoning By-law No. 05-200, of which the uncontested portions of By-law 17-240, which implemented the Commercial and Mixed Use Zones, came into force and effect on November 16th, 2018.

The minimum interior side yard setback currently required in the C5 Zone is *"7.5 metres abutting a Residential or Institutional Zone or lot containing a residential use"* (Section 10.5.3.c). The properties abutting the subject lands are zoned "C5", and do not contain a residential use. Therefore, under current zoning, a 0.0 metre minimum side yard setback is permitted. The proposed changes to the C5 zone as brought by Staff Report PED19029 to Planning Committee in February 2019 amend the minimum side yard requirement (Section 10.5.3.c.iii) as follows: *"iii) Notwithstanding Section 10.5.3.d and Sections 10.5.3 c) i) and ii), a minimum 6.0 metres for building(s) with a building height greater than 14.0 metres."*

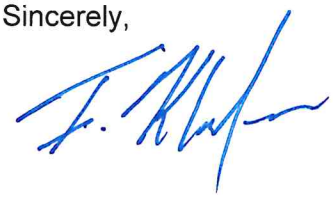
As the proposed development building has a height of approximately 26.9 metres, upon the passing of the modifications and updates to Zoning By-law No. 05-200 (PED19029), Council will effectively be removing 12 metres (6 metres on each side of the buildings) from the lot width of this property. This would significantly impact the design and feasibility of the subject

development, as 12 metres of the property would not be developable. Further, the implementation of a minimum 6 metre side yard setback for future developments greater than 14.0 metres in a C5 zone, which currently permits a building height up to 22 metres as of right, would create a building fabric with gaps of at least 12 metres between buildings.

The large setbacks that would be created between buildings as a result of the implementation of these Zoning amendments would be a hindrance to creating a consistent and continuous street wall between buildings, which contributes to a vibrant and pedestrian-oriented environment. On behalf of our client, we would kindly request that the City reconsider the minimum required side yard setback in order to implement policies that will encourage future developments within the Commercial and Mixed Use designations to create vibrant mixed use areas that are able to accommodate a range of uses.

I trust this is satisfactory and thank you for your cooperation in this matter. If you need additional information or clarification regarding the above, please do not hesitate to contact our office.

Sincerely,



Franz Kloibhofer, MCIP, RPP
A. J. Clarke and Associates Ltd.

Copy: City Clerk, Rose Catarini (via email: *clerk@hamilton.ca)*
Councillor John-Paul Danko, Ward 8 (via email: *john-paul.danko@hamilton.ca)*
Parkway Motors Hamilton c/o Ilya Pinassi (via email: *ipinassi@parkwaymotors.ca*)

Form: Request to Speak to Committee of Council
Submitted on Monday, March 18, 2019 - 12:00 pm

==Committee Requested==
Committee: Planning Committee

==Requestor Information==
Name of Individual: Savan Chandaria

Name of Organization: Tibro Group

Contact Number:

Email Address:

Mailing Address:
Unit 7, 25 Scarsdale Road
Toronto ON M3B 2R2

Reason(s) for delegation request: Speak to the modifications and updates to the City of Hamilton Zoning By-Law No. 02-500

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? No

WELCOME TO THE CITY OF HAMILTON

PLANNING COMMITTEE

March 19, 2019

PED19042 – (ZAA-18-052)

Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 1557 Concession 2 Road West, Flamborough.

Presented by: Ryan Ferrari

PED19042

Appendix A

● Site Location

Key Map - Ward 12 N.T.S.

Location Map

Hamilton

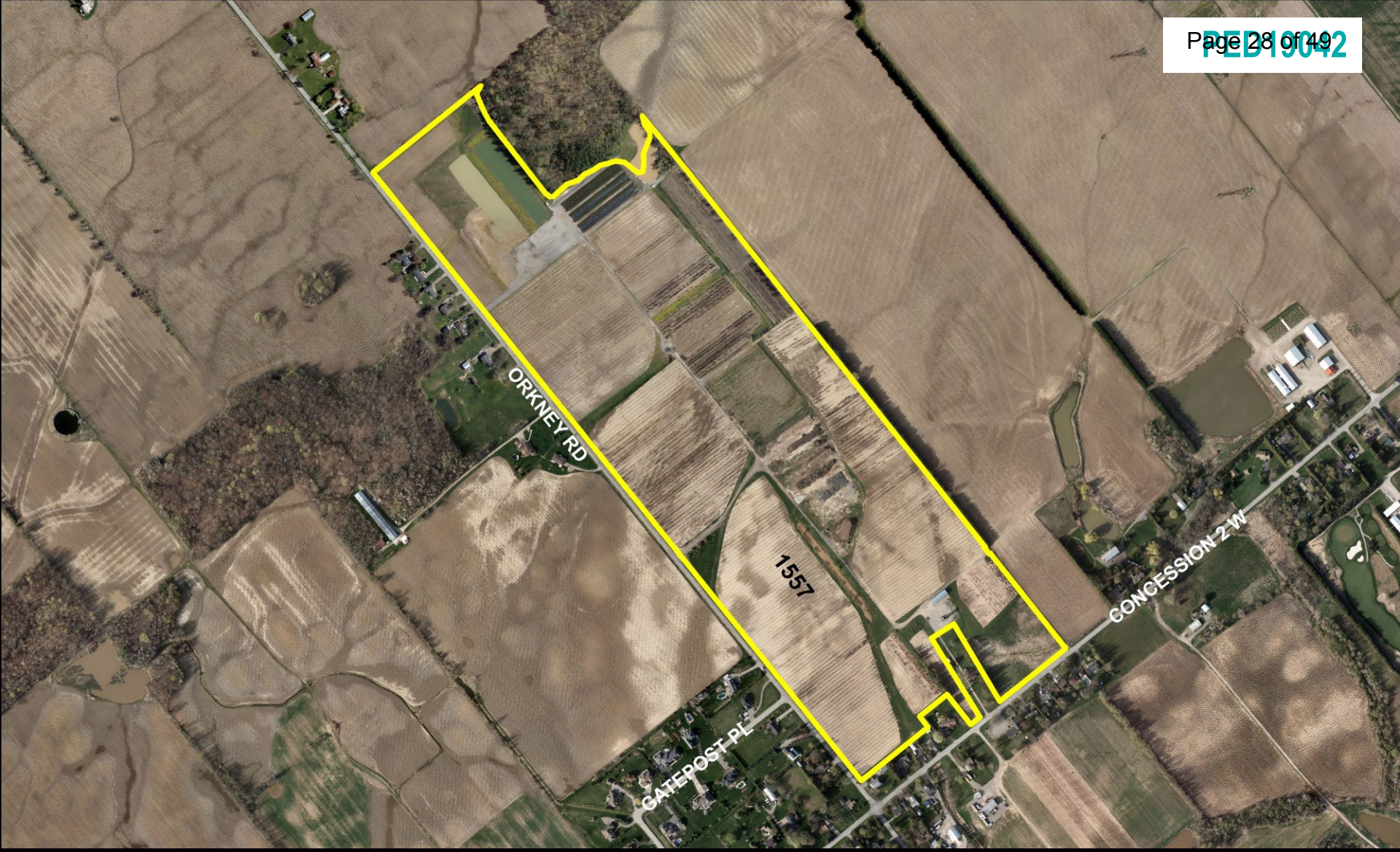
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number: ZAA-18-052	Date: January 16, 2019	
Appendix "A"	Scale: N.T.S.	Planner/Technician: RF/AL

Subject Property

1557 Concession 2 Road West

Change in Zoning from Agriculture (A1) Zone to Agriculture (A1, 720) Zone



SUBJECT PROPERTY 1557 Concession 2 Road West, Flamborough

PED19042

Photo 1

Looking north at the existing farm house (to remain) on Concession 2 Road at 1557 Concession 2 Road W

PED19042
Photo 2

Looking north at an existing farm building (to remain on the retained farm portion)

PED19042
Photo 3

Looking northeast at the existing farm operation (Nursery)

PED19042

Photo 4

Looking east on Orkney Road at the nursery

PED19042

Photo 5

Looking north on Orkney Road at the nursery

THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE

WELCOME TO THE CITY OF HAMILTON

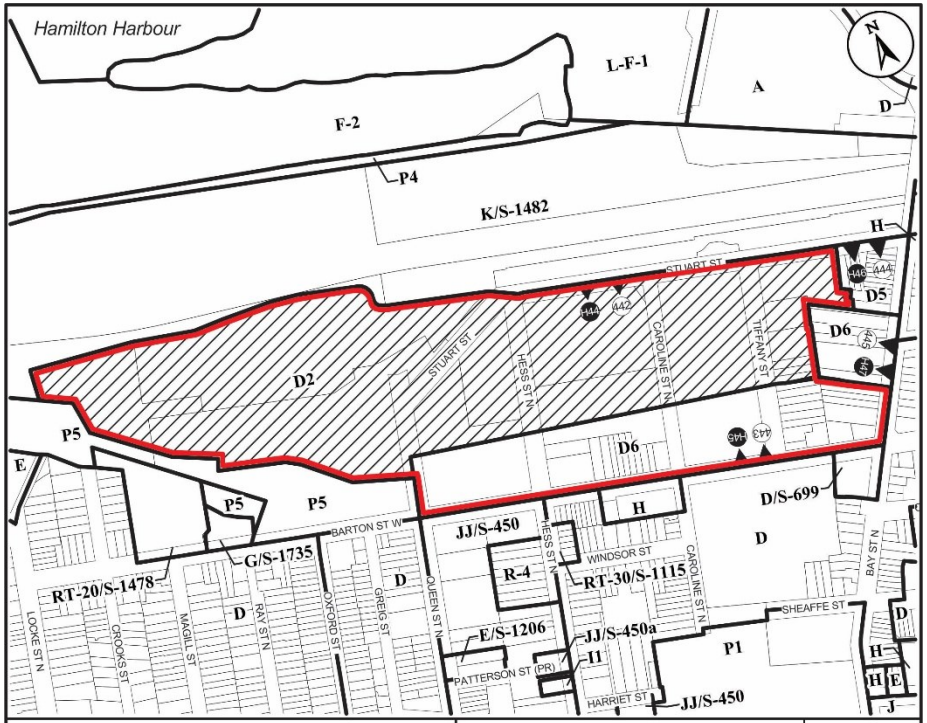
PLANNING COMMITTEE

March 18, 2019

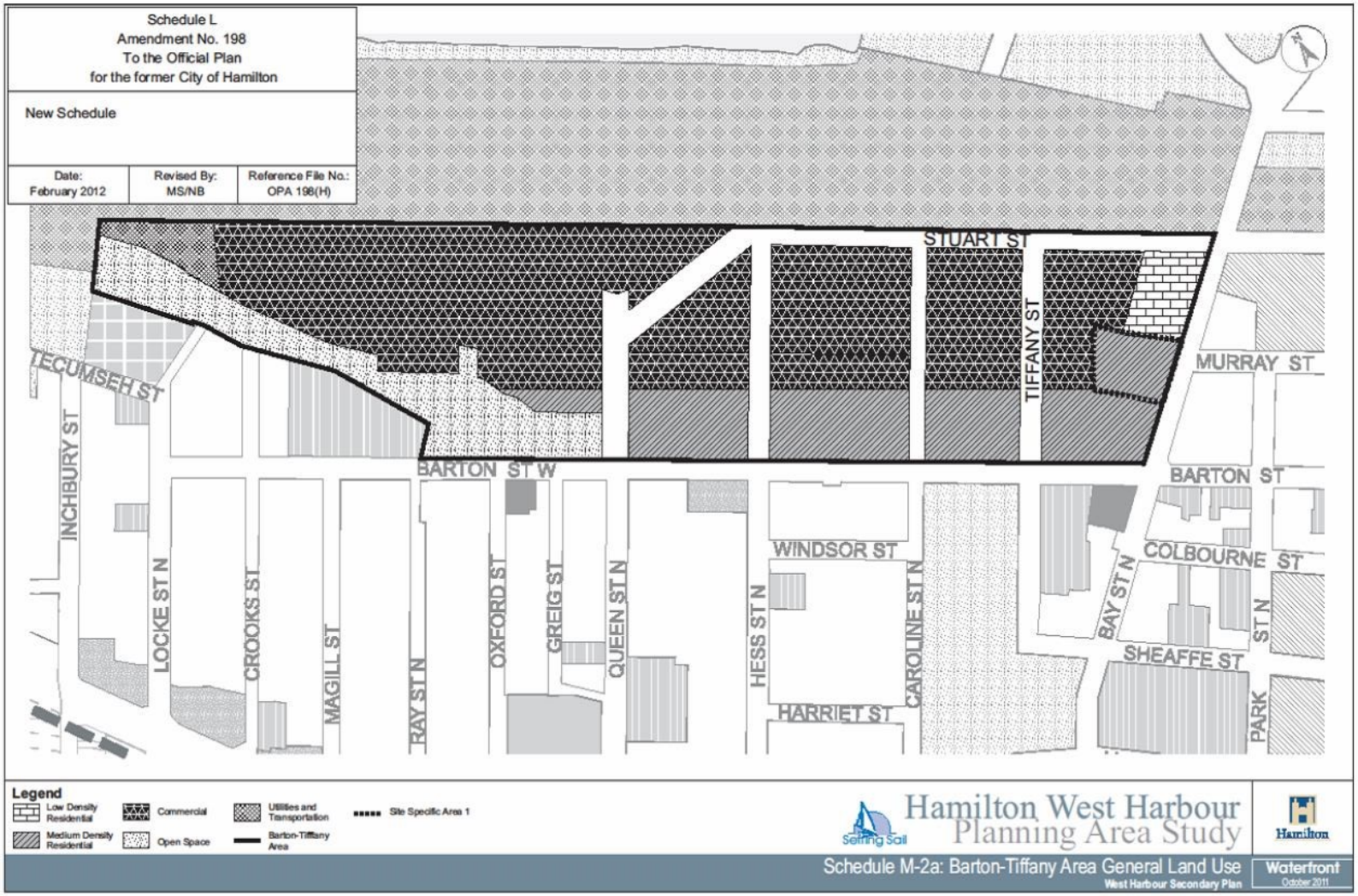
PED18210(a)

Creative industries and film production studios on the Barton Tiffany lands, Hamilton.

Presented by: Edward John


Hamilton Harbour
L-F-1
A
F-2
D
P4
K/S-1482
H
STUART ST
D5
D6
D2
HESS ST N
CAROLINE ST N
TIFFANY ST
P5
E
P5
P5
BARTON ST W
JJ/S-450
H
D/S-699
G/S-1735
D
R-4
WINDSOR ST
RT-30/S-1115
RT-20/S-1478
D
QUEEN ST N
BAY ST N
LOCKE ST N
CROOKS ST
MAGILL ST
RAY ST N
OXFORD ST
GREIG ST
E/S-1206
JJ/S-450a
SHEAFFE ST
PATTERSON ST (PR)
I1
P1
HARRIET ST
JJ/S-450
J
Site Location
BURLINGTON ST
JAMES ST N
JOHN ST N
WELLINGTON ST N
BAY ST N
BARTON ST
YORK BV
KING ST W
MAIN ST W
QUEEN ST S
BAY ST S
JAMES ST S
JOHN ST S
SHERMAN AC
ABERDEEN AV
CLAREMONT AC
Key Map - Ward 2
N.T.S.
Location Map
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Hamilton
File Name/Number:
Production Studio
Date:
January 31, 2019
Appendix "A"
Scale:
N.T.S.
Planner/Technician:
EJ/AL
Subject Property
Amendment to the Downtown Mixed Use Pedestrian Focus (D2, 442, 44) Zone, Modified, with a Holding Provision

SUBJECT PROPERTY Barton Tiffany Lands, Hamilton

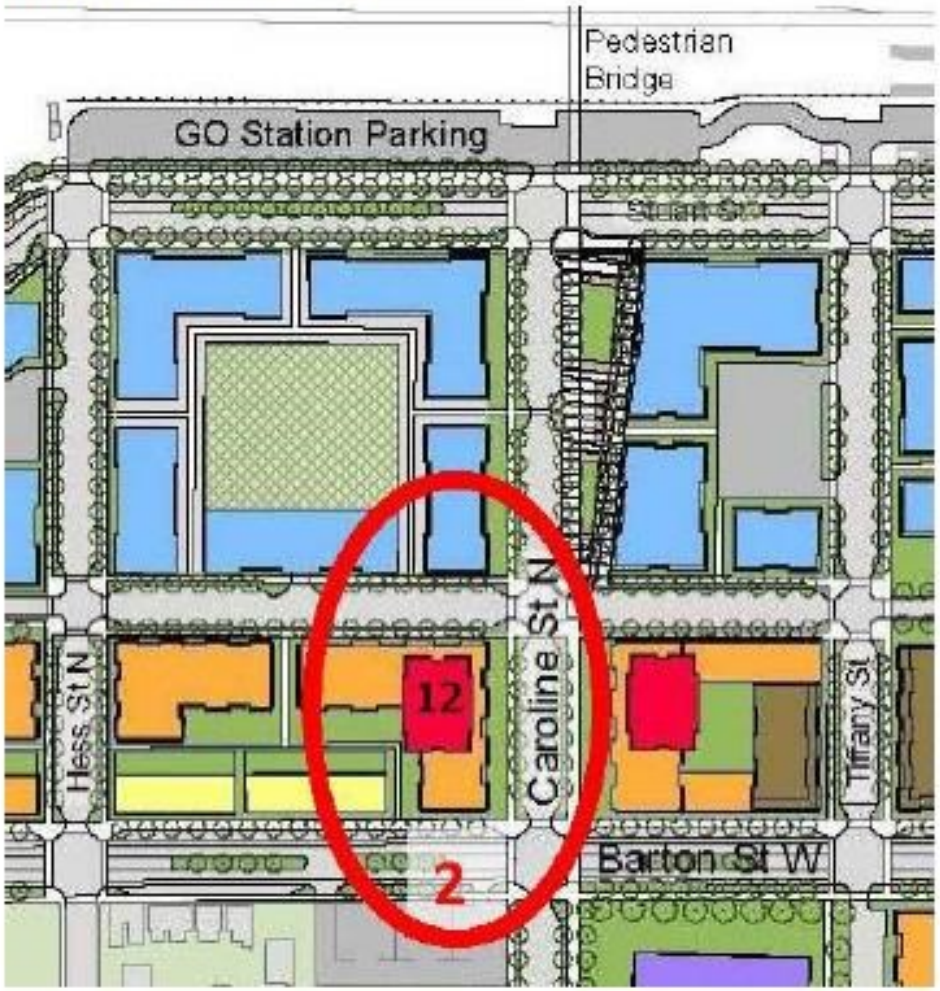

Schedule L
Amendment No. 198
To the Official Plan
for the former City of Hamilton
New Schedule
Date: February 2012
Revised By: MS/NB
Reference File No.: OPA 198(H)
Schedule M-2a
STUART ST
TIFFANY ST
MURRAY ST
TECUMSEH ST
INCHBURY ST
BARTON ST W
BARTON ST
WINDSOR ST
COLBOURNE ST
LOCKE ST N
CROOKS ST
MAGILL ST
RAY ST N
OXFORD ST
GREIG ST
QUEEN ST N
HESS ST N
CAROLINE ST N
BAY ST N
ST N
SHEAFFE ST
HARRIET ST
PARK
Legend
Low Density Residential
Medium Density Residential
Commercial
Open Space
Utilities and Transportation
Barton-Tiffany Area
Site Specific Area 1
Hamilton West Harbour Planning Area Study
Schedule M-2a: Barton-Tiffany Area General Land Use
West Harbour Secondary Plan
Waterfront
October 2011

Recommendation (b) 1

180, 182 and 198 Barton Street West (north side), between Hess Street North and Caroline Street North: Reduce building height from four storeys (Secondary Plan designation) to three storeys

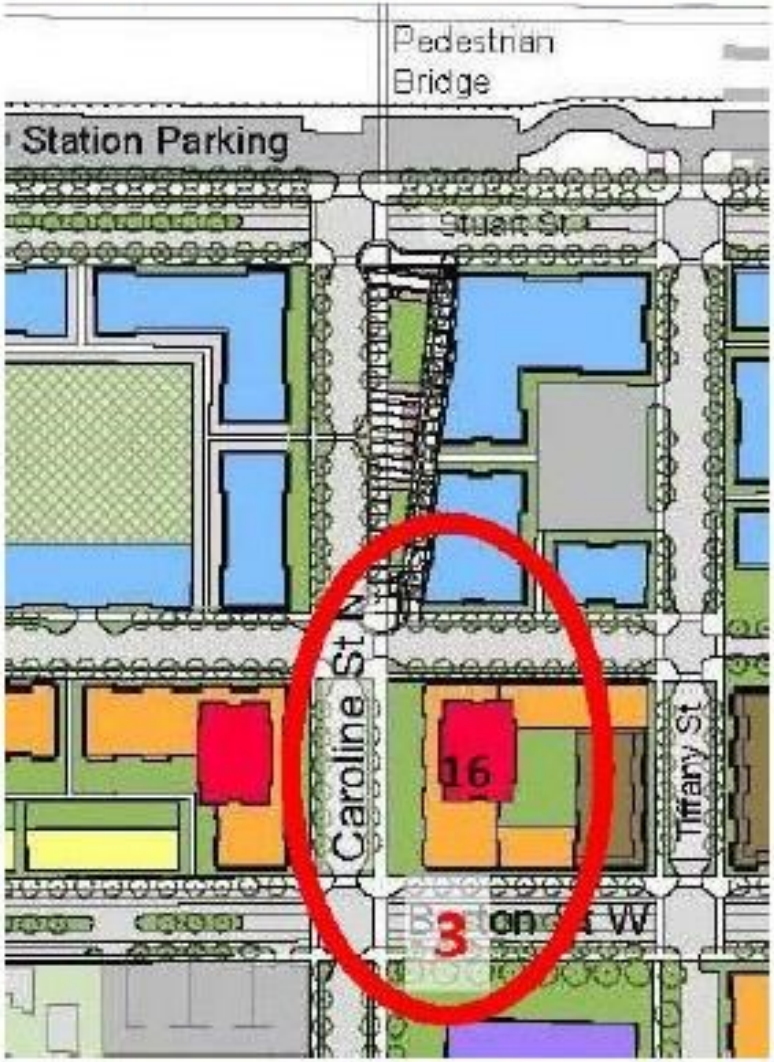
Recommendation (b) 2

239 Caroline Street North (west side) at intersection with proposed East-West road: Increase residential density from Medium Density to High Density; Increase building height from eight storeys to twelve stories



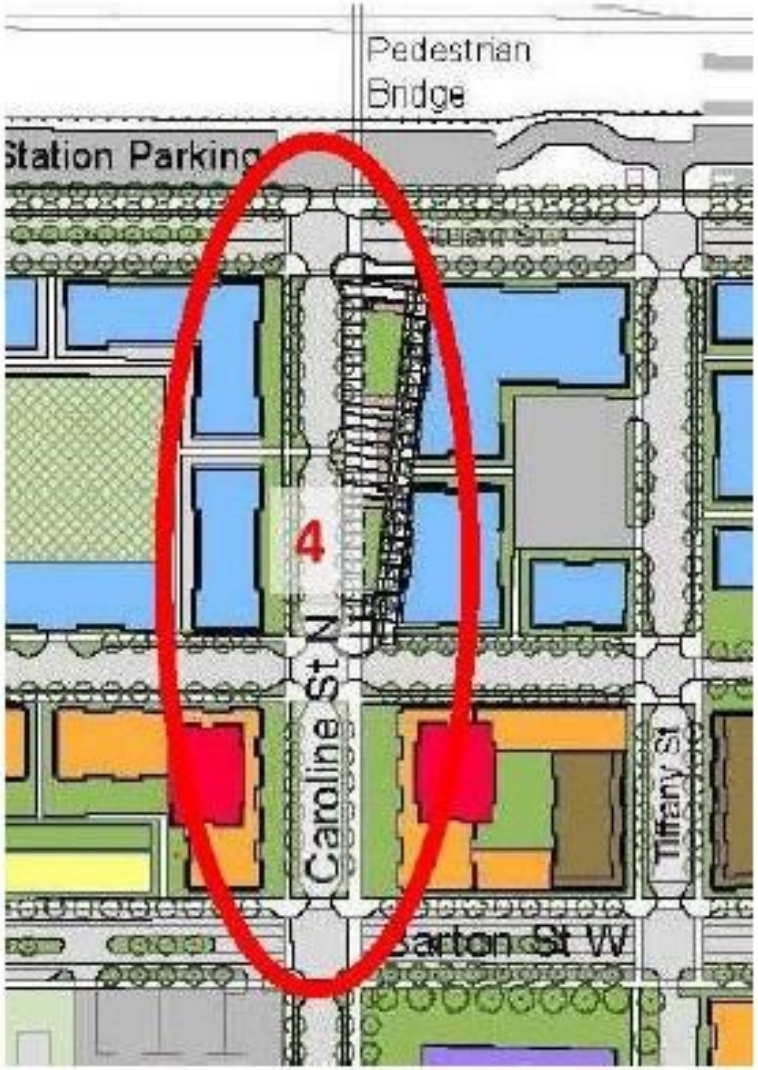
Recommendation (b) 3

128 Barton Street West (lands fronting onto Caroline Street North) at intersection with proposed East-West road: Increase residential density from Medium Density to High Density; Increase building height from eight storeys to sixteen stories



Recommendation (b) 4

Caroline Street North, between Barton Street West and Stuart Street: Increase front yard and building setbacks to a range between four to ten metres



Design Considerations

Commercial Parking Facility

- Ground Floor of the Commercial Parking Facility shall be used for commercial uses
- Commercial Parking Facility shall be contained within a building

Ground Floor façade facing the front lot line

- For an interior, corner, and through lot, Minimum 25% of the ground floor façade shall be within the minimum and maximum front and flankage setback
- No parking, driveways, and aisle between the building and public street

Production Studio

- Soundstage and Warehousing no closer than 40.0 metres from a Downtown Multiple Residential (D6) Zone
- Planting strip of 4.0 metres between the street and the parking lot

PED18210(a)
Photo 1

View north from Barton Street West

PED18210(a)
Photo 2

View east along Barton Street West

PED18210(a)
Photo 3

View west along Barton Street West

PED18210(a)

Photo 4

View north along Hess Street from Barton Street West

THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE