



City of Hamilton
PLANNING COMMITTEE REVISED

Meeting #: 19-010
Date: June 18, 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	
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(b) T. McClelland	
(c) Judith Duncan	

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	(e) Claudia Guerrero	
	(f) Stan Kurak	
	(g) Sharon Williams	
	(h) Renee Kurak	
	(i) Sherry Hayes	
	(j) Debbie Martin	
	(k) Jerry Andreatta	

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12. NOTICES OF MOTION

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13.1	Outstanding Business List Items Requiring New Due Dates: 12A - Regulation of Rental Housing Current Due Date: May 14, 2019 Proposed New Due Date: September 17, 2019 17E - Family Friendly Housing Current Due Date: January 15, 2019 Proposed New Due Date: February 2020 18D - Framework for Inclusionary Zoning Current Due Date: TBD Proposed New Due Date: November 19, 2019 18G - 8475 English Church Road Planning Applications Current Due Date: April 16, 2019 Proposed New Due Date: September 3, 2019 18I - Designation of 3789 Main St. East, Hamilton Current Due Date: June 18, 2019 Proposed New Due Date: November 5, 2019 18K - Using Pier 7 as a "People Place" Current Due Date: TBD Proposed New Due Date: August 13, 2019 18M - Designation of 828 Sanitorium Road, Hamilton Current Due Date: June 18, 2019 Proposed New Due Date: November 5, 2019 19B - Updates to Zoning By-law 05-200	
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1. Self Storage Facilities Locations

Current Due Date: TBD

Proposed New Due Date: October 15, 2019

2. Site Specific Zoning at 336-338 King St., Dundas

Current Due Date: TBD

Proposed New Due Date: August 13, 2019

19J - Zoning By-law Amendment for 1400 Baseline Road

Current Due Date: TBD

Proposed New Due Date: November 19, 2019

Items to be Removed:

19I - Ways to Better Protect Hamilton Trees on Private Property
(Item 10.3 on the June 4 agenda)

14. PRIVATE AND CONFIDENTIAL

14.1 Closed Session Minutes - June 4, 2019 (Distributed under separate cover)

14.2 Appeal to the Local Planning Appeal Tribunal on the City of Hamilton's Refusal or Neglect to Adopt an Amendment to the City of Hamilton Zoning By-law No. 6593 and Draft Plan of Condominium 25-CDM-201705 (Hamilton) (LS19027 / PED18055(a)) (Ward 4)
(Distributed under separate cover)

Pursuant to Section 8.1, Sub-sections (e) and (f) of the City's Procedural By-law 18-270, and Section 239(2), Sub-sections (e) and (f) of the *Ontario Municipal Act*, 2001, as amended, as the subject matters pertain 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.

14.3 Update regarding LPAT Appeal of 195 Wellington Street South (PL171389) (LS19025) (Ward 2) (Distributed under separate cover)
Pursuant to Section 8.1, Sub-sections (e) and (f) of the City's Procedural By-law 18-270, and Section 239(2), Sub-sections (e) and (f) of the *Ontario Municipal Act*, 2001, as amended, as the subject matters pertain 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

19-009

June 4, 2019

9:30 a.m.

**Council Chambers, Hamilton City Hall
71 Main Street West**

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

Absent with Regrets: Councillor J. Partridge – City Business

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

1. To Incorporate City Lands into Upper Red Hill Valley Parkway By-law (PED19103) (Wards 6 and 9) (Item 7.1)

(Collins/Clark)

- (a) That the following City lands designated as Part 1 on Plan 62R-18783, Parts 7, 8, 14, 17, 18, and 19 on Plan 62R-18648, and Part 2 on Plan 62R-20603 be established as a public highway to form part of Upper Red Hill Valley Parkway;
- (b) That the By-Law to incorporate the City lands to form part of Upper Red Hill Valley Parkway be prepared to the satisfaction of Corporate Counsel and be enacted by Council; and,
- (c) That the General Manager of Public Works be authorized and directed to register the By-Law.

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

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Chad Collins
NOT PRESENT - Councillor John-Paul Danko
YES - Councillor Maria Pearson
NOT PRESENT - Councillor Judi Partridge

YES - Councillor Terry Whitehead
YES - Councillor Brenda Johnson
YES - Councillor Brad Clark

2. Hamilton Municipal Heritage Committee Report 18-010 (Item 7.2)

(Whitehead/Farr)

(i) Inventory and Research Working Group Meeting Notes - October 29, 2018 (Item 7.2)

(a) Ferguson Pumping Station (Item 1)

That the Ferguson Pumping Station, 231 Ferguson Avenue, Hamilton, Ontario be Designated under Part IV of the Ontario Heritage Act and further be added to the Staff Work Plan.

(b) Jimmy Thompson Pool (Item 2)

That the Jimmy Thompson Pool, 1099 King Street, East, Hamilton, Ontario be Designated under Part IV of the Ontario Heritage Act and further be added to the Staff Work Plan.

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

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Chad Collins
YES - Councillor John-Paul Danko
YES - Councillor Maria Pearson
NOT PRESENT - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Brenda Johnson
YES - Councillor Brad Clark

3. Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 2040 Hall Road, Glanbrook (PED19105) (Ward 11) (Item 8.1)

(Johnson/Clark)

That Zoning By-law Amendment Application ZAA-19-012, by Jeff Barlow (Owner), for a change in zoning from the Agriculture (A1) Zone to the Agriculture (A1, 642) Zone in order to prohibit the construction of a single detached dwelling and residential care facility as required to clear a condition of consent approval as shown on Appendix "A" to Report PED19105, be APPROVED on the following basis:

(a) That the draft By-law, attached as Appendix "B" to Report PED19105, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

- (b) That the amending By-law be added to Schedule “C” of Zoning By-law No. 05-200;
- (c) That the proposed modification in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Greenbelt Plan (2017), and complies with the Rural Hamilton Official Plan (RHOP); and,
- (d) ***That the public submissions received regarding this matter did not affect the decision.***

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

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Chad Collins
YES - Councillor John-Paul Danko
YES - Councillor Maria Pearson
NOT PRESENT - Councillor Judi Partridge
NOT PRESENT - Councillor Terry Whitehead
YES - Councillor Brenda Johnson
YES - Councillor Brad Clark

4. Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 514-516 Barton Street, and 293 Dewitt Road (Stoney Creek) (PED19106) (Ward 10) (Item 8.2)

(Pearson/Danko)

- (a) That Urban Hamilton Official Plan Amendment Application UHOPA-17-36, by Khmer Kampuchea Krom Temple (c/o Alex Young, Owner), to redesignate the lands known as 514 Barton Street and 293 Dewitt Road from “Low Density Residential 2b” to “Institutional” in the Western Development Area Secondary Plan, to permit the lands to be used for institutional purposes in conjunction with an existing place of worship on the abutting lands known as 516 Barton Street (Stoney Creek), as shown on Appendix “A” to Report PED19106, be APPROVED on the following basis:
 - (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED19106 be adopted by City Council; and,
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2014) and conforms to the Growth Plan for the Greater Golden Horseshoe.
- (b) That Amended City of Stoney Creek Zoning By-law Amendment Application ZAC-17-079, by Khmer Kampuchea Krom Temple (c/o Alex Young, Owner), for a change in zoning from the Single Residential “R2” Zone in the Stoney Creek Zoning By-law No. 3692-92 (Block 1) and Neighbourhood Institutional (I1) Zone (Block 2) to the Neighbourhood Institutional (I1, 726) Zone to permit an institutional use with ancillary residential for the lands located at 514-516

Barton Street and 293 Dewitt Road (Stoney Creek), as shown on Appendix "A" to Report PED19106, be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix "C" to Report PED19106, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
- (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, and will comply with the Urban Hamilton Official Plan, upon finalization of Urban Hamilton Official Plan Amendment No. XX.

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

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

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Chad Collins
YES - Councillor John-Paul Danko
YES - Councillor Maria Pearson
NOT PRESENT - Councillor Judi Partridge
NOT PRESENT - Councillor Terry Whitehead
YES - Councillor Brenda Johnson
YES - Councillor Brad Clark

5. Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 468-476 James St North, Hamilton (PED19116) (Ward 2) (Item 8.3)

(Farr/Whitehead)

- (a) That Official Plan Amendment Application UHOPA-18-07 by JvN James St. G.P. Inc. c/o John Van Nostrand, Owner, for a change in building height permissions on Schedule "M-4" Building Heights to permit the redevelopment of the subject lands for an eight storey mixed use building containing 384 sq m of commercial gross floor area on the ground floor, 92 flexible housing units above and with three surface parking spaces and 36 parking space contained in one level of underground parking, for lands located at 468 to 476 James Street North, as shown on Appendix "A" to Report PED19116, be APPROVED on the following basis:
 - (i) That the draft Official Plan Amendment, attached as Appendix "B" to Report PED19116, be adopted by City Council;
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2014) and conforms to the Growth Plan for the Greater Golden Horseshoe (2017).

- (b) That Amended Zoning By-law Amendment Application ZAC-18-020 by JvN James St. G.P Inc. c/o John Van Nostrand, Owner, for a further modification to the “H/S-978a” (Community Shopping and Commercial, Etc.) District, Modified, to permit the redevelopment of the subject lands for an eight storey mixed use building containing 384 sq. m. of commercial gross floor area on the ground floor, 92 flexible housing units above, and with three surface parking spaces and 36 parking spaces contained in one level of underground parking, for lands located at 468 to 476 James Street North as shown on Appendix “A” to Report PED19116, be APPROVED, subject to the following:
- (i) That the draft By-law, attached as Appendix “C” to Report PED19116, 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 City of Hamilton Official Plan upon approval of Official Plan Amendment No. ____;
 - (iii) That the amending By-law apply the Holding Provision of section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject lands by introducing the Holding symbol ‘H1’ as a suffix to the proposed zoning for the following:
 - (a) The Owner enters into a conditional building permit agreement with respect to completing a Record of Site Condition or a signed Record of Site Condition (RSC) being submitted to the City of Hamilton and the Ministry of the Environment, Conservation and Parks (MOECP). This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MECP, and submission of the City of Hamilton’s current RSC administration fee;
 - (b) For such time as the Holding Provision ‘H2’ symbol is applicable to the lands referred to in Section 2, the lands shall only be used in accordance with “H/S-978a” (Community Shopping and Commercial, etc.) District except where in conflict with the following:
 - (i) Regulations

The maximum dwelling units and live work units shall be restricted to 99 units.
 - (ii) Condition for Holding Provision Removal

That the applicant submit and receive approval of a Traffic Impact Study where greater than 99 dwelling units/live work

units are proposed, to the satisfaction of the Director of Transportation Planning; and,

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

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

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Chad Collins
YES - Councillor John-Paul Danko
YES - Councillor Maria Pearson
NOT PRESENT - Councillor Judi Partridge
YES - Councillor Terry Whitehead
NOT PRESENT - Councillor Brenda Johnson
YES - Councillor Brad Clark

6. Bill 108, More Homes, More Choice Act, 2019 - Ontario Proposed Changes to Land Use Planning, Heritage and Appeals Systems (PED19125/LS19020) (Item 9.1)

(Clark/Whitehead)

- (a) That Council adopt the submissions and recommendations as provided in Report LS19020/PED19125 regarding Schedules 5, 9, ,11 and 12 of Bill 108, *More Homes, More Choice Act*, 2019;
- (b) That the Director of Planning and Chief Planner be authorized and directed to confirm the submissions made to the Province attached as Appendix "A" to Report LS19020/PED19125; and,
- (c) That the Director of Planning and Chief Planner and the City Solicitor be authorized to make submissions on Bill 108, *More Homes, More Choice Act*, 2019 and any associated regulations consistent with the concerns raised in Report LS19020/PED19125.

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

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Chad Collins
YES - Councillor John-Paul Danko
YES - Councillor Maria Pearson
NOT PRESENT - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Brenda Johnson
YES - Councillor Brad Clark

7. **A Place to Grow: Growth Plan, 2019 (PED19033(a)) (City Wide) (Item 10.1)**

(Whitehead/Clark)

That Report PED19033(a) respecting A Place to Grow: Growth Plan, 2019, be received.

CARRIED

8. **Amendments to Property Standards By-law 10-221 Respecting Development and Grading Plans (PED19113) (City Wide) (Item 10.2)**

(Whitehead/Danko)

(a) That the procedural and housekeeping changes to the City of Hamilton Property Standards By-law 10-221 regarding landscaping requirements for approved developments and grading plans, and revising the penalty provisions described in Report PED19113, detailed in the proposed amending by-law attached as Appendix "A" be approved;

(b) That the amending by-law attached as Appendix "A" to Report PED19113, which has been prepared in a form satisfactory to the City Solicitor be enacted by Council.

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

YES - Councillor Maureen Wilson

NOT PRESENT - Councillor Jason Farr

NOT PRESENT - Councillor Chad Collins

YES - Councillor John-Paul Danko

YES - Councillor Maria Pearson

NOT PRESENT - Councillor Judi Partridge

YES - Councillor Terry Whitehead

YES - Councillor Brenda Johnson

YES - Councillor Brad Clark

9. **Hamilton Urban Forest Strategy Update (PD02229(h)) (City Wide) (Item 10.3)**

(Farr/Wilson)

That Report PD02229(h) respecting Hamilton Urban Forest Strategy Update, be received.

CARRIED

10. **Year Round Live-Aboards at West Harbour Marinas / Yacht Clubs (Item 11.1)**

(Farr/Whitehead)

WHEREAS, Year-round live-aboard residents have resided in the west harbour for over two decades;

WHEREAS, the City of Hamilton recently permitted 2018-19 off-season live-aboard residents with a willing host at Macassa Bay Yacht Club/Marina and there

were no complaints or impacts respecting this permission; and,

WHEREAS, The Mission Statement from the year-round live-aboards currently residing on the water in Hamilton is to “promote a living alternative lifestyle on the waters of Hamilton Harbour within the Community of Hamilton”;

THEREFORE BE IT RESOLVED:

- (a) That should a willing host be available (for example, if Macassa Bay Yacht Club expresses written consent as a sub-landlord), a Live-Aboard sub-committee of the Planning Committee be established, with an objective to create a feasibility study over a two-year period;
- (b) That the sub-committee be comprised of the appropriate City of Hamilton staff, including but not limited to Planning, Finance, Legal and Emergency Services, the Ward Councillor, representatives from each interested marina/yacht club and representatives from the current live-aboard residents;
- (c) That the issue of year-round live-aboards related to any ongoing negotiations respecting City of Hamilton long-term leases with Marinas and Yacht Clubs be held in abeyance until such time as the feasibility study report is reported back to the Planning Committee; and,
- (d) That live-aboards continue to be permitted to live year-round until the Planning Committee deals with the matter once the feasibility study is finalized.

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

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
NOT PRESENT - Councillor Chad Collins
YES - Councillor John-Paul Danko
YES - Councillor Maria Pearson
NOT PRESENT - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Brenda Johnson
YES - Councillor Brad Clark

11. Amendment to Nuisance By-law No. 09-110 respecting Cannabis Growing Operations (Item 11.2)

(Clark/Johnson)

WHEREAS, the City of Hamilton has experienced increased nuisance complaints about properties growing cannabis for the purpose of personal use as authorized by Health Canada;

WHEREAS, section 128 of the *Municipal Act, 2001, S.O. 2001*, provides that a local municipality may prohibit and regulate with respect to public nuisances,

including matters that in the opinion of Council are or could become public nuisances;

WHEREAS, pursuant to section 129 of the *Municipal Act*, 2001, S.O. 2001, a municipality may prohibit and regulate with respect to noise, vibration, odour, dust and outdoor illumination, including indoor lighting that can be seen outdoors;

WHEREAS, Cannabis growing operations that are not regulated as Licensed Producers by Health Canada are creating significant public nuisances in relation to odour and outdoor light illuminations; and,

WHEREAS, the City of Hamilton By-law No. 09-110, being a By-law to prohibit and regulates certain public nuisance did not previously consider public nuisance created by cannabis growing operations;

THEREFORE BE IT RESOLVED:

That the Director of Licensing and By-law Services be directed to bring an amending By-law to the current City of Hamilton By-law No. 09-110 to include the violations of; cause or permit any public nuisance; cause or permit any activity on one property which are obnoxious or which substantially reduce the enjoyment of another property, including without limiting the generality of activities such as the creation of vibration or the emission of smoke, dust, airborne particulate matter or objectionable odour and light that is broadcasted directly from one property onto another property.

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

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
NOT PRESENT - Councillor Chad Collins
YES - Councillor John-Paul Danko
YES - Councillor Maria Pearson
NOT PRESENT - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Brenda Johnson
YES - Councillor Brad Clark

12. Demolition Permit for 743 Green Mountain Road East (Stoney Creek) (Item 11.3)

(Clark/Pearson)

That the Chief Building Official be authorized and directed to issue a demolition permit for 743 Green Mountain Road East (Stoney Creek) 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 if a replacement building is not erected on this property within two years of the demolition of the existing building, 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; and
- (b) 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.

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

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
NOT PRESENT - Councillor Chad Collins
YES - Councillor John-Paul Danko
YES - Councillor Maria Pearson
NOT PRESENT - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Brenda Johnson
YES - Councillor Brad Clark

13. Electric Charging Stations in Ward 5 (Item 11.4)

(Farr/Clark)

- (a) That Hamilton Municipal Parking staff be directed to install 4 electric charging stations in Ward 5 (2 stations in Municipal Carpark 3 located within the boundaries of the Stoney Creek BIA and 2 stations on Van Wagners Beach Road located in the parking lot next to Hutch's on the Beach);
- (b) That the estimated \$30,000 cost of installing the 2 charging stations at Confederation Beach Park be funded from the Beach Neighbourhood Capital Reserve Account (108037) and the estimated \$25,000 cost of installing the 2 charging stations in Downtown Stoney Creek be funded from the Stoney Creek Terrapure Reserve Account (117036); and,
- (c) That the Mayor and City Clerk be authorized and directed to execute any required agreement(s) and ancillary documents, with such terms and conditions in a form satisfactory to the City Solicitor.

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

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
NOT PRESENT - Councillor Chad Collins
YES - Councillor John-Paul Danko
YES - Councillor Maria Pearson

NOT PRESENT - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Brenda Johnson
YES - Councillor Brad Clark

14. Development of a Rural Fill By-law (Added Item 12.2)

(Johnson/Clark)

WHEREAS, this Motion was passed at the Agriculture and Rural Affairs Advisory Committee; and,

WHEREAS, this Motion is time sensitive;

THEREFORE, BE IT RESOLVED:

That Staff be directed to develop a rural fill by-law to stop illegal fill movement while minimizing the impact on normal farm practices.

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

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
NOT PRESENT - Councillor Chad Collins
YES - Councillor John-Paul Danko
YES - Councillor Maria Pearson
NOT PRESENT - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Brenda Johnson
YES - Councillor Brad Clark

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

The Committee Clerk advised of the following changes to the agenda:

1. DELEGATION REQUESTS (Item 6)

- 6.3 Carolyn Zanchetta, Hamilton Naturalists' Club, respecting Bill 108, Schedule 5 Changes to the Endangered Species Act (For today's meeting)
- 6.4 Gary Birch respecting 3033, 3047, 3055 and 3063 Binbrook Road (LPAT Appeal) (Item 14.1) (For today's meeting)
- 6.5 Brett Harrington respecting 3033, 3047, 3055 and 3063 Binbrook Road (LPAT Appeal) (Item 14.1) (For today's meeting)
- 6.6 Axel Binneboese, Swisscan Properties Inc. / Halton Place Horse & Country Ltd., respecting a Community, Wellness and Tourism Oriented Business Proposal (For the June 18th meeting)

- 6.7 Katherine Golightly respecting 3033, 3047, 3055 and 3063 Binbrook Road (LPAT Appeal) (Item 14.1) (For today's meeting)
- 6.8 Lynda Lukasik, Environment Hamilton, respecting Item 9.1 (Bill 108) and Item 10.1 (A Place to Grow: Growth Plan, 2019) (For today's meeting)

2. PUBLIC HEARINGS/DELEGATIONS (Item 8)

- 8.3 Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 468 – 476 James Street North, Hamilton (PED19116 (Ward 2)

- (i) Added Written Submissions:

- (b) Per Kleefisch
- (c) Stephen Watson
- (d) Rashmi Nathwani
- (e) Robyn Gillam
- (f) Nick Dika
- (g) Jo-Ann Tetreault
- (h) Kate Berry
- (i) Bill Johnston

- (ii) Added Registered Delegations:

- (a) Shawn Selway
- (b) Bill Johnston (WITHDRAWN)

3. NOTICES OF MOTION (Item 12)

- 12.1 Corporate Policy for Official Planning Notification During Mail Strikes

4. GENERAL INFORMATION/OTHER BUSINESS (Item 13)

- 13.1 Outstanding Business List

- (b) Items to be Removed:

- 17D – Sign Variance Appeal – 430 McNeilly Road, Stoney Creek (Settled at the Local Planning Appeal Tribunal July 3, 2018)

(Wilson/Johnson)

That the agenda for the June 4, 2019 meeting be approved, as amended.

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

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Chad Collins
NOT PRESENT - Councillor John-Paul Danko
YES - Councillor Maria Pearson
NOT PRESENT - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Brenda Johnson
YES - Councillor Brad Clark

(b) DECLARATIONS OF INTEREST (Item 3)

None declared.

(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 4)

(i) May 14, 2019 (Item 4.1)

(Whitehead/Collins)

That the Minutes of the May 14, 2019 meeting be approved, as presented.

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

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Chad Collins
NOT PRESENT - Councillor John-Paul Danko
YES - Councillor Maria Pearson
NOT PRESENT - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Brenda Johnson
YES - Councillor Brad Clark

(d) DELEGATION REQUESTS (Item 6)

(Johnson/Clark)

That the following Delegation Requests be approved as follows:

- (i) David Braden respecting Potential and Positive Consequences of Reducing Planning Restrictions (For the June 18th meeting) (Item 6.1)
- (ii) Amber Lindsay, UrbanSolutions, respecting an exemption to Apply for a Minor Variance at 100 Hamilton Street North (For the June 18th meeting) (Item 6.2)
- (iii) Carolyn Zanchetta, Hamilton Naturalists' Club, respecting Bill 108, Schedule 5 Changes to the Endangered Species Act (For today's meeting) (Item 6.3)

- (iv) Gary Birch respecting 3033, 3047, 3055 and 3063 Binbrook Road (LPAT Appeal) (Item 14.1) (For today's meeting) (Item 6.4)
- (v) Brett Harrington respecting 3033, 3047, 3055 and 3063 Binbrook Road (LPAT Appeal) (Item 14.1) (For today's meeting) (Item 6.5)
- (vi) Axel Binneboese, Swisscan Properties Inc. / Halton Place Horse & Country Ltd., respecting a Community, Wellness and Tourism Oriented Business Proposal (For the June 18th meeting) (Item 6.6)
- (vii) Katherine Golightly respecting 3033, 3047, 3055 and 3063 Binbrook Road (LPAT Appeal) (Item 14.1) (For today's meeting) (Item 6.7)
- (viii) Lynda Lukasik, Environment Hamilton, respecting Item 9.1 (Bill 108) and Item 10.1 (A Place to Grow: Growth Plan, 2019) (For today's meeting) (Item 6.8)

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

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Chad Collins
NOT PRESENT - Councillor John-Paul Danko
YES - Councillor Maria Pearson
NOT PRESENT - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Brenda Johnson
YES - Councillor Brad Clark

(e) PUBLIC HEARINGS / DELEGATIONS (Item 8)

(i) Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 2040 Hall Road, Glanbrook (PED19105) (Ward 11) (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.

(Johnson/Clark)

That the public meeting be closed.

CARRIED

(Johnson/Clark)

That the staff presentation be waived.

CARRIED

(Johnson/Clark)

That the recommendations in Report PED19105 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 7 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Chad Collins
YES - Councillor John-Paul Danko
YES - Councillor Maria Pearson
NOT PRESENT - Councillor Judi Partridge
NOT PRESENT - Councillor Terry Whitehead
YES - Councillor Brenda Johnson
YES - Councillor Brad Clark

For disposition of this matter, refer to Item 3.

(ii) Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 514-516 Barton Street, and 293 Dewitt Road (Stoney Creek) (PED19106) (Ward 10) (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 Official Plan Amendment and 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.

(Farr/Collins)

That the public meeting be closed.

CARRIED

(Farr/Collins)

That the staff presentation be waived.

CARRIED

Stuart Hastings, GSP Group, agent, was in attendance and indicated that the applicant is in agreement with the staff report. Stuart Hastings provided an overview of the proposal with the aid of a PowerPoint presentation. A copy of the presentation is available online at www.hamilton.ca or through the Office of the City Clerk.

(Pearson/Danko)

That the overview of the proposal by Stuart Hastings, be received.

CARRIED

(Pearson/Clark)

That the by-law be amended to reduce the required parking spaces from 23 to 21.

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

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Chad Collins
YES - Councillor John-Paul Danko
YES - Councillor Maria Pearson
NOT PRESENT - Councillor Judi Partridge
NOT PRESENT - Councillor Terry Whitehead
YES - Councillor Brenda Johnson
YES - Councillor Brad Clark

(Pearson/Clark)

That the recommendations in Report PED19106 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 - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Chad Collins
YES - Councillor John-Paul Danko
YES - Councillor Maria Pearson
NOT PRESENT - Councillor Judi Partridge
NOT PRESENT - Councillor Terry Whitehead

YES - Councillor Brenda Johnson
YES - Councillor Brad Clark

For disposition of this matter, refer to Item 4.

(iii) Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 468 to 476 James Street North, Hamilton (PED19116) (Ward 2) (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 Official Plan Amendment and 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.

Daniel Barnett, Planning Technician I, addressed the Committee with the aid of a PowerPoint presentation. A copy of the presentation is available online at www.hamilton.ca or through the Office of the City Clerk.

(Farr/Danko)

That the staff presentation be received.

CARRIED

John van Nostrand, JvN/d, agent, addressed the Committee with the aid of a PowerPoint presentation. A copy of the presentation is available online or through the Office of the City Clerk.

(Farr/Wilson)

That the presentation from John van Nostrand, be received.

CARRIED

(Farr/Collins)

That the following delegations be received:

- (a) Shawn Selway addressed the Committee and expressed concerns with the proposal.
- (b) Herman Turkstra addressed the Committee and expressed concerns with the proposal.
- (c) Rob Fiedler addressed the Committee and expressed concerns with the proposal.

- (d) Carol Peters addressed the Committee and expressed concerns with the proposal.
- (e) Bryan Ritskes addressed the Committee and expressed concerns with the proposal.
- (f) Bill Majoros addressed the Committee and expressed concerns with the proposal.

CARRIED

(Collins/Farr)

That the following written submissions be received:

- (a) Central Neighbourhood Association
- (b) Per Kleefisch
- (c) Stephen Watson
- (d) Rashmi Nathwani
- (e) Robyn Gillam
- (f) Nick Dika
- (g) Jo-Ann Tetreault
- (h) Kate Berry
- (i) Bill Johnston

CARRIED

(Wilson/Danko)

That the public meeting be closed.

CARRIED

(Farr/Whitehead)

That the recommendations in Report PED19116 be amended by adding the following sub-section (c):

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

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

- YES - Councillor Maureen Wilson
- YES - Councillor Jason Farr
- YES - Councillor Chad Collins
- YES - Councillor John-Paul Danko
- YES - Councillor Maria Pearson
- NOT PRESENT - Councillor Judi Partridge
- YES - Councillor Terry Whitehead
- NOT PRESENT - Councillor Brenda Johnson
- YES - Councillor Brad Clark

For disposition of this matter, refer to Item 5.

8.4 Carolyn Zanchetta, Hamilton Naturalists' Club, respecting Bill 108, Schedule 5 Changes to the Endangered Species Act (Added Item 6.3)

Carolyn Zanchetta addressed the Committee respecting Bill 108, Schedule 5 Changes to the Endangered Species Act, with the aid of a PowerPoint presentation. A copy of the presentation is available online at www.hamilton.ca or through the Office of the City Clerk.

(Danko/Wilson)

That the delegation from Carolyn Zanchetta, Hamilton Naturalists' Club, respecting Bill 108, Schedule 5 Changes to the Endangered Species Act, be received.

CARRIED

8.5 Gary Birch respecting 3033, 3047, 3055 and 3063 Binbrook Road (LPAT Appeal) (Item 14.1) (Added Item 6.4)

Gary Birch addressed the Committee respecting 3033, 3047, 3055 and 3063 Binbrook Road (LPAT Appeal).

(Collins/Johnson)

That the delegation from Gary Birch respecting 3033, 3047, 3055 and 3063 Binbrook Road (LPAT Appeal), be received.

CARRIED

8.6 Brett Harrington respecting 3033, 3047, 3055 and 3063 Binbrook Road (LPAT Appeal) (Item 14.1) (Added Item 6.5)

Brett Harrington addressed the Committee respecting 3033, 3047, 3055 and 3063 Binbrook Road (LPAT Appeal).

(Johnson/Clark)

That the delegation from Brett Harrington respecting 3033, 3047, 3055 and 3063 Binbrook Road (LPAT Appeal), be extended by five minutes.

CARRIED

(Johnson/Clark)

That the delegation from Brett Harrington respecting 3033, 3047, 3055 and 3063 Binbrook Road (LPAT Appeal), be received.

CARRIED

8.7 Katherine Golightly respecting 3033, 3047, 3055 and 3063 Binbrook Road (LPAT Appeal) (Item 14.1) (Added Item 6.7)

Katherine Golightly addressed the Committee respecting 3033, 3047, 3055 and 3063 Binbrook Road (LPAT Appeal).

(Johnson/Clark)

That the delegation from Katherine Golightly respecting 3033, 3047, 3055 and 3063 Binbrook Road (LPAT Appeal), be received.

CARRIED

8.8 Lynda Lukasik, Environment Hamilton, respecting Item 9.1 (Bill 108) and 10.1 (A Place to Grow: Growth Plan, 2019) (Added Item 6.8)

Lynda Lukasik, Environment Hamilton, addressed the Committee respecting Item 9.1 (Bill 108) and Item 10.1 (A Place to Grow: Growth Plan, 2019).

(Johnson/Farr)

That the delegation from Lynda Lukasik, Environment Hamilton, respecting Bill 108 and A Place to Grow: Growth Plan, 2019, be received.

CARRIED

(f) STAFF PRESENTATIONS (Item 9)

(i) Bill 108, More Homes, More Choice Act, 2019 - Ontario Proposed Changes to Land Use Planning, Heritage and Appeals Systems (PED19125/LS19020) (Item 9.1)

Anita Fabac, Manager of Development Planning, Heritage and Design, and Joanna Wice, Solicitor, addressed the Committee with the aid of a PowerPoint presentation. A copy of the presentation is available online at www.hamilton.ca or in the Office of the City Clerk.

(Clark/Danko)

That the staff presentation from Anita Fabac, Manager of Development Planning, Heritage and Design, and Joanna Wice, Solicitor, be received.

CARRIED

For disposition of this matter, refer to Item 6.

(g) DISCUSSION ITEMS (Item 10)

(i) A Place to Grow: Growth Plan, 2019 (PED19033(a)) (City Wide) (Item 10.1)

Heather Travis, Senior Project Manager, addressed the Committee respecting A Place to Grow: Growth Plan, 2019.

(Clark/Johnson)

That staff be directed to review the Planning Application fees for Private Urban Boundary Expansion applications and Private Employment Lands Conversion applications pursuant to changes in the Ontario Growth Plan;

and,

- (a) That staff be directed to report back to the Planning Committee with requisite studies and a corresponding fee structure; and,
- (b) That staff be directed to report back to the Planning Committee with recommendations on June 18, 2019.

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

YES - Councillor Maureen Wilson
NOT PRESENT - Councillor Jason Farr
NOT PRESENT - Councillor Chad Collins
YES - Councillor John-Paul Danko
YES - Councillor Maria Pearson
NOT PRESENT - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Brenda Johnson
YES - Councillor Brad Clark

For disposition of this matter, refer to Item 7.

(ii) Hamilton Urban Forest Strategy Update (PD02229(h)) (City Wide) (Item 10.3)

Catherine Plosz, Natural Heritage Planner, addressed the Committee respecting Hamilton Urban Forest Strategy Update, with the aid of a PowerPoint presentation. A copy is available online at www.hamilton.ca and at the Office of the City Clerk.

(Farr/Wilson)

That the staff presentation from Catherine Plosz respecting Hamilton Urban Forest Strategy Update, be received.

CARRIED

For disposition of this matter, refer to Item 9.

(iii) Designation of 23-25 King Street East, Stoney Creek (Hamilton Municipal Heritage Committee Report 19-003) (Deferred from the May 14 meeting) (Item 10.4)

Councillor Collins was not present when this matter was addressed and the Committee agreed to defer the matter to the June 18th Planning Committee agenda.

(h) **NOTICES OF MOTION (Item 12)**

(i) **Corporate Policy for Official Planning Notification During Mail Strikes (Added Item 12.1)**

Councillor Farr introduced the following Notice of Motion respecting Corporate Policy for Official Planning Notification During Mail Strikes:

WHEREAS, the Planning Act prescribes the options the City of Hamilton can use for giving notice of an application to the Committee of Adjustment for a minor variance or severance;

WHEREAS, the two statutory options available to the City of Hamilton are to give notice by placing an advertisement in the newspaper or by first class mail to property owners combined with posting a sign on the property;

WHEREAS, as a result of the most recent mail disruption at Canada Post which required the City of Hamilton to give notice by placing an advertisement in the newspaper; and,

WHEREAS, not all affected residents read the newspaper or what appear to be technical notices placed in the newspaper and residents miss the opportunity to participate in the Committee of Adjustment decision making process;

THEREFORE BE IT RESOLVED:

That Planning staff report back to Planning Committee on a strategy for informing residents that goes beyond the traditional newspaper advertisement in the event of future disruptions in mail delivery service.

(ii) **Development of a Rural Fill By-law (Added Item 12.2)**

Councillor Johnson introduced a Notice of Motion respecting Development of a Rural Fill By-law.

(Johnson/Clark)

That the Rules of Order be waived to allow for the introduction of a Motion respecting Development of a Rural Fill By-law.

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

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
NOT PRESENT - Councillor Chad Collins
YES - Councillor John-Paul Danko
YES - Councillor Maria Pearson
NOT PRESENT - Councillor Judi Partridge
YES - Councillor Terry Whitehead

YES - Councillor Brenda Johnson
YES - Councillor Brad Clark

For disposition of the matter, refer to Item 14.

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

(i) Outstanding Business List (Item 13.1)

(Whitehead/Collins)

That the following changes to the Outstanding Business List, be approved:

Items Requiring New Due Dates:

18A - Development Approval Fees re Affordable Housing
Current Due Date: TBD
Proposed New Due Date: September 3, 2019

18P - EV Chargers in Hamilton Municipal Parking Lot Systems
Current Due Date: May 14, 2019
Proposed New Due Date: August 13, 2019

19C - On Street Parking Permits - Wellington Street North
Current Due Date: July 9, 2019
Proposed New Due Date: August 13, 2019

Items to be Removed:

19F - 310 Frances Avenue
(Addressed as Item 7.3 on the May 14th agenda)

17D - Sign Variance Appeal - 430 McNeilly Road, Stoney Creek
(Settled at the Local Planning Appeal Tribunal July 3, 2018)

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

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Chad Collins
YES - Councillor John-Paul Danko
YES - Councillor Maria Pearson
NOT PRESENT - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Brenda Johnson
YES - Councillor Brad Clark

(j) PRIVATE AND CONFIDENTIAL (Item 14)

(Johnson/Clark)

That Committee move into Closed Session respecting Item(s) 14.1 pursuant to Section 8.1, Sub-section(s) (e) and (f) of the City's Procedural By-law 18-270, and Section 239(2), Sub-section(s) (e) and (f) of the *Ontario Municipal Act*, 2001, as

amended, as the subject matters pertain 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.

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

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Chad Collins
YES - Councillor John-Paul Danko
YES - Councillor Maria Pearson
NOT PRESENT - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Brenda Johnson
YES - Councillor Brad Clark

- (i) **Appeal to the Local Planning Appeal Tribunal (LPAT) for Lack of Decision on Urban Hamilton Official Plan Applications (UHOPA-16-18) and Township of Glanbrook Zoning By-law No. 464 Application (ZAC-16-051) for Lands Located at 3033, 3047, 3055, 3063 Binbrook Road (LS19003(a)/PED19031(a)) (Glanbrook) (Ward 11) (Item 14.1)**

Staff was provided with direction in Closed Session with nothing further to report in Open Session.

(k) ADJOURNMENT (Item 15)

(Whitehead/Danko)

That there being no further business, the Planning Committee be adjourned at 7:53 pm.

CARRIED

Councillor Maria Pearson
Chair, Planning Committee

Lisa Chamberlain
Legislative Coordinator
Office of the City Clerk

5.1(a)

Chamberlain, Lisa

From:
Sent: June 11, 2019 10:55 AM
To: Chamberlain, Lisa
Subject: FW: renaming of portion of Drakes Drive

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

From: George McCowan
Sent: June 10, 2019 1:38 PM
To: clerk@hamilton.ca
Subject: renaming of portion of Drakes Drive

I would suggest Lakewood Beach Road.

George McCowan

5.1 (b)

Chamberlain, Lisa

From:
Sent: June 11, 2019 10:56 AM
To: Chamberlain, Lisa
Subject: FW: Renaming the portion of Drakes road Stoney Creek to Lakewood Beach Road!!

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

From: TMcClelland
Sent: June 10, 2019 1:51 PM
To: clerk@hamilton.ca
Subject: Renaming the portion of Drakes road Stoney Creek to Lakewood Beach Road!!

Dear City Clerk
Please present a copy of this letter at the Council meeting on Tuesday, June 18, 2019.

Regarding the road name change proposal / decision for renaming a portion of Drakes Rd.

As a resident of The Lakewood Beach Community, I would like to request that the road name change for the portion of Drakes Rd to be renamed & called "Lakewood Beach Road"
We are a strong & committed Community & based on respect for the history of the area of our Community, The name of Lakewood Beach Road is the best choice & my Vote!!

Best regards
T McClelland

Stoney Creek

5.1(c)

Chamberlain, Lisa

From:
Sent: June 11, 2019 10:55 AM
To: Chamberlain, Lisa
Subject: FW: Renaming of street

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

From: Judith Duncan
Sent: June 10, 2019 6:35 PM
To: clerk@hamilton.ca
Subject: Renaming of street

I wish to have my letter placed in the agenda for the June 18th meeting.

As a resident in the neighbourhood at The Shoreliner I wish to recommend that Drakes Drive be renamed Lakewood Beach Drive.

Chamberlain, Lisa

From: Leslie
Sent: May 31, 2019 12:02 PM
To: Lakewood Beach Community Council; Chamberlain, Lisa
Cc: Toffoletti, Paul; Pearson, Maria; Wilson, Maureen; Farr, Jason; Collins, Chad; Danko, John-Paul; Clark, Brad; Johnson, Brenda; Whitehead, Terry; Partridge, Judi
Subject: Re: Drakes Drive Street Naming Motion - June 18th Planning Committee

Hi All: we love Lakewood Beach Road!
 Best regards, Leslie and Walter *Born*

Sent from my Bell Samsung device over Canada's largest network.

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

From: Lakewood Beach Community Council
Date: 2019-05-31 11:20 a.m. (GMT-05:00)
To: "Chamberlain, Lisa" <Lisa.Chamberlain@hamilton.ca>
Cc: "Toffoletti, Paul" <Paul.Toffoletti@hamilton.ca>, Maria Pearson <maria.pearson@hamilton.ca>, Maureen.wilson@hamilton.ca, jason.farr@hamilton.ca, "Collins, Chad" <chad.collins@hamilton.ca>, john-paul.danko@hamilton.ca, brad.clark@hamilton.ca, brenda.johnson@hamilton.ca, terry.whitehead@hamilton.ca, judi.partridge@hamilton.ca
Subject: Drakes Drive Street Naming Motion - June 18th Planning Committee

Good Morning Everyone,

As per the attached Public Notice in yesterday's edition of the Stoney Creek News, a motion is coming forward from Cllr Pearson to rename a portion of the municipally signed Drakes Drive (registered on title as North Service Road) to **Parkedge Drive**.

Coincidentally, we were scheduled to speak to Committee on May 14th with a request to waive the street naming fee, so we could engage the community and allow those of us who live in the area submit suggestions.

No disrespect to Councillor Pearson or the request of Parkedge Drive, but we've had some suggestions already which we'd like considered. These suggestions might be more significant to the area, it's history and the community. By way of b.c.c. to the members of LBCC, we are also seeking additional suggestions from the residents. A list of pre-approved street names is also attached, however we've been told suggestions do not have to match the list.

To date, the following suggestions have been made (in no particular order) along with some context :

1. **Sears Drive** - Although the city tends to shy away from naming streets after politicians, in the 80s Bill Sears was also a principle of the engineering firm involved in developing Lakewood Landing sub-division (Grays, Drakes, Oceanic, Lakegate) - the adjacent lands to the north. Bill also lives in our community.

Chamberlain, Lisa

From: Claudia Guerrero
Sent: June 5, 2019 9:14 PM
To: Lakewood Beach Community Council
Cc: Chamberlain, Lisa; Toffoletti, Paul; Pearson, Maria; Wilson, Maureen; Farr, Jason; Collins, Chad; Danko, John-Paul; Clark, Brad; Johnson, Brenda; Whitehead, Terry; Partridge, Judi
Subject: Re: Drakes Drive Street Naming Motion - June 18th Planning Committee

I vote for Maria's Way. She's amazing and has always been great with my kids!!

Sent from my iPhone

On May 31, 2019, at 11:21, Lakewood Beach Community Council

Good Morning Everyone,

As per the attached Public Notice in yesterday's edition of the Stoney Creek News, a motion is coming forward from Clr Pearson to rename a portion of the municipally signed Drakes Drive (registered on title as North Service Road) to **Parkedge Drive**.

Coincidentally, we were scheduled to speak to Committee on May 14th with a request to waive the street naming fee, so we could engage the community and allow those of us who live in the area submit suggestions.

No disrespect to Councillor Pearson or the request of Parkedge Drive, but we've had some suggestions already which we'd like considered. These suggestions might be more significant to the area, it's history and the community. By way of b.c.c. to the members of LBCC, we are also seeking additional suggestions from the residents. A list of pre-approved street names is also attached, however we've been told suggestions do not have to match the list.

To date, the following suggestions have been made (in no particular order) along with some context :

1. **Sears Drive** - Although the city tends to shy away from naming streets after politicians, in the 80s Bill Sears was also a principle of the engineering firm involved in developing Lakewood Landing sub-division (Grays, Drakes, Oceanic, Lakegate) - the adjacent lands to the north. Bill also lives in our community.
2. **McLeod Road** - Back 100 years ago, a W. MacLeod owned land just west of the Big Pond (spelled Mac) One of the first residents in our developed area was the McLeods. Mrs. McLeod passed away last year in her 98th year. however her children, grandchildren and great grandchildren are still very much of the community and live here.
3. **Maria's Way** - For our dear friend Maria Ferreira who we love dearly & is an inspiration to everyone who's lives she touched in the community

Chamberlain, Lisa

From: Carson, Katie
Sent: June 12, 2019 8:52 AM
To: Chamberlain, Lisa
Subject: FW: re-naming of Drakes Drive

FYA

From: Stanley Kurak
Sent: June 11, 2019 7:33 PM
To: clerk@hamilton.ca
Subject: re-naming of Drakes Drive

I would like to add my voice in this matter.
My choice for a new name would be LAKEWOOD BEACH RD.
Thank you,
Stan Kurak

Stan F. Kurak, RHU,CRA

This transmission is intended for use only by the addressee(s) and may contain privileged/confidential information. It must not be read or distributed to any other person. Please notify the sender immediately if you receive this transmission in error

Chamberlain, Lisa

From: Pearson, Julie
Sent: June 12, 2019 8:35 AM
To: Chamberlain, Lisa
Cc: Carson, Katie
Subject: FW: Renaming Drakes Rd Stoney Creek. June 18th

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

From: Sharon Williams
Sent: June 12, 2019 6:58 AM
To: clerk@hamilton.ca
Subject: Renaming Drakes Rd Stoney Creek. June 18th

I wish to be included in renaming above street name.
I am a resident of this community and wish my preferred name change to be Lakewood Beach Road

Please present my vote at the June 18th committee meeting be include
Unfortunately I am not able to attend in person

Sharon Williams

Sent from my iPad

Chamberlain, Lisa

From: Carson, Katie
Sent: June 12, 2019 8:52 AM
To: Chamberlain, Lisa
Subject: FW: Re-NAMING OF DRAKES DRIVE

FYA

From: Pearson, Julie
Sent: June 12, 2019 8:34 AM
To: Carson, Katie
Subject: FW: Re-NAMING OF DRAKES DRIVE

From: Renee Kurak
Sent: June 11, 2019 7:33 PM
To: clerk@hamilton.ca
Subject: Re-NAMING OF DRAKES DRIVE

My choice would be Lakewood Beach Rd.

Regards

Renee Kurak

Chamberlain, Lisa

From: Carson, Katie
Sent: June 13, 2019 12:42 PM
To: Chamberlain, Lisa
Subject: FW: Letter submitted into June 18th Planning committee meeting agenda

From: Pearson, Julie
Sent: June 13, 2019 12:40 PM
To: Carson, Katie
Subject: FW: Letter submitted into June 18th Planning committee meeting agenda

From: Sherry Hayes
Sent: June 13, 2019 12:10 PM
To: clerk@hamilton.ca
Subject: Letter submitted into June 18th Planning committee meeting agenda

To City Clerk and Building Committee Council,

Please include my letter into the June 18th Planning Committee meeting agenda regarding the renaming of part of Drakes Drive, Stoney Creek.

As a community, we feel it is important that the community residents have a strong and perhaps final say on the change of a street name that brings us into our lakefront community. As the name of the community association has been previously voted on - and chosen to honour the combination of names from our historical subdivisions (Community Beach Gardens and Lakewood Landing) - hence culminating in the name Lakewood Beach, it seems only and absolutely fitting for the new street name to become Lakewood Beach Road. Please consider this as the official name to properly, correctly and respectfully rename this street in OUR community.

Respectfully submitted,
Sherry Hayes,
Shoreliner Resident

Chamberlain, Lisa

From: Pearson, Julie
Sent: June 13, 2019 2:31 PM
To: Chamberlain, Lisa
Cc: Carson, Katie
Subject: FW: Re June 18th Planning Committee

From: Deborah Martin
Sent: June 13, 2019 1:30 PM
To: clerk@hamilton.ca
Subject: Re June 18th Planning Committee

To Planning Committee Councillors and City Staff

Please add my name to the June 18th planning committee agenda. I would like the presently named Drakes Drive to be renamed Lakewood Beach Road to honour 2 areas of our local history. This is our community and we would appreciate having input into an area and street which we drive through every day.
Thank you for your consideration. Best regards, Debbie Martin

Chamberlain, Lisa

From: Pearson, Julie
Sent: June 13, 2019 2:31 PM
To: Chamberlain, Lisa
Cc: Carson, Katie
Subject: FW: Planning Committee Meeting June 18th Agenda

From: Jerry Andreatta
Sent: June 13, 2019 1:51 PM
To: clerk@hamilton.ca
Subject: Planning Committee Meeting June 18th Agenda

Please add my letter to the June 18th Planning Committee meeting Agenda

To Planning Committee Councillors and City Staff,

As a resident of this beautiful area I am in favour with the name change to Lakewood Beach Rd (currently Drakes Dr) in honour of Community Beach Gardens area almost one hundred year history, combined with Lakewood Landing. Thank you.

Jerry Andreatta

Stoney Creek, Ont

Form: Request to Speak to Committee of Council

Submitted on Wednesday, June 5, 2019 - 5:12 pm

==Committee Requested==

Committee: Planning Committee

==Requestor Information==

Name of Individual: James Lafferty

Name of Organization:

Contact Number:

Email Address:

Mailing Address:

Reason(s) for delegation request:

I was a Delegate last June because Southbrook Golf Club dumping 100 trucks a day ruined our road, culvert issues, dust problems and work not finished north of Corlis Rd. Nothing has been done. I've tried working with Southbrook Superintendent. I've emailed City Hall. I've emailed Councillor Johnson and was also a Delegate. I would like to address the chamber again to resolve ongoing issues, zoning, permits and use of NPCA lands for dumping.

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? Yes

6.2

Chamberlain, Lisa

From: Lakewood Beach Community Council
Sent: May 31, 2019 11:21 AM
To: Chamberlain, Lisa
Cc: Toffoletti, Paul; Pearson, Maria; Wilson, Maureen; Farr, Jason; Collins, Chad; Danko, John-Paul; Clark, Brad; Johnson, Brenda; Whitehead, Terry; Partridge, Judi
Subject: Drakes Drive Street Naming Motion - June 18th Planning Committee
Attachments: Public Notice re Street Name Change.jpg; Street Name List.docx

Good Morning Everyone,

As per the attached Public Notice in yesterday's edition of the Stoney Creek News, a motion is coming forward from Clr Pearson to rename a portion of the municipally signed Drakes Drive (registered on title as North Service Road) to **Parkedge Drive**.

Coincidentally, we were scheduled to speak to Committee on May 14th with a request to waive the street naming fee, so we could engage the community and allow those of us who live in the area submit suggestions.

No disrespect to Councillor Pearson or the request of Parkedge Drive, but we've had some suggestions already which we'd like considered. These suggestions might be more significant to the area, it's history and the community. By way of b.c.c. to the members of LBCC, we are also seeking additional suggestions from the residents. A list of pre-approved street names is also attached, however we've been told suggestions do not have to match the list.

To date, the following suggestions have been made (in no particular order) along with some context :

1. **Sears Drive** - Although the city tends to shy away from naming streets after politicians, in the 80s Bill Sears was also a principle of the engineering firm involved in developing Lakewood Landing sub-division (Grays, Drakes, Oceanic, Lakegate) - the adjacent lands to the north. Bill also lives in our community.
2. **McLeod Road** - Back 100 years ago, a W. MacLeod owned land just west of the Big Pond (spelled Mac) One of the first residents in our developed area was the McLeods. Mrs. McLeod passed away last year in her 98th year. however her children, grandchildren and great grandchildren are still very much of the community and live here.
3. **Maria's Way** - For our dear friend Maria Ferreira who we love dearly & is an inspiration to everyone who's lives she touched in the community
4. **Linkage St** - Prior to developments, this particular road use to be an environmental 'linkage' in our official plan.
5. **Lakewood Beach Road** - Community Beach Gardens subdivision was the first reg subdivision in this area. It was registered in 1921 (coming up to 100 yr anniversary). That housing development encompassed the lands to the east & south (Frances, Community Ave, Pinelands, Teal, North & South Service Roads and even the QEW when it was a dirt road - Burlington St). The next major subdivision was Lakewood Landing, the lands to the north. A combination of those 2 Subdivisions is Lakewood Beach.

We will submit more suggestions by the deadline of June 17th if any come forward, and/or you may also receive some suggestions directly from others residents who we've engaged with, but for now we would like this correspondence included in the agenda for consideration during your June 18th Planning Committee meeting.

Thank you,

Viv / Anna / Nancy
Lakewood Beach Community Council



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Growth Management Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	June 18, 2019
SUBJECT/REPORT NO:	To Rename Highway No. 5 East to Dundas Street East from Highway No. 6 to the Municipal Boundary with the City of Burlington / Halton Region (Flamborough) (PED19096)
WARD(S) AFFECTED:	Ward 15
PREPARED BY:	Paul Toffoletti (905) 546-2424 Ext. 4348
SUBMITTED BY:	Tony Sergi Senior Director, Growth Management Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That Highway No. 5 East, between Highway No. 6 and the municipal boundary with the City of Burlington, be renamed Dundas Street East, as identified on Appendix "A" to Report PED19096, and that the draft By-law, attached as Appendix "B" to Report PED19096, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

EXECUTIVE SUMMARY

In the 1920's Dundas Street East was taken over by the Province and renamed as Highway No. 5 East. However, currently, all addresses and local street signs of Dundas Street East have not been changed. This has created confusion on overlapping street names ever since then. In 1997, the Province downloaded Highway No. 5 East to the Regional Municipality of Hamilton-Wentworth, which later amalgamated into the City of Hamilton. The Regional Government did not pass a By-law to revert the street name back to Dundas Street East.

Staff were unable to find any business or residence that uses Highway No. 5 East as their address. They all use Dundas Street East. Therefore, this recommendation is

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

SUBJECT: To Rename Highway No. 5 East to Dundas Street East from Highway No. 6 to the Municipal Boundary with the City of Burlington / Halton Region (PED19096) (Ward 15) - Page 2 of 4

being made to revert Highway No. 5 East back to Dundas Street East and be legally consistent with existing addresses.

Alternatives for Consideration – See Page 3

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: There are costs associated with placing an advertisement in the *Flamborough Review*. However, street signs indicating “Dundas Street East” are already installed, so there is no cost for street signs.

Staffing: None

Legal: The *Municipal Act* does not require any public notification for a municipal street name change. However, notice of the proposed street name change has been given in accordance with the City of Hamilton Local Street Naming Policies, Guidelines and Procedures, as approved by Council on March 9th, 2005.

HISTORICAL BACKGROUND

Dundas Street East is an old roadway that ran from Toronto to Brant County. In the 1920's, the Province of Ontario created a system of highways known as the King's Highway System. The Province would retain ownership and maintenance of these highways. Legally, Dundas Street East in Waterdown was renamed as Highway No. 5 East by the Province, however, existing addresses and local street signs were never changed. This is still the case today.

In 1997, the Province downloaded Highway No. 5 East, between Highway No. 6 and the municipal boundary with the City of Burlington, to the Regional Municipality of Hamilton-Wentworth, which later amalgamated into the City of Hamilton. The Regional Government did not pass a By-law to revert the street name back to Dundas Street East from Highway No. 5 East.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The proposed street name change is consistent with the Local Street Naming Policies, Guidelines and Procedures document to avoid and remove contradictory street names.

SUBJECT: To Rename Highway No. 5 East to Dundas Street East from Highway No. 6 to the Municipal Boundary with the City of Burlington / Halton Region (PED19096) (Ward 15) - Page 3 of 4

RELEVANT CONSULTATION

A copy of the By-law has been reviewed by the City of Hamilton Legal Division and the Ward 15 Councillor was consulted.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Since the 1920's, when the Province took over Dundas Street East, there have been two street names overlapping this same portion of roadway. Legally the street name is still Highway No. 5 East and was recognized as that by the Province until 1997. Locally the street signs and property addressing have always stated Dundas Street East. In anticipation of this recommendation, staff have continued to assign Dundas Street East addresses to new developments to save the business owners and residents the trouble of going through an address change.

A review of addresses with the Municipal Property Assessment Corporation, Canada Post and Bell Canada found that nobody is using the street name of Highway No. 5 East as their address. Numerous other signs and maps also refer to this road as Dundas Street East. Therefore, this recommendation is being made to revert Highway No. 5 East back to Dundas Street East and be legally consistent with existing addresses.

ALTERNATIVES FOR CONSIDERATION

The only alternative is not to change the name and leave it as Highway No. 5 East. This is not recommended, as we have already seen cases where maps and signs are giving conflicting and contradictory information over the proper street name. Private, corporate and governmental databases have become address reliant and exact, where submitting the wrong street name could lead to services not being delivered or potential confusion, especially for Emergency Services. The City could be held responsible for any loss of life or property if delivery personnel or Emergency Services were unable to locate a property due to a contradictory street name, than what a user has in their database.

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.

SUBJECT: To Rename Highway No. 5 East to Dundas Street East from Highway No. 6 to the Municipal Boundary with the City of Burlington / Halton Region (PED19096) (Ward 15) - Page 4 of 4

Built Environment and Infrastructure

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

Our People and Performance

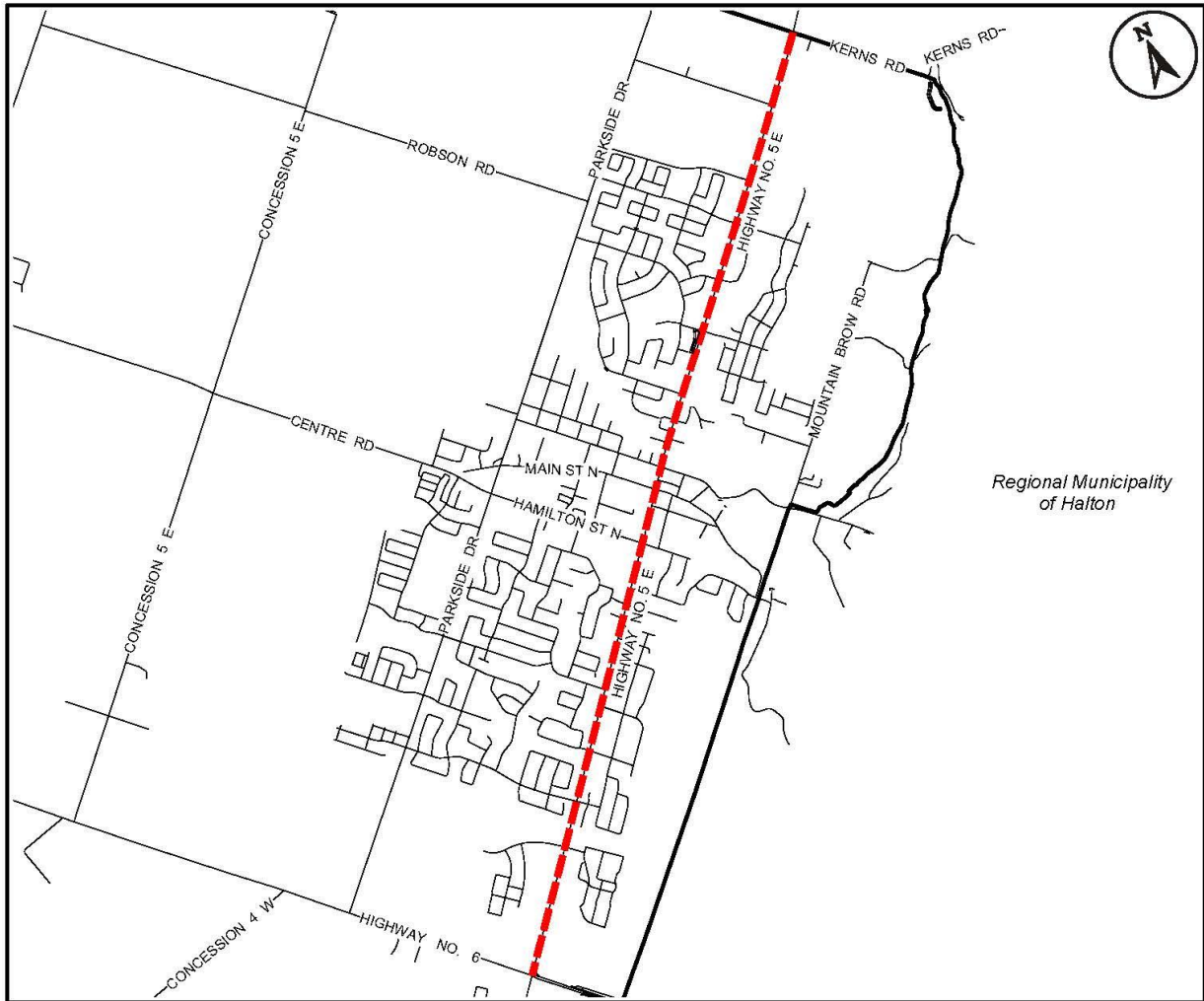
Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" – Location Map of Highway No. 5 East

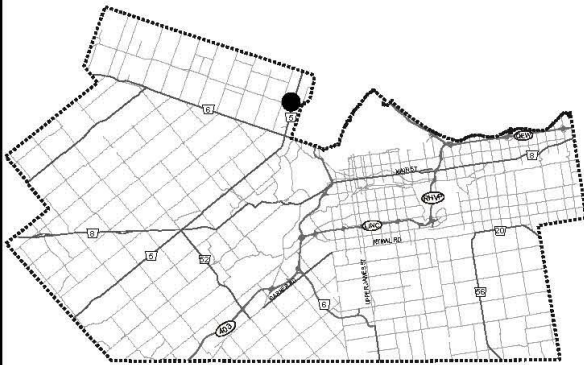
Appendix "B" – By-law to Rename Highway No. 5 East to Dundas Street East

PT:as



Regional Municipality
 of Halton

● Site Location



City of Hamilton

Municipal Address Map

Subject Property

 Change Highway No. 5 East to
 Dundas Street East (Flamborough)

File Name/Number:

Dundas St E

Date:

Jan. 29, 2019

Technician:

AL

Map Not to Scale

Appendix "A"



Hamilton

Authority: Item [redacted], Planning Committee
Report: xx-[redacted] (PED19096)
CM: [redacted]

Bill No. [redacted]

CITY OF HAMILTON

BY-LAW NO. [redacted]

To rename Highway No. 5 East to Dundas Street East from Highway No. 6 to the Municipal Boundary with the City of Burlington / Halton Region (Flamborough)

WHEREAS notice of the proposal to pass this By-law was published in the Flamborough Review prior to the passing of this by-law;

AND WHEREAS the Council of the City of Hamilton, through the Planning Committee, has heard all persons who applied to be heard no matter whether in objection to or in support of this by-law;

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

1. The name of the street municipally known as Highway No. 5 East, from Highway No. 6 to the Municipal Boundary with the City of Burlington / Halton Region, more particularly described as follows:

PIN's 175630188(LT); 175620633(LT); 175090146(LT); 175080033(LT);
175070261(LT); 175070264(LT); 175060308(LT); 175050325(LT);
175050321(LT); 175030361(LT); 175020041(LT);

City of Hamilton;

is hereby changed to Dundas Street East.

2. That this By-law comes into force and takes effect on the date of its registration in The Hamilton Land Registry Office for the Land Titles Division of Wentworth 62.

PASSED and ENACTED this [redacted] day of [redacted], 2019.

Fred Eisenberger
Mayor

Janet Pilon
Acting City Clerk



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Growth Management Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	June 18, 2019
SUBJECT/REPORT NO:	To Rename a Portion of North Service Road (Commonly Known as Drakes Drive) to Parkedge Drive Within the Former City of Stoney Creek (PED19097) (Ward 10)
WARD(S) AFFECTED:	Ward 10
PREPARED BY:	Paul Toffoletti (905) 546-2424 Ext. 4348
SUBMITTED BY:	Tony Sergi Senior Director, Growth Management Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That the portion of North Service Road (commonly known as Drakes Drive) between Frances Avenue and North Service Road, in the former City of Stoney Creek, be renamed Parkedge Drive as identified on Appendix "A", to Report PED19097, in accordance with the draft By-law, attached as Appendix "B" to Report PED19097, which has been prepared in a form satisfactory to the City Solicitor, to be enacted by City Council.

EXECUTIVE SUMMARY

Drakes Drive is a local road located in the former City of Stoney Creek that originally ran from Frances Avenue to Lakegate Drive. An extension to North Service Road was constructed in the mid-1980s by the Ministry of Transportation of Ontario as a connection road from North Service Road to Frances Avenue, which was later unofficially referred to as an extension to Drakes Drive. The addressing sequence of the original Drakes Drive began northward from the beginning of Frances Avenue without anticipating a future extension, thus resulting in properties south of Frances Avenue fronting Drakes Drive being out of sequence with respect to municipal numbering.

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

SUBJECT: To Rename a Portion of North Service Road (Commonly Known as Drakes Drive) to Parkedge Drive Within the Former City of Stoney Creek (PED19097) (Ward 10) - Page 2 of 5

The City has received Formal Consultations, Zoning By-law amendments, and Site Plan Control applications regarding the two vacant properties that will be utilizing the Drakes Drive / North Service Road extension as their primary access. This provides the City an opportunity to formally rename the Drakes Drive / North Service Road extension to Parkedge Drive and reassigning municipal numbers to the two vacant properties for the purpose of rectifying out of sequence addresses and avoiding any confusion to emergency and delivery services.

Staff has consulted with property owners of the two vacant lands regarding the change of street name and municipal address. The owners have no objections toward this initiative and have been made aware that the street name and address change will be included as Site Plan Approval conditions.

Alternatives for Consideration – See Page 4

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Costs will be incurred by the City by placing an advertisement on the Stoney Creek News notifying the street name change, and installation of two new street signs indicating “Parkedge Drive”.

Staffing: N/A

Legal: The *Municipal Act* does not require any public notification for a municipal street name change. However, notice of proposed street name change has been given in accordance to the City of Hamilton Local Street Naming Policies, Guidelines, and Procedures, as approved by Council on March 9th, 2005.

HISTORICAL BACKGROUND

Drakes Drive was originally constructed as part of the Wright Place Addition Phase One subdivision in 1982, where addressing began with number one on the odd side and twelve on the even side starting from north of Frances Avenue. A new connection road between North Service Road and Frances Avenue was constructed by the Ministry of Transportation in the mid-1980s. Officially the road carried over the name North Service Road, however, it became commonly known as an extension to Drakes Drive by name. Staff was unable to identify any By-laws that officially recognized this extension as Drakes Drive.

As a result of the original Drakes Drive’s address sequence beginning from the North of Frances Avenue without anticipating a southward extension, out of sequence municipal

SUBJECT: To Rename a Portion of North Service Road (Commonly Known as Drakes Drive) to Parkedge Drive Within the Former City of Stoney Creek (PED19097) (Ward 10) - Page 3 of 5

numbers would have to be assigned to Drakes Drive properties south of Frances Avenue, given the two proposed developments.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The proposed street name change is consistent with the Local Street Naming Policies, Guidelines, and Procedures, which will rectify the addressing sequence.

RELEVANT CONSULTATION

Two vacant properties subject of development applications, will require full address changes if developments were to occur, as they would have access restricted to this southerly portion of Drakes Drive.

Both property owners have been made aware of the proposed street name and address changes. No objections have been received up to the time of writing of this Report.

Accordingly, a copy of the draft By-law has been prepared and reviewed by the City of Hamilton Legal Division and attached as Appendix "B" to Report PED19097.

Lastly, the Ward 10 Councillor has been consulted and made aware of this recommendation.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The municipal addressing of the original Drakes Drive prior to the construction of the North Service Road extension began north of Frances Drive with 1 and 12, and ended just south of Lakegate Drive with 41 and 42. These numbers are in order and in proper sequence.

However, number 6 Drakes Drive is a vacant property fronting the Drakes Drive / North Service Road extension between Frances Avenue and North Service Road. This number is not in proper sequence with the remainder of Drakes Drive. A formal consultation application where the owner expressed interests in developing the property was received and the Development Review Team had provided the comment that a street name change will be required to rectify the out of sequence address. If a change of street name is not in place, the property will remain out of sequence regardless of an address reassignment, since a property associated with an even number address should be located north of Frances Avenue.

In addition, number 560 Grays Road is a vacant property that will be reassigned a municipal address fronting the Drakes Drive / North Service Road extension between

SUBJECT: To Rename a Portion of North Service Road (Commonly Known as Drakes Drive) to Parkedge Drive Within the Former City of Stoney Creek (PED19097) (Ward 10) - Page 4 of 5

Frances Avenue and North Service Road outlined in the staff comments to Zoning By-law Amendment application ZAC-18-017 and Site Plan Control application DA-19-056. Due to topographic and traffic constraints, the property can only be accessed from the Drakes Drive / North Service Road extension and thus warranting the need for a change of address. Without a change of street name, the property will be assigned a Drakes Drive address between zero and one, such as ½, in order to stay in proper sequence. Staff has received feedback from the owner that the half number address is unappealing and likely to cause confusion.

Staff has also received feedback that the aforementioned addressing issues will become more significant as the two vacant lands become developed. A formal Site Plan Control application DA-19-056 has already been submitted by the owner of 560 Grays Road. To maintain proper addressing sequence, staff recommends that the Drakes Drive / North Service Road extension be renamed Parkedge Drive and that the two vacant properties abutting the road be reassigned municipal numbers using the new name.

ALTERNATIVES FOR CONSIDERATION

1. Refuse the proposed street name change and proceed with a municipal address change instead. The property known as 560 Grays Road will be assigned the municipal number of ½ Drakes Drive and the property 6 Drakes Drive will be reassigned 2 Drakes Drive. This is not being recommended, as not only will the new 2 Drakes Drive remain out of sequence regardless of the address change, but it will also be out of sequence with the vacant property across the street. This alternative may cause confusion to emergency and postal services.
2. Refuse the proposed street name change on Drakes Drive and rename the portion of Frances Avenue between Grays Road and Pinelands Avenue instead. The two vacant properties will be reassigned municipal addresses from the renamed Frances Avenue. This is not recommended as there are topographic and traffic concerns restricting any access for the two properties from Frances Avenue, as per Development Review Team comments to Zoning By-law Amendment application ZAC-18-017.
3. Refuse the proposed street name change on Drakes Drive and reassign North Service Road municipal addresses to the two vacant properties. This is not recommended due to traffic, topographic, and environmental challenges. North Service Road is a major collector road and is known to experience high traffic volumes during peak periods. The vacant property known as 6 Drakes Drive has limited frontage onto North Service Road and access from the road may be obstructed by a creek running through the property.

SUBJECT: To Rename a Portion of North Service Road (Commonly Known as Drakes Drive) to Parkedge Drive Within the Former City of Stoney Creek (PED19097) (Ward 10) - Page 5 of 5

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Economic Prosperity and Growth

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APPENDICES AND SCHEDULES ATTACHED

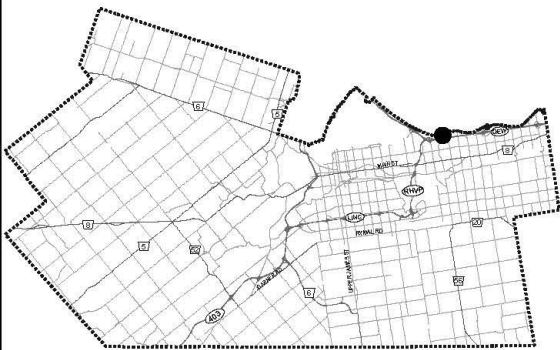
Appendix “A” – Location Map of North Service Road (also known as Drakes Drive)

Appendix “B” – By-law to Change North Service Road (also known as Drakes Drive) to Parkedge Drive

PT:as



● Site Location



City of Hamilton

Municipal Address Map

Subject Property

Change North Service Road (Drakes Drive) to Parkedge Drive (Stoney Creek)

File Name/Number:

Parkedge Drive

Date:

Mar. 19, 2019

Technician:

SN

Map Not to Scale

Appendix "A"



Hamilton

Authority: Item [redacted], Planning Committee
Report: xx-[redacted] (PED19097)
CM: [redacted]

Bill No. [redacted]

CITY OF HAMILTON

BY-LAW NO. [redacted]

To rename North Service Road (commonly known as Drakes Drive) to Parkedge Drive

WHEREAS notice of the proposal to pass this By-law was published in the Stoney Creek News prior to the passing of this By-law;

AND WHEREAS the Council of the City of Hamilton, through the Planning Committee, has heard all persons who applied to be heard no matter whether in objection to or in support of this by-law;

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

1. The name of the street municipally known as North Service Road (commonly known as Drakes Drive), more particularly described as follows:

PIN 173300164 (LT)

Part of North Service Road lying between Queen Elizabeth Way and Frances Avenue; part of Lot 22, Broken Front Concession, Saltfleet, Parts 13, 14, 16 and part of Part 10 on Plan 62R-5744; lying south of Frances Avenue; Stoney Creek, City of Hamilton.

is hereby changed to Parkedge Drive.

2. That this By-law comes into force and takes effect on the date of its registration in The Hamilton Land Registry Office for the Land Titles Division of Wentworth 62.

PASSED and ENACTED this [redacted] day of [redacted], 2019.

Fred Eisenberger
Mayor

Janet Pilon
Acting City Clerk



Hamilton

INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	June 18, 2019
SUBJECT/REPORT NO:	Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED19072) (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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SUBJECT: Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (City Wide) (PED19072) - 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 (subsection 17 (40)), Zoning By-law Amendment application after 150 days (subsection 34 (11)) and a Plan of Subdivision after 180 days (subsection 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 PED19072 is a table outlining the active applications received prior to December 12, 2017 sorted by Ward, from oldest application to newest. As of April 24, 2109, there were:

- 15 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) (PED19072) - Page 3 of 3

- 24 active Zoning By-law Amendment applications; and,
- 9 active Plan of Subdivision applications.

Within 60 to 90 days of June 18, 2019, all 24 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 PED19072 is a table outlining the active applications received after December 12, 2017 sorted by Ward, from oldest application to newest. As of April 24, 2109, there were:

- 21 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;
- 45 active Zoning By-law Amendment applications; and,
- 6 active Plan of Subdivision applications.

Within 60 to 90 days of June 18, 2019, 19 applications will be approaching the 150, 180 or the 300 day statutory timeframe and will be eligible for appeal. Twenty-six applications have passed the 150, 180 and 300 day statutory timeframe.

Combined to reflect property addresses, there are 70 active development proposals. Nineteen proposals are 2019 files, while 27 proposals are 2018 files and 24 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 Q3 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 April 24, 2019)**

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 June 18, 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	809
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	907
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	581
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.	629
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	567

**Active Development Applications
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(Effective April 24, 2019)**

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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.	979
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.	979
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.	928
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.	813
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.	1447
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	599

**Active Development Applications
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(Effective April 24, 2019)**

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Ward 10 cont'd									
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.	1250
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	907
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.	596
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.	845

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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	1273
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.	690
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	679
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	664
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.	620

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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.	1659
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.	678
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	907
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.	587

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 April 24, 2019)**

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 June 18, 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	543
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	365
UHOPA-19-004* ZAC-19-009	804-816 King St. W., Hamilton	21-Dec-19	n/a	18-Jan-19	n/a	n/a	17-Oct-19*	Urban Solutions Planning & Land Development	179
UHOPA-19-006 ZAC-19-023	196 George St., Hamilton	20-Mar-19	n/a	16-Apr-19	n/a	n/a	14-Jan-20	GSP Group	90

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Ward 2									
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	543
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	544
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	466
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.	446
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	340
UHOPA-18-021* ZAC-18-047	184 and 186 Markland St., Hamilton	22-Aug-18	20-Dec-18	21-Dec-18	n/a	n/a	17-Oct-19*	T. Johns Consulting Group	179

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Ward 2 cont'd									
UHOPA-18-023* ZAR-18-057	130 Wellington St. S., Hamilton	07-Nov-18	06-Dec-18	24-Dec-18	n/a	n/a	20-Oct-19*	MBI Development Consulting INC.	176
ZAR-19-008	124 Walnut St. S., Hamilton	21-Dec-18	n/a	18-Jan-19	20-May-19	n/a	n/a	IBI Group	179
Ward 3									
ZAC-19-014	116 Barnesdale Ave. N., Hamilton	31-Jan-19	n/a	25-Feb-19	30-Jun-19	n/a	n/a	IBI Group	138
ZAR-19-016	11 Grosvenor's Ave. S., Hamilton	28-Feb-19	n/a	28-Mar-19	28-Jul-19	n/a	n/a	T. Johns Consulting Group	110
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.	200
Ward 6									
ZAC-19-004	560 Highland Rd. W., Hamilton	10-Dec-18	n/a	18-Jan-19	09-May-19	n/a	n/a	WEBB Planning Consultants Inc.	190

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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	544
25T-19002	70 Bobolink Rd., Hamilton	3-Jan-19	n/a	18-Jan-19	n/a	02-Jul-19	n/a	IBI Group	166
ZAR-19-026	18 Miles Rd. Hamilton	01-Apr-19	n/a	18-Apr-19	29-Aug-19	n/a	n/a	A.J. Clarke & Associates Ltd.	78
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	460
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	432

**Active Development Applications
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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	292
Ward 8 cont'd									
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.	230
ZAC-19-017	1020 Upper James St., Hamilton	28-Feb-19	n/a	11-Mar-19	28-Jul-19	n/a	n/a	Wellings Planning Consultants Inc.	110
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.	410
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.	550

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Ward 10 cont'd									
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	375
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	260
UHOPA-18-025 ZAC-18-059	466-490 Highway No. 8, Stoney Creek	23-Nov-18	n/a	06-Dec-18	n/a	n/a	19-Sep-19	SvN Architects + Planners	207
UHOPA-19-003* ZAC-19-007 25T-2019001	238 Barton St., Stoney Creek	19-Dec-18	n/a	02-Jan-19	n/a	17-Jun-19	15-Oct-19*	A.J. Clarke & Associates Ltd.	181
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	510

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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	343
ZAA-18-053	2282 Westbrook Rd., Glanbrook	23-Oct-18	n/a	14-Nov-18	22-Mar-19	n/a	n/a	IBI Group	238
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.	282
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.	225
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	202

**Active Development Applications
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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.	197
ZAC-19-010	527 and 629 Shaver Rd., Ancaster	21Dec-18	n/a	10-Jan-19	20-May19	n/a	n/a	Urban Solutions Planning & Land Development	179
Ward 13									
ZAR-19-013	574 NorthCliffe Ave., Dundas	31-Jan-19	n/a	21-Feb-19	30-Jum-19	n/a	n/a	IBI Group	138
ZAr-19-020	366 King St. W., Dundas	19-Mar-19	n/a	27-Mar-19	24-Aug-19	n/a	n/a	MHBC Planning	83

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Ward 14									
ZAR-19-003	630 Stone Church Rd. W., Hamilton	07-Dec-18	n/a	07-Jan-19	06-May-19	n/a	n/a	IBI Group	193
ZAR-19-006	1269 Mohawk Rd., Ancaster	14-Dec-18	n/a	11-Jan-19	13-May-19	n/a	n/a	MBI Development Consulting INC.	186
ZAC-19-011	1933 Old Mohawk Rd., Ancaster	12-Dec-18	n/a	10-Jan-19	11-May-19	n/a	n/a	Urban Solutions Planning & Land Development	188
ZAC-19-021	974, 980 Upper Paradise Rd., Hamilton	18-Mar-19	n/a	22-Mar-19	15-Aug-19	n/a	n/a	T. Johns Consulting Group	92
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	480

**Active Development Applications
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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	330

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.



INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	June 18, 2019
SUBJECT/REPORT NO:	Hamilton Community Cat Network (HCCN) (PED19123) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Sarah Mombourquette (905) 546-2424 Ext. 1718
SUBMITTED BY:	Ken Leendertse Director, Licensing and By-law Services Planning and Economic Development Department
SIGNATURE:	

COUNCIL DIRECTION

The purpose of this Report is to advise Council of the progress of the Hamilton Community Cat Network (HCCN) and the City of Hamilton's Animal Services commitment as one of the founding members.

INFORMATION

Hamilton is one of many communities across Canada that has a concern with overpopulation of cats. The impacts of cat overpopulation are serious for both the cats and the communities. An unaltered female can give birth to approximately 15 kittens a year. Kittens born to the street with no socialization grow to be feral cats. Feral and community cats are responsible for 80 percent of kittens born each year and are the largest contributing source of cat overpopulation¹.

Community cats are unowned cats living in Hamilton neighbourhoods often in groups called colonies. Community cats include:

- Stray/homeless cats: lost or abandoned pets who may be suitable for a home; and,

¹ Levy, J.K. and P.C. Crawford, Humane strategies for controlling feral cat populations. J Am Vet Med Assoc, 2004. 225(9): p. 1354-60].

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

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

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

**SUBJECT: Hamilton Community Cat Network (HCCN) (PED19123) (City Wide) -
Page 2 of 5**

- Feral cats: cats with little or no socialization with people, are fearful and generally unsuitable for a home.

In November 2016, community wide discussions commenced with a focus on collaboration for action strategies for community cats. In September 2017 the HCCN was formed.

The Hamilton Community Cat Network (HCCN)

The HCCN is a community based voluntary association of key stakeholders focused on strategies to reduce the community cat population in Hamilton. The founding members include:

- City of Hamilton Animal Services;
- City of Hamilton Public Health;
- Hamilton/Burlington SPCA;
- Hamilton Street Cats;
- Veterinary Community - Dr. Elizabeth O'Brien and Dr. Alyssa Libstug; and,
- Community volunteer member representatives.

The purpose of the network is to:

- Create a healthier Hamilton for people and cats;
- Reduce the population of community cats; and,
- Enhance knowledge and understanding about Trap-Neuter-Vaccinate-Return (TNVR) and spay/neuter for all cats.

A formal 12 month development phase started in March 2018. The review period permitted the group to understand each member's different skill sets, interests and ideas and what they bring to the HCCN. The HCCN 12 Month Development Phase Review is attached as Appendix "A" to this Report.

Network Members Interests

In 2018, only 5% of stray cats brought in and cared for by Hamilton Animal Services were claimed by owners. Unclaimed cats that are adoptable, enter the city adoption program stream or are transferred to rescue partners. Feral cats that enter the City shelter are not adoption candidates nor is there an owner looking for them. The number of cats euthanized in the City shelter has steadily and significantly declined because of successful implementation of progressive best practices. This includes not removing healthy feral cats from the street to house and euthanize.

**SUBJECT: Hamilton Community Cat Network (HCCN) (PED19123) (City Wide) -
Page 3 of 5**

Statistics show that this past practice of removing cats from an area does not work to control cat population.

Hamilton Animal Services provides 24/7 response for service calls to deceased and sick or injured stray cats. When veterinary attention is required for illness or medical issues, care is provided by and paid for by Hamilton Animal Services. In 2018, Officers picked up 726 deceased stray cats and responded to 464 sick or injured stray cats on public right of way. The majority of these cats had no owner and were intact; not spayed or neutered.

The City also receives calls related to nuisance behaviours including fighting, roaming and cats spraying and defecating on private property. These are all issues related to community cats.

Hamilton Public Health has identified free roaming cats as a concern for the spread of rabies. Hamilton is currently a rabies epicentre. Free roaming community cats are at a higher risk of mixing with rabies vector species such as raccoons, skunks and bats.

The City is also responsible for the enforcement of the by-law regarding the feeding of stray cats. The feeding of cats is prohibited unless the feeder is an approved, registered caregiver of the Hamilton-Burlington Society for the Prevention of Cruelty to Animals (HBSPCA) Trap-Neuter-Vaccinate-Return (TNVR) program. The cats are humanely trapped by volunteers, spayed/neutered, vaccinated, microchipped and the left ear is tipped to visually identify them. The cats are then returned to their original territory. A registered caregiver then oversees and manages the colony and adheres to best practices for healthy cats. TNVR helps to reduce the number of cats in the area while also vaccinating them against rabies. Properly delivered TNVR can improve the health of community cats, address community concerns, reduce complaints about cats, and reduce population.

The HBSPCA, community partners and citizens have been coordinating and utilizing their resources to operate the TNVR program. Last year 500 community cats were serviced through the HBSPCA's TNVR program. Surgery is largely resourced through the HBSPCA, capture and transfer of cats for surgery is dependent on volunteers, and ongoing shelter and oversight of a colony is provided by the registered colony caregiver.

The HBSPCA coordinates colony applications, approvals and site inspections, all surgery appointments and some food provisions for colonies. Donations to the HBSPCA subsidize all TNVR for community cats at \$50 each, resulting in a lowered \$45 per cat fee which the registered caregiver covers. The HBSPCA also provides a range of options for affordable pet cat spay/neuter programming.

**SUBJECT: Hamilton Community Cat Network (HCCN) (PED19123) (City Wide) -
Page 4 of 5**

Hamilton Street Cats is a 100% volunteer run community based group that supports a significant number of colony caregivers through hands on mentoring, problem solving, cat trapping and transportation. Hamilton Street Cats provides neighborhood education and engagement. They financially assist caregivers who wish to participate but do not have the personal financing to complete a colony. They assist owners with intact pet cats without the finances to spay/neuter their pet. In 2018, Hamilton Street Cats assisted with co-pay and stopped the breeding cycle for 359 cats; 130 were serviced through the HBSPCA programming and 229 were identified as unowned adoption candidates and placed with rescue partners.

Veterinarian members hold the skill and expertise to inspire action among the greater veterinary community to contribute to population solutions for community cats as well as be the source for ensuring spay/neuter and preventative care is maintained with cat owners for optimal pet retention. Some local veterinarians also provide services at a reduced cost to individual colony caregivers and rescue groups

Community member's desire reduced cat populations on the streets for many reasons. Many volunteer their time, effort and finances to ensure cats that are not theirs, but living in their neighbourhoods are sterilized, vaccinated and managed and educate the neighbourhoods about solutions. There are also a number independent rescue groups and partners who assist in resolution for the prevention of pets abandoned to the street, and in-take friendly unowned street cats.

The HCCN has been working in collaboration to develop proper and consistent messaging to the public, safe policies and procedures for caregivers and a format to address public concerns and awareness regarding community cats. The HCCN Brochure is attached as Appendix "B" to this Report.

Progress Update

Communication and Education

- Common messaging on Network member websites;
- Educational brochure for public awareness; and,
- Co-developed interactive training and education workshops facilitated by Network members and trained volunteers held monthly throughout the City.

Access to TNVR

- HBSPCA increasing access to surgeries both on site and in coordination with member veterinarian off site.

Community Cat, Caregiver and Neighbourhood Safety

- Hamilton Animal Services and HBSPCA cooperation on colony caregiver approval processes and compliance requirements;

**SUBJECT: Hamilton Community Cat Network (HCCN) (PED19123) (City Wide) -
Page 5 of 5**

- Continued focus on rabies safety;
- Currently there are over 100 registered colony caregiver volunteers;
- March 2018 - March 2019: no complaints about registered colonies received by Hamilton Animal Services; and,
- Increased coordination of stakeholder and partner referral and communications.

Stakeholder Engagement

- Topical presentations at association and neighbourhood hub meetings; and,
- Network consultation with and learning from related parties e.g. cat rescue groups, Nature Canada.

Future Engagement

Community cat programs are considered as one component of a multi-pronged approach to cat issues in the community. A community wide cat strategy is within our collective grasp with a commitment to shared responsibility for cat populations. The HCCN is increasingly focused on measuring the reach and impact of strategies in place for healthy, safe and wanted cats. A series of public engagements and workshops have been scheduled for 2019.

Some of the challenges in search of solutions include:

- What revenue sources will sustain plans, strategies and actions?
- How can social media channels and community based engagement be optimized for education and best care for cats?
- What are the best ways to report back to the community the progress being made on cat overpopulation?

Community cats are a community challenge that requires community based solutions. No one entity holds the solutions. The HCCN draws upon the insight, experience and innovation among all members and beyond to increase cats' value in our community.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A": 12 Month Development Phase Review

Appendix "B": HCCN Brochure

KL:st



HAMILTON
COMMUNITY CAT
NETWORK

Twelve Month Development Phase Review

March 2018 - March 2019



HAMILTON COMMUNITY CAT NETWORK

November 2016 -
September 2017

September 2017
- March 2018

March 2018 -
March 2019

March 2019



Hamilton Cat Strategy
Working Group

The Hamilton
Community Cat
Network

HCCN Action Plan
and Strategies

Development Phase
Completion

Communications.
Networking.

Dialogue.
Shared learning.
Understanding.
Development and
formalizing terms,
purpose and goals.

Development Phase.
Formal Terms of
Reference completed.
Common messaging.
Strategies. Project
plans for deliverables.
Continued learning,
internally and
externally.

Assess needs.
Determine what other
organizations,
perspectives, skills and
knowledge are
required to achieve
deliverables.

Founding Membership

Participants include:



The Cat Clinic

Copetown Animal Hospital

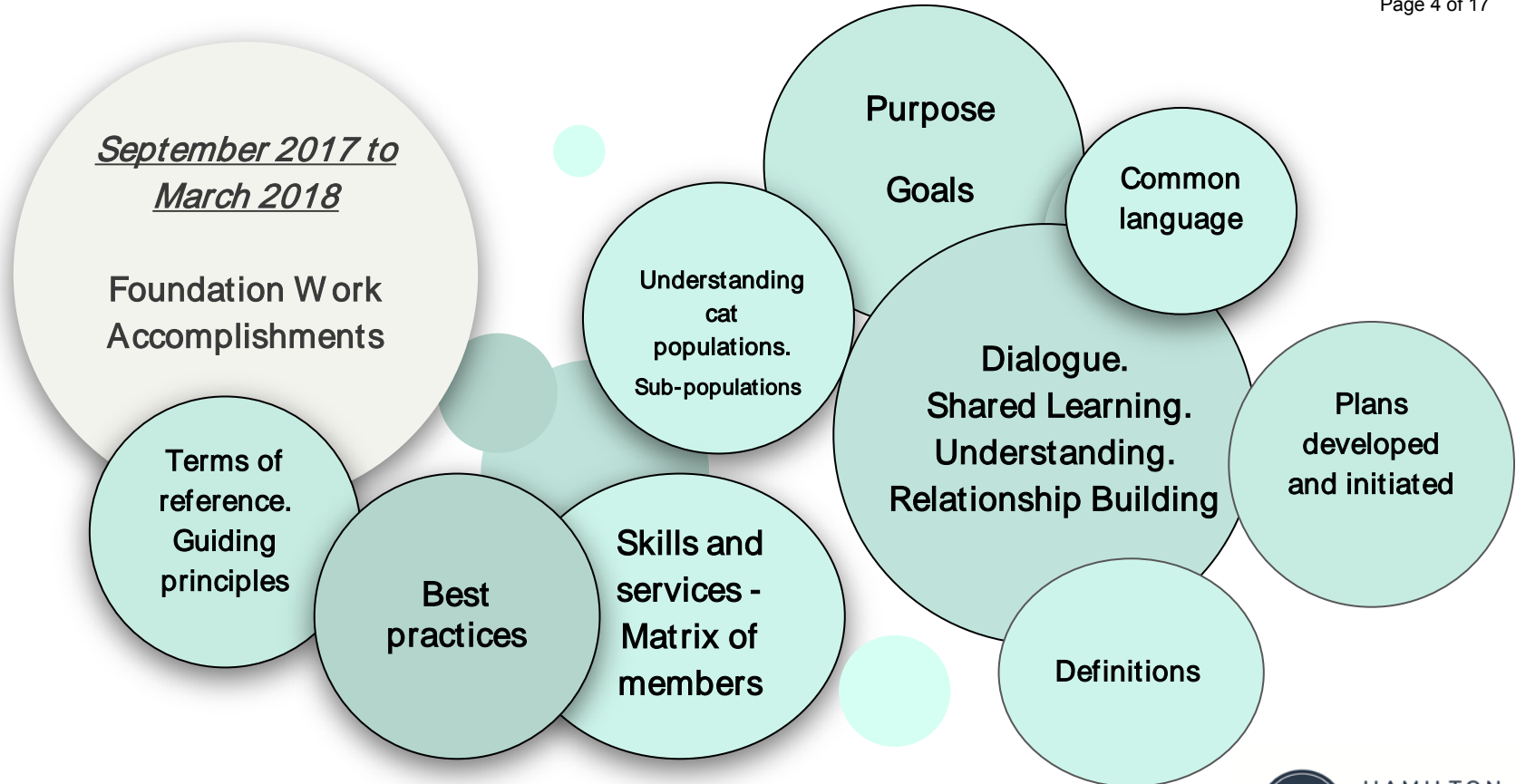
Hamilton
Hamilton Animal Services
Hamilton Public Health

Community Volunteers

Hamilton/Burlington SPCA

Hamilton Street Cats

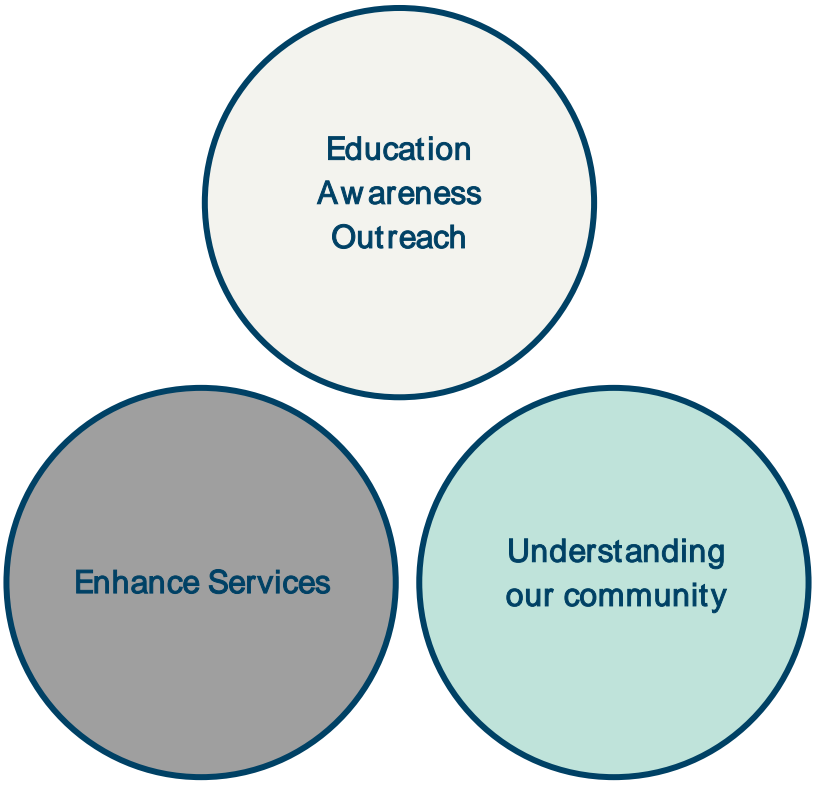
City of Hamilton Animal Services
City of Hamilton Public Health
Community Members
Hamilton/Burlington SPCA
Hamilton Street Cats
Veterinarians





Purpose and Goals

Create a healthier community for people and cats
Reduce the population of free roaming cats
Enhance knowledge and understanding about TNVR and spay/neuter



Education Awareness Outreach

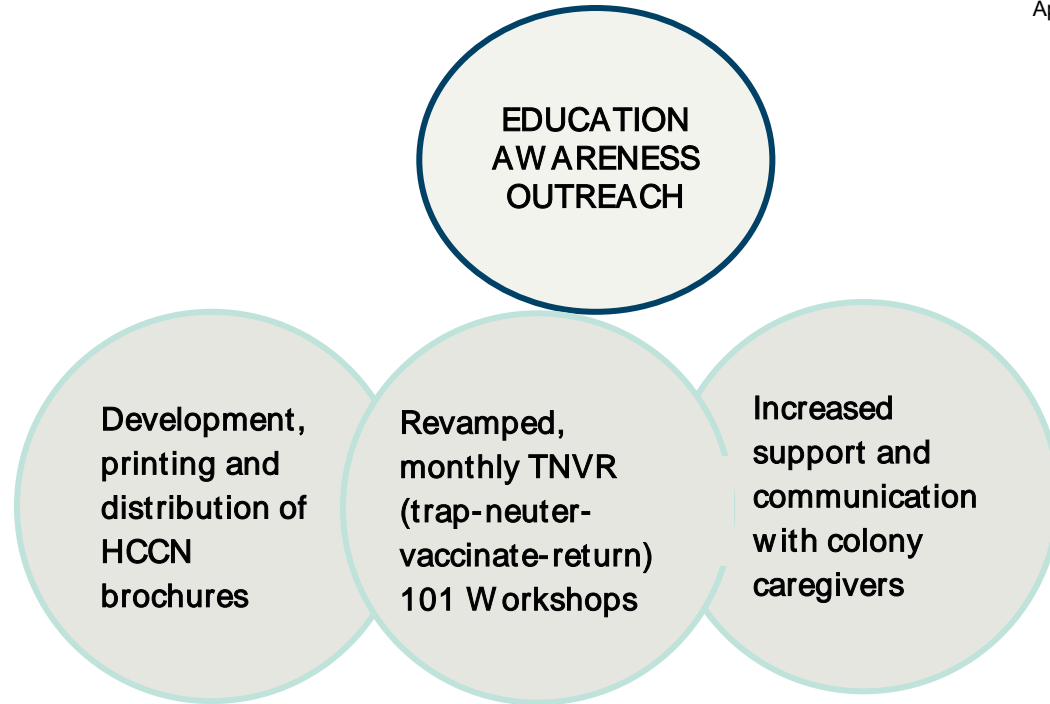
- Safe and healthy colonies, caregivers and neighbourhoods
- Rabies awareness
- TNVR and spay/neuter
- Responsible Cat ownership
- Best Practices
- Common messaging
- Best Practices

Enhance Services

- Coordinated TNVR
- Affordable TNVR
- Identify gaps for TNVR
- Consistent and accessible information
- Leverage Resources

Understanding our community

- Listen
- Communicate
- Define and understand cat sub populations
- Monitor, measure, evaluate



Notable Work/Accomplishments

March 2018 - March 2019





March 2018 - March 2019



Item	Goals		Status
TNVR 101 Workshops	More Workshops. Flexible locations-better reach. Comprehensive materials.	Co developed	Completed
Hub talks	HCCN presentations/talks at local hubs	Continues to expand	Completed
Network brochure	HCCN Street Cat information for community	Developed, printed, distributed	Completed
Shelter builds	In place	Ongoing	Completed
Facebook page	@HamiltonCommunityCatNetwork	Evaluate	Completed
Communications	Member websites/New sletter/Media	WORKING GROUP	Delayed



Notable Work/Accomplishments

March 2018 - March 2019





Enhance
Services

March 2018 - March 2019

Completed	In progress	Delayed	On Hold
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Item	Goals		Status
Recovery Space	Adequate space for hold and recovery for TNVR cats.	Research and network learning report has been completed	
Volunteers	Role descriptions. Recruitment.		
Funding	Resources to support HCCN initiatives.	WORKING GROUP	
Coordinated TNVR services	Optimize surgery volume.	Action plan for dedicated second TNVR site	
Diversion and Return to Field	Complimentary services to TNVR	WORKING GROUP	
Decision/Process Trees	Solution based strategies among members. Approvals. Dispositions. Complaint Mitigation	WORKING GROUP	

**UNDERSTANDING
OUR COMMUNITY**

**Identify data
sources for
program
tracking and
evaluation**

**Network
learning from
Nature Canada:
Cats and Birds**

**Consultations to
identify support
requirements**

Notable Work/Accomplishments

March 2018 - March 2019



Understanding
our community



Item	Goals		Status
Monitor, measure, evaluate	Data to guide program needs, improvement and success	WORKING GROUP	In progress
Best practice guidelines	Caretaker guidelines and TNVR practices that address reducing the population and provide for safe and healthy communities.	Strengthened working relationships Continually evolving	Completed
Stakeholder communication	General public. Neighbourhood. Special Interest. Cat interest and rescue groups beyond current members		In progress



HAMILTON
COMMUNITY CAT
NETWORK

WORKING GROUPS

COMMUNICATIONS

DATA

DIVERSION

FUNDING

PROCESS TREES

WORKSHOPS



Development Phase Review . Terms of Reference. March 2018 to March 2019

*“The founding members will form initial membership of the Hamilton Community Cat Network for the **development phase** which is anticipated to be for the first **12 months of operations with the option of extending up to 18 months**. After the first year the HCCN will assess its needs and determine what other organizations and/or community perspectives, skills and knowledge are required by the HCCN to enable it to achieve its purpose and goals.”*

**Consensus:
Development
Phase completed
March 2019.
Move to
Implementation
Phase**



Date	Location
Sat. January 19 th	Dominic Agostino Riverdale Community Centre – Room 3 150 Violet Drive
Wed. February 20 th	Churchill Park Club House 167 Cline Ave N
Sat. March 23 rd	Pat Quinn Parkdale Arena 1770 Main St E
Wed. April 17 th	Hamilton/Burlington SPCA 245 Dartnall Road
Sat. May 11 th	Central Memorial Recreation Centre 93 West Avenue S
Wed. June 19 th	East End - TBD
Sat. July 13 th	Ryerson Recreation Centre 251 Duke Street
Wed. August 21 st	Glanbrook Arena 4300 Binbrook Rd
Sat. September 14 th	Dominic Agostino Riverdale Community Centre 150 Violet Drive
Wed. October 16 th	Bennetto Community Centre 450 Hughson St N

2019 TNVR 101 WORKSHOPS

**HAMILTON
COMMUNITY CAT
NETWORK**

**IT'S HIP TO BE TIPPED
INTERESTED IN TNVR?
THE RIGHT WAY?**

TNVR 101 Workshop
(Trap-Neuter-Vaccinate-Return)

Saturday March 23rd, 2019 11am
Pat Quinn Parkdale Arena - 1770 Main St E

RSVP to Michelle at
mmacnab@hbspca.com

Neighbourhood engagement

January 2019	Gibson and Landsdale Neighbourhood Association
January 2019	Riverdale Hub
March 2019	Sherman Hub
March 2019	Davis Creek Hub
April 2019	Beasley Neighbourhood Association





LOOKING AHEAD

- The member groups will continue to work on the current areas of resource communication and co-operation that are in place.
- The member groups will examine additional needed areas for communication, co-operation and co-ordination.
- Prioritize network activities with additional action plans.
- The member groups will seek to have a bigger impact with a longer term vision including a *refined* network skills matrix, community resource inventory in order to identify the best leveraged resources.
- Community cats remain the focus with a priority on trap-neuter-vaccinate-return for unowned street cat populations.
- As organization sharing and communication increases so does organization effort, skill and investment for a collaboration towards a complete cat strategy.
- Strategic directions for all populations of cats including owned and sheltered that compliment the overarching purpose and goals.



Street Artist: Thiago Goms

What is the Hamilton Community Cat Network (HCCN)?

The HCCN is a collaborative of stakeholders committed to healthy, safe and wanted cats.

Participants include:



The Cat Clinic



Copetown Animal Hospital



Hamilton

Hamilton Animal Services
Hamilton Public Health



Community Volunteers



Hamilton/Burlington SPCA



Hamilton Street Cats

City of Hamilton By-Laws:
By-law permitting feeding of community cats only if a colony caregiver is registered through HBSPCA:
BY-LAW NO. 12-130
By-law for Responsible Pet Ownership (which prohibits free-roaming cats): BY-LAW NO. 12-031

What are the benefits of TNVR – fixing community cats?

- A gradual decrease in the numbers of community cats.
- Improved health of community cats.
- Reduced nuisance behaviours such as fighting, yowling and spraying.
- Reduce risk of rabies spread.
- Reduced risks for birds' and other small mammal lives.



HAMILTON
COMMUNITY CAT
NETWORK



905-574-7722 ext. 303



www.hbspca.com/services



@HamiltonCommunityCatNetwork



HAMILTON
COMMUNITY CAT
NETWORK



Improving the lives of our community cats for a healthier Hamilton

WHAT ARE COMMUNITY CATS?



- Community cats are unowned cats living in Hamilton neighbourhoods and other cities.
- Community cats include:
 - **STRAY CATS:** lost and abandoned pets who may be suitable for a home.
 - **FERAL CATS:** cats with little or no contact with people, are fearful and generally unsuitable for a home.

Why are there so many community cats?

- Lots of cats aren't fixed (spayed or neutered).
- This results in more cats than there are homes for them.
- These cats often end up on the street.
- One female cat, as young as 5 months old, can have an average 3 litters of kittens a year (that might be up to 15 kittens!), and the cycle carries on.



WHAT'S THE SOLUTION? REDUCE THE NUMBER OF UNOWNED CATS.

Take care of your cat

- Spay/neuter and vaccinate your cat.
- Microchip your cat. (Don't forget! Keep your microchip information updated.)
- Keep your cat safe inside. Remember, owned cats are not allowed to roam unsupervised outside. (City By-law # 12-031).
- If you are having difficulty caring for your cat, reach out for help to your local SPCA.

Fix community cats

Trap, Neuter, Vaccinate, Return (TNVR) Program: What is it?

Community cats are humanely trapped by volunteers and taken to a veterinarian. The cats are spayed/neutered, vaccinated, microchipped and the left ear tipped. Left ear tipping is the universal sign that a community cat has been spayed/neutered and vaccinated. After a short recovery, the cats are returned to their original territory. Community cats should not be brought to Hamilton Animal Services unless they are sick or injured.



The TNVR program in Hamilton is coordinated by the Hamilton/Burlington SPCA.



HAMILTON
COMMUNITY CAT
NETWORK

I want to help community cats. How can I get involved?

- Volunteer caregivers sign up to care for groups of cats living in colonies.
- Colony caregivers are registered with the HBSPCA.
- They commit to getting the cats fixed and vaccinated through the TNVR program.
- They follow best practices for feeding, sheltering and monitoring.
- Not a colony caregiver? Become a volunteer and help trap, transport, recover, educate and more!

Is there help for volunteer cat colony caregivers? Yes!

- Training in community cat care and trapping
- Health and safety guidelines caring for and trapping cats
- Donated food and outdoor shelters
- A network of caregivers and supporters
- Scheduled low cost spay neuter



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Licensing and By-law Services Division
and
Transportation Planning and Parking Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	June 18, 2019
SUBJECT/REPORT NO:	Expanding Administrative Penalty System (APS) to Include the Lottery Licensing By-law 15-051 (PED19102) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Luis Ferreira (905) 546-2424 Ext. 3087
SUBMITTED BY:	Ken Leendertse Director, Licensing and By-law Services Planning and Economic Development Department
SIGNATURE:	
SUBMITTED BY:	Brian Hollingworth Director, Transportation Planning and Parking Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION(S)

That the Administrative Penalty System By-law 17-225 (APS) be amended to include regulations contained within the Lottery Licensing By-law 15-051 as Table 18 to Schedule A, in accordance with the amending by-law attached as Appendix "A" to Report PED19102 to be enacted by Council.

EXECUTIVE SUMMARY

At its meeting of September 27, 2017 Council approved Item 3 of Planning Committee Report 17-015 directing staff to implement APS to Municipal By-laws. Staff is now seeking approval to include the Lottery Licensing By-law 15-051 to deal with minor by-

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

SUBJECT: Expanding Administrative Penalty System (APS) to Include the Lottery Licensing By-law 15-051 (PED19102) (City Wide) - Page 2 of 4

law infractions such as conducting lottery events without a licence, adherence to proper financial reporting procedures and the use of bona fide members.

Applying APS to the Lottery Licensing By-law will provide the Municipal Law Enforcement Officers (MLEOs) with an option to encourage compliance to regulations contained in the Lottery Licensing By-law. The prescribed regulations provide offences for non-compliance if an organization fails to conduct themselves according to all laws with honesty and integrity.

The issuance of Administrative Penalty Notices (APNs) is a fair, effective and efficient process supported by the Enforcement Officers of the Planning and Economic Development Department to achieving a healthy, vibrant and fun lottery experience.

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial / Staffing / Legal: N/A

HISTORICAL BACKGROUND

At its meeting of September 27, 2017, Council approved Planning Committee Report 17-015 directing staff to implement APS to Municipal By-laws.

In November 2017, Staff introduced the first of several City By-laws into the APS program and today there are 17 By-laws of which 7 are for vehicular violations which was introduced in 2015 and the additional 10 are for various other by-laws enforced by Animal Services, Licensing and By-law Service staff.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The APS By-law 17-225 will be amended to include the Lottery Licensing By-law 15-051 as Table 18 to Schedule A.

RELEVANT CONSULTATION

N/A

ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)

The *Municipal Act, 2001* authorizes the use of APS for designated by-laws. The City of Hamilton APS By-law currently holds seven Parking By-laws, two Animal Services By-laws, one Licensing By-law and seven Municipal By-laws. The APS By-law has been

SUBJECT: Expanding Administrative Penalty System (APS) to Include the Lottery Licensing By-law 15-051 (PED19102) (City Wide) - Page 3 of 4

written in a manner to allow for other Municipal By-laws to be added as additional tables to Schedule A to By-law 17-225.

In 2018 licensing staff issued a total 405 lottery licences for Bingos, Bazaars, Nevada and Raffle events generating approximately \$370,000 in licence revenue. The total cost of a lottery licence includes an up-front application fee for new applicants (not for renewals) and a three percent charge of total prize awarded. This means that lottery licences can range from less than \$100 to several \$1000's of dollars depending on the total prize value.

Throughout the year licensing staff receive, review and issue lottery licences. They must ensure that proper documents are submitted and calculate the cost of the initial licence. The Licensing Compliance Officers role is to ensure participants adherence to regulations before, during and after the event. There is also a financial reconciliation process at the end of the event to ensure adherence to all federal, provincial and municipal regulations.

Licensing staff take great care to ensure the organization conducts themselves in a transparent manner with honesty and integrity. The use of APNs will promote and foster positive relationships as minor noncompliance issues can be dealt with quickly without heavy punitive action. Bringing the Lottery Licensing By-law into APS will deal with minor by-law infractions in a manner that is fair, effective and efficient requiring far less resources to achieve desired behaviour.

This complies with Council's direction to expand the APS process to by-laws enacted under the *Municipal Act, 2001* as well as support our mission statement of providing high quality cost conscious public service that contributes to a healthy, safe and prosperous community, in a sustainable manner.

ALTERNATIVES FOR CONSIDERATION

N/A

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

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

Healthy and Safe Communities

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

**SUBJECT: Expanding Administrative Penalty System (APS) to Include the
Lottery Licensing By-law 15-051 (PED19102) (City Wide) - Page 4 of 4**

APPENDICES AND SCHEDULES ATTACHED

Appendix "A": By-law Adding Table 18 to Schedule A of the APS By-law 17-225

KL:BH:st

**Appendix “A” to Report PED19102
Page 1 of 2**

Authority: Item ,
Report
CM:
Ward: City Wide

Bill No.

**CITY OF HAMILTON
BY-LAW NO.**

To Amend By-law 17-225, a By-law to Establish a System of Administrative Penalties

WHEREAS Council enacted a By-law to Establish a System of Administrative Penalties, being By-law No. 17-225; and

WHEREAS this By-law amends By-law No. 17-225;

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

1. The amendments in this By-law include any necessary grammatical, numbering and lettering changes.
2. Schedule A of By-law No.17-225 is amended by adding a new Table 18 titled BY-LAW NO. 15-051 Lottery Licensing.

Table 18: BY-LAW 15-051 LOTTERY LICENSING				
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
1	15-051	13.(1)	conduct/allow lottery scheme without a licence	\$100.00
2	15-051	13.(2)	Licensee/person fail to comply with conditions under subsection 10(a) sections 206/207 of Criminal Code	\$300.00
3	15-051	13.(2)	Licensee/person fail to comply with conditions under subsection 10(b) Order in Council 1413/08	\$300.00
4	15-051	13.(2)	Licensee/person fail to comply with conditions under subsection 10(c) Registrar's requirements	\$300.00
5	15-051	13.(2)	Licensee/person fail to comply with conditions under subsection 10(d) of this By-law	\$75.00
6	15-051	13.(2)	Licensee/person fail to comply with conditions under subsection 10(e) written notice of changes under 7(2)(c)	\$75.00
7	15-051	13.(2)	Licensee/person fail to comply with conditions under subsection 10(f) only lottery schemes authorized by licence	\$75.00
8	15-051	13.(2)	Licensee/person fail to comply with conditions under subsection 10(g) only bona fide member to conduct lottery	\$75.00

Appendix "A" to Report PED19102

Page 2 of 2

Table 18: BY-LAW 15-051 LOTTERY LICENSING				
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
9	15-051	13.(2)	Licensee/person fail to comply with conditions under subsection 10(h) permit person conducting the lottery to be a player	\$75.00
10	15-051	13.(2)	Licensee/person fail to comply with conditions under subsection 10(i) permit person under 18 as a player	\$75.00
11	15-051	13.(2)	Licensee/person fail to comply with conditions under subsection 10(j) permit inquires/inspection of licence or use of proceeds	\$75.00
12	15-051	13.(2)	Licensee/person fail to comply with conditions under subsection 10(k) only valid for term not transferable	\$75.00
13	15-051	13.(2)	Licensee/person fail to comply with conditions under subsection 10(l) stop conducting lottery when directed	\$75.00
14	15-051	13.(2)	Licensee fail to comply with conditions under subsection 11(1) place licence in conspicuous place on premises	\$75.00
15	15-051	13.(2)	Licensee fail to comply with conditions under subsection 11(2) produce licence on demand	\$75.00
16	15-051	13.(2)	Licensee fail to comply with conditions under subsection 12(a) keep records of personnel/ costs	\$75.00
17	15-051	13.(2)	Licensee fail to comply with conditions under subsection 12(b) retain written receipt	\$75.00
18	15-051	13.(2)	Licensee fail to comply with conditions under subsection 12(c) provide written information of unpaid prize winners	\$75.00
19	15-051	13.(2)	Licensee fail to comply with conditions under subsection 12(d) financial reports/information required by licence	\$75.00
20	15-051	13.(2)	Licensee fail to comply with conditions under subsection 12(e) deliver licence upon revocation/suspension	\$75.00
21	15-051	13.(2)	Licensee fail to comply with conditions under subsection 12(f) provide Lottery Trust Account Bank Statements/ cancelled cheques within 30-days of month end	\$75.00

PASSED this _____ , _____

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Licensing and By-law Services Division
and
Transportation Planning and Parking Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	June 18, 2019
SUBJECT/REPORT NO:	Expanding Administrative Penalty System (APS) to Include the Streets By-law 86-077 (PED19095) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Luis Ferreira (905) 546-2424 Ext. 3087
SUBMITTED BY:	Ken Leendertse Director, Licensing and By-law Services Planning and Economic Development Department
SIGNATURE:	
SUBMITTED BY:	Brian Hollingworth Director, Transportation Planning and Parking Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION(S)

That the Administrative Penalty System By-law 17-225 (APS) be amended to include various regulations contained within the Streets By-law 86-077 as Table 17 to Schedule A, in accordance with the amending by-law attached as Appendix "A" to Report PED19095 to be enacted by Council.

EXECUTIVE SUMMARY

At its meeting of September 27, 2017 Council approved Item 3 of Planning Committee Report 17-015 directing staff to implement APS to Municipal By-laws. Staff is now seeking approval to include the Streets By-law 86-077 to deal with minor by-law

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

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

SUBJECT: Expanding Administrative Penalty System (APS) to Include the Streets By-law 86-077 (PED19095) (City Wide) - Page 2 of 4

infractions such as fouling and obstructing City Highways, including the hundreds of complaints received regarding mud tracking.

Applying APS to the Streets By-law will provide the Municipal Law Enforcement Officers (MLEOs) with an option to encourage compliance. The prescribed regulations contained within the Streets By-law ensures the health and safety of our residents and reduce the City's exposure to possible liability.

The issuance of Administrative Penalty Notices (APNs) is a fair, effective and efficient process supported by the Enforcement Officers of the Planning and Economic Development Department.

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial / Staffing / Legal: N/A

HISTORICAL BACKGROUND

At its meeting of September 27, 2017, Council approved Planning Committee Report 17-015 directing staff to implement APS to Municipal By-laws.

In November 2017, Staff introduced the first of several City By-laws into the APS program. The first APN was issued in January 2018 and by year end, a total of eight By-laws were enacted resulting in 2,632 APN's issued and \$114,893 collected in penalties for minor contraventions.

There were also 826 Screenings conducted which provided appellants the opportunity to dispute their APN's in a non-adversarial manner. In some cases the penalty amount was reduced to address extenuating circumstances and financial hardship.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The APS By-law 17-225 will be amended to include the Streets By-law 86-007 as Table 17 to Schedule A.

RELEVANT CONSULTATION

N/A

SUBJECT: Expanding Administrative Penalty System (APS) to Include the Streets By-law 86-077 (PED19095) (City Wide) - Page 3 of 4

ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)

The *Municipal Act, 2001* authorizes the use of APS for designated by-laws. The City of Hamilton APS By-law currently holds seven Parking By-laws, two Animal Services By-laws, one Licensing By-law and six Municipal By-laws. The APS By-law has been written in a manner to allow for other Municipal By-laws to be added as additional tables to Schedule A to By-law 17-225.

In 2018 MLEOs responded to approximately 231 mud tracking calls, 326 calls for objects left on the road or road allowance and 90 calls for oil and fluid spill for a total of 647 investigations.

In most cases compliance was obtained voluntarily while others had to be persuaded through tactical communication and in some cases legal action before adherence to the By-law was obtained.

In the cases of mud tracking, MLEOs were required to reattend on multiple occasions during construction, to remind the person in charge of the site of the requirement to keep the roadways clean. The MLEOs who responded to these types of complaints did not initiate legal action as the offence is considered minor in nature and not warranted a summons to appear in court.

The current court process for disputing these types of charges by way of summons under *the Provincial Offences Act* mirrors a criminal trial, which involves significant public resources such as, the requirement of a Justice of the Peace, a Prosecutor, court support staff, security and the MLEO who provides evidence. There is also the time spent by Enforcement Staff (Officers and Clerks) who prepare case files and other court documents.

Bringing the Streets By-law into APS will deal with minor by-law infractions in a manner that is fair, effective and efficient requiring far less resources. This complies with Council's direction to expand the APS process to by-laws enacted under the *Municipal Act, 2001* as well as support our mission statement of providing high quality cost conscious public service that contributes to a healthy, safe and prosperous community, in a sustainable manner.

ALTERNATIVES FOR CONSIDERATION

N/A

SUBJECT: Expanding Administrative Penalty System (APS) to Include the Streets By-law 86-077 (PED19095) (City Wide) - Page 4 of 4

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.

Healthy and Safe Communities

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

APPENDICES AND SCHEDULES ATTACHED

Appendix “A”: By-law Adding Table 17 to Schedule A of the APS By-law 17-225

KL:BH:st

Appendix “A” to Report PED19095**Page 1 of 2**

Authority: Item ,
Report
CM:
Ward: City Wide

Bill No.**CITY OF HAMILTON****BY-LAW NO.****To Amend By-law 17-225, a By-law to Establish a System of Administrative Penalties**

WHEREAS Council enacted a By-law to Establish a System of Administrative Penalties, being By-law No. 17-225; and

WHEREAS this By-law amends By-law No. 17-225;

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

1. The amendments in this By-law include any necessary grammatical, numbering and lettering changes.
2. Schedule A of By-law No.17-225 is amended by adding a new Table 17 titled BY-LAW NO. 86-077 The Streets By-law

Table 17: BY-LAW 86-077 THE STREETS BY-LAW				
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
1	86-077	4.(3)(c)	permit hedge/other obstruction to effect clear view of drivers of vehicles upon side-boulevards	\$100.00
2	86-077	6.1(15)(e)	fail to comply with all City By-laws	\$300.00
3	86-077	6.1(15)(g)(x)	fail to comply with provisions of the Streets By-law	\$200.00
4	86-077	6.1(17)	fail to comply with an Order	\$300.00
5	86-077	9.(1)	obstruct a Highway	\$200.00
6	86-077	9.(1)	encumber a Highway	\$200.00
7	86-077	9.(1)	injure a Highway	\$200.00
8	86-077	9.(1)	foul a Highway	\$200.00
9	86-077	9.(1)	obstruct a drain upon a Highway	\$200.00
10	86-077	9.(1)	obstruct a ditch upon a Highway	\$200.00
11	86-077	9.(1)	obstruct a culvert upon a Highway	\$200.00
12	86-077	9.(2)	erect/install/place shrub/tree/any plant material upon a Highway	\$100.00
13	86-077	9.(4)(a)	foul Highway by throwing litter	\$75.00
14	86-077	9.(4)(a)	foul Highway by placing/depositing dirt	\$75.00
15	86-077	9.(4)(a)	foul Highway by placing/depositing filth	\$75.00

Appendix "A" to Report PED19095

Page 2 of 2

Table 17: BY-LAW 86-077 THE STREETS BY-LAW				
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
16	86-077	9.(4)(a)	foul Highway by placing/depositing glass	\$75.00
17	86-077	9.(4)(a)	foul Highway by placing/depositing handbill	\$75.00
18	86-077	9.(4)(a)	foul Highway by placing/depositing paper	\$75.00
19	86-077	9.(4)(a)	foul Highway by placing/depositing rubbish/refuse	\$75.00
20	86-077	9.(4)(a)	foul Highway by placing/depositing animal carcass	\$75.00
21	86-077	9.(4)(aa)	foul Highway by placing/depositing mud/soil/building material by spilling from or tracking by vehicle	\$100.00
22	86-077	9.(4)(b)	foul Highway by throwing/placing/depositing hay	\$100.00
23	86-077	9.(4)(b)	foul Highway by throwing/placing/depositing straw	\$100.00
24	86-077	9.(4)(b)	foul Highway by throwing/placing/depositing coal	\$100.00
25	86-077	9.(4)(b)	foul Highway by throwing/placing/depositing manure	\$100.00
26	86-077	9.(4)(b)	foul Highway by throwing/placing/depositing earth	\$100.00
27	86-077	9.(4)(b)	foul Highway by throwing/placing/depositing other matter or thing	\$100.00
28	86-077	9.(4)(c)	foul Highway by throwing/placing/depositing liquid waste	\$100.00
29	86-077	9.(4)(d)	foul Highway in any manner	\$100.00
30	86-077	9.(5)	owner of adjacent land fail to immediately remove the fouling and restore Highway to prior condition	\$200.00
31	86-077	13.(7)	fail to restore highway to as good a condition as before, after underground work completed	\$200.00
32	86-077	13.(9)(b)	fail to restore sodded/planted boulevard back to as good a condition as before	\$200.00
33	86-077	14.(7)(a)	mixing mortar/concrete or other such substance upon highway	\$200.00
34	86-077	14.(7)(b)	pace material that obstructs the free passage of water in any drain	\$200.00
35	86-077	14.(7)(c)	produce unnecessary dust/noise or unreasonable annoyance to the public	\$100.00
36	86-077	14.(7)(e)	fail to remove all building materials from highway and restore to as good a condition as before	\$200.00

PASSED this _____ , _____

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk



INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	June 18, 2019
SUBJECT/REPORT NO:	Amendments to the 2012 Ontario Building Code (PED19126) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Jorge M. Caetano 905-546-2424 x3931
SUBMITTED BY:	Ed VanderWindt Director, Building and Chief Building Official Planning and Economic Development Department
SIGNATURE:	

On May 2, 2019, the Ontario Government filed Ontario Regulations 87/19 and 88/19, amending Ontario's 2012 Building Code. These amendments come into effect on several different dates. This Information Report will provide members of the Planning Committee and Council with the highlights of these amendments together with the in-effect date.

Amendments that come into effect on May 2, 2019 (O. Reg. 88/19)

- The applicable law list has been updated by removing an outdated reference to repealed legislation.
- Sewage system provisions have been revised to address pipe spacing for different types of absorption trenches.
- The current electric vehicle charging requirements for houses and all other buildings have been deleted.

The major change that comes into effect on May 2, 2019, is the removal of the requirement to include the infrastructure for electric vehicle charging stations in new homes and non-residential buildings. The Ontario Government has stated that this will reduce unnecessary costs.

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

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

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

SUBJECT: Amendments to the 2012 Ontario Building Code (PED19126) (City Wide) - Page 2 of 3

Amendments that come into effect on July 1, 2019 (O. Reg. 87/19)

- New provisions have been added to address farm buildings containing hazardous operations where flammable liquids, combustible liquids or flammable gases are used as extraction solvents related to cannabis processing.

These amendments are to address farm buildings with cannabis operations and are consistent with amendments made to the Fire Code under Ontario Regulation 33/19.

Amendments that come into effect on January 1, 2020 (O. Reg. 88/19)

- A number of standards referenced in the Building Code have been updated, added or withdrawn. They are now more consistent with those listed in the National Building and Plumbing Codes.
- A number of Fire safety measures have been added including fire prevention, early detection and warning systems. This has been done to address concerns with fire protection and life safety functions.
- Several revisions have been made to the barrier free section related to accessible controls in the operation of safety devices, and accessibility requirements in washrooms.
- Additional requirements have been added to address the structural sufficiency of buildings to withstand external forces, and improve resilience under earthquake loads and effects.
- A new sound transmission rating, Apparent Sound Transmission Class (ASTC), has been introduced in addition to the existing Sound Transmission Class (STC) rating. This provides for additional compliance paths that can be used to meet the sound transmission requirements of the Building Code.
- Additional requirements have been added, or modified, to address public health and safety requirements such as indoor air contaminants and cooling towers.
- Water conservation improvement to plumbing fixtures. Flow rate requirements have been revised and more efficient water supply fittings for lavatories are now required. Additionally, lavatory faucets located in public washrooms will be required to be equipped with automatic shut-off when not in use.

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SUBJECT: Amendments to the 2012 Ontario Building Code (PED19126) (City Wide) - Page 3 of 3

Most of the amendments that come into effect on January 1, 2020, are technical in nature, and are meant to update regulations to ensure they address changes that have been proposed through public consultation and to implement government priorities.

Amendments that come into effect on January 1, 2022 (O. Reg. 88/19)

- The run dimensions of stairs serving single dwelling units have been increased.
- Harmonization of stair requirements between Part 3 buildings (large complex buildings) and Part 9 buildings (house and small buildings).
- The maximum height of a handrail has been increased, and clarification has been added regarding ergonomic design provisions.
- A new article has been added that allows spiral stairs in buildings under certain conditions.

These amendments that come into force on January 1, 2022, will have the most impact on the construction industry. The changes to the stair dimensions will mean that a set of stairs in a new dwelling may have to be increased in length by up to 300 mm (12 inches), depending on the stair configuration. This may result in either the floor layout or building size having to be changed to accommodate the increased dimension. The greatest impact would be on a straight set of stairs, and on back to back townhouses. Other stair configurations may have minimal changes to their overall dimensions.

Builders, designers and stair manufacturers will be the most impacted since these new requirements may result in longer overall stair runs and a reduction in usable floor space. These changes may also require a redesign of standard floor plans and layouts, and the retooling of stair production facilities which will potentially increase the cost of construction.

However, studies have shown that increasing the run dimension on a set of stairs will reduce the number of injuries and deaths that are a direct result of falls on residential stairs. The Ontario Government has delayed these amendments until January 1, 2022, to give the construction industry time to adjust to these new stair requirements.

EV:jc

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

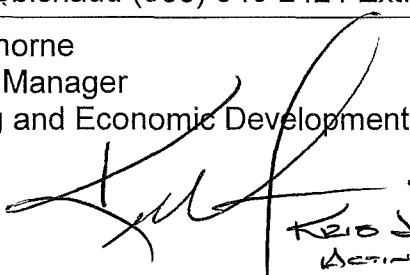
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Hamilton

INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	June 18, 2019
SUBJECT/REPORT NO:	Update on Staffing Vacancies within the Planning Division (PED19127) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Steve Robichaud (905) 546-2424 Ext. 4281
SUBMITTED BY:	Jason Thorne General Manager Planning and Economic Development Department
SIGNATURE:	 KEVIN JACOBSON Acting GM.

COUNCIL DIRECTION

This Report is in response to the request of the Chair, Planning Committee, for an update on staffing vacancies within the Planning Division and the actions being undertaken to fill vacant positions.

The Planning Division is comprised of three sections (Community Planning and GIS, Development Planning, Heritage and Urban Design, and Policy Planning and Zoning By-law Reform). The approved staff complement is 73.5 Full Time Equivalences (FTEs). On January 1, 2019, there were 21 vacancies within the Division. As of May 1, 2019, the number of vacancies had been reduced to 13 (this total includes capital funded positions that were being held vacant due to funding constraints).

INFORMATION

The Planning Division is comprised of three sections (Community Planning and GIS, Development Planning, Heritage and Urban Design, and Policy Planning and Zoning By-law Reform).

Over the course of the January to May, 2019 time period, the Planning Division leadership team has been working to identify and fill key vacancies within the Planning Division. A

**SUBJECT: Update on Staffing Vacancies within the Planning Division (PED19127)
(City Wide) - Page 2 of 2**

summary and status of the positions that were vacant as of January 1, 2019, or have subsequently become vacant since January 1, 2019, is attached as Appendix "A".

On average, managers and supervisors spend 10 – 15 hours per vacancy to complete the recruitment process. Based on the seven vacancies initially identified in January, 2019, this translates into 70 – 105 hours (10 – 15 work days out of 220 work days per annum) to complete the recruitment process for these vacancies.

To develop staff and to assist staff with their career development plans in conjunction with the requirements of the applicable collective agreement, for union positions the pool of qualified internal applicants must be given first consideration prior to recruiting external candidates. This can result in additional vacancies that arise as a result of internal applicants applying for and accepting positions within the Planning Division. Ultimately, a single vacancy at a senior planner level can result in two or three subsequent internal vacancies. Given that it may be 2 – 3 months between a resignation being announced and the position filled, this translates into the hiring process to fill the subsequent process taking a total of 6 – 9 months.

Staff within the Policy Planning and Zoning Reform Section are entirely funded from capital. Positions are filled when immediate work is required to be completed. It is challenging to fill these positions because people from outside the corporation are not willing to leave permanent jobs to go to a temporary position due to uncertainty of employment. As a result, the most qualified applicants do not apply so the City is missing out on planners and technicians that may have valuable experience.

As a consequence of the significant number of vacancies in the Development Planning, Heritage and Design Section, work was prioritized as follows:

- LPAT appeals (approximately 20 non-decision LPAT appeals were submitted prior to Bill 139 taking affect);
- Site Plans;
- Minor Variance Applications; and,
- Development applications.

In addition, both the Community Planning and Policy Planning groups have been focused on resolving appeals of Council adopted secondary plans and policy initiatives (e.g. Commercial Mixed Use Zoning) and participating in and monitoring the discussions with the Province regarding changes to the planning process.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" – Summary and Status of Positions in the Planning Division

Community Planning & GIS

Position	Status
Manager, Community Planning & GIS	Temporary vacancy. Alissa Mahood has accepted the position on a temporary basis until the incumbent returns to work.
Senior Project Manager (SPM), Community Planning & GIS	Vacant. This is a temporary vacancy due to Alissa Mahood assuming the Manager position on a temporary basis.
Senior Planner, Community Planning & GIS	Position filled. Vacancy due to previous incumbent assuming SPM position in Development Planning, Heritage and Design.
Intermediate Planner, Community Planning & GIS (2 Vacancies)	One position became vacant as a result of parental leave. One position became vacant because incumbent was the successful applicant for Senior Planner, Community Planning position. This position has subsequently been filled internally.
Planning Technician	One position became vacant as a result of internal staff movement.

Development Planning, Heritage and Urban Design

Position	Status
Senior Project Manager (Rural)	Temporary Vacancy. Position has been filled as an Expression of Interest/Career Development opportunity. Trudy Kennedy was the successful internal applicant.
Senior Planner, Development Planning, Heritage and Urban Design (3 Vacancies)	Two of the three vacant positions were the result of the incumbent accepting employment with another municipality. The third vacancy was the result of the incumbent accepting a temporary position within PED as a career development opportunity. All three vacant positions were posted and have been filled. One position was filled internally and the remaining two positions were filled by external applicants.
Planner I (Intermediate Planner)	There are currently 4 Planner I positions. Two positions became vacant as a result of internal staff movement. A third position became vacant as a result of the incumbent accepting a position with a consulting firm in Toronto. The positions will be posted in May.

	One vacant position was filled internally.
Planner II (Junior Planner)	One position became vacant as a result of internal staff movement. The position has been recently filled.
Planning Technician II	This is a newly created position from the Assistant Secretary-Treasurer, Committee of Adjustment. The position has been posted and interviews are being scheduled.
Assistant Secretary, Committee of Adjustment	There are two positions. One position became vacant as a result of the retirement of the incumbent and has been changed to Planning Technician II.
Administrative Secretary	The position has recently become vacant. The position will be posted in May 2019 and interviews will be scheduled for June 2019.

Policy Planning and Zoning By-law Reform

Position	Status
Planning Technician II (Policy Group)	Vacant – Position will be filled in Q3. Limited capital funds.
Planner II (Policy Group)	One position vacant due to move to another municipality.
Planner I (Policy Group)	Two positions vacant.
Senior Planner (Policy Group)	One position vacant.
Planning Technician II (Zoning Group)	One position vacant.



Hamilton

Agriculture and Rural Affairs Advisory Committee

REPORT 19-001

Monday, March 18, 2019

7:00 p.m.

**Ancaster Fairgrounds, Rooms A & B
630 Trinity Road, Ancaster**

Present: Councillors B. Clark, L. Ferguson, B. Johnson, and A. VanderBeek

A. Spoelstra (Chair), D. Smith (Vice-Chair), P. Krakar, J. Mantel,
C. McMaster, J. Medeiros, N. Mills, C. Roberts, G. Smuk, and
M. Switzer

Absent

With Regrets: W. Galloway

Also Present: R. Shuker and H. Swierenga

**THE AGRICULTURE & RURAL AFFAIRS ADVISORY COMMITTEE PRESENTS
REPORT 19-001 AND RESPECTFULLY RECOMMENDS:**

1. Appointment of Chair and Vice-Chair

- (a) That A. Spoelstra be appointed as Chair of the Agriculture and Rural Affairs Advisory Committee for the 2018-2022 Term of Council; and,
- (b) That D. Smith be appointed as Vice-Chair of the Agriculture and Rural Affairs Advisory Committee for the 2018-2022 Term of Council.

2. Hamilton Agriculture Profile Update (PED19075) (City Wide) (Item 7.1)

That Report PED19075, respecting Hamilton Agriculture Profile Update, be received.

3. Development Charges By-law Policy - 2019 Development Charges Proposed Amendments to Agriculture (FCS18062(c)) (City Wide) (Item 9.1)

That Report FCS18062(c), respecting Development Charges By-law Policy - 2019

Development Charges Proposed Amendments to Agriculture, be received.

4. Planning and Engineering Development Application Fees Review Project Update Regarding Agricultural Development Proposals (Item 10.1)

That the Memorandum, respecting Planning and Engineering Development Application Fees Review Project Update Regarding Agricultural Development Proposals, be received.

5. Review of Terms of Reference (Item 10.2)

That the Terms of Reference for the Agriculture & Rural Affairs Advisory Committee, be amended as follows:

(a) That subsection 4 of the Mandate be deleted in its entirety and the balance of the subsections be re-numbered accordingly:

~~4. To serve as the Tree Committee, as set forth in the Hamilton-Wentworth Woodland Conservation By-law, to make recommendations to Council on Minor Exception tree cutting applications.~~

4. To serve as an advisory committee on nutrient management issues.

5. At the request of Council, to provide a forum for the review and resolution of rural land use and farm management disputes.

6. At the request of Council, to provide input and assistance to rural land stewardship programs or projects which are proposed by the City, other agencies and community groups.

(b) That the Membership & Terms section be amended to read as follows:

The Agricultural Advisory Committee shall be composed of:

- Three (3) members appointed by the Hamilton-Wentworth Federation of Agriculture;
- One (1) member appointed by the Brant Wentworth Christian Farmers Association;
- One (1) member appointed by the Hamilton-Wentworth Women's Institute;
- One (1) member appointed by the Agricultural Societies (Rockton, Binbrook and Ancaster);
- Two (2) Members appointed by the Wentworth Soil and Crop Improvement Association;
- Four (4) "At Large" members appointed by Council

- **Minimum of** two (2) councillors (non-voting) appointed by Council from Wards 11, 12, ~~13~~ 44 or 15

The terms ~~shall~~ **of membership** be for ~~four years~~ **the current Term of Council** or until a successor has been appointed by Council. ~~No member of the Agricultural Advisory Committee shall be re-appointed for a continuous term that exceeds Nine (9) years.~~

6. Andrea Sinclair – Resignation from the Agriculture and Rural Affairs Advisory Committee (Item 11.1)

That the resignation from Andrea Sinclair from the Agriculture and Rural Affairs Advisory Committee, be received.

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 1)

The Committee Clerk advised of the following changes to the agenda:

1. ADDED COMMUNICATIONS (Item 5)

- 5.2 Correspondence from John Hawker respecting Committee Interests of the Agriculture & Rural Affairs Advisory Committee and the Hamilton Farmers' Market Board

Recommendation: For Committee's consideration.

2. ADDED DELEGATION REQUEST (Item 6)

- 6.1 Ian Graham, National Farmers Union Ontario Local 351, respecting Recommendations to Address Climate Change as it is an Emergency and of Concern to Farmers (for today's meeting)

The agenda for the March 18, 2019 meeting of the Agriculture and Rural Affairs Advisory Committee was approved, as amended.

(b) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 3)

(i) June 21, 2018 (Item 3.1)

P. Krakar, J. Mantel, and R. Shuker noted that they should have been recorded as present at the June 21, 2018 meeting of the Agriculture and

Rural Affairs Advisory Committee. The Committee Clerk advised that the omission would be corrected in the official record.

The Minutes of the June 21, 2018 meeting of the Agriculture and Rural Affairs Advisory Committee were approved, as amended.

(c) COMMUNICATIONS (Item 5)

(i) Correspondence from Janice Currie respecting the Planning Committee Meeting of July 10 - Complaint lodged against Councillor Ferguson (Referred from Council - August 17, 2018) (Item 5.1)

The correspondence from Janice Currie, respecting the Planning Committee Meeting of July 10 - Complaint lodged against Councillor Ferguson, was received.

(ii) Correspondence from John Hawker respecting Committee Interests of the Agriculture & Rural Affairs Advisory Committee and the Hamilton Farmers' Market Board (Added Item 5.2)

The correspondence from John Hawker, respecting Committee Interests of the Agriculture & Rural Affairs Advisory Committee and the Hamilton Farmers' Market Board, was received.

That an invitation to attend a meeting of the Agriculture & Rural Affairs Advisory Committee be extended to the various Farmers' Markets within the City of Hamilton.

(d) DELEGATION REQUESTS (Item 6)

(i) Ian Graham, National Farmers Union Ontario Local 351, respecting Recommendations to Address Climate Change as it is an Emergency and of Concern to Farmers (For today's meeting) (Added Item 6.1)

The delegation request, submitted by Ian Graham, National Farmers Union Ontario Local 351, respecting Recommendations to Address Climate Change as it is an Emergency and of Concern to Farmers, was approved for today's meeting.

(e) PUBLIC HEARINGS/DELEGATIONS (Item 8)

(i) Ian Graham, National Farmers Union Ontario Local 351, respecting Recommendations to Address Climate Change as it is an Emergency and of Concern to Farmers (For today's meeting) (Added Item 8.1)

Ian Graham, National Farmers Union Ontario Local 351, addressed the Committee respecting Recommendations to Address Climate Change as it is an Emergency and of Concern to Farmers, with the aid of a presentation.

The presentation from Ian Graham, National Farmers Union Ontario Local 351, respecting Recommendations to Address Climate Change as it is an Emergency and of Concern to Farmers, was received.

A copy of the presentation is available on the City's website at www.hamilton.ca or through the Office of the City Clerk.

(f) STAFF PRESENTATIONS (Item 9)

(i) Development Charges By-law Policy - 2019 Development Charges Proposed Amendments to Agriculture (FCS18062(c)) (City Wide) (Item 9.1)

Brian McMullen, Acting General Manager of Finance and Corporate Services, addressed the Committee respecting Report FCS18062(c) - Development Charges By-law Policy - 2019 Development Charges Proposed Amendments to Agriculture, with the aid of a presentation.

The presentation, respecting Report FCS18062(c) - Development Charges By-law Policy - 2019 Development Charges Proposed Amendments to Agriculture, was received.

A copy of the presentation is available on the City's website at www.hamilton.ca or through the Office of the City Clerk.

For further disposition of this matter, please refer to Item 3.

(g) DISCUSSION ITEMS (Item 10)

(i) Review of Terms of Reference (Item 10.2)

That the Terms of Reference for the Agriculture & Rural Affairs Advisory Committee be included on a future agenda for further consideration.

For further disposition of this matter, please refer to Item 5.

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

(i) Comments from H. Swierenga respecting Bio-Security Protocol on Rural Farm Visits (Added Item 11.1)

H. Swierenga reminded City of Hamilton staff that bio-security protocol must be followed during rural farm visits.

(ii) Comments from Councillor Ferguson respecting a Draft By-law on the Placing or Dumping of Fill (Added Item 11.2)

Councillor Ferguson noted that a by-law is being drafted to prohibit the placing or dumping of fill without a permit. It is being modelled after the Town of Halton Hills' Site Alteration By-law 2017-0040.

Tony Sergi, Senior Director of Growth Management, and Carlo Ammendolia, Manager, Development Engineering – Construction will be invited to the next meeting of the Agriculture & Rural Affairs Advisory Committee to present the draft by-law.

(i) ADJOURNMENT (Item 15)

The meeting of the Agriculture & Rural Affairs Advisory Committee was adjourned at 8:56 p.m.

Respectfully submitted,

Andrew Spoelstra, Chair
Agriculture and Rural Affairs
Advisory Committee

Alicia Davenport
Legislative Coordinator
Office of the City Clerk



Hamilton

Special Agriculture and Rural Affairs Advisory Committee

MINUTES 19-002

Monday, May 13, 2019

7:00 p.m.

**Ancaster Fairgrounds, Rooms A & B
630 Trinity Road, Ancaster**

Present: Councillors L. Ferguson and A. VanderBeek

A. Spoelstra (Chair), D. Smith (Vice-Chair), J. Groen, P. Krakar,
C. McMaster, N. Mills, A. Payne, R. Pearce, R. Shuker, G. Smuk,
and M. Switzer

Absent

With Regrets: Councillor B. Clark – City Business
Councillor B. Johnson – Personal
J. Mantel and C. Roberts

Also Present: H. Swierenga

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 1)

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

(Switzer/Smith)

That the agenda for the May 13, 2019 meeting of the Agriculture and Rural Affairs Advisory Committee be approved, as presented.

CARRIED

(b) Review of the Draft Site Alteration By-law Proposal (Item 5.1)

(Switzer/Payne)

That Staff be requested to incorporate the following into the Draft Site Alteration By-law:

- (a) Addition of an Appeal process;
- (b) Establish cut-to-fill land leveling on existing agricultural operations as a permitted use which does not require a permit;

Planning Committee – June 18, 2019

- (c) Amendment of Section 5, Sub-section 4 by deleting the words “fill or”, to read as follows:
 - (i) This By-law does not apply to the stockpiling of fill or topsoil for sale or exchange or use as an incidental part of a commercial operation undertaken as a permitted or legal non-conforming use of land, provided that any such stockpiles;
- (d) Definition of areas that fall within the purview of the by-law;
- (e) Receipt of a letter of compliance or letter of final inspection upon completion of work;
- (f) Implementation of a graduated application fee system based on the quantity of imported earth; and,
- (g) Amendment of Section 26, Sub-section 1 by changing the validity of a site alteration permit from one year to two years, to read as follows:
 - (i) A site alteration permit shall be valid for a period of ~~one (1)~~ **two (2)** years from the date of issuance.

CARRIED

(c) ADJOURNMENT (Item 7)

(Groen/Smith)

That the meeting of the Agriculture & Rural Affairs Advisory Committee be adjourned at 8:46 p.m.

CARRIED

Respectfully submitted,

Andrew Spoelstra, Chair
Agriculture and Rural Affairs
Advisory Committee

Alicia Davenport
Legislative Coordinator
Office of the City Clerk



PLANNING COMMITTEE

Request for Exemption from *Planning Act* Section 45(1.3) for
By-law No. 17-193 respecting 100 Hamilton St N



BACKGROUND

- By-law No. 17-193 approved September 13, 2017.
- Site Plan conditionally approved on July 24, 2018 for an apartment building with 69 units.
- Current owners proposing Retirement Home use with 143 units.

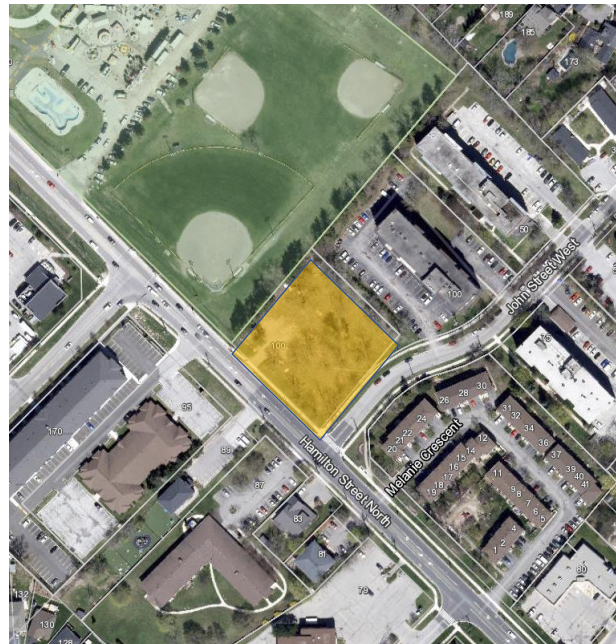


Figure 1. Subject Lands



Figure 2. Proposed Development



REQUIRED VARIANCES

Minor Variance to the site specific by-law is required as follows:

1. To permit kitchenettes in the dwelling units.
2. To reduce the number of loading spaces required.

Typical Floor Plan

Scale: 1:1000

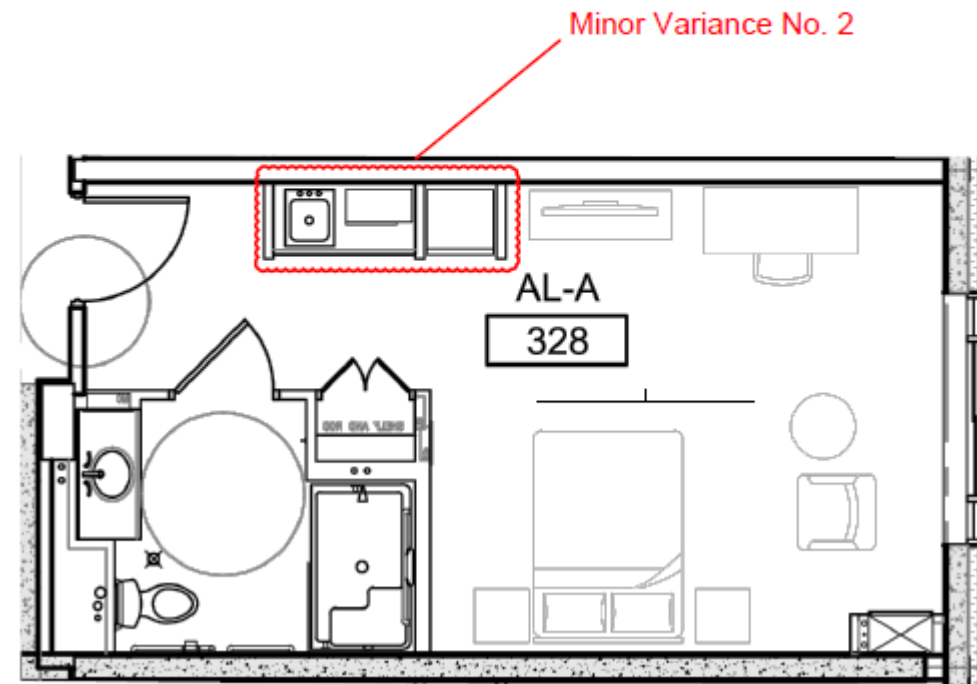
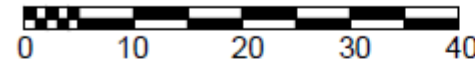


Figure 3. Minor Variance No. 2



REQUEST TO COMMITTEE

- Section 45(1.3) of the *Planning Act* prevents the amendment of a site-specific Zoning By-law for two years.
- We respectfully request that Committee and Council permit the application for a Minor Variance, in keeping with Section 45(1.4) of the *Act*.

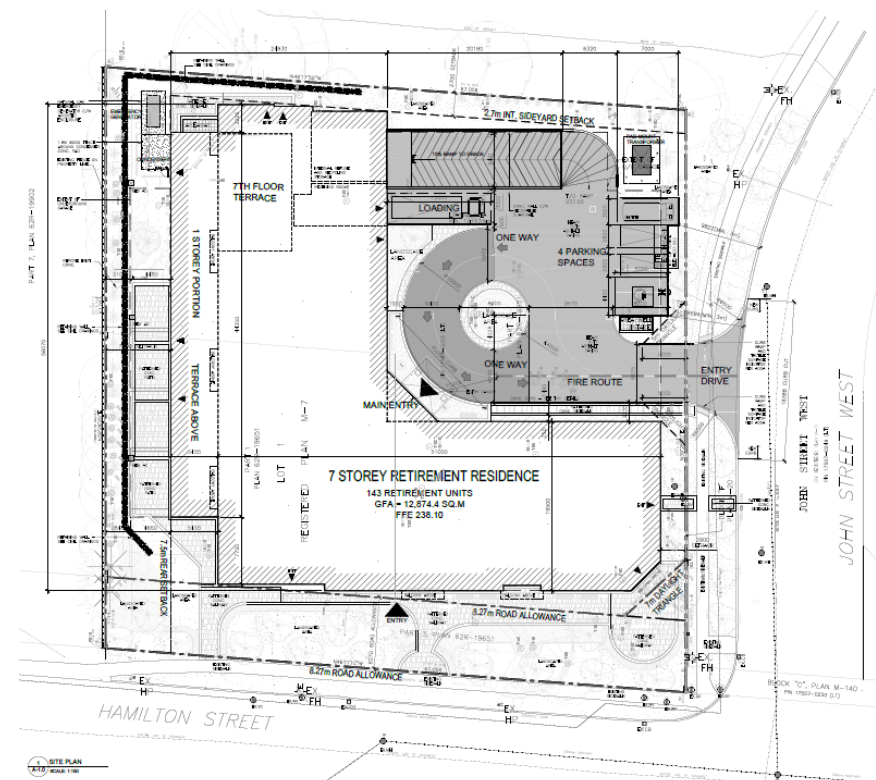


Figure 4. Revised Site Plan for DA-17-230

CITY OF HAMILTON

MOTION

COMMITTEE DATE: June 18, 2019

MOVED BY COUNCILLOR

SECONDED BY COUNCILLOR.....

Authorization for 100 Hamilton Street GP Inc. to apply for Variances to a By-law for Lands Located at 100 Hamilton Street North.

WHEREAS Bill 73, *Smart Growth for our Communities Act*, 2015 placed a moratorium for minor variance applications within 2 years of passing a site specific zoning by-law amendment;

WHEREAS the application as presented in report PED17157 for 100 Hamilton Street North was approved on September 13, 2017;

WHEREAS Council may waive this moratorium on a site specific basis per Section 45(1.4) of the *Planning Act* to allow the applicant to make an application to the Committee of Adjustment;

WHEREAS it would then be within the authority of the Committee of Adjustment to assess the merits of the application and to make a decision; and,

WHEREAS the applicant is interested in seeking a minor variance to address a matter related to loading and potentially other matters.

THEREFORE BE IT RESOLVED:

That 100 Hamilton Street GP Inc. be authorized to apply for variances to a by-law for lands located at 100 Hamilton Street North.



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	June 18, 2019
SUBJECT/REPORT NO:	Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 305 and 311 Garner Road West (Ancaster) (PED19104) (Ward 12)
WARD(S) AFFECTED:	Ward 12
PREPARED BY:	George T. Zajac (905) 546-2424 Ext. 3933
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Amended Urban Hamilton Official Plan Amendment Application UHOPA-17-025, by LIV Developments Ltd. (Owner)** to re-designate a portion of the subject lands from Open Space to Neighbourhoods in Volume 1 of the Urban Hamilton Official Plan and from Medium Density Residential 2a, Site Specific Policy – Area B and Natural Open Space to Low Density Residential 3a in Volume 2 (Secondary Plans) of the Urban Hamilton Official Plan in order to permit the development of 40 maisonette dwelling units and 78 townhouse dwellings for a total of 118 units at 305 and 311 Garner Road West, as shown on Appendix “A” to Report PED19104, be **APPROVED**, on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED19104, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed Amendment is consistent with the Provincial Policy Statement (2014) and conforms to the Growth Plan for the Greater Golden Horseshoe (2019).

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SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 305 and 311 Garner Road West (Ancaster) (PED19104) (Ward 12) – Page 2 of 35

- (b) That **Amended Zoning By-law Amendment Application ZAC-17-058 by LIV Developments Ltd., (Owner)** for changes in zoning from Agricultural (Holding) “H-A-496” Zone, Modified, Agricultural “A-216” Zone, Modified and Rural Industrial “M5-262” Zone, Modified to Residential Multiple “RM4-700” Zone, Modified (Block 1); from Agricultural “A-216” Zone, Modified and Rural Industrial “M5-262” Zone, Modified to the Residential Multiple “RM4-701” Zone, Modified (Block 2); from Agricultural (Holding) “H-A-496” Zone, Modified to the Residential Multiple “RM4-702” Zone, Modified (Block 3); from Agricultural (Holding) “H-A-496” Zone, Modified and Rural Industrial “M5-262” Zone, Modified to the Residential Multiple “RM4-703” Zone, Modified (Block 4) and from Agricultural (Holding) “H-A-496” Zone, Modified to the Residential Multiple “RM4-704” Zone, Modified (Block 5) within the Town of Ancaster Zoning By-law No. 87-57, in order to permit the development of 40 maisonette dwelling units and 78 townhouse dwellings for a total of 118 units at 305 and 311 Garner Road West, as shown on Appendix “A” to Report PED19104, be **APPROVED** on the following basis:
- (i) That the draft By-law, attached as Appendix “C” to Report PED19104, 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 (2019), and will comply with the Urban Hamilton Official Plan, upon finalization of UHOPA No.____.
- (c) That **Amended Zoning By-law Amendment Application ZAC-17-058 by LIV Developments Ltd., (Owner)** for a change in zoning from the Agricultural (Holding) “H-A-496” Zone, Modified within Zoning By-law No. 87-57 to the Conservation / Hazard Land (P5, 719) Zone within Zoning By-law No. 05-200 to permit a stormwater management pond, natural open space and vegetation protection zone for lands located at 305 and 311 Garner Road West, as shown on Appendix “A” to Report PED19104, be **APPROVED** on the following basis:
- (i) That the draft By-law, attached as Appendix “D” to Report PED19104, 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 (2019), and will comply with the Urban Hamilton Official Plan, upon finalization of UHOPA No.____.

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SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 305 and 311 Garner Road West (Ancaster) (PED19104) (Ward 12) – Page 3 of 35

EXECUTIVE SUMMARY

The proposed Official Plan Amendment is to re-designate a portion of the subject lands at 305 and 311 Garner Road West from Open Space to Neighbourhoods and from Medium Density Residential 2a, Site Specific Policy – Area B and Natural Open Space to the Low Density Residential 3a designation in order to permit the development of 40 maisonette dwelling units and 78 townhouse dwellings, for a total of 118 units, 31 visitor parking spaces will be provided, in addition to one space per dwelling unit in the private driveways and one space per unit in the attached garages.

The proposed Zoning By-law Amendment to the former Town of Ancaster Zoning By-law No. 87-57 is to change the zoning from the Agricultural (Holding) “H-A-496” Zone, Modified, Agricultural “A-216” Zone, Modified and Rural Industrial “M5-262” Zone, Modified to a site specific Residential Multiple “RM4” Zone in order to permit the development of 40 maisonette dwelling units and 78 townhouse dwellings, for a total of 118 units, with site-specific modifications to accommodate the subject proposal.

The proposed Zoning By-law Amendment under Hamilton Zoning By-law No. 05-200 is to rezone a portion of the subject lands to a site specific Conservation / Hazard Land (P5) Zone in order to permit a stormwater management pond, natural open space and vegetation protection zone.

Based on an average of 2.7 persons per unit, the 118 proposed residential units would translate into 319 people or 98 people per hectare.

The proposed Official Plan Amendment and Zoning By-law Amendments have 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 (2019), and complies with the Urban Hamilton Official Plan, as well as the Shaver Neighbourhood Secondary Plan, subject to the recommended Amendment.

Alternatives for Consideration – See Page 34

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold at least one Public Meeting to consider applications for an amendment to the Official Plan and Zoning By-law.

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SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 305 and 311 Garner Road West (Ancaster) (PED19104) (Ward 12) – Page 4 of 35

HISTORICAL BACKGROUND

Proposal

The subject lands, 305 and 311 Garner Road West (Ancaster), are an assembly of two separate properties located on the north side of Garner Road West. The Ancaster Paving Ltd. operation is located at 305 Garner Road West and a vacant single detached dwelling and the natural feature are located at 311 Garner Road West. The subject lands have a combined area of approximately 3.2 ha (Residential - 2.73 ha; P5 Zone – 0.5 ha), with approximately 60 m of frontage along Garner Road West and a depth of approximately 252 m extending from Garner Road West.

The applicant proposes to redevelop the subject lands at a density of approximately 44 units per hectare with 40 maisonette townhouse dwelling units and 78 townhouse dwellings for a total of 118 units. In addition, 31 visitor parking spaces are proposed, as well as access driveways, an amenity area, and a stormwater management pond. The natural feature and a surrounding vegetation protection zone will be protected areas.

The proposed Official Plan Amendment to the Urban Hamilton Official Plan is to re-designate a portion of the subject lands from Open Space to Neighbourhoods and from Medium Density Residential 2a, Site Specific Policy – B, and Natural Open Space to the Low Density Residential 3a designation within the Shaver Neighbourhood Secondary Plan of the Urban Hamilton Official Plan.

The proposed Zoning By-law Amendment is to change the zoning from the Agricultural (Holding) “H-A-496” Zone, Modified, Agricultural “A-216” Zone, Modified and Rural Industrial “M5-262” Zone, Modified to a site specific Residential Multiple “RM4” Zone within the Town of Ancaster Zoning By-law No. 87-57 to permit the proposed development. An Amendment to the City of Hamilton Zoning By-law No. 05-200 is also proposed to zone a portion of the subject lands as a site specific Conservation / Hazard Land (P5) Zone to permit a stormwater management pond, and to protect the natural feature and surrounding vegetation protection zone.

Site specific modifications to the “RM4” and “P5” Zones have been requested and include:

- built form;
- to recognize the proposed townhouses on a condominium road;
- to recognize the lot lines;
- an increase to the maximum permitted density;
- a decrease to the minimum front, side and rear yards;
- a decrease to the minimum setback from the front lot line for air conditioning units;

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- an increase to the maximum permitted building height;
- decrease to the minimum landscaping area required;
- decrease to the minimum required planting strip;
- decrease to the required minimum privacy area;
- decrease in the required minimum number of visitor parking spaces and parking space width;
- decrease in the required minimum setback from a P5 Zone; and,
- decrease in the required minimum children’s play area and building separation.

Chronology:

July 4, 2017: Submission of Applications UHOPA-17-025 and ZAC-17-058.

July 17, 2017: Applications UHOPA-17-025 and ZAC-17-058 deemed incomplete.

August 8, 2017: Applications UHOPA-17-025 and ZAC-17-058 deemed complete.

August 17, 2017: Public Notice Sign installed on subject lands.

August 22, 2017: Circulation of Notice of Complete Application and Preliminary Circulation for Applications UHOPA-17-025 and ZAC-17-058 to 109 property owners within 120 m of the subject lands.

May 22, 2019: Public Notice Sign updated with Public Meeting Information.

May 31, 2019: Circulation of the Notice of Public Meeting to 109 property owners within 120 m of the subject lands.

Details of Submitted Application:

Location: 305 and 311 Garner Road West (see Appendix “A” to Report PED19104).

Owner / Applicant: LIV Developments Ltd.

Agent: MHBC Planning (c/o: Dana Anderson)

Property Description: Lot Frontage: Approximately 60 m (Garner Road West)

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<u>Lot Depth:</u>	252 m (irregular)
<u>Lot Area:</u>	3.24 Ha
<u>Servicing:</u>	Existing Municipal Water Available Municipal Sanitary / Storm Available

Existing Land Use and Zoning:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Single Detached Dwelling & Industrial Operation	Agricultural (Holding) “H-A-496” Zone, Modified, Agricultural “A-216” Zone, Modified, and Rural Industrial “M5-262” Zone, Modified

Surrounding Land Uses:

North	Townhouse Dwellings and Single Detached Dwellings	Residential Multiple “RM4-492” Zone, Modified and Agricultural “A-216” Zone, Modified
South	Cemetery and Single Detached Dwelling	Open Space “P4” Zone, Agricultural “A-216” Zone, Modified and Agricultural (Holding) “H-A-496” Zone, Modified
East	Commercial, Townhouse Dwellings and City Utility Pumping Station	Neighbourhood Commercial “C1-491” Zone, Modified, Neighbourhood Commercial “C1-680” Zone, Modified, Residential Multiple “RM2-493” Zone, Modified and Residential Multiple “RM4-492” Zone, Modified
West	Vacant Land	Agricultural “A-216” Zone, Modified

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2014)

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

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with the PPS. The following policies, amongst others, apply to the proposed development.

“1.1.1 Healthy, liveable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- b) accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;
- d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;
- e) promoting cost-effective development patterns and standards to minimize land consumption and servicing costs;”

The subject proposal is consistent with Policy 1.1.1, as the subject proposal is within the urban area, contributes to a range and mix of residential uses, is designed to contain appropriate buffers and setbacks from natural features, proposes to develop an underutilized former commercial site for residential development, thereby utilizing existing services and infrastructure.

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

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

- a) densities and a mix of land uses which:
 - 1. efficiently use land and resources;
 - 2. are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and / or uneconomical expansion;
 - 3. minimize negative impacts to air quality and climate change, and promote energy efficiency;
 - 4. support active transportation;

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5. are transit-supportive, where transit is planned, exists or may be developed; and,
 6. are freight-supportive; and,
- 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.”

As per Policy 1.1.3.2, the proposed land use pattern will contribute to a mix of densities that efficiently use the land and resources, and is appropriate for the infrastructure and public service facilities planned or available for this area, including transit.

“2.1.8 Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5, and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.”

Core Areas have been identified within and adjacent to the subject properties as an unevaluated wetland, a tributary of Big Creek and Significant Woodland. The wetland and watercourse are also regulated by the Grand River Conservation Authority (GRCA). The proposed stormwater management pond is to be located within the Core Area.

An EIS was prepared by Myler Ecological Consulting (May 2017; revised October 2017). This EIS was reviewed by Natural Heritage Planning staff and the City’s Environmentally Significant Areas Impact Evaluation Group (ESAIEG) on November 9, 2017. Based on this review, an Addendum was required to specifically address concerns with the following:

- Significant wildlife habitat (seeps and springs);
- Width of the vegetation protection zone;
- Location of the stormwater management pond;
- Other mitigation measures (i.e. restoration plan, invasive species removal, transplant plan);
- Location of grading; and,
- Location of fill removal.

An EIS Addendum was submitted in December, 2017. Based on a review of the Addendum, further clarification was required, and a revised Concept Plan and Landscape Plan was submitted. Based on a review of the revised concept plan, Staff are satisfied that the Core Areas will be protected and will require a Restoration Plan, Invasive Species Management Plan and a Locally Rare and Uncommon Species

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Transplant Plan at the Site Plan Stage. In addition, appropriate lighting, fencing and stewardship interpretative signage will also be required.

Subject to the above and required permit from the GRCA for Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation prior to development, which will be addressed with a future Site Plan Control application, staff are satisfied that the policies with respect to natural heritage have been adequately addressed. It is noted that the GRCA staff are satisfied that their initial concerns have also been addressed.

“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.”

A Stage 1 - 2 archaeological report P383-0021-2013 and P383-0055-2013 has been submitted to the City of Hamilton and Ministry of Tourism, Culture and Sport. City staff have reviewed the report and have received the Ministry letter of concurrence which confirms the City’s opinion that the pre-contact material located in findspot 1 does not exhibit sufficient cultural heritage value to warrant further stages of study. As such, staff can confirm that the City’s interest in the site’s archaeological potential has been satisfied.

“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.”

A portion of the subject property is recognized as a potentially contaminated site due to the current and past use of the property for commercial purposes given that the lands known as 305 Garner Road West were previously used by Ancaster Paving Ltd and for industrial activities. As a result, City staff have received and reviewed the Record of Site Condition acknowledged by the Ministry of the Environment, Conservation and Parks, dated July 3, 2018 which demonstrated that the site has been remediated and suitable for residential uses.

Based on the foregoing, as the subject lands are located within a settlement area, and the subject proposal is to be developed with appropriate infrastructure, while also protecting the Provincial interest with respect to human-made hazards, natural and cultural heritage resources, the subject proposal is consistent with the PPS.

Growth Plan for the Greater Golden Horseshoe (2019)

The Growth Plan supports intensification within built-up urban areas, particularly in proximity to transit. As noted in Section 2.1 of the Plan:

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“To support the achievement of *complete communities* that are healthier, safer, and more equitable, choices about where and how growth occurs in the *GGH* need to be made carefully. Better use of land and *infrastructure* can be made by directing growth to *settlement areas* and prioritizing *intensification*, with a focus on *strategic growth areas*, including *urban growth centres* and *major transit station areas*, as well as *brownfield sites* and *greyfields*. Concentrating new development in these areas provides a focus for investments in transit as well as other types of *infrastructure* and *public service facilities* to support forecasted growth, while also supporting a more diverse range and mix of housing options. However, to protect public safety and prevent future flood risks, growth should generally be directed away from hazardous areas, including those that have been identified as Special Policy Areas in accordance with the PPS.”

Furthermore, as noted in Section 2.2.1.2 (d):

“Development will be directed to settlement areas, except where the policies of this Plan permit otherwise.”

The subject lands are located within a settlement area where it will be developed with full municipal services, will provide for a complete community through a compact design that includes an additional housing type and form for the area and is located on an existing transit route. Therefore, the proposal conforms to the policies of the Growth Plan for the Greater Golden Horseshoe (2019).

Urban Hamilton Official Plan (UHOP)

The subject property is identified as “Neighbourhoods” on Schedule “E” – Urban Structure, designated as “Neighbourhoods” and “Open Space” on Schedule “E-1” – Urban Land Use Designations in the UHOP and shown outside of the Built Boundary on Appendix “G” – Boundaries Map. The subject property is also designated as “Medium Density Residential 2a”, “Low Density Residential 3a” and “Natural Open Space” as well as Site Specific Policy Area B on Map B.2.2-1 – Shaver Neighbourhood Secondary Plan – Land Use Plan. The following policies, amongst others, are applicable to the subject applications.

Neighbourhoods

- “E.3.1.1 Develop compact, mixed use, transit-supportive, and active transportation friendly neighbourhoods.
- E.3.1.2 Develop neighbourhoods as part of a complete community, where people can live, work, shop, learn, and play.
- E.3.1.3 Plan and designate lands for a range of housing types and densities, taking into account affordable housing needs.

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- E.3.1.4 Promote and support design which enhances and respects the character of existing neighbourhoods while at the same time allowing their ongoing evolution.
- E.3.1.5 Promote and support residential intensification of appropriate scale and in appropriate locations throughout the neighbourhoods.
- E.3.2.3 The following uses shall be permitted on lands designated Neighbourhoods on Schedule E-1 – Urban Land Use Designations:
- a) residential dwellings, including second dwelling units and housing with supports;
 - b) open space and parks;”

The proposed development complies with the above-noted policy goals as the proposed maisonettes and townhouses contributes to a compact urban form and complete community, is transit supportive as it is located on a major arterial roadway, contributes to a range of housing types, respects the existing character of the neighbourhood with a compatible form of residential dwellings and provides an appropriate scale and location for the development by incorporating appropriate setbacks and buffers to the existing residential development and natural heritage features.

Residential Greenfield Design

As the subject proposal is located outside of the Built Boundary on Appendix “G” – Boundaries Map, the Residential Greenfield Design policies apply.

- “E.3.7.1 New greenfield communities shall be designed with a unique and cohesive character. Buildings, streetscapes, street patterns, landscaping, open spaces, and infrastructure shall be designed to contribute to this character.
- E.3.7.2 New greenfield communities shall be designed to include a focal point. All elements of the design of the community including the layout of streets, trails, pedestrian connections, and transit routes as well as the location of land uses and transit stops, shall contribute to creation of the community focal point.
- E.3.7.3 The configuration of streets, trails, and open spaces shall ensure clear and convenient pedestrian, cycling, and vehicular connections from within the greenfield community to the focal point and adjacent neighbourhoods.

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- E.3.7.4 The City may consider alternative development standards in new residential development in greenfield areas. Such alternative development standards may include:
- c) use of public lanes, private lanes, and on-street parking to promote more compact residential development and to provide more attractive streetscapes;
 - d) greater reliance on common open space areas to facilitate more compact development patterns;
- E.3.7.5 New residential development in greenfield areas shall generally be designed and planned to:
- a) minimize changes to existing topography;
 - b) preserve existing trees and natural features;
- E.3.7.6 New development or redevelopment adjacent to open spaces shall:
- a) minimize the impacts on natural heritage features;
 - b) maintain or enhance public access to trails, bikeways, and parks within these features;
 - c) preserve or enhance public views to these features; and,
 - d) use native plant material adjacent to these features.”

The proposed development has limited frontage on Garner Road West. Dwellings are proposed oriented towards the street, providing a streetscape and sufficient landscape in the form of an amenity area and planting strips is also being proposed. In addition, the development will provide the proper connections for vehicles and pedestrians, as well as an amenity area that will be the focal point of the development. A mix of dwelling units (i.e. maisonettes and townhouses) will contribute to a compact urban form, while protecting the natural feature and vegetation protection zone through appropriate setbacks.

Urban Design

- “B.3.3.3.2 New *development* shall be designed to minimize impact on neighbouring buildings and public spaces by:

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- a) creating transitions in scale to neighbouring buildings;
 - b) ensuring adequate privacy and sunlight to neighbouring properties; and,
 - c) minimizing the impacts of shadows and wind conditions.
- B.3.3.3.3 New *development* shall be massed to respect existing and planned street proportions.
- B.3.3.3.5 Built form shall create comfortable pedestrian environments by:
- a) locating principal façades and primary building entrances parallel to and as close to the street as possible;
 - b) including ample glazing on ground floors to create visibility to and from the public sidewalk;
 - c) including a quality landscape edge along frontages where buildings are set back from the street;
 - d) locating surface parking to the sides or rear of the sites or buildings, where appropriate; and,
 - e) using design techniques, such as building step-backs, to maximize sunlight to pedestrian areas.”

The proposed development is appropriate in respect to the transition in scale to the neighbouring dwellings to the east, which maintain a height of two and a half and three storeys, and the development is massed to respect the existing street proportions. Given that the dwellings will be a maximum of three storeys in height and maintain proper setbacks from existing residential development, adequate privacy will be maintained and the proposed townhouses will not create adverse shadow and wind impacts. Parking is within the interior of the property, off of the private condominium road and townhouses will be parallel to and close to Garner Road West. The proposed development will include landscaping within the site and along the street edge. Further, a detailed landscape plan will be required with the future Site Plan Control application.

Archaeology

With respect to archaeological concerns, the UHOP identifies the applicable policy under Section B.3.4.4.2:

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“B.3.4.4.2 In *areas of archaeological potential* identified on Appendix F-4 – Archaeological Potential, an archaeological assessment shall be required and submitted prior to or at the time of application submission for the following planning matters under the *Planning Act*:

- a) official plan amendment or secondary plan amendment unless the *development* proposed in the application in question or other applications on the same property does not involve any *site alteration* or *soil disturbance*;
- b) zoning by-law amendments unless the *development* proposed in the application in question or other applications on the same property does not involve any site alteration or soil disturbance; and,”

As noted previously in this Report, the City’s interest has been satisfied.

Noise Attenuation

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

B.3.6.3.2 Any required noise or vibration study shall be prepared by a qualified professional, preferably a professional engineer with experience in environmental acoustics, in accordance with recognized noise and vibration measurement and prediction techniques, to the satisfaction of the City, and in accordance with all applicable guidelines and standards.”

A noise feasibility study was submitted with the subject applications entitled, “Environmental Noise Study” prepared by Valcoustics Canada Ltd. The study was reviewed by City staff and based on the results of the study, noise warning clauses are required as well as noise mitigation measures from the commercial uses on the adjacent lands at 21 Panabaker Drive. The applicants have an agreement with the owners of 21 Panabaker Drive, dated June 12, 2018 regarding the noise mitigation required on the property. The warning clauses and any other noise mitigation required will be implemented at the Site Plan Control stage.

City staff further notes that future development applications will be required to facilitate the proposed development. Site Plan Control and Draft Plan of Condominium applications are required and therefore, an updated noise study will also be required to

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be submitted and implemented with these applications to refine window and wall requirements and to have specific noise warning clauses registered on title.

Open Space

An Official Plan Amendment is required to re-designate a portion of the subject lands from the Open Space designation to the Neighbourhoods designation.

- “C.3.3.1 Lands designated as Open Space are public or private areas where the predominant use of or function of the land is for recreational activities, conservation management and other open space uses.
- C.3.3.4 The following uses shall be permitted on lands designated Open Space on Schedule E-1 – Urban Land Use Designations:
- a) parks for both active and passive recreational activities;
 - b) pedestrian pathways, trails, bikeways and walkways;
- C.3.3.6 Where land is designated Open Space and is under private ownership, it is not intended this land shall necessarily remain so indefinitely, nor shall the Plan be construed as implying these areas are free and open to the general public or shall be purchased by the City.”

A portion of the subject lands will remain Open Space surrounding the stormwater management pond and will remain passive. The core features of the woodlot and wetland will be protected through the Open Space designation, while through the EIS a portion of the subject lands can be developed. The Amendment to redesignate a portion of the subject lands for residential uses is discussed in greater detail below and in the Analysis and Rationale for Recommendation section of this report.

Core Areas

Core Areas have been identified within and adjacent to the subject lands. The relevant policies with respect to Core Areas within the UHOP are as follows.

- “C.2.3 It is the intent of this policy to preserve and enhance *Core Areas* and to ensure that any development or site alteration within or adjacent to them shall not negatively impact their natural features or their ecological functions.
- C.2.3.3 The natural features and ecological functions of *Core Areas* shall be protected and where possible and deemed feasible to the satisfaction of

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the City enhanced. To accomplish this protection and enhancement, vegetation removal and encroachment into Core Areas shall generally not be permitted, and appropriate *vegetation protection zones* shall be applied to all *Core Areas*.

C.2.5.4 New *development* and *site alteration* shall not be permitted within significant woodlands, significant valleylands, significant wildlife habitat and significant areas of natural and scientific interest unless it has been demonstrated that there shall be no negative *impacts* on the natural features or on their *ecological functions*.

C.2.5.8 New *development* or *site alteration* subject to Policies C.2.5.3 to C.2.5.7 requires, prior to approval, the submission and approval of an Environmental Impact Statement which demonstrates to the satisfaction of the City and the relevant Conservation Authority that:

- a) There shall be no negative impacts on the *Core Area's* natural features or their *ecological functions*.
- b) Connectivity between *Core Areas* shall be maintained, or where possible, enhanced for the movement of surface and ground water, plants and wildlife across the landscape.
- c) The removal of other natural features shall be avoided or minimized by the planning and design of the proposed use or *site alteration* wherever possible.

C.2.5.9 An Environmental Impact Statement shall propose a vegetation protection zone which:

- a) has sufficient width to protect the *Core Area* and its *ecological functions* from impacts of the proposed land use or *site alteration* occurring during and after construction, and where possible and deemed feasible to the satisfaction of the City, restores or enhances the *Core Area* and/or its *ecological functions*; and,
- b) is established to achieve, and be maintained as *natural self-sustaining vegetation*.

C.2.5.10 Where vegetation protection zones widths have not been specified by watershed and sub-watershed plans, secondary Environmental assessments and other studies, the following vegetation protection zone widths shall be evaluated and addressed by Environmental Impact

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Statements. Other agencies, such as Conservation Authorities, may have different vegetation protection zone requirements.

f) Significant woodlands – 15-metre vegetation protection zone, measured from the edge (drip line) of the significant woodland.

C.2.5.11 *Vegetation protection zone* widths greater or less than those specified in a) to i) above may be required if ecological features and functions warrant it, as determined through an approved Environmental Impact Statement. Widths shall be determined on a site-specific basis, by considering factors such as the sensitivity of the habitat, the potential impacts of the proposed land use, the intended function of the *vegetation protection zone*, and the physiography of the site.

C.2.5.12 Permitted uses within a *vegetation protection zone* shall be dependent on the sensitivity of the feature, and determined through approved studies. Generally, permitted uses within a *vegetation protection zone* shall be limited to low impact uses, such as vegetation restoration, resource management, and open space. Permitted uses within the *vegetation protection zone* shall be the same uses as those within the *Core Area* in Policy C.2.5.1 and the *vegetation protection zone* should remain in or be returned to a natural state.”

As discussed previously, based on a review of the EIS and subsequent addendum, and in consultation with the GRCA, staff are satisfied that the Core Areas will be protected.

Road Widening

“C.4.5.6.1 The City shall require, as a condition of site plan approval, subdivision approval, condominium approval and land severance consent, that sufficient lands are conveyed to provide for a road right-of-way dedication in accordance with the designated widths as set out in Section C.4.5.2 or Schedule C-2 – Future Right-of-Way Dedications.”

A right-of-way widening dedication to the City of Hamilton will be required as a condition of future Site Plan Approval. The widening shall be across the frontage of the subject property on Garner Road West in order to achieve a right-of-way width of 18.288 m (approximately 5.0 m to 5.24 m from the subject property) from the original centreline of this roadway in accordance with Schedule “C-2” of the City of Hamilton Urban Official Plan. The current Concept Plan for the subject proposal provides for the required right-of-way widening.

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Shaver Neighbourhood Secondary Plan

The subject lands are designated “Medium Density Residential 2a”, “Low Density Residential 3a” and “Natural Open Space” as well as Site Specific Policy Area B on Map B.2.2-1 – Shaver Neighbourhood Secondary Plan – Land Use Plan. The following policies within Volume 2 of the UHOP, Chapter B – Ancaster Secondary Plans, amongst others, apply.

“B.2.2.1.2 General Residential Policies

- a) Residential buildings shall have no more than three occupied storeys entirely above grade.

B.2.2.1.3 Low Density Residential Designations

Notwithstanding Polices E.3.4.3 and E.3.4.4 of Volume 1, the following policies shall apply to the Low Density Residential designations identified on Map B.2.2-1 – Shaver Neighbourhood – Land Use Plan:

- d) In the Low Density Residential 3a designation:

- i) the permitted uses shall be street townhouses, block townhouses, and other ground-oriented attached housing forms; and,
- ii) the density shall not exceed 50 dwelling units per gross / net residential hectare.

B.2.2.1.4 Medium Density Residential Designations

Notwithstanding Policies E.3.5.2 and E.3.5.7 of Volume 1, the following policies shall apply to the Medium Density Residential designations identified on Map B.2.2-1 – Shaver Neighbourhood – Land Use Plan:

- a) In the Medium Density Residential 2a designation:

- i) the permitted use shall be low rise apartment buildings; and,
- ii) the density shall not exceed 62 dwelling units per gross / net residential hectare.

B.2.2.3.1 In addition to Sections B.3.5.3 – Parkland Polices and C.3.3 – Open Space Designation of Volume 1, the following polices shall apply:

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- a) The open space system for the Shaver Neighbourhood Secondary Plan area includes the following:
 - i) Neighbourhood Parks;
 - ii) Natural Open Space;
 - iii) Notwithstanding Section C.3.3 – Open Space Designations of Volume 1, school playfields;
 - iv) pedestrian walkways; and,
 - v) Big Creek valleylands and wooded areas.

- b) Notwithstanding Section 3.3 – Open Space Designations of Volume 1, the City shall encourage the development of a linked open space system in the Shaver Neighbourhood incorporating the Community Park, Neighbourhood Park, schools, Big Creek valleylands, wooded areas and pedestrian walkways through the approval of plans of subdivision.

- c) Within the Shaver Neighbourhood the planned residential areas, the westerly Neighbourhood Park, the Community Park / schools complex and the publicly owned Natural Open Space lands shall be linked by a pedestrian / bikeway system utilizing a combination of open space walkways and sidewalks within the roadways. The internal pedestrian / bikeway system shall be connected to the planned Duff's Corners mixed use commercial / industrial area to the west and the Maple Lane Annex subdivision in the Garner Neighbourhood Secondary Plan area.

Site Specific Policy – Area B

- 2.2.5.2 In addition to the permitted uses set out in Policy B.2.2.1.3 d) and Policy B.2.2.1.4 a) – Medium Density Residential 2a, a paving contractor's equipment supplies and storage business shall be permitted on lands located at No. 305 Garner Road West, and identified as Site Specific Policy – Area B on Map B.2.2-1 – Shaver Neighbourhood – Land Use Plan.”

An Amendment to the Shaver Neighbourhood Secondary Plan is required to redesignate a portion of the subject lands from the Medium Density Residential 2a, Site Specific Policy – Area B and Natural Open Space to the Low Density Residential 3a designation. A large portion of the property is currently designated Medium Density

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Residential 2a within the Shaver Neighbourhood Secondary Plan, which limits the use of the subject lands to low rise apartment buildings and a density of not more than 62 dwelling units per gross / net residential hectare. The subject proposal is to apply the Low Density Residential 3a designation to the lands in order to permit the development of 40 maisonette dwelling units and 78 townhouse dwellings for a total of 118 units, which equates to a density of 44 units per net residential hectare.

The Secondary Plan shows Vansickle Street terminating at the edge of this site. The existing subdivision development to the east (Marshall Estates) was approved by the City in March, 2003 (Report PD03088), and includes a Draft Plan of Subdivision condition for Vansickle Street to be terminated as a temporary turn-around with barricade and sign. In addition, the developer was required to convey sufficient easements and a 0.30 m reserve to the City leaving the option open of Vansickle Street being extended west. Due to Vansickle Street being higher than the subject lands with a grade difference of approximately 3 m (9.8 ft), the applicants have since determined that it would not be feasible to continue Vansickle Street through the proposed development, as it would result in a large slope throughout the site that may impact the natural heritage feature to the west with a significant grade increase, as well as requiring a re-evaluation of the stormwater management strategy for the site. After discussions with City staff, the applicants have instead proposed a private pedestrian ramp walkway connecting the two developments in keeping with orderly development. In addition, to the west of the subject property is open space as well as residential dwellings serviced by Hamilton Drive and therefore, an extension of Vansickle Street to service these lands is not required. With respect to overlook issues, existing side yards to the east are facing the rear yards of some of the proposed dwellings. A rear yard setback of 6.5 m and privacy screening will be provided, thereby, limiting any overlook concerns.

The proposed Official Plan Amendments are discussed in greater detail in the Analysis and Rationale for Recommendations section of this report.

Town of Ancaster Zoning By-law No. 87-57

The lands are currently zoned Agricultural (Holding) “H-A-496” Zone, Modified, Agricultural “A-216” Zone, Modified and Rural Industrial “M5-262” Zone, Modified within the Town of Ancaster Zoning By-law No. 87-57.

The current zoning permits Agricultural uses, buildings and structures accessory thereto, including one detached dwelling, and uses, buildings and structures accessory to the dwelling. In addition, an Elementary School within the Agricultural (Holding) “H-A-496” Zone, Modified is permitted, however, piggeries, poultry operations, feed lot operations, mushroom farms, and mink farms are prohibited within the Agricultural “A-

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216” Zone, Modified. The portion of the lands zoned Rural Industrial “M5-262” Zone, Modified are restructured to a paving contractor’s equipment, supplies and storage. The applicants have requested a rezoning to a site specific Residential Multiple “RM4” Zone in order to permit the development of 40 back to back townhouse dwelling units and 78 townhouse dwellings for a maximum of 118 units.

In addition, a number of site specific modifications have been requested, including:

- built form;
- to recognize the proposed townhouses on a private condominium road;
- to recognize the lot lines;
- an increase to the maximum permitted density;
- decrease to the minimum front, side and rear yards;
- decrease to the minimum setback from the front lot line for air conditioning units;
- increase to the maximum permitted building height;
- decrease to the minimum landscaping area required;
- decrease to the minimum required planting strip;
- decrease to the required minimum privacy area;
- decrease in the required minimum number of visitor parking spaces and parking space width; and,
- decrease in the required minimum children’s play area and building separation.

An analysis of the site specific modifications is included in Appendix “E” to Report PED19104.

City of Hamilton Zoning By-law No. 05-200

The Zoning By-law Amendment also proposes to incorporate lands into Zoning By-law No. 05-200 for the stormwater management pond and recognize the vegetation protection zone and conservation lands. These lands will be zoned a site specific Conservation / Hazard Land (P5) Zone, which permits Conservation, Flood and Erosion Control Facilities, Recreation and Passive uses. In addition, Zoning By-law No. 05-200 contains a general provision which requires any building or structure on a property to be setback a minimum of 7.5 m from a Conservation / Hazard Land (P5) Zone. The applicants have requested a setback of 0 m from the Conservation / Hazard Land (P5) Zone, instead of the required 7.5 m. This modification is discussed in Appendix “E” to Report PED19104.

RELEVANT CONSULTATION

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

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- Recreation Planning, Public Works Department; and,
- Horizon / Alectra Utilities.

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

Forestry & Horticulture Section, Public Works Department has approved the Tree Protection Plan, dated April 2017 with no amendments required. In addition, Forestry documented a 10 cm crab apple within the municipal right of way that was removed without permit contravening By-law 15-125. Loss of canopy compensation of \$900.00 is required for this tree removed within the planning process. Total Payment of \$900.00 (loss of canopy) + \$265.30 (permit fee) + \$151.49 (HST) = \$1316.79 payable to City of Hamilton will be required (2019 Fees). Upon receipt of payment a permit will be issued satisfying the Tree Management Plan condition. The Forestry & Horticulture Section requires that a detailed Landscape Planting Plan prepared by a Registered Landscape Architect, showing the placement of trees on internal / external City property be provided at the Site Plan Approval stage.

Grand River Conservation Authority (GRCA) provided comments on the Environmental Impact Statement (EIS), as well as stormwater, requiring the stormwater management plan include infiltration to predevelopment levels. A Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation (Ontario Regulation 150 / 06) Permit from the GRCA prior to development is also required. GRCA staff are satisfied that their concerns have been addressed.

Recycling & Waste Disposal, Environmental Services Division commented that the development is eligible for municipal waste collection service subject to meeting the City's requirements.

Transit Division (HSR), Public Works Department commented that HSR currently operates the Route #44 Rymal buses past this site with no planned changes in service.

Capital Budgets & Development, Public Works Department commented that the applicant pay the Municipal Act Sanitary Sewer Charge of \$117,499.59, Garner Road By-Law No. 06-130, as at September 30, 2017 to the satisfaction of the Capital Budgets Section of Corporate Services. Should payment be made at a later date, the applicant shall confirm the value with Corporate Services staff.

Public Health Services, Healthy Environments Division provided that a pest control plan will be required at the Site Plan Approval stage.

Transportation Planning Services, Public Works Department commented that an updated TDM and TIS will be required at the Site Plan Approval stage. In support of the

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proposed development, the applicants have submitted a Transportation Impact Study & Parking Study, prepared by Paradigm Transportation Solutions Limited, dated August, 2017. The Study concludes that the intersections of Garner Road West and Panabaker Drive, as well as Garner Road West and Hamilton Drive are operating within acceptable levels of service (LOS B or better) and well within capacity during both the weekday AM and PM peak hours, with the exception of the weekday PM peak hour at Garner Road West and Hamilton Drive, for the southbound approach only.

The Study provides that the proposed development is expected to generate 59 new trips during the weekday AM peak hour and 68 trips during the weekday PM peak hour. The Study forecasts that the intersection of Garner Road West and Panabaker Drive will continue to operate at acceptable levels of service (LOS B or better) and within capacity. The intersection of Garner Road West and Hamilton Drive is also forecasted to continue to operate with acceptable levels of service, with again the exception of the weekday PM peak hour, where the southbound approach is forecasted to operate at LOS F, with a v/c ratio of 1.57. The Study also concludes that the proposed site driveway, which is located approximately 125 m west of Panabaker Drive, is forecasted to operate at acceptable levels of service (LOS C) and within capacity in both the weekday AM and PM peak hours.

Key Items

1. Transportation Planning can support one full movement at the west limit of the site fronting Garner Road West until the property at 339 Garner Road West develops; at which time the 305 Garner Road West access will be converted to right-in / right-out only. A full-moves access will be permitted with development of 339 Garner Road West and will include a joint use agreement with 305 Garner Road West.
2. Transportation Planning requires the extension of municipal pedestrian facilities on Vansickle Street. The applicant is to provide a continuous pedestrian route to the subject site and meet AODA compliant pedestrian facilities within the site.
3. Outstanding revisions are required for the Traffic Impact Study. Previously identified revisions to the TIS have been amended as noted below. Revisions are to be submitted to the satisfaction of the Manager of Transportation Planning.
4. The design and construction of an eastbound left turn lane on Garner Road West to the subject site are required and are to meet minimum Transportation Association of Canada (TAC) standards and to the satisfaction of the Manager of Transportation Planning, Manager of Transportation Operations and Manager of Engineering Approvals.

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Official Plan Amendment and Zoning By-law Amendment

1. The Owner / Applicant proposes a full-moves access on the west side of the subject property fronting Garner Road West. Transportation Planning can support this access until such time as the adjacent property at 339 Garner Road West is developed. The driveway access for 305 Garner Road West will be converted to a right-in / right-out only with the development of 339 Garner Road West.

Traffic Impact Study

1. In July 2018 Transportation Planning reviewed and provided comments on the Traffic Impact Study by Paradigm Transportation Solutions Limited, dated August 2017. Required revisions were identified and are outstanding. Previously identified revisions to the TIS have been amended as noted below. Revisions to the Traffic Impact Study are to be submitted to the satisfaction of the Manager of Transportation Planning.
2. Considering the access control negotiated between the Owner/Applicant, Transportation Planning and other City Sections, the required revisions to the Traffic Impact Study are amended and limited to updated analysis based on a design speed of 90 km/h (20 km/h over posted 70 km/h). The study assumed 10 km/h over the posted speed which is not acceptable.
 - a. Sight lines at the proposed all-moves driveway access are to be reassessed using a design speed of 90 km/h. Departure sight distance, stopping sight distance, and decision sight distance must meet minimum TAC guidelines at the proposed driveway connection to Garner Road West.
 - b. Left turn lane design requirements are to be reassessed using a design speed of 90 km/h. The taper and deceleration portion of the left turn lane must meet minimum TAC guidelines at the proposed driveway connection to Garner Road West. As part of the Site Plan Control application, the applicant has to identify the appropriate storage length details.

In addition, Transportation Planning and Development Engineering requests that at the Site Plan Approval stage:

1. As a **condition of Site Plan Approval**, the Owner / Applicant will be required to submit functional design drawings for the eastbound left turn lane at the

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- proposed driveway connection to Garner Road West. The drawings are to clearly identify and show the storage, taper and deceleration length requirements which are to meet minimum TAC standards. They are to be based on a rural cross-section and 90 km/h design speed, which is 20 km/h design speed over posted speed. The design drawings will extend to the traffic signal at Garner Road West and Panabaker Drive; modifications to the pavement markings and/or municipal infrastructure are to be brought into and match existing infrastructure; all to the satisfaction of the Manager of Transportation Planning, Manager of Transportation Operations and Manager of Engineering Approvals.
2. As a **condition of Site Plan Approval**, the Owner / Applicant will be required to design and construct a municipal sidewalk between the existing municipal sidewalk on Vansickle Street and the proposed private walkway on the subject lands; all to the satisfaction of the Manager of Transportation Planning and Manager of Engineering Approvals.
 3. As a **condition of Site Plan Approval**, the Owner / Applicant will be required to design and construct a driveway access to Garner Road West that includes an interim full-moves access which can be converted to the ultimate right-in/right-out only access; all to the satisfaction of the Manager of Transportation Planning and Manager of Engineering Approvals.
 4. The cul-de-sac on Vansickle Street was intended to be temporary until the street was extended with future development. The subject application proposes to retain the cu-de-sac and construct residential properties on lands originally intended for municipal right-of-way. The Owner / Applicant will be required to provide municipal sidewalk on Vansickle Street to extend to the subject lands and meet the proposed private pedestrian ramp and walkway. All sidewalks, ramps and walkways are to be to current AODA and City standards.
 5. Additional lands may be required for dedication to the right-of-way to meet current City standards and to accommodate the required municipal sidewalk. The cul-de-sac at the westerly terminus of Vansickle Street may be modified and shall have a “turning circle of sufficient area to enable the turning of garbage trucks, snow removal equipment and emergency vehicles. For residential purposes, an 18.0 m minimum radius is required for road allowance with a minimum pavement radius of 13.0 m”.
 6. All roadway and municipal infrastructure improvements for Garner Road West and / or Vansickle Street as a result of this development will be fully at the expense of the Owner / Applicant. This includes but is not limited to the Garner Road West widening to accommodate an eastbound left-turn lane; modifications to pavement surface and road structure; pavement markings, municipal sidewalk

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on Vansickle Street, etc. The required municipal road works will necessitate an External Works Agreement through Engineering Approvals, Planning and Economic Development.

7. Any design, road work and modifications to the related municipal infrastructure will be fully at the expense of the Owner / Applicant. The Owner / Applicant is advised that any modifications required to the traffic signals and / or pavement markings and / or signage because of this development are to be completed by a qualified traffic signal / pavement markings design consultant and fully at the expense of the Owner / Applicant. The City will review and approve the engineering design and provide the final design detail requirements. The plan(s) must be in accordance with the City of Hamilton Traffic Signal and Pavement Marking Design Manual and be submitted in both PDF and MicroStation V8 format to the satisfaction of the Manager of Transportation Operations. It is the Owner / Applicant's responsibility to contact trafficops@hamilton.ca for information regarding the City's design standards and drawing format.

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 109 property owners within 120 m of the subject property on August 22, 2017, for the proposed Official Plan Amendment and Zoning By-law Amendment applications.

To date, five letters / e-mails have been received. Issues and concerns raised in the letters / e-mails relate to: the density of the proposed development, the loss of green space, traffic, the possibility of overflow of parking and the design of the proposed development. These concerns are discussed further in the Analysis and Rationale for Recommendation section.

A Public Notice Sign was posted on the property on August 17, 2017, and updated on May 22, 2019, with the Public Meeting date. Finally, Notice of the Public Meeting was mailed out in accordance with the requirements of the *Planning Act* on May 31, 2019.

Public Consultation Strategy

The applicant held a Public Information Meeting on November 29, 2017 at the Ancaster Rotary Centre. Invitations were sent to properties within a 300 m radius of the subject lands. There were 17 attendees at the Information Meeting, including City staff and the Ward Councillor. Residents conveyed concerns at the meeting with an increase in traffic, insufficient visitor parking, density, environmental impacts and compatibility with the future development of 339 Garner Road West. These concerns are addressed in the Analysis and Rationale for Recommendation section of this Report.

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SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 305 and 311 Garner Road West (Ancaster) (PED19104) (Ward 12) – Page 27 of 35

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposed Official Plan and Zoning By-law Amendments have merit and can be supported for the following reasons:
 - (i) They are consistent with the Provincial Policy Statement and conform to the Growth Plan for the Greater Golden Horseshoe (2017);
 - (ii) The proposed development represents good planning by, among other things, providing a compact and efficient urban form that is compatible with the surrounding area, protects the core area and is an efficient use of infrastructure.

2. **Urban Hamilton Official Plan Amendment**

The subject properties are an assembly of two separate properties and are located on the north side of Garner Road West. The Ancaster Paving Ltd. operation is located at 305 Garner Road West and a vacant single detached dwelling is located at 311 Garner Road West. The applicant is proposing to replace the existing uses with 40 maisonette dwelling units and 78 townhouse dwellings for a total of 118 units (see Concept Plan attached as Appendix “F” to Report PED19104).

The subject lands are identified as “Neighbourhoods” on Schedule “E” – Urban Structure, designated as “Neighbourhoods” and “Open Space” on Schedule “E-1” – Urban Land Use Designations in the UHOP and shown outside of the Built Boundary on Appendix “G” – Boundaries Map.

The subject property is designated as “Medium Density Residential 2a”, “Low Density Residential 3a” and “Natural Open Space” as well as Site Specific Policy – Area B on Map B.2.2-1 – Shaver Neighbourhood Secondary Plan – Land Use Plan.

An Amendment to Schedule “E-1” in the UHOP and the Shaver Neighbourhood Secondary Plan is required to redesignate a portion of the subject lands from “Open Space” to “Neighbourhoods” on Schedule E-1 within Volume 1 the UHOP and from “Medium Density Residential 2a”, Site Specific Policy – Area B and “Natural Open Space” to the “Low Density Residential 3a” designation in Volume 2 (Secondary Plans) of the UHOP.

The proposed amendment to the Shaver Neighbourhood Secondary Plan is to redesignate a portion of the subject lands from “Open Space” to

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“Neighbourhoods” within Volume 1 of the Urban Hamilton Official Plan can be supported as the applicants have submitted the necessary studies and staff are satisfied that the Core Areas will be protected, which will include a 15 m Vegetation Protection Zone. A Restoration Plan, Invasive Species Management Plan and a Transplant Plan will also be required at the Site Plan Approval stage.

The proposed amendment to delete Site Specific Policy – Area B in its entirety, redesignating a portion of the subject lands from “Medium Density Residential 2a” to “Low Density Residential 3a” and redesignating a portion of the subject lands from “Natural Open Space” to “Low Density Residential 3a” can be supported. The existing neighbourhood is comprised of open space to the north and west and two and a half storey and three storey townhouses to the east. The proposed two and a half storey townhouse dwellings and three storey maisonette dwellings will be of a size and scale that is compatible with the existing scale of development in the area, and appropriate setbacks from the existing residential developments and natural heritage features have been incorporated into the design, which include a 15 m Vegetation Protection Zone. Adequate servicing is available from Garner Road West with a second proposed watermain feed from Vansickle Street; transportation capacity is also available to meet the needs of the proposed development. In addition, there are no anticipated shadowing, overlook, noise, lighting, and traffic issues. The height of the development will be similar to that of surrounding development and will maintain setbacks and building separations that will respect the streetscape pattern of the area. In addition, parking is within the interior of the property, off of the private condominium road and a block of townhouses will be parallel to Garner Road West. Also, the proposed development will include landscaping within the site and along the street edge.

The proposed use of townhouses and maisonette units on a condominium road contributes to a compact urban form, contributes to a variety of housing types, as well as a complete community. The development is located on a large parcel of land that is set back from Garner Road West and therefore, respects the existing character of the neighbourhood, as well as provides an appropriate scale and location for the proposed development.

The proposed residential density of 44 units per net hectare allows for the establishment of townhouse dwellings that are of a size and scale that will allow the lots to function with an appropriate sized dwelling, along with sufficient space to provide parking and amenity area for each dwelling unit.

The Low Density Residential 3a designation permits a maximum density of 50 dwelling units per gross / net residential hectare; the subject proposal has a density of 44 units per hectare and complies with the Low Density Residential 3a

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density requirements. A large portion of the property is currently designated Medium Density Residential 2a within the Shaver Neighbourhood Secondary Plan, which permits low rise apartment buildings of a density of not more than 62 dwelling units per gross / net residential hectare.

The subject proposal is to re-designate the subject property to the Low Density Residential 3a designation in order to permit the development of 40 back to back townhouse dwelling units and 78 townhouse dwellings for a maximum of 118 units. The subject proposal is within the permitted density range and the amendment is required to permit additional housing forms with the proposed townhouse and back to back units. Staff note that this is in keeping with provincial policies and there are no adverse impacts regarding traffic, parking and servicing. In addition, sufficient Natural Open Space will be maintained. The proposed amendment is in keeping with the policies of the Urban Hamilton Official Plan and Shaver Neighbourhood Secondary Plan to provide a diversity of housing opportunities that are suitable for different segments of the population in order to make the best use of urban lands, especially along a major arterial road.

As mentioned, the existing subdivision developed to the east (Marshall Estates) was approved by the City in March, 2003 (Report PD03088) and included a Draft Plan of Subdivision condition for Vansickle Street, requiring that the Owner provide a temporary turn-around with a barricade, signs and a 0.30 m reserve to the City. Due to the grade difference of 3 m (9.8 ft), the applicants determined that it would not be feasible to continue Vansickle Street through the proposed development, as it would result in a large slope throughout the site and would also require a re-evaluation of the stormwater management strategy for the site that could have impacts on the natural open space features to the west. After discussions with City staff, the applicants have proposed a ramp pedestrian walkway, in accordance with AODA requirements, connecting the two developments in keeping with orderly development and also ensures integration and connectivity without impacting traffic and the natural heritage feature. In addition, connections with 339 Garner Road West will be introduced when that property develops. Finally, at City staff's request, the applicants have informed the property owners on Vansickle Street regarding the proposed ramp pedestrian walkway with a letter, dated April 18, 2019, and at the time of preparation of this Report, have received consent from 3, 4, 6, 7, 12, 13, 15, 17 and 18 Vansickle Street regarding the proposed connection in that the pedestrian connection will provide for access to the interior of the Shaver Neighbourhood without having pedestrians having to travel along Garner Road West.

With respect to overlook issues, existing dwellings having side yards facing the rear yards of some of the proposed dwellings, are separated by a setback of

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6.5 m and will also provide privacy screening, thereby, limiting any overlook concerns.

The proposed development complies with the UHOP under the policies established in the Shaver Neighbourhood Secondary Plan, however, due to the built form, an Amendment will be required to allow for the proposed development. Based on the foregoing, staff support the proposed Amendments.

3. Zoning By-law Amendments

The applicant has requested a change in zoning to the former Ancaster Zoning By-law No. 87-57 from the Agricultural (Holding) “H-A-496” Zone, Modified, Agricultural “A-216” Zone, Modified and Rural Industrial “M5-262” Zone, Modified to a site specific Residential Multiple “RM4” Zone. The Zoning By-law Amendment also proposes to incorporate the stormwater management pond, the vegetation protection zone and the remaining conservation lands into Zoning By-law No. 05-200.

The Agricultural (Holding) “H-A-496” Holding provision is for the following:

- (i) The determination of adequate setback limits have been established for the protection of the wetlands and watercourses and stormwater management has been approved, to the satisfaction of the Grand River Conservation Authority, as it applies only to the use of the elementary school; and,
- (ii) That the owner / applicant shall carryout an archaeological assessment of the entire development property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found all to the satisfaction of the City of Hamilton’s Planning and Development Department and the Ministry of Culture.

The subject proposal does not include an elementary school, however, as mentioned previously in this report the GRCA provided comments on the Environmental Impact Statement (EIS), as well as stormwater, requiring the stormwater management plan include infiltration to predevelopment levels. A Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation (Ontario Regulation 150 / 06) Permit from the GRCA prior to development is required. GRCA staff are satisfied that their concerns have been addressed and therefore, the Holding provision is no longer required.

As previously mentioned, a Stage 1 - 2 archaeological report P383-0021-2013 and P383-0055-2013 has been submitted to the City of Hamilton and Ministry of

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Tourism, Culture and Sport. City staff have reviewed the report and have received the Ministry letter of concurrence, confirming the City's opinion that the pre-contact material located in findspot No. 1 does not exhibit sufficient cultural heritage value to warrant further stages of study. As such, staff can confirm that the City's interest in the site's archaeological potential has been satisfied. Therefore, this Holding provision is no longer required and will not be applied to the amending Zoning By-law.

The Amendment to Zoning By-law No. 05-200 can be supported by staff as proper mitigation measures will be applied to protect the natural open space. The Amendment to Zoning By-law No. 87-57 can be supported, as the proposed built form contributes to a complete community through a compact urban design with an additional housing type and form for the area, while located on an existing transit route. In addition, the Amendment complies with the UHOP density range, urban design provisions, as well as archaeological and noise requirements.

Staff's analysis and recommendation on the requested site-specific modifications to the Residential Multiple "RM4" Zone and the Conservation / Hazard Land (P5) Zone is provided in Appendix "E" to Report PED19104.

4. Development Engineering staff have reviewed the subject applications and indicate that a secondary 200 mm watermain feed is proposed off of Vansickle Street to fulfill the City's requirement of two watermain feeds when 100 lots or more are proposed. In addition, the hydro overhead wires at the site entrance appear to be at a low height and may negatively impact the site and construction. The Owner must coordinate with Hydro One if relocation of hydro is required. Development Engineering staff also indicate that a right-of-way widening dedication to the City of Hamilton would be required as a condition of future Site Plan Approval. The widening shall be across the frontage of the subject property on Garner Road West in order to achieve a right-of-way width of 18.288 m from the original centreline of this roadway in accordance with Schedule "C-2" of the Urban Hamilton Official Plan. The construction of the sidewalk along Garner Road West will also be required.

The applicants proposed full move access will be permitted, however, a Joint Use Agreement for vehicular and pedestrian access with the owner of 339 Garner Road West will be required when that property develops. Warning clauses will be required advising the future owners that one access has been provided with over 100 units and therefore, they may expect traffic delays. Additional warning clauses will be required regarding the ramp pedestrian connection to Vansickle Street, as well as the adjacent pumping station at the Site Plan Approval stage.

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It is further noted that there are existing municipal services on Garner Road West and the adjacent Vansickle Street that the applicant will connect to and that the applicant shall pay the applicable urbanization costs on Garner Road West. All roadway and municipal infrastructure improvements for Garner Road West and / or Vansickle Street as a result of this development will be fully at the expense of the Owner / Applicant. This includes, but is not limited to, the Garner Road West widening to accommodate an eastbound left-turn lane; modifications to pavement surface and road structure; pavement markings, municipal sidewalk on Vansickle Street, etc. The required municipal road works will necessitate an External Works Agreement through Engineering Approvals, Planning & Economic Development.

Development engineering is satisfied with the Official Plan and Zoning By-Law Amendment applications. However, the following requirements shall be addressed at the Site Plan Approval stage:

- Updated Functional Servicing Report (FSR);
 - Updated Grading and Servicing Plans;
 - Hydraulic Analysis;
 - Storm Drainage Area Plan;
 - Wastewater Generation Assessment;
 - External Works Agreement for the watermain extension within the municipal right-of-way on Vansickle Street and turn lane extensions within Garner Road West;
 - Urbanization Fees; and,
 - Right-of-way widening fronting the subject property on Garner Road West.
5. Concerns raised by area residents were an increase in traffic, insufficient visitor parking, density, environmental impacts and compatibility with the future development of 339 Garner Road West.

Parking

A concern was raised with respect to the lack of parking for the proposed uses on the property. Staff note that the applicant's original proposal had 20 visitor parking spaces, which was insufficient. The required visitor parking based on the parent by-law provisions in the former Town of Ancaster Zoning By-law No. 87-57 is 78 parking spaces. After further discussions with City staff, the applicants are now providing 31 visitor parking spaces. This provides a parking ratio of 0.26 of which staff are supportive as it is in keeping with an accepted typical standard visitor parking rate of 0.25 spaces per unit applied in many new developments.

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The subject property is also serviced by public transit. There are HSR bus routes immediately to the east at Garner Road West and Panabaker Drive offering alternatives to vehicular use.

Traffic

A concern was raised with respect to the amount of traffic being generated as a result of the subject proposal. In support of the proposed development, the applicants submitted a Transportation Impact Study & Parking Study, prepared by Paradigm Transportation Solutions Limited, dated August, 2017, which concludes that the intersections of Garner Road West and Panabaker Drive, as well as Garner Road West and Hamilton Drive are operating within acceptable levels of service (LOS B or better) and well within capacity during both the weekday AM and PM peak hours, with the exception of the weekday PM peak hour at Garner Road West and Hamilton Drive, for the southbound approach only. The proposed development will be subject to Site Plan Control, where development details will be reviewed in greater detail for a required eastbound left turn lane at the proposed driveway connection, as well as construct a driveway access to Garner Road West that includes an interim full-moves access which can be converted to the ultimate right-in/right-out only access. Staff are satisfied that there are no further concerns.

Density

Concerns were raised regarding the amount of density proposed on the subject property. A large portion of the property is currently designated Medium Density Residential 2a within the Shaver Neighbourhood Secondary Plan, which permits low rise apartment buildings and a density of not more than 62 dwelling units per gross / net residential hectare. The subject proposal is to re-designate the subject property to the Low Density Residential 3a designation, which permits a lower density of 40 – 62 dwelling units per gross / net residential hectare, than the Medium Density Residential 2a designation. Staff note that the proposal is in keeping with provincial policies and there are no adverse impacts regarding traffic, parking, overlook and servicing. Therefore, staff are satisfied that the density concerns have been addressed.

Environmental Impacts

A concern was submitted regarding environmental impacts as caused by the proposed development. As mentioned in this report, the applicant submitted an Environmental Impact Statement in support of the proposed development. Staff reviewed the submitted materials and determined that there are no negative

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impacts and that appropriate mitigation measures will be implemented through the Site Plan Control process.

Future Development of 339 Garner Road West

A concern was raised by the owners of 339 Garner Road West through their planning agent respecting the future development of 339 Garner Road West and the proposed development, including access and overflow parking.

As discussed, the proposed development will operate independently, however, will require a joint use agreement for pedestrian and vehicular access with the owners of 339 Garner Road West, once that property develops.

ALTERNATIVES FOR CONSIDERATION

Should the proposed Official Plan and Zoning By-law Amendment applications be denied, the property could be utilized in accordance with the Agricultural (Holding) “H-A-496” Zone, Modified, Agricultural “A-216” Zone, Modified and Rural Industrial “M5-262” Zone, Modified.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement & Participation

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

Economic Prosperity and Growth

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

Healthy and Safe Communities

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

Clean and Green

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

Built Environment and Infrastructure

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

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Culture and Diversity

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

Our People and Performance

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

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” – Location Map

Appendix “B” – Urban Hamilton Official Plan Amendment

Appendix “C” – Zoning By-law No. 87-57 Amendment

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

Appendix “E” – Zoning By-law Amendment Assessment

Appendix “F” – Proposed Concept Plan

Appendix “G” – Public Submissions

GZ:mo

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● Site Location



Key Map - Ward 12

N.T.S.

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-17-058 & UHOPA-17-25

Date:
April 30, 2019

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
GZ/NB

Subject Property

305 and 311 Garner Road West

Block 1 - Change in zoning from Agricultural (Holding) "H-A-496" Zone, Modified, Agricultural "A-216" Zone, Modified and Rural Industrial "M5-262" Zone, Modified to Residential Multiple "RM4-700" Zone, Modified

Block 2 - Change in zoning from the Agricultural "A-216" Zone, Modified and Rural Industrial "M5-262" Zone, Modified to Residential Multiple "RM4-701" Zone, Modified

Block 3 - Change in zoning from the Agricultural (Holding) "H-A-496" Zone, Modified to Residential Multiple "RM4-702" Zone, Modified

Block 4 - Change in zoning from the Agricultural (Holding) "H-A-496" Zone, Modified and Rural Industrial "M5-262" Zone, Modified to Residential Multiple "RM4-703" Zone, Modified

Block 5 - Change in zoning from the Agricultural (Holding) "H-A-496" Zone, Modified to Residential Multiple "RM4-704" Zone, Modified

Lands to be added to Zoning By-law No. 05-200

Schedule "1"

**DRAFT Urban Hamilton Official Plan
Amendment No. XX**

The following text, together with:

Appendix "A" Volume 1, Schedule E-1 – Urban Land Use Designations
Appendix "B" Volume 2, Map B.2.2-1 – Shaver Neighbourhood Secondary
Plan – Land Use Plan

attached hereto, constitutes Official Plan Amendment No. XX to the Urban Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose and effect of this Amendment is to amend the land use designations within the Urban Hamilton Official Plan and the Shaver Neighbourhood Secondary Plan to permit the development of a maximum of one hundred and eighteen (118) Townhouse and Maisonette Dwellings on the subject lands.

2.0 Location:

The lands affected by this Amendment are known municipally as 305 and 311 Garner Road West, in the former Town of Ancaster.

3.0 Basis:

The basis for permitting this Amendment is:

- The proposed Amendment is in keeping with the policies of the Urban Hamilton Official Plan and Shaver Neighbourhood Secondary Plan to provide a diversity of housing opportunities that are suitable for different segments of the population to make the best use of urban lands, especially along a major arterial road.
- The proposed development is considered to be consistent with, and complimentary to, the planned and existing development in the immediate area.
- The proposed Amendment is consistent with the Provincial Policy Statement, 2014 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2019.

4.0 Actual Changes:

4.1 Volume 1 – Parent Plan

4.1.1 Schedule

That Volume 1, Schedule E-1 – Urban Land Use Designations be amended by redesignating the subject lands from "Open Space" to the "Neighbourhoods" designation, as shown on Appendix "A" attached to this Amendment.

4.2 Volume 2 – Secondary Plans

4.2.1 Text

- a. That Volume 2, Chapter B.2.0 – Ancaster Secondary Plans, Section B.2.2 – Shaver Neighbourhood Secondary Plan be amended by deleting Policy B.2.2.5.2 in its entirety.

4.2.2 Map

- a. That Volume 2, Map B.2.2-1 – Shaver Neighbourhood Secondary Plan – Land Use Plan be amended by:
 - i) deleting Site Specific Policy – Area B in its entirety;
 - ii) redesignating a portion of the subject lands from "Medium Density Residential 2a" to "Low Density Residential 3a"; and,
 - iii) redesignating a portion of the subject lands from "Natural Open Space" to "Low Density Residential 3a",

as shown on Appendix "A", attached to this Amendment.

5.0 Implementation:

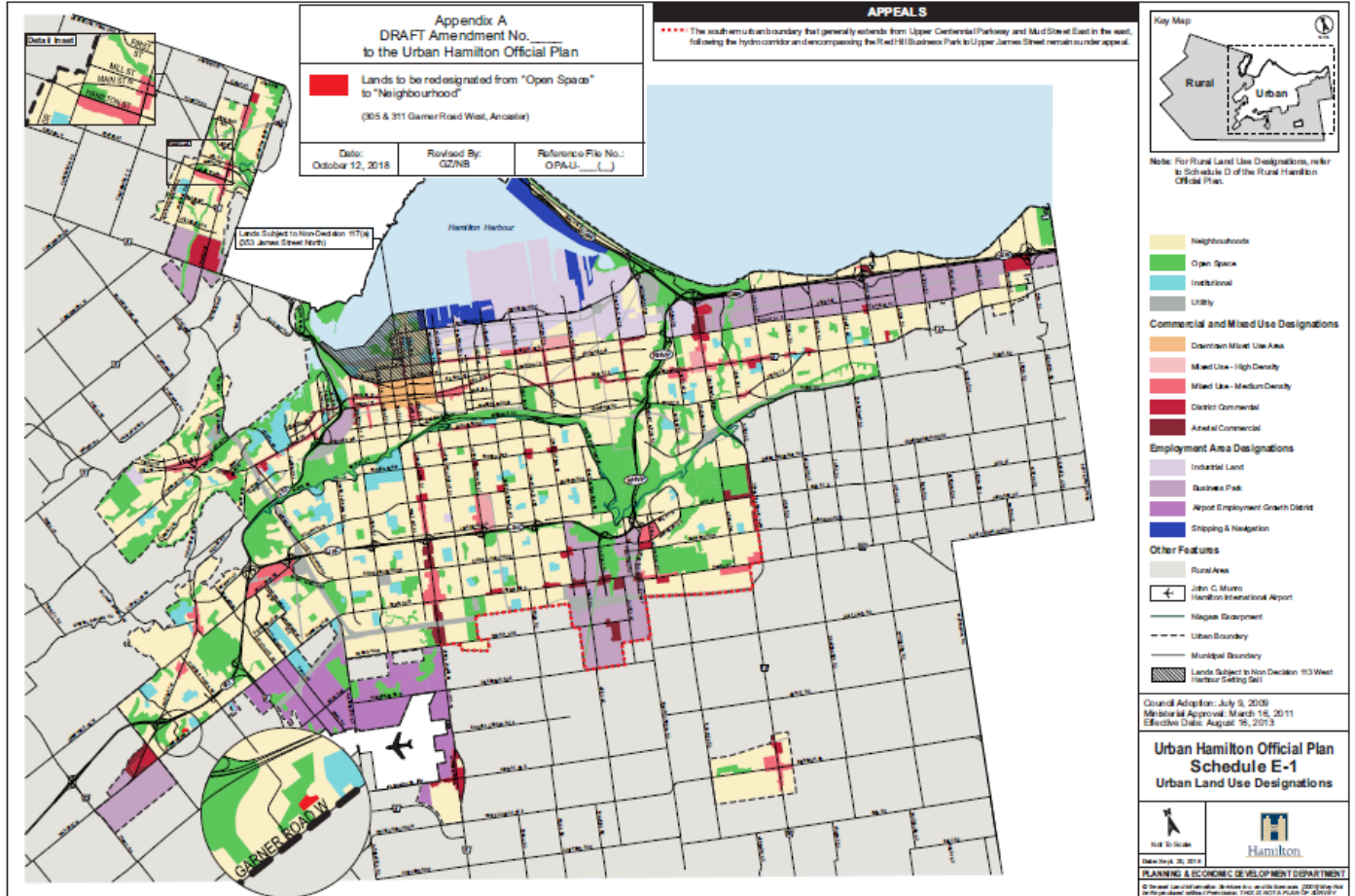
An implementing Zoning By-Law Amendment and Site Plan will give effect to the intended uses on the subject lands.

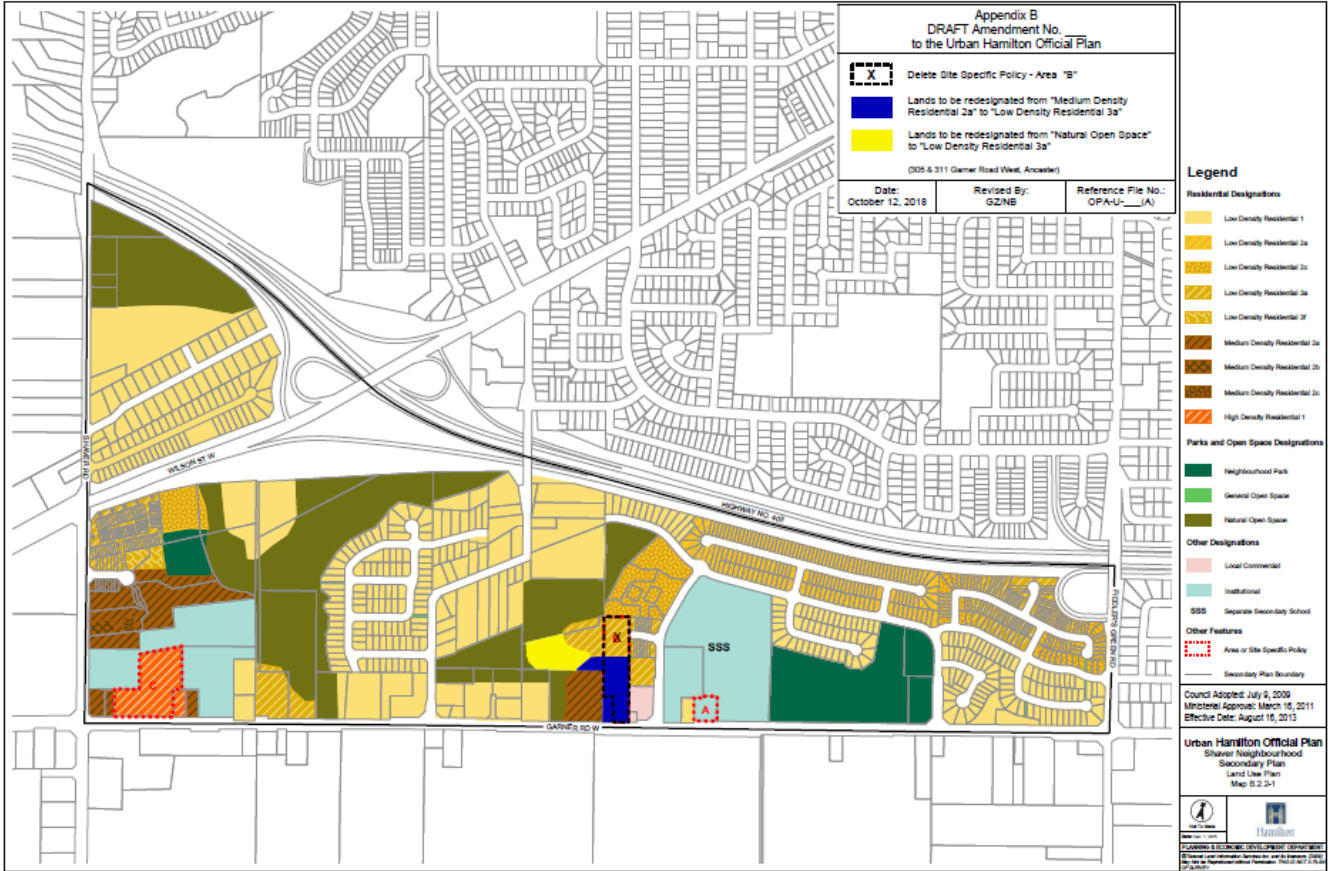
This Official Plan Amendment is Schedule "1" to By-law No. _____ passed on the _____th day of ____, 2019.

**The
City of Hamilton**

F. Eisenberger
MAYOR

J. Pilon
ACTING CITY CLERK





Authority: Item XX, Planning Committee

Report 19-XXX

CM: XXXX

Ward: 12

Bill No. XXX

CITY OF HAMILTON

BY-LAW NO. 19-XXX

To Amend Zoning By-law No. 87-57

Respecting Lands Located at 305 and 311 Garner Road West (Ancaster)

WHEREAS the *City of Hamilton Act, 1999*, Statutes of Ontario, 1999 Chap. 14, Sch. C. did incorporate, as of January 1, 2001, the municipality "City of Hamilton";

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

AND WHEREAS the *City of Hamilton Act, 1999* provides that the Zoning By-laws 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. 87-57 (Ancaster) was enacted on the 22nd day of June, 1987, and approved by the Ontario Municipal Board on the 23rd day of January, 1989;

AND WHEREAS the Council of the City of Hamilton, in adopting Section _____ of Report 19-_____ of the Planning Committee at its meeting held on the 18th day of June 2019, recommended that Zoning By-law No. 87-57 (Ancaster), be amended as hereinafter provided; and,

AND WHEREAS this By-law will be in conformity with the Urban Hamilton Official Plan upon adoption of UHOPA No. _____;

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

1. That Map No. 1-B to Schedule "B", appended to and forming part of By-law No. 87-57 (Ancaster) is amended by changing the zoning from the Agricultural (Holding) "H-A-496" Zone, Modified, Agricultural "A-216" Zone, Modified and Rural Industrial "M5-262" Zone, Modified to the Residential Multiple "RM4-700" Zone, Modified (Block 1); from the Agricultural "A-216" Zone, Modified and Rural Industrial "M5-262" Zone, Modified to the Residential Multiple "RM4-701" Zone, Modified (Block 2); from the Agricultural (Holding) "H-A-496" Zone, Modified to

To Amend Zoning By-law No. 87-57
Respecting Lands Located at 305 and 311 Garner Road West (Ancaster)

the Residential Multiple "RM4-702" Zone, Modified (Block 3); from the Agricultural (Holding) "H-A-496" Zone, Modified and Rural Industrial "M5-262" Zone, Modified to the Residential Multiple "RM4-703" Zone, Modified (Block 4) and from the Agricultural (Holding) "H-A-496" Zone, Modified to the Residential Multiple "RM4-704" Zone, Modified (Block 5) on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. The Section 34: Exceptions, to Zoning By-law No. 87-57 (Ancaster), as amended, is hereby further amended by adding the following Sub-sections:

"RM4 – 700" (Block 1)

That notwithstanding the provisions of Section 7.11, 7.14 (a)(xii), (b), 17.1, 17.2 (b), (f), (g), (h), (i), (k), (m), (n) and (p) the following special provisions shall apply to the lands zoned "H-RM4-700":

PERMITTED USES

- (a) Street Townhouse and Multi-plex dwellings and uses, buildings and structures accessory thereto shall also be permitted.

REGULATIONS

- | | | |
|-----|-----------------------------|--|
| (a) | Maximum Density: | 44 dwelling units per hectare. |
| (b) | Minimum Front Yard: | 3.9 metres to the front façade from Garner Road West. |
| (c) | Minimum Easterly Side Yard: | 2.0 metres. |
| (d) | Maximum Height: | 14 metres. |
| (e) | Minimum Landscaping: | 20 % |
| (f) | Minimum Privacy Area: | 9 square metres per unit. |
| (g) | Parking: | <ul style="list-style-type: none"> i. For each block townhouse and multi-plex dwelling there shall be a minimum of 2 parking spaces one of which must be contained within an attached garage, plus 0.26 visitor parking spaces. ii. A parallel parking space shall have minimum width of 2.5 |

To Amend Zoning By-law No. 87-57
Respecting Lands Located at 305 and 311 Garner Road West (Ancaster)

metres and a minimum length of
6.5 metres.

(h) Children's Play Area: A curbed children's outside play area that is a minimum of 800 square metres shall be provided and maintained on site.

(i) Building Separation: Any townhouse building shall be no closer to another townhouse building on the same lot in accordance with the following distance requirements:

	Front Façade	Rear Wall	End Wall
Front Façade	18.0 m	18.0 m	14.0 m
Rear Wall	18.0 m	0 m (multi- plex units) 15.0 m (Block townhouse units)	7.0 m
End Wall	14.0 m	7.0 m	2.7 m

(j) For the purpose of this By-law, the lot line abutting Garner Road West, shall be deemed to be the front lot line. The easterly side lot line shall be the lot line with the dimension of 252.90 metres in length and the westerly side lot line shall be the lot line with the dimension of 124.530 metres in length. All of the remaining lot lines are rear lot lines and have the following dimensions: 197.17 metres; 60.0 metres; 190.44 metres; 22.0 metres and 73.17 metres (northerly lot boundary).

(k) For the purpose of this By-law, the boundary of the Residential Multiple "RM4-700" Zone shall be deemed to be one lot the lot lines and the regulations of the "RM4-700" Zone shall be from the external boundaries of this zone, and not from the individual property boundaries of the dwelling units created by registration of a draft plan of subdivision / condominium plan or created by Part Lot Control.

To Amend Zoning By-law No. 87-57
Respecting Lands Located at 305 and 311 Garner Road West (Ancaster)

"RM4-701" (Block 2)

REGULATIONS

That notwithstanding the provisions of Sections 9.3(a), 17.2 (g) and (j), and in addition to the regulations of the "RM4-700" Zone, the following special provisions shall apply to the lands zoned "RM4-701":

- (a) Minimum setback for a central air conditioning unit, window air conditioning unit or heat pump from the front lot line: 1.5 metres.
- (b) Minimum Westerly Side Yard: 12.0 metres.
- (c) Minimum Easterly Side Yard: 2.0 metres.
- (d) Planting Strip: A planting strip shall be provided between an internal road and a side lot line with a minimum width of 2 metres.

"RM4-702" (Block 3)

REGULATIONS

That notwithstanding the provisions of Section 17.2 (g) and in addition to the regulations of the "RM4-700" Zone, the following special provisions shall apply to the lands zoned "RM4-702":

- (a) Minimum Rear Yard: 4 metres.

"RM4-703" (Block 4)

REGULATIONS

That notwithstanding the provisions of Section 17.2 (g) and in addition to the regulations of the "RM4-700" Zone, the following special provisions shall apply to the lands zoned "RM4-703":

- (a) Minimum Rear Yard: 1.5 metres.

"RM4-704" (Block 5)

To Amend Zoning By-law No. 87-57
Respecting Lands Located at 305 and 311 Garner Road West (Ancaster)

REGULATIONS

That notwithstanding the provisions of Sections 7.20, 17.2 (g) and in addition to the regulations of the "RM4-700" Zone, the following special provisions shall apply to the lands zoned "RM4-704":

- (a) Minimum Rear Yard: 1.3 metres.
3. That no building or structure shall be erected, altered, extended, or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the Residential Multiple "RM4" Zone provisions, subject to the special requirements referred to in Section 2 of this By-law.
4. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law in accordance with the *Planning Act*.

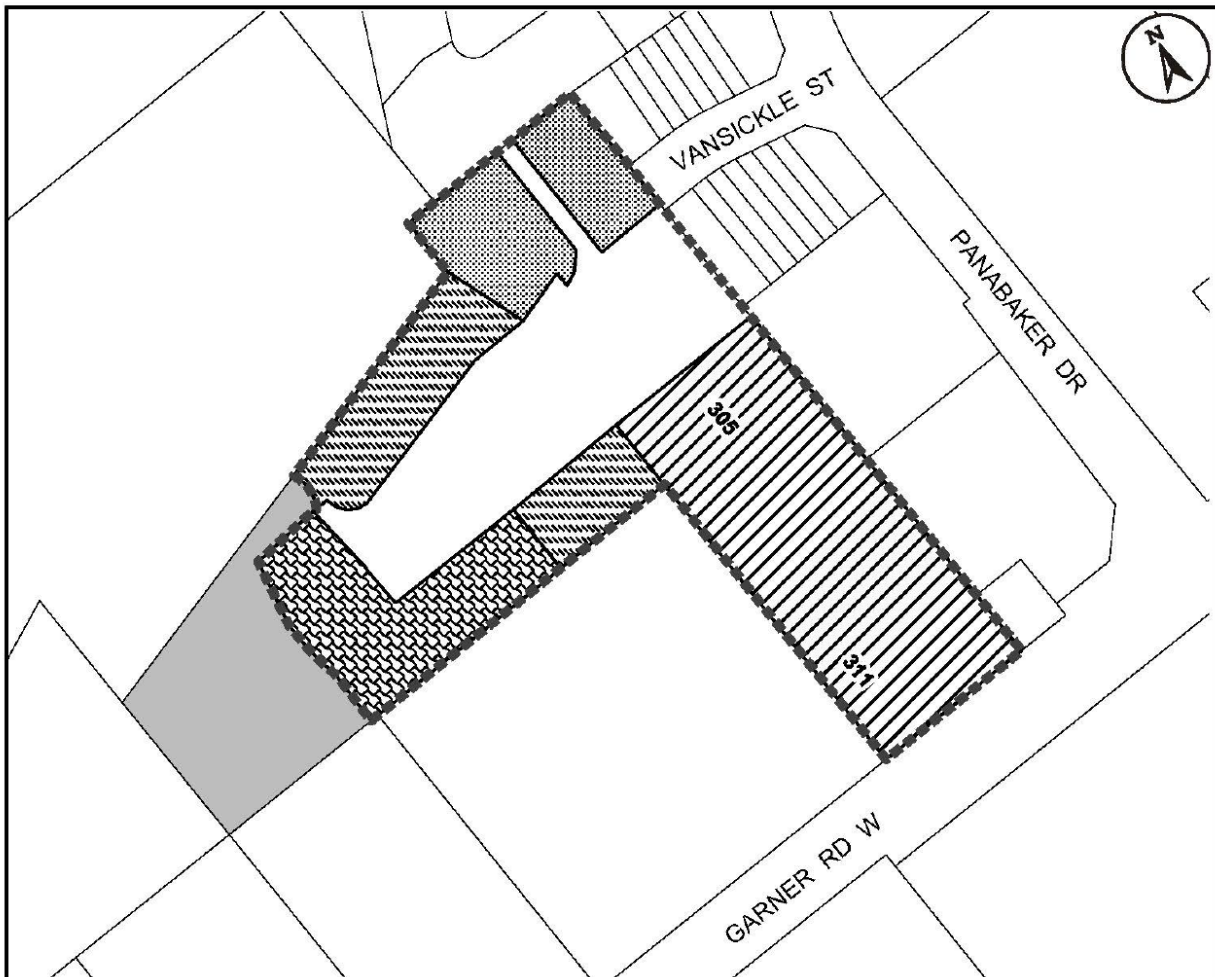
PASSED this ____ day of _____, 2019.

Fred Eisenberger
Mayor

Janet Pilon
Acting City Clerk

UHOPA-17-025
ZAC-17-058


To Amend Zoning By-law No. 87-57
 Respecting Lands Located at 305 and 311 Garner Road West (Ancaster)



This is Schedule "A" to By-law No. 19-
 Passed the day of, 2019

 Mayor

 Clerk

<h2>Schedule "A"</h2> <p>Map Forming Part of By-law No. 19-_____</p> <p>to Amend By-law No. 87-57</p>		<p>Subject Property 305 and 311 Garner Road West</p> <ul style="list-style-type: none"> Block 1 - Change in zoning from Agricultural (Holding) "H-A-496" Zone, Modified, Agricultural "A-216" Zone, Modified and Rural Industrial "M5-262" Zone, Modified to Residential Multiple "RM4-700" Zone, Modified Block 2 - Change in zoning from the Agricultural "A-216" Zone, Modified and Rural Industrial "M5-262" Zone, Modified to Residential Multiple "RM4-701" Zone, Modified Block 3 - Change in zoning from the Agricultural (Holding) "H-A-496" Zone, Modified to Residential Multiple "RM4-702" Zone, Modified Block 4 - Change in zoning from the Agricultural (Holding) "H-A-496" Zone, Modified and Rural Industrial "M5-262" Zone, Modified to Residential Multiple "RM4-703" Zone, Modified Block 5 - Change in zoning from the Agricultural (Holding) "H-A-496" Zone, Modified to Residential Multiple "RM4-704" Zone, Modified Lands to be added to Zoning By-law No. 05-200
<p>Scale: N.T.S.</p>	<p>File Name/Number: ZAC-17-058 & UHOPA-17-25</p>	
<p>Date: April 30, 2019</p>	<p>Planner/Technician: GZ/NB</p>	
 Hamilton		
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

To Amend Zoning By-law No. 87-57
Respecting Lands Located at 305 and 311 Garner Road West (Ancaster)

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

Is this by-law derived from the approval of a Committee Report? No

Committee: Chair and Members Report No.: PED19104 Date: 06/18/2019

Ward(s) or City Wide: Ward: 12 (MM/DD/YYYY)

Prepared by: George T. Zajac Phone No: 905-546-2424, ext. 3933

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

Authority:**Ward:** 12**Bill No.****CITY OF HAMILTON****BY-LAW NO. _____****A by-law to amend Zoning By-law No. 05-200 respecting lands located at 305 and 311 Garner Road West (Ancaster)**

WHEREAS Council approved Item _____ of Report _____ of the Planning Committee, at its meeting held on June 18th, 2019;

AND WHEREAS this By-law conforms to the Urban Hamilton Official Plan upon adoption of UHOPA No. _____;

NOW THEREFORE Council enacts as follows:

1. That Map Nos. 1385 and 1436 of Schedule "A" – Zoning Maps, of Zoning By-law No. 05-200, be amended as follows:
 - a. by adding to the City of Hamilton Zoning By-law No. 05-200, the lands the extent and boundaries of which are shown as Schedule "A" to this By-law; and,
 - b. by establishing a Conservation / Hazard Land (P5, 719) Zone, to the lands the extent and boundaries of which are shown as Schedule "A" to this By-law.
2. That Schedule "C" – Special Exceptions, of By-law No. 05-200 is hereby amended by adding an additional exception as follows:

"719 Within the lands zoned Conservation / Hazard Land (P5) Zone, identified on Map Nos. 1385 and 1436 of Schedule "A" – Zoning Maps and described as 305 and 311 Garner Road West, the following special provision shall apply:

 - a) Notwithstanding Subsection 4.23 d), all buildings or structures located on a property shall be setback a minimum of 0.0 metres from a P5, P7 and P8 Zone Boundary.

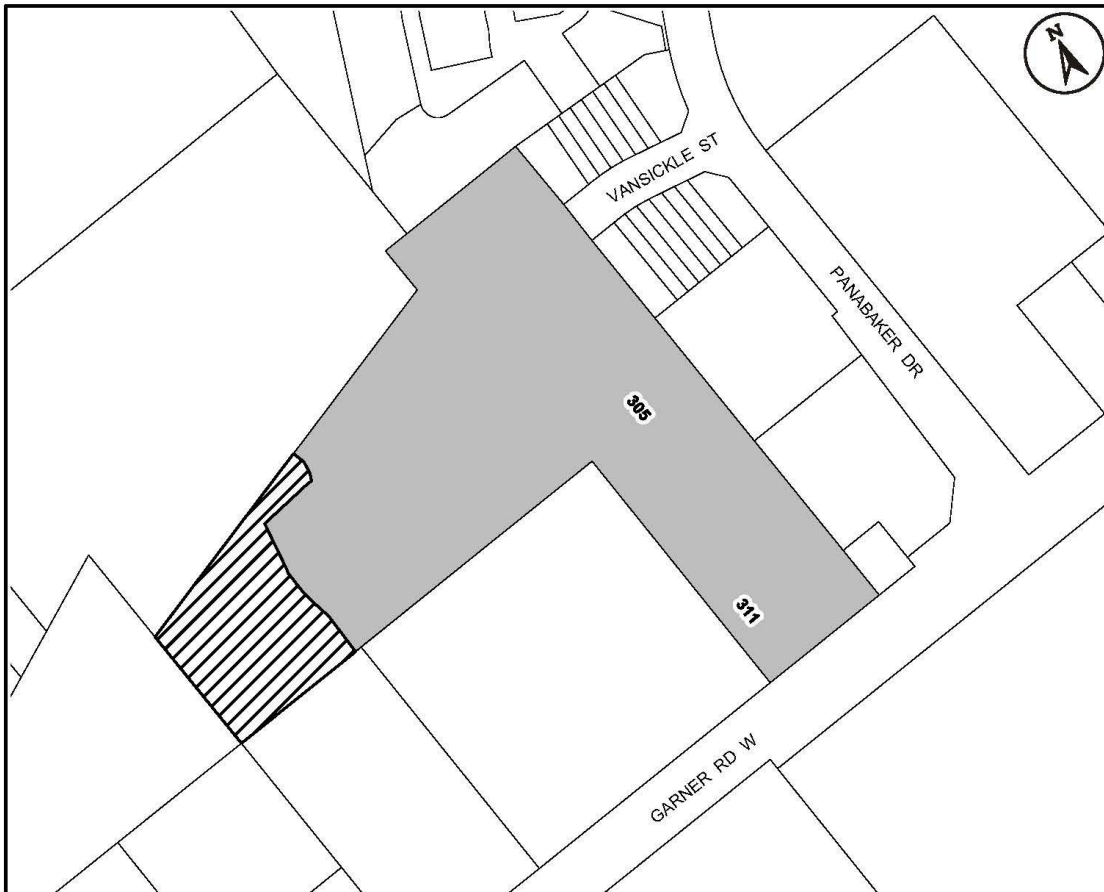
3. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.

PASSED AND ENACTED this _____ day of July, 2019.

F. Eisenberger
MAYOR

J. Pilon
Acting City Clerk

UHOPA-17-025
ZAC-16-058



This is Schedule "A" to By-law No. 19- Passed the day of, 2019	----- Mayor ----- Clerk
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<h2 style="margin: 0;">Schedule "A"</h2> <p style="margin: 10px 0 0 0;">Map Forming Part of By-law No. 19-_____</p> <p style="margin: 10px 0 0 0;">to Amend By-law No. 05-200 Maps 1385 & 1436</p>		<p>Subject Property 305 and 311 Garner Road West</p> <p> Change in zoning from Agricultural (Holding) "H-A-496" Zone to Conservation / Hazard Land (P5, 719) Zone</p> <p> Refer to By-law No. 87-57</p>
Scale: N.T.S.	File Name/Number: ZAC-17-058 & UHOPA-17-25	<p>Hamilton</p>
Date: February 11, 2019	Planner/Technician: GZ/NB	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

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

Is this by-law derived from the approval of a Committee Report? No

Committee: Chair and Members Report No.: PED19104 Date: 06/18/2019

Ward(s) or City Wide: Ward: 12 (MM/DD/YYYY)

Prepared by: George T. Zajac

Phone No: 905-546-2424, ext. 3933

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

**To Amend Zoning By-law No. 87-57 and No. 05-200
Respecting Lands Located at 305 & 311 Garner Road West (Ancaster)**

By-law Modifications – Block 1

By-law Provisions	Required 87-57 Zoning Requirements	Proposed (RM4) Zoning Requirements	
Permitted Uses	Block townhouse dwellings and uses, buildings and structures accessory thereto	Street Townhouses and Multi-plex dwellings	The addition of street townhouses and multi-plex dwellings contributes to a complete community through a compact urban design with an additional housing type and form for the area, while located on an arterial road and existing transit route, as set out in the UHOP's "Neighbourhood" designation and further supported by the "Low Density Residential 3a" designation within the Shaver Neighbourhood Secondary Plan. For the purpose of the Zoning By-law, a maisonette dwelling is considered to be a multiplex dwelling. Therefore, staff can support the proposed modification.
Maximum Density	30 dwelling units per hectare plus an additional 5 dwelling units per hectare where all parking spaces (excluding required visitor parking) are provided under landscaped grounds or inside a building, plus 2 additional dwelling units per hectare where the lot abuts lands zoned Public Open Space "O2" which lands are not less than 2 hectares in area, to a maximum density of 37 dwelling units per hectare	44 dwelling units per hectare	A large portion of the subject property is currently designated Medium Density Residential 2a, which permits a density of not more than 62 dwelling units per gross / net residential hectare, whereas the Low Density Residential 3a permits a maximum of 50 dwelling units per gross / net residential hectare. In addition, the core feature will be protected and there is adequate servicing and transportation capacity. Therefore, staff support the subject modification.

**To Amend Zoning By-law No. 87-57 and No. 05-200
Respecting Lands Located at 305 & 311 Garner Road West (Ancaster)**

By-law Provisions	Required 87-57 Zoning Requirements	Proposed (RM4) Zoning Requirements	
Minimum front, side and rear yards	<p>Front Yard: 7.5 metres where the façade with a primary entrance faces the street or 10.5 metres, plus any applicable distance as specified in Schedule "C"</p> <p>Side Yard: 7.5 metres</p>	<p>Minimum Front Yard: 3.9 metres to the front façade from Garner Road West</p> <p>Easterly Side Yard: 2.0 metres</p>	<p>The proposed front yard setback will provide a consistent streetscape and complies with the UHOP policies as it will contribute to a comfortable pedestrian environment.</p> <p>The proposed side yard will maintain adequate separation and buffers between the proposed use and existing residential developments and natural heritage features and will be landscaped to provide an appropriate interface.</p> <p>Therefore, staff support the proposed modifications.</p>
Maximum permitted height	10.5 metres	14 metres	<p>The additional 3.5 metres is due to the proposed peaked roofs of the subject development. The peaked roofs will not contain any habitable area or windows, and therefore, no overlook issues will arise. Therefore, staff support the proposed modification.</p>
Minimum landscaping	45 percent of the lot area (including required privacy areas)	20 percent	<p>The subject proposal will contain a landscaped SWM pond and natural vegetated areas. While these areas contribute to the open space character, they do not get included in the percentage as they will be zoned P5. Staff can support the overall reduction as the overall open space is being provided. In addition, a common amenity area in a children's play area is being provided.</p>

**To Amend Zoning By-law No. 87-57 and No. 05-200
Respecting Lands Located at 305 & 311 Garner Road West (Ancaster)**

By-law Provisions	Required 87-57 Zoning Requirements	Proposed (RM4) Zoning Requirements	
Minimum Privacy Area	35.0 square metres per unit	9 square metres per unit	Private amenity areas will be provided by way of balconies (for street and multi-plex townhouses) and rear yards (for block townhouses). The reduction can be supported as a centralized privacy children's play area of 800 square metres is also being provided.
Parking	<p>Street Townhouse: 2 spaces per unit</p> <p>Block Townhouse: 2 spaces per unit plus 0.66 visitor parking spaces</p> <p>Minimum width for a parallel parking space is 2.6 metres and a minimum length of 5.5 metres</p>	<p>All Units: 2 spaces per unit plus 0.26 visitor parking spaces per unit</p> <p>Minimum dimensions of 2.5 metres by 6.5 metres</p>	<p>After further discussions with City staff, the applicants are now providing 31 visitor parking spaces. This provides a parking ratio of 0.26, which is more in keeping with a typical standard accepted rate of 0.25. Staff also note that the subject property is serviced by public transit. There are HSR bus routes immediately to the east at Garner Road West and Panabaker Drive. Individual driveways to the dwellings can also be utilized for visitors to the subject development. As such, staff are of the opinion that adequate visitor parking spaces are being provided for the subject proposal.</p> <p>A variance of only 0.1 metres is required for the minimum width of a parallel parking space. This impacts 4 parking spaces. Staff are opinion that this is minor in nature and can be supported.</p>

**To Amend Zoning By-law No. 87-57 and No. 05-200
Respecting Lands Located at 305 & 311 Garner Road West (Ancaster)**

By-law Provisions	Required 87-57 Zoning Requirements	Proposed (RM4) Zoning Requirements	
Children's Play Area	A curbed or fenced children's outside play area that is a minimum of 7 square metres per dwelling unit shall be provided and maintained (117 x 7 = 819 square metres)	Minimum of 800 square metres curbed area without fencing	Due to the compact urban design, a minor reduction is proposed. In addition, staff required that the play area not be fenced to provide a more flexible area and for safety and accessibility. Therefore, the proposed modification can be supported.
Building Separation	<p>Front Façade to Front Façade – 18.0 metres</p> <p>Front Façade to Rear Wall – 19.5 metres</p> <p>Front Façade to End Wall – 15.0 metres</p> <p>Rear Wall to Rear Wall – 15.0 metres</p> <p>Rear Wall to End Wall – 10.5 metres</p> <p>End Wall to End Wall – 3.0 metres</p>	<p>Front Façade to Front Façade – 18.0 metres</p> <p>Front Façade to Rear Wall – 18.0 metres</p> <p>Front Façade to End Wall – 14.0 metres</p> <p>Rear Wall to Rear Wall – 0 metres (multi-plex dwelling units), 15.0 m (all other townhouse units)</p> <p>Rear Wall to End Wall – 7.0 metres</p> <p>End Wall to End Wall – 2.7 metres</p>	The subject lands are irregular in shape, therefore, minor reductions are required and can be supported as they will not impact the proposed development with respect to privacy or amenity areas.

**To Amend Zoning By-law No. 87-57 and No. 05-200
Respecting Lands Located at 305 & 311 Garner Road West (Ancaster)**

By-law Provisions	Required 87-57 Zoning Requirements	Proposed (RM4) Zoning Requirements	
<p align="center">Lot Lines</p>	<p><u>Lot Line, Front</u> - means the lot line that divides the lot from the street; or in the case of a corner lot, the shorter street line; or if a corner lot has a partially curved street line, the front lot line shall be the shortest street line determined by the bisection of the curve, and the remaining portion of the street line shall be a side lot line, however if a corner lot has a continuously curved street line, the street line shall be the front lot line; or if a corner lot or through lot has two street lines of equal length, the owner of such lot may designate either street line as the front lot line, subject to reserve requirements.</p> <p><u>Lot Line, Side</u> - means a lot line which meets the front lot line.</p> <p><u>Lot Line, Rear</u> - means the lot line opposite the front lot line, or in the case of an irregular lot, the lot line or lot lines remaining after the determination of the side lot lines and on a lot with only three boundaries, there will be no rear lot line.</p>	<p>For the purpose of this By-law, the lot line abutting Garner Road West, shall be deemed to be the front lot line. The easterly side lot line shall be the lot line with the dimension of 252.90 metres in length and the westerly side lot line shall be the lot line with the dimension of 124.530 metres in length. All of the remaining lot lines are rear lot lines and have the following dimensions: 197.17 metres; 60.0 metres; 190.44 metres; 22.0 metres and 73.17 metres (northerly lot boundary).</p>	<p>Due to the irregular configuration of the subject property, staff can support the proposed modification.</p>

**To Amend Zoning By-law No. 87-57 and No. 05-200
Respecting Lands Located at 305 & 311 Garner Road West (Ancaster)**

By-law Provisions	Required 87-57 Zoning Requirements	Proposed (RM4) Zoning Requirements	
<p align="center">Lot Lines</p>	<p><u>Lot Line, Front</u> - means the lot line that divides the lot from the street; or in the case of a corner lot, the shorter street line; or if a corner lot has a partially curved street line, the front lot line shall be the shortest street line determined by the bisection of the curve, and the remaining portion of the street line shall be a side lot line, however if a corner lot has a continuously curved street line, the street line shall be the front lot line; or if a corner lot or through lot has two street lines of equal length, the owner of such lot may designate either street line as the front lot line, subject to reserve requirements.</p> <p><u>Lot Line, Side</u> - means a lot line which meets the front lot line.</p> <p><u>Lot Line, Rear</u> - means the lot line opposite the front lot line, or in the case of an irregular lot, the lot line or lot lines remaining after the determination of the side lot lines and on a lot with only three boundaries, there will be no rear lot line.</p>	<p>For the purpose of this By-law, the boundary of the Residential Multiple “RM4-700” Zone shall be deemed to be the lot lines and the regulations of the “RM4-700” Zone shall be from boundaries of this zone, and not from the individual property boundaries of the dwelling units created by registration of a draft plan of subdivision / condominium plan or created by Part Lot Control.</p>	<p>Due to the irregular shape of the subject property and the proposed condominium tenure of the development, staff can support the proposed modification.</p>

**To Amend Zoning By-law No. 87-57 and No. 05-200
Respecting Lands Located at 305 & 311 Garner Road West (Ancaster)**

By-law Modifications – Block 2

By-law Provisions	Required 87-57 Zoning Requirements	Proposed (RM4) Zoning Requirements	
Minimum setback for a central air condition unit, window air conditioning unit or heat pump from the front lot line	5 metres	1.5 metres	The proposed set back will still maintain adequate separation from the front lot line with respect to an air condition unit and no adjacent residential uses are impacted. Therefore, staff support the proposed modification.
Minimum front, side and rear yards	Front Yard: 7.5 metres where the façade with a primary entrance faces the street or 10.5 metres, plus any applicable distance as specified in Schedule "C" Side Yard: 7.5 metres	Westerly Side Yard: 12.0 metres Easterly Side Yard: 2.0 metres	The proposed side yards will maintain adequate separation and buffers between the proposed use and existing residential developments and natural heritage features. Therefore, staff support the proposed modification.
Required Planting Strip	A planting strip of a minimum of 3.0 metres in width along the lot lines shall be provided	2.0 metres along the side lot lines where there is a driveway	The proposed development will have 2.0 metre planting strips where there is a driveway along the east and west lot lines. In addition to the 2.0 metre planting strips and fencing, the applicants are also proposing to include plantings at 21 Panabaker Drive along the common lot line which will provide further buffering and will be secured through an agreement between the two property owners. Therefore, staff support the proposed modification.

**To Amend Zoning By-law No. 87-57 and No. 05-200
Respecting Lands Located at 305 & 311 Garner Road West (Ancaster)**

By-law Modifications – Block 3

By-law Provisions	Required 87-57 Zoning Requirements	Proposed (RM4) Zoning Requirements	
Minimum front, side and rear yards	<p>Front Yard: 7.5 metres where the façade with a primary entrance faces the street or 10.5 metres, plus any applicable distance as specified in Schedule “C”</p> <p>Side Yard: 7.5 metres</p> <p>Rear Yard: 7.5 metres</p>	Minimum Rear Yard: 4 metres	<p>Due to the lots irregular configuration, site specific rear yards are required, however, adequate amenity areas will be maintained, as all block townhouses in the proposed development will have rear yard depth of approximately 6.5 metres and would only apply to Unit 81 as it relates to the P5 Zone boundary line. Therefore, staff support the proposed modification.</p>

By-law Modifications – Block 4

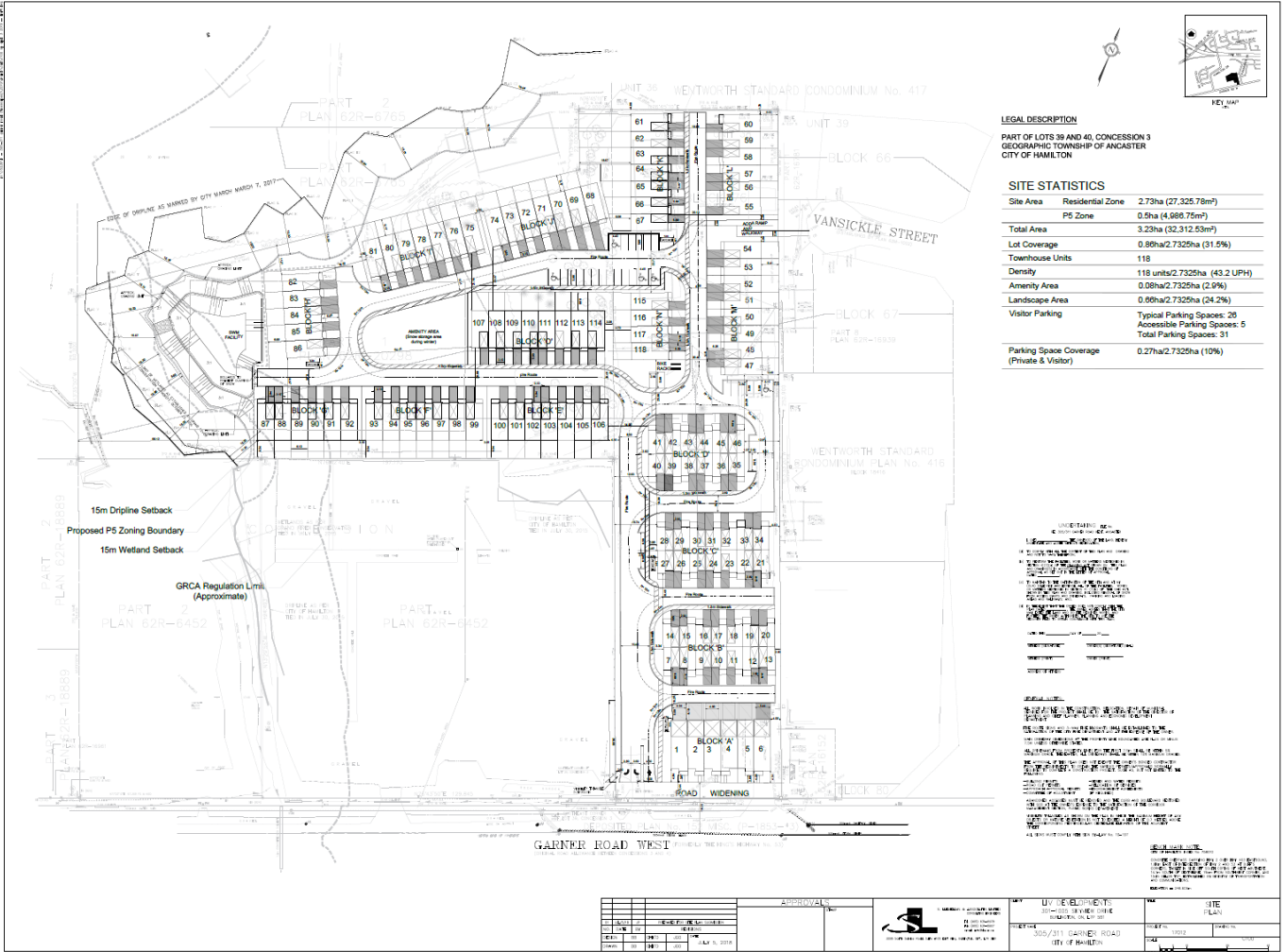
By-law Provisions	Required 87-57 Zoning Requirements	Proposed (RM4) Zoning Requirements	
Minimum front, side and rear yards	<p>Front Yard: 7.5 metres where the front façade with a primary entrance faces the street or 10.5 metres, plus any applicable distance as specified in Schedule “C”</p> <p>Side Yard: 7.5 metres</p> <p>Rear Yard: 7.5 metres</p>	Minimum Rear Yard: 1.5 metres	<p>Due to the lots irregular configuration, site specific rear yards are required, however, adequate amenity areas will be maintained, as all block townhouses in the proposed development will have rear yard depth of approximately 6.5 metres and would only apply to Units 61 and 62 as the side yard is a rear yard. Therefore, staff can support the proposed modification.</p>

**To Amend Zoning By-law No. 87-57 and No. 05-200
Respecting Lands Located at 305 & 311 Garner Road West (Ancaster)**

By-law Modifications – Block 5

By-law Provisions	Required 05-200 Zoning Requirements	Proposed (RM4) Zoning Requirements	
Minimum front, side and rear yards	<p>Front Yard: 7.5 metres where the façade with a primary entrance faces the street or 10.5 metres, plus any applicable distance as specified in Schedule "C"</p> <p>Side Yard: 7.5 metres</p> <p>Rear Yard: 7.5 metres</p>	Minimum Rear Yard: 1.3 metres	<p>Due to the lots irregular configuration, site specific rear yards are required, however, adequate amenity areas will be maintained, as all block townhouses in the proposed development will have rear yard depth of approximately 6.5 metres and would only apply to Unit 87 as it relates to the P5 Zone boundary line. Therefore, staff can support the proposed modification.</p>
By-law Provisions	Required 05-200 Zoning Requirements	Proposed P5 Zoning Requirements	
Special Setbacks	<p>All buildings or structures located on a property shall be setback a minimum of 7.5 metres from a P5, P7 and P8 Zone boundary</p>	0 metres	<p>Mitigation measures identified within the EIS and EIS Addendum will be taken into consideration as part of the Site Plan Approval process, including a Restoration Plan, Lighting Plan, Fencing, Stewardship Interpretative Signage and an Invasive Species Management Plan. In addition, no active recreation uses are proposed within the open space lands. Therefore, staff are supportive of this modification.</p>

Appendix "F" to Report PED19104



LEGAL DESCRIPTION
 PART OF LOTS 39 AND 40 CONCESSION 3
 GEOGRAPHIC TOWNSHIP OF ANCASTER
 CITY OF HAMILTON

SITE STATISTICS

Site Area	Residential Zone	2.73ha (27,325.78m ²)
Total Area	P5 Zone	0.5ha (4,965.75m ²)
		3.23ha (32,312.03m ²)
Lot Coverage		0.89ha/2.7325ha (31.5%)
Townhouse Units		118
Density		118 units/2.7325ha (43.2 UPH)
Amenity Area		0.08ha/2.7325ha (2.9%)
Landscape Area		0.66ha/2.7325ha (24.2%)
Visitor Parking	Typical Parking Spaces: 26	Accessible Parking Spaces: 5
	Total Parking Spaces: 31	
Parking Space Coverage (Private & Visitor)		0.27ha/2.7325ha (10%)

NOTES:

1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
2. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF HAMILTON AND THE PROVINCE OF ONTARIO.
3. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF HAMILTON AND THE PROVINCE OF ONTARIO.
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9. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF HAMILTON AND THE PROVINCE OF ONTARIO.
10. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF HAMILTON AND THE PROVINCE OF ONTARIO.

DATE: 14 JULY 2019	PROJECT: 355/311 GARNIER ROAD CITY OF HAMILTON	BY: DEB	DATE: 14 JULY 2019
APPROVALS:	DESIGNER:	CHECKER:	DATE:
APPROVED:	DATE:	DATE:	DATE:

September 12, 2017

George T. Zajac
City of Hamilton
Planning and Economic Development Department
Development Planning, Heritage and Design
71 Main Street West, 5th Floor
Hamilton, Ontario
L8P 4Y5

RECEIVED

SEP 20 2017

Re.: Files: UHOPA-17-25/ ZAC-17-058

Dear Mr. Zajac

We would like to express our great concern regarding the upcoming townhouse development proposed by LIV Developments Ltd.

Below are the main points we would like to address to the City of Hamilton Staff that needs to be considered while approving the proposed construction project:

1. The proposed plan presents the overdevelopment of the site (too dense) it does not harmoniously fit into the design of the existing town house complexes;
2. There are not enough amenities, such as parks (green areas). Play grounds, sports infrastructures, on the Concept Plan that does make the new development the healthy and attractive place to live;
3. The small children and babies that live in our complex, especially those who reside in the corner units, will be affected by noise and dust from this construction project;
4. The beautiful green space and the soccer field that are located in front of our complex will be destroyed as a result of this project.

When reviewing the proposed plan, we would like to ask the City Staff to follow the Provincial Policy Statement (PPS), 2014 and uphold interests of the Panabaker Dr. 39 residents as well as protect the natural resources located on the site.

Sincerely,



Appendix “G” to Report PED19104
Page 2 of 8

Re:UHOPA-25/ZAC-17-058

George T. Zajac, City of Hamilton
Planning and Economic Development Dept.
Development Planning, Heritage and Design Team
George.Zajac@hamilton.ca

The receipt of the neighbourhood notice regarding the application to re-designate subject lands on Garner Road West, compels several comments. This letter is not completely opposed to the plan, however, certain aspects should be carefully considered.

The land in question is one of very few remaining, rapidly diminishing greenspaces in Ancaster on the fringe of the Shaver Secondary Plan and bordering a small protected wetland, once a part of the great Carolinian wetland-prairie-forest ecosystem. The substantial losses of significant natural and cultural areas have completely transformed the character of this area. In a very short time the loss of heritage farm houses, arable farm land, old growth trees and green spaces north of Garner Road from Glanaster to Shaver Road has been breath-taking in scope and has considerably reduced whatever ecological services the areas had provided, such as: carbon sequestration, shading and evaporative cooling, watershed protection, moderating of extreme weather, air filtration, erosion and flooding control, pollinator support and viable habitat linkages. Despite apparent approvals from the various city departments (Planning, Heritage, Environment, Cultural... etc.), the municipality should be cognizant of what is being irrevocably lost. Considering that Ancaster lies near the Niagara Biosphere/Greenbelt in an area containing remnants of surviving Carolinian species diversity (flora and fauna), one would think more caution would be exercised in planning and implementing ‘intensification.’ City councillors and planners are invited to drive out here and see first-hand this astonishing whirlwind loss of greenspace and proliferation of hardscape. Recently wooded and agricultural areas have been utterly eliminated, replaced by enormous, generic residential blocks and commercial strips in vast swathes of brick, mortar and paving, paving, paving... entirely transformed in the last few years.

There is a much bigger issue at stake here that some conscientious, influential municipal or provincial authority should address and act upon.

Observed only in the last couple of years, huge tracts of viable, arable farm land, woodlots, wetlands and water ways have been destroyed or buried. Current signage along Garner peddles hundreds of hectares of farmland and greenspace available for industrial, business and residential purposes. Remarkably, nature endures in minute micro habitats. As an example, Meadowlands development initiated significant draining and filling of local wetlands, yet, until recently, scraps of rare, unspoiled wetland habitat persisted along Garner’s increasingly busy transportation corridor. This was indicated by the proliferation of native plant species flourishing in roadside ditches, such as: Broad-leaved cattail (*Typha* spp), Blue Vernal (*Verberna hastata*), Arrowhead (*Sagittaria* spp), Boneset (*Eupatorium perfoliatum*) and Joe Pyeweed (*Eupatorium maculatum*) and, remarkably, the conspicuous absence of invasive *Phragmites*. In 2016 even these small fragments started to disappear, very few remain. Overzealous intensification policy will at some point create ecological stresses that will be too much for natural systems to bear and by the time the consequences are recognized it will be too late and it will be everyone’s loss. The benefits of intensification are theoretically intended to contain urban expansion and reduce pressure on farmland and natural areas. The Places to Grow Act advises... “development of vacant, underutilized lots (brown spaces) within previously developed areas, growth made in ways to promote a *healthy environment and culture of conservation; and not cause unacceptable negative impact*”. This is not observed along Garner Road.

Although the subject lands in question were once a wetland- drained for a soccer field- the site lies perilously close to a small creek that flows to the Grand River. The concept plan shows the GRCA has established ‘limit of wetlands’, but what is not acknowledged is the existence and mobility of diverse species oblivious to these artificial boundaries. Planning to situate 117 cheek-by-jowl townhomes on 325 Hectares (7.98 acres) substantially encroaches on diminishing habitat effecting species health. Habitat fragments become too small for sustainable populations, a process of amending chipping away that is so prevalent in southern Ontario.

What species are threatened by the ‘subject lands’ amendments, in this little oasis of habitat? Maybe investors, stake holders and politicians really don’t care, but in this small woodland north and west of the planned development... let it be documented that: Red Tailed hawks reliably nested, Coopers and Sharp Shinned hawks frequented and great horned owls have been heard

calling every late winter, early spring. Virginia Rails have foraged along the creek bed and over 45 species of songbirds frequent the area. Commonly observed priority land bird species, include: Willow Flycatcher, Rose-Breasted Grosbeak and Baltimore Oriole. Minimizing any disturbance to breeding populations, and their habitat is an issue to be addressed. Many mammals are in relatively permanent residence, including: deer, fox, ground hog, raccoon, possum and skunk- even beaver and mink have made a rare appearance. Until recently there was an active turtle crossing on Garner Road from Panabaker to Shaver, where numbers of Snapping and Painted turtles were dependably seen every spring. Over the years after unrelenting, seasonal road kill and dwindling sightings we believe the last, large breeding snapper was killed this summer (2017), this would indicate an actual extinction of a local population... as if it needs stating- this is an "unacceptable negative impact". However, several species of amphibian and reptile presently inhabit the area, including robust populations of: Spring Peepers, Gray Tree, Green, Wood and Leopard frogs, American toad (Frog Watch assessment record calling codes largely 2 & 3); also found, Milk, Garter, Ring-necked and de Kay's Brown snakes and an- as yet- unidentified species of salamander. The fireflies, wild turkeys, fox and fawns that once frequented this local woodland are diminishing, and for the first time, Eastern Brown bats have not been witnessed this summer... perhaps as a result of the removal of great numbers of mature trees and snags... bats are not 'pests' but beneficial to ecological equilibrium and a part of the natural food web. For the first time the red tailed hawks have not returned this year (2017) following the building of the Tandl homes on the hill west of this current proposed development. In addition, an actual logging truck packed with mature trees was removed from the site of a large estate home currently being built on Hamilton Drive (also west of the subject lands) where countless indigenous understory wild flowers, including: *trifolium* (spp.), Jack-in-the-pulpit (*arsaema triphyllum*) gay wings (fringed polygala), bloodroot (*sanguinaria canadensis*), bugbane (*actaea racemosa*), *anemone* (spp.), and wild ginger (*asarum canadense*), were bull-dozed in 2016. Presumably and tragically all applications were approved and there are no adequate protections in place for trees or for shrinking populations of native wildflowers. Just because something is legal doesn't make it moral or ethical. Clearly, these constructions have deleterious effects on biodiversity. Combined with these builds and other similar projects promoted (ironically advertising 'ravine/wooded/natural sites' that will be ruined in development process) west of Hamilton Drive, this planned development (305 & 311 Garner Road West) contributes immensely to the pressures on this land area... a death by a thousand cuts.

The Impact of LIV Developments', large-scale concept plan footprint of the proposed 'new community' produces vast quantities of impermeable surface with obvious ramifications. (The LIV name, itself, a perverse irony given the Innumerable Lives that will be negatively affected). These housing tracts create hectares of impermeable surface, causing harmful run off, contaminating watersheds and increasing incidents of flooding and erosion- particularly in this rare, presumably protected, small wetland pocket- increasingly surrounded by a massive footprint of aggressive hardscaping. In addition, construction permanently degrades top soil, the valuable upper inches of biodiverse microbes destroyed... effectively terminating the beginnings of complex food webs. Additionally, non-native invasive plant species quickly establish (*phragmites*) on disturbed land. These increasingly fractured natural green spaces create isolated habitat islands unfavourable to functioning ecological viability.

Quotes from Hamilton's Plan and Vision Statement include, "*maintain existing and establish new functional ecological linkages*"... perhaps, this could be an opportunity. In fact, *if done well*, a sensitive plan for this area's growth could conceivably offer more ecological benefits than the existing soccer field. Expanded green space and buffers (reduce quantity of townhomes), possibly installation of some permeable driveways/paths and extensive planting of native species, especially around the proposed pond and surrounds, could alleviate some environmental stress and serve to welcome wild species into new territory. This is a unique setting in a rapidly urbanized area that provides valuable habitat, as well as, the previously listed ecological services. If only builders, investors and stakeholders could "*cultivate a pride and respect for the natural land*", as espoused in the Vision Statement, and use a sparing and lighter hand in construction with attention to environmental welfare. Obviously, there would be impacts on profit but it would be of immeasurable worth and benefit to all the living things that call it home... including humans!

Homo sapiens have never been very good sharing resources with other living organisms. Perhaps Hamilton could demonstrate its "*promotion of healthy environments and culture of conservation*" by enforcing some real control over expanding sprawl and supporting development that actually is "*compatible with scale and character of existing neighbourhoods*." Rather than approving all the applications of minor and major variances, etc., that fly in the face of existing by-laws, policies could actually be enforced to enhance the community rather than diminish it.

It could be argued, 'it's only a few hectares' ... but in this region it's more accurate to say 'a few hectares to the 'nth', and this particular concept plan encroaches on and threatens an existing, relatively healthy natural habitat supporting many diverse species. It is not NIMBY-ism to want to protect shrinking natural spaces- for the benefit of all (recall "ecological services" cited in second paragraph). Our increasingly rare, natural and cultural heritage spaces should be admired and protected against these cumulative urban pressures. It is an anthropocentric and grave mistake to eliminate what little remains of our fractured and unique Carolinian Forest Zone. In a seemingly land-rich, expansive province like Ontario it is all too easy to hastily develop human interests while vaguely assuming that "there's adequate land left" somewhere else- while most of this 'extra land' is northern and boreal forest. It is clear that the 'intensity of intensification' is unequivocally, irreversibly devastating to diminishing natural lands and the city should acknowledge and act on this reality.

[REDACTED]

Zajac, George

From: [REDACTED]
Sent: September-13-17 9:07 PM
To: Zajac, George
Cc: Rybensky, Yvette
Subject: Re: Files UHOPA-17-25/ZAC-17-058

Dear George,

We received a letter from the city dated Aug 22, 2017 informing us of the city Zoning and By-law amendments that are proposed to take place in our area of Ancaster for lands located at 305 & 311 Garner Road West. I am a resident of 99 Panabaker Dr.

I am writing you to express my desire to be notified of all decisions in this matter.

I was also hoping for some clarification to the Amendment paragraph of page one of the letter for the ZAC-17-058 section. In this paragraph it mentions "Modified and Private Open Space "O2" Zone as under Zoning By-law 87-57". What does this mean? There is no expression of what is changing in this sentence that I can understand. This is close to or beside the storm water pond area I'm assuming is P1, but the picture is cut off. As a resident, this green space area is beautiful and we were under them impression it could not be touched or destroyed. I would like to understand what the intention is for O2 as it does not appear to be a part of the new residential area.

Appreciate any clarification you could bring to the subject.

Thanks,

[REDACTED]

[REDACTED]

[REDACTED]

Sent: September-18-17 4:51 PM
To: Zajac, George
Cc: Ferguson, Lloyd
Subject: Still more construction in Ancaster?

Dear Mr. Zajac,

I have before me the memorandum/notice/ of 22 August 2017 that I received from your office, indicating the plan to build some 117 townhouse units along Garner Road.

Since Ancaster is already so tragically overcrowded with automobiles that passage along Highway 2 is difficult almost all mornings - and often throughout the day - , I am appalled by this plan. As a resident living in Ancaster for 42 years, while teaching at McMaster University, I have seen this once fine place eroded in the last five years or so by the extensive building of residences that have brought overcrowding and increased pollution to this Ancaster part of greater Hamilton. Ancaster can still be saved by a cessation of the massive building programs that threaten it and will destroy it.

Is it the case that Mr. Lloyd Ferguson, the hitherto experienced Councillor for Ancaster on the Hamilton City Council, could possibly be in support of this sadly misplaced plan? We have been informed that he is proud to be a "lifelong Ancaster resident".

What construction firms intend to build these townhouses?

Please reconsider this planned and destructive building program.

Sincerely,



Doherty Planning and Design
2150 Duncaster Drive,
Burlington, ON, L7P 4N4

September 19, 2017

George T. Zajac
Development Planning, Heritage and Design Team
City of Hamilton Planning and Economic Development Department
Hamilton City Hall
5th floor - 71 Main St. West
Hamilton, Ontario L8P 4Y5

**RE: #305/311 Garner Road West (Ancaster), UHOPA-17-25, ZAC-17-058
Liv Developments**

Mr. Zajac,

I am the agent for the owner of #339 Garner Road West, Malatesta Brothers Construction. We have reviewed the proposed development plan as circulated on August 22, 2017.

We have some concerns with the project as proposed, including compatibility issues caused by the UHOPA, the low number of visitor parking spaces, and the access to the site.

The subject lands wrap around our lands. The Secondary Plan designation Medium Density 2a, (apartment buildings), extends over our lands and into the subject lands. The UHOP amendment will change the designation of lands abutting our northern and eastern property lines to Low Density Residential (Townhouses).

The interface between Medium Density and Low Density is sensitive, and has specific design requirements and constraints. The UHOP has specific design policies to minimize the impacts shadowing, overlook, lighting and other nuisances. If the City approves a change to Low Density for these lands then it will be imposing new design restrictions for our lands. This is exacerbated by the reasonable expectation, given the geometry of the subject lands, that rear yard privacy space will run along our northern property line.

We are opposed to an amendment that would the leave development of 339 Garner Road handcuffed in this way. The owners of #339 Garner however are open an amendment that includes their lands. Simply speaking, the owners of #339 will support an amendment that would permit them to develop the northern part of their lands with similar low-density forms, to match up rear yard privacy areas with those on the subject lands. This would make the meeting of UHOP urban design guidelines far easier.

Secondly, the provision of visitor parking spaces within the concept plan greatly concerns us. The plan has 20 spaces for 117 units, or a rate of 0.17 per dwelling. There is and will not be street parking along Garner Road West, and the concept plan blocks its connection

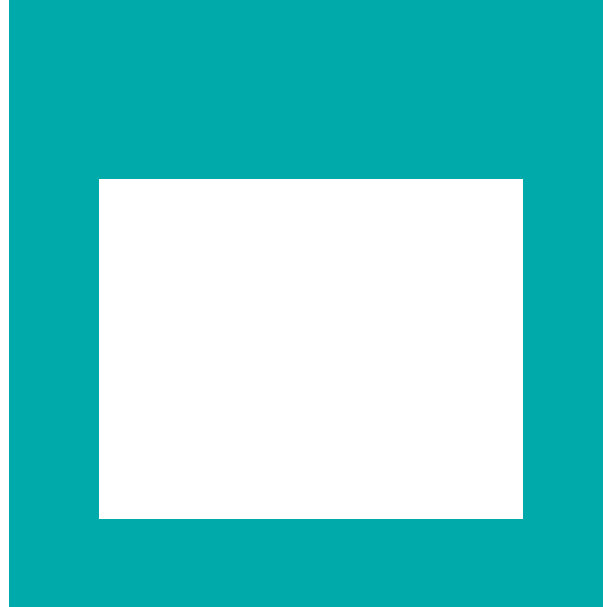
to Van Sickle Street and Panabaker Drive. This means our site, when developed as per the Secondary Plan, would become closest available parking and the default overflow parking for the project. We oppose a parking standard that will put a burden on our lands.

Lastly, we are concerned with the preliminary design for the access to the development. The access driveway appears to be narrower than the City standard pavement width of 7.5 metres and lacking a landscape strip. The plan does not show a normal entrance geometry with curved curbs to allow standard truck movements. A typical entrance could require crossing onto our lands to properly join a widened Garner Road. We oppose zoning provisions that would permit a sub-standard entrance and may compromise vehicular and pedestrian safety. We urge the proponent to re-examine using Vansickle Street as an access, as it provides both a more controlled vehicular flow through the neighbourhood and more amenable pedestrian/cycling route to Panabaker, the school, and the general area.

We are generally supportive of the development of the subject lands. We are happy to meet to discuss our concerns in greater detail with either the City or the proponent.

Sincerely,

Liam Doherty
Doherty Planning and Design



WELCOME TO THE CITY OF HAMILTON

PLANNING COMMITTEE

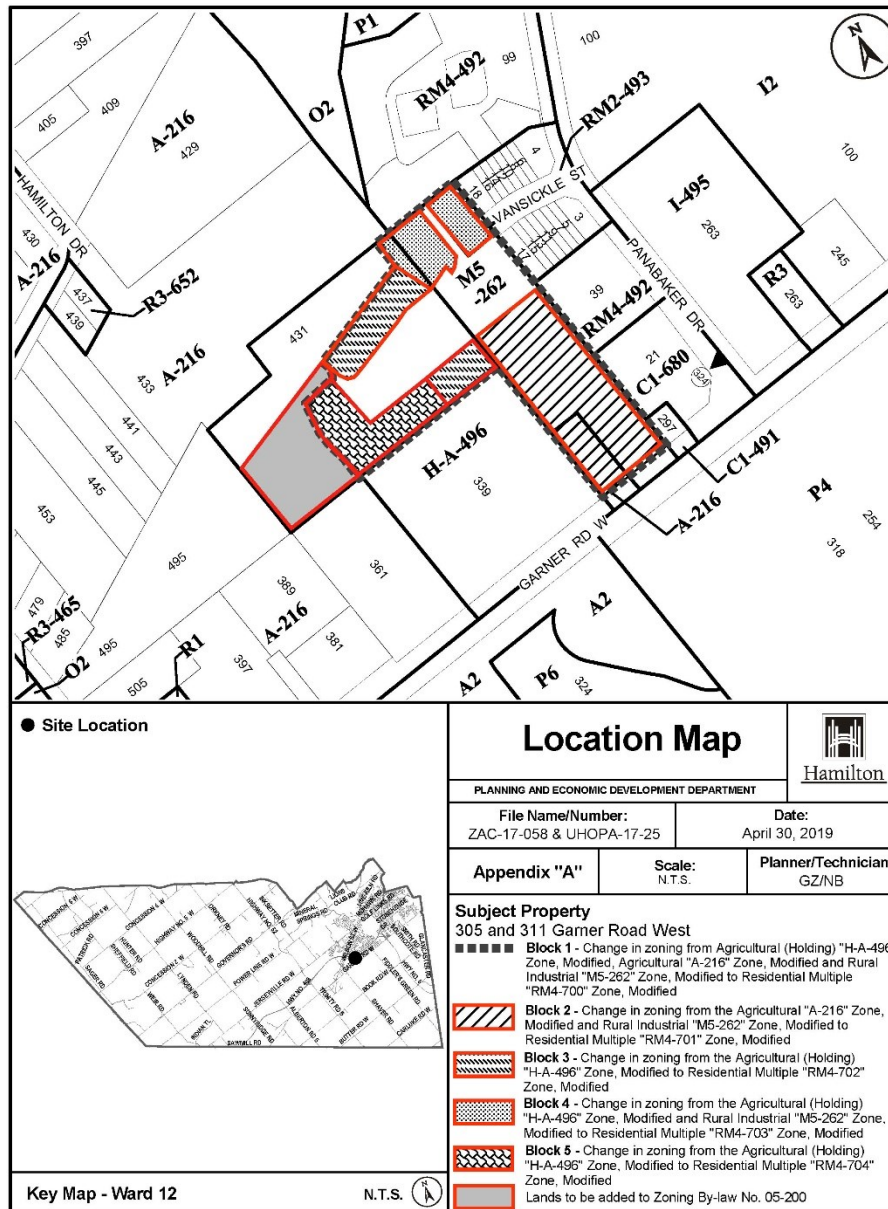
June 18, 2019

PED19104 – (ZAC-17-058 & UHOPA-17-25)

Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 305 and 311 Garner Road West, Ancaster.

Presented by: George Zajac





● Site Location



Key Map - Ward 12

N.T.S.

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-17-058 & UHOPA-17-25

Date:
April 30, 2019

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
GZ/IB

Subject Property

305 and 311 Garner Road West

■ ■ ■ ■ Block 1 - Change in zoning from Agricultural (Holding) "H-A-496" Zone, Modified, Agricultural "A-216" Zone, Modified and Rural Industrial "M5-262" Zone, Modified to Residential Multiple "RM4-700" Zone, Modified

Block 2 - Change in zoning from the Agricultural "A-216" Zone, Modified and Rural Industrial "M5-262" Zone, Modified to Residential Multiple "RM4-701" Zone, Modified

Block 3 - Change in zoning from the Agricultural (Holding) "H-A-496" Zone, Modified to Residential Multiple "RM4-702" Zone, Modified

Block 4 - Change in zoning from the Agricultural (Holding) "H-A-496" Zone, Modified and Rural Industrial "M5-262" Zone, Modified to Residential Multiple "RM4-703" Zone, Modified

Block 5 - Change in zoning from the Agricultural (Holding) "H-A-496" Zone, Modified to Residential Multiple "RM4-704" Zone, Modified

Lands to be added to Zoning By-law No. 05-200



SUBJECT PROPERTY



305 & 311 Garner Road West, Ancaster





Looking at the Subject Lands.





Looking at the Subject Lands.





Looking at the Subject Lands.





Looking across Garner Road West.





Looking across Garner Road West.





Looking east along Garner Road West.





Looking west along Garner Road West.





Looking south at the Subject Lands.





Looking south at the Subject Lands.





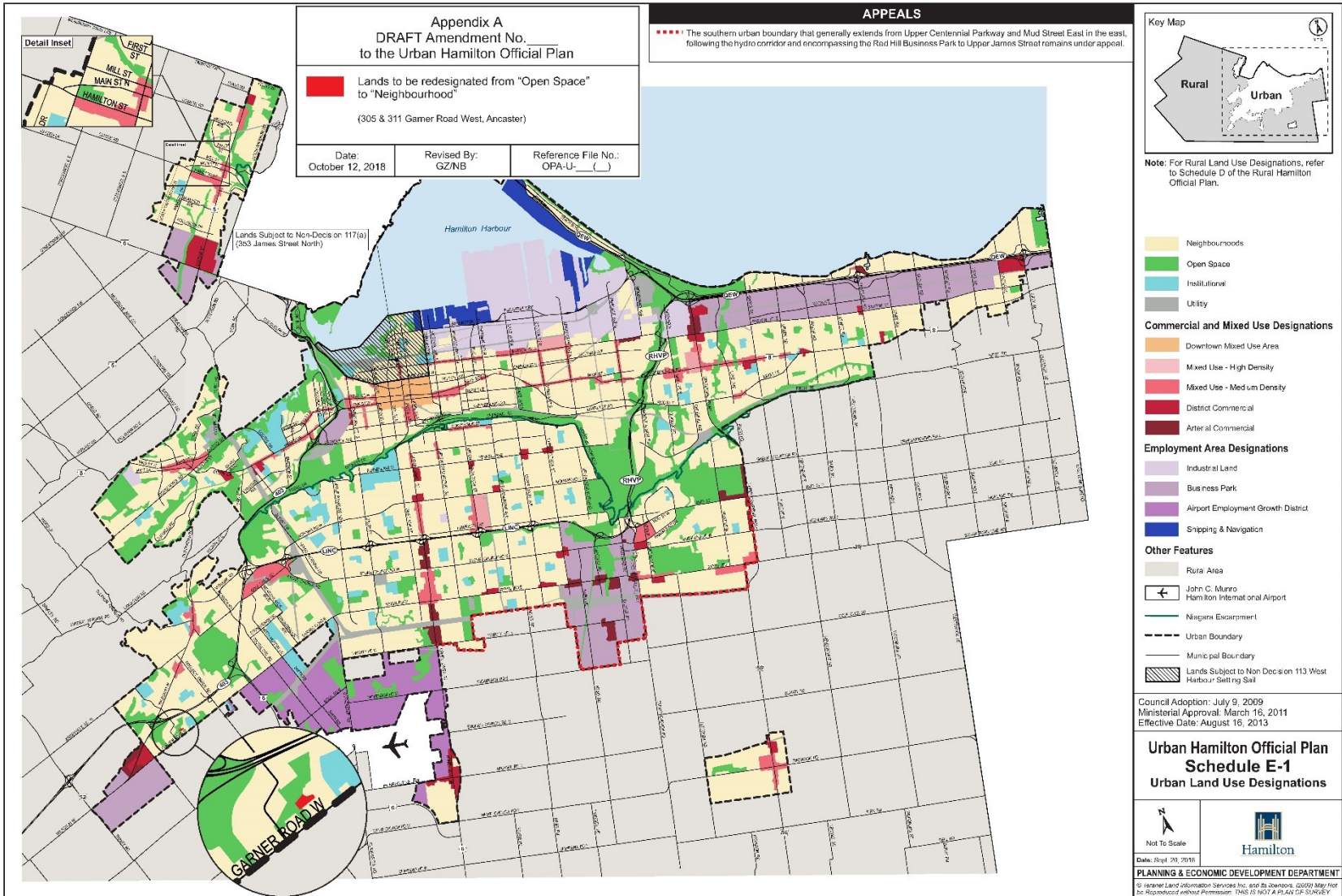
Standing at Vansickle Court.

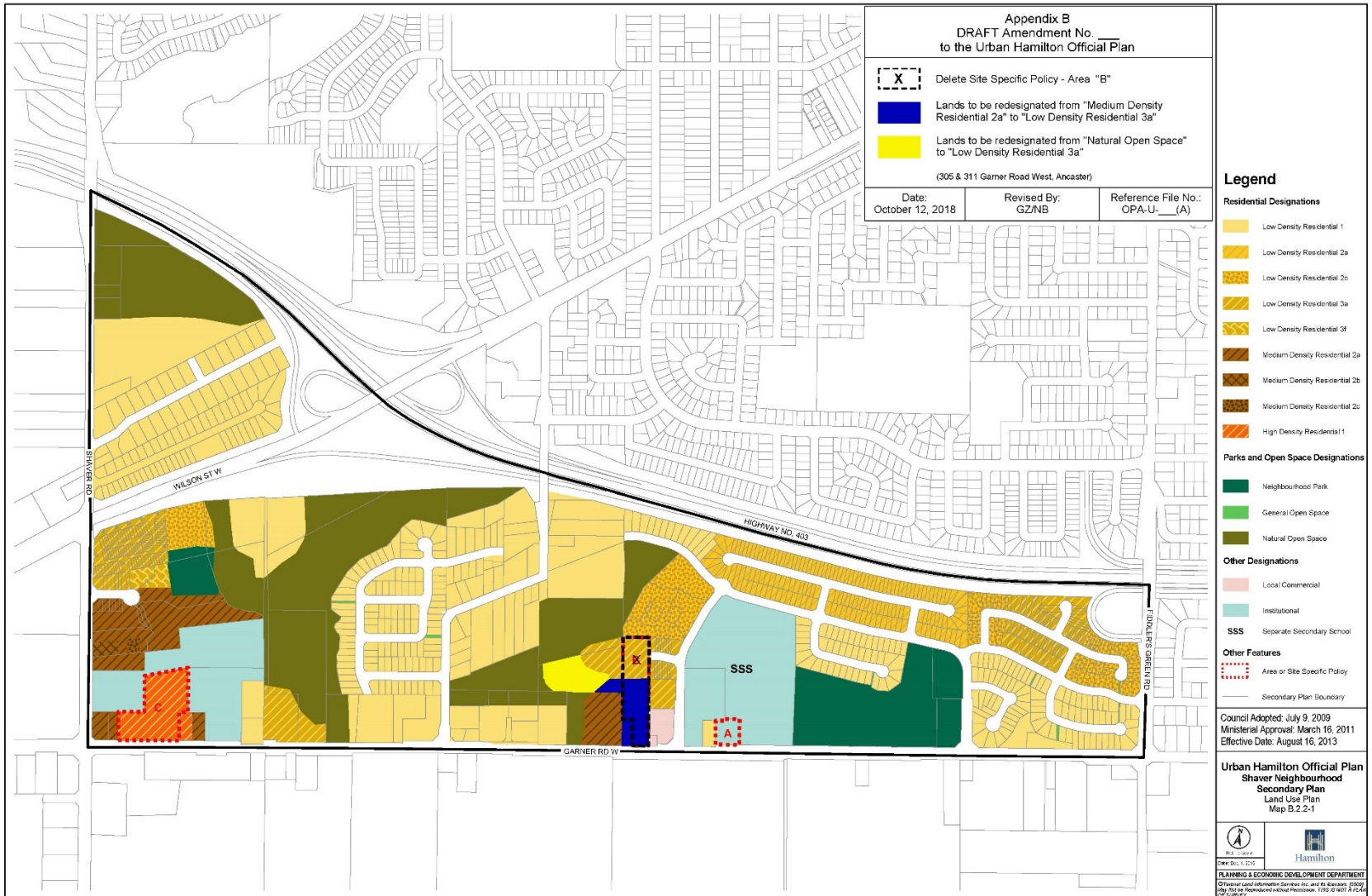


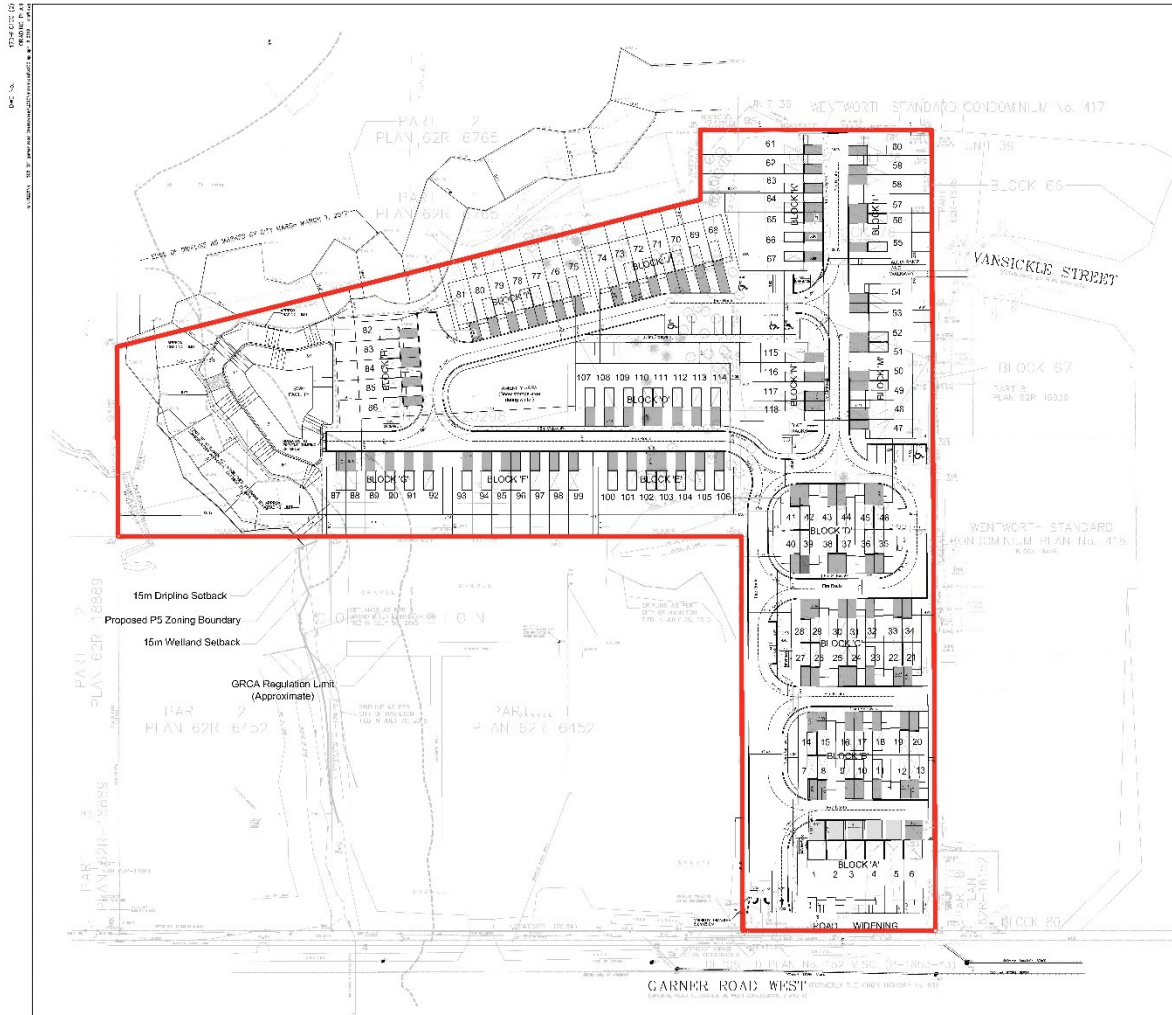


Looking over Vansickle Court at Subject Lands.









LEGAL DESCRIPTION
 PART OF LOTS 39 AND 40, CONCESSION 3
 GEOGRAPHIC TOWNSHIP OF ANCASTER
 CITY OF HAMILTON

SITE STATISTICS

Site Area	Residential Zone	2.73ha (27,325.78m ²)
	P5 Zone	0.5ha (4,986.75m ²)
Total Area		3.23ha (32,312.53m ²)
Lot Coverage		0.98ha/2,732.5ha (31.5%)
Townhouse Units		118
Density		118 units/2,732.5ha (43.2 UPH)
Amenity Area		0.08ha/2,732.5ha (2.9%)
Landscape Area		0.68ha/2,732.5ha (24.2%)
Visitor Parking		Typical Parking Spaces: 26 Accessible Parking Spaces: 5 Total Parking Spaces: 31
Parking Space Coverage (Private & Visitor)		0.27ha/2,732.5ha (10%)

- NOTES:**
1. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF HAMILTON AND THE PROVINCE OF ONTARIO.
 2. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF HAMILTON AND THE PROVINCE OF ONTARIO.
 3. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF HAMILTON AND THE PROVINCE OF ONTARIO.
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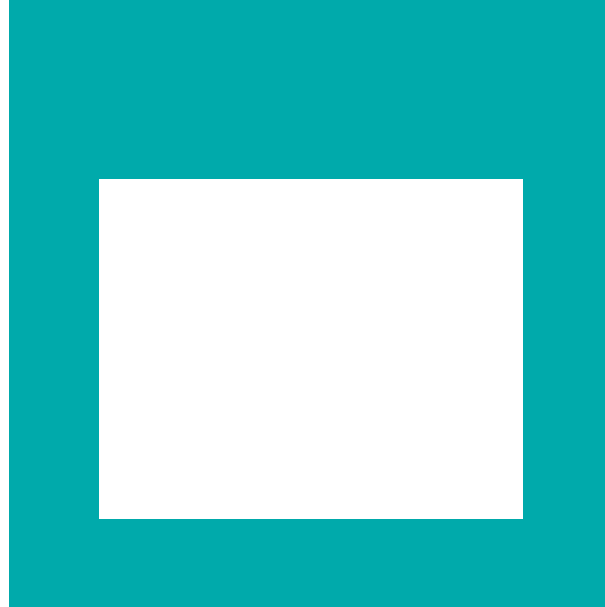
GENERAL NOTES:

1. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF HAMILTON AND THE PROVINCE OF ONTARIO.
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APPROVALS

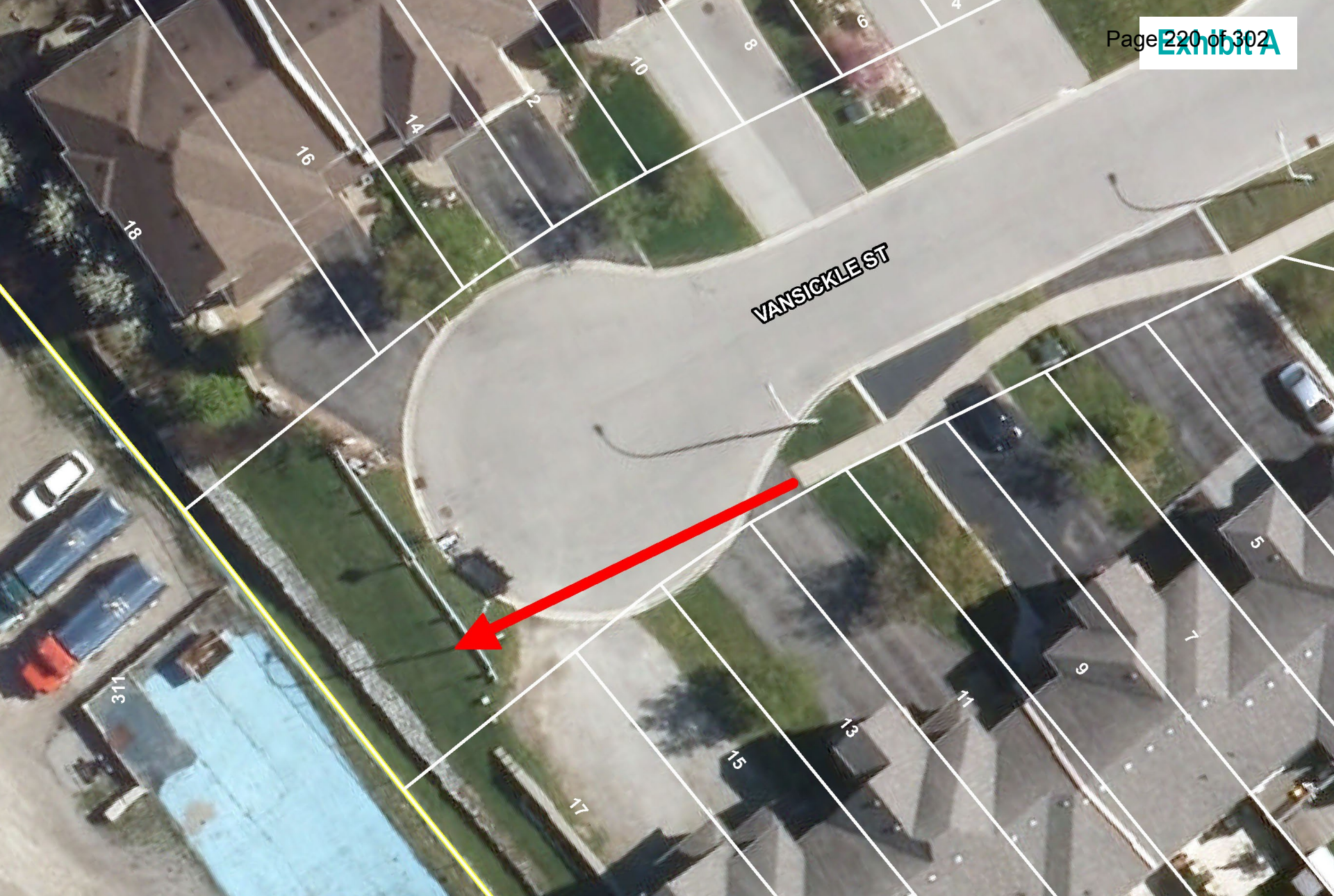
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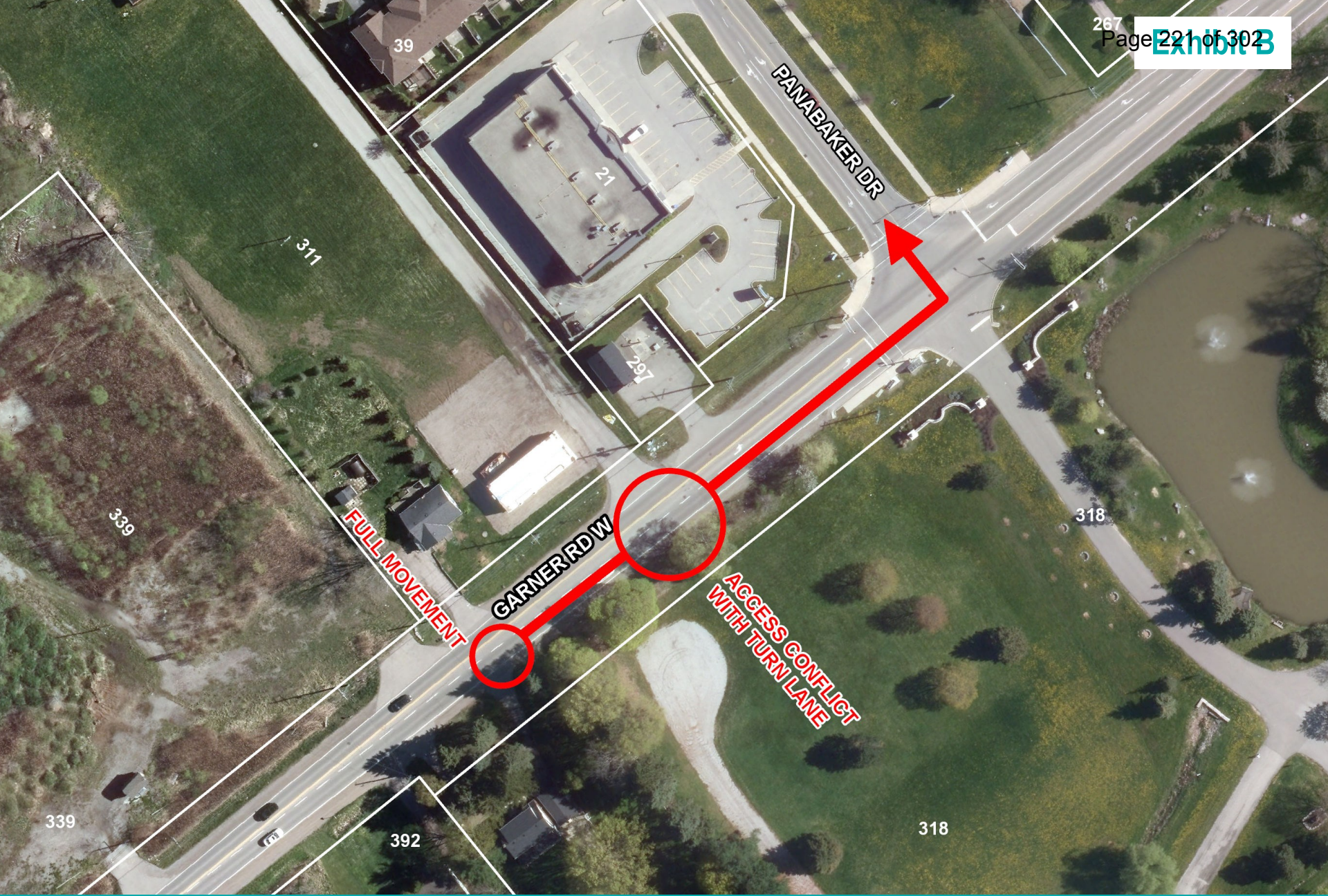
300/311 GARNIER ROAD
 CITY OF HAMILTON



THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE

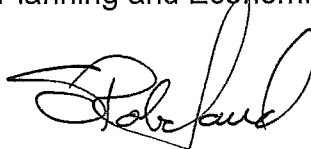






Hamilton

CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
 Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	June 18, 2019
SUBJECT/REPORT NO:	Application for Zoning By-law Amendment for Lands Located at 116 and 120 Barnesdale Avenue North (PED19117) (Ward 3)
WARD(S) AFFECTED:	Ward 3
PREPARED BY:	Daniel Barnett (905) 546-2424 Ext. 4445
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION(S)

- (a) That **Zoning By-law Amendment Application ZAC-19-014 by MIGMAR c/o Miguel Lima, Owner**, for a modification to the "C" (Urban Protected Residential, Etc.) District for the westerly portion of the subject lands in order to permit the two existing semi detached dwelling units to be on separate lots (Block 1), and for a change in zoning from the "C" (Urban Protected Residential, Etc.) District to a site specific Neighbourhood Commercial (C2) Zone for the easterly portion of the subject lands to permit amenity area, an accessory structure, and a parking lot on the lands proposed to be severed to create a separate lot (Block 2), and these lands will be used in conjunction with adjacent lands known as 760 Barton Street East (Block 3), for lands located at 116 and 120 Barnesdale Avenue North, Hamilton, as shown on Appendix "A" to Report PED19117, be **DENIED** on the following basis:
- (i) That the proposed changes in zoning are not consistent with the Provincial Policy Statement, do not conform with the Growth Plan (2019), and do not comply with the policies and intent of the Urban Hamilton Official Plan (UHOP).

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

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

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

SUBJECT: Application for Zoning By-law Amendment for Lands Located at 116 and 120 Barnesdale Avenue North (PED19117) (Ward 3) - Page 2 of 20

- (ii) The proposal would establish a parcel of land that does not have adequate access to a public road, does not have adequate access to municipal services and is not considered to be good planning.

EXECUTIVE SUMMARY

The subject lands are located on the east side of Barnesdale Avenue North, south of Barton Street East. The property abuts a partially privately owned alleyway to the north. The subject lands consist of a single lot which contains two existing semi detached dwelling units fronting Barnesdale Avenue North.

Block 1

The proposal is to amend the existing "C" District zoning to permit the existing legal non-conforming semi detached dwelling units on the westerly portion of the subject lands having frontage on Barnesdale Avenue North, shown as Block 1 on Appendix "A" to Report PED19117.

The proposed Zoning By-law Amendment is to facilitate the future severance of the Block 1 lands from the Block 2 lands, and to facilitate the future severance of the Block 1 lands into two parcels establishing separate lots for the two existing semi detached dwelling units located along Barnesdale Avenue North.

Block 2 and 3

A site specific Neighbourhood Commercial (C2) Zone is proposed on the easterly portion of the lands (Block 2) to permit amenity space, an accessory structure and parking associated with Luso Canadian Charitable Society located at 760 Barton Street East (Block 3), shown as Blocks 2 and 3 on Appendix "A" to Report PED19117. Access to these lands is proposed from an alleyway that is partially under private ownership and therefore access cannot be guaranteed.

The proposed Zoning By-law Amendment is to facilitate the future severance of the Block 2 lands from the Block 1 lands, and to establish a parcel of land located at the rear of the two existing semi detached dwelling units and will have frontage of 1.37 m on Edward Street.

The establishment of a separate commercially zoned property within the neighbourhood is not compatible with the surrounding neighbourhood and does not comply with the policies of the UHOP.

The effect of the application will be to facilitate a future severance. The creation of a parcel of land that does not have adequate frontage on a municipal road and does not

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SUBJECT: Application for Zoning By-law Amendment for Lands Located at 116 and 120 Barnesdale Avenue North (PED19117) (Ward 3) - Page 3 of 20

have adequate access to municipal services does not comply with the polices of the UHOP, does not conform to the land division criteria under the *Planning Act*, and does not represent good planning.

Alternatives for Consideration – See Page 19

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

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

HISTORICAL BACKGROUND

Proposal

The subject property is located on the east side of Barnesdale Avenue North, south of Barton Street East. The subject lands are zoned “C” (Urban Protected Residential, Etc.) District. The property abuts a partially privately owned alleyway to the north. The subject lands consist of a single lot which contains two existing legal non-conforming semi detached dwelling units in that a semi detached dwelling is not permitted in the “C” (Urban Protected Residential, Etc.) District.

The applicant submitted a Zoning By-law Amendment to establish split zoning for the subject lands (see Appendix “B” to Report PED19117). The proposed Zoning By-law Amendment is to facilitate future severances to create three separate lots.

Block 1

The application seeks to rezone a portion of the lands along Barnesdale Avenue North from the “C” (Urban Protected Residential, Etc.) District to a site specific “C” (Urban Protected, Residential, Etc.) District to permit the existing semi detached dwellings units. Two of the proposed three lots will be for each of the semi detached dwelling units.

Block 2

The application also seeks to rezone the rear portion of the lands from the “C” (Urban Protected Residential, Etc.) District to a site specific Neighbourhood Commercial (C2) Zone. The proposed zoning is seeking to permit an amenity area (basketball court), an accessory structure (gazebo), and nine parking spaces, for the Luso Canadian Charitable

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SUBJECT: Application for Zoning By-law Amendment for Lands Located at 116 and 120 Barnesdale Avenue North (PED19117) (Ward 3) - Page 4 of 20

Society located at 760 Barton Street East. The third of the proposed three lots will be for the proposed commercial lands.

There is an existing paved alleyway located to the north of the subject property that extends from Barnesdale Avenue North to the west to Lott Ridge to the east, however the majority of the alleyway is not assumed by the City. As shown on Appendix "D" to Report PED19117 the alleyway located to the north of the subject lands is private on both the westerly and easterly portions of the alleyway. The only portion of the alleyway assumed by the City is the central portion of the alleyway. As a result, access to the subject property by way of the alleyway cannot be guaranteed.

In review of the proposed application staff has discussed with the applicant alternative options that do not result in create a lot for Block 2 that does not have adequate street frontage, including:

- Purchasing the portion of the alleyway that separate Block 2 from 760 Barton Street East and merging the lands in title; and,
- Preserving the frontage on Barnesdale Avenue North for Block 2 by keeping the lands tied to one of the semi detached dwellings and establishing a long term lease over the Block 2 lands in favour of 760 Barton Street East.

Staff have received no correspondence from the applicant advising that an alternative to establishing a separate lot for Block 2 is accepted.

Chronology

<u>January 31, 2019:</u>	Submission of Zoning By-law Amendment application (ZAC-19-014).
<u>February 25, 2019:</u>	Application ZAC-19-014 deemed complete.
<u>March 4, 2019:</u>	Notice of Complete Application and Pre-circulation was mailed to 366 property owners within 120m of the subject property.
<u>March 12, 2019:</u>	Public Notice Sign installed on the subject lands.
<u>May 22, 2019:</u>	Notice of Public meeting posted in Hamilton Spectator.
<u>May 31, 2019:</u>	Circulation of the Notice of Public Meeting mailed to 366 property owners within 120m of the subject property.

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Details of Submitted Applications:

Owner: MIGMAR – c/o Miguel Lima

Applicant: IBI Group – c/o Julia Redfearn

Agent: IBI Group – c/o Julia Redfearn

Location: 116-120 Barnesdale Avenue North, Hamilton (see Appendix “A” to Report PED19117)

Property Description:

<u>Lot Frontage:</u>	14.63 m (Barnesdale Avenue South); and, 1.37m (Edward Street)
<u>Lot Depth:</u>	75.68 m (as measured from Barnesdale Avenue South)
<u>Lot Area:</u>	1,136.5 sq m
<u>Servicing:</u>	Existing Full Municipal Services (Barnesdale)

Existing Land Use and Zoning:

<u>Subject Property:</u>	<u>Existing Land Use</u>	<u>Existing Zoning</u>
	Semi detached dwelling units	“C” (Urban Protected Residential Etc.) District

Surrounding Land Uses:

North	Mixed use – commercial and residential uses	Neighbourhood Commercial (C2) Zone
East	Single detached dwellings	“C” (Urban Protected Residential Etc.) District
South	Single detached and semi detached dwellings	“C” (Urban Protected Residential Etc.) District
West	Place of worship	Neighbourhood Institutional (I1) Zone

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POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Planning Act

The Provincial *Planning Act*, under Section “51 and 53” establishes the criteria for lot creation. The following sub sections apply:

- “3 (5) A decision of the council of a municipality, a local board, a planning board, a minister of the Crown and a ministry, board commission of agency of the government, including the Tribunal, in respect to the exercise of any authority that affects a planning matter,
- (a) Shall be consistent with the policy statements issued under subsection (1) that are in effect on the date of the decision; and,
 - (b) Shall conform with the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be.
- 51(24) In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to,
- (c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;
 - (f) the dimensions and shapes of the proposed lots;
 - (i) the adequacy of utilities and municipal services.
- 53(12) A council or the Minister in determining whether a provisional consent is to be given shall have regard to the matters under subsection 51(24) and has the same powers as the approval authority has under subsection 51(25) with respect to the approval of a plan of subdivision and subsections 51(26) and (27) and section 51.1 apply with necessary modifications to the granting of a provisional consent.”

As per Subsection 53(12) the criteria outlined in Subsection 51(24) apply to application of consent. Subsection 51(24) requires that when considering division of land regard shall be had to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality.

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The application is to facilitate a future severance to establish a parcel at the rear of the subject property the existing frontage of 1.37 m on a municipal road for access. The safety of users is impacted as a 1.37 m access is not sufficient for persons with disabilities and emergency vehicles.

As discussed further in this report, the proposal to establish a lot at the rear of the subject property is not consistent with the Provincial Policy Statement and therefore the proposal does not comply with Subsection 3(5) of the *Planning Act*.

The applicant is proposing primary access to Block "2" on Appendix "A" to Report PED19117 be by way of the existing alleyway to the north. As portions of the alleyway are privately owned, access from the alleyway cannot be guaranteed in perpetuity. The alleyway does not represent a safe means of ingress and egress for persons with disabilities and it may not be maintained nor may snow removal occur and a property accessed only from an alleyway would present difficulties for emergency vehicles to not only locate the property but also to gain access to the property.

Subsection 51(24) (c) requires that a consent to subdivide land conform to the Official Plan, Subsection 51(24) (f) requires that regard be had for the dimensions and shapes of the proposed lot, and Subsection 51(24) (i) requires that there be adequate utilities and municipal services. As discussed further in this Report, the proposal to establish a lot at the rear of the subject property does not comply with the Official Plan. The proposed flag shaped lot and the proposed 1.37 m lot frontage are insufficient to provide adequate access and servicing to the proposed property.

Therefore, the proposal to develop the rear portion of the subject lands that do not have sufficient frontage and access, does not have regard for the criteria for lot creation under Section 51(24) of the *Planning Act*.

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.

Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

"1.1.1 a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;

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- 1.1.1 c) avoid development and land use patterns which may cause environmental or public health and safety concerns;
- 1.1.1 f) improving accessibility for persons with disabilities and older persons by identifying, preventing and removing land use barriers which restrict their full participation in society;

Settlement Areas

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

The proposed Zoning By-law Amendment is to facilitate the creation of a lot that does not have sufficient lot frontage and access. The proposal creates public safety concerns with respect to the accessibility of emergency vehicles and limited and guaranteed access to the subject lands for persons with disabilities (Policies 1.1.1 c) and f)).

While the subject lands are within a settlement area, the proposal is to establish land uses on a parcel of land that does not avoid the creation of Public Health and Safety concerns. Therefore, the proposal is not consistent with the PPS.

Cultural Heritage and Archaeology

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

- “2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.
- 2.6.2 Development and site alteration shall not be permitted on lands containing archaeological resources or area of archaeological potential unless significant archaeological resources have been conserved.
- 2.6.3 Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been 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 proposal. The subject property is:

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- 1) In areas of pioneer EuroCanadian settlement; and,
- 2) Along historic transportation routes.

Should the Zoning By-law Amendment be approved, a written caution advising of the archaeological potential of the subject lands will need to be included as part of any future application.

The subject property is adjacent to 740 Barton Street East and 728-732 Barton Street East (Church of the Holy Spirit) which are properties included in the City's Inventory of Buildings of Architectural and/or Historical Interest. As the proposal is to retain the existing semi detached dwelling units and establish parking and amenity area, for the lands at 760 Barton Street East, the heritage value of the adjacent properties will be conserved.

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."

The subject is located approximately 40 m from Barton Street East, a potential noise source. The proposed Zoning By-law Amendment is to permit the two existing semi detached dwellings units. No additional residential dwelling units are proposed, nor are there any changes proposed to the existing units. Therefore, the proposal will not alter the existing situation with respect to noise impacts on the existing dwelling units. The proposed parking and amenity area on the rear portion of the lands are not uses that are expected to generate significant levels of noise.

While the subject lands are within a settlement area, the proposal is to establish land uses on a parcel of land that does not avoid the creation of Public Health and Safety concerns. Therefore, the subject proposal is not consistent with the PPS, with regards to Policy 1.1.1 a), c) and f) and 1.1.3.1.

Growth Plan for the Greater Golden Horseshoe (2019)

The application was reviewed with respect to the policies of the Growth Plan for the Greater Golden Horseshoe (2019) (Growth Plan). The following policies, amongst others, apply to the proposed development.

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"2.2.1.2 Forecasted growth to the horizon of this Plan will be allocated based on the following:

- a) The vast majority of growth will be directed to settlement areas that:
 - i. have a delineated built boundary;
 - ii. have existing or planned municipal water and wastewater systems; and,
 - iii. can support the achievement of complete communities;
- c) within settlement areas, growth will be focused in:
 - i. delineated built-up areas;
 - ii. strategic growth areas;
 - iii. locations with existing or planned transit; with a priority on higher order-transit where it exists or is planned; and,
 - iv. areas with existing or planned public service facilities."

The application is to facilitate the creation of three separate lots to accommodate the two existing semi detached dwelling units and to permit parking and amenity area on the rear portion of the lands. The subject lands are within a settlement area (Policy 2.2.1.2 c)).

The proposal is to establish a lot that does not have sufficient frontage and will not have sufficient access to existing municipal water and wastewater systems (Policy 2.2.1.2 a)).

Based on the foregoing, the proposal does not conform to the policies of the Growth Plan.

Urban Hamilton Official Plan (UHOP)

Neighbourhoods Designation

The subject property is identified as "Neighbourhoods" on Schedule "E" – Urban Structures and designated "Neighbourhoods" on Schedule "E-1" Urban Land Use Designations in the UHOP. The following policies, amongst others, apply:

"E.3.2.3 The following uses shall be permitted on lands designated Neighbourhoods on Schedule E-1 – Urban Land Use Designations:

- a) residential dwellings, including second dwelling units and *housing with supports*;
- d) local commercial uses.

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- E.3.2.7 The City shall require quality urban and architectural design. Development of lands within the Neighbourhoods designation shall be designed to be safe, efficient, pedestrian oriented, and attractive, and shall comply with the following criteria:
- c) Adequate and direct pedestrian access and linkages to community facilities / services and local commercial uses shall be provided.
- E.3.4.3 Uses permitted in low density areas include single detached, semi detached, duplex, triplex and street townhouse dwellings.
- E.3.4.4 For low density residential areas the maximum net residential density shall be 60 units per hectare.
- E.3.8.2 The following uses shall be permitted:
- a) Retail and service uses such as a craftsperson shop, day nursery, commercial school, financial establishment, office, motor vehicle service station, personal service, place of worship, repair service, restaurant, studio, art gallery, tradesperson shop, and veterinary service;
- c) Residential uses, in accordance with Policy E.3.8.10.
- E.3.8.9 Development and redevelopment of local commercial uses shall:
- a) Front and have access to a major arterial, minor arterial, or collector road;
- b) Provide safe and convenient access for pedestrians and cyclists; and,
- c) Be compatible with the surrounding area in terms of design, massing, height, setbacks, on-site parking, noise impact, landscaping, and lighting.
- E.3.8.11 New local commercial uses shall be planned and designed to be integrated with and easily accessible from the surrounding neighbourhood.
- E.3.8.12 New local commercial uses and properties shall be clustered and generally located at intersections with arterial and collector roads."

The proposal to recognize the existing semi detached dwelling units with a density of approximately 41.5 units per hectare on the front portion of the subject property complies

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with the policies of the Neighbourhoods Designation (Policies E.2.3.3, E.3.4.3 and E.3.4.4).

The proposal to establish commercial zoning for the rear portion of the lands, that does not front onto a major arterial, minor arterial, or collector road, nor located at the intersection of an arterial and collector road and does not provide safe and convenient access for pedestrians and cyclists does not comply with the UHOP. As the proposed local commercial uses are to be located to the rear of property with limited frontage on a street, it will not be integrated with or easily accessible from the surrounding neighbourhood. The limitations on accessibility based on the frontage and use of the alleyway would negatively impact the functionality of any commercial use established on-site.

While the applicant has advised that the intention is to utilize the lands for parking and recreation uses that will be accessory to the property at 760 Barton Street East, because the lands will remain a separate parcel of land it cannot be guaranteed that the lands will always remain associated with 760 Barton Street East. The Zoning By-law cannot tie two parcels of land together in common ownership and to establish a permanent interest in the lands, approval for an easement and/or long term lease would require approval from the Committee of Adjustment. Block 2 lands could be sold which would create pressure to establish a residential or commercial use for the lands without adequate frontage. A standalone commercial use without adequate frontage on a municipal road and which is surrounded by existing low density residential uses would not be compatible with the surrounding area (Policy E.3.8.9, E.3.8.11, and E.3.8.12).

The proposal also creates safety concerns due to limited accessibility for emergency vehicles and pedestrians (Policy E.3.2.7).

Integrated Transportation Network

- "C.4.5.6.8 No development or redevelopment shall be permitted which does not front on a public road of an acceptable standard of construction.
- C.4.5.8.4 New development or redevelopment shall only be permitted on a property that has direct frontage on a publicly assumed road constructed to municipal standards.

Infrastructure

- C.5.3.5 All new development and redevelopment within the urban area shall be connected to the City's water and wastewater system."

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The proposal is to allow for development with 1.37 m of frontage on Edward Street and proposes access by way of a portion of an alleyway that is privately owned. As the alleyway is privately owned access cannot be guaranteed and furthermore an alleyway does not constitute a public road. The 1.37 m of frontage on Edward Street is not of sufficient width to allow vehicle access to the subject lands including emergency vehicles, nor is 1.37 m of frontage sufficient to provide pedestrian access that complies with the accessibility standards for persons with disabilities. Therefore, the proposal does not comply with Policies C.4.5.6.8 and C.4.5.8.4.

There are no municipal water and wastewater services along the alleyway nor will municipal services be extended along the alleyway. While there are municipal services along Edward Street, the 1.37m of frontage is not sufficient to connect the proposed lot to the City's water and wastewater system. Therefore, the proposal does not comply with Policy C.5.3.5.

Lot Creation – Urban Area

"F.1.14.3.1 Consent for new lot creation, for both the severed and retained lands, for residential uses in the Neighbourhoods designation shown on Map E-1 – Urban Land Use Designation, shall be permitted provided the following conditions are met:

- a) The lots comply with the policies of this Plan, including secondary plans, where one exists;
- b) The lots comply with existing Neighbourhood Plans;
- c) The lots are in conformity with the Zoning By-law or a minor variance is approved;
- e) The lots are fully serviced by municipal water and wastewater systems; and,
- f) The lots have frontage on a public road.

F.1.14.3.3 Consents for new lot creation for both the severed and retained lands for mixed uses, commercial, institutional or open space in the Neighbourhoods designation shall be permitted provided the following conditions are met;

- a) The lots comply with the policies of this plan including secondary plans, where one exists;

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- b) The lots are in conformity with the Zoning By-law or a minor variance is approved;
- c) The lots are fully serviced by municipal water and wastewater systems; and,
- d) The lots have frontage on a public road.”

For the purpose of the proposed lot creation to establish two separate lots for the two existing semi detached dwellings Policy F.1.14.3.1 has been met.

The proposed lot creation to divide the rear portion of the subject lands from the existing semi detached dwelling units at the front of the property, does not fulfil the requirement of Policy F.1.14.3.3, as it:

- establishes a commercial lot at the rear of existing low density residential lots and therefore does not comply with the land use compatibility policies of the UHOP;
- does not conform to the transportation and infrastructure policies of the UHOP;
- would not be serviceable by municipal water or wastewater systems; and,
- would not have adequate frontage on a public road.

The proposal does not comply with the conditions for lot creation in the UHOP (Policy F.1.14.3.3).

Therefore, the proposal does not comply with the UHOP.

Stipley Neighbourhood Plan

The subject lands are designated “Single and Double” within the Stipley Neighbourhood Plan.

The existing semi detached dwelling units would conform to the “Single and Double” designation of the Stipley Neighbourhood Plan. The proposed parking and recreation uses associated with a commercial use would not conform to the “Single and Double” designation within the Stipley Neighbourhood Plan and therefore would require an amendment if the application is approved.

City of Hamilton Zoning By-law No. 6593

The subject property is currently zoned “C” (Urban Protected Residential, Etc.) District. Semi detached dwelling units are not permitted in the “C” (Urban Protected Residential, Etc.) District, nor are accessory parking and recreation uses associated with a commercial use.

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Block 1

While the existing semi detached dwellings on the same lot are legal non-conforming, the proposal to create separate lots for the semi detached dwellings impacts the existing legal non-conforming status. Therefore, in order to recognize the existing semi detached dwelling units the applicant has applied to establish a site specific "C" (Urban Protected Residential, Etc.) District for the front portion of the subject lands. The applicant has requested eight site specific modifications to accommodate the proposal:

Proposed modifications to legalize the existing building and use:

- permit a semi detached dwelling unit;
- reduced minimum front yard setback;
- reduced minimum side yard setback;
- increased maximum encroachment of a porch;
- reduced minimum side yard setback for an accessory building; and,
- no on-site parking.

Proposed modifications to facilitate the future severance of the lands:

- reduced minimum lot area; and,
- reduced minimum lot width.

In order to permit the accessory parking and recreation uses associated with a commercial use, the applicant has applied to change the zoning to a site specific Neighbourhood Commercial (C2) Zone under the City of Hamilton Zoning By-law No. 05-200. The applicant has requested nine site specific modifications to accommodate the proposal:

- restrict the use of the lands to amenity area, accessory structures and parking accessory to the property at 760 Barton Street East;
- reduced minimum lot area;
- reduced minimum width of a planting strip;
- require a visual barrier;
- prohibit outdoor storage;
- minimum on-site parking;
- minimum on-site barrier free parking;
- reduced minimum parking space size; and,
- reduced minimum parking space size for barrier free parking.

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Staff have also identified that an additional modification is also required regarding the minimum lot width and lot frontage on a street to recognize the existing 1.37 m of frontage for Block 2 on Edward Street.

RELEVANT CONSULTATION

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

- Strategic Planning Section, Public Works Department;
- Transportation Planning Services (TPS), Planning and Economic Development Department;
- Alectra Utilities; and,
- Forestry and Horticultural, Public Works Department.

The following comments were received:

Recycling and Waste Disposal, Operations Division, Public Works Department staff advised that there will be no change in municipal waste disposal collection services for the existing semi detached dwelling units at 116 and 120 Barnesdale Avenue North.

Health Protection, Public Health Services Department staff advised that they promote making it easier to walk, cycle or use public transit which has a positive influence on physical activity, safety, and air quality and ultimately health and quality of life. They also encourage the provision of short term bicycle parking for visitors.

Geomatics and Corridor Management, Public Works Department staff outlined the status of the east / west laneway running from Barnesdale Avenue North to Lottridge Street. The status of the alleyway varies, from west to east, the westerly 45.0 m of the alleyway are classified as private, the next 15.0 m is part of 754 Barton Street East, the next 30.0 m the alleyway is assumed by the City, the next 30.0 m are part of the properties at 764, 766 and 770 Barton Street East, and the easterly 30.0 m are classified as private (see Appendix "D" to Report PED19117).

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 366 property owners within 120 m of the subject property on March 4, 2019. A Public Notice sign was posted on the property on March 12, 2019. Finally, Notice of the Public Meeting was given by way of newspaper in accordance with the requirements of the *Planning Act*.

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To date, one letter has been submitted requesting additional details and expressing an interest in attending the Public Meeting.

Public Consultation Strategy

The applicant and their agent plan to meet with the local Ward Councillor to discuss the proposed development. Despite the applicant indicating that they would consult with the Ward Councillor on community engagement on this application, at the time of preparation of this Report, the meeting has not been scheduled.

ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)

1. The proposed Zoning By-law Amendment cannot be supported for the following reasons:
 - (i) The proposed changes in zoning are not consistent with the Provincial Policy Statement, do not conform with the Growth Plan (2019), and do not comply with the policies and intent of the Urban Hamilton Official Plan (UHOP); and,
 - (ii) The proposal would establish a parcel of land that does not have adequate access to a public road, does not have adequate access to municipal services and is not considered to be good planning.

These issues have been discussed in greater detail throughout Report PED19117 and are summarized below.

2. The proposed changes in zoning to facilitate future severances to create three separate lots cannot be supported as the rear portion of the subject property does not have sufficient lot frontage.

Block 2 Issues

Access to the rear portion of the lands is proposed by way of an existing alleyway. The majority of the alleyway is not assumed by the City and is privately owned and access to the lands by way of the alleyway cannot be guaranteed. Furthermore, an alleyway is not considered to be a public road, and therefore would not be appropriate for providing access for emergency vehicles. Finally, as there are no municipal services along the alleyway, the alleyway would not be able to provide services to the proposed lot.

It is noted that the proposed lot would have 1.37 m of frontage on Edward Street. A frontage of 1.37 m is not sufficient for vehicular access, including emergency

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vehicles, or pedestrian access that conforms to the *Accessibility for Ontarians with Disabilities Act* requirements. In addition, the 1.37 m frontage does not provide sufficient space in which to establish private servicing lines to connect the subject lands to the municipal services on Edward Street.

The proposal is to bring the rear portion of the lands into Zoning By-law No. 05-200 to be zoned (C2) Zone. It should be noted that Section 4.3 a) of the City of Hamilton Zoning By-law 05-200 identifies a minimum lot frontage on a street of 4.5 m. The requirement for a 4.5 m minimum lot frontage identifies the minimum threshold necessary to provide access and services to a property. Therefore, the proposed 1.37 m frontage does not meet the minimum requirements of the Zoning By-law.

For lands designated "Neighbourhoods" local commercial uses are permitted but are required to front and have access to a major arterial, minor arterial, or collector road, provide safe and convenient access for pedestrians and cyclists, and be compatible with the surrounding area. The property has inadequate frontage on a local road, and does not front on or have access to a major arterial, minor arterial or collector road. As the property does not have adequate frontage on a municipal road the proposed lot would not provide safe and convenient access for pedestrians and cyclists.

The applicant proposes to use the lands for recreation and parking associated with 760 Barton Street East the Luso Canadian Charitable Society. As the proposed lot would not be merged in title with 760 Barton Street East, it cannot be guaranteed that the property will remain associated with the property at 760 Barton Street East in perpetuity. As previously noted the Zoning By-law cannot tie two parcels of land together in common ownership. Should the land cease to be associated with 760 Barton Street East, the land would either become unutilized or would require the establishment of a principal commercial use on the lands. Establishing a parcel of land that may become unutilized or which establishes a principal commercial use to the rear of low density residential dwellings does not comply with the policies of the UHOP and does not represent good planning.

The proposal to establish a site specific "C" (Urban Protected Residential, Etc.) District to permit the existing legal non-conforming semi detached dwellings on separate lots complies with the policies of the UHOP in terms of use, scale and density. If the application for Zoning By-law Amendment were to be amended to establish a site specific "C" District over all of the subject lands to facilitate the severance of the existing semi detached dwelling units, the amended application would have merit.

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

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

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

SUBJECT: Application for Zoning By-law Amendment for Lands Located at 116 and 120 Barnesdale Avenue North (PED19117) (Ward 3) - Page 19 of 20

3. Engineering

There is a 150 mm watermain and 450 mm combined sanitary and storm sewer on Barnesdale Avenue North. There is a 150 mm watermain and 300 mm combined sanitary and storm sewer on Edward Street. The proposed lot creation for the easterly portion of the subject lands would not have sufficient lot frontage and would present challenges from an access and servicing perspective. Engineering cannot currently recommend approval of the Zoning By-law Amendment application for the subject lands, until the applicant can demonstrate, to the satisfaction of the Senior Director of Growth Management, suitable storm outlets and site accesses for both the severed and retained lands.

ALTERNATIVES FOR CONSIDERATION

- 1) Council could deny the proposed Zoning By-law amendment to establish a site specific (C2) Zone over Block 2 and grant an amended approval to establish a site specific "C" District over Blocks 1 and 2 to facilitate the severance of the existing semi detached dwellings, and that staff be directed to prepare an amending Zoning By-law consistent with this amended approval.
- 2) Council could grant an amended approval to establish site specific zoning over Blocks 1 and 2 to permit the proposed use of the lands and facilitate the future severance of the lands but apply an 'H' Holding Provision over the Block 2 lands to be lifted upon appropriate land assembly, and that staff be directed to prepare an amending Zoning By-law consistent with this amended approval.
- 3) Should the application be approved, staff be directed to prepare an amending Zoning By-law consistent with the concept plans proposed, and that the Stipley Neighbourhood Plan be amended.
- 4) Council could direct staff to negotiate revisions to the proposal with the applicant in response to the issues and concerns identified in the Report and report back to Council on the results of the discussion.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

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

Economic Prosperity and Growth

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

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

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

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

**SUBJECT: Application for Zoning By-law Amendment for Lands Located at 116
and 120 Barnesdale Avenue North (PED19117) (Ward 3) - Page 20 of 20**

Healthy and Safe Communities

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

Clean and Green

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

Built Environment and Infrastructure

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

Culture and Diversity

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

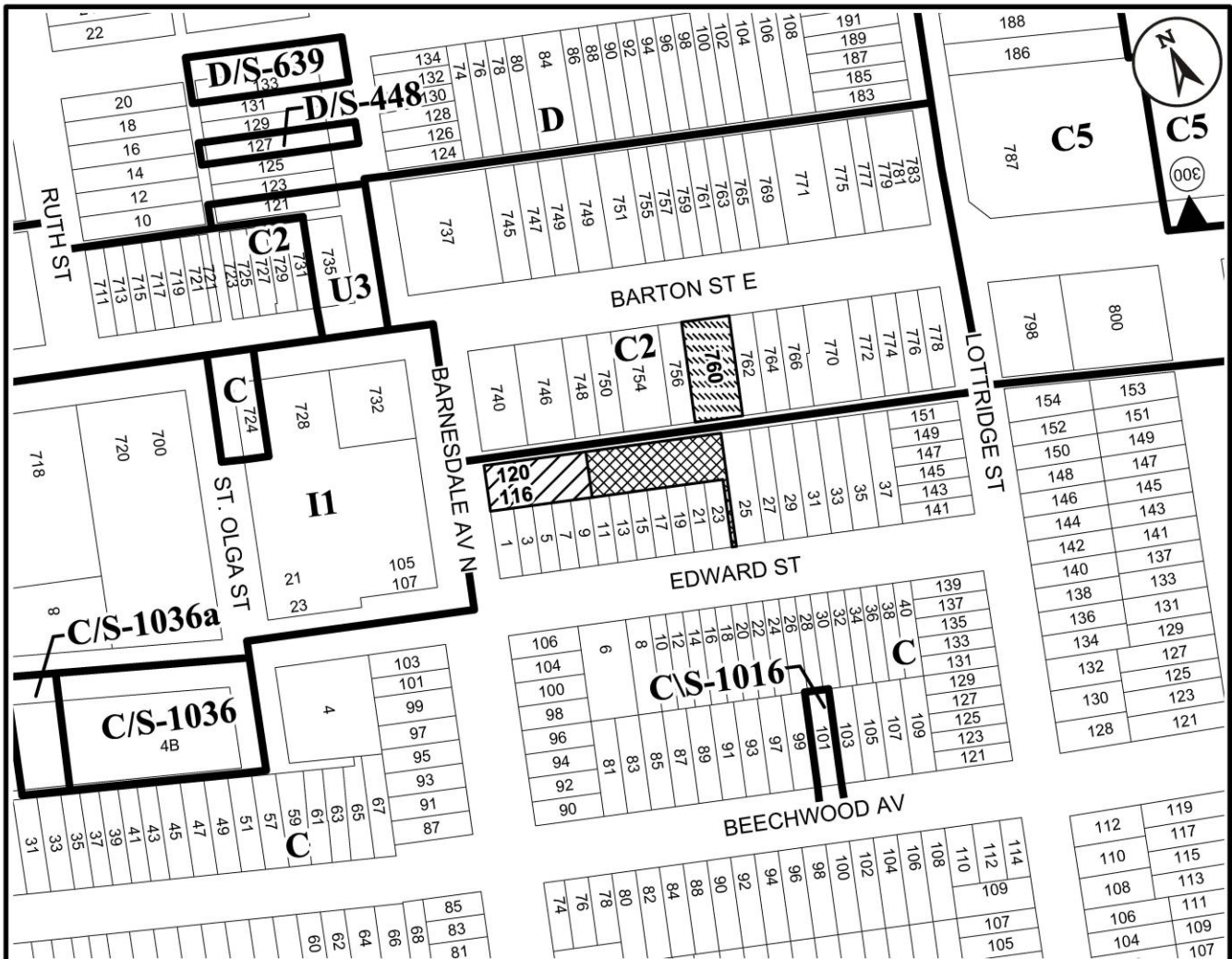
Our People and Performance

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

APPENDICES AND SCHEDULES ATTACHED

- Appendix "A" – Location Map
- Appendix "B" – Concept Plan
- Appendix "C" – Public Submissions
- Appendix "D" – Status of Alleyway

Appendix "A" to Report PED19117



● Site Location



Key Map - Ward 3

N.T.S.



Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-19-014

Date:
May 15, 2019

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
DB/AL

Subject Property



Block 1 - Part of 116 - 120
Barnsdale Avenue North



Block 2 - Part of 116 - 120
Barnsdale Avenue North



Block 3 - 760 Barton Street East

Appendix "C" to Report PED19117
Page 1 of 1

Barnett, Daniel

From: Barnett, Daniel
Sent: April-09-19 2:45 PM
To: -
Subject: RE: Requesting notification of decision of zoning bylaw amendment

Hi Darien

The application is to change the zoning to allow the two existing semi-detached dwellings to be located on separate properties and to change the zoning on the rear portion of the property to permit parking and recreation uses that will be accessory to 760 Barton Street East on a separate lot. Separate severance application would also need to be applied for to divide the lands up. If there are additional details that you are looking for please feel free to ask.

At this point the public meeting date has not yet been scheduled, when it has been scheduled a separate notice will be sent out advising of the date and time of the meeting. As things stand now the earliest the public meeting would be held would be June.

Daniel

From: -
Sent: March-31-19 7:03 PM
To: Barnett, Daniel
Subject: Requesting notification of decision of zoning bylaw amendment

Hello Daniel,

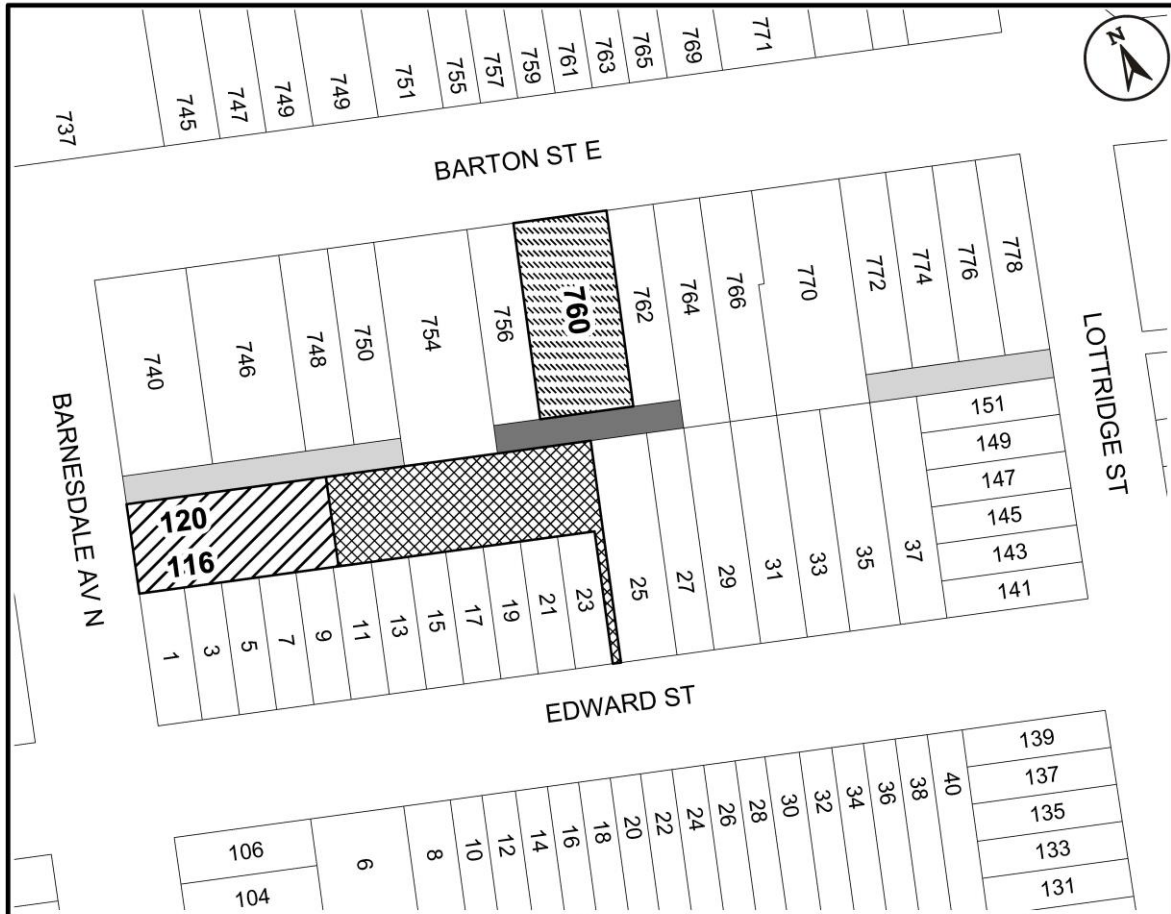
I received a letter about my neighbor on 116 120 barnesdale ave north rezoning.

I request to be notice by the details and I would like to attend hearing.

Best Regards,

Darien

Appendix "D" to Report PED19117
Page 1 of 1



● Site Location



Key Map - Ward 3

N.T.S.

Alleyway Status



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-19-014 Alleyway Status






Date:
May 15, 2019

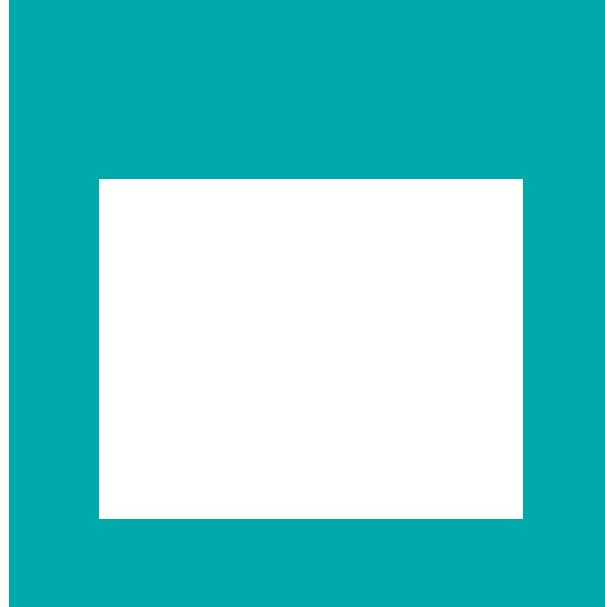
Appendix "A"

Scale:
N.T.S.

Planner/Technician:
DB/VS

Subject Property

-  **Block 1** - Part of 116 - 120
Barnesdale Avenue North
-  **Block 2** - Part of 116 - 120
Barnesdale Avenue North
-  **Block 3** - 760 Barton Street East
-  Privately Owned Alleyway
-  Publically Assumed Alleyway



WELCOME TO THE CITY OF HAMILTON

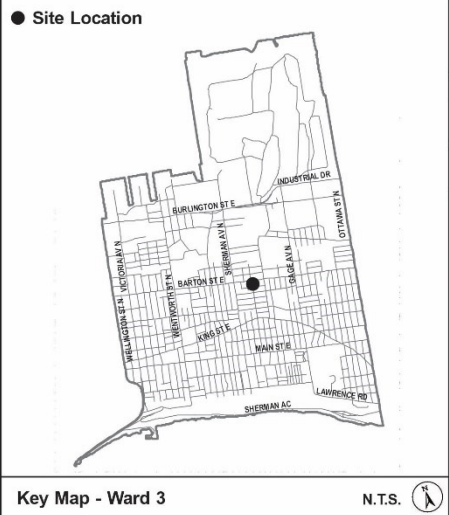
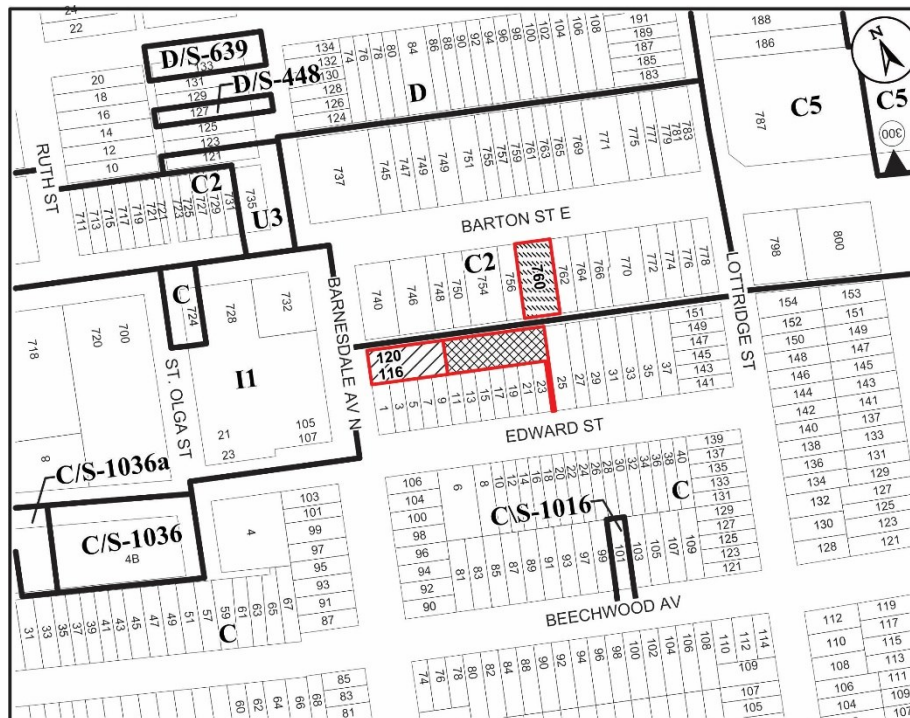
PLANNING COMMITTEE

June 18, 2019

PED19117 – (ZAC-19-014)

Application for Zoning By-law Amendment for Lands Located at
116 and 120 Barnesdale Avenue North, Hamilton

Presented by: Daniel Barnett



Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	
File Name/Number: ZAC-19-014	Date: May 15, 2019
Appendix "A"	Planner/Technician: DB/AL

Subject Property

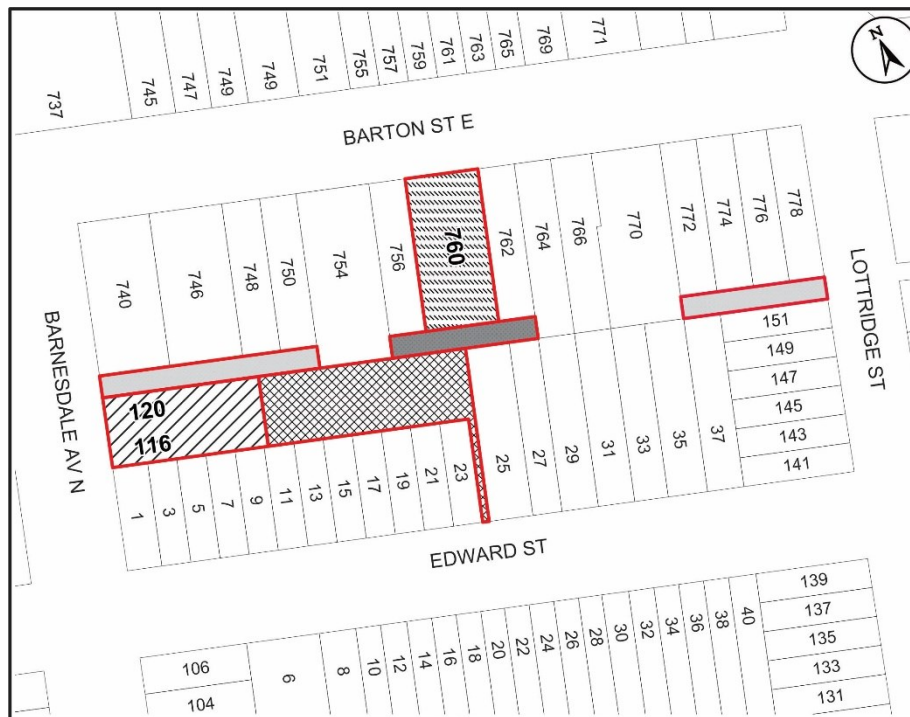
	Block 1 - Part of 116 - 120 Barnesdale Avenue North
	Block 2 - Part of 116 - 120 Barnesdale Avenue North
	Block 3 - 760 Barton Street East



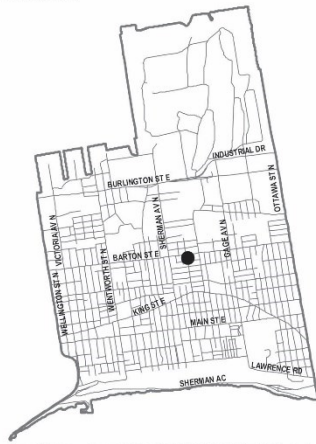
SUBJECT PROPERTY



116 & 120 Barnsdale Avenue North & 760 Barton Street East, Hamilton



● Site Location



Key Map - Ward 3

N.T.S.

Alleyway Status



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-19-014 Alleyway Status

Date:
May 15, 2019

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
DB/VS

Subject Property

- Block 1** - Part of 116 - 120
Barnsdale Avenue North
- Block 2** - Part of 116 - 120
Barnsdale Avenue North
- Block 3** - 760 Barton Street East
- Privately Owned Alleyway
- Publically Assumed Alleyway



Existing semi-detached dwelling on the subject property, as seen from Barnesdale Avenue North looking east



Existing dwelling at 1 Edward Street, located to the south of the subject property, as seen from Barnesdale Avenue North looking south east



Existing dwelling at 740 Barton Street East, located to the north of the subject property, as seen from Barnesdale Avenue North looking east



Existing place of worship located at 728 and 732 Barton Street East, located to the west of the subject property, as seen from Barnesdale Avenue North looking north west



Existing alleyway, located to the north of the subject property, as seen from Barnesdale Avenue North looking east



Rear of the subject property, as seen from alleyway looking south east



Edward Street frontage of the subject property, located between the properties at 23 and 25 Edward Street, as seen from Edward Street looking north



Existing dwellings at 11 to 25 Edward Street, located to the south of the subject property, as seen from Edward Street looking north



Existing building at 760 Barton Street East, as seen from Barton Street East looking south east



THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE



Hamilton

**HAMILTON MUNICIPAL HERITAGE COMMITTEE
REPORT 19-003
12:00 p.m.
April 18, 2019
Room 264, 2nd Floor
Hamilton City Hall
71 Main Street West**

Present: Councillor M. Pearson
W. Arndt, A. Denham-Robinson (Chair), C. Dimitry, T. Ritchie, G. Carroll, R. Sinclair, K. Stacey and T. Wallis

**Absent with
Regrets:** D. Beland, K. Garay, and M. McGaw

**THE HAMILTON MUNICIPAL HERITAGE COMMITTEE PRESENTS REPORT 19-003,
AND RESPECTFULLY RECOMMENDS:**

1. **Inventory and Research Working Group Meeting Notes – March 25, 2019 (Item 10.1)**
 - (a) That the recommendations in the Inventory and Research Working Group Meeting Notes of March 25, 2019, be approved as presented; and,
 - (b) That the following properties be added to the City Register of Non-designated Properties of Cultural Heritage Value or Interest, and to the staff work plan:
 1. 745 Crooks' Hollow Road, Dundas
 2. 7 Rolph Street, Dundas
 3. 23-35 King Street East, Stoney Creek
 4. 45 Amelia Street, Hamilton

2. Hamilton Municipal Heritage Committee Heritage Recognition Awards Update (Item 10.2)

That the following Nominations for the 2018 Hamilton Municipal Heritage Committee Heritage Recognition Awards, attached hereto as Appendix “A” and Appendix “B”, be approved, as amended:

(a) HMHC Heritage Property Recognition Awards

Presented to property owners demonstrating an outstanding contribution to the conservation, restoration and preservation of Hamilton’s built heritage.

- (i) 493 Dundas Street, Waterdown (Pearson House)
- (ii) 177 Sherman Avenue North, Hamilton (The Playhouse Theatre)
- (iii) 77 Creighton, Dundas
- (iv) 92 Melville, Dundas
- (v) 96 Melville, Dundas
- (vi) 1379 Concession Rd. 6 W., Flamborough
- (vii) 1149 Westover Rd., Flamborough (Westover Baptist Church)
- (viii) 183 James Street South, Hamilton (Wissnez Law)
- (ix) 105 Aberdeen Avenue, Hamilton
- (x) 254 Bay Street South, Hamilton (Maple Lawn)
- (xi) 1 Turner Avenue, Hamilton
- (xii) 474 Wentworth St. N., Hamilton (St. David’s Presbyterian Church)

(b) Cultural Heritage Landscape Award

Recognizing the efforts of an individual or team who has demonstrated an outstanding contribution to the conservation of Hamilton’s cultural heritage landscapes.

- (i) 610 York Boulevard, Hamilton

(Dundurn National Historic Site, including the Kitchen Garden, the Coach House and the Hamilton Military Museum, which can be viewed at <https://www.hamilton.ca/attractions/hamilton-civic-museums/dundurn-national-historic-site>)

(c) Heritage Group, Society or Specialty Team

Presented to a heritage group, society or specialty team demonstrating an outstanding contribution to the conservation, restoration and preservation of Hamilton's built heritage and heritage landscapes

(i) Canadian Headstone Project Team

(Team of Art French, Team Leader; Frank Brittain, Claire Broderick, Ann Charlton, Jackie French, Laura Martin, Jim McKane, Al and Shirley Rumbles, Ron Sinclair)

For the documentation of over 19,000 gravestones as an historic project – making history more accessible to more people and preserving these landmarks before they are lost to limestone deterioration.

(ii) The Residents of 13 Inglewood Drive, Hamilton

For requesting designation and the development of a Heritage Conservation Plan.

(iii) Durand Neighbourhood Association

Established in 1972, the DNA has been an active group seeking the protection of their heritage and engagement between residents, developers and City officials.

In recognition of their many initiatives, including the Grand Durand Garden Tour, park restoration, support of St. Marks and many others within this historical neighbourhood.

<http://www.durandna.com/>

(d) Education in Heritage Award

Recognizing the efforts of local historians and educators who have played a significant role in educating people on the conservation, restoration and preservation of Hamilton's built heritage or who have trained students in conservation, restoration and preservation best-practices.

(i) Rob Hamilton

- Former Chair of the Hamilton Historical Board Historian

- (ii) Stephanie Dumbreck
 - Founder of Haunted Hamilton (Celebrating 20th Anniversary)
- (iii) Ray Carroll
 - Founder of Vintage Hamilton
 - Historian
- (iv) Barbara Murray
 - Former member of the Hamilton Municipal Heritage Committee
 - President - Local Chapter of the Architectural Conservancy of Ontario
 - Founding Organizer of Doors Open Hamilton
 - Member of The Beach Lighthouse Group and Head of the Lake Society

(e) Making Heritage Accessible Award

Presented to a heritage property owner demonstrating an outstanding contribution to the conservation, restoration and preservation of Hamilton's built heritage by making an inaccessible property accessible to all citizens of Hamilton.

- (i) Provincial Offences Administration Building
 - Former Wentworth County Courthouse
 - 50 Main Street E., Hamilton
 - Circa 1958, re-opened after renovations August 2018
- (ii) Eva Rothwell Centre
 - Former Robert Land Public School
 - 460 Wentworth St. N., Hamilton
 - Circa 1914
 - School Closed in 2004 – Re-opened as the Eva Rothwell Centre in 2006

(f) Sustainable Design in Heritage Award

Presented to a heritage property owner demonstrating an outstanding contribution to the conservation, restoration and preservation of Hamilton's built heritage in a sustainable manner including energy conservation, and through the installation of sustainable features.

(i) 157 Catharine Street North, Hamilton

- Former Office of McCallum Sather Architects – former Davis Brothers Clothing Factory
- The building owner has worked to incorporate many sustainable features in order to make this this former industrial building more efficient and environmentally responsible, including, but not limited to, solar hot water heating, eco-friendly landscape, energy efficient fixtures, green finishes, providing showers and access to the bike share program for staff, etc.

(g) Adaptive Re-Use of a Heritage Property Award

Presented to a heritage property owner demonstrating an outstanding contribution to the conservation, restoration and preservation of Hamilton's built heritage through the adaptive re-use of a property.

(i) Eva Rothwell Centre

- Former Robert Land Public School
- 460 Wentworth St. N., Hamilton
- Circa 1914
- School Closed in 2004 – Re-opened as the Eva Rothwell Centre in 2006

(h) HMHC Developer of the Year Award

Presented to a heritage property developer demonstrating an outstanding contribution to the conservation, restoration and preservation of Hamilton's built heritage.

(i) Nomination #1

- Developer: James Street Residences Inc.
- Project: William Thomas Student Residences, 48 James St. N., Hamilton

(ii) Nomination #2

- Developer: Valery Homes / Spallacci Homes (Ted Valeri and Rudi Spallacci)
- Project: The Residences of the Royal Connaught, 112 King Street East, Hamilton

- (iii) Nomination #3
 - Developer: Electric City Developments (Founder and Managing Partner, Meir Dick, Managing Partner Ray Hutton, and team)
 - Project: Westinghouse Building, 286 Sanford Avenue North, Hamilton

- (iv) Nomination #4
 - Developer: Core Urban Inc. (Steve Kulakowsky, Maureen Sauve, Dave Sauve)
 - Project: The Alley, 12 James Street North, Hamilton

FOR INFORMATION:

(a) CEREMONIAL ACTIVITIES (Item 1)

There were no ceremonial activities.

(b) CHANGES TO THE AGENDA (Item 2)

The Clerk advised the Committee of the following change:

6. DELEGATION REQUESTS

- 6.1 Mark Clem, respecting Item 10.1, Inventory and Research Working Group's recommendations for 45 Amelia Street, Hamilton (for today's meeting)

- 6.2 Bruce Tucker, respecting Item 10.1, Inventory and Research Working Group's recommendations for 23-25 King Street East, Stoney Creek (for today's meeting)

Item 10.1, Inventory and Research Working Meeting Notes of March 25, 2019, was moved up the agenda to follow Item 6.1, Delegation Requests.

The Agenda for the April 18, 2019 Hamilton Municipal Heritage Committee was approved, as amended.

(c) DECLARATIONS OF INTEREST (Item 3)

C. Dimitry declared an interest in Item 10.1., Inventory and Research Working Meeting Notes of March 25, 2019, pertaining to 7 Rolph Street, Dundas, as he conducted an eco-assessment on the property in a former job.

A. Denham-Robinson declared an interest in Item 10.2, Hamilton Municipal Heritage Committee Recognition Awards Update, pertaining to the nomination for Heritage Recognition Property, as she works for an architecture firm involved in the restoration.

K. Stacey declared an interest in Item 10.2, Hamilton Municipal Heritage Committee Recognition Awards Update, pertaining to the nomination of The Residents of 13 Inglewood Drive, Hamilton, as she works for an architecture firm involved in the restoration.

K. Stacey declared an interest in Item 10.2, Hamilton Municipal Heritage Committee Recognition Awards Update, pertaining to the nomination of the Westinghouse Building, as she is acting as a consultant on the project.

G. Carroll declared an interest in Item 10.2, Hamilton Municipal Heritage Committee Recognition Awards Update, pertaining to the nomination of Ray Carroll, Founder of Vintage Hamilton, as he is involved in the maintenance of the Vintage Hamilton website.

R. Sinclair declared an interest in Item 10.2, Hamilton Municipal Heritage Committee Recognition Awards Update pertaining to the Canadian Headstone Project Team, as he is a member of the Glanbrook Heritage Society.

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

(i) March 21, 2019 (Item 4.1)

The Minutes of the March 21, 2019 meeting of the Hamilton Municipal Heritage Committee were approved, as presented.

(e) DELEGATION REQUESTS (Item 6)

(i) Mark Clem, respecting Item 10.1, Inventory and Research Working Group's recommendations for 45 Amelia Street, Hamilton (Added Item 6.1)

The delegation request from Mark Clem, respecting Item 10.1, Inventory and Research Working Group's recommendations for 45 Amelia Street, Hamilton, was approved, for today's meeting.

(ii) Bruce Tucker, respecting Item 10.1, Inventory and Research Working Group's recommendations for 23-25 King Street East, Stoney Creek (for today's meeting) (Added Item 6.2)

The delegation request from Bruce Tucker, respecting Item 10.1, Inventory and Research Working Group's recommendations for 23-25 King Street East, Stoney Creek, was approved, for today's meeting.

(f) CONSENT ITEMS (Item 7)

(i) Inventory and Research Working Group Meeting Notes – February 25, 2019 (Item 7.1)

The Inventory and Research Working Group Meeting Notes – February 25, 2019, was received.

(ii) 2019 Heritage Plaquing Call for Submissions: On the Waterfront – Stories from Cootes Paradise to Stoney Creek (Item 7.2)

Christopher Redford, Heritage Presentation Coordinator, addressed the Committee respecting the 2019 Heritage Plaquing Call for Submissions: On the Waterfront – Stories from Cootes Paradise to Stoney Creek. Committee members were asked to submit nominations through the City's website.

The update respecting the 2019 Heritage Plaquing Call for Submissions: On the Waterfront – Stories from Cootes Paradise to Stoney Creek, was received.

(iii) Update respecting Designation Plaques for Heritage Properties (Item 7.3)

Christopher Redford, Heritage Presentation Coordinator, addressed the Committee respecting Designation Plaques for Heritage Properties.

The Update respecting Designation Plaques for Heritage Properties, was received.

(g) DELEGATIONS / PUBLIC HEARINGS (Item 8)

(i) Mark Clem, respecting Item 10.1, Inventory and Research Working Group's recommendations for 45 Amelia Street, Hamilton (Added Item 8.1)

Mark Clem addressed the Committee with questions regarding the recommendation made by the Inventory and Research Working Group to include the property on the Register of Non-designated properties of Cultural and Heritage Value or Interest.

The delegation from Mark Clem, respecting Item 10.1, Inventory and Research Working Group's recommendations for 45 Amelia Street, Hamilton, was received.

CARRIED

For further disposition of this matter, refer to Item 1.

(ii) Bruce Tucker, respecting Item 10.1, Inventory and Research Working Group's recommendations for 23-25 King Street East, Stoney Creek (Added Item 8.2)

Bruce Tucker addressed the Committee with questions regarding the recommendation made by the Inventory and Research Working Group, to include the property on the Register of Non-designated properties of Cultural and Heritage Value or Interest.

That the delegation from Bruce Tucker, respecting Item 10.1, Inventory and Research Working Group's recommendations for 23-25 King Street East, Stoney Creek.

For further disposition of this matter, refer to Item 1.

A. Denham-Robinson relinquished the Chair to discuss the following items.

(h) DISCUSSION ITEMS (Item 10)

(i) Year-End Report from the Working Groups of the Hamilton Municipal Heritage Committee (Item 10.3)

The Education Working Group presented a draft of a Heritage Word search Puzzle. It is anticipated that the working group will continue with these types of education products for community outreach purposes.

The Heritage Permit Review Sub-Committee also presented their Year-End Report.

The Year-End Reports from the Education Working Group, and the Heritage Permit Review Sub-Committee, was received.

A. Denham-Robinson assumed the Chair.

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

(i) Buildings and Landscapes (Item 13.1)

The property located at 265 Mill Street, Dundas, was added to the Buildings and Landscapes of Interest (YELLOW).

Item 13.1(a)(x), Dunnington-Grubb Gardens, 1000 Main Street East, was moved to the Buildings and Landscapes of Interest (YELLOW) list.

T. Ritchie was recorded as OPPOSED to the above motion.

The following updates be received:

(a) Endangered Buildings and Landscapes (RED):

(Red = Properties where there is a perceived immediate threat to heritage resources through: demolition; neglect; vacancy; alterations, and/or, redevelopment)

- (i) Tivoli, 108 James Street North, Hamilton (D) – T. Ritchie

No report.

- (ii) Andrew Sloss House, 372 Butter Road West, Ancaster (D) – M. McGaw

No report.

- (iii) Century Manor, 100 West 5th Street, Hamilton (D) – K. Garay

No report.

- (iv) Beach Canal Lighthouse (D) – M. Pearson

- (v) 18-22 King Street East, Hamilton (R)(NOI) – K. Stacey

K. Stacey advised that a Conservation Plan has been submitted to the City.

- (vi) 24-28 King Street East, Hamilton (R)(NOI) – K. Stacey

K. Stacey advised that a Conservation Plan has been submitted to the City.

- (vii) 1 St. James Place, Hamilton (D) – K. Stacey

Staff reported that a new owner has taken possession of the property.

- (viii) 2 Hatt Street, Dundas (R) – K. Stacey

Staff are reviewing a report on the property which will be going to Council.

- (ix) James Street Baptist Church, 96 James Street South, Hamilton (D) – A. Denham-Robinson

No report.

**(b) Buildings and Landscapes of Interest (YELLOW):
(Yellow = Properties that are undergoing some type of change, such as a change in ownership or use, but are not perceived as being immediately threatened)**

- (i) Delta High School, 1284 Main Street East, Hamilton (D) – D. Beland

No report.

- (ii) St. Giles United Church, 85 Holton Avenue South (L) – D. Beland

No report.

- (iii) 2251 Rymal Road East, Stoney Creek (R) – C. Dimitry

No report.

- (iv) Former Valley City Manufacturing, 64 Hatt Street, Dundas – K. Stacey

No report.

- (v) St. Joseph's Motherhouse, 574 Northcliffe Avenue, Dundas (R) (ND) - K. Stacey

No report.

- (vi) Copley Building, 104 King Street West; 56 York Blvd., and 63-76 MacNab Street North (NOI) – G. Carroll

No report.

- (vii) 1021 Garner Road East, Ancaster (Lampman House) (NOI) – M. McGaw

No report.

- (viii) Dunnington-Grubb Gardens, 1000 Main Street East (within Gage Park) – D. Beland

**(c) Heritage Properties Update (GREEN):
(Green = Properties whose status is stable)**

- (i) The Royal Connaught Hotel, 112 King Street East, Hamilton (R) – T. Ritchie

R. Sinclair noted that the building may now be under the Registered Condominium Board, rather than the Development Company. Staff will review the Status of Ownership to work with the appropriate parties towards designation.

- (ii) Auchmar, 88 Fennell Avenue West, Hamilton (D) – K. Garay

No report.

- (iii) Treble Hall, 4-12 John Street North, Hamilton (R) – T. Ritchie

No report.

- (iv) 104 King Street West, Dundas (Former Post Office) – K. Stacey

No report.

- (v) 45 Forest Avenue, Hamilton – G. Carroll

No report.

(d) Heritage Properties Update (black):

(Black = Properties that HMHC have no control over and may be demolished)

- (i) Auchmar Gate House, Claremont Lodge 71 Claremont Drive (R) – K. Garay

No report.

(j) ADJOURNMENT (Item 15)

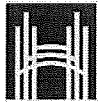
There being no further business, the Hamilton Municipal Heritage Committee adjourned at 2:10 p.m.

CARRIED

Respectfully submitted,


Alissa Denham-Robinson, Chair
Hamilton Municipal Heritage Committee

Loren Kolar
Legislative Coordinator
Office of the City Clerk



Hamilton

CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	June 18, 2019
SUBJECT/REPORT NO:	Official Plan Amendment - Urban Boundary Expansion: Studies and Fees (PED19146) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Heather Travis (905) 546-2424 Ext. 4168
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That staff be directed to provide public notice, in accordance with the City's Public Notice By-law No. 07-351, of a proposal to amend the 2019 Tariff of Fees By-law to establish a new fee for an Official Plan Amendment – Urban Boundary Expansion in the amount of \$67,875, to be broken into two phases (Phase 1 being \$56,204 and Phase 2 being \$11,671);
- (b) That staff be directed to prepare a Peer Review Protocol, including a Peer Review Cost Acknowledgement Agreement, to outline the process for the completion of peer reviews of studies required in the review of an Official Plan Amendment – Urban Boundary Expansion application, with the cost of the peer reviews to be borne by the applicant.
- (c) That staff, in conjunction with Procurement Division, Corporate Services, be directed to:
- (i) Hire CN Watson and Associates to peer review Financial Impact Assessments submitted as part of Official Plan Amendment(s) for Urban Boundary Expansions, with an upset limit of \$150,000 for a period of 12 months;

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- (ii) Investigate and, if feasible, undertake a competitive Request for Proposal (RFP) to establish a roster of consultants for Financial Impact Assessments similar to the Professional and Consultant Services Roster 2019-2020 (C-12-06-18); and,
- (iii) Expand the scope of work in Category 25 – Land use Planning Services - Policy, Zoning and Urban Design from the Professional and Consultant Services Roster 2019-2020 to include agricultural related planning matters.

EXECUTIVE SUMMARY

The Growth Plan, 2019, has introduced new policies which permit a landowner to privately initiate certain Official Plan Amendment (OPA) applications (expansion of the urban boundary and conversion of employment land) in advance of the completion of the Municipal Comprehensive Review (MCR). With regard to an OPA application for urban boundary expansion, review of such an application requires a conformity test against several criteria identified in the Growth Plan and the City's Urban Hamilton Official Plan (UHOP), addressing key areas including servicing capacity, transportation, natural heritage, agricultural impact and planning principles. The review of such an application is complex, involves several City departments and divisions, requires significant technical review time by staff and peer reviewers, and must be completed within a limited timeframe to meet *Planning Act* requirements.

In response to Council's request, this Report identifies the potential studies that will be required in the review of Official Plan Amendment – Urban Boundary Expansion. The Report recommends a process for ensuring that required peer reviews of the studies will be completed in a timely manner, and further, recommends an increased application fee for this type of Official Plan Amendment.

With regard to an OPA application for employment land conversion, while still complex, this application requires fewer studies and staff resources than the urban boundary expansion OPA. Further, as part of the background work on the MCR, staff have completed a preliminary employment land review, including preliminary assessment of the requests for conversion. The review will be updated to reflect changes in the 2019 Growth Plan and taken forward to Committee / Council for consideration, with anticipated timing being in the fall of this year. Therefore, staff are not recommending increased fees for employment land conversion OPAs.

Alternatives for Consideration – See Page 20

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: OPA application fee: Staff are recommending an increase in the OPA fee for urban boundary expansion to \$67,875.

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Peer Reviews for Financial Impact assessments and Agricultural related matters:

Since the staff do not have the expertise and given the short timeline to process these applications, staff is requesting that:

1. Hire CN Watson and Associates to peer review Financial Impact Assessments submitted as part of Official Plan Amendment(s) for Urban Boundary Expansions, with an upset limit of \$150,000 for a period of 12 months;
2. Investigate and, if feasible, undertake a competitive Request for Proposal (RFP) to establish a roster of consultants for Financial Impact Assessments similar to the Professional and Consultant Services Roster 2019-2020 (C-12-06-18); and,
3. Expand the scope of work in Category 25 – Land Use Planning Services - Policy, Zoning and Urban Design from the Professional and Consultant Services Roster 2019-2020 to include agricultural related planning matters. There are three consultants on the current roster that could complete the assignments provided the firm has the necessary expertise. The cost of these peer reviews would be subject to the hourly rates and disbursements under the current roster contract (C--02-06-18))

Staffing: Dedicated staff resources from multiple Departments / Divisions will be required to review and respond to an OPA application for urban boundary expansion within the required timeframe. The required resources can be absorbed with the existing staff FTE complement, but responding to the application for urban boundary expansion or employment land conversion will require existing work to be re-prioritized which may cause other delays.

Legal: N/A

HISTORICAL BACKGROUND

On May 2, 2019, the Province released the new Growth Plan “A Place to Grow” (“Growth Plan, 2019”). The new Growth Plan introduces several new policy directions, including policies which permit a private landowner to submit an application to expand the urban boundary in advance of the completion of the City’s Municipal Comprehensive Review (MCR), and a policy which permits lands within certain employment areas to be

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converted to non-employment designation in advance of the MCR. These policies are in contrast to the previous Growth Plan which only permitted urban boundary expansion and employment land conversion to be considered as part of the MCR.

On June 7, 2019, Bill 108 received Royal Assent. Amongst many other changes, Bill 108 amended the *Planning Act* to reduce the timeframes for making decisions related to an Official Plan Amendment from 210 days to 120 days. This reduction in timeframe for decision making, combined with the Growth Plan changes noted above, will create challenges for the City in responding to an Official Plan Amendment – Urban Boundary Expansion application within the required timeframe.

In light of the above changes, at the Planning Committee of June 4, 2019, Committee provided the following direction to staff:

“That staff be directed to review the Planning Application fees for Private Urban Boundary Expansion applications and Private Employment Lands Conversion applications pursuant to changes in the Ontario Growth Plan; and,

- (a) That staff be directed to report back to the Planning Committee with requisite studies and a corresponding fee structure; and,
- (b) That staff be directed to report back to the Planning Committee with recommendations on June 18, 2019.”

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Planning Act

The following subsections of Section 22 of the *Planning Act* provide that a council decision to refuse to adopt an Official Plan Amendment to expand the urban boundary or remove land from an area of employment cannot be appealed:

“Appeals restricted re certain amendments

(7.1) Despite subsection (7) and subsections 17 (36) and (40), there is no appeal in respect of,

- (a) a refusal or failure to adopt an amendment described in subsection (7.2); or
 - (b) a refusal or failure to approve an amendment described in subsection (7.2).
- 2006, c. 23, s. 11 (6).

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Exception re Minister

(7.1.1) Subsection (7.1) does not apply to an appeal by the Minister in respect of an amendment described in clause (7.2) (d). 2018, c. 16, s. 8 (4).

Application of subs. (7.1)

(7.2) Subsection (7.1) applies in respect of amendments requested under subsection (1) or (2) that propose to,

- (a) alter all or any part of the boundary of an area of settlement in a municipality;
- (b) establish a new area of settlement in a municipality;
- (c) amend or revoke the policies described in subsection 16 (3), including, for greater certainty, any requirements or standards that are part of such policies; or
- (d) authorize a renewable energy undertaking. 2006, c. 23, s. 11 (6); 2011, c. 6, Sched. 2, s. 4; 2018, c. 16, s. 8 (5).

Same

(7.3) If the official plan contains policies dealing with the removal of land from areas of employment, subsection (7.1) also applies in respect of amendments requested under subsection (1) or (2) that propose to remove any land from an area of employment, even if other land is proposed to be added. 2006, c. 23, s. 11 (6).”

The Planning Act provides that a council decision to refuse an OPA application that would alter any part of a settlement area (urban area) boundary or to remove land from an employment area cannot be appealed. However, if a decision on the application is not made within the statutory timeframe (120 days), the application could be appealed to the Local Planning Appeal Tribunal (LPAT) for non-decision. It is therefore critical that any these types of OPA applications be brought forward to Council for a decision within the timeframe.

Provincial Policy Statement (PPS)

The PPS (2014) provides policy direction regarding settlement area boundary expansion and employment land conversion:

“1.1.3.8 A planning authority may identify a *settlement area* or allow the expansion of a *settlement area* boundary only at the time of a *comprehensive review* and only where it has been demonstrated that:

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- a. sufficient opportunities for growth are not available through *intensification*, *redevelopment* and *designated growth areas* to accommodate the projected needs over the identified planning horizon;
- b. the *infrastructure* and *public service facilities* which are planned or available are suitable for the development over the long term, are financially viable over their life cycle, and protect public health and safety and the natural environment;
- c. in *prime agricultural areas*:
 - 1. the lands do not comprise *specialty crop areas*;
 - 2. alternative locations have been evaluated, and
 - i. there are no reasonable alternatives which avoid *prime agricultural areas*; and,
 - ii. there are no reasonable alternatives on lower priority agricultural lands in *prime agricultural areas*;
- d. the new or expanding *settlement area* is in compliance with the *minimum distance separation formulae*; and
- e. impacts from new or expanding *settlement areas* on agricultural operations which are adjacent or close to the *settlement area* are mitigated to the extent feasible.

1.3.2.1 Planning authorities shall plan for, protect and preserve *employment areas* for current and future uses and ensure that the necessary *infrastructure* is provided to support current and projected needs.

1.3.2.2 Planning authorities may permit conversion of lands within *employment areas* to non-employment uses through a *comprehensive review*, only where it has been demonstrated that the land is not required for employment purposes over the long term and that there is a need for the conversion.”

The PPS (2014) is consistent with the previous version of the Growth Plan and only permits a settlement area boundary to be expanded by a municipality at the time of a comprehensive review. The same is true for employment land conversion. Staff understand that the Province is currently reviewing the PPS and policy changes may be forthcoming. Further, policy 5.2.1.2 of the Growth Plan indicates that a municipal comprehensive review that is undertaken in accordance with the Growth Plan is deemed to fulfil the requirements in the PPS to undertake a comprehensive review. The Growth Plan requirements are discussed below.

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Growth Plan, 2019

“2.2.8 Settlement Area Boundary Expansions

2. A *settlement area* boundary expansion may only occur through a *municipal comprehensive review* where it is demonstrated that:
- a. based on the minimum intensification and density targets in this Plan and a land needs assessment undertaken in accordance with policy 2.2.1.5, sufficient opportunities to accommodate forecasted growth to the horizon of this Plan are not available through *intensification* and in the *designated greenfield area*:
 - i. within the upper- or single-tier municipality,
 - b. the proposed expansion will make available sufficient lands not exceeding the horizon of this Plan, based on the analysis provided for in policy 2.2.8.2 a), while minimizing land consumption; and
 - c. the timing of the proposed expansion and the phasing of development within the *designated greenfield area* will not adversely affect the achievement of the minimum intensification and density targets in this Plan, as well as the other policies of this Plan.
3. Where the need for a *settlement area* boundary expansion has been justified in accordance with policy 2.2.8.2, the feasibility of the proposed expansion will be determined and the most appropriate location for the proposed expansion will be identified based on the comprehensive application of all of the policies in this Plan, including the following:
- a. there is sufficient capacity in existing or planned *infrastructure* and *public service facilities*;
 - b. the *infrastructure* and *public service facilities* needed would be financially viable over the full life cycle of these assets;
 - c. the proposed expansion would be informed by applicable water and wastewater master plans or equivalent and *stormwater master plans* or equivalent, as appropriate;
 - d. the proposed expansion, including the associated water, wastewater and stormwater servicing, would be planned and demonstrated to avoid, or if avoidance is not possible, minimize and mitigate any potential negative impacts on watershed conditions and the *water resource system*, including the *quality and quantity of water*;

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- e. *key hydrologic areas* and the *Natural Heritage System for the Growth Plan* should be avoided where possible;
 - f. *prime agricultural areas* should be avoided where possible. To support the *Agricultural System*, alternative locations across the upper- or single-tier municipality will be evaluated, prioritized and determined based on avoiding, minimizing and mitigating the impact on the *Agricultural System* and in accordance with the following:
 - i. expansion into *specialty crop areas* is prohibited;
 - ii. reasonable alternatives that avoid *prime agricultural areas* are evaluated; and
 - iii. where *prime agricultural areas* cannot be avoided, lower priority agricultural lands are used;
 - g. the *settlement area* to be expanded is in compliance with the *minimum distance separation formulae*;
 - h. any adverse impacts on the *agri-food network*, including agricultural *operations*, from expanding *settlement areas* would be avoided, or if avoidance is not possible, minimized and mitigated as determined through an *agricultural impact assessment*;
 - i. the policies of Sections 2 (Wise Use and Management of Resources) and 3 (Protecting Public Health and Safety) of the PPS are applied;
 - j. the proposed expansion would meet any applicable requirements of the Greenbelt, Oak Ridges Moraine Conservation, Niagara Escarpment, and Lake Simcoe Protection Plans and any applicable source protection plan; and
4. Notwithstanding policy 2.2.8.2, municipalities may adjust *settlement area* boundaries outside of a *municipal comprehensive review*, provided:
- a. there would be no net increase in land within *settlement areas*;
 - b. the adjustment would support the municipality's ability to meet the intensification and density targets established pursuant to this Plan;
 - c. the location of any lands added to a *settlement area* will satisfy the applicable requirements of policy 2.2.8.3;
 - d. the affected *settlement areas* are not *rural settlements* or in the *Greenbelt Area*; and,
 - e. the *settlement area* to which lands would be added is serviced by *municipal water and wastewater systems* and there is sufficient reserve *infrastructure* capacity to service the lands.

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5. Notwithstanding policies 2.2.8.2 and 5.2.4.3, a *settlement area* boundary expansion may occur in advance of a *municipal comprehensive review*, provided:
- a. the lands that are added will be planned to achieve at least the minimum density target in policy 2.2.7.2 or 2.2.5.13, as appropriate;
 - b. the location of any lands added to a *settlement area* will satisfy the applicable requirements of policy 2.2.8.3;
 - c. the affected *settlement area* is not a *rural settlement* or in the *Greenbelt Area*;
 - d. the *settlement area* is serviced by *municipal water and wastewater systems* and there is sufficient reserve *infrastructure* capacity to service the lands; and,
 - e. the additional lands and associated forecasted growth will be fully accounted for in the land needs assessment associated with the next *municipal comprehensive review*.
6. For a *settlement area* boundary expansion undertaken in accordance with policy 2.2.8.5, the amount of land to be added to the *settlement area* will be no larger than 40 hectares.”

Policy 2.2.8.5 permits settlement area boundary expansion to occur in advance of the MCR, provided that certain criteria are met, including the extensive criteria identified in policy 2.2.8.3 (including consideration of servicing, infrastructure natural heritage, and agricultural impacts). Policy 2.2.8.6 identifies that the maximum expansion are permitted under policy 2.2.8.5 is 40 ha.

“2.2.5 Employment

9. The conversion of lands within *employment areas* to non-employment uses may be permitted only through a *municipal comprehensive review* where it is demonstrated that:
- a. there is a need for the conversion;
 - b. the lands are not required over the horizon of this Plan for the employment purposes for which they are designated;
 - c. the municipality will maintain sufficient employment lands to accommodate forecasted employment growth to the horizon of this Plan;
 - d. the proposed uses would not adversely affect the overall viability of the *employment area* or the achievement of the minimum intensification and density targets in this Plan, as well as the other policies of this Plan; and

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- e. there are existing or planned *infrastructure* and *public service facilities* to accommodate the proposed uses.
10. Notwithstanding policy 2.2.5.9, until the next *municipal comprehensive review*, lands within existing *employment areas* may be converted to a designation that permits non-employment uses, provided the conversion would:
- a. satisfy the requirements of policy 2.2.5.9 a), d) and e);
 - b. maintain a significant number of jobs on those lands through the establishment of development criteria; and
 - c. not include any part of an *employment area* identified as a *provincially significant employment zone*.”

Policy 2.2.5.10 allows lands within employment areas to be converted to a non-employment designation, provided certain criteria are met, including a demonstrated need for the conversion, identification that the conversion would not adversely impact the employment area, and maintenance of a significant number of jobs. Further, lands within a Provincially Significant Employment Zone (within Hamilton this is the Bayfront Industrial Area, Stoney Creek Business Park, AEGD and Red Hill North and South) cannot be converted in advance of the MCR.

Urban Hamilton Official Plan (UHOP)

The following policies regarding urban boundary expansion in the UHOP are under appeal, but are provided for reference purposes (note these policies are the Ministry modified policies which remain under appeal and are therefore informative but not determinative when assessing applications to alter the urban boundary):

- “B.2.2.1 The exact limits of the lands to be included as part of the *urban boundary* expansion shall be determined as part of a *municipally initiated comprehensive review* and secondary plan.
- B.2.2.2 No *urban boundary* expansion shall occur until a *municipally initiated comprehensive review* and secondary plan have been completed.
- B.2.2.3 Prior to the initiation of an *urban boundary* expansion, the City shall undertake a *municipally initiated comprehensive review* and secondary plan, in accordance with the policies of the Growth Plan for the Greater Golden Horseshoe. As part of these processes, the City shall complete background studies and conduct community planning and public consultation events including the establishment of a community liaison committee. The background studies and consultation processes shall

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assist in identifying the layout of future land uses, determining more precise needs, land supply and infrastructure requirements, and development of community growth management policies and designations. More specifically, a *municipally initiated comprehensive review* and secondary plan shall include the following elements:

- a) a comprehensive review and land budget analysis is required to determine the need for an *urban boundary* expansion, which includes an assessment of occupied and vacant urban land, brownfield availability, greenfield densities, and *intensification* targets to determine if sufficient opportunities to accommodate forecasted growth contained in Policy A.2.3.1 and Policy A.2.3.2 are not available [Mod 4(b)];
- b) a *sub-watershed plan* to address storm water infrastructure and natural heritage system impacts, in accordance with Section F.3.1.6 – Watershed and Sub-watershed Plans;
- c) Environmental Impact Statement(s) pertaining to the natural heritage system, as required by applicable Official Plan and provincial policies;
- d) in prime agricultural areas, the lands do not comprise specialty crop areas, there are no reasonable alternatives that avoid prime agricultural areas and there are no reasonable alternatives on lower priority agricultural lands [Mod 4(c)];
- e) demonstrating that impacts from new or expanding *urban areas* on agricultural operations which are adjacent or close to the *urban areas* are mitigated to the extent feasible; and,
 - i) the designation of appropriate land uses and policies pertaining to the design and density of such uses;
 - ii) completion of Class Environmental Assessments for major urban servicing infrastructure deemed to be essential for commencement or completion of *development* of all or part of the lands; and,
 - iii) an urban *development* staging, phasing or implementation strategy in keeping with City-wide master plan priorities and secondary plan objectives.
 - iv) the timing of the urban boundary expansion and the phasing of development within the greenfield areas shall not adversely affect the achievement of the *residential intensification* target and Greenfield density targets [Mod 4(d)].

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- f) completion of a financing policy for urban services and other community infrastructure; and,
- g) other studies and policies which the City deems necessary for the development of the future urban growth district as a sustainable transit oriented urban community.
- h) the *urban boundary* expansion makes available sufficient lands for a time horizon not exceeding 20 years, based on the analysis provided for in Policy ~~B.2.2.4 a)~~ B.2.2.3 a) [Mod 4 (e)]

The under appeal policies of the UHOP identify that an urban boundary expansion may only occur through a municipally-initiated comprehensive review, and further identify criteria for evaluation of such an expansion.

“F.1.1.6 In the absence of a Municipal Comprehensive Review as defined by Growth Plan for the Greater Golden Horseshoe, there shall be no appeal with respect to the refusal or failure of the City to adopt an Official Plan amendment for:

- a) the redesignation, conversion or addition of non-employment land uses for lands designated Employment Area – Industrial Land, Employment Area – Business Park, Employment Area – Airport Business Park, or Employment Area – Shipping and Navigation on Schedule E-1 – Urban Land Use Designations; and,
- b) the expansion of all or part of the urban boundary.”

Policy F.1.1.6 identifies the requirement that conversion of employment lands and urban boundary expansion be considered only through a Municipal Comprehensive Review and, in the absence of that review, there shall be no appeal in the refusal of such an application.

RELEVANT CONSULTATION

The following Departments / Divisions were consulted in the preparation of this Report to determine what studies / requirements would be requested in the review of an Official Plan Amendment – Urban Boundary Expansion application, and further, if a peer review of the required studies would be recommended:

- Transportation Planning, Planning and Economic Development Department;
- Growth Management, Planning and Economic Development Department;
- Hamilton Water, Public Works Department;
- Financial Planning and Policy, Corporate Services; and,
- Procurement, Corporate Services.

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ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. Planning staff were directed to report back to Planning Committee on the required studies and a potential fee increase for the processing of Official Plan Amendment applications for urban boundary expansions and employment land conversions. The anticipated requirements and complexity of these two types of applications will not be the same, and therefore this report considers them separately.

With regard to both types of application, it is imperative that the review of the OPA application be completed in a timely manner and a decision is made on the application within the legislated *Planning Act* timeframe (120 days). As noted, a decision by Council to refuse to adopt an application for urban boundary expansion or removal of employment lands cannot be appealed. However, if a decision is not made within the timeframe, the application can be appealed for non-decision.

It is staff's opinion that such an appeal must be avoided. The requirement for staff to respond to privately-initiated urban boundary expansion or employment land conversion requests will already slow down the overall MCR project timeline. If such an application is appealed to the LPAT, the project timeline could be impacted further. This further delay would be due to staff time being required to respond to the appeal, but also due to a potential impact on the City's ability to finalize the required Land Needs Assessment and review of growth options in light of an ongoing appeal.

The shortened timeframe for decision making on Official Plan Amendments under Bill 108 will add pressure and difficulty to the review of these applications. Within the 120 day timeframe, the application will need to be deemed complete, circulated internally and externally, studies reviewed (including peer reviews), report written and reviewed, notice provided, and considered at Planning Committee and Council. The recommendations contained in this report are intended to assist staff with expediting the review of these applications.

2. Official Plan Amendment Applications for Urban Boundary Expansion

2.1 Required Studies

A request to expand the urban boundary, as per Growth Plan policy 2.2.8.4, has to satisfy the requirements of the Settlement Area Boundary Expansion policies of the Growth Plan (policies 2.2.8.2 and 2.2.8.3). Further, the UHOP policy B.2.2.3 (Council approved but under appeal) outlines criteria that must be considered in the review of an urban boundary expansion area. Based on these requirements, staff have identified the following studies that are required in the review of a privately initiated urban boundary expansion request:

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- Sub-watershed Study / Neighbourhood-scale Stormwater Management Study, addressing:
 - Surface water resources
 - Groundwater
 - Source protection planning study (Significant Groundwater Recharge Aquifers, Highly Vulnerable Areas)
 - Aquatic resources
 - Species at risk
 - Water quality
 - Terrestrial ecology
 - Fluvial geomorphology
 - Sourcewater protection implications
- Water and Wastewater Servicing Study (network level capacity study including existing trunk mains and sewers)
- Functional Servicing Report, addressing:
 - Water and wastewater needs and servicing concepts, including required municipal infrastructure internal and external to the development
 - Watermain hydraulic modelling of applicable pressure zone
 - Transportation
 - Grading and drainage
 - Stormwater management
 - Geotechnical and hydrogeology
- Environmental Impact Statement and Linkage Assessment
- Karst Assessment
- Tree Protection Plan
- Hydrogeological study
- Financial Impact Analysis
- Agricultural Impact Assessment
- Minimum Distance Separation (MDS) calculation
- Transportation Impact Study
- Planning Justification Report
- Parks Issues Assessment
- Staging, implementation plan

In addition to the above, the following are additional documents required as part of the review of an OPA application:

- Draft Official Plan Amendment
- Concept plan (high level secondary plan)
- Public consultation strategy
- Cultural Heritage Impact Assessment
- Noise Impact Study

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- Energy and Environmental Assessment Report
- Cycling Route Analysis
- Parking Analysis / Study
- Pedestrian Route and Sidewalk Analysis
- Roadway / Development Safety Audit
- Modern Roundabout and Neighbourhood Roundabout Analysis
- Neighbourhood Traffic Calming Options Report
- Transit Assessment
- Transportation Demand Management Report
- Other information and materials

The requirement to undertake and submit the studies is based on site specific circumstances, and not all of the above studies would be required for each application. Additional studies could be required (see UHOP Table F.1.19.1) and would be identified on a site specific basis. Staff are also contemplating the creation of guidelines for a Climate Change Assessment report and adding that report to the list of studies in UHOP Table F.1.19.1 through a future amendment. Once that process is completed, a Climate Change Assessment could be added to the list of required studies for an Official Plan Amendment – Urban Boundary Expansion application.

Prior to submitting an application for an Official Plan Amendment – Urban Boundary Expansion, all applicants are required to submit an application for Formal Consultation which will identify all of the studies and other materials required to accompany the application.

At the Formal Consultation stage, staff will encourage the submission of an integrated Municipal Class Environmental Assessment and *Planning Act* application to comprehensively review the impacts of the proposal.

2.2 Peer reviews

Staff do not have the capacity to review all of the above noted studies. In some cases, this is due to a lack of in-house expertise (eg. the review of Agricultural Impact Assessments). In the majority of circumstances, the short review time provided under the *Planning Act* requirements combined with limited staff resources will not allow for a fulsome review. Peer reviews will therefore be required to assist in the review of the submitted studies and provide feedback and technical expertise to assist staff.

UHOP policy F.1.19.7 allows the City to undertake a peer review of submitted studies and materials, and this peer review is to be completed by a consultant retained by the City, at the applicant's expense. This is the normal course of action when a peer review is required in the review of a planning application. The City acts as the 'client' on the review, but the fees are paid by the applicant.

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Based on staff resources, workload and expertise, it is anticipated that the following studies, at a minimum, may require a peer review to allow for evaluation within the required timeframe:

Study	Roster consultant available?
Functional Servicing Report / Sub-watershed / SWM Study	Yes
Hydrogeological Study	Yes
Transportation Impact Study	Yes
Environmental Impact Study	Yes
Linkage Assessment	Yes
Financial Impact Assessment	No – see recommendation (c)
Agricultural Impact Assessment	No – see recommendation (c)

This list is preliminary and further studies may also require review depending on the nature of the application and complexity of review required.

There are no rosters of consultants to undertake a peer review of financial impact assessments or agriculture related matters (minimum distance calculations and agricultural impact assessments). As a result, staff is requesting permission to:

1. Hire CN Watson (the firm completing the City's Development Charges By-law) as a sole source to the review of financial impact assessments for a period of 12 months and not to exceed \$150,000;
2. Investigate and, if feasible, undertake a competitive Request for Proposal (RFP) to establish a roster of consultants for Financial Impact Assessments similar to the Professional and Consultant Services Roster 2019-2020 (C-12-06-18); and,
3. Expand the scope of work in Category 25 – Land Use Planning Services - Policy, Zoning and Urban Design from the Professional and Consultant Services Roster 2019-2020 to include agricultural related planning matters. Agricultural assessments are a common part of a land use planning review when lands are in the Rural area. The three qualified roster consultants currently on the 2019-2020 Roster will be eligible for agricultural assignments provided the firm has the necessary expertise. The consultants will be subject to the hourly rates and disbursements in Contract C-12-06-18

To expedite the peer review process, staff recommend the creation of a Peer Review Protocol including a Peer Review Cost Acknowledgement Agreement. This agreement

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will require the applicant to acknowledge and agree to the costs of the peer reviews. The agreement will also outline the process for the return of unused fees, or conversely, the requirement for the applicant to provide additional fees if needed. A standardized template will be created for this agreement for ease of use. Once created, this agreement will be reviewed by Legal. The signed agreement will form part of the complete application requirement.

2.3 Fee structure

Due to the complexity of the application and the numerous studies and other materials which will need to be reviewed, staff recommend that the fee for an Official Plan Amendment – Urban Boundary Expansion be increased above the normal Official Plan Amendment fee. The Planning and Economic Development Fee Structure already recognizes that certain types of applications may require increased fees based on the complex nature of the review, as is currently the case with applications for new or expanded mineral aggregate operations which have increased Official Plan and Zoning Amendment fees. It is recommended that a similar approach be taken with Urban Boundary Expansion applications. The chart below summarizes the proposed change:

	Standard Official Plan Amendment	Official Plan Amendment – Urban Boundary Expansion
Phase 1	\$16,833	\$56,204
Phase 2	\$11,671	\$11,671
Total	\$28,504	\$67,875

The rationale for the increase in the application fee is that:

- Extra studies are required above and beyond studies that are required for a standard Official Plan Amendment application. These extra studies include Financial Impact Analysis, Agricultural Impact Assessment, Hydrogeological Study.
- Review of a high level secondary plan / concept plan submitted by the applicant. This is a key difference between review of an Urban Boundary expansion OPA vs a standard OPA. The expansion will be proposed on lands with no secondary plan or applicable zoning to act as a guide in the review process.
- The servicing / infrastructure / transportation studies must be at the network level to address network impacts related to capacity issues from the increased growth. The required technical review of such studies is significant.
- Consideration of additional factors in the review process which are not normally contemplated such as the integration of the new expansion area with surrounding lands in terms of contribution to complete communities and proposed transportation and infrastructure access; implications on the City's overall land needs and land supply; contribution to the City's overall density targets; etc.

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Based on the above, it is anticipated that additional staff hours, across several departments and divisions, will be required in the review of these applications. The recommended fee increase reflects these requirements.

The application fee for the standard OPA is broken down into two phases. Phase 1 is services up to the Council report, and Phase 2 is services subsequent to the council resolution. It is proposed that the Urban Boundary Expansion OPA fee be broken down into two phases consistent with the standard OPA. Should an application for an Official Plan Amendment – Urban Boundary Expansion be denied by Council, the Phase 2 (post-Council decision) portion of the application fee will be refunded to the applicant.

The fees above do not include the fees for the completion of peer reviews, which as noted, are separate and subject to the peer review cost agreement.

2.4 Summary of Recommendations – Urban Boundary Expansion OPA

In summary, the following are key recommendations to facilitate an expedited review of Official Plan Amendment – Urban Boundary Expansion applications:

- Requirement for applicant to sign a Peer Review Cost Acknowledgement Agreement as part of the complete application requirements. The agreement will outline the terms and conditions of the peer review process.
- Identify CN Watson as a peer reviewer of Financial Impact Assessments submitted as part of the OPA – urban boundary expansion application because the City does not have a consultant roster for this type of study. Further, expand the scope of the land use planning roster category to include review of Agricultural Impact Assessments and MDS calculations.
- Increase the application fee from \$28,504 to \$67,875 for an Official Plan Amendment – Urban Boundary Expansion. This is reflective of the additional review time required by staff across multiple divisions to respond to the application in a timely manner. It is noted that the Phase 2 portion of this fee (\$11,671) could be refunded if Council denies the application.

See summary in Appendix “A” to Report PED19146.

3. Official Plan Amendment Applications for Employment Land Conversion

3.1 Employment Land Review - MCR

Through the background work on the MCR completed to date, staff have completed a review of the City’s employment lands against established conversion criteria, and have identified parcels which meet the criteria for potential conversion. This work has been completed in draft form. Further, the City initiated a public call for requests for employment land conversion in 2017, in which property owners could submit a request

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for conversion as part of the MCR for consideration by staff. A total of 19 requests were received. An initial screening of the requests identified several parcels which would require additional studies to support the proposal, including a Planning Justification Report and Noise Impact Study. Staff have completed the review of these requests in draft form.

As a result of this work already completed, the City has considerable knowledge about potential conversion sites within the City's employment areas. Should a privately initiated OPA be submitted for conversion of one of the sites already submitted through the MCR process, there would not be a significant amount of additional review required by staff above what has already been completed.

3.2 Pre-MCR Conversion Only Permitted Outside of PSEZs

As noted in the Policy section of this Report, the Growth Plan only permits the conversion of employment land in advance of the MCR within employment areas that are not Provincially Significant Employment Zones (PSEZs). Within Hamilton, the following employment areas are not PSEZs:

- Flamborough Business Park
- Ancaster Business Park
- Dundas Industrial Area
- West Hamilton Innovation District

This restriction means that the number of potential OPA applications for employment land conversion is limited. Of note, of the 19 requests for conversion received through the public call for requests, only one was in an employment area that was not a PSEZ.

3.3 Studies and Review of Employment Land Conversion OPA Application

Unlike the application for urban boundary expansion, the list of special studies required in the review of an employment land conversion application is more limited. It is anticipated that the list of studies would include a Planning Justification Report, Noise Impact Study, Servicing Study (to review system capacity based on proposed use), Transportation Impact Study, and other studies which may be needed on a site specific basis such as cultural or natural heritage studies. These studies are generally typical of an OPA application. It is not anticipated that these studies would require peer review, though the City reserves the right to request a peer review based on specific circumstances if required.

3.4 Recommendation Regarding Employment Land Conversion OPA Fees

Staff are not recommending a fee increase above the standard OPA application fee for an employment land conversion OPA application, based on the following:

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- Staff have already completed significant work on employment land review through the MCR, and therefore already have significant information resources as a starting point for any additional requests;
- The expected number of such applications is limited based on Growth Plan restriction on conversion within PSEZs; and,
- The number and complexity of studies required for review is less than that of an urban boundary expansion application and additional fees are not warranted. The City reserves the right to request peer reviews of individual studies if required, at the cost of the applicant, as is standard practice.

ALTERNATIVES FOR CONSIDERATION

The following alternatives could be considered:

1. Council could choose not to establish a separate fee for an Official Plan Amendment – Urban Boundary Expansion; or,
2. Council could recommend a different fee for an Official Plan Amendment – Urban Boundary Expansion; and / or,
3. Council could recommend a new fee for an Official Plan Amendment – Employment Land Conversion.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement & Participation

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

Economic Prosperity and Growth

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

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” – Summary of Fees and Studies: Urban Boundary Expansion OPA

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Official Plan Amendment - Urban Boundary Expansion

1. Required Studies

Staff have identified the following studies that would be required in the review of a privately initiated urban boundary expansion request:

- Sub-watershed Study / Neighbourhood-scale Stormwater Management Study, addressing:
 - Surface water resources
 - Groundwater
 - Source protection planning study (Significant Groundwater Recharge Aquifers, Highly Vulnerable Areas)
 - Aquatic resources
 - Species at risk
 - Water quality
 - Terrestrial ecology
 - Fluvial geomorphology
 - Sourcewater protection implications
- Water and Wastewater Servicing Study (network level capacity study including existing trunk mains and sewers)
- Functional Servicing Report, addressing:
 - Water and wastewater needs and servicing concepts, including required municipal infrastructure internal and external to the development
 - Watermain hydraulic modelling of applicable pressure zone
 - Transportation
 - Grading and drainage
 - Stormwater management
 - Geotechnical and hydrogeology
- Environmental Impact Statement and Linkage Assessment
- Karst Assessment
- Tree Protection Plan
- Hydrogeological study
- Financial Impact Analysis
- Agricultural Impact Assessment
- Minimum Distance Separation (MDS) calculation
- Transportation Impact Study
- Planning Justification Report
- Parks Issues Assessment
- Staging, implementation plan
- Draft Official Plan Amendment
- Concept plan (high level secondary plan)
- Public consultation strategy
- Cultural Heritage Impact Assessment
- Noise Impact Study

- Energy and Environmental Assessment Report
- Cycling Route Analysis
- Parking Analysis / Study
- Pedestrian Route and Sidewalk Analysis
- Roadway / Development Safety Audit
- Modern Roundabout and Neighbourhood Roundabout Analysis
- Neighbourhood Traffic Calming Options Report
- Transit Assessment
- Transportation Demand Management Report
- Additional transportation-related studies
- Other information and materials

The requirement for the studies above would be based on site specific circumstances, and not all of the above studies would be required for each application. Further, additional studies could be required (see UHOP Table F.1.19.1) and would be identified on a site specific basis.

Prior to submitting an application for an Official Plan Amendment – Urban Boundary Expansion, all applicants would be required to submit an application for Formal Consultation which will identify all of the studies and other materials required to support the application.

2. Peer reviews

Based on staff resources, workload and expertise, it is anticipated that the following studies may require a peer review in order to allow for evaluation within the required timeframe:

- Functional Servicing Report / Sub-watershed Study / SWM Study
- Hydrogeological Study
- Transportation Impact Study
- Environmental Impact Study
- Linkage Assessment
- Financial Impact Assessment
- Agricultural Impact Assessment

This is a preliminary list and further studies may also require review depending on the nature of the application and complexity of review required.

The applicant will be required to enter into a Peer Review Cost Acknowledgement Agreement. This agreement will require the applicant to acknowledge and agree to the costs of the peer reviews. The agreement will also outline the process for the return of unused fees, or conversely, the requirement for the applicant to provide additional fees if needed. A standardized template will be created for this agreement for ease of use. The signed agreement will form part of the complete application requirement.

3. Fee structure

Due to the complexity of the application and the numerous studies and other materials which will need to be reviewed, the fee for an Official Plan Amendment – Urban Boundary Expansion will be increased above the normal Official Plan Amendment fee. The chart below summarizes the proposed change:

	Standard Official Plan Amendment	Official Plan Amendment – Urban Boundary Expansion
Phase 1	\$16,833	\$56,204
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Based on the complexity, it is anticipated that additional staff hours, across several departments and divisions, will be required in the review of these applications. The recommended fee increase reflects these requirements.

The application fee will be broken down into two phases. Phase 1 is services up to the Council report, and Phase 2 is services subsequent to the council resolution. Should an application for an Official Plan Amendment – Urban Boundary Expansion be denied by Council, the Phase 2 portion of the application fee will be refunded to the applicant.

The fees above do not include the fees for the completion of peer reviews, which as noted, are separate and subject to the peer review cost agreement.

CITY OF HAMILTON

NOTICE OF MOTION

Planning Committee Date: June 18, 2019

MOVED BY COUNCILLOR COLLINS.....

Corporate Policy for Official Planning Notification During Mail Strikes

WHEREAS, the Planning Act prescribes the options the City of Hamilton can use for giving notice of an application to the Committee of Adjustment for a minor variance or severance;

WHEREAS, the two statutory options available to the City of Hamilton are to give notice by placing an advertisement in the newspaper or by first class mail to property owners combined with posting a sign on the property;

WHEREAS, as a result of the most recent mail disruption at Canada Post which required the City of Hamilton to give notice by placing an advertisement in the newspaper; and,

WHEREAS, not all affected residents read the newspaper or what appear to be technical notices placed in the newspaper and residents miss the opportunity to participate in the Committee of Adjustment decision making process;

THEREFORE BE IT RESOLVED:

That Planning staff report back to Planning Committee on a strategy for informing residents that goes beyond the traditional newspaper advertisement in the event of future disruptions in mail delivery service.

11.2

CITY OF HAMILTON

MOTION

Planning Committee Date: June 18, 2019

MOVED BY COUNCILLOR PARTRIDGE.....

SECONDED BY COUNCILLOR.....

1 Main Street North, Waterdown (the Royal Coachman) – Register of Property of Cultural Heritage Value or Interest

WHEREAS, the owner of the lands located at 1 Main Street North, Waterdown, is considering selling the property for redevelopment;

WHEREAS, 1 Main Street North, Waterdown, known as the Royal Coachman property, is listed on the *Inventory of Building of Architectural and/or Historic Interest*, but is not currently recognized through registration or protected through designation under the *Ontario Heritage Act*.

WHEREAS, based on a preliminary evaluation of Cultural Heritage Value or Interest conducted as part the Waterdown Village Built Heritage Inventory, 1 Main Street North, Waterdown meet the criteria specified in Ontario Regulation 9/06 including, but not limited to:

- Historical associations with early transportation and lodging in the village. The property has a direct association with the Kirk family, who built and operated the Kirk House Hotel (now the Royal Coachman) for approximately 80 years (1880's-1960's). Additionally, the property has the potential to yield information that contributes to the understanding of the community through additional research.
- Physical and architectural design value as the property is a representative style of the Queen Anne Revival style, which was popular in Ontario between 1870 and 1910. The property displays a high degree of craftsmanship, including but not limited to the projecting bay with wood paneling and decorated barge board on the primary elevation.
- Contextual associations as it is important in defining the historical character of the area, is physically, functionally and historically linked to its surroundings, and is considered to be a local landmark.

11.2

THEREFORE BE IT RESOLVED:

- (a) That Council add the property located at 1 Main Street North, Waterdown, to the City's *Register of Property of Cultural Heritage Value or Interest* as a non-designated property, providing 60-days of interim protection from demolition; and,
- (b) That Council direct staff to add 1 Main Street North (the Royal Coachman), Waterdown, to staff's designation work plan and be assigned immediate priority for Heritage Designation in Q4.

11.3

CITY OF HAMILTON

MOTION

Planning Committee Date: June 18, 2019

MOVED BY COUNCILLOR M PEARSON.....

SECONDED BY COUNCILLOR.....

Demolition Permit for 175 Margaret Avenue (Stoney Creek)

That the Chief Building Official be authorized and directed to issue a demolition permit for 175 Margaret Avenue (Stoney Creek) 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 if a replacement building is not erected on this property within three years of the demolition of the existing building, the City be paid the sum of \$20,000.00 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; and
- (b) 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 City Solicitor.

CITY OF HAMILTON

MOTION

Planning Committee Date: June 18, 2019

MOVED BY COUNCILLOR M PEARSON.....

SECONDED BY COUNCILLOR.....

Demolition Permit for 176 Millen Road (Stoney Creek)

That the Chief Building Official be authorized and directed to issue a demolition permit for 176 Millen Road (Stoney Creek) 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 if a replacement building is not erected on this property within three years of the demolition of the existing building, the City be paid the sum of \$20,000.00 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; and
- (b) 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 City Solicitor.