City of Hamilton

PLANNING COMMITTEE REVISED

Meeting #: 19-009
Date: June 4, 2019
Time: 9:30 a.m.
Location: Council Chambers, Hamilton City Hall
71 Main Street West

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

Pages

1. CEREMONIAL ACTIVITIES

2. APPROVAL OF AGENDA
(Added Items, if applicable, will be noted with *)

3. DECLARATIONS OF INTEREST

4. APPROVAL OF MINUTES OF PREVIOUS MEETING

5. COMMUNICATIONS

6. DELEGATION REQUESTS

10.2 Amendments to Property Standards By-law 10-221 Respecting Development and Grading Plans (PED19113) (City Wide) 348

10.3 Hamilton Urban Forest Strategy Update (PD02229(h)) (City Wide) 353

10.4 Designation of 23-25 King Street East, Stoney Creek (Hamilton Municipal Heritage Committee Report 19-003) (Deferred from the May 14 meeting) (No copy)

11. MOTIONS

11.1 Year Round Live-Aboards at West Harbour Marinas / Yacht Clubs 356

11.2 Amendment to Nuisance By-law No. 09-110 respecting Cannabis Growing Operations 357

11.3 Demolition Permit for 743 Green Mountain Road East (Stoney Creek) 358

11.4 Electric Charging Stations in Ward 5 359

12. NOTICES OF MOTION

*12.1 Corporate Policy for Official Planning Notification During Mail Strikes *360*

*12.2 Development of a Rural Fill By-law

13. GENERAL INFORMATION / OTHER BUSINESS

13.1 Outstanding Business List

13.1.a 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

13.1.b Items to be Removed:
19F - 310 Frances Avenue
(Addressed as Item 7.3 on the May 14th agenda)

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

14. PRIVATE AND CONFIDENTIAL

14.1 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) (Distributed under separate cover)

Pursuant to Section 8.1, Sub-section (e) and (f) of the City's Procedural By-law 18-270, and Section 239(2), Sub-section (e) and (f) of the *Ontario Municipal Act*, 2001, as amended as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the City; and, the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

15. ADJOURNMENT

PLANNING COMMITTEE
MINUTES 19-008
9:30 a.m.
Tuesday, May 14, 2019
Council Chambers
Hamilton City Hall
71 Main Street West

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

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THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

1. Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED19078) (City Wide) (Item 7.1)

(Danko/Partridge)
That Report PED19078 respecting Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications, be received.

CARRIED

2. Micro-Mobility – E-Scooters (PED19099) (City Wide) (Item 7.2)

(Whitehead/Clark)
That Report PED19099 respecting Micro-Mobility – E-Scooters, be received.

CARRIED

3. Site Plan Control Application for 310 Frances Avenue (PED19115) (Ward 10) (Item 7.3)

(Pearson/Partridge)
That Report PED19115 respecting Site Plan Control Application for 310 Frances Avenue, be received.

CARRIED

4. Applications for an Amendment to the Rural Hamilton Official Plan and the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 1633, 1649 and 1653 Highway No. 6 North, Flamborough (PED19076) (Ward 13) (Item 8.3)

(Partridge/Whitehead)

(a) That Amended Rural Hamilton Official Plan Amendment Application RHOPA-17-038 by 1685486 Ontario Inc. (Owner), to establish a Site Specific Policy to permit the expansion of a Cannabis Growing and Harvesting Facility having a maximum gross floor area of 9,505 sq m consisting of 6,305 sq m of growing and harvesting, 600 sq m of agricultural related uses and 2,600 sq m of accessory uses, for portions of the lands located at 1633 and 1649 Highway No. 6 North, Flamborough, as shown on Appendix "A" to Report PED19076, be APPROVED on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix "B" to Report PED19076, be adopted by City Council;

(ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2014) and conforms to the Greenbelt Plan (2017);

(iii) That in the event that RHOPA 21 comes into force and effect prior to the adoption of the draft Official Plan Amendment, attached as Appendix "B" to Report PED19076, the definition of a Cannabis Growing and Harvesting Facility shall be removed.

(b) That Amended Zoning By-law Amendment Application ZAC-17-081 by 1685486 Ontario Inc. (Owner), for a modification to the Rural (A2) Zone to permit the expansion of a Cannabis Growing and Harvesting Facility having a maximum gross floor area of 9,505 sq m consisting of 6,305 sq m of growing, 600 sq m of agricultural related uses and 2,600 sq m of accessory uses, and a modification to the Conservation / Hazard Lands – Rural (P7) Zone to permit an office use in conjunction with the Cannabis Growing and Harvesting Facility and to prohibit a Cannabis Growing and Harvesting Facility, a Single Detached Dwelling, a Residential Care Facility, a Farm Labour Residence and an Agricultural Processing Establishment – Secondary within the existing building and prohibit expansions of the existing single detached dwelling, for portions of the lands located at 1633, 1649 and 1653 Highway No. 6 North, Flamborough, as shown on Appendix "A" to Report PED19076, be APPROVED on the following basis:

(i) That the draft By-law, attached as Appendix "C" to Report PED19076, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

(ii) That in the event that By-law 18-266 comes into effect prior to the passing of the draft By-law, attached as Appendix "C" to Report

PED19076, the definition of the Cannabis Growing and Harvesting Facility shall be removed;

(iii) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject property by introducing the Holding symbol 'H111' to the proposed Rural (A2, 691) Zone.

The Holding Provision "H111" is to be removed to allow the development of the Cannabis Growing and Harvesting Facility, conditional upon:

1. The Owner submitting and receiving approval of an Odour Impact Assessment and Light Impact Assessment, to the satisfaction of the Director of Planning and Chief Planner.

(iv) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Greenbelt Plan (2017), and will comply with the Rural Hamilton Official Plan upon approval of Official Plan Amendment No. __.

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

Result: Main Motion, *As Amended*, 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
YES – Councillor Judi Partridge
YES – Councillor Terry Whitehead
NOT PRESENT – Councillor Brenda Johnson
YES – Councillor Brad Clark

5. Comprehensive Review of Discharge of Firearms By-law (PED16107(b)) (City Wide) (Item 10.1)

(Clark/Partridge)

(a) That the by-law attached as Appendix "A" to Report PED16107(b), which repeals and replaces the Discharge of Firearms By-law 05-114, that incorporates the recent and future urban developments in the City and that includes key aspects of a comprehensive review and public consultation process, and which has been prepared in a form satisfactory to the City Solicitor, be enacted;

(b) That a new exemption permit application fee of $100 and renewal fee of $20 for the discharge of recreational firearms or bows be approved, and that the User Fees and Charges By-law be amended accordingly; and,

(c) That the item respecting the Comprehensive Review of the Discharge Firearm By-law be considered complete and removed from the Planning Committee Outstanding Business List.

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

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

6. Effect of Heritage Designations on Property Values in Hamilton (Item 11.1)

(Farr/Collins)
That the appropriate staff from PED be requested to consult with the Realtors Association of Hamilton-Burlington in an effort to determine if they are aware of or possess any documented proof (attained through previous reports, studies or sales figures analysis) that a heritage designation decreases a property's value in Hamilton.

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

FOR INFORMATION:

(a) APPROVAL OF THE AGENDA (Item 2)

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

1. COMMUNICATIONS (Item 5)

5.2 Correspondence from the Lakewood Beach Community Council respecting 461 Green Road

2. DELEGATION REQUESTS (Item 6)

6.2 Lakewood Beach Community Council respecting a Community Contest to rename a Local Street (For today's meeting)

6.3 Debbie Martin, Community Group for Stop the Triple Towers at 310 Frances Avenue (For today's meeting)

6.4 Lakewood Beach Community Council respecting Proposed Development at 310 Frances Avenue (For today's meeting)

6.5 Brian McRae, Ontario Federation of Anglers and Hunters, respecting the Discharge of Firearms By-law (For today's meeting)

6.6 Mark Victor respecting Site Plan Control Application for 310 Frances Avenue (For today's meeting)

3. CONSENT ITEMS (Item 7)

7.3 Site Plan Control Application for 310 Frances Avenue (PED19115)
(b) Written Comments:
1. George McCowan
2. Surabhi Patel
3. Anna Roberts
4. Stan and Renee Kurak
5. Zita Petozzi
6. Tabatha Morris
7. Joan Whitson
8. Russell and Janet Pape
9. Larry Birch
10. Eleanor Boyle
11. Ron and Rae Wilcox
12. Linda McEneny
13. Sherry Hayes

(Clark/Partridge)
That the agenda for the May 14, 2019 meeting be approved, as amended.

Result: Motion CARRIED by a vote of 5 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
YES – Councillor Judi Partridge
NOT PRESENT – Councillor Terry Whitehead
NOT PRESENT – Councillor Brenda Johnson
YES – Councillor Brad Clark

(b) DECLARATIONS OF INTEREST (Item 3)

None declared.

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

(i) April 30, 2019 (Item 4.1)

(Danko/Wilson)
That the Minutes of the April 30, 2019 meeting be approved, as presented.

Result: Motion CARRIED by a vote of 5 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
YES – Councillor Judi Partridge
NOT PRESENT – Councillor Terry Whitehead
NOT PRESENT – Councillor Brenda Johnson
YES – Councillor Brad Clark

(d) COMMUNICATIONS (Item 5)

(i) Correspondence from the Lakewood Beach Community Council respecting 310 Frances Street and the April 16 Planning Committee meeting (Item 5.1)

(Partridge/Clark)
That the Correspondence from the Lakewood Beach Community Council respecting 310 Frances Street and the April 16 Planning Committee meeting, be received.

CARRIED

(e) DELEGATION REQUESTS (Item 6)

(i) Mark Clem respecting Empirical Data on Heritage Registered and Heritage Designated Residential Property in Hamilton (For today's meeting) (Item 6.1)

(Clark/Wilson)
That the Delegation Request from Mark Clem respecting Empirical Data on Heritage Registered and Heritage Designated Residential Property in Hamilton, be approved for today's meeting.

Result: Motion CARRIED by a vote of 5 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
YES – Councillor Judi Partridge
NOT PRESENT – Councillor Terry Whitehead
NOT PRESENT – Councillor Brenda Johnson
YES – Councillor Brad Clark

(ii) Lakewood Beach Community Council respecting a Community Contest to rename a Local Street (For today's meeting) (Added Item 6.2)

(Clark/Danko)
That the Delegation Request from Lakewood Beach Community Council respecting a Community Contest to rename a Local Street, be approved for today's meeting.

Result: Motion CARRIED by a vote of 5 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
YES – Councillor Judi Partridge
NOT PRESENT – Councillor Terry Whitehead
NOT PRESENT – Councillor Brenda Johnson
YES – Councillor Brad Clark

(iii) Delegation Requests respecting 310 Frances Avenue (Added Items 6.3, 6.4 and 6.6)

(Clark/Partridge)
That the following Delegation Requests respecting 310 Frances Avenue, be approved for today's meeting, to be heard before Item 7.3:

6.3 Debbie Martin, Community Group for Stop the Triple Towers at 310 Frances Avenue (For today's meeting)

6.4 Lakewood Beach Community Council respecting Proposed Development at 310 Frances Avenue (For today's meeting)

6.6 Mark Victor respecting Site Plan Control Application for 310 Frances Avenue (For today's meeting)

Result: Motion CARRIED by a vote of 5 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
YES – Councillor Judi Partridge
NOT PRESENT – Councillor Terry Whitehead
NOT PRESENT – Councillor Brenda Johnson
YES – Councillor Brad Clark

(iv) Brian McRae, Ontario Federation of Anglers and Hunters, respecting the Discharge of Firearms By-law (For today's meeting) (Added Item 6.5)

(Clark/Partridge)
That the Delegation Request from Brian McRae, Ontario Federation of Anglers and Hunters, respecting the Discharge of Firearms By-law, be approved for today's meeting.

Result: Motion CARRIED by a vote of 5 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
YES – Councillor Judi Partridge
NOT PRESENT – Councillor Terry Whitehead
NOT PRESENT – Councillor Brenda Johnson
YES – Councillor Brad Clark

(f) PUBLIC HEARINGS / DELEGATIONS (Item 8)

(i) Debbie Martin, Community Group for Stop the Triple Towers at 310 Frances Avenue (Added Item 6.3)

Debbie Martin, Community Group for Stop the Triple Towers at 310 Frances Avenue, addressed the Committee respecting the proposed development at 310 Frances Avenue.

(Partridge/Clark)
That the Delegation from Debbie Martin, Community Group for Stop the Triple Towers at 310 Frances Avenue, respecting the proposed development at 310 Frances Avenue, be received.

CARRIED

(ii) Lakewood Beach Community Council respecting Proposed Development at 310 Frances Avenue (Added Item 6.4)

Viv Saunders, Lakewood Beach Community Council, addressed the Committee respecting the proposed development at 310 Frances Avenue.

(Danko/Wilson)
That the Delegation from Viv Saunders, Lakewood Beach Community Council, respecting the proposed development at 310 Frances Avenue, be received.

CARRIED

(iii) Mark Victor respecting Site Plan Control Application for 310 Frances Avenue (Added Item 6.6)

Mark Victor addressed the Committee respecting the proposed development at 310 Frances Avenue.

(Partridge/Clark)
That the Delegation from Mark Victor respecting the proposed development at 310 Frances Avenue, be received.

CARRIED

(g) CONSENT ITEMS (Item 7)

(i) Site Plan Control Application for 310 Frances Avenue (PED19115) (Ward 10) (Item 7.3)

(Danko/Wilson)
That the following written submissions respecting the Site Plan Control Application for 310 Frances Avenue, be received:

1. George McCowan
2. Surabhi Patel

3. Anna Roberts
4. Stan and Renee Kurak
5. Zita Petozzi
6. Tabatha Morris
7. Joan Whitson
8. Russell and Janet Pape
9. Larry Birch
10. Eleanor Boyle
11. Ron and Rae Wilcox
12. Linda McEneny
13. Sherry Hayes

CARRIED

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

(h) PUBLIC HEARINGS / DELEGATIONS (Item 8) (Continued)

(i) David Partanen, Canadian Coalition for Firearm Rights, respecting Perspectives on the Efficacy of Proposed Federal Legislation and Municipal By-laws respecting Firearms (Approved at the April 30th meeting) (Item 8.1)

David Partanen, Canadian Coalition for Firearm Rights, addressed the Committee respecting Perspectives on the Efficacy of Proposed Federal Legislation and Municipal By-laws respecting Firearms.

(Farr/Collins)
That the Delegation from David Partanen, Canadian Coalition for Firearm Rights, respecting Perspectives on the Efficacy of Proposed Federal Legislation and Municipal By-laws respecting Firearms, be received.

CARRIED

(ii) Glenn Wise, Macassa Bay Live-Aboard Association, respecting Obtaining Permanent Approval for Year Round Residency on a Boat (Approved at the April 30th meeting) (Item 8.2)

Glenn Wise, Macassa Bay Live-Aboard Association, addressed the Committee respecting Obtaining Permanent Approval for Year Round Residency on a Boat.

(Farr/Whitehead)
That the Delegation from Glenn Wise, Macassa Bay Live-Aboard Association, respecting Obtaining Permanent Approval for Year Round Residency on a Boat, be received.

CARRIED

(iii) Application for an Amendment to the Rural Hamilton Official Plan and the City of Hamilton Zoning By-law no. 05-200 for Lands Located at 1633, 1649 and 1653 Highway No. 6 North, Flamborough (PED19076) (Ward 13) (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 or Zoning By-law Amendment the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Local Planning Appeal Tribunal, and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

No members of the public came forward.

(Partridge/Whitehead)
That the Public Meeting be closed.

CARRIED

(Partridge/Whitehead)
That the staff presentation be waived.

CARRIED

Bill Panagiotakopoulos, Beleave Inc., applicant, was in attendance and indicated that the applicant is in agreement with the staff report. Bill Panagiotakopoulos provided an overview of the proposal.

(Partridge/Whitehead)
That the overview of the proposal by Bill Panagiotakopoulos, Beleave, Inc., be received.

CARRIED

(Partridge/Whitehead)
That the added written comments from Ann Lanigan and Bill Orosz, be received.

CARRIED

(Partridge/Whitehead)
That the recommendations in Report PED19076 be amended by adding the following sub-section (c):

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

Result: *Amendment* 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
YES – Councillor Judi Partridge
YES – Councillor Terry Whitehead
NOT PRESENT – Councillor Brenda Johnson
YES – Councillor Brad Clark

For disposition of this matter, refer to Item 4.

(iv) Lakewood Beach Community Council respecting a Community Contest to rename a Local Street (For today's meeting) (Added Item 8.4)

Viv Saunders, Lakewood Beach Community Council, was not in attendance.

(v) Brian McRae, Ontario Federation of Anglers and Hunters, respecting the Discharge of Firearms By-law (For today's meeting) (Item 8.5)

Brian McRae, Ontario Federation of Anglers and Hunters, addressed the Committee respecting the Discharge of Firearms By-law.

(Partridge/Farr)
That the Delegation from Brian McRae, Ontario Federation of Anglers and Hunters, respecting the Discharge of Firearms By-law, be received.

CARRIED

(i) DISCUSSION ITEMS (Item 10)

(i) Designation of 23-25 King Street East (Hamilton Municipal Heritage Committee Report 19-003) (Item 10.2)

(Collins/Farr)
That the Designation of 23-25 King Street East (Hamilton Municipal Heritage Committee Report 19-003), be deferred to the June 4, 2019 Planning Committee meeting.

CARRIED

(j) NOTICES OF MOTION (Item 12)

(i) Year-Round Live-Aboards at West Harbour Marinas / Yacht Clubs (Added Item 12.1)

Councillor Farr introduced the following Notice of Motion respecting Year Round Live-Aboards at West Harbour Marinas / Yacht Clubs:

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 alterative lifestyle on the waters of Hamilton Harbour within the Community of Hamilton”;

THEREFORE BE IT RESOLVED:

(a) That should a willing host (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, 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.

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

(i) Outstanding Business List (Item 13.1)

(Johnson/Danko)
That the following change to the Outstanding Business List, be approved:

(a) Item to be Removed:

P – Update to the Discharge of Firearms By-law
(Addressed as Item 10.1 on this agenda)

Result: Motion CARRIED by a vote of 9 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
YES – Councillor Judi Partridge
YES – Councillor Terry Whitehead
YES – Councillor Brenda Johnson
YES – Councillor Brad Clark

(ii) General Manager's Update (Item 13.2)

Steve Robichaud, Director of Planning, advised that a report will be coming to the June 4, 2019 Planning Committee meeting respecting Bill 108 and proposed changes to the Local Planning Appeal Tribunal (LPAT) processes.

Councillor Pearson commended the Planning Department on receiving the Canadian Institute of Planners' Award of Excellence in the category of city and regional planning for "Putting People First: A New Land Use Plan and Zoning By-law for Downtown Hamilton".

(l) ADJOURNMENT (Item 15)

(Danko/Johnson)
That, there being no further business, the Planning Committee be adjourned at 1:10 p.m.

CARRIED

Respectfully submitted,

Councillor M. Pearson
Chair, Planning Committee

Lisa Chamberlain
Legislative Coordinator
Office of the City Clerk

Form: Request to Speak to Committee of Council
Submitted on Wednesday, May 8, 2019 - 3:36 pm

==Committee Requested==
Committee: Planning Committee

==Requestor Information==
Name of Individual: David Braden

Name of Organization:

Contact Number:

Email Address:

Mailing Address:

Reason(s) for delegation request: The presentation will explain the potential and positive consequences of reducing Planning restrictions in established neighbourhoods to assist with increasing revenues to fix existing infrastructure and to set examples to reduce the causes of climate change.

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? No

Form: Request to Speak to Committee of Council
Submitted on Monday, May 13, 2019 - 3:28 pm

==Committee Requested==
Committee: Planning Committee

==Requestor Information==
Name of Individual: Amber Lindsay

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

Contact Number:

Email Address:

Mailing Address:
Hamilton, Ontario

Reason(s) for delegation request: To request exemption from Section 45(1.3) of the Planning Act to allow the Owner to apply for a Minor Variance for 100 Hamilton Street North in Flamborough.

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? Yes

Form: **Request to Speak to Committee of Council**
Submitted on Wednesday, May 29, 2019 - 2:54 pm

==Committee Requested==
Committee: Planning Committee

==Requestor Information==
Name of Individual: Carolyn Zanchetta

Name of Organization: Hamilton Naturalists' Club

Contact Number:

Email Address:

Mailing Address:

Reason(s) for delegation request: Bill 108 Schedule 5 and the Ontario government's proposed changes to the Endangered Species Act are set to leave our most vulnerable species and ecosystems without adequate protection. The Hamilton Naturalists' Club stresses the importance of protecting, maintaining, and improving biodiversity in the City of Hamilton.

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? Yes

Form: **Request to Speak to Committee of Council**
Submitted on Thursday, May 30, 2019 - 4:50 pm

==Committee Requested==
Committee: Planning Committee

==Requestor Information==

Name of Individual: Axel Binneboese

Name of Organization: Swisscan Properties Inc. / Halton Place Horse & Country Ltd.

Contact Number:

Email Address:

Mailing Address:

Reason(s) for delegation request:
We are a landowner in the Hamilton / Ancaster area and would propose to bring a very community, wellness and tourism oriented business to the area - we would like to introduce this concept to a member of the planning committee and hope to have an opportunity / appointment sometime in the first three weeks of June to do so.

Thank you for consideration

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? Yes

Form: **Request to Speak to Committee of Council**
Submitted on Monday, June 3, 2019 - 9:17 am

==Committee Requested==
Committee: Planning Committee

==Requestor Information==
Name of Individual: Lynda Lukasik

Name of Organization: Environment Hamilton

Contact Number:

Email Address:

Mailing Address:

Reason(s) for delegation request: I am interested in speaking on behalf of Environment Hamilton to Item 9.1 and Item 10.1 on the June 4th Planning Committee agenda.

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? No

CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Growth Management Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	June 4, 2019
SUBJECT/REPORT NO:	To Incorporate City Lands into Upper Red Hill Valley Parkway By-law (PED19103) (Wards 6 and 9)
WARD(S) AFFECTED:	Wards 6 and 9
PREPARED BY:	Sally Yong-Lee (905) 546-2424 Ext. 1428
SUBMITTED BY: **SIGNATURE:**	Tony Sergi Senior Director, Growth Management Planning and Economic Development Department

RECOMMENDATION(S)

(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;

(c) That the General Manager of Public Works be authorized and directed to register the By-Law.

EXECUTIVE SUMMARY

On June 14, 2006, Council endorsed the Rymal Road Planning Area (ROPA 9) Class Environmental Assessment Master Plan Study to address infrastructure improvements to service the ROPA 9 lands and Special Policy Area “C”. The Master Plan recommended constructing a new road, Upper Red Hill Valley Parkway (formerly known as Trinity Church Arterial Corridor) from the intersection of Stone Church Road and the Red Hill Valley Ramp southerly and connecting to the proposed Twenty Road realignment.

Phase 3 and 4 of the Upper Red Hill Valley Parkway (formerly known as Trinity Church Arterial Corridor) Class EA was completed and the Environmental Study Report was placed on record for a 45-day public and agency review on June 15, 2007. Construction of the Upper Red Hill Valley Parkway (Stone Church Road East to Rymal Road East) was completed under Contract No. C15-34-15 (HS) and opened to traffic in August 2016.

Alternatives for Consideration – See Page 3

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: There are no financial implications arising from this Report.

Staffing: There are no associated staffing implications.

Legal: The City of Hamilton is complying with the relevant legislation by enacting this By-law.

HISTORICAL BACKGROUND

On June 14, 2006, Council endorsed the Rymal Road Planning Area (ROPA 9) Class Environmental Assessment Master Plan Study to address infrastructure improvements to service the ROPA 9 lands and Special Policy Area “C”. The Master Plan recommended constructing a new road, Upper Red Hill Valley Parkway (formerly known as Trinity Church Arterial Corridor) from the intersection of Stone Church Road and the Red Hill Valley Ramp southerly and connecting to the proposed Twenty Road realignment.

Phase 3 and 4 of the Upper Red Hill Valley Parkway (formerly known as Trinity Church Arterial Corridor) Class EA was completed and the Environmental Study Report was placed on record for a 45-day public and agency review on June 15, 2007. Construction of the Upper Red Hill Valley Parkway (Stone Church Road East to Rymal Road East) was completed under Contract No. C15-34-15 (HS) and opened to traffic in August 2016.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The recommendations do not bind the Corporation to any policy matter.

RELEVANT CONSULTATION

Geomatics and Corridor Management of the Public Works Department and Legal Services of the Corporate Services Department have been consulted.

ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)

Current Provincial legislation requires a Municipal By-Law passed by Council to incorporate lands into the Municipal public highway system. This Report follows the requirements of that legislation.

ALTERNATIVES FOR CONSIDERATION

Not incorporating the lands into as a public highway to form part of Upper Red Hill Valley Parkway would bar legal access to abutting lands and would conflict with the Rymal Road Planning Area (ROPA 9) Class Environmental Assessment Master Plan study to address transportation needs to support the development of the ROPA 9 lands.

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.

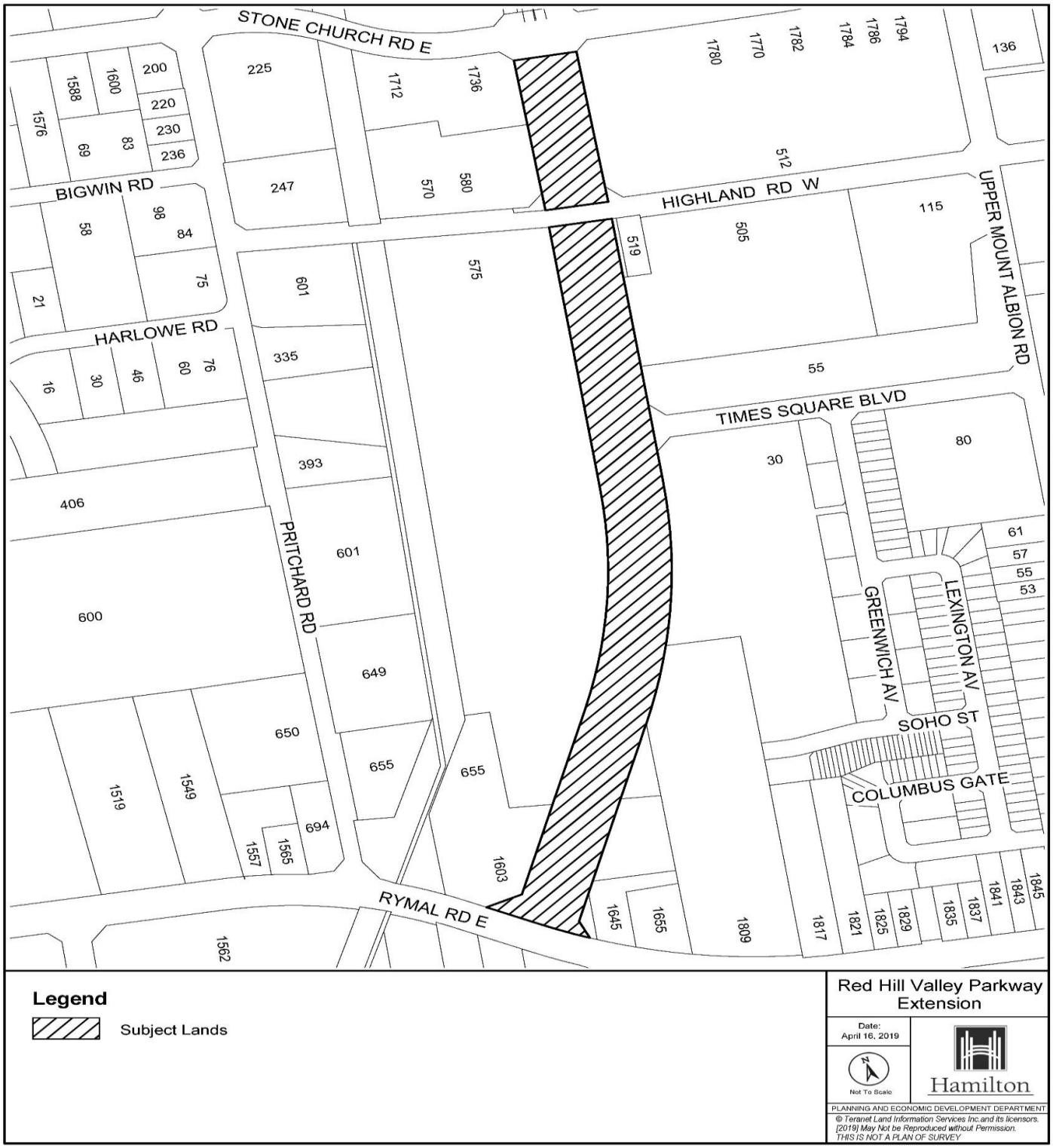
Healthy and Safe Communities
Hamilton is a safe and supportive City where people are active, healthy, and have a high quality of life.

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

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” - Key Location Map
Appendix “B” - By-Law No. XX – To incorporate 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.

Appendix "A" to Report PED19103
Page 1 of 1



Legend

Subject Lands

Red Hill Valley Parkway Extension

Date: April 16, 2019

Not To Scale

Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

Appendix "B" to Report PED19103
Page 1 of 1

Authority: Item 7, Economic Development & Planning Committee
Report 10-005
CM: March 10, 2010
Wards 6 and 9

Bill No.

CITY OF HAMILTON

BY-LAW NO. 19-

To Establish City of Hamilton Land Described 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.

WHEREAS sections 8, 9 and 10 of the *Municipal Act, 2001* authorize the City of Hamilton to pass by-laws necessary or desirable for municipal purposes, and in particular by-laws with respect to highways; and

WHEREAS section 31(2) of the *Municipal Act, 2001* provides that land may only become a highway by virtue of a by-law establishing the highway.

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

1. The land, owned by and located in the City of Hamilton, described as Parts 33 and 34, Concessions 7 and 8, in the Township of Saltfleet. 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.

2. The General Manager of Public Works or their authorized agent is authorized to establish the said land as a public highway.

3. This By-law comes into force on the date of its registration in the Land Registry Office (No. 62).

PASSED this day of , 2019.

Fred Eisenberger
Mayor

Janet Pilon
Acting City Clerk

Hamilton

HAMILTON MUNICIPAL HERITAGE COMMITTEE
REPORT 18-010
12:00 p.m.
December 13, 2018
Room 264, 2nd Floor
Hamilton City Hall
71 Main Street West

Present:	W. Arndt, G. Carroll, R. Sinclair, A. Denham-Robinson (Chair), D. Beland, C. Dmitry, K. Garay, T. Ritchie, K. Stacey
Absent with Regrets:	Councillor M. Pearson, M. McGaw and T. Wallis

THE HAMILTON MUNICIPAL HERITAGE COMMITTEE PRESENTS REPORT 18-010 AND RESPECTFULLY RECOMMENDS:

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

(i) 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.

(ii) 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.

FOR INFORMATION:

(a) CEREMONIAL ACTIVITY (Added Item 1)

The Chair announced that Jeremy Parsons, Cultural Heritage Planner will be leaving the City of Hamilton on December 20, 2018. Miranda Brunton was introduced as the new Cultural Heritage Planner.

(b) CHANGES TO THE AGENDA (Item 2)

The Clerk advised the Committee of the following changes:

(i) ADDED COMMUNICATIONS (Item 5)

5.1 Correspondence from the Mark Giavedoni respecting the Heritage Designation at 374 Jerseyvillle Road, Ancaster

(ii) ADDED CONSENT ITEMS (Item 7)

7.5 Policy and Design Working Group Meeting Notes - November 19, 2018
7.6 Heritage Permit Review Sub-Committee Minutes - November 20, 2018
7.7 Inventory and Research Working Group Meeting Notes - November 26, 2018

(iii) ITEM WITHDRAWN

7.5 Policy and Design Working Group Meeting Notes - November 19, 2018

Item is withdrawn as it is a duplicate of Item 7.3

The Agenda for the December 13, 2018 Hamilton Municipal Heritage Committee was approved, as amended.

(c) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

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

(i) September 13 (Item 3.1)

The Minutes of the September 13, 2018 meeting of the Hamilton Municipal Heritage Committee were approved, as presented.

(e) DELEGATION REQUEST (Item 4)

(i) Carol Priamo, Beasley Neighbourhood Association, respecting a proposed Heritage Education Package (for today's meeting) (Item 4.1)

The delegation request from Carol Priamo, Beasley Neighbourhood Association, respecting a proposed Heritage Education Package, was approved, for today's meeting.

(f) COMMUNICATION (Item 5)

(i) Correspondence from the Mark Giavedoni respecting the Heritage Designation at 374 Jerseyville Road, Ancaster (Added Item 5.1)

The Correspondence from the Mark Giavedoni respecting the Heritage Designation at 374 Jerseyville Road, Ancaster, was received.

(g) DELEGATION (Item 6)

(i) Carol Priamo, Beasley Neighbourhood Association, respecting a proposed Heritage Education Package (for today's meeting) (Item 6.1)

Carol Priamo, Beasley Neighbourhood Association, addressed the committee respecting a proposed Heritage Education Package, with the aid of a PowerPoint presentation.

The presentation from Carol Priamo, Beasley Neighbourhood Association, respecting a proposed Heritage Education Package, be approved, for today's meeting.

The presentation is available at www.hamilton.ca

(h) CONSENT ITEMS (Item 7)

(i) Inventory and Research Working Group Meeting Notes - September 24, 2018 (Item 7.1)

The Inventory and Research Working Group Meeting Notes of September 24, 2018, was received.

(ii) Policy and Design Working Group Meeting Notes - November 19, 2018 (Item 7.3)

The Policy and Design Working Group Meeting Notes of November 19, 2018, was received.

(iii) Hamilton Community Heritage Fund Loan Program - 31-33 Melville Street, Dundas (PED18201) (Ward 13) (Item 7.4)

Report PED18201, respecting the Hamilton Community Heritage Fund Loan Program - 31-33 Melville Street, Dundas, was received.

(iv) Heritage Permit Review Sub-Committee Minutes - November 20, 2018 (Added Item 7.6)

The Heritage Permit Review Sub-Committee Minutes of November 20, 2018, were received.

(v) Inventory and Research Working Group Meeting Notes - November 26, 2018 (Added Item 7.7)

The Inventory and Research Working Group Meeting Notes of September 24, 2018, were received.

(i) NOTICE OF MOTION (Item 12)

W. Arndt introduced the following Notice of Motion:

(i) Dunnington-Grubb Gardens, 1000 Main Street East (Added Item 12.1)

WHEREAS, the Hamilton Municipal Heritage Committee has received verbal updates from a member of the committee; and

WHEREAS, the property known as Gage Park is currently on staff's work plan for Designation

THEREFORE BE IT RESOLVED

(a) That the HMHC recommends that Gage Park remain as a historic passive Victorian park;

(b) That the preservation and conservation of DG Gardens continue;

(c) That the HMHC recommends that Gage Park continue to be used for educational programs geared towards youth, post-secondary students and potential tourism programs;

(d) That the HMHC support “non-financial” initiatives of the FOGP and the DG Foundation;

(e) That City staff continue their engagement with the FOGP and DG Foundation; and

(f) That this Notice of Motion be referred to Legal Services, as well as Planning and Economic Development staff to determine any legal implications to this recommendation.

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

(i) Buildings and Landscapes (Item 13.1)

The following updates were received:

(a) Endangered Buildings and Landscapes (RED):
(Red = Properties where there is a perceived immediate threat to heritage resources through: demolition; neglect; vacancy; alterations, and/or, redevelopment)

(i) Tivoli, 108 James Street North, Hamilton (D) – M. McGaw

No report.

(ii) Andrew Sloss House, 372 Butter Road West, Ancaster (D) – M. McGaw

No report.

(iii) Century Manor, 100 West 5th Street, Hamilton (D) – K. Garay

No report

(iv) Beach Canal Lighthouse (D) – J. Partridge

No report.

(v) 18-22 King Street East, Hamilton (R)(NOI) – K. Stacey

No report.

(vi) 24-28 King Street East, Hamilton (R)(NOI) – K. Stacey

No report.

(vii) 1 St. James Place, Hamilton (D) – K. Stacey

No report

(viii) 2 Hatt Street, Dundas (R) – K. Stacey

No report.

(ix) James Street Baptist Church, 96 James Street South, Hamilton (D) – A. Denham-Robinson

No report

(x) Dunnington-Grubb Gardens, 1000 Main Street East (within Gage Park) – D. Beland

For further disposition on this item, refer to Item (i)(i)

(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) Coppley Building, 104 King Street West; 56 York Blvd., and 63-76 MacNab Street North (NOI)– G. Carroll

No report.

(vii) 1021 Garner Road East, Ancaster (Lampman House) (NOI)– M. McGaw

No report.

(c) Heritage Properties Update (GREEN):
(Green = Properties whose status is stable)

(i) The Royal Connaught Hotel, 112 King Street East, Hamilton (R) – T. Ritchie

No report.

(ii) Auchmar, 88 Fennell Avenue West, Hamilton (D) – K. Garay

No report.

(iii) Jimmy Thompson Pool, 1099 King Street E., Hamilton (R) – T. Ritchie

No report.

(iv) Treble Hall, 4-12 John Street North, Hamilton (R) – T. Ritchie

No report.

(v) 104 King Street West, Dundas (Former Post Office) – K. Stacey

No report.

(**d) Heritage Properties Update (black):**
(Black = Properties that HMHC have no control over and may be demolished)

(i) Auchmar Gate House, Claremont Lodge 71 Claremont Drive (R) – K. Garay

No report.

(i) ADJOURNMENT (Item 13)

There being no further business, the Hamilton Municipal Heritage Committee adjourned at 1:20 p.m.

Respectfully submitted,

Alissa Denham-Robinson, Chair
Hamilton Municipal Heritage Committee

Loren Kolar
Legislative Coordinator
Office of the City Clerk

CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	June 4, 2019
SUBJECT/REPORT NO:	Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 2040 Hall Road, Glanbrook (PED19105) (Ward 11)
WARD AFFECTED:	Ward 11
PREPARED BY:	Ryan Ferrari (905) 546-2424 Ext. 5865
SUBMITTED BY: **SIGNATURE:**	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department

RECOMMENDATION

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 Agirculture (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; and,

(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).

EXECUTIVE SUMMARY

The purpose of this Zoning By-law Amendment application is to implement the Conditions of Consent, specifically to add a special exception to the A1 Zone for the subject lands to prohibit the construction of a single detached dwelling and a residential care facility on a portion of the consolidated farm parcel known as 2040 Hall Road, Glanbrook. The requested amendment is required to satisfy the lot creation policies of the Provincial Policy Statement (PPS), the Greenbelt Plan (2017), and the Rural Hamilton Official Plan (RHOP). Condition No. 2 of Consent for Severance approval GL/B-18:57 to facilitate the severance of a surplus farm dwelling as a result of a consolidation of non-abutting farm parcels was approved on the condition of this proposed zoning amendment.

The proposed application has merit and can be supported as it is consistent with the PPS, conforms to the Greenbelt Plan, and complies with the RHOP.

Alternatives for Consideration – See Page 9

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act,* Council shall hold at least one public meeting prior to considering an application for an amendment to the Zoning By-law.

HISTORICAL BACKGROUND

Consent for Severance Application GL/B-18:57

In June, 2018, an application was made to the Committee of Adjustment in order to sever an existing single detached dwelling from the existing farm operation. The application was heard at the Committee of Adjustment meeting held on July 19, 2018 and subsequently approved. As a condition of consent, the applicant was required to submit a Zoning By-law Amendment application for the purposes of restricting the development of a single detached dwelling and residential care facility on the farmland to be retained. The conditions must be satisfied by July 26, 2019. Refer to Appendix “D” to Report PED19105 for the Notice of Decision.

Description of the Subject Lands

As shown on the Location Map attached as Appendix "A" to Report PED19105, the subject lands are zoned Agricultural (A1) Zone, Conservation / Hazard Land – Rural (P7) Zone and Conservation / Hazard Land – Rural (P8) Zone. The current and future use of the retained lands is agriculture and conservation. The severed lands contain an existing single detached dwelling. Refer to Appendix "E" to Report PED19105 for a sketch of the conditionally approved severance.

Proposal

The purpose of Zoning By-law Amendment application ZAA-19-012 is to rezone the farmed portion of the subject lands from the Agriculture (A1) Zone to a site specific Agriculture (A1, 642) Zone, to prohibit the development of a single detached dwelling and residential care facility in order to satisfy Condition No. 2 of Consent for Severance application GL/B-18:57 where an existing farm dwelling was severed through a non-abutting farm consolidation severance.

Chronology

July 19, 2018:	Consent for Severance application GL/B-18:57 was heard at the Committee of Adjustment and was approved.
August 16, 2018:	Consent for Severance application GL/B-18:57 received final and binding approval.
January 22, 2019:	Zoning By-law Amendment application ZAA-19-012 was received.
February 11, 2019:	Zoning By-law Amendment application ZAA-19-012 was deemed complete.
February 11, 2019:	Zoning By-law Amendment application ZAA-19-012 was circulated to 24 property owners within 120m of the subject lands.
February 20, 2019:	Public Notice sign was installed on the subject lands.
May 8, 2019:	Public Notice sign was updated to include Public Meeting Date.

May 17, 2019: Circulation of Notice of Public Meeting to 24 property owners within 120m of the subject lands.

Details of Submitted Application

Location: 2040 Hall Road, Glanbrook (see Appendix "A" to Report PED19105)

Applicant / Owner: Jeff Barlow

Property Description (Lands to be retained): As shown on Appendix "E" to Report PED19105	Total Lot Area:	47.26 ha (131.45 ac)
	Total Lot Frontage:	± 425m
	Lot Depth:	± 915 m

Property Description (Lands to be conveyed): As shown on Appendix "E" to Report PED19105	Total Lot Area:	1.04 ha (1.70 ac)
	Total Lot Frontage:	± 55 m
	Total Lot Depth:	± 189 m

Existing Land Use and Zoning

Subject Lands:

	Existing Land Use	Existing Zoning
	Agriculture Single Detached Dwelling	Agriculture (A1) Zone, Conservation / Hazard Land - Rural (P7) Zone, Conservation / Hazard Land - Rural (P8) Zone

Surrounding Lands:

North	Agriculture Conservation	Agriculture (A1) Zone, Conservation / Hazard Land - Rural (P8) Zone
South	Agriculture Single Detached Dwellings	Agriculture (A1) Zone

East	Agriculture Single Detached Dwellings Conservation	Agriculture (A1) Zone, Conservation / Hazard Land - Rural (P7) Zone, Conservation / Hazard Land - Rural (P8) Zone
West	Agriculture Single Detached Dwellings Golf course	Agriculture (A1) Zone, Open Space (P4) Zone, Conservation / Hazard Land - Rural (P7) Zone

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Planning Policy Framework

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

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Local Planning Appeal Tribunal approval of the City of Hamilton Official Plans, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of provincial interest (e.g efficiency of land use, balanced growth and environmental protection) are reviewed and discussed in the Official Plan analysis below.

As the application for a change in zoning complies with the RHOP, it is staff's opinion that the application is:

- Consistent with Section 3 of the *Planning Act*; and,
- Consistent with the PPS.

Greenbelt Plan (2017)

The *Greenbelt Act* requires that all municipal land use decisions made under the *Planning Act* conform to the Greenbelt Plan (2017). As of July 1, 2017, all planning decisions must conform to the Greenbelt Plan (2017). The Greenbelt Plan (2017) designates the subject lands as "Protected Countryside".

The following policies, amongst others, are applicable:

"4.6.1 f) Lot Creation is discouraged and may only be permitted for:

The severance of a residence surplus to a farming operation as a result of a farm consolidation, on which a habitable residence was an existing use, provided that:

i. The severance will be limited to the minimum size needed to accommodate the use and appropriate sewage and water services; and,

ii. The planning authority ensures that a residential dwelling is not permitted in perpetuity on the retained lot of farmland created by this severance. Approaches to ensuring no new residential dwellings on the retained lot of farmland may be recommended by the Province, or municipal approaches that achieve the same objective should be considered."

As per the above policy, it was found through the Consent for Severance application process (GL/B-18:57), that the proposed severance complied with policy 4.6.1 f) i). With regards to 4.6.1 f) ii), Condition No. 2 was placed on the Consent for Severance application requiring that the lands be rezoned to prohibit a residential dwelling and residential care facility in perpetuity on the subject lands and ensure that the retained farm parcel cannot be developed for a single detached dwelling. This application serves to satisfy this requirement, and as such, the recommendation conforms to the Greenbelt Plan (2017).

Rural Hamilton Official Plan

The subject lands are designated "Greenbelt Protected Countryside" on Schedule "A" - Provincial Plans of the RHOP. The subject lands are designated "Agricultural" on Schedule "D" – Rural Land Use Designations in the RHOP. The following policy, amongst others, is applicable:

"F.1.14.2.8 c) In cases of a farm dwelling made surplus as a result of acquisition as part of a farm operation that does not result in the merging in title of parcels of land, applications for severance of the surplus dwelling shall comply with the following conditions:

v) Prior to granting of final consent, one of the following conditions shall be met for the retained farm parcel as a result of a surplus farm dwelling severance:

1. The land owner shall apply for and receive final approval to rezone the farm parcel to prohibit the construction of a dwelling unit; or

2. The land owner shall grant in favour of the City, a restrictive covenant which prohibits the construction of any dwelling unit."

It was found through the Consent for Severance application (GL/B-18:57), that the proposed severance complied with the RHOP through restricting the development of a single detached dwelling on the subject lands. Based on the foregoing, this application will satisfy Policy F.1.14.2.8 c) v).

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

The subject lands are zoned Agriculture (A1) Zone, Conservation / Hazard Land – Rural (P7) Zone and Conservation / Hazard Land – Rural (P8) Zone. The permitted uses are as follows:

Agriculture (A1) Zone

- Agriculture;
- Residential Care Facility;
- Secondary Uses to Agriculture;
- Single Detached Dwelling; and,
- Veterinary Service – Farm Animal.

Conservation / Hazard Land – Rural (P7) Zone and Conservation / Hazard Land – Rural (P8) Zone

- Agriculture;
- Conservation;
- Existing Single Detached Dwelling;
- Flood and Erosion Control Facilities; and,
- Recreation, Passive.

The applicant proposes a site specific Agriculture (A1) Zone in order to prohibit the development of a single detached dwelling and residential care facility on the retained

farmland. No changes are proposed for the portions of the land zoned Conservation / Hazard Land – Rural (P7) Zone and Conservation / Hazard Land – Rural (P8) Zone.

An evaluation of the proposed modification to the parent zone is included in Appendix "C" to Report PED19105.

RELEVANT CONSULTATION

The following internal departments and external agencies have no concerns or objections with respect to the proposed application:

- Infrastructure and Sourcewater Division, Public Works Department;
- Operations Division, Public Works Department;
- Development Engineering Approvals, Growth Management, Planning and Economic Development Department;
- Forestry and Horticulture Division, Public Works Department; and,
- Niagara Peninsula Conservation Authority.

Public Consultation:

In accordance with the provisions of the *Planning Act* and Council's Public Participation Policy, a Notice of Complete Application and Preliminary Circulation was circulated to 24 property owners within 120 m of the subject property on February 19, 2019 requesting public input on the application. A Public Notice sign was also posted on the property on February 20, 2019 and updated on May 9, 2019 with the date of the Public Meeting. Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act* on May 17, 2019.

Staff has received one letter of correspondence from the public indicating their support of the application (see Appendix "F" to Report PED19105).

Public Consultation Strategy:

As per the City's Public Consultation and Strategy Guidelines, the applicant proposed a consultation strategy through the notice requirements of the previous Consent for Severance application (GL/B-18:57) through which notice was given under Section 53 of the *Planning Act.* Neighbours within 60 m of the subject property were notified of the Consent application. No members of the public attended the Committee of Adjustment hearing on July 19th, 2018 to express any concerns. Property owners within 120 m of the subject lands were notified of the public meeting to consider the proposed changes in zoning.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposed Zoning By-law Amendment application has merit and can be supported for the following reasons:

   (i) It is consistent with the PPS, and conforms to the Greenbelt Plan (2017);

   (ii) It complies with the policies of the RHOP; and,

   (iii) The proposed amendment satisfies Condition No. 2 of Consent for Severance application GL/B-18:57, which was approved by the Committee of Adjustment on July 19, 2018 (see Appendix "D" to Report PED19105).

2. The policies of the PPS and Greenbelt Plan (2017) indicate that a residence may be severed as surplus to a farming operation. It was found, through the Consent for Severance application process, that the application was consistent with the PPS and conforms to the Greenbelt Plan in effect at the time of the application. The PPS indicates that the intent of the plan is to maintain agricultural uses for the long-term period of the PPS and the restriction of development of the subject lands is consistent with that policy. The Greenbelt Plan supports and permits Agricultural Uses on lands located outside of prime agricultural and specialty crop lands as designated within the Plan. Staff are of the opinion that the application is consistent with the PPS and conforms to the Greenbelt Plan (2017) by restricting the development of a single detached dwelling and residential care facility on the subject lands in order to preserve the existing farm practice.

3. The proposal complies with the policies in the RHOP which speak to surplus farm dwelling severances as a result of a farm consolidation. This application fulfils the requirement that a Zoning By-law Amendment is required as Condition No. 2 of a surplus farm dwelling severance.

   Staff note that as a result of the Consent for Severance application (GL/B-18:57), the subject lands will be reassigned the address of 2110 Hall Road which is reflected in the proposed By-law (see Appendix “B” to Report PED19042).

   The proposed modifications to the Agriculture (A1) Zone are discussed in Appendix “C” to Report PED19105.

ALTERNATIVES FOR CONSIDERATION

Should the application be denied, the conditional approval of Consent for severance application (GL/B-18:57) will lapse, and the applicant will not be able to sever the

surplus dwelling from the property. The use of the subject property will continue to be regulated by the existing Agricultural (A1) Zone, Conservation / Hazard Land - Rural (P7) Zone and the Conservation / Hazard Land - Rural (P8) Zone in the City of Hamilton Zoning By-law No. 05-200.

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.

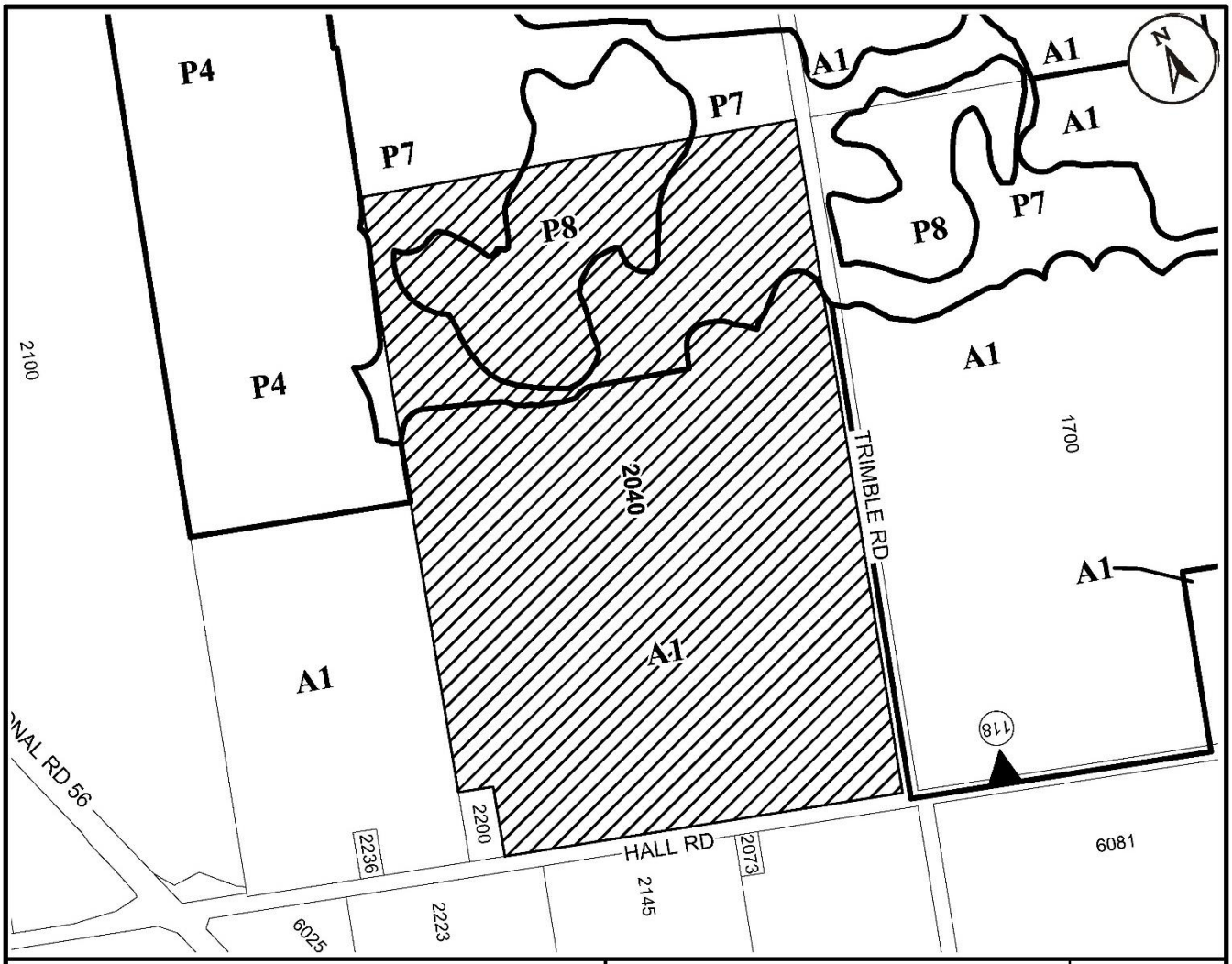
Clean and Green
Hamilton is environmentally sustainable with a healthy balance of natural and urban spaces.

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

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” – Location Map
Appendix “B” – Draft Amendment to Zoning By-law No. 05-200
Appendix “C” – Zoning Modification Chart
Appendix “D” – Committee of Adjustment Decision for GL/B-18:57
Appendix “E” – Land Severance Sketch
Appendix “F” – Public Comments

Appendix "A" to Report PED19105
Page 1 of 1



● Site Location

Key Map - Ward 11 N.T.S.

Location Map

Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:	Date:	
ZAA-19-012	April 25, 2019	
Appendix "A"	**Scale:** N.T.S.	**Planner/Technician:** RF/VS

Subject Property

2040 Hall Road, Glanbrook

Change in Zoning from Agriculture (A1) Zone to Agriculture (A1, 642) Zone

Authority: Item ,
Report (PED19XXX)
CM:
Ward: 11

Bill No.

CITY OF HAMILTON

BY-LAW NO.

To Amend Zoning By-law No. 05-200 Respecting Lands Located at 2040 Hall Road, Glanbrook

WHEREAS Council approved item __ of Report _____ of the Planning Committee, at its meeting held on the 8th day of June, 2019;

AND WHEREAS this By-law conforms to the Rural Hamilton Official Plan.

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

1. That Map Nos. 219 and 223 of Schedule "A" to Zoning By-law No. 05-200 are amended by changing the zoning from the Agriculture (A1) Zone to the Agriculture (A1, 642) Zone, to the extent and boundaries of which are shown on Schedule "A" annexed hereto and forming part of this By-law.

2. That Schedule "C" Special Exceptions, of By-law No. 05-200 is amended by modifying Special Exception 642, as follows:

    a) Adding the map references "219, 223 and" between the words "Maps" and "255" so that the wording is as follows:

        (i) "Within those lands zoned Agriculture (A1) Zone and Conservation/Hazard Land - Rural (P6) Zone, identified on Maps 219, 223 and 255, of Schedule A – Zoning Maps and described as:"

    b) Adding reference to 2110 Hall Road and Maps 219, 223 to the Property Address and Map Numbers table as follows:

Property Address	Map Numbers
2110 Hall Road	219, 223

3. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act.*

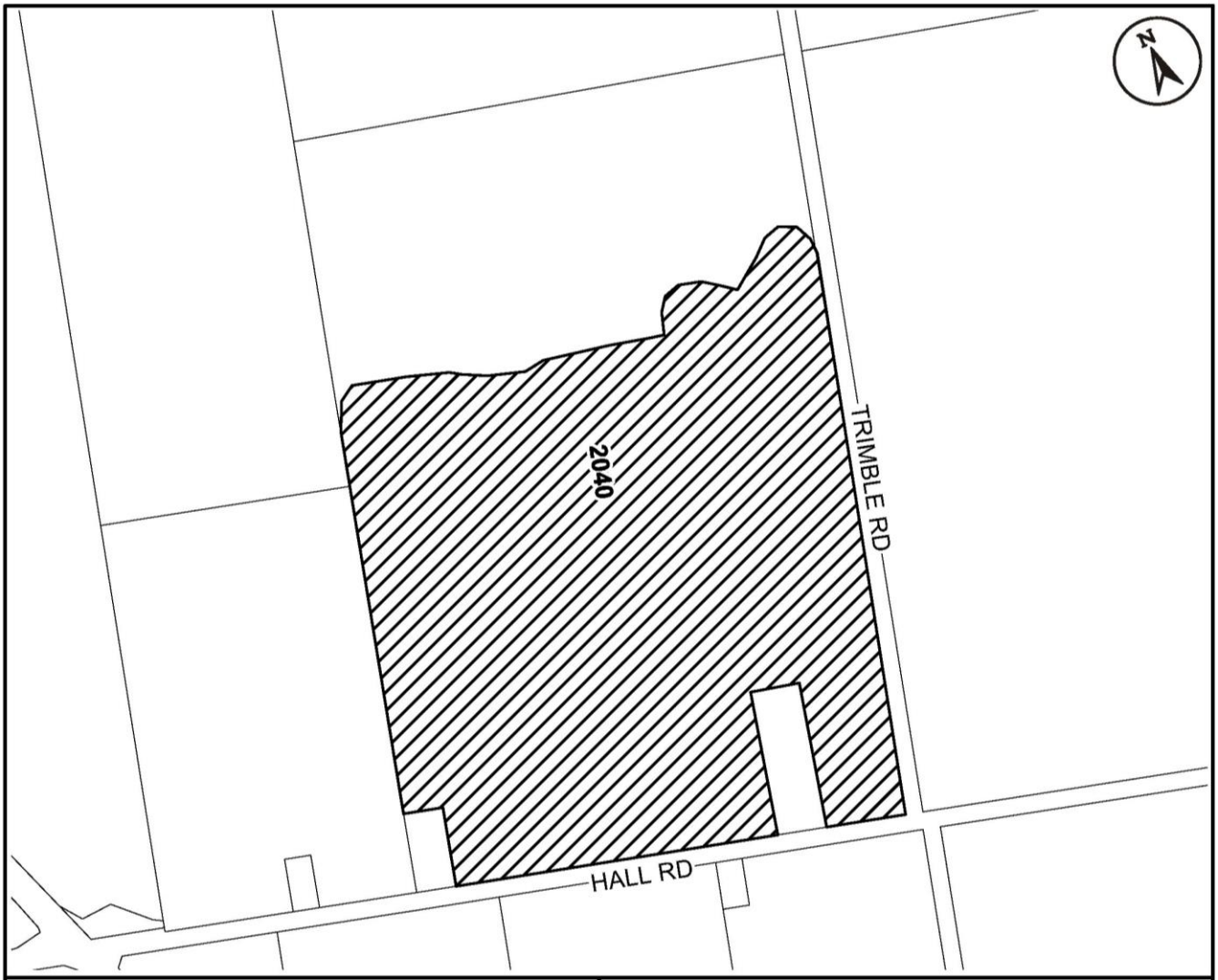
4. That this By-law No. XXX shall come into force and deemed to come into force in accordance with Subsection 34(21) of the Planning Act, either upon the date of passage of the By-law or as otherwise provided by the said subsection.

PASSED this _____ ____ , 2019

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

ZAA-19-012



This is Schedule "A" to By-law No. 19-

Passed the ..... day of ....., 2019

_ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _
Mayor

_ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _
Clerk

Schedule "A"

Map Forming Part of
By-law No. 19-_____

to Amend By-law No. 05-200
Maps RU219 & RU223

Scale: N.T.S.	File Name/Number: ZAA-19-012
Date: April 4, 2019	Planner/Technician: RF/VS
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	

Hamilton

Subject Property

2040 Hall Road, Glanbrook

Change in Zoning from Agriculture (A1) Zone to Agriculture (A1, 642) Zone

Site Specific Modifications to the Agriculture (A1, 642) Zone

Regulation	Required	Modification	Analysis
12.1.1 Permitted Uses Agriculture Residential Care Facility Secondary Uses to Agriculture Single Detached Dwelling Veterinary Service – Farm Animal	12.1.1 Permitted Uses Agriculture Secondary Uses to Agriculture Veterinary Service – Farm Animal	Prohibit Single Detached Dwelling and Residential Care Facility from the permitted uses under the Agriculture (A1, 642) Zone.	In accordance with the provisions of the PPS, Greenbelt Plan and Rural Hamilton Official Plan, as a condition for Consent to Sever a Non-abutting Surplus Farm Consolidation is to rezone the farm parcel in order to restrict the development of a single detached dwelling and residential care facility on the retained farmland. The application seeks to preserve the primary long-term land use of agriculture within the Agricultural area and the rezoning will satisfy this condition and allow the applicant to clear Condition No. 2 of Consent Application GL/B-18:57 and allow the non-abutting farm consolidation to be completed. Therefore, staff support the modification.

Hamilton

Committee of Adjustment
Hamilton City Hall
71 Main Street West, 5th floor
Hamilton, ON L8P 4Y5
Telephone (905) 546-2424, ext. 4221
Fax (905) 546-4202

COMMITTEE OF ADJUSTMENT

NOTICE OF DECISION

APPLICATION FOR CONSENT\LAND SEVERANCE

APPLICATION NO. GL/B-18:57
SUBMISSION NO. B-57/18

SUBJECT PROPERTY: **2040 Hall Rd. (Glanbrook), City of Hamilton**

APPLICANT(S): Agent Benedict & Ferguson on behalf of the owner Jeffery Albert Barlow

PURPOSE OF APPLICATION: To permit the creation of a new non-farm parcel containing an existing farm house dwelling (to remain) for residential purposes

Severed lands:
$55.0m^{\pm}$ x $189m^{\pm}$ and an area of $1.04m^2$ $ha^{\pm}$

Retained lands:
$425m^{\pm}$ x $915m^{\pm}$ and an area of $47.26m^2$ $ha^{\pm}$

THE DECISION OF THE COMMITTEE IS:

That the said application, as set out above, **IS APPROVED**, for the following reasons:

1. The proposal does not conflict with the intent of the Rural Hamilton Official Plan.

2. The Committee considers the proposal to be in keeping with development in the area.

3. The Committee is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the lands.

Having regard to the matters under subsection 51(24) of the Planning Act, R.S.O. 1990, c.P. 13, the said application shall be subject to the following conditions:

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in hard copy and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system.

2. That the applicant/proponent receive final and binding approval of a Zoning By-law Amendment Application to prohibit the development of any future single detached dwellings on the retained parcel, to the satisfaction of the Manager, Development Planning Heritage & Design.

3. The applicant shall ensure compliance with Ontario Building Code requirements regarding spatial separation distances of any structures to the satisfaction of the Planning and Economic Development Department (Building Division – Plan Examination Section).

4. The owner shall submit survey evidence that the lands to be retained and the lands to be severed, including the location of any existing structures, conform to the requirements of the Zoning By-law or alternatively apply for and receive final approval of any variances form the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).

5. The applicant shall submit survey evidence from a BCIN Qualified Designer (Part 8 Sewage System) or Professional Engineer that the existing septic system complies with the clearance requirements of Part 8 of the Ontario Building Code for the lands to be conveyed to the satisfaction of the Planning and Economic Development Department (Building Division – Plan Examination Section).

6. That the Owner dedicate to the City of Hamilton by deed, sufficient land along the frontage of both the lands to be severed and remnant farm parcel fronting on Hall Road in order to establish the property line 18.576m (60 feet) from the original centreline of this roadway;

7. That the Owner dedicate to the City of Hamilton by deed, sufficient land along the flankage of the remnant farm parcel on Trimble Road in order to establish the property line 18.576m (60 feet) from the original centreline of this roadway; and,

8. That the Owner dedicate to the City of Hamilton by deed, sufficient land at the intersection of Hall Road and Trimble Road to establish a 9.14m x 9.14m daylighting triangle at this intersection.

9. The applicant shall delineate a reserve area bed on a site plan drawing as per Rural Hamilton Official Plan requirements, to the satisfaction of Director, Hamilton Water.

10. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.

11. The owner shall demolish buildings, as required, to remove agricultural buildings from the residential farm house property, to the satisfaction of the Manager, Development Planning Heritage & Design.

DATED AT HAMILTON this 19th day of July, 2018.

M. Dudzic (Chairman)

D. Serwatuk

L. Gaddye

D. Smith

W. Pearce

V. Abraham

P. Mallard

N. Mleczko

M. Smith

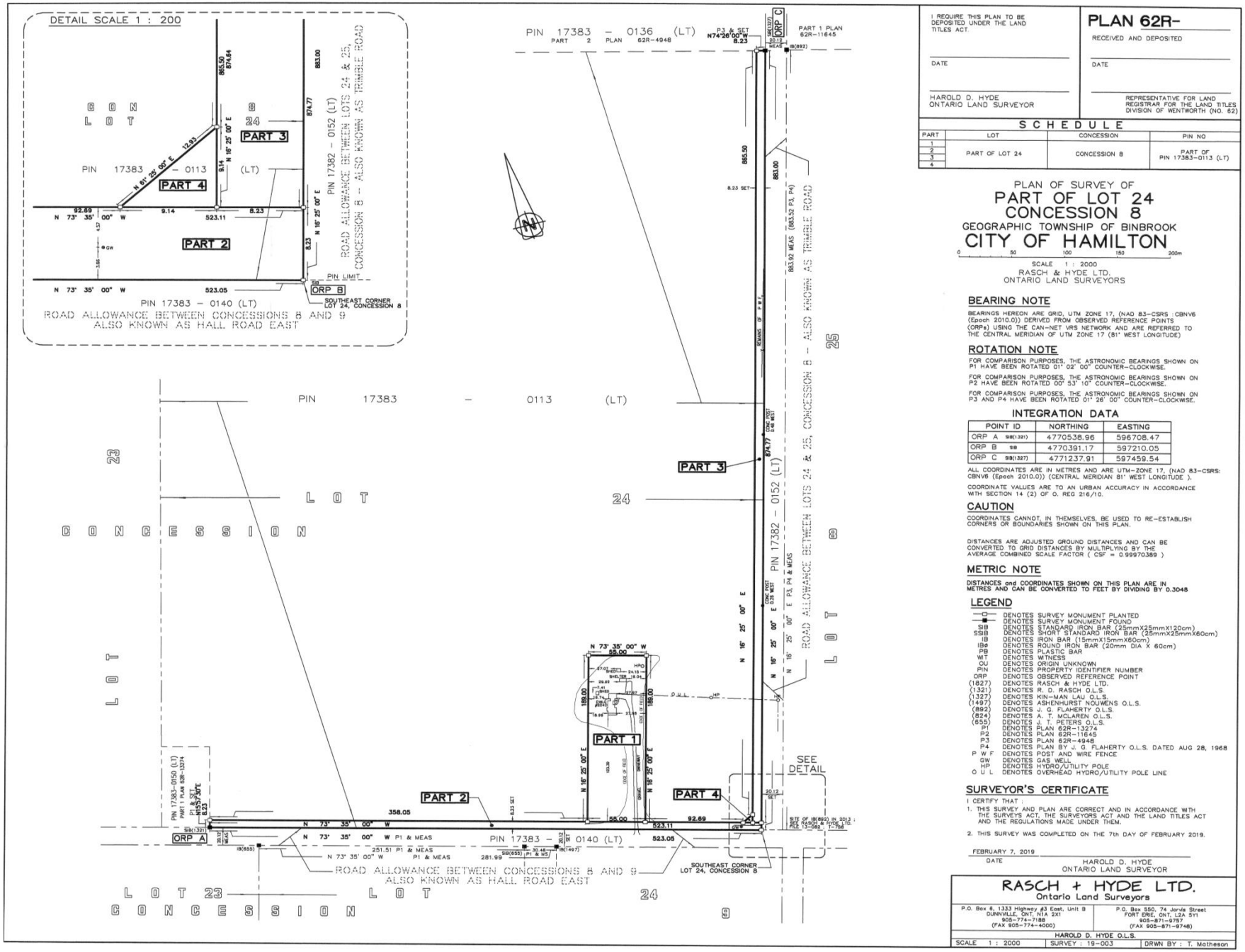
THE DATE OF GIVING OF THIS NOTICE OF DECISION IS July 26, 2018.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (July 26, 2019) OR THE APPLICATION SHALL BE DEEMED TO BE REFUSED (PLANNING ACT, SECTION 53(41)).

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **August 15, 2018.**

NOTE: THIS DECISION IS NOT FINAL AND BINDING UNLESS OTHERWISE NOTED.

NOTE:

Based on this application being approved and all conditions being met, the owner / applicant should be made aware that the lands to be conveyed will remain as 2040 Hall Road and that the lands to be retained will be assigned the address of 2110 Hall Road. This is based on the location of an existing access to the property, to the west of the lands to be retained. If at a future date it is discovered that a building is to be constructed on the retained lands with access to Trimble Road, the address will be required to be changed by contacting Paul Toffoletti at 905-546-2424 Ext. 4348 or paul.toffoletti@hamilton.ca.



I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.

DATE

HAROLD D. HYDE
ONTARIO LAND SURVEYOR

PLAN 62R-

RECEIVED AND DEPOSITED

DATE

REPRESENTATIVE FOR LAND REGISTRAR FOR THE LAND TITLES DIVISION OF WENTWORTH (NO. 62)

SCHEDULE

PART	LOT	CONCESSION	PIN NO
1	PART OF LOT 24	CONCESSION 8	PART OF PIN 17383-0113 (LT)
2			
3			
4			

PLAN OF SURVEY OF
PART OF LOT 24
CONCESSION 8
GEOGRAPHIC TOWNSHIP OF BINBROOK
CITY OF HAMILTON

0 50 100 150 200m

SCALE 1 : 2000
RASCH & HYDE LTD.
ONTARIO LAND SURVEYORS

BEARING NOTE

BEARINGS HEREON ARE GRID, UTM ZONE 17, (NAD 83-CSRS : CBNV6 (Epoch 2010.0)) DERIVED FROM OBSERVED REFERENCE POINTS (ORPs) USING THE CAN-NET VRS NETWORK AND ARE REFERRED TO THE CENTRAL MERIDIAN OF UTM ZONE 17 (81° WEST LONGITUDE)

ROTATION NOTE

FOR COMPARISON PURPOSES, THE ASTRONOMIC BEARINGS SHOWN ON P1 HAVE BEEN ROTATED 01° 02' 00" COUNTER-CLOCKWISE.

FOR COMPARISON PURPOSES, THE ASTRONOMIC BEARINGS SHOWN ON P2 HAVE BEEN ROTATED 00° 53' 10" COUNTER-CLOCKWISE.

FOR COMPARISON PURPOSES, THE ASTRONOMIC BEARINGS SHOWN ON P3 AND P4 HAVE BEEN ROTATED 01° 26' 00" COUNTER-CLOCKWISE.

INTEGRATION DATA

POINT ID	NORTHING	EASTING
ORP A SIB(1321)	4770538.96	596708.47
ORP B SIB	4770391.17	597210.05
ORP C SIB(1327)	4771237.91	597459.54

ALL COORDINATES ARE IN METRES AND ARE UTM-ZONE 17, (NAD 83-CSRS: CBNV6 (Epoch 2010.0)) (CENTRAL MERIDIAN 81° WEST LONGITUDE).

COORDINATE VALUES ARE TO AN URBAN ACCURACY IN ACCORDANCE WITH SECTION 14 (2) OF O. REG 216/10.

CAUTION

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

DISTANCES ARE ADJUSTED GROUND DISTANCES AND CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY THE AVERAGE COMBINED SCALE FACTOR (CSF = 0.99970389)

METRIC NOTE

DISTANCES and COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

LEGEND

○	DENOTES SURVEY MONUMENT PLANTED
●	DENOTES SURVEY MONUMENT FOUND
SIB	DENOTES STANDARD IRON BAR (25mmX25mmX120cm)
SSIB	DENOTES SHORT STANDARD IRON BAR (25mmX25mmX60cm)
IB	DENOTES IRON BAR (15mmX15mmX60cm)
IBø	DENOTES ROUND IRON BAR (20mm DIA X 60cm)
PB	DENOTES PLASTIC BAR
WT	DENOTES WITNESS
OU	DENOTES ORIGIN UNKNOWN
PIN	DENOTES PROPERTY IDENTIFIER NUMBER
ORP	DENOTES OBSERVED REFERENCE POINT
(1827)	DENOTES RASCH & HYDE LTD.
(1321)	DENOTES R. D. RASCH O.L.S.
(1327)	DENOTES KIN-MAN LAU O.L.S.
(1497)	DENOTES ASHENHURST NOUWENS O.L.S.
(892)	DENOTES J. G. FLAHERTY O.L.S.
(824)	DENOTES A. T. MCLAREN O.L.S.
(655)	DENOTES J. T. PETERS O.L.S.
P1	DENOTES PLAN 62R-13274
P2	DENOTES PLAN 62R-11645
P3	DENOTES PLAN 62R-4948
P4	DENOTES PLAN BY J. G. FLAHERTY O.L.S. DATED AUG 28, 1968
P W F	DENOTES POST AND WIRE FENCE
GW	DENOTES GAS WELL
HP	DENOTES HYDRO/UTILITY POLE
O U L	DENOTES OVERHEAD HYDRO/UTILITY POLE LINE

SURVEYOR'S CERTIFICATE

I CERTIFY THAT :

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.

2. THIS SURVEY WAS COMPLETED ON THE 7th DAY OF FEBRUARY 2019.

FEBRUARY 7, 2019
DATE

HAROLD D. HYDE
ONTARIO LAND SURVEYOR

RASCH + HYDE LTD.
Ontario Land Surveyors

P.O. Box 6, 1333 Highway #3 East, Unit B
DUNNVILLE, ONT, N1A 2X1
905-774-7188
(FAX 905-774-4000)

P.O. Box 550, 74 Jarvis Street
PORT ERIE, ONT, L2A 5Y1
905-871-9757
(FAX 905-871-9748)

HAROLD D. HYDE O.L.S.

SCALE 1 : 2000 | SURVEY : 19-003 | DRWN BY : T. Matheson

Ferrari, Ryan

From: Gary Binbrook <garybirch13@hotmail.ca>
Sent: March-14-19 11:34 AM
To: Ferrari, Ryan; jeff@barlowfarms.ca
Subject: Zoning By Law Amendment ZAA-19-012

We own the property across the road from the subject property owned by Jeff Barlow.

We support this application and have no concerns with it.

Gary and Irene Birch
2145 Hall Road
Binbrook Ontario
L0R1C0
905 692 4255

WELCOME TO THE CITY OF HAMILTON

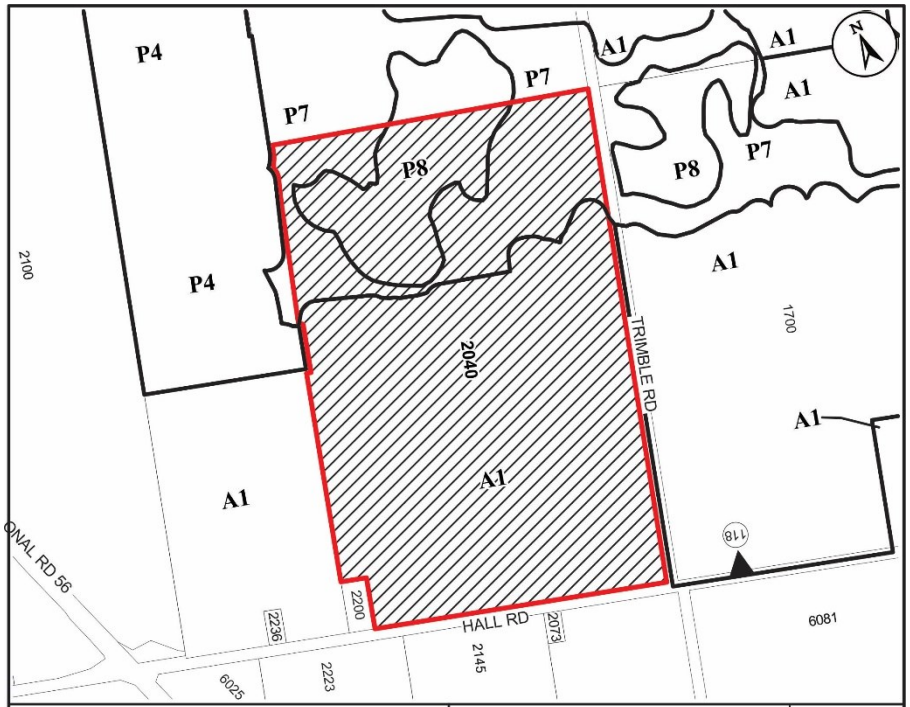
PLANNING COMMITTEE

June 4, 2019

PED19105 – (ZAA-19-012)

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

Presented by: Ryan Ferrari



● Site Location

Key Map - Ward 11 N.T.S.

Location Map

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

Hamilton

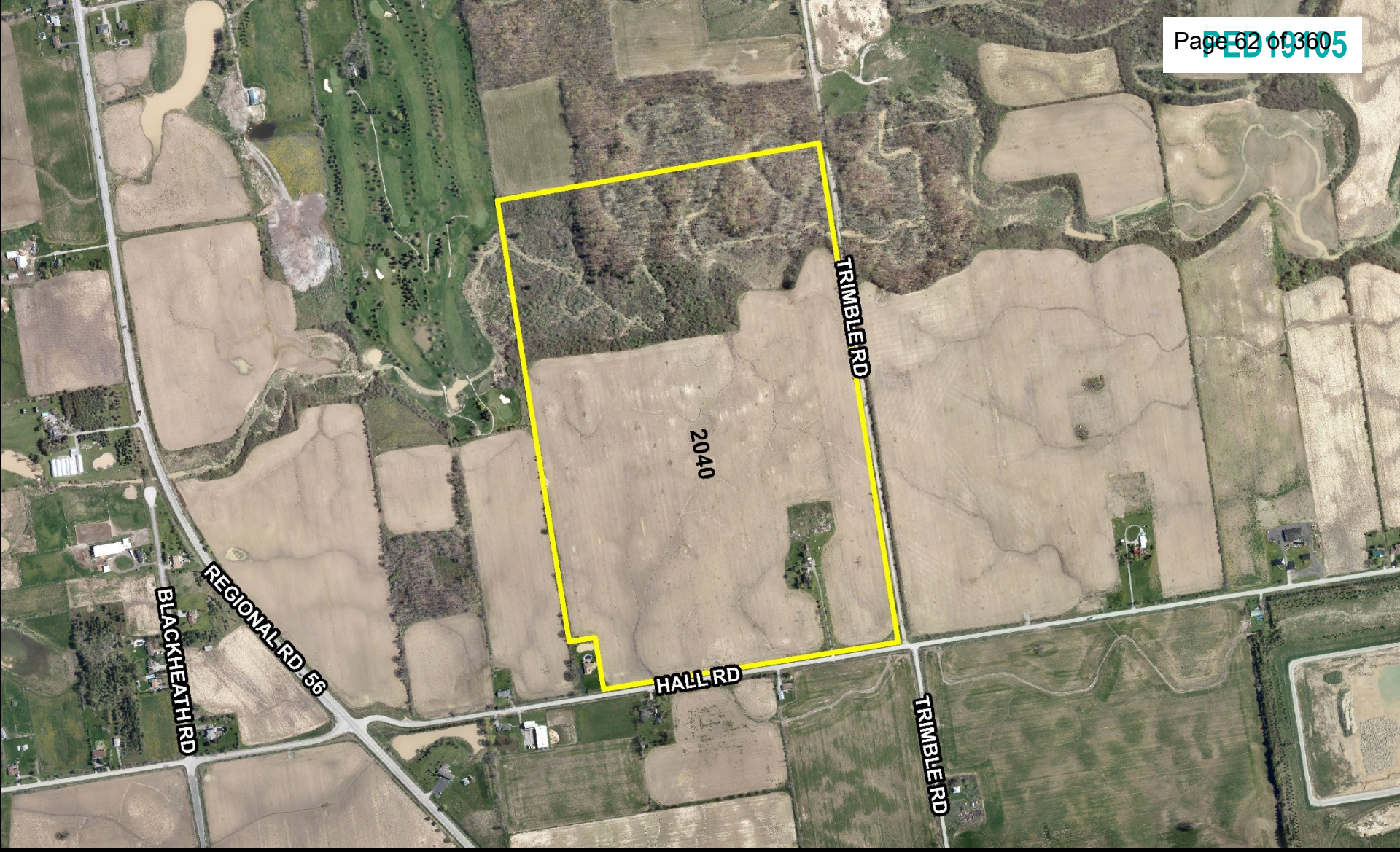
File Name/Number:	Date:
ZAA-19-012	April 25, 2019

Appendix "A"	Scale:	Planner/Technician:
	N.T.S.	RF/VS

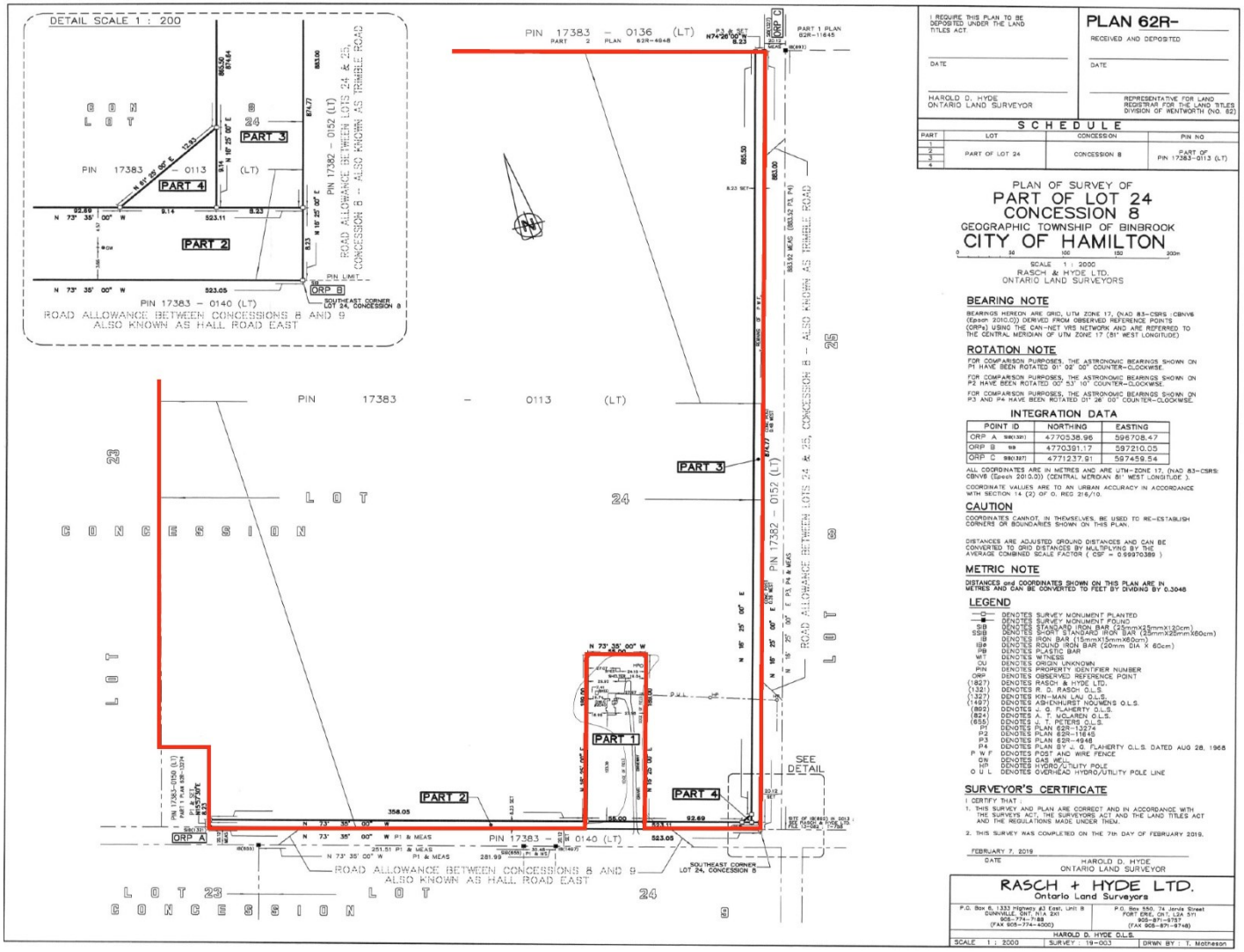
Subject Property

2040 Hall Road, Glanbrook

Change in Zoning from Agriculture (A1) Zone to Agriculture (A1, 642) Zone



SUBJECT PROPERTY 2040 Hall Road, Glanbrook


DETAIL SCALE 1 : 200
PART 3
PART 4
PART 2
PIN 17383 – 0113 (LT)
PIN 17383 – 0140 (LT)
ROAD ALLOWANCE BETWEEN CONCESSIONS 8 AND 9
ALSO KNOWN AS HALL ROAD EAST
PIN 17382 – 0152 (LT)
ROAD ALLOWANCE BETWEEN LOTS 24 & 25, CONCESSION 8 – ALSO KNOWN AS TRIMBLE ROAD
ORP B
ORP C
ORP A
SOUTHEAST CORNER LOT 24, CONCESSION 8
PIN 17383 – 0136 (LT)
PART 1 PLAN 62R-11645
PART 2 PLAN 62R-4948
SEE DETAIL
LOT 24
CONCESSION 8
LOT 23
CONCESSION 9
LOT 25
LOT 26
PART 1
PART 2
PART 3
PART 4
I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.
PLAN 62R-
RECEIVED AND DEPOSITED
DATE
HAROLD D. HYDE
ONTARIO LAND SURVEYOR
REPRESENTATIVE FOR LAND REGISTRAR FOR THE LAND TITLES DIVISION OF WENTWORTH (No. 62)
SCHEDULE
PART | LOT | CONCESSION | PIN NO
1 | PART OF LOT 24 | CONCESSION 8 | PART OF PIN 17383-0113 (LT)
PLAN OF SURVEY OF
PART OF LOT 24
CONCESSION 8
GEOGRAPHIC TOWNSHIP OF BINBROOK
CITY OF HAMILTON
SCALE 1 : 2000
RASCH & HYDE LTD.
ONTARIO LAND SURVEYORS
BEARING NOTE
ROTATION NOTE
INTEGRATION DATA
POINT ID | NORTHING | EASTING
ORP A | 4770538.96 | 596708.47
ORP B | 4770391.17 | 597210.05
ORP C | 4771237.91 | 597459.54
CAUTION
METRIC NOTE
LEGEND
SURVEYOR'S CERTIFICATE
I CERTIFY THAT :
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
2. THIS SURVEY WAS COMPLETED ON THE 7th DAY OF FEBRUARY 2019.
FEBRUARY 7, 2019
DATE
HAROLD D. HYDE
ONTARIO LAND SURVEYOR
RASCH + HYDE LTD.
Ontario Land Surveyors
P.O. Box 6, 1333 Highway #3 East, Unit 8
DUNNVILLE, ONT. N1A 2X1
905-774-7788
(FAX 905-774-4000)
P.O. Box 550, 74 Jarvis Street
PORT ERIE, ON L2A 5J1
905-871-9757
(FAX 905-871-9748)
HAROLD D. HYDE O.L.S.
SCALE 1 : 2000
SURVEY : 19-003
DRAWN BY : T. Matheson

FED19105

Photo 1

Subject Lands looking north.

FED19105

Photo 2

Surplus Farm Dwelling to be Severed.

FED19105

Photo 4

Looking north at the retained farmland.

FED19105

Photo 5

Looking north at the retained farmland.

THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE

CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	June 4, 2019
SUBJECT/REPORT NO:	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)
WARD(S) AFFECTED:	Ward 10
PREPARED BY:	Melanie Schneider (905) 546-2424 Ext. 1224
SUBMITTED BY: **SIGNATURE:**	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department

RECOMMENDATION

(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.

(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.

(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.

EXECUTIVE SUMMARY

The purpose of the applications is to recognize the existing place of worship (Khmer Kampuchea Krom Temple) and two existing associated single detached dwellings as a comprehensive development.

The Official Plan Amendment is for an amendment to the Western Development Area Secondary Plan of Volume 2 of the Urban Hamilton Official Plan by redesignating a portion of the subject lands from "Low Density Residential 2b" to "Local Institutional".

The Zoning By-law Amendment is for a change in zoning from the Single Residential "R2" Zone in the City of Stoney Creek Zoning By-law No. 3692-92 to a site specific Neighbourhood Institutional (I1) Zone in the City of Hamilton Zoning By-law No. 05-200 to permit two single detached dwellings on the same lot as part of the existing place of worship. To accommodate the proposal, modifications to the (I1) Zone are required, which include adding two single detached dwellings as permitted uses, modifications to the required parking ratio, and modifications to the front, side, and rear yard setbacks. These modifications are required to recognize existing buildings and existing uses on site. A future Site Plan Control application will be required to permit the parking area, which has not been formalized to date.

The proposed Official Plan Amendment and Zoning By-law Amendment 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 and complies with the Urban Hamilton Official Plan, subject to the recommended amendment.

Alternatives for Consideration – See Page 14

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 amendments to the Official Plan and Zoning By-law.

HISTORICAL BACKGROUND

Proposal

The subject lands, totalling approximately 0.25 hectares in area, are an irregular shaped parcel located on the south side of Barton Street, between Dewitt Road and Puritan Street. The site has frontage of approximately 38.0 m along Barton Street, with a depth of approximately 61.4 m, and a frontage of approximately 12.6 m on Dewitt Road, together forming an "L" shaped parcel. The site was formerly comprised of three separate lots, known municipally as 514 and 516 Barton Street and 293 Dewitt Road that have since been merged on title.

The site currently contains a one and a half storey single detached dwelling and detached garage at 514 Barton Street, a one storey single detached dwelling at 293 Dewitt Road, and the one storey Khmer Kampuchea Krom Temple and outdoor covered deck located at 516 Barton Street. All four buildings are proposed to remain and no new buildings are proposed on site. The monks who practice at the Temple reside in the the dwellings on the subject lands.

In 2014, a covered deck was constructed to the rear of the existing Temple prior to issuance of a building permit. The City issued an Order to Comply (14-121886-00 EN) on June 14, 2014, ordering that work be stopped immediately and that a permit be obtained for the covered deck. A Preliminary Site Plan application (PSR-14-139) was then submitted and reviewed by City staff for the portion of the site that is known municipally as 516 Barton Street, and not the entire site, for the construction of the rear yard covered deck. Staff's review of the application noted concerns with zoning conformity related to the ratio and configuration of parking and the use of adjacent residential properties for access purposes.

In order to address the parking and access requirements of the Temple, the three properties were merged in title to form one parcel of the land, being the subject lands. This application aims to zone the lands under a site specific Neighbourhood Institutional (I1) Zone and to permit modified front, rear, and side yard setbacks for existing

structures and to modify parking requirements. The Urban Hamilton Official Plan Amendment is required to recognize the dwellings as part of the institutional use.

Chronology

November 23, 2017: Applications UHOPA-17-036 and ZAC-17-079 deemed complete.

January 9, 2018: Circulation of Notice of Complete Application and Preliminary Circulation for Applications UHOPA-17-036 and ZAC-17-079 to 163 property owners within 120 m of the subject lands.

January 25, 2018: Public Notice Sign installed on subject lands.

May 8, 2019: Public Notice Sign updated with Public Meeting Information.

May 17, 2019: Circulation of the Notice of Public Meeting to 163 property owners within 120 m of the subject lands.

Details of Submitted Applications:

Location: **514-516 Barton Street & 293 Dewitt Road, (Stoney Creek) (Ward 10)**

Owner / Applicant: **Khmer Kampuchea Krom Temple (c/o Alex Young, Owner)**

Agent: GSP Group Inc. (c/o Stuart Hastings)

Property Description:

Lot Frontage:	38.0 m (Barton Street) 12.6 m (Dewitt Road)
Lot Depth:	61.4 m (from Barton Street) 65.5 m (from Dewitt Road)
Lot Area:	2,501 m^2
Servicing:	Existing Municipal Services

Existing Land Use and Zoning

	Existing Land Use	Existing Zoning
Subject Lands	Two single detached dwellings, place of worship, detached garage	Single Residential "R2" Zone and Neighbourhood Institutional (I1) Zone
Surrounding Land Uses		
North	Automotive Sales	Prestige Business Park (M3) Zone
East	Motor Vehicle Repair Service	Neighbourhood Commercial (C2, 579) Zone
South	Single Detached Dwelling	Single Residential "R2" Zone
West	Townhouses	Multiple Residential "RM3" Zone

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2014)

The PPS provides policies that support intensification and development, encourage a range and mix of housing, and promotes efficient development and land use patterns. The following policies, amongst others, apply to this proposal.

Section 1.1 of the Provincial Policy Statement states:

> "Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns identifies that healthy, livable 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 standards to minimize land consumption and servicing costs."

The proposed development promotes efficient development patterns by ensuring that the current use as a place of worship and associated ancillary dwellings may continue to operate on its existing site. This mix of uses is located within an existing settlement area and minimizes land consumption and servicing cost.

"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 proposal includes recognizing an existing place of worship and existing residential uses, which are both considered sensitive land uses, which front onto Barton Street and are across the street from existing employment uses, both being major facilities. Since no development activity is proposed for the existing buildings, a noise impact study is not required at this time. Should the lands be redeveloped for sensitive land uses in the future, a noise impact study may be required. The owner is advised that noise impact may occur as a result from activity at the employment use on the north side of Barton Street.

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

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

1) Local knowledge associates areas with historic events / activities / occupations; and,
2) Along historic transportation routes.

Notwithstanding current surface conditions, these criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section

2.6.2 of the *Provincial Policy Statement* apply to the subject applications. However, as no soil disturbance is proposed, an archaeological assessment is not required. However, should the subject lands be comprehensively redeveloped at a future point in time, then an archeological assessment or monitoring during construction will be required.

Based on the above, the applications are consistent with the PPS.

Growth Plan for the Greater Golden Horseshoe (2017)

The subject lands are located within the built-up area, as defined by the Growth Plan. Section 1.2.1 of the Growth Plan outlines a number of Guiding Principles regarding how land is developed, resources are managed and protected, and public dollars are invested. The subject proposal conforms to these Guiding Principles in that:

- It supports the achievement of *complete communities* that are designed to support healthy and active living and meeting people's needs for daily living throughout an entire lifetime.

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

"2.2.1.2 Forecasted growth to the horizon of this Plan will be allocated based on the following:

a) The vast majority of growth will be directed to *settlement areas* that:

i. have a *delineated built boundary*;

ii. have existing or planned *municipal water and wastewater systems*; and

iii. can support the achievement of complete communities.

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

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

d) expand convenient access to:

i. a range of transportation options, including options for the safe, comfortable and convenient use of *active transportation*."

The subject lands are located within the Urban Boundary of the City of Hamilton. The lands are located within the built up area of a mixed use neighbourhood. The continued use of the site for Institutional purposes will continue to contribute to the range of uses in the area and a more compact built form; will support transit because of its location on a bus route; and, contribute to the reduction of dependence on the automobile. Therefore, the proposal conforms to the Growth Plan.

Urban Hamilton Official Plan (UHOP)

The subject lands are identified as "Neighbourhoods" on Schedule E – Urban Structure and designated "Neighbourhoods" on Schedule E-1 – Urban Land Use Designations. The lands are also designated "Low Density Residential 2b in the Western Development Area Secondary Plan. The following policies, amongst others, apply to the proposal:

Neighbourhoods

"E.3.1.2 Develop neighbourhoods as part of a complete community, where people can live, work, shop, learn, and play.

E.3.2.1 Areas designated Neighbourhoods shall function as *complete communities*, including the full range of residential dwelling types and densities, as well as supporting uses intended to serve the local residents.

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*;

c) local *community facilities / services*;

E.3.2.15 The City shall encourage the adaptive reuse of the existing building stock for appropriate land uses. Rezoning applications for new uses shall be evaluated to ensure compatibility with surrounding land uses.

E.3.10.1 Community facilities/services uses include public and private uses serving the cultural, religious, health, welfare, and educational needs of a neighbourhood. Community facilities/services may include community and recreation centres, arenas, parks, healthcare and social service facilities,

long term care facilities, day care centres, seniors' centres, emergency medical services, fire services, police services, cultural facilities, places of worship, museums, schools, universities and colleges, and libraries."

The applicant is proposing the continued use of the entire site for institutional purposes, which includes two single detached dwellings associated with the place of worship. Residential dwelling units and a place of worship are permitted within the Neighbourhoods designation. The applicants is proposing to retain all existing buildings, complying with adaptive reuse Policy E.3.2.15.

Ancillary Uses

The proposed change designation is to permit two single detached dwellings associated with the existing place of worship. While religious facilities are typically within the Institutional designation, the following policies provide additional direction for institutional uses:

"E.3.2.5 Individual supporting uses in the Neighbourhoods designation shall be no greater than 4 hectares in size.

E.6.2.4 Residential uses ancillary to an institutional use, such as student residences, convents, and continuing care projects may be permitted provided the following conditions are met:

b) Residential uses shall be developed in accordance with Section E.3.4 – Low Density Residential or Section E.3.5 – Medium Density Residential. The appropriate density shall be determined on a site by site basis provided it meets the applicable policies of Sections E.3.3 – Low Density Residential and E.3.5 – Medium Density residential, inclusive.

c) Adequate on-site parking shall be provided.

E.3.4.5 For low density residential areas, the maximum height shall be three storeys."

The subject lands are located on a minor arterial road as identified on Schedule C – Function Road Classifications and are less than 4 hectares in size. Based on the evidence of past parking demand for the existing place of worship supplied in the Planning Justification Report submitted, sufficient parking is provided on site. The single detached dwellings are part of the existing housing stock.

Transportation

"C.4.5.2 The road network shall be planned and implemented according to the following functional classifications and right-of-way-widths:

d) Minor arterial roads, subject to the following policies:

iii) The basic maximum right-of-way widths for minor arterial roads shall be 36.576 metres unless otherwise specifically described in Schedule C-2 – Future Right-of-Way Dedications.

e) Collector roads, subject to the following policies:

ii) The basic maximum right-of-way widths for urban collector roads shall be 30.480 metres in designated Employment Areas and 26.213 metres in all other areas, unless specifically described otherwise in Schedule C2 – Future Right-of-Way Dedications."

Barton Street has been identified as a minor arterial road whereas Dewitt Road is identified as a collector road. Schedule C-2 – Future Right-of-Way Dedications identifies that this portion of Barton Street requires an ultimate right-of-way width of 36.576 m and Dewitt Road requires an ultimate width of 26.213 m. Should the lands be redeveloped in the future, or additions proposed having a floor area of 30% or more of existing gross floor area, road widenings of approximately 8.5 m from the Barton Street frontage and approximately 3 m from the Dewitt Road frontage will be required. Since the required Site Plan application would only address the parking area with no increase in gross floor area, road widenings will not be required at this time.

Western Development Area Secondary Plan

As previously noted, the subject lands are designated Low Density Residential 2b and Local Institutional in the Western Development Area Secondary Plan. The following policies apply to the subject lands:

"B.7.1.1.3 Notwithstanding Policies E.3.4.3 and E.3.4.4 of Volume 1, the following policies shall apply to the Low Density Residential 2b designation identified on Map B.7.1-1– Western Development Area - Land Use Plan:

a) the permitted uses shall be single, detached, and duplex dwellings and,

b) the density shall range from 1 to 29 units per net residential hectare."

Since the lands are being used for institutional purposes, particularly the rear of the lands which contain the parking area, the proposal does not comply with the above noted policies.

The following policies apply to Institutional uses within the Secondary Plan:

"B.7.1.4.1 Sections B.3.5 – Community Facilities/Services Policies, E.3.10 - Community Facilities/Services, and E.6.0 - Institutional Designation shall apply to the lands designated Institutional on Map B.7.1-1 – Western Development Area – Land Use Plan."

Since the proposal is to redesignate the lands to "Institutional" to permit the existing single detached dwellings as associated uses with the existing place of worship, the proposal meets the intent of the policies noted above.

Stoney Creek Zoning By-law 3692-92

514 Barton Street and 293 Dewitt Road are currently zoned Single Residential "R2" Zone, in the former City of Stoney Creek Zoning By-law 3692-92. This zoning permits a single detached dwelling, a Home Occupation, and uses, buildings or structures accessory to a permitted use. These lands are currently occupied with two single detached dwellings, which are residences for monks associated with the Temple located at 516 Barton Street.

A Zoning By-law Amendment is required to rezone the portions of the site (514 Barton Street and 293 Dewitt Road) that are zoned Single Residential "R2" to a Modified Neighoburhood Institutional (I1) Zone in By-law No. 05-200, to permit the use of the entire subject lands as a place of worship with associated residential uses and to add site specific modifications that address the existing location of the two dwellings and their use.

Hamilton Zoning By-law No. 05-200

516 Barton Street is currently zoned Neighbourhood Institutional (I1) Zone, in the City of Hamilton Zoning By-law No. 05-200. This zoning permits a range of neighbourhood institutional uses including the following: Community garden; Day nursery; Duplex dwelling; Educational establishment; Emergency shelter; Museum; Place of worship; Residential care facility; Retirement home; Semi-detached dwelling; Single detached dwelling; Urban farm; and Urban farmers market.

A modification to the Neighbourhood Institutional (I1) Zone in Zoning By-law No. 05-200 is required to permit reductions to front, rear, and side yards to existing buildings and to adjust parking requirements. The proposed modifications are further discussed in Appendix "D" to Report PED19106.

RELEVANT CONSULTATION

The following internal departments and external agencies had no comments or objections to the applications:

- Hamilton Conservation Authority; and,
- Recreation Planning.

The following Departments and Agencies submitted the following comments:

Growth Planning has identified no concerns with the proposal recognize existing uses, though has advised that because the lands are located across from lands designated as "Business Park" and the land use is considered sensitive, a noise study should be completed where required in the future to ensure adequate mitigation is incorporated. As the uses proposed are existing, a noise study has not been required.

Transportation Planning, Public Works Department advised that should the applicant choose to pursue further development of the site, a Memo following the TDM for Development policies, addressing 3.A Residential and 3.E Institutional, will be required.

The current right of way width for Barton Street at this location is approximately 28 m. The Right-of-way requirements according to the Volume 1 of the Urban Hamilton Official Plan - Schedule C-2 is 36.58 m. The current Right of way width for Dewitt Road at this location is approximately 23 m. According to the Schedule C-2, the designated road allowance of Millen Road is 26.213 m. Should redevelopment of the site occur in the future, Right-of-way dedications may be required through the Site Plan Control process.

Recycling and Waste Collection advised that the Place of Worship is eligible for municipal waste collection services. Waste from ancillary buildings such as a banquet hall or child care centre shall be collected by a private contractor. The garbage container limit is based on the City's Solid Waste Management By-Law 09-067, as amended. The container limit may change when the By-Law is amended.

Forestry and Horticulture, Public Works Department advised that no Tree Management Plan is not required as there are no municipal tree assets of significance on site. A Landscape Plan will not be required at the Site Plan control stage.

PUBLIC CONSULTATION

In accordance with the provisions of the *Planning Act* and Council's Public Participation Policy, Notice of Complete Application and Preliminary Circulation was circulated to 163 property owners within 120 m of the subject lands on January 9, 2018. A Public Notice sign was also posted on the property on January 25, 2018 and updated with the date of the Public Meeting.

No correspondence was received from members of the public.

Public Consultation Strategy

Pursuant of the City's Public Consultation Strategy Guidelines, the applicant prepared a Public Consultation Strategy which proposed a letter mail out to be delivered to surrounding residential and commercial properties, within and somewhat beyond a 120m radius. The information letter describes the proposal and the effect of the Official Plan Amendment and Zoning By-law Amendment applications. The letter notice was delivered on March 4, 2019. To date, no submissions have been received by the City.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposal has merit and can be supported for the following reasons:

    (i) It is consistent with the Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe;

    (ii) The proposal is considered to be compatible with the existing and planned neighbourhood; and,

    (iii) The proposal complies with the UHOP policies regarding residential uses ancillary to institutional uses and the institutional requirements of the Western Development Area Secondary Plan.

2. The purpose of the proposed Official Plan Amendment is to redesignate the lands from the "Low Density Residential 2b" designation to the "Institutional" designation to permit two existing single detached dwellings and parking areas to operate with the existing place of worship use on site. This redesignation reflects that the lands have been merged on title and function as one comprehensive site.

    As previously noted, the lands are located on a Minor Arterial road, on the periphery of the neighbourhood, where there is a mix of residential, commercial, and employment uses. The subject lands are in close proximity to schools, places of worship, parks, institutional and community uses, retail and services uses. One bus

route currently services the subject lands, with the bus stop located on Barton Street in front of the subject lands.

At one storey, the four buildings on site, which will remain, are comparable in scale with respect to the single storey townhouses to the west and the single storey detached residential building to the south. The two single detached dwellings at 514 Barton Street and 293 Dewitt Road will be ancillary to the place of worship at 516 Barton Street, which is best reflected in the "Institutional" designation of the Secondary Plan. As no new building or development is contemplated as part of this application, the proposal remains consistent with the pattern of development in the area. The proposal allows for the consolidated, efficient use of the lands.

Therefore staff are in support of the proposed Official Plan Amendment.

3. The proposed Zoning By-law Amendment to the Hamilton Zoning By-law No. 05-200 is required in order to include the two residential dwellings as part of the place of worship, as well as a number of site specific modifications that are further discussed in Appendix "E" to Report PED19106. Applying the (I1) Zone to the entirety of the site ensures that future use of the lands will not permit several single detached dwellings on one lot, while allowing comprehensive use of the site for institutional purposes.

4. With respect to engineering details, Development Engineering advises that they have no concerns with the Official Plan or Zoning By-law Amendment applications proceeding to approval. All outstanding servicing, stormwater management, grading, municipal road improvements, etc. will be reviewed in more detail at the Site Plan application review and approval stage.

ALTERNATIVES FOR CONSIDERATION

Should the applications be denied, the subject lands could be used in accordance with the existing Single Residential "R2" Zone and Neighbourhood Institutional (I1) Zone provisions.

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.

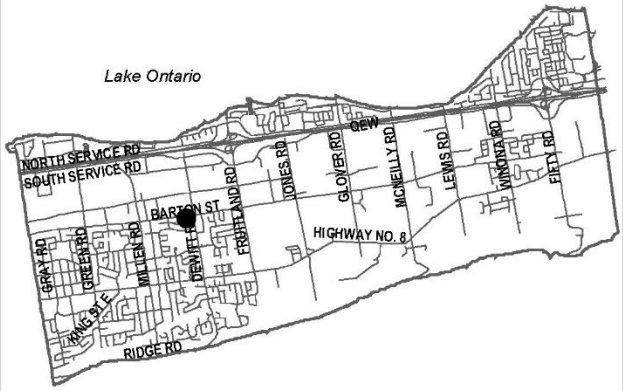
Built Environment and Infrastructure
Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” – Location Map
Appendix “B” – Draft Official Plan Amendment
Appendix “C” – Draft Zoning By-law Amendment for Hamilton Zoning By-law No. 05-200
Appendix “D” – Zoning Chart
Appendix “E” – Concept Plan

Appendix "A" to Report PED19106
Page 1 of 1

● **Site Location**



Key Map - Ward 10 N.T.S.

Location Map

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

Hamilton

File Name/Number:	Date:
ZAC-17-079 & UHOPA-17-36	March 12, 2019

Appendix "A"	Scale:	Planner/Technician:
	N.T.S.	MS/VS

Subject Property

514 & 516 Barton Street & 293 Dewitt Road

Block 1 - Lands to be rezoned from Single Residential "R2" Zone to Neighbourhood Institutional (I1, 726) Zone

Block 2 - Lands to be rezoned from Neighbourhood Institutional (I1) Zone to Neighbourhood Institutional (I1, 726) Zone

Schedule 1

DRAFT Urban Hamilton Official Plan Amendment No. X

The following text, together with Appendix "A" – Western Development Area Secondary Plan Land Use Plan – Volume 2, Map B.7.1-1 attached hereto, constitutes Official Plan Amendment No. ___ to the Urban Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose and effect of this Amendment is to redesignate the lands from "Low Density Residential 2b" to "Institutional" within the Western Development Area Secondary Plan to permit two single detached dwellings associated with the existing place of worship at 516 Barton Street.

2.0 Location:

The lands affected by this Amendment are known municipally as 514 Barton Street and 293 Dewitt Road, in the former City of Stoney Creek.

3.0 Basis:

The basis for permitting this Amendment is:

- The proposed amendment is in general conformity with the Urban Hamilton Official Plan, including general policies pertaining to promoting complete communities.

- The proposal meets the requirements of the "Institutional" designation.

- The proposed amendment is consistent with the Provincial Policy Statement, 2014 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2017.

4.0 Actual Changes:

4.1 Volume 2 – (Secondary Plans)

Schedules and Appendices

4.1.1 Appendices

a. That Volume 2, Map B.7.1-1 – (Western Development Area Secondary Plan Land Use Plan) be amended by identifying the subject lands as "Institutional", as shown on Schedule "A" to this Amendment.

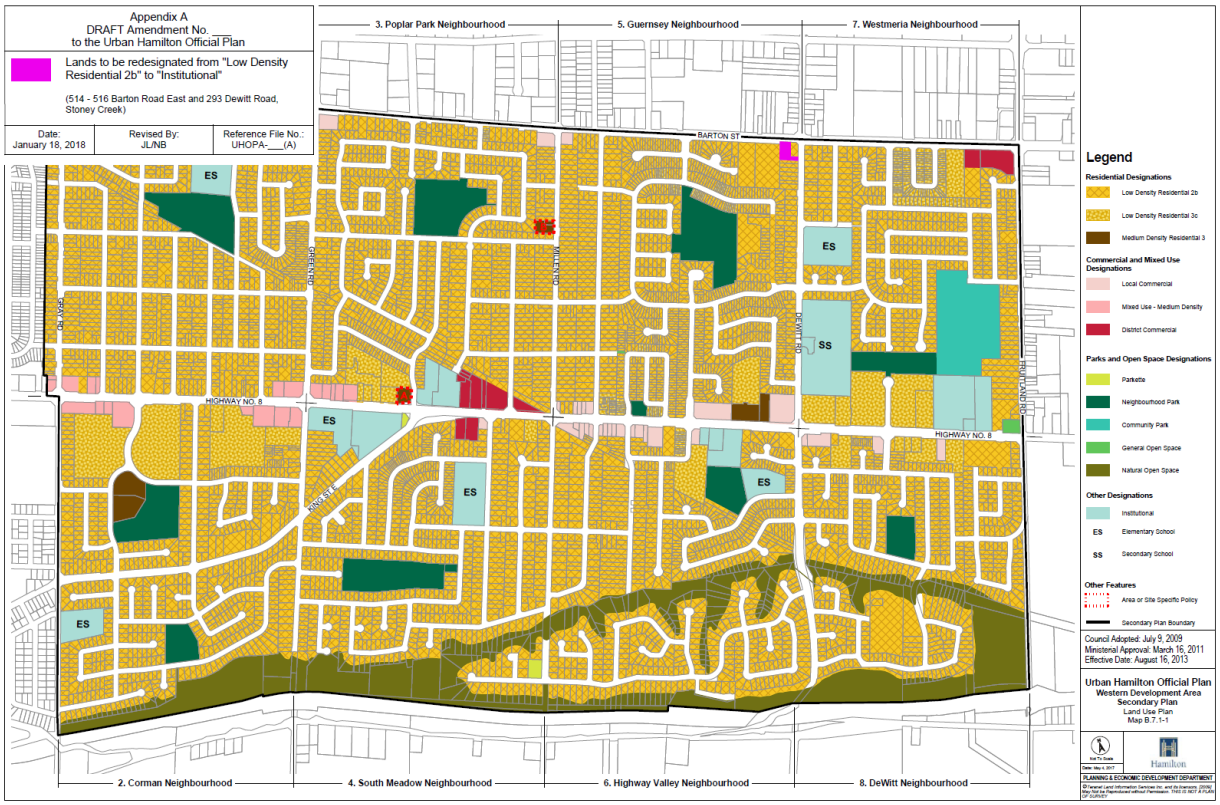
5.0 Implementation:

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 day of month, 201X.

The
City of Hamilton

Fred Eisenberger	Janet Pilon
MAYOR	ACTING CITY CLERK


Appendix A
DRAFT Amendment No. ___
to the Urban Hamilton Official Plan
Lands to be redesignated from "Low Density Residential 2b" to "Institutional"
(514 - 516 Barton Road East and 293 Dewitt Road, Stoney Creek)
Date: January 18, 2018
Revised By: JL/NB
Reference File No.: UHOPA-___(A)
3. Poplar Park Neighbourhood
5. Guernsey Neighbourhood
7. Westmeria Neighbourhood
BARTON ST
HIGHWAY NO. 8
ES
SS
2. Corman Neighbourhood
4. South Meadow Neighbourhood
6. Highway Valley Neighbourhood
8. DeWitt Neighbourhood
Legend
Residential Designations
Low Density Residential 2b
Low Density Residential 3c
Medium Density Residential 3
Commercial and Mixed Use Designations
Local Commercial
Mixed Use - Medium Density
District Commercial
Parks and Open Space Designations
Parkette
Neighbourhood Park
Community Park
General Open Space
Natural Open Space
Other Designations
Institutional
Elementary School
Secondary School
Other Features
Area or Site Specific Policy
Secondary Plan Boundary
Council Adopted: July 9, 2009
Ministerial Approval: March 16, 2011
Effective Date: August 16, 2013
Urban Hamilton Official Plan
Western Development Area
Secondary Plan
Land Use Plan
Map B.7.1-1
Hamilton
PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT

Appendix "C" to Report PED19106
Page 1 of 3

Authority: Item ,
Report (PED19106)
CM:
Ward: 10

Bill No.

CITY OF HAMILTON

BY-LAW NO.

To Amend Zoning By-law No. 05-200 Respecting Lands Located at 514 and 516 Barton Street and 293 Dewitt Road, Stoney Creek

WHEREAS Council approved Item __ of Report ____ of the Planning Committee, at the meeting held on June XX, 2019;

AND WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan, upon finalization of Official Plan Amendment No. __.

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

1. That Map 1199 of Schedule "A" – Zoning Maps to Zoning By-law 05-200 are amended by:

   (a) Incorporating additional Neighbourhood Institutional (I1, 726) Zone on lands described as Block 1, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A" and;

   (b) For a change in zoning from the Neighbourhood Institutional (I1) Zone to Neighbourhood Institutional (I1, 726) Zone, on lands described as Block 2, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. That Schedule "C" – Special Exceptions of Zoning By-law No. 05-200, is hereby amended by passing the following site specific Neighbourhood Institutional (I1, 726) Zone:

   "726. Within the lands zoned Neighbourhood Institutional (I1, 726) Zone, identified on Map 1199 of Schedule "A" – Zoning Maps and described as 514 and 516 Barton Street and 293 Dewitt Road, the following special provisions shall apply:

   a) Notwithstanding Subsection 4.5 a) the following special provision shall apply:

i)	Dwellings on a Lot	Two single detached dwellings may be permitted on the same lot containing a place of worship.

b) Notwithstanding Sections 8.1.3.1d), 8.1.3.1e), 8.1.3.1g) of this By-law the following special provisions shall apply:

i)	Minimum Front Yard Setback	4.4 metres
ii)	Minimum Northerly Side Yard Setback	1.1 metres
iii)	Minimum Rear Yard Setback	4.6 metres

c) Notwithstanding Subsection 5.6b)ii) for a place of worship and in addition to Subsection 8.1.3.1 k) of this By-law the following special provision shall apply:

Parking	1 parking space for every 12.7 square metres of gross floor area for a place of worship, inclusive of a basement or cellar, to accommodate such use.

3. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.

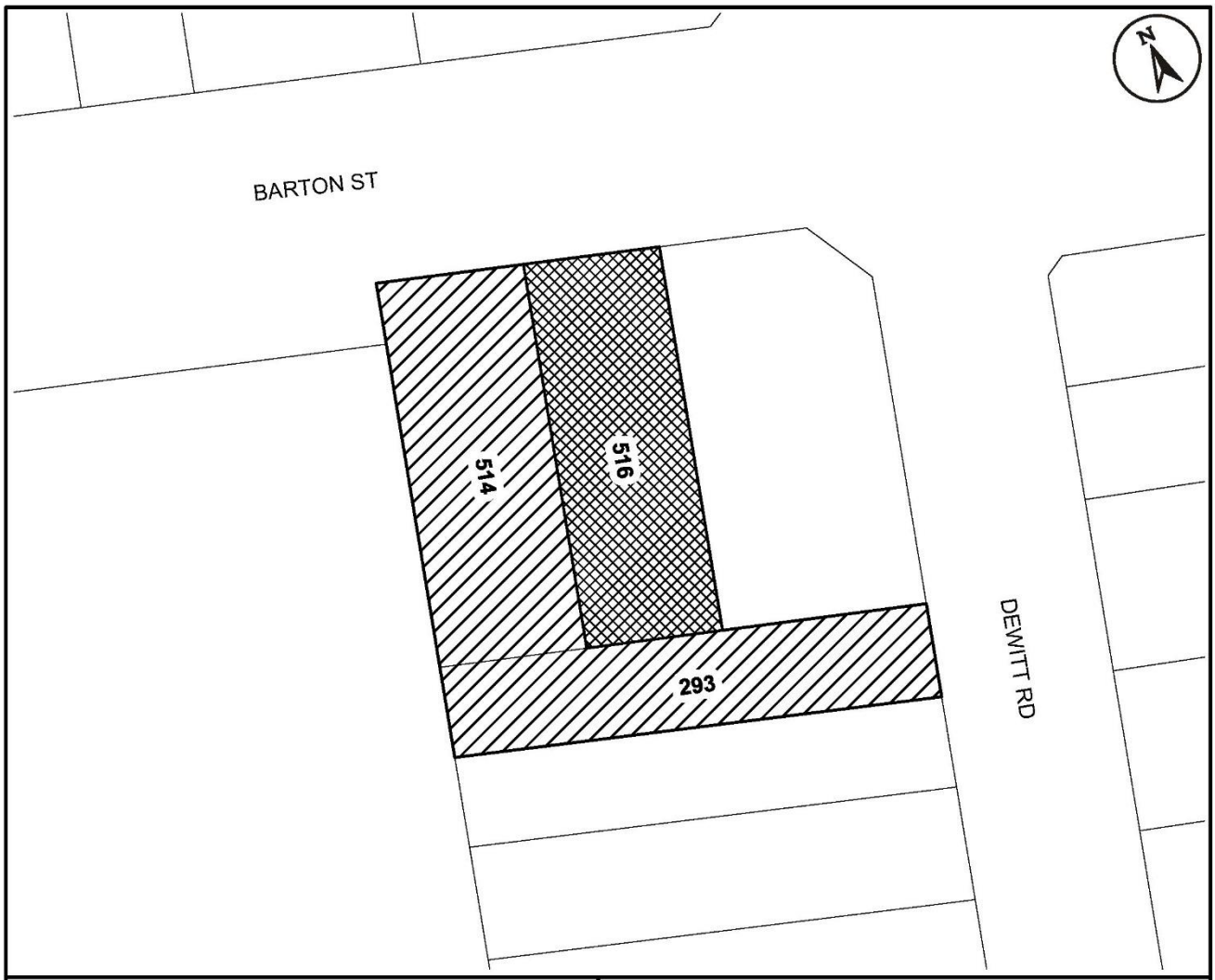
4. That this By-law No. shall come into force and be deemed to have come into force in accordance with Subsection 34(12) of the *Planning Act.*, either upon the date of passage of this By-law or as provided by the said Subsection.

PASSED this _____ ____ , _____

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

ZAC-17-079



This is Schedule "A" to By-law No. 19-

Passed the ..... day of ....., 2019

Mayor

Clerk

Schedule "A"

Map Forming Part of
By-law No. 19-_____

to Amend By-law No. 05-200
Map 1199

Scale:	File Name/Number:
N.T.S.	ZAC-17-079 & UHOPA-17-36
Date:	**Planner/Technician:**
March 12, 2019	MS/VS

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

Hamilton

Subject Property

514 & 516 Barton Street & 293 Dewitt Road

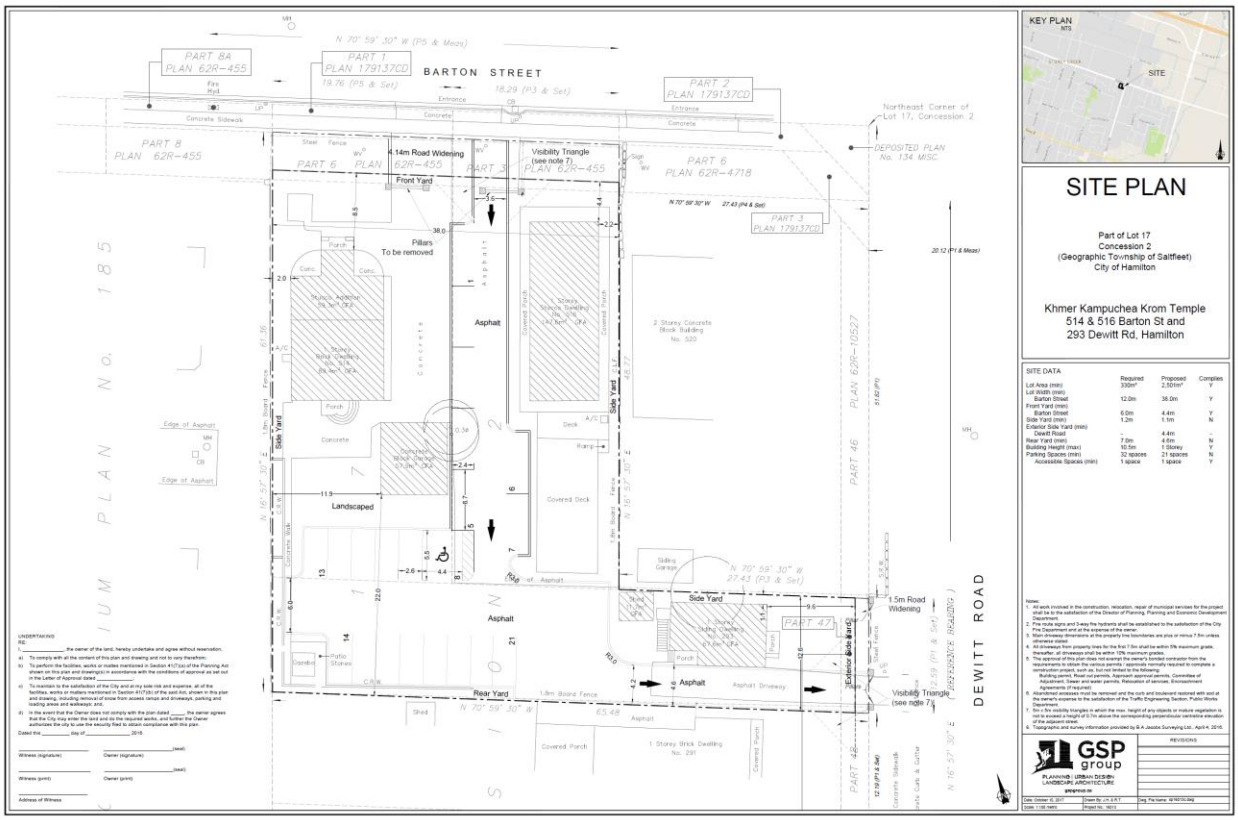
Block 1 - Lands to be rezoned from Single Residential "R2" Zone to Neighbourhood Institutional (I1, 726) Zone

Block 2 - Lands to be rezoned from Neighbourhood Institutional (I1) Zone to Neighbourhood Institutional (I1, 726) Zone

Site Specific Modifications to the (I1) Zone

Regulation	Required	Modification	Analysis
Dwellings on a lot	One single detached dwelling per lot	Two single detached dwellings on one lot containing a place of worship	The proposed modification acknowledges that the lands have been merged on title and function comprehensively. The modification has been written to ensure that two dwellings on one lot may be permitted only in conjunction with a place of worship. The modification is reasonable and supported by staff.
Minimum Front Yard Setback	6.0 metres	4.4 metres	The proposed modification is to recognize the front yard setback measured from 516 Barton Street, which has been deemed the front lot line as a result of the lands being merged on title. The modification is consistent with the existing street edge along Barton Street, which varies from approximately 2.8m to 8.5m and is an existing situation. Based on the foregoing, the modification is reasonable and supported by staff.
Minimum Rear Yard Setback	7.0 metres	4.6 metres	Due to the configuration of the lot, the dwelling located at 293 Dewitt Road has an existing rear yard setback of 4.6 metres whereas 7.0m is required. This setback behaves as a side yard, with a driveway access to the rear parking lot. Since the proposed modification recognizes an existing situation. Based on the foregoing, the modification is reasonable and supported by staff.
North Side Yard Setback	1.2 metres	1.1 metres	The proposed modification is required to recognize an existing situation for the dwelling fronting onto 293 Dewitt Road. Staff have no concerns with the 0.1m reduction and support the modification.
Minimum Parking Spaces	One space for every $10m^2$ of gross floor area which accommodates the place of worship, including basement = 29 parking spaces	One space for every 12.7m2 of gross floor area which accommodates the place of worship, including basement = 23 spaces	Since the dwellings are ancillary to the Temple they are not included in the floor area calculation for a place of worship. Further, the use of these dwellings are by individuals that practice on site. Therefore, requiring additional parking for the residential component would not be appropriate since any vehicles used by the residential use would be captured through the capacity of the Temple. The proposed modification acknowledges that the existing place of worship does not have weekly scheduled gatherings. Instead, the place of worship is visited throughout all times of day which reduces parking needs at any one given time. There are occasional ceremonies held on site, typically one to four times a year, where large groups will visit the site. Since these are rare occurrences, staff are satisfied that the proposed parking ratio will adequately service the lands. Further, formal parking agreements will be established with adjacent property owners through the Site Plan Control process to ensure overflow parking can be accommodated for these rare occasions. Based on the foregoing, the modification is reasonable and supported by staff.

Appendix "E" to Report PED19106
Page 1 of 1



WELCOME TO THE CITY OF HAMILTON

PLANNING COMMITTEE

June 4, 2019

PED19106 – (ZAC-17-079 & UHOPA-17-36)

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.

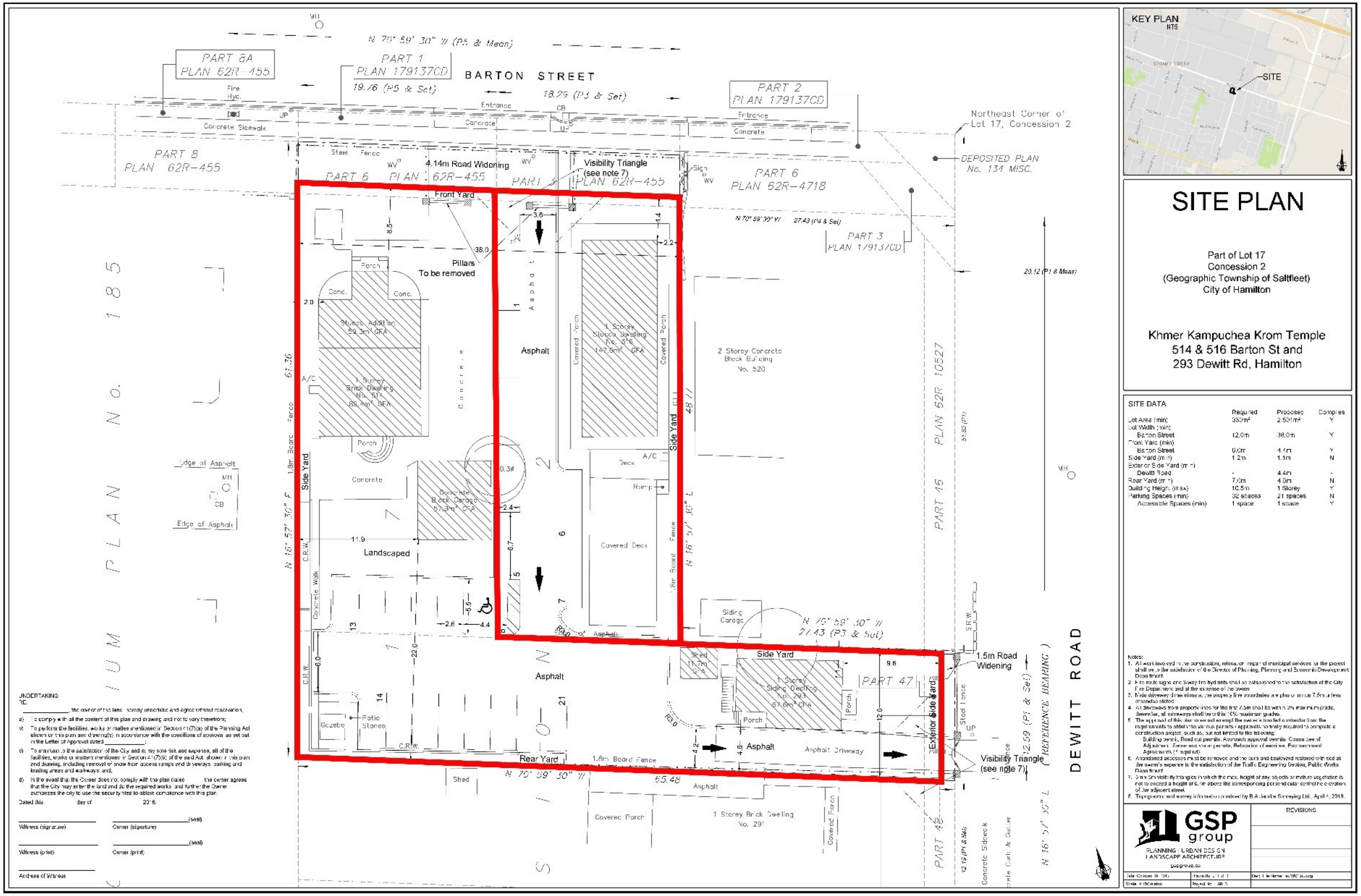
Presented by: Melanie Schneider


M2
M3
M2
M3
M2
M3
BARTON ST
DEWITT RD
DEWITT RD
HEWITSON RD
R2
RM3
C2
R2
R6
R3
R5
RM2
R4
R3
CLYDEBANK PL
MACINTOSH DR
514
516
293
520
579
Site Location
Lake Ontario
NORTH SERVICE RD
SOUTH SERVICE RD
BARTON ST
HIGHWAY NO. 8
RIDGE RD
Key Map - Ward 10
N.T.S.
Location Map
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Hamilton
File Name/Number:
ZAC-17-079 & UHOPA-17-36
Date:
March 12, 2019
Appendix "A"
Scale:
N.T.S.
Planner/Technician:
MS/VS
Subject Property
514 & 516 Barton Street & 293 Dewitt Road
Block 1 - Lands to be rezoned from Single Residential "R2" Zone to Neighbourhood Institutional (I1, 726) Zone
Block 2 - Lands to be rezoned from Neighbourhood Institutional (I1) Zone to Neighbourhood Institutional (I1, 726) Zone

SUBJECT PROPERTY

514 & 516 Barton Street & 293 Dewitt Road, Stoney Creek

PED19106
Appendix E



FED19106

Photo 1

Subject Lands from Barton Street.

FED19106
Photo 2

514 Barton Street and adjacent townhouse dwellings to the west.

PED19106

Photo 3

293 Barton Street.

PED19106

Photo 4

Parking area within Subject Lands.

PED19106
Photo 5

Single detached dwellings south of lands from Dewitt Road.

PED19106
Photo 6

Single detached dwellings on east side of Dewitt Road.

PED19106

Photo 7

Existing commercial adjacent to Subject Lands.

Lands to the north east.

PED19106

Photo 9

Existing commercial to the north of Subject Lands.

THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE

CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	June 4, 2019
SUBJECT/REPORT NO:	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)
WARD(S) AFFECTED:	Ward 2
PREPARED BY:	Daniel Barnett (905) 546-2424 Ext. 4445
SUBMITTED BY: **SIGNATURE:**	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department

RECOMMENDATION

(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.

EXECUTIVE SUMMARY

The subject property is municipally known as 468 to 476 James Street North, Hamilton. The Owner, JvN James St. GP. Inc, c/o John Van Nostrand has applied for amendments to the City of Hamilton Official Plan and Zoning By-law No. 6593 to permit an eight storey mixed use building containing 384 sq. m. of commercial gross floor area on the ground floor and 92 housing units above, and with three surface parking spaces and 36 parking spaces contained in one level of underground parking, which establishes a parking rate of 0.42 parking spaces per unit. Three parking spaces will be provided at grade and the remaining spaces will be located in one level of underground parking. The building is being designed such that the number of units within the building can be modified based on changing market needs.

The applications have merit and can be supported as they are consistent with the Provincial Policy Statement (2014) (PPS), conform to the Growth Plan for the Greater Golden Horseshoe (2017) (Growth Plan), and comply with the general intent of the City of Hamilton Official Plan and West Harbour (Setting Sail) Secondary Plan. The proposal is considered to be compatible with and complementary to the existing and planned development in the immediate area, represents good planning by providing a compact and efficient urban form, and provides an alternative housing form for the neighbourhood.

Alternatives for Consideration – See Page 33

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

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

HISTORICAL BACKGROUND

Proposal

The subject property is located on the north east corner of James Street North and Ferrie Street East.

The subject property contains two buildings, both two storeys in height, one containing a mixed use building with commercial uses at grade and dwelling units on the second floor. The second building contains exclusively dwelling units. Both buildings will be demolished as part of the proposed redevelopment of the subject lands.

Flexible Dwelling Units

The proposed development is intended to establish flexible dwelling units. This concept allows prospective purchasers to purchase gross floor area (GFA) within the building, purchasing more GFA to establishing a larger dwelling unit or less GFA to establish a smaller dwelling unit. As a result of the flexible nature of the dwelling units an exact number of units cannot be determined and only an approximate number of units can be identified. The proposed flexible housing units provide an alternative form of dwelling unit to satisfy various housing needs. The parking will be provided at a rate of 0.42 parking spaces per unit or 39 parking spaces whichever is greater. Based on 39 parking spaces being provided a maximum of 92 dwelling units can be provided, any additional dwelling units above 92 dwelling units would require that additional on-site parking be provided. If the number of units is greater than 99 units a Traffic Impact Study (TIS) will be required. In order to ensure that at TIS is undertaken should the number of units proposed be greater than 99 units an 'H' Holding Provision 'H2' is recommended. It is noted that any intended modifications that alter the number of dwelling units, establish additional units beyond the initial 92 units proposed will require a building permit at which time the applicant will be required to demonstrate conformity with the Zoning By-law.

In respect to the proposed dwelling units the intention with respect to tenure is to establish Condominium ownership. This will be undertaken as part of a future application for Draft Plan of Condominium.

Third Submission – March 2018 (attached as Appendix "G" to Report PED19116)

Based on comments received in response to the initial and second submissions (Appendix E and F to Report PED19116) a third submission included revisions to the number of flexible dwelling units which were increased from 91 units to 92 units. The proposed setbacks and stepbacks of the second submission remain unaltered from the second submission. The height of the mechanical penthouse was reduced by 1.0 m metre and the extent of the mechanical penthouse and other features on the roof, that increase the perceived height of the building, have been reduced.

Two undersized parking spaces with lengths of 4.5 m have been removed, reducing the total number of parking spaces to 39 spaces and establishing a rate of 0.42 spaces per unit. The two parking spaces that were removed have been replaced with an additional 13 long term bicycle parking spaces increasing the total from 24 to 37 long term bicycle

parking spaces, which was subsequently further increased by the applicant to 45. The total number of short term bicycle parking spaces has not been changed from the previous submission.

Staff Revision

Based on a review of the applications by staff, the proposal to change the zoning to the "CR-1" (Commercial – Residential Districts) District, Modified was amended instead to modify the existing "H" District zoning to allow the development outlined in the third submission. The amended application has been reviewed by the applicant and the applicant does not object to modifying the "H" District.

Chronology:

March 9, 2018:	Submission of Official Plan Amendment and Zoning By-law Amendment Applications UHOPA-18-07 and ZAC-18-020.
March 27, 2018:	Applications UHOPA-18-07 and ZAC-18-020 deemed complete.
April 3, 2018:	Notice of Complete Applications and Preliminary Circulation was sent to 259 property owners within 120 m of the subject property.
April 11, 2018:	Public Notice Sign installed.
June 14, 2018:	Design Review Panel meeting.
July 4, 2018:	Public meeting held by the applicant.
September 25, 2018:	Second submission from applicant.
March 20, 2019:	Third submission from applicant.
May 8, 2019:	Public notice sign updated with Public Meeting date.
May 17, 2019:	Circulation of the Notice of Public Meeting to 259 property owners within 120 m of subject property.

Details of Submitted Applications:

Owner: JvN James Street G.P. Inc. c/o John Van Nostrand

Applicant: SvN Architects & Planners c/o Anthony Greenberg

Location: 468, 470, 474 and 476 James Street North, Hamilton

Property Description:

Lot Frontage:	33.51m (James Street North) 47.27m (Ferrie Street East)
Lot Depth:	47.27m
Lot Area:	1,683 sq m
Servicing:	Existing full municipal services

Existing Land Use and Zoning:

	Existing Land Uses	Existing Zoning
Subject Property	Mixed use building and multiple dwelling	"H/S-978" (Community Shopping and Commercial, Etc.) District, Modified
Surrounding Land Uses:		
North	Two storey multiple dwelling	"DE-3" (Multiple Dwellings) District
East	Single detached dwellings	"D" (Urban Protected Residential – One and Two Family Dwellings, Etc.) District
South	Street townhouse dwellings	"DE-3" (Multiple Dwellings) District
West	Single detached dwellings	"C" (Urban Protected Residential, Etc.) District

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2014) (PPS)

The Provincial Planning Policy framework is established through the *Planning Act* (Section 3) and the 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:

Settlement Areas

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

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

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

a) densities and a mix of land uses which:

1. efficiently use land and resources;

2. are appropriate for, and efficiently use, the *infrastructure* and *public service facilities* which are planned or available, and avoid the need for their unjustified and / or uneconomical expansion;

4. *support active transportation;*

5. are *transit-supportive*, where transit is planned, exists or may be developed;

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

The subject property is located within a settlement area as defined by the PPS. The proposed eight storey mixed use building would contribute to the mix of land uses in the area, would efficiently use land and existing infrastructure, and represents a form of intensification. The proposal is transit-supportive by providing intensification along an existing bus route on James Street North and located within 400m of the West Harbour GO Station and providing secure bicycle parking spaces on-site.

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:

1) In areas of pioneer EuroCanadian settlement; and,
2) Along historic transportation routes.

Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the PPS apply to the lands. An acknowledgement note of the archaeological requirements applicable to the site would be required at the Site Plan Control stage.

The City recognizes there may be cultural heritage properties that are not yet identified or included in the Register of Property of Cultural Heritage Value or Interest nor designated under the *Ontario Heritage Act*, but still may be of cultural heritage interest. These may be properties that have yet to be surveyed, or otherwise identified, or their significance and cultural heritage value has not been comprehensively evaluated but are still worthy of conservation.

Although not formally recognized under the *Ontario Heritage Act* through registration or designation, the subject property is of potential cultural heritage value as the property is included in the James Street North – Port Hamilton Cultural Heritage Landscape Inventory. As a result, staff have an interest in ensuring that the resource is appropriately documented prior to demolition.

A Documentation and Salvage Report was prepared and submitted with the applications for Official Plan Amendment and Zoning By-law Amendment. The initial report included photos of 468 and 470 James Street North but did not include photos for the interior of 474 and 476 James Street North. The applicant subsequently submitted additional photos respecting the interior of 474 and 476 James Street North. On this basis the required Documentation and Salvage Report requirement has been satisfied.

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 applicant submitted a Noise Impact Study prepared by J.E. Coulter Associates Limited dated March 7, 2018 for the subject proposal. J.E. Coulter Associates Limited determined that noise levels created from existing rail and road sources exceed the maximum unmitigated noise level requirements of the Ministry of the Environment, Conservation and Parks (MOEP) and identified mitigation measures that will be required to mitigate the noise impacts for the proposed development.

The study noted that all outdoor amenity areas are less than 4.0 m in depth and therefore do not require additional noise control measures. This assessment appears to be based on the original plans in which all terraces were less than 4.0 m in depth, whereas the proposed terraces on the easterly side of the building on the top of the sixth floor are now greater than 4.0 m. Furthermore, the greenspace and roof top amenity area on the roof of the eighth storey exceeds a depth of 4.0 m and therefore noise mitigation measures for outdoor amenity areas are applicable. An update to the Noise Impact Study will be required as part of the Site Plan Control application.

Given the foregoing, staff are of the opinion that the applications are consistent with the PPS.

Growth Plan for the Greater Golden Horseshoe (2019)

The Growth Plan directs the majority of growth to settlement areas that have access to municipal water and wastewater systems and can support the achievement of complete communities. The following policies, amongst others, apply to the proposal:

"2.2.1.2 a) 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*;

2.2.1.2 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;

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

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

c) provide a diverse range and mix of housing options, including second units and *affordable* housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;"

The subject lands are located within the Hamilton urban boundary and are fully serviced by municipal water and wastewater infrastructure. The proposal complements the community by providing commercial uses at grade along James Street North and expands housing options within the neighbourhood (Policy 2.2.1.4 a) and c)). The proposal represents a form of residential intensification within the built up area, in proximity to existing transit routes on James Street North and higher order transit (West Harbour GO Station) which is consistent with the growth management policies of the Growth Plan.

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

Urban Hamilton Official Plan

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

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

Hamilton-Wentworth Official Plan

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

Urban Area

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

- Compact urban form, including mixed use areas.

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

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

- Higher density development can reduce per capita servicing costs and makes more efficient use of existing services;

- Effective community design can ensure people are close to recreation, natural areas, shopping and their workplace; and,

- A compact community makes walking and bicycling viable options for movement."

The proposal complies with the direction to encourage redevelopment of the subject lands for compact development within the Urban Area. The proposed eight storey mixed use building would provide for an efficient use of existing services, adds residential units in close proximity to existing recreation, shopping and workplaces, and contributes to a compact community. As such, the proposal complies with the policies of the Hamilton-Wentworth Official Plan.

City of Hamilton Official Plan

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

"Subsection B.2.1 – Water Distribution

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

Subsection B.2.2 – Sewage Disposal

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

Subsection B.2.3 – Storm Drainage

B.2.3.1 Council will require that all new development and / or redevelopment be connected to, and serviced by, a STORM DRAINAGE System or other appropriate system such as ditches, 'zero run-off', and any other technique acceptable to Council and the Conservation Authorities. Council will ensure that the extension of the STORM sewer System is at sufficient

capacity to support future anticipated growth in the City. In this regard, Council will co-operate with the appropriate Conservation Authorities in any flood management studies or engineering works that may be undertaken from time to time to improve or maintain the DRAINAGE capacity of natural watercourses flowing through the City."

There are existing services adjacent to the subject property including sanitary, storm and watermain sewers on both James Street North and Ferrie Street East. A Functional Servicing Report, dated February 22, 2018, by IBI Group, was submitted in support of the applications. While no concerns were identified with respect to establishing the principal of the land use for the subject property, a revised Functional Servicing Report will be required at the Site Plan Control stage to address the following: storm water management, water demand and required fire flow.

"Subsection B.2.4 - Solid Waste Disposal

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

The proposed development is eligible for municipal waste collection by City Services subject to the requirements of the City's Solid Waste Management By-law 09-067. Waste collection will be examined in greater detail at the Site Plan Control stage.

"Subsection C.4 – Pollution

B.4.9 Council recognizes the Ministry of Environment and Energy's concerns regarding the potential for contamination of soils and supports its efforts for the decommissioning of such sites. Accordingly, where the development / redevelopment is proposed for lands currently or previously known to be used for industrial, transportation or utility purposes Council will, in the consideration of an amendment application to this Plan and / or the implementing Zoning By-law:

i) Require the proponent to submit to the Ministry of Environment and Energy, in accordance with the Ministry's requirements, a professional analysis of soils on the site determining the presence, type(s) and concentration of contaminants which may be hazardous to the environment and/or to human health as a prerequisite of development or redevelopment. Determination of contaminants for which analysis will be conducted will be based upon all present and previous uses of the site.

If the analysis identifies the presence of contaminants at concentrations above background levels, the Ministry will require the proponent to formulate and implement a remedial action plan in accordance with the Ministry's Guidelines for the Decommissioning and Clean-up of Sites in Ontario, (as may be amended). This plan will be submitted to the Ministry for approval.

Based on the previous use of the property as a commercial use there is a potential for site contamination of the subject lands. As the proposed development is seeking to establish residential land uses (a sensitive land use) an evaluation of the condition of the site and, if necessary, any required remediation work will need to be completed. In order to ensure that a Record of Site Condition is completed an 'H' Holding Provision will applied.

"Subsection C.7 – Residential Environmental and Housing Policy

C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.

C.7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will:

iii) Support RESIDENTIAL development such as infilling, redevelopment and the conversion of non-residential structures that makes more efficient use of the existing building stock and / or physical infrastructure that recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;

v) Encourage new RESIDENTIAL development that provides a range of dwelling types at densities and scales that recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;

vi) Support new RESIDENTIAL development that provides tenure options and a range of prices / rents for new dwellings that will be "affordable" to Hamilton residents;

ix) Support the concept of a RESIDENTIAL community that provides a diversity of dwelling forms and housing options accessible to all Hamilton Residents.

xii) Encourage development at densities conducive to the efficient operation of Public Transit and which utilizes designs or construction techniques that are energy efficient."

The proposed mixed use development includes setbacks and stepbacks to provide a transition in scale from the proposed mid-rise multiple dwelling units to the existing low rise dwellings located to the east, south and west, and provides sufficient spacing and screening to maintain privacy and amenity for adjacent residents (Policy C.7.2).

The proposed mixed use development supports makes use of existing infrastructure, and is massed through the use of setbacks and stepbacks in a manner that positively contributes to the streetscape (Policy C.7.3 iii)). The proposed mixed use development contributes to a range of dwelling types that, while at a higher density than the existing area, is scaled and massed to respect the character of area (Policy C.7.3. v). The proposed mixed use development with flexible housing options, provides new residential development with a variety of tenure options and at a range of affordability (Policy C.7.3 vi)). The proposal contributes to a diversity of dwelling forms and housing options for Hamilton residents (Policy C.7.3.ix)). As the subject property is located along an existing transit route (James Street North) and is located within 400 m of higher order transit (West Harbour GO Station), the proposed increased density will support the efficient operation of public transit development and will encourage development at a density that is conducive to the efficient operation of Public Transit (Policy C.7.3. xii).

Based on the forgoing, the proposal complies with the City of Hamilton with respect to the applicable policy direction from Section B and C.

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

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

When the UHOP was brought into effect by the LPAT in 2013, all of the lands within the West Harbour (Setting Sail) Secondary Plan area were noted as being subject to Non-Decision No. 113. Therefore, the operable Secondary Plan policies in effect to review

against the proposed development are those policies in the Setting Sail Secondary Plan OPA No. 198, instead of the UHOP (Volume 2).

The subject property is identified as “Corridor of Gradual Change” on Schedule M-1 – Planning Area and Sub-Areas and is designated “Mixed Use” on Schedule M-2 – General Land Use in the West Harbour (Setting Sail) Secondary Plan.

The lands are located within the “Zone of Noise Influence” on Schedule M-3 – Zone of Noise Influence in the Setting Sail Secondary Plan. The subject property is restricted to a height limitation of 2-4 storeys on Schedule M-4 – Building Heights. The applicant has proposed to amend the height limitation of 2-4 storeys to eight storeys.

The following policies, amongst others, are applicable:

“A.6.3.2.2 Strengthen existing neighbourhoods

Together with the waterfront, the North End and portions of Strathcona, Central and Beasley neighbourhoods are the defining elements of West Harbour. There is much diversity within the neighbourhoods, physically and socially, reflecting and area’s rich and varied history. Where once local industries attracted workers and their families, the attractions for residents now are the area’s historic character and waterfront amenities. This character and the neighbourhoods’ physical relationship to the waterfront are assets to be protected and enhanced. As changes in West Harbour continue, both on the waterfront and in the neighbourhoods, it is important to:

i) ensure new development respects and enhances the character of the neighbourhoods;

iii) encourage compatible development on abandoned, vacant and under-utilized land;

iv) support James Street as the area’s main commercial street;

v) encourage new commercial uses that cater to the local neighbourhood;

A.6.3.3.1.2 The City will ensure development and redevelopment in neighbourhoods and lands surrounding West Harbour respect the type, scale and character of development identified in this plan.

A.6.3.3.1.4 All new development in West Harbour shall be subject to the height limits shown on Schedule “M-4”, Building Heights, and prescribed in the specific policies of this plan.

A.6.3.2.8 Promote excellence in design

All urban environments should be designed well; however, because West Harbour is centrally located in Hamilton and conveys an image of the city to the world with its waterfront, the area should demonstrate the highest standard of design. Achieving design excellence will respect the pride of residents, attracts tourists and encourage reinvestment in the area. In designing buildings and open spaces in West Harbour, and enhancing existing ones, citizens, developers and the public sector have an obligation to:

v) promote the development of inspiring, meaningful and memorable places.

A.6.3.3.1.9 To encourage a broad mix of housing types at varying income levels, West Harbour shall accommodate a diversity of housing types, including detached and semi detached dwellings, and multiple dwellings.

A.6.3.3.1.17 In Mixed Use areas:

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

ii) the range of commercial uses permitted on the ground floor shall include retail stores, restaurants, take-out restaurants, business and personal services, and professional offices;

iii) the range of community uses permitted on the ground floor shall include day nurseries, schools, libraries and places of worship;

iv) the density and height of development shall be governed by the maximum heights identified on Schedule “M-4”;

vi) buildings generally shall be built close to or at the front property line, subject to the development satisfying sightline requirements entering the public road allowance;

viii) ground-floor uses shall have their main entrances on the street with barrier free access, at grade;

ix) parking areas shall be provided at the rear of sites, underground and / or in above-grade structures behind buildings, with access from public streets or laneways;

xi) front yard parking shall not be permitted;

xii) private amenity space shall be provided on balconies and terraces and / or within internal courtyards outdoors and indoors;

xiii) common amenity space shall be consolidated to create useable spaces;

xiv) the design and massing of buildings shall minimize shadow and wind impacts on the public realm; and,

xv) the design of new developments shall have respect for the light, view and privacy enjoyed by residents in adjacent buildings and areas."

As outlined in greater detail below in the analysis of the Urban Design Policies and in Appendix "D" to Report PED19116, the proposed development is massed and scaled to respect and enhance the character of the neighbourhood, and contribute to an inspiring, meaningful and memorable place (Policies A.6.3.2.2 i), A.6.3.2.8 v) and A.6.3.3.1.2). The proposed development will make use of an under-utilized site and will establish a mixed use building, including multiple dwelling units, that will support a broad mix of housing types at varying affordability, as well as ground floor commercial uses (Policies A.6.3.2.2 iii), iv) and v), A.6.3.3.1.9 and A.6.3.3.1.17 i), ii) and iii)). The proposed building will be located close to the street line with at grade, barrier free commercial entrances along the street, underground parking and at grade parking located at the rear of the site (Policies A.6.3.3.1.17. vi), viii), ix) and xi)). Private and common amenity space is to be provided in the form of indoor amenity space and outdoor amenity areas which include terraces, balconies and a roof top patio / green roof (Policies A.6.3.3.1.17 xii) and xiii)).

A sun shadow study was undertaken by SvN, dated March 2018. The study which demonstrated that based on the size and massing of the proposed development, the proposal will have less of a shadow impact on the surrounding buildings than that of an as-of-right building under the current zoning provisions. As shown on Appendix "G" to Report PED19116, the proposed building layout, massing, setbacks, and stepbacks

have been designed to reduce overlook, shadowing and impacts on the overall public realm (Policies A.6.3.3.1.17 xiv) and xv)).

The proposed eight storey building exceeds the maximum 2-4 storey building height identified on Schedule "M-4". An Official Plan Amendment to the West Harbour (Setting Sail) Secondary Plan to increase the maximum building height to eight storeys is proposed by the applicant. An analysis of the merits of the proposed Official Plan Amendment is provided in the Analysis and Rationale for Recommendations section of this report (Policy A.6.3.3.1.4 and A.6.3.3.1.17 iv)).

Urban Design

"A.6.3.3.4.1 New development, redevelopment and alterations to existing buildings in West Harbour shall respect, complement and enhance the best attributes of West Harbour and shall adhere to the following urban design principles:

i) Create a comfortable and interesting pedestrian environment;

ii) Respect the design, scale, massing, setbacks, height and use of neighbouring buildings, existing and anticipated by this plan;

iii) Generally locate surface parking at the rear or side of buildings;

iv) Provide main entrances and windows on the street-facing walls of buildings, with entrances at grade level; and,

v) Ensure barrier-free access from grade level in commercial mixed use development."

The proposed development provides an improved public realm through the inclusion of street trees, short term bicycle parking, planter boxes, and sidewalks along the James Street North and Ferrie Street East streetscapes (Policy A.6.3.3.4.1 i)). To further improve the streetscape, the proposal includes street facing entrances and windows with barrier-free access to the ground floor commercial uses. Parking is predominantly located underground and at the rear of the building, thereby reducing the conflicts between pedestrian, cycling and vehicular movements (Policies A.6.3.3.4.1 iii), iv) and v)).

The proposed eight storey building will exceed the height of existing buildings in the surrounding area. The proposed development achieves the necessary transition to the surrounding buildings through the application of angular planes. Stepbacks have been included above the sixth storey to maintain a 45 degree angular plane along James Street North. Similarly, stepbacks along the Ferrie Street East frontage have been

included to achieve a 55 degree angular plane. Finally, the stepback from the rear lot line will achieve a 45 degree angular plane from the height of the roof of the existing single detached dwelling located to the rear. Staff are of the opinion that the proposed setbacks and stepbacks reduce the shadow impacts on the abutting properties, reduce the massing of the building, and establish a form and scale that is appropriate for the James Street North streetscape.

Corridors of Gradual Change

"A.6.3.6.1.4 Redevelopment within Corridors of Gradual Change shall respect the scale and character of existing development in adjacent Stable Areas, providing an appropriate transition in the height and massing of buildings; screening any surface parking, loading and service areas; and minimizing traffic impacts on local streets.

A.6.3.6.5.1 James Street is the primary retail street in West Habour. Redevelopment and improvements within the James Street Corridor shall reinforce this function, preserve historic buildings and enhance the character of the street.

A.6.3.6.5.2 The City may reduce the parking requirement for commercial uses on James Street to help preserve and continue the historic pattern of development in portions of the corridor."

As previously noted the proposed development will provide an appropriate transition in scale and massing to adjacent buildings and through the use of setbacks and stepbacks, will respect the scale and character of existing development in the adjacent Stable Areas. Loading and surface parking will be located to the rear of the property screened from the street by the building (Policy A.6.3.6.1.4). Ground floor commercial is being proposed along James Street North (Policy A.6.3.6.5.1). As the commercial area is less than 450 sq m no on-site parking is required for retail or office uses, furthermore parking will not be required for additional commercial uses such as restaurants which will promote a pedestrian oriented streetscape along James Street North.

Therefore, the proposed development complies with the policies of the Setting Sail Secondary Plan subject to approval of the Official Plan Amendment to increase the maximum building height from four to eight storeys.

James Street North Mobility Hub Study

On September 24, 2014, Hamilton City Council adopted the James Street North Mobility Hub Study. The Study was commissioned by the City of Hamilton to guide future

planning and development in the area surrounding the intersection of the now constructed West Harbour GO Train Station and the planned City of Hamilton A-Line rapid transit corridor. This location is identified as a Gateway Hub by Metrolinx as a key intersection in the regional transportation network intended to support transit access and high density development. As of the writing of this report, the recommendations of the James Street North Mobility Hub Study have not been incorporated comprehensively into the Official Plan and Zoning By-law. As a Council adopted document, Staff consider the Study to be informative when considering the development potential of the subject lands.

Guiding Principles

The following Guiding Principles of the James Street North Mobility Hub Study, amongst other apply:

"3. Walkable & Inviting Streets & Open Spaces - Streets within the Mobility Hub will be pedestrian-oriented, and accessible for people of all ages and abilities. They will be framed by animated building edges with wide sidewalks, weather protection, lighting and way-finding.

4. Protect Existing Neighbourhoods - Stable residential neighbourhoods will be protected from undesirable development and intensification. Taller buildings will be designed and located to minimize shadowing, overlook and other adverse impacts.

5. Develop at an Appropriate Scale, Form & Density – Intensification will be encouraged, where appropriate, through low-impact density and within close proximity to transit. Development will repair gaps in the built environment and be sensitive to community context and character, such as the existing James Street North streetwall.

6. Design Excellence for Buildings & Streetscapes - New buildings and public spaces are to be designed with the highest built form standards. New development will not mimic existing building materials and style but will maintain the rhythm and scale of the neighbourhood and integrate existing built, natural and heritage elements.

7. Mix of Uses Within the Primary & Secondary Zones - Development within the Mobility Hub aims to create a vibrant mixed use community that supports existing and new transit infrastructure."

The proposal is consistent with the recommended Guiding Principles 3 and 7 as it proposes a street-oriented mixed use building that frames and animates the building edge along James Street North and promotes walkability and supports existing local and regional transit.

The proposed development incorporates appropriate setbacks and stepbacks from the existing stable neighbourhood to the east which will provide appropriate transition and buffering to appropriately mitigate overlook, sun shadow impacts, and other adverse impacts, in accordance with Guiding Principle 4.

The proposed development constitutes intensification that is located along existing municipal transit routes and within proximity to regional transit. The proposed development will be compatible with the existing community context and character while expanding upon the existing James Street North streetwall, in accordance with Guiding Principle 5.

The proposed building will not mimic existing building materials and style but will be massed and designed to be compatible with the existing built form along James Street North, in accordance with Guiding Principle 6.

Primary Zone – Focus Area A

The subject lands are located within the Primary Zone of the Mobility Hub and within Focus Area A – James Street North from the GO Station to the Waterfront. The Primary Zone is the area with the greatest potential for change through redevelopment and includes the lands along James Street North to the north of the West Harbour Go Station (Focus Area A).

"Section 3.4.2 Focus Area A – James Street North to the Waterfront.

Section 3.4.2.1 – Respecting Land Use and Building Height

> Land uses permitted in the "Mixed Use" designation in the Setting Sail Secondary Plan are consistent with the Mobility Hub Study.
>
> Building heights along this stretch of James Street North should be mid-rise in scale. The maximum building height should be six storeys."

The proposed building provides a six storey podium along both James Street North and Ferrie Street East that has a height of 18.0 m. The remaining two storeys are stepped back from both James Street North and Ferrie Street East to maintain a 45 degree angular build to plane.

"Section 3.4.2.1 – Respecting Built Form

> Buildings along this stretch of James Street North should frame the street.

Front stepbacks should occur above the second or third storey, recognizing the importance of a consistent street wall and that diverse podium heights along the street create interest in the urban fabric. Minimum step-back depths of 3.0 m should apply to the James Street North frontage.

On corner properties side yard stepbacks should be 2.5 m deep. For building facades on shared property line or any mid-block condition, the podium (up to three storeys) may be built up to the property line. Above the podium buildings should be step-back a minimum of 1.2 m.

New development should be setback to create a minimum 4.9 m boulevard."

The concept plan (attached as Appendix "G" to Report PED19116) demonstrates that the proposed building will be brought up to the streetline while providing a substantial 5.0 m boulevard. The proposal will provide improvements to the public realm and create a consistent streetwall that frames James Street North. The proposed stepbacks exceed the minimum stepbacks identified in the guidelines respecting Built Form in Focus Area A.

Based on the foregoing, the proposed development meets the general intent of the James Street North Mobility Hub Study.

City of Hamilton Zoning By-law No. 6593

The subject property is currently zoned "H/S-978" (Community Shopping and Commercial, Etc.) District, Modified, which permits a range of commercial uses but does not permit a stand alone multiple dwelling. The site specific "H/S-978" District changed the zoning of the subject property from "DE-3" (Multiple Dwellings) District to the "H" (Community Shopping and Commercial, Etc.) District and modify the provisions of the By-law to not require a planting strip along the northerly lot line and to provide a planting strip along Ferrie Street within 7.6 m of the adjoining residential district.

In order to implement the proposed development staff are recommending that the zoning by changed to a site specific "H" (Community Shopping and Commercial, Etc.) District. Site specific modifications required include:

- Permit live-work units;
- Permit the use of a multiple dwelling;
- Restrict the range of uses;
- Reduction in maximum building height;
- Reduction in minimum front yard setback;
- Reduction in minimum side yard setback;
- Reduction in minimum rear yard setback;

- Require minimum amenity area;
- Require minimum landscape area;
- Reduction in planting strip width;
- Increase encroachments of architectural and design elements up to the property line;
- Reduction in number of parking spaces;
- Require a minimum number of car share spaces;
- Establish minimum stepback requirements; and,
- Require short and long term bicycle parking.

The proposed modifications are necessary to implement the proposal which complies with the general intent of the West Harbour (Setting Sail) Secondary Plan and the James Street North Mobility Hub Study. A detailed analysis of the proposed modifications is provided in Appendix "D" to Report PED19116.

RELEVANT CONSULTATION

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

- Alectra Utilities;
- Health Protection, Public Health Services Department;
- LRT Office;
- Strategic Planning Section, Public Works Department;
- Recycling and Waste Disposal, Operations Division, Public Works Department; and,
- Recreation Planning, Healthy and Safe Communities Department.

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

Forestry and Horticulture, Public Works Department advised that there are municipal tree assets on-site and that a revised Tree Management Plan will be required. Street trees will be required in order to contribute towards the urban canopy. The revisions to the Tree Management Plan and the planting of street trees, along with any applicable fees associated with these requirements will be undertaken as part of the Site Plan Control application.

Ministry of the Environment, Conservation and Parks (MECP) notes that the application indicates that a Record of Site Condition (RSC) was prepared. As the RSC has not yet been approved by the MECP, City staff have included an 'H' Holding Provision to require that the RSC be completed. MECP staff noted that given the location of the development proposal and the availability of services, there do not appear to be any approvals that will be required over and above standard approval

requirements for any stormwater management works that are to be incorporated into the site design.

Transportation Planning, Planning and Economic Development Department staff advised that the Official Plan requires a 12.19 m by 12.19 m daylight triangle at the corner of James Street North and Ferrie Street East, however upon review the required daylight triangle has been waived.

Revisions to the Transportation Demand Management Report (TDM) are required. Bicycle parking rates are not sufficient for this development, considering the proposed reduction in vehicles parking. Transportation Planning staff recommend that between 45 and 113 long-term bicycle parking spaces be provided. Short term bicycle parking must be provided by the applicant on private property.

The applicant has increased the number of bicycle parking spaces to 45 long term bicycle parking spaces, which meets the minimum requirement of 45 long-term bicycle parking spaces identified by Transportation Planning staff. A modification requiring a minimum number of long term and short term bicycle parking has been included in the site specific By-law.

Urban Renewal, Planning and Economic Development Department advised that the subject property is within the City's Commercial Corridors CIP area and therefore is eligible for certain financial incentives.

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 259 property owners within 120 m of the subject property on April 3, 2018. A Public Notice sign was posted on the property on April 11, 2018 and updated on May 8, 2019 with the Public Meeting date. Finally, Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act*.

To date, ten letters have been submitted, one expressing support for the proposed development, one seeking more information on the process and seven expressing concern with the proposed development.

The issues raised in the letters include the following:

- Building height and character;
- Parking and traffic;
- Noise;
- Safety;

- Privacy;
- Sun shadow;
- Loss of green space;
- Garbage; and,
- Insufficient community consultation.

The issues identified in the correspondence are discussed in the Analysis and Rationale for Recommendations section of this report.

Public Consultation Strategy

The applicant's Public Consultation Strategy included signage providing a link to the agent's website and contact information of the Planner on file. The website provided interested parties access to reports, studies and other supporting information, as well as an opportunity to contact the applicant to provide feedback.

The applicant held a Public Open House on July 4, 2018. Seventy-five people attended the Public Open House. Additionally the applicant presented to both the Beasley Neighbourhood Association and North End Neighbours Association, as well as held open house events from April 2017 to March 2018 in which a total estimated 300 people attended.

Design Review Panel (DRP)

The proposed development was presented to the DRP, as the subject lands are located on a Corridor of Gradual Change within the West Harbour (Setting Sail) Secondary Plan. The applications were presented to DRP on June 14, 2018 to address the following questions:

1. Is the proposed development compatible with the surrounding context with respect to height and massing?

2. Does the proposed development respect the existing cultural heritage features of the existing environment by re-using, adapting, and incorporating existing characteristics?

3. Does the proposed built form minimize impacts on neighbouring buildings and public spaces by creating appropriate transitions in scale to neighbouring properties and along James Street North and Ferrie Street East?

Comments of DRP

The DRP advised that although the area is currently dominated by low rise buildings, it will get more intense over time and it is important that this proposal set a positive precedent. The panel noted that this stretch of James Street is intended to have 4-6 storey buildings and that the scale of the proposal pushes the envelope and may open the door to more application of eight or more storeys.

The panel questioned if the building massing could be further modified to reduce the perceived height along James Street North and mitigate impacts on both James Street North and the properties to the east. Two options were suggested, either increasing the stepback at the seventh storey at the front and rear of the building to allow the building to read more like a six storey building or to remove the eighth storey. It was also suggested that there should be a meaningful stepback at the north end of the building to suggest a six storey height limit on James Street properties to the north.

It was recommended that the mechanical penthouse could be reduced in size to lessen the visual impact of the building.

The panel expressed some concerns with the first floor retail space height and suggested that a horizontal element be added above the first floor retail space to reduce the perceived height of the retail component and provide a place for signage. The two storey glazing façade along Ferrie Street East should be revised to reflect the live work duality of these units and provide a façade treatment that allows for residential privacy while accommodating for commercial exposure.

One panel member noted that the steel material on the upper floors (seventh and eighth) seems foreign to the overall material concept. Exterior brick cladding on James Street and Ferrie Street has been drawn as pilasters and columns which does not completely align with the structure or division of the residential units.

The panel appreciated the increased building setback on James Street North to widen the pedestrian realm and generally felt the proposed streetscape is appropriate. They recommended that the treatment of the parking and loading area should have a special approach, not just a concrete surface. They also recommended that the number of bicycle parking spaces be increased on-site.

Revisions of the Applicant Respecting DRP Comments

In response to the comments from the DRP the applicant submitted second and third revisions (see Appendix “F” and “G” to Report PED19116). The stepback of the seventh and eighth floors from the rear lot line was increased from 3.9 m to 6.7 m. The stepback of the seventh and eighth floors along James Street North was increased from

2.9 m to 3.8 m. In addition the height of the mechanical penthouse was reduced by 1.0 m to reduce the perceived height of the building. Banding between the first storey and second storey along James Street North was added which will provide for signage. Additional long term bicycle parking spaces were provided to increase the total from 20 to 45. As such the revisions to the proposed development satisfy many of the suggested changes recommended by DRP.

ANALYSIS AND RATIONALE FOR RECOMMENDATIONS

1. The Official Plan Amendment and Zoning By-law Amendment have merit and can be supported for the following reasons:

    (i) The application is consistent with the PPS and conforms to the Growth Plan for the Greater Golden Horseshoe (2017), in terms of intensification and the development of complete communities;

    (ii) The application complies with the policies of the Hamilton-Wentworth Official Plan, the City of Hamilton Official Plan, and complies with the general intent of the Setting Sail Secondary Plan upon approval of the Official Plan Amendment; and,

    (iii) The proposed development is compatible with existing land uses in the immediate area and represents good planning by, among other things, providing for the development of a complete community, enhancing the streetscape along James Street North, making efficient use of existing infrastructure within the urban boundary, and supporting public transit.

2. The subject properties are located on the north east corner of James Street North and Ferrie Street East. The properties currently contain two buildings that are both two storeys in height. The first building at 468 and 470 James Street North is a mixed use building with ground floor commercial and residential uses on the second floor. The second building at 474 and 476 James Street North is a multiple dwelling. The existing buildings will be demolished to accommodate the proposal.

3. The proposed Official Plan Amendment seeks to increase the maximum permitted building height from 2-4 storeys to eight storeys. Intensification along James Street North in proximity to a major transit hub (West Harbour Go Train Station) is consistent with the PPS policies that support densities and mix of land uses that are transit-supportive and where transit is planned, exists or may be developed. The proposed development establishes a distinctive podium at a height of six storeys which is in line with the height of buildings set out in the James Street North Mobility Hub Study. The design of the proposed building is generally in line with the 45 degree angular plane along James Street North and Ferrie Street, and

in line with the 45 degree angular plane from the rear lot line based on the 11.0 m building height for a single detached dwelling. The establishment of a 45 degree angular transition along the street and from the property to the rear through the use of setbacks and stepbacks, establishes a building massing that is compatible with the existing and planned development of the area.

It is further noted that the existing "H" District zoning permits an eight storey commercial building and therefore the proposed amendment for building height reflects the existing as of right zoning permissions. The Official Plan Amendment to increase building height facilitates intensification that is consistent with the PPS, complies with the general intent of the Setting Sail Secondary Plan, is designed to be consistent with the James Street North Mobility Hub Study and achieves appropriate transition in scale. Therefore, the proposed Official Plan Amendment has merit and can be supported.

4. The applicant applied to establish a site specific "CR-1" (Commercial – Residential Districts) District and was amended by staff to establish a site specific "H" (Community Shopping and Commercial, etc.) District. The following site specific modifications to the "H" (Community Shopping and Commercial, etc.) District to the City of Hamilton Zoning By-law No. 6593 are required to implement the proposal (see Appendix "D" to Report PED19116):

   - Permit live-work units;
   - Permit the use of a multiple dwelling;
   - Restrict the range of uses;
   - Reduction in maximum building height;
   - Reduction in minimum front yard setback;
   - Reduction in minimum side yard setback;
   - Reduction in minimum rear yard setback;
   - Require minimum amenity area;
   - Require minimum landscape area;
   - Reduction in planting strip width;
   - Increase encroachments of architectural and design elements up to the property line;
   - Reduction in number of parking spaces;
   - Require a minimum number of car share spaces;
   - Establish minimum stepback requirements; and,
   - Require short and long term bicycle parking.

   The proposed modifications meet the intent of the "Mixed Use" designation in the Setting Sail Secondary Plan, and create regulations that will ensure that the development will be in a form that is compatible with the surrounding

neighbourhood. These modifications are identified and discussed in detail in Appendix "D" to Report PED19116.

5. Two 'H' Holding Provisions are proposed:

   Holding Provision 'H1' is recommended and would be removed conditional upon:

   The Owner enters into a conditional building permit agreement with respect to completing a Record of Site Condition or a signed Record of Site Condition (RSC) being submitted to the City of Hamilton and the Ministry of the Environment, Conservation and Parks (MECP). This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MECP, and submission of the City of Hamilton's current RSC administration fee.

   Holding Provision 'H2" is recommended and would be removed conditional upon:

   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:

   (a) Regulations

      i) The maximum dwelling units and live work units shall be restricted to 99 units.

   (a) Condition for Holding Provision Removal

      i) 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.

6. Development Engineering has reviewed the applications, and the associated Functional Servicing Report (FSR) prepared by IBI Group, dated February 22, 2018, which was submitted as part of the subject applications. Development Engineering have no concerns with the proposal moving forward. The detailed design and review in respect to grading and drainage, storm water management and servicing will be undertaken at the Site Plan Control application.

7. Following the Notice of Complete Application, staff received ten letters of correspondence (see Appendix "H" to Report PED19116). Issues raised in the letters of correspondence include:

Building Height and Character

A concern was raised that the height of the proposed development is too high and is not compatible with the character of the area.

As discussed in the Policy Implication Section of this Report, the proposed height of the podium is in line with the six storey building height identified in the James Street North Mobility Hub Study for lands located along James Street North located north of the railway tracks. The seventh and eighth storeys will be setback from the street and from the lands to the rear and will establish an appropriate angular transition in scale from the street and the adjacent lands. In addition the proposed building height complies with the existing building height permissions of the "H" (Community Shopping and Commercial, etc.) District. Therefore, the proposed height will be compatible with the character of the area.

Parking and Traffic Impacts

A concern was raised that the proposed development does not have sufficient parking and will create traffic impacts.

A parking study was prepared and submitted with the application, however based on the number of units proposed a traffic impact study was not required. A variety of alternative transportation options including local and regional public transit, bicycle parking, and car sharing vehicles, are available or will be provided. The parking study identified that with available and proposed alternative transportation options a parking rate of 0.45 per unit would be appropriate. Therefore, adequate on-site parking will be provided and the proposed development will not create traffic impacts.

Noise

A concern was raised that the proposed development will create negative noise impacts.

A noise impact study was submitted with the applications which noted that the roof top mechanical equipment will be shielded by the mechanical penthouse and roof parapet. Furthermore it should be noted that the majority of the parking on-site is located below grade and therefore noise from the parking will be shielded. Therefore, the proposed development is not expected to create negative noise impacts.

Safety

A concern was raised that the proposed development will create safety impacts for the area.

All vehicle access for the subject lands will enter and exit the site in a forward manner. A pedestrian realm along both James Street North and Ferrie Street East with a width of approximately 5.0 m is proposed. The pedestrian realm will include streets trees that provide a buffer between the street and the sidewalk. Furthermore, the proposed development includes entrances and window openings at grade along both James Street North and Ferrie Street East which will provide eyes on the street and improve the safety of the public realm. Therefore, the proposed development will not create safety issues on the surrounding area.

Privacy

A concern was raised that the proposed development will create privacy impacts on the surrounding area.

As outlined in the Policy Implications and Legislative Requirements Section of this report the proposed development includes setbacks and setpbacks to reduce the impacts on the surrounding area, and will not create negative overlook or privacy impacts on the surrounding properties.

Sun Shadow

A concern was raised that the proposed development will create sun shadow impacts on the surrounding area.

A sun shadow study was submitted with the applications. As outlined in the Policy Implications and Legislative Requirements section of the report the proposed development will not create negative sun shadow impacts on the surrounding area.

Loss of Green Space

A concern was raised that the proposed development will create a loss of greenspace.

The proposed development will provide a planting strip along the rear lot line and proposes to include planters along Ferrie Street East and street trees along both James Street North and Ferrie Street East. In addition, alternative landscaping and green space is to be provided in the form of terrace gardens and a green roof.

Garbage

A concern was raised with respect to garbage impacts on the neighbourhood.

Garbage for both the commercial and residential units is contained within the building in a waste room and collected at the rear of the building from a proposed loading area. Therefore, the proposed development is not expected to create impacts on the neighbourhood in respect to garbage. Further review with respect to waste management will be undertaken at the Site Plan Control stage.

Community Consultation

A concern was raised that insufficient community engagement was undertaken with respect to the proposed development.

Notice of Complete application for the proposed development was circulated to 259 property owners within 120 m of the subject lands, providing an opportunity for public input. In addition the applicant held a public open house on July 4, 2018 that was attended by 75 people. The applicant undertook monthly open house events from April 2017 to March 2018 attended by approximately 300 people, and presented to both the Beasley Neighbourhood Association and North End Neighbours Association. The applicant utilized other means of providing information to the public including social media and a project website to both provide information to the public and receive feedback.

ALTERNATIVES FOR CONSIDERATION

Should the proposed Official Plan Amendment and Zoning By-law Amendment Applications be denied, the subject property could be utilized in accordance with the range of uses and provisions of the “H/S-978” (Community Shopping and Commercial, Etc.) District, Modified.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

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

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

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

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

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

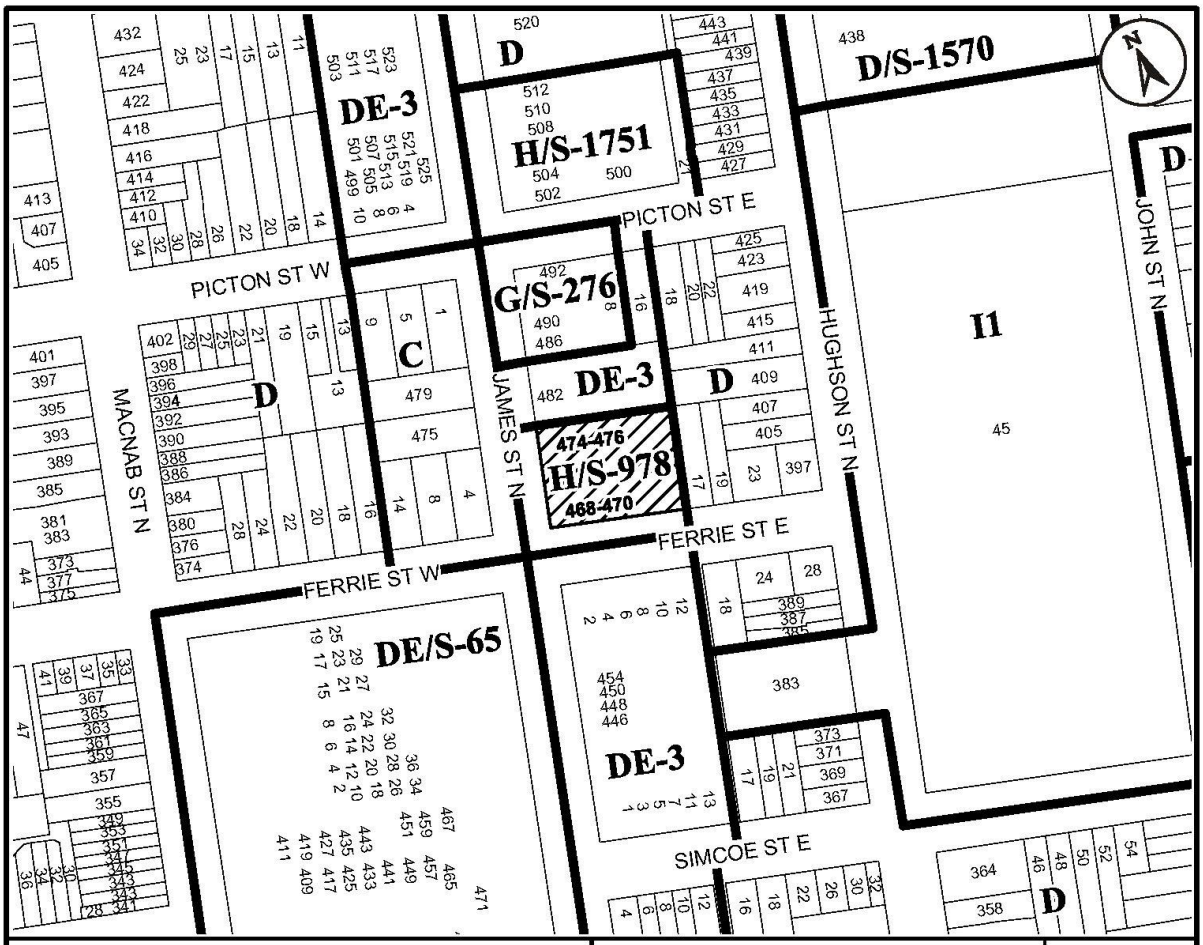
Culture and Diversity
Hamilton is a thriving, vibrant place for arts, culture, and heritage where diversity and inclusivity are embraced and celebrated.

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

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" – Location Map
Appendix “B” – Draft Official Plan Amendment
Appendix "C" – Draft Amendment to Zoning By-law No. 6593
Appendix “D” – Zoning Table (By-law Provisions)
Appendix “E” – First Concept Plan Submission
Appendix “F” – Second Concept Plan Submission
Appendix “G” – Third Concept Plan Submission
Appendix “H” – Public Comments

Appendix "A" to Report PED19116
Page 1 of 1



● Site Location

Key Map - Ward 2 N.T.S.

Location Map

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

Hamilton

File Name/Number:	Date:
ZAC-18-020 / UHOPA-18-007	May 3, 2019

Appendix "A"	Scale: N.T.S.	Planner/Technician: AL/AL

Subject Property

468 - 470 & 474 - 476 James Street North

To further modify the "H/S-978" (Community Shopping and Commercial Etc.) District, Modified, to the "H/S-978a-'H1','H2'"" (Community Shopping and Commercial, Etc.) District, Holding, Modified

Schedule "1"

--DRAFT--

Amendment

to the

City of Hamilton Official Plan

The following text, together with Appendix "A", attached hereto, constitutes Official Plan Amendment No. XXX of the City of Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose and effect of this Amendment is to amend the West Harbour (Setting Sail) Secondary Plan by increasing the building height of the subject lands to permit the development of an eight storey mixed use building.

2.0 Location:

The lands affected by this Amendment are located at 468, 470, 474, and 476 James Street in the City of Hamilton.

3.0 Basis:

The basis for permitting the Site Specific Policy is as follows:

- The proposed development efficiently utilizes the existing infrastructure, positively contributes to the streetscape and makes use of an underutilized lot;

- The proposed development implements the vision of the West Harbour (Setting Sail) Secondary Plan in maintain James Street North as a mixed use area, while providing intensification at a form and scale that is in keeping with character of the surrounding neighbourhood and is in proximity to existing transit;

- The Amendment is consistent with the Provincial Policy Statement, 2014 and the Growth Plan for the Greater Golden Horseshoe, 2017.

4.0 Changes:

4.1 Mapping Changes:

That Schedule M-4: General Land Use Map of the West Harbour (Setting Sail) Secondary Plan is amended by establishing a new 6-8 storey building height category and apply the new 6-8 storey building height category to the lands at 468, 470, 474, and 476 James Street North, as shown on Appendix "A" of this Amendment.

5.0 Implementation:

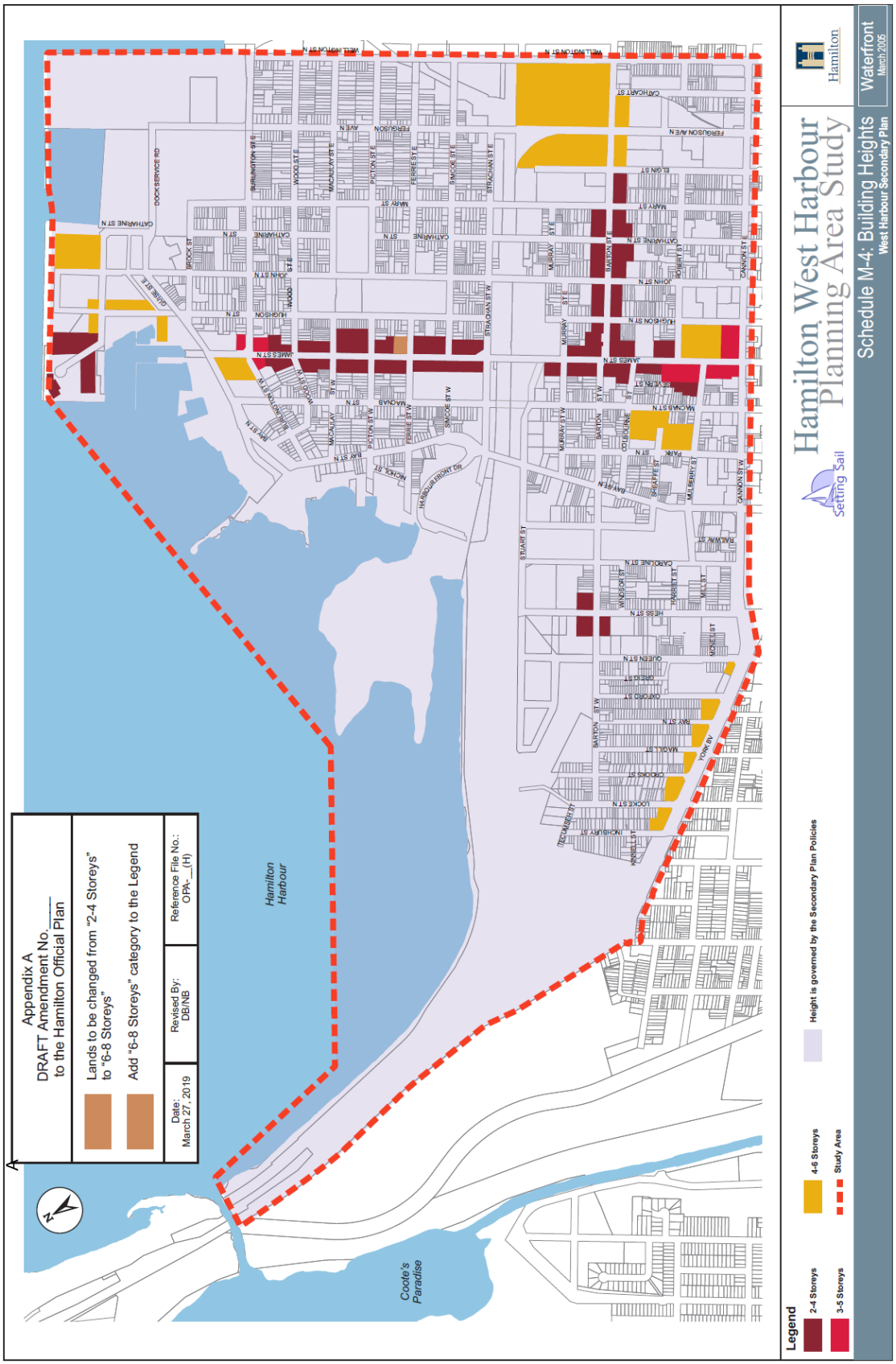
An implementing Zoning By-law Amendment and Site Plan Control will give effect to the intended uses on the subject lands.

This is Schedule "1" to By-law No. _____ passed on the day of ____, 2018.

The
City of Hamilton

Fred Eisenberger
MAYOR

J. Pilon
Acting CITY CLERK


Appendix A
DRAFT Amendment No.____
to the Hamilton Official Plan
Lands to be changed from "2-4 Storeys" to "6-8 Storeys"
Add "6-8 Storeys" category to the Legend
Date: March 27, 2019
Revised By: DB/NB
Reference File No.: OPA-__(H)
Hamilton Harbour
Coote's Paradise
Hamilton West Harbour Planning Area Study
Setting Sail
Hamilton
Waterfront
March 2005
Schedule M-4: Building Heights
West Harbour Secondary Plan
Legend
2-4 Storeys
3-5 Storeys
4-6 Storeys
Study Area
Height is governed by the Secondary Plan Policies

Authority: Item , Planning Committee
Report (PED19XXX)
CM:
Ward: 2

Bill No.

CITY OF HAMILTON

BY-LAW NO.

To Amend Zoning By-law No. 6593 (Hamilton)
Respecting Land Located at 468, 470, 474 and 476 James Street North (Hamilton)

WHEREAS the Council of the City of Hamilton, in adopting Item of Report 19 - of the Planning Committee, at its meeting held on the day of , 2019, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided;

WHEREAS this By-law conforms with the City of Hamilton Official Plan upon adoption of Official Plan Amendment No. ____**.**

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

1. That Sheet No. E2 of the District Maps, appended to and forming part of Zoning By-law No. 6593 (Hamilton) is further modify the "H/S-978" (Community Shopping and Commercial, Etc.) District, Modified, to the "H/S-978a – 'H1', 'H2'" (Community Shopping and Commercial, etc.) District, Holding, Modified, on lands the extent and boundaries of which are shown on plan hereto annexed as Schedule "A".

2. That Section 2 of By-law No. 87-117 (Hamilton) be deleted and replaced with "H/S-978a – 'H1', 'H2'", as follows:

   "H/S-978a – 'H1', 'H2'"

   That the "H" (Community Shopping and Commercial, Etc.) District provisions as contained in Section 14 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following requirements:

   a) In addition to Section (2) (2) (d), a Live Work Unit shall be defined as "A dwelling unit which contains a permitted commercial business operated by the resident of the dwelling unit and provides direct access at grade".

   b) In addition to Section 14 (1), a multiple dwelling shall be permitted.

   c) In addition to Section 14 (1), Live Work Units shall be permitted.

d) Notwithstanding Section 14 (1), a frosted food locker plant, a motion picture studio, automobile service station or other public garage, theatre and car wash, shall be prohibited.

e) Notwithstanding Section 14 (2) (ii), no building or structure shall exceed eight storeys or 24.5 metres in height,

f) Notwithstanding Section 14 (3) (i), a front yard having a depth of not less than 0.5 metres.

g) Notwithstanding Section 14 (3) (ii), a side yard having a width of not less than 0 metres.

h) Notwithstanding Section 14 (3) (iii), a rear yard of not less than 7.0 metres for the first and second storeys and 6.5 metres for the third through sixth storeys.

i) In addition to Section 14 (3), the following yards shall be provided and maintained:

    i. Where the yard abuts the westerly lot line a yard having a depth of not less than 4.6 metres for the seventh and eighth storeys, and 11.8 metres for the mechanical penthouse.

    ii. Where the yard abuts the southerly lot line a yard having a depth of not less than 2.8 metres for the seventh and eighth storeys, and 9.0 metres for the mechanical penthouse.

    iii. Where the yard abuts the easterly lot line a yard having a width of not less than 13.2 metres for the seventh and eighth storeys, and 14.5 metres for the mechanical penthouse.

    iv. Where the yard abuts the northerly lot line a yard having a width or depth of not less than 15.0 metres for the mechanical penthouse.

j) Notwithstanding Section 14 (9) (i), a planting strip of not less than 1.2 metres in width shall be provided and maintained, which may include raised planter beds, along the rear lot line, and no planting strip shall be provided along the northerly side lot line.

k) A minimum of 4 square metres of amenity space per Class A Dwelling Units shall be provided or 655 square metres of amenity space whichever is greater.

l) A minimum landscaped area of not less than 25% of the area of the lot on which the building or structure is situate, which may include raised planter beds, planter boxes, and green roof area, shall be provided and maintained.

m) Notwithstanding Section 18 (3) (vi) (a), for a chimney, sill, belt course, leader, pilaster, lintel or ornamental projection may project up to the following:

i. within 0 metres of a front or side yard;

ii. not more than 1.0 metres into a required rear yard for the first through sixth storey and eighth storey; and,

iii. not more than 6.7 metres into a required rear yard for the seventh storey.

n. Notwithstanding Section 18 (3) (vi) (b) (i) and (iii), a canopy, cornice, eave or gutter may project to within 0 metres of a front or side yard.

o. Notwithstanding Section 18 (3) (vi) (cc) (i) and (iii), a bay, balcony or dormer may project to within 0 metres of a front or side yard.

p. Notwithstanding Section 18A (1) (a) and (b), a minimum of 0.42 parking spaces per Class A Dwelling Unit shall be provided or 39 parking spaces whichever is greater, of which a minimum of 9 are residential visitor parking spaces and 2 parking spaces shall be for the exclusive purpose of accommodating car sharing vehicles.

q. A minimum of 0.07 short term and 0.48 secure long term bicycle parking spaces per Class A Dwelling Unit shall be provided or 7 short term and 45 secure long term bicycle parking spaces whichever is greater.

r. Notwithstanding Section 18A (11) (a), not less than 1.2 metres from the rear lot line and 0 metres from the northerly side lot line.

s. Notwithstanding Section 18A (12) (a), between the boundary of the parking area and the residential district an area landscaped with a planting strip that is 1.2 metres wide shall be provided along the rear lot line which may include raised planter beds and shall not be required along the northerly side lot line.

t. Notwithstanding Section 18A (12) (b), between the boundary of the loading area and the residential district an area landscaped with a planting strip that is 1.2 metres wide shall be provided along the rear lot line which may include raised planter beds and shall not be required along the northerly side lot line.

u. Notwithstanding Section 18A (25), where a multiple dwelling is adjacent to a residential district that does not permit such uses, every access driveway to the multiple dwelling shall be located not less than 1.0 metre from the common boundary between the district in which the multiple dwelling is located and the district that does not permit such uses.

v. Section 18A (36) shall not apply.

3. That the 'H1' symbol applicable to the lands referred to in Section 2 shall be removed conditional upon:

(a) The Owner enters into a conditional building permit agreement with respect to completing a Record of Site Condition or a signed Record of Site Condition (RSC) being submitted to the City of Hamilton and the Ministry of the Environment, Conservation and Parks (MECP). This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MECP, and submission of the City of Hamilton's current RSC administration fee.

4. 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-1769" (Community Shopping and Commercial, etc.) District except where in conflict with the following:

    (a) Regulations

        i) The maximum dwelling units and live work units shall be restricted to 99 units.

    (a) Condition for Holding Provision Removal

        i) 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.

5. That By-law No. 6593 (City of Hamilton) is amended by adding this By-law to Section 19B as Schedule S-978a.

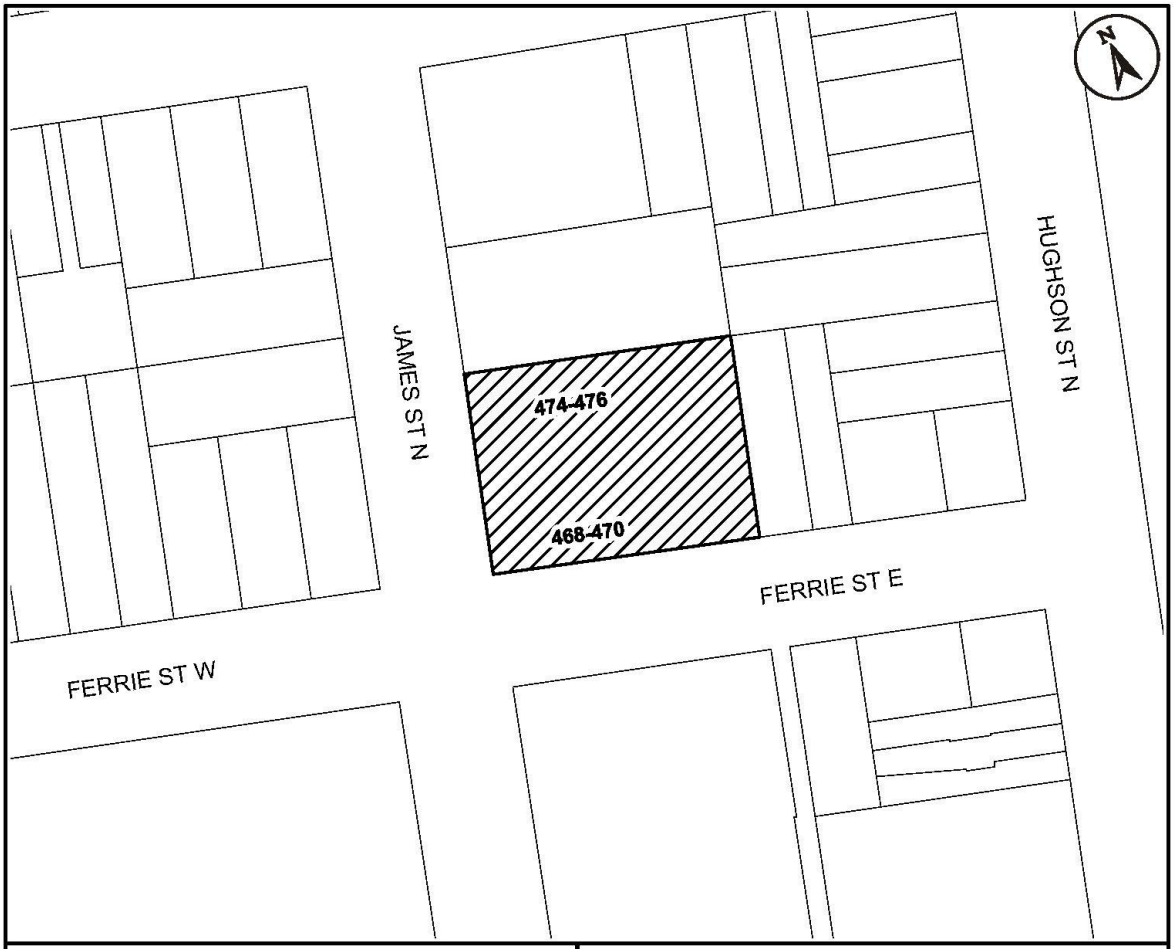
6. That Sheet No. E2 of the District maps is amended by making the lands referred to in Section 1 of this By-law as Schedule S-978a.

7. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.

PASSED and ENACTED this day of , 2019.

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk



This is Schedule "A" to By-law No. 19-

Passed the ..... day of ....., 2019

_ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _
Mayor

_ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _
Clerk

Schedule "A"

Map Forming Part of
By-law No. 19-_____

to Amend By-law No. 6593

Scale:	File Name/Number:
N.T.S.	ZAC-18-020 / UHOPA-18-007
Date:	**Planner/Technician:**
May 3, 2019	DB/AL

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

Hamilton

Subject Property

468 - 470 & 474 - 476 James Street North

To further modify the "H/S-978" (Community Shopping and Commercial Etc.) District, Modified, to the "H/S-978a-'H1','H2'"" (Community Shopping and Commercial, Etc.) District, Holding, Modified

For Office Use Only, this doesn't appear in the by-law - Clerk's will use this information in the Authority Section of the by-law

Is this by-law derived from the approval of a Committee Report? Yes

Committee: Planning Committee Report No.: PED19116 Date: 06/04/2019

Ward(s) or City Wide: Ward: 2 (MM/DD/YYYY)

Prepared by: Daniel Barnett Phone No: 905-546-2424 ext. 4445

For Office Use Only, this doesn't appear in the by-law

Zoning By-law Site Specific Modifications – "H" (Community Shopping and Commercial, Etc.) – District

Provision	Required	Requested Amendment	Analysis
Section 2: Definitions – Commercial Uses			
(2) (2) (d) ***Applicant Requested Modification - Amended by Staff*	Live Work Unit is not defined in Zoning By-law No. 6593.	To establish a definition for Live Work Units that will allow the live work units proposed along Ferrie Street East and to permit Live Work Units.	The proposed modification is to establish a definition for a Live Work Unit and establish limitations in respect to function and design that will apply to live work units. For the purpose of this definition a Live Work Unit shall be defined as "A dwelling unit which contains a permitted commercial business operated by the resident of the dwelling unit and provides direct access at grade." Therefore, the proposed modification can be supported.
Section 14: "Community Shopping and Commercial, Etc.) - Uses			
(1) ***Applicant Requested Modification - Amended by Staff*	Does not permit a Multiple Dwelling.	To permit the use of a multiple dwelling.	The "H" (Community Shopping and Commercial, Etc.) District permits residential uses including single detached dwellings, retirement homes, dwelling units at a ratio of 1 unit for every 180 sq m of lot area, but does not permit a multiple dwelling. The use of a multiple dwelling is in line with the policies of the West Harbour (Setting Sail) Secondary Plan respecting Mixed Use areas, is appropriate for the subject lands and will contain commercial uses on the ground floor. Therefore, the proposed modification can be supported.
(1)	List of Permitted Commercial Uses as	To restrict certain commercial uses.	The range of Commercial uses permitted in the "H" District includes commercial uses that do not meet the

**Proposed By Staff	permitted by the modification above.		policies of the Mixed Use Designation of the West Harbour (Setting Sail) Secondary Plan. Specifically the "H" District permits a frosted food locker plant, theatre, motion picture studio, automoblie services station and car wash, which are not uses contemplated in the Mixed Use Designation. Therefore, a provision to prohibit these uses is appropriate to ensure that the range of commercial uses aligns with the intent of the Secondary Plan. Therefore, the proposed modification can be supported.
Section 14 "Commercial – Residential" District - Requirements			
(2) (ii) Height Requirement **Applicant requested modification	The "H" District permits a building to be a maximum of eight storeys or 26 m provided side yards are not less than 3.0 m.	Reduction in the maximum building height to eight storeys or 24.5 m without providing a 3.0 m side yard.	The proposed modification represents a reduction in maximum building height from the "H" District permission of 26.0 m to 24.5 m, to reflect the height of the proposed building. This constitutes a reduction from the current maximum building height that is permitted in the "H" District. The proposed building is to be located 0 m from the northerly and southerly side lot lines. The proposed building incorporates stepbacks into the upper floors along the southerly façade of the building. In respect to the northerly side yard, the massing of the building along the northerly side lot line is limited to the front of the property, with significant setbacks provided for the balance of the building. As described in greater detail below with respect to the modification for side yard setbacks, based on the location of the existing building to the north, the existing and proposed buildings will not align, and proposed transition is to an existing parking

			area. The provision of stepbacks for the upper floors and the layout of the proposed building will maintain an appropriate transition in scale and massing, and will be compatible with the character of the area. The proposed eight storey building height does exceed the maximum height restriction of 2 to 4 storeys permitted in the West Harbour (Setting Sail) Secondary Plan. As outlined in the Analysis and Rationale for Recommendations section of the report an amendment to the maximum height requirement of the Secondary Plan has merit. Therefore, the proposed modification can be supported.
(3) (i) Front Yard Depth **Applicant Requested Modification	The "H" District requires a minimum front yard depth equal to or greater to that required on any other lot on the same side of the street between two intersecting streets. Based on the "DE-3" District of the land to the north a minimum front yard depth of between 4.5 m and 7.5 m is required.	Reduction in minimum front yard depth of 0.5 m from James Street North.	The proposed modification to provide a 0.5 m setback from James Street North is in line with the general direction of locating buildings in proximity to the street in order to establish a strong pedestrian streetscape. It is noted that while a 0.8 m setback from James Street North is identified on the concept plans submitted by the applicant, the applicant has requested a setback requirement of 0.5 m to provide a degree of flexibility at the Site Plan Control and building construction stage. The existing buildings on the subject property are located in close proximity to James Street North. Furthermore, the proposed building is in line with the existing buildings at 486, 490 and 492 James Street North.

			In addition, the seventh and eighth floors will be stepped back 3.8 m along James Street North from the base of the podium. The mechanical penthouse will also be stepped back even further from the lot line in order to further improve the transition in scale. The inclusion of stepbacks along the street will improve the angular transition between the building and the street, and thereby establish a massing for the building that is better integrated with the neighbourhood. The proposed reduction in front yard setback is consistent with the character of the area and supports a pedestrian oriented streetscape along James Street North. Therefore, the proposed modification can be supported.
(3) (ii) (a) Side Yard Width **Applicant Requested Modification	A side yard width of 2.7 m is required.	Reduction in minimum northerly and southerly side yard width to 0 m.	<u>Southerly Side Yard</u> The proposed modification to provide a 0 m setback from Ferrie Street East is in line with the general direction of locating buildings in proximity to the street in order to establish a strong pedestrian streetscape. The existing buildings on the subject property are located in proximity to Ferrie Street East. Furthermore, the proposed building is in line with the existing buildings located to the east along the north side of Ferrie Street East. In addition, the seventh and eighth floors will be stepped back 2.8 m along Ferrie Street East from the base of the

			podium. The mechanical penthouse will also be stepped back even further from the lot line in order to further improve the transition in scale. The inclusion of stepbacks along the street will improve the angular transition between the building and the street and thereby establish a massing for the building that is better integrated with the neighbourhood. Therefore, the proposed reduction in setback from Ferrie Street East is consistent with the character of the area. <u>Northerly Side Yard</u> The existing building on the adjacent lands to the north (482 James Street North) is setback approximately 20m from the front lot line. The existing building to the north does not align with the proposed building and the proposed building overlooks an existing front yard parking area. It is noted that the Zoning Provisions of the current "H" District requires a side yard setback of 2.7 m. It is further noted that while no stepback is proposed for the 7th and 8th storeys, a stepback of 15.0 m is proposed from the northerly side lot line to the mechanical penthouse which will assist with transition in scale. It is anticipated that future re-development of the lands to the north would include the building being brought up to the street line completing the street wall on the east side of James Street North between Ferrie Street East and Picton Street East.

			The northerly façade of the proposed building that is to be located 0 m from the northerly lot line will include a vertical row of windows that are recessed into the façade of the building to a depth of 1.2 m (see Appendix "G" to Report PED19116). Based on the recessed nature of the windows and based on the fact that windows overlook an existing parking area the proposed reduction in the northerly side yard setback will not create privacy impacts on the adjacent lands. Therefore, the proposed modification can be supported.
(3) (iii) Rear Yard Depth **Applicant Requested Modification	A rear yard depth of 7.5 m is required for any building that is wholly or partially used for human habitation.	Reduction in minimum rear yard depth of 7.0 m for the first and second storey and 6.5 m for the third through sixth storey.	The proposed modification with respect to rear yard setback establishes angular transition of approximately 45° from the height of 11.0 m which represents the typical height of a single detached dwelling in the vicinity of the subject lands. It is noted that the zoning provisions of the current "H" District requires a setback of 7.5 m and therefore the proposed reduction requiring a 7.0 m setback for the first and second floor constitutes a 0.5 m reduction from the current By-law requirement. In respect to the third through sixth floors the proposed 6.5 m setback constitutes a 1.0 m reduction from the current By-law requirement. The seventh and eighth floors will be stepped back an additional 6.7 m (total of 13.2 m) from the rear lot line (easterly lot line). The mechanical penthouse will also be stepped back even further from the lot line in order to further improve the transition in scale. The inclusion of stepbacks to the upper floors from the base of the

			podium will improve the angular transition between the proposed building and the adjacent single detached dwelling located to the east. In addition the portion of the building located 6.5 m from the rear lot line has limited window opening which are aligned to look down upon the roof of the existing dwelling at 17 Ferrie Street East. As part of the Site Plan Control process the terrace on the seventh floor will include privacy screening, roof top vegetative buffers or other mitigation measures to address overlook impacts from the roof top terrace. Based on the orientation of the building and through appropriate mitigation measures the proposed reduction in rear yard setback will not create overlook impacts on the adjacent lands. Therefore, the proposed modification can be supported.
Minimum Stepback Requirement **Proposed By Staff	None Required.	To establish By-law requirements to require a minimum setback for the 7th and 8th storeys along James Street North, Ferrie Street East, and at the rear of the building.	A stepback of 3.8 m from base of the podium or 4.6 m from the James Street North lot line (westerly lot line) is proposed for the seventh and eighth storeys and 11.8 m from the lot line for the mechanical penthouse. A stepback of 2.8 m from the base of the podium and the Ferrie Street East lot line (southerly lot line) is proposed for the seventh and eighth storeys and 9.0 m from the lot line for the mechanical penthouse. A stepback of 6.7 m from the base of the podium or 13.2 m from the easterly lot line is proposed for the seventh and eighth storeys and 14.5 m from the lot line for the mechanical penthouse.

			A stepback of 15.0 m is proposed from the northerly lot line and the mechanical penthouse. As outlined in the Policy Implications and Legislative Requirements section of this report and outlined above with respect to building height and setbacks, the proposed modifications to establish minimum stepback requirements is to ensure that an appropriate angular transition is established along James Street North, Ferrier Street East and from the property at 17 Ferrie Street East located to the rear of the subject property. Therefore, the proposed modification can be supported.
(9) (i) – Planting Strip **Applicant Requested Modification	A minimum 1.5 m wide planting strip is required along every side and rear lot line adjoining a residential district or use.	A minimum 1.2 m wide planting strip which includes planter beds is proposed along the rear lot line and no planting strip is proposed along the northerly side lot line.	A 1.2 m wide planting strip which includes planter beds is proposed along the rear lot line providing a vegetative buffer between the subject lands and the side and rear yards of the existing single detached dwelling (17 Ferrie Street East). The proposed 1.2 m planting strip along with the provision of a visual barrier along the rear lot line will provide an appropriate buffer between the subject lands and the adjacent lot. In respect to the lands to the north, a 1.5 m wide planting strip cannot be provided due to the location of the proposed building and the ramp to the parking garage. Apart from an existing sodded area that abuts a portion of the front parking area and blank side walk of the building to the north there is no other landscaping along the northerly side lot line. Access to the dwelling units for the lands to the north appears to be by way of a north south corridor through

			the middle of the building, accessed by way of the side yard. This access runs parallel to the proposed parking garage. Therefore the adjacent vehicular activity on the ramp will be at a lower elevation to that of the lands to the north. The change in elevation along with the provision of a visual barrier will provide an adequate buffer between the activities on the subject property and the adjacent residential property located to the north. Therefore, the proposed modification can be supported.
Required Amenity Area **Applicant Requested Modification	Require a Minimum Amenity Area.	To establish a minimum of 4.0 sq m of amenity space per dwelling units or 655 sq m of amenity space whichever is greater.	Amenity space is being provided in the form of indoor amenity room on the second floor and outdoor amenity space in the form of private balconies and terraces, as well as a roof top garden. The consolidated indoor amenity room and roof top garden provide amenity areas that are more usable for residents. In addition the subject lands are located approximately 600 m from Pier 4 Park and 700 m from Bayfront Park. Therefore the amenity needs of the residents of the proposed building will be met. Therefore, the proposed modification can be supported.
Required Landscape Area **Amended By Staff	Require a Minimum Landscaped Area.	To establish a minimum of 25% landscaping that includes the use of alternative forms of landscaping including, planter	A 1.2 m wide landscape strip consisting of both at grade landscaping and raised planters is provided along the rear lot line. Street trees are proposed along James Street North. Street trees are proposed along with planter boxes in front of the Live Work Units along Ferrie Street East. Gardens on the seventh floor terrace and a green roof on top of the eighth floor are also being

		beds and a Green Roof.	proposed. The landscaping that is being proposed consists primarily of non-traditional forms of landscaping such as planter beds, terrace gardens, and green roofs which are not defined as landscaped area in the By-law. Combined the traditional and non-traditional forms of landscaping proposed consist of 25% of the lot being landscaped. A modification is therefore required to allow for alternative forms of landscaping and to reduce the minimum landscape requirement from 40% to 25%. The use of alternative forms of landscaping will allow for the establishment of landscaped areas that will provide amenity space for the residents. Additionally alternative forms of landscaping along with landscaping within the boulevard will provide an attractive pedestrian realm and streetscape. It is further noted that the subject lands currently have limited on-site landscaped areas, consisting of a 1.2 m strip along the rear lot line and an approximately 80 sq m sodded area located at the rear of 474 and 476 James Street North. In addition there is currently no landscaping within the boulevard. Therefore, the proposed on-site and off-site landscaping as well as alternative green spaces, represent an improvement to the existing situation. Therefore, the proposed modification can be supported.

Section 18 – Supplementary Requirement and Modifications			
(18) (3) (vi) (a) – Encroachments on Yards **Amended by Staff	Maximum encroachments for chimney, sill, belt course, pilasters, lintel or ornamental projections, may project 0.5 m into a required side yard and 1.0 m into any other required yard.	To permit encroachment up to the front and side lot lines, maintain the existing 1.0 m encroachment into the rear yard for the first through sixth storey and eighth storey, and 6.7 m into the rear yard for the seventh storey.	The proposed modification is required in order to ensure that architectural elements such as sills, pilasters or ornamental projections can be included into the design of the building. The modification will allow flexibility in the architectural design of the building and help to avoid the establishment of a monolithic building façade. Given the proximity of the building to the lot line, the proposed modification will not result in the creation of sills, pilasters, ornamental projections or other design elements that are disproportionately large and therefore not in keeping with the character of the area. The proposed modification will allow architectural elements to project up to the property line. This modification does not permit any encroachment beyond the property line. The 6.7 m encroachment on the seventh floor is to allow for a terrace on the roof of the seventh storey at the rear of the proposed building. The proposed terrace aligns with the roof of the existing dwelling to the east. In addition mitigation measures such as privacy fencing and / or roof top plantings will be required as part of the Site Plan Control application. Therefore, the proposed terrace will not result in overlook impacts for the adjacent lands. Therefore, the proposed modification can be supported.

(18) (3) (vi) (b) (i) and (iii) – Encroachment in Yard **Amended by Staff	A canopy, cornice, eave, or gutter may project 1.5 m into a required front yard but shall not be closer than 1.5 m from a street line and not more than ½ of the width of 1.0 m whichever is lesser into a require side yard.	To permit encroachment up to the front and side lot line.	The proposed modification is required in order to ensure that a canopy, cornice, eave or gutter can be included into the design of the building. Given the proximity of the building to the lot lines the proposed modification will not result in the creation of canopies, cornices, eaves, or gutters that project a significant distance out from the face of the building and therefore not keeping with the character of the area. The proposed modification will allow architectural elements to project up to the property line. This modification does not permit any encroachment beyond the property line. Therefore, the proposed modification can be supported.
(18) (3) (vi) (cc) – Encroachment in Yard **Amended by Staff	A bay, balcony or dormer may project 1.0 m into a required front yard but shall not be closer than 1.5 m to a street line and not more than 1/3 the width or 1.0 m whichever is the lesser into a required side yard.	To permit encroachment up to the front and side lot line.	The proposed modification is required in order to ensure that a bay, balcony or dormer can be included into the design of the building. Given the proximity of the building to the lot lines the proposed modification will not result in the creation of bay, balcony or dormer that are disproportionately large and therefore not in keeping with the character of the area. The proposed modification will allow architectural element to project up to the property line. This modification does not permit any encroachment beyond the property line. Therefore, the proposed modification can be supported.

Section 18A – Parking and Loading Requirements			
(1) (a) and (b) – Number of Parking Spaces **Applicant Requested Modification – Amended By Staff	A minimum of 0.8 parking spaces per dwelling unit are required (total of 73 spaces).	A minimum of 0.42 parking spaces per dwelling unit are required, however not less than 39 parking spaces shall be provided of which nine visitor parking spaces and two car sharing vehicles spaces shall be required. No parking is required for any commercial gross floor area less than 450 sq. m. except for a medical clinic, funeral home, or bank and other similar financial institutions.	The subject property is located on James Street North which includes existing bus routes. Additionally the subject property is located within 400 m of the West Harbour Go Station which provides regional public transportation options for residents. A total of 45 long term bicycle parking spaces are proposed which provide alternative transportation options for residents. Nine of the 39 vehicular parking spaces will be reserved for visitor parking and two of the remaining 30 parking spaces will be reserved for car sharing vehicles. The provision of car sharing vehicles will provide residents greater flexibility with respect to transportation options. Residents will be less reliant on privately owned vehicles by having access to a communal vehicle. The proposed development is intended to establish flexible residential units. The parking ratio of 0.42 parking spaces per dwelling unit represents the ratio that would apply if all 92 units were sold individually. Should prospective purchasers ultimately purchase and consolidate multiple units into a larger dwelling unit, than the total number of units would decrease. Furthermore as a minimum 39 vehicular parking spaces will be required regardless of how many units are consolidated the resulting parking ratio will respectively increase as the result of any units being consolidated. The portion of the building that is for exclusive commercial use has a gross floor area that is less than 450 sq. m. Currently parking is not required for retail

			and general office uses that have a gross floor area that is less than 450 sq. m. This provision will continue to be applied to the subject lands and will be expanded to include additional commercial uses such as restaurants, thereby not requiring parking for these additional commercial uses. Based on the flexible nature of the proposed development and the availability of alternative transportation options, the proposed on-site parking will meet the parking needs of the residents. Therefore, the proposed modification can be supported.
Minimum Bicycle Parking Spaces **Proposed By Staff	None Required.	To require a minimum of 0.07 short term and 0.48 long term bicycle parking spaces or 7 short term and 45 long term Bicycle Parking whichever is greater.	The modification is to establish a By-law requirement for long term and short term bicycle parking which does not currently exist. The proposed modification is to require a minimum number of on-site long term and short term bicycle parking to provide alternative transportation options for residents. It is noted that only seven short term bicycle parking spaces are identified in the By-law provision whereas 16 are proposed in the latest submission. This discrepancy is due to the fact that only seven of the 16 short term bicycle parking spaces are located on the subject lands, The remaining nine spaces are located within the City Boulevard and therefore cannot be counted as on-site short term bicycle parking spaces. Therefore, the proposed modification can be supported.
11 (a), (12) (a)	A parking area and	A minimum 1.2 m	As outlined above with respect to Section 15B(36) the

and (b) – Separation of a Parking Area and Loading Space from an Adjoining Residential District **Applicant Requested Modification	loading area must provide a minimum 1.5 m planting strip between a parking area and loading area and a residential district.	wide planting strip shall be provided between a parking area and loading area and the residential district to the east and no planting strip shall be required between the parking area and loading area and the residential district to the north.	proposed reduction in the width of a planting strip between the subject lands and the property to the east and not providing a planting strip between the subject lands and the property to the north, will not result in negative impacts on the adjoining residential districts. Therefore, the proposed modification can be supported
(25) – Driveway Separation from Adjacent Property to the East **Applicant Requested Modification	A driveway for a multiple dwelling is required to be setback 3.0m from the property line of a residential district that does not permit a multiple dwelling.	To permit a driveway for a multiple dwelling to be setback 1.0m from the easterly rear lot line which is adjacent to a residential district that does not permit a multiple dwelling.	A planting strip and visual barrier will be provided between the proposed access driveway and the adjacent single detached dwelling at 17 Ferrie Street East, which will provide adequate buffering and screening between the parking area for the multiple dwelling and the adjacent property. Therefore, the proposed modification can be supported.

(36) – Provision for Restaurants	A parking area used in conjunction with a restaurant use is required to be setback 12.0 m from a residential district and an access driveway is required to be setback 30.0 m from a residential district. A landscaped area of 1.5 m is required along any side or rear lot line abutting a street.	To not apply this provision.	The proposed parking area is to be setback 1.2 m from the residential district to the rear and 0.0 m from the residential district to the north. The proposed commercial uses for the subject lands will be less than 450 sq. m. and as such based on the modification with respect to on-site parking, no parking would be required for a restaurant use. The prospective commercial tenants have not yet been established, however a restaurant use would be permitted for the subject lands, and the proposed modification is therefore to ensure that any future restaurant use does not result in the need for large setbacks from adjacent residential districts. Therefore, the proposed modification can be supported.

3.1 ARCHITECTURAL DRAWINGS

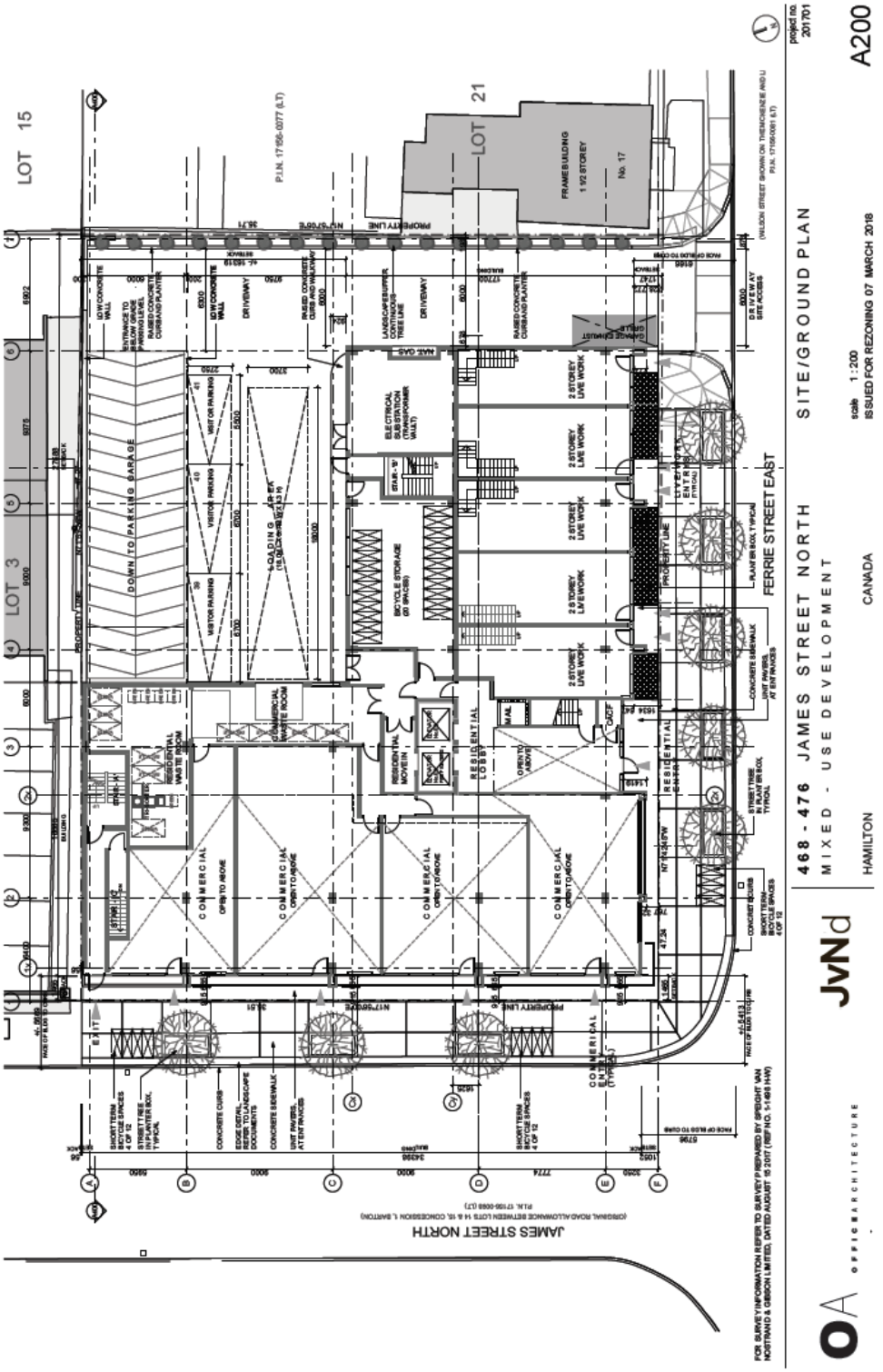
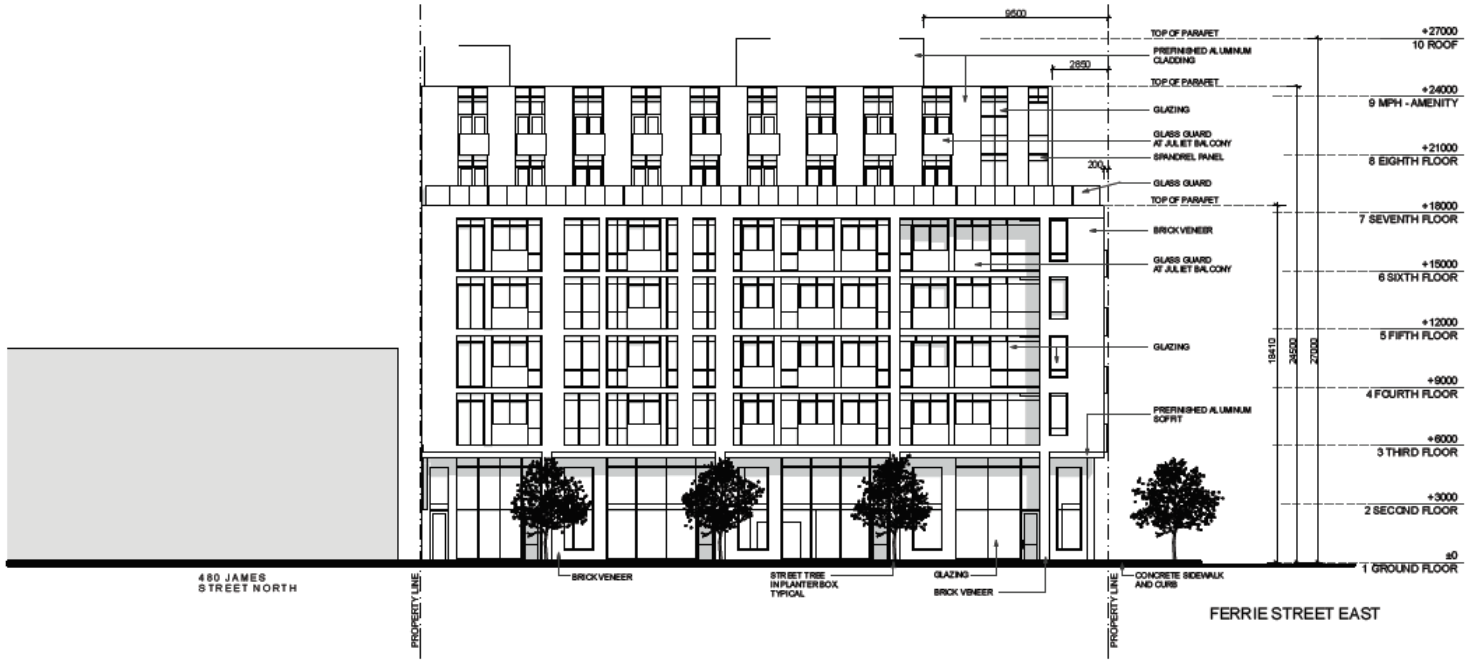


Figure 10: Proposed site/ground plan.

ARCHITECTURAL DRAWINGS



OA OFFICEARCHITECTURE

JvN/d

466 - 476 JAMES STREET NORTH
MIXED - USE DEVELOPMENT
HAMILTON CANADA

JAMES ST NORTH
WEST ELEVATION
scale 1 : 200
ISSUED FOR REZONING 07 MARCH 2018

project no. 201701

A300

Figure 20: Proposed west elevation, James Street North facade.

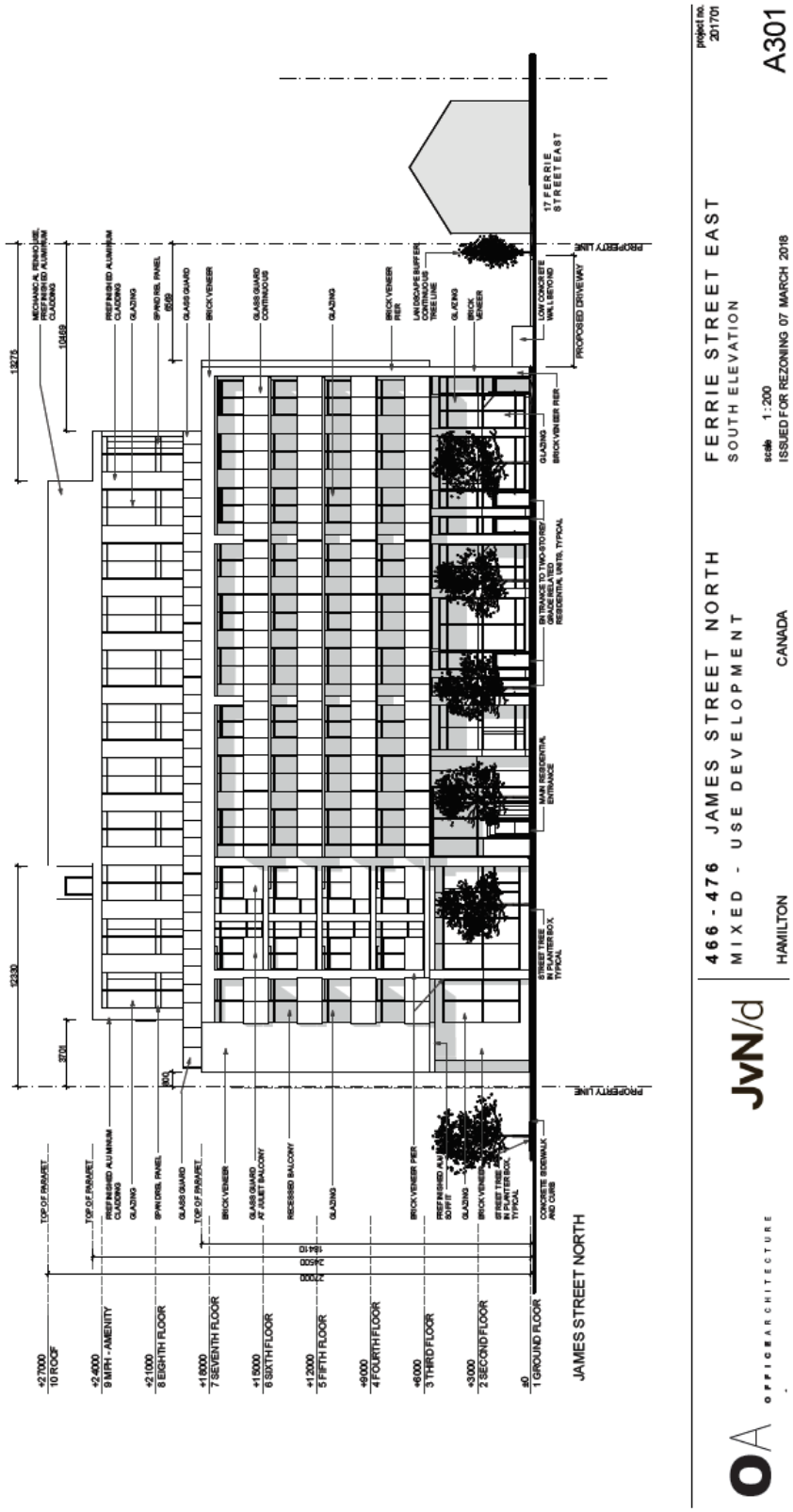
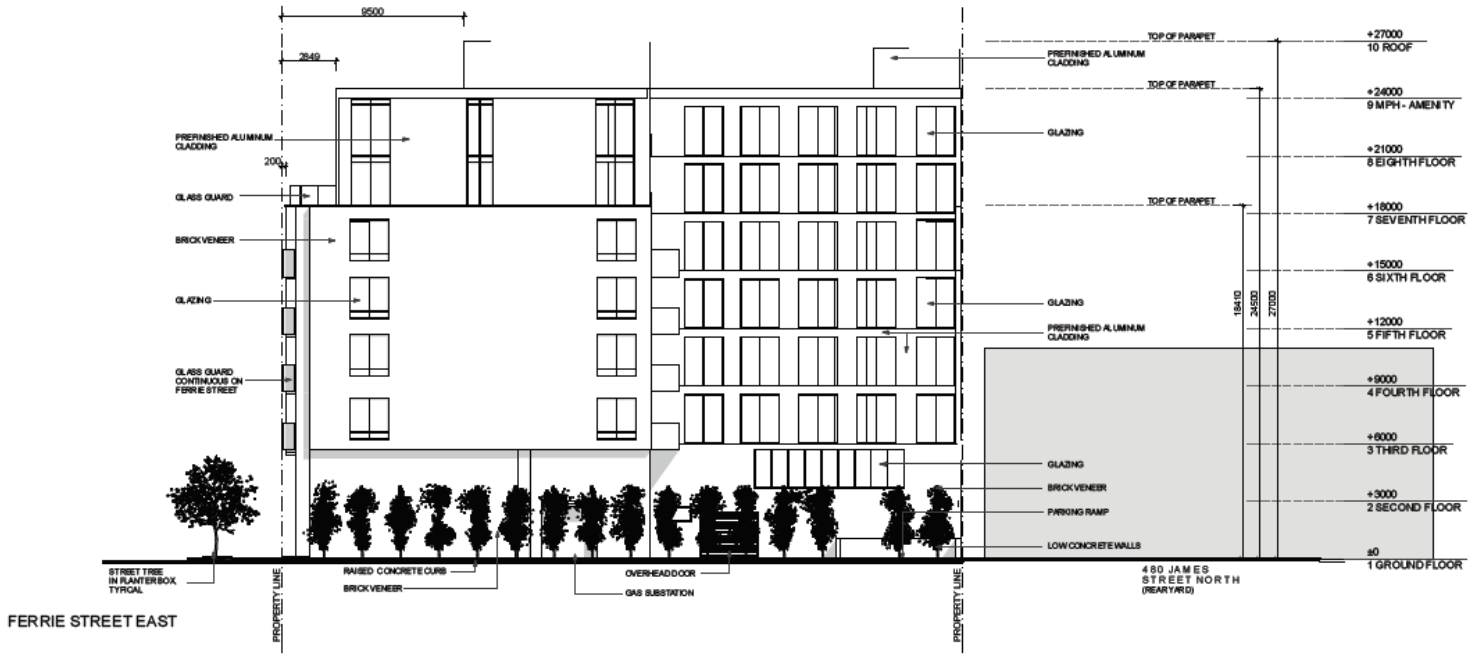


Figure 21: Proposed south elevation, Ferrie Street facade.

The Proposal SvN 27

ARCHITECTURAL DRAWINGS



OA OFFICE ARCHITECTURE

JvN/d

466 - 476 JAMES STREET NORTH
MIXED - USE DEVELOPMENT

HAMILTON CANADA

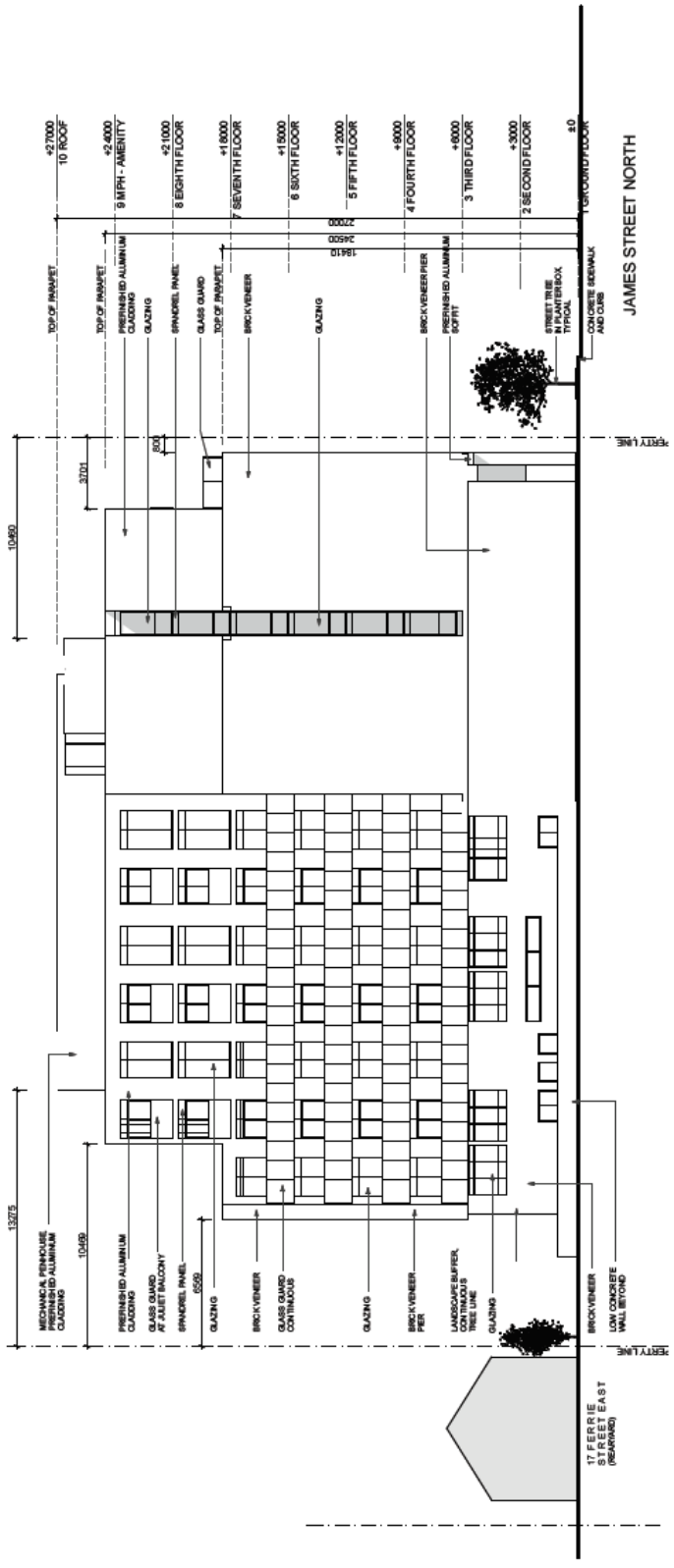
REAR
EAST ELEVATION

scale 1 : 200
ISSUED FOR REZONING 07 MARCH 2018

project no. 201701

A302

Figure 22: Proposed south elevation.



OA OFFICE ARCHITECTURE

JvN/d

466 - 476 JAMES STREET NORTH
MIXED - USE DEVELOPMENT
HAMILTON CANADA

SIDE
NORTH ELEVATION
scale 1 : 200
ISSUED FOR REZONING 07 MARCH 2018

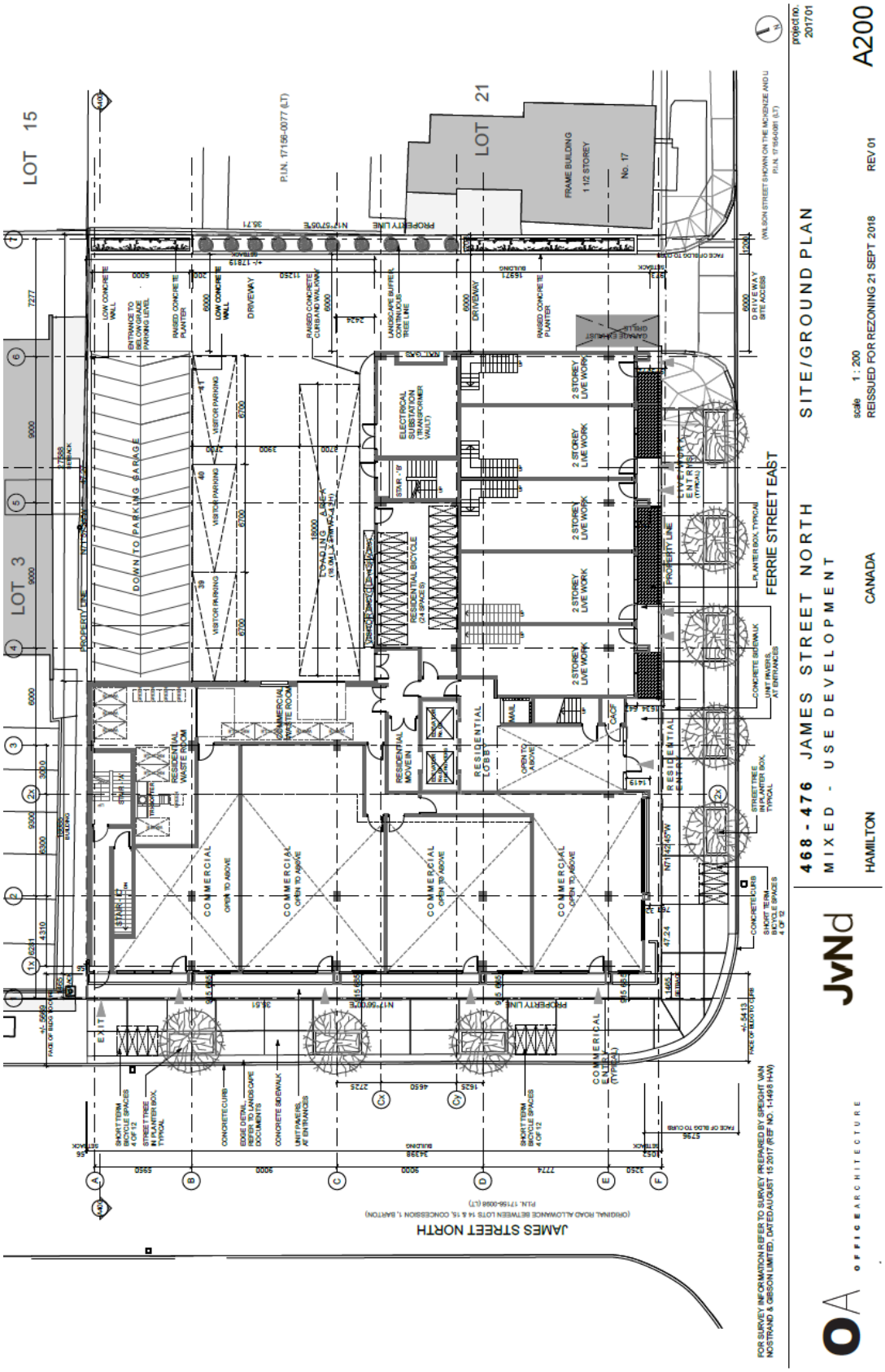
project no.
201701

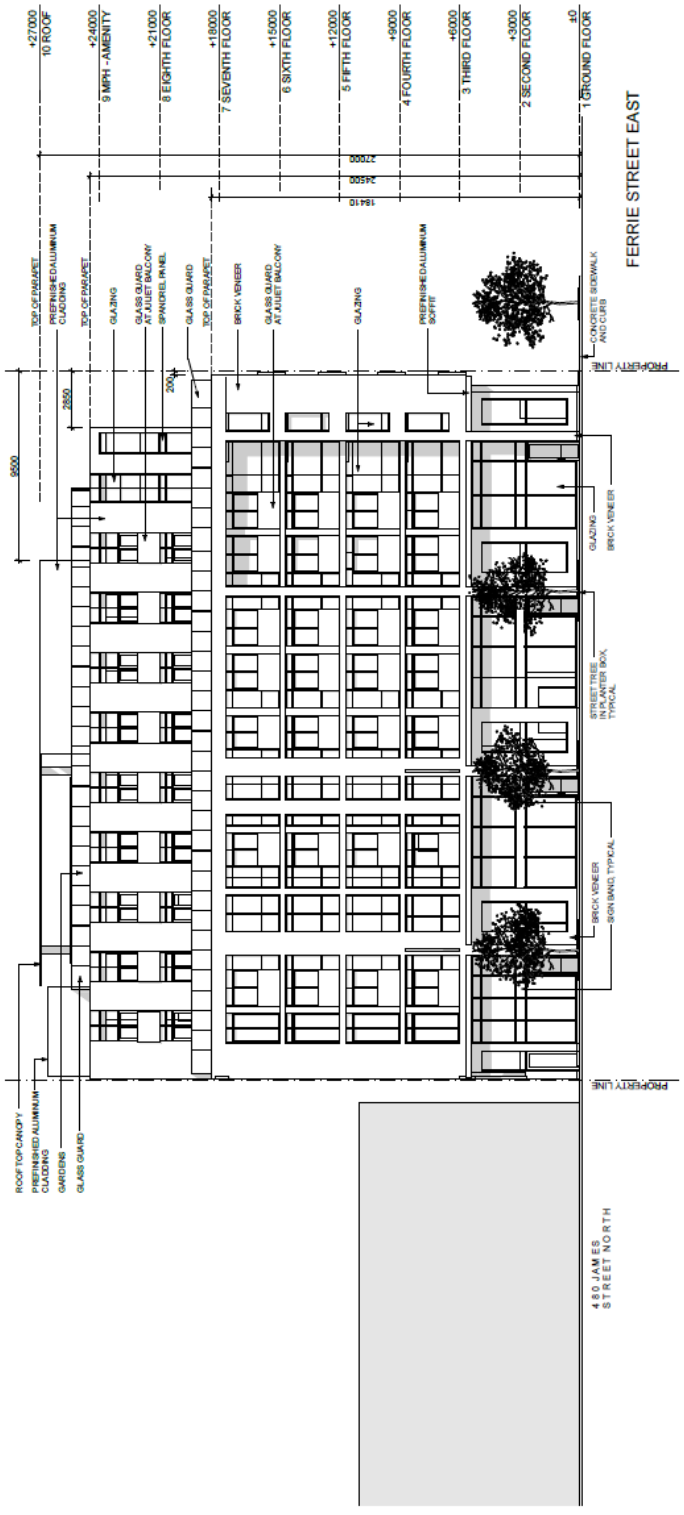
A302

The Proposal SvN 29

Figure 23: Proposed north elevation.

Appendix "F" to Report PED19116
Page 1 of 5





OA OFFICE ARCHITECTURE

JvNd

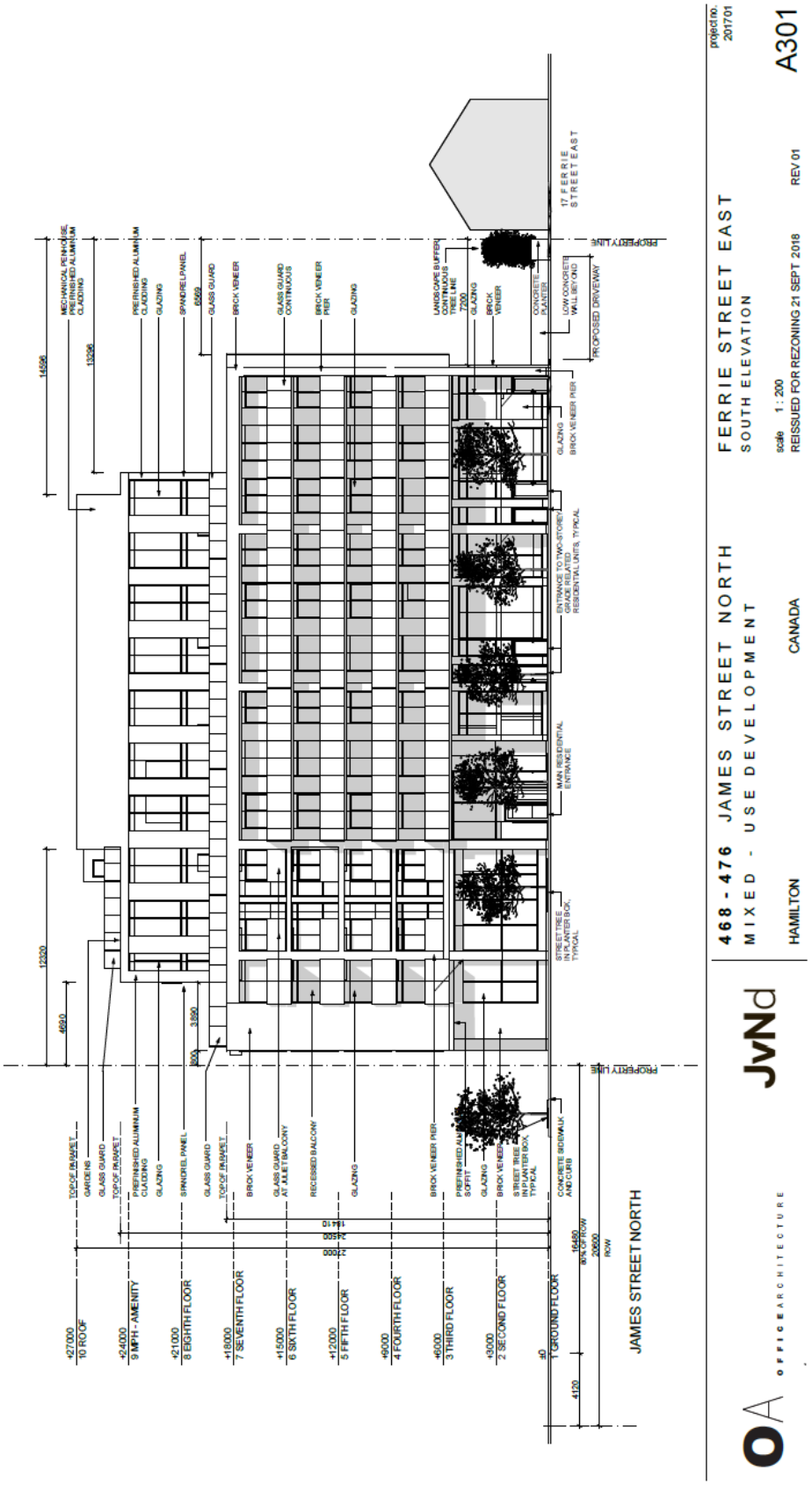
468 - 476 JAMES STREET NORTH
MIXED - USE DEVELOPMENT
HAMILTON CANADA

JAMES ST NORTH
WEST ELEVATION

scale 1 : 200
REISSUED FOR REZONING 21 SEPT 2018 REV 01

project no.
201701

A300



OA OFFICE ARCHITECTURE

JvNd

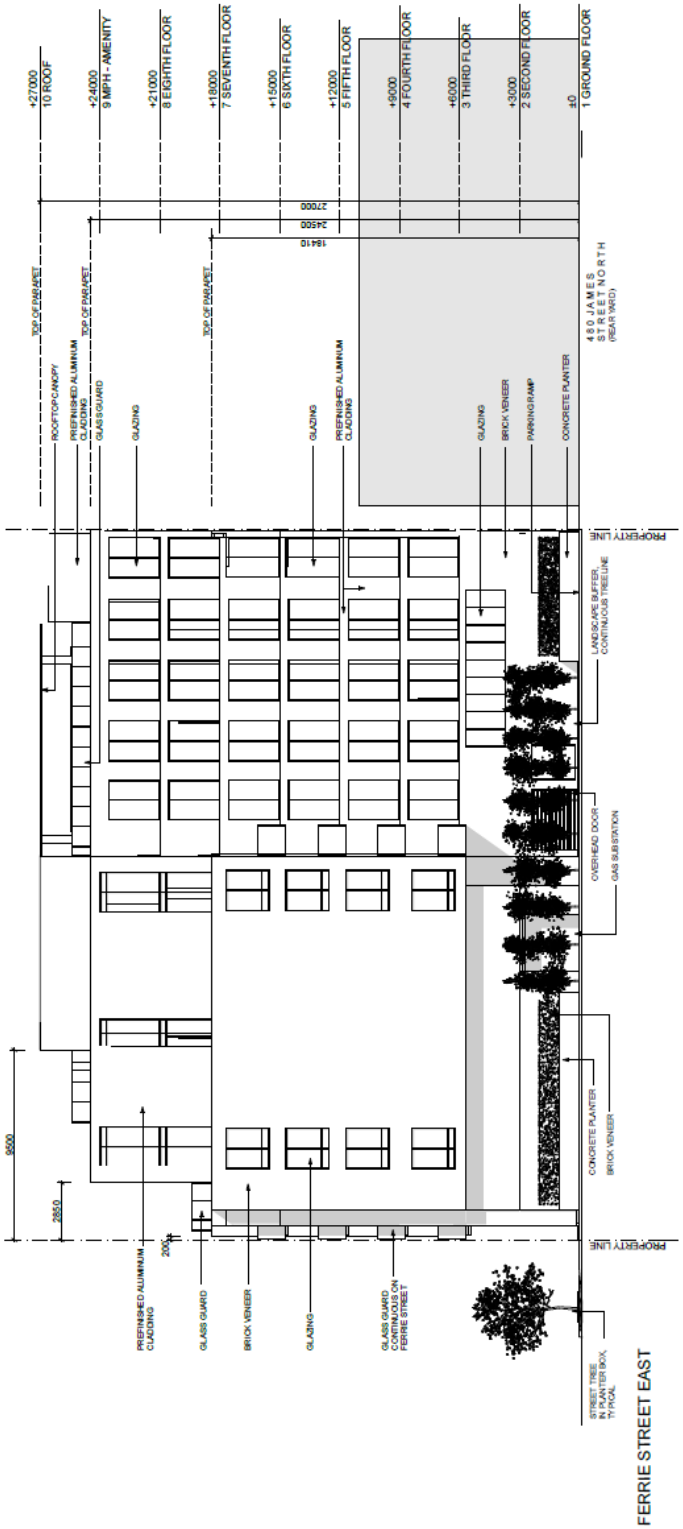
468 - 476 JAMES STREET NORTH
MIXED - USE DEVELOPMENT
HAMILTON CANADA

FERRIE STREET EAST
SOUTH ELEVATION

scale 1 : 200
REISSUED FOR REZONING 21 SEPT 2018 REV 01

project no. 201701

A301



OA OFFICE ARCHITECTURE

JvNd

468 - 476 JAMES STREET NORTH
MIXED - USE DEVELOPMENT

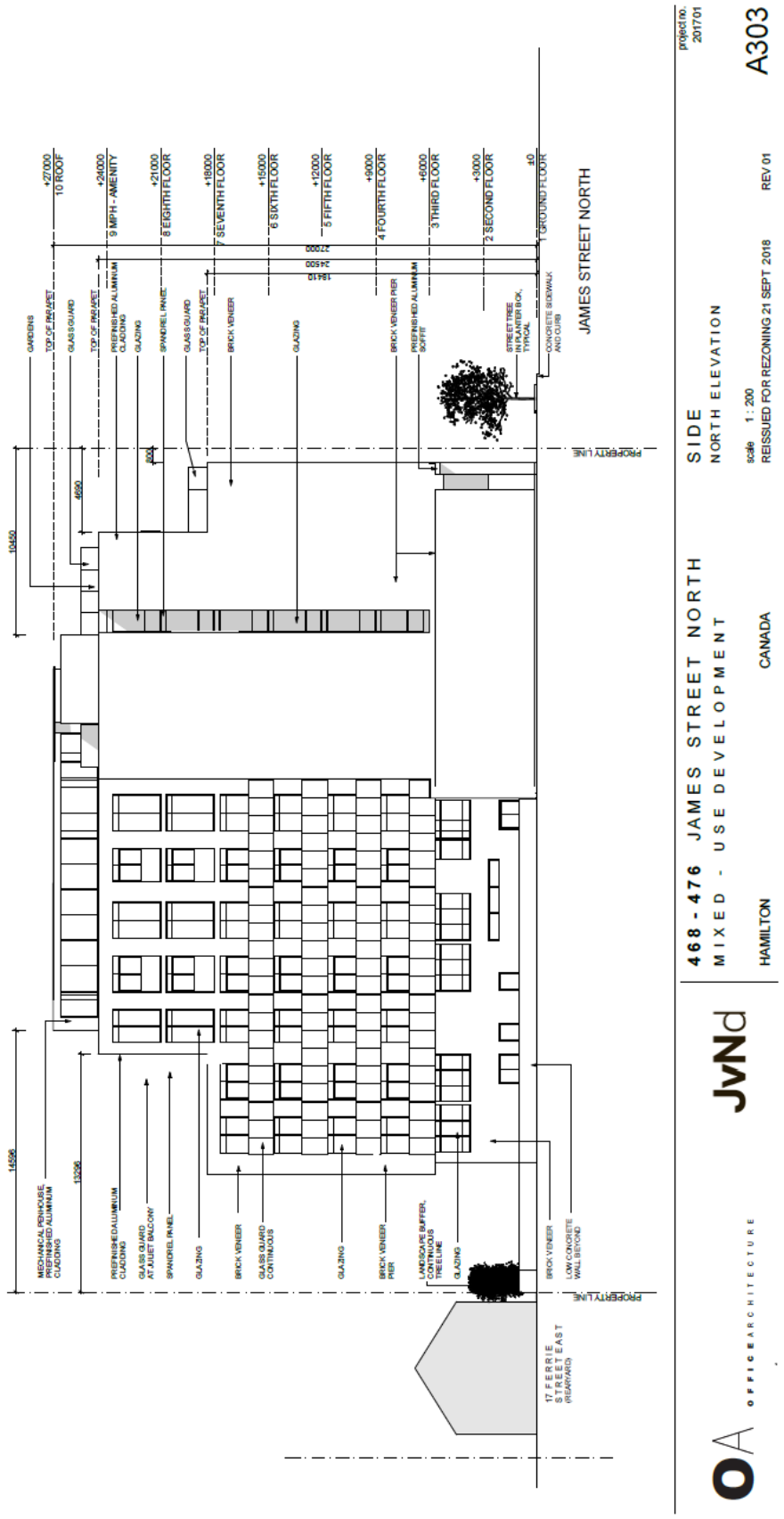
HAMILTON CANADA

REAR
EAST ELEVATION

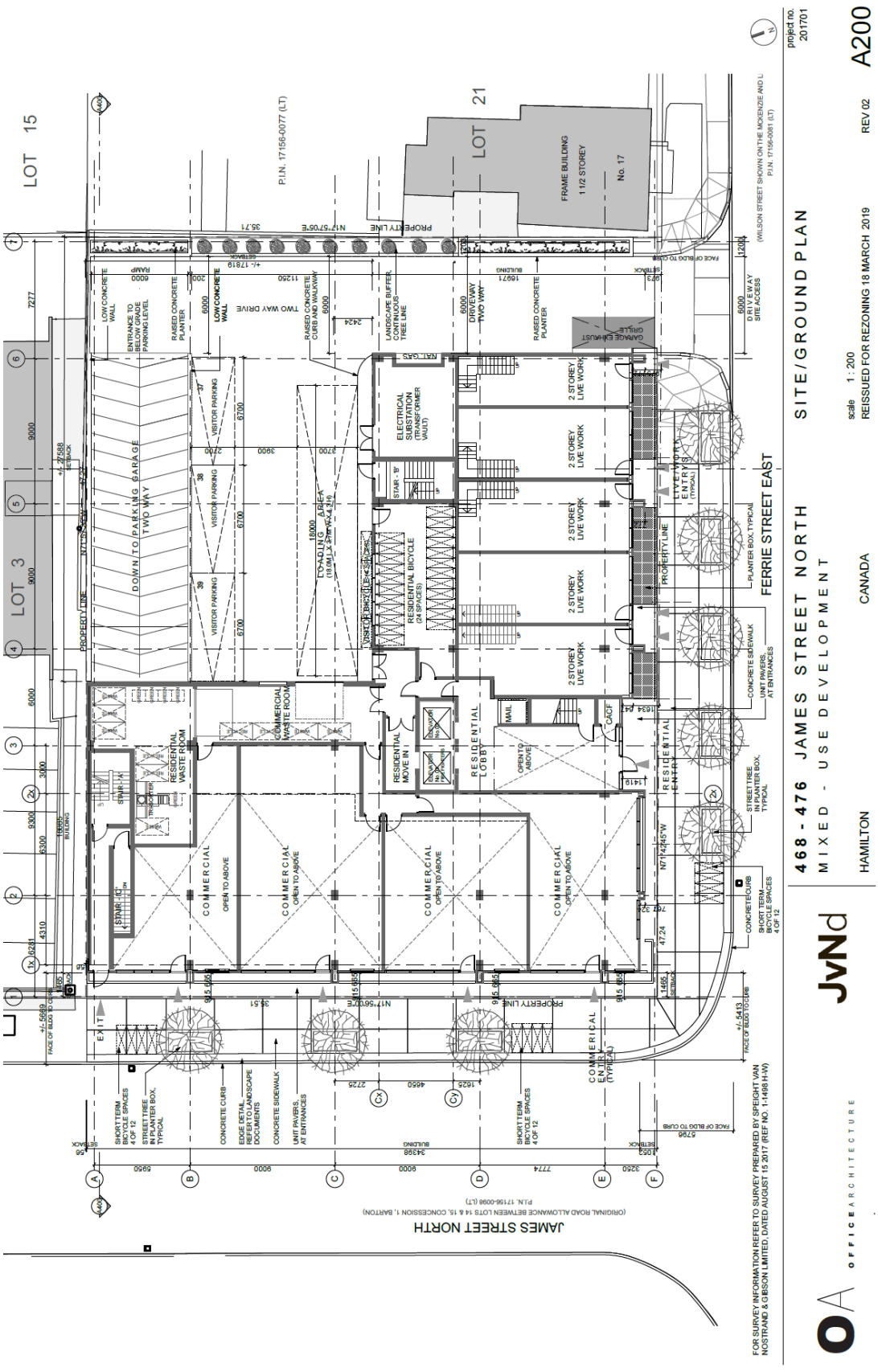
scale 1:200
REISSUED FOR REZONING 21 SEPT 2018 REV 01

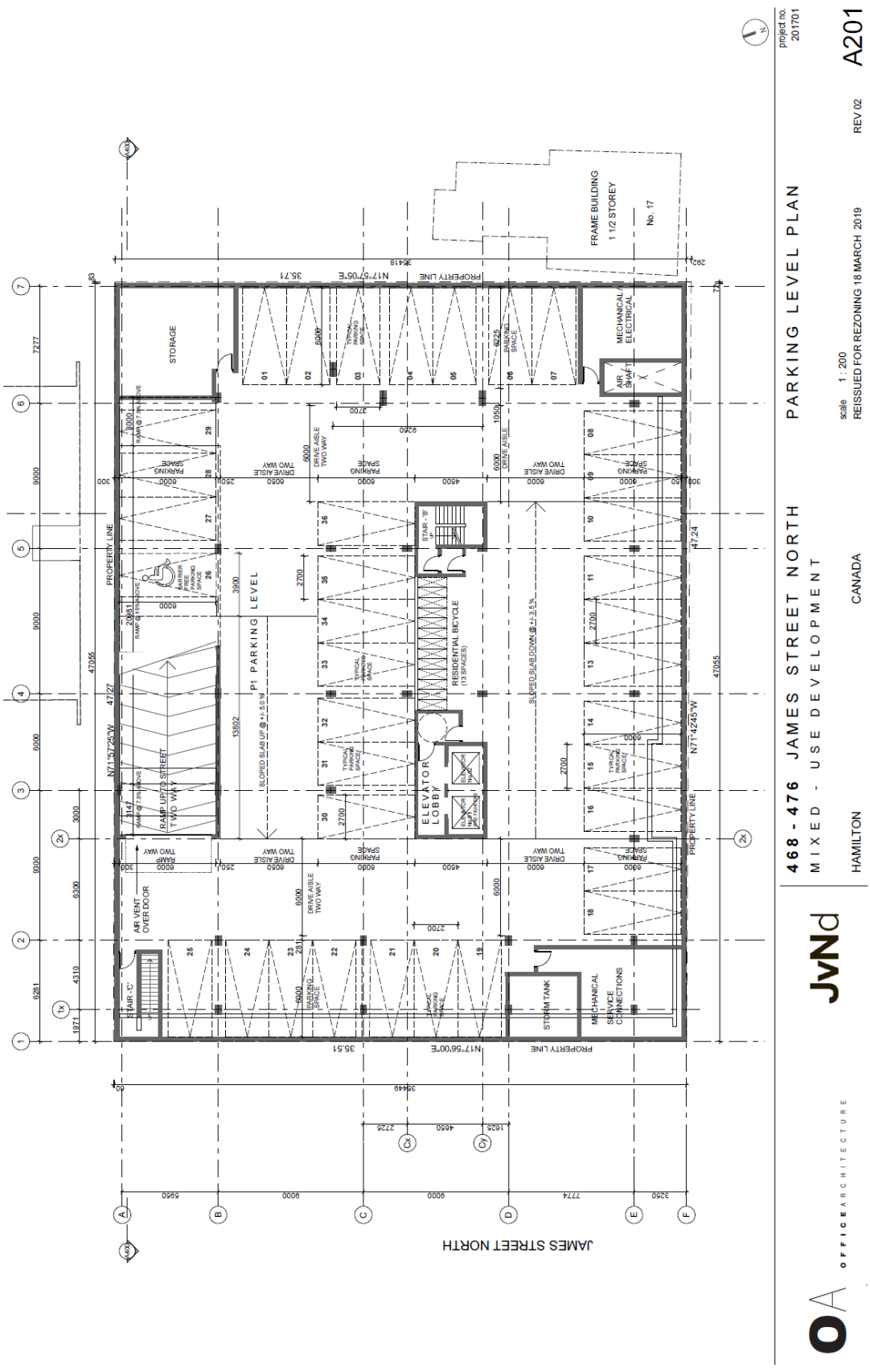
project no.
201701

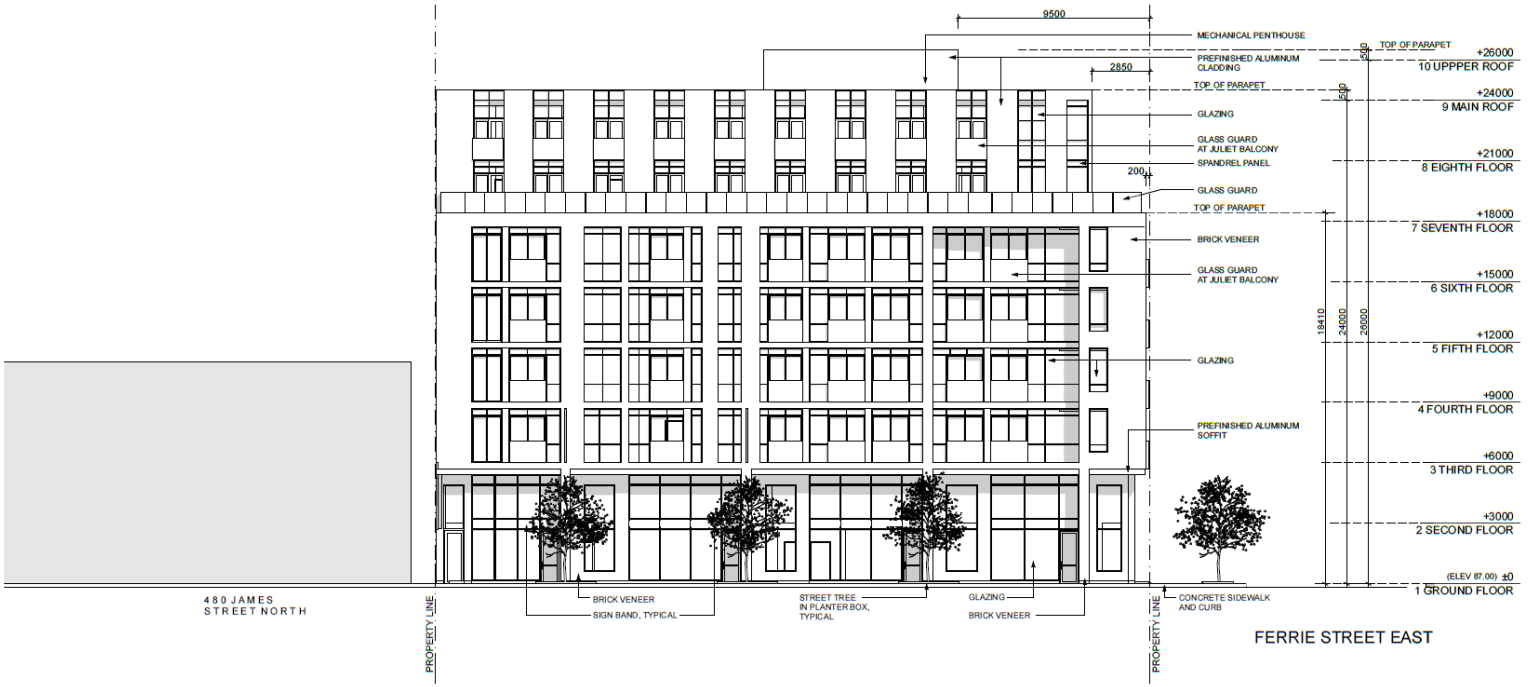
A302


JAMES STREET NORTH
+27000 10 ROOF
+24000 9 MPH - AMENITY
+21000 8 EIGHTH FLOOR
+18000 7 SEVENTH FLOOR
+15000 6 SIXTH FLOOR
+12000 5 FIFTH FLOOR
+9000 4 FOURTH FLOOR
+6000 3 THIRD FLOOR
+3000 2 SECOND FLOOR
±0 1 GROUND FLOOR
GARDENS
TOP OF PARAPET
GLASS GUARD
PREFINISHED ALUMINUM CLADDING
GLAZING
SPANDREL PANEL
BRICK VENEER
SOFFIT
STREET TREE IN PLANTER BOX, TYPICAL
CONCRETE SIDEWALK AND CURB
PROPERTY LINE
MECHANICAL PENTHOUSE, PREFINISHED ALUMINUM CLADDING
GLASS GUARD AT JULIET BALCONY
GLASS GUARD CONTINUOUS
BRICK VENEER PIER
LANDSCAPE BUFFER, CONTINUOUS TREELINE
LOW CONCRETE WALL BEYOND
17 FERRIE STREET EAST (REAR/ARD)
14598
13298
10450
4590
800
27300
24500
19410
468 - 476 JAMES STREET NORTH
MIXED - USE DEVELOPMENT
HAMILTON CANADA
SIDE
NORTH ELEVATION
scale 1 : 200
REISSUED FOR REZONING 21 SEPT 2018
REV 01
project no. 201701
A303
JvNd
OA
OFFICE ARCHITECTURE

Appendix "G" to Report PED19116
Page 1 of 6




PARKING LEVEL PLAN
468 - 476 JAMES STREET NORTH
MIXED - USE DEVELOPMENT
HAMILTON
CANADA
JvNd
OFFICE ARCHITECTURE
scale 1 : 200
REISSUED FOR REZONING 18 MARCH 2019
REV 02
A201
project no. 201701
P1 PARKING LEVEL
RAMP UP TO STREET TWO WAY
ELEVATOR LOBBY
RESIDENTIAL BICYCLE (16 SPACES)
STORAGE
MECHANICAL ELECTRICAL
STORM TANK
MECHANICAL SERVICE CONNECTIONS
AIR VENT OVER DOOR
STAIR - 'C'
STAIR - 'B'
PROPERTY LINE
FRAME BUILDING 1 1/2 STOREY
No. 17
JAMES STREET NORTH



OA OFFICE ARCHITECTURE

JvNd

468 - 476 JAMES STREET NORTH
MIXED - USE DEVELOPMENT

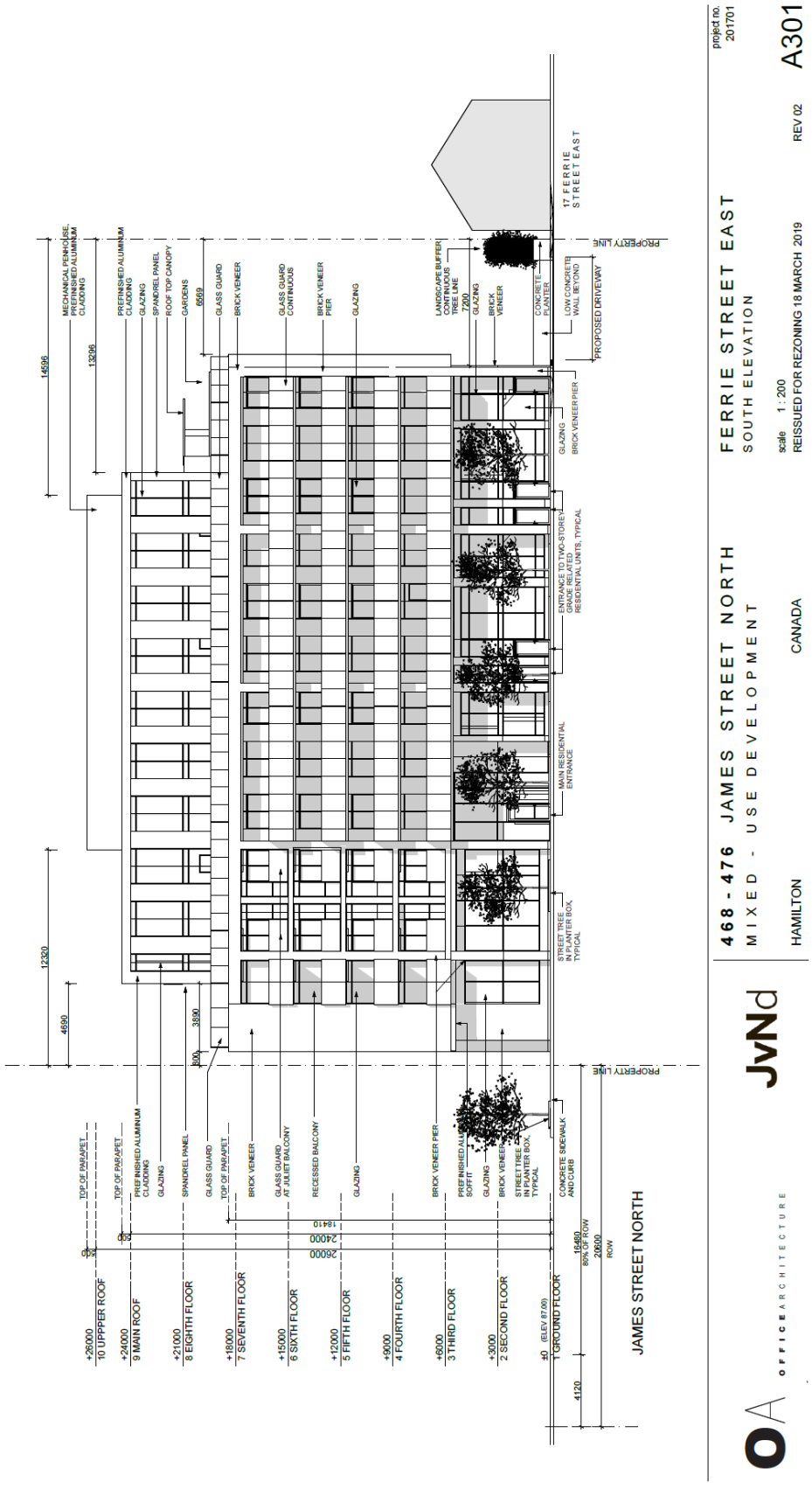
HAMILTON CANADA

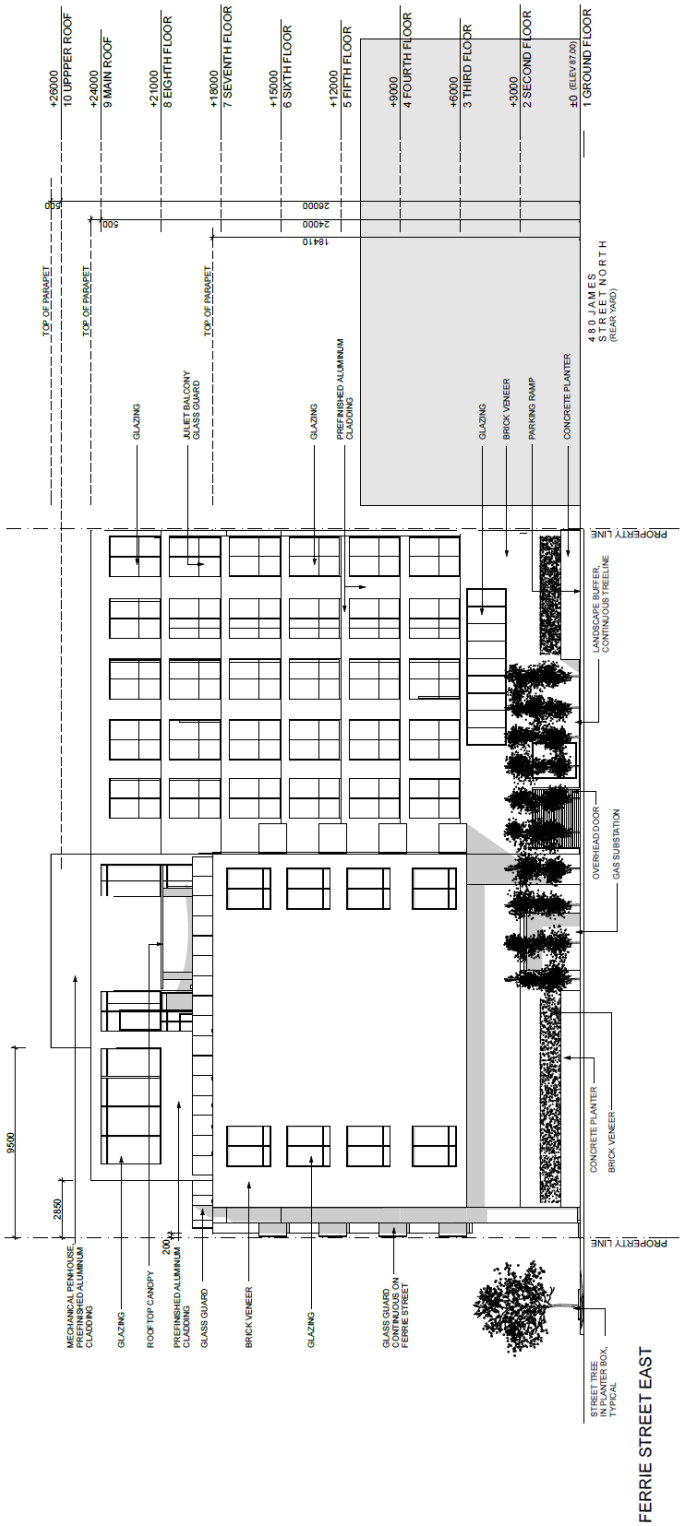
JAMES ST NORTH
WEST ELEVATION

scale 1 : 200
REISSUED FOR REZONING 18 MARCH 2019 REV 02

project no. 201701

A300


JAMES STREET NORTH
17 FERRIE STREET EAST
PROPERTY LINE
PROPERTY LINE
+26000 10 UPPPER ROOF
+24000 9 MAIN ROOF
+21000 8 EIGHTH FLOOR
+18000 7 SEVENTH FLOOR
+15000 6 SIXTH FLOOR
+12000 5 FIFTH FLOOR
+9000 4 FOURTH FLOOR
+6000 3 THIRD FLOOR
+3000 2 SECOND FLOOR
±0 (ELEV 87.00) 1 GROUND FLOOR
TOP OF PARAPET
PREFINISHED ALUMINUM CLADDING
GLAZING
SPANDREL PANEL
GLASS GUARD
BRICK VENEER
GLASS GUARD AT JULIET BALCONY
RECESSED BALCONY
GLAZING
BRICK VENEER PIER
PREFINISHED ALUMINUM SOFFIT
STREET TREE IN PLANTER BOX, TYPICAL
CONCRETE SIDEWALK AND CURB
MECHANICAL PENTHOUSE, PREFINISHED ALUMINUM CLADDING
ROOF TOP CANOPY
GARDENS
GLASS GUARD CONTINUOUS
LANDSCAPE BUFFER, CONTINUOUS TREE LINE
CONCRETE PLANTER
LOW CONCRETE WALL BEYOND
PROPOSED DRIVEWAY
ENTRANCE TO TWO-STOREY GRADE RELATED RESIDENTIAL UNITS, TYPICAL
MAIN RESIDENTIAL ENTRANCE
14596
13296
12320
4690
3890
800
600
1841.0
24000
26000
1460
20600
ROW
4120
JvNd
OFFICE ARCHITECTURE
468 - 476 JAMES STREET NORTH
MIXED - USE DEVELOPMENT
HAMILTON
CANADA
FERRIE STREET EAST
SOUTH ELEVATION
scale 1 : 200
REISSUED FOR REZONING 18 MARCH 2019
REV 02
project no. 201701
A301



OFFICE ARCHITECTURE

JvNd

468 - 476 JAMES STREET NORTH
MIXED - USE DEVELOPMENT

HAMILTON CANADA

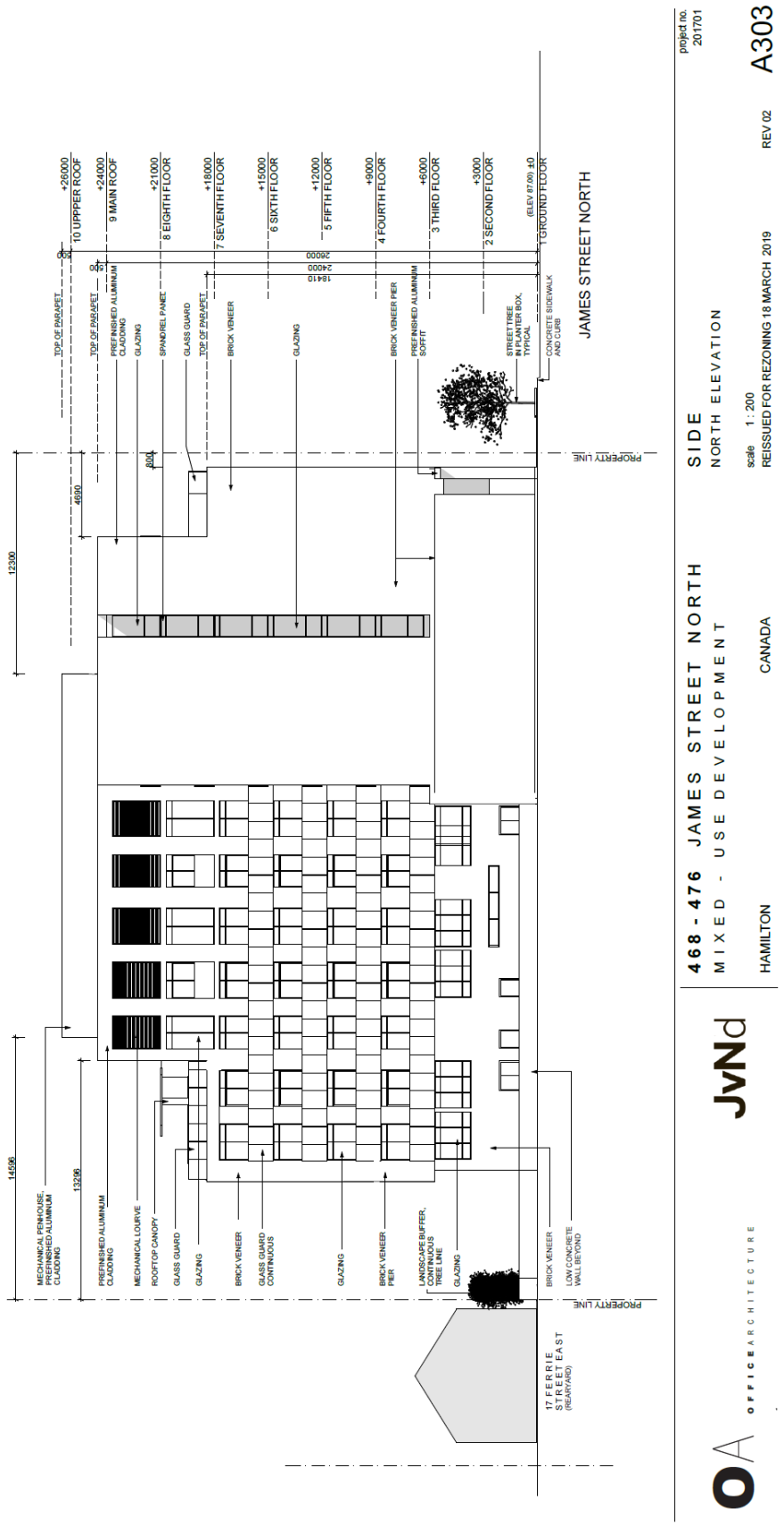
REAR
EAST ELEVATION

scale 1:200
REISSUED FOR REZONING 18 MARCH 2019

REV 02

project no.
201701

A302



OA OFFICE ARCHITECTURE

JvNd

468 - 476 JAMES STREET NORTH
MIXED - USE DEVELOPMENT

HAMILTON CANADA

SIDE
NORTH ELEVATION

scale 1 : 200
REISSUED FOR REZONING 18 MARCH 2019 REV 02

project no. 201701

A303

Barnett, Daniel

From:	
Sent:	June-13-18 2:41 PM
To:	Design Review Panel; Lucas, Adam
Cc:	nen.president@gmail.com; Thorne, Jason; Robichaud, Steve; Murray, Chris; John van Nostrand
Subject:	Design Review Panel Meeting June 14 - James Street North Application
Attachments:	May 30 2018

Dear Ms. Cox and Mr. Lucas.

Would you please ensure that this email is copied to the members of the Design Review Panel before the meeting which is considering the JvN Development Inc. application for development on James Street North in the North End neighbourhood.

Our organization has been involved in the planning for the North End neighbourhood since 2002 and played a significant role in the development of the Secondary Plan (Setting Sail) for the neighbourhood. We continue to be involved in working to ensure that the principles of Setting Sail are implemented.

While JvN has undertaken a useful public information process, there has been no formal application for endorsement by the local neighbourhood association, no formal comment from the neighbourhood association, and to the best of our knowledge, **there has been no notice of the panel's proposed review to the neighbouring community.** We learned about your meeting by accident.

As a result, there has been no process for your panel to seek input from the people most directly impacted by the development. We believe that neighbouring residents input can benefit your consideration of design.

HWN strongly opposes any departure from the core principles of Setting Sail. An eight story building contravenes those principles on its face. This is different than the previous Indwell application on James Street which complied with Setting Sail.

While we recognize that the Panel is a commenting agency and not an approval body, there is no doubt that by obtaining an endorsement from your panel that the developer will have an advantage in the subsequent planning approval process with **no mechanism by which the panel will receive input from the impacted neighbours who are directly impacted by the design.**

Without a comprehensive community involved planning process, any decision on the design of a building which does not today comply with Setting Sail would be premature.

We request that you defer consideration of this application until after the OPA planning process has been completed. That is the point at which detailed design can be considered.

Thank you for your consideration.

Barnett, Daniel

From:
Sent: April-24-18 2:46 PM
To: Lucas, Adam
Subject: Objection to 8 story building. North East corner of James N & Ferrie st E. 468-470 and 474-476 James N Hamilton Ont.

To whom it may concern

My family and I are long time residents of Hamilton's North End; roots going back 80 years.

As a teacher, musician and writer I've enjoyed seeing our city's culture and neighbourhood begin to flourish.

It's vital that this wonderful, positive evolution is not exploited.

I'm extremely concerned that the size of complex proposed for 468-479 and 474-476 James north will have an incredibly negative impact on the neighbourhood.

An eight story building would create horrible environmental, traffic, parking and noise problems.

I'm also deeply concerned for the preservation of a safe, clean and beautiful area to live for residents and for children who attended school approximately 50 meters away.

A building of this size is not at all appropriate in context of our community.

I love our city.
It's wonderful to see so many positive things happening in our community but we must not let projects like this spin out of control.

The wonderful progress our community has made can be easily damaged or destroyed if the neighbourhood's ecosystem is not valued and protected against inappropriate building.
My family and neighbours strongly share these feelings.

I trust the appropriate people will take into account our concerns.
Please share this email with anyone involved in decision making.

Thank you very much

Barnett, Daniel

From:
Sent: April-16-18 7:39 PM
To: Lucas, Adam
Subject: Application for 8 Story Mixed Use Building on James St

Hello Mr. Lucas, UHOPA-18-07 ZAC - 18-020

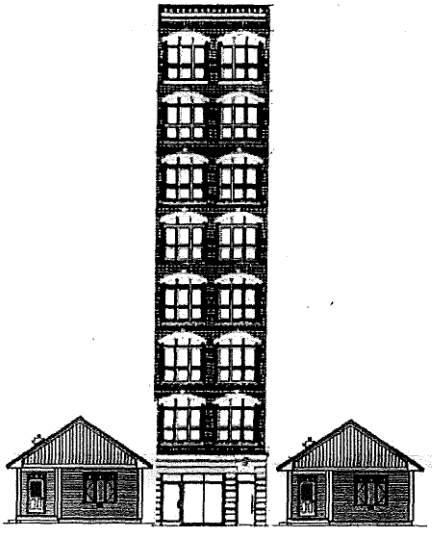
I am a resident at , Hamilton and I received your letter in the mail regarding the proposed eight story mixed use building at 469-470 James St North.

I have great concern that the increased occupancy will create a unmanageable demand for street parking that will place an undue burden by those who call this neighbourhood home. Street parking is already in short supply and for those of us who require a vehicle to travel to and from work.

I also have concerns that the developments along James St will cut off the residential appeal of the North End Neighbourhood. After all, it was the investment opportunity and residential appeal so close to the conveniences of downtown that brought my wife and I to purchase our first home in this neighbourhood. An eight story building adjacent to our location will represent a nuisance and also deteriorate our enjoyment of our property.

Now there are multiple proposed developments along the James St corridor and while I wish to support sustainable mixed use development and support John VanNostrands wish to provide home ownership for a variety of income levels, it becomes difficult when as a home owner the nearby development impacts your own life and enjoyment of your property. For these reasons I do not support the wish to amend the official plan and zoning bylaws.

Sincerely,



HOW HIGH CAN YOU GO?

8 STORIES?

North-East Corner of James Street North and Ferrie Street East

Please fill out reverse side and send to the address below.

Or, better yet, send your own personal letter about the proposed amendments at 468 -470 and 474-476 James Street North to:

In Letter Quote:
UHOPA-18-07
ZAC-18-020

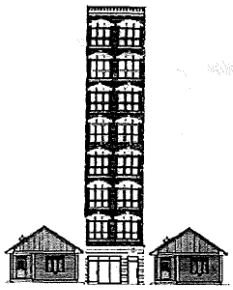
Adam Lucas, City of Hamilton
Planning and Economics Development Department
Development Planning, Heritage and Design - Urban Team
71 Main Street West, 5th Floor, Hamilton ON L8P 4Y5
Fax: 905-546-4202 - Email: Adam.Lucas@hamilton.ca

YOUR LETTER MUST BE RECEIVED BY APRIL 24, 2018

If you have any questions contact city staff:

Adam Lucas, Urban Team
at 905-546-2424 ext. 7856

Kimberley Harrison-McMillan, Senior Project Manager
at 905-546-2424 ext. 2222



HOW HIGH CAN YOU GO?

8 STORIES?

North-East Corner of James Street North and Ferrie Street East

468-470 James Street North and 474-476 James Street North UHOPA-18-07, ZAC-18-020
Formerly: Genesse Tavern, Clarkey's Bar, Soul Sessions
Currently: SnV JvN, Founding Principal - John VanNostrand

Application for an **eight story** mixed use building was filed by: SvN on behalf of JvN

My concerns if the building exceeds four stories are:

- ☐ Congestion
- ☐ Parking
- ☐ Noise
- ☑ Intrusion of Privacy
- ☑ Shadow of Building Reducing Light in Home and Yard
- ☑ Residential District Compromised
- ☑ Large Garbage Dumpster and Waste Removal Trucks
- ☐ Reduction in Property Values

I am also concerned about the application for:

- ☐ Minimum Parking
- ☐ Minimum Loading Spaces
- ☐ Minimum Gross Floor Area (higher density)
- ☑ Building Setbacks (height transition between building and current housing)
- ☑ Minimum Landscaping
- ☐ Minimum Amenities Area

Name: [redacted]

Address: [redacted]

Signature: [redacted]

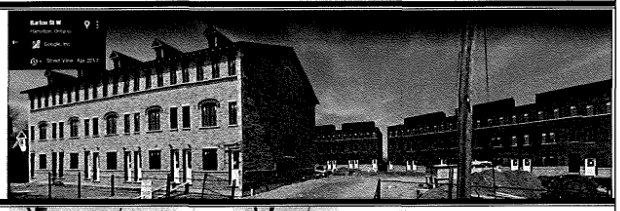
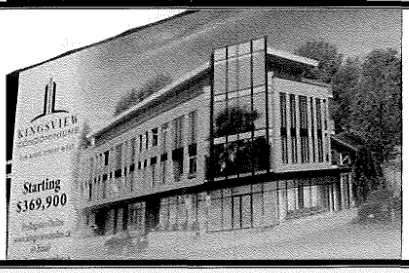
Comment: _____

- ☑ I wish to be notified of the adoption, or refusal, of the proposed Official Plan Amendment
- ☑ I wish to be notified of the adoption, or refusal, of the proposed Zoning By-Law Amendment
- ☐ I wish my personal information to be removed from public record, but my opinion/comment to appear

From:	To:	Regarding Files:
Saturday April 21, 2018	Adam Lucas, City of Hamilton Planning and Economic Development Department Development Planning, Heritage and Design - Urban Team 71 Main Street West, 5th Floor, Hamilton, ON, L8P 4Y5	UHOPA-18-07; ZAC-18-020

Dear City of Hamilton Planning and Economic Development Department,

Location	This letter is submitted with regards to an application to amend the Official Plan and Zoning By-Laws to include the development of an eight storey mixed use building with minimum building setbacks, minimum gross floor area, minimum amenity area, minimum landscape area, minimum planting strip, minimum parking, and minimum loading spaces requirements at properties on the north-east corner of James Street North and Ferrie Street East (although the developer's sign on the building reads Ferrie Street West); 468-470 and 474-476 James Street North, Hamilton (Ward 2).
Limit height to 4 stories as per Official Plan	The neighbourhood around the proposed development site is quiet with mainly residential housing, including predominantly one and two storey detached/semi-detached/row homes. When I bought my property years ago, the neighbourhood appealed to me, and I understood from the City's Official Plan that it would continue to have this nature as building heights are limited to four stories. It was disappointing to see the application for an eight storey building as I believe this height of building will negatively impact residents, and the neighbourhood. I support the City of Hamilton in maintaining the four storey height restriction as per the Official Plan. The developer knew about the four story building height limit when they purchased the property, so why do they want to change it now?
Developer's agenda is to make as much money as possible	From the perspective of the developer it is very understandable why an eight story building is more desirable; more money. The higher the developer is able to build on the proposed site the more square footage they have to sell, which thus increases their profit margins. The concern of the developer is maximizing profit; they are in this to make money, and as much as possible. It is not the concern of the developer to maintain the nature of the neighbourhood and it is not the concern of the developer to protect residents from the negative impact of their eight story mixed use building.
Official Plan and Zoning By-Laws Protect Hamilton's Citizens	In our democratic system checks and balances are to required to protect people from the negative impact of greed. The City's Official Plan and Zoning By-Laws are there to protect the interests of the City and its citizens. Why would the City of Hamilton's Development Department increase the current four story building limit to eight stories? It is the concern of the City of Hamilton to protect the quality of the neighbourhood and to protect its residents from the negative impact of inappropriate development.
Negative Impacts: Congestion, Less Privacy, No Parking, Shadow, Residential District Compromised	So, what are the negative impacts of an eight story mixed use building over one with four stories? Well, the changes, and potential challenges, to the neighbourhood will be doubled: double the people=congestion and less privacy, double the cars=parking problems, double the noise and double the garbage=more noise pollution. Other problems include how the shadow of an eight story building will be cast over existing housing reducing light levels in homes and yards. Putting an eight story building in this neighbourhood will begin to change in the nature of the neighbourhood from a quiet family-oriented residential one to potentially becoming a noisy, congested, urban one. Our neighbourhood is <u>not</u> in the Hamilton urban core where an eight story building would be suitable. I support the City of Hamilton in ensuring that our neighbourhood continues to be quiet, family-oriented, and residential by limiting proposed development to four stories as per the Official Plan.
Important to Maintain All Development Standards	The other development standards also need to be maintain. Building setbacks need to be maintained, so current houses aren't encroached-upon by the new proposed building. Gross floor area standards need to be maintained, so the new proposed building doesn't become even higher density mini condos. Amenity area standards need to be maintained, so the new proposed building's residents have some where to meet other than outside, which would negatively affect the neighbourhood. Landscaping area and planting strip standards needs to be maintained so the new proposed building doesn't completely fill the lot and be an eyesore. The required number of parking spaces per unit needs to be maintained, so parking is available for residents and their visitors. Loading space requirements need to be maintained, so residential streets aren't hampered by garbage trucks, moving trucks, and delivery trucks.
	This proposed development could benefit our community if it is approached in a reasonable manner with respect to the nature of the existing neighbourhood and its residents as outlined above. On the following page I have included some recent building developments that respect the neighbourhood and its residents. Please help make our community great with a wonderful new respectful development!

Upcoming and Recent Building Development Ideal for Proposed Site	
Barton Street West *Much bigger lot, but this type of development would work great and be quite desirable for current residents and potential buyers!*	
500 James St. North *Located very close to proposed development site. Comparable lot size, with slightly different building use, but this development respects the nature of the neighbourhood, and its residents.*	
366 Bay Street North *Somewhat smaller lot size but absolutely lovely! There is adequate parking in the back of the building via the arched access way. This development really improved the neighbourhood.*	
500 Bay Street North *Smaller lot size but absolutely lovely! This is the type of building that would really suit, and improve, the neighbourhood at the proposed building site.*	
336 and 338 King St. W in Dundas Ontario *How about something like this? I think residents could really get excited with a design like this. Good enough for wealthy Dundas residents, and hopefully good enough for residents near proposed site!*	
Please protect the interests of the North-End/Habour West residents by ensuring development is done respectfully, like the examples above, and not an eight story cash grab that will only benefit the developer and its investors! Show the residents they matter! Be Hamilton proud!	

Barnett, Daniel

From: <
Sent: July-07-18 5:32 PM
To: Farr, Jason
Cc: Kehler, Mark; Harrison-McMillan, Kimberley; Lucas, Adam
Subject: Re: James Street North builds

Thank you Jason for answering my letter and for your answers. I will definitely share them with the members at Guise Street.

These two developers are so similar in their plans it is scary! Their designs are so alike that our group that attended thought that they had chosen the same design from a book and went with it. The each have pushed the design right to the sidewalks then after the 6th storey there is a step back to add the next floor and then again a step back for the 8th floor and then there is a half floor for mechanical.

The build adjacent to us, will block out our view of James Street and our trees will be removed with a promise of trees being replanted. All parking will be along the back of the new building - the same with garbage pickup and any services requiring access to the building. All that noise will be toward our building.

This developer would love to get 10 parking spots along our back lot with a walkway included to access their parking lot and they are letting us know that we would have to sign an agreement with the City for 20 years. Are you aware of this?

They said that this build will be 8 storeys with another 1/2 floor on top for mechanical. They did not mention, but we caught it, that the first floor (the commercial floor) will be taller than regulation "apartment" height because they are commercial and this is a requirement…..so this 8 1/2 storey building is taller than what they are presenting. It is more like a 9 storey building.

We at Guise Street love to live here because of the open space that we have around us. We can see up James Street (for those who live on the back - me included) and for those on the front - the spectacular view of the water.

I definitely don't want to lose this space due to a large building blocking the view. With the size of the lot, a 4 storey would be ok and they would have enough parking without ruining the "landscape" in the immediate area. - at least this is a general opinion of most.

We will be having a Board meeting later this month and I will be asking my fellow Board members for a meeting where you would come and speak with us.

thank you Jason for including Mr. Lucas.

I do apologize that you returned from a vacation to a disappointing letter from me. Please understand that I am passionate about my neighbourhood and only want the best for my family and my fellow neighbours.

Cheers,

On Jul 6, 2018, at 9:41 AM, Farr, Jason <Jason.Farr@hamilton.ca> wrote:

Deborah, good to hear from again. I am sorry I was unable to attend the meeting this past week. I took my son away for
three days and have just returned.

My answers to your important questions and concerns are in -- red -- ....

What we were aghast at first was when the developer said the City had already passed the storey height for anything along this corridor to **8 storeys!**

Really? you have already approved this??? -- NO, I am not sure why the developer would have said this --- Where and when was there a meeting of the northenders regarding this important issue. The crowd was angry when they heard this and it was getting very heated! -- we had a series of public meetings on the James North Mobility Hub years back (approx 2013 -14) and council passed the study in 2015 and received an update in 2017. I have copied important excerpts here and the City Planner on the file may direct you to full reports (Adam Lucas cc'd). I have hi-lited in bold sections that you may appreciate:

...The Mobility Hub Study objectives included, among others, to identify appropriate locations to direct intensification, and to identify potential changes to the existing policy framework in order to facilitate future transit-supportive development. The Study highlighted six focus areas that were expected to undergo the greatest change, and prepared ten demonstration sites (development examples) to illustrate how those changes could take place. **It recommended that official plan and zoning by-law amendments be considered to increase the permitted height and provide greater flexibility in the range of permitted uses permitted on the ground floor along the James Street corridor.**
The recommendations contained in the Mobility Hub Study provide rationale for making amendments to land use policy in the West Harbour Secondary Plan area. **Any amendments will be undertaken in accordance with the process legislated under the Planning Act, including public consultation. The City is currently focusing attention on City-owned property within the area, including
the waterfront (Piers 5 to 8), the Barton-Tiffany lands and the CityHousing Hamilton portfolio at Jamesville and 500 MacNab Street North....**

The developer said that he is very close to the "go ahead" from the City to start building. How can it possibly be when there hasn't been a re zoning application heard yet? -- it is NOT --- OR has this already been OK'd by the City and we are again left in the dark?--this has NOT been ok'd by the City. - -

This developer last night did not know what material he wanted to use for walls, flooring, how much the condo fees were going to be, he was just forging ahead saying that they are ready to go and get this built while working with the City.

There is minimum parking and only 3 visitor parking spots available. Oh, and one would have to rent their spot, if one is available to rent monthly. Otherwise you park on the street.

Have you and Mark looked at the concept at all regarding this proposal? -- a few years ago, he developer had a concept much smaller than his recent pitch, I told him to engage with community "early and often." ---

I could buy a "closet sized" unit (500 sq.ft) and if I wished I could have it in the "rough stage" where I can finish the build myself. They show you where the water hook up is and where the electrical boxes are and the rest is left to me.

I am not a stupid person - I have 9 years dealing in construction - I can read schematics,- I am knowledgeable about building materials and licensed plumbers and electricians. BUT I WOULD NEVER EVER TRY TO FINISH AN APARTMENT ON MY OWN. But according to this developer, it will all be ok.
I could also buy 5 units in a row, live in one and rent out the other 4 to whomever I wish. I don't even have to finish their units.
All I see is trouble trouble trouble.

If this is what you are allowing in our neighbourhood, I am very disappointed and will do all I can to oppose this build and the one close to 2 Guise Street.-- your thoughts and those of your fellow Guise Street residents continue to be very import to me, Deborah. Which is why I got you in contact with the developer making the proposal adjacent to you all. You likely recall I told that developer that they MUST meet with you all in advance. I have never stated that I would allow this and if the developer or anyone else did so at the meeting, please advise --

There were many of us from Guise Street Co-operative in attendance at this meeting and we are now digging in for it looks like a fight regarding this build at 600 James North. -- I would encourage each to write to the planner (Adam - cc) to share thoughts --

We will not allow in any way the "rental of 10 parking spots the developer requires on our property, nor the removal of trees along our back lot or anything else they are trying to get by us.

Oh, we were in attendance with a gentlemen who is running as counsellor in the next election for Ward 2. He was very interested in what the people had to say.

I am concerned where you are sitting on these builds and am not so sure you are looking out for the best interest of James Street North

Needless to say Jason, that I am most disappointed. --- be assured that I continue to lookout for your best interests, Deborah. I have heard similar concerns respecting this "proposed" build and for some time now. With that, the neighbourhood concerns regarding this project far out weigh the support date. I am very much appreciative of these views --

Regards,
Deborah

Hope my responses have helped clear things up, Deborah and I am very grateful that you have shared these views with me. Again, I am happy to come meet the board. And residents at the co-op at any time.

Jay

Sent from my BlackBerry - the most secure mobile device - via the Bell Network

---

From:
Sent: July 5, 2018 2:09 PM
To: Jason.Farr@hamilton.ca
Cc: Mark.Kehler@hamilton.ca; Kimberley.Harrison-McMillan@hamilton.ca
Subject: James Street North builds

Jason,

I wish to address this to you primarily regarding a meeting last night dealing with the build at 468 James Street North.

This is a different developer than the one wanting to rezone and build at 600 James Street North but their designs are almost 100% identical - with the same 3 identical town houses at street level, a 6 storey with the 7th and 8th floors "stepping back" street level. Not a coincidence I am thinking.

What we were aghast at first was when the developer said the City had already passed the storey height for anything along this corridor to **8 storeys!**

Really? you have already approved this??? Where and when was there a meeting of the northenders regarding this important issue. The crowd was angry when they heard this and it was getting very heated!

The developer said that he is very close to the "go ahead" from the City to start building. How can it possibly be when there hasn't been a re zoning application heard yet? OR has this already been OK'd by the City and we are again left in the dark?

This developer last night did not know what material he wanted to use for walls, flooring, how much the condo fees were going to be, he was just forging ahead saying that they are ready to go and get this built while working with the City.

There is minimum parking and only 3 visitor parking spots available. Oh, and one would have to rent their spot, if one is available to rent monthly. Otherwise you park on the street.

Have you and Mark looked at the concept at all regarding this proposal? I could buy a "closet sized" unit (500 sq.ft) and if I wished I could have it in the "rough stage" where I can finish the build myself. They show you where the water hook up is and where the electrical boxes are and the rest is left to me.

I am not a stupid person - I have 9 years dealing in construction - I can read schematics,- I am knowledgeable about building materials and licensed plumbers and electricians. BUT I WOULD

NEVER EVER TRY TO FINISH AN APARTMENT ON MY OWN. But according to this developer, it will all be ok.
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If this is what you are allowing in our neighbourhood, I am very disappointed and will do all I can to oppose this build and the one close to 2 Guise Street.

There were many of us from Guise Street Co-operative in attendance at this meeting and we are now digging in for it looks like a fight regarding this build at 600 James North.

We will not allow in any way the "rental of 10 parking spots the developer requires on our property, nor the removal of trees along our back lot or anything else they are trying to get by us.

Oh, we were in attendance with a gentlemen who is running as counsellor in the next election for Ward 2. He was very interested in what the people had to say.

I am concerned where you are sitting on these builds and am not so sure you are looking out for the best interest of James Street North

Needless to say Jason, that I am most disappointed.

Regards,

RECEIVED
APR 16 2018

April, 13, 2018

Adam Lucas, City of Hamilton,
Planning and Economic Development Department
Development Planning, Heritage and Design-Urban Team
71 Main Street West, 5th Floor, Hamilton, ON, L8P4Y5

Dear Sir,
I am writing regarding files: UHOPA-18-07 ZAC-18-020

I am pleased that developers are interested in investing money into Hamilton's revitalization plans. I am also glad, that such building projects go through a city planning stage including the impact on the surrounding neighbourhood. It is important that the investor's building project is studied for probable impact on the surrounding neighbourhood.

I am concerned that the proposed 8 stories in height building will have a negative affect on the mostly 1 story and 2 stories in height homes in the neighbourhood. The eight story tower would:

.tower over the homes in the neighbourhood
.result in a fish bowl affect for neighbours (lack of privacy)
.not blend into present neighbourhood architecture
.result in shade problems for homes
.result in more traffic noise
.cause more parking problems

It appears to me that a four story building would be appropriate for this residential neighbourhood.

The Zoning By-law Amendment easing of development standards such as building setbacks, minimum landscape area, minimum planting strip, minimum parking loading spaces requirements would result in diminished enjoyment of the neighbourhood.

I believe that cities should build today's buildings that are people friendly and economically viable which will be enjoyed for years into the future. Other parts of Hamilton City has new buildings designed to suit their surroundings. I am sure that the City of Hamilton will keep that standard again.

Yours truly,

Barnett, Daniel

From: >
Sent: July-09-18 9:05 AM
To: Lucas, Adam
Subject: FW: Form Submission - Tell Us What You Think - Support for 468 James St. North

From: Squarespace
Sent: Wednesday, July 04, 2018 3:59 PM
To:
Subject: Form Submission - Tell Us What You Think - Support for 468 James St. North

Name: Nick Dika

Email Address: nick.dika@gmail.com

Subject: Support for 468 James St. North

Message: I'm a North End resident (I live on Ferrie St.) and am very excited to see projects like this being undertaken in my neighborhood.

My hope is that everyone in the city is able to share in the benefits that come with gentrification and development and I think projects like this help make that possible.

(Sent via *468 James North*)

May 8, 2019

Stephen Robichaud
Director, Planning & Chief Planner
Corporation of the City of Hamilton,
71 Main Street West
Hamilton, Ontario
L8P 4Y5

Re: JvN Developments 468 James Street North - ZAC-18-020

Dear 'Mr.Robichaud.

North End Neighbourhood Association (NENa), the neighbourhood association for the North End neighbourhood, has formed a planning committee to consider and comment on planning changes and developments in our neighbourhood. Fifteen neighbourhood residents have volunteered to be active members of the committee.

We understand that the City Planning Committee may be considering the referenced JvN application at a meeting this month. Our neighbourhood Planning Committee would like to participate in any meetings or discussions regarding this proposed development.

The details of the JvN proposal have been circulated to our Planning Committee and reviewed at a meeting of the Committee on June 5th. After a full discussion, we are able to provide you with the Committee's preliminary comments on the development application as described on the SVN portal.

1. The Committee is appreciative of the attempts by Mr. Van Nostrand to develop creative solutions to the need for affordable housing in Hamilton and for his communication from time to time with the neighbourhood association.

2. The JvN Application appears to proceed on the basis that our neighbourhood's approved secondary plan, Setting Sail, is outmoded and should be changed. While we acknowledge that James Street is designated in Setting Sail as an area of gradual change and is designated as our neighbourhood's primary retail and commercial street, we are very concerned that our approved secondary plan might be amended in a piece-meal fashion, one project at a time.

   The core features of Setting Sail and its goal of reinforcing the character of our neighbourhood as a child and family friendly community remains important to the residents of our neighbourhood. As required by Setting Sail, change is to be assessed by a comprehensive and integrated group of planning principles, not on an ad hoc basis.

   If there is a need to amend Setting Sail in order to change in the character of the developments on James Street from that approved in Setting Sail, that change should occur only after the future character of the entire street from Strachan to Guise has been considered and approved for all sites on the street. A comprehensive treatment of James Street North will provide a more effective process in which to assess impacts of the changes on the character of the neighbourhood and the impacts on homes close to James Street. To vary from Setting Sail by approving one project at this time will undoubtedly set a precedent that will be relied on by subsequent developers and will pre-empt the future amendment process.

3. Aspects of the proposed development and in particular the concept of its flexibility of unit size make it difficult to assess its impact on the neighbourhood.

   It appears the entire building could be student housing, used for AirBnb or alternatively for family housing. We have some difficulty in commenting on the project in detail when its ultimate format is not yet defined.

   This applies particularly in the case of parking. We are very concerned that Mr. VanNostrand proposes approximately one third parking space per unit. We are not convinced that the comparables used for assessing the parking needs of the proposed development are appropriate. Our Committee is

concerned that the reduced parking requirements being sought (approximately one parking space for every three units) will not reflect the actual demand for parking by residents, visitors and commercial uses for the foreseeable future and adversely impact adjacent homes.

4. We are not aware of a legislative framework that would assure the community that the attractive aspects proposed in the application will in fact be enforced through a binding process that the neighbourhood can impact. With the lack of participation rights at the Site Plan Approval stage, we are focussed on making a contribution at the zoning and official plan stage. Given the way in which the attractive aspects of the proposal have been presented, those features, if approved, should be subject to the same neighbourhood participation and long term binding assurances as the structural aspects.

These are our preliminary comments. We will continue to develop our comments and suggestions as the City's planning process moves ahead.

We would appreciate if we might be advised of the date and time when the application will be considered by the City Planning Committee as we would like to be a delegation for that meeting.

Thank you for your consideration.

Herman Turkstra
Chair,
NENa Planning Committee

CENTRAL NEIGHBOURHOOD ASSOCIATION

May 27, 2019

Steve Robichaud
Director, Planning & Chief Planner
City of Hamilton
71 Main Street West
Hamilton ON L8P 4Y5

Re: North End Neighbourhood Association letter (JvN Developments 468 James Street North - ZAC-18-020)

Dear Mr. Robichaud,

On behalf of the **Central Neighbourhood Association** we're writing to indicate that we have reviewed the submission of the North End Neighbourhood Association for 468 James Street North dated May 8, 2019 and that we support the position outlined in their letter regarding the need for comprehensive planning for change in our neighbourhoods.

We are not supportive of "ad hoc" or incremental changes to the City's Official Plan and zoning by-laws in response to individual development applications. We ask the city to embark on a comprehensive study based on the changing development landscape.

Sincerely,

Board Members of the Central Neighbourhood Association
Allyson Wenzowski, Chair
Paul Copcutt
Saiful Chowdhury
Peter Graham
Sarah Kovacs
Maggie Martineau
Ron Rubin
Frank Soberg

Chamberlain, Lisa

From: Per Kleefisch
Sent: May 30, 2019 11:10 AM
To: Chamberlain, Lisa
Subject: Re: JvN/d Application - James/Ferrie

Hello Lisa,

I have been following the initial stages of the JvN/d proposed project at James/Ferrie with great interest and would like to write a few words of support in advance of the Planning Committee hearing on June 4. I live in the Keith neighbourhood, near Barton and Wentworth, and have been a Hamilton resident for 7 years.

It is refreshing and, indeed, amazing that a developer is able (and willing) to put together a project like this using market principles and without relying on major subsidization. I strongly believe that this project (and others like it) need to be supported by the municipal government. Hamilton is in a growth phase again and I believe we have the potential to continue and enhance our vision of inclusivity - where the larger market forces are balanced by city council guidance.

I sincerely believe and hope that the Planning Committee will continue to be guided by an overall vision of what this amazing city is and can be.

Thank you,

Per Kleefisch

Hamilton

Chamberlain, Lisa

From:	SW
Sent:	May 30, 2019 12:53 AM
To:	Chamberlain, Lisa
Subject:	some notes in support of the JvN/d home:front project at 468-476 James St S
Attachments:	JvNd condo collective hf 3.html

Hi, Lisa Chamberlain:

Attached please find an .html document which delves into several aspects related to the project, as well as some of the broader topic of affordable housing and homelessness.

I have submitted this as I am unable to attend the June 4 public meeting (I am in China until June 5.)

I hope you don't find the document overwhelming. I have tried to keep the extra perhaps helpful info in a Supplemental section. By the sheer numbers of references and articles on the internet that pertain to housing issues, it is clear that it is a concern that is quite here for the long term.

I am interested in many aspects related to housing, and so some of the information may be insufficiently relevant to Hamilton City's Design Panel concerns for the home:front project. I apologize for being long-winded and for digressing.

I look forward to your approval of the project proposal set out by architect JvN/d and his team. It could be a model that many cities and towns elsewhere could adapt.

Sincerely,

Stephen Watson

JvN/d condo collective h:f

(start of feedback already submitted to the City of Hamilton Design Review Panel around July 28, 2018)

SW
To
Jul. 28, 2018 at 3:51 a.m.
Hi, Emily:
I filled in the feedback form.
Did it arrive okay?
I paste it below for backup.
It's written in my open and inclusive style, with quotes and references that go beyond local boundaries but intrinsically help establish new proximities and spur new dialogues.
Regards,
steve watson

JvN/d condo collective 468 James St. N. home:front

List of emails from JvN/d since 2017.11.13
https://us16.campaign-archive.com/home/?u=dace53f330dcd94dbc1c95a29&id=a2c1396113
√

Thoughts in support of the JvN/d home:front project

1) Yes, certainly. For those who are serious about lifting themselves out of poverty or near poverty, the JvN/f financial arrangement offered by architect van Nostrand gives a chance to those to whom established banks and credit unions do not cater. A unit in **home:front** will likely increase in value and increase in equity and thus give the owner a good credit rating, confidence in the future, and more favourable standing in today's money-conscious society.

2) I love the idea of rooftop gardens. Apart from having a cooling effect for the residents on the top floor, the gardens could provide some fresh veggies, nuts, fruit. In addition, under the recommendations of some permaculture experts, along with the input from h:f residents, rooftop raised beds would give both young and old the opportunity to see Nature in her full potential and beauty, as well as save some money.

Tailored to a small environment, the rooftop could have a bonsai section, as well as power-generating cycling machines for residents to put back into the grid while at the same time keeping fit. Areas with solar ovens would allow for rooftop picnics or partiesin the daytime or evening, and star and city skyline gazing at night.

The widening of the sidewalk on the Ferrie Street side allows for the inclusion of some carefully chosen shade trees and park benches. Moreover, those with western, southern, or eastern facing units, have some latitude and freedom of expression in decorating their balcony with plants or solar devices. Not quite to the extent of architect Luciano Pia's *25 Verde*, but perhaps similar to his design but on a smaller scale!

The building design is functional and modern and allows for a higher populated density with a smaller ecological footprint. Solar light wells could help sunlight penetrate those units facing more to the north or not on the periphery. This minimal space living and close proximity of fellow dwellers facilitates more human interaction, and allows one to get to know one's neighbours. We are not talking tiny houses here, but tiny condos in an open-concept DIY interior, giving free-range and income possibilities for unit owners. Removing load bearing walls while still allowing for sound-proof, lightweight, movable partitions between units gives the owner flexibility to alter, remove, add interior elements with relative ease.

The use of different building materials and textures will give an attractive and varied appearance to the facade.

3) Streetscape was covered in the previous section. Hardy tree species along the more south-facing sides of the building will help oxygenate and de-carbonize the air. Extra-width of the sidewalks accommodates those in quad-scooters or with walkers. The tradition of including the street names using metal panels in the sidewalk will help

remind the occupants of Hamilton's legacy of steel and iron.

Bicycle and tricycle storage and re-charge and maintenance facilities certainly will encourage residents to give up or reduce usage of the a family car. Small footprint ironworks — such as the "Heaven's Door" panels (gates) made using abandoned farming equipment and rural amenities by Bob Dylan in his Black Buffalo Ironworks foundry ** — could be used at the entrances to the building, paying tribute in a small way to the iron ore tradition which Dylan grew up with.

The parking area will be underground, and require a lot of excavation. As a former construction volunteer at the arcology prototype Arcosanti***in Arizona, I am in favour of slowing down and supporting the return of walking as the main mode of personal transport. We now have apps such as Uber and carshare apps (rent a car by the hour). Greener transport (bikes, ebikes, scooters, e-scooters) with apps and hardware within easy reach (such as Sobi, Bolt, Lime, Bird, Jump, Lyft, Spin, Skip) gives us a wide range of choices other than the default fossil fuel burning car, truck, bus.

If excavation is to be done, it might be worthwhile to consider putting in some geothermal wells, giving almost free heat or cool air to warm and cool the building in winter and summer. I will not explore the geothermal route in this paper.

* https://www.archdaily.com/609260/25-green-luciano-pia
** https://www.heavensdoor.com/irongallery
*** arcosanti.org (http://arcosanti.org/)

4)
"The so-called housing shortage, so much talked about in the press these days, cannot be simply dismissed by admitting that the working class is generally living in bad, overcrowded, and unhealthy apartments... The term "housing crisis", as it is currently understood, essentially stands for nothing other than the worsening of the already miserable housing conditions, caused by the influx of people into the cities..." Engels, "The housing Question", 1872

Further reading (the housing question has been with us since at least 1872) http://hct.aaschool.ac.uk/the-quasi-nomadic-cell-at-the-threshold-of-the-collective-dwelling/
I hope the architect's plan and vision dovetails with the minds of Hamilton's urban designers. If the population of the city is to increase by at least 50% in the next ten to fifteen years, we must favour housing solutions that do not require additional land currently owned by struggling farmers; in other words, it needs add a moderate vertical dimension to the landscape without widening the perimeter.

----end of first feedback sent to Hamilton City Council in 2018 July----

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----start of 2019 05 25 new feedback to Hamilton City Design Review Panel---

Introduction
Name: Stephen Watson
Originally from Toronto, I spent most of my life living and teaching in Africa, India, South Korea, and China. Projects I have volunteered on include Arcosanti (carless urban laboratory of the future) and tree-planting and erosion control in Auroville, India. I am recently retired, but still keep strong interests in permaculture/agroforestry, micro-habitats, design, and art.

How to reference the project
Perhaps the project needs a better name than **home:front**.
We already have *harbourfront, waterfront, lakefront, bayfront,* We need something that refers to Hamilton's steel mill background. Something like *Anvil Associates, Anvil Village, Anvil Collective, Anvil Abodes, Anvil Hive, Hamilton Hive Initiative, Hamilton Hive Housing and Retail, Anvil Anchor, Anchor Estates, Co-operate, BayAreaCollective, Ancilla***, *Ancilla Housing Collective, Ancilla Housing Coop, BayAreaHousing, BayAreaServices, PierNear, condomondo,...*
***ancilla* plural *ancillae*: an aid to achieving or mastering something difficult (from the Latin where it meant *female servant*)

But, since the architect has given it the name **home:front**, I will stick to that for now.

================== ======= SUPPLEMENTAL STARTS ==================== ===
= =

Quick look at some housing developments in cities worldwide

What follows below is news about various housing projects. They are not all similar to **home:front**, but often look at smaller projects such as pocket suites. Some links point to tiny house projects which (when taken collectively) indicate the changing perspective of millennials and others who choose to live as urban nomads: that less is more and we must reduce our carbon footprint and harmful housing habits.

Let's (as warm-up) have a look at what other cities are doing in the area of housing, then we will look at Hamilton's forum on the topic. What follows is supplemental to our discussion. It can be bypassed if you wish.

Small collection of websites wherein various cities try to resolve the problems and challenges of city homelessness and affordable housing

But first we should look at some newly minted (or revived) terminology that has become part and parcel with this urban housing r)evolution.:

Some relevant terms and interesting websites

- *tiny house movement* — A movement where people design and build small cottages with floor area from less than 100sf (23sm) to 200 or 300sf (not sure of upper limit). They are often built on a trailer, allowing the owner to easily re-locate. Many are off-grid, but still manage to design in overhead showers, hot tubs, radiant floor heat, cooling vents, repurposing grey and black water,
- *pocket housing*— occupies usually a single building lot from which its previous building has been demolished and replaced by a specially designed compact building of mini-suites, often with common shared spaces.
- *row housing co-living co-housing* https://philly.curbed.com/2019/5/23/18637205/san-francisco-startup-philly-rowhomes-coliving-rental Vivahouse prefab modular housing system https://www.dezeen.com/2018/11/16/vivahouse-prefabricated-co-living-modular-london/ co-housing movement of the 1960s (see pdf IMAGINE)
- IKEA's miniatured wooden block village *Space10* https://www.dezeen.com/2019/03/08/solarville-space10-village-solar-energy-blockchain/ co-living and shared spaces (2 slide) https://www.dezeen.com/2018/10/16/brave-new-world-shared-living-shared-housing-space10/ ****IMAGINE pdf magazine (download pdf) (superb!) https://s10.io/imagine-report
- A-frame https://philly.curbed.com/2017/10/5/16402546/a-frame-cabin-rentals-pennsylvania floating A-frame school ... floor plans for 10 offices https://www.dezeen.com/2019/05/25/office-floor-plans-interesting/
- 10 office designs https://www.dezeen.com/2019/05/25/office-floor-plans-interesting/
- arcology (architecture + ecology) — a 3d urban megastructure that incorporates green house, solar advantage, and no cars. See sample sketches by Paolo Soleri. It is a set of architectural design principles aimed toward the design of enormous habitats (hyperstructures) of extremely high human population density.||| seaside arcology for southern China http://www.cityfarmer.org/frick.html#frick ||| http://www.essential-architecture.com/STYLE/STY-073.htm ||| http://arcology.com/ https://www.pinterest.ca/RedHenColorado/post-arcology/ ||| A prototype (called Arcosanti Urban Laboratory) is under construction near Mayer, Arizona www.arcosanti.org >>**living closely in a dynamic environment increases interactions and bonds, creating abundant stimulus and opportunity.**<< ||| Soleri's book https://www.amazon.com/Arcology-City-Image-Paolo-Soleri/dp/0262690411

pdf pocket housing
https://www.hastingshousing.com/docs/wysiwyg/Pocket_Housing_Presentation.Nov2013.pdf

pocket 'hoods (different definition)
http://pocket-neighborhoods.net/whatisaPN.html

Next, still — as part of our preparation to look at Hamilton's improved housing options -- we will now look first at some projects underway in other cities. Although not identical to **home:front**, the sheer magnitude of the scope of links and projects indeed shows that the city is a magnet and that young people are often becoming their own developers and builders, opting for smaller living quarters for short stays. There is also the added task of cleaning and maintaining the several thousand square feet of interior space in a monster suburban villa (which still seems to be the preferred choice for many couples and families).

WINNIPEG

pocket suites, pocket housing
https://tinyhouseblog.com/apartment-living/pocket-suites-in-winnipeg/
pocket houses
www.sam.mb.ca/pockethouses/index.html
https://www.pocketliving.com
mb pockethousing realtor
https://www.sam.mb.ca/find-a-home/single-persons-housing

VANCOUVER (UBC)

2016 03 14 Vancouver UBC Nano Studio micro-apartment student housing solution (Van is 3rd least affordable housing behind HK and Sydney)
https://www.treehugger.com/tiny-houses/nano-student-micro-apartments-university-british-columbia-ubc.html
shrt video https://vimeo.com/156141434

LUND SWEDEN

Lund, Sweden student housing, the BoKompakt
https://www.treehugger.com/tiny-houses/compact-student-housing-sweden-fair-companies.html

- https://housing.justlanded.com/en/Finland_Southern-Finland_Helsinki/For-Rent_Apartments/Laurinniityntie-Helsinki-1435967
- https://www.vuokraovi.com/vuokra-asunto/vaasa/keskusta/kerrostalo/yksio/845972
- https://www.laurea.fi/en/international/exchange-students-and-trainees/housing/

VERMONT

Green Mtn towable tiny house
Vermont's Green Mountain College [Renewable Energy and Ecological Design students' build: OTIS (which stands for Optimal Traveling Independent Space) and is an aerodynamic, pod-shaped design, made to be towed on a standard 5 by 8 foot trailer and a four-cylinder vehicle.
https://www.treehugger.com/green-architecture/otis-optimal-travel-independent-space-green-mountain-college.html
>> It has its own rainwater collection system that feeds into the indoor plumbing, in addition to the 120-watt solar panel system to provide electricity. To handle human waste, the OTIS uses a composting toilet<<
www.greenmtn.edu/reed/reed-projects.aspx
http://www.greenmtn.edu/
college is closing
https://www.greenmtn.edu/message-from-the-president/

NEW YORK

micro-apartments
https://ny.curbed.com/micro-apartments-nyc
razed 6-storey gives way to 8-story (13 micro-units of 500sf topped by 2 full-floor apartments)
https://ny.curbed.com/2019/1/22/18192678/lower-east-side-micro-apartment-seward-park
New York building with options
https://www.theassemblage.com
nyc affordable housing
https://ny.curbed.com/affordable-housing-nyc

LOS ANGELES

UCLA CItyLab https://www.treehugger.com/tiny-houses/bihome-ucla-students-design-tiny-home-affordable-housing-crisis.html

HONG KONG

40 sf cubicle
https://www.treehugger.com/urban-design/hong-kong-cubicle-public-housing-crisis.html
>> HK has a 320,000-person-long waiting list for public housing<<

PHILADELPHIA
*modular building in Philly (similar to Home:Front?)
https://philly.curbed.com/2019/5/14/18623453/lvl-modular-prefab-building-west-philly-rent-chestnut

other cities
https://www.curbed.com/cities-directory

car design meets minimal living
2017 Dezeen x MINI (Cooper) Living
https://www.dezeen.com/miniliving/
>> MINI's co-living destination in Shanghai "brings know-how from vehicles into places where we live"
>> Car brand MINI is diversifying into urban development with the MINI Living building in Shanghai, which will see a disused industrial complex transform into apartments, offices and leisure spaces.<<

Carlo Ratti Livingboard prefab housing for India
https://www.dezeen.com/2018/12/30/carlo-ratti-livingboard-prefab-housing-rural-india/

security, lighting, fire prevention, ventilation
Foster + Parters integrated building services system https://www.dezeen.com/2018/04/04/foster-partners-launches-integrated-building-services-system/?li_source=LI&li_medium=rhs_block_1
https://www.fosterandpartners.com

========== SUPPLEMENTAL ENDS ==========

HAMILTON

It has been reported that Hamilton city council is having a serious look at laneway housing as a solution to homelessness in the city. This concern has been raised in 2012, 2016, 2017, and now 2019. What were the outcomes? Time may be spent looking at a topic, but following up with practical action is the real test of success. Let's hope that the **home:front** project will infuse a new ethic and vision, and the surrounding community be uplifted.

We all know that laneway housing requires lanes and the built roadway grid. One benefit is that it *does* add to urban density and it could be a solution for homelessness.

PARTIAL DOCUMENTATION OF HAMILTON CITY'S INTEREST IN AFFORDABLE HOUSING

2012.09.22
https://www.thespec.com/opinion-story/2256907-affordable-homes-pocket-housing-gradually-emerging-in-hamilton/
http://www.sprc.hamilton.on.ca/2012/09/affordable-housing-pocket-housing/

2015.03.19
https://raisethehammer.org/article/2545/is_affordable_housing_a_priority_for_the_broader_hamilton_community:_one_year_later

2017 hamilton laneway homeless
http://www.rcinet.ca/en/2017/03/04/tiny-houses-a-solution-to-homelessness-in-hamilton-ontario/
designer emma cubits
http://www.sprc.hamilton.on.ca/2017/02/tiny-house-wave-comes-to-hamilton-with-new-affordable-housing-project/

indigenous youth homeless housing
https://www.cbc.ca/news/canada/hamilton/indigenous-homeless-youth-program-ready-for-clients-friday-1.4988383

affordable housing workshop
https://www.raisethehammer.org/article/1337/

2019 hamilton tiny laneway homes
https://www.cbc.ca/news/canada/hamilton/tiny-houses-1.4320161?__vfz=medium%3Dsharebar&fbclid=IwAR3UGgdPuuYyRgpxYsWMy2mb4teORHUl-GOyTAwLBfVSuEWfImMB30eJ0ME

emma lea cubitt's master thesis on laneway housing
https://uwspace.uwaterloo.ca/handle/10012/3603

home:front breaks new ground. Its minimalist approach, its flexibility of interior design and use, its innovative financial model, its inclusion of shared spaces — all offer considerable advantage and quick appeal to anyone informed of the trends and alternatives that bypass the mainstream realtors with their sky-high rental rates and astronomical selling prices.

Let's do more with less and all get behind the 8-ball for the JvN/d **home:front** project!

---- end of feedback for JvN/d composed on 2019 05 27 ----

Chamberlain, Lisa

From: SW
Sent: May 30, 2019 1:40 AM
To: Chamberlain, Lisa
Subject: link to free zine -- IMAGINE: Exploring the brave new world of shared living

Hi, Lisa Chamberlain:

I tried to attach a very interesting e-zine, IMAGINE issue 2. But the file was over the limit for attachments to hamilton.ca.

This issue is called **IMAGINE: Exploring the brave new world of shared living**.

The link below should open up the pdf file, and hopefully the City Design Panel members can enjoy its many articles and insights.

https://space10.io/collection/imagine-exploring-the-brave-new-world-of-shared-living/

Kind regards,

Steve Watson

Hamilton, ON

Chamberlain, Lisa

From: Rashmi Nathwani
Sent: June 1, 2019 2:14 PM
To: Chamberlain, Lisa
Cc: Emily from JvN/d
Subject: 468-476 James St N, Proposed development

Hello Lisa Chamberlain:

I am a former and prospective resident of Hamilton, I would like to record my support for the above project. It is an innovative and affordable housing proposal that will enhance the city downtown and environs.
Sincerely,

Rashmi Nathwani, MBA, MASc, P. Eng

Chamberlain, Lisa

From: Robyn Gillam
Sent: June 2, 2019 5:40 PM
To: Chamberlain, Lisa
Subject: 468James

Steve Robichaud
Director, Planning & Chief Planner
City of Hamilton
71 Main Street West
Hamilton ON L8P 4Y5

Re: Incremental Changes to the City of Hamilton's Official Plan

Dear Mr. Robichaud,

On behalf of the <INSERT NEIGHBOURHOOD ASSOCIATION NAME HERE>, I'm writing to indicate that we are aware that there are applications currently under review, including 468 James Street North in the North End, which seek to make "ad hoc" or incremental changes to the City's Official Plan.

We are not supportive of this method of changing the Official Plan, or other secondary and neighbourhood plans, that focuses on changes in response individual development applications.

Instead, changes to approved secondary plans should be carried out in a manner that enables the neighbourhood to assess, study, and contribute to potential changes in a comprehensive manner rather than attempting to deal with one project at a time.

Sincerely,

Robyn Gillam

Chamberlain, Lisa

From: Nick Dika <
Sent: June 3, 2019 1:15 PM
To: Chamberlain, Lisa
Subject: Development Application 468-476 James St. North

Hi Lisa,

My name is Nick Dika and I've been a resident of the North End for six years now. I live on Ferrie street just west of McNab.

I'm sending an email to lend my support to to the JVND development on James St. North. As the city continues to grow and develop, I think it's very important to prioritize affordable housing and believe the JVND team is looking at innovative and inclusive solutions when it comes to housing in the city.

I'm unable to attend Tuesday's Planning Committee meeting but I wanted to send an email letting you know that the project is one that I support and hope gets approved by the city.

Thanks for your time and consideration,
Nick Dika

Chamberlain, Lisa

From: Jo-Ann Tetreault
Sent: June 3, 2019 1:47 PM
To: Chamberlain, Lisa
Subject:

Hi Lisa

I can not make the meeting

I am a widow, semi retired.
Would like to be fully retired but my income is not enough.
The housing project is a wonderful plan.
There are more seniors that every who are in need of affordable housing
I am now renting in the North end and would like to be able to stay in this area.
I am looking forward to hearing more about this project.
Please keep me informed
Thank you

Jo-Ann Tetreault

Chamberlain, Lisa

From: Kate Berry
Sent: June 3, 2019 2:42 PM
To: Chamberlain, Lisa
Subject: Submission of comments re: Development application for 468-476 James Street North

Dear Sir/Madam,

RE: Development application for 468-476 James Street North

I write to express my support for the proposed development at 468-476 James Street North.

I am a single parent living in a rented property in the North End, since 2015. My child attends Bennetto Public School. We love our neighbourhood and hope to be able to stay here long term and grow the roots we have already put down. The biggest barrier to us staying in the area is the affordability of housing. I hope to be able to own my home in the future, but that will be very challenging based on my income and the average property prices in the North End. Hence it is with great interest that I have followed the design and consultation for the proposed development by JvN/d as a place that could offer feasible home ownership to someone like me. I think that the proposal is innovative and progressive and it will set a benchmark for other housing developments in Hamilton and across Canada.

Best regards
Kate Berry

Hamilton,

17 Witherspoon Street,
Dundas, Ontario L9H 2C4
June 3, 2019

Re: Item 8.3 June 4, 2019 Planning Committee agenda, 468-476 James Street North

Dear City Planning Committee:

If we as a city are to meet the growing and serious need for affordable housing in Hamilton, the city of Hamilton needs to act with all the flexibility it can and to strongly encourage innovative solutions. By affordable, I mean housing that costs less than 30 per cent of gross household income for the lowest 60 per cent of income earners—the definition in the city's Housing and Homelessness Action Plan.

I know the city has made significant and important efforts to tackle the issue, so I'm not being critical. Yet key targets elude us. The city's Official Plan and Housing and Homeless Action Plan goal of 300 new affordable units a year is not close to being met. Each year only about a third of that target has been achieved since the action plan was approved in 2013. The action plan set a goal of reducing the wait list for subsidized housing by 50 per cent by 2023. Yet the list has *grown* by 25 per cent, as rents keep rising and affordable units become harder to find.

JvN/d's proposal for 468-476 James North is both flexible and tremendously innovative: flexible sized units, flexible construction including sweat equity, flexible tenure (own and rent) and flexible and innovative financing. And if NvN/d can actually deliver condo ownership to people earning as little as $25,000 a year, that is startling. Households with that income are not be able to afford the average *rent* in the city, let alone buy even the cheapest house.

Yet I share neighbours' concerns that an eight-storey building exceeds the standard set by the secondary plan for the neighbourhood and that the planning department's justification for exceeding the standard may set a precedent for other developments, most of which will not bring the benefits of affordable housing that the JvN/d plan does.

If eight storeys is needed to make this project viable, and to make it possible to provide housing that is affordable, let me suggest a possibility that would appear not to set such a negative precedent.

It would be preferable to permit the extra storeys for 468-476 James North as a trade-off for the community benefit of affordable housing units. Such trade-offs are allowed under Section 37 of the Planning Act and in Chapter F, Section 1.9, of the city's Urban Official Plan. That section allows the city to permit greater height or density than allowed in the zoning bylaw in return for securing community benefits that include affordable housing. Proceeding that way, there would be only a limited precedent for future taller buildings, justifiable only if they too provide the community benefit of affordable units.

Respectfully submitted,

Bill Johnston

WELCOME TO THE CITY OF HAMILTON

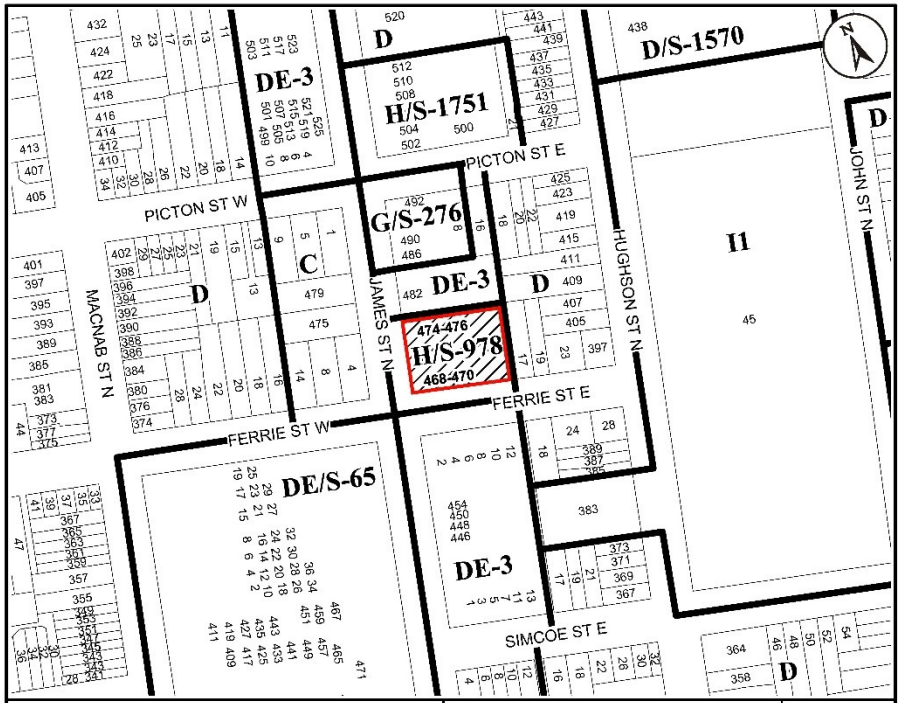
PLANNING COMMITTEE

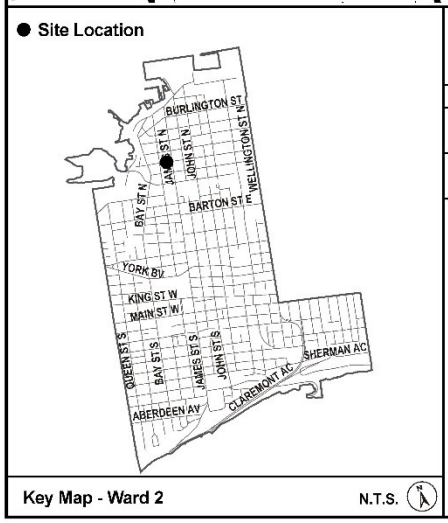
June 4, 2019

PED19116 – (ZAC-18-020 & UHOPA-18-007)

Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 468 to 476 James Street North, Hamilton.

Presented by: Daniel Barnett





Location Map

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

Hamilton

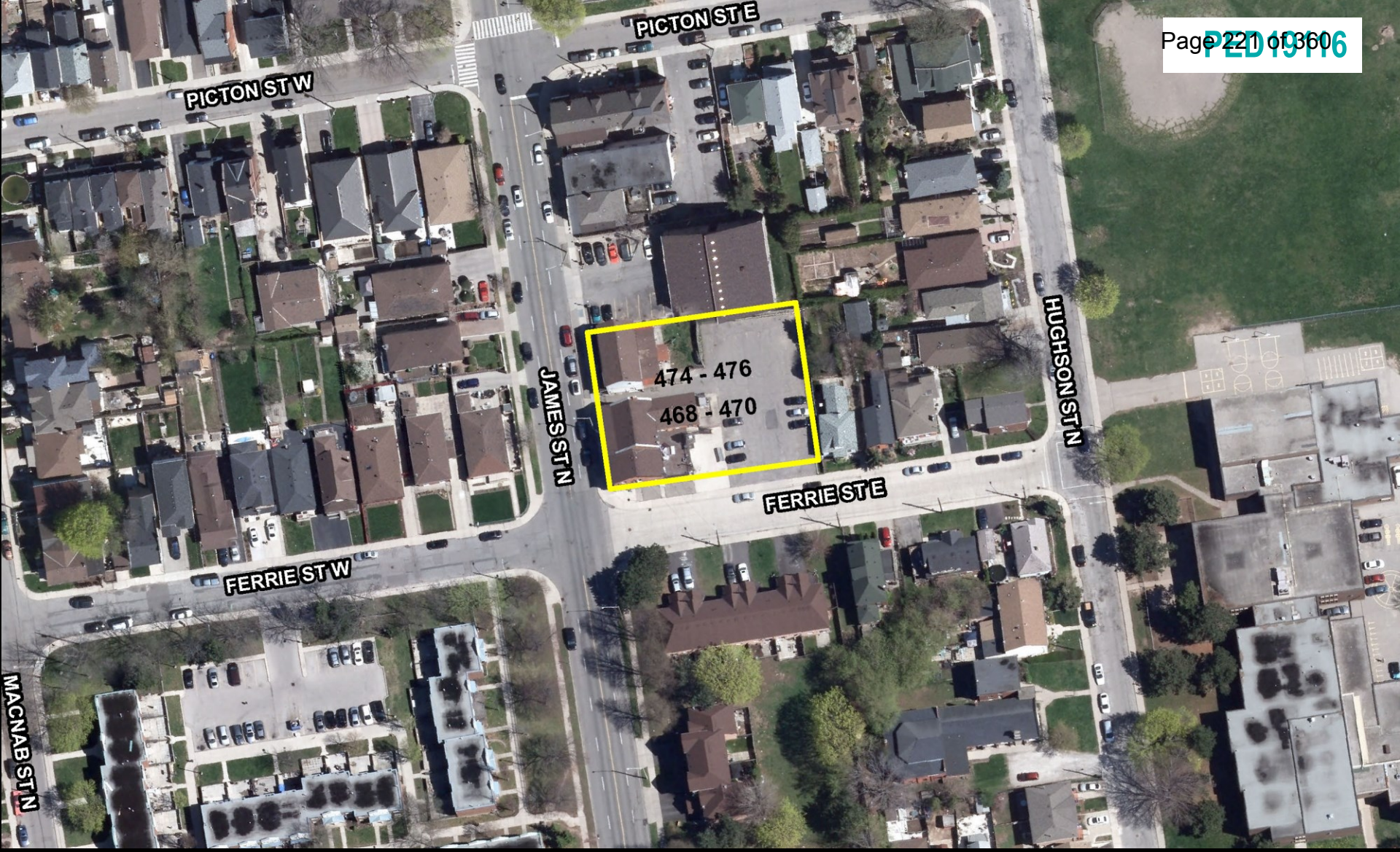
File Name/Number:	Date:
ZAC-18-020 / UHOPA-18-007	May 3, 2019

Appendix "A"	Scale: N.T.S.	Planner/Technician: AL/AL

Subject Property

468 - 470 & 474 - 476 James Street North

To further modify the "H/S-978" (Community Shopping and Commercial Etc.) District, Modified, to the "H/S-978a-'H1','H2'"" (Community Shopping and Commercial, Etc.) District, Holding, Modified



SUBJECT PROPERTY

468 – 470 & 474 – 476 James Street North, Hamilton

3.1 ARCHITECTURAL DRAWINGS

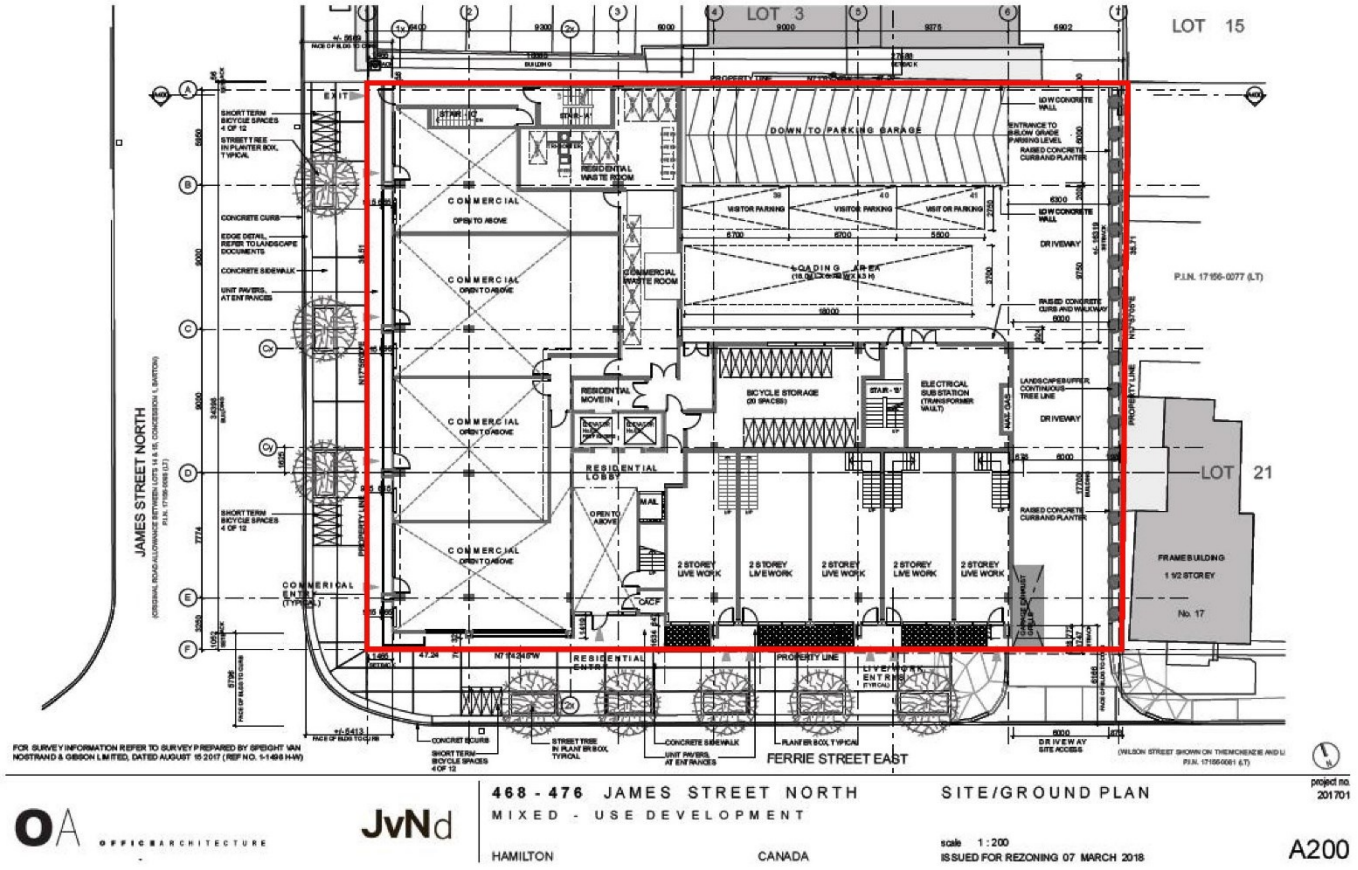
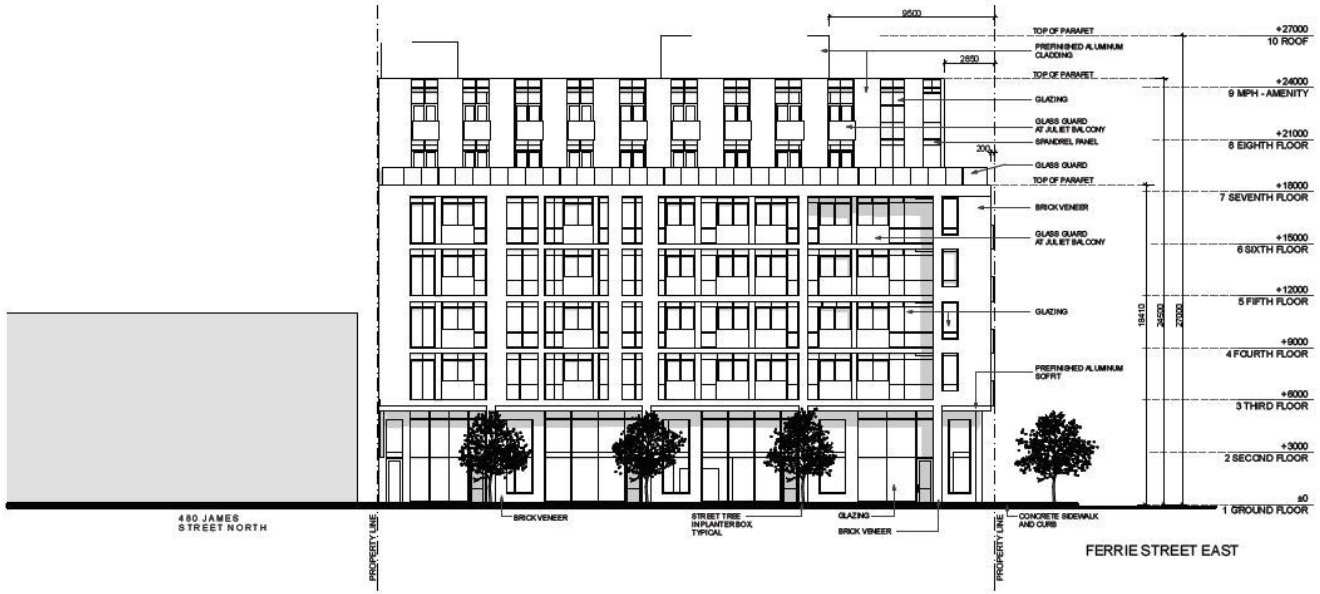


Figure 10: Proposed site/ground plan.

ARCHITECTURAL DRAWINGS



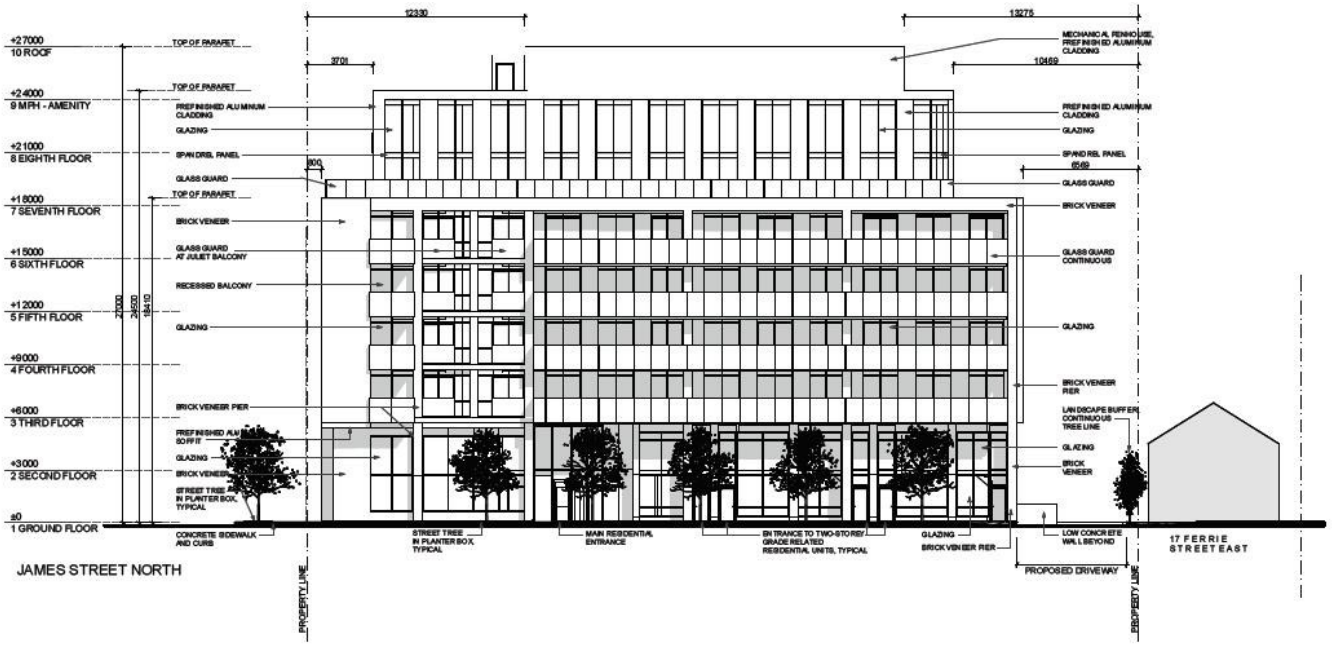
OA OFFICE ARCHITECTURE | JvN/d

466 - 476 JAMES STREET NORTH
MIXED - USE DEVELOPMENT
HAMILTON CANADA

JAMES ST NORTH
WEST ELEVATION
scale 1 : 200
ISSUED FOR REZONING 07 MARCH 2018

project no. 201701
A300

Figure 20: Proposed west elevation, James Street North facade.



OA OFFICE ARCHITECTURE | JvN/d

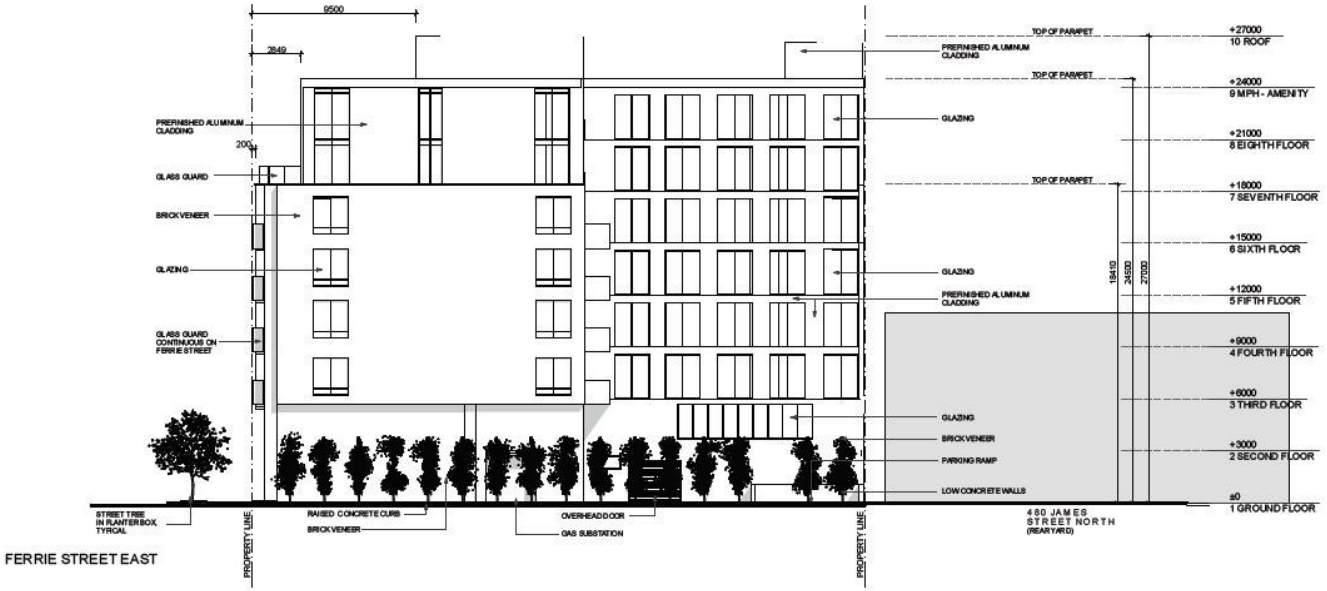
466 - 476 JAMES STREET NORTH
MIXED - USE DEVELOPMENT
HAMILTON CANADA

FERRIE STREET EAST
SOUTH ELEVATION
scale 1 : 200
ISSUED FOR REZONING 07 MARCH 2018

project no. 201701
A301

Figure 21: Proposed south elevation, Ferrie Street facade.

ARCHITECTURAL DRAWINGS



OA OFFICE ARCHITECTURE | JvN/d | 466 - 476 JAMES STREET NORTH | MIXED - USE DEVELOPMENT | HAMILTON CANADA | REAR EAST ELEVATION | scale 1 : 200 | ISSUED FOR REZONING 07 MARCH 2018 | project no. 201701 | A302

Figure 22: Proposed south elevation.

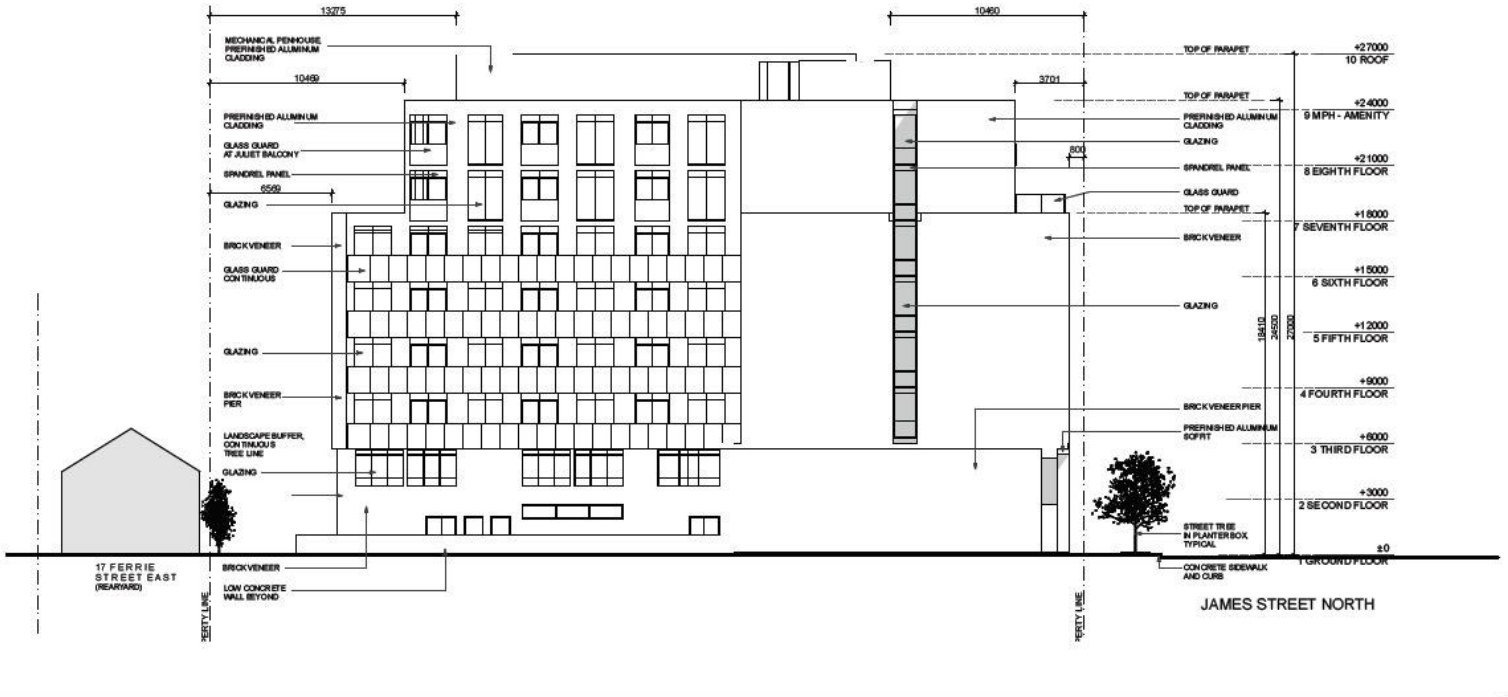
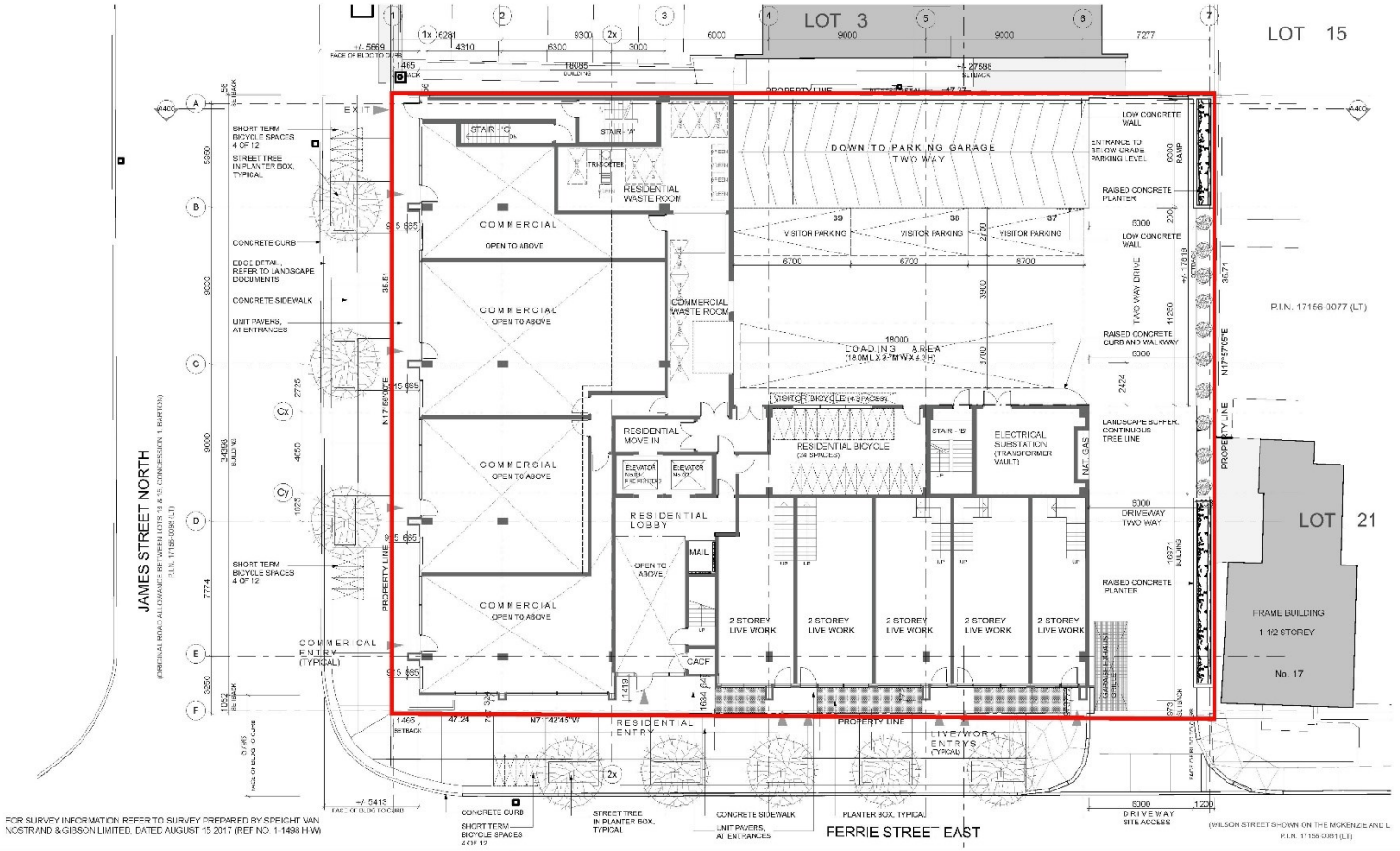


Figure 23: Proposed north elevation.



OA OFFICE ARCHITECTURE JvNd

468 - 476 JAMES STREET NORTH
MIXED - USE DEVELOPMENT

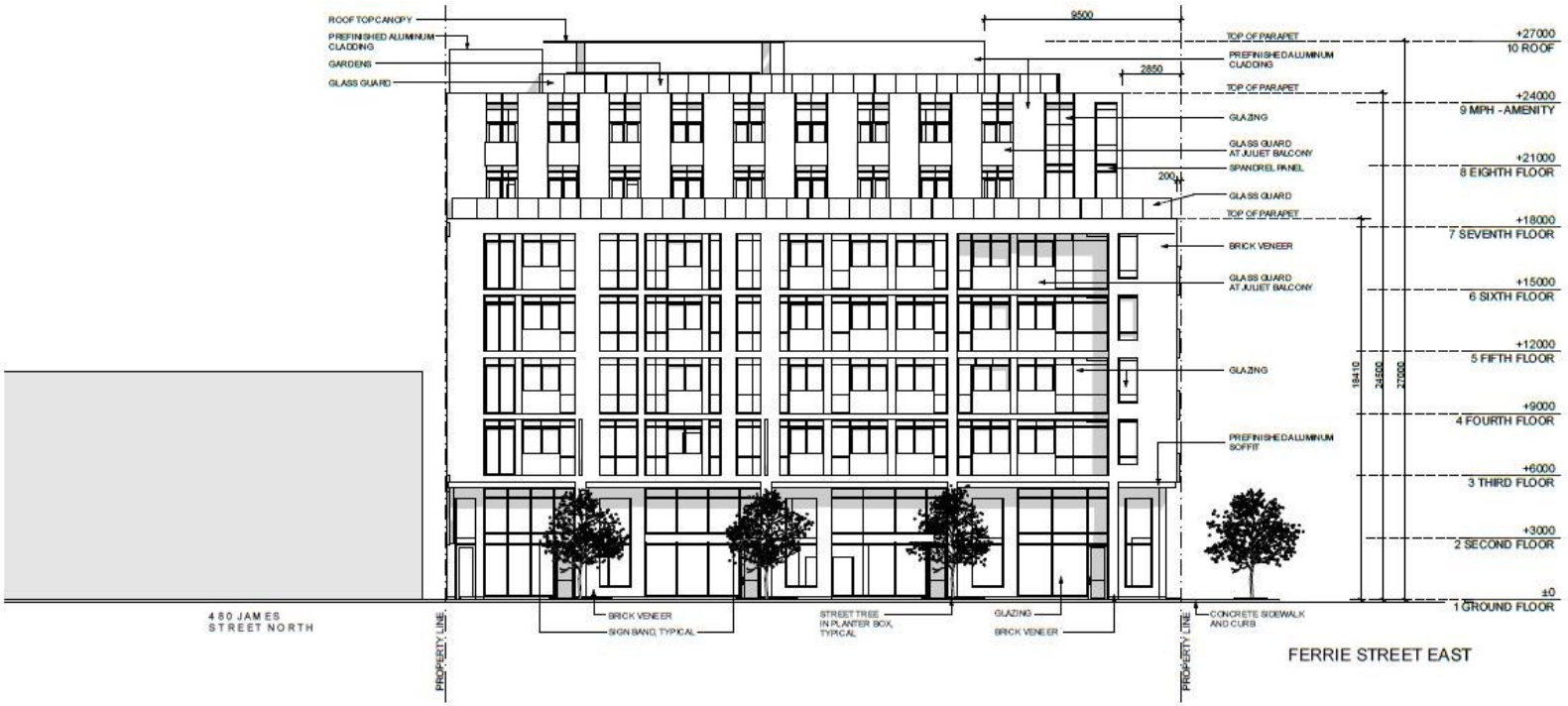
HAMILTON CANADA

SITE/GROUND PLAN

scale 1 : 200
REISSUED FOR REZONING 18 MARCH 2019 REV 02

project no. 201701

A200



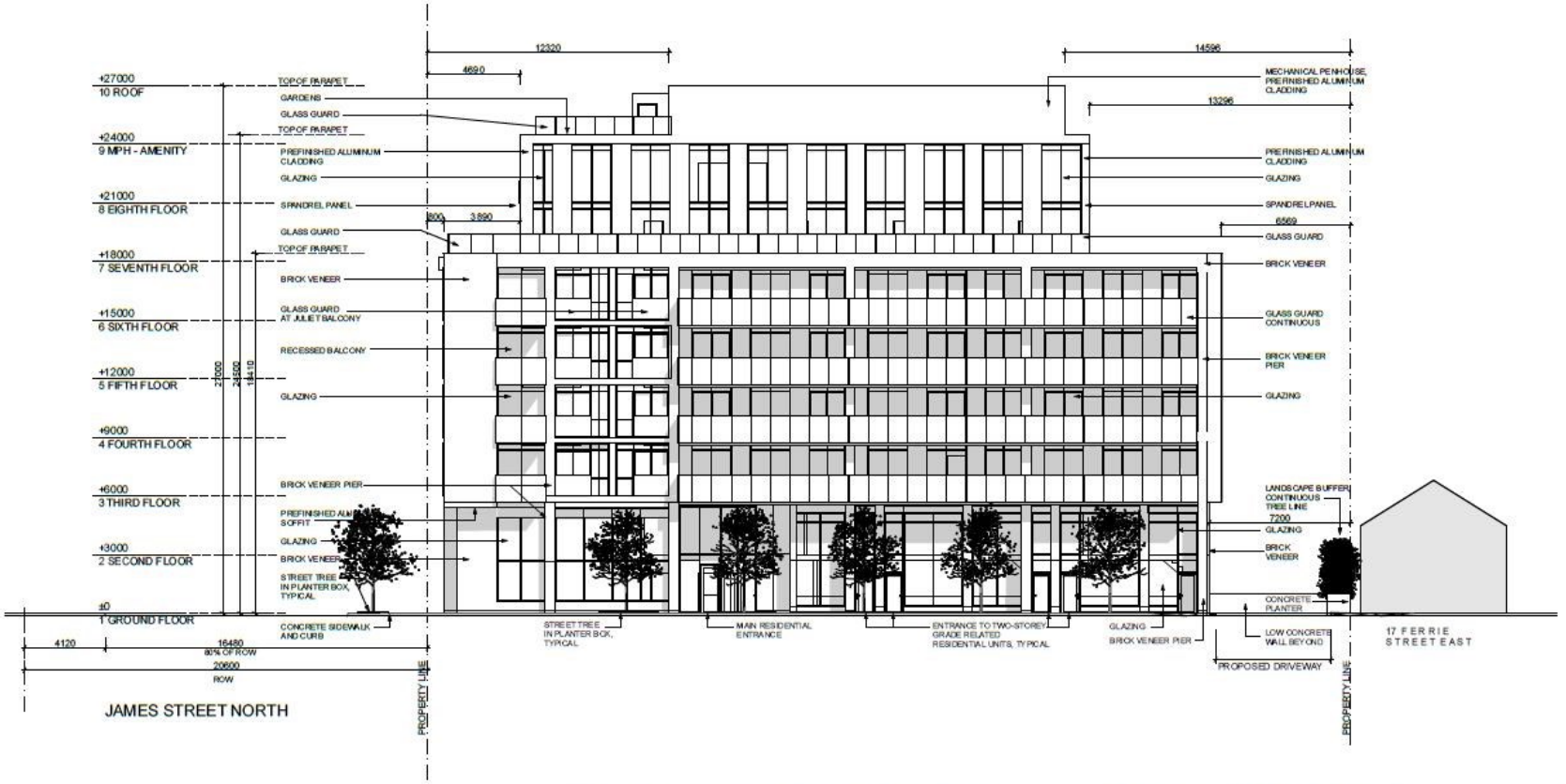
OA OFFICE ARCHITECTURE

JvNd

468 - 476 JAMES STREET NORTH
MIXED - USE DEVELOPMENT
HAMILTON CANADA

JAMES ST NORTH
WEST ELEVATION
scale 1 : 200
REISSUED FOR REZONING 21 SEPT 2018 REV 01

project no. 201701
A300



OA OFFICE ARCHITECTURE

JvNd

468 - 476 JAMES STREET NORTH
MIXED - USE DEVELOPMENT

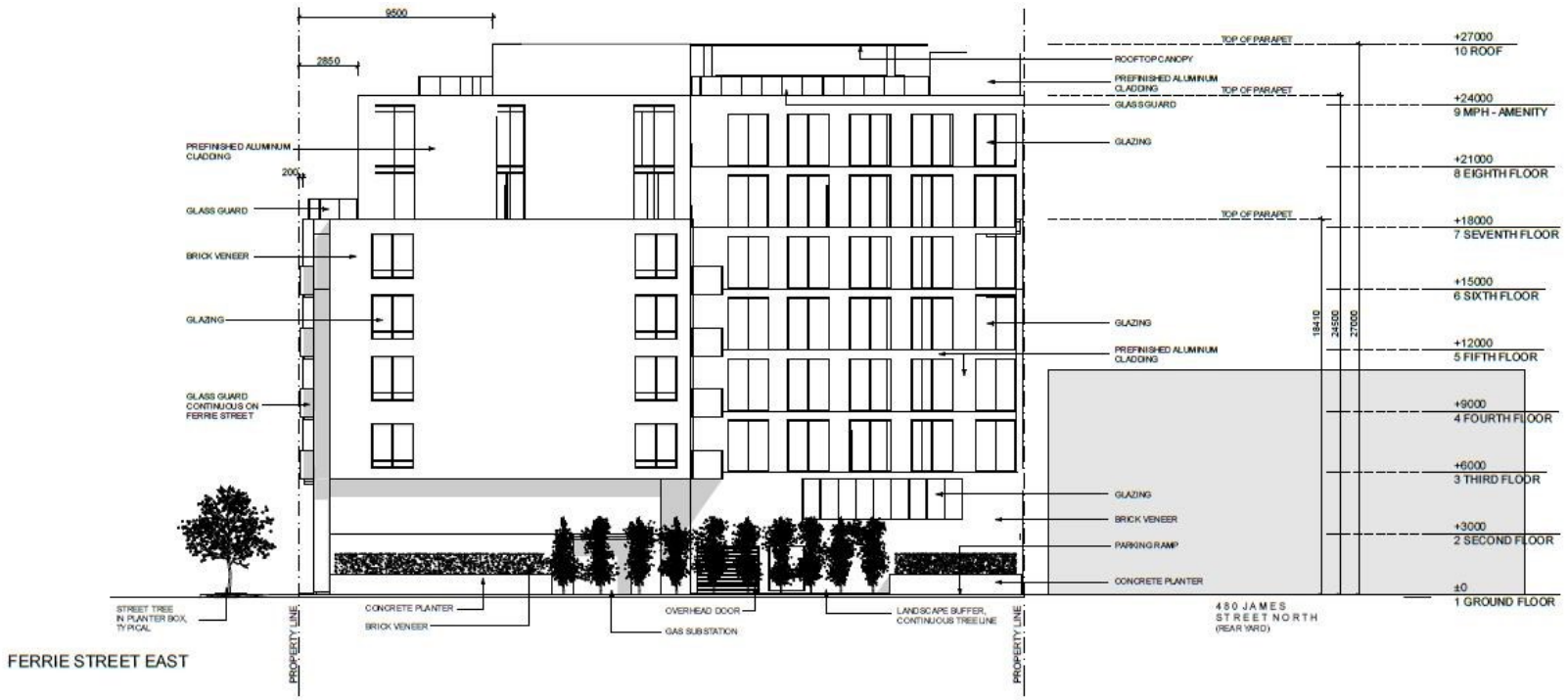
HAMILTON CANADA

FERRIE STREET EAST
SOUTH ELEVATION

scale 1 : 200
REISSUED FOR REZONING 21 SEPT 2018 REV 01

project no. 201701

A301



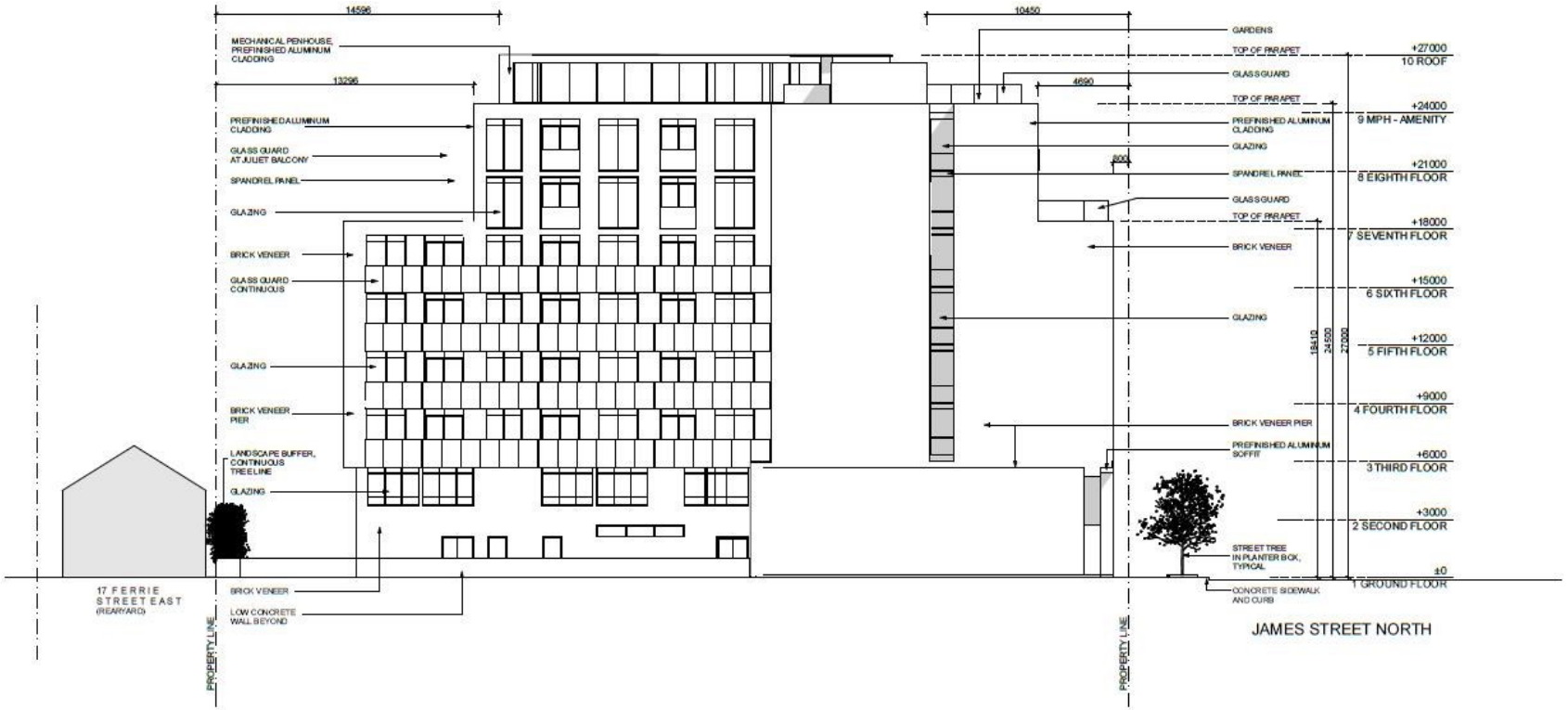
OA OFFICE ARCHITECTURE

JvNd

468 - 476 JAMES STREET NORTH
MIXED - USE DEVELOPMENT
HAMILTON CANADA

REAR
EAST ELEVATION
scale 1 : 200
REISSUED FOR REZONING 21 SEPT 2018 REV 01

project no. 201701
A302



OA OFFICE ARCHITECTURE

JvNd

468 - 476 JAMES STREET NORTH
MIXED - USE DEVELOPMENT

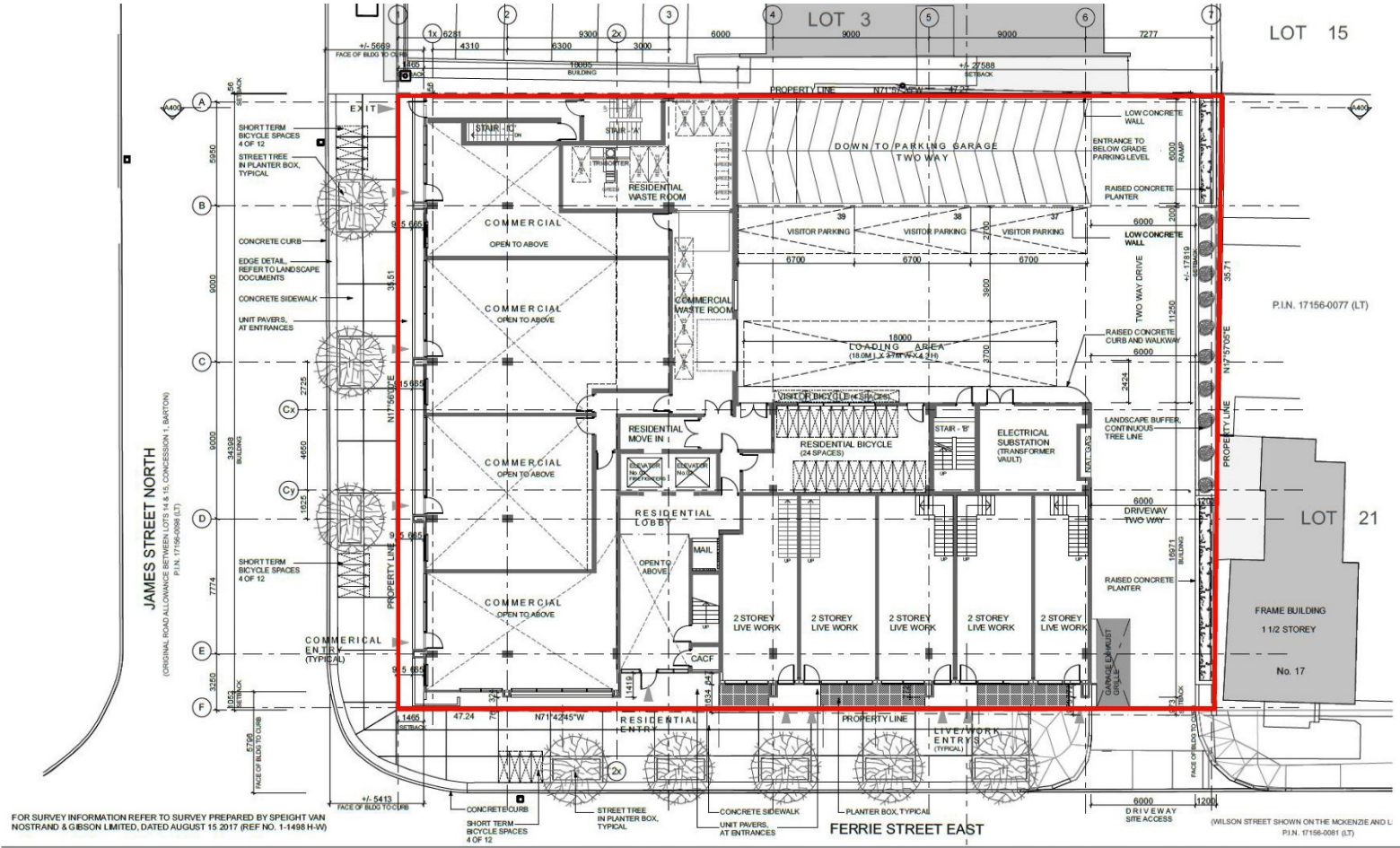
HAMILTON CANADA

SIDE
NORTH ELEVATION

scale 1 : 200
REISSUED FOR REZONING 21 SEPT 2018 REV 01

project no. 201701

A303



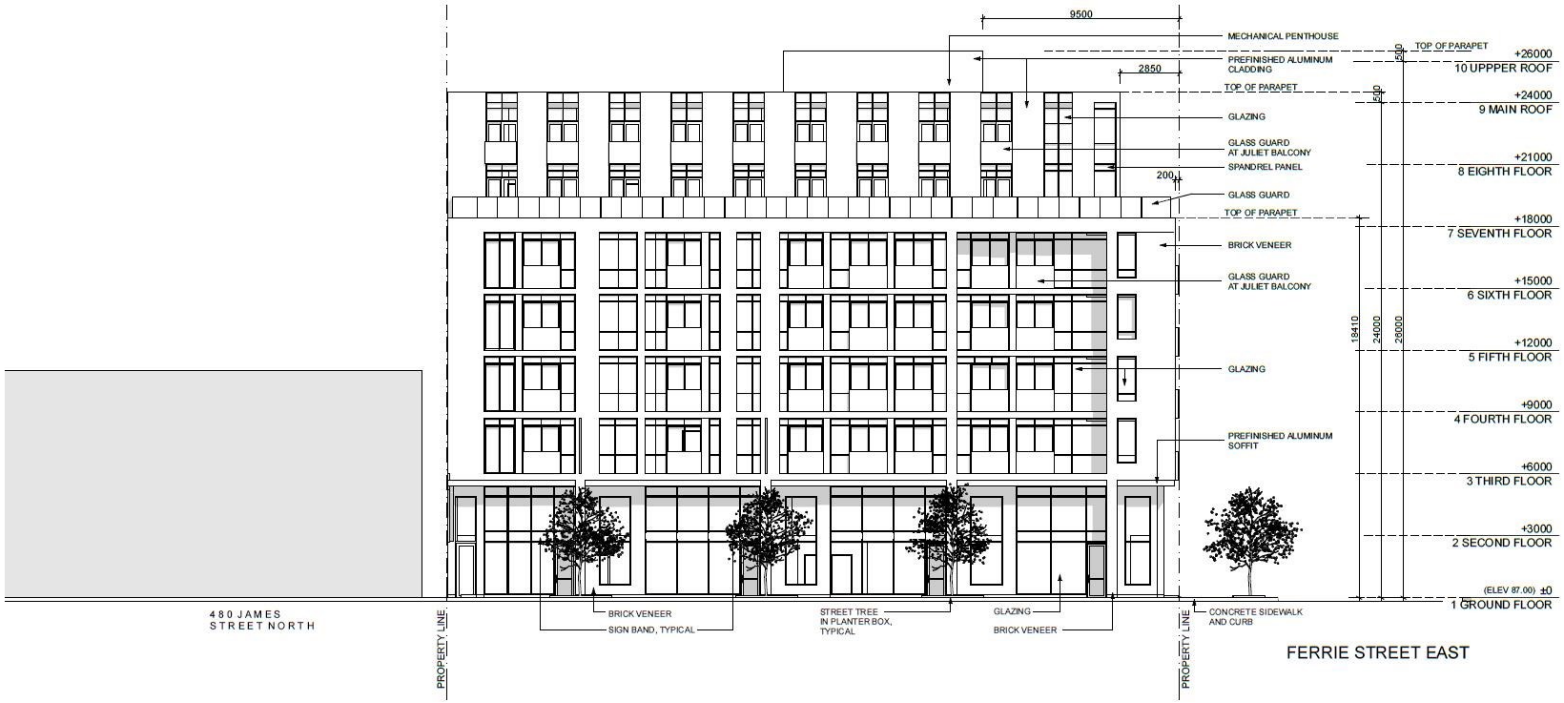
OA OFFICE ARCHITECTURE

JvNd

468 - 476 JAMES STREET NORTH
MIXED - USE DEVELOPMENT
HAMILTON CANADA

SITE/GROUND PLAN
scale 1 : 200
REISSUED FOR REZONING 18 MARCH 2019 REV 02

project no. 201701
A200



OA OFFICE ARCHITECTURE

JvNd

468 - 476 JAMES STREET NORTH
MIXED - USE DEVELOPMENT

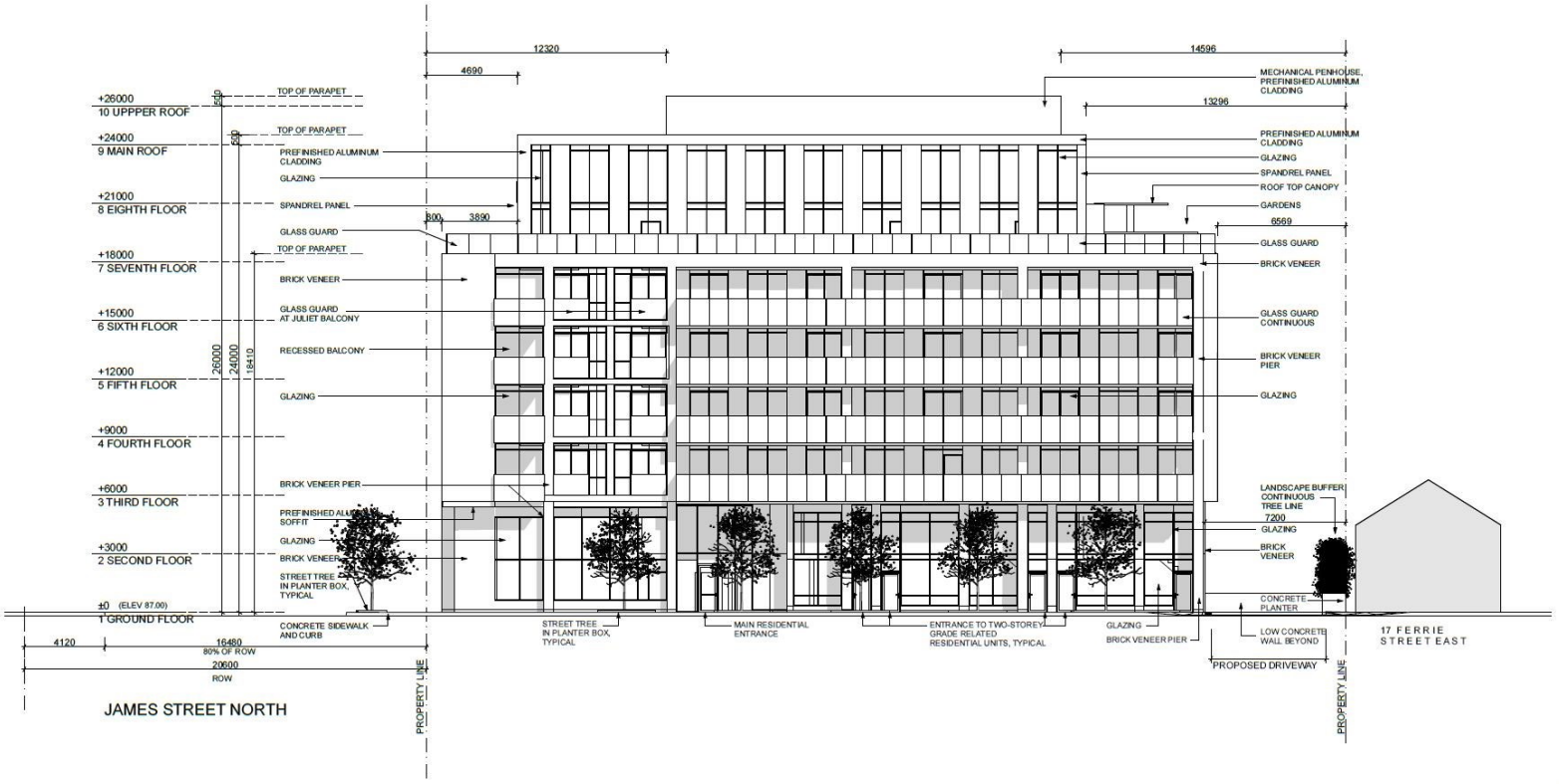
HAMILTON CANADA

JAMES ST NORTH
WEST ELEVATION

scale 1 : 200
REISSUED FOR REZONING 18 MARCH 2019 REV 02

project no. 201701

A300



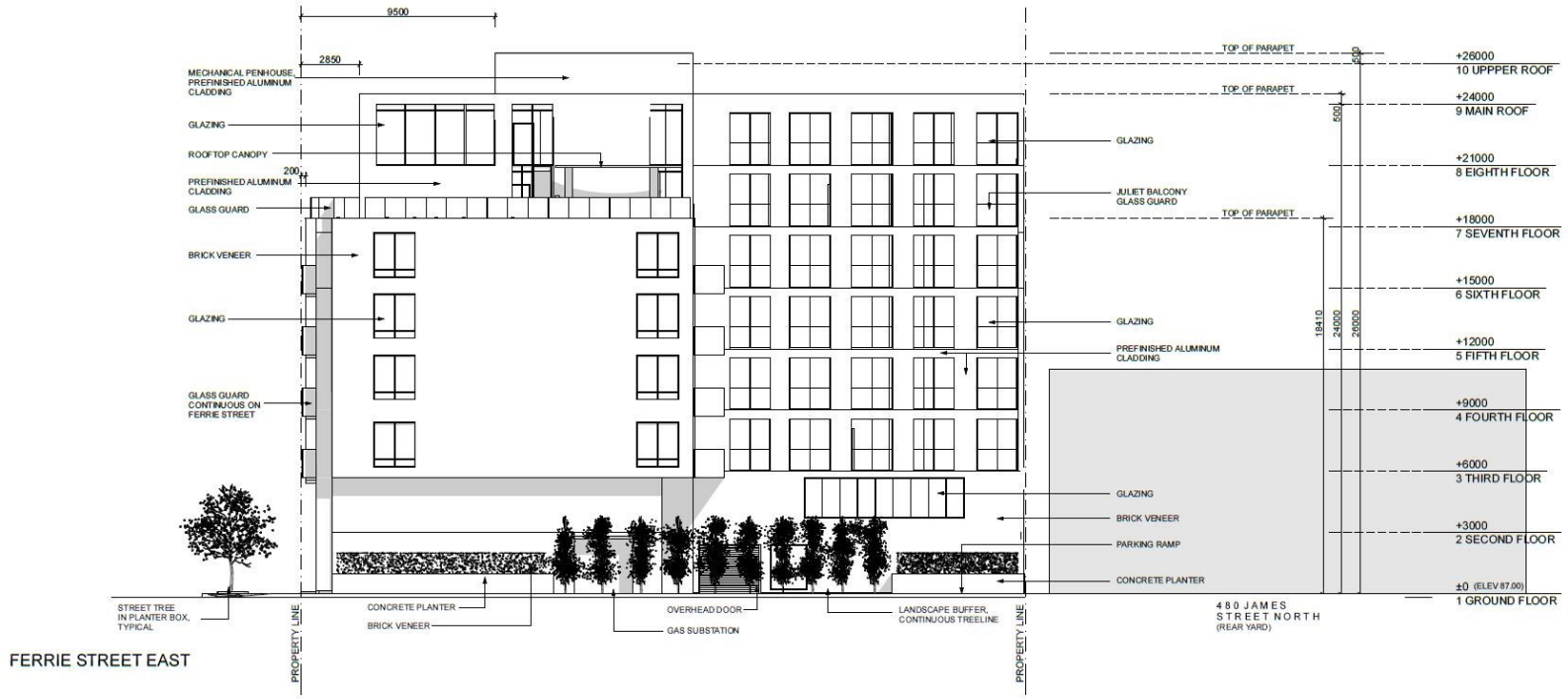
OA OFFICE ARCHITECTURE

JvNd

468 - 476 JAMES STREET NORTH
MIXED - USE DEVELOPMENT
HAMILTON CANADA

FERRIE STREET EAST
SOUTH ELEVATION
scale 1 : 200
REISSUED FOR REZONING 18 MARCH 2019 REV 02

project no. 201701
A301



OA OFFICE ARCHITECTURE

JvNd

468 - 476 JAMES STREET NORTH
MIXED - USE DEVELOPMENT

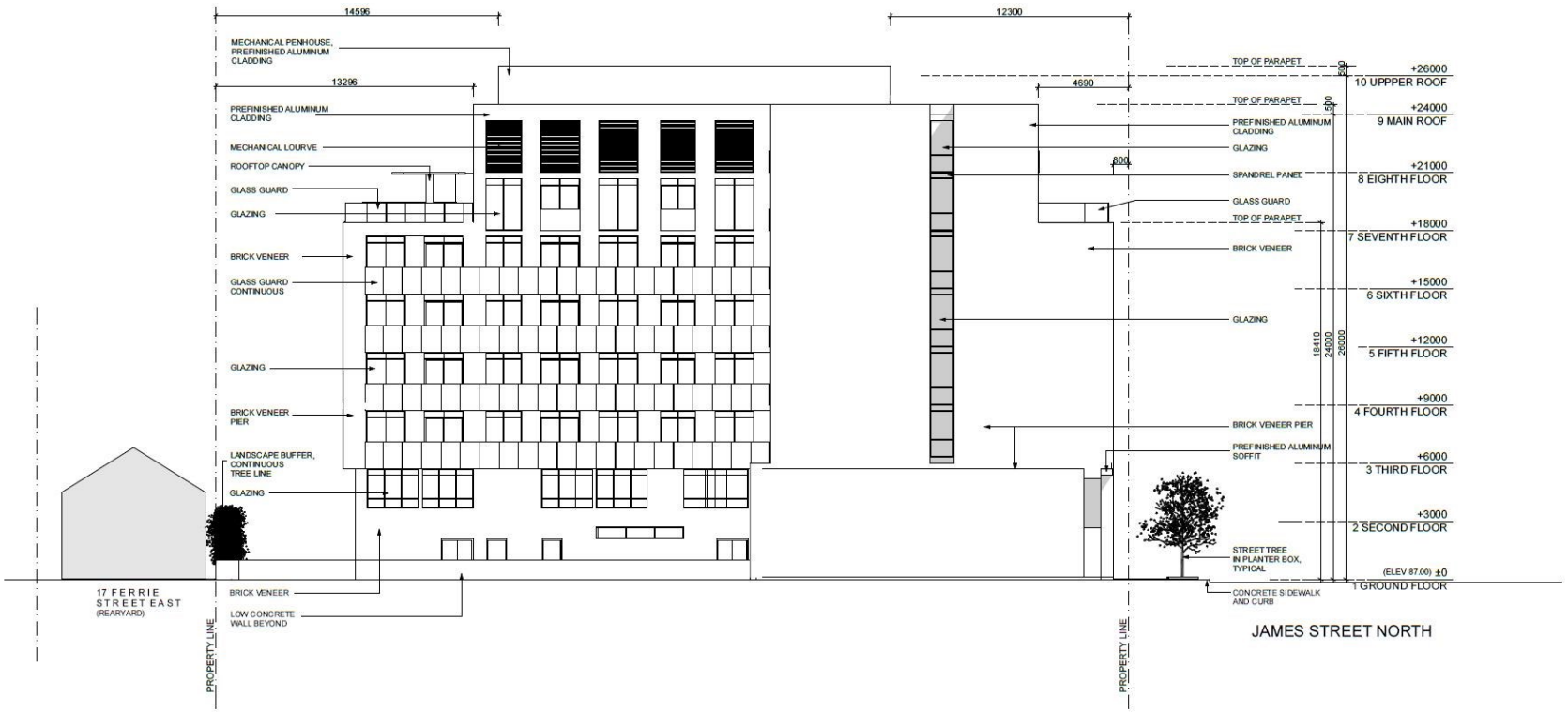
HAMILTON CANADA

REAR
EAST ELEVATION

scale 1 : 200
REISSUED FOR REZONING 18 MARCH 2019 REV 02

project no. 201701

A302



OA OFFICE ARCHITECTURE

JvNd

468 - 476 JAMES STREET NORTH
MIXED - USE DEVELOPMENT

HAMILTON CANADA

SIDE
NORTH ELEVATION

scale 1 : 200
REISSUED FOR REZONING 18 MARCH 2019 REV 02

project no. 201701

A303

PED19116
Photo 1

Photo of existing buildings on the Subject Lands (468 & 470 James Street North), as seen from James Street North looking east.

PED19116
Photo 2

Photo of existing buildings on the Subject Lands (474 & 476 James Street North), as seen from James Street North looking east.

PED19116
Photo 3

Photo of the existing rear parking lot on the Subject Lands, as seen from Ferrie Street East looking north.

PED19116
Photo 4

Photo of the rear of the existing buildings on the Subject Lands, as seen from Ferrie Street East looking north west.

PED19116
Photo 5

Photo of 17 Ferrie Street East located to the east of the Subject Lands, as seen from Ferrie Street East looking north east.

PED19116
Photo 6

Photo of 18, 24, and 28 Ferrie Street East located to the south east of the Subject Lands, as seen from Ferrie Street East looking south east.

PED19116

Photo 7

Photo of 2 to 12 Ferrier Street East located to the south of the Subject Lands, as seen from Ferrie Street East looking south.

PED19116
Photo 8

Photo of 4 Ferrier Street West located to the west of the Subject Lands, as seen from James Street North looking west.

PED19116
Photo 9

Photo of 482 James Street North located to the north of the Subject Lands, as seen from James Street North looking east.

PED19116
Photo 10

Photo of 482 James Street North located to the north of the Subject Lands, as seen from James Street North looking east.

PED19116
Photo 11

Photo of 486, 490 and 492 James Street North located to the north of the Subject Lands, as seen from James Street North looking east.

THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE

Hamilton

CITY OF HAMILTON
CORPORATE SERVICES DEPARTMENT
Legal and Risk Management Services Division
and
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	June 4, 2019
SUBJECT/REPORT NO:	Bill 108, *More Homes, More Choice Act, 2019* – Ontario Proposed Changes to Land Use Planning, Heritage and Appeals Systems (LS19020/PED19125) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Joanna Wice (905) 546-2424 Ext. 4638 Anita Fabac (905) 546-2424 Ext. 1258
SUBMITTED BY: **SIGNATURE:**	Nicole Auty City Solicitor Legal and Risk Management Services per NA Steve Robichaud Director of Planning and Chief Planner Planning and Economic Development Department

RECOMMENDATIONS

(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;

(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.

EXECUTIVE SUMMARY

On May 2, 2019, Bill 108, *More Homes, More Choice Act, 2019*, was introduced at the Ontario Legislature. If enacted, this Bill would made amendments to 13 different statutes; the purpose of this Report is to provide information on the changes proposed to be made to the *Local Planning Appeal Tribunal Act, 2017*, the *Ontario Heritage Act*, the *Planning Act* and the *Endangered Species Act*.

Changes to the *Ontario Heritage Act* include new timeframes and notice provisions including when a property is added to the Register and permitting property owners to object to their property being included in the Register, to permit demolition or removal of a property in a Heritage Conservation District only if it would not affect the property's heritage attributes as listed in the Heritage Conservation District Plan, and that all municipal heritage appeals will be heard by the LPAT instead of the Conservation Review Board.

Changes to the *Planning Act* include restricting where Inclusionary Zoning can be applied, reduced development application processing timelines, deletion of Section 37 and replacement with a Community Benefits Charge and deletion of the alternative parkland dedication requirements based on density.

Further changes to the *Planning Act* relate to changes to the *Local Planning Appeal Tribunal Act, 2017.* Those amendments remove previous changes made to the planning appeals process that introduced a threshold test for appealing from major land use planning decisions, reducing the first appeal to a summary hearing on the threshold test, and providing municipalities the opportunity to make a second decision. Those changes were made as part of Bill 139 which reformed the Ontario Municipal Board process; Bill 108 reverts the planning appeal process back to the OMB *de novo* hearing procedures.

Changes to the *Endangered Species Act* include broadening the Committee on the Status of Species at Risk in Ontario (COSSARO) member qualifications to include members with expertise in "community knowledge", requiring COSSARO to consider a species' condition around its broader biologically relevant geographic area, inside and outside of Ontario before classifying a species as endangered or threatened and increased discretionary powers to be given to the Minister.

Staff do not support the proposed changes to the *Ontario Heritage Act*, *Planning Act*, *Endangered Species Act*, and *Local Planning Appeal Tribunal Act, 2017.*

The Province has not released information on the regulations required for implementation of Bill 108 and therefore it is not possible to fully understand the implications of the changes proposed by this Bill.

The deadline for comments on Bill 108 is June 1, 2019. As such and given the timing, staff-level comments have been submitted to the Province and through this Report and are contained at Appendix "A" to Report LS19020/PED19125. If the recommendations of this Report are approved by Council, the Director of Planning and Chief Planner will notify the Province that the submissions that were made have been adopted by Council for the City of Hamilton.

Alternatives for Consideration – N/A

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Bill 108 will have financial implications on the City. The degree and magnitude are unknown at this time, but largely implicate the changes to section 37, parkland, and the development charges regime. Some of these implications are more fully described in the May 14, 2019 Information Report provided by Finance and Corporate Services.

Staffing: At this time, Bill 108 only proposes changes and there are no staffing implications at this time. However, if Bill 108 is enacted as currently drafted, there will be staffing resourcing implications associated with the changes.

Legal: Legal Services and the Planning Division will continue to monitor the status of Schedules 5, 9, 11 and 12 of Bill 108 and report back where necessary with recommendations for the implementation of Bill 108, if enacted.

HISTORICAL BACKGROUND

Under the previous Provincial government, the planning system was reviewed, and changes were made through Bill 139 that resulted in various changes to the *Planning Act* and with the creation of the Local Planning Appeal Tribunal. (It should be noted that at that time, there were no changes to the *Ontario Heritage Act* ("OHA") other than technical amendments or to the *Endangered Species Act*). Those changes came into force on April 4, 2018.

On May 2, 2019, Bill 108, *More Homes, More Choice Act, 2019*, was introduced in the Legislative Assembly and received first reading. This Report serves to provide an update on the proposed legislative changes only as they relate to Schedule 5 (changes to the *Endangered Species Act*), Schedule 9 (changes to the *Local Planning Appeal*

Tribunal Act, 2017), Schedule 11 (changes to the *Ontario Heritage Act*), and Schedule 12 (changes to the *Planning Act*). Changes made through other schedules will be discussed in separate reports brought to the attention of Council by other divisions.

ANALYSIS AND RATIONALE FOR RECOMMENDATIONS

Changes to the *Ontario Heritage Act*, *Planning Act* and *Endangered Species Act*

In summary, staff are not supportive of the proposed changes to the *Ontario Heritage Act*, the *Planning Act* or the *Endangered Species Act*. The proposed changes will have an impact on the City's finances, the ability to secure parkland, the evaluation of development applications, the conservation of heritage resources and the protection of endangered species. The proposed changes should not proceed without the appropriate regulations and meaningful consultation with municipalities.

An analysis of the proposed changes, including implications and recommendations, is included in Appendix "B", "C" and "D" to Report LS19020/PED19125.

Should the Province proceed with the proposed changes, staff will report back to Council on any development application process changes and staffing implications expected.

Changes to Planning Appeals Processes and Procedures

Bill 108 proposes a number of changes to the *Planning Act* and the *Local Planning Appeal Tribunal Act, 2017* that make significant changes to the land use planning appeals process. Largely, these have the result of returning the process to that of the former Ontario Municipal Board. It is unclear how these changes would support the stated goal of bring more homes to market faster. Some of those changes are noted below:

Shortened timelines for municipal decisions, no timeline for LPAT decisions

> In order to file for an appeal of a non-decision, the time periods are proposed to be reduced significantly. The power of the Minister to create regulations setting a time period for LPAT decisions to be made within is also proposed to be deleted, which means that the regulation that sets out the time periods for LPAT decisions will likely be repealed. The result of this change is that while the time for a municipality to consider an application has shrunk, the period of time in which the LPAT may consider a matter will be unfettered. These changes will likely result in a greater number of non-decision appeals, creating an increased workload for the LPAT, resulting lengthy periods for the resolution of appeals.

Return to "good planning" test and *de novo* hearings

One of the significant aspects of the Bill relates to the reform of the LPAT's hearing process to restructure the hearing process, remove the deferential test established by Bill 139, and return to the pre-LPAT OMB *de novo* hearing. As a result of Bill 139, a "first appeal" process was created that requires an appellant to base its appeal on Provincial policy/plan consistency/conformity, with the matter being returned to Council for further consideration. This step was created to give greater weight to municipal decisions and to deter appeals.

Bill 108 would remove that process and revert to the *de novo* style hearing. The *de novo* hearing was the lengthy hearing that included submissions by the parties along with the calling and examining of witnesses and evidence. The test in those appeals is merely "good planning", which sometimes results in municipal decisions being overturned, despite the municipal position being good planning, because another position was regarded as "better" planning.

Certain appeals limited

There were a few changes made that would limit certain types of appeals: there is no appeal related to parts of an official plan that are necessary to establish a develop permit system that was required to be created by the Minister.

For matters where the City needs approval from the Ministry for an official plan amendment, if the Ministry fails to make a decision within 120 days, those decisions may now only be appealed by the City or the applicant (if the amendment is in response to an application).

Potential for mandatory mediation

Bill 108 introduces changes to the legislation that would allow the Tribunal to create rules that would require mandatory mediation or other alternative dispute resolution in proceedings. Mandatory mediation has the potential to result in mediations where one or more parties are forced to participate where they are unable or unwilling to compromise. This then could result in wasted time and resources in these proceedings.

Limitations on community involvement in hearings

One of the proposed changes would result in the limitation of a participant in a hearing to only written submissions being filed. Previously, under the Ontario Municipal Board process, a participant to a proceeding had the ability to make

oral submissions to the Board, as well as provide written material. The participant could have been subject to questioning by the parties. Given this proposed new restriction, this may result in a greater number of participants seeking party status in proceedings to protect their right to participate more fully in the proceeding.

Ability to set differential fees for different types of proceedings

One of the changes made to the *Local Planning Appeal Tribunal Act, 2017* permits the Tribunal to set different fees for different types of proceedings and "different classes of persons". It is unknown at this time how the LPAT may exercise this power, but the fee structure for various types of appeals would have an impact on the ability for some to participate in proceedings.

Transitioning of existing appeals

It is unclear at this time how the Province would transition existing appeals before the LPAT if Bill 108 is enacted. Currently, there are two "streams" of appeals at the LPAT: matters commenced under the OMB process, known as "OMB legacy appeals", as well as appeals commenced under the LPAT system.

There has been an existing backlog of both types of matters: the OMB legacy appeals have been somewhat stalled as the Province had frozen the LPAT's ability to fill vacant positions resulting the LPAT not having a full complement of adjudicators to handle those appeals. These appeals are currently being scheduled as far out as late-2020. Current LPAT process appeals have been slowed down given the conflicts that have arisen regarding the proper interpretation and implementation of the amended legislation.

Nevertheless, the provisions in Bill 108 permit the Minister to create transition regulations that contain rules for the transitioning of appeals that were commenced before, on or after the Bill comes into force.

Given the re-creation of the OMB process, this could result in three streams of appeal types, adding to the complexity of the procedures for matters currently before the Tribunal.

Changes to Heritage Appeals Processes and Procedures

Bill 108 makes significant changes to the objections and appeals proceedings for heritage matters. Most of these types of matters currently proceed typically before the Conservation Review Board ("CRB"), with demolition matters proceeding to the LPAT.

The CRB considers matters and reports back to municipal councils who have the power of the final decision; the CRB does not issue binding decisions on municipalities.

The changes proposed would result in the elimination of the CRB's involvement in municipal heritage objections and appeals and instead those matters would be sent to the LPAT for final determination. The changes would introduce new appeals related to designations and alterations.

Generally speaking, the changes proposed to the *Ontario Heritage Act* collectively result in a more rigid and litigious process for heritage matters. While there are still quite a number of unknowns, what has been drafted so far in the Bill will likely result in an increase in challenges to heritage matters for the City.

Procedural Next Steps

At the time of the drafting of this Report, Bill 108 was being debated at Second Reading at the Legislative Assembly. Should the Province wish to proceed with this Bill, it may be subject to further discussion at a standing committee and may be debated further in Third Reading. If it passes Third Reading, it can receive Royal Assent whereupon Bill 108 becomes law. However, the Bill's changes would only come into force upon each individual schedule's proclamation.

There are a significant number of proposed changes that necessitate the creation of regulations. As indicated, no regulations have been proposed at this time, making it difficult to understand the implications of the changes. It is unknown whether the City will be consulted as a stakeholder in the creation of those instruments.

Given the short time in which staff had to review this Bill, and in addition to the unknowns with respect to the regulations necessary to implement the changes proposed in the Bill, a further report discussing the changes in further detail along with implementation measures will be prepared for Council's consideration if the Bill is enacted.

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.

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

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" – Letters submitted to the Province with comments
Appendix "B" – Proposed Changes to the *Ontario Heritage Act*
Appendix "C" – Proposed Changes to the *Planning Act*
Appendix "D" – Proposed Changes to the *Endangered Species Act*

Hamilton

City of Hamilton
City Hall, 71 Main Street West
Hamilton, Ontario
Canada L8P 4Y5
www.hamilton.ca

Planning Division, Planning and Economic Development Department
Physical Address: 71 Main Street West
Phone: 905.546.2424 Ext. 4281 Fax: 905.546.4202
Email: Steve.Robichaud@hamilton.ca

May 30, 2019

Ministry of Environment, Conservation and Parks
c/o Macdonald Block Mailing Facility
77 Wellesley Street West
PO Box 200
Toronto, ON
M7A 1N3

Re: Bill 108 - (Schedule 5) – The Proposed More Homes, More Choice Act: Amendments to the Endangered Species Act

Dear Sir or Madam:

On behalf of the City of Hamilton, I am pleased to provide this letter as Hamilton's submission on Schedule 5 of Bill 108. Please find attached to this letter an outline of the key submissions the City wishes to make on the proposed changes to the Endangered Species Act. The City is also submitting comments on the other Schedules of Bill 108 under separate letter and City staff will be taking a report to Planning Committee on June 4, 2019 and to Council on June 12, 2019 outlining our submission. Council's position will be forwarded to the Province once it has been ratified.

We look forward to seeing the results of the consultation on Bill 108. City staff would be pleased to meet with you to discuss these comments in greater detail.

Sincerely,

Stephen Robichaud
Director of Planning and Chief Planner
Planning and Economic Development Department

Copies to:

Anita Fabac, Manager of Development Planning, Heritage and Design

City of Hamilton Submissions on Bill 108 – Changes to the *Endangered Species Act*

Staff are not supportive of the proposed changes as they will have the effect of adding additional processes and delay to the classification, listing, and protection of species at risk. Changes are also being proposed which may undermine the role of COSSARO. The proposed changes are not detailed therefore it is difficult for staff to fully assess the implications without the details.

- Staff recommends that "community knowledge" be deleted.
- Staff recommends that the consideration of species condition in a broader geographic context be deleted.
- Staff recommends that the extension of timing to add species to the Species at Risk list be deleted.
- Staff recommends that the reconsideration of classifications be deleted.
- Staff recommends that the mandatory requirement and timeline to develop a habitat regulation for each newly listed species and temporary suspension to protect of up to three years be deleted.
- Staff recommends that the discretion remain with the Lieutenant Governor in Council.
- Staff advises the Province not to proceed until the Province consults with municipalities and other key stakeholders on the SAR Conservation Fund, the details of the agency, including who would be on the board, and where and funds would be dispersed.
- Staff advises the Province not to proceed until the Province consults with municipalities and other key stakeholders on the Landscape Agreements.

Hamilton

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Canada L8P 4Y5
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Planning Division, Planning and Economic Development Department
Physical Address: 71 Main Street West
Phone: 905.546.2424 Ext. 4281 Fax: 905.546.4202
Email: Steve.Robichaud@hamilton.ca

May 30, 2019

Lorraine Dooley
Ministry of Tourism, Culture and Sport
401 Bay Street
Suite 1800
Toronto, ON
M7A 0A7

Re: Bill 108 - (Schedule 11) – The Proposed More Homes, More Choice Act: Amendments to the Ontario Heritage Act

Dear Madam:

On behalf of the City of Hamilton, I am pleased to provide this letter as Hamilton's submission on Schedule 11 of Bill 108. Please find attached to this letter an outline of the key submissions the City wishes to make on the proposed changes to the Ontario Heritage Act. The City is also submitting comments on the other Schedules of Bill 108 under separate letter and City staff will be taking a report to Planning Committee on June 4, 2019 and to Council on June 12, 2019 outlining our submission. Council's position will be forwarded to the Province once it has been ratified.

We look forward to seeing the results of the consultation on Bill 108. City staff would be pleased to meet with you to discuss these comments in greater detail.

Sincerely,

Stephen Robichaud
Director of Planning and Chief Planner
Planning and Economic Development Department

Copies to:

Anita Fabac, Manager of Development Planning, Heritage and Design

City of Hamilton Submissions on Bill 108 – Changes to the *Ontario Heritage Act*

Staff are not supportive of the proposed changes as it will have an impact on how the City administers the Act and its current processes. The proposed changes in some case will lengthen the process, delaying projects, and will require additional staff resources with added complexity to processes. The changes proposed by Bill 108 may result in increased appeals to the LPAT as the addition of properties to the Register can now be appealed to the LPAT.

The *Ontario Heritage Act* is a tool for managing change of heritage resources that balances both public and private interests. The proposed changes to the Act tip the balance away from public interest to the interest of private owners/developers. In particular, the City is not supportive of the transfer of objections on heritage matters to the Local Planning Appeal Tribunal.

The following are the City's comments and recommendations:

- Staff advises the Province to consult with municipalities on the "prescribed principles" and that the regulation should clearly describe what constitutes a "prescribed principle".

- Staff advise the Province that a time limit for filing an objection for a property added to the Register with the Clerk be included.

- Staff requests the Province to remove the requirement that the property be on the Register before the building permit application is made.

- Staff advise the Province that there should be no limitations as to when Council may provide notice of an intention to designate. Should the Province proceed with including this requirement, the Province should consult with municipalities on the "prescribed event" and the regulation should clearly describe what constitutes a "prescribed event" prior to proceeding with these proposed changes to the Act.

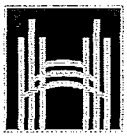
- Staff requests that the Province reinstate referral of objections to the Conservation Review Board for a hearing and report and Council as the final decision making authority on objections to designations.

- Staff requests that the Province reinstate referral of objections to the Conservation Review Board for a hearing and report.

- Staff advises the Province to consult with municipalities on the "prescribed" information and that the regulation should clearly describe what constitutes "prescribed" information.

- Staff requests that the Province delete this regulation to continue to provide protection from demolition of heritage resources in a Heritage Conservation District Plan area.

Planning Division, Planning and Economic Development Department
Physical Address: 71 Main Street West
Phone: 905.546.2424 Ext. 4281 Fax: 905.546.4202
Email: Steve.Robichaud@hamilton.ca



City of Hamilton
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Canada L8P 4Y5
www.hamilton.ca

Hamilton

May 30, 2019

Planning Act Review
Provincial Planning Policy Branch
777 Bay Street
13th Floor
Toronto, ON
M5G 2E5

Re: Bill 108 - (Schedule 12) – The Proposed More Homes, More Choice Act: Amendments to the Planning Act

Dear Sir or Madam:

On behalf of the City of Hamilton, I am pleased to provide this letter as Hamilton's submission on Schedule 12 of Bill 108. Please find attached to this letter an outline of the key submissions the City wishes to make on the proposed changes to the *Planning Act*. The City is also submitting comments on the other Schedules of Bill 108 under separate letter and City staff will be taking a report to Planning Committee on June 4, 2019 and to Council on June 12, 2019 outlining our submission. Council's position will be forwarded to the Province once it has been ratified.

We look forward to seeing the results of the consultation on Bill 108. City staff would be pleased to meet with you to discuss these comments in greater detail.

Sincerely,

Stephen Robichaud
Director of Planning and Chief Planner
Planning and Economic Development Department

Copies to:

Anita Fabac, Manager of Development Planning, Heritage and Design

City of Hamilton Submissions on Bill 108 – Changes to the *Planning Act*

In general, the City is not supportive of the proposed changes. The changes will provide municipalities with less time to adequately review development applications and impact the City's ability to increase the supply of affordable housing. Furthermore, the changes will decrease the deference given to municipal decision-making in achieving these and other goals.

The following are the City's comments and recommendations:

- Staff supports the proposed change that expands the opportunities for second units throughout the City. Issues such as compatibility, context and appropriate zoning standards need to be evaluated.

- Staff do not support the proposed change to restrict inclusionary zoning to limited areas in the City. This proposed change will restrict the City's ability to increase the supply of affordable housing. Staff requests the Province to permit municipalities to utilize the inclusionary zoning provisions City wide.

- Staff do not support the Minister requiring a development permit system to be put in place as this should be up to municipalities.

- Staff do not support the proposed change to delete the grounds for appeals. Staff requests the Province to retain the existing *Planning Act* grounds for appeals given that the Official Plan is the tool for translating provincial plans and policies into a local land use vision.

- Staff do not support the proposed changes to the timeframe for non-decision appeals. Staff requests the Province to retain the existing Planning Act timeframes.

- Staff do not support the proposed changes. Staff requests the Province to retain the existing criteria for parkland dedication.

- Staff do not support the proposed changes to who may appeal a decision on a Plan of Subdivision. Staff requests the Province to retain the existing Planning Act appeal rights.

Schedule 11 – Changes to the *Ontario Heritage Act*

The following is a summary of the proposed changes to the *Ontario Heritage Act*:

- Establishing "prescribed events and principles" that shall be considered when making decisions.
- New timeframes and notice provisions including when a property is added to the Register. Municipalities will need to provide notice within 30 days of a property being added to the Register and property owners will be able to object to their property being included in the Register.
- With respect to Heritage Conservation Districts, Bill 108 will permit demolition or removal only if it would not affect the property's heritage attributes as listed in the Heritage Conservation District Plan. If the heritage attributes are not specifically listed, the Act does not prohibit demolition or removal.
- Bill 108 will now require that all appeals be heard by the LPAT instead of the Conservation Review Board and has expanded the powers of the LPAT from the power the Conservation Review Board previously had. The power to make a final decision on designating a property has been removed from Council and now rests with the LPAT which will be final and binding.

The following is a detailed summary of the proposed changes, implications for the City of Hamilton and staff recommendations to the Province. Staff are not supportive of the proposed changes as it will have an impact on how the City administers the Act and its current processes. The proposed changes in some case will lengthen the process, delaying projects, and will require additional staff resources with added complexity to processes. The changes proposed by Bill 108 may result in increased appeals to the LPAT as the addition of properties to the Register can now be appealed to the LPAT.

The *Ontario Heritage Act* is a tool for managing change of heritage resources that balances both public and private interests. The proposed changes to the Act tip the balance away from public interest to the interest of private owners/developers.

	CURRENT ONTARIO HERITAGE ACT REQUIREMENT	PROPOSED CHANGE TO THE ONTARIO HERITAGE ACT	IMPLICATIONS FOR HAMILTON AND RECOMMENDATIONS
Prescribed Principles	N/A	Section 26.0.1 The proposed changes would establish "prescribed principles" that shall be considered when making decisions under Part IV or V.	What constitutes a "prescribed principle" has not been provided. Clearer direction of "prescribed principle" is needed and in the absence of these details it is not possible to fully assess the implications of this proposed change. **Staff advises the Province to consult with municipalities on the "prescribed principles" and that the regulation should clearly describe what constitutes a "prescribed principle".**
Adding Properties to the Register	N/A	Section 27(5) and (6) The Act now requires notice be given to a property owner within 30 days of a property being added to the Register. The notice is to include a statement explaining why the property is of cultural heritage value or interest, a description of the property, a statement that if the owner objects	Staff currently has a process for adding properties to the Register. Individual properties are not added without a detailed review of the heritage value of the property. In addition, Staff currently provides a notice to an owner prior to the recommendation to add the property to the Register. The proposed changes will require a revision to the City's process from notifying an owner before

	CURRENT ONTARIO HERITAGE ACT REQUIREMENT	PROPOSED CHANGE TO THE ONTARIO HERITAGE ACT	IMPLICATIONS FOR HAMILTON AND RECOMMENDATIONS
		they may serve the Clerk with a notice of objection setting out the reasons and relevant facts, and an explanation of the restriction concerning demolition or removal.	to after it has been added to the Register. The proposed change will require municipalities to undertake a more robust assessment before adding a property to the Register. There must be a statement explaining why the property is of cultural heritage value or interest. This is currently not required by the Act. These proposed changes will impact the amount of time and cost it takes to add a property to the Register and will result in additional staff resources. This proposed change may have an impact on the heritage inventory work that the City currently undertakes as each property on the inventory will require an assessment of the properties cultural heritage value or interest given that the methodology and subsequent analysis must be robust enough to defend the decision in the event the decision is made to designate the property. The proposed change permits a property owner to object to the property being added to the Register. The proposed change does not identify

	CURRENT ONTARIO HERITAGE ACT REQUIREMENT	PROPOSED CHANGE TO THE ONTARIO HERITAGE ACT	IMPLICATIONS FOR HAMILTON AND RECOMMENDATIONS
			a timeframe for when an owner may serve a notice of objection and is open-ended. **Staff advise the Province that a time limit for filing an objection for a property added to the Register with the Clerk be included.**
Notice of Objection to adding Property to the Register	N/A	Section 27 (7) and (8) The Act now requires that if a notice of objection has been served, the municipality shall consider the notice and make a decision as to whether it should continue to be included on the Register and provide notice of the council's decision to the owner within 90 days of the decision.	The proposed change would require that Council consider an owners objection and make a decision as to whether it wishes to continue to include the property on the Register. Notice of council's decision must be given to the owner within 90 days of the decision. The proposed change will require a revision to the City's processes and will require additional staff resources to address the additional work and report preparation required.
Restriction on demolition	N/A	Section 27(9), (10) and (11) The owner shall not demolish or remove a building or structure for a property on the Register unless the owner gives Council at least 60 days	This notice would only apply if the property is on the Register before a building permit application to demolish is made. If it is not on the Register, but may have cultural heritage value, notice by the owner is not required.

	CURRENT ONTARIO HERITAGE ACT REQUIREMENT	PROPOSED CHANGE TO THE ONTARIO HERITAGE ACT	IMPLICATIONS FOR HAMILTON AND RECOMMENDATIONS
		notice in writing of the owner's intention. This only applies if the property is on the Register before a building permit application is made.	The notice must also be accompanied by plans and information that Council may require. The Act does not include provisions by which a property owner may withdraw their notice of intent to demolish. This proposed change would limit the City's ability to add a property to the Register after a building permit application has been made in order to provide interim protection. Properties that are listed on the Inventory are afforded no protection and cannot be added to the Register to provide interim protection. Heritage resources will be lost because of this proposed change. Where previous research on a property has not been done, this puts the City in a difficult position which may result in proceeding directly to designating a property. **Staff requests the Province to remove the requirement that the property be on the Register before the building permit**

	CURRENT ONTARIO HERITAGE ACT REQUIREMENT	PROPOSED CHANGE TO THE ONTARIO HERITAGE ACT	IMPLICATIONS FOR HAMILTON AND RECOMMENDATIONS
			application is made.
Designation Limitation	N/A	Section 29(1.2) A new section has been added to the Act that proposes that Council will not be permitted to give notice of an intention to designate a property more than 90 days after a "prescribed event" has occurred. There are currently no limitations on when a Council may provide notice of an intention to designate.	The new section now includes a limitation as to how much time a Council has to give notice for an intention to designate a property after a "prescribed event" has occurred. Under the current Act, Council is not restricted. The new section does not describe what constitutes a "prescribed event" nor were regulations provided for clarification. As such, in the absence of details it is not possible to fully assess the implications of this proposed change. **Staff advise the Province that there should be no limitations as to when Council may provide notice of an intention to designate.** **Should the Province proceed with including this requirement, the Province should consult with municipalities on the "prescribed event" and the regulation should clearly describe what constitutes a "prescribed event" prior to proceeding with these proposed changes to the Act.**

	CURRENT ONTARIO HERITAGE ACT REQUIREMENT	PROPOSED CHANGE TO THE ONTARIO HERITAGE ACT	IMPLICATIONS FOR HAMILTON AND RECOMMENDATIONS
Objection to Designation	Subsections 29(6) to (17) currently outline the process for notice of objections to a designation and that objections would be referred to the Conservation Review Board (CRB). A person who objects currently has 30 days after the publication of the notice in the newspaper to serve the Clerk with a notice of objection. Previously, an appeal to the CRB was non-binding and resulted in a report to Council setting out its findings and recommendations. Council could then	Subsections 29(6) to (17) have been replaced with new notice requirements for objections. A Council will now be required to consider the objection and make a decision whether or not to withdraw the intention to designate 90 days after the end of the 30 day objection period. If an objection is not served, Council may pass a by-law in the following circumstances: By-law is passed within 120 after the publication of the notice of intention to designate; It must include a statement explain the heritage value or interest and the heritage attributes; Must provide the owner or anyone who objected with a copy of the By-	Additional opportunities have been included for decisions of Council on designating a property to be reconsidered (within 90 days of receiving an objection). Additional timeframes have been included for passing a by-law. If a by-law is not passed within 120 days, Council has the option to restart the process. Power to designate has been removed from Council and transferred to the LPAT. Decisions should be made by Heritage experts such as the Conservation Review Board. The proposed changes will lengthen the process and add to the volume of appeals before the LPAT which may result in delays in decision making. Proposed changes will require modifications to the City's designation process and will require additional staff resources.

	CURRENT ONTARIO HERITAGE ACT REQUIREMENT	PROPOSED CHANGE TO THE ONTARIO HERITAGE ACT	IMPLICATIONS FOR HAMILTON AND RECOMMENDATIONS
	pass a by-law designating the property or withdraw the notice of intention to designate. The decision of Council would be final.	law; Notice must be published in the newspaper of the passing of the by-law; and, The notice must include that the by-law may be appealed within 30 days after the date of publication of the notice. Objections would now be appealed to the LPAT. For an appeal, the record of the decision must be forwarded to the LPAT within 15 days of the notice of appeal.	**Staff requests that the Province reinstate referral of objections to the Conservation Review Board for a hearing and report and Council as the final decision making authority on objections to designations.**
Powers of the LPAT	N/A	Section 29 (15) and (16) After holding a hearing the LPAT shall dismiss the appeal or allow the appeal in whole or in part. The LPAT may dismiss all or part of an appeal without holding a hearing if	The powers the Conservation Review Board currently has are proposed to be expanded for the LPAT including the ability to dismiss all or part of an appeal. Decisions should be made by heritage experts such as the Conservation Review Board on

	CURRENT ONTARIO HERITAGE ACT REQUIREMENT	PROPOSED CHANGE TO THE ONTARIO HERITAGE ACT	IMPLICATIONS FOR HAMILTON AND RECOMMENDATIONS
		the LPAT is of the opinion that there are no grounds to allow all or part of the appeal or that the appeal is not made in good faith, is frivolous or vexatious or is made only for the purpose of delay, appellant has not provided a written reason in support of the objection, has not paid the fee or has not responded to a request by the LPAT. Before dismissing an appeal, the LPAT shall notify the appellant and give the appellant an opportunity to make representations with respect to the dismissal.	heritage matters. It is also not clear on what basis the LPAT will be making decisions. For planning matters there is the "best planning" equivalency test, but a similar test does not exist for heritage matters before the LPAT. Using the LPAT will lengthen the process and add to the volume of appeals before the LPAT which may result in delays in decision making. **Staff requests that the Province reinstate referral of objections to the Conservation Review Board for a hearing and report.**
Amending By-laws	Appeals were previously heard by the Conservation Review Board	Section 30.1(7) to (16) The Act proposes a more robust process for objections to an appealing by-law and appeals are to be heard by the LPAT.	Currently the Conservation Review Board hears these matters. Decisions should be made by heritage experts such as the Conservation Review Board. Using the LPAT will lengthen the process and add to the volume of appeals before the LPAT which
Repealing By-laws by	Appeals were previously heard by	Section 31(5) to (14)	

	CURRENT ONTARIO HERITAGE ACT REQUIREMENT	PROPOSED CHANGE TO THE ONTARIO HERITAGE ACT	IMPLICATIONS FOR HAMILTON AND RECOMMENDATIONS
Council	the Conservation Review Board	The Act proposes a more robust process for objections to an appealing by-law and appeals are to be heard by the LPAT. The powers of the LPAT have been expanded.	may result in delays in decision making. **Staff requests that the Province reinstate referral of objections to the Conservation Review Board for a hearing and report.**
Repeal of by-law by owner	Appeals were previously heard by the Conservation Review Board	Section 32(2) to (18) The Act proposes a more robust process for objections to an appealing by-law and appeals are to be heard by the LPAT. The powers of the LPAT have been expanded.	
Heritage Permits (Alteration of Property)	Appeals were previously heard by the Conservation Review Board	Section 33(2) to (16) The Act now outlines that for a heritage permit application, it must be accompanied with "prescribed" information and material. Appeals will now be heard by the LPAT. The powers of the LPAT have been expanded.	Currently a heritage permit application is to include information as set out by a Council. The proposed change indicates that the Province will identify what information must be included in an application through reference to "prescribed" information. As discussed previously, these matters should continue to be heard by the Conservation Review Board. **Staff requests that the Province reinstate**

	CURRENT ONTARIO HERITAGE ACT REQUIREMENT	PROPOSED CHANGE TO THE ONTARIO HERITAGE ACT	IMPLICATIONS FOR HAMILTON AND RECOMMENDATIONS
			referral of objections to the Conservation Review Board for a hearing and report.
Heritage Permits (Demolition of Designated Property)	Previously restricted *demolition or removal* to a building or structure on the property Appeals will continue to be heard by the LPAT	Section 34(1) to (4.4) and 34(3) to (7) The Act now outlines that for a heritage permit application, it must be accompanied with "prescribed" information and material. The Act proposes to permit the demolition or removal whether or not the demolition or removal would affect the property's heritage attributes set out in the designating by-law. The application for demolition or removal must be deemed complete and the applicant must be informed. The Act now includes revised notice requirements for a Heritage Permit. The powers of the LPAT have been expanded.	Currently a heritage permit application is to *include information as set out by a Council*. The proposed change indicates that the Province will identify what information must be included in an application through reference to "prescribed" information. Changes to our process will be required as this is *a new requirement*. **Staff advises the Province to consult with municipalities on the "prescribed" information and that the regulation should clearly describe what constitutes "prescribed" information.**

	CURRENT ONTARIO HERITAGE ACT REQUIREMENT	PROPOSED CHANGE TO THE ONTARIO HERITAGE ACT	IMPLICATIONS FOR HAMILTON AND RECOMMENDATIONS
Heritage Conservation Districts		Section 39.1.2 A new section has been proposed that a Council shall consider the "prescribed principles, if any" when council exercises a decision making authority.	The new section does not describe what constitutes "prescribed principles" nor were regulations provided to provide clarification. Clearer direction of "prescribed principles" is needed. **Staff advises the Province to consult with municipalities on the "prescribed principles" and that the regulation should clearly describe what constitutes a "prescribed principle".**
Heritage Conservation Districts		Section 42 (1) A new section has been proposed that requires property heritage attributes to be included in a heritage conservation district plan. These are needed with respect to demolition or removal.	This change is more restrictive and requires specific heritage attributes to be listed for a property in a Heritage Conservation District Plan. Demolition or removal would not be permitted if it would affect the heritage attributes included in the Heritage Conservation District Plan. If the heritage attributes are not listed, demolition or removal is permitted in a Heritage Conservation District. This would impact the City's existing Heritage Conservation District Plans that do not contain specific heritage attributes for each property and

	CURRENT ONTARIO HERITAGE ACT REQUIREMENT	PROPOSED CHANGE TO THE ONTARIO HERITAGE ACT	IMPLICATIONS FOR HAMILTON AND RECOMMENDATIONS
			could result in the demolition or removal of properties with the Plan area. There is no transition for existing Plans that may not have been developed in accordance within the proposed changes. Future Heritage Conservation District Plans will require more time and more money to prepare as the proposed change is similar to the detail required to designate a property. **Staff requests that the Province delete this regulation to continue to provide protection from demolition of heritage resources in a Heritage Conservation District Plan area.**

Schedule 12 – Changes to the *Planning Act*

The following is a summary of the proposed changes to the *Planning Act*:

- Inclusionary zoning restricted to major transit station areas or where a development permit system is in place.
- Decrease in timeframes for non-decision appeals for Official Plan Amendments, Zoning By-law Amendments, and Plans of Subdivision.
- Appeals for Plans of Subdivision and Condominium limited to applicant, municipality, Minister or public body.
- Repeal of Section 37 and replacement with a Community Benefits Charge.
- Parkland dedication by-law is no longer in effect once a Community Benefits Charge By-law has been passed.
- The alternative parkland dedication requirements based on density have been removed.
- Removal of the threshold test for consistency/conformity with relevant policies and plans, returning to "good planning" review powers by Local Planning Appeal Tribunal.

The following is a detailed summary of the proposed changes, implications for the City of Hamilton and staff recommendations to the Province. In summary, with the exception of second unit policies, Staff are not supportive of the proposed changes.

	CURRENT REQUIREMENT	PROPOSED CHANGE	IMPLICATIONS FOR HAMILTON AND RECOMMENDATIONS
Second Unit Policies	"The use of two residential units in a detached house, semi detached house or row house if no building or structure ancillary to the detached house, semi	"if no building or structure ancillary to the detached house, semi detached hour or rowhouse contains a residential unit" has been	Currently the UHOP permits second units within a single and semi detached. The UHOP will need to be amended to allow second units in row houses and within

	CURRENT REQUIREMENT	PROPOSED CHANGE	IMPLICATIONS FOR HAMILTON AND RECOMMENDATIONS
	detached hour or rowhouse contains a residential unit"	deleted	accessory structures. Staff are currently developing consolidated zoning regulations regarding secondary units. Staff are supportive of the proposed change in urban areas. For the rural areas, the City should have the opportunity to review the feasibility of second units in the context of servicing and source water protection. **Staff supports the proposed change as it expands the opportunities for second units throughout the City. Issues such as compatibility, context and appropriate zoning standards need to be evaluated.**
Inclusionary Zoning	An Official Plan shall contain policies that authorize inclusionary zoning with no geographic restriction as to where it may be used. It is a prescribed requirement through the use of the word	An Official Plan may contain policies that authorize inclusionary zoning in respect of a protected major transit station area or within a development permit system area.	The use of inclusionary zoning is proposed to be restricted to only a major transit station area, where a development permit system is in place or where the Minister orders a development permit system be put in place. The City does not have a development permit system in place therefore this proposed change would be not applicable.

	CURRENT REQUIREMENT	PROPOSED CHANGE	IMPLICATIONS FOR HAMILTON AND RECOMMENDATIONS
	"shall".		The application of inclusionary zoning would be restricted to the LRT corridor from McMaster University to Queenston Rd. Under the Growth Plan, Go Stations are not major transit stations and therefore inclusionary zoning would not apply. The proposed change will reduce the opportunities to create new affordable housing units. **Staff do not support the proposed change to restrict inclusionary zoning to limited areas in the City. This proposed change will restrict the City's ability to increase the supply of affordable housing. Staff requests the Province to permit municipalities to utilize the inclusionary zoning provisions City wide.** **Staff do not support the Minister requiring a development permit system be put in place as this should be up to municipalities.**
Grounds for	An appeal on an Official Plan or	This section has been	The existing grounds for appeals provides

	CURRENT REQUIREMENT	PROPOSED CHANGE	IMPLICATIONS FOR HAMILTON AND RECOMMENDATIONS
Appeals	Zoning By-law Amendment may only be made on the basis that the decision is inconsistent with a policy statement or conflicts with a Provincial Plan.	deleted in its entirety.	greater emphasis to the decision-making powers of Council. **Staff do not support the proposed change to delete the grounds for appeals. Staff requests the Province to retain the existing Planning Act ground for appeals *given that the Official Plan is the tool for* translating provincial plans and policies into a local land use vision.**
Development Review Timeframes	Currently appeals for non-decision may be issued as follows: Official Plan Amendment: 300 days (210 + 90 day extension) Zoning By-law Amendment: 150 days Plan of Subdivision: 180 days	The proposed timeframes for non-decision appeals are as follows: Official Plan Amendment: 120 days Zoning By-law Amendment: 90 days Plan of Subdivision: 120 days	The proposed timeframes are proposed to be significantly reduced requiring the City to make decisions based on the information initially submitted with the application that in most cases requires additional details or further refinement. It will also limit opportunities for public consultation. It also may create an adversarial process, instead of a collaborative process. In addition, the reduced timeframes may result in a greater number of appeals to the LPAT, delaying projects. Reducing the timeframes can result in the exclusion of community consultation and

	CURRENT REQUIREMENT	PROPOSED CHANGE	IMPLICATIONS FOR HAMILTON AND RECOMMENDATIONS
			refinement of development proposals. **Staff do not support the proposed changes to the timeframe for non-decision appeals. Staff requests the Province to retain the existing Planning Act timeframes.**
Community Benefits Charge	Section 37	Deletion of Section 37 and replaced with a new Community Benefits Charge	An information report was previously prepared by Finance staff providing a summary of the proposed changes. Detailed comments on the new charge will be further discussed in a future report to be prepared by Finance staff. In general, City staff are not supportive of the proposed *Planning Act* changes and the removal of Section 37.
Conveyance of Land for Park Purposes	Currently the Planning Act permits land in the amount not exceeding 2% for commercial or industrial purposes and 5% for all other purposes, be dedicated for park or other public recreational purposes.	Parkland dedication by-law is no longer in effect once a Community Benefits Charge By-law has been passed. Repeal the alternative parkland dedication requirements based on	Detailed comments on the proposed change will be further discussed in a future report to be prepared by Finance staff. In general, City staff are not supportive of the proposed changes. **Staff do not support the proposed**

	CURRENT REQUIREMENT	PROPOSED CHANGE	IMPLICATIONS FOR HAMILTON AND RECOMMENDATIONS
	If an Official Plan contains policies related to the provision of land for park or other public recreational purposes, the municipality may, in the case of a subdivision for residential purposes, require that land be conveyed at a rate of 1 hectare for each 300 dwelling units, or at a lesser rate determined by the municipality. In lieu of land, the *Planning Act* permits a municipality to require payment of lieu of land. The *Planning Act* currently requires the municipality to prepare and make available to the public a parks plan that examines the need for parkland.	density. Plans of subdivision that are approved with a condition of parkland are not subject to a Community Benefits Charge By-law. The requirement to complete a parks plan that examines the need for parkland has been deleted.	**changes. Staff requests the Province to retain the existing criteria for parkland dedication.**
Appeals for Plans of Subdivisions and Condo	Currently the Planning Act allows the applicant, a person or a public body that made oral or written submissions, the	Changes are proposed that would limit third-party appeals of a plan of subdivision. Only the	The proposed change would restrict appeals to those public bodies and persons identified in the *Planning Act* and not allow a person who gave oral or written submissions the

	CURRENT REQUIREMENT	PROPOSED CHANGE	IMPLICATIONS FOR HAMILTON AND RECOMMENDATIONS
	Minister, or a municipality in which the land is located, to appeal the decision of the approval authority to the LPAT.	applicant, municipality, Minister, public body or prescribed person, or municipality in which the land is located will have the right to appeal a decision of an approval authority.	opportunity to appeal. This proposed change would prohibit a third party appeal, such as an appeal from a resident or neighbourhood association. For joint applications, a Zoning By-law or Official Plan Amendment may be appealed to the LPAT but not the subdivision application. Details of the subdivision such as tree preservation and grading are addressed after the application has been submitted but the community will not be able to participate in the LPAT hearing or on refining the sub **Staff do not support the proposed changes to who may appeal a decision on a Plan of Subdivision. Staff requests the Province to retain the existing Planning Act appeal rights.**

Schedule 5 – Changes to the Endangered Species Act, 2007

Summary of proposed changes to the *Endangered Species Act*:

- Broaden Committee on the Status of Species at Risk in Ontario (COSSARO) member qualifications include members with expertise in "community knowledge".
- Requiring COSSARO to consider a species' condition around its broader biologically relevant geographic area, inside and outside of Ontario, before classifying a species as endangered or threatened.
- Increased discretionary powers to be given to the Minister.
- Once a new SAR is listed, the Minister may make an order that temporarily suspends all or some of the protections for a period of up to three years.
- New landscape agreements and a SAR Conservation Trust are proposed.

The following is a detailed summary of the proposed changes, implications for the City of Hamilton and recommendations to the Province. Staff are not supportive of the proposed changes as they will have the effect of adding additional processes and delay to the classification, listing, and protection of species at risk. Changes are also being proposed which may undermine the role of COSSARO. The proposed changes are not detailed therefore it is difficult for staff to fully assess the implications without the details.

	CURRENT ACT REQUIREMENT	PROPOSED ACT CHANGE	IMPLICATIONS FOR HAMILTON AND RECOMMENDATIONS
Assessment, Listing and Protection of	The Committee on the Status of Species at Risk in Ontario (COSSARO), an independent	Broadening COSSARO Member Qualifications:	"Community knowledge" has not been defined and there is concern that broadening the COSSARO membership

	CURRENT ACT REQUIREMENT	PROPOSED ACT CHANGE	IMPLICATIONS FOR HAMILTON AND RECOMMENDATIONS
SAR	committee comprised of experts with scientific backgrounds and Aboriginal Traditional Knowledge, classify species as extirpated or extinct, endangered, threatened or special concern. Each species added to the Species at Risk in Ontario (SARO) list is through regulation. Once the species is added, it receives general habitat protection. Currently, COSSARO can submit a report to the Minister at any time and the species must be added to the list within 3 months.	The proposed changes will broaden COSSARO member qualifications to include members with relevant expertise in "community knowledge".	would allow non-scientific input into a species classification. It is unclear why the membership of COSSARO needs to be altered. **Staff recommends that "community knowledge" be deleted.**
		Consideration of Species Condition in a Broader Geographic Context: It is proposed that COSSARO consider a species' condition around its broader biologically relevant geographic area, inside and outside of Ontario, before classifying a species as endangered or threatened. If the overall risk to a species in the broader relevant geographic area is lower, COSSARO would be required to adjust the species' classification to the lower category.	This conflicts with the preamble of the Act, which references the precautionary principle (where there is a threat of significant reduction or loss of biological diversity, lack of full scientific certainty should not be used as a reason for postponing measures to avoid or minimize protection). This approach relies on other jurisdictions to protect SAR and does not consider that species at the northern limit of their range may receive little or no protection, which is particularly important with climate change impacts. **Staff recommends that the consideration of species condition in a broader geographic context be deleted.**

	CURRENT ACT REQUIREMENT	PROPOSED ACT CHANGE	IMPLICATIONS FOR HAMILTON AND RECOMMENDATIONS
		Extension of Timing to add Species to SARO List: The revised ESA proposes to extend the timeframe for making regulations from 3 months to 12 months after receiving the COSSARO Report (Section 7(4)).	It is unclear how this would improve the current process since it would further delay the protection of SAR. Also, it is contrary to the Province's intended purpose of "streamlining processes" and improving "outcomes for the species and its habitat". **Staff recommends that the extension of timing to add species to the Species at Risk list be deleted.**
		Reconsideration of Classifications: The revised ESA proposes to allow the Minister to reconsider the classification of a species if it is determined that the classification may no longer be appropriate (opinion is to be based on scientific information). For species that are not yet on the list or are listed as special concern, the species would not be added to the SARO list or listed to a more endangered status during COSSARO's re-assessment.	This means that if a party provides scientific opinion which differs from COSSARO's, the classification must be reconsidered if the Minister agrees. Since COSSARO uses the best available knowledge (including emerging trends) to evaluate species, it is unclear what new evidence could be provided that would change the classification. This allows for competing scientific opinions, undermines the role of COSSARO, and delays listing and protection of species.

	CURRENT ACT REQUIREMENT	PROPOSED ACT CHANGE	IMPLICATIONS FOR HAMILTON AND RECOMMENDATIONS
			Staff recommends that the reconsideration of classifications be deleted.
Assessment, Listing and Protection of SAR	The Province has 12 months from the time of listing to prepare a Recovery Plan or Management Strategy for the species and to identify the regulated portions of its habitat.	Removal of Mandatory Requirement for Developing Habitat Regulations: Currently, the legislation requires that the habitat regulation (which protects SAR and their habitat) be made within 12 months of listing. The proposed ESA removes the mandatory requirement and timeline to develop a habitat regulation for each newly listed species and retains the option to develop a regulation "when needed". Within the proposed ESA, once a new SAR is listed, the Minister may make an order that temporarily suspends all or some of the protections for a period of up to three years. During this time, the species will be on the SARO list, but may not	This would result in delays in identifying the SAR protected habitat, which would create uncertainty for proponents and negatively impact SAR. For some listed species, a 3-year delay in protection could result in further decline, and the species may not recover. This delay in protection of listed species does not meet the Province's intent to improve outcomes for SAR and their habitat.

	CURRENT ACT REQUIREMENT	PROPOSED ACT CHANGE	IMPLICATIONS FOR HAMILTON AND RECOMMENDATIONS
		be fully protected (Section 8 (1)).	**Staff recommends that the mandatory requirement and timeline to develop a habitat regulation for each newly listed species and temporary suspension to protect of up to three years be deleted.**
Greater Minister Discretion	Currently, the Lieutenant Governor in Council (LGIC) is responsible for developing and approving habitat regulations.	The proposed revisions to the ESA include new sections which provide the Minister of Environment, Conservation and Parks (MECP) with "greater Minister discretion on protections, while keeping the assessment as a science-based process". While the role of classifying species would remain with COSSARO, the proposed changes would provide the Minister with the following new powers: • Currently, the Lieutenant Governor in Council (LGIC) is responsible for developing and approving habitat regulations. The new ESA proposes giving this responsibility to the Minister. • The Minister would no longer need to consult with an	This may result in delay or uncertainty for City Environmental Assessment projects, since there would be increased opportunities for Minister discretion on SAR habitat regulations. The change to clarify that recovery strategies are advice to government are concerning as advice does not have to be taken or acted upon which may lessen the importance of recovery strategies. **Staff recommends that the discretion remain with the Lieutenant Governor in Council.**

	CURRENT ACT REQUIREMENT	PROPOSED ACT CHANGE	IMPLICATIONS FOR HAMILTON AND RECOMMENDATIONS
		independent expert for the "D" permit process and would replace the LGIC in this role. • A change is proposed to clarify that recovery strategies are advice to government. • Once a SAR is listed, the Minister may make an order that temporarily suspends all or some of the SAR protections for a period of up to three years if certain criteria are met. These criteria include non-scientific reasons, such as "if applying the prohibition would have significant social or economic implications". If the species is listed and warrants protection, delaying SAR protection for up to three years could negatively impact the species. This proposed process does not reflect the "precautionary principle" in the Preamble or the Province's intent to streamline processes and achieve improved outcomes for SAR.	

	CURRENT ACT REQUIREMENT	PROPOSED ACT CHANGE	IMPLICATIONS FOR HAMILTON AND RECOMMENDATIONS
		• The Minister would have the power to make regulations limiting the application of the prohibitions for a species. Limitations may be applied to the prohibitions (examples given are: only applying to geographic areas, or certain stages of the species development).	
SAR Conservation Fund and Trust	N/A	Sections 20.1 to 20.18 provide for the establishment of the SAR Conservation Fund and an agency (SAR Conservation Trust) to manage and administer this Fund. This would give proponents the option to pay a charge instead of completing certain on-the-ground activities (such as habitat restoration or compensation) required by the ESA. The payment-in-lieu funds would be used to support "strategic, coordinated, and large-scale actions that assist in the protection and recovery of SAR". The new agency would receive the funds and disburse them to third parties in	This approach encourages the loss of more habitat and reduced habitat protection. If proponents are provided with the option of payment-in-lieu, they may be reluctant to avoid or mitigate impacts to SAR habitat within the affected municipality. This reduces the accountability that proponents have to protect SAR. In addition, the implementation details of the agency are not clear, including who would be on the board, and where and how funds would be dispersed. **Staff advises the Province not to proceed until the Province consults**

	CURRENT ACT REQUIREMENT	PROPOSED ACT CHANGE	IMPLICATIONS FOR HAMILTON AND RECOMMENDATIONS
		order for activities to be completed.	**with municipalities and other key stakeholders on the SAR Conservation Fund, the details of the agency, including who would be on the board, and where and how funds would be dispersed.**
Landscape Agreements	N/A	Section 16.1 allows the Minister to enter into Landscape Agreements. A Landscape Agreement allows people who undertake "multiple activities" to be able to pursue limited conservation banking. Conservation banks allow compensation when a species or habitat is affected during development by providing credits that can be purchased to offset their negative impact. The agreement would require that the person take reasonable steps to minimize adverse effects on the species, consider all reasonable alternatives, and undertake beneficial actions.	This approach reduces accountability and does not lend itself to addressing site or species-specific concerns. This approach could result in reductions to species diversity in Hamilton, with compensation provided in other parts of Ontario. **Staff advises the Province not to proceed until the Province consults with municipalities and other key stakeholders on the Landscape Agreements.**

Hamilton

INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	June 4, 2019
SUBJECT/REPORT NO:	A Place to Grow: Growth Plan, 2019 (PED19033(a)) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Heather Travis (905) 546-2424 Ext. 4168
SUBMITTED BY: **SIGNATURE:**	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department

Council Direction:

N/A

Information:

A Place to Grow: The Growth Plan for the Greater Golden Horseshoe, was released on May 2, 2019, and came into effect on May 16, 2019. A Place to Grow ("Growth Plan, 2019") replaces the Growth Plan, 2017.

This report will provide an overview of the policy changes introduced in the Growth Plan, 2019 and high level implications of these changes on the City. A full understanding of the implications will not be known until certain studies are completed as part of the Municipal Comprehensive Review (MCR). The report will also provide an overview of how the City's comments on the previous draft Amendment No. 1 to the 2017 Growth Plan were, or were not, incorporated into the Growth Plan, 2019.

A Place to Grow: The Growth Plan for the Greater Golden Horseshoe, 2019

The Growth Plan, 2019 sets the direction for accommodating growth and development in the City and surrounding municipalities. The Plan requires municipalities to grow in ways that are more efficient by reducing outward growth and by building new developments in ways that use existing infrastructure to the fullest potential. The

Growth Plan encourages the creation of complete communities with a mix of uses and range of housing types.

The Growth Plan sets out targets related to intensification and density which the City must plan to achieve. The Plan also identifies the criteria which must be followed when evaluating certain key planning changes such as settlement area boundary expansions and employment land conversions. Through the Municipal Comprehensive Review (MCR) process, the City is required to update its Official Plans to conform to the requirements of the Growth Plan by the year 2022.

History

The Growth Plan, 2019 replaces the Growth Plan, 2017 which had been released in May, 2017 after a lengthy consultation period as part of the Co-ordinated Provincial Plan Review.

In January, 2019, the Province released a draft amendment to the Growth Plan, 2017 (Amendment No. 1) for comment. The City provided comments to the Province on Amendment No. 1 in advance of the commenting deadline. Many of the changes which were proposed through Amendment No. 1 have been carried forward into the new Growth Plan, 2019, with some modifications.

Key Changes and Implications

This section will provide an overview of some of the key changes introduced through the Growth Plan, 2019, as well as the implications of these changes on the City of Hamilton.

As noted, many of the changes were previously proposed through Amendment No. 1. Staff report PED19033 provided comments and recommendations on the proposed Amendment No. 1 changes. This section, in addition to the tables attached as Appendices “A” to “I” to Report PED19033(a), will also provide an overview of how the City’s previous comments were or were not addressed in the Growth Plan, 2019, in relation to each of these changes.

Overall, the City’s concerns regarding the shift to an incremental planning approach, which were raised in response to Amendment No. 1, remain valid with regards to the Growth Plan, 2019. As will be noted below, policy changes introduced though the Growth Plan, 2019 allow for certain actions to occur in advance of the completion of the City’s MCR, including settlement area boundary expansion and some employment land conversion. Through the report on Amendment No. 1, staff had raised the concern that these changes represent a shift to an incremental planning approach which was more common prior to the enactment of the first Growth Plan in 2006. At that time, urban boundary expansions and employment land conversions could occur without the level of

rigor required in today's policy regime. Staff are concerned that this planning approach could undermine the City's urban structure and create uncertainty in the local market, be it housing or employment. Further, staff note this flexibility to allow for boundary expansions and employment land conversions to occur in advance of the MCR could have the overall effect of slowing down the MCR process, as staff will be required to respond to the individual requests rather than continuing with the comprehensive planning work.

Key changes are discussed in the following sections:

1. Residential Intensification Target

The residential intensification target is a measure of the number of residential units constructed annually within the delineated built-up area (the developed urban area). A map showing the current built-up area, as defined by the Province, is attached as Appendix "J" to Report PED19033(a). This target is measured as a percentage of the total units constructed each year. In the first Places to Grow Plan released in 2006, this target was 40%, meaning that 40% of residential units had to be constructed within the built-up area each year. This target is currently incorporated into the City's Urban Hamilton Official Plan (UHOP). There has been significant variation in this target since the first Growth Plan was adopted in 2006. The chart below summarizes the change to this target in the 2006 and 2017 Growth Plans, draft Amendment No. 1, the City's comments on Amendment No. 1, and the new Growth Plan, 2019:

Time Period	2006 Growth Plan	2017 Growth Plan	Draft Amendment No. 1	Council Request - Amendment No 1 Comments	2019 Growth Plan
2021 - 2031	40%	50%	60%	50%	50%
2031 - 2041	N/A	60%	60%	60%	50%

As noted, the 2017 Growth Plan had introduced a gradual increase to the target from 50% to 60% over the planning period. Draft Amendment No. 1 had increased this target to 60% for the entirety of the planning period. In the 2019 Growth Plan, the target has been reduced to 50% for the entirety of the period.

The overall change from the 2017 Growth Plan to the 2019 Growth Plan is a decrease in the intensification target for the latter half of the planning period (2031 to 2041) from 60% down to 50%. In terms of actual numbers, this change would result in a requirement for approximately 3,800 fewer units to be constructed within the built-up area between 2031 and 2041. It is important to note that this target is a minimum target, meaning that the City must plan to achieve, at a minimum, the required intensification rate.

In comparison to the target, the City's actual rates of residential intensification over the past five years are as follows:

2013 – 32%
2014 – 36%
2015 – 42%
2016 – 28%
2017 – 26%

As evidenced from the historical rates of intensification, achieving the higher target will be challenging. While the built-up area covers a large portion of the City, and therefore the theoretical supply of intensification opportunities is significant, it is evidenced from past performance that supply does not necessarily translate into realized intensification units. Multiple factors have an impact on the amount of intensification the City will experience, including market demand, consumer choice, economic upturns or downturns, policy interventions, incentive programs and others. To this end, as part of the GRIDS 2 / MCR project, the City has retained a consultant to complete an Intensification Market Demand Analysis, to assist staff and Council with understanding the outlook for intensification market demand over the next 20 to 25 years.

The implications of the lowering of the intensification target could have an impact on the City's Land Needs Assessment (LNA) which is being completed as part of the Municipal Comprehensive Review (MCR). The LNA will identify how much of the City's projected growth will be accommodated within the built-up area through intensification, how much will be accommodated within the City's existing greenfield areas (see below), and how much may need to be accommodated through a future urban boundary expansion. As noted above, the lower intensification target results in a requirement to plan for approximately 3,800 fewer units to be accommodated in the built-up area. As a result, these units would need to be accommodated in greenfield areas or urban expansion area, and therefore could impact on the City's overall future land need. However, as noted, the target is a minimum requirement, and through the MCR, the City will determine the appropriate intensification target to plan for and incorporate into the LNA that is right for the City of Hamilton. The Intensification Market Demand Analysis will assist with determining the appropriate target.

Response from Amendment No 1:
As noted in the chart above, the intensification target has changed from the 2017 Growth Plan to the proposed Amendment No 1 and now to the 2019 Growth Plan. As part of the City's comments on Amendment No 1 (see Appendix "C" to Report PED19033(a)), staff had noted that the increase to 60% intensification over the entire planning period would be challenging for the City to achieve based on current rates of intensification, and that maintaining the gradual intensification increase required by the 2017 Growth Plan was preferred. With the Growth Plan, 2019, the Province has

decreased the intensification rate further from the 2017 targets, which was not requested by the City.

2. Designated Greenfield Area Density Target

The Designated Greenfield Area (DGA) is the land within the City's urban boundary that is not within the delineated built-up area. Generally these areas are undeveloped lands which are identified to accommodate a significant portion of future growth. The DGA can be broken down into lands that are already within the City's urban area ("Existing DGA") versus lands that may be added to the urban area through a future urban boundary expansion ("New DGA"). The 2017 Growth Plan introduced separate minimum density targets, measured in persons and jobs per hectare (pjh), for the City's Existing vs New DGA, which has since been removed in the 2019 Growth Plan. The changes are summarized below:

<table>
<tr><th>DGA Location</th><th>2006 Growth Plan*</th><th>2017 Growth Plan</th><th>Draft Amendment No. 1</th><th>Council Request - Amendment No 1 Comments</th><th>2019 Growth Plan</th></tr>
<tr><td>Existing and New DGA, <u>includes</u> employment land</td><td>50 pjh</td><td>N/A</td><td>N/A</td><td>N/A</td><td>N/A</td></tr>
<tr><td>Existing DGA, <u>excludes</u> employment land</td><td>N/A</td><td>60 pjh</td><td rowspan="2">60 pjh</td><td>60 pjh</td><td rowspan="2">50 pjh</td></tr>
<tr><td>New DGA, <u>excludes</u> employment land</td><td>N/A</td><td>80 pjh</td><td>80 pjh</td></tr>
</table>

* Note: 2006 Growth Plan measured this target against the entirety of the DGA, including employment lands. In 2017 and 2019 Growth Plans, employment lands are not included (see below).

As noted above, draft Amendment No. 1 had proposed a lower DGA target for New DGA to 60 pjh from the 80 pjh which had been in the 2017 Growth Plan. The 2019 Growth Plan has lowered the minimum density target further for both the Existing and New DGA, and applies one target of 50 pjh to the entirety of the DGA (excluding netted-out features noted below). The DGA density target, like the intensification target, is a minimum target that the City must plan to achieve.

Currently, the City's UHOP plans for a density target of 50 pjh across the entirety of the DGA. While the 2019 Growth Plan has returned the DGA density target to 50 pjh (consistent with the 2006 Growth Plan), the lands across which this target is measured have changed. The 2006 Growth Plan applied the DGA density target to all DGA lands, including lands designated employment, and only excluded or netted-out natural heritage features from the calculation. The 2017 Growth Plan revised this measure by removing employment lands, cemeteries and rights-of-way, in addition to natural heritage features, from the DGA density target calculation, and this has been

maintained in the 2019 Growth Plan. Employment lands are traditionally developed at lower densities than non-employment DGA lands.

As with the changes to the intensification target, the implications of the change to the DGA density target could have an impact on the City's LNA and overall future land need. Planning for DGA areas (both Existing designated lands and any potential New designated non-employment lands added to the urban boundary) at a density of 50 pjh rather than the higher targets required under the 2017 Growth Plan would result in lower density development which translates into fewer persons per hectare, and therefore a greater overall land area required to accommodate growth.

The City's Existing DGA (excluding employment lands and other net-outs) is currently planned at 56 pjh**,** and the City's recently approved Fruitland-Winona Secondary Plan was planned at a density of 70 pjh. As noted, the DGA density target is a minimum requirement, and through the MCR, the City will determine the appropriate density target that is right for the City of Hamilton to plan for and incorporate into the LNA and, ultimately, the UHOP.

The Growth Plan represents the minimum intensification rate and greenfield density target that are to be used. Consideration of a target above the minimum would need to be defensible and justified based on good planning principles to ensure that all of the other objectives and policies of the Growth Plan are achieved. This will be reviewed and assessed as part of the GRIDS / MCR process and will be part of the community engagement framework.

Response from Amendment No 1:
As part of the City's response to Amendment No.1, which had proposed to lower the density target to 60 pjh for the entirety of the DGA, Council had supported the DGA density target of 80 pjh from the 2017 Growth Plan and requested that the higher target be maintained in the Plan. With the 2019 Growth Plan, the Province has decreased this target further, to 50 pjh for the entire DGA.

3. Settlement Area Boundary Expansion

The changes to the settlement area boundary expansion policies were previously introduced through Amendment No. 1, and have been carried forward to the Growth Plan, 2019.

The key changes allow for urban boundary expansion / adjustment to occur in advance of the completion of the Municipal Comprehensive Review (MCR), approximately 2022, on the following basis:

- Urban boundary expansion, to a maximum of 40 ha, subject to criteria; and,

- Urban boundary adjustment provided there is no net increase of land within the settlement area.

Both the 2006 and the 2017 Growth Plans had only permitted an urban boundary expansion to occur as part of the MCR. The rationale for this restriction was to ensure that any expansion of the urban boundary was fully considered in a comprehensive process which holistically evaluated the City's land need to the planning horizon and made informed recommendation on preferred growth areas. The City is currently undertaking its MCR which will identify how and where the City's projected population and employment growth will be accommodated to the year 2041. The MCR, through the LNA completed in accordance with the provincial methodology, will determine if any additional lands are needed to accommodate growth. Should additional land be required, a full and public evaluation will be undertaken to determine the preferred growth option.

Staff have several concerns with the potential implications of this policy change to permit urban boundary expansions in advance of the MCR, which were highlighted in the staff report on Amendment No. 1 (PED19033):

- Allowing interim expansion(s) in advance of the MCR could undermine the process and result in pressures on staff and council to extend the boundary in advance of the proper justification or review. Further, this could have the overall effect of slowing down the MCR process, as staff will be required to respond to the individual requests rather than continuing with the comprehensive planning work.
- One of the goals of the Growth Plan is to plan for the achievement of complete communities, which feature a range of housing types and land uses, and promote walkability and active transportation. Staff are concerned that an incremental planning approach which permits multiple urban boundary expansions of a size up to 40 ha will not achieve this goal, and rather, could result in new growth areas comprised primarily of a single housing type based on short term market preferences.
- Regardless of the size of the expansion area, there are still planning and servicing requirements that must be completed, including block servicing strategies, secondary plans and public consultation. Based on existing staffing levels and operating budgets, the City does not have the resources to undertake this detailed planning for smaller expansion areas simultaneously. The approval of the Fruitland Winona Secondary Plan and subsequent block servicing strategies illustrates the time required to bring new lands into the urban boundary and prepare them for development. In addition,
- Costs of providing infrastructure, transit and public service facilities to multiple smaller expansion areas would be greater and would not be an effective use of City financial resources.

However, in considering the changes to the settlement area boundary expansion policies, it is important to note that the *Planning Act* restricts appeals of municipal decisions to refuse an application for a settlement area boundary expansion. Therefore, if a private party makes an application for an Official Plan Amendment to alter any part of the urban boundary, and Council denies that application, the decision of Council is final and it cannot be appealed to the Local Planning Appeal Tribunal (LPAT). Under the proposed changes to the *Planning Act* in Bill 108, to avoid a non decision appeal, a decision on an Official Plan Amendment to alter the urban boundary is requested to be made by Council in 120 days from receipt of an application.

Response from Amendment No 1:
In the City's comments on Amendment No. 1, the City did not support the inclusion of the new policies allowing urban boundary expansion and adjustment in advance of the MCR, and requested that these policies be deleted. Further, the City provided recommendations to improve the clarity of the urban boundary expansion policy if the policies were not deleted, including a need to clarify how many expansions could occur and in advance of which MCR, and to permit an expansion only if municipally initiated. None of these recommendations were incorporated into the Growth Plan, 2019, and the policies, as written would permit the boundary expansion to be privately-initiated, and would allow for multiple expansions, each to a maximum area of 40 ha, prior to the MCR.

4. Employment Land Conversion and Provincially Significant Employment Zones

Significant changes have been made regarding employment area policies, previously introduced through Amendment No. 1, and carried forward into the Growth Plan, 2019 with some modifications.

4.1 Provincially Significant Employment Zones (PSEZs)

The concept of Provincially Significant Employment Zones (PSEZs) has been added to the Growth Plan, 2019. PSEZs are areas defined by the Province for the purpose of long term planning for job creation and economic development. Lands within PSEZs are protected from conversion to a non-employment designation in advance of the MCR. Within Hamilton, three areas have been identified as PSEZs:

- Red Hill North and South Business Parks;
- Hamilton Airport Employment Growth District; and,
- Hamilton Bayfront and employment lands along the QEW.

The draft mapping released as part of Amendment No. 1 had identified these three areas as PSEZs, but the mapping of the areas did not match the City's Official Plan mapping. This discrepancy has generally been corrected with the release of revised

mapping with the Growth Plan, 2019. The City's remaining business parks have not been identified as PSEZs, but the Province has indicated that they will be reviewing requests for additional PSEZs as part of a second phase of PSEZ planning, and may request additional information from the municipality as part of that review. Staff will forward comments to the Province re-iterating the request for the additional PSEZs.

4.2 Employment Land Conversion

A key policy change allows for the conversion of some employment lands to non-employment designations outside of the MCR process, whereas the 2006 and 2017 Growth Plans had only permitted employment land conversion to occur as part of the MCR. The new policy allows for conversion of employment lands to occur in advance of the completion of the MCR (approximately 2022) provided that the lands to be converted meet certain criteria, maintain a significant number of jobs (established through development criteria), and are not located within a PSEZ. The policy permits the employment land conversion in advance of the MCR to be privately-initiated.

As noted in the staff report on Amendment No. 1, the implications of permitting employment land conversions in advance of the MCR is that the City would not have sufficient information to fully evaluate the conversion request prior to the completion of the City's fulsome employment land review and land needs assessment. These studies would assist in determining the City's future employment land need and whether or not the lands in question are required to address that need. This comprehensive approach to employment land review is a key component of the MCR process.

However, as noted above in regard to settlement area boundary expansions, the *Planning Act* also provides protection to municipalities regarding employment land conversion, in that a Council decision to refuse an Official Plan Amendment to remove land from an employment area cannot be appealed to the LPAT.

Response from Amendment No. 1:
Through the comments submitted on Amendment No. 1, the City had recommended deletion of the policy permitting employment land conversions in advance of the MCR, for the reasons noted above. As an alternative, the City had suggested revised wording of the new policy which would require, at a minimum, that the City had completed the Employment Land Conversion Review and Land Needs Assessment, with a Council resolution endorsing the studies, prior to a request for employment land conversion being considered. Neither of these recommendations was carried forward into the Growth Plan, 2019.

The City had also recommended that clarity be provided as to what constitutes a 'significant number of jobs' (one of the criteria for reviewing conversion requests). The

policy was amended to state that this determination would be established through development criteria, but there is no detail on how that criteria is to be established.
With regard to the PSEZs, the City's recommendations were implemented in part. The boundaries of the three recognized PSEZs noted above were revised to be consistent with the UHOP mapping, with the exception of the most easterly portion of the Stoney Creek Business Park (east of Fifty Road) which has not been included.

The City had also requested that the City's remaining business parks (Ancaster, West Hamilton Innovation District, and Flamborough) also be added as PSEZs. This recommendation was made through Report PED19033, which was endorsed by Council on February 27, 2019, and forwarded to the Province. The Province has indicated in follow-up correspondence that they did not make any additions of new PSEZs as part of the first phase of PSEZ planning. As part of a future second phase, the Province will review the requests for additional PSEZs and may contact the municipality for further information or assistance in this regard. As noted, staff will forward comments to the Province re-iterating the request for the additional PSEZs. A third future phase of the PSEZ planning will consider the long term use of the PSEZs, including opportunities to maximum economic opportunities in the Zones.

5. Climate Change

The Growth Plan, 2019 has carried forward changes in language and policy direction regarding climate change that were first proposed as part of Amendment No. 1. The changes include removing references to:

- previous greenhouse gas emission reduction targets which had been a part of the Ontario Climate Change Strategy. Instead, the Growth Plan, 2019 references a target of a 30% reduction in greenhouse gas emissions below 2005 levels by 2030.
- the long term goal of net-zero, low carbon communities, replaced with a goal of environmentally sustainable communities.
- the former Ontario Climate Change Strategy, 2015 and the Climate Change Action Plan, 2016.

With the exception of the above, the policies regarding climate change introduced in the 2017 Growth Plan remain in the 2019 Growth Plan. The policies require municipalities to develop policies in their official plans to identify actions that will reduce greenhouse gas emissions and address climate change adaptation goals, and develop strategies and targets for greenhouse gas emission reductions. The Municipal Comprehensive Review, including the Official Plan Review and Update, will identify opportunities for including climate change mitigation and adaptation policies in the UHOP and RHOP.

Response from Amendment No. 1:

The City's comments on Amendment No. 1 included a recommendation that climate change is an important issue and that previously identified targets should be incorporated in the Growth Plan. This recommendation was not carried forward into the 2019 Growth Plan.

6. Municipal Comprehensive Review Process Changes

As had been noted in the staff report on Amendment No. 1, certain policy changes which have been carried forward into the Growth Plan, 2019 will have the impact of creating a simpler and more flexible process for municipalities to follow in completing the MCR. These changes include:

- Removing the requirement to complete an Employment Strategy. Background work on employment trends and forecasting will still be completed as part of the required Land Needs Assessment.
- Removing the requirement to complete a Housing Strategy. Planning for a diversity and range of housing options will still be completed as part of the Intensification Update and the City's update to the Housing and Homelessness Action Plan.
- Adding flexibility in applying for alternative targets (eg. intensification and density targets) and reduced number of criteria that must be met to justify an alternative target.
- Adding recognition of the role that non-residential major trip generators (eg. universities, recreation uses) contribute in supporting the viability and density along a transit line.
- Adding flexibility in the requirement to complete watershed planning as part of the review of future expansion areas while maintaining the requirement to protect the water resource system.
- Adding clarification that rural settlement areas do not form part of the Designated Greenfield Area.

<u>Next Steps</u>

With the release of the new Growth Plan, 2019, staff will update the work plan for GRIDS2 / MCR, including future opportunities for public consultation as the project moves forward, and report back to Council on the revised work plan. Staff will also prepare a future report to further address the issues that have been discussed in this report, which may include a discussion of appropriate intensification and density targets, and a process for responding to potential interim boundary expansion and employment conversion requests.

APPENDICES AND SCHEDULES ATTACHED

Appendix A – Employment Area policy changes
Appendix B – Settlement Area Boundary Expansion policy changes
Appendix C – Built-up Area policy changes
Appendix D – Designated Greenfield Area policy changes
Appendix E – Transit Corridors and Station Area policy changes
Appendix F – Housing policy changes
Appendix G – Rural Area policy changes
Appendix H – Infrastructure, Protecting What is Valuable and Implementation policy changes
Appendix I – Definitions changes
Appendix J – Map of Built-up Area

Employment Areas (section 2.2.5) – Substantive Changes

~~Grey highlighted strikethrough text~~ = text to be deleted **Bolded text** = text to be added

2017 Growth Plan policy	Draft Amendment 1 Policy Change	2019 Growth Plan Policy	Comments
N/A	**2.2.5.5 Municipalities should designate and preserve lands within *settlement areas* located adjacent to or near *major goods movement facilities and corridors*, including major highway interchanges, as areas for manufacturing, warehousing and logistics, and appropriate associated uses and ancillary facilities.** **New Policy**	No changes from draft Amendment No. 1.	Staff did not identify any concerns with this policy in the Amendment No. 1 comments. It supports the location of the existing Employment areas and any future expansion areas near goods movement corridors (major roads and facilities (i.e Port, Airport).
2.2.5.6 Upper- and single-tier municipalities, in consultation with lower-tier municipalities, will designate all *employment areas, including any prime employment areas,* in official plans and protect them for appropriate employment uses over the long-term	2.2.5.6 Upper- and single-tier municipalities, in consultation with lower-tier municipalities, will designate all *employment areas, ~~including any prime employment areas,~~* in official plans and protect them for appropriate employment uses over the long-term. **For greater certainty, *employment area* designations may be incorporated into upper- and single-tier official plans by amendment at any time,**	No changes from draft Amendment No. 1.	Through Amendment No. 1, staff had supported the policy addition to allow for the designation of employment areas in advance of the MCR. This policy has been maintained. Staff did not support the removal of prime employment areas, which remains in the 2019 Growth Plan. The 2017 Growth Plan had allowed municipalities to identify prime employment areas and give them the necessary protection.

2017 Growth Plan policy	Draft Amendment 1 Policy Change	2019 Growth Plan Policy	Comments
	in advance of the next *municipal comprehensive review*.		
2.2.5.7 Municipalities will plan for all *employment areas* within *settlement areas*, with the exception of any *prime employment areas,* by: a. prohibiting residential uses and limiting other *sensitive land uses* that are not ancillary to the primary employment use; b. prohibiting *major retail* uses or establishing a size or scale threshold for any *major retail* uses that are permitted and prohibit any *major retail* uses that would exceed that threshold; and c. integrating *employment areas* with adjacent non-employment areas and developing vibrant, mixed-use areas and *innovation hubs*, where appropriate.	2.2.5.7 Municipalities will plan for all *employment areas* within *settlement areas*, ~~with the exception of any *prime employment areas*~~, by: d. prohibiting residential uses and limiting other *sensitive land uses* that are not ancillary to the primary employment use; e. prohibiting *major retail* uses or establishing a size or scale threshold for any *major retail* uses that are permitted and prohibit**ing** any *major retail* uses that would exceed that threshold; and f. ~~integrating~~ **providing an appropriate interface between** *employment areas* ~~with~~ **and** adjacent non-employment areas ~~and developing vibrant, mixed-use areas and *innovation hubs*, where appropriate~~ **to maintain land use compatibility**.	2.2.5.7 Municipalities will plan for all *employment areas* within *settlement areas*, ~~with the exception of any *prime employment areas*~~, by: g. prohibiting residential uses and **prohibiting or** limiting other *sensitive land uses* that are not ancillary to the primary employment use; h. prohibiting *major retail* uses or establishing a size or scale threshold for any *major retail* uses that are permitted and prohibit**ing** any *major retail* uses that would exceed that threshold; and i. ~~integrating~~ **providing an appropriate interface between** *employment areas* ~~with~~ **and** adjacent non-employment areas ~~and developing vibrant, mixed-use areas and *innovation hubs*, where appropriate~~ **to maintain land use compatibility**.	Staff did not provide comment on this policy change as part of Amendment No. 1 but have no concerns with the policy as proposed.
2.2.5.8 Municipalities may identify *employment areas* located adjacent to or near	~~2.2.5.8 Municipalities may identify *employment areas* located adjacent to or near~~	No changes from draft Amendment No 1.	In the comments on Amendment No. 1, staff were not supportive of the removal of prime employment areas in their entirety. See the comments in relation to policy 2.2.5.6.

2017 Growth Plan policy	Draft Amendment 1 Policy Change	2019 Growth Plan Policy	Comments
major goods movement facilities and corridors, including major highway interchanges, as *prime employment areas* and plan for their protection for appropriate employment uses over the long-term by: a. prohibiting residential, institutional, and other *sensitive land uses*; b. prohibiting retail and office uses that are not associated with or ancillary to the primary employment use; and c. planning for *freight-supportive* land use patterns.	~~*major goods movement facilities and corridors*, including major highway interchanges, as *prime employment areas* and plan for their protection for appropriate employment uses over the long-term by:~~ ~~d. prohibiting residential, institutional, and other *sensitive land uses*;~~ ~~e. prohibiting retail and office uses that are not associated with or ancillary to the primary employment use; and~~ ~~f. planning for *freight-supportive* land use patterns.~~		
N/A	**2.2.5.8 The development of sensitive land uses over *major retail* uses or major office uses will avoid, or where avoidance is not possible, minimize and mitigate adverse impacts on industrial, manufacturing or other uses that are particularly vulnerable to encroachment.** **New Policy**	2.2.5.8 The development of ***sensitive land uses***, ~~over~~ *major retail* uses or ***major office*** uses will, **in accordance with provincial guidelines**, avoid, or where avoidance is not possible, minimize and mitigate adverse impacts on industrial, manufacturing or other uses that are particularly vulnerable to encroachment.	Staff had raised concerns over the introduction of this policy in Amendment No. 1 as it appeared to allow for sensitive land uses in conjunction with major retail or major office uses within employment areas . The policy has been modified and staff understand this policy to refer to the development of sensitive land uses, major office or major retail in proximity to employment areas, and minimizing or mitigating adverse impacts. On this basis, staff concerns have been addressed.

2017 Growth Plan policy	Draft Amendment 1 Policy Change	2019 Growth Plan Policy	Comments
2.2.5.10 For greater certainty, the redesignation of an *employment area* to a designation that permits non-employment uses is considered a conversion and may occur only through a *municipal comprehensive review* undertaken in accordance with policy 2.2.5.9.	**2.2.5.10 ~~For greater certainty, the redesignation of an *employment area* to a designation that permits non-employment uses is considered a conversion and may occur only through a *municipal comprehensive review* undertaken in accordance with policy 2.2.5.9.~~ 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); and** **~~b.~~ maintain a significant number of jobs on those lands.**	2.2.5.10 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); ~~and~~ 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.***	Staff raised concerns with this policy change in Amendment No. 1 but it remains in the 2019 Growth Plan. Allowing employment land conversions in advance of the MCR does not allow the municipality to undertake a full review of its employment areas to determine which areas may be converted and for what type of use. The City of Hamilton has a strong policy regime aimed at protecting employment lands which was supported in the both the 2006 and 2017 Growth Plans. Staff had suggested alternative wording to this policy as part of the City's comments on Amendment No 1. The alternative would have allowed the municipality to undertake a comprehensive review of the Employment Land conversion and the Land Needs Assessment and then upon the completion of these studies, OPA's could be enacted provided Council supports the conversion of the employment areas. This suggested alternative was not taken by the Province. There is no definition of a "significant number of jobs" and it is unclear how development criteria will be established. Zoning is general in nature and establishes uses but not the number of people that may be working.
2.2.5.11 Any change to an official plan to permit new or expanded opportunities for *major retail* in an *employment area* may occur only through a	2.2.5.11 Any change to an official plan to permit new or expanded opportunities for *major retail* in an *employment area* may **only** occur ~~only through a *municipal*~~	No changes from draft Amendment No 1.	Similar to the comment above, this policy does not allow a municipality the opportunity to review their employment areas on a city wide basis. It provides the opportunity for any employment lands to be converted to major retail at any time.

2017 Growth Plan policy	Draft Amendment 1 Policy Change	2019 Growth Plan Policy	Comments
municipal comprehensive review undertaken in accordance with policy 2.2.5.9.	~~*comprehensive review* undertaken~~ in accordance with policy 2.2.5.9 **or 2.2.5.10**.		
N/A	2.2.5.12 T**he Minister may identify provincially significant employment zones to support co-ordination of planning for jobs and economic development at a regional scale and will require their protection through appropriate official plan policies and designations. Policy 2.2.5.10 will not apply to any part of an employment area within a provincially significant employment zone.** **New policy**	2.2.5.12 The Minister may identify *provincially significant employment zones* ~~to support co-ordination of planning for jobs and economic development at a regional scale and will require their protection~~ **and may provide specific direction for planning in those areas to be implemented** through appropriate official plan policies and designations **and economic development strategies.** ~~Policy 2.2.5.10 will not apply to any part of an employment area within a provincially significant employment zone.~~	Staff had supported this policy in part in the comments on Amendment No. 1. This policy identifies Provincially Significant Employment Zones (PSEZs) where the conversion to non employment uses can only occur at the time of a municipal comprehensive review. Both from an economic development perspective and a land use planning direction, the City protects its employment areas for a wide range of manufacturing, logistics, warehousing, research and development and other similar uses. Staff had recommended that a new schedule should be added to the Growth Plan to identify these areas. This recommendation was not implemented. The Province did update the mapping of the three identified PSEZs as requested by the City so that it matches the boundaries in the UHOP (with the exception of lands east of Fifty Road), but did not add the additional PSEZs that had been requested. Staff understand that considerations for additional PSEZs will be addressed through a future phase.
N/A	2.2.5.5**13** Upper- and single-tier municipalities, in consultation with lower-tier municipalities, ~~the Province, and other appropriate stakeholders~~, will ~~each develop an employment strategy~~ **establish minimum**	No changes from draft Amendment No 1.	Staff supported this policy change as part of Amendment No. 1. These deletions remove the requirement for the municipality to develop an employment strategy, and allows for different density targets for different employment areas.

2017 Growth Plan policy	Draft Amendment 1 Policy Change	2019 Growth Plan Policy	Comments
	density targets for all employment areas within settlement areas that: a. ~~establishes a minimum density target for all *employment areas*,~~ **are** measured in jobs per hectare~~, that~~ b. reflect~~s~~ the current and anticipated type and scale of employment that characterizes the *employment areas* ~~and aligns with policy 2.2.5.1~~ **to which the target applies**; c. ~~identifies~~ **reflects** opportunities for the *intensification* of *employment areas* on sites that support *active transportation* and are served by existing or planned transit; and d. will be implemented through ~~a *municipal comprehensive review*~~, ~~including~~ official plan policies and designations and zoning by-laws.		
	2.2.5.14 Outside of *employment areas*, the	2.2.5.14 Outside of *employment areas*,	As noted in the comments on Amendment No. 1, this policy is unclear. The UHOP does not identify other employment areas

2017 Growth Plan policy	Draft Amendment 1 Policy Change	2019 Growth Plan Policy	Comments
	redevelopment of any employment lands should retain space for a similar number of jobs to remain accommodated on site.	**development criteria should be established to ensure that** the redevelopment of any employment lands should retain space for a similar number of jobs to remain accommodated on site.	outside of the Employment areas (Industrial). The policy has been modified in the Growth Plan 2019 to refer to the establishment of development criteria, but it is not clear how this criteria and the extent of employment lands would be established.

Settlement Area Boundary Expansion (section 2.2.8) – Substantive Changes

~~Grey highlighted strikethrough text~~ = text to be deleted **Bolded text** = text to be added

2017 Growth Plan	Draft Amendment No. 1 Policy Change	Growth Plan 2019 Policy	Comments
2.2.8.3 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 following:	2.2.8.3 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:	No changes from draft Amendment No. 1.	No comment.
2.2.8.3 a) there are existing or planned *infrastructure* and *public service facilities* to support the achievement of *complete communities*;	2.2.8.3 a) there ~~are~~ **is sufficient capacity in** existing or planned *infrastructure* and *public service facilities* ~~to support the achievement of complete communities;~~	No changes from draft Amendment No. 1.	Staff had no concerns with this change as part of Amendment No. 1. While it removes the emphasis on complete communities, the requirement to plan for complete communities is captured elsewhere in the Plan.
2.2.8.3 b) the *infrastructure* and *public service facilities* needed would be financially viable over the full life cycle of these assets, based on mechanisms such as asset management planning and revenue generation analyses;	2.2.8.3 b) the *infrastructure* and *public service facilities* needed would be financially viable over the full life cycle of these assets, ~~based on mechanisms such as asset management planning and revenue generation analyses~~;	No changes from draft Amendment No. 1.	Staff had no concerns with this change as part of Amendment No. 1. It removes emphasis on asset management planning and revenue generation.

2017 Growth Plan	Draft Amendment No. 1 Policy Change	Growth Plan 2019 Policy	Comments
2.2.8.3 c) the proposed expansion would align with a water and wastewater master plan or equivalent that has been completed in accordance with the policies in subsection 3.2.6;	2.2.8.3 c) the proposed expansion would ~~align with a~~ **be informed by applicable** water and wastewater master plan**s** or equivalent **and *stormwater master plans* or equivalent, as appropriate** ~~that has been completed in accordance with the policies in subsection 3.2.6~~;	No changes from draft Amendment No. 1.	No comment – policy has been combined with 2.2.8.3(d) below.
2.2.8.3 d) the proposed expansion would align with a *stormwater master plan* or equivalent that has been completed in accordance with the policies in subsection 3.2.7;	~~2.2.8.3 d) the proposed expansion would align with a *stormwater master plan* or equivalent that has been completed in accordance with the policies in subsection 3.2.7;~~	No changes from draft Amendment No. 1.	No comment – see above.
2.2.8.3 e) *watershed planning* or equivalent has demonstrated that the proposed expansion, including the associated servicing, would not negatively impact the *water resource system*, including the *quality and quantity of water*;	2.2.8.3 ~~e~~**d**) ~~*watershed planning* or equivalent has demonstrated that~~ the proposed expansion, including the associated **water, wastewater and stormwater** servicing, would ~~not negatively impact~~ **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*;	No changes from draft Amendment No. 1.	Staff supported this policy change through Amendment No. 1 and it remains in the 2019 Growth Plan. Intent of the policy to ensure long term protection of water resource system is maintained, but the added flexibility is beneficial to the municipality in terms of cost and resources. Sub-watershed plans would be conducted as part of a future secondary planning exercise.

2017 Growth Plan	Draft Amendment No. 1 Policy Change	Growth Plan 2019 Policy	Comments
2.2.8.3 h) *prime agricultural areas* should be avoided where possible. An *agricultural impact assessment* will be used to determine the location of the expansion based on avoiding, minimizing and mitigating the impact on the *Agricultural System* and evaluating and prioritizing alternative locations across the upper- or single-tier municipality 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;	2.2.8.3 ~~hf~~)*prime agricultural areas* should be avoided where possible. ~~An *agricultural impact assessment* will be used to determine the location of the expansion based on avoiding, minimizing and mitigating the impact on the *Agricultural System* and evaluating and prioritizing~~ **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: iv. expansion into *specialty crop areas* is prohibited; v. reasonable alternatives that avoid *prime agricultural areas* are evaluated; and vi. where *prime agricultural areas* cannot be avoided, lower priority agricultural lands are used;	No change from draft Amendment No. 1.	Staff had no comments on this change as part of Amendment No. 1. It removes the requirement for agricultural impact assessment (as defined), but the policy still requires that alternative locations from prime agricultural land be prioritized, and that impacts to the agricultural system be minimized.

2017 Growth Plan	Draft Amendment No. 1 Policy Change	Growth Plan 2019 Policy	Comments
N/A	**2.2.8.4 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*;** **e. and 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.**	No change from draft Amendment No. 1.	Staff did not support this policy change as part of Amendment No. 1 and it remains in the 2019 Growth Plan. While it is recognized that this policy is intended to address boundary adjustments and not expansions, Staff have concerns about allowing for any adjustment of settlement area boundaries outside of the municipal comprehensive review as this could result in pressures on staff and council to adjust or swap lands within the urban boundary for lands in the rural area without proper justification or review.

2017 Growth Plan	Draft Amendment No. 1 Policy Change	Growth Plan 2019 Policy	Comments
N/A	**2.2.8.5 Notwithstanding policy 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 policy 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*.**	No change from draft Amendment No. 1.	Staff did not support this policy change as part of Amendment No. 1 and it remains in the 2019 Growth Plan. Staff have concerns about allowing for any expansion of settlement area boundaries outside of the municipal comprehensive review as this could result in pressures on staff and council to extend the urban boundary without proper justification or review. Through Amendment No. 1, staff had suggested that if this policy is maintained, it should be amended to only allow a one time expansion in advance of the next MCR. This recommendation was not incorporated into the 2019 Growth Plan. Staff had also recommended that the policy be clarified to indicate whether or not a settlement area boundary expansion in accordance with this policy can be initiated by a private applicant or if it can only be municipally initiated. This proposed clarification was not included in the 2019 Growth Plan.

2017 Growth Plan	Draft Amendment No. 1 Policy Change	Growth Plan 2019 Policy	Comments
N/A	**2.2.8.6 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.**	No change from draft Amendment No. 1.	Staff did not support this policy change as part of Amendment No. 1 and it remains in the 2019 Growth Plan.

Delineated Built-Up Areas (section 2.2.2) – Substantive Changes

~~Grey highlighted strikethrough text~~ = text to be deleted **Bolded text** = text to be added

2017 Growth Plan	Draft Amendment 1 Policy Change	2019 Growth Plan Policy	Comments
2.2.2.1 By the year 2031, and for each year thereafter, a minimum of 60 per cent of all residential development occurring annually within each upper- or single-tier municipality will be within the *delineated built-up area*.	2.2.2.1 ~~By the year 2031, and for each year thereafter, a minimum of 60 per cent of all residential development occurring annually within each upper- or single-tier municipality will be within the *delineated built-up area*.~~ **By the time the next *municipal comprehensive review* is approved and in effect, and for each year thereafter, the applicable minimum intensification target is as follows:** **a. A minimum of 60 per cent of all residential development occurring annually within each of the City of Hamilton and the Regions of Peel, Waterloo and York will be within the *delineated built-up area*;**	2.2.2.1 By the time the next *municipal comprehensive review* is approved and in effect, and for each year thereafter, the applicable minimum intensification target is as follows: a. A minimum of **50** per cent of all residential development occurring annually within each of the Cities of Barrie, Brantford, Guelph, **Hamilton**, Orillia and Peterborough and the Regions of Durham, Halton, Niagara, Peel, Waterloo and York will be within the *delineated built-up area*; and	Staff did not support the increase in the intensification target to 60% for the entirety of the planning period and had recommended that the gradual increase of the 2017 Growth Plan be maintained. The Growth Plan 2019 has reduced the target to 50% for the entire planning period.
2.2.2.2 By the time the next *municipal comprehensive review* is approved and in effect, and each year until 2031, a minimum of 50 per cent of all residential	~~2.2.2.2 By the time the next *municipal comprehensive review* is approved and in effect, and each year until 2031, a minimum of 50 per cent of all residential~~	No changes from draft Amendment No. 1.	See comments above regarding the changes to the intensification targets.

2017 Growth Plan	Draft Amendment 1 Policy Change	2019 Growth Plan Policy	Comments
development occurring annually within each upper- or single-tier municipality will be within the *delineated built-up area*.	~~development occurring annually within each upper- or single-tier municipality will be within the *delineated built-up area*.~~		
2.2.2.4 All municipalities will develop a strategy to achieve the minimum intensification target and *intensification* throughout *delineated built-up areas*, which will: a. encourage *intensification* generally to achieve the desired urban structure; b. identify the appropriate type and scale of development and transition of built form to adjacent areas; c. identify *strategic growth areas* to support achievement of the intensification target and recognize them as a key focus for development; d. ensure lands are zoned and development is designed in a manner that supports the achievement of *complete communities*; e. prioritize planning and investment in *infrastructure* and *public service facilities* that will support *intensification*; and f. be implemented through official plan policies and	2.2.2.4**3** All municipalities will develop a strategy to achieve the minimum intensification target and *intensification* throughout *delineated built-up areas*, which will: a. encourage *intensification* generally ~~to achieve the desired urban structure~~ **throughout the delineated built-up area**; b. identify the appropriate type and scale of development **in strategic growth areas** and transition of built form to adjacent areas; c. identify *strategic growth areas* to support achievement of the intensification target and recognize them as a key focus for development; d. ensure lands are zoned and development is designed in a manner that supports the achievement of *complete communities*; e. prioritize planning and investment in *infrastructure* and *public service facilities* that will support *intensification*; and f. be implemented through official plan policies and designations,	2.2.2.3 All municipalities will develop a strategy to achieve the minimum intensification target and *intensification* throughout *delineated built-up areas*, which will: **a. identify *strategic growth areas* to support achievement of the intensification target and recognize them as a key focus for development;** b. identify the appropriate type and scale of development in *strategic growth areas* and transition of built form to adjacent areas; **c. encourage *intensification* generally throughout the *delineated built-up area*;** d. ensure lands are zoned and development is designed in a manner that supports the achievement of *complete communities*; e. prioritize planning and investment in *infrastructure* and *public service facilities* that will support *intensification*; and	Staff have no concerns with this policy change.

2017 Growth Plan	Draft Amendment 1 Policy Change	2019 Growth Plan Policy	Comments
designations, updated zoning and other supporting documents.	updated zoning and other supporting documents.	f. be implemented through official plan policies and designations, updated zoning and other supporting documents.	
2.2.2.5 For upper- and single-tier municipalities, council may request an alternative to the target established in policy 2.2.2.2 through the next *municipal comprehensive review* where it is demonstrated that this target cannot be achieved and that the alternative target will: a. maintain or improve on the minimum intensification target in the official plan that is approved and in effect; b. be appropriate given the size of the *delineated built-up area*; c. account for existing *infrastructure*, *public service facilities*, and capital planning; d. account for existing planning approvals and other related planning studies; e. consider the actual rate of *intensification* being achieved annually across the upper- or single-tier municipality; f. support diversification of the total range and mix of housing options in *delineated built-up*	2.2.2.5~~4~~ ~~For~~ **Councils of** upper- and single-tier municipalities may request an alternative to the target established in policy 2.2.2.2~~1~~ ~~through the next *municipal comprehensive review*~~ where it is demonstrated that this target cannot be achieved and that the alternative target will **be appropriate given the size, location and capacity of the delineated built-up area.** ~~a. maintain or improve on the minimum intensification target in the official plan that is approved and in effect;~~ ~~b. be appropriate given the size of the *delineated built-up area*;~~ ~~c. account for existing *infrastructure*, *public service facilities*, and capital planning;~~ ~~d. account for existing planning approvals and other related planning studies;~~ ~~e. consider the actual rate of *intensification* being achieved annually across the upper- or single-tier municipality;~~ ~~f. support diversification of the total~~	No changes from draft Amendment No. 1.	Staff had supported this policy change through Amendment No. 1, which allows the City to apply for an alternative intensification target if it is determined that the City will not be able to meet the minimum requirement, subject to criteria identified in the policy.

2017 Growth Plan	Draft Amendment 1 Policy Change	2019 Growth Plan Policy	Comments
areas to the horizon of this Plan, while considering anticipated demand; g. account for lands where development is prohibited or severely restricted; and h. support the achievement of *complete communities*.	~~range and mix of housing options in *delineated built-up areas* to the horizon of this Plan, while considering anticipated demand;~~ ~~g. account for lands where development is prohibited or severely restricted; and~~ ~~h. support the achievement of *complete communities*.~~		

Designated Greenfield Areas (DGA) (section 2.2.7) – Substantive Changes

~~Grey highlighted strikethrough text~~ = text to be deleted **Bolded text** = text to be added

2017 Growth Plan	Draft Amendment No. 1 Policy Change	Growth Plan 2019 Policy	Comments
2.2.7.2 The *designated greenfield area* of each upper- or single-tier municipality will be planned to achieve within the horizon of this Plan a minimum density target that is not less than 80 residents and jobs combined per hectare.	2.2.7.2 ~~The *designated greenfield area* of each upper- or single-tier municipality will be planned to achieve within the horizon of this Plan a minimum density target that is not less than 80 residents and jobs combined per hectare.~~ **The minimum density target applicable to the *designated greenfield area* of each upper- and single-tier municipality is as follows:** **a. The City of Hamilton and the Regions of Peel, Waterloo and York will plan to achieve within the horizon of this Plan a minimum density target that is not less than 60 residents and jobs combined per hectare;** **b. The Cities of Barrie, Brantford, Guelph, Orillia and Peterborough and the Regions of Durham, Halton and Niagara will plan to achieve within the horizon of this Plan a minimum density target that is not less than 50 residents and jobs combined per hectare; and** **c. The City of Kawartha Lakes and the Counties of Brant, Dufferin,**	2.2.7.2 The minimum density target applicable to the *designated greenfield area* of each upper- and single-tier municipality is as follows: a. The Cities of Barrie, Brantford, Guelph, **Hamilton**, Orillia and Peterborough and the Regions of Durham, Halton, Niagara, Peel, Waterloo and York will plan to achieve within the horizon of this Plan a minimum density target that is not less than **50** residents and jobs combined per hectare; and b. The City of Kawartha Lakes and the Counties of Brant, Dufferin, Haldimand, Northumberland, Peterborough, Simcoe and Wellington will plan to achieve within the horizon of this Plan a minimum density target that is not less than 40 residents and jobs combined per hectare.	Through the comments on Amendment No. 1, the City's recommendation had been to maintain the Designated Greenfield Area (DGA) density target at 80 persons and jobs per hectare (pjh). This recommendation was not implemented by the Province, and the DGA density target has been lowered to 50 pjh.

2017 Growth Plan	Draft Amendment No. 1 Policy Change	Growth Plan 2019 Policy	Comments
	Haldimand, Northumberland, Peterborough, Simcoe and Wellington will plan to achieve within the horizon of this Plan a minimum density target that is not less than 40 residents and jobs combined per hectare.		
2.2.7.4 For upper- and single-tier municipalities in the *inner ring*, policy 2.2.7.2 does not apply to *designated greenfield areas* identified in official plans that are approved and in effect as of July 1, 2017. Where policy 2.2.7.2 does not apply: a. the minimum density target contained in the applicable upper- or single-tier official plan that is approved and in effect as of that date will continue to apply to these lands until the next *municipal comprehensive review* is approved and in effect. Until that time: i. the density target will continue to be measured across all lands that were subject to the original target that is approved and in effect; and ii. the municipality will document actions taken to	~~2.2.7.5 For upper- and single-tier municipalities in the *inner ring*, policy 2.2.7.2 does not apply to *designated greenfield areas* identified in official plans that are approved and in effect as of July 1, 2017. Where policy 2.2.7.2 does not apply:~~ ~~e. the minimum density target contained in the applicable upper- or single-tier official plan that is approved and in effect as of that date will continue to apply to these lands until the next *municipal comprehensive review* is approved and in effect. Until that time:~~ ~~i. the density target will continue to be measured across all lands that were subject to the original target that is approved and in effect; and~~ ~~ii. the municipality will document actions taken to increase the planned density of these lands, where appropriate;~~	No changes from draft Amendment No. 1.	The policy was deleted since it is no longer required due to the change to 2.2.7.2 above which applies the minimum density of 50 pjh to the entire DGA.

2017 Growth Plan	Draft Amendment No. 1 Policy Change	Growth Plan 2019 Policy	Comments
increase the planned density of these lands, where appropriate; b. through the next *municipal comprehensive review*, these lands will be planned to achieve within the horizon of this Plan, a minimum density target that will: i. be measured in accordance with policy 2.2.7.3; ii. constitute an increase in the planned density of the lands over which it is measured; and iii. not be less than 60 residents and jobs combined per hectare; c. council may request an alternative to the target established in policy 2.2.7.4 b) iii) through the next *municipal comprehensive review*, where it is demonstrated that the alternative target will: i. not be less than the minimum density target in the official plan that is approved and in effect; ii. reflect documented actions taken to increase planned densities in accordance with policy 2.2.7.4 a) ii); iii. achieve a more *compact built form* that supports	~~f. through the next *municipal comprehensive review*, these lands will be planned to achieve within the horizon of this Plan, a minimum density target that will:~~ ~~i. be measured in accordance with policy 2.2.7.3;~~ ~~ii. constitute an increase in the planned density of the lands over which it is measured; and~~ ~~iii. not be less than 60 residents and jobs combined per hectare;~~ ~~g. council may request an alternative to the target established in policy 2.2.7.4 b) iii) through the next *municipal comprehensive review*, where it is demonstrated that the alternative target will:~~ ~~i. not be less than the minimum density target in the official plan that is approved and in effect;~~ ~~ii. reflect documented actions taken to increase planned densities in accordance with policy 2.2.7.4 a) ii);~~ ~~iii. achieve a more *compact built form* that supports existing or planned transit and *active transportation* to the horizon of this Plan;~~ ~~iv. account for existing and planned *infrastructure*, *public*~~		

2017 Growth Plan	Draft Amendment No. 1 Policy Change	Growth Plan 2019 Policy	Comments
existing or planned transit and *active transportation* to the horizon of this Plan; iv. account for existing and planned *infrastructure*, *public service facilities*, and capital planning; v. account for lands built and planning matters that are approved and in effect; vi. support the diversification of the total range and mix of housing options in *designated greenfield areas* to the horizon of this Plan, while considering the community character; and vii. support the achievement of *complete communities*; and ~~d.~~ the Minister may permit an alternative to the target established in policy 2.2.7.4 b). If council does not make a request or if the Minister does not permit an alternative target, the target established in policy 2.2.7.4 b) applies to these lands.	~~*service facilities*, and capital planning;~~ ~~v. account for lands built and planning matters that are approved and in effect;~~ ~~vi. support the diversification of the total range and mix of housing options in *designated greenfield areas* to the horizon of this Plan, while considering the community character; and~~ ~~vii. support the achievement of *complete communities*; and~~ ~~h. the Minister may permit an alternative to the target established in policy 2.2.7.4 b). If council does not make a request or if the Minister does not permit an alternative target, the target established in policy 2.2.7.4 b) applies to these lands.~~		
2.2.7.6 For upper- and single-tier municipalities in the *outer ring*, council may request an alternative to the target established in policy 2.2.7.2 through a *municipal comprehensive review* where it is	2.2.7.~~6~~**4** ~~For~~ **Councils of** upper- and single-tier municipalities ~~in the *outer ring*, council~~ may request an alternative to the target established in policy 2.2.7.2 ~~through a *municipal comprehensive review*~~ where it is	No changes from draft Amendment No. 1.	Staff supported this policy change as part of Amendment No. 1. The revised policy provides a simpler set of criteria to be met to request an alternative target, while still requiring that the DGA will support a

2017 Growth Plan	Draft Amendment No. 1 Policy Change	Growth Plan 2019 Policy	Comments
demonstrated that the target cannot be achieved and that the alternative target a. will maintain or improve on the minimum density target in the official plan that is approved and in effect as of July 1, 2017; b. will achieve a more *compact built form* to the horizon of this Plan that is appropriate given the characteristics of the municipality and adjacent communities; and c. is appropriate given the criteria identified in policy 2.2.7.4 c), with the exception of policies 2.2.7.4 c) i and vii.	demonstrated that the target cannot be achieved and that the alternative target **will support the diversification of the total range and mix of housing options and the achievement of a more *compact built form* in designated greenfield areas to the horizon of this Plan in a manner that is appropriate given the characteristics of the municipality and adjacent communities.** ~~a. will maintain or improve on the minimum density target in the official plan that is approved and in effect as of July 1, 2017;~~ ~~b. will achieve a more *compact built form* in designated greenfield areas to the horizon of this Plan in a manner that is appropriate given the characteristics of the municipality and adjacent communities; and~~ ~~c. is appropriate given the criteria identified in policy 2.2.7.4 c), with the exception of policies 2.2.7.4 c) i and vii.~~		diversity of housing options and a more compact built form.

Transit Corridors and Station Areas (section 2.2.4) – Substantive Changes

~~Grey highlighted strikethrough text~~ = text to be deleted **Bolded text** = text to be added

2017 Growth Plan	Draft Amendment No 1 Policy Change	2019 Growth Plan Policy	Comments
2.2.4.4 For upper- and single-tier municipalities, council may request an alternative to the applicable target established in policy 2.2.4.3 through a *municipal comprehensive review* where it is demonstrated that: a) this target cannot be achieved because*:* i. *development* is prohibited by provincial policy or severely restricted on a significant portion of the lands within the delineated area; or ii. planning for the relevant minimum density target established in policy 2.2.4.3 would be premature given the potential for *redevelopment* of the existing built form within the horizon of this Plan; b) the alternative target would: i. support the achievement of a more *compact built form*, where appropriate; ii. maximize the number of potential transit users within walking distance of the station; iii. increase the existing density of the area; iv. be appropriate given the	2.2.4.4 For ~~upper- and single-tier municipalities, council may request an alternative to~~ **a particular major transit station area, the Minister may approve a target that is lower than** the applicable target established in policy 2.2.4.3 ~~through a *municipal comprehensive review*~~ where it ~~is~~ **has been** demonstrated that~~:~~ ~~a~~) this target cannot be achieved because*:* ~~i.~~ *a) development* is prohibited by provincial policy or severely restricted on a significant portion of the lands within the delineated area; or **b) there are a limited number of residents and jobs associated with the built form, but a major trip generator or feeder service will sustain high ridership at the station or stop**~~.~~ ~~ii. planning for the relevant minimum density target established in policy 2.2.4.3 would be premature given the potential for *redevelopment* of the existing built form within the horizon of this Plan;~~ ~~c) the alternative target would:~~ ~~vi. support the achievement of a more *compact built form*, where appropriate;~~	No changes from draft Amendment No. 1.	Through the comments on Amendment No. 1, staff had supported the addition of revised policy 2.2.4.4 b) which recognizes the contribution of *major trip generators* (eg universities, parks, recreational facilities) in contributing to ridership along the LRT corridor. This policy change has been maintained. Staff did not support the deletion of policy 2.2.4.4 a) ii) which recognized that some Major Transit Station Areas (MTSAs) may not meet the minimum density target to due to existing built form. Staff recommended this policy be maintained, but that recommendation was not implemented and the policy has been deleted from the 2019 Growth Plan.

2017 Growth Plan	Draft Amendment No 1 Policy Change	2019 Growth Plan Policy	Comments
existing design of streets and open spaces, levels of feeder service and the range of densities across the transit network; and v. not preclude planning for the minimum density targets established in policy 2.2.4.3 in the future; and c) where there are four or more *major transit station areas* within the upper- or single-tier municipality along the same *priority transit corridor* or subway line, the average of the targets established for those *major transit station areas* will meet or exceed the applicable minimum density target established in policy 2.2.4.3. For the purposes of this policy, Union Station will be excluded.	~~vii. maximize the number of potential transit users within walking distance of the station;~~ ~~viii. increase the existing density of the area;~~ ~~ix. be appropriate given the existing design of streets and open spaces, levels of feeder service and the range of densities across the transit network; and~~ ~~x. not preclude planning for the minimum density targets established in policy 2.2.4.3 in the future; and~~ ~~c) where there are four or more *major transit station areas* within the upper- or single-tier municipality along the same *priority transit corridor* or subway line, the average of the targets established for those *major transit station areas* will meet or exceed the applicable minimum density target established in policy 2.2.4.3. For the purposes of this policy, Union Station will be excluded.~~		
N/A	**2.2.4.5 Notwithstanding policies 5.2.3.2 b) and 5.2.5.3 c), upper- and single-tier municipalities may delineate the boundaries of *major transit station areas* and identify minimum density targets for *major transit station areas* in advance of the next *municipal comprehensive review*,**	No changes from draft Amendment No. 1.	Staff had no comments on this policy as part of Amendment No. 1. This intent of this new policy is to allow municipalities the flexibility to identify MTSAs within the Official Plan prior to the completion of the MCR, provided that the delineation

2017 Growth Plan	Draft Amendment No 1 Policy Change	2019 Growth Plan Policy	Comments
	provided it is done in accordance with subsections 16(15) or (16) of the Planning Act, as the case may be. **New Policy**		of the MTSA is in accordance with the regulations of the Planning Act regarding Protected Major Transit Station Areas.

Housing (section 2.2.6) – Substantive Changes

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2017 Growth Plan	Draft Amendment No. 1 Policy Change	Growth Plan 2019 Policy	Comments
2.2.6.1 Upper- and single-tier municipalities, in consultation with lower-tier municipalities, the Province, and other appropriate stakeholders, will each develop a housing strategy that: a. supports the achievement of the minimum intensification and density targets in this Plan, as well as the other policies of this Plan by: i. identifying a diverse range and mix of housing options and densities, including second units and *affordable* housing to meet projected needs of current and future residents; and ii. establishing targets for *affordable* ownership housing and rental housing; b. identifies mechanisms, including the use of land use planning and financial tools, to support the implementation of policy 2.2.6.1 a); c. aligns with applicable housing and homelessness plans required under the Housing	2.2.6.1 Upper- and single-tier municipalities, in consultation with lower-tier municipalities, the Province, and other appropriate stakeholders, will ~~each develop a housing strategy that~~: a. support~~s~~ **housing choice through** the achievement of the minimum intensification and density targets in this Plan, as well as the other policies of this Plan by: i. identifying a diverse range and mix of housing options and densities, including second units and *affordable* housing to meet projected needs of current and future residents; and ii. establishing targets for *affordable* ownership housing and rental housing; b. identify~~ies~~ mechanisms, including the use of land use planning and financial tools, to support the implementation of policy 2.2.6.1 a);	No changes from draft Amendment No. 1.	Staff supported this policy change in Amendment No. 1 and it has been maintained in the 2019 Growth Plan. The revised policy has removed the requirement to complete a housing strategy as part of the MCR. Matters relating to the provision of a range of housing types and affordabilities can be addressed without the requirement for a stand-alone housing strategy, and rather can be addressed through the intensification strategy, housing and homelessness action plan update, and residential zoning update.

2017 Growth Plan	Draft Amendment No. 1 Policy Change	Growth Plan 2019 Policy	Comments
Services Act, 2011; and d. will be implemented through official plan policies and designations and zoning by-laws.	c. align~~s~~ **land use planning** with applicable housing and homelessness plans required under the Housing Services Act, 2011; and d. ~~will be implemented~~ **implement policy 2.2.6.1a), b) and c)** through official plan policies and designations and zoning by-laws.		

Rural Areas (section 2.2.9) – Substantive Changes

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2017 Growth Plan	Draft Amendment No. 1 Policy Change	Growth Plan 2019 Policy	Comments
N/A	**2.2.9.7 Notwithstanding policy 2.2.8.2, minor adjustments may be made to the boundaries of *rural settlements* outside of a *municipal comprehensive review*, subject to the following:** **a. the affected *settlement area* is not in the *Greenbelt Area*;** **b. the change would constitute minor rounding out of existing development, in keeping with the rural character of the area;** **c. confirmation that water and wastewater servicing can be provided in an appropriate manner that is suitable for the long term; and** **d. Sections 2 (Wise Use and Management of Resources) and 3 (Protecting Public Health and Safety) of the PPS are applied.**	No changes from draft Amendment No. 1.	Staff did not support this policy change through Amendment No. 1 and it has been maintained in the 2019 Growth Plan. This policy allows for minor adjustments to be made to the boundaries of rural settlement areas which are located outside of the Greenbelt Plan area. Staff note that this policy does not apply in Hamilton since Hamilton's rural settlement areas are within the Greenbelt area. However, staff are concerned about the precedent that this policy could set and for future pressures to allow expansion of rural settlement areas within the Greenbelt. Rural settlement areas are generally dependent on private services and are not intended to experience any appreciable growth. Any allowance for the expansion of rural settlement area boundaries would be contrary to the goals of the provincial policy statement and the Rural Hamilton Official Plan to protect rural and agricultural lands and the natural environment.

Section 3 – Infrastructure

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Growth Plan 2017	Draft Amendment No 1 Policy Change	2019 Growth Plan Policy	Comments
3.1 … It is estimated that over 30 per cent of *infrastructure* capital costs, and 15 per cent of operating costs[4], could be saved by moving from lower density development to a more *compact built form*. This Plan is aligned with the Province's approach to long-term *infrastructure* planning as enshrined in the Infrastructure for Jobs and Prosperity Act, 2015, which established mechanisms to encourage principled, evidence-based and strategic long-term *infrastructure* planning. Under the Act, *infrastructure* planning should be mindful of established provincial or municipal plans or strategies, and investment decisions should support these plans and strategies to the extent possible. This Plan is also aligned with the Municipal Infrastructure Strategy, which was launched in 2012, The Municipal Infrastructure Strategy requires municipalities to demonstrate how projects fit within a comprehensive asset management	3.1 … It is estimated that over 30 per cent of *infrastructure* capital costs, and 15 per cent of operating costs[4], could be saved by moving from **unmanaged growth** ~~lower density development~~ to a more *compact built form*. This Plan is aligned with the Province's approach to long-term *infrastructure* planning as enshrined in the Infrastructure for Jobs and Prosperity Act, 2015, which established mechanisms to encourage principled, evidence-based and strategic long-term *infrastructure* planning. ~~Under the Act, *infrastructure* planning should be mindful of established provincial or municipal plans or strategies, and investment decisions should support these plans and strategies to the extent possible.~~ This Plan is also aligned with the ~~Municipal Infrastructure Strategy, which was launched in 2012,~~ **Province's municipal asset management regulation. The purpose of the regulation is to improve the way municipalities**	No changes from draft Amendment No. 1.	Staff had no comments on this policy change as part of Amendment No. 1.

Growth Plan 2017	Draft Amendment No 1 Policy Change	2019 Growth Plan Policy	Comments
plan and encourages municipalities to improve integration of planning for land use and *infrastructure.*	**plan for their *infrastructure* and includes requirements that promote alignment** ~~The Municipal Infrastructure Strategy requires municipalities to demonstrate how projects fit within a comprehensive asset management plan and encourages municipalities to improve integration~~ of planning for land use and *infrastructure.*		
3.2.1.2 Planning for new or expanded *infrastructure* will occur in an integrated manner, including evaluations of long-range scenario-based land use planning and financial planning, and will be supported by *infrastructure* master plans, asset management plans, community energy plans, *watershed planning*, environmental assessments, and other relevant studies where appropriate, and should involve:	3.2.1.2 Planning for new or expanded *infrastructure* will occur in an integrated manner, including evaluations of long-range scenario-based land use planning**, environmental planning** and financial planning, and will be supported by ~~*infrastructure* master plans, asset management plans, community energy plans, *watershed planning*, environmental assessments, and other~~ relevant studies ~~where appropriate~~, and should involve:	No changes from draft Amendment No. 1.	Staff had no concerns with this policy change as part of Amendment No. 1. The change removes emphasis on infrastructure, asset, community energy, and watershed planning and environmental assessments, but effect of policy is not lost.

Section 4 – Protecting What is Valuable

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2017 Growth Plan	Draft Amendment No. 1 Policy Change	2019 Growth Plan Policy	Comments
4.1 … The *water resource systems*, *Natural Heritage System*, and *Agricultural System* for the *GGH* also play an important role in addressing climate change and building resilience. Greenhouse gas emissions can be offset by natural areas that act as carbon sinks. Municipalities play a crucial role in managing and reducing Ontario's greenhouse gas emissions and supporting adaptation to the changing climate. The Province will work with municipalities to develop approaches to inventory, reduce, and offset greenhouse gas emissions in support of provincial targets as we move towards the long-term goal of net-zero communities.	4.1 … The *water resource systems*, *Natural Heritage System*, and *Agricultural System* for the *GGH* also play an important role in addressing climate change and building resilience. Greenhouse gas emissions can be offset by natural areas that act as carbon sinks. Municipalities play a crucial role in managing and reducing Ontario's greenhouse gas emissions and supporting adaptation to the changing climate. The Province will work with municipalities to develop approaches to inventory, reduce, and offset greenhouse gas emissions in support of provincial targets as we move towards ~~the long-term goal of net-zero~~ **environmentally sustainable** communities.	No changes from draft Amendment No.1.	This policy reduces the emphasis on moving away from a carbon based economy as well as importance of mitigation measures.
4.2.1.2 *Water resource systems* will be identified, informed by *watershed planning* and other available information, and the appropriate designations and policies will be applied in official plans to provide for the long-term protection of *key hydrologic features, key hydrologic areas,* and their functions.	4.2.1.2 *Water resource systems* will be identified~~, informed by *watershed planning* and other available information, and the appropriate designations and policies will be applied in official plans~~ to provide for the long-term protection of *key hydrologic features, key hydrologic areas,* and their functions.	No changes from draft Amendment No. 1.	Staff supported this policy change through Amendment No. 1 and it has been maintained in the 2019 Growth Plan. Intent of the policy to ensure long term protection of water resource system is maintained, but the added flexibility is beneficial to the municipality in terms of cost and resources.

2017 Growth Plan	Draft Amendment No. 1 Policy Change	2019 Growth Plan Policy	Comments
4.2.1.3 Decisions on allocation of growth and planning for water, wastewater, and stormwater *infrastructure* will be informed by applicable *watershed planning*. Planning for *designated greenfield areas* will be informed by a *subwatershed plan* or equivalent.	4.2.1.3 ~~Decisions on allocation of growth and planning for water, wastewater, and stormwater *infrastructure* will be informed by applicable *watershed planning*. Planning for *designated greenfield areas* will be informed by a *subwatershed plan* or equivalent.~~ **_Watershed planning_ or equivalent will inform:** **a. the identification of _water resource systems_;** **b. the protection, enhancement, or restoration of the _quality and quantity of water_;** **c. decisions on allocation of growth; and** **d. planning for water, wastewater, and stormwater _infrastructure._**	No changes from draft Amendment No. 1.	No comment. Rewording and clarification only.
4.2.1.3 Decisions on allocation of growth and planning for water, wastewater, and stormwater *infrastructure* will be informed by applicable *watershed planning*. Planning for *designated greenfield areas* will be informed by a *subwatershed plan* or equivalent.	4.2.1.3 **4** ~~Decisions on allocation of growth and planning for water, wastewater, and stormwater *infrastructure* will be informed by applicable *watershed planning*.~~ Planning for **large-scale development in** *designated greenfield areas* **, including secondary plans,** will be informed by a *subwatershed plan* or equivalent. [RELOCATED FROM 4.2.1.3 AND MODIFIED]	No changes from draft Amendment No. 1.	No comment. Relocated policy, and the change clarifies that large scale development requires a subwatershed plan or equivalent.
4.2.2.1 The Province will map a *Natural Heritage System* for the *GGH* to support a comprehensive, integrated,	4.2.2.1 ~~The Province will map~~ ~~a~~ **A** *Natural Heritage System* for the ~~*GGH*~~ **Growth Plan has been mapped by the**	No changes from draft Amendment No. 1.	No comment. Mapping has now been completed.

2017 Growth Plan	Draft Amendment No. 1 Policy Change	2019 Growth Plan Policy	Comments
and long-term approach to planning for the protection of the region's natural heritage and biodiversity. The *Natural Heritage System* mapping will exclude lands within *settlement area* boundaries that were approved and in effect as of July 1, 2017.	**Province** to support a comprehensive, integrated, and long-term approach to planning for the protection of the region's natural heritage and biodiversity. The *Natural Heritage System* ~~mapping will exclude~~ **for the Growth Plan excludes** lands within *settlement area* boundaries that were approved and in effect as of July 1, 2017.		
4.2.2.4 The natural heritage systems identified in official plans that are approved and in effect as of July 1, 2017 will continue to be protected in accordance with the relevant official plan until the *Natural Heritage System* has been issued.	4.2.2.4 ~~The natural heritage systems identified in official plans that are~~ **Provincial mapping of the *Natural Heritage System for the Growth Plan* does not apply until it has been implemented in the applicable upper- or single- tier official plan. Until that time, the policies in this Plan that refer to the *Natural Heritage System for the Growth Plan* will apply outside *settlement areas* to the natural heritage systems identified in official plans that were** approved and in effect as of July 1, 2017. ~~will continue to be protected in accordance with the relevant official plan until the *Natural Heritage System* has been issued.~~	No changes from draft Amendment No. 1.	Staff supported this change through Amendment No.1 and it has been maintained in the Growth Plan 2019. This change allows more flexibility for municipalities to implement Natural Heritage System mapping changes, and will reduce conflicts between provincial and municipal mapping.
4.2.2.5 In implementing the Natural Heritage System, upper- and single-tier municipalities may, through a municipal comprehensive review, refine provincial mapping with greater	4.2.2.5 ~~In implementing the Natural Heritage System, u~~ **U**pper- and single-tier municipalities may~~, through a municipal comprehensive review,~~ refine provincial mapping ~~with greater~~	No changes from draft Amendment No. 1.	No comment. Clarification that refinement of Natural Heritage System mapping may occur at time of implementation, and any

2017 Growth Plan	Draft Amendment No. 1 Policy Change	2019 Growth Plan Policy	Comments
precision in a manner that is consistent with this Plan.	~~precision in a manner that is consistent with this Plan.~~ **of the *Natural Heritage System for the Growth Plan* at the time of initial implementation in their official plans. For upper-tier municipalities, the initial implementation of provincial mapping may be done separately for each lower-tier municipality. After the *Natural Heritage System for the Growth Plan* has been implemented in official plans, further refinements may only occur through a *municipal comprehensive review*.**		further refinement would need to take place through MCR.
4.2.6.1 The Province will identify an *Agricultural System* for the *GGH*.	4.2.6.1 ~~The Province will identify~~ an *Agricultural System* for the *GGH* **has been identified by the Province.**	No changes from draft Amendment No. 1.	No comment. The mapping has already been created.
4.2.6.3 Where *agricultural uses* and non-agricultural uses interface outside of *settlement areas*, land use compatibility will be achieved by avoiding or where avoidance is not possible, minimizing and mitigating adverse impacts on the *Agricultural System*. Where mitigation is required, measures should be incorporated as part of the non-agricultural uses, as appropriate, within the area being developed.	4.2.6.3 Where *agricultural uses* and non-agricultural uses interface outside of *settlement areas*, land use compatibility will be achieved by avoiding or where avoidance is not possible, minimizing and mitigating adverse impacts on the *Agricultural System*. Where mitigation is required, measures should be incorporated as part of the non-agricultural uses, as appropriate, within the area being developed. **Where appropriate, this should be based on an *agricultural impact assessment*.**	No changes from draft Amendment No. 1.	No comment. This change suggests that agricultural impact assessments should be conducted to reduce land use compatibility issues, but does leave some discretion.

2017 Growth Plan	Draft Amendment No. 1 Policy Change	2019 Growth Plan Policy	Comments
4.2.6.8 The *prime agricultural areas* identified in official plans that are approved and in effect as of July 1, 2017 will continue to be protected in accordance with the official plan until provincial mapping of the *Agricultural System* has been issued.	4.2.6.8 **Provincial mapping of the agricultural land base does not apply until it has been implemented in the applicable upper- or single-tier official plan. Until that time,** ~~The~~ *prime agricultural areas* identified in **upper- or single-tier** official plans that ~~are~~ were approved and in effect as of July 1, 2017 will ~~continue to be protected in accordance with the official plan until provincial mapping of the *Agricultural System* has been issued.~~ **be considered the agricultural land base for the purposes of this Plan.**	4.2.6.8 **Outside of the *Greenbelt Area*,** Provincial mapping of the agricultural land base does not apply until it has been implemented in the applicable upper- or single-tier official plan. Until that time, *prime agricultural areas* identified in upper-and single-tier official plans that were approved and in effect as of July 1, 2017 will be considered the agricultural land base for the purposes of this Plan.	Staff supported this change through Amendment No. 1 and it has been maintained in the 2019 Growth Plan. This change allows more flexibility for municipalities to implement Agricultural System mapping changes, and will reduce conflicts between provincial and municipal mapping.
4.2.6.9 In implementing the *Agricultural System*, upper- and single-tier municipalities may, through a *municipal comprehensive review*, refine or augment provincial mapping in a manner that is consistent with this Plan and any implementation procedures issued by the Province.	4.2.6.9 ~~In implementing the *Agricultural System*, u~~ **U**pper- and single-tier municipalities may, ~~through a *municipal comprehensive review*,~~ refine ~~or augment~~ provincial mapping **of the agricultural land base at the time of initial implementation in their official plans, based on** ~~in a manner that is consistent with this Plan and any~~ implementation procedures issued by the Province. **For upper-tier municipalities, the initial implementation of provincial mapping may be done separately for each lower-tier municipality. After provincial mapping of the agricultural land base has been**	No changes from draft Amendment No. 1.	No comment. Clarification that refinement of Agricultural System mapping may occur at time of implementation, and any further refinement would need to take place through MCR.

2017 Growth Plan	Draft Amendment No. 1 Policy Change	2019 Growth Plan Policy	Comments
	implemented in official plans, further refinements may only occur through a municipal comprehensive review.		
4.2.10.1 Upper- and single-tier municipalities will develop policies in their official plans to identify actions that will reduce greenhouse gas emissions and address climate change adaptation goals, aligned with the Ontario Climate Change Strategy, 2015 and the Climate Change Action Plan, 2016 that will include:	4.2.10.1 Upper- and single-tier municipalities will develop policies in their official plans to identify actions that will reduce greenhouse gas emissions and address climate change adaptation goals, aligned with the ~~Ontario Climate Change Strategy, 2015 and the Climate Change Action Plan, 2016~~ **other provincial plans and policies for environmental protection** that will include:	No changes from draft Amendment No. 1.	This comment replaces reference to the former Ontario Climate Change Strategy, 2015 and the Climate Change Action Plan, 2016.

Section 5 – Implementation

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2017 Growth Plan	Draft Amendment No. 1 Policy Change	2019 Growth Plan Policy	Comments
5.2.2.1 To implement this Plan, the Minister will, in collaboration with other Ministers of the Crown where appropriate, identify, establish, or update the following: a. the *delineated built boundary* and *undelineated built-up areas*; b. the size and location of the *urban growth centres*; and c. a standard methodology for land needs assessment.	5.2.2.1 To implement this Plan, the Minister will, in collaboration with other Ministers of the Crown where appropriate, identify, establish, or update the following: a. the *delineated built boundary* ~~and *undelineated built-up areas*~~; b. the size and location of the *urban growth centres*; ~~and~~ c. a standard methodology for land needs assessment; **and** **d. provincially significant employment zones.**	No change from draft Amendment No. 1.	No comment.
N/A	**5.2.2.3 The Province may review and update provincially significant employment zones, the agricultural land base mapping or the *Natural Heritage System for the Growth Plan* in response to a municipal request.** **New Policy**	No change from draft Amendment No. 1.	Through Amendment No. 1 staff had noted that this policy is vague and it is not clear as to how or with what justification a municipality would endeavour to make such a request. No changes were made in this regard.
5.2.5.2 The minimum intensification and density targets in this Plan or established pursuant to this Plan will be identified in upper- and single-tier official plans. Any changes to the targets established pursuant to this Plan may only occur through	5.2.5.2 The minimum intensification and density targets in this Plan or established pursuant to this Plan will be identified in upper- and single-tier official plans. Any changes to the targets established pursuant to this Plan may only ~~occur~~ **be implemented**	No change from draft Amendment No. 1.	No comment.

2017 Growth Plan	Draft Amendment No. 1 Policy Change	2019 Growth Plan Policy	Comments
a *municipal comprehensive review*.	through a *municipal comprehensive review*.		

Definitions – Substantive Changes

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2017 Growth Plan	Draft Amendment No. 1 Policy Change	2019 Growth Plan Policy	Comments
Designated Greenfield Area: Lands within *settlement areas* but outside of *delineated built-up areas* that have been designated in an official plan for development and are required to accommodate forecasted growth to the horizon of this Plan. *Designated greenfield areas* do not include *excess lands*.	Designated Greenfield Area: Lands within *settlement areas* **(not including rural settlements)** but outside of *delineated built-up areas* that have been designated in an official plan for development and are required to accommodate forecasted growth to the horizon of this Plan. *Designated greenfield areas* do not include *excess lands*.	No changes from draft Amendment No. 1.	Staff supported this change through Amendment No. 1. This change provides clarity as to the classification of rural settlement areas and confirms that they are not included as part of the Designated Greenfield Area.
Innovation Hubs: Locations that support collaboration and interaction between the private, public and academic sectors to promote innovation.	~~Innovation Hubs: Locations that support collaboration and interaction between the private, public and academic sectors to promote innovation.~~ **Definition deleted in its entirety.**	No changes from draft Amendment No. 1.	No comment.
Low Impact Development: An approach to stormwater management that seeks to manage rain and other precipitation as close as possible to where it falls to mitigate the impacts of increased runoff and stormwater pollution. It includes a set of site design strategies and distributed, small-scale structural practices to mimic the natural hydrology to the greatest extent possible through infiltration, evapotranspiration, harvesting,	Low Impact Development: An approach to stormwater management that seeks to manage rain and other precipitation as close as possible to where it falls to mitigate the impacts of increased runoff and stormwater pollution. It **typically** includes a set of site design strategies and distributed, small-scale structural practices to mimic the natural hydrology to the greatest extent possible through infiltration, evapotranspiration,	No changes from draft Amendment No. 1.	No comment.

2017 Growth Plan	Draft Amendment No. 1 Policy Change	2019 Growth Plan Policy	Comments
filtration, and detention of stormwater. *Low impact development* can include: bio-swales, permeable pavement, rain gardens, green roofs, and exfiltration systems. *Low impact development* often employs vegetation and soil in its design, however, that does not always have to be the case.	harvesting, filtration, and detention of stormwater. *Low impact development* can include**, for example**: bio-swales, **vegetated areas at the edge of paved surfaces,** permeable pavement, rain gardens, green roofs, and exfiltration systems. *Low impact development* often employs vegetation and soil in its design, however, that does not always have to be the case **and the specific form may vary considering local conditions and community character**.		
Major Transit Station Area: The area including and around any existing or planned *higher order transit* station or stop within a *settlement area*; or the area including and around a major bus depot in an urban core. *Major transit station areas* generally are defined as the area within an approximate 500 metre radius of a transit station, representing about a 10-minute walk.	Major Transit Station Area: The area including and around any existing or planned *higher order transit* station or stop within a *settlement area*; or the area including and around a major bus depot in an urban core. *Major transit station areas* generally are defined as the area within an approximate 500 **to 800** metre radius of a transit station, representing about a 10-minute walk.	No change from draft Amendment No. 1.	No comment. This definition change allows greater flexibility for municipalities in delineating the boundaries of the MTSAs.
Major Trip Generators: Origins and destinations with high population densities or concentrated activities which generate many trips (e.g., *urban growth centres* and other downtowns, *major office* and *office parks*, *major retail*, *employment areas*, community hubs, and other	Major Trip Generators: Origins and destinations with high population densities or concentrated activities which generate many trips (e.g., *urban growth centres* and other downtowns, *major office* and *office parks*, *major retail*, *employment areas*, community hubs, **large parks**	No change from draft Amendment No. 1.	Staff supported this change through Amendment No. 1. This change adds additional uses to the definition of major trip generator. This is important because the presence of a major trip generator within a MTSA boundary has been added as a justification for a reduced

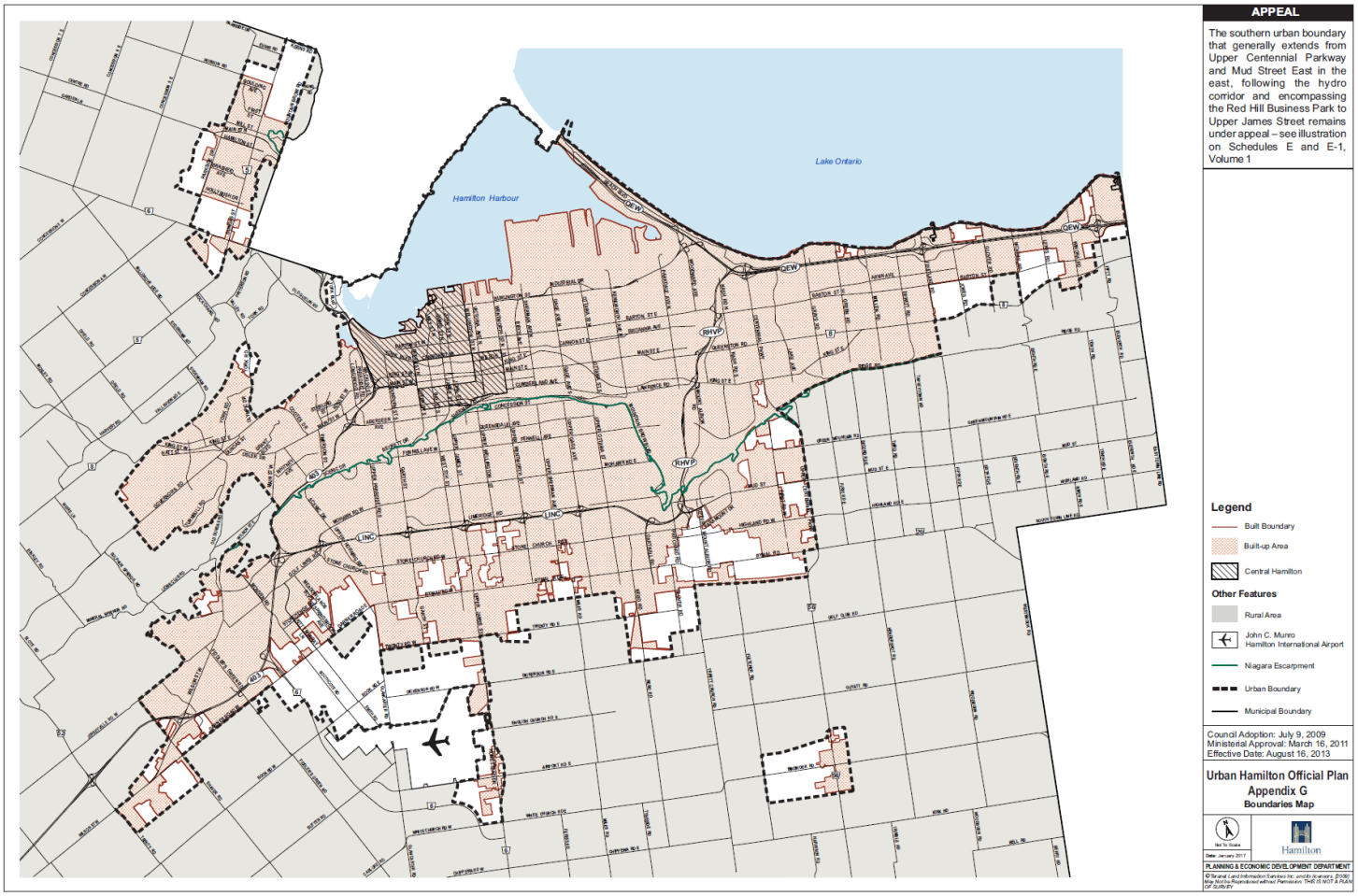
2017 Growth Plan	Draft Amendment No. 1 Policy Change	2019 Growth Plan Policy	Comments
public service facilities, and other mixed-use areas).	**and recreational destinations, post-secondary institutions** and other *public service facilities,* and other mixed-use areas).		MTSA density target.
Natural Heritage System: The system mapped and issued by the Province in accordance with this Plan, comprised of *natural heritage features and areas*, and linkages intended to provide connectivity (at the regional or site level) and support natural processes which are necessary to maintain biological and geological diversity, natural functions, viable populations of indigenous species, and ecosystems. The system can include *key natural heritage features*, *key hydrologic features*, federal and provincial parks and conservation reserves, other *natural heritage features and areas*, lands that have been restored or have the potential to be restored to a natural state, associated areas that support *hydrologic functions*, and working landscapes that enable *ecological functions* to continue. (Based on PPS, 2014 and modified for this Plan)	Natural Heritage System: ~~The~~ **A** system ~~mapped and issued by the Province in accordance with this Plan, comprised~~ **made up** of *natural heritage features and areas*, and linkages intended to provide connectivity (at the regional or site level) and support natural processes which are necessary to maintain biological and geological diversity, natural functions, viable populations of indigenous species, and ecosystems. The system can include *key natural heritage features*, *key hydrologic features*, federal and provincial parks and conservation reserves, other *natural heritage features and areas*, lands that have been restored or have the potential to be restored to a natural state, associated areas that support *hydrologic functions*, and working landscapes that enable *ecological functions* to continue. (Based on PPS, 2014 and modified for this Plan)	No changes from draft Amendment No. 1.	No comment. This change is a clarification only to remove the provincial mapping from the definition of natural heritage system.
N/A	**Natural Heritage System for the Growth Plan: The *natural heritage system* mapped and issued by the Province in accordance with this**	Natural Heritage System for the Growth Plan: The *natural heritage system* mapped and issued by the Province in accordance with this	No comment. Clarification only – see above.

2017 Growth Plan	Draft Amendment No. 1 Policy Change	2019 Growth Plan Policy	Comments
	Plan.	Plan.	
Office Parks: *Employment areas* designated in an official plan where there are significant concentrations of offices with high employment densities.	Office Parks: ~~*Employment areas* designated in an official plan~~ **Areas** where there are significant concentrations of offices with high employment densities.	Office Parks: ***Employment areas*** **or** areas where there are significant concentrations of offices with high employment densities.	Staff had concerns with this change in Amendment No. 1 because the definition removed the requirement that office parks are part of an Employment area designated in an Official Plan. The removal of this distinction could result in the Urban Growth Centre or one of the City's other nodes being classified as an office park. Staff noted that the definition should be amended to add the words "outside of the Urban Growth Centre". This recommendation was not taken. The definition was amended in the 2019 Growth Plan but still does not require an office park to be an *employment area*.
Prime Employment Area: Areas of employment within *settlement areas* that are designated in an official plan and protected over the long-term for uses that are land extensive or have low employment densities and require locations that are adjacent to or near *major goods movement facilities and corridors*. These uses include manufacturing, warehousing, and logistics, and appropriate associated uses and ancillary facilities.	~~Prime Employment Area: Areas of employment within *settlement areas* that are designated in an official plan and protected over the long-term for uses that are land extensive or have low employment densities and require locations that are adjacent to or near *major goods movement facilities and corridors*. These uses include manufacturing, warehousing, and logistics, and appropriate associated uses and ancillary facilities.~~ Definition deleted in its entirety.	No change from draft Amendment No. 1.	See comments in employment areas policies.
N/A	N/A	**Provincially Significant Employment Zones: Areas**	See comments in employment section.

2017 Growth Plan	Draft Amendment No. 1 Policy Change	2019 Growth Plan Policy	Comments
		defined by the Minister in consultation with affected municipalities for the purpose of long-term planning for job creation and economic development. *Provincially significant employment zones* can consist of *employment areas* as well as mixed-use areas that contain a significant number of jobs.	
	Rural Settlements: Existing hamlets or similar existing small *settlement areas* that are long-established and identified in official plans. These communities are serviced by individual private on-site water and wastewater systems and contain a limited amount of undeveloped lands that are designated for development. All *settlement areas* that are identified as hamlets in the Greenbelt Plan, as rural settlements in the Oak Ridges Moraine Conservation Plan, or as minor urban centres in the Niagara Escarpment Plan are considered *rural settlements* for the purposes of this Plan, including those that would not otherwise meet this definition. **New definition.**	Rural Settlements: Existing hamlets or similar existing small *settlement areas* that are long-established and identified in official plans. These communities are serviced by individual private on-site water and wastewater systems ~~and~~ contain a limited amount of undeveloped lands that are designated for development, **and are subject to official plan policies that limit growth**. All *settlement areas* that are identified as hamlets in the Greenbelt Plan, as rural settlements in the Oak Ridges Moraine Conservation Plan, or as minor urban centres in the Niagara Escarpment Plan are considered *rural settlements* for the purposes of this Plan, including those that would not otherwise meet this definition.	Staff supported this change through Amendment No. 1. This definition provides clarity in relation to the revised definition of Designated Greenfield Area above.

2017 Growth Plan	Draft Amendment No. 1 Policy Change	2019 Growth Plan Policy	Comments
Subwatershed Plan: A plan that reflects and refines the goals, objectives, targets, and assessments of *watershed planning* for smaller drainage areas, is tailored to subwatershed needs and addresses local issues…	Subwatershed Plan: A plan that reflects and refines the goals, objectives, targets, and assessments of *watershed planning,* **as available at the time a *subwatershed plan* is completed**, for smaller drainage areas, is tailored to subwatershed needs and addresses local issues…	No changes from draft Amendment No. 1.	No comment.
	~~Undelineated Built-up Areas: *Settlement areas* for which the Minister has not delineated a built boundary pursuant to this Plan.~~ Policy deleted in its entirety.	No changes from draft Amendment No. 1.	Staff supported this change through Amendment No. 1. The revision to the definition of Designated Greenfield Area has clarified the issue of the classification of Rural Settlement Areas.

Appendix "J" to Report PED19033(a)
Page 1 of 1



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

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	June 4, 2019
SUBJECT/REPORT NO:	Amendments to Property Standards By-law 10-221 Respecting Development and Grading Plans (PED19113) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Robert Ustrzycki (905) 546-2424 Ext. 4721
SUBMITTED BY: **SIGNATURE:**	Ken Leendertse Director, Licensing and By-law Services Planning and Economic Development Department

RECOMMENDATION(S)

(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.

EXECUTIVE SUMMARY

By-law amendments are occasionally required to correct minor errors and as part of continuous improvement efforts, for the most efficient and effective by-laws. Report PED19113 recommends amending the City of Hamilton Property Standards By-law 10-221 (the Property Standards By-law) to:

- ensure continuous maintenance for developments and approved grading plans; and,
- revise the penalty provisions

The changes recommended in this Report are minor in nature, and do not depart from the general intent and purpose of Council as originally approved.

Alternatives for Consideration –Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial / Staffing / Legal: N/A

HISTORICAL BACKGROUND

On September 15, 2010, City Council enacted the City of Hamilton Property Standards By-law to prescribe the standards for the maintenance and occupancy of property within the municipality and repeal By-law 03-117. Since its enactment, eight amendments to the Property Standards By-law were passed as a matter of housekeeping or to address specific municipal needs.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The *Building Code Act* allows municipalities to pass a by-law to prescribe standards for the maintenance and occupancy of property.

RELEVANT CONSULTATION

Legal Services was consulted in the preparation of this Report and the draft amending by-law attached as Appendix “A”

Excerpts of the current Property Standards By-law, noting the proposed amendments, are attached as Appendix “B”.

ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)

As part of continuous improvement efforts, staff work to improve enforcement activities, including updating various by-laws to address specific municipal needs identified by Council, committees, staff, public and the courts. In addition to continuous improvement efforts, by-laws require changes over time to align with changes to legislation, improve processes and to correct obsolete or imprecise language while maintaining the by-laws’ original intent and effectiveness.

<u>Developments and Approved Grading Plans</u>

The City encounters on occasion property owners failing to keep and maintain the natural landscape features (trees, shrubs) required as a buffer zone for approved development and grading proposals. Property under an approved development

agreement or grading plan requires continuous maintenance and repair to sustain the features originally approved through the planning process. The Property Standards By-law deals with the ongoing maintenance of property, and currently has insufficient provision to support the enforcement of approved development proposals.

City staff propose amendments to improve the Property Standards By-law for the continuous maintenance for any and all property under a development agreement or grading plan. This approach provides a fair and comprehensive procedure to best deal with the preservation of approved development proposals that avoids the formality of a civil legal setting and associated expenses to both the City and the property owner.

Penalty Section

The *Building Code Act* allows municipalities to pass a by-law to prescribe standards for the maintenance and occupancy of property, whereas the offence and penalty provisions for disobeying a Property Standards Order remain under Section 36 of the *Building Code Act*. To correct any misunderstanding to jurisdiction where the offence may be found, subsections 30(1) and (2) of Property Standards By-law 10-221 needs to be amended to reference the offence and penalty provisions under the *Building Code Act*.

ALTERNATIVES FOR CONSIDERATION

N/A/

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

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

APPENDICES AND SCHEDULES ATTACHED

Appendix “A”: Draft amendment to the Property Standards By-law 10-221.

Appendix ”B”: Excerpts (proposed amendments noted) of the current Property Standards By-law 10-221.

KL:RU:st

Authority: ,
Report
CM:

Bill No.

CITY OF HAMILTON

BY-LAW NO.

To Amend City of Hamilton By-law No. 10-221, as amended, being a By-law to prescribe standards for the maintenance and occupancy of property

WHEREAS Council enacted a by-law to prescribe standards for the maintenance and occupancy of property, being City of Hamilton By-law No.10-221; and

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. Subsection 18(1) is repealed and the following substituted:

   18(1) Where features, including but not limited to building design and placement, site access and servicing, waste storage, parking, loading, landscaping, grading, drainage and storm water management, have been required by the City as a condition of development or redevelopment approval or, in the case of grading or drainage, by an approved grading plan, such features shall be repaired or maintained so as to ensure continuous compliance with the City development or redevelopment approval requirements or the approved grading plan.

3. Subsections 30(2) and 30(3) are repealed and the following substituted:

   30(2) Every person who fails to comply with a final and binding order issued under this by-law is guilty of an offence, and on conviction is liable to the penalty or penalties as set out in the *Building Code Act*, *1992*.

PASSED this _____ day of _____, 2019

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

PROPERTY STANDARDS BY-LAW 10-221

Landscaping:

18(1) Where drainage, grading, landscaping, parking areas, walkways, steps, hedges, trees, fences, curbs, or similar changes to a property have been required by the City as a condition of development or redevelopment approval or, in the case of drainage or grading by an approved grading plan, such works shall be repaired or maintained so as to ensure continuous compliance with the City development or redevelopment approval requirements or the approved grading plan.

Repealed and replaced with:

18(1)	Where features, including but not limited to building design and placement, site access and servicing, waste storage, parking, loading, landscaping, grading, drainage and storm water management, have been required by the City as a condition of development or redevelopment approval or, in the case of grading or drainage, by an approved grading plan, such features shall be repaired or maintained so as to ensure continuous compliance with the City development or redevelopment approval requirements or the approved grading plan.

Offences and Fines:

30(2) Subject to subsection 30(3), a person who fails to comply with a property standards order which is final and binding, any other order, a direction or a requirement made under this By-law is guilty of an offence and upon conviction shall be liable to a fine of not more than $50,000 for a first offence and to a fine of not more than $100,000 for any subsequent offence.

30(3) If a corporation is convicted of failing to comply with a property standards order which is final and binding, any other order, a direction or a requirement made under this By-law, the maximum penalty that may be imposed on the corporation is $100,000 for a first offence and $200,000 for any subsequent offence.

Repealed and replaced with:

30(2)	Every person who fails to comply with a final and binding order issued under this by-law is guilty of an offence, and on conviction is liable to the penalty or penalties as set out in the *Building Code Act, 1992*.

INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	June 4, 2019
SUBJECT/REPORT NO:	Hamilton Urban Forest Strategy Update (PD02229(h)) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Catherine Plosz (905) 546-2424 Ext. 1231
SUBMITTED BY: **SIGNATURE:**	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department

COUNCIL DIRECTION

Planning Committee, at its meeting of April 30, 2019, approved the following Motion: "That the appropriate staff from Planning and Economic Development provide a verbal update on the Urban Forest Strategy to the Planning Committee before the June, 2019 public consultation on the Urban Forest Strategy; and that the update include ways we may better protect trees on private property".

This Information Report has been prepared, along with the verbal update to be given at the June 4, 2019 Planning Committee, to provide information to Council and residents on progress on the Urban Forest Strategy (UFS) and upcoming public consultation events.

Commented [WU1]:
In this section include the Committee or Council direction which gave rise to the report coming forward. For example: Public Works Committee at its meeting of September 1, 2018 approved the following: "That staff be directed to report back on ….

If there is no Committee or Council direction, then note "Not Applicable" in this section

INFORMATION

Commented [WU2]:
In the Information Section provide all the pertinent details of the report

What is the Urban Forest Strategy?

The UFS will be a staff and community-developed vision and plan that outlines the necessary steps that must be taken to protect, enhance, maintain and monitor the trees and forests in the urban area of Hamilton over the next 20 years and beyond.

The urban forest is defined as all trees and woodlands on public and private lands within the urban area, as defined in the Urban Hamilton Official Plan.

The UFS will include:

- a vision for the desired future state of the urban forest;
- background research on existing policies, by-laws, programs, and activities;
- identification of challenges and opportunities; and,
- programs, policies and implementation tools to better manage tree planting, maintenance, protection, public education and awareness, and monitoring.

Development Planning, Heritage and Design Section staff coordinate the project, with guidance from a Staff Project Team consisting of staff from Forestry, Parks Planning and Operations and Maintenance, Planning, Risk Management, and Public Health. It is anticipated that the strategy will be completed by the end of 2019.

Project Progress

The following project activities have taken place:

- A capital budget of $150,000 was approved by Council for the UFS on December 14, 2016;
- The work plan was approved by Council on February 14, 2017;
- A consultant team (Bioforest, KBM Resources Group, and Dillon Consulting) were retained in February, 2018 through a RFP process;
- Background information and data review were completed from February, 2018 to March, 2019;
- Data collection – random sample data collection carried out across the urban area to measure street trees, urban trees and woodlands, and canopy cover from May, 2018 to September, 2018;
- Public engagement to introduce the project and gather background information (online survey, stakeholder workshops, public information centre, meetings with stakeholder groups and committees) occurred from May, 2018 to November, 2018;
- Data and background information analysis were completed from November, 2018 to March, 2019; and,
- A draft vision statement, goals, and actions were prepared for review and comment by staff, residents, and stakeholders in April, 2019.

Next Steps

The City is currently seeking public input on the draft vision, goals, and actions through the following activities:

- Internal Staff Workshop (held on April 17, 2019);
- External Stakeholders Workshop (held on April 17, 2019);

- Two Public Workshops (June 5, 2019 at Westmount Recreation Centre and June 19, 2019 at Huntington Park Recreation Centre);
- Online survey (June, 2019 to July, 2019); and,
- Meetings with stakeholders and committees (June, 2019 to July, 2019).

The draft vision, goals and actions will be revised based on input received and will form the basis of the recommendations in a draft UFS report, which will be available for review in August, 2019.

Additional public engagement events will be held in September, to obtain feedback on the draft UFS report. It is anticipated that the final UFS report will be completed by the end of 2019.

APPENDICES AND SCHEDULES ATTACHED

N/A

Commented [WU3]:
Include a listing of all appendices referenced in and attached to your report labelled as follows:

Appendix "A" to Report PED19001 -
Location Map

11.1

CITY OF HAMILTON

MOTION

Planning Committee Date: June 4, 2019

MOVED BY COUNCILLOR FARR…..…….

MOVED BY COUNCILLOR ……..

Year Round Live-Aboards at West Harbour Marinas / Yacht Clubs

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 alterative lifestyle on the waters of Hamilton Harbour within the Community of Hamilton”;

THEREFORE BE IT RESOLVED:

(a) That should a willing host (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, 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.

CITY OF HAMILTON

M O T I O N

Planning Committee Date: June 4, 2019

MOVED BY COUNCILLOR B. CLARK…….

SECONDED BY COUNCILLOR …….

Amendment to Nuisance By-law No. 09-110 respecting Cannabis Growing Operations

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 *Act* 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.

CITY OF HAMILTON

M O T I O N

Planning Committee Date: June 4, 2019

MOVED BY COUNCILLOR B. CLARK…….

SECONDED BY COUNCILLOR …….

Demolition Permit for 743 Green Mountain Road East (Stoney Creek)

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.

CITY OF HAMILTON

M O T I O N

Planning Committee Date: June 4, 2019

MOVED BY COUNCILLOR C. COLLINS…….

SECONDED BY COUNCILLOR …….

Electric Charging Stations in Ward 5

(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.

12.1

CITY OF HAMILTON

NOTICE OF MOTION

Planning Committee Date: June 4, 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.